CURRENT PERIODICAL SERIES

PUBLICATION NO: 2575

TITLE: FEDERAL REGISTER

VOLUME: 45

ISSUES: 52-63
Pages: 16441-21198

DATE: March 14 - 31, 1980
Reel 5 of 11

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federal register

Book 1 of 2 Books
Friday, March 14, 1980

Highlights

16932 **Prescribing Amendments to the Manual for Courts-Martial, United States, 1969 (Revised Edition)** Executive order (Part VI of this issue)

16441 **Levels IV and V of the Executive Schedule (Amending EO 12154)** Executive order

16443 **Rates of Pay and Allowances (Amending EO 12165)** Executive order

16453 **Carl Vinson** Presidential proclamation honoring

16485 **Treatment Works** EPA amends rules regarding allotments to States for fiscal year 1980 for municipal wastewater treatment works construction grant program; effective 3-14-80

16928 **Summer Youth Employment Program** Labor/ETA publishes final prime sponsor allocations under Comprehensive Employment and Training Act; effective 3-14-80 (Part V of this issue)

14663 **Privacy Act** VA publishes document affecting the systems of records

16505 **Medicare and Medicaid** HEW/HCFA proposes to amend rules regarding requirements for certification of long term care facilities with repeat deficiencies; comments by 5-13-80

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Area Code 202-523-5240

Highlights

16493 **Floodplain Management and Wetland Protection** Interior/NPS and USDA/ASCS request comments on proposed guidelines; comments by 4-14-80 and 5-13-80, respectively (2 documents)

16786 **General Wage Determination** Labor/ESA gives notice of minimum wages for Federal and Federally assisted construction (Part II of this issue)

16860 **Animal Welfare** USDA/APHIS issues list of licensed dealers (Part IV of this issue)

16832 **Improving Government Regulations** EPA issues agenda of regulations under review or development (Part III of this issue)

16455 **Alternative Work Schedules Experimental Program** OPM issues final master plan containing guidelines and criteria used for evaluation; effective 4-14-80

16483 **Temporary Income Tax** Treasury/IRS issues temporary rules relating to corporations filing consolidated returns subject to at risk limitations; effective for taxable years which due date for filing returns is after 3-14-80

16518 **Standard Foreign Fare Level** CAB establishes level and adjusts percentage change in actual operating cost per available seat-mile; effective 4-1-80

16463 **Federal Old-Age, Survivors and Disability Benefits** HEW/SSA revises rules regarding wage credits for veterans and members of the uniformed services; effective 3-14-80

16582 **Motor Carrier Finance Proceedings** ICC sets timing and type of information to be presented to satisfy burdens of proof; effective 3-3-80

16493 **Civil Service Retirement** OPM proposes to amend rules to provide coverage to certain persons already receiving CSR annuity; comments by 5-13-80

16492 **Motor Carriers of Passengers** ICC extends comment period on reopened proceeding regarding checked baggage liability provisions; comments served on other parties by 3-19-80, replies by 5-8-80

16664 **Sunshine Act Meetings**

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Presidential Documents

Title 3—

The President

Executive Order 12199 of March 12, 1980

Levels IV and V of the Executive Schedule

By the authority vested in me as President of the United States of America by Section 5317 of Title 5 of the United States Code, it is hereby ordered that Section 1-101(e) of Executive Order No. 12154 of September 4, 1979 (placing certain positions in level IV of the Executive Schedule) is amended by deleting "Deputy Adviser for Labor-Management, Council on Wage and Price Stability" and substituting therefor "Executive Director, White House Conference on Aging, Department of Health, Education, and Welfare.".

Jimmy Carter

THE WHITE HOUSE,
March 12, 1980.

[FR Doc. 80-8107
Filed 3-12-80; 4:41 pm]
Billing code 3195-01-M

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Presidential Documents

Executive Order 12200 of March 12, 1980

Rates of Pay and Allowances

By the authority vested in me as President by the Constitution and laws of the United States of America, and in accord with Section 101(c) of Public Law 96–86 approved October 12, 1979, it is hereby ordered as follows:

1–101. In order to provide notice of the effect of appropriations limitations on the payable rates of salary and basic pay, additional footnotes are added to each of the pay schedules attached to Executive Order No. 12165 of October 9, 1979.

1–102. In order to preserve existing comparability in new Senior Executive Service positions for purposes of applying the recent appropriations limitations, comparable pay levels are designated in an additional footnote to Schedule 4 attached to Executive Order No. 12165.

1–103. Schedules 1 through 7 attached to Executive Order No. 12165 are amended by substituting therefor the revised Schedules 1 through 7 which are attached hereto and made a part hereof. These new schedules are identical to the original schedules except for the addition of asterisks and new footnotes which reflect new maximum limitations on payable rates of salary and basic pay. The scheduled rates of pay and allowances have not been altered. These new schedules therefore supersede the original schedules.

1–104. To make a technical correction, the statutory reference "89 Stat. 419, 28 U.S.C 461" in the first clause of Section 1–103 of Executive Order No. 12165 is amended to read "Public Law 94–82, 89 Stat. 419".

1–105. (a) Section 1–103 of Executive Order No. 12165 is further amended by adding a new subsection (c) as follows:

"(c) Judicial Salaries (28 U.S.C. 5, 44(d), 135, 173, 213, 252, 792(b) and 11 U.S.C. 68(a) and Sections 401(a), 404(a), 404(b), and 404(d) of Public Law 95–598) at Schedule 8.".

(b) Schedules 1 through 7 of Executive Order No. 12165 are further amended by adding thereto a new Schedule 8, setting forth Judicial Salaries, which is attached hereto and made a part hereof.

Jimmy Carter

THE WHITE HOUSE,
March 12, 1980.

SCHEDULE 1 - THE GENERAL SCHEDULE

	1	2	3	4	5	6	7	8	9	10
GS-1	$7,210	$7,450	$7,690	$7,930	$8,170	$8,410	$8,650	$8,890	$8,904	$9,126
2	8,128	8,399	8,670	8,902	9,002	9,267	9,532	9,797	10,062	10,327
3	8,952	9,250	9,548	9,846	10,144	10,442	10,740	11,038	11,336	11,634
4	10,049	10,384	10,719	11,054	11,389	11,724	12,059	12,394	12,729	13,064
5	11,243	11,618	11,993	12,368	12,743	13,118	13,493	13,868	14,243	14,618
6	12,531	12,949	13,367	13,785	14,203	14,621	15,039	15,457	15,875	16,293
7	13,925	14,389	14,853	15,317	15,781	16,245	16,709	17,173	17,637	18,101
8	15,423	15,937	16,451	16,965	17,479	17,993	18,507	19,021	19,535	20,049
9	17,035	17,603	18,171	18,739	19,307	19,875	20,443	21,011	21,579	22,147
10	18,760	19,385	20,010	20,635	21,260	21,885	22,510	23,135	23,760	24,385
11	20,611	21,298	21,985	22,672*	23,359	24,046	24,733	25,420	26,107	26,794
12	24,703	25,526	26,349	27,172	27,995	28,818	29,641	30,464	31,287	32,110
13	29,375	30,354	31,333	32,312	33,291	34,270	35,249	36,228	37,207	38,186
14	34,713	35,870	37,027	38,184	39,341	40,498	41,655	42,812	43,969	45,126
15	40,832	42,193	43,554	44,915	46,276	47,637	48,998	50,359*	51,720*	53,081*
16	47,889	49,485	51,081*	52,677*	54,273*	55,869*	57,465*	59,061*	60,657*	
17	56,099*	57,969*	59,839*	61,709*	63,579*					
18	65,750*									

*Basic pay is limited by Section 5308 of Title 5 of the United States Code to the rate for level V of the Executive Schedule which is $53,600. See also Note 3.

Note 1. The rates payable under this schedule are subject to further adjustment, limitation, or reduction by the Congress.

Note 2. On October 1, 1979, the limitation in Schedule 1 of Executive Order No. 12087, October 7, 1978, changed and for the period October 1, 1979 to the start of the first applicable pay period in fiscal 1980 the following rates of pay were payable:

GS-15, Step 9 ..... $48,336
GS-15, Step 10 49,608
GS-16, Step 3 47,740
GS-16, Step 4 49,232
GS-16, Steps 5 through 9 .... $50,100
GS-17, Steps 1 through 5 50,100
GS-18 50,100

Note 3. Notwithstanding the above rates, the maximum rate payable in this schedule is $50,112.50. [Section 101(c) of Public Law 96-86 (approved October 12, 1979) provides that funds appropriated for fiscal year 1980 may not be used to pay a salary in this schedule at a rate which exceeds an increase of 5.5 percent over the rate payable for level V of the Executive Schedule in effect on September 30, 1978.]

Schedule 2 - FOREIGN SERVICE SCHEDULES

Part I - The Per Annum Salaries of Foreign Service Officers

	1	2	3	4	5	6	7
FSO-01	$61,903*	$63,966*	$65,750*				
02	47,540	49,125	50,710*	$52,295*	$53,880*	$55,465*	$57,050*
03	37,067	38,303	39,539	40,775	42,011	43,247	44,483
04	29,375	30,354	31,333	32,312	33,291	34,270	35,249
05	23,687	24,477	25,267	26,057	26,847	27,637	28,427
06	19,451	20,099	20,747	21,395	22,043	22,691	23,339
07	16,288	16,831	17,374	17,917	18,460	19,003	19,546
08	13,925	14,389	14,853	15,317	15,781	16,245	16,709

Part II - The Per Annum Salaries of Foreign Staff Officers and Employees

	1	2	3	4	5	6	7	8	9	10
FSS-01	$37,067	$38,303	$39,539	$40,775	$42,011	$43,247	$44,483	$45,719	$46,955	$48,191
02	29,375	30,354	31,333	32,312	33,291	34,270	35,249	36,228	37,207	38,186
03	23,687	24,477	25,267	26,057	26,847	27,637	28,427	29,217	30,007	30,797
04	19,451	20,099	20,747	21,395	22,043	22,691	23,339	23,987	24,635	25,283
05	17,403	17,983	18,563	19,143	19,723	20,303	20,883	21,463	22,043	22,623
06	15,580	16,099	16,618	17,137	17,656	18,175	18,694	19,213	19,732	20,251
07	13,954	14,419	14,884	15,349	15,814	16,279	16,744	17,209	17,674	18,139
08	12,503	12,920	13,337	13,754	14,171	14,588	15,005	15,422	15,839	16,256
09	11,206	11,580	11,954	12,328	12,702	13,076	13,450	13,824	14,198	14,572
10	10,049	10,384	10,719	11,054	11,389	11,724	12,059	12,394	12,729	13,064

* Basic pay is limited by Section 5308 of Title 5 of the United States Code to the rate for level V of the Executive Schedule which is $53,600. See also Note 3.

Note 1. The rates payable under this schedule are subject to further adjustment, limitation, or reduction by the Congress.

Note 2. On October 1, 1979, the limitation in Schedule 2 of Executive Order No. 12087, October 7, 1978, changed and for the period October 1, 1979 to the start of the first applicable pay period in fiscal 1980 the following rates of pay were payable:

FSO-01, Steps 1 through 3.....$50,100
FSO-02, Step 4..... 48,873
FSO-02, Steps 5 through 7..... 50,100

Note 3. Notwithstanding the above rates, the maximum rate payable in this schedule is $50,112.50. [Section 101(c) of Public Law 96-86 (approved October 12, 1979) provides that funds appropriated for fiscal year 1980 may not be used to pay a salary in this schedule at a rate which exceeds an increase of 5.5 percent over the rate payable for level V of the Executive Schedule in effect on September 30, 1978.]

Schedule 3 - DEPARTMENT OF MEDICINE AND SURGERY SCHEDULES, VETERANS ADMINISTRATION

	Minimum	Maximum
Section 4103 Schedule		
Chief Medical Director	single rate.....	$73,731***
Deputy Chief Medical Director	single rate.....	70,731**
Associate Deputy Chief Medical Director	single rate.....	67,747*
Assistant Chief Medical Director	single rate.....	65,750*
Medical Director	$56,099*	63,759*
Director of Nursing Service	56,099*	63,759*
Director of Podiatric Service	47,889	60,657*
Director of Chaplain Service	47,889	60,657*
Director of Pharmacy Service	47,889	60,657*
Director of Dietetic Service	47,889	60,657*
Director of Optometric Service	47,889	60,657*
Physician and Dentist Schedule		
Director grade	47,889	60,657*
Executive grade	44,219	57,485*
Chief grade	40,832	53,081*
Senior grade	34,713	45,126
Intermediate grade	29,375	38,186
Full grade	24,703	32,110
Associate grade	20,611	26,794
Nurse Schedule		
Director grade	40,832	53,081*
Assistant Director grade	34,713	45,126
Chief grade	29,375	38,186
Senior grade	24,703	32,110
Intermediate grade	20,611	26,794
Full grade	17,035	22,147
Associate grade	14,659	19,060
Junior grade	12,531	16,293

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Clinical Podiatrist and Optometrist Schedule		
Chief grade	$40,832	$53,081*
Senior grade	34,713	45,126
Intermediate grade	29,375	38,186
Full grade	24,703	32,110
Associate grade	20,611	26,794

* Basic pay is limited by Section 4107(d) of Title 38 of the United States Code to the rate for level V of the Executive Schedule which is $53,600. See also Note 3.

** Basic pay is limited by Section 4107(d) of Title 38 of the United States Code to the rate for level IV of the Executive Schedule which is $56,500. See also Note 4.

*** Basic pay is limited by Section 4107(d) of Title 38 of the United States Code to the rate for level III of the Executive Schedule which is $59,300. See also Note 5.

Note 1. The rates payable under this schedule are subject to further adjustment, limitation, or reduction by the Congress.

Note 2. On October 1, 1979, the limitation in Schedule 3 of Executive Order No. 12087, October 7, 1978, changed and for the period October 1, 1979 to the start of the first applicable pay period in fiscal 1980 the following rates of pay were payable:

	Minimum	Maximum
Section 4103 Schedule		
Chief Medical Director	Single rate	$55,400***
Deputy Chief Medical Director	Single rate	52,800**
Associate Deputy Chief Medical Director	Single rate	50,100
Assistant Chief Medical Director	Single rate	50,100
Medical Director	$50,100	50,100
Director of Nursing Service	50,100	50,100
Director of Podiatric Service	44,756	50,100
Director of Chaplain Service	44,756	50,100
Director of Pharmacy Service	44,756	50,100
Director of Dietetic Service	44,756	50,100
Director of Optometric Service	44,756	50,100
Physician and Dentist Schedule		
Director grade	44,756	50,100
Executive grade	41,327	50,100
Chief grade	38,160	49,608
Nurse Schedule		
Director grade	38,160	49,608
Clinical Podiatrist and Optometrist Schedule		
Chief grade	38,160	49,608

Note 3. Notwithstanding the above rate, the maximum rate payable for this position or grade is $50,112.50. [Section 101(c) of Public Law 96-86 (approved October 12, 1979) provides that funds appropriated for fiscal year 1980 may not be used to pay a salary for this position or grade at a rate which exceeds an increase of 5.5 percent over the rate payable for level V of the Executive Schedule in effect on September 30, 1978.]

Note 4. Notwithstanding the above rates, the maximum rate payable for this position is $52,750.00. [Section 101(c) of Public Law 96-86 (approved October 12, 1979) provides that funds appropriated for fiscal year 1980 may not be used to pay a salary for this position at a rate which exceeds an increase of 5.5 percent over the rate payable for level IV of the Executive Schedule in effect on September 30, 1978.]

Note 5. Notwithstanding the above rates, the maximum rate payable for this position is $55,387.50. [Section 101(c) of Public Law 96-86 (approved October 12, 1979) provides that funds appropriated for fiscal year 1980 may not be used to pay a salary for this position at a rate which exceeds an increase of 5.5 percent over the rate payable for level III of the Executive Schedule in effect on September 30, 1978.]

Schedule 4 - SENIOR EXECUTIVE SERVICE SCHEDULE

ES-1	$47,889	ES-4	$52,884*
ES-2	49,499	ES-5	54,662*
ES-3	51,164*	ES-6	56,500**

Note 1. The rates payable under this schedule are subject to further adjustment, limitation, or reduction by the Congress or the President.

Note 2. From October 1, 1979 to the start of the first applicable pay period in fiscal 1980, the rates of pay, which were established in the President's memorandum of March 7, 1979, were payable:

ES-1	$44,756	ES-4	$50,100
ES-2	46,470	ES-5	51,450*
ES-3	48,250	ES-6	52,800**

* Notwithstanding these rates, the maximum rate payable at these levels is $50,112.50. See also Notes 3 and 4.

** Notwithstanding these rates the rate payable at this level is $52,750.00. But see also Notes 3 and 4.

Note 3. Notwithstanding the above rates, the maximum rate payable is subject to the provisions of Section 101(c) of Public Law 96-86 (approved October 12, 1979). As further explained in the Joint Explanatory Statement of the Committee of Conference (125 Cong. Rec. H 9075 to H 9076 of October 12, 1979), those provisions preclude the use of fiscal year 1980 appropriations to pay salary rates which exceed $50,112.50 to individuals who are in positions now designated as SES positions but which were GS-16, GS-17, GS-18, or Executive level V and thus subject to the level V ceiling on September 30, 1978 of $47,500; and, those provisions preclude the use of fiscal year 1980 appropriations to pay salary rates which exceed $52,750.00 to individuals who are in positions now designated as SES positions but which were Executive level IV and thus subject to the Executive level IV ceiling on September 30, 1978 of $50,000.

Note 4. For purposes of Section 101(c) of Public Law 96-86, Section 304(b)(1) of Public Law 95-391, and only for the purpose of applying those limitations on the use of appropriated funds for paying rates of pay, individuals who are serving in newly created SES positions or who are otherwise in a new position within the meaning of Section 304(b) of Public Law 95-391, shall be deemed to be serving in a position comparable to an Executive level V position if paid at the rate of ES-5 or lower; and, shall be deemed to be serving in a position comparable to an Executive level IV position if paid at the rate of ES-6.

Schedule 5 - PAY AND ALLOWANCES OF THE UNIFORMED SERVICES
Part I - Monthly Basic Pay
(Years of service computed under 37 U.S.C. 205)

Commissioned Officers

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
0-10[1]	$3529.80	$3654.00	$3654.00	$3654.00	$3654.00	$3794.10	$3794.10	$4084.80
0-9	3128.40	3210.60	3278.70	3278.70	3278.70	3362.40	3362.40	3501.90
0-8	2833.50	2918.40	2987.70	2987.70	2987.70	3210.60	3210.60	3362.40
0-7	2354.40	2514.60	2514.60	2514.60	2627.10	2627.10	2779.80	2779.80
0-6	1745.10	1917.60	2042.70	2042.70	2042.70	2042.70	2042.70	2042.70
0-5	1395.90	1639.20	1752.30	1752.30	1752.30	1752.30	1805.70	1902.30
0-4[2]	1176.60	1432.20	1528.20	1528.20	1556.10	1625.40	1736.10	1833.90
0-3[2]	1093.50	1222.20	1306.50	1445.70	1514.70	1569.60	1653.90	1736.10
0-2[2]	953.10	1041.30	1250.70	1293.00	1319.70	1319.70	1319.70	1319.70
0-1	827.40	861.30	1041.30	1041.30	1041.30	1041.30	1041.30	1041.30

Pay Grade	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
0-10[1]	$4084.80	$4377.00*	$4377.00*	$4669.80*	$4669.80*	$4961.10*	$4961.10*
0-9	3501.90	3794.10	3794.10	4084.80	4084.80	4377.00*	4377.00*
0-8	3362.40	3501.90	3654.00	3794.10	3946.20	3946.20	3946.20
0-7	2918.40	3210.60	3431.10	3431.10	3431.10	3431.10	3431.10
0-6	2112.00	2446.50	2571.60	2627.10	2779.80	3014.70	3014.70
0-5	2029.50	2181.60	2307.00	2376.60	2459.70	2459.70	2459.70
0-4[2]	1917.60	2001.30	2057.10	2057.10	2057.10	2057.10	2057.10
0-3[2]	1778.70	1778.70	1778.70	1778.70	1778.70	1778.70	1778.70
0-2[2]	1319.70	1319.70	1319.70	1319.70	1319.70	1319.70	1319.70
0-1	1041.30	1041.30	1041.30	1041.30	1041.30	1041.30	1041.30

1. While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $5473.80* regardless of cumulative years of service computed under Section 205 of Title 37 of the United States Code.

2. Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

* Basic pay is limited by Section 5308 of Title 5 of the United States Code to the rate for level V of the Executive Schedule which is $4,466.40 per month.

Note. Notwithstanding the above rates, the maximum rate payable in this schedule is $4,176.00 per month. [Section 101(c) of Public Law 96-86 (approved October 12, 1979) provides that funds appropriated for fiscal year 1980 may not be used to pay a salary in this schedule at a rate which exceeds an increase of 5.5 percent over the rate payable for level V of the Executive Schedule in effect on September 30, 1978.]

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Commissioned officers who have been credited with over 4 years' active service as enlisted members

(Years of service computed under 37 U.S.C. 205)

Pay Grade	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
O-3	$1445.70	$1514.70	$1569.60	$1653.90	$1736.10	$1805.70
O-2	1293.00	1319.70	1361.70	1432.20	1487.40	1528.20
O-1	1041.30	1112.10	1153.20	1194.90	1236.60	1293.00

Pay Grade	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-3	$1805.70	$1805.70	$1805.70	$1805.70	$1805.70	$1805.70
O-2	1528.20	1528.20	1528.20	1528.20	1528.20	1528.20
O-1	1293.00	1293.00	1293.00	1293.00	1293.00	1293.00

Warrant Officers

(Years of service computed under 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
W-4	$1113.90	$1194.90	$1194.90	$1222.20	$1278.00	$1334.40	$1390.20	$1487.40
W-3	1012.50	1098.30	1098.30	1112.10	1125.30	1207.50	1278.00	1319.70
W-2	886.80	959.10	959.10	987.00	1041.30	1098.30	1139.70	1181.40
W-1	738.90	847.20	847.20	917.70	959.10	1000.50	1041.30	1084.20

Pay Grade	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
W-4	$1556.10	$1611.30	$1653.90	$1707.90	$1765.20	$1902.30	$1902.30
W-3	1361.70	1402.50	1445.70	1501.50	1556.10	1611.30	1611.30
W-2	1222.20	1265.10	1306.50	1347.90	1402.50	1402.50	1402.50
W-1	1125.30	1166.70	1207.50	1250.70	1250.70	1250.70	1250.70

Enlisted Members

(Years of service computed under 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
E-9[1]	$0	$0	$0	$0	$0	$0	$1265.40	$1294.20
E-8	0	0	0	0	0	1061.70	1091.40	1120.50
E-7	741.30	800.10	829.80	858.60	888.30	916.20	945.60	975.00
E-6	640.20	698.10	727.20	757.80	786.00	814.80	844.90	888.30
E-5	562.20	611.70	641.40	669.30	713.10	742.20	771.90	800.10
E-4	540.30	570.60	603.90	651.00	676.80	676.80	676.80	676.80
E-3	519.60	548.10	570.30	592.80	592.80	592.80	592.80	592.80
E-2	500.10	500.10	500.10	500.10	500.10	500.10	500.10	500.10
E-1	448.80	448.80	448.80	448.80	448.80	448.80	448.80	448.80

Pay Grade	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-9[1]	$1323.60	$1354.20	$1384.20	$1411.20	$1485.60	$1629.60	$1629.60
E-8	1149.90	1179.90	1207.20	1236.90	1309.50	1455.60	1455.60
E-7	1019.10	1047.90	1077.60	1091.40	1164.90	1309.50	1309.50
E-6	916.20	945.60	960.00	960.00	960.00	960.00	960.00
E-5	814.80	814.80	814.80	814.80	814.80	814.80	814.80
E-4	676.80	676.80	676.80	676.80	676.80	676.80	676.80
E-3	592.80	592.80	592.80	592.80	592.80	592.80	592.80
E-2	500.10	500.10	500.10	500.10	500.10	500.10	500.10
E-1	448.80	448.80	448.80	448.80	448.80	448.80	448.80

1. While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $1980.90 regardless of cumulative years of service computed under Section 205 of Title 37 of the United States Code.

Part II - Basic Allowance for Subsistence Rates

Officers:	$67.21 per month
Enlisted Members:	
When on leave or authorized to mess separately:	$ 3.21 per day
When rations in-kind are not available:	$ 3.62 per day
When assigned to duty under emergency conditions where no messing facilities of the United States are available:	$ 4.79 per day

Part III - Monthly Basic Allowance for Quarters Rates

Pay Grade	Without Dependents		With Dependents
	Full Rate 1	Partial Rate 2	
Commissioned Officers			
O-10	$383.10	$50.70	$479.10
O-9	383.10	50.70	479.10
O-8	383.10	50.70	479.10
O-7	383.10	50.70	479.10
O-6	343.80	39.60	419.40
O-5	316.80	33.00	381.60
O-4	282.30	26.70	340.50
O-3	248.10	22.20	306.30
O-2	215.40	17.70	272.70
O-1	168.00	13.20	219.00
Warrant Officers			
W-4	$271.80	$25.20	$328.20
W-3	242.40	20.70	298.80
W-2	210.90	15.90	268.20
W-1	190.50	13.80	246.60
Enlisted Members			
E-9	$205.20	$18.60	$288.60
E-8	189.00	15.30	266.70
E-7	160.80	12.00	248.10
E-6	146.10	9.90	228.30
E-5	140.40	8.70	209.70
E-4	123.90	8.10	184.50
E-3	110.70	7.80	160.80
E-2	97.80	7.20	160.80
E-1	92.40	6.90	160.80

1. Payment of the full rate of basic allowance for quarters at these rates for members of the uniformed services to personnel without dependents is authorized by 37 U.S.C. 403 and Part IV of Executive Order No. 11157, as amended.

2. Payment of the partial rate of basic allowance for quarters at these rates to members of the uniformed services without dependents who, under 37 U.S.C. 403(b) or 403(c), are not entitled to the full rate of basic allowance for quarters, is authorized by 37 U.S.C. 1009(d) and Part IV of Executive Order No. 11157, as amended.

Part IV - Monthly Rate of Cadet or Midshipman Pay

The rate of monthly cadet or midshipman pay authorized by Section 203(c) of Title 37 of the United States Code is adjusted from $351.00 to $375.60.

Note. The rates payable under this schedule are subject to further adjustment, limitation, or reduction by the Congress.

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Schedule 6 - VICE PRESIDENT AND THE EXECUTIVE SCHEDULE

Vice President	$84,700		
Level I	74,500	Level III	$59,300
Level II	65,000	Level IV	56,500
		Level V	53,600

Note 1. The rates payable under this schedule are subject to further adjustment, limitation, or reduction by the Congress.

Note 2. On October 1, 1979 the limitation in Schedule 5 of Executive Order 12087, October 7, 1978, changed and for the period October 1, 1979 to the start of the first applicable pay period in fiscal 1980 the following rates of pay were payable:

Vice President	$79,100		
Level I	69,600	Level III	$55,400
Level II	60,700	Level IV	52,800
		Level V	50,100

Note 3. Notwithstanding the above rates, the maximum rates payable in this schedule are set forth below. [Section 101(c) of Public Law 96-86 (approved October 12, 1979) provides that funds appropriated for fiscal year 1980 may not be used to pay a salary in this schedule at a rate which exceeds an increase of 5.5 percent over the applicable rate payable for the Executive Schedule in effect on September 30, 1978.]

Vice President	$79,125.00		
Level I	69,630.00	Level III	$55,387.50
Level II	60,662.50	Level IV	52,750.00
		Level V	50,112.50

Schedule 7 - CONGRESSIONAL SALARIES

Senator	$65,000
Member of the House of Representatives	65,000
Delegate to the House of Representatives	65,000
Resident Commissioner from Puerto Rico	65,000
President pro tempore of the Senate	73,400
Majority leader and minority leader of the Senate	73,400
Majority leader and minority leader of the House of Representatives	73,400
Speaker of the House of Representatives	84,700

Note 1. The rates under this schedule are subject to further adjustment, limitation, or reduction by the Congress.

Note 2. Notwithstanding the above rates, the maximum rates payable in this schedule are set forth below. [Section 101(c) of Public Law 96-86 (approved October 12, 1979) provides that funds appropriated for fiscal year 1980 may not be used to pay a salary in this schedule at a rate which exceeds an increase of 5.5 percent over the applicable rate payable for such position or office in effect on September 30, 1978.]

Senator	$60,662.50
Member of the House of Representatives	60,662.50
Delegate to the House of Representatives	60,662.50
Resident Commissioner from Puerto Rico	60,662.50
President pro tempore of the Senate	68,575.00
Majority leader and minority leader of the Senate	68,575.00
Majority leader and minority leader of the House of Representatives	68,575.00
Speaker of the House of Representatives	79,125.00

Schedule 8 - JUDICIAL SALARIES

Chief Justice of the United States	$84,700
Associate Justices of the Supreme Court	81,300
Circuit Judges	65,000
District Judges	61,500
Judges of the Court of Claims	65,000
Judges of the Court of Customs and Patent Appeals	65,000
Judges of the Customs Court	61,500
Commissioners of the Court of Claims	54,800
Referees in Bankruptcy (full-time) or Bankruptcy Judges	53,500
Referees in Bankruptcy (part-time) (maximum rate)	26,800

Note 1. The rates payable under this schedule are subject to further adjustment, limitation, or reduction by the Congress.

Note 2. Notwithstanding the above rates, the maximum rates payable in this schedule are set forth below. [Section 101(c) of Public Law 96-86 (approved October 12, 1979) provides that funds appropriated for fiscal year 1980 may not be used to pay a salary in this schedule at a rate which exceeds an increase of 5.5 percent over the applicable rate payable for such position or office in effect on September 30, 1978.]

Chief Justice of the United States	$79,125
Associate Justices of the Supreme Court	75,960
Circuit Judges	60,662.50
District Judges	57,497.50
Judges of the Court of Claims	60,662.50
Judges of the Court of Customs and Patent Appeals	60,662.50
Judges of the Customs Court	57,497.50
Commissioners of the Court of Claims	51,167.50
Referees in Bankruptcy (full-time) or Bankruptcy Judges	51,167.50
Referees in Bankruptcy (part-time) (maximum rate)	25,583.75

[FR Doc. 80-8139
Filed 3-13-80; 10:59 am]
Billing code 3195-01-M

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Presidential Documents

Proclamation 4735 of March 13, 1980

Honoring Carl Vinson

By the President of the United States of America

A Proclamation

The nuclear powered aircraft carrier U.S.S. Carl Vinson (CVN 70) will be christened and launched at Newport News, Virginia on March 15, 1980.

The namesake of this, the largest warship ever constructed, the Honorable Carl Vinson, served as a member of the House of Representatives from 1914 to 1965 during which time he served as the Chairman of the old House Naval Affairs Committee for 16 years and as the Chairman of the House Armed Services Committee for 14 years. Carl Vinson played a major role in developing a national defense posture second to none, believing always in a philosophy that "No man should ever place the defense of his nation below any other priority."

Carl Vinson's record of over 50 years of continuous service in the House of Representatives remains unsurpassed, reflecting a lifelong commitment to the security and freedom of all Americans. He served his country with distinction, providing enlightened leadership, and demonstrating an incomparable ability as a legislator.

On March 15, 1980 Carl Vinson will be present in Newport News, Virginia, as the first living American to be present at the launching of a United States Navy warship which bears his name. In recognition of this unique occasion, and in honor of this great American, the 96th Congress, by joint resolution (S.J. Res. 149), has authorized and requested the President to issue a proclamation honoring Carl Vinson.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby extend best wishes to Carl Vinson on this historic occasion, and express deep appreciation on behalf of the United States to Carl Vinson and his unswerving devotion to his beloved nation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

Jimmy Carter

[FR Doc. 80-8171
Filed 3-13-80; 12:03 pm]
Billing code 3195-01-M

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Rules and Regulations

Federal Register
Vol. 45, No. 52
Friday, March 14, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service; Entire Executive Civil Service

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: Positions when filled for up to 2 years by individuals who (1) are placed at a severe disadvantage in obtaining employment because of a psychiatric disability evidenced by hospitalization or outpatient treatment and have had a significant period of substantially disrupted employment because of the disability, and (2) are certified to a specific position by a State vocational rehabilitation counselor or a VA counseling psychologist are excepted under Schedule B because it is impracticable to examine competitively for such positions.

EFFECTIVE DATE: February 27, 1980.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling, Office of Personnel Management, 202–632–6000.
On position content: Hedwig Oswald, Office of Personnel Management, 202–632–5687.

Office of Personnel Management
Beverly M. Jones,
Issuance System Manager.

PART 213—EXCEPTED SERVICE

Accordingly, 5 CFR 213.3202(k) is added as set out below:

§ 213.3202 Entire executive civil service.

* * * * *

(k) Positions at grades GS–15 and below when filled by individuals who: (1) are placed at severe disadvantage in obtaining employment because of a psychiatric disability evidenced by hospitalization or outpatient treatment and have had a significant period of substantially disrupted employment because of the disability; and (2) are certified to a specific position by a State vocational rehabilitation counselor or a Veterans Administration counseling psychologist who indicates that they meet the severe disadvantage criteria stated above, that they are capable of functioning in the positions to which they will be appointed, and that any residual disability is not job-related. Employment of any individual under this authority may not exceed 2 years.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp. p. 218)

[FR Doc. 80–7478 Filed 3–13–80; 8:45 am]
BILLING CODE 6325–01–M

5 CFR Part 620

Alternative Work Schedules Experiment; Master Plan Removed From 5 CFR

AGENCY: Office of Personnel Management.

ACTION: Final Master Plan for the Alternative Work Schedules Experimental Program (AWS).

SUMMARY: The Federal Employees Flexible and Compressed Work Schedules Act of 1978 requires the Office of Personnel Management (OPM) to establish a Master Plan containing the guidelines and criteria by which alternative work schedule experiments in the Federal Government will be evaluated. This document revokes the Master Plan from the OPM regulations, and adopts a new final Master Plan to be incorporated into the Federal Personnel Manual.

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT:
Dr. Raymond J. Kirk, Office of Personnel Management, Office of Program Planning and Development, 1900 E Street, NW.—Room 3353, Washington, D.C. 20415, (202) 632–5604.

SUPPLEMENTARY INFORMATION: The Master Plan was published on July 20, 1979, (44 FR 42661), on an interim basis with comments invited for final rulemaking. Section 620.107 of OPM's regulations (5 CFR 620.107) was reserved for the Master Plan. That reserved section is being revoked and the Master Plan will appear as Appendix A, Book 620, Federal Personnel Manual Supplement 990–2. For the information of the user, analysis of comments on the interim Master Plan and the revised Master Plan are printed below.

Three comments were received. One offered an organization's continued support for the experimental program. The other two suggested that the magnitude of the proposed data collection would create significant administrative problems. The large number of organizations that have indicated that they plan to experiment has resulted in a reduction in the magnitude of data collection.

The revision of the Master Plan focuses on the types of data to be collected and the extent of the data collection. The major changes are: to reduce the sample size of the longitudinal study; to replace the special intensive studies (except the energy study which will be retained) with a small number of on-site studies; and to require all experimenting organizations not selected for the longitudinal, on-site, or energy studies to submit a narrative evaluation report on their experiment near the conclusion of the experimental period.

Section Analysis

Section I. Background—No changes.
Section II. Research Questions—The scope of questions A4, E6, and F5 was reduced due to the revised design matrix.
Section III. Conduct of the Evaluation
III–A. Design—Section replaced to reflect the new design outlined above.
III–B. Sample—The discussion of the original design matrix is eliminated. Discussion of the new design matrix for the longitudinal study is in III–E.
III–C. Experimental Control—Reference to control groups in the intensive special studies has been eliminated since those studies have been eliminated.
III–D. Implementation—Reference to local project and research coordinator training has been deleted since it will not be conducted. The "Implementation Guide" and "Supervisors Guide" referred to have been consolidated and are referred to in the section "Educational Materials".
III–E. Data Collection—The heading has been changed to "Data

Collection and Reporting" to reflect the change in approach. The section has been revised to include information on the narrative evaluation reports, the reduced design matrix for the longitudinal study, the on-site studies, and the energy study. The section on "Intensive Special Studies" has been eliminated.

III–F. Analytic Methodology—References to the analysis of the narrative reports and on-site studies have been added. Analysis of variance has replaced regression analysis as the third type of statistical procedure. Analysis of variance is a more appropriate statistical procedure to use with the reduced longitudinal study. References to special studies have been eliminated.

III–G. Reports—No changes have been made.

Master Plan for the Alternative Work Schedules (AWS) Experimental Program; Table of Contents

I. Background
A. General Information
B. Pub. L. 95–390

II. Research Questions
A. Efficiency of Government Operations
B. Mass Transit Facilities and Traffic
C. Levels of Energy Consumption
D. Service to the Public
E. Opportunities for Full-time and Part-time Employment
F. Quality of Life for Individuals and Families

III. Conduct of the Evaluation
A. Design
B. Sample
C. Experimental Control
D. Implementation
E. Data Collection and Reporting
F. Analytic Methodology
G. Reports

Master Plan for the Alternative Work Schedules Experimental Program

The Federal Employees Flexible and Compressed Work Schedules Act of 1978 requires the Office of Personnel Management to establish a program to provide an adequate basis on which to evaluate the effectiveness of alternative work schedules. This Master Plan outlines the research questions, the experimental design, the data collection procedures, and the analytic techniques which will be used for evaluating the impact of alternative work schedules on the Federal work force.

I. Background

A. General Information

The 5-day, 40-hour workweek with fixed starting and ending times has remained the dominant work schedule for the past 40 years. It is only in the past 12 years that organizations have begun to experiment with alternative work schedules, that is, work schedules which allow some flexibility in selection of starting times or which compress the workweek into some period shorter than the traditional 5 days.

The two general categories of alternative work schedules are flexible and compressed workweeks. A flexible schedule allows an employee to vary, within constraints set by the organization, the times he or she reports for duty and departs from work. A compressed workweek is one which compresses the 40-hour workweek into less than 5 days, or alternatively the 80-hour biweekly pay period into less than 10 working days. The most common compressed workweek has four, 10-hour days.

In 1967, Messerschmitt-Boelkow-Blohm, an aerospace company in Munich, West Germany, became the first major industrial plant in the world to adopt a flexible working hours arrangement for its 2,000 employees. The impetus behind this first experiment with flexitime was the severe traffic bottleneck around the factory, caused by several thousand workers all starting and leaving work at the same time.

Within 15 months the experiment was judged a success, and flexitime was made permanent. At first slowly, and then later at an increasing pace, other European business firms began trying a variety of scheduling arrangements involving flexible hours.

Although first introduced in the United States in 1971, by 1977 there were an estimated 2.5 to 3.5 million employees (approximately 6 percent of the working population) on flexible schedules, not counting those professionals, managers, salespeople, and self-employed workers who had long set their own work schedules. Additionally, there were 2.1 million American workers on compressed workweeks in 1977.

In a recent review of the empirical literature on flexible hours, Golembiewski and Proehl (Robert I. Golembiewski and Carl W. Proehl, Jr., "A Survey of the Empirical Literature on Flexible Workhours: Character and Consequences of a Major Innovation," *Academy of Management Review*, October 1978, pp. 837–853) found that there is widespread interest in and enthusiasm for these schedules *even though* an empirical basis for adopting them is, for the most part, lacking. Hitherto, there has not been sufficient study, either in numbers or in rigor, to attribute specific differences in results to various ways of structuring or administering such schedules. Few studies used control or comparison groups; few provided a longtudinal perspective or any sort of statistical treatment. Another deficiency of previous studies is that most of these studies were conducted in clerical, white-collar contexts. Furthermore, these studies tended to overlook the impact of alternative work schedules on performance and productivity. Finally, past studies have not been sophisticated enough to take into account the variability that may result from the differences between union and non-union settings.

In summary, previous studies on alternative work schedules have been narrow and limited. In addition to the deficiencies discussed above, they have tended to focus largely on employees' attitudes about such schedules and on macro-behavioral variables, such as effects on the use of vacation time and on tardiness. Conversely, they have paid little attention to managers' attitudes and changes in these attitudes as affected by such schedules.

B. Pub. L. 95–390

The President and the Congress have found the evidence on alternative work schedules to be sufficiently encouraging to warrant the enactment of the Federal Employees Flexible and Compressed Work Schedules Act of 1978, Pub. L. 95–390 mandates a 3-year period of controlled experimentation with the use of flexible and compressed work schedules for employees of agencies in the executive branch of the United States Government. The purpose of the experimentation is to determine the impacts—both positive and negative—which these alternatives to traditional work schedules may have on: (1) Efficiency of Government operations; (2) service to the public; (3) mass transit facilities; (4) energy consumption; (5) increased job opportunities; and (6) the quality of life for individuals and families.

The experimentation is made possible by the temporary modification of certain premium pay and scheduling provisions of: (1) Title 5, United States Code, and (2) the overtime pay provisions of the Fair Labor Standards Act (FLSA). These modifications are applicable only to those agencies or work units participating in a test program; all permanent provisions of Title 5 and the FLSA remain in effect for nonparticipating agency activities and employees.

Pub. L. 95–390 further requires that the OPM develop and conduct an experimental program of sufficient depth and diversity to:

* * * provide an adequate basis on which to evaluate the effectiveness and desirability of permanently maintaining flexible or compressed work schedules within the executive branch. (Section 4(a)(1) of Pub. L. 95–390).

II. Research Questions

This section presents the research questions which the program will address in order to carry out the required evaluation of the impact of alternative work schedules on the Federal work force.

While few previous studies have systematically examined the effects of alternative work schedules, there have been a sufficient number of studies, and the pattern of results has been consistent enough to suggest a set of variables for the present research project.

General systems theory provides a heuristic model for examining the interrelationships among the variables. Variables may be classified into one of three types: Input, process, and output. A model for the present project is shown in Figure 1. Input variables are those factors which are outside the direct control of the work unit, i.e., they are inputs to the work unit. In the present project, such variables as mission, location and work schedule are examples of inputs. Process variables are those variables which are internal to the work unit and affect the functioning of the work unit, i.e., the organizational climate, the implementation of the alternative work schedule, and the supervisor's behavior. The outputs are the end products, the results of the work unit's activities. In the model presented in Figure 1, the six impact areas specified in Pub. L. 95–390 are conceptualized as the outputs.

Figure 1

Input
- Alternative Work Schedule
  - Flextime
  - Compressed workweek
- Organizational Characteristics
  - Geographic location
  - Size of work unit
  - Function and technology of work unit
  - Presence or absence of bargaining unit
- Transportation facilities
- Workers' characteristics
- Labor market conditions

Process
- Organizational Climate
- Supervisor Behavior
- Job Satisfaction
- Implementation of AWS
- Abuses of System
- Scheduling

Output
- Efficiency of Government Operations
- Mass Transit and Traffic
- Energy Consumption
- Service to Public
- Employment Opportunities
- Quality of Life

The general systems model suggests that there is no simple single answer to the question, "What is the effect of alternative work schedule *X*?" The variables are all highly interactive, and the effects of a given schedule will be influenced, or moderated, by the specific inputs and processes operating in the system. For this reason, a series of research questions has been formulated for the present evaluation of alternative work schedules in Federal agencies. The specific research questions intended to address the six impact areas are listed below.

A. Efficiency of Government Operations

1. What changes occur in mission accomplishment and work unit costs?
2. How are management tasks affected? What problems develop and how are they solved?
3. What are the effects on organizational climate resulting from AWS?
4. Are efficiency and productivity affected by the type of AWS used?

B. Mass Transit Facilities and Traffic

1. Is there a transportation advantage from AWS for either individuals or public transit authorities?
2. What effects do AWS have on the choice of commuters' transportation and on commuting time?
3. What are the effects on car pools and van pool programs?
4. What is the effect on rush hour congestion?
5. Is there a change in recreational travel?

C. Levels of Energy Consumption

1. Do energy savings result from the effects of AWS on transportation?
2. Is there an increase in energy consumption from building and equipment use as a result of AWS?
3. What is the net energy impact of AWS from transportation and building consumption effects?

D. Service to the Public

1. Is service to the public increased or decreased in quality or quantity?
2. To what extent is the change in service affected by the AWS, work unit's function, size or location?

E. Opportunities for Full-time and Part-time Employment

1. What are the labor supply effects of AWS?
2. Will there be new labor force entrants?
3. Is there a shift from part-time to full-time employment?
4. Does moonlighting increase?
5. What types of jobs are best suited for AWS?
6. How do AWS affect the employment opportunities for women and for the handicapped?

F. Quality of Life for Individuals and Families

1. How is the quality of work life affected?
2. How is the quality of personal and non-work life affected?
3. Do social, educational, or civic activities change?
4. Do family relationships and child care change?
5. Do the effects on quality of life vary with the AWS used?

III. Conduct of the Evaluation

A. Design

The effects of the alternative work schedules on the impact areas will be evaluated by four types of studies. These are: (1) Narrative evaluation reports from each experimenting organizations; (2) a longitudinal and cross-sectional study of a sample of experimenting work units; (3) on-site studies of experimenting organizations; and (4) a special study on the net energy impact of alternative work schedules.

The narrative evaluation reports from each experimenting organization will provide an overview of the effects of AWS. Experimenting organizations will be required to provide basic information about their AWS experiment and report to OPM at the end of the experimental period providing their evaluation in the six impact areas. These reports will not be required for organizations selected to participate in the longitudinal cross-sectional, on-site or energy (see E2, E3, and E4) studies.

The longitudinal cross-sectional study will collect both objective data on the functioning of the work unit and subjective attitudes of employees on their reactions to the AWS. It will be longitudinal in that data will be collected at specified times in the same work units throughout the duration of each experiment. Data will be cross-sectional in that it will encompass a variety of AWS operating in a diverse sampling of Federal activities.

The longitudinal cross-sectional study will collect information in four general areas: (1) Agency characteristics (2) diary of major organizational events (3) additional surveys of employees in experimental work units and (4) objective archival data. The effects upon the various impact areas, as determined

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by statistical analysis of the data, will be correlated with the various alternative work schedules used. Some effects may be detectable soon after the onset of the experiment (e.g., job satisfaction, commuting time, leave usage); others may take longer to appear (e.g., turnover, changes in family roles). Some effects may initially appear and then fade away (e.g., increased morale and supervision problems). The longitudinal nature of the study will permit the tracking of these various possibilities.

The on-site studies will focus upon the six impact areas listed under "Output" in Figure 1. They will attempt to determine, in a detailed way, the effects of alternative work schedules upon organizations which are considered representative of certain types of Federal work environments. In addition to gathering information on the six impact areas, these on-site studies will gather information that is pertinent to the successful introduction and administration of an AWS program such as the degree of employee involvement and necessary changes in time and attendance recordkeeping required for a work schedule change.

These studies will be tailored to fit the structure and function of the particular organizations selected and to provide data necessary to answer particular research questions.

The special study on the net energy impact of AWS will provide data both on the effects on transportation and on building operating costs.

The four types of studies will provide a comprehensive evaluation of the AWS program. The narrative reports will provide a comprehensive overview. The longitudinal cross-sectional study will allow a systematic analysis of AWS. The on-site studies will enrich the conclusions of the analytic and narrative studies and provide detail on the major issues in implementing an AWS. Finally, the energy study will provide data in an area of increasing importance. While AWS appear to hold much promise for energy conservation, little is currently known about the specific net impact on energy consumption as a result of their application in the workplace.

Specific details on the four types of studies are provided in the Data Collection and Analytic Methodology sections.

The OPM will provide data collection instruments, assistance to organizations implementing alternative work schedules, and perform data analysis. Each participating organization will be responsible for both the day-to-day management of the experimental program and the collection of required data. Organizations should expect to designate one or more individuals to: (1) Serve as the principal point of contact between the organization and OPM; (2) carry out the coordination, planning, and implementation of the organization's alternative work schedules experiment; and (3) in work units selected for the longitudinal study, distribute OPM data collection forms and instruments, assure adequate collection of baseline and followup data from the organization's records and from employee surveys, and forward the raw data to OPM's research staff for analysis. Ordinarily, one person would have responsibility for all three tasks and functions, but in larger organizations these functions might be accomplished by two or more people.

B. Sample

Any agency that wishes to test an alternative work schedule may do so, as long as it abides by the regulations prescribed by OPM to guide the experimental program. Thus, the sample will essentially be self-selected. However, a sufficient number of diverse organizations must participate in the alternative work schedules experimental program for the report to have any validity. For this reason, Public Law 95–390 gives OPM authority to require selected agencies to experiment with certain work schedules. However, it is not anticipated that this provision will need to be invoked.

C. Experimental Control

Due to the diversity and complexity of organizations that will be part of the research project, it is not possible to conduct a perfectly controlled experiment. However, several procedures will be used to increase confidence in inferences made from the data.

Control will be provided by data from two of the evaluation studies of the Civil Service Reform Act being conducted by the OPM. The first of these is a study of productivity in the Federal sector. The productivity data will be collected on an aggregated basis across organizations. While these data will not allow specific comparisons with the experimental organizations, they will provide a trend line against which changes in productivity in the experimental organizations can be compared. In addition, an attitude survey of 20,000 Federal employees will be conducted annually during the time period of the Alternative Work Schedules Experimental Program. This survey contains organizational climate scales in common with the employee survey which will be used in the Alternative Work Schedules Experimental Program. As with the productivity data, these common scales will provide a trend line of Federal employees' attitudes toward the work place for comparison with the attitudes of employees participating in the experiment. The nature of the longitudinal design makes possible additional control; each work unit will serve as its own control to determine changes over time.

D. Implementation

1. *Technical Assistance*—(a) *Orientation sessions.* The AWS program staff will conduct a series of orientation meetings. The purposes of these meetings will be to confer with agency headquarters officials, as well as others, on plans to implement Pub. L. 95–390; to brief local agency and union representatives on opportunities provided by the legislation and requirements for participation in the experimental program; and to hold planning sessions with representatives of agencies and unions that express an early interest in an AWS experiment.

(b) *Consulting services.* The AWS research and implementation staff will be available throughout the life of the program to provide telephone consulting services and some on-site consultation, if necessary. OPM regional program staff will also be available to provide advice and consulting services.

(c) *Public information services.* Central office staff will be available to speak before national professional gatherings, union meetings, conferences, or similar groups which desire information about the experimental program. They will also contribute to Government or other publications and respond to inquiries from the press, researchers, and others interested in the program.

2. *Educational Materials.* A number of educational materials are available from the OPM.

These include:

(a) A booklet that briefly describes the Alternative Work Schedules Program. It covers the legislative mandate, the research plan, and the steps to be taken to implement the non-research aspects of this mandate.

(b) A slide presentation that explains the requirements of Pub. L. 95–390, the various forms of flexible and compressed work schedules that may be tested under the law and outlines experimental agencies' data collection responsibilities.

(c) An implementation guide that describes a process agencies may follow in planning and implementing an alternative work schedule. This guide emphasizes joint labor-management planning for the experiment and employee participation in analyzing work requirements in their own units so that they may have input into the process by which systems, designed to ensure the adequacy of the work force at any given time, are formulated.

3. *Regulations and Guidance.* Regulations for the Alternative Work Schedules Experimental Program are in Part 620 of the OPM's regulations (title 5, Code of Federal Regulations). These regulations must be used in conjunction with Pub. L. 95–390. The regulations and additional guidance for the administration of alternative work schedule experimental programs are provided in Book 620 of Federal Personnel Manual Supplement 990–2.

E. Data Collection and Reporting.

1. *Narrative Evaluation Reports.* Organizations not selected to participate in the longitudinal cross-sectional, on-site, or energy studies must conduct an evaluation of their experiments and report the result directly to OPM after 18 months of experimentation, or by May 1, 1981, whichever date occurs first. The narrative evaluation report must include information on the six impact areas identified in Pub. L. 95–390. An outline of the areas to be addressed in this report and the types of information to be covered in the report is furnished below. This outline will be followed in preparing the report to provide maximum compatibility between reports from different organizations. The report will be a nontechnical summary assessment of the experiment. The summary assessment should include the results of any internal evaluation efforts. Both management and local labor unions involved in the experiment should provide input to the development and preparation of the report. More detailed guidance will be provided on the preparation of the narrative reports through the issuance of a Federal Personnel Manual bulletin.

a. *Organizational characteristics.* The number of employees in the experiment; the pre-experimental and alternative work schedules; bargaining unit status; carpool, van pool, and parking facilities; availability of public transportation; description of the major activities or services of the experimenting units (e.g., clerical, produce goods, public service contact, administrative office, or staff function).

b. *Efficiency of Government operations.* Conclusions about changes in productivity, sick leave, annual leave and leave without pay usage, conclusions about changes in employee turnover, number of overtime hours, job satisfaction, and morale.

c. *Mass transit facilities, and traffic.* Any conclusions on changes in commuting habits such as use of mass transit, carpools, and private automobiles.

d. *Levels of energy consumption.* Where available, note changes in the amount of energy used in the building as a function of changed operating hours that may result from changes in work schedules.

e. *Service to the public.* Evaluation of the level and amount of service to the public if the experimenting organization provides direct public service.

f. *Increased opportunities for full-time and part-time employment.* Discerned changes in the number of applicants for jobs, and levels of part-time employees.

g. *Individuals and families generally.* Received effects of AWS on family scheduling of child care and household activities and employee recreational activities.

h. *Special problems.* Special problems which developed during the experiment such as a large number of requests for exclusions due to hardship difficulties administering pay and leave, overtime or manpower problems during peak work load periods, etc.

2. *Longitudinal Cross-Sectional Study.* A sample of 60 work units will be selected by OPM to be part of the longitudinal cross-sectional study. Organizations which have work units selected for this study will not be required to submit the narrative evaluation report.

The selected work units must have a reasonably homogeneous work technology and a single focus of function and activity. Typically, such a work unit will be headed by a supervisor authorized to certify time and attendance cards. For example, a work unit for purposes of this project might be a mail room, a printing plant, a data processing center, a claims group, or a policy group; however, all employees in a work unit must be on the same type of schedule, with the exception of those employees excluded because of personal hardship.

The experimental design for the longitudinal cross-sectional study is a simple one-way classification with four types of schedules.

The four types of schedules are 5–4/9 and 4-day week compressed schedules, flexible schedules that allow variability in the numbers of hours worked per day, and flexible schedules which require employees to work 8 hours per day (i.e., flexitime as allowed under permanent provisions of title 5). Within each of the four types, 15 work units will be selected representing a variety of sizes, locations, and functions. However, for purposes of analysis, these variables will not be included since there will be too few cases to create a complete factorial design.

Data will be collected by each organization, using the forms and surveys provided by OPM. OPM will also provide guidance and advice on establishing data collection procedures. The raw unanalyzed data will be forwarded to OPM for all data reduction and analysis. All data collected will be treated in a confidential manner; no individuals will be identified. The results of the experiment will be reported as scores aggregated across work units and organizations. Organizations which terminate the experiment prior to the end of the experimental period will provide OPM with data on the reasons for termination as well as other data which may be required.

The following types of data will be collected from work units selected for the longitudinal cross-sectional study.

(a) *Organizational/Work Unit Characteristics.* Descriptive information to be collected prior to the onset of an experiment will include:

—Number of employees in experimental work unit by age, sex, grade

—Location of work unit

—Preexperimental work schedule and alternative work schedule planned

—Major activities or services of experimental work units (e.g., clerical, produce goods, customer contact, office or plant function)

—Work technology (e.g., machine-paced vs. worker-paced jobs, autonomous vs. interdependent job, nature of supervision and communication)

—Bargaining unit status

—Car pool programs, van pool programs, parking facilities, availability of public transportation to organization

(b) *Longitudinal Archival Data.* Organizations should obtain as much of the longitudinal data as possible retrospectively from existing records for the 12-month period preceding the start of the experiment. Data collection procedures should be established to record required information during the 18-month experimental period which is not routinely maintained. Data collected will include the following:

—Productivity measures, if any, currently utilized by the organization

—Turnover

—Sick leave, annual leave, and leave without pay usage (total number of hours per month and number of incidents of leave use per month)

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—Number of authorized overtime hours
—Part-time/full-time employee ratio
—Accident rates

(c) *Employee Survey.* Some attitudinal data and information can be collected only from surveys of employees in the experimental work units (e.g., commuting habits). Four surveys of employees will be conducted. These surveys will take approximately 45 minutes to complete and will be collected at the start of the experimental period, and 3 months, 12 months, and 18 months into the experimental period. The surveys will collect data on the following areas:

—Organizational climate and quality of working life
—Commuting habits
—Impact on family and personal life
—Job performance
—Job satisfaction
—Time utilization
—AWS utilization
—Perceived abuses of system
—Supervisor's functions
—Scheduling
—Recreational travel habits

(d) *Diary of Significant Events.* The local Project Director will be required to keep a diary of significant events within the organization which might have an impact on the effects of AWS. Examples of such events might include a move to a new building, a flu epidemic, a change in supervisors (including top level management), changes in work flow, major snow storms, reorganization, or a critical energy shortage.

3. *On-site Studies.* Because certain, limited types of data may be difficult to obtain on an overall, cross-sectional basis, and because some results may be manifest only in the presence of special factors, some effects of the use of alternative work schedules can be determined only through on-site studies. The on-site studies will serve to supplement the narrative reports and the longitudinal cross-sectional study and provide additional explanatory detail in the final report. They will have more intensive data collection, and/or they will utilize controlled experimental or quasi-experimental designs. OPM will select 6–10 experimenting organizations for on-site studies. These organizations will not be required to submit the narrative evaluation report. The on-site studies will be conducted by the AWS research staff and will be tailored to the specified organization to provide information on the six impact areas of Pub. L. 95–390 as well as to identify the problems and benefits involved in planning, implementing, and functioning under an AWS. The purpose of the on-site studies is to obtain information on AWS and not to evaulate the effectiveness of a specific organization in conducting its AWS experiment.

Data collection methods for the on-site studies will include interviews of employees, supervisors, and managers; surveys of samples of employees; and collection of some organizational data such as productivity measures, type and number of public service contacts, etc. An initial planning meeting will be held of OPM staff and management of the selected organizations to discuss specific plans for the on-site study. OPM staff will then make three or four on-site visits to conduct interviews and collect data during the 18-month experimental period.

4. *Energy Study.* A special study will be conducted on the net energy impact of AWS. This study will examine changes in usage of public and private transportation for commuting as well as for recreational travel. This will be accomplished by using a survey and travel diary from a sample of employees in experimenting organizations. In addition, data on changes in building energy consumption will be collected using data from specific buildings as well as computer models of building energy utilization. The net energy impact will then be analyzed from data obtained from these two sources—buildings and transportation. Organizations selected for the building and/or transportation segments of the energy study will be notified by OPM.

F. Analytic Methodology

This section provides an overview of the strategies and techniques which will be used for statistical analysis of the data collected. The purpose of any process of data analysis is to condense information contained in the body of data into a form which can be comprehended and interpreted. This is particularly critical to the AWS project, since the purpose of the research is to provide a basis for policy decisions and legislative action.

Sometimes this analytic process is simply used to describe a body of empirical data. In the present project, it is important to go beyond that and search for meaningful patterns of relationships among sets of variables, that is, to build a comprehensive picture of the impact of AWS on the Federal work force.

The narrative evaluation reports and on-site studies will be analyzed to identify general trends in the results of a wide variety of experimenting organizations. While this analysis will not be quantitative in nature, it will allow general conclusions and provide enriching detail to the quantitative analysis of the longitudinal cross-sectional study.

Three types of statistical procedures will be used to analyze the data collected in the longitudinal, cross-sectional study. They are descriptive statistics, trend analysis, and analysis of variance.

The descriptive analysis of the data will examine the characteristics of the distribution of each of the independent and dependent variables under investigation. This will be accomplished by using measures of central tendency (e.g., mean, median) and distributions and frequencies, such as the cross-tabulation of two variables. Proportions will be used to describe the data for discrete category variables.

A second type of analysis, trend analysis, will consist of plotting the data points of relevant variables over the time period of the experiment and identifying patterns in the data. Patterns which might be revealed are effects of experience with AWS, patterns of use which vary by the season of the year, and so on.

The third type of statistical procedure to be used is analysis of variance. Analysis of variance allows the researcher to make inferences about the effects of independent variables on dependent variables. Using analysis of variance, it will be possible to detect differences in the various dependent variables as a result of the different types of schedules.

The analytic method and independent and dependent variables are given below for each of the research questions.

For most analyses, the level of analysis is the work unit, i.e., data will be aggregated within a work unit and that score will be used to represent the work unit. A different level of analysis will be used in dealing with the areas indicated below.

1. *Efficiency of Government Operations.* (a) What changes occur in mission accomplishment and work unit costs?

—Descriptive statistics and trend analysis of productivity measures, turnover rates, leave usage, accident rates and cost data.

(b) How are management tasks affected? What problems develop and how are they solved?

—Descriptive statistics and trend analysis of survey data, analysis of diaries.

(c) What are the effects on organizational climate resulting from AWS?

—Analysis of variance of change scores for organizational climate and job satisfaction.

—Descriptive statistics and trend analysis of organizational climate.

(d) Are efficiency and productivity affected by the type of AWS used?

—Descriptive statistics of efficiency and productivity measures as a function of (1) work schedule, (2) work unit technology, and (3) work force characteristics.

—Analysis of variance of outcome measures by work schedule.

2. *Mass Transit Facilities and Traffic.* (a) Is there a transportation advantage from AWS for either individuals or public transit authorities?

—Analysis of special study on energy.

—Descriptive statistics of survey data on commuting habits. (Level of analysis: Individual)

(b) What effects do AWS have on choice of commuting transportation and on commuting time?

—Descriptive statistics of survey data on commuting habits as a function of AWS and organizational characteristics. (Level of analysis: Individual)

3. *Levels of Energy Consumption.* (a) Are there energy savings from transportation effects of AWS?

—Analysis of variance on amount and frequency of automobile usage.

(b) Is there an increase in energy consumption from building and equipment use as a result of AWS?

—Analysis of special study on energy consumption.

(c) What is the net energy impact of AWS from transportation (a, above) and building (b, above) effects?

—Projections of the energy costs and savings as a function of a particular AWS, and organization characteristics (particularly geographic location and technology).

4. *Service to the Public.* (a) Is service to the public increased or decreased in quality or quantity? How much is the gain or loss worth?

—Analysis of on-site study data on quality of customer service.

(b) How much is the change in service affected by the AWS, work unit's function, size, or location?

—Descriptive statistics of level of customer service as a function of AWS, work unit function, size, and location.

5. *Opportunities for Full-time and Part-time Employment.* (a) What are the labor supply effects of AWS?

—Descriptives statistics of secondary data from Bureau of Labor Statistics.

(b) Will there be new labor force entrants?

—Descriptive statistics of secondary data from Bureau of Labor Statistics.

(c) Is there a shift from part-time to full-time employment?

—Trend analysis of part-time/full-time employee ratio as a function of AWS.

(d) Does moonlighting increase?

—Descriptive statistics of survey data on moonlighting. (Level of analysis: Individual)

—Trend analysis of survey data as a function of AWS.

(e) What types of jobs are best suited for AWS?

—Descriptive statistics of job characteristics by AWS, where outcome measures (e.g., productivity, leave usage, etc.) and employee satisfaction are chief variables.

(f) How do AWS affect the employment opportunities for women and the handicapped?

—Descriptive statistics of employment and turnover rates by sex and by physical and mental handicap.

—Descriptive statistics of survey data on utilization of AWS, and attitudes toward AWS by sex and by physical and mental handicap.

6. *Quality of Life for Individuals and Families.* (a) How is the quality of work life affected? What features of work life are affected?

—Descriptive statistics and trend analysis of survey data on organizational climate, job satisfaction and performance. (Level of analysis: Individual)

(b) How is the quality of personal and non-work life affected?

—Descriptive statistics and trend analysis of survey data on impact on family and personal life.

(c) Do social, educational, or civic activities change?

—Descriptive statistics and trend analysis of survey data on impact on family and personal life.

(d) Do family relationships and child care patterns change?

—Descriptive statistics and trend analysis of survey data on impact on family and personal life.

(e) Do the effects on quality of life vary with the AWS used?

—Analysis of variance with quality of life factors as dependent variables.

G. Reports

As required by Pub. L. 95–390, an interim report containing recommendations pertaining to the legislative or administrative action, if any, which should be taken as a result of the AWS Experimental Program will be completed by September 29, 1981. A final report summarizing the results of the AWS Experimental Program will be prepared by the OPM and submitted to the President, the Speaker of the House, and the President pro tempore of the Senate by March 29, 1982.

Office of Personnel Management.
Beverly M. Jones,
Issuance System Manager.

Accordingly, OPM is amending 5 CFR Part 620 as follows:

(1) The reserved Appendix A is revoked.

(2) The interim Master Plan is revoked.

(Pub. L. 95–390, Titles I and II and Reorganization Plan No. 2 of 1978, Sec. 102)

[FR Doc. 80-7951 Filed 3-13-80; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 243]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period March 16–22, 1980. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: March 16, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on July 31, 1979. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

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The committee met again publicly on March 11, 1980, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons has improved.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60 day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.543 Lemon Regulation 243.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period March 16, 1980, through March 22, 1980, is established at 240,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 12, 1980.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-8162 Filed 3-13-80; 11:38 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 235

Elimination of Mandatory Interview Requirement for Certain Applicants for U.S. Citizen Identification Cards

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations of the Immigration and Naturalization Service to delete the mandatory requirement for an interview of an applicant for a U.S. citizen identification card where the application is supported by a Certificate of Naturalization or a Certificate of Citizenship. The rule will be further amended to provide that the requirement for an interview is discretionary with the district director. These amendments are necessary to facilitate the issuance of U.S. citizen identification cards and intended to reduce inconvenience and need to travel by the applicant, and to reduce the amount of work which must be done by the Service to adjudicate these applications.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT:

For General Information

Stanley J. Kieszkiel, Acting Instructions, Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 633–3048.

For Specific Information

Roger J. Lucas, Immigration Examiner, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 633–3946.

SUPPLEMENTARY INFORMATION: This final rulemaking order amends 8 CFR 235.10(c) respecting the submission of applications for United States citizen identification cards.

The existing regulation provides that all applicants for U.S. citizen identification cards shall appear in person before an immigration officer in the United States for examination under oath or affirmation upon the application.

The amendment to this regulation will eliminate the *mandatory* interview requirement under certain circumstances. The amended regulation will provide that an interview shall not normally be required where the applicant submits a Certificate of Naturalization or Citizenship in support of his application. The regulation will be further amended to provide that the district director may, in his discretion, require an interview of any applicant for a United States citizen identification card.

These amendments will facilitate the issuance of U.S. citizen identification cards to those applicants whose applications are supported by Certificates of Naturalization or Citizenship because they will not have to travel to the Service office for the interview unless specifically required to do so. Omitting the mandatory interview requirement in these cases will also reduce the workload of the Service in adjudicating these applications because it will generally be possible to adjudicate them on the basis of the application and documents submitted by mail.

In the light of the foregoing, the following amendments are hereby prescribed to Chapter I of Title 8 of the Code of Federal Regulations:

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

In Part 235, § 235.10(c) is revised by adding two new sentences between the existing first and second sentences and by revising the existing second sentence. As revised, § 235.10(c) reads as follows:

§ 235.10 U.S. Citizen Identification Card.

* * * * *

(c) *Application.* An application for an identification card shall be made on Form I–196, accompanied by the fee required under § 103.7 of this chapter and one photograph 1½ inches by 1½ inches, and evidence of his birth in the United States or, in the case of a United States citizen who was not born in the United States, a certificate of naturalization or citizenship. An interview shall not normally be required of an applicant who submits as evidence of citizenship a certificate of naturalization or citizenship. However, the district director may, in his discretion, require an interview of any applicant for an identification card. When any applicant is notified to do so, such applicant, and his parent or guardian, if one is acting in his behalf, shall appear in person before an immigration officer in the United States for examination under oath or affirmation upon the application.

* * * * *

(Sec. 103 and 235; 8 U.S.C. 1103 and 1225)

These amendments are published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93–502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendments contained in this order relate to agency procedure and relax the requirement for a mandatory interview of all applicants for U.S. citizen identification cards.

Effective date: This amendment becomes effective on March 14, 1980.

Dated: March 7, 1980.

David Crosland,

Acting Commissioner, Immigration and Naturalization.

[FR Doc. 80-7887 Filed 3-13-80; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors and Disability Insurance Benefits; Wage Credits for Veterans and Members of the Uniformed Services

AGENCY: Social Security Administration, HEW.

ACTION: Final rule.

SUMMARY: These final regulations reorganize and restate the rules in Subpart N of 20 CFR Part 404 to make them clearer and easier for the public to use. Generally, Subpart N contains the rules on wage credits for veterans and members of the uniformed services. We provide wage credits under the old-age, survivors, and disability insurance programs to World War II and post-World War II veterans of active military or naval service of the United States, to certain veterans who served in the armed forces of allied countries during World War II, and to members of the uniformed services who served on active duty after 1956. In addition, this subpart contains the rules under which certain deceased World War II veterans are considered (deemed) fully insured. This results in the veterans' survivors having the same benefit rights as if the veterans were actually fully insured when they died. We have clarified our current rules and provided definitions but made no basic changes in these rules; we have also removed outdated and rarely used provisions.

EFFECTIVE DATE: These regulations are effective on March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Mrs. Vera Schlosser, 4–H–10, West High-Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, 301–594–7332.

SUPPLEMENTARY INFORMATION: We have recodified this subpart as part of HEW's "Operation Common Sense," a Department-wide effort to review, simplify, and reduce HEW's rules. We published our proposed recodification of Subpart N as a Notice of Proposed Rulemaking in the Federal Register on September 28, 1979 (44 FR 55899) with a 60-day comment period. No comments were received. In the final regulations, we are making only minor editorial and typographical changes in the proposed rules.

General

The final regulations make many changes in the way we state these rules, but they make few changes in the substance of the prior regulations. The regulations explain that we provide noncontributory wage credits to individuals who served in the active military or naval service of the United States during the World War II or post-World War II period. We also provide noncontributory wage credits to certain individuals who served in the active military or naval service of allied countries during World War II. In addition, individuals get wage credits for serving on active duty or active duty for training in the uniformed services of the United States beginning in 1957, when services as members of the uniformed services were first covered for social security purposes on a contributory basis.

Reorganizing Sections

We changed the title of this subpart to more accurately reflect the content and we reorganized the sections so that the sequence is more logical. We added subtitles to highlight important rules and to make them easier to find. We also arranged the rules in outline form for the convenience of the user.

Definitions

We added a new section (§ 404.1302) to define terms that are used in this subpart. We also added definitions to certain sections where they specifically apply.

Wage Credits for World War II Veterans and Veterans of Post-World War II Service

A wage credit is the (deemed) amount of dollars we add for each month or part of a month the veteran was in the active military or naval service of the United States during the World War II or post-World War II period (§ 404.1340). These wage credits are added after an application for monthly benefits or a lump-sum death payment is filed. We use these wage credits when they result in entitlement to a monthly benefit, a higher monthly benefit amount, or a lump-sum death payment. They are also used to establish a period of disability. The wage credits are used instead of the actual amounts earned by the veteran while in the active military or naval service because those earnings were not covered for social security purposes. For purposes of these regulations the "World War II period" is the period September 16, 1940, through July 24, 1947; and the "post-World War II period" is the period July 25, 1947, through December 31, 1956.

We discuss in §§ 404.1310–404.1313 who may qualify as a World War II veteran, how we determine whether the 90-day active service requirement for a World War II veteran is met, what we consider to be World War II active military or naval service, and what we do not consider to be World War II active military or naval service. In §§ 404.1320–404.1323 we discuss similar rules that apply to post-World War II veterans.

There are circumstances when wage credits cannot be granted to World War II or post-World War II veterans. The limits on granting wage credits and the exceptions to the limits are described in §§ 404.1342 and 404.1343.

Wage Credits for Members of the Uniformed Services

We have added provisions explaining that individuals also get wage credits for serving on active duty or active duty for training in the uniformed services of the United States beginning in 1957. We refer to these individuals as members of the uniformed services. We discuss in § 404.1330 who may qualify as a member of a uniformed service.

Service of members of the uniformed services is covered for social security purposes. These individuals get wage credits for each calendar quarter in 1957 through 1977 or for each calendar year beginning in 1978 for active duty or active duty for training in addition to the wages they were paid as a member of a uniformed service. The amount of wage credits they get is based on the wages they are paid for their service. The rules are described in § 404.1341.

We added the rules on members of the uniformed services to this subpart because wage credits for them are in several respects similar to those given World War II veterans and veterans of post-World War II service. There are, however, some differences. For instance, World War II and post-World War II veterans receive wage credits based on the length of active military or naval service, type of separation from active military or naval service, and in some cases whether the veterans are receiving other Federal benefits based on their active military or naval service. However, members of the uniformed services receive wage credits regardless of length of service, type of separation, or receipt of other Federal benefits based on their service as members of the uniformed services.

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Deemed Insured Status for World War II Veterans

Section 404.1350 explains that certain deceased World War II veterans are considered (deemed) fully insured. This section also explains how we compute benefits for their survivors. In § 404.1351 we describe when deemed insured status does not apply.

Effect of Other Benefits on Payment of Social Security Benefits and Payments

When social security benefits are based on deemed insured status (§ 404.1350) for a World War II veteran and the veteran's survivor is also eligible for compensation or a pension from the Veterans Administration (VA), this may result in an erroneous social security payment. Similarly, when social security benefits are based on wage credits for a World War II or post-World War II veteran, and the veteran or his or her survivor is eligible for another Federal benefit (other than from the VA), this may result in an erroneous social security payment. Sections 404.1360 and 404.1361 describe how we determine when an erroneous payment is made and §§ 404.1362 and 404.1363 describe how we determine the amount of erroneous payments.

Evidence of Active Service and Membership in a Uniformed Service

Section 404.1370 describes the types of evidence we request when an individual files an application for monthly benefits or a lump-sum death payment based on active military or naval service during the World War II or post-World War II period. Section 404.1371 describes the kinds of evidence we accept to show entitlement to wage credits for membership in a uniformed service during the years 1957 through 1967.

Provisions Deleted or Extensively Modified

1. The terms "World War II veteran" and "veteran of post-World War II service" do not include an individual who died while in the active military or naval service and whose death was inflicted as punishment for a military or naval offense under the laws of the United States or an allied country. We have removed this seldom used provision from the regulations, but the rule will be used in any case where it applies.

2. The limits on granting wage credits to World War II and post-World War II veterans do not apply if using them reduces the veteran's primary insurance amount (§ 404.203(a)) by 50 cents or less. We have removed this rarely applicable provision from the regulations, but the rule will be used when appropriate.

3. We have removed the rules explaining that a parent of a deceased veteran filing for parent's insurance benefits has 2 years from the date of the veteran's death to file evidence of support from the veteran because these rules are contained in Subpart G of Part 404.

4. Individuals who were on active service with the commissioned corps of the United States Public Health Service during the post-World War II period are considered post-World War II veterans regardless of whether they were on detail to a service department. Also, individuals who were on active service in the commissioned corps of the United States Coast and Geodetic Survey during the post-World War II period are considered post-World War II veterans regardless of whether they were on detail to a service department. To avoid confusion, these provisions have been revised to state that individuals who were on active service with the commissioned corps of the United States Public Health Service or the United States Coast and Geodetic Survey during the post-World War II period are considered post-World War II veterans.

Adoption of Final Rules

As previously stated, we published this subpart as a Notice of Proposed Rulemaking in the **Federal Register** on September 28, 1979 (44 FR 55899) with a 60-day comment period. We received no public comments and in the final regulations we are making only editorial and typographical changes. Accordingly, these regulations are adopted as set forth below.

(Catalog of Federal Domestic Assistance program Nos. 13.802 Social Security—Disability Insurance; 13.803 Social Security—Retirement Insurance; 13.805 Social Security—Survivors' Insurance.)

Dated: January 30, 1980.

William J. Driver,

Commissioner of Social Security.

Approved: March 11, 1980.

Nathan J. Stark,

Acting Secretary of Health, Education, and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended by revising Subpart N to read as follows:

Subpart N—Wage Credits for Veterans and Members of the Uniformed Services

General

Sec.

404.1301 Introduction.
404.1302 Definitions.

World War II Veterans

404.1310 Who is a World War II veteran.
404.1311 Ninety-day active service requirement for World War II veterans.
404.1312 World War II service included.
404.1313 World War II service excluded.

Post-World War II Veterans

404.1320 Who is a post-World War II veteran.
404.1321 Ninety-day active service requirement for post-World War II veterans.
404.1322 Post-World War II service included.
404.1323 Post-World War II service excluded.

Separation from Active Service

404.1325 Separation from active service under conditions other than dishonorable.

Members of the Uniformed Services

404.1330 Who is a member of a uniformed service.

Amounts of Wage Credits and Limits on Their Use

404.1340 Wage credits for World War II and post-World War II veterans.
404.1341 Wage credits for a member of a uniformed service.
404.1342 Limits on granting World War II and post-World War II wage credits.
404.1343 When the limits on granting World War II and post-World War II wage credits do not apply.

Deemed Insured Status for World War II Veterans

404.1350 Deemed insured status.
404.1351 When deemed insured status does not apply.
404.1352 Benefits and payments based on deemed insured status.

Effect of Other Benefits on Payment of Social Security Benefits and Payments

404.1360 Veterans Administration pension or compensation payable.
404.1361 Federal benefit payable other than by Veterans Administration.
404.1362 Treatment of social security benefits or payments where Veterans Administration pension or compensation payable.
404.1363 Treatment of social security benefits or payments where Federal benefit payable other than by Veterans Administration.

Evidence of Active Service and Membership in Uniformed Service

404.1370 Evidence of active service and separation from active service.
404.1371 Evidence of membership in a uniformed service during the years 1957 through 1967.

Authority: Secs. 205, 210, 217, 229, and 1102 of the Social Security Act, as amended, 53 Stat. 1368, as amended, 64 Stat. 494, 64 Stat. 512, as amended, 61 Stat. 833 as amended, 49 Stat. 647 as amended; 42 U.S.C. 405, 410, 417, 429, and 1302.

General

§ 404.1301 Introduction.

(a) The Social Security Act (Act), under section 217, provides for noncontributory wage credits to veterans who served in the active military or naval service of the United States from September 16, 1940, through December 31, 1956. These individuals are considered World War II or post-World War II veterans. The Act also provides for noncontributory wage credits to certain individuals who served in the active military or naval service of an allied country during World War II. These individuals are considered World War II veterans. In addition, certain individuals get wage credits, under section 229 of the Act, for service as members of the uniformed services on active duty or active duty for training beginning in 1957 when that service was first covered for social security purposes on a contributory basis. These individuals are considered members of the uniformed services.

(b) World War II or post-World War II veterans receive wage credits based on the length of active military or naval service, type of separation from service and, in some cases, whether the veteran is receiving another Federal benefit. However, a member of a uniformed service receives wage credits regardless of length of service, type of separation, or receipt of another Federal benefit.

(c) The Social Security Administration (SSA) uses these wage credits, along with any covered wages or self-employment income of the veteran or member of a uniformed service, to determine entitlement to, and the amount of, benefits and the lump-sum death payment that may be paid to them, their dependents or survivors under the old-age, survivors', and disability insurance programs. These wage credits can also be used by the veteran or member of the uniformed service to meet the insured status and quarters of coverage requirements for a period of disability.

(d) This subpart tells how veterans or members of the uniformed services obtain wage credits, what evidence of service SSA requires, how SSA uses the wage credits, and how the wage credits are affected by payment of other benefits.

(e) This subpart explains that certain World War II veterans who die are considered (deemed) fully insured. This gives those veterans' survivors the same benefit rights as if the veterans were actually fully insured when they died.

(f) The rules are organized in the following manner:

(1) Sections 404.1310–404.1313 contain the rules on World War II veterans. We discuss who may qualify as a World War II veteran, how we determine whether the 90-day active service requirement for a World War II veteran is met, what we consider to be World War II active military or naval service, and what we do not consider to be World War II active military or naval service.

(2) Sections 404.1320–404.1323 contain the rules on post-World War II veterans. We discuss who may qualify as a post-World War II veteran, how we determine whether the 90-day active service requirement for a post-World War II veteran is met, what we consider to be post-World War II active military or naval service, and what we do not consider to be post-World War II active military or naval service.

(3) In § 404.1325 we discuss what is a "separation under conditions other than dishonorable." The law requires that a World War II or post-World War II veteran's separation from active military or naval service be other than dishonorable for the veteran to get wage credits.

(4) Section 404.1330 contains the rules on members of the uniformed services. We discuss who may qualify as a member of a uniformed service.

(5) In §§ 404.1340–404.1343, we discuss the amount of wage credits for veterans and members of the uniformed services, situations which may limit the use of wage credits for World War II and post-World War II veterans, and situations in which the limits do not apply.

(6) Sections 404.1350–404.1352 contain the rules on deemed insured status for World War II veterans. We discuss when deemed insured status applies, the amount of wage credits used for deemed insured World War II veterans, how the wage credits affect survivors' social security benefits, and when deemed insured status does not apply.

(7) Sections 404.1360–404.1363 contain the rules on the effect of other benefits on the payment of social security benefits and lump-sum death payments based on wage credits for veterans. We discuss what happens when we learn of a determination that a Veterans Administration pension or compensation is payable or that a Federal benefit is payable before or after we determine entitlement to a montly benefit or lump-sum death payment based on the death of the veteran.

(8) Sections 404.1370 and 404.1371 contain the rules on what we accept as evidence of a World War II and post-World War II veteran's active military or naval service, including date and type of separation, and what we accept as evidence of entitlement to wage credits for membership in a uniformed service during the years 1957 through 1967.

§ 404.1302 Definitions.

As used in this subpart—

"Act" means the Social Security Act, as amended.

"Active duty" means periods of time an individual is on full-time duty in the active military or naval service after 1956 and includes active duty for training after 1956.

"Active service" means periods of time prior to 1957 an individual was on full-time duty in the active military or naval service. It does not include totaling periods of active duty for training purposes before 1957 which are less than 90 days.

"Allied country" means a country at war on September 16, 1940, with a country with which the United States was at war during the World War II period. Each of the following countries is considered an allied country: Australia, Belgium, Canada, Czechoslovakia, Denmark, France, India, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Union of South Africa, and the United Kingdom.

"Domiciled in the United States" means an individual has a true, fixed, and permanent home in the United States to which the individual intends to return whenever he or she is absent.

"Federal benefit" means a benefit which is payable by another Federal agency (other than the Veterans Administration) or an instrumentality owned entirely by the United States under any law of the United States or under a program or pension system set up by the agency or instrumentality.

"Post-World War II period" means the time period July 25, 1947, through December 31, 1956.

"Reserve component" means Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, Coast Guard Reserve, National Guard of the United States or Air National Guard of the United States.

"Resided in the United States" means an individual had a place where he or she lived, whether permanently or temporarily, in the United States and was bodily present in that place.

"Survivor" means you are a parent, widow, divorced wife, widower, or child of a deceased veteran or member of a uniformed service.

"United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"Veteran" means an individual who served in the active military or naval service of the United States and was discharged or released from that service under conditions other than dishonorable. For a more detailed definition of the World War II veteran and a post-World War II veteran, see §§ 404.1310 and 404.1320.

"Wage credit" means a dollar amount we add to the earnings record of a veteran of the World War II or the post-World War II period. It is also a dollar amount we add to the earnings record of a member of a uniformed service who was on active duty after 1956. The amount is set out in the Act and is added for each month, calendar quarter, or calendar year of service as required by law.

"We", "us", or "our" means the Social Security Administration.

"World War II period" means the time period September 16, 1940, through July 24, 1947.

"You" or "your" means a veteran, a veteran's survivor or a member of a uniformed service applying for or entitled to a social security benefit or a lump-sum death payment.

World War II Veterans

§ 404.1310 Who is a World War II veteran.

You are a World War II veteran if you were in the active service of the United States during the World War II period and, if no longer in active service, you were separated from that service under conditions other than dishonorable after at least 90 days of active service. The 90-day active service requirement is discussed in § 404.1311.

§ 404.1311 Ninety-day active service requirement for World War II veterans.

(a) The 90 days of active service required for World War II veterans do not have to be consecutive if the 90 days were in the World War II period. The 90-day requirement cannot be met by totaling the periods of active duty for training purposes which were less than 90 days.

(b) If, however, all of the 90 days of active service required for World War II veterans were not in the World War II period, the 90 days must (only in those circumstances) be consecutive if the 90 days began before September 16, 1940, and ended on or after that date, or began before July 25, 1947, and ended on or after that date.

(c) The 90 days of active service is not required if the World War II veteran died in service or was separated from service under conditions other than dishonorable because of a disability or injury which began or worsened while performing service duties.

§ 404.1312 World War II service included.

Your service was in the active service of the United States during the World War II period if you were in the—

(a) Army, Navy, Marine Corps, or Coast Guard, or any part of them;

(b) Commissioned corps of the United States Public Health Service and were—

(1) On active commissioned service during the period beginning September 16, 1940, through July 28, 1945, and the active service was done while on detail to the Army, Navy, Marine Corps, or Coast Guard; or

(2) On active commissioned service during the period beginning July 29, 1945, through July 24, 1947, regardless of whether on detail to the Army, Navy, Marine Corps, or Coast Guard;

(c) Commissioned corps of the United States Coast and Geodetic Survey and were—

(1) During the World War II period—

(i) Transferred to active service with the Army, Navy, Marine Corps, or Coast Guard; or

(ii) Assigned to active service on military projects in areas determined by the Secretary of Defense to be areas of immediate military hazard; or

(2) On active service in the Philippine Islands on December 7, 1941; or

(3) On active service during the period beginning July 29, 1945, through July 24, 1947;

(d) Philippine Scouts and performed active service during the World War II period under the direct supervision of recognized military authority;

(e) Active service of an allied country during the World War II period and—

(1) Had entered into that active service before December 9, 1941;

(2) Were a citizen of the United States throughout that period of active service or lost your United States citizenship solely because of your entrance into that service;

(3) Had resided in the United States for a total of four years during the five-year period ending on the day you entered that active service; and

(4) Were domiciled in the United States on that day; or

(f) Women's Army Auxiliary Corps, during the period May 14, 1942, through September 29, 1943, and performed active service with the Army, Navy, Marine Corps, or Coast Guard after September 29, 1943.

§ 404.1313 World War II service excluded.

Your service was not in the active service of the United States during the World War II period if, for example, you were in the—

(a) Women's Army Auxiliary Corps, except as described in § 404.1312(f);

(b) Coast Guard Auxiliary;

(c) Coast Guard Reserve (Temporary) unless you served on active full-time service with military pay and allowances;

(d) Civil Air Patrol; or

(e) Civilian Auxiliary to the Military Police.

Post-World War II Veterans

§ 404.1320 Who is a post-World War II veteran.

You are a post-World War II veteran if you were in the active service of the United States during the post-World War II period and, if no longer in active service, you were separated from the service under conditions other than dishonorable after at least 90 days of active service. The 90-day active service requirement is discussed in § 404.1321.

§ 404.1321 Ninety-day active service requirement for post-World War II veterans.

(a) The 90 days of active service required for post-World War II veterans do not have to be consecutive if the 90 days were in the post-World War II period. The 90-day requirement cannot be met by totaling the periods of active duty for training purposes before 1957 which were less than 90 days.

(b) If, however, all of the 90 days of active service required for post-World War II veterans were not in the post-World War II period, the 90 days must (only in those circumstances) be consecutive if the 90 days began before July 25, 1947, and ended on or after that date, or began before January 1, 1957, and ended on or after that date.

(c) The 90 days of active service is not required if the post-World War II veteran died in service or was separated from service under conditions other than dishonorable because of a disability or injury which began or worsened while performing service duties.

§ 404.1322 Post-World War II service included.

Your service was in the active service of the United States during the post-World War II period if you were in the—

(a) Air Force, Army, Navy, Marine Corps, Coast Guard, or any part of them;

(b) Commissioned corps of the United States Public Health Service and were on active service during that period;

(c) Commissioned corps of the United States Coast and Geodetic Survey and were on active service during that period; or

(d) Philippine Scouts and performed active service during the post-World War II period under the direct supervision of recognized military authority.

§ 404.1323 Post-World War II service excluded.

Your service was not in the active service of the United States during the post-World War II period if, for example, you were in the—

(a) Coast Guard Auxiliary;

(b) Coast Guard Reserve (Temporary) unless you served on active full-time service with military pay and allowances;

(c) Civil Air Patrol; or

(d) Civilian Auxiliary to the Military Police.

Separation from Active Service

§ 404.1325 Separation from active service under conditions other than dishonorable.

Separation from active service under conditions other than dishonorable means any discharge or release from the active service except—

(a) A discharge or release for desertion, absence without leave, or fraudulent entry;

(b) A dishonorable or bad conduct discharge issued by a general court martial of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States, or by the active service of an allied country during the World War II period;

(c) A dishonorable discharge issued by the United States Public Health Service or the United States Coast and Geodetic Survey;

(d) A resignation by an officer for the good of the service;

(e) A discharge or release because the individual was a conscientious objector; or

(f) A discharge or release because the individual was convicted by a civil court for treason, sabotage, espionage, murder, rape, arson, burglary, robbery, kidnaping assault with intent to kill, assault with a deadly weapon, or because of an attempt to commit any of these crimes.

Members of the Uniformed Services

§ 404.1330 Who is a member of a uniformed service.

A member of a uniformed service is an individual who served on active duty after 1956. You are a member of a uniformed service if you—

(a) Are appointed, enlisted, or inducted into—

(1) The Air Force, Army, Navy, Coast Guard, or Marine Corps; or

(2) A reserve component of the uniformed services in paragraph (a)(1) of this section (except the Coast Guard Reserve as a temporary member);

(b) Served in the Army or Air Force under call or conscription;

(c) Are a commissioned officer of the National Oceanic and Atmospheric Administration or its predecessors, the Environmental Science Services Administration and the Coast and Geodetic Survey;

(d) Are a commissioned officer of the Regular or Reserve Corps of the Public Health Service;

(e) Are a retired member of any of the above services;

(f) Are a member of the Fleet Reserve or Fleet Marine Corps Reserve;

(g) Are a cadet at the United States Military Academy, Air Force Academy, or Coast Guard Academy, or a midshipman at the United States Naval Academy; or

(h) Are a member of the Reserve Officers Training Corps of the Army, Navy or Air Force, when ordered to annual training duty for at least 14 days and while performing official travel to and from that duty.

Amounts of Wage Credits and Limits on Their Use

§ 404.1340 Wage credits for World War II and post-World War II veterans.

In determining your entitlement to, and the amount of, your monthly benefit or lump-sum death payment based on your active service during the World War II period or the post-World War II period, and for establishing a period of disability as discussed in §§ 404.132 and 404.133, we add the (deemed) amount of $160 for each month during a part of which you were in the active service as described in § 404.1312 or § 404.1322. For example, if you were in active service from October 11, 1942, through August 10, 1943, we add the (deemed) amount of $160 for October 1942 and August 1943 as well as November 1942 through July 1943. The amount of wage credits that are added in a calendar year cannot cause the total amount credited to your earnings record to exceed the annual earnings limitation explained in §§ 404.1047 and 404.1096(b).

§ 404.1341 Wage credits for a member of a uniformed service.

(a) *General.* In determining your entitlement to, and the amount of your monthly benefit or a lump-sum death payment based on your wages while on active duty as a member of a uniformed service after 1956 and for establishing a period of disability as discussed in § 404.132, we add wage credits to the wages paid you as a member of that service. The amount of the wage credits and applicable time periods and the limits on the amount of the wage credits are discussed in paragraphs (b) and (c) of this section.

(b) *Amount of wage credits.* The amount of wage credits added is—

(1) $100 for each $300 in wages paid to you for your service in each calender year after 1977; and

(2) $300 for each calendar quarter in 1957 through 1977, regardless of the amount of wages actually paid you during that quarter for your service.

(c) *Limits on wage credits.* The amount of the wage credits we add cannot exceed $1,200 for any calendar year. Also, the total of the wage credits added to wages paid you as a member of a uniformed service for that year cannot cause the total amount credited to your earnings record to exceed the annual earnings limitation explained in §§ 404.1047 and 404.1096(b).

§ 404.1342 Limits on granting World War II and post-World War II wage credits.

(a) You get wage credits for World War II or post-World War II active service only if the use of the wage credits results in entitlement to a monthly benefit, a higher monthly benefit, or a lump-sum death payment.

(b) You may get wage credits for active service in July 1947 for either the World War II period or the post-World War II period but not for both. If your active service is before and on or after July 25, 1947, we add the $160 wage credit to the period which is most advantageous to you.

(c) You do not get wage credits for the World War II period if another Federal benefit (other than one payable by the Veterans Administration) is determined by a Federal agency or an instrumentality owned entirely by the United States to be payable to you, even though the Federal benefit is not actually paid or is paid and then terminated, based in part on your active service during the World War II period except as explained in § 404.1343.

(d) You do not get wage credits for the post-World War II period if another Federal benefit (other than one payable by the Veterans Administration) is determined by a Federal agency or an instrumentality owned entirely by the United States to be payable to you, even though the Federal benefit is not actually paid or is paid and then terminated, based in part on your active service during the post-World War II period except as explained in § 404.1343.

§ 404.1343 When the limits on granting World War II and post-World War II wage credits do not apply.

The limits on granting wage credits described in § 404.1342 (c) and (d) do not apply—

(a) If the wage credits are used solely to meet the insured status and quarters of coverage requirements for a period of

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disability as described in §§ 404.132 and 404.133;

(b) If you are the widow or child of a veteran of the World War II period or post-World War II period and you are entitled under the Civil Service Retirement Act of 1930 to a survivor's annuity based on the veteran's active service and—

(1) You give up your right to receive the survivor's annuity;

(2) A benefit under the Civil Service Retirement Act of 1930 based on the veteran's active service was not payable to the veteran; and

(3) Another Federal benefit is not payable to the veteran or his or her survivors except as described in paragraph (c) of this section; or

(c) For the years 1951 through 1956, if another Federal benefit is payable by the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, or the Public Health Service based on post-World War II active service but only if the veteran was also paid wages as a member of a uniformed service after 1956.

Deemed Insured Status for World II Veterans

§ 404.1350 Deemed insured status.

(a) *When deemed insured status applies.* If you are the survivor of a World War II veteran, we consider the veteran to have died fully insured as discussed in § 404.111 and we include wage credits in determining your monthly benefit or lump-sum death payment if—

(1) The veteran was separated from active service of the United States before July 27, 1951; and

(2) The veteran died within 3 years after separation from active service and before July 27, 1954.

(b) *Amount of credit given for deemed insured World War II veterans.*

(1) When we compute a survivor's benefit or lump-sum death payment, we give credit for—

(i) $200 (for increment year purposes) for each calendar year in which the veteran had at least 30 days of active service beginning September 16, 1940, through 1950; and

(ii) An average monthly wage of $160.

(2) If the World War II veteran was fully or currently insured without the wage credits, we add increment years (years after 1936 and prior to 1951 in which the veteran had at least $200 in creditable earnings) to the increment years based on the veteran's wages.

§ 404.1351 When deemed insured status does not apply.

As a survivor of a World War II veteran, you cannot get a monthly benefit or lump-sum death payment based on the veteran's deemed insured status as explained in § 404.1350 if—

(a) Your monthly benefit or lump-sum death payment is larger without using the wage credits;

(b) The Veterans Administration has determined that a pension or compensation is payable to you based on the veteran's death;

(c) The veteran died while in the active service of the United States;

(d) The veteran was first separated from active service after July 26, 1951;

(e) The veteran died after July 26, 1954; or

(f) The veteran's only service during the World War II period was by enlistment in the Philippine Scouts as authorized by the Armed Forces Voluntary Recruitment Act of 1945 (Pub. L. 190 of the 79th Congress).

§ 404.1352 Benefits and payments based on deemed insured status.

(a) *Our determination.* We determine your monthly benefit or lump-sum death payment under the deemed insured status provisions in §§ 404.1350 and 404.1351 regardless of whether the Veterans Administration has determined that any pension or compensation is payable to you.

(b) *Certification for payment.* If we determine that you can be paid a monthly benefit or lump-sum death payment, we certify these benefits for payment. However, the amount of your monthly benefit or lump-sum death payment may be changed if we are informed by the Veterans Administration that a pension or compensation is payable because of the veteran's death as explained in § 404.1360.

(c) *Payments not considered as pension or compensation.* We do not consider as pension or compensation—

(1) National Service Life Insurance payments;

(2) United States Government Life Insurance payments; or

(3) Burial allowance payments made by the Veterans Administration.

Effect of Other Benefits on Payment of Social Security Benefits and Payments

§ 404.1360 Veterans Administration pension or compensation payable.

(a) *Before we determine and certify payment.* If we are informed by the Veterans Administration that a pension or compensation is payable to you before we determine and certify payment of benefits based on deemed insured status, we compute your monthly benefit or lump-sum death payment based on the death of the World War II veteran without using the wage credits discussed in § 404.1350.

(b) *After we determine and certify payment.* If we are informed by the Veterans Administration that a pension or compensation is payable to you after we determine and certify payment of benefits based on deemed insured status, we—

(1) Stop payment of your benefits or recompute the amount of any further benefits that can be paid to you; and

(2) Determine whether you were erroneously paid and the amount of any erroneous payment.

§ 404.1361 Federal benefit payable other than by Veterans Administration.

(a) *Before we determine and certify payment.* If we are informed by another Federal agency or instrumentality of the United States (other than the Veterans Administration) that a Federal benefit is payable to you by that agency or instrumentality based on the veteran's World War II or post-World War II active service before we determine and certify your monthly benefit or lump-sum death payment, we compute your monthly benefit or lump-sum death payment without using the wage credits discussed in § 404.1340.

(b) *After we determine and certify payment.* If we are informed by another Federal agency or instrumentality of the United States (other than the Veterans Administration) that a Federal benefit is payable to you by that agency or instrumentality based on the veteran's World War II or post-World War II active service after we determine and certify payment, we—

(1) Stop payment of your benefits or recompute the amount of any further benefits that can be paid to you; and

(2) Determine whether you were erroneously paid and the amount of any erroneous payment.

§ 404.1362 Treatment of social security benefits or payments where Veterans Administration pension or compensation payable.

(a) *Before we receive notice from the Veterans Administration.* If we certify your monthly benefit or a lump-sum death payment as determined under the deemed insured status provisions in § 404.1350 before we receive notice from the Veterans Administration that a pension or compensation is payable to you, our payments to you are erroneous only to the extent that they exceed the amount of the accrued pension of compensation payable.

(b) *After we receive notice from the Veterans Administration.* If we certify your monthly benefit or lump-sum death payment as determined under the deemed insured status provisions in § 404.1350 after we receive notice from the Veterans Administration that a pension or compensation is payable to you, our payments to you are erroneous whether or not they exceed the amount of the accrued pension or compensation payable.

§ 404.1363 Treatment of social security benefits or payments where Federal benefit payable other than by Veterans Administration.

If we certify your monthly benefit or lump-sum death payment based on World War II or post-World War II wage credits after we receive notice from another Federal agency or instrumentality of the United States (other than the Veterans Administration) that a Federal benefit is payable to you by that agency or instrumentality based on the veteran's World War II or post-World War II active service, our payments to you are erroneous to the extent the payments are based on the World War II or post-World War II wage credits. The payments are erroneous beginning with the first month you are eligible for the Federal benefit.

Evidence of Active Service and Membership in a Uniformed Service

§ 404.1370 Evidence of active service and separation from active service.

(a) *General.* When you file an application for a monthly benefit or lump-sum death payment based on the active service of a World War II or post-World War II veteran, you must submit evidence of—

(1) Your entitlement as required by Subpart H of this part or other evidence that may be expressly required;

(2) The veteran's period in active service of the United States; and

(3) The veteran's type of separation from active service of the United States.

(b) *Evidence we accept.* We accept as proof of a veteran's active service and separation from active service—

(1) An original certificate of discharge, or an original certificate of service, from the appropriate military service, from the United States Public Health Service, or from the United States Coast and Geodetic Survey;

(2) A certified copy of the original certificate of discharge or service made by the State, county, city agency or department in which the original certificate is recorded;

(3) A certification from the appropriate military service, United States Public Health Service, or United States Coast and Geodetic Survey showing the veteran's period of active service and type of separation;

(4) A certification from a local selective service board showing the veteran's period of active service and type of separation; or

(5) Other evidence that proves the veteran's period of active service and type of separation.

§ 404.1371 Evidence of membership in a uniformed service during the years 1957 through 1967.

(a) *General.* When you file an application for a monthly benefit or lump-sum death payment based on the services of a member of a uniformed service during the years 1957 through 1967, you should submit evidence identifying the member's uniformed service and showing the period(s) he or she was on active duty during those years.

(b) *Evidence we accept.* The evidence we will accept includes any official correspondence showing the member's status as an active service member during the appropriate period, a certification of service by the uniformed service, official earnings statements, copies of the member's Form W–2, and military orders, for the appropriate period.

[FR Doc. 80-7912 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-07-M

Food and Drug Administration

21 CFR Part 184

[Docket No. 78N-0013]

Sulfuric Acid and Ammonium, Calcium, Potassium, and Sodium Sulfates; Affirmation of Gras Status

Correction

In FR Doc. 80-2037, published at page 6084, on Friday, January 25, 1980, on page 6086, in the first column, in the sixth line of § 184.1143(a), "Sulfuric acid and with ammonium" should be corrected to read "sulfuric acid with ammonium".

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21 CFR Part 186

[Docket No. 76G-0108]

Indirect Food Substances Affirmed as Generally Recognized as Safe; Sodium Chlorite

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is affirming that sodium chlorite is generally recognized as safe (GRAS) for use as a slimicide in the manufacture of paper and paperboard that contact food. This action, based on an industry petition requesting such affirmation, lists the substance in the regulations as an indirect food substance affirmed as GRAS.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF-335), Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: In accordance with the procedures described in § 170.35 (21 CFR 170.35), Olin Chemicals, 120 Long Ridge Rd., Stamford, CT 06904 submitted a petition (GRASP 3G0013) requesting affirmation that sodium chlorite used as a slimicide in the manufacture of paper and paperboard that contact food is generally recognized as safe (GRAS). A notice of filing of the petition was published in the **Federal Register** of April 16, 1976 (41 FR 16194), and interested persons were given an opportunity to review the petition and to submit comments to the Hearing Clerk, Food and Drug Administration. No comments were received in response to this notice.

Sodium chlorite exists as slightly hygroscopic white crystals or flakes. It is manufactured by passing chlorine dioxide into a solution of sodium hydroxide and hydrogen peroxide.

Sodium chlorite has been used as a bleach in the manufacture of paper for more than 40 years, and it has been used as a paper mill slimicide since 1960. The petitioner has proposed that this ingredient be used as a slimicide in the manufacture of paper and paperboard intended for food contact. Information supplied by the petitioner indicates that, at a concentration of 125 parts per million, sodium chlorite kills at least 80 percent of the microorganisms specified in the American Society for Testing and Materials (ASTM) standard method for determining the efficacy of slimicides for the paper industry (Annual Book of ASTM Standards, Part 46 E599-77, E600-77, American Society for Testing and Materials, Philadelphia, PA 19103 (1977)). It is estimated that a maximum of about 8 parts per billion of sodium chlorite could migrate to food from packaging manufactured with 250 parts per million of the slimicide. At this low level of migration, neither sodium chlorite nor its degradation products would present any significant hazard if consumed in food.

After a comprehensive review of all data regarding the use of sodium

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chlorite as a slimicide, the agency found that:

1. Sodium chlorite was not eligible for GRAS status as a paper mill slimicide based on its common use in the United States before January 1, 1958.

2. Sodium chlorite is GRAS based on the submission of sufficient safety and functionality data supporting the use requested.

3. This substance is safe for the indirect food use requested.

4. This substance performs the functional effect claimed by the petitioner.

Accordingly, the agency concludes, in accordance with § 186.1(b)(2) (21 CFR 186.1(b)(2)), that the use and level of use of sodium chlorite as set forth in the petition is GRAS.

In the past, FDA routinely adopted food grade specifications for indirect substances that it affirmed as GRAS in Part 186 (21 CFR Part 186). Recently, however, the agency has reconsidered the necessity of imposing food grade specifications on indirect GRAS substances. The agency has concluded that, as a general rule, food grade specifications are not necessary to assure the safety of an indirect GRAS substance, provided the substance is of a purity suitable for its intended use in accordance with § 170.30(h)(1) (21 CFR 170.30(h)(1)). This conclusion is based on the fact that indirect uses generally result in extremely low levels of consumer exposure to the additive and correspondingly low levels of exposure to any impurities that may be present. If food grade specifications are found necessary in a particular case to assure the safety of an indirect GRAS ingredient, the agency will include them in the regulation. The agency intends to publish a proposal in the near future to amend its procedural regulations in Part 186 to reflect this new policy regarding specifications for indirect GRAS substances.

In the case of sodium chlorite, the FDA concludes that specifications are not necessary. Therefore, the regulation governing the use of sodium chlorite as an indirect GRAS ingredient does not include food grade specifications.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 186 is amended by adding new § 186.1750 to read as follows:

§ 186.1750 Sodium chlorite.

(a) Sodium chlorite ($NaClO_2$, CAS Reg. No. 7758–19–2) exists as slightly hygroscopic white crystals or flakes. It is manufactured by passing chlorine dioxide into a solution of sodium hydroxide and hydrogen peroxide.

(b) The ingredient is used at levels from 125 to 250 parts per million as a slimicide in the manufacture of paper and paperboard that contact food.

Effective date. This order shall be effective March 14, 1980.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a)))

Dated: March 6, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-7706 Filed 3-13-80; 8:45 am]

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21 CFR Parts 5, 312

Redelegations of Authority From the Commissioner of Food and Drugs; Investigational New Drugs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations for delegations of authority relating to termination of exemptions for investigational new drugs (IND) for human use. The Associate Director for New Drug Evaluation, Bureau of Drugs, is being delegated authority to terminate an IND if a sponsor fails to submit an annual progress report. This action is being taken so that this procedural type of termination can be processed more efficiently. For purposes of clarity, the document also revises the delegation to indicate specifically that the authority delegated includes authority to make initial findings that may lead to termination. To make provisions consistent with other sections involving delegated functions, § 312.1(d) (21 CFR 312.1(d)) is amended by substituting "the Commissioner" for the existing reference to Bureau of Drugs officials.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA–340), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: Under this delegation of authority the Associate Director for New Drug Evaluation, Bureau of Drugs, will be authorized to terminate an IND (investigational new drug exemption) when the sponsor has filed to respond to a request to submit the required annual progress report. In addition, the delegation to Bureau officials to notify sponsors and invite correction is being clarified to state that it includes as well the authority to make initial findings that may lead to termination.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him or her as "acting," or unless exercise of the authority is not legally permissible.

In addition, for purposes of consistency, § 312.1(d) (21 CFR 312.1(d)) is revised by substituting "the Commissioner" for the present reference to officials of the Bureau of Drugs who have been delegated authority to make the findings set forth in that section and to notify sponsors and invite correction. This revision makes the language consistent with that of other provisions concerning delegated authority. The delegations set forth in § 5.71 (21 CFR 5.71) set forth specifically those officials of the Bureau of Drugs who may make the findings set forth in § 312.1(d), notify sponsors of these findings, and invite correction.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Parts 5 and 312 are amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. In Part 5, by revising § 5.71, to read as follows:

§ 5.71 Termination of exemptions for new drugs for investigational use in human beings or in animals.

(a) The Director and Deputy Director of the Bureau of Drugs are authorized to perform all the functions of the Commissioner of Food and Drugs on the termination of exemptions for new drugs for investigational use in human beings under § 312.1 and in animals under § 312.9 of this chapter, except those for biological products (unless the product is also a radioactive drug), and products under the jurisdiction of the Bureau of Biologics in § 312.1(j) of this chapter for which authority has been delegated in paragraph (b) of this section.

(1) The Associate Director for New Drug Evaluation of the Bureau of Drugs is authorized to terminate exemptions for new drugs for investigational use when sponsors fail to submit an annual progress report under § 312.1(d)(10) of this chapter.

(2) The Associate Director and Deputy Associate Director for New Drug Evaluation and the Directors of the Divisions of: Anti-Infective Drug Products, Cardio-Renal Drug Products, Surgical-Dental Drug Products, Metabolism and Endocrine Drug Products, Neuropharmacological Drug Products, and Oncology and Radiopharmaceutical Drug Products of the Bureau of Drugs are authorized to make the findings set forth in § 312.1(d) of this chapter and to notify sponsors and invite correction before termination action on such exemptions.

* * * * *

PART 312—NEW DRUGS FOR INVESTIGATIONAL USE

2. In Part 312, by revising the introductory text of paragraph (d) of § 312.1 to read as follows:

§ 312.1 Conditions for exemption of new drugs for investigational use.

* * * * *

(d) If the Commissioner finds that:

* * * * *

Effective date. This regulation is effective March 14, 1980.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: March 6, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-7707 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Parts 431, 436, 440, 442, 446, 449

[Docket No. 79N–0173]

Antibiotic Drugs; Updating and Technical Changes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the antibiotic regulations by making corrections, noncontroversial technical changes, and revocation to update the regulations providing for the certification of antibiotic and antibiotic-containing drugs for human use. These changes will result in more accurate and usable regulations that reflect current certification practices.

DATES: Effective March 14, 1980. Comments by April 14, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD–140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations by making corrections, noncontroversial technical changes, and revocation in several antibiotic drug regulations that provide for certification of antibiotic and antibiotic-containing drugs intended for human use. To aid in understanding the types of changes included in this document, the changes have been grouped into three general classes for discussion in this preamble: monograph corrections, minor noncontroversial technical changes, and revocation.

Monograph Corrections

1. In § 436.305(e), the word "through" is corrected to read "trough" and the word "in" is added to complete the sentence.

2. In § 440.55a, the spelling of the words "moisture" and "absorbance" are corrected, and the reference to § 436.203 is corrected to read § "436.203(a)".

3. In § 440.74a, the word "units" is added following the figure "900" in paragraph (a)(1)(i), and the figure "5" is changed to read "5.0" in paragraph (a)(1)(vi).

4. In § 440.80a, the spelling of "potassium" is corrected in paragraph (a)(1), and the spelling of "pyrogens" is corrected in paragraph (a)(3)(i).

5. In § 442.106, published in the Federal Register of May 16, 1978 (43 FR 20978), the word "into" in (b)(1)(ii) is corrected to read "in".

Technical Changes

1. In the fee schedule appearing in § 431.53(b)(1), one item, "Minocycline content" has been deleted, and one item, "Column chromatography" has been inserted alphabetically. The same test is performed for other antibiotic products in addition to minocycline. Rather than list the test for each specific drug, the general term is used.

2. The dimensions for the cylindrical glass jar described in § 436.308(a)(2) are corrected.

3. In § 442.106, the word "monohydrate" is added to the section heading and to the first sentence in paragraph (a)(1) to correctly identify the drug.

4. In § 442.127c(a)(1), the word "monohydrate" is deleted from the potency statement. Potency is based on actual content of the drug and does not include waters of hydration.

5. In § 446.180c, the content statement in paragraph (a)(1) is revised to specify that the standard of comparison is tetracycline hydrochloride, not tetracycline. The number of containers required in paragraph (a)(3)(ii)(*b*) is changed from "10" to "5" and a misspelled word is corrected. Five containers are sufficient for a sample for all packaged sizes.

6. Section 446.581 is redesignated as § 446.581d, and a new "umbrella phrase" heading is added as § 446.581.

7. In § 449.204, the first sentence is revised to more accurately provide for all products certified under this monograph.

Revocation

Section 446.180d is revoked. The antibiotic drug product certified under this monograph is no longer being marketed. There is only one manufacturer and the firm has agreed to the revocation. (Copy of letter of agreement from firm is on file at the office of the Hearing Clerk, address above.)

The Food and Drug Administration has determined in accordance with § 25.24(b)(22) (21 CFR 25.24(b)(22)), proposed in the Federal Register of December 11, 1979 (44 FR 71742), that this action is of a type that does not have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) Parts 431, 436, 440, 442, 446, and 449 are amended as follows:

PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

§ 431.53 [Amended]

1. Part 431 is amended in § 431.53 *Fees* by deleting "Minocycline content—121" from, and by alphabetically inserting "Column chromatography—121" in, the table in paragraph (b)(1).

* * * * *

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended as follows:

a. In § 436.305, the second sentence in paragraph (e) is revised to read as follows:

§ 436.305 Thin layer chromatographic identity test for hetacillin.

* * * * *

V 45/52 MR 14 80 UMI

(e) *Procedure.* * * * Pour developing solvent into the glass trough in the bottom of the chromatography tank.
* * *
* * * * * *
b. In § 436.308, paragraph (a)(2) is revised to read as follows:

§ 436.308 Paper chromatography identity test for tetracyclines.

(a) * * *
(2) *Chamber (chromatographic).* Cylindrical glass chromatographic jar, 25 centimeters high by 12 centimeters in diameter, with a ground-glass lid.
* * * * * *

PART 440—PENICILLIN ANTIBIOTIC DRUGS

3. Part 440 is amended as follows:
a. In § 440.55a, by revising paragraph (a)(3)(i); the third sentence in paragraph (b)(7); and paragraph (b)(8) to read as follows:

§ 440.55a Sterile penicillin G benzathine.

(a) * * *
(3) * * *
(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, penicillin G content, and crystallinity.
* * * * * *
(b) * * *
(7) * * * Using a suitable spectrophotometer equipped with a quartz cell and absolute methy alcohol as the blank, determine the absorbance at 283 nanometers. * * *
(8) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.
b. In § 440.74a, by revising paragraph (a)(1) (i) and (vi) to read as follows:

§ 440.74a Sterile penicillin G procaine.

(a) * * *
(1) * * *
(i) Its potency is not less than 900 units and not more than 1,050 units per milligram.
* * * * * *
(vi) Its pH in a saturated aqueous solution (about 300 milligrams per milliliter) is not less than 5.0 and not more than 7.5.
* * * * * *
c. In § 440.80a, by revising the first sentence in paragraph (a)(1) and by revising paragraph (a)(3)(i) to read as follows:

§ 440.80a Sterile penicillin G potassium.

(a) * * *
(1) *Standards of identity, strength, quality, and purity.* Penicillin G potassium is potassium 3,3-dimethyl-7-oxo-6-(2-phenylacetamido)-4-thia-1-azabicyclo [3.2.0] heptane-2-carboxylate. * * *
* * * * * *
(3) * * *
(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, loss on drying, pH, penicillin G content, and crystallinity.
* * * * * *

PART 442—CEPHA ANTIBIOTIC DRUGS

4. Part 442 is amended as follows:
a. In § 442.106, by revising the section heading; the first sentence in paragraph (a)(1); and the first sentence in paragraph (b)(1)(ii) to read as follows:

§ 442.106 Cefadroxil monohydrate capsules.

(a) * * *
(1) *Standards of identity, strength, quality, and purity.* Cefadroxil monohydrate capsules are composed of cefadroxil monohydrate and one or more suitable and harmless lubricants and diluents enclosed in a gelatin capsule. * * *
* * * * * *
(b) * * *
(1) * * *
(ii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 442.40(b)(1)(ii) of this chapter, preparing the sample as follows: Blend a representative number of capsules in a high-speed glass blender jar with sufficient distilled water to give a stock solution of convenient concentration.
* * *
* * * * * *
b. In § 442.127c, by revising the third sentence in paragraph (a)(1) to read as follows:

§ 442.127c Cephalexin monohydrate for oral suspension.

(a) * * *
(1) * * * Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cephalexin that it is represented to contain. * * *
* * * * * *

PART 446—TETRACYCLINE ANTIBIOTIC DRUGS

5. Part 446 is amended as follows:
a. In § 446.180c, by revising the second sentence in paragraph (a)(1) and by revising paragraph (a)(3)(ii)(*b*) to read as follows:

§ 446.180c Tetracycline oral suspension.

(a) * * *
(1) * * * Each milliliter contains tetracycline equivalent to 25 milligrams of tetracycline hydrochloride. * * *
* * * * * *
(3) * * *
(ii) * * *
(*b*) The batch: A minimum of 5 immediate containers.
* * * * * *

§ 446.180d [Revoked]

b. Section 446.180d *Tetracycline for oral suspension* is revoked.

§ 446.581d [Redesignated from § 446.581]

c. Section 446.581 is redesignated as § 446.581d *Tetracycline hydrochloride ointment* and new § 446.581 is added to read as follows:

§ 446.581 Tetracycline hydrochloride dermatologic dosage forms.

PART 449—ANTIFUNGAL ANTIBIOTIC DRUGS

6. Part 449 is amended in § 449.204(a)(1) by revising the first sentence to read as follows:

§ 449.204 Amphotericin B for injection.

(a) * * *
(1) *Standards of identity, strength, quality, and purity.* Amphotericin B for injection is a dry mixture containing in each immediate container 50 milligrams of amphotericin B, 41 milligrams of sodium desoxycholate, and suitable buffering substances. * * *
* * * * * *

Because this amendment institutes changes that are either corrective, editorial, or of a minor substantive nature, the Food and Drug Administration finds for good cause that prior notice and public procedure are unnecessary. However interested persons may on or before April 14, 1980, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62 5600 Fishers Lane, Rockville, MD 20857, written comments on this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above-named office between 9 a.m. and 4 p.m., Monday through Friday.

Agency regulations for the issuance, amendment or repeal of any regulation under section 507 of the act require that any person who will be adversely affected by the foregoing regulation be given an opportunity to file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before April 14, 1980 a written notice of participation and request for hearing, and (2) on or before May 13, 1980 the data, information, and analyses on which the person relies to justify a hearing, as specified in § 430.20. The procedures and requirements governing this order are contained in § 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions and denying a hearing.

All hearing requests submitted under this order must be filled in five copies, identifying the docket number appearing in the heading of this order, with the Hearing Clerk, Food and Drug Administration (HFA–305), Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation will be effective March 14, 1980.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357))

Dated: March 5, 1980.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 80-7578 Filed 3-13-80; 8:45 am]
BILLING CODE 4110-03-M

21 CFR Parts 436, 440, 442, 444, 446, and 455

[Docket No. 80N–0039]

Antibiotic Drugs; Updating and Technical Changes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the antibiotic regulations by making corrections, noncontroversial technical changes, and revocation to update the regulations providing for the certification of antibiotic and antibiotic-containing drugs for human use. These changes will result in more accurate and usable regulations that reflect current certification practices.

DATES: Effective March 14, 1980; comments by April 14, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD–140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations by making corrections, noncontroversial technical changes, and revocations in several antibiotic drug regulations that provide for certification of antibiotic and antibiotic-containing drugs intended for human use. To aid in understanding the types of changes included in this document, the changes have been grouped into three general classes for discussion in this preamble: Monograph corrections, minor noncontroversial technical changes, and revocation.

Monograph Corrections

1. In § 436.308(b), the letter "*R*" is corrected to read "R_f" in the last sentence.

2. In § 440.41a, the heading of paragraph (b)(8) is corrected by deleting the words "sodium" and "monohydrate." The test is actually a measure of the active moiety, nafcillin content, not sodium nafcillin monohydrate.

3. In § 440.107e, the words "moisture content" are corrected to "loss on drying" in the fifth sentence of paragraph (a)(1), and the word "moisture" is corrected to "loss on drying" in paragraph (a)(3)(i)(*c*). The test method used is "loss on drying," not "moisture."

4. In § 442.40, the diagram showing the arrangment of the apparatus and flow of samples and reagents in the hydroxylamine calorimetric assay is corrected in paragraph (b)(1)(ii).

5. In § 442.140a, the figure "60.0" is corrected to "6.0" in the fifth sentence in paragraph (a)(1).

6. In §§ 444.80 and 444.81a, the chemical name is corrected in the first sentence in paragraph (a)(1).

7. In § 446.21, the word "monohydrate" is added to the sentence in paragraph (a)(1)(vi). The identity test method detects the water of hydration as well as the drug; therefore, monohydrate should be included in the specification.

8. In § 446.180c, the figure "3.0" is corrected to "5.0" in the fifth sentence in paragraph (a)(1). The established limit as originally published in § 436.309(b)(7) for 4-epianhydrotetracycline was 5.0 percent for oral suspensions. In the updating document of March 17, 1978 (43 FR 11151), the limits were transferred from the test method in § 436.309 to the individual monographs for each drug. The limit for the tetracycline oral suspension, § 440.180c, was incorrectly published as 3.0. It is corrected in this document.

9. In §§ 455.10 and 455.10a, the figure "±3" is corrected to "100±3" in the sentence in paragraph (a)(1)(vi). The figure "100" was inadvertently omitted.

Technical Changes

1. In § 436.205(c), the diluent in the table for Ampicillin sodium has been changed from "Distilled water" to "Buffer." Sodium ampicillin dissolved in distilled water results in a solution with a very alkaline pH, and degradation begins rapidly. To improve the test method, distilled water is replaced by buffer.

2. In § 436.308, the test method has been revised to allow exposure of the developed chromatogram to ammonia vapor. This is a necessary step in the development of the fluorescent spots.

3. In § 446.120b, the second sentence in paragraph (b)(1) has been revised. The diluent for all the other tetracyclines was changed to the updating document published in the **Federal Register** of March 17, 1978 (43 FR 11151). Distilled water should be used for this drug as well.

4. In § 446.166, the word "may" has been added to the second sentence in paragraph (a)(1). The change, which was requested by the manufacturer, allows for a product without *N*-acetyl glucosamine to be certified. (A copy of the manufacturer's letter request is on file at the office of the Hearing Clerk, address above.) It states that the request concerns the sale and manufacture of this product overseas, where certain countries require that the drug meet the specifications of the official compendia but where the manufacturer is unable to obtain this ingredient. Deletion of *N*-acetyl glucosamine will not affect the safety or efficacy of this product, because it is an inactive ingredient.

Revocation

Section 440.157 is revoked. The antibiotic drug product certified under this monograph is no longer being marketed. There is only one manufacturer, and the firm has agreed to the revocation. (A copy of the letter of agreement from the firm is on file at the

office of the Hearing Clerk, address above.)

The agency has determined under 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment, nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Parts 436, 440, 442, 444, 446, and 455 are amended as follows:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. Part 436 is amended as follows:

a. In § 436.205, by amending the table in paragraph (c) by revising the entries for "Ampicillin sodium" and "Ampicillin trihydrate" to read as follows:

§ 436.205 Hydroxylamine colorimetric assay.

* * * * *

(c) * * *

Antibiotic	Diluent (solution number as listed in § 436.101(a))	Final concentration in milligrams per milliliter of sample
* * * * *		
Ampicillin sodium	1	1.25
Ampicillin trihydrate	Distilled water	1.25
* * * * *		

* * * * *

b. In § 436.308, by revising paragraph (c) to read as follows:

§ 436.308 Paper chromatography identity test for tetracyclines.

* * * * *

(c) *Procedure.* Fill the chamber to a depth of 0.6 centimeter with freshly prepared solvent. Draw a starting line about 2.5 centimeters from and parallel to the bottom of the sheet. Wet the sheet thoroughly with the pH 3.5 buffer and blot it firmly between sheets of absorbent paper. Starting about 5 centimeters from the edge of the sheet and at 1.5-centimeter intervals, apply to the starting line 2 microliters each of standard solution, sample solution, and a 1:1 mixture of the standard and sample solutions. Allow a few minutes for the sheet to dry partially, and while still damp place it in the chamber with the bottom edge touching the solvent. When the solvent front has risen about 10 centimeters, remove the sheet from the chamber. Expose the paper to ammonia vapor. Examine the dried sheet under a strong source of ultraviolet light and record the position of any fluorescent spots. Measure the distance the solvent front traveled from the starting line and the distance that the fluorescent spots are from the starting line. Calculate the R_f value by dividing the latter by the former.

PART 440—PENICILLIN ANTIOBIOTIC DRUGS

2. Part 440 is amended as follows:

a. In § 440.41a, by revising paragraph (b)(8) to read as follows:

§ 440.41a Sterile nafcillin sodium monohydrate.

* * * * *

(b) * * *

(8) *Nafcillin content.* Proceed as directed in § 440.41(b)(6).

* * * * *

b. In § 440.107e, by revising the fifth sentence in paragraph (a)(1) and by revising paragraph (a)(3)(i)(*c*) to read as follows:

§ 440.107e Ampicillin trihydrate-probenecid capsules.

(a) * * *

(1) * * * Its loss on drying is not less than 8.5 percent and not more than 13.0 percent. * * *

(2) * * *

(3) * * *

(i) * * *

(*c*) The batch for ampicillin content, probenecid content, and loss on drying.

* * * * *

§ 440.157 [Revoked]

c. Section 440.157 *Penicillin V benzathine oral suspension* is revoked.

PART 442—CEPHA ANTIBIOTIC DRUGS

3. Part 442 is amended:

a. In § 442.40, the diagram in paragraph (b)(1)(ii) showing the arrangement of the apparatus and flow of samples and reagents in the hydroxylamine colorimetric assay was incorrectly drawn. Also, in the 1979 Code of Federal Regulations, the diagram erroneously appears under (b)(1)(ii)(*d*) *Preparation of sample solutions.* It should have been placed under (b)(1)(ii)(*e*) *Procedure.* This amendment, therefore, is editorially revising the text of paragraph (b)(1)(ii)(*e*) to more clearly show the correct placement of the diagram and is printing the corrected diagram, to read as follows:

§ 442.40 Cephradine.

* * * * *

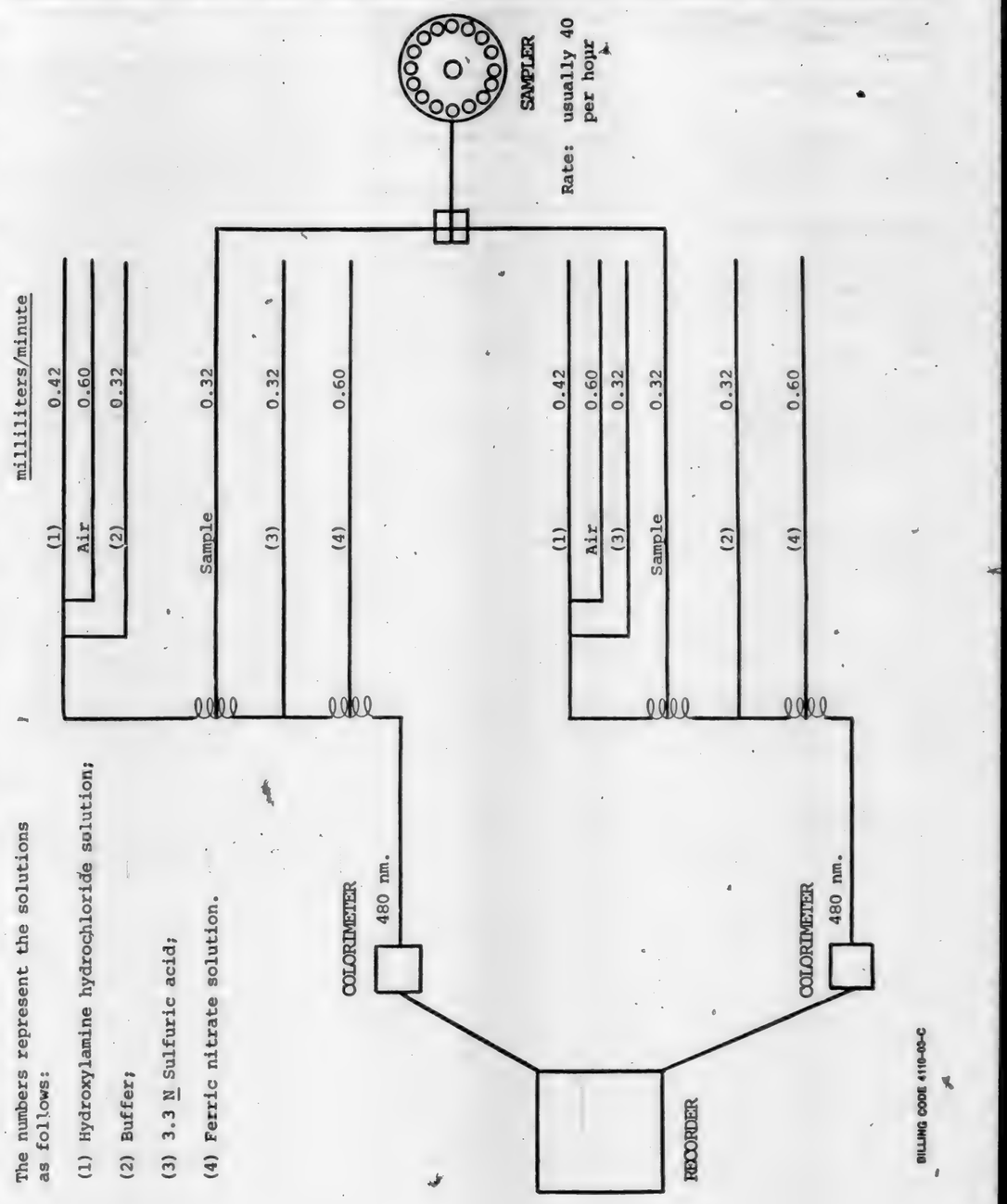
(b) * * *

(1) * * *

(ii) * * *

(*e*) *Procedure.* Use the standard and sample solutions prepared as indicated in paragraph (b)(1)(ii) (*c*) and (*d*) of this section, respectively. The arrangement of the apparatus and flow of samples and reagents are shown in the manifold diagram set forth in this paragraph (b)(1)(ii)(*e*). The sampler rate is usually 40 per hour, but may be varied.

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b. In § 442.140a, by revising the fifth sentence in paragraph (a)(1) to read as follows:

§ 442.140a Cephradine for oral suspension.

(a) * * *

(1) * * * When reconstituted as directed in the labeling, its pH is not less than 3.5 and not more than 6.0. * * *

* * * * * *

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

4. Part 444 is amended:

a. In § 444.80, by revising the introductory text of paragraph (a)(1) to read as follows:

§ 444.80 Tobramycin.

(a) * * *

(1) *Standards of identity, strength, quality, and purity.* Tobramycin is *0*-3-amino-3-deoxy-α-*D*-glucopyranosyl-(1→4)-*0*-[2,6-diamino-2,3,6-trideoxy-α-*D*-*ribo*-hexopyranosyl-(1→6)]-2-deoxy-*L*-streptamine. It is so purified and dried that:

* * * * * *

b. In § 444.81a, by revising the introductory text of paragraph (a)(1) to read as follows:

§ 444.81a Sterile tobramycin sulfate.

(a) * * *

(1) *Standards of identity, strength, quality, and purity.* Sterile tobramycin sulfate is the sulfate salt of *0*-3-amino-3-deoxy-α-*D*-glucopyranosyl-(1→4)-*0*-[2,6-diamino-2,3,6-trideoxy-α-*D*-*ribo*-hexopyranosyl-(1→6)]-2-deoxy-*L*-streptamine. It is a lyophilized powder. It is so purified and dried that:

* * * * * *

PART 446—TETRACYCLINE ANTIBIOTIC DRUGS

5. Part 446 is amended as follows:

a. In § 446.21, by revising paragraph (a)(1)(vi) to read as follows:

§446.21 Doxycycline monohydrate.

(a) * * *

(1) * * *

(vi) It gives a positive identity test for doxycycline monohydrate.

* * * * * *

b. In § 446.120b, by amending paragraph (b)(1) by revising the last sentence to read as follows:

§ 446.120b Doxycycline calcium oral suspension.

* * * * * *

(b) * * *

(1) *Potency.* * * * Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 0.100 microgram of doxycycline per milliliter (estimated).

* * * * * *

c. In § 446.166, by amending paragraph (a)(1) by revising the second sentence to read as follows:

§ 446.166 Oxytetracycline calcium oral suspension.

(a) * * *

(1) * * * It may contain *N*-acetyl glucosamine. * * *

* * * * * *

d. In § 446.180c, by amending paragraph (a)(1) by revising the fifth sentence to read as follows:

§ 446.180c Tetracycline oral suspension.

(a) * * *

(1) * * * Its 4-epianhydrotetracycline content is not more than 5.0 percent. * * *

* * * * * *

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

6. Part 455 is amended as follows:

a. In § 455.10, by revising paragraph (a)(1)(vi) to read as follows:

§ 455.10 Chloramphenicol.

(a) * * *

(1) * * *

(vi) Its absorptivity at 278 nanometers is 100±3 percent of that of the chloramphenicol working standard similarly treated.

* * * * * *

b. In § 455.10a, by revising paragraph (a)(1)(ix) to read as follows:

§ 455.10a Sterile chloramphenicol.

(a) * * *

(1) * * *

(ix) Its absorptivity at 278 nanometers is 100±3 percent of that of the chloramphenicol working standard similarly treated.

* * * * * *

Because this amendment institutes changes that are either corrective, editorial, or of a minor substantive nature, FDA finds for good cause that prior notice and public procedures are unnecessary. However, interested persons may, on or before April 14, 1980, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above-named office between 9 a.m. and 4 p.m., Monday through Friday.

Agency regulations (§ 430.20; 21 CFR 430.20) for the issuance, amendment, or repeal of any regulation under section 507 of the act (21 U.S.C. 357) require that parties adversely affected be given an opportunity to request a hearing. Accordingly, any person who will be adversely affected by the foregoing regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before April 14, 1980 a written notice of participation and request for hearing, and (2) on or before May 13, 1980 the data, information, and analyses on which the person relies to justify a hearing, as specified in § 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions and denying a hearing.

All hearing requests submitted under this order must be filed in five copies, identifying the docket number appearing in the heading of this order, with the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation will be effective March 14, 1980.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357))

Dated: March 7, 1980.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 80-7716 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 510

New Animal Drugs; Change of Sponsor Name

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect the change of sponsor for several new animal drug applications (NADA's) from Carter-Glogau Laboratories Division, Chromalloy Pharmaceuticals, Inc., to Carter-Glogau Laboratories, Inc. Supplemental NADA's filed by Carter-Glogau Laboratories, Inc., provide for this change.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV–136), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5247.

SUPPLEMENTARY INFORMATION: Carter-Glogau Laboratories, Inc., has submitted supplements to several NADA's providing for the change of sponsor name. This action is necessary because of the purchase of Carter-Glogau from Chromalloy by Revco D.S., Inc. The regulations are amended to reflect the change.

This intercorporate transfer of NADA's does not involve changes in facilities, equipment, procedures, or production personnel. Under the Bureau of Veterinary Medicine's Supplemental Approval Policy (42 FR 64367, December 23, 1977), this is a Category I change; therefore, this action does not require a reevaluation of the safety and effectiveness data in the parent applications.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 510 is amended in § 510.600 in paragraph (c) (1) and (2) by revising the entry for "Carter-Glogau Laboratories Division" to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * * *

(c) * * *

(1) Alphabetical listing of sponsors.

Firm name and address	Drug labeler code
* * * * *	
Carter-Glogau Laboratories, Inc., 5160 West Bethany Home Rd., Glendale, AZ 85301	000381
* * * * *	

(2) Numerical listing of sponsors

Drug labeler code	Firm name and address
* * * * *	
000381	Carter-Glogau Laboratories, Inc., 5160 West Bethany Home Rd., Glendale, AZ 85301.
* * * * *	

Effective date. This amendment is effective March 14, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 5, 1980.

Donald A. Gable,

Deputy Associate Director for Scientific Evaluation.

[FR Doc. 80-7579 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 510

New Animal Drugs; Change of Sponsor Address

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect a change of address for Burns-Biotec Laboratories, Inc.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV–138), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3410.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 18, 1979 (44 FR 74818), FDA published a document indicating that Burns-Biotec Laboratories, Inc., wholly owned by Schering Corp., was the sponsor of several NADA's. The regulations were amended to reflect the change, but failed to reflect the appropriate sponsor address. This document amends the regulation to reflect that address.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 510 is amended in § 510.600(c)(1) and (2) by revising the address for Burns-Biotec Laboratories, Inc., to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * * *

(c) * * *

(1) Alphabetical listing of sponsors.

Firm name and address	Drug labeler code
* * * * *	
Burns-Biotec Laboratories, Inc., 8530–8536 K St., P.O. Box 3113, Omaha, NE 68103	000845
* * * * *	

(2) Numerical listing of sponsors.

Drug labeler code	Firm name and address
* * * * *	
000845	Burns-Biotec Laboratories, Inc., 8530–8536 K St., P.O. Box 3113, Omaha, NE 68103.
* * * * *	

Effective date. This amendment is effective March 14, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 7, 1980.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 80-7709 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Triamcinolone Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations for triamcinolone tablets to indicate those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data. These conditions of use were classified as effective as a result of a National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group evaluation of the product. In lieu of certain effectiveness data, approval may require submission of bioequivalence or similar data. A previous Federal Register publication has reflected that this product is in compliance with the conclusions of the review.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Henry C. Hewitt, Bureau of Veterinary Medicine (HFV–110), Food and Drug

V 45/52 MR 14 80 UMI

Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: The NAS/NRC review of this product was published in the **Federal Register** of April 12, 1969 (34 FR 6447). In that document, the Academy concluded, and FDA concurred, that the product was effective when used as an anti-inflammatory agent in dogs and cats.

That announcement was issued to inform holders of new animal drug applications (NADA's) of the findings of the Academy and the agency, and to inform all interested persons that such articles could be marketed if they were the subject of approved NADA's and otherwise complied with the requirements of the Federal Food, Drug, and Cosmetic Act.

American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540 responded to the notice by submitting a supplemental NADA (12–103V) providing current information covering manufacturing and controls and revising the labeling for the safe and effective use of the product in dogs and cats for its anti-inflammatory activity. The supplemental application was approved by a regulation published in the **Federal Register** of November 16, 1971 (36 FR 21809). The regulation reflecting this approval established a new section for the drug in 21 CFR 135c.55, recodified at 21 CFR 520.2480. The new section did not specify those conditions of use that were NAS/NRC approved.

This document amends the regulations to indicate those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data required for approval by § 514.111(a)(5(vi) of the new animal drug regulations. In lieu of those data, approval of applications for such products may be obtained if bio-equivalency or similar data are submitted as suggested in the guideline for submitting NADA's for generic drugs reviewed by the NAS/NRC. The guideline is available from the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.2480 by adding after paragraph (c) (1), (2), (3), and (4) the footnote reference "1":

§ 520.2480 Triamcinolone tablets.

* * * * *

(c) *Conditions of use.* (1) * * * 1

(2) * * * 1

(3) * * * 1

(4) * * * 1

and by adding at the end of the section the footnote to read as follows:

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

Effective date. This regulation shall be effective March 14, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 7, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80–7710 Filed 3–13–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Oxytetracycline Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application (NADA) filed by Pfizer, Inc., providing for use of a 200-milligrams-per-milliliter oxytetracycline injection for treating certain infections of cattle and swine.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV–125), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1788.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 E. 42d St., New York, NY 10017, filed an NADA (113–232) providing for use of a 200-milligrams-per-milliliter oxytetracycline injection in swine for treating bacterial enteritis, pneumonia, and leptospirosis; in sows as an aid in controlling infectious enteritis in suckling pigs; and in beef cattle and nonlactating dairy cattle for treating pneumonia, shipping fever complex, foot-rot, diphtheria, bacterial enteritis, wooden tongue, leptospirosis, wound infections, and acute metritis. If labeled for use by or on the order of a licensed veterinarian, the drug may also be used in cattle for treating anaplasmosis and anthrax. This drug product is similar to Pfizer's 50-milligrams-per-milliliter oxytetracycline injection (NADA 8–769), which was evaluated by the National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group. The drug was found to be effective at a dosage of 3 to 5 milligrams per pound (mg/lb) of body weight dosage level in cattle and swine for the above-mentioned disease conditions.

Pfizer has submitted crossover blood level studies establishing bioequivalency between the two product formulations. In addition to a greater drug concentration, the product of this approval provides for a single injection at 9 mg/lb of body weight as an alternative to repeated injections at the 5 mg/lb of body weight dosage level when treating anaplasmosis in cattle. Pfizer has established effectiveness for the single injection regimen through submission of the blood serum antibiotic titration studies, clinical, field, and supporting safety studies. Accordingly, the regulations are amended to add provisions for the 200 mg/ml formulation and its 9 mg/lb dosage regimen.

This approval poses no increased human risk from exposure to oxytetracycline residues because (1) the number of food-producing animals receiving medication will not significantly increase, and (2) the formulation does not change the approved dosage (3 to 5 mg/lb of body weight per day) of the drug except for providing a single dose regimen for treating anaplasmosis in cattle where re-treatment is impractical due to husbandry conditions. In addition, the approval enhances conditions for the drug's safe use in the target animals by reducing the number of injection sites from that currently required by the 50 mg/ml formulation. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; Dec. 23, 1977) the approval of this NADA has been treated as would an approval of a category II supplement and did not require reevaluation of the safety and effectiveness data in Pfizer's related NADA 8–769.

In accordance with the provisions of Part 20 (21 CFR Part 20) promulgated under the Freedom of Information Act (5 U.S.C. 552) and the freedom of information regulations in § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information supporting approval of this application is available for public examination at the office of the Hearing Clerk (HFA–305), Rm. 4–62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under

authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended by adding new § 522.1660 to read as follows:

§ 522.1660 Oxytetracycline injection.

(a) *Specifications.* Each milliliter of sterile solution contains 200 milligrams of oxytetracycline base.

(b) *Sponsor.* See 000069 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Beef cattle and nonlactating dairy cattle*—(i) *Amount.* 3 to 5 milligrams of oxytetracycline per pound of body weight per day; 5 milligrams per pound of body weight per day for treatment of anaplasmosis, severe foot-rot, and advanced cases of other indicated diseases; 9 milligrams per pound of body weight as single dosage where re-treatment for anaplasmosis is impractical.

(ii) *Indications for use.* Treatment of diseases due to oxytetracycline-susceptible organisms as follows: Pneumonia and shipping fever complex associated with *Pasteurella* spp. and *Hemophilus* spp., foot-rot and diphtheria caused by *Fusobacterium necrophorum,* bacterial enteritis (scours) caused by *Escherichia coli,* wooden tongue caused by *Actinobacillus lignieresii,* leptospirosis caused by *Leptospira pomona,* and wound infections and acute metritis caused by *Staphylococcus* spp. and *Streptococcus* spp. If labeled for use by or on the order of a licensed veterinarian, it may also be used for treatment of anaplasmosis caused by *Anaplasma marginale* and anthrax caused by *Bacillus anthracis.*

(iii) *Limitations.* Administer intramuscularly or intravenously at 3 to 5 milligrams level; intramuscularly only at 9 milligrams level. Treatment of all diseases should be instituted early and continued for 24 to 48 hours beyond remission of disease symptoms, but not to exceed a total of 4 consecutive days. Consult your veterinarian if no improvement is noted within 48 hours. Do not inject more than 10 milliliters per site in adult cattle, reducing the volume according to age and body size to 1 to 2 milliliters in small calves. Exceeding the highest recommended dose, administering at recommended levels for more than 4 consecutive days, and/or exceeding 10 milliliters intramuscularly per injection site may result in antibiotic residues beyond the withdrawal time. Discontinue treatment at least 28 days prior to slaughter. Not for use in lactating dairy cattle.

(2) *Swine*—(i) *Amount.* 3 to 5 milligrams of oxytetracycline per pound of body weight per day. Sows: Administer once 3 milligrams of oxytetracycline per pound of body weight, approximately 8 hours before farrowing or immediately after completion of farrowing.

(ii) *Indications for use.* For treatment of bacterial enteritis (scours, colibacillosis) caused by *Escherichia coli,* pneumonia caused by *Pasteurella multocida,* and leptospirosis caused by *Leptospira pomona.* Sows: as an aid in control of infectious enteritis (baby pig scours, colibacillosis) in suckling pigs caused by *Escherichia coli.*

(iii) *Limitations.* Administer intramuscularly. Do not inject more than 5 milliliters per site in adult swine. Discontinue treatment at least 28 days prior to slaughter.

Effective date. March 14, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 7, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80–7708 Filed 3–13–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Oxytocin Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application (NADA) filed by John D. Copanos, Inc., providing for safe and effective use of oxytocin injection for treatment of horses, cattle, swine, sheep, dogs, and cats.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV–123), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1768.

SUPPLEMENTARY INFORMATION: John D. Copanos, Inc., Baltimore, MD 21225, filed a NADA (49–552) providing for use of an injectable oxytocin (containing 20 USP units of the drug per milliliter) in horses, cattle, swine, sheep, dogs, and cats as a uterine contractor and in cattle and swine as a milk-releasing agent.

The product covered by NADA 49–552 is identical to the two oxytocin products that are subjects of the National Academy of Sciences/National Research Council, Drug Efficacy Study Group evaluation that published in the **Federal Register** of February 13, 1969 (34 FR 2146). In that publication, FDA agreed with the Academy's conclusion that the products are effective provided certain labeling revisions were made. Section 522.1680 *Oxytocin injection* (21 CFR 522.1680) reflects those labeling recommendations and specifies those conditions of use for which approval of identical products may require submission of bioequivalency data in lieu of certain types of efficacy data. The labeling for Copanos' product is in compliance with § 522.1680. Also, the firm has submitted data demonstrating bioequivalency between its product and the USP standard. Therefore, Copanos' application is approved on the basis of generic equivalence.

In accordance with the provisions of Part 20 (21 CFR Part 20) promulgated under the Freedom of Information Act (5 U.S.C. 552) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application is available for public examination at the office of the Hearing Clerk (HFA–305), Rm. 4–62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.1680 by revising paragraph (b) to read as follows:

§ 522.1680 Oxytocin injection.

* * * * *

(b) *Sponsors.* See Nos. 000010, 000381, 000845, 000856, 010271, 012481, 015562, and 032420 in § 510.600(c) of this chapter.

* * * * *

Effective date. This amendment is effective March 14, 1980.

(Sec. 512(1), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 7, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80–7711 Filed 3–13–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Sterile Prednisolone Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

V 45/52 MR 14 80 UMI

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations for sterile prednisolone suspension to indicate those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data. These conditions of use were classified as effective as a result of a National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group evaluation of the product. In lieu of certain effectiveness data, approval may require submission of bioequivalence or similar data. A previous **Federal Register** publication has reflected that this product is in compliance with the conclusions of the review.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Henry C. Hewitt, Bureau of Veterinary Medicine (HFV–110), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: The NAS/NRC review of this product was published in the **Federal Register** of April 12, 1969 (34 FR 6447). In that document, the Academy concluded, and FDA concurred, that the product was effective as an anti-inflammatory agent for use in certain animals.

That announcement was issued to inform holders of new animal drug applications (NADA's) of the findings of the Academy and the FDA, and to inform all interested persons that such articles could be marketed if they were the subject of approved NADA's and otherwise complied with the requirements of the Federal Food, Drug, and Cosmetic Act.

Maurry Biological Co., Inc., 6109 South Western Avenue, Los Angeles, California 90047, responded to the notice by submitting a supplemental NADA (12–444) providing current information covering manufacturing and controls and revising the labeling for the safe and effective use of the product as an anti-inflammatory agent in dogs, horses, and cats. The supplemental application was approved by a regulation published in the **Federal Register** of May 11, 1973 (38 FR 12399). The regulations reflecting this approval established a new section for the drug in 21 CFR 135b.92, recodified at 21 CFR 522.1880. The new section did not specify those conditions of use that were NAS/NRC approved.

This document amends the regulations to indicate those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data required for approval by § 514.111(a)(5)(vi) of the new animal drug regulations. In lieu of those data, approval of applications for such products may be obtained if bioequivalency or similar data are submitted as suggested in the guideline for submitting NADA's for generic drugs reviewed by the NAS/NRC. The guideline is available from the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville MD 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.1880 by adding after paragraph (c) (1), (2), (4), and (5) the footnote reference "[1]":

§ 522.1880 Sterile prednisolone suspension.

* * * * *

(c) *Conditions of use.* (1) * * *[1]
(2) * * *[1]

* * * * *

(4) * * *[1]
(5) * * *[1]

and by adding at the end of the section the footnote to read as follows:

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

Effective date. This regulation shall be effective March 14, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 7, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80–7713 Filed 3–13–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Prednisolone Sodium Succinate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulation for prednisolone sodium succinate injection to indicate those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data. These conditions of use were classified as effective as a result of a National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group evaluation of the product. In lieu of certain effectiveness data, approval may require submission of bioequivalence or similar data. A previous **Federal Register** publication has reflected that this product is in compliance with the conclusions of the review.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Henry C. Hewitt, Bureau of Veterinary Medicine (HFV–110), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: The NAS/NRC review of this product was published in the **Federal Register** of April 12, 1969 (34 FR 6447). In that document, the Academy concluded, and FDA concurred, that the product was effective as an anti-inflammatory agent for use in certain animals.

That announcement was issued to inform holders of new animal drug applications (NADA's) of the findings of the Academy and the agency, and to inform all interested persons that such articles could be marketed if they were the subject of approved NADA's and otherwise complied with the requirements of the Federal Food, Drug, and Cosmetic Act. The Upjohn Co., Kalamazoo, MI 49001, responded to the notice by submitting a supplemental NADA (11–593V) providing current information covering manufacturing and controls and revising the labeling for the safe and effective use of the product as an anti-inflammatory agent in dogs, cats, and horses. The supplemental application was approved by a regulation published in the **Federal Register** of January 22, 1973 (38 FR 2174). The regulation reflecting this approval established a new section for the drug in 21 CFR 135b.35, recodified at 21 CFR 522.1884. The new section did not specify those conditions of use that were NAS/NRC approved.

This document amends the regulations to indicate those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data required for approval by § 514.111(a)(5)(vi) of the new animal drug regulations. In lieu of those data, approval of applications for such products may be obtained if bioequivalency or similar data are submitted as suggested in the guideline for submitting NADA's for generic drugs reviewed by the NAS/NRC. The guideline is available from the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.1884 by adding after paragraph (d) (1), (2), and (3) the footnote reference [1] and by adding at the end of the section the footnote to read as follows:

§ 522.1884 Prednisolone sodium succinate injection.

* * * * *

(d) *Conditions of use.* (1) 1* * *[1]
(2) * * *[1]
(3) * * *[1]

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

Effective date. This regulation shall be effective March 14, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 7, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80–7714 Filed 3–13–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Phenylbutazone Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulation for phenylbutazone injection to indicate those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data. These conditions of use were classified as effective as a result of a National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group evaluation of the product. In lieu of certain effectiveness data, approval may require submission of bioequivalence or similar data. An earlier **Federal Register** publication has reflected that this product is in compliance with the conclusions of the review.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Henry C. Hewitt, Bureau of Veterinary Medicine (HFV–110), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: The NAS/NRC review of this product was published in the **Federal Register** of August 12, 1970 (35 FR 12790). In that document, the Academy concluded, and FDA concurred, that the product was probably effective as a nonhormonal anti-inflammatory agent for use in horses and dogs.

That announcement was issued to inform holders of new animal drug applications (NADA's) of the findings of the Academy and the agency, and to inform all interested persons that such articles could be marketed if they were the subject of approved NADA's and otherwise complied with the requirements of the Federal Food, Drug, and Cosmetic Act.

Jensen-Salsbery Laboratories, Division of Burroughs Wellcome Co., Kansas City, MO 64141, responded to the notice by submitting a supplemental NADA (11–575V) providing current information covering manufacturing and controls and revising the labeling for the safe and effective use of the product for the relief of inflammatory conditions associated with the musculoskeletal system in dogs and horses. The supplemental application was approved by a regulation published in the **Federal Register** of May 26, 1972 (37 FR 10662). The regulations reflecting this aproval established a new section for the drug in 21 CFR 522.1720. The new section did not specify those conditions of use that were NAS/NRC approved.

This document amends the regulations to indicate those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data required for approval by § 514.111(a)(5)(vi) of the new animal drug regulations. In lieu of those data, approval of applications for such products may be obtained if bioequivalency of similar data are submitted as suggested in the guideline for submitting NADA's for generic drugs reviewed by the NAS/NRC. The guideline is available from the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.1720 by adding after paragraph (c) (1), (2), and (3) and (d) (1), (2), (3), and (4) the footnote reference [1]

§ 522.1720 Phenylbutazone injection.

* * * * *

(c) *Conditions of use for dogs.* (1) * * *[1]
(2) * * *[1]
(3) * * *[1]
(d) *Conditions of use for horses. (1)* * * *[1]
(2) * * *[1]
(3) * * *[1]
(4) * * *[1]

and by adding at the end of the section the footnote to read as follows:

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

Effective date. This regulation shall be effective March 14, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 7, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80–7715 Filed 3–13–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 522

Chloral Hydrate, Pentobarbital, and Magnesium Sulfate Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revoking that portion of the animal drug regulations reflecting approval of a new animal drug application (NADA) providing for use of Equi-Thesin injection as an anesthetic in horses and cattle. The withdrawal of approval has been requested by the sponsor, Jensen-Salsbery Laboratories, Division of Burroughs Wellcome Co.

EFFECTIVE DATE: March 24, 1980.

FOR FURTHER INFORMATION CONTACT: Walter L. Sessions, Bureau of Veterinary Medicine (HFV–216), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4093.

SUPPLEMENTARY INFORMATION: In a notice published elsewhere in this issue of the **Federal Register** approval of NADA 5–609 is withdrawn. This document amends the regulations to delete that portion which reflects approval of the NADA.

V 45/52 MR 14 80 UMI

V 45/52 MR 1480 UMI

§ 522.380 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84), Part 522 is amended in § 522.380 *Chloral hydrate, pentobarbital, and magnesium sulfate sterile aqueous solution* by revoking paragraph (a) and reserving it for future use.

Effective date. This regulation shall be effective March 24, 1980.

(Sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e)).)

Dated: March 7, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80-7710 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 540

Penicillin Antibiotic Drugs for Animal Use; Procaine Penicillin G in Oil

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulation for procaine penicillin G in oil to indicate those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data. These conditions of use were classified as effective as a result of a National Academy of Sciences/National Research Council (NAS/NRC) Drug Efficacy Study Group evaluation of the product. In lieu of certain effectiveness data, approval may require submission of bioequivalence or similar data. An earlier **Federal Register** publication has reflected that this product is in compliance with the conclusions of the review.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Henry C. Hewitt, Bureau of Veterinary Medicine (HFV–110), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: The NAS/NRC review of this product was published in the **Federal Register** of August 25, 1970 (35 FR 13536). In that document, the Academy concluded, and FDA concurred, that the product was probably effective for the treatment of animal diseases when such diseases are caused by pathogens sensitive to penicillin.

That announcement was issued to inform holders of new animal drug applications (NADA's) of the findings of the Academy and the agency, and to inform all interested persons that such articles could be marketed if they were the subject of approved NADA's and otherwise complied with the requirements of the Federal Food, Drug, and Cosmetic Act.

E. R. Squibb & Sons, Inc., P.O. Box 4000, Princeton, NJ 08540, responded to the notice by submitting a supplemental NADA (65–130V) providing current information covering manufacturing and controls and revising the labeling for the safe and effective use of the product for the treatment of infections caused by penicillin-susceptible organisms in dogs, cats, and horses. The supplemental application was approved by a regulation published in the **Federal Register** of October 26, 1973 (38 FR 29578). The regulations reflecting this approval established a new section for the drug in 21 CFR 135b.96, recodifed at 21 CFR 540.274c. The new section did not specify those conditions of use that were NAS/NRC approved.

This document amends the regulations to indicate those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data required for approval by § 514.111(a)(5)(vi) of the new animal drug regulations. In lieu of those data, approval of applications for such products may be obtained if bioequivalency or similar data are submitted as suggested in the guideline for submitting NADA's for generic drugs reviewed by the NAS/NRC. The guideline is available from the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 540 is amended in § 540.274c by adding after paragraph (c)(3) (i), (ii), and (iii) the footnote reference "[1]" and by adding at the end of the section the footnote to read as follows:

§ 540.274c Procaine penicillin G in oil.

* * * * *

(c) * * *

(3) * * *

(i) * * * [1]

(ii) * * * [1]

(iii) * * * [1]

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

Effective date. This regulation shall be effective March 14, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 7, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80-7712 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lasalocid Sodium

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Hoffmann-La Roche, Inc., providing for safe and effective use of a 50 percent lasalocid sodium premix, in addition to the currently approved 15 and 20 percent lasalocid premixes, to be used in making complete chicken feeds.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV–149), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4313.

SUPPLEMENTARY INFORMATION: Hoffmann-La Roche, Inc., Nutley, NJ 07110, filed a supplemental NADA (96–298) providing for the use of a 50 percent lasalocid sodium premix in addition to the currently approved 15 and 20 percent premixes. In accordance with the current animal drug regulations, these premixes are used to make complete chicken feeds containing 68 to 113 grams per ton of lasalocid for the prevention of certain forms of coccidiosis.

The Bureau of Veterinary Medicine (BVM) concludes that approval of this supplemental NADA poses no increased human risk from exposure to residues of the new animal drug, lasalocid sodium, because the higher concentration premix will be diluted to currently regulated levels in complete chicken feeds. Accordingly, under BVM's supplemental approval policy, published in the **Federal Register** of December 23, 1977 (42 FR 64367), this approval did not require reevaluation of the safety and effectiveness data in the parent application.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.311 by revising paragraph (b) to read as follows:

§ 558.311 Lasalocid sodium.

* * * * *

(b) *Approvals.* Premix levels of 68, 90.7, and 226.8 grams per pound of lasalocid sodium activity are granted to No. 000004 in § 510.600(c) of this chapter.

* * * * *

Effective date. This regulation is effective March 14, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 6, 1980.

Robert A. Baldwin,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 80-7705 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Bambermycins

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by American Hoechst Corp. providing for an increased maximum level of bambermycins in feed supplements that are used to make finished growing-finishing swine feeds.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV–149), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4913.

SUPPLEMENTARY INFORMATION: American Hoechst Corp., Rt. 202–206 North, Somerville, NJ 08876, filed a supplemental NADA (44–759) providing for an increase in the maximum level of bambermycins in feed supplements from 40 grams per ton to 80 grams per ton. The supplemental feeds are used to make finished growing-finishing swine feeds. The resulting finished feeds are indicated for increased rate of weight gain and improved feed efficiency or solely for the former indication.

The Bureau of Veterinary Medicine concludes that approval of this supplemental application poses no increased human risk from exposure to residues of the new animal drug bambermycins, because the number of food-producing animals receiving medication will not significantly increase as a result of this approval and because the drug dosage level in finished feeds is unchanged. Accordingly, under the Bureau's supplemental NADA approval policy (see the **Federal Register** of December 23, 1977 (42 FR 64367)), this Category II approval did not require a reevaluation of the safety and efficacy data supporting the parent application.

In accordance with the provisions of Part 20 (21 CFR Part 20) promulgated under the Freedom of Information Act (5 U.S.C. 552) and the freedom of information regulations in § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information supporting approval of this application is available for public examination at the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.95 by revising paragraph (d)(2) to read as follows:

§ 558.95 Bambermycins.

* * * * *

(d) * * *

(2) Feed supplements containing not more than 80 grams of bambermycins per ton used to make finished growing-finishing swine feeds containing bambermycins as the sole drug and conforming to paragraph (e)(2) of this section.

Effective date. This amendment is effective March 14, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 5, 1980.

Donald A. Gable,

Deputy Associate Director for Scientific Evaluation.

[FR Doc. 80-7581 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 1050

[Docket No. 76N–0034]

Ultrasonic Therapy Products; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: In FR Doc. 78–4367 appearing at page 7166 in the **Federal Register** of Friday, February 17, 1978, on page 7172, Part 1050 is corrected in § 1050.10 *Ultrasonic therapy products* by changing the authority citation at the end of the section to read "(Sec. 358, 82 Stat. 1177–1179 (42 U.S.C. 263f).)"

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Agnes B. Black, Federal Register Writer's Office (HFC–11), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2994.

Dated: March 6, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-7717 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 5

[T.D. 7685]

Corporations Filing Consolidated Returns Subject to at Risk Limitations Under Section 465

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations relating to the at risk limitations as they affect an affiliated group that files a consolidated return. Changes to the applicable law were made by the Tax Reform Act of 1976 and the Revenue Act of 1978. The regulations would provide the public with the guidance needed to comply with the Acts and would affect certain closely-held corporations that join with their subsidiaries in filing a consolidated return.

DATES: The amendments are effective for taxable years for which the due date (without extensions) for filing returns is after March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Lawrence M. Axelrod of the Legislation and Regulations Division, Office of the

V 45/52 MR 14 80 UMI

Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention CC:LR:T (202–566–3458, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations relating to the at risk limitations under section 465, as amended by section 202 of the Revenue Act of 1978 with respect to the effect of those limitations on corporations that join with their subsidiaries in filing a consolidated return. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

Under section 465, as amended by the Revenue Act of 1978, a corporation which meets the stock ownership test for a personal holding company may deduct losses attributable to any of its activities (other than the holding of real estate and equipment leasing) only to the extent that it has amounts at risk in the activity. In general, the stock ownership test is met if 50 percent in value of a corporation's outstanding stock is owned, directly or indirectly, by not more than five individuals. Prior to the Revene Act of 1978, section 465, as enacted by the Tax Reform Act of 1976, applied the at risk limitations only to corporations that were either personal holding companies or Subchapter S corporations. Under section 542, a corporation is a personal holding company if it satisfies two requirements, an adjusted ordinary gross income requirement and a stock ownership requirement. Section 202 of the Revenue Act of 1978 amended section 465 to apply the at risk limitations to all corporations that satisfy the stock ownership test, regardless of whether the adjusted gross income test is met. The Report of the House Ways and Means Committee states that, in the case of an affiliated group, revised section 465 is to apply to all corporations in the group if it applies to the common parent. H.R. Rep. No. 95–1445, 95th Cong., 2d Sess. 69 (1978).

The Treasury Department understands that taxpayers are actively considering a transaction or plan to avoid the at risk limitations. Under the plan, a corporation forms a subsidiary with a nominal capital investment, the subsidiary goes at risk in some activity, and the corporation uses losses of the subsidiary through the filing of a consolidated return. It is claimed that since the subsidiary is technically "at risk" in the activity, deductions are not barred by section 465.

If an activity is conducted directly by the parent without risk, section 465 disallows the corporation from deducting any loss from the activity. To permit a corporation to receive the tax benefit of such a loss, in a case in which the activity is conducted by a subsidiary (without any true economic risk) and the corporation and subsidiary file a consolidated return, would frustrate the congressional mandate embodied in section 465.

Under section 1502, the Secretary is delegated broad power to prescribe regulations in order that the tax liability of any affiliated group of corporations making a consolidated return may be clearly reflected and in order to prevent avoidance of such tax liability. Under the temporary regulations, if a parent meets the stock ownership test for a personal holding company, a subsidairy's loss from an activity to which section 465 applies will be allowed as a deduction on a consolidated return only to the extent that the parent is at risk in the activity of a subsidiary, under the principles of section 465, as of the close of the subsidiary's taxable year.

Under section 1503(a), consolidated return regulations must be adopted before the due date of the return for a taxable year, to be effective for that year. Therefore, to be effective for taxable years ending on or after December 31, 1979, it is impracticable to issue the regulations under the usual notice procedures. The temporary regulations will be effective for taxable years for which the due date (without extensions) for filing returns is after March 14, 1980.

Drafting information

The principal author of this regulation is Lawrence M. Axelrod of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations both on matters of substance and style.

Adoption of amendments to the regulations.

Part 5 of Title 26 of the Code of Federal Regulations is amended by adding a new § 5.1502–45 to read as follows:

PART 5—TEMPORARY INCOME TAX REGULATIONS UNDER THE REVENUE ACT OF 1978

§ 5.1502–45 Limitation on losses to amount at risk.

(a) *In general*—(1) *Scope.* This section applies to a loss of any subsidiary if the common parent's stock meets the stock ownership requirement described in section 465(a)(1)(C).

(2) *Limitation on use of losses.* Except as provided in paragraph (a)(4) of this section, a loss from an activity of a subsidiary during a consolidated return year is includible in the computation of consolidated taxable income (or consolidated net operating loss) and consolidated capital gain net income (or consolidated net capital loss) only to the extent the loss does not exceed the amount that the parent is at risk in the activity at the close of that subsidiary's taxable year. In addition, the sum of a subsidiary's losses from all its activities is includible only to the extent that the parent is at risk in the subsidiary at the close of that year. Any excess may not be taken into account for the consolidated return year but will be treated as a deduction allocable to that activity of the subsidiary in the first succeeding taxable year.

(3) *Amount parent is at risk in subsidiary's activity.* The amount the parent is at risk in an activity of a subsidiary is the lesser of (i) the amount the parent is at risk in the subsidiary or (ii) the amount the subsidiary is at risk in the activity. These amounts are determined under paragraph (b) of this section and the principles of section 465. See section 465 and the regulations thereunder and the examples in paragraph (e) of this section.

(4) *Excluded activities.* The limitation on the use of losses in paragraph (a)(2) of this section does not apply to a loss attributable to an activity described in section 465(c)(3)(D).

(5) *Substance over form.* Any transaction or arrangement between members (or between a member and a person that is not a member) which does not cause the parent to be economically at risk in an activity of a subsidiary will be treated in accordance with the substance of the transaction or arrangement notwithstanding any other provision of this section.

(b) *Rules for determining amount at risk*—(1) *Excluded amounts.* The amount a parent is at risk in an activity of a subsidiary at the close of the subsidiary's taxable year does not include any amount which would not be taken into account under section 465 were the subsidiary not a separate corporation. Thus, for example, if the amount a parent is at risk in the activity of a subsidiary is attributable to nonrecourse financing, the amount at risk is not more than the fair market value of the property (other than the subsidiary's stock or debt or assets) pledged as security.

(2) *Guarantees.* If a parent guarantees a loan by a person other than a member to a subsidiary, the loan increases the amount the parent is at risk in the activity of the subsidiary.

(c) *Application of section 465.* This section applies in a manner consistent with the provisions of section 465. Thus, for example, the recapture of losses provided in section 465(e) applies if the amount the parent is at risk in the activity of a subsidiary is reduced below zero.

(d) *Other consolidated return provisions unaffected.* This section limits only the extent to which losses of a subsidiary may be used in a consolidated return year. This section does not apply for other purposes, such as § 1.1502–32 and § 1.1502–19, relating to investment in stock of a subsidiary and excess loss accounts, repectively. Thus, a loss which reduces a subsidiary's earnings and profits in a consolidated return year, but is disallowed as a deduction for the year by reason of this section, may nonetheless result in a negative adjustment to the basis of an owning member's stock in the subsidiary or create (or increase) an excess loss account.

(e) *Examples.* The provisions of this section may be illustrated by the examples in this paragraph (e). In each example, the stock ownership requirement of section 465(a)(1)(C) is met for the stock of the parent (P), and each affiliated group files a consolidated return on a calendar year basis and comprises only the members described.

Example (1). In 1979, P forms S with a contribution of $200 in exchange for all of S's stock. During the year, S borrows $400 from a commercial lender and P guarantees $100 of the loan. S uses $500 of its funds to acquire a motion picture film. S incurs a loss of $120 for the year with respect to the film. At the close of 1979, the amount P is at risk in S's activity is $300. If S has no gain or loss in 1980, and there are no contributions from or distributions to P, at the close of 1980 P's amount at risk in S's activity will be $180.

Example (2). P forms S–1 with a capital contribution of $1 on January 1, 1980. On February 1, 1980. S–1 borrows $100 with full recourse and contributes all $101 to its newly formed subsidiary S–2. S–2 uses the proceeds to explore for natural oil and gas resources. S–2 incurs neither gain nor loss from its explorations during the taxable year. As of December 31, 1980, P is at risk in the exploration activity of S–2 only to the extent of $1.

(f) *Effective date.* This section applies to consolidated return years ending on or after December 31, 1979.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 637, 917; 26 U.S.C. 1502, 7805).

Jerome Kurtz,
Commissioner of Internal Revenue.

Approved: March 11, 1980.

Donald C. Lubick,
Assistant Secretary of the Treasury.

[FR Doc. 80–8053 Filed 3–12–80; 12:16 pm]

BILLING CODE 4830–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[FRL 1430–3]

State and Local Assistance; Grants for Construction of Treatment Works

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This amendment to the construction grant regulations published on September 27, 1978 (43 FR 44022), allots to the States the $3.4 billion appropriated for fiscal year 1980 by Pub. L. 96–103 for the municipal wastewater treatment works construction grant program. The Senate report on the Appropriations Act includes an allocation implementing Section 205(e) of the Clean Water Act (the Act) which establishes a one-half of one percent allotment floor for all States except American Samoa, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands. This allotment is the same as that in the Senate report.

DATES: This rule is effective March 14, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. Harold P. Cahill, Jr., Director, Municipal Construction Division (WH–547), Environmental Protection Agency, Room 1219 East Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460, phone 202–426–8986.

SUPPLEMENTARY INFORMATION:

Allotment and Implementation of Section 205(e) for Fiscal Year 1980. As required under Section 205(c) of the Clean Water Act, on January 10, 1978, EPA allotted authorizations under Section 207 of the Act for construction grants for Fiscal Years 1978 through 1981. The amounts allotted are shown in § 35.910–8. Under Section 207 of the Act, all such authorizations are subject to the amounts actually appropriated. In Title II of the Department of Housing & Urban Development-Independent Agencies Appropriation Act, 1980 (Pub. L. 96–103, November 5, 1979), Congress appropriated $3.4 billion for Fiscal Year 1980. This amendment to the regulations establishes allotments based on the amount actually appropriated.

The Clean Water Act contains two authorizations for construction grants: an overall authorization in Section 207 to cover allotments of funds among all the States under Section 205(c), and a specific additional authorization in Section 205(e) to provide an allotment floor of one-half of one percent for 12 States whose allotment ratios under Section 205(c) are less than that amount. The Senate report on the Appropriations Act includes a table of allotments which provides for the implementation of Sections 205 (c) and (e) (Senate Report No. 96–258, p. 43).

The figures in the Senate Report were computed as follows: The single appropriation was divided into $3,352,891,869 for basic allotments under Section 205(c), and $47,108,131 to meet the minimum allotments under Section 205(e). Those amounts were determined as follows:

1. Total amount necessary to implement 205(e) based on Clean Water Act authorization of $4,500,000,000 is $63,225,000. This amount was determined by adding the difference between the 205(c) allotments and one-half of one percent of the 205(c) authorization for the 12 States with allotments of less than one-half of one percent. ($4.5 billion) (.005)=$22,400,000.

2. Relationship of total amount necessary to 205(c) authorization.

$$\frac{\$4,563,225,000}{\$4,500,000,000} = 1.01405$$

3. Since the total appropriation was less than $4,563,225,000 a base 205(e) amount must be determined. This can be done by dividing the $3.4 billion appropriated by 1.01405.

$$\frac{\$3,400,000,000}{1.01405} = \$3,352,891,869 \text{ for } 205(c)$$

4. The balance is available for 205(e)

$3,400,000,000
−$3,352,891,869

$47,108,131 for 205(e)

Thus, no State will receive less than one-half of one percent of $3,352,891,869 or $16,764,500 (except for American Samoa, Guam, the Trust Territory of Pacific Islands, the Northern Mariana Islands, and the Virgin Islands, which are authorized a lower amount by law).

Effective Date. This rule allots the FY 1980 construction grant appropriation in accordance with the Appropriation Act and is essentially a technical amendment to the construction grant regulations. Therefore, notice and public comment is unnecessary, and good cause exists to make the regulation effective immediately.

Dated: March 10, 1980.

Douglas M. Costle,

Administrator.

40 CFR, Part 35, Subpart E is amended by adding a new §35.910–11 to read as follows:

§ 35.910–11 Allotment of Fiscal Year 1980 appropriation.

(a) Title II of Pub. L. 96–103 appropriated $3.4 billion. These allotments are available until expended but must be obligated by September 30, 1981. After that date, unobligated balances will be reallotted under Section 205(b) of the Act (see § 35.910–2(b)).

(b) The allotments were computed by applying the percentages in § 35.910–8 (a) and (d) to the funds appropriated for FY 1980 and rounding to the nearest hundred dollars.

(c) The $3.4 billion are alloted as follows:

State	Allotments from funds appropriated under Pub. L. 96–372
Alabama	$43,057,800
Alaska	16,764,500
Arizona	26,008,400
Arkansas	25,190,300
California	266,595,100
Colorado	30,803,000
Connecticut	37,123,200
Delaware	16,764,500
District of Columbia	16,764,500
Florida	126,837,000
Georgia	65,106,400
Hawaii	26,581,700
Idaho	16,764,500
Illinois	174,159,300
Indiana	92,801,300
Iowa	43,430,000
Kansas	29,515,500
Kentucky	49,012,600
Louisiana	42,330,300
Maine	25,129,900
Maryland	93,133,300
Massachusetts	99,051,100
Michigan	138,494,500
Minnesota	62,668,900
Mississippi	32,388,900
Missouri	83,678,100
Montana	16,764,500
Nebraska	19,457,700
Nevada	16,764,500
New Hampshire	29,539,000
New Jersey	119,748,500
New Mexico	16,764,500
New York	356,107,300
North Carolina	66,414,100
North Dakota	16,764,500
Ohio	216,781,200
Oklahoma	31,111,500
Oregon	43,500,400
Pennsylvania	146,239,700
Rhode Island	17,809,400
South Carolina	39,450,100
South Dakota	16,764,500
Tennessee	51,922,900
Texas	148,300,100
Utah	16,764,500
Vermont	16,764,500
Virginia	85,723,400
Washington	59,305,900
West Virginia	60,026,800
Wisconsin	85,391,400
Wyoming	16,764,500
American Samoa	2,085,400
Guam	2,494,500
Puerto Rico	39,342,800
Trust Terr	4,667,200
Virgin Islands	1,267,400
Northern Marianas	462,700
Total	3,400,000,000

[FR Doc. 80–7980 Filed 3–13–80; 8:45 am]

BILLING CODE 6560–01–M

40 CFR Part 52

[FRL 1436–7]

Approval and Promulgation of State Implementation Plans; Final Rulemaking To Disapprove the Colorado State Implementation Plan and Impose Federal Assistance and Stationary Source Construction Limitations

AGENCY: Environmental Protection Agency.

ACTION: Final Rulemaking.

SUMMARY: The purpose of this notice is to disapprove the carbon monoxide and ozone portion of the Colorado State Implementation Plan (SIP) for failure to meet a condition of approval promulgated on October 5, 1979, and February 5, 1980, and to find that the State of Colorado is not making reasonable efforts toward submitting a plan which considers each of the elements required by Section 172 of the Clean Air Act. By this notice, the Administrator is imposing, as of this date, certain limitations on federal assistance normally provided to the State of Colorado under the Clean Air Act (42 USC 7401 *et seq.*), the Clean Water Act (33 USC 1251 *et seq.*) and the Surface Transportation Assistance Act (23 USC 101 *et seq.*). Authority for this action is found in Sections 176(a) and 316 of the Clean Air Act (42 USC 7476(a) and 7516). Disapproval of these portions of the SIP also invokes the ban on construction of major or new or modified stationary sources of carbon monoxide or hydrocarbons in the geographic areas described below, as required by Section 110(a)(2)(I) of the Act (42 USC 7410(a)(2)(I)) and is further explained in 44 FR 38471 (July 2, 1979) and 44 FR 67182 (November 23, 1979).

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street (8AH–A), Denver, Colorado 80295, (303) 837–3471.

SUPPLEMENTAL INFORMATION: This action is being made immediately effective because EPA's intention to do so was previously announced publicly, and because immediate imposition of the funding and construction restrictions is necessary to avoid further degradation of air quality and otherwise carry out the purposes of the Act.

Background

Section 172(b)(11)(B) of the Clean Air Act requires any area which cannot attain primary national ambient air quality standards for carbon monoxide or ozone by 1982 to "establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program." Section 172(b)(10) of the Act requires the State to include in its SIP written evidence of adequate legal authority to implement and enforce the provisions of the plan. Pursuant to these statutory requirements and consistent with the legislative history, EPA determined that the final deadline for submitting assurances of adequate legal authority to carry out a motor vehicle exhaust emissions control program was June 30, 1979 (See 44 FR 20377, April 4, 1979).

In the October 5, 1979, final rulemaking on the Colorado SIP (44 FR 57401), EPA stated that the State of Colorado had satisfied the condition for an extension of the deadline for certification of adequate legal authority for a motor vehicle exhaust emissions control program. During the closing days of the 1979 Legislative Session, some of the legislators misunderstood whether EPA could approve the program established in Senate Bill 1 which included a commitment to study alternative approaches to controlling motor vehicle exhaust emissions and pass appropriate additional legislation by March 1, 1980, to meet requirements in the Clean Air Act. Senate Bill 1 also

established a motor vehicle exhaust emissions control program which would go into effect automatically if the legislature did not adopt additional legislation by March 1, 1980. However, in the October 5, 1979, rulemaking EPA indicated that the program established in Senate Bill 1 was not acceptable and noted specific deficiencies (44 FR 57404–57405). EPA conditionally approved this critical element of the SIP with the provision that the State certify and submit to EPA by March 1, 1980, evidence of adequate legal authority for the required program and corrections to other deficiencies noted in the October 5, 1979, rulemaking.

As of today, the State has not made the necessary certification and no evidence of legal authority has been submitted to EPA as a SIP revision. The State Legislature considered enabling legislation for an I/M Program during the last four sessions. During the 1978 session, Senate Bill 231 was enacted and would have potentially provided adequate legal authority for the required program. However, during the 1979 session, this bill was repealed and replaced with Senate Bill 1 which established an unacceptable program. Thus, EPA believes the State has had ample time and opportunity to adopt the motor vehicle exhaust emissions control program required by Sections 172 (b)(10) and (b)(11)(B) of the Act.

In the October 5, 1979, rulemaking, EPA notified the public of its intention to disapprove the SIP, thereby invoking the stationary source construction moratorium contained in Section 110(a)(2)(I) of the Act and to implement the federal assistance restrictions contained in Sections 176(a) and 316 without delay should the State fail to comply with the conditions and deadlines associated with the October 5, 1979, rulemaking. Comments were received on the proposed deadlines and appropriateness of EPA's intention to impose funding limitations (see 45 FR 7801, February 5, 1980).

Since the State of Colorado has not yet submitted an effective motor vehicle exhaust emissions control program, nor evidence of adequate legal authority for the required program, this final rulemaking withdraws the October 5, 1979, conditional approval and disapproves the carbon monoxide and ozone SIP. This notice also announces EPA's finding that the State is not making reasonable efforts to revise the SIP. As a result, federal assistance and stationary source construction limitations are hereby imposed in the affected nonattainment areas.

Geographic Area

The geographic area to which the limitations apply is coterminous with the nonattainment areas for carbon monoxide and ozone in Colorado, east of the Continental Divide. These areas were initially defined in the March 3, 1978, **Federal Register**, Part II (43 CFR 8977), and the September 11, 1978, **Federal Register**, Part V (43 FR 40422), and subsequently modified in the August 17, 1979, **Federal Register** (44 FR 48285) and the November 6, 1979, **Federal Register** (44 FR 64078).

This area includes the Greeley and Fort Collins AQMA Analysis areas, as defined on maps which were submitted to EPA by the State for approval and were subsequently approved by EPA on March 3, and September 11, 1978, as cited above, the counties of Arapahoe, Adams, Denver, Jefferson, Boulder and Douglas and the Colorado Springs 3–C Urbanized Area as defined by the Pikes Peak Area Council of Governments, the official Colorado Springs Metropolitan Planning Organization (MPO). The Colorado SIP includes a definition (map) of the Colorado Springs 3–C area. This area includes the City of Colorado Springs, and additional areas expected to be urbanized by the year 2000. It occupies roughly one third of El Paso County.

Effect of Rule

Since the State of Colorado SIP is disapproved and does not satisfy the Part D requirements for carbon monoxide and ozone, section 110(a)(2)(I) of the Act prohibits construction of new major or modified stationary sources of CO or hydrocarbons in these areas unless the source applied for a permit prior to the effective date of this rule. (For further explanation of the construction ban *see* 44 FR 38471 (July 2, 1979), and 44 FR 67182 (November 23, 1979).

Since EPA also finds that the State is not making reasonable efforts to submit a SIP which considers each of the elements required by Section 172, the federal assistance limitations authorized by Section 176(a) are effective. Therefore, as of this date, the EPA Regional Administrator may withhold EPA air grants to the affected areas under 40 CFR Part 30. However, since these grants are directly related to air quality improvement, the Regional Administrator has discretion to continue to award grants under the Act to State and local air quality control agencies designated under Section 174 of the Act, if he finds such grants are necessary for immediate air quality benefits or development, implementation or enforcement of SIP revisions. Also, the Regional Administrator may continue to award air grants to prevent substantial endangering of public health or safety.

EPA's finding that the State of Colorado is not making reasonable efforts to submit a SIP revision also affects transportation-related programs and projects eligible for funding under Title 23, United States Codes (Highways). As of the date of publication of this finding in the **Federal Register**, the Federal Highway Administration (FHWA) of the U.S. Department of Transportation will not approve programs or award grants (i.e. issue authorizations to proceed with work on projects) other than for safety, mass transit, and transportation improvement projects related to air quality improvement or maintenance in the geographic areas described above. Definitions for the various categories of exempted projects developed jointly by EPA and the Department of Transportation, were proposed in 44 FR 33473 (June 11, 1979), and should be used to guide determining which projects may be approved or funded. In accordance with the June 11, 1979, **Federal Register** notice, FHWA will provide the EPA Regional Administrator with information on exempted projects advanced in the areas affected by this federal assistance limitation.

In addition, since the SIP is disapproved, Section 316(b) of the Clean Air Act, authorize EPA to withhold, condition, or restrict grants available under Section 201(g) of the Clean Water Act for sewage treatment facilities. Therefore, the EPA Regional Administrator may withhold grants from local general purpose governments, sanitation districts, or other eligible grantees in the geographic areas described above, for construction or modification of capacity related sewage treatment facilities. Projects within the Front Range nonattainment area, which would create new sewage treatment capacity, and are on the State-approved priority list for funding may be affected by this action. Decisions regarding the applicability of the Section 316 restrictions will be made on a case-by-case basis by EPA after grant applications have been submitted. The EPA Regional Administrator may fund a specific project if he finds that it is needed to prevent a significant public health hazard.

The reason for this action is the failure of the State of Colorado to adopt an acceptable program to reduce motor vehicle emissions from in-use vehicles by the deadline established in Senate Bill 1 of March 1, 1980. In the cases of

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Denver and Colorado Springs, a program to reduce emissions from in-use vehicles such as inspection/maintenance was required because these areas demonstrated a need for an extension of the attainment date beyond 1982. Adoption of an acceptable program for those geographic areas would allow the State of Colorado to regain approved status for its State Implementation Plan and allow lifting of the federal assistance and stationary source limitations. If there is no such action the Federal Government may promulgate a program under Section 110(c); however, the federal promulgation would only lift the stationary source construction ban. Alternatively, if the State were to adopt additional, more stringent measures which demonstrated attainment prior to December 31, 1982, then no I/M program would be required for Denver and Colorado Springs.

The situation in Greeley and Fort Collins is somewhat different. Both of these urban areas are under two hundred thousand in population. According to EPA guidance, urban areas in that population range are not required to adopt an in-use vehicle emission reduction program as a condition of granting an extension in the attainment date beyond 1982. However, the SIP for these areas included emission reduction credit for the I/M program. Thus, although the Colorado legislature has failed to adopt a suitable program, these areas have the option of developing and submitting a SIP revision which commits to attainment of the carbon monoxide standards and identifies alternative control measures to provide for attainment by 1987.

The removal of this limitation will be by **Federal Register** notice and could be proposed at the time of proposal to approve additional materials, including the required evidence of legal authority which may be submitted to EPA by the State of Colorado in response to this disapproval. A thirty day public comment period will be provided prior to final action.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of rulemaking is issued under the authority of Sections 110, 172, 176(a), 301, and 316 of the Clean Air Act, as amended.

Dated: March 12, 1980.

Douglas Costle,

Administrator.

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart G—Colorado

1. Section 52.324(c) is revised as follows:

§ 52.324 Legal authority.

* * * * *

(c) The requirements of § 51.11 of this chapter and sections 172(b)(10) and (b)(11)(B) of the Clean Air Act are not met since no evidence of legal authority to implement and enforce an inspection and maintenance program for in-use motor vehicles has been submitted.

2. Section 52.327 is revised as follows:

§ 52.327 Control strategy: Ozone.

(a) *Part D Disapproval*—The Denver plan is disapproved since the area does not have adequate legal authority to implement and enforce a vehicle emissions control inspection and maintenance program.

3. Section 52.328 is revised as follows:

§ 52.328 Control strategy: Carbon monoxide.

(a) *Part D Disapproval*—The Denver, Colorado Springs, Fort Collins and Greeley Plans are disapproved since these areas do not have legal authority to implement and enforce a vehicle emissions control inspection and maintenance program.

[FR Doc. 80-8081 Filed 3-13-80; 8:45 am]

BILLING CODE 6560-01-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

41 CFR Part 51-4

Workshop Certification; Correction

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Final rule—Correction.

SUMMARY: In 45 FR 10345, February 15, 1980, § 51-4.2 "Procedures for Qualification", paragraph (c) is corrected by adding at the beginning of the first sentence the words "A workshop shall". The sentence, as corrected, reads "A workshop shall submit two completed copies * * * for provision by the workshop."

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, (703) 557-1145.

C. W. Fletcher,

Executive Director.

[FR Doc. 80-7985 Filed 3-13-80; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF ENERGY

41 CFR Parts 109-35, 109-40

Property Management Regulations

CFR Correction

In the July 1, 1979, revision of Title 41 (Chapter 101 to End) of the Code of Federal Regulations, Part 109-35 appearing in Subchapter F—ADP and Telecommunications and Part 109-40 appearing in Subchapter G—Transportation and Motor Vehicles were inadvertently omitted. Parts 109-35 and 109-40 last appeared on pages 881 through 885 of the July 1, 1978, revision of 41 CFR Chapter 101 to End. This material remains in force and effect and will appear in the 1980 revision of Title 41.

Parts 109-35 and 109-40 should read as set forth below.

Subchapter F—ADP and Telecommunications

PART 109-35—TELECOMMUNICATIONS

Sec.

109-35.000 Scope of part.
109-35.000-50 Applicability to contractors.

Subpart 109-35.1—General Provisions

109-35.107 Surveys.
109-35.108 Agency payments to common carriers.

Subpart 109-35.2—Major Changes and New Installations

109-35.202 Definition of major changes.

Subpart 109-35.3—Utilization and Ordering of Telecommunications Services

109-35.304 Changes in telephone listing.
109-35.306 Forms for telegraph messages.

Subpart 109-35.4—Contracting, Negotiation, and Representation Involving Telecommunications Services

109-35.402 Contracting.
109-35.405 Submission of requests.

Authority: Sec. 161, as amended, 68 Stat. 948, sec. 205, 63 Stat. 390, as amended; 42 U.S.C. 2201, 40 U.S.C. 486.

Source: 34 FR 12582, Aug. 1, 1969, unless otherwise noted.

Note: Nomenclature changes affecting this part were published at 40 FR 5364, Feb. 5, 1975.

§ 109-35.000 Scope of part.

This part prescribes ERDA regulations governing telecommunications activities,

which regulations implement Federal Property Management Regulations.

§ 109-35.000-50 Applicability to contractors.

FPMR 101-35, Telecommunications, and ERDA-PMR 109-35, Telecommunications, shall be applied to cost-type contractors' telecommunications activities as follows:

(a) In all respects to cost-type contractors employing telecommunications facilities and services which are wholly owned, leased, or cost reimbursed by the ERDA.

(b) To all other cost-type contractors whose telecommunications costs are directly identifiable and chargeable to ERDA, when such costs are considered significant and to the extent that application of ERDA Manual Chapter 0270 and appendix handbook is practicable.

Subpart 109-35.1—General Provisions

§ 109-35.107 Surveys.

Surveys of ERDA communications facilities requested by GSA will be coordinated through ERDA headquarters.

§ 109-35.108 Agency payments to common carriers.

GSA will advise ERDA Headquarters of its requests for common carrier bills rendered to ERDA.

Subpart 109-35.2—Major Changes and New Installations

§ 109-35.202 Definition of major changes.

For the purpose of this Subpart 109-35.2, the following shall be deemed major changes or new installations of telecommunications facilities:

(a) *Local telephone service.* In connection with § 101-35.202(a)(6), installation or removal of tielines between the gateway PBX and satellite PBX's on the same site shall not be deemed major changes or new installations requiring GSA review. Significant increases or decreases in the number of these lines or other information which could have an effect on the FTS traffic load will be reported to GSA.

(b) *Intercity telephone service.* Applies as written in § 101-35.202.

(c) *Data transmission service.* Installation or removal of local data transmission channels or equipment which are used exclusively for onsite transmission (i.e., in the sense that there can be no direct transmission by the channel or equipment off the site) shall not require GSA approval. This, however, does not preclude compliance with the requirement of Subpart 101-35.202a.(9).

(d) *Telegraph service.* Installation or removal of exclusively onsite (i.e., in the sense that there can be no direct transmission by the equipment off the site) teletype leased lines and associated equipment shall not be deemed major change or new installation.

(e) *Communications security service.* The GSA/ERDA Agreement relating to communications security service provides information for GSA review in this area. No additional information need be provided by ERDA with respect to facilities covered by that Agreement.

(f) *Radio service.* Notification to GSA may be made through the GSA member of the Interdepartment Radio Advisory Committee (IRAC). ERDA need provide additional information with respect to matters reported to IRAC only if specifically requested by GSA. For purposes of radio service, calculation of the 20 regular working days referred to in FPMR 101-35.201 shall begin on the date the GSA member of IRAC is advised of the proposed ERDA action. GSA will review applications filed for "Telephone Action" and will informally advise ERDA of recommendations, if any, within 5 working days from the date of receipt of the application from IRAC.

(g) *Video and audio service.* The requirements of this paragraph shall not apply to exclusively onsite equipment (i.e., in the sense that there can be no direct transmission by the equipment or channels off the site).

Subpart 109-35.3—Utilization and Ordering of Telecommunications Services

§ 109-35.304 Changes in telephone listing.

ERDA is required to use Standard Form 146 only in connection with joint use switchboards not operated by ERDA or its contractors.

§ 109-35.306 Forms for telegraph messages.

ERDA is required to use Standard Form 14 only in connection with ERDA contractors' use of GSA-operated teletypewriter centers.

Subpart 109-35.4—Contracting, Negotiation, and Representation Involving Telecommunications Services

§ 109-35.402 Contracting.

Copies of existing ERDA communications common carrier contracts shall be furnished to GSA for information and analysis.

§ 109-35.405 Submission of requests.

Field office requests for GSA assistance will be submitted through ERDA Headquarters.

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 109-40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Sec.

109-40.000 Scope of part.
109-40.000-50 Applicability to contractors.
109-40.1 General provisions.
109-40.102 Representation before regulatory bodies.
109-40.106 Reports.
109-40.109 Utilization of special contracts and agreements.
109-40.3 Freight rates, routes, and services.
109-40.303-2 Cost consideration.
109-40.305-3 Negotiation by other agencies.
109-40.305-5 Reports of agency negotiations.
109-40.305-50 Negotiations involving national security.
109-40.307 Tonnage reports.
109-40.50 Bills of lading.
109-40.5000 Scope of subpart.
109-40.5001 Policy.
109-40.5002 Applicability.
109-40.5003 Commercial bills of lading or commercial express receipts.
109-40.5004 Government bills of lading.
109-40.51 Price-Anderson coverage certifications.
109-40.5100 Scope of subpart.
109-40.5101 Policy.

Authority: Sec. 161, as amended, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, as amended, 63 Stat. 390; 40 U.S.C. 486.

Source: 33 FR 4140, Mar. 5, 1968, unless otherwise noted.

Note: Nomenclature changes affecting this part were published at 40 FR 5364, Feb. 5, 1975.

§ 109-40.000 Scope of part.

This part prescribes ERDA regulations governing transportation and traffic management activities, which regulations implement and supplement Federal Property Management Regulations.

§ 109-40.000-50 Applicability to contractors.

FPMR Part 101-40, Transportation and Traffic Management, and ERDA-PMR 109-40, Transportation and Traffic Management, should be applied to cost-type contractors' transportation and traffic management activities. Departure by cost-type contractors from the provisions of these regulations may be authorized by the contracting officer provided the practices and procedures followed are consistent with the basic policy objectives in these regulations and except to the extent such departure is prohibited by statute or executive order.

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§ 109–40.1 General provisions.

§ 109–40.102 Representation before regulatory bodies.

Participation in proceedings related to carrier applications to regulatory bodies for temporary or permanent authority to operate in specified geographical locations shall be confined to statements or testimony in support of a need for service and shall not extend to support of individual carriers or groups of carriers.

§ 109–40.106 Reports.

Reports which are specifically requested by GSA or are prescribed in Federal Property Management Regulation 101–40 shall be submitted to the Division of Waste Management and Transportation five days prior to the established due date so as to permit timely transmittal to GSA. The format to be used by field offices for reporting as indicated above shall be as prescribed in the specific requests or appropriate section of the FPMR.

[33 FR 4140, Mar. 5, 1968, as amended at 38 FR 22549, Aug. 22, 1973]

§ 109–40.109 Utilization of special contracts and agreements.

From time to time special transportation agreements are entered into on a Government-wide or an ERDA-wide basis and are applicable generally to ERDA shipments. The Division of Waste Management and Transportation will distribute information on such agreements to field offices as it becomes available.

[33 FR 4140, Mar. 5, 1968, as amended at 38 FR 22549, Aug. 22, 1973]

§ 109–40.3 Freight rates, routes, and services.

§ 109–40.303–2 Cost consideration.

Premium transportation shall be used only when the additional cost is clearly justified. When premium transportation is used for shipments in excess of 500 pounds, a written statement supporting the use of such transportation shall be retained in an appropriate file.

§ 109–40.305–3 Negotiation by other agencies.

The limitations in FPMR 101–40.305–3(a) do not apply to the initiation and conduct of negotiations for freight rates and services related to shipments of nuclear weapons and radioactive and fissile materials.

§ 109–40.305–5 Reports of agency negotiations.

Subject to the provisions of FPMR 101–40.305–5 a complete report of each negotiation (other than those related to nuclear weapons, radioactive and fissile material shipments, and all other commodities when the quantity involved is less than 100 short tons of a single commodity or mixed commodities to be moved by common carrier from the same consignor to the same consignee within a 30-day period) shall be submitted to the Division of Waste Management and Transportation promptly after each negotiation is completed for transmittal to GSA. Each report shall be in memorandum form referencing FPMR 101–40.305–5 and shall contain the data prescribed in the FPMR's. Classified information shall not be included in the reports.

[33 FR 4140, Mar. 5, 1968, as amended at 38 FR 22549, Aug. 22, 1973]

§ 109–40.305–50 Negotiations involving national security.

Title 49 U.S.C., section 22, as amended by Pub. L. 85–246, provides that rate tenders to the Government must be filed by the carriers with the Interstate Commerce Commission except for "any quotation or tender which, as indicated by the U.S. Government, or any agency or Department thereof, to any carrier or carriers, involves information the disclosure of which would endanger the national security." Carriers will be informed by the negotiating official if any quotation or tender to the Energy Research and Development Administration involves such information.

§ 109–40.307 Tonnage reports.

Tonnage reports required by FPMR 101–40.307 shall be submitted to the Division of Waste Management and Transportation 5 working days before the end of each calendar month so as to allow for timely transmittal to GSA. Tonnage representing commodities under ERDA negotiated rates authorized by ERDA–PMR 109–40.305–3 shall not be reported to GSA.

[33 FR 4140, Mar. 5, 1968, as amended at 38 FR 22549, Aug. 22, 1973]

§ 109–40.50 Bills of lading.

§ 109–40.5000 Scope of subpart.

This subpart sets forth the requirements under which commercial or Government bills of lading or express receipts may be used.

§ 109–40.5001 Policy.

Generally ERDA cost-type contractors will use commercial bills of lading or commercial express receipts in making shipments for the account of the ERDA. Cost-type contractors may be authorized by the contracting officer to use Government bills of lading if such use will be advantageous to the Government.

§ 109–40.5002 Applicability.

The policy and procedures set forth in this subpart shall be applied when ERDA's cost-type contractors use commercial bills of lading or commercial express receipts.

§ 109–40.5003 Commercial bills of lading or commercial express receipts.

(a) ERDA's cost-type contractors using commercial bills of lading in making shipments for the account of the Energy Research Development Administration shall include the following statement or one substantially the same on all commercial bills of lading:

This shipment is for the account of the U.S. Government which will assume the freight charges and is subject to the terms and conditions set forth in the standard form of the U.S. Government bills of lading and to any available special rates or charges.

(b) The foregoing language may be varied without materially changing its substance to satisfy the needs of particular cost-type contractors for the purpose of obtaining the benefit of the lowest available rates for the account of the Government.

(c) Where practicable, commercial bills of lading or express receipts may provide for consignment of a shipment to the Energy Research Development Administration c/o the cost-type contractor or may indicate consignment by the contractor "for the Energy Research Development Administration."

(d) Commercial bills of lading exceeding $10,000 issued by cost-type contractors shall be annotated with a typewritten, rubber stamp, or similar impression containing the following wording:

Equal Employment Opportunity

The nondiscrimination clauses contained in section 202 of Executive Order 11246 relative to equal employment opportunity for all persons without regard to race, creed, color, or national origin, and the implementing rules and regulations of the President's Committee on Equal Employment Opportunity which, to the extent not inconsistent with Executive Order 11246, remain in full force and effect as those of the Secretary of Labor, are incorporated herein.

§ 109–40.5004 Government bills of lading.

(a) Before any Government bill of lading which has not been revised to include reference to Executive Order 10925, as amended, or Executive Order 11246 is issued for use by ERDA or cost-type contractors (where authorized) at least the original (SF 1103) and shipping order copy (SF 1104) shall be annotated with a typewritten, rubber stamp, or similar impression containing the following wording:

Equal Employment Opportunity

Condition 9 hereof is revised as follows. The nondiscrimination clauses contained in section 202 of Executive Order 11246 relative to equal employment opportunity for all persons without regard to race, creed, color or national origin and the implementing rules and regulations prescribed by the Secretary of Labor, are incorporated herein.

(b) In those instances when ERDA cost-type contractors are authorized to use Government bills of lading, specific employees of cost-type contractors will be authorized by the contracting officer to issue such Government bills of lading. (See Title V, U.S. Government Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.)

§ 109–40.51 Price-Anderson coverage certifications.

§ 109–40.5100 Scope of subpart.

This subpart sets forth the policy for issuance of certifications regarding Price-Anderson coverage of particular shipments.

§ 109–40.5101 Policy.

Upon request of a carrier, an appropriate certification will be issued by an authorized representative of the Energy Research Development Administration to the carrier regarding the applicability of Price-Anderson indemnity to a particular shipment.

BILLING CODE 6820–26–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

Cedar Rapids and Iowa City Railway Co. Authorized to Operate Over Tracks Embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1431.

SUMMARY: This order authorizes the Cedar Rapids and Iowa City Railway Company to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) between Middle Amana, Iowa, and Cedar Rapids where MILW has been operating under trackage rights; and over certain terminal and industry tracks in Cedar Rapids between Milepost 86 and Milepost 87 in order to serve the 6th Street Power Station. This provides for the continuation of service to shippers which would otherwise be deprived of essential railroad services.

EFFECTIVE DATES: 12:01 a.m., March 1, 1980, and continuing in effect until 11:59 p.m., March 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Decided: February 29, 1980.

By Order No. 290A, dated February 25, 1980, the United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "core system" as identified by the Court. The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980. The MILW placed Embargo No. 10–80 as directed by the Court, effective on these dates.

The Cedar Rapids and Iowa City Railway Company (CIC) requests an emergency service order to operate over embargoed Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) tracks in order to continue service to shippers on these lines.

It is the opinion of the Commission that an emergency exists requiring the operation by CIC over tracks embargoed by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days notice.

It is ordered,

§ 1033.1431 Service Order No. 1431.

(a) Cedar Rapids and Iowa City Railway Company authorized to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company. The Cedar Rapids and Iowa City Railway Company (CIC), is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) between Middle Amana, Iowa, and Cedar Rapids, Iowa; over the Chicago, Rock Island and Pacific Railroad Company, 4th Street Corridor in Cedar Rapids where MILW has been operating under trackage rights; and over certain terminal and industry tracks in Cedar Rapids between Milepost 86 and Milepost 87 in order to serve the 6th Street Power Station.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by CIC over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed, to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via CIC become effective.

(d) In transporting traffic over these lines, CIC and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *Employees.* In performing the authorized operations the four Articles contained in the draft agreement entitled "*Labor Protection Agreement between Railroad Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads represented by the Rail Labor Organizations operating through the Rail Labor Executives' Association*" (sometimes referred to as the Miami Accords and/or the 13 Principles) presently being circulated to the interested parties for ratification will apply. If the agreement, when ratified, contains modifications, such modifications will apply.

(f) *Effective date.* This order shall become effective at 12:01 a.m., March 1, 1980.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C.,

and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-7986 Filed 3-13-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1064

[Ex Parte No. MC-95 (Sub-2)]

Practices of Motor Common Carriers of Passengers—Checked Baggage Liability Provisions

AGENCY: Interstate Commerce Commission.

ACTION: Reopened proceeding; Provision for cross-service of comments and extension of time for filing replies.

SUMMARY: By prior notice published in the **Federal Register** on January 21, 1980, [45 FR 3912] the Commission requested comments and replies from interested persons in this reopened proceeding on the amount of excess value insurance that motor carriers of passengers (buses) should be required to offer. This decision establishes a procedure for serving the comments which have been filed (on February 20) on other parties and extends the deadline for filing replies.

DATES: Comments must be served on other parties by March 19, 1980.

ADDRESS: Send comments and replies to: Office of Proceedings, Room 5340, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder (202) 275-7693.

SUPPLEMENTARY INFORMATION: By petition filed February 21, 1980, the Commission's Office of Special Counsel requests that the Commission establish a procedure for the cross service of comments in this reopened phase of the proceeding and extend the deadline for filing replies.

In support of the request, OSC points out that the Commission's decision reopening this proceeding and requesting comments and replies of interested persons made no provision for the advance compilation of a service list of participants in this phase similar to the procedure used in prior stages of this proceeding. Nor were the parties directed to serve their comments on other parties so as to facilitate the filing of reply comments.

Accordingly, the Commission is directing those persons who filed comments in response to our prior decision of January 14, 1980, to serve a copy on persons who have previously indicated an interest in this proceeding and those parties who filed comments on February 20, 1980. The National Bus Traffic Association should serve its original evidence on this issue (filed in November, 1979) as well as its supplemental comments filed on February 19, 1980. Comments which include factual allegations should be verified. The following is a complete list (to date) of participants and interested persons; these persons should be served with comments by March 19, 1980.

George W. Hanthorn, 1500 Jackson Street, Dallas, TX 75201;
James A. Clark, Office of Special Counsel (ICC), 12th & Constitution Avenue (Room 2118), Washington, DC 20423;
Lewis P. Ames, 111 West Monroe, 10th Floor, Phoenix, AZ 85003;
Wesley S. Chused, 15 Court Square, Boston, MA 02108;
Debbie Henken, 619 University Place, Evanston, IL 60201;
Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229;
Michael J. Marzano, 99 Kinderkamack Road, Westwood, NJ 07675;
Charles A. Webb, 1800 M St., NW, Washington, DC 20036;
Frank J. Weiner, 15 Court Square, Boston, MA 02108.

Replies should be served on the same persons and filed with the Commission on or before April 8, 1980.

In addition, we are requesting that all parties (except Trailways, Inc. and the National Bus Traffic Association) who may have filed comments on February 20, 1980, refile their comments with the Commission at the address set forth above. Unfortunately, the comments of at least one party were not received in the Office of Proceedings. The Commission wants to ensure that its record is complete.

Notification to the general public will be provided by the mailing of a copy of this notice to the Governor of every State, to the public utilities Commissions or Boards of each State having jurisdiction over passenger bus transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission for public inspection, and by delivering a copy to the Director, Office of the Federal Register.

Decided March 3, 1980.

By the Commission, Gary J. Edles, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-7980 Filed 3-13-80; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 45, No. 52
Friday, March 14, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 831

Retirement; Exclusions From Coverage

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: Under the authority provided in the Civil Service Retirement Act, the Office of Personnel Management is amending the Civil Service Retirement (CSR) regulations to provide coverage to retired employees and Members of Congress who are receiving a CSR annuity, and who are appointed by the President to fill unexpired terms of office limited to one year or less.

DATE: Comments must be received on or before May 13, 1980.

ADDRESS: Comments should be directed to Craig B. Pettibone, Office of Pay and Benefits Policy, Compensation Group, Room 4351, 1900 E St., NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Gus Ghessie, 202-632-4684.

SUPPLEMENTARY INFORMATION: Under section 8347(g) of title 5, United States Code, OPM may exclude from CSR coverage and employee or group of employees in or under an Executive agency who are employed on a temporary (noncareer) basis. Under current regulation, appointments limited to one year or less are excluded from CSR coverage. However, by providing CSR coverage to employee and Member annuitants who are appointed to fill unexpired terms of office by the President which do not exceed one year, employee and Member annuitants in such positions would receive equal entitlement to benefits, as do appointments of annuitants made by the President which exceed one year. While we do not know at this time how many annuitants have been affected by this exclusion in the past, we are aware of at least one case. Therefore, in the interest of equity, we are proposing that the regulation be made effective retroactive to January 1, 1976.

OPM has determined that this is a significant regulation for the purposes of E.O. 12044.

Office of Personnel Management,

Beverly M. Jones,

Issuance System Manager.

Accordingly, it is proposed that 5 CFR 831.201(a)(1) be revised to read as follows:

§ 831.201 Exclusions from retirement coverage.

(a) * * *

(1) Employees serving under appointments limited to one year or less, except annuitants appointed by the President to fill unexpired terms of office on or after January 1, 1976.

* * * * * *

(5 U.S.C. 8347)

[FR Doc. 80-7986 Filed 3-13-80; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 799

Floodplain Management and Wetland Protection

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), USDA.

ACTION: Proposed Rule.

SUMMARY: These proposed regulations prescribe the policy and general guidelines for implementation of Executive Order 11988, (Floodplain Management) and Executive Order 11990, (Protection of Wetlands), in Federal assistance programs administered by the Agricultural Stabilization and Conservation Service. These proposed regulations are in accordance with the U.S. Department of Agriculture Secretary's Memorandum No. 1827, Revised, Supplement No. 1 and the procedures issued in the **Federal Register** on June 9, 1978 (43 FR 25322), which contained the ASCS policies for complying with the Executive Orders. No written comments were received with respect to such published policies.

DATE: Comments must be received on or before May 13, 1980, in order to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments to: Weldon B. Denny, Deputy Administrator, State and County Operations, ASCS, USDA, P.O. Box 2415, Washington, DC 20013, telephone 202-447-7173.

FOR FURTHER INFORMATION CONTACT: Alan Durick, Director, Conservation and Environmental Protection Division, ASCS, USDA, P.O. Box 2415, Washington, DC 20013, telephone 202-447-6221.

SUPPLEMENTARY INFORMATION: On May 24, 1977, the President issued a comprehensive Environmental Quality Message which included Executive Order 11988, concerning Floodplain Management and Executive Order 11990 on Protection of Wetlands (43 FR 6030). Executive Order 11988 provides that agencies should avoid direct or indirect support of floodplain development wherever there is a practicable alternative. Executive Order 11990 directs agencies to avoid adverse impacts associated with destruction or modification of wetlands and to avoid support of new construction in wetlands wherever there is a practicable alternative. These proposed regulations set forth the procedures to be used by the Agricultural Stabilization and Conservation Service in administering agency programs to comply with Executive Orders 11988 and 11990. These proposed regulations are general and address all Federal assistance programs administered by the ASCS.

ASCS administers various commodity, conservation and related programs through State, county, and community committees established in accordance with provisions of section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended (16 USC-590h(b)). The commodity, conservation and related programs are based upon specific legislative authorities. Program guidelines are developed at the national level. As the program guidelines are developed, public participation is sought through public comment and/or hearings. Economic and environmental assessments are developed as needed during the policy decision process.

The programs are generally offered to agricultural producers on a voluntary basis and are administered by the county ASCS committees at the local level. A number of the programs adminstered by ASCS provide financial assistance to individual agricultural producers. ASCS receives a large

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number of requests from agricultural producers for such assistance. Where Federal funds are provided for installing conservation and pollution abatement measures, technical assistance is furnished by the Soil Conservation Service, the Forest Service and others.

In administering its assigned programs, ASCS gives emphasis to conservation and environmental quality protection and improvement. For example, the agency encourages measures which improve water quality and establish wildlife habitat. ASCS does not provide cost-sharing assistance for the purpose of draining wetlands. Also, among the programs that ASCS administers is the Water Bank Program, which provides long-term contracting with agricultural producers to preserve and improve eligible wetlands and adjacent land for migratory waterfowl habitat and other conservation benefits.

The Administrator of ASCS, or his or her designee, is the responsible Federal official for carrying out ASCS programs. County committees, state committees, and directors of Washington divisions, within their respective areas of responsibility and with the assistance of the ASCS representative on the USDA Environmental Quality Committee, shall assist the Administrator in complying with the policies and purposes of the National Environmental Policy Act (NEPA). In particular, these persons shall assist in determining for the purpose of complying with Executive Order 11988 and 11990 whether the quality of the human environment will be significantly affected when the agency implements various programs.

Executive Order 11988 addresses both the need to protect lives and property and the need to restore and preserve the natural and beneficial values served by floodplains. The executive order directs Federal agencies "to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative."

The order further directs all agencies to modify their existing regulations and procedures within the year. The agencies are to incorporate in these procedures the Water Resources Council's (WRC's) July 1976, *Unified National Program for Floodplain Management.* The WRC issued the *Floodplain Management Guidelines for Implementing* Executive Order 11988 in 43 FR 6030 (1978), on February 10, 1978. The Agricultural Stabilization and Conservation Service (ASCS) has utilized the WRC Guidelines in preparing its own rules to comply with Executive Order 11988.

Executive Order 11990 on Protection of Wetlands directs each agency to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. The order directs Federal agencies to provide leadership and take action to minimize the destruction, or loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvement; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regualting and licensing activities.

Section 5 of Executive Order 11990 provides that in carrying out the activities described above, each agency shall consider factors relevant to a proposal's effect on the survival and quality of the wetlands.

Proposed Rule

Accordingly, it is proposed that 7 CFR Part 799 be amended by: (1) Changing the title of Part 799 to read "Environmental Quality and Related Environmental Concerns;" and (2) adding a new "Subpart—Floodplain Management and Wetland Protection" to read as follows:

PART 799—ENVIRONMENTAL QUALITY AND RELATED ENVIRONMENTAL CONCERNS

Subpart—Floodplain Management and Wetland Protection

Sec.

799.15 Purpose.
799.16 Definitions.
799.17 Floodplain management.
799.18 Wetland protection.

Authority: Executive Orders 11988 and 11990 of May 24, 1977 (43 FR 6030).

Subpart—Floodplain Management and Wetland Protection

§ 799.15 Purpose

The purpose of this subpart is to establish agency policies and procedures for carrying out Executive Order 11988 on Floodplain Management and Executive Order 11990 on Protection of Wetlands issued on May 24, 1977.

§ 799.16 Definitions.

(a) "Action" refers to any practice undertaken by an agricultural producer on which the Agricultural Stabilization and Conservation Service (ASCS) provides cost-sharing or the construction of any structure or facility by an agricultural producer on which ASCS makes loans or provides loan guarantees.

(b) "Critical action" means an activity that would be so seriously damaged or would create such hazardous conditions in the event of a flood, that even if the probability of flooding is only slight, such action should not be taken.

(c) "Facility" means any item other than a structure, produced or placed by human labor.

(d) "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland and/or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

(e) "Floodplain" refers to the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year or those areas subject to a 0.2 percent or greater chance of flooding in any given year where critical actions may be taken.

(f) "Practicable" means capable of being done or put into practice with prime consideration given to such factors as cost, best available technology and the environment.

(g) "Practice" means a soil or water conservation effort, a pollution abatement effort or a water quality improvement effort carried out on the land by an agricultural producer under contract with and cost-sharing assistance being granted by ASCS.

(h) "Preserve" means to prevent modification to the natural floodplain environment or to maintain such environment as closely as possible to its natural state or the state which has been generally acceptable for agricultural production.

(i) "Restore" means to re-establish a setting or environment where practicable in which the natural functions of the floodplain can again operate.

(j) "Structures" refers to walled and/or roofed buildings, dams, and diversions.

(k) "Wetlands" refers to wetland types 1–20 as described in Circular 39 of the U.S. Department of Interior, Fish and Wildlife Service, published in 1956 and republished in 1971, or any successor

wetland classification system developed by the Department of Interior. Wetlands are those areas that are naturally inundated by surface or ground water with a frequency sufficient to support a prevalance of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats and natural ponds.

§ 799.17 Floodplain management.

(a) *Policy.* ASCS in carrying out its programs will avoid to the extent possible the long and short term adverse impacts associated with the occupancy or modification of floodplains. This will be accomplished by avoiding direct or indirect support of floodplain development where there is a practicable alternative. The agency will continue to provide leadership and take actions to reduce the risk of flood loss, to minimize the impacts of floods on human safety, health and welfare and to restore and preserve the natural and beneficial values served by floodplains in carrying out its programs. This section is intended to bring ASCS programs and actions into compliance with Executive Order 11988 on Floodplain Management.

The suggested guidelines issued by the Water Resource Council for implementing the Executive Order were used in the preparation of this rule.

(b) *Compatability of ASCS Actions in Floodplains with Executive Order 11988.* (1) Providing assistance in floodplains for the following type actions is normally compatible with Executive Order 11988:

(i) Assistance under a commodity production adjustment program by an agricultural producer on land devoted to agricultural production.

(ii) Assistance to agricultural producers to carry out practices under federally funded conservation programs, unless the ASC county committee determines that implementation would be environmentally detrimental. Such actions would include the establishment or improvement of permanent vegetative or tree cover, filter strips, buffer strips along streams, crop residue management, fencing livestock from streams and establishment of wildlife habitat.

(2) The following type actions located in a floodplain will require additional considerations as set forth in paragraph (c) of this section to be in compliance with Executive Order 11988:

(i) Assistance to an agricultural producer for building or locating a facility or storage structure on land located in a floodplain.

(ii) Assistance for installing practices under conservation type programs that may be detrimental to the environmental if located in a floodplain. Such conservation measures which might be considered as being detrimental to floodplain values would include animal waste control facilities and water storage facilities.

(c) *Steps to be Taken by ASCS.* The following steps will be followed by the county committees before approving assistance requested by an agricultural producer for the installation of a facility, structure or practice in a floodplain for those type actions identified in paragraph (b)(2) of this section. For those practices for which technical assistance is provided by an agency other than ASCS, and such technical agency is required by such agency's regulations to carry out Executive Order 11988 when giving such assistance on actions affecting a floodplain, the county committee shall accept the findings and recommendations of such technical agency, instead of following the procedures set forth in paragraphs (c) (2) through (10) of this section.

(1) A determination shall be made with respect to each request for assistance regarding a facility, structure or practice as to whether such facility, structure or practice is located in a floodplain. Floodplain maps may be obtained from the Federal Insurance Administration, the Department of Housing and Urban Development, the Soil Conservation Service, the Corps of Engineers, the Department of Commerce, the Department of Interior, the U.S. Geological Survey, the States and local governments.

(2) If the requested assistance is in a floodplain, the applicant shall be informed that the President's Executive Order on Floodplain Management provides that such proposed action is subject to the appraisal process in paragraphs (c) (3) to (10) of this section. The applicant shall be advised of any necessary additional information.

(3) Pursuant to the requirements of the National Environmental Policy Act (NEPA) a determination shall be made as to whether the proposed action is a major action which would significantly affect the quality of the human environment. If it is determined that such proposal is a major action which significantly affects the quality of the human environment, an environmental assessment or an environmental impact statement shall be prepared which will also give consideration to all applicable floodplain factors in paragraphs (c) (4) through (10) of this section. If it is determined that an environmental assessment or an environmental impact statement is not needed, a determination with respect to the agricultural producer's proposed floodplain action shall be made and documented by following the procedures in this paragraph (c) of this section.

(4) A determination shall be made as to the type or types of risks or hazards, if any, which may be involved in implementation of the action.

(5) A determination shall be made as to whether a public notice or public involvement is necessary in the decisionmaking process. If public involvement is necessary, follow procedures as set forth in paragraph (d) of this section.

(6) Practical alternative sites or actions in or out of the floodplain shall be identified and evaluated. Where applicable, the alternative of no action shall be considered.

(7) The direct and indirect impacts associated with the action inthe floodplain shall be identified.

(8) To the extent practicable, the practice or action should be designed in a manner to minimize the harmful effects to the floodplain and to restore and preserve the beneficial values of the floodplain.

(9) A determination should be made that all facilities or structures on which loans are requested are in compliance with Section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 *et seq.)* and the regulations promulgated thereunder before approval.

(10) The proposed action should be re-evaluated based upon consideration of the factors heretofore assessed in this paragraph and a determination should be made as to whether the proposed action is still practicable at a floodplain site.

(d) *Public Review.* For those actions described in § 799.17(b) on which an environmental impact statement or assessment is not issued and for which a determination has been made by the county ASC committee that public involvement is necessary, the following procedure will be used for public review and comment:

(1) A notice, not to exceed three pages in length including a location map will be sent to the State and areawide clearinghouses (OMB Circular A–95, Attachment D) for the geographic area impacted.

(2) A notice will also be published in a local newspaper. This notice shall include: (i) The reason why the action is proposed to be located in the floodplain: (ii) a statement indicating whether the action conforms to applicable State or local floodplain protection standards

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and (iii) a list of the alternatives considered.

(3) A 30-day comment period shall be provided prior to taking any action.

(e) *Federal Property.* This agency has determined that it does not have responsibilities for Federal real property as provided for in Section 3 of Executive Order 11988.

(f) *Regulations and Handbooks.* Regulations and handbooks for ASCS administered programs will be revised to comply with Executive Order 11988 and the ASCS policies stated herein.

§ 799.18 Wetland protection.

(a) *Policy.* It will be policy of ASCS to carry out various commodity, conservation and related land use programs in harmony with the intent of Executive Order 11990 and any guidelines issued for implementing the Executive Order. The agency has and will continue to carry out policies and programs as follows:

(1) In administering its programs, within its legislative authorities, the agency will give emphasis to establishing measures to improve water quality, to offering practices to conserve soil and water resources and to establishing wildlife habitat.

(2) The agency will not approve cost-sharing assistance for drainage of any wetlands.

(3) County ASC committee will encourage the preservation of wetlands.

(4) The agency will prohibit cost-sharing for construction of levees and dikes under the Agricultural Conservation Program, and prohibit assistance for rehabilation of levees, dikes, streambanks and channels under the Emergency Conservation Program when it is determined that such projects are located in wetlands.

(5) The agency will continue to administer policies under the Water Bank Program to provide long-term contracting with an agricultural producer to preserve and improve eligible wetlands for migratory waterfowl habitat and other conservation benefits.

(6) The agency will administer programs in such a way as to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands.

(b) *Environmental Evaluations, Assessments and Impact Statements under the NEPA Process.* All environmental evaluations, assessments and impact statements prepared by ASCS with respect to ASCS programs and projects in accordance with other procedures issued by this agency will address the impact of the program or project on the protection of wetlands.

(c) *Public Review.* ASCS shall provide for public review of any proposals for assisting with construction in wetlands which does not come within the above policies. A 30-day comment period shall be provided prior to taking any action.

(d) *Regulations and Handbooks.* Regulations and handbooks for ASCS administered programs will be revised, where necessary, to comply with Executive Order 11990 and the guidelines stated herein.

Note.—This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. It has also has been determined that an impact analysis and an environmental impact statement are not necessary since these guidelines are to carry out Executive Orders, the policies for such guidelines have had public review through the **Federal Register** notice on June 9, 1978 and such policies are being implemented under various program of the agency for which there has been public review and impact analysis developed.

Signed at Washington, D.C., on March 6, 1980.

Weldon B. Denny,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 80-7980 Filed 3-13-80; 8:45 am]

BILLING CODE 3410-05-M

Rural Electrification Administration

7 CFR Part 1701

Advance Notice of Proposed REA Program to Permit Deferment of Principal Repayments To Achieve Energy Conservation

AGENCY: Rural Electrification Administration, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: In furtherance of the national effort to conserve energy and natural and capital resources, REA is considering a program under which the REA Administrator may permit the deferment of certain scheduled principal payments of distribution systems to provide funding for loans by them to their consumers to achieve energy conservation. Public comments are invited.

DATE: Public comments must be received by REA no later than April 14, 1980.

ADDRESS: Persons interested in the development of guidelines and procedures for the proposed program may submit written data, views, suggestions or comments to the Assistant Administrator for Administration, Rural Electrification Administration, Room 4063, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Vellone, Acting Assistant Administrator for Administration, above address, telephone number (202) 447-3863.

SUPPLEMENTARY INFORMATION: REA, in its effort to further the national goals of energy conservation and the conservation of natural and capital resources, as set forth in the National Energy Conservation Policy Act of 1978, Executive Order No. 12185 issued December 17, 1979, and other laws and regulations, is considering the use of existing authorities under Section 12 of the Rural Electrification Act of 1936, to defer principal payments at the request of distribution systems to provide funds which they can then use to make loans to their consumers for energy conservation purposes. It will provide such borrowers with an opportunity to augment their present energy conservation programs by making funds available for a consumer loan program similar to successful programs authorized by the regulatory commissions in several states. Generally such loan programs cover material and labor costs for attic and floor insulation, storm windows, insulated doors, caulking, water heater insulation, and weatherstripping. Financing is also generally available to cover the costs of materials when the consumer makes the installation.

Development of this program may require consolidation and revisions of REA Bulletins 20-5, Extensions of Payments of Principal and Interest, and 20-20, Deferment of Principal Repayments for Investment in Supplemental Lending Institutions.

Further public comment will be solicited when the proposed rule is published.

Dated: March 11, 1980.

Robert W. Feragen,

Administrator.

[FR Doc. 80-8019 Filed 3-13-80; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL TRADE COMMISSION

16 CFR Part 3

Rules of Practice for Adjudicative Proceedings; Labor Organizations

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Trade Commission invites comments as to whether or not it should promulgate a rule permitting labor organizations to intervene as a matter of right in antitrust adjudicative proceedings for the purpose of addressing the effects, if any, of contemplated divestiture relief on employment. This action is taken in an effort to improve the Commission's procedures for presentation of matters relating to employee impact.

DATE: Comments should be received on or before April 14, 1980.

ADDRESS: Comments should be submitted to: Secretary, Federal Trade Commission, 6th & Pennsylvania Avenue, NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Barry R. Rubin, Assistant General Counsel, (202) 523-3520, or Thomas A. Sheehan III, Assistant to the Director, (202) 523-3854, Bureau of Competition, Federal Trade Commission, 6th & Pennsylvania Avenue, NW., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: In certain types of antitrust enforcement proceedings, when a violation is found to have occurred, effective relief may require divestiture by the respondent of a portion of its assets, such as a plant. These types of cases include challenges to either (a) the legality of mergers and acquisitions, or (b) the acquisition, maintenance or abuse of monopoly power.

Divestiture may affect employment, collective bargaining, and employee rights. In the past, the Commission has allowed employee representatives to present their views on these matters either as *amicus curiae* or as intervenors in the proceeding. In an effort to improve its procedures for presentation of matters relating to employee impact, the Commission is contemplating an amendment to its Rules of Practice dealing with intervention, 16 CFR § 3.14. The contemplated amendment would permit labor organizations representing employees of the company (or companies) against which a complaint is issued to intervene as a matter of right in antitrust adjudicative proceedings where the complaint initiating the proceeding states that divestiture relief is contemplated. Requests for intervention as a matter of right would have to be filed within 60 days of the issuance of the complaint. Such intervention would be limited to the effect, if any, of proposed remedies on employment, with full rights of participation in the proceeding concerning such matters. No change would be made in the rule permitting intervention at the discretion of the Commission with respect to petitions to intervene filed after the 60 day period.

Accordingly, the Commission proposes to amend its Rule of Practice § 3.14 by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 3.14 Intervention.

* * * * *

(b) In an adjudicative proceeding where the complaint states that divestiture relief is contemplated, the labor organization(s) representing employees of the respondent(s) may intervene as a matter of right. Applications for such intervention are to be made in accordance with the procedures set forth in paragraph (a) of this section and must be filed within 60 days of the issuance of the complaint. Intervention as a matter of right shall be limited to the issue of the effect, if any, of proposed remedies on employment, with full rights of participation in the proceeding concerning this issue. This subsection does not affect a labor organization's ability to petition for leave to intervene pursuant to § 3.14(a).

By direction of the Commission, dated February 27, 1980.

Carol M. Thomas,

Secretary.

Separate Statement of Commissioner Bailey

I support intervention by labor unions in cases where divestiture relief is contemplated where the facts of those cases warrant. I have already supported such intervention in the only case in which it was proposed.

The issue here is not whether to deny labor organizations the right to be heard. The issue is whether the Commission should continue to consider each request for intervention on its merits, case by case, or whether an across the board modification in our Rules of Practice should be undertaken to allow labor union intervention as a matter of right.

I have concerns about an across the board modification in the absence of an inquiry into the potential ramifications and effects of such a change.

What is proposed here is an institutional change of some proportion, which to my mind should be implemented only after thoughtful inquiry into a number of issues. Some that come readily to mind are for example:

(1) What are the views, if any, of the Antitrust Division on this proposed change which could eventually have an impact on the Division's enforcement of the Sherman and Clayton Acts;

(2) What impact might the change have on our concern with expedition in ongoing cases—some ongoing now for many years;

(3) What might be the number of potential "intervenors-of-right" in a single case involving several companies;

(4) Are any issues of fairness raised for employees who may not be represented by a labor organization.

It is my hope that during the comment period interested persons would address these and other questions regarding the effect of the proposed rules change on effective antitrust enforcement.

[FR Doc. 80-7991 Filed 3-13-80; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 419

Games of Chance in the Food Retailing and Gasoline Industries; Proposed Rule and Staff Report; Extension of Comment Time

AGENCY: Federal Trade Commission.

ACTION: Proposed rule and staff report; extension of comment time.

SUMMARY: This document extends the comment period of a Commission document previously published in the **Federal Register** on Wednesday, Feb. 27, 1980. The comment period is intended for members of the public to comment on the staff report and the recommended rule amendment, as reported.

DATE: Comments will be accepted until April 14, 1980.

ADDRESS: Comments should be identified as "Comment on Staff Report-Games of Chance Rule, Posting and Reporting Amendment," and addressed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Noble F. Jones, Consumer Protection Specialist, Cleveland Regional Office, Federal Trade Commission, 118 St. Clair Ave., Suite 500, Cleveland, Ohio. 44114. (216) 522-4207.

SUPPLEMENTARY INFORMATION: In FR Doc. 80-5907, appearing in **Federal Register** issue for Wednesday, February 27, 1980, 45 FR 12832, the date the public comment must be received by was reported as March 28, 1980. That date has been extended to April 14, 1980.

Copies of the staff report and recommended amendment may be obtained from: Public Reference Branch, Room 130, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

The Commission cautions all concerned that the staff report has

neither been reviewed nor adopted by the Commission and that its publication should not be interpreted as reflecting the present view of the Commission or any individual member thereof.

Carol M. Thomas,

Secretary.

[FR Doc. 80-7978 Filed 3-13-80; 8:45 am]

BILLING CODE 8750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 239 and 249

[Release Nos. 33-6196; 34-16635; 35-21469; IC-11074; File No. S7-824]

Ratio of Earnings to Fixed Charges

AGENCY: Securities and Exchange Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Commission is requesting comments on whether the current requirement to present historical and pro forma ratios of earnings to fixed charges in certain filings should be retained or deleted. Additionally, the Commission is requesting comments on specified concerns with the calculation of the ratio where retention is recommended. The Commission intends to consider these comments in connection with possible future rulemaking proposals.

DATE: Comments should be submitted on or before May 15, 1980.

ADDRESSES: Comments should refer to file S7-824 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All comments will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, NW., Washington, D.C. (File No. S7-824).

FOR FURTHER INFORMATION CONTACT: Rita Gunter, Office of the Chief Accountant (202-272-2133), or Howard P. Hodges, Jr., Division of Corporation Finance (202-272-2553), Securities and Exchange Commission, Washington D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is considering the appropriateness of the present requirements for disclosure of historical and pro forma ratios of earnings to fixed charges and ratios of earnings to combined fixed charges and preferred dividends. In order to reach an informed decision on such requirements, the Commission is requesting comments on the usefulness of the ratios. Commentators are specifically requested to discuss approaches that they believe are more meaningful in assessing a company's ability to meet its fixed charge payments. Additionally, if retention of the ratios is recommended, specific comments are requested on their calculation. The Commission is not at this time proposing any amendments to the present requirements, but rather wishes to elicit comments to assist in the development of possible future rulemaking proposals. In that regard, this release discusses some of the criticisms and perceived problems related to the continued requirement to present these ratios.

Background

The requirement to present a ratio of earnings to fixed charges was first adopted in 1954 in connection with the then new Form S-9. A company was required to have a minimum coverage ratio before it was permitted to use Form S-9. In order to demonstrate eligibility, a registrant was required to disclose the ratio in its filing. Since 1954 numerous changes have been made in the requirements governing the ratio, and such ratio (or a ratio of earnings to combined fixed charges and preferred dividends, in the case of a preferred stock offering) has become a disclosure requirement of other registration forms of the Commission.

At the present time the written instructions for the computation and presentation of the ratio of earnings to fixed charges [1] are contained in the summary of operations items in Form S-1, S-11, 10 and 10-K, and in the statements of income item of Form S-7. Related interpretations are set forth in Accounting Series Release Nos. 119 and 122. These instructions and interpretations are very brief and general; thus, certain additional interpretations and administrative practices have been followed by the staff and registrants. Specific questions with respect to the ratio have been raised and resolved on a case-by-case basis. Such decisions have never been incorporated into Commission requirements, but instead have been handled administratively.

Purpose of the Ratio

The historical and pro forma ratios of earnings to fixed charges are intended as indicators of the registrant's ability to meet its future interest and preferred dividend requirements on outstanding debt and preferred stock and those amounts plus the amount applicable to debt or preferred stock being offered for sale, respectively. While an absolute ratio in a given period may provide useful information, a comparison of a succession of annual ratios is usually more meaningful. Thus, the most persuasive argument for the presentation of the ratio of earnings to fixed charges seems to be its usefulness as an analytical tool.

The Commission recognizes that the ratio of earnings to fixed charges is only one of the factors considered by security analysts, rating agencies, and potential investors and creditors; however, the ratio is intended to aid these persons in the assessment of a company's ability to timely meet required interest and preferred dividend payments. Since interest coverage may affect a company's bond rating, the ratio may have implications from the standpoint of determining the interest rate and thus the cost of raising capital. Bond rating agencies consider many factors in establishing bond ratings, one of which is a fixed-charge coverage. Other factors considered may include other ratios, condtions in the industry, management, product lines, indentures, and future operating plans.

Other ratios and financial relationships that may be used for analytical purposes include the working capital ratio, cash flow ratio, quick ratio, return on equity, and return on assets. In the usual case, the information necessary to compute these ratios is presented in the financial statements, whereas the ratio of earnings to fixed charges in most cases cannot be computed from only the information disclosed in the financial statements. Thus, disclosure of the ratio of earnings to fixed charges has been required even though it has been argued that too much emphasis has been placed on the ratio when presented alone.

Rating agencies and security analysts sometimes compute an "internal" ratio of earnings to fixed charges. Such ratios may be based on income after taxes and include all rentals, no rentals, or only certain rentals depending on the industry. In some cases, short-term interest may be ignored depending on the company's plans for future borrowings. In other cases, fixed charges may include an amount representative of the interest factor in pension expense which is applicable to unfunded past service costs. There seems to be a wide divergence of views concerning the usefulness of and necessity for the ratio of earnings to fixed charges; however, it appears that most agree that the trends of this and other ratios are significant.

The Corporate Information Committee of the Financial Analysts Federation, in a comment letter on the format and content of Part I of the present Form 10-K, suggested that the form be amended to require the disclosure of the ratio of earnings to fixed charges in the "Capsule Financial Data" part of Item 1. This Committee believes that the ratio "is not only of interest to bond analysts but to equity investors as well, since the ability of a company to cover debt payments and maintain these ratios has significance for the capital spending and financing potential of the organization."

Problems With Presentation of the ratio

The Commission has heard many criticisms and complaints concerning its requirement to disclose the historical and pro forma ratios of earnings to fixed charges. The following discussion is intended to elicit specific comments useful in the development of future rulemaking proposals by the Commission.

With respect to the historical ratio, the criticism most often heard has been that the ratio may tend to be misleading when considered alone and that financial analysis should be left to analysts, and not included in financial reporting. The argument continues that no single ratio should be considered alone since by the presence of a single ratio a degree of exactness and accuracy is conveyed. Also readers may be tempted to use the ratio alone rather than as only one of several factors which are relevant to an investment decision.

The requirement that the ratio be presented on the face of the summary of operations or the income statement is said to have caused readers of financial statements to attach more importance to the ratio than is justified. With respect to public utilities, the ratio may be less relevant than the fixed charge coverage as computed under the indenture or charter because the bond indenture or the corporate charter may not allow the issuance of additional mortgage bonds or preferred stock if the indenture or charter computed fixed charge ratio is less than a specified amount during a certain period of time. Yet the indenture and/or charter ratios are presented only in the narrative portion of a filing. Also, some investment bankers and institutional investors contend that rating agencies' ratings are far more important than the historical ratio of earnings to fixed charges, yet these ratings are not disclosed in filings with the Commission.

Some critics of the ratio point out that the ratio would be more useful if it also measured a company's ability to meet principal payments on debt and lease obligations. In their opinion, the investor wants a reasonable measure of the company's ability to meet fixed cash obligations from its available cash flows. If commentators on this release agree with this criticism and would propose that these or other amounts be included in fixed charges in computing the ratio, specific comments are requested on the appropriate method of computation.

The most serious criticisms have been aimed at the current requirement for presenting pro forma ratios of earnings to fixed charges. A task force appointed by the AICPA Committee on SEC Regulations recommended in its report of September 1975 that the Commission eliminate its requirement to disclose a pro forma ratio of earnings to fixed charges. As an alternative, the Task Force proposed that the rules be amended to require the pro forma ratio only if the proceeds from the securities being registered are to be applied to the reduction of outstanding debt or preferred stock. The Task Force indicated that investors and analysts should be able to use the historical ratio of earnings to fixed charges and other available information to make their own predictions of what future coverage ratios might be, in much the same way that a common stockholder uses historical earnings trends for predictive purposes.

It has been pointed out that the pro forma ratio may be misleading since in most cases the actual ratio experienced in the succeeding year is often higher than the pro forma ratio previously reported. A conservative approach has been taken with respect to the computation of the ratio; that is, earnings that will be generated from the investment of the proceeds of the offering, as well as proceeds from other debt issuances, are not considered in computing the ratio. Just as investors expect to generate a return on an investment in a debt security or preferred stock, a company likewise ordinarily expects a return on the proceeds of an offering. Ignoring these expected earnings is one cause of differences between the pro forma ratio and the subsequent historical ratio. In the past, these estimated increases in earnings have not been considered due to their speculative nature and the fact that no precise method of computing such increases has been developed.

It is argued, on one hand, that forecasts are required in the ratio (that is, consideration of any issuance, retirement or redemption of securities proposed for the following year), but, on the other hand, forecasts are not allowed (that is, estimated increases in earnings from the investment of the proceeds). Thus, some believe that the ratio now required is not sound in that it takes into consideration projected changes with respect to only the denominator (fixed charges) of the ratio. It is also argued that such forecasts should not be required since the Commission has not required forecasts in other aspects of filings. However, the Commission has not viewed the pro forma ratio as a forecast, but rather as a ratio based on current year income and fixed charge amounts adjusted for the proposed transaction (including debt or stock being sold for which the registration statement is filed, as well as any issuances, retirements or redemptions proposed for the following twelve months). Rather than forecasting what the ratio will be in the future, the pro forma is intended to provide "as if" disclosure regarding a past period. Commentators are specifically requested to comment on this point and to provide suggested rules if they believe increased earnings from the use of proceeds should be considered in computing the ratio.

Some observers state the view that the objective of the pro forma ratio is not only to illustrate the impact of the proposed debt or preferred stock transaction(s) but also to give effect to operating changes or events during the year and other known changes after year end as though they had occurred earlier. Under this concept such items as discontinued operations, extraordinary items, and cumulative effects of accounting changes would not be included in the "earnings" amount used in computing the pro forma ratio. Comments are specifically requested on the merits of such an approach to the pro forma ratio.

Specific Inquiries

The Commission specifically invites comments on the following questions:

1. What uses are made of the ratio in assessing the relative merits of a security?

2. Should the ratio be cash oriented as opposed to income oriented? If so, how would such a ratio be computed?

[1] References hereinafter to the "ratio of earnings to fixed charges" or to "the ratio" should also be considered to encompass the ratio of earnings to combined fixed charges and preferred dividends.

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3. What additional items, if any, should be included in "fixed charges"?

4. Should "earnings" be increased for an amount expected to be generated from the investment of the proceeds of the offering? If so, how is the amount to be computed?

5. Should "earnings" include discontinued operations, extraordinary items, or cumulative effects of accounting changes? What consideration should be given to unusual or infrequently occurring items?

6. Should the requirement to disclose the ratio on the face of the summary of operations or income statment be changed? If so, where is the appropriate place for disclosure?

7. Since Statement of Financial Accounting Standards No. 13, "Accounting for Leases," now requires capitalization of leases meeting certain criteria, should rentals paid on operating leases have an "interest factor" of the kind requiring adjustment in the fixed-charge ratio? If the answer to this question is no, please specifically discuss how operating leases which miss the cut-off test for capital leases (e.g., less than 75% of estimated economic life or less than 90% of the fair value of the leased property) are different from capital leases for purposes of determining the interest factor in leases.

8. In calculating a pro forma ratio, what adjustments should be considered? How would the amounts of the various adjustments be computed?

9. How should the following items be treated in computing the ratios: (1) Earnings or losses of unconsolidated subsidiaries and 50% or less owned persons, (2) minority interests, and (3) capitalized interest?

10. Should the requirement to disclose the ratio be extended to all filings and reports made with the Commission rather than only those registration statements where debt or preferred stock is being registered?

11. What ratio requirement for interim periods is necessary?

All interested persons are invited to submit their written views and comments on the foregoing areas and on any other issues which might affect the revision of the ratio requirements.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 7, 1980.

[FR Doc. 80-7983 Filed 3-13-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

Labor Certification Process for the Temporary Employment of Aliens in Agriculture: Adverse Effect Wage Rate Methodologies; Proposed Rulemaking

Correction

In FR Doc. 80-7505 appearing on page 15914 in the issue of Tuesday, March 11, 1980, make the following correction:

In the fourth paragraph of the first column of page 15917, in the twelfth line, "$.571 price rate" should have read "$.571 piece rate".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 5

[LR-199-78]

Credit for Employment of Certain New Employees Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the credit for employment of individuals qualifying as members of a targeted group.

DATES: The public hearing will be held on April 24, 1980, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by April 10, 1980.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-199-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 44B, 51, 52, 53, 280C and 381 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Friday, December 28, 1979, at page 76817 (44 FR 76817).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by April 10, 1980.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragragh 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue:

Robert A. Bley,

Director, Legislation and Regulations Division.

[FR Doc. 80-7902 Filed 3-13-80; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Parts 1 and 7

[LR-268-76]

Election To Treat Outdoor Advertising Displays As Real Property; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the involuntary conversion of real property. The proposed regulations provide rules regarding the making of an election to that property that constitutes certain outdoor advertising displays as real property for income tax purposes.

DATES: The public hearing will be held on April 22, 1980, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by April 8, 1980.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-268-76), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 1033 of the Internal Revenue Code of 1954. the proposed regulations appeared in the **Federal Register** for Tuesday, December 11, 1979, at page 71429 (44 FR 71429).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by April 8, 1980.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue:

Robert A. Bley,

Director, Legislation and Regulations Division.

[FR Doc. 80-7901 Filed 3-13-80; 8:45 am]

BILLING CODE 4830-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1603

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Part 60-20

Interpretive Guidelines on Employment Discrimination and Reproductive Hazards; Correction

AGENCIES: Equal Employment Opportunity Commission and Department of Labor.

ACTION: Proposed Rulemaking; Corrections of Contact Person, Introduction, Analysis and Cross-References in the Proposal.

SUMMARY: This document corrects the third paragraph of the Introduction, the tenth paragraph of the Analysis, and the cross-references in sections 3(a)(2) and 3(a)(3) of the proposed rulemaking published on Friday, February 1, 1980, at 45 FR 7514.

FOR FURTHER INFORMATION CONTACT:

Frederick D. Dorsey, Director, Office of Policy Implementation, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506, 202-634-7060.

Joseph Hogan, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, U.S. Department of Labor, Washington, D.C. 20210, 202-523-9426, or James D. Henry, Associate Solicitor, Office of the Solicitor, U.S. Department of Labor, Washington, D.C. 20210, 202-523-8235.

SUPPLEMENTARY INFORMATION: 1. In the third paragraph of the Introduction (45 FR 7514), the reference to "polyvinyl chloride" should have read "vinyl chloride". The reference to "estrogen" should have read "synthetic estrogen". The reference to the May 31, 1978 letter of the Assistant Secretary for Occupational Safety and Health should have referred to the May 1, 1978 letter. As corrected, this paragraph reads as follows:

"It was also during this process that EEOC and OFCCP became aware of the increasing number of employers and contractors who are intiating policies excluding all women of childbearing capacity from certain jobs because of exposure to hazardous substances or conditions. Preliminary evidence indicates that as many as 20 million jobs may involve exposure in the workplace to alleged reproductive hazards. Chemicals and physical agents which have been alleged to pose such hazards include lead, vinyl chloride, radiation, synthetic estrogen, anesthetic gases, and organic solvents. In response to such exclusionary practices the EEOC, on April 21, 1978, issued a policy statement indicating its concern about whether such practices conform with federal anti-discrimination laws. In a May 1, 1978, letter from the Department of Labor's Assistant Secretary for Occupational Safety and Health, Eula Bingham, to all major American corporate medical directors, OSHA expressed its concern regarding employment practices which deny opportunities to any class of workers on the basis of safety and health. These guidelines specifically address those situations, involving allegations of sex discrimination."

2. The twenty-second through twenty-third line in the tenth paragraph of the Analysis (45 FR 7515) should refer to the National Institute of Environmental Health Sciences, rather than to the National Institute of Environmental Health Safety.

3. The cross-reference at 45 FR 7517 at the end of proposed Section 3(a)(2) should refer to Section 2(d)(6), rather than to paragraph 2(d)(b).

4. The cross-reference at 45 FR 7517 at the end of proposed Section 3(a)(3) should refer to Section 2(d)(8), rather than to paragraph 2(d)(8).

Signed at Washington, D.C. this 7th day of March 1980.

Eleanor Holmes Norton,

Chair For the Commission.

Ray Marshall,

Secretary of Labor.

Donald Elisburg,

Assist Secretary, Employment Standards Administration.

Weldon J. Rougeau,

Director, Office of Federal Contract Compliance Programs.

[FR Doc. 80-7984 Filed 3-13-80; 8:45 am]

BILLING CODE 6570-06-M

V 45/52 MR 14 80 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1435-5]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision: Bay Area Air Quality Management District and Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to the Bay Area Air Quality Management District's (AQMD's) and Ventura County Air Pollution Control District's (APCD's) emergency episode plans have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board (ARB) for the purpose of revising a California State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations, and to correct deficiencies in the SIP. The EPA invites written public comment on these rules, especially as to their consistency with the Clean Air Act.

DATE: The deadline for submitting written comments is April 14, 1980.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Technical Branch, Regulatory Section (A-4-2), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

The EPA has established a rulemaking Docket 9A-79-2 for the Bay Area AQMD and 9A-79-4 for the Ventura County APCD. These Dockets contain all the information on which the proposed rulemaking relies, which is available for public inspection during normal business hours at the EPA Region IX office at the above address and the EPA Central Docket Section at the following address: EPA Central Docket Section, Waterside Mall, Room 2903B, 401 M Street SW., Washington, D.C. 20460.

Additionally, copies of the proposed revisions are available for public inspection during normal business hours at the following locations:

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109
Ventura County Air Pollution Control District, 800 South Victoria Avenue, Ventura, CA 93001
California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, CA 95814

FOR FURTHER INFORMATION CONTACT: Rodney L. Cummins, Chief, Technical Analysis Section, Environmental Protection Agency, Region IX, (415) 556-2002, 215 Fremont Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION:

Background

Under Section 110(a) of the Clean Air Act and 40 CFR 51.16, SIP's are required to contain air pollution emergency episode contingency plans. The original SIP and subsequent revisions submitted by the State of California failed to meet the requirements specified in 40 CFR 51.16. As a result, the California Lung Associaton and others commenced a citizens' suit in March of 1975 against EPA and the ARB, requesting the U.S. District Court for the Central District of California to order EPA to promulgate and enforce an emergency episode plan for the South Coast Air Basin (SCAB) of California ("California Lung Association v. Train," Civil No. 75-1044-WPG).

EPA lost the Court suit, and a Joint Stipulaiton of Settlement was signed on December 5, 1977, by counsels for the Administrator and for the California Lung Association, which stated that EPA would review the emergency episode regulations of 42 Air Pollution Control Districts in the State of California, approving or promulgating regulations as necessary.

In August 1979, counsels for the Administrator and for the California Lung Association signed a Stipulation for Modification of Joint Stipulation of Settlement and Order Modifying Findings of Fact and Conclusions of Law, which stated that EPA would have to review regulations for only 12 Air Pollution Control Districts. This proposed rulemaking and its associated documents satisfy in part the Settlement between EPA and the California Lung Association. (For a more detailed description of the litigation, see 44 FR 30118.)

On May 24, 1979 (44 FR 30124) and June 13, 1979 (44 FR 33905), the Administrator published proposed rules for air pollution emergency episodes in the Bay Area AQMD and Ventura County APCD, respectively. The purpose of these Notices was to propose to approve the episode plans and to propose supplementary regulations to correct deficiencies in both plans. Subsequent to the publication of these Notices, EPA received comments from the Bay Area AQMD and Ventura County APCD, which indicated that EPA should not finalize the proposed regulations because each agency was correcting the deficiencies noted by EPA in their episode plans. As a result, EPA did not finalize the proposed regulations, but waited until the revisions were submitted as an SIP revision by the ARB. The following regulations were submitted to EPA by the California ARB on February 14, 1980 and February 25, 1980 for the Bay Area AQMD and Ventura County APCD, respectively.

Bay Area AQMD

Rule 100, General
Rule 101, Description
Rule 300, Standards
Rule 301, Preplanned Abatement Strategies
Rule 302, Air Pollution Advisory Alert
Rule 303, Abatement Actions
Rule 304, Air Pollution Warning
Rule 305, Air Pollution Emergency
Rule 400, Administrative Requirements
Rule 401, Termination of Episode Stages
Rule 402, Communications
Rule 403, Meteorological Forecasts
Rule 404, Enforcement

Ventura County APCD

Rule 150, Source and Receptor Areas
Rule 152, Air Monitoring Summaries
Rule 153, Episode Criteria
Rule 154, Episode Notifications
Rule 155, Plans
Rule 156, Communication Network
Rule 157, First Stage Episode Actions
Rule 158, Second Stage Episode Alert
Rule 159, Third Stage Episode Alert
Rule 160, Interdistrict Coordination
Rule 161, Enforcement
Rule 162, Termination of Episodes

EPA's Proposed Actions

Under Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the above regulations as SIP revisions. All the rules submitted have been evaluated in accordance with EPA policy and 40 CFR Part 51. Based upon this evaluation, EPA has determined that the requirements of 40 CFR 51.16 are satisfied. Therefore, the rule revisions listed above are proposed to be approved and incorporated into the California SIP.

Public Comments

The Regional Administrator hereby issues this Notice setting forth these revisions as proposed rulemaking, and advises the public that interested persons may participate by submitting written comments to the Regional IX Office. Comments received on or before 30 days after publication of this Notice will be considered. Comments received will be available for public inspection at the EPA, Region IX Office and the EPA Public Information Reference Unit.

The Administrator's decision to approve or disapprove the proposed revisions will be based upon comments received, and upon a determination of whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant," and therefore subject to the procedural requirements of the Order, or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." EPA has reviewed the revision being acted upon in this notice, and has determined that it is a specialized revision not subject to the procedural requirements of Executive Order 12044.

Authority: Sections 110 and 301(a) of the Clean Air Act, as amended, (42 U.S.C. §§ 7410 and 7601(a)).

Dated: March 7, 1980.

Sheila M. Prindiville,

Acting Regional Administrator.

[FR Doc. 80-7958 Filed 3-13-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1434-8]

Approval and Promulgation of Implementation Plans, Ohio; Approval of an External Emission Offset for Pre Finished Metals Inc., of Ohio

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking.

SUMMARY: Pre Finished Metals Inc. has proposed to construct a new metal coating plant in Lake Township of Wood County, Ohio. This area presently exceeds the National Ambient Air Quality Standard of photochemical oxidants and therefore new emissions of volatile organic compounds (VOC) must be offset by reductions of VOCs from existing sources. The Ohio Department of Transportation (ODOT) has agreed to reduce the use of cutback asphalt in Wood, Sandusky and Ottawa Counties by an amount sufficient to offset the VOC emissions expected from the proposed source. Because the offsets are external (i.e., supplied by a party other than the new source owners), and because the external offsets are being supplied by a State or community, the offset commitment must be submitted as a SIP revision by the State of Ohio in accordance with the Emission Offset Interpretative Ruling 44 FR 3274 (January 16, 1979). The USEPA proposes to approve the commitment to supply the offsets by the ODOT as a State Implementation Plan (SIP) revision.

DATE: Written comments must be received on or before May 13, 1980.

ADDRESSES: Comments should be sent to: Gary Gulezian, Acting Chief, Regulatory Analysis Section, U.S. Environmental Protection Agency, Air Programs Branch Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Ronald J. Van Mersbergen, Regulatory Analysis Section, U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6057.

SUPPLEMENTARY INFORMATION: The Ohio Environmental Protection Agency (OEPA) has approved a permit to install for the Pre Finished Metals Inc. (2300 E. Pratt Boulevard, Elk Grove Village, Illinois 60007). The proposed new facility will produce painted sheet metal in a continuous coil coating operation. The proposed facility will be located in Lake Township of Wood County, Ohio on West Broadway, 300 yards South of Wales Road. The operation is scheduled to begin in early 1981. Wood County, as well as neighboring Sandusky and Ottawa Counties, was designated on March 31, 1978 (43 FR 8962) by the Administrator as nonattainment for photochemical oxidants. Therefore all new or modified sources applying for a permit to install prior to July 1, 1979, must meet the requirements of Section IV of the Emission Offset Interpretive Ruling 44 FR 3274 (January 16, 1979). This requires Pre Finished Metals Inc. to 1) apply the lowest achievable emission rate (LAER) to the new source, 2) bring all other sources in the State owned by Pre Finished Metals Inc. in compliance with all applicable SIP emission limitations or on a compliance schedule, 3) reduce emission of VOCs from existing sources in the area to offset the emissions from the proposed source, and 4) assure that emission reductions (offsets) provide a new air quality benefit in the area affected by the new source emissions. According to Section V. B. of the Interpretive Ruling, when offsets are supplied by a State or community, the commitment to supply the offsets must be submitted as a SIP revision by the State. The intent of this **Federal Register** announcement is to give notice that USEPA proposes to approve the SIP revision. In accordance with the criteria in Section V. and V. B. of the Interpretive Ruling the emission reductions will be (1) enforceable by the authorized State and/or local agencies, (2) accomplished by the new source start-up date, and (3) sufficient to outweigh the impact of the new source.

The proposed SIP revision dated May 23, 1979, which was submitted by the Governor of Ohio to the Regional Administrator of Region V, contains a commitment dated November 6, 1978 by the Director of ODOT to supply the offsets for Pre Finished Metals. These offsets will be available January 1, 1980 in sufficient time to accomodate the start of operations scheduled for early 1981. The ODOT will provide offsets by reducing the use of cutback asphalt which is high in VOC emissions in Wood, Ottawa and Sandusky Counties. The ODOT commitment will be accomplished by substituting emulsified based asphalt for cutback asphalt. A reduction of 165 tons per year of VOC emissions will come from 892 tons of asphalt which will have an emulsified base rather than a cutback base.

The anticipated VOC emissions rate from Pre Finished Metals Inc. after the application of LAER will be 137 tons per year. This is less than the 165 tons per year offsets required to represent reasonable progress toward attainment in the three county area.

Section 129 of the Clean Air Act sets the baseline for emission offset calculations as the SIP requirements at the time of the permit application. There were no SIP limits on VOC in Wood, Sandusky and Ottawa Counties on the date the Pre Finished Metals application was submitted; therefore, all reductions of VOC in the three Counties are eligible as offsets.

The USEPA considers the Governor's submittal as a SIP revision and the November 6, 1978 letter from the Director of ODOT to the Director of OEPA to be a commitment which is sufficient to meet the requirements of Section V of the Interpretive Ruling. Section V, when referring to SIP enforceability states: "The emission reduction commitment must be enforceable by authorized State and/or local agencies, and under the Clear Air Act * * *." It is understood by USEPA that the Governor, the State's chief executive officer, can enforce the commitment which comes from a department under his jurisdiction and therefore the ODOT commitment is enforceable by the Governor.

All interested parties are invited to submit written comments on EPA's proposed approval of this SIP revision. Written comments received by the date specified above will be considered in determining whether the USEPA will approve the SIP revision. After the public comment period the Administrator of the USEPA will publish in the **Federal Register** the Agency's final action on this proposal.

Dated: March 5, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-7954 Filed 3-13-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1435-1]

Availability of Implementation Plan Revisions for Nonattainment Areas in the State of Michigan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of Receipt and Availability.

SUMMARY: This notice is to announce receipt and availability for public review of proposed revisions to specific portions of the State Implementation Plan (SIP) for Michigan. Under the requirements of Part D of the Clean Air Act, the State of Michigan on April 25, 1979 and, additionally on October 26, 1979, November 8, 1979 and December 26, 1979 submitted to the U.S. Environmental Protection Agency (USEPA) proposed revisions to its SIP. These proposed revisions are designed to implement new measures for decreasing the ambient concentrations of carbon monoxide and ozone in those areas of the State of Michigan designated as not attaining the National Ambient Air Quality Standards (NAAQS) for these pollutants. The October 5, 1978 **Federal Register** (43 FR 46010) contains a listing of areas in Michigan not meeting National Ambient Air Quality Standards for carbon monoxide and ozone. A Notice of Proposed Rulemaking describing the proposed revisions and USEPA's intended rulemaking action will be published in the **Federal Register** at a later date.

DATES: See Supplementary Information.

ADDRESSES: The submittal may be examined during normal business hours at the following USEPA offices:

OFFICES:

Public Information Reference Unit, Library Systems Branch, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

U.S. Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

In addition the revisions may be examined at the offices of the:

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Building Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6029.

SUPPLEMENTARY INFORMATION: USEPA is currently reviewing these proposed revisions to the Michigan SIP. At the completion of this review a notice will be published in the **Federal Register** proposing rulemaking action on these revisions.

All interested persons are advised that the proposed revision are available for review at the locations listed above. The proposed rulemaking notice referred to above will announce the last day for public comment. This public comment period will extend for not less than 30 days from the date of publication in the **Federal Register** of USEPA's proposed rulemaking action.

Dated: March 6, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-7955 Filed 3-13-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1435-2]

Availability of Implementation Plan Revisions for Nonattainment Areas in the State of Ohio

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of Receipt and Availability.

SUMMARY: This notice is to announce receipt and availability for public review of proposed revisions to specific portions of the State Implementation Plan (SIP) for Ohio. Under the requirements of Part D of the Clean Air Act, the State of Ohio on December 28, 1979 and February 12, 1980, submitted to the U.S. Environmental Protection Agency (USEPA) proposed revisions to its SIP. These proposed revisions are designed to implement new measures for decreasing the ambient concentrations of carbon monoxide (CO) and ozone (03) in the Youngstown nonattainment area. A Notice of Proposed Rulemaking describing the proposed revisions for the Youngstown area and USEPA's intended rulemaking action will be published in the **Federal Register** at a later date.

DATES: See Supplementary Information.

ADDRESSES: The submittal may be examined during normal business hours at the following USEPA offices:

Public Information Reference Unit, Library Systems Branch, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

U.S. Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

In addition the revisions may be examined at the offices of the:

Ohio Environmental Protection Agency, 316 Broad Street, Columbus, Ohio 43215.

Written comments should be sent to: Mr. Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Gulezian, Chief, Regulatory Analysis Section, Air Program Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6052.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and on October 5, 1978 (43 CFR 45994) pursuant to the requirements of Section 107 of the Clean Air Act, USEPA designated specific areas in each State as nonattainment with respect to the air pollutants sulfur dioxide, total suspended particulates, carbon monoxide, ozone, hydrocarbons, and nitrogen oxides. Part D of the Clean Air Act requires each State to revise its SIP to meet specific requirements in these nonattainment areas. These revisions to the SIP must demonstrate attainment of the primary National Ambient Air Quality Standards (NAAQS) as expeditiously as practicable, but no later than December 31, 1982. Under certain circumstances a five year extension, until December 31, 1987, may be granted for meeting the primary carbon monoxide and ozone NAAQS.

USEPA is currently reviewing these proposed revisions to the Ohio SIP. At the completion of this review a notice will be published in the **Federal Register** proposing rulemaking action on these proposed revisions. All interested persons are advised that the proposed revisions are available for review at the locations listed above. The proposed rulemaking notice referred to above will announce the last day for public comment. This public comment period will extend for not less than 30 days from the date of publication in the

Federal Register of USEPA's proposed rulemaking action.

Dated: March 6, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-7956 Filed 3-13-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

42 CFR Parts 405 and 442

Requirements for Certification of Medicare and Medicaid Long Term Care Facilities With Repeat Deficiencies

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Proposed rule.

SUMMARY: The proposed amendments would eliminate current requirements which automatically prohibit renewal of provider agreements with long term care facilities if the same deficiencies persist through successive certification surveys. The purpose is to make the rules for skilled nursing and intermediate care facilities consistent with rules governing other providers and to provide an equitable and comprehensive evaluation of an institution's overall health and safety conditions. These regulations would serve to protect patients from transfer and related problems that would result from termination where there is no danger to the health and safety of the patients.

DATES: Consideration will be given to written comments or suggestions received by May 13, 1980.

ADDRESS COMMENTS TO: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 17082, Baltimore, Maryland 12235.

When commenting, please refer to HSQ-54-P. Agencies and organizations are requested to submit their comments in duplicate.

Comments will be available for public inspection beginning approximately two weeks after publication in Room 5220 of the Department's offices at 330 C Street, S.W., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (202/245-0365).

FOR FURTHER INFORMATION CONTACT: Jim Conrad (301) 594-7940.

SUPPLEMENTARY INFORMATION:

Basic Requirements

In order to participate in the Medicare and Medicaid programs, long term care facilities are statutorily required to meet specific health and safety requirements and other requirements the Secretary finds necessary to ensure the health and safety of patients (sections 1861(j)(15) and 1905(c) of the Social Security Act). The State survey agency performs annual onsite surveys to ascertain whether a facility is in compliance with these requirements. If the State survey agency certifies that the facility complies with applicable Federal and State requirements, the facility is eligible to participate in the programs.

Current Medicare regulations prohibit renewal of long term care provider agreements if identical deficiencies are cited in successive certification surveys. (42 CFR 405.1902(b) and 405.1908(b).) These regulations, commonly referred to as the "repeat deficiency" regulations, do not require an evaluation of the seriousness of a deficiency and its effect on the health and safety of patients. Moreover, when a Medicare provider agreement is terminated due to repeated deficiencies, the Medicaid agreement must also be terminated (42 CFR 442.20).

Under both Medicare and Medicaid, there are special provisions that permit continued participation when a facility corrects a deficiency identified at the time of a survey, but later repeats the same deficiency. Under Medicare regulations, if a skilled nursing facility demonstrates compliance with a previously unmet standard, and later for reasons beyond its control is out of compliance, the deficiency is treated as a new deficiency rather than a repeated one (see 42 CFR 405.1908(e)). Under the Medicaid regulations, the State survey agency can recommend that a provider agreement be renewed if there is proof that the facility corrected the deficiency during the certification period, made a good faith effort to stay in compliance, and became out of compliance for reasons beyond its control (see 42 CFR 442.105(d)). In addition, both Medicare and Medicaid regulations address the instance where a facility corrects a prior deficiency, but is then found deficient on a different standard. The facility can have its provider agreement renewed if it shows that it—

(1) Was out of compliance through no fault of its own or despite intensive efforts to comply; and

(2) Made the best use of its resources to furnish adequate care.

(See 42 CFR 405.1908(d) and 442.105(c).)

The repeat deficiency provisions were adopted to prevent renewal of agreements with providers that are cited year after year for the same deficiency. They are intended to serve as leverage in securing provider compliance. However, through our experience applying the regulations we have concluded that the benefits of the regulations are not commensurate with the administrative costs. We have found these regulations to be overly mechanistic, expensive, and unnecessary. The process fails to take advantage of the surveyor's professional judgment on whether patient health and safety is actually threatened. There have been instances where State agencies have ignored the regulations in order to renew agreements with providers who render high quality care and to avoid unnecessary transfer of patients who are not in jeopardy. In other instances, State agencies have merely documented the good faith efforts of providers to correct problems to show that patient health and safety are not jeopardized. A considerable amount of State survey agency time is spent in required activities (such as revisiting providers and preparing special determinations) to justify continued participation of long term care facilities in the programs. Despite these activities, there is no discernable difference in the State agency's success in securing compliance or in upgrading the quality of care in long term care facilities as compared to other groups of providers (e.g., hospitals, home health agencies).

Proposed Changes

We proposed to delete the repeat deficiency provisions and treat long term care providers the same as other providers in determining compliance. State survey agencies will consider whether the facility's deficiencies limit the provider's capacity to furnish adequate care. In making their recommendation, the State will consider a facility's past performance as an indication of the probability of future compliance. If a facility with deficiencies submits an acceptable plan for correcting deficiencies, the State survey agency could recommend that the facility be issued a provider agreement (see 42 CFR 405.1907 and 442.111).

Facilities with deficiencies would continue to be given provider agreements with fixed expiration dates. The Medicare and Medicaid regulations would continue to require that a facility with a deficiency be recommended for certification for a term of up to 60 days following the period specified for the correction of deficiencies. In no event would a facility with a deficiency be certified for a period that exceeds 12 months. The term of the certification will be subject to automatic cancellation on the 60th day following the end of the

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period specified for the correction of deficiencies unless—

(1) The survey agency finds that all deficiencies have been corrected, or

(2) The facility has made substantial effort and progress in correcting the deficiencies and has submitted a new written plan of correction that is acceptable to the Secretary.

The proposed amendments would require that State survey agencies look to existing regulatory certification procedures when considering whether to recommend granting provider agreements. Existing regulations which allow the Medicare and Medicaid programs to terminate providers who refuse to correct deficiencies within a specified period would continue to be followed.

42 CFR Chapter IV is amended as set forth below:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

1. Section 405.1902 is amended by deleting paragraph (b) to read as follows:

§ 405.1902 Certification by State agency.

* * * * *

(b) (Deleted.)

* * * * *

2. Section 405.1904 is amended by revising paragraph (b) to read as follows:

§ 405.1904 Periodic certification of compliance and approval.

* * * * *

(b) A provider agreement may be issued to a skilled nursing facility for a period of up to 12 months if existing deficiences do not endanger the health and safety of patients and there has been substantial progress in correcting deficiencies. The provider agreement with the facility may, at the option of the Secretary, be subject to automatic cancellation if there is a failure to correct deficiencies. (See § 405.604 Term agreements with skilled nursing facilities and § 405.1908 Special requirements applicable to skilled nursing facilities with deficiencies.)

3. Section 405.1908 is amended by revising paragraphs (a) and (c) and deleting paragraphs (b), (d), and (e), to read as follows:

§ 405.1908 Special requirements applicable to skilled nursing facilities with deficiencies.

(a) If a skilled nursing facility is not in full compliance with the standards contained in Subpart K of this part when the State agency surveys, the provider must be issued a short term agreement or a conditional agreement as follows:

(1) A short term agreement must be for a period of less than 12 months and must end no later than the 60th day following the date specified in a written plan approved by the Secretary for the correction of deficiencies.

(2) A conditional agreement must:

(i) Be for 12 months; and

(ii) Specify a period of not more than 9 months for the correction of deficiencies; and

(iii) Contain a cancellation date that is no later than the 60th day following the date specified for correcting deficiencies. The agreement will terminate unless the survey agency determines that:

(A) All deficiencies identified in the plan of correction have been corrected; or

(B) The provider has made substantial effort and progress in correcting the deficiencies and has resubmitted a written plan of correction that is acceptable to the Secretary.

(b) [Deleted.]

(c) If an agreement with a skilled nursing facility is not renewed at the end of its term because of deficiencies, the notice and hearing requirements in § 405.604(c)(3) apply.

(d) [Deleted.]

(e) [Deleted.]

PART 442—STANDARDS FOR PAYMENT FOR SKILLED NURSING AND INTERMEDIATE CARE FACILITY SERVICES

4. Section 442.105 is amended by deleting paragraphs (c) and (d) as follows:

§ 442.105 Certification with deficiencies: General provisions.

If a survey agency finds a facility deficient in meeting the standards specified under Subpart D, E, F, or G of this part, the agency may certify the facility for medicaid purposes under the following conditions:

* * * * *

(c) [Deleted.]

(d) [Deleted.]

* * * * *

(Secs. 1102, 1814, 1861, 1865, 1866, and 1910 of the Social Security Act; 42 U.S.C. 1302, 1395x, and 1395hh)

(Catalog of Federal Domestic Assistance Program No. 13.714 Medical Assistance Program; No. 13.773 Medicare—Hospital Insurance; No. 13.774 Medicare—Supplementary Medical Insurance)

Dated: December 21, 1979.

Leonard D. Schaeffer,

Administrator, Health Care Financing Administration.

Approved: March 6, 1980.

Nathan J. Stark,

Acting Secretary.

[FR Doc. 80-7967 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-35-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

Atlantic Bluefin Tuna

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Proposed rulemaking.

SUMMARY: These proposed rules would amend significantly the current regulations by: (1) reserving the purse seine quota of school-size tuna for assessment fishing (fishing in which a biological technician is on board to collect information for scientific purposes); (2) establishing a formula for allocating purse seine quotas between historical and new entrants who must apply to fish for these quotas; (3) requiring purse seine vessels receiving an allocation of school-size tuna to carry scientific technicians on board; (4) eliminating logbook reporting requirements imposed on purse seine vessels; (5) eliminating logbooks and reducing reporting requirements imposed on vessels using gear other than purse seines; (6) prohibiting the transfer of tuna at sea, i.e., the use of buy boats in the fishery; (7) requiring dealers, instead of vessel owners or operators, to insert the metal identification tag in giant-size tuna; (8) increasing reporting requirements imposed on dealers; (9) allowing for daily catches of multiple giant-size tuna by vessels other than purse seine vessels at certain times during the season; and (10) establishing a sub-quota of 150 short tons (approximately 400 giant tuna) in the northern area of the handgear fishery for which harpoon vessel owners could apply.

DATES: Comments on the proposed regulations are invited until May 13, 1980. Public hearings to receive both written and oral comments will be held at the following places, dates, and times:

April 10, 1980, 7:00 p.m.–9:30 p.m., Portland, ME 04102.

April 11, 1980, 7:00 p.m.–9:30 p.m., Wakefield, MA.

April 14, 1980, 7:00 p.m.–9:30 p.m., Hyannis, MA.

April 15, 1980, 7:00 p.m.–9:30 p.m., Warwick, RI.

April 16, 1980, 7:00 p.m.–9:30 p.m., West Long Branch, New Jersey.

April 18, 1980, 7:00 p.m.–9:30 p.m., Norfolk, VA.

April 21, 1980, 7:00 p.m.–9:30 p.m., Corpus Christi, TX.

April 22, 1980, 7:00 p.m.–9:30 p.m., Mobile, AL.

April 23, 1980, 7:00 p.m.–9:30 p.m., Fort Pierce, FL.

ADDRESSES: The public hearings will be held at the following locations:

April 10, 1980, Ramada Inn, 1230 Congress Street at I–295, Portland, ME 04102 (207) 774–5611.

April 11, 1980, Colonial Hilton, Route 128, Wakefield, MA 01880 (617) 245–9300.

April 14, 1980, Holiday Inn, Route 132, Hyannis, MA 02601 (617) 775–6600.

April 15, 1980, Howard Johnson, 20 Jefferson Blvd., Warwick, RI 02888 (401) 467–9600.

April 16, 1980, Holiday Inn, N.J. Route 36, West Long Branch, New Jersey 07764 (201) 229–9000.

April 18, 1980, Lake Wright Inn, 6280 Northampton Blvd., Norfolk, VA 23602 (804) 461–6251

April 21, 1980, Texas A&M Research & Extension Center, Highway 44, Corpus Christi, TX 78408 (512) 265–9201.

April 22, 1980, Davidson High School Cafeteria, 3900 Pleasant Valley Road, Mobile, AL 36609.

April 23, 1980, Ramada Inn, 2600 N. A1A, Fort Pierce, FL 33450 (305) 465–6000.

FOR FURTHER INFORMATION CONTACT:

Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, MA 01930, (617) 281–3600.

SUPPLEMENTARY INFORMATION: On June 20, 1979, the National Oceanic and Atmospheric Administration (NOAA) published final regulations governing fishing for Atlantic bluefin tuna (44 FR 36043). Those regulations represented a change in the previously effective regulations. In addition to revamping and rewriting the regulations in language easier to understand, the regulations: (1) decreased the purse seine quota of school tuna from 1,000 short tons (st) to 650 st; (2) increased the purse seine quota for giant bluefin tuna from 180 st to 300 st; (3) changed the quota unit of measure for giant blue fin tuna from numbers of fish to tons and increased the giant quota for the handgear fishery from 2,250 fish to 1,218 st (approximately 3,370 fish); (4) established a category for which charter boat operators in the handgear fishery in the northern area could apply; (5) divided the handgear quota of giants for the northern area (1,128 st) between a charter boat and a general category based upon historical participation in the fishery, i.e., 102 st (approximately 280 fish) for the charter boat category and 1,026 st (approximately 2,800 fish) for the general category; (6) prescribed different catch rates for the handgear fishery in the northern and southern areas, i.e., one fish per day per vessel (northern area) and five fish per week per vessel (southern area); (7) required all dealers in Atlantic bluefin tuna to obtain licenses; and (8) allowed anglers to take more than one young school tuna as part of their daily catch limit.

A number of proposed changes stirred strong public sentiment and many people voiced their opinions. The public comments were reflected in the final regulations. While the comments were diverse, there was general agreement that regulations must be enforceable and the scientific data base has to be improved, hopefully to support larger quotas. Cognizant of these comments and those received throughout the year, as well as the United States' obligation under the International Convention for the Conservation of Atlantic Tunas, the Northeast Regional Office of the National Marine Fisheries Service (NMFS) of NOAA has reviewed the regulations, identified problem areas, weighed alternative approaches, and suggested proposed changes in the regulations to the Assistant Administrator for Fisheries of NOAA.

In developing the proposed changes to the regulations, NMFS was guided by several objectives. The regulations should: (1) comply with the conservation recommendations adopted under ICCAT; (2) provide for the best possible data base with which to manage the fishery; (3) allow all interested persons a fair opportunity to engage in the fishery; (4) reduce unnecessary reporting; and (5) be enforceable.

The proposed regulations are published in their entirety to allow the reader to see how the proposals fit within the regulatory framework. Also, it will be evident that minor editorial or clarifying changes have been made, but they are of little significance except in readability and are therefore not discussed in this preamble.

The following paragraphs discuss the major proposed changes and briefly describe the underlying rationale. A detailed description of changes and estimated impacts are found in the Draft Regulatory Analysis and Draft Environmental Impact Statement which are available from the Regional Director, Northeast Region, NMFS, 14 Elm Street, Gloucester, Mass. 01930.

Buy Boats

For a number of years, several individuals petitioned the NMFS to promulgate a regulation which would allow buy boats to operate in the fishery. The main underpinning of their proposition was that these boats would go to the grounds to buy fish and immediately pack them in ice to ensure a better quality product. In turn, this high-quality product would net a higher market price. On September 1, 1978, NMFS published such a regulation (43 FR 39107) to be used on a trial basis. The regulation provides for special licenses to purchase tuna at sea, and imposes reporting requirements.

The NMFS has received several written comments expressing general dissatisfaction with the operations of buy boats during the 1979 season. Many informal comments were received that the buy boat operations were complicating enforcement of the catch restrictions. As a result, some fishermen may have been able to take more than one giant fish per day; and some giant tuna may have been landed and distributed in domestic commerce without having been accounted for at all.

NMFS has long been concerned about the enforceability of a regulation allowing fish to be transferred at sea. Unless an enforcement agent is actually present at the time, it seems unlikely that evidence to support alleged violations could be assembled.

It is also recognized that the buy boat operation has only been in existence for one year. The vessels used in these operations were not constructed solely for this purpose and can be used to fish for tuna or other species with little or no modification.

Considering all of these factors this proposed rule would prohibit transfers of tuna at sea. The purpose in proposing the change is to give an opportunity to build a record concerning buy-boat operations. Although NMFS has been concerned about the effect of buy boat operations on the enforceability of the regulations, the administrative record is currently incomplete. It may take another year's experience to develop a more comlete record. However, if sufficient evidence can be gathered during this comment period, NMFS is willing to prohibit transfer at sea.

Metal Identification Tags and Reporting

Consistent with the Government-wide mandate to reduce reporting by citizens in regulted activities and to eliminate unnecessary paperwork, the NMFS is proposing a significant change in the present reporting system. The dealer would report each giant tuna landed; the fisherman would counter-sign the reporting card. Dealers, or their agents, who receive or buy giant tuna, would be

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required to insert the metal tag in these fish instead of having the fishermen doing it. These actions would: (1) eliminate the difficulties which some fishemen have in tagging giant tuna at sea; (2) require little additional effort on the part of dealers; and (3) reduce the administrative burdens and costs associated with mailing metal identification tags and logbooks to 5,300 permitted vessel owners.

In order to effect a system which ensures an accurate accounting for giant tuna landed, dealers are being required to report each week whether or not they receive or purchased tuna. While this represents a small increase in the reporting burden on dealers, the NMFS believes such an increase is minimal. The reporting is necessary to meet the United States' obligation to monitor the catch of tuna and we believe can be more efficiently carried out in this manner.

The few fishermen landing giant tuna for pesonal consumption would be required to contact the nearest NMFS law enforcement office to obtain a metal identification tag.

Purse Seine Fishery

As mentioned in the preamble to the presently effective regulations, the purse seine fishery has had a significant adverse impact on the overall stock of Atlantic bluefin tuna. This is due, in large part, to the removal of large numbers of immature fish which are unable to contribute to future generations because they do not live long enough to mature and spawn. Because of this, the NMFS reduced the purse seine quota of school tuna from 1,000 short tons (st) to 650 st. Unfortunately, as the NMFS noted, the ability of one vessel to take this entire quota in a single day is a very real possibility. This, coupled with the inadequacies of the present system for closing the fishery quickly enough, resulted in the quota being greatly exceeded this past season.

Instead of completely closing the purse seine fishery altogether as some suggest, the NMFS is proposing to regulate this fishery more closely. NMFS proposes that the purse seine quotas for school and giant size tuna be reserved for assessment fishing in which a scientific observer would be required to be on board. This is being done to establish the scientific data base which fishery managers must have to manage effectively any stock of fish. Results from this and possible future efforts will ensure benefits not only to the Atlantic bluefin tuna stock but to those who fish for this species.

Purse seine vessels represent an ideal platform from which scientific research can be conducted. The NMFS proposes to operate a tagging program during the 1980 and subsequent seasons. All purse seine vessel owners may apply to participate in this program conducted under the direction of the Southeast Fisheries Center. Vessle owners who apply will share in the 225 st scientific quota. Instead of opening the season on January 1, commencement will be delayed until mid-July. This delay will allow the tagged fish to disperse and intermingle with the various schools. The open fishery will be conducted to ensure that the quota is not exceeded and to observe the rate of capture of tagged fish as well as the length and weight composition of the catch. To do this, the NMFS has developed a vessel allocation scheme and proposes to place biological technicians on board the vessels participating in the fishery.

The intent of the vessel allocation scheme is to ensure that those persons who have depended on this fishery for all or part of their livelihood are not adversely affected, and that new entries in the fishery are not precluded. NMFS proposes that during the next four years the quotas be divided by allocating 86 percent to the historical participants and 14 percent to new entries. At the end of that time this allocation system will be evaluated to determine its effectiveness.

In reviewing the history of the purse seine fishery, the NMFS recognizes that varying numbers of vessels from the east and west coasts have participated in this fishery over the years. However, since 1975 there have been few vessels, the numbers of which have remained nearly constant. The NMFS has noted no intention by those vessel owners who previously engaged in the fishery to reenter it. The NMFS proposes to define historical participants to include those who have developed a dependence on this fishery, i.e., those who have engaged in the fishery at some point in time since June 1975. While vessel allocation schemes often remove the element of competition, NMFS proposes to make allocations to vessel owners rather than to individual vessels. This will enable owners to replace older vessels with newer ones which are more cost efficient. Vessel owners having individual allocations will not have to compete with other historically involved vessels in order to harvest a fair share of the resource. Each vessel owner can chose the time and market conditions which will be most opportunistic to harvest and land tuna.

Over the next four years, in order to ensure that 86 percent of each quota is divided among the historical participants, corporate or similar non-individual vessel owners will not be considered historical participants any longer when the major shareholder or corporate structure changes. Further, to provide for the maximum utilization of the quotas, all vessel owners will be required to land the various size classes of tuna by certain dates (i.e., school tuna by August 30 and giant tuna by September 30) or their allocation for that size class tuna will be forfeited and redistributed among active participants.

NMFS proposes to divide the 86 percent of each quota reserved for historical participants among those participants by allocating 86 percent of that amount based upon past catches and allocating 14 percent based upon number of years in the fishery. The NMFS believes that this system fairly strikes a balance between participation in the fishery and the expertise of individual vessel owners or operators in catching bluefin tuna.

Vessel owners who qualify as historical participants and wish to receive an allocation must apply by April 15 of each year to the Regional Director, Northeast Region NMFS. (For 1980, since the regulations will not be in effect until after April 15, the Regional Director will publish a date for receipt of applications.) As part of the application vessel owners must supply evidence of the amount of past catches, including any tuna caught during tagging operations, the sufficiency of which will be judged by the Regional Director.

Thus, the system would in reality operate as follows:

a. Purse seine fishery for school-size tuna.
present quota = 650t
86% or 559t to historical participants
14% or 91t/650t to new entries

The 559t is to be divided 86% based upon average 3-year catch (481t) and 14% upon years in the fishery (78t).

Catch:

Vessel	Average catch over last 5 years (tons)	Proportion of total	Decimal equivalent	Allowable catch (tons)	Total allocated catch by vessel (tons)
1	402	402/1003	= 0.401	× 481	= 193
2	199	199/1003	= 0.198	× 481	= 95
3	187	187/1003	= 0.186	× 481	= 90
4	215	215/1003	= 0.214	× 481	= 103
Total	1,003				481

Years in Fishery:

Vessel	Years in fishery	Proportion of total	Decimal equivalent	Allowable catch (tons)	Total allowable (tons)
1	3	3/12	= 0.25	× 78	= 19.5
2	3	3/12	= 0.25	× 78	= 19.5
3	3	3/12	= 0.25	× 78	= 19.5
4	3	3/12	= 0.25	× 78	= 19.5
Total	12				78

Allocation by vessel:

Vessel	Allocation by catch (tons)	Allocation by time (tons)	Total allocated catch (tons)
1	193	+ 19.5	= 212.5
2	95	+ 19.5	= 114.5
3	90	+ 19.5	= 109.5
4	103	+ 19.5	= 122.5
Total	481	78	559

Allocations of school or giant size bluefin tuna would be made to vessel owners newly entering the fishery and making application to the Regional Director by April 15 (or in 1980 by such other date as he establishes) for that size class of tuna. The amount of these allocations would equal 14 percent of the quota for the particular size class of tuna for which application is made. New entrants would remain in the new entrant category throughout the first four years until the reevaluation at the end of the four year period. Consequently, 91 st of school tuna and 42 st of giant tuna would be available for distribution among new entries. Allocations would be made by dividing these amounts by the number of applicants for a particular size class of tuna. Any amount of either school or giant size tuna which cannot be distributed among new entries would be divided proportionally among historical participants in the manner put forth above.

All purse seine vessels to which an allocation of school-size tuna is made would be required to carry a biological technician on any trip which they fished for school-size bluefin tuna. The technician would be placed on board at the NMFS expense and would in no way interfere with the operation of the vessel. The technician would collect the tags from any tagged fish captured and record the size and other information from the tuna. The technician would keep the necessary catch records each vessel owner is now required to keep, thereby relieving the vessel owner or operator from the reporting and logbook requirements. Vessel owners or operators would be required to give five days advance notice of their intent to fish for Atlantic bluefin tuna to facilitate placement of the technician. The vessel inspection provisions would continue to apply.

Quotas and Catch Rates

As in the purse seine fishery, the overall quotas for fishing other than purse seining, i.e., handgear, will remain the same. However, the NMFS proposes to reserve part of the handgear quota of giant tuna in the northern area for a new category, harpoon boats. This proposal is made in response to a number of public inquiries concerning the possibility of such a provision. Harpooning has long been used as a method of catching giant tuna in the northern sector of the fishery, i.e., the Gulf of Maine. Like purse seining, harpooning merits a historical niche in the giant fishery. While harpooning has accounted for nearly 24 percent of the annual catch, this figure includes a broader range of vessels than the small number which have historically employed *only* harpoons to catch giant tuna. Many vessels fishing for giant tuna carry various types of gear on board to take advantage of conditions. Harpooning can be done only with calm seas and clear water, as giant tuna can be harpooned only on or near the surface. Due to the proliferation of boats fishing for giant tuna and the few days on which weather and sea conditions permit harpooning, traditional harpoon fishermen, such as those in Maine, are seriously disadvantaged by the present daily catch limits. On the days that they can harpoon giant tuna, there is often the possibility of harpooning more than one. Therefore, the NMFS proposes to reserve 150 st (approximately 400 giants) for a new category of harpoon boats and not restrict the daily catch limit. The NMFS believes that this level of catch serves reasonably those individuals who fish only with harpoons.

As in the charter boat category, fishermen would have to apply for or withdraw from this category by May 15 of each year. Once the harpoon quota is taken, boats registered as harpoon boats could no longer continue to fish for giant tuna. Establishing this category, however, does not prevent fishermen whose boats are not registered in this category from fishing for giant tuna with harpoons.

In response to persistent public comment that the present catch rate of one giant tuna a day per vessel discriminates against those fishermen who wish to engage in a commercial operation for giant tuna using gear other than purse seine nets, the NMFS has reviewed this provision. It is difficult to differentiate between commercial and recreational fishermen in the giant tuna fishery, as most of the giant tuna caught are sold. However, the NMSF recognizes that not all fishermen fish for giant tuna are able to fish the same number of days, as there exists a substantial variation in terms of dependence on this fishery for one's livelihood. In order to address this problem, the NMFS proposes to establish a variable catch rate system. Under this system, the Regional Director will review the catch at two times during the fishing season. On August 7, the Regional Director would review the catch of giant tuna. If it were determined that the catch accounted for 30 percent or more of the general handgear quota, the catch rate would remain at one giant a day. If the catch accounted for between 17 and 29 percent, the Regional Director would publish a notice in the **Federal Register** increasing the allowable catch to two giant tuna a day per vessel. If the catch accounted for less thant 17 percent of the quota, the Regional Director would publish a notice in the **Federal Register** increasing the daily allowable catch to three giants. On September 7 the Regional Director would again review the catch of giant tuna. If it were determined that 85 percent or more of the quota was caught, a notice would be published in the **Federal Register** setting the allowable catch at one giant tuna per day per vessel. If it were determined that the catch accounted for between 70 and 80 percent of the quota, then the catch rate would be two giants a day, if between 60 and 69 percent, it would be three a day, if less than 60 percent, then the catch rate would be four a day. The NMFS believes that this system would serve to allow those with less access to the giant fishery the maximum opportunity to engage in the fishery, while permitting many of those who wish to pursue the fishery as a commerical venture to do so in a manner which should result in a greater economic return then is now the case.

The only other substantial changes which NMFS proposes to be made to the regulations are: (1) prohibiting fishing within 100 yards of the corkline of any purse seine net used by any vessel conducting scientific research authorized by NMFS; (2) returning the commencement date of the purse seine fishery for giant tuna from August 15 to September 1; and (3) redefining the size classes of bluefin tuna. The reason for prohibiting fishing near purse seine vessels engaged in research operations results from activities of certain vessels in the fishery during 1979. On at least two occassions, these vessels hovered near tagging operations, attempting to catch tagged giant tuna which were released from the purse net. Since the tagged tuna when released are sometimes tired and disoriented, they

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may swim near the surface for a short time where they are easily caught. Consequently, the value of the tagged tuna as a scientific tool which can benefit the entire fishery could easily be lost if the tuna are immediately captured upon their release.

Due to the fact that purse seine vessels caught the entire quota of giant tuna during 1979 in just a few weeks, the reason for moving the commencement of the season to an earlier date no longer exists. The NMFS recognizes that the earlier commencement date of this fishery increases the likelihood of conflicts between different components of the fishery. Consequently, NMFS believes there is sufficient cause to change the commencement date of this fishery to September 1, yet leave amply time for purse seine vessels to catch the quota.

Redefining the various size categories of bluefin tuna is necessary in light of the most recent biological data. One of the ICCAT recommendations implemented under the Atlantic Tunas Convention Act of 1975 (Pub. L. 94–70) was the prohibition of taking and landing bluefin tuna weighing less than 6.4 kg (14 pounds) except for an incidental catch allowance. This was to protect young-of-the-year (age 0) and one-year old (age 1) bluefin. The bluefin tuna occurring in the western Atlantic Ocean has an earlier spawning time and has a faster growth rate than those occurring in the eastern Atlantic. As a result they are larger in size at the end of each year than are those of the eastern Atlantic. The ICCAT conservation measure protects the tuna of the eastern Atlantic, but does not fully protect those of the western Atlantic. The minimum size restriction for one-year old bluefin tuna of the western Atlantic should be set at 28 inches (72 cm) in length and 19 pounds (8.7 kg) in weight. Likewise, the upper limit of school-size bluefin (those as old as 5 years) should be 57 inches (145 cm) in length and 135 pounds (61 kg) in weight; for giant (those 10 years old or more) it should be 77 inches (196 cm) in length and 310 pounds (142 kg) in weight. Also, since length is a much more accurate indicator of age than is weight, length should be used in defining size categories of bluefin tuna to be consistent with original management objectives of conservation.

Finally, NMFS has learned recently that commercial longline activity for bluefin tuna may be developing in the Gulf of Mexico significantly beyond its historical scope. If the magnitude of this fishery is substantial enough to approach the quota for giant bluefin tuna in the southern area, thereby jeopardizing the historical giant tuna fishery along the mid-Atlantic and southern New England coasts, some reapportionment of existing quotas might be necessary. However, the magnitude of the fishery is not yet known. Therefore, NMFS is requesting comments on this fishery and its implications for the quotas. In addition, NMFS will be continuing to study the situation, to determine whether changes will be necessary.

The Assistant Administrator has determined that these proposed changes constitute a major federal action significantly affecting the quality of the human environment. Therefore, in accordance with the National Environmental Policy Act of 1969, an Environmental Impact Statement has been prepared. In addition, these proposed regulations have been deemed significant according to the criteria set forth in Executive Order (E.O.) 12044. Pursuant to this Executive Order a Regulatory Analysis has been prepared. Copies of both these documents may be obtained by writing the CONTACT person noted above.

Authority: Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971–971(h).

Signed in Washington, D.C. this 12th day of March, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

Accordingly 50 CFR Part 285 is proposed to be amended as follows:

1. Section 285.1 is proposed to be amended as follows:

a. The definition of "Atlantic bluefin tuna" is proposed to be amended to read:

§ 285.1 Definitions.

* * * * *

"Atlantic bluefin tuna" means *Thunnus thynnus thynnus*. The following class size designations are made for Atlantic bluefin tuna:

(a) Young school tuna—less than 28 inches (72 cm);

(b) School tuna—equal to 28 inches (72 cm), but less than 57 inches (145 cm);

(c) Medium tuna—equal to 57 inches (145 cm), but less than 77 inches (196 cm); and

(d) Giant tuna—equal to or greater than 77 inches (196 cm).

* * * * *

b. The definition of "Buy boat" is proposed to be eliminated.

2. Subpart B is proposed to be revised to read as follows:

Subpart B—Atlantic Bluefin Tuna (Thunnus thynnus thynnus)

Sec.

285.20 Effective period of regulations.
285.21 Vessel permits.
285.22 Dealer license.
285.23 Recordkeeping and reporting.
285.24 Metal tags.
285.25 Prohibitions.
285.26 Presumptions.
285.27 Penalties.
285.28 Purse seine vessel gear restrictions and inspection.
285.29 Permitted fishing.
285.30 Quotas.
285.31 Incidental catch.
285.32 Catch limits.
285.33 Tag and release program.

Authority: Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971–971(h).

Subpart B—Atlantic Bluefin Tuna (Thunnus thynnus thynnus)

§ 285.20 Effective period of regulations.

These regulations shall remain in effect until superseded, amended, or otherwise suspended.

§ 285.21 Vessel permits.

(a) *General.* Any vessel which fishes for, catches or takes Atlantic bluefin tuna, except vessels operated by anglers fishing for young school or school Atlantic bluefin tuna, must have an appropriate permit issued under this section. Any vessel to which a permit has been issued under this section shall travel to and from the area where it will be fishing under its own power and the operator thereof shall bring under his control with no assistance from other vessels any Atlantic bluefin tuna, except in circumstances where the safety of the vessel or crew is jeopardized or due to other circumstances beyond the control of the operator.

(1) *Charter boats.* (i) Any vessel owner who presently holds a valid bluefin tuna permit or who applies for a bluefin tuna permit under paragraph (a) of this section may register his vessel under the charter boat category established under § 285.30 to fish for the subquota reserved for that category: *Provided,* That no vessel may be registered under this category unless the owner thereof provides proof to the Regional Director that the operator of the vessel holds a valid United States Coast Guard motorboat operator's license or ocean operator's license.

(ii) Any vessel owner who holds a valid bluefin tuna permit and intends to register his vessel under the charter boat category shall send a letter of intent to register as a charter boat vessel together with the requisite proof that the operator holds one of the licenses specified in paragraph (a)(1)(i) of this section to the Regional Director on or before May 15. Any vessel owner applying for a bluefin tuna permit under paragraph (a) of this section shall indicate his intent to register the vessel under the charter boat category on the permit application. Both the permit application and the requisite proof that the operator holds one of the licenses specified in paragraph (a)(1)(i) of this section shall be submitted to the Regional Director on or before May 15. In any year, a vessel owner may withdraw from registration in the charter boat category only on or before May 15 of that year.

(iii) Vessels registered in the charter boat category shall fish only under the sub-quota reserved for this category.

(2) *Harpoon boats.* (i) Any vessel owner who presently holds a valid bluefin tuna permit or who applies for a bluefin tuna permit under paragraph (a) of this section may register his vessel under the harpoon boat category established under § 285.30 to fish for the sub-quota reserved for that category.

(ii) Any vessel owner who holds a valid bluefin permit and intends to register his vessel under the harpoon boat category shall send a letter of intent to register as a harpoon boat vessel to the Regional Director on or before May 15. Any vessel owner applying for a bluefin tuna permit under paragraph (a) of this section shall indicate his or her intent to register the vessel in the harpoon boat category on the permit application. The permit application shall be submitted to the Regional Director on or before May 15. In any year, a vessel owner may withdraw from registration in the harpoon boat category only on or before May 15 of that year.

(iii) Vessels registered in the harpoon boat category shall fish only under the quota reserved this category.

(b) *Purse seine vessels.* Any vessel owner whose vessel uses purse seine gear to fish for Atlantic bluefin tuna in a directed fishery shall apply to the Regional Director on or before April 15 of each year for an allocation. The application shall be in writing and specify the particular size-class of tuna for which the vessel will fish. Vessel allocations will be made in accordance with § 285.32 from the quotas specified in § 285.30 which are reserved for assessment fishing.

(1) The owner of any purse seine vessel to which a vessel allocation of Atlantic bluefin tuna is made shall allow a biological technician duly authorized by the Assistant Administrator to accompany the vessel on any or all fishing trips during which Atlantic bluefin tuna is fished, for the purpose of conducting research and observing operations.

(2) Research and observation duties shall be carried out in such a manner as to minimize interference with commercial fishing operations. No owner, master, operator, or crew member of a purse seine vessel shall impair or in any way interfere with the research or observations being carried out.

(3) The Secretary shall provide for the payment of all reasonable costs directly related to the quartering and maintaining of such observers on board such vessels.

(4) In order to facilitate observer placement, the owners or operator of any purse seine vessel to which an allocation of Atlantic bluefin tuna has been made shall notify the Northeast Regional Office of the National Marine Fisheries Service at least five days in advance of any fishing trip during which school-size Atlantic bluefin tuna will be pursued.

(c) Application for vessels other than purse seine. An application for a permit under this section shall be submitted and signed by the vessel owner on an appropriate form which may be obtained from the Regional Director. The application shall be submitted to the Regional Director at least 30 days prior to the date on which the applicant desires to have the permit made effective. The application shall state the name and address of the vessel owner, the name of the vessel, the port where the vessel is docked, the registration or documentation number, the length of the vessel, the tonnage (if known), and the area to be fished.

(d) *Issuance.* (1) Upon receipt of a completed application, the Regional Director shall issue a permit within 30 days.

(2) Upon receipt of an incomplete or improperly executed application, the Regional Director shall notify the applicant of the deficiency in the application. If the applicant fails to correct the deficiency within ten days following the date of notification, the application shall be considered abandoned.

(e) *Expiration.* Permits issued under paragraph (a) of this section expire when the owner or name of the vessel changes or the vessel is retired from the Atlantic bluefin tuna fishery.

(f) *Duration.* A permit issued under this section continues in full force and effect until it expires or is revoked.

(g) *Alteration.* Any permit issued under this section which is substantially altered, erased, or mutilated is invalid.

(h) *Replacement.* Replacement permits may be issued by the Regional Director. An application for a replacement permit shall not be considered a new application.

(i) *Transfer.* Permits issued under this section are not transferable or assignable. A permit is valid only for the vessel for which it is issued.

(j) *Display.* Any permit issued under this section must be carried on board the vessel at all times. The permit shall be displayed for inspection upon request of any Authorized Officer or any employee of the NMFS designated by the Regional Director for such purpose.

(k) *Revocation.* Permits issued under this section may be modified, suspended, or revoked by the Assistant Administrator for violations of the Act, or any regulation promulgated thereunder. Any revocation, suspension, or modification shall be in accordance with the procedures set forth in 50 CFR Part 621.

(l) *Fees.* No fee is required for any permit issued under this section.

(m) *Change in application information.* Any change in the information contained in an application submitted for a permit under this section shall be reported in writing to the Regional Director within 15 days of the change.

§ 285.22 Dealer license.

(a) *General.* Any person purchasing or receiving Atlantic bluefin tuna for a commercial purpose from any person or vessel fishing for such tuna shall have a valid license under this section.

(b) *Application.* An application for a dealer license shall be made in writing, signed by the applicant and submitted to the Regional Director at least 30 days prior to the date upon which the applicant desires to have the license made effective. Applications shall provide all of the following information:

(1) The name, mailing address, and telephone number of the applicant; and

(2) The expected disposition of Atlantic bluefin tuna purchased (e.g., foreign or domestic markets).

(c) *Issuance.* (1) Upon receipt of a completed application, the Regional Director shall issue a license within 30 days.

(2) Upon receipt of an incomplete or improperly executed application, the Regional Director shall notify the applicant of the deficiency in the application. If the applicant fails to correct the deficiency within 15 days following the date of notification, the application shall be considered abandoned.

(d) *Expiration.* Any license issued under this section expires on December 31 of the year for which it was issued.

(e) *Duration.* Any license under this section continues in full force and effect

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until it is suspended, revoked, or expires.

(f) *Alteration.* Any license which is substantially altered, erased, or mutilated is invalid.

(g) *Replacement.* Replacement licenses may be issued by the Regional Director. An application for a replacement license shall not be considered a new application.

(h) *Transfer.* Licenses issued under this section are not transferable or assignable. A license shall be valid only for the person to whom it is issued.

(i) *Inspection.* A license issued under this section must be kept at the principal place of business of the dealer. The license shall be displayed for inspection upon request of any Authorized Officer, or any employee of the NMFS designated by the Regional Director for that purpose.

(j) *Revocation.* Licenses issued under this section may be revoked or suspended by the Assistant administrator for violations of the Act, or any regulations promulgated thereunder. Any revocation, suspension or modification shall be in accordance with the procedures set forth in 50 CFR Part 621.

(k) *Fees.* No fee is required for any license issued under this section.

(l) *Change in application information.* Any change in the information specified in this section shall be reported to the Regional Director within 15 days of the change.

§ 285.23 Recordkeeping and reporting.

(a) *Dealer reports.* Any person issued a dealer license under § 285.22 shall:

(1) Maintain an accurate and complete daily report on forms supplied by the NMFS and file it within two days after the end of each reporting week with the Regional Director. Each report shall specify the number of tuna purchased or received; the disposition of the tuna (names, addresses and, where applicable, country of destination); the source of the tuna (names, addresses and, where applicable, country of origin); metal tag numbers (where applicable); round or dressed weight (by individual fish for giant tuna); any other information requested by the Regional Director.

(2) Report within 24 hours the purchase of each giant Atlantic bluefin tuna by completing and returning one of the cards provided for this purpose by the NMFS. Each card shall show the Atlantic bluefin tuna vessel permit number, metal tag number affixed to the fish by the dealer or assigned by an Agent of the NMFS, the date landed, the port where landed, the round or dressed weight, the fork length, gear used, and area where caught. This report will be signed by the vessel permit holder or vessel operator.

(3) Submit a report, as required in paragraph (a)(1), whether or not any Atlantic bluefin tuna were received or purchased on any day during any reporting week.

(4) Permit an Authorized Officer, or any employee of the NMFS designated by the Regional Director to inspect any records of transfers, purchases, or receipts of Atlantic bluefin tuna.

(5) Retain in his or her possession a copy of each weekly report for a period of two years from the date on which it was submitted to the Regional Director.

(b) *Reporting week.* For the purpose of this section the reporting week begins at 12 midnight, on Sunday and ends at 12 midnight the following Sunday.

§ 285.24 Metal tags.

(a) *Issuance of tags.* Any person receiving a dealer's license under the provisions of § 285.22, shall be issued numbered metal tags by the NMFS. Tag numbers shall be recorded by the NMFS under the dealer's license number to whom they are issued.

(b) *Transfer of tags.* Tags issued under paragraph (a) of this section are not transferable.

(c) *Affixing tags.* (1) Any dealer who receives or purchases a giant Atlantic bluefin tuna shall affix to that tuna between the fifth dorsal finlet and the keel, a tag issued under paragraph (a) of this section at the time the tuna is delivered into his or her possession.

(2) Any person who catches a giant Atlantic bluefin tuna and does not transfer it to a licensed dealer shall contact the nearest NMFS enforcement office within 24 hours of landing such tuna to make the tuna available for inspection before the issuance or attachment of the metal tag.

(d) *Removal of tags.* A metal tag affixed to any giant Atlantic bluefin tuna shall remain on the tuna until the tuna is either cut into portions for personal consumption or for commercial purposes or sold for export from the United States. If the tag is removed from the tuna for commercial or export purposes, the tag shall be attached to the outside of the container and the tag number must be written legibly and indelibly on the outside of any package or container which holds the tuna or parts thereof and which is being exported or transported domestically for commercial use. If a giant tuna is packed for export, the tag shall also be attached to the container until it is shipped from the United States.

§ 285.25 Prohibitions.

It shall be unlawful for any person or vessel subject to the jurisdiction of the United States to:

(a) Fish for, take or catch Atlantic bluefin tuna without a valid permit issued under § 285.21(a) and carried onboard the vessel;

(b) Fish for, take or catch Atlantic bluefin tuna after fishing has been closed or before fishing has commenced under § 285.29, except under the provisions of § 285.31, § 285.32(c)(2) or § 285.33;

(c) Fish for, take, or catch Atlantic bluefin tuna in excess of the quotas or sub-quotas specified in § 285.30 except under the provisons of § 285.31 or § 285.33;

(d) Fish for, take or catch Atlantic bluefin tuna in excess of the catch limits specified in § 285.32;

(e) Fish for, take or catch Atlantic bluefin tuna in excess of any vessel allocation made pursuant to § 285.32;

(f) Fish for, take or catch Atlantic bluefin tuna within 100 yards of the cork line of a purse seine net used by any vessel conducting scientific research operations authorized by the NMFS;

(g) Fish for, take or catch in a directed fishery Atlantic bluefin tuna with purse seine nets without an allocation made pursuant to § 285.32;

(h) Fish for, take or catch Atlantic bluefin tuna in a directed fishery with nets other than those specified in § 285.28;

(i) Land any Atlantic bluefin tuna in forms other than round, or eviscerated with the head removed;

(j) Retain any Atlantic bluefin tuna caught under a tag and release permit issued under § 285.33;

(k) Transfer any Atlantic bluefin tuna to another vessel;

(l) Engage in fishing with a vessel holding a permit under § 285.21(a) unless the vessel travels to and from the area where it will be fishing under its own power and the person operating that vessel brings under control any Atlantic bluefin tuna (secured to the catching vessel or boated) with no assistance from other vessels, except in circumstances where the safety of the vessel or crew is jeopardized or due to other circumstances beyond the control of the operator;

(m) Fail to release immediately with a minimum of injury any Atlantic bluefin tuna which will not be retained;

(n) Fail to affix to any giant tuna between the fifth dorsal finlet and the keel an individually numbered metal tag when the tuna has been received or purchased by that person for a commercial purpose from any person or vessel who caught such tuna;

(o) Remove any metal tag affixed to a tuna pursuant to § 285.24 before removal is permitted under that section, or fail to write the tag number on the package as prescribed by that section;

(p) Begin fishing or off-loading from any purse seine vessel to which a certificate has been issued under § 285.21(a) any Atlantic bluefin tuna without first requesting an inspection of the vessel by an agent of the NMFS in accordance with § 285.28;

(q) Ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession or control any Atlantic bluefin tuna which the person knew or should have known was taken in violation of this subpart;

(r) Purchase or receive Atlantic bluefin tuna at sea from a person or vessel engaged in fishing for such tuna;

(s) Fail to report the taking of any Atlantic bluefin tuna to which a plastic tag has been affixed under a bona fide tag and release program conducted by the NMFS or authorized by the NMFS;

(t) Fail to report to the Regional Director in writing any change in the information contained in an application for any permit for a vessel within 15 days of any such change;

(u) Falsify or fail to make, keep, maintain, or submit any reports, or other record required by this subpart;

(v) Refuse to permit an Authorized Officer, or any employee of the NMFS designated by the Regional Director for such purposes to make inspections for the purpose of checking any records relating to the taking, catching, harvesting, landing, purchase or sale of any Atlantic bluefin tuna required by this subpart;

(w) Make any false statement, oral or written, to an Authorized Officer or an employee of the NMFS designated by the Regional Director to make inspections concerning the taking, catching, harvesting, landing, purchase, sale, or transfer of any Atlantic bluefin tuna;

(x) Refuse to permit an Authorized Officer or any person designated by the Regional Director for such purposes to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Act, this subpart, or any other regulation promulgated under the Act;

(y) Violate any other provision of this subpart, the Act, or any other regulation promulgated pursuant thereto.

§ 285.26 Presumptions.

(a) For any Atlantic bluefin tuna which is landed eviscerated with the head removed, there shall be a rebuttable presumption for purposes of this subpart that the tuna when caught fell into a size class in accordance with the following table. For this purpose, all measurements must be taken in a straight line from the middle of the lateral surface (even if the fish has been beheaded) to the fork of the tail.

Table 1

Original size class (fork length)	Approximate weights
Young school tuna: less than 28 inches (72cm).	Less than 19 pounds.
School tuna: equal to 28 inches (72 cm) but less than 57 inches (145 cm).	From 19 pounds but less than 135 pounds.
Medium tuna: equal to 57 inches (145 cm) but less than 77 inches (196 cm).	From 135 pounds but less than 310 pounds.
Giant tuna: 77 inches (196 cm) or more.	Larger than 310 pounds.

§ 285.27 Penalties

(a) Any person who violates paragraphs (a) through (r) of this section, inclusive, of §285.25 shall be assessed a civil penalty of not more than $25,000, and for a subsequent violation shall be assessed a civil penalty of not more than $50,000.

(b) Any person who violates paragraphs (s) through (x) of this section, inclusive, of § 285.25 shall be assessed a civil penalty of not more than $1,000, and for a subsequent violation shall be assessed a civil penalty of not more than $5,000.

(c) Any person who violates paragraph (y) of § 285.25 shall be assessed a civil penalty in accordance with the criteria set forth in 16 U.S.C 971e.

§ 285.28 Purse seine vessel gear restrictions and inspection.

(a) *Mesh Size.* Any owner or operator of a vessel with a certificate issued under to § 285.21(a) conducting a directed fishery for Atlantic bluefin tuna with nets, other than a trap net, shall use a net with a mesh size equal to or smaller than 4.5 inches in the main body (stretched when wet) and which has at least 24 count thread throughout the net.

(b) *Exemption.* The Regional Director may exempt any person from the mesh restrictions in paragraph (a) of this section if he determines that the net sought to be excluded will not result in significant injury or mortality to Atlantic bluefin tuna which are encircled by the net but manage to escape.

(c) *Inspection.* Any owner or operator of a purse seine vessel with a certificate issued under to § 285.21(a) shall request an inspection of the vessel and fishing gear by an agent of the NMFS prior to commencing any fishing trip and prior to offloading any Atlantic bluefin tuna. Requests for such inspection shall be made by calling (617) 281–3600 extension 252; or (617) 992–7711. Requests shall be made at least 24 hours prior to commencement of a fishing trip or offloading.

§ 285.29 Permitted fishing.

(a) *School and giant Atlantic Bluefin Tuna.* (1) *Commencement.* Fishing for, catching or taking giant Atlantic bluefin by vessels using purse seine gear to which an allocation has been made pursuant to § 285.32, in the regulatory area may commence on September 1 of each calendar year. Fishing for, catching or taking giant Atlantic bluefin tuna by vessels using gear other than purse seines, and fishing for, catching or taking school Atlantic bluefin tuna by vessels using purse seines or gear other than purse seines in the regulatory area may commence on January 1 of each calendar year: *Provided,* That, consistent with the Convention, the Act, and this part, the Assistant Administrator may change the commencement of fishing under this section for any size class of Atlantic bluefin tuna for any area and vessel gear type if he or she determines that such a measure will enable scientific research on the status of the stock and will not prevent the quotas for the affected fishery from being caught based upon historical catch data or other relevant information. The Assistant Administrator shall publish a notice in the **Federal Register** of any change in the commencement of fishing under this section at least 60 days prior to the commencement of the affected fishery.

(2) *Closure.* (i) *Purse seine vessels.* Any vessel using purse seine nets in a directed fishery for school or giant Atlantic bluefin tuna may fish for such tuna during the time permitted for such fishing, as specified in paragraph (a)(1) of this section, only until the allocation for that vessel made pursuant to § 285.32 is reached. Upon reaching its quota for a particular size class of tuna, a vessel will be deemed to have been given notice that the fishery for such Atlantic bluefin tuna is closed to that vessel.

(ii) *Vessels using gear other than purse seine nets.* The Assistant Administrator shall monitor catch and landing statistics of Atlantic bluefin tuna by vessels using gear other than purse seine nets. On the basis of these statistics, he shall project a date when the total catch of giant Atlantic bluefin tuna will exhaust any quota or sub-quota under § 285.30, and shall publish a notice in the **Federal Reigster** stating that fishing for giant tuna by the type of vessels subject to the quota or sub-quota in the area affected must cease on that date at a specified hour.

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(iii) *Charter boats.* Vessels registered in the charter boat category in the northern area may recommence fishing on the first day of any month for which a sub-quota is allocated under § 285.30(b)(2).

(iv) *Angling.* Anglers may continue to catch school tuna as specified in section 285.32(c)(2), and to fish for giant tuna under a tag and release program in accordance with § 285.33.

(b) *Young School and Medium Atlantic Bluefin Tuna.* Fishing for, catching or taking young school or medium Atlantic bluefin tuna by vessels using purse seines or gear other than purse seines in the regulatory area shall be limited at all times during the year to incidental catch in accordance with § 285.31, except that anglers may fish for, catch or take young school and medium tuna at any time in accordance with the limitations specified in § 285.32(c)(2).

§ 285.30 Quotas.

(a) *Purse Seining:* (1) *School tuna.* The total amount of school Atlantic bluefin tuna which may be caught in the regulatory area by vessels using purse seine gear is 650 short tons.

(2) *Giant tuna.* The total amount of giant Atlantic bluefin tuna which may be caught in the regulatory area by vessels using purse seine gear is 300 short tons.

(3) *Assessment fishing.* The total amount of Atlantic bluefin tuna which may be caught in the regulatory area by vessels using purse seine gear in a directed fishery for such tuna under (a)(1) of this subpart is reserved for assessment fishing.

(b) *Fishing by other than purse seining.* (1) *Total Quota.* The total amount of giant Atlantic bluefin tuna which may be caught in the regulatory area by vessels using gear other than purse seines before fishing is closed under § 285.29(a)(2) is 1,218 short tons (approximately 3,370 fish).

(2) *Northern Area.* No more than 1,128 short tons (approximately 3,100 fish) of the total quota in this paragraph may be caught in the Northern Area (the area north and east of a line drawn from a point on the sourthern coast of Massachusetts extending due south through Gay Head Light, Massachusetts, into the Atlantic Ocean). This quota shall be divided into sub-quotas as follows:

(i) General—876 short tons (±2,400 fish).

(ii) Charter boats—102 short tons (±280 fish).

(iii) Harpoon boats—150 short tons (±400 fish).

(A) The sub-quota for charter boats is further subdivided into monthly quotas as follows:

(*1*) June—10 short tons, ±30 fish.

(*2*) July—27 short tons, ±75 fish.

(*3*) August—38 short tons, ±100 fish.

(*4*) September—27 short tons, ±75 fish.

If the sub-quota for any month is not reached, the remainder may be carried over to the following month. Vessels issued a bluefin tuna permit under § 285.21(a) shall be placed in the general category, except that a vessel owner either holding a valid bluefin tuna permit or newly applying for a bluefin tuna permit under § 285.21(a) may register his vessel under the charter boat category in accordance with § 285.21(a)(1) or harpoon boat category in accordance with § 285.21(a)(2).

(3) *Southern Area.* No more than 90 short tons (approximately 270 fish) of the total quota for vessels fishing by other than purse seining is this paragraph maybe caught in the southern area (the area west and south of the line drawn through Gay Head Light including the waters of Narragansett Bay) (See Figure 2).

(c) *Research:* In addition to the quotas set forth in paragraphs (a) and (b) of this section, a scientific quota not to exceed 225 short tons of Atlantic bluefin tuna is established for the purposes of tagging and obtaining age, sex, and other scientific research data. Any research activity shall be authorized by the Director, Southeast Fisheries Center, or his representatives, but in consultation with the Regional Director.

(d) *Incidental Catches.* Atlantic bluefin tuna taken incidentally shall be included in the quotas and sub-quotas of this section.

§ 285.31 Incidental catch.

(a) *Purse seine vessels.* (1) *Giant tuna.* Purse seine vessels fishing for giant tuna in the regulatory area may take incidentally, during any fishing trip, Atlantic bluefin tuna measuring less than 77 inches fork length: *Provided,* That the amount of such tuna taken shall not exceed 3 percent, by weight, of the total amount of giant Atlantic bluefin tuna onboard the vessel at the end of the fishing trip.

(2) *School tuna.* Purse seine vessels fishing for school tuna in the regulatory area may take incidentally, during any fishing trip, Atlantic bluefin tuna outside that weight class: *Provided,* That the amount of such tuna taken shall not exceed 3 percent, by weight, of the total amount of school tuna on board the vessel at the end of the fishing trip.

(3) *Attribution.* Atlantic bluefin tuna caught incidentally by purse seine vessels fishing for an allocation of a particular size class tuna shall be applied to that vessel's allocation for such size class tuna.

(b) *Herring, mackerel* and *menhaden purse seine vessels* and *vessels using fixed gear other than traps* (pounds, weirs, gill-nets and longlines). Any person operating a vessel fishing principally for species of fish other than Atlantic bluefin tuna and possessing an Atlantic bluefin certificate under § 285.21(a) may take, during any fishing trip, Atlantic bluefin tuna of any size class: *Provided,* That the amount of Atlantic bluefin tuna taken does not exceed 2 percent, by weight, of all other fish onboard the vessel at the end of the fishing trip.

(c) *Traps.* Any person operating a vessel with a certificate issued under § 285.21(a), which takes Atlantic bluefin tuna incidentally while fishing with traps, may retain Atlantic bluefin tuna: *Provided,* That such tuna do not exceed 2 percent, by weight, of the total amount of all other fish species taken within the preceding 30-day period.

§ 285.32 Catch limits.

(a) *Purse seine vessels.* All owners of purse seine vessels applying under the provisions of § 285.21(b)(1) shall receive an allocation of the permitted size class tuna for which an application is submitted. Allocations will be made in the following manner:

(1) *Allocations.* The Regional Director shall review all applications for allocations of Atlantic bluefin tuna by April 15 of each year to determine the amount of a permitted size class Atlantic bluefin tuna to be allocated to individual vessels. The Regional Director shall divide the purse seine quotas for school and giant size Atlantic bluefin tuna between historical participants (those owners actively engaged in the fishery at some time during the period June, 1977 to December, 1979) and new entrants; 86 percent of the quota will be divided among historical participants and 14 percent by new entrants.

(i) Historical participants applying for a permitted size class tuna shall receive an allocation from the 86 percent of the quota based upon the number of years the owner has had a vessel in the fishery and the catch by that vessel. Relevant information relating to the catch of a vessel owned by a historical participant and the years it has been in the fishery shall be submitted to the Regional Director before any allocation may be made to that individual's vessel. The Regional Director shall review the sufficiency of such information. No Atlantic bluefin tuna caught in excess of any quota may be used in determining a vessel's allocation. Each allocation to a historical participant shall be proportional to other historical participants applying for the same size class Atlantic bluefin tuna. It shall be calculated by splitting that part of the total quota reserved for historical participants into 14 percent to be divided among historical participants based upon their years in the fishery since 1977; and 86 percent to be divided among historical participants based upon their annual catch since 1977.

(ii) New entrants applying for a permitted size class tuna shall receive an allocation from the 14 percent of the quota based upon the number of new entrants applying. All new entrants shall receive equal allocations. In the event that no new entrants apply or the Regional Director cannot allocate the total 14 percent of the quota to new entrants, it shall be divided among the historical participants applying for that size class tuna according to the formula set forth in paragraph (a)(1)(i) of this section.

(iii) Vessels to which an allocation of any permitted size class of tuna is made by the Regional Director shall forfeit such allocation if, in the case of school size tuna, the vessel fails to land any such tuna by August 30; and, in the case of giant size tuna, the vessel fails to land such tuna by September 30. Any vessel allocation which is forfeited shall be divided between historical and new participants according to formula set forth in this section.

(iv) Historical participants shall lose their status as such if they fail to meet the performance criteria set forth in paragraph (a)(1)(iii) of this section, or if the vessel owner no longer wishes to participate in the fishery for a particular size class tuna. In the case of a nonindividual vessel owner, the owner shall be deemed to be no longer participating in the Atlantic bluefin tuna fishery as a historical participant if the major stock holder or partnership or association structure changes.

(b) *Northern Area.* In the northern area, as defined in § 285.30(b), vessels fishing for, catching or taking giant Atlantic bluefin tuna with gear other than purse seines shall catch no more than one giant bluefin tuna per day per vessel. On or about August 7, the Regional Director shall review dealer and owner or operator vessel reports to determine the total catch of giant bluefin tuna. If the Regional Director determines that 30 percent or more of the quota of giant bluefin tuna is caught, the allowable catch shall be continued at one giant bluefin tuna per day per vessel. If the Regional Director determines that between 17 and 29 percent of the quota has been caught, the allowable catch shall be increased to two giant bluefin tuna per day per vessel; if less than 17 percent has been caught, the allowable catch shall be increased to three giant tuna per day per vessel. On or about September 7, the Regional Director shall review dealer and vessel owner or operator reports to determine the total catch of giant bluefin tuna. If the Regional Director determines that 85 percent or more of the quota of giant bluefin is caught, an allowable catch of one giant bluefin tuna per day per vessel shall be established. If the Regional Director determine that between 70 and 85 percent of the quota has been caught, the allowable catch shall be increased to two giant bluefin tuna per day per vessel; if the catch is between 60 and 69 percent, the allowable catch shall be increased to three giant tuna per day per vessel. If the Regional Director determines that less than 60 percent of the quota has been caught, the allowable catch shall be increased to four giant tuna per day per vessel. The Regional Director shall publish a notice in the **Federal Register** of any determinations and increases in allowable catch made pursuant to this paragraph.

(c) *Southern Area.* In the southern area, as defined in § 285.30(b), vessels fishing for, catching or taking giant Atlantic bluefin tuna with gear other than purse seines may take five giant tuna per week per vessel from the commencement of fishing under § 285.29 until the subquota in § 285.30(b) for the southern area is reached.

(d) *Angling.* (1) *Giant tuna.* Vessels angling for giant Atlantic bluefin tuna in the regulatory area shall be subject to the catch limits contained in paragraphs (a) and (b) of this section.

(2) *Young school, school and medium tuna.* Vessels angling for young school, school or medium Atlantic bluefin tuna in the regulatory area may take no more than four young school, school or medium Atlantic bluefin tuna each day at any time during the year: *Provided,* That only one of the four may be a medium Atlantic bluefin tuna.

§ 285.33 Tag and release program.

(a) *Tag and Release Permits.* Any angler who wishes to fish for giant Atlantic bluefin tuna after the sub-quota under which his vessel has been issued a certificate has been reached and fishing closed under § 285.29, may fish for giant tuna only with a valid tag and release permit, and tags issued by the NMFS under paragraph (b) of this section. A tag and release permit may be obtained by sending an application after fishing has been closed under § 285.29 to the Center Director, Southeast Fisheries Center, NMFS, 75 Virginia Beach Drive, Miami, Florida 33149. Such application shall include the name of the vessel, official Coast Guard or State number(s), name(s) of the owner and master, vessel Atlantic bluefin tuna certificate number, and the general area(s) in which the tag and release activity will be carried out. Upon receipt of a completed application, the Center Director shall issue a tag and release permit.

(b) *Plastic tags.* Anglers receiving a tag and release permit under paragraph (a) of this section shall also be issued plastic tags and detailed instructions for their use. All giant Atlantic bluefin tuna caught under a tag and release permit shall be tagged before they are released. Such tuna shall be released immediately with a minimum of injury.

[FR Doc. 80-8059 Filed 3-13-80; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 45, No. 52
Friday, March 14, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Land and Resource Management Plan; National Forests in Mississippi; Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service, will prepare an environmental impact statement on the Land and Resource Management Plan for the National Forests in Mississippi. This Forest Plan will be developed in accordance with Section 6 of the National Forest Management Act of 1976 and regulations issued pursuant to the Act.

The National Forests in Mississippi are made up of six National Forests located as follows: Bienville National Forest in Jasper, Newton, Scott and Smith Counties; DeSoto National Forest in Forrest, George, Greene, Harrison, Jackson, Jones, Pearl River, Perry, Stone and Wayne Counties; Delta National Forest in Sharkey County; Holly Springs National Forest in Benton, Lafayette, Marshall, Tippah, Union, Yalobusha Counties; Homochitto National Forest in Adams, Amite, Wilkinson Counties; Tombigbee National Forest in Pontotoc, Chickasaw, Choctaw, Oktibbeha and Winston Counties, Mississippi. The Forest Supervisor has administrative authority over approxmiately 1,139,654 acres of National Forest System lands.

The Forest Plan will provide management direction for these National Forest System lands and will replace the existing Forest Plan and Timber Management Plans.

Preliminary public issues have been identified through analysis of the comments received on previous planning efforts initiated by the Forest. These issues include wilderness designation, developed recreation, conflicts between various resources, protection of cultural resources and others.

Alternatives will consider different ways of managing the Forest's resources within the scope of the Regional Plan. Alternatives will address public issues, management concerns and the Forest's resource use and development opportunities.

The Forest is beginning to gather and organize data and information for the planning effort as well as develop procedures for analyzing, evaluating and updating planning information. Preliminary issues will be prepared and mailed to interested individuals, organizations and local, State and Federal agencies. Media releases will be prepared requesting public participation in finalizing issues. Other media releases will be prepared throughout the planning process.

Lawrence M. Whitfield, Regional Forester, Southern Region, is the responsible official for the environmental impact statement.

The draft environmental impact statement is tentatively scheduled for filing in August 1982. A 90-day period for public review and comments will follow. The final environmental impact statement is tentatively scheduled for filing with the Environmental Protection Agency in July 1983 with implementation of the Forest Plan to begin October 1, 1983.

Questions about the proposed action and the environmental impact statement should be directed to Bruce A. Macko, Forest Planning Staff Officer, National Forests in Mississippi (Phone: 601–969–4391).

Written comments and suggestions concerning the Forest Plan should be sent to B. F. Finison, Forest Supervisor, National Forests in Mississippi, 100 West Capitol Street, Suite 1141, Jackson, Mississippi 39201, by May 1, 1980.

Dated: March 6, 1980.

Lawrence M. Whitfield,

Regional Forester.

[FR Doc. 80-7898 Filed 3-13-80; 8:45 am]

BILLING CODE 3410-11-M

Land Management Plan Sumter National Forest; Abbeville, Chester, Edgefield, Fairfield, Greenwood, Laurens, McCormick, Newberry, Oconee, and Union Counties, S.C.; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969 (Pub. L. 91–190) and the National Forest Management Act of 1976 (Pub. L. 94–588), the Forest Service, Department of Agriculture, will prepare an environmental impact statement and land management plan for the Sumter National Forest in South Carolina.

The land management plan will provide for multiple use and sustained yield of goods and services from the Sumter National Forest, will guide all natural resource management activities, and will establish management standards and guidelines for the Forest.

The Forest Plan will be selected from a range of alternatives which will include at least:

(a) A "no-change" alternative which represents continuation of present levels of activity.

(b) One or more alternatives which represent levels of activity that will result in elimination of all backlogs of needed treatment for restoration of renewable resources and insure that a major portion of planned intensive multiple-use and sustained yield management procedures are operating on an enviromentally sound basis, and

(c) One or more alternatives formulated to resolve the identified major public issues and management concerns.

As an early step in the planning process, Federal, State and local agencies, organizations, and individuals who may be interested in, or be affected by the decision will be invited to participate in:

(a) Identification of the issues to be addressed, and

(b) Elimination from detailed study those issues which are not significant, or which have been covered by prior environmental review.

Item (a) above will be accomplished by utilizing letters and directly contacting Key Groups and individuals.

To accomplish item (b), small work groups composed of representatives from different interest groups will be organized in Whitmire, McCormick, and Walhalla, South Carolina, in April of 1980. Also, the general public will be given the opportunity by letter to assist in the analysis prior to a final decision on which issues and concerns will be addressed in the plan.

The draft environmental impact statement is scheduled for completion by June 1982, with a 3-month review period, and the final environmental impact statement is scheduled for filing in January, 1983.

Lawrence M. Whitfield, Regional Forester, Southern Region of the Forest Service, is the responsible official for approval of the environmental impact statement and plan.

Written comments and suggestions concerning this Notice of Intent or the proposal should be sent to Donald W. Eng, Forest Supervisor, by May 15, 1980.

For further information about the planning process or the environmental impact statement, contact: David V. Rosdahl, Forest Planner, Francis Marion & Sumter National Forests, 1835 Assembly Street, Columbia, South Carolina, 29202, (803–765–5222).

Dated: March 7, 1980.

Lawrence M. Whitfield,

Regional Forester.

[FR Doc. 80-7899 Filed 3-13-80; 8:45 am]

BILLING CODE 3410-11-M

[P.L. 95–150]

Montana Wilderness Study Act; a Revised Notice of Intent To Prepare Environmental Impact Statements

This Notice of Intent revises an earlier notice published in the **Federal Register** on August 13, 1979.

Pursuant to Section 102(2)(c) of the National Environemntal Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare environmental impact statements for Beaverhead, Bitterroot, Deerlodge, Gallatin, Kootenai, and Lewis and Clark National Forests located in Beaverhead, Fergus, Gallatin, Golden Valley, Granite, Judith Basin, Lincoln, Madison, Park, and Ravalli Counties, and Montana for the purpose of determining suitability for preservation as wilderness, certain National Forest lands located on the above-named National Forests.

Twelve public workshops were conducted in western and central Montana towns between September 17 and September 27, 1979, to identify public issues and concerns to be addressed in the environmental impact statements.

A draft environmental impact statement is scheduled to be issued in mid-July 1980 for three of the nine study areas. The three areas are Taylor-Hilgard, West Pioneer, and Mount Henry located on the Gallatin, Beaverhead, and Kootenai National Forests. Public hearings on the proposals will follow in late August 1980. A final environmental impact statement is scheduled for completion early in 1981.

The remaining six areas: Big Snowies, Middle Fork Judith, Hayalite, Ten Lakes, Sapphire, and Bluejoint on the Lewis & Clark, Gallatin, Kootenai, Deerlodge, and Bitterroot National Forests are to be studied as part of the individual forest land and resource management planning processes on those National Forests. Draft and final environmental impact statements for the six areas will be issued between April 1981 and November 1982.

R. Max Peterson, Chief, USDA, Forest Service, is the responsible official for the environmental impact statements. Comments and questions on the Notice of Intent or the environmental impact statements should be directed to Ray D. Hunter, Montana Wilderness Study Act Coordinator, USDA, Forest Service, P.O. Box 7669, Missoula, Montana 59807.

Dated: March 6, 1980.

Thomas C. Nelson,

Acting Chief.

[FR Doc. 80-7934 Filed 3-13-80; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Notice is hereby given that, during the week ended March 7, 1980 CAB has received the applications listed below, which request the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR Part 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due within 14 days of the filing of the application. Answers to conforming applications in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other than restriction removals) are due 28 days after the filing of the application. Answers to conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after the original application was filed. If you are in doubt as to the type of application which has been filed, contact the applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overeas cases (or the Bureau of International Aviation (in foreign air transportaion cases).

Subpart Q Applications

Date filed	Docket No.	Description
Mar. 3, 1980	37779	Deutsche Lufthansa Aktiengesellschaft, c/c Suzette Matthews, Galland, Kharasch, Calkins & Short, 1054 31st Street, N.W., Washington, D.C. 20007. Application of Deutsche Lufthansa Aktiengesellschaft requests issuance of an Order renewing the foreign air carrier permit, issued to it in Board Order 75–3–68, as amended by Orders 75–3–69 and 76–6–15, on a permanent basis the Anchorage or Fairbanks, Alaska stop-over authority and relief from restrictions in emergency situations. Answers may be filed by March 31, 1980.
Mar. 3, 1980	37780	Japan Air Lines Company, Ltd., c/o Suzette Matthews, Galland, Kharasch, Calkins & Short, 1054 31st Street, NW., Washington, D.C. 20007. Application of Japan Air Lines Company, Ltd., petitions the Board for issuance of an order renewing the foreign air carrier permit issued to it in Board Order 75–3–68, as amended by Order 75–3–69 and 76–6–15 (authorizing conditional stop-overs at Anchorage, Alaska on scheduled flights over polar routes between points in Europe and points in Japan, and relief from the stop-over restrictions in certain emergency situations.) Answers may be filed by March 31, 1980.
Mar. 3, 1980	37784	Compagnie National Air France, c/o V. Michael Straus, Suite 401, 1001 Connecticut Avenue, NW., Washington, D.C. 20006. Application of Compagnie National Air France requests the following authority, granted by Order 75–3–68, be renewed and revised as indicated: Between a terminal point in France, the intermediate point Hamburg, Germany, and the intermediate point Anchorage, Alaska, and between the intermediate point Anchorage, Alaska, and the terminal point Tokyo, Japan. Subject to conditions stated in application. It is the intent of Air France to rely on Section 9(b) of the Administrative Procedure Act (Title 5 United States Code 558(c)) and it intends to continue service over the route specified pending final determination of this renewal application. Answers may be filed by March 31, 1980.
Mar. 4, 1980	37799	Scandinavian Airlines System (SAS), c/o Robert Reed Gray, Hale, Russell, Gray, Seaman & Birkett, 1025 Connecticut Avenue, NW., Washington, D.C. 20036. Application of Scandinavian Airlines System (SAS) pursuant to Section 402 of the Act, Part 211 of the Board's Economic Regulations, and Part 302 of the Board's Procedural Regulations, requests renewal of its foreign air carrier permit—issued under Order E–26740, Approved April 30, 1968, and continued by Order 75–3–68, approved March 19, 1975—granting conditional stopover authority at Anchorage, Alaska, to passengers on scheduled flights operated over its polar route between Europe and Japan. Answers may be filed by April 1, 1980.

Subpart Q Applications—Continued

Date filed	Docket No.	Description
Mar. 6, 1980	37807	Ozark Air Lines, Inc. Lambert-St. Louis International Airport, St. Louis, Missouri 63145. Application of Ozark Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Regulations requests amendment of its certificate of public convenience and necessity for Route 107 so as to authorize it to engage in nonstop scheduled air transportation of person, property and mail between the terminal point Indianapolis, Indiana, and the alternate terminal points Minneapolis/St. Paul, Minnesota, and Phoenix, Arizona. Answers may be filed by March 21, 1980.
Mar. 6, 1980	37814	USAir, Inc., Washington National Airport, Washington, D.C. 20001. Application of USAir, Inc. pursuant to Section 401 of the Act and Part 201 and Subpart Q of Part 302 of the Economic Regulations of the Board requests amendment of its certificate of public convenience and necessity for Route 97 so as to authorize USAIR to engage in scheduled nonstop air transportation of persons, property and mail between Chicago, Illinois, on the one hand, and Ft. Wayne, Indiana, Flint, Lansing, Muskegon and Saginaw-Bay City, Michigan, on the other hand, by amending USAir's certificate for Route 97 to include a new segment as follows: "Between the terminal point Chicago, Illinois, and the alternate terminal points Ft. Wayne, Indiana, Flint, Lansing, Muskegon and Saginaw-Bay City, Michigan." Conforming Applications and Answers are due by April 3, 1980.
Mar. 6, 1980	37815	Air Manila, Inc. c/o Cecil A. Beasley, Jr., Bellard, Beasley and Nelson, 605 Commerce Building, 1700 K Street, NW, Washington, D.C. 20006. Applications of Air Manila, Inc. pursuant to Section 402 of the Act requests renewal of its permit, originally issued by Order 75-5-6, as amended by Order 78-3-23, to authorize it to engage in charter foreign air transportation of persons and property as follows: Between any point or points in the Republic of the Philippines and any point or points in the United States. Answers may be filed by April 3, 1980.
Mar. 7, 1980	37820	Pacific Southwest Airlines, c/o Bruce Keiner, Jr., Crowell & Moring, 1100 Connecticut Avenue, NW, Washington, D.C. 20036. Application of Pacific Southwest Airlines, pursuant to section 401 of the Act requests a certification of public convenience and necessity authorizing it to engage in air transportation between Eugene, Oregon and Portland, Oregon; Seattle, Washington; and Los Angeles and San Francisco, California. Conforming Applications and Answers are due by April 4, 1980.
Mar. 7, 1980	37821	Pacific Southwest Airlines, c/o R Bruce Keiner, Jr., Crowell & Moring, 1100 Connecticut Avenue, NW, Washington, D.C. 20036. Application of Pacific Southwest Airlines, pursuant to section 401 of the Act for a certificate of public convenience and necessity authorizing it to engage in air transportation between Las Vegas, Nevada and Reno, Nevada. Conforming Applications and Answers are due by April 4, 1980.

Phyllis T. Kaylor
Secretary.

[FR Doc. 80-7999 Filed 3-13-80; 8:45 am]
BILLING CODE 6320-01-M

[Docket No. 37554; Order 80-3-50]

Establishment of the Standard Foreign Fare Level

Order

Adopted by the Civil Aeronautics Board at its office in Wahington, D.C., on the 10th day of March 1980.

The International Air Transportation Competition Act (IATCA), Pub. L. 96-192, was enacted on February 15, 1980. Among other things; the Act requires the Board to establish a Standard Foreign Fare Level (SFFL) and to adjust such level periodically by the percentage change in actual operating cost per available seat-mile (ASM). The SFFL thus computed would form the ceiling of a statutory no-suspend zone similar to the zone of reasonableness established by the Airline Deregulation Act and set forth in secion 1002(d) of the Federal Aviation Act of 1958. In order to fulfill the intent of Congress that the Board adopt a fully automatic cost pass through, particularly for fuel cost increases, we have, by Order 80-2-69, established the first interim SFFL reflecting guidelines set forth in the IATCA. [1]

Due to the intricacies of foreign air transportation we are departing from our usual procedure of issuing standard fare levels immediately prior to scheduled effectiveness. The purpose is to provide as much notice as possible for carriers for changes affecting the upcoming peak season, and to provide time, where appropriate, for notices of dissatisfaction and suspension orders to be issued.

Basically, our SFFL methodology, like the domestic SIFL methodology, projects the most recent cost trends to the midpoint of the period in which the fare ceiling will be in effect. However, we have found a precise replication of the domestic methodology in the international area would probably understate fuel costs, and our calculations have attempted to correct this. Our calculations measure inflation from October 1, 1979, to May 1, 1980, the midpoint of the April-May projection period, for the three rate-making entities: Atlantic, Pacific and Latin America.

We have projected non-fuel costs, based on the year ended September 30, 1979, two more months, and we have adjusted fuel prices upward to reflect a significant increase in the rate of fuel cost escalation within the last several weeks. The four month average of October-January increases produces the following monthly rates of escalation: 3.73 cents per gallon in the Atlantic, 3.37 cents per gallon in Latin America, and 3.91 cents per gallon in the Pacific. We have also reviewed the weekly fuel reports submitted to us by the U.S. international air carriers since last summer, and observe that per gallon fuel costs have most recently been rising about 1.55 cents per week. It is this figure that we have projected forward. The resulting projections are fuel prices of 116.61 cents in the Atlantic, 107.21 cents in Latin America, and 114.23 cents in the Pacific, at May 1, 1980.[2]

Consequently, based on our calculations, we find the projected actual (ceiling adjustment factor) to be 14.06 percent on the Atlantic, 11.95 percent in Latin America, and 12.20 percent in the Pacific, over the October 1, 1979 level. (See Appendices A and B). As stated by Order 80-2-69, and additional five percent is permissible over the North Atlantic. This results in an increase over the February 1, 1980 ceiling fares of 8.0 percent in the North Atlantic, 6.1 percent in Latin America and 9.0 percent in the Pacific.

Furthermore, we expect carriers, when filing their proposals, to indicate their base fare (normal economy fare) as of October 1, 1979, the proposed fare, and the percentage increase by city pair where direct service is provided. The Board's staff has delegated authority to approve applications for short notice filing, and will continue its policy of doing so for carriers who meet this requirement.[3]

Accordingly, pursuant to sections 102, 204(a), 403, 801, and 1002(j) of the Federal Aviation Act of 1958, as amended:

[1] TWA filed a petition for reconsideration of Order 80-3-69 requesting that the Board move the base period for North Atlantic fares from October 1, 1979 to December 15, 1979. We will deal with the petition in a future order, and our determinations here are without prejudice to it.

[2] We have applied the latest available fuel cost incease rather than the standard four month average for estimating fuel costs for this period. Use of the four month average would have resulted in an increase in its SFFL of 4.5 percent for the Atlantic, 3.1 percent for Latin America and 5.5 percent for the Pacific. Should this projection result in a significant overstatement of fuel costs for the April-May 1980 period, we would, of course, make appropriate adjustments to the next SFFL. We plan, in any event, to project future period fuel cost increases for the four month moving average as fuel cost increases moderate.

[3] The Board's staff has been informally approached by carrier representatives who would like to submit a single fare proposal for the entire peak season. Such a filing would necessarily be at the outset at levels higher than the SFFL, and the carrier proposes to commit itself not to change the fares when subsequent increases in the SFFL bring the fare below the SFFL. We believe such a proposal could have merit considering the advantages of fare stability, and we would entertain carrier proposals in this regard.

1. Effective April 1, 1980, fares may be increased by the following adjustment factors over the October 1, 1979 level:

Atlantic—1.1406
Latin America—1.1195
Pacific—1.1720

2. We shall serve a copy of this order upon all U.S. certificated air carriers and all foreign air carriers.

3. We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.
Phyllis T. Kaylor, [4]
Secretary.

[4] All members concurred.

Appendix A.—*International Normal Fare Adjustment Factor by Entity to May 1, 1980, Over Oct. 1, 1979, Fare Level*

	Total passenger/cargo—international entity			
	Atlantic	Latin America	Pacific	
			Statutory	Adjusted [11]
Year ended September 30, 1979:				
Total Oper. Exp. [2] (000)	$2,252,777	$1,480,117	$1,046,158	$1,046,158
Less: Property and Mail	280,265	158,366	186,489	186,489
Nonscheduled [3]	111,529	40,974	6,772	6,772
Transport Related [4]	131,109	24,734	15,848	15,848
Plus: Capitalized Lease Adj. [5]	15,673	14,827	12,782	12,782
Passenger Operating Expense	1,745,547	1,270,870	849,851	849,851
Passenger Fuel Cost [6]	397,913	195,572	205,395	205,395
Scheduled Service ASM's (000)	35,810,895	24,611,988	20,119,691	20,119,691
Non-fuel Oper. Exp. per ASM	0.03763	0.04369	0.03203	0.03203
Fuel Expense per ASM	.01111	.00795	.01021	.01021
Total Expense per ASM	.04874	.05164	.04224	.04224
Year ended Sept. 30, 1978:				
Total Oper. Exp. [2] (000)	1,862,249	1,229,009	761,166	
Less: Property and Mail	253,403	150,104	143,353	
Non-scheduled [3]	156,988	38,842	9,336	
Transported Related [4]	102,740	22,965	14,177	
Plus: Capitalized Lease Adj. [5]	10,512	8,261	16,647	
Passenger Operating Expense	1,359,630	1,025,379	610,947	
Passenger Fuel Cost [6]	256,213	139,043	118,306	
Scheduled Service ASM's (000)	29,826,593	21,432,374	15,181,606	17,206,541
Non-fuel Oper. Exp. per ASM	0.03692	0.04135	0.03245	[11] 0.03054
Fuel Expense per ASM	.00866	.00649	.00779	[11] .00781
Total Expense per ASM	.04558	.04784	.04024	.03835
Percent Change in Non-fuel Oper. Expense per ASM	1.92	5.66	(1.3)	4.86
Percent Projected Change in Non-fuel April 1979 to Oct. 1, 1979	0.96	2.79	(0.7)	2.41
Percent Estimated Change in Fuel Cost Year Ended September 1979 Average to Oct. 1,1979 [7]	42.06	40.47	42.29	42.29
Non-Fuel Operating Exp per ASM at Oct. 1, 1979 [8]	0.03799	0.04491	0.03161	0.03280
Fuel Expense per ASM at Oct. 1, 1979 [9] (cents)	.01578	.01117	.01453	.01453
Total Expense per ASM at Oct. 1, 1979 (cents)	.05377	.05608	.04634	.04733
Estimated to May 1, 1980: [10]				
Percent Projected Change in Nonfuel Exp. from Apr. 1, 1979 to May 1, 1980	2.08	6.14	(1.41)	5.30
Percent Estimated Change in Fuel Cost Y/E September 1979 to May 1, 1980 [7]	106.29	106.39	112.97	112.97
Nonfuel Oper. Exp./ASM at May 1, 1980 [8] (cents)	.03841	0.04837	.03158	.03373
Fuel Exp./ASM at May 1, 1980 [9] (cents)	.02292	.01641		.02174
Total Exp./ASM at May 1, 1980 (cents)	.06133	.06278	.05332	.05547
Percent Ceiling Adjustment Factor [10]	14.06	11.95	15.06	17.20

[1] Includes Following Carriers: for Atlantic BN/DL/NA/NW/PA/TW, for Latin America AA/BN/CO/DL/EA/PA/WA, for Pacific BN/CO/WN/PA.
[2] Total operating expense for all operations and service.
[3] Total nonscheduled revenues times 0.95 assuming charter operations would only be conducted at profit.
[4] Total transport-related expense, less any excess of expense over total transport-related revenues.
[5] Additional rental expense that would have been incurred had leases not been capitalized, less actual amortization of capitalized lease expense.
[6] Total fuel cost, scheduled service, times complement of rate of freight expense to total operating expense.
[7] Estimated average cost per gallon for the carriers at October 1, 1979, or May 1, 1980, divided by the year ended September, 1979.
[8] Operating expense per ASM for year ended September 30, 1979 times projected change.
[9] Fuel increase estimated at $0.0155 per week for 3½ months.
[10] Projected operating expense per ASM at May 1, 1980 divided by operating expense for October 1, 1979
[11] See Appendix C.

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Appendix B.—*Internation Actual and Estimated Fuel Cost to May 1, 1980*

	International entities		
	Atlantic	Latin America	Pacific
Average Fuel Cost Per Gallon:			
Year Ended Sept. 30, 1979 (Cents)	58.89	52.31	53.99
Month Ended:			
Oct. 31, 1979 (Cents)	82.43	75.75	53.99
Nov. 30, 1979 (Cents)	84.70	77.63	77.90
Dec. 31, 1979 (Cents)	86.45	78.99	82.63
Jan. 31, 1979 (Cents)	94.11	84.71	91.73
Average Monthly Change Over Prior Month:			
October 1979 (Cents)	3.23	4.54	1.43
November 1979 (Cents)	2.27	1.88	.37
December 1979 (Cents)	1.75	1.36	4.93
January 1979 (Cents)	7.66	5.72	8.91
Four Month Average Monthly Change (Cents)	3.72	3.36	3.91
Percent Change in Cost Oct. 1, 1979 vs. Y.E. September 1979:			
Fuel Cost as of Oct. 1, 1979 [1] (Cents)	80.82	73.48	76.82
Percent Change Oct. 1, 1979 vs. Y.E. September 1979	42.06	40.47	42.29
Projected Fuel Cost:			
January 1980 Avg. Fare (Cents)	94.11	84.71	91.73
Estimated January 16–May 1, 1980 [2] (Cents)	23.25	23.25	23.25
Total	117.36	107.96	114.98
Percent Change Year Ended Sept. 30, 1979 to May 1, 1980	106.29	106.39	112.97

[1] Average of September & October 1979 fuel cost.
[2] Estimated increase at 1.55 cents per week for 15 weeks.

Appendix C.—*Pacific entity Unit Costs per Available Seat Mile Actual and Adjusted for Northwest Strike Scheduled Passenger Service*

Non-fuel expense	Year ended Mar. 31, 1978			Year ended Sept. 30, 1978			Year ended Sept. 30, 1979			
Actual non-fuel expense	Pssr. Costs	ASMS	Cost per ASM	Pssr. Costs	ASMS	Cost per ASM	Pssr. Costs	ASMS	Cost per ASM	Change in seat mile cost Sept. 30, 1979 v. Sept. 30, 1978 (percent)
BN/CO/PA	$321,124	11,058,489	$.02904	$370,048	11,362,367	$.03257	$480,077	13,691,239	$.04506	7.7
NW	151,342	5,689,810	.02660	122,591	3,819,239	.03210	164,379	6,428,452	.02557	(20.3)
Total entity	472,466	16,748,299	.02821	492,639	15,181,606	.03245	644,456	20,119,691	.03203	(1.3)
NW percent of total	32.03	33.97		24.89	25.16		25.51	31.95		
ADJUSTED NONFUEL EXPENSE										
BN/CO/PA	$321,124	11,058,489	$.02904	$370,048	11,562,367	$.03257	$480,077	13,691,239	$.03506	7.7
NW	151,342	5,689,810	.02660	[1] 155,498	[2] 5,846,154	[3] .02660	164,379	6,428,452	.02557	(3.9)
Entity total	472,466	16,748,299	.02821	525,544	17,208,521	.03054	644,456	20,119,691	$.03203	4.9
NW percent of total	32.03	33.97		29.59	33.97	25.51	31.95			
FUEL EXPENSES										
ACTUAL FUEL EXPENSE										
BN/CO/PA	$81,841	11,058,489	$.00740	$88,083	11,362,367	$.00775	$137,679	13,691,239	$.01006	29.7
NW	42,284	5,689,810	.00743	30,225	3,819,239	.00791	67,716	6,428,452	.01053	31.0
Entity total	124,125	16,748,299	.00741	118,308	15,181,606	.00779	205,395	20,119,691	$.01021	31.0
NW percent of total	34.06	33.97		25.55	25.16		32.97	31.20		
ADJUSTED FUEL EXPENSE										
BN/CO/PA	$81,841	11,058,489	$.00740	$88,083	11,362,367	$.00775	$137,679	13,691,239	$.01006	29.7
NW	42,284	5,689,810	.00743	46,261	5,846,154	[4] $.00791	67,716	6,428,452	.01053	33.1
Entity total	124,284	16,748,299	.00741	134,344	17,208,521	$.00781	205,715	20,119,691	$.01021	31.0

[1] Estimated by applying the Y/E Mar. 31, 1978 nonfuel cost per ASM to adjusted available seat miles.
[2] Estimated by assuming NW would have operated the same relative proportion of ASMs in Y/E Sept. 30, 1978 as it did in the Y/E March 31, 1978 (33.97)
[3] Assumed same as actual for year ended Mar. 31, 1978.
[4] Based on experienced rate per ASM for year ended Sept. 30, 1978. Northwest on strike April 29, 1978–August 14, 1978.

Appendix D.—*International Fuel Price per Gallon 7 Carrier Sample Weekly Reports*

Week ended	Carrier							All Carriers		
	A	B	C	D	E	F	G	Price/ gallon	Cent change from prior week	Four week average change (cents)
December 1, 1979	87.05	87.11	93.79	95.97	83.42	85.86	62.60	84.66		
December 8, 1979	89.89	89.37	97.75	95.98	80.19	84.78	62.60	82.99	(1.67)	
December 15, 1979	88.95	89.33	97.42	95.96	80.77	85.31	62.60	83.35	.36	
December 22, 1979	89.97	90.84	95.18	100.00	82.82	86.36	62.60	85.22	1.87	
December 29, 1979	91.13	90.78	101.08	99.97	84.26	87.85	62.60	86.52	1.30	.47
January 5, 1980	90.67	93.76	103.21	104.73	84.07	89.64	71.10	87.34	.82	1.09
January 12, 1980	90.86	94.27	103.51	104.58	87.06	94.11	75.80	89.92	2.58	1.64
January 19, 1980	89.08	95.37	108.25	106.08	88.89	93.86	75.80	90.97	1.05	1.44
January 26, 1980	101.99	101.75	111.63	111.60	90.01	94.39	75.80	93.40	2.43	1.72
February 2, 1980	101.24	101.95	111.95	113.79	92.37	96.55	75.80	95.03	1.63	1.92
February 9, 1980	102.13	97.70	115.56	113.85	94.01	97.80	75.80	96.11	1.08	1.55

Source: Weekly reports of selected carriers.

NOTE: Reports filed by carriers are confidential.

[FR Doc. 80-8000 Filed 3-13-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket Nos. 33363, 35401, 35402]

Former Large Irregular Air Service Investigation Phase III and Applications of Commercial Airlines, Inc.; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on April 14, 1980, at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., March 10, 1980.

William A. Pope, II,

Administrative Law Judge.

[FR Doc. 80-7998 Filed 3-13-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), has established a Scientific and Statistical Committee (SSC) which will meet to discuss Amendments to the Squid, Mackerel, and Butterfish Fishery Management Plans (FMPs).

DATES: The meeting will convene on Thursday, April 3, 1980, at 9 a.m. and will adjourn at approximately 3 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania 19153. Phone: (215) 365–7000.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901. Telephone: (302) 674–2331.

Dated: March 10, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-8021 Filed 3-13-80; 8:45 am]

BILLING CODE 3510-22-M

International Trade Administration

Certain Iron-Metal Castings From India; Initiation of Countervailing Duty Investigation

AGENCY: United States Department of Commerce.

ACTION: Initiation of Countervailing Duty Investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received, and as a result, an investigation has been initiated for the purpose of determining whether benefits

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which constitute a bounty or grant within the meaning of the countervailing duty law are granted by the Government of India to manufacturers, producers, or exporters of certain iron metal castings. Unless the time period is extended, a preliminary determination will be made not later than May 14, 1980, and a final determination not later than July 28, 1980.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Steven Morrison, Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202) 566–5492.

SUPPLEMENTARY INFORMATION: A petition was received in satisfactory form on February 19, 1980, from James W. Pinkerton, Jr. of Pinkerton Foundry, Inc., Lodi, California, alleging that subsidies are provided by the Government of India on the production and exportation of certain iron-metal castings from India. Such subsidies are alleged to constitute a bounty or grant within the meaning of section 303 of the Tariff Act of 1930, as amended, (93 Stat. 190), 19 U.S.C. 1303 (hereinafter referred to as the Tariff Act). It should be noted that India is not a "country under the Agreement" within the meaning of section 701(b) of the Tariff Act, as amended (93 Stat. 151, 19 U.S.C. 1671(b)). Therefore, section 303 of the Tariff Act as amended by section 103 of the Trade Agreements Act of 1979 (hereinafter referred to as the Trade Act), continues to apply to this investigation. Iron-metal castings from India enter the United States free of duty. Therefore, it is necessary to refer this matter to the United States International Trade Commission for determinations of injury. The petition, as filed on February 19, 1980, contains substantial information alleging material injury or threat of material injury to an industry in the United States by reason of imports from India. In accordance with section 303 of the Tariff Act, as amended, I hereby determine that an investigation should be initiated to determine whether the Government of India pays or bestows any bounty or grant upon the manufacture, production or exportation of certain iron-metal castings. In the event that there is a final affirmative determination, the products subject to countervailing duties would be cast-iron manhole covers and frames, catch-basin grates and frames, and clean-out covers and frames. The iron-metal castings covered by this investigations entered the United States under the following item number of the Tariff Schedules of the United States (TSUS): 657.09, Articles of iron or steel, not coated or plated with precious metal: Cast-iron articles, not alloyed: not malleable.

The bounties or grants alleged in the petition are as follows:

1. Cash grant program on exports.
2. Tax credit against business and income taxes based on export value.
3. Tax deductions at 150% on expenses for overseas export promotion.
4. Remission of Custom duties and excise taxes on machinery used for export production.
5. **SUBSIDIZED EXPORT INSURANCE AND EXPORT CREDIT AVAILABLE TO INDIAN EXPORTERS.**
6. Favorable import licenses and foreign exchange treatment.
7. **SPECIAL INCENTIVES GRANTED TO MANUFACTURERS WITHIN FREE TRADE ZONES, INCLUDING INCOME TAX HOLIDAYS, FINANCING AT PREFERRED RATES, AND CASH SUBSIDIES BY STATE AND NATIONAL GOVERNMENTS.**
8. Subsidized inland transportation and subsidized ocean freight.
9. Government underwriting of foreign trade shows.
10. Tax deductions for capital investment reserves for selected industries and new industrial ventures.

Pursuant to section 303 of the Tariff Act of 1930, as amended and § 355.28, Commerce Regulations (19 FR 355.28), 45 FR 4943, the International Trade Administration is required to issue a preliminary determination within 85 days after the filing, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant as to whether there is a reasonable basis to believe or suspect that a bounty or grant is being paid or bestowed within the meaning of the statute.

Unless the investigation is extended, a preliminary determination on this petition will be made no later than May 14, 1980, as to whether alleged payments or bestowals conferred by the Government of India upon the manufacture, production, or exportation of the above-described merchandise constitute a bounty or grant within the meaning of section 303 of the Act as amended. A final determination will be issued no later than July 28, 1980. This notice is published pursuant to section 303 of the Tariff Act of 1930, as amended, and section 355.27(b), Commerce Regulations (19 CFR, 355.27(b)), 45 FR 4943.

Stanley J. Marcuss,
Acting Assistant Secretary for Trade Administration.
March 10, 1980.
[FR Doc. 80-7974 Filed 3-13-80; 8:45 am]
BILLING CODE 3510-22-M

Fresh Cut Roses from Israel; Postponement of Preliminary Determination

AGENCY: United States Department of Commerce.

ACTION: Postponement of Preliminary Determination.

SUMMARY: This notice is to advise the public of the determination to postpone the preliminary determination concerning the countervailing duty investigation with respect to fresh cut roses from Israel. With the extension, a preliminary determination will be made not later than May 30, 1980, and a final determination, not later than August 13, 1980.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Francis R. Crow, Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230; (202–566–5492).

SUPPLEMENTARY INFORMATION: On February 1, 1980, a notice of initiation of countervailing duty investigation with respect to fresh cut roses from Israel was published in the **Federal Register**. At that time notice was given that a preliminary determination would be made no later than March 26, 1980. A final decision was required by June 9, 1980, within 75 days after the preliminary determination.

Section 703(c)(1)(B) of the Tariff Act of 1930, as amended (93 Stat. 153, 19 U.S.C. 1671b(c)(1)(B)) (the act), gives the department of Commerce the authority to postpone the preliminary determination for extraordinarily complicated cases if it concludes that the conditions as stated in section 703(c)(1)(B) exist. Counsel for the major exporter/importer of roses from Israel, AGREXCO, has requested an extension under this section, and the department of commerce has concluded that postponement is warranted.

Following is an explanation of the reasons for the postponement:

1. The Department of Commerce concludes that the parties concerned are cooperating. counsel for AGREXCO has endeavored to obtain data concerning the alleged subsidies by March 3, 1980, a deadline imposed by the Department of Commerce in order to allow proper time to analyze the submission. Because of the complexities as stated below, complete information is not yet available. A partial submission of the information received thus far by counsel for AGREXCO will be made as soon as possible.

2. There are twenty separate programs for which subsidy information was requested. Several programs involve complex tax and interest rate questions.

Several programs have not been previously investigated, and data concerning them is not readily available Previous countervailing duty investigations concerning Israel were of industrial/chemcial products rather than agricultural products.

3. There are approximately 1200 growers, 10 packing houses and, according to counsel for AGREXCO, several exporters. Because of the large number of such growers and firms, additional time is needed to investigate those receiving subsidies and to establish the extent to which any subsidies apply to these various entities.

4. Because of the foregoing reasons and the desire to make a determination utilizing the most complete data available additional time is needed to gather and analyze such information.

Having granted such an extension, the preliminary determination required under section 703(b) of the Act (93 Stat. 153, 19 U.S.C. 1671b(b)) is postponed until May 30, 1980. Pursuant to section 705(a) of the Act (93 Stat. 159, 19 U.S.C. 1671 d(a)), a final decision is required within 75 days after the preliminary determination, not later than August 13, 1980.

Pursuant to § 355.28(b)(3) of Commerce Regulations (19 CFR 355.28(b)(3), 45 FR 4943), written notice of this determination has been given to all parties to the proceeding.

This notice is published pursuant to section 703 (c)(2) of the Act (93 Stat. 153, 19 U.S.C. 16711b(c)(2)).

Stanley J. Marcuss,
Acting Assistant Secretary for Trade Administration.
March 10, 1980.
[FR Doc. 80-7973 Filed 3-13-80; 8:45 am]
BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1980; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1980 commodities and a military resale commodity to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: March 14, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On November 30, 1979, December 21, 1979, October 26, 1979, and January 18, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (44 FR 68946, 44 FR 75693, 44 FR 61626 and 45 FR 3630) of Proposed additions to Procurement List 1980, November 27, 1979 (44 FR 67925).

After consideration of the relevant matter presented, the Committee has determined that the commodities, military resale commodity, and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities, military resale commodity, and service are hereby added to Procurement List 1980:

Class 5440

Stepladder, Aluminum, 5440–00–514–4483, 5440–00–514–4485, 5440–00–514–4487 (For GSA Regions 5 and 6).

Class 7210

Sheet, Bed, Cotton, Green, 7210–00–299–9611.

Military Resale Item No. and Name

No. 510—Cleaner, All Purpose.

SIC 7699

Pallet Repair, Naval Supply Center, Puget Sound, Bremerton, WA.

C. W. Fletcher,
Executive Director.
[FR Doc. 80-7935 Filed 3-13-80; 8:45 am]
BILLING CODE 6820-33-M

Procurement List 1980; Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handcapped.

ACTION: Deletion from Procurement List.

SUMMARY: This action deletes from Procurement List 1980 a commodity produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: March 14, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On January 18, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (45 FR 3629) of Proposed deletion from Procurement List 1980, November 27, 1979 (44 FR 67925).

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodity is hereby deleted from Procurement List 1980:

Class 8460

Suitcase, Coated Cloth, 8460–00–391–0502.

C. W. Fletcher,
Executive Director.
[FR Doc. 80-7936 Filed 3-13-80; 8:45 am]
BILLING CODE 6820-33-M

Procurement List 1980; Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1980 a commodity to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 16, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested parties an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1980, November 27, 1979 (44 FR 67925):

Class 7210

Washcloth, Hospital, Patient, Disposable, 7210–01–013–2824.

C. W. Fletcher,
Executive Director.
[FR Doc. 80-7937 Filed 3-13-80; 8:45 am]
BILLING CODE 6820-33-M

V 45/52 MR 14 80 UMI

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Acquisition Policy; Meeting

An aircraft subgroup under the Defense Science Board Task Force on Acquisition Policy will meet in closed session on 17–18 April 1980 in Washington, DC.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

The aircraft subgroup will review threat interaction with evolving aircraft technology in the 17–18 April meeting. The Task Force on Acquisition Policy is addressing specific issues in evolving DoD policy concerning aircraft acquisition.

In accordance with 5 U.S.C. App. 1 § 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. § 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 10, 1980.

[FR Doc. 80-7922 Filed 3-13-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Case No. 62004-9076-27, 28-77]

Public Works Commission of the City of Fayetteville, N.C.; Request for Classification

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of requests for classification.

SUMMARY: On June 28, 1979, the Public Works Commission of the City of Fayetteville, North Carolina (PWC) filed requests with the Economic Regulatory Administration (ERA) of the Department of Energy to have two combustion turbines (Units No. 7 and 8) classified as existing facilities pursuant to § 515.6 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (revised Interim Rule) issued by ERA on March 15, 1979 (44 FR 17464), and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA). FUA imposes certain statutory prohibitions against the use of natural gas and petroleum by new and existing electric powerplants. The prohibitions which apply to existing powerplants are different from those which apply to new powerplants.

The purpose of this notice is to invite interested persons to submit written comments on this matter prior to the issuance of a final decision by ERA. In accordance with § 515.26 of the Revised Interim Rule, no public hearings will be held.

DATES: Written comments are due on or before April 4, 1980.

ADDRESSES: Ten copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

William L. Webb, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B–110, Washington, DC. 20461, Phone (202) 634–2170.

James W. Workman, Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, Phone (202) 254–7442.

James Renjilian, Office of the General Counsel, Department of Energy, 1000 Independence Avenue NW., Room 6G–087, Washington, D.C. 20585, Phone (202) 252–2967.

Robert L. Davies, Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3128L, Washington, D.C. 20461a, Phone (202) 634–6557.

SUPPLEMENTARY INFORMATION: The Public Works Commission of the City of Fayetteville, North Carolina (PWC) is a municipal agency organized under the laws of the State of North Carolina. PWC supplies electric service to the City of Fayetteville and surrounding areas.

PWC stated that it executed a contract in August 1977 for two 25 MW, oil-fired combustion turbines, to be known as Units No. 7 and 8 in Cumberland County, North Carolina, and that commercial operation is scheduled for May 1979 and May 1980, respectively.

On June 28, 1979, pursuant to ERA's Revised Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979, PWC requested that ERA classify Units No. 7 and 8 as "existing" facilities. A conference was held at PWC's request on November 8, 1979. PWC submitted an amended request during the conference and additional information by letter dated November 9, 1979.

In accordance with § 515.6 of ERA's Revised Interim Rule a powerplant will be classified as existing if the cancellation, rescheduling, or modification of the construction or acquisition of a powerplant would result in a substantial financial penalty or an adverse effect on the electric system reliability. PWC supported its request for classification by providing evidence in support of its claim that it would incur a substantial financial penalty for Units No. 7 and 8 and an adverse effect on the electric system reliability for Unit No. 8 if these units were not permitted to proceed as oil burning facilities. A summary of the pertinent evidence requirements and PWC's response to those requirements on June 28, November 8, and November 9, 1979, follows:

Substantial Financial Penalty.—Pursuant to § 515.6(a) of the Revised Interim Rule, ERA will classify a facility as existing upon demonstration that at least 25 percent of the total projected project cost as of November 9, 1978, was expended in nonrecoverable outlays as of November 9, 1978.

In response to the evidence requirements of § 515.7(b)(1) of the Revised Interim Rule, PWC provided the following information on June 28 and November 8, 1979:

Unit No. 7 (Submitted June 28, 1979)

Total projected project cost as of 11/9/78—$3,697,500.

Total project expenditures, including obligation and cancellation charges, as of 11/9/78—$3,189,400.

Total recoverable expenditures—$1,876,200.

Total nonrecoverable outlays—$1,313,200.

Nonrecoverable outlays percent of total projected project cost as of 11/9/78—35.5 percent.

Units No. 7 and 8 (Submitted November 8, 1979)

Total projected project cost as of 11/9/78—$7,666,200.

Total project expenditures, including obligation and cancellation charges, as of 11/9/78—$3,851,000.

Total recoverable expenditures—$1,909,800.

Total nonrecoverable outlays—$1,941,000.

Nonrecoverable outlays percent of total projected project cost as of 11/9/78—25.3 percent.

Based upon the information furnished by PWC, the following figures have been calculated by the ERA staff:

Unit No. 8 (Calculated by ERA staff)

Total projected project cost as of 11/9/78—$3,968,700.

Total project expenditures, including obligation and cancellation charges, as of 11/9/78—$861,600.

Total recoverable expenditures—$33,600.

Total nonrecoverable outlays—$828,000.

Nonrecoverable outlays percent of total projected project cost as of 11/9/78—15.8 percent.

In its November 8, 1979, filing PWC asserts the validity of combining the costs for Units No. 7 and 8 in its demonstration of substantial financial penalty as defined by § 515.6(a), since the costs pertaining to the two units commonly shared auxiliary and fuel supply facilities are inseparable.

PWC asserts that is appropriate to analyze the issue of substantial financial penalty for Units 7 and 8 on a combined cost basis in the same manner as a Notice published in the **Federal Register** (44 FR 55415) suggests was done concerning two powerplants owned by Northern Indiana Public Service Company (NIPSCO). In the NIPSCO case, separate requests were filed with ERA for classification of two units as existing facilities. ERA determined to consolidate the cost information relative to both units for purposes of analysis and solely as a matter of administrative convenience since all of the costs applied equally to each of the units. In NIPSCO, both units were contracted for at the same time (July 1976), were subject to identical cancellation provisions, and became operational at the same time (June 1979). Based on those facts, whether the total costs for both units were combined for purposes of analysis or were analyzed separately for each unit the resulting ratio of nonrecoverable outlays to total projected project costs would have been identical, that is, 43 percent under either method. As a substantive matter, therefore, each NIPSCO unit met the substantial financial penalty test.

ERA does not believe that the facts with respect to Units 7 and 8, which units are the subject of these classification requests, warrant a combined cost basis type of analysis. This case is distinguishable from NIPSCO in view of the fact that the two units in question will be operational a year apart from each other. The costs associated with each, far from being identical, are quite different. Accordingly, the costs relating to PWC Unit Nos. 7 and 8 will not be consolidated for analysis.

Adverse Effect on System Reliability.—Pursuant to § 515.6(b) of the Revised Interim Rule, ERA will classify a unit as existing upon demonstration that the reserve margin in the electric region in which the powerplant will be located would be reduced to less than 20 percent during the 12-month period after the proposed powerplant is to begin operation, assuming that the proposed powerplant is not completed. Demonstration of an adverse effect on the utilities' ability to provide service during the 12-month period following scheduled operation and/or an adverse effect on reliability after the 12-month period may also be made.

In response to the requirements of 10 CFR 515.7(c)(1), PWC provided the following information:

—Description of PWC's service area.
—List of interconnections with other utilities.
—Projection of peakload on PWC's system through 1989 and for the Virginia-Carolina Group (VACAR) through 1988.
—Reserve margin for VACAR during the 12-month period following the projected operational date for Unit No. 8 is 16%.

Reserve margins for PWC's system by itself range from a negative 55 to a negative 63 percent for the 1981–1985 period. PWC has noted that its generation is peak shaving and not intended to carry full system load. Rather, PWC is obligated to purchase a minimum of 200 MW from Carolina Power and Light Company as shown in the Amended Service Agreement dated June 30, 1977, submitted to ERA on November 9, 1979.

The public file containing PWC's request for classification and supporting materials is available for inspection upon request at:

ERA, Room B–110, 2000 M Street, NW., Washington, D.C. 20461. Monday–Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C., on March 9, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-8012 Filed 3-13-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. EL80-10]

Alaska Village Electric Co-operative, Inc.; Declaration of Intention

March 7, 1980.

Take notice that on January 8, 1980, the Alaska Village Electric Cooperative, Inc., filed a declaration of intention to construct and operate a hydroelectric facility on an unnamed stream near the City of Scammon Bay, Alaska. The declaration of intention was filed under § 23(b) of the Federal Power Act, 16 U.S.C. § 817(b), and requests the Federal Energy Regulatory Commission to commence an investigation to determine if a FERC license will be required for the project. Correspondence with the Alaska Village Electric Co-operative should be directed to Mr. Jerry Larson, Manager, Alaska Village Electric Co-operative, Inc., 4831 Eagle Street, Anchorage, Alaska 99503.

The initial phase of development would consist of a rock diversion dam, 2,300 feet of 16-inch penstock pipe, and a powerhouse containing a generating unit rated at approximately 175 kW. The effective head to the turbine would be 300 feet. The ultimate development would have a head of 500 feet and would consist of a diversion dam 1,7000 feet further upstream, the 17-inch penstock pipe extended to an overall length of 4,000 feet, and an additional 125-kW generating unit in the powerhouse.

All lands involved with this project are lands of the United States under the management of the Bureau of Land Management, Department of the Interior. The Applicant states that the lands are to be conveyed in the near future, under the Alaska Native Claims Settlement Act, to the Askinuk Corporation for the City of Scammon Bay.

Project power would be used in the City of Scammon Bay, Alaska.

Anyone desiring to be heard or to make any protest about this declaration of intention should file a protest or a petition to intervene with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure ("Rules"), 18 CFR § 1.10 or §1.8 (1979). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest or petition to intervene must be filed on or before April 21, 1980. After this date the Commission will investigate the proposed development and determine whether an application for a FERC license will be required for the project.

The declaration of intention is on file with the Commission and is available for public inspection. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7786 Filed 3-13-80; 8:45 am]

BILLING CODE 6450-85-M

V 45/52 MR 14 80 UMI

V 45/52 MR 14 80 UMI

[Docket No. CP80-255]

Algonquin Gas Transmission Co.; Application

March 7, 1980.

Take notice that on February 25, 1980, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in docket No. CP80-255 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity so as to authorize a 20-year long-term storage and redelivery service to its nominating customers under its Rate Schedule STB, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein a new storage service (STB service) to replace the present short-term service pursuant to its Rate Schedule S-T, which is to terminate on April 15, 1980. It is stated that the volumes which would be stored under the proposed STB service would be 7,743,108 million Btu per annum, compared with 7,228,000 million Btu being stored under the S-T storage service.

It is stated that the proposed STB service would be offered in conjunction with a storage and redelivery arrangement with Texas Eastern Transmission Corporation (Texas Eastern) which Texas Eastern is making available from arrangements with Consolidated Gas Supply Corporation (Consolidated). Applicant states that Texas Eastern has filed an application in Docket No. CP80-170 for the service that Applicant would render; and that Applicant has been informed that Consolidated has filed an appropriate amendment to its authorization in Docket No. CP77-325 for its service to Texas Eastern.

Applicant states that the proposed long-term service would commence April 16, 1980. It is further stated that the proposed service by Texas Eastern would be rendered under its proposed Rate Schedule SS-II.

It is stated that the STB service is proposed to be a firm service as long as the quantities of STB gas are taken within the sum of the contract maximum daily quantities (MDQ) otherwise deliverable under firm Rate Schedules F-1 and WS-1.

It is further stated that the service provides for deliveries of quantities in excess of the sum of F-1 and WS-1 MDQ's otherwise deliverable to the extent Applicant determines it can make such deliveries and agrees to them in advance.

Applicant states that under the current proposal, Applicant would store and deliver gas to the following customers in the quantities tabulated subject to fuel reduction. It is stated that such gas would in turn be stored and delivered to Applicant under a storage service agreement with Texas Eastern extending through April 15, 2000. The referenced quantities are as follows:

	Million Btu (wet basis)	
	Backup storage seasonal capacity	Backup storage daily demand
Bay State Gas Company	665,181	7,391
Boston Gas Company	3,439,100	31,284
Cape Cod Gas Company	887,828	9,626
Commonwealth Gas Company	589,580	6,550
Connecticut Gas Company, The	567,134	6,190
Connecticut Natural Gas Corporation	466,387	4,422
Fall River Gas Company	178,868	1,986
Middleborough, Mass., Town of	2,028	33
North Attleboro Gas Company	8,843	98
Norwich, Conn., City of	36,556	909
Providence Gas Company	785,906	8,849
Southern Connecticut Gas Company, The	297,728	2,751
Total	7,743,108	79,942

The total quantity of gas to be stored under Rate Schedule STB is 7,743,108 million Btu as compared with the 7,228,000 million Btu authorized for S-T service.

Applicant proposes to charge a four-part rate for the proposed service, as follows:

Demand charge: $2.6583 per month per million Btu of Buyer's backup storage demand.

Storage Capacity charge: $.0469 per month per million Btu of Buyer's backup storage capacity.

Injection Charge: $.0102 per million Btu of gas injected into storage under Rate Schedule STB for Buyer's account during the month.

Withdrawal charge: $.0261 per million of gas withdrawn from storage under Rate Schedule STB for Buyer's account and delivered to Buyer during the month.

Applicant in its rate case in Docket No. RP80-72 proposed to convert to a dry million Btu basis of measurement. At such time as the dry measurement basis takes effect, the above-stated quantities would be changed to an equivalent dry basis in accordance with the proposed tariff provision in Section 6 of Proposed 1st Revised Sheet No. 110 of Applicant's FERC Gas Tariff, 1st Revised Volume No. 1. It is stated that the quantities on a dry basis would be as follows:

	Million Btu (dry basis)	
	Backup storage seasonal capacity	Backup storage daily Demand
Bay State Gas Company	676,960	7,522
Boston Gas Company	3,500,000	31,818
Cape Cod Gas Company	700,000	10,000
Commonwealth Gas Company	600,000	6,666
Connecticut Gas Company, The	567,000	6,300
Connecticut Natural Gas Corporation	495,000	4,500
Fall River Gas Company	180,000	2,000
Middleborough, Mass., Town of	2,064	34
North Attleboro Gas Company	9,000	100
Norwich, Conn., City of	37,200	620
Providence Gas Company	810,000	9,000
Southern Connecticut Gas Company, The	303,000	2,800
Total	7,880,224	81,360

It is stated that while Applicant's STB customers have indicated hat they are not in agreement with the level and design of the initial STB rate, Applicant is authorized to state that those customers support this application as long as the Commission's order issuing a certificate of public convenience and necessity in this proceeding is specificially conditioned to provide as follows:

"Rate Schedule STB and any issues with respect to the proposed STB rate shall be consolidated with and reserved for resolution in Applicant's general Section 4 rate increase proceeding in Docket No. RP80-72."

Applicant also seeks authorization to permit its customers to transfer to the new service any quantities remaining in storage under the S-T service on April 15, 1980. Applicant states that this is a practical alternative to compelling such customers to make unnecessary withdrawals of gas for use before it is needed thus forcing them to back off their receipts of gas under Applicant's Rate Schedule F-1, and requiring them to take equivalent quantities, under that schedule if available, for reinjection into the same storage facilities for use in the winter of 1980-1981.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in

any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition it intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7787 Filed 3-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-31 (PGA80-2, IPR80-2, LFUT 80-2)]

Arkansas Louisiana Gas Co.; Filing of Revised Tariff Sheets Reflecting Tariff Adjustment

March 6, 1980.

Take notice that on February 29, 1980 Arkansas Louisiana Gas Company (Arkla) tendered for filing 22nd Revised Sheet No. 4 and 1st Revised Sheet No. 4A to its FERC Gas Tariff First Revised Volume No. 1, Rate Schedule No. G-2, to become effective April 1, 1980.

Arkla states that the purpose of 22nd Revised Sheet No. 4 is to (1) reflect the cost of purchased gas for the six months period commencing April 1, 1980, (2) recover the accumulated deferred gas costs as of December 31, 1979, (3) set forth the reduced PGA and estimated incremental pricing surcharges to be billed during the PGA period as contained on 1st Revised Sheet No. 4A and (4) to reflect a revision in the Louisiana First Use Tax Adjustments effective April 1, 1980.

Arkla states that the purpose of 22nd Revised Sheet No. 4 is to (1) reflect the cost of purchased gas for the six months period commencing April 1, 1980, (2) recover the accumulated deferred gas costs as of December 31, 1979, (3) set forth the reduced PGA and estimated incremental pricing surcharges to be billed during the PGA period as contained on 1st Revised Sheet No. 4A and (4) to reflect a revision in the Louisiana First Use Tax Adjustments effective April 1, 1980.

Arkla also states that copies of the revised tariff sheet and supporting data are being mailed to Arkla's jurisdictional customers and other interested parties affected by this tariff change.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 24, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7788 Filed 3-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2982]

Belmont, N.H.; Application for Preliminary Permit

March 6, 1980.

Take notice that on October 10, 1979, the Town of Belmont, New Hampshire (Applicant), filed an application for a preliminary permit [pursuant to the Federal Power Act, 16 USC §§ 791(a)-825(r)] for the proposed Lochmere Project, FERC No. 2982, that would be located on the Winnipesaukee River and utilize the existing Lochmere Dam near the towns of Belmont and Tilton, Balknap County, New Hampshire. The former owner of the power facilities, Public Service Company of New Hampshire (PSC), discontinued power generation at the project in the late 1960's. The ownership was then transferred to the New Hampshire Water Resources Board. Correspondence with the Applicant on this matter should be addressed to: Mr. Philip Tarr, Administrative Assistant, Town Hall, Belmont, New Hampshire 03220.

Purpose of the Project—Power generated by the project would be sold to PSC.

Proposed Scope and Cost of Studies Under Permit—The work proposed under this preliminary permit would include preliminary designs, an economic analysis, preparation of preliminary engineering plans, and a study of environmnental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to rehabilitate and operate the project. Applicant estimated that the work to be performed under this preliminary permit would cost $50,000.

Project Description.—The project would consist essentially of: (1) the existing diversion dam, built in 1910, approximately 200 feet long and 20 feet high; (2) a reservoir 450 yards long when 2-foot-high flashboards are installed , having negligible storage capacity; (3) a redeveloped power canal 60 feet long; (4) a new penstock inlet structure; (5) two existing penstocks, approximately 500 feet long; and (6) a redeveloped 25 by 75 foot power station. A study will be made to determine whether retrofitting the existing power station or constructing a new station would be more cost effective.

Two tube-type turbines having a total rated capacity of about 800 kW would be installed in the power station. The available head is approximately 16 feet, and the median flow of the Winnipesaukee River is about 530 cfs. Estimated average annual output is 4,790,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license. In this instance, the Application seeks a 36-month permit.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 12, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 11, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (*as amended* 44 *FR* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commisison's Rules. Any comments, protest, or petition to intervene must be filed on or before May 12, 1980. The Commisison's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7789 Filed 3-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-260]

Black Hills Power & Light Co.; Cancellation of Rate Schedule

March 6, 1980.

Take notice that on February 29, 1980, Black Hills Power & Light Company (Black Hills) tendered for filing a notice of cancellation of Rate Schedule FPC No. 18 Supplement No. 4.

Black Hills states that the proposed expiration date is January 7, 1980.

The cancellation of Rate Schedule No. 18 is caused by the Company entering into an agreement with the Town of Upton, Wyoming to manage and operate Upton's electric system.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7790 Filed 3-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-257]

Boston Edison Co.; Filing

March 6, 1980.

The filing Company submits the following: Take notice that Boston Edison Company ("Edison") on February 28, 1980, tendered for filing Exhibit D for Contract Demand Service to the Town of Reading (Massachusetts) Municipal Light Department. The new Exhibit D contains Reading's specifications of its contract demand and transmission service requirements for the period November 1, 1982 to October 31, 1983.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7791 Filed 3-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1868]

Alexander B. Chisholm; Application

March 6, 1980.

Take notice that on February 28, 1980, Alexander B. Chisholm (Applicant), filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Orange and Rockland, Utilities, Inc., Public Utility.
Vice President, Rockland Electric Company, Public Utility.
Vice President, Pike County Light & Power Company, Public Utility.

Any person desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before April 4, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7792 Filed 3-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP75-62 and SA79-30]

Cities Service Gas Co.; Offer of Settlement

March 6, 1980.

Take notice that on March 3, 1980, Cities Service Gas Company (Cities Service) filed, pursuant to Section 1.18(e) of the Commission's Rules of Practice and Procedure, an offer of settlement in the form of a Stipulation and Agreement together with an explanatory statement and a proposed form of order approving the Stipulation. Attached to Cities Service's explanatory statement is an Estimated Annual Supply, Demand, Served and Curtailment by Priority projection for the years 1980–1989. Cities Service alleges the Stipulation and Agreement is either agreed to or not opposed by any party to Docket Nos. RP75–62 or SA79–30.

Article I of the Stipulation provides for changes in Cities Service's presently effective curtailment plan and the filing of revised tariff sheets as follows:

Article 13 of the General Terms and Conditions of Volume No. 1 of Cities Service's FERC Gas Tariff shall be revised (1) to implement Section 401 of the Natural Gas Policy Act of 1978 (NGPA), (2) to provide for the future implementation of Section 402 of the NGPA, (3) to eliminate Section 8, which prohibits the attachment of certain lower priority industrial and commercial customers, (4) to eliminate Section 9, which provides for the granting of exemptions in order to implement Section 401 of the NGPA on an interim basis, and (5) to restructure the provision for emergency exemption from curtailment in Section 5.

Acceptance of the Stipulation and Agreement by the Commission would provide for the following revised priority of service categories on the Cities Service system:

Category I. Residential requirements; commercial requirements of less than 1,000 Mcf per month, schools, hospitals and similar institutions; and other uses the curtailment of which the Secretary of Energy determines would endanger life, health, or maintenance of physical property.

Category II. Commercial requirements of 1,000 Mcf per month or more, but less than 3,000 Mcf per month; industrial and essential agricultural requirements of less than 3,000 Mcf per month; and plant protection requirements of commercial, industrial and essential agricultural users.

Category III. All other essential agricultural requirements for which no determination has been made by the Federal Energy Regulatory Commission, in consultation with the Secretary of Agriculture, that an alternate fuel is economically practicable and reasonably available.

Category IV. Essential industrial process and feedstock requirements which have been designated by the Secretary of Energy and which the Federal Energy Regulatory Commission had determined do not have a reasonable available and economically practicable alternate fuel.

Category V. All other industrial or commercial feedstock or process requirements.

Category VI. All commercial and industrial requirements not otherwise specified.

Category VII. All other commercial and industrial requirements of more than 300 Mcf per day but less than 1,500 Mcf per day where alternate fuel capabilities can meet such requirements.

Category VIII. All other commercial and industrial requirements of 1,500 Mcf per day or more but less than 3,000 Mcf per day, where alternate fuel capabilities can meet such requirements.

Category IX. All other commercial and industrial requirements of 3,000 Mcf per day or more but less than 10,000 Mcf per day, where alternate fuel capabilities can meet such requirements.

Category X. All other commercial and industrial requirments of 10,000 Mcf per day or more, where alternate fuel capabilities can meet such requirements.

Article I of the Stipulation further provides for the filing, by March 13, 1980, of a report showing the requirements reclassified into priority categories I, II, and III pursuant to the regulations promulgated by the Commission's Order Nos. 29 and 55 and a general explanation of the procedures and methods utilized in such reclassification by the Data Verification Committee (DVC).

Article II of the Stipulation provides that Cities Service shall be authorized to permit load growth by both direct and indirect customers in all priority categories except requirements for electrical generation for resale in priority categories VI through X unless such service will displace fuel oil. Except for the Commission's Staff, no party may oppose an application by Cities Service on the ground that it will serve new customers in priority categories I and II except during periods when the Cities Service system is subject to a fixed index of requirements (Index) under Article III.

Article III of the Stipulation provides that a fixed index of requirements shall not be required on the Cities Service system until Cities Service's curtailment of industrial or commercial process and feedstock requirements initially classified in priority V exceeds 21 full equivalent days of curtailment during any twelve-month period ending June 30 while the Stipulation is in effect, with the 21 days to be adjusted for normal degree day deficiency during the pertinent months of December, January and February. Cities Service is required to file an annual report showing whether such degree of curtailment has occurred. Cities Service states this provision is based on the Initial Decision of October 29, 1979, and reflects appropriate modifications thereto agreed upon by the parties to reflect current conditions on the Cities Service system.

Article IV of the Stipulation outlines those situations where the Commission shall waive implementation of the fixed index of requirements. Article IV further provides the grounds and procedures for seeking relief from the implementation of the Index.

Article V of the Stipulation is entitled, Detriggering of Index and outlines those circumstances whereby Cities Service regains the right to implement curtailment without utilizations of the Index. This article also provides for certain reports to be filed and procedures to be followed with regard to detriggering the Index.

Article VI of the Stiuplation specifies the requirements to be included in the fixed Index if it is triggered, procedures for the filing of the Index and revised tariff sheets to implement the Index, and the effective date of the Index and such tariff sheets.

Articles VII, VIII and IX of the Stipulation contain the implementation procedure for curtailment with the Index. Overrun penalty provisions and alternate implementation procedures for small customers (under 2,000,000 Mcf annual requirements) and large customers (over 2,000,000 Mcf annual requirements) are outlined.

Article X of the Stipulation provides that no party to the proceeding, with the exception of the Commission Staff, may oppose in any manner any applications filed by Cities Service to transport volumes of gas for any direct or indirect customer served by the Cities Service system if (1) the gas was acquired by the customer by virtue of its contribution to an exploration and development program, (2) the transportation is subject to the availability of capacity on Cities Service's system, (3) the gas will be used to offset curtailment of feedstock, process or plant protection requirements.

Article XI of the Stipulation sets forth certain limitations as to the modifications of the Stipulation which may be requested while it is in effect and provides for the filing of petitions to require compliance with the provisions of the Stipulation.

Article XII of the Stipulation states that the parties to the Stipulation shall file to withdraw their pending petitions to review in the Tenth Circuit Court of Appeals in Case Nos. 77–1781, *et al.*, upon the Commission's order approving the Stipulation becoming final and nonappealable.

Article XIII of the Stipulation states its term shall be for the period ending December 31, 1984.

Article XIV of the Stipulation states that the approval of the Stipulation by the Commission shall constitute (1) the granting of Cities Service's application for adjustment in Docket No. SA79–30 and any other adjustments or waivers of the Commission's Regulations required to fully effectuate all of the provisions of the Stipulation, (2) the termination of procedures as to the Initial Decision issued October 29, 1979 in Docket No. RP75–62, and (3) the termination of the

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proceedings in Docket Nos. RP75–62 and SA79–30.

Article XV of the Stipulation recites that the Stipulation is filed pursuant to 1.18(e) of the Commission's Rules of Practice and Procedure and that the Stipulation is a negotiated settlement and does not reflect agreement on any concept, theory or principle.

Attached to the Stipulation and Agreement, as Appendix A, were five (5) proposed tariff sheets which would amend the General Terms and Conditions of Cities Service FERC Gas Tariff, Original Volume No. 1.

Cities Service states a copy of the Stipulation and Agreement and all documents filed with the Commission have been served on all parties to the proceedings in RP75–62 and SA79–30 and all persons required by the Commission's Regulations to be served. Copies of the Stipulation and Agreement and all documents filed in Docket Nos. RP75–62 and SA79–30 are on file at the Commission's offices and are available for public inspection.

Any person desiring to be heard on the settlement of Docket Nos. RP75–62 and SA79–30 shall file with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, initial comments on or before March 24, 1980 and reply comments on or before April 3, 1980.

All comments filed with the Commission will be considered by it in determining the appropriate action to taken but will not serve to make those filing parties to the proceedings. Any person wishing to become a party to these proceedings or to participate as a party therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–7793 Filed 3–13–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP80–253]

Delta Natural Gas Co., Inc.; Application

March 7, 1980.

Take notice that on February 20, 1980,[1] Delta Natural Gas Company, Inc. (Applicant), Route 1, Box 30–A, Winchester, Kentucky 40391, filed in Docket No. CP80–253 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.222(b) of the Commission's Regulations for a certificate of public convenience and necessity for authorization to render transportation service for another interstate pipeline company, for a two-year period, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to transport or displace natural gas on behalf of its subsidiary, Laurel Valley Pipeline Company (Laurel Valley) from an interconnection with Laurel Valley's facilities in Bell County, Kentucky, to Columbia Gas Transmission Corporation (Columbia) in Clay County, Kentucky, for a period of two years.

It is asserted that the charge for such transportation service would be 25.0 cents per Mcf and that the displacement charge would be 6.0 cents per Mcf.

It is stated that the gas to be transported or displaced would be sold by Laurel Valley to Columbia pursuant to Section 311(b) of the Natural Gas Policy Act of 1978.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–7796 Filed 3–13–80; 8:45 am]

BILLING CODE 6450–85–M

[1] The application was initially tendered for filing on February 20, 1978; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until February 25, 1980; thus, the filing was not completed until the latter date.

[Docket Nos. RP72–134, et al.]

Eastern Shore Natural Gas Company, et al.; Filing of Pipeline Refund Reports and Refund Plans

March 6, 1980.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426, on or before March 21, 1980. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Company	Filing date	Docket No.	Type filing
Eastern Shore Natural Gas Co..	2/12/80	RP72–134	Report.
South Georgia Natural Gas Co..	2/21/80	G–1915	Report.
Trancontinental Gas Pipe Line Corp..	2/29/80	RP77–108	Report.

[FR Doc. 80–7798 Filed 3–13–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RP73–107 et al.]

East Tennessee Natural Gas Co.; Report of Refunds

March 6, 1980.

Take notice that on February 26, 1980, East Tennessee Natural Gas Company (East Tennessee) filed a report of refunds made to its LTSS customers on February 26, 1980. East Tennessee states that these refunds result from a $46,391.92 refund which it received from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. on January 11, 1980.

East Tennessee states that copies of the filing have been mailed to all of its LTSS customers and affected state regulatory commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–7797 Filed 3–13–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. CS71–322, et al.]

Applications for "Small Producer" Certificates [1]

March 7, 1980.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 14, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission in its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS71–322 [1]	2/20/73	Cotton Petroleum Corporation, (Cotton Petroleum Company), 2121 South Columbia Street, Tulsa, Okla 74114.
CS80–88	2/25/80	Guardian Exploration, Ltd.—1979B, Suite 3540, Two Allen Center, Houston, Texas 77002.
CS80–89	2/26/80	J. C. Thompson, 1700 Broadway, Suite 1219, Denver, Colorado 80290.
CS80–90	2/26/80	Jack Berentz, Box 428, Eureka, Kansas 67045.
CS80–91	2/27/80	Dwight D. Sutherland, 4000 Main St., Kansas City, Mo.

[1] Being noticed to reflect amendment to small producer certificate to redesignate the name of certificate holder.

[FR Doc. 80–7795 Filed 3–13–80; 8:45 am]

BILLING CODE 6450–85–M

[No. 154]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

February 27, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Colorado Oil and Gas Conservation Commission

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date Received at FERC
10. Purchaser(s)

1. 80–14608/79–650
2. 05–001–07380–0000
3. 103 000 000
4. Amoco Production Co
5. Champlin 78 Amoco C Unit Well #1
6. Wattenberg
7. Adams Co
8. 110.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14609/79–657
2. 05–001–07379–0000
3. 103 000 000
4. Amoco Production Co
5. Champlin 78 Amoco D Well #1
6. Wattenberg
7. Adams Co
8. 36.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14610/79–682
2. 05–123–09574–0000
3. 103 000 000
4. Amoco Production Co
5. Champlin 542 Amoco A Well #1
6. Wattenberg
7. Weld Co
8. 35.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14611/79–685
2. 05–123–09656–0000
3. 103 000 000
4. Amoco Production Co
5. Elizabeth W Graham Unit C Well #1
6. Wattenberg
7. Weld Co
8. 114.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14612/79–679
2. 05–123–09668–0000
3. 103 000 000
4. Amoco Production Co
5. UPRR 43 Pan Am GU O #1
6. Wattenberg
7. Weld Co
8. 156.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14613/79–683
2. 05–123–09636–0000
3. 103 000 000
4. Amoco Production Co
5. UPRR 39 Amoco D Well #3
6. Aristocrat
7. Weld Co
8. 171.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14614/79–681
2. 05–123–09530–0000

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3. 108 000 000
4. Amoco Production Co
5. UPRR 30 Pan Am C Well #1
6. Aristocrat
7. Weld Co
8. 31.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14615/79-684
2. 05-123-09637-0000
3. 103 000 000
4. Amoco Production Co
5. UPRR 39 Amoco C Well #2
6. Aristocrat
7. Weld Co
8. 210.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14616/79-680
2. 05-123-09635-0000
3. 103 000 000
4. Amoco Production Co
5. UPRR 39 Amoco D Well #2
6. Aristocrat
7. Weld Co
8. 57.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14617/79-588
2. 05-123-09475-0000
3. 103 000 000
4. Amoco Production Co
5. Phillip S Mc Coy G U D #1
6. Wattenberg
7. Weld Co
8. 200.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14618/79-589
2. 05-123-09575-0000
3. 103 000 000
4. Amoco Production Co
5. UPRR 53 Pan Am N #1
6. Wattenberg
7. Weld Co
8. 71.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14619/79-591
2. 05-001-07345-0000
3. 103 000 000
4. Amoco Production Co
5. Boxelder I #1
6. Wildcat
7. Adams Co
8. 71.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14620/79-593
2. 05-001-07337-0000
3. 103 000 000
4. Amoco Production Co
5. UPRR 24 Pan Am D #1
6. Jamboree
7. Adams Co
8. 164.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14621/79-592
2. 05-123-09429-0000
3. 103 000 000
4. Amoco Production Co
5. UPRR 39 Pan Am D #1
6. Aristocrat
7. Weld Co
8. 147.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14622/79-568
2. 05-001-07372-0000
3. 103 000 000
4. Amoco Production Co
5. State of Colorado AI #1
6. Warlock
7. Adams Co
8. 83.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14623/79-572
2. 05-123-09579-0000
3. 103 000 000
4. Amoco Production Co
5. Champlin 366 Amoco Unit C #1
6. Wattenberg
7. Weld CO
8. 271.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14624/76-618
2. 05-123-09586-0000
3. 103 000 000
4. Amoco Production Co
5. Gordon Turkey Farms Unit D #1
6. Wattenberg
7. Weld CO
8. 107.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14625/79-617
2. 05-123-09511-0000
3. 103 000 000
4. Amoco Production Co
5. UPRR 50 Pan Am E #1
6. Wattenberg
7. Weld CO
8. 200.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14626/79-609
2. 05-123-09578-0000
3. 103 000 000
4. Amoco Production Co
5. Champlin 366 Amoco Unit B Well #1
6. Wattenberg
7. Weld CO
8. 23.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14627/79-608
2. 05-123-09534-0000
3. 103 000 000
4. Amoco Production Co
5. Champlin 366 Amoco D Well #1
6. Wattenberg
7. Weld CO
8. 81.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14628/79-662
2. 05-123-07744-0000
3. 108 000 000
4. Amoco Production Co
5. Gottlieb Gable Unit #1
6. Wattenberg
7. Weld CO
8. 19.3 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14629/79-665
2. 05-123-08056-0000
3. 108 000 000
4. Amoco Production Co
5. Jacob T Bohlender B #1
6. Wattenberg
7. Weld CO
8. 12.8 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14630/79-522
2. 05-067-06067-0000
3. 108 000 000
4. Amoco Production Co
5. Craig Gas Unit #1
6. Ignacio Blanco Dakota
7. La Plata CO
8. 19.8 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80-14631/79-628
2. 05-001-07224-0000
3. 108 000 000
4. Amoco Production Co
5. Champlin 75 Amoco H #1
6. Wattenberg
7. Weld CO
8. 9.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14632/79-629
2. 05-123-07295-0000
3. 108 000 000
4. Amoco Production Co
5. Charles W Leitz #1
6. Wattenberg
7. Weld CO
8. 18.1 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14633/79-630
2. 05-123-07996-0000
3. 108 000 000
4. Amoco Production Co
5. Wayne D Hibbs Unit #1
6. Wattenberg
7. Weld CO
8. 19.1 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14634/79-631
2. 05-123-07745-0000
3. 108 000 000
4. Amoco Production Co
5. Lewis C Camp B Unit #1
6. Wattenberg
7. Weld CO
8. 18.1 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14635/79-764
2. 05-001-06688-0000
3. 108 000 000
4. Amoco Production Co
5. UPRR 23 Pan American F #1
6. Ambush
7. Adams CO
8. 11.5 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14636/79-664
2. 05-123-09283-0000
3. 108 000 000
4. Amoco Production Co
5. Champlin 525 Amoco A #1
6. Wattenberg
7. Weld CO
8. 8.4 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14637/79-659
2. 05-123-07300-0000
3. 108 000 000
4. Amoco Production Co
5. UPRR 38 Pan American C #1
6. Wattenberg
7. Weld CO
8. 10.6 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14638/79-661
2. 05-123-08368-0000
3. 108 000 000
4. Amoco Production Co
5. Russell Rosales Gas Unit #1
6. Wattenberg
7. Weld CO
8. 14.3 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14639/79-666
2. 05-123-07284-0000
3. 108 000 000
4. Amoco Production Co
5. Buckius Pooling Unit #1
6. Wattenberg
7. Weld CO
8. 5.5 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14640/79-5B
2. 05-121-08439-0000
3. 108 000 000
4. C W Hughes
5. #1 Fassler Nene 34-2N-50W
6. Sundown
7. Washington CO
8. 12.2 million cubic feet
9. February 5, 1980
10. Kansas-Nebraska Natural Gas Co

1. 80-14641/78-59
2. 05-123-09335-0000
3. 108 000 000
4. Beaver Mesa Exploration Co
5. Norris 14-6
6. Wattenberg
7. Weld CO
8. 19.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14642/79-550
2. 05-039-06313-0000
3. 103 000 000
4. Champlin Petroleum Co
5. #1 Walter & Charlotte Keen 31-1
6. Doubletree
7. Elbert CO
8. 365.0 million cubic feet
9. February 5, 1980
10. Colorado Interstate Gas Co

1. 80-14543/79-552
2. 05-123-09681-0000
3. 103 000 000
4. Champlin Petroleum Co
5. Aristocrat Angus Ranch 41-5
6. Aristocrat
7. Weld CO
8. 274.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14644/79-553
2. 05-125-06198-000
3. 103 000 000
4. Mountain Petroleum Corp
5. Frerichs 1-30
6. Vernon
7. Yuma CO
8. 2.4 million cubic feet
9. February 5, 1980
10. Kansas-Nebraska Natural Gas Co IN

1. 80-14645/79-559
2. 05-005-06358-000
3. 103 000 000
4. Quest Oil Co
5. Michaud-State No 2
6. Doubletree
7. Arapahoe CO
8. 72.0 million cubic feet
9. February 5, 1980
10. Sun Gas Co

1. 80-14646/79-560
2. 05-005-06366-000
3. 103 000 000
4. Quest Oil Co
5. Michaud-State No 5
6. Doubletree
7. Arapahoe Co
8. 108.0 million cubic feet
9. February 5, 1980
10. Sun Gas Co

1. 80-14647/79-561
2. 05-005-06353-0000
3. 103 000 000
4. Quest Oil Co
5. Michaud-State No 1
6. Doubletree
7. Arapahoe CO
8. 72.0 million cubic feet
9. February 5, 1980
10. Sun Gas Co

1. 80-14648/79-704
2. 05-123-09707-000
3. 103 000 000
4. Quest Oil Co
5. Amoco-Miller No 1-7
6. Spindle
7. Weld CO
8. 27.4 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14649/79-705
2. 05-123-09708-0000
3. 103 000 000
4. Quest Oil Co
5. Amoco-Miller No 2-7
6. Spindle
7. Weld Co
8. 21.9 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14650/79-614
2. 05-067-06175-0000
3. 103 000 000
4. Joseph B Gould
5. Ute D #6
6. Ignacio Blanco
7. La Plata, CO
8. .0 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corp

1. 80-14651/79-647
2. 05-123-09661-0000
3. 103 000 000
4. Nielson Enterprises Inc
5. Fields #1
6. Wattenberg
7. Weld, CO
8. 180.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipe Line Co

1. 80-14652/79-646
2. 05-001-07446-0000
3. 103 000 000
4. Champlin Petroleum Co
5. #1 Gorges 41-19
6. N W Strausburg
7. Adams, CO
8. 55.0 million cubic feet
9. February 5, 1980
10. Vessels Gas Processing Co

1. 80-14653/79-576
2. 05-067-05501-0000
3. 108 000 000
4. Amerada Hess Corp
5. Miller MV Unit #1
6. Ignacio
7. La Plata, CO
8. 19.7 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80-14655/79-654
2. 05-123-09711-0000
3. 102 000 000
4. Energy Minerals Corp
5. Anne State #1
6. Waite Lake
7. Weld, CO
8. 125.0 million cubic feet
9. February 5, 1980
10. Crystal Oil Co

1. 80-14656/79-655
2. 05-123-09701-0000
3. 102 000 000
4. Energy Minerals Corp
5. #1 Thelma
6. Waite Lake
7. Weld, CO
8. 125.0 million cubic feet
9. February 5, 1980
10. Crystal Exploration & Production Co

1. 80-14657/79-220
2. 05-001-06295-0000
3. 108 000 000
4. Joseph B Gould
5. Piland 1-6
6. Hawkeye Field
7. Adams, CO
8. .0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14658/79-645
2. 05-121-09342-0000
3. 102 000 000
4. Stelbar Oil Corp Inc
5. #1-7 Jim Price Cattle Co
6. De Nova
7. Washington, CO
8. 60.0 million cubic feet
9. February 5, 1980
10. Natural Gas Pipeline Co of America

1. 80-14659/79-643
2. 05-121-09341-0000
3. 102 000 000
4. Stelbar Oil Corp Inc
5. #1-10 Jim Price Cattle Co
6. De Nova
7. Washington, CO
8. 30.0 million cubic feet
9. February 5, 1980
10. Natural Gas Pipeline Co of America

1. 80-14660/79-644

V 45/52 MR 14 80 UMI

2. 05–121–09280–0000
3. 102 000 000
4. Stelbar Oil Corp Inc
5. #1–14 K A Thim
6. De Nova
7. Washington, CO
8. 60.0 million cubic feet
9. February 5, 1980
10. Natural Gas Pipeline Co of America

1. 80–14661/79–658
2. 05–001–07410–0000
3. 103 000 000
4. Champlin Petroleum Co
5. #1 CPC Clair 41–35
6. Pony
7. Adams, CO
8. 256.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–14662/79–579
2. 05–075–08756–0000
3. 102 000 000
4. Alexander C Boardman
5. State No 1
6. Wildcat
7. Logan, CO
8. 292.0 million cubic feet
9. February 5, 1980
10. Kansas-Nebraska Nat Gas Co Inc

1. 80–14663/79–586
2. 05–123–09611–0000
3. 103 000 000
4. Nielson Enterprises Inc
5. Melvin Blake #1
6. Hambert
7. Weld, CO
8. 360.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–14664/79–580
2. 05–001–07399–0000
3. 103,000,000
4. Champlin Petroleum Co
5. #2 Box Elder 31–21
6. Holster
7. Adams CO
8. 146.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–14665/79–581
2. 05–001–07395–0000
3. 103,000,000
4. Champlin Petroleum Co
5. #1 Hosmer 32–29
6. Jamboree Field
7. Elbert CO
8. 164.0 million cubic feet
9. Februr y 5, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–14666/79–638
2. 05–067–00000–0000
3. 108,000,000
4. J G Merrion & R L Bayless
5. Hamilton #1
6. Ignacio-Mesa Verde
7. La Plata CO
8. 15.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80–14667/79–637
2. 05–067–00000–0000
3. 108,000,000
4. J G Merrion & R L Bayless
5. Behrman #1
6. Ignacio-Mesa Verde
7. La Plata CO
8. 10.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80–14668/79–621
2. 05–001–06278–0000
3. 103,000,000
4. L & B Oil Co Inc
5. State of Colorado #1–36–2S–63W
6. Quail (proposed)
7. Adams CO
8. 1500.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–14669/79–786
2. 05–103–07971–0000
3. 108,000,000
4. Provident Resources Inc
5. Kirby-Robertson 9–36–4–102
6. Foundation Creek
7. Rio Blanco CO
8. .0 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corp

1. 80–14670/79–649
2. 05–001–07398–0000
3. 103,000,000
4. Vessels Oil & Gas Co
5. Hosmer #4
6. Jamboree
7. Adams CO
8. 146.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14671/78–97
2. 05–123–07905–0000
3. 108,000,000
4. Vessels Oil & Gas Co
5. Dowdy #1
6. Wattenberg
7. Weld CO
8. 19.4 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–14672/79–648
2. 05–001–07400–0000
3. 102,000,000
4. Vessels Oil & Gas Company
5. Tippett No. 2
6. Wildcat
7. Adams CO
8. 146.0 million cubic feet
9. February 5, 1980
10. Vessels Gas Processing Co

1. 80–14673/79–634
2. 05–001–07396–0000
3. 103,000,000
4. Sandlin Oil Corporation
5. Bullard No 2
6. Chieftan
7. Adams CO
8. 60.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14674/79–633
2. 05–123–08415–0000
3. 108,000,000
4. Sandlin Oil Corp
5. Sargent 32–8
6. Scabbard
7. Weld CO
8. 12.0 million cubic feet
9. February 5, 1980
10. Phillips Petroleum Co

1. 80–14675/79–623
2. 05–001–07409–0000
3. 103,000,000
4. Sandlin Oil Corp
5. Antelope Farms #1
6. Pony
7. Adams CO
8. 180.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14676/79–611
2. 05–009–06224–0000
3. 103,000,000
4. Texas Oil & Gas Corp
5. Schweizer #1
6. Walsh
7. Baca CO
8. 60.0 million cubic feet
9. February 5, 1980
10. Nueces Co

1. 80–14677/79–678
2. 05–103–00000–0000
3. 103,000,000
4. Lawrence Barker Jr
5. 12–1 Fee
6. South Douglas Creek
7. Rio Blanco CO
8. 100.0 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corp

1. 80–14678/79–673
2. 05–009–06234–0000
3. 102,000,000
4. Texas Oil & Gas Corp
5. Clays #1
6. Stonington
7. Baca CO
8. 90.0 million cubic feet
9. February 5, 1980
10. Nueces Co

1. 80–14679/79–672
2. 05–009–06236–0000
3. 103,000,000
4. Texas Oil & Gas Corp
5. Packard #1–X
6. Walsh
7. Baca CO
8. 100.0 million cubic feet
9. February 5, 1980
10. The Nueces Co

1. 80–14680/79–667
2. 05–005–06782–0000
3. 103,000,000
4. Vessels Oil & Gas Co
5. Price No 5
6. North Peoria
7. Arapahoe CO
8. .0 million cubic feet
9. February 5, 1980
10. Amoco Production Co

1. 80–14681/79–651
2. 05–123–09692–0000
3. 103,000,000
4. Vessels Oil & Gas Company
5. L F Ranches B No 1
6. Wattenberg
7. Weld CO
8. 73.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14682/79–650
2. 05–123–09700–0000
3. 103,000,000
4. Vessels Oil & Gas Company
5. Moser A No 1

6. Spindle
7. Weld CO
8. .0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14683/79–624
2. 05–103–08308–0000
3. 103,000,000
4. Provident Resources Inc
5. Kirby 2M–25–4–102
6. Foundation Creek
7. Rio Blanco County CO
8. 50.0 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corp

1. 80–14684/79–622
2. 05–001–07411–0000
3. 103 000 000
4. L & B Oil Company Inc
5. State of Colorado #2–36–2S–63W
6. Quail (proposed)
7. Adams CO
8. 400.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–14685/79–575
2. 05–075–98743–0000
3. 103 000 000
4. LeClair-Westwood Inc
5. State #5–22
6. Stampede
7. Logan CO
8. 168.3 million cubic feet
9. February 5, 1980
10. Kansas-Nebraska Natural Gas Co Inc

1. 80–14686/79–620
2. 05–095–06016–0000
3. 102 000 000
4. Shakespeare Oil Co Inc
5. Felix Claymon #1
6. Wildcat
7. Phillips CO
8. 41.0 million cubic feet
9. February 5, 1980
10. Natural Gas P/L Co of America

1. 80–14687/79–619
2. 05–025–00000–0000
3. 108 000 000
4. Amerada Hess Corp
5. Olson-Smith Unit #1
6. Ignacio
7. La Plata CO
8. 21.5 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80–14688/79–554
2. 05–025–00000–0000
3. 108 000 000
4. Amerada Hess Corp
5. Olson MV GU #1
6. Ignacio
7. La Plata CO
8. 21.5 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80–14689/79–639
2. 05–025–00000–0000
3. 198 000 000
4. J G Merrion & R L Bayless
5. Pascoe #1
6. Ignacio-Mesa Verde
7. La Plata CO
8. 4.5 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80–14690/79–594
2. 05–123–08537–0000
3. 108 000 000
4. Nielson Enterprises Inc
5. Magnuson #1
6. Wattenberg J
7. Weld CO
8. 18.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–14691/79–573
2. 05–087–05963–0000
3. 108 000 000
4. J M Huber Corporation
5. Bird Brandt No 1
6. Vallery
7. Morgan County CO
8. 4.2 million cubic feet
9. February 5, 1980
10. Crystal Oil Company

1. 80–14692/79–601
2. 05–095–06024–0000
3. 102 000 000
4. Shakespeare Oil Co Inc
5. Dudden Brothers Inc #1
6. Wildcat
7. Phillips County CO
8. 126.0 million cubic feet
9. February 5, 1980
10. Natural Gas P/L Co of America

1. 80–14693/79–600
2. 05–103–08107–0000
3. 102 000 600
4. Twin Arrow Inc
5. Brown 2–17
6. Cathedral
7. Rio Blanco CO
8. .0 million cubic feet
9. February 5, 1980
10. IGC Production Co

1. 80–14694/78–173
2. 05–087–08715–0000
3. 102 000 000
4. Okmar Oil Co
5. Budin No 15
6. Big Sandy
7. Logan CO
8. 109.0 million cubic feet
9. February 5, 1980
10.

1. 80–14695/79–583
2. 05–103–07997–0000
3. 103 000 000
4. Husky Oil Co
5. Hill 6–6
6. Rangely
7. Rio Blanco CO
8. 5.2 million cubic feet
9. February 5, 1980
10. IGC Production Co

1. 80–14696/79–582
2. 05–103–08023–0000
3. 103 000 000
4. Husky Oil Co
5. Hill 11–6
6. Rangely
7. Rio Blanco CO
8. .7 million cubic feet
9. February 5, 1980
10. IGC Production Co

1. 80–14697/79–584
2. 05–103–08019–0000
3. 103 000 000
4. Husky Oil Co
5. Hill 7–6
6. Rangely
7. Rio Blanco CO
8. 6.5 million cubic feet
9. February 5, 1980
10. IGC Production Co

1. 80–14698/79–677
2. 05–063–07421–0000
3. 103 000 000
4. Lifestyle Energy Corp
5. Boyd A Piland #4–6 79–361
6. Guidon
7. Adams CO
8. 200.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pl Co

1. 80–14699/79–606
2. 05–001–07390–0000
3. 103 000 000
4. Byron Oil Industries Inc
5. Byron-Quebec-North Inv Ltd #2
6. Spindle Fld Wattenberg
7. Adams CO
8. 4.8 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80–14700/79–605
2. 05–001–07391–0000
3. 103 000 000
4. Byron Oil Industries Inc
5. Byron-Signal Reservoir #1
6. Spindle Fld Wattenberg
7. Adams CO
8. 7.7 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80–14701/79–599
2. 05–001–07376–0000
3. 103 000 000
4. Byron Oil Industries Inc
5. Byron-Morrison Investment Co #2
6. Spindle Field Wattenberg Pool
7. Adams CO
8. 8.5 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80–14702/78–177
2. 05–103–00000–0000
3. 108 000 000
4. Tipperary Oil and Gas Corp
5. Brady 23–C–3 (Fee Lands)
6. Trail Canyon
7. Rio Blanco CO
8. 15.0 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corp

1. 80–14703/79–577
2. 05–039–06316–0000
3. 103 000 000
4. Champlin Petroleum Co
5. #2 C B Miller 32–5
6. Deadeye Field
7. Elbert County CO
8. 37.0 million cubic feet
9. February 5, 1980
10. Sun Gas Co

1. 80–14704/79–603
2. 05–123–09608–0000
3. 103 000 000
4. Energy Minerals Corp
5. Maurice #1
6. Roggen
7. Weld Co
8. .0 million cubic feet
9. February 5, 1980
10. Crystal Gas Resources Inc

V 45/52 MR 14 80 UMI

1. 80–14705/79–636
2. 05–123–09729–0000
3. 103 000 000
4. Champlin Petroleum Co
5. CPC #2 Aristocrat Angus Ranch 32
6. Aristocrat
7. Weld Co
8. 565.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14706/79–612
2. 05–123–09713–0000
3. 102 000 000
4. Energy Minerals Corp
5. Kingsbury #1
6. Waite Lake
7. Weld County Co
8. 200.0 million cubic feet
9. February 5, 1980
10. Crystal Gas Resources Inc

1. 80–14707/79–635
2. 05–123–09725–0000
3. 103 000 000
4. Champlin Petroleum Co
5. #2 Aristocrat 32–9 C Swne 9–3N–65
6. Aristocrat
7. Weld Co
8. 127.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–14708/79–570
2. 05–075–08705–0000
3. 103 000 000
4. Kimbark Operating Co
5. Budin #1
6. Caballo
7. Logan Co
8. 45.6 million cubic feet
9. February 5, 1980
10.

1. 80–14709/79–604
2. 05–001–07388–0000
3. 103 000 000
4. Byron Oil Industries Inc
5. Byron-State of Colorado #1
6. Spindle Fld Wattenberg Pl
7. Adams Co
8. 2.2 million cubic feet
9. February 5, 1980
10. Northern Natural Gas

1. 80–14710/79–574
2. 05–075–08739–0000
3. 103 000 000
4. Kimbark Operating Co
5. Birney #1
6. Caballo
7. Logan Co
8. 66.0 million cubic feet
9. February 5, 1980
10.

1. 80–14711/79–602
2. 05–123–09643–0000
3. 103 000 000
4. Energy Minerals Corp
5. Trupp #1
6. Roggen
7. Weld Co
8. 45.5 million cubic feet
9. February 5, 1980
10. Crystal Gas Resources Inc

1. 80–14712/79–616
2. 05–081–06379–0000
3. 102 000 000
4. Tenneco Oil Co
5. Alta Martin #1
6. Great Divide-Mesa Verde
7. Moffat Co
8. 500.0 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corp

1. 80–14713/79–615
2. 05–121–09476–0000
3. 102 000 000
4. Niobrara Illuminating Gas Assoc
5. #1 Allen
6. De Nova
7. Washington Co
8. 60.0 million cubic feet
9. February 5, 1980
10. Natural Gas Pipeline Co of America

1. 80–14714/79–613
2. 05–009–06217–0000
3. 103 000 000
4. Samson Oil Co
5. Twyford 1–7
6. Stonington
7. Baca Co
8. 110.0 million cubic feet
9. February 5, 1980
10. RJB Gas Pipeline Co

1. 80–14715/79–610
2. 05–09–06223–0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. England A
6. Stonington
7. Baca Co
8. 60.0 million cubic feet
9. February 5, 1980
10. The Nueces Co

1. 80–14716/79–595
2. 05–067–00000–0000
3. 108 000 000
4. Amerada Hess Corp
5. F W Terrell Mv Gu #1
6. Ignacio
7. La Plata Co
8. 16.1 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80–14717/79–597
2. 05–001–07375–0000
3. 103 000 000
4. Byron Oil Industries Inc
5. Byron-Mark Degenhart #6
6. Spindle Fld Wattenberg Pl
7. Adams Co
8. 8.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80–14718/79–598
2. 05–001–07374–0000
3. 103 000 000
4. Byron Oil Industries Inc
5. Byron-John Ehler #1
6. Spindle Fld Wattenberg Pl
7. Adams Co
8. 4.7 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80–14719/79–48
2. 05–067–00000–0000
3. 108 000 000
4. Northwest Pipeline Corporation
5. Bondad 33–9 #5
6. Ignacio Blanco
7. La Plata Co
8. 23.0 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corp

1. 80–14720/79–551
2. 05–123–09682–0000
3. 103 000 000
4. Champlin Petroleum Co
5. Aristocrat Angus Ranch 41–9
6. Aristocrat
7. Weld Co
8. 274.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–14721/79–548
2. 05–123–09639–0000
3. 103 000 000
4. Energy Minerals Corp
5. Bernard #1
6. Roggen Field
7. Weld County Co
8. 50.0 million cubic feet
9. February 5, 1980
10. Phillips Petroleum Co

1. 80–14722/79–555
2. 05–067–00000–0000
3. 108 000 000
4. Amerada Hess Corp
5. Fassett Mv Unit #1
6. Ignacio
7. La Plata Co
8. 6.5 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80–14723/79–556
2. 05–067–00000–0000
3. 108 000 000
4. Amerada Hess Corp
5. Ford-Olson Unit A #1
6. Ignacio
7. La Plata Co
8. 16.4 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80–14724/79–547
2. 05–123–05130–0000
3. 102 000 000
4. Energy Minerals Corp
5. #2 Ross
6. Waite Lake
7. Weld County Co
8. 137.0 million cubic feet
9. February 5, 1980
10. Crystal Gas Resources Inc

1. 80–14725/79–565
2. 05–001–06912–0000
3. 103 000 000
4. Lifestyle Energy Corp
5. Boyd a Piland #3–79–108
6. Guidon
7. Adams Co
8. 150.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14726/79–564
2. 05–001–07363–0000
3. 103 000 000
4. Lifestyle Energy Corp
5. Boyd a Piland #1–32–78–945
6. Unnamed
7. Adams Co
8. 150.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14727/79–562
2. 05–001–06913–0000
3. 103 000 000
4. Lifestyle Energy Corp
5. Boyd a Piland #1–78–551

6. Guidon
7. Adams Co
8. 150.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14728/79–571
2. 05–123–09691–0000
3. 103 000 000
4. Champlin Petroleum Co
5. #2 Rural Land 32–31
6. Hambert Field
7. Weld Co
8. 91.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14729/78–178
2. 05–103–00000–0000
3. 108 000 000
4. Tipperary Oil and Gas Corp
5. Brady 23–C–3X (Fee Lands)
6. Trail Canyon
7. Rio Blanco Co
8. 12.0 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corp

1. 80–14730/79–676
2. 05–123–08664–0000
3. 108 000 000
4. MGF Oil Corp
5. Premier 21–4J
6. Lost Creek 4–2N–62W
7. Weld Co
8. 19.0 million cubic feet
9. February 5, 1980
10. Crystal Gas Resources Inc

1. 80–14731/79–675
2. 05–123–09335–0000
3. 108 000 000
4. MGF Oil Corp
5. Norris Estate 14–6
6. Wattenburg SW SE Sec 6 T2N R64W
7. Weld Co
8. 19.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14732/79–632
2. 05–039–06315–0000
3. 103 000 000
4. Champlin Petroleum Co
5. #1 Whitehead 41–9 Nene 9–6S–62W
6. Deadeye
7. Elbert Co
8. 43.0 million cubic feet
9. February 5, 1980
10. Sun Oil Co

1. 80–14733/79–706
2. 05–123–09714–0000
3. 103 000 000
4. Quest Oil Co
5. Amoco-Miller No 3–7
6. Spindle
7. Weld Co
8. 27.4 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14734/79–834
2. 05–123–00000–0000
3. 108 000 000
4. Winter Hawk Ltd
5. Zimbelman 1–A
6. Unnamed
7. Weld Co
8. 16.2 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14735/79–486
2. 05–123–07567–0000
3. 102 000 000
4. UV Industries Inc
5. UV Industries Inc State 1860 No 1
6. Wildcat (OMAR)
7. Weld Co
8. 141.6 million cubic feet
9. February 5, 1980
10.

1. 80–14736/79–642
2. 05–075–08372–0000
3. 108 000 000
4. Leclair-Westwood Inc
5. Sherwin #1
6. Stampede
7. Logan Co
8. 4.0 million cubic feet
9. February 5, 1980
10. Kansas-Nebraska Natural Gas Co

1. 80–14737/79–569
2. 05–125–06137–0000
3. 108 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Lott 1–35
6. Shout
7. Yuma Co
8. 7.0 million cubic feet
9. February 5, 1980
10.

1. 80–14738/79–626
2. 05–125–06294–0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Company
5. Fonte 1–22
6. Republican
7. Yuma Co
8. 21.9 million cubic feet
9. February 5, 1980
10.

1. 80–14739/79–674
2. 05–123–05133–0000
3. 102 000 000
4. J R Drilling & Exploration Company
5. Whittenburg #1
6. Wildcat
7. Weld Co
8. .0 million cubic feet
9. February 5, 1980
10. Crystal Gas Resources Inc

1. 80–14740/79–557
2. 05–125–06098–0000
3. 108 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Engel #1–10
6. Armel
7. Yuma Co
8. 9.0 million cubic feet
9. February 5, 1980
10.

1. 80–14654
2. 05–123–08421
3. 108 000 000
4. Amoco Production Co
5. Lela F Thomason Gas Unit #1
6. Watenberg
7. Weld Co
8. 18.6 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

Michigan Department of Natural Resources

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block no.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–14797
2. 21–035–00000–0000
3. 102 000 000
4. Hunt Energy Corp
5. Benchley No 1 32880
6. Winterfield
7. Clare MI
8. .0 million cubic feet
9. February 6, 1980
10. Consumers Power Co

1. 80–14798
2. 21–035–00000–0000
3. 102 000 000
4. Hunt Energy Corp
5. Benchley A No 1 32890
6. Winterfield (Richfield)
7. Clare MI
8. .0 million cubic feet
9. February 6, 1980
10. Consumers Power Co

Montana Board of Oil and Gas Conservation

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block no.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–14756/3–79–134
2. 25–083–21201–0000
3. 102 000 000
4. Shell Oil Co
5. Moore 23–24
6. Mon Dak West
7. Richland MT
8. 60.0 million cubic feet
9. February 5, 1980
10. Montana Dakota Utilities Co

1. 80–14757/3–79–133
2. 25–083–21164–0000
3. 102 000 000
4. Shell Oil Co
5. BN 22–17
6. Mon Dak West
7. Richland MT
8. 16.0 million cubic feet
9. February 5, 1980
10. Montana Dakota Utilities Co

1. 80–14758/3–79–142
2. 25–083–21119–0000
3. 102 000 000
4. Shell Oil Co
5. BN 21X–25
6. Mon Dak West
7. Richland MT
8. 110.0 million cubic feet
9. February 5, 1980
10. Montana Dakota Utilities Co

1. 80–14759/3–79–140
2. 25–083–21151–0000
3. 102 000 000
4. Shell Oil Co
5. Swigart 24X–8
6. Mon Dak West

V 45 / 52 MR 14 80 UMI

7. Richland MT
8. 234.0 million cubic feet
9. February 5, 1980
10. Montana Dakota Utilities Co

1. 80–14760/3–79–153
2. 25–083–21235–0000
3. 102 000 000
4. Shell Oil Co
5. Sheetz 21X–29
6. Mon Dak West
7. Richland MT
8. 55.0 million cubic feet
9. February 5, 1980
10. Montana Dakota Utilities Co

1. 80–14761/3–79–135
2. 25–083–21174–0000
3. 102 000 000
4. Shell Oil Co
5. BN 33X–35
6. Mon Dak West
7. Richland MT
8. 5.5 million cubic feet
9. February 5, 1980
10. Montana Dakota Utilities Co

1. 80–14762/3–79–141
2. 25–083–21175–0000
3. 102 000 000
4. Shell Oil Co
5. Carleton 13–X–5
6. Mon Dak West
7. Richland MT
8. 60.5 million cubic feet
9. February 5, 1980
10. Montana Dakota Utilities Co

1. 80–14763/3–79–154
2. 25–083–21151–0000
3. 102 000 000
4. Shell Oil Co
5. Swigart 24X–8
6. Mon Dak West
7. Richland MT
8. 48.0 million cubic feet
9. February 5, 1980
10. Montana Dakota Utilities Co

New Mexico Depa..nent of Energy and Minerals

Oil Conservation Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–14799
2. 30–041–20500–0000
3. 103 000 000
4. Enserch Exploration Inc
5. Lambirth No 8
6. Peterson South
7. Roosevelt NM
8. 30.0 million cubic feet
9. February 6, 1980
10. Natural Gas Pipeline Co of America

1. 80–14800
2. 30–015–22932–0000
3. 102 000 000
4. J C Barnes Oi' Co
5. Big Chief Comm No 4
6. Dublin Ranch
7. Eddy NM
8. 210.0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co

1. 80–14801
2. 30–025–28280–0000
3. 103 000 000
4. Gulf Oil Corp
5. Arnott-Ramsay (NCT–B) Well #8
6. Langlie Mattix
7. Lea NM
8. .0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co

1. 80–14802
2. 30–045–10103–0000
3. 108 000 000
4. El Paso Natural Gas Co
5. Farmington Comm #1
6. Basin-Dakota Gas
7. San Juan NM
8. 20.0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co

West Virginia Department of Mines

Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–14741
2. 47–017–02317–0000
3. 107 000 000 denied
4. Key Oil Company
5. J M L Smith #1
6.
7. Doddridge WV
8. .0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14742
2. 47–021–22999–0000
3. 107 000 000 denied
4. Rockwell Petroleum Co
5. T F Reed #3
6. Glenville District
7. Gilmer WV
8. .0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14743
2. 47–021–23000–0000
3. 107 000 000 denied
4. Rockwell Petroleum Company
5. T F Reed #2
6. Glenville District
7. Gilmer WV
8. .0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14744
2. 47–021–22914–0000
3. 107 000 000 denied
4. Rockwell Petroleum Company
5. T F Reed #1
6. Glenville District
7. Gilmer WV
8. .0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14745
2. 47–017–02319–0000
3. 107 000 000 denied
4. Key Oil Co
5. Betty Langfitt #1
6.
7. Doddridge WV
8. .0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14746
2. 47–017–02314–0000
3. 107 000 000 denied
4. Key Oil Co
5. Clarence Powerr #1
6.
7. Doddridge WV
8. .0 million cubic feet
9. February 4, 1980
10.

1. 80–14747
2. 47–035–01495–0000
3. 102 000 000 denied
4. Burdette Oil & Gas Co Inc
5. Glenn Staats Well #1
6. Washington District
7. Jackson WV
8. .0 million cubic feet
9. February 4, 1980
10.

1. 80–14748
2. 47–035–01498–0000
3. 102 000 000 denied
4. Burdette Oil & Gas Co Inc
5. Rex Casto Well #1
6. Washington District
7. Jackson WV
8. .0 million cubic feet
9. February 4, 1980
10.

1. 80–14749
2. 47–035–01492–0000
3. 102 000 000 denied
4. Burdette Oil & Gas Co Inc
5. Doris Harpold Well #2
6. Washington District
7. Jackson WV
8. .0 million cubic feet
9. February 4, 1980
10.

1. 80–14750
2. 47–035–01491–0000
3. 120 000 000
4. Burdette Oil & Gas Co Inc
5. Duris Harpold Well #1
6. Washington District
7. Jackson, WV
8. .0 million cubic feet
9. February 4, 1980
10.

1. 80–14751
2. 47–035–01497–0000
3. 120 000 000 denied
4. Burdette Oil & Gas Co Inc
5. Rex Casto Well #2
6. Washington District
7. Jackson, WV
8. .0 million cubic feet
9. February 4, 1980
10.

1. 80–14752

2. 47–021–03385–0000
3. 107 000 000 denied
4. Waco Oil and Gas Co Inc
5. Alfred Lowther #3
6. Ellis
7. Gilmer, WV
8. 40.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14753
2. 47–021–03422–0000
3. 107 000 000 denied
4. Waco Oil and Gas Co
5. Wiant #1
6. Ellis
7. Gilmer, WV
8. 50.0 million cubic feet
9. February 4, 1980
10. Carnegie Natural Gas Co

1. 80–14754
2. 47–007–01035–0000
3. 102 000 000 denied
4. Chrisman Drilling Co
5. D J Moyers #5
6. Otter District
7. Braxton, WV
8. 24.5 million cubic feet
9. February 4, 1980
10. George Jackson

1. 80–14755
2. 47–007–21119–0000
3. 102 000 000 denied
4. Chrisman Drilling Co
5. L J Smith #3
6. Otter
7. Braxton, WV
8. 30.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block #
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–14764/NG–153–79
2. 49–041–20088–0000
3. 102 000 000
4. Amoco Production Co
5. Amoco Gulf #1
6. Yellow Creek
7. Uinta, WY
8. 1500.0 million cubic feet
9. February 5, 1980
10. Mountain Fuel Supply Co

1. 80–14765/NG–155–79
2. 49–041–20100–0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 375 Amoco A #1
6. Yellow Creek
7. Uinta, WY
8. 730.0 million cubic feet
9. February 5, 1980
10. Mountain Fuel Supply Co

1. 80–14766/NG–156–79
2. 49–041–20157–0000
3. 102 000 000
4. Amoco Production Company
5. Amoco Gulf #3
6. Yellow Creek
7. Uinta, WY
8. 1100.0 million cubic feet
9. February 5, 1980
10. Mountain Fuel Supply Co

U.S. Geological Survey, Metairie, La.

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–14767/G9–1012
2. 17–706–40297–00S1–0
3. 102 000 000
4. CNG Producing Co
5. B–2S1
6. Vermilion
7. 313
8. 876.0 million cubic feet
9. February 5, 1980
10. Consolidated Gas Supply Corp, Columbia Gas Transmission Corp

1. 80–14768/G9–1017
2. 17–707–40316–0000–0
3. 102 000 000
4. Placid Oil Co
5. OCS–G–2600 #E–7
6. South Marsh Island
7. 281
8. 3650.0 million cubic feet
9. February 5, 1980
10. Trunkline Gas Co, Southern Natural Gas Co

1. 80–14769/G9–1043
2. 17–704–40445–0000–0
3. 102 000 000
4. Marathon Oil Co
5. East Cameron Block 321 #A–24
6. East Cameron South Addition
7. 321
8. 657.0 million cubic feet
9. February 5, 1980
10. Texas Eastern Transmission Corp

1. 80–10248/G9–890
2. 42–709–40439–0000–0
3. 102 000 000
4. Gulf Oil Corp
5. OCS–G–3479 #A–7
6. High Island
7. 498
8. .0 million cubic feet
9. January 15, 1980
10. Uncommitted

U.S. Geological Survey, Albuquerque, N. Nex.

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–14770/NM–4724–79
2. 30–043–20340–0000–0
3. 103 000 000
4. BCO Inc
5. Federal B #4
6. Undesignated Gallup
7. Sandoval NM
8. 18.0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co

1. 80–14771/NM–4723–79
2. 30–043–20334–0000–0
3. 103 000 000
4. BCO Inc
5. Federal I #1
6. Undesignated Gallup
7. Sandoval NM
8. 18.0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co

1. 80–14772/NM–4722–79
2. 30–043–20335–0000–0
3. 103 000 000
4. BCO Inc
5. Federal I #2
6. Undesignated Gallup
7. Sandoval NM
8. 18.0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co

1. 80–14773/NM–4721–79
2. 30–043–20336–0000–0
3. 103 000 000
4. BCO Inc
5. Federal I #3
6. Undesignated Gallup
7. Sandoval NM
8. 18.0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co

1. 80–14774/NM–4720–79
2. 30–043–20333–0000–0
3. 103 000 000
4. BCO Inc
5. Federal I #4
6. Undesignated Gallup
7. Sandoval NM
8. 18.0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co

1. 80–14775/NM–4718–79
2. 30–045–23601–0000–0
3. 103 000 000
4. Blackwood & Nichols Co Ltd
5. NE Blanco Unit #205
6. South Los Pinos Pictured Cliffs SE
7. San Juan NM
8. 50.0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co

1. 80–14776/NM–4717–79
2. 30–045–23485–0000–0
3. 103 000 000
4. Blackwood & Nichols Co Ltd
5. NE Blanco Unit #203
6. South Los Pinos Pictured Cliffs NE
7. San Juan NM
8. 100.0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co

1. 80–14777/NM–4716–79
2. 30–045–23484–0000–0
3. 103 000 000
4. Blackwood & Nichols Co Ltd
5. NE Blanco Unit #202
6. South Los Pinos Pictured Cliffs NE
7. San Juan NM
8. 200.0 million cubic feet

V 45 / 52 MR 14 80 UMI

9. February 6, 1980
10. El Paso Natural Gas Co
1. 80-14778/NM-4713-79
2. 30-039-21822-0000-0
3. 103 000 000
4. Ken Blackford
5. Well 37-B No 6 Lease No 09-000037
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 40.0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co
1. 80-14779/NM-4712-79
2. 30-045-23607-0000-0
3. 103 000 000
4. Tenneco Oil Co
5. Archuleta #2
6. Blanco Pictured Cliffs
7. San Juan NM
8. 100.0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co
1. 80-14780/NM-4732-79-A
2. 30-045-23459-0000-0
3. 103 000 000
4. Southland Royalty Co
5. Wilmer Canyon #2
6. Blanco Mesa Verde
7. San Juan NM
8. 110.0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co
1. 80-14781/NM-4731-79-B
2. 30-045-23522-0000-0
3. 103 000 000
4. Southland Royalty Co
5. Reese Mesa a#5
6. Basin Dakota
7. San Juan NM
8. 90.0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co
1. 80-14782/NM-4731-79-A
2. 30-045-23522-0000-0
3. 103 000 000
4. Southland Royalty Co
5. Reese Mesa #5
6. Blanco Mesa Verde
7. San Juan NM
8. 130.0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co
1. 80-14783/NM-4730-79
2. 30-015-22751-0000-0
3. 103 000 000
4. Harvey E Yates Co
5. Depco Federal #1
6. Travis Yates
7. Eddy NM
8. 15.0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co
1. 80-14784/NM-4729-79
2. 30-045-23507-0000-0
3. 103 000 000
4. Jerome P McHugh
5. Chaco Plant #36
6. Waw Fruitland Pictured Cliffs
7. San Juan NM
8. 63.0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co
1. 80-14785/NM-4728-79
2. 30-039-05348-0000-0
3. 108 000 000
4. BCO Inc
5. Byrd 5-23 #1
6. Devils Fork Gallup
7. Rio Arriba NM
8. 9.0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co
1. 80-14786/NM-4725-79
2. 30-045-09109-0000-0
3. 108 000 000
4. Amoco Production Co
5. Elliott Gas Com K #1
6. Blanco Pictured Cliffs
7. San Juan NM
8. 21.8 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co
1. 80-14787/NM-4742-79
2. 30-039-22019-0000-0
3. 103 000 000
4. Southland Royalty Co
5. Arizona Jicarilla B #9
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 150.0 million cubic feet
9. February 6, 1980
10. Gas Co of New Mexico
1. 80-14788/NM-4740-79
2. 30-045-23353-0000-0
3. 103 000 000
4. Southland Royalty Co
5. Hillstrom #2
6. Blanco Pictured Cliffs
7. San Juan NM
8. 75.0 million cubic feet
9. February 6, 1980
10. Southern Union Gathering Co
1. 80-14789/NM-4739-79
2. 30-045-23123-0000-0
3. 103 000 000
4. Southland Royalty Co
5. Hale #5
6. Basin Dakota
7. San Juan NM
8. 90.0 million cubic feet
9. February 6, 1980
10. Gas Co of New Mexico
1. 80-14790/NM-4738-79
2. 30-045-23372-0000-0
3. 103 000 000
4. Southland Royalty Co
5. Davis #18
6. Blanco Pictured Cliffs
7. San Juan NM
8. 35.0 million cubic feet
9. February 6, 1980
10. Southern Union Gathering Co
1. 80-14791/NM-4737-79
2. 30-045-23350-0000-0
3. 103 000 000
4. Southland Royalty Co
5. Dalsant #2
6. Blanco Pictured Cliffs
7. San Juan NM
8. 80.0 million cubic feet
9. February 6, 1980
10. Southern Union Gathering Co
1. 80-14792/NM-4736-79
2. 30-045-23352-0000-0
3. 103 000 000
4. Southland Royalty Co
5. Moore #2
6. Blanco Pictured Cliffs
7. San Juan NM
8. 80.0 million cubic feet
9. February 6, 1980
10. Southern Union Gathering Co
1. 80-14793/NM-4735-79
2. 30-045-23407-0000-0
3. 103 000 000
4. Southland Royalty Co
5. Lawson #4
6. Blanco Pictured Cliffs
7. San Juan NM
8. 50.0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co
1. 80-14794/NM-4733-79-B
2. 30-045-23135-0000-0
3. 103 000 000
4. Southland Royalty Co
5. Reese Mesa #2A
6. Undesignated Pictured Cliffs
7. San Juan NM
8. 125.0 million cubic feet
9. February 6, 1980
10. Northwest Pipeline Corp
1. 80-14795/NM-4733-79-A
2. 30-045-23135-0000-0
3. 103 000 000
4. Southland Royalty Co
5. Reese Mesa #2A
6. Blanco Mesa Verde
7. San Juan NM
8. 110.0 million cubic feet
9. February 6, 1980
10. Northwest Pipeline Corp
1. 80-14796/NM-4732-79-B
2. 30-045-23459-0000-0
3. 103 000 000
4. Southland Royalty Co
5. Wilmer Canyon #2
6. No Los Pinos Fruitland Pictured Cliffs
7. San Juan NM
8. 220.0 million cubic feet
9. February 6, 1980
10. El Paso Natural Gas Co

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the Federal Register.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7704 Filed 3-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RI74-188, RI75-21; Opinion 77]

Independent Oil and Gas Association of West Virginia Opinion and Order Reversing Initial Decision, Remanding and Consolidating Proceedings, Initiating Hearings, Establishing Procedures, and Granting Intervention

Issued: March 4, 1980.

The principal issue in this proceeding is whether certain indefinite price escalator clauses (often referred to as area rate clauses) in two settlement agreements approved in 1976 by the Federal Power Commission (FPC) confer contractual authority to charge and collect the rates prescribed in the Natural Gas Policy Act of 1978 (NGPA).

The Commission has addressed this question in general terms in the Order 23 series.[1] However, this is the first actual case to come before us which presents the issue in the context of specific contractual language. For the reasons discussed below, we reverse the initial decision and remand the proceeding to the presiding administrative law judge. The procedures and standards we apply in deciding this case will also be followed in other proceedings involving the question of contractual authorization to collect NGPA rates.

This proceeding originated in 1974, when the independent Oil and Gas Association of West Virginia (IOGA) filed petitions with the FPC seeking higher rates for its members and other small producers in West Virginia which sell natural gas to four interstate pipelines: Columbia Gas Transmission Corporation (Columbia), Consolidated Gas Supply Corporation (Consolidated), Carnegie Natural Gas Company (Carnegie), and Equitable Gas Company (Equitable).

In Docket No. RI74-188, which involved gas from wells commenced prior to January 1, 1973, IOGA requested rates higher than those provided in the life-of-lease contracts then in effect. After the institution by the FPC of an investigation under Section 5(a) of the Natural Gas Act, settlement discussions ensued which eventually culminated in a settlement agreement approved by the FPC on March 19, 1976. In Docket No. RI75-21, IOGA petitioned for special relief for Appalachian producers from the uniform national rate established in Opinion No. 699. The settlement reached in that proceeding, which applies to gas from wells commenced on or after January 1, 1973, was approved by the FPC on March 22, 1976.[2] Both settlements, in addition to establishing specified rates, privided for annual escalations of one cent per Mcf and for renegotiation of prices in the event of deregulation.[3]

Both settlements also contained price escalator clauses authorizing higher rates upon the occurrence of certain events. The issue in this case is whether those events include either Congressional enactment of the NGPA or the Commission's adoption of rules with respect to NGPA rates.[4] The two clauses, which differ from each other in substantial respects, provide as follows (significant terms underlined):

Docket No. RI74-188: *Area Ceiling Rate.* Notwithstanding anything to the contrary in this settlement proposal, upon the *issuance by the Commission, or any successor governmental authority having jurisdiction hereof hereafter, of a valid order establishing a just and reasonable ceiling rate* which would otherwise be applicable to the gas being sold hereunder if contractual authority existed for obtaining such rate, if such rate is higher than the Adjusted Price as theretofore increased pursuant to Section 4 hereof, then the price to be paid by the Buyers pursuant to the Contract after the effective date of such order for gas sold shall be equal to such ceiling rate.

Docket No. RI75-21: *Superseding rates.* Notwithstanding anything to the contrary in this Settlement Proposal, upon the *issuance by the Commission, or any governmental authority having jurisdiction over the sales covered by this settlement Proposal, of an order, decision or policy establishing a rate or rates* which would be applicable to the gas being sold hereunder if contractual authority existed for obtaining such rate or rates, if such rate or rates are higher than the lower of the Adjusted Prices as theretofore increased pursuant to Section 3 hereof, then the price to be paid by the Buyers to the Producers for the gas sold to the Buyers pursuant to the Contracts after the Effective Date, as defined herein, for gas sold shall not be less than such rate or rates.

On December 13, 1978, Columbia filed petitions seeking clarification of the FPC orders approving the settlement agreements. Columbia requested confirmation of its view that both area rate clauses authorized collection of NGPA rates. Following a series of motions and other pleadings by various parties, we forwarded the matter to the chief administrative law judge for resolution in accordance with Order 23-B procedures.[5] The Chief ALJ issued an order on July 19, 1979 in which he designated a presiding judge and established procedures for this proceeding, including a determination that, because there were no factual issues in dispute, the legal issues would be summarily disposed of in an initial decision. Consolidated requested reconsideration, asserting that a prehearing conference should be held in order to determine the extent to which it would be necessary to present parole evidence concerning the intent of the parties. By order dated July 26, 1979, the Chief ALJ reaffirmed his prior decision that a hearing would be unnecessary but advised Consolidated that it was not estopped from presenting whatever evidence it believed relevant in the form of written submissions.

II

On August 10, 1979, the presiding judge issued an initial decision in which he concluded that neither clause authorizes the collection of NGPA rates. His conclusion rests upon the following determinations:

(1) Since the pertinent contractual language is not ambiguous, it is unnecessary to consider extrinsic evidence bearing on the intent of the parties. Moreover, because the question is solely one of law, no oral hearing is required.

(2) Under the Administrative Procedure Act, as well as in common parlance, the term "order" refers to agency action and can not be construed as encompassing an Act of Congress.

(3) Similarly, Congress does not act through the "issuance" of a "decision" or "policy"; these terms also relate only to agency action.

(4) Hence, even if, as suggested in Order 23, Congress could be viewed as a "successor" to the Commission of

[1] See Order No. 23, Docket No. RM79-22 (March 13, 1979); Order on Rehearing of Order No. 23, Docket No. RM79-22 (May 11, 1979); Order No. 23-A, Docket No. RM79-22 (June 12, 1979); Order No. 23-B, Docket No. RM79-22 (June 21, 1979); Order on Rehearing of Order No. 23-B, Docket No. RM79-22 (Aug. 6, 1979); and Order on Rehearing of Order No. 23-A, Docket No. RM79-22 (Aug. 13, 1979).

[2] This settlement was later interpreted by the FPC to permit collection of Opinion No. 770 rates. Order Granting Petition for Declaratory Order, Docket No. RI75-21, February 2, 1977.

[3] The settlement prices in both dockets were subsequently authorized for those small producers in West Virginia which had not initially participated in the proceedings. Order Granting Special Relief, Docket Nos. RI74-188 and RI75-21, October 14, 1976.

[4] The need for interpreting the escalator clauses arises from the fact that, under Section 101(b)(9) of the NGPA, a contract price lower than the federal maimum lawful price established in the legislation would continue in effect and not be superseded by the federal ceiling price. See Order 23, mimeo, pp. 12-13.

[5] As we explained in our order of July 13, 1979, the pleadings which had been filed by Equitable and Consolidated contesting Columbia's interpretations were treated as protests within the meaning of Order 23-B.

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ratemaking purposes, the phrase "successor governmental authority" as used in the Docket No. RI74–188 clause can not be interpreted as referring to Congress because that body does not perform its ratemaking function by "issuing orders".

(5) The absence of the term "successor" in the Docket No. RI75–21 clause does not indicate that Congress was intended to be included. More likely than not, the elimination of the term was based on the parties' desire to include other federal or state agencies which might have regulatory jurisdiction at some time in the future without being successors to the FPC.

(6) Neither clause covers Commission action because the Commission did not "establish" the NGPA rates. The Commission's role is ministerial; it merely implements the rates established by Congress.

(7) The parties and the Commission may not, as a matter of law, read into the settlements terms which are not there.

III

The various parties to this proceeding [6] express widely divergent views concerning the initial decision and the proper interpretation of the area rate clauses at issue. There are three fundamentally different positions with respect to the legal effect of the two clauses.[7]

IOGA, several producer-intervenors, and Columbia seek reversal of the initial decision in its entirety. They interpret the terms of both settlements as clearly authorizing collection of NGPA prices. They also assert that the parties intended that result and argue that the presiding judge, in failing to consider such intent, did not comply with Order 23. At the other extreme, Equitable, Carnegie, Associated Gas Distributors, the Public Service Commission of the State of New York, and customer-intervenors support the judge's conclusion that neither settlement permits NGPA rates to be charged. These parties also rely on the specific terms of the agreements to support their position. Moreover, they contend that the clauses were intended to permit escalation only to rates which were cost-based and which were fixed at the conclusion of a regulatory proceeding in which all affected persons had an opportunity to participate. They claim that NGPA rates are incentive, not cost-based, prices.

An intermediate position is advanced by the staff and Consolidated, which distinguish between the two settlements. It is their view that the first settlement authorizes collection of only Section 104 inflation adjustment prices, whereas the second settlement permits all NGPA rates to be charged. The staff bases its conclusion on the fact that the phrases "just and reasonable" appears in the former clause but not in the latter. Although Section 601(b)(1)(A) of the NGPA provides that NGPA rates are deemed just and reasonable, the staff asserts that the phrase must be construed in the context of the Natural Gas Act, which was the governing statute at the time the settlements were entered into, and as so construed it reflects an intent to be limited to cost-based rates. The staff also argues that Section 104 prices are cost-based and are therefore within the scope of the phrase "just and reasonable" as used in the area rate clause in the Docket No. RI74–188 settlement agreement.

IV

Although this is the first proceeding in which the Commission has been called upon to decide whether specific area rate clauses authorize the collection of NGPA rates, we recently had occasion to deal rather extensively with the general issue in the Order 23 series. We expressed in those orders certain views concerning the interpretation of area rate clauses which are highly relevant to the resolution of this proceeding. However, before proceeding to a decision in this case, we think it is appropriate to articulate in somewhat greater detail the principles which we will apply in resolving the question before us.

The fundamental concept underlying Order 23 is that, in determining whether a particular clause authorizes collection of NGPA rates, the Commission will endeavor to ascertain and give effect to the intent of the parties to the contract. Indeed, this conclusion led us to amend Rule 270.205(a)(2) to make it clear that intent is the controlling factor with respect to this issue.[8] We also stated that in reaching a decision as to the parties' intent, the Commission can look beyond the contractual language itself and consider circumstances surrounding the execution of the contract.

Our conclusion that the Commission is not limited to the "four corners" of a contract in determining intent was arrived at after thorough consideration of the record developed in the rulemaking proceedings culminating in that order. The written and oral submissions in those proceedings revealed a "substantial level of agreement between most sellers and buyers as to what was generally intended when the area rate clause was executed," namely, that "the intent of the parties in agreeing to an area rate clause was to permit escalation to the highest ceiling price permitted by law." [9] In view of the record developed in the rulemaking proceedings and in light of the accumulated experience of the Commission in dealing with area rate clauses in a variety of settings, there is ample reason to believe that the intent of the parties to permit prices to escalate to the highest rates allowed by law—including statutory rates—may not, in many cases, have been fully reflected in the terms they chose. Since the words they used were a product of the then prevailing regulatory scheme under the Natural Gas Act, we must attempt to ascertain, to the extent possible, what the parties intended to accomplish in the context of that regulatory environment and to give effect to that intent in light of the changed circumstances brought about by enactment of the NGPA. [10] And we are persuaded that, in many instances, the terminology employed in area rate clauses lacks the clarity which would properly warrant exclusion of extrinsic materials relevant to the question of intent.

For example, the parties may have provided in their contract for escalation to a "just and reasonable" rate. That phrase, standing alone, is subject to conflicting interpretations. It may have been used to express an intent to permit collection of the maximum legally permissible prices, since such prices were required to be just and reasonable under the governing statute then in effect and since only rates meeting that standard could be assured of being passed through by the purchaser to its customers. If that was what the parties contemplated, we do not believe their intent should be thwarted merely because they failed to foresee that the

[6] Subsequent to the issuance of the initial decision, we received a number of petitions for leave to intervene and to file briefs out of time. These requests will be granted.

[7] Six positions were taken before the presiding judge, but certain parties have now modified their views.

[8] As amended, the rule provides: A contractual provision described in § 154.93(b–1) (relating to area rate clauses), or similar provision, generally will be considered to constitute contractual authorization to charge and collect an NGPA rate to *the extent the parties intended to authorize charging and collection of one or more NGPA rates under the contract.* (emphasis added)

[9] Order 23, mimeo, pp. 37–38.

[10] See *Mitchell Energy Corporation* v. *F.P.C.*, 519 F.2d 30, 41 (5th Cir. 1975), where the court said that it "must interpret the terms of the agreement of the parties as they must have understood them at the time they entered into it within the framework of the Natural Gas Act."

Congress would assume the ratemaking function perviously delegated to the Commission and thus expressed their intent in the terminology of the Natural Gas Act. On the other hand, the parties may have referred to "just and reasonable" rates in contemplation of the methodology and procedures which have traditionally been utilized in establishing rates under the Natural Gas Act. The long-standing practice of the FPC and of this Commission has been to set those rates under a cost-based methodology and in the context of an agency proceeding in which affected parties have been afforded the opportunity to participate. If the parties to a contract meant to incorporate these traditional regulatory features into their agreement, it would be inconsistent with their intent to find that the contract authorized collection of all NGPA rates.

Under the circumstances, we conclude that unless a contract specifically includes or excludes statutory rates, it is appropriate to provide an opportunity to the parties to the contract to offer extrinsic evidence of intent.[11] In our judgment, any contract which is less than explicit about the status of statutory rates must be viewed as containing an element of ambiguity which, even under the traditional "plain meaning" rule of contract interpretation, opens the door to consideration of reliable and probative extrinsic materials bearing on the issue of intent.[12] The exclusion of such evidence would, in many cases, lead to a result which would be inconsistent with the expectations of the parties. We decline to follow that path.

The Commission will, in the first instance, look to the written expression of the intent of the parties embodied in the contract itself. Where we find, however, that the document is not free from ambiguity, we will also rely, in resolving the ambiguity, upon the following:

(1) reliable and probative extrinsic evidence of the parties' intent;

(2) where the parties to the contract are in agreement, the intent which they ascribe to their area rate clause; and

(3) where the above factors are absent or inconclusive, the text of the clause as interpreted in accordance with the standards set forth below,

The relative weight which each of the above-enumerated elements will be given in a particular case will vary with the context in which a question arises. There are three discrete types of cases which we will now proceed to discuss:

(1) The parties agree on an interpretation and no third party (including Commission staff) contests it.

(2) The parties can not agree on an interpretation of the area rate clause.

(3) The parties agree but their mutual interpretation is disputed by a third party.

In the first case, we reaffirm the view expressed in Order 23 that, even where a contract does not expressly provide for the collection of statutory rates, we will generally give effect to the intent ascribed by the parties to their contractual language and permit them to rely on the area rate clause as authority for the collection of NGPA rates. Absent language in the contract which would constitute a specific exclusion of legislatively established rates, we will assume that the statements of the parties as to their intent are accurate and truthful and will accord dispositive effect to the mutual interpretation of the parties.[13]

However, if the parties themselves can not agree on the interpretation of an area rate clause, the Commission obviously can not be guided by either of their conflicting statements of intent. In such cases, the Commission must itself construe the contract. The starting point for analysis is the text of the contract. If the price escalator clause expressly permits collection of statutory or legislatively established rates, the Commission will, of course, permit sellers to charge and collect NGPA rates. Where, however, there is no such explicit reference, the Commission will allow the parties to make an offer of proof as to intent. If an offer of proof is made, the Chief ALJ (or the presiding judge, if one has been designated) will then determine how to proceed further. The judge will evaluate the offer and determine whether an evidentiary hearing should be held. If he concludes that the evidence offered would not be reliable and probative of the parties' intent, he should reject the offer and issue an initial decision by summary disposition in accordance with the interpretive standards discussed below. Likewise, if a hearing is held, only evidence determined by the judge to be reliable and probative should be admitted.

In those cases where there is no reliable and probative evidence of intent or where such evidence is inconclusive, the Commission will ascertain the intent of the parties on the basis of the text of the clause in dispute. In such situations, we will *generally* conclude that a contract containing an area or national rate clause does not authorize collection of all NGPA rates if it contains the following disqualifying terms:

(1) It refers to rates established or prescribed by an administrative body;

(2) It couples the reference to administrative action with a reference to the Natural Gas Act or the "just and reasonable" standard of that Act; and

(3) It contains no additional language which has the effect of uncoupling the link between agency action and the statutory standard of the Natural Gas Act.

If all of the above three factors are present, the Commission will interpret the contract to authorize collection of only those NGPA rates which are cost-based, namely, those provided in Sections 104 and 106(a). If these disqualifying terms are not *all* present, we would generally find that an area or national rate clause authorizes NGPA rates. Let us explain.

Where a reference to administrative action is not coupled with a reference to the Natural Gas Act or the statutory standard under that Act, the Commission will generally find that all of the NGPA rates are authorized by the price escalator clause. A contractual provision with no reference to a particular ratemaking standard would generally indicate an intent to permit prices to rise to the highest prices permitted by law. The fact that a contract refers to rates established by the Commission or by a "valid order" does not, in and of itself, signify that the parties intended to exclude rates imposed by legislative action. The Commission's ratemaking power under the Natural Gas Act was delegated to it by the Congress.[14] We will not assume, in the absence of specific language or reliable and probative evidence, that the parties intended to be bound by an

[11] The circumstances and standards under which such an opportunity will be provided are specified below.

[12] See, for example, *Sam Rayburn Dam Electric Cooperative* v. *F.P.C.*, *515 F.2d 998, 1003 (D.C. Cir. 1975). In Western Union Telegraph Company* v. *Federal Communications Commission*, 541 F.2d 346 (3rd Cir. 1976), the court sustained the FCC's consideration of affidavits concerning the parties' intentions in the execution of a contract. The court relied on Section 556(d) of the Administrative Procedure Act, which provides: "Any oral or documentary evidence may be received, but the agency as a matter of policy shall provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence." The court said: "The paramount issue being the real intention of the parties, . . . and the Commission having obviously concluded that an affidavit speaking to that issue was not 'irrelevant, immaterial, or unduly repetitious,' we are not in a position to gainsay that conclusion." 541 F.2d at 353. We caution parties to these proceedings, however, that the Commission will not necessarily admit affidavits as a matter of course in these cases. See page 16, n. 21, *infra.*

[13] However, an opportunity to rebut this presumption will be provided if a protest submitted by a third party or the staff contains reliable and probative evidence contradicting the parties' mutual interpretation. See page 16, *infra.*

[14] See order 23, mimeo, p. 46, n. 44.

agency determination but not by a mandate emanating from the source of that agency's authority. Hence, we decline to conclude that the mere transfer of the ratemaking function from the Commission to the Congress—most likely unforeseen by the parties at the time the contract was executed—should operate to defeat the intent of the parties simply because they expressed that intent in terminology which was based on the regulatory scheme then in force.[15]

Similarly, where a contract provides for escalation to "just and reasonable" rates and does not refer to agency action, we will generally conclude that all NGPA rates are contractually authorized.[16] We acknowledge that a reference to the "just and reasonable" standard is subject to differing interpretations.[17] Nevertheless, in those cases where the written agreement fails to join the reference to the "just and reasonable" standard with a reference to agency action, we think the most reasonable construction of the clause, in the absence of reliable and probative evidence of a contrary intent, is that the parties intended to permit prices to rise to the maximum rates allowed by law.[18]

However, where a contract couples a reference to administrative action with the "just and reasonable" standard of the Natural Gas Act, and there is no additional language which has the effect of uncoupling that link, we will generally conclude, absent reliable and probative evidence showing otherwise, that the parties meant to limit escalation of prices to those which are administratively established and cost-based. In these circumstances, the ambiguity inherent in the adoption of the "just and reasonable" standard is clarified by the use of terminology binding the parties to the determinations of an administrative body. We will therefore resolve that ambiguity by interpreting the area rate clause as incorporating the traditional features of regulatory practice long associated with the establishment of rates under the Natural Gas Act, namely, the use of a cost-based methodology and the opportunity for party participation afforded by an agency proceeding. Accordingly, in such cases the Commission would not find the requisite contractual authority to charge and collect NGPA rates other than the Sections 104 and 106(a) rates.[19]

Where, however, the contract contains additional language which has the effect of dissociating the bond between administrative action and the statutory standard of the Natural Gas Act, we will generally conclude that the contract authorizes collection of all NGPA rates unless reliable and probative evidence demonstrates otherwise. Such an uncoupling could occur, for example, where a reference to the Natural Gas Act or the "just and reasonable" standard is supplemented by the phrase "or successor statutory authority" or words of similar import. In this circumstance, the parties commit their contractual destiny to a change in the statutory scheme and give advance acceptance to the outcome of the legislative process.[20]

We emphasize that while the above interpretive standards constitute, in our judgment, the most reasonable constructions of ambiguous area rate clauses in the absence of other reliable indicia of intent, they are by no means the only reasonable interpretations of such clauses. Thus, for example, contractual language coupling a reference to agency action with a reference to the "just and reasonable" standard would not necessarily be inconsistent with an intent to permit collection of the highest lawful prices. When viewed in the context of the regulatory scheme in effect when the agreement was entered into, such language may well have been employed as a means of expressing an intent to allow the maximum rates permitted by law. Conversely, it would not be unreasonable to interpret a clause which refers to either administrative action or the "just and reasonable" standard without linking the two as authorizing only administratively established, cost-based rates. Accordingly, where the meaning of an ambiguous contract is clarified either by the mutually agreed upon interpretation of the parties themselves or (where the parties can not agree) by reliable and probative extrinsic evidence of the parties' intent, we will rely on those factors in determining the meaning of the clause. In short, the interpretive guidelines set forth above will be applied only where:

(1) the contract does not contain language which would constitute an explicit inclusion or exclusion of statutory rates, and in therefore ambiguous;

(2) the parties themselves are not in agreement; and

(3) reliable and probative evidence of intent is either absent or inconclusive.

It follows from the foregoing that in the third type of case enumerated above—where the parties agree but their mutual interpretation is contested by a third party—a different standard must be applied from that which pertains when the parties themselves are in disagreement. In contrast to the latter situation, where reliance on the parties' present statements of intent is necessarily precluded by their conflicting positions, we will generally presume that the mutual interpretation of the parties to a contract should be relied upon to resolve any ambiguities in the instrument. The parties to the agreement are in the best position to know what they intended. And where they agree that they contemplated the highest legally permissible rates, their statement is entitled to a presumption of validity even if the language, standing alone, lends itself to an interpretation that they envisioned administratively established, cost-based rates. Accordingly, while we consider it appropriate to afford affected third parties and their representatives the opportunity to challenge the mutual understanding of the parties to the contract, such third parties will necessarily bear a heavy burden in attempting to overcome the presumption of validity to which the interpretation of the direct parties is entitled. We conclude, therefore, that in the case of third-party protests to the collection of NGPA rates which the parties agree is contractually authorized, the Commission will find contractual authorization to collect NGPA rates unless the express terms of the contract exclude rates promulgated by statute or the protest (including any supplemental filing submitted in accordance with Rule 23–B procedures) contains reliable and probative extrinsic evidence which, if true, would specifically contradict the mutual interpretation of the parties and be dispositive of the case.[21] If the protest contains such evidence or if the express terms of the contract exclude rates promulgated by statute, the Chief ALJ or the presiding judge would establish further proceedings.[22]

We recognize that our approach may lead to differing results in different cases even where the contractual language is identical, depending on whether the dispute involves the parties themselves or third-party protests. For example, where the parties to the contract disagree and there is no reliable and probative evidence of intent, we might interpret a particular clause under the guidelines set forth above as authorizing only Section 104 and Section 106(a) rates, whereas we would find that the same clause authorizes collection of all NGPA rates where the parties agree on that interpretation unless a third party can establish by reliable and probative evidence that the parties intended otherwise.

We see nothing wrong with that. To begin with, since we are dealing with intent, some degree of variation is to be expected; it would be surprising indeed if, in light of the reasonable alternative constructions discussed above, the parties to all contracts containing the same language had an identical intent.[23] Moreover, as previously stated, the interpretative standards which we will apply in the case of disputes between the parties to the contract do not necessarily represent the only reasonable interpretations of area rate clauses; rather, the guidelines are aids to construction where other extrinsic factors are unavailable or unreliable. Where the parties are in agreement, however, their mutual interpretation should be accepted so long as the text of the clause is reasonably susceptible to that interpretation and their position is not contradicted by reliable and probative evidence.

We observe, in this regard, that the body of contract law which has evolved under our legal system was designed essentially to resolve controversies between the parties to an agreement or their successors-in-interest. When, however, the parties reach a mutual understanding, without resort to litigation, as to the proper interpretation of a contractual provision, the construction to which they have agreed is controlling. Furthermore, even where the parties eventually have a parting of the ways and litigation ensues, the courts accord great weight to prior acts or declarations of the parties which are indicative of a previous mutually agreed upon interpretation.[24] It would appear even more appropriate to follow that approach when the parties continue to be in agreement before the decisional forum, and particularly where the interpretation of the parties is consistent with that suggested by a majority of the comments submitted in the Order 23 rulemaking proceeding.[25]

V

We now turn to the application of the foregoing guidelines to the case before us. Although the Order 23 series applies by its terms to contracts, not settlement agreements, the Commission will apply analogous principles in interpreting the IOGA settlements. These settlements are multiparty rather than bilateral agreements, and the controversy we are called upon to decide involves not only a dispute between the sellers and the purchasers but also a disagreement among the purchasers themselves as to the meaning of the area rate clauses. In these circumstances, the Commission must treat the settlements as a case when the parties can not agree on the meaning of the contract.

The presiding judge concluded that neither of the area rate clauses in the two settlements[26] authorizes collection of NGPA rates. He held that the

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[15] Our views on this matter are consistent with positions taken by the courts under analogous circumstances. In *City of Oglesby* v. *F.E.R.C.*, 610 F.2d 897 (D.C. Cir. 1979), the court accepted, without discussion, the contention of the petitioners that in providing for a rate change "by order of the Illinois Commerce Commission," the parties simply meant to "advert to the command of the appropriate regulatory agency." The agreements had been executed after FPC (later FERC) jurisdiction over wholesale rates had become clear, but the language used was a carryover from earlier agreements. In light of this explanation, the court had no difficulty in substituting the federal agency for the state body referred to in the contract, and then proceeded to discuss the contested issue before it, namely, whether the contract incorporated the state's regulatory procedures which arguably permit unilateral rate modifications. 610 F.2d at 903.

In Richmond Power & Light v. *F.P.C.*, 481 F.2d 490 (D.C. Cir. 1973), the court followed the same approach where the contract had been entered into prior to FPC jurisdiction over the agreement. The court accepted the FPC's position that the parties intended to be bound by an order of the appropriate regulatory agency, and stated that it had no quarrel in principle with interpreting the contract, in light of changed circumstances, to accomplish what the parties intended. 481 F.2d at 499.

It appears, therefore, that the courts will not invalidate a contractual provision merely on the basis of a transfer of regulatory jurisdiction. Accordingly, even where area rate clauses refer only to Commission or agency action, they should not becendered inoperative solely because of the assumption by Congress of the ratemaking function.

[16] Such contracts are of the so-called "going rate" type which the FPC permitted in Section 154.93(b–1) of its regulations under the Natural Gas Act, provided that the "going rates" were controlled, were of general applicability, and satisfied certain other conditions. As we said in Order 23 (mimeo, p. 36), the NGPA maximum ceiling prices meet each of the criteria established by the FPC.

[17] As discussed at page 8 above, the parties' utilization of the "just and reasonable" standard is ambiguous; they may have intended to limit escalation to administratively established, cost-based rates. Or they may have used the phrase simply because they sought assurance that the prices collected could be passed through and because the highest legally permissible rates were required to conform to the standard of the Natural Gas Act. A different case would be presented, however, where the area rate clause refers to rates established under the Natural Gas Act. Here the parties would seem to have bound themselves to the statutory scheme, one which itself ties the "just and reasonable" standard to agency action pursuant to procedural requirements with an opportunity for judicial review. A clause which references rates under the Natural Gas Act would seem to preclude authorization of NGPA rates unless subsequent language in the contract uncouples the escalator clause from the Natural Gas Act.

[18] This view is most plainly in accord with the weight of submissions by parties to these contracts received in the Order 23 proceedings. See p. 7, *supra*. It is also worth noting here that the NGPA rates are "deemed to be just and reasonable" by the Congress and their passthrough to consumers is specifically authorized and directed unless this Commission finds that the amount paid was excessive due to fraud, abuse, or similar grounds. See Sections 601(b)(1)(A) and 601(c)(2) of the NGPA.

[19] See the discussion of Section 104 and Section 106(a) rates in Order 23, mimeo, pp. 44–46, where we said that the Section 104 prices are based upon and inextricably linked to previously prescribed FPC rates, and that this is also generally true of the Section 106 price ceilings applicable to rollovers of interstate contracts. As we there explained, these prices were determined by freezing FPC rates as of April 20, 1977 and changing the escalation factors from those established by the FPC to a method which takes inflation into account. Thus, we have cost-based rates which are adjusted to keep them in constant, real April 1977 dollars. Unless the parties in a particular case can demonstrate otherwise by reliable and probative evidence, we do not believe that the mere modification of the escalation factors had the effect of bringing Section 104 and Section 106(a) rates outside the scope of what was generally contemplated by parties who intended to restrict escalation to administratively established, cost-based rates.

[20] Likewise, if a reference to administrative action is followed by language broad enough to encompass legislative enactments, the clause would appear to indicate that the parties did not intend to be restricted to the outcome of an agency proceeding.

[21] If such evidence takes the form of affidavits, they must aver specific factual circumstances which, if true, would contradict the parties' construction of the contract.

[22] Further proceedings may be appropriate even where the contractual language specifically excludes rates promulgated by statute and thus does not appear consistent with the parties' interpretation, since they may have engaged in a course of conduct subsequent to execution of the instrument which modified its original terms. See Order 23–B, mimeo, p. 11, n. 14.

[23] See *Arkansas Louisiana Gas Company* v. *Hall*, Docket No. RI76–28 (order issued May 16, 1979), where we pointed out that a uniform interpretation would seem to be impossible where the issue is the intent of the parties to a contract. *Id.* at 8 (mimeo). However, notwithstanding the possible differences in the outcomes of particular cases, the Commission has primary jurisdiction over the issue of contractual authorization to charge NGPA rates under the criteria established in *Arkansas Louisiana, supra*. First, this issue is clearly of great import to our regulatory responsibilities under the NGPA. Furthermore, it is evident from the discussion above that to the extent that the circumstances of different proceedings are similar, the Commission will apply uniform standards and procedures in deciding the question of contractual authorization to charge NGPA rates.

[24] See 4 *Williston on Contracts* § 623 (3rd ed. 1961). In *United States* v. *F.D. Rich Company*, 434 F.2d 855, 859 (9th Cir. 1970), the court, relying on a prior Ninth Circuit decision in *Pekovich* v. *Coughlin*, 258 F.2d 191 (1958), said: *Pekovich* is closely in point. There, the court held that the writing was ambiguous and that the trial judge had to construe the meaning of the writing by recourse to the facts as developed in the evidence. There, as here, the parties agreed on the meaning of the instrument in question. The court went on to say that such being the case, the contract was enforceable as interpreted by the parties themselves.

[25] As we pointed out in Order 23 (mimeo, pp. 13–14), the responsibility of the Commission to determine whether contractual authority exists for collection of NGPA rates is based upon the doctrine announced by the Supreme Court in the *Mobile* and *Sierra* cases, namely, that rate filings inconsistent with contractual obligations are invalid. Those two cases involved disputes between the parties to the applicable contracts, not third-party protests to the collection of rates which the parties agreed were contractually authorized. See *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1950); *F.P.C.* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1950).

[26] These clauses are quoted on page 3, *supra*.

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language in both clauses unambiguously refers only to administrative action as the event triggering higher rates; hence, Congressional enactment of the NGPA could not have that effect. He further ruled that since the Commission's function with respect to NGPA rates is ministerial in nature, the Commission did not "establish" those rates within the meaning of the settlement clauses. In addressing IOGA's contention that the parties intended the rate to rise to whatever level sanctioned or enacted by the federal government, the judge responded: "If this was the intent of the parties, though, it was not embodied in the unambiguous word 'order'." [27]

For the presiding judge, the test of the clauses was not only the starting point for analysis, but the end point as well. In this he erred. For the reasons expressed above, the fact that a price escalator clause speaks only of rates established by agency action does not necessarily mean that the parties intended to exclude statutory rates. The judge failed to recognize that an intent to permit escalation to the maximum lawful rates may well have been embodied in terminology that was a product of the then prevailing regulatory setting. The parties should have been provided the opportunity to make offers of proof of reliable and probative evidence of intent unless the area rate clauses were found to contain language which constitutes an explicit exclusion or inclusion of statutory rates. Since we find no such express terms in either of the applicable clauses, the proceedings will be remanded to the presiding judge for the purpose of allowing the parties to make offers of proof as to intent [28] and for such further proceedings, including a hearing, as he may consider necessary. [29]

Because this proceeding involves settlements rather than contracts, we must address the question raised by the Public Service Commission of the State of New York concerning the privileged status of settlement negotiations. In *Texas Eastern Transmission Corporation*, 48 F.P.C. 1170, 1178–9 (1972), the FPC, in upholding a claim of privilege with respect to settlement negotiations, observed that "[t]o permit a party to settlement procedures to disclose and to attempt to make use of prior positions taken or the details of the settlement process would be very prejudicial to the settlement of proceedings." We agree with the policy established by the FPC in that case. Consequently, if any of the parties which participated in the settlement negotiations in these dockets asserts such a privilege, evidence of the conduct or the statements of the parties made during the course of such negotiations will not be admitted. In that event, the presiding judge may consider only such reliable and probative evidence as would not violate the privilege.

If the presiding judge determines, upon remand, that a hearing is not warranted on the basis of the offers of proof, or if the evidence submitted at a hearing proves to be inconclusive, an initial decision shall be rendered based upon the terms of the settlement agreements in accordance with the interpretive standards adopted in this order. Upon examination of the relevant provisions of the settlements in both dockets, we find that the substantial differences between them require us to reach different conclusions as to the legal effect of each clause.

Unless demonstrated otherwise by extrinsic evidence, the area rate clause in Docket No. RI74–188 (the "old gas" settlement) appears to limit escalation to administratively established, cost-based rates. The clause speaks of the "the issuance by the Commission, or any successor governmental authority . . . of a valid order establishing a just and reasonable ceiling rate . . . ." As a threshold matter, we agree with the presiding judge that the phrase "valid order" signifies an agency determination. [30] Also, the reference to a "successor governmental authority" must be understood, in the context of this particular clause, to refer to a successor agency rather than Congress. [31] The clause also expressly joins that agency action with the "just and reasonable" standard of the Natural Gas Act, and there is no additional language which uncouples the link established in the text between administrative action and the statutory standard of the Natural Gas Act. Consequently, absent reliable and probative evidence of a contrary intent of the parties, the judge shall find that the old gas settlement clause authorizes collection of only those rates prescribed in Sections 104 and 106(a) of the NGPA. [32]

In contrast, the language in Docket No. RI75–21 (the "new gas" settlement), while not crystal clear, suggests that the parties contemplated escalation of prices to whatever levels would be permitted by law. The clause provides for higher rates upon "the issuance by the Commission, or any governmental

[27] Initial decision at 9.

[28] Certain parties argue that further evidentiary proceedings in this case are unnecessary because, if probative evidence of intent existed, it would have been offered by now. This may be true, and if it is, the presiding judge should be able to bring this matter to an expeditious conclusion. But we must take cognizance of the fact that the chief administrative law judge at the outset ruled out an evidentiary hearing because he determined that this case presented only legal issues, and he stated only that Consolidated was "not estopped" from submitting evidence in written form. See page 4, *supra*. On this record, we can not be satisfied that the parties were not dissuaded by the Chief ALJ's procedural orders from availing themselves of the opportunity to present such reliable and probative evidence as they believe way shed light on the intent of the parties. We therefore now provide that opportunity.

[29] We are proceeding in this case, as did the presiding judge, on the assumption that the settlement agreements are the controlling legal instruments with respect to the issue of contractual authorization to collect statutory rates. See initial decision at 6. Carnegie contends, however, that because its contracts with the IOGA producers specifically preclude superseding rates, our construction of the area rate clauses in the settlements would not be applicable to Carnegie in any event. IOGA, on the other hand, regards the settlements to have superseded and modified the applicable contracts. IOGA relies on the provisions in the settlements which required the purchasers to offer to modify all existing contracts so that they would be consistent with the terms of the settlements. The agreement in Docket No. RI75–21 also required all future contracts relating to wells commenced on or after January 1, 1976 to be consistent with the settlement provisions. Since neither Carnegie nor IOGA has explained why the Carnegie contracts apparently did not conform to the area rate clauses in the settlement agreements, Carnegie's assertion should be addressed by the presiding judge on remand.

In those cases where the pipelines and producers did modify their contracts in accordance with the settlements, the texts of the contractual provisions, if not ambiguous, may help to clarify the meaning attached by the parties to the area rate clauses in the settlement agreements. See our discussion at page 18 above concerning the significance accorded to the parties' interpretation of an ambiguous agreement.

[30] We note, however, that one of the grounds for the judge's conclusion—his reliance on the definition of "order" in the Administrative Procedure Act—was erroneous. Since the APA definition (5 U.S.C. § 551(b)) specifically excludes rulemaking, the judge's construction would compel the conclusion that the clause would not be triggered by the establishment of new area or nationwide rates in rulemaking proceedings. Such a result would, in our view, be contrary to the intent of the parties. Indeed, the FPC held in 1977 that the area rate clause in Docket No. RI75–21 authorized collection of the rates established in Opinion No. 770, which, while denominated an order, was the culmination of a rulemaking proceeding. See note 2, *supra*. There is no reason to believe that the result would have been any different if the clause in Docket No. RI75–21 had referred only to "order" rather than to "order, decision, or policy." Therefore, the term "order," as used in Commission practice, is not necessarily restricted to the APA definition.

[31] In Order 23 (mimeo, p. 44, n. 42), we withdrew our previous assertion that Congress could not be considered a "successor" under a "plain meaning" construction of a contract. But that does not mean that "successor" must always be read to include Congress. The term must be interpreted *in the context of the clause as a whole*.

[32] The judge rejected the argument of Consolidated and the staff that the Section 104 inflation adjustment was authorized by the old gas settlement. He stated that "[t]here is no difference between Section 104 and any other section of Title I [of the NGPA], they are all rate provisions established by Congress, not the FERC." Initial decision at 10. We conclude otherwise. See note 19, *supra*.

authority * * * of an order, decision or policy establishing a rate or rates. * * *" Thus, the clause omits the term "successor," expands "order" to include "decision or policy," and contains no reference to the Natural Gas Act or the statutory standard of that Act. Taken together, these factors point toward an intent to allow prices to rise to the highest legally permissible rates. In this connection, we are unable to accept the conclusion of the presiding judge that "issuance of policy" cannot constitute a reference to Congressional action. Indeed, we find that conclusion rather strained. We believe that that phrase is sufficiently broad to encompass a legislative enactment, [33] and that, when read in conjunction with the omission of "successor" [34] and of any reference to a standard for establishing rates, the clause in its totality manifests an intent to authorize collection of statutory rates. Accordingly, the presiding judge shall so conclude unless the parties can establish a contrary intent by reliable and probative evidence.

In its brief opposing exceptions, the Public Service Commission of the State of New York (PSCNY) emphasizes that both settlement agreements provide that in the event of deregulation, redeterminations of prices will be based on a cost-based formula. PSCNY appears to suggest, as previously argued by Equitable, [35] that if the producers were willing to accept rates derived through a cost-based formula in the event of total deregulation, they would not have contemplated receiving higher, non-cost-based statutory rates if Congress were to prescribe such rates rather than deregulate.

We do not believe that the deregulation clauses are, on their face, dispositive of the question of the parties' intent with respect to the area rate clauses. For one thing, the area rate clauses contain the introductory language "Notwithstanding anything to the contrary in this settlement proposal. * * *" Furthermore, it is possible that the parties regarded a cost-based formula as the only feasible means of restricting price escalations to a reasonable level in an environment of complete deregulation, but that they were fully prepared to accept a different and higher limit imposed by Congress. However, the argument raised by PSCNY and Equitable merits further inquiry, and the parties should have the opportunity to submit reliable and probative evidence bearing on the issue of whether and to what extent the intent of the parties in adopting a cost-based approach in the deregulation clauses bears any relationship to their intent in regard to the area rate clauses. Accordingly, the parties may, on remand, make appropriate offers of proof on that question.

VI

Another issue which must be resolved in this proceeding is the date from which NGPA prices may be collected. There is a dispute between Consolidated, on the one hand, and IOGA and the staff, on the other, as to whether the producers are entitled, pursuant to the applicable settlement agreements, to collect NGPA rates on a retroactive basis where they have elected not to follow the Commission's procedures for making interim collections subject to refund.

The presiding judge ruled that this issue was moot in light of his conclusion that the settlement agreements do not authorize the collection of NGPA rates. Inasmuch as the Commission's holdings in this order remove the mootness, we will remand the issue to the presiding judge. [36]

[33] The Supreme Court has stated that "[t]he essentials of the legislative function are the determination of the legislative policy and its formulation as a rule of conduct." *Opp Cotton Mills, Inc.* v. *Administrator*, 312 U.S. 126, 145 (1941). We do not here hold that "issuance of policy" constitutes an unambiguous reference to the legislative process. If that were so, there would be no need for a remand. We simply reject the notion that the phrase must be construed as a reference to agency action alone.

[34] The judge recognized that it was necessary to reconcile the elimination of "successor" with his conclusion that only agency action was covered. He resolved the problem by accepting the suggestion of the Public Service Commission of the State of New York that "[m]ore likely than not, * * * the word was eliminated in recognition of the possibility that state agencies or federal agencies, while not being successors to the FPC, might at some future point have regulatory jurisdiction." Initial decision at 16. This explanation, apart from its speculative character, is not persuasive on its face. It would require us to conclude, without supporting evidence, that the parties in fact contemplated the possibility of significant legislative action (since only through legislation could the FPC's jurisdiction have been eliminated or transferred to a non-successor agency) and were prepared to tie their destiny to the determination of an agency whose identity, procedures, and ratemaking methodology were unknown, but that they nevertheless declined to be bound by direct Congressional ratemaking. If that was indeed what the parties intended, they will have an opportunity to so demonstrate by reliable and probative evidence.

[35] See Equitable's motion for expedited decision, filed May 8, 1979, pp. 1–2.

[36] On February 12, 1980, IOGA filed a motion for severance and expedition in which it states, among other things, that Equitable and Carnegie are not permitting IOGA producers to make interim collections of NGPA prices pursuant to the Commission's regulations, and requests the Commission to resolve the controversy. Although IOGA does not refer to a previous pleading in which it raised this issue, it would be appropriate, in the interest of administrative efficiency, for the presiding judge to permit the parties to file pleadings on this matter and to address it in his initial decision together with the retroactive collection question. Accordingly, we will consolidate the interim collection issue with the instant proceeding and refer it to the judge for initial decision.

VII

We have also been asked to determine whether certain alleged actions of Equitable Gas Company in resisting payment of the higher NGPA rates constituted violations of the Natural Gas Act. This matter arose as a result of an Emergency Petition for Declaratory Order, filed on July 6, 1979, in which IOGA made certain charges against Equitable and requested appropriate findings and relief from the Commission. Specifically, Equitable sent a letter to IOGA members in June 1979 threatening to exercise its contractual rights to refuse to purchase gas from them for the period July 9 to November 1 unless they waived their right to collect NGPA prices during this period. [37] IOGA sought a ruling that Equitable could not compel such a waiver; a finding that the shut-ins of wells as a result of Equitable's letter constituted a *de facto* abandonment of service by Equitable in violation of Section 7(b) of the Natural Gas Act; and a finding that Equitable's contract with IOGA members permitting curtailment of deliveries during a six-month period is unjust and unreasonable under Sections 4 and 5 of the Natural Gas Act. The Chief ALJ consolidated for decision IOGA's emergency petition with the instant proceeding.

The presiding judge's rulings on the emergency petition were based primarily on his conclusion that the IOGA producers were not contractually entitled to NGPA rates. Thus, he held that the waiver issued is moot, and that Equitable would not cause any shut-ins or curtail purchases if, as he had concluded, the producers were limited to existing gas prices.

The staff, however, urges that because the judge's decision on NGPA rates was erroneous, these issues are not moot. The staff also contends that the judge ignored the uncontested fact that ten producers had shut in their wells as a result of Equitable's letter. [38] The staff further believes that Equitable's conduct was violative of the Natural Gas Act even if the Commission ultimately determines that NGPA rates are not authorized by the settlements. IOGA also claims that a hearing is required on the petition regardless of the outcome of the contract dispute.

[37] Equitable's contract requires it to take gas during the summer months only "if and as needed".

[38] Equitable states in its answer to the brief on exceptions that after the initial decision was issued, Equitable advised the ten producers to resume production.

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Equitable vigorously defends its actions on the grounds that it was in an oversupply situation and wished to prevent its customers from paying more than legally required. It also disputes certain factual allegations made by the staff, including the suggestion that Equitable might be paying other producers higher prices than the IOGA members would have received if they had been entitled to NGPA rates, and the charge that the shut-ins may result in the permanent loss of natural gas.

Since it appears that resolution of the matters raised in the emergency petition would not necessarily depend upon our conclusions with respect to the interpretation of the area rate clauses, and in light of the existence of disputed issues of fact in regard to the petition, the emergency petition will be remanded to the presiding judge for a hearing.

VIII

On June 26, 1979, IOGA filed a petition for declaratory order raising the question of whether the price escalator clause in the Docket No. RI75–21 settlement agreement, as interpreted by the Commission in this proceeding, is applicable to *future* gas purchase contracts between the four pipelines and the IOGA producers. This is a different issue from the one discussed above. We have previously dealt with the question of whether the area rate clause should be interpreted as authorizing collection of NGPA rates. The instant petition, however, requests the Commission to determine whether, if the clause does authorize NGPA rates, all new contracts must require the pipelines to pay the statutory rates rather than such lower prices as the parties may establish through negotiation.

IOGA asserts that certain of the pipelines have offered contracts to IOGA producers which provide for rates lower than the maximum ceiling prices prescribed in the NGPA, and that some producers may be compelled to accept those contracts unless the Commission issues a declaratory order stating that the area rate clause must continue to govern future contractual relationships.[39] IOGA, in contending that the settlement mandates adoption of statutory rates in future contracts, relies on paragraph 7 of the settlement agreement, which states in part:

> Whether or not now in existence, Contracts in respect of wells first commencing jurisdictional sales on or after January 1, 1976, shall contain provisions consistent with the provisions hereof and shall specify a price at least equal to the higher of the Adjusted Prices, as theretofore increased, pursuant to Paragraph 3 hereof.

IOGA further states that the settlement was intended to provide some measure of protection to producers whose bargaining power is neglible vis-a-vis the interstate pipelines in West Virginia, and that in the absence of deregulation, the pipelines should adhere to their bargain and purchase gas at the applicable NGPA ceiling rate.

Consolidated and Columbia have filed responses opposing IOGA's petition.[40] Consolidated argues that as a matter of contract law, an agreement which does not expressly limit the time for continued performance is construed to extend for a reasonable time only. Accordingly, Consolidated asserts that the future contract provision in paragraph 7 of the settlement agreement should be interpreted to require price escalator clauses in future contracts only for a commercially reasonable time. In this regard, Consolidated believes that the incentives for production embodied in the NGPA have significantly diminished the need for perpetual extension of the future contracts provision in paragraph 7 of the settlement.

Columbia contends that the settlement agreement should be interpreted as having expired as to new gas purchases on the effective date of the NGPA. It claims that area rate clauses were necessary under the regulatory system in effect under the Natural Gas Act but that they are now inconsistent with the objectives of the NGPA and with the public interest. Specifically, Columbia argues that under the Natural Gas Act, producers would not have been entitled under their contracts, absent an escalator clause, to collect new area or nationwide rates established by the Commission despite justification under the Natural Gas Act for such new rates. However, Columbia says, the NGPA generally removed pricing authority from the Commission and was intended to permit competitive forces to determine pricing decisions, subject to the ceilings prescribed in the statute.

Columbia also requests that the Commission, if it concludes that the settlement must be interpreted as IOGA suggests, reopen the proceeding and terminate the settlement prospectively as to new gas purchases.

By order dated July 26, 1979, the Chief ALJ denied Consolidated's request that IOGA's June 26 petition be consolidated for decision with this proceeding, in part because the petition had not been noticed or docketed and was therefore not properly before him. Hence, the initial decision did not discuss the issues raised in that petition. The staff, in its brief on exceptions, renews the request for consolidation. We agree that the issues involved in the petition are sufficiently related to the other questions in this case to warrant consolidation, and we will so order. We will also refer IOGA's petition to the presiding judge for initial decision. The judge will be authorized to establish such procedures (including a hearing, if he determines that there are disputed material issues of fact) as may be necessary to resolve the issues raised in the petition and related pleadings.

It is essential, however, that the proceedings involving IOGA's petitions for declaratory orders not delay the resolution of the issues of whether there is contractual authorization to collect NGPA rates and, if so, whether such rates may be collected on an interim or retroactive basis. Hence, the presiding judge shall issue a decision on those issues as soon as practicable, whether or not the proceedings with respect to IOGA's petitions have been completed.[41]

The Commission orders

(A) The initial decision of the presiding judge is reversed and the proceeding is remanded to the presiding judge for further proceedings in accordance with the directions provided in the body of this order.

(B) The Petition for Declaratory Order With Respect to Pricing Provisions in New Gas Purchase Contracts, filed by IOGA on June 26, 1979, is consolidated for decision with this proceeding and is referred to the presiding judge for initial decision.

(C) The issue of interim collections raised by IOGA in its motion of February 12, 1980 is consolidated for decision with this proceeding and is referred to the presiding judge for initial decision.

(D) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 8, 15, and 16, and the Commission's rules and regulations, a hearing shall be held in this proceeding on the issues raised in the Emergency Petition for Declaratory Order filed by IOGA on July 6, 1979, and, if the presiding judge determines it is necessary, on the issues raised in the petition referred to in paragraph (B) above and on any other issues which must be resolved in this proceeding.

(E) The presiding judge shall convene a conference as soon as practicable for the purpose of establishing procedures for this proceeding. The presiding judge shall be authorized to establish and modify all procedural dates, to consider and rule upon pertinent offers of proof and stipulations of facts, and to establish such further procedures as may in his judgment be required for purposes of this proceeding.

(F) Ashland Oil, Inc., Texas Independent Producers and Royalty Owners Association, Cities of Charlottesville and Richmond, Virginia, Four Corners Gas Producers Association, Mesa Petroleum Company, Tenneco Oil Company, Pennzoil Company, Pennzoil Producing Company, Pennzoil Oil and Gas, Inc., and Pennzoil Louisiana and Texas Offshore, Inc. are permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *provided, further,* that the admission of said intervenors shall not be construed as recognition by the Commission that they may be aggrieved because of any orders of the Commission entered in this proceeding.

(G) The motion of Ashland Oil, Inc. for leave to file its brief out of time is granted.

(H) IOGA's motion for oral argument is denied.

(I) The Secretary shall cause prompt publication of this order to be made in the **Federal Register.**

By the Commission. Commissioner Holden, concurring in part and dissenting in part, will have a separate statement which will be forthcoming.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–7906 Filed 3–13–80; 8:45 am]

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[39] IOGA also requests that the Commission declare unenforceable any provisions in new contracts to which producers may have felt compelled to assent which are inconsistent with the area rate clause in the settlement agreement, as interpreted by the Commission.

[40] As stated above, both of these pipelines agree with IOGA that the area rate clause in the new gas settlement authorizes collection of NGPA rates.

[41] IOGA has moved for the opportunity to present oral argument before the Commission on the issues in this proceeding. It does not appear that further elaboration of the views expressed by the parties in their respective briefs is necessary in this case. Accordingly, IOGA's motion will be denied.

[Docket No. ER80–181]

Northern States Power Co. (Wisconsin); Order Accepting for Filing and Suspending Proposed Rate Changes, Summarily Disposing of an Issue, Granting Interventions and Establishing Procedures

Issued: March 7, 1980.

Before Commissioners: Charles B. Curtis, Chairman; Georgiana Sheldon, and George R. Hall.

On January 11, 1980, Northern States Power Company of Wisconsin (NSP) tendered for filing a revised schedule to contracts with eleven municipal full-requirements customers located in Wisconsin.[1] The proposed changes would increase revenues from jurisdictional sales by approximately $895,000 annually (13.3%), based upon estimates for the twelve-month test period ending December 31, 1980. NSP requests an effective date of March 11, 1980.

Public notice of the filing was issued on January 15, 1980, with all response due by February 6, 1980. On February 6, 1980, five municipals [2] filed a petition to intervene and request for maximum suspension alleging that the proposed increase includes amortization of costs incurred due to cancellation of the Tyrone nuclear plant even though consideration of those costs is before this Commission in another proceeding [3] and that NSP's filing in this docket imposes a time-of-day energy charge which may have a substantial impact on some of the intervenors. The municipals also allege that the proposed increase will yield a return from wholesale service of 9.58 per cent in Period II while the estimated return from all other electric service in Period II is 7.18 per cent, thereby suggesting that price squeeze may result. On February 6, 1980, the Public Service Commission of Wisconsin filed a notice of intervention. On February 20, 1980, NSP submitted an answer to the municipals' petition to intervene.

NSP's proposal includes a new rate for partial requirements service. At the present time, there are no customers taking service under the rate. However, NSP states that it is currently negotiating the possibility of partial requirements service with the Cities of Barron and Black River Falls.[4] NSP did not submit a separate cost of service study for partial requirements service, stating that the partial requirements rate is based on the same costs that are represented in the full requirements service rate. NSP contends that such costs are an appropriate basis for the partial requirements rate because of certain load contract features of the rate designed to make partial requirements customers exhibit the same load characteristics as service to full requirements customers.

Under the holding of Opinion No. 19,[5] contributions to the Liquid Metal Fast Breeder Reactor (LMFBR) may not be allocated to wholesale customers' costs of service. Based on that holding, we have held that the exclusion the LMFBR payments from the wholesale cost of service is properly a matter for summary disposition.[6] Accordingly, we shall summarily dispose of this issue by directing NSP to exclude contributions to the LMFBR from its cost of service. However, because the portion of NSP's alleged revenue requirement associated with this summary issue is nominal, we shall not require refiling of rates conforming to our summary disposition pending the resolution of this case.

In a recent case [7] we decided that newly docketed rate proceedings in which a price squeeze issue is raised, should be phased so that a decision first may be reached on cost of service, capitalization, and rate of return issues. If the price squeeze persists in the view of the alleging party, a second phase of the proceeding may follow on this issue. We shall phase the price squeeze allegation raised by the municipals in accordance with our *Arkansas* order. We find no compelling reason at this time to deviate from the procedure set out in that order.

The amount of extraordinary property loss which NSP seeks to amortize in Docket No. ER79–616 is apparently included in the increase in the current docket. The hearing in Docket No. ER79–616 was established to determine: (1) Whether the amortization is proper; (2) Whether the NSP-Minn/NSP-Wis Coordination Agreement affords a reasonable method of allocating amortization; and (3) Whether the length

[1] *See* Attachment A for rate schedule designations.

[2] The five municipals are Bloomer, New Richmond, Whitehall, Westby and Black River Falls, Wisconsin.

[3] *See Northern States Power Company,* Docket No. ER79–616, order issued October 22, 1979.

[4] The present Electric Service Agreement between NSP and Black River Falls expires February 27, 1982. NSP does not presently serve Barron.

[5] *Carolina Power & Light Company,* Docket No. ER76–495 (Phase II), issued August 2, 1978.

[6] *Connecticut Power & Light Company,* Docket No. ER78–517, Order on Rehearing issued November 22, 1978; *Arkansas-Missouri Power Company,* Docket No. ER78–489, Order issued October 12, 1978.

[7] *Arkansas Power and Light Company,* Docket No. ER79–339, order issued August 6, 1979.

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of the amortization period is appropriate. The filing in the instant docket should, therefore, be subject to the outcome of the proceedings in Docket No. ER79–616 as to those issues, and they will not be relitigated in this proceeding.

Our review indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. We shall therefore accept NSP's submittal for filing and suspend the proposed rates for two months, to become effective May 11, 1980, subject to refund after hearing and decision thereon. The participation of the municipals listed in n.2, *supra* may be in the public interest and their petition to intervene will be granted.

The Commission orders: (A) The full-requirements rates proposed by the Northern States Power Company of Wisconsin are hereby accepted for filing and suspended for two months, to become effective May 11, 1980, subject to refund. The proposed partial-requirements rates are hereby accepted for filing and suspended for one day, to become effective on March 12, 1980, subject to refund. NSP is directed to file service agreements for any customer subsequently electing to take partial-requirements service under NSP's proposed rates, pursuant to section 35.3a of the Commission's regulations.

(B) Summary disposition is hereby ordered regarding NSP's inclusion of contributions to LMFBR as a component of its cost of service.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Organization Act and the Federal Power Act, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the rates proposed in this docket.

(D) We hereby order initiation of price squeeze procedures and further order that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(E) Staff shall serve top sheets in this proceeding on or before June 11, 1980.

(F) The petitions of the municipal customers to intervene are granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petition to intervene; and *Provided, further,* that the admission of any intervenor shall not be aggrieved because of any order or orders by the Commission entered in this proceeding.

(G) A presiding administrative law judge to be designated by the Chief Administrative Law Judge for that purpose shall convene a conference in this proceeding to be held within ten (10) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(H) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7987 Filed 3-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER80–65]

Southern Company Services, Inc.; Order Accepting for Filing and Suspending the Proposed Rates, Granting Waiver of Notice Requirements and Certain Filing Requirements, Granting Intervention, and Establishing Procedures

Issued: March 7, 1980.

Before Commissioners: Charles B. Curtis, Chairman; Georgiana Sheldon, Matthew Holden, Jr., and George R. Hall.

On January 8, 1980, Southern Company Services, Inc. (SCSI) completed its tender of filing [1] on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company (operating companies) of a revised interchange contract [2] which provides for the interchange of capacity and energy between the operating companies and the calculation of capacity and energy charges. The operating companies and SCSI are subsidiaries of the Southern Company and are all parties to the revised interchange contract. SCSI requests waiver of the notice requirements of Section 35.3 of the Regulation and waiver of the Statement A–P filing requirements. SCSI also requests an effective date of January 1, 1980.

Previously, the interchange contract was amended annually to reflect anticipated load and capacity conditions for the subsequent calendar year. The annual amendments were filed as changes in rates under Section 205 of the Federal Power Act. SCSI states that, because the operating companies incurred considerable regulatory expenses associated with the annual filing of amendments to the interchange contract, the operating companies instituted a cost of service formula (formulary rate) which allows for a periodic recalculation of capacity and energy charges.

A manual has been filed as a supplement to the revised interchange contract which contains a description of the methodology and procedure used to calculate the capacity and energy charges. In addition, the revised interchange contract includes an informational schedule which reflects the charges derived from the application of the formulary rate. The capacity charges, which previously were based upon the embedded costs of all generating facilities (including step-up transformers) will now reflect only the cost of fossil steam and combustion turbine generating units.

The operating companies contemplate that the capacity and energy charges will be revised each year pursuant to the procedures contained in the manual. However, the operating companies believe that those revisions will not be changes in rates which would require a filing and suspension under the Federal Power Act.

Notice of this filing was issued on November 6, 1979, with comments, protests, and petitions to intervene due on or before November 27, 1979. Petitions to intervene were filed by Oglethorpe Power Corporation [3] and the Municipal Electric Authority of Georgia (MEAG).[4] On November 28, 1979, SCSI filed a response to the petitions to intervene.

Both Oglethorpe and MEAG request a one day suspension, investigation, a hearing and any other relief deemed appropriate by this commission. In support of its petition, Oglethorpe states that most of the power it provides to its members is presently purchased from Georgia Power Company pursuant to a partial requirement tariff on file with this Commission. Oglethorpe further states that, if there is no annual § 205 review of the formulary rate contained in the revised interchange contract, the revised interchange contract could have an adverse effect upon Oglethorpe through the partial requirements rates of Georgia Power Company. Oglethorpe maintains that the criteria used to establish the capacity requirments under the revised interchange contract is not consistent with the manner in which the system is engineered and operated. According to Oglethorpe, this inconsistency results in an inequitable capacity responsibility between the operating companies which adversely effects Oglethorpe as a partial requirements customer of Georgia Power Company.

In its petition to intervene, MEAG states that a preliminary analysis of the initial filing reveals that the revised interchange contract may include *per se* unlawful provisions and procedures. Specifically, MEAG asserts that the formulary ratemaking approach contained in the manual violates the "filed rate" doctrine [5] inasmuch as the formulary rate would automatically permit future increases in pool transaction rates and charges without satisfying the basic filing requirements of Section 205 of the Federal Power Act. MEAG also contends that the revised interchange contract does not provide for an after-the-fact accounting to reconcile the projected assumptions found in the revised contract. According to MEAG, the failure to provide for and guarantee an actual after-the-fact accounting procedure may be unlawful and unreasonable since the formulary ratemaking approach is based wholly on projected estimates.

Discussion

We shall grant waiver of the Commission's notice requirements to allow service to begin under the revised interchange contracts as of January 1, 1980. Further, waiver of statement A–P requirements shall be granted inasmuch as statements A–P have limited application to the interchange transactions and pricing mechanisms contemplated by the instant filing.

The revised interchange contract filed on January 8, 1980 has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall suspend that filing for one day, to become effective as of January 1, 1980, subject to refund. Any subsequent revision to the charges in accordance with the suspended formulary rate shall be filed by SCSI as a change in rate 60 days before its proposed effective date. However, we shall waive the full filing requirements of Section 35.13 of the regulations as to subsequent revisions on condition that any rate increase shall be collected subject to refund pending the outcome of the hearing ordered below.

We believe a hearing concerning the justness and reasonableness of the capacity and energy rate levels proposed in the revised interchange contract as well as the justness and reasonableness of the formulary method for determining the capacity and energy rate levels in the future is appropriate.

We also note that similar formulary rates have been recently set for investigation and hearing.[6] Because of that fact, we have consolidated this proceeding with Docket Nos. ER80–160 and ER80–58.[7] Participation of Oglethorpe and MEAG in this proceeding may be in the public interest.

The Commission orders: (A) We hereby grant waiver of the 120 day notice requirement set out in § 35.3 of the Commission's Regulations.

(B) Waiver of the Statement A–P filings requirements of § 35.13 of the Commission's Regulations is granted.

(C) The operating companies' revised interchange contract is hereby accepted for filing and suspended for one day, to become effective as of January 1, 1980, subject to refund.

(D) Oglethorpe and MEAG are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *provided, however,* that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) This proceeding is hereby consolidated with Docket No. ER80–58 and ER80–160 for purposes of hearing and decision.

(F) We hereby grant waiver of our Section 35.13 filing requirements for future rate changes made in accordance with the formula filed herein on the condition that SCSI agree to collect any increases in the rate under the formula subject to refund pending the outcome of this proceeding. SCSI shall file these rate changes with the Commission 60 days before their proposed effective dates.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7986 Filed 3-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP74–138, CP74–139, CP74–140]

Trunkline LNG Co. and Trunkline Gas Co.; Extension of time

March 3, 1980.

On February 26, 1980, Truckline LNG Company and Trunkline Gas Company filed a request for an extension of time to commence initial service at their LNG terminal facilities at Lake Charles, Louisiana, pursuant to Ordering Paragraph (N) of Commission Opinion No. 796, issued April 29, 1977, in the above-docketed proceeding. This motion is a supplement to a previous extension request which was filed with the Commission on August 31, 1979. In their original motion, the companies stated that additional time was needed because of unanticipated construction delays. The February 26, 1980, motion states that on February 15, 1980, Trunkline LNG Company filed its semi-annual report with the Commission which indicated that the terminal facilities would be ready for deliveries in April 1981.

Upon consideration, notice is hereby given that an extension is granted to and including July 1, 1981, for the commencement of initial service as

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[1] Although the filing was originally submitted on November 1, 1979, it was not completed until the January 8, 1980 submittal of addition information requested by Staff.

[2] *See,* Appendix A for rate schedule designations.

[3] Oglethorpe, an electric membership corporation consisting of 39 electric corporations operating in the State of Georgia, purchases a portion of its electric requirements from Georgia Power Company.

[4] MEAG, consisting of 46 Georgia municipalities and the Crisp County Power Commission, receives a portion of its electric requirements through a joint operation of generating facilities with Georgia Power Company and purchases a portion of its requirements under Georgia Power Company's partial requirements tariff.

[5] In essence, the "filed rate" doctrine stands for the proposition that a public utility can claim no rate as a legal right that is other than the filed rate. *Montana-Dakota Utilities Co.* v. *Northwestern Public Service Co.*, 341 U.S. 246 (1951). *See also, Maine Public Service Company* v. *FPC*, 579 F.2d 659 (1st Cir. 1978); *City of Cleveland* v. *FPC*, 525 F.2d 845 (D.C. Cir. 1976); *Cities Service Gas Co.* v. *FPC*, 424 F.2d 411 (10th Cir. 1969), cert. dismissed, 400 U.S. 801 (1971).

[6] *Southern Company Services, Inc.*, Docket No. ER80–58, order issued February 12, 1980; *Southern Company Services, Inc.*, Docket No. ER80–160, order issued February 29, 1980.

[7] *See, Southern Company Service, Inc.*, Docket No. ER80–160, order issued February 29, 1980.

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required by Ordering Paragraph (N) of Opinion No. 796.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7989 Filed 3-13-80; 8:45 am]

BILLING CODE 6450-85-M

Office of the Special Counsel for Compliance

Proposed Order of Disallowance to Continental Oil Co.

AGENCY: Department of Energy (DOE).

ACTION: Notice of Proposed Order of Disallowance and Opportunity for Aggrieved Persons to Object.

SUMMARY: The Office of Special Counsel for Compliance of the Department of Energy (OSC) hereby gives the notice required by 10 CFR 205.199(h) and 205.192 that it has issued a proposed Order of Disallowance to Continental Oil Company and that any aggrieved person may file a Notice of Objection to the Proposed Order of Disallowance in accordance with 10 CFR § 205.193 on or before March 31, 1980.

The Proposed Order of Disallowance

Continental Oil Company (Conoco), which is headquartered at High Ridge Park, Stamford, Connecticut 06904, is a refiner subject to the allowable cost passthrough calculations and transfer pricing rules of 10 CFR 212.83 and 212.84. These regulations are used to determine, among other things, the proper measurement of costs of crude oil imported by a firm through its foreign affiliates.

In April 1977, the Federal Energy Administration (FEA) issued a Notice of Proposed Disallowance to Conoco alleging that the firm had overstated its costs with respect to interaffiliate imported Libyan, Venezuelan and Iranian crude oil transactions by approximately $2 million for the period October 1973 through May 1975.

In December 1977, the Office of Special Counsel for Compliance was created within the Department of Energy. In February 1978, the responsibility for the transfer pricing program was transferred from the Office of Enforcement, Economic Regulatory Administration, to the OSC. In subsequent meetings and correspondence between the OSC and Conoco, the amount was adjusted to approximately $4.1 million in recognition of misreported information and certain amendments to the maximum and representative process as announced in 43 FR 34186 (August 3, 1978). The Proposed Order requires Conoco to reduce its costs for the period October 1973 through May 1975 by $4,153,114.90, and to determine whether its prices for petroleum products were excessive as a result.

Submission of Objection

Aggrieved persons may object to this Proposed Order of Disallowance by filing a "Notice of Objection to the Proposed Continental Oil Company Order of Disallowance." The Notice must comply with the requirements of 10 CFR 205.193. To be considered, a Notice of Objection must be filed with: Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Room 8014 Washington, D.C. 20461

The Notice must be filed, in duplicate, by 4:30 p.m. edt on or before March 31, 1980, or the first federal workday thereafter if the fifteenth day falls on a weekend or holiday. In addition, a copy of the Notice of Objection must, on the same day as filing, be served on Conoco and on each of the following persons, pursuant to 10 CFR 205.193(c):

Leslie Wm. Adams, Associate Solicitor to the Special Counsel for Compliance, Department of Energy, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461.

Assistant General Counsel for Administrative Litigation, Department of Energy, Washington, D.C. 20461.

No data or information which is confidential shall be included in any Notice of Objection.

Copies of Proposed Order

Copies of the Proposed Order of Disallowance to Conoco, with confidential information deleted, may be received, free of charge, by written or oral request to: Leslie Wm. Adams, Associate Solicitor to the Special Counsel for Compliance, Department of Energy, 12th and Pennsylvania Ave., N.W., Room 3109, Washington, D.C. 20461, Telephone 202-633-8288.

Copies of the Proposed Order of Disallowance may also be obtained from: Freedom of Information Reading Room, Forrestal Building, Room GA-152, 1000 Independence Avenue, Washington, D.C., 20585.

Issued in Washington, D.C. this 20th Day of February 1980.

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc. 80-8013 Filed 3-13-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Order of Disallowance to Mobil Oil Corp.

AGENCY: Department of Energy (DOE).

ACTION: Notice of Proposed Order of Disallowance and Opportunity for Aggrieved Persons to Object.

SUMMARY: The Office of Special Counsel for Compliance of the Department of Energy (OSC) hereby gives the notice requred by 10 CFR 205.199(h) and 205.192 that it has issued a Proposed Order of Disallowance to Mobil Oil Corporation and that any aggrieved person may file a Notice of Objection to the Proposed Order of Disallowance in accordance with 10 CFR 205.193 on or before March 31, 1980.

The Proposed Order of Disallowance

Mobil Oil Corporation (Mobil), which is headquartered at 150 East 42nd Street, New York, New York 10017, is a refiner subject to the allowable cost passthrough calculations and transfer pricing rules of 10 CFR 212.83 and 212.84. These regulations are used to determine, among other things, the proper measurement of costs of crude oil imported by a firm through its foreign affiliates.

In April 1977, the Federal Energy Administration (FEA) issued a Notice of Proposed Disallowance to Mobil alleging that the firm had overstated its costs with respect to interaffiliate imported Libyan, Venezuelan and Nigerian crude oil transactions by approximately $11.5 million for the period October 1973 through May 1975.

In December 1977, the Office of Special Counsel for Compliance was created within the Department of Energy. In February 1978, the responsibility for the transfer pricing program was transferred from the Office of Enforcement, Economic Regulatory Administration, to the OSC. In subsequent meetings and correspondence between the OSC and Mobil, the amount was adjusted to approximately $14 million in recognition of certain amendments to the maximum and representative prices as announced in 43 FR 34186 (August 3, 1978). The Proposed Order requires Mobil to reduce its costs for the period October 1973 through May 1975 by $14,085,005.61, and to determine whether its prices for petroleum products were excessive as a result.

Submission of Objection

Aggrieved persons may object to this Proposed Order of Disallowance by filing a "Notice of Objection to the Proposed Mobil Oil Corporation Order of Disallowance." The Notice must comply with the requirements of 10 CFR 205.193. To be considered, a Notice of Objection must be filed with: Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Room 8014 Washington, D.C. 20461

The Notice must be filed, in duplicate, by 4:30 p.m. EDT on or before March 31, 1980, or the first federal workday thereafter if the fifteenth day falls on a weekend or holiday. In addition, a copy of the Notice of Objection must, on the same day as filing, be served on Mobil and on each of the following persons, pursuant to 10 CFR 205.193(c):

Leslie Wm. Adams, Associate Solicitor to the Special Counsel for Compliance, Department of Energy, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461.

Assistant General Counsel for Administrative Litigation Department of Energy, Washington, D.C. 20461.

No data or information which is confidential shall be included in any Notice of Objection.

Copies of Proposed Order

Copies of the Proposed Order of Disallowance to Mobil, with confidential information deleted, may be received, free of charge, by written or oral request to: Leslie Wm. Adams, Associate Solicitor to the Special Counsel for Compliance, Department of Energy, 12th and Pennsylvania Avenue, N.W., Room 3109, Washington, D.C. 20461, Telephone 202-633-9559.

Copies of the Proposed Order of Disallowance may also be obtained from: Freedom of Information Reading Room, Forrestal Building, Room GA-152, 1000 Independence Avenue, Washington, D.C. 20585.

Issued in Washington, D.C., this 20 day of February 1980.

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc. 80-8014 Filed 3-13-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1436-6]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A-104), U.S. Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EISS) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This notice includes EIS's filed during the week of March 3, 1980 to March 7, 1980.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from March 14, 1980 and will end on April 28, 1980. The 30-day review period for final EIS's as calculated from March 14, 1980 will end on April 14, 1980.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. This notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following sources:

FOR HARD COPY REPRODUCTION:
Environmental Law Institute, 1346 Connecticut Avenue, NW., Washington, D.C. 20036.

FOR HARD COPY REPRODUCTION OF MICROFICHE:
Information Resources Press, 2100 M Street, NW., Suite 316, Washington, D.C. 20037.

FOR FURTHER INFORMATION CONTACT:
Kathi L. Wilson, Office of Environmental Review (A-104), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 (202) 245-3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ regulations became effective, pursuant to section 1506.10(a), the 30-day review period for final EIS's received during a given week will now be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of March 3, 1980 to March 7, 1980 the 30-day review period will be calculated from March 14, 1980. The review period will end on April 14, 1980.

Appendix I sets forth a list of EIS's filed with EPA during the week of March 3, 1980 to March 7, 1980. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and county(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this notice. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or EPA has approved a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and county(ies) of the EIS, the date EPA announced availability of the EIS in the **Federal Register** and the newly established date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous notices of availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agency.

Appendix V sets forth a list of reports or additional supplemental information relating to previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: March 11, 1960.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A-104).

Appendix I

EIS's Filed With EPA During the Week of: March 3 Through 7, 1980

Department of Agriculture

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412-A, Admin. Building, Washington, D.C. 20250, (202) 447-3965. Forest Service.

Final

Sheyenne National Grassland, Land Mgmt., Custer NF, Ransom and Richland Counties, N. Dak., March 3: Proposed is a land management plan for the Sheyenne National Grassland located in the Custer National Forest, Ransom and Richland Counties, North Dakota. The Grassland encompasses 70,180 acres, use of which has been centered around live stock grazing. The alternatives considered include: (1) Continuing current management; (2) emphasizing wildlife, recreation and other amenity values; (3) emphasizing commodity production; (4) balancing livestock production with consideration of amenity values; and (5) reflecting management of the area if a dam were constructed. (USDA-FS-01-08-79-12) Comments made by: COE, EPA, AHP, DOI, State agencies, Groups and Individuals. (EIS Order No. 800159.)

U.S. Army Corps of Engineers

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army

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Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314 (202) 272–0121.

Draft

Port of Miami Expansion, Biscayne Bay, Dade County, Fla., March 7: Proposed is approval of an application for the expansion of the Port of Miami in Biscayne Bay, Dade County, Florida. The plan would involve the sequential development of passenger and cargo facilities which will include: (1) Expansion of Dodge Island incorporating Lummus and Sams Islands, (2) dredging of a new channel and deepening and widening existing channels, (3) the creation of Dodge Islands by bulkheading and filling. When completed the Port of Miami will have been expanded by 284 acres to provide a total area of 522 acres. (Jacksonville District) (EIS Order No. 800166.)

Presque Isle Peninsula Beach Erosion, Lake Erie, Erie County, Pa., March 3: Proposed is a beach erosion control project for Presque Isle Peninsula located on Lake Erie, Erie County, Pennsylvania. The selected plan would consist of 58 offshore breakwater segments extending from the west and of the peninsula through Sunset point. Other plans considered include: (1) No action; (2) 37 rubble mound groins and modification of 11 existing groins; (3) sand trap recirculation consisting of a breakwater, sand trap, and pipeline. (Buffalo District) (EIS Order No. 800155.)

North Chillicothe Flood Control, Scioto River, Ross County, Ohio, March 4: Proposed is a flood control plan for North Chillicothe, Ross County, Ohio. Three plans have been selected for consideration. Plan 1 involves a flood control levee with essential components for flood protection. Plan 2 would also involve a flood control levee along with recreational and environmental measures and developments. Plan 3 consists of a nonstructural solution of flood plain use change. (Huntington District) (EIS Order No. 800158.)

Final

Frankfort Harbor D/M, Dredging and Disposal Benzie County, Mich., March 5: Proposed is continued operation and maintenance of Frankfort Harbor, Benzie County, Michigan, including dredging disposal of dredged material, and renovation of existing structures. It is also proposed that confined diked disposal facilities be constructed for containing 114,000 cubic yards of contaminated material from the commercial turning basin and the recreational anchorage area. Two sites are proposed for this purpose, one on the northern shore of Lake Betsie and the third on an upland site in the Fife Lake State Forest. (Detroit District) Comments made by: USDA, FERC, EPA, DOC, DOI, DOT, State agencies. (EIS Order No. 800162.)

Large Unnamed Creek, Loves Park, Winnebago County, Ill., March 4: Proposed is a flood prevention plan for Large Unnamed Creek in Loves Park, Winnebago County, Illinois. The recommended plan consists of 15,500 l.f. of concrete and 2,400 l.f. of riprap channel improvements; use of 66 acres of existing gravel pits for ponding purposes with installation of a pumping station and a gravity outlet; removal of 9 bridges; and construction of 4 new bridges. Alternatives inlcude: 1) no action, 2) non-structural solutions of flood plain evacuation, flood proofing, and flood insurance; and 3) structural measures of channel improvements, underground conduits, and reservoirs. (Rock Island District) Comments made by: EPA, DOI, USDA, DOT, HEW, State agencies. (EIS Order No. 800160.))

Draft Supplement

Dickey-Lincoln School Lakes, Dickey (DS–1), Aroostook County, Maine, March 7: This statement supplements a draft EIS, #761339, filed 12–18–79 concerning the Dickey-Lincoln School Lakes project. This statement proposes the acquisition and management of 112,370 acres of lands in the Allagash River watershed, and an additional 500 acres along the St. John River in Aroostook County, Maine. This land would be managed for endangered species mitigation. The brook trout fishery that would remain in the project area after implementation would be managed for maximum native potential. (New England Division.) (EIS Order No. 800167.)

Department of Commerce

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary Environmental Affairs, Department of Commerce, Washington, D.C. 20230 (202) 377–4335.

National Oceanic and Atmospheric Administration

Draft

Atlantic Bluefin Tuna Fishery, Atlantic Ocean Gulf of Mexico Regulatory, March 7: Proposed is the revision of regulations governing the Atlantic and Gulf of Mexico Bluefin Tuna Fishery. The management plan would include: 1) vessel allocation of bluefin tuna within the purse seine fishery, 2) tagging and subsequent recapture of tagged fish within the purse seine fishery, 3) changes in the catch rate and separate quotas within the handgear fishery, 4) tuna dealer reporter, and 5) restrictions on the sale of tuna at sea. (EIS Order No. 800168.)

Environmental Protection Agency

EPA, Region 6

Contract: Mr. Clinton Spotts, Region VI, Environmental Protection Agency, First International Building, 1201 Elm Street, Dallas, Texas 75270 (214) 767–2716.

Draft

NE El Paso Wastewater Treatment Facilities, El Paso County, Tex., March 4: Proposed is the awarding of funding for the construction and operation of wastewater treatment facilities for northeast El Paso, El Paso County, Texas. The first alternative would involve construction of a secondary treatment plant and pipeline to the Rio Grande River. Some effluent could be used by golf courses and a second pipeline could be built to deliver treated water to a power plant. The second alternative would involve construction of a plant to meet all existing and proposed drinking water standards. Most of the reclaimed water would be injected into the Hueco Bolson. (EIS Order No. 800156.)

General Services Administration

Contact: Mr. Carl W. Penland, Acting Director, Environmental Affairs Division, General Services Administration, 18th and F Streets, N.W., Washington, D.C. 20405 (202) 566–1416.

Final

Key West Naval Air Station, Disposal of Property, Monroe County, Fla., March 6: Proposed is the disposition by GSA of surplus Federal properties at the Naval Air Station, located a Key West, Monroe County, Florida. The action will include portions of the Harry S. Truman Annex and Trumbo Point Annex. It will also include the former Coast Guard Station at the north end of the Truman Annex. The properties include approximately 123 acres of land and improvements. The major alternatives considered included: (1) no action or delayed action; (2) disposition alternatives; and (3) reuse alternatives. (N–FLA–635–G–EIS–F–10) Comments made by: HUD, DOI, EPA, HEW, USDA, DOT, USN, COE, AHP, State and local agencies, Groups, Individuals and Businesses. (EIS Order No. 800165.)

Department of HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755–6300.

Final

Suncrest Farms Northwest, Stevens County, Wash., March 3: Proposed is the issuance of HUD home mortgage insurance for the Suncrest Farms Northwest Subdivision in Stevens County, Washington. The insurance will apply to 800 single-family units on 800 acres of the 1,195 acre proposed site. Also included in the development will be commercial, school and open space areas. (HUD–R10–EIS–79–4F.) Comments made by: DOI, COE, USPS, DOT, State and local agencies groups. (EIS Order No. 800154.)

Nuclear Regulatory Commission

Contact: Mr. Voss A. Moore, Assistant Director for Environmental Projects, Nuclear Regulatory Commission, P–518, Washington, D.C. 20555 (301) 492–8446.

Final

Split Rock Mill, Operation, Jeffrey City, Fremont County, Wyo., March 4: Proposed is the renewal of a Source Material License issued to Western Nuclear, Incorporated for the operation of the Split Rock Uranium Mill near Jeffrey City and the Green Mountain ion-exchange facility, both in Fremont County, Wyoming. The license also permits possession of material from past operations at four ancillary facilities in the Gas Hills mining area. The Split Rock Mill is an acid-leach, ion-exchange and solvent-extraction uranium-ore processing mill. Five alternatives are considered. (NUREG–0639.) Comments made by: COE, USDA, FERC, HEW, DOI, AHP, EPA, USDA, State agencies, Individuals. (EIS Order No. 800161.)

Department of Transportation

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590 (202) 426–4357.

Federal Aviation Administration

Final

Scottsdale Municipal Airport, Land Acquisition, Maricopa County, Ariz. March 3: The proposed action is a development program for the Scottsdale Municipal Airport located in Scottsdale City, Maricope County, Arizona. The actions will involve a 3,450 foot northeasterly runway and taxiway extension with the acquisition of 56 acres. The threshold for runway 03 will also be displaced 750 feet to the northeast, resulting in a 7,500 foot effective length runway. The runway and taxiway will not be widened but will be strengthened to accommodate heavier aircraft. Construction will include ruway and taxiway lighting extension, miscellaneous utilities and roadway relocation. Comments made by: EPA, DOI, State and local agencies, Groups, Individuals and Businesses. (EIS Order No. 800153.)

Federal Highway Administration

Draft

Columbia river Highway/I–8ON, Improvement, Multnomah County, Oreg., March 3: Proposed are improvements to the Columbia river Highway/I–8ON from NE 117th Avenue to NE 181st Avenue in Multnomah County, Oregon. The improvements would include widening 3.1 miles to six lanes, upgrading on/off ramps at the 122nd Avenue Interchange, and replacemnet of the partial interchange at 181st Avenue with a full one. The alternatives include: 1) no action, and 2) build as proposed considering several design options. (FHWA–OR–EIS–80–1–D) (EIS Order No. 800157.)

Final

Oklahoma City West Bypass/ok–74, Oklahoma County, Okla., March 3: Proposed is the construction of the Oklahoma City West Bypass/OK–74 and the improvement of North west Highway/OK–3 Oklahoma. The Bypass would extend from the I–240/NW 39th Street Expressway Interchange for 10 miles, terminating at NW 178th Street. The improvement of OK–3 would extend for 1.2 miles, from May Avenue to Portland Avenue. The alternatives considered include: 1) no build, 2) an on-shore alignment around Lake Hefner, and 3) an off-shore alignment. (FHWA–ok–EIS–76–01–F) Comments made by: EPA, DOI, HEW, DOC, COE, State and Local Agencies, Groups, Individuals and Businesses. (EIS Order No. 800152.)

Urban Mass Transportation Administration

Draft

Transportation Efficiency Act of 1980, Legislative, March 6: Proposed is a legislative proposal for the enactment of the Transportation Efficiency Act of 1980 (TEA)/ Public Transportation Amendments of 1980 (PTA), both of which would amend the UMT Act of 1964. The TEA would authorize more than $30 billion over the next 6 years to provide for the capital and operating needs of public transportation systems in rural areas and small and large cities. Several legislative approaches are considered. (EIS Order No. 800163.)

Detroit Downtown People Mover, Wayne County, Mich., March 6: Proposed is the awarding of a grant for the construction of a downtown people mover in the central business district of Detroit, Wayne County, Michigan. The automated transit system would operate on an elevated, track guideway and would be controlled from a central operations facility. The system would be a 2.96 mile, single-lane, elevated loop alignment around the CDB. Some stations would be linked to major buildings by above-grade walkways. All stations would have access to street level. (EIS Order No. 800164.)

Appendix II.—*Extension/Waiver of Review Periods on EIS's Filed With EPA*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Waiver extension	Date review terminates
None.					

Appendix III.— *EIS's Filed With EPA Which Have Been Officially Withdrawn by the Originating Agency*

Federal agency contact	Title of EIS	Filing states/accession No.	Date notice of availability published in "Federal Register"	Date of withdrawal
None.				

Appendix IV.—*Notice of Official Retraction*

Federal agency contact	Title of EIS	Status/number	Date notice published in "Federal Register"	Reason for retraction
None.				

Appendix V.—*Availability of Reports/Additional Information Relating to EIS's Previously Filed With EPA*

Federal agency contact	Title of report	Date made available to EPA	Accession No.
None.			

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Correction
None.				

[FR Doc. 80–8022 Filed 3–13–80; 8:45 am]

V 45/52 MR 14 80 UMI

[80P-72; FRL 1434-7]

Chevron Chemical Co.; Filing of Food Additive Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Chevron Chemical Co. has submitted a food additive petition proposing to establish a regulation permitting residues of the insecticide acephate and its cholinesterase-inhibiting metabolite, methamidiphos, in food commodities exposed in food-handling establishments during treatment with acephate dust with a tolerance limitation of 0.02 part per million (ppm) under the Federal Food, Drug, and Cosmetic Act.

COMMENTS: Comments submitted should bear a notation indicating the petition number "FAP OH5253". Written comments filed in connection with this notice will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

DATE: Comments may be made at any time while the petition is pending before the agency.

FOR FURTHER INFORMATION CONTACT: William Miller, Product Manager (PM) 16, room E-343 (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 (202-426-9458).

SUPPLEMENTARY INFORMATION: Chevron Chemical Co. has submitted a petition proposing to establish a food additive regulation of 0.02 ppm for acephate and its cholinesterase-inhibiting metabolite, methamidophos, in food commodities exposed in food-handling establishments during treatment with acephate dust by spot, crack, and crevice application in accordance with the proposed experimental program described in an experimental use permit application for Orthene Dust. Where tolerances are already established for acephate and its metabolite, methamidophos, under both sections 408 and 409 of the Food, Drug, and Cosmetic Act on the raw agricultural commodity and on the processed food, respectively, the total residues shall not exceed the tolerances already established.

(Sec. 409(b)(5), 72 Stat. 1785 (7 U.S.C. 135))

Dated: March 7, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-7962 Filed 3-13-80; 8:45 am]

[80P-74; FRL 1435-8]

Olin Corp.; Filing of Pesticide Petition

AGENCY: Environmental protection Agency (EPA).

ACTION: Notice.

SUMMARY: Olin Corp. has submitted a pesticide petition proposing to amend 40 CFR 180.370 by establishing tolerances for residues of 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its monoacid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole on corn; meat, fat, and meat byproducts; milk; and wheat under the Federal Food, Drug, and Cosmetic Act.

COMMENTS: Comments submitted should bear a notation indicating the petition number "PP OF2317". Written comments filed in connection with this notice will be available for public inspection in the Product's Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

DATE: Comments may be made at any time while the petition is pending before the Agency.

FOR FURTHER INFORMATION CONTACT: Mr. Henry Jacoby, Product Manager (PM 21), Room E-305 (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. (202-755-2562).

SUPPLEMENTARY INFORMATION: Olin Corp., 120 Long Ridge Road, Stamford, CT 06904, has submitted a pesticide petition (OF2317) proposing that 40 CFR 180.370 be amended by establishing tolerances for combined residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its monoacid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on the raw agricultural commodities corn grain (except popcorn); the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep; milk; and wheat grain at 0.05 part per million (ppm) and corn fodder and forage and wheat forage and straw at 0.01 ppm. The proposed analytical method for determining residues is gas chromatography with an electron capture detector. This action is being taken under section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

'(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 135))

Dated: March 7, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-7964 Filed 3-13-80; 8:45 am]

BILLING CODE 6560-01-M

[80P-33; FRL1435-6]

Stauffer Chemical Co.; Filing of Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Stauffer Chemical Co. has submitted a pesticide petition proposing to amend 40 CFR 180.328 by establishing tolerances for residues of *N,N*-diethyl-2-(1-naphthalenyloxy)propionamide on asparagus, avocados, cucurbits, kiwi fruit, mint, leafy vegetables, olives, and persimmons at 0.1 part per million (ppm) under the Federal Food, Drug, and Cosmetic Act.

COMMENTS: Comments submitted should bear a notation indicating the petition number "PP OF2319". Written comments filed in connection with this notice will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

DATE: Comments may be made at any time while the petition is pending before the agency.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM 25), (TS-767) Room E-359, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, 202-755-2196.

SUPPLEMENTARY INFORMATION: Stauffer Chemical Co., 1200 South 47th Street, Richmond, CA 94804, has submitted a pesticide petition (OF 2319) proposing that 40 CFR 180.328 be amended by establishing tolerances for residues of the herbicide *N,N*-diethyl-2-(1-naphthalenyloxy)propionamide in or on the raw agricultural commodities artichokes, asparagus, avocados, kiwi fruit, mint, olives, persimmons, and the crop groupings cucurbits and leafy vegetables at 0.1 ppm. The proposed analytical method for determining residues is gas-liquid chromatography using the Coulson conductivity detector (specific for nitrogen). This action is being taken under section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

(Sec. 408(d)(1), 68 Stat. (7 U.S.C. 135)).

Dated: March 7, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[80P-25; FRL 1435-7]

Uniroyal Chemical; Amendment To Experimental Use Permit for 2,4,5-Trimethyl-N-Phenyl-3-Furancarboxamide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has amended an experimental use permit to Uniroyal Chemical for use of the fungicide 2,4,5-trimethyl-*N*-phenyl-3-furancarboxamide on wheat, barley, and oats to evaluate control of smut and bunt by extending the expiration date from October 23, 1980 to June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Henry Jacoby, Product Manager (PM-21), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, 202-755-2562.

SUPPLEMENTARY INFORMATION: On Friday, November 23, 1979 (44 FR 67223), information appeared pertaining to the issuance of an experimental use permit, No. 400-EUP-56, to Uniroyal Chemical, Div. of Uniroyal, Inc., 74 Amity Rd., Bethany, CT 06525, under provisions of the Federal Insecticide, Fungicide, and Rodenticide Act. At the request of the company, that permit has been amended. The experimental use permit is now effective from October 23, 1979, to June 1, 1981. The original expiration date was October 23, 1980. The experimental use permit allows the use of a total of 26.8 pounds of the fungicide 2,4,5-trimethyl-*N*-phenyl-3-furancarboxamide on wheat, barley, and oats to evaluate control of smut and bunt. A total of 22 acres is involved; the program is authorized only in the States of California, Illinois, Minnesota, Nebraska, North Dakota, Texas, Utah, and Washington. This permit is being issued with the limitation that all interested crops will be destroyed or used for research purposes only.

(Sec. 5, 92 Stat. 819, 7 U.S.C. 136).

Dated: March 7, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-7963 Filed 3-13-80; 8:45 am]

BILLING CODE 6560-01-M

[80P-29; RL 1436-1]

Uniroyal Chemical; Filing of Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Uniroyal Chemical has submitted a pesticide petition proposing to amend 40 CFR 180.297 by establishing a tolerance for residues of *N*-1-naphthyl phthalamic acid on peanut hulls at 0.1 part per million (ppm) under the Federal Food, Drug, and Cosmetic Act.

COMMENTS: Comments submitted should bear a notation indicating the petition number "PP OF2321". Written comments filed in connection with this notice will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

DATE: Comments may be made at any time while the petition is pending before the agency.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Taylor, Product Manager (PM 25), Room E-359, (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 (202-755-2196).

SUPPLEMENTARY INFORMATION: Uniroyal Chemical, 74 Amity Rd., Bethany, CT 06525, has submitted a pesticide petition (OF2321) proposing that 40 CFR 180.297 be amended by establishing a tolerance for residues of the herbicide *N*-1-naphthyl phthalamic acid from application of its sodium salt (calculated as the parent compound) in or on the raw agricultural commodity peanut hulls at 0.1 ppm. The proposed analytical method for determining residues is distillation and spectrophotometry. This action is being taken under section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 135).

Dated: March 7, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-7965 Filed 3-13-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1435-4]

J. H. Rudolph & Co., Inc., Troy, Ind.; Final Determination

In the matter of the proceedings under Title I, Part C of the Clean Air Act (Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to J. H. Rudolph and Company, Inc. (Rudolph), Troy, Indiana.

On January 5, 1979, Rudolph submitted an application to the United States Environmental Protection Agency (U.S. EPA), Region V office, for an approval to construct a new 200 tons per hour aggregate dryer, mixing tower and scrubber. The application was submitted pursuant to the regulation for PSD.

On February 15, 1979, Rudolph was notified that its application was complete and preliminary approval was granted.

On April 4, 1979, U.S. EPA published notice of its decision to grant a preliminary approval to Rudolph. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by Rudolph, the Company was notified on January 21, 1980, that U.S. EPA had determined that the proposed new construction in Troy, Indiana would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve Rudolph of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed sixty days from the date of this notice.

For further information contact Eric Cohen, Chief, Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 353-2090.

John McGuire,

Regional Administrator, Region V.

March 5, 1980.

U.S. Environment Protection Agency

REGION V

Approval to Construct
EPA-5-A-80-13

In the matter of J. H. Rudolph and Company, Inc. in Troy, Indiana Proceeding Pursuant to the Clean Air Act, as amended.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, (the Act), and the

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Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. The J. H. Rudolph and Company, Inc. (Rudolph) plans to construct a new 200 tons per hour aggregate dryer, mixing tower, and baghouse to replace their existing 120 tons per hour aggregate dryer, mixing tower and scrubber. The replacement will be at Rudolph's asphalt batch plant located 1 mile north of Troy, Indiana on State Road 545.

2. The section of Spencer County in which the Rudolph plant is located has been designated as an attainment area for particulate matter (TSP), sulfur dioxide (SO_x), carbon monoxide (CO), and nitrogen oxides (NO_x). Spencer County is a Class II area as determined pursuant to Section 162 of the Act.

3. The new aggregate dryer, mixing tower, and baghouse were determined to be subject to partial PSD review for TSP, SO_x, CO and NO_x. Potential emissions for all pollutants were calculated to be over 100 tons per year for each, while allowable emissions for the above named pollutants were calculated at under 50 tons per year for each.

4. Rudolph submitted a PSD application to the U.S. Environmental Protection Agency (U.S. EPA) on January 5, 1979. The application was determined to be complete and preliminary approval was issued on February 15, 1979.

5. On April 4, 1979, public notice appeared in the *Tell City News*. No public comments were received and no public hearing was requested.

6. The source will be in compliance with the New Source Performance Standards for Asphalt Concrete Plants at 40 CFR Part 60, Subpart I.

7. The source will be using the best available control technology for control of particulates.

Conditions for Approval

8. Particulate emissions from the new aggregate dryer, the mixing tower and the baghouse shall not exceed 0.04 grains per dry standard cubic foot.

9. Opacity from all new sources shall not exceed 20 percent.

10. The fuel used to heat the aggregate dryer shall have a maximum sulfur content of 0.5 percent by weight.

11. The annual operating hours shall not exceed 1500 hours per year.

Conditions 8 through 11 are required in order to ensure that Rudolph's new facilities will be constructed and operated in accordance with the description presented in the application for approval to construct.

12. Any change in Rudolph's proposed new facilities might alter U.S. EPA's conclusion and therefore, any change must receive the prior written authorization of U.S. EPA.

Approval

13. Approval to construct the aggregate dryer, the mixing tower and the baghouse is hereby granted to J. H. Rudolph and Company, Inc., subject to the conditions expressed herein and consistent with the materials and data included in the application filed by Rudolph. Any departure from the conditions of this approval or the terms expressed in the application, must receive the prior written authorization of U.S. EPA.

14. In addition, the United States Court of Appeals for the D.C. Circuit has issued a ruling in the case of *Alabama Power Co.* vs. *Douglas M. Costle* (78–1006 and consolidated cases) which has significant impact on the EPA PSD program and approvals issued thereunder. Although the court has stayed its decision pending resolution of petitions for reconsideration, it is possible that the final decision will require modification of the PSD regulations and could affect approvals issued under the existing program. Examples of potential impact areas include the scope of best available control technology (BACT), source applicability, the amount of increment available (baseline definition), and the extent of preconstruction monitoring that a source may be required to perform. The applicant is hereby advised that this approval may be subject to reevaluation as a result of the final court decision and its ultimate effect.

15. This approval to construct does not relieve Rudolph of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

16. This approval is effective immediately. This approval to construct shall become invalid, if construction or expansion is not commenced within 18 months after receipt of this approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such period upon a satisfactory showing that an extension is justified. Notification shall be made to U.S. EPA 5 days after construction is commenced.

17. A copy of this approval has been sent to the Tell City Public Library, 909 Franklin Street, Tell City, Indiana 47586.

Dated: January 21, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-7957 Filed 3-13-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL RESERVE SYSTEM

Barnett Banks of Florida, Inc.; Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Bank of Flagler Beach, Flagler Beach, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 6, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-7904 Filed 3-13-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 7, 1980.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. CITICORP, New York, New York (consumer finance and insurance activities; Florida): to engage, through its indirect subsidiary, Citicorp Person-to-Person Financial Center of Florida, Inc. in conducting previously approved activities including; making or acquiring loans and other extensions of loans to dealers for the financing of inventory (floor planning) and working capital purposes; purchasing for its own account and servicing sales finance contracts; and acting as agent for the sale of credit life and credit casualty accident and health insurance directly related to extensions of credit in an expanded service area. Credit related life, accident and health may be underwritten by Family Guardian Life Insurance Company, an affiliate. These activities will be conducted from an office in Jacksonville, Florida serving an expanded area including the entire States of Florida and Georgia. In addition, the activities of this office will be expanded to include acting as agent for the sale of credit related property and casualty insurance only in the Georgia service area.

2. CITICORP, New York, New York (consumer finance and insurance activities; Georgia): to engage, through its indirect subsidiary, Citicorp Person-to-Person Financial Center, Inc., (Georgia), in operating a finance company, including making or acquiring loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; purchasing and servicing for its own account sales finance contracts; acting as agent for the sale of property and casualty insurance and for the sale of credit life and credit casualty accident and health insurance directly related to extensions of credit. Credit related life, accident and health may be underwritten by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc. These activities would be conducted from a *de novo* office in Atlanta, Georgia serving the entire State of Georgia.

B. *Federal Reserve Bank of St. Louis* (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

MERCHANTS NATIONAL CORPORATION, Indianapolis, Indiana (leasing activities; Colorado, Florida, Kentucky, Michigan and Ohio) to engage through its subsidiary, Mad Leasing Corp., in the following activities: leasing of capital goods and equipment to industry, banks or others, or acting as agent, broker or advisor in leasing such personal property, whereat the inception of the initial lease the effect of the transaction will yield a return that will compensate the lessor for not less than lessor's full investment in the property, plus estimated total cost of financing the property over the term of the lease, and such leases shall contain other terms and conditions as shall comply with Section 225.4(a)(6)(a) of Regulation Y. Such activities will be conducted at an office at 1001 Linn Station Road, Suite 535, Louisville, Kentucky 40223, and will serve Colorado, Florida, Kentucky, Michigan and Ohio.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 7, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-7906 Filed 3-13-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo*), (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 7, 1980.

A. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. NATIONAL DETROIT CORPORATION, Detroit, Michigan (commercial finance activities; Ohio, Indiana): to engage, through its subsidiary, Instaloan Financial Services, Inc., in commercial financing including the making of loans to businesses secured by the borrower's accounts receivable, inventory, machinery and equipment and/or real estate used in the business. This activity will be conducted from an office located in Cincinnati, Ohio, serving the southern half of Ohio and the southern half of Indiana.

2. CONTINENTAL ILLINOIS CORPORATION, Chicago, Illinois (financing activities; the United States, with the exception of Colorado, Kentucky, Louisiana, Montana, Ohio, Okahoma, Pennsylvania, Texas, West Virginia, and Wyoming, for which approval has already been granted): to engage through a *de novo* subsidiary, Continental Illinois Energy Development Corporation (CIEDC) in making and acquiring and servicing for its account and for the account of others, secured and unsecured loans and other extensions of credit primarily for energy development companies. These activities will be conducted from an office located in Houston, Texas, serving the above noted geographic area.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. WELLS FARGO & COMPANY, San Francisco, California (finance and insurance activities, western United States): to engage through its subsidiary, Wells Fargo Mortgage Company, in making or acquiring, for its own account or for the account of others, loans and other extensions of credit; servicing loans and other extensions of credit for other persons; acting as an insurance agent or broker with respect to the following types of insurance that are directly related to (1) credit life and credit accident and health insurance; and (2) mortgage redemption life insurance and group mortgage disability insurance. These activities would be conducted from offices in Irvine, California, serving California, Nevada, and Arizona, and in Bellevue, Washington, serving Washington, Oregon, California, Idaho, Nevada,

Utah, Arizona, Montana, Wyoming, and Colorado.

2. SECURITY PACIFIC CORPORATION, Los Angeles, California (financing and credit-related insurance activities; Ohio): to engage through its subsidiaries American Finance Corporation of Columbus and American Finance Corporation of Ohio, in making or acquiring for its own account or for the account of others, loans and extensions of credit, including making consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a consumer finance company, and acting as broker or agent for the sale of credit-related life, accident and health insurance and credit-related property and casualty insurance. These activities would be conducted from offices of American Finance Corporation of Columbus and American Finance Corporation of Ohio located at 910 Taywood Road, Englewood, Ohio 45322, serving the State of Ohio, and would constitute a relocation of existing offices of American Finance Corporation of Columbus and American Finance Corporation of Ohio which are currently located at 4823 B Salem Avenue, Dayton, Ohio 45416.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 5, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-7907 Filed 3-13-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de novo Nonbank Activities

The bank holding companies listed in this notice have applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 9, 1980.

a. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. CHEMICAL NEW YORK CORPORATION, New York, New York (trust company activities; Florida): to engage, through its subsidiary, Chemical Trust Company of Florida, N.A., in the activities of a limited purpose trust. The activities of the trust company will be those of any national trust company, including acting as trustee and executor, and providing investment advice, in compliance with the limitations of section 225.4(a)(4) of the Board's Regulation Y. These activities will be conducted from an office in Palm Beach, Florida, serving the town of Palm Beach and the surrounding towns of Jupiter, Tequesta, Juno Beach, Riviera Beach, West Palm Beach, Atlantis, Lake Clarke, Lantana, Boynton Beach, Delray Beach, Highland Beach, and Boca Raton.

2. MANUFACTURERS HANOVER CORPORATION, New York, New York (commercial loans and leasing; Maine, Massachusetts, Rhode Island, Vermont, and New Hampshire): to engage, through a direct subsidiary, Manufacturers Hanover Leasing Corporation, in leasing real and personal property on a full payout basis in accordance with the Board's Regulation Y; acting as agent, broker or advisor in leasing of such property; making and acquiring for its own account or for the account of others, loans and other extensions of credit with respect to such property; and servicing such leases, loans or other extensions of credit. These activities will be conducted from an office located in Framingham, Massachusetts, serving the states listed in the caption to this notice.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 7, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-7910 Filed 3-13-80; 8:45 am]

BILLING CODE 6210-01-M

F & M Bankshares, Inc.; Formation of Bank Holding Company

F & M Bankshares, Inc., Marinette, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent of the voting shares of Farmers & Merchants Bank and Trust, Marinette, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 3, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-7908 Filed 3-13-80; 8:45 am]

BILLING CODE 6210-01-M

Guaranty State Holding Co.; Formation of Bank Holding Company

Guaranty State Holding Company, St. Paul, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 97 per cent or more of the voting shares of Guaranty State Bank of St. Paul, St. Paul, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 3, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-7911 Filed 3-13-80; 8:45 am]

BILLING CODE 6210-01-M

Mainland Bancorporation, Inc; Formation of Bank Holding Company

Mainland Bancorporation, Inc., Texas City, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Mainland Bank, Texas City, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 10, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-7909 filed 3-13-80; 8:45 am]

BILLING CODE 6210-01-M

Mountain Financial Services, Inc.; Acquisition of Bank

Mountain Financial Services, Inc., Denver, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Louisville State Bank, Louisville, Colorado, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 6, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-7905 Filed 3-13-80; 8:45 am]

BILLING CODE 6210-01-M

Caldwell Bancshares, Inc.; Formation of Bank Holding Company

Caldwell, Banchares, Inc., Caldwell, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bank in Caldwell, Caldwell, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 10, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-7992 Filed 3-13-80; 8:45 am]

BILLING CODE 6210-01-M

Financial National Bancshares, Co.; Formation of Bank Holding Company

Financial National Bancshares, Co., Elgin, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to The First National Bank of Elgin, Elgin, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 10, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-7993 Filed 3-13-80; 8:45 am]

BILLING CODE 6210-01-M

First Fabens Bancorporation, Inc.; Formation of Bank Holding Company

First Fabens Bancorporation, Inc., Fabens, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Fabens, Fabens, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 10, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-7994 Filed 3-13-80; 8:45 am]

BILLING CODE 6210-01-M

First University Corp.; Formation of Bank Holding Company

First University Corporation, Houston, Texas, has applied for the Board's

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approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First National Bank of West University Place, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 10, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-7995 Filed 3-13-80; 8:45 am]

BILLING CODE 6210-01-M

Marquette National Co.; Formation of Bank Holding Company

Marquette National Company, Marquette, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The First National Bank of Marquette, Marquette, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 10, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-7996 Filed 3-13-80; 8:45 am]

BILLING CODE 6210-01-M

Mellon National Corp.; Proposed Acquisition of Mellon National Mortgage Co., of Colorado

Mellon National Corporation, Pittsburgh, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire indirectly voting shares of Mellon National Mortgage Company of Colorado, Denver, Colorado, from its banking subsidiary, Mellon National Bank, Pittsburgh, Pennsylvania.

Applicant states that the proposed subsidiary would engage in the following activities: the origination of residential and commercial mortgage loans; the servicing of mortgage loans for institutional investors; the origination of residential construction loans; and the provision of mortgage redemption and health and accident insurance directly related to its extensions of credit. These activities would be performed from offices of Applicant's subsidiary in Denver, Wheatridge and Fort Collins, Colorado, and Phoenix, Arizona, and the geographic areas to be served are Adams, Arapahoe, Boulder, Denver, Douglas, Gilpin, Jefferson and Fort Collins Counties in Colorado, and Maricopa County in Arizona. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 10, 1980.

Board of Governors of the Federal Reserve System, March 10, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 7997 Filed 3-13-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

Advisory Committees; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committee and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Committee name	Date, time and place	Type of meeting and contact person
Circulatory System Devices Panel	March 31, 9 a.m., Rm. 723 and 727A, 200 Independence Ave. SW., Washington, DC.	Open public hearing 8:30 a.m. to 9:30 a.m.; open committee discussion 9:30 a.m. to 10:30 a.m.; closed committee deliberations on trade secret data 10:30 a.m. to 3:30 p.m. Glen A. Rahmoeller, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7569.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Those desiring to make formal presentations should notify Glenn Rahmoeller by

March 24, 1980, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The panel will review draft guidelines relevant to the submission of premarket approval data for biologic and prosthetic replacement heart valves and for oxygenators. The panel will discuss the further development of these guidelines as time permits. If any premarket approval applications are ready for panel review at this meeting, the panel will give priority to discussions of these applications (see below).

Closed committee deliberations. The panel will review premarket approval applications for cardiovascular devices. If a sponsor has not publicly disclosed the submission to FDA of a premarket approval application and so certifies in a letter addressed to the contact person identified in this notice, the application is considered confidential and will be reviewed in the closed session (5 U.S.C. 552b(c)(4)). If a sponsor has publicly disclosed the submission to FDA of a premarket approval application, non-trade secret matters involved in the application will be discussed during the open committee discussion, and trade secret matters involved in the application will be discussed during the closed committee deliberations (5 U.S.C. 552b(c)(4)). FDA will follow the policy described in this paragraph until the agency publishes a final regulation governing disclosure of the existence of device premarket approval applications, and that regulation becomes effective. FDA is now reviewing comments on a proposal on this subject that was published in the **Federal Register** of March 28, 1978 (43 FR 12869), correction published in the **Federal Register** of March 31, 1978 (43 FR 13587), and will publish a final regulation in the near future. This regulation will affect FDA's policy on the closing advisory committee meetings and may require a change in the policy described in this paragraph.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fisher Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cite statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy, investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustarate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

FDA has established a pilot program for financial assistance to participants in certain agency proceedings, including hearings before public advisory committees under 21 CFR Part 14. This program is described in regulations that were published in the **Federal Register** of October 12, 1979 (44 FR 59174) and that became effective October 25, 1979 (44 FR 72585; December 14, 1979). Subject to the availability of funds and other factors, FDA may reimburse participants meeting the criteria set forth in these regulations for certain costs of participating in this proceeding. For more information regarding the reimbursement program, contact Ron

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Wylie, Office of Consumer Affairs (HF–70), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2932. Although reimbursement may be made available for hearings under Part 14, the program's priority will be given to funding participation in formal evidentiary public hearings under Part 12 or public boards of inquiry under Part 13 of FDA's regulations (21 CFR Part 12 or 13).

Applications for reimbursement for participation in the meeting listed above should be sent to Ron Wylie, Office of Consumer Affairs (HF–70), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Hearing Clerk as prescribed in 21 CFR 10.210 of the regulations. If you wish to submit an application, please call Ron Wylie at 301–443–2932 as soon as possible. The time limit for applying for such reimbursement is as follows:

Committee meeting	Meeting date	Reimbursement applications must be received by
Circulatory systems devices panel.	March 31.....	March 24, 1980.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meeting announced in this notice. The Office of Consumer Affairs, FDA, will file any applications for reimbursement for participation in the meeting announced in this notice in the docket for this notice.

Dated: March 11, 1980.

Mark Novitch, M.D.,

Acting Commissioner, Food and Drugs.

[FR Doc. 80–8036 Filed 3–13–80; 8:45 am]

BILLING CODE 4110–03–M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Thomas L. Hooker, District Director, Baltimore District Office, Baltimore, MD.

DATE: The meeting will be held at 10 a.m., Tuesday, April 15, 1980.

ADDRESS: The meeting will be held at the Culpepper Presbyterian Church, 215 S. Main St., Culpepper, VA.

FOR FURTHER INFORMATION CONTACT: Charity E. Singletary, Consumer Affairs Officer, Food and Drug Administration, Department of Health, Education, and Welfare, 701 W. Broad St., Rm. 309, Falls Church, VA, 703–557–0389

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Baltimore District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: March 6, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–7528 Filed 3–13–80; 8:45]

BILLING CODE 4110–03–M

[Docket No. 80F–0045]

Diamond Shamrock Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Diamond Shamrock Corp. has filed a petition proposing the safe use of *N*-methyl-*N*-(tall oil acyl) taurine, sodium salt in the manufacture of paper and paperboard intended for food-contact use.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B3433) has been filed by Diamond Shamrock Corp., Morristown, NJ 07960, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of *N*-methyl-*N*-(tall oil acyl) taurine, sodium salt as an antiscalent for use in the manufacture of paper and paperboard intended for food-contact use.

The agency has determined that the proposed action falls under § 25.1(f)(1)(v) (21 CFR 25.1(f)(1)(v)) and is exempt from the requirement of an environmental impact analysis report and that no environmental impact statement is necessary.

Dated: February 28, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80–7527 Filed 3–13–80; 8:45 am]

BILLING CODE 4110–03–M

Jensen-Salsbery Laboratories, Division of Burroughs Wellcome Co.; Chloral Hydrate, Pentobarbital and Magnesium Sulfate Injection; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency withdraws approval of a new animal drug application (NADA) providing for use of Equi-Thesin injection containing chloral hydrate, pentobarbital, and magnesium sulfate. The injectable product is a prescription drug administered intravenously in cattle and horses for general anesthesia. The sponsor, Jensen-Salsbery Laboratories, Division of Burroughs Wellcome Co., requested the withdrawal of approval.

EFFECTIVE DATE: March 24, 1980.

FOR FURTHER INFORMATION CONTACT: Walter L. Sessions, Bureau of Veterinary Medicine (HFV–216), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4093.

SUPPLEMENTARY INFORMATION: Jensen-Salsbery Laboratories, Division of Burroughs Wellcome Co., Kansas City, MO 64108, is the sponsor of NADA 5–909 which provides for use of Equi-Thesin injection. The product contains chloral hydrate, pentobarbital, and magnesium sulfate. It is administered intravenously as a general anesthetic and as a sedative-relaxant in horses and cattle. The sponsor, in a submission to the agency dated December 13, 1979, requested withdrawal of approval because the product was being neither manufactured nor marketed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 5–909 and all supplements for Equi-Thesin injection is hereby withdrawn.

Effective date: March 24, 1980.

In a document published elsewhere in this issue of the **Federal Register**,

§ 522.380 is amended to delete that portion reflecting approval of this NADA.

Dated: March 7, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80–7719 Filed 3–13–80; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80M–0047]

Soft Lenses, Inc.; Premarket Approval of Cabcurve (Porofocon B) Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Cabcurve (porofocon B) Contact Lens sponsored by Soft Lenses, Inc., San Diego, CA. After reviewing the Ophthalmology Device Classification Panel's recommendation, FDA notice the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by April 14, 1980.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Keith Lusted, Bureau of Medical Devices (HFK–402), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–8162.

SUPPLEMENTARY INFORMATION: The sponsor, Soft Lenses, Inc., San Diego, CA, submitted an application for premarket approval of the Cabcurve (Porofocon B) Contact Lens to FDA on May 4, 1977. The application was reviewed by the Ophthalmology Device Classification Panel, an FDA advisory committee, which recommended approval of the application. On June 11, 1979, FDA approved the application by a letter to the sponsor from the Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (Pub. L. 94–295, 90 Stat. 539–583 (the amendments)), soft contact lenses and solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) (the act), soft contact lenses and solutions are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provided transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Furthermore, FDA requires as a condition to approval that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the information on which the agency's approval is based is available upon request from the Hearing Clerk (HFA–305), address above. Requests should be identified with the name of the device and the Hearing Clerk docket number found in brackets in the heading of this document.

The labeling of the Cabcurve (porofocon B) Contact Lens, like that of other approved soft contact lenses, states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling helps to inform new lens users that they must avoid purchasing inappropriate products, e.g., solutions for use with hard contact lenses. However, the restrictive labeling needs to be updated periodically to refer to new solutions that FDA approves for use with an approved lens. A sponsor that does not update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)). Accordingly, whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer to the new solution, at the next printing or at any other time FDA prescribes by letter to the sponsor.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)), authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of the FDA administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing a petition, FDA will decide to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before April 14, 1980 file with the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the Hearing Clerk docket number found in brackets in the heading of this document. Received petitions may be seen in the above-named office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 7, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–7970 Filed 3–13–80; 8:45 am]

BILLING CODE 4110–03–M

National Institutes of Health

National Cancer Institute; Diagnostic Research Advisory Group; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Diagnostic Research Advisory Group, National Cancer Institute, April 24–25, 1980, Building 31C, Conference Room 10, National Institutes of Health, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on

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April 24, and from 8:30 a.m. to adjournment on April 25, to conduct general business related to cancer diagnosis and to review present programs and plan future programs. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Drs. Louis P. Greenberg or Dr. R. Quentin Blackwell, Executive Secretaries of the Committee, Building 31, Room 3A10, National Institutes of Health, Bethesda, Maryland 20205 (301/496–1591) will furnish substantive program information, upon request.

Date: March 10, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institute of Health.

[FR Doc. 80-7942 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-08-M

Renewal of National Cancer Institute Committees

Pursuant to the Federal Advisory Committee Act of October 6, 1972, (Public Law 92–463, 86 Stat. 770–776), the Director, National Institutes of Health, announces the renewal by the Director, NCI, of the following committees:

Committee and Termination Date

Cancer and Nutrition Scientific Review Committee, March 31, 1982.
Cancer Control Grant Review Committee, March 3, 1982.

Authority for these committees will expire on the dates indicated, unless renewed by appropriate action as authorized by law.

Date: March 6, 1980.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 80-7940 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-08-M

National Institute of Dental Research; Meeting of the Board of Scientific Counselors

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Dental Research, on April 28, 29 and 30, 1980, in Conference Room 117, Building 30, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on April 28 and 29, to discuss program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public from 9:00 a.m. to adjournment on April 30 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institute of Dental Research, NIH, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Marie U. Nylen, Director of Intramural Research, National Institute of Dental Research, National Institutes of Health, Building 30, Room 132, Bethesda, MD 20205, (telephone 301 496–1483) will provide summaries of meeting, rosters of committee members, and substantive program information.

Date: March 7, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-7938 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-08-M

National Heart, Lung, and Blood Institute; Meeting of Blood Diseases and Resources Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Blood Diseases and Resources Advisory Committee, National Heart, Lung, and Blood Institute, April 28–29, 1980, National Institutes of Health, Building 31, Conference Room 8, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 9:00 AM–5:00 PM, April 28, and from 8:30 AM–4:30 PM, April 29, 1980, to discuss the status of the Blood Diseases and Resources program, needs, and opportunities. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21A, National Institutes of Health, Bethesda, Maryland 20205, phone: (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Fann Harding, Special Assistant to the Director, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, Federal Building, Room 514, National Institutes of Health, Bethesda, Maryland, 20205, phone: (301) 496–1817, will furnish substantive program information.

Date: March 10, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-7941 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-08-M

National Institute of Child Health and Human Development; Meeting of the Mental Retardation Research Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Mental Retardation Research Committee, National Institute of Child Health and Human Development, on April 7–8, 1980, in the Landow Building, Room A 1st floor, 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on April 7 from 9:00 a.m. to 11:00 a.m. to discuss items relative to the Committee's activities including announcements by the Director, Deputy Director, Associate Director for Review and the Chief of the Mental Retardation and Developmental Disabilities Branch and the Executive Secretary of the Committee.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on April 7 from 11:00 a.m. to adjournment on April 8 for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 7C09, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will provide a summary of the meeting and roster of committee members. Dr. Stanley L. Slater, Executive Secretary, Mental Retardation Research Committee, NICHD, Landow Building, Room 7C09, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1696, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, National Institutes of Health)

Date: March 7, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-7939 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-08-M

Office of the Assistant Secretary for Planning and Evaluation

[Contract No. HEW-100-78-0004]

"Denver Income Maintenance Experiment"; Contract Award

Pursuant to Section 606 of the Community Services Act of 1974, this agency announces the award of Contract No. HEW–100–78–0004 to the State of Colorado Department of Social Services for a project entitled "Denver Income Maintenance Experiment" for the continuing implementation and research on this income maintenance experiment. The overall purpose of the project, begun in 1971, is to assess the amount of work effort reduction and other effects that would result from a guaranteed annual income. Ongoing work includes further analyses of the data and preparation for the production of the final report, and continued active participation of a small number of families in the experiment. The estimated cost of this contract for FY 1980 is $2,133,710 and the completion date for this phase is September 30, 1980.

Dated: March 11, 1980.

John L. Palmer,

Assistant Secretary for Planning and Evaluation, Designate.

[FR Doc. 80-8010 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-12-M

[Contract No. HEW-100-78-0005]

"Seattle Income Maintenance Experiment"; Contract Award

Pursuant to Section 606 of the Community Services Act of 1974, this agency announces the award of Contract No. HEW–100–78–0005 to the State of Washington Department of Social and Health Services for a project entitled "Seattle Income Maintenance Experiment" for the continuing implementation and research on this income maintenance experiment. The overall purpose of the project, begun in 1971, is to assess the amount of work effort reduction and other effects that would result from a guaranteed annual income. Ongoing work includes further analyses of the data and preparation for the production of the final report. The estimated cost of this contract for FY 1980 is $1,910,375 and the completion date is September 30, 1980.

Dated: March 11, 1980.

John L. Palmer,

Assistant Secretary for Planning and Evaluation, Designate.

[FR Doc. 80-8011 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-12-M

Office of the Secretary

National Advisory Committee on the White House Conference on Families; Special Subcommittee on the Appointment of At-Large Delegates; Meeting

The National Advisory Committee on the White House Conference on Families was established to advise the Secretary, the Chair of the Conference, and the Conference staff on matters pertaining to the Conference, including the development, implementation and execution of overall plans and procedures for the Conference. The Special Subcommittee on the Appointment of At-Large Delegates was appointed by the National Advisory Committee at its January 23–25 meeting to develop criteria for the selection of at-large delegates to the White House Conferences, and to make recommendations concerning such selections. This subcommittee is composed exclusively of members of the committee of the whole.

In accordance with Pub. L. 92–463, notice is hereby given of a meeting to be held Tuesday, April 1, 1980, at 9 a.m. in Room 303A of the Humphrey Building, located at 300 Independence Avenue, S.W., in Washington, D.C.

From 9 a.m. until approximately 10 a.m., deliberations will concern criteria for selection of individuals to serve as at-large delegates to the White House Conferences. This portion of the meeting will be open for public observation.

At the conclusion of the deliberations concerning criteria, the meeting will be closed for consideration of individual nominations. Since this portion of the meeting will involve discussion of characteristics and profiles of individual nominees, the Secretary of Health, Education, and Welfare has determined that this portion of the meeting may be closed in accordance with Section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b(c)(6). This portion of the meeting will, therefore, be closed to the public.

Further information on the meeting may be obtained from the White House Conference on Families at 330 Independence Avenue, S.W., Washington, D.C. 20201, (202) 245–6073.

Dated: March 12, 1980.

John L. Carr,

Executive Director, White House Conference on Families.

[FR Doc. 80-8045 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-12-M

Office of the Assistant Secretary for Management and Budget; Statement of Organization, Functions, and Delegation of authority

This notice amends Part A of the statement of organization, functions and delegations of authority of the Department of Health, Education, and Welfare, Office of the Secretary, by modifying certain parts of Chapter AMS "Office of Management Services" (42 FR 36310, dated 7–14–77, as amended by 44 FR 28731, dated 5–16–79), Chapter AF "Office of Inspector General" (42 FR 17531, dated 4–1–77 and 43 FR 58871, dated 12–18–78).

Administrative streamlining resulting from the transfer of all security functions to the Office of the Inspector General; the need for centralized control over security programs within the organizational component responsible for investigation of criminal matters and enforcement of the law; and the increased effectiveness derived from such centralized control in the event of an emergency justify these proposed changes.

This notice: (a) Abolishes the Security and Safety Branch, Washington Facilities Division (AMS.20 C).

(b) Establishes a Division of Security and Protection under the Assistant Inspector General for Investigations, Office of the Inspector General (AF.20 D).

(c) Transfers to the Office of the Inspector General all security and executive protection functions formerly in the Washington Facilities Division.

The following changes are made in the Statement of Organization, Functions, and Delegations of Authority.

Section AMS.20 C (*Functions: Washington Facilities Division*) is revised to read:

C. *Washington Facilities Division.* Plans and administers the HEW facilities management program in the Washington, D.C. area: Provides engineering and architectural services in support of the maintenance and operations of all HEW facilities in the national capitol area. Negotiates for, obtains, and allocates parking spaces in southwest Washington, D.C. Implements and/or develops procedures, standards, and regulations for the occupational safety and health program within the Office of the Secretary.

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Section AF.20 D (*Functions: Office of the Assistant Inspector General for Investigations*) is revised as follows:

Section 1. Section AF.00(1) of part AF is amended by adding "and maintaining security programs designed to protect government property, sensitive information, and personnel;" at the end of the section.

Sec 2. Section AF.10 of part AF is amended by adding "Division of Security and Protection (AFED)" after Division of Law Enforcement Coordination and Data Collection.

Sec. 3. Section AF.20A(1) of part AF is amended by adding "and security activities" after "investigative activities."

Sec. 4. Section AF.20D.1.(a) of part AF is amended by adding "and security" after "investigative".

Sec. 5. Section AF.20D.2. of part AF is amended by adding at the end the following new paragraph:

(f) Division of Security and Protection (AFED):

(i) Establishes Departmental policies, procedures, and guidelines for protection of classified documents and material including special category (SPECAT) information (NATO, Restricted Data, SCI, etc.) pursuant to and in accordance with the provisions of Executive Order 12065, National Security Information; and safeguards non-classified sensitive information and information for which safeguarding is required by the Privacy Act of 1974.

(ii) Develops and maintains an executive protection program, which provides for the personal protection of the Secretary and Under Secretary and provides, on a contingency basis, personal protection guidance and assistance to other high-level Department officials.

(iii) Develops Department-wide policy and guidance for the physical security of personnel, property, activities, and information in facilities and buildings occupied by the Department.

(iv) Serves as emergency coordinating office and maintains an up-to-date facility self-protection operational plan for the headquarters southwest building complex, provides policy guidance on facility self-protection to all Departmental installations in the field and responsible for the evacuation of these buildings in an emergency.

(v) Provides Department-wide policy, direction, and guidance for communications, technical, and industrial security programs.

(vi) Provides operational security services and support (Physical, building, information security) for headquarters southwest complex components and other designated Departmental elements.

(vii) Conducts a Department-wide employee education program dealing with safeguarding of classified and other sensitive information, protection of government property and facilities, and crime prevention.

(viii) Maintains liaison with Department Staff Offices, principal operating components, other Federal agencies, and local and Federal law enforcement organizations on all matters pertaining to executive protection and internal security affecting the Department.

(ix) Provides Department-wide emergency preparedness security guidance pursuant to Executive Order 11490. Provides direction and guidance relative to safekeeping of essential records, protection of emergency operating facilities, emergency communications assets, and protection of government resources and key facilities and personnel.

(x) Establishes nation-wide standards and procedures for development, control, and safeguarding of all forms of Departmental identification media (such as building passes and special credentials).

(xi) Conducts investigations of classified information violations involving southwest complex components. Coordinates with the investigating organization the investigation of classified information violations occurring in the field and property violations in the southwest complex.

Sec. 6. Prior Statement of Organization, Functions, and Delegations of Authority. To the extent inconsistent with this statement, all previous statements of organization, functions, and delegations of authority, as well as currently applicable chapters of the Department's Organizational Manual, are hereby suspended by this statement, except that all delegations in effect immediately prior to the effective date of this statement shall continue in effect until new delegations are made.

Sec. 7. Effective date. This Statement shall be effective on March 6, 1980.

Dated: March 6, 1980.

Nathan J. Stark

Acting Secretary.

[FR Doc. 80-7900 Filed 3-13-80; 8:45 am]

BILLING CODE 4110-12-M

Public Health Service

Health Maintenance Organizations

Corrections

In FR Doc. 80-6209, at page 13892, in the issue of Monday, March 3, 1980, make the following corrections:

(1) On page 13893, in the middle column under *"Michigan,"* the sixth line, now reading

Group Health Service of Michigan, Inc., Warren

is corrected to read:

Group Health Plan of Southeast Michigan, Warren

(2) On page 13894, in the first column under *"Washington,"* the third line, insert the footnote reference "1" after the last word "Oregon" and the same column under *"Guam"*, the second line, correct the footnote reference "1" to read "2".

(3) On page 13894, the last column, under *"Schenectady"*, the paragraph designated as "9.", the fifth line down, correct "August 12, 1978" to read "August 12, 1979".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ORE-011364]

Oregon; Termination of Classification

March 7, 1980.

1. By Order of the Bureau of Land Management State Supervisor, Oregon, dated November 9, 1956, the following described public lands were classified for disposal by lease or sale under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869, 869-4). No application has been filed pursuant to said act; accordingly, pursuant to 43 CFR 2741.2(c), the classification is hereby terminated as to the following described lands:

Willamette Meridian

T. 28 S., R. 32 E.,
- Sec. 17;
- Sec. 19, Lots 1, 2, 3, and 4, E½W½, and E½;
- Sec. 20, 21, and 22;
- Sec. 23, NE¼NE¼, SW¼, and S½SE¼;
- Sec. 25, NW¼NW¼, S½NW¼, and SW¼;
- Secs. 26, 27, 28, and 29;
- Sec. 30, Lots 1, 2, 3, and 4, E½W½, and E½;
- Sec. 31, Lots 1, 2, 3, and 4, NE¼, E½W½, N½SE¼, and SW¼SE¼;
- Secs. 32, 33, 34, and 35.

T. 29 S., R. 32 E.,
- Sec. 1;
- Sec. 2, Lots 1, 2, 3, (except the S½SE¼ NE¼NW¼), and 4, NE¼, SW¼NW¼, W½SE¼NW¼, S½SE¼SE¼NW¼, and S½;
- Sec. 3, Lots 1, 2, 3, and 4, S½N½, W½SW¼, N½NE¼SW¼, W½SW¼NE¼SW¼, W½SE¼SW¼, SE¼SE¼SW¼, N½SE¼, W½NE¼SW¼SE¼, W½SW¼SE¼, SE¼SW¼SE¼, and SE¼SE¼;
- Sec. 4, Lots 1, 2, 3, and 4, S½N½, and S½;
- Sec. 5, Lots 1, 2, 3, and 4, S½N½, and S½;
- Sec. 6, Lots 1, 2, 3, and 4, E½W½, and E½;
- Sec. 7, Lots 1, N½NE¼, and NE¼NW¼;
- Sec. 8, N½, NE¼SW¼, N½SE¼, and SE¼SE¼;
- Secs. 9 and 10;
- Sec. 15, NE¼, N½NW¼, and E½SE¼.

The areas described aggregate 16,016.70 acres in Harney County, Oregon.

2. At 10 a.m. on April 21, 1980, the following described lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law:

Willamette Meridian

T. 28 S., R. 32 E.,
- Sec. 23, NE¼NE¼.

T. 29 S., R. 32 E.,
- Sec. 1, E½ and E½NW¼;
- Sec. 10, SE¼;
- Sec. 15, N½NE¼, SE¼NE¼, and E½SE¼.

3. At 10 a.m. on April 21, 1980, the lands described in paragraph 2 will be open to location under the United States mining laws. The lands described in paragraph 1 have been and continue to be open to applications and offers under the minerals leasing laws.

4. The lands described in paragraph 1, except those described in paragraph 2, remain segregated from operation of the public land laws generally, including the mining laws, by proposed protective withdrawal OR 10676 or by Recreation and Public Purposes Act classification, OR 17348.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-7976 Filed 3-13-80; 8:45 am]

BILLING CODE 4310-84-M

[U-910-4310-84]

Final Wilderness Decision and Withdrawal Recommendation on Deep Creek Mountains; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces (1) the BLM Utah State Director's final decision to identify 68,910 acres as a Wilderness Study Area within the Deep Creek Mountains inventory unit (UT-020-060, UT-050-020), and (2) the State Director's recommendation which will be forwarded to the Secretary of the Interior, to permit a 26,927 acre emergency withdrawal in the Deep Creek Mountains to expire May 2, 1980.

Pursuant to the authority delegated by the Director of BLM, an accelerated wilderness inventory has been conducted on a 157,450 acre inventory unit. The unit was inventoried according to provisions of Sections 201(a) and 603 of the Federal land Policy and Management Act of 1976 and Section 2(c) of the Wilderness Act of 1964. The area listed herein meets the wilderness criteria of Section 2(c) of Pub. L. 88-577 and is hereby designated as a Wilderness Study Area.

As a result of the intensive wilderness inventory, a 68,910 acre portion of inventory unit UT-020-060, UT-050-020 was proposed as a Wilderness Study Area, as published in the **Federal Register** November 16, 1979, pages 66076 and 66077 and November 28, 1979, page 68037. The appropriate inventory and associated public comment period have been conducted by the Utah BLM.

A 60-day comment period including public meetings ended January 15, 1980. The comment period and meetings were held to gain comments and information on the proposal. The BLM received 715 comments that both agreed and disagreed with the proposal. No specific information which would justify a modification of the proposal was received.

Upon publication of this final decision, a 30-day protest period on this decision is initiated. Any person who has disagreement with this decision on this unit and has information which may influence this decision, may file a written protest with: BLM Utah State Director, 136 East South Temple, Salt Lake City, Utah 84111. The protest must specify the unit and include a clear and concise statement of reasons for the protest and must furnish supporting information on the presence or absence of the wilderness characteristics as described in the Wilderness Act of 1964. The protest must be received by the BLM Utah State Office at the above address by 4:30 p.m. April 14, 1980. Should protests be filed on this inventory unit, the State Director will consider such protests and issue a decision which will be subject to appeal on the inventory unit to the Department of the Interior Board of Land Appeals (IBLA). If the decision on the protest remains consistent with this decision, only the protestor may appeal to the IBLA. If such decision reflects changes from this decision based upon the information submitted by the protestor, any adversely affected person may appeal to the IBLA.

The final decision announced herein is scheduled to become effective as of 4:30 p.m., April 14, 1980 (close of protest period), if no protest is filed. At that time, the portions of the unit not within the Wilderness Study Area as designated will no longer be subject to the management restrictions imposed by Section 603 of Pub. L. 94-579. For purposes of this decision, this unit is considered separable from every other unit under wilderness inventory. Should any amendment to this decision be made by the Utah BLM State Director, as a result of new information received following this announcement, that amendment will be formally published in the **Federal Register** and will not become effective until 30 days following such publication. This 30-day extension will apply only to the amendment and not the original decision.

Three management options were identified concerning the emergency withdrawal. They are: (1) make application for a permanent withdrawal on the 26,927 acre emergency withdrawal before its expiration on May 2, 1980, (2) modify the emergency withdrawal and make application for a permanent withdrawal and (3) permit the emergency withdrawal to expire on May 2, 1980.

The BLM Utah State Director's recommendation to the Secretary of the Interior to permit the emergency withdrawal to expire follows three years of study and inventory on the area which indicate that some of the key values do not exist to the degree originally thought at the time the withdrawal was initiated. However, the area does have all the wilderness values required by Section 603 of FLPMA, and those will be protected through the Interim Management Policy published by the bureau December 12, 1979, Surface Management Regulations (3802), and the history of court decisions giving the Secretary of Interior authority to regulate mineral activities on the public lands.

The recommendation to be forwarded to the Secretary of the Interior on the withdrawal options, although related to the WSA issue, is not protestable at the State Director's level.

FOR FURTHER INFORMATION ON THE WSA CONTACT: Herbert Hunt, BLM Richfield District Office, (801) 896-8221 or Lewis

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Kirkman, BLM Salt Lake District Office (801) 524–5348.

Gary J. Wicks,

State Director.

[FR Doc. 80–7135 Filed 3–13–80; 8:45 am]

BILLING CODE 4310–84–M

Geological Survey

Delegation of Authority

The following material is a portion of the Geological Survey Manual listing the redelegations of the Director's authority found in Parts 250, 252, and 290 of Title 30 of the Code of Federal Regulations. The numbering system used is that of the manual commencing at SM 220.2.4.

Dated: March 6, 1980.

Doyle G. Frederick,

Acting Associate Director.

.4 *Appeals to the Director.* The Chief, Conservation Division, is authorized to exercise the authority delegated by the Secretary of the Interior to the Director, Geological Survey, as set forth in 30 CFR section 221.66 and 30 CFR Part 290.

.5 *Authorities under regulations in 30 CFR Part 250—Oil and Gas and Sulphur Operations in the Outer Continental Shelf.* Except as provided below, all the authorities of the Director, Geological Survey, that are set forth in 30 CFR sections 250.1 through 250.96 are delegated through the Chief, Conservation Division; the Deputy Chief, Conservation Division—Offshore Minerals Regulation; and the appropriate Conservation Manager, to the appropriate Oil and Gas Supervisor or Deputy Conservation Manager. Those authorities which are delegated herein to the Conservation Manager or to the Deputy Chief, Conservation Division—Offshore Minerals Regulation may be further redelegated with the approval of the Chief, Conservation Division.

A. Authorities under the regulations in Section 250.3, "Data and information to be made available to the public":

1. The authority to deny anyone access to data or information pursuant to a Freedom of Information Act (FOIA) request shall be exercised by the Regional Assistant Director having jurisdiction over the area to which the information applies.

2. The authority to determine that early release of information is necessary for the proper development of a field or area shall be exercised by the Conservation Manager having jurisdiction over the area to which the information applies.

3. The authority to determine that early release of information is necessary for implementation of the provisions of Section 250.34, "Exploration, development, and production plans," shall be exercised by the Conservation Manager having jurisdiction over the area.

B. Authorities under the regulations in Section 250.4, "Privileged and proprietary data and information to be available to affected States":

1. The authority to provide the Governor of a State information at the time nominations are solicited for the leasing of lands within 3 geographic miles of the seaward boundary of a coastal State shall be exercised by the Conservation Manager having jurisdiction over the area.

2. The authority to consult with the Governor of a State after receipt of nominations for any area of the OCS within 3 geographic miles of the seaward boundary of a coastal State to determine whether any tracts being considered for leasing may contain one or more oil or gas reservoirs underlying both the OCS and lands subject to the jurisdiction of the State shall be exercised by the Conservation Manager having jurisdiction over the area.

C. Authorities under the regulations in Sections 250.10, "Jurisdiction," and 250.11, "Functions":

1. The authority to issue or amend an OCS Order to implement the requirements of the regulations shall be exercised by the Supervisor or Deputy Conservation Manager only after the OSC Order or amendment to an OCS Order has been approved by the Deputy Chief, Conservation Division—Offshore Minerals Regulation.

2. The authority to consult with and receive comments from lessees, operators, and other interested parties prior to the issuance of an OCS Order shall be exercised by the Deputy Chief, Conservation Division—Offshore Minerals Regulation.

3. The authority to determine the economic feasibility of using available technology in order to identify the best available and safest technologies shall be exercised by the Deputy Chief, Conservation Division—Offshore Minerals Regulation.

4. The authority to determine that the incremental benefits are clearly insufficient to justify the incremental cost of utilizing a technology shall be exercised by the Deputy Chief, Conservation Division—Offshore Minerals Regulation.

5. The authority to request that a lessee furnish food, quarters, and/or transportation for Federal representatives to inspect its facilities shall be exercised by the Conservation Manager having jurisdiction over the area in which the facility is located.

6. The authority to identify a State as an affected State as defined in section 250.2 shall be exercised by the Conservation Manager having jurisdiction over the area in which the proposed activity is to occur.

D. Authorities under the regulations in Section 250.12, "Suspension of operations and lease cancellation":

1. The authority to suspend or temporarily prohibit production or any other operations or activities in the interest of national security or defense shall be exercised by the Chief, Conservation Division.

2. The authority to determine that a lessee's request for a suspension or temporary prohibition of production or any other operation or activity pursuant to a lease is in the national interest and (i) will facilitate proper development of a lease, (ii) will allow for construction of or for negotiation for the use of transportation facilities, or (iii) will facilitate the installation of equipment shall be exercised by the Conservation Manager having jurisdiction over the leased area.

3. The authority to terminate a suspension or temporary prohibition issued in the interest of national security or defense shall be exercised by the Chief, Conservation Division.

4. The authority to terminate a suspension or temporary prohibition granted by a Conservation Manager in response to a lessee's request for a suspension shall be exercised by the Conservation Manager having jurisdiction over the leased area.

5. The authority to direct that site-specific studies be conducted to identify and evaluate (i) the cause(s) of the hazard(s) generating a suspension or temporary prohibition, (ii) the measures available for mitigating the hazard(s), and (iii) to approve or prescribe the scope of the study(ies) to be conducted shall be exercised by the Conservation Manager having jurisdiction over the area where the lease is located.

6. The authority to arrange for the costs of studies to be borne by a party other than the lessee shall be exercised by the Chief, Conservation Division.

7. The submission of reports to the Secretary on the results of studies required under section 250.12 will be accomplished through normal channels of communication, i.e., over the Director's signature.

8. The authority to evaluate a lessee's entitlement to compensation in accordance with subsection 250.12(g) shall be exercised by the Chief, Conservation Division.

E. Authorities under the regulations in Section 250.16, "Well potentials and permissible flow," to determine that a variance from production rates consistent with regulations promulgated by the Secretary of Energy is necessary (should the Secretary of Energy promulgate such regulations) and to grant such a variance shall be exercised by the Conservation Manager having jurisdiction over the area where the production is located.

F. The authority under Section 250.19, "Access to platforms," to determine reimbursable costs due a lessee shall be exercised by the Conservation Manager having jurisdiction over the area in which the platform is located.

G. Authorities under the regulations in Section 250.21, "Reduction of royalty or net profit share," to reduce or eliminate the royalty and/or net profit share due the United States on minerals produced from an OCS leasehold, or any portion thereof, shall be exercised by the Conservation Manager having jurisdiction over the area where the leasehold is located.

H. Authorities under the regulations in 30 CFR Section 250.34, "Exploration, development, and production plans":

1. The authority to prescribe the manner and form for the general statement of exploration intentions which may be submitted pursuant to 30 CFR 250.34–1(a)(3) in lieu of an exploration plan shall be exercised by the Deputy Chief, Conservation Division—Offshore Minerals Regulation.

2. The authority under 30 CFR 250.34–1(a)(4) to require that an exploration plan be accompanied by a general statement of development and production intentions shall be exercised by the Conservation Manager having jurisdiction over the area where the leasehold is located.

3. The authority to prescribe the manner and form for the general statement of development and production intentions to be submitted pursuant to 30 CFR 250.34–1(a)(4) shall be exercised by the Deputy Chief, Conservation Division—Offshore Minerals Regulation.

4. The authority under 30 CFR 250.34–1(j)(1) to issue a demand that a lessee submit an exploration plan shall be exercised by the Conservation Manager having jurisdiction over the area where the leasehold is located.

5. The authority under 30 CFR 250.34–2(a)(2) to limit the information that will be required to be included in a development and production plan for a lease in the Western Gulf of Mexico shall be exercised by the Conservation Manager, Gulf of Mexico Region.

6. The authority under 30 CFR 250.34–2(a)(4) to require the submission of a preliminary description of a lessee's plans for development and production from a lease on which oil or gas or both have been discovered in paying quantities shall be exercised by the Conservation Manager having jurisdiction over the area in which the leasehold is located.

7. The authority under 30 CFR 250.34–2(b)(1) to publish a notice of receipt of a plan of development and production shall be exercised by the Conservation Manager having jurisdiction over the area in which the leashold is located.

8. The authority under 30 CFR 250.34–2(e)(1) and 250.34–4(c) to determine that the impacts of activities described in a plan or a revision of a plan constitute a major Federal action significantly affecting the quality of the human environment shall be exercised by the Director.

9. The authority under 30 CFR 250.34–2(e)(2) to require the submission of development and production plans shall be exercised by the Conservation Manager having jurisdiction over the area in which the leashold is located.

10. The authority under 30 CFR 250.34–2(g)(2)(iii)(B) to determine that operations threaten national security or national defense shall be exercised by the Chief, Conservation Division.

11. The authority under 30 CFR 250.34–2(g)(2)(iii)(C) to determine the existence of specific exceptional circumstances shall be exercised by the Conservation Manager having jurisdiction over the area in which the exceptional circumstances exist.

12. The authority under 30 CFR 250.34–2(l)(1) to issue a demand that a lessee submit a development and production plan shall be exercised by the Conservation Manager having jurisdiction over the area in which the leasehold is located.

13. The authority under 30 CFR 250.34–3(a)(1)(iii) to limit the information that will be required to be included in an Environmental Report accompanying an exploration plan for a lease in the western Gulf of Mexico shall be exercised by the Conservation Manager for the Gulf of Mexico Region.

14. The authority under 30 CFR 250.34–3(b)(1)(iv) to limit the information that will be required to be included in an Environmenal Report accompanying a development and production plan for a lease in the western Gulf of Mexico shall be exercised by the Conservation Manager for the Gulf of Mexico Region.

15. The authority under 30 CFR 250.34–4(a) to declare that the activities described in a plan do not constitute a major Federal action significantly affecting the quality of the human environment is delegated to the Conservation Manager.

16. The authority under 30 CFR 250.34–4(d) to declare the approval of a development and production plan to be a major Federal action pursuant to subsection 25(e) of the Act shall be exercised by the Director.

17. The authority under 30 CFR 250.34–4(e) to determine whether an Environmental Impact Statement will cover the activities described in a single plan or a number of plans shall be exercised by the Director.

I. Authorities under the regulations in Section 250.50, "Unitization," shall be exercised by the Deputy Chief, Conservation Division—Offshore Minerals Regulation.

J. Authorities under the regulations in Section 250.51, "Pooling or drilling agreements," shall be exercised by the Deputy Chief, Conservation Division—Offshore Minerals Regulation.

K. Authorities under the regulations in Section 250.52, "Pooling or drilling agreements," shall be exercised by the Deputy Chief, Conservation Division—Offshore Minerals Regulation.

L. Authorities under the regulations in Section 250.53, "Subsurface storage of oil or gas," shall be exercised by the Deputy Chief, Conservation Division—Offshore Minerals Regulation.

M. Authority under the regulations in Section 250.67, "Royalty on processed gas and constituent products," to determine that it is in the national interest to grant a cost of extraction allowance which exceeds two-thirds of the value of the extracted substances shall be exercised by the Deputy Chief, Conservation Division—Offshore Minerals Regulation.

N. Authority under the regulations in Section 250.70, "Reports and investigation of apparent violations," to receive reports of apparent violations shall be exercised by the Conservation Manager having jurisdiction over the area in which the reported violation is alleged to have occurred.

O. Authority under the regulations in Section 250.71, "Reports on investigations":

1. To act in the capacity of the Director's designee shall be exercised by the Conservation Manager having jurisdiction over the area in which the apparent violation under investigation is alleged to have occurred.

2. To act in the capacity of Reviewing Officer shall be exercised by the Chief, Branch of Rules and Procedures of the headquarters staff of the Conservation Division. This authority may be delegated to a senior staff officer of the Conservation Division other than a member of the Offshore Regulations and Appeals Section.

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P. Authority under the regulations in Section 250.72, "Knowing and willful violations," to act in the capacity of the Director's designee shall be exercised by the Conservation Manager having jurisdiction over the area in which the alleged violation is reported to have occurred. Provided, however, the Conservation Manager's referral of a case shall be through normal channels to the Office of the Solicitor for the Department of the Interior for review and forwarding to the Department of Justice.

Q. Authority under the regulations in Section 250.80, "Remedies and penalties":

1. To assess a monetary penalty and, when requested, to conduct a hearing in connection with that action shall be exercised by the Chief, Branch of Rules and Procedures of the headquarters of the Conservation Division. This authority may be delegated to a senior staff officer of the Conservation Division other than a member of the Offshore Regulations and Appeals Section.

2. To act in the capacity of the Director's designee shall be exercised by the Conservation Manager having jurisdiction over the area in which the alleged violation is reported to have occurred. As indicated under "P" above, the referral of a case to the Department of Justice for the initiation of an enforcement action requires the prior concurrence of the Office of the Solicitor for the Department of the Interior. The authority to act in the capacity as the Director's designee with respect to the transfer of a case to another Reviewing Officer shall be exercised by the Deputy Chief, Conservation Division—*Onshore* Minerals Regulation.

3. To act in the capacity of Reviewing Officer and to delegate the authority to act as a Reviewing Officer shall be exercised by the Chief, Branch of Rules and Procedures of the headquarters staff of the Conservation Division.

4. To approve the manner and format in which subpoenas will be issued shall be exercised by the Chief, Conservation Division.

5. To act on appeals from decisions of Reviewing Officers shall be exercised by the Chief, Conservation Division.

6. To act on a petition to reopen a case when an appeal has been submitted to the Director shall be exercised by the Chief, Conservation Division.

Authorities under regulations in 30 CFR Part 251—Geological and Geophysical Exploration on the Outer Continental Shelf.

[Specific delegations will be developed later]

Authorities under regulations in 30 CFR Part 252—Outer Continental Shelf (OCS) Oil and Gas Information Program. Except as provided below, all the authorities of the Director, Geological Survey, that are set forth in 30 CFR Part 252 are delegated through the Chief, Conservation Division, and the Deputy Chief, Conservation Division—Offshore Minerals Regulation to the appropriate Conservation Manager. The authorities which are delegated to the Conservation Manager and those delegated to the Deputy Chief, Conservation Division—Offshore Minerals Regulation may be further redelegated with the approval of the Chief, Conservation Division.

A. Authorities under the regulations in Section 252.4, "Summary report to affected States," shall be exercised by the Deputy Chief, Conservation Division—Offshore Minerals Regulation.

B. Authorities under the regulations in Section 252.5, "Information to be made available to affected States," shall be exercised by the Deputy Chief, Conservation Division—Offshore Minerals Regulation.

C. Authority under the regulations in Section 252.6, "Freedom of Information Act requirements," to deny anyone access to data or information pursuant to a Freedom of Information Act (FOIA) request shall be exercised by the Regional Assistant Director having jurisdiction over the area to which the information applies.

D. Authorities under the regulations in Section 252.7, "Privileged and proprietary data and information to be made available to affected States":

1. The authority to find that a State cannot or will not comply with the conditions described in an agreement entered into pursuant to section 252.7(a)(4) shall be exercised by the Chief, Conservation Division.

2. The authority to find that a State can and will comply with the conditions described in an agreement entered into pursuant to section 252.7(a)(4) shall be exercised by the Chief, Conservation Division.

[FR Doc. 80-7868 Filed 3-13-80; 8:45 am]
BILLING CODE 4310-31-M

National Park Service

Floodplain Management and Wetland Protection Guidelines

AGENCY: National Park Service (NPS), Department of the Interior.

ACTION: Proposed Guidelines.

SUMMARY: This notice provides for public review and comment guidelines the NPS proposes to use in implementing Executive Order (E.O.) 11988 on floodplain management and E.O. 11990 on protection of wetlands.

DATE: Comments must be received on or before April 14, 1980.

ADDRESS: All comments should be sent to National Park Service, Air and Water Resources Division, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:
Dr. Raymond Herrmann, Air and Water Resources Division at the above address. Telephone: (202) 523-5152.

SUPPLEMENTARY INFORMATION: On September 11, 1978, the NPS published in the **Federal Register** procedures it proposed to use in implementing the Executive Orders. They followed an optional format described in the Department of the Interior's floodplain management and wetland protection interim guidelines published in the **Federal Register** on June 29, 1978. Comments were received from the U.S. Water Resources Council, the Sierra Club, and one private individual. They suggested many modifications to improve readability and underscore NPS' commitment to implement the Orders effectively. Based upon consideraton of the comments, the NPS has completely rewritten the proposed guidelines.

Because of major reformatting, the proposed guidelines are again being made available for public review and comment. The NPS will consider comments it receives when preparing final guidelines. These proposed guidelines are responsive to the Department of the Interior's final procedures for complying with the Orders which were published in the June 20, 1979, **Federal Register** and are intended to agree with the U.S. Water Resources Council's Floodplain Management Guidelines for Implementing E.O. 11988; NPS-2, Planning Process Guideline, and the proposed implementing procedures for NPS compliance with the final regulations published by the Council on Environmental Quality for implementing procedural provisions of the National Environmental Policy Act of 1969. The NPS documents should be referenced for additional information on the NPS planning and environmental compliance process. Copies may be obtained by contacting the Chief, Office of Park Planning and Environmental Compliance, National Park Service, Washington, D.C. 20240, Telephone: (202) 343-2163.

National Park Service Guidelines for Compliance With Executive Orders 11988 on Floodplain Management and 11990 on Protection of Wetlands

1. Purpose.

These guidelines set forth policy and procedures to be used in implementing Executive Order (E.O.) 11988, Floodplain Management, and E.O. 11990, Protection of Wetlands, hereinafter referred to jointly as the Orders.

2. Policy

The National Park Service (NPS) is mandated to plan and manage units of the National Park System so as to preserve their natural, cultural and scenic resources for the enjoyment of present and future generations. Where floodplains and wetlands are major features in parks, the NPS provides opportunities for their interpretive, educational and recreational use. An objective of NPS management is to make floodplains and wetlands available for public enjoyment and safe use and, at the same time, to protect and enhance the natural ecological productivity and diversity of these areas.

It is the policy of the NPS to manage units of the National Park System where floodplains and wetlands are located so as to:

A. Exercise leadership and take action to avoid, to the extent possible, the long-and-short-term adverse impacts associated with the occupancy and modification of wetlands and floodplains;

B. Avoid the direct or indirect support of wetland or floodplain development whenever there is a practicable alternative;

C. Reduce the risk of flood loss and minimize the impact of floods on human health, safety and welfare;

D. Restore and preserve the natural and beneficial values served by floodplains and wetlands;

E. Develop an integrated process to involve the public in the floodplains management decision-making process; and

F. Incorporate the Unified National Program for Floodplain Management into relevant NPS programs.

Interrelationships with other Guidelines and Procedures

A. Department of the Interior procedures for complying with the Orders were issued as Chapter 1 of Part 520 of the Department of the Interior Manual. They apply to the NPS and became effective June 11, 1979.

B. The U.S. Water Resources Council (WRC) Floodplain Management Guidelines for Implementing E.O. 11988, hereinafter referred to as the WRC Guidelines, are the basic guidance for interpreting that Order and conducting the floodplain management planning and decision-making process. The NPS:

(1) Adopts the substantive requirements of E.O. 11988 as interpreted and explained in the Executive Summary of the WRC Guidelines;

(2) Follows the WRC Guidelines except where it is superseded by the Department of the Interior Manual.

(3) Adheres to the methods, standards and definitions of terms as set forth in the WRC Guidelines for determining risks and hazards of flood loss; minimization of impacts on health, safety and welfare, and evaluation of alternatives.

C. The requirements of the Orders supplement those of the National Environmental Policy Act of 1969 (NEPA). Environmental documents will be prepared for NPS proposed actions involving use of or having potential for significant impacts upon floodplains or wetlands. Actions not having potential for significant impacts, i.e., categorical exclusions, will not be subject to such documentation.

D. Unified National Program for Floodplain Management, issued by the WRC in 1976, seeks wise planning and management of the Nation's floodplain to reduce flood losses and sets forth a conceptual framework for floodplain management. The NPS objective of managing floodplains for protection and enhancement of their natural ecological productivity is harmonious with the Unified National Program for Floodplain Management.

E. These guidelines have been thoroughly integrated with the interim NPS handbook on NPS compliance with the final regulations published by the Council on Environmental Quality (CEQ) for implementing the procedural provisions of NEPA. They also are compatible with NPS-2, Planning Process Guideline.

4. Basic Concepts

A. *Floodplains* are lowlands and relatively flat areas adjacent to inland and coastal waters including flood prone areas of offshore islands, which at a minimum, are subject to one percent or greater change of flooding in any given year. The base floodplain shall be used to designate the 100-year floodplain (one percent chance floodplain), and the critical action floodplain is defined as the 500-year floodplain (0.2 percent chance floodplain).

(1) Flowing water floodplain environments include: a. Areas bordering perennial streams having flowing water year-round;

b. Areas subject to flooding by intermittent streams characterized by seasonal or periodic flow; and

c. Areas subject to flooding by ephemeral streams, characterized by sporadic or very irregular flow. (Ephermeral stream floodways are commonly referred to as arroyos, coulees, draws, gulches, gullies, sags, sumps, wadis, and washes.)

B. Flooding is a general and temporary condition of partial or complete inundation of normally dry areas from the overflow of inland and/or tidal waters, storm surges, gravity waves, or other unusual and rapid accumulation of runoff or surface water. Flood probability for nonriverine and non-coastal areas will be determined by qualified specialists and will be used in determining whether an action is located in a flood hazard area.

C. *Wetlands* are "those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction." Wetlands within the National Park System include bogs; fens; fresh water, brackish, and salt marshes; mud flats; muskegs; natural ponds; potholes; pozos; river overflows (see also floodplains); seeps; sloughs; swamps; wet meadows; and wet tundras; and their associated flora and fauna.

5. Decision-Making Process

A. *Determine if a Proposed Action is in a Base Floodplain or Wetland.*—Frequently, Flood Insurance Rate Maps or Flood Hazard Base Maps are not available for areas administered by the NPS. In such cases, initial contact will be with the District Offices of the U.S. Geological Survey (USGS) and the Corps of Engineers (COE). For wetlands, the responsible field office of the U.S. Fish and Wildlife Service will be contacted to determine if suitably scaled maps of wetlands are available. Wetlands are defined on the basis of both hydrological parameters and characteristic biota; the identification of these areas will be based on surveys by qualified professionals. For unusual phenomena such as cave flooding, flash flooding and giant waves, analysis of potential flood hazard will be undertaken by the best technical authority available.

(1) *Inventory Survey.* Floodplain and wetlands subject to or potentially subject to public use and/or

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development, where the magnitude of hazard and impact of human activities is likely to be greatest, will be inventoried. Identification of the base floodplain will be based on available data including USGS, HUD, COE, or National Wetland Inventory maps or on surveys by qualified professionals selected by the NPS. The NPS will monitor floodplains and wetlands to acquire an adequate data base for planning and management where the site is not documented by other agencies.

(2) *Critical Actions.* Critical actions are those for which even a slight chance of flooding would be too great. Schools, hospitals and museums are examples of critical actions that must not be located within a 500-year floodplain because of potential loss of life and injury or loss of essential or irreplaceable records and objects. Alternate sites completely outside of the 500-year floodplain will be used for all critical actions or the action will be abandoned. General management plans and water resource management plans will identify structures and facilities located in the 500-year floodplain and include a timetable for their removal.

(3) *Water-Oriented Actions.* Facilities such as bridges, water monitoring stations, flood control facilities, drainage ditches and interpretive trails, and comparable developments, or activities may occupy space within a base floodplain or wetland if they are essential for achieving the management objectives of a unit of the National Park System. These actions will be undertaken in a manner so as to mitigate adverse direct and indirect effects on floodplains or wetlands, reduce the risk of flood loss, minimize the impact of floods on the safety of park visitors, and perpetuate and, whenever possible, restore the natural and beneficial values of floodplains and wetlands. Actions likely to require the use of floodplains and wetlands will be developed through a publicly reviewable analysis of alternatives and a showing that there is no practicable alternative to the use of these lands. This documentation will be incorporated into environmental assessments, environmental reviews, and, when required, environmental impact statements prepared in fulfillment of the requirements of NEPA as well as NEPA regulations by the CEQ and implementing procedures of the Department of the Interior.

(4) *Inventory and Protection of Cultural Resources.* The NPS protects, preserves and interprets archeological and historic sites, structures and objects. The cultural resources are listed or are eligible for listing on the National Register of Historic Places. They are managed in accordance with legislation establishing the NPS and specific units of the National Park System, NPS management policies, and guidelines and specific park general management plans. Cultural resources located in floodplains general will be managed to assure their onsite preservation. This might require no action, minimal action or drastic action including the construction of dikes or levees. When the cultural site or structure's significance does not merit action sufficient to insure its preservation from flood waters or where preservation of these resources would be incompatible with the purpose or management objectives of the area, an appropriate level of study and recordation of the affected resources will be undertaken.

(5) *Flash Flooding.* In arid areas of the southwest and in other areas where flash flooding threatens loss of life and property, particular attention will be given to assuring that campgrounds, visitor centers and other similar facilities and stuctures are not located in areas subject to flash flooding. If studies reveal or it otherwise becomes apparent that certain existing structures in a park are subject to flash flooding and therefore their occupancy is hazardous to life and safety, the NPS will vacate and remove them. Action to vacate the structures may be taken without compliance with the environmental review process on floodplain decisions.

(6) *Retention, Removal, Modification.* General management plans for units of the National Park System will inventory existing developments, facilities, and programs involving the use of floodplains and wetlands, and will record decisions on their retention, removal, or modification. The water resource management plan and/or natural resources management plan will specify requirements for monitoring programs and other actions to ensure protection and enhancement of floodplain and wetland values to the greatest extent possible. These plans will provide the basis for demonstrating NPS compliance with the Orders. Noncritical actions for which compliance documentation has been prepared, either on an action itself or in the context of a previous enabling plan will be listed and the nature of the compliance documentation indicated.

B. *Early Public Review.*—(1) The NPS will encourage participation by the public in planning and decision-making involving floodplain and wetland areas. Opportunities will be made available for public participation during the environmental assessment process and in the review of proposals involving the use of or effects on floodplains and wetlands. Major issues relating to floodplains, flood hazards, and wetlands will be addressed through the NPS NEPA compliance process, and public involvement will be in accordance with the directives in the NPS NEPA Guidelines. NEPA and decision documents on proposals in floodplains will be circulated to the following agencies and bureaus:

a. Environmental Protection Agency.
b. Federal Emergency Management Agency.
c. U.S. Fish and Wildlife Service.
d. Geological Survey.
e. Water and Power Resources Service.
f. Corps of Engineers.
g. Soil Conservation Service.
h. U.S. Weather Bureau.

(2) An environmental assessment, delineating the consequences of alternative actions, will be prepared whenever one or more alternatives involve the use of or have potential for significant impacts uopn floodplains or wetlands. A public review period of 60 days from the date of the last official public notice will be provided for review by the public and A–95 clearing houses.

(3) Following public review of an environment assessment, an environmental review is prepared to record the responsible official's rationale for selecting a particular alternative as the proposal, and his determination as to whether or not the proposal will have significant adverse environmental impacts, and, therefore, require preparation of an enviornmental impact statement. If the proposed action involves floodplain or wetland areas, the environmental review will incorporate a statement of findings which documents the rationale for the determination that there is no parcticable alternative to locating in or impacting these areas and which certifies that no critical actions are involved. For more information on the statement of findings, see Section C (Identify and Evaluate Practicable Alternatives to Locating in the Base Floodplain) and Section F (Findings and Public Explanation). The public notice of availability of an environmental review containing a statment of findings will published in the **Federal Register.**

Also, the environmental review will be sent to the appropriate A–95 clearinghouse. If the environmental assessment and environmental review are combined, the public notice will be published in the **Federal Register** and a minimum public review period of 60 days provided from the date of the notice.

(4) In instances where from the beginning of a planning effort, all reasonable alternatives are known to cause significant environmental impacts, the first NEPA documentation normally will be an environmental impact statement—an environmental assessment and environmental review are not prepared. Public review of alternatives then will be focused on the draft environmental statement, which will contain a full exposition of floodplain and wetland areas used or affected by each alternative including the proposal, any hazards associated with public use of these areas, and, as a part of the summary, a statement of findings. The draft environmental statement will be made available for public review by notice in the **Federal Register** for a period of 60 days from the date it was filed with the Federal Environmental Protection Agency. It also will be sent to the appropriate A–95 clearinghouse.

C. *Identify and Evaluate Practicable Alternatives to Locating in the Base Floodplain or Wetland.*—(1) The environmental assessment provides documentation of the consequences of practicable alternatives identified during the early stages of planning, prior to the selection of one of the alternatives as the proposed action. If a base floodplain or wetland is involved, the environmental assessment will contain:

a. A discussion of the "no action" alternative; and

b. A discussion of any alternatives for carrying out desired actions outside the floodplain or wetland and for avoiding any adverse indirect effects on these areas. The consequences of alternatives involving sites or actions outside the base floodplain will be fully assessed to mitigate, and, if possible, eliminate any adverse uses or effects upon a floodplain or wetland. If an alternative is judged to have no direct or indirect impact on a floodplain or wetland, this determination will be recorded in the environmental analysis for the alternative.

(2) The environmental review, when the proposed action involves base floodplain or wetland areas, will incorporate a statement of findings not to exceed three pages documenting the rationale for the determination that there is no practicable alternative to locating in or impacting these areas and certifying that no critical actions are involved.

The statement of findings will contain:

a. A map showing the location of the floodplain or wetland and the site(s) of the proposed action;

b. A description of why the proposed action must be located in a floodplain or wetland;

c. A statement indicating conformity with local and/or State floodplain protection standards;

d. A list of alternatives considered;

e. A description of how the activity will be designed or modified to minimize harm to or within the floodplain or wetland;

f. A statement indicating how the proposed action would affect natural and beneficial floodplain values;

g. A certification that no critical actions are involved; and

h. The signatures of the person recommending approval of the statement, the Regional Director and the concurring official in the Washington Office.

D. *Identify Impacts of the Proposed Action.*—If the proposed action involves locating in a base floodplain or wetland, an environmental assessment normally will have been prepared during evaluation of alternatives. The exception is when an environmental statement is prepared as the initial environmental document because it is obvious that the proposed action would cause significant impacts. The assessment must discuss the direct and indirect effects on the natural and cultural values of the floodplain or wetland, and a thorough analysis of the social, safety, and financial risks must be included. Discussions must include secondary effects as well as primary impacts of the action.

In a case where the proposed action is associated with an existing facility or management program, a discussion must be included in the environmental assessment on the effects that the proposed action would in concert with the existing development (i.e., determine whether the proposed action would tend to encourage continued use and future development resulting in continued risk of life and property and forclosure of opportunity to restore floodplain and/or wetland values). Alternation of the physical characteristics of floodplains and wetlands often has subtle and far-reaching effects on the biological systems dependent upon them. Therefore, careful consideration must be given before any action is proposed within a floodplain or wetland area. In addition to the natural values of these areas, the risk to human safety, health and financial investment must be assessed before a decision is made on a preferred course of action.

E. *Minimize, Restore, Preserve.*—Each alternative presented in the environmental assessment that would be located in or could impact a floodplain or wetland will include a discussion of any measures that would be taken to mitigate adverse impacts. The discussion will cover safety or emergency evacuation provisions, structural means of reducing hazard, and appropriate measure that can be taken to restore values lost as a result of previous actions.

Each NPS general magagement plan, natural resources management plan or water resource management plan will identify all existing and proposed facilities in floodplain and wetland areas, measures to be taken to mitigate adverse impacts associated with these facilities, the proposed scheduling and costs of future actions involving use of or adverse effects upon these resources, as well as measure proposed to mitigate any adverse effects.

F. *Findings and Public Explanation.*—Where evaluation results in a finding by a Regional Director that there is no practicable alternative to locating in or impacting a base floodplain or wetland he will have a statement of findings prepared for transmittal to the Washington Office. The statement of findings will be made a part of the environmental review or the draft environmental statement summary if the draft environmental statement is the first NEPA document prepared.

Upon concurrence of the Washington Office, the statement of findings will be incorporated into the environmental review or draft environmental statement summary for issuance of notice informing the public of the NPS proposed action and for transmittal to the appropriate A–95 clearing house.

For further information on the statement of findings refer to Section 5.C.2 of these guidelines.

6. Responsibilities.

A. *The Director* is responsible for ensuring NPS compliance with the Orders in accordance with provisions of Chapter 1 of Part 520 of the Departmental Manual. In performing this duty, the Director:

(1) Will approve NPS policies, procedures, guidelines, or directives for complying with the Orders;

(2) Will approve any reports to the Department, the WRC, or the CEQ concerning compliance with the Orders.

B. *The Deputy Director, Associate Directors, and Assistant Directors* are responsible for:

(1) General supervision of the Divisions and Offices under their jurisdictions to ensure compliance with the Orders and these guidelines; and

(2) Reviewing and concurring with floodplain and wetland procedures prepared by or pertaining to their

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Divisions and Offices prior to forwarding to the Director for approval.

C. *The Chief, Office of Management Policy* is responsible for coordinating, drafting and preparing revisions to NPS Mangement Policies to ensure compliance with the Orders.

D. *The Chief, Office of Park Planning and Environmental Compliance* is responsible for ensuring that NPS guidelines for park planning and NEPA compliance satisfy the substantive and procedural requirements of the Orders and are integrated with these guidelines for compliance with the Orders.

E. *The Chief, Budget Division* is responsible for ensuring that each request for new authorization or appropriation for a planned action to be located in a floodplain or wetland is accompanied by a statement indicating that the planned action complies with the Orders.

F. *The Chief, Air and Water Resources Division* is responsible for:

(1) Developing, in consultation with the Chief, Office of Environmental Compliance, NPS guidelines for implementing the Orders;

(2) Overseeing field office acquisition and analysis of hydrologic data necessary to satisfy NPS NEPA compliance procedures for floodplain and wetland areas; and

(3) Concurring with statements of findings forwarded to the Washington Office by Regional Directors.

G. *Regional Directors* are responsible for ensuring compliance with the Orders and these guidelines. In performing this duty, they shall:

(1) Conduct planning studies involving floodplains and wetlands in accordance with the procedures described in these guidelines;

(2) Determine whether proposed actions under their jurisdictions are located in wetlands or base floodplains.

(3) Ensure, through consultation with the Denver Service Center, that floodproofing and other measures of flood protection are applied to construction of new or to major rehabilitation of existing structures or facilities in a floodplain where there are no practicable alternatives to a floodplain location. Wherever practicable, all structures shall be elevated using open works such as columns, walls, piles and piers rather than fill;

(4) Identify and include floodplain and/or wetlands restrictions in legal conveyance for granting of easements, leases, and rights-of-way and disposing of land to either non-Federal public or private parties;

(5) Ensure that park concessionaires conform in all respects to the Orders;

(6) Ensure preparation of NEPA compliance documents when the proposed action would be located in or would affect a floodplain or wetland;

(7) Forward to the Washington Office environmental reviews containing statements of findings when proposed actions would be located in or would affect a floodplain or wetland;

(8) Sign and issue public notices informing the public and the A–95 clearing houses of the NPS proposed action in or affecting a floodplain or wetland; and

(9) Ensure that no request for new authorization or appropriation for a planned action in a floodplain (i.e., line item or lump sum construction project) is forwarded to the Washington Office unless it complies with the Orders.

H. *Park Superintendents* are responsible for ensuring that each publicly-used floodplain is conspicuously delineated on structures and other places where appropriate showing the 100-year flood level, the flood of record where data are available and the 500-year flood level if appropriate.

Ira J. Hutchison,

Acting Director, National Park Service.

[FR Doc. 80-8017 Filed 3-13-80; 8:45 am]

BILLING CODE 4310-70-M

Buffalo Point, Pruitt, and Tyler Bend Development Concept Plans, Buffalo National River, Ark.; Availability of Proposal/Assessments

Pursuant to the National Environmental Policy Act of 1969, the National Park Service has prepared Proposal/Assessments for three devlopment areas; Buffalo Point, Pruitt, and Tyler Bend, which delineates preferred plans and the alternatives which were considered for the design and development proposals for each area at Buffalo National River, Searcy, Newton, Baxter, and Marion Counties, Arkansas.

The Proposal/Assessments outline design and development proposals which would provide for the repair and maintenance of existing facilities to upgrade operational and safety standards, and for the development of new facilities and utilities for recreational use and interpretation of Park resources while assuring the preservation and management of the Park's aesthetic values.

Copies of the Proposal/Assessments are available at the following locations:

Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, P.O. Box 728, Santa Fe, New Mexico 87501.

Buffalo National River, P.O. Box 1173, Harrison, Arkansas 72601.

Anyone wishing to express an opinion on the Proposal/Assessments should send written comments to the Superintendent at the Buffalo National River address on or before April 28, 1980.

Dated: March 7, 1980.

E. A. Hassebrock,

Acting Regional Director, Southwest Region.

[FR Doc. 80-8016 Filed 3-13-80; 8:45 am]

BILLING CODE 4310-70-M

Cape Cod National Seashore, South Wellfleet, Mass.; Public Meeting and Availability of Supplement to the Assessment of Alternatives for An Eastham Area Development Concept Plan

Notice is hereby given that the National Park Service has prepared a Supplement to the Assessment of Alternatives for the Development Concept Plan for the Eastham area of Cape Cod National Seashore. The original assessment was available for public review from August 3 to November 17, 1978. As a result the Service determined the need for further detailed impact analysis and alternative considerations which are presented in the Supplement. A public meeting will be held at 7 p.m. on March 29 at the Salt Pond Visitor Center—Eastham, Massachusetts, to enable the public to comment on the Supplement.

The Supplement will be available from either the Associate Regional Director for Planning and Resource Preservation, North Atlantic Region, 15 State Street, Boston, Massachusetts 02109 or the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663, on March 18.

The original assessment dealt with 4 alternatives from which a modification of the fourth was identified as needing further impact analysis. The Supplement now being made available deals with the modified fourth alternative and presents three others (5, 6, and 7) each with a detailed impact analysis.

Written statements regarding the Supplement to the Assessment of Alternatives are invited and may be submitted at the public meeting or may be addressed to the Cape Cod Planning Team—MA/NA, National Park Service—DSC, 755 Parfet Street, P.O. Box 25287, Denver, Colorado 80225. To facilitate commentaries a mail-in form is being included with each Supplement copy. The official record for these written comments will close on April 19, 1980.

This action is being taken pursuant to the statutory provisions of Sec. 3, of the Act of August 25, 1916 (39 Stat., 535, as amended 16 U.S.C. 3) and Sec. 1, Pub. L. 87126, 75 Stat. 282 (16 U.S.C. 459b).

Dated: February 28, 1980.

Richard L. Stanton,

Regional Director, North Atlantic Region.

[FR Doc. 80-8015 Filed 3-13-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Notice No. 173]

Assignment of Hearings

March 7, 1980.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Ex Parte 128, Revenue Need Standards in Motor Carrier General Increase Proceedings, now being assigned for hearing on April 1, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 142743 (Sub-13F), Fast Freight Systems, Inc., now assigned for hearing on March 27, 1980 at Chicago, IL., is postponed indefinitely.

MC 144259 (Sub-5F), Jennaro Lines, Inc., now assigned for hearing on March 10, 1980 at San Francisco, CA., is postponed indefinitely.

MC 115703 (Sub-13F), Kreitz Motor Express, Inc., now assigned for hearing on March 19, 1980 at Washington, DC., is postponed indefinitely.

MC 144092 (Sub-1F), Transportation Enterprises, Inc., now assigned for hearing on March 18, 1980 at Ft. Worth, TX., is postponed indefinitely.

MC 116457 (Sub-43F), General Transportation Incorporated, now being assigned for hearing on June 2, 1980 (1 Week), at Phoenix, AZ., in a hearing room to be designated later.

MC 119619 (Sub-134F), Distributors Service Co., now assigned for hearing on March 18, 1980 is postponed to March 24, 1980 (5 Days), Room E–2222, Federal Building, 26 Federal Plaza, New York, NY., and continued to April 22, 1980, (4 Days), at Philadelphia, PA., in a hearing room to be designated later.

MC 82063 (Sub-103F), Klipsch Hauling Company, now assigned for hearing on April 14, 1980 at Chicago, IL., is postponed indefinitely.

MC 127267 (Sub-2F), American Pacific Express, Inc., now assigned for hearing on April 16, 1980 will be held in Room 510, 5th Floor, 211 Main Street, San Francisco, CA.

MC 85970 (Sub-20F), Sartain Truck Line, Inc., now assigned for hearing on April 15, 1980 at St. Louis, MO., is canceled and Application Dismissed.

MC 67234 (Sub-20F), United Van Lines, Inc., now being assigned for hearing on April 8, 1980 (4 Days), in Room 510, 5th Floor, 211 Main Street, San Francisco, CA.

MC 30032 (Sub-6F), Crane Transportation Lines, Inc., now assigned for hearing on March 31, 1980 at Chicago, IL., is postponed indefinitely.

MC 36434, Petition for Declaratory Order and Reconsideration (Commuter Fares-Consolidated Rail Corporation, New Jersey and New York), No. 36474, Benjamin A. Gilman -v- Consolidated Rail Corporation of Metropolitan Transportation Authority of New York, now assigned for continued hearing on April 9, 1980 (3 Days), Building No. 1841, Old Courthouse, Main Street, Goshen, NY.

MC 55889 (Sub-52F), AAA Cooper Transportation, transferred to Modified Procedure.

MC 114211 (Sub-405F), Warren Transport, Inc., transferred to Modified Procedure.

MC 29904 (Sub-4F), Suddath Van Lines, Inc., now assigned for hearing on June 2, 1980 at Jacksonville, FL., is canceled and Application Dismissed.

MC 124211 (Sub-336F), Hilt Truck Line, Inc., now assigned for hearing on April 8, 1980 at Atlanta, GA., is canceled and transferred to Modified Procedure.

MC 146965F, Redding Lumber Transport, Inc., now being assigned for hearing on May 5, 1980 (1 Week), at Sacramento, CA., in a hearing room to be designated later.

MC 109564 (Sub-19F), Lyons Transportation Lines, Inc., now being assigned for prehearing conference on April 8, 1980, at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 2202 (Sub-568F), Roadway Express, Inc., No. MC 29910 (Sub-No. 200F), Arkansas-Best Freight System, Inc., No. MC 35320 (Sub-157F), T.I.M.E.-DC, Inc., No. MC 41432 (Sub-155F), East Texas Motor Freight Lines, Inc.

MC 42487 (Sub-882F), Consolidated Freightways Corporation, No. MC 59680 (Sub-220F), Strickland Transporation Company, Inc., No. MC 107727 (Sub-29F), Alamo Express, Inc., No. MC 110325 (Sub-88F), Transcon Lines, No. MC 112713 (Sub-227F), Yellow Freight System, Inc., now assigned for continued hearing on March 10, 1980 (3 Days), at the Dunfey Houston Hotel, 700 SW Freeway at Sharpstown, and continued to March 13, 1980 (7 Days), at the Sheraton Inn-Mockingbird, 1893 Mockingbird Lane, Dallas, TX.

MC 126551 (Sub-5F), Philboro Coach Corporation, now assigned for hearing on April 16, 1980 at Philadelphia, Pa. is postponed indefinitely.

MC 41406 (Sub-132F), Artim Transportation System, Inc., is transferred to Modified Procedure.

MC 117993 (Sub-16F), Fruitbelt Trucking Inc., now assigned for hearing on March 10, 1980 at Buffalo, NY. is canceled and transferred to Modified Procedure.

MC 145441 (Sub-27F), A.C.B. Trucking, Inc., now assigned for hearing on April 9, 1980 at San Francisco, CA. is canceled and Application Dismissed.

MC 108207 (Sub-503F), Frozen Food Express, Inc., now being assigned for prehearing conference on April 9, 1980, at the Offices of the Interstate Commerce Commission in Washington, DC.

MC C 10332, Atlas Transportation Company—Investigation and Revocation of Certificate, now assigned for hearing on March 25, 1980 is postponed indefinitely.

MC 98964 (Sub-18F), P.B.I. Freight Service, now being assigned for hearing on April 15, 1980 (9 Days), at Kanab, UT. in a hearing room to be designated later.

MC 145172 (Sub-1F), Robert L. Welborn & Wanda Sue Welborn, A Co-Partnership, D/B/A Orient Express, now being assigned for hearing on May 1, 1980 (2 Days), at Phoenix, AZ. in a hearing room to be designated later.

MC 2253 (Sub-93F), Carolina Freight Carriers Corporation, now being assigned for hearing on April 14, 1980 (1 Week), at Chicago, IL. in a hearing room to be designated later.

MC 136155 (Sub-7F), Gay Trucking Company, now assigned for hearing on March 17, 1980 at Atlanta, GA, is postponed to March 18, 1980 (2 Days), at Atlanta, GA in a hearing room to be designated later.

MC 144807 (Sub-1F), Reidhead Trucking, Inc., now being assigned for hearing on May 29, 1980 (2 Days), at Phoenix, AZ. in a hearing room to be designated later.

MC 22182 (Sub-34F), Nu-Car Carriers, Inc., now being assigned for hearing on May 28, 1980 (3 Days), at Detroit, MI. in a hearing room to be designated later.

MC 124170 (Sub-115F), Frostways, Inc., now assigned for hearing on June 2, 1980 (1 Week), at Detroit, MI. in a hearing room to be designated later.

MC 37325, Independent Bakers Association-v-Consolidated Rail Corporation, Etal, now assigned for hearing on March 10, 1980 at Washington, DC. is postponed to May 1, 1980, at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 136285 (Sub-3M2F), Southern Intermodel Logistics, Inc., now assigned for hearing on April 14, 1980 at Atlanta, GA. is postponed indefinitely.

MC 113855 (Sub-481F), International Transport, Inc., now assigned for hearing on March 13, 1980 at Washington, DC. is postponed indefinitely.

MC 121496 (Sub-18F), Cango Corporation, transferred to Modified Procedure.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-7916 Filed 3-13-80; 8:45 am]

BILLING CODE 7035-01-M

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Agricultural Cooperatives; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

March 11, 1980.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Bureau of Investigations and Enforcement, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations: Agape Agricultural Association.
Principal Mailing Address (Street No., City, State, and Zip Code): 323 San Francisco, Santa Fe, NM 87501.
Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 2144 East LaMar Road, Phoenix, AZ.
Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address): David Robinson, PO Box 33152, Phoenix, AZ 85067.
(2) Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations: Appleland Agricultural Transportation Co-OP.
Principal Mailing Address (Street No., City, State, and Zip Code): PO Box 1713, Wenatchee, WA 98801.
Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 4450 4th St. S.E., E. Wenatchee, WA 98801.
Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address): Jerry R. Martin, PO Box 1713, Wenatchee, WA 98801.
(3) Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations: Carolina Agricultural Distributors Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): 126 East Water Street, P.O. Box 888, Plymouth, NC 27962.
Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Hwy. 64, Plymouth, NC 27962.
Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address): Kenneth M. Paul, Hwy. 64, Plymouth, NC 27962.
(4) Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations: Farmers Union Central Exchange, Inc. (CENEX).
Principal Mailing Address (Street No., City, State, and Zip Code): PO Box 43089, St. Paul, MN 55164.
Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 1185 N. Concord St., So. St. Paul, MN 55075.
Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address): Hugo Il Oja, P.O. Box 43089, St. Paul, MN 55164.
(5) Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations: Piedmont Carolina Coop, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): Route 1, Box 309B, Randleman, NC 27317.
Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Rt. 1, Box 309B, Randleman, NC 27317.
Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address): Steven Davis, Rt. 1, Box 309B, Randleman, NC 27317.
(6) Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations: Santa Fe Growers Association.
Principal Mailing Address (Street No., City, State, and Zip Code): 323 San Francisco, Santa Fe, NM 87501.
Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 12215 East Chandler Heights Rd., Chandler, AZ 85224.
Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address): David Robinson, P.O. Box 33152, Phoenix, AZ 85067.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-7920 Filed 3-13-80; 8:45 am]
BILLING CODE 7035-01-M

Long-and-Short-Haul Applications for Relief (Formerly Fourth Section Applications)

March 11, 1980

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. by March 31, 1980.

No. 43805, Southwestern Freight Bureau, Agent's No. B-53, rates on motor vehicles in bi-level and tri-level service, from stations in Southern Territory to Mesquite, TX, published in Supplement 135 to ICC SWFB 4920, to become effective April 12, 1980. Grounds for relief—rate relationship.
No. 43806, Southwestern Freight Bureau, Agent's No. B-54, rates on various commodities (foodstuffs, lumber, asphalt, sand, feed, brick, seed roofing materials, cast iron pipe and others), within Southwestern Territory; and, from, to and between Southwestern Territory and stations in Eastern, Southern and Western Territories. Rates to be published in its Tariffs ICC SWFB 2004-J, 2005-J, 2006-K and 2007-H. Grounds for relief—short-line distance formula and grouping.

By the Commission
Agatha L. Mergenovitch,
Secretary.

[FR Doc. 80-7915 Filed 3-13-80; 8:45 am]
BILLING CODE 7035-01-M

Petition for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be *rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277.

Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

By the Commission.
Agatha L. Mergenovich,
Secretary.

MC 142686 (M1F) (notice of filing of petition to modify a permit), filed September 13, 1979. Petitioner: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker, Santa Fe Springs, CA 90670. Representative: Joseph Fazio, P.O. Box 3763, Santa Fe Springs, CA 90670. Petitioner holds motor contract carrier authority in Permit No. MC 142686, issued July 7, 1978, authorizing transportation, over irregular routes, of (1) *general commodities* (except commodities in bulk, foodstuffs and Classes A and B explosives), from the facilities of Essex International, Inc., at Paducah, KY, and at points in Illinois, Indiana, Michigan, and Ohio, to points in Arizona, California, Colorado, Kansas, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah and Washington; and (2) *returned shipments* of the above-described commodities, used reels and scrap wire, from the destination states named in (1) above, to the facilities of Essex International, Inc., located at the points named in (1) above, under continuing contract(s) in (1) and (2) above with Essex International, Inc., at Fort Wayne, Ind. The authority granted expires July 7, 1981. By the instant petition, petitioner seeks to add the facility of Fiske Brothers Refining Company, of Toledo, OH, as an origin point in (1) above, and as a destination point in (2) above.

[FR Doc. 80-7919 Filed 3-13-80; 8:45 am]
BILLING CODE 7035-01-M

Finance Application

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Section 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

Agatha L. Mergenovich,
Secretary.

MCF 13638, filed March 3, 1980. Petitioners: SMITH'S TRANSFER CORPORATION, a Virginia corporation, P.O. Box 1000, Staunton, VA 24401 and Garrison Motor Freight, Inc., a Arkansas corporation, P.O. Box 1278, Harrison, AR 72601. Representative: David G. Macdonald, 1000 16th Street, NW, Washington, DC 20036. To authorize the merger of operating rights and properties of Garrison into Smith's Transfer Corporation. By joint application filed June 20, 1978, Garrison Motor Freight, Inc. and Rocket Freight Lines Company sought authority under 49 U.S.C. § 11344 for Garrison to purchase a portion of Rocket's operating authority. By application filed September 11, 1979, Smith's Transfer Corporation sought authority under 49 U.S.C. § 11343 to acquire control of Garrison through the purchase of Garrison's issued and outstanding capital stock. Smith's Transfer Corporation initiated temporary management of Garrison on October 1, 1979. Joint petition filed September 11, 1979, Smith's Transfer Corporation, Garrison Motor Freight, Inc. and Rocket Freight Lines Company requested that that proceeding in No. MC-F-13638 be reopened for the purpose of substituting Smith's Transfer Corporation as the controlling party in lieu of Garrison and that the proceedings be consolidated with proceeding in No. MC-F-14155 F for disposition. The petition was granted by order served October 3, 1979. Both application were unopposed. By decision of the Commission served December 31, 1979, the captioned transactions were approved and authorized. Consummation has been delayed, however, and meanwhile, ARA Services, Inc. acquired all of the capital stock of Smith's Transfer Corporation on January 28, 1980, filed its petition for leave to be substituted for R. R. Smith as the controlling party in the Garrison/Rocket acquisition proceeding, and for approval of those applications as so amended. Upon approval of that petition, Garrison will consummate the purchase of the Ricket rights and Smith's Transfer Corporation will consummate its purchase of the capital stock of Garrison. Smith's Transfer Corporation now desires, in addition, to merge Garrison into STC. Authority is here sought for modification in the order of December 27, 1979, so as to authorize that merger. Operating rights sought to be merged into Smith's are (a) those issued to Garrison Motor Freight, Inc., in MC 109324 (Subs- 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 30M1F, 31, 32, 33, 34, 36, 38F, 39TA), ETAs-R4, R5, R6, R7 and R8; and 41TA, 42TA, 44TA, 45TA, and 46TA which are pending, authorizing transportation as a common carrier by motor vehicle, of general commodities with exceptions, over described regular routes, serving named intermediate and off-route points, subject to certain restrictions, generally (1) between the following AR points: Clinton and Heber Springs; Berryville and Harrison; Midway and Gassville; Ozark and Mountain Home; Little Rock and Mountain Home; Flippin and Mountain Home; Harrison and Jasper; Berryville and Gateway; Mountain Home and Henderson; Fort Smith and Booneville; Ola and Rover; Rover and Danville; Booneville; Ola and Rover; Rover and Danville; Booneville and State Sanitorium; Danville and Little Rock; Morrilton and Little Rock, Conway and Shirley, Fort Smith and Harrison, Vilonia and Van Buren; and (2) between Berryville, AR, and Springfield, MO; between Little Rock, AR and Springfield, MO; between Mountain Home, AR, and Memphis, TN; between Norfolk, AR, and Memphis, TN; between Springfield, MO, and Kansas City, KS; between Springfield, MO, and East St. Louis, IL; between Mountain Home, AR, and highway junction at Rolla, MO; between Memphis, TN, and Conway, AR; between Conway, AR, and East St. Louis, IL; between Council Grove, KS, and Kansas City, MO; between Nevado, MO, and Kansas City,

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KS; between Kansas City, KS, and Joplin, MO; between Joplin, MO, and Springfield, MO; between Memphis, TN, and Clinton, AR; between Memphis, TN, and Little Rock, AR; between Memphis, TN, and Fort Worth, TX; between Bonneville, AR, and Fort Worth, TX, and between Harrison, AR, and Fort Worth, TX; and (3) transportation over irregular routes, of general commodities, with exceptions, and of certain specified commodities from and to designated points in KS, IL, LA, MO, OK, TX, TN, AL, and MO; and (b) those operating rights issues to The Rocket Freight Lines Company in Docket No. MC–98742 (Subs- 12, 13, and 15), leased to Garrison Motor Freight, Inc., pursuant to order in MC–F 13638, served July 27, 1978, authorizing transportation, as above (1) between Muskogee, OK, and OK–TX state line; Ponca City, OK, and OK–TX state line; Sherman, TX, and OK–TX state line; Ponca City, OK, and OK–KS state line; Fort Smith, AR, and Hulbert, OK; and Muskogee, OK, and Fort Smith, AR; and (2) between OK points as follows: Oklahoma City and Miami; Oklahoma City and Muskogee; Tulsa and McAlester; Blackwell and Tulsa; Ponca City and Tulsa; Talequah and Muskogee; Pryor and Adair; Tulsa and Muskogee; Oklahoma City and Miami; and between certain highway junctions in connection with serving the named points; and (c) those operating rights issued to The Rock Island Motor Transit Company in MC 29130, leased to Garrison Motor Freight, Inc., pursuant to order in MC–F 13688, served August 16, 1979 (Initial Decision served July 2, 1979, became order of I.C.C. per notice served August 22, 1979), authorizing transportation, as above, between Fort Worth, TX, and Dallas, TX; and Hurst and Irving, Euless and Tarrant, TX; and (d) those operating rights issued to T.I.M.E.–D.C., Inc., in MC 35320 (Sub-69), leased to Garrison Motor Freight, Inc., pursuant to order in MC–F 13709, served October 20, 1978 (pending on petition from adverse Initial Decision served June 21, 1979), authorizing transportation, as above, between Fayetteville, AR, and Berryville, AR; and between Harrison, AR and Gateway, AR. Application under 49 U.S.C. 11349 for the temporary management of Garrison Motor Freight, Inc., by Smith's Transfer Corporation has been granted.

MC–F–14117F, application for authority under section 5, Interstate Commerce Act, to purchase operating rights of motor carrier.

Summary of Authority Sought

Notice of filing of the application for publication in the **Federal Register**. Transferee: WHEELER FREIGHTWAYS, a California corporation, 3375 South Polaris Avenue, Las Vegas, NV 89102. Transferor: C & E TRUCKING CO., INC., a California corporation, 11910 Greenstone Avenue, Santa Fe Springs, CA 90607. Representative: Robert Fuller, 13215 E. Penn Street, Suite 310, Whittier, CA 90602. Authority sought for the purchase by transferee of a portion of the operating rights of transferor as a motor common carrier over irregular routes as set forth in Certificate of Public Convenience and Necessity No. MC 142335 as follows: *machinery, material, supplies and equipment* incidental to, or used in mining, milling, building construction, and highway building and maintenance, requiring special equipment, between points in that part of California south of a line extending from the Pacific Ocean through Monterey, Salinas, Fresno, Dunlap, and Independence, CA, to the CA-NV State line, on the one hand, and, on the other, points in that part of CA north of said line, and *machinery, materials, supplies, and equipment* incidental to, or used in mining, milling, building construction, and highway building and maintenance, between points in those parts of Inyo, San Bernardino, Riverside, Imperial and San Diego Counties, CA.

MC–F–14027, filed May 10, 1979. Transferee: JENNINGS BOND, doing business as BOND ENTERPRISES, P.O. Box 8, Lutesville, MO 63762. Transferor: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representatives—Attorney for Transferor: D. Paul Stafford, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, TX 75245. Attorney for Transferee: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, MO 63101. Operating rights sought to be transferred are set forth in Certificate No. MC–140033 (Sub 20) authorizing operations as a motor common carrier over irregular routes transporting: *Sulphur,* in bags, from the plant site and warehouse facilities of International Chemicals, Inc., at or near Mt. Pleasant, Tex., to points in Alabama, Arkansas, Illinois, Kansas, Louisiana, Mississippi, North Carolina, Oklahoma, Tennessee, and Virginia, with no transportation for compensation on return except as otherwise authorized. Also the grant of authority issued Transferor in Docket No. MC–140033 (Sub 71F) over irregular routes transporting *sulphur,* in bags (except commodities in bulk), from the facilities of International Chemicals, Inc., at or near Mt. Pleasant, Texas to points in Kentucky, Iowa, Indiana, Ohio, South Carolina, Colorado, Utah, New Mexico, and Arizona.

[FR Doc. 80-7916 Filed 3-13-80; 8:45 am]

BILLING CODE 7035-01-M

Transportation of Used Household Goods in Connection With a Pack-and-Crate Operation on Behalf of the Department of Defense; Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of used household goods, for the account of the United States Government, incident to the performance of a pack-and-crate service on behalf of the Department of Defense under the Direct Procurement Method or the Through Government Bill of Lading Method under the Commission's regulations (49 CFR 1056.40) promulgated in "Pack-and-Crate" operations in Ex Parte No. MC–115, 131 M.C.C. 20 (1978).

An original and one copy of verified statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission by April 3, 1980. A copy must also be served upon applicant or its representative. Opposition to the applicant's participation will not operate to stay commencement of the proposed operation.

If applicant is not otherwise informed by the Commission, operations may commence within 30 days of the date of its notice in the **Federal Register**, subject to its tariff publication effective date.

HG–7–80 (Special certificate—Used household goods), filed March 6, 1980. Applicant: AIRWAY MOVING & STORAGE, INC., No. 18 Covil St., Wilmington, NC. Representative: W. G. Fodrie (address same as applicant). Authority sought: Between points in Craven, Columbus, Lenoir, Jones, Carteret, Onslow, Duplin, Pender, Brunswick, Wayne, Sampson, Pitt, Bladen, New Hanover, and Beaufort counties, NC serving the Marine Corps Base, Camp Lejeune, NC and Myrtle Beach Air Force Base, SC.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-7917 Filed 3-13-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29254F]

Somerset Railroad Corp.—Construction and Operation—of a Line of Railroad in Niagara County, N.Y.; Correction[1]

Somerset Railroad Corporation, represented by Messrs. Charles J. McCarthy, of Belnap, McCarthy, Spencer, Sweeney & Harkaway, 1750 Pennsylvania Avenue, N.W., Washington, DC 20006, Gregory J. Blasi, of Huber, Magill, Lawrence & Farrell, 99 Park Avenue, New York, NY 10016, and Allen E. Kintigh, Vice President, New York State Electric & Gas Corporation, 4500 Vestal Parkway East, Binghamton, NY 13902, hereby give notice that on the 12th day of February, 1980, it filed with the Interstate Commerce Commission at Washington, DC, an application pursuant to 49 U.S.C. 10901 for a decision approving and authorizing the construction and operation of a line of railroad located wholly and solely within Niagara County, in the State of NY [45 FR 12506, Feb. 26, 1980].

Applicant's proposed route runs generally northward from a point of origin on the Falls Road Branch Line of Consolidated Rail Corporation just west of the Hamlet of Gasport to its terminus at the site of New York State Electric & Gas Corporation's proposed Somerset Generating Station. The point of origin consists of both an east and a west connection to the Falls Road Branch Line. The east connection is located approximately 3000 feet west of Gasport Road/Hartland Road in the Hamlet of Gasport, and the west connection is located approximately 5000 feet west of Gasport Road/Hartland Road in the Hamlet of Gasport. The total number of miles of track to be constructed and operated between the Falls Road Branch Line and the Somerset Generating Station is approximately 9.9 miles, all of which will be considered mainline track.

Applicant's proposed construction and operation is necessary to provide rail service to the site of an electric power generating station in the Town of Somerset, NY. Such rail service is required for delivery of plant equipment and other materials during generating station construction, and coal and limestone during generating station operation.

In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969,* 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra,* p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, DC 20423, and the aforementioned counsel for applicant, within 30 days after the date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-7923 Filed 3-13-80; 8:45 am]

BILLING CODE 7035-01-M

[1] Corrected to show that the Applicant did not state that the granting of the authority sought in its application would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

[Docket No. AB–1 (Sub-No. 73F)]

Chicago and North Western Transportation Co.—Abandonment Between Marathon and Alton, in Buena Vista, Clay, O'Brien, and Sioux Counties, Iowa; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decison entered on December 10, 1979, a finding, which is administratively final, was made by the Administrative Law Judge, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line Railroad Co.*—Abandonment Goshen, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment of the Chicago and North Western Transportation Company of its line of railroad extending from railroad milepost 157.3 near Marathon, IA to milepost 216.5 at Alton, IA, a distance of 59.2 miles, in Buena Vista, Clay, O'Brien, and Sioux Counties, IA. A certificate of abandonment will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment, on or before April 14, 1980, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would: (a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instruction contained therein as well as the instruction contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-7924 Filed 3-13-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB–84 (Sub-No. 2)]

Illinois Terminal Railroad Co., Abandonment of Trackage Rights Over Illinois Central Gulf Railroad Co. From Mont to Springfield in Madison, Macoupin, Montgomery, and Sangamon Counties, Ill.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision entered on July 12, 1979, and the decision of the Commission, Division 2, served February 1, 1980, as modified, adopted

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the decision of the Administrative Law Judge, which is administratively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line Railroad Co.*—Abandonment Goshen, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Illinois Terminal Railroad Company of trackage rights over a line of the Illinois Central Gulf Railroad Company from Mont, IL to Springfield, IL, a distance of 81.24 miles in Madison, Macoupin, Montgomery and Sangamon Counties, IL. A certificate of abandonment will be issued to the Illinois Terminal Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would: (a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instruction contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-7925 Filed 3-13-80; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-13293; MC-116101 (Sub-No. 11)]

Quick Air/Freight, Inc.—Purchase—Vandalia Air Freight, Inc.; Quick Air Freight, Inc.—Extension-Tracking

Republication (A) By Decision served December 17, 1979, the Commission, Division 1, required republication since this decision expands upon the authority previously published in the **Federal Register** of August 11, 1977.

(1) General commodities (except those of unusual value, classes A & B explosives, household goods as defined by the Commision, commodities in bulk, and commodities requiring special equipment), between points in Ohio, on the one hand, and, on the other, the Municipal Airport of Dayton, near Dayton, OH, the Port Columbus Airport near Columbus, OH, the Cleveland-Hopkins Airport, near Cleveland, OH, and the Greater Cincinnati Airport in Kentucky (near Cincinnati, OH), restricted to shipments having a prior or subsequent movement by aircraft.

(2) General commodities, moving in express service, except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment between points in Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan (except points in the Upper Peninsula), New York, and Pennsylvania, restricted to the exclusive use of one motor vehicle in the transportation of a single shipment, not weighing more than 5,000 pounds, from one consignor at one location to one consignee at one location, provided, however, that this restriction shall not apply to traffic which has a prior or subsequent movement by aircraft.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-7928 Filed 3-13-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 378]

Regarding New Competitive Service and the Burden of Proof in Motor Carrier Finance Proceedings

AGENCY: Interstate Commerce Commission.

ACTION: Notice to the public.

SUMMARY: This Notice sets forth the timing and type of information that should be presented in the modified procedure statements to satisfy the burdens of proof under the tripartite test involving new competitive service issues as set forth in *Jones Truck Lines, Inc.—Purchase—Deaton, Inc.*, 127 M.C.C. 428 (1978) (*Jones I*) and *Jones Truck Lines, Inc.—Purchase—Deaton, Inc.*, ——— M.C.C. ——— (1980) (*Jones II*).

EFFECTIVE DATE: March 3, 1980.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, 202–275–7245.

SUPPLEMENTARY INFORMATION: Since issuance of our decision of December 21, 1978, in *Jones Truck Lines, Inc.—Purchase—Deaton, Inc.*, 127 M.C.C. 428 (1978) (*Jones I*), we have received inquiries regarding the type of evidence and time for filing of evidence in motor carrier finance proceedings handled under the modified procedure involving new competitive service issues.

As state in *Jones I*, the tripartite test was merely an articulation of the standard to be used by the Commission to determine whether a transfer giving rise to a new competitive service should be authorized. We did not envision protracted proceedings.

Applicants' principal proof of the scope of past operations, including past joint-line operations, of a carrier being acquired, or the operating rights which are being acquired (such carrier hereinafter referred to as transferor), is through (a) Appendix D–4 to Form OP–F–44 or (b) Appendix B–4 to Form OP–F–45. These appendices are commonly known as the abstract of interstate shipments.

Both Rule 81 of the Commission's Rules of Practice (49 CFR 1100.81) and Commission decisional law set forth the desirability of abstracting relevant data, of summarizing what an exhibit purports to show, and of condensing information in tables. *See Redwing Refrigerated, Inc.—Pur.—Express, Inc.*, 116 M.C.C. 694, 698 (1974).

Giving consideration to the foregoing, in cases designated for modified procedure, applicants' initial verified statement should be summarized to reflect:

(1) explicitly which shipments moved over authority of transferor and transferee to be tacked (or moved by similar joint-line operations by transferor and/or transferee with third-party carriers.)

(2) explicitly which authorities to be tacked were not represented by shipments.

(3) why approval of the transaction without restriction against tacking or joining of the authorities in (2) above will be consistent with the public interest. (This may be explained in the Appendix relating the facts and circumstances on which applicants rely to warrant approval of the proposed transaction, provided it is referenced to the particular authorities involved.)

(4) applicant may introduce evidence of shipper support at this stage if it chooses to do so. This would allow protestants to respond to all of applicants' evidence.

Protestants are required to do more than merely assert that the authorities to be tacked or joined would give rise to a new competitive service and that the new service would be detrimental to their operations. In modified procedure cases, each protestant in its initial verified statement will:

(1) prepare an exhibit identifying each competitive service with which it is concerned

(2) prepare an exhibit showing the authority of the protestant to provide such service

(3) show how it will be significantly harmed if the authority it set forth in (1) above is authorized to be transferred.

In its rebuttal statement, applicant(s) will be permitted to introduce testimony to rebut the allegations contained in protestant's initial statement. Shipper testimony should be submitted in the applicant's rebuttal statement if relied upon to demonstrate why the transaction giving rise to a new competitive service should be allowed despite the harm that may be incurred by protestants, as they have alleged.

If shipper testimony is submitted by applicant in its rebuttal statement, protestants will have the opportunity to submit a further statement which shall address only that information contained in the shipper testimony.

In an effort to facilitate the consideration of these materials, protestants will be strictly held to Rule 38 of the Commission's Rules of Practice (49 CFR 1100.38), which requires a specific statement of the grounds upon which the protest is made and concise statement of the interest of protestant in the proceeding. This will enable the applicant to identify which new competitive services are being challenged and thus in need of shipper support to justify their transfer. Shipper statements are *not* necessary for demonstrating public benefit where there is no harm to protestant.

Dated: February 15, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioner Stafford dissenting with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Stafford, dissenting:

The notice should be modified so as to allow public comment on the proposal. The notice appears to subvert the provisions of the Administrative Procedure Act, 5 U.S.C. 553, by acknowledging the receipt of inquiries on the new guidelines. Reliance on those informal inquiries as a basis for formulating new standards is inappropriate. See also, my separate expression in *Jones II*, No. MC–F–12453, *Jones Truck Lines, Inc.—Purchase—Deaton, Inc.*,—M.C.C.—(1980).

[FR Doc. 80-7927 Filed 3-13-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-No. 57F)]

Burlington Northern, Inc.—Abandonment—Between Fergus Falls and Pelican Rapids in Otter Tail County, Minn.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision entered on September 4, 1979, and the decision of the Commission, Division 2, acting as an Appellate Division, served January 18, 1980, adopted the decision of the Commission, Review Board Number 5, which is administratively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line Railroad Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Burlington Northern, Inc. of railroad line extending from milepost 0.00 near Fergus Falls, MN, to milepost 21.37 near Pelican Rapids, MN, all in Otter Tail County, MN, and that applicant shall keep intact all of the right-of-way underlying the track, including all bridges and drainage structures, for a period of 120 days from the issuance of a certificate in this proceeding to allow any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. A certificate of abandonment will be issued to the Burlington Northern, Inc. based on the above-described finding of abandonment, on or before April 14, 1980, unless within 30 days from the date of publication, the Commission further finds that: (1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail lines are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-7928 Filed 3-13-80; 8:45 am]

BILLING CODE 7035-01-M

[Exception No. 1 to Service Order No. 1419]

Chicago, Milwaukee, St. Paul & Pacific Railroad Co.; Shipping Delay

Because of the inability of the railroad to assemble the cars, a movement of loaded covered hopper cars will be seriously delayed on the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) enroute to Houston Public Elevator, Houston, Texas. Albert City Elevator desires to ship a seventy-five (75) car unit-grain-train to Houston routed MILW-Omaha/Missouri Pacific-Houston. To prevent this train from being trapped by the MILW embargo, MILW is authorized to transport the sixty-four (64) covered hoppers which are at the loading point of Albert City, Iowa.

Pursuant to the authority vested in the Director, Bureau of Operations, the Chicago, Milwaukee, St. Paul and Pacific Railroad Company is authorized to operate a seventy-five (75) car unit-grain-train from Albert City, Iowa, to Houston, Texas, comprised of sixty-four (64) covered hopper cars on a one trip basis.

The bills of lading and waybills shall bear the following endorsement: "Unit-grain-train of ( ) tons or ( ) cars. Partial movement of ( ) tons or ( ) cars forwarded authority Exception No. 1 to ICC Service Order No. 1419."

Demurrage rules will be treated as if the movement is a complete movement in itself.

Effective 11:00 a.m., February 27, 1980.
Expires 11:59 p.m., February 29, 1980.

Issued at Washington, D.C., February 27, 1980.

Joel E. Burns,

Director.

[FR Doc. 80-7929 Filed 3-13-80; 8:45 am]

BILLING CODE 7035-01-M

Transportation of Used Household Goods in Connection With a Pack-and-Crate Operation on Behalf of the Department of Defense; Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of used household goods, for the account of the United States Government, incident to the performance of a pack-and-crate service on behalf of the Department of Defense under the Direct Procurement Method or the Through Government Bill of Lading Method under the Commission's regulations (49 CFR 1056.40) promulgated in "Pack-and-Crate" operations in Ex Parte No. MC-115, 131 M.C.C. 20 (1978).

An original and one copy of verified statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission on or before April 3, 1980 from the date of this publication. A copy must also be served upon applicant or its representative. Opposition to the applicant's participation will not operate to stay commencement of the proposed operation.

If applicant is not otherwise informed by the Commission, operations may commence within 30 days of the date of its notice in the **Federal Register**, subject to its tariff publication effective date.

HG-41-79 (special certificate—used household goods) (amendment), filed February 22, 1980. Applicant: NOVI MOVING SYSTEMS, INC., 48595 West Rd, Wixon, MI 48096. Representative: Martin J. Leavitt, Sullivan and Leavitt, 22375 Hagerty Rd, P.O. Box 400, Northville, MI 48167. Authority sought: Between points in Huron, Tuscola, Sanilac, Saginaw, Muskegon, Ottawa, Kent, Shiawassee, Lapeer, Genessee, St. Clair, Cass, St. Joseph, Lenawee, Macomb, Oakland, Barry, Allegan, Van Buren, Kalamazoo, Calhoun, Jackson, Washtenaw, Wayne, Berrien, Branch, Hillsdale, Monroe, serving Selfridge ANG Base, Mount Clemens, MI.

Note.—The purpose of this amendment is to add the above-named counties to the service territory presently authorized.

HG-42-79 (special certificate—used household goods) (amendment), filed February 22, 1980. Applicant: LEONARD BROS. MOVING AND STORAGE CO., North, 1782 E Maple Rd., Troy, MI 48084. Representative: Martin J. Leovitt, Sullivan and Leovitt, 22375 Haggerty Rd, P.O. Box 400, Northville, MI 48167. Authority sought: Between points in Gratiot, Montcalm, Ionia, Clinton, Livingston, Ingham, Eaton, Van Buren, Kalamazoo, Calhoun, Jackson, Washtenaw, Berrien, Cass, St. Joseph, Branch, Hillsdale, Lenawee, Monroe Counties, MI, serving Selfridge ANG Base, Mount Clemens, MI.

Note.—The purpose of this amendment is to add the above-named counties to the service territory presently authorized.

HG-5-80 (special certificate—used household goods), filed February 22, 1980. Applicant: LIVINGSTON STORAGE & TRANSFER COMPANY, INC., 4301 Allied Dr., P.O. Box 7007, Columbus, GA 31906. Representative: Cliff Livingston, Jr. (address same as applicant). Authority sought: Between points in Bryan, Chatham, Dodge, Evans, Montgomery, Tattnall, Toombs, Wheeler, and Wilcox, Counties, GA, serving Fort Benning, GA and Fort Stewart, GA.

HG-6-80 (special certificate—used household goods), filed March 7, 1980. Applicant: JAMES B. STUDDARD TRANSFER & STORAGE CO., INC., 782 Seneca St., Leavenworth, KS 66048. Representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, MO 64105. Authority sought: Between points in Leavenworth County, KS, Anderson, Atchison, Brown, Coffey, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Linn, Miami, Nemaha, Osage, Shawnee, and Wyandotte, counties, KS; Andrews, Atchison, Bates, Buchanan, Caldwell, Carroll, Cass, Clay, Clinton, Davies, Dekalb, Harrison, Holt, Jackson, Gentry, Livingston, Mercer, Nodayway, Platte, Ray, and Worth counties, MO; Johnson, Nemaha, Pawnee, and Richardson counties, Nebraska, NE Serving Fort Leavenworth, Leavenworth, KS.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-7930 Filed 3-14-80; 8:45 am]

BILLING CODE 7035-01-M

Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed on or before April 3, 1980. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsiderations are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicant must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, The Motor Carrier Board, Members Krock, Pohost, and Taylor.

Agatha L. Mergenovich,

Secretary.

No. FD 29244F. By decision of February 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1141. The Motor Carrier Board approved the transfer to HARBOR CARRIERS, INC., of San Francisco, CA, of Certificate No. W-379 (Sub-No. 4) issued July 31, 1970 to BAY CITIES TRANSPORTATION COMPANY, of San Francisco, CA, authorizing operation by non-self-propelled vessels, with the use of separate towing vessels, in the transportation of general commodities, and by towing vessels in the performance of general towage, between ports and points on San Francisco Bay and its tributary waterways (except those ports and points located on the Sacramento and San Joaquin Rivers above Sacramento and Stockton, CA), with service at Sacramento and Stockton restricted to towing vessels in the performance of general towage. Applicant's representative is: Leo C. Franey, 700 World Center Bldg., 918 Sixteenth St., N.W., Washington, DC 20006.

No. FD 29248F. By decision of February 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1151. The Motor Carrier Board approved the transfer to OMNI MOVING & STORAGE OF VIRGINIA, INC., of Fairfax, VA of Permit No. FF-362 issued April 4, 1973 to TRANS-AMERICAN WORLD TRANSIT, INC. (J. Robert Green, Receiver-in-bankruptcy), of Forth Worth, TX authorizing operations as a freight forwarder (a) of used household goods and unaccompanied baggage, between points in the United States (including HI but excluding AK), and (b) of used automobiles between points in the United States (including HI but excluding AK), restricted to (b) to the transportation of export and import traffic. Applicant's representative is: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006. Transferee holds no authority from the Commission.

MC-FC-78000, filed January 16, 1979. Transferee: LUTHER WILHELMSEN, Burke, SD 57523. Transferor: MELVIN WILLUWEIT, Burke, SD 57523. By decision of May 16, 1979, the Motor Carrier Board approved the transfer of Certificate No. MC-106470 issued January 28, 1976, from transferor to transferee. The certificate authorizes livestock, from Burke, SD, and points in SD west of the Missouri River and within 25 miles of Burke, except Bonesteel, Colome, Dallas, Fairfax, Gregory, Herrick, and St. Charles, SD, to Sioux City, IA; livestock, feed, seed, and agricultural machinery parts, from Sioux City, IA, to points in SD west of the Missouri River and within 25 miles of Burke, SD, except Bonesteel, Colome, Dallas, Fairfax, Gregory, Herrick, and St. Charles, SD; and general commodities, (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), from Sioux City, IA, to Burke, SD. Representative: Jack Gunvordahl, P.O. Box 352, Burke, SD 57523. petitions for reconsideration of the Board's decision may be filed within 30 days of this FR notice. Transferee holds no authority from the Commission. An application seeking TA lease authority has not been filed.

MC-FC-78187, filed May 29, 1979. Transferee: C AND W HORSE TRANSPORTATION, INC., 233 Pond Street, Franklin, MA 02038. Transferor: LOWDER'S HORSE TRANSPORT, INC., 801 Atlanta Street, Roswell, GA 30075. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought for purchase by transferee of operating rights of transferor as set forth in Certificate No. MC-138271 (Sub 2) issued August 26, 1975, authorizing the transportation of *horses*, other than ordinary horses, and, in the same vehicle therewith, mascots, personal effects of attendants, and supplies and equipment used in the care, maintenance, and exhibition of such horses, (1) between points in AL, AR, FL, GA, LA, KY, MS, NC, SC, and TN; and (2) between points in the states named in (1) above, on the one hand, and, on the other, points in IL, IN, MI, MO, OH, TX, VA, and WV. Application has been filed for temporary authority under 49 U.S.C. 11349. Transferee holds authority from the Commission under docket number MC-141775, and has filed a directly related gateway elimination application.

MC-FC-78354, by decision of February 14, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. The Motor Carrier Board approved the transfer to BLAIR TRANSFER COMPANY, of Blair, NE, of Certificate No. MC-2052 issued December 5, 1973 to BLAIR TRANSFER, INC., of Blair, NE, authorizing the transportation of general commodities, with the usual exceptions, between Blair, NE, and Council Bluffs, IA, serving all intermediate points and the off-route point of Orum, NE, one a defined regular route; and over irregular routes, generally the transportation of agricultural commodities and household goods, to and from named points in NE, IA, ND, SD, MN, IA, MO, and KS. Subject to the following conditions: Applicants must request in writing that the Commission modify the authority in Certificate No. MC-2052 by restricting its third paragraph against service from the facilities of Blair Manufacturing Company, and further to modify transferor's retained authority in Certificate No. MC-2052 (Sub-No. 6) to restrict its authority in parts (1) and (2) against service to or from Council Bluffs, IA. Applicant's representative is: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68706. Transferee is not a carrier. Temporary lease authority is not sought.

MC-FC-78374. By decision of February 1, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132. The Motor Carrier Board approved the transfer to GRAMMER INDUSTRIES, INC., of Grammer, IN, of Permit/No. MC-53325 issued October 30, 1956 to DAVID C. KEMPER, d.b.a KEMPER TRUCKING COMPANY, of Seymour, IN, authorizing the tranportation of fertilizer, from Louisville, KY, to points in Indiana; empty bags, fertilizer materials, lime, and sulphate of ammonia, from points in Indiana to Louisville, KY, and fertilizer, from St. Bernard, OH, to points in Indiana on and south of U.S. Hwy 40. Applicant's representative is: Warren C. Moberly, 320 North Merdian St., #727, Indianapolis, IN 46204. Transferee holds no authority from the Commission. An application seeking temporary lease authority has been filed.

MC-FC-78385. By decision of February 1, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132. The Motor Carrier Board approved the transfer to ANDERSON TRUCK LINES OF MINNESOTA, INC., of Hayward, MN, of/Certificate No. MC-135874 Sub 106F issued August 21, 1979 to LTL PERISHABLES, INC., of South St. Paul, MN, authorizing the transportation of foodstuffs (except commodities in bulk), from Albert Lea, MN, to points in Illinois, Iowa, Kansas, Missouri, and Nebraska, restricted to traffic originating at the facilities of Miami Margarine Company at Albert Lea, MN, and destined to points in the named states. Applicant's representative are: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Paul Nelson, 550 East Fifth St. South, South St. Paul, MN 55075. Transferee holds no authority from the Commission. TA has been filed.

MC-FC-78424. By decision of February 4, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132. The Motor Carrier Board approved the transfer to ALASKA TRANSFER & STORAGE, INC., of Kodiak, AK, of/Certificate No. MC-126136 (Sub-No. 1) issued May 13, 1971 to CHARLES A. POWELL, d.b.a. ALASKA TRANSFER & STORAGE, of

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Kodiak, AK, authorizing the transportation of general commodities (except those of unusual value and classes A and B explosives), between points on Kodiak Island, AK, on the one hand, and, on the other, Homer, Seldovia, and Seward, AK; and between points on Kodiak Island, AK. Applicant's representative is: Charles A. Powell, P.O. Box 605, Kodiak, AK 99615.

MC–FC–78425. By decision of February 4, 1980 issued under 49 U.S.C. 10928 and the transfer rules at 49 C.F.R. Part 1132. The Motor Carrier Board approved the transfer to JOHN P. SERVICE TRUCKING, INC., of Washington, PA of/Certificate No. MC–5812 issued May 11, 1976 to JOHN P. SERVICE, d.b.a. JOHN P. SERVICE TRUCKING, of Washington, PA, authorizing the transportation of Machinery, size or weight commodities, related commodities, and self-propelled articles, between described portions of western PA, eastern OH, and northern WV. Applicant's representative is: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Transferee holds no authority from this Commission. An application seeking temporary lease authority has not been filed.

MC–FC–78426. By decision of January 28, 1980 issued under 49 U.S.C. 190926 and the transfer rules at 49 C.F.R. Part 1132. The Motor Carrier Board approved the transfer to EAST SIDE EXPRESS, INCORPORATED, of Chesterfield, MD, of Certificate No. MC–136991 issued (date 11/27/72) to MAVRIC, INCORPORATED, of St. Louis, MO, to points in that part of Illinois on and north of U.S. Hwy 6, Iowa, Indiana, Kentucky, Tennessee, Arizona, Oklahoma, Kansas, and Nebraska. Applicant's representative is: Joseph B. Pereles, 10 S. Broadway, St. Louis, MO 63102. Transferee holds no authority from the Commission an application seeking temporary lease authority has not been filed.

MC–FC–78431. By decision of January 28, 1980 issued under 49 U.S.C. 190926 and the transfer rules at 49 C.F.R. Part 1132. The Motor Carrier Board approved the transfer to BOPST BUS SERVICE, INC., of Randallstown, MD, of Certificate No. MC–112716 (Sub–No. 1) issued 6/25/79 to CRYSTAL BALL TOURS, INC., of Randallstown, MD, authorizing the transportation of *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) passengers and their baggage, in charter operations, (a) from Baltimore, MD, and points in Harford, Baltimore, Howard, and Anne Arundel Counties, MD within 20 miles of Baltimore, to Washington, DC, New York, NY, and points in Maryland, Virginia, West Virginia, Pennsylvania, Delaware, and New Jersey, within 150 miles of Baltimore, and (b) from destination points named in (1)(a) above, to Baltimore, MD, and points in Harford, Baltimore, Howard, and Anne Arundel Counties, MD, within 20 miles of Baltimore; (2) passengers and their baggage in special operations, in round-trip sightseeing or pleasure tours, (a) from Baltimore, MD, to Washington, DC, New York, NY, and points in Maryland, Virginia, West Virginia, Pennsylvania, Delaware, and New Jersey, within 150 miles of Baltimore, and (b) from Washington, DC, New York, NY, and points in Maryland, Virginia, West Virginia, Pennsylvania, Delaware, and New Jersey, within 150 miles of Baltimore, to Baltimore, MD, restricted in (1) and (2) above to the transportation of traffic either originating at or destined to the territory indicated. Applicant's representative is: Bruce E. Mitchell, Attorney, Suite 520—3390 Peachtree Road, Atlanta, GA 30326, (404)–262–7855. No TA application has been filed, Transferee presently holds no authority.

MC–FC–78432. By decision of January 28, 1980 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 C.F.R. 1132, The Motor Carrier Board approved the transfer to ANN L. MORTON, Individual, d.b.a. MORTON TRANSPORTATION OF WORCESTER, MA, of Certificate of Registration No. MC–85553 (Sub–No. 1) issued 11/1/63, to LEO A. MORTON, Individual d.b.a. MORTON TRANSPORTATION, Worchester, MA, evidencing a right to engage in transportation in interstate commerce corresponding in scope to state certificate No. 5985 dated February 18, 1947 issued by the Massachusetts Department of Public Utilities. The Certificate of Registration authorizes the following: Furniture, pianos, property in bundles and containers and manufactured products anywhere in the Commonwealth, over irregular routes. Applicant's representative is: Ann L. Morton, 4 Dearborn Street, Worcester, MA 01604. No TA application has been filed. Transferee presently holds no authority.

MC–FC–788433. By decision of February 4, 1980 issued under 49 U.S.C. 10928 and the transfer rules at 49 C.F.R. Part 1132. The Motor Carrier Board approved the transfer to A. I. WORTHEY, of Prosser, WA, of Permit MC–141732 issued April 5, 1977 to VARCO TRUCKING INC., of Yakima, WA, authorizing the transportation of *Fruit juice* and *fruit juice concentrates* (except in bulk), From points in Yakima and Chelan Counties, Wash., to points in California and Oregon, under a continuing contract, or contracts, with Tree Top, Incorporated, of Selah, Wash. Applicant's representative is: K. Denny Colvin, Attorney P.O. Box 1265, Yakima, WA 98907.

[FR Doc. 80–7931 Filed 3–13–80; 8:45 am]

BILLING CODE 7035–01–M

Finance Matters; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the commission within 30 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed within 30 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC–F–14273F, filed December 20, 1979. ANDERSON TRUCKING SERVICE, INC. (Anderson), 203 Cooper Avenue, North, St. Cloud, MN 56301—Purchase (portion)—International Contract Carriers, Inc. (International) (P.O. Box 1218, Freeport Center, Clearfield, UT 84016). Representative: Robert D. Gisvold, 1000 First National Bank Bldg, Minneapolis, MN 55402. Anderson seeks to purchase the interstate operating rights and property of International. Harold E. Anderson, the majority stockholder of Anderson, seeks to acquire control of said rights and property through the transaction. Anderson is purchasing the interstate operating rights of International that are contained in Certificates MC–139468 and sub-numbers thereunder, which authorize the transportation of the following: (1) *Metal buildings, parts for metal buildings, and pipe,* From the facilities of National Steel Products Company, Inc., at Houston, TX, to points in AR, LA, TN, MS, AL, GA, FL, SC, and NC, under continuing contract(s) with National Steel Products Company, Inc., of Houston, TX. (2) *Metal buildings and related parts and equipment,* From the plantsite of National Steel Products Company, Inc. at or near Terre Haute, IN to points in AZ, CA, CO, ID, IL, IA, KS, KY, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, UT, VA, WA, WV, WI, and WY, under continuing contract(s) with National Steel Products Co., Inc. (3)(a) *Buildings, complete, knocked down and in sections;* (b) *Building sections and building panels;* (c) *Parts and accessories* used in the installation and completion of the commodities (a) and (b) above, and (d) *Prefabricated structural components and panels,* and *accessories* used in the installation and completion thereof, From the facilities of National Steel Products Company, Inc. at or near LaGrange, GA, to points in AL, FL, GA, KY, MS, NC, SC, TN, VA, and WV, under continuing contracts(s) with National Steel Products Company, Inc. (4) *Metal buildings, parts for metal buildings, and pipe,* (a) between the plantsites of National Steel Products Company, Inc. at or near Houston, TX and at or near Terre Haute, IN, and (b) From the plantsite of National Steel Products Company, Inc. at or near Houston, TX to points in OK, KS, NE, SD, ND, NM, CO, WY, MT, ID, UT, AZ, NV, OR, WA, and CA, under continuing contract(s) with National Steel Products Company, Inc., of Houston, TX. (5)(a) *Buildings, complete, knocked down, and in sections;* (b) *Building sections and building panels;* (c) *Parts and accessories* used in the manufacture, installation and completion of the commodities in (a) and (b) above; (d) *Machinery, materials, and supplies* used in the manufacturing and storage of the commodities in (a) through (c) above; (e) *Prefabricated structural components and panels,* and *accessories* used in the installation and completion thereof, between the facilities of National Steel Products Company, Inc. at or near Houston, TX, LaGrange, GA, and Terre Haute, IN, and (a) *buildings, complete, knocked down, and in sections,* (b) *building sections and building panels,* (c) *Parts and accessories* used in the manufacture, installation and completion of the commodities in (a) and (b) above, (d) *prefabricated structural components and panels,* and *accessories,* used in the installation and completion thereof, (i) from the plantsites of National Steel Products Company, Inc., at or near LaGrange, GA, to points in CT, DE, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, and VT, and (ii) from the plantsites of National Steel Products Company, Inc., at or near Terre Haute, IN, to points in CT, DE, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, and VT, under continuing contract(s) with National Steel Products Company, Inc. (6) *Buildings and building sections,* from the facilities of National Steel Products, Inc., at Terre Haute, IN, to points in AK, under continuing contract(s) with National Steel Products Company, Inc. (7) *Buildings, building sections and pipe,* from the facilities of National Steel Products Company, Inc., at Houston, TX, to points in AK, under continuing contract(s) with National Steel Products Company, Inc., of Houston, TX. (8) *Materials, supplies and equipment* used in the manufacturing, distribution and storage of buildings, building sections, building panels, prefabricated structural components and panels, and related accessories, (except commodities in bulk, in tank vehicles), From points in the United States (except Alaska and Hawaii), to facilities used by National Steel Products Company, Inc., at Houston, TX, LaGrange, GA, and Terre Haute, IN, under continuing contract(s) with National Steel Products Company, Inc. (9) *Window and window frames, door and door frames,* from the facilities of National Steel Products Co., Inc. at or near Monroe and Shreveport, LA, to points in AL, AR, GA, IL, IN, IA, KS, KY, MN, MS, MO, NE, OK, TN, TX, and WI, under continuing contract(s) with National Steel Products Co., Inc., of Houston, TX. (10) *Materials, supplies and equipment used in the manufacturing, processing and distributing of the commodities* described in (9) above, from points in AL, AR, GA, IL, IN, IA, KS, KY, MN, MS, MO, NE, OK, TN, TX and WI, to the facilities of National Steel Products Co., Inc. at or near Monroe and Shreveport, LA, under continuing contract(s) with

National Steel Products Co., Inc., of Houston, TX. (11) *Iron and steel sheeting and coil,* from the facilities of Midwest Steel Division, National Steel Corporation, at or near Portage, IN, to points in the St. Louis, MO Commercial Zone, under continuing contract(s) with Midwest Steel Division, National Steel Corp., of Pittsburgh, PA. (12) *Lumber,* from Kooskia and Princeton, ID, and Clarkston, WA, to points in AZ, KY, NM, OK,TX, CO, UT, and WY, restricted to traffic originating at (a) the facilities used by Bennett Sales Co., at Kooskia, ID, (b) the facilities of Bennett Lumber Products, Inc., at Princeton, ID, and (c) the facilities of Guy Bennett Lumber Co., at Clarkston, WA, under continuing contract(s) with Bennett Sales Co., and (13)(a) *Buildings, complete, knocked down, and in sections,* (b) *building sections and building panels,* (c) *parts and accessories* used in the manufacture, installation, and completion of the commodities in (a) and (b) above, and (d) *prefabricated structural components and panels,* and *accessories,* used in the installation and completion thereof, (i) from the plantisites of National Steel Products Company, Inc., at or near LaGrange, GA, to points in AR, IL, KS, LA, MO, OK, and TX, (ii) from the plantsites of National Steel Products Company, Inc., at or near Terre Haute, IN, to points in AL, AR, LA, MS, and TX, and (iii) from the plantsites of National Steel Products Company, Inc., at or near Houston, TX, to points in IL, IN, IA, KY, MN, MO, and WI, under continuing contract(s) with National Steel Products Company, Inc., of Houston, TX. Anderson is a motor common carrier of general and specified commodities throughout points in the United States, pursuant to certificates in MC–95876 and sub-numbers thereunder. Harold E. Anderson also controls K&W Trucking Co., Inc., a motor Common Carrier which holds authority pursuant to certificates in MC–125551 and sub-numbers thereunder. (Hearing site: Salt Lake City, UT, or Houston, TX.)

Notes.—(1) Application has been filed for temporary authority. (2) A directly related conversion application has been filed in MC–95876 (Sub-No. 332F), and published in this same **Federal Register** notice. Anderson is seeking authority to convert the authority above from contract to common carrier authority.

Operating Rights Application(s) Directly Related to Finance Proceedings

The following operating rights application(s) are filed in connection with pending finance applications under Section 11343 (formerly Section 5(2)) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 10926 (formerly Section 212(b)) of the Interstate Commerce Act.

On applications filed before March 1, 1979, an original and one copy of *protests* to the granting of authorities must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such protests shall conform with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities.

Applications filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *General Rules of Practice* also but are subject to petitions to intervene either with or without leave. An original and one copy of the petition must be filed with the Commission within 30 days after date of publication. A petition for intervention must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points. Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Verified statements in opposition should not be tendered at this time. A copy of the protest or petition to intervene shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 59617 (Sub-5F), filed: July 20, 1979. Applicant: WARE'S VAN AND STORAGE CO., INC., 1344 Northwest Boulevard, Vineland, NJ 08360. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission between points in Cumberland and Salem Counties, NJ on the one hand, and, on the other, points in PA, MD, DE, VA, NY, CT, RI, MA, OH, DC and WV. (Hearing site: Washington, DC.)

Note.—This application is directly related to a Section 5 application (Ware's Van and Storage Co., Inc.—Purchase (Portion)—Young's Express, et al., docketed MC–F–14023, published in a previous section of this FR issue. The purpose of this application is to eliminate all existing gateways contained in the certificates of Ware's Van & Storage Co., Inc. and Young's Express, Inc. The common points involved are the Philadelphia, PA commercial zone and those areas in NJ within twenty-five (25) air miles of Vineland, NJ, such as Gloucester, Salem, and Cumberland Counties, NJ.

MC 2770 (Sub-24F), filed: December 27, 1979. Applicant: SANBORN'S MOTOR EXPRESS, INC., 550 Forest Avenue, Portland, ME 04101. Representative: Mary E. Kelley, 22 Stearns Avenue, Medford, MA 02155. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting general commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, Commodities in bulk, and those requiring special equipment) between Hartford, CT and Scranton, PA, from Hartford over Interstate Hwy 84 to Scranton, and return, serving the intermediate and off-route points in that part of PA on and east of a line beginning at the MD-PA State line and extending along U.S. Hwy 15 to junction U.S. Hwy 11, thence over U.S. Hwy 11 to junction U.S. Hwy 6; and on and south of U.S. Hwy 6 from said junction of U.S. Hwys 6 and 11 to the PA-NY State Line in connection with carrier's otherwise authorized regular route operations in PA. (Hearing Site: Boston, MA or Portland, ME.)

Note.—The purpose of this application is to eliminate New York City as the gateway point. This matter is directly related to MC–F–13833, published in the January 25, 1979, issue of the **Federal Register.**

Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349

(formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC–F–14023F, filed: May 11, 1979. Applicant: WARE'S VAN AND STORAGE CO., INC., 1344 Northwest Boulevard, Vineland, NJ 08360, and YOUNG'S EXPRESS & UNITED JERSEY BANK/CITY NATIONAL, now known as UJB/CUMBERLAND NATIONAL, by virtue of merger, 470 North Delsea Drive, Vineland, NJ 08360. Authority sought under Section 5, Interstate Commerce Act for the purchase, *Household Goods,* as defined by the Commission between points in Cumberland and Salem Counties, NJ on the one hand, and on the other, points in Pennsylvania, Maryland, Delaware, Virginia, New York, Connecticut, Rhode Island, Massachusetts, Ohio, and the District of Columbia, and West Virginia.

Note.—If a hearing is deemed necessary, Applicant requests that it be held at Washington, DC.

Decision-Notice

The following operating rights applications, filed on or after March 1, 1979, are filed in connection with pending finance applications under 49 U.S.C. 10928, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a petition to intervene either with or without leave must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has peformed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons usporting the application, or, (b) where the identity of those supporting the appliction is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

Section 247(f) provides that an applicant which does not intent timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consitent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application or the following operating rights applications directly related thereto filed on or before April 14, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: February 29, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams.

MC 95876 (Sub-332F), filed December 20, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC.—Conversion, 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *Metal buildings, parts for metal buildings, and pipe,* from the facilities of National Steel Products Company, Inc., at Houston, TX, to points in AR, LA, TN, MS, AL, GA, FL, SC, and NC, (2) *Metal buildings and related parts and equipment,* from the plantsite of National Steel Products Company, Inc. at or near Terre Haute, IN to points in AZ, CA, CO, ID, IL, IA, KS, KY, MN,

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MO, MT, NE, NV, MN, ND, OK, OR, SD, UT, VA, WA, WV, WI, and WY, (3) (a) *Buildings, complete, knocked down and in sections;* (b) *Building sections and building panels;* (c) *Parts and accessories* used in the installation and completion of the commodities (a) and (b) above, and (d) *Prefabricated structural components and panels,* and *accessories* used in the installation and completion thereof, from the facilities of National Steel Products Company, Inc. at or near LaGrange, GA, to points in AL, FL, GA, KY, MS, NC, SC, TN, VA, and WV, (4) *Metal buildings, parts for metal buildings, and pipe,* (a) Between the plantsites of National Steel Products Company, Inc. at or near Houston, TX and at or near Terre Haute, IN, and (b) From the plantsite of National Steel Products Company, Inc. at or near Houston, TX to points in OK, KS, NE, SD, ND, MN, CO, WY, MT, ID, UT, AZ, NV, OR, WA, and CA, (5) (a) *Buildings, complete, knocked down and in sections;* (b) *Building sections and building panels;* (c) *Parts and accessories* used in the manufacture, installation and completion of the commodities in (a) and (b) above; and (d) *Machinery, materials, and supplies* used in the manufacturing and storage of the commodities in (a) through (c) above; (e) *Prefabricated structural components and panels,* and *accessories* used in the installation and completion thereof, between the facilities of National Steel Products Company, Inc. at or near Houston, TX, LaGrange, Ga, and Terre Haute, IN, and (a) *buildings, complete, knocked down, and in sections,* (b) *building sections and building panels,* (c) *parts and accessories* used in the manufacture, installation and completion of the commodities in (a) and (b) above, (d) *prefabricated structural components and panels,* and *accessories* used in the installation and completion thereof, (i) from the plantsites of National Steel Products Company, Inc., at or near LaGrange, GA, to points in CT, DE, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, and VT, and (ii) from the plantsites of National Steel Products Company, Inc., at or near Terre Haute, IN, to points in CT, DE, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, and VT, (6) *Buildings and building sections,* from the facilities of National Steel Products, Company, Inc., at Terre Haute, IN, to points in AK, (7) *Buildings, building sections and pipe,* from the facilities of National Steel Products Company, Inc., at Houston, TX, to points in AK, (8) *Materials, supplies and equipment* used in the manufacturing, distribution and storage of buildings, building sections, building panels, prefabricated structural components and panels, and related accessories, (except commodities in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii), to facilities used by National Steel Products Company, Inc. at Houston, TX, LaGrange, GA, and Terre Haute, IN, (9) *Window and window frames, door and door frames,* from the facilities of National Steel Products Company, Inc. at or near Monroe and Shreveport, LA, to points in AL, AR, GA, IL, IN, IA, KS, KY, MN, MS, MO, NE, OK, TN, TX, and WI, (10) *Materials, supplies and equipment used in the manufacturing, processing and distributing of the commodities* described in (9) above, from points in AL, AR, GA, IL, IN, IA, KS, KY, MN, MS, MO, NE, OK, TN, TX and WI, to the facilities of National Steel Products Company, Inc. at or near Monroe and Shreveport, LA, (11) *Iron and steel sheeting and coil,* from the facilities of Midwest Steel Division, National Steel Corporation, at or near Portage, IN, to points in the St. Louis, MO Commercial Zone, (12) *Lumber,* from Kooskia and Princeton, ID, and Clarkston, WA, to points in AZ, KY, NM, OK, TX, CO, UT, and WY, restricted to traffic originating at (a) the facilities used by Bennett Sales Co., at Kooskia, ID, (b) the facilities of Bennett Lumber Products, Inc., at Princeton, ID, and (c) the facilities of Guy Bennett Lumber Co., at Clarkston, WA, and (13) (a) *Buildings, complete, knocked down, and in sections,* (b) *building sections and building panels,* (c) *parts and accessories* used in the manufacture, installation, and completion of the commodities in (a) and (b) above, and (d) *prefabricated structural components and panels,* and *accessories,* used in the installation and completion thereof, (i) from the plaintsites of National Steel Products Company, Inc., at or near LaGrange, GA, to points in AR, IL, KS, LA, MO, OK, and TX, (ii) from the plantsites of National Steel Products Company, Inc., at or near Terre Haute, IN, to points in AL, AR, LA, MS, and TX, and (iii) from the plantsites of National Steel Products Company, Inc., at or near Houston, TX, to points in IL, IN, IA, KY, MN, MO, and WI. (Hearing site: Houston, TX, or Salt Lake City, UT.)

Note.—This application, which seeks to convert contract carrier authority to common carrier authority, is directly related to a proceeding pursuant to 49 U.S.C. 11343 in MC–F–14273F, published in this same **Federal Register** issue.

[FR Doc. 80-7932 Filed 3-13-80; 8:45 am]

BILLING CODE 7035-01

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which

the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

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Decided: Feb. 1, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 6237 (Sub-4F), filed August 26, 1979. Applicant: DONALD S. GRIMM, INC., Box 5, Maple Grove St., Lodi, OH 44254. Representative: John L. Alden, 1396 West 15th Ave., P.O. Box 12241, Columbus, OH 43212. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt,* in packages, from Rittman, OH, to points in IN, under continuing contract(s) with Morton Salt Company. (Hearing site: Columbus, OH, or Washington, DC.)

MC 41116 (Sub-61F), filed June 11, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 75026. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX 78701. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products,* (2) *such commodities* as are produced or distributed by manufacturers and processors of paper, and (3) *materials and supplies* used in the manufacture of the commodities in (1) and (2) above, between the facilities of Boise Cascade Corporation at or near Elizabeth, LA, on the one hand, and, on the other, those points in the United States in and east of AZ, UT, and ID, under continuing contract(s) with Boise Cascade Corporation, of Boise, ID. (Hearing site: Lake Charles, or Baton Rouge, LA.)

MC 21866 (Sub-132F), filed September 6, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting (1) *paper and paper products,* and (2) *materials, and supplies* (except commodities in bulk), used in the manufacture and distribution of paper and paper products, between the facilities of Wyomissing Corporation, at Reading, PA, on the one hand, and, on the other, points in the United States (except AK, HI and PA), restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 26396 (Sub-289F), filed September 5, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. The Waggoners, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *building materials* from Kirkland, WA to points in ND, AL, PA, NE, OH, VA, IL, IA, IN, MI, and TX. (Hearing site: Billings, MT.)

MC 27817 (Sub-159F), filed September 1, 1979. Applicant: H. C. GABLER, INC., R.D. No. 3, P.O. Box 220, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 North Front St., Harrisburg, PA 17101. Transporting *such commodities* as are dealt in by retail, wholesale, chain grocery and food business houses (except commodities in bulk), (1) between the facilities of Hunt-Wesson Foods, Inc., at Jersey City and Bayonne, NJ, on the one hand, and, on the other, points in NY, and (2) between the facilities of Hunt-Wesson Foods, Inc., at or near Rossford, OH, on the one hand, and, on the other, points in NY and PA west of Interstate Hwy 81. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 27817 (Sub-160F), filed September 1, 1979. Applicant: H. C. GABLER, INC., R.D. No. 3, P.O. Box 220, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 North Front St., Harrisburg, PA 17101. Transporting *such commodities* as are dealt in by retail, wholesale, chain grocery and food business houses (except commodities in bulk), from the facilities of Castle & Cook, Inc., at Baltimore, MD, to points in IL, IN, and MI, restricted to the transportation of traffic originating at and destined to the above-named origin and destinations. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 30837 (Sub-490F), filed September 4, 1979. Applicant: KENOSHA AUTO

TRANSPORT CORPORTION, 4314 39th Ave., Kenosha, WI 53141. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *automobiles and trucks,* in secondary movement, in truckaway service, (1) between points in CT, DE, ME, MD, MA, NJ, NH, NY, PA, RI, VT, VA, WV and DC, and (2) between points in MN, ND, SD, and WI, restricted to the transportation of shipments originating at the facilities of American Motors Corporation, in (a) Kenosha, WI, and (b) Brampton, Ontario, Canada, and the Jeep Corporation, a subsidiary of American Motors Corporation, at Toledo, OH. (Hearing site: Washington, DC, or Detroit, MI.)

MC 30837 (Sub-491F), filed September 5, 1979. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Ave., Kenosha, WI 53141. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *motor vehicles,* in initial and secondary movements, in truckaway service, from Cortland, NY, to points in the United States (except AK and HI), restricted to traffic originating at the facilities of Solargen Electronics, Limited, and Solargen Electric Motor Car Corp., Cortland, NY. (Hearing site: Washington, DC.)

MC 35807 (Sub-101F), filed September 1, 1979. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *currency,* between points in the United States, including AK, but excluding HI, under continuing contract(s) with banks and banking institutions. (Hearing site: Washington, DC.)

MC 35807 (Sub-102F), filed September 1, 1979. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coin, currency, securities and other valuables,* between New York, NY, on the one hand, and, on the other, points in Fairfield and New Haven Counties, CT, and Sussex, Hunterdon and Warren Counties, NY, under continuing contract(s) with banks and banking institutions. (Hearing site: New York, NY.)

MC 36556 (Sub-44F), filed September 4, 1979. Applicant: BLACKMON TRUCKING, INC., P.O. Box 186, Somers, WI 53171. Representative: Howard E. Blackmon (same address as applicant). Transporting (1) *canned goods and such commodities* as are dealt in or used by manufacturers of canned goods, between the facilities of Friday Canning Corporation, at or near (a) New Richmond, Coleman, Gillett, Shawano, Eden, Oakfield, Chilton and Sussex, WI, (b) Louisville, KY, and (c) St. Louis, MO, and points in IL, IN, MI, and OH, and (2) *canned or prepared foodstuffs* (except in bulk, in tank vehicles), from the facilities used by California Canners and Growers, at or near Brownsville, WI, to points in IL (except Boone, Cook, Du Page, Kane, Lake, McHenry and Winnebago Counties), IN, MI, OH, Louisville, KY and St. Louis, MO. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 42487 (Sub-942F), filed September 4, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the facilities of Kayser-Roth Hosiery, Inc., at or near Creedmoor, NC, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Raleigh, or Charlotte, NC.)

Note.—Applicant intends to tack its existing authority with the authority herein.

MC 42487 (Sub-947F), filed September 5, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between junction U.S. Hwy 82 and U.S. Hwy 75 and Albuquerque, NM, serving the intermediate points of Gainsville, Wichita Falls, and Amarillo, TX, and serving the junction U.S. Hwy 82 and U.S. Hwy 377 for the purpose of joinder only: from junction U.S. Hwy 82 and U.S. Hwy 75 over U.S. to junction U.S. Hwy 287 at Henrietta, TX, then over U.S. Hwy 287 to Amarillo, TX, then over U.S. Hwy 66 to Albuquerque, and return over the same route, (2) between Wichita Falls, TX and Fort Worth, TX, serving no intermediate points, over U.S. Hwy 287, (3) between Denton, TX and junction U.S. Hwy 377 and U.S. Hwy 82, serving no intermediate points, over U.S. Hwy 377. (Hearing site: Dallas, TX.)

Note.—Applicant states it intends to tack the authority herein with its existing authority at Denton and Gainesville, TX, to provide a through service to all points in the United States.

MC 63417 (Sub-244F), filed September 6, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting (1) *chemicals, plastic articles, plastic materials, and liquid plastics,* (except commodities in bulk, and those requiring special equipment), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, and those requiring special equipment), between points in the United States (except AK and HI), restricted to the transportation of trafffic originating at or destined to the facilities of Amoco Chemicals Corporation, Amoco Containers, and Amoco Foam Products. (Hearing site: Chicago, IL, or Roanoke, VA.)

MC 63417 (Sub-245F), filed September 6, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *foodstuffs* (except commodities in bulk, those requiring special equipment, and those requiring mechanical refrigeration), (1) between Imlay City, Bridgeport, and Memphis, MI, Millsboro, DE, and Greenville, MS, (2) between Bridgeport, Imlay City, and Memphis, MI, on the one hand, and, on the other, points in IL, IN, KY, OH, and PA, (3) between Greenville, MS, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, OK, TN, and TX, (4) between Millsboro, DE, on the one hand, and, on the other, points in FL, GA, KY, MD, NC, PA, SC, VA, and WV. (Hearing site: Roanoke, VA, or Washington, DC.)

MC 78687 (Sub-79F), filed September 1, 1979. Applicant: LOTT MOTOR LINES, INC., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *iron and steel articles,* between the facilities of Worthington Steel Company, at or near Baltimore, MD, on the one hand, and, on the other, points in MI, NC, NJ, NY, OH, PA, SC, VA and WV. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 78687 (Sub-80F), filed September 4, 1979. Applicant: LOTT MOTOR LINES, INC., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. N.W., Washington, DC 20001. Transporting (1) *fiberboard, particleboard, and plywood,* and (2) *materials and supplies* used in the installation and manufacture of the commodities in (1) above, between the facilities of Masonite Corporation, at or near (a) Waverly and Stuart, VA, and (b) Spring Hope, NC, on the one hand, and, on the other, CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT. (Hearing site: Washington, DC, or Rochester, NY.)

MC 95876 (Sub-305F), filed September 6, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting (1) *pedestrian and recreational bridges,* and (2) *materials, equipment and supplies used in the manufacture and installation of commodities in (1) above,* (except commodities in bulk) between Alexandria, MN, on the one hand, and, on the other, points in the United States. (Hearing site: Minneapolis, MN, or Fargo, ND.)

MC 100666 (Sub-491F), filed September 7, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting (1) *iron and steel articles,* and (2) *pipe,* from Conroe, TX, to points in the United States, including AK but excluding HI; and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, in the reverse direction. (Hearing site: Dallas, TX.)

MC 102567 (Sub-240F), filed September 4, 1979. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Fwy.—Suite 130, Houston, TX 77040. Transporting chemicals, in bulk, in tank vehicles, from Marshall, TX to points in the United States (except AK and HI). (Hearing site: Houston, TX.)

MC 102616 (Sub-1011F), filed September 6, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Rd., Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting (1) *commodities in bulk, in tank vehicles,* from points in Galveston, Harris, Jefferson, Nueces, Orange, and Victoria Counties, TX, to points in the United States (except AK and HI); (2) *chemicals, in bulk, in tank vehicles,* from Geismar and Lake Charles, LA, to points in the United States (except AK and HI); and (3) *commodities in bulk,* between points in LA and TX, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to points in LA and TX. (Hearing site: Dallas, TX, or Chicago, IL.)

MC 102906 (Sub-12F), filed September 4, 1979. Applicant: McCONNELL HEAVY HAULING, INC., P.O. Box 463, Little Rock, AR 72203. Representative: James M. Duckett, 727 Pyramid Life Bldg., Little Rock, AR 72201. Transporting (1) *commodities* the transportation of which, because of size or weight, requires the use of special equipment (except oilfield equipment), and (2) *contractors' materials, and supplies,* when moving in mixed loads with the commodities in (1) above, between points in IL and AR. (Hearing site: Little Rock, AR.)

MC 103926 (Sub-99F), filed September 1, 1979. Applicant: W. T. MAYFIELD SONS TRUCKING CO., INC., P.O. Box 947, Mableton, GA 30059. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. Transporting *tractors* (except truck-tractors, commodities which because of their size or weight require the use of special equipment, and self-propelled articles weighing 15,000 pounds or more), from Jacksonville, FL, to points in LA, OK, and TX. (Hearing site: Jacksonville, FL, or Atlanta, GA.)

MC 104896 (Sub-59F), filed September 1, 1979. Applicant: WOMELDORF, INC., P.O. Box G, Knox, PA 16232. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting (1) *glass containers and closures therefor,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, between points in CT, DE, IL, IN, KY, MA, MD, ME, MI, NC, NH, NY, OH, PA, RI, TN, VA, VT, WI, WV; and DC, restricted (1) against the transportation of commodities in bulk, in tank vehicles, and (2) to the transportation of traffic originating at or destined to the facilities of Foster-Forbes Glass Division of National Can Corporation. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 105007 (Sub-61F), filed September 4, 1979. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Ave., Albert Lea, MN 56007. Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *laminated beams and arches,* and (2) *wood decking,* from El Dorado Springs, MO, to points in the United States (except AK and HI). (Hearing site: Kansas City, MO, or Chicago, IL.)

MC 105007 (Sub-62F), filed September 6, 1979. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Ave., Albert Lea, MN 56007. Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *animal lard and grease,* from Fort Dodge, IA, to points in MN. (Hearing site: Minneapolis, MN.)

MC 109136 (Sub-47F), filed August 20, 1979. Applicant: ORIOLE CHEMICAL CARRIERS, INC., 1740 E. Joppa Rd., Suite 303, Baltimore, MD 21234. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., N.W., Washington, DC 20005. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *potash,* in bulk, from Delaware City, DE, to points in CT, MA, NH, and RI, under continuing contract(s) with Diamond Shamrock Corporation, of Cleveland, OH. (Hearing site: Washington, DC.)

MC 112617 (Sub-451F), filed September 4, 1979. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford (same address as applicant). Transporting (1) *chemicals,* and (2) *petroleum products* (except chemicals), in bulk, in tank vehicles, from Louisville, Doe Run, Calvert City, and Owensboro, KY, to points in CT, DE, ME, MA, NH, NJ, NY, RI, VT, and DC. (Hearing site: Louisville, KY or Washington, DC.)

MC 113666 (Sub-184F), filed September 5, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd.—Drawer A Freeport, PA 16229. Representative: D. R. Smetanick (same address as applicant). Transporting (1) *concrete asbestos pipe and fittings,* (2) *concrete products,* and (3) *materials, equipment and supplies* used in the manufacture, installation, and distribution of the commodities in (1) and (2) above, between points in the United States (except AK and HI), on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada, restricted to traffic moving in foreign commerce. (Hearing site: Buffalo, NY, or Washington, DC.)

MC 114896 (Sub-79F), filed August 13, 1979. Applicant: PUROLATOR SECURITY, INC., 255 Old New

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Brunswick Rd., Piscataway, NJ 08854. Representative: Carl T. Kessler (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Haitian currency and negotiatable instruments*, between New York, NY and Chicago, IL, under continuing contract(s) with American Bank Note Company, of Bronx, NY. (Hearing site: Washington, DC.)

MC 115826 (Sub-826F), filed September 1, 1979. Applicant: W.J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk), from the facilities used by Farmland Foods, Inc., at or near (a) Denison, Iowa Falls, Carroll, Des Moines, Fort Dodge, and Sioux City, IA, and (b) Crete, Lincoln and Omaha, NE, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 115826 (Sub-537F), filed September 4, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk), from the facilities used by Farmland Foods, Inc., at or near (a) Denison, Iowa Falls, Carroll, Des Moines, Fort Dodge, Sioux City, IA, and (b) Crete, Lincoln, and Omaha, NE, to points in CT, IL, IN, MA, ME, MI, NH, NJ, NY, OH, PA, RI, VT, and WI. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 115826 (Sub-539F), filed September 4, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk), from the facilities of Farmland Foods, Inc., at or near (a) Denison, Iowa Falls, Carroll, Des Moines, Fort Dodge and Sioux City, IA, and (b) Lincoln, Create and Omaha, NE, to points in AL, DE, FL, GA, KY, MD, MS, NC, SC, TN, VA, WV, and DC. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 115826 (Sub-539F), filed September 4, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk), from the facilities of Farmland Foods, Inc., at or near (a) Denison, Iowa Falls, Carroll, Des Moines, Fort Dodge and Sioux City, IA, and (b) Lincoln, Create and Omaha, NE, to points in AL, DE, FL, GA, KY, MD, MS, NC, SC, TN, VA, WV, and DC. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 115826 (Sub-539F), filed September 4, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk), from the facilities of Farmland Foods, Inc., at or near (a) Denison, Iowa Falls, Carroll, Des Moines, Fort Dodge and Sioux City, IA, and (b) Lincoln, Create and Omaha, NE, to points in AL, DE, FL, GA, KY, MD, MS, NC, SC, TN, VA, WV, and DC. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 116127 (Sub-9F), filed September 4, 1979. Applicant: GEORGE D. CYRUS, INC., Route 1, Iola, KS 66749. Representative: Charles H. Apt, 104 South Washington, P.O. Box 328, Iola, KS 66749. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products*, in containers, from El Dorado, KS, to points in IL and IA, under continuing contract(s) with Getty Refining & Marketing Company, of Tulsa, OK. (Hearing site: Kansas City, MO, or Wichita, KS.)

MC 116947 (Sub-74F), filed August 17, 1979. Applicant: SCOTT TRANSFER CO., INC. 920 Ashby St., S.W., Atlanta, GA 30310. Representative: William Addams, P.O. Box 720434, Atlanta, GA 30328. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *salad dressings, peanut butter, preserves and jellies*, and (2) *materials and supplies* (except commodities in bulk), used in the manufacture and distribution of the commodities named in (1), from the facilities of Atlantic Preserving Company, Inc., at Atlanta, GA, to points in AR, IN, NC, and TX, under continuing contract(s) with Atlantic Preserving Company, Inc., of Atlanta, GA. (Hearing site: Atlanta, GA.)

MC 117686 (Sub-274F), filed September 5, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). Transporting *foodstuffs*, from the facilities of The Creamette Co., at or near Minneapolis, MN, to points in AL, AZ, CA, CO, FL, GA, LA, MT, NC, OR, SC, TN, TX, UT and WA. (Hearing site: Minneapolis, MN, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 117686 (Sub-276F), filed September 4, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). Transporting *confectionery supplies*, from Jackson, MN, to Omaha, NE, and South San Francisco, CA. (Hearing site: Minneapolis, MN, or Omaha, NE.)

Note.—Dual operations may be involved.

MC 120427 (Sub-30F), filed September 4, 1979. Applicant: WILLIAMS TRANSFER, INC., 2128 East Hwy #30, Grand Island, NE 68801. Representative: John K. Walker (same address as applicant). Transporting *coiled steel*, from Lackawanna, NY, to Denver, CO. (Hearing site: Denver, CO, or Omaha, NE.)

MC 120657 (Sub-8F), filed September 6, 1979. Applicant: DUGAN TRUCK LINE, INC., 1407 South Walnut, Wichita, KS 67213. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213. Transporting (1) *hydraulic fluid power units*, from Hutchinson, KS, to points in AR, GA, IL, IN, IA, KS, MI, MN, MS, MO, NE, NY, OH, OK, PA, SC, SD, TX, and WI, and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above, in the reverse direction. (Hearing site: Wichita, KS, or Kansas City, MO.)

MC 123407 (Sub-611F), filed September 4, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *such commodities*, as are used by manufacturers and distributors of containers, (except commodities in bulk), between points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

MC 124306 (Sub-70F), filed September 6, 1979. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: Richard A. Mehley, 1000 16th St., N.W., Washington, DC 20036. Transporting *chemicals*, in bulk, in tank vehicles, from Roanoke, VA, to points in IL, KY, PA, and WV. (Hearing site: Roanoke, VA.)

MC 125997 (Sub-13F), filed August 22, 1979. Applicant: L. C. ROESCH d.b.a. FOESCH TRANSFER LINE, Box 434, Shawano, WI 54166. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *rough iron and iron-alloy castings*, from Shawano, WI, to points in IA, IL, IN, MI, MN, OH, and points in PA on and west of U.S. Hwy 15, and (2) *material, equipment, and supplies* used or useful in the manufacture of rough iron and iron-alloy castings, in the reverse direction, under continuing contract(s) with Aarrow Electric Iron Castings, Inc., of Shawano, WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 128246 (Sub-53F), filed July 30, 1979. Applicant: SOUTHWEST TRUCK SERVICE, a Corporation, P.O. Box A.D., Watsonville, CA 95076. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foods, foodstuffs, food treating compounds, chemicals, preservatives and additives*, (2) *materials, equipment, supplies and advertising material* used in the manufacture, sale and distribution of the commodities described in (1) above (except in bulk), and (3) *commodities* which are otherwise exempt from economic regulation under Section 10526(a)(6) of the Interstate Commerce Act (49 U.S.C. 10526(a)(6)), when moving in mixed loads with the commodities described in (1) and (2) above, between points in the United States (except AK and HI), under continuing contract(s) with McCormick & Company, Inc., of Baltimore, MD. (Hearing site: Washington, DC, or Baltimore, MD.)

MC 128616 (Sub-27F), filed August 14, 1979. Applicant: GELCO COURIER SERVICES, INC., P.O. Box 1975, St. Paul, MN 55111. Representative: Sally G. Galway (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *commercial papers, documents, and written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions, between North Platte, NE, on the one hand, and, on the other, points in Sedgwick, Logan, Phillips, Yuma, Weld, Morgan, Kit Carson and Washington Counties, CO under a continuing contract(s) with banks and banking institutions, including bank-owned computer companies. (Hearing site: Lincoln, or Omaha, NE.)

MC 129226 (Sub-9F), filed August 23, 1979. Applicant: TO-JON TRUCKING, INC., 6 Verly Court, Bethpage, NY 11714. Representative: Norton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by department stores, between New York, NY, on the one hand, and, on the other, points in PA and OH, under continuing contract(s) with Service Merchandise Company, Inc., of Nashville, TN. (Hearing site: New York, NY.)

MC 133867 (Sub-15F), filed August 15, 1979. Applicant: STARLING TRANSPORT LINES, INC., P.O. Box 1733, Fort Pierce, Florida 33450. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St. N.W., Washington, DC 20001.To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *photocopy machine supplies* (except commodities in bulk), from New York, NY, to points in the United States (except AK and HI), under continuing contract(s) with Saxon Business Products, Inc. (Hearing site: Miami, FL.)

MC 136786 (Sub-173F), filed September 4, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Blvd., Minneapolis, MN 55416. Transporting *printed matter*, from the facilities of Dayton Press, at or near Dayton, OH, to those points in the United States in and east of OH, KY, TN and MS. (Hearing site: Minneapolis, MN.)

MC 138157 (Sub-181F), filed September 6, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Transporting *such commodities as are dealt in and used by manufactures of foodstuffs, pet foods and animal foods* (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Carnation Company. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 139206 (Sub-60F), filed August 20, 1979. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Dr., Maryland Heights, MO 64043. Representative: R. C. Mitchell (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of Mead Johnson Terminal Inc., at or near Evansville, IN, to points in IL, MO, MI, OH, KY, TN, WV, PA, MN, IA, and WI, under continuing contract(s) with Mead Johnson Terminal Inc., of Evansville, IN., (Hearing site: St. Louis, MO, or Evansville, IN.)

MC 139276 (Sub-10F), filed September 5, 1979. Applicant: ALOHA FREIGHTWAYS, INC., 1069 Bryn Mawr Ave., Bensenville, IL 60106. Representative: Grace Kasallis (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Jones & Laughlin Steel Company, in Chicago, IL, to points in IL and IA, under continuing contract(s) with Jones & Laughlin Steel Co., of Pittsburgh, PA. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 140037 (Sub-9F), filed August 27, 1979. Applicant: SUNFLOWER CARRIERS, INC., P.O. Box 583, York, NE 68467. Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68102. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Spencer Foods, Inc., at or near Spencer, IA, to Kingston, NY, under continuing contract(s) with Spencer Foods, Inc. (Hearing site: Omaha, NE.)

MC 140717 (Sub-26F), filed August 14, 1979. Applicant: JULIAN MARTIN, INC., Hwy 25 West, P.O. Box 3348, Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *shampoo*, from Elizabethton, TN, to points in the United States (except AK and HI), under continuing contract(s) with Iodent Company, of Elizabethton, TN. (Hearing site: Nashville, TN, or Washington, DC.).

Note.—Dual operations may be involved.

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MC 140846 (Sub-14F), filed September 4, 1979. Applicant: CENTRAL DELIVERY SERVICE OF MASSACHUSETTS, INC., 12 Magazine St., Boston, MA 02119. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St., N.W., Washington, DC 20005. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new office furniture, fixtures*, and *machines*, and *office supplies*, between Burlington, MA, on the one hand, and, on the other, those points in NH on and south of NH Hwy 11, under continuing contract(s) with Boise Cascade Corporation, of Boise, ID. (Hearing site: Boston, MA.)

Note.—Dual operations may be involved.

MC 141426 (Sub-26F), filed August 16, 1979. Applicant: WHEATON CARTAGE CO., Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *medical, surgical and hospital supplies*, (1) from Broken Bow, Holdrege and Columbus, NE, to points in CA, IL, PA, NJ, NY, CT, GA, FL, SC, and TX to Broken Bow, Holdrege, and Columbus, NE, under continuing contract(s) with Becton-Dickinson and Company of Rutherford, NJ. (Hearing site: Washington, DC.)

MC 141426 (Sub-27F), filed August 16, 1979. Applicant: WHEATON CARTAGE CO., Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *medical, surgical and hospital supplies*, from points in CT, NY, NJ, TX, FL, GA, and PA to Benicia and Los Gatos, CA, under continuing contract(s) with Becton-Dickinson and Company of Rutherford, NJ. (Hearing site: Washington, DC.)

MC 141426 (Sub-28F), filed August 17, 1979. Applicant: WHEATON CARTAGE CO., Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *medical, surgical and hospital supplies*, (1) from North Canaan, CT, to points in NE, and NJ, and (2) from points in TX, GA, FL, IL, CA, NJ, and NE to North Canaan, CT, under continuing contract(s) with Becton-Dickinson and Company of Rutherford, NJ. (Hearing site: Washington, DC.)

MC 141426 (Sub-29F), filed August 17, 1979. Applicant: WHEATON CARTAGE CO., Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *medical, surgical and hospital supplies*, (1) from Sumter, SC to points in TX and CA, and (2) from points in TX, CA, NE, IL, NJ, and CT, to Sumter, SC, under continuing contract(s) with Becton-Dickinson and Company of Rutherford, NJ. (Hearing site: Washington, DC.)

MC 141426 (Sub-30F), filed August 20, 1979. Applicant: WHEATON CARTAGE CO., Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St, NW, Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *medical, surgical and hospital supplies*, (1) from Ocala, FL to points in TX, CA, CT, and NE, and (2) from points in TX, CA, CT, NE, NJ, GA, and IL to Ocala, FL, under continuing contract(s) with Becton-Dickinson and Company of Rutherford, NJ. (Hearing site: Washington, DC.)

MC 141426 (Sub-31F), filed August 20, 1979. Applicant: WHEATON CARTAGE CO., Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St, NW, Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *medical, surgical and hospital supplies*, (1) from Hancock, NY to points in TX, IL, and NJ, and (2) from points in TX, IL, NJ, FL, GA, and CA to Hancock, NY, under continuing contract(s) with Becton-Dickinson and Company of Rutherford, NJ. (Hearing site: Washington, DC.)

MC 141536 (Sub-3F), filed July 27, 1979. Applicant: BILL BLANN, d.b.a. BLANN TRACTOR COMPANY, P.O. Box 557, Hampton, AR 71744. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *clothing, materials, equipment, and supplies* incidential to or used in the manufacture of clothing, between the facilities of M. J. Industries, Inc., at St. Louis, MO, and East Camden, AR, under continuing contract(s) with M. J. Industries, Inc., of St. Louis, MO. (Hearing site: Little Rock, AR.)

MC 141597 (Sub-9F), filed August 13, 1979. Applicant: RIVERSIDE TRUCK LINE, INC., 919 4th Ave. So., Denison, IA 51442. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meats, meat products, and meat byproducts, and articles distributed by meat packing houses*, as described in Section A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Farmland Foods, Inc., at Denison, Iowa Falls, Carroll, Fort Dodge, Cherokee, and Des Moines, IA, and Crete, Lincoln, and Omaha, NE, to points in AL, FL, GA, LA, MS, NC, SC, and TN, and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities named in (1) above, (except hides and commodities in bulk) from points in the destinations named in (1) above, to the facilities of Farmland Foods, Inc., at or near Dension, Iowa Falls, and Carroll, IA, and Crete, NE, under continuing contract(s) with Farmland Foods, Inc. (Hearing site: Omaha, NE.)

MC 141597 (Sub-8F), filed August 13, 1979. Applicant: RIVERSIDE TRUCK LINE, INC., 919 4th Ave. So., Denison, IA 51442. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meats, meat products, and meat byproducts, and articles distributed by meat packing houses*, as described in Section A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Farmland Foods, Inc., at Denison, Iowa Falls, Carroll, Fort Dodge, Cherokee, and Des Moines, IA, and Crete, Lincoln, and Omaha, NE, to points in AR, IA, IL, KS, MN, MO, ND, NE, NM, OK, SD, TX, WI, and WY, and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities specified in (1) above, (except hides and commodities in bulk) from points in the destinations named in (1) above, to the facilities of Farmland Foods, Inc., at or near Dension, Iowa Falls, and Carroll, IA, and Crete, NE. (Hearing site: Omaha, NE.)

MC 142897 (Sub-16F), filed August 22, 1979. Applicant: KENNEDY FREIGHT LINES, INC., 7401 Fremont Pike, Perrysburg, OH 43551. Representative: Paul F. Berry, 275 East State St. Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in

interstate or foreign, commerce over irregular routes, transporting (1) *auto parts, building materials, sporting goods, crated new furniture, infant articles*, and (2) *materials, equipment and supplies* used in the manufacture or distribution of commodities named in (1) above (except commodities in bulk), between points in the United States (except AK and HI), under continuing contract(s) with Questor Corporation, of Toledo, OH. (Hearing site: Columbus, OH.)

MC 143246 (Sub-6F), filed August 23, 1979. Applicant: LAND TRANPORT CORPORATION, 24 Sabrina Rd., Wellesley, MA 02181. Representative: James E. Mahoney, 148 State St., Boston, MA 02109. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign, commerce over irregular routes, transporting *metal cans and materials, equipment and supplies* for the foregoing commodities, between the facilities of Eagle Can Company, in MA on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX, under continuing contract(s) with Eagle Can Company, of Peabody, MA. (Hearing site: Boston, MA, or Providence, RI.)

MC 143607 (Sub-13F), filed August 24, 1979. Applicant: RAYWOOD TRANSPORT, INC., Route 6, Box 2611, Waco TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign, commerce over irregular routes, transporting (1) *plastic articles* and (2) *materials, equipment and accessories* used in the manufacture of plastic articles (except in bulk), between the facilities of Rubbermaid Commercial Products, Inc., at or near (1) Cleburne, TX, and (2) Winchester, VA, under continuing contract(s) with Rubbermaid Commercial Products, Inc. (Hearing site: Washington, DC, Dallas, TX.)

MC 143806 (Sub-1F), filed August 24, 1979. Applicant: CANADIAN PACIFIC TRANSPORT CO., LTD., 44 West Pender St., Vancouver, D.C., Canada V6B 17R. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign, commerce over irregular routes, transporting *lime*, in bulk, from ports of entry on the international boundary line between the United States and Canada, in WA and ID, on the one hand, and, on the other, points in IA and ID, under continuing contract(s) with Steel Brothers Canada, Ltd., Lime Division. (Hearing site: Seattle, WA.)

MC 143846 (Sub-10F), filed September 6, 1979. Applicant: P. POSA, INC., 50 Van Kueren Ave., Jersey City, NJ 07306. Representative: Arhtur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign, commerce over irregular routes, transporting *such commodities* as are dealt in by department stores, (1) from New York, NY, to Bethlehem, PA, Wilmington, DE, Knoxville and Memphis, TN, and Landover, MD, and (2) from Memphis, TN, to Baltimore, MD, and Chicago, IL, under continuing contract(s) with Montgomery Ward Co., of Chicago, IL. (Hearing site: New York, NY, or Newark, NJ.)

MC 143846 (Sub-11F), filed September 6, 1979. Applicant: P. POSA, INC., 50 Van Kueren Ave., Jersey City, NJ 07306. Representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. To operate as a *contract carrier*, by motor vechicle, in interstate or foreign commerce, over irregular routes, transporting (1) *printing paper*, from Chillicothe, OH, Madawaska, ME, Tucker, GA, East Hampton, MA, and Franklin, VA, to points in AL, CT, DE, FL, GA, ME, MD, MA, MI, MO, NJ, NY, NH, NC, OH, PA, RI, SC, IL, IN, TN, TX, VA, WV, and DC, and (2) *paper boxes*, from East Hampton, MA, to points in NY, NJ, PA, DE, MD, RI, ME, and NH, under continuing contract(s) in (1) and (2) with Beekman Paper Co., Inc., of New York, NY. (Hearing site: New York, NY, or Newark, NJ.)

MC 144117 (Sub-44F), filed September 4, 1979. Applicant: TLC LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: William D. Brejcha, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting (1) *Carob mix, carob coated almonds*, (2) *ambrosia mix*, (3) *processed nuts and seeds*, (4) *banana chips*, and (5) *agricultural commodities* which are otherwise exempt from economic regulation under 49 U.S.C. Section 10526(a)(6), from Dinuba, CA, to points in the United States (except AK and HI). (Hearing site: Bakersfield or Los Angeles, CA.)

MC 144267 (Sub-1F), filed August 23, 1979. Applicant: METRO DELIVERY SERVICE, INC., 50 Florida Ave., N.E., Washington, DC 20002. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk, classes A and B explosives, and those requiring special equipment), between the facilities of Metropolitan Warehouses, in Washington, DC, on the one hand, and, on the other, points in DE, MD, NJ, PA, VA, and WV, under continuing contract(s) with Metropolitan Warehouse Co. of Washington, DC. (Hearing site: Washington, DC.)

MC 144676 (Sub-2F), filed September 6, 1979. Applicant: M & S TRANSPORT LINES, INC., P.O. Box 417, Sultana, CA 93666. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting *confectionery and cough drops*, from Reading, PA, to points in WA, OR, CO, CA, NV, UT, AZ, NM, TX, and OK, restricted to the transportation of traffic originating at the facilities of Luden's, Inc. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 144756 (Sub-5F), filed August 20, 1979. Applicant: DEDICATED TRUCKING CORP., Hamilton and Rush Roads, P.O. Box 1383, Chehalis, WA 98532. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce over irregular routes, transporting *such commodities* as are dealt in by wholesale, retail, and chain grocery and food business houses (except frozen and bulk commodities), from points in CA to points in OR and WA, under continuing contract(s) with The Clorox Company of Oakland, CA. (Hearing site: Portland, OR).

MC 144926 (Sub-7F), filed August 17, 1979. Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, Fargo, ND 58107. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, lumber mill products, wood products, composition board, and millwork*, from points in ID, MT, OR, and WA, to points in IA, MN, NE, ND, and SD, under continuing contract(s) with Georgia-Pacific Corporation, of Portland, OR.

MC 145267 (Sub-6F), filed July 30, 1979. Applicant: CAMPBELL TRANSPORT INC., P.O. Box 386, Vineland, NJ 08360. Representative: Mark D. Russell, Suite 348, Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *brick, metal alloys, aluminum articles, containers, castings, forgings, chemicals, polishing compounds, graphite crucibles, furnace electrodes, fluorspar, flay ash,*

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powdered iron, scrap iron, metals, ores, pallets, and slag pots (except commodities in bulk), between the facilities of Shieldalloy Corporation, at or near Newfield, NJ, on the one hand, and, on the other, points in AL, AZ, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC, under continuing contract(s) with Shieldalloy Corporation, of Newfield, NJ. (Hearing site: Philadelphia, PA, or Washington, DC.)

Note.—Applicant presently operating a portion of the authority sought under MC–145267 Sub-1F, which applicant will have revoked upon favorable grant of present application.

MC 145267 (Sub-9F), filed August 14, 1979. Applicant: CAMPBELL TRANSPORT, INC., P.O. Box 386, Vineland, NJ 08360. Representative: Mark D. Russell, Suite 348, Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *shelving and furniture* (set up, in packages), from the facilities of Media-Stack, Inc., at Vineland, NJ, to points in the United States (except AK and HI), under continuing contract(s) with Media-Stack, Inc., of Vineland, NJ. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 145267 (Sub-10F), filed August 16, 1979. Applicant: CAMPBELL TRANSPORT, INC., P.O. Box 386, Vineland, NJ 08360. Representative: Mark D. Russell, Suite 348, Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *drugs, medicines and toilet preparations,* and commodities used in the manufacture, sale and distribution of the foregoing commodities, between the facilities of Searle Pharmaceuticals, Inc., at or near Skokie, IL, and Phoenix, AZ, on the one hand, and, on the other, points in AZ and those in the United States in and east of WI, IL, KY, TN, and MS, under continuing contract(s) with Searl Pharmaceuticals, Inc. (Hearing site: Philadelphia, PA, or Washington DC.)

MC 145317 (Sub-8F), filed September 4, 1979. Applicant: QUALITY SERVICE TANK LINES, INC., P.O. Box 17405, San Antonio, TX 78217. Representative: Robert J. Birnbaum, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767. Transporting *proppant,* in bulk, in tank vehicles, from New Iberia, LA, and Fort Smith, AR, to points in AR, CO, KS, LA, MS, MT, NM, OK, TX, TU and WY. (Hearing site: Dallas, or San Antonio, TX.)

MC 145437 (Sub-11F), filed August 27, 1979. Applicant: JWI TRUCKING, INC., 8100 North Teutonia Avenue, Milwaukee, WI 53209. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. To operate as a *contract carrier,* by motor vehicle in interstate or foreign commerce over irregular routes, transporting (1) *wearing apparel,* from the facilities of Lakeland Manufacturing Company at or near Sheboygan, WI to points in the United States (except AK and HI), and (2) *materials, equipment and supplies* used or useful in the manufacture, sale or distribution of wearing apparel from points in the United States (except AK and HI) to the facilities of Lakeland Manufacturing Company at or near Sheboygan, WI, under continuing contract(s) with Lakeland Manufacturing Company. (Hearing site: Madison, WI, or Milwaukee, WI.)

MC 145577 (Sub-15F), filed September 4, 1979. Applicant: GULLETT-GOULD, LTD., P.O. Box 408, Union City, IN 47390. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. Transporting *grape juice and grape juice concentrate,* from Lodi, CA, to those points in the United States in and east of WI, IL, KY, TN, and MS. (Hearing site: San Francisco, CA, or Chicago, IL.)

MC 145696 (Sub-3F), filed July 26, 1979. Applicant: M & M LIMITED, 228 Louisville Air Park, Louisville, KY 40213. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: *such commodities* as are dealt in by wholesale, retail, and chain grocery and food business houses (except frozen or in bulk), from the facilities of Colgate-Palmolive Co., Inc., at Jeffersonville, IN, to Memphis, TN, under continuing contract(s) with Colgate-Palmolive Co., Inc., of Jeffersonville, IN. (Hearing site: Louisville, KY.)

MC 145567 (Sub-2F), filed August 28, 1979. Applicant: UNITED STATES TRANSPORTATION, INC., 4963 Provident Dr., Cincinnati, OH 45246. Representative: Michael Spurlock, Beery & Spurlock Co., L.P.A., 275 East State St., Columbus, OH 43215. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: *Liquid resins, core compounds, formaldehyde, acetone, caustic soda, methanol, phenol, ethanol, and nitrogen fertilizer solutions* in bulk, in tank vehicles, between the plant site of Georgia-Pacific Corporation, in Franklin County, OH, on the one hand, and, on the other, points in IL, IN, the lower peninsula of MI, and KY, under continuing contract(s) with Georgia-Pacific Corporation, of Franklin County, OH. (Hearing site: Columbus, OH.)

MC 146276 (Sub-2F), filed August 13, 1979. Applicant: STEVE'S GAS SUPPLY, INC., 46 River Rd., Essex Junction, VT 05452. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: *fuel oil and gasoline and diesel fuel,* in bulk, in tank vehicles, from Rensselaer, NY, to Essex Junction, Richford, Alburg, Swanton, Stowe, Colchester, Bristol and St. Albans, VT, under a contract or continuing contract(s) with Robinson's, Inc., of Essex Junction, VT. (Hearing site: Montpelier, VT, or Springfield, MA.)

MC 146336 (Sub-7F), filed August 6, 1979. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 902 Avenue N, Grand Prairie, TX 75050. Representative: E. Larry Wells, P.O. Box 45538, Dallas, TX 75245. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *disposable surgical supplies, and materials* used in the manufacture of disposable surgical supplies, (1) from Nashville, TN, to Gainesville, GA, (2) from Sherman, TX, to Los Angeles, CA, and Charlotte, NC, (3) between El Paso, TX, and Waco, TX, and (4) from El Paso, TX, to Sherman, TX, under continuing contract(s) with Surgikos, of New Brunswick, NJ. (Hearing site: Dallas, TX.)

MC 146646 (Sub-25F), filed September 4, 1979. Applicant: BRISTOW TRUCKING COMPANY, a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting (1) *machinery, and machinery parts,* and (2) *materials, equipment, and supplies* used in the manufacture, rebuilding, and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of Southwestern Machinery and Equipment Company, Inc., at or near Gadsden, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Birmingham or Montgomery, AL.)

MC 146656 (Sub-5F), filed July 27, 1979. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St. Baltimore, MD 21224. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. To operate as a *contract carrier,*

by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *polyurethane foam,* from Baltimore and Jessup, MD, to points in ME, VT, NJ, NH, MA, RI, CT, NY, PA, DE, MD, VA, NC, SC, GA, and DC, under continuing contract(s) with William T. Burnett & and Co., and (2) *such commodities* as are dealt in by retail department stores (except commodities in bulk), from Somerville, MA, to the facilities of May Department Stores Corporation T/A Hecht's, in Washington, DC, under continuing contract(s) with May Department Stores Corporation. (Hearing site: Baltimore, MD, or Washington, DC.)

Note.—Dual operations may be involved.

MC 146867 (Sub-2F), filed September 6, 1979. Applicant: DEPENDABLE FEED SERVICE, INC., Route No. 1, Bear Creek, NC 27207. Representative: Vaughan S. Winborne, 1108 Capital Club Bldg. Raleigh, NC 27601. Transporting (1) *animal feeds and poultry feeds,* (2) *feed ingredients and seeds,* and (3) *agricultural lime,* between points in FL, GA, MD, NC, SC, VA, PA, and NJ, on the one hand, and, on the other, points in NC, SC, and VA. (Hearing site: Raleigh or Greensboro, NC.)

MC 147386 (Sub-2F), filed September 6, 1979. Applicant: BAER'S TRANSIT INC., 754 Airport Rd., Menasha, WI 54952. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. To operate as a *contract carrier,* by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *malt beverages,* (1) from St. Louis, MO, and Columbus, OH, to Wausau, WI, and (2) from St. Paul, MN, to Menasha, WI, under continuing contract(s) with Raer's Beverage Inc., and Capital Sales, Inc., both of Menasha, WI. (Hearing site: Madison, WI.)

MC 147496 (Sub-4F), filed August 14, 1979. Applicant: FINGER LAKES TRUCK BROKERAGE OF CANANDAIGUA, INC., P.O. Box 166, Canandaigua, NY 14424. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs* (except frozen and commodities in bulk), (a) from Buffalo and Fredonia, NY, to points in the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada, (b) from Rochester, NY, to points in AR, KS, LA, OK, MO, TX, and points in the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada, and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of foodstuffs (except in bulk), (a) from points in the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada, to Buffalo and Fredonia, NY, and (b) from points in AR, KS, LA, OK, MO, TX, and points in the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada to Rochester, NY, under continuing contract(s) in (1)(a) and (2)(a) with Gioia Macaroni Co., of Buffalo, NY, in (1)(b) and (2)(b) with Bravo Marcaroni Co., of Rochester, NY. (Hearing site: Buffalo or Rochester, NY.)

MC 147616 (Sub-2F), filed August 13, 1979. Applicant: K & H TRUCKING, INC., 3301 S. Lamar, Dallas, TX 75215. Representative: Joe Hester (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel containers* and (2) *materials, equipment and supplies* used in the manufacture of steel containers (except commodities in bulk), from Dallas, TX, and Birmingham, AL, to points in AL, AR, CO, IL, KS, LA, MS, MO, NM, OK, TN, TX, and in the reverse direction, under continuing contract(s) with Southwestern Steel Container Co., Inc. (Hearing site: Dallas, TX, or Washington, DC.)

MC 147676 (Sub-2F), filed August 21, 1979. Applicant: KEATON TRUCK LINES, INC., 1008 So. Lelia St., P.O. Box 1187, Texarkana, TX 75501. Representative: Patsy Washington (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products,* (except commodities in bulk), from Houston, TX, to Compton, Los Angeles, Colton, and Richmond, CA, and Phoenix, Tucson, Globe and Sahuarita, AZ, under continuing contract(s) with ARCO Petroleum Products Co., of Los Angeles, CA. (Hearing site: Houston or Dallas, TX.)

MC 147887 (Sub-3F), filed September 4, 1979. Applicant: K. M. COLLINS & CO., INC., 262 North Belt, Suite 210, Houston, TX 77060. Representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, TX 76102. Transporting (1) *iron and steel articles (except pipe), and (2) pipe,* from Conroe, TX, to points in the United States, including AK but excluding HI; and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), and (2) above, in the reverse direction. (Hearing site: Dallas, TX.)

MC 147896 (Sub-1F), filed July 30, 1979. Applicant: WESTERN SONTEX, INC., P.O. Box 667, Seal Beach, CA 90740. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *floor covering products,* from points in GA, Salem, NJ, Willow Grove, PA, and Oneida, TN, to points in Kern, Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara and Ventura Counties, CA, under continuing contract(s) with Carroll and Stewart Distributors, Inc., d/b/a Valley Floor Covering Distributors. (Hearing site: Los Angeles, CA.)

MC 147896 (Sub-2F), filed August 23, 1979. Applicant: WESTERN SONTEX, INC., P.O. Box 667, Seal Beach, CA 90740. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *candles, candles in glass, candle sets and candle holders,* from Liverpool, NY, to Phoenix, AZ, Denver, CO, Los Angeles, CA, Abilene, Junction City and Kansas City, KS, New Orleans, LA, St. Louis, MO, Edmond, Oklahoma City and Tulsa, OK, and Dallas, Ft. Worth and Houston, TX, under continuing contract(s) with Emkay Candle Company. (Hearing site: Syracuse, or Buffalo, NY.)

MC 148137F, filed August 24, 1979. Applicant: STANTON SALES & TRANSPORTATION COMPANY, 11135

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S.W. Industrial Way, Tualatin, OR 97062. Representative: Thomas Y. Higashi, 2075 S.W. First Ave., Suite 2N, Portland, OR 97201. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *furniture and furniture parts,* (1) from the facilities of Stanton Industries Inc., at or near Tualatin, OR, to points in WA, CA, NV, AZ, CO, MN, TX, OK, and UT, and (2) from points in CA, to the facilities of Stanton Industries, at or near Tualatin, OR, under continuing contract(s) in (1) and (2) with Stanton Industries, and (3) from points in CA, to points in OR, NV, and WA, (4) from points in TX, to points in OK, MN, AZ, CO, UT, CA, OR, WA, and NV, and (5) from points in MS, to points in CO, OK, TX, MN, AZ, UT, NV, CA, OR, and WA, under continuing contract(s) in (3), (4), and (5) with Grantree Furniture Rental Corporation. (Hearing site: Portland, OR.)

MC 148147F, filed August 21, 1979. Applicant: HERBERT H. ONASH AND THOMAS W. ONASH d.b.a. ONASH & SONS TRUCKING, 4 N 439 John St., Bensenville, IL 60106. Representative: Albert A. Andrin, 180 North LaSalle St., Chicago, IL 60601. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles, and materials and supplies* used in the manufacture of plastic articles (except in bulk), (1) between Elk Grove, IL, on the one hand, and, on the other, points in WI, IN, MI, OH, IA, PA, TN, KY, and NJ, (2) between West Chicago, IL, on the one hand, and, on the other, points in MN, KY, MO, WI, IN, IA, OH, PA, and NJ, and (3) between Addison, IL, on the one hand, and, on the other, points in IN, MI, WI, and OH, under continuing contract(s) in (1) with Trans-Shape, Inc., of Elk Grove, IL, in (2) with Handi-Kup Illinois, Inc., of West Chicago, IL, and (3) with Oxford Products Div. Futurex, Inc., of Addison, IL. (Hearing site: Chicago, IL.)

MC 148236F, filed September 5, 1979. Applicant: JOSEPH WARD SHUBAT d.b.a. SHUBAT BUS COMPANY, 113 East Caspian Ave., Caspian, MI 49915. Representative: Karl K. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Transporting *passengers and their baggage,* in the same vehicle with passengers, in round trip special and charter operations, beginning and ending at points in Baraga, Iron, Marquette, Houghton, and Dickinson Counties, MI, and extending to points in, the United States, (including AK but excluding HI). (Hearing site: Lansing, MI.)

MC 148246F, filed August 21, 1979. Applicant: FAIRLEY K. CARTER, 723 Veda St., Fayetteville, NC 28306. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh St. NW., Washington, DC 20001. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), from East Rutherford, NJ, to points in NC, SC, GA and FL, under continuing contract(s) with Delsaco Food Corp., Division of Cane Miller Corporation, of East Rutherford, NJ. (Hearing site: New York, NY, Washington, DC.)

MC 148247F, filed July 30, 1979. Applicant: BROCK CANDY COMPANY, a corporation, 4120 Jersey Pike, Chattanooga, TN 37421. Representative: A. Alexander Taylor, II, 10th Floor, Volunteer Bldg., Chattanooga, TN 37402. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs and packaging materials,* from points in FL, GA, AL, MS, LA, TX, AR, NC, SC, TN, MO, KS, IL, IN, OH, KY, VA, WI, and MN, to Chattanooga, TN, under continuing contract(s) with Chattanooga Bakery, Inc., and Kitchen Fresh, Inc., of Chattanooga, TN. (Hearing site: Chattanooga, or Nashville, TN.)

MC 148537F, filed June 15, 1979. Applicant: O'HARE VAN LINES, INC., 495–D Busse Rd., Elk Grove Village, IL 60007. Representative: James Traynor, 39 S. LaSalle, Chicago, IL 60603. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *kitchen cabinets,* and (2) *materials, equipment, and supplies* used in kitchen remodeling, between Chicago, IL, and points in IN, IL, WI, MI, MN, and IA, under continuing contract(s) with Quaker Maid Kitchens, Inc. (Hearing site: Chicago, IL.)

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Decided: February 4, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 76 (Sub-18F), filed September 24, 1979. Applicant: MAWSON & MAWSON, INC., P.O. Box 248. Langhorne, PA 19047. Representative: Richard. C. McGinnis, 711 Washington Building, Washington, DC 20005. Transporting (1) *iron and steel articles,* from the facilities of DANA CORP., at or near Reading, PA, to points in OH, WV, IN, IL, and those in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, and Bay Counties; and (2) *equipment, materials and supplies* (except in bulk), used in the manufacture of the commodities named in (1) above, in the reverse direction. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 76 (Sub-22F), filed September 21, 1979. Applicant: MAWSON & MAWSON, INC., P.O. Box 248, Langhorne, PA 19047. Representative: Richard. C. McGinnis, 711 Washington Building, Washington, DC 20005. Transporting (1) *iron and steel articles,* from the facilities of Copperweld Steel Co., at or near Warren, OH, to points in MA, RI, CT, NY, NJ, MD, DE, VA, WV, PA, and those in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, and Bay Counties; and (2) *equipment, materials and supplies* (except in bulk), used in the manufacture of the commodities named in (1) above, in the reverse direction. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 11207 (Sub-501F), filed September 18, 1979. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting (1) *iron and steel articles and pipe,* from the facilities of Fort Worth Pipe & Supply Co., at or near Conroe, TX, to points in the United States, including AK but excluding HI; and (2) *equipment and materials* used in the production of (1) above, in the reverse direction. (Hearing site: Houston, TX.)

MC 11207 (Sub-502F), filed September 24, 1979. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *steel and wood doors and parts therefor* from Jim Walter Doors, Division of Celotex Corporation, at Century, FL, to points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, VA, and WV. (Hearing site: Jacksonville, FL, or Washington, DC.)

MC 11207 (Sub-503F), filed September 26, 1979. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting (1) *malt beverages,* in containers, from Albany, GA, to Birmingham, AL. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 26396 (Sub-294F), filed September 24, 1979. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *Agricultural chemicals,* from Randolph, WI, to points in MT, ND, SD, IA, NE, WY, ID, MN, and UT. (Hearing site: Billings, MT.)

MC 26396 (Sub-295F), filed September 24, 1979. Applicant: THE WAGGONERS TRUCKING, a Corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *drywall tape,* from Kansas City, KS, to ports of entry on the international boundary line between the United States and Canada in MT, restricted to traffic moving in foreign commerce. (Hearing site: Billings, MT.)

MC 26396 (Sub-303F), filed September 20, 1979. Applicant: THE WAGGONERS TRUCKING, a Corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *such commodities as are dealt in or used by gun clubs* (except commodities in bulk), from points in the United States (except AK and HI) to points in IA, IL and MO; and (2) *reclaimed shot* (except commodities in bulk), between points in IA, IL and MO. (Hearing site: Omaha, NE.)

MC 27817 (Sub-161F), filed September 19, 1979. Applicant: H. C. GABLER, INC., R.D. No. 3, P.O. Box 220, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Transporting *canned goods,* from the facilities of the Joan of Arc Company (1) at or near Turkey, NC to points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, and (2) at or near (a) Hoopeston, IL and (b) Princeville, IL, to points in MD, NJ, PA, New York, NY, and DC, restricted in parts (1) and (2) to traffic originating at and destined to the named origins and destinations. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 41406 (Sub-156F), filed September 20, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Dr., Merrillville, IN 46410. Representative: Wade H. Bourdon (same address as applicant). Transporting (1) *agricultural, construction and industrial machinery, engines and equipment,* and (2) *such commodities* as are dealt in or used by lawn, garden and leisure produce dealers, between the facilities of Allis-Chalmers Corporation, at or near (a) LaPorte, IN, and (b) Milwaukee and Port Washington, WI, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 42487 (Sub-948F), filed September 20, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except those of unusual value), classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the facilities of United Steel Products at Montgomery, MN, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Minneapolis, MN.)

Note.—Applicant states it intends to tack to its existing authority any authority it may acquire in the future.

MC 51146 (Sub-755F), filed September 17, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting *canned and preserved foodstuffs,* from the facilities of Heinz USA at or near Fremont, OH to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, VT, VA, and DC, restricted to the transportation of traffic originating at the named origin and destined to the named destination states. (Hearing site: Chicago, IL.)

MC 51146 (Sub-756F), filed September 17, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting (1) *tool cabinets, tool chests, tool boxes, medical cabinets, work benches,* and *shelves, and* (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above between points in the United States, restricted to the transportation of traffic originating at or destined to the facilities of Waterloo Industries. (Hearing site: Chicago, IL.)

MC 51146 (Sub-757F), filed September 20, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting (1) *such commodities* as are dealt in by wholesale, retail, chain grocery, and food business houses and agricultural feed business houses; soy products; paste, flour products; dairy based products, and (2) *materials, ingredients equipment, and supplies* used in the development, manufacture, distribution and sale of the products in (1) above (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to facilities used by Ralston Purina Company. (Hearing site: Chicago, IL.)

MC 59206 (Sub-27F), filed September 28, 1979. Applicant: HOLLAND MOTOR EXPRESS, INC., 750 E. 40th St., Holland, MI 49423. Representative: Kenneth De Vries (same address as applicant). Over *regular routes,* transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between South Haven and Kalamazoo, MI, over MI Hwy 43, serving all intermediate points. (Hearing site: Chicago, IL.)

MC 59367 (Sub-144F), filed September 17, 1979. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, IA 50501. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *grain and feed handling equipment and storage bins, steel buildings, feed mixing mills, grain dryers, and (2) parts, materials and supplies used in the manufacture and operation of the commodities named in part (1), (except commodities in bulk),* between the facilities of Modern Farm Systems, Inc. at Webster City, IA on the one hand, and, on the other, points in IL, IN, KS, MN, MO, MT, NE, ND, SD and WI, restricted to the transportation of traffic originating at or destined to the above-named facilities. (Hearing site: Des Moines, IA, or St. Paul, MN.)

MC 63417 (Sub-247F), filed September 27, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. BOX 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as Applicant). Transporting (1) *containers, container closures, container components, glassware, and packaging products,* (2) *scrap materials* (Except commodities in bulk in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special shipment), between points in the United States (except AK and HI), restricted to the transport of traffic originating at or destined to the facilities of Owens Illinois, Incorporated. (Hearing site: Washington, DC.)

MC 69116 (Sub-251F), filed September 20, 1979. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. Spector Freight System, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 south LaSalle Street, Chicago, IL 60603. Transporting (1) *iron and steel articles, and (2)*

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commodities used in the manufacture of iron and steel articles (except commodities in bulk), between the facilities of National Steel Corporation at or near (a) Weirton, WV, and (b) Steubenville, OH, on the one hand, and, on the other, points in AL, CT, FL, GA, IL, IN, IA, KY, MD, MA, MI, MN, MO, NH, NJ, NY, NC, OH, PA, SC, TN, WI and VA. (Hearing site: Chicago, IL.)

MC 78687 (Sub-82F), filed September 25, 1979. Applicant: LOTT MOTOR LINES, INC., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Transporting *lumber, forest products, and building materials,* from points in NC and VA to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, and VT. (Hearing site: Richmond, VA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 79726 (Sub-6F), filed September 18, 1979. Applicant: JOHN (JACK) W. HOCKERSMITH AND JACK HOCKERSMITH, JR., a Partnership d.b.a. JACK HOCKERSMITH & SON TRUCKING, P.O. Box 333, Pine Bluffs, WY 82082. Representative: Jack Hockersmith, Jr. (same address as applicant). Transporting *Fertilizer,* between points in WY, CO, NE, and KS. (Hearing site: Cheyenne, WY, or Denver, CO.)

MC 95876 (Sub-312F), filed September 17, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 293 Cooper Ave. No., St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapoilis, MN 55402. Transporting *valves and hydrants, and parts, attachments and accessories* therefor, from Beaumont, TX, to points in the United States (except AK, HI, AL, AZ, AR, CA, FL, GA, LA, MS, NV, NM, NC, SC, TN and UT). (Hearing site: Houston or Dallas, TX)

MC 100666 (Sub-493F), filed September 20, 1979. Applicant: MELTON TRUCK LINES, Inc., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615–East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *fire brick and bonding mortar,* from the facilities of Wellsville Fire Brick Company, at or near Wellsville, MO to points in AL, AR, GA, IA, IN, IL, KY, MI, MS, OH, OK, PA, TN, TX and WI. (Hearing site: Dallas, TX)

MC 100666 (Sub-494F), filed September 27, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 766, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615, East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting (1) *plastic articles,* and (2) *equipment, materials and supplies* used in the manufacture and distribution of plastic articles (except commodities in bulk and those which because of size and weight require the use of special equipment), between the facilities of Fort Howard Paper Company, at or near Muskogee, OK, on the one hand, and, on the other, points in AL, FL, GA, KY, MS, NC, SC, TN, and VA. (Hearing site: Washington, D.C.)

MC 100666 (Sub-495F), filed September 26, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615, East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting (1) *cooling equipment and parts, materials, equipment and supplies,* (except in bulk) used in connection with cooling equipment, and (2) *materials, equipment and supplies,* (except in bulk) used in the manufacture or distribution of commodities named in (1) above, between points in the United States (except AK and HI). Restricted to the transportation of traffic in (1) above originating at the facilities of The Marley Cooling Tower Company, and in (2) above destined to the facilities of the Marley Cooling Tower Company. (Hearing site: Dallas, TX, or New Orleans, LA.)

MC 102616 (Sub-1012F), filed September 24, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massilon Rd., Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting *butane mix,* in bulk, in tank vehicles, from (1) Wayne City, IL, to East Mount Carmel, IN, and (2) East Mount Carmel, IN, to Pana, IL, and Kilgore, TX. (Hearing site: Kansas City, or St. Louis, MO.)

MC 102616 (Sub-1013F), filed September 17, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Rd., Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting *lubricating oil,* in bulk, in tank vehicles, from Port Huron, MI, and Olive Branch, MS, to points in IL, NJ, PA, and TX. (Hearing site: Detroit, MI, or Chicago, IL.)

MC 105566 (Sub-209F), filed September 24, 1979. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Bldg., 6901 Old Keene Mill Rd., Springfield, VA 22150. Transporting *such commodities* as are dealt in or used by manufacturers of glass containers, glassware, closures, plastic articles, chainaware and hardware (except in bulk), between the facilities of Anchor Hocking Corporation, in CA, FL, TX, IL, IN, and WV, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Columbus, OH.)

MC 107496 (Sub–1244F), filed September 20, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855. Des Moines, IA 50304. Transporting *commodities* in bulk, between points in the United States (except AK and HI). (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 107727 (Sub–30F), filed September 27, 1979. Applicant: ALAMO EXPRESS, INC., 6013 Rittiman Plaza, San Antonio, TX 78218. Representative: Damon R. Capps, Suite 1230, Capital National Bank Bldg., Houston, TX 77002. Over regular routes, transporting *general commodities* (except classes A and B explosives, commodities in bulk, articles of unusual value, household goods as defined by the Commission, and commodities requiring special equipment), (1) between the junction of US Hwys 83 and 77 and TX Hwy 511 and the junction of TX Hwy 511 and TX Hwy 4 over TX Hwy 511, serving no intermediate points; (2) between the junction of US Hwy 83 and TX Hwy 755 and the junction of TX Hwy 755 and US Hwy 281 over TX Hwy 755, serving no intermediate points; and (3) between the junction of US Hwy 281 and TX Hwy 97 and the junction of US Hwy 83 and TX Hwy 649, from the junction of US Hwy 281 and TX Hwy 97 over TX Hwy 16 to the junction of TX Hwys 16 and 649, and then over TX Hwy 649 to the junction of TX Hwy 649 and US Hwy 83 and return, serving no intermediate points. (Hearing site: San Antonio, or Houston, TX.)

Note.—Applicant intends to tack the above routes with its existing authority.

MC 113666 (Sub–185F), filed September 17, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, PA 16229. Representative: D. R. Smetanick (same address as applicant). Transporting (1) *agricultural implements and lawn and garden equipment,* and (2) *materials, equipment, and supplies* used in the production, installation, and operation of the commodities in (1) above, between the facilities of Allis-Chalmers, at or near La Porte, IN, Milwaukee and Port Washington, WI, on the one hand, and, on the other, points in MA, MO, NY, OH, and PA. (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 113666 (Sub–186F), filed September 24, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road., P.O. Drawer "A", Freeport, PA 16229. Representative: R. S. Manhood (same address as applicant). *Insulation, insulating materials, and materials, equipment and supplies used in the production and installation of insulation and insulating materials,* between Rochester, NY, and Wauseon, OH, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 114457 (Sub–545F), filed September 24, 1979. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting *wood excelsior products* from Rice Lake and Marinette, WI, and Englewood, CO, to points in the United States (except AK and HI). (Hearing site: Dallas, TX or St. Paul, MN.)

MC 114457 (Sub-548F), filed September 24, 1979. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting *such commodities as are dealt in or used by manufacturers and distributors of cellulose products* (except commodities in bulk), between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Diversified Insulation, Inc. (Hearing site: Minneapolis, MN or St. Paul, MN.)

MC 114457 (Sub-549F), filed September 24, 1979. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, and commodities in bulk), from St. Louis, MO and those points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada to points in Anoka, Dakota, Hennepin, Ottertail, Ramsey, Wadena, and Washington Counties, MN. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 115496 (Sub-124F), filed September 21, 1979. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Roy E. Hamrick (Same address as applicant). Transporting *roofing materials,* from the facilities of Johns-Manville Sales Corporation, at or near Savannah, GA, to points in AL, FL, NC, SC, TN, and VA. (Hearing site: Atlanta, GA, Jacksonville, FL.)

MC 115557 (Sub-25F), filed September 20, 1979. Applicant: CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, PA. 16242. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA. 15219. Transporting (1) *musical instrument cases, and* (2) *materials, equipment* and supplies used in the manufacture of musical instrument cases, between Brooklyn, NY, on the one hand, and, on the other, points in US (including AK and HI). (Hearing site: New York, NY, or Washington, DC.)

MC 115667 (Sub-14F), filed September 19, 1979. Applicant: ARROW TRANSPORTATION SYSTEMS, INC., 320 Seymour Blvd., North Vancouver, B.C., Canada V7J 2J3. Representative: Clyde H. MacIver, 1900 Peoples National Bank B, 1415 15th Ave., Seattle, WA 98171. Transporting *commodities,* the transportation of which, because of size and weight, require the use of special equipment, between points in WA, OR and CA. (Hearing site: Seattle, WA.)

MC 115667 (Sub-15F), filed September 19, 1979. Applicant: ARROW TRANSPORTATION SYSTEMS, INC., 320 Seymour Blvd., North Vancouver, B.C., Canada V7J 2J3. Representative: Clyde H. MacIver, 1900 Peoples National Bank B, 1415 15th Ave., Seattle, WA 98171. Transporting *lumber, lumber products* and *wood products* between points in WA, OR and CA. (Hearing site: Seattle, WA.)

MC 115826 (Sub-545F), filed September 26, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gora (same address as applicant). Transporting *confectionery products,* in vehicles equipped with mechanical refrigeration from Chicago, IL and Hackettstown, NJ to ports of entry on the international boundary line between United States and Canada located in MI and NY, restricted to traffic moving in foreign commerce. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 117786 (Sub-277F), filed September 21, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Representative: Thomas F. Kilroy, Suite 406, Executive Bldg., 6901 Old Keene Mill Rd., Springfield, VA 22150. Transporting *charcoal, charcoal briquettes, fireplace logs, charcoal lighter fluid* (in containers), *hickory chips, and vermiculite,* between points in the United States (except AK and HI). (Hearing site: Cincinnati, OH.)

MC 118516 (Sub-4F), filed September 25, 1979. Applicant: MAMMOTH OF ALASKA, INC., 429 Industrial Way, Anchorage, AK 99501. Representative: Arthur R. Hauver, P.O. Box 2782, Anchorage, AK 99510. Transporting (1) *general commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between Fairbanks, AK, on the one hand, and, on the other, points in AK (except those in the Alaska panhandle), and (2) *commodities* in bulk and *commodities requiring special equipment,* between Seward, Anchorage, and Valdez, AK, on the one hand, and, on the other, points in AK (except those in the Alaska panhandle). (Hearing site: Fairbanks, or Anchorage, AK.)

MC 119656 (Sub-67F), filed September 21, 1979. Applicant: NORTH EXPRESS, INC. 219 Main St., Winamac, IN 46996. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting: (1) *adhesives, gypsum and gypsum products, building materials, gypsum board paper, and paint and paint products,* and (2) *materials, equipment and supplies* used in the manufacture, distribution, and installation of the commodities named in (1) above, (except commodities in bulk) between the facilities of the United States Gypsum Company at East Chicago, IN on the one hand, and on the other, points in OH, MI, KY, IL, IN, WV, MO, WI, and PA. (Hearing site: Chicago, IL.)

MC 119656 (Sub-68F), filed September 21, 1979. Applicant: NORTH EXPRESS, INC., 219 Main Street, Winamac, IN 46996. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *fabricated metal products,* from the facilities of United States Gypsum Company at Franklin Park, IN, to points in OH, MI, KY, IN, WV, MO, WI, PA, IL and NY. (Hearing stie: Chicago, IL.)

MC 119767 (Sub-366F), filed September 18, 1979. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania B, 425 13th St. NW., Washington, D.C. 20004. Transporting *frozen foods,* from Holland and Saugatuck, MI to points in IL, IN, MN, MO, OH and WI. (Hearing site: Chicago, IL, or Washington, DC.)

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MC 119917 (Sub-60F), filed September 19, 1979. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Dr., S.E., Atlanta, GA 30316. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison B, McLean, VA 22101. Transporting (1) *foodstuffs, and* (2) *materials, equipment and supplies* used in the manufacture of foodstuffs (except commodities in bulk), between points in the United States, restricted to the transportation of traffic originating at or destined to facilities of Keebler Company. (Hearing site: Washington, D.C.)

MC 119777 (Sub-415F), filed September 28, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) *cooling equipment and parts, materials, equipment and supplies* (except in bulk), used in connection with cooling equipment, and (2) *materials, equipment and supplies* (except in bulk) used in the manufacture or distribution of commodities named in (1) above, between points in the United States (except AK and HI), restricted in (1) above to the transportation of traffic originating at the facilities of The Marley Cooling Tower Company and in (2) above to the transportation of traffic destined to the facilities of The Marley Cooling Tower Company. (Hearing site: Dallas, TX, or New Orleans, LA.)

MC 120427 (Sub-33F), filed September 17, 1979. Applicant: WILLIAMS TRANFER, INC., 2128 East Hwy #30, Grand Island, NE 68801. Representative: John K. Walker (same address as applicant). Transporting *meats, meat products and meat byproducts* and *articles distributed by meat packing houses*, from Denison, Carroll, Iowa Falls, Sioux City, Ft. Dodge, and Des Moines, IA, Crete, Lincoln, and Omaha, NE, to points in MT, WY, OR, NV, ID, AZ, and UT, restricted to the transportation of traffic originating at the facilities of Farmland Foods, Inc., at or near the named origins. (Hearing Site: Omaha, NE, or Des Moines, IA.)

MC 121496 (Sub-36F), filed September 17, 1979. Applicant: CANGO CORPORATION, Suite 2900, 1100 Milam Bldg., Houston, TX 77002. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, DC 20001. Transporting (1) *acids and chemicals*, in bulk, in tank vehicles, from the facilities of Union Carbide Corporation, at or near Brownsville, TX to points in the United States (except AK and HI), and (2) *acids, chemicals and petroleum products*, in bulk, in tank vehicles, in the reverse direction. (Hearing site: Houston, TX.)

MC 121496 (Sub-37F), filed September 20, 1979. Applicant: CANGO CORPORATION, Suite 2900, 1100 Milam Bldg., Houston, TX 77002. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, DC 20001. Transporting (1) *chemicals*, in bulk, in tank vehicles, from the facilities of Union Carbide Corporation, at or near North Seadrift, TX, to points in the United States (except AK and HI), and (2) *acids, chemicals and petroleum products*, in bulk, in tank vehicles, in the reverse direction. (Hearing site: Houston, TX.)

MC 121787 (Sub-2F), filed September 25, 1979. Applicant: SIDNEY R. CAMPBELL d.b.a. DRILLING MUD HAULERS, Star Route A, Box 1349, Anchorage, AK 99502. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *drilling mud products and compounds and well logging units*, (1) between Seattle, WA, on the one hand, and, on the other, points in Alaska; (2) between Barrow, Tanana, and Fort Greely, AK, and those points in Alaska lying east of 151 degrees 30 minutes west longitude, including points on the Kenai Peninsula, but excluding points south of 60 degrees north latitude and east of the west side of Yakutat Bay and Disenchantment Bay. (Hearing site: Anchorage, AK.)

Note.—The purpose of part (2) is to convert applicant's certificate of registration to a certificate of public convenience and necessity, and issuance of this authority is conditioned upon receipt of applicant's written request for cancellation of Certificate of Registration MC 121787 issued January 19, 1977.

MC 123407 (Sub-613F), filed September 24, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *such commodities as are dealt in or used by agricultural equipment and industrial equipment dealers and manufacturers* (except commodities in bulk) between points in the United States, (except AK and HI) restricted to the transportation of traffic originating at or destined to the facilities of Allis-Chalmers Corporation. (Hearing site: Chicago, IL.)

MC 123407 (Sub-614F), filed September 24, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting (1) *insulating materials, in cartons*, (2) *blankets, in cartons, and* (3) *insulating paper and insulating roll board*, from Erwin, TN, to points in the United States (except AK and HI). Hearing site: Washington, DC.

MC 124306 (Sub-72F), filed September 17, 1979. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: Richard A. Mehley, 1000 16th St NW, Washington, DC 20036. Transporting *polyester chips*, in bulk, in tank vehicles, from the facilities of Rohm and Haas Company, at or near Fayetteville, NC, to Hopewell, VA. (Hearing site: Raleigh, NC, or Washington, DC.)

MC 124887 (Sub-98F), filed September 25, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Rt 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting (1) *fertilizer and fertilizer materials* and (2) *materials, equipment and supplies* used in the manufacture of fertilizer (except in bulk), between Pace, FL, on the one hand, and, on the other, points in AL, GA, LA, MS, and TN. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 125527 (Sub-4F), filed September 24, 1979. Applicant: BUFORD OWENS AND JERRY C. OWENS, a partnership, d.b.a. OWENS BROS. TRUCKING & LIME CO., P.O. Box 376, Bernie, MO 63822. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102. Transporting (1) *dry fertilizer and fertilizer ingredients*, in bulk, from points in Mississippi County, AR, to points in MO, and (2) *fertilizer and fertilizer ingredients* (except petroleum and petroleum products), from points in Pemiscott County, MO, to points in AR, KY, and TN. (Hearing site: Jefferson City, or St. Louis, Mo.)

MC 125777 (Sub-260), filed September 18, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46406. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting *lime and limestone products*, in dump vehicles, between points in MI and OH, on the one hand, and, on the other, points in AL, IL, IN, KY, MI, NY, OH, PA, TN, and WV. (Hearing site: Chicago, IL.)

MC 125777 (Sub-261F), filed September 20, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46406. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting *grinding balls*, in dump vehicles, from Duluth, MN, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 125916 (Sub-13F), filed September 24, 1979. Applicant: NORWOOD TRANSPORTATION, INC., 2232 South 7200 West, Magna, UT 84044. Representative: Macoy A. McMurray, Suite 800, Beneficial Life Tower, 36 South State Street, Salt Lake City, UT 84111. Transporting *fertilizer and fertilizer* ingredients in bulk between points in CO, ID, NV, NM, UT, and WY.

MC 133566 (Sub-148F), filed September 24, 1979. Applicant: GANFLOFF & DOWHAM TRUCKING COMPANY, INC., P.O. Box 479, Logansport, IN 46947. Representative: Thomas J. Beener, One State St Plaza, New York, NY 10004. Transporting Foodstuffs (except in bulk) from Buffalo, NY, Appleton, WI, Murfeesboro, TN, Winchester, VA, Fogelsville and Pottstown, PA, to Logansport, IN, restricted to traffic originating at the facilities of Rich Products Corporation. (Hearing site: New York, NY.)

MC 134286 (Sub-122F), filed June 8, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). Transporting *ferrous sulfate, fertilizer, and feed grade* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Quality Chemicals, Ltd., at or near Baltimore, MD, to points in IL (except Quincy, Rock Island, and Chicago), IA (except Marion, Eldora, Ladora, Sioux City, Council Bluffs, and Des Moines), NE (except Omaha), KS and OH. (Hearing site: Sioux City, IA, or Denver, CO.)

Note.—Dual operations may be involved.

MC 134467 (Sub-52F), filed September 25, 1979. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Transporting *such commodities* as are dealt in by manufacturers and distributors of bakery products (except in bulk), from Jackson, MI, to points in MS, LA, OH, PA, NJ, NY, CT, and MA. (Hearing site: Detroit, MI or Little Rock, AR.)

MC 134477 (Sub-368F), filed September 25, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *materials, equipment and supplies* used in the manufacture and distribution of toilet preparations and soap products (except commodities in bulk), from points in the United States (except AK and HI), to the facilities of Minnetonka, Inc., at or near Chaska, MN. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-369F), filed September 25, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting (1) *such commodities* as are dealt in by retail drug, food and department stores, and (2) *equipment, materials, and supplies* used in the manufacture of commodities in (1) above (except commodities in bulk in (1) and (2) above), between points in AR, DE, GA, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NE, NJ, NY, NC, OH, OK, PA, SC, TN, TX, WV, and WI, restricted to the transportation of traffic originating at or destined to the facilities of The Gillette Company. (Hearing site: St. Paul, MN.)

MC 135797 (Sub-280F), filed September 20, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting (1) *textile products*, and (2) *supplies* used in the manufacture of textile products, between points in KY and Woodward, OK, and points in CA. (Hearing site: Bowling Green, KY, or Washington, DC.)

MC 135827 (Sub-3F), filed September 17, 1979. Applicant: PANTIER, INC., 1501 Second St., Perry, IA 50220. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *castings*, from Perry, IA, to points in AR, CO, IL, IN, KS, KY, MI, MN, MO, NE, ND, OK, SD, TN and WI. (2) *materials, equipment, and supplies* used in the manufacturing of castings, in the reverse direction. (Hearing site: Des Moines, IA; Omaha, NE.)

MC 136246 (Sub-37F), filed September 18, 1979. Applicant: GEORGE BROS., INC., P.O Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting (1) *grain storage equipment and grain handling equipment, parts and accessories, metal buildings, and* (2) *materials, equipment, and supplies used in the manufacture of the commodities in (1) above*, between Grand Island, NE, Webster City, IA, Crawfordsville, IN, Middletown, PA, and Greenville, MS, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Omaha, NE or Des Moines, IA.)

MC 138026 (Sub-26F), filed August 24, 1979. Applicant: LOGISTICS EXPRESS, INC., d.b.a. LOGEX, Etiwanda and Slover Aves., Fontana, CA 92335. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. Transporting *compressed gasses*, between points in WA, OR, CA, NV, ID, MT, VT, CO, WY, AZ, and MN. (Hearing site: Los Angeles, CA.)

MC 138157 (Sub-187F), filed September 19, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). Transporting *chemicals* (except in bulk), from Charleston, SC, Kingsport, TN, Niagara Falls, NY, and Houston, TX, to Los Angeles, CA. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138157 (Sub-188F), filed September 19, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). Transporting (1) *chain saws, tools, generators*, and (2) *materials, equipment, and supplies* used in the sale and distribution of the commodities in (1) above, from Los Angeles, CA and Lake Havasu City, AZ, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of McCulloch Corporation. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138627 (Sub-81F), filed September 25, 1979. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting *iron and steel articles*, from the facilities of Simcote, Inc. at St. Paul, MN, to points in AR, IL, IN, IA, KS, KY, MI, MO, NE, ND, OH, OK, OR, SD, TN, WA, WV, WI, and WY. (Hearing site: St. Paul, MN or Omaha, NE.)

MC 138836 (Sub-5F), filed September 24, 1979. Applicant: NARO ENTERPRISES, INC., R.D. 1, Box 192, Gouldsboro, PA 18424. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. Transporting *machinery* (except items requiring the use of special equipment), between Daleville, PA, on the one hand, and, on the other, Chicago, IL, Cleveland, OH, Detroit, MI, Dubuque, IA, Jersey City, NJ, and Tampa, FL. (Hearing site: Philadelphia, PA.)

MC 143127 (Sub-55F), filed September 24, 1979. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Linda A. Calvo (same address as applicant). Transporting (1) *Carbon,*

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charcoal, charcoal briquettes, hickory chips, carbon wood products, and lighter fluid (except commodities in bulk), and (2) *materials, supplies and equipment* used in the manufacture, sale or distribution of commodities named in (1) above (except commodities in bulk), between points in NY, on the one hand, and, on the other, all points in AL, AR, CT, DE, FL, GA, KY, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC restricted to traffic originating at or destined to the facilities utilized by Husky Industries, Inc. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 143267 (Sub-86F), filed September 18, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th St. N.W., Washington, DC 20005. Transporting (1) *plastic pipe,* and (2) *plastic pipe fittings* from the facilities of Carlon Division of Indian Head Corp. at or near (a) Oklahoma City, OK, (b) Nazareth, PA, (c) High Springs, FL, and (d) Clinton, IA, to those points in the United States in and east of MN, IA, KS, OK, and TX. (Hearing site: Cleveland, OH or Washington, DC.)

MC 143267 (Sub-88F), filed September 25, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, Esq., 1155 15th St. N.W., Washington, DC 20005. Transporting (1) *refractory products,* and (2) *materials and supplies used in the manufacture thereof* (except commodities in bulk) between the facilities of the U.S. Refractories Division of General Refractories Co. located at or near (a) Claysburg, Sproul and Salina, PA, (b) Baltimore, MD, (c) Warren, OH, (d) Hitchins, KY, (e) Gary, IN, and (f) Rockdale, IL, on the one hand, and, on the other, points in AL, DE, IL, IN, KY, MD, MI, MO, NJ, NY, OH, PA, TN, VA, WV, and WI. (Hearing site: Cleveland, OH or Washington, DC.)

MC 143267 (Sub-89F), filed September 20, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th St. N.W., Washington, DC 20005. Transporting *iron and steel articles* (1) from the facilities of Republic Steel Corporation at or near Niles, Elyria, Warren, Youngstown, Cleveland, Massilon and Canton, OH to points in AR, IN, IA, KY, MI, MO, TN, VA, and WI; (2) from the facilities of Republic Steel Corporation at or near Buffalo, NY to points in IN, IL, IA, MI, OH and WI; and (3) from the facilities of Republic Steel Corporation at or near (a) Gary, IN and (b) South Chicago, IL to points in OH. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 143267 (Sub-90F), filed September 20, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th St. N.W., Washington, DC 20005. Transporting *iron and steel articles* between the facilities of Winamac Steel Corporation at or near (a) Winamac, Reynolds and Kewanna, IN and (b) Fayetteville, AR, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Cleveland, OH, or Washington, DC.)

MC 143267 (Sub-91F), filed September 20, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th St. N.W., Washington, DC 20005. Transporting *fencing and fencing materials and wire products,* from Van Buren, AR, to those points in the United States in and east of WI, IL, KY, TN, and MS. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 144667 (Sub-9F), filed September 24, 1979. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *meat, meat products, meat byproducts, and articles distributed by meat packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Geo. A. Hormel & Co. at Scottsbluff, NE, to those points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Minneapolis, MN.)

MC 144527 (Sub-6F), filed September 25, 1979. Applicant: BULS EYE TRANSPORT, INC., Suite 2424, 33 North Dearborn St., Chicago, IL 60602. Representative: Patrick H. Smyth, Suite 521, 19 South LaSalle St., Chicago, IL 60603. Transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Salem, OH, to Atlanta, GA, Charlotte and Hickory, NC, Orlando, FL, Kansas City, KS, and New Orleans, LA, restricted to traffic originating at and destined to the facilities of The Great Atlantic and Pacific Tea Company, Inc. (Hearing site: Newark, NJ.)

Note.—Dual operations may be involved.

MC 145656 (Sub-1F), filed September 20, 1979. Applicant: B & B TRANSPORTATION & LIMOUSINE SERVICE, INC., No. 1 Finley Ave., West, Birmingham, AL 35204. Representative: D. H. Markstein, Jr., 512 Massey Bldg., Birmingham, AL 35203. Transporting passengers and their baggage, in round-trip special and charter operations, beginning and ending at points in Jefferson and Shelby Counties, AL, and extending to points in the United States (except AK and HI). (Hearing site: Birmingham, AL.)

MC 145997 (Sub-10F), filed September 25, 1979. Applicant: JEM EQUIPMENT, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. Transporting (1) *fencing, fencing materials, and wire and wire products,* and (2) *steel wire carriers,* between the facilities of Bekert Steel Wire Corporation, at or near Van Buren, AR, and points in the United States (except AK and HI). (Hearing site: St. Smith, AR, or Tulsa, OK.)

MC 145997 (Sub-11F), filed September 20, 1979. Applicant: JEM EQUIPMENT, INC., P.O. Box 396 Alma, AR 72921. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. Transporting *such commodities* as are dealt in by wholesale and retail discount and variety stores, from points in IL, MA, MD, MI, NJ, NY, and PA, to the facilities of Wal-Mart Stores, Inc., at or near Bentonville and Searcy, AR. (Hearing site: Fayetteville, AR, or Tulsa, OK.)

MC 146326 (Sub-7F), filed September 17, 1979. Applicant: JOHN ALGER, SR., d.b.a., ALGER TRANSPORTATION, 14625 Grover St., Omaha, NE 68144. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *retail store fixtures, and equipment, materials and supplies used in the manufacture thereof,* (1) between the facilities of Lozier Corporation at or near (a) Omaha, NE; (b) Cucamonga, CA, (c) Scottsboro, AL, (d) McClure, PA, and (e) Kansas City, MO, and (2) between the facilities of Lozier Corporation at or near (a) Omaha, NE, (b) Cucamonga, CA, (c) Scottsboro, AL, and (d) McClure, PA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Omaha, NE, or Kansas City, MO.)

MC 146646 (Sub-31F), filed September 27, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Mr. Henry Bristow, Jr. (same address as applicant). Transporting *construction materials* (except commodities in bulk) from the facilities of Celotex Corporation in

Marion County, SC to those points in the United States in and east of MT, WY, CO and NM restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. Condition: Person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Tampa, FL, or Birmingham, AL.)

MC 146646 (Sub-32F), filed September 27, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355 A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting *building and construction materials* (except commodities in bulk) from the facilities of Celotex Corp. located at Elizabethtown, KY to those points in the United States in and east of MN, IA, MO, AR, and LA. Condition: Person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Tampa, FL, or Birmingham, AL.)

MC 146807 (Sub-3F), filed September 23, 1979. Applicant: S n W ENTERPRISES, INC., 1 Passan Dr., Wilkes Barre, PA 18702. Representative: Joseph F. Hoary, 121 So. Main St., Taylor PA 18517. Transporting (1) *steel wire,* from Hanover Township, PA, to Peoria, IL, Sedalia, MO, Houston, TX, and Seattle, WA, and (2) *steel wire rope,* from Sedalia, MO, to Leetsdale, PA, Teeterboro, NJ, and points in OH. (Hearing site: St. Louis, MO.)

MC 146807 (Sub-4F), filed September 27, 1979. Applicant: S n W ENTERPRISES, INC., 1 Passan Dr., Wilkes Barre, PA 18702. Representative: Joseph F. Hoary, 121 So. Main St., Taylor PA 18517. Transporting steel wire, from Hanover Township, PA, to Laredo, TX. (Hearing site: Dallas, TX.)

MC 146946 (Sub-1F), filed September 20, 1979. Applicant: JOSEPH MOVING AND STORAGE COMPANY d.b.a. ST. JOSEPH MOTOR LINES, 573 Dutch Valley, Rd. NE, Atlanta, GA 3032. Representative: Edwar J. Kiley, 1730 M St., NW, Washington, DC 20036. Transporting (1) *printed matter* and (2) *materials and supplies* used in the production and distribution of printed matter, (except commodities in bulk, and those requiring special equipment), between the facilities of R. R. Donnelley & Sons Co., at or near (a) Chicago, Dwight, and Mattoon, IL, (b) Warsaw and Crawfordsville, IN, (c) Spartanburg, SC, (d) Gallatin, TN, (e) Harrisonburg, VA, (f) Willard, OH, (g) Glasgow, KY, (h) Old Saybrook, CT, and (i) Lancaster, PA, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of R. R. Donnelley & Sons Co. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 147207 (Sub-2F), filed September 20, 1979. Applicant: KLASSEN TRUCKING, LTD, a corporation, P.O. Box 1797 Winkler, Manitoba, Canada RDG 2XO. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *feed and feed ingredients* between points in MN, ND, SD, IA, NE, and WI, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada at points in ND and MN. (Hearing site: Minneapolis, MN.)

MC 147286 (Sub-3F), filed September 21, 1979. Applicant: A & L TRUCKING, INC., P.O. Box 103, Rocky Face, GA 20740. Representative: Eric Meierhoefer, Suite 423, 1511 K St. NW., Washington, DC 20005. Transporting *carpets and materials and supplies* used in the sale thereof, (1) from the facilities of Carpet Crafts, Inc., Indian Springs Carpet Mills, and Grass More, Inc., at or near Chatsworth, GA, to points in CA, and those in the United States in and east of NM, CO, NE, SD, and ND (except GA), and (2) from those points in GA north of Interstate Hwy 20, to points in IL, OH, AL, IA, and Alexandria, VA, and North Chelmsford, MA. (Hearing site: Atlanta, GA.)

MC 147507 (Sub-2F), filed September 25, 1979. Applicant: MARION TRANSPORT, INC., 265 35th Street, Marion, IA 52302. Representative: Richard P. Moore, 2720 First Avenue N.E., P.O. Box 1943, Cedar Rapids, IA 52406. Transporting *petroluem and petroleum products,* in bulk, in tank vehicles from Pine Bend and Minneapolis, MN, and Peoria, North Pekin, Decatur, and Pana, IL, to Cedar Rapids, Center Point, Lisbon, Marion, Martelle, Palo, Prairieburg, and Walker, IA. (Hearing site: Chicago, IL.)

MC 147786 (Sub-2F), filed September 27, 1979. Applicant: BARTON TRANSFER & STORAGE COMPANY, a corporation, 72 So. St., New Providence, NJ 07974. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *household goods,* between points in NJ, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, KS, OK, and TX. (Hearing site: Newark, NJ, or New York, NY.)

MC 147886 (Sub-4F), filed September 26, 1979. Applicant: A M & M, INCORPORATED, 33 Bolivar Hwy., Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 No. Main Bldg., Memphis, TN 38103. Transporting *lighting fixtures,* and *materials and accessories* used in the installation thereof, from Vermilion, OH, to points in the United States (except AK and HI), restricted to traffic originating at the facilities of ITT Lighting Fixture Division, at Vermilion, OH. (Hearing site: Memphis or Nashville, TN.)

MC 147887 (Sub-2F), filed September 17, 1979. Applicant: K. M. COLLINS & CO., INC., 262 North Belt, Suite 210, Houston, TX 77060. Representative: Clint Oldham, 1108 Continental Life Bldg., Forth Worth, TX 76102. Transporting *bentonite and bentonite products,* from the facilities of Dresser Industries, Inc., at or near Grey Bull, WY, to points in OK, KS, NM, TX, and LA. (Hearing site: Houston or Dallas, TX.)

MC 148276F filed September 21, 1979. Applicant: RAY DESHOTEL, d.b.a. RAY'S TRUCKING CO., Route #4, Box 6405, Beaumont, TX 77706. Representative: Clint Oldham, 1108 Continental Life Bldg., Forth Worth, TX 76102. Transporting *petroleum products, paints, stains and varnishes* (except in bulk), from the facilities of Mobil Oil Corporation, at Beaumont, TX to points in LA, MS, and TX. (Hearing site: Dallas, TX.)

MC 148296F, filed September 25, 1979. Applicant: MARINE DROPBOX COMPANY, a corporation, 6849 N.E. 47th, Portland, OR 97218. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Transporting *general commodities* (except classes A and B explosives) between points in Portland, OR, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Portland, OR.)

MC 148297F, filed September 27, 1979. Applicant: POWELL MOVING & EXPEDITING SERVICE, INC., 959 Wealthy St., S.E., Grand Rapids, MI 49503. Representative: William B. Elmer, 21635 East Nine Mile Rd., St. Clair Shores, MI 48080. Transporting *general commodities* (except commodities in bulk, household goods as defined by the Commission, classes A and B explosives, and those requiring the use of special equipment), between points in Ionia, Kent, Montcalm, and Ottawa Counties, MI, on the one hand, and, on

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the other, Detroit Metropolitan Airport, at Romulus, Willow Run Airport, Willow Run, and Detroit City Airport, MI, restricted to traffic having a prior or subsequent movement by air. (Hearing site: Grand Rapids, MI.)

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Decided: February 8, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 76 (Sub-27F), filed October 22, 1979. Applicant: MAWSON & MAWSON, INC., P.O. Box 248, Langhorne, PA 19047. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. Transporting: *metals and metal articles,* (1) from the facilities utilized by Cerro Sales Corp., and Associated Metals and Minerals Corp., at Philadelphia, PA, to points in OH, IN, IL, and those in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, and Bay Counties, (2) from the facilities utilized by Cerro Sales Corp., and Associated Metals and Minerals Corp., at Baltimore, MD, to points in NY, NJ, PA, OH, IN, IL, and those in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, and Bay Counties: and (3) from the facilities utilized by Cerro Sales Corp . . . at or near Bridgeport and New Haven, CT, to points in NY, MD, DE, PA, OH, IN, IL, and those in MI in and south of Oceana, Newago, Mecosta, Isabella, Midland and Bay Counties; restricted in parts (1), (2) and (3) to the transportation of traffice having a prior movement by water. (Hearing site: New York, NY; Washington, DC.)

MC 11207 (Sub-504F), filed October 17, 1979. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in AL, GA, LA, MS, and TN, restricted to the transportation of traffic having an immediate prior or subsequent movement by rail. (Hearing site: Chicago, IL or Washington, DC.)

MC 28398 (Sub-300F), filed October 16, 1979. Applicant: THE WAGGONERS TRUCKING, a Corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *agricultural chemicals* (except commodities in bulk), from Mendota, IL, to points in IA, NE, ND, and SD. (Hearing sites: Chicago, IL, or Billings, MT.)

MC 61396 (Sub-377E), filed October 22, 1979. Applicant: HERMAN BROS., INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, NE 68101. Representative: Duane L. Stromer, 2565 St. Marys Avenue, P.O. Box 189, Omaha, NE 68101. Transporting from the facilities of Missouri Portland Cement Co., at or near Sugar Creek, MO, to points in IA, KS, and NE. (Hearing site: Omaha, NE, or Kansas City, MO.)

MC 63417 (Sub-254F), filed October 23, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *foodstuffs and plastic and rubber articles,* from the facilities of Ross Laboratories, at or near Sturgis, MI, to points in AL, DE, DC, GA, KY, MD, NC, OH, PA, SC, TN, VA, and WV. (Hearing sites: Roanoke, VA, or Washington, DC.)

MC 66886 (Sub-79F), filed October 23, 1979. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. Transporting *roofing and roofing materials, and composition shingles,* from the facilities of Masonite Corporation at or near Little Rock, AR, to points in OK and TX. (Hearing site: Little Rock, AR or Kansas City, MO.)

MC 69107 (Sub-14F), filed October 14, 1979. Applicant: ALL STATES ASPHALT, INC., Route 116, Sunderland, MA 01375. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting *heating oils,* in bulk, (1) from Glastonbury and New Haven, CT to points in Berkshire County, MA, and (2) from Rensselaer, NY to points in Hampden, Hampshire, Franklin and Berkshire Counties, MA. (Hearing site: Springfield, MA.)

MC 70557 (Sub-25F), filed October 18, 1979. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting: (1) *Carbonated beverages,* (non-alcoholic) and *equipment, materials, and supplies* used in the manufacture of such beverages (except in bulk), between the facilities of Shasta Beverage Co. at (a) Birmingham, AL, (b) Eustis, FL, (c) Charlotte, NC, and (d) Houston, TX, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NC, OK, SC, TN, TX, VA and WV, restricted to traffic originating and destined to said facilities and points in the named States: and (2) *Flavoring compounds and beverage concentrates* (except in bulk) from Granite City, IL, to the facilities of Shasta Beverage Co. at (a) Birmingham, AL, (b) Eustis, FL, (c) Charlotte, NC, and (d) Houston, TX, restricted to traffic destined to said facilities. (Hearing site: Chicago, IL, or Houston, TX.)

MC 78687 (Sub-83F), filed October 19, 1979. Applicant: LOTT MOTOR LINES, INC., West Cayuga St., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *iron and steel articles,* between the facilities of Triangle Steel, Inc., at or near Ithaca, NY, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Ithaca, NY, or Washington, D.C.)

MC 78687 (Sub-86F), filed October 23, 1979. Applicant: LOTT MOTOR LINES, INC., Box 751, Moravia, New York 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. Transporting *pulpboard* and *activated charcoal* from Covington, VA, to points in NJ, NY, and PA. (Hearing site: Washington, DC.)

MC 86247 (Sub-20F), filed August 3, 1979. Applicant: I.C.L. INTERNATIONAL CARRIERS LIMITED, 1333 College Ave., Windsor, Ontario, Canada. Representative: Joseph P. Allen, 7701 W. Jefferson, P.O. Box 09259, Detroit, MI 48209. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except household goods and commodities of unusual value), (1) between Detroit, MI, and junction Interstate Hwy 94 and U.S. Hwy 12 over Interstate Hwy 94, serving all intermediate points, (2) between junction Interstate Hwy 94 to MI Hwy 60 and Niles, MI, over MI Hwy 60, serving all intermediate points, (3) between Ypsilanti, MI, and junction U.S. Hwy 12 and Interstate Hwy 9 over U.S. Hwy 12, serving all intermediate points, (4) between junction Interstate Hwys 94 and 69 and Fort Wayne, IN, from junction Interstate Hwys 94 and 69 over Interstate Hwy 69 to junction IN Hwy 3, then over IN Hwy 3 to Fort Wayne and return over the same routes, serving all intermediate points, and (5) serving Adrain, Hastings, Hillsdale, Manchester, Tecumseh, Allegan, Dowagiac, Buchannan, Benton Harbor, St. Joseph, and Milan, MI, and Churubusco, Elkhart, Grabill, South Bend, and Syracuse, IN, and Defiance and Napoleon, OH, as off-route points. Condition: To the extent

the certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue. (Hearing site: Detroit, MI, or Washington, DC.)

Note.—Applicant intends to tack with its existing authority.

MC 95876 (Sub-327F), filed October 20, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting *iron and steel articles,* from Pine Bluff, AR to points in the United States (except AK and HI). (Hearing site: Little Rock, AR, or Memphis, TN.)

MC 97006 (Sub-15F), filed October 19, 1979. Applicant: HOWARD'S EXPRESS, INC., P.O. Drawer 72, Geneva, NY 14456. Representative: Morton E. Kiel,. Suite 1832, Two World Trade Center, New York, NY 10048. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over regular routes, serving all intermediate points *general commodities,* (except those of unsual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) Between Waverly, NY and Elmira, NY over NY Hwy 17, serving all intermediate points; (2) between Rochester, NY and Niagara Falls, NY over NY Hwy 18; (3) between Rochester, NY and Lewiston, NY, over NY Hwy 104; (4) between Niagara Falls, NY and Painted Post, NY serving all intermediate points, from Niagara Falls over NY Hwy 384 to Buffalo, thence NY Hwy 5 to jct US Hwy 20, thence US Hwy 20 to Westfield, thence NY Hwy 17 to Olean, thence over NY Hwys 17 or 417 to Painted Post, and return over the same routes; (5) between jct NY Hwy 17 and US Hwy 62 and Collins, NY over US Hwy 62; (6) between Olean, NY and Yorkshire, NY over NY Hwy 16; (7) between Buffalo, NY and Canandaigua, NY; from Buffalo over NY Hwy 130 to jct with US Hwy 20 thence over US Hwy 20 to Canandaigua and return over the same route; (8) between jct NY 33A and 33 and Pembroke, NY; from Pembroke over NY Hwy 5 to jct with NY Hwy 33, thence over NY Hwy 33 to jct NY Hwy 33 and 33A and return over the same route; (9) between E. Aurora, NY and Avon, NY, from E. Aurora over US Hwy Alt 20 to jct with NY Hwy 39 thence over NY Hwy 39 to Avon and return over the same route; (10) between Wellsville, NY and Batavia, NY; from Wellsville, over NY Hwy 19 to jct NY Hwy 19A thence over NY Hwy 19A to jct with NY Hwy 39 thence over NY Hwy 39 to Leicester thence over NY Hwy 36 to Greigsville thence over NY Hwy 63 to Batavia, and return over the same route; (11) between Andover, NY and Leicester, NY; from Andover over NY Hwy 21 to Hornell thence over NY Hwy 36 to Leicester, and return over the same route; (12) between Bath, NY and Rochester, NY; from Bath over US Hwy 15 to Rochester and over US Hwy 15 to Springwater and thence over NY Hwy 15A to Rochester, and return over the same routes; (13) between Canadaigua, NY and Albany, NY over US Hwy 20; (14) between Savannah, NY and jct NY Hwy 31B and 5, from Savannah over NY Hwy 31 to Weedsport thence over NY Hwy 31B to jct NY Hwy 5, and return over the same route; (15) between Red Creek, NY and Albany, NY; from Red Creek over US Hwy 104 to Oswego thence over NY Hwy 48 to jct with NY Hwy 3 thence over NY Hwy 3 to jct NY Hwy 49 to Rome thence over Hwy 49 or 69 to Utica thence over NY Hwy 5 to Albany and return over the same route; (16) between Fulton, NY and Albany, NY, from Fulton over NY Hwy 57 to syracuse, thence NY Hwy 5 and 5A to Utica, thence NY Hwy 5 to Albany, and return over the same route; (17) between jct of NY Hwy 92 and 5 near Syracuse, NY and Cazenovia, NY; from jct of NY Hwy 92 and 5 near Syracuse over NY Hwy 92 to Cazenovia, and return over the same route; (18) between Syracuse, NY and Ithaca, NY; from Syracuse over US Hwy 11 to jct with NY Hwy 13 thence over NY Hwy 13 to Ithaca and return over the same route; (19) between jct of US Hwy 20 and NY Hwy 41 and Binghamton, NY; from jct US Hwy 20 and NY Hwy 41 over NY Hwy 41 to Homer, thence over US Hwy 11 to Binghamton, and return over the same route; (20) between Cazenovia, NY and Whitney Point, NY; from Cazenovia over NY Hwy 13 to jct NY Hwy 80 thence over NY Hwy 26 to Whitney Point and return over the same route; (21) between New Hartford, NY and Binghamton, NY over NY Hwy 12; (22) between Willet, NY and Greene, NY over NY Hwy 41; (23) between Albany, NY and New York, NY; from Albany over US Hwy 9W to jct with Geo. Washington Bridge, thence over bridge to New York, NY or over local roads to Lincoln and Holland tunnels to New York or over US Hwy 9 to New York, and return over the same routes; (24) between Medina, NY and New York, NY; from Medina over NY Hwy 63 to Ridgeway, thence over US Hwy 104 to Rochester, thence over NY Hwy 31 to Pittsford, thence over NY Hwy 96 to Ithaca, thence over NY Hwy 96B to Candor, thence over NY Hwy 96 to Oswego, thence over NY Hwy 17 and 17C to Binghamton, thence over NY Hwy 17 to Suffern, thence over NY Hwy 59 to jct NY Thruway near Nyack, thence over NY Thruway to jct US Hwy 9 near Tarrytown, thence over NY Hwy 9 to New York, and return over the same route; (25) between Utica, NY and Penn Yan, NY; from Utica over NY Hwy 49 to Rome, thence over NY Hwy 365 to jct NY Hwy 5, thence over NY Hwy 5 to Geneva, thence over NY Hwy 14A to Penn Yan, also from Geneva over NY Hwy 14 to Dresden, thence over NY Hwy 54 to Penn Yan, and return over the same route—1A between Niagara Falls, NY and Medina, over NY Hwy 31; 2A between jct of NY Hwy 5 and 46 south of Oneida, NY and Utica, NY, from jct of NY Hwy 5 and 46 over NY Hwy 5 to Utica; 3A between Fulton, NY and Oswega, NY, over NY Hwy 57; 4A between Rochester, NY and jct of NY Hwy 15 and 15A near Livonia Center, NY, over NY Hwy 15; 5A between Naples, NY and Wayland, NY; from Wayland over NY Hwy 21 to jct NY Hwy 245 to Naples, and return over the same route; 6A between Corning, NY and jct of NY Hwy 104 and 414, over NY Hwy 414, serving all intermediate points; 7A between Interlaken, NY and jct NY Hwy 5 and 96 over NY Hwy 96 to jct NY Hwy 5, and return over the same route; 8A between Georgetown, NY and the jct of US Hwy 20 and NY Hwy 26, over NY Hwy 26; 9A between Schenectady and jct NY Hwy 5 and 8, over NY Hwy 8; 10A between Penn Yan, NY and Watkins Glen, NY; from Penn Yan over NY Hwy 14A to jct NY Hwy 14, thence over NY Hwy 14 to Watkins Glen, and return over the same route; 11A between Buffalo, NY and Albany, NY, over NY Hwy 5; between New York, NY and Phillipsburg, NJ; from New York, thence across Hudson River, over US Hwy 1 and 9 to jct US Hwy 22 to Phillipsburg, and return over the same route; between New York, NY and Columbia, NJ; from New York, thence across the Hudson River, thence over city streets in Jersey City, Kearny, Harrision and Newark, NJ to I–280, thence I–280 to jct US hwy 46, thence over US Hwy 46 to Columbia, and return over the same route; between New York, NY and New Hope, PA, from New York, thence across the Hudson River over US Hwy 1 and 9 to jct US Hwy 22 to jct US Hwy 202, thence US Hwy 202 New Hope, and return over the same route; between New York, NY and Camden, NJ; from New York, thence across the Hudson River, thence over US Hwy 1 and NJ Hwy 3 to the New Jersey Turnpike, thence over New Jersey Turnpike to jct NJ Hwy 73 to jct NJ Hwy 38 to jct NJ Hwy 70, thence over NJ Hwy

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70 to jct NJ Hwy 30, thence over NJ Hwy 30 to Camden, and return over the same route; between New York, NY and Riverhead, NY; from New York, over city streets to I–495, thence over I–495 to Riverhead, and return over the same route; between Suffern, NY and New York, NY; from Suffern over NY Hwy 17 to the NY–NJ State line, thence over NJ Hwy 17 to jct NJ Hwy 3, thence over NJ Hwy 3 to Hudson River, thence across Hudson River, and return over the same route; between jct NJ Hwy 17 and 4, and New York, NY; from jct NJ Hwy 17 and 4 over NJ Hwy 4 to Hudson River, thence across Hudson River to New York, and return over the same route; between jct NJ Hwy 17 and US Hwy 46, and New York, NY; from jct NJ Hwy 17 and US Hwy 46 over US Hwy 46 to New York, and return over the same route, serving as off-route points, all points in New York (except those in Jefferson, St. Lawrence, Franklin, Lewis, Clinton, Essex, Hamilton and Washington Counties); points in Bergen, Hudson, Essex, Union, Middlesex, Passaic, Sussex, Morris, Warren, Hunterdon, Somerset, Mercer, Monmouth, Ocean, Burlington and Camden Counties, NJ; and points in Bucks and Montgomery Counties, PA. (Hearing sites: Rochester and New York, NY.)

Note.—Applicant now holds New York intrastate routes which it is here seeking to duplicate in interstate and foreign commerce, or to eliminate present route restrictions in New York and New Jersey.

MC 100666 (Sub-497F), filed October 18, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting: *Lumber, lumber mill products,* and *forest* and *wood products,* from the plantsite of Skinner Lumber Co., Inc., at or near Manning, SC to points in AL, AR, GA, IL, IN, IA, KS, KY, MI, MN, MS, MO, NE, OH, OK, TN, TX, and WI. (Hearing site: Charleston, SC.)

MC 102616 (Sub-1016F), filed October 22, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Rd., Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting *Chemicals,* in bulk, from Janesville, WI, to points in AL, FL, GA, IL, IA, KS, MD, MI, MN, MS, MO, NJ, NY, OH, PA, and MA. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 104896 (Sub-60F), filed October 18, 1979. Applicant: WOMELDORF, INC., P.O. Box G, Knox, PA 16232. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Broad and Chestnut St., Philadelphia, PA 19107. Transporting (1) *such commodities* as are dealt in by chain retail variety stores and (2) *materials, equipment* and *supplies* used in the conduct of such business, (a) between the facilities of G. C. Murphy Co., At McKeesport, PA, on the one hand, and, on the other, points in IL, IN, KY, MD, MI, MN, OH, WV, and WI, and (b) from North Bergen, NJ, to Pymatuning Township, Mercer County, PA. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 107376 (Sub-16F), filed October 17, 1979. Applicant: UNITED STATES EXPRESS, INC., 1209 Triplett Blvd., Akron, OH 44306. Representative: Robert W. Gardier, Jr., Baker & Hostetler, 100 East Broad Street, Columbus, OH 43215. Transporting *wrought steel pipe and pipe coupling* from Aliquippa, PA, to points in IL, IN, OH, KY, and MI. (Hearing site: Columbus, OH, or Washington, DC.)

MC 107376 (Sub-17F), filed October 17, 1979. Applicant: UNITED STATES EXPRESS, INC., 1209 Triplett Blvd., Akron, OH 44306, Representative: Robert W. Gardier, Jr., Baker & Hostetler, 100 East Broad Street, Columbus, OH 43215. Transporting *iron and steel articles* between the facilities of LaBarge Tubular Division, at or near Bellevue, OH, on the one hand, and, on the other, points in IA, MN, MO, PA, and KY. (Hearing site: Columbus, OH, or Washington, DC.)

MC 107496 (Sub-1249F), filed October 17, 1979. Applicant: RUAN TRANSPORT CORP., 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *sand,* in bulk, from Muskegon, MI, to Definance, OH, Bedford, IN, and Danville, IL. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 107496 (Sub-1250F), filed October 17, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *sugar, corn syrup* and *blends thereof, between Birmingham, AL, on the one hand, and, on the other,* points in AR, FL, GA, IL, IN, KY, LA, MS, MO, OH, OK, SC, TN, TX, VA, and WV. (Hearing site: Birmingham, AL, or Memphis, TN.)

MC 108207 (Sub-534F), filed October 15, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). Transporting *mineral water* (except in bulk) in mechanically refrigerated equipment, from Laredo, TX, to Fargo, ND, and points in MN, MI, IL, IN, OH, MO, KS, NE, IA, KY, TN, and SD. (Hearing site: Dallas, TX.)

MC 108207 (Sub-535F), filed October 15, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). Transporting *intravenous solutions and hospital supplies,* from Dallas, TX, to Shreveport, LA. (Hearing site: Dallas, TX.)

MC 108676 (Sub-149F), filed October 19, 1979. Applicant: A. J. MELTER HAULING & RIGGING, INC., 117 Chicamauga Ave. N.E., Knoxville, TN 37917. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *air conditioners* and *parts* and *accessories* used in the installation of air conditioners, from the facilities of the General Electric Co., at or near Ft. Smith, AR, to points in the United States (except AK and HI). (Hearing site: Little Rock, AR.)

MC 109376 (Sub-18F), filed October 22, 1979. Applicant: SKINNER TRANSFER CORP. P.O. Box 284, Reedsburg, WI 53959. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Transporting *plastic articles* (1) between the facilities of Flambeau Products Corp., at or near Baraboo, WI, Wichita, KS, Monroe, GA, and Middlefield, OH and the warehouse facilities utilized by Flambeau Products Corp. in the Town of Sumpter, Sauk County, WI. (2) From the origin points named in (1) above to points in the United States in the east of ND, SD, NE, CO, OK, and TX (except points in CT, MA, ME, NH, RI, and VT), restricted in Parts (1) and (2) above to traffic originating at or destined to the involved points. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 109397 (Sub-480F), filed October 16, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting *tanks,* from points in San Diego County, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA).

MC 111956 (Sub-52F), filed October 17, 1979. Applicant: SUWAK TRUCKIING COMPANY, a corporation, 1105 Fayette Street, Washington, PA 15301. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Over *regular routes,* transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Washington, PA and Cincinnati, OH, serving all intermediate points in OH and PA; from Washington, over Interstate Hwy 70 to its intersection with Interstate Hwy 71, then over Interstate Hwy 71 to Cincinnati, OH, and return over the same route, (2) between Washington, PA and Rockford, OH, serving all intermediate points in OH and PA; from Washington, over Interstate Hwy 70 to its intersection with U.S. Hwy 33, then over U.S. Hwy 33 to Rockford, and return over the same route, (3) between Washington, PA and Lima, OH, serving all intermediate points in OH and PA; from Washington, over Interstate Hwy 70 to its intersection with Interstate Hwy 77, then over Interstate Hwy 77 to its intersection with U.S. Hwy 36, then over U.S. Hwy 36 to its intersection with OH Hwy 13, then over OH Hwy 13 to its intersection with OH Hwy 95, then over OH Hwy 95 to its intersection with OH Hwy 309, then over OH Hwy 309 to Lima, and return over the same route, (4) between Washington, PA and Millersburg, OH, serving all intermediate points in OH and PA; from Washington, over Interstate Hwy 70 to its intersection with Interstate Hwy 77, then over Interstate Hwy 77 to its intersection of U.S. Hwy 36, then over U.S. Hwy 36 to its intersection with OH Hwy 83, then over OH Hwy 83 to Millersburg, and return over the same route, (5) between Washington, PA and Greenville, OH, serving all intermediate points in OH and PA; from Washington, over Interstate Hwy 70 to its intersection with OH Hwy 29, then over OH Hwy 29 to its intersection with U.S. Hwy 36, then over U.S. Hwy 36 to Greenville, and return over the same route, (6) between Washington, PA and New Westville, OH, serving all intermediate points in OH and PA; over Interstate Hwy 70, and return over the same route, (7) between Washington, PA and Chesapeake, OH, serving all intermediate points in OH and PA; from Washington, over Interstate Hwy 70 to its intersection with OH Hwy 7, then over OH Hwy 7 to Chesapeake, and return over the same route, (8) between Washington, PA and Marietta, OH, serving all intermediate points in OH and PA; from Washington, over Interstate Hwy 70 to its intersection with Interstate Hwy 77, then over Interstate Hwy 77 to Marietta, and return over the same route, (9) between Washington, PA and Cincinnati, OH, serving all intermediate points in OH and PA; from Washington, over Interstate Hwy 70 to its intersection with Interstate Hwy 60, to its intersection with OH Hwy 669, then over OH Hwy 669 to its intersection with OH Hwy 78, then over OH Hwy 78 to its intersection with OH Hwy 13, then over OH Hwy 13 to its intersection with U.S. Hwy 50, then over U.S. Hwy 50 to Cincinnati, and return over the same route, (10) between Washington, PA and Cincinnati, OH, serving all intermediate points in OH and PA; from Washington, over Interstate Hwy 70 to its intersection with U.S. Hwy 22, then over U.S. Hwy 22, to its intersection with OH Hwy 22, then over OH Hwy 22 to Cincinnati, and return over the same route, (11) between Washington, PA and Ironton, OH, serving all intermediate points in OH and PA; from Washington, over Interstate Hwy 70 to its intersection with U.S. Hwy 22, then over U.S. Hwy 22, to its intersection with U.S. Hwy 33, then over U.S. Hwy 33 to its intersection with OH Hwy 93, then over OH Hwy 93 to Ironton, and return over the same route, (12) between Washington, PA and Portsmouth, OH, serving all intermediate points in OH and PA; from Washington, over Interstate Hwy 70 to its intersection with U.S. Hwy 23, then over U.S. Hwy 23, to Portsmouth, and return over the same route, (13) between Washington, PA and Wrightsville, OH, serving all intermediate points in OH and PA; from Washington, over Interstate Hwy 70 to its intersection with OH Hwy 62, then over OH Hwy 62, to its intersection with U.S. Hwy 62, then over U.S. Hwy 62 to its intersection with OH Hwy 247, then over OH Hwy 247 to Wrightsville, and return over the same route, (14) between Washington, PA and Ripley, OH, serving all intermediate points in OH and PA; from Washington, over Interstate Hwy 70 to its intersection with OH Hwy 62, then over OH Hwy 62, to its intersection with U.S. Hwy 62, then over U.S. Hwy 62 to Ripley, and return over the same route, (15) between Washington, PA and Cincinnati, OH, serving all intermediate points in OH and PA; from Washington, over Interstate Hwy 70 to its intersection with OH Hwy 4, then over OH Hwy 4, to its intersection with Interstate Hwy 75, then over Interstate Hwy 75 to Cincinnati, and return over the same route, (16) between Washington, PA and Lima, OH, serving all intermediate points in OH and PA; from Washington, over Interstate Hwy 70 to its intersection with Interstate Hwy 75, then over Interstate Hwy 75 to Lima, and return over the same route, (17) between Akron and Columbus, OH, serving all intermediate points from Akron, over U.S. Hwy 224 and Interstate Hwy 76 to Lodi, then over U.S. Hwy 42 to Junction U.S. Hwy 23, then over U.S. Hwy 23 to Columbus, and return over the same route, (18) between Akron and Columbus, OH serving all intermediate points: from Akron over Interstate Hwy 76 to its intersection with Interstate Hwy 71, then over Interstate Hwy 71 to Columbus, and return over the same routes, (19) between Akron and Dayton, OH, serving all intermediate points from Akron, over U.S. Hwy 224 and Interstate Hwy 76 to Lodi, then over U.S. Hwy 42 to its intersection with U.S. Hwy 40, then over U.S. Hwy 40 to its intersection with U.S. Hwy 4, then over U.S. Hwy 4 to Dayton, and return over the same routes, (20) between Akron and Dayton, OH, serving all intermediate points from Akron, OH, over Interstate Hwy 71, to its intersection with Interstate Hwy 71, then over Interstate Hwy 71 to its intersection with Interstate Hwy 270, then over Interstate Hwy 270 to its intersection with Interstate Hwy 70, then over Interstate Hwy 70 to its intersection with Interstate Hwy 75, then over Interstate Hwy 75 to Dayton, and return over the same routes, (21) between Akron and Cincinnati, OH serving all intermediate points; from Akron over U.S. Hwy 224 and Interstate Hwy 76 to Lodi, then over U.S. Hwy 42 to Cincinnati, and return over the same routes, (22) between Akron and Cincinnati, OH serving all intermediate points; from Akron over U.S. Hwy 224 and Interstate Hwy 76 to Lodi, then over U.S. Hwy 42 to its junction with U.S. Hwy 40, then over U.S. Hwy 40 to Springfield, then over OH Hwy 4 to its intersection with U.S. Hwy 127, then over U.S. Hwy 127 to Cincinnati, and return over the same routes, (23) between Akron and Cincinnati, OH serving all intermediate points, from Akron over Interstate Hwy 76 to its intersection with Interstate Hwy 71, then over Interstate Hwy 71 to Cincinnati, and return over the same routes, and (24) Serving all points in OH on and south of U.S. Hwy 250 and U.S. Hwy 30 as off-route points in connection with service over the above-described routes. (Hearing site: Pittsburgh, PA, or Washington, DC.)

Note.—Applicant states it intends to tack with its existing authority.

MC 114457 (Sub-551F), filed October 15, 1979. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting *paper, paper products, cellulose products, and textile softeners,* (except commodities in bulk), from the facilities of The Procter & Gamble Paper Products Company at or near (a) Neely's Landing, MO, (b) Cheboygan, MI, and (c) Green Bay, WI, to those points in the United States in and east of ND, SD, NE, KS,

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OK and TX (except FL, SC, VA, WV, DE, CT, RI, NY, VT, ME, and DC). (Hearing site: Cincinnati, OH, or St. Paul, MN.)

MC 114457 (Sub-552F), filed October 15, 1979. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting *general commodities* (except classes A and B explosives, commodities in bulk, household goods, and commodities requiring special equipment), between the facilities of the Charter Oaks Shippers Cooperative Association, Inc., at or near Berlin, CT, on the one hand, and on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX (except CT). (Hearing site: Hartford, CT, or St. Paul, MN.)

MC 115667 (Sub-16F), filed October 23, 1979. Applicant: ARROW TRANSPORTATION SYSTEMS, INC., 5658 West Marginal Way S.W., Seattle, WA. Representative: Clyde H. MacIver, 1415 Fifth Ave., Suite 1900, Seattle, WA 98171. Transporting *general commodities* (except classes A and B explosives) between Seattle WA, and Portland, OR, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Seattle, WA, or Portland, OR.)

MC 115826 (Sub-558F), October 22, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *photographic apparatus, equipment, material, supplies,* and *products* used solely for photographic application, manufacturing, or processing (except commodities in bulk) (A) between the facilities of Eastman Kodak Co. at Windsor, CO, on the one hand, and, on the other, (1) the facilities of Karr Ellis, Inc. at Jamaica, NY (Kennedy International Airport), (2) New York, NY, and (3) the facilities of Eastman Kodak Co. at or near Rochester, NY; (B) between the facilities of Eastman Kodak Co. at Windsor, CO and at or near Rochester, NY, on the one hand, and, on the other, (1) Palo Alto, (2) Hollywood, (3) San Ramon, (4) Lyoth, Los Angeles, Oakland, San Francisco, Travis AFB and Whittier, CA, (5) Dallas, TX, (6) Dayton, NJ, (7) Oakbrook, IL, and (8) Chamblee, GA. (Hearing site: Denver, CO.)

MC 117676 (Sub-16F), filed October 19, 1979. Applicant: HERMS TRUCKING, INC., 620 Pear Street, Trenton, NJ 08648. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting (1) *Wax impregnated fireplace logs, charcoal, charcoal briquets,* and *wood chips,* (except in bulk), and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above (except in bulk, in tank vehicles), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities owned or utilized by Duraflame, Inc. or The Kingsford Company. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 119777 (Sub-424F), filed October 18, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85, East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *corn, soybeans, corn and soybean products,* between Danville, IL, on the one hand, and, on the other, points in AL, FL, GA, IN, KY, MI, MN, MO, NB, OH, TN and WI. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 119787 (Sub-9F), filed October 19, 1979. Applicant: F. W. GROVES TRUCKING COMPANY, Route 4, Box 89, Leland, NC 28451. Representative: Ralph McDonald, Post Office Box 2246, Raleigh, NC 27602. Transporting *forest products, lumber, lumber products, poles, pilings, and fence posts* from the facilities of The Burke-Parsons-Bowlby Corporation at Leland, NC, to points in NC, SC, GA, AL, MS, OH, DE, PA, TN, VA, WV, CT, IN, KY, MD, MI, NJ, NY, RI, MA, VT, ME, NH, FL, and DC. (Hearing site: Wilmington, NC.)

MC 124896 (Sub-98F), filed October 18, 1979. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne & Ralston Streets, Box 3485, Wilson, NC 27893. Representative: Peter A. Greene, 900 17th Street NW., Washington, DC 20006. Transporting *paper and paper products,* from the facilities of Weyerhaeuser, Inc. in NC, to points in OH, IN, IL, MI, WI, MN, IA, MO and KY. (Hearing site: Wilson, NC.)

MC 126537 (Sub-36F), filed October 22, 1979. Applicant: KENT I. TURNER, KENNETH E. TURNER, and ERVIN L. TURNER, a partnership, d.b.a. TURNER EXPEDITING SERVICE, P.O. Box 21333, Standiford Field, Louisville, KY 40221. Representative: William P. Whitney, Jr., 708 McClure Bldg., Frankfort, KY 40601. Transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lexington, KY, and Memphis, TN, restricted to the transportation of traffic having an immediately prior or immediately subsequent movement by air. (Hearing site: Lexington or Louisville, KY.)

MC 133676 (Sub-10F), filed October 22, 1979. Applicant: COMET TRUCK LINE, INC., 1175 Choctaw Drive, Baton Rouge, LA 70821. Representative: Richard H. Wilson (same address as applicant). Transporting *synthetic crude rubber, chemicals* (except in bulk), between Baton Rouge, LA, Geismar, LA, and New Orleans, LA. (Hearing site: Baton Rouge, LA.)

MC 134286 (Sub-129F), filed October 16, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as applicant). Transporting (1) *such commodities* as are dealt in or used by drug, grocery, and food businesses (except frozen commodities and commodities in bulk), from the facilities of the Colgate-Palmolive Company, at or near Kansas City, KS, to points in MN, IA, IL, CO, and NE; and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except frozen commodities and commodities in bulk), in the reverse direction. (Hearing site: Sioux City, IA, or Denver, CO.)

Note.—Dual operations may be involved.

MC 134477 (Sub-379F), filed October 22, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *such commodities* as are dealt in or used by restaurants (except commodities in bulk), from points in AR, GA, FL, KY, MA, NC, NJ, NY, OH, PA, SC, TN, TX, and VA, to the facilities of Hardee's Food System, Inc. at or near Mason City, IA. (Hearing site: St. Paul, MN.)

MC 135326 (Sub-21F), filed October 22, 1979. Applicant: SOUTHERN GULF TRANSPORT, INC., 4277 N. Market St., P.O. Box 7959, Shreveport, LA 71107. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Transporting *roofing and building materials,* and *materials, equipment, and supplies* used in or incidental to the manufacture, installation, and distribution of roofing and building materials, between the facilities of Georgia-Pacific Corp., Gypsum Division, at or near Hampton, Henry County, GA, on the one hand, and, on the other, points in AL, AR, LA, MS, OK, TN, and TX. (Hearing site: Dallas, TX.)

MC 135797 (Sub-269F), filed October 16, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting *wooden and wire box and crate materials,* from Magnolia, MS, to points in the United States (except AL, AR, AK, CA, FL, HI, KY, LA, NY, OH, OK, SC, TN, TX, and WI). (Hearing site: Jackson, MS, or Washington, DC.)

MC 135797 (Sub-274F), filed October 23, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting *Cedar shakes and shingles,* from points in OR and WA, to points in AR, CA, CO, IL, IN, KS, MO, MN, OK, TN and TX. (Hearing site: Seattle, WA, or Washington, DC.)

MC 136786 (Sub-176F), filed October 15, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55435. Transporting *paint and paint products.* (1) from Dover, DE, to Oak Creek, WI, Houston, TX, Torrance, CA, and Atlanta, GA, (2) from Oak Creek, WI, to Dover, DE, and points in CA, and (3) from Delaware, OH, to Davenport, IA, Minneapolis, MN, Denver, CO, Salt Lake City, UT, Portland, OR, and points in CA. (Hearing site: Minneapolis, MN, or Pittsburgh, PA.)

MC 136786 (Sub-178F), filed October 15, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, Mn 55435. Transporting (1) *frozen foods,* and (2) *coffee* (except in bulk), in vehicles equipped with mechanical refrigeration, from Minneapolis, MN, to points in WA and OR. (Hearing site: Minneapolis, MN.)

MC 138157 (Sub-190F), filed October 15, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). Transporting *chemicals, ground clay, and minerals* (except commodities in bulk), from Bethel and Norwalk, CT, Murray, KY, and Bath, SC, to points in NC, TN, SC, GA, FL, AL, KY, MS, LA, AR, MO, IL, IN, OH, MI, WI, IA, MN, ND, SD, NE, KS, OK, TX, NM, WY, CO, MT, ID, UT, AZ, NV, WA, OR, and CA. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 138157 (Sub-195F), filed October 22, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant). Transporting (1) *floor covering materials* and (2) *materials, equipment and supplies* used in the installation, sale and distribution of floor covering materials, from points in GA, NC, SC, and TN, to points in AZ, CA, ID, NV, and OR. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 138297 Sub-8F), filed October 17, 1979. Applicant: CENTRAL FLORIDA COACH LINES, INC., P.O. Box 127, Mountaintop, PA, 18707. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA. 18517. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, between Brovard County, FL, on the one hand, and, on the other, points in the United States on the East of a line beginning at the mouth of the Mississippi River an extending along the Mississippi River to its junction with the western boundary of Itasca County, MN thence northward along the western boundary of Itasca and Koochiching Counties, MN to the international boundary line between the U.S. and Canada. (Hearing site: Orlando, FL.

MC 139906 (Sub-79F), filed October 24, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th St., P.O. 81849, Lincoln, NE 68501. Transporting *Sulphur,* in bags from the facilities of Stauffer Chemical Company, at or near Freeport, TX to point in CA, PA, and NJ. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 140006 (Sub-2F), filed October 18, 1979. Applicant: JOHN W. GEORGE, doing business as, HEPNER'S TRUCKING CO., 1810 E. Washington Ave., Vineland, NJ 08360. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting (1) *Floor coverning* and (2) *materials and supplies* used in the installation and manufacturing thereof, (except in bulk) between Vineland, NJ and Philadelphia, PA, on the one hand, and, on the other, Atlanta, Dalton and Rome, GA, and Chattanooga, TN. (Hearing site: Philadelphia, PA.)

MC 141516 (Sub-6F), filed October 23, 1979. Applicant: RICHARD L. HODGES, INC., P.O. Box 141, Unity, ME 04988. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101. Transporting *frozen vegetables* and *frozen vegetable products,* from points in ME, to points in AZ, CA, CO, MN, NV, NM, OR, WA, and WY. (Hearing site: Portland, ME, or Boston, MA.)

MC 142807 (Sub-1F), filed October 22, 1979. Applicant: NICHOLAS D. MARINO and ANGELINA F. MARINO, d.b.a. FARRAGUT TRAVEL SERVICE, 1717 Farragut Ave., Bristol, PA 19007. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. Transporting *passengers and their baggage* in the same vehicle with passengers, limited to the transportation of no more than eleven (11) passengers in any one vehicle (not including the driver thereof and not including children under ten years of age who do not occupy a seat or seats), (1) in special operations, between Allentown, Bethlehem, and Easton, PA, and points in the commercial zones, on the one hand, and, on the other, Newark Airport, Newark, NJ; John F. Kennedy International Airport, New York, NY; Atlantic City, NJ; Atlantic City Race Course, Key City, NJ, and the steamship piers for passenger voyages), New York, NY; and (2) in charter operations, between Lehigh and Northampton Counties, PA, on the one hand, and, on the other, Newark Airport, Newark, NJ; John F. Kennedy International Airport, New York, NY; Atlantic City, NJ; Atlantic City Race Course, Key City, NJ, and the steamship piers (for passengers voyages) New York, NY. (Hearing site: Allentown, or Philadelphia, PA.)

MC 143236 (Sub-40F), filed October 15, 1979. Applicant: WHITE TIGER TRANSPORTATION CO., INC., 40 Hackensack Ave., Kearny, NJ 07032. Representative: Elezabeth E. Murphy (same address as applicant). Transporting (1) *such comodities* as are sold in toy stores, and (2) *materials* used in the sale and distribution of the comodities in (1) above, between the facilities of Leisure Line, Inc., at or near Secaucus, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Newark, NJ, or New York, NY.)

Note.—Dual operations may be involved.

MC 143236 (Sub-43F), filed October 23, 1979. Applicant: WHITE TIGER TRANSPORTATION CO., INC., 40 Hackensack Ave., So. Kearny, N.J. 07032. Representative: Elizabeth E. Murphy (same address as applicant). Transporting *candy and materials* used in its manufacture and sale, between the facilities of Switzer Candy Co., at or near St. Louis, MO, on one hand, and, on the other, points in AZ, CA, CO, CT, ID, MD, MA, ME, NJ, NY, NM, OH, OR, PA, RI, UT, and WA. (Hearing site: Newark, NJ, or St. Louis, MO.)

MC 143236 (Sub-44F), filed October 22, 1979. Applicant: WHITE TIGER TRANSPORTATION CO., INC., 40 Hackensack Ave., Kearny, N.J. 07032.

Representative: Elizabeth Eleanor Murphy (same address as applicant). Transporting *Malt beverages and material and supplies used in the manufacuture and sale of malt beverages,* (1) between the facilities of Anheuser-Busch, at or near Jacksonville and Tampa, FL, on the one hand, and on the other, points in CT, DE, MD, ME, NJ, NY, NH, NC, SC, OH, PA, and VA, and (2) between the facilities of Anheuser-Busch, at or near St. Louis, MO, Columbus, OH, and Newark, NJ, on the one hand, and on the other, points in IA, MO, NJ, NY, DE, PA, NH, RI, OH, CT, and ME. (Hearing site: Newark, NJ, or St. Louis, MO.)

MC 144197 (Sub-1F), filed October 16, 1979. Applicant: KEYBOARD CARRIAGE, INC., 2305 Quincetree Dr., Clarksville, IN 47130. Representative: Rudy Yessin, 314 Wilkinson St., Frankfort, KY 4001. Transporting (1) *household dishwashing machines and machine parts, household trash compactors, and commercial food processing machinery,* and (2) materials and supplies used in the manufacture of the commodities in (1) above, (a) between the facilities of Hobart Corporation, at points in OH, KY, GA, AL, LA, SC, UT, MN, IL, KS, and PA, on the one hand, and, on the other, points in the United States (except AK and HI), and (b) between the facilities of the Hobart Corporation, at points in the States listed in (a) above. (Hearing site: Washington, D.C.)

MC 144407 (Sub-17F), filed October 22, 1979. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 412 Route 23, Pompton Plains, NJ 07444. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *dialysis supplies and equipment,* between Delran, NJ and McAllen, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New York, NY, or Washington, D.C.)

MC 145457 (Sub-3F), filed October 22, 1979. Applicant: B & M EXPRESS, INC., 500 S. Western, Oklahoma City, OK 73109. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting *such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses (except frozen commodities and commodites in bulk), from the facilities of the Clorox Company at or near Houston, TX to points in OK. (Hearing site: Oklahoma City, OK).

MC 145797 (Sub-11F), filed October 23, 1979. Applicant: NANCY TRANSPORTATION, INC., 429 Stablestone Dr., Chesterfield, MO 63017. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting: (1) *Overhead door sections,* and (2) *materials and hardware* used in the manufacture and sale of overhead door sections, from the facilities of Overhead Door Corporation at Dallas and Ft. Worth, TX, to points in CA, GA, IL, IN, KY, MI, MO, and OH. (Hearing site: St. Louis, Mo, or Washington, D.C.)

MC 146646 (Sub-45F), filed October 15, 1979. Applicant: BRISTOW TRUCKING CO., a Corporation, P.O. Box 6355 A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting (1) *electronic instruments,* and (2) *components, tables, and stands therefor, and toys and games,* from Greenville and Jefferson City, TN, to points in LA, TX, OK, AR, MO, and KS. Condition: Person or persons who appear to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Knoxville, TN, or Birmingham, AL.)

MC 146646 (Sub-47F), filed October 18, 1979. Applicant: BRISTOW TRUCKING CO., P.O. Box 6355 A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting: *Paper, and paper products and materials, equipment and supplies* used in the manufacture and sale of the above commodities (except commodities in bulk), between the facilties of Scott Paper Company, on the one hand, and on the other, points in the United States (except AK and Hi). Condition: Person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Philadelphia, PA, or Birmingham, AL.)

MC 146646 (Sub-48F), filed October 18, 1979. Applicant: BRISTOW TRUCKING CO., P.O. Box 6355 A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Authority granted to operate as a common carrier by motor vehicles, over irregular routes, transporting (1) *Appliances, heating and air condition equipment, vending machines,* (2) *Materials, equipment and supplies* used in the manufacture, sales and distribution of the commodities in (1) above (except commodities in bulk) between the facilities of Magic Chef, Inc., centers, and points in the United States (except AK and HI). Condition: Person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Knoxville, TN, or Birmingham, AL.)

MC 146646 (Sub-49F), filed October 22, 1979. Applicant: BRISTOW TRUCKING CO., P.O. Box 63558, Birmingham, AL 35217. Representative: John R., Frawley, Jr., 5506 Crestwood Blvd., Birmingham, AL 35212. Transporting *stoneware, china and steel flatware* and *printed paper forms,* between points in the United States (except AK and HI). Condition: Person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Birmingham, AL.)

MC 146907 (Sub-5F), filed October 22, 1979. Applicant: PEBBLE HAULERS, INC., 2630 Delta Drive, Colorado Springs, CO 80910. Representatives: Raymond M. Kelley, 450 Capitol Life Center, Denver, CO 80203. Transporting *Bentonite,* from facilities of 1st Bentonite Company of Colorado at or near Coaldale, CO, to points in AZ, CA, KS, NE, NM, and UT. (Hearing site: Denver, CO.)

MC 147646 (Sub-3F), filed October 22, 1979. Applicant: T. M. MACHULL, 4226 W. Port au Prince Lane, Phoenix, AZ 85023. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting: (1) (A) Malt beverages from Jefferson County, CO to points in AZ, (B) *beverage containers* and *supplies and materials* used in and dealt with by breweries, from points in AZ to points in Jefferson County, CO, (2) (A) *Such merchandise* as is dealt in by wholesale, retail, chain grocery and food business houses and agricultural feed business houses, (B) *Materials, ingredients, equipment* and *supplies* used in the manufacturing, distribution and sale of the products in (A) above, from the facilities of Ralston Purina Company at or near Denver, CO to points in AZ and NM. (3) Dry animal and poultry feeds, feed ingredients, and seed (except commodities in bulk) and exempt commodities exempt from economic regulation when moving in the same vehicle with the above commodities, from points in CO to points in AZ and NM. (Hearing site: Phoenix, AZ.)

MC 148127 (Sub-2F), filed October 18, 1979. Applicant: LINEHAUL EXPRESS CORPORATION, Post Office Box 5078, Manchester, NH 03108. Representative: Neal R. Michaud (same address as applicant). Transporting *canned* and *preserved foodstuffs,* from the facilities of Heinz, U.S.A., Division of H. J. Heinz Company, at or near Pittsburgh, PA, to points in CT, ME, MA, NH, RI, VT, and points in NY, on and north of New York Highway 17, and on and east of New York Highway 30. (Hearing site: Concord, NH, or Boston, MA.)

MC 148127 (Sub-3F), filed October 18, 1979. Applicant: LINEHAUL EXPRESS CORPORATION, Post Office Box 5078, Manchester, NH 03108. Representative: Neal R. Michaud (same address as applicant). Transporting *canned* and *preserved foodstuffs,* from the facilities of Heinz, U.S.A., Division of N.J. Heinz Company, at or near Muscatine and Iowa City, IA, to points in the St. Louis, MO, restricted to the transportation of traffic originating at the named facilities and destined to the named destinations. (Hearing site: Concord, New Hampshire, or Boston, Massachusetts.)

MC 148576F, filed October 16, 1979. Applicant: DOTSON TRUCKING CO., INC., 1220 Murphy Ave SW., Atlanta, GA 30310. Representative: Brian S. Stern, 2425 Wilson Blvd., Suite 367, Arlington, VA 22201. Transporting *glass,* flat and automotive, from Nashville, TN, to Hazelwood, MO, and points in AL, FL, GA, KY, MS, NC, SC, and VA. (Hearing site: Detroit, MI, or Washington, DC.)

MC 148587F, filed October 22, 1979. Applicant: CONTINENTAL CONTAINER SERVICES, INC., 2501 East 28th St., Suite 101, Signal Hill, CA 90806. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036. Transporting *used household goods,* in containers, between points in the United States, (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 148596F, filed October 15, 1979. Applicant: RONALD LAZARO d.b.a. LAZARO TRUCKING, 24 Freeman St., Newton, MA 02166. Representative: George C. O'Brein, 12 Vernon St., Norwood, MA 02062. Transporting (1) *clay products,* and (2) *mortar and moulding compound,* in bags, from Somerville, Bridgewater, Middleboro and Lawrence, MA, to points in ME, NH, VT, MA, RI, and CT. (Hearing site: Boston, MA.)

MC 148617F, filed October 29, 1979. Applicant: ATTHOWE TRANSPORTATION CO., 926—32nd Street, Oakland, CA 94608. Representative: William D. Taylor, Professional Corporation, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Transporting *fine art, object of art, paintings and art displays* and *exhibits,* between Los Angeles, San Diego, Newport Harbor, LaJolla, Claremont, Palm Springs, Santa Barbara, Fresno, Sacramento, San Francisco, Oakland, and San Jose, CA; Eugene, and Portland, OR; Seattle, and Bellingham, WA; Reno, and Las Vegas, NV; Phoenix, AZ; Salt Lake City, UT; Santa Fe, Albuquerque, NM; Denver, CO; Houston, Corpus Christi, and Dallas, TX, Kansas City, KS; Omaha, NE; Minneapolis, MN; Milwaukee, WI; Chicago, IL; St. Louis, MO; Detroit, MI; Cleveland, and Cincinnati, OH; Buffalo, Rochester, Syracuse, Albany, and New York City, NY; Pittsburgh, and Philadelphia, PA; Baltimore, MD; Washington, DC; Richmond, VA; Atlanta, GA; Miami, and West Palm Beach, FL; New Orleans, LA; Indianapolis, IA; Boston, MA; New Haven, CT; Providence, RI; Montgomery, AL, and Princeton, NJ. (Hearing site: San Francisco, CA.)

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Decided: February 29, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 808 (Sub-62F), filed November 26, 1979. Applicant: ANCHOR MOTOR FREIGHT, INC., 29201 Telegraph Rd., Suite 522, Southfield, MI 48034. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Transporting: *motor vehicles* in truckaway service from Lordstown, OH to points in AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY, under continuing contract(s) with General Motors Corporation, of Warren, MI. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 808 (Sub-63F), filed November 26, 1979. Applicant: ANCHOR MOTOR FREIGHT, INC., 29201 Telegraph Rd. Suite 522, Southfield, MI 48034. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Transporting: *motor vehicles* in truckaway service from Wilmington, DE to points in AR, AZ, CA, CO, ID, IA, KS, LA, MN, MS, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI and WY, under continuing contract(s) with General Motors Corporation, of Warrent, MI. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 13569 (Sub-57F), filed November 13, 1979. Applicant: THE LAKE SHORE MOTOR FREIGHT CO., INC., 1200 South State Street, Girard, OH 44420. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting of *steel guardrails,* and *steel and iron tubing* from the facilities of Regal Tube Company in Chicago, IL to points in IN, MI, NJ, NY, OH, and PA. (Hearing site: Chicago, IL.)

MC 25869 (Sub-165F), filed November 19, 1979. Applicant: NOLTE BROS. TRUCK LINE, INC., 6217 Gilmore Avenue, P.O. Box 7184, Omaha, NE 68107. Representative: Donald L. Stern, Suite 610 Xerox Bldg., 7171 Mercy Road, Omaha, NE 68106. Transporting *materials, equipment* and *supplies* (except commodities in bulk) used in the manufacture of (a) agricultural implements, (b) farm machinery, or (c) light industrial equipment, from points in IL, IN, KY, OH, MI, and WI to Columbus, Grand Island, and Lexington, NE, restricted to the transportation of traffic destined to the facilities of the Sperry New Holland Division, Sperry Corp.

MC 29079 (Sub-157F), filed November 13, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H St., NW., Washington, DC 20006. Transporting *tufting machines and equipment, supplies and materials* used in the manufacture of tuftying machines between the facilities of Cobble Company at or near Chattanooga, TN, on the one hand, and, on the other, points in AL, DE, GA, IL, IN, KY, LA, (east of Mississippi River) MD, MI, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC. (Hearing site: Washington, DC.)

MC 29079 (Sub-158F), filed November 13, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street, Northwest, Washington, DC 20006. Transporting *material handling equipment, plastic articles, bread trays, and material, equipment and supplies* used in the manufacture or distribution of above-named articles, between the facilities of Midland Ross Corporation at or near Dawson Springs, KY, on the one hand, and, on the other, points in AL, DE, GA, IN, IL, KY, LA (east of Mississippi River), MD, MI, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC. (Hearing site: Washington, DC.)

MC 29079 (Sub-159F), filed November 13, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H St., N.W., Washington, DC 20006. Transporting *iron and steel articles, automatic garage door openers and*

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material, equipment and supplies used in the manufacture and distribution of the above, between the facilities of Reliance Mfg. Company at or near Alliance and Baltic, OH and Tamco Mfg., Shandoaha, VA on the one hand, and, on the other points in AL, DE, GA, IL, IN, KY, LA (east of Mississippi River), MD, MI, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC. (Hearing site: Washington, DC.)

MC 30089 (Sub-9F), filed November 13, 1979. Applicant: FRANK W. LILLY, INC., P.O. Box 111, Turtle Creek, PA 15145. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Transporting *materials, equipment and supplies* used in the preparation of foodstuffs, from the facilities of Dewey and Almy Chemical Division at Woodbury, NJ to the facilities of Heinz USA, Division of H. J. Heinz Company at or near Weirton, WV, under a continuing contract(s) with Heinz USA, Division of H. J. Heinz Company, of Pittsburgh, PA. (Hearing site: Washington, DC or Pittsburgh, PA.)

MC 35519 (Sub-11F), filed November 13, 1979. Applicant: J. W. ATHEY, SR. & J. W. ATHEY, JR., a partnership, d.b.a. ATHEY TRUCKING, Route 1, Box 364, Stephens City, VA 22655. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. Transporting *silica sand* from points in Frederick County, VA to points in MD and OH. (Hearing site: Richmond, VA or Washington, DC.)

MC 102709 (Sub-3F), filed November 14, 1979. Applicant: ZINO MOTOR EXPRESS, INC., 200 E. Touhy Ave., Des Plaines, IL 60018. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting *concrete forming equipment, and parts, and materials, equipment and supplies* used in the manufacture, assembly, distribution or use of concrete forming equipment (except in bulk); (a) between Chicago, IL on the one hand, and, on the other, points in IN, IA, MI, MN, OH, and WI; and (b) between Centralia, IL, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, and WI, under a continuing contract(s) with Symons Corporation, of Des Plaines, IL. (Hearing site: Chicago, IL.)

MC 106398 (Sub-1022F), filed November 19, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK. Representative: Fred Rahal, Jr., 525 South Main, Tulsa, OK 74103. Transporting (1) *iron and steel articles* from the facilities of Gregory Galvanizing and metal processing at Canton, OH to points in the United States (except AK and HI) and (2) *materials and supplies* used in the manufacture of iron and steel articles in the reverse direction. (Hearing site: Akron, OH.)

MC 106398 (Sub-1023F), filed November 19, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Fred Rahal, Jr., 525 South Main, Tulsa, OK 74103. Transporting *railroad wheels and accessories* therefor from (1) the facilities of Griffin Wheel at Keokuk, IA, to points in PA, OH, VA, IL, AL, CO, MI, and WV, and (2) the facilities of Griffin Wheel at Colton, CA, to points in PA, OH, VA, IL, AL, CO, MI, and WV. (Hearing site: Des Moines, IA.)

MC 106859 (Sub-78F), filed November 19, 1979. Applicant: CLAIRMONT TRANSFER CO., 1803 Seventh Avenue, North, Escanaba, MI 49820. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting (1) *paper* and *paper products*, (2) *materials, equipment and supplies* (except commodities in bulk, or requiring the use of special equipment), used in the manufacture or distribution of commodities named in (1) above, between the facilities of (a) Manistique Pulp and Paper Company, at or near Manistique, MI, (b) Badger Paper Mills, Inc., at or near Peshtigo, WI, (c) Scott Paper Company, at or near Fond du Lac, Green Bay, Marinette and Oconto Falls, WI, (d) American Can Company, at or near Green Bay, WI, (e) Menominee Paper Co., division of Bell Fibre Products Corp., at or near Menominee, MI, (f) Niagara of Wisconsin Paper Corp., at or near Niagara, WI, on the one hand, and, on the other, points in IN, MI, OH, those in WI on and east of U.S. Hwy 51 and those in IL on and north of U.S. Hwy 36.

MC 110098 (Sub-179F), filed November 13, 1979. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road, P.O. Box 20380, San Antonio, TX 78220. Representative: T. W. Cothren (same address as applicant). Transporting *foodstuffs* (except commodities in bulk), from Cameron, Eau Claire, Menomonie, Vesper, and Wisconsin Rapids, WI, to points in AZ, AR, CA, ID, KS, LA, MO, NV, NM, OK, OR, TX, UT, and WA. (Hearing site: Madison, WI or Chicago, IL.)

MC 112989 (Sub-115F), filed November 14, 1979. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John W. White, Jr., 85647 Highway 99 South, Eugene, OR 97405. Transporting *clay, ground crude or other than crude (except in bulk)* from the facilities of Oil-Dri Crop. of America at or near Christmas Valley, OR to points in WA, OR, CA, NV, ID, MT, UT, CO, WY, AZ, NM, and TX. (Hearing site: Portland, OR.)

MC 117568 (Sub-23F), filed November 20, 1979. Applicant: WADE TRUCK LINES, INC., Box 156, Verona, MO 65769. Representative: Charles B. Fain, 333 Madison Street, Jefferson City, MO 65101. Transporting (1) *agricultural feed products and food and drug additives* and (2) *materials* used in the manufacture of the commodities described in (1) above between the facilities of Dawe's Laboratories, Inc., and Dawe's Laboratories, Ltd., at (a) Chicago Heights, IL, (b) West Alexandria, OH, (c) Atlanta, GA, (d) Republic, MO, and (e) Cypress, CA, on the one hand, and, on the other, points in the United States (except AK and HI) under continuing contract(s) with Dawe's Laboratories, Inc., and Dawe's Laboratories, Ltd. (Hearing site: Chicago Heights, IL.)

MC 119789 (Sub-648F), filed November 19, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. Transporting *meats, meat products, meat byproducts,* and *articles* distributed by meat packinghouses, as describe in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (Except hides and commodities in bulk) from the facilities of Armour Fresh Meat Company at or near Madison, NE, Sioux City, IA, and Omaha, NE, to points in the United States in and east of LA, MS, TN, KY, IN and MI, restricted to traffic originating at named origins and destined to named destination States. (Hearing site: Phoenix, AZ.)

MC 124489 (Sub-12F), filed November 9, 1979. Applicant: NIELSEN BROS, CARTAGE CO., INC., 4619 West Homer Street, Chicago, IL 60639. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Contract carrier transporting (1) *such commodities* as are dealt in by manufacturers and distributors of electronic equipment, electronic instruments, calculators, radios, and television sets, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk); between Chicago, IL, on the one hand, and, on the other, the facilities of Heath Co. at or near St. Joseph, MI, under a continuing contract(s) with Zenith Radio Corporation, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 124839 (Sub-49F), filed November 16, 1979. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 2726, Savannah, GA 31402. Representative: William P. Sullivan, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Contract carrier transporting *general commodities,* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), between those points in the U.S. in and east of MN, IA, NE, KS, OK and TX, under a continuing contract(s) with GAF Corporation, of Wayne, NJ. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 125368 (Sub-73F), filed July 6, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: Roland Lowell, Sixth Floor, United American Bank Bldg., Nashville, TN 37219. Transporting *foodstuffs* between the facilities of Campbell Soup Company, at or near Maxton (Robeson County), NC, on the one hand, and, on the other, points in AL, DE, FL, GA, IL, MD, NJ, NC, OH, PA, SC, TN, TX, VA, and DC.

MC 125368 (Sub-98F), filed November 13, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: Roland Lowell, United American Bank Bldg., Nashville, TN 37219. Transporting *meats, meat products and supplies* used in the manufacture of meat products, between the facilities of Frederick & Herrud in MI and NC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC, or Chicago, IL.)

MC 125708 (Sub-184F), filed November 13, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting (1) *snow removal equipment and fabricated steel products,* from Waverly, IA, to points in the United States (except AK and HI), and (2) *materials, supplies and equipment* used in the manufacture of the commodities in (1) above, in the reverse direction.

MC 126118 (Sub-167F), filed July 19, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), which are at the time moving on bills of lading of freight forwarders, (1) from those points in the United States in and east of MN, IA, MO, AR, and LA, to those points in the United States in and west of MT, SD, NE, KS, OK, and NM (except AK and HI), and (2) from points in CA, OR, and WA, to those points in the United States in and east of MN, IA, NE, CO, KS, AR, and LA. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 126709 (Sub-14F), filed July 9, 1979. Applicant: SABER, INC., 514 South Floyd Blvd., Sioux City, IA 51101. Representative: Edward A. O'Donnell, 1004-29th Street, Sioux City, IA 51104. Transporting *tallow,* in bulk, from the facilities of Iowa Beef Processors, Inc., at or near (a) Dakota City and West Points, NE, (b) Denison and Ft. Dodge, IA, and (c) Luverne, MN, to points in IL, IN, IA, MN, MO, and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations (except traffic moving in foreign commerce). (Hearing site: Omaha, NE or Sioux City, IA.)

MC 127739 (Sub-7F), filed November 6, 1979. Applicant: BOYCE BRUCE TRUCKING CO., INC., 517 North Metts St., Louisville, MS 39339. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Contract carrier,* transporting *lumber,* from the facilities of TMA Forest Products, Division of Tennessee River Pulp & Paper Company, at or near Ackerman, MS to points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, NE, OH, TX, WI, OK, MO, TN, WV, and VA, under a continuing contract(s) with TMA Forest Products, Division of Tennessee River Pulp & Paper Company of Jasper, AL. (Hearing site: Jackson, MS.)

MC 129459 (Sub-17F), filed November 20, 1979. Applicant: KEARNEY'S TRUCKING SERVICE, INC., U.S. Alternate Route 611, P.O. Box 264, Portland, PA 18351. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Contract carrier transporing spaghetti and macaroni from Jersey City, NJ to points in OH under continuing contract(s) with C. F. Mueller Company, of Jersey City, NJ.

MC 129759 (Sub-34F), filed November 6, 1979. Applicant: TRIANGLE TRUCKING CO, a corporation, Post Office Box 490, McKees Rocks, PA. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Transporting: (1) *tubing,* from the facilities of Trent Tube, Division of Colt Industries at East Troy, WI to those points in the U.S. in and east of MN, IA, MO, AR, and LA, and (2) *equipment, materials and supplies* used in the manufacture of tubing, in the reverse direction, under continuing contract(s) with Trent Tube, Division of Colt Industries, of East Troy, MI. (Hearing site: Washington, DC.)

MC 133478 (Sub-21F), filed November 26, 1979. Applicant: DG TRANSPORT, INC., 8565 SW Beaverton-Hillsdale Highway, P.O. Box 25448, Portland, OR 97225. Representative: Peter H. Glade, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, OR 97258. Transporting *prefinished paneling and wood and plywood materials* from the facilities of Vanply, Inc. at or near Vancouver, WA, to points in the United States (except AK and HI), under a continuing contact(s) with Vanply, Inc. of Vancouver, WA. (Hearing site: Portland, OR or Seattle, WA.)

MC 134599 (Sub-177F), filed November 2, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Transporting *carpet cushion,* from Nashville, TN to points in the United States (except AK, HI, and TN), under continuing contract(s) with Daco Corporation of Dayton, OH. NOTE: Dual operations may be involved. (Hearing site: Salt Lake City, UT or Lincoln, NE.)

MC 135069 (Sub-4F), filed November 9, 1979. Applicant: ROCKAWAY TRUCKING, INC., Route 46, Rockaway, NJ 07866. Representative: Dixie C. Newhouse, 1329 Pennsylvania Avenue, Post Office Box 1417, Hagerstown, MD 21740. Transporting: (1) *new containers and cylinders* from Columbus, OH and Plano, TX to Wichita, KS. (2) *Trichloromonofluoromethane, dichlorodifluoromethane and monochlorodifluoromethane gases,* in containers, between Wichita, KS on the one hand, and, on the other points in CT, DE, ME, MD, MA, NH, NJ, OH, PA, RI, VA, VT, WV and DC, under continuing contract(s) with Racon, Inc., of Wichita, KS. (Hearing site: Wichita, KS.)

MC 135539 (Sub-19F), filed November 23, 1979. Applicant: FARM SERVICE & SUPPLIES, INC., P.O. Box 154, Marengo, IL 60152. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Road West, Suite 406, Bradenton, FL 33507. Transporting: (1) *vibratory process equipment and parts, and*

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equipment, materials, accessories and supplies (except commodities in bulk) used in the manufacture, operation and distribution of vibratory equipment between the facilities of General Kinematics Corporation at or near Barrington and Crystal Lake, IL on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) *refrigeration blower units and parts, and equipment, materials, accessories and supplies* (except commodities in bulk) used in the manufacture, operation or distribution of refrigeration blower units between the facilities of Krack Corporation at or near Addison, IL on the one hand, and, on the other, points in the U.S. (except AK and HI), and (3) *parts and equipment, materials, accessories and supplies* (except commodities in bulk) used in the manufacture and operation of railroad cars between the facilities of Evans Products Company at or near Woodstock and Chicago, IL on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) in (1) above with General Kinematics Corporation, of Barrington, IL, (2) above with Krack Corporation, of Addison, IL, and (3) above with Evans Products Company, of Chicago, IL.

MC 135598 (Sub-25F), filed June 22, 1979, previously noticed in **Federal Register** issue of January 24, 1980. Applicant: SHARKEY TRANSPORTATION, INC., P.O. BOX 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Transporting (1) *air compressors, air compressor parts, power pumps, power pump parts, machine parts, internal combustion engines, and rough castings,* from Quincy, IL, to points in the United States (except AK and HI), and (2) *materials* used in the manufacture of air compressors, air compressor parts, power pumps, and power pump parts, in the reverse direction. (Hearing site: Chicago, IL.)

Note.—This republication broadens the territory description. Dual operations may be involved.

MC 135989 (Sub-12F), filed November 19, 1979. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Avenue, Chino, CA 91710. Representative: William J. Lippman, Suite 330 Steele Park, 50 South Steele Street, Denver, CO 80209. Transporting *frozen beef in boxes* (1) from New York, NY; Philadelphia, PA; and Wilmington, DE, to points in PA, OH, IN, KY, IL, MI, WI, MN, IA, AR to Kansas City, KS and St. Louis, MO; and (2) from Los Angeles, CA to points in UT, AZ, OR, ID, NV and WA under continuing contract(s) with A. J. Cunningham Packing Corp. of Quincy, MA. (Hearing site: Los Angeles, CA.)

MC 136168 (Sub-41F), filed November 19, 1979. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 3326, Des Moines, IA 50316. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *meats, meat products, meat by-products, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from the facilities of Wilson Foods Corporation, at Logansport, IN to points in AL, FL, GA, KY, LA, MS, NC, SC, and TN; and (2) from the facilities of Fischer Packing Company, a subsidiary of Wilson Foods Corporation at Louisville, KY, to points in OK and TX, under continuing contract(s) with Wilson Foods Corporation and Fischer Packing Company, of Oklahoma City, OK, and Louisville, KY, respectively.

Note.—Dual operations may be involved.

MC 136408 (Sub-46F), filed November 6, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Representative: David L. King, P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Transporting *cleaning, polishing, and defoaming soaps and compounds, oils, paints rust and paint removing compounds, and disinfectant and water treating compounds* (except in bulk, in tank vehicles), between points in CA, MI, NJ and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing or contract(s) with Oakite Products, Inc., Berkeley Heights, NJ.

Note.—Dual operations may be involved.

MC 136989 (Sub-12F), filed November 27, 1979. Applicant: R. F. BOX, INC., 1110 South Reservoir Street, Pomona, CA 91766. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343. Transporting (1) *Synthetic fiber yarn* from Bermuda Hundred, VA to points in NV and TX, (2) *plastic* (except in bulk) from Bermuda Hundred, VA to points in CA, NV and TX, and (3) *plastic film* from Pottsville, PA to points in MN under a continuing contract(s) with Allied Chemical Corporation, of New York, NY. (Hearing site: New York, NY of Los Angeles, CA.)

MC 138328 (Sub-105F), filed November 19, 1979. Applicant: CLARENCE L. WERNER d.b.a. Werner Enterprises, I–80 and Highway 50, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby (same as applicant). Transporting: *iron and steel articles,* from the facilities of Nucor Corporation at or near Norfolk, NE to points in WA, OR, NV, CA, ID, UT, AZ, MT, WY, CO, NM, ND, SD, KS, OK, TX, MN, IA, MO, AR, WI, IL, IN, MI, OH and KY. (Hearing site: Omha, NE.)

MC 138658 (Sub-6F), filed November 28, 1979. Applicant: CROSS TRANSPORTATION, INC., 100 Factory St., Lewis, KS 67552. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting (a)(1) *hydraulic cylinders, fittings, adapters, valves, pumps and motors and hydraulic coupling equipment;* and (2) *parts* for the commodities described in (a) above, and (b) *equipment, materials and supplies* used in the manufacture and distribution of the commodities described in (a) above, between Lewis, Hays, Pratt and Kinsley, KS: Lamar and La Junta, CO and Heidelberg, MS, (c)(1) *hydraulic cylinders, fittings, adapters, valves, pumps and motors, hydraulic coupling equipment* and (2) *parts* for those commodities in (c)(1) above, between the facilities of Cross Manufacturing at or near Lewis, Hays, Pratt and Kinsley, KS; Lamar and La Junta, CO and Heidelberg, MS and points in the United States (except AK and HI), and (d), *equipment, materials and supplies* used in the manufacture and distribution of the commodities described in (c) above in the reverse direction of (c) above, under continuing contract(s) in (a) through (d) above with Cross Manufacturing, Inc. of Lewis, KS, (e)(1) *fertilizer handling equipment* (except farm implements), bulk storage equipment and trenchers and (2) *parts* for those commodities described in (e)(1) above, between the facilities of R & R Industries, Inc., at or near Pratt, KS and points in the United States (except AK and HI) and (f) *equipment, materials and supplies* used in the manufacture of the commodities described in (e) above, in the reverse direction of (e) above, under continuing contract(s) in (e) and (f) above, with R & R Industries, Inc. of Pratt, KS. (Hearing site: Kansas City, MO.)

MC 139349 (Sub-21F), filed November 23, 1979. Applicant: E Z FREIGHT LINES, Gould & E. 46th Streets, Bayonne, NJ 07002. Representative: Rober B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Transporting *lighting fixtures and lamps,* and *equipment, materials and supplies* used in the manufacture and sale of the commodities described in (1) above (except in bulk), between Jersey City, Kearny, Clifton, North Bergen, and Secaucus, NJ, Fall River, MA, Elgin, IL, and Hammond, IN, on the one hand,

and, on the other, those points in the United States west of a line beginning at the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada (except AK, HI, LA, MN and TX) under a continuing contract(s) with Duro-Test Corp. and Tungsten Products Corp., of North Bergen, NJ, Lightolier, Inc., of Jersey City, NJ, and Aluminum Processing Corp., of Fall River, MA. (Hearing site: Newark, NJ.)

Note.—Dual operations may be involved.

MC 139979 (Sub-7F), filed November 13, 1979. Applicant: AMERICAN COLLOID CARRIER CORPORATION, P.O. Box 951, Scottsbluff, NE 69361. Representative: James P. Beck, 717 17th Street, Suite 2600, Denver, CO 80202. Transporting: (1)(a) *Bentonite clay, processed clay, foundry moulding sand treating compounds, lignite, water impedence boards, salt, farm supplies, and construction materials,* and (b) *materials, supplies, and equipment used in the manufacturing, processing, and distribution* of the commodities in (1) above, (I) between points in AL, AK, CT, DE, FL, GA, IN, KY, MA, ME, MD, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VA, VT, WV, and DC, and (II) between points set forth in (I) above on the one hand, and, on the other, points in AR, AZ, CA, CO, IA, ID, IL, KS, LA, MI, MN, MO, MT, NE, NM, NV, ND, OH, OK, OR, SD, TX, UT, WA, WI and WY; and (2) *construction materials,* (a) between points in IL, KS, OK, TX, MO, AR, and LA, and (b) between points in IL, KS, OK, TX, MO, AR, and LA, on the one hand, and, on the other, points in the United States (except AK, HI, IL, KS, OK, TX, MO, AR and LA) under continuing contract(s) with American Colloid Company of Skokie, IL. (Hearing site: Denver, CO, or Chicago, IL.)

MC 140379 (Sub-11F), filed November 28, 1979. Applicant: TRANSPORT SERVICE, INC., 216 Amaral Street, P.O. Box 4167, East Providence, RI 02914. Representative: Jeffrey A. Vogelman, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. Transporting: *Brass articles, bronze articles, and copper articles,* from the facilities of Bridgeport Brass Company at or near Bridgeport and Seymour, CT to points in IL, IN, KY, MI, OH, and PA under continuing contract(s) with Bridgeport Brass Company of Indianapolis, IN. (Hearing site: Providence, RI or Hartford, CT.)

MC 141759 (Sub-16F), filed November 20, 1979. Applicant: OHIO PACIFIC EXPRESS, INC., 683 East Broad Street, Columbus, OH 43215. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. Transporting *such commodities* as are dealt in by manufacturers of glassware, containers, closures, chinaware and earthenware, plastic articles, and metal products (except commodities in bulk), between the facilities of Anchor Hocking Corporation in IL, IN, OH, PA, WV, NJ, and MD, on the one hand, and, on the other, points in AZ, AR, CA, CO, ID, LA, MT, NV, NM, OK, OR, TX, UT, WA and WY, under a continuing contract with Anchor Hocking Corporation of Lancaster, OH. (Hearing site: Columbus, OH or Lancaster, OH.)

Note.—Dual operations may be involved.

MC 141759 (Sub-17F), filed November 21, 1979. Applicant: OHIO PACIFIC EXPRESS, INC., 683 East Broad Street, Columbus, OH 43215. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. Transporting (1) *chemicals,* (except in bulk) and (2) *plastic articles* (except chemical and in bulk), between Ottawa, IL, and Parkersburg and Washington, WV, on the one hand, and, on the other, points in OR, TX, and WA, under continuing contract(s) with Borg-Warner Chemicals, of Parkersburg, WV. (Hearing site: Columbus, OH or Washington, DC.)

Note.—Dual operations may be involved.

MC 142328 (Sub-2F), filed November 5, 1979. Applicant: THOMAS PARRAN, JR., d.b.a. TOWN & COUNTRY COACHES, 15903 Pennant Lane, Bowie, MD 20716. Representative: Edward N. Button, 580 Northern Avenue, Hagerstown, MD 21740. Transporting: *passengers and baggage, in the same vehicle with passengers in round-trip charter operation,* between Washington, DC and Baltimore, MD, under continuing contract(s) with Arundel Arena, Inc., of Baltimore, MD. (Hearing site: Baltimore, MD.)

MC 142508 (Sub-12BF), filed November 14, 1979. Applicant: NATIONAL TRANSPORTATION, INC., Post Office Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, NE 58137. Transporting *charcoal briquettes, hickory chips, and fireplace logs,* from the facilities of Kingsford Company at Dothan, AL, Cotter, AR, Elk Grove and Stockton, CA, Burnside, KY, Belle and Springfield, MO, Fairless Hills, PA, Jacksonville, TN, and Parson, WV, to points in the United States (except AK and HI). (Hearing site: Louisville, KY or San Francisco, CA.)

MC 142508 (Sub-127F), filed November 19, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, NE 68137. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. Transporting (1) *frozen foods, and* (2) *commodities the transportation of which is otherwise exempt from economic regulation under 49 U.S.C. 10526(a)(6) when transported in mixed loads with the commodities in (1) above,* from points in CA, in and south of Santa Barbara, Kern and San Bernardino Counties, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA or Omaha, NE.)

MC 142808 (Sub-3F), filed November 27, 1979. Applicant: SOUTH BAY TRUCK LINE, INC., 1344 W. Valencia Mesa Drive, Fullerton, CA 92633. Representative: Fred H. Mackensen, 9454 Wilshire Blvd., Suite 400, Beverly Hills, CA 90212. Transporting *lumber and lumber mill products,* from the facilities of Sun Studs, Inc., near Roseburg, OR, to points in CA, NY, AZ, ID, UT, and WA, under continuing contract(s) with Sun Studs, Inc., of Roseburg, OR. (Hearing site: Rosebury, OR, or Beverly Hills, CA.)

MC 142888 (Sub-11F), filed November 14, 1979. Applicant: COX TRANSFER, INC., Box 168, Eureka, IL 61530. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting (a) *glass containers* from the facility of Thatcher Glass Manufacturing Company at Streator, IL to Cincinnati, OH and (b) *materials and supplies* used in the packaging and distribution of glass containers (except in bulk) from the facility of Thatcher Glass Manufacturing Company at Streator, IL to the facility of Thatcher Glass Manufacturing Company at Lawrenceburg, IN, and (c) *glass containers* from the facility of Thatcher Glass Manufacturing Company at Lawrenceburg, IN to the facility of Thatcher Glass Manufacturing Company at Streator, IL and (d) *glass containers* from the facility of Thatcher Glass Manufacturing Company at Lawrenceburg, IN to Peoria, IL and St. Louis, MO, and (e) *empty pallets* from, to, or between (a), (b), (c), and (d) above. (Hearing site: Chicago, IL; St. Louis, MO.)

MC 142888 (Sub-12F), filed November 14, 1979. Applicant: COX TRANSFER, INC., P.O. Box 168, Eureka, IL 61530. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *glass containers,* from Lincoln, IL to points in IN, KY, MI, MO

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and OH, restricted to traffic originating at the facilities of Pierce Glass at Lincoln, IL. (Hearing site: Chicago, IL.)

MC 143099 (Sub-1F), filed November 19, 1979. Applicant: JOHN T. DODD, t.d.b.a. DODD TRUCKING & LEASING CO., 1374 Lake Avenue, Pasadena, MD 21122. Representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 19107. Transporting *such commodities* as is dealt in and used by grocery and food business houses, between points in the territory bounded by a line beginning at Cape Charles, VA. and extending in a southerly direction along the Chesapeake Bay to the Atlantic Ocean, thence in a northerly direction along the Chesapeake Bay to the Atlantic Ocean, thence in a northerly direction along the Atlantic Coast to the Delaware Bay, thence along the west shore of the Delaware Bay and Delaware River to Delaware City, DE, thence in a northwesterly direction through Newark, DE, to the point of intersection of the MD–DE–PA State lines, thence in a westerly direction along the MD–PA State line to the Susquehanna River, thence in a northwesterly direction along the Susquehanna River to Columbia, PA, thence in a easterly direction to Lancaster, PA, thence in a northwesterly direction to Lebanon, PA, thence in a westerly direction to Newport, PA, thence in a southwesterly direction to Markleysburg, PA, thence in a southeasterly direction through Winchester, VA and Fredericksburg, VA, to Cape Charles, VA, including points on the above-described boundary line under continuing contract(s) with Acme Markets, Inc., of Philadelphia, PA. (Hearing site: Philadelphia, PA.)

MC 143978 (Sub-6F), filed November 9, 1979. Applicant: EMERSON DELIVERY, INC., P.O. Box 652, Cedar Rapids, IA 52406. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *printed material* between Cedar Rapids, IA on the one hand, and, on the other, points in CO, IL, IN, KS, MI, MN, MO, NE, ND, OH, SD and WI, under continuing contract(s) with Fisher Printers, Inc., of Cedar Rapids, IA. (Hearing site: Cedar Rapids, IA or Chicago, IL.)

MC 144008 (Sub-3F), filed November 23, 1979. Applicant: STORE TRANSFER & DELIVERY SERVICES, INC., 226 Mill Street, Poughkeepsie, NY 12601. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. Transporting *such commodities* as is dealt in by retail department stores, (except commodities in bulk), between New York, NY on the one hand, and, on the other, Flint and Lansing, MI, Evansville and Vincennes, IN, Paducah, KY and Huntington, WV under continuing contract(s) with Interstate Department Stores, of Lakewood, NJ. (Hearing site: New York.)

MC 144258 (Sub-3F), filed November 14, 1979. Applicant: PINEWOOD TRANSPORT, INC., P.O. Box 311, Glenwood, AR 71943. Representative: William G. Wright, P.O. Drawer 947, Arkadelphia, AR 71923. Transporting *wood dust, chips, bark and residuals in bulk* from the plant site of Georgia-Pacific Corporation at Glenwood, AR to the plane sites of Weyerhaeuser Company at Craig and Valiant, OK under continuing contract(s) with Georgia-Pacific Corporation, of Crossett, AR. (Hearing site: Hot Springs, AR.)

MC 144428 (Sub-8F), filed November 28, 1979. Applicant: TRUCKADYNE, INC., Route 16, Mendon, MA 01756. Representative: Joseph A. Reed (same address as applicant). Transporting (1) *paints, coatings, sealant, thinning compunds, mats and matting,* and (2) *materials* used in the manufacture of the commodities described in (1) above, (except in bulk), between the facilities of California Products Corp., of Cambridge, MA., on the one hand, and, on the other, points in CT, ME, NH, RI, VT and Albany, Schnectady and Rensselaer Counties, NY, under continuing contract(s) with California Products Corporation of Cambridge, MA.

MC 144828 (Sub-5F), filed November 21, 1979. Applicant: FEPCO TRUCKING, INC., 3458 Moreland Avenue, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *foodstuffs and pet foods* from the acilities of Nabisco, Inc., at or near (1) Woodbury, GA to point in the U.S. (except AK, AZ, HI, ID, MT, NV, NM, OR and SD); and (2)(a) Buffalo, NY, (b) Denver, CO, (c) Morristown, IN, (d) Naperville, IL and (e) Niagara Falls, NY to the facilities of Nabisco, Inc. in AL, AR, GA, FL, LA, NC, SC, TN, VA and WV, under continuing contract(s) with Nabisco, Inc. of Hanover, NJ.

MC 144888 (Sub-10F), filed June 27, 1979. Applicant: BIL-RIC TRANSPORT SYSTEMS INC., 130 Somerset Street, Sommerville, NJ 08876. Representative: Joel J. Nagel, 19 Back Drive, Edison, NJ 08817. Transporting (1) *office equipment and office supplies,* and (2) *materials* used in the manufacture of the commodities in (1) above, (a) from St. Petersburg, FL, to Park Ridge, NJ, and Bardstown, KY, and (b) between Park Ridge, NJ, and Rochester, NY. (Hearing site: Newark, NJ, or New York, NY.)

MC 144888 (Sub-17F), filed November 19, 1979. Applicant: BIL-RIC TRANSPORT SYSTEMS, INC., 92 East Main Street, Sumerville, NJ 08876. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. Transporting *such commodities* as are manufactured, and distributed by retail grocery and drug stores (except commodities in bulk and foodstuffs) from the plantsites of Beacham Products Company at (a) Rockwood, MI, (b) Clifton, NJ, and (c) Morrisville, PA, to Rockwood, MI, Clifton, NJ, Morrisville, PA, Los Angeles, CA, Denver, CO, Savannah, GA, Chicago, IL, Kansas City, MO, Milwaukee, OR, Memphis, TN, and Dallas, TX, under a continuing contract(s) with Beacham Products Company, of Pittsburgh, PA. (Hearing site: New York, NY.)

MC 144989 (Sub-17F), filed November 27, 1979. Applicant: BLUE RIDGE MOUNTAIN CONTRACT CARRIER, INC., P.O. Box 1965, Dalton, GA 30720. Representative: S. H. Rich, 1600 Cromwell Ct., Charlotte, NC 28205. Transporting (1) *paper and paper products, plastic and plastic products,* (2) *materials, equipment and supplies* used in the distribution of the commodities, described in (1) above (except in bulk), between Florence, KY, Greensburg, IN, and St. Louis, MO and points in CA, IL, IA, KS, NM, MO, NE OR, TX and WA, under continuing contract(s) with Crown Zellerbach Corporation, of South Glens Falls, NY. (Hearing site: Dalton or Atlanta, GA.)

MC 145018 (Sub-10F), filed November 19, 1979. Applicant: NORTHEAST DELIVERY, INC., P.O. Box 127, Taylor, PA 18517. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting (1) *scrap felt, roofing felt,* and *materials used in the manufacture and distribution of roofing felt,* between Erie, PA, on the one hand, and, on the other, Gloucester, NJ and (2) *felt base floor coverings,* and *adhesives, cements, materials, equipment and supplies used in the installation thereof,* between Fullerton, Pa., on the one hand, and, on the other, points in OH, IN, MI, and IL. Condition: Applicant rquest cancellation of its corresponding Contract Carrier Authority under MC–135619, Sub No. 2.

MC 145359 (Sub-19F), filed November 13, 1979. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting: (1) *Foil Containers,* From Shelbyville, KY to points in the U.S. (except AK and HI). (2) *Materials, equipment and supplies* used in the manufacture and distribution of foil containers, in the reverse

direction. (Hearing site: Indianapolis, IN.)

MC 145688 (Sub-4F), filed November 5, 1979. Applicant: FARMINGDALE TRUCKING CORPORATION, 22 Carnegie Drive, Smithtown, NY 11787. Representative: Lester R. Gutman, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting *wines and liqueurs,* from Baltimore, MD to points in the United States (except AK and HI), under a continuing contract(s) with Banfi Products, Inc., of Farmingdale, NY.

MC 145688 (Sub-5F), filed November 6, 1979. Applicant: FARMINGDALE TRUCKING CORPORATION, 22 Carnegie Drive, Smithtown, NY 11787. Representative: Lester R. Gutman, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washinton, DC 20001. Transporting *wines and liqueurs,* (1) from Kansas City, KS, to points in the United States (except AK and HI), and (2) from Pleasanton, CA to Kansas City, KS, and Farmingdale, NY, under continuing contract(s) with Banfi Products, Inc., of Farmingdale, NY. New York, NY)

MC 145729 (Sub-3F), filed November 6, 1979. Applicant: SYMPLEX LEASING, INC., 90 East 5th Street, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Transporting *(1) Stereos and turntables* from New York, NY to points in the U.S. (except AK and HI) and (2) *wood* products, from points in the United States, (except AK and HI) to Bayonne, Elizabeth and Jersey City, NJ, under continuing contract(s) with Sound Design Corporation, of Jersey City, NJ. (Hearing site: Newark, NJ.)

MC 145848 (Sub-2F), filed November 7, 1979. Applicant: CROSLAND TRUCKING, INC., 3170 Broadway, Ville Brossard, Quebec, Canada J4Z 2P5. Representative: Richard H. Streeter, 1729 H Street, NW, Washington, DC 20006. Transporting *building materials* (except in bulk) between ports of entry on the International Boundary Line between the United States and Canada in ME, NH, NY, and VT on the one hand, and, on the other, points in CT, DE, IL, IN, KY, ME, MD, MI, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, WI and DC, under continuing contract(s) with Domtar Contruction Materials Group of Domtar Inc., of Montreal, Quebec, Canada. (Hearing site: Boston, MA, or Buffalo, NY.)

MC 145928 (Sub-5F), filed November 19, 1979. Applicant: PANTEGO DISTRIBUTING CO., INC., P.O. Box 176, Pantego, NC 27860. Representative: Peter A. Greene, 900 17th Street, N.W., Washington, DC 20006. Transporting *lumber and lumber products, and iron, steel and aluminum articles* between Philadelphia, PA, on the one hand, and, on the other, Newport News, VA. (Hearing site: Washington, DC.)

MC 146378 (Sub-3F), filed November 14, 1979. Applicant: PAUL HARPOLE TRUCK SERVICE, INC., 22 Wilshire Ct., Belleville, IL 62223. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting *tires,* and *machinery, equipment* and *supplies* used in the manufacture of tires between the facilities of The General Tire & Rubber Company at Mt. Vernon, IL, and Mayfield, KY, on the one hand, and, on the other, points in CA, IL, IN, KY, MI, MD, MO, OH, PA, NE, NJ, and WI. (Hearing site: Chicago, IL.)

MC 146428 (Sub-2F), filed November 13, 1979. Applicant: CARDINAL EXPRESS CORPORATION, 1304 Douglas Avenue, Racine, WI 53402. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. Transporting *materials, equipment, and supplies,* used in the manufacture and distribution of farm tractors, and *attachments and parts* for farm tractors, between Chicago, IL, Davenport, IA, Rockford, IL, and Milwaukee, WI, on the one hand, and, on the other, Racine, WI.

MC 146788 (Sub-2F), filed July 25, 1979. Applicant: NORMAN JOHNSON d.b.a. JOHNSON TRUCKING, 913 South 13th Place, Norfolk, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal pipe and metal scrap,* between those points in the United States in and west of MI, OH, KY, TN, and AL, (except AK and HI), under continuing contracts(s) with Norfolk Iron and Metal Co., of Norfolk, NE. (Hearing site: Norfolk or Omaha, NE.)

MC 146789 (Sub-2F), filed July 30, 1979. Applicant: NORRIS ODEY, d.b.a. ODEY TRANSPORTATION, 104 Monroe Avenue, Norfolk, NE 68701. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal pipe and metal scrap,* between those points in the United States in and west of MI, OH, KY, TN, and AL (except AK and HI) under continuing contract(s) with Norfolk Iron and Metal Co., of Norfolk, NE. (Hearing site: Norfolk or Omaha, NE.)

MC 146898 (Sub-2F), filed November 7, 1979. Applicant: MICKS SERVICE INC., 2146 Camanche Avenue, Clinton, IA 52732. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Transporting *malt beverages,* from Peoria, IL, Detroit, MI, Minneapolis, MN, and Milwaukee, WI, to Clinton, IA, under continuing contract(s) with Hawkeye Beverage Inc., Clinton, IA. (Hearing site: Des Moines, IA or Chicago, IL.)

MC 147379 (Sub-4F), filed November 5, 1979. Applicant: GERALD LEE WEBER, AN INDIVIDUAL, d.b.a. JERRY WEBER TRUCKING, P.O. Box N, Akron, CO 80720. Representative: Nancy P. Bigbee, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. Transporting: *malt beverages* from Ft. Worth, TX, to Glenwood Springs, and Wolcott, CO, under continuing contract(s) with Orrison Frontier & Distributing, doing business as Orrison Distributing, Inc., of Glenwood Springs, CO. (Hearing site: Denver, CO.)

MC 147478 (Sub-1F), filed November 14, 1979. Applicant: STANLEY R. SOWER, d.b.a. TEESUN TRUCK LINE, P.O. Box 183, Hayti, SD 57241. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. Transporting *fertilizer* from Minneapolis and St. Paul, MN, Omaha, NE, and Sioux City, IA to points in ND and SD.

MC 147989 (Sub-3F), filed November 16, 1979. Applicant: J. I. M., INC., 3811 Arden Drive, El Monte, CA 91731. Representative: John Ruan (same address as applicant). Transporting *iron and steel articles, concerete reinforced posts or poles* and *concrete piling* from points in CA to points in AZ, NV, and NM, under continuing contract(s) with Ameron Steel & Wire, of Etiwanda, CA. (Hearing site: Los Angeles or Riverside, CA.)

MC 148018 (Sub-2F), filed November 23, 1979. Applicant: JAMES S. BATT, d.b.a. BATT TRUCKING, P.O. Box 921, Caldwell, ID 83605. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Transporting *dry fertilizer,* in bulk, from Moab, Garfield and Wendover, UT to points in ID, OR and WA, under a continuing contract(s) with North Pacific Trading Co. of Portland, OR. (Hearing site: Boise, ID; or Portland, OR.)

MC 148029 (Sub-2F), filed November 1, 1979. Applicant: DORMAN TRANSPORT CORP., 105 3rd Street, Monroe, WI 53566. Representative: Steven K. Kuhlmann, 717 17th Street, suite 2600, Denver, CO 80202. Transporting *cheese, cookies, display racks, and packaging materials,* between those points in the United States in and east of MN, IA, AR, MO, and LA, under a continuing contract(s)

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with N. Dorman & Co., Inc. of New York, of Syosset, NY, N. Dorman & Co., Inc. of Wisconsin, of Monroe, WI, Neptune Custom Cut Corp. of Neptune, NJ, Jeffery Cheese Company of Monroe, WI, and Hickory Cheese Company of Monroe, WI.

MC 148188 (Sub-6F), filed November 23, 1979. Applicant: RETAIL LEASING CORPORATION, d.b.a. RETAIL TRANSPORTATION COMPANY, a Corporation, 11301 Rockville Pike, Kensington, MD 20795. Representative: Edward F. Schiff, 1333 New Hampshire Ave. NW., Washington, DC 20036. Transporting *such commodities* as are dealt in and used by retail department stores, (except commodities, in bulk, in tank vehicles) from Los Angeles, CA to Cincinnati, Columbus and Worthington, OH, under continuing contract(s) with Gold Circle Stores, of Worthington, OH, Shillitos of Cincinnati, OH, and The Rike-Kumler Company, of Dayton, OH. (Hearing site: Washington, DC.)

MC 148188 (Sub-7F), filed November 23, 1979. Applicant: RETAIL LEASING CORPORATION, d.b.a. RETAIL TRANSPORTATION COMPANY, a corporation, 11301 Rockville Pike, Kensington, MD 20795. Representative: Edward F. Schiff, 1333 New Hampshire Ave. NW., Washington, DC 20036. Transporting *such commodities* as are dealt in and used by retail department stores, (except commodities, in bulk, in tank vehicles) between points in the United States (except AK and HI), under continuing contract(s) with The Limited Stores, Inc. of Columbus, OH. (Hearing site: Washington, DC.)

MC 148448 (Sub-1F), filed November 19, 1979. Applicant: DAVIS & SON MOBILE HOME MOVERS, INC., Route #1, Box 160, Glade Hill, VA 24092. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting (1) *trailers designed to be drawn by passenger automobiles,* in initial movements, in truckaway service, and (2) *buildings, in sections mounted on wheeled undercarriages,* from Rocky Mount, VA, to points in DE, GA, KY, MD, NJ, NC, PA, SC, TN, VA, WV, and DC. (Hearing site: Rocky Mount or Roanoke, VA.)

MC 148449 (Sub-2F), filed November 16, 1979. Applicant: DARRELL G. CHAVIS, 20 Contact Court, Baltimore, MD 21220. Representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 19107. Transporting *such commodities* as are dealt in and used by grocery and food business houses, between points in the territory bounded by a line beginning at Cape Charles, VA, and extending in a southerly direction along the Chesapeake Bay to the Atlantic Ocean, thence in a northerly direction along the Chesapeake Bay to the Atlantic Ocean, thence in a northerly direction along the Atlantic Coast to the Delaware Bay, thence along the west shore of the Delaware Bay and Delaware River to Delaware City, DE, thence in a northwesterly direction through Newark, DE, to point of intersection of the MD–DE–PA State lines, thence in a westerly direction along the MD–PA State line to the Susquehanna River, thence in a northwesterly direction along the Susquehanna River to Columbia, PA thence in an easterly direction to Lancaster, PA, thence in a northwesterly direction to Lebanon, PA, thence in a westerly direction to Newport, PA, thence in a southwesterly direction to Markleysburg, PA, thence in a southeasterly direction through Winchester, VA and Fredericksburg, VA, to Cape Charles, VA, including points on the above-described boundary line under continuing contract(s) with Acme Markets, Inc., of Philadelphia, PA. (Hearing site: Philadelphia, PA.)

MC 148528 (Sub-1F), filed November 29, 1979. Applicant: RAUNIKER, INC., 220 Fairway Drive, Carl Junction, MO 64834. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *gasoline, gasohol, and diesel fuel,* (1) from the facilities of Farmland Industries, Inc., at or near Coffeyville, KS to points in Barton, Christian, Jasper, Lawrence, McDonald, Newton, and Vernon Counties, MO, and points in OK east of Interstate Hwy 35 and north of U.S. Interstate Hwy 40 (except Oklahoma City), (2) from the facilities of Sun Oil Co. at or near Tulsa, OK, and from the facilities of OKC Refining, Inc. at or near Okmulgee, OK, to points in Barton, Christian, Jasper, Lawrence, McDonald, Newton, and Vernon Counties, MO, and Cherokee, Labette, Montgomery, Crawford, Bourbon and Neosho Counties, KS, and (3) from pipeline terminals at or near Jasper and Mt. Vernon, MO to points in OK east of U.S. Interstate 35 and North of U.S. Interstate 40 (except Oklahoma City) and Cherokee, Labette, Montgomery, Crawford, Bourbon and Neosho Counties, KS.

MC 148638 (Sub-1F), filed November 13, 1979. Applicant: ELMO W. AND GARY D. CARLSON, d.b.a. CARLSON LEASING CO., 1229 Clarke Street, Clay Center, KS 67432. Representative: William B. Barker, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66603. Transporting *feed and feed ingredients,* between points in Clay, Cloud, and Riley Counties, KS, on the one hand, and on the other, points in MO, NE, IA, OK, TX, AR, and CO. (Hearing site: Kansas City, KS.)

MC 148649F, filed November 13, 1979. Applicant: H & W INC., 2411 Lafayette Parkway, Opelika, AL 36801. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. Transporting *lumber,* from the facilities of Union Camp Corporation at or near Opelika, Chapman, and Thorsby, AL, to points in GA, FL, and TN, under continuing contract(s) with Union Camp Corporation of Wayne, NJ. (Hearing site: Washington, DC.)

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Decided: Feb. 9, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 35807 (Sub-104F), filed October 18, 1979. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher (same address as applicant). *Contract carrier,* transporting *coin, currency, securities and food stamps,* between Cleveland, OH, on the one hand, and, on the other, points in Brooke, Hancock, Marshall, Ohio, Tyler and Wetzel Counties, WV, under continuing contract(s) with banks and banking institutions. (Hearing site: Cleveland, OH, or Wheeling, WV.)

MC 35807 (Sub-105F), filed October 15, 1979. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher (same address as applicant). Authority sought to operate as a *contract carrier,* by *Contract carrier,* transporting *precious metal* from De Lamar, ID, to San Francisco, CA, under continuing contract(s) with Earth Resources Company, Inc. (Hearing site: Boise, ID, or Salt Lake City, UT.)

MC 41116 (Sub-68F), filed October 19, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX 78701. *Contract carrier,* transporting *paper and paper products,* from the facilities of St. Regis Paper Co., at or near Ferguson, MS, to Quincy, IL, under continuing contract(s) with St. Regis Paper Co. (Hearing site: Houston or Dallas, TX.)

MC 114896 (Sub-82F), filed October 12, 1979. Applicant: PUROLATOR SECURITY, INC., 255 Old New Brunswick Rd., Piscataway, NJ 08854. Representative: Carl T. Kessler (same address as applicant). *Contract carrier,* transporting: *jewelry and articles of unusual value,* between Newark, NJ, and points in Gloucester, Camden, Mercer, Middlesex, Monmouth, Morris, Ocean, Bergen, Union, and Passaic Counties, NJ, Lehigh, Montgomery, Bucks, and Delaware Counties, PA, Rockland County, NY, and New Castle County, DE, under continuing contract(s) with Bamberger's, Division of R. H. Macy Corporation, Inc., of Newark, NJ. (Hearing site: Washington, DC.)

MC 115667 (Sub-17F), filed October 22, 1979. Applicant: ARROW TRANSPORTATION SYSTEM, INC., 320 Seymour Blvd., North Vancouver, B.C. Canada V7J 2J3. Representative: Clyde H. MacIver, 1900 Peoples National Bank Bldg., 1415 15th Ave., Seattle, WA 98171. Contract carrier, transporting *general commodities,* in containers (except classes A and B explosives and empty containers), between points in WA and OR, restricted to the transportation of traffic having a prior or subsequent movement by water, under continuing contract(s) with Asia American Lines, of Seattle, WA, and ITEL Container Division, of Seattle, WA. (Hearing site: Seattle, WA.)

MC 125126 (Sub-5F), filed October 30, 1979. Applicant: CO-TRUX RENTALS, INC., R.F.D. #1, Honeyman St., Princeton, NJ 08540. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier,* transporting *such commodities as are dealt in by wholesale, retail and chain grocery and food business houses* (except frozen foods and commodities in bulk), from the facilities of the Clorox Company at or near Frederick, MD, to points in PA and WV, under continuing contract(s) with The Clorox Company of Oakland, CA. (Hearing site: New York, NY.)

MC 126346 (Sub-29F), filed October 19, 1979. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. *Contract carrier,* transporting *such commodities* as are dealt in or utilized by manufacturers of ignition products, between points in the United States (except AK and HI), under continuing contract(s) with R.E. Phelon Company, Inc. (Hearing site: Chicago, IL, or Boston, MA.)

MC 128246 (Sub-56F), filed October 15, 1979. Applicant: SOUTHWEST TRUCK SERVICE, A corporation, P.O. Box A.D., Watsonville, CA 95076. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. *Contract carrier,* transporting *foodstuffs,* (1) between the facilities of Holsum Foods at or near Industrial Airport, KS, Albert Lea, MN, Albany, GA, and Navasota, TX; and (2) from the facilities of Holsum Foods at or near Industrial Airport, KS, and Albert Lea, MN, on the one hand, and, on the other, points in AZ, AR, CO, IL, IN, IA, KS, MI, MN, MO, NE, NM, ND, OH, OK, SD, TX and WI, under continuing contract(s) with Holsum Foods, Industrial Airport, KS. (Hearing site: Kansas City, MO/KS, or Washington, D.C.)

MC 135007 (Sub-78F), filed October 15, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" St., Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Contract carrier,* transporting *meat, meat products, meat byproducts and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Spencer Foods, Inc., at or near Oakland, IA and Omaha, NE, to points in AL, CT, DE, DC, FL, GA, IL, IN, KS, ME, MD, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV and WI, under continuing contract(s) with Spencer Foods, Inc., of Schuyler, NE. (Hearing site: Omaha, NE.)

MC 135007 (Sub-79F), filed October 22, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" St., Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Contract carrier,* transporting *meats, meat products, meat byproducts and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Royal Packing Company at or near National Stockyards, IL and St. Louis, MO, to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA and WV, under continuing contract(s) with Royal Packing Company, of National Stockyards, IL. (Hearing site: Omaha, NE.)

MC 138157 (Sub-196F), filed October 23, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Partick E. Quinn (same address as applicant). Transporting *such merchandise as is sold and distributed by retail drug stores* (except commodities in bulk), between Atlanta, GA, Bedford Park and Chicago, IL, Dallas, TX, Los Angeles, CA, Portland, OR, and Denver, CO, on the one hand, and, on the other, points in GA, IL, MI, MO, NM, NJ, NY, NC, OH, PA and TX. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 139206 (Sub-63F), filed October 22, 1979. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Dr., Maryland Heights, MO 63043. Representative: R. C. Mitchell (same address as applicant). *Contract carrier,* transporting (1) *air conditioners, washers, dryers, air cleaners, humidifying and heating equipment,* and (2) *materials, equipment, and supplies* used in the manufacture, distribution and repair of the commodities in (1) above, (except commodities in bulk, and those requiring special equipment), between the facilities of Fedders Corporation, at or near Effingham, IL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Fedders Corp., of Edison, NJ. (Hearing site: St. Louis or Jefferson City, MO.)

MC 139206 (Sub-65F), filed October 31, 1979. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Dr., Maryland Heights, MO 63043. Representative: R. C. Mitchell (same address as applicant). *Contract carrier,* transporting (1) *metal hose and conduit, metal rods, bars, sheet and coils,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, and those requiring special equipment), (a) between the facilities of the Anaconda Brass Div. of Anaconda Industries, at or near Mattoon, IL, on the one hand, and, on the other, Charlotte, NC, Cleveland, OH, Atlanta, GA, and Waterbury, CT, and (b) from Ansonia, CT, to Nacogdoches, TX, under continuing contract(s) with Anaconda Brass Div. of Anaconda Industries. (Hearing site: St. Louis, or Jefferson City, MO.)

MC 141046 (Sub-14F), filed October 22, 1979. Applicant: MASON O. MITCHELL d.b.a. M. MITCHELL TRUCKING, 1911 "I" St., LaPorte, IN 46350. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier,* transporting *paper and paper products,* from the facilities of International Paper Company, at points in Androscoggin County, ME, to points in the United States (except AK and HI), under continuing contract(s) with International Paper Company, of New York, NY. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 141436 filed October 25, 1979. Applicant: HARKER'S

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TRANSPORTATION, INC., P.O. Box 1308, LeMars, IA 51031. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor *Contract Carrier*, transporting (1) *frozen foods*, (a) from the facilities of Harker's Wholesale Meat, Inc., at Orange City, IA, to points in the United States (except AK and HI), and (b) from the facilities of Harker's Wholesale Meat, Inc., at LeMars, IA, to points in AL, AZ, CA, CT, DE, FL, GA, LA, ME, MD, MA, MS, NV, NH, NJ, NY, NC, OR, PA, RI, SC, VT, VA, WA, WV, and DC; and (2) *frozen foods, and materials, supplies and equipment utilized in the manufacture and distribution of frozen foods* (except commodities in bulk), from points in the destination States named in (1)(b) above, to the facilities of Harker's Wholesale Meat, Inc., at or near Sioux City, Marshalltown, Orange City and LeMars, IA, under continuing contract(s) with Harker's Wholesale Meat, Inc., of LeMars, IA. (Hearing site: Omaha, NE.)

MC 143586 (Sub-5F), filed October 15, 1979. Applicant: RANGEN TRANSPORTATION, INC., P.O. Box 706, Buhl, ID 83316. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111. *Contract carrier*, transporting *animal and fish feed, animal and fish feed ingredients, fertilizer and fertilizer ingredients, chemicals, seeds and hatchery supplies*, between AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, under a continuing contract or contracts with Rangen, Inc. (Hearing site: Boise, ID.)

MC 143987 (Sub-1F), filed October 15, 1979. Applicant: M. KORSON & CO., INC., 91 Washington St., Somerville, MA 02145. Representative: James E. Mahoney, 148 State St., Boston, MA 02109. *Contract carrier*, transporting (1) *sugar, liquid and invert sugar products, corn syrup, vegetable oils*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, and OH, under continuing contract(s) with A. E. Staley Manufacturing Company, Cargill & Co., Inc., and Revere Sugar Corporation. (Hearing site: Boston, MA, or Providence, RI.)

MC 144496 (Sub-3F), filed October 30, 1979. Applicant: ECKS TRUCKING, INC., 659 Pleasant St., Norwood, MA 02062. Representative: James F. Martin, Jr., 8 W. Morse Rd., Bellingham, MA 02019. *Contract carrier*, transporting (1) *plastic articles, envelopes, and packaging machinery*, from Hyannis, MA, to points in the United States (except AK, HI, and MA); and (2) *materials, equipment, and supplies*, used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), in the reverse direction, under continuing contract(s) with Sentinel Foam Products, Inc., and Packaging Industries, Inc., both of Hyannis, MA. (Hearing site: Boston, MA.)

MC 144497 (Sub-4F), filed october 29, 1979. Applicant: JOHN DAVID WEBSTER d.b.a. CENTRAL DISPATCH DISTRIBUTION, 1394 East 9th, Pomona, CA 91766. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract carrier*, transporting *plastic sheeting*, from Detroit, MI, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, WY, under continuing contract(s) with Staff Industries, Inc., of Detroit, MI. (Hearing site: Los Angeles, CA.)

MC 144747 (Sub-8F), filed October 30, 1979. Applicant: INTERSTATE EQUIPMENT CO., INC., 22821 N. 81st Ave., Peoria, AZ 85345. Representative: Phil B. Hammond, 3003 N. Central, Suite 1705, Phoenix, AZ 85012. *Contract carrier*, transporting *mineral spring water* (except in bulk), from the facilities of Poland Spring Corp. at Poland Spring, ME, to Chicago, IL, Detroit, MI, Jacksonville and Miami, FL, Dallas and Houston, TX, Las Vegas, NV, Los Angeles and San Francisco, CA, Portland, OR, Seattle, WA, Denver, CO, Milwaukee, WI, St. Louis, MO, and Atlanta, GA, under a continuing contract(s) with Poland Spring Corp. (Hearing site: Las Vegas, NV, or Phoenix, AZ.)

MC 145106 (Sub-13F), filed October 9, 1979. Applicant: EDINA CARTAGE CO., (a Missouri corporation) Front St., P.O. Box 42, Mauricetown, NJ 08329. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. *Contract carrier*, transporting (1) *glass products, metal products, plastic products, clay and clay products, feldspar, and talc* (except commodities in bulk), (2) *molds and machinery* used in the manufacture of glass products (except commodities in bulk), (3) *bottle coating systems* (except commodities in bulk), (4) *parts and accessories* for the commodities in (2) and (3) above, (except commodities in bulk); and (5) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), (2), (3), and (4), (except commodities in bulk), between the facilities of Decora, Inc., at or near Montgomery City, MO, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Decora, Inc., of Montgomery City, MO. (Hearing site: Washington, DC.)

MC 145466 (Sub-5F), filed October 15, 1979. Applicant: BERYL WILLITS, 1145-33 Ave., Greeley, CO 80631. Representative: Richard S. Mandelson, Suite 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. *Contract carrier*, transporting, *water beds and materials, equipment, and supplies for the installation of water beds*, from Los Angeles, Orange, San Bernadino, Riverside, San Diego Counties, CA, and Mohave, Maricopa Counties, AZ, to points in Weld and Denver Counties, CO, and Salt Lake County, UT. (Hearing site: Denver CO.)

MC 146656 (Sub-9F), filed October 29, 1979. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Contract carrier*, transporting, *plastic bottles, containers and closures, ethylene oxide, and laxative preparations*, between Easton, Elkridge, and Seat Pleasant, MD, on the one hand, and, on the other, points in MA, CT, RI, NJ, MD, DE, and VA, and Nashua, NH, the DC, those points in that part of PA on and east of Interstate Hwy 81 and on and south of Interstate Hwy 84, and those points in NY on and south of Interstate Hwy 84, under continuing contract(s) with Burton, Parsons and Company, Inc. (Hearing site: Washington, DC.)

MC 146836 (Sub-2F), filed October 22, 1979. Applicant: DE BETTA & SONS TRUCKING INC., 115 Shinbone Lane, Commack, NY 11725. Representative: Richard De Betta (same address as applicant). *Contract carrier*, transporting, *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, NY, on the one hand, and, on the other, Atlanta, GA, Baltimore, MD, Hardford, CT, Boston, MA, Charlotte and Greensboro, NC, Cleveland and Dayton, OH, Detroit, MI, Dulles, VA, Greenville and Spartburg, SC, Miami, FL, and Philadelphia and Pittsburgh, PA, under continuing contract(s) with Seaboard World Airlines. (Hearing site: New York, NY, or Philadelphia, PA.)

MC 147077 (Sub-6F), filed October 9, 1979. Applicant: Q. T. TUGGLE d.b.a. CALIFORNIA WESTERN, 3325 Linden Ave., Long Beach, CA 90807. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. *Contract carrier*, transporting, (1) *steel pipe*, and (2) *fittings, when transported in mixed loads with steel pipe*, from the facilities of M. E. Gray Co., at Bell Gardens, CA, the facilities of Plexco, at Fontana, CA, and the facilities of Mobile Pipe Coaters, at Durate, CA, to points in AZ, under continuing contract(s) with M. E. Gray Co. of Bell Gardens, CA. (Hearing site: Los Angeles, CA)

MC 147836F, filed October 22, 1979. Applicant: ROBERT B. ATOR d.b.a. BOB ATOR TRUCKING, Box 292, Orion, IL 61273. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract carrier*, transporting *feed ingredients*, from points in IA to Alpha, IL, under continuing contract(s) with Alpha, F.S., Inc., of Alpha, IL. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 148007 (Sub-1F), filed October 9, 1979. Applicant: RAPID HOLDINGS, LTD., d.b.a. RAPID TRANSFER, Box 518, Oliver, B.C., Canada VOH 1TO. Representative: William H. Grady, 1100 Norton Bldg., Seattle, WA 98104. *Contract carrier*, transporting *lumber, and sawmill supplies* and *machinery*, from ports of entry on the international boundary line between the United States and Canada, to those points in WA on and east of WA Hwy 97, under continuing contract(s) with Weyerhaeuser, Co. (Hearing site: Seattle or Spokane, WA.)

MC 148197 (Sub-2F), filed October 17, 1979. Applicant: GOLD LABEL FEEDS, Division of GOLDBERG FEED & GRAIN CO., a corporation, Box 427, West Fargo, ND 58078. Representative: Kip B. H. Erickson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract carrier*, transporting (1) *liquid animal feed*, in bulk, in tank vehicles, from Bismarck and Fargo, ND, to points in SD, MN and MT; and (2) *liquid animal feed ingredients*, in bulk, in tank vehicles, in the reverse direction. (Hearing site: Fargo, ND, or St. Paul, MN.)

MC 148316 (Sub-2F), filed October 9, 1979. Applicant: MID-WEST POOL CAR SHIPPING ASSOCIATION, INC., 1911 19th St., P.O. Box 5686, Terminal Annex, Denver, CO 80217. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Contract carrier*, transporting *such commodities as are dealt in or sold by retail department and discount stores*, (except commodities in bulk), from the facilities of Mid-West Pool Car Shipping Association, Inc. at or near Denver, CO. to points in CO, under continuing contract(s) with Mid-West Pool Car Shipping Association, Inc., of Denver, CO. (Hearing site: Denver, CO, or Kansas City, CO.)

MC 148527F, filed October 9, 1979. Applicant: H. BRUCE BAGLEY and C. E. BAGLEY, a partnership, d.b.a. BAGLEY & SON, Route 6 Box 485–A, Anderson, IN 46011. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Contract carrier* transporting *batteries and battery parts, and materials* used in the manufacture of batteries, (1) between the facilities of Prime Batteries, Inc., at Anderson, IN, on the one hand, and, on the other, points in KY, OH, TN, WI, IL, GA, MS, AL, SC, TX, and NC, and (2) between the facilities of Western Kentucky Batteries, Inc., at Benton, KY, on the one hand, and, on the other, points in OH, TN, IN, GA, MS, AL, SC, TX, and NC, under continuing contract(s) in (1) above with Prime Batteries, Inc., and in (2) above with Western Kentucky Batteries, Inc. (Hearing site: Indianapolis, IN.)

MC 148556F, filed October 9, 1979. Applicant: KEEBLER COMPANY, a corporation, 1 Hollow Tree Lane, Elmhurst, IL 60126. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Contract carrier*, transporting *foodstuffs* (except frozen and in bulk) between points in the United States (except AK and HI), under continuing contract(s) with Kellogg Company. (Hearing site: Washington, DC.)

MC 148557F, filed October 12, 1979. Applicant: GEEM TRANSPORT LIMITED, a corporation, 7701 West Jefferson, Detroit, MI 48209. Representative: S. B. Lederer (same address as applicant). *Contract carrier*, transporting *parts, materials, equipment, and supplies* used in the manufacture, production, distribution and servicing of motor vehicles and transportation construction equipment, between ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with General Motors of Canada, Ltd. (Hearing site: Detroit, MI, or Washington, DC.)

MC 148566F, filed October 9, 1979. Applicant: MIDWEST FERTILIZER LTD. EXPRESS, a corporation, R.R. #2, Rock Rapids, IA 51246. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. *Contract carrier*, transporting *fertilizer, feed ingredients, and farm machinery*, between points in IA, IL, KS, MN, MO, NE, ND, SD, and WI, under continuing contract(s) with Midwest Fertilizer, Ltd., of Rock Rapids, IA. (Hearing site: Omaha, NE.)

MC 148577F, filed October 15, 1979. Applicant: ORVILLE HOWARD, INC., 1509 Manor Dr., Daytona Beach, FL 32019. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract carrier*, transporting (1) *steel and steel articles*, from Roebling, NJ, to those points in the United States in and east of WI, IA, KS, OK, and TX, and (2) *materials, equipment, and supplies* used in the production and distribution of steel and steel articles, in the reverse direction, under continuing contract(s) with John A. Roebling Steel Corporation, of Roebling, NJ.

MC 148636F, filed October 30, 1979. Applicant: GOLDEN ARROW, INC., P.O. Box 726, Clifton, NJ 07015. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier*, transporting *furniture and furnishings*, from points in Suffolk County, NY, New York, NY, and Brandon, VT, to points in the United States (except AK and HI), under continuing contract(s) with Workbench, Inc., of New York, NY. (Hearing site: New York, NY.)

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Decided: Feb. 14, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 138026 (Sub-32F), filed November 19, 1979. Applicant: LOGISTICS EXPRESS, INC., Etiwanda and Slover Avenues, Fontanta, CA 92335. Representative: Patricia M. Schnegg, 707 Wilshire Boulevard, 1800 United California Bank Bldg., Los Angeles, CA 90017. Transporting of *argon*, from Plaquemine, LA to Oak Ridge, TN. (Hearing site: Los Angeles, CA.)

Note.—Any certificate issued shall be limited in point of time to a period of 5 years from its date of issuance.

MC 138157 (Sub-203F), filed November 20, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Transporting *floor covering materials and materials, equipment and supplies* used in the sale and distribution of floor coverings, (except commodities in bulk), from Chicago, IL, to points in TN. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 138157 (Sub-204F), filed November 20, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 So. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Transporting *carpet and yarn and materials, equipment and supplies* used in the manufacture, sale and distribution of carpeting and yarn (except commodities in bulk), from points in GA, SC, TN, and MS, to points in AZ, CA, ID,

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NV, OR, UT, WA, MT, WY, CO, OK, TX, and NM. (Hearing site: Atlanta, GA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 138157 (Sub-205F), filed November 19, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Transporting *floor covering materials and materials, equipment and supplies* used in the installaton of floor covering materials, between Alameda County, CA, on the one hand, and on the other, points in the United States in and east of MT, WY, CO and MN. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 139587 (Sub-25F), filed November 21, 1979. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, 21st and Sidney, Fort Scott, KS 66701. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *furniture parts and materials and supplies* used in the manufacture (except commodities in bulk), between points in the United States (except AK, CT, HI, ME, MA, NH, RI and VT). (Hearing site: Kansas City, MO, or St. Louis, MO.)

Note.—Dual operations may be involved.

MC 139917 (Sub-12F), filed November 19, 1979. Applicant: SEARAIL, INC., P.O. Box 909, Mobile, AL 36601. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203. Over regular routes, transporting *general commodities* (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), between Pensacola, FL, and New Orleans, LA, (1) from Pensacola over U.S. Hwy 90 and Interstate Hwy 10 to New Orleans, and return over the same route, and (2) from Pensacola over U.S. Hwy 29 to junction U.S. Hwy 31 at or near Flomaton, AL, then over U.S. Hwy 31 to junction U.S. Hwy 90 and Interstate Hwy 10 at or near Spanish Fort, AL, then over U.S. Hwy 90 and Interstate Hwy 10 to New Orleans, and return over the same route, serving in (1) and (2) the intermediate points of Mobile, AL, Gulfport and Pascagoula, MS, and all intermediate points in Escambia County, FL, and all off-route points in Escambia County, FL. (Hearing site: Mobile or Birmingham, AL.)

Note.—Applicant intends to tack the authority sought with its permanent authority.

MC 141407 (Sub-2F), filed November 19, 1979. Applicant: CHARLES N. CASKEY, d.b.a. B & C TRANSFER, 4915 Stone Ave., Sioux City, IA 51106. Representative: A. J. Swanson, P.O. Box 1103, 300 S. Thompson Ave., Sioux Falls, SD 57101. Transporting *meats, meat products, meat byproducts, and articles distributed by meat packing houses,* as described in Sections A an C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk) (1) from Hawarden, IA to points in SD, MN, NE, MO, KS, (2) from the facilities of Iowa Beef Processors, Inc. at or near Dakota City, NE to points in SD, MN, NE, KS, MO, and IA, and (3) between Sioux City, IA, on the one hand, and, on the other, points in SD, MN, NE, MO, and KS. (Hearing site: Sioux City, IA, or Sioux Falls, SD.)

MC 142096 (Sub-17F), filed October 1, 1979. Applicant: MILLER BROS. TRUCKING CO., INC., 4100 West Mitchell St., Milwaukee, WI 53215. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. Transporting *glass containers, and equipment, supplies and accessories* for glass containers, between points in IL, IN, MI, and WI, restricted to the transportation of traffic originating at the facilities of National Can Corporation. (Hearing site: Milwaukee, WI.)

MC 143276 (Sub-22F), filed November 6, 1979. Applicant: WEAVER TRANSPORTATION COMPANY, a corporation, 5452 Oakdale Road, Smyrna, GA 30080. Representative: James L. Brazee, Jr., P.O. Box 32309, Decatur, GA 30032. Transporting *roofing and building materials, and materials, equipment and supplies* used in or incidental to the manufacture, installation and distribution of roofing and building materials, between the facilities of Georgia-Pacific Corporation, Gypsum Division, at or near Hampton, Henry County, GA, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, MS, NC, SC, TN, and VA. (Hearing site: Atlanta, GA.)

MC 143276 (Sub-27F), filed November 21, 1979. Applicant: WEAVER TRANSPORTATION COMPANY, 5452 Oakdale Road, Smyrna, GA 30080. Representative: James L. Brazee, Jr., P.O. Box 32309, Decatur, Georgia 30032. Transporting *building paper, prepared roofing, prepared shingles, roofing asphalt, roofing cement and roofing paper, in straight or mixed shipments, roofing materials and dry felt,* from the facilities of Tamko Asphalt Products, Inc., at Tuscaloosa, AL, to points in KY, TN, NC, SC and GA. (Hearing site: Atlanta, GA.)

MC 144027 (Sub-18F), filed November 15, 1979. Applicant: WARD CARTAGE AND WAREHOUSING, INC., Rt. #4, Glasgow, KY 42141. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. Transporting (1) *such commodities as are dealt in by wholesale and retail chain grocery food businesses, retail chain department stores and drug stores* (except frozen commodities and commodities in bulk), from the facilities of Colgate Palmolive Colgate Co., at or near Jeffersonville, IN, to points in KY, TN, CA, AL, and FL, and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, in the reverse direction. (Hearing site: Louisville, KY.)

MC 144027 (Sub-19F), filed November 16, 1979. Applicant: WARD CARTAGE AND WAREHOUSING, INC., Rt. #4, Glasgow, KY 42141. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. Transporting *household appliances, and equipment, materials and supplies* used in the manufacture and distribution of household appliances, (except commodities in bulk), from the facilities of the General Electric Company, at Appliance Park, Louisville, KY, to points in AR and TN. (Hearing site: Louisville, KY.)

MC 144186 (Sub-4F), filed November 15, 1979. Applicant: SUPERIOR TRANSFER, INC., 2669 Merchant Dr., Baltimore, MD 21230. Representative: Ronald N. Cobert, Suite 501, 1730 M St., NW., Washington, DC 20036. Transporting *general commodities,* (except household goods as defined by the Commission, commodities in bulk, Classes A and B explosives and commodities requiring special equipment), between the facilities of Streamline Shippers Association, Inc., at Baltimore, MD, on the one hand, and on the other, Atlanta, GA, and points in FL. (Hearing site: Washington, DC.)

MC 144186 (Sub-5F), filed November 21, 1979. Applicant: SUPERIOR TRANSFER, INC., 2669 Merchant Dr., Baltimore, MD 21230. Representative: Ronald N. Cobert, Esquire, Suite 501, 1730 M St., N.W., Washington, DC 20036. Transporting *cleaning and buffing compounds,* between the facilities of Cello Chemical Company at or near Harve de Grace, MD, on the one hand, and, on the other, Washington, DC, and Baltimore, MD. (Hearing site: Washington, DC.)

MC 144527 (Sub-8F), filed November 6, 1979. Applicant: BULS EYE TRANSPORT, INC., Suite 2424, 33 No. Dearborn St., Chicago, IL 60602.

Representative: Patrick H. Smyth, Suite 521, 19 So. LaSalle St., Chicago, IL 60603. Transporting *meats, meat products and meat byproducts, articles distributed by meat packing houses, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers,* as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Archbold, Defiance, and Troy, OH, to points in CT, DE, FL, GA, KY, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the facilities of Dinner Bell, Inc., and destined to the states indicated. (Hearing site: Toledo, OH, or Chicago, IL.)

MC 144606 (Sub-11F), filed November 29, 1979. Applicant: DUNCAN SALES & LEASING CO., INC., 714 East Baseline Rd., Buckeye, AZ 85326. Representative: Donald W. Powell, 1833 No. Third St., Phoenix, AZ 85004. Transporting *iron and steel articles,* (1) from Phoenix, AZ, to points in CA, CO, NM, NV, UT, and TX, and (2) from El Paso, TX, to points in AZ, CA, CO, NM, NV, and UT. (Hearing site: Phoenix, AZ, or Los Angeles, CA.)

MC 144827 (Sub-44F), filed November 16, 1979. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, P.O. Box 18423, Memphis, TN 38118. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *cellulose film, plastic film and paper film,* (a) from Grand Prarie, TX, to points in AR, MS, OK and Memphis, TN; and (b) between Grand Prairie, TX on the one hand, and, on the other, Atlanta, GA and (2) *materials, supplies and equipment* used in the manufacture of the foregoing commodities, from points in the US (except AK and HI) to Atlanta, GA. (Hearing site: Atlanta, GA.)

MC 145337 (Sub-9F), filed November 16, 1979. Applicant: P.M.E., LTD., Box 181, Group 261, R. R. 2, Winnipeg, Manitoba R3C 2E6. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting *activated clay,* in bags, from ports of entry on the international boundary line between the United States and Canada, at points in MN and ND, to points in CA, MT, and PA. (Hearing site: Minneapolis or St. Paul, MN.)

MC 145786 (Sub-2F), filed November 13, 1979. Applicant: J. M. NATION TRUCKING, INC., P.O. Box 2452, Pampa, TX 79065. Representative: Robert K. Frisch, 4555 First National Bank Bldg., Dallas, TX 75202. Transporting *machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production and distribution of natural gas and petroleum and their products and byproducts,* restricted to the transportation of shipments weighing 5,000 lbs. or less, in hot shot service, between points in Dallas, Ector, Gray, Harris, Hutchinson, Midland, Potter, Randall, Roberts, Hemphill, Wheeler, Donley, Ochiltree, Lipscomb, Moore, and Tarrant Counties, TX, on the one hand, and, on the other, points in Beckham, Beaver, Blaine, Caddo, Canadian, Cleveland, Custer, Cimarron, Dewey, Ellis, Garfield, Greer, Harper, Kiowa, Kingfisher, Lincoln, Oklahoma, Roger Mills, Seminole, Stephens, Texas, Tulsa, Washita and Woodward Counties, OK; Chaves, Curry, Eddy, Harding, Lea, Quay, Roosevelt, San Miguel and San Juan Counties, NM; Stevens, Meade, Clark, Haskell, Grant, Stanton, Sedgwick, Butler, Morton, Barton, Finney, Rooks, Ellsworth and Seward Counties, KS; Lafayette, Calcasieu, Jefferson Davis, St. Charles, St. Bernard, St. Martin, St. James, St. Mary, Acadia, Caddo, Bossier and Terrebonne Parishes, LA; Natrona, Converse, Sweetwater, Laramie, Campbell and Carbon Counties, WY; Grand, Daggett, Duchesene and Uintah Counties, UT; Arapahoe, Crowley, Garfield, Jefferson, Moffat, Pueblo, Prowers and Rio Blanco Counties, CO; and Williams and McKenzie, Counties, ND. (Hearing site: Dallas, TX.)

MC 145957 (Sub-2F), filed November 8, 1979. Applicant: PETTIS TRUCKING COMPANY, INC., Rt. 4, Box 249-B, Brewton, AL 36426. Representative: Thomas M. Pettis (same address as applicant). Transporting (a) *slag and lime,* from points in Jefferson and Shelby Counties, AL, to points in Bay, Escambia, Okaloosa, Santa Rosa and Walton Counties, FL, (b) *sand and gravel,* from points in Montgomery County, AL, to points in Bay, Escambia, Okaloosa, Santa Rosa and Walton Counties, FL, (c) *road-building materials,* from points in Conecuh, Escambia and Monroe Counties, AL, to points in Bay, Escambia, Okaloosa, Santa Rosa and Walton Counties, FL, and to Mobile, AL, restricted to the transportation of traffic having a subsequent movement by water, and (d) *seashells,* from points in Bay, Escambia, Okaloosa, Walton and Santa Rosa Counties, FL, to points in AL. (Hearing site: Brewton or Montgomery, AL.)

MC 145997 (Sub-17F), filed November 16, 1979. Applicant: JEM EQUIPMENT, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *iron and steel gabions,* from the facilities of Terra Aqua Division of Bekaert Steel Wire Corporation, at or near Reno, NV, to points in the United States (except AK and HI). (Hearing site: Reno, NV, or Ft. Smith, AR.)

MC 146646 (Sub-56F), filed November 9, 1979. Applicant: BRISTOW TRUCKING CO., a Corporation, P.O. Box 6355 A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting *construction materials and oil and chemical absorbent materials,* between the facilities of I.D.T. Corporation, at or near Summerville, SC, and points in the United States in and east of WI, IL, MO, AR, and LA. (Hearing site: Charleston, SC, or Birmingham, AL.) Condition: Person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Charleston, SC, or Birmingham, AL.)

MC 146646 (Sub-57F), filed November 9, 1979. Applicant: BRISTOW TRUCKING CO., a Corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting (1) *furniture parts, components, and accessories,* and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities in (1) above, between points in the United States (except AK and HI). Condition: Person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Joplin, MO, or Birmingham, AL.)

MC 146646 (Sub-58F), filed November 13, 1979. Applicant: BRISTOW TRUCKING CO., a Corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting *liquid bleach, and dish detergents, and materials, equipment and supplies* used in the manufacture, sale and distribution of the foregoing commodities, (except comodities in bulk), between the facilities of National Marketing Associates, Inc., at or near New Orleans, LA, and points in MS, AL, GA, TN, and FL. Condition: Person or persons who appears to be engaged in

common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: New Orleans, LA, or Birmingham, AL.)

MC 146846 (Sub-62F), filed November 16, 1979. Applicant: BRISTOW TRUCKING CO., a Corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting *lead, and materials, equipment and supplies* used in the processing of lead, (except commodities in bulk), between the facilities of Master Metals, Inc., at Cleveland, OH, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at and destined to the points indicated. Condition: Person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Cleveland, OH, or Birmingham, AL.)

MC 146787 (Sub-4F), filed November 13, 1979. Applicant: DEAN ALBAUGH AND MICKEY ALBAUGH d.b.a. ALBAUGH FARMS R. R. 2, Ankeny, IA 50021. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *iron and steel articles and construction materials,* (except commodities in bulk), between the facilities of Contractors Steel Corporation, at Des Moines, IA, on the one hand, and, on the other, points in IN, KS, KY, MN, AR, IL, MO, ND, NE, OK, SD, TN, TX, and WI. (Hearing site: Omaha, NE, Kansas City, MO.)

MC 146807 (Sub-6F), filed November 19, 1979. Applicant: S n W ENTERPRISES, INC., 1 Passan Drive, Wilkes-Barre, PA 18702. Representative: Joseph F. Hoary, 121 So. Main St., Taylor, PA 18517. Transporting *wire products and dishwasher racks,* from Wilkes-Barre, PA, to Dallas, TX, Cucamonga, CA, and St. Louis, MO. (Hearing site: Wilkes Barre, PA.)

MC 146886 (Sub-3F), filed November 9, 1979. Applicant: CONLAN TRUCK LINES, INC., 6160 South 116th Street, Hales Corners, WI 53130. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, Madison, WI 53705. Transporting *health care products, beauty products, personal care products,* and *home cleaning products* (1) from the facilities of Shaklee Corporation at Chicago, IL, to points in MN, ND, SD, WI and the Upper Peninsula of MI; and (2) from Minneapolis, MN to points in MN, ND and SD, restricted to the transportation of traffic having a prior movement in interstate commerce from Chicago, IL. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 14897 (Sub-2F), filed November 8, 1979. Applicant: LOOMIS COURIER SERVICE LTD., 3057 Grandview Hwy., Vancouver, B.C., Canada V5M 2E4. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting (a) *commercial documents, business records, accounting and audit media, automated data processing media and advertising materials,* and (b) *commercial paper, documents and written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions, between points in King and Snohomish Counties, WA, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada, in WA. (Hearing site: Seattle, WA.)

MC 146927 (Sub-2F), filed November 20, 1979. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1126, Hattiesburg, MS 39401. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting *paper and paper products,* from the facilities of Scott Paper Company, at or near Mobile, AL, to points in LA and MS. (Hearing site: Mobile, AL, or Jackson, MS.)

MC 147096 (Sub-5F), filed November 20, 1979. Applicant: MADISON BROTHERS DELIVERY SERVICE, INC., 101 Indiana Ave., Toledo, OH 43602. Representative: Brian S. Stern, 2425 Wilson Blvd., Suite 367, Arlington, VA 22201. Transporting *foodstuffs* (except in bulk), and *animal foods,* in containers, from the facilities of Campbell Soup Company, at or near Napoleon, OH, to points in IN, KY, and MI, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Toledo or Cleveland, OH.)

MC 147136 (Sub-5F), filed November 26, 1979. Applicant: TOMORROW TRANSPORT, INC., 1257 Central Ave., Hamilton, OH 45011. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. Transporting *overhead garage doors and accessories,* from Russia, OH, to points in CA. (Hearing site: Washington, DC, or Columbus, OH.)

MC 147277 (Sub-2F), filed November 14, 1979. Applicant: RESERVE AGRI-BUSINESS, INC., Reserve, MT 59258. Representative: John J. Hemmingson, P.O. Box 95, Reserve, MT 59258. Transporting *anhydrous ammonia,* from (1) the facilities of Cominco American, Inc., at or near Velva, ND, to Reserve, MT, (2) Reserve, MT, to Williston, Minot and Sawyer, ND, (3) Velva, ND, to Conrad, Great Falls and Billings, MT, and (4) Velva, ND, and Reserve, MT, to ports of entry on the international boundary line between the United States and Canada, in MT and ND. (Hearing site: Billings or Great Falls, MT.)

MC 147816 (Sub-2F), filed November 23, 1979. Applicant: VALLEY TRAVEL CLUB, INC., 16927 Vanowen Street, Van Nuys, CA 91406. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Transporting *passengers and their baggage,* in round-trip special or charter operations between points in Los Angeles County, CA, and Las Vegas, NV. (Hearing site: Los Angeles, CA.)

MC 148127 (Sub-4F), filed November 9, 1979. Applicant: LINEHAUL EXPRESS CORPORATION, P.O. Box 5078, Manchester, NH 03108. Representative: Neal R. Michaud (same address as applicant). Transporting *canned and preserved foodstuffs,* from the facilities of Heinz, U.S.A., at or near Holland, MI, to points in CT, ME, MA, NH, NJ, RI, VT, and NY on the east of NY Hwy 30, restricted to the transportation of traffic originating at the named origins and destined to the named States. (Hearing site: Concord, NH, or Boston, MA.)

MC 148207 (Sub-2F), filed November 13, 1979. Applicant: CASTLE COUNTRY TRANSPORTING, INC., P.O. Box 622, Price, UT 84532. Representative: D. Michael Jorgensen, P.O. Box 2465, Salt Lake City, UT 84110. Transporting *mobile and modular homes,* between points in Carbon, Emery, Grand, San Juan, Garfield, Wayne and Kane Counties, UT, on the one hand, and, on the other, points in CO, ID, NM, AZ, WY, NV, OR on and east of U.S. Hwy 97, and NE on and west of U.S. Hwy 281. (Hearing site: Salt Lake City, UT.)

MC 148317 (Sub-2F), filed November 20, 1979. Applicant: MICHAEL K., SR. & SHIRLEY A. HURLEY, d.b.a. HURLEY TRUCKING, 403 Juliene Way, Moscow, ID 83843. Representative: Winfred B. Moorer, 403 So. Jackson, Box 8489, Moscow, ID 83843. Transporting *roofing and fencing materials,* from points in ID, MT, OR, and WA, to points in UT and CO. (Hearing site: Spokane or Seattle, WA.)

MC 148336 (Sub-2F), filed November 19, 1979. Applicant: RUSSELLS' TRUCKING, INC., 351 Washburn Drive, Rock Springs, WY 82901. Representative: Neil O. Russell, 315 Taylor St., Apt. 2, Rock Springs, WY 82901. Transporting (1) *machinery, material, equipment* and *supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products and (2) *machinery, material, equipment* and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and pickup thereof, restricted against the transportation of complete oil drilling rigs, between points in WY, CO, UT, ID, MT. (Hearing site: Cheyenne, WY, or Denver, CO.)

MC 148337 (Sub-3F), filed November 20, 1979. Applicant: WESTERKAMP TRUCKING, INC., Rt. 2, Pella, IA 50219. Representative: Robert R. Rydell, 1020 Savings and Loan Bldg., Des Moines, IA 50309. Transporting *meats, meat products, meat byproducts, articles distributed by meat packinghouses, and such commodities as are used by meat packers in the conduct of their business,* as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Tama Meat Packing Corp., at Tama, IA, to points in CA and TN, and Chicago, IL. (Hearing site: Des Moines, IA, or Minneapolis, MN.)

MC 148616 (Sub-2F), filed November 23, 1979. Applicant: TRANSPORT WEST, INC., 2044 Law Lane, P.O. Box 2015, Eugene, OR 97402. Representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, OR 97258. Transporting *limestone, calcium carbonate, and talcs,* from Lucerne Valley and Victorville, CA, to points in OR on and west of U.S. Hwy 97. (Hearing site: Portland, OR, or Seattle, WA.)

MC 148966F, filed November 27, 1979. Applicant: DROTZMANN, INC., 920 East Mead, Yakima, WA 98903. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Hygrade Food Products Corporation, at Storm Lake and Cherokee, IA, to points in CA, OR, and WA, restricted to the transportation of traffic originating at the named origins and destined to the named destination States. (Hearing site: Omaha, NE, or Minneapolis, MN.)

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Decided: Feb. 7, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman, and Jensen. Member Jensen not participating.

MC 76 (Sub-19F), filed September 27, 1979. Applicant: MAWSON & MAWSON, INC., P.O. Box 248, Langhorne, PA 19047. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *iron and steel articles,* from the facilities of Dresser Industries, Inc., at or near Depew, NY, and the facilities of Pratt & Letchworth, at or near Buffalo, NY, to points in PA, OH, MD, NJ, DE, VA, IN, IL, WV, CT, MA, and RI, and those points in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, and Bay Counties, and (2) *materials, equipment, and supplies* (except commodities in bulk) used in the manufacture of the commodities named in (1) above, in the reverse direction. (Hearing site: Washington, DC.)

MC 76 (Sub-23F), filed October 12, 1979. Applicant: MAWSON & MAWSON, INC., P.O. Box 248, Langhorne, PA 19047. Representative: Richard C. McGinnis, 711 Washington Building, Washington, DC 20005. Transporting *tractors* (except truck tractors), (1) from the facilities used by Massey Ferguson, Inc., at points within the Baltimore, MD, and Philadelphia, PA, Commercial Zones, to points in NY, NJ, MD, PA, OH, and WV, and those in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, and Bay Counties, restricted to the transportation of traffic having a prior movement by water; and (2) from the facilities of Massey Ferguson, Inc., at or near Dearborn and Detroit, MI, to points in NY, NJ, MD, DE, VA, PA, OH, WV, CT, MA, and RI. (Hearing site: Chicago, IL.)

MC 76 (Sub-24F), filed October 9, 1979. Applicant: MAWSON & MAWSON, INC., P.O. Box 248, Langhorne, PA 19047. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *iron and steel articles,* from the facilities of R. C. Stanhope, Inc., at or near Pittsburgh, PA, to points in CT, MA, RI, NY, NJ, MD, DE, VA, WV, OH, ON, and IL, and those points in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, and Bay Counties, and (2) *materials, equipment, and supplies* (except commodities in bulk), in the reverse direction. (Hearing site: Washington, DC.)

MC 76 (Sub-26F), filed October 9, 1979. Applicant: MAWSON & MAWSON, INC., P.O. Box 248, Langhorne, PA 19047. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *iron and steel articles,* from the facilities of American Tank & Fabricating Co., at Cleveland, OH, to points in CT, MA, RI, NY, NJ, PA, DE, MD, and VA, and (2) *materials, equipment, and supplies* (except commodities in bulk), in the reverse direction. (Hearing site: Pittsburgh, PA.)

MC 4887 (Sub-26F), filed October 9, 1979. Applicant: BURGESS & COOK, INC., P.O. Box 458, Fernandina Beach, FL 32034. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *insulation,* from points in Nash County, NC, to points in AL, FL, GA, SC, MS, KY, LA and TN. (Hearing site: Jacksonville, FL.)

MC 5227 (Sub-59F), filed October 15, 1979. Applicant: ECKLEY TRUCKING, INC., P.O. box 201, Mead, NE 68041. Representative: A. J. Swanson, P.O. Box 1103, 300 S. Thompson Avenue, Sioux Falls, SD 57101. Transporting (1) *athletic* goods, parts and accessories for athletic goods, *adhesives, rubber articles,* and *hardware,* and (2) *materials, equipment* and *supplies* used in the manufacture and distribution of the commodities in (1) above, from (a) between Santa Ana, CA, on the one hand, and, on the other, those points in the United States in and east of MN, IA, NE, KS, OK, and TX, and, (b) from those ports of entry on the international boundary lines between the United States and the Republic of Mexico located in TX, to Chicago and Elk Grove Village, IL, and Maywood, NJ. (Hearing site: Omaha, NE, or Santa Ana, CA.)

MC 11207 (Sub-505F), filed October 10, 1979. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *pre-fabricated buildings,* knocked down, *and iron and steel articles,* between Pine Bluff, AR, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KY, LA, MI, MD, NS, NC, OH, PA, SC, TN, TX, VA, WI, and WV. (Hearing site: Little Rock, AR or Washington, DC.)

MC 26377 (Sub-28F), filed September 27, 1979. Applicant: LEONARDO TRUCK LINES, INC., 511 S. First St., Selah, WA 98942. Representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Ave., Portland, OR 97210. Transporting *insulating materials,* from the facilities of Johns-Manille Sales Corp. at or near Willows, CA, to points in OR, WA and ID. (Hearing site: Portland, OR.)

MC 26396 (Sub-293F), filed October 3, 1979. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107.

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Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate, as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *panels, wallboards, and roofing boards*, from Salt Lake City, UT, to ports of entry on the international boundary line between the United States and Canada in MN, ND, MT, ID, and WA. (Hearing site: Salt Lake City, UT, or Billings, MT.)

MC 26396 (Sub-298F), filed October 9, 1979. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *agricultural equipment and agricultural supplies*, from Cheyenne, WY, to points in MT, ID, OR, WA and UT. (Hearing site: Billings, MT.)

MC 26396 (Sub-304F), filed October 9, 1979. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *wrought iron pipe*, from Chicago, IL, to points in ND and SD. (Hearing site: Chicago, IL or Billings, MT.)

MC 26396 (Sub-305F), filed October 10, 1979. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *limestone* products (except commodities in bulk), from those ports of entry on the international boundary line between the United States and Canada, in ID, MT, ND, and WA, to points in ID, MT, ND, OR, and WA. (Hearing site: Billings, MT.)

MC 27817 (Sub-162F), filed October 9, 1979. Applicant: H. C. GABLER, INC., R.D. #3, P.O. Box 220, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 North Front St., Harrisburg, PA 17101. Transporting *paper bags*, from Charleston, SC, to Baltimore, MD, Boston, MA, New York, NY, and Philadelphia, PA. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 42487 (Sub-951F), filed October 15, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Over regular routes, transporting *general commodities*, (except those of unusual value, classes A and B explosives, houshold goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Baton Rouge, LA and Iowa, LA, serving the intermediate points of Lafayette, Rayne and Crowley, LA: from Baton Rouge over Interstate Hwy 10 to Lafayette, LA, then over U.S. Hwy 90 to Iowa, and return over the same route, (2) between Lafayette, LA and New Iberia, LA, (a) over U.S. Hwy 90, serving all intermediate points, and (b) over LA Hwy 182, serving all intermediate points, (3) between New Iberia, LA and Kaplan, LA, over LA Hwy 14, serving the intermediate point of Abbeville, LA and serving junction LA Hwy 14 and LA Hwy 89 for purpose of joinder only, (4) between Crowley, LA and Kaplan, LA, serving no intermediate points: from Crowley over LA Hwy 13 to junction LA Hwy 14, then over LA Hwy 14 to Kaplan, and return over the same route, (5) between Lafayette, LA and Abbeville, LA, over U.S. Hwy 167, serving all intermediate points, (6) between Maurice, LA and junction U.S. Hwy 90 and LA Hwy 92, over LA Hwy 92, serving the intermediate points of Milton and Youngsville, LA, (7) between junction LA Hwy 182 and LA Hwy 89 and junction LA Hwy 14 and LA Hwy 89, over LA Hwy 89, serving the intermediate point of Younsville, LA, and (8) serving St. Martinville, LA and Breaux Bridge, LA as off-route points in connection with applicant's otherwise authorized regular-route operations. (Hearing site: New Orleans, LA.)

Note.—Applicant intends to tack the authority described above, with one another as well as with its other authority.

MC 51146 (Sub-765F), filed October 9, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of shoes and footwear, from Taneytown, MD, Boston, MA, and Seattle, WA, to Milwaukee, WI. (Hearing site: Chicago, IL.)

MC 55896 (Sub-124F), filed October 12, 1979. Applicant: R–W SERVICE SYSTEM, INC., 20225 Goodard Rd., Taylor, MI 48180. Representative: John C. Scherbarth, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Chicago, IL, to points in OH, on, south and west of a line beginning at the OH–IN State line, and extending along U.S. Hwy 30 to junction U.S. Hwy 23, and then along U.S. Hwy 23 to the OH–KY State line, restricted to transportation of traffic having a prior or subsequent movement by rail. (Hearing site: Detroit, MI.)

MC 57697 (Sub-21F), filed October 9, 1979. Applicant: LESTER SMITH TRUCKING, INC., 2645 East 51st Ave., Denver, CO 80216. Representative: David J. Lister, 3841 North Columbia Blvd., P.O. Box 17039, Portland, OR 97217. Transporting (1)(a) *commodities* which because of size or weight require the use of special equipment, and (b) *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), in mixed shipments with the commodities named in (1)(a) above, (2) *self-propelled articles* (except automobiles, trucks and buses, other than construction equipment), in truckaway service, (3) *machinery, parts, and supplies* for self-propelled articles, (4) *metal articles*, (5) *non-ferrous pipe*, and (6) *construction materials*, between points in WY and CO, on the one hand, and, on the other, points in OK, AR, TX, and LA. (Hearing site: Denver, CO.)

MC 59206 (Sub-28F), filed October 9, 1979. Applicant: HOLLAND MOTOR EXPRESS, INC., 750 East 40th St., Holland, MI 49423. Representative: Kenneth De Vries (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Fort Wayne, IN and Toledo, OH, over U.S. Hwy 24, serving no intermediate points (2) between Fort Wayne, IN and Lima, OH, serving no intermediate points: from Fort Wayne over U.S. Hwy 30 to junction OH Hwy 309, then over OH Hwy 309 to Lima, and return over the same route, (3) between South Bend, IN and Toledo, OH, serving no intermediate points, (a) from South Bend over Interstate Hwys 80 and 90, and (b) over U.S. Hwy 20, to Toledo, and return over the same route, (4) between Niles, MI and Tekonsha, MI, over MI Hwy 60, serving no intermediate points, (5) between Jackson, MI and Cincinnati, OH, over U.S. Hwy 127, serving no intermediate points, (6) between Toledo, OH and Jackson, MI, serving no intermediate points: from Toledo over Interstate Hwy 23, to junction U.S. Hwy 223, then over U.S. Hwy 223 to junction U.S. Hwy 127 then over U.S. Hwy 127 to Jackson, and return over the same route, (7) between Fort Wayne, IN and Findlay, OH, serving no intermediate

points: from Fort Wayne over IN Hwy 14 to junction OH Hwy 613, then over OH Hwy 613 to junction OH Hwy 15, then over OH Hwy 15, to junction U.S. Hwy 224, then over U.S. Hwy 224 to Findlay, and return over the same route, (8) between Grand Rapids, MI and Saginaw, MI, serving no intermediate points: (a) from Grand Rapids over U.S. Hwy 131 to junction MI Hwy 46, then over MI Hwy 46 to Saginaw, and return over the same route, and (b) from Grand Rapids over U.S. Hwy 131 to junction MI Hwy 57, then over MI Hwy 57 to junction Interstate Hwy 75, than over Interstate Hwy 75 to Saginaw, and return over the same route, and (9) between South Bend, IN and junction U.S. Hwy 20 over IN Hwy 2, serving no intermediate points, as alternate routes for operating convenience only in (1) through (9) above. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Applicant intends to tack the above routes with its otherwise authorized regular routes.

MC 60066 (Sub-15F), filed October 9, 1979. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul St., Omaha, NE 68102. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd. Omaha, NE 68106. Transporting (1) *shock absorbers*, from Cozad, NE, to Detroit, MI and Batavia, IL; and (2) *materials* used in the manufacture of shock absorbers, from Toledo, OH, to Cozad, NE. (Hearing site: Omaha, NE.)

MC 61396 (Sub-376F), filed October 12, 1979. Applicant: HERMAN BROS. INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, NE 68101. Representative: Duane L. Stromer (same address as applicant). Transporting *cement*, from the facilities of Marquette Cement Co., at Cowan, TN, to points in AL, GA, KY, SC, NC, TN, VA, AR, FL, MO, OH, MS, IL, IN, and LA. (Hearing site: Omaha, NE, or Chattanooga, TN.)

MC 63417 (Sub-249F), filed September 27, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting (1) *plastic articles*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk and those which because of size and weight require the use of special equipment), between the facilities of Fort Howard Paper Company, at or near Muskogee, OK, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IL, KS, KY, LA, MS, MO, NE, NM, NC, OK, SC, TN, TX, and VA. (Hearing site: Washington, DC.)

MC 63417 (Sub-250F), filed September 28, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting (1) *central heating and air conditioning equipment* (except commodities requiring special equipment), and (2) *parts* for the commodities in (1) above, (except commodities requiring special equipment), from Nashville, TN, to points in AL, FL, GA, IL, IN, KY, MD, MI, MS, NC, NY, OH, PA, SC, VA, WV, and DC. (Hearing site: Washington, DC.)

MC 63417 (Sub-251F), filed October 11, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting (1) *water heaters, heating boilers, hot water tanks, and solar heating panels*, from McBee, SC, to those points in the United States in and east of WI, IL, MO, and TX; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction, restricted in (1) and (2) above against the transportation of commodities in bulk and those requiring special equipment. (Hearing site: Roanoke, VA.)

MC 63417 (Sub-252F), filed October 11, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting (1) *containers and container ends*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Reynolds Metals Co. (Hearing site: Roanoke, VA.)

MC 95876 (Sub-314F), filed September 27, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting *building materials*, from the facilities of Cornell Corporation, at or near Cornell, WI, to points in IL, IN, MI, MN, OH, NV, NM, PA, VA, and WV, restricted to the transportation of traffic originating the named origin. (Hearing site: Minneapolis, MN or Madison, WI.)

MC 95876 (Sub-315F), filed September 27, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting *brick and structural facing tile*, (1) from points in Bastrop County, TX to points in the United States (except AK and HI), and (2) from East Canton, OH, to points in MS, LA and TX. (Hearing site: Austin, TX, or Houston, TX.)

MC 95876 (Sub-316F), filed October 9, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *tractors*, (2) *industrial, construction, and excavating equipment*, (3) *material handling equipment*, and (4) *parts and attachments* for the commodities in (1), (2), and (3) above, from the facilities of J. I. Case Company, at or near (a) Racine and Wausau, WI, (b) Terre Haute, IN, (c) Burlington and Bettendorf, IA, and (d) Wichita, KS, to points in the states of AR, ID, IA, KS, LA, MN, MS, MO, MT, NE, ND, OK, OR, SD, TX, TN, WA and WY. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 95876 (Sub-317F), filed: October 9, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting *iron and steel articles* from Middletown, OH, to points in IA, MN, ME, ND, SD and WI. (Hearing site: Cincinnati, OH or Minneapolis, MN.)

MC 95876 (Sub-318F), filed October 9, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting *welding equipment*, and *parts and accessories* for welding equipment, from Houston, TX to points in the United States (except AK and HI). (Hearing site: Houston, or Dallas, TX.)

MC 95876 (Sub-319F), filed October 9, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting *overhead cranes*, and *parts, accessories and attachments* for overhead cranes, from Houston, TX, to points in the United States (except AK and HI). (Hearing site: Houston, or Dallas, TX.)

MC 102567 (Sub-242F), filed: October 12, 1979. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Fwy., Suite 130, Houston, TX 77040. Transporting *molasses based liquid animal feed*, in bulk, in tank

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vehicles, from Gretna, LA to points in AL and MS. (Hearing site: New Orleans, LA.)

MC 102567 (Sub-243F), filed October 15, 1979. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 7111. Representative: Joe C. Day, 13403 Northwest Fwy., Suite 130, Houston, TX 77040. Transporting *chemicals*, in bulk, in tank vehicles, (1) from the facilities of Union Carbide Corporation, at or near Taft, LA, to points in the United States (except AK, AR, HI, and LA), and (2) from points in the United States (except AK, HI, and LA), to the origin in (1) above. (Hearing site: Houston, TX.)

MC 105566 (Sub-210F), filed October 11, 1979. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Bldg., 6901 Old Keene Mill Rd., Springfield, VA 22150. Transporting *general commodities* (except commodities in bulk), from the facilities used by Northeastern Pennsylvania Shippers Cooperative, Association, at points in (a) Broome, Chemug, and Steuben Counties, NY, and (b) Franklin, Lackawanna, Lehigh, Luzerne, Northampton, Tioga, and Wayne Counties, PA, to points in AZ, CA, CO, ID, IL, MI, MN, MO, MT, NV, NM, OR, TX, UT, WA, and WY. Condition: The certificate issued in this proceeding, to the extent it authorizes the transportation of classes A and B explosives, shall be limited in point of time to a period expiring 5 years from its date of issue. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 107107 (Sub-478F), filed October 11, 1979. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Ave., Opa Locka, Fl 33054. Representative: Ford W. Sewell (same address as applicant). Transporting *such commodities* as are dealt in or used by grocery and food business or by agricultural feed business houses (except commodities in bulk), from Louisville, KY, Pittsburgh, PA, and Newark, DE, and points in MI and OH, to those points in the United States in and east of TX, OK, CO, NE, SD, and ND. (Hearing site: Chicago, IL.)

MC 107496 (Sub-1246F), filed October 10, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *chemicals and plastics*, in bulk, between the facilities of Borg-Warner Chemicals, Borg-Warner Corporation, at or near Ottawa, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 108937 (Sub-59F), filed October 15, 1979. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Rd., St. Paul, MN 55113. Representative: Jerry E. Hess, P.O. Box 43640, St. Paul, MN 55164. Transporting *general commodities* (except those of unusual, classes A and B explosives, household goods as defined by the Commission, hides, commodities in bulk, and those requiring special equipment), serving the facilities of John Morrell & Co., at or near Easterville, IA, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: St. Paul, MN, or Chicago, IL.)

MC 109397 (Sub-478F), filed October 12, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting (1) *machinery and machinery parts*, (2) *attachments* for the commodities in (1) above, (3) *equipment and accessories* used in the installation and maintenance of the commodities in (1) above, and (4) *iron and steel articles*, from points in Hablan County, TN, to points in the United States (except AK and HI). (Hearing site: Knoxville, TN.)

MC 109397 (Sub-479F), filed October 15, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting (1) *machinery and machinery parts*, (2) *attachments* for the commodities in (1) above, (3) *equipment and accessories* used in the installation, operation, and maintenance of the commodities in (1) above, and (4) *metal articles*, from Nashville and Dickson, TN, to points in the United States including AK but excluding HI. (Hearing site: Nashville, TN.)

MC 113106 (Sub-80F), filed October 12, 1979. Applicant: THE BLUE DIAMOND COMPANY, a Corporation, 4401 East Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. Transporting *malt beverages*, and *materials, equipment and supplies* used in the manufacture and distribution of malt beverages (except commodities in bulk), (a) from the facilities of Pabst Brewing Company, at Newark, NJ, to points in PA, MD, DE, and DC, and those points in NY on and west of Interstate Hwy 81, and (b) between the facilities of Pabst Brewing Company, at points in Houston County, GA, on the one hand, and, on the other, points in NC, SC, VA, MD, and DC. (Hearing site: Washington, DC.)

MC 113106 (Sub-81F), filed October 12, 1979. Applicant: THE BLUE DIAMOND COMPANY, a Corporation, 4401 East Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. Transporting *such commodities* as are dealt in or used by manufacturers of glass and plastic products, (except commodities in bulk), between points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, OH, DE, MD, VA, NC, SC, GA, FL, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Metropak Container Corporation. (Hearing site: Washington, DC.)

MC 113267 (Sub-369F), filed September 27, 1979. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 AMF, Memphis, TN 38130. Representative: Lawrence A. Fischer (same address as applicant). Transporting (1) *lawnmowers*, and (2) *material, equipment and supplies* used in the manufacture of lawnmowers (except commodities in bulk), (1) between Selma, AL, on the one hand, and, on the other, points in IN, IL, IA, MN, MO, and WI, restricted to the transportation of traffic originating at and or destined to the facilities of Southland Mower Company, at Selma, AL. (Hearing site: Birmingham, AL, or Memphis, TN.)

MC 113267 (Sub-370F), filed October 11, 1979. Applicant: CENTRAL & SOUTHERN TANK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 AMF, Memphis, TN 38130. Representative: Lawrence A. Fischer (same address as applicant). Transporting *meats, meat products, meat by-products, and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities used by John Morrell & Co., at or near Montgomery, AL, to points in AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MS, MO, NC, OK, OH, SC, SD, TN, TX and WI, restricted to the transportation of traffic originating at the above named origin. (Hearing site: Chicago, IL, or Memphis, TN.)

MC 113408 (Sub-15F), filed October 9, 1979. Applicant: DOT LINES, INC., 1000 Findlay Road, P.O. Box 1526, Lima, Ohio 45802. Representative: Paul F. Beery, 275 East State St., Columbus, Ohio 43215. Transporting (1) *fiberboard or paperboard fillers*, (2) *fiberboard partitions*, and (3) *equipment, materials and supplies* used in the manufacture of the commodities in (1) and (2) above (except commoditie in bulk), between Eaton, IN, on the one hand, and, on the other, points in OH. (Hearing site: Columbus, OH.)

MC 115557 (Sub-26F), filed October 12, 1979. Applicant: CHARLES A. McCAULEY, 308 Leasure Way, New Bethelem, PA 16242. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting (1) *cardboard cartons and paper cartons*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between the facilities of Cameo Container Corporation in Chicago, IL on the one hand, and, on the other, points in the United States including AK and HI. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 115826 (Sub-548F), filed October 12, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *meats, meat products, meat byproducts, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, at or near (a) Dakota City and West Point, NE, (b) Denison and Ft. Dodge, IA, and (c) Luverne, MN, to points in CO, IA, IL, IN, KS, KY, MI, MN, MO, ND, NE, OH, SD, and WI.

MC 115826 (Sub-549F), filed October 12, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *general commodities* (except foodstuffs and commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Dutch Boy, Inc., Dutch Boy Paints, Baltimore Paint and Chemical, Synkoloid Co., Glow-Lite, Solar Electric, Rhodes Plastics, Clear Shield Plastics, Culman Products and Mueller Engineering and Manufacturing. Condition: Any certificate issued in this proceeding to the extent it authorizes the transportation of classes A and B explosives, shall be limited in point of time to a period expiring 5 years from its date of issue. (Hearing site: Denver, CO.)

MC 117676 (Sub-15F), filed October 11, 1979. Applicant: HERMS TRUCKING, INC., 620 Pear St., Trenton, NJ 08648. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *limestone*, in bags, from Adams, MA, and Canaan and Falls Village, CT, to the facilities of American Biltrite, Inc., at Trenton, NJ. (Hearing site: Philadelphia, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 119777 (Sub-420F), filed October 9, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) aluminum articles, (2) foil, doors, windows, door frames, overhead closures, and filters, and (3) materials, equipment and supplies used in the manufacture or distribution of the commodities in (1) and (2) above, between points in the United States (except AK and HI), restricted (a) to the transportation of traffic originating at or destined to facilities of Consolidated Aluminum Corp., and (b) restricted against the transportation of commodities in bulk. (Hearing site: St. Louis, MO.)

MC 119777 (Sub-421F), filed October 9, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *oils, greases, petroleum chemicals, and articles* used in the care and maintenance of automotive vehicles (except commodities in bulk), from St. Louis, MO, to points in AL, AZ, CA, CO, CT, DE, FL, GA, ID, IN, KY, LA, ME, MD, MA, MI, MN, MS, MT, NE, NH, MJ, MO, NM, NY, NC, ND, OH, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, and WY. (Hearing site: Cincinnati, OH.)

MC 119777 (Sub-422F), filed October 9, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *expanded plastic insulation*, from Kansas City, MO, to points in the United States (except AK and HI). (Hearing site: Kansas City, MO.)

MC 119777 (Sub-423F), filed October 15, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) *gravel* and *stone handling equipment, and* (2) *parts, attachments, and accessories* for the commodities described in (1) above, from the facilities of Sesco Engineering & Supply Corp., at or near North Kansas City, MO, to points in the United States (except AK and HI). (Hearing site: Kansas City, MO.)

MC 119827 (Sub-8F), filed October 9, 1979. Applicant: KEY LINE AIR FREIGHT, INC., 26600 Van Born Rd., Dearborn Heights, MI 48125. Representative: Richard Simpson (same address as applicant). Transporting *general commodities* (except of unusual value, classes A and B explosives, household goods as defined by the Commission commodities in bulk, and those requiring special equipment), (a) between points in Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Sanilac, Washtenaw and Wayne Counties, MI, on the one hand, and, on the other, points in Defiance, Fulton, Henry, Lucas, Ottawa and Williams Counties, OH, and (b) between points in Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Sanilac, and Washtenaw Counties, MI, on the one hand, and, on the other, Wayne County, MI, restricted in (a) and (b) above to the transportation of traffic originating at or destined to the facilities of the Ford Motor Company. (Hearing site: Chicago, IL or Washington, DC.)

MC 123407 (Sub-616F), filed October 15, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *fencing, supplies and materials* used in the installation of fencing, from Gladstone and Stephenson, MI, to points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MN, MS, MO, NE, NC, ND, OH, OK, SC, SD, TN, TX, VA, WV, and WI. (Hearing site: Chicago, IL.)

MC 124306 (Sub-74F), filed October 11, 1979. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: Richard A. Mehley, 1000 16th St. NW., Washington, DC 20036. Transporting *chemicals*, in bulk, in tank vehicles, between points in Spartanburg County, SC, on the one hand, and, on the other, points in AL, FL, GA, LA, NC, MS, PA, TN, TX, VA, and WV. CONDITION: Person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Spartanburg, SC, or Washington, DC.)

MC 125417 (Sub-16F), filed October 9, 1979. Applicant: BULK FREIGHTWAYS, 8332 Wilcox Avenue, South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Boulevard, 1800 United California Bank Building, Los

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Angeles, CA 90017. Transporting *dry plastic materials,* in bulk, from points in Los Angeles and Orange Counties, CA, to points in AZ. (Hearing site: Los Angeles, CA.)

MC 125777 (Sub-282F), filed October 9, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46406. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting *commodities used in the manufacture of glass and glass products,* in bulk, in dump vehicles, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of (a) Corning Glass Works, (b) Brockway Glass Company, Inc., and (c) the Ball Corporation. (Hearing site: Chicago, IL.)

MC 125996 (Sub-88F), filed October 15, 1979. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: Mac R. Reber (same address as applicant). Transporting *periodicals,* from Pewaukee, WI, to points in AZ, CA (except Los Angeles and San Francisco), CO (except Denver), IA, KS, MN, MO, OK, OR, and WA (except Seattle). (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 126826 (Sub-3F), filed October 12, 1979. Applicant: KENNETH SCHMIDT, 269 South Rebecca St., Saxonburg, PA 16056. Representative: Jerome Solomon, 3131 U.S. Steel Bldg., Pittsburgh, PA 15219. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), moving on bills of lading of freight forwarders as defined in 49 U.S. Code § 10102 § 8, between Pittsburgh, PA, on the one hand, and, on the other, points in Lawrence County, PA. (Hearing site: Pittsburgh, PA.)

MC 129077 (Sub-3F), filed September 30, 1979. Applicant: APACA, INC., 423 Wyoming, SE., Albuquerque, NM 87123. Representative: Jack Smith, 420 Lomas Blvd., NW., Albuquerque, NM 87102. Transporting household goods as defined by the Commission, between points in NM. (Hearing site: Albuquerque, NM.)

MC 134467 (Sub-53F), filed October 9, 1979. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Transporting (1) *paper and paper products* (except commodities in bulk), and (2) *materials, equipment and supplies* used in the manufacture and distribution of paper and paper products, between the facilities of Scott Paper Company, in AL, AR, DE, NJ, PA, and WI, on the one hand, and, on the other, points in PA, OH, IN, MI, IL, WI, NM, IA, MO, KS, CO, AR, TX, LA, MS, AL, FL, GA, NC, SC, and TN. (Hearing site: Philadelphia, PA, or Little Rock, AR.)

MC134467 (Sub-54F), filed, October 11, 1979. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *foodstuffs* (except in bulk), from points in Washington County, AR, to points in OK, CO, LA, TX, and NM. (Hearing site: Little Rock, AR.)

MC 134477 (Sub-372F), filed October 12, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses,* as described in Sections A, B, and C of Appendix I to the report in *Decriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from Estherville, IA to points in AL, FL, GA, IL, IN, KY, MI, MN, MO, NC, OH, SC, TN, and WI, and (2) from Sioux City, IA and Sioux Falls, SD, to points in IL, IN, MN, MO, and WI, restricted in (1) and (2) above to the transportation of traffic originating at the facilities of John Morrell & Co., at or near the above named origins and destined to the named destination states. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-373F), filed October 15, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *foodstuffs* (except commodities in bulk), from the facilaities of Schrafft Candy Co., at or near Boston and Woburn, MA, to points in AL, AR, DE, GA, IL, IN, IA, KS, KY, MD, MI, MN, MO, MS, NE, NC, ND, OH, PA, SC, SD, TN, VA, WV, WI, and DC. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-374F), filed October 15, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *toys, electronic games, furniture and plastic articles* (except commodities in bulk), from points in CT, DE, GA, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, and WV, to Gary, IN. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-375F), filed October 15, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *(1) automobile parts* and (2) *materails and supplies,* used in the manufacture of automobiles (except commodities in bulk), from points in CT, DE, GA, KY, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, and WV, to the facilitates of Ford Motor Company, at or near St. Paul, MN. (Hearing site: St. Paul, MN.)

MC 135797 (Sub-261F), filed September 27, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting *foodstuffs* (except in bulk), from the facilities of Commercial Distribution Center at or near Kansas City, MO to points in AL, AR, FL, GA, KY, LA, MS, NC, SC and TN. (Hearing site: Kansas City, MO, or Washington, DC.)

MC 135797 (Sub-267F), filed October 15, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting *animal feed additives,* from Lawrenceville, GA, to points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or Washington, DC.)

MC 135797 (Sub-270F), filed October 12, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting (1) *such commodities* as are dealt in by grocery and food business houses (except those commodities described in (2) below and commodities in bulk), and (2) *meats, meat products, meat byproducts, and articles distributed by meat packinghouses,* as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Kansas City, KS, and points in the United States (except AK, HI, and KS). (Hearing site: Kansas City, KS, or Washington, DC.)

MC 136077 (Sub-20F), filed September 27, 1979. Applicant: REBER CORPORATION, 2216 Old Arch Rd., Norristown, PA 19401. Representative: Sheri B. Friedman, 1600 Land Title Bldg., 100 South Broad St., Philadelphia, PA 19110. Transporting *limestone,* from the facilities of White Pigment Corporation, at West Manchester Township (York County), PA, to points in NJ, DE and MD. (Hearing site: Philadelphia, PA.)

MC 136786 (Sub-175F), filed October 12, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55435. Transporting (1) *foodstuffs,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of foodstuffs (except commodities in bulk), (a) between Montgomery, AL, Lake Wales, FL, North Chicago, IL, Eau Claire, MI, Sulphur Spings, TX, and Kenosha, WI, and (b) between the points named in (a) above, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IL, IN, KS, KY, LA, MI, MN, MS, MO, NE, NM, ND, OH, OK, SD, TN, TX, and WY. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 136786 (Sub-177F), filed October 10, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55435. Transporting (1) *paper and paper products,* and (2) *materials, equipment, and supplies* used in the production and distribution of the commodities in (1) above, (a) between the facilities of Scott Paper Company, at points in DE, NJ, NY, and PA, on the one hand, and, on the other, points in AR, IL, IN, IA, MN, MO, and WI, and (b) between the factilities of Scott Paper Company, at points in IL, IN, and WI, on the one hand, and, on the other, points in AR, IA, KS, MN, MO, OH, OK, and PA, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the above named facilities.

MC 138157 (Sub-189F), filed October 15, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). Transporting (1) *food supplements, personal care products, and household care products,* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between Dayton, NJ and Phoenix, AZ, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Shaklee Corp. (Hearing site: San Francisco, CA.)

Note.—Duel operations may be involved.

MC 138297 (Sub-7F), filed October 9, 1979. Applicant: CENTRAL FLORIDA COACH LINES, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Joseph F. Hoary, 121 So. Main St., Taylor, PA 18517. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at Hazelton, PA, and points in its commercial zone, and extending to Orlando, Cocoa Beach, St. Augustine, and Tallahassee, FL, St. Louis, MO, Lexington, KY, Atlantic City, NJ, Fredericksburg, VA, and Lima, OH, and points in their respective commercial zones. (Hearing site: Wilkes Barre, PA.)

MC 139207 (Sub-13F), filed October 9, 1979. Applicant: MCNABB-WADSWORTH TRUCKING CO., INC., 305 S. Wilcox Dr., Kingsport, TN 37665. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. Transporting *petroleum products,* and *such commodities* as are used by service station operators (except commodities in bulk), from the facilities of Exxon Co., U.S.A., at or near Baton Rouge, LA, to points in TN, NC, and VA. (Hearing site: Memphis, TN.)

MC 139207 (Sub-14F), filed October 9, 1979. Applicant: MCNABB-WADSWORTH TRUCKING CO., INC., 305 S. Wilcox Dr., Kingsport, TN 37665. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. Transporting of *canned goods* from Moorehead, MS, to points in AL, GA, TN, KY, NC, SC, VA, and WV. (Hearing site: Jackson, MS.)

MC 139587 (Sub-23F), filed October 15, 1979. Applicant: BROWN REFRIGERATED EXPRESS, INC., 21st and Sidney, P.O. Box 603, Fort Scott, KS 66701. Representative: Wilburn L. Williamson, Suite 615, East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *salt beverages,* from St. Louis, MO to Frontenac, Arkansas City and Ft. Scott, KS. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 139906 (Sub-75F), filed October 9, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 So., P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 So. 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting *aquariums, aquarium accessories, freeze dried brine shrimp,* and *household pet cages, supplies, and equipment* (except commodities in bulk, and those which because of size and weight require the use of special equipment), between the facilities of Metaframe, Inc., at or near East Paterson, Elmwood, Maywood and Lodi, NJ, to points in the United States (except AK and HI). (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 139906 (Sub-76F), filed October 9, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 So., P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 So. 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting *wearing apparel,* from the facilities of K-Mart Apparel Corp., at (a) North Bergen, NJ, (b) Carson, CA, and (c) Forest Park, GA, to points in the United States (except AK and HI). (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 141877 (Sub-2F), filed October 9, 1979. Applicant: ROBERT J. RATHWAY AND WILLIAM C. PAULL, JR., a Partnership, d.b.a. WOLFE & WOLFE, 305 Crossland Ave., Uniontown, PA 15401. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Transporting *pulverized limestone,* from Benwood, WV, to points in Belmont, Harrison, Monroe and Jefferson Counties, OH, Allegheny, Butler, Fayette and Westmoreland Counties, PA, and Harrison and Preston Counties, WV. (Hearing site: Pittsburgh, PA. or Washington, DC.)

MC 142827 (Sub-1F), filed October 9, 1979. Applicant: DE MARLIE TRUCKING, INC., P.O. Box 338, Reynolds, IL 61279. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation, at (1) Cedar Rapids, IA, to points in IL (except Chicago), IN, MI and OH, and (2) Monmouth, IL to points in IN, MI and OH, restricted in (1) and (2) above to the transportation of traffic originating at the above named origins and destined to the named destinations. (Hearing site: Chicago, IL.)

MC 142977 (Sub-5F), filed October 10, 1979. Applicant: HOOSIER FREIGHT LINES, INC., P.O. Box 16006, 1508 Crums Lane, Louisville, KY 40216. Representative: James K. Stayton, 3008 Preston Hwy, Louisville, KY 40217. Transporting (1) *automobile lifts, and*

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parts and supplies for automobile lifts, from the facilities of Dover Corporation/ Rotary Lift Division, at Madison, IN, to Cincinnati, OH, and Louisville, KY; and (2) *paints, steel, wiring, cardboard boxes, petroleum, petroleum products, and parts and supplies* for automobile lifts, in the reverse direction. (Hearing site: Louisville, KY, or Indianapolis, IN.)

MC 142977 (Sub-6F), filed October 10, 1979. Applicant: HOOSIER FREIGHT LINES, INC., P.O. Box 16006, 1508 Crums Lane, Louisville, KY 40216. Representative: James K. Stayton, 3008 Preston Hwy, Louisville, KY 40217. Transporting *paper and paper products,* (1) from the facilities of Kieffer Paper Company, at Brownstown, IN, to Louisville and Lewisport, KY, Cincinnati, OH, and (2) from Cincinnati, OH, and Louisville, KY, to the origin facilities in (1) above. (Hearing site: Louisville, KY.)

MC 144867 (Sub-11F), filed October 15, 1979. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *meats, meat products, meat by-products, and articles distributed by meat packing houses,* from Gering, Gordon, and Minden, NE and Glasgow, MT to points in the United States (except AK and HI); (2) *such commodities as are used by meat packing houses in the conduct of their business,* in the reverse direction; (3)(a) *hydraulic hoses and couplings, and farm equipment parts,* and (b) *materials, equipment and supplies used in the production and distribution of commodities in (3)(a),* between points in Scotts Bluff County, NE, on the one hand, and, on the other, points in the United States (except AK, HI and NE); and (4) *such commodities as are dealt in or used by agricultural and construction equipment dealers,* in the reverse direction. (Hearing site: Scottsbluff, NE, or Denver, CO.)

MC 144827 (Sub-36F), filed October 9, 1979. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, Box 18423, Memphis, TN 38118. Representative: Billy R. Hallum (same address as applicant). Transporting *canned vegetables,* from the facilities of Woldert Canning Co., at Lindale, TX, to points in AR, AL, GA, MS, NC, OK, SC, TN, and VA. (Hearing site: Dallas, TX.)

MC 144927 (Sub-24F), filed September 28, 1979. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204. Transporting *sound recordings, sound recording tape, plastic articles* (other than expanded), *record sleeves, record jackets, and record labels* (1) between the facilities of Capitol Records, Inc., at (a) Glenbrook, CT, (b) Bethlehem, PA, (c) Winchester, VA, (d) Jacksonville and Niles, IL, (e) Rosselle and Cranford, NJ, (f) Los Angeles, CA, and (g) Madison Heights, MI, (2) from the facilities of Capitol Records, Inc., at Bethlehem, PA, to Linden, NJ, and Tappan, NY, (3) from points in CT, NY, NJ, and VA, to the facilities in (1) and (2) above, and (4) from the facilities of Capitol Records, Inc., at Niles, IL, to Minneapolis, MN. (Hearing site: Washington, DC, or Chicago, IL.)

MC 145857 (Sub-3F), filed October 9, 1979. Applicant: K & R TRUCKING CO., a Corporation, P.O. Box 63, Dacus Rd., Preston, GA 31824. Representative: Henry L. Crisp, P.O. Box J, Americus, GA 31709. Transporting (1) *agricultural lime and gypsum,* from points in Lee County, AL, and Hamilton, Madison, Taylor, Jefferson, Jackson, and Leon Counties, FL, to those points in GA on, south and west of a line beginning at the GA–AL State line and extending along Interstate Hwy 80 to junction Interstate Hwy 75, and then along Interstate Hwy 75 to the GA–FL State line, and (2) *lumber,* from points in Stewart, Webster, and Sumter Counties, GA, to points in AL, AR, FL, KY, LA, MS, NC, SC, TN, and VA. (Hearing site: Atlanta, GA, or Jacksonville, FL.)

MC 146176 (Sub-8F) filed October 9, 1979. Applicant: J & L TRANSPORT, INC., Rt. 1, Box 306, Almond, WI 54909. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting *such commodities* as are manufactured, used, or dealt in by manufacturers, coverters, and printers of paper and paper products (except commodities in bulk), from Neenah, WI, and the facilities of Hoffmaster Co., Inc., at or near Oshkosh, WI, to points in AZ, CA, NV, OR, and WA. (Hearing site: Madison, or Oshkosh, WI.)

MC 146326 (Sub-8F) filed September 30, 1979. Applicant: JOHN ALGER, SR. d.b.a. ALGER TRANSPORTATION, 9811 Redman Ave., Omaha, NE 68134. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *cable and wire,* from Omaha, NE, to points in ND and SD. (Hearing site: Omaha, NE.)

MC 146646 (Sub-36F) filed October 9, 1979. Applicant: BRISTOW TRUCKING CO., a Corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting *unfrozen bakery goods,* from Marietta, OK, to New Rochelle, NY, Louisville, KY, Los Angeles, Corona, San Diego, and La Habra, CA, Phoenix, AZ, Biddeford, ME, Seattle, WA, and Woburn, MA. Condition: Person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Oklahoma City, OK, or Birmingham, AL.)

MC 146646 (Sub-37F), filed October 15, 1979. Applicant: BRISTOW TRUCKING CO., a Corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Mr. Henry Bristow, Jr. (same address as applicant). Transporting *construction materials and supplies* used in the manufacture and distribution of construction materials (except commodities in bulk) Between the facilities of the Celotex Corporation at or near Deposit, NY on the one hand and on the other points in the U.S. (excedpt AK and HI) Condition: Person or persons who appear to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(a) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Tampa, FL, or Birmingham, AL.)

MC 146646 (Sub-38F), filed October 9, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355 A, Birmingham, AL 35217. Representative: Henry Bristown, Jr., (same address as applicant). Transporting *construction materials, and supplies* used in the manufacture and distribution of construction materials (except commodities in bulk), between the facilities of the Celotex Corporation, at or near Paris, TN, to points in the United States (except AK and HI). Condition: Person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Tampa, FL, or Birmingham, AL.)

MC 146646 (Sub-39F), filed October 9, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355 A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting *construction materials,* (except in bulk), from the facilities of the Celotex Corporation, at Marrero, LA, to points in the United States (except AK and HI). Condition: Person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Tampa, FL, or Birmingham, AL.)

MC 146646 (Sub-46F), filed October 15, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355 A, Birmingham, AL 35217. Representative: Mr. Henry Bristow, Jr. (same address as applicant). Transporting *hardwood flooring* (1) from the facilities of Bruce Hardwood Floors, at or near Center, TX, to points in AL, AR, GA, LA, MS, and TN, and (2) from the facilities of Bruce Hardwood Floors, at or near Jackson and Nashville, TN, to Center, TX. Condition: Person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Dallas, TX, or Birmingham, AL.)

MC 147047 (Sub-3F), filed September 27, 1979. Applicant: CAPITAL WIRE AND CABLE CORPORATION, d.b.a. CWC TRUCKING COMPANY, 910 10th St., Plano, TX 75074. Representative: William Sheridan, 1025 Metker, P.O. Drawer 5049, Irving, TX 75062. Transporting *empty cans,* from Philadelphia, PA, Chicago, IL, and St. Louis, MO, to Dallas, TX. (Hearing site: Dallas, TX, or Washington, DC.)

MC 147096 (Sub-4F), filed September 28, 1979. Applicant: MADISON BROTHER SERVICE, INC., 101 Indiana Ave., Toledo, OH 43602. Representative: Brian S. Stern, 2425 Wilson Blvd., Arlington, VA 22201. Transporting (1) *materials, equipment, and supplies* used in the manufacture, and assembly of motor vehicles, between Maumee, OH, on the one hand, and, on the other, Detroit, Saline, and Monroe, MI, Detroit Metropolitan Wayne County Airport, at or near Romulus, MI, and Detroit Willow Run Airport, near Ypsilanti, MI, and (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, used motor vehicles, commodities in bulk, and those requiring special equipment), (a) between Detroit Metropolitan Wayne County Airport, at or near Romulus, MI, on the one hand, and, on the other, Monroe, MI, restricted to the transportation of traffic having a prior or subsequent movement by air, and (b) between Detroit, MI, on the one hand, and, on the other, Cleveland, Lima, and Maumee, OH, and (3) *engine castings,* between Detroit and Flat Rock, MI, on the one hand, and, on the other, Cleveland, OH, and points in Bath Township (Allen County), OH. (Hearing site: Detroit, MI, or Toledo, OH.)

MC 147497 (Sub-2F), filed October 9, 1979. Applicant: L. DAVIGNON & SONS TRUCKING, INC., Box 78, Salisbury, VT 05769. Representative: John R. Barrera, P.O. Box 391, Middlebury, VT 05753. Contract carrier, transporting (1) *cheese and cheese products* and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above, between Hinesburg, VT, on the one hand, and, on the other, points in MA, CT, RI, NY, PA, NJ, OH, IN, IL, MD, DE, WV, NC, SC, GA, FL, MI, VA, and DC, under continuing contract(s) with International Cheese Company, Inc. of Hinesburg, VT. (Hearing site: Middlebury, or Burlington, VT.)

MC 147856 (Sub-2F), filed October 9, 1979. Applicant: SHERRY STONEBRAKER d.b.a., J&S EXPRESS, 10534 Hilltop Rd., Omaha, NE 68134. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *wallboard adhesives and caulking compounds,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Ohio Sealants Incorporated, at or near Mentor, OH, on the one hand, and, on the other, points in CA, CO, MD, MN, MI, NC, NY, NJ, TX, and UT. (Hearing site: Omaha, NE, or Des Moines, IA.)

MC 148337 (Sub-1F), filed October 12, 1979. Applicant: WESTERKAMP TRUCKING, INC., Route #2, Pella, IA 50219. Representative: Robert R. Rydell, 1020 Savings and Loan Bldg., Des Moines, IA 50309. Transporting *meats, meat products, meat byproducts, articles distributed by meat packing houses,* and *such commodities as are used by meat packers in the conduct of their business,* as defined in Sections A, C, and C in the Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Pella, IA, to points in IL, WI, NE, MN, and OH. (Hearing site: Des Moines, IA, or Minneapolis, MN.)

MC 148387 (Sub-1F), filed October 12, 1979. Applicant: S.M.P. INC., 166 Sitgreaves St., Phillipsburg, NJ 08865. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *pipe and pipe fittings,* and (2) *materials, equipment, and supplies* used in the manufacture and sale of the commodities in (1) above, between the facilities of Atlantic States Cast Iron Pipe Co., at or near Phillipsburg, NJ, on the one hand, and, on the other those points in the United States in and east of MN, IA, MO, KS, OK, and TX. (Hearing site: Newark, NJ, or New York, NY.)

MC 148597F, filed October 9, 1979. Applicant: NORRIS SUPPLY COMPANY, INC.,. P.O. Box 2006, Sparks, NV 89431. Representative: J. Craig Sweeney (same address as applicant). Transporting (1) *petroleum products,* in bulk, and (2) *liquid bulk commodities* (except petroleum products), between points in NV and CA. (Hearing site: Carson City, or Washington, DC.)

MC 148606F, filed October 9, 1979. Applicant: SIERRA TRUCKING, INC., Rt 1, Box R18–F, Beaumont, TX 77706. Representative: Donald B. Henderson, 17010 Sugar Pine Dr., Houston, TX 77090. Transporting *material lifting equipment and accessories* for such equipment, between points in Calcasieu, Cameron, Beauregard, Jefferson Davis, Acadia, Allen, Verno, Caddo, DeSoto, Sabine, LaFayette, Evangeline, Rapides, and Nachitoches Parishes, LA, on the one hand, and, on the other, Beaumont, TX. (Hearing site: Houston, TX.)

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-7933 Filed 3-13-80; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-71]

Certain Anaerobic Impregnating Compositions and Components Therefor; Order To Certify Motion to Commission

The presiding officer in the above-captioned investigation is hereby ordered to certify Motion No. 71–30 to the Commission along with her recommendation regarding disposition of the motion.

The Secretary will transmit a copy of this order to the presiding officer and serve copies on each party of record to the investigation.

By order of the Commission.

Issued: March 11, 1980.

Kenneth R. Mason,
Secretary.

[FR Doc. 80-7982 Filed 2-13-80; 8:45 am]
BILLING CODE 7020-02-M

Review of Certain Countervailing Duty Orders

Note.—This document supersedes the notice published at 45 FR 16051, March 12, 1980. Portions of that notice were

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inadvertently omitted; the entire text appears below.

Section 104(b) of the Trade Agreements Act of 1979 in pertinent part provides:

(b) Other Countervailing Duty Orders.—
(1) Review by Commission Upon request.—In the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930 (19 U.S.C. 1303):

(A) Which is not a countervailing duty order to which subsection (a) applies,

(B) Which applies to merchandise which is the product of a country under the Agreement, and

(C) Which is in effect on January 1, 1980, or which is issued pursuant to court order in an action brought under section 516(d) of that Act before that date,

the Commission, upon the request of the government of such a country or of exporters accounting for a significant proportion of exports to the United States of merchandise which is covered by the order, submitted within 3 years after the effective date of title VII of the Tariff Act of 1930 shall make a determination under paragraph (2) of this subsection.

(2) Determination by the Commission.—In a case described in paragraph (1) with respect to which it has received a request for review, the Commission shall commence an investigation to determine whether:

(A) An industry in the United States—

(i) Would be materially injured, or

(ii) Would be threatened with material injury, or

(B) The establishment of an industry in the United States would be materially retarded,

by reason of imports of the merchandise covered by the countervailing duty if the order were to be revoked.

It is the intention of the Commission to establish a schedule on or about April 30, 1980, for the conduct of investigations pursuant to section 104(b) encompassing requests for such investigations that have been received by March 28, 1980. In accordance with § 207.31 of the Commission's Rules of Practice and Procedure, among the factors considered by the Commission for establishing priorities of institution among such requests when the work before the Commission is such as to make immediate investigation in such cases impractical are:

(a) The trade interests of the United States;

(b) The length of time a countervailing duty order has been in effect (longest first);

(c) The volume of trade of the product in question; and

(d) The appropriateness of consolidation of investigations relating to like products.

Additional investigations, requests for which are received after March 28, 1980, and before December 31, 1982, will be scheduled at later dates.

Issued: March 11, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-7981 Filed 3-13-80; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; New Extended Benefit Period in the State of Rhode Island

This notice announces the beginning of a new Extended Benefit Period in the State of Rhode Island, effective on March 9, 1980.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State or the nation, to furnish up to 13 weeks of additional benefits to eligible individuals who have exhausted their rights to regular benefits under permanent State and Federal unemployment compensation laws. Part 615 of Title 20, Code of Federal Regulations, implements the statute (20 CFR Part 615).

In accordance with section 203(e) of the Act, the Rhode Island unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines, in accordance with 20 CFR 615.12(e), that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment under the State unemployment compensation law equalled or exceeded the State trigger rate. 20 CFR 615.12(b) or (c). The Extended Benefit Period actually begins with the third week following the week for which there is an "on"indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "On" Indicator

The head of the employment security agency of the State of Rhode Island has determined that, for the period consisting of the week ending on February 23, 1980, and the immediately preceding 12 weeks, the rate of insured unemployment in the State equalled or exceeded the State trigger rate.

Therefore, an Extended Benefit Period commenced in that State with the week beginning on March 9, 1980.

Information for Claimants

The duration of Extended Benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to Extended Benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to Extended Benefits in the State of Rhode Island, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State Employment Office of the Rhode Island Department of Employment Security in their locality.

Signed at Washington, D.C., on March 7, 1980.

Ernest G. Green,

Assistant Secretary for Employment and Training.

[FR Doc. 80-7980 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; New Extended Benefit Period in the State of New Jersey

This notice announces the beginning of a new Extended Benefit Period in the State of New Jersey, effective on March 9, 1980.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Extended Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State or the nation, to furnish up to 13 weeks of additional benefits to eligible individuals who have exhausted their rights to regular benefits under permanent State and Federal unemployment compensation laws. Part 615 of Title 20, Code of Federal Regulations, implements the statue (20 CFR Part 615).

In accordance with section 203(e) of the Act, the New Jersey unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines, in accordance with 20 CFR 615.12(e), that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment under the State unemployment compensation law equalled or exceeded the State trigger rate. 20 CFR 615.12 (b) or (c). The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "On" Indicator

The head of the employment security agency of the State of New Jersey has determined that, for the period consisting of the week ending on February 23, 1980, and the immediately preceding 12 weeks, the rate of insured unemployment in the State equalled or exceeded the State tigger rate.

Therefore, an Extended Benefit Period commenced in that State with the week beginning on March 9, 1980.

Information for Claimants

The duration of Extended Benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to Extended Benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

to furnish up to 13 weeks of additional benefits to eligible individuals who have exhausted their rights to regular benefits under permanent State and Federal unemployment compensation laws. Part 615 of Title 20, Code of Federal Regulations, implements the statue (20 CFR Part 615).

In accordance with section 203(e) of the Act, the New Jersey unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines, in accordance with 20 CFR 615.12(e), that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment under the State unemployment compensation law equalled or exceeded the State trigger rate. 20 CFR 615.12 (b) or (c). The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "On" Indicator

The head of the employment security agency of the State of New Jersey has determined that, for the period consisting of the week ending on February 23, 1980, and the immediately preceding 12 weeks, the rate of insured unemployment in the State equalled or exceeded the State tigger rate.

Therefore, an Extended Benefit Period commenced in that State with the week beginning on March 9, 1980.

Information for Claimants

The duration of Extended Benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to Extended Benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to Extended Benefits in the State of New Jersey, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest local office of the State Department of Labor and Industry in their locality.

Signed at Washington, D.C., on March 7, 1980.

Ernest G. Green,

Assistant Secretary for Employment and Training.

[FR Doc. 80-7866 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-30-M

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20013.

Signed at Washington, D.C., this 11th day of March 1980.

Earl T. Klein,

Director, Office of Program Services.

Applications Received During the Week Ending March 15, 1980

Name of Applicant and Location of Enterprise, and Principal Product or Activity

Palace Hotel Holding Corp., Ukiah, Calif.,—Hotel.

Hendrick Corp., Edinboro, Pa.—Manufacture of a patented building system for lower income house construction.

[FR Doc. 80-7972 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-80-38-C]

C & B Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

The employees of the C & B Coal Company, Box 26, Manton, Kentucky 41648 have filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to the Mine No. 3 located in Floyd County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The petitioners state that application of the standard to the roof

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bolting machine used at this mine will result in a diminution of safety for them because:

a. The canopy would obscure the vision of the machine operator, making it difficult for him or her to observe top conditions and to bolt next to the rib.

b. The canopy to be used was not factory designed and installed and the petitioners fear the frame of the machine is too weak to withstand the additional load.

2. For these reasons the petitioners request a modification of the standard for the mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 14, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 3, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-7874 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-25-M]

Day Mines, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Day Mines, Inc., Post Office Box 1010, Wallace, Idaho 83873 has filed a petition to modify the application of 30 CFR 55.9-22 (berms or guards) to its Leadville Mill located in Lake County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The petition concerns the requirement that berms or guards shall be provided on the outer banks of elevated roadways.

2. The maximum elevation of the Petitioner's roadway is ten feet.

3. Petitioner states that application of the standard will result in a diminution of safety for the following reasons:

(a) The berm will frequently cause snow to drift onto the roadway which will tend to obliterate it, reduce visibility, increasing icing and reduce traction, increase the hazard of using the roadway in the winter.

(b) Under certain winter conditions, petitioner is required to plow the roadway and push snow over the edge of the roadway. The berm would tend to restrict removal of snow from the roadway and plowing the roadway will tend to destroy the berm.

4. For these reasons, petitioner requests a modification of the standard for its mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 14, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 3, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-7875 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-16-C]

Doverspike Bros. Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Doverspike Brothers Coal Company, R.D. 4, Box 271, Punxsutawney, PA 15767 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Dora No. 6 mine located in Jefferson County, PA. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. Petitioner is mining a coal seam that varies in height from 30 to 41 inches with uneven roof and floor conditions. The actual mining height does not exceed 41 inches except in the one supply haulage entry.

2. Petitioner states that application of the standard would result in a diminution of safety for the miners affected for the following reasons:

a. The equipment operator could not maintain proper visibility or proper overall control for safe operation when confined in a cab or canopy;

b. The cabs or canopies could dislodge roof supports in the areas of uneven roof conditions.

3. For these reasons, petitioner requests a modification of the standard for his mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 14, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 3, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-7876 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-22-C]

Hamilton Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Hamilton Coal Company, Inc., Box 185, McDowell, Kentucky 41647, has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Old Circle M#50 Mine located in Floyd County, Kentucky. This petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. This petition concerns the installation of lighting on the petitioner's mining machines.

2. The petitioner states that due to the thinness of the seams there is not sufficient clearance between the top of the equipment and the mine roof to allow for installation of lighting

3. The petitioner states that if lighting were installed, it would have a blinding effect, thus causing a diminution of safety to those involve.

4. For these reasons, the petitioner requests a modification of the application of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 14, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 3, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-7877 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-31-C]

Little Bit Coal Enterprises, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Little Bit Coal Enterprises, Inc., No. 1, Goble-Roberts Road, Prestonsburg, Kentucky 41653, has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its No. 1 mine located in Emma County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. This petition concerns the installation of lighting on the petitioner's mining machines.

2. The petitioner states that due to the thinness of the seams there is not sufficient clearance between the top of the equipment and the mine roof to allow for installation of lighting.

3. The miners crawl on their hands and knees and always have their heads close to the roof. If the lighting were installed, it would have a blinding effect, thus resulting in a diminution of safety to those involved.

4. For these reasons, the petitioner requests a modification of the application of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 14, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 3, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-7878 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-242-C]

Marion Coal Co., Inc.; Petition for Modification of Application of Mandatory Stafety Standard

Marion Coal Company, Inc., Post Office Box 583, Tracy City, Tennessee 37387, has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its No. 29 mine located in Marion County, Tennessee. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The petition concerns the illumination of underground working places in which self-propelled mining equipment is operated.

2. The petitioner states that extreme mining conditions introduce machine vibrations that result in frequent lighting failure, which will cause changes in light intensity that will blind miners in the area.

3. The petitioner further states that the foreman will suffer impaired performance due to continual changes in lighting levels.

4. The petitioner further states that low seam conditions will require light placement on the sides of equipment, which will require miners to face glare and cause maintenance problems which will reduce teamwork and morale.

5. Based on the above considerations, the petitioner states that compliance with the standard will result in diminution of safety to miners, and requests variance of application of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 14, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 3, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-7879 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-43-M

(Docket No. M-79-286-C)

Melody Mountain Coals, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Melody Mountain Coals, Inc., Route 1W, Box 479, Virgie, Kentucky 41572 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Mine No. 1 located in Pike County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The petitioner states that installation of lighting fixtures to its cutting machine would result in a diminution of safety for the miners affected for the following reasons:

a. Fire hazards exist because of the additional wiring required for the lights. The lights become a source of ignition for dust and gas explosions as well as creating an electrocution possibility.

b. The excessive amount of heat generated by the additional lighting causes extreme discomfort for the miners affected.

c. Glare resulting from the additional lighting tends to blind miners working in the vicinity of the affected equipment.

d. The light fixtures are bulky and take up needed space on the top and sides of the equipment and there is a danger that some miners could be caught between the extra light fixtures and the coal rib or roof.

2. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 14, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 3, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-7880 Filed 3-13-80; 8:45]

BILLING CODE 4510-43-M

[Docket No. M-79-226-C]

New River Company for Ohio-Atlas Construction Co.; Petition for Modification of Application of Mandatory Safety Standard

New River Company, P.O. Box 711, Mt. Hope, West Virginia 25880 has filed a petition in behalf of the Ohio-Atlas Construction Company to modify the application of 30 CFR 75.1400 (hoisting equipment) to the New River Company's Skelton Mine Shaft located in Raleigh County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The petition concerns the construction of a concrete-lined shaft utilizing hoising facilities by means of a stiff-leg derrick used to raise and lower workers and materials in the shaft being constructed.

2. In the construction of this shaft, four concrete-lined entries are to be further extended to tie into existing mine entries at varied lengths to make the shaft operational and make it a functional part of the existing mine.

3. Petitioner proposes an alternative method that will provide the same measure of protection for the miners affected as that provided by the standard as follows:

a. Examination of the wire rope and hoist will be made on each shift.

b. The wire rope will be removed from service when any of the following conditions occur:

(1) The crown wear of the wire rope reaches 30%;

(2) Four broken wires in one rope lay;

(3) Three broken wires in one strand of one rope lay;

(4) Mechanical damage is evident from crushing, flattening, or kinking.

4. Petitioner states that installation of guide and safety catches to the hoist

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would pose a hazard to the people being hoisted.

5. For these reasons, petitioner requests a modification of the standard for its mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 14, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Date: March 3, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-7881 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-17-C]

Spring Creek Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Spring Creek Coal Company, P.O. Box 67, Decker, Montana 59025, has filed a petition to modify the application of 30 CFR 77.1400 (man hoists and elevators) to its Spring Creek Mine project located in Bighorn County, Montana. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The petition concerns the use of a crane with an enclosed skip to elevate workers in the construction of a coal storage facility 99 feet in the air, clear spanning 218 feet. Petitioner is attempting to connect two sections of roof beams for the coal storage facility. The connection requires 4 bolts that must be placed and tightened while the steel is in the air.

2. The use of safety nets is impossible because of the height and the lack of any structure to connect the nets to. Scaffolding is also not possible because of the height.

3. There are no articulating cranes available in this area with sufficient reach to attach a man basket to the boom and complete this bolting.

4. As an alternative method, which will at all times guarantee the safety of the miners affected, petitioner proposes to:

a. Elevate the workers in an enclosed skip secured to a safety hook with their safety lanyards hooked into a choker that is to be tied off above the hook,

b. Use two-way radio and hand signals for communication,

c. Have these men in full view of the crane operator and a secondary backup man at all times.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 14, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 3, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-7882 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-284-C]

T & N Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

T & N Coal Company, Inc., Craynor, Kentucky 41614, has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its #2 mine located in Floyd County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. This petition concerns the installation of lighting on the petitioner's mining machines.

2. The petitioner states that due to the thinness of the seams there is not sufficient clearance between the top of the equipment and the mine roof to allow for installation of lighting.

3. The miners crawl on their hands and knees and always have their heads close to the roof. If the lighting were installed, it would have a blinding effect, thus resulting in a diminution of safety to those involved.

4. For these reasons, the petitioner requests a modification of the application of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 14, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 3, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-7883 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-11-C]

Watson and Cassady Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Watson and Cassady Coal Company, Inc., Box 219, Betsy Layne, Kentucky 41605 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its No. 2 mine located in Floyd County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. Petitioner is mining coal ranging from 36 to 40 inches in height.

2. Petitioner states that installation of lighting equipment results in a diminution of safety for the miners affected because of the adverse effect the lighting has on the miners when they travel throughout the mine. The miners have to adjust their eyes from very low light to extremely bright light.

3. For this reason, petitioner requests a modification of the standard for this mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 14, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 3, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-7884 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

[TA-W-6756]

Armco Inc.; Metal Products Division, Summit Plant; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 10, 1980 in response to a worker petition received on December 31, 1979 which was filed by the United Steelworkers of America on behalf of workers and former workers producing corrugated steel drainage pipe for Armco Inc., Metal Products Division #8, Ashland, Kentucky. The investigation revealed that workers are employed by Armco Inc., Metal Products Division, Summit Plant, Summit, Kentucky. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imports of corrugated steel drainage pipe are negligible.

A survey of principal importers of pipe and similar articles failed to reveal any importers of corrugated drainage pipe. The importers cite the bulkiness and weight of this product and the resulting high freight costs as reasons for negligible imports of corrugated steel drainage pipe.

The petition alleges that imports of lower-cost steel by other domestic firms producing corrugated drainage pipe have allowed those competing firms to sell their product at lower prices than the Summit plant, resulting in employment declines at that plant. Steel is not like or directly competitive with corrugated drainage pipe, therefore imports of steel by the competing firms cannot be considered to have contributed importantly to the decline in employment at the Summit plant within the meaning of Section 222(3) of the Trade Act of 1974.

Conclusion

After careful review, I determine that all workers of Armco Incorporated, Metal Products Division, Summit Plant, Summit, Kentucky are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the trade Act of 1974.

Signed at Washington, D.C., this 10th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-7835 Filed 3-13-80; 8:45]

BILLING CODE 4510-28-M

[TA-W-6743]

Bay Textile Corp.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 10, 1980 in response to a worker petition received on December 20, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing textile yarns at the Bay Textile Corporation, Johnston, Rhode Island. In the following determination, without regard to whether any of the other criteria have been met, the following criterian has not been met:

That increases of imports of articles like or directly competitive with articles produces by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imports of all yarns into the United States decreased during the first nine months of 1979 as compared to the same period in 1978. The ratio of imports to domestic production was below 2 percent each year during the period 1974–1978.

Results of a U.S. Department of Labor Survey of firms who represented a major portion of the Bay Textile Corporation's 1978 sales indicated that those customers who decreased their purchases of yarn from the subject firm in 1979 as compared to 1978 did not increases their purchases of imported yarn during this period.

Conclusion

After careful review, I determine that all workers of the Bay Textile Corporation, Johnston, Rhode Island are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of March 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-7836 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6757-A-J]

Bethlehem Mines Corp., Kayford-Boone-Nicholas Division; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 10, 1980 in response to a worker petition received on December 31, 1979 which was filed by the United Steel Workers of America on behalf of workers and former workers producing metallurgical coal at the Kayford and Boone Divisions of the Bethlehem Mines Corporation, Charleston, West Virginia. The investigation revealed that the petitioning mines are in the Kayford-Boone-Nicholas Division of Bethlehem Mines Corporation and that the petition was filed by the United Mine Workers of America. In the following determination, without regard to whether any of the criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imports of metallurgical coal decreased absolutely and relatively from 1977 to 1978 and in the first nine months of 1979 compared to the like period of 1978. The ratio of imports to domestic production did not exceed 0.60 percent from 1974 through 1978.

In accordance with Section 222 of the Trade Act of 1974 and 29 CFR 90.2, a domestic article may be "directly competitive" with an imported article at a later stage of processing. Coke is metallurgical coal at a later stage of processing.

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Imports of coke decreased absolutely and relatively in the first nine months of 1979 compared to the like period in 1978.

Production of metallurgical coal by mines in the Keyford-Boone-Nicholas Division increased from 1977 to 1978 and increased from 1978 to 1979. Partial year comparisons made to discount the impact of a four-month industry-wide strike from December 1977 to March 1978 and a wildcat strike in August 1977 also show sharp increases in production. Production increased during the period from April to November (excluding August) in 1978 compared to the same period in 1977, and in the period April through December 1979 compared to the like period of 1978. The cause of the closing of the Kayford Division was the loss of the use of its preparation plant. (Mines #114, #115, and #119 were closed earlier in 1978 and 1979 due to depletion of their coal reserves. Workers of these mines were denied eligibility to apply for adjustment assistance in August, 1979)

Appendix

Petition Number and Mine

TA-W-6757-A, #111 (Kayford County).
TA-W-6757-B, #113 (Kayford County).
TA-W-6757-C, #114 (Kayford County).
TA-W-6757-D, #115 (Kayford County).
TA-W-6757-E, #116 (Kayford County).
TA-W-6757-F, #118 (Kayford County).
TA-W-6757-G, #119 (Kayford County).
TA-W-6757-H, #121 (Kayford County).
TA-W-6757-I, #131 (Boone County).
TA-W-6757-J, #81 (Nicholas County).

Conclusion

After careful review, I determine that all workers at mines in the Kayford-Boone-Nicholas Division of the Bethlehem Mines Corporation, Charleston, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-7837 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6768]

Bulova Watch Co., Inc., Watch Manufacturing Division; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 14, 1980 in response to a worker petition received on December 26, 1979 which was filed by the Tool and Diemakers Independent Union on behalf of workers and former workers producing watches at Bulova Watch Company, Incorporated, Watch Manufacturing Division, Jackson Heights, New York. The investigation revealed that the petitioning group of workers produce watch movements and spare parts. It is concluded that all of the requirements have been met.

U.S. imports of nonconventional watches increased absolutely and relative to domestic production in 1978 compared with 1977 and increased absolutely in the first nine months of 1979 when compared with the same period in 1978. The ratio of U.S. imports to domestic production was 137.5 in 1978.

Bulova Watch Company, Incorporated imports watch movements from its own foreign plants. Company imports increased from 1978 to 1979. These imported movements have assumed an increasingly larger share of all company watch movements in 1978 and 1979 and will be the sole source of all movements in early 1980. Production of watch movements at the Jackson Heights facility will cease at that time.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with watch movements produced at Bulova Watch Company, Incorporated, Watch Manufacturing Division, Jackson Heights, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that division of the firm. In accordance with the provisions of the Act, I make the following certifications:

All workers of Bulova Watch Company, Incorporated, Watch Manufacturing Division, Jackson Heights, New York who became totally or partially separated from employment on or after February 28, 1980 and before June 30, 1980 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers who are totally or partially separated from employment after June 30, 1980 are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 10th day of March 1980.

James F. Taylor,

Director, Officer of Management, Administration and Planning.

[FR Doc. 80-7838 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6759]

Canteen Corp.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 10, 1980 in response to a worker petition received on December 20, 1979 which was filed on behalf of workers and former workers operating cafeteria facilities at the Canteen Corporation, Fenton, Missouri.

Canteen Corporation is engaged in providing vending and cafeteria services. Thus, workers of Canteen Corporation do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Canteen Corporation by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Canteen Corporation and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company engaged in the production of a product.

All workers engaged in operating cafeteria facilities at Canteen Corporation are employed by that firm. All personnel actions and payroll transactions are controlled by Canteen Corporation. All employee benfits are provided and maintained by Canteen Corporation. Workers are not, at any time, under employment or supervision by customers of Canteen Corporation. Thus, Canteen Corporation, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Canteen Corporation, Fenton, Missouri are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-7839 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6745]

Chanin Clothing Co., Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 23 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 10, 1980 in response to a worker petition received on December 20, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's tailored clothing at Chanin Clothing Company, Incorporated. The investigation revealed that the plant produces primarily men's suits, sportcoats and pants. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' tailored dress coats and sportcoats increased absolutely and relative to domestic production from 1977 to 1978. U.S. imports of men's and boys' tailored suits are estimated to have increased relative to domestic production from 1978 to 1979. U.S. imports of men's and boys' dress and sport trousers and shorts increased absolutely and relative to domestic production from 1977 to 1978.

Sales of the manufacturers which contract orders to Chanin decreased from 1978 to 1979. The manufacturers do not purchase imported men's tailored clothing and do not employ offshore contractors to produce these garments.

A survey of customers of these manufacturers revealed that some customers decreased puchases of men's tailored clothing from the manufacturers and increased purchases of imported men's tailored clothing in 1979 compared with 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's tailored clothing, including suits, sportcoats, and pants produced at Chanin Clothing Company, Incorporated, New York City, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Chanin Clothing Company, Incorporated, New York City, New York who became totally or partially separated from employment on or after May 18, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of March 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-7840 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6746 and 6747]

Claremont Clothes, Inc. and Clinton Swan Clothes, Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 10, 1980 in response to a worker petition received on December 20, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's tailored clothing at Claremont Clothes, Incorporated and Clinton Swan Clothes, Incorporated, New York City, New York. The investigation revealed that the plant produces primarily men's suits, sportcoats, pants and outerwear. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' tailored dress coasts and sportcoats increased absolutely and relative to domestic production from 1977 to 1978. U.S. imports of men's and boys' tailored suits are estimated to have increased relative to domestic production from 1978 to 1979. U.S. imports of men's and boys' dress and sport trousers and shorts increased absolutely and relative to domestic production from 1977 to 1978.

A survey of customers of Claremont Clothes, Incorporated and Clinton Swan Clothes, Incorporated revealed that some customers decreased purchases of men's tailored clothing from Claremont and Clinton Swan and increased purchases of imported men's tailored clothing in 1979 compared with 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's tailored clothing, including suits, sportcoats, pants and outerwear produced at Claremont Clothes, Incorporated and Clinton Swan Clothes, Incorporated, New York City, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of those firms. In accordance with the provisions of the Act, I make the following certification:

All workers of Claremont Clothes, Incorporated, New York City, New York who became totally or partially separated from employment on or after December 11, 1978 and all workers of Clinton Swan Clothes, Incorporated, New York City, New York who became totally or partially separated from employment on or after April 6, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of March 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-7842 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6735]

Crompton & Knowles Corp., Weaving Division; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding

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certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 9, 1980 in response to a worker petition received on January 2, 1980 which was filed by the United Steelworkers of America on behalf of workers and former workers producing castings and powerloom parts for textile machinery at the Crompton and Knowles Corporation, Weaving Division, Worcester, Massachusetts plant. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of power looms decreased both absolutely and relative to U.S. production in 1979 compared to 1978.

The decline in employment at the Worcester plant is caused primarily by a domestic transfer of production from the Worcester plant to existing Crompton and Knowles plants in the South. Company sales of power looms and power loom parts increased in 1979 compared to 1978.

Conclusion

After careful review, I determine that all workers of the Worcester, Massachusetts plant of Crompton and Knowles Corporation, Weaving Division are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of March 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-7843 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6736]

Culmo-Larkin Chrysler-Plymouth, Inc.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 9, 1980 in response to a worker petition received on January 2, 1980 which was filed on behalf of workers and former workers selling, leasing and servicing automobiles at Culmo-Larkin Chrysler-Plymouth, Incorporated, Thomaston, Connecticut.

The investigation revealed that Culmo-Larkin Chrysler-Plymouth, Incorporated was engaged in providing the service of selling, leasing and servicing automobiles.

Thus, workers of Culmo-Larkin Chrysler-Plymouth, Incorporated did not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Culmo-Larkin Chrysler-Plymouth, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Culmo-Larkin Chrysler-Plymouth, Incorporated and its suppliers had no controlling interest in one another. The subject firm was not corporately affiliated with any other company.

All workers engaged in the sale, leasing and servicing of automobiles at Culmo-Larkin Chrysler-Plymouth, Incorporated were employed by that firm. All personnel actions and payroll transactions were controlled by Culmo-Larkin Chrysler-Plymouth, Incorporated. All employee benefits were provided and maintained by Culmo-Larkin Chrysler-Plymouth, Incorporated. Workers were not, at any time, under employment or supervision by the suppliers of Culmo-Larkin Chrysler-Plymouth, Incorporated. Thus, Culmo-Larkin Chrysler-Plymouth, Incorporated, and not any of its suppliers must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Culmo-Larkin Chrysler-Plymouth, Incorporated, Thomaston, Connecticut are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of March, 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-7844 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6644, 6713]

Essex Group Inc.; Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigations were initiated on December 20, 1979 and January 7, 1980 in response to worker petitions received on December 13, 1979 and January 7, 1980, respectively, which were filed on behalf of workers and former workers producing plastic parts for cars at the Elwood, Indiana plant of Essex Group, Incorporated (TA-W-6644), and on behalf of workers and former workers producing electromechanical parts for cars at the Mitchell, Indiana plant of Essex Group, Incorporated (TA-W-6713). The investigation revealed that the Elwood, Indiana plant produces plastic parts for automotive wire harnesses and the Mitchell, Indiana plant produces metal parts for automotive wire harnesses. In the following determinations, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imported automobiles cannot be considered to be like or directly competitive with domestically produced automotive wire harnesses. Imports of automobile wire harnesses must be considered in determining import injury to workers producing components for automobile wire harnesses at the Elwood, Indiana and Mitchell, Indiana plants of Essex Group, Inc.

The Department of Labor conducted a survey of major automotive wire harness customers of Essex Group. None of the customers surveyed increased purchases of imported automotive wire harnesses and decreased purchases of such wire harnesses from Essex from 1978 to 1979. Both the Elwood, Indiana and Mitchell, Indiana plants produce components which are sold by Essex as part of the automotive wire harness subassembly.

Conclusion

After careful review, I determine that all workers at the Elwood, Indiana and Mitchell, Indiana plants of Essex Group, Incorporated are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 5th day of March 1980.

Harry J. Gilman,

Supervisory International Foreign Economic Research.

[FR Doc. 80-7845 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6842]

Famous Maid Brassiere Co.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 24, 1980 in response to a worker petition received on January 18, 1980 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing brassieres at Famous Maid Brassiere Company, Brooklyn, New York. It is concluded that all of the requirements have been met.

Evidence developed in the course of the investigation revealed that U.S. imports of brassieres, bralettes and bandeaux increased absolutely from 1977 to 1978 and continued to increase during the first three quarters of 1979 compared to the same period in 1978.

Imports of brassieres by Famous Maid increased from 1977 to 1978 and from 1978 to 1979. As a percentage of total sales by Famous Maid, imported brassieres increased from 1977 to 1978 and from 1978 to 1979. The increased reliance on imported brassieres by Famous Maid resulted in decreased production and employment at the Brooklyn production facility.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with brassieres produced at Famous Maid Brassiere Company, Brooklyn, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Famous Maid Brassiere Company, Brooklyn, New York who became totally or partially separated from employment on or after January 14, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-7846 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W6844]

Frolic Footwear; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 24, 1980 in response to a worker petition received on January 18, 1980 which was filed by the United Food and Commercial Workers, Boot and Shoe Division, Local 728 on behalf of workers and former workers producing women's shoes at the Jonesboro, Arkansas plant of Frolic Footwear. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Total company sales of women's shoes increased in value from 1978 to 1979. Company sales increased in value in the fourth quarter of 1979, compared with the same period of the previous year. Plant production and plant sales increased in quantity and value from 1978 to 1979. Average monthly employment of production workers at the plant increased from 1978 to 1979.

Conclusion

After careful review, I determine that all workers at the Jonesboro, Arkansas plant of Frolic Footwear are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-7847 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6690]

General Cable Co.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 4, 1980 in response to a worker petition received on December 21, 1979 which was filed by the International Brotherhood of Electrical Workers on behalf of workers and former workers producing bare copper wire at the St. Louis, Missouri plant of General Cable Company. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of copper wire declined both absolutely and relative to domestic production in the January through September 1979 period when compared to the same period in 1978.

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The investigation revealed that the St. Louis plant of General Cable Company produces bare copper wire for both transfer to other company plants for further processing and for sale to commercial customers. The Department surveyed only customers of bare copper wire who decreased their purchases from the St. Louis plant. The customers of the end products produced at other company plants were not surveyed because either the intracompany transfers from the St. Louis plant increased or sales of the end products increased from 1978 to 1979.

A Departmental survey of customers decreasing their purchases of bare copper wire from the St. Louis, Missouri plant of General Cable Company revealed that the customers did not purchase imported copper wire in 1978 or 1979.

Conclusion

After careful review, I determine that all workers of the St. Louis, Missouri plant of General Cable Company are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of March 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-7848 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6724]

General Electric Co.; Medical Systems Division; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 8, 1980 in response to a worker petition received on December 26, 1979 which was filed on behalf of workers and former workers producing medical diagnostic equipment at the Milwaukee, Wisconsin plant of General Electric Medical Systems. The investigation revealed that the petition was filed on behalf of workers producing image intensifier tubes for X-ray machines at the Electric Avenue, Milwaukee, Wisconsin plant of the Medical Systems Division of the General Electric Company. It is concluded that all of the requirements have been met.

U.S. imports of X-ray tubes increased in 1978 compared with 1977 and increased in the first three quarters of 1979 compared with the same period of 1978.

General Electric's Medical Systems Division relied partially on imports as a source of image intensifier tubes in addition to producing them at its Electric Avenue plant in Milwaukee, Wisconsin in 1978 and 1979. Since January 1980 the company has been relying completely on imports to meet its requirements of image intensifier tubes.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the image intensifier tubes for X-ray machinery produced at the Electric Avenue, Milwaukee, Wisconsin plant of General Electric's Medical Systems Division contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Image Intensifier Tube Operations at the Electric Avenue, Milwaukee, Wisconsin plant of the Medical Systems Division of the General Electric Company who became totally or partially separated from employment on or after November 3, 1979 and before March 8, 1980 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of March 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-7849 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6705]

General Motors Corp., Delco Electronics Division; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certifications of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 7, 1980 in response to a worker petition received on December 17, 1979 which was filed on behalf of workers and former workers producing radios, tape players and engine controls for General Motors cars at the Kokomo, Indiana, plant of General Motors Corporation's Delco Electronics Division. The investigation revealed that the primary products: radios, speakers, engine controls, voltage regulators and ignition modules are for use in General Motors automobiles and trucks. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Kokomo, Indiana, plant of General Motors Corporation's Delco Electronics Division produces radios, speakers, engine controls, voltage regulators and ignition modules for use in the manufacture of General Motors automobiles and trucks. Since the products are specifically designed for General Motors automobiles and trucks and cannot be used in the manufacturer of other than General Motors models without design changes, the only imports of products "like or directly competitive" with the products produced at the Delco Electronics Division, Kokomo, Indiana would be imports of similar products by the General Motors Corporation for use in the manufacture of General Motors Automobiles and Trucks. General Motors does not import radios, speakers, engine controls, voltage regulators and ignition modules.

The products at the Kokomo, Indiana plant of Delco Electronics Division are used in the assembly of various General Motors automobiles and trucks. Workers at the Kokomo plant may be certified if a significant proportion of the plant's output is used in the production of General Motors automobiles or trucks which are determined to be importantly impacted by increased imports of like or directly competitive products. Investigations regarding workers producing General Motors automobiles and trucks are currently in progress (TA-W-6999—7083). Further consideration will be given to workers at the Kokomo, Indiana plant of General Motors Corporation's Delco Electronics Division when a determination is made regarding the above mentioned investigations.

Conclusion

After careful review, I determine that all workers at the Kokomo, Indiana plant of General of General Motors Corporation's Delco Electronics Division are denied eligibility to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of March 1980.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 80-7850 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6637 and TA-W-6637A]

Ginsburg Manufacturing Co., Inc. and Redmond Finishing Co., Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on December 18, 1979 in response to a worker petition received on December 10, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' sleepwear at Ginsburg Manufacturing Company, Incorporated, New York, New York. The investigation was expanded to include Redmond Finishing Company, Incorporate (TA-W-6637A). It is concluded that all of the requirements have been met.

Ginsburg Manufacturing Company produces ladies' nightwear and robes. Redmond Finishing Company, a subsidiary of Ginsburg, produces fabric for Ginsburg.

U.S. imports of women's, girls', and children's nightwear increased absolutely from 1976 to 1977 and from 1977 to 1978. Imports decreased absolutely in the first nine months of 1979 compared to the same period in 1978.

U.S. imports of women's misses', and children's robes, dressing gowns, and housecoats increased absolutely from 1976 to 1977 and from 1977 to 1978. Imports decreased absolutely in the first nine months of 1979 compared to the same period in 1978.

The Department conducted a survey of customers which purchased ladies' nightwear and robes from Ginsburg Manufacturing Company, Incorporated. The survey revealed that customers of Ginsburg Manufacturing Company, Incorporated decreased purchases from the subject firm and increased purchases of imported ladies' nightwear and robes from 1978 to 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' nightwear and robes produced at Ginsburg Manufacturing Company, Incorporated, New York, New York and Redmond Finishing Company, Incorporated, East Stroudsburg, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of those firms. In accordance with the provisions of the Act, I make the following certification:

All workers of Ginsburg Manufacturing Company, Incorporated, New York, New York and Redmond Finishing Company, Incorporated, East Stroudsburg, Pennsylvania who became totally or partially separated from employment on or after December 6, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of March 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-7851 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6751]

Harry Irwin, Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 10, 1980 in response to a worker petition received on December 20, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's tailored clothing at Harry Irwin, Incorporated, New York, New York. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' tailored suits increased relative to domestic production in 1979 compared to 1978.

A survey of cutomers of Harry Irwin revealed that customers accounting for a significant proportion of the sales decline experienced by the subject firm decreased purchases of men's tailored clothing from Harry Irwin in 1979 compared to 1978 while increasing purchases of men's suits, topcoats and overcoats from foreign sources.

Conlusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's tailored clothing produced at Harry Irwin, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certificaiton:

All workers of Harry Irwin, Incorporated, New York, New York who became totally or partially separated from employment on or after March 31, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of March 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-7852 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6752, TA-W-6752-A, TA-W-6752-B]

Highlander Sportswear, Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification or eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 10, 1980 in response to a worker petition received on December 20, 1979

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which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing shearling coats and leather apparel at Highlander Sportswear, Incorporated, Newark, New Jersey (TA-W-6752). The investigation was expanded to include workers and former workers at the Clifton, New Jersey (TA-W-6752-A) and New York, New York (TA-W-6752-B) facilities of Highlander Sportswear, Incorporated. It is concluded that all of the requirements have been met.

U.S. imports of leather coats and jackets for men, women, and children increased in dollar value and rose relative to domestic production in 1978 from 1977. U.S. imports of leather apparel increased in dollar value and rose relative to domestic production in 1978 from 1977.

A Department survey revealed that some of the customers surveyed had reduced purchases from Highlander Sportswear and had increased purchases of imported leather coats in 1979 from 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imnports of articles like or directly competitive with shearling coats and leather apparel produced at Highlander Sportswear, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of the Newark, New Jersey (TA-W-67542); Clifton, New Jersey (TA-W-6752-A); and New York, New York (TA-W-6752-B); facilities of Highlander Sportswear, Incorporated who became totally or partially separated from employment on or after January 25, 1980 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 7th day of March 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-7853 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6725]

International Coat Co.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 8, 1980 in response to a worker petition received on December 31, 1979 which was filed on behalf of workers and former workers producing ladies' and juniors' outerwear at International Coat Company, Paterson, New Jersey. The investigation revealed that the plant produces primarily ladies' coats. It is concluded that all of the reqirements have been met.

U.S. imports of women's, misses' and children's coats and jackets increased both absolutely and relative to domestic production in 1978 compared to 1977.

The Department of Labor conducted a survey of the manufacturers for whom International Coat Company performed contract work. The survey revealed that manufacturers decreased orders with International Coat Company and increased imports of ladies' coats in 1979 compared to 1978. These manufacturers accounted for a substantial proportion of International Coat Company's decline in contract work from 1978 to 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' coats produced at International Coat Company, Paterson, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of International Coat Company, Paterson, New Jersey who became totally or partially separated from employment on or after December 27, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 7th day of March 1980.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 80-7854 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6726]

Johnson Steel and Wire Company, Inc.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 8, 1980 in response to a worker petition received on January 2, 1980 which was filed by the United Steelworkers of America on behalf of workers and former workers producing tire bead wire (high carbon steel wire), at the Johnson Steel and Wire Company, Incorporated, Akron, Ohio. The investigation revealed that the plant also produces oil tempered spring wire. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The plant produced tire bead wire and oil tempered spring wire. Oil tempered spring wire accounted for about one-fifth of 1979 sales, and the investigation revealed that there were no declines in the employment of workers producing oil tempered spring wire. Employment declines occurred in December 1979 when the plant discontinued the production of tire bead wire.

Imports of bead wire decreased both absolutely and relative to domestic production in 1979 compared to 1978.

The Department of Labor conducted a survey of some of the tire bead wire customers of Johnson Steel and Wire Company, Inc., Akron, Ohio. The survey revealed that customers which decreased purchases of tire bead wire from Johnson Steel and Wire did not increase purchases of imported bead wire in 1979 compared to 1978.

Industry sources indicated that demand for bead wire slumped in 1979 primarily due to the decline in demand for original equipment tires caused by reduced automobile production. Additionally, there is a trend towards production of smaller tires which use less bead wire.

Conclusion

After careful review, I determine that all workers of the Johnson Steel and Wire Company, Incorporated, Akron, Ohio are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-7855 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6727]

Johnson Steel and Wire Co., Inc.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 8, 1980 in response to a worker petition received on January 2, 1980 which was filed by the United Steelworkers of America on behalf of workers and former workers producing high carbon steel wire at the Johnson Steel and Wire Company, Incorporated, Worcester, Massachusetts. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Employment declines at the Johnson Steel and Wire Company were primarily attributable to the discontinuance of tire bead wire production at the plant.

Production and sales of all wire products at the plant increased in 1978 compared to 1977 and in 1979 compared to 1978. Employment at the plant increased in 1979 compared to 1978. There were no significant employment declines until December 1979 when the production of tire bead wire was discontinued.

Imports of tire bead wire declined both absolutely and relative to domestic production in 1979 compared to 1978.

Industry sources indicated that demand for bead wire slumped in 1979 primarily due to the decline in demand for original equipment tires caused by reduced automobile production. Additionally, there is a trend toward production of smaller tires which use less bead wire.

The Department of Labor conducted a survey of some of the tire bead wire customers of Johnson Steel and Wire Company. The survey revealed that customers which decreased purchases of tire bead wire from Johnson Steel and Wire in 1979 compared to 1978 did not increase purchases of imported bead wire.

Conclusion

After careful review, I determine that all workers of the Johnson Steel and Wire Company, Incorporated, Worcester, Massachusetts are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of March 1980.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 80-7856 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6716]

Leather Mates, Inc.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 8, 1980 in response to a worker petition received on December 20, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing leather apparel at Leather Mates, Incorporated, New York, New York. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of leather apparel, including men's, boy's, women's, misses', juniors' and children's coats and jackets, decreased during the first nine months of 1979 compared to the first nine months of 1978.

A survey of manufacturers who contracted out work to Leather Mates was conducted by the Department. Survey results reveal that none of the manufacturers utilize foreign contractors or import finished leather apparel for domestic resale. Two of the largest manufacturers who contracted out work to Leather Mates experienced sales declines during 1979 compared to 1978. Secondary surveys of customers of these two manufacturers were therefore conducted by the Department. Results of these secondary surveys reveal that none of the customers of the manufacturers decreased purchases from the manufacturers while increasing purchases of imported leather apparel.

Conclusion

After careful review, I determine that all workers of Leather Mates, Incorporated, New York, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-7857 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6314]

M and M Valley Sportswear; Affirmative Determination Regarding Application for Reconsideration

On February 8, 1980, one of the petitioners requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers and former workers of M and M Valley Sportswear, Holsopple, Pennsylvania. This determination was published in the **Federal Register** on February 1, 1980, (45 FR 7349).

The petitioner claims that workers at M and M Valley Sportswear, Holsopple, Pennsylvania, were denied trade adjustment assistance while workers at Tidy Products, Columbia, Pennsylvania, TA-W-6453, were certified eligible for

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trade adjustment assistance. Tidy Products was the sole manufacturer for which M and M Valley Sportswear worked in 1979.

Conclusion

After review of the application, I conclude that the claim of the petitioner is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 7th day of March 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-7858 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7098]

Marc Trans, Inc.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on February 12, 1980, in response to a worker petition received on January 24, 1980, which was filed by the Teamsters on behalf of workers and former workers of the Marc Trans, Inc., Rochester, Pennsylvania.

Marc Trans, Inc. is solely engaged in providing transportation services.

Thus, workers of Marc Trans, Inc. do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Marc Trans, Inc. by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Marc Trans, Inc. and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company which produces an article.

All workers engaged in providing transportation services at Marc Trans, Inc. are employed by that firm. All personnel actions and payroll transactions are controlled by Marc Trans, Inc. All employee benefits are provided and maintained by Marc Trans, Inc. Workers are not, at any time, under employment or supervision by customers of Marc Trans, Inc. Thus, Marc Trans, Inc., and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Marc Trans, Inc., Rochester, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of March 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-7859 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6450]

McDonnell Douglas Corp.; Affirmative Determination Regarding Application for Reconsideration

On February 8, 1980, the union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers and former workers of McDonnell Douglas Corporation, St. Louis, Missouri. This determination was published in the **Federal Register** on February 1, 1980, (45 FR 7349).

The union claims that workers engaged in the production of avionics doors at McDonnell Douglas were laid off because avionics doors were imported from Israel as part of an offset agreement made with Israel by McDonnell Douglas Corporation. According to the union, this committment allowed Israeli industry an opportunity to bid on selected components which they were judged qualified to produce. Further, the union provided the names of the separated workers it claims were adversely impacted by imports of avionic doors from Israel.

Conclusion

After review of the application, I conclude that the claim of the petitioner is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 5th day of March 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-7860 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, or such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 24, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 24, 1980.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 10th day of March 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Chrysler Corp., San Leandro Parts Depot (UAW).	San Leandro, Calif	2/29/80	2/26/80	TA-W-7,280	Distribution of automotive parts and accessories.
Chrysler Corp., Minneapolis Parts Depot (UAW).	Plymouth Village, Minn	2/29/80	2/26/80	TA-W-7,281	Distribution of automotive parts and accessories.
Chrysler Corp., Denver Parts Depot (UAW)	Denver, Colo	2/29/80	2/26/80	TA-W-7,282	Distribution of automotive parts and accessories.
Chrysler Corp., Los Angeles Parts Depot (UAW).	Fullerton, Calif	2/29/80	2/26/80	TA-W-7,283	Distribution of automotive parts and accessories.
Chrysler Corp., Boston Parts Depot (UAW)	Natick, Mass	2/29/80	2/26/80	TA-W-7,284	Distribution of automotive parts and accessories.
Chrysler Corp., Portland Parts Depot (UAW)	Beaverton, Oreg	2/29/80	2/26/80	TA-W-7,285	Distribution of automotive parts and accessories.
Chrysler Corp., New York Parts Depot (UAW).	Tappen, NY	2/29/80	2/26/80	TA-W-7,286	Distribution of automotive parts and accessories.
Chrysler Corp., Richmond Parts Depot (UAW)	Richmond, Va	2/29/80	2/26/80	TA-W-7,287	Distribution of automotive parts and accessories.
Chrysler Corp., Cleveland Parts Depot (UAW).	Solon, Ohio	2/29/80	2/26/80	TA-W-7,288	Distribution of automotive parts and accessories.
Chrysler Corp., Kansas City Parts Depot (UAW).	Kansas City, Mo	2/29/80	2/26/80	TA-W-7,289	Distribution of automotive parts and accessories.
Chrysler Corp., Atlanta Parts Depot (UAW)	Atlanta, Ga	2/29/80	2/26/80	TA-W-7,290	Distribution of automotive parts and accessories.
Chrysler Corp., Memphis Parts Depot (UAW)	Memphis, Tenn	2/29/80	2/26/80	TA-W-7,291	Distribution of automotive parts and accessories.
Chrysler Corp., Chicago Parts Depot (UAW)	Elkgrove Village, Ill	2/29/80	2/26/80	TA-W-7,292	Distribution of automotive parts and accessories.
Chrysler Corp., Indianapolis Parts Depot (UAW).	Indianapolis, Ind	2/29/80	2/26/80	TA-W-7,293	Distribution of automotive parts and accessories.
Chrysler Corp., Centerline Parts Depot (UAW)	Centerline, Mich	2/29/80	2/26/80	TA-W-7,294	Distribution of automotive parts and accessories.
Chrysler Corp., Warren Parts Depot (UAW)	Warren, Mich	2/29/80	2/26/80	TA-W-7,295	Distribution of automotive parts and accessories.
Chrysler Corp., Orlando Parts Depot (UAW)	Orlando, Fla	2/29/80	2/26/80	TA-W-7,296	Distribution of automotive parts and accessories.
Chrysler Corp., Brownstown Parts Depot (UAW).	Wyandott, Mich	2/29/80	2/26/80	TA-W-7,297	Distribution of automotive parts and accessories.
Belmont Garment Co. (workers)	Cambridge, Mass	2/27/80	2/15/80	TA-W-7,298	Men's rainwear and topcoats.
Barson & Co. (company)	Palmerton, Pa	2/19/80	2/15/80	TA-W-7,299	Women's and misses tops.
Vivtar Corp (workers)	Lyndhurst, N.J	2/27/80	2/13/80	TA-W-7,300	Photographic equipment.
Globe Industries, Oregon Ohio Plant (RWDSU).	Oregon, Ohio	2/29/80	2/25/80	TA-W-7,301	Sound deadening materiel.
Lear-Siegler, Lear Siegler Automotive Division (UAW).	Detroit, Mich	2/29/80	2/13/80	TA-W-7,302	Truck axle housing and tubes, transmission supports, frame crossmembers.
General Motors Corp., Chevrolet—Adrian (UAW).	Adrian, Mich	2/29/80	2/26/80	TA-W-7,303	Engine parts.
General Motors Corp., Oldsmobile Forge (UAW).	Lansing, Mich	2/29/80	2/26/80	TA-W-7,304	Cutlasses, Cutlasses Supremes, motor components.
General Motor Corp., Fisher Body Stamping (UAW).	Kalamazoo, Mich	2/29/80	2/26/80	TA-W-7,305	Forgings—steel door panels and various other forgings.
Gloucester Ice & Cold Storage Co. (workers)	Gloucester, Mass	2/29/80	2/25/80	TA-W-7,306	Pack fish in master cartons, freeze and store the fish.
Leslie Fay, Inc. (workers)	Lincolnton, N.C	2/22/80	2/19/80	TA-W-7,307	Finished fabric (knitted).
Merit Manufacturing Co. (workers)	Fall River, Mass	2/18/80	2/13/80	TA-W-7,308	Ladies' better dresses, also, ladies' skirts.
Lisa Scott Apparel, Inc. (company)	New York, N.Y	2/13/80	1/31/80	TA-W-7,309	Ladies' and men's apparel.
Whitestone Industries, Inc. (company)	New York, N.Y	2/13/80	1/31/80	TA-W-7,310	Ladies' and men's apparel.
Southern Appalachian Coal Co., Freeport Mine No. 1 (workers).	Julian, W. Va	2/28/80	2/25/80	TA-W-7,311	Metallurgical coal.
Southern Appalachian Coal Co., Bull Creek Mine No. 1 (workers).	Julian, W. Va	2/28/80	2/25/80	TA-W-7,312	Metallurgical coal.
Goldfields, Inc. (workers)	Signal Hill, Calif	2/20/80	2/14/80	TA-W-7,313	Hair dryers, curling irons, makeup mirrors, and hamburger cookers.
M. G. Kinsler Co., Inc. (ILGWU)	Springfield, Mass	2/26/80	2/22/80	TA-W-7,314	Ladies' coats.
Industrial Timer Corp. (IUE)	Parsippany, N.J	2/27/80	2/22/80	TA-W-7,315	Relays and timers, also, electronic equipment.
Collins & Catlin, Inc. (workers)	Port Huron Mich	2/19/80	2/12/80	TA-W-7,316	General contracting (bricklaying and carpentry).
Sunset Sportwear (ACTWU)	Seattle, Wash	2/18/80	2/15/80	TA-W-7,317	Men's, women's and children's outerwear.
General Safety Corp. (workers)	St. Clair Shores, Mich	2/26/80	2/19/80	TA-W-7,318	Safety belts.
Louis Goldstein (ILGWU)	New York, N.Y	2/22/80	2/14/80	TA-W-7,319	Ladies' coats.
Plesco Products, Inc. (company)	Worcester, Mass	2/29/80	2/26/80	TA-W-7,320	Hospital disposable garments.
Morris Levine & Son, Inc. (workers)	New York, N.Y	2/18/80	2/14/80	TA-W-7,321	Ladies' cloth coats, suits, and ladies' leather coats.
Seneca Glass Co. (American Flint Glass Workers Union).	Morgantown, W. Va	2/26/80	2/22/80	TA-W-7,322	Handmade glass.
Levy Goldkiang, Inc. (company)	New York, N.Y	2/18/80	2/14/80	TA-W-7,323	Ladies' leather coats and jackets.
Sidley, Inc. (company)	New York, N.Y	2/18/80	2/14/80	TA-W-7,324	Ladies' leather coats and jackets.
Westinghouse Electric Corp. (IBEW)	Reform, Ala	2/27/80	2/22/80	TA-W-7,325	Photo flashes.
Preception Direction (ILGWU)	Hialeah, Fla	2/27/80	2/20/80	TA-W-7,326	Women's sportswear.
Wellfleet Knitting Mills (ILGWU)	Roselle N.J	2/27/80	2/22/80	TA-W-7,327	Sportswear.
Hardware Spring Corp. (workers)	Detroit Mich	2/29/80	2/25/80	TA-W-7,328	Torque rods, regulator springs, brockets, door checks.
Skagit Cedar Products, Inc. (workers)	Hamilton, Wash	2/28/80	2/23/80	TA-W-7,329	Cedar shakes for roofing.
The Homer Laughlin China Co. (International Brotherhood of Pottery & Allied Workers Union).	Newell, W. Va	2/28/80	2/26/80	TA-W-7,330	Earthware plates, cups, and saucers, also, china for hotels and hospitals.
Jan's Things (ACTWU)	New York, N.Y	2/26/80	2/22/80	TA-W-7,331	Ladies' dresses.
Orion's Belt, Inc. (workers)	Bloomington, Ind	2/27/80	2/22/80	TA-W-7,332	Leather belts.
Rancor, Inc., Worthington-Galena Plant (IAM & AW).	Columbus, Ohio	1/16/80	1/11/80	TA-W-7,333	All types of controls and valves.
Utica Cutlery Co., Inc. (USWA)	New York Mills, N.Y	2/29/80	2/25/80	TA-W-7,334	Stainless steel flatwear.
Utica Cutler Co., Inc. (USWA)	Utica, N.Y	2/29/80	2/25/80	TA-W-7,335	Fixed blade cutler.
Island Creek Coal Co., Big Creek No. 1 Mine (UMWA).	Sidney, Ky	2/11/80	2/7/80	TA-W-7,336	Metallurgical coal.
Island Creek Coal Co., Big Creek No. 2 Mine (UMWA).	Sidney, KY	2/11/80	2/7/80	TA-W-7,337	Metallurgical coal.
Northern Processors, Inc. (IAMAW)	Caribou, Maine	2/25/80	2/20/80	TA-W-7,338	Frozen potatoes, vegetables, and byproducts.
Sunshine Leonard (ACTWU)	New York, N.Y	2/26/80	2/22/80	TA-W-7,339	Ladies' dresses and some sportswear.
Maben Energy Corp., Maben Energy Mine (UMWA).	Maben, W. Va	2/26/80	2/22/80	TA-W-7,340	Metallurgical coal.

[FR Doc. 80-7861 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6771]

Metallurgical Exoproducts Corp., McKees Rocks, Pa.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on January 14, 1980 in response to a worker petition received on January 8, 1980 which was filed by the Industrial Union of Marine and Shipbuilding Workers of America, AFL–CIO, Local 61, on behalf of workers and former workers producing chemicals for steel products at Metallurgical Exoproducts Corporation, McKees Rocks, Pennsylvania. The investigation revealed that the plant primarily produces exothermic materials for use in the production of steel. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The petition alleges that imports of steel and automobiles have reduced the demand for exothermic materials and contributed importantly to a decline in sales, production and employment at Metallurgical Exoproducts Corporation. However, imports of steel or automobiles are not "like or directly competitive" with exothermic materials within the meaning of section 222(3) of the Trade Act of 1974.

The investigation revealed that imports of exothermic materials are insignificant. A survey of the major domestic steel producers revealed that there are no significant imports of exothermic compounds into the United States.

Conclusion

After careful review, I determine that all workers of Metallurgical Exoproducts Corporation, McKees Rocks, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of March 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80–8001 Filed 3–13–80; 8:45 am]

BILLING CODE 4510–28–M

[TA-W-6802]

Northern Steel Co., Inc., Detroit, Mich.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 17, 1980 in response to a worker petition received on January 14, 1980 which was filed by the United Automobile, Aerospace and Agricultural Workers of America, Local #212 on behalf of workers and former workers cutting and warehousing steel for Chrysler automotive plants at Northern Steel Company, Incorporated, Detroit, Michigan. The investigation revealed that Northern Steel Company, Incorporated is a wholly-owned subsidiary of Chrysler Corporation. It is concluded that all of the requirements have been met.

In order to determine if increased imports contributed importantly to production and employment declines at the petitioning auxiliary plants of Chrysler Corporation, the Department sought to determine the degree to which each auxiliary plant was integrated into the production of Chrysler car and/or truck lines which have been subject to import injury. Where it was established that an auxiliary plant was substantially integrated into the production of trade-impacted Chrysler car or truck lines, the Department considered imports of like or directly competitive cars and trucks in determining import injury to workers at the auxiliary plant.

The Department determined that Northern Steel Company, Incorporated, a wholly-owned subsidiary of Chrysler Corporation, was substantially integrated into the production of one or more of the Chrysler car and truck lines which have been subject to import injury. During the 1977–1979 period, Northern Steel Company, Incorporated cut and warehoused sheet steel coils exclusively for use in the production of car and truck body parts at Chrysler's Eight-Mile and Outer Drive, Mack Avenue, Warren, and Sterling stamping plants. Production at all four of these plants declined significantly from MY 1978 to MY 1979 and/or in the final two quarters of MY 1979 compared to the same quarters of MY 1978. In the course of earlier investigations (TA–W–5986, 5988, 5998, and 6040), the Department determined that a significant portion of the total output of each of these four stamping plants was ultimately used in the production of trade-impacted Chrysler cars and trucks. Certifications were issued on behalf of workers at all four plants on November 6, 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with Aspen, Volare, Diplomat, LeBaron, Newport, New Yorker and St. Regis automobiles, pickup trucks, general utility light trucks, and utility vans produced by Chrysler Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers at Northern Steel Company, Incorporated, Detroit, Michigan. In accordance with the provisions of the Act, I make the following certification:

All workers of Northern Steel Company, Incorporated, Detroit, Michigan, who became totally or partially separated from employment on or after March 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the trade Act of 1974.

Signed at Washington, D.C., this 10th day of, March 1980.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 80–8002 Filed 3–13–80; 8:45 am]

BILLING CODE 4510–28–M

[TA-W-6775

Parkwear Manufacturing Co., Inc., West Roxbury, Mass.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 14, 1980 in response to a worker petition received on December 31, 1979 which was filed on behalf of workers and former workers producing women's skirts, blouses, jackets and blazers at Parkway Manufacturing Company, West Roxbury, Massachusetts. The investigation revealed that the firm changed its name to Parkwear Manufacturing Company, Incorporated on January 1, 1980. The plant produces primarily women's blazers. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of women's, misses' and children's coats and jackets decreased absolutely during the January–September period of 1979 compared to the corresponding period of 1978.

The Department of Labor conducted a survey of the customers of Parkwear Manufacturing Company, Incorporated. The survey revealed that manufacturers for whom Parkwear produced women's blazers did not contract with foreign sources or import women's blazers during 1978 or 1979. The manufacturers reported that their sales increased during 1979 as compared to 1978.

Conclusion

After careful review, I determine that all workers of Parkwear Manufacturing Company, Incorporated (formerly known as Parkway Manufacturing Company), West Roxbury, Massachusetts are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of March 1980.

Harry J. Gilman

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80–8003 Filed 3–13–80; 8:45 am]

BILLING CODE 4510–28–M

[TA-W-6711]

St. Joe Zinc Co., Pittsburgh, Pa.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 7, 1980 in response to a worker petition received on December 27, 1979 which was filed on behalf of workers and former workers at the St. Joe Zinc Company, Pittsburgh, Pennsylvania.

The petitioning group of workers was certified as eligible to apply for adjustment assistance in a determination issued on September 21, 1978 (TA–W–3455). Since workers of the St. Joe Zinc Company, Pittsburgh, Pennsylvania newly separated, totally or partially, from employment on or after July 1, 1977 (impact date) and before September 21, 1980 (expiration date of the certification) are covered by an existing determination, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 3rd day of March 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80–8004 Filed 3–13–80; 8:45 am]

BILLING CODE 4510–28–M

[TA-W-6474]

Snob Fashions Inc., Jersey City, N.J.; Negative Determination Regarding Application for Reconsideration

By an application dated February 14, 1980, counsel for the petitioner requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing women's coats at Snob Fashions, Inc., Jersey City, New Jersey. The determination was published in the **Federal Register** on January 25, 1980, (45 FR 6216).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

Counsel for the petitioner claims that the Department's negative decision concerning Snob Fashions' petition for trade adjustment assistance is arbitrary, capricious and discriminatory since workers for two other contractors which do business with the subject firm's manufacture, have recently been certified eligible for trade adjustment assistance.

The Department's review indicated that workers of Snob Fashions, Jersey City, New Jersy were denied eligibility because they did not meet the "contributed importantly" test of the Trade Act of 1974. Only one manufacturer provided contract work for women's coats to Snob Fashions in 1978 and 1979. The Department's survey of this manufacturer indicated that this manufacturer increased its contract work with Snob Fashions in 1978 compared to 1977 and in the January to October 1979 period compared to the same period in 1978.

The Department does not consider counsel's claims as relevant in rebutting the basis of the Department's denial, since the manufacturer which provided contract work to the other two firms as well as Snob Fashions, decreased its orders with these two firms but increased its orders with Snob Fashions in the January to October 1979 period compared to the like period in 1978.

Snob Fashions Inc.'s production and sales increased in 1978 compared to 1977 and in the period January–October, 1979 compared to the same period in 1978. Under the Act in order to certify a worker group as eligible to apply for adjustment assistance, the Department must find that sales or production have declined.

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Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 10th day of March 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-8005 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6739]

Steel Parts Corp., Tipton, Ind.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 9, 1980, in response to a worker petition received on January 2, 1980 which was filed on behalf of workers and former workers producing automotive stampings at Steel Parts Corporation, Tipton, Indiana. The investigation revealed that the plant primarily produces automobile and truck door hinges, clutch plates and bushing components. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department conducted a survey of customers of Steel Parts Corporation. None of the customers surveyed purchased imported clutch plates, and bushing components in 1978 and in 1979. Production of automobile and truck door hinges increased from 1978 to 1979.

Conclusion

After careful review, I determine that all workers of Steel Parts Corporation, Tipton, Indiana are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-8006 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6589]

Universal Atlas Cement Co., Division of the United States Steel Corp., Buffington Plant, Gary, Ind.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on December 10, 1979 in response to a worker petition received on December 3, 1979 which was filed by the United Steelworkers of America on behalf of workers and former workers producing gray cement at the Buffington Plant, Universal Atlas Cement Division of the United States Steel Corporation, Gary, Indiana. The investigation revealed that there is a second plant on the grounds producing calcium aluminate cement but contact with the petitioners revealed that the petition was intended to cover only the gray and masonry cement plant. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

In November 1979 U.S. Steel announced plans to close 16 facilities in seven states as part of a nationwide retrenchment program in which operations described as noncompetitive will be phased out. Among the facilities being closed are three cement producing plants of the Universal Atlas Cement Division, including the Buffington plant.

The investigation disclosed that United States Steel decided to close the three cement plants because of obsolete equipment at the plants. Imports of cement did not contribute importantly to the decision to close the Buffington plant.

The petition alleges that imports of cement clinker from Canada caused the November 1979 layoff of workers at the Buffington plant. Clinker is an earlier stage of production in the manufacture of cement. The Buffington plant began importing clinker in June 1978 to supplement its own clinker production. Since clinker requires further processing before it can be sold as cement, the importation of clinker did not result in significant employment declines.

After the plant began importing clinker, employment increased in the third quarter of 1978 compared to the second quarter, and again in the fourth quarter compared to the third, and remained stable in the first quarter of 1979. Significant employment declines did not occur until November 1979 when the U.S. Steel Corporation announced plans to close the Buffington plant and began phasing out cement production. The investigation revealed that the Buffington plant's importation of clinker did not contribute importantly to U.S. Steel's decision to close the three cement facilities of the Atlas Cement Division.

The Department of Labor conducted a survey of some of the customers of the Buffington plant. The survey revealed that none of the respondents purchased imported cement or cement clinker. Several of the respondents stated that there were little or no imports of cement entering the local market during the past two years.

Conclusion

After careful review, I determine that all workers of the Buffington Plant, Universal Atlas Cement Division of the United States Steel Corporation, Gary, Indiana engaged in employment related to the production of gray and masonry cement are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of March 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-8007 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6847]

Valley Camp Coal Co., Alexander Mine, Moundsville, W. Va.; Negative Determination Regarding Eligibility To Apply For Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the groups eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 24, 1980 in response to a worker petition received on January 15, 1980 which was filed by the United Mine Workers of America on behalf of workers and former workers producing coal at the Valley Camp Coal Company, Alexander Mine, Moundsville, West Virginia. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The ratio of imports of bituminous coal to U.S. production has remained below one percent in every year from 1973 through 1978. Imports decreased absolutely and relatively in the first nine months of 1979 compared to the first nine months of 1978.

The Department contacted all customers of the Alexander Mine of Valley Camp Coal Company. These customers do not purchase imported coal. The customers replaced the Alexander Mine with other domestic suppliers of bituminous coal.

Conclusion

After careful review, I determine that all workers of Valley Camp Coal Company, Alexander Mine, Moundsville, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of March 1980.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 80-8008 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-28-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 80-13]

Exemption From the Prohibitions for Certain Transactions Involving the Stanley D. Crawford, D.D.S., P.C. Profit Sharing Plan, Located in Northglenn, Colo. (Exemption Application No. D-1476)

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the sale of a limited partnership interest in the First Mate Restaurant Ltd. (the Partnership) by the Stanley D. Crawford, D.D.S., P.C. Profit Sharing Plan (the Plan) to Stanley D. Crawford, a party in interest with respect to the Plain.

FOR FURTHER INFORMATION CONTACT: Paul R. Antsen of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, (202) 523-6915. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 28, 1979 notice was published in the **Federal Register** (44 FR 76880) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the sale of a limited partnership interest owned by the Plan to Stanley D. Crawford, a party in interest with respect to the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice states that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that he has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

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(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed cash sale of a limited partnership interest in the Partnership by the Plan for $24,250 plus 8% per annum from the date of acquisition by the Plan to Dr. Stanley D. Crawford, provided that the sales price is not less than the fair market value of the Plan's partnership interest at the time of sale.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 6th day of March 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-7525 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-29-M

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 80-14, Exemption Application No. D-1470]

Exemption From the Prohibitions for a Certain Transaction Involving the General Welding Works, Inc.; Retirement Plan Located in Houston, Tex.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the sale of real property by the General Welding Works, Inc., Retirement Plan and Trust (the Plan) to General Welding Works, Inc. (the Employer).

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-7462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 18, 1979, notice was published in the **Federal Register** (44 FR 74933) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a) and 406(b) (1) and (2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a transaction described in an application filed by the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The applicant has represented that notice to interested persons has been given as set forth in the Notice of Proposed Exemption. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Tax Consequences of Transaction

The Internal Revenue Service has determined that the purchase of a plan asset by the employer for an amount in excess of its fair market value will constitute a contribution to the plan to the extent of such excess. The deductibility of such a contribution by the employer must be determined in accordance with generally applicable Federal income tax rules.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of sections 406(a) and 406(b) (1) and (2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale to the Employer by the Plan of one six-acre parcel of real property located in the 6800 block of Katy Road, Houston, Texas for $219,767 in cash provided that this amount is not less than 110% of the fair market value of the property at the time of the sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this exemption.

Signed at Washington, D.C., this 6th day of March 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-7526 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (80-18)]

NASA Advisory Council (NAC); Space and Terrestrial Applications Advisory Committee (STAAC); Meeting

The Ad Hoc Informal Advisory Subcommittee on Geodynamics and Geology of the NAC-STAAC will meet on April 1 and 2, 1980, at NASA Headquarters, Room 226A, Federal Office Building 10B, 600 Independence Avenue SW., Washington, D.C. 20546. The meeting is open to the public. Members of the public will be admitted to the meeting on both days on a first-come, first-served basis and will be required to sign a visitors' register. The seating capacity of the meeting room is for 35 persons.

This Subcommittee, chaired by Dr. Michael Chinnery, is comprised of twelve members of the NAC-STAAC and will review and discuss the status of both the Geodynamics and the Non-Renewable Resources Programs including various specific activities within these programs as indicated in the approved agenda below:

April 1, 1980

Time and Topic

9:00 a.m.—Chairperson's remarks
9:30 a.m.—NASA's response to Subcommittee's Recommendations
11:00 a.m.—Fiscal Year 1981 Budget Review and Review of Resource Observation's Five Year Plan
11:45 a.m.—NASA Coordination With Federal Emergency Management Administration
1:30 p.m.—Non-Renewable Resources Program Philosophy and General Approach and Organization
2:30 p.m.—Non-Renewable Resources Program Issues
4:30 p.m.—Adjourn

April 2, 1980

Time and Topic

8:30 a.m.—Geodynamics Program Status
9:00 a.m.—Site Selection and Revisitation Schedule for Crustal Dynamics Measurements
9:30 a.m.—Intercomparison and Validation Results and Progress on Geodetic Measurements in California
10:00 a.m.—User Requirements for Gravity Field Measurements From Space
1:00 p.m.—Astronaut Photography From Shuttle
1:30 p.m.—Subcommittee Discussion on Program Activities and Future Plans
3:30 p.m.—Adjourn

For further information regarding the meeting, please contact James P. Murphy, Acting Executive Secretary of the Subcommittee, Washington, D.C. (202) 755-3848.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

March 6, 1980.

[FR Doc. 80-7889 Filed 3-13-80; 8:45 am]

BILLING CODE 7510-01-M

[Notice (80-19)]

NASA Advisory Council (NAC); Space and Terrestrial Applications Advisory Committee (STAAC); Meeting

The *Ad Hoc* Informal Advisory Subcommittee on Satellite Communications Applications of the NAC-STAAC will meet on April 3, 1980 from 9:00 a.m. to 5:00 p.m. and from 9:00 a.m. to 1:00 p.m. on April 4, 1980, at NASA Headquarters, Room 226A, Federal Building 10B, 600 Independence Avenue, SW., Washington, DC 20546. The meeting is open to the public. Members of the public will be admitted to the meeting at 9:00 a.m. on both days on a first-come, first-served basis and will be required to sign a visitor's register. The seating capacity of the meeting room is for 35 persons.

This Subcommittee, comprised of twelve members of the NAC-STAAC including the Subcommittee Chairperson, Dr. John V. Harrington, will review the overall status of the Satellite Communications Program including activities in the 30/20 GHz band program and other issues.

The approved agenda for the meeting is as follows:

April 3, 1980

Time and Topic

9:00 a.m.—Introductory Remarks
9:30 a.m.—Program Overview
10:30 a.m.—Disposition Options for the 30/20 GHz Program
1:30 p.m.—Continue Discussion on Disposition Options for the 30/20 GHz Program
5:00 p.m.—Adjourn

April 4, 1980

Time and Topic

9:00 a.m.—Outline of a Potential Joint Program With Canada
11:00 a.m.—Old and New Business
11:30 a.m.—Conclusions and Recommendations
1:00 p.m.—Adjourn

For further information regarding the meeting, please contact Dr. S. H. Durrani, Communications Division, OSTA, NASA Headquarters, Washington, DC 20546, (202) 755-3421.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

March 10, 1980.

[FR Doc. 80-7890 Filed 3-13-80; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Astronomy; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Astronomy.

Date and time: April 2—9 am-5 pm, April 3—9 am-5 pm.

Place: Room 543, National Science Foundation, 1800 G Street, NW, Washington, DC 20550.

Type of meeting: Part Open—4/2—Open; 4/3 9 to 2—Open; 4/3—2 to 4 p.m.—Closed; 4/3—4 to 5 p.m.—Open.

Contact person: Dr. William E. Howard, Director, Division of Astronomical Sciences, Room 615, National Science Foundation, Washington, DC (202-632-5717).

Summaries minutes: May be obtained from the contact person at the above stated address.

Purpose of committee: To provide advice and recommendations concerning research programs, proposals, and projects in NSF funded astronomy with the objective of achieving the highest quality forefront research for the funds allocated. To provide advice and recommendations concerning short range and long range plans in astronomy, including a recommendation of relative priorities.

Agenda

April 2, 1980

A.M.
I. Introductory Remarks
II. Minutes of Previous Meeting
III. Short Status Reports
IV. Discussion of the Budget
P.M.
V. Instrumentation Report
VI. Research and Centers Sections Status Reports

April 3, 1980

A.M.
VII. Optical Centers' Telescope Plans
VIII. Research and Centers Sections Status Reports (continued)
IX. Prioritization of Astronomy Initiatives Plan
P.M. 2 to 4 p.m.
X. CLOSED—Review and evaluate astronomy proposals
XI. Discussion of Problems in Astronomy

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XII. Critique of Meeting

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 11, 1980.

[FR Doc. 80–7977 Filed 3–13–80; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50–483A and STN 50–486A]

Union Electric Co.; Receipt of Information for Antitrust Review of Operating License Application

The Union Electric Company filed Information for Antitrust Review of Operating License Application on January 21, 1980. This information was filed pursuant to § 2.101 of the Commission's Rules and Regulations and is in connection with Union Electric Company's plans to operate two pressurized water reactors on a site located in Callaway County, Missouri. The two reactors have been designated as Callaway Plant, Units 1 and 2.

The portion of the application filed contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of staff antitrust review of the above-named application, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, request for reevaluation may be submitted on or before May 13, 1980.

The results of any reevaluations that are requested will also be published in the **Federal Register** and copies sent to the Washington and local public document rooms.

A copy of the Information for Antitrust Review of Operating License Application is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the local public document rooms in the Fulton City Library, 709 Market Street, Fulton, Missouri 65251 and in the Olin Library of Washington University, Skinker and Lindell Boulevard, St. Louis, Missouri 63130.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensee's activities since the construction permit antitrust reviews for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation, on or before May 6, 1980.

Dated at Bethesda, Maryland this 26th day of February, 1980.

For the Nuclear Regulatory Commission.

Olan D. Parr,

Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc. 80–6953 Filed 3–13–80; 8:45 am]

BILLING CODE 7590–01–M

POSTAL RATE COMMISSION

Notice of Visit

March 11, 1980.

Notice is hereby given that Commissioner Simeon M. Bright will visit the New Orleans (LA) Post Office on Friday, March 14, for the purpose of acquiring general knowledge of operations. A report will be on file in the Commission Docket Room.

David F. Harris,

Secretary.

[FR Doc. 80–7943 Filed 3–13–80; 8:45 am]

BILLING CODE 7715–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21470, 70–6396]

Allegheny Power System, Inc., et al.; Proposal by Electric Utility Subsidiaries to Issue and Sell Common Stock to Parent Holding Company

In the matter of Allegheny Power System, Inc., 320 Park Avenue, New york, New York 10022; Monongahela Power Company, 1310 Fairmont Avenue, Fairmont, West Virginia 26554; the Potomac Edison Company, Downsville Pike, Hagerstown, Maryland 27140; and West Penn Power Company, Cabin Hill, Greensburg, Pennsylvania 15601.

March 10, 1980.

Notice is hereby given that Allegheny Power System, Inc. ("Allegheny"), a registered holding company, and three of its electric utility subsidiaries, Monongahela Power Company ("Monongahela"), The Potomac Edison Company ("Potomac Edison") and West Penn Power Company ("West Penn") have filed a joint application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6, 7, 9, 10 and 12 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

At present all the outstanding common stock of Monongahela, Potomac Edison and West Penn is owned by Allegheny. Those subsidiaries propose to issue and sell to Allegheny from time to time through December 31, 1980, and Allegheny proposes to acquire, additional common shares of the subsidiaries. In order to make such sale to Allegheny, Potomac Edision will be required to increase the number of its authorized common shares from 9,625,000 shares to 10,375,000 shares. The number of shares to be issued by each subsidiary and the consideration to be received are as follows:

Subsidiary and title of issue	Maximum No. of Shares	Cash consideration
Monongahela Common Stock—$50 par	500,000	$25,000,000
Potomac Edison Common Stock—no par	1,250,000	25,000,000
West Penn Common Stock—no par	1,000,000	20,000,000

The net proceeds of the issuance and sale of common stock by Monongahela, Potomac Edison and West Penn will be used by each of them to operate their businesses as utilities, including the payment or prepayment of short-term debt outstanding and the continuation of their construction programs. It is expected that Monongahela will have $17 million; Potomac Edison, $22 million; and West Penn, $50 million of short-term debt outstanding on April 30, 1980. For the year 1980 gross construction expenditures, are estimated to be approximately $71 million in the case of Monongahela, $68 million in the case of Potomac Edison, and $137 million in the case of West Penn.

Allegheny proposes to obtain the additional funds necessary to purchase the aforesaid common stock of Monongahela Potomac Edison and West Penn from internal cash generation, short-term borrowings and the issuance and sale of other securities. As of November 30, 1979 Allegheny had no short-term debt outstanding.

The fees, commissions and expenses to be incurred in connection with the proposed transaction are estimated at $5,500. Various of proposed transactions are subject to the jurisdiction of the West Virginia Public Service Commission, the Ohio Public Utilities Commission, the Maryland Public Service Commission, the State Corporation Commission of Virginia, and the Pennsylvania Public Utility Commission. It is stated that no other state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 3, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–7988 Filed 3–13–80; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 04/04–0183]

Issuance of License; Western Financial Capital Corp.

On November 6, 1979, a notice was published in the **Federal Register** (44 FR 64145) stating that an application had been filed by Western Financial Capital Corporation, 308 Temple Avenue, North, Fayette, Alabama 35555 with the Small Business Administration (SBA), pursuant to Section 107.102 of the SBA Regulations governing small business investment companies (SBIC).

Interested parties were given until the close of business November 26, 1979, to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, the SBA issued License No. 04/04–0169 to Western Financial Capital Corporation to operate an SBIC on February 22, 1980.

(Catalog of Federal Domestic Assistance Program No. 59.01 Small Business Investment Companies)

Peter F. McNeish,

Deputy Associate Administrator for Finance & Investment.

[FR Doc. 80–7947 Filed 3–13–80; 8:45 am]

BILLING CODE 8025–01–M

[License No. 09/09–0209]

Builders Capital Corp.; Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Builders Capital Corporation (BCC), 2716 Ocean Park Boulevard, Santa Monica, California, 90406, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to Section 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1980)) for approval of a conflict of interest transaction.

BCC proposes to sell to William R. Watt, 2 South Portola, South Laguna, California, 92677 and Robert A. Spooner, 1981 Port Edward Circle, Newport Beach, California, 92660, a residential building project (Anaheim Hills One Limited Partnership) consisting of 87 condominium units, on approximately 21 acres, at 17942 Sky Park, Irvine, California, 92714. The book value of this asset is $1,022,355.49.

The project will be sold for $1.8 million including assumption of an underlying obligation of $532,000 for a net of $1,268,000.

The financing falls within the purview of Section 107.1004 of the Regulations because William R. Watt is a nephew of Ray A. Watt. BCC is wholly owned by Watt Industries, Inc. Ray A. Watt is a director of BCC and has beneficial ownership of 71.74 percent of the outstanding shares of Watt Industries, Inc. The licensee must demonstrate that the proposed terms of disposal are no less favorable to it than are obtainable elsewhere, pursuant to Section 107.1005 (a) of the Regulations.

Notice is hereby given that any person may, not later than (15 days from the date of publication of this Notice), submit written comments to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in the Los Angeles Area.

(Catalog of Federal Assistance Programs No. 95.011, Small Business Investment Companies)

Dated: March 6, 1980.

John L. Werner,

Acting Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80–7946 Filed 3–13–80; 8:45 am]

BILLING CODE 8025–01–M

[Proposed License No. 09/09–0262]

Round Table Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration purusant to Section 107.102 of the Regulations governing small business investment companies (CFR 107.102 (1980)), by Round Table Capital Corporation, 601 Montgomery Street, San Francisco, California 94111, for a license to operate as a small

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business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (Act), (15 U.S.C. 101 et seq).

The proposed officers, directors and principal stockholders are:

Richard A. Dumke, 601 Montgomery Street, San Francisco, California 94111—President, Director
Thomas P. Toldrian, 601 Montgomery Street, San Francisco, California 94111—Vice President, Secretary, Director
Micheline Chau, 601 Montgomery Street, San Francisco, California 94111—Chief Financial Officer
Norman E. Dean, 40 Estrella Way, Novato, California 94947—Director
Paul J. Miller, 2700 Waltham Cross, Belmont, California 94002—Director
Round Table Pizza, Inc., 601 Montgomery Street, San Francisco, California 94111—100 Percent

The ten or more percent stockholders of Round Table Pizza, Inc., are:

Richard A. Dumke—35.5 percent
William R. Larson, 4180 Oak Hill Avenue, Palo Alto, California 94306—25 percent
JELC, Inc., 601 Montgomery Street, San Francisco, California 94111—30 Percent

The ten or more percent shareholders of JELC, Inc., are:

Richard A. Dumke—25 percent
William R. Larson—25 percent
Frederick L. Doar, 31 Estrella Way, Novato, California 94947—25 percent
Robert C. Scheidemann, 54 Legend Road, San Anselmo, California 94960—25 percent

The SBIC will begin operations with an initial capitalization of $500,000. The Applicant, which will be a California corporation, intends to make investments in small business concerns located throughout the western portion of the United States.

The Applicant contemplates a plan of operations which will provide financial assistance primarily to independently owned and operated Round Table Pizza, Inc., franchisees. Requests for financial assistance from qualified small business concerns which are not franchisees of Round Table Pizza, Inc., will also be considered. No financial assistance will be provided to persons or entities which are associated of Round Table Capital Corporation, as defined by Section 107.3 of the Regulations.

Round Table Pizza, Inc., is a franchisor which licenses qualified persons to operate pizza restaurants under the system, service marks, trade names and copyrights owned by Round Table Pizza, Inc.

Matters involved in SBA's consideration of the application, in view of the particular circumstances involved, include (1) the general business reputation and character of the proposed owners and management, (2) the reasonable prospects for successful operation of the new SBIC under such management (including adequate profitability and financial soundness, in accordance with the Act and Regulations), and (3) whether the proposed licensing action would be in furtherance of the purposes of the Act.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit to SBA in writing comments on the proposed SBIC to: Deputy Associate Administrator for Finance and Investment, Small Business Administration , 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in San Francisco, California.

(Catalog of Federal Domestic Assistance Program No. 59,011, Small Business Investment Companies)

Dated: March 7, 1980.

John L. Werner,

Acting Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-7945 Filed 3-13-80; 8:45 am]

BILLING CODE 8025-01-M

Region I Advisory Council; Public Meeting

The Small Business Administration Region I Advisory Council, located in the geographical area of Providence, Rhode Island, will hold a public meeting at 12:00 noon, Wednesday, April 2, 1980, at the Governor Dyer Buffet House, Providence, Rhode Island, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Charles J. Fogarty, District Director, U.S. Small Business Administration, 40 Fountain Street, Providence, Rhode Island 02903 (401) 528–4580.

Dated: March 7, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-7946 Filed 3-13-80; 8:45 am]

BILLING CODE 8025-01-M

Region II Advisory Council; Public Meeting

The Small Business Administration Region II Advisory Council, located in the geographical area of Hato Rey, Puerto Rico, will hold a public meeting at 9:30 a.m., on Wednesday, April 23, 1980, at the Federico Degetau Federal Building, Room 756, (7th floor), Carlos Chardón Avenue, Hato Rey, Puerto Rico, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others attending.

For further information, write or call Wilfred Benítez-Robles, Acting District Director, U.S. Small Business Administration, Federico Degetau Federal Building, Room 691, Carlos Chardón Avenue, Hato Rey, Puerto Rico 00918—(809) 753–4218.

Dated: March 7, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-7949 Filed 3-13-80; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council; Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Fargo, North Dakota, will hold a public meeting at 9:30 a.m., on Wednesday, April 23, 1980, at the Federal Building, Room 319, 653 Second Avenue North, Fargo, North Dakota, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Philip J. O'Jibway, District Director, U.S. Small Business Administration, Federal Building, 653 Second Avenue North, Fargo, North Dakota 58102—(701) 237–5771.

Dated: March 7, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-7950 Filed 3-13-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #1804]

North Carolina; Declaration of Disaster Loan Area

Northampton County and adjacent counties within the State of North Carolina constitute a disaster area as a result of natural disasters as follows:

Excessive rain and flooding, May 1–June 15, 1979. Prolonged drought, July 15–October 1, 1979.

Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on May 8, 1980, and for economic injury until the close of business on December 8, 1980, at:

Small Business Administration, District Office, 230 S. Tryon Street, Suite 700, Charlotte, North Carolina 28202.

or other locally announced location.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 7, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-7975 Filed 3-13-80; 8:45 am]

BILLING CODE 8025-01-M

VETERANS ADMINISTRATION

Privacy Act of 1974; Systems of Records

The Privacy Act of 1974 (5 U.S.C., 552a(e)(4)) requires that all agencies publish in the **Federal Register**, a notice of the existence and character of their systems of records. Accordingly, the Veterans Administration published and adopted a notice of its inventory of personal records on September 27, 1977 (42 FR 49726).

Notice is hereby given that the Veterans Administration is adding a new system of records entitled "Dental Services for Former Prisoners of War–Va" (61VA136). Public Law 96–22, as codified in 38 U.S.C., section 612, provides that veterans of World War I, World War II, the Korean conflict, or the Vietnam era who are held as prisoners of war for period of not less than 6 months are entitled to receive all outpatient dental services and treatment, and related dental appliances for dental conditions or disabilities. The purpose of this new system of records is to enable VA health care facilities to make eligibility determinations for former POWs who make application for dental benefits.

The use of the information and data in this system is restricted solely to VA health care facilities and the office of the system manager and does not have any routine uses as defined by the Privacy Act of 1974 (5 U.S.C., 552a(a)(7)). Therefore, the requirement to give 30-days prior public notice before compiling this new system does not apply.

A "Report of New System" and an advance copy of the revised system notice were sent on December 19, 1979, to the Speaker of the House, the President of the Senate, and the Office of Management and Budget, as required by the provisions of 5 U.S.C., 552a(o) and guidelines issued by the Office of Management and Budget (40 FR 45877), October 3, 1975.

Notice is hereby given that this description is effective the date of approval by the Administration of Veterans Affairs (March 7, 1980).

Approved: March 7, 1980.

By direction of the Administrator:

Rufus H. Wilson,

Deputy Administrator.

New Systems Notice

61VA136

SYSTEM NAME:

Dental Services for Former Prisoners of War–VA.

SYSTEM LOCATION:

All health care facilities and VA Central Office. Address locations for VA facilities are listed in VA Appendix 1 at 42 FR 49762.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Veterans of World War II, the Korean conflict, or the Vietnam era who were held as prisoners of war for a period of not less than 6 months.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identification information related to the POW experience and identifying data, e.g., name, Social Security Number, claim number, service number, date of birth, data of death (if applicable), period of service, branch of service, entitlement code, aid and attendance or housebound status, number of service-connected disabilities, and number of days incarcerated as a POW.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 102, Pub. L. 96–22, June 13, 1979, as codified in 38 U.S.C., section 612.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfiche listings.

RETRIEVABILITY:

Indexed by veterans name with secondary verification by SSN (Social Security number) or service number.

SAFEGUARDS:

Access to the microfiche listing and readers is restricted to authorized VA employees on a need-to-know basis. The microfiche is maintained in protected drawers and protected from outside access by the Federal Protective Service.

RETENTION AND DISPOSAL:

Microfiche listings will be retained until such time as the purpose for which they were established has been served.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Medical Administration Service (136), VA Central Office, Washington, DC, 20420.

NOTIFICATION PROCEDURE:

An individual seeking information concerning the existence of record pertaining to him/herself should submit a written request or apply in person to the Director, Medical Administration Service (136), VA Central Office, Washington, DC 20420. Inquires should include the individual's full name and identification number (SSN, service, or claim).

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

VA system of records 60VA07, Veterans Administration Repatriated American Prisoners of War.

[FR Doc. 80-7979 Filed 3-13-80; 8:45 am]

BILLING CODE 8320-01-M

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Sunshine Act Meetings

Federal Register
Vol. 45, No. 52
Friday, March 14, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: 2 to 5 p.m., Tuesday, March 18, 1980; 9 a.m. to 4 p.m., Wednesday, March 19, 1980.

PLACE: National Housing Center, 15th and M Streets NW., Washington, D.C.

STATUS: All portions open to public.

MATTERS TO BE CONSIDERED: March 18, 1980.

I. Approval of Agenda.
II. Approval of Minutes of Last Meeting.
III. Consideration of Program Planning Recommendations.

MATTERS TO BE CONSIDERED: March 19, 1980.

IV. Staff Director's Report.
A. Status of Funds.
B. Personnel Report.
C. Office Directors' Reports.
D. Correspondence
1. Letter from OMB Deputy Director John P. White.
2. Response from Secretary of Army Clifford Alexander.
V. Memorandum re National Immigration Report.
VI. Review of Analysis of Congressional Exemption from Federal EEO Laws.
VII. Report on Civil Rights Developments in the Southwest Region.
VIII. Ohio Advisory Committee Re-charter.
IX. Review of Arkansas Advisory Committee Report Entitled: "The Community Development Block Grant Program in Arkansas."
X. Approval of Handicapped Consultation Design.
XI. Approval of Second Hearing on Victims of Domestic Violence.
XII. Recommendation re Extension of Police Practices to Los Angeles.
XIII. Memorandum re Federal Affirmative Action Efforts Since Bakke.
XIV. Memorandum re Special Civil Rights Analysis of Federal Budget.

FOR FURTHER CONTACT PLEASE CALL: Charles Rivera or Barbara Brooks, Press and Communications Division (202) 254–6697.

[S–510–80 Filed 3–12–80; 10:44 am]
BILLING CODE 6335–01–M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:30 a.m., March 14, 1980.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matter/Proposed public administrative proceeding.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–511–80 Filed 3–12–80; 12:10 pm]
BILLING CODE 6351–01–M

3

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 15363; March 10, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 12, 1980.

CHANGE IN THE MEETING: The following item has been added:

Item Number, Docket Number, and Company

CAP–13. Bureau of Land Mangement's Proposed Regulations for Implementing Title V of the Federal Land Policy and Management Act of 1976.

Kenneth F. Plumb,
Secretary.

[S–508–80 Filed 3–12–80; 8:51 am]
BILLING CODE 6450–85–M

4

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 44, FR, p. 15364, March 10, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., March 13, 1980.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6677).

CHANGE IN THE MEETING: The following item has been added to the agenda for the open meeting: Regulation on Management Official Interlocks.

Announcement is being made at the earliest practicable time.

No. 323, March 12, 1980.

[S–516–8 3–12–80; 3:12 pm]
BILLING CODE 6720–01–M

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., March 20, 1980.

PLACE: Hearing room one, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 6200–20: Modification of the U.S. Atlantic & Gulf/Australia-New Zealand Conference to extend its ratemaking authority to inland points in Australia, New Zealand, and South Pacific Islands.
2. Agreement 8370: Port of New York Ocean Freight Forwarders' Conference Agreement and Agreement 8380: West Gulf Ocean Freight Forwarders' Conference Agreement—Order to show why agreements should not be disapproved for lack of activity.
3. Agreement No. 8860–10: Petition of Pacific Coast European Conference for reconsideration of order of conditional approval.
4. Agreement No. 9973–5: Modification of Johnson ScanStar Combined Service Agreement to broaden its scope to include the Republic of Panama.
5. Petition for elimination of regulation of free time and demurrage charges on export cargo or promulgation of uniform regulation for all Atlantic and Gulf ports filed by the New york Terminal Conference and the Port Authority of New York and New Jersey.
6. Procedures and requirements for publishing currency adjustment surcharges in the event of changes in exchange rates—Proposed rules.
7. Informal Docket No. 708(I): J. T. Baker Chemical Company v. Polish Ocean Lines—Consideration of Settlement Officer's decision.
8. Informal Docket Nos. 628(I): Interpur, a Division of Dart industries, Inc. v. Barber Blue Sea Line; 629(I): Interpur, a Division of Dart Industries, Inc. v. Barber Blue Sea Line; 643(I): Dow Corning Corp. v. United States Lines, Inc.—Consideration of Settlement Officer's decision.

Portions closed to the public:

1. Docket No. 77–23: In the Matter of Agreement No. 10294—Decision on request for oral argument and possible consideration of the record.
2. Settlement Agreement between Sea-Land Service, Inc. and the Commission.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–509–80 Filed 3–13–80; 9:44 a.m.]
BILLING CODE 6730–01–M

6

FEDERAL RESERVE SYSTEM.
(Board of Governors.)

TIME AND DATE: 10 A.M., WEDNESDAY, MARCH 19, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed statement to be presented to the Subcommittee on Consumer Affairs of the Senate Committee on Banking, Housing, and Urban Affairs regarding S. 1928, the "Fair Financial Information Practices Act of 1979".
2. Proposed statement to be presented to the Subcommittee on Commerce, Consumer, and Monetary Affairs of the House Committee on Government Operations regarding variable rate and renegotiable rate mortgages.
3. Proposed policy statement concerning financial factors in the formation of one-bank holding companies. (Proposed earlier for public comment; Docket No. R–0265.)
4. Any agenda items carried forward from a previously announced meeting.

Note.—Anyone planning to attend specifically for Items 1 and 2 should contact the office below on Tuesday, March 18, 1980, to assure that they have not been postponed due to a change in the date of the testimonies.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: March 11, 1980.

Theodore E. Allison,
Secretary of the Board.

[S–508–80 Filed 3–12–80; 9:43 a.m.]
BILLING CODE 6210–01–M

7

[USITC ERB–80–4]

INTERNATIONAL TRADE COMMISSION.
Executive Resources Board (ERB).

TIME AND DATE: 10 a.m., Monday, March 24, 1980.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: Pursuant to the specific exemptions of 5 U.S.C. 552b(c)(2) and (6), on the authority of 19 U.S.C. 1335, and in conformity with 19 C.F.R. 201.36(b)(2) and (6), Commissioners Alberger, Moore, and Stern, as members of the Executive Resources Board (ERB), voted to hold a meeting of the Board in closed session as follows:

1. Old business.
a. Individual Development Plans for Candidate and Managerial Development Program Selectees.
b. Critical Elements and Standards for SES members.
2. SES staffing.
3. Future ERB initiatives.

A majority of the entire membership of the Board felt that this meeting should be closed to the public since: (1) the discussion would only concern internal personnel practice and procedures; and (2) the information discussed would be likely to disclose information of a personal nature which could constitute a clearly unwarranted invasion of personal privacy.

CONTRACT PERSON FOR MORE INFORMATION: Keneth R. Mason, Secretary (202) 523–0161.

8[S–512–80 Filed 3–12–80; 12:01 pm]
BILLING CODE 7020–02–M

8

NATIONAL SCIENCE BOARD.

DATE AND TIME: 1 p.m., March 20, 1980. Open Session. 8 a.m., March 21, 1980. Closed Session.

PLACE: National Science Foundation, room 540, 1800 G Street NW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSION:

1. Minutes—Open Session—213th Meeting.
2. Chairman's Report.
3. Director's Report.
a. Report on Grant & Contract Activity— 2/20—3/19/80.
b. Organizational and Staff Changes.
c. Congressional and Legislative Matters.
d. NSF Budget for Fiscal Year 1981.
e. Other Items.
4. Board Committees—Reports on Meetings.
a. Executive Committee.
b. Planning and Policy Committee.
c. Programs Committee.
d. Committee on Budget.
e. Committee on Minorities and Women in Science.
f. Committee on Role of NSP in Basic Research.
g. Committee on Fourteenth NSB Report.
h. Ad Hoc Committee on Big and Little Science.
i. Ad Hoc Committee on Deep Sea and Ocean Margin Drilling Programs.
5. NSF Advisory Groups and Annual Presentations at NSF.
a. Reports on Meetings.
b. Representation at Future Events.
6. Board Representation at Congressional Hearings.
7. Program Review—Ocean Sciences.
8. Grants, Contracts, and Programs.
9. Next Meeting: National Science Board, 215th Meeting, April 17–18, 1980.

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION.

A. Minutes—Closed Session—213th Meeting.
B. Grants, Contracts, and Programs.
C. Alan T. Waterman Award.
D. Report of 1980 Ad Hoc Nominating Committee for Board Officers.
E. NSB and NSF Staff Nominees.
F. NSB Annual Reports.
G. NSF Budgets for Fiscal Year 1982 and Subsequent Years.

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, Executive Secretary, (202) 632–5840.

[S–515–80 Filed 3–12–80; 2:15 pm]
BILLING CODE 7555–01–M

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: March 12, 1980.

PLACE: Commissioners Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Wednesday, March 12—2 p.m.

Briefing on Environmental Assessment for Decontamination of TMI–2 Building Atmosphere (approximately 1½ hours, public meeting).

Replaces—Discussion of Management-Organization and Internal Personnel Matters—which is *cancelled.*

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Roger M. Tweed,
Office of the Secretary.

[S–514–80 Filed 3–12–80; 1:59 pm]
BILLING CODE 7590–01–M

10

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 14989, March 7, 1980.

STATUS: Closed meeting/open meeting.

V 45/52 MR 14 80 UMI

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, March 4, 1980.

CHANGES IN THE MEETING: Additional meeting/additional items.

The closed meeting scheduled for Tuesday, March 11, 1980, at 10 a.m. commenced at 9:30 a.m. and the following additional closed items were considered:

Regulatory matter bearing enforcement implications and formal order of investigation.

Consideration of *amicus* participation.

The following additional item will be considered at an open meeting scheduled for Thursday, March 13, 1980 at 10 a.m.:

Consideration of whether to grant the request of Baker, Glast, Riddle, Tuttle & Elliott for a waiver of imputed disqualification pursuant to 17 CFR 200.735-8(e). For further information, please contact Myrna Siegel at (202) 272-2430.

The following additional items will be considered at a closed meeting scheduled for Thursday, March 13, 1980, immediately following the open meeting:

Freedom of Information Act appeal.

Chapter X proceeding.

Commissioners Loomis, Evans, and Pollack determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272-2092.

March 11, 1980.

[S-613-80 Filed 3-12-80; 12:10 pm]

BILLING CODE 8010-01-M

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Federal Register

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INFORMATION AND ASSISTANCE

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Assistant Secretary for Community Planning and Development—

9730 2-13-80 / Community Development Block Grants; Performance Report and Related Revisions; Interim Rule

TRANSPORTATION DEPARTMENT

Coast Guard—

9930 2-14-80 / Sitka and Wrangell, Alaska; revocation as ports of documentation

10795 2-19-80 / Welding and brazing regulations for marine engineering; editorial amendment

Rules Going Into Effect March 15, 1980

COST ACCOUNTING STANDARDS BOARD

55123 9-25-79 / Cost accounting standards

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration—

9184 2-11-80 / Liquefied natural gas facilities; new Federal safety standards

List of Public Laws

Last Listing March 10, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.R. 6374 / Pub. L. 96-201 To authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to Ambassador Kenneth Taylor. (March 6, 1980; 94 Stat. 79) Price $1.00.

S.J. Res. 43 / Pub. L. 96-202 To proclaim March 21, 1980, "National Energy Education Day". (March 8, 1980; 94 Stat. 80) Price $1.00.

S. 1850 / Pub. L. 96-203 To authorize the conveyance of lands in the city of Hot Springs, Arkansas (March 10, 1980; 94 Stat. 81) Price $1.00

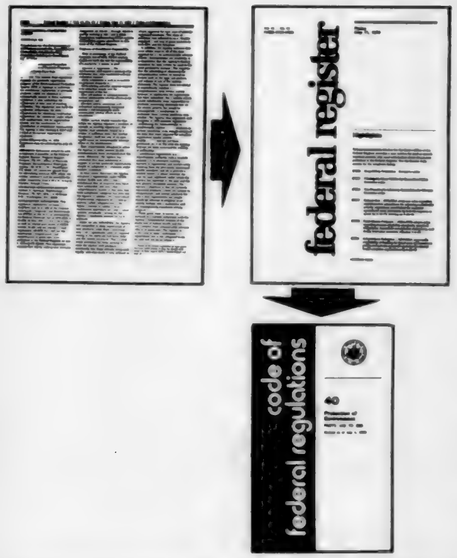
H.J. Res. 434 / Pub. L. 96-204 To authorize and request the President to issue a proclamation designating April 6 through 12, 1980, "National Medic Alert Week". (March 11, 1980; 94 Stat. 83) Price $1.00.

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Part II

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage & Hour Division, Office of Government Contract Wage Standards, Division of Construction Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alabama:	
AL78–1060	Sept. 22, 1978.
Florida:	
FL78–1052	May 26, 1978.
Illinois:	
IL79–2067	Aug. 24, 1979.
New Jersey:	
NJ78–3047	June 16, 1978.
Ohio:	
OH79–2048	May 11, 1979.
Pennsylvania:	
PA78–3071	Oct. 6, 1978.
PA78–3078	Oct. 20, 1978.
PA79–3000	Jan. 25, 1979.
PA79–3003	Mar. 9, 1979.
PA80–3012	Feb. 15, 1980.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Arkansas:	
AR80–4012 (AR80–4020)	Feb. 1, 1980.
California:	
CA78–5107 (CA80–5110)	July 7, 1978.
Indiana:	
IN77–2094 (IN80–2007)	May 27, 1977.
Maine:	
ME78–2159 (ME80–2009)	Nov. 17, 1978.
Oregon:	
OR78–5116 (OR–5109)	July 21, 1978.
Texas:	
TX79–4078 (TX80–4017)	Sept. 28, 1979.
TX79–4099 (TX80–4018)	Jan. 5, 1979.
TX79–4084 (TX80–4019)	Oct. 5, 1979.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C. This 7th day of March 1980.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

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MODIFICATION PAGE 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IL79-2067 - MOD. #3 (44 FR 49837 - August 24, 1979) Boone, Carroll, DeKalb, JoDaviess, Lee, Ogle, Stephenson, Whiteside and Winnebago Counties, Illinois Change: Mod. #2, dated 12-14-79, Volume, 44, Page 72805 to Read Mod. #1 Mod. #3, dated 2-22-80. Volume 44, Page 12076 to Read Mod. #2					

MODIFICATION PAGE 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AL78-1080 - MOD. #4 (43 FR 43152 - September 22, 1978) Calhoun County, Alabama CHANGE: Electricians	$12.45	.55	3%+60		½ of 1%
Decision #FL78-1052-Mod. #1 (43 FR-22912-May 26, 1978) Dade County, Florida Change: Description of work to read: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)					

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MODIFICATION PAGE 3

DECISION NO. NJ78-3047 -Mod. #10 (43 FR 26235 - June 16, 1978) Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem Counties, New Jersey	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers, Stone Masons, Marble Masons, Cement Masons, Plasterers, tile Layers, and Terrazzo Workers:					
Zone 2:					
Bricklayers, Stone Masons, Marble Masons, Tile Layers, and Terrazzo Workers	11.55	1.15	1.35		.01
Zone 3	12.05	.50	.60		
Carpenters, Millwrights, and Insulators:					
Zone 2:					
Carpenters and Insulators	12.13	8¢	7¢		½¢
Millwrights	12.38	8¢	7¢		½¢
Ironworkers - Structural, Ornamental, & Reinforcing					
Zone 4	11.71	1.24	2.16	1.04	.05
Line Construction - Railroad only:					
Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem Counties:					
Linemen	11.75	11¢	8.7¢		.2¢
Line Equipment Operators	11.18	11¢	8.7¢		.2¢
Groundmen Winch and Truck Operators	8.82	11¢	8.7¢		.2¢
Groundmen	7.31	11¢	8.7¢		.2¢
Dynamite Men	9.67	11¢	8.7¢		.2¢
Transit Men	11.56	11¢	8.7¢		.2¢
Street Light Mechanic	8.75	11¢	8.7¢		.2¢
Plumbers and Pipefitters:					
Zone 1	12.35	.52	1.00	1.00	.10

MODIFICATION PAGE 4

DECISION NO. OH79-2048 - MOD. #4 (44 FR 27901 - May 11, 1979) Ashtabula, Cuyahoga, Lake, Lorain, Portage, Stark, & Summit Counties, Ohio	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers:					
Ashtabula (Cities of Ashtabula & Geneva), Cuyahoga, Lake, & Lorain Cos.	15.04	.99			
Remaining Cos.	13.66	.60	.99		.02
Bricklayers; Stonemasons:					
Lake Co.	14.52	.70	1.00		75.00p/y
Carpenters & Millwrights; Piledrivermen; Soft Floor Layers:					
Lorain Co.:					
Carpenters; Soft Floor Layers	12.82	.70	1.00	b	.08
Cement Masons:					
Lake Co.	14.52	.70	1.00		75.00p/y
Electricians:					
Lake Co.:					
Commercial Construction	14.98	.85	3%+.70		.2%
Lorain (Except Columbia Twp.):					
Commercial Construction	13.95	.75	3%+1.00		.1%
Portage (Twps. of Atwater, Aurora, Brimfield, Deerfield, Franklin, Mantua, Randolph Ravenna, Rootstown, Shelbyville, Streetsboro, & Suffield), & Summit Cos.:					
Residential Construction	8.88	.74	3%+.20		.2%
Stark County:					
Residential Construction	9.40	.55	3%+.50		.3%

MODIFICATION PAGE 5

DECISION NO. OH79-2048 Cont'd	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ashtabula Co. (Twps. of Colebrook, Wayne, Williamsfield, Orwell, & Windsor) & Portage (Remainder of Co.) Co.	14.29	.75	7%		.7%
Ashtabula Co. (Rem. of Co.):					
Commercial Construction	14.05	1.00	3%+1.00		.2%
Residential Construction	7.35	1.00	3%		.002%
Glaziers:					
Ashtabula, Cuyahoga, Lake & Lorain Cos.	14.53	.60	1.00		.01
Ironworkers:					
Ashtabula (NE ¼ of Co.)	13.00	1.86	1.01		.15
Ashtabula (except NE ¼ of Co.), Cuyahoga, Lake, Lorain, Portage (excluding Ravenna Ordnance Depot), & Summit Cos.	13.72	1.05	1.45		.03
Line Construction:					
Ashtabula Co. (Twps. of Colebrook, Orwell, Wayne, Williamsfield, & Windsor); Portage Co. (Twps. of Charleston, Edinburgh, Freedom, Hiram, Nelson, Palmyra, Paris, & Windham)					
Cable Splicer Op.; Linemen; Pole Digging Equipment Op.	14.90	.70	3%		½%

MODIFICATION PAGE 6

DECISION NO. OH79-2048 Cont'd	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundmen	11.92	.70	3%		½%
Ashtabula Co. (Rem. of Co.):					
Cable Splicer; Equipment Op.; Line Truck Driver; Linemen	13.05	.90	3%+.85		½%
Cuyahoga & Lorain (Columbia Twp.) Cos.:					
Cable Splicers; Equipment Ops.; Linemen	15.43	.60	3%		½%
Truck Drivers (Winch) Groundmen	10.03	.60	3%		½%
Lorain (Rem. of Co.) Cu.:					
Cable Splicers; Equipment Ops.; & Linemen	13.95	.75	3%+1.00		½%
Lake Co.:					
Equipment Operators; Linemen	14.98	.85	3%+.70		½%
Marble Setters:					
Lake Co.	14.52	.70	1.00		75.00p/y
Marble Setters' Finishers:					
Cuyahoga, Lake & Lorain Cos.	12.51		2.00		
Painters:					
Ashtabula, Cuyahoga, Lake, Portage (No. of East West Turnpike), & Summit (No. of East West Turnpike), Lorain (NE part):					
Brush; Rollers; Paperhangers	13.31	.82	1.00		.05
Swing Stage; Window Jack	13.61	.82	1.00		.05
Tapers	14.01	.82	1.00		.05

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MODIFICATION PAGE 7

DECISION NO. OH79-2048 Cont'd	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lorain (except NE Part):					
Commercial Construction:					
Brush	10.20	.85	.10	e	
Roller	10.70	.85	.10	e	
Taping	10.95	.85	.10	e	
Residential Construction:					
Brush	9.85	.85	.10	e	
Taping	10.60	.85	.10	e	
Portage Co. (Ravenna Ordnance Depot):					
Brush; Rollers; Waterproofing; Paperhanging; Wallwashing; Hydro Jet Cleaning; Steam Cleaning	12.45	.75	1.00		
Spray; Epoxy-mastic (Brush or Roller)	12.95	.75	1.00		
Swing; Interior Scaffold (over 30 ft.); Window Jacks & Safety belts	12.62	.75	1.00		
Drywall Taping	12.60	.75	1.00		
Open Structural Steel	12.66	.75	1.00		
Dipping (when permitted)	12.80	.75	1.00		
Epoxy - mastic (Spray	13.45	.75	1.00		
Paperhangers (Furnishing own Tools)	12.70	.75	1.00		

MODIFICATION PAGE 8

DECISION NO. OH79-2048 Cont'd	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Pipefitters:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	13.61	1.31	1.30		.15
Plasterers:					
Lake Co.	14.52	.70	1.00		75.00p/y
Plumbers:					
Ashtabula, Cuyahoga, Lake, & Summit (No. of Rte. #303) Cos.:					
Commercial Building	14.13	.90	1.10		.02
Residential	8.35	.50	.30		.03
Lorain Co.	14.28	.80	.95		.05
Portage & Summit (So. of Rte. #303) Cos.	13.20	.85	1.20		.05
Stark Co.	13.32	.50	.70	f	.10
Roofers:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	15.28	.25	.50		.05
Portage, Stark, & Summit Cos.	12.37	.94	.85		.02
Sheet Metal Workers:					
Lorain Co.	13.91	.85	1.20		.06
Sprinkler Fitters:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	13.61	1.31	1.30		.15
Lake, Portage, Stark, & Summit Cos.	14.02	.75	1.05		.08
Steamfitters:					
Lorain Co.	14.28	.80	.95		.05
Terrazzo Workers:					
Lake Co.	14.52	.70	1.00		75.00p/y
Terrazzo Workers' Finishers:					
Cuyahoga, Lake, & Lorain Cos.	13.57		1.50		
Tile Setters:					
Lake Co.	14.52	.70	1.00		75.00p/y
Tile Setters' Finishers:					
Cuyahoga, Lake, & Lorain Cos.	13.04		2.00		

MODIFICATION PAGE 9

DECISION NO. OH79-2048 Cont'd	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers (Ashtabula Co.):					
Sheeting & Shoring Men; Asphalt Rakers & Tampers; Dumpmen (Batch Truck); Signalmen; Concrete Workers; Building Wreckers; Tool Checkers; Carpenters' Tenders; Construction Laborers; All Work not Mentioned in Classifications below to be paid at the rate of Construction Laborers	11.85				
Spreader Box Men (asphalt); Stone Masons' Assistant; Plasterers or Mortar Mixers; Squeegee Man	12.00				
Air & Machine Driven Tool Op.; Industrial Sewer Cleaning; Sewer Pipe Layers; Bottom Men (6' & over); Power Driven Wheelbarrows & Sweepers; Brick Batter & Droppers; Burning & Cutting Torches; Mud Jacking of Floors	12.05				
Stackmen; Swinging Scaffold Men	12.15				
Tunnel Laborers	12.25				
Gunnite Operators	12.35				
Powder Blasters	12.40				

MODIFICATION PAGE 10

DECISION NO. OH79-2048 Cont;d	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers (Lake County):					
Building & Construction Gunite Op.; Blasters & Shooters; Caissons; Wells; Cylinder Cofferdams; Mine Workers w/o Air; Swing Scaffolds; Acetylene Burners; Vibrators; Top Man on Free Standing Radial Stacks; Slip Forms Higher than 30'; Fire Brick Tenders	11.30	.70	.90		
	11.55	.70	.90		
Laborers (Stark County):					
Building & Construction; Signalmen; Flagmen; Tool Cribman; Carpenters' Tender; Finisher Tenders; Concrete Handler; Utility Construction Laborer; Guard Rail Erector	9.51	.80	.80		.10
Bottom Men; Scaffold Builder; Tunnel Laborers; Pipe Layers; Air & Power Driven Tools; Burner on Demolition; Swinging Scaffold; Mucker; Caisson Worker; Cofferdam Worker; Powder Men & Dynamite Blaster; Creosote Workers; Mortar Mixers; Form Setter; Mason Tender; Plasterers' Tenders; Hod Carrier; Laser Beam Set-Up Men	9.71	.80	.80		.10
Gunnite Operator	10.11	.80	.80		.10

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MODIFICATION PAGE 11

DECISION NO. OH79-2048 Cont'd	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators					
Ashtabula, Cuyahoga, Lake, & Lorain Cos.:					
Group A	13.72	.96	1.00		.11
Group B	13.57	.96	1.00		.11
Group C	13.22	.96	1.00		.11
Group D	12.44	.96	1.00		.11
Group E	12.12	.96	1.00		.11
Group F	9.94	.96	1.00		.11
Portage, Stark, & Summit Cos.:					
Group A	13.44	.96	1.00		.11
Group B	13.28	.96	1.00		.11
Group C	12.93	.96	1.00		.11
Group D	12.12	.96	1.00		.11
Group E	11.79	.96	1.00		.11
Group F	9.58	.96	1.00		.11

MODIFICATION PAGE 12

DECISION NO. PA78-3071 Mod. No. 4 (43 FR 46477 - October 6, 1978) Erie County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers	$13.00	.80	.60		.02
Electricians	13.65	.72	3%+.88	.75	1/2%
Laborers:					
Common laborers	10.00	9%	9%		3%
Mason tenders	10.30	9%	9%		3%
Line Construction:					
Lineman, Heavy Equipment Op.	12.37	.55	3%		3/8%
Winch truck op.	8.68	.55	3%		3/8%
Groundman	8.30	.55	3%		3/8%
Painters:					
Brush	10.30	.60	.50		.02
Structural Steel	11.05	.60	.50		.02
Spray	10.80	.60	.50		.02
Plumbers & Steamfitters	13.02	.75	1.05		.06
Sprinkler Fitters	13.55	.75	1.05		.08
Stonemasons	13.00	.80	.60		.02

DECISION NO. PA78-3078 MOD. NO. 3 (43 FR 49205 - October 20, 1978) Allegheny County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians (Single or two family houses walk-up garden type apartments up to and including 4 stories	8.65	.55	3%		

MODIFICATION PAGE 13

DECISION NO. PA79-3000 MOD. NO. 8 (44 FR 5625 - January 25, 1979) Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin & Potter Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
CARPENTERS					
ZONE 1	$11.75	8%	7%	5%	
ZONE 2	11.54	8%	7%	5%	
CARPENTER - WELDER					
ZONE 1	12.17	8%	7%	5%	
ZONE 2	11.96	8%	7%	5%	

MODIFICATION PAGE 14

DECISION NO. PA79-3003 MOD. NO. 3 (44 FR 13228 - March 9, 1979) Lawrence & Mercer Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Electricians:					
Lawrence County	$13.57	6%	3%	1.00	1½%
Ironworkers:					
Structural, Ornamental & Reinforcing	13.00	.75	1.30		.09
Line Construction:					
Linemen, dynamite man, heavy equipment operator	12.37	.55	3%		3/8%
Winch truck operator	8.68	.55	3%		3/8%
Groundman	8.30	.55	3%		3/8%
PAINTERS:					
Commercial - shall include stores, schools, warehouses not in plant showrooms, churches, apartment buildings, commercial garage, office buildings:					
Brush & Roller	11.95	.75	1.10		
Spray	12.95	.75	1.10		
Industrial - shall include sewage treatment plants, water works or authorities, and power plants, all skelton steel, railroad and highway bridges, towers, tanks, storage tanks, furnances, machinery, corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, offices and hospital, both interior and exterior:					
Brush & Roller	12.45	.75	1.10		
Spray	13.45	.75	1.10		

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MODIFICATION PAGE 15

DECISION NO. PA80-3012
MOD. NO. 1
(45 FR 10595 - February 15, 1980)
Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington, Westmoreland Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos workers	$13.47	.85	1.25		.01
Elevator Constructors	11.635	.745	.56	a+b	.025
Elevator Constructors Helpers	8.14	.745	.56	a+b	.025
Elevator Constructors Helpers (Prob.)	5.82				
Line Construction:					
Linemen, dynamite man, heavy equipment operator	12.37	.55	3%		3/8%
Winch truck operator	8.68	.55	3%		3/8%
Groundman	8.30	.55	3%		3/8%

SUPERSEDEAS DECISION

STATE: ARKANSAS COUNTY: STATEWIDE
DECISION NO. AR80-4020 DATE: Date of Publication
Supersedes Decision No. AR80-4012 dated February 1, 1980 in 45 FR-7442
DESCRIPTION OF WORK: Construction, alteration, and/or repair of streets, highways, runways, and water and sewer utilities, (but does not include building structures on highway rest areas).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$5.75				
CARPENTERS	5.75				
CONCRETE FINISHER	5.75				
ELECTRICIANS	7.00				
IRONWORKERS:					
Structural	5.00				
Reinforcing	4.10				
LABORERS:					
Air tool operator	4.00				
Asphalt heater operator	4.00				
Asphalt raker	4.60				
Carpenter tender	4.10				
Chain saw operator	4.10				
Checker grade	4.25				
Concrete finisher tender	4.10				
Concrete joint sealer	4.10				
Concrete saw operator	4.10				
Form setter	4.30				
Laborer	3.10				
Pipelayer	4.25				
Powderman	5.00				
Vibratorman	4.00				
PAINTER	5.00				
PILE DRIVER LEADMAN	5.00				
POWER EQUIPMENT OPERATORS:					
Aggregate spreader operator	4.50				
Asphalt plant fireman	3.75				
Asphalt plant drier operator	3.75				
Batch plant operator	4.50				
BULLDOZER OPERATOR:					
Finish	5.50				
Rough	4.70				
Bull float operator	4.40				
Concrete curing machine operator	4.65				

DECISION NO. AR80-4020

Power Equipment Operators (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Concrete mixer operator (less than 5 sacks)	$4.10				
Concrete mixer operator (5 sacks or over)	4.95				
Backhoe, operator -rubber tired (1 yard or less)	4.70				
Cherry picker operator	4.70				
Concrete paver operator	5.25				
Concrete spreader operator	5.25				
Crane, derrick, dragline, shovel, backhoe operator (1½ yd. or less)	5.50				
Crane, derrick, dragline, shovel, backhoe operator (over 1½ yd.)	5.75				
Crusher operator	4.40				
Distrubutor operator	4.40				
Drill operator (wagon or truck)	4.75				
Elevating grader operator	5.25				
Euclid or like equipment operator (bottom or end dump)	4.25				
Finishing machine operator	4.75				
Forklift operator	3.90				
Form grader operator	3.90				
Front end loader operator					
Finish	5.25				
Rough	4.70				
Hydro seeder operator	4.25				
Mechanic	5.50				
Motor Patrol Operator:					
Finish	5.50				
Rough	4.70				
Mulching machine operator	4.25				
Oiler and greaser	4.25				
Pile driver operator	4.90				
Pub mill operator	3.90				
Roller operator (self-propelled)	4.25				

DECISION NO. AR80-4020

Power Equipment Operators (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Scraper Operator:					
Finish	$5.50				
Rough	4.70				
Sod slicing machine operator	3.85				
Stabilzer mixing machine operator	4.40				
Tractor operator (crawler type)	4.25				
Tractor operator (farm & wheel)	4.00				
Tractor operator wheel type (with attachments 1 yd. or under)	4.40				
Trenching machine operator	4.40				
STONEMASONS	5.75				
Truck Drivers:					
Distributor truck driver	4.30				
Semi-trailer	4.30				
Loyboy driver	4.75				
Transit mix truck driver	4.30				
Truck driver (heavy-maximum pay load in excess of 3000 lbs.)	4.00				
Truck driver (light-maximum pay load 3000 lbs.)	3.85				
Well drillers	5.50				

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(ii)).

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SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA80-5110

DATE: Date of Publication

Supersedes Decision Nm. CA78-5107 dated July 7, 1978, in 43 FR 29444

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and imcluding 4 stories), Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.01	$1.32	$1.30	$2.00	.11
BOILERMAKERS	15.21	1.175	1.25	1.00	.04
BRICKLAYERS; Stonemasons:					
Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, and Trinity Counties	15.02	1.50	1.83		.05
Alameda and Contra Costa Counties	14.45	1.65	1.25		.05
Fresno, Kings, Madera, Mariposa and Merced Cos.	14.40	1.40	1.30		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	14.43	1.30	1.21		.25
Monterey and Santa Cruz Counties	14.65	1.65	1.40		
San Benito and Santa Clara Counties	14.45	1.65	1.25		.05
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	14.20	1.19	1.85		.04
Tulare County	14.49	1.05	2.11		.10

DECISION NO. CA80-5110 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICK TENDERS:					
Fresno, Kings, Madera and Tulare Counties	$11.52	$1.30	$1.75		
CARPENTERS:					
Carpenters	13.33	1.605	1.95	1.30	.09
Hardwood Floor Layers; Power Saw Operators; Saw Filers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors	13.48	1.605	1.95	1.30	.09
Millwrights	13.83	1.605	1.95	1.30	.09
Piledrivermen, bridge, wharf and dock builders	12.23	.84	1.26	.75	.04
CEMENT MASONS:					
Cement Masons	10.50	1.30	1.68	1.65	.05
Mastic; Magnesite; All Composition Maons	10.75	1.30	1.68	1.65	.05
Men working from swinging or slip form scaffolds	10.75	1.30	1.68	1.65	.05
DRYWALL INSTALLERS	13.60	1.605	1.95	1.20	.09
ELECTRICIANS:					
Alameda County:					
Electricians	17.46	1.30	3%+1.90		.082
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Sierra Mountain Watershed:					
Electricians	17.05	.95	3%+2.50		.06
Lake Tahoe Area:					
Electricians	17.43	.99	3%+1.37		.08
Cable Splicers	19.07	.99	3%+1.37		.08
Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama and Trinity Counties:					
Electricians	14.555	1.40	3%+1.35		.04
Cable Splicers	16.01	1.40	3%+1.35		.04
Calaveras and San Joaquin Counties:					
Electricians; Technicians	16.66	1.13	3%+2.11		1/4%
Cable Splicers	18.07	1.13	3%+2.11		1/4%

DECISION NO. CA80-5110 Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Contra Costa County:					
Electricians	$16.81	$1.40	3%+2.25		
Cable Splicers	18.56	1.40	3%+2.25		
Del Norte and Humboldt Counties:					
Electricians	13.10	1.10	3%+2.80		.04
Cable Splicers	14.15	1.10	3%+3.80		.04
Fresno, Kings, Madera and Tulare Counties:					
Electricains	15.20	1.01	3%+1.45		.05
Lake, Marin, Mendocino and Sonoma Counties:					
Electricians	16.45	1.11	3%+.30		.04
Cable Splicers	18.12	1.11	3%+.30		.04
Mariposa, Merced, Stanislaus and Tuolumne Counties:					
Electricians	15.47	1.00	3%+1.75		1/4%
Cable Splicers	17.02	1.00	3%+1.75		1/4%
Monterey County:					
Electricians	14.85	1.15	3%+3.41		.08
Cable Splicers	16.71	1.15	3%+3.41		.08
Napa and Solano Counties:					
Electricians	16.07	1.42	3%+2.00		.05
Santa Clara County:					
Electricians	16.80	1.32	3%+2.50		.07
Cable Splicers	18.90	1.32	3%+2.50		.07
San Benito and Santa Cruz Counties:					
Electricians	15.77	1.15	3%+3.41		.08
Cable Splicers	17.74	1.15	3%+3.41		.08
San Francisco County:					
Electricians	16.66	1.36	3%+1.25		.07
Cable Splicers	18.74	1.36	3%+1.25		.07
San Mateo County:					
Electricians	15.54	1.25	3%+1.75		.03
ELEVATOR CONSTRUCTORS	14.82	.745	.56	a	.025

DECISION NO. CA80-5110 Page 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS:					
Alameda, Contra Costa, Lake, Marin, Mendocino, (Southern half of County from North of Ft. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano (S.W. from east of Fairfield) and Sonoma Counties	$15.25	$1.11	$2.32		.10
Alpine, Amador, Butte, Calaveras, El Dorado, Mariposa, Merced, (North of the City of Livingston) Modoc, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties	12.931	.83	1.60		
Fresno, Kings, Madera and Tulare Counties and the remaining portions of Merced County	10.12	.94	1.04	.615	.05
IRONWORKERS:					
Fence Erectors	11.61	1.39	2.82	1.90	.07
Reinforcing	12.50	1.39	2.82	1.90	.07
Ornamental; Structural	12.50	1.39	2.82	1.90	.07
LATHERS:					
Alameda and Contra Costa Counties	14.51	1.31	2.00		.10
Butte, Colusa, Glenn, Humboldt, Lake (that portion of County from Lakeport up to County Line), Nevada, Placer, Plumas, Shasta, Sierra, Tehama and Trinity Counties	12.35	.86	1.30		.01
Calaveras and San Joaquin Counties	13.70	.93	.55		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS: (Cont'd)					
Lake (from City of Lakeport down to County Line), Marin, Mendocino and Sonoma Counties	$15.71	$1.01	$1.35		.01
Monterey and Santa Cruz Counties	11.30	.68	.55		.01
San Francisco and San Mateo Counties	13.37	1.11	2.50	1.00	.02
San Benito and Santa Clara Counties	12.69	.98	1.75		
Fresno, Kings, Madera and Tulare Counties	14.20	.70	.70		
Mariposa, Merced, Stanislaus and Tuolumne Counties	11.85				.01
Amador, El Dorado, Sacramento and Yolo Cos.	11.92	.82	2.50	1.50	.02
LINE CONSTRUCTION:					
Contra Costa County:					
Groundmen	12.61	1.40	3%+2.25		
Line Equipment Operators	15.13	1.40	3%+2.25		
Linemen	16.81	1.40	3%+2.25		
Cable Splicers	18.56	1.40	3%+2.25		
Del Norte, Modoc and Siskiyou Counties:					
Groundmen	9.21	.45	3%+1.10	.10	1/2%
Headgroundman (Chipper); Powderman; Jackhammermen	9.80	.45	3%+1.10	.10	1/2%
Line Equipment Men	11.21	.45	3%+1.10	.10	1/2%
Linemen Polesprayer; Heavy Line Equipment Men; Certified Lineman; Welder	13.01	.45	3%+1.10	.10	1/2%
Tree Trimmer	11.75	.45	3%+1.10	.10	1/2%
Cable Splicers	14.41	.45	3%+1.10	.10	1/2%
Fresno, Kings, Madera and Tulare Counties:					
Groundmen	14.74	.75	3%+.95		.05
Linemen; Line Equipment Operators	15.56	.75	3%+.95		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (Cont'd)					
Calaveras and San Joaquin Counties:					
Groundmen	$12.05	$1.13	3%+2.11		
Line Equipment Operators	14.45	1.13	3%+2.11		
Linemen	16.06	1.13	3%+2.11		
Mariposa, Merced, Stanislaus and Tuolumne Counties:					
Linemen	15.47	1.00	3%+1.75		1/4%
Cable Splicers	17.02	1.00	3%+1.75		1/4%
Monterey County:					
Linemen; Technicians	14.95	1.15	3%+3.71		.06
Cable Splicers	16.81	1.15	3%+3.71		.06
Napa and Solano Counties:					
Linemen	12.07	.68	3%+1.10		.04
Cable Splicers	13.58	.68	3%+1.10		.04
Butte, Glenn, Lassen, Plumas, Shasta, Tehama and Trinity Counties:					
Groundmen	9.58	.87	1%+.705		.02
Linemen; Equipment Operators	11.98	.87	1%+.705		.02
Cable Splicers	13.18	.87	1%+.705		.02
Alameda County:					
Groundmen	13.19	1.05	3%+1.15		.03
Linemen	16.49	1.05	3%+1.15		.03
Line Equipment Operators	14.84	1.05	3%+1.15		.03
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer, and Sierra Counties West of the Main Sierra Mountain Watershed:					
Groundmen	14.31	.95	1%+.85		1/2%
Linemen	17.89	.95	1%+.85		1/2%
Cable Splicers	19.68	.95	1%+.85		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (Cont'd)					
Lake, Marin, Mendocino and Sonoma Counties:					
Groundmen	$10.52	$1.11	3%+.80		.02
Line Equipment Operators	11.84	1.11	3%+.80		.02
Linemen	13.15	1.11	3%+.80		.02
Cable Splicers	14.50	1.11	3%+.80		.02
San Mateo County:					
Groundmen	13.21	1.25	3%+1.75		.03
Line Equipment Operators	13.99	1.25	3%+1.75		.03
Linemen	15.54	1.25	3%+1.75		.03
Cable Splicers	17.48	1.25	3%+1.75		.03
Humboldt County:					
Groundmen	9.20	1.10	3%+2.80		.04
Linemen	11.50	1.10	3%+2.80		.04
Cable Splicers	12.42	1.10	3%+2.80		.04
San Francisco County:					
Groundmen	14.16	1.36	3%+1.255		.07
Linemen; Technicians	16.66	1.36	3%+1.255		.07
Cable Splicers	18.74	1.36	3%+1.255		.07
San Benito and Santa Cruz Counties:					
Linemen	15.87	1.15	3%+3.71		
Cable Splicer	17.85	1.15	3%+3.71		
Santa Clara County:					
Groundmen	14.28	1.32	3%+2.50		.07
Linemen; Line Equipment Operators	16.80	1.32	3%+2.50		.07
Cable Splicers	18.90	1.32	3%+2.50		.07
MARBLE SETTERS	11.64	1.50	1.10	1.03	
PAINTERS:					
Alpine, Amador, Calaveras and San Joaquin Counties:					
Brush	11.49	1.00	2.34	1.11	
Spray; Sheetrock Taper; Swing Stage; Scaffold; Sandblaster Structural Steel	11.89	1.00	2.34	1.11	
Fresno, Kings, Madera and Tulare Counties:					
Brush; Tapers	11.61	.81	.20		
Spray; Structural Steel	12.11	.81	.20		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Mariposa, Merced, Stanislaus and Tuolumne Counties:					
Brush	$10.88	$1.55	.85	$1.00	.02
Swing Stage; Paperhangers; Bosun Chair; Steam Cleaning; Water Blasting	11.13	1.55	.85	1.00	.02
Spray; Sandblasting	11.38	1.55	.85	1.00	.02
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of Counties in the Lake Tahoe Area):					
Brush	15.15	1.50	2.00	.80	.06
Spray	15.65	1.50	2.00	.80	.06
Tapers	15.70	1.50	2.00	.80	.06
Lake Tahoe Area:					
Brush	14.43	.70	.75		.02
Spray; Paperhanger; Tapers	14.93	.70	.75		.02
Lake, Marin, Mendocino, San Francisco and Sonoma Counties:					
Brush	14.67	1.80	2.00	.80	.06
Spray	15.17	1.80	2.00	.80	.06
Tapers	15.72	1.80	2.00	.80	.06
Butte, Colusa, Glenn, Lassen (excluding the extreme SE Corner), Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties:					
Brush; Pot Tenders; Rollers	9.35	.65	.70		
Spray; Sandblaster; Structural Steel; Swing Stage; Tapers	9.60	.65	.70		
Lassen County (that portion that lies Eastward of Hwy. #395, Northward to and including Honey Lake)					
Brush	14.43	.70	.75		.02
Spray; Paperhanger; Tapers	14.93	.70	.75		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area):					
Brush	$14.90	$1.50	$ 2.00	.80	.06
Spray	15.40	1.50	2.00	.80	.06
Tapers	15.70	1.50	2.00	.80	.06
Del Norte and Humboldt Counties:					
Brush	9.15	.95	.50	1.00	
Spray; Sandblasters; Structural Steel; Swing Stage; Tapers; Paperhangers	9.40	.95	.50	1.00	
Parking Lot Striping Work and/or Highway Markers:					
Fresno, Kings and Tulare Counties:					
Traffic Delineating Device Applicator	10.72	.55	.40	b	
Wheel Stop Installer; Traffic Surface Sandblaster; Striper	10.33	.55	.40	b	
Slurry Seal Operation:					
Mixer Operator	10.33	.85	.50	b	
Squeegee Man	9.14	.85	.50	b	
Applicator Operator	9.14	.85	.50	b	
Shuttleman	9.14	.85	.50	b	
Top Man	7.60	.85	.50	b	
Remaining Counties:					
Traffic Delineating Device Applicator; Wheel Stop Installer; Traffic Surface Sandblaster	10.72	.85	.50	b	
Striper	11.82	.85	.50	b	
Slurry Seal Operation:					
Mixer Operator	10.72	.85	.50	b	
Squeegee Man	9.14	.85	.50	b	
Applicator Operator	9.14	.85	.50	b	
Shuttleman	9.14	.85	.50	b	
Top Man	7.60	.85	.50	b	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Alameda and Contra Costa Counties	$10.10	.745	$ 1.05		.03
San Mateo County	14.08	1.10	3.00		.06
Butte, Colusa, Glenn, Lassen (Southeastern half of Lassen County), Plumas, Sierra, Sutter, and Yuba Counties	9.79	.56	1.00		
Monterey County	12.31	1.00	.35		.01
Fresno, Kings, Madera and Tulare Counties	9.24	.90	1.50	1.11	
Alpine, Amador, Butte, Calaveras, Colusa, El dorado, Glenn, Lassen (Southeastern half), Nevada, Placer Plumas, Sacramento, San Joaquin, Sierra, Sutter, Yolo and Yuba Counties	11.59	.71	1.50		.01
San Francisco County	14.08	1.10	3.00		.06
Del Norte, Humboldt, Lassen (Northwestern half), Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Counties	10.65	.98	.80	1.25	.01
Mariposa, Merced, Stanislaus and Tuolumne Counties	9.05	.90	1.55	1.20	
PLASTERERS' TENDERS:					
Alameda and Contra Costa Counties	8.87	.60	1.10		
Fresno, Kings and Madera Counties	11.80	1.25	1.70		
San Francisco and San Mateo Counties	10.65	1.25	1.40	1.25	
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	7.45	.45	1.40	.80	
Calaveras and San Joaquin Counties	11.61	1.25	1.70	1.00	
Marin County	8.32	.80	1.40	.90	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS' TENDERS: (Cont'd)	$10.40	$1.25	$ 1.70		
Monterey County					
San Benito, Santa Clara and Santa Cruz Counties	11.16	1.30	1.35		
Solano County	12.70	1.25	1.70	1.10	
Napa County	13.80	1.25		1.10	
PLUMBERS:					
Alameda County	16.35	1.40	2.52		.16
Contra Costa County	17/87	1.40	2.39		.26
PLUMBERS; Steamfitters:					
Amador (Northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	16.32	1.48	2.07		.14
Lake Tahoe Area	16.09	1.13	1.00		.10
Marin, Mendocino, San francisco and Sonoma Cos.	17.60	2.43	2.29		.20
Alpine, Amador (Southern portion of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne and Yuba Counties	15.00	1.62	2.42		.10
Lake, Napa and Solano Cos.	17.64	1.40	2.39		.22
Del Norte and Humboldt Cos.	14.50	1.12	2.65		.10
San Benitm and Santa Clara Counties	17.49	1.30	2.39		.22
San Mateo County	16.51	1.34	2.75		.25
ROOFERS:					
Alameda and Contra Costa Counties:					
Roofers	13.05	1.25	1.80	1.35	.10
Mastic Workers; Kettlemen (2 kettles W.o pumps)	13.30	1.25	1.80	1.35	.10
Bitumastic; Enamelers; Pipewrappers; Coal Tar built up	15.05	1.25	1.80	1.35	.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Cont'd)					
Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus and Tuolumne Counties:					
Roofers (slate, tile composition and built up)	$12.15	$1.04	$ 1.00		
Felt Machine Operator	12.30	1.04	1.00		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties:					
Roofers	13.35	1.22	.55		.10
Fresno, Kings, Madera and Tulare Counties:					
Roofers	13.10	.70	1.10		
Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties:					
Roofers	12.43	1.10	1.40	2.43	.10
Mastic Workers; Kettlemen (2 kettles w/o pumps)	12.68	1.10	1.40	2.43	.10
Bitumastic; Enamelers; Pipewrappers; Coal Tar Pitch	14.43	1.10	1.40	2.43	.10
Del Norte and Humboldt Counties:					
Roofers	10.32	.40	.75	.35	
Monterey and Santa Cruz Counties:					
Roofers	13.30	1.40	1.15		
San Francisco and San Mateo Counties:					
Roofers	13.21	.80	1.50	1.90	.10
Mastic Workers; Kettlemen (2 kettles w/o pumps)	13.46	.80	1.50	1.90	.10
Bitumastic; Enamelers; Pipewrappers; Cmal Tar	14.43	.80	1.50	1.90	.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Cont'd)					
Amador, Sacramento and Yolo Counties:					
Roofers (slate, tile and composition)	$12.45	$1.19	$ 1.10	$2.00	.10
Enameler and Pitch	13.95	1.19	1.10	2.00	.10
San Benito and Santa Clara Counties:					
Roofers; Kettle (1 kettle)	12.88	.99	1.68		
SHEET METAL WORKERS:					
Alameda, Contra Costa, Napa and Solano Counties	13.10	1.23	2.52	12%	.05
Alpine, Calaveras and San Joaquin Counties	14.23	1.23	2.00		.01
Amador, Butte, Colusa, El Dorado, Glenn, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	13.68	1.23	2.21		.13
Mariposa, Merced, Stanislaus and Tuolumne Counties	15.36	1.23	2.08		.04
Monterey, San Benito, Santa Clara and Santa Cruz Cos.	14.85	1.20	3%+2.21		.03
Del Norte, Humboldt, Lake Marin, Mendocino, San Francisco, Sonoma and Trinity Counties	14.78	1.38	2.00		.16
San Mateo County	14.39	1.23	2.20		.045
Modoc and Siskiyou Counties	13.715	.71	.61		.045
Fresno, Kings, Madera and Tulare Counties	13.74	1.23	1.38		.17

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS:					
Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen (excluding Honey Lake Area), Merced (east of San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	$12.43	.89	$ 1.30	$1.25	.10
Honey Lake Area and Lake Tahoe Area	13.74	.70	.20		
Alameda, Contra Costa, Lake, Marin, Mendocino, Merced, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, solano and Sonoma Counties	14.13	.90	1.70		.10
SPRINKLER FITTERS:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Cos.	18.71	.75	2.55		.14
Remaining Counties	17.38	.75	1.05		.08
STEAMFITTERS:					
Alameda and Contra Costa Counties	15.68	1.40	2.39		.02
Del Norte and Humboldt Counties	12.75	1.12	2.65		.10
TERRAZZO WORKERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Counties	13.43	1.50	1.83	1.33	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS (Cont'd)					
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	$11.80	.80	.90		.25
TILE SETTERS:					
Alameda, Butte, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo and Yuba Counties	13.00	1.08	1.30	1.58	.115
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	14.46	1.19	1.00	2.00	.04
Fresno, Kings, Madera, Mariposa, Merced and Tulare Counties	11.30	1.05	1.00		.05
Monterey and Santa Cruz Counties	15.44	1.48	1.64		
TILE FINISHERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Siskiyou, Sonoma, Solano and Trinity Counties	11.00	.92	.73	10%	.03
Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Stanislaus, Sutter, Tehama, Yolo and Yuba Counties	8.00	.80	1.20		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for over 5 years' service, and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.32 per hour to Holiday Fund plus $.22 per hour to Vacation Fund for the first year of employment; 1 year but less than 5 years $.42 per hour to Vacation Fund; 5 years but less than 10 years $.60 per hour to Vacation Fund; over 10 years $.80 per hour to Vacation Fund.

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$10.60	$1.30	$ 1.75	$1.40	.10
Group 1(a)	10.83	1.30	1.75	1.40	.10
Group 1(b)	11.10	1.30	1.75	1.40	.10
Group 1(c)	10.65	1.30	1.75	1.40	.10
Group 1(d)	11.40	1.30	1.75	1.40	.10
Group 1(e)	11.15	1.30	1.75	1.40	.10
Group 1(f)	11.19	1.30	1.75	1.40	.10
Group 1(f)1	10.20	1.30	1.75	1.40	.10
Group 2	10.45	1.30	1.75	1.40	.10
Group 3	10.35	1.30	1.75	1.40	.10
(GUNNITE)					
Group 1	11.06	1.30	1.75	1.40	.10
Group 2	11.47	1.30	1.75	1.40	.10
Group 3	10.35	1.30	1.75	1.40	.10
(TUNNEL and SHAFT WORK)					
Group 1	12.62	1.30	1.75	1.40	.10
Group 2	12.26	1.30	1.75	1.40	.10
Group 3	12.05	1.30	1.75	1.40	.10
Group 4	11.91	1.30	1.75	1.40	.10
(WRECKING WORK)					
Group 1	10.60	1.30	1.75	1.40	.10
Group 2	10.45	1.30	1.75	1.40	.10
Group 3	10.35	1.30	1.75	1.40	.10
(HOUSEMOVING)					
Group 1	10.60	1.30	1.75	1.40	.10

LABORERS

Group 1: Asphalt Ironers and Rakers; Barko, Wacker and similar type Tampers; Buggymobile; Chainsaw, fialler, logloader and bucker; Compactors or all types; Concrete and Magnesite Mixer 1/2 yard and under; Concrete Pan Work; Concrete Saw; Concrete Sander; Cribber and/or Shoring; Cut Granite Curb Setter; Form Raisers; Slip Forms; Green Cutters, Headerboardmen, Hubsetters, Aligners; Jackhammer Operators; Jacking of pipe over 12 inches; Jackson and similar type Compactors; Kettlemen, Potmen and Men applying asphalt, lay-kold, creosote, lime, caustic and similar type materials; Lagging, Sheeting, Whaling, Bracking, Trench-jacking, hand-guided Lagging Hammer; Magnesite, Epoxyresin, Fiber-glass, Mastic Workers (wet or dry); Pavement Breakers and Spaders, including Tool Grinder; Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers, Plastic Pipelayers; Post Hole Diggers - air, gas, and electric; Power Broom Sweepers; Power Tampers of all types (except as shown in Group 2); Ram Set Gun and Stud Gun; Riprap-stonepaver and Rock-slinger, including placing of sacked concrete and/or sand (wet or dry); Rotary Scarifier, multiple Head Concrete Chipper; Davis Trencher, 300 or similar type (and all small Trenchers); Roto and Ditch Witch; Roto-tiller; Sandblasters, Potman, man, Gunman, Nozzleman; Signalling and Rigging; Tank Cleaners; Tree Climbers; Vibra-screed, Bull Float in connection with Laborers' work; Vibrators; Dri-pak-it Machine; High Pressure Blow Pipe (1¼" or over, 100 lbs. pressure over over); Hydro Seeder and similar type; Laser Beam in connection with Laborers' work

Group 1(a): Joy Drill Model TWM-2A; Gardener-Denver Model DH143 and similar type drills; Track Drillers; Jack Leg Drillers; Diamond Drillers; Wagon Drillers; Mechanical Drillers - all types regardless of type or method of power; Multiple Union Drills; Blasters and Powdermen; all work of loading, placing and blasting fo all power and explosives of whatever type regardless of method used for such loading and placing; High Scalers (including drilling fo same); Tree Topper; Bit Grinder

Group 1(b): Sewer Cleaners

Group 1(c): Burning and Welding

Group 1(d): Repair Trackmen and Road Beds (cut and cover work of subway after the temporary cover has been placed)

Group 1(e): Laborers on general construction work on or in Bell Hole Footings and Shaft

Group 1(f): Wire Winding Machine in Connection with Guniting or Shotcrete - Aligner

LABORERS (Cont'd)

Group 1(f)1: Wire Winding Machine in connection with Guniting or Shotcrete

Group 1(g): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic Pipelayers; Pressure Pipe Tester, no joint pipe and stripping of same, including repairof voids, precast manhole setters, cast in place, manhole form setters

Group 2: Asphalt Shovelers; Cement Dumpers and handling dry cement or gypsum; Choke-setter and Rigger (clearing work); Concrete Bucket Dumper and Chuteman; Concrete Chipping and Grinding; Concrete Laborers (wet or dry); Chuck Tender; High Pressure Nozzleman, Adductors; Groutcrew; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and hauling of all rods and materials for use in reinforcing concrete construction; Pittsburgh Chipper and similar type Brush Shredders; Sloper; Singlefoot, hand held, Pneumatic Tamper; All penmatic, air, gas and electric tools not listed in Groups 1 thorugh 1(f); Jacking of Pipe under 12 inches

Group 3: All Cleanup work of debris, grounds and buildings including but not limited to street cleaners; Cleaning and washing windows; Construction Laborers including bridge and general Laborers; Dumpman; Load Spotter; Fire Watcher; Street Cleaners; Gardeners, Horticultural and Landscape Laborers; Jetting; Limbers; Brush Loaders; Pilers, maintenance landscape laborers on new construction; Maintenance, Repair Trackmen and Road beds; Streetcar and Railroad Construction Track Laborers; Temporary air and water lines, Victaulic or similar; Tool Room Attendent; Fence Erectors; Guardrail Erectors; Pavement Markers (button setters)

(GUNNITE)

Group 1: Nozzleman (including Gunman, Potman); Rodmen; Groundman

Group 2: Reboundman

Group 3: General Laborers

LABORERS (Cont'd)

(TUNNEL and SHAFT WORK)

Group 1: Diamond Driller; Groundman; Gunite and Shotcrete Nozzlemen; Rodmen; Shaft Work and raise (below actual or excavated ground level)

Group 2: Bit Grinder; Blaster; Drillers, Powderman-heading; Cherry Pickermen - where car is lifted; Concrete Finisher in Tunnel; Concrete Screed Man; Grout Pumpman and Potman; Gunite and Shotcrete Gunmen and Potmen; Headermen; High Pressure Nozzleman; Miners - Tunnel, including Top and Bottom Man on Shaft and Raise work; Nipper Nozzleman on slick line; Sandblaster-potman (work assignment interchangeable) Steel Form Raisers and Setters; Timberman, Retimberman - wood or steel or substitue materials therefore; Tugger

Group 3: Cabletender; Chucktender; Powderman - Primer House; Vibratormen, Pavement Breakers

Group 4: Bull Gang - Muckers, Trackmen; Concrete Crew - includes rodding and spreading; Dumpmen (any mehtod); Grout Crew Reboundmen; Swamper

(WRECKING WORK)

Group 1: Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electric fixtures)

Group 2: Semi-skilled Wrecker (salvaging or other building materials)

Group 3: General Laborer (includes all cleanup work, loading, lumber, loading and burning of debris)

(HOUSEMOVING)

Group 1: Skilled Housemover

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: DREDGING SCHEDULE I CLAMSHELL & DIPPE DREDGING (New Construction)					
Group 1: Bargeman; Deckhand; Fireman; Oiler:					
Area 1	$ 9.67	$1.07*	$ 1.78	.80	.14
Area 2	10.64	1.07*	1.78	.80	.14
Area 3	10.92	1.07*	1.78	.80	.14
Area 4	11.20	1.07*	1.78	.80	.14
Group 2: Deck Engineers; Deck Mate:					
Area 1	11.41	1.07*	1.78	.80	.14
Area 2	12.45	1.07*	1.78	.80	.14
Area 3	12.74	1.07*	1.78	.80	.14
Area 4	13.04	1.07*	1.78	.80	.14
Group 3: Welder; Mechanic Welder; Watch Engineer:					
Area 1	11.88	1.07*	1.78	.80	.14
Area 2	12.91	1.07*	1.78	.80	.14
Area 3	13.21	1.70*	1.78	.80	.14
Area 4	13.50	1.06*	1.78	.80	.14
Group 4: Clamshell Operator (up to and including 7 cu. yds. M.R.C.)(Long Boom Pay):					
Area 1	12.68	1.07*	1.78	.80	.14
Area 2	13.72	1.07*	1.78	.80	.14
Area 3	14.01	1.07*	1.78	.80	.14
Area 4	14.30	1.07*	1.78	.80	.14

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (CONT'D) DREDGING -- SCHEDULE I (CONT'D)					
Group 4-A: Clamshell Operator (over 7 cu. yds. M.R.C.)(Long Boom Pay):					
Area 1	$13.91	$1.07*	$ 1.78	.80	.14
Area 2	14.97	1.07*	1.78	.80	.14
Area 3	15.29	1.07*	1.78	.80	.14
Area 4	15.59	1.07*	1.78	.80	.14
SCHEDULE II HYDRAULIC SUCTION DREDGING AND ALL OTHER CLAMSHELL AND DIPPER DREDGING					
Group A-1: Bargeman; Deckhand; Leveehand; foreman; Oiler:					
Area 1	9.65	1.07*	1.78	.80	.14
Area 2	10.62	1.07*	1.78	.80	.14
Area 3	10.90	1.07*	1.78	.80	.14
Area 4	11.18	1.07*	1.78	.80	.14
Group A-2: Winchman (stern winch on dredge); Dwckmate; Deck Engineer:					
Area 1	10.70	1.07*	1.78	.80	.14
Area 2	11.70	1.07*	1.78	.80	.14
Area 3	12.00	1.07*	1.78	.80	.14
Area 4	12.28	1.07*	1.78	.80	.14
Group A-3: Watch Engineer; Welder; Welder Mechanic:					
Area 1	11.39	1.07*	1.78	.80	.14
Area 2	12.43	1.07*	1.78	.80	.14
Area 3	12.73	1.07*	1.78	.80	.14
Area 4	13.02	1.07*	1.78	.80	.14

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (CONT'D) SCHEDULE II - (CONT'D)					
Group A-4: Leverman; Clamshell Operator:					
Area 1	$12.34	$1.07*	$ 1.78	.80	.14
Area 2	13.38	1.07*	1.78	.80	.14
Area 3	13.67	1.07*	1.78	.80	.14
Area 4	13.96	1.07*	1.78	.80	.14

AREA DEFINITIONS FOR DREDGING, SCHEDULES I and II

Four Centers designated: City Halls of Okland, San Francisco, Sacramento and Stockton, California

Area 1: Up to 20 road miles from said Centers
Area 2: More than 20 road miles to and including 80 road miles from said Centers
Area 3: Outside of 30 road miles from said Centers
Area 4: An area extending 25 road miles from shoreline of Lake Tahoe.

TOW BOATS (Dredging): Work on slef-propelled vessesl (except skiffs powered by outboard motors) engaged in towing and shifting of barges, vessels and water borne craft or in the transportation by water of personnel, materials, equipment and supplies:					
Deckhand/Mechanics	10.86	.84	1.35	1.18	
Operator Mechanic/Watch Engineer	12.17	1.23	1.45	1.18	
TOW BOATS: Work on self-propelled vessels):					
Boat Operators	12.17	1.23	1.45	1.18	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Piledriving)					
Group 1	$10.68	$1.99*	$ 2.50	$1.35	.29
Group 1(a)	11.09	1.99*	2.50	1.35	.29
Group 1(b)	11.34	1.99*	2.50	1.35	.29
Group 2	11.34	1.99*	2.50	1.35	.29
Group 2(a)	12.25	1.99*	2.50	1.35	.29
Group 3	12.61	1.99*	2.50	1.35	.29
Group 3(a)	13.12	1.99*	2.50	1.35	.29
Group 4	13.78	1.99*	2.50	1.35	.29
Group 5	13.99	1.99*	2.50	1.35	.29

*Includes $.39 per hout to Pensioned Health and Welfare Fund.

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POWER EQUIPMENT OPERATORS (Cont'd)
Piledriving

Group 1: Assistant to Engineer (Fireman, Oiler, Deckhand)

Group 1(a): Compressor Operator

Group 1(b): Truck Crane Oiler

Group 2: Tugger Hosit (hoisting material only)

Group 2(a): Compressor Operator (2-7); Generator (100 K.W. or over); Pump (2-7); Welding Machine (2-7) (powered other than by electricity)

Group 3: Deck Engineer; Fork Lift; A-Frame; Self-propelled Boom type lifting device

Group 3(a): Heavy Duty Repairman and/or Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer Tending Boiler or Compressor attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of diesel or gasoline powered Crane Piledriver (w/o boiler) up to and including 1 cu. yd.; Truck Crane, up to and including 25 tons hoisting material only

Group 5: Operator of diesel or gasoline powered Crane Piledriver (w/boiler) over 1 cu. yd.; Operator of Crane (w/steam, flash boiler, pump or compressor attached); Operator of steam powered Crawler or Universal type driver (Raymond or similar type); Truck Crane, over 25 tons hoisting material or performing piledriving work

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Group 1	$10.63	$12.40	$ 1.99*	$2.50	$1.35	.29
Group 2	11.04	12.81	1.99*	2.50	1.35	.29
Group 3	11.29	13.06	1.99*	2.50	1.35	.29
Group 4	11.94	13.71	1.99*	2.50	1.35	.29
Group 5	12.19	13.96	1.99*	2.50	1.35	.29
Group 6	12.37	14.14	1.99*	2.50	1.35	.29
Group 7	12.55	14.32	1.99*	2.50	1.35	.29
Group 8	13.07	14.84	1.99*	2.50	1.35	.29
Group 9	13.33	15.10	1.99*	2.50	1.35	.29
Group 10	13.59	15.36	1.99*	2.50	1.35	.29
Group 10-A	13.73	15.50	1.99*	2.50	1.35	.29
Group 11	13.94	15.71	1.99*	2.50	1.35	.29
Group 11-A	15.36	17.07	1.99*	2.50	1.35	.29
Group 11-B	15.64	17.41	1.99*	2.50	1.35	.29
Group 11-C	16.01	17.78	1.99*	2.50	1.35	.29

*Includes $.39 per hour to Pensioned Health and Welfare Fund.

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POWER EQUIPMENT OPERATORS (Cont'd)
Areas I and II (Cont'd)

Group 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Tender; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (heavy duty repair shop parts room)

Group 2: Compressor Operator; Concrete Mixer (up to and including 1 yard); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Helicopter Radioman (Signalman); Motorman; Locomotive; Oiler; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (maximum digging capacity 3 ft. depth); Tugger Hoist,single drum; Truck Crane Oiler

Group 4: Ballast Jack Tamper; Ballast Regulation; Ballast Tamper Multi-purpose; Boxman (aspahlt plant); Elevator Operator (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttlecar; tie Spacer; Towermobile

Group 5: Compressor Operator (over 2); Concrete Mixers (over 2 yards); Concrete Pumps or Pumpcrete Guns; Generators; Grouting Machine; Press-weld (air operated); Pumps (over 2); Welding Machines (powered other than by electricity)

Group 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (slef-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to Waterliners, Wagon Drills or Jackhammers); Gradesetter, Grade Checker (mechanical or other-wise); Highline Cableway Signalman; Locomotives (steam of over 30 tons); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or simolar types); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or aspahlt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and Similar)(asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractor; Surface Heater

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POWER EQUIPMENT OPERATORS (Cont'd)
AREAS I and II (Cont'd)

Group 7: Concrete Conveyor or Concrete Pump, Truck or equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-hammer (or similar); Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lfiting device (center mount) (10 tons or less M.R.C.); Self-propelled Elevating Grader Plane; Slusher Operator; Small Tractor (with boom) Soil Tester; Truck type Loader

Group 8: Armor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Layign Machine; Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Dozer; Heading Shield Operator; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yards); Mecahnical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and including 45 cu. yards "struck" M.R.C.) Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (Gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-lift or similar (20 ft. or over); Mucking Machine (rubber tired, rail or track type); Tractor (with boom) (D-6 or larger and similar)

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POWER EQUIPMENT OPERATORS (Cont'd)
AREAS I and II (Cont'd)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Cary-lift (or similar); Chemical Grouting Machine, truck mounted); Combination Backhoe and Loader (up to and including 1/2 cu. yd. M.R.C.); Derrick (2 operators required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (including Caisson Foundation work and Euclid Loader and similar tipe; Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine; (Vagtborg and similar types); Loader (2 yds. up to and inlcuding 4 yds.); Locomotive, 100 tons (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.)(no Tandem Scraper); Pres-stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, slef-loading (paddle wheels, etc.); Shuttle Cat (reclaim station); Single engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurrier or other automatic type); Tractor, Compressor Drill Combination; Track Laying type Earth Moving Machine (single engine with Tandem Scrapers); Train loading station; Trenching Machine, multi-engine with sliping attachment, Jeffco or similar; Facuum Cooling Plant; Whirley Crane (up to and including 25 tons); Chief or Party

Group 10-A: Backhoe (Hydraulic) (up to aind including 1 cu. yd. M.R.C.); Backhoe (Cable) (up to and including 1 cu. yd. M.R.C.); Combination Backhoe and Loader, over 3/4 cu.yd. M.R.C.); Continyous Flight Tie Back Auger (up to and including 1 cu. yard) (Crane attached); Cranes (not over 25 tons, Hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Power Shovels, Clamshells, Draglines (up to and including 1 cu. yd. M.R.C.); Power Blade (single engine); Slef-propelled Boom-type Lifting Device (center mount) (over 10 tons); Rubber-tired Scraper, self-loading (paddle wheel twin engine); CMI Dual Lane Auto Grader SP30 or similar

POWER EQUIPMENT OPERATORS (Cont'd)
AREAS I and II (Cont'd)

Group 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ditching attachments; Cranes (over 25 tons up to and including 125 tons); Continuous Flight Tie Back Auger, over 1 cu. yd. (including Crane); Drott Travelift, 650-A-1 or similar (45 tons or over); Highline Cableway (over 5 tons); Loader (over 4 yards, up to and including 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backbackhoes, Grade-alls (over 1 yard and up to and including 7 cu. yds. "Struck" M.R.C.); Rubber-tired Earthmoving Machines (multiple propulsion power units and two or more Scrapers (up to and inlcuding 75 cu. yds. "struck" M.R.C.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with Tandem Scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yd. per hour); Whirley Crane (over 25 tons)

Group 11-A: Band Wagons (in conjunctionwith Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and including 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., M.R.C.); Rubber Tired Multi-purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" M.R.C.); Wheel Excavator (over 750 cu. yds. per hour)

Group 11_b: Loader (over 18 cu. yds.)

Group 11-C: Operator of Helicopter (when used in erection work); Remote Controlled Earthmoving Equipment

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo Auger, under 4 yds. water level); Buss or Manhaul Driver; Concrete Pump Machine; Concrete Pump Truck (when Flat Rack Truck is used appropriate Flat Rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete Truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or Pilot Car Driver; Nipper Truck (when Flat Rack Truck is used appropriate Flat Rack rate shall apply); Pickups; Skids (debris Box, under 4 yds. water level); Team Drivers; Trucks (dry per-batch concrete mix, under 4 yds. water level); Warehousemen	$10.725	$1.395	.74	$1.00	
TEAMSTER Oiler and/or Greaser and/or Service Man	10.80	1.395	.75	1.00	
BULK CEMENT SPREADER (w/wo Auger, 4 yds. and under 6 yds. water level); Dump (4 yds. and under 6 yds. water level); Dumpcrete (4 yds. and under 6 yds. water level); Dumpster (4 yds. and under 6 yds. water level); Skids (Debris Box, 4 yds. and under 6 yds. water level); Single Unit Flat Rack (2axle unit); Industrial Lift Truck (mechanical Tailgate); Trucks (Dry Pre-batch Concrete Mix, 4 yds. and under 6 yds. water level)	10.82	1.395	.75	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
JETTING TRUCK and WATER TRUCK (under 2,500 gallons)	$10.825	$1.395	.75	$1.00	
ROAD OIL TRUCKS OR BOOT MAN	10.845	1.395	.75	1.00	
LIFT JITNEYS, Fork Lift	10.855	1.395	.75	1.00	
TRANSIT MIX, AGITATOR (under 6 yards)	10.875	1.395	.75	1.00	
FUEL and/or GREASE TRUCK Driver or Fuelman	10.89	1.395	.75	1.00	
TRUCK REAPIRMAN HELPER	10.895	1.395	.75	1.00	
VACUUM TRUCK, under 3,500 gallons	10.905	1.395	.75	1.00	
SCISSOR TRUCK; Single Unit Flat Rack (2 axle unit); Industrial Lift Truck 9Mechanical Tailgate); Small Rubber Tired Tractor (when used within Teamsters' jurisdiction)	10.92	1.395	.75	1.00	
JETTING TRUCK and WATER TRUCKS, 2,500 gallons, under 4,000 gallons	10.935	1.395	.75	1.00	
COMBINATION WINCH TRUCK With HOIST; Transit Mix Agitator (6 yards and under 8 yards)	10.975	1.395	.75	1.00	
VACUUM TRUCK, 3,500 gallons and under 5,500 gallson	10.985	1.395	.75	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	10.995	1.395	.75	1.00	

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TRUCK DRIVERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo Auger, 6 yds. and under 8 yds. water level); Dump (6 yds. and under 8 yds. water level); Dumpcrete (6 yds. and under 8 yds. water level); Dumpster (6 yds. and under 8 yds. water level); Skids (Debris Box, 6 yds. and under 8 yds. water level); Trucks (Dry Pre-batch Concrete Mix, 6 yds. and under 8 yds. water level)	$11.02	$1.395	.75	$1.00	
A FRAME, WINCH TRUCK; Buggymobile; Jetting and Water Truck (4,00 gallons and under 5,000 gallons); Rubber Tired Jumbo	11.035	1.395	.75	1.00	
HEAVY DUTY TRANSPORT (high bed)	11.04	1.395	.75	1.00	
ROSS HYSTER and SIMILAR STRADDLE CARRIER	11.065	1.395	.75	1.00	
TRANSIT MIX AGITATOR (8 yds. through 10 yds)	11.075	1.395	.75	1.00	
VACUUM TRUCK (5,500 gallons and under 7,500 gallons)	11.085	1.395	.75	1.00	
JETTING TRUCK and WATER TRUCK (5,000 gallons and under 7,000 gallons)	11.135	1.395	.75	1.00	
COMBINATION BOOTMAN and ROAD OILER	11.165	1.395	.75	1.00	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	11.175	1.395	.75	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo Auger, 8 yds. and including 12 yds. water level); Dump (8 yds. and including 12 yds. water level); Dumpcrete (7 yds. and including 12 yds. water level); Self-propelled Street Sweeper with self-contained refuse bin; Skids (Debris Box, 8 yds. and including 12 yds. water level); Snow Go and/or Snow Plow; Trunk (Dry Pre-batch Concrete Mix, 8 yds. and including 12 yds. water level); Dumpster (8 yds. and including 12 yds. water level)	$11.26	$1.395	.75	$1.00	
HEAVY DUTY TRANSPORT (Gooseneck Lowbed)	11.27	1.395	.75	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 17 yds.)	11.275	1.395	.75	1.00	
AMMONIA NITRATE DISTRIBUTOR DRIVER and MIXER; Bulk Cement Spreader (w/wo Auger, over 12 yds and inlcuding 18 yds. water level); Dump (over 12 yds. and including 18 yds. water level); Dumpcrete (over 12 yds. and including 18 yds. water level); Dumpster (over 12 yds. and including 18 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 12 yds. and including 18 yds. water level)	11.30	1.395	.75	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DOUBLE GOOSENECK (7 to more acles); Heavy Duty Transport Tiller Man	$11.32	$1.395	.75	$1.00	
P.B. or SIMILAR TYPE SELF-LOADING TRUCK	11.36	1.395	.75	1.00	
TRANSIT MIX AGITATOR (over 14 yds. through 16 yds.)	11.375	1.395	.75	1.00	
BULK CEMENT SPREADER (w/wo Auger, over 18 yds. and including 24 yds. water level); Combination Dump and Dump Trailer; Dump (over 18 yds. and including 24 yds. water level); Dumpcrete (over 18 yds. and including 24 yds. water level); Dumpster (over 18 yds. and including 24 yds. water level); Skid (Debris Box, over 17 yds. and including 24 yds. water level); Transit Mix Agitator (over 12 yds. through 16 yds.); Trucks (Dry Pre-batch Concrete Mix, over 17 yds. and including 24 yds. water level)	11.405	1.395	.75	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo Auger, over 14 yds. and including 35 yds. water level); Dump (over 24 yds. and inlcuding 35 yds. water level); Dumpcrete (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); DW 10's, 20's, 21's and other similar cat type, Terra Cobra, LeTourneapulls, Tournarocker, Euclid and similar type equipment when pulling fuel and/or Grease Tank Trailers or other misc. Trailers; Skids (Debris Box, over 24 yds. and including 35 yds. water level); Trucks (Dry Pre-batch concrete Mix, over 24 yds. and including 35 yds. water level)	$11.46	$1.395	.75	$1.00	
TRUCK REPAIRMAN	11.395	1.395	.75	1.00	

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TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo Auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. and including 50 yds. water level); Dumpcrete (over 35 yds. and including 50 yds. water level); Dumpster (over 35 yds. and including 50 yds. water level); Skids (Debris Box, over 35 yds. and including 50 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 35 yds. and including 50 yds. water level)	$11.61	$1.395	.75	$1.00	
DW 10's, 20's, 21's and other similar cat type, Terra Cobra, LeTourneau Pulls, Tournorocker, Euclid and similar type equipment while pulling Aqua/Pak or water Tank Trailers	11.71	1.395	.75	1.00	
BULK CEMENT SPREADER w/wo Auger, over 50 yds. and under 65 yds. water level); Dump (over 50 yds. and under 65 yds. water level); Dumpcrete (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and 65 yds. water level); Helicopter Pilot (when transporting men or materials); Skids (Debris Box, over 50 yds. and under 65 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 50 yds. and under 65 yds. water level)	11.76	1.395	.75	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo Auger, over 65 yds. and including 80 yds. water level); Dump (65 yds. and including 80 yds. water level); Dumpcrete (over 65 yds. and including 80 yds. water level); Dumpster (65 yds. and including 80 yds. water level); Skids (Debris Box, 65 yds. and including 80 yds. water level); Trucks (Dry Pre-batch Concrete Mix, 65 yds. and including 80 yds. water letel)	$11.91	$1.395	.75	$1.00	
BULK CEMENT SPREADER (w/wo Auger, over 80 yds. and including 95 yds. water level); Dump (over 80 yds. and including 95 yds. water level); Dumpcrete (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Skids (Debris Box, over 80 yds. and including 95 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 80 yds. and including 95 yds. water level)	12.06	1.395	.75	1.00	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

AREA DEFINITIONS for POWER EQUIPMENT OPERATORS

AREAS I and II

**AREA I: All areas included in the description defined below which is based upon township and range lines of Areas I and II.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence easterly along the Southerly line of Tonwship 19S, crossing the Mt. Diabolo Meridian to the S.W. cornero of township 19S, range 6E, Mt. Diablo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thece Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, rangw 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the M.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northelry to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,

AREA DEFINITIONS for POWER EQUIPMENT OPERATORS (Cont'd)
AREAS I and II

AREA I: (Cont'd)

Thence Northerly crossing the Mt. Diablo Baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.E. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.E. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 14E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern Line to township 12N to the Eastern boundary of the State of California,
to the State of California to the N.E. corner of township 17N, range 16E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 20E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 27N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner of township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo Meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,

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AREA DEFINITIONS for POWER EQUIPMENT OPERATORS
AREAS I and II

SREA I: (Cont'd)

Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of thownhip 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, ragne 7W,
thence Northerly to the N.E. corner of township 15N, range 8W,
Thence Westerly to the S.E. corner of township 16N, range 12W,
Tehnce Northerly to the N.E. corner of township 16N, range 12W,
thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 12W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Tehnce Southerly to the S.W. corner of towhsnip 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of eange 12W, to the Pacific Ocean excluding that portion of Northern California Within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo Baseline and Meridian:
Tehnce in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Nurtherly direction to the N.E. corner of township 6S, Range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.

AREA 1: also includes that portion of Northern Calfiornai within the following lines:
Commencing in the Pacific Ocena on an extension of the Southerly line of township 2N, Humboldt Baseline and Meridian:
Thence Easterly along the Southerly line of tawnship 2N, to the S.w. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,

AREA DEFINITIONS for POWER EQUIPMENT OPERATORS
AREAS I and II (Cont'd)

AREAI: Cont'd)

Thence Easterly along the Humboldt baseline to the S.W. corner of townhsip 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E. corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of towhsnip 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, ragne 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, range 1E,
Thence Westerly along the NOrtherly line to township 10N, into the Pacific Ocean.

AREA I: also includes that portion of Northern California included within the following lines:
Commencing at the Northerly boundary of the State of California at the N.W. corner of township 48N, range 7W, Mt. Diablo Baseline and Meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S.E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the State of California,
Thence Westerly along the Northerly boundary of the State of California to the point of beginning.

AREA II: All area not inlcuded within AREA I as defined.

SUPERSEDEAS DECISION

STATE: INDIANA COUNTY: DELAWARE
DECISION NO.: IN80-2007 DATE: Date of Publication
Supersedes Decision No. IN77-2094 dated May 27, 1977 in 42 FR 27551
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING AND HEATING MECHANICS	$7.50				
BRICKLAYERS	10.00				
CARPENTERS	6.68				
CARPET LAYERS	6.10				
CEMENT MASONS	6.00				
DRYWALL FINISHERS	6.00				
DRYWALL HANGERS	6.00				
ELECTRICIANS	6.00				
INSULATION INSTALLERS	3.01				
LABORERS	4.00				
PAINTERS	6.74				
PLUMBERS	10.30	.60	.50		.04
ROOFERS	6.23				
SHEET METAL WORKERS	7.50				
TILE SETTERS	7.00				
TRUCK DRIVERS	3.00				
POWER EQUIPMENT OPERATORS:					
Backhoes	7.00				
Bulldozers	7.00				
Graders	7.00				
Mechanics	7.00				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: MAINE COUNTY: YORK
DECISION NO. ME80-2009 DATE: Date of Publication
Supersedes Decision No. ME78-2159, dated November 17, 1978 in 43 FR 53959
DESCRIPTION OF WORK: Building Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters	$ 9.34	.65	.70		.03
Dock Builders	10.19	.65	.70		.03
Millwrights	10.19	.65	.70		.03
CEMENT MASONS	8.69				
ELECTRICIANS	11.70	.75	3%+.25		.02
GLAZIERS	6.55				
IRONWORKERS	10.65	1.15	1.35		.04
LABORERS:					
Laborers	7.61	.70	1.00		.10
Mason Tenders	7.77	.70	1.00		.10
PLUMBERS/Pipefitters	11.10	.73	.55		.02
ROOFERS	6.34				

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SUPERSEDEAS DECISION

STATE: Oregon
COUNTIES: Lane, Linn, and Marion
DECISION NUMBER: OR80-5109
DATE: Date of Publication
Supersedes Decision No. OR78-5118 dated July 21, 1978, in 43 FR 31569
DESCRIPTION OF WORK: Residential projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS:					
Lane and Linn Counties	$12.75	.75	.75		.08
Marion County	12.94	.75	.85		.15
CARPENTERS	8.70				
ELECTRICIANS:					
Lane County (Western part)	15.45	.90	3%+2.00		.04
Lane County (Eastern Part), Linn and Marion Counties	18.05	.90	3%+2.00		.06
LABORERS	6.50				
PAINTERS:					
Painters	10.82	.55	.70		.10
Tapers	11.42	.55	.70		.10
PLUMBERS:					
Lane County(city of Florance)	16.33	.81	1.65		.10
Lane County (except City of Florence) Linn and Marion Counties	16.52	.91	1.60		.15
POWER EQUIPMENT OPERATORS:					
Asphalt Roller	10.96	1.00	1.21	.50	.05
Blade, Finish	11.34	1.00	1.21	.50	.05
Loader, 4 cu. yds. or less	11.12	1.00	1.21	.50	.05
ROOFERS	9.00				
SHEET METAL WORKERS:					
Lane County	13.715	.71	.61		.045
Linn and Marion Counties	14.24	3%+.98	1.28	1.00	.08
SOFT FLOOR LAYERS	10.435	.50	.90	*	.08
TRUCK DRIVERS:					
Dump Trucks under 6 cu. yds.	10.29	.68	.70	.88	.05

*FOOTNOTE:
Soft Floor Layers:
4% of all gross wages to be placed to the credit of employees with less than one year of service; 6% of all gross wages to be placed to the credit of employees with more than one year of service.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards clauses 29 CFR, 5.5(a)(i)(ii)

SUPERSEDEAS DECISION

STATE: Texas
COUNTIES: Statewide
DECISION NUMBER: TX80-4017
DATE: Date of Publication
Supersedes Decision No. TX79-4078, dated September 28, 1979, in 44 FR 56109
DESCRIPTION OF WORK: See "Area Covered by Various Zones"

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -	$ -	$4.00	$ -	$3.50
Asphalt Heaterman	5.60	4.65	4.00	3.85	3.50
Asphalt Raker	5.00	5.00	4.70	4.00	4.30
Asphalt Shoveler	-	3.50	4.25	-	-
Batching Plant Scaleman	5.50	5.25	5.00	5.25	4.25
Batterboard Setter	-	-	-	-	4.00
Carpenter	5.50	5.95	5.05	5.00	5.05
Carpenter Helper	5.00	5.00	4.00	4.00	3.50
Concrete Finisher (Paving)	6.50	6.50	5.30	5.20	5.00
Concrete Finisher Helper (Paving)	4.50	4.60	4.00	4.25	4.50
Concrete Finisher (Structures)	6.00	5.35	5.05	4.45	4.70
Concrete Finisher Helper (Structures)	5.10	4.75	4.00	3.95	3.85
Concrete Rubber	-	-	4.60	3.35	3.95
Electrician	6.85	8.10	7.50	8.50	8.50
Electrician Helper	-	-	-	5.45	4.80
Fireman	-	-	-	-	-
Form Builder (Structures)	5.20	5.55	4.95	4.35	5.15
Form Builder Helper (Structures)	4.20	-	3.90	4.00	4.15
Form Liner (Paving and Curb)	6.25	-	4.00	4.75	4.05
Form Setter (Paving and Curb)	5.95	5.50	5.00	4.70	5.00
Form Setter Helper (Paving and Curb)	-	4.00	3.50	3.80	4.00
Form Setter (Structures)	6.30	5.50	5.15	4.80	4.75
Form Setter Helper (Structures)	4.50	4.50	4.00	3.85	3.95
Laborer, Common	3.90	3.50	3.50	3.35	3.30
Laborer, Utility Man	4.55	4.35	4.15	3.80	3.65
Manhole Builder, Brick	4.00	4.50	-	-	4.00
Mechanic	6.05	5.50	5.25	6.00	5.00
Mechanic Helper	4.60	4.10	4.05	4.00	4.35
Oiler	5.00	5.00	4.50	4.20	4.55
Serviceman	5.05	4.70	4.35	4.50	3.75
Painter (Structures)	4.60	-	6.00	5.50	4.90
Painter Helper (Structures)	-	-	3.50	4.35	-

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Piledrivermen	$ -	$ -	$ -	$4.25	$4.35
Pipelayer	5.60	4.50	4.05	4.05	4.00
Pipelayer Helper	4.35	3.50	3.75	3.60	3.50
Pneumatic Mortarman	-	-	-	-	-
Powderman	6.15	5.50	5.00	5.00	4.90
Powderman Helper	-	-	3.50	3.45	3.40
Reinforcing Steel Setter (Paving)	4.50	-	5.50	-	4.50
Reinforcing Steel Setter (Structures)	5.75	6.10	5.10	4.40	5.45
Reinforcing Steel Setter Helper	4.25	-	3.75	3.75	3.90
Steel Worker (Structural)	-	-	-	-	4.50
Steel Worker Helper (Structural)	-	-	-	-	4.15
Sign Erector	-	-	4.00	3.70	5.30
Sign Erector Helper	-	-	3.50	-	-
Spreader Box Man	5.50	5.10	4.40	4.40	4.00
Swamper	3.90	4.55	4.25	4.00	4.00
POWER EQUIPMENT OPERATORS:					
Asphalt Distributor	5.75	5.00	4.65	4.60	4.35
Asphalt Paving Machine	5.70	4.70	4.75	4.50	4.95
Broom or Sweeper Operator	3.90	4.00	4.85	4.25	3.50
Bulldozer, 150 HP and less	5.00	4.50	4.50	4.70	4.50
Bulldozer, over 150 HP	5.75	5.80	5.25	5.00	5.00
Concrete Paving Curing Machine	5.25	-	-	4.25	4.00
Concrete Paving Finishing Machine	6.25	4.35	-	4.65	-
Concrete Paving Form Grader	5.25	-	-	-	-
Concrete Paving Gang Vibrator	-	-	-	-	4.60
Concrete Paving Grinder	-	-	-	-	5.50
Concrete Paving Joint Machine	-	-	-	-	-
Concrete Paving Joint Sealer	-	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	-
Concrete Paving Mixer	5.00	-	-	-	4.10
Concrete Paving Saw	5.50	4.00	4.50	4.50	3.85

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
POWER EQUIPMENT OPERATORS: (Cont'd)					
Concrete Paving Spreader	$ -	$ -	$ -	$ -	$4.35
Paving Sub Grader	-	-	4.25	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	5.65	5.50	4.90	4.85	4.80
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and over)	6.30	6.00	5.75	5.75	5.65
Crusher or Screening Plant Operator	5.60	4.80	4.70	4.75	4.85
Elevating Grader	6.00	4.00	4.10	-	3.50
Form Loader	-	-	-	4.75	-
Foundation Drill Operator (Crawler Mounted)	5.60	5.85	8.00	4.00	7.70
Foundation Drill Operator (Truck Mounted)	6.15	7.00	7.50	4.40	6.50
Foundation Drill Operator Helper	4.75	4.50	3.95	-	3.75
Front End Loader (2¼ CY and less)	5.20	4.75	4.45	4.00	4.25
Front End Loader (Over 2¼ CY)	5.75	5.20	5.25	5.15	5.05
Mixer (Over 16 CF)	-	-	-	-	4.50
Mixer (16 CF and less)	-	-	-	-	-
Motor Grader Operator, Fine Grade	6.30	6.75	6.50	6.20	6.00
Motor Grader Operator	6.00	6.00	5.30	5.25	5.10
Pump Crete	-	-	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	4.85	4.25	4.20	4.00	3.85
Roller, Steel Wheel (Other Flat Wheel or Tamping)	4.60	4.45	3.95	3.85	3.80
Roller, Pneumatic (Self-Propelled)	4.45	4.00	3.80	3.75	3.60
Scrapers (17 CY and less)	5.05	4.55	4.50	4.50	4.30
Scrapers (Over 17 CY)	5.50	5.00	5.35	5.45	4.90
Self-Propelled Hammer	-	-	-	-	-
Side Boom	-	-	-	-	4.20

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	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
POWER EQUIPMENT OPERATORS: (CONT'D)					
Tractor (Crawler type) 150 HP and less	$ 4.10	$ 4.05	$4.00	$4.00	$3.75
Tractor (Crawler type) over 150 HP	5.15	4.50	4.70	4.50	5.00
Tractor (Pneumatic) 80 HP and less	4.25	4.00	3.70	4.00	3.60
Tractor (Pneumatic) over 80 HP	4.30	4.55	4.15	4.50	4.35
Traveling Mixer	4.75	4.25	4.00	4.15	3.50
Trenching Machine, Light	"	4.20	4.35	4.25	4.00
Trenching Machine, Heavy	"	"	5.75	4.75	5.00
Wagon Drill, Boring Machine or Post Hole Driller Operator	4.90	4.60	4.50	4.50	4.00
TRUCK DRIVERS:					
Single Axle, Light	4.45	4.05	3.95	3.85	3.60
Single Axle, Heavy	4.50	4.10	"	4.30	"
Tandem Axle or Semitrailer	4.55	"	4.00	"	3.85
Lowbuy-Float	5.50	5.00	4.95	4.40	4.70
Transit-Mix	"	"	4.25	"	"
Winch	"	"	4.25	"	3.90
Vibrator Man (Hand type)	3.90	"	"	3.45	"
Welder	6.30	5.40	5.00	5.15	5.00
Welder Helper	"	3.50	"	3.50	4.50

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ 3.35	$ 3.50	$3.25	$3.55	"
Asphalt Heaterman	4.00	4.50	3.60	4.25	4.05
Asphalt Raker	4.40	4.80	4.35	5.00	5.30
Asphalt Shoveler	4.10	3.80	"	4.25	4.00
Batching Plant Scaleman	4.50	5.75	4.75	5.50	5.50
Batterboard Setter	"	4.55	"	"	"
Carpenter	4.50	5.40	5.50	5.60	5.70
Carpenter Helper	3.35	4.25	4.25	4.10	4.50
Concrete Finisher (Paving)	5.00	4.50	5.15	5.50	5.50
Concrete Finisher Helper (Paving)	3.35	3.50	4.50	4.75	4.00
Concrete Finisher (Structures)	4.00	4.80	5.50	6.00	5.65
Concrete Finisher Helper (Structures)	3.35	3.55	3.90	4.00	4.00
Concrete Rubber	3.50	3.50	4.35	4.00	3.85
Electrician	7.50	6.55	6.75	8.90	8.25
Electrician Helper	"	3.50	"	4.00	5.10
Fireman	"	"	"	"	"
Form Builder (Structures)	4.25	5.05	5.25	4.50	6.00
Form Builder Helper (Structures)	3.35	4.00	4.80	4.00	4.70
Form Liner (Paving and Curb)	3.70	4.75	4.00	"	6.00
Form Setter (Paving and Curb)	3.85	4.50	4.60	4.65	5.00
Form Setter Helper (Paving and Curb)	3.45	4.00	3.50	3.75	4.00
Form Setter (Structures)	4.35	4.35	5.00	5.75	5.75
Form Setter Helper (Structures)	3.35	3.50	4.50	4.00	4.50
Laborer, Common	3.35	3.50	3.10	3.25	3.85
Laborer, Utility Man	3.80	3.95	4.05	3.50	4.30
Manhole Builder, Brick	3.85	4.75	"	"	"
Mechanic	4.35	5.75	5.75	5.25	5.90
Mechanic Helper	3.95	4.20	4.00	4.10	5.00
Oiler	3.95	4.20	5.00	4.50	5.00
Serviceman	4.25	4.65	4.50	4.75	4.55
Painters (Structures)	4.50	5.00	4.90	"	"
Painter Helper (Structures)	"	3.50	"	"	"
Piledrivermen	4.75	5.95	5.25	4.00	6.00

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Pipelayer	$ 3.45	$ 4.30	$4.45	$5.50	$5.10
Pipelayer Helper	3.35	3.50	3.50	3.30	4.00
Pneumatic Mortarman	"	"	"	"	4.00
Powderman	5.00	6.00	4.95	5.50	5.45
Powderman Helper	"	4.25	"	"	"
Reinforcing Steel Setter (Paving)	"	"	"	"	5.00
Reinforcing Steel Setter (Structures)	4.30	3.80	4.75	5.25	5.40
Reinforcing Steel Setter Helper	3.75	3.50	3.95	3.75	4.25
Steel Worker (Structural)	"	5.75	4.50	"	5.00
Steel Worker Helper (Structural)	"	"	3.70	"	4.25
Sign Erector	3.65	"	4.75	4.65	4.60
Sign Erector Helper	3.45	"	4.00	3.30	3.90
Spreader Box Man	4.20	4.25	4.25	4.60	4.85
Swamper	"	"	4.25	4.55	4.40
POWER EQUIPMENT OPERATORS:					
Asphalt Distributor	4.20	4.75	4.65	4.65	5.35
Asphalt Paving Machine	4.25	5.30	5.00	5.10	5.60
Broom or Sweeper Operator	4.25	3.60	4.20	4.50	3.85
Bulldozer, 150 HP and less	3.85	4.50	4.45	4.75	5.00
Bulldozer, over 150 HP	4.85	5.50	5.15	5.00	5.90
Concrete Paving Curing Machine	"	"	4.00	5.00	5.05
Concrete Paving Finishing Machine	4.25	"	"	"	5.75
Concrete Paving Form Grader	"	"	"	"	"
Concrete Paving Gang Vibrator	"	"	"	"	"
Concrete Paving Grinder	"	"	"	"	"
Concrete Paving Joint Machine	"	"	"	"	"
Concrete Paving Joint Sealer	"	"	"	"	"
Concrete Paving Longitudinal Float	"	"	"	"	5.00
Concrete Paving Mixer	"	"	"	"	6.50
Concrete Paving Saw	"	"	"	4.75	4.50
Concrete Paving Spreader	"	"	"	"	5.25

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
POWER EQUIPMENT OPERATORS: (CONT'D)					
Paving Sub Grader	$ -	$ -	$ -	$ -	$5.25
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.50	5.20	4.85	4.50	5.65
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and over)	5.50	6.00	6.40	6.50	6.25
Crusher or Screening Plant Operator	-	4.55	4.75	4.60	5.05
Elevating Grader	-	4.00	"	"	"
Form Loader	-	"	3.25	"	5.00
Foundation Drill Operator (Crawler Mounted)	7.60	-	5.75	"	"
Foundation Drill Operator (Truck Mounted)	5.25	-	5.25	4.50	6.75
Foundation Drill Operator Helper	3.75	-	4.50	4.25	4.25
Front End Loader (2½ CY and less)	4.00	4.30	4.00	4.65	5.05
Front End Loader (Over 2½ CY)	4.40	5.00	5.20	5.00	6.15
Mixer (Over 16 CF)	-	4.75	"	"	"
Mixer (16 CF and less)	-	"	"	"	4.40
Motor Grader Operator, Fine Grade	5.50	6.55	6.55	6.55	6.65
Motor Grader Operator	4.75	5.30	5.50	5.30	5.70
Pump Crete	-	"	"	"	"
Roller, Steel Wheel (Plant-Mix Pavements)	4.00	4.75	4.00	4.50	5.15
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.75	4.00	4.00	4.50	5.00
Roller, Pneumatic (Self-Propelled)	3.75	3.55	3.50	3.85	4.50
Scrapers (17 CY and less)	4.00	4.50	4.25	4.50	5.00
Scrapers (over 17 CY)	4.25	5.00	5.00	5.00	5.55
Self-Propelled Hammer	-	-	-	-	5.50
Side Boom	-	-	-	-	3.85
Tractor (Crawler type) 150 HP and less	3.75	4.10	3.75	3.30	4.00

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	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
POWER EQUIPMENT OPERATORS: (Cont'd)					
Tractor (Crawler type) over 150 HP	$ 4.95	$ 5.10	$4.00	$4.60	$5.75
Tractor (Pneumatic) 80 HP and less	3.50	3.85	3.75	3.70	4.00
Tractor (Pneumatic) over 80 HP	3.90	4.00	4.25	4.85	5.00
Traveling Mixer	3.85	4.00	-	4.10	4.90
Trenching Machine, Light	3.75	5.10	4.50	4.00	5.00
Trenching Machine, Heavy	-	5.50	6.00	4.45	6.00
Wagon Drill, Boring Machine or Post Hole Driller Operator	4.75	4.30	5.15	4.20	5.00
TRUCK DRIVERS:					
Single Axle, Light	3.35	3.50	3.50	4.00	4.05
Single Axle, Heavy	-	4.00	3.50	4.00	4.70
Tandem Axle or Semitrailer	3.35	4.25	3.50	4.00	4.75
Lowboy-Float	4.35	4.50	-	4.80	5.50
Transit-Mix	-	-	-	-	5.00
Winch	3.50	4.50	-	-	5.00
Vibrator Man (hand type)	3.45	3.50	-	-	-
Welder	4.50	5.00	5.35	5.25	5.50
Welder Helper	3.75	4.25	-	3.60	-

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ 3.60	$ -	$3.80	$3.50	$ 5.45
Asphalt Heaterman	4.75	4.50	4.00	-	4.00
Asphalt Raker	6.50	4.75	4.80	4.00	5.20
Asphalt Shoveler	3.60	4.25	4.20	-	4.00
Batching Plant Scaleman	5.65	5.50	5.50	4.00	6.00
Batterboard Setter	3.60	-	-	-	6.00
Carpenter	6.10	5.55	5.90	5.80	7.00
Carpenter Helper	4.30	4.40	4.00	4.40	4.95
Concrete Finisher (Paving)	5.80	5.50	6.00	5.75	6.45
Concrete Finisher Helper (Paving)	5.50	4.50	4.55	5.00	5.00
Concrete Finisher (Structures)	5.60	5.50	5.55	5.75	6.35
Concrete Finisher Helper (Structures)	4.35	4.45	4.40	4.75	4.70
Concrete Rubber	3.80	4.60	4.50	-	4.25
Electrician	8.65	9.00	5.00	7.00	8.70
Electrician Helper	5.45	-	-	5.50	6.60
Fireman	4.50	-	3.70	-	-
Form Builder (Structures)	5.50	5.20	5.50	5.60	5.85
Form Builder Helper (Structures)	4.55	3.60	4.00	4.50	4.75
Form Liner (Paving and Curb)	5.45	4.75	6.25	-	5.80
Form Setter (Paving and Curb)	5.40	4.75	5.00	5.00	5.75
Form Setter Helper (Paving and Curb)	4.75	4.35	4.00	4.00	4.00
Form Setter (Structures)	5.35	5.50	5.65	6.50	6.20
Form Setter Helper (Structures)	4.20	4.20	4.00	5.00	4.75
Laborer, Common	3.50	3.60	3.65	3.50	4.00
Laborer, Utility Man	4.15	4.10	4.00	4.00	4.00
Manhole Builder, Brick	5.50	-	6.50	-	6.10
Mechanic	6.00	6.00	6.00	5.50	6.95
Mechanic Helper	4.50	4.50	5.00	5.10	5.20
Oiler	4.95	4.50	5.25	5.00	5.20
Serviceman	4.50	4.50	4.90	5.25	5.65
Painter (Structures)	5.50	5.25	-	-	8.50
Painter Helper (Structures)	3.75	-	-	-	4.40
Piledrivermen	-	5.25	7.00	5.00	6.95

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Pipelayer	$ 4.55	$4.50	$4.80	$4.60	$ 5.25
Pipelayer Helper	4.00	3.75	-	4.00	4.50
Pneumatic Mortarman	-	-	-	-	-
Powderman	5.00	4.25	-	3.75	-
Powderman Helper	-	-	-	-	-
Reinforcing Steel Setter (Paving)	5.00	4.80	-	-	5.00
Reinforcing Steel Setter (Structures)	5.20	4.50	5.00	5.60	5.65
Reinforcing Steel Setter Helper	4.00	4.15	4.00	-	4.00
Steel Worker (Structural)	4.40	4.50	-	-	6.00
Steel Worker Helper (Structural)	3.90	-	-	-	4.00
Sign Erector	4.75	-	-	-	4.95
Sign Erector Helper	4.00	-	-	-	-
Spreader Box Man	5.00	5.00	5.00	4.40	5.00
Swamper	3.60	-	-	-	-
POWER EQUIPMENT OPERATORS:					
Asphalt Distributor	5.60	5.00	5.30	4.50	5.25
Asphalt Paving Machine	5.90	5.00	5.60	4.75	6.35
Broom or Sweeper Operator	3.75	3.95	3.90	4.00	4.20
Bulldozer, 150 HP & less	4.75	5.00	5.50	4.40	5.75
Bulldozer, over 150 HP	5.95	5.50	6.00	6.00	6.65
Concrete Paving Curing Machine	5.00	5.00	6.00	-	5.50
Concrete Paving Finishing Machine	5.45	5.25	-	-	6.00
Concrete Paving Form Grader	4.00	6.00	-	-	4.25
Concrete Paving Gang Vibrator	-	5.25	-	-	-
Concrete Paving Grinder	-	-	-	-	-
Concrete Paving Joint Machine	-	4.50	-	-	5.50
Concrete Paving Joint Sealer	4.00	4.75	-	-	5.50
Concrete Paving Longitudinal Float	6.00	-	-	-	6.00
Concrete Paving Mixer	6.25	4.50	-	-	6.75
Concrete Paving Saw	5.25	4.40	-	-	5.50
Concrete Paving Spreader	5.10	4.00	-	-	6.25
Paving Sub Grader	5.75	4.00	-	-	5.75

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
POWER EQUIPMENT OPERATORS: (CONT'D)					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	$ 5.40	$5.55	$5.50	$6.00	$ 6.20
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and over)	6.65	6.00	6.35	7.00	7.10
Crusher or Screening Plant Operator	4.50	4.50	-	4.50	5.00
Elevating Grader	-	4.25	-	-	-
Form Loader	5.75	3.75	-	-	-
Foundation Drill Operator (Crawler Mounted)	6.50	-	-	-	8.50
Foundation Drill Operator (Truck Mounted)	6.40	7.75	7.25	5.00	6.00
Foundation Drill Operator Helper	4.00	6.45	-	4.25	4.00
Front End Loader (2½ CY and less)	4.95	5.00	4.50	4.50	5.50
Front End Loader (over 2½ CY)	6.10	5.60	5.50	5.45	6.40
Mixer (Over 16 CF)	5.85	4.90	-	4.50	5.75
Mixer (16 CF and less)	-	-	-	4.50	5.10
Motor Grader Operator, Fine Grade	6.70	6.20	6.55	6.85	7.00
Motor Grader Operator	5.45	5.50	5.50	5.35	6.25
Pump Crete	3.75	-	-	-	5.00
Roller, Steel Wheel (Plant-Mix Pavements)	5.85	4.50	4.50	4.20	5.20
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.75	4.40	4.50	4.50	5.20
Roller, Pneumatic (Self-propelled)	4.70	4.30	4.50	4.35	4.95
Scraper (17 CY and less)	5.20	4.50	5.00	5.00	5.30
Scrapers (over 17 CY)	5.50	5.00	5.75	5.65	6.00
Self-Propelled Hammer	-	-	-	-	-
Side Boom	-	4.00	5.00	-	4.25
Tractor (Crawler type) 150 HP and less	4.75	4.45	4.10	-	5.50
Tractor (Crawler type) over 150 HP	5.00	4.90	5.75	4.75	6.00

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
POWER EQUIPMENT OPERATORS: (CONT'D)					
Tractor (Pneumatic) 80 HP and less	$ 4.00	$4.25	$4.00	$3.65	$ 4.50
Tractor (Pneumatic) over 80 HP	4.75	4.50	5.00	4.70	5.00
Traveling Mixer	5.00	4.00	4.55	4.25	5.00
Trenching Machine, Light	4.60	-	-	-	5.60
Trenching Machine, Heavy	5.25	5.00	-	-	6.50
Wagon Drill, Boring Machine or Post Hole Driller Operator	4.50	4.35	-	3.75	5.25
TRUCK DRIVERS:					
Single Axle, Light	4.35	4.00	4.50	4.00	4.80
Single Axle, Heavy	4.70	4.50	4.85	4.00	5.15
Tandem Axle or Semitrailer	4.85	-	-	4.00	-
Lowboy-Float	5.00	-	5.75	-	4.85
Transit-Mix	4.85	4.25	-	-	5.50
Winch	4.50	-	-	-	5.00
Vibrator Man (hand type)	4.00	4.10	-	-	-
Welder	5.25	4.40	4.50	6.00	6.80
Welder Helper	4.30	-	-	4.35	5.75

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -				
Asphalt Heaterman	5.00				
Asphalt Raker	5.00				
Asphalt Shoveler	-				
Batching Plant Scaleman	4.65				
Batterboard Setter	-				
Carpenter	6.10				
Carpenter Helper	5.50				
Concrete Finisher (Paving)	7.00				
Concrete Finisher Helper (Paving)	5.50				
Concrete Finisher (Structures)	6.75				
Concrete Finisher Helper (Structures)	5.75				
Concrete Rubber	-				
Electrician	8.20				
Electrician Helper	5.25				
Fireman	-				
Form Builder (Structures)	5.45				
Form Builder Helper (Structures)	4.50				
Form Liner (Paving and Curb)	-				
Form Setter (Paving and Curb)	6.00				
Form Setter Helper (Paving and Curb)	-				
Form Setter (Structures)	5.50				
Form Setter Helper (Structures)	4.50				
Laborer, Common	4.45				
Laborer, Utility Man	4.90				
Manhole Builder, Brick	-				
Mechanic	7.25				
Mechanic Helper	4.45				
Oiler	5.50				
Serviceman	4.45				
Painter (Structures)	8.00				
Painter Helper (Structures)	5.00				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Piledrivermen	$ 5.80				
Pipelayer	5.75				
Pipelayer Helper	5.50				
Pneumatic Mortarman	-				
Powderman	-				
Powderman Helper	-				
Reinforcing Steel Setter (Paving)	4.75				
Reinforcing Steel Setter (Structures)	5.70				
Reinforcing Steel Setter Helper	-				
Steel Worker (Structural)	5.50				
Steel Worker Helper (Structural)	-				
Sign Erector	4.50				
Sign Erector Helper	-				
Spreader Box Man	5.00				
Swamper	4.50				
POWER EQUIPMENT OPERATORS:					
Asphalt Distributor	5.00				
Asphalt Paving Machine	6.25				
Broom or Sweeper Operator	4.45				
Bulldozer, 150 HP and less	7.00				
Bulldozer, over 150 HP	7.50				
Concrete Paving Curing Machine	-				
Concrete Paving Finishing Machine	6.50				
Concrete Paving Form Grader	-				
Concrete Paving Gang Vibratmr	-				
Concrete Paving Grinder	-				
Concrete Paving Joint Machine	-				
Concrete Paving Joint Sealer	-				
Concrete Paving Longitudinal Float	-				
Concrete Paving Mixer	-				
Concrete Paving Saw	-				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
POWER EQUIPMENT OPERATORS: (Cont'd)					
Concrete Paving Spreader	$ -				
Paving Sub Grader	-				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1¼ CY)	6.20				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1¼ CY and over)	7.50				
Crusher or Screening Plant Operator	-				
Elevating Grader	-				
Form Loader	-				
Foundation Drill Operator (Crawler Mounted)	-				
Foundation Drill Operator (Truck Mounted)	-				
Foundation Drill Operator Helper	-				
Front End Loader (2¼ CY and less)	5.00				
Front End Loader (Over 2¼ CY)	6.90				
Mixer (Over 16 CF)	5.50				
Mixer (16 CF and less)	-				
Motor Grader Operator, Fine Grade	7.50				
Motor Grader Operator	6.50				
Pump Crete	-				
Roller, Steel Wheel (Plant-Mix Pavements)	6.00				
Roller, Steel Wheel (Other Flat Wheel or Tamping)	4.50				
Roller, Pneumatic (Self-Propelled)	4.50				
Scrapers (17 CY and less)	5.00				
Scrapers (Over 17 CY)	6.00				
Self-Propelled Hammer	-				
Side Boom	-				

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	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
POWER EQUIPMENT OPERATORS: (CONT'D)					
Tractor (Crawler type) 150 HP and less	$ -				
Tractor (Crawler type) over 150 HP	6.00				
Tractor (Pneumatic) 80 HP and less	-				
Tractor (Pneumatic) over 80 HP	4.50				
Traveling Mixer	6.50				
Trenching Machine, Light	-				
Trenching Machine, Heavy	-				
Wagon Drill, Boring Machine or Post Hole Driller Operator	-				
TRUCK DRIVERS:					
Single Axle, Light	5.25				
Single Axle, Heavy	-				
Tandem Axle or Semi-trailer	-				
Lowboy-Float	7.75				
Transit-Mix	7.10				
Winch	-				
Vibrator Man (hand type)	-				
Welder	6.85				
Welder Helper	-				

AREA COVERED BY VARIOUS ZONES

ZONE 1 - Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita & Wilbarger Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 2 - Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Foard, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum & Young Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 3 - Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward & Winkler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 4 - Brewster, Culberson, El Paso*, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams), Water & Sewer Lines and Highway Projects (does not include building structures in rest area projects)

*Not to be used for Heavy Projects in El Paso County

ZONE 5 - Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 6 - Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kenedy, Starr, Webb, Willacy & Zapata Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work.

ZONE 7 - Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio & Victoria Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

ZONE 8 - Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Williamson Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 9 - Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan & Navarro Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 10 - Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Sommervell, Tarrant* & Wise Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams), Water & Sewer Lines and Highway Projects (does not include building structures in rest area projects)

*Not to be used for Heavy Projects in Tarrant County

ZONE 11 - Collin, Dallas, Ellis, Grayson & Rockwall Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway Projects (does not include building structures in rest area projects)

ZONE 12 - Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt & Wood Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 13 - Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity & Tyler Cos.

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

ZONE 14 - Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker & Washington Cos.

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 15 - Brazoria, Fort Bend, Galveston, Harris, Matagorda, Montgomery, Waller & Wharton Counties

DESCRIPTION OF WORK: Highway Projects (does not include building structures in rest area projects)

ZONE 16 - Chambers, Hardin, Jefferson*, Liberty & Orange* Counties

DESCRIPTION OF WORK: Heavy Projects (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

*Not to be used for Heavy Projects & Incidental Shore Work in Jefferson & Orange Cos.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

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SUPERSEDEAS DECISION

STATE: Texas
COUNTIES: Cameron, Hidalgo, Starr & Willacy
DECISION NO.: TX80-4018
DATE: Date of Publication
Supersedes Decision No. TX79-4009, dated January 5, 1979, in 44 FR 1681.
DESCRIPTION OF WORK: Building Projects (does not include single family homes & garden type apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.94	.55	.70		
BOILERMAKERS	11.05	.80	1.00		.02
BRICKLAYERS	6.00				
CARPENTERS	5.11				
CEMENT MASONS	3.50				
ELECTRICIANS	6.425				
GLAZIERS	3.55				
IRONWORKERS:					
Structural & ornamental	3.50				
Reinforcing	4.02				
LABORERS:					
Common laborers	3.10				
Air tool operators	3.10				
Mason tenders	3.10				
Mortar mixers	3.10				
Plasters' tenders	3.10				
PAINTERS	4.19				
PLASTERERS	7.00				
PLUMBERS & PIPEFITTERS	9.30	.55	.30		.07
ROOFERS:					
Roofers	4.06				
Kettlemen	4.40				
SHEET METAL WORKERS	4.23				
SPRINKLER FITTERS	12.79	.75	1.05		.08
TILE SETTERS	3.75				
TRUCK DRIVERS	3.10				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas
COUNTY: Howard
DECISION NO.: TX80-4019
DATE: Date of Publication
Supersedes Decision No. TX79-4084, dated October 5, 1979 in 44 FR 57630.
DESCRIPTION OF WORK: Building (including Residential) Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$7.00				
CARPENTERS	6.10				
CEMENT MASONS	5.00				
ELECTRICIANS	7.40	.30	1%		1/10%
IRONWORKERS, Structural & ornamental	10.00	.55	1.40		.10
LABORERS:					
Laborers	3.10				
Mason tenders	3.50				
PAINTERS	4.50				
PLUMBERS	4.26				
ROOFERS	4.00				
SHEET METAL WORKERS	5.25				
TILE SETTERS	4.00				
TRUCK DRIVERS	3.10				
WELDERS -receive rate prescribed for craft performing operation to which welding is incidental.					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

DECISION NO. TX80-4019 Page 2

INCIDENTAL PAVING & UTILITIES (BUILDING CONSTRUCTION)
INCIDENTAL PAVING & UTILITIES & SITE PREPARATION (RESIDENTIAL CONSTRUCTION)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$4.00				
Asphalt Heaterman	4.00				
Asphalt Raker	4.70				
Asphalt Shoveler	4.25				
Batching Plant Scaleman	5.00				
Carpenter	5.05				
Carpenter Helper	4.00				
Concrete Finisher (Paving)	5.30				
Concrete Finisher Helper (Paving)	4.00				
Concrete Finisher (Structures)	5.05				
Concrete Finisher Helper (Structures)	4.00				
Concrete Rubber	4.60				
Electrician	7.50				
Form Builder (Structures)	4.95				
Form Builder Helper (Structures)	3.90				
Form Liner (Paving and Curb)	4.00				
Form Setter (Paving and Curb)	5.00				
Form Setter Helper (Paving and curb)	3.50				
Form Setter (Structures)	5.15				
Form Setter Helper (Structures)	4.00				
Laborer, Common	3.50				
Laborer, Utility Man	4.15				
Mechanic	5.25				
Mechanic Helper	4.05				
Oiler	4.50				
Serviceman	4.35				
Painter (Structures)	6.00				
Painter Helper (Structures)	3.50				
Pipelayer	4.05				
Pipelayer Helper	3.75				
Powderman	5.00				
Powderman Helper	3.50				
Reinforcing Steel Setter (Paving)	5.50				
Reinforcing Steel Setter (Structures)	5.10				

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DECISION NO. TX80-4019

INCIDENTAL PAVING & UTILITIES (BUILDING CONSTRUCTION)
INCIDENTAL PAVING & UTILITIES & SITE PREPARATION (RESIDENTAL CONSTRUCTION)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Reinforcing Steel Setter Helper	$3.75				
Sign Erector	4.00				
Sign Erector Helper	3.50				
Spreader Box Man	4.40				
Swamper	4.25				
Power Equipment Operators:					
Asphalt Distributor	4.65				
Asphalt Paving Machine	4.75				
Broom or Sweeper Operator	4.85				
Bulldozer, 150 HP & Less	4.50				
Bulldozer, over 150 HP	5.25				
Concrete Paving Saw	4.50				
Paving Sub Grader	4.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.90				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and over)	5.75				
Crusher or Screening Plant Op.	4.70				
Elevating Grader	4.10				
Foundation Drill Operator (Crawler Mounted)	8.00				
Foundation Drill Operator (Truck Mounted)	7.50				
Foundation Drill Operator Helper	3.95				
Front End Loader (2½ CY and Less)	4.45				
Front End Loader (Over 2½ CY)	5.25				
Motor Grader Op., Fine Grade	6.50				
Motor Grader Operator	5.30				
Roller, Steel Wheel (Plant-Mix Pavements)	4.20				
Roller, Steel Wheel (Other Flat Wheel or Tamping)	3.95				
Roller, Pneumatic (Self-Propelled)	3.80				

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DECISION NO. TX80-4019

INCIDENTAL PAVING & UTILITIES (BUILDING CONSTRUCTION)
INCIDENTAL PAVING & UTILITIES & SITE PREPARATION (RESIDENTIAL CONSTRUCTION)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education under 29 CFR Part 30
Power Equipment Operators: (cont'd)					
Scrapers (17 CY and Less)	$4.50				
Scrapers (Over 17 CY)	5.35				
Tractor (Crawler Type) 150 HP and Less	4.00				
Tractor (Crawler Type) over 150 HP	4.70				
Tractor (Pneumatic) 80 HP and Less	3.70				
Tractor (Pneumatic) over 80 HP	4.15				
Traveling Mixer	4.00				
Trenching Machine, Light	4.35				
Trenching Machine, Heavy	5.75				
Wagon Drill, Boring Machine or Post Hole	4.50				
Driller Operator					
Truck Drivers:					
Single Axle, Light	3.95				
Tandem Axle or Semitrailer	4.00				
Lowboy-Float	4.95				
Transit-Mix	4.25				
Windh	4.25				
Welder	5.00				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii).

[FR Doc. 80-7940 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-27-C

federal register

Friday
March 14, 1980

Part III

Environmental Protection Agency

Improving Government Regulations; Agenda of Regulations

V 4 5 / 5 2 M R 1 4 8 0 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL No. 1433-1]

Improving Government Regulations; Agenda of Regulations

AGENCY: Environmental Protection Agency.

ACTION: Agenda of regulations.

SUMMARY: The Agency periodically publishes an Agenda which summarizes significant regulations under development. The purpose is to keep interested parties informed of the progress of these regulations. The Agenda includes new regulations, existing regulations which the Agency is reviewing or revising, and also certain non-regulatory actions which the Agency believes are important enough to be listed.

FOR FURTHER INFORMATION CONTACT: For information on a regulation in the Agenda, please contact the person listed next to the regulation.

We have tried to change this Agenda in response to comments on our previous Agenda. If you have further suggestions for improving this publication, or need general information about the Agenda, please call or write to David Sahr, Environmental Protection Agency, PM–223, Washington, D.C. 20460, (202) 755–2693.

If you want to be on the mailing list for the Agenda of Regulations, please call or write to Penelope Parker, Environmental Protection Agency, PM–223, Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION:

Background

On March 23, 1978, President Carter signed Executive Order 12044, *Improving Government Regulations,* which establishes certain new procedures that executive agencies must follow in developing their regulations. One of these new procedures is publishing an agenda of the significant regulations that the agency has under development. EPA published its most recent Agenda of Regulations on June 8, 1979, 44 FR 33332. EPA will publish its next Agenda in June 1980, and thereafter in December and June on a semi-annual basis.

Regulations Covered in the Agenda

We have attempted to include all significant regulations which the Agency is currently developing. Regulations enter this development process when the Assistant Administrator for a program office, e.g. water quality, sends a Start Action Notice (SAN) form to senior management. This notice informs the rest of the Agency that the program office is starting work on a new regulation. If the new regulation is classified significant, it will appear in the Agenda.

The Agenda includes all regulations which are scheduled for publication as a proposal or final rule within the coming year. Where possible, it also includes regulations with scheduled actions that are more than a year away. In addition, it includes actions which are *not* regulations, but which nonetheless represent major policy decisions, such as policy statements or Agency guidelines.

Regulations which appeared in our last Agenda but which are no longer under consideration appear in a separate section at the end of the Agenda. They will be deleted from future Agendas.

Two hundred and thirty-three regulation entries appear in this Agenda. The Agency has completed forty of these. They will be dropped from future Agendas. Approximately 40% of all the entries in this Agenda are for changes to existing regulations rather than for completely new regulations.

Agency Classification of Regulations

EPA's system for classifying regulations is described in detail in *Improving Environmental Regulations; Final Report Implementing Executive Order 12044,* 44 FR 30988 (May 29, 1979). The Agency assumes that all regulations are significant, unless they are:

(1) Administrative or procedural in nature;

(2) Minor amendments to existing regulations;

(3) Regulatory actions resulting from highly specific Congressional mandates that leave EPA no discretion to evaluate alternatives (e.g., deadline changes);

(4) EPA actions or regulations developed by State and local governments (such as State Implementation Plans); or

(5) Pesticide tolerances and regulations to exempt pesticides from the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

The Agency further divides significant regulations into routine and major regulations. Major regulations are those that are likely to have a substantial impact in any of several areas, including health, ecology, the economy, particular communities or regions, and the activities of other Federal and State agencies. Major regulations receive extra attention from the Agency's senior management. Some non-regulatory actions which appear in the Agenda are unclassified.

Explanation of Information in the Regulatory Agenda

There are four columns of information for each entry in the Agenda.

The *first* column contains the title, the Start Action Notice (SAN) number, and the docket number of the regulation. The Agency assigns the SAN number to a new significant regulation when the program office begins work on it. The SAN number prevents confusion if the title of a regulation changes, or if there are other similarly-titled regulations. For those regulations which have them, the docket number is useful in getting access to files on the regulation which are open to the public.

The *second* column contains most of the descriptive information on the regulation. It includes entries under the following categories:

Description: This entry describes the problem addressed by the regulation and explains the need for the regulation.

CFR Changes: This entry identifies the subpart where the final regulation will appear, in volume 40 of the Code of Federal Regulations (CFR). In some cases, it also specifies how the regulation will change an already existing subpart (revising the subpart, adding to it, or deleting from it).

Statutory Authority: This entry lists the sections of the statutes which authorize the regulation. (See the section below entitled *Summary of Contents* for abbreviations of the titles of the statutes.)

Classification: This entry identifies the regulation as either "major", "routine" or "unclassified". (For explanation of these terms see the section above on *Agency Classification of Regulations.*)

Analysis: EPA prepares a standard economic analysis for *all* significant regulations. This entry indicates whether the Agency plans to perform any additional special analyses, *i.e.* a Regulatory Analysis, an Urban and Community Impact Analysis (UCIA), or an Environmental Impact Statement (EIS). We have dropped this category for those regulations which will not involve any of these three special analyses.

The *third* column lists the person at EPA to contact for additional information on the regulation.

The *fourth* column lists documents published in the **Federal Register** in connection with the regulation, and provides the timetable for future actions. Published documents include: (i) The Advance Notice of Proposed Rulemaking, which describes the purpose of the proposed action and the issues and alternatives which the Agency will consider; (ii) The Notice of Proposed Rulemaking, which describes the rule which the Agency proposes to publish; and (iii) The Final Rule as published. In many cases, the timetable for future actions is only tentative.

The Agenda uses the following abbreviations:

Advance Notice of Proposed Rulemaking	ANPRM
Notice of Proposed Rulemaking	NPRM
Notice of Reproposal	RPRM
Interim Final Rule	IFR
Final Rule	FR

Organization of the Agenda

The Agenda lists regulations by the titles we give to our major pollution control program areas, e.g., air, water quality, solid wastes. Within each program area the regulations are ordered numerically by section number of the authorizing legislation. For example, all air regulations under Section 108 of the Clean Air Act will appear before those under Section 111. The program areas and their authorizing legislative acts appear in the *Summary of Contents* below.

Summary of Contents

Program area	Legislation
Air	The Clean Air Act (CAA), The Motor Vehicle Information and Cost Savings Act (MVICSA)
Drinking Water	The Safe Drinking Water Act (SDWA)
Noise	The Noise Control Act (NCA)
Pesticides	The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), The Food, Drug and Cosmetics Act (FDCA)
Radiation	The Atomic Energy Act (AEA), The Public Health Service Act (PHSA), Uranium Mill Tailings Radiation Control Act (UMTRCA)
Solid Waste	The Resource Conservation and Recovery Act (RCRA)
Toxic Substances	The Toxic Substances Control Act (TSCA)
Water	The Clean Water Act (CWA), The Marine Protection, Research, and Sanctuaries Act (MPRSA)
Joint Programs	Regulations with multiple statutory authorities
General	The National Historic Preservation Act and Executive Order 12114

Regulations Deleted from the Previous Agenda

After listing all significant regulations currently under consideration, the Agenda lists all the regulations which appeared in the last Agenda but which are now no longer under consideration. These regulations will not appear in our next Agenda.

The information given on these regulations is less detailed than for those still under consideration. Generally, the Agenda gives the date and **Federal Register** citation, if any, of the last action on the regulation, and explains why the Agency is deleting the regulation from the Agenda. The explanation is usually that the regulation has been completed.

Reviews of Existing Regulations

EPA is conducting a comprehensive review of its existing regulations, as required under Executive Order 12044. In any case, the Agency reviews many of its regulations under statutory or judicial mandate; a large proportion of the regulation entries in this Agenda are actions to satisfy these requirements.

EPA is also reviewing existing regulations not subject to these requirements, as part of its Regulation Screening Project. During the last year, the Agency has screened approximately two-thirds of its regulations, to determine which should be revised, reviewed more intensively, or eliminated.

This Agenda includes significant regulations which EPA has begun to revise as a result of the Screening Project. Future Agendas will include other regulations which the Agency decides to revise as a result of its Screening Project. EPA's normal requirements under executive Order 12044 will aply to these regulations.

EPA will publish a complete list of regulations the Agency has screened under this program, and of the action it will take on each regulation (minor revisions, intensive review, elimination, or no change). This list will appear in the **Federal Register** at a later date.

Henry E. Beal,

Director, Standards and Regulations Division.

March 7, 1980.

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SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
AIR			

We have already or are now developing the items below under the authority of Sections 108 and 109 of the Clean Air Act (CAA), which directs the Administrator to establish National Ambient Air Quality Standards (NAAQS). To write a NAAQS for a pollutant, we first prepare a criteria document, which contains the latest scientific knowledge on the kind and extent of public health and welfare problems caused by the pollutant in the air. If we revise the criteria document, we may find it necessary to change the NAAQS.

A National Primary Ambient Air Quality Standard defines the maximum amount of an air pollutant which in the judgment of the Administrator provides an adequate margin of safety to protect the public health. A National Secondary Ambient Air Quality Standard defines levels of air quality which the Administrator judges necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

Review of NAAQS for Carbon Monoxide (SAN No. 1001)	A. **Description**: This rule reviews the health basis for control of this pollutant. This task involves preparation of an updated criteria document and an analysis of whether or not EPA should revise the standard. B. **Classification**: Major. C. **Statutory Authority**: CAA 108. D. **CFR Change**: Revision to 40 CFR 50. E. **Analysis**: EIS, UCIA, REG. ANALYSIS.	Joe Padgett EPA (MD-12) Research Triangle Park, NC 27711 FTS: 8-629-5204 Comm: 919-541-5204	NPRM: 3/80 FR: 7/80
Review of NAAQS for Sulfur Oxides (SAN No. 1002)	A. **Description**: A review of the health basis for control of this pollutant will require preparation of an updated criteria document and an analysis of whether or not EPA should revise the standard. B. **Classification**: Major. C. **Statutory Authority**: CAA 108. D. **CFR Change**: Revision to 40 CFR 50. E. **Analysis**: EIS, UCIA, REG. ANALYSIS.	Joe Padgett EPA (MD-12) Research Triangle Park, NC 27711 FTS: 8-629-5204 Comm: 919-541-5204	NPRM: 5/80 FR: 12/80
Review of NAAQS for Total Suspended Particulates (SAN No. 1003)	A. **Description**: A review of the health basis for control of this pollutant will require preparation of an updated criteria document and an analysis of whether or not EPA should revise the standard. B. **Classification**: Major. C. **Statutory Authority**: CAA 108. D. **CFR Change**: Revision to 40 CFR 50. E. **Analysis**: EIS, UCIA, REG. ANALYSIS.	Joe Padgett EPA (MD-12) Research Triangle Park, NC 27711 FTS: 8-629-5204 Comm: 919-541-5204	NPRM: 5/80 FR: 12/80
Review of NAAQS for Nitrogen Dioxide (SAN No. 1004)	A. **Description**: The NAAQS for nitrogen dioxide is undergoing review. Under the CAA amendments, the decision of whether or not to revise the standard must address both the short-term and long-term effects of nitrogen dioxide and other nitrogen species in the air, particularly nitrates and nitric acid aerosol. B. **Classification**: Major. C. **Statutory Authority**: CAA 108. D. **CFR Change**: 40 CFR 50. E. **Analysis**: EIS, UCIA, REG. ANALYSIS.	Joe Padgett EPA (MD-12) Research Triangle Park, NC 27711 FTS: 8-629-5204 Comm: 919-541-5204	NPRM: 4/80 FR: 11/80
Restructure CFR Parts 51, 52 (SAN No. 1503)	A. **Description**: This rule will update and make consistent Part 51 and restructure Part 52 on State Implementation Plans. No substantive changes will result. This change will streamline the rules and improve the language and organization. B. **Classification**: Routine. C. **Statutory Authority**: CAA 110. D. **CFR Change**: Revision to 40 CFR 51, 52.	Richard Rhoads EPA (MD-12) Research Triangle Park, NC 27711 FTS: 8-629-5251 Comm: 919-541-5251	NPRM: 1/81 FR: 7/81
Minimum Requirements for Stationary Air Operating Permits (SAN No. 1520)	A. **Description**: This rule will specify minimum requirements for State operating permit programs. B. **Classification**: Major. C. **Statutory Authority**: CAA 110(a)(2)(D). D. **CFR Change**: 40 CFR 51.	Robert L. King EPA (EN-341) Washington, DC 20460 FTS: 8-755-2582 Comm: 202-755-2582	NPRM: 4/81 FR: 1/82

We are developing performance standards to control emissions from the following industries under Section 111(b) of the CAA. This section requires that the Administrator develop and periodically update New Source Performance Standards (NSPS) for stationary sources which significantly contribute to air pollution. The NSPS are based on the best systems demonstrated to continually reduce emissions, taking into account costs and energy requirements. The standards will apply to both new sources and existing sources which are modified after approval of the regulation.

NSPS-Petroleum Liquid Storage Vessels (SAN No. 1008, Docket No. OAQPS 78-2)	A. **Description**: The revised standard proposes the use of double seals rather than single seals on floating roofs. It will eliminate one of the two types of seal currently in use. B. **Classification**: Routine. C. **Statutory Authority**: CAA 111. D. **CFR Change**: Revision to 40 CFR 60.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 43FR21016(5/18/78) FR: 3/80

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
AIR—Continued			

NSPS: Glass Manufacturing (SAN No. 1007, Docket No. OAQPS 79-2)	A. **Description**: This regulation addresses the problem of particulate emissions from new glass manufacturing furnaces. The Governor of New Jersey requested that EPA develop national standards. B. **Classification**: Routine. C. **Statutory Authority**: CAA 111. D. **CFR Change**: 40 CFR 60. E. **Analysis**: EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 44FR34840(6/15/79) FR: 5/80
NSPS: Internal Combustion Engines (SAN No. 1008, Docket No. OAQPS 79-5)	A. **Description**: These regulations will require the application of best demonstrated technology to control nitrogen oxide emissions from stationary internal combustion engines. B. **Classification**: Routine. C. **Statutory Authority**: CAA 111. D. **CFR Change**: 40 CFR 60. E. **Analysis**: EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 44FR43173(7/23/79) FR: 9/80
NSPS: Non-Metallic Mineral Operations (SAN No. 1009)	A. **Description**: This regulation will control particulate emissions from quarrying operations and related facilities. B. **Classification**: Routine. C. **Statutory Authority**: CAA 111. D. **CFR Change**: 40 CFR 60. E. **Analysis**: EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 4/80 FR: 3/81
NSPS: Organic Solvent Cleaners (SAN No. 1010, Docket No. OAQPS 78-12)	A. **Description**: This rule will control evaporative emissions from metal cleaning and degreasing operations. It will also require States to act under section 111(d) to control some specific solvent emissions from existing sources. B. **Classification**: Routine. C. **Statutory Authority**: CAA 111. D. **CFR Change**: 40 CFR 60. E. **Analysis**: EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 3/80 FR: 11/80
NSPS: Industrial Surface Coating: Automobile Assembly Plants (SAN No. 1111)	A. **Description**: This regulation will control volatile organic compound emissions from coating operations in the auto and light-truck industries. B. **Classification**: Routine. C. **Statutory Authority**: CAA 111. D. **CFR Change**: 40 CFR 60. E. **Analysis**: EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 44FR57792(10/5/79) FR: 9/80
NSPS: Synthetic Organic Chemical Manufacturing—Fugitive Emissions (SAN No. 1112)	A. **Description**: This rule will control fugitive emissions from the manufacture of organic chemicals. There will be other synthetic organic chemical manufacturing standards. The first process standard is scheduled for proposal in January '81. B. **Classification**: Routine. C. **Statutory Authority**: CAA 111. D. **CFR Change**: 40 CFR 60. E. **Analysis**: EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 9/80 FR: 7/81
NSPS: Industrial Surface Coating: Cans (SAN No. 1113)	A. **Description**: This regulation will establish emission standards for volatile organic emissions from can-coating operations. B. **Classification**: Major. C. **Statutory Authority**: CAA 111. D. **CFR Change**: 40 CFR 60. E. **Analysis**: EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 9/80 FR: 7/81
NSPS: Industrial Surface Coating: Pressure Sensitive Tapes and Labels (SAN No. 1114, Docket No. A-79-38)	A. **Description**: This regulation will establish emission standards for volatile organic emissions from pressure-sensitive tapes and labels coating operations. B. **Classification**: Routine. C. **Statutory Authority**: CAA 111. D. **CFR Change**: 40 CFR 60. E. **Analysis**: EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 3/80 FR: 1/81
NSPS: Industrial Surface Coating: Metal Furniture (SAN No. 1115)	A. **Description**: This regulation will establish emission standards for volatile organic emissions from metal furniture operations. B. **Classification**: Routine. C. **Statutory Authority**: CAA 111. D. **CFR Change**: 40 CFR 60. E. **Analysis**: EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 5/80 FR: 3/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	AIR—Continued		
NSPS: Industrial Surface Coating: Metal Coils (SAN No. 1598)	A. **Description:** This rule will control emissions of volatile organic compounds from metal coil industrial surface coating operations. B. **Classification:** Routine. C. **Statutory Authority:** CAA 111. D. **CFR Change:** 40 CFR 60. E. **Analysis:** EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 8/80 FR: 7/81
NSPS: Industrial Surface Coating: Large Appliances (SAN No. 1599)	A. **Description:** This regulation will control volatile organic compounds emissions from industrial surface coating operations for large appliances. B. **Classification:** Routine. C. **Statutory Authority:** CAA 111. D. **CFR Change:** 40 CFR 60. E. **Analysis:** EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 8/80 FR: 7/81
NSPS: Lead-Acid Battery Manufacture (SAN No. 1116, Docket No. OAQPS 79-1)	A. **Description:** This regulation will establish standards for lead emissions from lead-acid battery manufacturing facilities. B. **Classification:** Routine. C. **Statutory Authority:** CAA 111. D. **CFR Change:** 40 CFR 60. E. **Analysis:** EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 45FR2790(1/14/80) FR: 11/80
NSPS: Phosphate Rock Operations (SAN No. 1118, Docket No. OAQPS 79-6)	A. **Description:** This regulation will control the emission of particulate matter from phosphate rock processes. B. **Classification:** Routine. C. **Statutory Authority:** CAA 111. D. **CFR Change:** 40 CFR 60. E. **Analysis:** EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 44FR62914(11/1/79) FR: 8/80
NSPS: Dry Cleaning (SAN No. 1119, Docket No. A-79-30)	A. **Description:** This regulation will control hydrocarbon emissions from dry cleaning establishments. B. **Classification:** Routine. C. **Statutory Authority:** CAA 111. D. **CFR Change:** 40 CFR 60. E. **Analysis:** EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 6/80 FR: 4/81
NSPS: Publication Rotogravure Printing (SAN No. 1120)	A. **Description:** This regulation will control emissions of volatile organic compounds from large-scale rotogravure printing operations. B. **Classification:** Routine. C. **Statutory Authority:** CAA 111. D. **CFR Change:** 40 CFR 60. E. **Analysis:** EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 4/80 FR: 2/81
Primary Aluminum Plant Fluoride Control—Existing Sources (SAN No. 1121, Docket No. OAQPS 78-10)	A. **Description:** These are guidelines for State control of fluoride emissions from existing aluminum plants. B. **Classification:** Routine. C. **Statutory Authority:** CAA 111(d). D. **CFR Change:** 40 CFR 60. E. **Analysis:** EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 44FR21754(4/11/79) FR: 3/80
NSPS: Industrial Boilers (SAN No. 1586)	A. **Description:** This regulation will establish standards of performance for industrial boilers. EPA will base the emission standards upon the best system—given costs—of continuous emission reduction. B. **Classification:** Major. C. **Statutory Authority:** CAA 111. D. **CFR Change:** 40 CFR 60. E. **Analysis:** EIS, REG. ANALYSIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 10/80 FR: 9/81
NSPS: AmmoniumSulfate Production (San No. 1587, Docket No. A-79-31)	A. **Description:** This rule will control particulate emissions from the production of ammonium sulfate. B. **Classification:** Routine. C. **Statutory Authority:** CAA 111. D. **CFR Change:** 40 CFR 60. E. **Analysis:** EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 45FR7758(2/4/80) FR: 11/80
NSPS: Ammonium Nitrate Fertilizer Production (SAN No. 1588)	A. **Description:** This rule will control particulate emissions from production of ammonium nitrate fertilizer. B. **Classification:** Routine. C. **Statutory Authority:** CAA 111. D. **CFR Change:** 40 CFR 60. E. **Analysis:** EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 11/80 FR: 9/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	AIR—Continued		
NSPS: Bulk Gasoline Terminals (SAN No. 1589, Docket No. OAQPS 79-2)	A. **Description:** This rule will control volatile organic compound emissions from gasoline distribution operations. B. **Classification:** Routine. C. **Statutory Authority:** CAA 111. D. **CFR Change:** 40 CFR 60. E. **Analysis:** EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 10/80 FR: 8/81
NSPS: Sodium Carbonate Manufacture (SAN No. 1590)	A. **Description:** This regulation will control particulate emissions from production of sodium carbonate. B. **Classification:** Routine. C. **Statutory Authority:** CAA 111. D. **CFR Change:** 40 CFR 60. E. **Analysis:** EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 8/80 FR: 8/81
NSPS: Asphalt Roofing Manufacture (SAN No. 1591, Docket No. A-79-38)	A. **Description:** This rule will control particulate emissions from the manufacture of asphalt roofing. B. **Classification:** Routine. C. **Statutory Authority:** CAA 111. D. **CFR Change:** 40 CFR 60. E. **Analysis:** EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 4/80 FR: 3/81
NSPS: Urea Production (SAN No. 1592)	A. **Description:** This rule will control particulate emissions from the production of urea. B. **Classification:** Routine. C. **Statutory Authority:** CAA 111. D. **CFR Change:** 40 CFR 60. E. **Analysis:** EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 8/80 FR: 7/81

We are developing emission standards for hazardous air pollutants under Section 112 of the CAA. This section requires that the Administrator develop National Emission Standards for Hazardous Air Pollutants (NESHAPS) for emissions that cause or contribute to air pollution which results in an increase in mortality or in serious or incapacitating illness. The standards will apply to both new sources and existing sources.

NESHAPS: Petroleum Refinery/Chemical Plant (SAN No. 1126)	A. **Description:** This regulation will control the emission of benzene from fugitive emission sources such as pumps and valves at chemical plants and petroleum refineries. B. **Classification:** Routine. C. **Statutory Authority:** CAA 112. D. **CFR Change:** 40 CFR 61. E. **Analysis:** EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 9/80 FR: 8/81
NESHAPS: Maleic Anhydride Manufacture (SAN No. 1127)	A. **Description:** This regulation will control the emission of benzene from process vents in the manufacture of maleic anhydride. B. **Classification:** Routine. C. **Statutory Authority:** CAA 112. D. **CFR Change:** 40 CFR 61. E. **Analysis:** EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 3/80 FR: 12/80
NESHAPS: Ethylbenzene/Styrene Manufacture (SAN No. 1128 & 1129, Docket No. A-79-49)	A. **Description:** This regulation will control the emission of benzene from process vents in the manufacture of ethylbenzene and styrene. B. **Classification:** Routine. C. **Statutory Authority:** CAA 112. D. **CFR Change:** 40 CFR 61. E. **Analysis:** EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 6/80 FR: 4/81
NESHAPS: Benzene Storage (SAN No. 1593)	A. **Description:** This regulation will control benzene emissions resulting from the storage of pure benzene. B. **Classification:** Routine. C. **Statutory Authority:** CAA 112. D. **CFR Change:** 40 CFR 61. E. **Analysis:** EIS.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 9/80 FR: 8/81
NESHAPS: Listing of Arsenic as a Hazardous Air Pollutant (SAN No. 1300)	A. **Description:** EPA is conducting a health risk assessment of arsenic emissions. If the Agency determines that these emissions (primarily from copper smelters) are hazardous, then it will list arsenic under section 112 as a hazardous air pollutant and propose emissions standards. B. **Classification:** Routine. C. **Statutory Authority:** CAA 112. D. **CFR Change:** 40 CFR 61.	Joe Padgett EPA (MD-12) Research Triangle Park, NC 27711 FTS: 8-629-5204 Comm: 919-541-5204	NPRM: 9/80

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SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	AIR—Continued		
NESHAPS: Listing of Coke Oven Emissions as Hazardous Air Pollutant (SAN No. 1594)	A. **Description:** A health risk assessment of coke oven emissions is being conducted. If it is determined that these emissions are hazardous then they will be listed under section 112 as hazardous air pollutants and emission standards will be proposed. B. **Classification:** Routine. C. **Statutory Authority:** CAA 112. D. **CFR Change:** 40 CFR 61.	Don Goodwin EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5271 Comm: 919-541-5271	NPRM: 9/80
NESHAPS: Airborne Radionuclides (SAN No. 1595, Docket No. A-79-11)	A. **Description:** This regulation will be the first of a series of regulations which place limits on the release of airborne radionuclides from those sources which pose a significant health risk to the general public. B. **Classification:** Major. C. **Statutory Authority:** CAA 112. D. **CFR Change:** Addition to 40 CFR 61.	William Mills EPA (ANR-460) Washington, DC 20460 FTS: 8-557-0704 Comm: 703-557-0704	NPRM: 12/80 FR: 6/81
Airborne Carcinogens (SAN No. 1596)	A. **Description:** This regulation will establish the procedures to be used in identifying, assessing, and regulating substances in the air which increase the risk of cancer to the general population. B. **Classification:** Major. C. **Statutory Authority:** CAA 112. D. **CFR Change:** 40 CFR 61.	Joe Padgett EPA (MD-12) Research Triangle Park, NC 27711 FRS: 8-629-5204 Comm: 919-541-5204	ANPRM: 44FR58662(10/10/79) NPRM: 44FR61620(10/26/79) FR: 3/80
Primary Nonferrous Smelter Orders (SAN No. 1301, Docket No. DSSE-79-1)	A. **Description:** This regulation governs the issuance of nonferrous smelter orders. It allows smelters to defer their compliance with the applicable sulfur dioxide emission limitations under State Implementation Plans. The regulation allows this deferral as long as certain financial conditions exist and certain interim requirements are met. B. **Classification:** Routine. C. **Statutory Authority:** CAA 119. D. **CFR Change:** 40 CFR 57.	David Rochlin EPA (EN-341) Washington, DC 20460 FTS: 8-755-2542 Comm: 202-755-2542	NPRM: 44FR6284(1/31/79) FR: 3/80
Noncompliance Penalties (SAN No. 1302, Docket No. EN-79-1)	A. **Description:** The purpose of the noncompliance penalty is to recover, in an administrative penalty assessment, the economic value that a delay in compliance may have to the owner of a noncomplying source. The penalty should encourage source owners to come into compliance more quickly by removing these benefits of delay. Increased rates of compliance should lead to an improvement in air quality. B. **Classification:** Routine. C. **Statutory Authority:** CAA 120. D. **CFR Change:** 40 CFR 66, 67. E. **Analysis:** REG. ANALYSIS.	Robert Homiak EPA (EN-341) Washington, DC 20460 FTS: 8-755-2580 Comm: 202-755-2580	NPRM: 44FR17309(3/21/79) RPRM: 44FR34524(6/15/79) FR: 3/80
Regulations Providing for State/Local Consultation (SAN No. 1304)	A. **Description:** The regulations will request that the States provide a satisfactory process of consultation for local governments, elected officials, and Federal land managers. They will require that the States choose a lead planning organization to coordinate the State Implementation Plan revisions for oxidants (smog) and carbon monoxide. B. **Classification:** Unclassified. C. **Statutory Authority:** CAA 121. D. **CFR Change:** 40 CFR 51.	John Hidinger EPA (ANR-445) Washington, DC 20460 FTS: 8-755-0481 Comm: 202-755-0481	NPRM: 43FR21486(5/18/78) FR: 7/80
Stack Height Regulations (SAN No. 1303, Docket No. A-79-01)	A. **Description:** The Clean Air Act requires that the Agency determine stack heights which will be acceptable for credit of pollution dispension under State implementation Plans. The Agency will make this determination by limiting stack height on the basis of good engineering practices (GEP). B. **Classification:** Major. C. **Statutory Authority:** CAA 123. D. **CFR Change:** 40 CFR 51. E. **Analysis:** EIS, REG. ANALYSIS.	Richard Rhoads EPA (MD-12) Research Triangle Park, NC 27711 FTS: 8-629-5251 Comm: 919-541-5251	NPRM: 5/80 FR: 12/80
Prevention of Significant Deterioration: Set II Pollutants (SAN No. 1306)	A. **Description:** These regulations will provide guidelines for States to develop plans which limit emissions of carbon monoxide, nitrogen oxides, and lead in areas designated attainment for ozone, lead and nitrogen dioxide. B. **Classification:** Major. C. **Statutory Authority:** CAA 165, 166. D. **CFR Change:** 40 CFR 51. E. **Analysis:** REG. ANALYSIS.	Richard Rhoads EPA (MD-12) Research Triangle Park, NC 27711 FTS: 8-629-5251 Comm: 919-541-5251	ANPRM: 3/80

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	AIR—Continued		
Visibility Plan Requirements (SAN No. 1307, Docket No. A-79-40)	A. **Description:** EPA is preparing a report for Congress and guidelines which will require that State Implementation Plans address visibility problems. B. **Classification:** Major. C. **Statutory Authority:** CAA 165, 169(a). D. **CFR Change:** 40 CFR 51. E. **Analysis:** EIS, REG. ANALYSIS.	Richard Rhoads EPA (MD-12) Research Triangle Park, NC 27711 FTS: 8-629-5251 Comm: 919-541-5251	NPRM: 5/80 FR: 11/80
Section 202 of the Clean Air Act requires that EPA develop emission standards for cars, trucks and other mobile sources of air pollution.			
Requirements to Build Demonstration Cars Meeting 0.4 gram/mile NOx Standard (SAN No. 1308, Docket No. OMSAPC78-2)	A. **Description:** All manufacturers with at least a 0.5% share of the U.S. passenger car market will have to build research vehicles which emit not more than 0.4 grams of nitrogen dioxide per mile. EPA published this regulation in interim final form for the 1979 model year and will publish it in final form for the 1980 model year. B. **Classification:** Routine. C. **Statutory Authority:** CAA 202. D. **CFR Change:** 40 CFR 85.	Robert Wagner EPA Ann Arbor, MI 48105 FTS: 8-374-8270 Comm: 313-668-4270	NPRM: 44FR7780(2/7/79) FR: 3/80
Heavy-Duty Diesel Particulate Standards (SAN No. 1310, OMSAPC 78-3)	A. **Description:** Although these standards are required by the Clean Air Act for 1981 models, development of a new heavy-duty test procedure to be used as the basis for a standard delayed progress. Promulgation of the transient heavy-duty test procedure allows work to procede on the standard. The Agency intends to have a standard for the 1985 model year. B. **Classification:** Major. C. **Statutory Authority:** CAA 202. D. **CFR Change:** 40 CFR 86. E. **Analysis:** EIS, REG. ANALYSIS.	Merrill Korth EPA Ann Arbor, MI 48105 FTS: 8-374-8200 Comm: 313-668-4200	NPRM: 5/80 FR: 4/81
Heavy Duty Evaporative Emission (SAN No. 1312, Docket No. OMSAPC 79-1)	A. **Description:** The Clean Air Act requires that EPA promulgate a test procedure to require measurement of evaporative emissions from vehicles. EPA is also developing standards for heavy-duty gasoline vehicles which will regulate fuel evaporation emissions beginning in model year 1983. B. **Classification:** Routine. C. **Statutory Authority:** CAA 202(a). D. **CFR Change:** 40 CFR 86. E. **Analysis:** EIS, REG. ANALYSIS.	Tim Mott EPA Ann Arbor, MI 48105 FTS: 8-374-8208 Comm: 313-668-4208	NPRM: 3/80 FR: 12/80
Emission Regulations for 1983 and Later Model Year Light-Duty Trucks (SAN No. 1313, Docket No. OMSAPC 79-2)	A. **Description:** The Clean Air Act requires standards for 6000-8500 pound trucks that will cause a 90% reduction in hydrocarbons and carbon monoxide emissions from baseline by 1983 and a 75% reduction of nitrogen dioxide emissions from baseline by 1985 model year. The same standards will be applied to trucks under 6000 pounds GVWR. B. **Classification:** Major. C. **Statutory Authority:** CAA 202(a). D. **CFR Change:** 40 CFR 86. E. **Analysis:** EIS, REG. ANALYSIS.	Richard Munt EPA Ann Arbor, MI 48105 FTS: 8-378-8378 Comm: 313-668-4378	NPRM: 44FR40784(7/12/79) FR: 6/80
NOx Gaseous Emission Regulations for 1985 and Later Model Year Heavy Duty Engines (SAN No. 1315, Docket No. OMSAPC 78-4)	A. **Description:** The Clean Air Act requires EPA to establish emission standards for heavy-duty vehicles (over 6000 pounds GVWR). A 75% reduction for nitrogen dioxide beginning with model year 1985 is scheduled. EPA has developed a new test procedure for measuring exhaust emissions which will be used to measure baseline emissions. B. **Classification:** Major. C. **Statutory Authority:** CAA 202(a)(3). D. **CFR Change:** 40 CFR 86. E. **Analysis:** EIS, REG. ANALYSIS.	Chet France EPA Ann Arbor, MI 48105 FTS: 8-374-8338 Comm: 313-668-4338	NPRM: 6/80 FR: 12/80
Interim High Altitude Requirements (SAN No. 1316, Docket No. A-79-14)	A. **Description:** The regulations set requirements for cars to meet high altitude standards for 1981-83 models. B. **Classification:** Routine. C. **Statutory Authority:** CAA 202(a),(f). D. **CFR Change:** 40 CFR 86. E. **Analysis:** EIS.	Richard Wilcox EPA Ann Arbor, MI 48105 FTS: 8-374-8390 Comm: 313-668-4390	ANPRM: 44FR27700(5/11/79) NPRM: 45FR5988(1/24/80) FR: 6/80

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SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	AIR—Continued		
Importation of Motor Vehicles and Motor Vehicle Engines (SAN No. 1317, Docket No. EN-79-9)	A. **Description:** These revised regulations allow only certified vehicles and engines to be imported, except that an individual may import an uncertified version for one time only. The purpose is to improve the effectiveness and administration of EPA's present regulation. The proposal will be published in the *Federal Register* after Customs and Treasury complete reviewing it. B. **Classification:** Routine. C. **Statutory Authority:** CAA 203. D. **CFR Change:** 40 CFR 85.	Gerald C. Kraus EPA (EN-340) Washington, DC 20460 FTS: 8-472-9413 Comm: 202-472-9413	NPRM: Spring 1980
Amendments to Entry and Access Provisions of EPA Regulations Controlling Air Pollution From Mobile Sources (SAN No. 1521, Docket No. EN-79-15)	A. **Description:** The regulation implements the Supreme Court's decision in *Marshall v Barlows, Inc.* by amending the "Entry and Access" provisions of mobile source program regulations to make them consistent with the Court's ruling. B. **Classification:** Routine. C. **Statutory Authority:** CAA 203, 206, 208, 301. D. **CFR Change:** 40 CFR 80, 85, 86.	Stephen J. Turchen EPA (EN-340) Washington, DC 20460 FTS: 8-472-9417 Comm: 202-472-9417	NPRM: 4/80 FR: 7/80
Tampering Enforcement Regulations (SAN No. 1601, Docket No. EN-80-3)	A. **Description:** These regulations will clarify EPA's enforcement policy against tampering with the emission control systems of motor vehicles. B. **Classification:** Routine. C. **Statutory Authority:** CAA 203(a)(3), 301. D. **CFR Change:** 40 CFR 85.	Barbara C. Gilliberti EPA (EN-340) Washington, DC 20460 FTS: 8-472-9350 Comm: 202-472-9350	ANPRM: 6/80 NPRM: 2/81 FR: 8/81
Regulations Defining Certificate of Conformity (SAN No. 1318)	A. **Description:** The regulations identify certain components and specifications required for motor vehicle certification, including the parameters of allowable deviation of parts and the specification for the certification tests. B. **Classification:** Routine. C. **Statutory Authority:** CAA 206(a). D. **CFR Change:** 40 CFR 86.	Mark Siegler EPA (EN-340) Washington, DC 20460 FTS: 8-472-9417 Comm: 202-472-9417	NPRM: 39FR44246(12/23/74) FR: 7/80
Selective Enforcement Auditing of Motorcycles (SAN No. 1319)	A. **Description:** This regulation would help to ensure that motorcycles to be distributed into commerce are in compliance with applicable emissions standards. It has not yet been determined if this regulation will proceed beyond the ANPRM stage. B. **Classification:** Unclassified. C. **Statutory Authority:** CAA 206(a), 208, 301. D. **CFR Change:** 40 CFR 86.	Stephen Turchen EPA (EN-340) Washington, DC 20460 FTS: 8-472-9417 Comm: 202-472-9417	ANPRM: 43FR1108(1/6/78)
1984 High Altitude Standards (SAN No. 1322, Docket No. EN-79-7)	A. **Description:** These regulations require all vehicles to meet standards at all altitudes beginning with 1984 models. B. **Classification:** Unclassified. C. **Statutory Authority:** CAA 206(f). D. **CFR Change:** 40 CFR 86. E. **Analysis:** EIS, REG. ANALYSIS.	Richard Wilcox EPA Ann Arbor, MI 48105 FTS: 8-374-8390 Comm: 313-668-4390	NPRM: 9/80 FR: 6/81
Emissions Design and Defect Warranty (SAN No. 1324, Docket No. MSED-78-1)	A. **Description:** This regulation will insure that owners are able to take advantage of the 207(a) warranty and that dealers and manufacturers understand their liability. It will also establish uniform procedures for administering the warranty and require owners to be informed of its coverage. B. **Classification:** Routine. C. **Statutory Authority:** CAA 207(a)(1), 301(a)(1), 203(a)(4), 204, 205. D. **CFR Change:** 40 CFR 85.	Rick Friedman EPA (EN-340) Washington, DC 20460 FTS: 8-472-9350 Comm: 202-472-9350	ANPRM: 41FR50566(11/16/76) NPRM: 5/80 FR: 10/81
Aftermarket Parts Certification (SAN No. 1325, Docket No. EN-79-8)	A. **Description:** This regulation establishes a procedure that allows autoparts manufacturers voluntarily to certify that use of their parts will not increase vehicle emissions or void the owner's emission warranty. B. **Classification:** Routine. C. **Statutory Authority:** CAA 207(a)(2), 301. D. **CFR Change:** 40 CFR 85.	David Feldman EPA (EN-340) Washington, DC 20460 FTS: 8-472-9350 Comm: 202-472-9350	ANPRM: 39FR40192(11/14/74) NPRM: 44FR46686(8/8/79) FR: 5/80
Vehicle Maintenance and Use Regulations (SAN No. 1517, Docket No. EN-79-11)	A. **Description:** These regulations will insure that manufacturers require only appropriate maintenance of emission-related components and that owners are fully informed of their maintenance burden and resulting liabilities. B. **Classification:** Routine. C. **Statutory Authority:** CAA 207(a)(3)(A), 301(a)(1), 203(a)(4)(B) & (C), 204, 205, 206. D. **CFR Change:** 40 CFR 85 Subpart V.	Richard Friedman EPA (EN-340) Washington, DC 20460 FTS: 8-472-9350 Comm: 202-472-9350	ANPRM: 3/80 NPRM: 11/80 FR: 7/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	AIR—Continued		
Short Test for Emission Warranties (SAN No. 1326, Docket No. EN 79-6)	A. **Description:** This regulation establishes procedures to test emissions from light-duty trucks and vehicles in conjunction with inspection/maintenance programs. The public comment period has been reopened to allow manufacturers an opportunity to comment on EPA data which became available after the proposal. B. **Classification:** Routine. C. **Statutory Authority:** CAA 207(b). D. **CFR Change:** 40 CFR 86.	Richard Dash EPA Ann Arbor, MI 48105 FTS: 8-374-8412 Comm: 313-668-4412	NPRM: 42FR26742(5/25/77) FR: 4/80
Emission Control (Performance) Warranty (SAN No. 1327, Docket No. EN-79-5)	A. **Description:** These regulations require manufacturers to warrant the emissions performance of new motor vehicles under certain conditions. B. **Classification:** Routine. C. **Statutory Authority:** CAA 207(b), 203, 204, 205, 301. D. **CFR Change:** 40 CFR 85.	David Feldman EPA (EN-340) Washington, DC 20460 FTS: 8-472-9350 Comm: 202-472-9350	NPRM: 42FR26742(5/25/77) RPRM: 44FR23764(4/20/79) FR: Spring 1980
Allowable Maintenance for Light Duty Vehicles (SAN No. 1597)	A. **Description:** The Clean Air Act requires that automobile manufacturers furnish to the purchaser written instructions for proper use and maintenance of new motor vehicles and engines. This regulation will determine the content of those instructions on the basis of maintenance which is likely to be performed and which is necessary. B. **Classification:** Unclassified. C. **Statutory Authority:** CAA 207(c)(3). D. **CFR Change:** 40 CFR 86.	Robert Maxwell EPA Ann Arbor, MI 48105 FTS: 8-374-8322 Comm: 313-668-4322	NPRM: 9/80 FR: 9/81
Fuels and Fuel Additives Testing Regulations (SAN No. 1328)	A. **Description:** These protocols will help determine effects of fuel and fuel additives on public health and emission control devices. B. **Classification:** Unclassified. C. **Statutory Authority:** CAA 211. D. **CFR Change:** 40 CFR 79.6.	Matt Bills EPA (RD-680) Washington, DC 20460 FTS: 8-426-4452 Comm: 202-426-4452	NPRM: 6/80 FR: 12/80
High Altitude Performance Adjustments (SAN No. 1329)	A. **Description:** This regulation sets procedures for approval of manufacturers' adjustments to light duty cars and trucks built for high altitude operation. B. **Classification:** Routine. C. **Statutory Authority:** CAA 215. D. **CFR Change:** 40 CFR 86.	Thomas Ball EPA Ann Arbor, MI 48105 FTS: 8-374-8280 Comm: 313-668-4280	NPRM: 45FR6012(1/24/80) FR: 9/80
Turbine Aircraft Gaseous Emissions Retrofit and Modification of 1973 Standards (SAN No. 1330, Docket No. OMSAPC 78-1)	A. **Description:** This regulation proposes revisions in emission standards for commercial aircraft to reduce hydrocarbons, carbon monoxide and nitrogen oxide. B. **Classification:** Routine. C. **Statutory Authority:** CAA 231. D. **CFR Change:** 40 CFR 87. E. **Analysis:** EIS.	Richard Wilcox EPA Ann Arbor, MI 48105 FTS: 8-374-8390 Comm: 313-668-4390	NPRM: 43FR12615(3/24/78) FR: 6/80
Regional Consistency (SAN No. 1331, Docket No. OAQPS 79-11)	A. **Description:** The Clean Air Act requires that EPA provide for consistent implementation by Regional Offices. B. **Classification:** Routine. C. **Statutory Authority:** CAA 301. D. **CFR Change:** 40 CFR 56. E. **Analysis:** EIS.	Darryl Tyler EPA (MD-13) Research Triangle Park, NC 27711 FTS: 8-629-5425 Comm: 919-541-5425	NPRM: 44FR13043(3/9/79) FR: 3/80
	DRINKING WATER		
Control of Organic Contaminants in Drinking Water by Granular Activated Carbon Systems (SAN No. 1201)	A. **Description:** The regulation will require use of granular activated carbon (GAC) or equivalent technology in those public water systems subject to contamination by synthetic organic chemicals. B. **Classification:** Major. C. **Statutory Authority:** SDWA 1412. D. **CFR Change:** 40 CFR 141. E. **Analysis:** REG. ANALYSIS.	Joe Cotruvo EPA (WH-550) Washington, DC 20460 FTS: 8-472-5016 Comm: 202-472-5016	ANPRM: 41FR28991(7/14/76) NPRM: 43FR5756(2/9/78) RPRM: 6/80
Technical Amendments to the National Primary Drinking Water Regulations (SAN No. 1202, Docket No. FRL 1230-3)	A. **Description:** These amendments adjust the previously published National Interim Primary Drinking Water regulations. They will provide additional flexibility for community water systems to comply with the microbiological Maximum Contaminant Level (MCL) and will also provide non-community systems with modified requirements for microbiological MCL, turbidity monitoring, and nitrate MCL. There will also be modifications to public notification procedures and new requirements for community water systems to monitor and report sodium levels. B. **Classification:** Routine. C. **Statutory Authority:** SDWA 1412. D. **CFR Change:** Revisions to 40 CFR 141.	Joe Cotruvo EPA (WH-550) Washington, DC 20460 FTS: 8-472-5016 Comm: 202-472-5016	NPRM: 44FR42246(7/19/79) FR: 6/80

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SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
DRINKING WATER—Continued			
Maximum Contaminant Levels for Certain Organic Chemicals Found in Ground Water (SAN No. 1567)	A. **Description:** The regulation will establish the Maximum Contaminant Level (MCL) for certain organic chemicals that are most commonly found in drinking water drawn from groundwater sources and that may have adverse effects on human health. The Safe Drinking Water Act requires the Agency to establish these contaminant levels. B. **Classification:** Major. C. **Statutory Authority:** SWDA 1412. D. **CFR Change:** Additions to 40 CFR 141.	Joe Cotruvo EPA (WH-550) Washington, DC 20460 FTS: 8-472-5016 Comm: 202-472-5016	ANPRM: 41FR28991(7/14/76) NAS Recommendations: 42FR35764(7/11/77) NPRM: 8/80
Underground Injection Control Program Regulations (SAN No. 1205)	A. **Description:** These regulations are intended to protect underground drinking water supplies from contamination caused by improper underground injection of fluids. States can apply for primary enforcement authority if they meet the minimum criteria specified in the regulations. The regulations may require a permit program to ensure that there is a case-by-case determination. B. **Classification:** Major. C. **Statutory Authority:** SWDA 1421(a). D. **CFR Change:** 40 CFR 146. E. **Analysis:** EIS, REG. ANALYSIS.	Tom Belk EPA (WH-550) Washington, DC 20460 FTS: 8-426-3934 Comm: 202-426-3934	NPRM: 44FR23738(4/20/79) FR: 4/80
Technical Amendments to the Implementation Regulations for the Interim Primary Drinking Water Regulations (SAN No. 1549)	A. **Description:** These regulations define the implementation and enforcement requirements for the National Interim Primary Drinking Water Regulations. These requirements will apply to States which choose to operate the Public Water System Supervision Program. EPA amended the Primary Drinking Water Regulations in 1979 and will issue additional amendments in June 1980. This set of amendments will update the Implementation Regulations to correspond with the changes in Primary Drinking Water Regulations and will make minor changes to clarify and simplify the language. B. **Classification:** Routine. C. **Statutory Authority:** SDWA 1413–1416, 1445, 1450. D. **CFR Change:** 40 CFR 142.	James F. Manwaring EPA (WH-550) Washington, DC 20460 FTS: 8-472-4152 Comm: 202-472-4152	NPRM: 39FR33228(8/7/75) FR: 40FR2916(1/20/76) IFR: 43FR5372(2/8/78) FR: 6/80
NOISE			
Noise Emission Standards for Buses (SAN No. 1170, Docket No. ONAC 77-6)	A. **Description:** This regulation sets noise emission standards for new interstate, city, and school buses. B. **Classification:** Routine. C. **Statutory Authority:** NCA 5 & 6. D. **CFR Change:** Additions to 40 CFR 205. E. **Analysis:** EIS.	Kenneth Feith EPA (ANR 490) Washington, DC 20460 FTS: 8-557-2710 Comm: 703-557-2710	NPRM: 42FR45775(9/12/77) FR: 6/80
Noise Emission Standards for Wheel & Crawler Tractors (SAN No. 1172, ONAC 77-2)	A. **Description:** This regulation sets noise emission standards for new wheel and crawler tractors manufactured primarily for construction applications. B. **Classification:** Unclassified. C. **Statutory Authority:** NCA 5 & 6. D. **CFR Change:** Addition to 40 CFR 204. E. **Analysis:** EIS.	Henry Thomas EPA (ANR-490) Washington, DC 20460 FTS: 8-557-7743 Comm: 702-557-7743	NPRM: 42FR35803(7/11/77) FR: 12/82
Noise Emission Standards for Motorcycles (SAN No. 1173, Docket No. ONAC 77-10)	A. **Description:** This regulation sets noise emission standards for new motorcycles and new motorcycle replacement exhaust systems distributed in commerce. B. **Classification:** Major. C. **Statutory Authority:** NCA 5 & 6. D. **CFR Change:** Additions to 40 CFR 205. E. **Analysis:** EIS, REG. ANALYSIS.	Henry Thomas EPA (ANR-490) Washington, DC 20460 FTS: 8-557-7743 Comm: 703-557-7743	NPRM: 43FR10822(3/15/78) FR: 7/80
Importation of Noise Emitting Products (SAN No. 1178)	A. **Description:** This regulation is being written in conjunction with the U.S. Customs Service to control, under NCA section 9, the importation of products regulated under NCA sections 6, 8. B. **Classification:** Routine. C. **Statutory Authority:** NCA 9. D. **CFR Change:** 40 CFR 208.	Timothy Dwyer EPA (EN-387) Washington, DC 20460 FTS: 8-557-7470 Comm: 703-557-7470	NPRM: 1/81 FR: 1/82
Administrative Hearing Procedures (SAN No. 1176)	A. **Description:** EPA is writing this regulation to lay the groundwork for procedures for hearings to issue remedial orders under NCA section 11(d). These are adjudicatory hearings under the Administrative Procedures Act (5 USC 554). B. **Classification:** Routine. C. **Statutory Authority:** NCA 11. D. **CFR Change:** 40 CFR 210.	Timothy Dwyer EPA (EN-387) Washington, DC 20460 FTS: 8-557-7470 Comm: 703-557-7470	IFR: 43FR34132(8/3/78) FR: 10/80

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
NOISE—Continued			
Low Noise Emission Products (SAN No. 1177, Docket No. ONAC 77-7)	A. **Description:** If a product has a low noise emission level, it may be entitled to special consideration in Federal purchasing. This regulation establishes guidelines for determining these low levels. B. **Classification:** Routine. C. **Statutory Authority:** NCA 15. D. **CFR Change:** Additions to 40 CFR 203, 204, 205. E. **Analysis:** EIS.	Henry Thomas EPA (ANR 490) Washington, DC FTS: 8-557-7743 Comm: 703-557-7743	NPRM: 42FR27441(5/27/77) FR: 8/80
Interstate Rail Carrier Noise Standards Revision-Property Line Standard (SAN No. 1179A, Docket No. ONAC 80-1)	A. **Description:** This regulation sets noise emission standards for railroad facilities. This is one of two sets of interstate rail carrier standards. This regulation establishes property-line standards. B. **Classification:** Major. C. **Statutory Authority:** NCA 17. D. **CFR Change:** 40 CFR 201. E. **Analysis:** EIS, REG. ANALYSIS.	Robert Rose EPA (ANR 490) Washington, DC 20460 FTS: 8-557-7666 Comm: 703-557-7666	NPRM: 44FR22980(4/17/79) NPRM: 44FR25268(4/30/79) FR: 1/81
Special Local Conditions (SAN No. 1180, Docket No. ONAC 76-11)	A. **Description:** This regulation establishes procedures that a State may use to adopt otherwise pre-empted State & local noise regulations applying to rail and motor carriers. A State may use these procedures when special local conditions make it necessary to adopt these pre-empted regulations. B. **Classification:** Routine. C. **Statutory Authority:** NCA 17(c)2 & 18(c)2. D. **CFR Change:** 40 CFR 201.	Henry Thomas EPA (ANR 490) Washington, DC 20460 FTS: 8-557-7743 Comm: 703-557-7743	NPRM: 41FR52317(11/29/76) RPRM: 1982
PESTICIDES			
Pesticide Registration Guidelines (SAN Nos. 1141–1148) specify the test data standards and reporting and labeling requirements for registration applications for pesticide products.			
Pesticide Registration Guidelines: Introduction (SAN No. 1141)	A. **Description:** This action states the general purpose of the guidelines and specifies the degree of flexibility in their requirements and in the use of interim data. It also defines terms used throughout the guidelines, and sets out requirements for keeping data and test samples at laboratories. B. **Classification:** Routine. C. **Statutory Authority:** FIFRA 3. D. **CFR Change:** 40 CFR 163 Subpart A.	Bill Preston EPA (TS-769) FTS: 8-557-1405 Comm: 703-557-1405	NPRM: 43FR29696(7/10/78) FR: 7/80
Experimental Use Permits (SAN No. 1142)	A. **Description:** This action specifies that data and labeling must be submitted in support of an application for an experimental use permit. It also defines procedures which must be followed to obtain a permit. B. **Classification:** Routine. C. **Statutory Authority:** FIFRA 3. D. **CFR Change:** 40 CFR 163 Subpart I.	Bill Preston EPA (TS-769) Washington, DC 20460 FTS: 8-557-1405 Comm: 703-557-1405	NPRM: 3/80 FR 10/80
Chemistry Requirements (SAN No. 1143)	A. **Description:** This regulation covers requirements for data on chemistry of active ingredients, residues of pesticides in feed and food crops, formulation components, manufacturing impurities, and environmental fate of pesticides. B. **Classification:** Major. C. **Statutory Authority:** FIFRA 3. D. **CFR Change:** 40 CFR 163 Subpart D.	Bill Preston EPA (TS-769) Washington, DC 20460 FTS: 8-557-1405 Comm: 703-557-1405	NPRM: 43FR29696(7/10/78) FR: 5/80
Hazard Evaluation: Wildlife and Aquatic Organisms (SAN No. 1144)	A. **Description:** This action covers data requirements for studies of pesticide effects on birds, wild animals, fish, and other aquatic animals. B. **Classification:** Routine. C. **Statutory Authority:** FIFRA 3. D. **CFR Change:** 40 CFR 163 Subpart E.	Bill Preston EPA (TS-769) Washington, DC 20460 FTS: 8-557-1405 Comm: 703-557-1405	NPRM: 43FR29696(7/10/78) FR: 8/80
Hazard Evaluation: Humans and Domestic Animals (SAN No. 1145)	A. **Description:** This regulation specifies data requirements for studying the effects of pesticides in laboratory animals. The subpart on "Good Laboratory Practices" prescribes practices for laboratories to follow when they conduct tests with pesticides for registration purposes. These practices will assure that the laboratories submit properly developed and accurate data. B. **Classification:** Major. C. **Statutory Authority:** FIFRA 3. D. **CFR Change:** 40 CFR 163, Subpart F.	Bill Preston EPA (TS-769) Washington, DC 20460 FTS: 8-557-1405 Comm: 703-557-1405	NPRM: 43FR37338(8/22/78) NPRM: 3/80 FR: 9/80

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SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	PESTICIDES—Continued		
Product Performance (SAN No. 1146)	A. **Description:** This action specifies the data that registrants must submit to demonstrate that pesticide products will control pests as specified in label claims. B. **Classification:** Routine. C. **Statutory Authority:** FIFRA 3. D. **CFR Change:** 40 CFR 163 Subpart G.	Bill Preston EPA (TS-769) Washington, DC 20460 FTS: 8-557-1406 Comm: 703-557-1406	NPRM: 3/80 FR: 1/81
Label Development and Improvement (SAN No. 1147)	A. **Description:** This action describes all essential parts of a pesticide product label. B. **Classification:** Routine. C. **Statutory Authority:** FIFRA 3. D. **CFR Change:** 40 CFR 163 Subpart H.	Bill Preston EPA (TS-769) Washington, DC 20460 FTS: 8-557-1406 Comm: 703-557-1406	NPRM: 6/80 FR: 3/81
Hazard Evaluation: Non-Target Plants and Micro-Organisms (SAN No. 1148)	A. **Description:** This action prescribes data required to evaluate adverse effects on nontarget areas; it also provides guidance to submit data on spray drift and phytotoxicity. B. **Classification:** Routine. C. **Statutory Authority:** FIFRA 3. D. **CFR Change:** 40 CFR 163 Subpart J.	Bill Preston EPA (TS-769) Washington, DC 20460 FTS: 8-557-1406 Comm: 703-557-1406	NPRM: 3/80 FR: 11/80
Modification of Regulations for Pesticides Registration, Classification, and Incorporation of Generic Standards (SAN No. 1524)	A. **Description:** These regulations will revise procedures and requirements for the registration of pesticides. This proposal would revise the regulations covering the registration of new pesticide chemicals and products, the registration and re-registration of old pesticide chemicals and products, and the classification and rebuttable presumption against registration (RPAR) processes. B. **Classification:** Major. C. **Statutory Authority:** FIFRA 3(c)(2)(C). D. **CFR Change:** 40 CFR 162 Subpart A.	Henry Jacoby EPA (TS-767) Washington, DC 20460 FTS: 8-755-2562 Comm: 202-755-2562	ANPRM: 44FR76311(12/26/79) NPRM: 10/80 FR: 9/81
Other Regulatory Restrictions (SAN No. 1588)	A. **Description:** This regulation will consider alternatives to labeling for minimizing the health hazards of pesticides. B. **Classification:** Unclassified C. **Statutory Authority:** FIFRA 3(d)(1)(C)(ii). D. **CFR Change:** 40 CFR 162.11 C8.	John Street EPA (TS-767) Washington, DC 20460 FTS: 8-426-2510 Comm: 703-426-2510	ANPRM: 4/80 FR: 2/81
State Registration to Meet Special Local Needs (SAN No. 1153)	A. **Description:** This regulation defines the scope of state jurisdiction to register pesticides for uses that Federal registrations do not cover. B. **Classification:** Routine. C. **Statutory Authority:** FIFRA 24(c). D. **CFR Change:** 40 CFR 162.	Phil Gray EPA (TS-770-M) Washington, DC 20460 FTS: 8-472-8400 Comm: 202-472-8400	NPRM: 44FR46414(8/7/79) FR: 8/80
Closed System Packaging (SAN No. 1523)	A. **Description:** The objective of this rule is to reduce the hazards associated with the transfer, mixing, and loading of pesticides. These hazards have resulted in adverse effects on pesticide mixers and loaders of certain classes of pesticides. B. **Classification:** Routine. C. **Statutory Authority:** FIFRA 25(c)(3). D. **CFR Change:** Addition to 40 CFR 162.	William Jacobs EPA (TS-767) Washington, DC 20460 FTS: 8-755-4851 Comm: 202-755-4851	ANPRM: 44FR54508(9/20/79) NPRM: Late 1980 FR: Early 1981
New Regulations State Primacy (SAN No. 1563)	A. **Description:** This regulation will establish procedures for state primacy in enforcing provisions of FIFRA. It will spell out the system which EPA will use to grant or rescind this authority to the states. B. **Classification:** Unclassified. C. **Statutory Authority:** FIFRA 26, 27. D. **CFR Change:** EPA will later assign a CFR Part Number to this regulation.	Joseph Virgilio EPA (EN-342) Washington, DC 20460 FTS: 8-472-3701 Comm: 202-472-3701	ANPRM: 3/80
Tolerance Revocation Program (SAN No. 1580)	A. **Description:** This regulation prescribes methods for revoking tolerance petitions when a pesticide registration is canceled. B. **Classification:** Routine. C. **Statutory Authority:** FDCA 408, 409. D. **CFR Change:** Deletions from 40 CFR 180.147 (DDT), 180.135 (dieldrin), 180.137 (aldrin), 180.140 (BHC)	Jesse Mayes EPA (TS-767) Washington, DC 20460 FTS: 8-755-9316 Comm: 202-755-9316	NPRM: 4/80 FR: 7/80.
	RADIATION		
Guidance for Occupational Radiation Exposure (SAN No. 1161, Docket No. A-79-46)	A. **Description:** This guidance updates existing (1960) radiation occupational exposure limits for workers at Federal facilities and those facilities inspected by Federal agencies. B. **Classification:** Major. C. **Statutory Authority:** AEA 274(h). D. **CFR Change:** This action will not be codified in CFR.	Luis Garcia EPA (ANR 460) Washington, DC 20460 FTS: 8-557-8224 Comm: 703-557-8224	NPRM: 4/80 FR: 3/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	RADIATION—Continued		
Transuranic Elements (SAN No. 1152)	A. **Description:** This guidance to Federal agencies establishes dose rate limits for people exposed to transuranic elements in the general environment. The guidance considers both human inhalation and human ingestion of transuranium elements, and establishes a maximum dose rate to lungs and bones for members of the general population. The recommendations also provide for a dose rate limit to lungs and bones for the most exposed segment of the population. This dose rate limit can be associated with an estimated maximum risk of one additional death per million persons continuously exposed at this rate per year. EPA has approved this guidance and has sent it to the President for signature. B. **Classification:** Routine. C. **Statutory Authority:** AEA 274(h). D. **CFR Change:** This action will not be codified in CFR.	Gordon Burley EPA (ANR 460) Washington, DC 20460 FTS: 8-557-8610 Comm: 703-557-8610	NPRM: 42FR60956(11/3/77) FR: Pending
Environmental Standards for High-Level Radioactive Wastes (SAN No. 1183)	A. **Description:** This regulation will set standards to govern the licensing, design, and operation of permanent, high-level radioactive waste storage facilities. The enforcement of these standards will be the responsibility of the Nuclear Regulatory Commission, which may choose to issue additional regulations. B. **Classification:** Major. C. **Statutory Authority:** AEA 274, Reorganization Plan #3 of 1970. CL. **CFR Change:** 40 CFR 191. D. **Analysis:** EIS, REG. ANALYSIS.	Dan Egan EPA (ANR 458) Washington, DC 20460 FTS: 8-557-8610 Comm: 703-557-8610	NPRM: 6/80 FR: 6/81
Environmental Criteria for Radioactive Wastes (SAN No. 1184)	A. **Description:** The criteria are general guidance to Federal agencies on definitions of radioactive wastes and factors they should consider in evaluating disposal modes and sites. B. **Classification:** Major. C. **Statutory Authority:** AEA 274(h). D. **CFR Change:** This action will not be codified in CFR.	Robertson Augustine EPA (ANR 458) Washington, DC 20460 FTS: 8-557-8950 Comm: 703-557-8950	NPRM: 43FR53262(11/15/78) FR: 5/80
Federal Guidance for Protective Action Guides for Accidental Airborne Releases of Radioactivity (SAN No. 1514, Docket No. A-78-11)	A. **Description:** This guidance will provide emergency action levels to be used in cases of accidental release of airborne radionuclides. It will minimize the risk to the health and safety of the general public following potential radioactivity releases from accidents at nuclear power plants, from accidents during the transport of radioactive materials, and from other events that may cause airborne releases of radioactive material. B. **Classification:** Major. C. **Statutory Authority:** AEA 274. D. **CFR Change:** This action will not be codified in CFR. E. **Analysis:** EIS, UCIA.	Allen Richardson EPA (ANR 460) Washington, DC 20460 FTS: 8-557-8927 Comm: 703-557-8927	NPRM: 12/80 RPRM: 9/81
Radiofrequency Radiation Guidance (SAN No. 1525)	A. **Description:** This guidance will serve to limit exposure to radiofrequency monitoring radiation which poses a potential health risk. B. **Classification:** Unclassified. C. **Statutory Authority:** AEA 274(h). D. **CFR Change:** This action will not be codified in CFR. E. **Analysis:** EIS.	David Janes EPA (ANR 461) Washington, DC 20460 FTS: 8-427-7604 Comm: 301-427-7604	NPRM: 2/81
Environmental Standards for Uranium Mill Tailings (Inactive Sites) (SAN No. 1186, Docket No. A-79-25)	A. **Description:** This regulation defines standards for the clean-up and disposal of uranium mill tailings from inactive sites. Based on the EPA standards, the Department of Energy will take remedial action. B. **Classification:** Major. C. **Statutory Authority:** UMTRCA 206(2a), AEA 275(2a). D. **CFR Change:** 40 CFR 192. E. **Analysis:** EIS.	Stan Lichtman EPA (ANR 458) Washington, DC 20460 FTS: 8-557-8927 Comm: 703-557-8927	NPRM: 4/80 FR: 7/80
Environmental Standards for Uranium Mill Tailings (Active Sites) (SAN No. 1188A)	A. **Description:** The administrator is required to issue generally applicable standards for protecting the public health and safety, and the environment, from certain radiological and nonradiological hazards of uranium. These are the hazards associated with processing, keeping, transfering, and disposing of uranium byproduct material at sites which either (a) process the uranium ore primarily for its source material content or (b) dispose of the uranium byproduct material. B. **Classification:** Major. C. **Statutory Authority:** UMTRCA 206 AEA 275(b). D. **CFR Change:** 40 CFR 192.	Stan Lichtman EPA (ANR 458) Washington, DC 20460 FTS: 8-557-8927 Comm: 7-3-557-8927	NPRM: 9/80 FR: 12/80

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SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
SOLID WASTE			
Subtitle C of the Resource Conservation and Recovery Act (RCRA) requires EPA to establish a nationwide program to manage hazardous wastes from generation to ultimate disposal. The U.S. District Court for the District of Columbia has approved a schedule of dates in 1980 for Agency issuance of final regulations. (Note: EPA will provide for RCRA 3005 and 3008 [SAN Nos. 1195 and 1196] in the Consolidated Permit Regulations to be promulgated in April 1980. EPA will provide notification under RCRA 3010 [SAN No. 1197] by a Notice in the *Federal Register*, rather than by regulation.			
Hazardous Waste Criteria—Identification and Listing (SAN No. 1191, Docket No. 3001)	A. **Description:** This regulation defines wastes for control under the nationwide hazardous waste management program. The regulation will define criteria for identifying hazardous wastes, based on ignitability, corrosiveness, reactivity, and toxicity. The regulations will also list wastes and processes which are likely to generate hazardous wastes. B. **Classification:** Major. C. **Statutory Authority:** RCRA 3001. D. **CFR Change:** 40 CFR 261. E. **Analysis:** EIS, REG. ANALYSIS.	Alan Corson EPA (WH-565) Washington, DC 20460 FTS: 8-755-9187 Comm: 202-755-9187	ANPRM: 42FR22332(5/2/77) NPRM: 43FR58946(12/18/78) FR: 4/80
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (SAN No. 1194, Docket No. 3004)	A. **Description:** This regulation requires facilities that manage hazardous waste to meet certain standards for operating practices, location, and design. These standards have been set to protect the quality of air, surface-water, and groundwater. B. **Classification:** Major. C. **Statutory Authority:** RCRA 3004. D. **CFR Change:** 40 CFR 264, 265, 266. E. **Analysis:** EIS, REG. ANALYSIS.	John Lehman EPA (WH-563) Washington, DC 20460 FTS: 8-755-9185 Comm: 202-755-9185	ANPRM: 42FR22332(5/2/77) NPRM: 43FR58946(12/18/78) FR(Phase I): 4/80 FR(Phase II): 9/80
Guidelines for Federal Procurement Practices (SAN No. 1200, Docket No. 6002(e))	A. **Description:** These guidelines are to help Federal agencies ensure procured products contain as much recycled material as possible. Section 6002(e) of RCRA directs EPA to prepare these guidelines to help maximize the energy and materials that the Federal Government recovers from solid waste. B. **Classification:** Routine. C. **Statutory Authority:** RCRA 6002(e). D. **CFR Change:** 40 CFR.	John Hoffelfinger EPA (WH-565) Washington, DC 20460 FTS: 8-755-9208 Comm: 202-755-9208	NPRM: Late 1980
TOXIC SUBSTANCES			
EPA is writing regulations under four sections of the Toxic Substances Control Act (TSCA): under Section 4, standards for the development of test data and rules that require the testing of specific chemical substances and mixtures; under Section 5, premanufacture notification rules and premanufacture testing guidance; a series of specific control actions under Section 6, including chemical hazard labeling warnings; and under Section 8, reporting and recordkeeping requirements.			
Test Rules for Chemical Substances and Mixtures (SAN No. 1130)	A. **Description:** This regulation establishes general provisions and requirements for testing. It covers the scope, purpose, authority, and applicability of testing requirements. It offers appropriate definitions, and it deals with confidentiality, public access to information, compliance and revision, and modification of test standards. B. **Classification:** Major. C. **Statutory Authority:** TSCA 4. D. **CFR Change:** 40 CFR 270.	Denise Swink EPA (TS-792) Washington, DC 20460 FTS: 8-755-4894 Comm: 202-755-4894	NPRM: 44FR27334(3/9/79) FR: 9/80
Identification of Chemical Substances and Mixtures to Be Tested (SAN No. 1131)	A. **Description:** This regulation will require specific chemical substances and mixtures, (both individually and by chemical category), to be tested for specified health and environmental effects. B. **Classification:** Routine. C. **Statutory Authority:** TSCA 4. D. **CFR Change:** 40 CFR 771.	Denise Swink EPA (TS-792) Washington, DC 20460 FTS: 8-755-4894 Comm: 202-755-4894	NPRM: 5/80
Standards for Development of Chronic Health Effects Data (SAN No. 1132)	A. **Description:** This regulation sets standards for (1) testing for oncogenic and non-oncogenic chronic effects and (2) good laboratory practices (GLP) for health effects testing. The chemical specific test rules will refer to these standards. B. **Classification:** Major. C. **Statutory Authority:** TSCA 4. D. **CFR Change:** 40 CFR 772.	Denise Swink EPA (TS-792) Washington, DC 20460 FTS: 8-755-4894 Comm: 202-755-4894	NPRM: 44FR27334(5/9/79) FR: 9/80
Standards For Development of Test Data (SAN No. 1461)	A. **Description:** This regulation sets standards for tests to determine health effects. The effects covered include acute and sub-chronic toxicity, mutagenicity, terratogenicity, and reproduction effects. The chemical specific test rules will refer to these standards. B. **Classification:** Routine. C. **Statutory Authority:** TSCA 4. D. **CFR Change:** 40 CFR 772.	Denise Swink EPA (TS-792) Washington, DC 20460 FTS: 8-755-4894 Comm: 202-755-4894	NPRM: 44FR44054(7/26/79) FR: 9/80

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
TOXIC SUBSTANCES—Continued			
Standards for Development of Test Data (SAN No. 1462)	A. **Description:** This regulation will set standards for tests to determine physical and chemical properties, environmental fate, and ecological effects. The chemical specific test rules will refer to these standards. B. **Classification:** Routine. C. **Statutory Authority:** TSCA 4. D. **CFR Change:** 40 CFR 772.	Denise Swink EPA (TS-792) Washington, DC FTS: 8-755-4894 Comm: 202-755-4894	NPRM: 4/80
Premanufacture Notice Rules and Forms (SAN No. 1134)	A. **Description:** This regulation establishes procedures for chemical manufacturers to submit notices to EPA prior to manufacturing new chemical substances for commercial purposes. The regulation also includes notice forms which stipulate the data that manufacturers must submit and the format for their submissions. B. **Classification:** Major. C. **Statutory Authority:** TSCA 5. D. **CFR Change:** 40 CFR 720.	Blake Biles EPA (TS-794) Washington, DC 20460 FTS: 8-426-3936 Comm: 202-426-3936	NPRM: 44FR2242(1/10/79) Interim policy: 44FR28564(5/15/79) RPRM: 44FR59764(10/16/79) FR: Fall 1980
Asbestos-Containing Material in Schools (SAN No. 1519)	A. **Description:** The rule will require removing certain friable asbestos-containing materials from school buildings. It will also require marking and periodically re-evaluating the remaining friable asbestos to protect school children and school employees from all unreasonable risks of exposure to asbestos. B. **Classification:** Major. C. **Statutory Authority:** TSCA 6. D. **CFR Change:** EPA will later assign a CFR Part Number to this regulation.	Larry Longanecker EPA (TS-794) Washington, DC 20460 FTS: 8-755-1422 Comm: 202-755-1422	ANPRM: 44FR54676(9/20/79) NPRM: 5/80 FR: 10/80
Asbestos-Containing Materials in Commercial Buildings and Commercial Vessels (SAN No. 1550)	A. **Description:** This regulation will reduce/eliminate unreasonable risks of exposure to asbestos in commercial vessels and commercial buildings. A risk assessment study is due for completion in September 1980. B. **Classification:** Major. C. **Statutory Authority:** TSCA 6. D. **CFR Change:** EPA will later assign a CFR Part Number to this regulation.	Larry Longanecker EPA (TS-794) Washington, DC 20460 FTS 8-755-1422 Comm: 202-755-1422	ANPRM: 1/81 NPRM: 8/81
Chemical Hazard Warning Labels (SAN No. 1530)	A. **Description:** This rule would require chemical manufacturers and importers to affix warning labels to containers they distribute in commerce. The required labels would inform industrial users of hazardous chemical substances and mixtures about certain acute health and safety hazards, including cancer hazards. The primary purpose is to assure that workers know: (1) the recognized hazards, (2) the measures that should be taken to avoid or control exposure, and (3) the steps to be taken if exposure occurs. B. **Classification:** Major. C. **Statutory Authority:** TSCA 6(a)(3). D. **CFR Change:** 40 CFR 765. E. **Analysis:** REG. ANALYSIS.	Irwin L. Auerbach EPA (TS-794) Washington, DC 20460 FTS: 8-755-8963 Comm: 202-755-8963	NPRM: 3/80
Follow-up of New Chemical Substances (SAN No. 1531)	A. **Description:** This rule will establish procedures and data reporting requirements to be used in issuing significant new use rules and follow-up reporting rules related to new chemical substances. B. **Classification:** Major. C. **Statutory Authority:** TSCA 8, 5(a)(2). D. **CFR Change:** EPA will later assign a CFR Part Number to this regulation.	Blake Biles EPA (TS-794) Washington, DC 20460 FTS: 8-426-3936 Comm: 202-426-3936	ANPRM: 3/80 NPRM: 12/80 FR: Summer 1981
Preliminary Assessment Information (SAN No. 1137, Docket No. OTS-082004)	A. **Description:** This rule is the first in a series of reporting regulations designed to obtain information for pre-regulatory assessment on toxic substances. The rule would apply to manufacturers of 2300 chemicals, requiring them to fill out a short form on general production, use and exposure for the chemicals. Additional chemicals will be subject to this rule in later amendments. More detailed information will be the subject of separate section 8(a) rules. B. **Classification:** Major. C. **Statutory Authority:** TSCA 8(a). D. **CFR Change:** 40 CFR 712.	Jeanette Wiltse EPA (TS-793) Washington, DC 20460 FTS: 8-755-4854 Comm: 202-755-4854	ANPRM: 44FR37517(6/27/79) NPRM: 3/80 FR: 9/80
Reporting Identities of Trade Name Chemical Products (SAN No. 1518)	A. **Description:** This rule will require certain manufacturers and processors to report the chemical identities of specific trade name chemical products. EPA will use this information to assign chemical names to certain substances reported for the inventory on section 5 premanufacture requirements. B. **Classification:** Unclassified. C. **Statutory Authority:** TSCA 8(a) and 8(b). D. **CFR Change:** 40 CFR 719.	Suzanne M. Rudzinski EPA (TS-793) Washington, DC 20460 FTS: 8-755-5851 Comm: 202-755-5851	NPRM: 4/80 FR: 9/80

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SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
TOXIC SUBSTANCES—Continued			
Standards for Excluding Small Manufacturers and Processors from TSCA 8(a) (SAN No. 1529)	A. **Description**: This rule will establish a general standard which the Administrator can use under most section 8(a) rules to specify which manufacturers and processors qualify as "small" for the purpose of exemptions. B. **Classification**: Unclassified. C. **Statutory Authority**: TSCA 8(a). D. **CFR Change**: 40 CFR 712.	Jeanette Wiltse EPA (TS-793) Washington, DC 20460 FTS: 8-755-4854 Comm: 202-755-4854	ANPRM: 4/80 NPRM: 9/80 FR: 3/81
General Assessment Information-Reporting 8 (a) (SAN No. 1551)	A. **Description**: This rule will require chemical manufacturers and processors to supply information on their products—including exposures, by-products, and toxicity. EPA and other agencies will use the information to identify chemicals for possible regulation. B. **Classification**: Major. C. **Statutory Authority**: TSCA 8(a) D. **CFR Change**: 40 CFR 712.	Jeanette Wiltse EPA (TS-793) Washington, DC 20460 FTS: 8-755-4854 Comm: 202-755-4854	ANPRM: 3/80 NPRM: 9/80 FR: 3/81
Asbestos Use and Substitutes Reporting (SAN No. 1552)	A. **Description**: This rule will use the reporting authority of section 8(a) to obtain information on the industrial and commercial uses of asbestos fiber. EPA will use this information to support regulation of asbestos under TSCA section 6. B. **Classification**: Major. C. **Statutory Authority**: TSCA 8(a) D. **CFR Change**: 40 CFR 713.	Jeanette Wiltse EPA (TS-793) Washington, DC 20460 FTS: 8-755-4854 Comm: 202-755-4854	ANPRM: 44FR60061(10/17/79) NPRM: 4/80 FR: 10/80
Detailed Assessment Information Reporting 8(a) (SAN No. 1553)	A. **Description**: This is the third in a series of reporting regulations to obtain pre-regulatory assessment information. This rule will help provide detailed information on chemicals for which regulatory controls are being developed. The rule will apply to chemical manufacturers and processors. B. **Classification**: Major. C. **Statutory Authority**: TSCA 8(a) D. **CFR Change**: 40 CFR 712(D).	Jeanette Wiltse EPA (TS-793) Washington, DC 20460 FTS: 8-755-4854 Comm: 202-755-4854	ANPRM: 3/80 NPRM: 12/80 FR: 5/81
Records and Reports of Allegations of Significant Adverse Reactions to Health or the Environment (SAN No. 1138, Docket No. OPTS-083001)	A. **Description**: This regulation will establish procedures for recording and reporting allegations of adverse reactions to health or the environment. B. **Classification**: Major. C. **Statutory Authority**: TSCA 8(c). D. **CFR Change**: 40 CFR 717.	Jeanette Wiltse EPA (TS-793) Washington, DC 20460 FTS: 8-755-4854 Comm: 202-755-4854	ANPRM: 42FR56686(3/11/77) NPRM: 3/80 FR: 12/80
Health and Safety Data Reporting (SAN No. 1139, Docket No. OTS-084003)	A. **Description**: This rule would require chemical manufacturers, processors, distributors, and others who possess health and safety studies on specifically listed chemicals to submit them to EPA. EPA will use these studies to assess the health and environmental effects of the chemicals and to determine what kind of testing rules the agency should promulgate under section 4(a) of TSCA. EPA will amend this rule from time to time by adding to the list of chemicals subject to this rule. B. **Classification**: Routine. C. **Statutory Authority**: TSCA 8(d). D. **CFR Change**: 40 CFR 716.	Jeanette Wiltse EPA (TS-793) Washington, DC 20460 FTS: 8-755-4854 Comm: 202-755-4854	NPRM: 44FR77470(12/31/79) FR: 9/80
WATER			
Statewide 208 Dredged or Fill Regulatory Programs (SAN No. 1401)	A. **Description**: This regulation will allow States to administer the section 404 permit program as it applies to waters that are not traditionally navigable. It implements provisions of the 1977 Amendments (to the Clean Water Act) which transfer this authority from the U.S. Army Corps of Engineers to the States. Under a statewide 208 regulatory program, a State will be able to control discharges flexibly, with Best Management Practices that it can develop to reflect local conditions. B. **Classification**: Routine. C. **Statutory Authority**: CWA 208(B)(4). D. **CFR Change**: Addition to 40 CFR 35.1500.	John Cross EPA (WH-554) Washington, DC 20460 FTS: 8-755-2114 Comm: 202-755-2114	NPRM: 8/80 Final: 11/80

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
WATER—Continued			
The Clean Water Act and a modified consent decree in *NRDC v. Costle*, 12 ERC 1833 (D.D.C. 1979), require that EPA develop guidelines to control toxic subetances in industrial effluents. Section 307(a) of the Act identifies 65 toxic pollutants; they are listed in Table 1 of Committee Print 95-30 of the Committee on Public Works and Transportation, House of Representatives. Section 304 requires that EPA determine the best available technology (BAT) to control toxic pollutants from existing point sources. BAT will consist of the most effective technology which can still be economically achieved by the affected industries. EPA will also determine best conventional technology (BCT) which industries can use on conventional pollutants which do not require BAT. Under Section 306 of the Act, EPA is establishing new source performance standards (NSPS) for new plants. Under Sections 307(b) and 307(c), EPA will set pretreatment standards for both existing and new sources which discharge into municipal waste treatment systems. These sets of standards will in most cases require technologies equivalent to BAT. Major issues raised in setting effluent guidelines are: (1) Identification of the major pollutants discharged to and from treatment systems; (2) Determination of the major technology options to control these pollutants; (3) Determination of the capital and annual costs of the technology options; and (4) Determination of the resulting economic impacts. EPA is developing guidelines for each of the industries listed below.		
Iron and Steel Manufacturing (SAN No. 1405)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307, 501. C. **CFR Change**: 40 CFR 420.	Ed Dulaney EPA (WH-552) Washington, DC 20460 FTS: 8-426-2586 Comm: 202-426-2586	NPRM: 11/80 FR: 6/81
Petroleum Refining Point Source Category (SAN No. 1406)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307, 501. C. **CFR Change**: 40 CFR 419.	John Lum EPA (WH-552) Washington, DC 20460 FTS: 8-426-2707 Comm: 207-426-2702	NPRM: 44FR75926(12/21/79) FR: 6/80
Timber Products Processing (SAN No. 1407)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307, 501. C. **CFR Change**: 40 CFR 429.	Richard E. Williams EPA (WH-552) Washington, DC 20460 FTS: 8-426-2554 Comm: 202-426-2554	NPRM: 44FR62810(10/31/79) FR: 7/80
Steam Electric Power Generating Point Source Category (SAN No. 1408)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307, 501. C. **CFR Change**: 40 CFR 423. D. **Analysis**: REG. ANALYSIS.	John Lum EPA (WH-552) Washington, DC 20460 FTS: 8-426-2707 Comm: 202-426-2707	NPRM: 5/80 FR: 12/80
Leather Tanning and Finishing (SAN No. 1409)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307, 501. C. **CFR Change**: 40 CFR 425.	Donald F. Anderson EPA (WH-552) Washington, DC 20460 FTS: 8-426-2497 Comm: 202-426-2497	NPRM: 44FR38746(7/2/79) Final: 11/80
Nonferrous Methods Manufacturing Point Source Category (SAN No. 1410)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307, 501. C. **CFR Change**: 40 CFR 421.	Patricia Williams EPA (WH-552) Washington, DC 20460 FTS: 8-426-2586 Comm: 202-426-2586	NPRM: 8/80 FR: 4/81
Paint Formulation (SAN No. 1411)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307, 501. C. **CFR Change**: 40 CFR 446.	James Berlow EPA (WH-552) Washington, DC 20460 FTS: 8-426-2554 Comm: 202-426-2554	NPRM: 45FR912(1/3/80) FR: 7/80
Ink Formulation (SAN No. 1411A)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307, 501. C. **CFR Change**: 40 CFR 447.	James Berlow EPA (WH-552) Washington, DC 20460 FTS: 8-426-2554 Comm: 202-426-2554	NPRM: 45FR928(1/3/80) Final: 7/80
Ore Mining and Dressing Point Source Category (SAN No. 1413)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307, 501. C. **CFR Change**: 40 CFR 440.	B. Matthew Jarrett EPA (WH-552) Washington, DC 20460 FTS: 8-426-2707 Comm: 202-426-2707	NPRM: 8/80 FR: 4/81
Coal Mining Point Source Category (SAN No. 1414)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307 501. C. **CFR Change**: 40 CFR 434.	Dennis Rudy EPA (WH-552) Washington, DC 20460 FTS: 8-426-2707 Comm: 202-426-2707	NPRM: 8/80 FR: 3/81

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SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	WATER—Continued		
Organic Chemicals (SAN No. 1415)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 414. D. Analysis: UCIA	E. H. Forsht EPA (WH-552) Washington, DC 20460 FTS: 8-426-2497 Comm: 202-426-2497	NPRM: 10/80 Final: 5/81
Inorganic Chemicals Manufacturing Point Source Category (SAN No. 1416)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 415.	Elwood Martin EPA (WH-552) Washington, DC 20460 FTS: 8-426-2582 Comm: 202-426-2582	NPRM: 3/80 FR: 9/80
Textile Mills (SAN No. 1417)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 410.	James Berlow EPA (WH-552) Washington, DC 20460 FTS: 8-426-2554 Comm: 202-426-2554	NPRM: 44FR62204(10/29/79) FR: 6/80
Plastics & Synthetics (SAN No. 1418)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 416.	E. H. Forsht EPA (WH-512) Washington, DC 20460 FTS: 8-426-2497 Comm: 202-426-2497	NPRM: 10/80 FR: 5/81
Pulp, Paper, and Paperboard (SAN No. 1419)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 430. D. Analysis: REG. ANALYSIS	Robert Dellinger EPA (WH-552) Washington, DC 20460 FTS: 8-426-2554 Comm: 202-426-2554	NPRM: 10/80 FR: 5/81
Rubber Processing (SAN No. 1420)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 426. D. Analysis: REG. ANALYSIS.	J. S. Vitalis EPA (WH-552) Washington, DC 20460 FTS: 8-426-2497 Comm: 202-426-2497	NPRM: 44FR75018(12/18/79) Final: 11/80
Soap and Detergents Manufacturing (SIC 2841) (San No. 1421)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 417. D. Analysis: REG. ANALYSIS.	E. H. Forsht EPA (WH-552) Washington, DC 20460 FTS: 8-426-2497 Comm: 202-426-2497	
Auto and Other Laundries (SAN No. 1422)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 444.	Elwood Martin EPA (WH-552) Washington, DC 20460 FTS: 8-426-2582 Comm: 202-426-2582	NPRM: 9/80 Final: 3/81
Miscellaneous Chemicals: Adhesives and Sealants (SAN No. 1423)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307 & 501. C. CFR Change: 40 CFR 456.	Elwood Forsht EPA (WH-552) Washington, DC 20460 FTS: 8-426-2497 Comm: 202-426-2497	
Miscellaneous Chemicals: Explosives Manufacturing (SAN No. 1424)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 457.	Elwood Martin EPA (WH-552) Washington, DC 20460 FTS: 8-426-2582 Comm: 202-426-2582	NPRM: 7/80 FR: 2/81
Miscellaneous Chemicals: Gum and Wood (SAN No. 1425)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307 501. C. CFR Change: 40 CFR 454.7.	William Thomson EPA (WH-552) Washington, DC 20460 FTS: 8-426-2554 Comm: 202-426-2554	NPRM: 44FR68710(11/28/79) FR: 6/80
Miscellaneous Chemicals: Pesticides (SAN No. 1426)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 455.	George Jett EPA (WH-552) Washington, DC 20460 FTS: 8-426-2497 Comm: 202-426-2497	NPRM: 10/80 FR: 5/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	WATER—Continued		
Miscellaneous Chemicals: Pharmaceuticals (SAN No. 1427)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 439.	Joe Vitalis EPA (WH-552) Washington, DC 20460 FTS: 8-426-2497 Comm: 202-426-2497	NPRM: 7/80 FR: 1/81
Electroplating (SAN No. 1428)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 413. D. Analysis: UCIA.	Richard Kinch EPA (WH-552) Washington, DC 20460 FTS: 8-426-4617 Comm: 202-426-4617	NPRM: 9/80 FR: 4/81
Photographics (SAN No. 1429)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 459.	John Newborough EPA (WH-552) Washington, DC 55460 FTS: 8-426-4617 Comm: 202-426-4617	NPRM: 11/80 FR: 8/81
Mechanical Products (SAN No. 1430)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 433.	Richard Kinch EPA (WH-552) Washington, DC FTS: 8-426-4617 Comm: 202-426-4617	NPRM: 9/80 FR: 4/81
Electrical & Electronic Products (SAN No. 1431)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307. C. CFR Change: 40 CFR 469.	Richard Kinch EPA (WH-552) Washington, DC 20460 FTS: 8-426-4617 Comm: 202-426-4617	NPRM: 12/80 FR: 7/81
Metal Moulding and Casting Foundries (SAN No. 1432)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 464.	John Williams EPA (WH-552) Washington, DC 20460 FTS: 8-426-2582 Comm: 202-426-2582	NPRM: 9/80 FR: 4/81
Copper Forming (SAN No. 1433)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 468.	John Williams EPA (WH-552) Washington, DC 20460 FTS: 8-426-2582 Comm: 202-426-2582	NPRM: 11/80 FR: 8/81
Battery Manufacturing (SAN No. 1434)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 461.	Mary Belefski EPA (WH-552) Washington, DC 20460 FTS: 8-426-2586 Comm: 202-426-2586	NPRM: 12/80 FR: 7/81
Coil Coating (SAN No. 1435)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 465.	Rex Reges EPA (WH-552) Washington, DC 20460 FTS: 8-426-2586 Comm: 202-426-2586	NPRM: 10/80 FR: 5/81
Plastic Molding and Forming (SAN No. 1436)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 463.	Rex Reges EPA (WH-552) Washington, DC 20460 FTS: 8-426-2586 Comm: 202-426-2586	NPRM: 8/81 FR: 3/82
Porcelain Enameling (SAN No. 1437)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 466.	Kathryn Lowry EPA (WH-552) Washington, DC 20460 FTS: 8-426-2582 Comm: 202-426-2582	NPRM: 11/80 FR: 8/81
Aluminum Forming (SAN No. 1438)	A. Classification: Major. B. Statutory Authority: CWA 301, 304, 306, 307, 501. C. CFR Change: 40 CFR 467.	Patricia Williams EPA (WH-552) Washington, DC 20460 FTS: 8-426-2586 Comm: 202-426-2586	NPRM: 11/80 FR: 8/81

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SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	WATER—Continued		
Nonferrous Metals Forming (SAN No. 1568)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307, 501. C. **CFR Change**: 40 CFR 471.	Patricia Williams EPA (WH-552) Washington, DC 20460 FTS: 8-426-2586 Comm: 202-426-2586	NPRM: 11/82 FR: 6/83
Fruits and Vegetables (SAN No. 1569)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307. C. **CFR Change**: Revisions to 40 CFR 407.	Donald F. Anderson EPA (WH-552) Washington, DC 20460 FTS: 8-426-2497 Comm: 202-426-2497	NPRM: 12/80
Poultry (SAN No. 1602)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307. C. **CFR Change**: Revisions to 40 CFR 432.	Arthur Shattuck EPA (WH-552) Washington, DC 20460 FTS: 8-426-2497 Comm: 202-426-2497	NPRM: 3/81
Beverages (SAN No. 1603)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307, 501. C. **CFR Change**: Additions to 40 CFR 438.	Arthur Shattuck EPA (WH-552) Washington, DC 20460 FTS: 8-426-2497 Comm: 202-426-2497	NPRM: 6/81
Edible Oils (SAN No. 1572)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307, 501. C. **CFR Change**: Additions to 40 CFR 462.	Arthur Shattuck EPA (WH-552) Washington, DC 20460 FTS: 8-426-2497 Comm: 202-426-2497	NPRM: 9/81
Dairy (SAN No. 1573)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307, 316. C. **CFR Change**: Revisions to 40 CFR 405.	William M. Sonnett EPA (WH-552) Washington, DC 20460 FTS: 8-426-2497 Comm: 202-426-2497	NPRM: (BCT) 12/80
Meat Packing (SAN No. 1574)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307, 316. C. **CFR Change**: Revision to 40 CFR 432.	Al Dysinger EPA (WH-552) Washington, DC 20460 FTS: 8-426-8770 Comm: 202-426-8770	NPRM: Fall 1980 FR: Spring 1981
Beet Sugar Processing (SAN No. 1575)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307, 316. C. **CFR Change**: Revision to 40 CFR 409.	William M. Sonnett EPA (WH-552) Washington, DC 20460 FTS: 8-426-2497 Comm: 202-426-2497	NPRM: Fall 1981
Grain Mills (SAN No. 1576)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307, 316. C. **CFR Change**: Revision to 40 CFR 406.	William M. Sonnett EPA (WH-552) Washington, DC 20460 FTS: 8-426-2497 Comm: 202-426-2497	NPRM: Fall 1981
Cane Sugar Refining (SAN No. 1577)	A. **Classification**: Major. B. **Statutory Authority**: CWA 301, 304, 306, 307, 316. C. **CFR Change**: Revisions to 40 CFR 409.	William M. Sonnett EPA (WH-552) Washington, DC 20460 FTS: 8-426-2497 Comm: 202-426-2497	FR: 12/80
Revision of Water Quality Standards Regulation (SAN No. 1441)	A. **Description**: This regulation may require States to adopt Water Quality Standards for some toxic pollutants covered by ambient water quality criteria. One effect of this will be that dischargers (both municipal and industrial) may have to install treatment technology beyond that required by Best Practical Wastewater Treatment Technology (BPWTT) or Best Available Technology (BAT) guidelines. B. **Classification**: Major. C. **Statutory Authority**: CWA 303. D. **CFR Change**: 40 CFR 35.1550. E. **Analysis**: REG. ANALYSIS.	David Sabock EPA (WH-585) Washington, DC 20460 FTS: 8-245-3030 Comm: 202-245-3030	ANPRM: 43FR29588(7/10/78) NPRM: 5/80 Final: 5/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	WATER—Continued		
Quality Criteria for Water: Volume II (SAN No. 1442)	A. **Description**: The consent decree in *NRDC v. Train* requires that EPA establish ambient water quality criteria for 65 pollutants. The States will refer to this guidance when they establish water quality standards. This guidance is an important Agency decision. B. **Classification**: Unclassified. C. **Statutory Authority**: CWA 304. D. **CFR Change**: This action will not be codified in CFR..	Frank Gostomski EPA (WH-585) Washington, DC FTS: 8-245-3042 Comm: 202-245-3042	NPRM(27): 44FR15926(3/15/79) NPRM(26): 44FR43660(7/25/79) NPRM(12): 44FR58628(10/1/79) FR: 9/80
Addition of Ammonia to Toxics List (SAN No. 1578)	A. **Description**: This action considers adding ammonia to the section 307(a) list of toxic pollutants. B. **Classification**: Routine. C. **Statutory Authority**: CWA 307(a). D. **CFR Change**: This action will not be codified in CFR..	Frank Gostomski EPA (WH-585) Washington, DC 20460 FTS: 8-245-3042 Comm: 202-245-3042	NPRM: 45FR803(1/3/80) FR: 9/80
Reportable Quantities of Oil Discharge (SAN No. 1579)	A. **Description**: This revision will extend reporting requirements for oil discharges from 12 miles to 200 miles offshore and will provide for statutory exemptions. B. **Classification**: Routine. C. **Statutory Authority**: CWA 311(b). D. **CFR Change**: Revision to 40 CFR 110.	Hans Crump-Wiesner EPA (WH-548) Washington, DC 20460 FTS: 8-245-3045 Comm: 202-245-3045	ANPRM: 6/80 NPRM: 11/80 FR: 2/81
Designation of Carcinogens as Hazardous Substances (SAN No. 1580)	A. **Description**: This regulation identifies substances which pose a threat of cancer to people who drink from water sources which contain discharges of hazardous substances. In conjunction with CFR Part 117, it makes possible prompt discovery and clean-up of discharges. This regulation is required by section 311. B. **Classification**: Major. C. **Statutory Authority**: CWA 311(b)(2)(A). D. **CFR Change**: Addition to 40 CFR 116.	Joseph Lewis EPA (WH-585) Washington, DC 20460 FTS: 8-245-0581 Comm: 202-245-0581	ANPRM: 44FR10270(2/16/79) NPRM: 4/80 Final: 10/80
Designation of Human Acute Toxicants as Hazardous Substances (SAN No. 1581)	A. **Description**: Section 311 requires the Agency to develop and if necessary amend regulations that identify hazardous substances which present imminent danger to human health when discharged into U.S. waters. Accordingly, this regulation amends CFR Part 116 by identifying additional toxic substances which pose a threat to people when discharged into drinking water sources. B. **Classification**: Major. C. **Statutory Authority**: CWA 311(b)(2)(A). D. **CFR Change**: Additon to 40 CFR 116.	Joseph Lewis EPA (WH-585) Washington, DC 20460 FTS: 8-245-0581 Comm: 202-245-0581	FR: 43FR10474(3/13/78) NPRM: 6/80 FR: 2/81
Determination of Reportable Quantities for Carcinogenic Hazardous Substances (SAN No. 1582)	A. **Description**: This regulation provides the reporting requirements necessary under section 311 for substances designated in CFR Part 116 as hazardous. B. **Classification**: Major. C. **Statutory Authority**: CWA 311(b)(4). D. **CFR Change**: Addition to 40 CFR 117.	Joseph Lewis EPA (WH-585) Washington, DC FTS: 8-245-0581 Comm: 202-245-0581	ANPRM: 44FR10271(2/16/79) NPRM: 4/80 Final: 10/80
Determination of Reportable Quantities for Human Acute Toxicants (SAN No. 1583)	A. **Description**: This regulation provides the reporting requirements necessary under section 311 for substances identified as hazardous in CFR Part 116. B. **Classification**: Major. C. **Statutory Authority**: CWA 311(b)(4). D. **CFR Change**: Addition to 40 CFR 117.	Joseph Lewis EPA (WH-585) Washington, DC 20460 FTS: 8-245-0581 Comm: 202-245-0581	FR: 44FR50766(8/29/79) NPRM: 6/80 FR: 2/81
Liability Limits for Small Onshore Hazrdous Substances Storage Facilities (SAN No. 1512)	A. **Description**: This action amends CFR Part 113 which sets liability limits for small onshore oil storage facilities by providing a similar limit for small hazardous substances storage facilities. It will set forth eligibility criteria for limitations of liability to less than $50 million. It should help small facilities to obtain liability insurance. B. **Classification**: Routine. C. **Statutory Authority**: CWA 311(f)(2). D. **CFR Change**: Addition to 40 CFR 113.	James Kohler EPA (WH-585) Washington, DC 20460 FTS: 8-245-3036 Comm: 202-245-3036	NPRM: 5/80 Final: 12/80
Hazardous Substances Pollution Prevention for Facilities Subject to Permitting Requirements of Section 402 (SAN No. 1451)	A. **Description**: This regulation's purpose is to prevent spills of hazardous substances. It sets forth requirements for the Spill Prevention Control and Countermeasure Plans for facilities which (a) are not related to transportation, and (b) which handle hazardous substances, and (c) are subject to NPDES permits. The Agency will set the date for the final rule when the Cost Impact Analysis is completed. B. **Classification**: Routine. C. **Statutory Authority**: CWA 311(j)(1)(C). D. **CFR Change**: 40 CFR 151.	Thomas Charlton EPA (WH-548) Washington, DC FTS: 8-245-3045 Comm: 202-245-3045	NPRM: 43FR39276(9/1/78)

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SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	WATER—Continued		
Oil Pollution Prevention Regulation (SAN No. 1584)	A. **Description**: This revision to 40 CFR 112 will extend EPA's oil pollution authority from three miles to two hundred miles offshore. B. **Classification**: Routine. C. **Statutory Authority**: CWA 311(j)(1)(C). D. **CFR Change**: Revision to 40 CFR 112.	Thomas Charlton EPA (WH-548) Washington, DC 20460 FTS: 8-245-3045 Comm: 202-245-3045	NPRM: 3/80
Reduced Maximum Clean-up Liabilities for Discharges of Oil and Hazardous Substances from Land-Based Facilities (SAN No. 1447)	A. **Description**: This regulation will establish maximum limits of liability that range from $8 million to $50 million for certain classes of facilities that measurably reduce the risk that their discharge might damage the environment. The facilities covered by this regulation are those that have begun beneficial engineering practices or discharge treatment or control. B. **Classification**: Routine. C. **Statutory Authority**: CWA 311(q). D. **CFR Change**: EPA will later assign a CFR Part Number to this regulation..	James Kohler EPA (WH-585) Washington, DC 20460 FTS: 8-245-3036 Comm: 202-245-3036	NPRM: 6/80 Final: 2/81
Gray Water Discharges from Commercial Vessels on the Great Lakes (SAN No. 1448)	A. **Description**: These rules establish secondary treatment or equivalent requirements for commercial vessels navigating the Great Lakes. B. **Classification**: Major. C. **Statutory Authority**: CWA 312(c)(2)(B). D. **CFR Change**: 40 CFR 140.	Jonathan Amson EPA (WH-585) Washington, DC 20460 FTS: 8-245-3038 Comm: 202-245-3036	NPRM: 1/81 FR: 12/81
Drinking Water Intake Zone Exemptions (SAN No. 1449)	A. **Description**: This notice establishes the factors which States must consider in petitioning the Agency for authority to designate drinking water intake zones. Vessels are prohibited from discharging their sewage into zones with this designation. B. **Classification**: Unclassified. C. **Statutory Authority**: CWA 312(f)(4)(B). D. **CFR Change**: This action will not be codified in CFR.	Jonathan Amson EPA (WH-585) Washington, DC 20460 FTS: 8-245-3038 Comm: 202-245-3036	NOTICE: 44FR54111(9/18/79)
Ocean Discharge Criteria (SAN No. 1454)	A. **Description**: These regulations are guidelines designed to protect marine resources and their life from the harmful effects of pollution. They look to workable land based alternatives and to recycle/reuse technologies to limit marine pollution. The Agency will use these guidelines to evaluate all NPDES permit applications that involve discharges from point sources into the territorial seas, contiguous zone, and ocean. B. **Classification**: Routine. C. **Statutory Authority**: CWA 403(c). D. **CFR Change**: Revisions to 40 CFR 220-27.	Kenneth Farber EPA (WH-586) Washington, DC 20460 FTS: 8-472-5748 Comm: 202-472-5748	IFR: 44FR65751(11/15/79) NPRM: 45FR9548(2/12/80) FR: 7/80
Guidelines for Specification of Disposal Sites for Dredged or Fill Material (SAN No. 1455)	A. **Description**: These guidelines provide the substantive criteria and the evaluative tools for selecting a disposal site for dredged or fill material having an acceptable (or negligible) environmental impact. The section 404 program is the principal means for protecting waters of the United States from degradation through physical modification. The program also plays a key role in protecting water quality from chemical pollution and in protecting fish and wildlife. Interim Final Guidelines were published in 1975. These revised guidelines are necessary to bring in new scientific information, experience from program operation, and statutory changes to the program (1977 amendments to the Act). B. **Classification**: Routine. C. **Statutory Authority**: CWA 404(b)(1). D. **CFR Change**: Revision to 40 CFR 230.	David Davis EPA (WH-585) Washington, DC FTS: 8-472-3400 Comm: 202-472-3400	IFR: 40FR41292(9/5/75) NPRM: 44FR54222(9/18/79) FR: 8/80
Guidelines for Specification of Disposal Sites for Dredged or Fill Material (Revision of Chemical and Biological Testing and Mixing Zone Determinations) (SAN No. 1585)	A. **Description**: This rulemaking will revise part of the section 404(b)(1) guidelines: (1) To bring the 1975 Interim Final Guidelines up to date—in the light of new research and management information on testing procedures, and (2) To provide a format for the testing procedures, which will be clearer for both applicants and permitting officials. B. **Classification**: Unclassified. C. **Statutory Authority**: CWA 404(b)(1). D. **CFR Change**: Revision to 40 CFR 230.	David Davis EPA (WH-585) Washington, DC FTS: 8-472-3400 Comm: 202-472-3400	IFR: 40FR41292(9/5/75) NPRM: 44FR54222(9/18/79) ANPRM: 3/80 NPRM: 9/80 Final: 2/81
Sludge Management Guidelines (SAN No. 1459, Docket No. 405)	A. **Description**: The regulations will provide guidelines for the disposal and use of wastewater treatment plant sludge, including the distribution and marketing of fertilizers and soil conditioners derived from sewage sludge. The fall 1980 proposal will apply to the distribution and marketing of sewage products. Additional proposals on other sludge management will come later. B. **Classification**: Major. C. **Statutory Authority**: CWA 405. D. **CFR Change**: 40 CFR 258 E. **Analysis**: UCIA	Emery C. Lazar EPA (WH-564) Washington, DC 20460 FTS: 8-755-9120 Comm: 202-755-9120	NPRM: Fall 1980 FR: Fall 1981

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	WATER—Continued		
Requirements for Application for 301(c) Variances (SAN No. 1404)	A. **Description**: Section 301(c) of the Clean Water Act provides for waivers on economic grounds of the strict requirements of BAT controls for non-toxic, non-conventional pollutants. This regulation will establish application ground rules and national criteria for granting variances from BAT requirements. B. **Classification**: Routine. C. **Statutory Authority**: CWA 301(i)(B). D. **CFR Change**: Addition to 40 CFR 125.	Ed Kramer EPA (EN-336) Washington, DC 20460 FTS: 8-755-0750 Comm: 202-755-0750	NPRM: 4/80 FR: 12/80
Amendments to General Pretreatment Regulation (SAN No. 1502)	A. **Description**: These amendments, written under a settlement agreement with industry plaintiffs who sued EPA, clarify the existing General Pretreatment Regulation (43FR27736—June 26, 1978). B. **Classification**: Routine. C. **Statutory Authority**: CWA 307. D. **CFR Change**: 40 CFR 403.	William R. Diamond EPA (EN-336) Washington, DC 20460 FTS: 8-755-0750 Comm: 202-755-0750	NPRM: 44FR62260(10/29/79) NPRM: 45FR3063(1/16/80) FR: 6/80
	JOINT PROGRAMS		
Consolidated Rules of Practice Governing the Assessment of Civil Penalties (SAN No. 1140)	A. **Description**: These rules provide procedural guidelines for the conduct of formal adjudications in several different programs. They prescribe uniform procedures for these several programs and will reduce paperwork, inconsistency, and burden on regulated persons. B. **Classification**: Routine. C. **Statutory Authority**: TSCA 16, FIFRA 14, RCRA 3008, MPRSA 105, CAA 211. D. **CFR Change**: Deletions from 40 CFR 80, 168, 226, - Addition to 40 CFR 22.	Steve Leifer EPA (EN 342) Washington, DC 20460 FTS: 8-755-0970 Comm: 202-755-0970	NPRM: 43FR34730(8/4/78) FR: 3/80
Consolidated Permit Regulations (SAN No. 1460)	A. **Description**: This regulation integrates program descriptions, state program requirements and procedures for decision-making for four EPA regulatory programs: Hazardous Waste Management Program under RCRA; Underground Injection Control Program under SDWA; National Pollutant Discharge Elimination System; and the Section 404 (Dredge or Fill) Program under CWA. It also consolidates permit issuance procedures for EPA-issued Prevention of Significant Deterioration permits under CAA. Each of the above statutes requires EPA to promulgate regulations to establish a permitting program. B. **Classification**: Major (RCRA, SDWA). C. **Statutory Authority**: CWA 402, RCRA 3005, SDWA 1421, CAA 165. D. **CFR Change**: 40 CFR 122-124. E. **Analysis**: EIS (SDWA, RCRA), REG. ANALYSIS (RCRA ONLY).	Ed Kramer EPA (EN 336) Washington, DC 20460 FTS: 8-755-0750 Comm: 202-755-0750	NPRM (RCRA): 44FR34244(6/14/79) NPRM (SDWA): 41FR36730(8/31/76) RPRM (SDWA): 44FR23738(4/20/79) FR: 4/80
	GENERAL		
Assessing the Environmental Effects of EPA Actions Abroad (SAN No. 1565)	A. **Description**: Presidential Executive Order 12114 requires each Federal agency to publish procedures for assessing the effects of its activities outside the United States. EPA has complied by integrating these procedures with the existing NEPA/EIS regulations, which already provide for assessing the effects of EPA activities. B. **Classification**: Routine. C. **Statutory Authority**: Presidential Executive Order 12114. D. **CFR Change**: 40 CFR 1 (Subpart J).	Thomas R. Sheckells EPA (A-104) Washington, DC 20460 FTS: 8-755-0790 Comm: 202-755-0790	NPRM: 44FR68776(11/29/79) FR: 3/80
Historic Preservation Regulations (SAN No. 1566)	A. **Description**: On January 30, 1979, the Advisory Council on Historic Preservation promulgated regulations that direct Federal agencies to establish procedures for implementing historic preservation requirements. EPA will comply by adding a new subpart to the NEPA regulations. This makes sense, since subpart C of NEPA already deals with historic preservation requirements in a preliminary way. B. **Classification**: Routine. C. **Statutory Authority**: National Historic Preservation Act. D. **CFR Change**: 40 CFR 6.	Thomas R. Sheckells EPA (A-104) Washington, DC 20460 FTS: 8-755-0790 Comm: 202-755-0790	NPRM: 5/80 FR: 10/80

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REGULATIONS DELETED FROM THE PREVIOUS AGENDA

Title and SAN(#)	Statutory Authority/CFR	Reason Deleted	Date & Cite of Last Action
AIR			
NSPS-Fossil Fuel Steam Generators (SAN No. 1005)	CAA 111/40 CFR 60	Completed	FR 44FR33580(6/11/79)
List of New Source Performance Standards (SAN No. 1123)	CAA 111(f)/40 CFR 60	Completed	FR 44FR49222(8/21/79)
1979 Listing of Radioactive Pollutants (SAN No. 1305)	CAA 112, 122/No CFR cite	Completed	FR 44FR76738(12/27/79)
Light-Duty Diesel Particulate Standards (SAN No. 1309)	CAA 202/40 CFR 86	Completed	FR 3/5/80
HC & CO Emission Standards for Heavy Duty Vehicles (Over 8500 Pounds) (SAN No. 1314)	CAA 202(a)(3)/40 CFR 86	Completed	FR 45FR4136(1/21/80)
Testing Retrofit Devices for Fuel Economy Performance (SAN No. 1333)	MVICSA 511/40 CFR 86	Completed	FR 44FR17946(3/23/79)
NAAQS – Photochemical Oxidents (SAN No. 1000)	CAA 108/40 CFR 50	Completed	FR 44FR8234(2/8/79)
NSPS – Gas Turbines (SAN No. 1117)	CAA 111/40 CFR 60	Completed	FR 44FR52792(9/10/79)
Guidelines for Existing Kraft Pulp Mills (SAN No. 1122)	CAA 111(d)/40 CFR 60	Completed	FR 44FR29828(5/22/79)
NESHAPS: Asbestos-Iron Ore Beneficiation (SAN No. 1124)	CAA 112/40 CFR 61	Postponed indefinitely.	
NESHAPS: Vinyl Chloride (SAN No. 1125)	CAA 112/40 CFR 61	Postponed indefinitely	FR 42FR29005(6/7/77)
Test Procedures for Measuring Heavy Duty Evaporative Emissions (SAN No. 1311)	CAA 202(a)/40 CFR 86	Combined with SAN No. 1312.	
Engine Parameter Adjustment Regulations (SAN 1321)	CAA 206(b)/40 CFR 86	Completed	FR 44FR2960(1/12/79)
Monitoring Regulations (SAN No. 1332)	CAA 319/40 CFR 52, 53, 58, 60	Completed	FR 44FR27558(5/10/79)
DRINKING WATER			
National Secondary Drinking Water Regulations (SAN No. 1203)	SDWA 1412(c)/40 CFR 143	Completed	FR 44FR42195(7/19/79)
NOISE			
Noise Emission Standards for Truckmounted Solid Waste Compactors (SAN No. 1171)	NCA 5 & 6/40 CFR 204	Completed	FR 44FR56524(10/1/79)
Labeling: Hearing Protectors (SAN No. 1174)	NCA 8/40 CFR 211	Completed	FR 44FR56130(9/28/79) FR 45FR8272(2/6/80)

REGULATIONS DELETED FROM THE PREVIOUS AGENDA

Title and SAN(#)	Statutory Authority/CFR	Reason Deleted	Date & Cite of Last Action
NOISE—Continued			
Labeling: General Provisions (SAN No. 1175)	NCA 8/40 CFR 211	Completed	FR: 44FR56120(9/28/79)
Interstate Rail Carrier Noise Standards Revision: Source—Specific Rail Yard Standards (SAN No. 1179)	NCA 17/40 CFR 201	Completed	FR: 45FR1252(1/4/80)
PESTICIDES			
Pesticide Use Restrictions (SAN No. 1149)	FIFRA 3/40 CFR 162	Completed	FR: 44FR45131(8/1/79)
Registration Data Compensation (SAN No. 1151)	FIFRA 3(c)(1)(D)/40 CFR 162	Completed	FR: 44FR27945(5/11/79)
Conditional Registration Regulation (SAN No. 1150)	FIFRA 3(c)(7)/40 CFR 162	Completed	FR: 44FR27932(5/11/79)
State Experimental Use Permits (SAN No. 1152)	FIFRA 5(f)/40 CFR 172	Completed	FR: 44FR41783(7/18/79)
Exemption of New Human Drugs (SAN No. 1155)	FIFRA 25(c)(2)/40 CFR 162	Completed	FR: 44FR32684(6/7/79)
RADIATION			
Protective Action Guidelines for Nuclear Emergencies *(SAN No. 1160)*	AEA 274(h)/No CFR Cite	Combined with SAN No. 1514	
Recommendations Regarding Florida Phosphate Tailings (SAN No. 1165)	PHSA 301/No CFR Cite	Completed	Recommendations: 44FR38664 (7/2/79)
SOLID WASTE			
Standards Applicable to Generators of Hazardous Waste (SAN No. 1192)	RCRA 3002/40 CFR 262	Completed	FR: 45FR12724(2/26/80)
Standards Applicable to Transporters of Hazardous Waste (SAN No. 1193)	RCRA 3003/40 CFR 263	Completed	FR: 45FR12737(2/26/80)
Development and Implementation of State Solid Waste Management Plans (SAN No. 1198)	RCRA 4002(b)/40 CFR 256	Completed	FR: 44FR45066(7/31/79)
Criteria for Classification of Solid Waste Disposal Facilities (SAN No. 1199)	RCRA 4004(a)/40 CFR 257	Completed	FR: 44FR53438(9/13/79)
TOXIC SUBSTANCES			
Premanufacture Testing Guidance (SAN No. 1133)	TSCA 5/No CFR Cite	Not a regulation	

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REGULATIONS DELETED FROM THE PREVIOUS AGENDA

Title and SAN(#)	Statutory Authority/CFR	Reason Deleted	Date & Cite of Last Action
TOXIC SUBSTANCES—Continued			
PCB's Manufacture and Distribution (SAN No. 1135)	TSCA 6(e)/40 CFR 761	Completed	FR 44FR31514(5/31/79)
Chlorofluorocarbon Emissions (SAN No. 1138)	TSCA 8/40 CFR 760	Completed	FR 43FR11318(3/17/78)
WATER			
Water Quality Management Regulations (SAN No. 1400)	CWA 106, 208, 303(e)/40 CFR 35	Completed	FR 44FR30016(5/23/79)
Printing and Publishing Services (SAN No. 1412)	CWA 301, 304, 306, 307/40 CFR 448	Postponed indefinitely. Tentative finding is that no significant amounts of toxic pollutants are present.	
Modification of Secondary Treatment Requirements for Marine Discharge (SAN NO. 1402)	CWA 301(h)/40 CFR 125	Completed	FR 44FR34784(6/15/79)
Best Conventional Pollutant Control Technology; Reasonableness of Existing Effluent Limitation Guidelines (SAN No. 1443)	CWA 304(b)/40 CFR 405–409, 411, 412, 418, 422, 424, 426, 427, 432	Completed	FR 44FR50732(8/29/79)
Revision of Hazardous Substances Discharge Regulations (SAN No. 1446)	CWA 311/40 CFR 116	Completed	FR 44FR50766(8/29/79)
Clean Lakes Program (SAN No. 1450)	CWA 314/40 CFR 35	Completed	FR 45FR7788(2/5/80)
Extension of Pollution Control Deadlines for Publicly-Owned Treatment Works (SAN No. 1403)	CWA 301(i)/40 CFR 125	Completed	FR 44FR32854(6/7/79)
Best Management Practices (SAN No. 1444)	CWA 304(e)/40 CFR 125	Completed	FR 44FR32854(6/7/79)
NPDES Permits (SAN No. 1452)	CWA 402/40 CFR 122–125	Completed	FR 44FR32854(6/7/79)
Second Round Permits (SAN No. 1453)	CWA 402/40 CFR 124	Completed	FR 43FR58066(12/11/78)

[FR Doc. 80-7877 Filed 3-13-80; 8:45 am]
BILLING CODE 6560-01-C

federal register

Friday
March 14, 1980

Part IV

Department of Agriculture

Animal and Plant Health Inspection Service

Animal Welfare List of Licensed Dealers

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Animal Welfare; List of Licensed Dealers

Pursuant to the provisions of the Animal Welfare Act (7 U.S.C. 2131 *et seq.*), and the regulations thereunder (9 CFR Part 2), notice is hereby given that the dealers listed below are licensed under said Act:

(Sec. 3, 80 Stat. 351, as amended (7 U.S.C. 2133))

Done at Washington, D.C., this 10th day of March 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

BILLING CODE 3410-34-M

ALABAMA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 6A42	BARKER, MM	BROKEN PINE RABBITRY	RT 1 BOX 59A	CHELSEA 35043
* 6A422	BRADFORD, M	BRADFORD KENNELS	RT 3 BOX 444	WARRIOR 35180
* 6AR35	BREMER, T	TROPICAL PET CENTER	1437 MONTGOMERY HIGHWAY	BIRMINGHAM 35216
* 6AA23	CLARK, R & N	THE BUNNY BARN & HORN RANCH	PO BOX 156	AUTAUGAVILLE 36003
* 6AA13	COOK, R & L	R & L KENNELS	PO BOX L	ALICEVILLE 35442
* 6AA11	EMERSON, J		RT. 5	HAMILTON 35570
* 6AR37	FOURNIER, SE	PET SAFARI	100 BROADWAY	HOMEWOOD 35209
* 6AR28	FOWLER, TW		RT 2 BOX 459A	THEODORE 36582
* 6AR33	HUNGER, J	NOAH'S ARK	5010 NAIL DR.	HUNTSVILLE 35810
* 6AA26	HURST, R	TRIPLE R RABBITRY	219 BAKER DRIVE	EUFAULA 36027
* 6AAR	JOHNSON, C		RT 3 BOX 16A	LUVERNE 36049
* 6AR3A	LEE, RF	LEE'S RABBITTRY	PO BOX 544	THEODORE 36582
* 6AA21	NELSON, VB		305 WHITING CT	DAPHNE 36526
* 6AA1	NORWOOD, M		2309 31ST STREET SW	BIRMINGHAM 35221
* 6AR27	PORT OF PETS		606 BROOKWOOD VILLAGE	BIRMINGHAM 35209
* 6AA28	RANDLE, F	R & Y RABBITRY	RT 2 BOX 101A	AUBURN 36830
* 6AA1A	SCOTT, D & A	OWL HOLLOW KENNELS	RT. 7	FORT PAYNE 35967
* 6AR14	SCOTT, DREW	S & S PET CENTER	1119 6TH AVE. SE	DECATUR 35601
* 6AR12	SPILLER PET CENTER		36 MCFARLAND MALL	TUSCALOOSA 35401
* 6AA16	TALLENT, F & M	TALLENT'S RABBIT FARM	RT. 2 BOX 184	CENTRE 35960
* 6AA12	TAYLOR, AG		PO BOX 68	WINFIELD 35594
* 6AA25	TREANOR, S		1454 FLEETWOOD DR EAST	MOBILE 36605
* 6AA7	WAGER, MM		1707 FAIRMONT ST	DOTHAN 36301
* 6AA17	WELLS, C		BOX 368 WELLS CIR, NE	RAINESVILLE 35986
* 6AR7	WHITF, CG	ALAQUATICS PET CENTER	1012 3RD AVE W	BIRMINGHAM 35208

ARIZONA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* A6A15	ABRAHAMS, DL		2742 E. SOUTHERN	PHOENIX 85040
* A6A11	COX, MSC	BORDER-N-KENNELS	BOX 144	NACO 85620
* A6R18	DUNBAR, KL	DUNBAR'S WAY OUT RABBITRY	6710 N WAYCROSS	TUCSON 85704
* A6A20	ELLIOT, L & M		RT 1 BOX 231	CHANDLER 85224
* A6A2A	FITZPATRICK, P	FITZ-BRIM BREEDING RANCH	5315 N TANGERINE RD	TUCSON 85704
* A6A18	HENRY, L	HENRY'S KENNELS	P.O. BOX 72	BUCKEYE 85326
* A6R19	HIGGINS, R	A-A DOGGIE DUDE RANCH	1301 W. MATCHER RD.	PHOENIX 85021
* A6A4	JETER, MM & MS	SOUTHWESTERN RESEARCH ANIMALS	4834 E GLENN ST	TUCSON 85712
* A6R20	LUDLOW, G	GREG LUDLOW & ASSOCIATES	STAR RT 117	PAYSON 85541
* A6A32	MERIES, R & J	A RABBITRY & SUPPLY	PO BOX 8098-CRR	TUCSON 85738
* A6R17	NOLAN, AT	THE PET CORRAL	RT 1 BOX 38	SAFFORD 85546
* A647	OLLSON, LM	OLLSON'S RARE BIRD FARM	RT 1 BOX 152	GLENDALE 85301
* A6R25	OLSON, G & J	OLSON'S RABBITRY	RT 1 BOX 434	FLAGSTAFF 86001
* A6R2A	OLSON, K	BLUE RIBBON RANCH	622 N FORGEUS	TUCSON 85716
* A6A31	ROBERTSON, J		3547 W REDFIELD RD	PHOENIX 85023
* A6R22	ROBINS, A & KINSTLER, A	PHOENIX A5015	1717 W. STELLA LA.	
* A6A27	SCARBOROUGH, TL	PHOENIX TROTTING PARK	RT 2 BOX 619	BUCKEYE 85326
* A6A30	SINGLETON, R & E	STATE SECURITY KENNELS	RT 1 BOX 39	MIGLEY 85236
* A6R1	SOUTHWESTERN SCIENTIFIC C O		4345 E. IRVINGTON RD	TUCSON 85714
* A6RR	WAHRENDORF, W & K	PET'S PARADISE	4631 W TIERRA BUENA	GLENDALE 85306
* A648	WATSON, C	WATSONS DOBERMANS	BOX 653	PIMA 85543
* A641A	YARDLEY, W&S		6001 W. MEDLOCK DR	GLENDALE 85301

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ARKANSAS

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 71A56	ALLEN, B		R 6 BOX 25	GRAVETT 72736
* 71A87	ANDREWS, E & L	KYE-TANG KENNEL	904 N.W. L STREET	BENTONVILLE 72712
* 71A22	ANIMAL BEHAVIOR ENTERPRISES INC		4800 ALBERT PIKE	HOT SPRINGS 71901
* 71A62	BAIRD, P	MARTIN CREEK KENNELS		WILLIFORD 72482
* 71A68	BAKER, L		1103 P ST	BARLING 72923
* 71A35	BAKER, MR. & MRS. ANDREW	PEACEFUL VALLEY KENNELS	RT 1 BOX 368	BENTONVILLE 72712
* 71A104	BARNES, MR. & MRS. G.L.		P.O. BOX 646	SILOAM SPRING 72761
* 71A74	BENEGAR, MJ & LC		RT 2	HUNTSVILLE 72740
* 71A90	BISHOP, R		610 NORTH ST	ASHDOWN 71822
* 71A102	BLAKEMAN, AC	TWIN OAKS KENNEL	STAR RT	VAN BUREN 72956
* 71A28	BLOXHAM, M	BLOXHAM PUPPY RANCH	R 6	ROGERS 72756
* 71A32	BRITTON, J	FARWAY FARMS	P.O. BOX 113	FLORAL 72534
* 71A38	BROWN, M	LAZY VK KENNELS	BOX 421	GENTRY 72734
* 71A92	BRUCE D & I		2310 CHURCH ST.	BARLING 72923
* 71A105	BUHLER, F	BUHLERS ARK	RT 2 BOX 652	GOULD 71643
* 71A10	C.R. RABBIT RANCH		RT 1 BOX 162-C	JACKSONVILLE 72076
* 71A76	CAMPBELL, F		1809 N SHORT L ST	FT SMITH 72901
* 71EC	CHATTERTON, F	MILLSIDE KENNEL	DELMAR STAR ROUTE	HARRISON 72601
* 71A12	CHERRY, M	CHERRY'S RABBITRY	STAR ROUTE 7	SEARCY 72143
* 71A112	COLLINS, MR & MRS D		RT 2 BOX 215	PEA RIDGE 72751
* 71A58	COOPER, R		3301 JOHNSON	FT. SMITH 72904
* 71A6	CORBIT, MRS JM	CORBIT RABBITRY	RT 2	SEARCY 72 43
* 71A78	CREWS, JD	WEATHER WATCH KENNELS	ROUTE 1 BOX 143C	WEST FORK 72774
* 71A25	DALTON, MR & WILKINS, D	D & D KENNELS	RT 2 BOX 49	NASHVILLE 71852
* 71A38	DAVIS, MJ & JP	JANBILB KENNELS		GARFIELD 72732
* 71A75	DECKER, ME	CHESTNUT CREEK KENNEL	BOX 8192	FAYETTEVILLE 72701
* 71A79	EHRHEART, A	ROMANEE KENNELS	R 1	MT VERNON 72111
* 71A108	FLYNT, TH		RT 6 BOX 446	FAYETTEVILLE 72701
* 71A80	FORD, P	ALMOSTA KENNEL	R 1	WEST FORK 72774
* 71A82	FULTON, A	PINE TREE KENNEL	BOX 175	OMAHA 72662
* 71A30	GARNER, S & G	FOURCHE VALLEY KENNEL	STAR RT	HARVEY 72641
* 71A106	GLENN'S KENNELS		RT 2	WESTFORK 72748
* 71A9	GORSLINE, CR		RT 2 BOX 6A	GRAVETTE 72736
* 71A113	GRIGSON, T		RT 2 BOX 96	LINCOLN 72744
* 71A31	HAYS, P		STAR ROUTE	VAN BUREN 72956
* 71AA	HOLCO, INC		PO BOX 186	FAYETTEVILLE 72701
* 71AAA	HOLLAND, D	HOLLAND KENNELS	RT 2	LINCOLN 72744
* 71A63	HUBBARD, M	DOUBLE M KENNEL	PO BOX 389	MOUNTAINSBURG 72946
* 71A36	HUGHES, C & L	CHARLYNN'S KENNELS	RR1,BOX 87A	ROGERS 72756
* 71A101	HUNT, J	TATERBUGS ENGLISH BULLDOGS	523 N HILL ST	SPRINGDALE 72764
* 71A93	JACOBS, A	MORNING STAR KENNEL	RT 2 BOX 270A	BENTONVILLE 72712
* 71A25	JESTER, A	JESTER KENNEL	RT 4	BENTONVILLE 72712
* 71A32	JESTER, M	FLYING M KENNELS	R 4	BENTONVILLE 72712
* 71AA1	JONES, K & D	ROCKY TOP KENNEL	R 1	WEST FORK 72774
* 71A103	KORNES, M & R	FERNDALE FERRET FARM	23001 CHANDLER DR.	LITTLE ROCK 72210
* 71A19	KRATZ, D	R&D RABBITRY	RT 2 BOX 22 9	MALVERN 72104
* 71A20	LAMONT, F	LAMONT KENNELS	RT. 2 BOX J 121	FT. SMITH 72916
* 71A7	LANGSTON, M	OZARK MALAMUTE KENNEL	BOX 254	MAMMOTH SPRINGS 73558
* 71A30	LASWELL, T	TOO-RIC KENNELS	PO BOX 418	GENTRY 72734
* 71A114	LAWRENCE, D		RT 4 BOX 340	FAYETTEVILLE 72701
* 71A111	LEE, R & S		RT 1 BOX 331	SILOAM SPRINGS 72761

ARKANSAS

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 71A70	LEHMAN, R	ROSA KENNELS	PO BOX 562	SPRINGDALE 72764
* 71A60	LEONARD, K		RT 2 BOX 177	GRAVETTE 72736
* 71A90	LIPE, D		STAR RT BOX 1618	VAN BUREN 72956
* 71A31	MARRS, D&M		PO BOX 66	COLT 72326
* 71A109	MARTIN, A	MAPLE HILL FARM	RT 1 BOX 31	SULPHUR SPRINGS 72768
* 71A98	MAY, J & V		107 I ST NE	BENTONVILLE 72712
* 71A107	MC MASTER, F		GENERAL DELIVERY	CEDARVILLE 72932
* 71A55	MCARDELL, L	LANDELL KENNELS	BOX 99	CANE HILL 72717
* 71A100	MCCOWN, M	OZARK'S SHADOW	RT 2 BOX 268B	GENTRY 72734
* 71A72	MCMASTERS, JD	MCMASTERS KENNELS		SULPHER SPRINGS 72768
* 71A1	MILLER, M	MAGNA KENNELS	BOX 111 RT N	YELLVILLE 72687
* 71A91	MOORE, C	RITZ COMMUNITY	RT 7 NELLIE DIST	MENA 71953
* 71A27	MOREFIELD, D	DAISY KENNELS	BOX 283	GENTRY 72734
* 71A52	MORRIS, S	CANINES FINEST KENNEL	R 2 BOX 314	PIGGOTT 72454
* 71A24	NOLAN, G & A	WILDWOOD KENNEL	STAR ROUTE	VAN BUREN 72956
* 71PF	PEL-FREEZ RABBIT MEAT INC		PO BOX 6A	ROGERS 72756
* 71A15	PHILLIPS, D	PHILLIP'S KENNELS	RT. 4	ROGERS 72756
* 71A11	PLATT, R	PLATT'S KENNELS	R 2	PRAIRIE GROVE 72753
* 71A35	PROPHET, FRA	PROPHET KENNELS	609 NORTH 16TH ST	VAN BUREN 72956
* 71A09	REMINGTON, M	HUGH REMINGTON KENNELS	RT 2	PRARIE GROVE 72753
* 71RC	ROBISON, R	BRYANT COVE KENNEL	RT 1 BOX 47	CASA 72025
* 71A26	ROUSE, GF	ROUSE KENNEL	RT 1	FARMINGTON 72730
* 71A20	SAGARSEE, R		RT 1 LOST BRIDGE RD127	GARFIELD 72732
* 71A42	SANDERSON, G		RR 1	LONDON 72847
* 71A86	SHADY REST KENNELS	SHADY REST KENNELS	RT 3 BOX 28	MAMMOTH SPRINGS 72554
* 71A89	SHEPARD, F		2601 SO. 56 ST.	FT. SMITH 72903
* 71A20	SHEPARD, M	ROSEWOOD KENNEL	RT. 1 BOX 367	ALMA 72921
* 71A10	SINGLETON, R		RT 2 BOX 51A	FAYETTEVILLE 72701
* 7188	SMALL STOCK INDUSTRIES, INC		PO BOX 157	PEA RIDGE 72751
* 71A36	SMITH, GAD		RT 1 BOX 31	GRAVETTE 72736
* 71A95	SMYTHE, W & D	SHADOW VALLEY KENNELS		R 1 BX 318
* 71A51	SPERLING, D	WINN CREEK KENNELS	RT 1 BOX 281	WINSLOW 72959
* 71A73	STEPHENS, T		RT 1 BOX 107	PEA RIDGE 72751
* 71A1A	STRATTON, T	ARK. COON HOUND KENNELS	HWY 94N	ROGGERS 72756
* 71FR	STRIEGLER, CT	FLINT RIDGE KENNEL	RT 2	FAYETTEVILLE 72701
* 71A85	SUTTON, ABL	SHAN-RIC SHELTIES	RT 1 BOX 155	LOWELL 72745
* 71A23	TALBURT, RI		R 3 BOX 50 A	GRAVETTE 72736
* 71A66	TAYLOR, J & M		PO BOX 345	WALNUT RIDGE 72476
* 71A9A	TEMPELMEYER, R & YANCEY, R	DRACHENFELS KENNELS	BOX 281 RT 1	PRARIE GROVE 72753
* 71AAR	TISDALE, G		RT 2 BOX 290	GENTRY 72734
* 71A65	TREE HILL RABBITRY, INC		BOX 141	GRANNIS 71948
* 71A28	WALKER, T		RT 3 BOX 47	GRAVETTE 72736
* 71A39	WARD, R	WARD'S KENNELS	RT 2 BOX 231	GRAVETTE 72736
* 71A71	WARNER, F		RT 1	GENTRY 72734
* 71A96	WEBB, J	WEBB'S KENNEL	P.O. BOX 65	MINASSE 72739
* 71A50	WINNINGHAM, RM		RT 3	GENTRY 72734
* 71A1A	WORMUTH, M&C	WORMUTH KENNELS	RT 2 BOX 39	MOUNTAINBURG 72946

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CALIFORNIA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 93R46	ABERNATHY, JD		175 EAST ST	NORCO 91760
* 93R48	AM NAT'L HERPETOLOGICAL S OC.		PO BOX 240	GLENDORA 91740
* 93R85	ANDREWS, WT & E		1187 MERRILL RD	SAN JUAN BAUTISTA 95045
* 93A32	AYER, JS	JUNGLE JIM'S PET SHOP	321 N MT SHASTA BLVD	MT SHASTA 96067
* 93R89	BADALAMENTI, J & BEAR, B	THE MOUSE FACTORY	13574 PUMICE ST	NORWALK 90650
* 93475	BARDINI, M		3201 FAY AVE.	LOS ANGELES 90034
* 93A81	BARR, R & M		1515 ARDMORE AVE.	MODESTO 95350
* 93R42	BENTLEY, E & E	VALLEY LABORATORY SUPPLY	4903 BAIN ST	MIRALOMA 91752
* 93R87	BERG, P & L	O'BRIENS GUARD DOG SERVICE	9836 FLORIN RD	SACRAMENTO 95826
* 93448	BERGIN, P & P	THE GOLDEN HARE	PO BOX 3167	CARMEL 93921
* 93R70	BISHOP, GBC	BISHOP'S PET CENTER	1777 WINCHESTER BLVD.	CAMPBELL 95008
* 93R88	BLISS, C	CAREY'S WILD ANIMALS	3510 EL RICON WAY	SACRAMENTO 95825
* 93R10	BOND, LF	GLOBAL SEA LIONS	PO BOX 464	SANTA BARBARA 93102
* 93478	BORDEN, D & J		8908 W VELMA LN.	TRACY 95376
* 93476	BRISTOW, W & T	CHER MAR KENNEL	4855 PIONEER AVE.	HUGHSON 95326
* 93R9	BURNS, TS	NATIONAL RESEARCH RESOURCES	1033 CALLE MESITA	BONITA 92002
* 93R7	CAL-LUMINUM, INC.		11835 S MORNING AVE	DOWNEY 90241
* 93R26	CAMPBELL, AR	ARC RABBITRY	11203 ROSWELL AVE	POMONA 91766
* 93466	CANINE COUNTRY CLUB, INC		42116 4TH STREET EAST	LANCASTER 93534
* 93R61	CHRISTENSEN, F & G	CALIFORNIA BIOLOGICAL SUPPL Y CO	PO BOX 1736	VISTA 92083
* 93446	CORR, CP	QUALITY HAMSTERS	PO BOX 5691	OXNARD 93031
* 93A61	COSTLEY, I		931 FRANZI CT	MODESTO 95351
* 93473	COVELLO, A	STEVINSON RABBITRY	23981 SECOND AVE.	STEVINSON 95374
* 93R29	CURD, ME	CURD'S CAVIARY & ANIMAL SUP PLY	787 S 4TH AVE	LA PUENTE 91746
* 93R17	DAHL BIOLOGICAL SUPPLY, I NC		25 HEGENBERGER PL	OAKLAND 94621
* 93R76	DALRI, JR., CS	EXOTICS OF CALIFORNIA	4586 ROSS GATE WAY	PLEASANTON 94566
* 93A5	DE MORONDY, L	CASA DE PETS	PO BOX 1663	STUDIO CITY 91604
* 93R6	DENIO'S ROSEVILLE FARMERS MKT.		PO BOX 999	ROSEVILLE 95678
* 93R86	DOYLE, M		13661 ERWIN ST	VAN NUYS 91401
* 93R58	DUNN, R	L.A. PETS	13419 MONTAGUE	ARLETA 91331
* 93R48	ENGLISH, V	LEOPARD CAT INFORMATION CEN TER	PO BOX 3632	HOLLYWOOD 90028
* 93A51	ERDTSIECK, BA	SAFE HAVEN RABBITRY	205 BAILEY AVE.	SANTA ROSA 95401
* 93A88	FORCE, J D		179 E. CORDOBA	SAN CLEMENTE 92672
* 93418	FREMAN, NEMI	LIT RABBITRY	5552 FREEDOM BLVD	APTOS 95003
* 93R51	GIACINTO, J	EXOTIC ANIMALS	19400 SANTA RITA	TARZANA 91356
* 93R60	GILLETTE, M & N	PARADISE HAMSTERY	2912 PARADISE RD	MODESTO 95351
* 9384	GOEBEL, AR	CAMEL FACTORY	1996 N MAIN	PORTERVILLE 93257
* 93R58	GOERFL, FL		PO BOX 4198	THOUSAND OAKS 91360
* 93A83	GOERFL, L		PO BOX 4198	THOUSAND OAKS 91359
* 93R88	GRAYSON, W & V		872 REBOTA ST	HAYWARD 94545
* 93R83	HALL, C	HALL'S SECURITY DOGS	7915 FOLSOM BLVD	SACRAMENTO 95826
* 93A80	HATTENSCHWILLER, G	RANCHO GATO	28877 GOETZ RD	QUAIL VALLEY 92380
* 93422	HENDRICKS, W & G	CREST CAVIARY	4133 OAK GROVE SCHOOL RD	RAYMOND 93653
* 9383	HERBERT, V & M	HERBERT'S RABBITRY	PO BOX 366	PLYMOUTH 95669
* 93A68	HOLLOMAN, C R JC		1600 E. MONTE VISTA	CERES 95307
* 93458	JOLLY, AM	RETRON PETS	8361 DENNI ST.	CYPRESS 90630

CALIFORNIA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 93A60	JOLLY, RT		8361 DENNI ST.	CYPRESS 90630
* 93R20	JUNGLELAND PETS, INC. #1	JUNGLELAND PETS	6099 SAN JUAN AVE	CITRUS HEIGHTS 95610
* 93A86	JUSTESEN, L		16306 GUNNERSON	LAKE ELSINORE 92330
* 93R3	JUSZYK, CSJ		PO BOX 3262	THOUSAND OAKS 91359
* 93R90	K-9 DOGS OF SACRAMENTO, I NC.		1912 O STREET	SACRAMENTO 95814
* 93FK	KEARLEY, ED		P.O. BOX 2089	TURLOCK 95380
* 93A11	KELLEY, JD		609 F ST	GALT 95632
* 93MK	KNUDSEN, MM		12888 S MARLAN RD	LATHROP 95330
* 93A57	KURZ, E		2970 WOOD VALLEY RD	SONOMA 95476
* 93470	LIFE SCIENCES ASSOCIATES		4526 LONDS AVE.	SAN JOSE 95111
* 93A80	LOEMEN, BR, AD & WN	FLYING COUGAR RANCH	8360 RECLAMATION RD	UPPERLAKE 95485
* 9349	LOMA LINDA UNIVERSITY		ANIMAL CARE FACILITY	LOMA LINDA 92354
* 93R45	MAGNOLIA BIRD FARM INC		8990 CERRITOS AVE	ANAHEIM 92804
* 93R71	MARTINEZ, M	BASICALLY BIRDS	1549 SO MARSHALL	ALPINE 92001
* 93A88	MEADORS, M		14637 MARIPOSA	PERRIS 92370
* 93A83	MERWIN, JF	HILLS OF HOME RANCH	20837 DEERHORN VALLEY RD	JAMUL 92035
* 93A60	MEYERRICK, CRF	CFM RABBITRY	1447 MIDWAY RD	VACAVILLE 95688
* 9347	MILLER, DR	RANCHO DE CONEJO	1345 SUNSET DR	VISTA 92083
* 93R36	MISSION LABORATORY SUPPLY INC		PO BOX 456	ROSEMEAD 91770
* 93R80	MOOYNICK, A	GIRRONS&GALLINACEOUS BIRD C T	BOX 93	CHATSWORTH 91311
* 93A29	NANNINI, LJ		315 B ST	COLMA 94014
* 93A31	NORTHRUP, T	KING & NORTHRUP KENNEL	3035 S. TRINITY	KERMAN 93630
* 93A62	OSCISLAWSKI, LEM	LEM PETS & SUPPLIES	15017 SIERRA VISTA CT.	LA PUENTE 91744
* 93R68	PACIFIC BIRD & SUPPLY CO		629 S JUNE ST	LOS ANGELES 90005
* 93R13	PARROT MOUNTAIN, INC.		PO BOX 246	RANCHITA 92066
* 93A87	PHILLIPS, J	PHILLIPS RABBITRY	333 TWIN LANES	SOQUEL 95073
* 93R91	POREC, R 7 MAPLES, T		18597 ORANGE ST	BLOOMINGTON 92316
* 93R17	ROSKILLY, GR	GLENS PETS & PET SUPPLY	12137 LOPEZ CANYON RD	SAN FERNANDO 91342
* 93R81	RUNDEL, RS	SONOMA INSTITUTE OF ANIMAL BEHAVIOR	23570 ARNOLD DR	SONOMA 95476
* 93R76	SAENZ, G	GERRY'S DOGS	2816 YOUNG ST	STOCKTON 95205
* 93A82	SAND, MC & RM		10842 MOUNTAIN LION LANE	GRASS VALLEY 95945
* 93471	SCHWAB, FL	WAR FREDRICKS RABBITRY	1245 ALAMO AVE.	MODESTO 95351
* 9348	SIMONSEN LABORATORIES INC		1180C DAY RD	GILROY 95020
* 93A92	SIMUNEK, R&J		872 BUSCH DRIVE	VISTA 92083
* 93A2R	SINNETT, AM	WAGGIN TAIL KENNEL	3324 BARNHART RD	DENAIR 95316
* 93A32	SNYDER, JW	CARRIAGE TRADE KENNELS	PO BOX 163	MARIPOSA 95338
* 93R56	SPANGLER, PD	WESTERN PACIFIC RIOL SUPPLY	3372 W HARVARD ST	SANTA ANA 92704
* 93R66	SPARROW, F & M	CROWN ANIMALS	250 SECOND AV	SAN LEANDRO 94577
* 93R19	STANFORD RESEARCH INSTITU TE		333 RAVENSWOOD AVE	MENLO PARK 94025
* 93478	STARR, P	ELKHORN RABBITRY	5265 STARR WAY	WATSONVILLE 95076
* 93A43	TAYLOR, S	RIVERHOLE LLAMASARY	5100 VOLKERTS RD	SEBASTOPOL 95472
* 93R67	TRENT, GRM	TRENT'S CAVIARY	506 FAIRLAND AVE	MODESTO 95351
* 935C	UNIV OF R CALIFORNIA		UNIVERSITY PARK	LOS ANGELES 90007
* 93A26	USREY, ARD	PEACEFIELD FARMS	562 MIMOSA AVE.	VISTA 92083
* 93R1A	VALLEY PET SUPPLY		1200 ZEPHYR AVE	HAYWARD 94544
* 93R16	WESTERN SCIENTIFIC SUPPLY ,INC		PO BOX 681	WEST SACRAMENTO 95691
* 93A17	WESTERVELT, MR	NITABELL RABBITRY	29215 TAYLOR AVE	HAYWARD 94544
* 93A77	WHITTEN, MC	PETS UNLIMITED	536 E TAYLOR RD	CERES 95307
* 93RA2	WILLIAMS, A	ANDIE'S CRITTERS & VARMINTS	5542 COFFEE RD	MODESTO 95355
* 93A1A	ZIGLAR, MG & EI	FZH CAVIARY	BOX 93	WILLIAMS 95987

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COLORADO

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
84R38	COLORADO FERRETS, INC		33601 STRANSKY RD.	EVERGREEN 80439
84A01	DUNKER, L & M	CO SCHOOL FOR DOGS/DUNKER K EN.	459 DATE	AKRON 80720
84R33	ELARS BIOPHARMACEUTICS IN C.		225 COMMERCE DR	FORT COLLINS 80524
84A40	ENOS, W&M	ROCKY MOUNTAIN RABBITRY	3704 RICHMOND DR.	FORT COLLINS 80521
84R35	ESSARY, A & F	TAG-A-LONG DOG RANCH	RT 1 BOX 5-C	LA ANIMAS 81054
84A11	FREEMYER, ML	HIGH PLAINS KENNELS	RT 2 BOX R-19	MAXTON 80731
84A55	HILL, RA	SEDALIA HILLS RABBITRY	2948 W WOLFENBERGER RD.	SEDALIA 80135
84A65	HOWLAND, R & D	HAVEN OF HAPPINESS KENNEL	PO BOX 595	HOLLY 81047
84R39	LEVIN, M & G	PAMPERED PETS	3081 SO SPRUCE WAY	DENVER 80231
84A67	MCGEE, J & M	MCGEE KENNELS	RT 1 BOX 21	HOLLY 81047
84A30	MILLIKEN, JT	RIPPLES DOG RANCH	RT 2 BOX 151	ROCKY FORD 81067
84R16	MURPHY, MJ		BOX 280	WINDSOR 80550
84R37	PANKOSKI, F	TRIPLE P. RABBITRY	29846 E. 131 ST. AVE.	COMMERCE CITY 80022
84A62	PARK, IE	BIOLOGICAL RESEARCH LABORAT ORIES	6700 SIMMS PO BOX 1374	ARVADA 80002
84A2A	PATTERSON, JF	PATTERSON KENNELS	R 2 BOX 76	YUMA 80759
84A64	SANDNER, M & S	SANDNER'S DOG'S N PUP'S	PO BOX 65	KIT CARSON 80825
84A46	SINDT, LEA	SINDT'S ACE HI KENNELS	RT 1	PEETZ 80747
84A4A	STEELE, MT		101 E 1ST ST	OTIS 80743
84A6	WERNSMAN, G & R		RT 1 BOX 74C	MAXTON 80731
84A60	WOLFF, M		RT 3	MAXTON 80731
84A32	WOODS, E	ALLDOG KENNEL	BOX 112	EASTLAKE 80614
84A3A	WOOLINGTON, F & ROSSEN, D	AICHER'S RABBITRY	BOX 5	HEREFORD 80732
84A6A	ZAMORA, T	JULIE'S COCKER RANCH	ROAD 20796 HWY 50	ROCKY FORD 81067

CONNECTICUT

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
1643	BEAUREGARD, R		525 SKOKORAT RD	BEACON FALLS 06403
16R20	BERARDO, TR	TENDER LOVE & CARE PETS & P L	69 MERIDEN RD.	WATERBURY 06705
16R20	GALLUP, G	C & G PETS	8 BECKER PL.	VERNON 06066
16R23	GONDEK, PW	TROPICAL ISLE	149 BELLRIDGE RD	GLASTONBURY 06033
16A10	MIRARR, P	WILD MAN RABBITRY	112 GRASSY HILL RD.	EAST LYME 06333
16R17	JOHNSON, D & STROUT, F	INTER PET	GATEWAY CENTER	WILTON 06897
16R21	MENDES, LA	NATURE TRAIL PETS	77 MERIDEN RD	WATERBURY 06705
16R22	PARLFE, W & PATTERSON, T	EXOTIC FIN & FEATHER	529 BORNSIDE AVE	E HARTFORD 06108
1642	TODD, FW	AIRCHWOOD KENNELS	551 SKOKORAT RD	BEACON FALLS 06403
16R1A	TROPICAL FISH EMPORIUM		GATEWAY CENTER	WILTON 06897

DELAWARE

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
5087	BATLEY, RD	LITTLE ACRE ANIMAL FARM	RT. 2 BOX 33AA	SEAFORD 19973
5045	BEACHY, L		RD 1	GREENWOOD 19950
5041	HAZEL DEL FARMS INC		RD 1 BOX 198C	HARTLY 19953
5046	PERSINGER, L	LARRY'S BEAGLES	BOX 1182 AIRPORT RD	SEAFORD 19973
50R12	WISSEMAN, CE & SON	FLORA-DEL RANCH	PO BOX 81	GREENWOOD 19950

FLORIDA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
5AGR	ASKARI, NN		1225 N.W. 17TH PL.	MIAMI 33167
5AR7	BAETJER, R	CHRISTIAN'S COMPOUND	RT 1 BOX 40	FELLSMERE 32948
5ARV	BARTECKI, M	THE PAMPERED PET	1104-C KEY PLAZA	KEY WEST 33040
5AFU	BAYS, E & R	SUNRISE AQUARIUM	1805 S. 33RD ST.	FT. PIERCE 33450
5ARK	BLACK, RW	HOLLYWOOD BIR PET SHOP	7351 ARTHER ST.	HOLLYWOOD 33024
5AAD	BOMAR INDUSTRIES INC.		2751 SUNSET BLVD.	NAPLES 33942
5ACQ	BOONE, DR	ROCK & WOOD	10470 SW 66 ST	MIAMI 33173
5AC5	BRAMCO INC		P.O. BOX 205	GIBSONTON 33534
5AGS	BRYANT, A & J	JODY'S RABBITRY	RT 2 BOX 333	WAUCHULA 33873
5AGO	BRYANT, P	ARCADIA SMALL ANIMALS	RT 1 BOX 380	ARCADIA 33821
5AGC	BUCK, WE		RR #1 BOX 242	FLORAL CITY 33636
5AAF	CAMPBELL, WM		740 LAKESIDE DR SW	LARGO 33540
5ACI	CARPTER, W		RT. 3 BOX 410	STUART 33496
5ACW	CARVER, C	CARVERS WILD ANIMAL FARM	P.O. BOX 608	GIBSONTON 33534
5AAG	CHARLES P CHASE CO INC		7200 NW 46TH ST.	MIAMI 33166
5AGE	COOPER, P	PAT'S K-9 KENNEL	120 DAIRY RD	AUBURNDALE 33823
5ARA	CUMMINGS, ML	CUMMINGS PARAITRY	11014 GERACI RD	LUTZ 33549
5AGJ	DAMM, JA	ALPINE RANCH & KENNEL	BOX 1002	NEWBERRY 32669
5AAA	DAWSON RESEARCH CORPORATI ON		PO BOX 8272	ORLANDO 32806
5ACN	DORSON, N	DORSON'S PETTING ZOO	RT 3 BOX 194F	PENSACOLA 32504
5ARX	DONALDSON, DRJ	JEANNE & DONNIE'S PET PARLO UR	P.O. BOX 662	ROCKLEDGE 32955
5AFE	DOUGLAS, S & ENGLER, W	MARLOT BREEDING FARM	RT 5 BOX 130 A1	ORLANDO 32807
5ARL	DOWNS, MD	SPRING HILL KENNEL	R 5 BOX 88A	QUINCY 32351
5AGB	EVERGLADES HUNTING RANGE INC		2101 NE 63RD ST	FT LAUDERDALE 33310
5ADD	FL MONKEY SANCTUARY, INC.		PO BOX 1357	VENICE 33595
5AAU	FLORIDA ALLIGATOR FARM		RT 1 BOX 236	CALLAHAN 32011
5AAS	FLORIDA REPTILE LAND		RT 1 BOX 312	LAWTEY 32058
5AMP	FRANK M THOMPSON, INC		10515 VILLANOVA RD	JACKSONVILLE 32218
5ARE	FTF		PO BOX 1321	BRADENTON 33506
5AAL	GATORS OF MIAMI INC		5500 NW 74TH AVE	MIAMI 33166
5AGI	GEIGER, JM & CR		1110 GEIGER CEMETERY RD	ZEPHYRHILLS 33599
5AFM	GILLER, LA		5365 SW 76TH AVE	DAVIE 33328
5ACK	GLOBAL FISH IMPORTS		7381 N.W. 74TH ST.	MIAMI 33166
5AGM	GOLDSTINE, M	FISH NUT HUT	2475 LAUREL LANE	LAKE PARK 33410
5ACJ	GRANBERRY, MMRE	ANIMAL KINGDOM	PO BOX 225	WINTER PARK 32790
5AGM	GRAY, CM	PETLAND CLEARWATER	1858 A US 19N	CLEARWATER 33515
5AGG	GRAY, CM	PETLAND NORTHGATE	9019 N FLORIDA AVE	TAMPA 33604
5AFY	GREENBERG, L	PURR-FECT PETS OF S FLORIDA	4651 SW 163 AVE	FORT LAUDERDALE 33313
5AF8	GRODZINSKI, F	HIDDEN ACRES RABBITRY	RT 4 BOX 380	OCALA 32671
5AHP	GROUT, EMRJA	GROUT'S PET SHOP	2000 30TH AVE W	ST PETE 33713
5AGX	HALDI, R & GONZALEZ R	LAS PALMAS FARMS	26820 SW 187 AVE	HOMESTEAD 33031
5ARV	HAND, L	VANISHING SPECIES	RT. 2 BOX 20	TRENTON 32093
5AFG	HARRIS, F	TAILS & SCALES	1035 HIGHLAND AVE	LARGO 33540
5ACZ	HATFIELD, KIRJC	EXOTIC FELINE FARM	1991 SW 136TH AVE	DAVIE 33325
5AFM	HEROLD, ML	DAISY'S PET CENTER	PO BOX A097A	ORLANDO 32856
5AFA	HORTON, D		RT 1 BOX 1A4A3	BUNNELL 32010
5ARS	HOUSE OF HAMSTERS		282 NW 2ND ST	DEERFIELD BEACH 33441
5ARQ	INTERNATIONAL FINS, INC		3040 SW 4TH AVE	FT. LAUDERDALE 33315
5ADA	JOHNSTON, A		PO BOX 186	ELLENTON 33532
5ARD	JULIAN, LL	STUART PET CTR	880 S FED HWY	PALM CITY 33490
5AAV	KELLEY, KC	KEL FARM	RT 1 BOX 106A	ALACHUA 32615
5AAR	KINDT, CR	EXOTIC CATS AND CROSSBREEDS	18055 DUROIS RD	JUPITER 33458
5AHQ	KOVNER, P		290 SW 56ST	MARGATE 33068
5ARM	L.D. PUPPY SHOP, INC.		4302 SW 8TH ST	MIAMI 33134
5AFU	LANGIERI, RM	RRC RANCH	9065 S TAMIAMI TRAIL	VENICE 33595
5AFN	LARAKIS, A		INGHAM RD BOX 22 RTE 1	NEW SMYRNA BEACH 32069
5AFQ	LAYMAN, L		190 SUNSET DR	CASSELBERRY 32707
5ADZ	LIBBY, SR., R & I		5600 OGDEN AVE	ORLANDO 32810
5AHC	LIFE FELLOWSHIP CHURCH IN C		RT 1 BOX 64-N	BEFFNER 33584
5AGF	LIGHTSEY CATTLE CO		2230 SAM KEEN RD.	LAKE WALES 33853
5AHH	LUCAS, D & P	LUCAS ANIMAL FARM	PO BOX 187	GROVELAND 32736
5AGZ	LUV ON A LEASH, INC		41 POMPANO FASHION SQ	POMPANO BEACH 33060
5ACT	MAGRAY, D		6710 NW 7TH COURT	MARGATE 33063
5AGP	MANATEE RABBIT FARM		3141 27TH ST. E.	BRADENTON 33508
5AFS	MANN, WD	BUD'S ANIMALS	RR 2 BOX 2510	ST. CLOUD 32769
5ARI	MARSH, J	HAPPYLAND PET SHOP	RT. 1 BOX 2A	FT PIERCE 33450
5AAP	MARTINEZ, I		3705 SW 130 AVE	MIAMI 33175
5ARW	MCAULEY, RL	ROGER'S PET PARADISE	2714 APT. 4 S. MAC DILL AV	TAMPA 33609
5AFQ	MIAMI RARE BIRD FARM INC		189 CARIBBEAN RD	NAPLES 33940
5AHC	MORRIS, A & SMITH, S	S & M ENTERPRISES	651 NE 27TH ST	POMPANO BEACH 33060
5ACR	NEELD, A	SNAKE PIT	5507 ALTA ST.	JACKSONVILLE 32208
5AG1	NEIDHOEFER, J	FINE FISH FARMS, INC.	3475 N.W. 187TH ST.	OPA LOCKA 33056
5ARR	NELSON, R		4800 NW 5 CT	PLANTATION 33317
5AGD	NEWMAN, D		1107 HWY. 92W	BEFFNER 33584
5ACE	NOELL, RM & AP	NOELL'S ARK CHIMPANZEE FARM	PO BOX 396	TARPON SPRINGS 33589
5AHL	NORTON, R		8650 SW 126 AVE	FT LAUDERDALE 33331
5ADE	PARAMOUNT AQUA PETS/PRODS INC		5452 JET VIEW CIRCLE	TAMPA 33614
5AAD	PARROTT, JO & HATFIELD, K T	EXOTIC FELINE FARM	2455 NE 184 TERR	MIAMI 33160
5AGK	PET BIRDS INC		7223 NW 48ST	MIAMI 33166

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FLORIDA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
58AQ	PET FARM INC	BLUE RIBBON PET FARM	7000 NW 69 AVE	MIAMI 33166
58DM	PET HAVEN, INC.		3321 N FED HWY	POMPANO BEACH 33060
58AW	PET RANCH OF AMERICA		145 E. MERRITT AVE.	MERRITT ISLAND 32952
58BF	PINTO, A		1615 NW 30TH AVE	MIAMI 33125
58GU	POWELL, D	WAUCHULA HILLS RABBITRY	RT #1 BOX 225	WAUCHULA 33873
58CH	POWELL, ED		621 PLUM ST, SOUTH	ST. PETERSBURG 33707
58NE	RATNER, S	ONE OF THE FAMILY INC	4551 PONCE DE LEON BLVD	CORAL GABLES 33146
58FE	RAY SINGLETON & CO		PO BOX 248	RIVERVIEW 33569
58AC	RESEARCH LIVESTOCK LABS, INC		3000 N.W. 101 ST.	MIAMI 33055
58HH	RHODES, D.	COURT HILL KENNELS	RT 2 BOX 357C	GAINESVILLE 32602
58ET	RICE, L	ROB'S PUPPY CENTER	2945 N. EDGEWOOD	JACKSONVILLE 32205
58MF	RICHARDS, M	RICHARDS RABBIT RANCH	RT 1 BOX 327	QUINCY 32351
58AI	RIDER, JR, VD		RR 2 BOX 515	BROOKSVILLE 33512
58FR	ROBERTS FISH FARM, INC.		PO BOX 650038	MIAMI 33165
58GY	ROBERTS, J & T	THE RABBIT HUTCH	19001 SW 240 ST	HOMESTEAD 33031
58GA	RODRIGUEZ, D		12700 SW 194 AVE	MIAMI 33187
58MB	ROONEY, G	ANIMAL BAZAAR	1 BROADWAY	FT MYERS BEACH 33931
58GD	ROSS, WS & HODGKINSON, SA	HAMSTERVILLE OF ORLANDO	3832 MILFORD AVE	ORLANDO 32809
58EV	ROTH, P	ANIMALS OF DISTINCTION	RT 4 BOX 241	FT PIERCE 33450
58GL	SIGNOVELLI, MM		12200 SW 46TH ST	MIAMI 33175
58FF	SLOCUM, TI, MR & L	DBA QUALITY BIRD COMPANY	6950 NW 70TH ST	MIAMI 33166
58DH	SMITH, JR, DC	SHANK'S PET LAND	RT, 1 BOX 374	ARCADIA 33821
58WN	SMITH, R & G		13100 SW 216TH ST	GOULDS 33170
58AJ	SOUTH AMERICAN PRIMATES, INC		PO BOX 970768	MIAMI 33197
58RB	SPINOSO, PJ		8215-53RD AVE N	ST. PETERSBURG 33710
58MJ	STERRINS, M & R	LAKE KER RABBIT RANCH	RT 3 BOX 555	FT MCCOY 32637
58FL	STEWARD, A		5750 SW 100 AVE	DAVIE 33314
58FD	STEWART, B	RAINBOW KENNELS	RT 1 BOX 127A	DOVER 33527
58MK	SUNSHINE CREATIONS OF FL INC	PET POURRI	8369 SW 40TH ST	MIAMI 33155
58AM	TAMPA LIVESTOCK DISTRIBUTORS, INC		PO BOX 22007	TAMPA 33622
58AX	THE PET CORNER, INC.		PO BOX 14454	FORT LAUDERDALE 33302
58AZ	TROPICAL ANIMALS DIST, INC		156 N.W. 37TH STREET	MIAMI 33127
58MI	ULVAND, L	HOME AQUATICS	1370 NW 103 TERR	MIAMI 33169
58MD	VOSLER, S & PESS, K	MARMOSET BREEDING FARM INC	PO BOX 1104	RIVERVIEW 33569
58FM	WARD, M	GARDENVILLE SMALL STOCK FARM	RT 3 BOX 337	RIVERVIEW 33569
58MA	WARD, M		P.O. BOX 86	HARRIEN 32071
58FJ	WHITE, M	RAUTA RABBITS	550 VALENCIA AVE, APT 8	CORAL GABLES 33134
58GV	WILDLIFE DISTRIBUTORS INC		PO BOX 25515	FORT LAUDERDALE 33320
58DI	WOLF, P	JOY'S PETLAND	56 8 EDISON MALL SHOPPING CTR	FORT MYERS 33901
58MD	WOOD, R & P		6306 FIRESTONE RD	JACKSONVILLE 32210
58AH	ZITO, JJ	TIGER PARK	RT, 1 BOX 345A	LAKE WALES 33853

GEORGIA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
57A29	BRANAM, T		RT 2	RINGGOLD 30736
57A4	COOK, ML		5250 MACLAND RD RT 1	POWDER SPRINGS 30073
57A25	CRAWFORD, JW	RUBY BEE RABBITRY	RT 2 BOX 110A	CARLTON 30627
57A7	DASHER, C	RICH DARK BREEDING RESERVE	RT 1 BOX 443 HWY 11	ROUND OAK 31080
57A1	DAVIES, M		PO BOX 107	STOCKBRIDGE 30281
57A21	DUGGER, JR., DR	DUGGER'S RABBITRY	4571 SCARBOROUGH RD	COLLEGE PARK 30349
57A11	GILREATH, C R M	THE CIRCLE (G) RABBIT RANCH	RT. 1 BOX 486	MONROE 30655
57A15	LANTON, M		PO BOX 116	MOUNTAIN CITY 30562
57A30	LUNSFORD, C R V	L & L COMPANY	PO BOX 792	CLAYTON 30525
57A12	MARTIN, FR		RT 3 BOX 47	FLOWERY BRANCH 30542
57A19	PICKELSIMER, C	FT MOUNTAIN GERBIL RANCH	R 1 BOX 28	CHATSWORTH 30705
57A28	ROSS, RC		410 E BROAD ST	SPARTA 31087
57A31	VARNES, J		RT 1 BOX 82	WARMSPRING 31830

IDAHO

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
A2A3	ADAMS, C & E	ARK LAB ANIMALS	2215 N 8 ST	COEUR D'ALENE 83814
A2A2	FERDINAND ZOO & ANIMAL FARM, INC.		PO BOX 303	NAMPA 83651
A2A19	JOYCE, J & S	BRIARWOOD KENNELS	RT 2 BOX 8983	BLANCHARD 83804
A2A5	KORN, J R S	ONE A GROWING CONCERN	BOX 201	CAMBRIDGE 83610
A2A1	LEWIS-CLARK ANIMAL SHELTER INC		PO BOX 804	LEWISTON 83501
A2A2	MEEKS, ERV		RT 2	POST FALLS 83854
A2A5	NOBLE, C	NOBLE KENNELS	RT 4	RUPERT 83350
A2A6	STAY, F	SAGEBRUSH KENNELS	RT 1 BOX 113	ARCO 83213
A2A8	WHITE, JAG	WHITE'S RABBIT RANCH	BOX 193	KOOTENAI 83840
A2A11	WYCKOFF, E	WYCKOFF KENNELS	7016 MILL RD	BOISE 83703
A2A18	YOUNG, D & K	KATIE'S KENNEL	RT 2 BOX 50	SHELLEY 83274

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ILLINOIS

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 33A240	ALLEN, L			NIOTA 62358
* 33R07	ANIMAL WORLD INC		7525 N MARLEN AVE	NILES 60648
* 33A205	APPLEBY, AL	AA CATTERY	BOX 99 406 W MYRTLE ST	ELIZABETH 61028
* 33R33	ARK PET CENTER		5753 N CLARK	CHICAGO 60660
* 33R154	BADER, J			SCALES MOUND 61075
* 33R130	BALGEMANN, DF & MONG, MMK	NATURE-LIFE CO	956 COOKANE AVE	ELGIN 60120
* 33A78	BARTLETT, JW		RR 1 BOX 56	SPRINGFIELD 62707
* 33R109	BATTLES, DRM	WHITE OAK KENNELS	RR 3	VANDALIA 62471
* 33R5	BEAN, GF & MK	JERI-ELEN KENNELS	ROUTE 7	MT VERNON 62864
* 33A150	BENNETT, MR & VJ	MILLTOP KENNEL	14317-130 AVE, COURT M.	TAYLOR RIDGE 61284
* 33R68	BOERFL, FH	SLEEPY HOLLOW KENNELS & CATTERY	RT 2 BOX 73	MUNDELEIN 60060
* 33A172	BOEHM, M & G	GMB CAVIES	31 PINE TRAIL	FAIRVIEW HTS 62208
* 33A127	BONER, RB	BONER'S KENNEL	R2 BOX 66	CREAL SPRINGS 62922
* 33A239	BROOKS, K & C		RT 6 BOX 310	NEWTON 62448
* 33A168	BROWN, RM		R2 BOX 206	NORRIS CITY 62869
* 33A229	BUSHMAN, DM & R	DOG PATCH KENNELS	BX 121 RT 1	MILLEDGEVILLE 61051
* 33A178	COCHRAN, J	JOAN COCHRAN KENNELS	1018 E NORTH AVE	OLNEY 62450
* 33R166	COE-PALM BIO. RUPPLY		1130 MILWAUKEE AVE	CHICAGO 60622
* 33R74	CONSOLIDATED PET SUPPLY, INC		956 N. HURON	CHICAGO 60622
* 33A205	COOPER, C & R	COOPER BROS. KENNEL	1403 INDIANA	WINDSOR 61957
* 33R167	CRAYGEL, JM	BAILPIN PET SHOP	108 MESSEL BLVD	CHAMPAIGN 61820
* 33R118	DALE, DM	DALE'S KENNEL	R 1 BOX 159	MACEDONIA 62860
* 33A21	DANIELS, EJ	DANIELS KENNELS	RR 2	COLCHESTER 62326
* 33A242	DAVIS, D		5602 N ARROW DRIVE	PEORIA 61614
* 33A204	DAVIS, G		123 W JEFFERSON	MASON CITY 62664
* 33R148	DAY, A	DAY'S KENNEL	221 N 5TH ST	GREENVILLE 62246
* 33A71	DEBOLT, MD		BOX 9	STEWARDSON 62463
* 33R161	DORILL, JM		RR #2	VALMEYER 62295
* 33A193	ECHTERNKAMP, FW		R 8	QUINCY 62301
* 33A23	FEWELL, D&M	MERRY DAWN KENNEL	RR 2	MINONK 61760
* 33R170	FISHER SCIENTIFIC CO		711 FORBES AVE	PITTSBURGH 15219
* 33A224	FRITCHIE, D	FRITCHIES KENNEL	105 E MAIN	BIRDS 62415
* 33A233	FRYMAN, FJ		RR 1	WEST SALEM 62476
* 33A213	FURR, MRM	FURR'S KENNEL	BOX 28	SCIOTA 61475
* 33A194	GAJEWSKI, T		RR 1	WOODLAWN 62898
* 33A10	GENERAL FOODS CORP.		RAINES NUTRITION CENTER RT 3	ST ANNE 60964
* 33R162	GERHARDT, S	HAPPY HILL KENNEL	RR BOX 18	NIOTA 62358
* 33A35	GREGORY, FJ	GREGORY KENNEL	R 1	BLUFORD 62816
* 33R18	HALE, R		1340 WALNUT	CARTHAGE 62321
* 33R110	HANNA, E	TROPICAL TREASURES	3842 W. 147TH ST.	MIDLOTHIAN 60445
* 33R171	HARLIN, CM	KAROLYN'S KENNELS	R 1	MOREDALE 61767
* 33A220	HARVEY, J	ECHO VALLEY DANES	R 84 BOX 255	MARSHALL 62441
* 33A212	HAYES, JR & MA	HAYES'S KENNEL	RT 1	ROCHELLE 61068
* 33R175	HENDEE, C	HENDEE ZOOLOGICAL CO	1948 A LEHIGH	GLENVIEW 60025
* 33A208	HICKMAN, DRM		RT 1 BOX 139	STEWARDSON 62463
* 33A74	HITCOCK, L & J	SUNDOWN KENNELS	RR 1	NAUVOO 62354
* 33R141	HUCHMUTH, M	SUBURBAN PET CITY	6343 W CERMAK	BERWYN 60402
* 33A88	HODGE, IO	HODGE'S KENNEL		BELKNAP 62908
* 33A123	HOLMES, MN & R	GUNSMOKE KENNELS	RR1	PAWNEE 62558
* 33A235	HUFFMAN, E & WINKEL, R	ED AND BLAIRS CAVIARY	BOX 62	SORENTO 62086
* 33R178	HUSEMANN, D & E		BOX 69 RR 1	COATSBURG 62325
* 33R155	HUTCHINS, A		RT. 8 BOX 328	DECATUR 62522
* 33R153	IMRODEN, M	COUNTRY ROAD KENNELS	RT. 3	ROBINSON 62454
* 33R96	ISAACS, R&A	ISAACS RABBITRY	202 N WELCH ST	HILLSBORO 62049
* 33R21	ISAACS, TF	ISAACS LAB STOCK	1011 N WALNUT	LITCHFIELD 62056
* 33A19	JACKSON, L	JACKSON KENNEL	R 6	MACOMB 61455
* 33A180	JOHNSON, M	MILLCREST KENNEL	R2	BUNCOMBE 62912
* 33R158	JOHNSON, R	HARDROCK GAME FARM	RR 4 BOX 248 NIMTZ RD.	ROCKFORD 61111
* 33A189	JOHNSTON, D	GREEN ACRE PETS	RR 4	CARLINVILLE 62626
* 33A161	JONES, DA	JONES KENNELS	RR 1	FOWLER 62338
* 33R122	JURY, K	GOODMAN KENNELS	620 S. BURCHARD	FREEPORT 61032
* 33A6	KAISER, M		RR 3 BOX 130	PANA 62557
* 33A232	KEERAN, M & G	KEERAN'S KENNELS	R.R.	INDUSTRY 61440
* 33A91	KEIRN, PJ	POLLARD RABBITRY	PO BOX 222	HURST 62949
* 33A177	KELLEY, JA & D	KELLEYS RABBITRY	RR 4	MARSHALL 62441
* 33A206	KESLER, M	KELS-RU KENNELS	1007 E NORTH AVE	OLNEY 62450
* 33A225	KIEFER, F		709 ST ANTHONY ST	EFFINGHAM 62401
* 33A163	KILL, MF		RR 2	LIBERTY 62347
* 33R77	KRAUSE, PCSMC	NOAH'S ARK PET CENTERS	2430 EAST OAKTON ST	ELK GROVE 60007
* 33R165	LAPINE SCIENTIFIC CO.		6001 S. KNOX AVE	CHICAGO 60629
* 33R138	LEMEN, V	COUNTRY KENNELS	2420 WEST MACON	DECATUR 62522
* 33A129	LEWIS, CF		1003 1ST AVE	MENDOTA 61342
* 33R140	LEWIS, R		RR #2	ROBINSON 62454
* 33A234	LITTLE, GH	LITTLE ACRES KENNEL	RR 2	LA HARPE 61450
* 33R8	LOMAX, G			OPDYKE 62872
* 33R1	MACMILLAN SCIENCE CO., INC		8200 SOUTH HOYNE AVE	CHICAGO 60620
* 33A181	MARKS, DJ	DIANA MARKS SM. ANIMAL BREEDER	3311 W. DICKENS	CHICAGO 60647
* 33A246	MCDUFFIE, CE	MCDUFFIE'S RABBITRY	RR 1	MAHOMET 61853
* 33A15	MCKAY, MM	COLONIAL KENNELS	R 1 BOX 344	QUINCY 62301
* 33R42	MCKINZIE, RKF	MCKINZIE KENNELS	ROUTE 7 BOX 136	CENTRALIA 62801
* 33A171	MCMURTREY, G		RR 1	POCAHONTAS 62275

ILLINOIS

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 33R131	MENARD, F	MENARD KENNEL	PO BOX 376	ROBINSON 62454
* 33R41	MCMONIGLE, M	WILDWOOD KENNELS	RR 1 BOX 173	WAKANDA 62958
* 33R157	MIDWEST AQUARIUM, INC.		639 NORTH THOMAS DR.	BENSENVILLE 60106
* 33A215	MILLER, P		23321 261 ST. N.	CORDOVA 61242
* 33A196	MOSSMAN, L		BOX 547	RIDGWAY 62979
* 33R55	MOTSINGER, P	MOTSINGER KENNELS	RR 2	ST JOSEPH 61873
* 33R173	MOWEN, L	MOWEN'S KENNEL	R 1	CLAYTON 62324
* 33A226	MUELLER, P		301 N SPRUCE	STEWARDSON 62463
* 33R119	MUNTZ, DK	DONS BAIT AND BUNNY FARM	RR 1 BOX 270	CARROLLTON 62016
* 33A167	MYERS, EA		RR 2 BOX 93	CARMI 62821
* 33A133	NEUMANN, R		R 2	GREENVILLE 62246
* 33R146	OMAHA TROPICAL IMPORTS, INC.		10915C FRANKLIN AVE	FRANKLIN PARK 60131
* 33R120	PAWLEY, P	ZOOLOGICAL CENTER, INTERNATIONAL	15W506 N 63RD	HINSDALE 60521
* 33R11	PEPPER, MM	PEPPERIDGE ZOO FARM	RR 2	DANVILLE 61832
* 33R90	PHILLIPS, T	PHILLIPS SALE CO	RR 1	GOOD HOPE 61438
* 33A234	PRASUN, I	L & R RABBIT RANCH	RT 1 BOX A2	TAYLORVILLE 62568
* 33A26	RAPP, C	RAPP'S SNOW WHITE ESKIMOS	RT 1	BLUFORD 62814
* 33A227	REED, PC		RT 2 BOX 186	TOLEDO 62468
* 33R38	RESEARCH INDUSTRIES CORP		P.O. BOX 128	MONEE 60449
* 33A209	RICHARDS, JA		311 AVONDALE	CHAMPAIGN 61820
* 33A201	RUE, MRS. A	AUDREY'S HIGHWAY KENNEL	PO BOX 46	FLAT ROCK 62427
* 33R168	ROULAND, M & P	PJ TROPICAL & PETS	1048 N GREENWOOD	JACKSONVILLE 62650
* 33A217	ROWE, PARRO	ROWES RABBITRY	6380 N GUN CLUB RD RT 3	MORRIS 60450
* 33A86	RUNQUIST, C	RUNQUIST'S KENNELS	R 2 BOX 178A	MENDON 62351
* 33A152	RUSSELL, M	RUSSELLS' KENNEL	RR #1	PUNCOMBE 62912
* 33A7	SANCHEZ, B	REN'S PUPPYLAND	113 BABCOCK ST	ELBURN 60119
* 33A176	SANDERS, RJ	TIPTOP KENNEL	RT 2	MULKEYTOWN 62865
* 33A243	SANDERS, D & WRIGHT, A		RR 1 BOX 144	BUFFALO 62515
* 33R163	SARGENT-WELCH SCIENTIFIC CO.		7300 N LINDER AVE	SKOKIE 60077
* 33R150	SCHAFER, AM	SCHAFERS KENNELS	303 S WARD ST	BENTON 62812
* 33R20	SCIENTIFIC SMALL ANIMAL LAB & FARM INC		801 W GOLF RD	ARLINGTON HEIGHTS 60005
* 33R159	SHORT, M		PO BOX 712	MT VERNON 62864
* 33A111	SIKKEMA, C	TLC PUPPY NURSERY	BOX 183	LYNDON 61261
* 33A211	SIKKEMA, LAD	PUPPY LOVE ACRES	RT 2	WALNUT 61376
* 33R103	SMITH-DOUGLASS DIV BORDEN CHM		RR 1	ELGIN 60120
* 33R160	SMITH, CF	R & G KENNELS	106 N WASHINGTON	SIDNEY 61877
* 33A221	SMITH, P	KAMP KREEK KENNEL	RR 4	MACOMB 61455
* 33P172	STANFIELD, J		RR #2	PARIS 61944
* 33A207	STEFFEN, D		RT 3	EFFINGHAM 62401
* 33P63	STEINMETZ, CA		BOX 205 409 WEST OAK ST	PALMYRA 62674
* 33A197	SUTTON, A			LYNDON 61261
* 33R83	THOMAS, L&R			STRASBURG 62465
* 33A28	THOMPSON RESEARCH FOUNDATION		PO BOX 128	MONEE 60449
* 33R152	TOMS, SJ	ST KENNELS	RR 2	BENTON 62812
* 33A236	VOIGTLANDER, D		802 W. PENNSYLVANIA	URBANA 61801
* 33R56	WARREN, LN		PO BOX 125	PANA 62557
* 33R8	WARSAW COON HUNTERS ASSOC			WARSAW 62379
* 33A77	WEBER, JAK	JEWEL-KEN KENNEL	RT 3 BOX 210	RED BUD 62278
* 33A181	WHITE, G		RT 4 BOX 460	MARION 62959
* 33A247	WINSLOW, W		1301 80 3RD ST WEST	SHELBYVILLE 62565
* 33A217	WINSOR, M R L	WINSOR SMALL ANIMAL BREEDER	3836 N MARSHFIELD AVE.	CHICAGO 60613
* 33A169	WOLFE, MR		RR 2	FLORA 62839
* 33R166	YEAMAN, E & J		RT 1 BOX 20	OWANECO 62555

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INDIANA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 32R60	BANE, G		BOX 25	MEDORA 47260
* 32A55	BENNETT, N		RR 1 BOX 371	COLUMBUS 47201
* 32R30	BERGH, CM	PET STATION	1202 JOHNSON ST	ELKHART 46514
* 32A50	BLEMEL, MJ		5361 E STOP 11 RD	INDIANAPOLIS 46227
* 32R21	BOTKIN, M		RR 1	SELMA 47383
* 32A20	BROOKING, M		RR 17	BEDFORD 47421
* 32A40	CANNON, GM		RR 2	ROSEDALE 47874
* 32A30	CARVER, L	CARVER KENNELS	RR 12 BOX181	BEDFORD 47421
* 32R35	CLARK, DF		228-400 E	DANVILLE 46122
* 32R30	CORR, R	DOG CITY, USA	1410 E 153RD AVE	CROWN POINT 46307
* 3241	COVAL, D & M	PIN OAK FARM	RR 3	SHERIDAN 46069
* 32R37	COX, C		PO BOX 600	FARMERSBURG 47850
* 32R40	DAY, M	DAY-Z-WAY	RR 4	NORTH MANCHESTER 46962
* 32R23	DEMAREE, JT	J.T. DEMAREE PET FARMS	RR 1 BOX 66	MADISON 47250
* 32R20	DENNISTON, M	LAWRENCE COUNTY KENNELS	RR 17 BOX 562	BEDFORD 47421
* 3246A	ELROD, RR	WHITE KNIGHT KENNEL	R 2 BOX 450	SALEM 47167
* 3243	ENGLE LABORATORY ANIMALS, INC.,		RR 1 BOX 23	FARMERSBURG 47850
* 32A12	ESSIG, MK		R2	WORLESVILLE 46060
* 32AA	FIELDS, A	FIELDS KENNELS	RR 3	PORTLAND 47371
* 3248	FISHER, R		RR 1	SHIRLEY 47384
* 32A1A	FLINT, L & BOOTH, J	CLIFTY ACRES ZOO FARM	Rt. 5 BOX 143	MADISON 47250
* 32A52	FOX, D		RT 3 BOX 277	MORGANTOWN 46160
* 32A65	GLESSNER, RALPH	GLESSNER BARRITRY	RR 2 BOX 13	MONTPELIER 47359
* 32A56	GREENE, G		RR #2 BOX 204	SHELBURN 47859
* 32R27	GREINER, J&M		RT 2	CONNERSVILLE 47331
* 32AAR	GUEBEL, VJ		RR 1 BOX 109	MAURSTADT 47639
* 32A65	HARLAN INDUSTRIES, INC		PO BOX 20176	INDIANAPOLIS 46220
* 32A37	HARRELL, A		RR 17	BEDFORD 47421
* 32A45	HARTINGER, R		1111 WEST MAIN ST	MADISON 47250
* 32AA8	HUNTER, J R D & A	HUNTER MILL KENNELS	PO BOX 48	COVINGTON 47932
* 32R38	ILIFF, LF	ILIFF FARMS	RR 5 BOX 257	PORTLAND 47371
* 32A23	IRVING, CC	IRVING GAME FARM	RR 6	GREENFIELD 46140
* 32A17	J&J ANIMAL LAND,INC,	J&J GAME FARM	BOX 7A	LAKE CICOTT 46982
* 32A25	JOHNSON, MRD	JOHNSON BUNNY RANCH	R 1 BOX 376A	WILKINSON 46186
* 3246	KUIPER, G	KUIPERS RABBIT RANCH	5317 W 61ST ST	GARY 46408
* 32R2A	LACKEY, JC		101 N GLADSTONE AVE	COLUMBUS 47201
* 32A11	MANN, MW		R2 VIENNA RD	MADISVILLE 47638
* 32R02	MANOR, G	MANOR'S COUNTRY KENNEL	RT 2	PORTLAND 47371
* 32A67	MARTIN, J & L	LEJUPEKA KENNELS	RR 2 BOX 406C	PENDLETON 46064
* 3246A	MCCAMMON, L		RT 23 BOX 255	TERRE HAUTE 47802
* 32R31	MIDWEST REPTILES & ANIMAL SALES INC		P.O. BOX 239	FT WAYNE 46801
* 32R2A	MORESITT, AR	NORTHSIDE KENNELS	RR 16 BOX 6	BRAZIL 47834
* 3242A	MOORFIELD, A	WOLF-A-DOG KENNEL	RT A BOX 348	HUNTINGTON 46750
* 32A36	MURELAND, I		RR 28 BOX 288	TERRE HAUTE 47802
* 32A19	MORRIS, AE		1215 VIRGIL BLVD	PRINCETON 47670
* 3242	MURPHY BREEDING LABS., IN C.		RR 3 BOX 485	PLAINFIELD 46168
* 32A62	NELSON, M & C	COUNTRYLANE KENNELS	RR 2 BOX 296	SALEM 47167
* 32R3A	NOE, D		R #1	RISING SUN 47040
* 3240	PARKE, RA	PARKEWOOD KENNELS	RR 10 BOX 94	GREENFIELD 46140
* 32A61	PRUNTY, V			AVACO 47421
* 32R22	RIEDEL, L		RT 8 BOX 143	GREENSBURG 47240
* 32A57	ROSE, M	ROSE KENNEL	R #1	DILLSBORO 47018
* 32R26	SCHNEPP, RF	LAZY S KENNELS	RR 5	DECATUR 46733
* 32A47	SCOTT, J	SCOTTS KENNELS	2900 WASHINGTON AVE	TERRE HAUTE 47803
* 32R33	SEARS, E	FROSTY ROSE KENNEL	RR 12 BOX 337	BEDFORD 47421
* 32A32	SEARS, FR	HIGH PLATTE KENNEL	RR 12 BOX 337	BEDFORD 47421
* 32A67	SEWARDS, R M	KY-LIN FARM	BOX 272 R 2	SPENCERVILLE 46788
* 32R11	SMITH, GT		R 1 BOX 13AA	GALVESTON 46932
* 32A15	SMITH, MD		3750 W 97TH ST	CARMEL 46032
* 32A58	STAHL, K	REDWOOD KENNELS	1198 N STATE	SULLIVAN 47882
* 32R30	STEVENS, S		R 17 BOX 363	BEDFORD 47421
* 3249	STEWART, R	STEWART'S PET SHOP	1013 S WALNUT	BLOOMINGTON 47401
* 32A53	SUTHERLAND, MJ		183 HILLCREST DR	VINCENNES 47591
* 3286	THOMPSON, NAN	SPEEDWAY PET SHOP	3566 W 16TH ST	INDIANAPOLIS 46222
* 32A60	TREIBLE, J		RR 2 BOX 20	NORTH MANCHESTER 46962
* 32A33	TUMILTY, LL		505 N. CARVER ST	GREENSBURG 47240
* 3245A	WELLS, R & M	FLYING M KENNELS	R 2 BOX 346	LAWRENCEBURG 47025
* 32R41	WELLS, J		A16 W ALLEN RD	FORT WAYNE 46825
* 32A42	WHITE, TW		R 2	MITCHELL 47446
* 3281	WILSON, DM	WILSON SMALL ANIMAL FARM	PO BOX 65	VINCENNES 47591
* 3286	WINDSOR, AR	WINDSOR BIOLOGY GARDENS	6390 E MOORE'S CREEK RD	BLOOMINGTON 47401
* 32R12	WOOD, MERMI		RR 8 BOX 450	ALEXANDRIA 46001
* 32A51	WOODINGS, M		RR 23 BOX 203	TERRE HAUTE 47802
* 32A59	ZARSE, C		RT 1 BOX 36	WHITESTOWN 46075
* 32A27	ZENTZ, D	SILVER LAWN KENNELS	RR 2	NAPPANEE 46550
* 32R2	ZOOK, MR	MAPLE MILL KENNEL	BOX 356	MORGANTOWN 46160

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* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 42UAC	A & M KENNELS		BOX 217	VENTURA 50482
* 42YU	ACKERMAN, L&K		115 N 5TH AVE	VILLISCA 50864
* 42MAR	AGANS, BD & MR		RR 2	CRESTON 50801
* 42YX	ALLSUP, AR		RT 2 BOX 83C	CHELSEA 52215
* 42FAW	ANDERSEN, ML			DELANARE 52036
* 42AAP	ANDERSON, CA		4017 W 318T ST	SIOUX CITY 51103
* 42NAV	ANDERSON, MG		RR 1	DAYTON 50530
* 42RC	ANDEWAY, J		RT 1	PLANO 52581
* 42RAP	ANDREASEN, J		RR 2 BOX 140	AUDUBON 50025
* 42VAU	ANKENY, R		RR 2	BUFFALO CENTER 50424
* 42AAN	ARENNS, M		RR 1	DIKE 50624
* 42RAD	ARENDS, T & M		RR 2 BOX 188	SAC CITY 50583
* 42PAI	ARKLAND, DRS	ARKLAND KENNEL	RR 2	ELDORA 50627
* 42CAP	ARNOLD, CW		RR 1	SHANNON CITY 50861
* 42YC	ASHER FARM KENNELS	ASHER FARM KENNELS	RR 2	MAPELLO 52653
* 42RAZ	ASK, D & M		RR 4 BOX 214	MARLAN 51537
* 42EU	AUERBACH, L&ER		RT 1	LEWIS 51544
* 42UAR	AULT, F		21 CARTER LAKE CLUB	CARTER LAKE 68110
* 428X	BAIRD, RA		R 2 MORTON MILLS	VILLISCA 50864
* 42LAS	BAKER, D		RT 2	HARTLEY 51346
* 42RAU	BAUDLER, J			FONTANELLE 50846
* 42JY	BECKER, MRC	BECKER KENNELS	RR 1	KNOXVILLE 50138
* 42PAD	BEDWELL, SL	BEDWELL'S BLINE KENNEL	RT 2	ST. CHARLES 50240
* 42WAJ	BELKNAP, S		R 2	MEDIAPOLIS 52637
* 42MW	BENTON, DG & RE		RR 3 BOX 49	GUTHRIE CENTER 50115
* 42WAK	BERHOW, R & M	M & R KENNELS	1601 80, BROADWAY	EMMETSBURG 50536
* 42NAD	BIEGHLER, R	ARTIC NOOK KENNEL	1245 E 33RD	DES MOINES 50310
* 42WAN	BINGHAM, G		RT 1 BOX 11C	CHARITON 50049
* 42JAZ	BLACK, R	DOGGIE ROOM & GROOM	HY 69 N	AMES 50010
* 421AZ	BLACKFORD, E & A		RR 2	ST CHARLES 50240
* 42GAS	BLACKFORD, J		RT 1	INDIANOLA 50125
* 4289	BLACKMAN, RT		310 FIRST ST	LEWIS 51544
* 42WAP	BLANK, M & MOURLAM	BLANK AND MOORLAN PET KENNELS	RR 2	GOODELL 50439
* 427O	BLANSHAN, CK		RR 1 BOX 137	SCRANTON 51462
* 424C	BOCKENSTEDT, MF		RT 1	EARLVILLE 52041
* 42RAY	BOHL, TJ	BOHL'S K-9 KENNELS	RR 2	LAKE MILLS 50450
* 428AX	BOLL, R & AD		BOX 67	ARION 51520
* 42RAC	BOOCK, G & R		RR 1	HOLSTEIN 51025
* 427AX	BOSWELL, M & C		RT 4	CORNING 50841
* 42VAS	BOWN, A & D		RT 2	REINBECK 50669
* 42RAZ	BOYSEN, M	BOYSEN KENNEL	RR 1	DANBURY 51019
* 42QAR	BRADLEY, MRD	DUSTY ROAD KENNEL	RR 1 BOX 224	NEVER 52565A
* 42GT	BRAND, CD		RT 3	NEWTON 50208
* 421AM	BRANDHORST, JL		4105 MCKELLER RD	WATERLOO 50702
* 42PR	BRANDT, FF & R	SNOPEKE KENNEL	BOX 637	WALNUT 51577
* 42KO	BRANT, I		RR 1	GLIDDEN 51443
* 42KAW	BREUER, DM		BOX 123	SPERRY 52650
* 42OV	BRITTEN, M		RT 1	CRESTON 50801
* 427AN	BROOKHART, G	CRAWFORDSVILLE KENNELS	RT 1 BOX 9	CRAWFORDSVILLE 52621
* 42SAR	BROSHAR, F	M POINT KENNEL		EXLINE 52555
* 42JAJ	BROWN, RP		RR 1	DOW CITY 51528
* 42KO	BURG, LJ	BURG KENNELS	BOX 69	BRIDGEWATER 50837
* 42MAY	BURK, FL		RR 1	HAMILTON 50116
* 42DK	BURNETT, E		RR 2	KNOXVILLE 50138
* 42RU	BUSSEY, M			BUSSEY 50044
* 42OX	BUTTLER, TL		RR 1 BOX 125	GUTHRIE CENTER 50115
* 42WAO	BUTTS, D & P	PENDAY KENNELS	BOX 571	GREENVILLE 51343
* 42NAU	CAMERON, DRJ	HOLLYLANE KENNELS	4625 WEST ST	SIOUX CITY 51103
* 42UAG	CAMPBELL, V	CAMPBELL COUNTRY KENNELS	RT 1	KESWICK 50136
* 42ZU	CARPENTER, DG		RR 2	MAXWELL 50161
* 42RAM	CASTEEL, T		1213 SOUTH 10TH	BURLINGTON 52601
* 42HP	CHALMERS, J	JULIA'S FARM KENNELS	RT 5 BOX 106	IOWA CITY 52240
* 427AG	CHALUPA, M		RT 1	WASHINGTON 52353
* 42PAK	CHAPMAN, B & BLETL, J		RR	KINGSLEY 51028
* 42FAM	CHATFIELD, RA		RURAL ROUTE 2 BOX 258	KEOKUK 52630
* 42RAR	CHRISTENSEN, E&K		806 PRAIRIE ST.	GUTHRIE CENTER 50115
* 42NP	CLARK, AM	CLARK'S KENNEL	401 WATERS ST	ALDEN 50006
* 42VAO	CLARK, B		RR 3	CARLISLE 50047
* 427AP	CLARK, C	CLARK'S KENNEL	RR 1	PROMISE CITY 52583
* 42HO	CLATTERBUCK, M		RT 2	ANITA 50020
* 42UAL	CLAUSEN, DA		RR 1	IDA GROVE 51445
* 42FAM	CLEVELAND, RW		P.O. BOX 109	LAKE VIEW 51450
* 42ON	COCKBURN, RWRD		RT 1	CORRECTIONVILLE 51016
* 42HH	CODDINGTON, L	BALTON KENNEL	RR 1	HASTINGS 51540
* 42DAR	CONNER, W & N		R 5 BOX 204	MT PLEASANT 52641
* 42GA	CONRAD, FL&D	E L CONRAD & SON		KEOTA 52248
* 42CH	COOPER, CS	COOPER KENNELS	PO BOX 117	MYSTIC 52574
* 42DAA	COOPER, WD		RURAL ROUTE 2	NORWALK 50211
* 428AR	CRAVEN, D		BOX 201	OGDEN 50212
* 42JAT	CRAWFORD, DP			GRIMES 50111
* 42FZ	DAMON, D	DAMON'S KENNELS	RR 8	KNOXVILLE 50138
* 42PAZ	DAVIS, RRJ		RR 1 BOX 100A	BRONSON 51007
* 42KAF	DAVIS, VM		909 E HOWARD ST	CRESTON 50801
* 427AT	DE ARUIN, D		RT 5	ALBIA 52531
* 42RX	DE FOSSE, C		RR 2	MEDIAPOLIS 52637
* 42MAT	DEAN, AL		1810 LINCOLN	CEDAR FALLS 50613

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* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 42CAN	DERULT, RM	LLOYDS KENNELS	RT 1 BOX A	NEOLA 51559
* 42BAN	DERRUIN, M & B		RT. 2	OSKALOOSA 52577
* 42LA	DERRUIM, R	OAKVIEW GAME FARMS	RT 2	PRAIRIE CITY 50228
* 42KAO	DEPTM, L		2106 WEST 6TH	PERRY 50220
* 42BG	DELUNG, R&L	ROLIN MILLS	RT 5	OSCEOLA 50213
* 42TAF	DESEMINA, NL	PRIMACANA KENNELS	3835-60TH	DES MOINES 50310
* 42VAC	DEVORE, P			PROMISE CITY 52583
* 42VAR	DEVORE, M		RT 1	PROMISE CITY 52583
* 42DI	DIFFENFIELD, R		RR 3	STORM LAKE 50588
* 42TAC	DIRKS, M	K D KENNELS	RR 1 BOX 17	FONDA 50540
* 42LE	DODD, D&R		RT 4 BOX 9A	BOONE 50036
* 42NR	DOLIESLAGER, G		1360 N. MAIN	SIOUX CENTER 51250
* 42UAP	DOMINICK, RJ		RR 3	AUDUBON 50025
* 42CAN	DONAHUE, K		220 OAKS ST	NORTH ENGLISH 52316
* 42MAN	DOORNINK, W		RR 4	LE MARS 51031
* 42UAA	DOWNING, D & C		509 WEST 7TH ST	ADAIR 50002
* 42AAA	DOYEN, T & J		RR 1	MANSON 50563
* 42WF	DRAPER, P		RT. 2	PRESCOTT 50459
* 42VN	DREESZEN, F		RR 1	CUSHING 51018
* 42RA	DUDLEY, NL	DUD-LEE'S KENNELS	RT 2	CRESTON 50801
* 42SZ	DUELING, JF		RT 1	ALLERTON 50008
* 42DR	DUELING, R		RT 1 BOX 325	ALLERTON 50008
* 42PAL	DUGGER, R	DUGGER FUR FARM	RT 1	BARNES CITY 50027
* 42JAN	DUTT, AD		R 1 BOX 11	MONTICELLO 52310
* 42QAV	DUMKRIEGER, FBM		BOX 33	SOLDIER 51572
* 42DAM	EADES, DM		RT 2	ANITA 50020
* 42FAA	EADES, PE		526 SUPERIOR	STORM LAKE 50588
* 42YR	EARLES, R	IOWA SMALL ANIMAL ENTERPRISES	1720 SO 17TH ST	FT DODGE 50501
* 42EO	ECK, DA	SUGAR CREEK KENNEL	RR 1	MONTROSE 52639
* 42JAK	ECKHOFF, R		RR 1	SIBLEY 51249
* 42LAT	ECKLOR, P	MIRTY MEADOW KENNELS	RT4	MARSHALLTOWN 50158
* 42BAU	EHLERS, D	LOVE FARM KENNELS	RR 1 BOX 181	MARATHON 50565
* 42RL	ELBERT, C			RODMAN 50580
* 42MR	ELLIS, N.I		BOX 265 RT 2	OTTUMWA 52501
* 42QW	ELLWANGER, R		BOX 148 R1	GRAND JUNCTION 50107
* 42MM	ELSNER, A		615 ONEIDA ST	STORM LAKE 50588
* 42ZO	EMMONS, M & SCHLIENZ, S	ARIARCREEK KENNEL	RR 1 BOX 83	SOLON 52333
* 42AAR	ERICKSON, C & M	KALYN KENNELS	R 1	KELLEY 50134
* 42OAR	FALES, L	FALES KENNELS	BOX 278	ALBERT CITY 50510
* 42PAM	FARNUM, NR		RT 1	CARLISLE 50047
* 42VAJ	FARRELL, R		RR 2	ELKADER 52043
* 42TAY	FAWCETT, J	CROSSVIEW KENNELS	RT 3	NEW SHARON 50207
* 42LAW	FERRISS, WJ	FERRISS WILD ANIMAL FARM	RT 1	TOLEDO 52342
* 42RS	FINCH, ARD		RR 1	KELLY 50134
* 42XS	FITZPATRICK, K	FISHER KENNELS MI VU KENNELS	R 1 BOX 116	WEST POINT 52656
* 42SA	FLANAGAN, M		RT 2	DENISON 51402
* 42MAR	FLAUGH, C & V		102 WEST 1ST ST	LEON 50144
* 42MAO	FORESMAN, R		RR 3	NORWALK 50211
* 42OAP	FORTUNE, JL		RR 2	AUDUBON 50025
* 42JO	FOWLER, D		RT. 3	CHARITON 50049
* 42OA	FOX, CC		RR 1	CINCINNATI 52549
* 42CM	FOX, J	FOX'S FORBOSH KENNELS	R 2	FOREST CITY 50436
* 42AM	FOX, JR., E		RT 3	CENTERVILLE 52544
* 42TAR	FRENO, TL	FRENO'S BORES	RT 5	FOREST CITY 50436
* 427C	FUHRMEISTER, L		69-36TH AVE SW	CEDAR RAPIDS 52404
* 42TAV	FULLENWORTH, G	FULLENWORTH KENNEL	RR 2	IOWA CITY 52240
* 42TAS	G T KENNELS		RR	STORM LAKE 50588
* 42VK	GARDNER, WJ		RR 1	SPENCER 51301
* 42AN	GARNER, D		R-2	DIAGONAL 50845
* 42GAU	GATES, R & P		RT. 5	OSCEOLA 50213
* 42FAG	GIGLER, R	BARRIS KENNELS	2119 BOYD ST	DES MOINES 50317
* 42UAT	GIMRING, P	SHADY ACRES	RR	TITONKA 50480
* 42SV	GILBERT, M		RR 1	VINTON 52349
* 42TAS	GILMORE, RL		4090 NE 66TH	KEOSAUQUA 52565
* 42GAK	GLASS, JL		RR 1	DES MOINES 50317
* 42QT	GLASS, RH		RR 1	BROOKLYN 52211
* 42DAD	GODDARD, MA	K-ANN'S KENNEL	RR 2 BOX 23	MARSHALLTOWN 50158
* 42SAG	GOKEN, CJ		RT. 1 BOX 7A	DEWITT 52742
* 42VAN	GOOD, C & D	SUMMIT VIEW KENNELS	RR 4 BOX 179	DYSART 52224
* 42GV	GOODELL, S		BOX 124	CHEROKEE 51072
* 42NAS	GOODWIN, RM		RR 2 BOX 122	MILLERTON 50165
* 42NAM	GOODWIN,J		402 WOODMANESE ST	GLIDDEN 51443
* 42MJ	GOSCH, M & E	GOSCH'S K-9S	RR 2	MACEDONIA 51549
* 42DAM	GRADY, RRD	DEE'S KENNEL	RR 1 BOX 73	IDA GROVE 51445
* 42KAG	GRAEVE, FH		RR 1	OTHO 50569
* 42VJ	GRAEVE, MA		RR 1	EARLING 51530
* 42VAA	GRAU, C	HARDI-GRAU KENNEL	RR 1	DEFIANCE 51527
* 42MN	GRAY, JT & JA		RR 2	NEWELL 50568
* 42UAG	GREEN, C & V		RR 1	DUNLAP 51529
* 42FM	GREEN, M		RR 1	LITTLE ROCK 51243
* 42FAM	GRETMANN, RL		RR 1	PLAND 52581
* 42TAY	GRIFFITH, CE			KELLERTON 50133
* 42UAT	GROEN, L		RR 2 BOX 108	AUDUBON 50025
* 42VE	GROTEWOLD, D		RR 1 BOX 36	LITTLE ROCK 51243
* 42CAU	GRUENHAGEN, G		RR 2	LAKE MILLS 50450
* 42RM	GUDE, J		RT 2	WALCOTT 52773
			RR 2A	EXIRA 50076

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* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 42JS	HALL, M & M		RR 3	VILLISCA 50864
* 42JB	HAMRICK, MM		RT 1	ACKWORTH 50001
* 42XO	HANNY, R		601 WALKER ST.	WOODBINE 51579
* 42RU	HANSEN, D&D	HANSEN KENNELS	RR 3	EXIRA 50076
* 42GAV	HARDISTY, D		RR 3	CORNING 50841
* 42HI	HARRINGTON, EF		RR 1	BLAKESBURG 52536
* 42RJ	HARRIS, R	Y-WYRE KENNELS		GRAND RIVER 50108
* 42QAL	HARRIS, S & D	WOODSIDE KENNELS	RR 2	WOODBINE 51579
* 42VAY	HARTE, LF & D	HARTELAND KENNELS	RR 1	REMSEN 51050
* 42PAM	HATTON, DAJ		RT 1 BOX 110A	CORNING 50841
* 42MAN	HAUF, L		508 NO DIVISION	STUART 50250
* 42CAR	HAUGE, D		RR BOX 62	MUXLEY 50124
* 42OO	HAVICK, M		RT 1	SHELBY 51570
* 42CAV	HAYES, C & GRAHAM, C	WOLF POINT KENNEL	RR 1	ACKWORTH 50001
* 42PAM	HEADLEY, RAD	HAMILTON CO	RR 1	ELLSWORTH 50075
* 42UAM	HEIL, L		RT 1	MARSHALLTOWN 50158
* 42OW	HERRIG, W		RR 2	DENISON 51442
* 42FT	HESS, J M		RT 1	WASHINGTON 52353
* 42TAR	HESS, K		307 S 7TH ST	DUNLAP 51529
* 42QAV	HEUSER, L R C		RR 1	MANSON 50563
* 42RU	HICKMAN, LR		103 STEELE	CORYDON 50060
* 42UN	HIGHLAND, DE	HIGHLAND KENNEL	RT4 BOX 217	HARLAN 51537
* 42PQ	HIXENBAUGH, R	LAKEVIEW KENNEL		PLANO 52581
* 42TAM	HOAGLAND, L		BOX 318	SHANNON CITY 50861
* 42AE	HOLST, C	CHAR-DU-KENNELS	RR 1	KEYSTONE 52249
* 42UAE	HOLST, L	QUALITY OIL CO.	BOX 10	BOULTON 50039
* 42XO	HOLTORF, DR		RR	CALLENDER 50523
* 42KZ	HOLTZ, RJ	ROTNA VALLEY KENNELS	RR 2	AVOCA 51521
* 42HE	HOMANDBERG, A			INWOOD 51240
* 42HAF	HOOVER, R		1408-13TH ST	MILFORD 51351
* 42HR	HOOVER, FR		BOX 154	OTHO 50569
* 42OS	HORMAN, C	HORMAN'S SUNNY DALE KENNELS	RT 3	PELLA 50219
* 42LAT	HUFFER, J		RT 1	ST. CHARLES 50240
* 42FAM	HUISMAN, D	HUISMAN AQUATIC'S	1404 HIGHWAY 60 S	SHELDON 51201
* 42AAQ	HUMMEL, CA		RT 4	WINTERSET 50273
* 42UAV	HUMMEL, D & V		RT 1 BOX 212	STANTON 51573
* 42DAV	HUSSEY, R & D	WOODLAWN KENNELS	618 PETERSON ST.	ALTA 51002
* 42VAR	JACOBS, K		RT #2	OAKLAND 51560
* 42XD	JACOBSON, ABJ	WINNEBAGO CO	RR 1	LAKE MILLS 50450
* 42WAC	JACOBSON, R & P	HILLTOP KENNEL	RT. 3 BOX 215A	COUNCIL BLUFFS 51501
* 42SAA	JAMES, E		RT. 1	MALVERN 51551
* 42KAM	JANSEN, D		RT 1	SIOUX CENTER 51250
* 42PAX	JANSEN, S		RR 2	LAKE CITY 51449
* 42WAI	JANSSEN, S & R		BOX 454	DOON 51235
* 42SR	JARVIS, JA		719 3RD AVE N	MT VERNON 52314
* 42PAC	JENNINGS, P		RT 1 BOX 183B	CHARITON 50049
* 42VAK	JENSEN, J & L		RT #1 BOX 163	PIOTA 50274
* 42LAE	JORE, JA	AY-JORE KENNELS & STABLE	BOX 281	TABOR 51653
* 42DAD	JOHNSON, G	RED BRIDGE KENNEL	RR 1 BOX 49	SMITHLAND 51056
* 42MQ	JOHNSON, M & R	LEE BEE KENNELS	RR 4	GRINNELL 50112
* 42FAU	JOHNSON, JRJ	JO & JONS KENNEL	206 W DES MOINES ST	ELDON 52554
* 42AU	JOHNSON, KC		RR 2	ALBIA 52531
* 42GAC	JOHNSON, LR		1623 VICTORIA	HARLAN 51537
* 42BAR	JOHNSON, T	JOHNSONS KENNELS	BOX 453	GRAETTINGER 51342
* 42KAK	JOHNSTON, LL	PINE KNOLL KENNEL	506 WEST STANFORD ST	JEFFERSON 50129
* 42ZF	JONES, NJ		RT 1	ACKWORTH 50001
* 42CR	JUDGE, L	JUDGES KENNELS		MORAVIA 52571
* 42UO	KAMERMAN, A			ORANGE CITY 51041
* 42GAF	KAMRATH, RM	KAMRATH KAT N KANINE KORNER	1015 CARRIAGE MILL DR	CLINTON 52732
* 42HAP	KANNEGIETER, CH		1103 GREY ST	APLINGTON 50604
* 42WAL	KARSTENS, V		RR 1 BOX 52	LAKEVIEW 51450
* 42OJ	KAUFFMAN, M	KAUFFMAN KENNELS		WAYLAND 52654
* 42JAQ	KAUFFMAN, J		R 1 BOX 114	WAYLAND 52654
* 42AK	KELLEY, MMRG	KELLEY'S KENNELS		KELLERTON 50133
* 42FAT	KELLY, B			CLARENCE 52216
* 42NV	KENKEL, L & A		RR 2 BOX 73	HARLAN 51537
* 42GAR	KING, R		R 2	WEST POINT 52656
* 42BAV	KINNEY, G & M	HORSE SHOE KENNELS	RR 1	LEWIS 51544
* 42OAC	KLAMUNDF, M & K	CEDARWOOD KENNELS	RR 1	HONEY CREEK 51542
* 42LX	KLASS, RJ	MI-KLASS KENNELS	RR 4	FT DODGE 50501
* 42MAC	KLOBNAK, V		BOX 17A	HAMILTON 50116
* 42PAO	KNUDSON, M		RR 3	RED OAK 51566
* 42MAS	KOONTZ, OL & P	PAT-O-PAL KENNEL	RT 1	PROLE 50229
* 42LV	KOTZ, G		RR 1	KIRON 51448
* 42AAS	KRABILL, A		RT 3	MT PLEASANT 52641
* 42WK	KRAGE, S	PERRY VALLEY KENNELS	7810 PERRY CREEK RD	SIOUX CITY 51108
* 42OAX	KRAGELUND, M		RT 1	PIOTA 50274
* 42TAZ	KRAMER, J	KRAMER KENNELS	RT 5 BOX 147	OSAGE 50461
* 42OAK	KRAMER, V			FOSTORIA 51340
* 42NAF	KRAUSE, F	KRAUSE SUNRISE KENNEL	RR 1 BOX 20	MASSENA 50853
* 42LR	KRAUSE, R		RR 1	FENTON 50539
* 42RR	KROGSTAD, R		BOX 880	ELK HORN 51531
* 42QQ	KROSCHE, RF	KROSCHDALE KENNELS	RT 2	KINGSLEY 51028
* 42TQ	KROUGH, RH		928 CEDAR ST	STORY CITY 50248
* 42VZ	KRUID, F			MAURICE 51036

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* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 42HAQ	KRUEB, G		BOX 108	IRETON 51027
* 42IR	KRUSE, GM		R 1	SALEM 52649
* 42VAH	KUIKEN, V		RR #1 BOX 29	MAURICE 51036
* 42MAA	LAKE, DL		RR 2	GUTHRIE CENTER 50115
* 42UAX	LALONE, L & R		RR 1	ARTHUR 51431
* 42PB	LANG, JM & JL		502 N MARION AVE	WASHINGTON 52353
* 42QAM	LANG, RAC	LANG'S KENNEL	1816 E 12TH ST	DES MOINES 50316
* 42FAD	LANGFL, LV		RR 1	TEMPELTON 51863
* 42DL	LANGSTRAAT JR, H		RT 1	OTLEY 50214
* 42RAJ	LARSEN, CAD		RR 2	AUDUBON 50025
* 42FAD	LATTA, F		RT 1	MONTICELLO 52310
* 42PAA	LAURITSEN, S & S		RR 2	EXIRA 50076
* 42JR	LAVERMAN, D & K		RR 1	SULLY 50251
* 42TAR	LEAS, ND	LUTZHAUS KENNELS REG	5532 ASHWORTH RD	WEST DES MOINES 50265
* 42AW	LEE, E	LEES KENNEL	106 LEF ST	SEYMOUR 52590
* 42FE	LEINEN, IJ	PARSOLISM KENNELS		HARPER 52231
* 42MV	LINMAN, R		RR 1	ARTHUR 51431
* 42AAJ	LITTLE, LD		BOX 186	BARNES CITY 50027
* 42RS	LIVINGSTON, MRS	WINCREST KENNEL	ROUTE 3	INDIANOLA 50125
* 42MAI	LIVINGSTON, MRK		BOX 87	FARRAGUT 51639
* 42VAN	LONG, T & T		BOX 16	SHARPSBURG 50867
* 42GW	LOVRACHAN, T		RT 3	CHARITON 50049
* 42MAH	LUNDSTROM, D		BOX 311	SPIRIT LAKE 51360
* 42WAP	LUTHER, P		RR 1	JEFFERSON 50129
* 42FZ	LYNCH, M		RR 1	W BRANCH 52358
* 42AQ	LYONS, M		RT 1	EXLINE 52555
* 42TAX	MADSEN, S		RR 1	AUDUBON 50025
* 42PJ	MARLIN, D	MARLIN WILD ANIMAL FARM	RT 1	CRESTON 50801
* 42RAP	MAUNLIN, P			REDDING 50860
* 42DV	MCCLAIN, A	MCCLAIN KENNELS	RR 1 BOX 7	HARRIS 51345
* 42BL	MCCUMBS, SD		RT 1	ACKWORTH 50001
* 42KAS	MCCREARY, JA		RR 1	MT AYR 50854
* 42XC	MCCULLOUGH, M		RT 2 BOX 71	MOULTON 52572
* 42FAO	MCDERMOTT, J	SWISS MOOD ST BERNARDS	RR 1	CHARLOTTE 52731
* 42FG	MCDERMOTT, R		RT 2	ATLANTIC 50022
* 42PR	MCDONALD, S		RT 2	ALBIA 52531
* 42MAV	MCGRANN, J		RT 1	MYSTIC 52574
* 42TS	MCINTOSH, RBS	SANRON KENNELS		FARMINGTON 52626
* 42FAJ	MCKAMEY, N		RR 1 BOX 185	BETTENDORF 52722
* 427R	MCNAIR, D&C	MCNAIR'S POODLES	RT 1 BOX 90	N LIBERTY 52317
* 42TA	MEADE, MG		RT 6 LINDER LN	IOWA CITY 52240
* 42NAC	MEANS, V		BOX 241	CARROLL 50839
* 427Q	MEEVES, RF		RR 1	IDA GROVE 51445
* 42JE	MEYER, A		70 ALLVIEW DRIVE SW	CEDAR RAPIDS 52404
* 42LAD	MEYER, K		RT 1	BRANDON 52210
* 42FAF	MICHAEL, FD		RT 2	ELKHART 50073
* 42PAV	MICHELS, S		RR 1	ROYAL 51357
* 42MI	MILES, D & J		RR 2	IDA GROVE 51445
* 42GAN	MILLER, DM		RR #2	KENTA 52248
* 42VAG	MILLER, G		RR 2 BOX 325	KALONA 52247
* 42AAC	MILLER, JF & J		RR 1	DUNLAP 51529
* 42WAA	MOELER, R	RUAN'S KENNEL	RR 1	WALCOTT 52773
* 42UAS	MOEYAERS, M & G		RR 1 BOX 253	HUMBOLDT 50548
* 42TAY	MOORE, JD		R 2 BOX 68B	NAPELLO 52653
* 42FAC	MOORE, M		BOX 226 RT 1	CENTERVILLE 52544
* 42TAU	MORGAN, R & D		BOX 3 RR 1	OTO 51044
* 42UJ	MORMAN, R		BOX 122	DAWSON 50066
* 42CV	MORRISON, L		RR 1	GRAND RIVER 50108
* 42RY	MORRISON, MC	MORRISON RARBITRY	RR 1	WEST LIBERTY 52776
* 42MAV	MORSE, AE		RR 2	MARION 52302
* 42LC	MOULDS, BE	WESTROAD KENNEL	RR #1 BOX 31	LAKE CITY 51449
* 42TAQ	MOWRY, MRS, S		PO BOX 23	CINCINNATI 52549
* 42JD	MOYER, PLRRM		RT 1	PROLE 50229
* 42VAF	MULLIGAN, M	WILCOX WOLF PARK	RT 1	DEEP RIVER 52222
* 421X	NARIGON, AG	NARIGON RENE KENNEL'S OF PR ESCOTT	BOX 184	PRESCOTT 50859
* 420G	NEALEY, CM		RR 2	DANVILLE 52623
* 42R2	NEJDL, PM	LEDJEN HILLS KENNEL	PO BOX 11A5	CEDAR RAPIDS 52406
* 42RAI	NELSON, D			LYNN GROVE 51033
* 42UAX	NELSON, G E M	SPRING RIDGE FUR FARM	R 1	AIRMINGHAM 52535
* 42RAN	NELSON, LD		800 NORTH ST	WALNUT 51577
* 42WAM	NEPERENY, M & M			STRATFORD 50249
* 42DY	NICKELL, L		ROUTE 2 BOX 146	ALLERTON 50008
* 42UAP	NIENHAUS, M & R	DUGHAU KENNEL	RR 2 BOX 100	FT ATKINSON 52144
* 42NB	NIXXEL, L		RR 1	SULLY 50251
* 42DAY	NORDBY, MRD		RT 1	KIMBALLTON 51543
* 42FO	NORMAN, REACH	NAMRON KENNELS	RT 1A BOX 166	AFTON 50830
* 42DO	OBRIEN, D&M		RT 1	RUSSELL 50238
* 42QAF	OLDENKAMP, KRM	OLDENKAMP KENNELS	RR 2	ORANGE CITY 51041
* 42MO	OVERTON, P			ALLERTON 50008
* 42PP	OVIATT, RD & K	OVIATT KENNELS	BOX 67	MAGNOLIA 51550
* 42ME	PAPLOW, M		RR 2	SIBLEY 51249
* 42NW	PARDEKOOPER, A		RR	LINDEN 50146
* 420C	PATTEN, ABEE		RR 1	AUBURN 51433
* 420Q	PECOY, R		RR #1	ROCKWELL CITY 50579
* 42LAD	PELZER, LJ		RT. 2 BOX 140	GRISWOLD 51535
* 42EAG	PENNINGS, C		RR 2	ORANGE CITY 51041
* 42UR	PENNINGS, M			ORANGE CITY 51041
* 42PP	PETERSON, RM		RR #1	GLIDDEN 51443

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* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 42RAM	PHILLIPS, RJ	R.J. KENNELS	RFD 1	ROSE HILL 52586
* 42RW	PHILLIPS, WK	PHILLIPS KENNELS	R-2 BOX 191 TOWNSHIP RD	KEOKUK 52632
* 42TAK	PIPHER, R		RT 1	COLFAX 50054
* 42MH	PILLING, DG			MEDIAPOLIS 52637
* 42MK	PILOT GROVE KENNEL & SUPP LY INC		BOX 70	HOUGHTON 52631
* 42JAG	PLUMB, D	PLUMB'S KENNEL	ROUTE 1	HARLAN 51537
* 42JAN	POL, M		RT 1	SULLY 50251
* 42NF	POLDBERG, D R M		RR 2 BOX 66	HARLAN 51537
* 42HQ	PORTER, A & F		BOX 582	DAYTON 50530
* 42SAY	PORTER, R			CUMBERLAND 50843
* 42KR	PORTER, FF		RR 2	LACONA 50139
* 42UAH	POWERS, KENNEL		BOX 18	TABOR 51653
* 42YAL	PRAKUP, J & J		117 WASHINGTON ST	ROCKWELL CITY 50579
* 42NAI	PULVER, R		RT 1 BOX 23A	RINNELL 50237
* 42KAU	PURDUM, C&J		RT. 1 HWY. 14	NEWTON 50208
* 42VAD	PURVIS, G & K		RR 2	SEYMOUR 52590
* 42JAY	QUALE, I		1438 E DUNKERTON RD	WATERLOO 50701
* 42UX	RANKIN, M		1454 F 21ST ST	DES MOINES 50317
* 42QAM	RED ROCK COON HUNTERS ASS M		RT 1	LACONA 50139
* 42HAQ	REED, L	LE-RE KENNEL	RT 5 BOX 341	CHARITON 50049
* 42LA	REIMER, M	REIMER KENNEL	ROUTE 1A	AFTON 50830
* 42PZ	REMILLARD, DB		RR #3	ALTA 51002
* 42LAV	REYNOLDS, R		RT 2	CARLISLE 50047
* 42AZ	RHOADS, L	RHOADS KENNEL		NUMA 52575
* 42SO	RHODES, M		RD #1	KALONA 52247
* 42AAD	RICE, JC		RR #5	WATERLOO 50701
* 42DA	RICHARDSON, T	J&R KENNELS	RT 1	LINEVILLE 50147
* 42GAA	RICHEY, RAE	BULL CREEK KENNELS	BOX 31	CARBON 50839
* 42KAX	ROBERTSON, GL&KB	TURKEY CREEK KENNELS	R 1	ATLANTIC 50022
* 42FAX	ROBEY, LRJ		RR 2	NEVADA 50201
* 42NP	ROCKHOLD, M&V			ALLERTON 50008
* 421F	ROEGLIN, L	ROEGLIN KENNELS	R-2	KEOKUK 52632
* 42RJ	ROETMAN, G	COACHLITE KENNELS		MULL 51239
* 42MG	ROSENTHAL, C&J	CHARLEY HORSE ACRES	RR 1	STORM LAKE 50588
* 42MY	ROSSMANITH, M		RR 1	GOWRIE 50543
* 421U	ROYCE, S		RR 1 BOX 122	GRAND JCT 50107
* 42VAM	ROYER, L		RR #3	GUTHRIE CENTER 50115
* 42FAC	ROYSTER, DRP	LAZY R KENNEL	RR 1	DUNCOMBE 50532
* 42CAI	ROZENDAAL, EA		RT 1	LYNNVILLE 50153
* 426O	RUBY, IC		RR 3	NEW SHARON 50207
* 42QAM	RUDE, M&R	R&R BUNNY BARN	RR 1	ELLSWORTH 50075
* 42LAD	RUPP, DF		RT 2	CORNING 50841
* 42LAN	SANDERS, JR&	RAINTREE KENNELS	208 MAF ST BOX 1093	STORM LAKE 50588
* 42RAT	SANDERS, RRJ		RT 1 BOX 53A	COUNCIL BLUFFS 51501
* 42LM	SAVAGE, D	CEDAR CROFT KENNEL		SALEM 52649
* 42OO	SCANLAN, DP		930 N CENTER ST	LAKE CITY 51449
* 42VAP	SCHAFTIL, L	CEDAR STONE KENNEL	R 1 BOX 230	LECLAIR 52753
* 421W	SCHENK, N	PUPPY VILLA	RR 1	STOUX CENTER 51250
* 424D	SCHERRING, FB		RT 2 BOX 116	EARLVILLE 52041
* 42CAO	SCHMITH, D		1214 MAPLE	MULL 51239
* 427A	SCHOSSOW, DL		RT 1	LAURENS 50554
* 42LAH	SCHOTT, JR&M	OAKRIDGE ACRES	RR 1 BOX 71	OTHO 50569
* 42RG	SCHRADER, P MRS,	SCHRADER KENNELS	RR #2	BATTLE CREEK 51006
* 42WAF	SCHULTZ, FFAJV	ALOHA ACRES KENNELS	RR 2 BOX 191	SAC CITY 50583
* 42LJ	SEA, J	SEA'S PRAIRIE JCT KENNELS	RT 2	MEDRICK 52563
* 42FAS	SEIVERT, E	SEIVERT KENNELS INC.		SANBORN 51247
* 42EA7	SHADA, G & M	SHANGI KENNEL	RR 1	CENTER POINT 52213
* 42TAM	SHANNON, AJ	OAK RIDGE KENNELS	R-2 BOX 159	SIGOURNEY 52591
* 42GD	SHARP, R	R&R SHARP KENNELS	RT 2	CHARITON 50049
* 42WP	SHARP, SI		RT 1	ARION 51520
* 42XT	SHEETS, VMAE	CHARES KENNELS	RR 2	IOWA CITY 52240
* 42RAK	SHIELDS, E&E	SHIELDS KENNEL	RT 1 BOX 6	LOGAN 51546
* 42LAP	SHINKLE, F & A	SHINKLE COUNTRY ACRES	RT 3	CORNING 50841
* 42ND	SIEFKEN, F		RR 2	GILMORE CITY 50541
* 42VAV	SIEMER, T	LITTLE ACRE'S KENNEL	RR #1	DOW CITY 51528
* 42MAD	SIFTSTRA, MRS M		RR 1	ROYDEN 51234
* 421M	SIMPSON, L	SIMPSONS TOY KENNEL	BOX 9441	SPIRIT LAKE 51360
* 42TAW	SMITH, DC & MM		2010 SE 61ST AVE	DES MOINES 50320
* 42FAL	SMITH, GK	WOLF HAVEN KENNELS	BOX 116	ROWAN 50470
* 42FAM	SMITH, KRM			WASHTA 51061
* 42VAX	SMITH, M		RT 1	ALBIA 52531
* 42PAN	SONDAG, G		BOX 147	BRANDON 52210
* 421I	SORENSEN, FKM		RT 2 BOX 58	COON RAPIDS 50058
* 42FAL	SPINA, BA	TU SHOW PEKINGESE & SMTH T7	1822 HAMILTON STREET SW	CEDAR RAPIDS 52404
* 42HAU	SPITLER, D	SPITLER-DOG & HUNTING SUPPL Y	BOX 95	BLAIRSBURG 50034
* 42SAP	SPORRER, M		RR 1	DENISON 51442
* 42TAV	SPRENGER, R & K		RT 2	FREDERICKSBURG 50630
* 42RAP	STAUFFER, ML	MAJARYA KENNEL	RR 1 BOX 122	FONDA 50540
* 42OAR	STEFFEN, M&M	STEFFEN'S DOBERMAN	RR 1	RUTHVEN 51358
* 42TAL	STEFFENS, J		RR #1	MACEDONIA 51549
* 42QA	STILL, JJ	STILL'S KENNEL	RR 2 PO BOX 240	SCRANTON 51462

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* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 42DAP	STIMSON,F	FRIENDLY ACRES POMS		BLANCHARD 51630
* 42KE	STOLTZFUS JR, J		RR 3	IOWA CITY 52240
* 42CY	STRAIGHT, P			KELLERTON 50133
* 42PAX	STREIT, J & WINKOWITSCH, J	KINICK KENNELS		STANLEY 51249
* 42KN	STRICKLAND, D			
* 427Y	STRIEGEL, P	STRIEGELS TOY DOGS	RT 1 BOX 174	ANITA 50020
* 42TAM	STRUNK, C & P		RR 1 BOX 129	EARLY 50535
* 42PAG	STRUVE, D		RR 1	SOMERS 50586
* 42ER	STUKERJURGEN, JJ&JV	CORNER VIEW KENNELS		VAN HORNE 52346
* 42RAT	STUFFLEBEAN, REJ	RIVER VIEW KENNEL	RR #1 BOX 155A	DONNELLSON 52625
* 42UAM	SUNKEN, JL	SUNKENS GREENBELT KENNELS I	RR 2	DUNCOMBE 50532
		T	821 SO 3RD ST	IOWA FALLS 50126
* 427K	SUNKEN, R	SUNKENS GREENBELT KENNELS		
* 42DAA	TAYLOR, DJ		RR 2	IOWA FALLS 50126
* 42DAF	TAYLOR, J	YEAGER CREEK YORKIES	RR 2	NEOLA 51559
* 42MG	TESTROET, PAL	COUNTRY KENNELS	5010 SW 8TH ST	DES MOINES 50315
* 42UZ	TESTROETE, G	ARLO FARMS	BOX 89	AUDUBON 50025
* 42XN	THACKER, J	AWAVO COUNTRY KENNELS		SIOUX CENTER 51250
* 42TAO	THIEL, MRS, F		RR 1	DUDS 52551
* 42YF	THOMPSON, CRF	CHARESTA'S KENNEL	201 NORTH 16TH ST,	ADEL 50003
* 42RAC	THOMPSON, DA		RR #1	RANDOLPH 51649
* 42WG	THOMPSON, J		RR 1	RIPPEY 50235
* 42TN	THOMSEN, G	THOMSEN KENNELS	RR 3	BOONE 50036
* 4277	TILLER, MR	TILLER ENTERPRISE	RR 8	MARLAN 51537
* 42WAA	TITUS, FR & M	FOUR T KENNEL	5801 MARK ST	PAPILLION 68046
* 42CO	TJADEN, G		RR 1 BOX 172	COLFAX 50054
* 42XR	TRAVIS, AL		RURAL ROUTE	FLOYD 50435
* 42GU	TRINKLE, M & T	TRINKLE SPRINGDALE KENNELS		LEWIS 51544
* 42WM	TROWER, L		ROUTE 5	ALBIA 52531
* 42RAO	TROWER, R	BUFFALO WALLOW KENNELS	RT 1 BOX 68	GRAND RIVER 50108
* 42VAL	TYSSELING, M & C	TYSSELING KENNELS	RR 1 BOX 126A	MELLERTON 50133
* 42CH	ULMER, MRS		RT 2	PELLA 50219
* 42VAT	VAN DER POL, M & R		BOX 136	ARTON 51520
* 42JAD	VAN DER VLIET, R		RR 1	MONROE 50170
* 42FAV	VAN DORLAND, L		RR 1	SIOUX CENTER 51250
* 42SAL	VAN DRUNEN, P		RT 1	EDDYVILLE 52553
* 42LAF	VAN GORP, SR., L		RT, 2	PELLA 50219
* 42JM	VAN HOUWELINGEN, RJ		RT 1	REASNOR 50232
* 42MAJ	VAN KOOTEN, G&M		RR 3	PELLA 50210
* 42SAF	VAN LANINGHAM, D		RT 3	OSKALOOSA 52577
* 42SAE	VAN LANINGHAM, S	DAVIS COUNTY KENNELS	R 4 BOX 105E	FAIRFIELD 52556
* 42KAT	VAN WYK, MRC		R 4	BLOOMFIELD 52537
* 42PAU	VAN ZEE, R	VALLEY VIEW KENNELS	RT, 4	PELLA 50219
* 42FI	VAN ZOMEREN, J		RT 2 BOX 18	ROCK VALLEY 51247
* 4202	VANCE, MS	SUMMITVILLE KENNELS	RR 3	OSKALOOSA 52577
* 42RV	VANDEN BERG, G & M	VAN'S KENNELS	RR #2 BOX 163	KEOKUK 52632
* 42MAD	VANDER SCHAAF, BM		RT 5	ALBIA 52531
* 42LAG	VANDEWATER, LJ		1217-6TH ST	MULL 51239
* 42UAJ	VANWYK, LM		RR 2 BOX 169	GREENFIELD 50849
* 42NAY	VAUGHN, AM		RT 1	SULLY 50251
* 42VM	VERMEER, REJ		RR 4 BOX 58A	DAVENPORT 52804
* 42PAP	VERSCHUURE, DM	VERSCHUURE KENNEL	RT 1	SULLY 50251
* 42NM	VOEGE, D		R 2	MULL 51239
* 42NG	VOS, M	JE-RO-MA-KENNEL	RT 1	LEIGHTON 50143
			RR 1	MANILLA 51454
* 42JT	WALDRON, KM	BROOKVIEW KENNELS	BOX 36 CLAREMORE MOBILE HM PK	STANLEY 51249
* 42MAF	WALKER, G R M		BOX 75	AYRSHIRE 50515
* 42CZ	WALLER, CD		RT 1	BARNES CITY 50027
* 42NAR	WALRAD, L	LADOWA KENNELS		KELLERTON 50133
* 42FK	WEAR, ERJ	HAPPY VALLEY SALES	RT 5 BOX 173	OSCEOLA 50213
* 42UA7	WEAVER, ML		1430 SPRUCE ST	IOWA CITY 52240
* 42LAU	WEBB, P		BOX 130	RIPPEY 50235
* 42VA	WEMHOFAN, K	KAY'S KENNEL		KELLERTON 50133
* 42WI	WETSMAAR, JP		515 NICKELLANE	EAGLE GROVE 50533
* 42PV	WELSCH, JM		ROUTE 2	CRESTON 50801
* 42FS	WELSH, IM	WELSH'S KENNELS	RR 1 BOX 49	GREENFIELD 50849
* 42AV	WELSH, R	WELSH KENNELS	RR 1	BLAKESBURG 52536
* 42DE	WHEELOCK, PF	VALI-VU KENNELS		MYSTIC 52574
* 42DAJ	WIEBE, LAN	CLEMENTINE'S KENNEL	RT 4 BOX 21A	BOONE 50036
* 42CA	WILLEY, FF	BLACK SHADOW KENNEL	RFD 1	WOLSTEIN 51025
* 42PF	WILLIAMS, I		800 E COLUMBUS	MT AYR 50854
* 42GA	WILSON, GS			LARCHWOOD 51241
* 42SP	WINEY, C		ROUTE 2	ALLERTON 50008
* 42PAF	WISHMEYER, N		R 1	DELOIT 51441
* 427T	WITTKAMP, L		608 N. MAIN	SEYMOUR 52590
* 427J	WOOD, P		BOX 944	CHEROKEE 51012
* 42DAR	WOOD, LF			EXLINE 52555
* 42WX	WOOD, MJ		RR 2	CASTANA 51010
* 42PO	WOOD, ML		RR 1	CINCINNATI 52549
* 421AU	WOODS, BM	YORKWOOD KENNELS	A38 OAK ST	AINSWORTH 52201
* 42GAX	WOSORA, M		RT 1	CARLISE 50047
* 42SAS	WUNSCHEL, D & P			MONMOUTH 52309
* 42DAF	WYNJA, E		RR 1 BOX 25	IDA GROVE 51445
* 42DAT	WYNN, JP	WYNN KENNELS		SIOUX CENTER 51250
			BOX 295 RR 6	W BURLINGTON 52655

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* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 42FAY	YARRINGTON, R		RR #2	CORNING 50841
* 42VAZ	YARRINGTON, P & S	YARRINGTON'S KENNELS		BRIDGEWATER 50837
* 42GAM	YOUNG, AE&LA		1813 G STREET	IOWA CITY 52240
* 42PAM	YOUNG, JM	WINDY ACRES KENNELS	R 1 BOX 4C	SPERRY 52650
* 42UAV	YOUNG, K, R & J		RT 2	SEYMOUR 52590
* 42DAZ	ZENOR, L		RT 1	OGDEN 50212
* 42DAZ	ZOFT, J&P		RR 2	MULL 51239
* 42UN	ZIMERMAAND, J	ROYAL DUTCH KENNELS	BOX 1	STRUBLE 51057
* 42RAV	ZORTMAN, G	KNOB HILL KENNELS	RR 1 BOX 195	HORNICK 51026
* 42TAJ	ZUMACH, G	ZUMACH KENNEL	BOX 123 RR 1	FONDA 50540
* 42PAV	ZYLSTRA, R		RR 2	ROCK VALLEY 51247

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* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 4RAYX3	AREL, A R M		RR 1	HOLTON 66436
* 4RAQR3	ADEF, E		RR 1 BOX 31	OAK HILL 67472
* 4RAL15	ADKINS, N & L		RT 1	CLIFTON 66937
* 4RAJX7	ALBER, G		RT 1	STERLING 67579
* 4RARA1	ALEXANDER, J & L		1013 LOCKSTONE CT BOX 12	JUNCTION CITY 66441
* 4RAP08	ALEXANDER, M		12	
* 4RAA56	ALLAKEN KENNELS		PO BOX 145	GARFIELD 67529
* 4RAD55	ALLEN, MM	ALLAKEN KENNELS	RT 1	SOLDIER 66540
* 4RAR60	ALLEN, MJ & G	CASA DE PERO KENNEL	RT. 1 BOX 118	ST. GEORGE 66535
* 4RAB15	AMON, J			CENTRALIA 66415
* 4RAV01	AMOS, E R DEWEY, A			NETAWAKA 66516
* 4RA157	APEL, PE		R 1	OSWEGO 67356
* 4RAX20	AREA, R & G		R.R. 2 BOX 5-B	SEDAN 67361
* 4RAS27	AREA, RM		RR 1	MAYETTA 66509
* 4RAY40	ASHTON, I & D			HAVENSVILLE 66432
* 4RAH08	ASKINS, DM		BOX 64	MANHATTAN 66527
* 4RAW42	ASPINWALL, PA	ASPINWALL'S DOG KENNEL	RT 5	WINFIELD 67156
* 4RRR46	AURAND, M	AURAND'S KENNEL	RR 2 BOX 202	VALLEY FALLS 66088
* 4RRR90	AUTRY, C & J	C & J KENNELS	RR 1 BOX 111A	BELLEVILLE 66935
* 4RRR33	AVIS, RAJM	SOUTH WIND KENNELS	RR 1	VALLEY FALLS 66088
* 4RAF11	AYERS, F & M		R 1 BOX 44	BELLEVILLE 66935
* 4RAK15	BADDERS, LC	GREENLAWN KENNELS	RT 2 BOX 61	WELLSVILLE 66092
* 4RAK20	BAIRD, DP		614 MYRTLE	PRATT 67124
* 4RAS02	BAKER, AY		RT 2	DODGE CITY 67801
* 4RAV58	BALLARD, CL		RJ	IOLA 66749
* 4RAWA9	BAMBENGER, DA	PRAIRIE PEKES	R 1 BOX 95	HAVANA 67347
* 4RA708	BANAKA, J	WAGGIN TAIL PUPPY FARM	RT 2 BOX 280	JEYMORE 67458
* 4RRA68	BANKS, CL	SELRANC KENNELS	RT 2	NETAWAKA 66516
* 4RAL03	BANTZ, WA			WHITING 66552
* 4RAM21	BARCLAY, P & M		RR 1	HOWARD 67349
* 4RATA1	BARKER, F & N	RUSY R KENNEL	102 SO. PLUMMER	CHANUTE 66720
* 4RAA50	BARNES, L	DELTA KENNELS	RT 1 BOX 42	LARNED 67550
* 4RAMA5	BARNES, L & PATTON, D		RT 2	VALLEY FALLS 66088
* 4RAJ55	BARNETT, M		RT 1	NETHORF 66550
* 4RAT55	BARRICKLOW, MG	BARRICKLOW KENNELS	R 3 BOX 66	COLBY 67701
* 4RRA89	BARTA, PA		RT 1	RAYMOND 67573
* 4RAZ36	BARTLEY, S & J	J & S RABBITRY	RR 2 BOX 185	INDEPENDENCE 67301
* 4RRR81	BATES, GR	K-9 KENNELS		MANEGO 66857
* 4RAH67	BAUGHN, D		9 STAR RT	GARDEN CITY 67846
* 4RAY28	BEACH, R	BEACH'S KENNEL	RT 8 BOX 21	CHANUTE 66720
* 4RRB25	BEAGLES, E	RESEARCH RABBITRY	RR 3	LAWRENCE 66044
* 4RAH65	BEAL, RKR	R&R KENNELS	R 1 BOX 20	GALENA 66739
* 4RAAA6	BEAM, ME		RT 2	EFFINGHAM 66023
* 4RALA2	BEAMAN, CL		RT 3	MORTON 66436
* 4RAV76	BEAVER, N & DAY, SL	WOODWIND KENNELS	RT 1	WHITING 66552
* 4RAB95	BECK, G		PO BOX 16	LAHARPE 66751
* 4RRA59	BECK, NE	SUNNYSIDE KENNELS		CORNING 66417
* 4RAY02	BECK, VE & L		BOX 335	ATTICA 67009
* 4RAER5	BECKMUN, R & E		RT 1	CORNING 66417
* 4RARR0	BEHRENS, G		BOX 114	COLONY 66015
* 4RAM79	BELL, MS		RT 3	MARYSVILLE 66508
			P.O. BOX 123	BEVERLEY 67423

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KANSAS

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 48A842	RENDER, N			WETMORE 66550
* 48ATA9	RENEDICT, C B F		RT 3	ELKHART 67950
* 48AM25	RENNETT, M		RT 2 BOX 129	VALLEY CENTER 67147
* 48AC95	RERG, GT		RR 1	BLAINE 66410
* 48AD21	RERG, M			WHEATON 66551
* 48AD46	RERG, L			ONAGA 66521
* 48AD27	RERG, M	MILTON RERG KENNELS		BLAINE 66410
* 48AD26	RERG, N			BLAINE 66410
* 48VA04	RERGES, D		BOX 81	ONAGA 66521
* 48AK83	RERGMAN, A		RT 1	BAILEYVILLE 66404
* 48A842	RERGMAN, M		RR	BAILEYVILLE 66404
* 48AK48	RERGMAN, RR		RT, 1 BOX 96	SENECA 66538
* 48AZ47	RERLIN, D		RT 2	OSAWATOMIE 66064
* 48AF66	RERNBITTER, R		RR	MAYENSVILLE 66432
* 48AI19	RERNTSEN, AM		RT 1	LA HARPE 66751
* 48AQ25	RERRY, EW		RR 2 BOX 106	RUSSELL 67665
* 48AJA6	REST, KRA		207 N POMEROY	MILL CITY 67642
* 48AQ76	RICKEL, RR	RICKEL KENNELS	RT 1	DODGE CITY 67801
* 48AJ14	RILLINGS, GL		RT 2	DOWNS 67437
* 48AE27	RILLINGS, MRV	SARAKI SEVERA KENNEL	BOX 35	LANCASTER 66041
* 48AM69	RIRCHER, LF		2504 N. 8TH	INDEPENDENCE 67301
* 48AW50	RISHOP, DAI		RT 1 BOX 123	MAYENSVILLE 66432
* 48AC66	RLACK, MRH		RFD 1	FRANKFORT 66427
* 48AR65	RLACKRURN, ML	RLACKRURN'S HOUND HOLLO=	RT, 8	INDEPENDENCE 67301
* 48AY95	RLACKWOOD, C		R 1	BOLDIER 66580
* 48AI7A	RLAIR, MRG	GAND M KENNELS	RT 1 BOX 235	PITTSBURG 66762
* 48AJA9	RLAND, R			LUCAS 67648
* 48APR6	RLANKINSHIP, CA		RR 2	BEDAN 67361
* 48A752	RLANTON, J		RT 1	TROY 66087
* 48AEQ8	RLANTON, LJ		RR 1.	TROY 66087
* 48AE1A	RLANTON, RW		RR 2	ROBINSON 66532
* 48AD1A	RLENN, L			WESTMORELAND 66509
* 48AM51	RLOOM, DF	SUNDANCE SETTERS	LAKE O'SHAWND	CARBONDALE 66414
* 48AMK8	RLUMENSTEIN, MD	LAKEVIEW KENNELS	RT 2 BOX 24	COFFEYVILLE 67337
* 48AP31	RLUTHARDT, A		RT 1	ST GEORGE 66535
* 48AM24	RODEN, N			MAYENSVILLE 66432
* 48AM30	ROEKEN, T & F		BOX 1	LORRAINE 67459
* 48AV60	ROETTCHER, M & V	RLUESTEM KENNEL	RR 5 BOX 165M	EMPORIA 66801
* 48AE06	ROLAN, R		RT, 1	LYNDON 66451
* 48AW02	ROLAND, E	ROLAND KENNEL	RFD	ALTON 67623
* 48AV71	ROLDT, R	ROLDT KENNELS		CHASE 67524
* 48AF00	ROLEN, F			MOUND CITY 66056
* 48AA93	ROLING, D		RT 1	HOYT 66440
* 48AY20	ROLLIG, S		310 E 4TH	CHANUTE 66720
* 48AX56	RONE, P	PAUL'S KENNELS	R 4 BOX 21	GIRARD 66743
* 48AK48	RONTRAGER, D		RR 1	WHITING 66552
* 48AR30	RONTRAGER, P		RT 1	WETMORE 66550
* 48AT73	ROSS, J		309 GRAHAM BOX 106	LEONARDVILLE 66449
* 48AY92	ROSSE, L		R 1	WHEATON 66551
* 48AM42	ROWEN, ML & CW		RR 1	SYLVIA 67581
* 48AR06	ROX, VI		423 E. MILL	COLUMBUS 66725
* 48AR26	ROYD, RK	ROYDS KENNELS	RR 1 BOX 37	PEATTIE 66506
* 48AG38	ROYER, M & HOUSE, M	HOUSEROYS KENNELS	507 SW 4TH	ABILENE 67410
* 48AG65	ROZONE, CJ		9201 S BROADWAY	WICHITA 67233
* 48AY39	RRACKEN, R & G		RT 1	FALL RIVER 67047
* 48AN21	RRANCHE, N	RRANCHE KENNEL	1209 W 21ST	JUNCTION CITY 66441
* 48AR40	RRAZZLE, MRR	MEADOW WINDS KENNELS	1203 16TH ST	WAMEGO 66547
* 48AA45	RREAKER, K	RREAK-R-DA KENNELS	R 1 BOX 66	DOUGLASS 67039
* 48AQA2	RREES, R		420 E 16TH	CONCORDIA 66901
* 48AF67	RREES, DG		RT 1	EMMETT 66422
* 48ARC	RINK, C		RT 2 ROX 13	PAOLA 66071
* 48AY73	RINKLEY, NL		R 3	WAVERLY 66871
* 48AH26	RISHEY, G		5707 S SENECA	WICHITA 67217
* 48AWA7	ROWN, MRP	YANKEE HILL KENNELS	6645 SE WOODRING RD.	BERRYTON 66409
* 48AT96	ROWN, M		RT 4	BELOIT 67420
* 48AS79	ROWN, PF & RJ		RT. 4 BOX 58	CHANUTE 66720
* 48ATRR	ROWN, RRE		BOX 21	PERU 67360
* 48AY22	ROWNSTON, J & L		R 1	LIBERTY 67351
* 48AA80	RUNA, A	RRUNA'S DOG KENNEL		HANOVER 66945
* 48AX81	RUNA, A & L		RR 1 ROX 183	WATERVILLE 66548
* 48AD14	RUNNOW, CRJ		RT 2	WAMEGO 66547
* 48AM90	RYANT, MRG	RRYANT'S KENNELS	RR 5 ROX 70	HUTCHISON 67501
* 48ARSI	RUCKLEY, M		1907 S STREET	BELLEVILLE 66935
* 48AX06	RUCKNER, S		201 W MILL	COLUMBUS 66725
* 48AX71	RUNCH, R & J	RUNCH ELKHOUNDS	1104 N GRANT	LIBERAL 67901
* 48AG66	RURCH, M		ROX 58	ROXBURY 67476
* 48AX48	RURD, F	WONDER KENNELS	RT 1	JENNINGS 67643
* 48AI75	RURDICK, R & M		109 E 20TH ST	PITTSBURG 66762
* 48AM17	RURRIS, FRS		3311 W 4TH ST	HUTCHISON 67501
* 48AN10	RURRIS, J	T J KENNELS	RT 1 ROX 65	PLAINVILLE 67663
* 48AZ12	RURT, A		1168 S WOODLAND	SALINA 67401
* 48AA20	RURTON, WM	RURTON'S KENNELS	RT 2 WEST PARK ST	DODGE CITY 67801
* 48AF58	RUTERBAUGH, M			AURORA 67417
* 48AR21	RUTSCHLE, JR MARFL	HILL-LOU KENNELS	RT 2 ROX 42	SALINA 67401
* 48AM9A	RUZARD, JC & V		RR 1 ROX 78	MCCUNE 66753
* 48AS63	RUZARD, R		R1	NEIR 66781
* 48AA01	C B P KENNELS INC		ROX 128	RARNES 66933
* 48AL58	CALLAWAY, JRRF		312 CAMPRELL ST	IOLA 66749

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* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 48AI12	CAMARATTA, E		ROX 123	BRONSON 66716
* 48AR98	CAMPRON, R & D	KITTYLAND PERSIANS	2045 MISSION RD	SALINA 67401
* 48AW27	CAMPRELL, TM	RENEGADE FRONTIER KENNELS	6403 W PAWNEE	WICHITA 67209
* 48AD01	CAMFIELD, W	CAMFIELD KENNELS	RT. 1 ROX 220	CLIFTON 66937
* 48AY86	CAMEY, RR		1201 MONEY AVE LOT L9	AUGUSTA 67010
* 48AY66	CARGTLE, J	J-RAR KENNEL	RT 2	NEODOSHA 66757
* 48AP86	CARLRURG, T		RT 2 ROX 25	FREDONIA 66736
* 48AX52	CARLTON, W R J		RT, 1 ROX 8	JUNCTION CITY 66441
* 48AF69	CARSON, RF		RT, 2 ROX R8	BERRYTON 66409
* 48AT21	CARTER, J	CARTER'S KENNELS	R 2	BELOIT 67420
* 48AS18	CARTER, K & D	K & D KENNELS	ROUTE 2	TOLA 66749
* 48AA57	CHANNEL, AL	CHANN KENNELS		CENTRALIA 66415
* 48AV81	CHAPIN, MRP		RT 2	WASHINGTON 66968
* 48ARRO	CHAPMAN, CW		353A SEWARD AVE	TOPEKA 66616
* 48AM2R	CHASE, VM		6304 S SENECA	WICHITA 67217
* 48AQ9A	CHEGWIDDEN, R		R 2	RUSSELL 67665
* 48AX66	CHICK, L		1720 NICKERSON BLVD.	HUTCHINSON 67501
* 48AG61	CIROLSKI, D		RR 1	AGENDA 66930
* 48AW26	CLANTON, M		RR 2 ROX 188C=1	NEODESHA 66757
* 48AI87	CLARK, F		P.O. ROX 736	MILDRED 66055
* 48AF27	CLARK, L		R 1 ROX 115	GLASCO 67445
* 48AA26	CLARK, LIRT	L & T KENNEL	ROX 111	GREENLEAF 66943
* 48AT12	CLARK, MA		R 1	TROY 66087
* 48AJ43	CLARK, RI & ML		418 N 3RD	STOCKTON 67669
* 48AZ25	CLAUSEN, C			PORTIS 67474
* 48AS73	CLAUSSEN, D & G		312 1/2 W FREMONT	MEDICINE LODGE 67104
* 48AD87	CLAY, C R M		RR 1	ONAGA 66521
* 48ARS9	CLAY, J		R 1	ONAGA 66521
* 48ARR37	CLAY, LSRFM		R 4	PARSONS 67357
* 48AZ07	CLAYCAMP, F		RT 1 ROX 38	GOFF 66428
* 48ARR73	CLAYCAMP, F R E		RR 1	GOFF 66428
* 48ARR9	CLAYCAMP, FR		RT 3 ROX 43A	BENECA 66538
* 48AY50	CLOTHIER, M & G	WALNUT CREEK KENNEL	RT 3 ROX 174	GREAT REND 67530
* 48AM18	CLOTHIER, J R J	JAY CEE'S KENNEL	501 WESTRIDGE	HUTCHINSON 67501
* 48AR23	CLOUSTON, V	CLOUSTON KENNELS	RT 1	NESS CITY 67560
* 48AD11	COBERLY, ARM		RT 1	DIGHTON 67839
* 48AF07	COLE, R	COLES KENNEL		BEVERLY 67423
* 48AJ95	COLLE, C & D	CAMDEN KENNELS	RT 1 ROX 146	MEDICINE LODGE 67104
* 48AY66	COLSTON, G		ROX 147	HAMILTON 66853
* 48AW51	COMRS, MRC	COMRS KENNEL	R 1	CENTRALIA 66415
* 48ARR6	COMPTON, SCRML		R 5	MIAMIRA 66434
* 48AL76	CONARD, C	TIMKEN KENNELS		TIMKEN 67552
* 48AY77	CONAN, CJ & MJ	M & C KENNEL		SUPERIOR 68978
* 48AT11	COOK, MRP		RR 1	FORT SCOTT 66701
* 48AL05	COOPER, M		RT 3 ROX 56	CHAPMAN 67431
* 48ARA5	COOPMAN, R	COOPY'S KENNELS	RR 2	WAVERLY 66871
* 48AZ30	CORNWELL, L R SCHOEN, R		RR 3	OSBORNE 67473
* 48AX48	CITTINGIM, R		RT 2 ROX 28	CHERRYVALE 67335
* 48AC18	COTTRELL, A		R 2 ROX 10	CORNING 66417
* 48ARR2	COUCHMAN, MAG	TEGALA KENNEL'S	315 SOWARD	WINFIELD 67156
* 48AM04	COUNTRYMAN, DAR	DA-RE-LI KENNELS	RT 1 ROX 75	EGRON 66941
* 48AA62	COVERDALE, GV		RR 2	SOLDIER 66540
* 48ARR4	COX, R & M		RT 1	ELK CITY 67344
* 48AJ51	CRAFT, CC		RT 1	EDSON 67733
* 48AYA3	CRAIN, J	A-LF-JEANS KENNELS	RT 1 ROX 72A	CHETOPA 67336
* 48AK32	CRANE, RF		NORTH STAR ROUTE	DODGE CITY 67801
* 48AC02	CROME, G			MERKIMER 66033
* 48AC03	CROME, G			MERKIMER 66033
* 48AC13	CROME, K			AREMEN 66412
* 48AA58	CRONE, A	ALBERTA CRONE KENNELS	RT 1	GREAT REND 67530
* 48AA08	CWONE, R		RT 3	GREAT REND 67530
* 48AG02	CROSS, D		RT 2	CENTRALIA 66415
* 48AC09	CROSS, M		RR 1 ROX 137	SENECA 66538
* 48AY76	CROWLEY, J		520 NO WALNUT	GREENSBURG 67054
* 48AJ20	CULBERTSON, J		RT, 4 ROX 169	FREDONIA 66736
* 48AF47	CUNNINGHAM, DL		RT 1	PRINCETON 66078
* 48AC06	DALINGHAUS, MF		RT 3 ROX 37	SENECA 66538
* 48AA99	DALINGHAUS, MF		RR 1	BAILEYVILLE 66404
* 48AMA1	DANIELS, V			POWHATTAN 66527
* 48AC45	DAR-MAR INC		PO ROX 343	MARYSVILLE 66508
* 48AD9R	DAVIDSON, A		RT 1	BURLINGAME 66413
* 48AQ78	DAVIS, D			LUCAS 67648
* 48AM12	DAVIS, JR&N		RT 3 ROX 450	INDEPENDENCE 67301
* 48AH29	DAVIS, T&F		901 E 54TH ST SOUTH	WICHITA 67216
* 48AX08	DEAN, L & CROSSON, B & B	CROSSON KENNEL	RT 3	MINNEAPOLIS 67467
* 48AN50	DEREY, L	MEL-LENA KENNEL	816 M. BEALE ST.	DOWNS 67437
* 48AD79	DEETER, CK		1520 NE 50 RT 5	TOPEKA 66617
* 48AA40	DEINLEIN, K		RT 2 ROX 18AE	NEODESHA 66757
* 48AN29	DEKAT, M		RT 1	ST GEORGE 66535
* 48AP07	DELKER, ML		RR 2	JETMORE 67854
* 48AZ01	DENK, C		RT 1	AGENDA 66930
* 48AF52	DERUSSEAU, S	SONIDEE CATTERY	ROX 215	CLYDE 66938
* 48AR64	DETERS, CA		ROX 2	BAILEYVILLE 66404
* 48AC02	DETERS, I		ROX 127	BAILEYVILLE 66404
* 48AN30	DETHERAGE, D		RT, 1 ROX 203	LAWRENCE 66044
* 48AM4R	DETTKE, DRM		R 4	MARYSVILLE 66508
* 48AA66	DEVADER, R&M		RT 1	HOLTON 66436
* 48AFA2	DICK, LMRCD		7401 PARKVIEW	KANSAS CITY 66109

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LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
48AN37	DICKSON, RD		RT 2 BOX 111	INDEPENDENCE 67301
48AA83	DITMARS, L	DITMARS' KENNELS	R 1 BOX 132	WASHINGTON 66968
48AL69	DOEPKE, GL		R 2	HUMBOLDT 66748
48AJ26	DOLEZAL, RM&R	RRR KENNELS	RT 1 BOX 76	KANOPOLIS 67454
48AN28	DONALS, R&P	DONALS KENNELS	RT 4	WINFIELD 67156
48AD99	DORR, D		RR 2	BURLINGAME 66413
48AR38	DORSEY, DLRM	DORSEYS PERSIANS	250 SOUTH SANTA FE	SALINA 67401
48AG44	DOTY, RL & S	ARDEE KENNELS	RT 2 BOX 156	SALINA 67401
48AA37	DOUPNIK, M	ELK CREEK KENNELS	BOX 73	AGENDA 66930
48AD85	DREYER, M		4120 NE SEWARD RT 6	TOPEKA 66605
48AA81	DUENSING FI & V		BOX 116	BREMEN 66412
48AK93	DUFT, MC		RT 1	STERLING 67579
48AA52	DULING, D		RT 1	WALNUT 66780
48AD66	DUNCAN, DE	DUNCAN'S KENNELS	RT 2	WAMEGO 66547
48AX65	DUNHAM, T & M		RFD 1	HAMILTON 66853
48AY18	DUNIGAN, J		2540 S.E. 32 ST	TOPEKA 66605
48AE25	DUNN, NL		RT 2	EFFINGHAM 66023
48AA23	DYE, RM		RT 3 WILROADS GARDENS	DODGE CITY 67801
48AS55	EAKINS, AL		RT, 1 BOX 734	CLYDE 66938
48AF28	EAKINS, J		R 1 BOX 74	CLYDE 66938
48AA42	EATON, L		R1 BOX 146	SCAMMON 66773
48AY93	ECKELS, R	ECKELS KIDS' PUPPY PALACE	RT 1	NESS CITY 67560
48AY15	ECKELS, WJ RF		321 N 6TH	NESS CITY 67560
48AZ21	EDMONSON, D R P	DAYBREAK KENNEL	RT 2 BOX 40	LOUISBURG 66053
48AX01	EGGERS, L	FAIRVIEW KENNELS	RT 1 BOX 91	BELLEVILLE 66935
48AW79	EIFERT, A	ANNAROSA KENNEL		EUREKA 67045
48AI42	ELDER, G	JERRYS KENNELS	RT 1	HUMBOLDT 66748
48AW23	ELDER, JRL	L&J KENNEL	RR	MORROWVILLE 66958
48AV42	ELLISON, DRP	SILVER CREEK KENNEL	BOX 82	PRESTON 67569
48AB83	ELMORE, WLI	FLAGG KENNELS	1301 N 21ST	INDEPENDENCE 67301
48AQ90	ELNIFF, RAP	TRIPLE CREEK KENNELS	R 1	JAMESTOWN 66948
48AE89	ELSTROM, TRRM	EL CLOUD KENNEL	RT 1	CONCORDIA 66901
48AZ05	EMERSON, M & L	TNGLESTONE KENNEL	RT 2 BOX 87	BURRTON 67020
48AZ22	ENGELKE, E		RFD 2	KENSINGTON 66951
48AB63	ENGELKEN, R & M		RT 2	GOFF 66428
48AL17	ENGELKEN, L		RT 1	FRANKFORT 66427
48AY90	ENGLER, J & R	ENGLER-KENNEL	8735 SW INDIAN HILLS	TOPEKA 66604
48AY35	ENGLISH, C & J	ENGLISH'S KENNEL	PO BOX 104	NEAL 66863
48AC12	ENNEKING, L		512 S. 8TH	SENECA 66538
48AN89	ENNEKING, MJ	ENNEKING KENNEL		CENTRALIA 66415
48AY16	ENRIGHT, C & MRS, NEIL		RT 1	SOLOMON 67480
48AG05	EVANS, EMERL		RT 1	MARYSVILLE 66508
48AL92	EVARTS, VD	EVARTS KENNELS	318 MAIN	WALTON 67151
48AI60	FADELY, L		RT 1	SEDAN 67361
48AT37	FAIRBANKS, RRN & CLANTON, E		RR 2 BOX 87C	NEODESHA 66757
48AF08	FALDER, LA			BEVERLY 67423
48AD22	FALK, DI			WHEATON 66551
48AT47	FANKHAUSER, LJ & MM		RT 2	MADISON 66860
48ANA2	FANN, MJ		TUTTLE CREEK TR CT LOT 5 7	MANHATTAN 66502
48AK05	FARLEY, J&J	JE-MI-JAC KENNELS	RT 1	TESCOTT 67484
48AM76	FARMER, J & M		RT 1 BOX 51A	ALTOONA 66710
48AX58	FARR, G		RT. 1	OBERLIN 67749
48AA80	FEE, H		423 N KANSAS	COLUMBUS 66725
48AC36	FELDHAUSEN, FL		RT. 1	AREMEN 66412
48AY71	FELDKAMP, K & M		RT 1	CENTRALIA 66415
48AX32	FENGEL, ML		RT. 1	OAKMILL 67472
48AI85	FENINS, LS		RR 2 BOX 35	MORAN 66755
48AX55	FENINS, P R D		R 2	HUMBOLDT 66748
48AE37	FINGER, F		RT 1	MANHATTAN 66527
48AE29	FINGER, R&M		1696 3RD	MORTON 66839
48AS06	FINLEY, T		RT 2	MERINGTON 67449
48AX46	FINLEY, W	FINLEY KENNELS	RT 1	MORGANVILLE 67468
48AM98	FINLEY, VBL		BOX 165	WALNUT 66780
48AQ20	FINNEY, JL&MK	MILLSIDE KENNELS	BOX 145	ELK CITY 67344
48AV40	FISCHER, A			WHEATON 66551
48AT61	FITZMAURICE, A & D		RT 2	HUMBOLDT 66748
48AH48	FLETCHER, J&P	MANWOD KENNEL	981 WINDOVR	CANON CITY 81212
48AV67	FLICKINGER, JA & DEAL, M		RR 1	HARVEYVILLE 66431
48AJ96	FORD, WA		323 S OAK	MEDICINE LODGE 67104
48AX06	FORESTER, G & M		R 4	FT. SCOTT 66701
48AM02	FOWLER, D		P.O. BOX 1502	LIBERAL 67901
48AK26	FOWLER, P		758 S CAIN	LIBERAL 67901
48AM44	FRAME, P		618 BOX ELDER	MULVANE 67110
48AS39	FRASER, A	BARN FRASER KENNEL	BOX 28	AMES 66931
48AY03	FRASER, J & A		RT 5	CLAY CENTER 67432
48BA30	FRAUENFELDER, RG		RR 1	WAKEFIELD 67487
48AJ18	FREEMAN, S		RT 1 BOX 1	FREDONIA 66736
48AM16	FREIDENBERGER, ARA	FREIDENBERGER KENNELS	BOX 52	BISON 67520
48AV52	FRENCH, W		RT 2	MIAMATHA 66434
48AY86	FULLER, J & F	STARDOND ACRES	RT 2 BOX 161	SYLVAN GROVE 67481
48AF76	FUND, J		RR 1	NETAWAKA 66516
48AA0A	FUNKE JR, E		RR 2	WASHINGTON 66968

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LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
48AY55	GAERTZEN, S	BUNNY ACRES	RT 1	BUHLER 67522
48AR81	GARRTSON, RK & BONS		BOX 218	LINCOLN 67455
48AM03	GATES, M	GATES KENNELS	BOX 65	HAZELTON 67061
48AT18	GAY, R & P		R 1 BOX 385A	GARDNER 66030
48AC97	GEER, M		RT 1	CLAY CENTER 67432
48AZ06	GEMLEN, A R C	ACE KENNELS	106 E SECOND ST	MEDICINE LODGE 67104
48AM71	GEIER, C		RT 4	GIRARD 66743
48AR27	GIARS, L	TWIN RIVERS KENNEL	PO BOX 414	NEODESHA 66757
48AX80	GIDEON, A R D	POTAGOLD CATTERY	RT 1	PAXICO 66526
48AN81	GIEFER, C&L		210 SOUTH 32ND ST	PARSONS 67357
48AJ77	GIEFER, M		RR 1	KINGMAN 67068
48AR87	GILBERT, M		RT. 1 BOX 5A-A	REXFORD 67753
48AY20	GILLIS, M R W		BOX 55 R#3	AUGUSTA 67010
48AI83	GILMORE, G		RT 2	LARNED 67550
48AM85	GLENN, VL	GLENNEDEN KENNELS	R 1	HAYFIELD 67103
48AS83	GUERTZEN, V	VBK KENNELS	RR 1	INMAN 67546
48AX08	GOLDEN, TL		RT 3 BOX 298A	LAWRENCE 66044
48AT11	GOOD, TJ		BOX 45	LAKE CITY 67071
48AM89	GOODIN, RD		RT 2	DERBY 67037
48AM38	GOODWIN, M		BOX 113	SUMMERFIELD 66541
48AX60	GORDON, T R C		R 4 BOX 111	COFFEYVILLE 67337
48AK72	GOSNELL, J		508 LINCOLN	INDEPENDENCE 67301
48AK64	GRANNEMANN, R		RT 2	WALNUT 66780
48AV21	GRANT, EL		402 NO LOGAN PO BOX 331	ATTICA 67009
48AW57	GRAVEN, R&J	GRAVEN KENNELS	RP 4 WEST RIVER RD	PRATT 67124
48AJ84	GRECIAN, NV			PALCO 67657
48AJ92	GRIFFITH, JL	GRIFFITH'S KENNELS	RT 1 BOX 17	WAKEENEY 67672
48AH61	GRIFFITHS, R&L	GRIFF'S KENNELS		CENTRALIA 66415
48AX19	GUHR, M&D	FOX WOOD KENNELS	RT 3 BOX 139	MILLSBORO 67063
48AR16	GUILFOYLE, MD	EMERALD VALLEY KENNELS	RR 3 BOX 77	GARNETT 66032
48AW36	GULLEY, M&C	GULLEYS KENNEL	RTE 3 BOX 159A	LAWRENCE 66044
48AY51	GUNN, NJ		320 CRESTLINE DR	LAWRENCE 66044
48AR19	GUNNELLS, M	ROCKY TOP KENNELS	RT. 1 BOX 98	CARBONDALE 66414
48AJ78	GURTNER, M		RT 2	KINGMAN 67068
48AM89	HALL, J&J		2107 IDA ST,	WICHITA 67211
48AA79	HAMMERLY, AJ		R 2	MERIDEN 66512
48AW58	HAMMON, L	COUNTRY KENNELS	RT 1	CONCORDIA 66901
48AY72	HANEL, R		RR	COURTLAND 66939
48AW59	HANEY, ERV	HANEY LANE	BOX 1	CONWAY SPRINGS 67031
48AV38	HANN, I&M	HANNS KENNEL	R 1	PERU 67360
48AN68	HARDESTY, A		RT 2	GARNETT 66032
48AI10	HARMON, J		RT 1	ALTAMONT 67330
48AQ48	HARRIS, RA		BOX 165	CLIFTON 66937
48AP73	HARRIS, SR	WHITE ROCK KENNELS		BURR OAK 66936
48AH31	HARRY, M		1140 DAYTON	WICHITA 67213
48AG45	HARTENSTEIN, M		1005 NW 4TH	ABILENE 67410
48AG05	HARTER JF & MJ	SWISS FIRE KENNEL	RT 2	PERN 66408
48AN52	HARTMAN, CL		620 W NEW YORK ST	SMITH CENTER 66967
48AH17	HARTMAN, HRG	HRG KENNELS	RFD	SMIELDS 67474
48AR29	HARTMAN, HC R ML	HARTMAN KENNELS		SMIELDS 67474
48AY19	HATCH, EL		RT 4 BOX 215	LAWRENCE 66044
48AJ06	HATCH, MW	HATCHES KENNEL	206 N GROVE	YATES CENTER 66783
48AP67	HAUG, G	FALL VIEW KENNEL	BOX 41	COTTONWOOD FALLS 66845
48AG70	HAUG, L	HAUG KENNELS	210 NW 10TH	ABILENE 67410
48AF77	HAUG, WL		5831 NW BRICKYARD RD	TOPEKA 66618
48AE51	HAUGHENBERRY, M		R 2	HOLTON 66436
48AC03	HAUGSNESS, N E	POODLE ETCETERA	901 HENRY ST.	ATCHISON 66002
48AG31	HAVERKAMP, A		R 3 BOX 73	SENECA 66538
48ARA6	HAVERKAMP, EW		RT 1	CORNING 66417
48AB77	HAVERKAMP, R		BOX 337	CENTRALIA 66415
48BA42	HAY, FF			ONAGA 66521
48AY31	HAYDOCK, ES		1334 AUTEN DR	FREDONIA 66736
48AX38	HEGER, RM	HEGER'S KENNEL	RT 1 BOX A1	HUGOTON 67951
48AR85	HEIMAN, T		RR 3 BOX 139	SENECA 66538
48AT28	HEIMERMAN, J		R 2	PRETTY PRAIRIE 67570
48AZ40	HELLER, J	WINDY RIDGE KENNEL	RFD 1	HUNTER 67452
48AA07	HELMBRECHT, D&M	DENEMAR KENNELS	BOX 386 WEST 8TH ST	BELOIT 67420
48AM86	HENDERSON, RJ & S		BOX 2	SOLOMON 67480
48AX89	HENNINGSEN, R	TONIA KENNELS		MANKATO 66956
48AQ29	HENRY, JA		505 S. 3RD ST.	SENECA 66538
48AX03	HENRY, KJ		RT 1	CENTRALIA 66434
48AV08	HERDER, G R R		RT 1	HUMBOLDT 66748
48AV39	HERRMAN, MRW		309 WESTERN	ONAGA 66521
48AM20	HESTER, M		RT 1	PLEVNA 67568
48AX13	HILL, ABJ	BURNTWOOD HILLS KENNEL	RR 1	RENKELMAN 69021
48AK38	HILL, F		RT 1	JETMORE 67854
48BR76	HILLYARD, G	G&M PUPPY LOVE DIST	BOX 130	NEODESHA 66757
48AG04	HINDE, CF		BOX 94	CASSODAY 66842
48AG47	HINDE, MF		222 W 7TH	FLORENCE 66851
48AS01	HINDMAN, VM	HINDERER'S KENNELS	RT 1 BOX 144	WAKARUSA 66546
48AA96	HITTLE, SR., R & A		RR 2 BOX 104	MAYETTA 66509
48AK16	HODGINSON, R		RR 2	PRATT 67124
48AC77	HOLLIMAN, LL		RT. 1 BOX 49	WATERVILLE 66548
48AI63	HOLROYD, M		RT 1	SEDAN 67361

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LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
48RR97	WOLTERMAN, J & S	VILLAGE PET SHOP	812 NO CLANDUN	LIBERAL 67901
48AQ88	WOLTHAUS, A		RT 1	SENECA 66538
48AP87	WOLTHAUS, C		RR 3 BOX 135	SENECA 66538
48AW18	WOLTHAUS, JL		RT 3	SENECA 66538
48AG07	WOLTHAUS, JM		ROUTE 1	SENECA 66538
48AV65	WOLTHAUS, KJ		RR 1 BOX 123	SENECA 66538
48AI84	WOOBLER, A & B		RT 2	OSWEGO 67356
48AL86	WOWARD, F		RT 2	ONAGA 66521
48AT51	WOWARD, REG	MISTY MORNING KENNELS	R1 BOX 81C	NEOSHO RAPIDS 66864
48RR72	WOWE, E	WOWE'S KENNEL		HERRER 66970
48AG68	WOWIF, JESR	J&R PETS	RT 3	ABILENE 67410
48RR85	WUFF, A	W & W PET SHOP	515 MATTHEW	CONCORDIA 66901
48AZ31	WUFFLES, R & S	S & S KENNEL	PO BOX 131	MERIDEN 66512
48AC22	WUGHES, RL		RT 2	SOLDIER 66540
48AD09	WUGUNIN, LL		RT 1 BOX 53	LEONARDVILLE 66449
48AK95	WULL, WW	WULL'S KENNELS	RT. 2 BOX 200	BELLEVILLE 66935
48RA83	WULSBY, J & P	LAZY W KENNELS	RT 2 BOX 29	CANTON 67428
48AN66	WUMBOLT, L		RR121	ELK CITY 67350
48AA63	WUND, WA		307 IOWA	WOLTON 66436
48AY09	WURT, R & W	RO WAR KENNELS	R R, BOX 251	CHANUTE 66720
48AL21	WUSTON, JR	ESTES GATE KENNEL	RT 1	WILFORD 66516
48RR01	WUTTON, D		307 W BRADLEY	SEDAN 67361
48AW29	ILLINGWORTH, DE & R	ILLINGWORTH CATTERY	627 PARK PLACE	SALINA 67401
48AYRR	IRVIN, WI		RR 1	HOYT 66440
48AW98	IRWIN, WD	HAVEN HILL KENNEL	R 1 BOX 9R	TECUMSEH 66542
48AI68	JACKSON, DRJ	JU-JA'S KENNELS	RT 1 BOX 18	SEDAN 67361
48AL79	JACKSON, KJ		RR 3	BURLINGTON 66839
48AY98	JACKSON, L		RT 2	CLIFTON 66937
48AX93	JACKSON, RF		BOX 125	HARVEYVILLE 66431
48AI53	JACOBS, VS		BOX 175	PAWNEE ROCK 67567
48AV61	JAMAY, JKM		RT 1	HAZELTON 67061
48AA19	JANDERAS, RF		RR 1 BOX 57	HANOVER 66945
48RR59	JENSEN-SALSBERY LABS,		2000 SOUTH 11TH ST	KANSAS CITY 66103
48AD51	JOHNSON, AE		RT 1	RANDOLPH 66554
48AJ23	JOHNSON, C & V	LAZY-J KENNELS		LEBANON 66936
48AS11	JOHNSON, IS & RJ		RR 1 BOX 63	OLSBURG 66520
48AR06	JOHNSON, N	TUJA CATTERY	RT 1	NORWOOD 66962
48AD86	JOHNSON, P	HILL TOP KENNELS	6333 NW TOPEKA	TOPEKA 66617
48AV50	JOHNSTON, M&T		R 2 BOX 31	COFFEYVILLE 67337
48AR20	JONES JR, WM		ROUTE 1	WETMORE 66550
48RA10	JONER KENNELS INC			NETAWAKA 66516
48AX45	JONES, AM		3315 N 115TH ST	KANSAS CITY 66109
48AC30	JONER, CJ	KEN-LYN KENNELS	RR 1 BOX 28	BEATTIE 66406
48AP07	JONES, E		BOX 234	MCCUNE 66753
48AY6R	JONER, HC		RT 1	STARK 66775
48AM06	JONES, L		509 S EXCHANGE	ST JOHN 67576
48AY81	JONES, P		R 1	ELK CITY 67350
48AW87	JONES, WKM		RR 2	DOUGLASS 67039
48RR67	JOSSERAND, J&L	LOU JAC PETS	7550 SO, BROADWAY	WICHITA 67233
48AD72	KAMPS, G		RT. 1 BOX 212	CLIFTON 66937
48AY65	KAMER, JR, M & P		6880 N.E. CROCO RD	TOPEKA 66617
48AX22	KASSELMAN, M & L	KASSELMAN KENNELS	RT. 1 BOX 105	OLSBURG 66520
48AP02	KBM KENNELS	KBM KENNELS	ROUTE 1	CLIFTON 66937
48AM75	KEBERT, CD		RT 4	FREDONIA 66736
48AX70	KEEGAN, D & K		RT. 1	BATLEYVILLE 66808
48AQ91	KEISWETTER, D&M		RFD #2	NORTON 67654
48AN33	KELLENBERGER, G		RT 1	BARTWA 66538
48AZ10	KELLER, R	BLUE HILL KENNEL	BOX 143	HUNTER 67452
48AA15	KELLEY, W	KHIL KENNELS	RT 2 BOX 55	CLIFTON 66937
48AV92	KELLY, GL & DA	COUNTRY KENNELS	RT 1	HOLTON, 66436
48AH09	KEMP, D&F		RT 1 BOX 187	DEXTER 67038
48AT32	KENNEDY, ML	L&M KENNEL	310 S DOUGLAS	LYONS 67554
48RR55	KENNY'S KENNELS		R 2	ST JOHN 67576
48AE02	KERNS, GI		RW 4 BOX 159A	OSAGE CITY 66523
48ATA5	KERR, ML		R1	SILVER LAKE 66539
48RR54	KIEFFER, J	MACONDA KENNELS	BOX 102	GLEN ELDER 67846
48AK11	KILGORE, T		RT 1	HILLSVILLE 67109
48ATAR	KILLOREN, F	KILLOREN KENNELS		POWHATTAN 66527
48RR16	KING, D	LUMBERT'S KENNELS	RT 1 BOX 270	WINFIELD 67156
48AS46	KING, JL & MJ	KING'S KENNELS	RTE 1 BOX 71	SCOTT CITY 67871
48AX96	KINNAMON, D & D	KINNAMON'S KENNELS	RT 4 BOX 102	INDEPENDENCE 67301
48AK56	KINNEY, AR		PO BOX W	MERIDEN 66512
48AM65	KINZIE, R		RTE 1 BOX 56	SAWYER 67134
48AF45	KIRK, E & K		BOX 216	SCANDIA 66966
48AS46	KIRK, JD		RT 1 BOX 48	COLUMBUS 66725
48AY08	KIRKMAN, JJ & G		ROUTE 1	VALLEY FALLS 66088
48AG73	KISSINGER, D		RR 1 BOX 275	MULVANE 67110
48AY04	KLASSEN, RR		RT 1	INMAN 67546
48RR55	KLINGENBERG, R&E	RETKEN KENNELS	ROUTE 4 BOX 215	LAWRENCE 66044
48AZ18	KLINKE, M & M		622 BERTRAND	MANHATTAN 66502
48ATAR	KNAPP, MW & B	SHADY OAKS KENNEL	RT 3	CHANUTE 66720
48AI78	KNOPP, VJ & J		RT 1 BOX 190A	HAYS 67601
48RA20	KNOX, RD	ROSNOX KENNELS	PO BOX 147	VALLEY FALLS 66088
48AT06	KNOX, RL	KNOX'S COUNTRY KENNELS	R 1	AGENDA 66930
48AD28	KOCH, AJ			BLAINE 66410
48AE58	KOCH, DM		RT 1	BATLEYVILLE 66808
48AC26	KOCH, T		RT 2	AXTELL 66403

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48AG74	KOEHN, MWJ	KOEHN KENNEL	RT 2 BOX 68	MOUNDRIDGE 67107
48AR07	KOEHN, RARCE		R2 BOX 808	INDEPENDENCE 67301
48AK81	KONECNY, V			LINCOLNVILLE 66858
48AT63	KORNFIELD, A & J	HIGHLANDER COLLIES	ELM ST	EVEREST 66424
48APA3	KRAFT, PL		RR #1	JETMORE 67854
48AX90	KRAUSE, R R C		1115 E 11TH AVE	HUTCHINSON 67501
48AE39	KREBS, CF & SON		RT 1	MANHATTAN 66527
48AT52	KREHBIEL, D & D	KREHBIEL'S KENNELS	RT 2	KINGMAN 67068
48AK22	KRIER, LMBAL		BOX 323 1217 BIRCH	ASHLAND 67831
48AC27	KROGMAN, E	KROGMAN'S KENNELS		AXTELL 66403
48RR32	KRUCKENBERG, SM		2851 OREGON	MANHATTAN 66502
48AG32	KUEHL, FRC	KUEHL & KUEHL		ONAGA 66521
48AD11	KUEHL, L			ONAGA 66521
48AX50	KUHN, W R C		1423-21ST STREET	GREAT BEND 67530
48AW40	KUNZLER JE & MCKINLEY RS	K&M RARRITRY	RT 1 BOX 143	GARDNER 66030
48AE73	KURTZ, R		RR 2 BOX 38	EUDORA 66025
48AY07	LAKESIDE ACRES KENNEL		RR 3	KINGMAN 67068
48AY59	LAMOSA KENNELS			COURTLAND 66939
48RR03	LAMPERT, RF	LAMARIAR KENNELS	GEN DEL	MAHASKA 66955
48AY40	LANGSTON, LE	L & S KENNEL	RR 2	OSKALOOSA 66066
48ANA5	LANOUE, J		RR 3	CONCORDIA 66901
48AN59	LANTIS, RW	4-L KENNELS	BOX 624 RT 3	OTTAWA 66067
48AZ83	LARRISON, F		426 E. 6TH	WOLTON 66436
48AAR1	LARSEN, D R D	LARSEN KENNELS	RT 2	WOLTON 66436
48AT53	LARSH, S		BOX 97	LONGTON 67352
48RA36	LARSON, J	LARSON KENNELS	R 3 BOX 48	LAWRENCE 66044
48AP13	LARSON, LOREF		RR 1	WATERVILLE 66548
48AZ19	LAUGHLIN, S R R		RT 3	WALTON 66436
48AIA5	LAWRENCE, F	SILVER STAR KENNELS	RR #1 16A-AA	SEDAN 67361
48AQ09	LAWRENCE, J		RT.2 BOX 264	WINFIELD 67156
48AG11	LEAMING, E			PLEASANTON 66075
48AX77	LECLAIR, JRR		RT 2 BOX 80	CLYDE 66938
48AQ31	LEE, ME		NO 1 PARK PL	MEDICINE LODGE 67104
48AM26	LEIDIG, W		RT 3	CLAY CENTER 67432
48AW05	LEIS, JA		RR 1	GARDEN PLAIN 67050
48AY07	LEWMAN, V R R	R-VEE KENNEL	RR 1	DELTA 66418
48AP12	LIERZ, J		RT 1 BOX 105	FRANKFORT 66427
48AB04	LIERZ, LA		BOX 162	WETMORE 66550
48AY23	LINDEN, RF & R	BUNNY'S COUNTRY KENNEL	RR 2 BOX 54	CUMMINGS 66016
48AC86	LINKUGEL, D		RT 2	MARYSVILLE 66508
48AS12	LINNEMAN, F	LOCHE LINNHE KENNELS	103 N MONROE	SMITH CENTER 66967
48AY80	LITKE, R & S		RT. 1	ALTA VISTA 66834
48AV7R	LITTLE, R	DUSTY ACRES KENNEL	R.R.1	CENTRALIA 66415
48AI35	LOEHR, A & J	LOEHR KENNELS	801 N GROVE	YATES CENTER 66783
48AWA6	LOGUE, DRR	LOGUE'S KENNEL	R 2 HOLLYWOOOD ADD	DODGE CITY 67801
48AV62	LONG, C		RT 1 BOX 100	WESTMORELAND 66549
48AA71	LONG, E			CIRCLEVILLE 66416
48AT5Q	LONG, MEF		R 1	BEVERANCE 66081
48AG75	LONG, PRR	PINE VALLEY KENNELS	RT 1	PECK 67120
48AT05	LOOSE, FF		PO BOX A	NASHVILLE 67112
48AZ20	LOTZ, D	DEF'S KENNEL	RT 1 BOX 68	EDNA 67342
48AZ76	LOVELAND, M	RED HOUSE	R 1 BOX 138	RILEY 66531
48AQ76	LOWE, CR		RR #2 BOX 140	CHANUTE 66720
48AMA5	LOWE, M	MEL'S KENNELS	RT 4 BOX 12	GIRARD 66743
48AZ02	LOWE, V R M		R 2 BOX 250	CHANUTE 66720
48AWA1	LUCKE, E		RT 2	GIRARD 66743
48AHA0	LUCKE, L		RT 1	GIRARD 66743
48AT09	LUFF, CL & BLAIR, MM	COUNTRY KENNELS	BOX 7	CORNING 66417
48AY47	LUHMAN, GW & DM		RT 1	RICHMOND 66080
48AT67	LUMLEY, T&N		RT 1 BOX 79	PERU 67360
48AS28	LUSK, RL		RT 2	OLPE 66865
48AY36	LUTHER, F R F & A	LU'S KENNELS	R 2 BOX 167	CHANUTO 66720
48AX18	LUTHI, MRS		RR 2	MADISON 66860
48AT01	LYONS, VAR	HAPPY VALLEY KENNELS	RT 1 BOX 109	OSAWATOMIE 66064
48AB05	LYTLE, JJ&F		RT 2	WOLTON 66436
48AZ38	MACOTTE, P & T		RFD 2 BOX 159	MARYSVILLE 55508
48AH7R	MADL, C		RT 1	WALNUT 66780
48RR08	MAIKE ENTERPRISES INC	SANDY'S KENNELS	RT 2 BOX 91	ALMA 66401
48AN63	MAIKE, A		R 1 BOX 108	ALMA 66401
48AJ52	MAKINGS, A	DA-AN KENNELS	RT 2 BOX 110A	GOODLAND 67735
48AR87	MALM, GA		RT 2	VALLEY FALLS 66088
48APA5	MANZ, C		RT 1	ESKRIDGE 66423
48AI20	MARCOTTE, V		RT 1	ALLEN 66833
48AZ33	MARING, F & J		RT 1	WAMEGO 66547
48AX53	MARK, T R G	MARK'S KENNELS	R 1	BURLINGTON 66839
48AM11	MARLER, E	TURKEY CREEK KENNEL	RT 2	BURDEN 67019
48AD87	MARPLE, LR		BOX 207	WAKARUSA 66546
48AD05	MARSHALL, IL	MARSHALL'S KENNELS	RR 1	EMMETT 66422
48RA09	MARSHALL, P		11810 HOLLINGSWORTH RD	PIPER 66100
48AG33	MARTIN, RC		RT 2	ONAGA 66521
48AZ27	MASSEY, T R WOLFF, L		RR 1	CEDAR 67024
48AF04	MAY, RL		RT 1	MANKATO 66956
48AV06	MAYFIELD, AR	DRAGONHEIR KENNELS	5635 S VANDALE	WICHITA 67217
48AI56	MC CARTER, MRG	COUNTRY HOME KENNEL	RT 1 BOX 55	GREAT BEND 67530
48AG52	MCADAM, FE		RT 3	HOLTON 66436
48AD90	MCMURNEY, TM		5345 NW TOPEKA AVE	TOPEKA 66617
48AQ32	MCCALL, EMEPM		RT 1 BOX 59	CEDAR VALE 67024
48AY53	MCCALL, JL & S		RR 1 BOX A9M	CEDAR VALE 67024
48AX29	MCCLASKEY, M & D	MAC'S KENNELS	RR 3	GIRARD 66743

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48AT62	MCCLINTOCK,TA		RR1	HOLTON 66436
48AN68	MCCLURE, T	BING BANDY RANCH	RT 1	KINGMAN 67068
48AAA6	MCCORKLE, C & D	COUNTRY ACRES KENNELS	5301 S WOODLAWN	DERBY 67037
48AT46	MCCORMICK, RD	MI-DE-PA KENNELS	R 2 BOX 91C	LOUISBURG 66053
48AJ32	MCCORMICK, VT&CE		R 1	YATES CENTER 66783
48AM07	MCDANIEL, DL			EDSON 67733
48AP50	MCDONALD, M		RT. 5	ABILENE 67410
48AC50	MCGEHEY, A & P		RT 2	SUMMERFIELD 66581
48AV12	MCGINTY, PAE	SIX MILE KENNEL	RT 2 BOX 61	GREAT BEND 67530
48AW53	MCGRATH, JAJ			EMMETT 66422
48AW51	MCKIBBEN, F & M		RT 1 BOX 168	GARNETT 66032
48AG13	MCKIBBEN, MJ		RT 2	GARNETT 66032
48AN78	MCNALLY, DT			WAVERLYVILLE 66892
48AA75	MCNICKLE, R&C	M KENNELS	RT 2	CHERRYVALE 67335
48AL81	MCPHAIL, E		BOX 725	ASHLAND 67831
48AY67	MEINERT, C		240 WEST 4TH	GARNETT 66032
48AX36	METTLEN, D & R		RT. 1	SYLVAN GROVE 67481
48AX41	MEYERS, M & R		BOX 67-2A	SHALETTE 67677
48AY80	MICHAUD, MAL		1427 WASHINGTON,	EMPORIA 66801
48AY27	MICHEL, P & J		RT 2 BOX 4	LUDELL 67748
48AA42	MID-CONTINENT RESEARCH, I NC.		13813 JOHNSON DR BOX 318 4	SHAWNEE 66203
48AV32	MILES, CAM		RT 2 BOX 249	BELLEVILLE 66935
48AY06	MILLER, C & M		RT 2	CONCORDIA 66901
48AY00	MILLER, D		2408 LYNNRAE	WICHITA 67210
48AS03	MILLER, PL	MILLROCK KENNELS	RT 1	HUTCHINSON 67501
48AX61	MILLER, V & N		RT. 1	BLUE MOUND 66010
48AT77	MILLER,RAC		BOX 5	SCRANTON 66537
48AJA3	MILLS, ARP	MILLS KENNELS	R 4 1700 WEST OAK	INDEPENDENCE 67301
48AA78	MILLS, EM			CENTRALIA 66415
48AZ41	MILLS, S	MILLS KENNEL		SHARON SPRINGS 67758
48AW38	MITCHELL, CBB	KINGDOM KENNELS	RT 1	VALLEY FALLS 66088
48AW58	MIZER, AM			JENNINGS 67643
48AC03	MOFFITT, PG & R		RT 2 BOX 96	WASHINGTON 66968
48AN62	MONTGOMERY, EM		RR 3	OTTAWA 66067
48AN12	MOODY, GM		RT 1	HOLTON 66436
48AR58	MOORE, JE		409 W VERMONT	OSBORNE 67473
48AF56	MOORE, LM		BOX 214	HIGHLAND 66035
48AD16	MOORE, PL		RT 2	WESTMORELAND 66589
48AB77	MOORE,MF	D & M KENNELS	R 1	UNIONTOWN 66779
48AW71	MOOTH, RAS	LAZY M KENNEL	RT 5 BOX 141	HUTCHINSON 67501
48AA91	MORLAND, LJ		207 E SOUTHERN BLVD	GIRARD 66743
48AP78	MORRELL, V & C		BOX 179	BLUE MOUND 66010
48AQ88	MORRIS KENNELS	MORRIS KENNELS	RT 1	MALCOMB 67451
48AJ19	MORRIS, E		RT 2	FREDONIA 66736
48AV98	MORRISON, MJ		150 COTTONWOOD DR.	COLBY 67701
48AV43	MOSER, D & G		RT 1 BOX 135	WASHINGTON 66968
48AS10	MOSHER, MD & M	MOSES KENNEL MOSHERS KENNELS	1040 VALLEY DR	MOXIE 67740
48AX67	MOSIER, R & D	MOSADOS DOGS	RT 1	MERIDEN 66512
48AR58	MOSTELLER, D		RT. 1 BOX 101	STERLING 67579
48AA61	MULLER, C	IZZY'S POODLE PARLOR	R 1	BERN 66408
48AY79	MUNK, P	TERRY KENNELS	BOX 4	SOLOMON 67480
48AI05	MURDIE, LE	SIR LIL LIN KENNEL	BOX 153	MENLO 67746
48AW08	MURPHY, R		800 WEST 12TH ST	GARFIELD 67529
48AR06	MYERS, J&G	MYERS KENNELS	R 1	JUNCTION CITY 66441
48AL71	NELSON, RA	NELSON KENNEL	826 CENTRAL PO BOX 156	ELSMORE 66732
48AD02	NEWELL, L			MARIENTHAL 66758
48AZ20	NEWHALL, S	NEWHALL'S KENNELS	RR 1	CLIFTON 66937
48AA45	NEWMAN, DH	LAKE VIEW KENNELS	ROUTE 1	GREAT BEND 67530
48ATA6	NEWMAN, R		PO BOX 173	HOLTON 66436
48AP25	NEWTON, F&M		1315 N. PLK ST.	VALLEY FALLS 66088
48AI6A	NIBLACK, TRE	NIKMAN HILLSIDE KENNELS	RT 2 BOX 17	TOPEKA 66608
48AK49	NICHOLS, C		RT. 3	SEDAN 67361
48AYA9	NIEMEIER, R		RT 1 BOX 169	RUSSELL 67665
48AY91	NOALE, D		RT 2	WATERVILLE 66548,48AYA9
48AC17	NOLTE, C		RR 1	WALNUT 66780
48AH26	NONDORF, J&M	SHADY LANE KENNELS	R 1	CORNING 66417
48AZ13	NORDQUIST, K & J	NORDQUIST'S KENNELS	RT 1 BOX 100	SCANDIA 66966
48AZ16	NORRIS, DL	D & K KENNEL	BOX 155	WATERVILLE 66548
48AV22	NORRIS, LG		RR 1	WINCHESTER 66097
48AV23	NORRIS, LK		RR 1 BOX 38	ROSSVILLE 66533
48AN53	NOYES, CAL		BOX 107	WINCHESTER 66097
48AA61	NUFER, L & V	CHEZ CHATIFS CATTERY	1201 NO. DRIVE	JAMESTOWN 66948
48AW93	NUNEZ, C & MURPHY, C		RT 4 BOX 110	DODGE CITY 67801
48AA97	OBERMELMAN, M		1039 JAMES ST	CHANUTE 66720
48AY70	OBONNY P & K	WALNUT VALLEY KENNEL	RR 2	MANHATTAN 66502
48AZ14	ODLE, M & WOOMTZ, R	O.K. KENNELS	RFD	TIMKEN 67582
48AA79	OFTINGER, R			GLEN ELDER 67446
48AY68	OGLE, D & J		306 E 6TH	GREEN 67447
48AX76	OGLE, D&P		RT 4 BOX 89	CHERRYVALE 67535
48AC91	OHLOF, M		RT 1 BOX 59	FREDONIA 66736
48AP57	OLLER, M&M	SHADY NOOK KENNEL	BOX 218	PALMER 66962
48AC28	OLSON, GAE		RT 1	CUNNINGHAM 67035
48AA98	OSHEA, N			AXTELL 66403
48AK69	OSNER, M	OSNER KENNELS	RR 2	HAYETTA 66509
48AA80	OSTERHAUR, MA		BOX 72	CUNNINGHAM 67035
48AX48	OSWALD, R		315 N SECOND	NETMORE 66550
				CONWAY SPRINGS 67031

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LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
48AW03	OTTE, G&J		RR 1 BOX 229	GREAT BEND 67530
48AN26	OULLETTE, A		807 SOUTH C	WASHINGTON 66968
48AR96	OWENS, B&V	IVA PUPPIES	1233 N. 59TH ST.	KANSAS CITY 66102
48AR40	PALECEK, M	MARGE KENNEL	RT 1	MUNDEN 66959
48AS18	PALENSKE, R & T	COUNTRYSIDE KENNELS	RT 3	SCOTT CITY 67871
48AW56	PALMER, C		ROUTE 4	ABILENE 66509
48AI23	PALMER, M		RT. 1 BOX 6	COFFEYVILLE 67337
48AF32	PALMQUIST, L & L	PALMRIDGE FARM KENNEL	R R 2	CONCORDIA 66901
48AM08	PARADIES, A		BOX 140	MAYETTA 66509
48AY12	PARRETT, R & M	PARRETTS KENNEL	R 1	CIRCLEVILLE 66416
48AV31	PATTERSON A & JESSEPH R	R R R KENNEL	BOX 267	CHASE 67524
48AQ15	PATTERSON, D & D		RT 2	ANTHONY 67003
48AB11	PATTERSON, J		PARALLEL RD	NETAWAKA 66516
48AE86	PEDEN, R	PEDEN KENNELS	RT 2	TROY 66087
48AZ42	PERKINS, S	CRITTER CLINIC	615 N 2ND	MILL CITY 67642
48AX54	PETERS, D & A		RR 1 BOX 29	CUBA 66940
48A5A8	PETERS, D & J		RT 1 BOX 30	OLSBURG 66520
48AJ39	PETERS, M		BOX 52	LITTLE RIVER 67457
48AI07	PETERSON, M		BOX 23	GARFIELD 67529
48AR31	PETERSON, L		RT 1 BOX 59	SYLVAN GROVE 67481
48AK91	PFEFFER, RR	LEE BOB'S KENNEL	RR 1	HOYT 66440
48AA88	PHILLIPS, C & F	HAPPY HOLLOW KENNEL	3355 N 115TH	KANSAS CITY 66109
48AM3A	PHIPPS, R		7233 IDA	WICHITA 67233
48AX57	PICKETT, AJ		R 1	LONGTON 67352
48AT60	PILAND, OR		RT 1 BOX 81	MACKSVILLE 67557
48AYA4	PILKINGTON, DP		RT 1	MOUND VALLEY 67354
48AN58	PISERCHIA, C	CAROL'S KENNELS	PO BOX 63	KINCAID 66039
48AY26	PITMAN, RL		303 POPLAR PO BOX 274	MINNEOLA 67865
48AA10	PITZER, WJ	PITZERS KENNELS	RT 1	CONCORDIA 66901
48AM10	PLATTNER, D		R 1	ONEIDA 66522
48AA69	POLLOCK, E			SOLDIER 66540
48AX9A	POOL, SM		RT 2	MCCUNE 66753
48AN76	PORTENTER, M & D	FORT RISSELL KENNELS	RT 3 BOX 12A	PHILLIPSBURG 67661
48AA15	PORTER, IRA		RT 1	GOFF 66428
48AR7A	POWTER, V	PORTER EQUIPMENT CO	RR 1	CLAY CENTER 67432
48AZ2A	PRALLE, J & C	SPRING CREEK KENNELS	RT 3 BOX 27	MARYSVILLE 66508
48AA57	PRIER, MF			RUHLER 67522
48AV68	PRINCE, ABM		1233 WEST 18TH ST.	JUNCTION CITY 66441
48AJ12	PTACEK, ER	CEDAR CREEK KENNEL	RT 3	RUSSELL 67665
48AM82	PUGH, M		RT 2 BOX 183	MAYETTA 66509
48AM15	PULLIAM, LL		7520 IDA	WICHITA 67233
48AJ08	PYNELL, CM	PYNELL'S KENNELS	402 S MERIDIAN	PLAINVILLE 67663
48AA65	QUIRK, M	QUIRKS KENNELS	RR 2	READING 66868
48AN06	RAILE, C&I	T C RAILE'S ROYAL PUPPY KEN NEL	R 1 BOX 372	ST FRANCIS 67756
48AB72	RAINBOLT, M& S S		RT 1	ELLINWOOD 67526
48AW07	RAINS, WRL		R 1 BOX 17A	COFFEYVILLE 67337
48AA76	RAMSEY, VM	SANDY RIDGE KENNEL	RT 5 BOX 152	HUTCHINSON 67501
48AY01	RAVEN, HM		RT 2 BOX 10	EDNA 67342
48AQ3A	RAY, RI & A		RT 1	VALLEY FALLS 66088
48AE63	REED, LS		BOX 514 RR 1	TONGANOXIE 66086
48ADA2	RENERO, DJ		1131 N KANSAS AVE	TOPEKA 66608
48ADA3	RENERO, GS	RENERO'S KENNELS	1135 N KANSAS AVE	TOPEKA 66608
48AW56	RENN, JCRT		R 2 BOX 270-0	PITTSBURG 66762
48AY06	RESCHKE, V & TREGELLAS, D	RESCHKE KENNEL	RT 3	SOLOMON 67480
48AG56	REYNOLDS, RES		RT 4	ABILENE 67410
48AI25	REYNOLDS, F&V	.VI'S POW HOUSE	BOX 86	LONGTON 67352
48AT08	REYNOLDS, P		BOX 111	CUBA 66940
48AA22	RICARD, M			WASHINGTON 66968
48AR27	RICE, W		RT 1	MERIDEN 66512
48AH28	RICH, J		4801 N HALSTEAD	MITCHINSON 67501
48AY83	RICHARDSON, WD		3119 N HALSTEAD	MUTCHINSON 67501
48AZ08	RICKARD, L		RT 1 BOX 33	PARADISE 67658
48AG57	RITTEL, J	RITTEL'S KENNEL	RR 1 BOX 86	CHAPMAN 67431
48AH71	RITZ, GL		RT 2 BOX 15	ERIE 66733
48AYA5	ROBERTSON, A & M	M-A KENNEL	BOX 32	NETAWAKA 66516
48AR70	ROBINSON, MERJK	MAR KA KENNEL	601 N BOYD	CALDWELL 67022
48AF60	RODGERS, JF	JER MAY KENNELS	RT 1	CONCORDIA 66901

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LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
48AA78	ROEVER, A			ODELL 68415
48AX83	ROLES, W R FD		RT 1 BOX 156-A	HAVETTA 66509
48AN55	ROLLENHAGEN, MF			WESTMORELAND 66549
48AD58	RONSSE, F		RR 1	ST MARY'S 66536
48AD73	ROSE, L			WASHINGTON 66968
48AB38	ROSS, F		BOX 6	PAWNEE ROCK 67567
48AZ03	ROSSON, V R F	ROSSON KENNELS	RT 1	EDNA 67342
48AA16	ROTTINGHAUS, G		RR 3	SENECA 66538
48AC11	ROTTINGHAUS, GF		RR 1 BOX 28	HERN 66408
48AR01	ROUDYBUSH, P		RR 1	ST GEORGE 66535
48AR08	ROUSE, G	CEE-MAR KENNEL	RT 4	BELOIT 67420
48AI71	ROUTH, V		RT 1	SEDAN 67361
48AG19	ROWLAND, S & J		RT 1	MARYSVILLE 66508
48AS24	RUDOLPH, D	RUDOLPHS KENNELS	RT 1	LINCOLNVILLE 66858
48AA49	RUETTI, PL		306 E. 8TH ST.	FRANKFORT 66427
48AR10	RULE, A	RULES KENNELS	RR 2	NORTON 67654
48RR87	RULE, J & P		702 N YORK	OBERLIN 67749
48AX62	RULE, P & K		RT 3	NORTON 67654
48AY11	RULE, R & F		RT 3	NORTON 67654
48AT0R	RUSH, J		R 1	BENDENA 66008
48AS40	RUSSELL, OV		R 3 BOX 164	FREDONIA 66736
48AF38	SALLMAN, F	SALLMAN KENNELS	BOX 88	AUROPA 67417
48AT07	SALYER, SL	HAPPY HILL KENNELS	RFD 1 BOX 157F	LAWRENCE 66044
48AGA0	SAND, L	OLEO ACRES KENNEL	RR 3 BOX 63A	MCPHERSON 67460
48AE22	SANDERS, JE	POTTER VIEW KENNEL	R 3 BOX 79	ATCHISON 66002
48AGA1	SANFORD, CRBJM		RT 2 BOX 158	BELLEVILLE 66935
48AGA2	SATTERTHWAITE, P	SATTERTHWAITE KENNELS	RT 2	UDALL 67146
48AG5A	SAUCIER, R		RT 3	ABILENE 67410
48AW00	SAUVAGE, H & M			HAVENSVILLE 66432
48AX27	SAUVAGE, HE	ROCK MILL KENNEL	RR 1	ONAGA 66521
48AA60	SAVAGE, I		RR 2	SOLDIER 66540
48AA13	SAWIN, DF		RT 1	WASHINGTON 66968
48AT40	SCHAFFTER, JMBSA		RR 1	ARLINGTON 67514
48AK03	SCHIFF, D & J			SHARON 67138
48AR03	SCHMELZLE, GJ		RR 1 BOX 36	CORNING 66017
48AY05	SCHMIDT, RA		RT 2 BOX 47	NEWTON 67114
48AG20	SCHMITZ, L		RT 1	BATTLEYVILLE 66404
48AG21	SCHMITZ, R			BATTLEYVILLE 66404
48AZ58	SCHRAG, D & C	ALAS-KAN KENNELS	RT2 BOX 126	MAUNDRIDGE 67107
48AZ49	SCHRAG, M		RT4 BOX 3A	GALVA 67443
48AP98	SCHULTEJANS, C & R		RT 2	GOFF 66428
48AX26	SCHWARZ, M		BOX 672	COLBY 67701
48AR09	SCHWINN, M	SES KENNELS	R 1 BOX 166C	ST GEORGE 66535
48AR38	SCOTT, MD		R 1 BOX 43	MANKATO 66956
48AF20	SCOTT, MARJE	JARL'S KENNELS	RT 2 BOX 43	MANKATO 66956
48AP38	SCOTT, PE		320 30, LORRAINE	HUTCHINSON 67501
48AH78	SEARS, ZL		RT 1 BOX 20	ERIE 66733
48AT47	SEE, MLAT	WHEATLAND COLLIE FARM	RT 1	SCOTT CITY 67871
48AR40	SEEVER, M		RT 1	TRAY 66087
48AR49	SELFRIDGE, MRJ	SELFRIDGE PUPPY FARM	BOX 215	DIGHTON 67839
48AJ71	SELM, EN & DM	SHADY CORNER PUPPY FARM	RT 2 BOX 102	ATTICA 67009
48AY62	SHAFFER, CA		211 EAST FREMONT	BURLINGAME 66413
48AR03	SHARP, MJ	SHARP KENNEL	PO BOX 8	ELK FALLS 67345
48AT13	SHEAHAN, E		RR 1 528 WEST G ST.	KINGMAN 67068
48AW75	SHEETS, D&C	CHAR D KENNELS	RT 1 BOX 221	ASSARIA 67416
48AA48	SHELL, M		BOX 133 RR 2	VALLEY FALLS 66088
48AJ36	SHIELDS, F	PUPPY LOVE KENNEL		GLADE 67639
48AR42	SHROYER, D	NORTH GATE KENNELS	RR 2	MILTONVALE 67466
48AF03	SHUGHART, DL	DELTAIRE KENNELS	ROUTE 1 BOX 207	PERRY 66073
48AR53	SHULL, CAH		RT 2 BOX 253	CHERRYVALE 67335
48AL31	SHUTE, E	JERI'S KENNELS	RT 1	RED CLOUD 68970
48AI88	SINCLAIR, F OR K		RT 2	IOLA 66749
48AW81	SINCLAIR, ML		311 SO. VERMONT	IOLA 66749
48AY38	SINCLAIR, JR & MF	OWL CREEK KENNEL	R 1 BOX 170	HUMBOLDT 66748
48AL32	SIPES, M		RT 1	ST MARYS 66536
48AY06	SKELTON, L & J	SANTA FE KENNEL	RT 3	LARNED 67550
48AZ23	SLOAN, MR & MRS	KAPRICHORN KENNELS	RT 2 WEST PARK	DODGE CITY 67801
48AP47	SMART, LF	SMART'S HILLTOP KENNELS	RR 1 BOX 102	BURLINGTON 66839
48AE06	SMETHERS, GM & LM		RR 2	GARNETT 66032
48AI00	SMILEY, G	SMILEY'S KENNELS	RT 1	LARNED 67550
48AI0A	SMILEY, GL		BOX 158	PAWNEE ROCK 67567
48AA08	SMITH ENTERPRISES, INC		RT 1 BOX A088	GARDEN PLAIN 67050
48AH13	SMITH, CS		RT 1	CAMBRIDGE 67023
48AF36	SMITH, DA			SCOTTSVILLE 67477
48AA73	SMITH, E		RT 2	ERIE 66733
48AA18	SMITH, H	YOCKEY CREEK KENNEL	RT 1 BOX 149	DELPHOS 67436
48AV75	SMITH, JAR	WINDY HOLLOW KENNELS	RFD1, BOX 76	FAIRVIEW 66425
48AY42	SMITH, JW & PA		RT 1	EDNA 67342
48AF17	SMITH, L	SMITH'S KENNELS	RT 3	CLYDE 66938
48AW48	SMITH, LRT		BOX 148	JAMESTOWN 66948
48AR05	SMITH, M		605 NO PRAIRIE	ST JOHN 67576
48AR63	SMITH, MF		RT 3 BOX 66	LYONS 67554
48AY58	SMITH, MR	SMITH'S KENNEL	RR 1	DELIA 66418
48AY75	SMITH, OW		501 BEECH	OTTAWA 66067
48AX25	SMITH, V		RT. 1	PLEASANTON 66075
48AM96	SMITH, ZM		705 N SYCAMORE	IOLA 66749
48AV17	SNODGRASS, VAG		923 KING	ATCHISON 66002
48AX24	SNYDER, M & F		RT. 4	BELOIT 67420

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LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
48AG23	SORBA, DJ		RR 1	RICHMOND 66080
48AX09	SOLZE, R&J			UTICA 67584
48AY18	SOMMER, M		217 OHIO	NEODESHA 66757
48AA88	SOUTHERLAND, R R SELLS, J	VALLEY VIEW KENNELS	PO DRAWER B	SEDAN 67361
48AA05	SPARKS, R	SPARKS KENNELS INC	RT 4 BOX 115A	SALINA 67401
48AQA1	SPEAR, A & D	LAZY S KENNEL	RT 1	CONCORDIA 66901
48AX91	SPEER, R & S		RT 2 BOX 77	ELK CITY 67344
48AE19	SPITTLER, LM	SPITTLERS KENNELS	ROUTE 1	ALTA VISTA 66834
48AW62	SPRENGER, ABM	SPRENGER KENNELS	5TH & MINN. ST	BELDEN 67757
48AT31	STACKLEY, F & P	HOSTA'S KENNEL	R 4	EL DORADO 67042
48AX68	STAIR, J		R 2 BOX 282D	INDEPENDENCE 67301
48AR70	STALLBAUMER, J		R R 2 BOX 16	SENECA 66538
48AKA5	STALLBAUMER, P		RT 1	CENTRALIA 66415
48AR73	STALLBAUMER, R		RT. 1 BOX 21	SENECA 66538
48AFA1	STANDISH, B		9015 KANSAS AVE	KANSAS CITY 66112
48AV00	STANGE, LM		R 1	FLORENCE 66732
48AAA9	STEINLAGE, F		RT 1	CORNING 66417
48AA50	STEINLAGE, M		1105 WALNUT ST.	SENECA 66538
48AY17	STELLWAGEN, L & R		RT 1	SILVER LAKE 66539
48AA50	STEPHENS, M	STEPHENS KENNELS	RT 1 BOX 130A	INDEPENDENCE 67301
48AA73	STEVENS, ATRGR	STEVENS KENNELS	R 1	VALLEY FALLS 66088
48AX16	STEVENSON, VRJ		R 1	NIOTAZE 67355
48AT72	STOCK, V		RT 1 BOX 61	BEATTIE 66406
48ACA7	STOLTE, E		RT 1 BOX 140	LINN 66953
48AA28	STONE, LK			LEONARDVILLE 66449
48AX92	STOPPEL, M		RT 1	RUSSELL 67665
48AF13	STRAHM, JD & G	G&J KENNELS	RT 5	MIAMATHA 66030
48AK07	STRAHM, P & J	STRAHM'S KENNELS	R 4	YATES CENTER 66783
48AP35	STRETCH, S		615 W. 5TH APT.1	TOPEKA 66621
48AGA5	STUHLSATZ, JP		RT 1	GARDEN PLAIN 67050
48AM06	SUPERA, A & DM		RT 1 BOX 58	CALDWELL 67022
48AY58	SUMNER, S & N		RR 1	HAVENSVILLE 66432
48AL88	SUTTON, C	SKYVIEW KENNEL	RT 1	MARYSVILLE 66508
48AP17	SWARTZ, MRM		BOX 115	ALEXANDER 67513
48AW01	SWEARINGIN, DG		R 3	INDEPENDENCE 67301
48AP28	SWEET, MY	SWEET'S CATTERY	RT 2 BOX 43	FORMOSO 66942
48AYA2	SWIERCINSKY, L		RR 1	REPUBLIC 66964
48AT07	SWIHART, R		BOX P-73	QUINTER 67752
48AA70	SWISHER, G		RR 1 BOX A68	DELIA 66418
48AV45	SYNOGROUND, R & C	THE KENNEL	99 N 61ST ST	KANSAS CITY 66102
48AE56	TANGEMAN, V	TANGEMANS KENNELS	RT 1	CORNING 66417
48AGA6	TATE, L	TATE'S KENNELS	BOX 125	SCANDIA 66966
48AG60	TAYLOR, IL & EA		RT 1	SOLOMON 67480
48AL72	TEETZEN, ME		R 1 BOX 23	JUNCTION CITY 66441
48RR68	TERFLINGER, MRM		R 1 BOX 60	MCCUNE 66753
48AY21	TESELLE, JL	TESELLE'S KENNELS	BOX 191	DOWNS 67437
48AN06	TESSENDORF, I		RR 1 BOX 74	CIRCLEVILLE 66416
48AZ24	TESSENDORF, R		RT 1 BOX 177	PERRY 66073
48AP42	TETER, M&D	DAR-RICH HORSE FARM	RT 1	MAIZE 67101
48AM47	THAREL, L		RT 2 BOX 731	MULVANE 67110
48AJ11	THE BRANDT FAMILY		RFD 1 BOX 18	PHILLIPSBURG 67661
48RA21	THERACON INC		PO BOX 1093	TOPEKA 66601
48AA57	THIEME, L			HERN 66408
48AA30	THIEWF, W		RT. 1	WETMORE 66550
48AA51	THIRY, RM		RT 1 BOX 104	MCLOUTH 66054
48AV10	THOMPSON, A		RT 3 BOX 450	INDEPENDENCE 67301
48AQ63	THOMPSON, A		612 IOWA	HOLTON 66436
48AA55	THOMPSON, DM & FA	HILLSIDE KENNEL	RT 2	CONCORDIA 66901
48AJ73	THOMPSON, S	TOY ACRES KENNELS	RT 2	HARPER 67058
48RA10	TINKLIN DOG KENNEL INC		RT 2	GOFF 66428
48AKA7	TODD, J & O		RT 2	FORMOSO 66942
48AY10	TOLIVER, ME		511 OAK	OVENBROOK 66524
48AJ58	TOMPKINS, ARV	TNT KENNELS	BOX 115	ATHOL 66932
48AJ78	TOWER, MF	T 3 KENNELS	RT 1	ANTHONY 67003
48RA13	TRAILANE KENNELS INC		RT 1	SOLDIER 66540
48AR09	TREGELLAS, D & SMITH, L	ELK HORN KENNELS	RT 2	HAVILAND 67059
48AX57	TROUTMAN, D R N		BOX 16	ALTOONA 66710
48ATA0	TRUMLICH&, TL	TSC KENNELS	RT 1 BOX 90	BARNES 66933

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* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 48AY38	TUCKER, M		RT 1, BOX 5	WELDA 66091
* 48AR20	TUCKER, U	TUCKER ST BERNARD FARM	RT 1 BOX 5	WELDA 66091
* 48AR92	TURK, DJ		RT 1	BARNES 66933
* 48AZ09	TUTTLE, M & M		RT 2	INDEPENDENCE 67301
* 48AD19	UREL, B		RT 2	WESTMORELAND 66549
* 48AE12	ULLERY, I		RR 2	SCRANTON 66537
* 48AE14	ULLERY, R		RR 2	SCRANTON 66537
* 48AX12	UNRUH, CJ			ARLINGTON 67514
* 48AL96	USHER, CR		309 BRADLEY RR 2	SEDAN 67361
* 48BA99	UTTINGER, JH	DICK'S ANIMAL WORLD	1e140 EAST KELLOGG	WICHITA 67230
* 48RC02	VAIL KENNEL, INC		2220 VAIL ST	TOPEKA 66608
* 48AE14	VAN EPPS, J		ROUTE 1	ROBINSON 66532
* 48AR25	VAN GOSEN, R		RT 2 BOX 52	MCLOUTH 66054
* 48AR55	VAN LOENEN, GD		BOX 153	ROGUE 67625
* 48AS56	VINSONHAIER, R		509 N A STREET	SMITH CENTER 66967
* 48AT01	VISONHALER, J		RT. 1 BOX M1	GAYLORD 67638
* 48AG81	VLK, W	VLK'S HAMSTERY	708 N. CEDAR RT. 3	MARION 66861
* 48AN77	VOIT, C		BOX 111	NAVARRE 67469
* 48AR34	WACKER, LRR	SMOKY RIVER KENNELS	BOX 73	KANOPOLIS 67454
* 48AV28	WAGNER, D		305 UTAH ST	MIAWATHA 66434
* 48AJ84	WATTE, D		RT 2	KINGMAN 67068
* 48AF96	WALBRIDGE, R		ROUTE 2	MCLOUTH 66054
* 48AR68	WALKER, CL		5355 SO WOODLAWN	DERBY 67037
* 48AP51	WALKER, DCAJS	HIGHLAND CREEK KENNEL	BOX 472	MACKSVILLE 67557
* 48AR56	WALKER, RAP	SILVERDALE KENNELS	RT 1 BOX 62	MACKSVILLE 67557
* 48AX35	WALTON, R		R 4 BOX 102A	FREDONIA 66736
* 48AK73	WARD, CRF		RT 1	ELK CITY 67344
* 48AQ3A	WARD, LM			COLONY 66015
* 48AW40	WARING, D & M		3011 REDWOOD	PARSONS 67357
* 48AL98	WARNICA, RF		RT 1 BOX 51	MARION 66861
* 48AV10	WARREN, I	W-6 KENNELS	RT 2	IOLA 66749
* 48AR98	WASSENBERG, A	BLACKTOP KENNELS	RT 1	BAILEYVILLE 66404
* 48AF80	WATERMAN, F&N		RR 1 BOX 135	GLASCO 67445
* 48AS90	WATKINS, G & A		RT 1	HOLTON 66436
* 48AR50	WEATHERHEAD, D	D R J KENNELS	ROUTE 2	CONCORDIA 66901
* 48AT65	WEAR, M R D	WJ KENNELS	2421 NO 6TH	DODGE CITY 67801
* 48AV46	WEBER, WRJ		115 N CHESNUT	BELOIT 67420
* 48AK62	WEBSTER, A & R		R1 BOX 59E	FORT SCOTT 66701
* 48AS70	WEBSTER, M&M		R 2 BOX 102	CHANUTE 66720
* 48AY69	WEDEL, S	DOG PATCH KENNELS	RR 2 BOX 52	MCPHERSON 67460
* 48AN60	WEIXELMAN, RD		5903 NW LEEDY RD	TOPEKA 66618
* 48AX38	WELLS, M & S		FORT DODGE RD,	DODGE CITY 67801
* 48AE41	WENGER, VC		RT 1	POWHATTAN 66527
* 48AW92	WEST, RR	WEST KENNELS	RT 2	COLONY 66015
* 48AS81	WESTHOFF, N & J		RT 1 BOX 95	ERIE 66733
* 48AX23	WHITE, R & S		1101 SO. HIGHLAND	CHANUTE 66720
* 48RA74	WHITED, PD	PAT'S CANINE BOUTIQUE	603 N JACKSON	PRATT 67124
* 48AT26	WHITMAM, D		1528 E 22ND ST	TOPEKA 66605
* 48AI77	WIDMAR, C	THE WIDMAR'S	RT 3 BOX 61	GIRARD 66743
* 48AW83	WIESNER, DJ		316 N. CEDAR	HOISINGTON 67544
* 48AC08	WIETMARN, C		RR 1	CLAY CENTER 67432
* 48AI73	WIGTON, R	WIGTON'S CHIHUAHUAS	RT 2 BOX 106	COLUMBUS 66725
* 48AK96	WILKINS, P			MILTONVALE 67466
* 48AS35	WILLIAMS, E & I		315 N BUFFALO	GIRARD 66743
* 48AG35	WILLIAMS, L		ROUTE 4	MIAWATHA 66434
* 48AY41	WILLIAMS, T & OLDRIDGE, E	WILL-O POODLE PALACE	RT 5	MIAWATHA 66434
* 48AS45	WILSON, F	LAZY ACRES KENNELS	BOX 109D RT 2	LOUISBURG 66053
* 48RC01	WILSON, G & D	ELMSOOD KENNELS	R 1 BOX 2R	JEWELL 66949
* 48AW79	WILSON, L		RR 1	SCRANTON 66537
* 48AY74	WILTFONG, RE		BOX 283	LONGTON 67352
* 48AW58	WINT, VJ & L		RT 4	INDEPENDENCE 67301
* 48AR95	WISE, JL	PATS POODLE	1827 N MAIN	ST JOHN 67576
* 48AX76	WISE, WRJ	WINDY HILL KENNEL	RR 3 BOX 152A	LAWRENCE 66044
* 48AW08	WISEMILLER, W&R	RUMAX KENNELS	RT. 3 BOX 17	BANETHA 66534
* 48AD17	WITT, FJ		ROUTE 2	WAMEGO 66547
* 48AW66	WITTEN, T&C		RT 4 BOX 255	CHANUTE 66720
* 48AC48	WOERNER, R		RR 1 BOX 82	LINN 66953
* 48AG25	WOLF, P		BOX 46	MORGANVILLE 67468
* 48AW74	WOLFE, AL R L		1314 LAWRENCE	HAYS 67601
* 48AY63	WOOD, DL		SHADYLANE KENNEL	KANSAS CITY 66109
* 48AV45	WOODS, DAE	D&L KENNELS	BOX 421	ELKHART 67950
* 48AW19	WORM, L			WEBBER 66970
* 48AJ09	WORTMAN, L		RT 1 BOX 111	MEDICINE LODGE 67104
* 48AJ91	WRAY, JA	WRAY'S KENNELS	RT 2	NORTON 67654
* 48AW37	WRAY, WRJ		315 OKLAHOMA	LAWRENCE 66044
* 48AV01	WRIGHT, JG	WRIGHT-WAY KENNELS	RT 1 BOX 90	HOME 66438
* 48AS82	WRISLEY, LK	LYNNETTE PRAIRIE KENNELS	227 E. 4TH	HUTCHINSON 67501
* 48AW39	WROSCH, GRV			MCLOUTH 66054
* 48AC73	WULLSCHLEGER, P		RT. 1 BOX 958	HOME 66438
* 48AW96	YACKO, L		302 OAK ST	CANKER CITY 67430
* 48AW50	YARNELL, V		R 1 BOX 196	ERIE 66733
* 48AR45	YONNING, RJ		RT 2	WESTMORELAND 66549
* 48AY47	YOUNG, CC	COYOTE HILL KENNEL	RR 2	EUREKA 67045
* 48AX80	ZAREL, F & D	FLO - EZ FARMS	PFD 1	WHEATON 66551
* 48AM20	ZEINER, F		1000 RICE RD	TOPEKA 66607
* 48AJ42	ZERGER, C R A		500 AVENUE A WEST	KINGMAN 67068
* 48AZ35	ZERGER, M & K	KANDY KANE KENNELS	RR 2 BOX 147A	MOUNDRIDGE 67107

KENTUCKY

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 61A5	BLACK, D		R 1	SEDALIA 42079
* 61A9	HOFFMAN, J	A-1 TROPICAL FISH & PET CEN TER	BOX 501	CORBIN 40701
* 61A5	LUCAS, P		RT. 11 BOX 8	BEATTYVILLE 41311
* 61A4	NORTHCUTT, MF	GOODWILL KENNELS	RT 5 BOX 109	CYNTHIANA 41031
* 61A3	ROBERTS, WC	REST PETS & LABORATORY ANIM ALS	P.O. BOX 631	SHEPHERDSVILLE 40165
* 61A6	ROBINSON, R	W KY RABBIT AND WORM RANCH	ROUTE 2	WEST PADUCAH 42086
* 61AW	SMITH, L & KELLEY, C	S & S RES ANIMALS, HILLTOP KENNELS	PO BOX 151	LAGRANGE 40031
* 61A2	WILLIAMS, JU	WILLIAMS KY CAVIES	7811 DORSON RD	FERN CREEK 40291
* 61A6	WOOD, JK		RT 1	BAGDAD 40003

LOUISIANA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 72A1	BISTINEAU TROPICAL FISH, INC		PO BOX 5897	BOSSIER CITY 71010
* 72A15	FLROD, N	REDWOOD KENNEL	RT 1 BOX 30	WINNSBORO 71295
* 72A12	GOYLE, JM		RT 1	MT HERMON 70450
* 72A10	GUILLOT, C		RT 2 BOX 143	WALKER 70785
* 72A4	GULF SOUTH RESEARCH INSTI TUTE		PO BOX 1177	NEW IBERIA 70560
* 72A8	HARTNESS, L		903 N CENTER ST	RUSTON 71270
* 72A2	OZONE PET SUPPLY		PO BOX 786	LACOMBE 70445
* 72A14	SMITH, DK		RT 1 BOX 1085	LAKE CHARLES 70601
* 72A6	SUMNER, C R E	ALPHA KENNELS	RT 1 BOX 29	IDA 71048
* 72A5	WAUBUN LABORATORIES		DRAWER C	SCHRIEVER 70395

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MAINE

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 11A7	ROUCHER, AF	WIDE-A-WAY RABBITRY	23 SPEIRS ST	WESTBROOK 04092
* 11R16	DENICOLA, G & G	BIG BUNNY BUSINESS	RFD 1 BOX 143	CORINNA 04928
* 11A39	GOLDMAN, M & E	LUCKY FOOT RABBITRY	RFD 1	BURNHAM 04922
* 11A3	HEIKKINEN, DA		RT 1 BOX 157	TURNER 04282
* 11A24	KELLY, FC		52 WESTMINSTER ST	PORTLAND 04103
* 11R6	LINE ROAD AUCTION, INC		RFD 1 LINE RD	GORHAM 04038
* 11A40	LOTHRIDGE, K	RED PINE RABBITRY	RT 1A	GARDINER 04345
* 11R17	MACDONALD, A & M	NE BIOMED LABS INC.	RR #1 INLAND FARM DR	SO WINDHAM 04082
* 11A35	MAINS, R	MAINS PEKINGESE KENNEL	LINE RD RFD #1	GORHAM 04038
* 11A27	MCLAREN, GRP		RFD 1 BOX 115	HARRISON 04040
* 11R3	PERLEY, MD	WHITE ANIMAL FARM	BEAVEY LANDING RD	SCARBOROUGH 04074
* 11A37	POORS, R	DRIFTWOOD RABBITRY	WALTHAM RD	ELLSWORTH 04605
* 11R10	SEGALL, S	HOMEBUKE ENTERPRISE	RD 2 BOX 120-A	GREENE 04236
* 11R9	SHANLEY, J & J	COTTONTAILS	130 FALVEY ST	BANGOR 04401
* 11R15	SKIRICKI, J		5 BAYARD ST	KENNEBUNK 04043
* 11A16	SMITH, LM		BUXTON RD	SACO 04072
* 11A33	SMITH, M	TWIN OAKS RABBITRY	CHUTE RD	SO. WINDHAM 04082
* 11A36	VARGA, S	HARMONY HILL RABBITRY	RFD 1 BOX 141	CORNISH 04020
* 11R2	WAYCOTT, SR NE		BUXTON ROAD	SACO 04072
* 11A23	WILLIAMS, FE		RFD 5 OLD BRUNSWICK RD	GARDINER 04345
* 11R4	WRIGHT, R		HEATH RD	KENNEBUNK 04043

MARYLAND

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 51CH	CHAUVENET, DS		BOX 458	CHESTERTOWN 21620
* 51AD	COMMANDO FARMS		PO BOX 1241	LANDOVER 20785
* 51AP	EASTERN PET & HOBBY SHOP INC		423 EASTERN BLVD	BALTO 21221
* 51AA	ECKERT, WL		HARNEY ROAD	TANEYTOWN 21787
* 51A9	FRYE, WE	B & M RABBITRY	13700 TRAVILAH RD	ROCKVILLE 20850
* 51AU	GEORGES PET SHOP, INC		5307 ANNAPOLIS ROAD	BLADENSBURG 20710
* 51CR	MANN, RA	LITTLE THINGS UNLIMITED	RT 3 BOX 126	THURMONT 21788
* 51CS	NICKMAN, F		RT. 1 BOX 760	CHESTERTOWN 21620
* 51CO	J.F.M. RESEARCH, INC.		3930 KNOWLES AVE	KENSINGTON 20795
* 51CM	KENNEDY, L		30A N LOCUST ST	HAGERSTOWN 21740
* 51CQ	L&M PETS INC		RT 6 BOX 384	FREDERICK 21701
* 51AQ	LATTA, RP	REF FARMS	7859 CLARK STATION RD	SEVERN 21144
* 51CK	LITTON NEONETICS INC		5516 NICHOLSON LANE	KENSINGTON 20795
* 51AD	TROPICAL FISH CITY INC		13312 LAUREL BOWIE RD	LAUREL 20811

MASSACHUSETTS

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 1AR13	BACHAND, M	BIRDLAND AVIARY	22 LAURA KEENE RD.	ACUSHNET 02743
* 1AR60	BARONSKY, GP	CRITTERS N CAGES INC	1978 ROCK VALLEY RD	HOLYOKE 01040
* 1AA72	BERRY, R	ROB'S BUNNY BARN	161 MATFIELD ST	N BRIDGEWATER 02379
* 1AA78	BIO-RES INC/BIO-RES CONS INC		9 COMMERCIAL AVE.	CAMBRIDGE 02141
* 1AR45	BOSTON PET SUPPLY		200 FIRST STREET	CAMBRIDGE 02142
* 1AA22	BOWS, RC	ART/BREEDING LAB.	364 CHATHAM N DR	BROCKTON 02401
* 1AR59	BRANCONNIER, D		1 MAPLE STREET	SPENCER 01562
* 1AA26	CHARLES RIVER BREEDING LABORATORIES, INC		251 BALLARDVALE STREET	WILMINGTON 01887
* 1AR25	CONNECTICUT VALLEY BIOLOGICAL SUPPLY COMPANY, INC		VALLEY ROAD	SOUTHAMPTON 01073
* 1AR20	CZEPIEL, JS		26 PADEREWSKI ST	CHICOPEE 01013
* 1AR51	DUSSEAULT, J & T		1765 RAY ST	TAUNTON 02780
* 1AR30	ELM HILL BREEDING LAB		71 ELM ST	CHELMSFORD 01824
* 1AR1	EXOTIC FISH & PET WORLD, INC		49 RUSSELL STREET	HADLEY 01035
* 1AR3	FAY JR, AL		11 RAYMOND RD	BURLINGTON 01803
* 1AR26	FERRIS, PG		195 N MAIN ST	MIDDLETON 01949
* 1AR6	FINCH, AC	PINELAND FARM KENNELS	93 LEONARD ST	RAYNHAM 02767
* 1AA70	FITZGERALD, F		836 KING PHILIP ST.	FALL RIVER 02724
* 1AR22	GAULTT, DF		156 PINE ST	FRANKLIN 02038
* 1AR50	GEORGE C. THORSEN, INC.		110 TURNPIKE RD	FAYVILLE 01745
* 1AAR0	GRAPHA-TECH, INC.		ONE DIX ST.	WORCESTER 01609
* 1AR62	HILLIARD, D		214 TYLER RT	PITTSFIELD 01201
* 1AR29	JENKS, PH		21 JAMES ST	FEEDING HILLS 01030
* 1AR61	JURCZYK, J		OAK ST.	MONSON 01057
* 1AR9	KATZ, S		9 STRAWBERRYHILL LN	DANVERS 01923
* 1AR7	LANDRESS, M	MARGARET'S HOME FARM	BARTON HEIGHTS	GREENFIELD 01301
* 1AR2	MASSON, PP	MASSON'S SMALL ANIMAL FARM	75 GOODHUE AVE	DRACUT 01826
* 1AA3	PERRY, TD		84 WINTER ST	MARLBORO 01752
* 1AR52	PLATT, AR	PINE ACRE RABBITRY	200 EAST MAIN ST	NORTON 02766
* 1AR10	RESEARCH RES & SERV FDN INC		1 PINE HILL DR	SOUTHBOROUGH 01772
* 1AA77	RODDY, J		30 VINAL ST	DRACUT 01826
* 1AA76	RUSHFORTH, R & A	HARE HAVEN RABBITRY	711 PLYMOUTH ST	MIDDLEBORO 02346
* 1AR1A	THOMAS FAZIO LABS, INC.		117 S. MAIN ST	BERKLEY 02780
* 1AR55	TUCKER F & WOODFORD FJ	RESEARCH DONOR SERVICE	908 HANCOCK ST	ABINGTON 02351
* 1AR5A	TUFTS-NEW ENGLAND MED CTR INC		171 HARRISON AVE	BOSTON 02111
* 1AA1A	TUMBLEBROOK FARM, INC		RFD 1 BOX 9	WEST BROOKFIELD 01585

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MICHIGAN

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 3A4D28	ALBER, M		RR 5	ANN ARBOR 48104
• 3A4D13	ANN ARBOR BIOLOGICAL CENTER, INC		6780 JACKSON ROAD	ANN ARBOR 48103
• 3A4D35	BAILEY, P		6385 ALASKA AVE	ALTO 49302
• 3A4D13	BEEKMAN, A		3865 N PILLON RD	MUSKEGON 49445
• 3A4D29	BEMLEN, M	BEMLEN'S RABBITRY	3160 E HOUGHTON LAKE RD	LAKE CITY 49651
• 3A4D8	BLACK LAGOON INC		504 N MAIN ST	ROYAL OAK 48067
• 3A4D26	COOPER, PJ		12595 BUDD RD	BURT 48417
• 3A4D37	CUNNINGHAM, C	OAKRIDGE KENNELS	615 N. GROVER RD	MUSKEGON 49442
• 3A4D29	DAY, LA	DAYS RABBIT FARM	7688 N SHERIDAN RD	EDMORE 48829
• 3A4D26	DESMONE, JAM	PARADISE COVE ANIMALS	PO BOX 566	PINCONNING 48650
• 3A4D5	DETTMER, DJ	DETTMERS BUNNY PATCH	BOX 109 GARFIELD RD	CARSON CITY 48811
• 3A4D32	DIXON, D	D.J. PETS	2300 FRED MOORE HWY	ST CLAIR 48079
• 3A4D11	EWERT ENTERPRIES	EWERT ENTERPRIES	2059 S. 3RD ST	NILES 49120
• 3A4D25	FREEMAN, CF	WIN SMURFS	4100 W WALTON	DRAYTON PLAINS 48020
• 3A4D43	HENNIP, W		3300 14TH	WAYLAND 49348
• 3A4R	HODGINS, GF & FR	HODGINS KENNEL	6300 LANGE RD	HOWELL 48843
• 3A4D16	HUNT, DJ		6237 VINTON AVE	COMSTOCK PARK 49321
• 3A4D4	INTERNATIONAL ANIMAL EXCHANGE, INC		1489 E NINE MILE RD	FERNDALE 48220
• 3A4D19	INTERNTL RES & DEV CORP		500 N MAIN ST	MATTAWAN 49071
• 3A4D27	JAENICKE, JC & TG	BETTY'S PET & GDN, CTR.	PO BOX 501	HOUGHTON LAKE 48629
• 3A4D30	KAMPFERT, WR	BILL'S MAGIC MANUFACT. CO.	36443 UPLAND CT	WAYNE 48184
• 3A4D36	KUCERA, L & J	LJK RABBITRY	P.O. BOX 143	IRONS 49644
• 3A4D5	LABORATORY ANIMALS INC		P.O. BOX 2467	GRAND RAPIDS 49501
• 3A4K	LABORATORY RESEARCH ENTERPRISES, INC		6321 SOUTH 4TH STREET	KALAMAZOO 49009
• 3A4D6	LANGSHAW, N & D	LANGSHAW FARMS	R1 BOX 256	AUGUSTA 49012
• 3A4D33	LEMPICHI, L	MOUSE OF PETS NO 2	29500 FORD ROAD	GARDEN CITY 48135
• 3A4D31	MACK, C & D		8416 BECKER RD.	CEDAR SPRINGS 49319
• 3A4D38	MARTIN, RF	PECULIAR PETS	5150 HIGHLAND RD	PONTIAC 48054
• 3A4D33	MI DEPT OF PUBLIC HEALTH	BUR OF DIS CONTROL & LAB SER	3500 N LOGAN ST PO BOX 30035	LANSING 48909
• 3A4D36	MISSLER, G		537 TECUMSEH ST	DUNDEE 48131
• 3A4D42	PRENTICE, V		411 SO ALP ST	BAY CITY 48706
• 3AFF	RADTLOFSKI, E	MEADOWBROOK FARMS & CO	10533 GRATIOT ROAD	RICHMOND 48062
• 3A4D39	ROOD, C & N	AUTUMN KENNELS	4726 WHEELER RD	STANDISH 48658
• 3A4D40	SCHNEIDER, L & R	MI-NORES KENNELS	2224 S ENNIS RD	ITHACA 48847
• 3A4D11	SHANKIN, E	SHANKINS RABBITRY	13547-28 MILE RD	WASHINGTON 48094
• 3A4D38	STURGILL, C		8140 DUNN RD	MUNITH 49259
• 3A4D26	TAFT, MT	A & M KENNELS	RT. 1 BOX 467	ESCANABA 49829
• 3A4D41	TERPENING, J		908 ELSWORTH RD	PETOSKEY 49770
• 3A4D21	ULRICH, ME		RR 2 POLK RD.	STANWOOD 49346
• 3A4D25	VITEK, R & C	VITEK'S RABBITRY	R 2 1670 S AIRPORT RD	ST. JOHNS 48879
• 3A4D3	WALLACE, RD	OAKHILL RABBIT RANCH	1753 106 AVE	OTSEGO 49078
• 3A4S	WOUDENBERG, RJRRL	R & R RESEARCH	RR 2 19256 W KENDAVILLE RD	HOWARD CITY 49329

MINNESOTA

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 41A157	ABRAHAMSON, P & K	P & K KENNELS	RR 1	CANTON 55922
• 41R06	ALLIED BIOMEDICAL CO., INC.		1001 18TH ST SW	AUSTIN 55912
• 41R78	ANDERSON, RS	ROGERS GAME FARM	RR 2 BOX 171	STARBUCK 56381
• 41A82	BANKE, MW	HAROLD'S RABBITRY	206 S HICKORY ST	LESTER PRAIRIE 55358
• 41AF	BEISE, M	BEISE KENNELS	410 CREEK LANE	JORDAN 55352
• 41R100	BENIGNI, K			COTTON 55724
• 41A2R	BENIGNI, KS	THE SKUNK WORKS		COTTON 55724
• 41A178	BERGLAND, M		RR 1 BOX 21	ELLENDALE 56026
• 41R31	BIO LAB CORPORATION		5228 CENTERVILLE ROAD	ST PAUL 55110
• 41R82	BLAINE MIDWAY ALL PETS INC.		10911 RADISSON RD, NE	BLAINE 55434
• 41A183	BLETH, JF & ZB	SNOWCREST KENNEL	RT 8 BOX 552	BEMIDJI 56601
• 41A161	BRANDT, V	PRETTY PINK CATTERY	135 CLINTON ST	MINNEAPOLIS 55504
• 41A51	BRAUN, D		R 2 BOX 198	WORTHINGTON 56187
• 41R63	BROLIN, R & D	BROLIN PETS	1229 PORTLAND AVE.	ST. PAUL 55108
• 41R98	BROWN, J & M	MINNESOTA PINES KENNELS	RT 3 BOX 83	WORTHINGTON 56187
• 41R20	BRUST, RS	OAK CREST KENNELS	4770 S ROBERT ST.	INVER GROVE HGTS 55075
• 41R60	BUTLER, DP	BUTLER'S ARIBT ARAB KEN	RT 1 BOX 51	BRAINERD 56401
• 41R67	CAPRANOS, T	T&T HAMSTER HUT	1920 4TH AV NW	AUSTIN 55912
• 41R1	CHANCE, W		RT 3	ST. JOSEPH 56374
• 41RR	CITY OF ST. JAMES	CITY OF ST JAMES	1002 7TH AVE N	ST JAMES 56081
• 41A176	CUPERUS, R & S	OAK RIDGE KENNEL	RR 3	JACKSON 56143
• 41A31	DAVIDSON, GN	DAVIDSON'S FUR FARM	ROUTE 2 BOX 128	ANNANDALE 55302
• 41R23	DEAKINS, M	NEWFOUNDLAND KENNEL & FARM	RTE 1	PARK RAPIDS 56470
• 41A166	DICKMAN, O & M	OAK GROVE KENNELS	R 1 BOX 79A	PIERZ 56364
• 41A106	DIEFOLD,R		RR1	STEWART 55385
• 41A174	DODDS, C & M	ROOGAROO RANCH	RT 1 BOX 111	CLEARBROOK 56634
• 41R66	DRAEGER, D & MORTENSON, P	DAD & MACK PETS	14915 CROSSTOWN BLVD.	ANOKA 55303
• 41R56	EGGERSTEIN, R	CC FARM & KENNEL	R 2	ANNANDALE 55302
• 41A163	EHRHORN, JR., M	NORTH COUNTRY KENNEL	RR 4 BOX 165	GRAND RAPIDS 55744
• 41A128	ERICKSON, K	KAY JO'S COCKERS	15647 TERRITORIAL RD	MAPLE GROVE 55369
• 41R4	FERGUSON, R		RT 1	CLEARWATER 55320
• 41R90	FISCHER, R & R	ALEXANDRIA KENNELS	RT 7	ALEXANDRIA 56308
• 41R68	FISHER, R	GEM ANIMAL FARMS	BOX 236	HUTCHISON 55350
• 41A151	FRINK, DM		RT 2	PALISADE 56469
• 41R70	GIESE, C	OAK RIDGE GAME FARM		DONNELLY 56235
• 41A102	GLEASE, D	EVANSLAND KENNELS		SUNBURG 56289
• 41R76	GULDEN, W & S	THE DOG HOUSE	RT 1	KANDIYOHI 56251
• 41A167	HARREN, A & M	J & J ENTERPRISES	R 4 BOX 126	AUSTIN 55912
• 41R6	HAMLETT I R MYERS C	OAK CREST RABBITRY	5725 ALAKE RD, APT 206	EDINA 55436
• 41A110	HARRINGTON, D		RR 2	CALEDONIA 55921
• 41R74	HAWLA, C & S	HAWLA'S ROYAL OAK KENNELS	RT. 2 BOX 154A	ROYALTON 56373
• 41A20	HERNESS, G	SEWELL LAKE KENNEL	BOX 34	DALTON 56328
• 41R106	HIPPEND, M		2526 S BRIDGE ST	NEW ULM 56073
• 41AE	HIPPERT, D		RT. 1	KASSON 55944
• 41R87	HOCHMAYR, FRT	DEER FOREST	BOX 46	NISSWA 56468
• 41R53	HOENNE, MF			PINE ISLAND 55963
• 41A20	HURNER, R	HURNER HOUSE KENNEL	RR BOX 125	PIPESTONE 56164
• 41A125	HUNTER, P & M	HUNTER'S MAPLELAND KENNEL	RT 1 BOX 188	WAVERLY 55390
• 41R41	INTERNATIONAL BIOLOGICS, INC.		531-9TH ST NW	NEW BRIGHTON 55112
• 41A91	JOHNSON, EM		RT 2 BOX 33	SAUK CENTRE 56378
• 41A162	JONES, G & C	WISHBONE CREEK KENNEL	RT 2 BOX 227	LAKE CRYSTAL 56055
• 41A175	KIEL, R & S	PINE ACRES KENNEL	RR 3	PINE CITY 55063
• 41A147	KLENKE, N		NORTH OAK STREET	RACINE 55967
• 41R55	KRAFT, KG	KRAFT'S GAME FARM	RR 1	RACINE 55967
• 41A25	KROHNBERG, LF		RR 2	BLOOMING PRAIRIE 55917
• 41R30 A ND C0 F O KNUEGER, RE	KROHNBERG, LF		RR 2	BLOOMING PRARIE 55917
• 41A9R	LACY, RI	3-M GERBIL RANCH	2498 COMANSEY ST	ST PAUL 55113
• 41A41	LAMBERTSON, V		BOX 173 RR 2	STEWART 55385
• 41A172	LARSEN, T & D	TYROLIAN KENNELS	RT 1	CUSHING 56443
• 41A106	LATZIG, A	LATZIG MINK RANCH	RT. 1 BOX 87	HOWARD LAKE 55349
• 41R93	LOSS, MT	TOTAL LOSS GAME FARM	RT 10 BOX 63	BRAINERD 56401
• 41A164	LOUCKS, R		R 7 BOX 370	MANKATO 56001
• 41R2A	LUCHT, W		R 3	OSSEO 55369
• 41AE AND C11 F O KASSON 55944 WH C3A	MADSEN, DK	MADSEN SHOOTER SUPP	921 E 8TH	SPENCER 50301
• 41R90	MALZAHN, JR		850 GREAT PLAINS, BLVD	CHASKA 55318
• 41A145	MATTER, A	MATTER'S KENNEL	RT 5 BOX 92	AUSTIN 55912
• 41R38	MATY, AL		1075 OTTO	ST PAUL 55116
• 41A83	MATZ, M & FREDERICK, S	MATZ FUR FARM P		WALTERS 56092
• 41R27	MCALLISTER, RAJ		3669 140TH ST NW	PRIOR LAKE 55372
• 41A111	MCCONKEY, GW	C & J KENNELS	RR 2	BREWSTER 56119
• 41R96	MELLEMA, N		R4 BOX 38	WORTHINGTON 56187
• 41R81	MENNING, P	MENNING HILLTOP KENNELS	RR 1 BOX 300C	EDGERTON 56128
• 41A121	MILLER, TEJRCHAMPLIN, F	MILL-CHAMP KENNELS	RT 3 BOX 87A	AUSTIN 55912
• 41R73	MINNESOTA PET BREEDERS, INC	CRUMP KENNELS	RT 2 BOX 102	GLYNDON 56547
• 41R16	MUNICIPAL & PRIVATE SERVICE INC		506 11TH AVENUE NORTH	MINNEAPOLIS 55411

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MINNESOTA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
41R52	NURMI, WH	THE PET MENAGERIE	RT. 1 BOX 147	TWO HARBORS 55616
41A117	OLSON, RR	GOD KENNEL		KANDIYOHI 56251
41R10	PANKRATZ, MM			MT LAKE 56159
41R85	PAPLOW, D & F		RT 1 BOX 102	FULDA 56131
41A55	PERRY, LAM		ROUTE 1 BOX 164	MORA 55051
41R26	PINE CREST KENNELS		RR 1	KASSON 55944
41A158	PUDENZ, JA	NORTHWIND KENNEL	RR 1	JEFFERS 56145
41A107	RADKE, D		RT 1	BROWNTON 55312
41R36	REER, OG	REERS TROPICAL FISH & SUPPLY	430 NIAGARA LANE NO.	WAYZATA 55441
41R72	RENNER, WI		STAR RT BOX 11A	DETROIT LAKES 56501
41R30	RIEFF, GW	GOPHER STATE CAVIARY	862 ATLANTIC ST	ST PAUL 55106
41A86	RUUD, W	BIG STONE KENNELS	RT 1	BEARDSLEY 56211
41A120	RUTHEN, L & L	VERMILLION RIVER KENNEL	20640 CHIPPENDALE AVE W	FARMINGTON 55024
41R07	RUTLEDGE, R	CHUCKI KENNELS	ISLAND VIEW RT	INTERNATIONAL FALLS 56649
41R103	SAWYER, R	WILDWOOD ARABIAN AND KENNEL		BACKUS 56435
41R40	SCHADE, E & I	AQUARIUS KENNELS	RR 1	RUTHTON 56170
41R34	SCHEILLER, SM	RODENT RANCH	6088 HWY. 52N	MINNEAPOLIS 55422
41A173	SCHEMPER, RJ & MJ		RR 3 BOX 230	WORTHINGTON 56187
41A115	SCHOONOVER, DF	OAKLAND KENNELS		HOLLANDALE 56045
41R17	SCHROEDER, A		RT 1 BOX 158	KIESTER 56051
41A138	SCHULTZ, A & A		RR 3 BOX 108	WORTHINGTON 56187
41A173	SELTUN, G		RR1 BOX 32	WALTERS 56092
41AD	SERGER, WL		RT. 2	WATKINS 55389
41R48	SIFERS, D	CIMARRC KENNELS	BOX 251 RT 2	MORRIS 56267
41R02	SPARK, M		RR 3	GLENWOOD 56334
41A171	STEPHEN & VICKI VOLVY		RT 2 BOX 187	CHASKA 55318
41A156	STOKES, JP & LJ	SUNSHINE KENNEL	RT 4 BOX 7A	BEMIDJI 56601
41A30	STROM, M		ROUTE 1	RANDALL 56475
41R47	STROMBERG, L	STROMBERG PETS UNLIMITED	50 LAKES RT	PINE RIVER 56474
41R59	STYLE PETS UNLIMITED OF MINNESOTA	MINN. VALLEY PETS	RT 1 BOX 198	CLEVELAND 56017
41R83	SWANSON, J, R & M	ROCKY TOP KENNELS	RR 2	WINDOM 56101
41A13	SWANSON, ME	OAK RIDGE KENNELS	1640 GAME FARM RD N	MOUND 55364
41R102	TAYLOR'S PETS TI INC		RR2 BOX 122	PERHAM 56573
41R57	THOMPSON, P	THOMPSON'S GAME FARM	RR 1	WINDOM 56101
41A17	TILBURY, J		R 1	GRASSTON 55030
41R49	TOENGES, CM		RR 1	ALDEN 56009
41R66	TRINKO, JR, J		7611 KNOX AVE. NO. 217	RICHFIELD 55423
41A68	TROM, AL	STOCKBURY KENNELS	RFD 1 BOX 176	BLOOMING PRAIRIE 55917
41R101	TROUMBLY, D	TROUT LAKE DEER FARM	RT 1 BOX 2117	ROVEY 55709
41A168	TVEIT, T & S		RT 1 BOX 89	KIESTER 56051
41R61	URBACH, L&P		R 3 BOX 77	FRAZEE 56544
41R91	VAN DER SCHAAF, MJ	M & M KENNELS	RR 1	WOODSTOCK 56186
41R88	VIFSMAN, M	ROM MOM VILLAGE	R. R. 3	LUVERNE 56156
41A81	VINAR, SR., RJ & AR	D & A KENNEL	RT 2	WATKINS 55389
41A169	WALKER, VD		RT 1 BOX 121	WARBA 55793
41A170	WARNKE, T	DOUBLE D KENNEL	9903 221ST AVE NW	ELK RIVER 55330
41R70	WEINKAUF D	HIGHLAND HILLS KENNEL	RR 1 BOX A5	EAGLE LAKE 56024
41R80	WENSMANN, GBA	A & M KENNELS	BOX 200 RT 1	MELROSE 56352
41R75	WENZEL, M	PUPPY GARDEN	RT 1	ALPHA 56111
41A161	WILSON, IA		323 19TH ST SE	BRAINERD 56401
41R70	WRIGHT, NB	CEDAR RIDGE KENNEL	RR 1	GRAND MEADOW 55936
41A59	ZELINSKY, A & G		ROUTE 1 BOX 237	MANKATO 56001

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LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
65476	BENTZ, EJ	PET POURRI KENNELS	RT 2 BOX 6A	LONG BEACH 39560
6581	BICKHAM, RD	YELLOW BIRD FARM	RT 2 BOX 186G	PURVIS 39475
65417	BROOKS, CL		RT. 1 BOX 74A	MATHISTON 39752
65422	GRAYSON, W	LOVE-N-CARE KENNELS	RT. 1 BOX 184	QUITMAN 39355
6585	GRECO, S	THE MENAGERIE	2885 MCDONELL RD	JACKSON 39212
65465	HARNESS, K	KERMIT KENNELS	RT 5,BOX 197-D	VICKSBURG 39180
65421	HORN, RM	WILLHAVEN KENNELS	PO BOX 444	RIDGELAND 39157
65475	HUFFMAN, J	WHIPPOORILL FARM KENNELS	RT 2	GRAND JUNCTION 38039
6586	JOHNSTON, JC	JOHNSTON'S CHOWS	640 PICKETT ST	GREENVILLE 38701
65468	JONES, MA		ROUTE 2 BOX 17	BRAXTON 39044
65411	LAMPLEY, J		2729 AIRDALE ST	GREENVILLE 38701
6585	LEWIS, DF	TRIPLE-A KENNEL	RT 2 BOX 109	COLUMBIA 39429
65JM	MARTIN, JG		125 MARTIN ST	RIPLEY 38663
6587	PARKER, TP		RT 1 BOX 169	LAWRENCE 39336
6584	REYER, M	DOG-WOOD KENNELS	RT 2 BOX 305	COLUMBIA 39429
65458	SIMMONS, J & BYRD, J	J & J KENNELS	RT 1 BOX 311-D	COLUMBIA 39429
65435	STEINHAUSER, R & J	QUIJAM CATTERY & KENNELS	RT 1 BOX 604	LELAND 38756
65427	SWEARINGIN, D	SWEARINGIN KENNELS	RT 2 BOX 231A	RUTH 39662
65431	THOMPSON, PL		RT 1 BOX 201	LUMBERTON 39455
6584	VANLANDINGHAM, ML	VSB ANIMAL SHELTER	PO BOX 133	VARDAMAN,38878
6583	VIALL, CG	PET KINGDOM	BOX 32	DELMI 71233
65420	WHATLEY, D		RT. 1 BOX 53A	BROOKLYN 39425
65437	WILLIAMS, JA	TAR RIVER KENNELS	RT 1 BOX 154	CROSBY 39633
65409	WINNINGHAM, MRS, J		RT 1, BOX 166	MENDENHALL 39114

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LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
43BAV	ACKMANN, A & M	NORMAL ACRES KENNEL	RT 1 BOX 3A	ROSEBUD 63091
437AU	AHOLT, J&A	AHOLT'S KENNEL	RR 1	GLASGOW 65254
430X	ALLEN, W		RR 2	LUCERNE 64655
437V	ANDERSON, MA		ROUTE 2 BOX 177	ELKLAND 65644
4300	ANEST, JL		RR 3	KIRKSVILLE 63501
43LAD	ANIMALS AND POULTRY, INC		PO BOX 423 RR 2	GRAY SUMMIT 63039
43GFF	APSHER, M	KANCHETT KENNEL	RT 1	IONIA 65335
43YAP	ARA, M R KITCH, SE	TRIPLE T KENNEL	RT 1	GRANBY 64844
43XAF	ARMSTRONG, C	ARMSTRONG KENNEL	R 4 BOX 179	ROCKPORT 64482
43TC	AYE, F		RT 1 BOX 23	WILLOW SPRINGS 65793
43DDN	BAILEY, D	HILLTOP KENNEL	RT 1 BOX 116	BLACKBURN 65321
43AAE	BANKER, AM	BANKER KENNELS	RT 1	CLARK 65243
43HV	BARNETT, RT		RT. 1	LOWRY CITY 64763
43EAF	BARNFIELD, M	RAR MAN KENNELS	BOX 158	CROCKER 65452
43TA9	BAUM, F		RT 2	AURORA 65605
43DAA	BEACH, M		RT 1	UNIONVILLE 63565
43CC9	BEALMER, M & D		RR 2	ATLANTA 63530
43FAF	BEARDEN M		RR 3	SALISBURY 65281
43TAE	BECHTOLD, ML		RT 1	KINDER 64649
43MAF	BECKETT, ML & MA	SO BIG KENNEL	R 7 BOX 358	JOPLIN 64801
43PAU	BEHRENNS, R		R2 BOX 165-9	OZARK 65721
43DDK	BELL'S KENNEL		RTE. 2 BOX 161	HAMILTON 64644
43LAM	BERNARD, L		RT 1	FAIR GROVE 65648
43UAT	BERRYHILL, RRJ	RRJ KENNEL	RT 1	IRWIN 64758
43T4F	BERWICK, P		HOBSON STAR RT 2 BOX 62	ROLLA 65401
43GGF	BEVERLIN, S & C		RT 1 BOX 231	SHELL KNOB 65747
43AD	BIAS, MF		RT. 2	HOLTS SUMMIT 65043
43KL	BILLUPS, G		RFD 1	CANTRIL 52542
43WJ	BIXENMAN, EB		RR 2 BOX 76	RYNUMVILLE 65238
43PAV	BLACKFTER, E		RT 4 BOX 188	BOLIVAR 65613
43RR	BLAINE, PL		BOX 188 RFD 3	MEMPHIS 63555
43VAF	BLAINE, REM		RR 1	GREENTOP 63546
43MAK	BLAKELEY, RM		6701 NE 48TH ST	KANSAS CITY 64119
43PAD	BLANKENSHIP, L	BLANK'S KENNEL	RT 1	SMITHTON 65350
43MC	BORCHARDT, RD		ROUTE 1	IANTHA 64753
43TAK	BOWERS, REM		RT 2	PRINCETON 64673
43FEJ	BOWMAN, R	BOWMAN'S RED PALACE KENNELS		ROCKY COMFORT 64861
43PAF	BRADSHAW, ME		RT 1	BIRCHTREE 65438
43RS	BRAGG, C		RFD 1	NOVINGER 63550
43WAM	BRAUER, FER	BRAUERVILLE KENNEL	RT 3	COLE CAMP 65325
43UAM	BRANNER, L		RR 2	GREENTOP 63546
43XE	BRAZEAL, RN&L		RT. 2	MANSFIELD 65704
43WAM	BRODERSON, M			OTTERVILLE 65348
43RRR	BROOKS, C	BROOKS PUPPY EMPORIUM	RT. 1 BOX 348A	WEBB CITY 64870
43RAD	BROOKS, REM	BROOKS KENNELS	RT 3 BOX 248 E	BOLIVAR 65613
43SAX	BROWN, CG & SM			BUNNEGAN 65640
43VAD	BROWN, E		RT 1 BOX 92	HOLDEN 64040
43HHF	BROWN, G	REBEL RIDGE KENNEL		DARLINGTON 64438
43MAN	BROWN, JT	SYCAMORE ACRES KENNEL	3781 N. GRANT	SPRINGFIELD 65803
43EEF	BROWN, L		RT 2 BOX 352	ASH GROVE 65604
43RAK	BROZ, R	VMK KENNEL	RT 1 BOX 126A	HANK POINT 63549
43DL	BRUCE, GL		RR 4	UNIONVILLE 63565

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* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 43PN	BRYANT, T			BARING 63531
* 43VAA	BUCKNER, M		RR 1 BOX 50	HUMPHREYS 64646
* 43MAM	BUEHLER, RJ		RR 2 BOX 20	AURORA 65605
* 43DAQ	BURD, L		RT 1	META 65058
* 43FE	BURKHARDT, P		R 4	MACON 63552
* 43VAF	BURNS, GA	ALB KENNEL	RT. 7 BOX 225-D	SPRINGFIELD 65802
* 43VAF	BURNS, MF	LEE MARELLE KENNEL	RT 1 BOX 245	SELIGMAN 65745
* 43FEM	BURNS, R		RR 1	ANABEL 63431
* 43MAM	BURNS, J & WENDLETON, D		RT 1	BUTLER 64730
* 43GGC	BURROWS, JL		RT 1 BOX 351	PEARIDGE 72751
* 43FFM	BUSCHKOETTER, C		RR 1	HUNTSVILLE 65259
* 43MU	BUSHNELL, JR, L		RR1	QUEEN CITY 63561
* 43IN	BUTLER, M		RT 3 BOX 203K	CARTHAGE 64836
* 43RRM	BYERS, C		RT. 3 BOX 216	PRINCETON 64673
* 43TAP	BYERS, S	SUE BEE'S DOG KENNEL	RT 1 BOX 265	TROY 63379
* 43IL	CAMDEN, RN		RR 1	GLENWOOD 63541
* 43KAD	CAMPBELL, P		RT 2 BOX 226	WILLARD 65781
* 43DDE	CAMPBELL, ME		124 E MELM ST	BROOKFIELD 64628
* 43KAA	CARENDER, M&C	MARTON-DALE ACRES	RT 1	RUSSELLVILLE 65074
* 43KAZ	CARTER, M		RR 1	ELMER 63538
* 43GGG	CASSITY, F	CASSIDY'S KENNELS		EXCELLO 65247
* 43FAY	CATES SR, ME		RT 10 BOX 823	SPRINGFIELD 65803
* 43DDG	CHAMBERS, J	ROCKING CHAIR RANCH	ROUTE 1	AMSTERDAM 64723
* 43DDM	CHAPMAN, B		RT 1 BOX 108	JANE 65846
* 43BAM	CHIDLERIO, L	CHIDLERIO'S KENNEL	RT 1	MARCELINE 64658
* 43TAL	CHRISTENSEN, M		RT 1	KEYTESVILLE 65261
* 437S	CHRISTMAN, M		BOX 93 RFD 1	BETHEL 63438
* 43MD	CLAIR, JP		RFD 2 BOX 60	HURDLAND 63547
* 43PA	CLAPP, L		RT. 4	BUTLER 64730
* 43PM	CLARK, FI		RT 2	MERCER 64661
* 43UAQ	CLARKE, M		RR 1	ANABEL 63431
* 43FFM	CLARY'S KENNEL			LA GRANGE 63448
* 43GAY	CLAYTON, R		R1 BOX 244A	SEYMOUR 65746
* 43FFR	CLEM, C	CLEM'S K-9 KENNELS	RR 1 BOX 86	HUMPHREY 64646
* 43DDS	CLEVENGER, C & L	CLEVENGER COUNTRY KENNEL	RR 2	BRAYMER 64624
* 43FEQ	CLEVENGER, D		RT 1	BRAYMER 64624
* 43LAG	CLICHNER, C		RR 1	CARIO 65239
* 43EF	CLUBINE, MM		BOX 126	GREENTOP 63546
* 43FFF	COCKRUM, Z & MORGAN, J	SHELAINA KENNELS		SHELAINA 63468
* 43RRW	COFFEY, K		RT. BOX 183	EXETER 65647
* 43RRY	COFFMAN, S & C		RR 1	CALLAO 63538
* 43DAV	COLCLAZIER, L	EDGEWOOD KENNELS	R 2	ROGERSVILLE 65742
* 43KM	COLLIS, G	WHITE OAK KENNEL	RR 2	QUEEN CITY 63561
* 43CCE	COLVILLE, J		BOX 211	PINEVILLE 64856
* 43QAG	CONSTANT, R & J	CONSTANT KENNEL	RT 5	CHILLICOTHE 64601
* 43RZ	COOK, A		RR 6	KIRKSVILLE 63501
* 43LAU	COOK, FBS	SHADY DELL KENNEL	RT 2 BOX 272	ASH GROVE 65604
* 43MK	COOK, DA		RT 1	LANCASTER 63548
* 43ZAP	COONSEY, RRL		RT 5 BOX 61	TRENTON 64683
* 43GGM	COULTER, A & D	COULTER KENNEL	RT 1 SO 140 HWY	ST JOSEPH 64507
* 43QAX	COURTNEY, D	TLC KENNEL	RTE 2 BOX 175	TIPTON 65081
* 43DDX	CRAWFORD, M & D		RR 1 BOX 21	GIBBS 63540
* 43YAG	CREECH, CC	TRIPLE C KENNELS	RT 1 BOX 146	EOLIA 63348
* 43NV	CRUMP, A		BOX 5	LANCASTER 63548
* 43MAC	CULLER, R		ROUTE 2	SHELBYVILLE 63469
* 43MN	CULLUM, J		RT 1	UNIONVILLE 63565
* 43GGI	CUMMINGS, V		RT 1 BOX 33	CARL JUNCTION 64834
* 43VAU	DARROWSKI, E	CATADAMAR KENNEL	RT 2	GRANBY 64844
* 43JAP	DAGGS, RC		RFD 1 BOX 80	EWING 63440
* 43MAT	DANIELS, RF	RACINE 64858	RR 2 BOX 231	BOX 887
* 43DN	DANNEMAN, CJ		RR 8	SALISBURY 65281
* 437AY	DAVENPORT, LK	DAVENPORT K KENNEL	BOX 37	DIAMOND 64840
* 437T	DAVIS, LH		R 2 BOX 125	MILLER 65707
* 437AG	DAWSON, RD & CM	CAMP BRANCH KENNEL	RR 1	REVIER 63532
* 43RRE	DECKER, RRP		RT 1	BONNE TERRE 63628
* 43DN	DEIERLING, IS		BOX 18 RT 1	QUEEN CITY 63561
* 43FF	DELANEY, P		RT 2	GREEN TOP 63546
* 43LU	DENTON, EJ		RT 1 BOX 140-A	NEOSHO 64850
* 438AR	DEVNIES, J&A			LOOSE CREEK 65054
* 438AM	DITTON, JF	JERFC KENNELS	RT 1	WAVERLY 64096
* 43RD	DOSS, G			FREISTATT 65650
* 43FFC	DOUGLAS, M & A		R 1 BOX 242	SELIGMAN 65745
* 43WAA	DOUGLAS, VA		RT 2	LINCOLN 65338
* 43RM	DOWELL, D		RT 2	BROOKFIELD 64628
* 43LQ	DOZIER, J	WILLY HAVEN KENNEL	RT 3	COLUMBIA 65201
* 43LAQ	DRFRES, ML		RFD 3	PALMYRA 63461
* 43YAJ	DUESCHLE, ML		RT 1	CENTERTOWN 65023
* 43GGZ	DUFF, S		2600 PARIS ROAD	COLUMBIA 65201
* 43FAM	DUNCAN, MG		RR 1 BOX 16	ADLOCHON 64427
* 43GQ	DUNLAP, ME	BURDETT'S KENNELS	6942 E 58TH ST	KANSAS CITY 64129
* 43YAT	DYE, A		RFD 3	EDINA 63537
* 43DP	EASTER, RG	EASTER ANIMAL FARMS	PO BOX 297	LIBERAL 64762
* 43RAM	EATON, AM	EATON KENNELS	RT 2 BOX 214	ST PETERS 63376
* 43QAR	EDLEN, L		RFD 1	ALEXANDRIA 63430
* 43XAL	EDWARDS, LBEV		RT 1 BOX 95	AURORA 65605
* 43MMA	EHRART, P			CAULDFIELD 65626
* 43FFK	FICHOR, F & V		RFD 1	MAYWOOD 63458
* 43MAW	ELDER, C		R 2 BOX 27	GILMAN CITY 64642
* 43LAM	ELDRIDGE LAB. ANIMAL, INC		BOX 398 RT 1	HANNIBAL 63012

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* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 43DDR	FLIENWOOD, RD	ROCKY VALLEY KENNEL	STAR RT, BOX 11	PINEVILLE 64856
* 43QG	ELLIS, A		RT 1 BOX 130X	PINEVILLE 64856
* 43WAR	ELLIS, CC		POB 76	DUENWEG 64841
* 43QK	ELLIS, EF		RT 3	ANDERSON 64831
* 43GZ	ELLIS, J	J R J KENNEL	RT 1 BOX 81D	JOPLIN 64801
* 43KAR	EMMERT, MRE		R 2	AURORA 65605
* 43TA	ENGLAND, M	M & L KENNEL	ROUTE 2	CENTRALIA 65240
* 43MMG	ENGLAND, J		RR 2	CENTRALIA 65240
* 43MY	ENGLAND, JM	JU-LES-RANS KENNELS	ROUTE 2	CENTRALIA 65240
* 43PR	ERWIN, L		R 1	BRASHEAR 63533
* 43UAC	ESSICK, REO	ROUNDOUTS PUPPY FARM	BOX 129	HIGHLANDVILLE 65669
* 43UAD	ESSICK, M		RT 1 BOX 170	HIGHLANDVILLE 65669
* 43FQ	EURITT, D	OAK GROVE KENNEL	RT 1	KIRKSVILLE 63501
* 43DAR	EVERMAN, JR,, FW		RT 2	GALLATIN 64640
* 43CCZ	EWART, FM & NM		RFD 3 BOX 143	KANSKA 63445
* 43FFL	EWING, C & P		RT 2	NEVADA 64772
* 43VAJ	FAIRBANKS, L & A		RT 1	KING CITY 64463
* 43KU	FEMLING, RJ	R J'S KENNEL	RT 1	ARMSTRONG 65230
* 43QAS	FELIN, C	HILLCREST KENNEL	RR 2	ELKLAND 65644
* 4308	FENIMORE, JM		RR 4	LA PLATA 63549
* 43UAU	FIELD, M		RR 2 BOX 77	MOUND CITY 64470
* 43GGT	FIGGE, A M		BOX 85, R 1	LANCASTER 63548
* 43TQ	FLAXBEARD, V & DICKENS, M			ROCKY COMFORT 64861
* 43DJ	FORD, L		RR 2	GLENWOOD 63541
* 43MAZ	FORNER, M		1665 CATALINA	SPRINGFIELD 65804
* 43MHE	FORSTER, J & A	MISTY MEADOWS KENNEL	RT A BOX 156 P	CAMDENTON 65020
* 43MS	FOSTER, DD	WHITE GATE KENNELS	RR 3	MACON 63552
* 43SP	FOSTER, MM	BETTA'S CANINE KENNEL	RT 4	CENTRALIA 65240
* 43MZ	FOSTER, J	CEDAR HILL KENNEL	ROUTE 4	CENTRALIA 65240
* 43KAF	FOSTER, T	VALLEY HIGH KENNELS	RR 5 BOX 30	UNIONVILLE 63565
* 43CAR	FRANCIS, R	HILLTOP KENNELS	RR 2 BOX 236	PIERCE CITY 65723
* 43ML	FRIEDEN, VJ		RFD 3 BOX 55	KANSKA 63445
* 43QAI	FRIEL, JT	FRIEL'S KENNEL	RT 3	NEVADA 64772
* 43FD	FRIEND, P	PA PAW'S KENNEL	RT 1 BOX 765	BOIS D'ARC 65612
* 43TF	FRY, J		RT 3	ELDON 65026
* 437AM	FUGATE, J		RR 2	CALLAO 63538
* 437AR	GALLEY, DM		RT. 1	COLLIN 64738
* 43DAY	GALLOWAY, CV		RR 1	PURDY 65734
* 43RAA	GRAKE, T		RT 1	BUNCETON 65237
* 43LAR	GIBBS, ARP	GIBBS SMALL DOG KENNEL	RT 2	FRANKFORD 63441
* 43VAN	GIBSON, R		RT 1	LAMONI 50140
* 43XAR	GOOCH, MRP		RR 2	PURDIN 64674
* 43SQ	GOODWIN, T		PO BOX 15	KNOX CITY 63446
* 43NY	GOSSETT, LRJ		RT 1 BOX 205	CALHOUN 65323
* 43WAJ	GREER, REL		RT 2	KNOB NOSTER 65336
* 43WG	GRUENEFELD, M		RT 1 BOX 140	JONESBURG 63351
* 43GGD	GURLEY, R		RT 2	PURDY 65734
* 43FFN	HAIGH, J & B		HOWERTON	EDINA 63537
* 43VAP	HALL, MF		R 1	GOODMAN 64843
* 43MMM	HALL, L	HALL'S KENNEL	RT 3 BOX 30	PURDIN 64674
* 43GGK	HALL, R & D		RR 1	HUNTSVILLE 65259
* 43UAV	HALLEY, T		RR 1	UNIONVILLE 63565
* 43LK	HAMILTON, LH		RT 1 BOX 181	GOODMAN 64843
* 43VAZ	HAMM, VRD	GIN-DALE KENNEL	RT 3 BOX 260	BOLIVAR 65613
* 43MM	HAMMOND, DE	M & M KENNELS	PO BOX 64	RUTLEDGE 63563
* 43RL	HARMON, AM	DUN-ROVIN KENNELS	RT 1	SYRACUSE 65358
* 43DDD	HARRELL, D & N		ROUTE 1	ROCKY COMFORT 64861
* 43TAC	HARRIS, DL		RT 2 BOX 203	JAMESPORT 64668
* 43FAY	HARRIS, S		RT ONE	STARK CITY 64866
* 43IM	HARRISON, J		RT 2	MARCELINE 64658
* 43MAO	HARRISON, M		32A E CHICAGO	MARCELINE 64658
* 43GAR	HAWKINS, MR		ROUTE 1	FULTON 65251
* 43EEU	HAYDOCK, J		RT 2 BOX 163-02	OZARK 65721
* 43NAJ	HELMS, L		RT 1	MOORESVILLE 64664
* 43MAX	HENDERSON, J	CLEAR LAKE KENNEL	RT 1	JAMESPORT 64682
* 43VN	HENDERSON, R		RT 2	JAMESPORT 64668
* 43UAE	HENDERSON, S	GROOVY ACRES KENNEL	RT 1 BOX 130	EWING 63440
* 43FFX	HENRY, S		RT 1	CONGILL 64637
* 43EET	HENSLEY, DE		RT 4	GRANT CITY 64656
* 43RAT	HERRING, J	JAMEY'S KENNEL	RR 2	STEWARTSVILLE 64490
* 43FY	HERRING, J		RT 1 BOX 134	EVERTON 65646
* 43WJ	HETTINGER, FW		RFD 2	RUTLEDGE 63563
* 43RG	HETTINGER, R		RR 1	BRASHEAR 63533
* 43CCX	HILBURN, J & STILL, E	MI-VALLEY KENNEL	R #1 BOX 205E	EXETER 65647
* 43EFV	HILL, K		RR 3	GREEN CASTLE 63548
* 43FFH	HILL, R		RT 1 BOX 612A9	CEDAR HILL 63016
* 437R	HILL, R		RR #1	AMORET 64772
* 43XM	HILLERMAN, J&M	HILLERMAN KENNELS	706 INDIANA	MONTROSE 64770
* 43GGS	HODGES, J D		RT 3 BOX 192	MT. VERNON 65712
* 43FAX	HOEFENER, D	SANDYS KENNEL		LATHAM 65050
* 43PC	HOFFER, RJ&AD		RFD 1 BOX 36	EWING 63440
* 43WP	HOFFER, MJ		RT 2	GREENFIELD 65661
* 43YAZ	HOLLINGSWORTH, S	HOLLINGSWORTH'S KENNEL	RT 1	HARTSBURG 65039
* 43FEL	HOWE, E		R 3	ELDORADO SPRINGS 64744
* 43YAH	HOWERTON, D		RFD 1	HURDLAND 63457
* 43FN	HOWERTON, MY		R #1 BOX 98	NIXA 65714
* 43CCY	HOYT, L		RR 2	BROOKFIELD 64628
* 43FFG	HUFFMAN, D		RR 3 BOX 48F	WILLOW SPRINGS 65793

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* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 43WM	MUFFSTUTLER, RR	OZARK RESEARCH SUPPLIER	RR 3	VIENNA 65582
* 43ME	MUGHES, JAR	DO AD TRI KENNELS	RT 1	PURDY 65734
* 43VAN	MUGHS, LC		RT 5	TRENTON 64683
* 43XAT	MUGHS, LL		RR 1 BOX 5	BRIMSON 64826
* 43TV	MULEN, FR		RR 1	LANCASTER 63548
* 43EAR	MUMPHREY, T		BOX 26	MONTICELLO 63457
* 43TAG	MUNOLT, J		ROX 107	BRASHEAR 63533
* 43VP	MUNOLT, E			BARING 63531
* 43GAD	MUNT, JS & GR	FIRETOWER KENNELS	RT 1 BOX 65	NOEL 64854
* 43LAT	MUTCHISON, M		RT 1	VERSAILLES 65084
* 43FAG	MYLE, D&P	MYLE KENNEL	RT 4	UNIONVILLE 63565
* 43FER	INOUVE, M	BELL ACRE KENNEL	RT ONE BOX 262	MILLER 65707
* 43EAV	JACKSON, E		R1	MARMOOD 64750
* 43VAD	JAMES, E		RT. 8	CHILLICOTHE 64601
* 43KAT	JAMISON, LAS		9730 WINSLOW PL	KANSAS CITY 64131
* 43UP	JARMAN, M		RT 1	MONROE CITY 63456
* 43MN	JEFFRIES, E		RT 1	GREENTOP 63546
* 43CCL	JENNINGS, CF & E		RR 1	BEVIER 63532
* 43FFI	JENSEN, MRS T		BOX 22A 117 E WINSON	CORDER 64021
* 43GGO	JOHNS, T		RT. E. BOX 517	CAULFIELD 65626
* 43FED	JOHNSON FARMS INC,		RT 1	RUCKLIN 64631
* 43MAM	JOHNSON, MM		RT 1	MEADVILLE 64659
* 43RRZ	JOHNSON, M	WIL-A-WAN KENNEL	RT. 1 BOX 49-A	WEBB CITY 64870
* 43VIJ	JOHNSTON, N		RR1	POMPSVILLE 64672
* 43KAN	JOHNSTON, M			ELKLAND 65644
* 43LL	JONES, DA		RT 2	PARIS 65275
* 43ARP	JONES, JL	J & S HILLTOP KENNELS	R 1 BOX 6AA	BENECA 64865
* 43OC	JONES, MF		RFD 1	LANCASTER 63548
* 43MAX	JONES, M		BOX 24A	ELDON 65026
* 43XAR	JUYCE, SA		RR 2	GREEN RIDGE 65332
* 43KA	JUSTICE, E		RT 4 BOX 130	EDINA 63537
* 43MP	KELSEY, DA		STAR RT BOX 185	MINDENMINES 64769
* 43CC0	KEMP, AJ		RT 3	LOCKWOOD 65682
* 43JU	KENNEDY, R & L		R 1 BOX 125	JERICO SPRINGS 64756
* 43MMA	KENSLOW, C & T	CAL-TAM KENNEL	RT 3 BOX 26A	VERSAILLES 65084
* 43MU	KERBY, E		RR 2	GLENWOOD 63541
* 43FEG	KERR, M & D		RT 1 BOX 285	OZARK 65721
* 43RRU	KERR, O		RT. 3	COLE CAMP 65325
* 43FEN	KERSHNER, M	KERSHNER KENNELS	RT 1	AMSTERDAM 64723
* 43MV	KIDDOO, MM		RFD 2 BOX 54	MEMPHIS 63555
* 43DAX	KIMMEL, J R L		RR 6	UNIONVILLE 63565
* 43RRO	KING, M & K		RR 1	MACON 63552
* 43RJ	KINZER, T		RT 2 BOX 131	SHELBINA 63468
* 43JN	KIRBY, K		RR #4	PITTSBURG 66762
* 43VAN	KLINETOBE, B	KENNEL OF LOVE	RT 1	WILLIAMSBURG 63388
* 43DAW	KNIGHT, B		RT 2 BOX 64A	MOUNTAIN VIEW 65548
* 43DDW	KNIGHT, B		RT 2 BOX 64A	MTN. VIEW 65548
* 43CCF	KNIGHT, M & THORNTON, A	A-M KENNELS	RT. 1 BOX 162A	NEOSHO 64850
* 43FEK	KNOWLES, A		RR 1	ANABEL 63431
* 43CAP	KOCH, JG & MG	JULI'S KENNEL	RT 1	HAMBURG 51640
* 43ZAI	KOCH, PJ		BOX 119 A HAYDEN RD	DIXON 65459
* 43RAQ	KOMIESKI, FL	MOUND HAVEN KENNEL	R 1	APPLETON CITY 64724
* 43JM	KRAMER, J	KRAMER KENNELS	RT 2 BOX 255	CONWAY 65032
* 43FAT	KROLL, ERD	HALF-A-HILL KENNEL	RT 1 BOX 115	MULBERRY 64656
* 43TAP	KS		RT 1 BOX 21	AURORA 65605
* 43GGL	LACK, F R J	CRIPPLE CREEK RABBITRY	SS RT BOX 73	WEST PLAINS 65775
* 43YY	LAFEVERS, G		RT 2	MURDLAND 63547
* 43DG	LAIRD, GI		BOX 426	LANCASTER 63548
* 43FFR	LAMB, J		RT 2 BOX 95	PARIS 65275
* 43RAG	LANGERUD, F		1201 ORR	JOPLIN 64801
* 43XAP	LANSAW, R		PO BOX 854	KIRKSVILLE 63501
* 43NI	LATIMER, NR	CEDARWOOD KENNELS	RT 1 BOX 1A9	KIRKSVILLE 63501
* 43TAS	LAYTHAM, F		116 COUNTRY CLUB DR	TRENTON 64683
* 43RM	LEE-DON KENNEL INC	LEE-DON KENNELS INC	RR 1	CENTRALIA 65240
* 43GGU	LEE, P		RR 1	CENTRALIA 65240
* 43GGV	LEE, T			CLARENCE 63437
* 43WZ	LEFTRIDGE, L			PINEVILLE 64856
* 43DDJ	LEWIS, DM		RFD 2	MURDLAND 63547
* 43ZP	LEWIS, E		RT 4 BOX 156	BRODALIA 65301
* 43GGM	LEWIS, FF	LEWIS KENNEL	500 CHESTNUT	HOLDEN 64040
* 43DD	LEWIS, VMLSMART, M		1145 PINE	BROOKFIELD 64628
* 43DAX	LIFDORF, D		BOX 268	RFLL 65013
* 43GGY	LIGHT, A R L	LIGHT RABBITRY		POLK 65727
* 43FFC	LIGHTFOOT, S	DAWNETTE'S KENNEL		HALLSVILLE 65255
* 43RA	LINDQUIST, GF	QUALITY RESEARCH DOGS	RT 1	GREENTOP 63546
* 43MAF	LINDQUIST, IAK		RR 2	GREENTOP 63546
* 43FZ	LINDQUIST, L	LINDQUIST KENNELS	RR 1	RETHEL 63434
* 43TAH	LINDREY, V		RFD 1	BILLINGS 65610
* 437I	LINK, J		RT 2 BOX 135	MEADVILLE 64659
* 43RAS	LINKENMANN, LF	LINKS KENNEL	RT 1	TRENTON 64683
* 43TAJ	LISLE, S		RT 1	FAIRPLAY 65649
* 43GAZ	LIVEZEY, JA		R 1		

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* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 43XAQ	LIVEZEY, T		R #1 BOX 59A	FAIR PLAY 65649
* 43GGN	LLOYD, J		RT 1 BOX 327A	SELIGMAN 65745
* 43FI	LONG, A			ROCKY COMFORT 64861
* 43JV	LONG, J		RT 4 BOX 35A	EL DORADO SPRINGS 64744
* 43CI	LONG, M & L			ROCKY COMFORT 64861
* 43OD	LOVE, J		RFD 1	NEWARK 63458
* 43VZ	LOWE, ML		BOX 122 R 1	GREENTOP 63536
* 43Q4U	LOYD, E	RED BARN KENNEL	RT 1 BOX 43	LA RUSSELL 64848
* 43MAM	LUCKY LOCUST FARMS INC		12529 CONWAY RD	ST LOUIS 63141
* 43R8T	LUEDDERS, P		RT. 1	WALLSVILLE 65255
* 43DA7	MARERRY, B		RT 2	DAWN 64638
* 43YC	MADISON, LF		RR 3 BOX 320	LAMAR 64759
* 437AH	MALEAR, R		RT 1 BOX 687	ELDON 65026
* 430AP	MANKEY, MEAR		RR 2	CALLAO 63534
* 43JR	MANN, V		407 E 4TH ST	APPLETON CITY 64724
* 43FEZ	MANSKER, N	OAK HILL MANSION	NO 1 OAKHILL DR	MACON 63552
* 430AR	MAPLES, J&N		RT. 5 BOX 125	TRENTON 64683
* 43HAM	MARRA, D & EC		RT 1	S PICKARD 64679
* 43CCM	MARSH, KF	MARSHIS RABBITRY	3338 OLD BAUMGARTNER RD	ST LOUIS 63129
* 43FFF	MARSHALL, Z		BOX 574	CAULFIELD 65626
* 43RA7	MARSHELL, JL	STAR J KENNELS	ROVER RT BOX 226	W PLAINS 65775
* 43KAL	MARTENS, E		RR 4	KIRKSVILLE 63501
* 43JAF	MARTIN, RIRDOHN, DJ		RT 1 MARTIN RD	SMITHVILLE 64089
* 43R4C	MAST, FM		RT 2 BOX 226	JAMESPORT 64648
* 43KAV	MATTINGLY, DM		RT 1 BOX 220	ST MARYS 63673
* 43R4G	MAWBY, FR	SHO-ME KENNELS	RT. 2	GRAIN VALLEY 64029
* 43KM	MCKEE, KEF	MCREE KENNELS	RT 1	BRAYMER 64624
* 43MAV	MCBRIDE, F		ROUTE 2	MADISON 65263
* 430D4	MCCAMMON, C		RT 1 BOX 336	AMORET 64722
* 437AV	MCCANN, D R S		RR 2	CALLAO 63534
* 43FFO	MCCLEARY, JA		RT 4 BOX 2948	NEOSHO 64850
* 43FFY	MCCOY, C	OAK CREEK KENNEL	RT 1 BOX 185A	LAMON 50140
* 43FJ	MCCOY, GE		R 1	LEBANON 65536
* 43TAE	MCCULLAH, JM		RT 2 BOX 329	ASH GROVE 65604
* 43FEJ	MCCULLICK, L		RT 2	ELDORADO 64744
* 43CCC	MCMAFFIE, T R D	VALLEY VIEW KENNELS	STAR RT, BOX 81	BRUNER 65620
* 43XV	MCINTOSH, DE&S		RT 1 BOX 55	MACOMB 65702
* 43KAM	MCKARAIN, R&JE		A528 BLUE RIDGE EXT	KANSAS CITY 64138
* 43HMC	MCMAUMA, J R D	D & J KENNELS	RR 2	CENTRALIA 65240
* 43GAJ	MCNEELY, G		RT 1	JAMESON 64647
* 43GGH	MEAD, F R W		11AN BARR	CENTRALIA 65240
* 439K	MEANS, G		RT 1	ATLANTA 63530
* 43CAF	MEEKER, RM		RR 1	GREENTOP 63546
* 43FFV	MEEKER, RR		1211 WIGGINS	TRENTON 64683
* 43GGR	MERSHON, E & P	BRIAR HILL RABBITRY	RT 1 BOX 343	TROY 63379
* 43FEY	MESSINGER, G	ROONSLICK ENTERPRISES	610 SPRUCE	ROONVILLE 65233
* 43MAR	METSKER, PRO	PERDOT ACRES	RT 2 BOX 120	TROY 63379
* 43RF	MIDDLETON, RF		RFD 2	LANCASTER 63548
* 43KY	MILLER, L		R 3	SHELBYVILLE 63469
* 43XAY	MILLER, ML	MICKORY HILL SHEPERDS	RT 1 BOX 163	FRANKFORD 63441
* 43PAR	MILLION, MW & WOODARD, M	MILLWOOD KENNELS		HOLIDAY 65258
* 43CCO	MILLTROAS, T R M	BLUE RIDGE KENNELS	STAR ROUTE BOX 82	BRUNER 65620
* 43RC	MINOR, J	COLONIAL ACRES RABBITRY	RT 1	MONETT 65708
* 43QJ	MINOR, L		321 E ROGERS	MONROE CITY 63456
* 43NAS	MITCHELL, OM	MITCHELLS KENNEL	RT 2 BOX 176	MOUNTAIN GROVE 65711
* 43DDM	MITCHELL, R & M		RFD 1 BOX 16	FAIR GROVE 65648
* 43EK	MONCRIFF, RJ		RT 4	KIRKSVILLE 63501
* 43XA	MONER, MRF		RR 1	MEADVILLE 64659
* 43VAT	MONTGOMERY, GM	MONTGOMERY KENNEL	RT 1 BOX 73A	FAIRVIEW 64842
* 43UD	MOOTS, F		RR3	KIRKSVILLE 63501
* 43QAL	MORGAN, FV & MJ		R3 BOX 60	JOPLIN 64801
* 43XAG	MORRIS, JRF		RT B BOX 156P	CAMDENTON 65020
* 43KZ	MORROW, M		RFD 1	KNOX CITY 63446
* 43FP	MOSS, P		RT 2 BOX 660	LAMAR 64759
* 435X	MOUTRAY, E		3740 PETTIS RD	ST JOSEPH 64503
* 43RAC	MUCK, L		RT 1	MEADVILLE 64659
* 43ON	MULLER, CRD		RR 1	ROCKPORT 64482
* 43TAC	MULVANTA, L&NR	SUNVALLEY FARM KENNEL	RR 1	ROCKPORT 64482
* 43DDF	MUSGRAVE, AE		RT. 1 BOX 443	GOODMAN 64843
* 43CCN	MUSSER, S	ECHO MEADOWS RABBITRY/CAV.	RT 1 BOX 32	TUNAS 65764
* 43RAR	NEED, TRM	NEED'S BLUE HAVEN KENNELS	RT 2	HIGGINSVILLE 64037
* 43TK	NELSON, M		RR 2	MACON 63552
* 43SAP	NELSON, MA		RR 1	ATLANTA 63530
* 43VQ	NEUENSCHWANDER, ARJ		R 2 BOX 96B	DEEPWATER 64740
* 430AJ	NEWMAN, RM & DJ	FOX RIVER KENNELS	RFD 3 PO BOX 2A	KANCKA 63445
* 43NK	NICHOLS, K		RR 1	STURGEON 65284
* 43RQ	NORDEEN, V	NORDEEN KEESHONDEN	RT 3	MIDDLETOWN 63359
* 43CK	NORTON, D		1508 WASHINGTON	UNIONVILLE 63565
* 43KQ	NORTON, J		RFD 1	KNOX CITY 63446
* 43LR	NORTON, JW		BOX 82	AUXVASSE 65231
* 43KP	NORTON, V		RFD 1	KNOX CITY 63446
* 43R8M	NOTEWARE, DE	DAN-DEE'S KENNEL	RT. 1	MUNANVILLE 65674
* 43EEP	NOVINGER, S	SANDRA'S KENNEL	RR 1	NOVINGER 63559
* 43FAO	NYCUM, S		NOBLETON	EDWARDS 65326
* 43RU	OAK HILL KENNELS		#242 SHAWNEE DR.	BROOKLINE 65619
* 43GAS	OBRIEN, C		BOX 151	LEWISTOWN 63452
* 43CCK	ODLAND, D		RT 5 BOX 186	NEOSHO 64850
* 43DA7	ORR, ASK		RT 1	KIDDER 64649

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* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 43WAS	OSBORN, DR	OSBORNS KENNEL	RT 3	CALIFORNIA 65018
* 43WF	OSHNER, S			KNOX CITY 63446
* 43DAM	OTHIC, MRS		RT 1	BROCKFIELD 64628
* 438AF	OWENS, JF	OWENS PATTY KENNEL	PO BOX 1	OSCEOLA 64776
* 43GGJ	PARDA, S		601 W BRANDWAY	MADISON 65263
* 43YAP	PARK, J		RT 3	OSCEOLA 64776
* 437G	PARMLEY, W		R 1	GREENCASTLE 63546
* 43PG	PARRISH, EF		R 1	NEWARK 63458
* 43MI	PARTIN, CAF		RT 1	MACON 63552
* 43DDP	PARSONS, F		RT. 7 BOX 230-A	SPRINGFIELD 65802
* 43RF	PASS PETS UNLIMITED		2305 HILLPARK DR.	MARYLAND HEIGHTS 63043
* 43NAP	PATRICK, MJ		RT 1 BOX 170	REED'S SPRING 65737
* 43RRS	PAULAX, F & C	F & C RABBITRY	2809 OLD HUNNING RD.	HIGH RINGE 63049
* 43DU	PAYNE, LAL		R 1 BOX 165-3	OZARK 65721
* 43QAC	PAYNE, M	V & M CAVIES	RT 2 BOX 193	OTTERVILLE 65348
* 43RRD	PAYTON, J	PAYTON KENNELS	RR 3 BOX 227A	NOVINGER 63559
* 43NAO	PAYTON, L		RS BOX 246	NEOSHO 64850
* 43MAN	PEARCY, T		RT 1	JAMESTOWN 65046
* 437L	PEART, J	PEART'S KENNEL	RT 1	SALISBURY 65281
* 43CAX	PENDLETON, D		RT 3 BOX 127	DIXON 65459
* 43GK	PERLOW, P&E	THE LIL COUNTRY KENNEL	BOX 66	TROY 63379
* 43LD	PERRY, DD	D-D KENNELS	RFD 1	KNOX CITY 63446
* 43R8N	PERRY, J		RR 1	BRASHEAR 63533
* 43EU	PETERS, W		RT 1	KEYTESVILLE 65261
* 43WN	PFEIFER, MR		711 ADAIR ST	BEVIER 63532
* 43BAY	PHELPS, RM			ANAREL 63431
* 437A7	PIERCE, E&D		RR 2 BOX 152A	MOBERLY 65270
* 43RAU	POOL, S A N	POOL KENNELS	BOX 57	CAIRO 65239
* 43CN	POOR, MRS J		RFD 1	NOVELTY 63460
* 43XAX	POOR, RL		RR 3	MACON 63552
* 43FN	POPE, J		RT 1	ROTHVILLE 64676
* 439G	PORTER, J		RT 2	DAWN 64638
* 43PAK	PORTER, JH		RT 1	BUTLER 64730
* 43WAK	POTTER, W-		RT.2 BOX 90	CALIFORNIA 65018
* 43G4Y	POWELL, CF		R 1 BOX 223	NEBB CITY 64870
* 43GGP	PRICE, D		607 W HAMPSHIRE	KING CITY 64463
* 43JQ	PRICE, N		RR 1 BOX A2	MENDON 64660
* 43YAM	PRICE, P	HARMONY ACRES KENNEL	RR 1	RAVENWOOD 64479
* 437AY	PURDUN, D & V		R 1 BOX 77	GRANT CITY 64456
* 43A8F	PURTELL, J&J	PURTELL'S DBL J KNL	RT. 3 BOX 71	PRINCETON 64673
* 43UU	PUTTHOFF & SMITH, J	PUTTHOFF KENNELS	7TH & INDIANA	MONTROSE 64770
* 43XAC	RANK, S	S & J KENNELS	RT 1	LINCOLN 65338
* 43KS	RANSDELL, M		RT 2	HOLLIDAY 65258
* 43JAY	RATLIFF, J			SHELBYVILLE 63469
* 43NA	REDMAN, JR., R.		RT 2	KING CITY 64463
* 43WAN	REED, M&D	MIKES CANINES	PO BOX 283	DIAMOND 64840
* 430V	REED, MD		RT 1 BOX 579A	SPRINGFIELD 65803
* 43LP	REED, MJ	REEDGATE KENNEL	RT 2 BOX 179	LAMAR 64759
* 43WAG	REINDEL, G & V		BOX 242	LANCASTER 63548
* 43CCA	REYNOLDS, GA & R	JORDON RIVER KENNELS	RR 1 BOX 184	JERICO SPRINGS 64756
* 43GGR	RHINE, R & P		RT. E, BOX 585	CAULFIELD 65626
* 43FFP	RICHARDSON, JR		RT 1	MONROE CITY 63456
* 43XU	RICHARDSON, KM		RT 1	BLYTHEDALE 64425
* 43X4T	RIDER, E	RIDER KENNEL	RT 2	WALKER 64790
* 43YAH	RIDER, W R L	PLEASANT INN KENNELS	BOX 156P	ARDMAUGH 64728
* 43XAM	RILEY, G & C	HILLTOP KENNELS	RR 3	MACON 63552
* 43WA	RINEHEART, W		RR 2	MILAN 63556
* 43DDR	RIVERSIDE EGG RANCH, INC		RR 3 BOX 670	O'FALLON 63366
* 431S	ROBERSON, R		BOX 25 RFD 1	WILLIAMSTOWN 63473
* 44TX	ROBERTS, K		RFD 3	AUTLEDGE 63563
* 43WAL	ROBERTS, W		RT 1	ASHGROVE 65604
* 43YAS	ROBERTSON, DI		RFD 2 BOX 126A	LEWISTOWN 63452
* 43FFZ	ROBINSON, R		RT 3 BOX 271	LAMAR 64759
* 43PAG	ROGERS, W&S	Rowan MO KENNEL	RT. 3 BOX 118 ADD	ROGERSVILLE 65742
* 43YAL	ROMINE, F	ROMINE FARMS	RT 2	CENTRALIA 65240
* 43FFM	ROSE, K			LIBERAL 64762
* 43TY	ROSS, J		RR2	DOWNING 63536
* 43CCR	RUDHOFF, J & F	RUDHOFF'S KENNEL	RT. 1	NEW FRANKLIN 65274

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* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 43FT	RUMMERFIELD, DG		413 N. BALTIMORE	KIRKSVILLE 63501
* 43NAM	RUSH, REGARDNER, LC	SHADY OAKS KENNEL		TUSCUMBIA 65082
* 437AX	RYALS, GR		PO BOX 224	UNIONVILLE 63565
* 43UE	SALMENS, PL		RT 3	FULTON 65251
* 431B	SANDEFUR, L		RT 1	GREENTOP 63546
* 437C	SANDERS, J & P & D		RT 2	NIXA 65714
* 43CAS	SANDRETTO, AD		RR 2	GREEN CASTLE 63544
* 43GH	SCHELL, AV		RT. 1 BOX 92	JASPER 64755
* 43RAN	SCHLOMAN, J & J		RR 2 BOX 178	MIGGINSVILLE 64037
* 43KD	SCHMITTER, P&D		RR 3	LANCASTER 63548
* 43PAZ	SCHOWENGERDTT, G		RR 1 BOX 443	ROLLA 65401
* 430R	SCHRAGE, MR		RFD 1	EDINA 63537
* 437AA	SCHROEDER, LF	HILLTOP RABBITRY	P.O. BOX 33	HOUSE SPRINGS 63051
* 43DDQ	SCHULTE, M		RR 3 BOX 670	O'FALLON 63366
* 43XAM	SCHUTTE, J&M	THISTLEDOWN KENNELS	BOX 25	KEARNEY 64060
* 43RW	SCOTT, LG	JONLEA KENNELS	RT 3 BOX 206	CALIFORNIA 65018
* 43WAF	SCOTT, V&S		RT 2	GREENTOP 63546
* 437AR	SCOTT, WAE	SUNNY HILL RABBITRY	ROUTE 3	FAYETTE 65248
* 43FFA	SCHIVNER, R		RT 1 BOX 388F	STRAFFORD 65757
* 43DAG	SEAY, J&J		RR 5	KIRKSVILLE 63501
* 43HAI	SEDERBURG, MD		RFD-1	MT STERLING 52573
* 43RAC	SELLENRICK, A & D	RABBITS TOO INC	R 2 BOX 211	ST. CHARLES 63301
* 43NAN	SELLENS, E		RT. 1 BOX 90	BETHEL 63434
* 43WHD	SEVIER, F		RT 3 BOX 55	PURDIN 64674
* 43PL	SHARP, SW		800 N FULTON ST	EDINA 63537
* 43FU	SHATZER, MO		BOX 124	ANAREL 63431
* 43XY	SHAW, I			DOWNING 63536
* 43LI	SHEARER, I		RFD 1	KNOX CITY 63446
* 43YAW	SHELTON, C&M	BLUE RIDGE KENNEL	PO BOX 236	GOODMAN 64843
* 43DDC	SHOULTS, NL	POM-A-DOR POMERANIANS	RR 2	LANCASTER 63548
* 43JR	SHULTZ, FL		RFD 2 BOX 113	RUTLEDGE 63563
* 43YAC	SILLMAN, CR	CAR-DEL KENNELS	RT 3 BOX 20	WILLOW SPRINGS 65793
* 43YAZ	SILVEY, A		BOX 396	LANCASTER 63548
* 44DDI	SIMMONS, R & J	R & J KENNEL	RR 1 BOX 60	UNION STAR 64494
* 43TAI	SNERVIN, M M		BOX 17	ELSBERRY 63343
* 43FFD	SLONICKER, L		RT 1 BOX 123	
* 43RAV	SMART, DF		R 4 BOX 63	CAMERON 64429
* 43XR	SMITH, AV		RT 1	HIGBEE 65257
* 43UAG	SMITH, EMAMF		RR 2 BOX 379A	EL DORADO SPRINGS 65744
* 43XAN	SMITH, G	SKYVIEW KENNELS	R 4	DIAMOND 64840
* 43WAL	SMITH, M	DU-JARO KENNELS	RT 1 BOX 205	CALIFORNIA 65018
* 43EED	SMITH, W & M		RT 2	MOBERLY 65270
* 43CCV	SNEED, M R D		2347 W KERR	SPRINGFIELD 65803
* 43NAX	SPATNJE	LYNN-DEE-LOU KENNELS	RT 4 BOX 568	CARTHAGE 64836
* 4391	SPARKMAN, J & M	FLYING ACRES KENNEL	RT 1 BOX 118	BROOKLINE 65619
* 43SI	SPARKMAN,J&T	FLYING ACRES KENNELS	RT 1 BOX 118	BROOKLINE 65619
* 43DM	SPARKS, F		RR 6	UNIONVILLE 63565
* 43FFQ	SPEER, S		RT 1 BOX 68	WASHBURN 65772
* 437AD	ST CLAIR, SR		RR 1	MOBERLY 65270
* 43GAY	ST. CLAIR, S		RFD 1 BOX 90	WYACONDA 63474
* 43VAV	STAHL, ML		RT 1	SYRACUSE 65354
* 437AF	STALKER, C	PJ'S KENNEL	RT 1	HALFWAY 65663
* 43RY	STENDER, RF & MJ		19500.00	LAPLATA 63549
* 43PAM	STEPHENSON, M	DOG PATCH KENNELS	8903 NE 106TH TER LOT 53	KANSAS CITY 64157
* 437AK	STEWART, B	STEWART'S KENNEL	RT 1	EUGENE 65032
* 43DDU	STILL, V	STILLS ROLLING ACRES KENNEL	RT #1	EXETER 65647
* 43DAD	STOKES, EJ		RT 1	VERSAILLES 65084
* 437AA	STONE, B	WILDAR KENNEL	RR 2 BOX 200	MOUND CITY 64470
* 43YB	STRIRLING, D		RR 6	KIRKSVILLE 63501
* 43FR	STRICKLER, E		RFD 1 BOX 137	KAMOKA 63445
* 43FFS	STUMPFF, RJ		RT 3	CASSVILLE 65625
* 43EEF	SUMPTER, C		R 2 BOX 135	HIGBEE 65257
* 43FFR	SUTTON, JF	RIG CREEK KENNEL	RT 1 BOX 79	BUNKER 63629
* 43XAF	SWANN, D		BOX 21	KNOX CITY 63446
* 43YAA	SWETMAN, CI	PINE-TREE KENNEL	RT 1 BOX 251	ROLLA 65401
* 43IK	SWOFFORD,V		RT 2	EXETER 65647
* 437AM	SYKES, G		RT. 1	DAWN 64638
* 43PAY	TAYLOR, CJ & CD	POM KEF KENNELS	RR 3 BOX 99A	ODESSA 64076
* 43MAA	TAYLOR, OJ&HM	TY-PHIL-DON'S KENNEL	RT 7 BOX 306	SPRINGFIELD 65802
* 43RAL	THOMAS, J-	OZARK HONEY DEW KENNEL	RR 1 BOX 129	ELKLAND 65644
* 43XAJ	THOMAS, L & D	OZARK KENNELS	RT 1 BOX 274	EDWARDS 65326
* 43PAA	THORESON, S	THORESON KENNEL	RT 4	EL DORADO SPRINGS 64744
* 43KG	THRUCKMORTON,R		R 2, BOX 138	LABELLE 63447
* 43VT	TRACY, L	TRACY'S GUARDIAN KENNELS	RT 1	WINSTON 64689
* 43MAQ	TRIPLETT, E		RR 2	LANCASTER 63548
* 43MAP	TURNER, T	GREEN VALLEY KENNEL	PO BOX 18	QUEENEG 64861
* 43WAR	URFER, PR	URFER KENNELS	STAR RT 2 BOX 135A	BRANSON 65616
* 43GS	VAN HOOZER, V		RR 1	OSBORN 64474
* 43UZ	VAUGHN, R & VINYARD, J	GOLDEN RULE KENNEL	RT 2 BOX 299	ELDORADO SPRINGS 64744
* 43CCG	VEATCH, L		RR 1	COATSVILLE 63535
* 43UAI	VEATCH, PP		PO BOX 68	GLENWOOD 63541
* 43GGA	VETTER, E & N		RT 1 BOX 180	STARK CITY 64866
* 43MMJ	WADLEY, M		RT 2 BOX 233	ANDERSON 64831
* 43MG	WAIT, IM		BOX 802 N HWY 63	KIRKSVILLE 63501
* 43VAC	WALKER, CK		RR 1	LIBERAL 64762
* 43RBX	WALKER, MRS, WM.	GREEN ACRES KENNELS	RT. 1 BOX 166	HUMANSVILLE 65674
* 43TH	WALLACE, GER		R 1	NOVINGER 63559
* 43MX	WAMSLEY, D		RFD 1	NEWARK 63458

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MISSOURI

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 43DAT	WARD, P	SHANA ACRES KENNEL	R 1	CLEVER 65631
* 43DAU	WATTS, KL		RT. 6 BOX 5A	BUTLER 64730
* 43DT	WEAVER, PA		RR 1	GLENWOOD 63541
* 43TU	WEAVER, F			CLARENCE 63437
* 43CCJ	WEBER, G	SUNDOWNER KENNEL	RT 1 BOX 215	GOODMAN 64843
* 43XAD	WEBER, HOBKD	WEBER KENNELS	RR 1	GREENTOP 63546
* 43FFA	WEEK, J	SHADY OAK KENNEL	R 1 BOX 275	JOPLIN 64801
* 43CCH	WEIMER, JRD		RR 3	MACON 63552
* 43DAL	WELBORN, CA		RR 4	BUTLER 64730
* 43AP	WELLMAN, E	WELLMANS KENNEL	RT 1	KIRKSVILLE 63501
* 43MA	WELLS, W		RR 3	MACON 63534
* 43ER	WELSH, NW		RR 1	GLENWOOD 63541
* 43DDV	WEST, C & L	C & L TEDDY BEAR BARN	2275 ASHBY RD	OVERLAND 63114
* 43DDL	WESTMORELAND, SM		RR 1	KIRKSVILLE 63501
* 43AAL	WHEELER, R & M	WHEELER'S KENNEL	RT. 2	NORBORNE 64668
* 45GP	WHITE, MC	WHITE WOOD KENNELS	RT 2 BOX 197	ELKLAND 65644
* 43GGX	WHITE, WJ		RT 5 BOX 234	TRENTON 64683
* 43EEM	WHITLOW, J		RT 2 BOX 203-A	BILLINGS 65610
* 43YAR	WIENHAUS, LM		RT 4	SALISBURY 65281
* 43RAE	WILKINSON, RL & RJ	RO-REL KENNELS	RR 6 BOX 154	CARTHAGE 64836
* 43UL	WILLIAMS, CE		1802 E NORMAL	KIRKSVILLE 63501
* 43GGO	WILLIAMS, W	WILLIAMS LITTLE ACRE KENNEL	RT 6 BOX 372	CARTHAGE 64836
* 43CCI	WILSON, CBD		RT 1 BOX 125A	AURORA 65605
* 43PM	WILSON, J		BOX 27	FRANKFORD 63441
* 43QAP	WILSON, SC	OUR GANG KENNEL	RTE 1	BOIS D'ARC 65612
* 43PAN	WILSON, VM		RR 1 BOX 190R	ELKLAND 65644
* 43YN	WINANS, OVAF		RT 1 BOX 90	CARTHAGE 64836
* 43EEA	WINKLER, U			ALEXANDRIA 63430
* 43CCU	WINTER, W	WINTERVALE KENNELS	RT 2 BOX 166	STRAFFORD 65757
* 43FC	WISDOM, JH		RR 3	MACON 63552
* 43GAP	WOLFINGTON, H		RR 1	MULBERRY 66756
* 43TAJ	WOOD, A			BETHEL 63438
* 43FEW	WOOD, J	PJ'S PET FARM	RR 2	LAPLATA 63549
* 43SAL	WOOD, J		RR 2	LA PLATA 63549
* 43MR	WOOD, JC	WOOD KENNELS	RT 1	LA PLATA 63549
* 43TE	WOOD, M		RFD 1	BETHEL 63438
* 43RAC	WOOD, R		RR1	ARASMEAR 63533
* 43FJ	WOODS, WE		1333 E WALNUT	NEVADA 64772
* 43V4Y	WOODY, O & A			GALT 64641
* 43NBI	WORTHINGTON, BJ		RT. 1	ELDORADO SPRINGS 64744
* 43FFT	WORTHINGTON, W		R 2 BOX 27A	ELDORADO SPRINGS 64744
* 43YV	WRIGHT, CE	8 ACRE KENNELS	ROVER RT	WEST PLAINS 65775
* 43HAD	YOUNG, FR		RR 3	NOVINGER 63559
* 43WK	YOUNG, MO	SUNNY SLOPE FARM		ROCHEPORT 65279
* 43NN	ZURMANN, V		RFD 3 PO BOX 34	EDINA 63537

MONTANA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 81B2	CORBETT, P & C	SAFARI COUNTRY	RT 62 BOX 3205	LIVINGSTON 59047
* 81A11	HOUSEMAN, FR	HOUSEMAN'S RABBITRY	RR 2 MULLAN RD	MISSOULA 59801
* 81A7	ROSECRANS, RC		PO BOX 950	HAMILTON 59840
* 81A10	WALKER, T&F		1775 NORTH LN	DILLON 59725
* 81A8	WEGNER, W & F	WEGNER KENNELS	2095 WASHINGTON ST	BILLINGS 59101

NEBRASKA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 47AR02	ANDERSON, GP & SR	HIGHLAND FARMS	RT 2	PLATTSMOUTH 68048
* 47AC77	ANDERSON, S & D	SUN SHINE KENNEL	BOX 143	CLEARWATER 68726
* 47A93	ANDREWS, H&M		RT 1 BOX 106	ALBION 68620
* 47AC96	ANGELL, D & D		1014 6TH ST	FAIRBURY 68352
* 47AC60	ASH, L		802 WEST 27TH	SCOTTSBLUFF 69361
* 47AR32	BAILEY, LL	L&L KENNELS		EDGAR 68935
* 47A97	BECK, M	SANDHILLS KENNELS	STAR ROUTE	PARKS 69041
* 47A98	BEMIS, J			SURPRISE 68667
* 47AC97	BENNETT, C & S		RT 4	FAIRBURY 68352
* 47AC86	BLANK, H & K	BAR 20 KENNELS	RFD1	AINSWORTH 69210
* 47AC11	BLECHA, O		RT 3 BOX 100	HUMBOLDT 68376
* 47AR78	BLOEMM, P & P		RT 4	FAIRBURY 68352
* 47AC04	BOWLING, ARM		RT.3	TECUMSEH 68450
* 47AC36	BOYKIN, GL	SILVER VALLEY ACRES KENNEL	P.O. BOX 276	EDGAR 68935
* 47AC35	BRAUCH, GN		RT 1	WEBBER 68370
* 47AR30	BREEDEN, JF	BREEDEN'S KENNELS	RR# 1	STEELE CITY,68440
* 47A84	BROOM, DRM	BROOKS KENNELS	RR 3	RENDER 68047
* 47A92	BRUNING, S	BRUNING KENNELS	R2 BOX 14	SMICKLEY 68436
* 47AC69	BUSCH, RL		RR 3	KEARNEY 68901
* 47A38	CENTRAL BIOLOGICAL CO		8935-7-J ST	OMAHA 68172
* 47AR66	CHLOUPEK, R		RT 1 BOX 65	LITCHFIELD 68852
* 47AR8	COOK, L		RT 1	BUTHERLAND 68165
* 47AC75	COOK, MR	PAWNEE KENNELS	RT 1	PLEASANT DALE 68423
* 47AC92	CUDNEY, G & C	ROCK RIDGE KENNEL	RR3 BOX 51	FALLS CITY 68355
* 47A17	CUMRO, S	INDIAN CREEK KENNELS	BOX 13	ODELL 68415
* 47R20	CYRGUS, INC.		3210 O ST	OMAHA 68107
* 47AB63	DARRO#, CE		RT 4 BOX 17	FAIRBURY 68352
* 47A72	DAUBERT, F		6220 S 43RD	OMAHA 68107
* 47AC44	DEKE, A	TRIPLE D FARM	RT. 1 BOX 17	OHIO## 68416
* 47R29	DELLEN INC		8447 LAKE ST	OMAHA 68134
* 47A53	DIETZ, A	HILLTOP KENNELS	RT 2 BOX 59	ORLEANS 68966
* 47AC70	DIETZ, J		RT 1 BOX 111	ORLEANS 68966
* 47A86	DIETZ, JR		RFD 1	STAMFORD 68977
* 47A48	DUENSING, LJ		RR 1 BOX 46	BYRON 68325
* 47AC30	DUNNING, GP & DD		324 S. 6TH ST.	WYMORE 68466
* 47A41	DURST, GD & LJ		BOX 8	VIRGINIA 68058
* 47AC18	DVORAK, GAC	DVORAK'S KENNELS	RR 2	ATKINSON 68713
* 47AC06	ECKSTEIN, LJ		RR 1	SCHUYLER 68661
* 47AR38	EICHENBERGER, A&L		RT 1	PAWNEE CITY 68420
* 47AR73	EITZMANN, A R E	FITZMANN KENNELS	RR	BYRON 68325
* 47AN	ELTING, DA	SUNNYVIEW KENNELS	RR 1	CARLETON 68326
* 47AC26	BERGHSON, L&P	IDLE ACRES KENNELS	RT 1	BRADY 69123
* 47AC76	FETT, D R I		RT 1 BOX A7	HERON 68370
* 47AR44	FLEISCHER JR, WR	H BAR KENNELS	STAR ROUTE	ARTHENBURG 69138
* 47AC61	FLETCHER, N	DEL ARROW KENNELS		LITCHFIELD 68852
* 47AR06	FOLKEN, M		RT. 1	RICHLAND 68657
* 47A95	FORREST, C & S		NORTH HIGHWAY A1	HERRON 68370
* 47A81	FRITZ, MK			BARTLEY 69020
* 47AC22	GITTINGER, W R K	DIS 'N DAT KENNELS	RT 3	AUBURN 68305
* 47AC48	GILL, W & J		RR 3	BLOOMFIELD 68718
* 47A71	GORACKE, R	GORACKE'S KENNELS	RT 2 315 N. 4TH	TECUMSEH 68450
* 47A16	GRIFFIN, E & MA	GRIFFIN'S KENNELS	321 W 3RD	BATHWAY 68352
* 47AR46	GRUNTORAD, E		RT. 3 BOX 20	SEWARD 68834
* 47AC33	HALLER, V	ELMTREE KENNEL	BOX 2A ANTIOCH RT	LAKESIDE 69351
* 47AR89	HARPER, S & RULE, D		BOX 92	HARRISTON 69309
* 47AR96	HARRINGTON, RD	HARRINGTON'S KENNELS	RT 2 BOX 121	NELSON 68961
* 47AC89	HASLEY, R	RED BARN KENNELS	RT 1 BOX 199	JANSEN 68377
* 47AC25	HAYNES, W		RT 1	AUBURN 68305
* 47AC01	HERR, JA	HERR'S KENNEL	RT 1, BOX 140	HUMBOLDT 68376
* 47AR03	HERR, RL		RR 1 BOX 147	HUMBOLDT 68376
* 47A31	HEYNE, M		A30 N. MAIN	WEST POINT 68788
* 47AR0	HOFFMAN, J		RT 3 BOX 157	NORFOLK 68701
* 47AC99	HOHNSTEIN, R & P		#21 WEST 6TH ST	IMPERIAL 69033
* 47AR17	HOWE, MA		815 N 5 ST	BEATRICE 68310
* 47AR11	HUETTNER, B		RR 1	PULO 68831
* 47AC95	INGLIS, D		RT 1	PULO 68831
* 47R4	JEFFERS, F		1517 W. 3RD ST.	MCCOOK 68901
* 47AC0R	JOHANSEN, R & G	JJ KENNEL'S	10402 NO 156	BENNINGTON 68007
* 47AC94	JOHNSON, D & M	CIRCLE J KENNEL	5505 ROCA RD.	ROCA 68430
* 47AR91	JOHNSTON, REK	JOHNSTON KENNELS	R 1	CORTLAND 68331
* 47R33	JONES, J	TAMARISK KENNEL		CHADRON 69337
* 47AR0	JUREK, L		RR 1	BLAIR 68008
* 47AH08	KARMANN, MM	ANN-MARIE KENNELS	RT 1 BOX 64	CEDAR RAPIDS 68627
* 47AC50	KASSERAUM, C & D	IEKAR'S KENNEL	BOX 182	HERRON 68370
* 47AC43	KEARNEY, L & M		RR 2 BOX 617	ST. EDWARD 68660
* 47AC62	KELLY, S		BOX 936	ADAMS 68301
* 47AR18	KENYON, M		BOX 1115 16TH ST	MITCHELL 69357
* 47AC91	KESTER, M & S		RT 2 BOX 59	CAMBRIDGE 69022
* 47AC45	KLEIN, MM		BOX 361	LOUP CITY 68853
* 47AC7A	KLEVELAND, J & C	KLEVELAND KENNELS	1512 N 11TH ST	NEBRASKA CITY 68410
* 47AR86	KRENK, E	PAMPERED PETS	1404 S CENTER	BEATRICE 68310
* 47AC28	KUESTER, MAD	MUMBUG CREEK KENNEL	RR 1 BOX 83	PILGER 68768
* 47A79	KUHL, JAA			ORLEANS 68966
* 47A10	KUHLMANN, JM	COUNTRY SIDE KENNEL	RR 2 BOX 40	HUMBOLDT 68376
* 47AR50	KUMPOST, MF	KUMPOST KENNELS	403 S 7TH	PIERCE 68767
* 47AC12	LAMPRECHT, L		RFD #2, BOX 123	OXFORD 68967
* 47AC48	LEWIS, M		RR1 BOX 61	RUSKIN 68974
* 47ABA2	LINDEKEN, T	LINDEKEN'S HILLSIDE KENNELS	RT 1 BOX 222	SCOTTSBLUFF 69361

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NEBRASKA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 47AC89	LOOMIS, P	FOXFIRE TOY POODLES	MARPLE RT BOX 66A	ALLIANCE 69301
* 47AR03	MADDUX, T			PALISADE 69040
* 47A13	MCCORD, L&R		RR 4 BOX 110	FAIRBURY 68352
* 47A30	MCCORD, V	BLUE HILL KENNEL	BOX 110 RR 4	FAIRBURY 68352
* 47A03	MCMILLAN, J&J	MCMILLAN KENNELS		ARTHUR 69121
* 47AC15	MCROBERTS, J	MCROBERTS GAME FARM		GURLEY 69141
* 47AR09	METZNER, M & V	SUNNY SLOPE KENNEL	RR 1	FALLS CITY 68355
* 47AC86	MEYER, DAJ	PONDEROSA KENNELS	RT 2 BOX 58	SIDNEY 69162
* 47AC57	MONASMITH, ML & J			CHAMPION 69023
* 47AR10	MONNETTE, DM		RT 1 BOX 69	STELLA 68442
* 47AC18	MORROW, C&M		RR 1 BOX 84	TEKAMAH 68061
* 47AC93	MOSER, M & J	RAR-JO PRARIE VIEW KENNEL	RT 2	ELGIN 68636
* 47A850	MURRAY, A	MURREY'S CHARLIE BROWN KENN FL	BOX 55	POTTER 69156
* 47A98	NICHOLSON, MA	NICHOLSONS KENNEL		LEBANON 69036
* 47A001	NOEL, P		R 1	BEAVER CITY 68926
* 47AC73	NOLZE, R & J & BLANK, M	CRIPPLE CRK, CRITTER CENNEL	RR 1	CLEARWATER 68726
* 47R27	NORDEN LABS, INC.		PO BOX 80809	LINCOLN 68501
* 47AC70	NORRIS, NP		RR 1 BOX 58A	YUTAN 68073
* 47R11	PACKER, J		RT 2 BOX 246	WOODRIVER 68883
* 47AC43	PARSONS, E	P-C KENNELS	R1 BOX 174	LEIGH 68643
* 47A855	PLATT, VRFL	PLATT KENNEL		HAY SPRINGS 69347
* 47A49	PLEAS, MRS G		RT 1	OXFORD 68967
* 47AC55	POHLMAN, R	PINE CREST KENNEL	RT 2	STANTON 68779
* 47AC38	POHAJZL, R		420 N. FRANKLIN	WILBER 68465
* 47AC05	POST, TJ	SAM-RO KENNELS	BOX 107	NAPONEE 68060
* 47AY32	PRICE, GJ		R 1	INDEPENDENCE 67301
* 47AC69	QUIRING, J&M	SHAMROCK KENNEL	RR 1 BOX 11	STANTON 68779
* 47AC48	RAINFORTH, M & R		403 VALLEY ROAD	PAPILLION 68046
* 47AC42	RATHJEN, P & D	TRIPLE P KENNEL	RT. 2 BOX 116	ULYSSES 68669
* 47A7	REARS, MRS D			STELLA 68442
* 47AC17	REZNICEK, A&M	BORENDY ACRES KENNEL	RR 2	DODGE 68633
* 47R35	RHONE, D		RT 2 BOX 117A	COZAD 69130
* 47AC63	RIEKE, WW		BOX 81	CHESTER 68327
* 47AC09	RIESSLAND, D & C	LITTLE ACORN KENNELS	RR 1 BOX 111	LITCHFIELD 68852
* 47AC42	RIESSLAND, M & M		RR 1 BOX 110	LITCHFIELD 68852
* 47AR02	ROLLINS, R	ROLLINS KENNEL	RT 1 BOX 136	CORTLAND 68331
* 47AC65	ROUSE, R & P	CROWN KENNELS	914 S 9TH	MCCOOK 69001
* 47A898	SASCO INC		612 N 16TH ST	OMAHA 68102
* 47A0A	SEJKORA, M			BURCHARD 68323
* 47R32	SEKUTERA, C	DIAMOND KENNEL	RT 1 BOX 28	LITCHFIELD 68852
* 47R24	SHRADER, D	DUANE SHRADER & SONS	625 S 51ST ST	LINCOLN 68510
* 47AC42	SHRIVER, TRE	OREGON TRAIL KENNELS	RT 1 BOX 40	HASTINGS 68901
* 47R6	SINGLETON, RW	SINGLETON RANCH	RFD 1 BOX 70	DIX 69133
* 47A32	SINN, W	GREEN ACRE KENNEL	RT. 1 BOX 27	FAIRBURY 68352
* 47AC71	SMEAL, JW	SMEAL'S KENNEL	RR 2 BOX 134D	DODGE 68633
* 47AC56	SOWARDS, JT	J'S KENNELS	RT 2	HEBRON 68370
* 47AC51	STANLEY, D	NEBRASKALAND KENNELS	RT 1	CRAB ORCHARD 68332
* 47A12	STEVENSON, R			RICHLAND 68657
* 47AC41	STIERS, D & S		RR 1 BOX 43	NEMAHA 68414
* 47A992	STITT, B	MC GREW KENNELS	BOX 145	MC GREW 69353
* 47AC65	SULLIVAN, D & A	BARRENDALE KENNEL	RT. 2	PALMER 68864
* 47AC68	TOPP, F & F		RT 2	TECUMSEH 68450
* 47AC67	TOPP, RAC		RT 2	TECUMSEH 68450
* 47AC90	TROXEL, R & ROBINSON, D	RFD ROBINSON KENNELS	RR 4 BOX 56	FAIRBURY 68352
* 47AC02	TUTTLE, RG & MM	ROY TUTTLES DOGS	BOX 253	EWING 68735
* 47A75	ULDRICH, F		RR 1	DEWEESE 68938
* 47AC66	URLING, KC	KATHIE'S KENNEL	RR 1	WILSONVILLE 69046
* 47AC29	VAN METER, ERT			HARDY 68983
* 47A825	VICKERS, JL&C	PUPPY LUV KENNELS	BOX 212	TILDEN 68781
* 47A800	VLASIN, RJAER		RT 1	CRETE 68333
* 47AC78	WEGNER, T	WEGNER KENNEL		SCRIBNER 68057
* 47R1	WEHR, WW JR	EXCALIBUR INTERNATIONAL	4610 S 48TH	OMAHA 68127
* 47AC5R	WEHRMAN, SR		BOX 32	NELSON 68961
* 47AC40	WILLHOFT, J & J		RT 8	LINCOLN 68506
* 47A853	WILLMS, JJ & WILLMS, SR, RT	WILLMS KENNELS	2106 KEENE DR	COLUMBUS 68601
* 47A2A	WOLTEMATH, V		BOX 79	ELK CREEK 68348

NEBRASKA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 47AC87	WOODWARD, L		RT 1	GUIDE ROCK 68942
* 47AC72	WORTHINGTON, EK	PEKE PALACE	RT 2	WEBRON 68370
* 47R12	WRIGHT, E			STAMFORD 68977
* 47AR23	YAKLE, R	RIVERSIDE KENNEL	2314 AVE I	SCOTTSBLUFF 69361
* 47A45	YAW, B			CHAMPION 69023
* 47A37	YAW, C			NEWPORT 68759
* 47AR07	ZEIGLER, NM			NELSON 68961
* 47AR09	ZIMMERMAN, MRL	ZIMMERMAN KENNELS	RFD 3	NEBRASKA CITY 68410
* 47AR30	ZIVERTS, KRV		130 E ST	LINCOLN 68508

NEVADA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 88A1	DEAN, D & R	RANCHO DECANO	5000 AMY ROAD	RENO 89510
* 88R1	NEVADA LLAMAS		PO BOX 1803	CARSON CITY 89701

NEW HAMPSHIRE

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 12A55	BARRATT, D & D	ROCK HAVEN RABBITRY	BOX 598 CHURCH ST	DREWSVILLE 03604
* 12A41	BATEMAN, M		60 GARLAND RD.	RYE 03870
* 12A6A	BEAUDRY, EJ		WILSON'S CROSSING RD	AUBURN 03032
* 12A05	CONGMLIN, P		NEW BOSTON RD.	BEDFORD 03102
* 12A21	GEORGE, M		MILL RD BOX 47	KINGSTON 03848
* 12A6Q	GREENE, F		LOWER SMITH HILL RD	FRANKLIN 03235
* 12AnA	KELLY, L		P.O. BOX 398 MURRARD RD	GREENVILLE 03048
* 12A2A	LOUNDER, M		21 WILLOW CT	KEENE 03431
* 12A42	MASTINE, R	ROSIE'S PIGGIES & PETS	82 WARREN ST	LACONIA 03246
* 12R6	MCCORMICK, R R V	RUVAM RABBITRY	P O BOX 72	MUNSONVILLE 03457
* 12R23	MONTT, L		RT 12G	BARRINGTON 03825
* 12A67	SNELLING, G		RFD 2, BOX 141	CLAREMONT 03743
* 1285	TRUSTEES OF DARTMOUTH COLLEGE		PO BOX 432	HANOVER 03755
* 12R22	WOOD, SD	NINE ACRES RABBITRY	RIVER RD	LYME 03768

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NEW JERSEY

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 22R37	ALLISON, H		HEMLOCK RD RTE 46	DELAWARE 07833
• 22F	BARTON'S WEST END FARMS I NC		RD 1 BOX 391	OXFORD 07863
• 22R31	BIO/DYNAMICS, INC.		BOX 83 METTLERS RD	EAST MILLSTONE 08873
• 22A16	BIOLOGICAL SYSTEMS INC		2367 LAKEWOOD RD	TOMS RIVER 08753
• 22N	BYRNES, J	VALLEY FARMS	199 BROWERTOWN RD PO BOX 585	W PATERSON 07424
• 22R36	CAMDEN COUNTY COLLEGE		414 BLACK OAK RIDGE RD	BLACKWOOD 08012
• 22R1	CAMM RESEARCH INSTITUTE I NC			WAYNE 07470
• 22A26	CEDAR KNOLL FARMS	HOLTON INDUSTRIES, INC.	RT 513	FRENCHTOWN 08825
• 22R31	CHAMPLAIN BIO, SERV, INC.			GLEN GARDNER 08826
• 22R	CLAUSS, GJ	APPALACHIAN FARMS	RD 1 WARWICK TURNPIKE	WARWICK 10990
• 22A25	EDINGTON, P	CONVEREX	BOX 335 LAKE RD	NEWFIELD 08344
• 22R23	FEDECHKO, G	SOUTH JERSEY BIOLOGICAL FAR M	DOWNER RD BOX 315	WILLIAMSTOWN 08094
• 22S	FOOD & DRUG RESEARCH LAB INC		60 EVERGREEN PL	EAST ORANGE 07018
• 22A7	FUMO,R	DAVIDSON'S MILL FARM	RD 1 BOX 186	JAMESBURG 08831
• 22A1	GIMPERT, F	CHICK LINE CO	604 EAST GARDEN RD	VINELAND 08360
• 22R16	HANNA, TR		RD #2	NESHANIC STA, 08853
• 22J	H-G FARMS INC		3651 MILL RD	PARSIPPANY 07054
• 22R2A	LEIBOWITZ, A	QUALITY KENNELS	1585 WIDER LANE	LAUREL SPRINGS 08021
• 22R2	MARLAND BREEDING FARMS IN C		531 BURNT MEADOW RD	HEWITT 07421
• 22R25	MCGEE, M	BREEZY ACRE FARMS	PO BOX 83	CHATHAM 07928
• 22A27	MED-LABS INC.			LIBERTY CORNER 07938
• 22A28	MERRILL, MD	PEACEABLE ACRES	PO BOX 154	STANTON 08885
• 22R3	MOFFETT, TF	NEW JERSEY MURARIUM	SHINNY LANE RFD 1	TRENTON 08648
• 22R3A	MOORE, J	ALLENDALE AVIARIES	53 COTTAGE PLACE	ALLENDALE 07430
• 22R35	MUNSTER, J	G.C.A. INC.	792 BURNT TAVERN RD	BRICKTOWN 08723
• 22R3B	NARICO, INC		RIVER ROAD	EAST HANOVER 07936
• 22A22	ORTHO PHARMACEUTICAL CORP	ORTHO RESEARCH FARM		RARITAN 08869
• 22R4	PHIMFLABS, INC.		MONMOUTH CT AIRPORT BOX 646	FARMINGDALE 07727
• 22R10	RIESCHL, WM	REPTILE PLACE	301 ISLAND RD,	MAHWAH 07430
• 22R32	SCHERING CORP		PO BOX 32	LAFAYETTE 07848
• 22A21	SILVERMAN, IL	SILVER-MANOR PERSIANS	386 PLAINFIELD RD	EDISON 08817
• 22A3	TINBERGEN, K	SUNRISE LABORATORY ANIMALS	RIDGE RD RD 2	WHITEHOUSE STA 08889
• 22A8	TRIPLE R RABBITRY		PO BOX 301	MANASQUAN 08736
• 22A19	TURNER, V		230 E HIGH ST	GLASSBORO 08028
• 22R21	VRANA, R		BOX 427A RD 1	MILLVILLE 08332
• 22A	WEST JERSEY BIOLOGICAL SU PPLY		5 MARION AVE	WENONAH 08090
• 22R5	WHALEY, MT	SUMMIT VIEW FARM	RD 1 BOX 293	BELVIDERE 07823
• 22I	WILLIAMS, JE	HILLDALE FARMS	BOX 950	FRANKLINVILLE 08322
• 22A4	ZUCCA'S HAMSTERY, INC.		1541 S ALLEN AVE PO BOX 507	VINELAND 08360

NEW MEXICO

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 85J0A	CORGAN, D & B	CORGAN'S RABBITRY	RT. 2 BOX 294	LAS CRUCES 88001
• 85J0A	HUNGERFORD, P & P	GYPSY'S KANINE HAVEN	RT 1 BOX 100B	TEXICO 88135
• 85J0A	KERNS, RJ	AIR-VIEW RABBITRY	BOX 11 NORTH ROUTE	EDGEWOOD 87015
• 85J0A	MCKEAN, D & C	KACTUS KENNELS	PINE SPRINGS RT	CARLSBAD 88220
• 85J7A	RABBIT RANCHES, INC.		PO BOX 305	ORGAN 88052
• 85J1A	RUEBUSH, OL	KEENRIDGE RABBIT RANCH	BOX 266	EDGEWOOD 87015

NEW YORK

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 21EL	AGWAY INC.	AGWAY TECHNICAL CENTER	PO BOX 4933	SYRACUSE 13221
• 21GY	ANCARE CORP		47 MANHASSET AVENUE	MANHASSET 11030
• 21JJ	AURORA SCIENTIFICS INC		P.O. BOX 239	EAST AURORA 14052
• 21AT	BEAN, AG		RD 3	MORAVIA 13118
• 21GS	BECKEN, ROGEN	BECKENS RESEARCH ANIMAL FAR M	2585 UPPER MT RD	SANBORN 14132
• 21NT	BINGHAM, DE	ANIMAL TRADING POST	33 OLD TOWN RD	EAST SETAUKET 11733
• 21KJ	BODDIS, G	BODDIS FARMS	BOX 376A COUNTY RD 11	CRARYVILLE 12521
• 21CR	BOWLEY, C		6774 CICERO-BRIDGEPORT R D,	CLAY 13041
• 21JS	BRACKETT, CE		55 JUDSON	CANTON 13617
• 21FF	BRONSON, JL	BRONSON TROPICAL BIRDS	70 NAGLE AVE	NEW YORK 10040
• 21FE	BUCKBERG LAB ANIMALS INC		FREEHILL RD	TOMKINS COVE 10986
• 21CK	CATSKILL WILD ANIMAL SUPP LY, INC		RD 1 BOX 92	CATSKILL 12414
• 21AX	CORNELL UNIVERSITY	CORNELL DOG FARM	124 DAY HALL	ITHACA 14853
• 21CY	CRIDDLE, W	WINONA CRIDDLES CAVIARY	BOX 200 TUNNEL RD RD 1	PORT CRANE 13833
• 21JZ	CROUNSE, JC		RD 1 PARKERS CORNERS	ALTAMONT 12009
• 21EX	DUMBLETON, DEF	WINDY NOR FARM	5160 LINDEN RD	E RETHANY 14054
• 21NY	ENGSTROM, R		1765 HOAGLAND RD	MT MORRIS 14510
• 21RT	F J ZEHANDLELAAR INC		6 SICKLES AVE	NEW ROCHELLE 10801
• 21RF	FARRY, EG	FAR LABS	BOX 233	NEW CITY 10956
• 21MT	FARLEY, JW		20 CORONET COURT	SCHENECTADY 12309
• 21FF	FLINN, PJ	FLINN'S RABBITRY	160 ONTARIO ST	ALBANY 12206
• 21LT	FOWLER, L		LAKE NANCY RD	MIDDLE GROVE 12850
• 21LN	FUGLE, N		EAGLE RD	PLISS 14024
• 21MR	GABRIEL, R	FRONTIER RABBITRY	3115 LYDIUS ST	SCHENECTADY 12303
• 21NQ	HAFGER, S	ANIMAL GALLERY INC	300 CENTRAL AVE A-34	HARTSDALE 10530
• 21CG	HINDEREK, RR	RICHARD'S COMMERCIAL RABBIT RY	RD 2	ASHVILLE 14710
• 21FV	JC SCHULZ, INC.		RD 1 BOX 92	CATSKILL 12414
• 21NK	JOHNSON, R & R	JOHNSON'S FOLLEY	2038 MADDEN RD	SAVANNAH 13146
• 21MM	KOENIG, M		RD 2 BOX 167	DELANSON 12053
• 21RX	KRUTULIS LABORATORIES INC		PO BOX 153	BRIDGEPORT 13030
• 21NP	LEACH, GM	SHALLOWBROOK FARM	2509 COE RD	PERRY 14530
• 21LD	LOTITO, A		375 ELLIS HOLLOW CK RD	ITHACA 14850
• 21NF	MARKS, K		73 MOON RD	ARGYLE 12809
• 21AP	MARSHALL RESEARCH ANIMALS INC		RR 1 BOX 91	NORTH ROSE 14516
• 21MV	MERZACCO, EJ	PET LOVERS PARADISE	2309 ELMWOOD AVE	KENMORE 14217
• 21JM	MILLSTONE FARMS CORP.	SHELLSTONE FARMS	RD 2	AMSTERDAM 12010
• 21NV	NIAGARA AQUARIUM CO, INC		1345 MILITARY RD	KENMORE 14217
• 21NW	NOLAN, R		53 LAMSON RD	TONAWANDA 14223
• 21NE	NOTEBOOM, P		472 FISHER SETTLEMENT RD	SPENCER 14883
• 21RP	PRIMATE IMPORTS CORPORATI ON		34 MUNSON ST	PORT WASHINGTON 11050
• 21GP	RIO, HP		RD 1	CENTRAL SQUARE 13036
• 21LV	RITCHIE, A		BOX 588	PHILMONT 12565
• 21NR	ROSIER, G	LITTLE LOVE TOYS & THINGS	17029 GULF RD	MOLLEY 14870
• 21NN	SCHMIDT, LL	SCHMIDT'S RABBITRY	6390 GOODRICH RD	CLARENCE CT 14032
• 21MU	SCIENCE KIT INC		777 EAST PARK DR	TONAWANDA 14150
• 21LZ	SHURTLEFF, F		RD 2	AVERILL PARK 12018
• 21CH	SMITH, D & J	DONS RABBITRY	P O BOX 15	WATERLOO 13165
• 21MH	ST LAWRENCE VALLEY ETV CO UNCIL INC	WNPE-WNPI PUBLIC TELV.	PO BOX 114	WATERTOWN 13601
• 21AW	STUMBO, OL	STUMBO FARMS	O'NEIL RD	LIMA 14485
• 21RF	THE MARY IMOGENE BASSETT HOSPITAL			COOPERSTOWN 13326
• 21FS	THOMPSON, C R P	GREENWOOD GAME FARM	RD 1 BOX 166	NEWARK VALLEY 13811
• 21MQ	TRANS-AMERICAN PET DIST., INC		9811-4TH AVE	BROOKLYN 11209
• 21LS	VAN ETTEN, J		STAR ROUTE	ALTAMONT 12009
• 21FK	VAN WARNER, R & E	RIVER VIEW KENNELS	RD 1 BOX 211	NEW BERLIN 13411
• 21RY	WARDS NATURAL SCI. ESTAB, INC.		PO BOX 1712	ROCHESTER 14603
• 21DP	WEBB, F		55 NEW HARTFORD ST	NEW YORK MILLS 13417
• 21AF	WELLS, EF		BOX 174	SPRINGFIELD CENTER 13468
• 21NG	WRIGHT, PC	THE RABBIT FACTORY	BOX 132,RD #1	MARYLAND 12116

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NORTH CAROLINA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 55A56	ALLSBROOK, AC		RT 1 BOX 275	SCOTLAND NECK 27874
* 55A13	AQUA-RAMA PET CENTER INC	NAGADA PINES KENNEL	4907 BRAGG BLVD	FAYETTEVILLE 28303
* 55A51	AVERITT, CG		RT 1 BOX 7564	BLADENBORO 28320
* 55A50	BAXTER, R & R	BAR A R KENNELS	RT 6 BOX 240	FAIRVIEW 28730
* 55A11	BERRY WATER GARDENS INC		PO BOX 607	KERNERSVILLE 27284
* 55A36	BILLINGSLEY, JP	R & R HAMSTERS	RT 5 BOX 40	REIDSVILLE 27320
* 55A52	BROWN, PC	BROWN'S BUNNY BARN	RT. 1 BOX 58A	FRANKLINVILLE 27248
* 55A61	CANTRELL, F		RT8	FOREST CITY 28043
* 55A10	CAROLINA BIOLOGICAL SUPPLY CO.		2700 YORK ROAD	BURLINGTON 27215
* 55A3A	CLEVELAND COUNTY HEALTH DEPT.	CLEVELAND COUNTY AN. SHELTER	315 GROVER STREET	SHELBY 28150
* 55AA	COOKE, AR	BUFFALO RANCH TRADING POST	RT 7 BOX 203 HWY 49	CONCORD 28025
* 55A2A	CORAL SEAS ENTERPRISES, INC.		3629 NORTH BLVD.	RALEIGH 27604
* 55A60	DEANS, K & J		208 RHYNE ST	SPINDALE 28160
* 55A5A	FAIRCLOTH, AC	ROCK HILL RD	RT 9 BOX 191	FAYETTEVILLE 28301
* 55A15	FRANKLIN, L & J	FRANKLIN'S RABBITRY AND SUPPLY	PO BOX 1067	WAKE FOREST 27587
* 55A41	GORDON, GR	SMALL STOCK FARM PET SHOP	RT 6 BOX 93	SHELBY 28150
* 55A31	GRAVITT, M	BAUX MT BEAGLE FARM	RT 2 BOX 187	GERMANTON 27019
* 55A04	HARDIN, MR & MRS N	HARDIN'S RABBITRY	RR 2 BOX 337	PLEASANT GARDEN 27313
* 55A01	LOVELACE, K		BOX 53	ELLENBORO 28040
* 55A70	LOWERY, C	C & J KENNELS	RT 1 BOX 281	FOREST CITY 28043
* 55A51	MCKENZIE, RL	CEDARWOOD RABBITS	RT 2 BOX 45A	LIBERTY 27298
* 55A17	MCLAURIN, A	MCLAURINS KENNEL	RT I BOX 150	WADE 28395
* 55A25	OWENS, R & WOOTEN, T	MOUNTAINEER PETS	RT 6 BOX 467 H	KINGS MTN 28086
* 55AE	PHILLIPS,AZ	PEARCROFT CATTERY	RT 1 BOX 486	BEAUFORT 28516
* 55A69	REID, C	GLENLINET KENNEL	RT 67 BOX 5	CULLOWHEE 28723
* 55A16	RILEY, GF	RILEYS BUNNY HAVEN	RT 2 BOX 519 LINDEN RD	DURHAM 27705
* 55A53	RUCKART, J	PETS UNUSUAL	RT 6 BOX 481A	CONCORD 28025
* 55A39	SCHARER, RM	RARE ENDANGERED FELINES	110 N BETTY	SPRING LAKE 28390
* 55A50	SCRUGGS, C		RT 2	SHELBY 28150
* 55A58	SHEPHERD, SR, C	HARROFF, JC	RT. 1 BOX 590	CONCORD 28025
* 55A15	SINGLETON,A	SINGLETON KENNELS	R 1 BOX 270R	FAYETTEVILLE 28301
* 55AF	SOUTHEASTERN LABORATORY ANIMAL FARM INC		RT 1 BOX 285	APEX 27502
* 55A55	SUMMERLIN, S	ROCK REST RABBITRY	RT 1 BOX 286	MONROE 28110
* 55A21	SUTHARD,M	BEAVERVIEW RABBIT RANCH	502 BEAVERVIEW RD	ASHEVILLE 28806
* 55A62	TURNER, F	TURNER'S TOYS	14 CHIMNEY ROCK ROAD	RUTHERFORDTON 28139
* 55A67	VAN VALEN, E & G	JANDELO KENNELS	PO BOX 32	FAIRVIEW 28730
* 55A58	WINCHESTER, D & A	PINEVIEW KENNELS	RT 2 BOX 120	ELLENBORO 28040
* 55A37	WISE, A	TARHEEL CATTERY	RT #1 BOX 60E	RENSON 27504
* 55A45	WOOD, MR	RUSH HILL RABBITRY	306 ENGLEWOOD DR	ARCHDALE 27263

NORTH DAKOTA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 45A25	BRYANT, F		BOX 237	ST JOHN 58369
* 45A27	DESLAURIERS, A & D	NORTHLANDER RANCH KENNELS	RT 1	SURREY 58785
* 45A26	FOSS, E		RR 1 BOX 38A	ROLETTE 58366
* 45A24	GUST, R	SIRIUS KENNELS	RT 1 BOX 22	KRAMER 58748
* 45A5	JOHNSON, T & J	DAKOTA KENNELS	BOX 151	ROLETTE 58366
* 45A23	LAFAVE, J & L	RIVERVIEW KENNELS	CENTER RT	MANDAN 58554
* 45A1A	LANDSEP, LORNA		RR 1	EDMORE 58330
* 45A22	LOTHSPEICH, P & J	BADLANDS FUR FARM	RT 2	OFLFIELD 58622
* 45A3	MICHAUX, A		BOX 66	BOTTINEAU 58318
* 45A16	SERR, TAR	PRARIE VIEW KENNELS		HAZELTON 58544
* 45AA	WYCKOFF, G	C-BAR-H CATTERY	RT 1 BOX 210A	BOTTINEAU 58318

OHIO

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 31A215	ANDERMATT, RL	FINS FUR AND FEATHERS	118 N FAYETTE ST	WASHINGTON CH 43160
* 31A1	ANTHONY P R HALL A	KISER LAKE KENNELS	BOX 541	ST. PARIS 43072
* 31A83	BAILEY, ZE		2106 US 6A SOUTH	XENIA 45385
* 31A3A	BAKER, F		R 1	JEFFSBURG 45135
* 31A3	BLUE, C	BLUES ANIMAL FARM	16241 ROBINSON RD	PLAIN CITY 43064
* 31A375	BOWERS, D	PURPLE CASTLE CAVIES	6122 NEW CARLISLE PIKE	SPRINGFIELD 44504
* 31A30	BOWMAN, MM		STAR ROUTE BOX 44	MILLERSBURG 44654
* 31A271	BROWN, DA	PETLAND OF PORTSMOUTH	R36 GALLIA ST	PORTSMOUTH 45662
* 31A277	BROXTERMAN, JA		4214 ZAGAR DR	CINCINNATI 45245
* 31A2A3	BUEHRER, P	SWANCREEK RABBITRY	RT 2	DELTA 43515
* 31A260	BURRIER, DEL	LINDAUE KENNEL	R 1	NEW COMERSTOWN 43832
* 31A273	CAMPBELL, L R S	TINKER'S RABBITRY	8775 US 22 NE	NEW HOLLAND 43145
* 31A355	CARPENTER, K & D	PETLAND MONTGOMERY	8102 MARKET PLACE LN	CINCINNATI 45242
* 31A98	CARR, GC		4257 RUTHERFORD RD	POWELL 43065
* 31A329	CLAYTON, L	VARIETY PET	2137 BROADVIEW RD	CLEVELAND 44102
* 31A373	CLOSE, D	M. HILL SCH. FOR C.DOG	541 ROAD 1041	NOVA 44859
* 31A306	COLLIER, JF & AR	COLLIER'S RABBITRY	PO BOX 30	CASSTOWN 45312
* 31A377	COOK, L		424 N FOURTH	TIPP CITY 45371
* 31A299	COX, FR		A315 S.R. 28 RT 1	LEESBURG 45135
* 31A230	DAULTON, JF		8591 SR 61	GALION 44833
* 31A268	DAUM, WG	PUPPY WAGGIN EXPRESS	1346 MAPLEVIEW DR	ZANESVILLE 43701
* 31A326	DIPANE, P	FINS, FEATHERS & FURRY THINGS	3065 GRAHAM RD,	STOW 44224
* 31B252	DRIFTWOOD PET SHOP, INC	DRIFTWOOD PET SHOP	3864 N. DIXIE DR.	DAYTON 45414
* 31A96	DRUM, AL		R 2	CORTLAND 44410
* 31A146	DURIGG, W		83 SPRAGUE RD	BEREA 44017
* 31A348	FACOTT, JR, RJ	LITTLE ACRES KENNEL	5957 CENTER ROAD REAR	VALLEY CITY 44280
* 31A242	FEMELBARGER, S	MOJEANS NATURE WORLD	1-18502-USA-20	WAUSEON 43567
* 31A383	FLEMING, RJ		3985 RACE RD	CINCINNATI 45211
* 31A170	FORTUNATO, DD		4015 MASSILLON RD	UNIONTOWN 44685
* 31A342	FOX, KW		3080 ILESBORO RD	LOGAN 43138
* 31A358	FREY SCIENTIFIC CO INC		905 HICKORY LANE	MANSFIELD 44905
* 31A303	FULLER, FBV	FULLERS KENNELS	105 ROBINSON ST	TIRO 44887
* 31A213	GARRETT, WR		A090 KILBY RD	HARRISON 45030
* 31A140	GENTER, OV		2-3902-19	ARCHBOLD 43502
* 31A96	GIBCO/INVENEX DIV. OF DEXTER CORP			CHAGRIN FALLS 44022
* 31A369	GILTZ, LA	WINDWARD WAY FARM	5747 CANTERBURY DR	AKRON 44319
* 31A149	GOTTLIEB, M		264 BRANDTSKIN AVE	ELYRIA 44035
* 31A268	GREEN, MR		1859 E HIGH AV	NEW PHILADELPHIA 44663
* 31A233	GREGORY, SC	CRITTERS	2605 VINE ST	CINCINNATI 45219
* 31A342	GROSS, AJ & V	GROSS'S RABBITRY	7041 TUCK'S LN	MILLSBORO 45133
* 31A46	GRUMAUGH, RBI		10750 W VERSAILLES RD	COVINGTON 45318
* 31A323	GUTMAN, MEF	H. & E. RABBITRY	16146 ROCK CREEK RD	THOMPSON 44086
* 31A339	HARVAN, PJ	BROOKLINE KENNELS	752 MORNING RD	ATWATER 44201
* 31A390	HAMILTON, M	CUTE AND CUDDLEY KENNEL	RT 2	FREEPORT 43973
* 31A305	HARMON, D		608 WOOSTER RD	MT. VERNON 43050
* 31B32	HEIGHTS PET WORLD INC.	BEAUMANOR FARMS	4016 MAYFIELD RD	SOUTH EUCLID 44121
* 31A100	HERRICK, T & D		9578 MULBERRY RD	CHESTERLAND 44026
* 31A150	HONOSHOFSKY, G		940 N. CAPEL RD.	GRAFTON 44044
* 31A141	HONOSHOFSKY, MJ	MI-DEE ACRES	8904 W RIDGE RD	FLYRIA 44035
* 31A166	HONOSHOFSKY, PM & DE	AMERICAN ASIAN IMPT-EXPT CO	40330 WEBSTER RD	LAGRANGE 44050
* 31B371	HORNG, M		1317 EASTWOOD AVE	MAYFIELD HTS 44124
* 31A302	HOWARD JR, M & A	TRIPLE H RABBIT RANCH	RT 1 4152 BALE RD SW	GRANVILLE 43023
* 31A366	KATAKOS, M		3432-3434 MEMPHIS AVE	CLEVELAND 44109
* 31A347	KEMPF, E	KEMPF KENNELS	RR 1	NEY 43549
* 31A28	KING, REC	KING'S WHEEL RABBITRY	8085 CAMP RD RT 5	MT VERNON 43050
* 31A36A	KNAURER, MT	TROPICAL AQUARIUM & PET CT	3615 PUHLMAN AVE	CHEVIOT 45211
* 31A368	KRAMB, ML		2555 WADSWORTH RD	NORTON 44203
* 31A330	LAKE, A		4024 COLBY AVENUE	COLUMBUS 43227
* 31A35	LANIER, GL & RT		RT 2 BOX 500 DEBBY DR	GALLIPOLIS 45631
* 31A30A	LOUDERBACK, RW		645 BIRCH RD	XENIA 45385
* 31A15A	LOVELAND PET PRODUCTS INC	PET LAND	MONTGOMERY RD	LOVELAND 45140
* 31A309	MAGREE, GM		3589 VILLAGE DR,	FRANKLIN 45005
* 31A356	MAPLE, L & M	POCKET'S PET SHOP	2282 CARDSTON DR	COLUMBUS 43227
* 31A328	MILLIKEN, G & N		1420 S. OHIO AVE,	WELLSTON 45692
* 31A300	MODEN, R&M	MILFORD AQUARIUM	RR 1 BOX 167	WAUSEON 43567
* 31A301	MORGAN, JL & NJ		10374 LOND RD	OSTRANDER 43061
* 31A315	NUGENT, T		927C STATE RT. 28	MILFORD 45150
* 31A1A	PETLAND INC	PLUMMERS RABBIT RANCH	195 N. HICKORY ST.	CHILLICOTHE 45601
* 31A340	PHILLIPS, M & S		4131 OLD SPRINGFIELD RD	LONDON 43140
* 31A315	PLUMMER, MF		RT 4 BOX 648	PEARLFS 45660
* 31A259	POHLMAN, JM	PET EMPORIUM	9530 STITT RD	WHITEHOUSE 43571
* 31A67	RAVENNA AQUATICS INC	TURTLE CREEK FARMS	135 E MAIN ST	RAVENNA 44266
* 31A325	REBER, MK		4932 BRINTHAVEN	SYLVANIA 43560
* 31A378	REEDER, RD	RICHARDSON'S CAVY CASA	4507 N REIMAR RD	MILLBURY 43447
* 31A320	REISDORFF, R&R		2370 CENTER RD RT 83	AVON 44011
* 31A379	RICHARDSON, G & A	THE RABBIT FACTORY	6866 PINEDALE ST	HARTVILLE 44632
* 31A151	RODY, R		BOX 262	SPENCER 44275
* 31A263	ROLING, R & M		5147 SPENCER RD	SPENCER 44275

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OHIO

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 31A266	RUTHERFORD, LC	RUTHERFORD'S RABBITRY	R14 OHIO AV	ELMORE 43416
* 31R228	SAINT LUKE'S HOSPITAL		11311 SHAKER BLVD	CLEVELAND 44104
* 31R319	SANDER'S TROPICS INC		14012 W.S. BONDARY ST	PERRYSBURG 43551
* 31A376	SCHLABACH, D		1787 MORMAN RD	HAMILTON 45013
* 31A341	SCHROEDER, T & J		RR4 RD 2	LEIPSIC 45856
* 31A251	SCHULTZ, RJ		2974 KENNEDY RD	MEDINA 42256
* 31R102	SEES, RL	TANKS-A-LOT PET STORE	1879 ASTER AVE.	AKRON 44301
* 31R338	SHEETS, D	DON SHEETS RABBITRY	C/O W NEFF BOX 412 RT 5	CHILLICOTHE 45601
* 31A112	SKOMRA, RA		30019 MILDRED ST	WILLOWICK 44094
* 31A343	SMERY, P & R	CRAWLYKINS KENNELS	36801 RIVIERA RIDGE RD	WILLOUGHBY 44094
* 31R281	SOMMER, DL	PETLAND PROMENADE STORE	1186 W KEMPER RD	CINCINNATI 45240
* 31R290	SPOTTED TURTLE, INC.	PETLAND OF CLEVELAND	5402 MAYFIELD RD	LYNDHURST 44124
* 31A269	STADTLANDER,GJ		2951 FROST RD	MANTUA 44255
* 31R&	STERRETT, AM	LABORATORY ANIMALS	2224 SAVOY AVE	AKRON 44305
* 31A220	STINEMELFER, M	MIKE'S RABBITRY MIKE'S PET SHOP	426 UNION AVE	BUCYRUS 44820
* 31A170	STUTZMAN, LE		BOX 41	MT HOPE 44660
* 31R3A6	SUNGO, J & SIMMONS, D		31 SOUTH PAINT ST	CHILLICOTHE 45601
* 31R2A7	TROUT, S	TROUT'S PETS	5119 RANSON RD	SANDUSKY 44870
* 31A3A5	TURPIN, MR & MR E		RR 2 BOX 243	NEW PARIS 45347
* 31A201	VILLALOVOS, J		1-5790-16	WAUSEON 43567
* 31R3A8	WALLS, V		6085 RADFORD RD	ATHENS 45701
* 31R372	WEHRMAN, J	PETLAND	1532 BURNEY #2	CINCINNATI 45230
* 31A370	WENGERD, EJ	MAR & KAY KENNELS	BOX 5	MT HOPE 44660
* 31R52	WENTE, J	WERT'S PET CT,	3232 GALLIA ST	NEW BOSTON 45662
* 31R3A4	WICKHAM, M & D	PETS UNLIMITED	212 CENTER ST	ASHLAND 44805
* 31R180	WILLOUGHBY, R & J	WILLOUGHBY RABBITRY	3604 ST RTE 72	SABINA 45169
* 31A347	WILSON, CJ	CHRIS'S RABBITRY	7521 STAFFORD RD,SW	GREENFIELD 45123
* 31R365	WILSON, SR,, R	SERVICE OF OHIO	12781 BROSIUS RD	GARRETTSVILLE 44231
* 31R255	WITCHEY, SR,,JE	ROLLING VALLEY ANIMAL FARM	6670 NEWTON FALLS RD	RAVENNA 44266
* 31A351	WOLFREY, JR,, AD & JL	OHIO'S FERRET FACTORY	6483 OLD 3C RD	WESTERVILLE 43081
* 31A378	WRIGHT, R & R	RED'S PETS & SUPPLY HOUSE	37 NORTH ERIE	MASSILLON 44646
* 31A262	YOCUM, CR	YOCUM RABBITRY	1487 WOODVILLE PK	LOVELAND 45140
* 31A236	ZIMMERLY, L		2527 E. MESSNER RD	WOOSTER 44691

OKLAHOMA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 73AS	ARLES, G & J	JODY'S POODLE PARLOR	BOX 504	LINDSAY 73052
* 73AA317	ANDERSON, OJ		RT 2 BOX 94	HULBERT 74441
* 73AA281	BACK, J & K	K'S KENNEL	RR 1	ADAIR 74330
* 73AA29A	BACK, V & P		RT 1	ADAIR 74330
* 73AA270	BAILEY, T & J	HIDDEN VALLEY KENNELS	RT 2 BOX 108F	HULBERT 74441
* 73AA278	BAKER, M-E I		RT 3	EUFAULA 74432
* 73AA121	BALL, M & C	POR ROIZ KENNEL	6130 N UNION	PONCA CITY 74601
* 73AJ	BARBEE, A	BARBEE'S KENNEL	RT 2 BOX 109	SILOAM SPRINGS 72761
* 73AR	BARNETT, CF	PINETREE KENNELS	RT 5 PLEASANT VIEW	PONCA CITY 74601
* 73AA218	BELLOWS, JL		RR L BOX 104	FARGO 73840
* 73AA272	BENSON, EC	BAREFOOT ACRES KENNELS	RT 2 BOX 405	BRISTOW 74010
* 73AA207	BENSON, J		RT 1	RALSTON 74650
* 73AA20	BERNET, D		515 N SEMINOLE	CLAREMORE 74104
* 73AA206	BLACK, TF		BOX 427	LAVERNE 73848
* 73AA288	BRANFORD, L,		RT, 4 BOX 159	TAHLEQUAH 74464
* 73AA295	BRADY, S	BRADY KENNELS	STAR ROUTE	EVANSVILLE 72729
* 73AA162	BRANTLEY, J		RT 2 BOX 471	SALINA 74365
* 73AA196	BROWN, AM			SARDIS 74564
* 73AA185	BROWN, J		RT 1, BOX 117	TAHLEQUAH 74464
* 73AA183	BRUTON, R		RT 1 LOT 30	KELLYVILLE 74039
* 73AA126	BUCHANAN, J	J & J KENNELS	316 N MAIN	MEDFORD 73759
* 73AA179	BULLOCK, N	BULLOCK'S MILLTOP KENNEL	RT 2 BOX 549	BRISTOW 74010
* 73AA19A	BURGESS, W	WAYNE BURGESS KENNEL	RT 1 BOX 134	BOKCHITO 74726
* 73AA117	BURRIS, ON		RT 1 BOX 317	CLAREMORE 74017
* 73AA2AA	BUTLER, G		RT 1 BOX 24R	QUAPAW 74363
* 73AA2BA	CALDWELL, F & L	ROUND MOUNTAIN KENNEL	RT 2 BOX 1041	SANDSPRINGS 74063
* 73AA301	CALDWELL, MF & SA		RR 2 BOX 1040	SAND SPRINGS 74063
* 73AA185	CALLICOAT, K		RT 5	ATOKA 74525
* 73AP	CALLISON, W	LITTER LANE KENNELS	RT 1	FREEDOM 73842
* 73AA219	CALLISON, P		RT 2 BOX 120	PRYOR 74361
* 73AA264	CAMPBELL, J.D, JR,	CAMPBELL'S KENNELS	RT 2 BOX 52	SPIRO 74959
* 73AA01	CARTER, MJ		RT 7 BOX 346	CLAREMORE 74017
* 73AS	CASTINE, D & J	D-J KENNELS	RT 1 BOX 3588	PERKINS 74059
* 73AA159	CHAPMAN, EK		RT 2 BOX 88	PONCA CITY 74601
* 73AA101	COLLINS, CE	RED HILL KENNEL	PO BOX 551	ELK CITY 73644
* 73AA212	CONNER, J & B	REFLINE KENNELS	RT 1 BOX 140	OKMULGEE 74447
* 73AA226	COULTER, F & M	COULTER'S KENNEL	RT 1 BOX 70D	OOLAGAH 74053
* 73AA224	COX, V	K-9 KENNEL	RT, 2 BOX 257	MEEKER 74855
* 73AAR6	CROWE, R		RR BOX 109	OKMULGEE 74447
* 73AA173	CURL, CAR	3-C KENNELS	R 1 BOX 220	VINITA 74301
* 73AA186	DALLAS, D&C		330 M N.E.	MIAMI 74354
* 73AA20A	DAVIS, S		RT 1 BOX 21	BEAVER 73932
* 73AA113	DAVIS,MRS, M L		2112 W MAPLE	COLLINSVILLE 74021
* 73AA240	DEBUSE, W & S	MARSHIRE KENNELS	RT, 1 BOX 273	TISHOMINGO 73460
* 73AY	DECHANT, A	DECHANT'S LUV-A PET	RT, 2	GROVE 74344
* 73AA304	DECKS, J		STAR ROUTE 1 BOX 4	EUCHA 74342
* 73AA78	DEFOOR, NP & GN	LADY'S CIRCLE D	RT 4	ATOKA 74525
* 73AA11A	DESAUTELL, MR		STAR RT 2	PRYOR 74361
* 73AA319	DEXTER, MJ & MOUNTREE, M		320 IVANHOE	PERRY 73077
* 73AA311	DIXON, C		RT 1 BOX 239	MIAMI 74354
* 73AA157	DOC'S DUGS		430 S MORROW	DRUMRIGHT 74030
* 73AA190	DRY, MRS C	DRY'S POODLE SHOP	221 LAKE MURRAY DRIVE	ARDMORE 73401
* 73AA221	DRYDEN R & RYAN R	SKYLINE ACRES KENNELS	RT 5 BOX 803	GUTHRIE 73044
* 73AA193	DUBOIS, M		BOX 5	SALINA 74365
* 73AA160	DUBOIS, R		STAR RT 2	SPAVINAW 74366
* 73AA148	DUGAN, N & R	STONY ACRES KENNELS	RT 2 BOX 268	PONCA CITY 74601
* 73AA36	ELSBERRY, T		RT 2 BOX 153A	CHOUTEAU 74337
* 73AA285	ENGLISH, F	STILLWATER ANIMAL CLINIC	RT, 1	STILWELL 74960
* 73AA280	ERWIN, LM	FORES KENNELS	PO BOX 1126	STILLWATER 74074
* 73AA57	FORES, AA		RT 1 BOX 255	BRISTOW 74010
* 73AA285	FREEMAN, R,		P.O. BOX 247	EUFAULA 74432
* 73AA292	FURTON, S & M	CHARLES FUSTON KENNEL	300 DUFFEE	EUFAULA 74432
* 73AA232	FUSTON, C		RT, 1 BOX 89A	ANTLERS 74523
* 73AA02	GAMAGAN, MC		RT 3 BOX 53R	DUNCAN 73533
* 73AA132	GILES, FE		RT, 3 BOX 55	CUSHING 74023
* 73AA290	GORDON, M & T		710 E TAHLEQUAH	VINITA 74301
* 73AA265	GRAY, M		RT 1	MCALESTER 74501
* 73AA84	GRAYBILL, FJ		RT 1 BOX 21	CAMERON 74832
* 73AA115	GRIFFITH, TM	CIRCLE G KENNELS	RT 2 BOX 66	PRYOR 74361
* 73AA03	GRIGSBY, MI	MARYS KENNELS	512 A ST SW	MIAMI 74354
* 73AA195	GUTHRIE, K	GUTHRIE'S KENNELS	P.O. BOX 445	PRYOR 74361
* 73AA210	HALL, DL & MF	TRA MAR	RT 3 BOX 369	COLLINSVILLE 74021
* 73AA263	HANSCHE, RR	HANSCHE KENNELS	RR1 BOX 219AA	RAMONA 74061
* 73AA7	HARDING, J		RT 3 BOX 237N	SEMINOLE 74868
* 73AA309	HARDY, J & M	SANDYHILL KENNELS	RR 3 BOX 131	WOODWARD 73801
* 73AA197	HARPER, S		RT 1	INDIANOLA 74442
* 73AA142	HARRIS, C		RT 1 BOX 591	COOKSON 74427
* 73AA01	HARRIS, L		911 S DEWEY	WAGONER 74467
* 73AA237	HAWTHORNE, E & M	HAWTHORNE'S CASTLE FARM KENNELS	RT 1 BOX 117	RED OAK 74563
* 73AA182	HEREFORD M & HEATHERLY F		RT 2	NOWATA 74048
* 73AX	HESS, S	HESS NOR-SAN KENNELS	RT 1 BOX 1249	OWASSO 74055
* 73AA231	HILL, J & D		RT, 3 BOX 109A	GUTHRIE 73044
* 73AR	HOLMAN, A	ROCKY-COR KENNELS	RT 1	ROCKY 73661
* 73AA22A	HOPKINS, CM		RT 1 BOX 70A	COPAN 74022
* 73AU	HORROX, FC	COVENTRY FORGE KENNELS	RD 2	INOLA 74036
* 73AA78	HORTON, M		R1 BOX 64	BOKCHITO 74726
* 73AA102	HOWELL, L		RT, 2	CORDELL 73632

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* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 73AA225	MOWELL, TL		917 MAPLE	ALVA 73717
* 73AA131	MUNT, L		R 1 BOX 176	DEWEY 74029
* 73AA277	INGE, CF	SUNSET HILL KENNEL	R 1 BOX 103	SPIRO 74959
* 73AA172	IRWIN, LR		1120 W. WOOD	SHAWNEE 74801
* 73AA238	JAMES, J		RT. 1 BOX 118	WELCH 74369
* 73AA236	JENSON, MRC		356 E. ZULKEY	SALLISAW 74955
* 73AA105	JOHNSON, G		BOX 623	WESTVILLE 74965
* 73AA283	JOHNSON, L.	WAG-UN TAILS KENNEL	508 SO. MISSOURI	WAYNOKA 73860
* 73AA72	JOHNSON, O		RT 2 BOX 96	OKMULGEE 74447
* 73AA171	JONES, FJ	TRIPLE J KENNEL	BOX 194	EVANSVILLE 72729
* 73AA167	JONES, RL	COTTONWOOD KENNEL	423 N BROAD	GUTHRIE 73044
* 73AT	J&R INC	ANIMAL HOUSE LTD	7124 SO MEMORIAL	
* 73AA208	KASPAREK, GM	KASPAREK'S KENNELS	RR 1	BURLINGTON 73722
* 73AF	KEESEE, J	K' KENNEL	809 E TRIS	HOBART 73651
* 73AA87	KIDDY, LA		2116 DALLIE	MUSKOGEE 74401
* 73AN	KISSELBURG, R & F	KISSELBURGS KENNELS	STAR RT BOX 140	VIAN 74962
* 73AA261	KNOTT, J & G	LAZY K KENNEL	ROUTE 2, BOX 342	LOCUST GROVE 74352
* 73AA303	KOON, K & D		700 E. TAHLEQUAH	VINITA 74301
* 73AA293	KORTHALS, L		RT 2 BOX 240	CHOUTEAU 74337
* 73AA111	KRUG		BOX 592	HOOKER 73945
* 73AA315	LANGSTON, BJ	RARE'S KENNEL	RT 2 BOX 457	SALINA 74365
* 73AP	LANGSTON, B	LANGSTON'S PUPPY RANCH	STAR RT E PO BOX 339	LOCUST GROVE 74352
* 73AA76	LAWSON, OE	SONNY'S DODLES OF POODLES	218 WEST STONEWALL	MCALESTER 74501
* 73PC	LAYTON, M	KI MAR LAY		TALIHINA 74571
* 73AA290	LEA, L		BOX 145	WATTS 74964
* 73AA268	LEE, LM		RT 3 BOX 117	OKMULGEE 74447
* 73RI	LINK, M M	AQUARIUM INTERIORS	4619 N WESTERN	OKLAHOMA CITY 73118
* 73AA220	LITTLEPAGE, P&M	LITTLEPAGE KENNEL	RR 1 BOX 18	SOUTH COFFEYVILLE 74072
* 73AA282	LOCKRIDGE, JAS		7306 S. 33 W. AVE	TULSA 74132
* 73RD	LYND, IA	LYND ENTERPRISES	STAR ROUTE A BOX 55C	SKIATOOK 74070
* 73AA274	MANN, J & D		RT 1	BLUEJACKET 74333
* 73AA73	MCANULTY, CJ		BOX 267	LEHIGH 74556
* 73AA302	MCCLENDON, I		RT 2 BOX 93A	CLAREMORE 74017
* 73AA129	MCCOY, AL	ANNIE DOG PATCH	RT 1 BOX 179A	DRUMRIGHT 74030
* 73AA312	MCGUIRE, W & T		RT 3 BOX 467A	BRISTOW 74010
* 73AA96	MCLENDON, LA	MCLENDON'S KENNELS	RT 1 BOX 256	BRISTOW 74010
* 73AA177	MERIT, G		RR 8 BOX 114	MIAMI 74354
* 73RO	MERRITT, N		403 WEST ARULF	BUFFALO 73834
* 73AA276	METHVEN, JP & RS		RT 2 BOX 1042	SANDSPRINGS 74063
* 73AA262	MILLER, D		1207 WEST KIAMICHI	HUGO 74743
* 73RW	MILLS, K & S	KEWAYLYN KENNELS & KINDLING	RT 1 BOX 118	ADAIR 74330
* 73AA218	MOODY, D	MOODY'S BERRYHILL KENNEL	RT 1	DRUMRIGHT 74030
* 73AA87	MOORE, DJ	KE-BON KENNELS	P.O. BOX 517	HENRYETTA 74437
* 73AA281	MOORE, WD & P		1005 N. OKLAHOMA	GUYMON 73942
* 73AA297	MOSS, D		RT 1 BOX 85	SPIRO 74959
* 73AA08	NEIL, M		BOX 253	WELCH 74369
* 73AA178	NEILL, LRA	CLEAR CREEK KENNELS	RT 1 BOX 148	WELCH 74369
* 73AA75	NORTON, IRM	NORTON KENNELS	ROUTE 1	LANE 74555
* 73AA250	NULL, GV		PO BOX 368	OILTON 74052
* 73AA286	OVERALL, G & M		137 RANCH DR RR 6	PONCA CITY 74601
* 73AA209	PARISH, IC		BOX 116	TISHOMINGO 73860
* 73AA123	PARKER, DS & DG	DOUBLE D KENNELS	300 N KANSAS AVE	CHEROKEE 73728
* 73AA251	PARKER, P		RT 2	ATOKA 74525
* 73AA239	PENNER, A		110 SHARON DR.	TECUMSEH 74873
* 73AA135	PETERSON, DW		2925 NW 32ND	OKLA CITY 73112
* 73AR	PIERCE, CRL	CARLOU KENNELS	RT 3 BOX 330	COLLINSVILLE 74021
* 73AA279	PIERCE, R & J	ROJAN RABBITRY	RT 2 BOX 41 1/2	ADAIR 74330
* 73AA258	PLAIN, V	RED CARPET KENNEL	RR F	BEAVER 73932
* 73AA187	READY, F		MOTEL FRANKLIN BOX 220	MANGUM 73554
* 73AQ	REESE, MA	REESE'S KENNEL	RT 1 BOX 30	WATTS 74964
* 73AU	REYNOLDS, M	WILLOW & POOL KENNEL	GENERAL DELIVERY	HUGO 74743
* 73AG	RICHARDS, P		RT. 1 BOX 110	HUGO 74743
* 73AA200	RICHMOND, W&A		1520 NORTH 68TH EAST AVE	TULSA 74115
* 73AA150	RILEY, JM	MOMMA KAT CHOW KENNELS	RR1 BOX 125	WAKITA 73771
* 73AM	ROACH, D & EGGER, J	CRITTERS	RT 3 BOX 324	STILLWATER 74074
* 73AA247	ROBERTS, MRS. R. E.		RT. 1	SHIDLER 74652
* 73AA211	ROBERTS, W&B	PEK-A-ROO KENNELS	RT 2 BOX 7	EUFAULA 74432
* 73AA34	SARTIN, RD	TSARIN KENNEL	RT 1 BOX 73	SEDAN 67361

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***				
* 73AA296	SCHAEFER, J		RT 1 BOX 71	WELCH 74369
* 73AA198	SCHMIDT, F, P & S		RT 2 BOX 178	LOCUST GROVE 74352
* 73AA269	SCHROEDER, P		RT 1 BOX 256	PERKINS 74059
* 73AA271	SCHWEITZER, E		RR 5	VINITA 74301
* 73AA12	SCISM, M		RT 2 BOX 100A	OKMULGEE 74447
* 73AA26A	SHEPHERD, R		RT 2 BOX 70	GAGE 73843
* 73AA201	SIMPSON, M		STAR ROUTE SOUTH BOX 114 D	LOCUST GROVE 74352
* 73AA35	SLAPE, P		RT 1 BOX A	BRAGGS 74423
* 73RO	SMITH, L	SMITH'S KENNEL	R #1	WESTVILLE 74965
* 73AA30A	SPEARS, K & R		RT 3 BOX 178	TAHLEQUAH 74464
* 73AA15	SPRINKLES, L		RT 2 BOX 376	PIXRY 74008
* 73AA31A	STAMBAUGH, M		RT 3 BOX 165	WOODWARD 73801
* 73AA287	STAMPS, W & M	STAMPS DACHSHUND KENNEL	RT #1 BOX 88A	PRYOR 74361
* 73AA300	STILES, I & J	PRAIRIE BELL KENNELS	RT 1 BOX 109-C	SPIRO 74959
* 73AA122	STUEMKY, RS		420 WEST 5TH	NEWKIRK 74647
* 73AA275	THOMAS, CJ	CALAMITY KENNELS	2802 E 61 ST N	TULSA 74130
* 73AA14A	THOMAS, MM		BOX 614	HOOKER 73945
* 73AA256	THOMAS, S	GREEN COUNTRY KENNELS	BOX 53	WELCH 74369
* 73AA170	THOMASON, A&V	OAK RIDGE KENNELS	RT 1 BOX 206	SALLISAW 74955
* 73RL	THOMASON, LW & D		RT 1 BOX 208	SALLISAW 74955
* 73AA257	THOMPSON, MA	CINDER GLO SHELTIES	RT 3 BOX 570	BROKEN ARROW 74012
* 73AT	THOMSEN, L		RT 2 BOX 121	STILWELL 74960
* 73AA31A	TIPPIE, S		1596 S 67 EAST AVE	TULSA 74112
* 73RE	TUCKER, MRS. L	TIDBITS OF THE TIBET KENNEL	RT 2 BOX 71	ELKHART 67950
* 73AA310	VANDERBUCK, A & M	AL'S RABBIT HUT	3031 SW 14TH	OKLAHOMA CITY 73108
* 73AA90	VIAN, FJ			MUSE 74949
* 73RY	WALKER, F L		ROUTE 3, BOX 74	TECUMSEH 74873
* 73AA209	WALKER, FD		304 S.E. 2ND	MARIETTA 73448
* 73AA307	WEATHERSPOON, A		BOX 397	COPAN 74022
* 73AA291	WEAVER, M		RT 2 BOX 110	PRYOR 74361
* 73AA89	WEBSTER, EM		BOX 568	BARNSDALL 74002
* 73AA16	WEEKS, FF		RT 1	WESTVILLE 74965
* 73AA180	WETNO-MAIN, A		327 EAST 9	CHELSEA 74016
* 73AA202	WHEELER, JAL		RT 2	EUFAULA 74432
* 73AA187	WICKHAM, W		RR 1 BOX 138	KANSAS 74347
* 73AA222	WILLIAMS, C	CLARA'S KENNELS	RR 1	FREEDOM 73842
* 73AA308	WILLYARD, R & V	POOR BOY KENNEL	RT 2 BOX 111H	PRYOR 74361
* 73AA249	WILMOTH, L & GELVIN, K		RT 1 BOX 397	FAIRLAND 74343
* 73AA298	WISHARD, M		1100 INDUSTRIAL	SAND SPRINGS 74063
* 73AA313	WRIGHT, H & D		BOX 215	WYNONA 74084

OREGON

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***				
* 92A4A	ADNEY, RR		PO BOX 340	HURRARD 97032
* 92R2S	ALLEY CAT PET CENTER, INC		13980 S.W. T.V. HWY 3	BEAVERTON 97005
* 92A11A	ANDERSON, G		A9469 FIR BUTTE RD	EUGENE 97402
* 92A2A	APLET, F		39141 GOLDEN VALLEY DR	LEBANON 97355
* 92A71	BARROWCLIFF, ER		RT 1 BOX 527	HUBBARD 97032
* 92A192	BERG, E	BERG'S CATTERY	13733 FOSTER RD	PORTLAND 97236
* 92R31	BOYD, RA & AF	BOYDS PET SHOP	5540 E BURNSIDE ST	PORTLAND 97215
* 92A124	BOYER, RN		6331 VENTURA LANE	CENTRAL POINT 97502
* 92A128	BROWNE, P	BEAU COEUR KENNEL	1695 QUEENS BR. RD.	ROGUE RIVER 97537
* 92A140	BROWNING, J		PO BOX 197	CANYONVILLE 97417
* 92A82	CLARK, ARD	UMPQUA KENNELS	STAR RT BOX 120A	UMPQUA 97486
* 92A5	CONNER, RA	MEE JAE KENNELS	2580 KINCAID RD	WILLIAMS 97544
* 92A22	CONRAD, M	MARCOE KENNEL	3386 BELLINGER LANE	MEDFORD 97501
* 92A26	CRAWFORD, PA		6800 RED PRARIE RD	SHERIDAN 97378
* 92A52	CRIST, LF		2150-16TH ST.	BAKER 97814
* 92A115	CURTIS, JE		3381 SCENIC AVE	CENTRAL POINT 97502
* 92R69	DERRICKSON, MC	DERRICKSON'S FERRETS	351 N 10 BOX 956	PHILOMUTH 97370
* 92A33	DURRELL, RM	CHERRY HILL KENNEL	2160 AIRPORT RD	PHILOMATH 97370
* 92A109	FARRELL, LA	THURSTON KENNELS	8179 THURSTON RD	SPRINGFIELD 97477
* 92A148	FITMIAN, L E	FITMIANS FERRETS	89591 SUTTON LAKE RD.	FLORENCE 97439
* 92R48	FULLERTON, M & D	OLD MAC DONALDS FARM	RT L BOX 298	SHERIDAN 97378
* 92A130	GARRETT, MRS. D.		2116 HERBERT ST.	KLAMATH FALLS 97601
* 92R5A	GODFREY, MM	POLLYWOG PETS	85290 HWY 101S	FLORENCE 97439
* 92A102	GREGORY, LRD	BOK KAT KENNELS	3676 CAPE ARAGO HWY.	COOS BAY 97420
* 92A139	GRUVER, F	MARE RAISING EXPERIENCES	1045 MILFIKER LN SE	SALEM 97302
* 9247	HANSEN, C	HANSENS KENNEL	RT 4 BOX 909	ROSEBURG 97470
* 92A133	HERTEL, V & C	VANNER RABBITRY	RT. 2 BOX 23A-M	FOREST GROVE 97116
* 92R50	HICKEY, JM		RT. 1 BOX 250J	ALBANY 97321
* 92A3A	HOWLETT, GJ	ROXIE-ROGUE KENNEL	3835 CRATER LAKE HWY	MEDFORD 97501
* 92R60	JOHNSON, RL	SCALES & TAILS EXOTIC IMPURTS	9265 SW CARRIAGE WAY	BEAVERTON 97005

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LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
92R72	JOHNSTON, RJ		PO BOX 108	CORNELIUS 97113
92R78	JONES, ML & JA	JJ'S AQUARIUM AND PETS	4435 SE FLAVEL	PORTLAND 97206
92A141	KEIPER, IF		RR5 BOX 158	SOUTH BEACH 97366
92A50	KILMER, RAY	DOUBLE V KENNEL	4088 DELANEY RD SE	SALEM 97302
92A86	KIRKPATRICK, MC	LE-PEUPLE'S TOY POODLES	268 CRESTVIEW LOOP	GRANTS PASS 97526
92A171	KOLB, CH & M	FIR TREE RABBITRY	25126 SW GAGE RD.	WILSONVILLE 97070
92A90	KRAMER, D	PUR-FECT CAT HAVEN	2312 S PACIFIC HWY	TALENT 97540
92R66	LACKEY, C	RON DEL KENNELS	5358 SO PACIFIC HWY	MEDFORD 97501
92A1R	LAMBERT, M	MARY LAMBERT KENNEL	670 CALIFORNIA AVE	GRANTS PASS 97526
92R65	LARSON, JL	JAN'S RABBITS	4076 VALLEY VIEW RD. SE	TURNER 97392
92R77	LIVINGSTON, R R V	BUDS BUNNY RANCH	3362 GORDON RD NE	SALEM 97303
92A108	LYMAN, P&F		2286 PINEGROVE RD	ROGUE RIVER 97537
92A57	MARTIN, FE		920 TOLMAN CREEK RD	ASHLAND 97520
92A131	MCDONALD, D	TRIPLE TALISMAN KENNEL	1001 MARLYNN	MEDFORD 97501
92A61	MESSINGER, ED	WEEPING BIRCH KENNEL	PO BOX 191	TALENT 97540
92A13	MILES, FM	FAZ-ED KENNEL	BOX 701	COOS BAY 97420
92R67	MILMAN, MI	ROGUELAND KENNEL	1272 GIBBON RD	CENTRAL POINT 97502
92R2A	MILLER, PA		2525 NW CORNELIUS PASS RD	HILLSBORO 97123
92A126	MINEAR, DG	TIBETIAN SHIH TZU KENNEL	1201 FRUITDALE DR	GRANTS PASS 97526
92R47	MOL ENTERPRISES, INC		PO BOX 2536A	PORTLAND 97225
92R53	MONARCH SEED & FEED CO.	BIG V GARDEN CENTER	5TH & APPLE	MEDFORD 97501
92A39	NELSON, DJ	FIREANN KENNEL	TOKETEE RT. BOX 67A	IDLEYLD PARK 97447
92R76	PAUL, C R A	NORTHWEST PET SUPPLY	PO 305	ROSEBURG 97009
92R68	PELTIER, TL	PELTIERS FERRET & EXOTIC AN	BOX 370	LAKESIDE 97449
92R13	PINNEY, R	PINNEYS KENNEL	6702 WESTSIDE ROAD	CAVE JUNCTION 97523
92R28	RAMSEY, RI	APPLE ACRE RABBITRY	41045 MCKENZIE HWY	SPRINGFIELD 97477
92A120	RANDLES, MRS. Z.		118 B, HILLTOP RD.	TALENT 97540
92R71	RICHARDS, F & G		8540 HIGHLAND RD	INDEPENDENCE 97351
92A93	RINEAR, REM		11500 REDWOOD HWY.	WILDERVILLE 97543
92A122	ROBERTS S R PIAZZA K	HIGH OAKS KENNEL	RT.3 BOX 3967 A	ROSEBURG 97470
92A100	RUSSELL, J	MINE-A-WAY-KENNELS	RT 1 BOX 12	RIDDLE 97469
92A134	RUSSELL, W & E	RUSSELL'S KENNELS	576 MAVERICK ST.	CENTRAL POINT 97502
92A143	SCHAECHER, C & G	GAY-LEN'S EROTIC FELINE FAR M	10715 SE ORIENT DR	BORING 97009
92R27	SCOTTY'S PET FARM		19700 SO. END RD	OREGON CITY 97045
92A97	SCROGGINS, S	EVANS VALLEY KENNELS	2042 PLEASANT CR DR	ROGUE RIVER 97537
92R11	SHERWOOD, CL	SHERWOOD KENNELS	8421 CAROLINA DRIVE	CENTRAL POINT 97502
92A138	SILVA, M R F	SILVA'S HALF PINT RABBITRY	12411 S.E. STEELE ST	PORTLAND 97236
92A113	SMART, JAE	SMART'S KENNEL	PO BOX 91	KENO 97627
92A106	SMID, M R E		89472 DEMMING RD	ELMIRA 97437
92R6A	SMITH, GBL	PET 'N' POND	18405 SW PACIFIC HWY	TIGARD 97223
92A62	SMITH, WD JR	SMITH KENNELS	39943 ALWEN DR	LEBANON 97355
92R6R	SPIVEY, MAEL	MT RUEREN KENNELS	BOX 112 MT. RUEREN RD	GLENDALE 97442
92A127	STANIFORTH, S R D	ALPEN HAUS KENNELS	202 E. HILLTOP RD.	TALENT 97540
92A96	STEWART, JM	PEKING DRAGON RANCH	5715 EAGLE RD	CENTRAL POINT 97502
92A36	STOUT, FM	SUNDRIFT RANCH	RT 1 BOX 2	ALSEA 97324
92A72	SULLIVAN, C&N	SULLIVAN ACRES POODLE KENNELS	7901 WASHBURN WAY	KLAMATH FALLS 97601
92A120	THOMAS, RJ	NICKLE MT. KENNEL	PO BOX 822	RIDDLE 97469
92A45	WALKER, NL		RT 5 BOX 610	COOS BAY 97420
92A123	WARD, MM		PO BOX 100	GOLD HILL 97525
92R7A	WEST COAST PET SUPPLY INC	SAFARI PETS & SUPPLY INC.	1020 LLOYD CT	PORTLAND 97232
92R38	WHITESIDE, J & L	HAMSTER FACTORY	RED BOX 448	MOLALLA 97038
92R63	WIGLE, M		PO BOX 199	LAKESIDE 97449
9242	WILLIAMS, J	LAUREL ACRES KENNEL	9680 BLACKWELL RD	CENTRAL POINT 97502
9241	WILSON, RD	WILLOGLEN KENNEL	34060 ADLER LANE	CRESWELL 97426

PENNSYLVANIA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
23DY	ACE ANIMALS INC		RD 1 P.O. BOX 122	BOYERTOWN 19512
23A87	ALBRIGHT, K	KELLY ALBRIGHT'S RABBITRY	BOX 188 COVE LANE	ROARING SPRING 16673
23A37	ALLGYER, S&R		RD 1 BOX 329	GAP 17527
23FW	BELL, JR	BELL'S PET SUPPLY	RD 6 BOX 6172	MERCER 16137
23AT	BENDER, S&A		STAR ROUTE	SPRINGS 15562
23CL	BIO-MEDICAL ASSOCIATES, INC		PO BOX 46	FRIEDENSBURG 17933
23GG	BLACK'S LIVESTOCK INC.		BOX 226	SKIPPACK 19474
23DL	BRENNEMAN, S		RD 1 BOX 304	SALISBURY 15558
23RL	BUCKSHIRE CORPORATION		2025 RIDGE RD	PERKASIE 18944
23FA	CANNON, GE	CANNON FARMS	PO BOX 3627	READING 19606
23GA	CLARK, JR., R		BOX 244 RD #1	SCOTTDALE 15683
23GB	COCALICO WOODCHUCK FARMS		RD #1	REINHOLDS 17569
23A5A	CUTPELL, D		R 1 BOX 254A	SCOTTDALE 15683
23A1	DEPTA, MA		R.D. #1	SCOTTSDALE 15683
23FP	DONEY, S&A	STEPHANIE'S RABBITRY	RD 1 BOX A3	SMITHTON 15479
23CH	DUTCHLAND LAB ANIMALS, INC		BOX 139-A SWAMPBRIDGE RD	DENVER 17517
23A35	FILER, HM		441 E NEW CASTLE ST	ZELIENOPLE 16063
23RJ	ESPOSITO, S	QUAKER FARM KENNELS	RD 1 BOX 137A	QUAKERTOWN 18951
23A67	FARER, D	FARER'S RABBITRY	RD 3	HONEY BROOK 19344
23EX	FEDERATED MEDICAL RESOURCES		RD 2 BOX 74	HONEY BROOK 19344
23FJ	FERGUSON, RW	FERGUSON'S RESEARCH SUPPLY	RD 4	DOYLESTOWN 18901
23FM	FISHER SCIENTIFIC CO.		711 FORBES AVE	PITTSBURGH 15219
23A76	FOEKS, AR & CR	LOWER RUPRELL 15068	209 MILLERS LANE	
23AAA	FORD & HESSNER, INC.	VINELAND CANINE CENTER	RD2 BOX 74	NEW HOPE 18938
23AP	FREE, A		1339 RICHLAND PIKE R#4	QUAKERTOWN 18951
23ER	FRYE, H			HOLBROOK 15341
23CU	GINGRICH, H	GINGRICH ANIMAL SUPPLY	RD 1 BOX 435	FREDERICKSBURG 17026
23FU	GREGORY, A	TIMBERLEA KENNELS	RD 1 BOX 519	YORK 17370
23A62	GRUMBEIN, R		10 E PINE ST	EPHRATA 17522
23GE	HAIDUK, W & SCHORER, F	EASTON ANIMAL DISTRIBUTOR	54 WEST MAIN ST	MOUNTVILLE 17554
23RB	HAYCOCK KENNELS INC		APPLE RD RD #4	QUAKERTOWN 18951
23A77	HELF, W		PO BOX 729	QUAKERTOWN 18951
23GD	HERMAN, AM	GROFFDALE KENNEL	RD #3 BOX 714	NEW HOLLAND 17557
23CJ	HILLTOP LAB ANIMALS INC		RD 1 PO BOX 195	SCOTTDALE 15683
23A25	HIX, EK		RD 1 BOX 143A	HAMBURG 19526
23RV	HOCKENBERRY, C	PERRY VALLEY KENNEL		PLAIN 17006
23AJ	HOFFER, W		RD 2	LIGONIER 15658
23GF	HURST, A	HURST'S KENNEL	3031A OLD PHILA PIKE	RONKS 17572
23AW	HUTTON, RR		RT 1	ST THOMAS 17252
23A75	KEATON, SA		RD 1 BOX 178	MASONTOWN 15461
23AA1	KING, WA		RD 1 BOX 343	WORTHINGTON 16262
23DR	KINSINGER, DS		RD 1 BOX 48	MEYERSDALE 15552
23A3	KINSINGER, HR		ROUTE 1 BOX 226-A	MEYERSDALE 15552
23AW	KINSINGER, T & A		R 1 BOX 235	MEYERSDALE 15552
23A79	KNEPPER, RR		605 W. LISBORN RD.	MECHANICSBURG 17055
23FW	KRESSLY, A & C		BOX 8	LYNNPORT 18061
23AR2	KUHN, W		BOX 209	STRATTANVILLE 16258
23A53	LONG, G R GASTON, E		RT 2 BOX 180A	ZIONSVILLE 18092
23RZ	LOWREY,JC	DALMATIAN RESEARCH FOUNDATION	720 WOODBERRY RD	YORK 17403
23A90	LUDWICK, M & D	DEE-MAR RABBITRY & WORM FARM	BOX 205 A, RT 1	EAST BERLIN 17316
23A60	MADRIGAL, R&D		BOX 110 RD 3	SCHUYLKILL HAVEN 17972
23FU	MCCANN, G		RD2	LEESPORT 19533
23A3A	MCCARTHY, JE & CO	MCCARTHY'S COMMERCIAL RABBITRY	RD 3 BOX 44A	CONNEAUT LAKE 16316
23A7A	MEADOWCROFT, J		P O BOX 139	CLAYSVILLE 15323
23A5	MILLER, PG	MILLERS ANIMAL FARM	RD 1 BOX 71	MILL RUN 15464
23A49	MISTRETTA, S & E	TWIN MOUNTAIN RABBIT FARM	RR 1 BOX 102A	PALMERTON 18071
23A86	MORRIS, T		RD 6 BOX 565	IRWIN 15642
23FI	MURPHY, O		RD 1 BOX 248C	VANDERBILT 15486
23A5A	NOLTIS PONDS INC		3708-12 QUARRY RD	SILVER SPRING 17575
23FY	PEACHEY, ET		RD 2 BOX 291	HUNTINGDON 16652
23EG	PENNABECKER, W		538 S 4TH ST	DENVER 17517
23DG	PERFECTION BREEDERS, INC		PO BOX 75	DOUGLASSVILLE 19518
23FS	PWICE, DF	FISH DIMENSIONS	358C WHITESTOWN RD	BUTLER 16001
23CD	RACHELWOOD WILDLIFE RESEARCH PRESERVE		RD 1	NEW FLORENCE 15944
23AY	REICHERT, CF		RD 4	BOYERTOWN 19512
23DD	RESEARCH ANIMALS INC		P.O. BOX 501	BRADDOCK 15104
23A41	RITENOUR, LV		457 REDMORE RD	SO CONNELLSVILLE 15425
23CS	ROCKLAND FARMS, INC.		ENGLESVILLE RD	ENGLESVILLE 19525
23A89	ROEDEL, C		BOX 136 STATE RD	COOPERSBURG 18036
23CC	ROTZ, AK		RD 2	SHIPPENSBURG 17257
23A71	SACKS, L	SACK'S FARM	RD 3	EVANS CITY 16033
23FY	SADLER, JR, SG	PUPPY LOVE KENNELS	6034 NASSAU RD	PHILADELPHIA 19151
23FS	SCHILL, GV		3923 NEW TEXAS RD	PITTSBURGH 15239
23A27	SCHWENK, MJ		307 W RELIANCE RD	SOUDERTON 18964
23GC	SHEPPARD, RE	PUPPY PLACE	122 E MAIN ST	LEOLA 17540
23A88	SMIRK, R		RD #1 BOX 694	NEW HOLLAND 17557
23CU	SNOWAKER,GRRML	SUNNYVILLE FARM	RD 2 BOX 404	LITTLESTOWN 17340
23AF	SMITH, GJ R FERGUSON, R	REDMINSTER RABBITRY	PO BOX 1A	REDMINSTER 18910

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PENNSYLVANIA

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
•••				
• 23FN	SMITHKLINE CORP		1500 SPRING GARDEN ST	PHILADELPHIA 19101
• 23FG	STOLTZFUS, SM		RD 1	NARVON 17555
• 23AM	THREE SPRINGS KENNEL CO I NC		RD2	ZELIENOPLE 16063
• 23AR	TUDD, M		RD 4 BOX 331	BELLE VERNON 15012
• 23A16	TRINKA, GL	SCIENTIFIC BREEDERS	228 GREEN ST	SELLERSVILLE 18960
• 23D1	UNRUH, RM	SKIPPACK FARMS		SKIPPACK 19474
• 23A29	VON NIEDA, A	VON ECHO CATTERY & KENNELS	937 MADISON AVE	READING 19601
• 23EZ	WALNEY, VW & F	VAL & FRAN'S BUNNY FARM	RD 1 BOX 253A	KENNERDELL 16374
• 23EL	WEAVER, CZ	SCHOENECK LABS,	RD #2	FRANATA 17522
• 23A6A	WHALEN, T		BOX 415 RD 1	BARNESVILLE 18218
• 23AA	WHITE EAGLE LABS INC,		2015 LOWER STATE RD	DOYLESTOWN 18901
• 23ER	WILBURN, RL		133 MINE ROAD	QUAKERTOWN 18951
• 23AN	WILLIAMS, MM		310 WALLACE RD	WEXFORD 15090
• 23EX	WOLFLAND INTL LTD		STATE ROUTE 434	SHOLODLA 19458
• 23FO	WRIGHT, REC	WRIGHT'S PLOTT KENNEL	RD 3 BOX 261	DOVER 17315
• 23A4	YODER, J		621 WOODLAWN AVE	MEYERSDALE 15552
• 23A15	YODER, MP		RD 1 BOX 110	MEYERSDALE 15552
• 23A73	YODER, MRC		RD 1 BOX 104	GRANTSVILLE 21536
• 23RI	ZARTMAN, MH	ZARTMANS FARMS	355 TOLL GATE RD,	DOUGLASSVILLE 19518
• 23CE	ZARTMAN, MU	GILBERTSVILLE SALES STABLES		GILBERTSVILLE 19525
• 23A85	ZIMMERMAN, S & S	ZIMMERMAN'S RABBITRY	254 JAMESON PL	READING 19601
• 23A66	ZOOK, A		R 1 BOX 249	MEYERSDALE 15552
• 23AU	ZOOK, F		R 1 BOX 249	MEYERSDALE 15552

RHODE ISLAND

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
•••				
• 15R9	A & K ENTERPRISES INC,		RFD 1 SKUNK HILL RD	HOPE VALLEY 02832
• 15R3	BURKE, JL	SWANGRI LA KENNELS	BOX 7103	JOHNSTON 02919
• 15RR	NIGHTINGALE, JR,, ME	PINE ACRES RABBITRY	POLE #31 SMELDON RD	WEST GLOCESTER 02814
• 15R2	NIGHTINGALE, MARE	GLOCESTER RABBITRY	RFD 2 MT, MYGEAI RD,	CHEPACHET 02814
• 15R6	PETS UNLIMITED, INC		347 MANKINS AVE	PROVIDENCE 02904
• 15R5	RUMFORD AQUARIUM, INC		22 FIRST STREET	EAST PROVIDENCE 02914

SOUTH CAROLINA

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
•••				
• 56R2	ALEXANDER, MT	ABA PET & SUPPLY DISTRIBUTOR	1208 REYNOLD ST	GREENWOOD 29646
• 56A15	ASHLEY, C		602 GLENWOOD AVE	ANDERSON 29621
• 56A6	CAROLINA TROP FISH & SUPP INC,		R D 2 BOX 613	ORANGEBURG 29115
• 56A6	COOK, LJ & M	COOK'S RABBITRY	RT 2 BOX 235	BARNWELL 29812
• 56R9	DANN, AL		1500 OLD TOWNE ROAD	CHARLESTON 29407
• 56R12	DEAN, EW	TRAVELERS REST PET & SUPPLY	33 HENDERSON DR	TRAVELERS REST 29690
• 56A11	EAGLESON, EW		E, 730 FLAT ST,	ALLENDALE 29810
• 56R10	GRAHAM, P & F	FRAN GRAHAM FARM	7232 LAKE MARION CIRCLE	COLUMBIA 29209
• 56R16	GREGORY, F		RT 1 BOX 165	ROCK MILL 29730
• 5643	HAYES, NW		ROUTE 1	PELION 29123
• 56A13	MCGEE, G	SUMMITT PET FARM	RT #6	LEESVILLE 29070
• 5685	MEEKS, DR	M & M ZOO	RT 1 BOX 351	WELLFORD 29385
• 56R18	MEEKS, J	M & M PET FARM & ZOO	RT 1 BOX 351	WELFORD 29385
• 56R20	RIVERS, D	INTER, REPTILE EXCHANGE	PO BOX 67	CHESTERFIELD 29709
• 56R17	SEEGARS, T		RT #1 BOX 638	FORT LAWN 29714
• 56R15	SOUTHLAND PROCESSING		RT 2 BOX 1534	WARRENVILLE 29851
• 56R3	TERRY, A	ALLEN TERRY'S WILDLIFE PETS	P O BOX 2001	SOUTH GREENWOOD 29646
• 5645	THOMPSON, MD		ROUTE TWO BOX 161	GROVER 28073
• 56R19	VERHAEGHE, MR & MRS M		RT 1 BOX 347A	ROEBUCK 29376
• 5647	VINCENT, EM	VINCENT'S RABBITRY	RT 1 BOX 460	BONNEAU 29431
• 56A14	WILSON, JR	LAREE'S STARR KENNEL	RT 2	STARR 29684
• 56A12	ZAWACKI, J & GIBSON, M	RED OAK FARM RABBITRY	RT 2 BOX 322	BARNWELL 29812

SOUTH DAKOTA

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
•••				
• 46A60	ASSMUS, JR, R		BOX 44	STICKNEY 57375
• 46A58	BORNS, C		RR 1	DELL RAPIDS 57022
• 46A63	BRANDNER, T		613 E 2ND ST	REDFIELD 57469
• 46A11	CARMODY, S		RR 5	MILLER 57362
• 46A73	CLEMENS, D & B		RR 1	WAGNER 57380
• 46A74	CREAMER, DELOUIS		RR 1 BOX 40	CHAMBERLAIN 57325
• 46A28	DECKERT, PJ			MARION 57043
• 46A52	DITHMER, LM	PASS CREEK KENNELS		WANBLEE 57577
• 46A46	DOERING, R & S	PONDEROSA KENNELS	RR 3	MITCHELL 57301
• 46A79	DUBOIS, D R S	KOUNTRY KENNEL	FT 1 BOX 109	DIMOCK 57331
• 46A35	FISCHER, D	WAPPEN KENNEL		MT VERNON 57363
• 46A61	FROHREICH, W & R	FROHREICH KENNELS	RT, 2 BOX 369	YANKTON 57078
• 46A70	GRUENEWALD, D			NEW HOLLAND 57364
• 46A43	HAMMRICH, CRS	DOGPATCH	PO BOX 611	IPSWICH 57451
• 46A80	HOFFMAN, K C	DOCATA KENNELS		HARRISBURG 57032
• 46A72	HOLLEMAN, L			HARRISON 57304
• 46A74	JOHNSON, J & S	SIOUXLAND SHELTIES	RR 1 BOX 43A	BALTIC 57003
• 46A67	JORGENSON, KL & G	GREENLEAF KENNEL	BOX 86	WAUBAY 57273
• 46A49	KAUL, MARK	KATHYS KLIP KORRAL	1125 KENNEL DR,	RAPID CITY 57701
• 4649	KIPPES, R	SODAKI KENNELS	ROUTE 1	MARION 57043
• 46A7A	KLEIN, P			STICKNEY 57375
• 46A57	KLEIN, R			STICKNEY 57375
• 46A37	KOENIG, M	LAURA KOENIG PUG KENNEL	RR 2	CARTER 57526
• 46A80	KRANZ, D & S	DAKOTA KENNELS	RT 1 BOX 17C	VOLGA 57071
• 46A50	LAUBACH, DRP	ROYAL LIME KENNELS	RR 3 BOX 83	ABERDEEN 57401
• 46A71	MUNNEKE, F & G			HARRISON 57304
• 46A77	MYER, SMTHLEY		121 N OHLMAN	MITCHELL 57301
• 46A26	NIKOLAS, JL	JEANINE'S GROOMING	3412 W MAIN ST	RAPID CITY 57701
• 46A65	OPITZ, M R S		RT 1	EDEN 57232
• 46R13	OVERWEG, M			NEW HOLLAND 57364
• 46A1A	PEKAREK, JM			HIGHMORE 57345
• 46A69	PFEIFLE, D & L		BOX 139 R 1	EUREKA 57437
• 46A53	POWER, R		259 WISCONSIN NW	HURON 57350
• 46A66	PRINS, DK		RR 1	CLEAR LAKE 57226
• 46A64	RISCH, K			BUSHNELL 57011
• 46A42	SCHOENWALD, GM			SALEM 57058
• 46A69	SCHUT, C	MISEGN MEADOWS PUPPY RANCH	RT 1 BOX 248	RAPID CITY 57701
• 46A9	SKLUZAK, D & CHILDREN			KIMBALL 57355
• 46A29	SLOUKA, NJ		BOX 133	DALLAS 57529
• 46A21	SPAANS, D		RR 1	STICKNEY 57375
• 46A59	STELLMACHER, M		RR 2 BOX 60A	REDFIELD 57469
• 46R15	STUNES, I R R		913 W GAMBLE	MITCHEL 57301
• 46A58	SURRELL, A		RT 3, BOX 68	VIBORG 57070
• 46A81	SWENSON, J & V	HERITAGE KENNELS	RT 1	YANKTON 57078
• 46A48	THOMPSON, LG	THOMPSONS KENNELS	RR1	WINFRED 57076
• 46A20	TRAVNICEK, RRR	MEADOW BROOK KENNELS	RT 4 BOX 42	DALLAS 57529
• 46A75	VAN ZEE, M & J		BOX 58	HARRISON 57304
• 46A25	WAGNER, RL	WAGNER'S KENNELS	ROUTE 5	WATERTOWN 57201
• 46A82	WILSON, M & L		RR 1 BOX 16A	COLUMBIA 57033
• 46A3A	YORK, PASCHNEIDER, D	P & D KENNEL	321 6TH AVE SW	WATERTOWN 57201

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TENNESSEE

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
•••				
• 63A9	CLEVENGER, LK	TVC PET SUPPLIES	RT 5 HARRIS RD	KNOXVILLE 37914
• 63A10	CRABBEL, T		233 N COLLIERVILLE-AR, R D	COLLIERVILLE 38017
• 63A8	GRAVES, C	CLAY GRAVES RABBITRY	RT, 3 PARKER RD,	CORRYTON 37721
• 63A6	HANCOCK, KG	BIG WELL RANCH-SPRING CREEK RANCH	PO BOX 12222-2555 POPLAR AVE,	MEMPHIS 38112
• 63A8	HARGROVE, HL	U.S. RESEARCH FARM	151 CUNNINGHAM	MILAN 3835A
• 63AJ	HILL, H R VENABLE, ME	MISTY HILL KENNEL	6703 PLEASANT RIDGE RD	MILLINGTON 38053
• 63A2	JOHNSON, C		ROUTE 10	SPARTA 3A583
• 63A11	LANGLEY, D		RT 5	BROWNSVILLE 3A012
• 63A9	LINZEY, PS	ANIMAL SPECIALISTS	PO BOX 7161	NASHVILLE 37211
• 63AH	MCDANIEL, DJ	KEN-DORA KENNELS	RT, 2 BOX 431	BRIGHTON 3A011
• 63A4	SHADDOW, D		RT 1	WINCHESTER 3730A
• 6341	SHANKLIN, MRS, JH	HILLTOP RABBIT RANCH	MOORESVILLE PIKE RT 6 BO X 688	COLUMBIA 3A401
• 63A7	SNYDER, TL	JONES PET SHOP	1812 21ST AVE S	NASHVILLE 37212
• 63A1	SOUTHERN BIOLOGICAL SUPPL Y CO		P O BOX 6A	MCKENZIE 3A201

TEXAS

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
•••				
• 7AAA207	ACORN RESEARCH LAB,		3A10 OWEN	AUSTIN 78705
• 7AAA402	ALBRIGHT, F	FLAMES PAMPERED PETS	PO BOX 17636	EL PASO 79917
• 7AAA62	ANDERSON, JT & C	ANDERSON PET & REPAIR SHOP	300 N AUSTIN ST	SEGUIN 78155
• 7AAA226	ANDIS, REV	MIP-O-RANCH KENNELS	RT 1	CLARENDON 79226
• 7AAA211	ANSLEY, MG		RT 1 BOX 86A	BUNA 77612
• 7AAA401	ASHCRAFT, J R C	ASHCRAFT'S RABBIT RANCH	RT 1 BOX 82	BUFFALO 75A31
• 7AAA275	AYCOCK, JH, PJ & LA	AYCOCK'S KENNELS	RT 1 BOX 436	LONGVIEW 75602
• 7AAAR6	BANDY LABORATORIES INC		2114 S 1ST ST	TEMPLE 76501
• 7AAA292	BANKS, J		P.O. BOX 202	EDDY 76524
• 7AAA306	BARCROFT, A		RT 1 BOX A0A	TRENTON 75490
• 7AAA130	BARGER, ML		RT 1 BOX 171E	DENISON 75020
• 7AAU	BAYLOR COLLEGE OF MEDICIN E		1200 MOURSUND AVENUE	HOUSTON 77030
• 7AAA170	BAYNE, DW	BIG TREE ACRE ZOO FARM	1711 CONNORVALE RD	HOUSTON 77039
• 7AAA120	BELL, JL	HORN-B GAME RANCH	1800 CHRISTINE ST	PAMPA 79065
• 7AAA407	BELLOWS, E		PO BOX 332	ANAHUAC 76230
• 7AAA49	BETHYL LABS, INC.		PO BOX A21	MONTGOMERY 77356
• 7AAA45	BLOM, A	AL BLOM RABBITRY	7903 STEARNS DRIVE	SAN ANTONIO 78240
• 7AAA35	BOONE, RR	NEPTUNE PET CENTER	2936 PALMER	TEXAS CITY 77590
• 7AAA155	BRACEY, RL		R3	MABANK 75147
• 7AAA307	BRAMLOW, D		RT 1	ATHENS 75751
• 7AAA240	BROWN, T	L&B PET CENTER & SUPPLIES	9917 SUNNYWOOD	HOUSTON 77038
• 7AAA283	BRUCE, L & M	VARMITS-N-THINGS	14126 RUPTCLIFF	HOUSTON 77060
• 7AAA26A	BUSBY, D	HICKORY HILL RABBITRY	RT 11 BOX 160 CC	TYLER 75709
• 7AAA301	BUTLER, D	BUTLER SMALL ANIMALS	806 SOUTH Hwy 3	LEAGUE CITY 77573
• 7AAA195	CALLAN, F	D.C. KENNEL	BOX 158	LEVELLAND 79336
• 7AAA245	CAREY, J & K	CAREY'S RABBITRY	BOX 67	ROBESVILLE 7935A
• 7AAA260	CHANG, E		PO BOX 20731	HOUSTON 77025
• 7AAA12	CITY OF LUBBOCK		PO BOX 2000	LUBBOCK 79457
• 7AAA78	CLARK, CI	AMUSHY CREEK RABBITRY AND C AVIARY	202 WILLIS AVENUE	YOAKUM 77995
• 7AA108	CLEMENS, R		6828 ALMA STREET	FT WORTH 76119
• 7AAA303	COREY, R R G	COREY'S CRITTER FARM	RT 2 BOX 669 A	CONROE 77302
• 7AAA266	CUNNINGHAM, D		STAR RT 1-A BOX 376	DRIPPING SPRINGS 78620
• 7AAA280	DANIEL, JF		RT 1 BOX 306	JOSHUA 76058
• 7ALD	DAVIS, LT		2500 W MORTON ST	DENISON 75020
• 7AAA153	DAWSON, G		PO BOX 181	CALDWELL 77836
• 7AAA248	DICKINSON, J		BOX 918	CANADIAN 79014
• 7AAA241	DONALDSON,R & ALBRIGHT,E EL	TWISTLEWOOD AND FLAMES KENN	P.O. BOX 725	PARENS 7983A
• 7AAA99	DRIVER, GE	AMAZON PET SHOP	RT 2 BOX 122-D	NACOGDOCHES 75961
• 7AAA191	DRYDEN, CG	LA MOCA MONKEY RANCH	PO BOX 1968	LAREDO 78040
• 7AAA25A	EARLS, M	E & R ENTERPRISES	1716 HOWARD LN	ROUNDROCK 78664
• 7AAA22A	ELLIOTT, M	PINE FOREST KENNEL	4125 LAKEVIEW CUTOFF	VIDOR 77662
• 7AAA277	EPPLER, FM	EPPLER RABBITRY	PO BOX 999	NAVASOTA 77868
• 7AAA5	EVRIDGE, J	JOE EVRIDGE ANIMALS	RT 3 BOX 206	COMANCHE 76442
• 7AAA197	FERRARO, FF	DFW PET RANCH	2507 DOVE LOOP RD	GRAPEVINE 76051
• 7AAA300	FINCHER, H & J	MARIMA KENNELS	ARILE RT	CLARENDON 79226
• 7AAA15	GENTRY'S INC,	GENTRY'S GDN CTR & PET SHOP	PO BOX 2629	LAREDO 78041
• 7AA106	GEORGE, Cm & ROBERTSON, R P	GAR STOCK FARM	2305 R CAVITT AVE	BRYAN 77801
• 7AAA247	GIGLIOTTI M & BERLIN G	EXOTIC WATERHOLE	30019 ROSEHD	MAGNOLIA 77355

TEXAS

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
•••				
• 7AAA249	GLASCO L & BROWN J	PINE AFE KENNELS	RT, 1 BOX 68	MANKINS 75765
• 7AAA230	GOLTRA, J		RT 1	NEW BOSTON 75570
• 7AAA160	GREEN, RM		PO BOX 31	RANGS 76823
• 7AAA110	H & L SALES COMPANY	PATIO RANCH	PO BOX 21100	SAN ANTONIO 78221
• 7AAA298	HAILEY, P	WHISPERING PINES RABBIT FAR M	RT, 11 BOX 160CD	TYLER 75709
• 7AAA408	HALL, S	ANIMALS ETC	3980 N FRAZIER	CONROE 77301
• 7AAA37	HANDL, CJ	K-9 KENNEL & HORSE CARE CEN TER	RT 11,BOX 156A	LUBBOCK 79407
• 7AAA123	HARRIS, DM		3511 FT WORTH HWY	WEATHERFORD 76086
• 7AAA305	HEATHMAN, M & J	M & J RABBITRY	PO BOX 41	HAMSHIRE 77622
• 7AAA256	HERBERT, JR., H	ARENACO	625 SEMINAR DR #235	HOUSTON 77060
• 7AAA10A	HIPS, VM	EXOTIC BIRDS	15112 SAN PEDRO	SAN ANTONIO 78232
• 7AAA280	HODGES, M R VOYLES, D	WELLS RABBITRY	RT.1 BOX 118A	NORTH ZULCH 77872
• 7AAA252	HORTON, R	CHARLOTTE'S PET SHOP	11031 ODETTE AVE,	DALLAS 75228
• 7AAA217	HUDDLESTON, R&N		1034 19TH NW	PARIS 75460
• 7AAA198	JACKSON, CRJ	THE PET SHACK	5412 NORDLING	HOUSTON 77076
• 7AAA140	KEETON, OG	K&K KENNELS	RT 2 BOX 169	LUBBOCK 79415
• 7AAARR	KIRBY, AH	KIRBY K-9 KENNEL	120 N ELM	PERRYTON 79070
• 7AAA133	LAMKIN, M	LAMKIN WILDLIFE COMPANY	2522 N. BOLTON	AMARILLO 79107
• 7AAA216	LANGSTON, R	RARE'S KENNEL	RT 1 BOX 2724	SALINA 78365
• 7AAA267	LARARELL, J		RT 5, BOX 1166	PURLESON 76028
• 7AAA235	LEE, M	D & M KENNELS	RT 2 BOX 51A	NEW BOSTON 75570
• 7AAAO	LINDENTHAL, TB	THUNDERBIRD KENNELS	7229 BARKER ROAD	EL PASO 79915
• 7AAA269	LINDSEY, E		RT 5 BOX 328M	GREENVILLE 75401
• 7AAA9	LOCKE, UM		PO BOX 731	NEW BRAUNFELS 78130
• 7AAA200	LODEN, M	LODEN'S KENNEL	BOX 25 PEARL STAR RT	GATESVILLE 76528
• 7AAA279	LYLE, M R C	WILSON RANCH KENNEL	3707 22ND ST	LUBBOCK 79410
• 7ALIM	MARKHAM, JL	HIGH PLAINS LAB, ANIMALS	BOX 7	CANYON 79015
• 7AAA408	MARSHALL, M R L	L R W BREEDING FARMS	PO BOX 862	ANGLETON 77515
• 7AAA80F	MCMILLAN, M	ROCKY MOUND KENNELS	RT A BOX 29	GRAHAM 76046
• 7AAA80	MECOM, JW	MECOM RANCH WILDLIFE PRESER VE	PO BOX 2566	HOUSTON 77001
• 7AAA176	MILFORD, RD	STRAWBERRY PET SHOP	2007 STRAWBERRY	PASADENA 77502
• 7AAA232	MITCHELL, L		RT 6 BOX 589A	TEXARKANA 75501
• 7AA104	MOORMAN, LJ	BRADY CREEK RANCH	2002 N B C BUILDING	SAN ANTONIO 78205
• 7AAA239	MORGAN, FRP		PO BOX 63	CARROLLTON 75006
• 7AAA206	MORRIS, RA		RT 1 BOX 400	POWDERLY 75473
• 7AAA139	NEWSOM, MP	NEWSOM'S VARMINTS THINGS	13015 KALTENBRUN	HOUSTON 77086
• 7AAA90	NICHOLS, R	RAY NICHOLS RABBITRY	RT 4 BOX 511	LUMBERTON 77656
• 7AAA302	NICHOLSON, D	BUNNY FACTORY	RT 3 11417 SMALLWOOD RD,	BURLESON 76028
• 7AAA285	NICKEL, R	DOUBLE NICKEL KENNEL	BOX 230	FARMSWORTH 79033
• 7AAA207	NOVOTNY, T		RT 1 BOX 242A	PARIS 75460
• 7AAA271	PAPOT, RJ	PAPOT & SON RABBITRY	RT 3 BOX 175A 2	DENISON 75020
• 7AAA185	PENA, T	RIG SKY KENNELS	PO BOX 5455	AMARILLO 79107
• 7AAA141	PENN, P	PENN ACRES RANCH	#30 HILL COUNTRY RANCHES	WIMBERLY 78676
• 7AAA262	PENNY, C		RT 1 BOX 78	GATESVILLE 76528
• 7AAA202	PET SHOP & BIRD CLINIC, I NC		3118 SMITH	HOUSTON 77006
• 7AAA145	PETSICK, J		BOX 630	COMANCHE 76442
• 7AAA20	PHILLIPS, D	PHILLIPS CANINE CAVE	BOX 493	LEVELLAND 79336
• 7AAA231	PIRKEY, DW		RT 2 BOX 311	DE KALB 75559

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TEXAS

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 74AA233	PRINCE, I		1011 MINGO RESERVE RD	FABENS 79838
* 74AA42	RANA LABORATORIES		P O BOX 3103	BROWNSVILLE 78520
* 74AA87	REEVES, MG		110 RAMADA TRAIL	AMARILLO 79108
* 74AA100	RHOTEN, RT	REX-FM-KENNELS	10 N KOOPMAN	PHILLIPS 79071
* 74AA276	ROBINSON, J		R17 HIGH SCHOOL DR	SEAGOVILLE 75159
* 74AA272	RUNYAN, M		RT 1	BLOSSOM 75416
* 74AA255	SALMON, R & M	COTTONWOOD KENNELS	BRICE ROUTE	CLARENDON 79226
* 74AA85	SCHREINER III, C	Y O RANCH	YO RANCH	MT HOME 78058
* 74AA81	SHANDE, KE	KANINE KOIFFURES	5555 NO LAMAR E119	AUSTIN 78751
* 74AA295	SHATTO, D	PETS UNLIMITED	1430 W. MORTON ST.	DENISON 75020
* 74AA29	SLOVAK, P	RICH GLO LAB ANIMALS	RT 2 BOX 161A	EL CAMPO 77437
* 74AA237	SMITH, C	SUNNY ACRES RABBITRY	RT 19 BOX 508	TYLER 75706
* 74AA105	SMITH, T	VERDE VALLEY RANCH	P O BOX 7398	HOUSTON 77008
* 74AA258	SMOKE RISE FARM, INC.		SUITE E 2901 N 6TH ST	FT WORTH 76107
* 74AA309	SORENSEN, A	SOMEDAY FARMS	RT 7 BOX 237A	MCKINNEY 75069
* 74AA309	SORET, T	SORET ANIMAL AND BIRD FARM	780 RIO GRANDE	EAGLE PASS 78852
* 74AA270	SOUTHWEST RESEARCH ANIMAL B		P.O. BOX 10685	FT WORTH 76114
* 74AA220	STEVENS, LAD	DOG SHOP	P.O. BOX 1563	CONROE 77301
* 74AA116	STEWART, GF	STEWARTS KENNELS	RT 3 BOX 176	COMANCHE 76442
* 74AA188	STILLMEADOW, INC		9525 TOWN PARK DR.	HOUSTON 77036
* 74AA162	STOWER, MG	BAMBOO PET SHOP	5555 W. LOVER'S LN.	DALLAS 75209
* 74AA61	SW FOUND. FOR RES. & EDUC		P O BOX 28147	SAN ANTONIO 78280
* 74AA3	TROOP, E	TROOPS PET SHOP	BOX 51	BRUNT 78348
* 74AA403	VARNADO, LM	KENTREE KENNELS	14936 VERA AVE	MIMBLE 77338
* 74AA7	VIVO ANIMALES, INC		P O BOX 230	LORENA 76655
* 74AA248	WALKER G & SCHOO J	G & J FARMS	ROUTE 2	JONESBORO 76538
* 74AA151	WALKER, FR		1302 W 18TH ST	AMARILLO 79102
* 74AA91	WARDEN, M	COLONY PET SHOP	3719C COLONY DR	SAN ANTONIO 78230
* 74AA101	WATERS, D		BOX 131	MOUNTAIN HOME 78058
* 74AA247	WATERS, M	TRIPLE M KENNEL	STAR RT, BOX 78	LORENZO 79343
* 74AA31	WEBB, KE	R&N TROPICAL FISH & SUPPLY CENTER	3520 25TH ST	PORT ARTHUR 77640
* 74AA259	WELLS, M & D	WELLS RABBITRY	RT, 1 BOX 118B	NORTH ZULCH 77871
* 74AA293	WELSH, J	ARTAMINE KENNELS	1900 S MAIN	MIGHLAND 77562
* 74AA281	WEST, BG & G	R & G KENNEL	RT 8	HEREFORD 79045
* 74AA16	WHEELER, FWR	CAMP COOLEY RANCH	RT 3	FRANKLIN 77856
* 74AA288	WHITLOCK, AL	EXOTIC CAT HAVEN	1310 N TEXAS ST	ODESSA 79761
* 74AA291	WIDNER, P		RT, 1 BOX 289	ENNIS 75119
* 74AA251	WILEY, CR		RT, 1 BOX 86	MILLS POINT 75169
* 74AA270	WILLIAMS, RC & SPIBEL, DA	R & D KENNELS	118 DALLAM AVE	DUMAS 79029
* 74AA90	WRIGHT, ML		BOX 253	FARNSWORTH 79033

UTAH

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* A7A1	ALLISON, CL & F	ALLISON KENNELS	3802 W 9000 SO	WEST JORDAN 84084
* A7A11	CHOULES, EA	LAB ANIMAL PRODUCTS	1095 S MCCLELLAND ST	SALT LAKE CITY,84105
* A7A6	HILL, GF	S KIMO KENNELS	235 EAST 13800 SO	DRAPER 84020
* A7A13	HOWELL, CA	HOWELL RABBITRY	12474 SO 900 E	DRAPER 84020
* A7AA	IMLAY, TF	ANIMALS FOR RESEARCH	4996 S REDWOOD RD	MURRAY 84107
* A7AA	WHITE, GR	THE RABBIT TREE	PO BOX 452	PEOA 84061

VERMONT

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 13A28	ALEXANDER, W		RFD 3	BRATTLEBORO 05301
* 13A41	CARLSON, C		PO BOX 172	PUTNEY 03546
* 13A20	GUILD, MI		RFD 2 BOX 180B	W BRATTLEBORO 05301
* 13A2A	JONES, A		EAST HUBBERTON RD	CASTLETON 05735
* 13A23	LAMOILLE LAND FL. & SALVAGE	LAMOILLE KENNELS	JERSEY HEIGHTS	MORRISVILLE 05661
* 13A09	LAMPHERE, L	PEACEFUL ACRES RABBITRY	RFD1	LOWELL 05847
* 13A15	MAYHEW, MR		98 PARK ST	RUTLAND 05701
* 13A5A	MCELROY, R & D	REVI'S RABBIT RANCH	BOX 29,VALLEY RD.	LOWELL 05847
* 13A60	MOULTON, V		PO BOX 107 RT 17	NEWHAVEN 05472
* 13A9	PARADIS, R		RFD 1	ENOSBURG FALLS 05450
* 13A10	PLUMMER, JH R KM	PLUMMERS RABBITRY		GRAFTON 05146
* 13A59	RAYNO J & F		RD 1 BOX 52 1/2	PUTNEY 05346
* 13A11	REYNOLDS, D		RD 1	CAMBRIDGE 05444
* 13A41	SPAULDING, CA		10 UNDERHILL RD	BELLOWS FALLS 05101
* 13A24	SUDOL, T & J		RD 2	ENOSBURG 05450
* 13A22	TUZZO, P	THE RABBIT MUTCH	RFD 1	ST JOHNSBURY 05819
* 13A21	VACHON, L		BOX 7A	TOWNSHEND 05353
* 13A13	WESTON, FA	CIRCLE W RABBITRY	RT. 15	UNDERHILL 05489

VIRGINIA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 52A15	CHANDLER, WR		RT 1 BOX 428 B	MECH, 23111
* 524G	CORELL, JC	OLD DOMINION CAVY FARM	RT 1 BOX 213	WAYNESBORO 22980
* 524A0	CRUTCHFIELD, LW	GREEN MEADOWS CATTERY	RFD 1 BOX 80K	PALMYRA 22963
* 52AJ	DAVIS-BECK, W	ROANOKE PET CENTER AND AQUARIUM	PO DRAWER 12645	ROANOKE 24027
* 524A	EDWARDS, SJ		4401 GREENDELL RD	CHESAPEAKE 23321
* 520J	ENVIRONMENTAL CONSULTANTS INC		1022 W.24TH ST	NORFOLK 23516
* 524F	HALEY, J	HALEY FARM	RT 2 BOX 81	HURT 24563
* 524D	HAZLETON RESEARCH ANIMALS INC		9200 LEESBURG TURNPIKE	VIENNA 22180
* 52A11	HUTCHISON, CW		3610 DENTON RD	RICHMOND 23231
* 52A15	KRIBY, M		RT 2 BOX 288	MAX MEADOWS 24360
* 52AA	LEACH, NF	LEACH KENNELS	RT 3 BOX 70	CHASE CITY 23924
* 520N	MID-ATLANTIC PET DIST.,INC		6520 COLUMBIA PIKE	FALLS CHURCH 22041
* 524T	PAYNE, RM		RT 1 BOX 139	RIXEYVILLE 22737
* 52A16	RAY, JR		100 ROCK RD, RT, 611	DUBLIN 24084
* 52AV	ROY, ML	FLOW LABS INC.	RT 2 BOX 27-B	WARRENTON 22186
* 524W	SCHMIDT, E	ROY'S RABBITRY		HONAKOSVILLE 24562
* 524I	STINSON, F R D	SPRING VALLEY FARM		MINE RUN 22568
* 52AG	TURNER, RM & TURLEY, DG	BUNKER HILL RABBITRY	GENERAL DELIVERY	MOSELEY 23120
* 520G	UNIV OF VA, VIVARIUM	CLOVERDALE ANIMAL SUPPLY	17401 HULL ST ROAD	CHARLOTTESVILLE 22901
* 520M	WALTER, R & DETWILER, P		1300 JEFFERSON PARK AVE	ALEXANDRIA 22304
* 52AH	WILMOTH, MF	Z-PET ENTERPRISE	80 S EARLY ST	MONETA 24121
* 52A40	ZAZZARETTI, FB	SNAKES AND THINGS LTD	PO BOX 476	CLAREMONT 23899
		BEECHWOOD RABBITRY	BOX 54	

WASHINGTON

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 01A20	ANDERSON, R & R	R & R RABBITRY	20004 24TH N.W.	STANWOOD 98292
* 01A19	ANDERSON, RJ	RER RABBITRY	2004 24TH N.W.	STANWOOD 98292
* 01A22	AVI-CULT CORPORATION		P.O. BOX 571	DUVALL 98019
* 01A26	BREESE, C	WASHINGTON PET FARM	8115 176TH ST E	PUYALLUP 98371
* 01A10	BUTTERFIELD, G	BUTTERFIELD'S TOY KENNELS	2308 COOK HILL RD	CENTRALIA 98531
* 01A28	CARLMAS, M R R	CARLMAS RABBITRY	27645 46TH SO	AUBURN 98002
* 01A16	CITY OF CLARKSTON	ANIMAL SHELTER	830-5TH ST	CLARKSTON 99403
* 01A5	CITY OF COLFAX		P O BOX 229	COLFAX 99111
* 01A1	COLLEGE BIOLOGICAL SUPPLY, INC		21707 BOTHELL WAY	BOTHELL 98011
* 01A6	COWAN, MD	SHOWLINE BEAGLES	18015 140TH AVENUE SE	RENTON 98055
* 01A21	DEWITT, E & K	REDMOND KENNELS	20515 NE UNION HILL RD.	REDMOND 98052
* 01A1A	DRY, RL & MF	AERLYNER ZWINGER KENNELS	RT 3 BOX 7A	COLBERT 99005
* 01A15	DRYKE, CM	SUNNYDELL KENNELS	RT 6 BOX 275	SEQUIM 98382
* 01A29	GEER, MRS ETHEL	PEND ORVILLE KENNELS	STAR ROUTE 2	USK, 99180
* 01A20	HATCH, R.	HATCH CO.	P.O. BOX 157	LANGLEY 98260
* 01A27	HAUSER, F	HAUSER'S EXOTIC FELIAC FARM	18822 NE 99 STREET	VANCOUVER 98662
* 01A22	HENDERSHOT, A & P	THE RABBIT MUTCH	15000 CASCADIAN WAY	LYNNWOOD 98036
* 01A21	JORGENSEN, A	TRIPLE J RANCH	23404 NE 8TH	REDMOND 98052
* 01A18	LOTZE, P & J	WINEBURG KENNELS	RT 2 BOX 304	COLVILLE 99114
* 01A3	MASON, GM	MASONS NORTHWEST RABBITRY	5112 21ST NE	PUYALLUP 98371
* 01A2A	MCRAIN, F		28838 18TH AVE SO	FEDERAL WAY 98003
* 01A10	MORRY, WR	CASCADE KENNELS	6425 208TH NE	REDMOND 98052
* 01A23	OLSON, K	OLSON'S HAMSTERS	5621 204TH SWA	LYNNWOOD 98036
* 01A17	OUR PEOPLE'S COOP		1625 5TH ST.	CLARKSTON 99403
* 01A18	SHANNON, GRAPA	LAB ASSOCS.-TOTEM FARMS	13640 132ND NE	KIRKLAND 98033
* 01A10	STARNS, T & R	COUGAR MT. BREEDING CMPD & SANC.	PO BOX 99542	TACOMA 98499
* 01A11	TOWN OF COLTON		BOX 147	COLTON 99113
* 01A18	VEITENHEIMER, C	CA-JI SHEPHERDS	RT 1 BOX 116	COLBERT 99005
* 01A5	WACENSKE, IR	PINEMILL KENNEL	RT 2 BOX 279	CHATTAROY 99003

WEST VIRGINIA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 54A1A	ANGELL, W	M&W KENNELS	BOX 16241 RT 2	MILTON 25541
* 54A1	BERST, MJ	TOWN HILL RABBITRY	BOX 12	THREE CHURCHES 26765
* 54A1	CUSTER, FJ	CUSTER'S KENNELS	1073 MCCOLLUCH ST	WHEELING 26003
* 54A7	DIXON, JF		315 THOMPSON AVE	OAK HILL 25901
* 54A2	HILL, FF		5071 GUYAN RIVER ROAD	HUNTINGTON 25702

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WISCONSIN

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 3582	ANDERSON, W		RT 2 BOX 240	RICHLAND 53581
* 35R01	BARTHMAN, V & H	HAY VALLEY GAME FARM	RT 1	CLEAR LAKE 54005
* 354125	BIKE, R	DANE-DE-DANES	STAR ROUTE BOX 209	HAZELHURST 54531
* 35A68	BIEHN, RA	MOOSE LAKE WILDLIFE SANCTUARY	RT 6 BOX 124	HAYWARD 54843
* 354120	BOHL, C	LAZY LAND KENNELS	PO BOX 268 RT 1	GRESHAM 54128
* 354122	BUCK, A	BUCK'S BUNNIES	R 2	HAYWARD 54843
* 354124	CYFKALSKI, C		RT 1 BOX 63	MEYERHAUSER 54895
* 35R24	CZARNECKI, RA	SOUTH MILWAUKEE PET CENTER	2003-10TH AVE.	SOUTH MILWAUKEE 53172
* 35477	DAUL, DR		RT 1	LUXEMBURG 54217
* 354112	ERTEL, G & D	ZANY DEE ZHEE KENNEL	R1 BOX 186A	MILLPOINT 53937
* 35R30	EVANS, JEB	MERRY MILL KENNEL	RT 1 W255 HWY 77	SUN PRAIRIE 53590
* 354127	FERNEY, A		RT 2 W2261 10 MILE AVE	WISCONSIN RAPIDS 54494
* 35R17	FORSTHAUS KENNELS, INC		R 1 BOX 65	MILLADORE 54454
* 35A89	GILI, L		RR 2 BOX 100	IOLA 54945
* 35A111	HALL, L		RT 1 BOX 207B	DRESSER 54009
* 35A97	HALVERSON, RD		R 1 BOX 64	DODGEVILLE 53533
* 354123	HAVENS, C	PLAY HAVEN NORTH	1106 VERNON AVE	MADISON 53716
* 35AA8	HYDE, D	HYDE RABBITRY	38076 HIDDEN VALLEY DR	DOUSMAN 53118
* 35A92	KLUBERTANZ, E	KLUBERTANZ'S	1165 HWY 73	EDGERTON 53534
* 35A60	KNORR, DA	KANANGNARK KENNELS	PO BOX 102	SHEBOYGAN 53081
* 35A93	KPFIF, C	RABBIT HILL	N 558A HWY 8A	FREDONIA 53021
* 354114	KRETSCHMAN, TJ & HIMSEL, D	HOPPERS UNLIMITED	2019 SUGAR RIVER RD RT 9	VERONA 53593
* 35B29	LAVEAU, D & S		RT 1	SHELL LAKE 54871
* 35R31	LETBEL, D & G	RIPCHWOOD FARM	RT. 2 BOX 164 E	GRANTSBURG 54840
* 35A25	LESSER, CRA	LESSER'S RABBITRY	18403 WASHINGTON AVE, HY 20	UNION GROVE 53182
* 35R39	LEWER, I	CIRCLE (D) KENNELS	RT 5 BOX 39A	MARSHFIELD 54449
* 354108	LITTLE, W & D	PUPPY LAND KENNELS	RT. 1 BOX 130	WITMEE 54449A
* 354115	LUPPP, R	MESA KENNELS	7197 LOPER RD RT 2	SAUK CITY 53583
* 35A91	LOWE, W		RT 4 BOX 206	BEAVER DAM 53916
* 354113	MANECKE, R	RIVERVIEW KENNEL	R 1 BOX 342	RICE LAKE 54868
* 35A80	MAURICE, R	WHITE STAR LAB ANIMALS	R 6 1135 HWY G	BURLINGTON 53105
* 35R35	MELTON, SW	SHARON'S PUPPYLAND	RT 1 BOX 187A	SPOONER 54801
* 35A75	MIKULA, T		RT 3	CHETEK 54728
* 354106	MILLER, F	VALLEY FUR FARM	RT. 2 BOX 125	SPRING VALLEY 54767
* 35A83	MILLER, J	MILLSIDE KENNEL	RT 1 BOX 135	DORCHESTER 54425
* 354118	MONTAG, F	BLUE SPRUCE KNNLS & GAME RAN.	RT 7	CHILE 54620
* 354119	MYERS, R		RT 1 BOX 42	ARCADIA 54612
* 35R1	NASCO INTERNATIONAL, INC		901 JANESVILLE AVE	FORT ATKINSON 53538
* 35A22	O'BRIEN, M		2257 SYENE RD	MADISON 53711
* 354105	OLSON, J	KUTE & KUDDLY KENNELS	PO BOX 484	PORTAGE 53901
* 35R37	PETZ, W & J	SUNNY VALLEY KENNEL	RT 1	SHELL LAKE 54871
* 35R8	PEUSCHEL, M		13101 N MAUKATOSA RD, 76 M.	MEQUON 53092
* 354102	PRELIPP, AM		RFD 1	SEYMOUR 54165
* 354121	RADDANT, L		RT 1 BOX 55	GRESHAM 54128
* 35R32	RICHARDS, LJ	PET MART	113 NORTH MAIN	RICE LAKE 54868
* 3549	RINGLAN FARMS, INC		301 WEST MAIN STREET	MT MOREB 53572
* 35A96	ROBERTSON, WMRL		RT 2 BOX 48	OCEMA 54459
* 35457	ROGGE, E	HAPPY ACRES KENNELS	R 2 BOX 410C	WISCONSIN DELLS 53965
* 35AA2	RUEDINGER, J		ROUTE 1 BOX 70	ARPIN 54410
* 35R20	SCHOERFL, LL	FUR & FEATHER GAME FARM	RT 2	NESHKORO 54960
* 35R33	SCHOERFL, M		RT 1	NESHKORO 54960
* 3543	SHAW, F		RT #1	NEW AUBURN
* 3547	SMITH, P		RT 1	WITMEE 54449
* 35R34	SOLIS, E	FL RANCHITO KENNEL	RT 1 BOX 22	MILLPOINT 53937
* 3589	STERANF, E		RT 3	KAUKAUNA 54130
* 354126	STRANGEFELD, M & E		RR 6 BOX 243	NEILSVILLE 54456
* 35R40	TAMEL, JA	GIANT FLM RABBITRY	STAR RT	LILY 54445
* 354116	WELLS, M		1018 16ST	MONROE 53566
* 354100	WERY, P		RT 4	LUXEMBURG 54217
* 354117	WIERSMA, GD		RT 1 BOX 171 A	RANDOLPH 53956
* 35R36	ZWICKY, A	A/Z WILDLIFE PARK	9277 CENTER RD.	NEENAH 54956

WYOMING

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 8341	SANDERS, A	SANDERS KENNELS	BOX 127	LAGRANGE 82221
* 8347	SHEPARD, A		BEAR CREEK ROUTE	LA GRANGE 82221

PUERTO RICO

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 9AR25	ANGEL FISH AQUAR & PET SHOP		27TH ST BLOCK 8-11 ALTURAS	CASTELLANA GARDENS CAROLINA 00630
* 9AR3	ANIMALANDIA PET SHOP, INC		600 NAPOLES ST.	RIO PIEDRAS 00924
* 9AR42	APONTE, EV	CARIBBEAN PETS	RH 24,1148ST GARD. CTRY. CLUB	CAROLINA 00630
* 9AR36	BORGES, MT	MR AQUARIUM	SOTO EXPANA NO 6	SAN LORENZO 00754
* 9AR23	CASA AGRICOLA ARECIBO, INC.		CERVANTES NO 50	ARECIBO 00612
* 9AR7	COUTIN, R	A & A PET CENTER	201 DE DIEGO ST	RIO PIEDRAS 00925
* 9AR28	DE VICTORIA, DI	TAINO PET SHOP	CERRO PIO C-30	CAROLINA 00630
* 9AA6	FLORES-DIAZ, I	GRANJA LOS NIETOS	RZ 288 RD JAGUAS	GURABO 00658
* 9AR48	GETGEL, LE	ANIMAL WORLD	MAYAGUEZ ST NO 62	MATO REY 00917
* 9AR9	GONZALEZ, F	ARECIBO PET SHOP	BOX 433	MANATI 00701
* 9AR30	GONZALEZ, MP	TROPI-FUANA PET CT	627 VILLA NAVARRA	RIO PIEDRAS 00924
* 9AR32	GONZALEZ, RV	NOAH'S ARK	CENTRO COM VENUS GDNS LO C 7	RIO PIEDRAS 00926
* 9AR15	HERNANDEZ, M	MI AQUARIUM TROPICAL	BETANCES ST. #51	CAGUAS 00625
* 9AR8	JUARRE, M.	MABEL AQUARIUM	P.O. BOX 300	QUEBRADILLAS 00742
* 9AR47	KLEINMAN, M & HERRERA, J	PETERSON PET SUPPLY	7391 NW 78ST	MIAMI SPRING 33153
* 9AR4	LUZON SERRF, MA	COUNTRY CLUB PET SHOP	GJ-6 COUNTRY CLUB AVE	CAROLINA 00630
* 9AR5	MCFALINE, F	VIERAY PET SHOP	85 AVE BETANCES MNAS DAVILA	BAYAMON 00619
* 9AR45	MELON, G		PO BOX 6031	CAGUAS 00625
* 9AR33	MENDIETA, DC	AQUARIUM LA PIRANA	SAN JORGE 266	SANTURCE 00912
* 9AR53	MORENO, G	GLAD'S DOG GROOMING	CALLE JAVA #41	RIO PIEDRA 00924
* 9AR6	MURPHY, A	SUPER BIRDS PETS	STREET 23 BLOCK N-7	BAYAMON 00619
* 9AR26	NIEVES, NA	NENICO'S RABBITRY & SUPPLY	RD. SANTANA 101-A	ARECIBO 00612
* 9AR20	PALACIOS, I & ALLONGO, M	ISLA VERDE PET SHOP	PO BOX 1951 MATO REY STA	MATO REY 00919
* 9AR51	PAPET, F	PETS & ORCHIDS	PO BOX 1461	SAN JUAN 00936
* 9AR35	PEREIRA, P	PONCE PET CENTER	BARGAIN TWN BLDG L #8	PONCE 00731
* 9AR45	PERETRO, MARIA DE LURDES	RED OSCAR AQUAR. & PET SHOP	BAIROA SHOPPING CT LOCAL A	CAGUAS 00625
* 9AA4	PEREZ, MP		PARCELES NAVES	MATO ARECIBO 00612
* 9AR49	PIPO, CH & GARCIA, ML		CALLE LAMELA #157	QUEBRADILLAS 00742
* 9AR38	PONCE, RA	ALERS AQUARIUM	DR. JIMENEZ99	MAYA GUEZ 00708
* 9AR28	RAMOS, DV		RUZON 730 SECTOR CRN 3 E LMAS	TRUJILLO ALTO
* 9AR10	REYES, F	RAMOO AQU. & PET SHOP	AVE. MAGNOLIA L-28	BAYAMON 006119
* 9AR38	RIVERA-COLON, DG	EXOTICO	PINERO AVE #288 HYDE PARK	RIO PIEDRAS 00618
* 9AR58	RIVERA, FJ	CAMPO ACUARIO	RR 3 RUZON 76	SAN SEBASTIAN 00612
* 9AR46	RIVERA, J		SAN LUCAS A5	NOTRE DAME CAGUAS 00625
* 9AR30	RIVERA, JM	VILLA CAROLINA AQ & PET SHOP	AVE ROBERTO CLEMENTE	CAROLINA 00630
* 9AR27	RODRIGUEZ, MG		PO BOX 171	ST JUST 00750
* 9AA3	SANCHEZ-COLON, D		BO CALABAZAS RUZON 481-17	YABUCOA 00767
* 9AR41	SANTANA, JR	CAGUAS AQUARIUM & PET SHOP	502ST BLOO 217 NO 15	CAROLINA 00630
* 9AR37	SANTIAGO, GR	CENTRO AGRICOLA & PET SHOP	AVE SANTA JUANITA AK-16	BAYAMON 00619
* 9AR22	SANTIAGO, JA	CUTE GROOMING SALON & PET CENTER	1712 PARINA ST	RIO PIEDRAS 00926
* 9AR50	SANTIAGO, O	CASA PURINA & PETS	PO BOX 716	GUAYAMA 00656
* 9AR10	SANTURCE PET & HOBBY SHOP INC		PONCE DE LEON 1501 STOP 22	SANTURCE 00909
* 9AR1	SUPER PET CENTER INC		SAN PATRICIO SHOPPING	COVAR 00922
* 9AR2	UMPIERRE, J	LA CASA DEL AGRICULTOR	PLAZA DE MERCADO	RIO PIEDRAS 00926
* 9AR29	VARGAS, RG	MAYAGUEZ AQUARIUM	CALLE 11 DE AGOSTO #31-A	MAYAGUEZ 00708
* 9AR52	VIDAL, J	FISH BOWL AND PET SHOP	AVE ESMERALDA 1968	GUAYNABO 00657
* 9AR43	VIDAL, JL	SUPER FISH AQUARIUM & PET CT	AVE ESMERALDA 196 B	GUAYNABO 00657

[FR Doc. 80-7770 Filed 3-13-80; 8:45 am]

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federal register

Friday
March 14, 1980

Part V

Department of Labor

Employment and Training Administration

Final Allocations Under the Summer Youth Employment Program

DEPARTMENT OF LABOR

Employment and Training Administration

Youth Programs Under the Comprehensive Employment and Training Act: Allocations Under the Summer Youth Employment Program

AGENCY: Employment and Training Administration, Labor.

ACTION: Final allocations.

SUMMARY: The purpose of this document is to publish final prime sponsor allocations pursuant to Section 483(c) of CETA for implementation of the Summer Youth Employment Program (SYEP).

EFFECTIVE DATE: March 13, 1980.

FOR FURTHER INFORMATION CONTACT: Robert Taggart, Administrator, Office of Youth Programs, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213, (202) 376–2646.

SUPPLEMENTARY INFORMATION: These allocation levels are issued to provide for implementation of the fiscal year 1980 SYEP. The listing below sets forth the prime sponsor and overall Native American allocation levels.

U.S. Department of Labor—*Employment and Training Administration, Office of Administration and Management, Fiscal Year 1980 SYEP Allocations, Feb. 5, 1980*

	Allocation
Bridgeport Consortium	1,600,851
Hartford Consortium	1,869,142
New Haven Consortium	1,458,092
Stamford Consortium	573,924
Waterbury City	523,853
Balance of Connecticut	4,631,985
Connecticut	10,657,847
Penobscot/Hancock Consortium	635,257
Cumberland County	614,827
Balance of Maine	2,060,176
Kennebeck County	320,890
York County	315,790
Maine	3,946,940
Boston City	3,457,887
EMHRDA Consortium	1,276,482
New Bedford Consortium	836,819
Hampden County Consortium	1,773,326
Worcester Consortium	987,706
Lowell Consortium	846,467
Brockton Consortium	734,803
Fall River Consortium	871,515
Balance of Massachusetts	10,843,286
Pittsfield Consortium	684,056
Massachusetts	22,312,351
Hillsborough County	596,821
Balance of New Hampshire	1,503,579
New Hampshire	2,100,400
Providence City	1,150,722
Balance of Rhode Island	2,974,362
Rhode Island	4,125,084
State of Vermont	1,761,472
Vermont	1,761,472
Region I	44,903,894
Atlantic County	873,257
Bergen County	1,411,311
Burlington County	923,819
Balance of Camden County	1,207,492
Camden City	639,433
Cumberland County	500,222
Elizabeth City	479,947
Balance of Essex County	1,475,531
Gloucester County	510,577
Balance of Hudson County	1,890,669
Jersey City	1,151,064
Balance of Mercer County	477,072
Middlesex County	1,963,529
Monmouth County	1,445,833
Morris County	744,277
Newark City	4,594,825
Ocean County	687,546
Balance of Passaic County	1,080,394
Paterson City	861,432
Somerset County	308,545
Trenton City	491,408
Balance of Union City	928,665
Balance of New Jersey	1,325,084
New Jersey	25,972,132
Albany City	453,488
Balance of Albany County	307,441
Broome County	688,434
Buffalo City	2,391,802
Chautauqua Consortium	990,889
Chemung County	357,969
Dutchess County	502,099
Erie Consortium	1,165,990
Hempstead/Long Beach Consortium	1,405,559
Rochester City	1,085,937
Balance of Monroe County	445,143
Balance of Nassau County Consortium	976,744
Niagara County	865,632
Oneida County	915,971
Balance of Onondaga County	554,254
Orange County	429,766
Oswego County	396,631
Rensselaer County	432,420
Rockland County	360,502
St. Lawrence County	409,399
Saratoga County	400,569
Schenectady County	353,729
Steuben County	341,396
Suffolk Consortium	2,591,312
Syracuse City	773,897
Ulster County	310,167
Westchester Consortium	2,005,200
Yonkers City	639,360
Balance of New York	5,976,989
New York City	33,318,027
New York	61,846,696
Baysmon Municipio	631,251
Caguas Municipio	711,210
Carolina Municipio	668,623
Mayaguez Municipio	560,952
Ponce Municipio	1,045,444
San Juan Municipio	2,391,096
Balance of Puerto Rico	12,201,458
Puerto Rico	18,410,034
Virgin Islands	375,783
Virgin Islands	375,783
Region II	106,604,645
Delaware Manpower Consortium	1,309,368
Wilmington City	566,129
Delaware	1,875,517
District of Columbia	8,676,338
District of Columbia	8,676,338
Balance of Maryland	1,275,572
Baltimore Consortium	6,710,648
Montgomery County	611,790
Prince Georges County	1,417,890
Western Maryland Consortium	596,596
Baltimore County	1,523,317
Frederick County	184,300
Maryland	12,320,115
Lehigh Valley Consortium	802,322
Bucks County	811,081
Chester County	621,424
Delaware County	1,122,716
Montgomery County	948,280
Philadelphia City County	7,270,884
Berks County	804,258
Balance of Lackawanna County	532,336
Scranton City	434,100
Luzerne County	1,489,145
Schuylkill/Carbon Consortium	858,937
Lancaster County	469,415
Lebanon County	159,561
Erie City	484,536
Balance of Erie County	442,100
Balance of Allegheny County	2,629,498
Pittsburgh City	3,434,194
Beaver County	557,237
Washington County	630,151
Westmoreland County	909,789
Tri-County Consortium	821,301
Fayette County	666,211
Lawrence County	363,849
Mercer County Consortium	1,216,358
Southern Allegheny Consortium	1,677,404
Susquehanna Consortium	1,014,090
York	351,197
Lycoming Consortium	603,537
Franklin County	278,613
Balance of Pennsylvania	3,154,767
Centre County	319,255
Northumberland County	487,226
Pennsylvania	36,365,772
Peninsula Consortium	997,127
Stama Consortium	2,401,371
Ramps Consortium	1,317,185
Chesterfield/Henrico Consortium	261,775
Roanoke Consortium	671,229
Arlington County	424,584
Fairfax-Loudoun Consortium	725,250
Prince William County	222,655
Alexandria City	278,837
Balance of Virginia	7,533,356
Virginia	14,833,369
West Virginia Statewide	6,778,240
West Virginia	6,778,240
Region III	80,849,351
Balance of Alabama	7,481,226
Birmingham Consortium	2,071,504
Huntsville Consortium	597,026
Mobile Consortium	1,335,433
Montgomery Consortium	906,379
Tuscaloosa County	381,836
Alabama	12,773,404
Balance of Florida	4,221,795
Alachua County	389,850
Brevard County	934,670
Broward Consortium	2,901,367
Miami/Dade Consortium	6,209,684
Escambia County	716,027
Heartland Manpower Consortium	1,510,670
Lee County	244,115
Leon/Gadsen Consortium	576,635
NE Florida Manpower Consortium	2,020,860
Okaloosa County	335,561
Orange County/Orlando Consortium	1,165,907
Manatee County	458,941
Marion County	340,477
Palm Beach County	1,291,445
Pasco County	236,427
Seminole County	496,655
St. Petersburg Consortium	1,833,577
Sarasota County	244,792
Tampa City	1,346,231
Balance of Hillsborough County	935,517
Volusia County	790,026
Florida	29,203,629
Balance of Georgia	8,907,366
SCRA Consortium	1,068,553
Atlanta City	2,543,122
Clayton County	326,393
Cobb County	662,492
Columbus Area Consortium	881,980
Balance of De Kalb County	978,906
Balance of Fulton County	441,415
Mid Georgia Consortium	923,478
Savannah/Chatham Consortium	598,111
Gwinnett County	225,073
Georgia	17,556,869
Blue Grass Manpower Consortium	755,911
Louisville/Jefferson Consortium	2,150,830
Kenton County	383,264
Balance of Kentucky	5,873,316
Eastern Kentucky Rural Cep	2,145,720
Kentucky	11,309,041
Balance of Mississippi	7,836,558
Jackson Consortium	871,481
Harrison County Consortium	536,312
Mississippi	9,244,351
Balance of North Caroline	12,625,153
Alamance County	365,569
Buncombe County	557,128
Cumberland County	977,046
Charlotte City	777,128
Durham City	366,914
Gaston County	353,195
Greensboro Consortium	759,691
Raleigh City	498,715
Robeson County	571,992
Balance of Wake County	271,403
Winston Salem Consortium	567,404
Davidson County	325,700
North Carolina	19,017,038
S. Carolina State Consortium	9,856,374
South Caroline	9,856,374
Balance of Tennessee	9,327,221
Chattanooga City	493,000
Memphis Consortium	2,402,013
Balance of Hamilton County	400,296
Knoxville Consortium	959,267
Nashville/Davidson County	1,383,648
Sullivan County	370,967
Tennessee	15,336,412
Region IV	124,297,118
Chicago City	25,504,254
Balance of Cook County	3,824,222
DuPage County	467,213
Lake County	596,379
Macon County	371,979
McHenry County	160,442
Rock Island County	286,689
Tazewell County	153,406
La Salle County	158,377
Rockford Consortium	492,253
Champaign Consortium	396,322
Will/Grundy Consortium	552,807
Sangamon/Cass Consortium	431,834
Madison County Consortium	910,163
St. Clair Consortium	1,130,939
Peoria Consortium	465,921
Shawnee Consortium	366,146
Balance of Illinois	4,324,346
McLean County	123,184
Kane County	407,386
Illinois	41,104,262
Gary City	3,567,000
Hammond City	322,686
Balance of Lake County	751,047
Elkhart County	343,258
South Bend City	695,658
Balance of St. Joseph County	225,263
Tippecanoe County	270,078
Madison County	411,629
Vigo County	349,065
Indianapolis City	2,545,942
La Porte County	292,012
Ft. Wayne Consortium	1,281,816
Delaware/Blackford Consortium	430,334
Southwestern Consortium	1,138,671
Balance of Indiana	8,109,090
Indiana	18,733,549
Balance of Michigan	5,474,305
Flint/Genessee Consortium	1,904,915
Lansing Consortium	1,311,186
Region II Consortium	978,164
Grand Rapids Consortium	2,059,316
Muskegon/Oceana Consortium	737,446
Dearborn City	171,935
Detroit City	7,537,578
Livonia City	126,109
Warren City	368,680
Bay County	411,896
Berrien County	699,731
Kalamazoo County	618,057
Balance of Macomb County	1,299,090
Monroe County	355,913
Oakland County	2,576,486
Ottawa County	349,866
Saginaw County	664,540
St. Clair County	527,120
Balance of Wayne County	2,701,233
Ann Arbor City	251,127
Balance of Washtenaw County	550,627
Mid Counties Consortium	670,325
NE Michigan Consortium	585,969
Michigan	32,931,616
Dakota County	195,412
Balance of Ramsey County	205,834
St. Paul City	954,135
Quad Counties Consortium	522,136
Region III Consortium	671,842
Duluth City	327,669
Balance of Minnesota	2,985,403
Minnesota Rural Cep	1,353,650
Balance of Hennepin County	655,514
Minneapolis City	1,554,104
Minnesota	9,425,699
Columbiana County	377,962
Trumbull County	750,894
Balance of Mahoning County	518,221
Youngstown City	637,400
Cuyahoga Consortium	2,094,090
Cleveland City	5,300,665
Cincinnati City	2,111,415
Butler County	700,782
Clark County	462,561
Balance of Hamilton County	626,241
Lorain County	740,145
Akron Consortium	1,740,975
Canton Consortium	1,086,752
Columbus Consortium	2,316,172
Central Ohio Rural Consortium	862,841
Toledo Consortium	1,857,199
Balance of Ohio	7,725,261
Allen County	406,213
Greene County	133,820
Clermont/Warren Consortium	554,452
Portage County	234,208
Richland/Morrow Consortium	563,940
Scioto County	376,970
Lake County	404,273
Ashtabula County	422,158
Dayton City	1,280,760
Montgomery/Preble Consortium	348,337
Ohio	34,636,707
Outagamie County	265,680
Rock County	367,493
Milwaukee County	2,943,584
Madison/Dane Consortium	880,277
Wow Consortium	677,114
Winne/Fond Consortium	404,720
Trico Cetac	927,160
Balance of Wisconsin	4,880,024
Wisconsin Northwest Cep	711,419
Marathon County	296,016
Wisconsin	12,153,487
Region V	146,987,320
Central Arkansas Consortium	1,349,146
Texarkana Consortium—Arkansas	185,596
Balance of Arkansas	6,499,601
Arkansas	8,034,345
Rapides Parish	465,499
Baton Rouge City	967,012
Lafayette Parish	333,992
Calcasieu/Jeff Consortium	714,221
Ouachita Parish	450,026
New Orleans City	2,380,160
Jefferson Parish	922,967
Shreveport City	655,361
Balance of Louisiana	6,829,770
Louisiana	13,719,028
Albuquerque Consortium	1,169,016
Balance of New Mexico	2,695,535
New Mexico	3,864,551
Comanche County	263,883
Balance of Oklahoma County	499,125
Oklahoma City Consortium	1,259,067
Balance of Cleveland County	186,429
Tulsa Consortium	1,280,142
Balance of Oklahoma	4,836,461
Oklahoma	8,325,107
Texarkana Consortium—Texas	264,789
Texas Panhandle Consortium	558,021
Capital Area Consortium	1,286,357
South East Texas Consortium	1,132,392
Greater Pasadena Consortium	183,449
Cameron County	856,835
Coastal Bend Consortium	1,401,002
Dallas City	2,273,438
Dallas County Consortium	681,024
South Plains Consortium	544,010
West Central Texas Consortium	787,980
El Paso Consortium	1,481,272
Ft. Worth Consortium	1,535,655
Balance of Tarrant County	261,703
Galveston County	610,321
Houston City	4,021,567
Balance of Harris County	791,209
Central Texas Consortium	531,924
Hidalgo County Consortium	1,235,678
Alamo Consortium	3,924,533

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U.S. Department of Labor—*Employment and Training Administration, Office of Administration and Management, Fiscal Year 1980 SYEP Allocations, Feb. 5, 1980*—Continued

	Allocation
Region XI Consortium	819,307
North Texas State Consortium	644,215
Webb County	840,394
Gulf Coast Consortium	1,235,678
East Texas Manpower Consortium	1,522,316
Balance of Texas	6,238,161
Permian Basin	803,260
Texas	36,486,510
Region VI	70,429,541
Balance of Iowa	4,595,115
Blackhawk County	310,211
Cen. Iowa Regional Consortium	1,120,154
Linn County Manpower Consortium	245,756
Woodbury County	287,278
Davenport/Scott Consortium	283,105
Iowa	6,841,619
Balance of Kansas	3,152,380
Kansas City Consortium	615,398
Jonnson/Leavenworth Consortium	298,140
Wichita City	757,995
Topeka Consortium	407,239
Kansas	5,231,132
Balance of Missouri	6,329,343
Springfield City	384,300
Balance of Jackson County	269,906
Kansas City Consortium	2,451,486
Jefferson/Franklin Consortium	540,864
St. Louis County	2,114,826
St. Louis City	3,765,783
Independence City	268,126
St. Charles County	281,966
Missouri	16,406,626
Balance of Nebraska	2,268,623
Lincoln City	370,854
Omaha Consortium	1,548,958
Nebraska	4,188,435
Region VII	32,667,812
Adams County	627,714
Arapahoe County	184,854
Boulder County	422,779
Colorado Springs Consortium	649,904
Denver City/County	1,879,606
Jefferson County Consortium	269,008
Larimer County	266,046
Pueblo County	379,009
Weld County	266,277
Balance of Colorado	1,571,348
Colorado	6,536,545
Butte Rural Cep	268,458
Balance of Montana	2,114,053
Montana	2,382,511
State of North Dakota	1,768,692
North Dakota	1,768,692
Balance of South Dakota	1,497,568
Minnehaha County	220,267
South Dakota	1,717,825
Utah Statewide Consortium	3,402,544
Utah	3,402,544
State of Wyoming	901,233
Wyoming	901,233
Region VIII	16,709,360
Balance of Arizona	2,072,482
Phoenix City	2,607,216
Balance of Maricopa County	1,686,090
Tucson City	859,711
Balance of Pima County	518,100
Arizona	7,743,599
Balance of Alameda County	2,115,493
Berkeley City	726,925
Balance of Contra Costa County	1,486,571
Marin County	582,176
Oakland City	2,308,457
Richmond City	400,357
San Francisco City/County	3,662,928
San Mateo County	1,483,959
Sonoma County	974,634
Santa Barbara County	890,654
Glendale City	261,419
Long Beach City	1,394,067
Balance of Los Angeles County	11,846,413
Los Angeles City	12,368,440
Orange County Manpower Consortium	3,615,781
Pasadena City	549,891
Torrance City	253,498
Ventura County	1,216,192
Balance of California	3,661,175
Humboldt County	524,298
Santa Clara Valley	3,539,218
Solano County	572,100
Sunnyvale City	240,948
Butte County	358,575
Secramento Consortium	2,376,686
Yolo County	483,400
Placer County	388,863
Stockton/San Joaquin Consortium	1,461,979
Stanislaus County	1,135,074
Shasta County	515,144
Monterey County	914,217
Santa Cruz County	617,522
Fresno City/County	2,079,465
Imperial County	477,093
Kern County	1,331,994
Merced County	570,102
Inland Manpower Assn	4,228,139
San Luis Obiepo County	379,804
Tulare County	909,335
San Diego RETC	5,650,799
California	78,553,695
Balance of Hawaii	703,460
Honolulu City/County	2,245,015
Hawaii	2,948,475
Balance of Nevada	389,114
Las Vegas Consortium	1,262,267
Washoe County	511,572
Nevada	2,162,953
American Samoa	54,340
American Samoa	54,340
Guam	662,740
Guam	662,740
Pacific Islands	73,477
Pacific Islands	73,477
Northern Marianas	25,420
Northern Marianas	25,420
Region IX	92,224,699
Municipality of Anchorage	430,026
Balance of Alaska	1,538,473
Alaska	1,968,499
Idaho Statewide Consortium	2,788,599
Idaho	2,788,599
Portland City	1,687,950
Balance of Clackamas County	595,112
Lane County	969,049
Multnomah/Washington Consortium	996,333
Mid Willamette Valley Consortium	931,253
Jackson County Consortium	676,960
Balance of Oregon	2,880,629
Oregon	8,737,286
Spokane Consortium	991,419
Clark County	334,269
King/Snohomish Consortium	5,632,871
Kitsap County	272,852
Tacoma City	861,783
Balance of Pierce County	772,932
Yakima County	272,634
Balance of Washington	3,687,589
Thurston County	282,151
Washington	13,548,500
Region X	27,042,884
State and Local Total	744,716,624
Native Americans	13,942,394
National Total	758,659,018

Signed at Washington, D.C. this 26th day of Feb. 1980

Robert Taggart,

Administrator, Office of Youth Programs.

[FR Doc. 80-7867 Filed 3-13-80; 8:45 am]

BILLING CODE 4510-30-M

federal register

Friday
March 14, 1980

Part VI

The President

Executive Order 12198—Prescribing Amendments to the Manual for Courts-Martial, United States, 1969 (Revised Edition)

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Federal Register
Vol. 45, No. 52
Friday, March 14, 1980

Presidential Documents

Title 3—

The President

Executive Order 12198 of March 12, 1980

Prescribing Amendments to the Manual for Courts-Martial, United States, 1969 (Revised Edition)

By virtue of the authority vested in me by the Uniform Code of Military Justice (title 10, United States Code, ch. 47), and as President of the United States, I hereby prescribe the following amendments to the Manual for Courts-Martial, United States, 1969 (revised edition), prescribed by Executive Order No. 11476 as amended by Executive Order No. 11835 and Executive Order No. 12018.

PART A. MILITARY RULES OF EVIDENCE

Chapter 27 is amended to read as follows:

CHAPTER XXVII. MILITARY RULES OF EVIDENCE

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SECTION I. GENERAL PROVISIONS

Rule 101. Scope

(a) *Applicability.* These rules are applicable in courts-martial, including summary courts-martial, to the extent and with the exceptions stated in rule 1101.

(b) *Secondary Sources.* If not otherwise prescribed in this Manual or these rules, and insofar as practicable and not inconsistent with or contrary to the Uniform Code of Military Justice or this Manual, courts-martial shall apply:

(1) First, the rules of evidence generally recognized in the trial of criminal cases in the United States district courts; and

(2) Second, when not inconsistent with subdivision (b)(1), the rules of evidence at common law.

(c) *Rule of construction.* Except as otherwise provided in these rules, the term "military judge" includes the president of a special court-martial without a military judge and a summary court-martial officer.

Rule 102. Purpose and Construction

These rules shall be construed to secure fairness in administration, elimination of unjustifiable expense and delay, and promotion of growth and development of the law of evidence to the end that the truth may be ascertained and proceedings justly determined.

Rule 103. Rulings on Evidence

(a) *Effect of erroneous ruling.* Error may not be predicated upon a ruling which admits or excludes evidence unless the ruling materially prejudices a substantial right of a party, and

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(1) *Objection.* In case the ruling is one admitting evidence, a timely objection or motion to strike appears of record, stating the specific ground of objection, if the specific ground was not apparent from the context; or

(2) *Offer of proof.* In case the ruling is one excluding evidence, the substance of the evidence was made known to the military judge by offer or was apparent from the context within which questions were asked.

The standard provided in this subdivision does not apply to errors involving requirements imposed by the Constitution of the United States as applied to members of the armed forces except insofar as the error arises under these rules and this subdivision provides a standard that is more advantageous to the accused than the constitutional standard.

(b) *Record of offer and ruling.* The military judge may add any other or further statement which shows the character of the evidence, the form in which it was offered, the objection made, and the ruling thereon. The military judge may direct the making of an offer in question and answer form.

(c) *Hearing of members.* In a court-martial composed of a military judge and members, proceedings shall be conducted, to the extent practicable, so as to prevent inadmissible evidence from being suggested to the members by any means, such as making statements or offers of proof or asking questions in the hearing of the members.

(d) *Plain error.* Nothing in this rule precludes taking notice of plain errors that materially prejudice substantial rights although they were not brought to the attention of the military judge.

Rule 104. Preliminary Questions

(a) *Questions of admissibility generally.* Preliminary questions concerning the qualification of a person to be a witness, the existence of a privilege, the admissibility of evidence, an application for a continuance, or the availability of a witness shall be determined by the military judge. In making these determinations the military judge is not bound by the rules of evidence except those with respect to privileges.

(b) *Relevancy conditioned on fact.* When the relevancy of evidence depends upon the fulfillment of a condition of fact, the military judge shall admit it upon, or subject to, the introduction of evidence sufficient to support a finding of the fulfillment of the condition. A ruling on the sufficiency of evidence to support a finding of fulfillment of a condition of fact is the sole responsibility of the military judge, except where these rules or this Manual provide expressly to the contrary.

(c) *Hearing of members.* Except in cases tried before a special court-martial without a military judge, hearings on the admissibility of statements of an accused under rules 301–306 shall in all cases be conducted out of the hearing of the members. Hearings on other preliminary matters shall be so conducted when the interests of justice require or, when an accused is a witness, if the accused so requests.

(d) *Testimony by accused.* The accused does not, by testifying upon a preliminary matter, become subject to cross-examination as to other issues in the case.

(e) *Weight and credibility.* This rule does not limit the right of a party to introduce before the members evidence relevant to weight or credibility.

Rule 105. Limited admissibility

When evidence which is admissible as to one party or for one purpose but not admissible as to another party or for another purpose is admitted, the military judge, upon request, shall restrict the evidence to its proper scope and instruct the members accordingly.

Rule 106. Remainder of or Related Writings or Recorded Statements

When a writing or recorded statement or part thereof is introduced by a party, an adverse party may require that party at that time to introduce any other part or any other writing or recorded statement which ought in fairness to be considered contemporaneously with it.

SECTION II. JUDICIAL NOTICE

Rule 201. Judicial Notice of Adjudicative Facts

(a) *Scope of rule.* This rule governs only judicial notice of adjudicative facts.

(b) *Kinds of facts.* A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known universally, locally, or in the area pertinent to the event or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

(c) *When discretionary.* The military judge may take judicial notice, whether requested or not. The parties shall be informed in open court when, without being requested, the military judge takes judicial notice of an adjudicative fact essential to establishing an element of the case.

(d) *When mandatory.* The military judge shall take judicial notice if requested by a party and supplied with the necessary information.

(e) *Opportunity to be heard.* A party is entitled upon timely request to an opportunity to be heard as to the propriety of taking judicial notice and the tenor of the matter noticed. In the absence of prior notification, the request may be made after judicial notice has been taken.

(f) *Time of taking notice.* Judicial notice may be taken at any stage of the proceeding.

(g) *Instructing members.* The military judge shall instruct the members that they may, but are not required to, accept as conclusive any matter judicially noticed.

Rule 201A. Judicial Notice of Law

(a) *Domestic law.* The military judge may take judicial notice of domestic law. Insofar as a domestic law is a fact that is of consequence to the determination of the action, the procedural requirements of rule 201 apply.

(b) *Foreign law.* A party who intends to raise an issue concerning the law of a foreign country shall give reasonable written notice. The military judge, in determining foreign law, may consider any relevant material or source including testimony whether or not submitted by a party or admissible under these rules. Such a determination shall be treated as a ruling on a question of law.

SECTION III. EXCLUSIONARY RULES AND RELATED MATTERS CONCERNING SELF-INCRIMINATION, SEARCH AND SEIZURE, AND EYEWITNESS IDENTIFICATION

Rule 301. Privilege Concerning Compulsory Self-Incrimination

(a) *General rule.* The privileges against self-incrimination provided by the Fifth Amendment to the Constitution of the United States and Article 31 of the Uniform Code of Military Justice are applicable only to evidence of a testimonial or communicative nature. The privilege most beneficial to the individual asserting the privilege shall be applied.

(b) *Standing.* (1) *In general.* The privilege of a witness to refuse to respond to a question the answer to which may tend to incriminate the witness is a personal one that the witness may exercise or waive at the discretion of the witness.

(2) *Judicial advice.* If a witness who is apparently uninformed of the privileges under this rule appears likely to incriminate himself or herself, the military judge should advise the witness of the right to decline to make any answer that might tend to incriminate the witness and that any self-incriminating answer the witness might make can later be used as evidence against the witness. Counsel for any party or for the witness may request the military judge to so advise a witness provided that such a request is made out of the hearing of the witness and, except in a special court-martial without a military

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judge, the members. Failure to so advise a witness does not make the testimony of the witness inadmissible.

(c) *Exercise of the privilege.* If a witness states that the answer to a question may tend to incriminate him or her, the witness may not be required to answer unless facts and circumstances are such that no answer the witness might make to the question could have the effect of tending to incriminate the witness or that the witness has, with respect to the question, waived the privilege against self-incrimination. A witness may not assert the privilege if the witness is not subject to criminal penalty as a result of an answer by reason of immunity, running of the statute of limitations, or similar reason.

(1) *Immunity generally.* The minimum grant of immunity adequate to overcome the privilege is that which under either paragraph 68*h* of this Manual or other proper authority provides that neither the testimony of the witness nor any evidence obtained from that testimony may be used against the witness at any subsequent trial other than in a prosecution for perjury, false swearing, the making of a false official statement, or failure to comply with an order to testify after the military judge has ruled that the privilege may not be asserted by reason of immunity.

(2) *Notification of immunity or leniency.* When a prosecution witness before a court-martial has been granted immunity or leniency in exchange for testimony, the grant shall be reduced to writing and shall be served on the accused prior to arraignment or within a reasonable time before the witness testifies. If notification is not made as required by this rule, the military judge may grant a continuance until notification is made, prohibit or strike the testimony of the witness, or enter such other order as may be required.

(d) *Waiver by a witness.* A witness who answers a question without having asserted the privilege against self-incrimination and thereby admits a self-incriminating fact may be required to disclose all information relevant to that fact except when there is a real danger of further self-incrimination. This limited waiver of the privilege applies only at the trial in which the answer is given, does not extend to a rehearing or new or other trial, and is subject to rule 608(b).

(e) *Waiver by the accused.* When an accused testifies voluntarily as a witness, the accused thereby waives the privilege against self-incrimination with respect to the matters concerning which he or she so testifies. If the accused is on trial for two or more offenses and on direct examination testifies concerning the issue of guilt or innocence as to only one or some of the offenses, the accused may not be cross-examined as to guilt or innocence with respect to the other offenses unless the cross-examination is relevant to an offense concerning which the accused has testified. This waiver is subject to rule 608(b).

(f) *Effect of claiming the privilege.* (1) *Generally.* The fact that a witness has asserted the privilege against self-incrimination in refusing to answer a question cannot be considered as raising any inference unfavorable to either the accused or the government.

(2) *On cross-examination.* If a witness asserts the privilege against self-incrimination on cross-examination, the military judge, upon motion, may strike the direct testimony of the witness in whole or in part, unless the matters to which the witness refuses to testify are purely collateral.

(3) *Pretrial.* The fact that the accused during official questioning and in exercise of rights under the Fifth Amendment to the Constitution of the United States or Article 31, remained silent, refused to answer a certain question, requested counsel, or requested that the questioning be terminated is inadmissible against the accused.

(g) *Instructions.* When the accused does not testify at trial, defense counsel may request that the members of the court be instructed to disregard that fact and not to draw any adverse inference from it. Defense counsel may request that the members not be so instructed. Defense counsel's election shall be binding upon the military judge except that the military judge may give the instruction when the instruction is necessary in the interests of justice.

Rule 302. Privilege Concerning Mental Examination of an Accused

(a) *General rule.* The accused has a privilege to prevent any statement made by the accused at a mental examination ordered under paragraph 121 of this Manual and any derivative evidence obtained through use of such a statement from being received into evidence against the accused on the issue of guilt or innocence or during sentencing proceedings. This privilege may be claimed by the accused notwithstanding the fact that the accused may have been warned of the rights provided by rule 305 at the examination.

(b) *Exceptions.* (1) There is no privilege under this rule when the accused first introduces into evidence such statements or derivative evidence.

(2) An expert witness may testify as to the reasons for the expert's conclusions and the reasons therefor as to the mental state of the accused, but such testimony may not extend to statements of the accused except as provided in (1).

(c) *Release of evidence.* If the defense offers expert testimony concerning the mental condition of the accused, the military judge, upon motion, shall order the release to the prosecution of the full contents, other than any statements made by the accused, of any report prepared pursuant to paragraph 121 of this Manual. If the defense offers statements made by the accused at such examination, the military judge may upon motion order the disclosure of such statements made by the accused and contained in the report as may be necessary in the interests of justice.

(d) *Noncompliance by the accused.* The military judge may prohibit an accused who refuses to cooperate in a mental examination authorized under paragraph 121 of this Manual from presenting any expert medical testimony as to any issue that would have been the subject of the mental examination.

(e) *Procedure.* The privilege in this rule may be claimed by the accused only under the procedure set forth in rule 304 for an objection or a motion to suppress.

Rule 303. Degrading Questions

No person may be compelled to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade that person.

Rule 304. Confessions and Admissions

(a) *General rule.* An involuntary statement or any derivative evidence therefrom may not be received in evidence against an accused who made the statement if the accused makes a timely motion to suppress or an objection to the evidence under this rule.

(b) *Exception.* Where the statement is involuntary only in terms of noncompliance with the requirements concerning counsel under rule 305(d)–(e), this rule does not prohibit use of the statement to impeach by contradiction the in-court testimony of the accused or the use of such statement in a later prosecution against the accused for perjury, false swearing, or the making of a false official statement.

(c) *Definitions.* As used in these rules:

(1) *Confession.* A "confession" is an acknowledgment of guilt.

(2) *Admission.* An "admission" is a self-incriminating statement falling short of an acknowledgment of guilt, even if it was intended by its maker to be exculpatory.

(3) *Involuntary.* A statement is "involuntary" if it is obtained in violation of the self-incrimination privilege or due process clause of the Fifth Amendment to the Constitution of the United States, Article 31, or through the use of coercion, unlawful influence, or unlawful inducement.

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(d) *Procedure.* (1) *Disclosure.* Prior to arraignment, the prosecution shall disclose to the defense the contents of all statements, oral or written, made by the accused that are relevant to the case, known to the trial counsel, and within the control of the armed forces.

(2) *Motions and objections.* (A) Motions to suppress or objections under this rule or rules 302 or 305 to statements that have been disclosed shall be made by the defense prior to submission of a plea. In the absence of such motion or objection, the defense may not raise the issue at a later time except as permitted by the military judge for good cause shown. Failure to so move or object constitutes a waiver of the objection.

(B) If the prosecution intends to offer against the accused a statement made by the accused that was not disclosed prior to arraignment, the prosecution shall provide timely notice to the military judge and to counsel for the accused. The defense may enter an objection at that time and the military judge may make such orders as are required in the interests of justice.

(C) If evidence is disclosed as derivative evidence under this subdivision prior to arraignment, any motion to suppress or objection under this rule or rules 302 or 305 shall be made in accordance with the procedure for challenging a statement under (A). If such evidence has not been so disclosed prior to arraignment, the requirements of (B) apply.

(3) *Specificity.* The military judge may require the defense to specify the grounds upon which the defense moves to suppress or object to evidence. If defense counsel, despite the exercise of due diligence, has been unable to interview adequately those persons involved in the taking of a statement, the military judge may make any order required in the interests of justice, including authorization for the defense to make a general motion to suppress or general objection.

(4) *Rulings.* A motion to suppress or an objection to evidence made prior to plea shall be ruled upon prior to plea unless the military judge, for good cause, orders that it be deferred for determination at trial, but no such determination shall be deferred if a party's right to appeal the ruling is affected adversely. Where factual issues are involved in ruling upon such motion or objection, the military judge shall state essential findings of fact on the record.

(5) *Effect of guilty plea.* A plea of guilty to an offense that results in a finding of guilty waives all privileges against self-incrimination and all motions and objections under this rule with respect to that offense regardless of whether raised prior to plea.

(e) *Burden of proof.* When an appropriate motion or objection has been made by the defense under this rule, the prosecution has the burden of establishing the admissibility of the evidence. When a specific motion or objection has been required under subdivision (d)(3), the burden on the prosecution extends only to the grounds upon which the defense moved to suppress or object to the evidence.

(1) *In general.* The military judge must find by a preponderance of the evidence that a statement by the accused was made voluntarily before it may be received into evidence. When trial is by a special court-martial without a military judge, a determination by the president of the court that a statement was made voluntarily is subject to objection by any member of the court. When such objection is made, it shall be resolved pursuant to paragraph 57*f* of this Manual.

(2) *Weight of the evidence.* If a statement is admitted into evidence, the military judge shall permit the defense to present relevant evidence with respect to the voluntariness of the statement and shall instruct the members to give such weight to the statement as it deserves under all the circumstances. When trial is by military judge without members, the military judge shall determine the appropriate weight to give the statement.

(3) *Derivative evidence.* Evidence that is challenged under this rule as derivative evidence may be admitted against the accused if the military judge finds by a preponderance of the evidence either that the statement was made voluntarily or that the evidence was not obtained by use of the statement.

(f) *Defense evidence.* The defense may present evidence relevant to the admissibility of evidence as to which there has been an objection or motion to suppress under this rule. An accused may testify for the limited purpose of denying that the accused made the statement or that the statement was made voluntarily. Prior to the introduction of such testimony by the accused, the defense shall inform the military judge that the testimony is offered under this subdivision. When the accused testifies under this subdivision, the accused may be cross-examined only as to the matter on which he or she testifies. Nothing said by the accused on either direct or cross-examination may be used against the accused for any purpose other than in a prosecution for perjury, false swearing, or the making of a false official statement.

(g) *Corroboration.* An admission or a confession of the accused may be considered as evidence against the accused on the question of guilt or innocence only if independent evidence, either direct or circumstantial, has been introduced that corroborates the essential facts admitted to justify sufficiently an inference of their truth. Other uncorroborated confessions or admissions of the accused that would themselves require corroboration may not be used to supply this independent evidence. If the independent evidence raises an inference of the truth of some but not all of the essential facts admitted, then the confession or admission may be considered as evidence against the accused only with respect to those essential facts stated in the confession or admission that are corroborated by the independent evidence. Corroboration is not required for a statement made by the accused before the court by which the accused is being tried, for statements made prior to or contemporaneously with the act, or for statements offered under a rule of evidence other than that pertaining to the admissibility of admissions or confessions.

(1) *Quantum of evidence needed.* The independent evidence necessary to establish corroboration need not be sufficient of itself to establish beyond a reasonable doubt the truth of facts stated in the admission or confession. The independent evidence need raise only an inference of the truth of the essential facts admitted. The amount and type of evidence introduced as corroboration is a factor to be considered by the trier of fact in determining the weight, if any, to be given to the admission or confession.

(2) *Procedure.* The military judge alone shall determine when adequate evidence of corroboration has been received. Corroborating evidence usually is to be introduced before the admission or confession is introduced but the military judge may admit evidence subject to later corroboration.

(h) *Miscellaneous.* (1) *Oral statements.* A voluntary oral confession or admission of the accused may be proved by the testimony of anyone who heard the accused make it, even if it was reduced to writing and the writing is not accounted for.

(2) *Completeness.* If only part of an alleged admission or confession is introduced against the accused, the defense, by cross-examination or otherwise, may introduce the remaining portions of the statement.

(3) *Certain admissions by silence.* A person's failure to deny an accusation of wrongdoing concerning an offense for which at the time of the alleged failure the person was under official investigation or was in confinement, arrest, or custody does not support an inference of an admission of the truth of the accusation.

Rule 305. Warnings About Rights

(a) *General rule.* A statement obtained in violation of this rule is involuntary and shall be treated under rule 304.

(b) *Definitions.* As used in this rule:

(1) *Person subject to the Uniform Code of Military Justice.* A "person subject to the Uniform Code of Military Justice" includes a person acting as a knowing

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agent of a military unit or of a person subject to the Uniform Code of Military Justice.

(2) *Interrogation.* "Interrogation" includes any formal or informal questioning in which an incriminating response either is sought or is a reasonable consequence of such questioning.

(c) *Warnings concerning the accusation, right to remain silent, and use of statements.* A person subject to the Uniform Code of Military Justice who is required to give warnings under Article 31 may not interrogate or request any statement from an accused or a person suspected of an offense without first: (1) informing the accused or suspect of the nature of the accusation; (2) advising the accused or suspect that the accused or suspect has the right to remain silent; and (3) advising the accused or suspect that any statement made may be used as evidence against the accused or suspect in a trial by court-martial.

(d) *Counsel rights and warnings.*

(1) *General rule.* When evidence of a testimonial or communicative nature within the meaning of the Fifth Amendment to the Constitution of the United States either is sought or is a reasonable consequence of an interrogation, an accused or a person suspected of an offense is entitled to consult with counsel as provided by paragraph (2) of this subdivision, to have such counsel present at the interrogation, and to be warned of these rights prior to the interrogation if—

(A) The interrogation is conducted by a person subject to the Uniform Code of Military Justice who is required to give warnings under Article 31 and the accused or suspect is in custody, could reasonably believe himself or herself to be in custody, or is otherwise deprived of his or her freedom of action in any significant way; or

(B) The interrogation is conducted by a person subject to the Uniform Code of Military Justice acting in a law enforcement capacity, or an agent of such a person, the interrogation is conducted subsequent to preferral of charges or the imposition of pretrial restraint under paragraph 20 of this Manual, and the interrogation concerns the offenses or matters that were the subject of the preferral of charges or were the cause of the imposition of pretrial restraint.

(2) *Counsel.* When a person entitled to counsel under this rule requests counsel, a judge advocate or law specialist within the meaning of Article 1 or an individual certified in accordance with Article 27(b) shall be provided by the United States at no expense to the person and without regard to the person's indigency or lack thereof before the interrogation may proceed. In addition to counsel supplied by the United States, the person may retain civilian counsel at no expense to the United States. Unless otherwise provided by regulations of the Secretary concerned, an accused or suspect does not have a right under this rule to have military counsel of his or her own selection.

(e) *Notice to Counsel.* When a person subject to the Uniform Code of Military Justice who is required to give warnings under subdivision (c) intends to question an accused or person suspected of an offense and knows or reasonably should know that counsel either has been appointed for or retained by the accused or suspect with respect to that offense, the counsel must be notified of the intended interrogation and given a reasonable time in which to attend before the interrogation may proceed.

(f) *Exercise of rights.* If a person chooses to exercise the privilege against self-incrimination or the right to counsel under this rule, questioning must cease immediately.

(g) *Waiver.* (1) *General rule.* After receiving applicable warnings under this rule, a person may waive the rights described therein and in rule 301 and make a statement. The waiver must be made freely, knowingly, and intelligently. A written waiver is not required. The accused or suspect must

acknowledge affirmatively that he or she understands the rights involved, affirmatively decline the right to counsel and affirmatively consent to making a statement.

(2) *Counsel.* If the right to counsel in subdivision (d) is applicable and the accused or suspect does not decline affirmatively the right to counsel, the prosecution must demonstrate by a preponderance of the evidence that the individual waived the right to counsel. In addition, if the notice to counsel in subdivision (e) is applicable, a waiver of the right to counsel is not effective unless the prosecution demonstrates by a preponderance of the evidence that reasonable efforts to notify the counsel were unavailing or that the counsel did not attend an interrogation scheduled within a reasonable period of time after the required notice was given.

(h) *Nonmilitary interrogations.* (1) *General rule.* When a person subject to the Uniform Code of Military Justice is interrogated by an official or agent of the United States, of the District of Columbia, or of a State, Commonwealth, or possession of the United States, or any political subdivision of such a State, Commonwealth, or possession, and such official or agent is not required to give warnings under subdivision (c), the person's entitlement to rights warnings and the validity of any waiver of applicable rights shall be determined by the principles of law generally recognized in the trial of criminal cases in the United States district courts involving similar interrogations.

(2) *Foreign interrogations.* Neither warnings under subdivisions (c) or (d), nor notice to counsel under subdivision (e) are required during an interrogation conducted abroad by officials of a foreign government or their agents unless such interrogation is conducted, instigated, or participated in by military personnel or their agents or by those officials or agents listed in subdivision (h)(1). A statement obtained during such an interrogation is involuntary within the meaning of rule 304(b)(3) if it is obtained through the use of coercion, unlawful influence, or unlawful inducement. An interrogation is not "participated in" by military personnel or their agents or by the officials or agents listed in subdivision (h)(1) merely because they were present at an interrogation conducted in a foreign nation by officials of a foreign government or their agents, or because they took steps to mitigate damage to property or physical harm during the foreign interrogation.

Rule 306. Statements by One of Several Accused

When two or more accused are tried at the same trial, evidence of a statement made by one of them which is admissible only against him or her or only against some but not all of the accused may not be received in evidence unless all references inculpating an accused against whom the statement is inadmissible are deleted effectively or the maker of the statement is subject to cross-examination.

Rule 311. Evidence Obtained From Unlawful Searches and Seizures

(a) *General rule.* Evidence obtained as a result of an unlawful search or seizure made by a person acting in a governmental capacity is inadmissible against the accused if:

(1) *Objection.* The accused makes a timely motion to suppress or an objection to the evidence under this rule; and

(2) *Adequate interest.* The accused had a reasonable expectation of privacy in the person, place or property searched; the accused had a legitimate interest in the property or evidence seized when challenging a seizure; or the accused would otherwise have grounds to object to the search or seizure under the Constitution of the United States as applied to members of the armed forces.

(b) *Exception.* Evidence that was obtained as a result of an unlawful search or seizure may be used to impeach by contradiction the in-court testimony of the accused.

(c) *Nature of search or seizure.* A search or seizure is "unlawful" if it was conducted, instigated, or participated in by:

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(1) *Military personnel.* Military personnel or their agents and was in violation of the Constitution of the United States as applied to members of the armed forces, an Act of Congress applicable to trials by court-martial that requires exclusion of evidence obtained in violation thereof, or rules 312–317;

(2) *Other officials.* Other officials or agents of the United States, of the District of Columbia, or of a State, Commonwealth, or possession of the United States or any political subdivision of such a State, Commonwealth, or possession and was in violation of the Constitution of the United States, or is unlawful under the principles of law generally applied in the trial of criminal cases in the United States district courts involving a similar search or seizure; or

(3) *Officials of a foreign government.* Officials of a foreign government or their agents and was obtained as a result of a foreign search or seizure which subjected the accused to gross and brutal maltreatment.

A search or seizure is not "participated in" merely because a person is present at a search or seizure conducted in a foreign nation by officials of a foreign government or their agents, or because a person acted as an interpreter or took steps to mitigate damage to property or physical harm during the foreign search or seizure.

(d) *Motions to suppress and objections.* (1) *Disclosure.* Prior to arraignment, the prosecution shall disclose to the defense all evidence seized from the person or property of the accused, or believed to be owned by the accused, that it intends to offer into evidence against the accused at trial.

(2) *Motion or objection.* (A) When evidence has been disclosed under subdivision (d)(1), any motion to suppress or objection under this rule shall be made by the defense prior to submission of a plea. In the absence of such motion or objection, the defense may not raise the issue at a later time except as permitted by the military judge for good cause shown. Failure to so move or object constitutes a waiver of the motion or objection.

(B) If the prosecution intends to offer evidence seized from the person or property of the accused that was not disclosed prior to arraignment, the prosecution shall provide timely notice to the military judge and to counsel for the accused. The defense may enter an objection at that time and the military judge may make such orders as are required in the interest of justice.

(C) If evidence is disclosed as derivative evidence under this subdivision prior to arraignment, any motion to suppress or objection under this rule shall be made in accordance with the procedure for challenging evidence under (A). If such evidence has not been so disclosed prior to arraignment, the requirements of (B) apply.

(3) *Specificity.* The military judge may require the defense to specify the grounds upon which the defense moves to suppress or object to evidence. If defense counsel, despite the exercise of due diligence, has been unable to interview adequately those persons involved in the search or seizure, the military judge may enter any order required by the interests of justice, including authorization for the defense to make a general motion to suppress or a general objection.

(4) *Rulings.* A motion to suppress or an objection to evidence made prior to plea shall be ruled upon prior to plea unless the military judge, for good cause, orders that it be deferred for determination at the trial of the general issue or until after findings, but no such determination shall be deferred if a party's right to appeal the ruling is affected adversely. Where factual issues are involved in ruling upon such motion or objection, the military judge shall state essential findings of fact on the record.

(e) *Burden of proof.* (1) *In general.* When an appropriate motion or objection has been made by the defense under subdivision (d), the prosecution has the burden of proving by a preponderance of the evidence that evidence was not obtained as a result of an unlawful search or seizure.

(2) *Derivative evidence.* Evidence that is challenged under this rule as derivative evidence may be admitted against the accused if the military judge finds by a preponderance of the evidence that the evidence was not obtained as a result of an unlawful search or seizure.

(3) *Specific motions or objections.* When a specific motion or objection has been required under subdivision (d)(3), the burden on the prosecution extends only to the grounds upon which the defense moved to suppress or object to the evidence.

(f) *Defense evidence.* The defense may present evidence relevant to the admissibility of evidence as to which there has been an appropriate motion or objection under this rule. An accused may testify for the limited purpose of contesting the legality of the search or seizure giving rise to the challenged evidence. Prior to the introduction of such testimony by the accused, the defense shall inform the military judge that the testimony is offered under this subdivision. When the accused testifies under this subdivision, the accused may be cross-examined only as to the matter on which he or she testifies. Nothing said by the accused on either direct or cross-examination may be used against the accused for any purpose other than in a prosecution for perjury, false swearing, or the making of a false official statement.

(g) *Scope of motions and objections challenging probable cause.* (1) *Generally.* If the defense challenges evidence seized pursuant to a search warrant or search authorization on the grounds that the warrant or authorization was not based upon probable cause, the evidence relevant to the motion is limited to evidence concerning the information actually presented to or otherwise known by the authorizing officer, except as provided in paragraph (2).

(2) *False statements.* If the defense makes a substantial preliminary showing that a government agent included a false statement knowingly and intentionally or with reckless disregard for the truth in the information presented to the authorizing officer, and if the allegedly false statement is necessary to the finding of probable cause, the defense, upon request, shall be entitled to a hearing. At the hearing, the defense has the burden of establishing by a preponderance of the evidence the allegation of falsity or reckless disregard for the truth. If the defense meets its burden, the prosecution has the burden of proving by a preponderance of the evidence, with the false information set aside, that the remaining information presented to the authorizing officer is sufficient to establish probable cause. If the prosecution does not meet its burden, the objection or motion shall be granted unless the search is otherwise lawful under these rules.

(h) *Objections to evidence seized unlawfully.* If a defense motion or objection under this rule is sustained in whole or in part, the members may not be informed of that fact except insofar as the military judge must instruct the members to disregard evidence.

(i) *Effect of guilty plea.* A plea of guilty to an offense that results in a finding of guilty waives all issues under the Fourth Amendment to the Constitution of the United States and rules 311–317 with respect to that offense whether or not raised prior to plea.

Rule 312. Bodily Views and Intrusions

(a) *General rule.* Evidence obtained from bodily views and intrusions conducted in accordance with this rule is admissible at trial when relevant and not otherwise inadmissible under these rules.

(b) *Visual examination of the body.* (1) *Consensual.* Visual examination of the unclothed body may be made with the consent of the individual subject to the inspection in accordance with rule 314(e).

(2) *Involuntary.* An involuntary display of the unclothed body including a visual examination of body cavities, may be required only if conducted in reasonable fashion and authorized under the following provisions of these rules: inspections and inventories under rule 313; searches under rules 314(b) and 314(c) if there is a real suspicion that weapons, contraband or evidence of

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crime is concealed on the body of the person to be searched; searches within jails and similar facilities under rule 314(h) if reasonably necessary to maintain the security of the institution or its personnel; searches incident to lawful apprehension under rule 314(g); emergency searches under rule 314(i); and probable cause searches under rule 315. An examination of the unclothed body under this paragraph should be conducted whenever practicable by a person of the same sex as that of the person being examined; provided, however, that failure to comply with this requirement does not make an examination an unlawful search within the meaning of rule 311.

(c) *Intrusion into body cavities.* A reasonable nonconsensual physical intrusion into the mouth, nose, and ears may be made when a visual examination of the body under subdivision (b) is permissible. Nonconsensual intrusions into other body cavities may be made:

(1) *For purposes of seizure.* To remove weapons, contraband, or evidence of crime discovered under subdivisions (b) and (c)(2) of this rule or under rule 316(d)(4)(C) if such intrusion is made in a reasonable fashion by a person with appropriate medical qualifications; or

(2) *For purposes of search.* To search for weapons, contraband, or evidence of crime; if authorized by a search warrant or search authorization under rule 315 and conducted by a person with appropriate medical qualifications.

Notwithstanding this paragraph, a search under rule 314(h) may be made without a search warrant or authorization if such search is based upon a real suspicion that the individual is concealing weapons, contraband, or evidence of crime.

(d) *Seizure of bodily fluids.* Nonconsensual extraction of bodily fluids, including blood and urine, may be made from the body of an individual pursuant to a search warrant or a search authorization under rule 315. Nonconsensual extraction of bodily fluids may be made without such warrant or authorization, notwithstanding rule 315(g), only when there is a clear indication that evidence of crime will be found and that there is reason to believe that the delay that would result if a warrant or authorization were sought could result in the destruction of the evidence. Involuntary extraction of bodily fluids under this rule must be done in a reasonable fashion by a person with appropriate medical qualifications.

(e) *Other intrusive searches.* Nonconsensual intrusive searches of the body made to locate or obtain weapons, contraband, or evidence of crime and not within the scope of subdivisions (b) or (c) may be made only upon search warrant or search authorization under rule 315 and only if such search is conducted in a reasonable fashion by a person with appropriate medical qualifications and does not endanger the health of the person to be searched. Compelling a person to ingest substances for the purposes of locating the property described above or to compel the bodily elimination of such property is a search within the meaning of this section. Notwithstanding this rule, a person who is neither a suspect nor an accused may not be compelled to submit to an intrusive search of the body for the sole purpose of obtaining evidence of crime.

(f) *Intrusions for valid medical purposes.* Nothing in this rule shall be deemed to interfere with the lawful authority of the armed forces to take whatever action may be necessary to preserve the health of a service member. Evidence or contraband obtained from an examination or intrusion conducted for a valid medical purpose may be seized and is not evidence obtained from an unlawful search or seizure within the meaning of rule 311.

(g) *Medical qualifications.* The Secretary concerned may prescribe appropriate medical qualifications for persons who conduct searches and seizures under this rule.

Rule 313. Inspections and Inventories in the Armed Forces

(a) *General rule.* Evidence obtained from inspections and inventories in the armed forces conducted in accordance with this rule is admissible at trial when relevant and not otherwise inadmissible under these rules.

(b) *Inspections.* An "inspection" is an examination of the whole or part of a unit, organization, installation, vessel, aircraft, or vehicle, including an examination conducted at entrance and exit points, conducted as an incident of command the primary purpose of which is to determine and to ensure the security, military fitness, or good order and discipline of the unit, organization, installation, vessel, aircraft, or vehicle. An inspection may include but is not limited to an examination to determine and to ensure that any or all of the following requirements are met: that the command is properly equipped, functioning properly, maintaining proper standards of readiness, sea or airworthiness, sanitation and cleanliness, and that personnel are present, fit, and ready for duty. An inspection also includes an examination to locate and confiscate unlawful weapons and other contraband when such property would affect adversely the security, military fitness, or good order and discipline of the command and when (1) there is a reasonable suspicion that such property is present in the command or (2) the examination is a previously scheduled examination of the command. An examination made for the primary purpose of obtaining evidence for use in a trial by court-martial or in other disciplinary proceedings is not an inspection within the meaning of this rule. Inspections shall be conducted in a reasonable fashion and shall comply with rule 312, if applicable. Inspections may utilize any reasonable natural or technological aid and may be conducted with or without notice to those inspected. Unlawful weapons, contraband, or other evidence of crime located during an inspection may be seized.

(c) *Inventories.* Unlawful weapons, contraband, or other evidence of crime discovered in the process of an inventory, the primary purpose of which is administrative in nature, may be seized. Inventories shall be conducted in a reasonable fashion and shall comply with rule 312, if applicable. An examination made for the primary purpose of obtaining evidence for use in a trial by court-martial or in other disciplinary proceedings is not an inventory within the meaning of this rule.

Rule 314. Searches Not Requiring Probable Cause

(a) *General Rule.* Evidence obtained from reasonable searches not requiring probable cause conducted pursuant to this rule is admissible at trial when relevant and not otherwise inadmissible under these rules.

(b) *Border Searches.* Border searches for customs or immigration purposes may be conducted when authorized by Act of Congress.

(c) *Searches upon entry to United States installations, aircraft, and vessels abroad.* In addition to the authority to conduct inspections under rule 313(b), a commander of a United States military installation, enclave, or aircraft on foreign soil, or in foreign or international airspace, or a United States vessel in foreign or international waters, may authorize appropriate personnel to search persons or the property of such persons upon entry to the installation, enclave, aircraft, or vessel to ensure the security, military fitness or good order and discipline of the command. Such searches may not be conducted at a time or in a manner contrary to an express provision of a treaty or agreement to which the United States is a party. Failure to comply with a treaty or agreement, however, does not render a search unlawful within the meaning of rule 311. A search made for the primary purpose of obtaining evidence for use in a trial by court-martial or other disciplinary proceeding is not authorized by this subdivision.

(d) *Searches of government property.* Government property may be searched under this rule unless the person to whom the property is issued or assigned has a reasonable expectation of privacy therein at the time of the search. Under normal circumstances, a person does not have a reasonable expectation of privacy in government property that is not issued for personal use. Wall or floor lockers in living quarters issued for the purpose of storing

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personal possessions normally are issued for personal use; but the determination as to whether a person has a reasonable expectation of privacy in government property issued for personal use depends on the facts and circumstances at the time of the search.

(e) *Consent searches.* (1) *General rule.* Searches may be conducted of any person or property with lawful consent.

(2) *Who may consent.* A person may consent to a search of his or her person or property, or both, unless control over such property has been given to another. A person may grant consent to search property when the person exercises control over that property.

(3) *Scope of consent.* Consent may be limited in any way by the person granting consent, including limitations in terms of time, place, or property and may be withdrawn at any time.

(4) *Voluntariness.* To be valid, consent must be given voluntarily. Voluntariness is a question to be determined from all the circumstances. Although a person's knowledge of the right to refuse to give consent is a factor to be considered in determining voluntariness, the prosecution is not required to demonstrate such knowledge as a prerequisite to establishing a voluntary consent. Mere submission to the color of authority of personnel performing law enforcement duties or acquiescence in an announced or indicated purpose to search is not a voluntary consent.

(5) *Burden of proof.* Consent must be shown by clear and convincing evidence. The fact that a person was in custody while granting consent is a factor to be considered in determining the voluntariness of the consent, but it does not affect the burden of proof.

(f) *Frisks incident to a lawful stop.* (1) *Stops.* A person authorized to apprehend by paragraph 19*a* of this Manual and others performing law enforcement duties may stop another person temporarily when the person making the stop has information or observes unusual conduct that leads him or her reasonably to conclude in light of his or her experience that criminal activity may be afoot. The purpose of the stop must be investigatory in nature.

(2) *Frisks.* When a lawful stop is performed, the person stopped may be frisked for weapons when that person is reasonably believed to be armed and presently dangerous. Contraband or evidence located in the process of a lawful frisk may be seized.

(g) *Searches incident to a lawful apprehension.* (1) *General rule.* A person who has been lawfully apprehended may be searched.

(2) *Search for weapons and destructible evidence.* A search may be conducted for weapons or destructible evidence in the area within the immediate control of a person who has been apprehended. The area within the person's "immediate control" is the area which the individual searching could reasonably believe that the person apprehended could reach with a sudden movement to obtain such property.

(3) *Examination for other persons.* When an apprehension takes place at a location in which other persons reasonably might be present who might interfere with the apprehension or endanger those apprehending, a reasonable examination may be made of the general area in which such other persons might be located.

(h) *Searches within jails, confinement facilities, or similar facilities.* Searches within jails, confinement facilities, or similar facilities may be authorized by persons with authority over the institution.

(i) *Emergency searches to save life or for related purposes.* In emergency circumstances to save life or for a related purpose, a search may be conducted of persons or property in a good faith effort to render immediate medical aid, to obtain information that will assist in the rendering of such aid, or to prevent immediate or ongoing personal injury.

(j) *Searches of open fields or woodlands.* A search of open fields or woodlands is not an unlawful search within the meaning of rule 311.

(k) *Other searches.* A search of a type not otherwise included in this rule and not requiring probable cause under rule 315 may be conducted when permissible under the Constitution of the United States as applied to members of the armed forces.

Rule 315. Probable Cause Searches

(a) *General rule.* Evidence obtained from searches requiring probable cause conducted in accordance with this rule is admissible at trial when relevant and not otherwise inadmissible under these rules.

(b) *Definitions.* As used in these rules:

(1) *Authorization to search.* An "authorization to search" is an express permission, written or oral, issued by competent military authority to search a person or an area for specified property or evidence or for a specific person and to seize such property, evidence, or person. It may contain an order directing subordinate personnel to conduct a search in a specified manner.

(2) *Search warrant.* A "search warrant" is an express permission to search and seize issued by competent civilian authority.

(c) *Scope of authorization.* A search authorization may be issued under this rule for a search of:

(1) *Persons.* The person of anyone subject to military law or the law of war wherever found;

(2) *Military property.* Military property of the United States or of nonappropriated fund activities of an armed force of the United States wherever located;

(3) *Persons and property within military control.* Persons or property situated on or in a military installation, encampment, vessel, aircraft, vehicle, or any other location under military control, wherever located; or

(4) *Nonmilitary property within a foreign country.* (A) Property owned, used, occupied by, or in the possession of an agency of the United States other than the Department of Defense when situated in a foreign country. A search of such property may not be conducted without the concurrence of an appropriate representative of the agency concerned. Failure to obtain such concurrence, however, does not render a search unlawful within the meaning of rule 311.

(B) Other property situated in a foreign country.

If the United States is a party to a treaty or agreement that governs a search in a foreign country, the search shall be conducted in accordance with the treaty or agreement. If there is no treaty or agreement, concurrence should be obtained from an appropriate representative of the foreign country with respect to a search under paragraph (4)(B) of this subdivision. Failure to obtain such concurrence or noncompliance with a treaty or agreement, however, does not render a search unlawful within the meaning of rule 311.

(d) *Power to authorize.* Authorization to search pursuant to this rule may be granted by an impartial individual in the following categories:

(1) *Commander.* A commanding officer, officer in charge, or other person serving in a position designated by the Secretary concerned as either a position analogous to an officer in charge or a position of command, who has control over the place where the property or person to be searched is situated or found, or, if that place is not under military control, having control over persons subject to military law or the law of war;

(2) *Delegee.* An impartial person to whom the authority has been delegated by a person empowered to authorize a search under (1) except insofar as the power to delegate is restricted by the Secretary concerned; or

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(3) *Military judge.* A military judge or magistrate if authorized under regulations prescribed by the Secretary of Defense or the Secretary concerned.

An otherwise impartial authorizing official does not lose that character merely because he or she is present at the scene of a search or is otherwise readily available to persons who may seek the issuance of a search authorization; nor does such an official lose impartial character merely because the official previously and impartially authorized investigative activities when such previous authorization is similar in intent or function to a pretrial authorization made by the United States district courts.

(e) *Power to search.* Any commissioned officer, warrant officer, petty officer, noncommissioned officer, and, when in the execution of guard or police duties, any criminal investigator, member of the Air Force security police, military police, or shore patrol, or person designated by proper authority to perform guard or police duties, or any agent of any such person, may conduct or authorize a search when a search authorization has been granted under this rule or a search would otherwise be proper under subdivision (g).

(f) *Basis for search authorizations.* (1) *Probable cause requirement.* A search authorization issued under this rule must be based upon probable cause.

(2) *Probable cause determination.* Probable cause to search exists when there is a reasonable belief that the person, property, or evidence sought is located in the place or on the person to be searched. Before a person may conclude that probable cause to search exists, he or she must first have a reasonable belief that the information giving rise to the intent to search is believable and has a factual basis. A search authorization may be based upon hearsay evidence in whole or in part. A determination of probable cause under this rule shall be based upon any or all of the following:

(1) Written statements communicated to the authorizing officer;

(2) Oral statements communicated to the authorizing official in person, via telephone, or by other appropriate means of communication; or

(3) Such information as may be known by the authorizing official that would not preclude the officer from acting in an impartial fashion.

The Secretary of Defense or the Secretary concerned may prescribe additional requirements.

(g) *Exigencies.* A search warrant or search authorization is not required under this rule for search based upon probable cause when:

(1) *Insufficient time.* There is a reasonable belief that the delay necessary to obtain a search warrant or search authorization would result in the removal, destruction, or concealment of the property or evidence sought;

(2) *Lack of communications.* There is a reasonable military operational necessity that is reasonably believed to prohibit or prevent communication with a person empowered to grant a search warrant or authorization and there is a reasonable belief that the delay necessary to obtain a search warrant or search authorization would result in the removal, destruction, or concealment of the property or evidence sought;

(3) *Search of operable vehicle.* An operable vehicle is to be searched, except in circumstances where a search warrant or authorization is required by the Constitution of the United States, this Manual or these rules; or

(4) *Not required by Constitution.* A search warrant or authorization is not otherwise required by the Constitution of the United States as applied to members of the armed forces.

For purposes of this rule, a vehicle is presumed to be "operable" unless a reasonable person would have known at the time of search that the vehicle was not functional for purposes of transportation.

(h) *Execution.* (1) *Notice.* If the person whose property is to be searched is present during a search conducted pursuant to a search authorization granted under this rule, the person conducting the search should when possible notify him or her of the act of authorization and the general substance of the authorization. Such notice may be made prior to or contemporaneously with the search. Failure to provide such notice does not make a search unlawful within the meaning of rule 311.

(2) *Inventory.* Under regulations prescribed by the Secretary concerned, and with such exceptions as may be authorized by the Secretary, an inventory of the property seized shall be made at the time of a seizure under this rule or as soon as practicable thereafter. At an appropriate time, a copy of the inventory shall be given to a person from whose possession or premises the property was taken. Failure to make an inventory, furnish a copy thereof, or otherwise comply with this paragraph does not render a search or seizure unlawful within the meaning of rule 311.

(3) *Foreign searches.* Execution of a search authorization outside the United States and within the jurisdiction of a foreign nation should be in conformity with existing agreements between the United States and the foreign nation. Noncompliance with such an agreement does not make an otherwise lawful search unlawful.

(4) *Search warrants.* The execution of a search warrant affects admissibility only insofar as exclusion of evidence is required by the Constitution of the United States or an applicable Act of Congress.

Rule 316. Seizures

(a) *General rule.* Evidence obtained from seizures conducted in accordance with this rule is admissible at trial if the evidence was not obtained as a result of an unlawful search and if the evidence is relevant and not otherwise inadmissible under these rules.

(b) *Seizure of property.* Probable cause to seize property or evidence exists when there is a reasonable belief that the property or evidence is an unlawful weapon, contraband, evidence of crime, or might be used to resist apprehension or to escape. Before a person may conclude that probable cause to seize property is present, the person must first have a reasonable belief that the information giving rise to the intent to seize is believable and has a factual basis.

(c) *Apprehension.* Apprehension is governed by paragraph 19 of this Manual.

(d) *Seizure of property or evidence.* (1) *Abandoned property.* Abandoned property may be seized without probable cause and without a search warrant or search authorization. Such seizure may be made by any person.

(2) *Consent.* Property or evidence may be seized with consent consistent with the requirements applicable to consensual searches under rule 314.

(3) *Government property.* Government property may be seized without probable cause and without a search warrant or search authorization by any person listed in subdivision (e), unless the person to whom the property is issued or assigned has a reasonable expectation of privacy therein, as provided in Rule 314(d), at the time of the seizure.

(4) *Other property.* Property or evidence not included in paragraph (1)–(3) may be seized for use in evidence by any person listed in subdivision (e) if:

(A) *Authorization.* The person is authorized to seize the property or evidence by a search warrant or a search authorization under rule 315;

(B) *Exigent circumstances.* The person has probable cause to seize the property or evidence and under rule 315(g) a search warrant or search authorization is not required; or

(C) *Plain view.* The person while in the course of otherwise lawful activity observes in a reasonable fashion property or evidence that the person has probable cause to seize.

(e) *Power to seize.* Any commissioned officer, warrant officer, petty officer, noncommissioned officer, and, when in the execution of guard or police duties, any criminal investigator, member of the Air Force security police, military police, or shore patrol, or individual designated by proper authority to perform

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guard or police duties, or any agent of any such person, may seize property pursuant to this rule.

Rule 317. Interception of Wire and Oral Communications

(a) *General rule.* Wire or oral communications constitute evidence obtained as a result of an unlawful search or seizure within the meaning of rule 311 when such evidence must be excluded under the Fourth Amendment to the Constitution of the United States as applied to members of the armed forces or if such evidence must be excluded under a statute applicable to members of the armed forces.

(b) *Authorization for judicial applications in the United States.* Under section 2516(1) of title 18, United States Code, the Attorney General, or any Assistant Attorney General specially designated by the Attorney General may authorize an application to a federal judge of competent jurisdiction for, and such judge may grant in conformity with section 2518 of title 18, United States Code, an order authorizing or approving the interception of wire or oral communications by the Department of Defense, the Department of Transportation, or any Military Department for purposes of enforcing the Uniform Code of Military Justice.

(c) *Regulations.* Notwithstanding any other provision of these rules, members of the armed forces or their agents may not intercept wire or oral communications for law enforcement purposes except as follows:

(1) in the United States, under subdivision (b); and

(2) outside the United States, under regulations issued by the Secretary of Defense or the Secretary concerned.

Rule 321. Eyewitness Identification

(a) *General rule.* (1) *Admissibility.* Testimony concerning a relevant out of court identification by any person is admissible, subject to an appropriate objection under this rule, if such testimony is otherwise admissible under these rules. The witness making the identification and any person who has observed the previous identification may testify concerning it. When in testimony a witness identifies the accused as being, or not being, a participant in an offense or makes any other relevant identification concerning a person in the courtroom, evidence that on a previous occasion the witness made a similar identification is admissible to corroborate the witness' testimony as to identity even if the credibility of the witness has not been attacked directly, subject to appropriate objection under this rule.

(2) *Exclusionary rule.* An identification of the accused as being a participant in an offense, whether such identification is made at the trial or otherwise, is inadmissible against the accused if (A) the accused makes a timely motion to suppress or an objection to the evidence under this rule and if the identification is the result of an unlawful lineup or other unlawful identification process conducted by the United States or other domestic authorities; or (B) exclusion of the evidence is required by the due process clause of the Fifth Amendment to the Constitution of the United States as applied to members of the armed forces. Evidence other than an identification of the accused that is obtained as a result of an unlawful lineup or unlawful identification process is inadmissible against the accused if the accused makes a timely motion to suppress or an objection to the evidence under this rule and if exclusion of the evidence is required under the Constitution of the United States as applied to members of the armed forces.

(b) *Definition of "unlawful".* (1) *Lineups and other identification processes.* A lineup or other identification process is "unlawful" if it is (A) conducted by persons subject to the Uniform Code of Military Justice or their agents and is unnecessarily suggestive or otherwise in violation of the due process clause of the Fifth Amendment to the Constitution of the United States as applied to members of the armed forces; or (B) conducted by other authorities of the United States, of the District of Columbia, or of a State, Commonwealth, or possession of the United States, or any political subdivision of such a State,

Commonwealth, or possession and is unnecessarily suggestive or otherwise in violation of the due process clause of the Fifth Amendment to the Constitution of the United States.

(2) *Lineups: right to counsel.* A lineup is "unlawful" if it is conducted in violation of the following rights to counsel:

(A) *Military lineups.* An accused or suspect is entitled to counsel if, after preferral of charges or imposition of pretrial restraint under paragraph 20 of this Manual for the offense under investigation, the accused is subjected by persons subject to the Uniform Code of Military Justice or their agents to a lineup for the purpose of identification. When a person entitled to counsel under this rule requests counsel, a judge advocate or law specialist within the meaning of Article 1 or a person certified in accordance with Article 27(b) shall be provided by the United States at no expense to the accused or suspect and without regard to indigency or lack thereof before the lineup may proceed. The accused or suspect may waive the rights provided in this rule if the waiver is freely, knowingly, and intelligently made.

(B) *Nonmilitary lineups.* When a person subject to the Uniform Code of Military Justice is subjected to a lineup for purposes of identification by an official or agent of the United States, of the District of Columbia, or of a State, Commonwealth, or possession of the United States, or any political subdivision of such a State, Commonwealth, or possession, and the provisions of paragraph (1) do not apply, the person's entitlement to counsel and the validity of any waiver of applicable rights shall be determined by the principles of law generally recognized in the trial of criminal cases in the United States district courts involving similar lineups.

(c) *Motions to suppress and objections.* (1) *Disclosure.* Prior to arraignment, the prosecution shall disclose to the defense all evidence of a prior identification of the accused at a lineup or other identification process that it intends to offer into evidence against the accused at trial.

(2) *Motion or objection.* (A) When such evidence has been disclosed, any motion to suppress or objection under this rule shall be made by the defense prior to submission of a plea. In the absence of such motion or objection, the defense may not raise the issue at a later time except as permitted by the military judge for good cause shown. Failure to so move constitutes a waiver of the motion or objection.

(B) If the prosecution intends to offer such evidence and the evidence was not disclosed prior to arraignment, the prosecution shall provide timely notice to the military judge and counsel for the accused. The defense may enter an objection at that time and the military judge may make such orders as are required in the interests of justice.

(C) If evidence is disclosed as derivative evidence under this subdivision prior to arraignment, any motion to suppress or objection under this rule shall be made in accordance with the procedure for challenging evidence under (A). If such evidence has not been so disclosed prior to arraignment, the requirements of (B) apply.

(3) *Specificity.* The military judge may require the defense to specify the grounds upon which the defense moves to suppress or object to evidence. If defense counsel, despite the exercise of due diligence, has been unable to interview adequately those persons involved in the lineup or other identification process, the military judge may enter any order required by the interests of justice, including authorization for the defense to make a general motion to suppress or a general objection.

(d) *Burden of proof.* When a specific motion or objection has been required under subdivision (c)(3), the burden on the prosecution extends only to the grounds upon which the defense moved to suppress or object to the evidence. When an appropriate objection under this rule has been made by the defense, the issue shall be determined by the military judge as follows:

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(1) *Right to counsel.* When an objection raises the right to presence of counsel under this rule, the prosecution must prove by a preponderance of the evidence that counsel was present at the lineup or that the accused, having been advised of the right to the presence of counsel, voluntarily and intelligently waived that right prior to the lineup. When the military judge determines that an identification is the result of a lineup conducted without the presence of counsel or an appropriate waiver, any later identification by one present at such unlawful lineup is also a result thereof unless the military judge determines that the contrary has been shown by clear and convincing evidence.

(2) *Unnecessarily suggestive identification.* When an objection raises the issues of an unnecessarily suggestive identification process or other violation of due process under this rule, the prosecution must prove by a preponderance of the evidence that the lineup or other identification process was not so unnecessarily suggestive, in light of the totality of the circumstances, as to create a very substantial likelihood of irreparable mistaken identity; provided, however, that if the military judge determines that the identification process, although unnecessarily suggestive, did not create a very substantial likelihood of irreparable mistaken identity, a later identification may be admitted into evidence if the government proves by clear and convincing evidence that the subsequent identification is not the result of the improper identification.

(e) *Defense evidence.* The defense may present evidence relevant to the issue of the admissibility of evidence as to which there has been an appropriate motion or objection under this rule. An accused may testify for the limited purpose of contesting the legality of the lineup or identification process giving rise to the challenged evidence. Prior to the introduction of such testimony by the accused, the defense shall inform the military judge that the testimony is offered under this subdivision. When the accused testifies under this subdivision, the accused may be cross-examined only as to the matter on which he or she testifies. Nothing said by the accused on either direct or cross-examination may be used against the accused for any purpose other than in a prosecution for perjury, false swearing, or the making of a false official statement.

(f) *Rulings.* A motion to suppress or an objection to evidence made prior to plea under this rule shall be ruled upon prior to plea unless the military judge, for good cause, orders that it be deferred for determination at the trial of the general issue or until after findings, but no such determination shall be deferred if a party's right to appeal the ruling is affected adversely. Where factual issues are involved in ruling upon such motion or objection, the military judge shall state his or her essential findings of fact on the record.

(g) *Effect of guilty pleas.* A plea of guilty to an offense that results in a finding of guilty waives all issues under this rule with respect to that offense whether or not raised prior to the plea.

SECTION IV. RELEVANCY AND ITS LIMITS

Rule 401. Definition of "Relevant Evidence"

"Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

Rule 402. Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible

All relevant evidence is admissible, except as otherwise provided by the Constitution of the United States as applied to members of the armed forces, the Uniform Code of Military Justice, these rules, this Manual, or any Act of Congress applicable to members of the armed forces. Evidence which is not relevant is not admissible.

Rule 403. Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time

Although relevant, evidence may be exluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the members, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

Rule 404. Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes

(a) *Character evidence generally.* Evidence of a person's character or a trait of a person's character is not admissible for the purpose of proving that the person acted in conformity therewith on a particular occasion, except:

(1) *Character of the accused.* Evidence of a pertinent trait of the character of the accused offered by an accused, or by the prosecution to rebut the same;

(2) *Character of victim.* Evidence of a pertinent trait of character of the victim of the crime offered by an accused, or by the prosecution to rebut the same, or evidence of a character trait of peacefulness of the victim offered by the prosecution in a homicide or assault case to rebut evidence that the victim was an aggressor;

(3) *Character of witness.* Evidence of the character of a witness, as provided in rules 607, 608, and 609.

(b) *Other crimes, wrongs, or acts.* Evidence of other crimes, wrongs or acts is not admissible to prove the character of a person in order to show that the person acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

Rule 405. Methods of Proving Character

(a) *Reputation or opinion.* In all cases in which evidence of character or a trait of character of a person is admissible, proof may be made by testimony as to reputation or by testimony in the form of an opinion. On cross-examination, inquiry is allowable into relevant specific instances of conduct.

(b) *Specific instances of conduct.* In cases in which character or a trait of character of a person is an essential element of an offense or defense, proof may also be made of specific instances of the person's conduct.

(c) *Affidavits.* The defense may introduce affidavits or other written statements of persons other than the accused concerning the character of the accused. If the defense introduces affidavits or other written statements under this subdivision, the prosecution may, in rebuttal, also introduce affidavits or other written statements regarding the character of the accused. Evidence of this type may be introduced by the defense or prosecution only if, aside from being contained in an affidavit or other written statement, it would otherwise be admissible under these rules.

(d) *Definitions.* "Reputation" means the estimation in which a person generally is held in the community in which the person lives or pursues a business or profession. "Community" in the armed forces includes a post, camp, ship, station, or other military organization regardless of size.

Rule 406. Habit; Routine Practice

Evidence of the habit of a person or of the routine practice of an organization, whether corroborated or not and regardless of the presence of eyewitnesses, is relevant to prove that the conduct of the person or organization on a particular occasion was in conformity with the habit or routine practice.

Rule 407. Subsequent Remedial Measures

When, after an event, measures are taken which, if taken previously, would have made the event less likely to occur, evidence of the subsequent measures is not admissible to prove negligence or culpable conduct in connection with the event. This rule does not require the exclusion of evidence of subsequent measures when offered for another purpose, such as proving ownership, control, or feasibility of precautionary measures, if controverted, or impeachment.

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Rule 408. Compromise and Offer to Compromise

Evidence of (1) furnishing or offering or promising to furnish, or (2) accepting or offering or promising to accept, a valuable consideration in compromising or attempting to compromise a claim which was disputed as to either validity or amount, is not admissible to prove liability for or invalidity of the claim or its amount. Evidence of conduct or statements made in compromise negotiations is likewise not admissible. This rule does not require the exclusion of any evidence otherwise discoverable merely because it is presented in the course of compromise negotiations. This rule also does not require exclusion when the evidence is offered for another purposes, such as proving bias or prejudice of a witness, negativing a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

Rule 409. Payment of Medical and Similar Expenses

Evidence of furnishing or offering or promising to pay medical, hospital, or similar expenses occasioned by an injury is not admissible to prove liability for the injury.

Rule 410. Inadmissibility of Pleas, Plea Discussions, and Related Statements

Except as otherwise provided in this rule, evidence of a plea of guilty, later withdrawn, or a plea of nolo contendere, or of an offer to plead guilty or nolo contendere to the crime charged or any other crime, or of statements made in connection with, and relevant to any of the foregoing pleas or offers, is not admissible in any court-martial proceeding against the person who made the plea or offer. However, evidence of a statement made in connection with, and relevant to, a plea of guilty, later withdrawn, a plea of nolo contendere, or an offer to plead guilty or nolo contendere to the crime charged or any other crime, is admissible in a court-martial proceeding for perjury or false statement if the statement was made by the defendant under oath, on the record, and in the presence of counsel. An "offer to plead guilty" includes a statement made by the accused solely for the purpose of requesting disposition under an authorized procedure for administrative action in lieu of trial by court-martial; "on the record" includes the written statement submitted by the accused in furtherance of such request.

Rule 411. Liability Insurance

Evidence that a person was or was not insured against liability is not admissible upon the issue whether the person acted negligently or otherwise wrongfully. This rule does not require the exclusion of evidence of insurance against liability when offered for another purpose, such as proof of agency, ownership, or control, or bias or prejudice of a witness.

Rule 412. Nonconsensual Sexual Offenses; Relevance of Victim's Past Behavior

(a) Notwithstanding any other provision of these rules or this Manual, in a case in which a person is accused of a nonconsensual sexual offense, reputation or opinion evidence of the past sexual behavior of an alleged victim of such nonconsensual sexual offense is not admissible.

(b) Notwithstanding any other provision of these rules or this Manual, in a case in which a person is accused of a nonconsensual sexual offense, evidence of a victim's past sexual behavior other than reputation or opinion evidence is also not admissible, unless such evidence other than reputation or opinion evidence is—

(1) admitted in accordance with subdivisions (c)(1) and (c)(2) and is constitutionally required to be admitted; or

(2) admitted in accordance with subdivision (c) and is evidence of—

(A) past sexual behavior with persons other than the accused, offered by the accused upon the issue of whether the accused was or was not, with respect to the alleged victim, the source of semen or injury; or

(B) past sexual behavior with the accused and is offered by the accused upon the issue of whether the alleged victim consented to the sexual behavior with respect to which the nonconsensual sexual offense is alleged.

(c)(1) If the person accused of committing a nonconsensual sexual offense intends to offer under subdivision (b) evidence of specific instances of the alleged victim's past sexual behavior, the accused shall serve notice thereof on the military judge and the trial counsel.

(2) The notice described in paragraph (1) shall be accompanied by an offer of proof. If the military judge determines that the offer of proof contains evidence described in subdivision (b), the military judge shall conduct a hearing, which may be closed, to determine if such evidence is admissible. At such hearings the parties may call witnesses, including the alleged victim, and offer relevant evidence. In a case before a court-martial composed of a military judge and members, the military judge shall conduct such hearings outside the presence of the members pursuant to Article 39(a).

(3) If the military judge determines on the basis of the hearing described in paragraph (2) that the evidence which the accused seeks to offer is relevant and that the probative value of such evidence outweighs the danger of unfair prejudice, such evidence shall be admissible in the trial to the extent an order made by the military judge specifies evidence which may be offered and areas with respect to which the alleged victim may be examined or cross-examined.

(d) For purposes of this rule, the term "past sexual behavior" means sexual behavior other than the sexual behavior with respect to which a nonconsensual sexual offense is alleged.

(e) A "nonconsensual sexual offense" is a sexual offense in which consent by the victim is an affirmative defense or in which the lack of consent is an element of the offense. This term includes rape, forcible sodomy, assault with intent to commit rape or forcible sodomy, indecent assault, and attempts to commit such offenses.

SECTION V. PRIVILEGES

Rule 501. General Rule

(a) A person may not claim a privilege with respect to any matter except as required by or provided for in:

(1) The Constitution of the United States as applied to members of the armed forces;

(2) An Act of Congress applicable to trials by courts-martial;

(3) These rules or this Manual; or

(4) The principles of common law generally recognized in the trial of criminal cases in the United States district courts pursuant to rule 501 of the Federal Rules of Evidence insofar as the application of such principles in trials by courts-martial is practicable and not contrary to or inconsistent with the Uniform Code of Military Justice, these rules, or this Manual.

(b) A claim of privilege includes, but is not limited to, the assertion by any person of a privilege to:

(1) Refuse to be a witness;

(2) Refuse to disclose any matter;

(3) Refuse to produce any object or writing; or

(4) Prevent another from being a witness or disclosing any matter or producing any object or writing.

(c) The term "person" includes an appropriate representative of the federal government, a State, or political subdivision thereof, or any other entity claiming to be the holder of a privilege.

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(d) Notwithstanding any other provision of these rules, information not otherwise privileged does not become privileged on the basis that it was acquired by a medical officer or civilian physician in a professional capacity.

Rule 502. Lawyer-Client Privilege

(a) *General rule of privilege.* A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client, (1) between the client or the client's representative and the lawyer or the lawyer's representative, (2) between the lawyer and the lawyer's representative, (3) by the client or the client's lawyer to a lawyer representing another in a matter of common interest, (4) between representatives of the client or between the client and a representative of the client, or (5) between lawyers representing the client.

(b) *Definitions.* As used in this rule:

(1) A "client" is a person, public officer, corporation, association, organization, or other entity, either public or private, who receives professional legal services from a lawyer, or who consults a lawyer with a view to obtaining professional legal services from the lawyer.

(2) A "lawyer" is a person authorized, or reasonably believed by the client to be authorized, to practice law; or a member of the armed forces detailed, assigned, or otherwise provided to represent a person in a court-martial case or in any military investigation or proceeding. The term "lawyer" does not include a member of the armed forces serving in a capacity other than as a judge advocate, legal officer, or law specialist as defined in Article 1, unless the member: (a) is detailed, assigned, or otherwise provided to represent a person in a court-martial case or in any military investigation or proceeding; (b) is authorized by the armed forces, or reasonably believed by the client to be authorized, to render professional legal services to members of the armed forces; or (c) is authorized to practice law and renders professional legal services during off-duty employment.

(3) A "representative" of a lawyer is a person employed by or assigned to assist a lawyer in providing professional legal services.

(4) A communication is "confidential" if not intended to be disclosed to third persons other than those to whom disclosure is in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication.

(c) *Who may claim the privilege.* The privilege may be claimed by the client, the guardian or conservator of the client, the personal representative of a deceased client, or the successor, trustee, or similar representative of a corporation, association, or other organization, whether or not in existence. The lawyer or the lawyer's representative who received the communication may claim the privilege on behalf of the client. The authority of the lawyer to do so is presumed in the absence of evidence to the contrary.

(d) *Exceptions.* There is no privilege under this rule under the following circumstances:

(1) *Crime or fraud.* If the communication clearly contemplated the future commission of a fraud or crime or if services of the lawyer were sought or obtained to enable or aid anyone to commit or plan to commit what the client knew or reasonably should have known to be a crime or fraud;

(2) *Claimants through same deceased client.* As to a communication relevant to an issue between parties who claim through the same deceased client, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction;

(3) *Breach of duty by lawyer or client.* As to a communication relevant to an issue of breach of duty by the lawyer to the client or by the client to the lawyer;

(4) *Document attested by lawyer.* As to a communication relevant to an issue concerning an attested document to which the lawyer is an attesting witness; or

(5) *Joint clients.* As to a communication relevant to a matter of common interest between two or more clients if the communication was made by any of them to a lawyer retained or consulted in common, when offered in an action between any of the clients.

Rule 503. Communications to Clergy

(a) *General rule of privilege.* A person has a privilege to refuse to disclose and to prevent another from disclosing a confidential communication by the person to a clergyman or to a clergyman's assistant, if such communication is made either as a formal act of religion or as a matter of conscience.

(b) *Definitions.* As used in this rule:

(1) A "clergyman" is a minister, priest, rabbi, chaplain, or other similar functionary of a religious organization, or an individual reasonably believed to be so by the person consulting the clergyman.

(2) A communication is "confidential" if made to a clergyman in the clergyman's capacity as a spiritual adviser or to a clergyman's assistant in the assistant's official capacity and is not intended to be disclosed to third persons other than those to whom disclosure is in furtherance of the purpose of the communication or to those reasonably necessary for the transmission of the communication.

(c) *Who may claim the privilege.* The privilege may be claimed by the person, by the guardian or conservator, or by a personal representative if the person is deceased. The clergyman or clergyman's assistant who received the communication may claim the privilege on behalf of the person. The authority of the clergyman or clergyman's assistant to do so is presumed in the absence of evidence to the contrary.

Rule 504. Husband-Wife Privilege

(a) *Spousal incapacity.* A person has a privilege to refuse to testify against his or her spouse.

(b) *Confidential communication made during marriage.*

(1) *General rule of privilege.* A person has a privilege during and after the marital relationship to refuse to disclose, and to prevent another from disclosing, any confidential communication made to the spouse of the person while they were husband and wife and not separated as provided by law.

(2) *Definition.* A communication is "confidential" if made privately by any person to the spouse of the person and is not intended to be disclosed to third persons other than those reasonably necessary for transmission of the communication.

(3) *Who may claim the privilege.* The privilege may be claimed by the spouse who made the communication or by the other spouse on his or her behalf. The authority of the latter spouse to do so is presumed in the absence of evidence of a waiver. The privilege will not prevent disclosure of the communication at the request of the spouse to whom the communication was made if that spouse is an accused regardless of whether the spouse who made the communication objects to its disclosure.

(c) *Exceptions.* (1) *Spousal Incapacity Only.* There is no privilege under subdivision (a) when, at the time the testimony of one of the parties to the marriage is to be introduced in evidence against the other party, the parties are divorced or the marriage has been annulled.

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(2) *Spousal incapacity and confidential communications.* There is no privilege under subdivisions (a) or (b):

(A) In proceedings in which one spouse is charged with a crime against the person or property of the other spouse or a child of either, or with a crime against the person or property of a third person committed in the course of committing a crime against the other spouse;

(B) When the marital relationship was entered into with no intention of the parties to live together as spouses, but only for the purpose of using the purported marital relationship as a sham, and with respect to the privilege in subdivision (a), the relationship remains a sham at the time the testimony or statement of one of the parties is to be introduced against the other; or with respect to the privilege in subdivision (b), the relationship was a sham at the time of the communication; or

(C) In proceedings in which a spouse is charged, in accordance with Articles 133 or 134, with importing the other spouse as an alien for prostitution or other immoral purpose in violation of section 1328 of title 8, United States Code; with transporting the other spouse in interstate commerce for immoral purposes or other offense in violation of sections 2421–2424 of title 18, United States Code; or with violation of such other similar statutes under which such privilege may not be claimed in the trial of criminal cases in the United States district courts.

Rule 505. Classified Information

(a) *General rule of privilege.* Classified information is privileged from disclosure if disclosure would be detrimental to the national security.

(b) *Definitions.* As used in this rule:

(1) *Classified information.* "Classified information" means any information or material that has been determined by the United States Government pursuant to an executive order, statute, or regulation, to require protection against unauthorized disclosure for reasons of national security and any restricted data, as defined in section 2014(y) of title 42, United States Code.

(2) *National security.* "National security" means the national defense and foreign relations of the United States.

(c) *Who may claim the privilege.* The privilege may be claimed by the head of the executive or military department or government agency concerned based on a finding that the information is properly classified and that disclosure would be detrimental to the national security. A person who may claim the privilege may authorize a witness or trial counsel to claim the privilege on his or her behalf. The authority of the witness or trial counsel to do so is presumed in the absence of evidence to the contrary.

(d) *Action prior to referral of charges.* Prior to referral of charges, the convening authority shall respond in writing to a request by the accused for classified information if the privilege in this rule is claimed for such information. The convening authority may:

(1) Delete specified items of classified information from documents made available to the accused;

(2) Substitute a portion or summary of the information for such classified documents;

(3) Substitute a statement admitting relevant facts that the classified information would tend to prove;

(4) Provide the document subject to conditions that will guard against the compromise of the information disclosed to the accused; or

(5) Withhold disclosure if actions under (1) through (4) cannot be taken without causing identifiable damage to the national security.

Any objection by the accused to withholding of information or to the conditions of disclosure shall be raised through a motion for appropriate relief at a pretrial session.

(e) *Pretrial session.* At any time after referral of charges and prior to arraignment, any party may move for a session under Article 39(a) to consider matters relating to classified information that may arise in connection with the trial. Following such motion or sua sponte, the military judge promptly shall hold a session under Article 39(a) to establish the timing of requests for discovery, the provision of notice under subdivision (h), and the initiation of the procedure under subdivision (i). In addition, the military judge may consider any other matters that relate to classified information or that may promote a fair and expeditious trial.

(f) *Action after referral of charges.* If a claim of privilege has been made under this rule with respect to classified information that apparently contains evidence that is relevant and material to an element of the offense or a legally cognizable defense and is otherwise admissible in evidence in the court-martial proceeding, the matter shall be reported to the convening authority. The convening authority may:

(1) institute action to obtain the classified information for use by the military judge in making a determination under subdivision (i);

(2) dismiss the charges;

(3) dismiss the charge or specifications or both to which the information relates; or

(4) take such other action as may be required in the interests of justice.

If, after a reasonable period of time, the information is not provided to the military judge in circumstances where proceeding with the case without such information would materially prejudice a substantial right of the accused, the military judge shall dismiss the charges or specifications or both to which the classified information relates.

(g) *Disclosure of classified information to the accused.* (1) *Protective order.* If the government agrees to disclose classified information to the accused, the military judge, at the request of the government, shall enter an appropriate protective order to guard against the compromise of the information disclosed to the accused. The terms of any such protective order may include provisions:

(A) Prohibiting the disclosure of the information except as authorized by the military judge;

(B) Requiring storage of material in a manner appropriate for the level of classification assigned to the documents to be disclosed;

(C) Requiring controlled access to the material during normal business hours and at other times upon reasonable notice;

(D) Requiring appropriate security clearances for persons having a need to examine the information in connection with the preparation of the defense;

(E) Requiring the maintenance of logs regarding access by all persons authorized by the military judge to have access to the classified information in connection with the preparation of the defense;

(F) Regulating the making and handling of notes taken from material containing classified information; or

(G) Requesting the convening authority to authorize the assignment of government security personnel and the provision of government storage facilities.

(2) *Limited disclosure.* The military judge, upon motion of the government, shall authorize (A) the deletion of specified items of classified information from documents to be made available to the defendant, (B) the substitution of a portion or summary of the information for such classified documents, or (C)

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the substitution of a statement admitting relevant facts that the classified information would tend to prove, unless the military judge determines that disclosure of the classified information itself is necessary to enable the accused to prepare for trial. The government's motion and any materials submitted in support thereof shall, upon request of the government, be considered by the military judge in camera and shall not be disclosed to the accused.

(3) *Disclosure at trial of certain statements previously made by a witness.*

(A) *Scope.* After a witness called by the government has testified on direct examination, the military judge, on motion of the accused, may order production of statements in the possession of the United States under section 3500(b) of title 18, United States Code. This provision does not preclude discovery or assertion of a privilege otherwise authorized under these rules or this Manual.

(B) *Closed session.* If the privilege in this rule is invoked during consideration of a motion under section 3500 of title 18, United States Code, the government may deliver such statement for the inspection only by the military judge in camera and may provide the military judge with an affidavit identifying the portions of the statement that are classified and the basis for the classification assigned. If the military judge finds that disclosure of any portion of the statement identified by the government as classified could reasonably be expected to cause damage to the national security in the degree required to warrant classification under the applicable executive order, statute, or regulation and that such portion of the statement is consistent with the witness' testimony, the military judge shall excise the portion from the statement. With such material excised, the military judge shall then direct delivery of such statement to the accused for use by the accused. If the military judge finds that such portion of the statement is inconsistent with the witness' testimony, the government may move for a proceeding under subdivision (i).

(4) *Record of trial.* If, under this subdivision, any information is withheld from the accused, the accused objects to such withholding, and the trial is continued to an adjudication of guilt of the accused, the entire unaltered text of the relevant documents as well as the government's motion and any materials submitted in support thereof shall be sealed and attached to the record of trial as an appellate exhibit. Such material shall be made available to reviewing authorities in closed proceedings for the purpose of reviewing the determination of the military judge.

(h) *Notice of the accused's intention to disclose classified information.* (1) *Notice by the accused.* If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused.

(2) *Continuing duty to notify.* Whenever the accused learns of classified information not covered by a notice under (1) that the accused reasonably expects to disclose at any such proceeding, the accused shall notify the trial counsel and the military judge in writing as soon as possible thereafter.

(3) *Content of notice.* The notice required by this subdivision shall include a brief description of the classified information.

(4) *Prohibition against disclosure.* The accused may not disclose any information known or believed to be classified until notice has been given under this subdivision and until the government has been afforded a reasonable opportunity to seek a determination under subdivision (i).

(5) *Failure to comply.* If the accused fails to comply with the requirements of this subdivision, the military judge may preclude disclosure of any classified information not made the subject of notification and may prohibit the examination by the accused of any witness with respect to any such information.

(i) *In camera proceedings for cases involving classified information.* (1) *Definition.* For purposes of this subdivision, an "in camera proceeding" is a session under Article 39(a) from which the public is excluded.

(2) *Motion for in camera proceeding.* Within the time specified by the military judge for the filing of a motion under this rule, the government may move for an in camera proceeding concerning the use at any proceeding of any classified information. Thereafter, either prior to or during trial, the military judge for good cause shown or otherwise upon a claim of privilege under this rule may grant the government leave to move for an in camera proceeding concerning the use of additional classified information.

(3) *Demonstration of national security nature of the information.* In order to obtain an in camera proceeding under this rule, the government shall submit the classified information for examination only by the military judge and shall demonstrate by affidavit that disclosure of the information reasonably could be expected to cause damage to the national security in the degree required to warrant classification under the applicable executive order, statute, or regulation.

(4) *In camera proceeding.* (A) *Procedure.* Upon finding that the government has met the standard set forth in subdivision (i)(3) with respect to some or all of the classified information at issue, the military judge shall conduct an in camera proceeding. Prior to the in camera proceeding, the government shall provide the accused with notice of the information that will be at issue. This notice shall identify the classified information that will be at issue whenever that information previously has been made available to the accused in connection with proceedings in the same case. The government may describe the information by generic category, in such form as the military judge may approve, rather than identifying the classified information when the government has not previously made the information available to the accused in connection with pretrial proceedings. Following briefing and argument by the parties in the in camera proceeding the military judge shall determine whether the information may be disclosed at the court-martial proceeding. Where the government's motion under this subdivision is filed prior to the proceeding at which disclosure is sought, the military judge shall rule prior to the commencement of the relevant proceeding.

(B) *Standard.* Classified information is not subject to disclosure under this subdivision unless the information is relevant and material to an element of the offense or a legally cognizable defense and is otherwise admissible in evidence.

(C) *Ruling.* Unless the military judge makes a written determination that the information meets the standard set forth in (B), the information may not be disclosed or otherwise elicited at a court-martial proceeding. The record of the in camera proceeding shall be sealed and attached to the record of trial as an appellate exhibit. The accused may seek reconsideration of the determination prior to or during trial.

(D) *Alternatives to full disclosure.* If the military judge makes a determination under this subdivision that would permit disclosure of the information or if the government elects not to contest the relevance, materiality, and admissibility of any classified information, the government may proffer a statement admitting for purposes of the proceeding any relevant facts such information would tend to prove or may submit a portion or summary to be used in lieu of the information. The military judge shall order that such statement, portion, or summary be used by the accused in place of the classified information unless the military judge finds that use of the classified information itself is necessary to afford the accused a fair trial.

(E) *Sanctions.* If the military judge determines that alternatives to full disclosure may not be used and the government continues to object to disclosure of the information, the military judge shall issue any order that the interests of justice require. Such an order may include an order:

(i) striking or precluding all or part of the testimony of a witness;

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(ii) declaring a mistrial;

(iii) finding against the government on any issue as to which the evidence is relevant and material to the defense;

(iv) dismissing the charges, with or without prejudice; or

(v) dismissing the charges or specifications or both to which the information relates.

Any such order shall permit the government to avoid the sanction for nondisclosure by permitting the accused to disclose the information at the pertinent court-martial proceeding.

(j) *Introduction of classified information.* (1) *Classification status.* Writings, recordings, and photographs containing classified information may be admitted into evidence without change in their classification status.

(2) *Precautions by the military judge.* In order to prevent unnecessary disclosure of classified information, the military judge may order admission into evidence of only part of a writing, recording, or photograph or may order admission into evidence of the whole writing, recording, or photograph with excision of some or all of the classified information contained therein.

(3) *Contents of writing, recording, or photograph.* The military judge may permit proof of the contents of a writing, recording, or photograph that contains classified information without requiring introduction into evidence of the original or a duplicate.

(4) *Taking of testimony.* During the examination of a witness, the government may object to any question or line of inquiry that may require the witness to disclose classified information not previously found to be relevant and material to the defense. Following such an objection, the military judge shall take such suitable action to determine whether the response is admissible as will safeguard against the compromise of any classified information. Such action may include requiring the government to provide the military judge with a proffer of the witness' response to the question or line of inquiry and requiring the accused to provide the military judge with a proffer of the nature of the information the accused seeks to elicit.

(5) *Closed session.* If counsel for all parties, the military judge, and the members have received appropriate security clearances, the military judge may exclude the public during that portion of the testimony of a witness that discloses classified information.

(6) *Record of trial.* The record of trial with respect to any classified matter will be prepared under paragraph 82*d* of this Manual.

(k) *Security procedures to safeguard against compromise of classified information disclosed to courts-martial.* The Secretary of Defense may prescribe security procedures for protection against the compromise of classified information submitted to courts-martial and appellate authorities.

Rule 506. Government Information Other Than Classified Information

(a) *General rule of privilege.* Except where disclosure is required by an Act of Congress, government information is privileged from disclosure if disclosure would be detrimental to the public interest.

(b) *Scope.* "Government information" includes official communications and documents and other information within the custody or control of the federal government. This rule does not apply to classified information (rule 505) or to the identity of an informant (rule 507).

(c) *Who may claim the privilege.* The privilege may be claimed by the head of the executive or military department or government agency concerned. The privilege for investigations of the Inspectors General may be claimed by the authority ordering the investigation or any superior authority. A person who may claim the privilege may authorize a witness or the trial counsel to claim the privilege on his or her behalf. The authority of a witness or the trial counsel to do so is presumed in the absence of evidence to the contrary.

(d) *Action prior to referral of charges.* Prior to referral of charges, the government shall respond in writing to a request for government information if the privilege in this rule is claimed for such information. The government shall:

(1) delete specified items of government information claimed to be privileged from documents made available to the accused;

(2) substitute a portion or summary of the information for such documents;

(3) substitute a statement admitting relevant facts that the government information would tend to prove;

(4) provide the document subject to conditions similar to those set forth in subdivision (g) of this rule; or

(5) withhold disclosure if actions under (1) through (4) cannot be taken without causing identifiable damage to the public interest.

(e) *Action after referral of charges.* After referral of charges, if a claim of privilege has been made under this rule with respect to government information that apparently contains evidence that is relevant and material to an element of the offense or a legally cognizable defense and is otherwise admissible in evidence in the court-martial proceeding, the matter shall be reported to the convening authority. The convening authority may:

(1) institute action to obtain the information for use by the military judge in making a determination under subdivision (i);

(2) dismiss the charges;

(3) dismiss the charges or specifications or both to which the information relates; or

(4) take other action as may be required in the interests of justice.

If, after a reasonable period of time, the information is not provided to the military judge, the military judge shall dismiss the charges or specifications or both to which the information relates.

(f) *Pretrial session.* At any time after referral of charges and prior to arraignment any party may move for a session under Article 39(a) to consider matters relating to government information that may arise in connection with the trial. Following such motion, or sua sponte, the military judge promptly shall hold a pretrial session under Article 39(a) to establish the timing of requests for discovery, the provision of notice under subdivision (h), and the initiation of the procedure under subdivision (i). In addition, the military judge may consider any other matters that relate to classified information or that may promote a fair and expeditious trial.

(g) *Disclosure of government information to the accused.* If the government agrees to disclose government information to the accused subsequent to a claim of privilege under this rule, the military judge, at the request of the government, shall enter an appropriate protective order to guard against the compromise of the information disclosed to the accused. The terms of any such protective order may include provisions:

(1) Prohibiting the disclosure of the information except as authorized by the military judge;

(2) Requiring storage of the material in a manner appropriate for the nature of the material to be disclosed;

(3) Requiring controlled access to the material during normal business hours and at other times upon reasonable notice;

(4) Requiring the maintenance of logs recording access by persons authorized by the military judge to have access to the government information in connection with the preparation of the defense;

(5) Regulating the making and handling of notes taken from material containing government information; or

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(6) Requesting the convening authority to authorize the assignment of government security personnel and the provision of government storage facilities.

(h) *Prohibition against disclosure.* The accused may not disclose any information known or believed to be subject to a claim of privilege under this rule until the government has been afforded a reasonable opportunity to seek a determination under subdivision (i).

(i) *In camera proceedings.* (1) *Definition.* For purposes of this subdivision, an "in camera proceeding" is a closed session under Article 39(a).

(2) *Motion for in camera proceeding.* Within the time specified by the military judge for the filing of a motion under this rule, the government may move for an in camera proceeding concerning the use at any proceeding of any government information that may be subject to a claim of privilege. Thereafter, either prior to or during trial, the military judge for good cause shown or otherwise upon a claim of privilege may grant the government leave to move for an in camera proceeding concerning the use of additional government information.

(3) *Demonstration of public interest nature of the information.* In order to obtain an in camera proceeding under this rule, the government shall demonstrate through submission of affidavits and the information for examination only by the military judge that disclosure of the information reasonably could be expected to cause identifiable damage to the public interest.

(4) *In camera proceeding.* (A) *Procedure.* Upon finding that the disclosure of some or all of the information submitted by the government under subsection (1) reasonably could be expected to cause identifiable damage to the public interest, the military judge shall conduct an in camera proceeding. Prior to the in camera proceeding, the government shall provide the accused with notice of the information that will be at issue. This notice shall identify the information that will be at issue whenever that information previously has been made available to the accused in connection with proceedings in the same case. The government may describe the information by generic category, in such form as the military judge may approve, rather than identifying the specific information of concern to the government when the government has not previously made the information available to the accused in connection with pretrial proceedings. Following briefing and argument by the parties in the in camera proceeding, the military judge shall determine whether the information may be disclosed at the court-martial proceeding. When the government's motion under this subdivision is filed prior to the proceeding at which disclosure is sought, the military judge shall rule prior to commencement of the relevant proceeding.

(B) *Standard.* Government information is subject to disclosure under this subdivision if the party making the request demonstrates a specific need for information containing evidence that is relevant to the guilt or innocence of the accused and otherwise admissible in the court-martial proceeding.

(C) *Ruling.* Unless the military judge makes a written determination that the information is not subject to disclosure under the standard set forth in (B) the information may be disclosed at the court-martial proceeding. The record of the in camera proceeding shall be sealed and attached to the record of trial as an appellate exhibit. The accused may seek reconsideration of the determination prior to or during trial.

(D) *Sanction.* If the military judge makes a determination under this subdivision that permits disclosure of the information and the government continues to object to disclosure of the information, the military judge shall dismiss the charges or specifications or both to which the information relates.

(j) *Introduction of government information subject to a claim of privilege.* (1) *Precautions by military judge.* In order to prevent unnecessary disclosure of government information after there has been a claim of privilege under this rule, the military judge may order admission into evidence of only part of a writing, recording, or photograph or may order admission into evidence of the whole writing, recording, or photograph with excision of some or all of the government information contained therein.

(2) *Contents of writing, recording, or photograph.* The military judge may permit proof of the contents of a writing, recording, or photograph that contains government information that is the subject of a claim of privilege under this rule without requiring introduction into evidence of the original or a duplicate.

(3) *Taking of testimony.* During examination of a witness, the prosecution may object to any question or line of inquiry that may require the witness to disclose government information not previously found relevant and material to the defense if such information has been or is reasonably likely to be the subject of a claim of privilege under this rule. Following such an objection, the military judge shall take such suitable action to determine whether the response is admissible as will safeguard against the compromise of any government information. Such action may include requiring the government to provide the military judge with a proffer of the witness' response to the question or line of inquiry and requiring the accused to provide the military judge with a proffer of the nature of the information the accused seeks to elicit.

(k) *Procedures to safeguard against compromise of government information disclosed to courts-martial.* The Secretary of Defense may prescribe procedures for protection against the compromise of government information submitted to courts-martial and appellate authorities after a claim of privilege.

Rule 507. Identity of Informant

(a) *Rule of privilege.* The United States or a state or subdivision thereof has a privilege to refuse to disclose the identity of an informant. An "informant" is a person who has furnished information resulting in an investigation of a possible violation of law to a person whose official duties include the discovery, investigation, or prosecution of crime. Unless otherwise privileged under these rules, the communications of an informant are not privileged except to the extent necessary to prevent the disclosure of the informant's identity.

(b) *Who may claim the privilege.* The privilege may be claimed by an appropriate representative of the United States, regardless of whether the information was furnished to an officer of the United States or of a state or subdivision thereof. The privilege may be claimed by an appropriate representative of a state or subdivision if the information was furnished to an officer thereof, except the privilege shall not be allowed if the prosecution objects.

(c) *Exceptions.* (1) *Voluntary disclosures; informant as witness.* No privilege exists under this rule: (A) if the identity of the informant has been disclosed to those who would have cause to resent the communication by a holder of the privilege or by the informant's own action; or (B) if the informant appears as a witness for the prosecution.

(2) *Testimony on the issue of guilt or innocence.* If a claim of privilege has been made under this rule, the military judge shall, upon motion by the accused, determine whether disclosure of the identity of the informant is necessary to the accused's defense on the issue of guilt or innocence. Whether such a necessity exists will depend on the particular circumstances of each case, taking into consideration the offense charged, the possible defenses, the possible significance of the informant's testimony, and other relevant factors. If it appears from the evidence in the case or from other showing by a party that an informant may be able to give testimony necessary to the accused's defense on the issue of guilt or innocence, the military judge may make any order required by the interests of justice.

(3) *Legality of obtaining evidence.* If a claim of privilege has been made under this rule with respect to a motion under rule 311, the military judge shall, upon motion of the accused, determine whether disclosure of the identity of the informant is required by the Constitution of the United States as applied to

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members of the armed forces. In making this determination, the military judge may make any order required by the interests of justice.

(d) *Procedures.* If a claim of privilege has been made under this rule, the military judge may make any order required by the interests of justice. If the military judge determines that disclosure of the identity of the informant is required under the standards set forth in this rule, and the prosecution elects not to disclose the identity of the informant, the matter shall be reported to the convening authority. The convening authority may institute action to secure disclosure of the identity of the informant, terminate the proceedings, or take such other action as may be appropriate under the circumstances. If, after a reasonable period of time disclosure is not made, the military judge, sua sponte or upon motion of either counsel and after a hearing if requested by either party, may dismiss the charges or specifications or both to which the information regarding the informant would relate if the military judge determines that further proceedings would materially prejudice a substantial right of the accused.

Rule 508. Political Vote

A person has a privilege to refuse to disclose the tenor of the person's vote at a political election conducted by secret ballot unless the vote was cast illegally.

Rule 509. Deliberations of Courts and Juries

Except as provided in rule 606, the deliberations of courts and grand and petit juries are privileged to the extent that such matters are privileged in trial of criminal cases in the United States district courts, but the results of the deliberations are not privileged.

Rule 510. Waiver of Privilege by Voluntary Disclosure

(a) A person upon whom these rules confer a privilege against disclosure of a confidential matter or communication waives the privilege if the person or the person's predecessor while holder of the privilege voluntarily discloses or consents to disclosure of any significant part of the matter or communication under such circumstances that it would be inappropriate to allow the claim of privilege. This rule does not apply if the disclosure is itself a privileged communication.

(b) Unless testifying voluntarily concerning a privileged matter or communication, an accused who testifies in his or her own behalf or a person who testifies under a grant or promise of immunity does not, merely by reason of testifying, waive a privilege to which he or she may be entitled pertaining to the confidential matter or communication.

Rule 511. Privileged Matter Disclosed Under Compulsion or Without Opportunity to Claim Privilege

(a) Evidence of a statement or other disclosure of privileged matter is not admissible against the holder of the privilege if disclosure was compelled erroneously or was made without an opportunity for the holder of the privilege to claim the privilege.

(b) The telephonic transmission of information otherwise privileged under these rules does not affect its privileged character. Use of electronic means of communication other than the telephone for transmission of information otherwise privileged under these rules does not affect the privileged character of such information if use of such means of communication is necessary and in furtherance of the communication.

Rule 512. Comment Upon or Inference from Claim of Privilege; Instruction

(a) *Comment or inference not permitted.* (1) The claim of a privilege by the accused whether in the present proceeding or upon a prior occasion is not a proper subject of comment by the military judge or counsel for any party. No inference may be drawn therefrom. (2) The claim of a privilege by a person other than the accused whether in the present proceeding or upon a prior occasion normally is not a proper subject of comment by the military judge or

counsel for any party. An adverse inference may not be drawn therefrom except when determined by the military judge to be required by the interests of justice.

(b) *Claiming privilege without knowledge of members.* In a trial before a court-martial with members, proceedings shall be conducted, to the extent practicable, so as to facilitate the making of claims of privilege without the knowledge of the members. This subdivision does not apply to a special court-martial without a military judge.

(c) *Instruction.* Upon request, any party against whom the members might draw an adverse inference from a claim of privilege is entitled to an instruction that no inference may be drawn therefrom except as provided in subdivision (a)(2).

SECTION VI. WITNESSES

Rule 601. General Rule of Competency

Every person is competent to be a witness except as otherwise provided in these rules.

Rule 602. Lack of Personal Knowledge

A witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may, but need not, consist of the testimony of the witness. This rule is subject to the provisions of rule 703, relating to opinion testimony by expert witnesses.

Rule 603. Oath or Affirmation

Before testifying, every witness shall be required to declare that the witness will testify truthfully, by oath or affirmation administered in a form calculated to awaken the witness's conscience and impress the witness's mind with the duty to do so.

Rule 604. Interpreters

An interpreter is subject to the provisions of these rules relating to qualification as an expert and the administration of an oath or affirmation that the interpreter will make a true translation.

Rule 605. Competency of Military Judge as Witness

(a) The military judge presiding at the court-martial may not testify in that court-martial as a witness. No objection need be made to preserve the point.

(b) This rule does not preclude the military judge from placing on the record matters concerning docketing of the case.

Rule 606. Competency of Court Member as Witness

(a) *At the court-martial.* A member of the court-martial may not testify as a witness before the other members in the trial of the case in which the member is sitting. If the member is called to testify, the opposing party, except in a special court-martial without a military judge, shall be afforded an opportunity to object out of the presence of the members.

(b) *Inquiry into validity of findings or sentence.* Upon an inquiry into the validity of the findings or sentence, a member may not testify as to any matter or statement occurring during the course of the deliberations of the members of the court-martial or to the effect of anything upon the member's or any other member's mind or emotions as influencing the member to assent to or dissent from the findings or sentence or concerning the member's mental process in connection therewith, except that a member may testify on the question whether extraneous prejudicial information was improperly brought to the attention of the members of the court-martial, whether any outside influence was improperly brought to bear upon any member, or whether there was unlawful command influence. Nor may the member's affidavit or evidence of any statement by the member concerning a matter about which the member would be precluded from testifying be received for these purposes.

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Rule 607. Who May Impeach

The credibility of a witness may be attacked by any party, including the party calling the witness.

Rule 608. Evidence of Character, Conduct, and Bias of Witness

(a) *Opinion and reputation evidence of character.* The credibility of a witness may be attacked or supported by evidence in the form of opinion or reputation, but subject to these limitations: (1) the evidence may refer only to character for truthfulness or untruthfulness, and (2) evidence of truthful character is admissible only after the character of the witness for truthfulness has been attacked by opinion or reputation evidence or otherwise.

(b) *Specific instances of conduct.* Specific instances of conduct of a witness, for the purpose of attacking or supporting the credibility of the witness, other than conviction of crime as provided in rule 609, may not be proved by extrinsic evidence. They may, however, in the discretion of the military judge, if probative of truthfulness or untruthfulness, be inquired into on cross-examination of the witness (1) concerning character of the witness for truthfulness or untruthfulness, or (2) concerning the character for truthfulness or untruthfulness of another witness as to which character the witness being cross-examined has testified. The giving of testimony, whether by an accused or by another witness, does not operate as a waiver of the privilege against self-incrimination when examined with respect to matters which relate only to credibility.

(c) *Evidence of bias.* Bias, prejudice, or any motive to misrepresent may be shown to impeach the witness either by examination of the witness or by evidence otherwise adduced.

Rule 609. Impeachment by Evidence of Conviction of Crime

(a) *General rule.* For the purpose of attacking the credibility of a witness, evidence that the witness has been convicted of a crime shall be admitted if elicited from the witness or established by public record during cross-examination but only if the crime (1) was punishable by death, dishonorable discharge, or imprisonment in excess of one year under the law under which the witness was convicted, and the military judge determines that the probative value of admitting this evidence outweighs its prejudicial effect to the accused, or (2) involved dishonesty or false statement, regardless of the punishment. In determining whether a crime tried by court-martial was punishable by death, dishonorable discharge, or imprisonment in excess of one year, the maximum punishment prescribed by the President under Article 56 at the time of the conviction applies without regard to whether the case was tried by general, special, or summary court-martial.

(b) *Time limit.* Evidence of a conviction under this rule is not admissible if a period of more than ten years has elapsed since the date of the conviction or of the release of the witness from the confinement imposed for that conviction, whichever is the later date, unless the court determines, in the interests of justice, that the probative value of the conviction supported by specific facts and circumstances substantially outweighs its prejudicial effect. However, evidence of a conviction more than ten years old as calculated herein, is not admissible unless the proponent gives to the adverse party sufficient advance written notice of intent to use such evidence to provide the adverse party with a fair opportunity to contest the use of such evidence.

(c) *Effect of pardon, annulment, or certificate of rehabilitation.* Evidence of a conviction is not admissible under this rule if (1) the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, and that person has not been convicted of a subsequent crime which was punishable by death, dishonorable discharge, or imprisonment in excess of one year, or (2) the conviction has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(d) *Juvenile adjudications.* Evidence of juvenile adjudications is generally not admissible under this rule. The military judge, however, may allow evidence of a juvenile adjudication of a witness other than the accused if conviction of the offense would be admissible to attack the credibility of an adult and the military judge is satisfied that admission in evidence is necessary for a fair determination of the issue of guilt or innocence.

(e) *Pendency of appeal.* The pendency of an appeal therefrom does not render evidence of a conviction inadmissible except that a conviction by summary court-martial or special court-martial without a military judge may not be used for purposes of impeachment until review has been completed pursuant to Article 65(c) or Article 66 if applicable. Evidence of the pendency of an appeal is admissible.

(f) *Definition.* For purposes of this rule, there is a "conviction" in a court-martial case when a sentence has been adjudged.

Rule 610. Religious Beliefs or Opinions

Evidence of the beliefs or opinions of a witness on matters of religion is not admissible for the purpose of showing that by reason of their nature the credibility of the witness is impaired or enhanced.

Rule 611. Mode and Order of Interrogation and Presentation

(a) *Control by the military judge.* The military judge shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to (1) make the interrogation and presentation effective for the ascertainment of the truth, (2) avoid needless consumption of time, and (3) protect witnesses from harassment or undue embarrassment.

(b) *Scope of cross-examination.* Cross-examination should be limited to the subject matter of the direct examination and matters affecting the credibility of the witness. The military judge may, in the exercise of discretion, permit inquiry into additional matters as if on direct examination.

(c) *Leading questions.* Leading questions should not be used on the direct examination of a witness except as may be necessary to develop the testimony of the witness. Ordinarily leading questions should be permitted on cross-examination. When a party calls a hostile witness or a witness identified with an adverse party, interrogation may be by leading questions.

Rule 612. Writing Used to Refresh Memory

If a witness uses a writing to refresh his or her memory for the purpose of testifying, either

(1) while testifying, or

(2) before testifying, if the military judge determines it is necessary in the interests of justice,

an adverse party is entitled to have the writing produced at the hearing, to inspect it, to cross-examine the witness thereon, and to introduce in evidence those portions which relate to the testimony of the witness. If it is claimed that the writing contains privileged information or matters not related to the subject matter of the testimony, the military judge shall examine the writing in camera, excise any privileged information or any portions not so related, and order delivery of the remainder to the party entitled thereto. Any portion withheld over objections shall be attached to the record of trial as an appellate exhibit. If a writing is not produced or delivered pursuant to order under this rule, the military judge shall make any order justice requires, except that when the prosecution elects not to comply, the order shall be one striking the testimony or, if in discretion of the military judge it is determined that the interests of justice so require, declaring a mistrial. This rule does not preclude disclosure of information required to be disclosed under other provisions of these rules or this Manual.

Rule 613. Prior Statements of Witnesses

(a) *Examining witness concerning prior statement.* In examining a witness concerning a prior statement made by the witness, whether written or not, the

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statement need not be shown nor its contents disclosed to the witness at that time, but on request the same shall be shown or disclosed to opposing counsel.

(b) *Extrinsic evidence of prior inconsistent statement of witness.* Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is afforded an opportunity to explain or deny the same and the opposite party is afforded an opportunity to interrogate the witness thereon, or the interests of justice otherwise require. This provision does not apply to admissions of a party-opponent as defined in rule 801(d)(2).

Rule 614. Calling and Interrogation of Witnesses by the Court-Martial

(a) *Calling by the court-martial.* The military judge may, sua sponte or at the request of the members or the suggestion of a party, call witnesses, and all parties are entitled to cross-examine witnesses thus called. When the members wish to call or recall a witness, the military judge shall determine whether it is appropriate to do so under these rules or this Manual.

(b) *Interrogation by the court-martial.* The military judge or members may interrogate witnesses, whether called by the military judge, the members, or a party. Members shall submit their questions to the military judge in writing so that a ruling may be made on the propriety of the questions or the course of questioning and so that questions may be asked on behalf of the court by the military judge in a form acceptable to the military judge. When a witness who has not testified previously is called by the military judge or the members, the military judge may conduct the direct examination or may assign the responsibility to counsel for any party.

(c) *Objections.* Objections to the calling of witnesses by the military judge or the members or to the interrogation by the military judge or the members may be made at the time or at the next available opportunity when the members are not present.

Rule 615. Exclusion of Witnesses

At the request of the prosecution or defense the military judge shall order witnesses excluded so that they cannot hear the testimony of other witnesses, and the military judge may make the order sua sponte. This rule does not authorize exclusion of (1) the accused, or (2) a member of an armed service or an employee of the United States designated as representative of the United States by the trial counsel, or (3) a person whose presence is shown by a party to be essential to the presentation of the party's case.

SECTION VII. OPINIONS AND EXPERT TESTIMONY

Rule 701. Opinion Testimony by Lay Witnesses

If the witness is not testifying as an expert, the testimony of the witness in the form of opinions or inferences is limited to those opinions or inferences which are (a) rationally based on the perception of the witness and (b) helpful to a clear understanding of the testimony of the witness or the determination of a fact in issue.

Rule 702. Testimony by Experts

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise.

Rule 703. Bases of Opinion Testimony by Experts

The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to the expert, at or before the hearing. If of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, the facts or data need not be admissible in evidence.

Rule 704. Opinion on Ultimate Issue

Testimony in the form of an opinion or inference otherwise admissible is not objectionable because it embraces an ultimate issue to be decided by the trier of fact.

Rule 705. Disclosure of Facts or Data Underlying Expert Opinion

The expert may testify in terms of opinion or inference and give the expert's reasons therefor without prior disclosure of the underlying facts or data, unless the military judge requires otherwise. The expert may in any event be required to disclose the underlying facts or data on cross-examination.

Rule 706. Court Appointed Experts

(a) *Appointment and compensation.* The trial counsel, the defense counsel, and the court-martial have equal opportunity to obtain expert witnesses under Article 46. The employment and compensation of expert witnesses is governed by paragraphs 115 and 116 of this Manual.

(b) *Disclosure of employment.* In the exercise of discretion, the military judge may authorize disclosure to the members of the fact that the military judge called an expert witness.

(c) *Accused's experts of own selection.* Nothing in this rule limits the accused in calling expert witnesses of the accused's own selection and at the accused's own expense.

SECTION VIII. HEARSAY

Rule 801. Definitions

The following definitions apply under this section:

(a) *Statement.* A "statement" is (1) an oral or written assertion or (2) nonverbal conduct of a person, if it is intended by the person as an assertion.

(b) *Declarant.* A "declarant" is a person who makes a statement.

(c) *Hearsay.* "Hearsay" is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.

(d) *Statements which are not hearsay.* A statement is not hearsay if:

(1) *Prior statement by witness.* The declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement, and the statement is (A) inconsistent with the declarant's testimony, and was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, or (B) consistent with the declarant's testimony and is offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive, or (C) one of identification of a person made after perceiving the person; or

(2) *Admission by party-opponent.* The statement is offered against a party and is (A) the party's own statement in either the party's individual or representative capacity, or (B) a statement of which the party has manifested the party's adoption or belief in its truth, or (C) a statement by a person authorized by the party to make a statement concerning the subject, or (D) a statement by the party's agent or servant concerning a matter within the scope of the agency or employment of the agent or servant, made during the existence of the relationship, or (E) a statement by a co-conspirator of a party during the course and in furtherance of the conspiracy.

Rule 802. Hearsay Rule

Hearsay is not admissible except as provided by these rules or by any Act of Congress applicable in trials by court-martial.

Rule 803. Hearsay Exceptions; Availability of Declarant Immaterial

The following are not excluded by the hearsay rule, even though the declarant is available as a witness:

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(1) *Present sense impression.* A statement describing or explaining an event or condition made while the declarant was perceiving the event or condition or immediately thereafter.

(2) *Excited utterance.* A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.

(3) *Then existing mental, emotional, or physical condition.* A statement of the declarant's then existing state of mind, emotion, sensation, or physical condition (such as intent, plan, motive, design, mental feeling, pain, and bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the execution, revocation, identification, or terms of declarant's will.

(4) *Statements for purposes of medical diagnosis or treatment.* Statements made for purposes of medical diagnosis or treatment and describing medical history, or past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof insofar as reasonably pertinent to diagnosis or treatment.

(5) *Recorded recollection.* A memorandum or record concerning a matter about which a witness once had knowledge but now has insufficient recollection to enable the witness to testify fully and accurately, shown to have been made or adopted by the witness when the matter was fresh in the witness's memory and to reflect that knowledge correctly. If admitted, the memorandum or record may be read into evidence, but may not itself be received as an exhibit unless offered by an adverse party.

(6) *Records of regularly conducted activity.* A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness. The term "business" as used in this paragraph includes the armed forces, a business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit. Among those memoranda, reports, records, or data compilations normally admissible pursuant to this paragraph are enlistment papers, physical examination papers, outline-figure and fingerprint cards, forensic laboratory reports, chain of custody documents, morning reports and other personnel accountability documents, service records, officer and enlisted qualification records, logs, unit personnel diaries, individual equipment records, daily strength records of prisoners, and rosters of prisoners.

(7) *Absence of entry in records kept in accordance with the provisions of paragraph (6).* Evidence that a matter is not included in the memoranda, reports, records, or data compilations, in any form, kept in accordance with the provisions of paragraph (6), to prove the nonoccurrence or nonexistence of the matter, if the matter was of a kind of which a memorandum, report, record, or data compilation was regularly made and preserved, unless the sources of information or other circumstances indicate lack of trustworthiness.

(8) *Public records and reports.* Records, reports, statements, or data compilations, in any form, of public office or agencies, setting forth (A) the activities of the office or agency, or (B) matters observed pursuant to duty imposed by law as to which matters there was a duty to report, excluding, however, matters observed by police officers and other personnel acting in a law enforcement capacity, or (C) against the government, factual findings resulting from an investigation made pursuant to authority granted by law, unless the sources of information or other circumstances indicate lack of trustworthiness. Notwithstanding (B), the following are admissible under this paragraph as a record of a fact or event if made by a person within the scope of the person's official duties and those duties included a duty to know or to ascertain through appropriate and trustworthy channels of information the truth of the fact or event and to record such fact or event: enlistment papers, physical examination papers, outline-figure and fingerprint cards, forensic laboratory reports, chain of custody documents, morning reports and other personnel accountability documents, service records, officer and enlisted qualification records, records of court-martial convictions, logs, unit personnel diaries, individual equipment records, guard reports, daily strength records of prisoners, and rosters of prisoners.

(9) *Records of vital statistics.* Records or data compilations, in any form, of births, fetal deaths, deaths, or marriages, if the report thereof was made to a public office pursuant to requirements of law.

(10) *Absence of public record or entry.* To prove the absence of a record, report, statement, or data compilation in any form, or the nonoccurrence or nonexistence of a matter of which a record, report, statement, or data compilation, in any form, was regularly made and preserved by a public office or agency, evidence in the form of a certification in accordance with rule 902, or testimony, that diligent search failed to disclose the record, report, statement, or data compilation, or entry.

(11) *Records of religious organizations.* Statements of births, marriages, divorces, deaths, legitimacy, ancestry, relationship by blood or marriage, or other similar facts of personal or family history contained in a regularly kept record of a religious organization.

(12) *Marriage, baptismal, and similar certificates.* Statements of fact contained in a certificate that the maker performed a marriage or other ceremony or administered a sacrament, made by a clergyman, public official, or other person authorized by the rules or practices of a religious organization or by law to perform the act certified, and purporting to have been issued at the time of the act or within a reasonable time thereafter.

(13) *Family records.* Statements of fact concerning personal or family history contained in family Bibles, genealogies, charts, engravings on rings, inscriptions on family portraits, engravings on urns, crypts, or tombstones, or the like.

(14) *Records of documents affecting an interest in property.* The record of a document purporting to establish or affect an interest in property, as proof of the content of the original recorded document and its execution and delivery by each person by whom it purports to have been executed, if the record is a record of a public office and an applicable statute authorizes the recording of documents of that kind in that office.

(15) *Statements in documents affecting an interest in property.* A statement contained in a document purporting to establish or affect an interest in property if the matter stated was relevant to the purpose of the document, unless dealings with the property since the document was made have been inconsistent with the truth of the statement or the purport of the document.

(16) *Statements in ancient documents.* Statements in a document in existence twenty years or more the authenticity of which is established.

(17) *Market reports, commercial publications.* Market quotations, tabulations, directories, lists (including government price lists), or other published compilations, generally used and relied upon by the public or by persons in particular occupations.

(18) *Learned treatises.* To the extent called to the attention of an expert witness upon cross-examination or relied upon by the expert in direct examination, statements contained in published treatises, periodicals, or pamphlets on a subject of history, medicine or other science or art, established as a reliable authority by the testimony or admission of the witness or by other expert testimony or by judicial notice. If admitted, the statements may be read into evidence but may not be received as exhibits.

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(19) *Reputation concerning personal or family history.* Reputation among members of the person's family by blood, adoption, or marriage, or among the person's associates, or in the community, concerning the person's birth, adoption, marriage, divorce, death, legitimacy, relationship by blood, adoption, or marriage, ancestry, or other similar fact of the person's personal or family history.

(20) *Reputation concerning boundaries or general history.* Reputation in a community, arising before the controversy, as to boundaries of or customs affecting lands in the community, and reputation as to events of general history important to the community or State or nation in which located.

(21) *Reputation as to character.* Reputation of a person's character among the person's associates or in the community.

(22) *Judgment of previous conviction.* Evidence of a final judgment, entered after a trial or upon a plea of guilty (but not upon a plea of nolo contendere), adjudging a person guilty of a crime punishable by death, dishonorable discharge, or imprisonment in excess of one year, to prove any fact essential to sustain the judgment, but not including, when offered by the Government for purposes other than impeachment, judgments against persons other than the accused. The pendency of an appeal may be shown but does not affect admissibility. In determining whether a crime tried by court-martial was punishable by death, dishonorable discharge, or imprisonment in excess of one year, the maximum punishment prescribed by the President under Article 56 at the time of the conviction applies without regard to whether the case was tried by general, special, or summary court-martial.

(23) *Judgment as to personal, family or general history, or boundaries.* Judgments as proof of matters of personal, family, or general history, or boundaries essential to the judgment, if the same would be provable by evidence of reputation.

(24) *Other exceptions.* A statement not specifically covered by any of the foregoing exceptions but having equivalent circumstantial guarantees of trustworthiness, if the court determines that (A) the statement is offered as evidence of a material fact; (B) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and (C) the general purposes of these rules and the interests of justice will best be served by admission of the statement into evidence. However, a statement may not be admitted under this exception unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, the intention to offer the statement and the particulars of it, including the name and address of the declarant.

Rule 804. Hearsay Exceptions; Declarant Unavailable

(a) *Definitions of unavailability.* "Unavailability as a witness" includes situations in which the declarant—

(1) is exempted by ruling of the military judge on the ground of privilege from testifying concerning the subject matter of the declarant's statement; or

(2) persists in refusing to testify concerning the subject matter of the declarant's statement despite an order of the military judge to do so; or

(3) testifies to a lack of memory of the subject matter of the declarant's statement; or

(4) is unable to be present or to testify at the hearing because of death or then existing physical or mental illness or infirmity; or

(5) is absent from the hearing and the proponent of the declarant's statement has been unable to procure the declarant's attendance (or in the case of a hearsay exception under subdivision (b)(2), (3), or (4), the declarant's attendance or testimony) by process or other reasonable means; or

(6) is unavailable within the meaning of Article 49(d)(2).

A declarant is not unavailable as a witness if the declarant's exemption, refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of the declarant's statement for the purpose of preventing the witness from attending or testifying.

(b) *Hearsay exceptions.* The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

(1) *Former testimony.* Testimony given as a witness at another hearing of the same or different proceeding, or in a deposition taken in compliance with law in the course of the same or another proceeding, if the party against whom the testimony is now offered had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination. A record of testimony given before courts-martial, courts of inquiry, military commissions, other military tribunals, and before proceedings pursuant to or equivalent to those required by Article 32 is admissible under this subdivision if such record is a verbatim record. This paragraph is subject to the limitations set forth in Articles 49 and 50.

(2) *Statement under belief of impending death.* In a prosecution for homicide or for any offense resulting in the death of the alleged victim, a statement made by a declarant while believing that the declarant's death was imminent, concerning the cause or circumstances of what the declarant believed to be the declarant's impending death.

(3) *Statement against interest.* A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject the declarant to civil or criminal liability, or to render invalid a claim by the declarant against another, that a reasonable person in the position of the declarant would not have made the statement unless the person believed it to be true. A statement tending to expose the declarant to criminal liability and offered to exculpate the accused is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement.

(4) *Statement of personal or family history.* (A) A statement concerning the declarant's own birth, adoption, marriage, divorce, legitimacy, relationship by blood, adoption, or marriage, ancestry, or other similar fact of personal or family history, even though declarant had no means of acquiring personal knowledge of the matter stated; or (B) a statement concerning the foregoing matters, and death also, of another person, if the declarant was related to the other by blood, adoption, or marriage or was so intimately associated with the other's family as to be likely to have accurate information concerning the matter declared.

(5) *Other exceptions.* A statement not specifically covered by any of the foregoing exceptions but having equivalent circumstantial guarantees of trustworthiness, if the military judge determines that (A) the statement is offered as evidence of a material fact; (B) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and (C) the general purposes of these rules and the interest of justice will best be served by admission of the statement into evidence. However, a statement may not be admitted under this exception unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, the intention to offer the statement and the particulars of it, including the name and address of the declarant.

Rule 805. Hearsay Within Hearsay

Hearsay included within hearsay is not excluded under the hearsay rule if each part of the combined statements conforms with an exception to the hearsay rule provided in these rules.

Rule 806. Attacking and Supporting Credibility of Declarant

When a hearsay statement, or a statement defined in rule 801(d)(2)(C), (D), or (E), has been admitted in evidence, the credibility of the declarant may be

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attacked, and if attacked may be supported, by any evidence which would be admissible for those purposes if declarant had testified as a witness. Evidence of a statement or conduct by the declarant at any time, inconsistent with the declarant's hearsay statement, is not subject to any requirement that the declarant may have been afforded an opportunity to deny or explain. If the party against whom a hearsay statement has been admitted calls the declarant as a witness, the party is entitled to examine the declarant on the statement as if under cross-examination.

SECTION IX. AUTHENTICATION AND IDENTIFICATION

Rule 901. Requirement of Authentication or Identification

(a) *General provision.* The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.

(b) *Illustrations.* By way of illustration only, and not by way of limitation, the following are examples of authentication or identification conforming with the requirements of this rule:

(1) *Testimony of witness with knowledge.* Testimony that a matter is what it is claimed to be.

(2) *Nonexpert opinion on handwriting.* Nonexpert opinion as to the genuineness of handwriting, based upon familiarity not acquired for purposes of the litigation.

(3) *Comparison by trier or expert witness.* Comparison by the trier of fact or by expert witnesses with specimens which have been authenticated.

(4) *Distinctive characteristics and the like.* Appearance, contents, substance, internal patterns, or other distinctive characteristics, taken in conjunction with circumstances.

(5) *Voice identification.* Identification of a voice, whether heard firsthand or through mechanical or electronic transmission or recording, by opinion based upon hearing the voice at any time under circumstances connecting it with the alleged speaker.

(6) *Telephone conversations.* Telephone conversations, by evidence that a call was made to the number assigned at the time by the telephone company to a particular person or business, if (A) in the case of a person, circumstances, including self-identification, show the person answering to be the one called, or (B) in the case of a business, the call was made to a place of business and the conversation related to business reasonably transacted over the telephone.

(7) *Public records or reports.* Evidence that a writing authorized by law to be recorded or filed and in fact recorded or filed in a public office, or a purported public record, report, statement, or data compilation, in any form, is from the public office where items of this nature are kept.

(8) *Ancient documents or data compilation.* Evidence that a document or data compilation, in any form, (A) is in such condition as to create no suspicion concerning its authenticity, (B) was in place where it, if authentic, would likely be, and (C) has been in existence 20 years or more at the time it is offered.

(9) *Process or system.* Evidence describing a process or system used to produce a result and showing that the process or system produces an accurate result.

(10) *Methods provided by statute or rule.* Any method of authentication or identification provided by Act of Congress, by rules prescribed by the Supreme Court pursuant to statutory authority, or by applicable regulations prescribed pursuant to statutory authority.

Rule 902. Self-Authentication

Extrinsic evidence of authenticity as a condition precedent to admissibility is not required with respect to the following:

(1) *Domestic public documents under seal.* A document bearing a seal purporting to be that of the United States, or any State, district, Commonwealth, territory, or insular possession thereof, or the Panama Canal Zone, or the Trust Territory of the Pacific Islands, or of a political subdivision, department, officer, or agency thereof, and a signature purporting to be an attestation or execution.

(2) *Domestic public documents not under seal.* A document purporting to bear the signature in the official capacity of an officer or employee of any entity included in paragraph (1) hereof, having no seal, if a public officer having a seal and having official duties in the district or political subdivision of the officer or employee certifies under seal that the signer has the official capacity and that the signature is genuine.

(3) *Foreign public documents.* A document purporting to be executed or attested in an official capacity by a person authorized by the laws of a foreign country to make the execution or attestation, and accompanied by a final certification as to the genuineness of the signature and official position (A) of the executing or attesting person, or (B) of any foreign official whose certificate of genuineness of signature and official position relates to the execution or attestation or is in a chain of certificates of genuineness of signature and official position relating to the execution or attestation. A final certification may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or a diplomatic or consular official of the foreign country assigned or accredited to the United States. If reasonable opportunity has been given to all parties to investigate the authenticity and accuracy of official documents, the court may, for good cause shown, order that they be treated as presumptively authentic without final certification or permit them to be evidenced by an attested summary with or without final certification.

(4) *Certified copies of public records.* A copy of an official record or report or entry therein, or of a document authorized by law to be recorded or filed and actually recorded or filed in a public office, including data compilations in any form, certified as correct by the custodian or other person authorized to make the certification, by certificate complying with paragraphs (1), (2), or (3) of this rule or complying with any Act of Congress, rule prescribed by the Supreme Court pursuant to statutory authority, or an applicable regulation prescribed pursuant to statutory authority.

(4*a*) *Documents or records of the United States accompanied by attesting certificates.* Documents or records kept under the authority of the United States by any department, bureau, agency, office, or court thereof when attached to or accompanied by an attesting certificate of the custodian of the document or record without further authentication.

(5) *Official publications.* Books, pamphlets, or other publications purporting to be issued by public authority.

(6) *Newspapers and periodicals.* Printed materials purporting to be newspapers or periodicals.

(7) *Trade inscriptions and the like.* Inscriptions, signs, tags or labels purporting to have been affixed in the course of business and indicating ownership, control, or origin.

(8) *Acknowledged documents.* Documents accompanied by a certificate of acknowledgment executed in the manner provided by law by a notary public or other officer authorized by law to take acknowledgments.

(9) *Commercial paper and related documents.* Commercial paper, signatures thereon, and documents relating thereto to the extent provided by general commercial law.

(10) *Presumptions under Acts of Congress and Regulations.* Any signature, document, or other matter declared by Act of Congress or by applicable regulation prescribed pursuant to statutory authority to be presumptively or prima facie genuine or authentic.

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Rule 903. Subscribing Witness' Testimony Unnecessary

The testimony of a subscribing witness is not necessary to authenticate a writing unless required by the laws of the jurisdiction whose laws govern the validity of the writing.

SECTION X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS

Rule 1001. Definitions

For purposes of this section the following definitions are applicable:

(1) *Writings and recordings.* "Writings" and "recordings" consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other form of data compilation.

(2) *Photographs.* "Photographs" include still photographs, X-ray films, video tapes, and motion pictures.

(3) *Original.* An "original" of a writing or recording is the writing or recording itself or any counterpart intended to have the same effect by a person executing or issuing it. An "original" of a photograph includes the negative or any print therefrom. If data are stored in a computer or similar device, any printout or other output readable by sight, shown to reflect the data accurately, is an "original".

(4) *Duplicate.* A "duplicate" is a counterpart produced by the same impression as the original, or from the same matrix, or by means of photography, including enlargements and miniatures, or by mechanical or electronic rerecording, or by chemical reproduction, or by other equivalent techniques which accurately reproduce the original.

Rule 1002. Requirement of an Original

To prove the content of a writing, recording, or photograph, the original writing, recording, or photograph is required, except as otherwise provided in these rules, this Manual, or by Act of Congress.

Rule 1003. Admissibility of Duplicates

A duplicate is admissible to the same extent as an original unless (1) a genuine question is raised as to the authenticity of the original or (2) in the circumstances it would be unfair to admit the duplicate in lieu of the original.

Rule 1004. Admissibility of Other Evidence of Contents

The original is not required, and other evidence of the contents of a writing, recording, or photograph is admissible if:

(1) *Originals lost or destroyed.* All originals are lost or have been destroyed, unless the proponent lost or destroyed them in bad faith; or

(2) *Original not obtainable.* No original can be obtained by any available judicial process or procedure; or

(3) *Original in possession of opponent.* At a time when an original was under the control of the party against whom offered, the party was put on notice, by the pleadings or otherwise, that the contents would be a subject of proof at the hearing, and the party does not produce the original at the hearing; or

(4) *Collateral matters.* The writing, recording, or photograph is not closely related to a controlling issue.

Rule 1005. Public Records

The contents of an official record, or of a document authorized to be recorded or filed and actually recorded or filed, including data compilations in any form, if otherwise admissible, may be proved by copy, certified as correct or attested to in accordance with rule 902 or testified to be correct by a witness who has compared it with the original. If a copy which complies with the foregoing cannot be obtained by the exercise of reasonable diligence, then other evidence of the contents may be given.

Rule 1006. Summaries

The contents of voluminous writings, recordings, or photographs which cannot conveniently be examined in court may be presented in the form of a chart, summary, or calculation. The originals, or duplicates, shall be made available for examination or copying, or both, by other parties at reasonable time and place. The military judge may order that they be produced in court.

Rule 1007. Testimony or Written Admission of Party

Contents of writings, recordings, or photographs may be proved by the testimony or deposition of the party against whom offered or by the party's written admission, without accounting for the nonproduction of the original.

Rule 1008. Functions of Military Judge and Members

When the admissibility of other evidence of contents of writings, recordings, or photographs under these rules depends upon the fulfillment of a condition of fact, the question whether the condition has been fulfilled is ordinarily for the military judge to determine in accordance with the provisions of rule 104. However, when an issue is raised (a) whether the asserted writing ever existed, or (b) whether another writing, recording, or photograph produced at trial is the original, or (c) whether other evidence of contents correctly reflects the contents, the issue is for the trier of fact to determine as in the case of other issues of fact.

SECTION XI. MISCELLANEOUS RULES

Rule 1101. Applicability of Rules

(a) *Rules applicable.* Except as otherwise provided in this Manual, these rules apply generally to all courts-martial, including summary courts-martial; to proceedings pursuant to Article 39(a); to limited factfinding proceedings ordered on review; to proceedings in revision; and to contempt proceedings except those in which the judge may act summarily.

(b) *Rules of privilege.* The rules with respect to privileges in Section V apply at all stages of all actions, cases, and proceedings.

(c) *Rules relaxed.* The application of these rules may be relaxed in sentencing proceedings as provided under paragraph 75*c* and otherwise as provided in this Manual.

(d) *Rules inapplicable.* These rules (other than with respect to privileges) do not apply in investigative hearings pursuant to Article 32; proceedings for vacation of suspension of sentence pursuant to Article 72; proceedings for search authorizations; proceedings involving pretrial restraint; and in other proceedings authorized under the Uniform Code of Military Justice or this Manual and not listed in rule 1101(a).

Rule 1102. Amendments

Amendments to the Federal Rules of Evidence shall apply to the Military Rules of Evidence 180 days after the effective date of such amendments unless action to the contrary is taken by the President.

Rule 1103. Title

These rules may be known and cited as the Military Rules of Evidence.

PART B. CONFORMING AMENDMENTS

SEC. 1. Chapter VI is amended as follows:

(a) The second paragraph within paragraph 26*d* is amended by striking out "(148*e*)"; and

(b) Paragraph 28*c* is amended by striking out "147*a* and".

SEC. 2. Chapter VII is amended as follows:

(a) Paragraph 30*a* is amended to read as follows: "The rules concerning interrogations, searches and seizures, and identification procedures are set forth in chapter XXVII, section III.";

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(b) Paragraph 30*b* is amended to read as follows: "The rules concerning privileges are set forth in chapter XXVII, section V.";

(c) Paragraph 32*b* is amended by striking out the sixth sentence and inserting in place thereof the following:

"The rules concerning interrogations, searches and seizures, and identification procedures are set forth in chapter XXVII, section III. The rules concerning privileges are set forth in chapter XXVII, section V.";

and

(d) Paragraph 32*f*(4)(c) is amended by striking out the second sentence.

SEC. 3. Chapter IX is amended as follows:

(a) The second paragraph within paragraph 44*g*(1) is amended by striking out "154*b*" and inserting in place thereof "54*f*".

(b) The second paragraph within paragraph 44*g*(2) is amended to read as follows:

"On behalf of the prosecution, he conducts the examination of witnesses under the rules of evidence set forth in chapter XXVII.".

(c) The second paragraph within paragraph 44*h* is amended by striking out "151*b* (1) and (3)" and inserting in place thereof "chapter XXVII, section V";

(d) Paragraph 48*d* is amended by striking out "154*b*" and inserting in place thereof "54*f*";

(e) Paragraph 48*g* is amended by striking out "148*e*, 149*b*;"; and

(f) Paragraph 50*c* is amended by striking out the second sentence.

SEC. 4. Chapter X is amended as follows:

(a) Paragraph 53*c* is amended by striking out "140*b*" and inserting in place thereof "chapter XXVII, rule 306";

(b) Paragraph 53*h* is amended by striking out "(75*c*(2), 140*a*, 148*e*, and 149*b*)";

(c) Paragraph 54 is amended as follows:

(1) Paragraph 54*a* is amended by striking out everything after the first sentence and inserting in place thereof the following:

"Examination of a witness by the military judge or members of the court-martial ordinarily is conducted after examination of that witness by the parties.";

(2) Paragraph 54*d* is amended:

(A) by striking out the second sentence of the first paragraph;

(B) by striking out the last sentence of the second paragraph; and

(C) by adding the following paragraph at the end thereof:

"When a witness points or otherwise refers to certain parts of a map, photograph, sketch, or chart, the military judge, or the president of a special court-martial without a military judge, should require counsel examining the witness to have the witness mark the exhibit in some fashion and identify the mark in his testimony so that reviewing authorities may obtain a clear comprehension of the testimony of the witness. If a large map, photograph, sketch, or chart is being used so that it can be observed by all parties to the trial, the military judge, or the president of a special court-martial without a military judge, should require that it, or a copy complete with all marks placed upon the original, be attached to the record of trial as an exhibit. A blackboard should not be used unless it can be photographed or reproduced in some manner."; and

(3) Paragraph 54*f* is amended as follows:

"*f. Stipulations.* (1) *As to facts and the contents of writings.* The parties may make a written or oral stipulation as to the existence or nonexistence of any fact. If an accused has pleaded not guilty and the plea still stands, a stipulation which practically amounts to a confession should not be received in evidence. Also, a stipulation which if true would operate as a complete defense to an offense charged should not be received in evidence. A stipulation should not be received in evidence if any doubt exists as to the accused's understanding of what is involved. A party may withdraw from an agreement to stipulate or from a stipulation at any time before the stipulation is received in evidence, and in such a case the stipulation cannot be received in evidence. Also, the military judge or the president of a special court-martial without a military judge may as a matter of discretion permit a party to withdraw from a stipulation which has been received in evidence, and in this event the stipulation must be disregarded by the court. Unless it is properly withdrawn or is ordered stricken from the record, a stipulation of fact that has been received in evidence may not be contradicted by the parties thereto.

"Subject to the above observations as to stipulations of facts, stipulations may be made as to the contents of a writing.

"(2) *As to testimony.* The parties may stipulate that if a certain person were present in court as a witness he would give certain testimony under oath. Such a stipulation does not admit the truth of the indicated testimony, nor does it add anything to the weight or the evidentiary nature of the testimony. Stipulated testimony may be attacked, contradicted, or explained in the same way as though the witness had actually so testified in person. The principles set forth in (1) above, as to the reception in evidence of stipulations and as to the withdrawal by a party from agreements to stipulate and from stipulations apply here also.

"A written stipulation as to testimony is merely read in evidence. Except for inspection of the writing by the president of a special court-martial without a military judge for the purpose of determining the admissibility of its contents, the writing itself is not shown to the members of the court. However, the writing shall be properly marked and incorporated in the record.

"(3) *Instructions concerning stipulations received in a joint or common trial.* When in a joint or common trial a stipulation is received which was made by only one or some of the accused, the members of the court should be instructed that the stipulation may be considered only with respect to the accused person or persons who joined in it.

"(4) The following paragraph is inserted at the end of paragraph 54:

"*g. Real evidence.* 'Real evidence' includes physical objects, such as clothing, jewelry, weapons, and marks or wounds on a person's body. If an item of real evidence which has been introduced in the case is not to be attached to the record of trial because of the impracticability of doing so or for some other reason, the item should be clearly and accurately described for the record by testimony, photographs, or other means so that it may be considered properly upon review of the case.";

(d) Paragraph 56*c* is amended by striking out "and 148*e*";

(e) Paragraph 57*a*(2) is amended by striking out "; for examples, see 138*g*, 140*b*, and 153*b*(2)(c)";

(f) The fourth paragraph within paragraph 57*b* is amended by striking out everything after "considered separately.";

(g) The second paragraph within paragraph 57*g*(2) is amended by striking out "(154*c*)"; and

(h) The third paragraph within paragraph 57*g*(2) is amended by striking out the last sentence.

SEC. 5. Chapter XII is amended by inserting a new paragraph after paragraph 69 as follows:

"89A. Motions to suppress. In addition to the motions discussed in paragraph 69, motions to suppress may be made under chapter XXVII (Military Rules of Evidence).".

SEC. 6. Chapter XIII is amended as follows:

(a) The fourth paragraph within paragraph 72*b* is amended as follows: "Refusal of a witness to answer a proper question may be commented upon except as otherwise provided in chapter XXVII (Military Rules of Evidence).";

(b) Paragraph 73*a* is amended by striking out "(154*a*(3))";

(c) Paragraph 74*a*(2) is amended by striking out the last sentence and inserting in place thereof the following:

"A conviction cannot be based solely upon self-contradictory testimony given by a witness other than the accused, even if a motive on the part of the accused to commit the offense is shown, if the contradiction is not adequately explained by the witness in the witness testimony. Also, a conviction cannot be based upon uncorroborated testimony given by an accomplice in a trial for any offense if the testimony is self-contradictory, uncertain, or improbable. Even if apparently corroborated and apparently credible, testimony of an accomplice which is adverse to the accused is of questionable integrity and is to be considered with great caution. When appropriate, the above consideration should, upon request by the defense, be included in the general instructions of the military judge or the president of a special court-martial without a military judge.";

(d) The fourth paragraph within paragraph 74*a*(3) is amended by striking out everything after the second sentence and inserting in place thereof the following:

"Evidence that tends directly to prove or disprove a fact in issue is called direct evidence. Evidence that tends directly to prove or disprove not a fact in issue but a fact or circumstance from which, either alone or in connection with other facts or circumstances, one may, according to the common experience of mankind, reasonably infer the existence or nonexistence of another fact which is in issue is called indirect or circumstantial evidence. Circumstantial evidence is not resorted to as secondary or inferior evidence or only when there is an absence of direct evidence. It is admissible even when there is direct evidence. There is no general rule for contrasting the weight of circumstantial or direct evidence. The assertion of an eyewitness may be more convincing than contrary inferences that may be drawn from certain circumstances. Conversely, an inference drawn from one or more circumstances may be more convincing than a contrary assertion of an eyewitness.";

(e) The third paragraph within paragraph 75*b*(2) is amended by striking out the third sentence and inserting in place thereof the following:

"The admissibility of evidence of previous convictions under this paragraph is governed by chapter XXVII (Military Rules of Evidence)."; and

(f) Paragraph 76*a*(2) is amended:

(1) by striking out "See 138*g* and 153*b*(2)(b).";

and

(2) by striking out "145*c*" and inserting in place thereof "in chapter XXVII (Military Rules of Evidence)".

SEC. 7. Chapter XIV is amended as follows:

(a) Paragraph 79*a* is amended by striking out "See also 137."; and

(b) Paragraph 79*d*(1) is amended by striking out "148*e*" and inserting in place thereof "chapter XXVII, section III".

SEC. 8. Chapter XV is amended as follows:

(a) Paragraph 81*a* is amended by striking out "145*b*" and inserting in place thereof "chapter XXVII, rule 804(b)(1) (Military Rules of Evidence)"; and

(b) Paragraph 81*b*(2) is amended:

(1) by striking out "154*b*" and inserting in place thereof "54*f*"; and

(2) by striking out "145*b*" and inserting in place thereof "54*f*".

SEC. 9. Chapter XVI is amended as follows:

Paragraph 82*g*(1) is amended by striking out "143*a*(2)".

SEC. 10. Chapter XXIII is amended as follows:

(a) Paragraph 115*a* is amended by striking out "154*b* and inserting in place thereof "54*f*";

(b) Paragraph 115*c* is amended by striking out "151*b*(1) and (3)" and inserting in place thereof "chapter XXVII, section V (Military Rules of Evidence)";

(c) Paragraph 117*b*(6) is amended to read as follows:

"(6) *Examination of deponents.* Each party at the deposition is entitled to examine the deponent in the manner set forth for the examination of witnesses under chapter XXVII (Military Rules of Evidence).";

(d) Paragraph 117*b*(8) is amended by striking out everything after "See" and inserting in place thereof "chapter XXVII (Military Rules of Evidence) with respect to rules governing authentication of documents."; and

(e) Paragraph 117*b*(11) is amended to read as follows:

"(11) *Use at trial.* The admissibility of depositions at trial is governed by Article 49 and chapter XXVII (Military Rules of Evidence).

"A deposition will ordinarily be read to the court by the side on whose behalf it is being offered. At the reading, objections may be made to the introduction of the evidence which it contains in the same way that they would be made if the evidence was offered in the usual manner. If the ground of an objection to the use of a deposition or a part thereof is one which might have been obviated or removed, either in connection with the deposition itself or by retaking the deposition, if presented at the time interrogatories were submitted to the objecting party or to the military judge or the president of a special court-martial without a military judge or at the time the deposition was taken, a failure to have made the objection at that time is a waiver of the objection. It may be shown that an objection actually was made even if the objection is not noted in the body of the deposition, but in the absence of such a showing it may be assumed that no objections were made other than those noted. If the military judge or the president of a special court-martial without a military judge has ruled on an objection at the time interrogatories were submitted for acceptance, the objection shall again be considered at the time the deposition is read, if a request to do so is then made, without regard to the previous ruling.

"A failure to object to the introduction of a deposition on the ground that it was not taken on reasonable notice or before a proper officer, on the ground that it does not appear that the deponent is unavailable as a witness, or on the ground that the accused was not afforded in connection with the taking of the deposition an opportunity to be adequately represented by counsel and to confront and cross-examine the deponent may be regarded as a waiver of that objection.".

SEC. 11. Chapter XXIV is amended as follows:

(a) Paragraph 120*b* is amended by striking out everything after the first sentence and inserting in place thereof the following:

"A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect the person lacks substantial capacity to appreciate the criminality of his or her conduct or to conform his or her conduct to the requirements of law. As used in this paragraph, the terms 'mental disease or defect' do not include an abnormality manifested only by repeated criminal or otherwise antisocial behavior.";

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(b) Paragraph 120*c* is amended by striking out everything after the first sentence;

(c) Paragraph 121 is amended to read as follows:

"121. INQUIRY. If it appears to any commanding officer who considers the disposition of charges as indicated in 32, 33, and 35 or to any investigating officer (34), trial counsel, defense counsel or, as provided by 122, military judge or member of the court, that there is reason to believe that the accused is insane (120*d*) or was insane at the time of the alleged offense (120*b*), that fact and the basis of the belief or observation should be submitted through appropriate channels to the officer authorized to order an inquiry into the mental condition of the accused. The submission may be accompanied by a formal application for a mental examination under this paragraph. Prior to referral of charges, such inquiry may be ordered by the convening authority with immediate responsibility for the disposition of the charges. After referral of charges, the inquiry may be ordered by the military judge; provided, however, that the convening authority may order such an inquiry after referral of charges but prior to commencement of the first session of the court-martial conducted pursuant to Article 39(a) when a military judge is not reasonably available. The military judge may order a mental examination of the accused whenever he deems it appropriate notwithstanding any prior determination by the convening authority.

"When the report or the observations of the officer authorized to order an inquiry under this paragraph indicates a reasonable basis for such inquiry, the matter shall be referred to a board of one or more physicians for their observation and report as to the sanity of the accused. At least one member of the board should be a psychiatrist.

"When a mental examination is ordered under this paragraph, the order shall contain the reasons for doubting the sanity of the accused or requesting the examination. In addition to other requirements, the order shall require the board to make separate and distinct findings as to each of the following questions:

"At the time of the alleged criminal conduct did the accused have a mental disease or defect? The terms 'mental disease or defect' do not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct.

"What is the clinical psychiatric diagnosis?

"Did the accused, at the time of the alleged criminal conduct and as a result of such mental disease or defect, lack substantial capacity to appreciate the criminality of his conduct?

"Did the accused, at the time of the alleged criminal conduct and as a result of such mental disease or defect, lack substantial capacity to conform his conduct to the requirements of law?

"Does the accused possess sufficient mental capacity to understand the nature of the proceedings against him and to conduct or cooperate intelligently in his defense (120*d*)?

"Such other questions as may be appropriate may also be included.

"In addition to the above requirements, the order shall specify:

"That upon completion of the board's investigation, only a statement of the board's ultimate conclusions as to all questions specified in the order shall be submitted to the officer ordering the examination, the individual's commanding officer, the investigating officer, if any, appointed pursuant to Article 32, and to all counsel in the case, the convening authority, and, after referral, to the military judge;

"That the full report of the board may be released by the board or other medical personnel only to other medical personnel for medical purposes, unless otherwise authorized by the convening authority or, after referral of charges by the military judge, except that a copy of the full report shall be furnished to the defense and, upon request, to the commanding officer of the accused; and

"That neither the contents of the report nor any matter considered by the board during its investigation shall be released by the board or other medical personnel to any individual not authorized to receive the full report, except pursuant to an order by the military judge.

"No individual, other than the defense counsel, accused, or, after referral of charges, the military judge, shall disclose to the trial counsel any statement made by the accused to the board or any evidence derived from that statement. See Military Rule of Evidence 302.

"The board should place the accused under observation, examine him, and conduct any further investigation that it deems necessary to comply with the order.

"Based upon the report, further action in the case may be suspended, the charges may be dismissed by an officer competent to convene a court-martial appropriate to try the offense charged, administrative action may be taken to discharge the accused from the service on the grounds of his mental disability, or, subject to Military Rule of Evidence 302, the charges may be referred to trial. Additional mental examinations may be directed at any stage of the proceedings as circumstances may require.";

(d) Paragraph 122*a* is amended by striking out "inference of sanity (138*a*(2))" and inserting in place thereof "presumption of sanity"; and

(e) Paragraph 122*c* is repealed.

SEC. 12. Chapter XXV is amended as follows:

Paragraph 127*c*(1) is amended by striking out "76*a*, 123, and 154*a*" and inserting in place thereof "76*a* and 123".

SEC. 13. Chapter XXVIII is amended as follows:

(a) The seventh paragraph within paragraph 162 is amended by striking out everything after "service record is" and inserting in place thereof "evidence of the fact, type, and date of discharge if such record is admissible under chapter XXVII (Military Rules of Evidence).";

(b) Paragraph 165 is amended by striking out "143 (Documentary Evidence)" and inserting in place thereof "chapter XXVII (Military Rules of Evidence)";

(c) Paragraph 171*b* is amended by striking out "See 138*b*.";

(d) the third paragraph within paragraph 194 is amended to read as follows:

"The use of expert medical testimony on the issue of whether a purported illness of the accused was feigned is governed by chapter XXVII (Military Rules of Evidence).";

(e) Paragraph 197*a* is amended by striking out "154*a*(2)" and inserting in place thereof "216*b*";

(f) The fourth paragraph within paragraph 199*a* is amended by striking out the last sentence;

(g) The eleventh paragraph within paragraph 202A is amended to read as follows:

"Chapter XXVII (Military Rules of Evidence) governs the permissible means of proving banking entries and the authentication of checks, drafts, or orders returned with payment refused and the admissibility of these returned instruments.";

(h) The sixth paragraph within paragraph 213*b* is amended by striking out "154*a*(4)" and inserting in place thereof "216*i*";

(i) Paragraph 213*f*(4) is amended by striking out "147*a* as to taking judicial notice" and inserting in place thereof "chapter XXVII (Military Rules of Evidence) concerning proof"; and

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(j) Paragraph 213*f*(9) is amended by striking out "154*a*(4)" and inserting in place thereof "216*i*".

SEC. 14. Chapter XXIX is amended as follows:

(a) The third paragraph within paragraph 214 is amended by striking out "154*a*(3), (4), and (5)" and inserting in place thereof "216";

(b) Paragraph 216 is amended:

(1) by striking out the last sentence of the second paragraph within paragraph 216*c;*

(2) by striking out "See 138*g*(6)" in paragraph 216*e;* and

(3) by inserting the following at the end thereof:

"*h. Effect of drunkenness.* A temporary loss of reason which accompanies and is part of a drunken spree and which is not the result of delirium tremens or some other mental defect, disease, or derangement is not insanity in the legal sense. It is a general rule that voluntary drunkenness not amounting to legal insanity, whether caused by liquor or drugs, is not an excuse for an offense committed while in that condition. However, evidence of any degree of voluntary drunkenness may be introduced for the purpose of raising a reasonable doubt as to the existence of actual knowledge, specific intent, or a premeditated design to kill if actual knowledge, specific intent, or premeditated design to kill is a requirement of the offense.

"Evidence of drunkenness of the accused may be admitted on the question of the measure of punishment to be awarded in the event of conviction, even if that drunkenness would not be a defense to the offense charged.

"i. Effect of ignorance or mistake of fact. Ignorance or mistake of fact on the part of the accused is a defense when any type of knowledge of a certain fact is necessary to establish the offense. However, depending on the offense and facts involved, ignorance or mistake of fact may not be a defense unless the ignorance or mistake is reasonable. A feigned ignorance or mistake is, of course, no ignorance or mistake at all. If a certain fact, although an element of the offense, is one as to which no type of knowledge is required, such as the age of the victim in carnal knowledge (199*b*), ignorance or mistake as to that fact, even if reasonable will not be a defense but may be shown in extenuation. Some specific applications of these rules appear in chapter XXVIII (Punitive Articles).

"j. Effect of ignorance or mistake of law. As a general rule, ignorance or mistake of law, or of properly published regulations or directives of a general nature having the force of law, is not an excuse for the commission of an offense. If, however, to indicate the existence of a requisite intent or for any other reason, actual knowledge of a certain law or of the legal effect of certain known facts is necessary to establish the offense, ignorance or mistake as to that law or legal effect will be a defense. Also, ignorance or mistake of law or the legal effect of certain known facts may be a defense to show the absence of a guilty state of mind involved in an offense when actual knowledge thereof is not necessary to establish the offense. In this instance, however, depending on the offense and facts involved, the ignorance or mistake may not be a defense, unless it is reasonable. A feigned ignorance or mistake of law or the legal effect of certain known facts is, of course, no ignorance or mistake at all. Additionally, except for general orders or regulations, a person cannot be held responsible for a violation of a military regulation or directive unless he had actual knowledge of the regulation or directive. See 171*a* and *b* as to the distinction between general orders or regulations and other military orders.

"Even if the offense is one as to which ignorance or mistake of law is not a defense, the ignorance or mistake may nevertheless be shown in extenuation."

SEC. 15. Appendix 8*b* is amended:

(a) by striking out "See 154*b.*" (Manual for Courts-Martial (rev. ed. 1969), at A8–16);

(b) by striking out "As to the competency of witnesses in general, see 148*a.*" (Manual for Courts-Martial (rev. ed. 1969), at A8–16);

(c) by striking out "see 149*b*(1)", (Manual for Courts-Martial (rev. ed. 1969), at A8–17);

(d) by striking out "See 149*b*(2)." (Manual for Courts-Martial (rev. ed. 1969), at A8–17);

(e) by striking out "(149*b*(3))", (Manual for Courts-Martial (rev. ed. 1969), at A8–17);

(f) by striking out "See 149*b*(3)." (Manual for Courts-Martial (rev. ed. 1969), at A8–17);

(g) by striking out "See 57*a*(2), 138*g*, 140*a*, and 153*b*(2)(c)." (Manual for Courts-Martial (rev. ed. 1969), at A8–18);

(h) by striking out "see 143*b*(2) and (3) concerning their authentication." (Manual for Courts-Martial (rev. ed. 1969), at A8–19);

(i) by striking out "See 154*b.*" (Manual for Courts-Martial (rev. ed. 1969), at A8–19);

(j) by striking out "See 145 and 154*b*(2)." (Manual for Courts-Martial (rev. ed. 1969), at A8–19);

(k) by striking out "(140*a*)" and inserting in place thereof "unless there is a waiver of the voluntariness issue under Chapter XXVII, section III (Military Rules of Evidence", (Manual for Courts-Martial (rev. ed. 1969), at A8–19);

(l) by striking out "(149*b*)" (Manual for Courts-Martial (rev. ed. 1969), at A8–19);

(m) by striking out "in accordance with 53*h* and 140*a*" (Manual for Courts-Martial (rev. ed. 1969), at A8–19);

(n) by striking out "See 149*b.*" (Manual for Courts-Martial (rev. ed. 1969), at A8–21);

(o) by striking out "See 148*c*, 149*b*(1), and 150*b.*" (Manual for Courts-Martial (rev. ed. 1969), at A8–21);

(p) by striking out "(140*c*)" (Manual for Courts-Martial (rev. ed. 1969), at A8–22); and

(q) by striking out the following:

"NOTE. The right of the members of the court to cause the recall of a witness or to call for additional evidence is subject to an interlocutory ruling by the MJ as to the propriety therefor. See 54*b*.

"Unless the MJ directs otherwise, the TC will conduct the direct and redirect examination of witnesses called by the court in the same manner as if the witness had been called by the prosecution. However, the MJ may permit the court members to question the witness directly, or he may do so himself, at any time after the TC has asked the initial formal questions. See 149*b*(3) for details concerning the proper examination of a witness by the court or a member and for limitations which the MJ may place on this examination."

(Manual for Courts-Martial (rev. ed. 1969), at A8–22).

SEC. 16. Appendix 9*a* is amended by striking out "(see, for example, 148*b*)" (Manual for Courts-Martial (rev. ed. 1969), at A9–3).

PART C. EFFECTIVE DATE

These amendments shall take effect on September 1, 1980. These amendments apply to all court-martial processes taken on or after that date: *Provided,* that nothing contained in these amendments shall be construed to invalidate any investigation, trial in which arraignment has been completed, or other action begun prior to that date; and any such investigation, trial, or other action may be completed in accordance with applicable laws, Executive Orders, and regulations in the same manner and with the same effect as if these amend-

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ments had not been prescribed. The Secretary of Defense, on behalf of the President, shall transmit a copy of this order to the Congress of the United States in accord with section 836 of title 10 of the United States Code.

Jimmy Carter

THE WHITE HOUSE,
March 12, 1980.

[FR Doc. 80-6106
Filed 3-12-80; 4:40 pm]
Billing code 3195-01-M

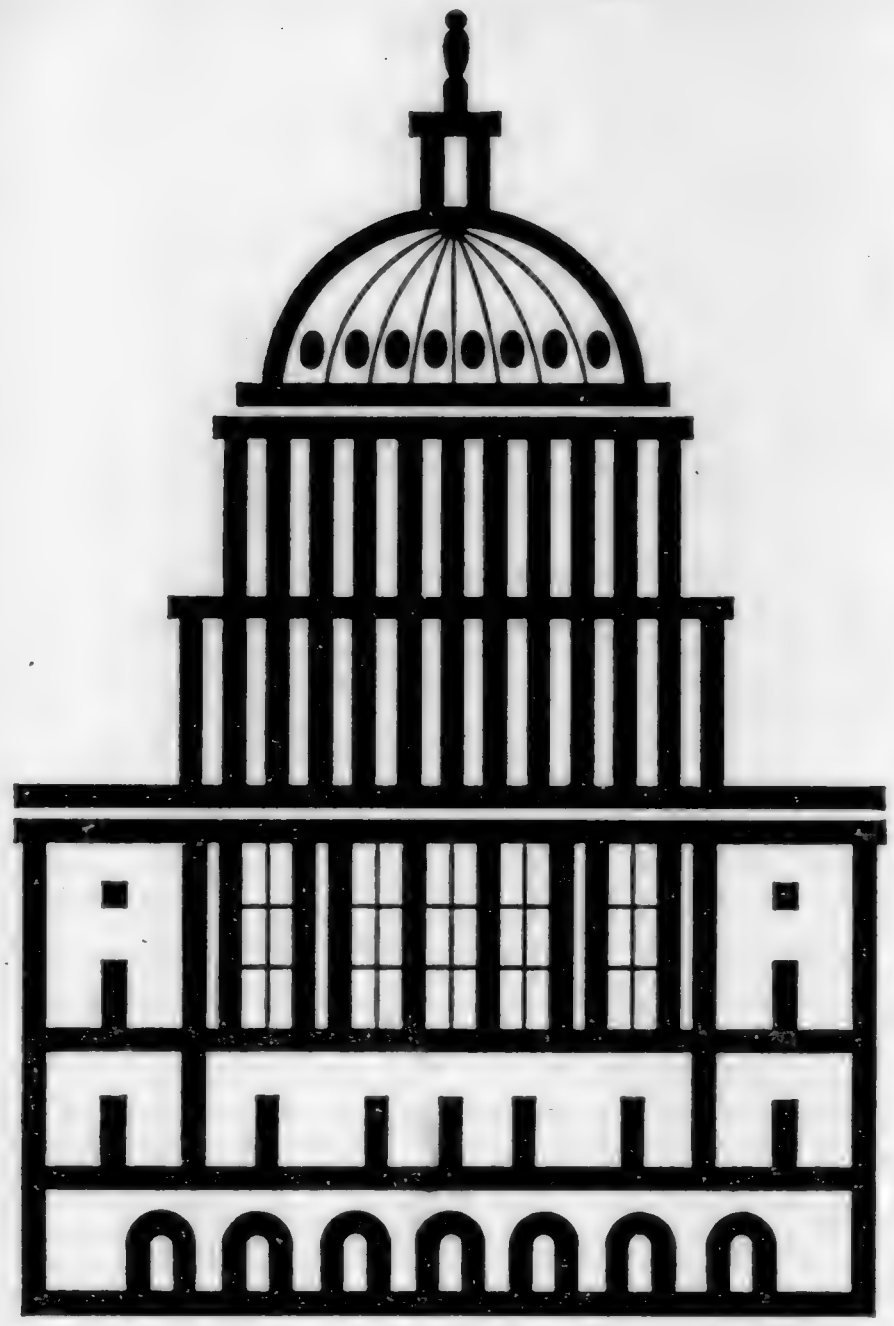
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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Presidential Documents

Title 3—

The President

Presidential Determination No. 80–12 of March 3, 1980

Eligibility of Somalia to Purchase Defense Articles and Defense Services Under the Arms Export Control Act

Memorandum for the Secretary of State.

Pursuant to the authority vested in me by Section 3(a)(1) of the Arms Export Control Act, I hereby find that the sale of defense articles and defense services to the Government of Somalia will strengthen the security of the United States and promote world peace.

You are directed on my behalf to report this finding to the Congress.

This finding, which amends Presidential Determination No. 73–10 of January 2, 1973 (38 F.R. 7211), as amended by Presidential Determinations No. 73–12 of April 26, 1973 (38 F.R. 12799), No. 74–9 of December 13, 1973 (39 F.R. 3537), No. 75–2 of October 29, 1974 (39 F.R. 39863), No. 75–21 of May 20, 1975 (40 F.R. 24889), No. 76–1 of August 5, 1975 (40 F.R. 37205), No. 76–11 of March 25, 1976 (41 F.R. 14163), No. 76–12 of April 14, 1976 (41 F.R. 16281), No. 77–5 of November 5, 1976 (41 F.R. 50625), No. 77–17 of August 1, 1977 (42 F.R. 40169), No. 77–20 of September 1, 1977 (42 F.R. 48867), No. 79–5 of February 6, 1979 (44 F.R. 12153), and No. 79–11 of June 21, 1979 (44 F.R. 38437), shall be published in the **Federal Register.**

Jimmy Carter

THE WHITE HOUSE,
Washington, March 3, 1980.

[FR Doc. 80–8257
Filed 3–13–80; 4:36 pm]
Billing code 3195–01–M

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Presidential Documents

Proclamation 4736 of March 13, 1980

National Maritime Day, 1980

By the President of the United States of America

A Proclamation

Throughout the history of the United States, trade and shipping have made a vital contribution to the Nation's growth and economic vitality. Today, the American Merchant Marine continues to aid the development of American enterprise and to foster the well-being of all American citizens by linking U.S. industries, farms and markets with our overseas trading partners.

In addition, our Merchant Marine has shown valor and dedication in providing logistic support to United States military forces in times of national emergency.

In recognition of the importance of the American Merchant Marine, and in commemoration of the departure from Savannah, Georgia, on May 22, 1819, of the S.S. Savannah on the first transatlantic voyage by any steamship, the Congress of the United States, by joint resolution of May 20, 1933 (48 Stat. 73, 36 U.S.C. 145), designated May 22 of each year as National Maritime Day and requested the President to issue annually a proclamation calling for appropriate observances.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do urge the people of the United States to honor our American Merchant Marine on May 22, 1980, by displaying the flag of the United States at their homes and other suitable places, and I call upon all ships under the American flag to dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

Jimmy Carter

[FR Doc. 80-8270
Filed 3-14-80; 10:37 am]
Billing code 3195-01-M

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Rules and Regulations

Federal Register
Vol. 45, No. 53
Monday, March 17, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL RESERVE SYSTEM

12 CFR Part 202

[Reg B; EC-0015]

Equal Credit Opportunity; Official Staff Interpretation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official Staff Interpretation.

SUMMARY: The Board is publishing the following official staff interpretation of Regulation B, Equal Credit Opportunity, regarding the Home Improvement and Energy Loan Application (FHLMC Form 703/FNMA Form 1012, 2/80). The agency is taking this action in response to a request for interpretation of this regulation.

EFFECTIVE DATE: On or after April 16, 1980.

FOR FURTHER INFORMATION CONTACT: Robert C. Plows, Assistant Director, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–3667).

SUPPLEMENTARY INFORMATION: (1) Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR 261.6.

(2) An opportunity for public comment on an official staff interpretation may be provided upon request of interested parties and in accordance with 12 CFR 202.1(d)(2)(ii). As provided by 12 CFR 202.1(d)(3) every request for public comment must be in writing, should clearly identify the number of the official staff interpretation in question, should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 and must be post marked or received by the Secretary's office before the effective date of the interpretation. The request must also state the reasons why an opportunity for public comment would be appropriate.

(3) Authority: 15 U.S.C. 1691(b).

EC–0015, Section 202.5(e), FHLMC–FNMA home improvement and energy loan application complies with Regulation B.

February 27, 1980.

You ask in your . . . letter whether the Home Improvement and Energy Loan Application (FHLMC Form 703/FNMA Form 1012, 2/80) prepared jointly by the Federal Home Loan Mortgage Corporation and the Federal National Mortgage Association complies with the Equal Credit Opportunity Act as implemented by Federal Reserve Regulation B.

We have examined the application; in our opinion, it fully complies with §§ 202.5(c) and (d) of Regulation B. We therefore believe that a creditor that properly uses the application also would comply with those provisions of the regulation.

As you have requested, this is an official staff interpretation of Regulation B, issued pursuant to § 202.1(d)(2)(i). It will become effective 30 days after publication in the **Federal Register** unless a request for public comment, made in accordance with the Board's procedures, is received and granted. We will notify you if the effective date of the interpretation is suspended.

Very truly yours,

Nathaniel E. Butler,

Associate Director.

Board of Governors of the Federal Reserve System, March 10, 1980.

Theodore E. Allison,

Secretary of the Board.

BILLING CODE 6210-01-M

HOME IMPROVEMENT AND ENERGY LOAN APPLICATION

TYPE LOAN APPLIED FOR	☐ Conventional ☐ FHA ☐ VA ☐ Secured ☐ Unsecured	Amount $	Interest rate ☐ Simple Int. ☐ Add-on ____ %	No. of mos.	Monthly payment Principal & Interest	Property type ☐ Single Family Dwelling ☐ Condo ☐ 2-4 Family Dwelling ☐ PUD ☐ Other ____

Address of property to be improved	Date purchased	Cash down payment	Purchase price $	Present value of home $

Title in name of:	Address of title holder	Mortgage Type: Is your present first mortgage a conventional graduated payment mortgage or an FHA 245 mortgage loan? ☐ No ☐ Yes If yes, attach payment schedule

Yr. house built	No. of rooms	No of bedrooms	No. of baths	Family room or den	Gross living area	Garage/Carport (Specify type & no.)	Central air
				☐ Yes ☐ No	sq. ft.		☐ Yes ☐ No

If this is a new residential structure, has it been completed and occupied for 90 days or longer? ☐ Yes ☐ No

Improvements Planned (Copies of estimate or itemized cost breakdown must be attached)	Type of Improvement
	☐ Property Improvement ☐ Rehabilitation/Modernization ☐ Additions ☐ Energy Conservation ☐ Solar Installation

The Co-Borrower Section and all other Co-Borrower questions must be completed and the appropriate box(es) checked if [ ] another person will be jointly obligated with the Borrower on the loan, or [ ] the Borrower is relying on income from alimony, child support or separate maintenance or on the income or assets of another person as a basis for repayment of the loan, or [ ] the Borrower is married and resides, or the property is located, in a community property state.

Borrower	Age	Co-Borrower	Age

Present Address (if different from above) No. Years ____ ☐ Own ☐ Rent

Present Address No Years ____ ☐ Own ☐ Rent

Street ____
City/State/Zip ____
Former address if less than 2 years at present address
Street ____
City/State/Zip ____
Years at former address ☐ Own ☐ Rent

Street ____
City/State/Zip ____
Former address if less than 2 years at present address
Street ____
City/State/Zip ____
Years at former address ☐ Own ☐ Rent

Complete for Secured Loans Only ☐ Married ☐ Unmarried ☐ Separated (incl. single, divorced, widowed)	Dep. other than listed by Co-Borrower No.	Ages

Complete for Secured Loans Only ☐ Married ☐ Unmarried ☐ Separated (incl. single, divorced, widowed)	Dep. other than listed by Borrower No.	Ages

Name and Address of Employer	Years employed in this line of work or profession? ____ Years Years on this job ____ ☐ Self Employed*	Position/Title	Type of Business

Name and Address of Employer	Years employed in this line of work or profession? ____ Years Years on this job ____ ☐ Self Employed*	Position/Title	Type of Business

Social Security Number **	Home Phone	Business Phone

Name & Address of nearest relative not living with you	Relationship	Home phone

Social Security Number **	Home Phone	Business Phone

Name & Address of nearest relative not living with you	Relationship	Home phone

Gross Monthly Income

Item	Borrower	Co-Borrower	Total
Empl. Income	$	$	$
Other † (Before completing, see notice under Describe Other Income below.)			
Total	$	$	$

Bank	Account No.	Name & Address of Depository
Checking ☐ Yes ☐ No		
Savings ☐ Yes ☐ No		

Describe Other Income

B-Borrower C-Co-Borrower

NOTICE: †Alimony, child support, or separate maintenance income need not be revealed if the Borrower or Co-Borrower does not choose to have it considered as a basis for repaying this loan.

B/C	Monthly Amount
	$

If Employed In Current Position For Less Than Two Years, Complete The Following

B/C	Previous Employer School	City, State	Type of Business	Position/Title	Dates From/To	Monthly Income*

These Questions Apply To Both Borrower And Co-Borrower

If a "yes" answer is given to a question in this column, explain on an attached sheet.	Borrower Yes or No	Co-Borrower Yes or No
Have you any outstanding judgments?		
In the last 7 years, have you been declared bankrupt?		
Have you had property foreclosed upon or given title or deed in lieu thereof, in the last 7 years?		
Are you a party in a law suit?		

	Borrower Yes or No	Co-Borrower Yes or No
Are you other than a U.S. Citizen or permanent resident alien?		
Are you obligated to pay alimony, child support, or separate maintenance?		
Do you have any past due obligations owed to or insured by any agency of the federal government? ***		

* FNMA/FHLMC requires business credit report, signed Federal Income Tax returns for last two years, and, if available, audited Profit and Loss Statements plus balance sheet for same period.

** FNMA/FHLMC does not require this information *** Required only if FHA or VA home improvement loan. FHLMC Form 703 FNMA Form 1012 Feb. 80

DEBTS: List all fixed obligations and installment accounts. (If more space is needed list on attached sheets.)*

If no outstanding debt, list three previous credit references.

B-Borrower C-Co-Borrower	Creditor's Name and Address	Account No.	Date Incurred	Original Amount	Present Balance	Monthly Payment	Amount Past Due
				$	$	$	$

Real Estate	Lien Holder:	Year and Make:					
Auto	Lien Holder:	Year and Make:					
	Name & Address of First Lien Holder of Security Property						
	Name & Address of Subordinate Lien Holder(s) of Security Property						
	List Debts On Other Real Estate Owned						

List any additional names under which credit has previously been received:	If not included in monthly mortgage payment enter the following:		
	Monthly payment for Tax and Insurance ▶		
	Monthly payment for Home Owner Association dues ▶		
	Total Monthly Obligations ▶		

IMPORTANT - APPLICANT READ BEFORE SIGNING

I/We apply for the loan indicated in this application which may be secured by a mortgage or deed of trust on the property described herein and represent that the property will not be used for any illegal or restricted purpose, and that all statements made in this application are true and are made for the purpose of obtaining the loan. Verification may be obtained from any source named in this application. The original or a copy of this application will be retained by the lender, even if the loan is not granted. I/We hereby consent to and authorize the lender, HUD-FHA, FNMA or FHLMC, after the giving of reasonable notice, to enter the improved property for the sole purpose of determining that the improvements specified in this application have been completed.

I/WE UNDERSTAND THAT THE SELECTION OF A CONTRACTOR OR DEALER, ACCEPTANCE OF MATERIAL USED AND WORK PERFORMED IS MY/OUR RESPONSIBILITY. NEITHER THE LENDER, HUD-FHA, FNMA NOR FHLMC GUARANTEES THE MATERIAL OR WORKMANSHIP.

I/We [ ] do or [ ] do not intend to occupy the property as my/our primary residence.

I/We understand that it may be a federal crime punishable by fine or imprisonment, or both, to knowingly make any false statements concerning any of the above facts as applicable under the provisions of the United States Criminal Code.

Borrower's Signature Date ____ Co-Borrower's Signature Date ____

Information For Government Monitoring Purposes

Instructions: Lenders subject to regulation by the FHLBB and the FDIC may insert in this space, or on an attached addendum, a provision for furnishing the monitoring information required or requested under present Federal and state law or regulation. The inserts provided in FHLMC Form 65-8/FNMA Form 1003-B or FHA Title I, Form 1 can be used.

For Lender's Use Only

(FNMA REQUIREMENT ONLY) This application was taken by [ ] face to face interview [ ] mail [ ] telephone

(Interviewer) Name of Employer of Interviewer

*Indicate by asterisk all FHA and Government Agency Loans. FHLMC Form 703 FNMA Form 1012 Feb.80

[FR Doc. 80-7914 Filed 3-14-80; 8:45 am]
BILLING CODE 6210-01-C

V 45 / 53 MR 17 80 UMI

V 45 / 53 MR 17 80 UMI

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-CE-7-AD; Amendment 39-3715]

Gates Learjet Models 35, 35A, 36, and 36A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to all Gates Learjet Models 35, 35A, 36 and 36A airplanes. The AD adds Airplane Flight Manual (AFM) procedure checks that provide a means to verify the integrity of the 275 ampere current limiters and the starter motor relays after the completion of an engine start using electric starter assist. These procedure checks are necessary to assure that the airplane crew members will detect any occurence of a failed current limiter or starter relay. Failure of both current limiters or a starter relay in the closed position could result in the loss of the DC essential electrical busses which in turn would result in loss of essential flight instruments and equipment with ensuing serious safety hazards to the airplane occupants.

EFFECTIVE DATE: March 24, 1980.

COMPLIANCE: As prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT: Hal Foland, Wichita Engineering and Manufacturing District Office, FAA, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 942-4281.

SUPPLEMENTARY INFORMATION: There have been two reported cases of Gates Learjet 35/36 Series airplanes taking off without the current limiter checks being performed as prescribed in the normal operating procedures section of the Airplane Flight Manual. In both cases the right and left essential busses were lost because both 275 ampere current limiters were open. In one of the incidents the investigation indicated that a starter motor malfunction may have been the result of an unannunciated starter relay failure which caused the loss of the essential busses. In both reported cases the malfunctions resulted in loss of power to essential flight instruments and equipment, communciations and navigation systems, ATC transponders, engine electronic fuel computers, air ignition fan RPM and interstage turbine temperature (ITT) constituting an unsafe operating condition. To preclude further occurrences the manufacturer has developed procedures which are included in Change 9 and 10 to Gates Learjet 35/36 and 35A/36A FAA Aproved Airplane Flight Manuals respectively. These changes include expanded current limiter procedure checks and a starter disengagement check for checking the integrity of the current limiter and starter relays prior to takeoff and after a starter assist air start of an engine. These procedures are referenced in the limitations section as electrical system limitations.

The airworthiness of the airplane is dependent on the integrity of the current limiters and the starter relays. Since an unsafe condition is likely to develop in the operation of airplanes of the same type design, if the aforementioned procedures are not followed, and AD is being issued, applicable to the Learjet Models 35/36 and 35A/36A airplanes, requiring the incorporation of the current limiter and starter disengagement checks into the limitations section of the Gates Learjet 35/36 and 35A/36A FAA Approved Airplane Flight Manuals. The FAA urges that the AD be accomplished as soon as possible.

However, AD compliance time has been set at ten (10) hours in order to allow sufficient time for owners/operators to incorporate the procedural changes required by the AD to preclude any undue hardship. Since a situation exists that requires the expeditious adoption of the regulation, it is found that notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest, and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the **Federal Register.**

Adoption of the Amendment

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR Section 39.13) is amended by adding the following new Airworthiness Directive:

Gates Learjet: Applies to Models 35 [Serial Numbers 35-001 thru 35-066); 36 (Serial Numbers 36-001 thru 36-017); 35A (Serial Numbers 35-067 thru 35-288); and 36A (Serial Numbers 36-018 thru 36-044) airplances.

Compliance: Required as indicated, unless previously accomplished.

To preclude takeoff, or continued flight after a starter assist air start, with an unannunciated failure in the electrical system, accomplish the following:

(a) Within the next 10 hours time-in-service after the effective date of this AD, insert the following information in the FAA Approved Airplane Flight Manual and operate the airplane in accordance with these insertions:

(1) In Section 1, LIMITATIONS, add the following:

Electrical System. The battery charging bus current limiter and starter disengagement checks, as outlined in STARTING ENGINES, STARTER ASSIST AIRSTART, and/or BEFORE TAKEOFF procedures in Sections II and III of this manual, must be accomplished whenever an engine start using a starter has been performed. These checks require that both engines be operating to perform the check.

(2) In Section 2, NORMAL OPERATING PROCEDURES, under the heading STARTING ENGINES, add the following:

(a) *Starter Disengagement Check*—After both engines are started, perform check as follows:

1. Air Conditioner and Auxiliary Heater—OFF.
2. Both Battery Switches—OFF.
3. Ammeters—Check total current indication less than 100 amps.
4. If total current indication is greater than 100 amps, shut down engines.

Note.—A total ammeter indication greater than 100 amps indicates that a starter has not disengaged. Subsequent starter and/or engine damage may occur.

If total current indication is less than 100 amps, set both Battery Switches ON.

(b) *Battery Charging Bus Current Limiter Check (Serials 35-001 thru 35-147 and 36-001 thru 36-035):*

1. Pull MAIN DC BUS TIE circuit breaker.
2. One Generator Switch—OFF. Check ammeter reading on opposite generator, approximately doubles, then switch back to GEN.
3. Opposite Generator Switch—OFF. Check ammeter reading on opposite generator, approximately doubles, then switch back to GEN.
4. Reset MAIN DC BUS TIE circuit breaker.

Caution

Failure to meet the above check indicates a malfunction. Replace 275A Current Limiter prior to takeoff. Loss of 275A Current Limiters can lead to loss of essential DC power.

Battery Charging Bus Current Limiter Check (Serials 35-148 thru 35-288 and 36-036 thru 36-044):

1. Test Switch—L CUR LIM.
2. Test Button—Press. Green current limiter light will illuminate and remain on while button is held. The light indicates continuity through the left current limiter. Also the L GEN light will come on and the right generator voltage may be reduced by approximately 2 VDC.
3. Test switch—R CUR LIM.
4. Test Button—Press. Green current limiter light will illuminate and remain on while button is held. The light indicates continuity through the right Current Limiter. Also the R GEN light will come on and the left generator voltage may be reduced by approximately 2 VDC.

Caution

Failure of light to remain illuminated indicates a malfunction. Replace 275A Current Limiter prior to takeoff. Loss of 275A Current Limiters can lead to loss of essential DC power.

(3) In Section 3, EMERGENCY PROCEDURES, under the headings, ENGINE FAILURE DURING CRUISE and OPERATIONS WITH ONE FUEL COMPUTER INOPERATIVE, add the following after all starter assist engine starts:

(a) *Starter Disengagement Check:*

1. Air Conditioner and Auxiliary Heater—OFF.
2. Both Battery Switches—OFF.
3. Ammeter—Check total current indication less than 100 amps.
4. If total current indication is greater than 100 amps:
   a. Both Battery Switches—ON.
   b. Land as soon as practical.
   c. Do not attempt further flights until trouble has been corrected.

Note.—A total ammeter indication greater than 100 amps indicates that a starter has not disengaged and subsequent starter and/or engine damage may occur.

If total current indication is less than 100 amps, set both Battery Switches ON.

(b) *Battery Charging Bus Current Limiter Check (Serials 35-001 thru 35-147 and 36-001 thru 36-035):*

1. Pull MAIN DC BUS TIE circuit breaker.
2. One Generator Switch—OFF. Check ammeter reading on opposite generator, approximately doubles, then switch back to GEN.
3. Opposite Generator Switch—OFF. Check ammeter readings on opposite generator, approximately doubles, then switch back to GEN.
4. Reset MAIN DC BUS TIE circuit breaker.

Caution

Failure to meet the above check indicates a malfunction. Loss of both 275A Current Limiters can lead to loss of essential DC power.

Battery Charging Bus Current Limiter Check (Serials 35-148 thru 35-288 and 36-036 thru 36-044):

1. Test Switch—L CUR LIM.
2. Test Button—Press. Green current limiter light will illuminate and remain on while button is held. The light indicates continuity through the left current limiter. Also the L GEN light will come on and the right generator voltage may be reduced by approximately 2 VDC.
3. Test Switch—R CUR LIM.
4. Test Button—Press. Green current limiter light will illuminate and remain on while button is held. The light indicates continuity through the right current limiter. Also the R GEN light will come on and the left generator voltage may be reduced by approximately 2 VDC.

Caution:

Failure of light to remain illuminated indicates a malfunction. Loss of both 275A Current Limiters can lead to loss of essential DC power.

(B) Use Paragraph A of this AD, or a duplicate thereof, as an amendment to the FAA Approved Airplane Flight Manual until replaced by Change 9 or 10 to Gates Learjet 35/36 or 35A/36A FAA Approved Airplane Flight Manual, as applicable, both FAA Approved February 15, 1980.

(C) This AD may be accomplished by the holder of a pilot certificate issued under Part 61 of the Federal Aviation Regulations on any airplane owned or operated by that person, who must make an entry in the airplane maintenance records indicating prescribed compliance with this AD.

(D) Any equivalent method of compliance with this Airworthiness Directive must be approved by the Chief, Wichita Engineering and Manufacturing District Office, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209.

This amendment becomes effective: March 24, 1980.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to FAA, Office of the Regional Counsel, room 1558, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 374-5446.

Issued in Kansas City, Missouri on March 7, 1980.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 80-7903 Filed 3-14-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-ASW-62]

Alteration of Control Zone and Transition Area: Lake Charles, La.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is an alteration of the control and transition area at Lake Charles, La. The intended effect of the action is to provide controlled airspace for aircraft executing instrument approach procedures to the Lake Charles Municipal Airport and the McFillen Airpark. The circumstance which created the need for the action is that a review of the current control zone and transition area revealed the controlled airspace is not properly described and inadequate for the protection of aircraft executing instrument approach procedures. In addition, higher performance aircraft are utilizing the airports which require additional controlled airspace.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On January 17, 1980, a notice of proposed rule making was published in the **Federal Register** (45 FR 3326) stating that the Federal Aviation Administration proposed to alter the Lake Charles, La., control zone and transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. No objections were received to the proposal. Except for editorial changes this amendment is that proposed in the notice.

The Rule

This amendment to subpart F and subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the Lake Charles, La., control zone and transition area. This action provides controlled airspace for the protection of aircraft executing instrument approach procedures to the Lake Charles Municipal Airport and the McFillen Airpark.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F and Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 356) and (45 FR 445) are amended, effective 0901 GMT, May 15, 1980, as follows:

In subpart F, § 71.171 (45 FR 356), the Lake Charles, La., control zone is altered as follows:

§ 71.171 [Amended]

* * * * *

Lake Charles, La.

That airspace within a 5-mile radius of Lake Charles Municipal Airport (latitude 30°07'32" N., longitude 93°13'22" W.), within 2.5 miles each side of the Lake Charles VORTAC 256° radial extending from the 5-mile radius area to 6 miles east.

In Subpart G, § 71.181 (45 FR 445), the Lake Charles, La., transition area is altered as follows:

§ 71.181 [Amended]

* * * * *

Lake Charles, La.

That airspace extending upward from 700 feet above the ground within an 8.5-mile radius of the Lake Charles Municipal Airport (latitude 30°07'32" N., longitude 93°13'22" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Tex., on March 4, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80-7805 Filed 3-14-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-ASW-59]

Alteration of Transition Area: Bogalusa, La.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Bogalusa, La. The intended effect of the action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the George R. Carr Memorial Airport. The circumstance which created the need for the action is the establishment of a nondirectional radio beacon (NDB) located 4 miles north of the airport.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On January 10, 1980, a notice of proposed rule making was published in the **Federal Register** (45 FR 2049) stating that the Federal Aviation Administration proposed to alter the Bogalusa, La., transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Bogalusa, La., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing established and proposed instrument approach procedures to the George R. Carr Memorial Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended, effective 0901 GMT, May 15, 1980, as follows:

In Subpart G, § 71.181 (45 FR 445), the following transition area is altered as follows:

§ 71.181 [Amended]

* * * * *

Bogalusa, La.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the George R. Carr Memorial Airport (latitude 30°48'42"N., longitude 89°51'54"W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Tex., on March 3, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80-7804 Filed 3-14-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-ASW-58]

Proposed Designation of Transition Area: Katy, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to designate a transition area at Katy, Tex. The intended effect of the action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Woods No. 2 Airport. The circumstance which created the need for the action is the establishment of a special instrument approach procedure to the Woods No. 2 Airport using the Eagle Lake VORTAC. Coincident with this action the airport is changed from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR).

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On January 10, 1980, a notice of proposed rule making was published in the **Federal Register** (45 FR 2050) stating that the Federal Aviation Administration proposed to designate the Katy, Tex., transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates the Katy, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Woods No. 2 Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended, effective 0901 GMT, May 15, 1980, by adding the Katy, Tex., transition area, as follows.

In Subpart G, § 71.181 (45 FR 445), the following transition area is added:

§ 71.181 [Amended]

* * * * *

Katy, Tex.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Woods No. 2 Airport (latitude 29°47'36"N., longitude 95°55'30"W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Forth Worth, Tex., on March 3, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80-7803 Filed 3-14-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-SO-87]

Designation of Transition Area, Forest, Mississippi

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will designate the Forest, Mississippi, transition area and will lower the base of controlled airspace in the vicinity of Forest Municipal Airport from 1,200 to 700 feet to accommodate Instrument Flight Rule (IFR) operations. A public use instrument approach procedure has been developed for the Forest Municipal Airport and additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

EFFECTIVE DATE: 0901 G.m.t., April 9, 1980.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Carl F. Stokoe, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the **Federal Register** on Monday, January 14, 1980 (45 FR 2661), outlining the details of the proposal to designate the Forest, Mississippi, 700-foot transition area. No objections to the proposal were received in response to this publication. This rule will provide required controlled airspace to accommodate aircraft performing IFR operations at Forest Municipal Airport. The Forest (nonfederal) nondirectional radio beacon, which will support the approach procedure, will be established in conjunction with the transition area. This rule also changes the airport operating status from VFR to IFR.

Adoption of the Amendment

Accordingly, Subpart G, § 71.181 (45 FR 445) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., April 9, 1980, by adding the following:

Forest, Mississippi

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Forest Municipal Airport (Lat. 32°21'12" N., Long. 89°29'19" W.), within 3 miles each side of the 335° bearing from the Forest RBN, extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); and sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in East Point, Ga., on March 7, 1980.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 80-8051 Filed 3-14-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-SO-90]

Alteration of Transition Area, Salisbury, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule redesignates the basic radius of the Salisbury, North Carolina, 700-foot transition area. This action provides controlled airspace required to protect instrument flight operations at the Rowan County Airport.

EFFECTIVE DATE: April 9, 1980.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the **Federal Register** on Thursday, January 17, 1980 (45 FR 3328), which proposed to increase the basic radius of the 700-foot transition area from 8 to 9 miles around the Rowan County Airport. A new standard instrument approach procedure, VOR-A, requires additional airspace. By increasing the basic radius area, the existing extension for VOR Runway 2 and that required for the VOR-A procedure would be included. No objections were received from this notice.

Adoption of the Amendment

Accordingly, Subpart G, § 71.181 (45 FR 445) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., April 9, 1980, as follows:

Salisbury, North Carolina.

The present description is deleted and "* * * That airspace extending upward from 700 feet above the surface within a 9-mile radius of Rowan County Airport (latitude 35°38'30"N., longitude 80°31'10"W.); within 3 miles each side of the 023° bearing from Salisbury RBN (latitude 35°40'22"N., longitude 80°30'22"W.), extending from the 9-mile radius area to 8.5 miles north of the RBN * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in East Point, Ga., on March 7, 1980.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 80-8052 Filed 3-14-80; 8:45 am]

BILLING CODE 4910-13-M

V 45/53 MR 17 80 UMI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Doc. No. R-80-779]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: The change in the regulations increases the maximum allowable finance charge on Title I property improvement, mobile home loans, and combination and mobile home lot loans. The change is necessitated by the high interest rates prevalent for such loans. This action by HUD is designed to bring the maximum financing charges on these loans into line with other competitive market rates and help assure adequate supply of financing for such loans.

EFFECTIVE DATE: March 13, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Brady, Director, Title I Insured and 312 Loan Servicing Division, Office of Single Family Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410 (202–755–6680).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on loans insured by this Department. The maximum finance charge on mobile home loans has been raised from 15.50 percent to 17.00, and the finance charge on combination loans for the purchase of a mobile home and a developed or undeveloped lot has been raised from 15.00 percent to 16.50 percent. The maximum charge on property improvement loans has been raised from 15.50 percent to 17.00 percent.

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709–1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD's environmental procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Accordingly, Chapter II is amended as follows:

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Subpart A—Eligibility Requirements—Property Improvement Loans

1. In § 201.4 paragraph (a) is revised to read as follows:

§ 201.4 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge exclusive of fees and charges as provided by paragraph (b) of this section which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed a 17.00 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

Subpart B—Eligibility Requirements—Mobile Home Loans

1. In § 201.540 paragraph (a) is revised to read as follows:

§ 201.540 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed a 17.00 percent simple interest per annum. No points or discounts of any kind may be assessed or collected in connection with the loan transaction, except that a 1 percent origination fee may be collected from the borrower. If assessed, this fee must be included in the finance charge. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

Subpart D—Eligibility Requirements—Combination and Mobile Home Lot Loans

1. In § 201.1511 under paragraph (a), subparagraph (1) is revised to read as follows:

§ 201.1511 Financing charges.

(a) *Maximum financing charges.*

(1) 16.50 percent per annum.

* * * * *

(Sec. 3(a), 82 Stat. 113; 12 USC 1709–1; Sec. 7 of the Department of Housing and Urban Development Act, 42 USC 3535(d))

Issued at Washington, D.C., March 12, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 80-8213 Filed 3-13-80; 3:39 pm]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

41 CFR Part 14–10

Bonds and Insurance

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: This regulation amends the Interior Procurement Regulation by changing insurance requirements under certain aircraft contracts. The regulation adds a requirement for hull insurance on all contracts for aircraft services without pilot (except where the Government has a property interest in the aircraft) in order to maintain consistency with hull insurance requirements for contractor-operated aircraft.

EFFECTIVE DATE: March 17, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. William Opdyke, Acting Chief, Division of Acquisition and Grants, Office of Acquisition and Property Management, Department of the Interior, Washington, D.C. 20240, or call (202) 343–5914.

SUPPLEMENTARY INFORMATION: (a) Paragraph (f) of § 14–10.451 is deleted and reserved since hull insurance will be required under contracts for aircraft without pilot except where the Government has a property interest.

(b) Paragraph (h) of § 14–10.451 is revised to prescribe a new clause covering liability for loss or damage for use under contracts for aircraft without pilot.

(c) A new paragraph (i) is added to § 14–10.451 to prescribe use of the clause previously contained under Section 14–10.451(h) for use under contracts for aircraft without pilot where the Government has a property interest.

Primary Author

The primary author of this regulation is Mr. William Opdyke, Acting Chief, Division of Acquisition and Grants, Office of Acquisition and Property Management, Office of the Secretary, Department of the Interior.

Impact

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, 41 CFR Chapter 14 is amended as stated below.

Dated: March 6, 1980.

William L. Kendig,

Deputy Assistant Secretary of the Interior.

Section 14–10.451 of Subpart 14–10.4 is amended by deleting and reserving paragraph (f); revising paragraph (h); and adding a new paragraph (i) which includes the clause previously contained under paragraph (h) to read as follows:

Subpart 14–10—Bonds and Insurance

§ 14–10.451 Insurance requirements for contract aircraft.

* * * * *

(f) [Reserved]

* * * * *

(h) In contracts for aircraft without pilot where the Government does not have a property interest, there is a high probability of Government liability for claims arising out of an accident because flight operations and the Government pilot will be under Government control. Accordingly, in such contracts the clause set forth below shall be included:

Liability for Loss or Damage

(a) The Contractor shall indemnify and hold the Government harmless from any and all loss or damage to the aircraft furnished under this contract except as provided in paragraph (d) below. For the purpose of fulfilling his obligation under this clause, the Contractor shall procure and maintain during the term of this contract, and any extension thereof, hull insurance acceptable to the Contracting Officer. The Contractor's insurance coverage shall apply to pilots furnished by the Government who operate the aircraft. The Contractor may request a list of Government pilots by name and qualification who are potential pilots.

(b) Prior to the commencement of work hereunder, the Contractor shall furnish the Contracting Officer a copy of the insurance policy or policies or a certificate of insurance issued by the underwriter(s) showing that the coverage required by this clause has been obtained.

(c) Each policy or certificate evidencing the insurance shall contain an endorsement which provides that the insurance company will notify the Contracting Officer 30 days prior to the effective date of any cancellation or termination of any policy or certificate or any modification of a policy or certificate which adversely affects the interests of the Government in such insurance. The notice shall be sent by registered mail and shall identify this contract, the name and address of the contracting office, the policy, and the insured.

(d) If the aircraft is damaged or destroyed while in the custody and control of the Government, the Government will reimburse the Contractor for the deductible stipulated in the insurance coverage (if any) as follows:

(1) In-Motion Accidents—Up to 5% of the current insured value of the aircraft stated in the policy, or $10,000.00, whichever is less.

(2) Not In-Motion Accidents—Up to $250.00 per accident. Such reimbursement shall not be made, however, for loss or damage to the aircraft resulting from (1) normal wear and tear, (2) negligence or fault in maintenance of the aircraft by the Contractor, or (3) a defect in construction of the aircraft or a component thereof.

(e) If damage to the aircraft is established to be the fault of the Government, rental payments to the Contractor during the repair period will be made as set forth elsewhere in this contract. The Government may, at its option, make necessary repairs or return the aircraft to the Contractor for repair. In the event the aircraft is lost, destroyed, or damaged so extensively as to be beyond repair, no rental payment will be made to the Contractor thereafter.

(f) Any failure to agree as to the responsibility of the Government or the Contractor under this clause shall, after a final finding and determination by the Contracting Officer, be considered a dispute within the meaning of the "Disputes" clause of this contract. (End of Clause)

(i) In contracts for aircraft without pilot in which the Government has a property interest, such as a lease with a purchase option, the general policy of self insurance is applicable. Accordingly, in such contracts the clause set forth below shall be included:

Liability for Loss or Damage (Property Interest)

(a) The Government assumes all risk and liability for damage to or loss of the aircraft for the term of this contract, while the aircraft is in the Government's possession, except for (1) normal wear and tear to the aircraft, or (2) loss which occurs as a result of negligence or fault in maintenance of the aircraft by the contractor, or (3) loss resulting from a latent defect in the construction of the aircraft or a component thereof.

(b) In the event of damage to the aircraft, the Government may, at its option, make the necessary repairs with its own facilities, or by contract, or pay the Contractor the reasonable cost of repair of the aircraft. If damage to the aircraft is established to be the fault of the Government, rental payments to the Contractor during the repair period will be made as set forth elsewhere in this contract.

(c) In the event the aircraft is lost, destroyed, or damaged so extensively as to be beyond repair, no rental payment will be made to the Contractor thereafter, but the Government will pay to the Contractor a sum equal to the fair market value of the aircraft just prior to such loss, destruction, or extensive damage, less the salvage value of the aircraft.

(d) The Contractor certifies that the contract price does not include any cost attributable to insurance or to any reserve fund it has established to protect its interests in or use of the aircraft, regardless of whether or not the insurance coverage applies for the period during which the Government has possession of the aircraft. If, in the event of loss or damage to the aircraft, the Contractor receives compensation for such loss or damage, in any form, from any source, the amount of such compensation shall be credited to the Government in determining the amount of the Government's liability under this clause; except that this shall not apply to proceeds of insurance received solely as an advance of insurance pending determination of Government liability, or for an increment of value of the aircraft beyond the value for which the Government is responsible.

(e) In the event of loss or damage, the Government shall be subrogated to all rights of recovery by the Contractor against third parties for such loss or damage and such rights shall be immediately assigned to the Government. Except as the Contracting Officer may permit in writing, the Contractor shall neither release nor discharge any third party from liability for such loss or damage nor otherwise compromise or adversely affect the Government's subrogation or other rights hereunder. The Contractor shall cooperate with the Government in any suit or action undertaken by the Government against any such third party.

(f) Any failure to agree as to the responsibility of the Government or the Contractor under this clause shall, after a final finding and determination by the Contracting Officer, be considered a dispute within the meaning of the "Disputes" clause of this contract. (End of Clause)

[FR Doc. 80-8136 Filed 3-14-80; 8:45 am]

BILLING CODE 4310-10-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–26

[FPMR Amdt. E–235]

Priorities for Use of Supply Sources

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation contains additional priority requirements for the

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use of sources for supplies and services. From the inquiries received, it is apparent that several additions to the priority requirements for supply sources are needed. This regulation will provide the necessary additions and thereby promote greater economy and efficiency in Government acquisition.

EFFECTIVE DATE: March 17, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. John K. Carney, Director, Office of Supply Policy (703–557–0393).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

Section 101–26.107(a) is amended by revising the introductory paragraph, paragraphs (a)(1)(iii), (a)(1)(v), (a)(2)(ii), and (a)(2)(iii), as follows:

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

§ 101–26.107 Priorities for use of supply sources.

(a) Executive agencies shall satisfy requirements for supplies and services from or through the sources and publications listed below in descending order as indicated:

(1) * * *

(iii) Federal Prison Industries, Inc.;

* * * * *

(v) GSA stock program and other wholesale suppliers, such as the Defense Logistics Agency, Veterans Administration, and military inventory control points;

* * * * *

(2) * * *

(ii) Mandatory Federal Supply Schedules and mandatory GSA term contracts for personal property rehabilitation;

(iii) Optional use Federal Supply Schedules and optional GSA term contracts for personal property rehabilitation; and

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: March 6, 1980.

R. G. Freeman III,
Administrator of General Services.

[FR Doc. 80–8034 Filed 3–14–80; 8:45 am]
BILLING CODE 6820–24–M

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41 CFR Part 101–28

[FPMR Amendment E–236]

Self-Service Store Shopping Plates

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation contains policies, procedures, and requirements covering the issuance, use, and control of self-service store shopping plates. This regulation is issued to deter certain abuses that have been discovered in the use of self-service store shopping plates and to provide for strict control over these shopping plates.

EFFECTIVE DATE: March 17, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. John K. Carney, Director, Office of Supply Policy (703–557–0393).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

1. The table of contents for Part 101–28 is amended by adding the following new entries.

Sec.
101–28.308 Shopping plates.
101–28.308–1 General.
101–28.308–2 Description and types.
101–28.308–3 Limitations on use.
101–28.308–4 Obtaining a shopping plate.
101–28.308–5 Expiration or cancellation.
101–28.308–6 Safeguards.
101–28.308–7 Reporting loss or theft.

Subpart 101–28.3—Self-Service Stores

2. Sections 101–28.308, 101–28.308–1, 101–28.308–2, 101–28.308–3, 101–28.308–4, 101–28.308–5, 101–28.308–6, and 101–28.308–7, are added as follows:

§ 101–28.308 Shopping plates.

§ 101–28.308–1 General.

Valid shopping plates are required for customers to enter and perform all customer transactions in GSA self-service stores.

§ 101–28.308–2 Description and types.

(a) Shopping plates are color coded 2- by 3-inch plastic laminated cards. The GSA logo is printed at the top of the front side of the shopping plate and customer data are embossed on the lower front side of the shopping plate. The back side of the shopping plate contains a color bar code for use in the automated billing of purchases to a customer account.

(b) There are four types of self-service store shopping plates (retail services shopping plates) authorized for use in GSA self-service stores. The types of shopping plates and the activities or persons that may be authorized to use them are as follows:

(1) GSA Form 1948, Retail Services Shopping Plate. (Color: Green and white.) This form is for use by civilian and military Federal agencies and members of the Federal judiciary.

(2) GSA Form 1948–A, Retail Services Shopping Plate. (Color: Red and white.) This form is for use by authorized cost-reimbursable contractors.

(3) GSA Form 1948–B, Retail Services Shopping Plate. (Color: Blue and white.) This form is for use by Members of Congress.

(4) GSA Form 1948–C, Retail Services Shopping Plate. (Color: Yellow and white.) This form is for use by activities of the Public Buildings Service, GSA, and other agencies, as appropriate.

§ 101–28.308–3 Limitations on use.

(a) The use of GSA Forms 1948, 1948–A, and 1948–B is limited to purchases of items from GSA self-service stores (administrative) that stock mostly administrative supplies.

(b) The use of GSA Form 1948–C is limited to purchases of items from GSA self-service stores (industrial) that stock mostly industrial supplies.

(c) Agencies shall establish internal controls to ensure that the use of shopping plates by the agency or other lawfully authorized activity is limited to the purchase of items for official Government business. The controls shall include written instructions for the use of shopping plates, that contain a statement prohibiting their use in acquiring items for other than Government business.

(d) Members of Congress, except for the Delegate of the District of Columbia, should limit the use of their shopping plates to self-service stores located outside of the District of Columbia. Office supplies needed by Members of Congress for use in the District of Columbia should be obtained from the Senate and House of Representatives supply rooms. The Delegate of the District of Columbia may use a shopping plate to obtain office supplies from self-service stores located in the District of Columbia.

§ 101–28.308–4 Obtaining a shopping plate.

To obtain a shopping plate, an eligible activity shall obtain a GSA Form 1947, Application for Self-Service Store Shopping Plate, from a GSA self-service store, GSA regional office, or other location as determined locally by GSA, and submit the completed form to the nearest self-service store or supporting GSA regional office. All shopping plate applications shall identify the delivery and billing locations (BOAC) with the activity address code (AAC) assigned to the activity applying for the shopping plate. A civilian activity that has not been assigned an activity address code should request one in accordance with the instructions in chapter 2 of the FEDSTRIP Operating Guide (FPMR 101–26.2). Military applicants, including nonappropriated fund activities, that have not been assigned a Department of Defense activity address code (DODAAC) should request one from their military service focal point.

§ 101–28.308–5 Expiration or cancellation.

(a) Shopping plates issued to Federal agencies or members of the Federal judiciary are valid for an indefinite period of time unless canceled by the Commissioner, Federal Supply Service (FSS), GSA, or a GSA Regional Administrator.

(b) Shopping plates issued to authorized contractors or Members of Congress will contain an expiration date reflecting the termination of the contract or the term of office. Expired shopping plates are invalid and shall be returned to the issuing GSA region for disposition and destruction. New shopping plates will be issued to reinstated contractors or reelected Members of Congress after submission of an application.

(c) The Commissioner, Federal Supply Service (FSS), GSA, may periodically direct a nationwide purge of shopping plates to cancel those that are duplicates, not needed, or have been lost or stolen. Shopping plates may also be canceled on a selective basis by a GSA region at the direction of the GSA Regional Administrator in coordination with the Office of Self-Service Stores, FSS, and the supporting GSA accounting center. Agenices shall keep GSA informed of any changes in organization or accounting structure that might have an impact on the status of their shopping plates. Under the procedures for conducting a purge, purged shopping plates become invalid as of a specific date established by the Commissioner, FSS, or a GSA Regional Administrator, and new shopping plates are issued upon receipt of reapplications.

§ 101–28.308–6 Safeguards.

Agencies shall establish internal controls to ensure that shopping plates are properly safeguarded. The controls shall include a written delegation of authority to an official or officials for custody of shopping plates and written instructions for safekeeping shopping plates requiring that they be stored in a secure place, such as in a locked filing cabinet.

§ 101–28.308–7 Reporting loss or theft.

When a shopping plate is lost or stolen, the agency responsible for the shopping plate shall immediately provide a verbal report of the loss or theft, including the account number of the shopping plate, to the self-service store activity in the supporting GSA region. The verbal report shall be followed by a written report confirming the loss or theft. Account numbers of reported lost or stolen shopping plates will be entered into the self-service store automated billing system for detection of any illegal use of these shopping plates.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: March 6, 1980.

R. G. Freeman III,
Administrator of General Services.

[FR Doc. 80–8033 Filed 3–14–80; 8:45 am]
BILLING CODE 6820–24–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[CC Docket No. 78–144; FCC 80–90]

Cable Television Pole Attachments

AGENCY: Federal Communications Commission.

ACTION: Reconsideration of Memorandum Opinion and Second Report and Order regarding the adoption of rules for the regulation of cable televison pole attachments.

SUMMARY: In its *Second Report*, the Commission adopted substantive rules for resolving cable television pole attachment complaints and amended some of the procedural rules adopted in the *First Report*. Six parties filed petitions for reconsideration of that decision. The Order below grants, in part, and denies, in part, the petitions, amends § 1.1404(g)(6) and deletes § 1.1404(g)(13) of its rules.

EFFECTIVE DATE: April 16, 1980.

ADDRESSES: The Secretary, Federal Communciations Commission, Washington, D.C. 20554 (refer in all communications to CC Docket 78–144).

FOR FUTHER INFORMATION CONTACT:
Margaret Wood or Wayne Smith, Pole Attachments Branch, Tariff Division, Common Carrier Bureau, Washington, D.C. 20554 (A. C. (202) 254–8100).

In the matter of adoption of rules for the regulation of Cable Televison Pole Attachments, CC Docket 78–144. See also, 44 FR 31643, June 1, 1979.

Memorandum Opinion and Order

Adopted: February 28, 1980.

Released: March 10, 1980.

By the Commission: Commissioner Lee absent; Commissioner Brown issuing a separate statement.

1. Before the Commission are several petitions seeking reconsideration of our Second Report and Order in the above proceeding. See 72 FCC 2d 59, (1979). There, among other things, we disposed of petitions for reconsideration of our First Report and Order (43 FR 36086, August 15, 1978) 68 FCC 2d 1585 (1978), and adopted substantive rules and further procedures for the resolution of cable television pole attachment complaints.[1]

2. The petitions essentially take issue with three determinations (1) the inclusion of the 40-inch safety space between electric and communications lines as usable space for ratemaking purposes, coupled with the determination that no part of that safety space is occupied by cable; (2) the specification of 13.5 feet as the rebuttable figure for usable pole space (§ 1.1404(g)(11) of the Rules); and (3) the application of an interstate factor in the pole attachment rate formula (§ 1.1404(g)(13) of the rules). Some question is futher raised concerning our authority to prescribe rates, as well as accounting treatment of certain costs.[2] For the reasons discussed below, we find no basis to modify significantly the procedures adopted in the *Second Report*. We have concluded, however, that deletion of the interstate factor in § 1.1404(g)(13) is warranted.

I. Safety Space

3. In the Second Report and Order we took pains to explain what portion of the usable space above the minimum ground clearance of a pole should be chargeable to CATV operators for rate purposes. The dispute here in part centered on whether some 40 inches of safety space that must be maintained between an electric line and an adjacent communications line should be allocable to some degree—or even at all—to

[1] Petitions for reconsideration of the rules adopted in the Second Report have been filed by American Electric Power Service Corporation (American); American Telephone and Telegraph Company, (AT&T); GTE Service Corporation (GTE); Iowa Power and Light Company (Iowa); Monongahela Power Company (Monongahela); and United States Independent Telephone Association (USITA). These petitions are opposed by Colony Commuications, Inc., Comsat Corporation, Cox Cable Communications Inc., and New Channels Corporation (collectively Colony) as well as National Cable Television Association, Inc. (NCTA). Also before us are replies from all six petitioners and comments from the Consumers Power Company supporting GTE, Iowa and others.

[2] Several petitioners also reiterate the claim that the Commission is without authority under Section 224 of the Act, 47 U.S.C.A. 224, to abrogate pole attachment contracts in existence at the time of its passage. We have fully dealt with these contentions in our First and Second Reports and see no reason to discuss them again. See 68 FCC 2d at 1590–91 and 72 FCC 2d at 67.

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CATV operators in determinig a suitable rare formula. The electric companies argued that the entire 40 inches should be attributable to cable under the rational that this was what Congress had intended. They also argued that but for the presence of cable on a pole, the 40 inch space would not be necessary. Several telephone companies in turn contended that the safety space should be excluded from usable space on the theory that if it were not assigned to cable companies, by default it would be assigned to them.

4. We found no merit in either view. Rather, we found that safety space is to be considered as "usable" space for ratemaking purposes, but that no portion of that safety space is to be considered occupied by cable television. In other words, we found that a cable operator was not to be charged even in part for this space for ratemaking purposes. In support, we began by noting that Section 224(d)(1) of the Communications Act, 47 U.S.C.A. 224(d)(1), provides that the amount of usable space occupied by cable is one of the factors which must be ascertained before the maximum "just and reasonable" rate can be determined. Moreover, we observed that the legislative history of the Act makes it clear that Congress believed cable television occupies a total of one foot of the usable space. Accordingly, we concluded it would contravene the intent of Congress to assign any portion of the safety space—*i.e.*, more than one foot—to CATV for ratemaking purposes.

5. We then went on to reject arguments that assignment of this space to CATV operators for ratemaking purposes would in fact be equitable. Here, we recognized that CATV operators already assume the risk of being responsible for pole replacement costs necessitated by subsequent installation of additional electrical or telephone lines that would reduce the available safety space to less than 40 inches. Additionally we pointed out that some electric utilities make resourceful use of safety space for mounting street light support brackets, step-down distribution transformers and grounded, shielded power conductors.

6. As noted, all petitioners object to the manner in which we have allocated for rate purposes pole space attributable to cable television attachments. The power companies agree in general that the 40 inches of clearance space between electric and communications lines required by the National Electric Safety Code [3] (commonly referred to as "safety space") should be considered usable space, but reiterate that the cable operator should be responsible for the entire 40 inches. The argument here appears to be that the legislative history demonstrates that Congress intended for CATV to be assigned the entire clearance space from the cable attachment to both the electric wire and the telephone wire. Specifically they rely on a reference to space occupied by CATV as the space used for the "actual physical attachment plus clearance between the CATV attachment and *adjacent attachments*." S. Rep. No. 95–580, 95th Cong., 1st Sess. at 27 (hereafter *Senate Report*) (emphasis added). Further, they assert, the Commission erred in even considering any "resourceful use" made by some electric utilities of the 40-inch safety space [4] and the "risk" assumed by CATV when it agrees to pay pole replacement costs necessitated by subsequent installation of additional electric lines. Finally, Iowa and Monongahela also complain that the exclusion of any part of the 40 inches from the space allocated to cable results in rates so low as to constitute an unlawful taking of property without compensation, or, alternatively, results in utility service consumers subsidizing a large portion of "luxury" CATV service.

7. As a separate matter, the telephone companies assert that our determination that the safety space is to be considered usable space of which no part is allocable to CATV for rate purposes, has the effect of charging the telephone company for the safety space even though it is not allowed to use it. AT&T argues that if the Commission considers such space not usable by cable, it must also consider such space not usable by telephone companies. Both AT&T and USITA urge that the safety space should be excluded from usable space in determining telephone company charges for pole attachments. GTE, on the other hand, argues that the Commission should determine whether the 40-inch safety space is usable space on a case-by-case basis.

8. Upon careful review, we conclude that neither approach is consistent with the literal language of Section 224 or the legislative intent. While it is true, as the electric companies assert that at times the legislative history does mention "clearances" in the plural, nowhere does it indicate that CATV is to be apportioned the *entire* clearance space from the CATV line to both the telephone and the electric wire. Indeed, the example offered by the Senate Committee report leaves no doubt that Congress intended CATV companies to be responsible for a total of only 12 inches of space on a pole. Thus, intended it states, "[b]y what is virtually a uniform practice throughout the United States cable television is assigned 1 foot [of the] usable space." *Senate Report* at 20. It is clear, in other words, that Congress intended that the "new" pole user, CATV, be responsible not only for the actual space occupied by its attachment—approximately 1 inch—but also for an appropriate amount of clearance space as determined by industry practice (*i.e.*, 11 inches). Thus, we believe when Congress adopted this legislation it intended the space attributable to cable television to be 12 inches, including actual space occupied plus a clearance space. [5]

9. The foregoing also lays to rest the claim that the telephone companies are effectively being charged for the safety space. As just noted, the legislation intends that some 11 inches of clearance space is to be allocated to CATV for pole attachment ratemaking purposes. Moreover, as the record shows, telephone companies in the past have worked out their own agreements with the electric companies as to how much of the remaining space is to be allocated to each utility. Under these circumstances, the claim by the telephone companies that they are bearing responsibility for the entire safety space is simply untenable. [6]

10. This brings us to the contention that we erroneously considered the so-called "resourceful use," of the 40-inch safety space. Specifically, the electric

[3] American National Standards Institute, National Electric Safety Code (1977 ed.) 160–64.

[4] American suggests that when the utilities actually use some of the safety space, an appropriate deduction could be made, but in all other cases the entire safety space should be considered usable space attributable to cable.

[5] American's argument that the example referred to in the Senate Report was a "telephone only" pole is similarly unpersuasive. Significantly, the Committee heard evidence as to pole attachment practices, and in a summary of its findings, stated that "approximately 70 percent of all utility poles owned by either telephone or electric utilities are actually jointly used." Senate Report at 12. It also noted that of the more than 10 million poles on which cable operators lease space, fewer than half are controlled by telephone companies, while 53 percent are controlled by power utilities, public and private. Id. at 13. In short, Congress was well aware that more than two-thirds of the poles owned by one type of utility are jointly used by both telephone and electric utilities, and that the majority of the poles leased by cable companies are under the control of electric utilities. Therefore, it is clear Congress had fully considered poles used by electric companies when it stated that it was "virtually a uniform practice" to assign cable one foot of usable space.

[6] Additionally, as we pointed out in the Second Report (para. 34), most pole attachment agreements make CATV operators responsible for all pole replacement costs necessitated by subsequent installation of additional telephone or electric lines that reduce available safety space to less than 40 inches. CATV therefore carries the continuing burden of maintaining the 40 inches, although the safety space itself cannot be assigned to it.

companies' main dispute here is that safety space is not used as a matter of common practice and, accordingly, should not have become part of our rationale for determining that safety space is "usable" space. We disagree. The issue is not whether the space is actually *used*, but whether it is *usable*. Section 224(d)(2) defines usable space as "the space above minimum grade level which can be used for the attachment of wires, cables, and associated equipment." Clearly, street light brackets, transformers, and the like are "associated equipment" within the meaning of this provision. For this reason, we believe our initial resolution on this point was sound.

11. Lastly, we reject the argument that our treatment of the safety space results in too low a rate or a subsidization of cable television service by utility consumers. As the record shows, under standard industry practice, all expenses directly related to the preparation of the poles for cable attachments are reimbursable independently of the rate formula. Therefore, these expenses place no burden on the utility ratepayer. Indeed, far from resulting in a subsidization of cable operations, the rental revenues from leasing space to cable operators allow utilities to recover a proportionate share of the expenses and capital costs of a pole to the benefit of utility customers. Moreover, cable rentals offset expenses which otherwise would be borne by the utility subscribers, a significant benefit since the cable attachments are almost always made in surplus space. [7] In sum, we conclude that our decision on usable space was not only grounded in the legislative intent, but was also amply justified as an equitable and practical matter in the record before us.

II. Average Usable Space

12. In order to simplify the reporting requirements for the utilities, and to obviate the necessity for a special usable space study in response to each information request, we adopted, in the *Second Report*, an "average" amount of usable space per pole (Section 1.1404(g)(11). Under the rule, this average of 13.5 feet, which is based on the consensus of figures submitted to us, may be used in lieu of actual measurement. It does not , however, preclude the utility from submitting the actual usable space per pole if it so desires, nor, conversely, preclude the cable company from rebutting the 13.5 foot figure.

13. Both AT&T and GTE challenge the adoption of this 13.5 feet average figure. AT&T agrees with the concept of using a representative measurement for the average amount of usable space on a pole, but maintains that the 13.5 feet is unrealistic because it does not accurately reflect pole usage throughout the country. It particularly objects to the use of an arithmetic average of 35 foot poles with 11 feet of usable space and 40 foot poles with 16 feet of usable space. Instead, AT&T recommends development of a weighted average of pole sizes using 20 feet, in lieu of 18 feet, for ground clearance, and eliminating the safety space from the usable space. GTE, for its part, would delete the 13.5 foot figure from the Rules; rather, it would determine the average amount of usable space per pole on a case-by-case basis.

14. As we found in the *Second Report*, although there is no single definitive occupancy percentage or figure for usable space, there nevertheless appears to be a consensus that the most commonly used poles are 35 and 40 feet high with usable spaces of 11 and 16 feet, respectively. The record is replete with studies supporting our conclusion regarding typical pole usage throughout the country. To cite but one example, the comments submitted by Colony *et al.* in response to our original notice of proposed rulemaking include the results of cost studies done by Florida Power Corporation and Florida Power and Light Company in 1974 and 1978, respectively, in which the power companies estimate 50% of the attachment poles are 40 feet and 50% are 35 feet. Although we agree with AT&T that a weighted average is probably preferable to the arithmetic average developed in the *Second Report*, in this case they are actually identical; that is, the record supports 13.5 feet not only as an arithmetic average, but also as a weighted average. AT&T has not presented any evidence that our assessment of the national average of commonly used poles was unreasonable. Moreover, we have built enough flexibility into our procedures so that a utility may present its own weighted average if its usage differs significantly from our 13.5 feet. [8] At the same time we find no substance to GTE's suggestion that any "average" figure should be deleted from the Rules, and alternatively that the average amount of usable space per pole should be determined on a case-by-case basis. Simply put, in our view such a result would be contrary to the Congressional intent that our procedures be "simple and expeditious," *Senate Report* at 21, while not adding any measurable degree of accuracy above and beyond our rebuttable presumption.

15. Nor can we agree that an undue burden has been placed on the utilities as a result of the adoption of this average figure. Our Rules provide that a cable company may request certain information of the utility, including the average usable space per pole. The utility then has several options. It may respond with our "average" figure of 13.5 feet. In the alternative, it may present a weighted average of the usable space on its poles *leased for cable attachments*. It may do this without special studies by submitting figures from its records indicating the number of poles of the various heights in its distribution plant *used for cable attachments* and the usable space on each. If a utility uses a ground clearance figure of other than 18 feet on 35 and 40 foot poles and 23 feet on 45 foot poles to arrive at the figure, it must document the variance. [9] Finally, either initially or in response to the cable operator's rebuttal, the utility may conduct a properly substantiated special study and submit figures based on it. [10] In view of the above, we find that deletion of our 13.5 foot average usable pole space figure is unwarranted.

III. Interstate/Intrastate Factors

16. We noted in the *Second Report* that even though pole attachment matters are essentially intrastate in nature, cost figures are to be segregated into intrastate and interstate components, with only the former used

[7] *See, e.g.*, AT&T's reply comments to our notice of proposed relumaking in this proceeding, 66 FCC 2d 3 (1978), where it states, "Utilities construct poles and conduit to meet their own service reqirements." (p.6). Moreover, as the record also shows, if no surplus space is available, the cable company pays the entire cost to change out a pole to provide sufficient space for its attachments.

[8] AT&T also argues that a 20-foot ground clearance should be built into the formula instead of the 18 feet we used. The 20 foot figure does not comport, however, with the consensus of comments we received in response to our Notice. Nor is the 20 foot figure consistent with the Congressional finding that a typical utility pole 35 feet in length has 11 feet of usable space (leaving a total of 24 feet for both the portion buried underground and the necessary ground clearence). Senate Report at 20. The necessary ground clearance is prescribed by the NESC or by local ordinance, usually to be 18 feet. The fact that a cable must be attached to a pole above that minimum height, (*e.g.* 20 feet), so that the cable does not sag below 18 feet at the midpoint betweeen the poles does not change the minimum ground clearance. AT&T, in other words, is equating minimum ground clearance with the minimum point of attachment when the two are not the same.

[9] It should be noted that generally both 40 and 45 foot poles have a usable space of 16 feet. Poles taller than 40 feet are usually necessitated by a higher ground clearance, but that does not increase the amount of usable space.

[10] As stated in the *Second Report* (para. 21), although we discourage the parties from resorting to surveys and counts, they may do so at their own expense.

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in the calculation of pole attachment rates. See paras. 15 and 16. At that time we concluded that the magnitude of the interstate portion of total pole investment might be significant. We were also concerned that telephone companies would recover part of their revenue requirement from interstate operations under the *Separations Manual*[11] and recover again under the pole attachment rate formula. See para. 16, n. 14. Accordingly, we decided to require all telephone companies by rule to supply a complainant CATV operator with the rate of return authorized for intrastate services as well as a factor showing the proportion of pole plant allocated to interstate operations. See § 1. 1404(g)(10) and (13).

17. The telephone companies essentially contend that the interstate factor is unnecessary. GTE argues that the legislative history of Section 224 shows that Congress contemplated pole plant and costs in the context of a unit, *i.e.*, an entire pole, rather than the intrastate portion only. Furthermore, it asserts that the separations process, which apportions both costs and revenues between interstate and intrastate services, already applies to pole attachment rental revenues. Therefore, it maintains that separation of costs between intrastate and interstate cannot be made in determining pole attachment rates without causing unwarranted subsidization. USITA adds in this connection that, absent revision of jurisdictional separations procedures by a Federal-State Joint Board, allocation of pole costs to interstate and intrastate categories would result in a shortfall in intrastate revenue by the amount allocated to interstate.

18. Under the *Separations Manual*, rental revenues derived from telephone company plant are subject to jurisdictional separations procedures. If such revenues are "insubstantial" within the meaning of Section 11.24 of the *Manual*, they are reportable under Section 32.4, (Miscellaneous Revenues) and then allocated to interstate and intrastate accounts. See Section 32.421.

19. We recognize that there is a difference between a pole as a physical entity and as an accounting entity for telephone ratemaking purposes. Under the *Manual*, part of the cost of a pole must be recovered from interstate operations and the remaining part from intrastate operations. However, the costing of telephone operations has no bearing upon development of pole attachment rates except to assure that the attachment rate is based on the actual costs incurred. Since the interstate factor affects only the distribution of the revenue requirement among the operations, there would be no double recovery by telephone companies if the pole attachment rate is based on the historic cost of the physical pole. By contrast, if we required the telephone companies to use only intrastate cost data in determining the pole attachment rates, while at the same time allocating pole attachment rental receipts under separations procedures a shortfall in the intrastate revenue would result.[12]

20. Despite our earlier expectation that the interstate factor would be significant, experience to date has not borne this out. The remaining issue, then, is whether to alter our procedure or seek amendment of the *Manual*. We find deletion of this factor would not affect pole attachment rates significantly. It would also satisfy the Congressional mandate for simplicity. *Senate Report* at 21. Lastly, it would lay to rest any suggestion that costs used to determine rates are based upon less than the costs of the entire pole. Accordingly, we will delete § 1.1404(g)(13) of the rules. Moreover, we will allow complaints currently on file with the Common Carrier Bureau to be considered without further submissions by the parties regarding the interstate factor. We find no justification, however, to delete § 1.1404(g)(10), which deals with the intrastate rate of return, since this figure is used in calculating actual capital costs of the utility and thus is a necessary component in calculating the total costs of the pole.

IV. Remedial Authority under Section 224 of the Act

21. Section 1.1410 provides, among other things, that where the Commission finds a rate, term, or condition to be unjust or unreasonable, it may do one of the following: prescribe a just an reasonable rate, term, or condition; terminate the unjust or unreasonable rate, term, or condition; substitute a just and reasonable rate, term, or condition in the pole attachment agreement; or order a refund or repayment if appropriate. GTE challenges our authority to prescribe or substitute. In support, GTE begins by noting that Section 224(d)(1) of the Act establishes the formula for determining just and reasonable rates. If the rate falls within that range, GTE says, it must be considered "just and reasonable." If not, the argument runs, under Section 224(b)(1), we may only find that the rate is not "just and reasonable" and require that the rate be changed to fall within the range. According to GTE, the legislative history envisions that the Commission is to deal with disputes between parties through the ordering of negotiations or exercise of its cease and desist authority.

22. In our view, however, GTE's interpretation misperceives the overall statutory scheme. While we agree that the Commission has not been generally empowered to prescribe rates, terms, and conditons for pole attachments, it has been clearly empowered, *after hearing a complaint and responsive pleadings*, to take whatever action it deems "appropriate and necessary" if it finds a particular rate, term, or condition to be unjust or unreasonable. See *Senate Report* at 22; see also Section 224(b)(1) of the Act. Moreover, as we read the legislative history, the references to authority to order negotiations or to exercise the cease and desist power are intended simply as examples of two tools in our remedial arsenal which would be well suited to the task at hand.[13]

[11] NARUC–FCC Cooperative Committee on Communications, Separations Manual (1971 ed.) incorporated by reference in § 67.1 of the Rules, 47 CFR 67.1.

[12] A simple hypothetical will illustrate how the interstate factor presently operates, and further, the effect of deletion of § 1.1404(g)(13).

Assume for present purposes that the revenue requirement for the poles of one telephone company is $27.02 and that 10 percent of this revenue requirement is allocated to the company's interstate operations. Under these facts, $24.32 of the revenue requirement would be allocated to the intrastate operations of the company, and $2.70 would be allocated to the interstate operations. Assume, too, that CATV occupies 7.4 percent of the usable space on the poles.

Under the rationale of the Second Report, a telephone company may base its rates on the intrastate costs only. Hence, mutiplying $24.32×7.4%, the maximum allowable pole attachment rate which the CATV operator could be charged would be $1.80. However, once the Separations Manual comes into play that $1.80 would then have to be divided between the operations of the telephone company on the same basis as the plant that generated the rental revenues. Therefore, 10 percent (or $.18) of the $1.80 would by necessity go to the interstate revenue pool. Only $1.62 would remain to satisfy the intrastate revenue requirements. In other words, there would be a shortfall of $.18 into intrastate revenues.

With the interstate factor deleted, as provided in the instant order, the maximum rate would be based on the entire revenue requirement of the pole (i.e., $27.02). The maximum rental rate would now be $27.02×7.4 percent, or $2.00 per pole. Of the $2.00 rental revenue, $1.80 would be allocated to intrastate operations, with the remainder (or $.20) to interstate operations. Accordingly, under this revision, both operations would receive the full amount of their revenue requirements.

[13] Indeed, GTE inferentially concedes that our remedies go beyond negotiation and cease and desist authority when it recognizes that we have the authority, afer hearing a complaint, to order a utility company to file a rate which is within a zone of

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23. Plainly, § 1.1410 comports fully with this anticipated regime. As stated, that section's broad panoply of remedies is to be invoked only after a determination that the rate, term, or condition complained of is not just and reasonable. The only remaining issue is whether prescription or substitution of a specific rate is a reasonable extension of our authority to do what is "appropriate and necessary." We believe it is. Thus, as the Senate Report itself states, the rate-setting formula "permits the contracting parties, *or the Commission*, to determine a CATV pole attachment rate somewhere between avoidable costs and fully allocated costs." *Senate Report* at 19 (emphasis added).

24. The notion of a prescription power is supported by the overall legislative context as well. As noted, Congress has expressed its broad intent that we deal "simply and expeditiously" to resolve complaints in the face of its finding of utilities' monopoly power and possible abuse of bargaining power in setting pole attachment rates. *Senate Report* at 13. We are also charged with important responsibilities for regulatory oversight. *Id.* at 15. Lastly, we are expected to consider the reasonableness of the rate in relation to the other terms and conditions of the pole attachment agreement and judge the rate in connection with the services provided by the utility. *Id.* at 19.

25. Under these circumstances, where experience has shown that cable television may not be able to bargain with the utilities on an equal arms-length basis, it is important that we be able, where necessary, to provide a suitable remedy through exercise of the prescription power. In other words, merely ordering parties to negotiate or, alternatively, issuance of an order to cease and desist from charging unlawful rates may not be the most effective means to insure prompt implementation of the lawful rate that the statute plainly intends. For these reasons, we think prescription would be an exercise of our discretion well within the flexible parameters set by Congress.

V. Accounting Procedures and Other Matters

26. The *Second Report* requires utilities to submit certain data necessary for calculating the maximum just and reasonable attachment rate. Apparently uncertain as to how the Commission intends to use these submissions, AT&T, in its petition, sets out certain assumptions on how these specific data elements will be used in determining the appropriate pole rental rates and, further, how it expects to maintain its records to supply such information. A brief discussion of these AT&T comments follows.

27. *Make-ready Costs.* AT&T considers our treatment of make-ready costs [14] complicated and confusing. Thus, it claims, new subaccounts will be required to divide make-ready costs between recurring and nonrecurring items. Moreover, it argues, make-ready capital costs and expense items should both be considered nonrecurring costs. The *Second Report*, however, did not contemplate any such procedures. Rather, we consider all make-ready costs to be nonrecurring by definition, since they are incurred only at the time the pole plant is made ready for the cable attachment. Therefore, no subaccount or division of make-ready costs between capital costs and expenses is necessary.

28. *Crediting Make-ready Charges to Capital Accounts.* AT&T next asserts that the requirement that make-ready charges be credited to capital accounts is a new accounting procedure and one that will place an unfair burden on utility ratepayers. It explains that under its existing accounting procedures, whenever a pole is replaced to accommodate a CATV operator, there is no net change in new plant. In this way, it says there is neither a benefit nor a burden placed upon the utility's ratepayers because of CATV activities. See Petition at 17, n. 21. Accordingly to AT&T's submission, the accounting procedure it apparently now follows is the one required of it by our procedures. We expect that when a new pole is installed for the benefit of CATV, the pole line account will be charged with the cost of the pole. The same account will be credited when payment is received from the CATV operator. Thus, there will be no net change in the utility's new plant. Therefore, AT&T's fear that requiring the capital accounts to reflect that a pole has been replaced for the benefit of CATV will burden the telephone ratepayers is unfounded.

29. *Special Accounts for Tools, etc.* AT&T alleges that special accounts will be required for tools, motor vehicles, and other such equipment used exclusively for CATV purposes. Contrary to AT&T's assertion, special accounts are not required for tools, motor vehicles, and other such equipment used exclusively for CATV purposes. Items of equipment which have no use to the utility except for CATV purposes are chargeable to the CATV operator as a make-ready cost. Records for such items will be available in the billings to the cable company. Those items that are useful to the utility in the repair or installation of its own plant are not chargeable to the CATV operator, but rather are booked into the accounts of the utility and are recoverable through the recurring charges for maintenance.

30. *Number of Poles.* AT&T further contends that the Rules require it to calculate average per pole investment costs by dividing pole plant investment by the number of poles to which there are CATV attachments, regardless of whether the poles are owned or controlled.[15] It argues that this would dilute the average cost per pole because the poles it merely controls are not included as part of its investment statistics, but will be included in the denominator of the unit cost ratio. AT&T recommends that the clause "used and controlled" in Rule 1.1404(g)(5) be deleted and that the average investment costs per pole be calculated by dividing the utility's pole plant investment by the number of poles owned.

31. Clearly, however, AT&T misconstrues the correct use of the data submitted in response to § 1.1404(g)(5). Section 224 of the Act provides that the maximum "just and reasonable" rate charged for pole attachments be based on the costs of that pole incurred by the lessor utility. The net unit cost of a bare pole owned by a utility can be computed by first reducing the total pole investment by the depreciation reserve and by the net crossarm investment. The resulting figure (the net investment in bare poles) is then divided by the total number of poles owned by the utility (§ 1.1404(g)(5)(i)). For those poles controlled but not owned by the utility, however, the cost per pole is derived from the total annual rental fees paid by that utility (§ 1.1404(g)(7)) divided by the total number of controlled poles (§ 1.1404(g)(5)(ii)). Under the circumstances, it would be inappropriate to delete the phrase "used and controlled" from § 1.1404(g)(5) of the Rules, since the information is used to ascertain the costs involved.[16]

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reasonableness. Manifestly, no authority to do so is precisely conferred by the statute, but may be reasonably inferred from the authority to take steps "appropriate and necessary."

[14] Second Report, para. 29.

[15] AT&T cites paras. 10–13 of the *Second Report*, in support.

[16] Although no petitioner has specifically objected to the related § 1.1404(g)(6) of the rules, we perceive some confusion with regard to the meaning of "number of poles owned, controlled or used by the utility for CATV pole attachment purposes." A number of utilities appear to have construed this to be "zero," thereby interpreting the section to require submission of the number of poles used by the utility to provide service to CATV subscribers. Our

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32. *Current Replacement Costs.* AT&T next urges that we consider current replacement costs as one factor in developing rates. This approach, it states, would allow it and the CATV operator to agree mutually on a rate within a broader range than existing rates. As we stated in the *Second Report*, at para. 15, we do not consider such costs to be reflective of actual costs incurred, that is, the costs on which Congress directed that rates be based. Accordingly, we will continue to require the use of historical costs.

33. *"Simple and Expeditous" Programs.* Finally, both AT&T and USITA complain that we have ignored the Congressional intent that the pole attachment program be "simple and expeditious." AT&T predicts that the procedures established by the *Second Report* will proliferate new studies and new paperwork. We disagree. In our view, the bulk of the information which must be provided to the cable company will as a practical matter be readily retrievable by the utilities either from their internal records or from documents they have filed with this Commission or other regulatory bodies.[17] As such, we do not envision that any party will be required to perform any unduly burdensome special studies or adopt special accounting procedure in order to comply with the information requirements of the Rules. Indeed, to this end, we have provided for the use of average values for certain elements to facilitate resolving complaints without resort to special studies. Other typical values can be established as the need arises.[18] In sum, we conclude that the determination of the maximum lawful pole attachment rate is presently a reasonably simple and straightforward matter which the parties will be able to ascertain for themselves without our intervention.

Ordering Clauses

34. Accordingly, it is ordered that, except as indicated, the Petitions for Reconsideration filed by American, Bell, GTE, Iowa, Monongahela and USITA are denied;

35. It is further ordered that, pursuant to section 4(i) and 4(j) and 224(b)(2) of the Communications Act, 47 U.S.C. 154(i), 47 U.S.C.A. 224(b)(2), Part 1 of the Commission's rules and regulations is amended, as set forth in the attached Appendix, effective April 16, 1980.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).)

Federal Communications Commission,[19]
William J. Tricarico,
Secretary.

Appendix

Part 1 of title 47 of the Code of Federal Regulations is amended as follows:

Subpart J—Pole Attachment Complaint Procedures

1. Paragraph (g)(6) of § 1.1404 is amended to read as follows, and paragraph (g)(13) is deleted:

§ 1.1404. Complaint.

* * * * *

(g) * * *

(6) The total number of poles which are the subject of the complaint;

* * * * *

(13) [Deleted]

Separate Statement of Commissioner Tyrone Brown

In re: Adoption of Rules for the Regulation of Cable Television Pole Attachment, CC Docket 78-144

I join in the Commission's action (1) treating all space above minimum grade clearance as "useable space" and (2) assigning one foot of that space to cable. I do so because it appears the Congress intended this result in adding Section 224 to the Communications Act.

The example contained in the legislative history (S. Rpt. No. 95-580) defined "useable space" as the space above minimum grade clearance, and it refers to the "universal" practice of assigning one foot of this useable space to cable. I recognize that the record does not indicate that there is in fact any such universal practice, or that such practice (to the extent it prevails) has any relevance to the charges cable systems pay for pole attachment.

However, having determined the range within which reasonable charges should fall for pole attachments, Congress by means of the example in the legislative history, in effect went on to determine the precise basis on which the charge will be made during the first five years under the new law. Congress apparently adopted this approach in order to avoid administrative delay in implementing the pole attachment amendment. While I would feel more comfortable if we were approving a pole attachment charge based more explicitly on marketplace considerations, it is not within the Commission's discretion to undo a result that Congress intended.

[FR Doc. 80-8097 Filed 3-14-80; 8:45 am]

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47 CFR Part 73

[BC Docket No. 79-212]

Radio Broadcast Services; FM Assignment to Manhattan, Kans.

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a second Class A FM channel to Manhattan, Kansas, in response to a petition filed by Richard H. Kaldor and Timothy A. Hawks. The proposed station would provide for a second fulltime local aural broadcast service.

EFFECTIVE DATE: April 21, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Manhattan, Kansas), BC Docket 79-212, RM-3295.

Report and Order—Proceeding Terminated

Adopted: March 5, 1980.

Released: March 11, 1980.

1. The Commission has before it a *Notice of Proposed Rule Making*, adopted August 15, 1979, 44 FR 50378, proposing the assignment of Channel 280A to Manhattan, Kansas, as its second Class A FM assignment. The proceeding was instituted on the basis of a petition filed by Richard H. Kaldor and Timothy A. Hawks ("petitioners"). Supporting comments were filed by petitioners and Taylor Communications, Inc., licensee of FM station KCLY, (Channel 265A), Clay Center, Kansas. No oppositions to the proposal were received. Both petitioners and Taylor Communications, Inc., stated they would apply for the channel, if assigned.

2. Manhattan (pop. 27,575) [1], in Riley County (pop. 56,788), is located in northwest Kansas, approximately 163 kilometers (101 miles) west of Kansas City, Kansas. Manhattan presently receives local service from daytime-only AM Station KMAN, and FM Station KMKF (Channel 269A).

3. Petitioners state that, according to the Riley County Assessors Office, Manhattan's population has increased from 26,087 in 1970 to 30,047 in 1976, and continues to increase steadily. They claim that Manhattan is one of the fastest growing retail trade areas in the State of Kansas.

4. Preclusion would not be an impediment since it would result only on the co-channel. Two communities with populations greater than 1,000 are located in the precluded area (Clay Center (pop. 4,963) and Osage City (2,600)). Clay Center has an FM assignment (Channel 269A) and petitioner indicates that Channel 224A is available for assignment to Osage City.

5. Upon careful consideration of the proposal herein the Commission believes it would be in the public interest to assign Channel 280A to Manhattan, Kansas. The proposed assignment would provide for an FM station which could render a second local nighttime service and provide the first competitive outlet in the community.

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

7. In view of the foregoing, it is ordered, That effective April 21, 1980, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended with respect to the community listed below:

City	Channel No.
Manhattan, Kansas	269A, 280A

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Federal Communications Commission,
Henry L. Baumann,
Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-8054 Filed 3-14-80; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 2-6; Notice 6]

Federal Motor Vehicle Safety Standards; Side Door Strength

AGENCY: National Highway Traffic Safety Administration, (NHTSA).

ACTION: Final rule.

SUMMARY: The purpose of this notice is to amend Safety Standard No. 214, *Side Door Strength*, to allow manufacturers the option of leaving the seats in a vehicle while its ability to resist external forces pressing inward on its doors is tested. This amendment was proposed by the NHTSA in response to a petition for rulemaking from Volvo of America Corporation (44 FR 33444, June 11, 1979). The change is intended to give manufacturers broader design capabilities for improving the safety of vehicle occupants involved in side impact collisions. The performance levels for the alternative requirements are lower than those specified in the notice of proposed rulemaking, due to the agency's consideration of public comments on that notice.

EFFECTIVE DATE: The amendment made by this notice becomes effective March 17, 1980.

ADDRESSES: Any petitions for reconsideration of this rule should refer to the docket number and notice number and be submitted to the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. William Brubaker, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-2242).

SUPPLEMENTARY INFORMATION: Safety Standard No. 214, *Side Door Strength* (49 CFR 571.214), specifies performance requirements for the side doors of passengers cars to minimize the life-threatening forces caused by intrusion of objects such as other vehicles, poles and tree trunks into the occupant compartment in side-impact accidents. The standard currently specifies three static crush tests (initial, intermediate and peak) to measure the crush resistance of the side doors. The basis for these tests is that early studies concerning side impact protection demonstrated that, in fatal side collisions, most occupants die because of the door structures collapsing inward on them. The static crush tests are intended to ensure that there are strong door structures to limit this intrusion. Under the peak crush test of the standard, the vehicle door may not be deformed more than 18 inches inward when the door is subjected to a force of 7,000 pounds, or two times the curb weight of the vehicle, whichever, is less.

The existing test procedures of the standard specify that the vehicle seats are to be removed during the crush tests. Although it was recognized when the standard was originally promulgated that proper seat design can also reduce the amount of intrusion of side door structures into the occupant compartment, it was determined that this standard should measure the integrity of door structures alone.

Manufacturers have generally incorporated various types of beams in the outer door panels to provide crush resistance in compliance with the standard. Last year, however, Volvo of America Corporation petitioned the agency to allow vehicle seats to remain in the automobile during the crush resistance tests. Volvo stated that it has developed an advanced side impact protection system that incorporates the vehicle seats as an essential component and dispenses with door beams. Test data indicate that the Volvo design provides side impact protection that is equal to or greater than that provided by current production designs.

In response to Volvo's petition, the agency issued a notice of proposed rulemaking to allow manufacturers to adopt this option (44 FR 33444, June 11, 1979). The notice stated that manufacturers should be encouraged to develop innovative designs for improving side impact protection, particularly designs that will improve vehicle fuel economy because of reduced weight. Although not included in Volvo's petition, the proposal specified higher crush resistance levels for vehicles tested with their seats intact (a 16,000-pound peak force).

The criteria were set at levels intended to assure an equivalent or greater level of protection compared to the existing requirements. Agency data show that the seats of some current models contribute 4 to 5 thousand pounds of crush resistance in addition to the crush resistance provided by the doors themselves. Therefore, the higher

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Footnotes continued from last page

intent, however, was to elicit the total number of poles leased to the cable company. Therefore, we will simplify that section to make it clear that we are merely requesting the total number of poles subject to dispute.

[17] Apparently some of the data AT&T is specifically concerned about is already available to it. For example, it argues that an unintended result of the Second Report would be to require it to reestablish the crossarm investment subaccount, which was abolished in 1966. However, in footnote 28 of its petition, it gives 1978 cross-arm data for one company.

[18] There are certain other "averages" currently available which the parties could use in the absence of specific data. For example, in developing the Pole Attachment Formula, released November 7, 1978, Mimeo No. 57362, it was determined that approximately 15 percent of gross pole plant is attributable to items not essential to cable television attachments, such as crossarms. (This formula, while not a final Commissioin determination, was derived by our staff, and was used as an aid in negotations which led to an agreement in 1978 between AT&T and NCTA regarding pole attachment fees).

[19] See attached Statement of Commissioner Brown.

[1] Population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

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performance levels were proposed to ensure that the current level of crush resistance that is being obtained by strong door beams will not be degraded.

Nearly all of the twelve comments received in response to the notice supported the proposal to give manufacturers the option of testing with seats installed in the vehicle. A majority of the commenters objected to the higher crush resistance levels for the alternative procedure, however. Only Volkswagen Corporation stated that the standard should not be amended to allow the option. Following is a discussion of these comments.

The Insurance Institute for Highway Safety stated that the proposed amendment would give auto manufacturers a broader range of design alternatives than they currently have to reduce the likelihood of injuries to occupants of vehicles struck in the side. Most commenters made similar statements. Mercedes-Benz of North America noted that manufacturers would be afforded greater latitude in selecting designs to comply with the standard, without sacrificing occupancy protection, at at the same time could reduce vehicle weight.

While agreeing with the concept of the proposed alternative requirement, a large number of commenters felt the proposed performance criteria were too stringent. Peugeot, as well as the Motor Vehicle Manufacturers Association, stated that the current performance levels should apply whether the seats are left in the vehicle during testing or not. American Motors Corporation argued that the proposed crush resistance levels for the alternative procedure are significantly more stringent than existing 214 requirements, and that the NHTSA has not identified any safety need to justify this higher level of performance.

The agency does not agree that the performance levels of the standard should be the same whether the seats are left in the vehicle or are removed. As noted in the proposal, current vehicle seat designs often provide four to five thousand pounds of additional crush resistance above that required by the standard. Further, the standard was originally only intended to test the crush resistance of the doors alone. Therefore, if the performance criteria were the same with and without the seats in the vehicle during the test, manufacturers could reduce the current protection provided by their doors without upgrading their vehicles in other areas. Given the large number of fatalities in side impact accidents, the agency is very concerned that such a degradation of vehicle performance not occur under the alternative test procedure. Therefore, it is the agency's position that there is a substantial safety need to assure that the level of protection provided under the alternative procedure is equivalent to or greater than that provided under the existing test procedure.

Several commenters argued that the data and test results relied upon by the agency to establish the crush resistance levels for the alternative procedure are too limited, and that research should be expanded to include tests of other models prior to establishing the criteria. General Motors stated, for example, that the two vehicles used in NHTSA tests may not be representative of other vehicle designs which could exhibit differing door-to-seat interaction.

The agency disagrees with these contentions. Volvo and Ford Motor Company provided the NHTSA with data from tests they conducted with seats and without seats installed in some of their production vehicles. The agency conducted comparable tests on a Plymouth Volare, and the tests included both bench seats and bucket seats. This and other information substantiate that vehicle seats can and do provide much additional resistance to side door intrusion. These data demonstrate that crush resistance levels should be higher if vehicle seats are left installed during the testing in order to maintain the level of protection currently being provided.

Ford Motor Company argued that the proposed higher performance levels were based on limited tests of current production models, and that the higher performance results achieved in those tests represent built-in reserves by manufacturers above the minimum performance requirements of the standard. Ford stated that the crush resistance criteria of the proposed alternative should not be set at this upper level of performance. Other commenters, including Volvo, also argued that the proposed criteria were too high to allow for production variances. General Motors stated that the proposal does not really remove inhibitions to design innovation due to the increased performance requirements of the proposed alternative procedure. Finally, Rolls-Royce Motors urged that the performance criteria be set low enough that the potential weight savings offered by the proposal can be realized in practice.

After considering these comments, the agency has determined that the crush resistance levels for vehicles tested with their seats intact should be somewhat lower than those specified in the proposal. This will allow for production variances and enable manufacturers to build in a margin of protection above the minimum performance requirements specified in the standards.

In its comments, Volvo Corporation suggested that the intermediate crush resistance level should be set at 4,375 pounds (the proposal specified 7,000 pounds) and that peak crush resistance should be set at 12,000 pounds (the proposal specified 16,000 pounds). Volvo stated that tests of its current production cars that have door beams indicate a spread in intermediate crush resistance of approximately 2,000 pounds. The company noted that an intermediate crush resistance level that is twenty-five percent above the existing requirement would compensate for the addition of seats during testing and at the same time allow manufacturers a sufficient margin to comply with the standard. Volvo also stated that since the seats of some current cars add approximately 4,000 to 5,000 pounds of peak of crush resistance, this should be the amount of increase above the existing requirement, i.e., from 7,000 pounds to 12,000 pounds. Although Volvo's preliminary testing of its advanced side impact protection system indicates that the 16,000-pound requirement could be met, the company feels that the margin is not sufficient to allow for production variances.

The agency agrees with Volvo's suggested crush resistance levels, since they should ensure that the level of protection provided under the alternative requirement is at least equivalent to that provided currently. Therefore, these criteria are adopted in this amendment. While it is encouraging that Volvo's advanced system can meet the 16,000-pound peak force specified in the proposal, this may be too high for other manufacturers at the present time, and the agency's primary concern in allowing the alternative test procedure is to avoid any degradation of the protection being provided under the current requirement. The high performance of Volvo's advanced system will be considered very seriously, however, during the planned rulemaking to upgrade side impact protection (an advance notice of proposed rulemaking concerning improving side impact protection was recently issued: 44 FR 70204, December 6, 1979).

As noted above, data indicate that current seat designs contribute approximately 5,000 pounds to the crush resistance capacity of vehicle side structures. Therefore, the 12,000-pound peak force level specified in this amendment will assure the side impact protection is not degraded, but will also allow manufactures to develop new designs to meet the requirements. As demonstrated by Volvo, manufacturers will be able to develop new side structures and seat designs that will provide over 12,000 pounds of crush resistance without the use of heavy door beams.

Mercedes-Benz of North America commented that the "Initial" crush resistance requirement of the proposed alternative should be deleted (paragraph § 3.2.1 of the proposal). Mercedes argued that the three-stage static crush tests assign too much significance to the first stage (Initial crush resistance), since door reinforcement is necessary primarily to ensure compliance with this initial test: According to Mercedes, the initial resistance is achieved within the first six inches of crush depth (measured at the outer surface of the door), but that this is not more than one-ninth of the total energy absorption when testing without the vehicle seats. When testing with the seats, according to Mercedes, the percentage of energy absorption at the outer surface of the door panel is meaningless with respect to the total energy management and occupant protection.

The agency does not agree with this rationale. The initial crush resistance stage is necessary to ensure that vehicle doors have at least a minimum amount of structural integrity. This is particulary important because of the risk of occupant ejection if door hinges and latches separate during an accident, allowing the door to fly open. Although seat design can ameliorate intrusion into the occupant compartment to a certain extent, it is important to coordinate door structure and seat design to achieve the optimum occupant protection. Because of the initial crush resistance requirements, manufacturers may not be able to delete door beams altogether in some models. However, manufacturers will be able to use much lighter beams than are currently being used, without a reduction in overall performance.

Several commenters addressed the seat location specified in the proposed alternative requirement. The proposal provided that vehicles must be able to meet the specified crush resistance levels with the vehicle seats located in any position and at any seat back angle in which they are designed to be adjusted. Volvo's petition had requested that the mid, horizontal seat adjustment position be specified. Volkswagen of America stated that the new proposed test procedure, with the seat in any position of its adjustment range, potentially increase the test effort. Volkswagen argued that manufacturers would have the obligation to determine, by a test series, the most adverse test positions of the seat, and that this would be much more costly than the existing requirement.

While it may be true that requiring a vehicle to comply with the seat in any position to which it can be adjusted will require more effort by manufacturers, the agency has determined that this is a necessary aspect of the new procedure. If the vehicle seats are to be used as an integral part of the side impact protection system, it is important that the protection is provided regardless of where the seat is located along its adjustment range.

General Motors stated in its comments that it is reasonable to require demonstrated performance to assure that the occupant seat will assist in limiting side crush in any normal driving position. However, General Motors stated that the same rationale should not apply to seat back angle, and that the normal riding or driving angle established by the manufacturer should be used for compliance purposes. Volvo's comments agreed with General Motors regarding seat back angle.

The agency does not see a distinction between horizontal seat adjustment and seat back angle adjustment. If a particular seat is designed to be adjusted through a range of seat back angles, the vehicle should be able to comply with the requirement of the standard with the seat back at any of its adjustment angles, for the same reasons as noted above for horizontal adjustment. Further, the agency does not believe that the cost of testing will be substantially different if manufacturers are responsible for compliance with the seat in any adjustment position. Manufacturers, in some cases, may be able to determine the "worst case" position for seat location by engineering judgment and analysis prior to testing the vehicle. If a manufacturer has designed the vehicle seat to be an integral part of the side impact protection system, the manufacturer will likely know which position provides the most support and resistance to intrusion (and which provides the least support).

Of the commenters on the proposal, only Volkswagen Corporation was opposed to the proposed alternative test procedure. Volkswagen stated that the proposed requirement is not in keeping with the original purpose of the standard—to prevent intrusion. The company argued that there is a potential for reduced occupant protection in the case of oblique angle or "side-swipe" crashes since a vehicle with a door structure of inferior strength, as compared to current designs, runs the possible risk of door destruction or separation. Volkswagen noted that this could expose vehicle occupants to the risk of ejection.

While the agency shares Volkswagen's concern that the occupant protection being afforded by current vehicle doors not be lessened, it does not believe that the optional test procedure will result in reduced performance. The higher crush resistance requirements for vehicles tested with their seats installed should ensure that the overall protection currently provided is maintained. Moreover, since the initial crush resistance stage is included in the alternative procedure, in spite of comments that it should be deleted, door structures will have to maintain a certain amount of structural integrity. The 2,250-pound initial crush resistance level will ensure that door hinges and latches are of sufficient strength to preclude separation in most cases. Therefore, the agency does not believe that the alternative procedure will lead to increased ejections. The agency does believe, however, that both the current requirement and the alternative requirement should be upgraded. As noted earlier, the agency is presently involved in rulemaking regarding such an upgrade of the standard. The agency does not agree with Volkswagen's contention that the proposed test procedure is not aligned with the original purpose of the standard, since it has been demonstrated that effective seat design can substantially reduce intrusion into the occupant compartment.

The notice proposing this amendment specifically requested comments concerning the effect modifications to side door structures (i.e., lighter door beams or deletion of door beams, altogether) might have on vehicle integrity in frontal and front-angular crashes. In response to this request, Rolls-Royce Motors commented that the door beams used in its vehicles have had a negligible effect on vehicle integrity in frontal crashes. The company added that the requirements of Safety Standard No. 208, *Occupant Crash Protection*, will ensure that manufacturers maintain sufficient structural integrity for front-end crashes, even with sophisticated vehicle designs achieving the maximum savings in weight.

American Motors Corporation also stated that the various safety standards requiring frontal impact tests will maintain frontal integrity regardless of modifications to side door structures. Volvo provided data from off-set crash tests involving vehicles both with and

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without door beams. Both vehicles showed deformation characteristics (damage to vehicle structure) that are within the variances found for current production cars. In light of this information and the fact that there are other safety standards to ensure vehicle integrity in frontal impacts, the agency has concluded that the alternative test procedure set forth in this amendment will have no adverse effect on frontal occupant crash protection.

The agency has reviewed this amendment in accordance with the specifications of Executive Order 12044, "Improving Government Regulations", and the Departmental guidelines implementing that order and determined it has no significant environmental impact and that its economic impact is so minimal as not to require a regulatory evaluation. The amendment will merely provide manufacturers an alternative test procedure for determining compliance with an existing standard. For this reason, also, the agency has determined that an immediate effective date for this amendment is in order.

The engineer and lawyer primarily responsible for the development of this rule are William Brubaker and Hugh Oates, respectively.

In consideration of the foregoing, Safety Standard No. 214 (49 CFR 571.241) is amended as set forth below.

Section S3 (S3 through S3.3) is amended to read as follows and the first sentence of subparagraph S4(a) is deleted.

§ 571.214 Standard No. 214; side door strength.

* * * * *

S3 *Requirements.* Each vehicle shall be able to meet the requirements of either, at the manufacturer's option, S3.1 or S3.2 when any of its side doors that can be used for occupant egress are tested according to S4.

S3.1 With any seats that may affect load upon or deflection of the side of the vehicle removed from the vehicle, each vehicle must be able to meet the requirements of S3.1.1 through S3.1.3.

S3.1.1 *Initial Crush Resistance.* The initial crush resistance shall not be less than 2,250 pounds.

S3.1.2 *Intermediate Crush Resistance.* The intermediate crush resistance shall not be less than 3,500 pounds.

S3.1.3 *Peak Crush Resistance.* The peak crush resistance shall not be less than two times the curb weight of the vehicle or 7,000 pounds, whichever is less.

S3.2 With seats installed in the vehicle, and located in any horizontal or vertical position to which they can be adjusted and at any seat back angle to which they can be adjusted, each vehicle must be able to meet the requirements of S3.2.1 through S3.2.2.

S3.2.1 *Initial Crush Resistance.* The initial crush resistance shall not be less than 2,250 pounds.

S3.2.2 *Intermediate Crush Resistance.* The intermediate crush resistance shall not be less than 4,375 pounds.

S3.2.3 *Peak Crush Resistance.* The peak crush resistance shall not be less than three and one half times the curb weight of the vehicle or 12,000 pounds, whichever is less.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8).

Issued on March 11, 1980.

Joan Claybrook,
Administrator.

[FR Doc. 80-8144 Filed 3-14-80; 8:45 am]
BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 258

Fishermen's Protective Act

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

ACTION: Retroactive Amendment of Final Rule.

SUMMARY: This amendment changes § 258.22(g) to make eligible for compensation, damage to U.S. fishing gear occurring in commercial shipping lanes when it can be established that the damage was caused either by other fishing vessels while engaged in fishing or an act of God.

EFFECTIVE DATE: This amendment is retroactively effective to November 24, 1979.

FOR FURTHER INFORMATION CONTACT:
Ms. Kathryn E. Hensley, Financial Services Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, telephone (202) 634-4688.

SUPPLEMENTARY INFORMATION: On Thursday, October 25, 1979, the final rules implementing Section 10 (Section 10) of the Fishermen's Protective Act of 1967 (Act), as amended by Public Law 95-376, were published in the Federal Register 44 FR 61546.

Section 258.22(g) as originally enacted read as follows:

(g) *Commercial shipping lanes.* No casualty occurring in a commercial shipping lane is eligible for compensation under this subpart unless it is clear that the cause of the casualty was an act of God.

This section was premised upon the theory that a commercial fisherman fishing in a commercial shipping lane was assuming the risk of having the vessel or gear destroyed by shipping traffic in the lane.

It has subsequently come to this agency's attention that casualties may occur in commercial shipping lanes which are not caused by commercial shipping traffic and, under the provisions of Section 10, should be entitled to compensation.

In order to adequately compensate those casualties which fall into this category, § 258.22(g) will be amended retroactively to allow compensation in all those cases for casualties occurring in commercial shipping lanes which are not caused by commercial shipping traffic and which are otherwise entitled to compensation under the provisions of Section 10.

This retroactive amendment is being published without public comment and it will be effective retroactively to the date of the final rules, November 24, 1979.

Dated: March 10, 1980.

Robert K. Crowell,
Deputy Executive Director, National Marine Fisheries Service.

Authority: Public Law 95-376, 92 Stat. 715 (22 U.S.C. 1980). Subpart C—Compensation for Fishing Vessel or Fishing Gear Damage in a U.S. Fishery Attributable to Other Vessels or Acts of God.

Accordingly, 50 CFR part 258, § 258.22(g) is deleted in its entirety and the following is inserted in lieu thereof:

Subpart C—Compensation for Fishing Vessel or Fishing Gear Damage in a U.S. Fishery Attributable to Other Vessels or Acts of God

§ 258.22 Eligibility.

* * * * *

(g) *Commercial Shipping Lanes.* No casualty incurred in a commercial shipping lane caused by a vessel transiting such lane is eligible for compensation under this subpart. In the case of fishing gear casualties, the presumption of § 258.24(b)(1)(i) of this subpart shall not apply.

[FR Doc. 80-8145 Filed 3-14-80; 8:45 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 53
Monday, March 17, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

Proposed Alteration of the New York, Terminal Control Area; Informal Airspace Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Informal Airspace Meeting.

SUMMARY: The Federal Aviation Administration (FAA) will hold Informal Airspace Meeting No. 94, for the purpose of discussing a plan by the FAA to alter the Group I Terminal Control Are (TCA) at New York.

DATES: The meetings will be held on May 14, May 21 and May 28, 1980, beginning at 7:00 p.m. each day.

ADDRESSES: The meetings will be held at the following locations:

May 14, 1980—Auditorium of the Cranford High School, Westend Place, Cranford, New Jersey.
May 21, 1980—Auditorium of the White Plains High School, 550 North Street (NY227), White Plains, New York.
May 28, 1980—Auditorium of the Farmingdale Senior High School, Lincoln Street and Intervail Avenue, Farmingdale, New York.

FOR FURTHER INFORMATION CONTACT:
Mr. Russell W. Shedd, Chief, New York Common IFR Room, Federal Aviation Administration, Hangar 11, John F. Kennedy International Airport, Jamaica, New York 11430. Telephone (212) 995-9540. Office hours are 8 a.m. to 4:30 p.m. Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of these Information Airspace Meetings is to offer all persons likely to be affected by the proposed TCA the opportunity to present their views, and to assist the FAA in the preparation of an airspace action that will accomplish the improved safety objectives with the least impact on the airspace users.

No formal minutes or transcripts will be taken, however, anyone may submit written comments before or during the meeting which will be made a matter of record if they so desire. This action will not prevent interested persons from submitting comments later in response to a Notice of Proposed Rulemaking in the event the item is formally proposed.

Issued on: March 6, 1980.

Anthony Lepore,
Assistant Chief,
Airspace & Procedures Branch, AEA-530.

[FR Doc. 80-7913 Filed 3-14-80; 8:45 am]
BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Medical Participation in Control of Certain Open-Panel Medical Prepayment Plans

AGENCY: Federal Trade Commission.

ACTION: Request for Comment and Advance Notice of Proposed Rulemaking.

SUMMARY: This Notice requests comments on two staff reports dealing with medical participation in control of Blue Shield and certain other open-panel medical prepayment plans and on alternative courses of action that the Commission might take to deal with this subject, one of which might be rulemaking.

DATES: Comments should be received on or before May 16, 1980.

ADDRESSES: Comments should be submitted to: Secretary, Federal Trade Commission, 6th & Pennsylvania Avenue, NW., Washington, D.C. 20580.

Comments should refer to File No. 761-0036.

Agencies and organizations are requested to submit comments in triplicate.

ADDITIONAL MATERIALS AVAILABLE FOR REVIEW: Copies of the reports and studies discussed in the Notice may be obtained from: Public Reference Room (Room 130), Federal Trade Commission, 6th & Pennsylvania Avenue, NW., Washington, D.C. 20580, (202) 523-3467.

In addition, beginning immediately, the public may review and obtain at the above address during normal business hours comments and materials relevant to this Notice submitted by Blue Shield Association, The American Association of Foundations for Medical Care, and other parties.

FOR FURTHER INFORMATION CONTACT:
Walter T. Winslow, Jr., Assistant Director, or Andrew G. Stone, Attorney, Bureau of Competition, Federal Trade Commission, Washington, D.C. 20580 (telephone (202) 724-1062 and (202) 724-1063, respectively).

SUPPLEMENTARY INFORMATION: All comments received pursuant to this Notice will be placed in a public file which will be available for inspection as described above, except for information that discloses the identity of a confidential source or contains confidential commercial or financial information. If you believe your comment contains such information or fits this category, please specify the reasons for your belief. Such information will be retained in a non-public investigative file. The Bureau of Competition and the Bureau of Economics will also continue their investigations during the period in which comments are being received.

Part A—Background Information

1. *Summary of the staff Reports.* a. *The Bureau of Competition's Staff Report, "Medical Participation in control of Blue Shield and Certain Other Open-Panel Medical Prepayment Plans".* On April 29, 1979, the Federal Trade Commission's Bureau of Competition submitted to the Commission a report titled "Medical Participation in Control of Blue Shield and Certain Other Open-Panel Medical Prepayment Plans" ("the report"). The report describes the staff's findings concerning the Blue Shield system, and indicates that medical societies and other physician organizations appear to select some or all of the boards of directors of most Blue Shield plans—plans which make decisions about how much to pay physicians, what other health professionals to pay, and what services to provide coverage for. The report raises the concern that this medical participation in control of Blue Shield may affect the prices charged for medical care, and the way medical care is provided both to plan subscribers and for the public at large. The report also observes that some other types of open-panel medical prepayment plans [1] may

[1] The Commission notes that the staff has modified the analysis presented in its staff report of "open-panel medical prepayment plans" to cure an apparent ambiguity. In its report, the staff

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operate in a very similar manner to Blue Shield plans. The report goes on to analyze the legality of this medical participation in control of such plans and raises the question of whether control or participation in control of open-panel medical prepayment plans by physician organizations, and in some circumstances by individual physicians,[2] may be an unfair method of competition in violation of Section 5 of the Federal Trade Commission Act.

Although the report discusses several procedural options by which to further explore these issues, it concludes that rulemaking would be the fairest and most effective way to deal with the questions raised. Consequently, the report recommends that the Commission initiate a proceeding to consider whether or not to issue a rule dealing with such medical control of open-panel medical prepayment plans. In effect, the report requests that the Commission act on the recommendation of the Subcommittee on Oversight and Investigations of the House Committee on Interstate and Foreign Commerce that the Federal Trade Commission "[c]onsider promulgating a rule prohibiting physicians and physician organizations from dominating Blue Shield plans through their membership on the boards of directors or otherwise."[3]

To provide focus for such a proceeding, the staff report recommends that the Commission consider proposing for comment a rule that would prohibit medical societies and other organizations made up of physicians who compete with each other, from directly or indirectly participating in the control of certain open-panel medical prepayment plans, or in the selection of any members of the boards of directors of such plans.[4] The draft rule proposed by the staff also would bar persons from serving on the governing bodies of open-panel plans as representatives of physician organizations, and would prohibit plans from permitting such representatives to serve on their governing bodies.[5] The draft rule proposed by the staff would be subordinate to state law, and would not take effect until some time had elapsed after final promulgation.

Both Blue Shield Association ("BSA") and the American Association of Foundations for Medical Care ("AAFMC") have criticized this staff report and have requested that the Commission terminate the staff's investigation without action. BSA contends that the staff report is factually outdated and flawed by inaccuracies and distortions, that its economic analysis is theoretically incorrect and is belied by BSA's empirical studies, and that the staff's legal theories are open to serious challenge both on the merits and on jurisdictional and procedural questions.[6] AAFMC asserts that, among other things, its member plans are distinguishable from Blue Shield plans, that the staff report contains no factual basis for proceeding with respect to such plans, that these plans are procompetitive and have the effect of cutting the cost of medical care, and that staff's recommendations conflict with the legislative history of the federal HMO Act of 1973.[7] A number of other persons have also submitted comments endorsing or criticizing the Staff's report.

b. The Bureau of Economics' Staff Study "Physician Control of Blue Shield Plans"

On November 21, 1979, the Federal Trade Commission's Bureau of Economics published a staff study titled "Physician Control of Blue Shield Plans" ("the study"). The study utilizes econometric techniques to examine the relationship between physician and medical society participation in control of Blue Shield plans and both the prices of selected medical procedures, and plan administrative efficiency.

The staff study consists of two main sections. In the first section, the Bureau analyzes the relationship between Blue Shield plan customary fee limits for specific selected procedures, and several measures of physician medical control of the plans, adjusting for demographic and socio-economic difference among plan areas.[8] The study reports results, on the basis of Blue Shield Association data, for six measures of "physician control". The study's strongest results relate to medical society participation in plan governance: the Bureau reports that Blue Shield reimbursement rates in 1977 were 16 percent higher where a local medical society or other organized group of physicians selected plan board members. The study also reports lesser, but significant, results for other measures of physician participation in plan governance: it asserts that for 1977, each 10-percent increase in the portion of the board selected by participating physicians was associated with a one percent increase in fees. Finally, it concludes that where physicians comprised more than 50-percent of a Blue Shield plan board, reimbursement rates were, on average, 10-percent higher. Application of the same model to alternative data compiled from Blue Shield plans by the General Accounting Office leads to similar results.

In the second section of the study, the Bureau utilizes the same medical and physician control variables to analyze several measures of plan administrative efficiency, as adjusted for various differences in the nature of the plan's output, administrative input prices, and size. The results of this analysis appear to be sensitive to changes in definitions and estimation techniques, and the Bureau concludes that medical and physician control of plans has little relation to plan administrative costs.[9]

Blue Shield Association criticizes this study and has submitted an unpublished study of its own to the Commission which reaches contrary results. Among other things, Blue Shield Association contends that its study finds that increased physician involvement on Blue Shield plan boards is not associated with increased maximum customary fee allowances or with increased average payment levels. In addition, the Commission is informed that two other studies have reached the conclusions, respectively, that medical society involvement in plan board selection is associated with higher payments for specific services,[10] and that medical control may be associated with statistically higher prices for medical care paid for by commercial insurers only whether plans also enjoy a tax advantage over commercial insurers.[11] Finally, the Commission is aware that the General Accounting Office (GAO) is conducting a study in this area.

2. *Medical Participation in Open-Panel Medical Prepayment Plans.* According to the staff report, Blue Shield plans make up the largest system of open-panel medical prepayment plans in the nation. Although the member plans of Blue Shield Association vary in size and in the extent of their market penetration, most are the largest underwriters of medical coverage in their areas and provide a substantial source of revenue for physicians. As of 1977, the plans underwrote or administered coverage for about 85.3 million Americans—almost 40% of the nation's population—and controlled or administered about 25% of all funds paid for the services of physicians. While most Blue Shield plans will pay all physicians providing covered services, many also encourage physicians to enter into participating physician contracts, whereby they agree to abide by the plans' payment and cost control programs. As of 1977, and taken together, the plans had obtained participating agreements with approximately 170,000 physicians—more than 70% of all physicians actively engaged in patient care in the United States (excluding residents and interns).

While "Blue Shield" thus comprises the nation's most significant system of open-panel medical prepayment plans, the staff has pointed out there also exist an increasing number of other open-panel medical prepayment plans—variously called medical service bureaus, foundations for medical care ("FMCs"), and individual practice association-type HMOs ("IPA-type HMOs")[12]—some of which appear to function much like Blue Shield member plans. According to the staff, an "open-panel" plan is one which pays for or provides medical care to its subscribers principally through a large percentage of physicians who compete with each other on the usual fee-for-services basis in the plan's area. These characteristics distinguish "open-panel" plans from "closed panel" HMOs and other plans where care is delivered through a more limited number of physicians—who are usually employed by the plan or paid a fixed fee for providing all or a part of a subscriber's medical care.[13]

The staff report states that it appears that the vast majority of these other open-panel plans may have somewhat different characteristics than many Blue Shield plans and that these differences may or may not affect its analysis. Unlike Blue Shield, many of these plans appear to have small market penetration and confine their activities to local rather than broader geographic areas. Likewise, according to the staff, most of these plans have substantially fewer participating physicians than Blue Shield plans and appear not to pay physicians who do not agree to participate in the plan. The staff also reports that it is argued by some observers that these plans devote more effort to cost and utilization control programs than do Blue Shield plans. Staff report at 299.

On the other hand, the staff report states that as of 1979, a number of Blue Shield plans in the State of Washington were also operating as medical service bureaus and were considered to be both FMCs and IPA-type HMOs. The Oregon Blue Shield plan has stated that both it

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Footnotes continued from last page

characterized open-panel plans as those which operate financing mechanisms for medical services rendered by competing physicians. Its explanation focused on the fact that most open-panel plans operate through physicians who compete on a fee-for-service basis. The staff distinguished such plans from "closed-panel" plans that provide medical services through a limited number of physicians paid on a salaried or capitation basis. The staff also pointed out that closed-panel plans do not pay all physicians in their area and may encourage competition in the medical services market, whether or not they are medically controlled.

As a result of further analysis, the staff has been prompted to clarify its thinking. The staff believes that the central factor which distinguishes open-panel plans from other medical prepayment mechanisms is that open-panel plans will pay all or a large percentage of physicians practicing in the plan area. The staff is concerned that when such a plan is controlled by a physician organization, it may pose the same problems as a Blue Shield plan, in that it may tend to reduce competition among those physicians and in the medical services market as a whole. Of course, if one adopts this analysis, one must undertake, in at least some circumstances, the difficult task of estimating how "open" such a medically controlled plan can be, and still offer the possibility that, on balance, it will not diminish competition in the medical services market. As a starting place, the staff has suggested that its analysis should apply to plans which operate, administer, or underwrite a prepayment or financing mechanism for health services, which mechanism will pay more than a specified percentage—such as 50 percent—of the physicians in active practice in the area served by the plan for the provision of non-emergency services to plan subscribers.

[2] While the Commission has considered the staff's analysis with respect to individual physicians, it is convinced that these concerns, which are based on conflict-of-interest theories and on a concern that physicians on plan boards may view themselves as representatives of physicians generally, do not present any cognizable basis for it to find this situation to be an "unfair method of competition" (as that term is used in Section 5 of the FTC Act).

[3] "Conflicts of Interest on Blue Shield Boards of Directors," Comm. Print 95–66, 95th Cong., 2d Sess. at 4 (1978).

[4] The actual text of the staff's rule proposal is set out in the Staff Report at 312–14.

[5] Another provision of the rule, as proposed by the staff, would prohibit physicians who compete in providing services paid for by a plan from comprising more than 25 percent of the plan's board of directors. This last provision would expire in five years. However, as discussed above, the Commission has determined that such a rule is beyond its authority.

[6] Letter dated July 9, 1979, from James W. Rankin and James M. Johnstone, attorneys for BSA, to the Commissioners, enclosing Memorandum titled "Preliminary Analysis of April 1979 Staff Report * * *

[7] Letters dated September 14 and October 26, 1979, January 8, 1980, from William G. Kopit, attorney for AAFMC to Chairman Michael Pertschuk, Federal Trade Commission.

[8] The Bureau uses two sets of Blue Shield plan price data—selected reimbursement limits for specialists used in connection with each plan's program of providing payment up to a "usual, customary and reasonable" limit during the five year period 1973–77 (as obtained from Blue Shield Association) and selected reimbursement limits for general practitioners used in connection with the Federal Employees Health Benefits Program during 1976 (as obtained from Blue Shield plans through the General Accounting Office). Its study analyzes this price data in the light of various measures intended to capture two aspects of "physician control"—the proportion of each plan's board selected by a medical society, or organized medical group, or participating physicians; and the proportion of each plan's board comprised of physicians. In so doing, it adjusts for numerous other factors which the economic literature indicates might affect plan behavior or costs and prices of medical care.

[9] It should be noted that the Bureau of Economics points to a number of caveats and qualifications to both segments of its study. The Bureau reports that while its definitions of medical and physician control are reasonable, they do draw arbitrary lines between specific levels of control. The Bureau also points out that the data used, like all economic data, are less than perfect. In particular, the Bureau points out that its analysis is based on UCR fee limits, rather than other measures of fee levels, and that some data for some of the independent variables used do not match plan areas exactly. Additionally, the Bureau notes that its model does not specify all attributes of Blue Shield plans and the areas in which they operate, and does not contain any measure of the quality of medical care in these areas. Finally, the Bureau points out that econometric analysis simply measures degrees of association; it does not explain the reasons for an association. In this regard, the Commission notes that the study does not provide a description of the precise mechanism(s) through which control might operate on physician fees. Blue Shield Association's criticism of the Bureau's study contends that these factors, among others, render the Bureau's conclusions unreliable.

[10] F. Sloan, Physicians and Blue Shield: A Study of Effects of Physician Control on Blue Shield Reimbursements (forthcoming) (presented at Studies of Micro Survey Data On Physician Practice Costs And Income, research conference sponsored by Office of Research and Statistics, Health Care Financing Administration, Department of Health, Education and Welfare, Washington, D.C., February 27, 1980).

[11] R. Arnould and D. Eisenstadt, The Effects of Provider Control of Blue Shield Plans: Regulatory Options (February 21, 1980) (unpublished faculty working paper #645, College of Commerce and Business Administration, University of Illinois at Urbana-Champaign) (a revision of R. Arnould and D. Eisenstadt, The Effects of Blue Shield Monopoly Power on Surgical Fees: A Theoretical and Empirical Analysis (October 28, 1979) (unpublished)).

[12] As the staff report describes, there appears to be a number of non-Blue Shield open-panel medical prepayment plans which have sprung up in different areas of the nation during different periods of time, to meet different needs on the part of public and physician participants in these plans. The staff reports that "medical service bureaus" were first established in the states of Washington and Oregon to offer medical care coverage in the early part of this century, and have spread to other areas as the years have passed. The staff also notes that while the San Joaquin FMC was the first "foundation for medical care," initially it did not underwrite medical care coverage, and thus in this sense did not function in the same way as the medical service bureaus or "Blue Shield." However, during subsequent years, some FMCs have changed their mode of operation so that they now may underwrite and administer medical care coverage in ways which may or may not be similar to other plans. The staff report points out that "IPA-type HMOs" are medical prepayment plans which underwrite medical services provided through a group of physicians and other providers serving subscribers in their own offices. While some IPA-type HMOs do not appear to be "open-panel" plans since they permit only a few providers to participate, others permit all or nearly all physicians in the plan's area to join. Some of these IPA-type HMOs have become "qualified" for various types of federal assistance, pursuant to the Health Maintenance Organization Act of 1973. It should be noted that this Act requires that federally qualified, IPA-type HMOs must be legal entities separate from the physician group (or IPA) which provides medical services to subscribers. The staff's analysis as embodied in its draft rule applies only to medical participation in control of the HMO, and not to the governance of the IPA. See generally, staff report at 276–280, 305.

[13] The staff report focuses its attention on the questions raised by medical participation in control of "open-panel" plans. Although the Commission has not adopted the report, it wishes to point out that the staff report reaches the tentative conclusion that "[m]edical participation in the control of closed panel plans (or 'closed-panel HMO's') does not appear to be an unfair method competition." Staff report at 273, 274.

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and "other medical-society plans are * * * very similar to Individual Practice HMO's" and that the distinction is one "without a difference." See generally, staff report at 283–301. The staff stated that, taken together, these plans provide health coverage for a small, but rapidly growing portion of the nation's population.

The staff report is concerned that groups of competing physicians, such as state and local medical societies, may "control or participate in the control of" many Blue Shield and other open-panel plans. In particular, the Bureau reports that these groups often select all or a part of plan boards of directors and that numerous members of such boards are physicians whose services are paid for by the plan.[14] In addition, the staff points out that all plans make decisions about how much to pay physicians, about which physicians or other health professionals to pay for covered services, and about which cost-containment mechanisms to employ.

The staff report raises a number of important issues, especially in light of the rapid escalation of the cost of health care. Is there a relationship between medical participation in control of Blue Shield and other open-panel medical prepayment plans and the rise in physicians' fees? Does a plan controlled by a physician organization have less incentive than one which is not controlled to seek to keep down physicians' fees and to pay the fees of non-physician providers of health care? What are the benefits of medical participation in these plans, and can these benefits be obtained if physician groups do not control the plan? In public policy terms, is such control or participation in control in the public interest? And in terms of Section 5 of the Federal Trade Commission Act, is such control or participation in control an unlawful restraint of trade?

Similar questions have been asked and are being addressed in many quarters. A number of economists and others who have studied the health care industry have criticized medical control of Blue Shield. In 1975, the State of Ohio sued the largest Blue Shield plan in that State, and recently entered into a settlement requiring the plan to totally cut its ties with the organized medical community. Several other states were taking action to eliminate or reduce medical participation in control of medical prepayment plans at the time the staff report was submitted, and the Commission is informed that this trend is continuing. The Subcommittee on Oversight and Investigations of the House Committee on Interstate and Foreign Commerce held hearings in 1978 on Blue Shield's impact on rising health care costs. One of its recommendations was that the FTC consider promulgating a rule "prohibiting physicians and physician organizations from dominating Blue Shield plans." And the President's National Health Plan, as proposed in 1979, contains provisions which require that plans (including Blue Shield plans, HMOs, insurance companies and others) serving as administrators under that Plan, should be governed by boards of directors of whom "no more than 25 percent are physicians or selected by physicians." [15]

Part B—Issues on Which Comment Are Invited

The Commission has not reached any conclusion on the question of whether medical control or medical participation in control of any type of open-panel medical prepayment plan is a violation of Section 5 of the Federal Trade Commission Act. Before considering this issue, the Commission wishes to receive comments on the staff's analysis and the facts supporting the Bureau of Competition's report and the Bureau of Economics' study. The Commission believes that such public comment could greatly enhance its understanding of the issues which should be considered in determining what action, if any, to take.

Interested persons are invited to address any issues of fact, law, policy or procedure which they feel are relevant and should be considered by the Commission. The Commission particularly desires comment upon the questions listed below. These questions are provided in order to facilitate public comment and should not be construed to limit the nature and scope of comments submitted in response to this request.

1. *Degree of Medical Participation.* At what point, if any, does participation in the control of open-panel medical prepayment plans by physician organizations pose a sufficient danger of anticompetitive effects that, on balance, it should be forbidden? Would the selection of even a single board member of a plan provide a physician organization with sufficient power over a plan to render the relationship illegal? Should physician organization participation in the selection a small percentage of a plan's board, *e.g.*, 10–15%, be permitted because any anticompetitive effects are outweighed by the benefits of such participation?

2. *Types of Physician Organizations.* In participating in the selection of plan board members, do physician organizations represent the interests of the medical profession as a whole, thus posing antitrust concerns? Do these concerns depend on the nature of the physician organizations, *e.g.*, does participation in control by groups of "participating physicians"—that is physicians who have agreed to abide by the plan's payment terms and cost-containment programs—present less of a problem than participation by medical societies or other more highly organized groups?

3. *Self-Perpetuating Governing Structures and the Role of Individual Physicians.* The staff report evidences concern about the possibility that plans, currently controlled by boards selected by physician organizations, will make decisions which will perpetuate the physician organizations' influence. Staff raises a similar concern about plans which have recently changed from boards with physician organization control to self-perpetuating boards—that is, governing bodies whose members choose their own successors. The staff appears to be concerned that, while the effects of physician organization control can be expected to become attenuated over time, allowing plans to change to self-perpetuating governing structures may nevertheless perpetuate the effects of physician organization control. The staff suggests that Commission action with respect to these situations may be appropriate, and points out that one remedy to such situations might be for the Commission to propose a rule provision which, for five years, would prohibit physicians who compete for plan funds from comprising more than 25% of any plan board.

The Commission is convinced that participation by individual doctors, not serving in a representative capacity for any physician organization, cannot be

[14] The report details that as of 1978, for example, medical societies and other physician groups formally participated in the selection of some members of 47 of the 70 Blue Shield plans boards, and selected a majority of the boards of 32 plans. Thirty-one Blue Shield plans had physician majorities on their boards and virtually all plans had physician-controlled committees that made decisions about payments and coverages. While the staff is still in the process of gathering information about non- Blue Shield, open-panel medical prepayment plans, the staff's preliminary indication is that medical societies and other physician groups select some or all of the board members of many of these plans. As of 1978, according to publicly available information, a majority of the non- Blue Shield open-panel medical prepayment plans then in operation had physician or provider majorities on their boards.

[15] See S. 1812, sections 101(1814(b)(2)), 104(e)(1), 96th Cong., 1st Sess. (Sept. 25, 1979); also see H.R. 5400, §§ 101(1814(b)(2)), 104(e)(1), 96th Cong. 1st Sess. (Sept. 25, 1979). The Plan would impose the same restriction on every federally qualified HMO which "utilizes more than 60 percent of the physicians (but at least 25 physicians) in the area which it serves."

an "unfair method of competition" (as that term is used in Section 5 of the FTC Act).[16] Consequently it is convinced that this aspect of the staff's proposed remedy is not an appropriate approach to the issues presented by self-perpetuating governing structures. However, if physician organization control is found to be illegal, there could be some question about such organizations perpetuating their control through self-perpetuating boards, or alternative means. Is this a serious problem? If so, should the Commission consider whether to preclude, for a set period of time, current physician organization representatives from serving on plan boards or participating in the selection of people who will serve on plan boards? Should the Commission consider dealing with this possible concern in some other way?

4. *"Control" Other Than by Board Membership.* Does physician organization participation in plan decisions through the control of plan committees or by reason of plan delegation of decisions to physician organizations present anticompetitive problems? Should these problems be addressed directly by focusing on these mechanisms for control or should Commission action be directed solely at the issue of the membership of plan boards?

5. *Types of Plans.* (a) As discussed above, the open-panel plans which make up the Blue Shield system comprise the largest system of medical prepayment plans in the nation, and medical control of these plans would appear to have the most immediate and substantial impact on the professional health care sector. However, as also discussed above, there apparently exists a growing number of other open-panel medical prepayment plans, which the staff report indicates may operate like Blue Shield member plans and raise the same issues as medical participation in control of Blue Shield. Others have asserted that these plans in general and IPA-type plans in particular have enhanced competition, and that medical participation in the governance of such plans either has been beneficial or, at worst, has had little effect on competition. The Commission invites comment on this general issue, and on the following more specific questions:

Are there significant differences in structural characteristics and operational techniques between various types of open-panel medical prepayment plans (e.g., between "Blue Shield-type plans" and IPA-type HMOs)? Are there important distinctions to be made between types of plans on the basis of plan size, or plan market penetration, or with respect to the handling of hospital utilization, premiums, physician compensation, and risk-sharing arrangements? Do these differences, if any, create a difference in the competitive impact of medical participation in control of these plans on the professional health services market? To the extent that distinctions between types of plans exist, do they warrant a different competitive analysis with respect to various types of plans?

Is the staff's analysis of the competitive impact of "open-panel" plans correct? How appropriate is the staff's suggestion that its analysis should apply to plans which will pay more than 50% (or some other percentage) of the physicians in active practice in the area served by the plan for the provision of non-emergency services to plan subscribers.

(b) The Office of HMOs (hereafter "OHMO") of the Department of Health, Education and Welfare, has raised questions about application of the staff's proposal to federally qualified health maintenance organizations.[17] While OHMO recognizes the anticompetitive possibilities, it contends that any rule proposed for comment should not apply to federally qualified, IPA-type HMOs because they are subject to a regulatory framework which, when coupled with the competitive environment in which they operate, precludes anticompetitive activities. OHMO asserts, among other things, that federally qualified, IPA-type HMOs must offer a federally mandated benefit package; must devise effective incentives (in the form of risks or rewards) to control utilization; and must offer competitive premiums. The HMO must also arrange for one health professional to be designated to coordinate each member's over-all health care. OHMO argues that these elements of regulation, in particular, require each federally qualified HMO to maintain a contractual relationship with the providers who comprise its coordinate IPA, and so limit the discretion of the HMO and the IPA that they cannot act in an anticompetitive manner if their endeavor is to succeed. OHMO points out that the rule proposed by the staff might affect seven to ten of the approximately 37 IPA-type HMOs which are federally qualified, and might adversely affect the future development of this type of HMO.

These assertions by OHMO raise several questions: Would an effective regulatory system or other actions by agencies, other than the Commission, sufficiently alleviate any problems caused by physician organization participation in the control of plans so that Commission action would not be necessary? If the Commission decides that it should take action concerning this issue, should such action extent to federally qualified, IPA-type HMOs?

6. *Economic Studies.* Comments are invited on the appropriateness of the data used and on the methodology underlying the Bureau of Economics' study described above, as well as on the appropriate interpretation of the results of this study. In particular, comment is invited about possible reasons for the fact that the economic study showed a correlation between participating physician control and higher fee levels which was not as strong as the correlation between medical society control and higher fee levels. What are the implications of these differing degrees of correlation for Commission action? Comments are also invited on the study submitted to the Commission by the Blue Shield Association (which reached conclusions contrary to the BE study), on the Arnould-Eisenstadt study, the Sloan study, and on any other studies that may bear on the issues described in this request. The Commission is hopeful that the GAO study will be completed in the near future so that the Commission and the public will have the benefit of its results before the Commission makes a determination as to any further course

[16] Chairman Pertschuk wishes to note that while he is not convinced that such participation could be found to be a violation of Section 5, he would prefer to invite public comment on this issue. Particularly in light of the concern over this issue expressed by the Subcommittee on Oversight and Investigations of the U.S. House of Representatives, as well as the fact that the Bureau of Economics study seems to indicate a possible association between physician participation above a certain percentage and higher fees, he would not foreclose discussion of this issue.

Chairman Pertschuk would also seek comment on the question whether, if physician organization control were found to be illegal, temporary restrictions should be placed, as a remedial measure, on participation by individual doctors not designated by any physician group, to ensure that anticompetitive effects of physician organization control would be eradicated. That is, he would invite comment on the significance of the transitional concerns expressed by the Bureau of Competition staff (Staff Report at pp. 269–70), particularly with respect to physicians who, while not selected for board membership by a medical society, are active members of medical societies and might be likely to join with other physicians so affiliated in representing the economic interests of the profession.

Chairman Pertschuk believes it would be useful to explore the policy questions involved in individual physician participation in order to form the basis for a possible report and recommendations to Congress or the states, even if the Commission itself does not act to challenge such participation.

[17] Letter dated December 13, 1979 from Howard R. Veit, Director, OHMO, to Walter T. Winslow, Jr., Assistant Director, Bureau of Competition, Federal Trade Commission.

of action. In any event, the Commission will take no final action in this area without ensuring that there is adequate opportunity for public comment on the final GAO study.

7. Possible Commission Courses of Action. The Commission invites comment respecting the procedure to be use to further explore these issues, should the Commission decide that this is necessary. As is discussed above, the staff report raises this question, and recommends that the Commission institute a rulemaking proceeding pursuant to Section 6(g) of the Federal Trade Commission Act. While the staff points out that the choice among procedural options is not clear-cut, it states its belief that rulemaking may be the fairest and most efficient way to address the problem, since it allows the Commission to consider—and the public to present—all of the facts, policy considerations and possible remedies in one forum, and does not single out any one plan. The staff points out that one alternative approach would be for the Commission to issue one or several complaints against plans which present the problems discussed in its report. See staff report, at 308–311. The Commission invites comment about the appropriateness and relative merits of these alternative approaches to the concerns raised by the staff, as well as other possible Commission courses of action. In this respect, the Commission notes that if it does not determine to commence either of these types of proceedings, at least three other alternatives are open to it. First, the Commission might consider issuing an industry guide pursuant to §§ 1.5, 1.6 of its rules to provide a basis for voluntary abandonment of inappropriate and illegal relationships. The Commission has determined in the past that this approach was appropriate when, among other things, large numbers of people were engaged in similar conduct, there was reason to expect a high degree of compliance, and the legal standard in question was difficult to define except in broad terms. See Federal Trade Commission, Operating Manual, Ch. 8. Second, the Commission might prepare and publish, pursuant to 15 U.S.C. 46(f), a report to the Congress or to the states respecting these issues. Such a report might include recommendations respecting possible legislation or other action designed to remedy any inappropriate situations. Finally, as is discussed in the staff report, the Commission might issue a complaint against BSA, and/or conclude that BSA's assurance that it will move toward the goals of minimizing medical society involvement on plan boards and committees is sufficient to resolve the problems presented by the staff report. While BSA has asserted that a voluntary agreement is the most appropriate approach to deal with the questions raised, the staff has expressed its concern that BSA has not agreed to go far enough, or to be bound to enforce any goals which might be agreed upon.[10] Of course, the Commission also invites comments respecting other approaches which interested parties may wish to call to its attention.

By direction of the Commission.

Dated: February 5, 1980.

Carol M. Thomas,

Secretary.

[FR Doc. 80-8075 Filed 3-14-80; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-16644; File No. S7-825]

Broker-Dealer Recordkeeping Requirements

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing for public comment an amendment to its recordkeeping requirements under Rule 17a–4. There is now no Commission rule which governs the furnishing of copies of the records of brokers and dealers to Commission representatives. Despite the statutory authority of the Commission, some brokers and dealers have refused to supply copies of their records when so requested by Commission representatives. The proposed amendment would clarify the authority of the Commission staff to receive copies of documents required to be made or preserved by Rules 17a–3 or 17a–4.

DATE: Comments should be received by April 18, 1980.

ADDRESSES: All comments should be submitted in triplicate and directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7–825 and will be available for public inspection at the Commission's Public Reference Room, Room 6101 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: JoAnn Zuercher, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. (202) 272–3114.

SUPPLEMENTARY INFORMATION: Section 17(a)(1) of the Securities Exchange Act as amended by the Securities Acts Amendments of 1975 requires members of national securities exchanges and registered brokers and dealers to make and keep for prescribed periods such records and furnish such copies thereof as the Commission by rule prescribes.[1] Section 17(b) of the Act provides that all records required to be made or kept are subject at any time to reasonable examinations by representatives of the Commission.

Rules 17a–3 and 17a–4 adopted pursuant to Section 17 of the Act require that specified records be made and preserved by certain exchange members, brokers and dealers. There is now no Commission rule which governs the furnishing of copies of the records of brokers and dealers to Commission representatives. Despite the statutory authority of the Commission,[2] some brokers and dealers have refused to supply copies of their records when so requested by Commission representatives.

The proposed addition to Rule 17a–4 is intended to clarify the authority of the Commission staff to obtain copies of documents made or preserved under Rules 17a–3 or 17a–4.

Statutory Basis and Competitive Considerations

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934 and particularly Section 17, hereby proposes for public comment an amendment to Rule 17a–4 (17 CFR 240.17a–4) clarifying the entitlement of representatives of the Commission to receive true, complete and legible copies of documents required to be made or preserved under Rules 17a–3 and 17a–4.

It appears to the Commission that no burden will be imposed on competition by adoption of this amendment. If there is any burden on competition, it is necessary and appropriate in furtherance of the purposes of the Act, particularly in furtherance of the Commission's obligation to protect investors.

[10] See staff report at 310–311, appendix C–6–C–9.

[1] 15 U.S.C. 78q(a).

[2] As the Commission stated in Securities Exchange Act Release No. 16276 (October 12, 1979), 18 SEC Docket 670, subsection 17(b) of the Securities Exchange Act makes clear that "the authority to examine records would include the authority to make or require copies of such records." (Report of the Committee on Banking, Housing, and Urban Affairs, to accompany S. 249, 94th Cong; 1st Sess., Senate Report No. 94–75, at p. 120, 18 SEC Docket at 671).

Text of Amendments

Accordingly, it is proposed to amend 17 CFR 240 by adding paragraph (j) to § 240.17a–4 to read as follows:

§ 240.17a–4 Records to be preserved by certain exchange members, brokers and dealers.

* * * * *

(j) Every member, broker or dealer subject to this section shall furnish promptly to examiners or other representatives of the Commission such legible, true and complete copies of those records of the member, broker or dealer, required to be preserved under this section, as requested by such representatives.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 11, 1980.

[FR Doc. 80-8172 Filed 3-14-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[Notice No. 335]

Standards of Fill for Wine; Miniature Wine Size

AGENCY: Bureau of Alcohol, Tobacco and Firearms.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing a 50 milliliter miniature bottle size for wine. This proposal is a result of petitions received from several wine industry members seeking a metric size of 50 ml (1.7 fl. oz.) to replace the 2.0 fl. oz. size now commonly used for serving Sherry or port wines in transportation service. The 2.0 fl. oz. size became obsolete January 1, 1979, and currently there is no metric replacement.

DATE: Written comments or requests to hold a public hearing must be received by May 13, 1980.

ADDRESS: Director, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044, Attention: Chief, Regulations and Procedures Division.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Research and Regulations Branch, Telephone: 202–566–7626.

SUPPLEMENTARY INFORMATION:

The 50 Milliliter Wine Miniature

At the request of industry members, ATF authorized standards of fill for wine using metric measure beginning January 1, 1975. These metric sizes became mandatory for all bottling of wine on January 1, 1979, and bottling in the former U.S. sizes is no longer permitted.

One U.S. size which has become obsolete is the 2.0 fl. oz. size; unlike other U.S. sizes, this size has no close metric replacement since the nearest metric size of 100 ml, approximately 3.4 fl. oz., is 70 percent larger. This 2.0 fl. oz. size is primarily used by airlines and railroads for individuals servings of Sherry and port wines.

Addition of a 50 ml standard of fill would permit continued use of a single-person serving of Sherry or port wine. Absence of a 50 ml or similar size may lead to discontinuation of Sherry or port wine service on airlines since many airlines have indicated that space limitations prohibit dispending these wines from larger bottles.

Reasons given by various industry members in support of their petition are:

(1) The 2.0 fl. oz. miniatures are an important part of wine service on airlines and railroads; (2) airline beverage carts cannot accommodate a 100 ml bottle size but will accommodate a 50 ml bottle: (3) Sherry and port wines compete directly with cordials, liqueurs and cocktail products in terms of serving size and price; (4) the European Economic Community (EEC) authorizes a 50 ml size for Sherry and port wines; and (5) the market for these wine miniatures is expanding, from approximately 10,000 cases in 1970 to 22,000 cases 5 years later.

ATF beleives that this request to authorize a 50 ml wine miniature has merit and, therefore, proposes to amend § 4.73(a) to include 50 ml in the standards of fill for wines. However, ATF solicits public comments over both the need for this wine container, and the exact size this container should be (for example 50 ml, 60 ml, 75 ml, or other size).

ATF is aware of some concerns that conversions to metric bottle sizes which are generally slightly smaller than previously used United States sizes has been inflationary. It should be noted that ATF has no authority to order price adjustments on alcoholic beverages. However, since we are concerned about price adjustments affecting the consumer, ATF will advise the Council on Wage and Price Stability on this matter.

Conforming Changes

Bottling of wine in the metric standards of fill became mandatory on January 1, 1979. As a result, it is no longer required to state the U.S. equivalent volume in conjunction with the metric net contents as formerly required by § 4.37(b). This provision is modified to make the statement of U.S. equivalent volume optional. Sections 4.37(b) is amended and 4.73(e) is deleted. Also, since the conversion to the metric standards of fill is complete, § 4.73(d), completeness of conversion, is deleted since it is no longer necessary.

Drafting Information

The principal author of this document is Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Public Participation

Interested persons who desire an opportunity to comment orally at a public hearing on these proposed regulations should submit a written request to the Director within the 60 day period. The Director reserves the right to determine if a public hearing will be held.

Written comments or suggestions may be inspected by any person at the ATF Reading Room, Room 4406, Ben Franklin Post Office Building, 1200 Pennsylvania Avenue NW., Washington, DC during normal business hours.

Authority and Issuance

This notice of proposed rulemaking is issued under the authority contained in section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended (27 U.S.C. 205).

Accordingly, 27 CFR Part 4, Labeling and Advertising of Wine, is amended as follows:

Paragraph 1. In § 4.37 the introductory text of paragraph (a), (a)(2), introductory text of (b) and (b)(1) are revised to read as follows:

§ 4.37 Net contents.

(a) *Statement of net contents.* The net contents of wine for which a standard of fill is prescribed in § 4.73 shall be stated in the same manner and form as the standard of fill is set forth. The net content of wine for which no standard of fill is precribed in § 4.73 shall be stated in the metric system of measure as follows:

(1) * * *

(2) If less than one liter, net contents shall be stated in milliliters (ml).

(b) *Statement of U.S. equivalent net contents.* When net contents of wine are stated in metric measure, the equivalent volume in U.S. measure may also be

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shown. If shown, the U.S. equivalent volume will be shown as follows:

(1) For the metric standards of fill: 3 liters (101 fl. oz.); 1.5 liters (50.7 fl. oz.); 1 liter (33.8 fl. oz.); 750 ml (25.4 fl. oz.); 375 ml (12.7 fl. oz.); 187 ml (6.3 fl. oz.); 100 ml (3.4 fl. oz.); and 50 ml (1.7 fl. oz.).

* * * * *

Par. 2. Amend § 4.73 by adding 50 milliliters to the standards of fill in paragraph (a), and by deleting paragraphs (d) and (e). As amended, § 4.73(a) reads as follows:

§ 4.73 Metric standards of fill.

(a) *Authorized standards of fill.* The standards of fill for wine are the following:

3 liters
1.5 liters
1 liter
750 milliliters
375 milliliters
187 milliliters
100 milliliters
50 milliliters

* * * * *

(d) [Deleted].
(e) [Deleted].

Signed: December 18, 1979.

G. R. Dickerson,
Director.

Approved: January 9, 1980.

Richard J. Davis,
Assistant Secretary (Enforcement of Operations).

[FR Doc. 80-3776 Filed 3-14-80; 8:45 am]
BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 337]

Napa Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of proposed rulemaking and notice of hearing.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in California named "Napa Valley." ATF feels that the establishment of a Napa Valley viticultural area and the subsequent use of the name "Napa Valley" as an appellation of origin in wine labeling and advertising would help consumers of wine to better identify Napa Valley wines.

This notice also announces the time and place ATF will hold a public hearing to discuss issues relating to this proposal.

DATES: Written comments must be received by May 16, 1980. Requests to present oral comments must be received by April 25, 1980.

Hearing Date: Day sessions, April 28–30, 1980, at 10:00 a.m.—Evening session (if necessary), April 28, 1980, at 7:00 p.m.

ADDRESSES: Send written comments and requests to present oral comments to: Director, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044 (Attn: Chief, Regulations and Procedures Division)

Copies of the petition, the proposed regulations, the hearing transcript, and any written comments will be available for public inspection during normal business hours at the:

Public Reading Room, Room 4408, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC

Hearing location:

Holiday Inn, 3425 Solano Avenue, Napa, California

FOR FURTHER INFORMATION CONTACT:
Thomas Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37671, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical characteristics. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) The specific boundaries of the viticultural area, based on features which can be found on U.S. Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Approved American viticultural areas will be listed in 27 CFR Part 9.

Petition

ATF has received a petition proposing an area within the watershed of the Napa River in Napa County, California, as a viticultural area known as "Napa Valley." The petition, with maps, is on file with ATF.

The petitioner submitted supporting evidence claiming that this proposed viticultural area is distinguishable by climate, soil conditions, and physiographic characteristics.

The petitioner described the proposed area as falling within the watershed of the Napa River and lying in a valley of The Coast Ranges. The proposed area is situated about 45 miles from the Pacific Ocean. Its southerly or downstream end adjoins San Pablo-San Francisco Bay about 35 miles north and slightly east of the city of San Francisco.

The proposed Napa Valley viticultural area is about 4 miles wide just south of Napa City, California, and about 1 mile wide in the vicinity of Calistoga, California, 25 miles northwest of Napa City. North of Calistoga, California, the valley is pinched bluntly by the surrounding mountains, which are dominated by Mt. St. Helena. Mean elevations at incorporated cities in the valley are 17 feet in Napa City, 255 feet at St. Helena, and 365 feet at Calistoga.

The proposed area is bordered on the west by a mountain ridge which rises abruptly from the valley plain from Calistoga and extends as far south as Napa City, where it gives way to the rolling hills of the Carneros District. These hills extend southward to marshy delta land on the Napa River bordering San Pablo Bay. The highest peaks in the westerly ridge are Mt. St. John, elevation 2,375 feet, and Mt. Veeder, elevation 2,673 feet. The average elevation of this mountain ridge exceeds 1,000 feet.

The mountain ridge that borders the valley on the east extends southward all the way from Calistoga to the north shore of Carquinez Strait. This ridge broadens to form a comparatively low plateau in the Angwin area east of St. Helena. Immediately to the south of Angwin, the hills rise in serried ranks, forming three tributary valleys parallel to each other and to the main drainage of the Napa River. These tributary valleys are known as Spring, Conn, and Chiles Valleys. The eastern hills are not marked by such prominent peaks as the western hills, and their average elevation is slightly lower.

Although the drainage of the Napa River extends to the Carquinez Strait, the petitioner uses the line of Suscol Ridge near Napa City as the southern boundary of the viticultural area. The petitioner claims that grapes have not been grown south of this ridge historically, and are not being grown there at present.

Public Participation—Written Comments

ATF requests comments from all interested persons concerning this proposed Napa Valley viticultural area. Furthermore, while this document proposes possible boundaries for a Napa Valley viticultural area, ATF requests comments concerning other possible boundaries for the viticultural area.

ATF specifically requests comments concerning the possible inclusion of the smaller valleys east of the Napa River watershed in a Napa Valley viticultural area.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure.

Public Participation—Public Hearing

ATF believes that a public hearing is essential in order to obtain and evaluate all possible information concerning the proposed viticultural area. Persons desiring to present oral comment should submit a written request containing the name and address of the individual who will present the comment. They should indicate in their request a preference for the time and day they would like to comment. To the extent possible, ATF will honor these preferences. Persons requesting to comment should include in their request an outline of the topics on which they desire to speak. Oral comment will be limited to 10 minutes per speaker, but additional time may be granted for answering questions. Persons presenting comments should be prepared to respond to questions concerning their comments, their topic outline, or any matter relating to written comments they have submitted.

Persons not scheduled to comment may be allowed to comment at the conclusion of the hearing if time permits.

ATF will notify all persons requesting to comment and will confirm the date and time. An agenda listing the speakers will be available at the hearing.

Written comments relating to this notice of proposed rulemaking will be available at the hearing for public inspection.

The hearing will be conducted under the procedural rules in 27 CFR 71.41(a)(3).

Drafting Information

The principal author of this document is Thomas Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

Accordingly, under the authority contained in 27 U.S.C. 205, the Director proposes to amend 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9, Subpart C, is amended to include the title of § 9.23. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultral Areas

Sec.

* * * * *

9.23 Napa Valley.

2. Subpart C, 27 CFR Part 9, is amended by adding § 9.23. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.23 Napa Valley.

(a) *Name.* The name of the viticultural area described in this section is "Napa Valley."

(b) *Approved maps. (The appropriate maps will be determined before final regulations are issued.)*

(c) *Boundaries.* The Napa Valley viticultural area is located within Napa County, California, and is within the Napa River watershed. The boundaries are as follows:

(1) The beginning point of the boundary is the conjunction of the Napa County—Sonoma County line and the Napa County—Lake County line.

(2) The northern and eastern boundary is the crest of a mountain ridge that borders Napa Valley on the east. The crest of this ridge runs from the beginning point along the crest of the Palisades, over Brown's Hill, Grassy Hill, and Potato Hill, across Three Peaks, west and south of Pope Valley, across Baldy Mt., north and east of Chiles Valley, along the ridge separating Elder and Soda Valleys, across Atlas Peak and Mt. George, and along the Napa County—Solano County line to the Suscol Ridge.

(3) The southern boundary runs along the crest of the Suscol Ridge, along the Napa River down to and including Coon Island, and along the Napa Slough to the Napa County—Sonoma County line.

(4) The western boundary runs along the Napa County—Sonoma County line from the Napa Slough to the beginning point.

Signed: February 8, 1980.

G. R. Dickerson,
Director.

Approved: March 10, 1980.

Richard J. Davis,
Assistant Secretary (Enforcement and Operations)

[FR Doc. 80-8093 Filed 3-14-80; 8:45 am]
BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 338]

Pinnacles Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of proposed rulemaking and notice of hearing.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Monterey County and San Benito County, California, named "The Pinnacles." This proposal is the result of a petition from an industry member. This notice also announces the time and place ATF will hold a public hearing concerning issues relating to this proposal.

DATES: Written comments must be received by May 16, 1980. Requests to present oral comments must be received by April 25, 1980.

Hearing Dates: Day sessions, May 2–3, 1980, at 9:30 a.m.—Evening session (if necessary), May 2, 1980, at 7:00 p.m.

ADDRESSES: Send written comments and requests to present oral comments to: Director, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044 (Attn: Chief, Regulations and Procedures Division)

Copies of the petition, the proposed regulations, the appropriate maps, written comments, and the hearing transcript will be available for public

inspection during normal business hours at the:

Public Reading Room, Room 4408, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC

Hearing location:

Towne House—Quality Inn, 808 North Main Street, Salinas, California

FOR FURTHER INFORMATION CONTACT:
Thomas Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37671, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical characteristics. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.), which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the boundaries of the viticultural area, based on features which can be found on U.S. Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

ATF has received a petition proposing an area in Monterey County and San Benito County, California, as a viticultural area known as "The Pinnacles." The proposed area consists of 5,760 acres of land adjacent to The Pinnacles National Monument. The petition and maps are on file with ATF.

The petition claims that the proposed viticultural area is distinguished from the surrounding area in elevation, climate, soil, and physiographic characteristics. The petitioner also claims that while other vineyards in the nearby Salinas Valley have used the name "The Pinnacles," any claim those vineyards have on the use of the name is inferior to its own claim. The petitioner bases this claim on—

(a) The geographical differences between the proposed area and other grape-growing areas using the name "The Pinnacles";

(b) The fact that the proposed area is closer to The Pinnacles National Monument than other areas using the name; and

(c) The historical claim that the petitioner has used the name "The Pinnacles" on wine labels longer than anyone else.

The proposed area consists of nine sections (5,760 acres) of the Mount Diablo Meridian. The sections are as follows:

Township	Range	Section	Portion of section
16 south	7 east	31	East ½
16 south	7 east	32	West ½
17 south	6 east	1	All
17 south	7 east	5	West ½
17 south	7 east	6	All
17 south	7 east	7	All
17 south	7 east	8	All
17 south	7 east	9	All
17 south	7 east	16	All
17 south	7 east	17	All
17 south	7 east	18	East ½

The proposed area is located on a bench of land drained by the Bryant and Stonewell Canyons and Shirttail Gulch. The proposed regulations describe this area through the use of section and longitude lines. While these boundaries do not precisely coincide with the geographical outlines of the three drainage areas, the petitioner believes that all land suitable for grape-growing on the bench land has been included within the described perimeter. The petitioner feels that the use of section lines seems the simplest and most certain means of delimiting the proposed area.

The exact boundaries of the proposed area and the appropriate U.S.G.S. maps used to determine the boundaries are listed in the proposed regulations.

Public Participation—Written Comments

ATF requests comments from all interested persons concerning this proposed viticultural area. Furthermore, while this document proposes possible boundaries for The Pinnacles viticultural area, ATF requests comments concerning other possible boundaries for this viticultural area.

ATF specifically requests comments concerning the possible inclusion of nearby vineyard areas in the Salinas Valley.

All comments received before the closing data will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure.

Public Participation—Public Hearing

ATF believes that a public hearing is essential in order to obtain and evaluate all possible information concerning the proposed viticultural area. Persons desiring to present oral comment should submit a written request containing the name and address of the individual who will present the comment. They should indicate in their request a preference for the time of day they would like to comment. To the extent possible, ATF will honor these preferences. Persons asking to comment should include in their request an outline of the topics on which they desire to speak. Oral comment will be limited to 10 minutes per speaker; but additional time may be granted for answering questions. Persons presenting comments should be prepared to respond to questions concerning their comments, their topic outline, or any matter relating to written comments they have submitted.

Persons not scheduled to comment may be allowed to comment at the conclusion of the hearing if time permits.

ATF will notify all persons asking to comment and will confirm the date and time. An agenda listing the speakers will be available at the hearing.

Written comments relating to this notice of proposed rulemaking will be available at the hearing for public inspection.

The hearing will be conducted under the procedural rules in 27 CFR 71.41(a)(3).

Drafting Information

The principal author of this document is Thomas Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.24. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.24 The Pinnacles.

2. Subpart C is amended by adding § 9.24. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.24 The Pinnacles.

(a) *Name.* The name of the viticultural area described in this section is "The Pinnacles."

(b) *Approve maps.* The appropriate maps for determining the boundaries of the The Pinnacles viticultural area are four U.S.G.S. maps. They are titled—

(1) "Mount Johnson, California", 7.5 minute quadrangle;

(2) "Bickmore Canyon, California", 7.5 minute quadrangle;

(3) "Soledad, California", 7.5 minute quadrangle; and

(4) "North Chalone Peak, California", 7.5 minute quadrangle.

(c) *Boundaries.* The Pinnacles viticultural area is located in Monterey County and San Benito County, California. From the beginning point at the southeast corner of Section 16, T. 17 S., R. 7 E., the boundary runs along—

(1) The south section lines of Section 16, 17, and 18, T. 17 S., R. 7 E., to longitude line 121°15';

(2) Longitude line 121°15' to the south section of line of Section 7, T. 17 S., R. 7 E.;

(3) The south section line of Section 7, T. 17 S., R. 7 E to the southwest corner of Section 7, T. 17 S., R. 7 E.;

(4) The west section line of Section 7, T. 17 S., R. 7 E.;

(5) The south section line of Section 1, T. 17 S., R. 6 E.;

(6) The west section line of Section 1, T. 17 S., R. 6 E.;

(7) The north section lines of Section 1, T. 17 S., R. 6 E. and Section 6, T. 17 S., R. 7 E., to longitude line 121°15';

(8) Longitude line 121°15' to the north section line of Section 31, T. 16 S., R. 7 E.;

(9) The north section lines of Section 31 and 32, T. 16 S., R. 7 E., to a north-south line bisecting Section 32, T. 16 S., R. 7 E.;

(10) A north-south line bisecting Sections 32, T. 16 S., R. 7 E., and Section 5, T. 17 S., R. 7 E., to the north section line of Section 8, T. 17 S., R. 7 E.;

(11) The north section lines of Sections 8 and 9, T. 17 S., R. 7 E.; and

(12) The east section lines of Sections 9 and 16, T. 17 S., R. 7 E., to the beginning point.

Signed: February 13, 1980.

G. R. Dickerson,

Director.

Approved: February 26, 1980.

Richard J. Davis,

Assistant Secretary, (Enforcement and Operations).

[FR Doc. 80-8094 Filed 3-14-80; 8:45 am]

BILLING CODE 4810-31-M

FEDERAL MARITIME COMMISSION

46 CFR Part 510

[General Order 4, Revised; Docket 80-13]

Licensing of Independent Ocean Freight Forwarders

AGENCY: Federal Maritime Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Federal Maritime Commission proposes to revise General Order 4 which governs the licensing and operations of independent ocean freight forwarders. Clarification and reorganization of existing regulations have been proposed and new requirements have been added. The major changes include: a requirement for licensing of branch offices; a minimum period of experience for qualifying individuals; the filing of anti-rebate certification; a prohibition against carriers compelling forwarders to guarantee payment of freight before monies have been advanced for this purpose by the shipper; a provision for the assessment of penalties in hearings on licenses; a time limit within which applications submitted after denial or revocation will be rejected; a revised payover rule; an increase in fees for licenses; and permission for forwarders to deduct compensation from freight payments under certain circumstances.

DATES: Comments on or before July 15, 1980.

ADDRESS: Comments (Original and fifteen copies) to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT:
Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573. (202) 523–5725

SUPPLEMENTARY INFORMATION: Sections 21, 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 820, 841a, 841b), and section 4 of the Administrative Procedure Act (5 U.S.C. 553) authorize the Federal Maritime Commission to make rules and regulations affecting the licensing, activities, obligations and responsibilities of independent ocean freight forwarders engaged in carrying on the business of forwarding in commerce from the United States.

General Order 4 was originally issued in December, 1961. Commission and industry experience has indicated that there is currently a need for clarification in many areas of the Order.

The proposed revision attempts to achieve this clarification through rearrangement of sections and collection of related provisions in four subparts:

A. General (§§510.1–510.4)

B. Eligibility and procedure for licensing; bond requirements (§§510.11–510–19)

C. Duties and responsibilities of freight forwarders; forwarding charges; reports to Commission (§§510.31–510.36)

D. Revocation or suspension of license (§§510.50)

The proposed revision contains increased or new fees, record-keeping requirements and new forms for the submission of information and reports to the Commission.

The freight forwarder license application fee has been increased from $125 to $350 under proposed § 510.13 and new fees of $100 each are proposed for the 1) supplementary investigation necessary when an applicant does not file a valid surety bond within six months of qualification under proposed § 510.15(b), and for 2) processing an application for approval of a license transfer or an organizational change under proposed § 510.18. Under Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483(a)) and Circular A–25 issued by the Office of Management and Budget to implement Title V, the amount of these fees must be fair and equitable, taking into consideration direct and indirect cost to the Government, value to the recipient, and other pertinent facts.

The Commission has determined that the full cost for processing a new license application is over $1,000, while the cost for processing an application where no bond has been filed for six months, or for an application for change, is over $150. The Commission believes, however, that there is sufficient reason for prescribing fees that recover less than full costs. The freight forwarding industry contains many small business persons for whom substantial licensing fees could pose barriers to entry, thereby reducing competition in the industry. Balancing the potentially

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substantial value to the recipient and the public interest served by establishing rates that do not pose significant regulatory burdens upon small business against the cost to the Government, we believe that fair and equitable fees should be those that recover less than full costs and, at this time, should be in the amounts set forth above.

Record-keeping requirements are contained in proposed § 510.34 and are considered necessary for the Commission to exercise sufficient supervision of licensees to ensure compliance with existing regulations. The reporting requirements of § 510.35 are similarly necessary. Forms and formats are set forth in the proposed revision at §§510.13, 15(a), 18(d), 31(h), 33(e), 35(c) and 38(b).

In addition to comments on the substantive proposed changes, interested persons commenting on this proposed revision are invited to provide an estimate of the financial and work-hour burden they will incur in complying with such record-keeping and reporting requirements, as well as with other new substantive regulations. Alternative proposals and methodologies are invited from prospective commentators.

A section by section explanation of the proposed revision follows:

Section 510.1 Scope.

This section describes the scope of the entire part and reflects present §§ 510.1 and 510.20.

Section 510.2 Definitions.

This section collects the definitions contained in present §§ 510.2 and 510.21. Present definitions of "carrying on the business of forwarding" (§ 510.2(b)), "person" (§ 510.2(d)) and "Commission" (§ 510.2(e)), have been deleted because they are already defined in the Shipping Act or applicable Reorganization Plans.

New or changed definitions are:

(b) *"Beneficial interest"*—Changed slightly from present § 510.21(l) for clarification.

(c) *"Branch office"*—Added to conform to proposed §§ 510.3 and 510.5(c) below. See discussion under § 510.3.

(f) *"Freight forwarder"* is defined as anyone performing freight forwarding services.

(h) *"Freight forwarding services"*—Has been slightly changed from present § 510.2(c) for clarification.

(j) *"Independent ocean freight forwarder"*—Has been slightly changed from present § 510.2(a) to ensure clarity.

(m) *"Ocean freight broker"*—Has been slightly changed from present § 510.21(f) for clarification and to add the concept of "securing cargo".

(o) *"Principal"*—The concept of anyone acting on behalf of the principal has been added to the present definition in § 510.21(e).

(q) *"Small shipment"*—Added to facilitate interpretation of proposed § 510.32(h)(2)(ii).

(r) *"Special contract"*—Slightly changed from present § 510.21(j) for clarification.

(s) *"Territory or possession"*—Added to ensure clarity.

Section 510.3 License; when required.

This section incorporates the licensing requirements of present section 510.3(a) and adds the proposed requirement that each branch office be licensed. The commission's experience with the freight forwarding industry raises the question whether a single qualifying officer and a single surety bond for a licensee with many branch offices, widely geographically separate, is sufficient for protection of the public. The expertise of one qualifying individual may not be sufficient to meet the needs of several remote branch offices at the same time. Such an individual may not be able to exercise sufficiently direct supervision of forwarder activities at several branch offices to ensure necessary services for the shipping public. Furthermore, the volume of business transacted by several branch offices may not be adequately secured by one surety bond issued to the home office. The Commission therefore believes that consideration should be given to issuing a separate license and requiring a separate qualifying individual and surety bond for each separate forwarding location used for forwarding services. In the alternative, the Commission may want to consider graded levels of surety bonds required from a freight forwarder's home office depending on the company's number of branch offices. The proposed section also deletes the obsolete grandfather provisions of previous § 510.3(b).

Section 510.4 License; when not required.

(a) *Shippers.* See present §§ 510.4(a) and 22(b).

(b) *Employee of licensed forwarder.* See present § 510.4(b).

(c) *Oceangoing common carrier.* See present § 510.22(a).

Section 510.11 Basic requirements for licensing; eligibility.

(a) *Necessary qualifications.* Substantially the same as present § 510.5(a); a minimum of three years experience has been prescribed for each applicant in order to provide a more objective standard for evaluation. The Commission believes that this more specific requirement may be reasonable.

(b) *Qualifying individual.* Substantially the same as present § 510.5(a)(2) but incorporates that part of § 510.8(b) which requires that all partners of a partnership applicant must execute the application for a license. A new provision proposes that branch-office applicants must have a resident qualifying officer.

(c) *Branch office.* See discussion under proposed § 510.3 above.

(d) *Affiliates of forwarders.* Comports with present § 510.8(c) except for the provision that the qualifying individual of a licensee may not be designated the qualifying individual of an affiliate applicant. This prohibition is consistent with the Commission's proposed requirement of separate qualification of all separate entities performing freight forwarding services, including branch offices.

(e) *Oceangoing common carriers.* This subsection incorporates provisions of present § 510.22(a). While the eligibility for licensing of such carriers is retained, the Commission is most concerned about possible conflicts of interest between the duties of a forwarder and those of a carrier or carrier's agent. The Commission requests comments on this problem for possible future action.

Section 510.12 Persons not eligible.

This new section incorporates the "independent" provision of the definition of freight forwarder in § 510.2(i) and section 1 of the Act.

Section 510.13 Application for license.

The obsolete grandfather provisions of present § 510.5(e) and the **Federal Register** notice requirement of present § 510.6 have been deleted.

(a) *Application and forms.* Incorporates provisions in present §§ 510.3(c) and 5(b) but adds the application form itself and provides that copies of the form may be obtained from the Commission's district offices and sub-offices. The section also requires the application to contain an anti-rebate certification (see proposed § 510.35(c) below).

(b) *Fee.* The proposed fee of $350 is an increase from the $125 fee contained in present § 510.5(b). The existing fee has been in effect since October 1, 1969.

(c) *Rejection.* Incorporates provisions contained in present § 510.5(b) but adds the requirement that the Commission return a rejected application by certified U.S. mail.

(d) *Investigation.* This subsection contains provisions in present § 510.5(b).

(e) *Changes prior to licensing.* Comports with present § 510.5(c), but the time for reporting changes in ownership or other relevant data in the application has been reduced from 30 days to fifteen (15) days.

Section 510.14 Investigation of applicants.

This is substantially the same as present § 510.7 with some clarifying changes.

Section 510.15 Surety bond requirements.

Incorporates provisions of present §§ 510.5(f), (g) (h) and the provisos in present 510.9, with some changes for clarification and flexibility. A supplemental investigation fee of $100 has been added where the Commission has not received a valid surety bond within six months of qualification. Slight changes to the bond form have been made for use after the Rule becomes effective but it is not intended to invalidate any effective bond of existing FMC-Form 59.

Section 510.16 Denial of license.

Contains provisions of present § 510.8 but specifies more fully the grounds upon which applications may be denied (see proposed §§ 510.11(a) and 510.14 above). The proposed section also provides for the assessment of civil penalities in any hearing on the denial of the license pursuant to the authority contained in section 10 of Pub. L. 96–25, amendments to section 32 of the Act. New § 510.16(b) contains the provision that the Commission may reject an application that has been resubmitted within one year of the date of a denial of a license (see also proposed § 510.50 below).

Section 510.17 Issuance and use of license.

Contains provisions of present §§ 510.5(a)(3), 8(b) and 8(d).

Section 510.18 Changes in organization.

(a) *Changes requiring prior approval.* Sets forth the type of organizational changes which require prior Commission approval. This authority is contained in the present rules such as §§ 510.5, 8 and 9.

(b) *Operation after death of sole proprietor.* Tracks present section 510.5(a)(3) and further provides that shipments as to which the deceased sole proprietor had undertaken forwarding services may continue to be serviced with notice to both the Commission and to the appropriate principals.

(c) *Operation after retirement, resignation or death of qualifying individual.* This subsection contains the provisions of present §§ 510.5(a)(4), but reduces the time for reporting changes from 30 days to fifteen (15) days to be consistent with proposed § 510.13(e) above.

(d) *Application form and fee.* In order to implement the provisions of this section, the Commission will require applications for prior approval of changes to be filed on Form FMC 18 Rev. and a fee of $100 to be paid.

Section 510.19 Branch offices; interim operation.

This section provides for a reasonable period of time within which existing unlicensed branch offices may obtain the license which would be required if proposed §§ 510.3 and 11(c) were adopted.

Section 510.31 General duties.

With slight changes for clarity, the following proposed subsections incorporate the provisions of the present sections indicated:

(a) *License; name and number* and (b) *Stationery and billing forms.* Present § 510.5(e). Provision is made for use of typing or rubber stamps.

(c) *Use of license by others; prohibition.* Present § 510.23(a).

(d) *Arrangements with forwarders whose licenses have been revoked.* Present § 510.23(b), with the added provision that certain of these arrangements may be allowed with prior Comission approval.

(e) *Arrangements with unauthorized persons.* Present § 510.23(a) with the added provision that the licensee transmit to the actual shipper or beneficial owner a copy of the invoice.

(f) *False or fraudulent claims; false information.* Present §§ 510.23(d) and (h), except that the phrase "or other person performing freight forwarding services for others" has been added.

(g) *Response to requests of Commission.* Present § 510.23(1).

(h) *Policy against rebates.* A new provision requiring an anti-rebate certification on the invoices and certifications discussed in proposed §§ 510.32(h) and 510.33(e) below (see also proposed § 510.35(c)).

Section 510.32 Forwarder and principal; fees.

With slight changes for clarification, the following proposed subsections incorporate provisions of the present section indicated:

(a) *Beneficial interest.* Present § 510.24(c).

(b) *Compensation or fee sharing.* Present § 510.24(c).

(c) *Withholding information.* Present § 510.23(e), except that the phrase "or other person performing freight forwarding services for others" has been added.

(d) *Due diligence.* Present § 510.23(d).

(e) *Errors and omissions.* Present § 510.23(c), except that a greater responsibility is placed on the licensee to itself comply with laws and to be responsible for such compliance by its principal.

(f) *Express written authority.* Present § 510.23(g) with the added requirement that the principal's delegated authority be in writing.

(g) *Receipt for cargo.* Present § 510.23(i).

(h) *Invoices; list of charges; exceptions.* Present § 510.23(j) with minor changes for clarification.

(i) *Special contracts.* Present § 510.25(b).

(j) *Reduced forwarding fees.* Present § 510.24(b). The exemption from this prohibition for recognized relief agencies and charitable organizations has been deleted in order to comport with the anti-rebate policy contained in Pub. L. 96–25.

Section 510.33 Forwarder and carrier; compensation.

With slight changes for clarification, the following proposed subsections incorporate provisions of the present sections indicated.

(a) *Disclosure of principal.* Present § 510.24(a), except that disclosure has been made an absolute requirement for a licensee instead of merely a condition for the receipt of compensation.

(b) *Pay over of freight.* Present § 510.23(f), except that the time requirement has been changed from seven to twenty days to accommodate normal business practices. The Commission feels that such an increased period of time is more reasonable and that there will be little if any valid reason for non-compliance. The proposed subsection provides for prompt accounting to the principal as in the present section but adds that the licensee may offset outstanding receivables due from the principal, but only with prompt written notice to the principal.

(c) *Assumption of obligation for freight.* This new subsection prohibits a carrier or agent from requiring a licensee to assume the obligation of paying the freight before the necessary sums are advanced by the shipper to the forwarder. This provision is designed to

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protect the forwarder as well as to place the obligation for payment of freight on the real party in interest, i.e., the shipper.

(d) *Certification required for compensation.* Present § 510.24 (a), (e) and (f). The new subsection adds the requirement of payment of compensation within 30 days after payment of ocean freight.

(e) *Form of certification.* Present § 510.24(e) except that the new subsection specifically requires the licensee to retain the certification for five years as provided for in § 510.17 below.

(f) *Deduction of compensation from freight charges.* Present § 510.24(g) with clarifying changes, except that the prohibition against accepting compensation different from the carrier's tariff has been added and extended to employees of the licensee.

(g) *Compensation; services performed by underlying carrier; exemptions.* Present § 510.22(a), except for clarifying language and the specification of a 20-day public comment period after notice in the **Federal Register.**

(h) *Duplicative compensation or brokerage.* Present § 510.24(h), except that it more closely tracks the statutory language in that a carrier is not obligated to pay duplicative compensation or brokerage.

(i) *Licensed oceangoing common carriers; compensation.* Present § 510.22(c), except that all oceangoing common carriers, including non vessel operating carriers, must comply with the certification provisions.

Section 510.34 Records required to be kept.

This section contains provisions of present §§ 510.23 (k), (l), 510.25(a), and 510.26(b).

Section 510.35 Reports required to be filed.

This section collects the reporting requirements of present §§ 510.5(c) and 510.26(a). New provisions require the filing of samples of office stationery and invoice forms within sixty days of changes in organization. Proposed § 510.35(c) also requires an annual filing of an anti-rebate certification pursuant to the authority of section 4 of Pub. L. 96–25, amendments to section 21 of the Act.

Section 510.36 Section 15 agreements.

This section (and format) tracks present § 510.26.

Section 510.50 Revocation or suspension of license.

This section contains the criteria of present § 510.9 but adds in proposed subsection (b) the provision for assessment of civil penalties for violations in any proceeding on the suspension or revocation of a license (see commentary on proposed § 510.16 above). A new provision is also contained in proposed § 510.50(c) that the Commission may reject another application submitted within one year from the date of revocation of the previous license.

Therefore, pursuant to sections 21, 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 820, 841a and 841b), and section 4 of the Administration Procedure Act (5 U.S.C. 553), the Commission proposes to revise and modify 46 CFR Part 510 as follows:

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart A—General

Sec.

510.1 Scope.
510.2 Definitions.
510.3 License, when required.
510.4 License, when not required.

Subpart B—Eligibility and Procedure for Licensing; Bond Requirements

510.11 Basic requirements for licensing; eligibility.
510.12 Persons not eligible.
510.13 Application for license.
510.14 Investigation of applicants.
510.15 Surety bond requirements.
510.16 Denial of license.
510.17 Issuance and use of license.
510.18 Changes in organization.
510.19 Branch offices; interim operation.

Subpart C—Duties and Responsibilities of Freight Forwarders; Forwarding Charges; Reports to Commission

510.31 General duties.
510.32 Forwarder and principal; fees.
510.33 Forwarder and carrier; compensation.
510.34 Records required to be kept.
510.35 Reports required to be filed.
510.36 Section 15 agreements.

Subpart D—Revocation or Suspension of License

510.50 Revocation or suspension of license.

Authority: Secs. 21, 43, 44, 204, 75 Stat. 522, 523, 766, 49 Stat. 1987, as amended; 46 U.S.C. 820, 841a, 841b, 1114.

Subpart A—General

§ 510.1 Scope.

This part sets forth regulations providing for the licensing as independent ocean freight forwarders of persons, including individuals, corporations partnerships, associations, and branch offices desiring to carry on the business of freight forwarding. This part also prescribes the bond requirements for and the duties and responsibilities of freight forwarders, certain regulations for related practices of freight forwarders and common carriers by water, and the grounds and procedures for revocation and suspension of licenses.

§ 510.2 Definitions.

The terms used in this part are defined as follows:

(a) *Act.* "Act" means the Shipping Act, 1916 (46 U.S.C. 801, *et seq.*), as amended.

(b) *Benefical interest.* "Beneficial interest" includes any lien or interest in or right to use, enjoy, profit, benefit, or receive any advantage, either proprietary or financial, from the whole or any part of a shipment of cargo where such interest arises from the financing of the shipment or by operation of law, or by agreement, express or implied. This term "beneficial interest" shall not include any obligation in favor of a freight forwarder arising solely by reason of advances of out-of-pocket expenses incurred in dispatching a shipment.

(c) *Branch office.* "Branch office" means any office established by or under the control of a licensee to render freight forwarding services, which office is located at an address different from that of the licensee's designated home office.

(d) *Brokerage.* "Brokerage" refers to payment by an oceangoing common carrier to an ocean freight broker for the performance of services as specified in § 510.2(m) of this part.

(e) *Compensation.* "Compensation" means payment by an oceangoing common carrier to a freight forwarder for the performance of services as specified in § 510.33(e) of this part.

(f) *Freight Forwarder.* "Freight forwarder is anyone who performs, or holds out to perform, the dispatching or facilitation of a shipment of cargo for another by rendering any one or more of the services enumerated in § 510.2(h) of this part.

(g) *Freight forwarding fee.* "Freight forwarding fee" means charges billed by a freight forwarder to a shipper, consignee, seller, purchaser, or any agent thereof, for the performance of freight forwarding services as specified in § 510.2(h) of this part.

(h) *Freight forwarding services.* "Freight forwarding services" refer to services rendered in connection with dispatching or facilitating a shipment by an oceangoing common carrier on behalf of other person(s), which services include, but are not limited to, the following:

(1) Examining instructions and documents received from shippers;

(2) Ordering cargo to port;

(3) Preparing and/or processing export declarations;

(4) Booking or confirming cargo space;

(5) Preparing and/or processing delivery orders and dock receipts;

(6) Preparing instructions to truckmen and/or lightermen;

(7) Arranging for and/or furnishing trucks and lighters;

(8) Preparing and/or processing ocean bills of lading;

(9) Preparing and/or processing consular documents and arranging for their certification;

(10) Arranging for and/or furnishing warehouse storage;

(11) Arranging for insurance;

(12) Clearing shipments in accordance with United States Government export regulations;

(13) Preparing and/or sending advance notifications of shipments and other documents to banks, shippers, or consignees, as required;

(14) Advancing necessary funds in connection with the dispatching of shipments;

(15) Coordinating the movement of shipments from origin to vessel;

(16) Rendering special services in connection with unusual shipments or difficulties in transit; and,

(17) Giving expert advice to exporters concerning letters of credit, licenses, inspections.

(i) *In commerce from the United States.* "In commerce from the United States" means oceanborne export commerce from the United States, its Territories, or possessions to foreign countries, or oceanborne commerce between the United States and its Territories or possessions, or between such Territories and possessions.

(j) *Independent ocean freight forwarder.* "Independent ocean freight forwarder" refers to a person performing freight forwarding services for a consideration, either monetary or otherwise, who is not a shipper or consignee or seller or purchaser of property in commerce from the United States and who has no beneficial interest therein, nor directly or indirectly controls or is controlled by such shipper or consignee or by any person having such a beneficial interest.

(k) *Licensee.* A "Licensee" is any person licensed by the Federal Maritime Commission as an independent ocean freight forwarder.

(l) *Nonvessel operating common carrier by water.* "Nonvessel operating common carrier by water" is a common carrier by water as defined in section 1 of the Act, which does not own or operate the vessels by which its ocean transportation is provided but which holds itself out, by the establishment and maintenance of tariffs, by advertisement, solicitation, or otherwise, to provide transportation of property for hire by water in commerce from the United States; assumes responsibility or has liability imposed by law for the safe transportation of such property; and arranges in its own name with underlying water carriers for the performance of such transportation.

(m) *Ocean freight broker.* "Ocean freight broker" is an entity which is engaged by a carrier to secure cargo for such carrier and/or to sell or offer for sale ocean transportation and which holds itself out to the public as one who negotiates between shipper or consignee and carrier for the purchase, sale, conditions and terms of transportation.

(n) *Oceangoing common carrier.* "Oceangoing common carrier" is a common carrier by water as defined in section 1 of the Act, including a nonvessel operating common carrier by water, engaged in transportation by water of property in commerce from the United States, as defined in § 510.2(h) of this part.

(o) *Principal.* "Principal" refers to the shipper, consignee, seller, or purchaser of property, and anyone acting on behalf of such shipper, consignee, seller, or purchaser of property, who employs the services of a licensee to facilitate the ocean transportation of such property.

(p) *Reduced forwarding fees.* "Reduced forwarding fees" covers charges to a principal for forwarding services that are below the licensee's usual charges.

(q) *Small shipment.* "Small shipment" refers to a single shipment sent by one consignor to one consignee on one bill of lading which does not exceed the underlying oceangoing common carrier's minimum charge rule.

(r) *Special contract.* "Special contract" is a lump sum forwarding fee, monthly retainer forwarding fee, or a similar financial arrangement for forwarding fees that exists between a principal and a licensee.

(s) *Territory or possession.* "Territory or possession" includes the Commonwealth of the Northern Marianas, the Commonwealth of Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, and any other Territory or possession of the United States.

§ 510.3 License, when required.

Except as otherwise provided in this part, a person shall obtain the license provided for in this part in order to perform freight forwarding services, and, except as provided in section 510.4 of this part, no person shall perform, or hold out to perform, such services unless such person holds a valid license issued by the Commission to engage in such business. A separate license is required for each branch office.

§ 510.4 License, when not required.

A license is not required in the following circumstances:

(a) *Shippers.* Any person whose primary business is the sale of merchandise may, without a license, dispatch and perform freight forwarding services on behalf of its own shipments or on behalf of shipments or consolidated shipments of a parent, subsidiary, affiliated, or associated company. Such person shall not receive compensation from the oceangoing common carrier for any services rendered in connection with such shipments.

(b) *Employee of licensed forwarder.* An individual employee of a licensed independent ocean freight forwarder is not required to be licensed in order to act solely for his or her employer, but each licensed independent ocean freight forwarder will be held strictly responsible for the acts or omissions of its employees.

(c) *Oceangoing common carrier.* An oceangoing common carrier, or agent thereof, may perform ocean freight forwarding services without a license only with respect to cargo carried under its own ocean bill of lading. Charges for such forwarding services shall be assessed in conformance with the carrier's published tariffs on file with the Commission.

Subpart B—Eligibility and Procedure for Licensing; Bond Requirements

§ 510.11 Basic requirements for licensing; eligibility.

(a) *Necessary qualifications.* To be eligible for an independent ocean freight forwarder's license, the applicant must demonstrate to the Commission that:

(1) Its proposed forwarding business will be consistent with national maritime policies as declared in the Merchant Marine Act, 1936;

(2) It will meet the definition of an independent ocean freight forwarder;

(3) It is fit, willing and able properly to carry on the business of freight forwarding and to conform to the provisions of the Shipping Act, 1916, as amended, and the requirements, rules and regulations of the Commission issued thereunder;

(4) Its qualifying individual has a minimum of three (3) years of

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experience in ocean freight forwarding duties in the United States;

(5) It holds a valid surety bond in conformance with section 510.15 of this part; and,

(6) It and its qualifying individual are otherwise qualified within the provisions of the Shipping Act, 1916 and the requirements, rules and regulations of the Commission.

(b) *Qualifying individual.* The following individuals must qualify for a license:

(1) *Sole proprietor*—The applicant sole proprietor;

(2) *Partnership*—At least one of the active managing partners, but all partners must execute the application;

(3) *Corporation or association*—At least one of the active corporate or association officers; and,

(4) *Branch office*—At least one of the resident managers or employees in each branch office.

(c) *Branch office.* Each branch office must separately qualify for a license.

(d) *Affiliates of forwarders.* Each independently qualified applicant may be granted an individual license to carry on the business of forwarding even though it is associated with, under common control with, or otherwise related to another independent ocean freight forwarder through stock ownership or common directors or officers, if such applicant (1) submits a separate application and fee, (2) has the requisite freight forwarding experience, and (3) submits a valid surety bond in the form and amount prescribed under § 510.15 of this part. The proprietor, partner, officer, or employee who is the qualifying individual of an active licensee shall not also be designated the qualifying proprietor, partner, officer, or employee of an applicant for another independent ocean freight forwarder license.

(e) *Oceangoing common carriers.* An oceangoing common carrier or agent thereof meeting the requirements of this part, may be licensed to dispatch shipments moving on other than its own bill of lading.

§ 510.12 Persons not eligible.

No person is eligible for a license who is a shipper, consignee, seller, or purchaser of shipments in commerce from the United States, or has any beneficial interest therein, or directly or indirectly controls or is controlled by such shipper, consignee, seller, or purchaser of shipments or by any person having a beneficial interest in such a shipment.

§ 510.13 Application for license.

(a) *Application and forms.* Any person who wishes to obtain a license to carry on the business of forwarding shall submit, in triplicate, to the Director of the Commission's Bureau of Certification and Licensing, a completed application on Form FMC–18 Rev. below ("Application for A License as an Independent Ocean Freight Forwarder"), and a completed anti-rebate certification in the format prescribed under § 510.35(c) of this part. Copies of Form FMC–18 Rev. may be obtained from the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573, or from any of the Commission's offices at other locations. Application Form FMC–18 Rev. with schedules, and Privacy Act Notice shall read as follows:

APPLICATION FOR A LICENSE AS AN INDEPENDENT OCEAN FREIGHT FORWARDER

FEDERAL MARITIME COMMISSION

Washington, D.C. 20573

[Form FMC–18; Rev.]

Instructions

Schedule A is to be completed by corporate applicants only. All other parts of the application form including Schedule B are to be fully completed by all applicants except as explained in the "NOTE" below. *All applicable questions must be answered. If not applicable, write "N/A." Incomplete applications will be returned.*

The completed application must be filed in triplicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573, with application fee as required by § 510.13(b), General Order 4. If additional space is required, number items on plain white paper.

Corporate and association applications must be signed by an authorized officer thereof and a certified copy of the articles of incorporation or association, together with all relevant documents, must accompany the application.

Partnership applicants must attach a copy of the partnership agreement and any other document under which the partnership is organized. All partners must sign the application.

Changes in any facts submitted in this form must be submitted within fifteen (15) days after such changes occur by the completion and submission of an amended Form FMC–18 Rev. See § 510.13(f) of General Order 4.

Note.—If the purpose of this application is to amend a currently pending application, please check here ☐ and complete only those portions of this application which reflect the amendments you wish to make. All other questions must be answered by writing "no change" or "N/A" as appropriate.

If the purpose of this application is to request approval for a change in name, transfer, sale or other organizational change, please check here ☐ and complete only those portions of this application which reflect changes from the existing application form. All other questions must be answered by writing "no change" or "N/A" as appropriate.

This space for use by the FMC only.

Part I—General

1. Name of applicant (an applicant using a trade name must add the words "doing business as" or the abbreviations "d/b/a" and state the trade name):

2. Applicant is:
(a) ☐ a sole proprietorship ☐ a partnership ☐ a corporation ☐ an association
(b) Applying for a ☐ Primary License ☐ Branch Office License

3. If this application is for a branch office license, please indicate:
(a) Name and address of home office:

(b) FMC license No. of home office:

(c) Number of branch offices controlled by home office (excluding applicant's branch office) through which ocean freight forwarding is conducted:

4. Does applicant now hold, or has applicant ever held, an independent ocean freight forwarder license issued by the Federal Maritime Commission?
☐ Yes ☐ No
(If "yes" complete items a, b, c below)
a. License No.
b. Date issued
c. Name under which issued

5. Address (Street Number, Room Number, City or Post Office, State and Zip Code):

Area Code and Phone Number:

6. If applicant is not yet operating at above address, give the address (physical premises) and telephone number with area code where applicant can be contacted.

7. Does applicant now share or intend to share office space or expenses with any other person? ☐ Yes ☐ No. If "Yes," please explain fully, including name and business of such other person.

8. If applicant is a sole proprietorship, please list the owner's:

Full name

Citizenship

Residence (Street Address, City, State and Zip Code)

Residence telephone

9. If applicant is a partnership or association, please complete the following for each of the applicant's officials:

Full name

Citizenship

Residence (City, State and Country)

Title(s)

10. If applicant is a corporation, please complete Schedule A to this application form.

11. Is the applicant a parent, subsidiary, affiliate or owner of any other business concern(s)? ☐ Yes ☐ No

12. If the answer to question 11 is "Yes," please indicate the name(s), address(es) and nature of the business activities conducted by such other concern(s). (If the information called for in this question will be provided by the applicant in Schedule A, please write "refer to Schedule A"):

Name

Address

Nature of business activities

Part II—Experience

Qualifying Individual

13. (a). Please indicate here the individual(s) whose experience you believe qualifies the applicant for licensing and attach the documents mentioned in items 13 (b) and (c).

(Name)

(Title)

(Street Address)

(City and State of residence)

(Name)

(Title)

(Street Address)

(City and State of residence)

(Name)

(Title)

(Street Address)

(City and State of residence)

(b). Each qualifying individual listed in "(a)" above must personally complete and sign a separate Schedule B.

(c). Letters from at least three unrelated persons are required on behalf of each qualifying individual listed in "(a)" above. The letters must be from former employers or other persons who have first-hand knowledge of the qualifying individual's freight forwarding experience. Each letter must specify the actual ocean freight forwarding duties which the writer knows the qualifying individual to have performed and must describe the business relationship through which the person signing the letter gained such first-hand knowledge. Each letter must also include the name, title, business address and telephone number of the signer. Please list the names and addresses of these persons below and submit the letters together with this application form.

	Name	Address	Title
1.			
2.			
3.			
4.			

14. Please indicate here any other information or comments concerning your experience which you wish to bring to the Commission's attention:

Part III—Fitness

Financial Responsibility

15. (a). Sole proprietorships and each partner in a partnership application: please submit the following financial information:

Name of sole proprietor or partner:

Assets:
Cash in banks ..... $
Real estate .....
Securities (market value) .....
Other assets .....
Total ..... $

Liabilities:
Auto loan(s) ..... $
Mortgage(s) .....
Other outstanding loans .....
Other liabilities .....
Total ..... $

Name of partner:

Assets:
Cash in banks ..... $
Real estate .....
Securities (market value) .....
Other assets .....
Total ..... $

Liabilities:
Auto loan(s) ..... $
Mortgage(s) .....
Other outstanding loans .....
Other liabilities .....
Total ..... $

Name of partner:

Assets:
Cash in banks ..... $
Real estate .....
Securities (market value) .....
Other assets .....
Total ..... $

Liabilities:
Auto loan(s) ..... $
Mortgage(s) .....
Other outstanding loans .....
Other liabilities .....
Total ..... $

Name of partner:

Assets:
Cash in banks ..... $
Real estate .....
Securities (market value) .....
Other assets .....
Total ..... $

Liabilities:
Auto Loan(s) ..... $
Mortgage(s) .....
Other outstanding loans .....
Other liabilities .....
Total ..... $

(b). Corporations and associations: please submit the most recent balance sheet and statement of income.

(c). All applicants: please list below three credit references, at least one of which is a bank, and submit letters from these references attesting to your credit standing. (The letter from the bank must note the age of the account(s), approximate amount of funds in the account(s), average recent balance(s), and loan histories, if any. All letters must include the name, title, business address and telephone number of the signer.):

Name, Organization, Address, and Type of Business

(i)

(ii)

(iii)

Personal Fitness

16. (a). Has the applicant ever:
(i) been found in violation of shipping or bill of lading statutes?
☐ Yes ☐ No
(ii) filed or been involved in a bankruptcy proceeding?
☐ Yes ☐ No
(iii) been convicted of a felony?
☐ Yes ☐ No
If "Yes" is answered to any of the above questions, please attach a signed statement setting forth the details.

(b). To the best of the applicant's knowledge, have any of the applicant's qualifying individuals ever:
(i) been found in violation of shipping or bill of lading statutes?
☐ Yes ☐ No
(ii) filed or been involved in a bankruptcy proceeding?
☐ Yes ☐ No
(iii) been convicted of a felony?
☐ Yes ☐ No
If "Yes" is answered to any of the above questions, please attach a signed statement setting forth the details.

(c). To the best of the applicant's knowledge, have any of the applicant's partners, officers, directors or stockholders holding 50 percent or more of the applicant's stock ever:
(i) been found in violation of shipping or bill of lading statutes?
☐ Yes ☐ No

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(ii) filed or been involved in a bankruptcy proceeding?
☐ Yes ☐ No
(iii) been convicted of a felony?
☐ Yes ☐ No
If "Yes" is answered to any of the above questions, please attach a signed statement setting forth the details.

Shipper Connection

17. (a). Is the applicant an owner or stockholder (5 percent or more) of, or in control of, or otherwise affiliated, directly or indirectly, with any shipper, consignee, seller or purchaser of shipments:
(i) to foreign countries,
(ii) to a U.S. territory or possession, or
(iii) between U.S. territories or possessions?
☐ Yes ☐ No
If "Yes," please attach a signed statement setting forth the details.
(b). To the best of the applicant's knowledge, is the applicant's office manager or any official, officer, partner, director, stockholder or employee an owner or stockholder (5 percent or more) of, or in control of, or otherwise affiliated, directly or indirectly, with any shipper, consignee, seller or purchaser of shipments:
(i) to foreign countries,
(ii) to a U.S. territory or possession, or
(iii) between U.S. territories or possessions?
☐ Yes ☐ No
If "Yes," please attach a signed statement setting forth the details.

The applicant encloses herewith (please check one) a certified or cashier's check ☐, a money order ☐ in the amount of $_____ pursuant to the requirement of General Order 4, with the understanding that no part thereof will be refunded.

I understand that no person shall engage in carrying on the business of forwarding as defined in section 1, Shipping Act, 1916, or perform freight forwarding services as defined in section 510.2(h) of General Order 4, unless such person holds a license issued by the Commission to engage in such business. The Commission is hereby authorized to conduct an investigation into applicant's qualifications for an Independent Ocean Freight Forwarder's license as provided for in sections 510.13(d) and 510.14 of General Order 4.

Date _____
Signature of Official _____
Title _____

The statements made in this application are made subject to penalties prescribed by law for any person who knowingly and wilfully makes a false statement on any matter within the jurisdiction of an agency of the United States (18 U.S.C. 1001).

Schedule A—To Form FMC–18 Rev.

To Be Completed Only By Corporate Applicants

1. Name of applicant:

2. Date and place (State or foreign country) incorporated:

3. Please indicate the following for each of the applicant's officers, directors and stockholders (holding 5 percent or more of applicant's stock):

Full name

Citizenship

Residence (City, State and Country)

Title(s) (e.g., "President and Director" or "Stockholder")

Percent of Stock Held

Note.—If any stockholder listed above is a corporation or similar legal entity other than an individual person, page 2 of this Schedule must also be completed.

Stockholders listed on page 1 which are corporations or similar legal entities:
(a) Name, address and description of stockholder's business:

(b) Names of other firms owned, in whole or in part, by this stockholder, and description of their businesses:

(a) Name, address and description of stockholder's business:

(b) Names of other firms owned, in whole or in part, by this stockholder, and description of their businesses:

(a) Name, address and description of stockholder's business:

(b) Names of other firms owned, in whole or in part, by this stockholder, and description of their businesses:

Schedule B—To Form FMC–18 Rev.

Employment History of:

(Name of qualifying individual)
Name of Applicant:

Each person named as a "qualifying individual" in answer to question 13 on Form FMC–18 Rev. must complete a separate Schedule B. Please complete this schedule in chronological order, beginning with your current employment or, if currently unemployed, your most recent employment. Additional sheets may be attached as needed to complete this Schedule.

1. (a) Position held:

From _____
Month, Year
To _____
Month, Year

(b) Name of organization:

Type of business:

(c) Address:

Telephone No.

(d) Name and title of supervisor:

(e) Reason for leaving:

(f) Detailed description of ocean freight forwarding duties performed:

(a) Position held:

From _____
Month, Year
To _____
Month, Year

(b) Name of organization:

Type of business:

(c) Address:

Telephone No.

(d) Name and title of supervisor:

(e) Reason for leaving:

(f) Detailed description of ocean freight forwarding duties performed:

(a) Position held:

From _____
Month, Year
To _____
Month, Year

(b) Name of organization:

Type of business:

(c) Address:

Telephone No.

(d) Name and title of supervisor:

(e) Reason for leaving:

(f) Detailed description of ocean freight forwarding duties performed:

2. (a) Have you ever received any formal training in freight forwarding duties?
☐ Yes ☐ No
(b) If "Yes," please complete the following:
Name of Course

Number of hours of course

Dates taken

Name of sponsoring organization

Street address

City State

I certify that I have received and read carefully a copy of General Order 4 and sections 1 and 44 of the Shipping Act, 1916, governing the licensing of independent ocean freight forwarders, and that I will abide by all of the provisions therein as of this date forward. I understand that no person shall engage in carrying on the business of forwarding as defined in section 1, Shipping Act, 1916, or perform freight forwarding services as defined in section 510.2(h) of General Order 4, unless such person holds a license issued by the Commission to engage in such business.

Signature of qualifying individual:

Date _____

The statements made in this application are made subject to penalties prescribed by law for any person who knowingly and wilfully makes a false statement on any matter within the jurisdiction of an agency of the United States (18 U.S.C. 1001).

Privacy Act Notice

[Form FMC–18—Rev.]

General

The information contained in this notice is required to be provided pursuant to Public Law 93–579 (Privacy Act of 1974) 5 U.S.C. 552a, as amended, for individuals completing Form FMC–18 Rev. "Application for License as an Independent Ocean Freight Forwarder."

Authority

Sections 21, 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 820, 841a, 841b), and section 4 of the Administrative Procedure Act (5 U.S.C. 553) authorize and direct the Federal Maritime Commission to make rules and regulations affecting licensing, activities, obligations, and responsibilities of independent ocean freight forwarders engaged in carrying on the business of forwarding in oceanborne commerce from the United States. Pursuant to that authority, Commission General Order 4, in pertinent part at Subpart B (46 CFR 510 Subpart B), has established regulations and forms to implement section 44 of the Shipping Act, 1916, with respect to the eligibility and procedure for licensing an independent ocean freight forwarder.

Purposes and Uses

The primary purpose of the information requested in Form FMC–18 Rev. referred to above is to assist in determining whether an individual applicant for a license as an independent ocean freight forwarder meets the necessary qualifications as set forth in 46 CFR Parts 510.11 and 510.12 to be eligible for such a license. Once an individual is licensed, this information is also needed for the purpose of monitoring the activities and status of licensees to ensure they are in compliance with statutory requirements and Commission regulations.

Disclosure

Information contained in Form FMC–18 Rev. may not be disclosed as follows:

1. All of the information in Form FMC–18 Rev. may be disclosed for a routine use as provided in System of Records FMC–7, 42 FR 48134, and in particular, where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, to the appropriate federal, state or local agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcement or implementation of the statute, rules, regulations or orders issued pursuant thereto.

2. Information contained in Parts I and II of, and Schedules A and B to Form FMC–18 Rev. may be disclosed to the general public pursuant to the provisions of the Freedom of Information Act, as amended (5 U.S.C. 552).

3. Information contained in Part III of Form FMC–18 Rev. may not be disclosed, other than as provided above or to the individual to whom the application pertains, pursuant to exemptions 4 and 6 of the Freedom of Information Act (5 U.S.C. 552(b)(4) and 552(b)(6) and subsection (b) of the Privacy Act of 1974 (5 U.S.C. 552a(b)).

Failure to Provide Information

Failure of an applicant to provide any of the information requested in Form FMC–18 Rev. will prevent action on the application for a license as an independent ocean freight forwarder.

(b) *Fee.* The application shall be accompanied by a money order, certified check or cashier's check, in the amount of $350 made payable to the "Federal Maritime Commission."

(c) *Rejection.* Any application which appears upon its face to be incomplete or to indicate that the applicant fails to meet the licensing requirements of the Shipping Act, 1916, or the Commission's regulations, shall be returned by certified U.S. mail to the applicant without further processing, together with an explanation of the reason(s) for rejection, and the application fee shall be refunded in full. All other applications will be assigned an application number, and each applicant will be notified of the number assigned to its application. Persons who have had their applications returned may reapply for a license at any time thereafter by submitting a new application, together with the full application fee.

(d) *Investigation.* Each applicant shall be investigated in accordance with § 510.14 of this part.

(e) *Changes prior to licensing.* Each applicant shall submit, in triplicate, an amended Form FMC–18 Rev. as provided in § 510.13(a) of this part, to the Commission advising it of any changes in the facts submitted in the original application, within fifteen (15) days after such change(s) occur. Any unreported change will delay the processing and investigation of the application and may result in rejection or denial of the application. No fee is required when reporting changes to an application for initial license under this section.

§ 510.14 Investigation of applicants.

The Commission shall conduct an investigation of the applicant's qualifications for a license. Such investigation shall cover:
(a) The accuracy of the information submitted in the application;
(b) The integrity and financial responsibility of the applicant;
(c) The character and independence of the applicant and qualifying individual;
(d) The length and nature of the applicant's experience in handling freight forwarder duties; and
(e) Such further evidence of the fitness, willingness, and ability of the applicant to carry on the business of forwarding as the Commission may require.

§ 510.15 Surety bond requirements.

(a) *Form and amount.* No license shall be issued to an applicant who does not have a valid surety bond (Form FMC–59 Rev.) on file with the Commission in the amount of $30,000. Surety companies must be certified by the U.S. Department of the Treasury in order to execute Federal bonds. Surety Bond Form FMC–59 Rev. can be obtained in the same manner as Form FMC–18 Rev. under § 510.13(a) of this part, and shall read as follows:

[Form FMC–59, Rev.]

Bond No. _____
FMC License No. _____

Federal Maritime Commission—Independent Ocean Freight Forwarder's Bond

(Section 44, Shipping Act, 1916)

KNOW ALL MEN BY THESE PRESENTS, That _____, as Principal (hereinafter called Principal), and _____, as Surety (hereinafter called Surety) are held and firmly bound unto the UNITED STATES OF AMERICA in the sum of THIRTY THOUSAND Dollars ($30,000.00) for the payment of which sum we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has applied for, is about to apply for, or holds a license as an independent ocean freight forwarder pursuant to section 44 of the Shipping Act, 1916, and has elected to file this bond with the Federal Maritime Commission;

NOW, THEREFORE, the Condition of this obligation is such that if the Principal shall, while this bond is in effect, supply the services of an independent ocean freight forwarder in accordance with the contracts, agreements, or arrangements made therefor, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall aggregate the penalty of this bond, and in no event shall the Surety's total obligation hereunder exceed said penalty.

This bond shall inure to the benefit of any and all persons for whom the Principal shall have undertaken to act as an independent ocean freight forwarder.

This bond is effective the —— day of _____, 19—, and shall continue in effect until discharged or terminated as herein provided. The Principal or the Surety may at any time terminate this bond by written notice to the Federal Maritime Commission at its office in Washington, D.C. Such termination shall become effective thirty (30) days after receipt of said notice by the Commission. The Surety shall not be liable for any contracts, agreements, or arrangements made by the Principal after the expiration of said thirty (30) day period but such termination shall not affect the liability of the Principal and Surety for any breach of the Condition hereof occurring prior to the

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date when said termination becomes effecitve.

The underwriting Surety will promptly notify the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573, of any claims against this bond.

Signed and sealed this —— day of ————, 19—.

(PLEASE TYPE NAME OF SIGNER UNDER EACH SIGNATURE.)

(Individual Principal) (SEAL) (Business Address)

(Individual Principal) (SEAL) (Business Address)

(Individual Principal) (SEAL) (Business Address)

Corporate Principal

Business Address (Affix Corporate Seal)

By

Title

Corporate Surety

Business Address (Affix Corporate Seal)

By

Title

(b) *Filing of bond.* Upon notification by the Commission by certified U.S. mail that the applicant meets all qualifications listed under § 510.11(a) of this part, the applicant shall file with the Director of the Commission's Bureau of Certification and Licensing, a surety bond in the form and amount prescribed in § 510.15(a) of this part. No license will be issued until the Commission is in receipt of a valid surety bond from the applicant. If more than six (6) months elapses between isssuance of the notification of qualification and receipt of the surety bond, the Commission shall, at its discretion, undertake a supplementary investigaiton to determine the applicant's continued qualificaitons. The fee for such a supplementary investigation shall be $100, payable by money order, certified check or cashier's check to the "Federal Maritime Commission." Should the applicant not file the requisite surety bond within two years of notification, the Commission will consider the application to be invalid.

(c) *Termination of bond.* No license shall remain in effect unless a valid surety bond is maintained on file with the Commission. Upon receipt of notice of termination of a surety bond, the Commission shall notify the concerned licensee by certified U.S. mail that the Commission shall, without hearing or other proceeding, revoke the license as of the termination date of the bond unless the licensee shall have submitted a valid replacement surety bond before such termination date. Replacement surety bonds must bear an effective date no later than the termination date of the expiring bond.

(d) *Notice of revocation.* The Commission shall publish in the **Federal Register** its order of revocation.

§ 510.16 Denial of license.

(a) *Grounds for denial; procedure.* If the Commission determines, as a result of its investigation, that the applicant:

(1) Will not conduct its forwarding business consistent with national maritime policies as declared in the Merchant Marine Act, 1936;

(2) Fails to meet the definition of an independent ocean freight forwarder as set forth in section 1 of the Act and section 510.2(j) of this part;

(3) May not be fit, willing, and able properly to carry on the business of forwarding, to conform to the provisions of the Act, and the requirements, rules and regulations of the Commission issued thereunder;

(4) Has failed to respond to any lawful inquiry of the Commission; or,

(5) Has made any willfully false or misleading statement to the Commission in connection with the application;

a letter of intent to deny the application shall be sent to the applicant by certified U.S. mail, stating the reason(s) why the Commission intends to deny the application. If the applicant submits a written request for hearing on the proposed denial within twenty (20) days after receipt of notification, such hearing shall be granted by the Commission pursuant to its Rules of Practice and Procedure contained in Part 502 of this Chapter. Otherwise, denial of the application will become effective and the applicant shall be so notified by certified U.S. mail. Civil penalties for violations of the Act or any Commission order, rule, or regulation may be assessed in any proceeding on the proposed denial of a license or may be compromised for any such violation when a proceeding has not been instituted in accordance with Part 505 of this Chapter.

(b) *Reapplication within one year prohibited.* When an application is denied because the applicant, or any officer or employee thereof, is not fit, has failed to respond, or has made any willfully false or misleading statement under subparagraphs (2), (3), or (4) of § 510.16(a) of this part, the Commission may reject any further application by the same applicant, or any application of a different applicant employing said officer or employee, within one year of the effective date of such denial. See also § 510.50(c) below.

§ 510.17 Issuance and use of license.

(a) *Qualification necessary for issuance.* The Commission will issue a license to the applicant if it determines, as result of its investigation, that the applicant is fit, willing, and able properly to carry on the business of ocean freight forwarding, and is otherwise qualified within the provisions of applicable statutes and the requirements, rules, and regulations of the Commission.

(b) *To whom issued.* The Commission will issue a license only in the name of the applicant, whether the applicant be an individual, a sole proprietorship, a partnership, a corporation, an association, or a branch office, and the license will be issued to only one legal entity. A license issued to an individual doing business as a sole proprietorship shall be in the name of such individual and not in the trade name of the applicant's business. Only one license shall be issued to any applicant regardless of the number of names under which such applicant may be doing business.

(c) *Use limited to named licensee.* Except as otherwise provided in this part, the license shall not be transferred to another person and such license is limited exclusively to use by the named licensee.

§ 510.18 Changes in organization.

The following changes in an existing licensee's organization require prior approval of the Commission and shall be investigated in accordance with § 510.14 of this part:

(a) *Changes requiring prior approval:*

(1) Transfer of a corporate license to another person;

(2) Change in ownership of an individual proprietorship;

(3) Addition of one or more partners to a licensed partnership;

(4) Change in the business structure of a licensee from or to a sole proprietorship, partnership, or a corporation, whether or not such change involves a change in ownership;

(5) Sale or transfer of five (5) percent or more of stock of a licensed corporation to new stockholder interests;

(6) Any efforts directed toward the acquisition of one or more additional licensees, whether for purposes of merger, consolidation, or control (see section 15 of the Act);

(7) Any change in a licensee's name; or

(8) Change in the designated qualifying individual.

(b) *Operation after death of sole proprietor.* In the event the owner of a licensed sole proprietorship dies, the licensee's executor, administrator, heir(s), or assign(s) may continue operation of such proprietorship solely with respect to shipments as to which the deceased sole proprietor had undertaken to act as an independent ocean freight forwarder pursuant to the existing license, if the change is reported with fifteen (15) days to the Commission and to all principals for whom services on such shipments are rendered. The acceptance or solicitation of any other shipment is expressly prohibited until a new license has been issued. Applications for a new license by the said executor, administrator, heir(s), or assign(s) shall be on Form FMC–18 Rev., shall be accompanied by the transfer fee set forth in § 510.18(d) of this part and will be processed expeditiously.

(c) *Operation after retirement, resignation, or death of qualifying individual.* When a partnership, corporation, or association has been licensed on the basis of the qualifications of one or more of the partners, officers, or members thereof, and such qualifying individual(s) shall no longer serve in a full time, active capacity with the firm, the licensee shall report such change to the Commission within fifteen (15) days. Within the same 15-day period, the licensee shall furnish to the Commission the name(s) and detailed ocean freight forwarding experience of the active managing partner(s), officer(s), or member(s) who will qualify the licensee. Such qualifying individual(s) must meet the applicable requirements set forth in § 510.11(a) of this part. The Commission may, upon good cause, grant an extension of time in which to conform to the requirements of § 510.11(a) of this part.

(d) *Application form and fee.* Applications for Commission approval of status changes or for license transfers shall be filed in triplicate with the Director, Bureau of Certification and Licensing of the Commission and shall be on Form FMC–18 Rev. (§ 510.13 of this part). The fee for processing such application for change shall be $100, made payable by money order, certified check, or cashier's check to the "Federal Maritime Commission."

§ 510.19 Branch offices; interim operation.

A licensee operating any branch office previously approved by the Commission, but not separately licensed, may continue to operate such office pending the application for and issuance of an individual license to the branch office. No branch office may continue in operation unless an application for an individual license is filed with the Commission within one year after the effective date of this rule.

Subpart C—Duties and Responsibilities of Freight Forwarders; Forwarding Charges; Reports To Commission

§ 510.31 General duties.

(a) *License; name and number.* Each licensee shall carry on the business of forwarding only under the name in which its license is issued and only under its license number as assigned by the Commission. Wherever the licensee's name appears on shipping documents, its FMC license number shall also be included.

(b) *Stationery and billing forms.* The name and license number of each licensee shall be permanently imprinted on the licensee's office stationery and billing forms. The Commission may temporarily waive this requirement for good cause shown if the licensee rubber stamps or types its name and FMC license number on all papers and invoices concerned with any forwarding transactions. In addition, each licensee shall have permanently imprinted on its office stationery and billing forms the name and FMC license number of every licensed forwarder which it controls, is controlled by, or is otherwise related to through common directors, stockholders, or officers, except that the Commission may temporarily waive this requirement for good cause shown if the licensee rubber stamps or types the name and license number of such related or controlled forwarder thereon.

(c) *Use of license by others; prohibition.* No licensee shall permit its license or name to be used by any person who is not a *bona fide* individual employee of the licensee nor by any other person for the performance of any freight forwarding service.

(d) *Arrangements with forwarders whose licenses have been revoked.* Unless prior written approval from the Commission has been obtained, no licensee shall, directly or indirectly, (1) agree to perform forwarding services on export shipments as an associate, correspondent, officer, employee, agent, or sub-agent of any person whose license has been revoked or suspended pursuant to § 510.50 of this part; (2) assist the furtherance of any forwarding business of such person; (3) share forwarding fees or freight compensation with any such person; (4) permit any such person directly or indirectly to participate, through ownership or otherwise, in the control or direction of the freight forwarding business of the licensee; or (5) employ any such person.

(e) *Arrangements with unauthorized persons.* No licensee shall enter into an agreement or other arrangement with a person not authorized by this part to transact forwarding business for others so that any resulting fee, compensation, or other benefit inures to the benefit of the unlicensed person. When a licensee is employed for the transaction of forwarding business by an unlicensed person who is not the actual shipper, the licensee must transmit to the actual shipper or beneficial owner of the cargo a copy of the invoice for services rendered.

(f) *False or fraudulent claims; false information.* No licensee or other person performing freight forwarding services for others shall prepare or file or assist in the preparation or filing of any claim, affidavit, letter of indemnity, or other paper or document concerning a forwarding transaction which it has reason to believe is false or fraudulent, nor shall any such person knowingly impart to a principal, oceangoing common carrier or other person, false information relative to any forwarding transaction.

(g) *Response to requests of Commission.* Upon the request of any authorized representative of the Commission, each licensee shall make available promptly for inspection or reproduction all records and books of account in connection with its forwarding business and shall promptly respond to any lawful inquiries by such representative.

(h) *Policy against rebates.* The following declaration shall appear on all invoices and certifications under §§ 510.32(h) and 510.33(e) of this part.

(Name of Firm) has a policy against any participation in the payment, solicitation, or receipt of any rebate, directly or indirectly, which would be unlawful under the United States Shipping Act, 1916, as amended.

This declaration shall be permanently imprinted on the required forms, except that the Commission may temporarily waive this requirement for good cause shown if the licensee types or rubber stamps the appropriate declaration.

§ 510.32 Forwarder and principal; fees.

(a) *Beneficial interest.* No licensee shall act in the capacity of a shipper, consignee, seller or purchaser of any shipment in commerce from the United States, nor have any beneficial interest in such a shipment.

(b) *Compensation or fee sharing.* No licensee shall share, directly or

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indirectly, any compensation or freight forwarding fee with an involved shipper, consignees, seller, or purchaser, or an agent, affiliate, or employee thereof; nor with any person advancing the purchase price of the property or guaranteeing payment therefor; nor with any person having any beneficial interest in the shipment.

(c) *Withholding information.* No licensee or other person performing freight forwarding services for others shall withhold any information concerning a forwarding transaction from its principal.

(d) *Due diligence.* Each licensee shall exercise due diligence to ascertain the accuracy of any information it imparts to a principal concerning any forwarding transaction.

(e) *Errors and omissions.* Each licensee shall itself comply and shall be responsible for insuring compliance by its principal(s) with the laws of the United States and any involved State, Territory, or possession thereof, and for assuring that there exists no error, misrepresentation in, or omission from any export declaration, bill of lading, affidavit, or other document which the licensee and/or its principal executes in connection with a shipment handled by the licensee. The licensee shall promptly advise its principal and shall keep a written record of any error, misrepresentation, or omission detected, as part of its records required under § 510.34(b) of this part. The licensee shall not engage in any additional forwarding services in connection with such shipment(s) until the error, misrepresentation, or omission is corrected.

(f) *Express written authority.* No licensee shall endorse or negotiate any draft, check, or warrant drawn to the order of its principal without the express written authority of such principal.

(g) *Receipt for cargo.* Each receipt issued for cargo by a licensee shall be clearly identified as "Receipt for Cargo" and be readily distinguishable from a bill of lading.

(h) *Invoices; list of charges; exceptions.*

(1) Each licensee shall use an invoice which lists separately for each shipment:

(i) The actual amount of ocean freight assessed by the oceangoing common carrier;

(ii) The actual amount of consular fees paid;

(iii) The insured value, the actual isurance rate, and the actual premium paid the insurance company for insurance arranged;

(iv) The actual cost to the licensee for each accessorial service performed in connection with the shipment; and,

(v) The total service fee charged by the licensee unless the licensee has a special contract arrangement with the principal.

(2) Exceptions:

(i) The licensee need not list separately its costs for services set forth under §§ 510.32(h)(1)(ii), 510.32(h)(1)(iii) and 510.32(h)(1)(iv) of this part if the licensee has provided its principal with a prior written quotation of total charges for shipment(s), a copy of which it retains in the shipment file, and has received authorization from the principal to forward the shipment(s) for that total charge.

(ii) Licensees who offer to forward small shipments for uniform charges available to the public at large and duly filed with the Commissiom shall not be required to itemize the components of such uniform charges on shipments so long as the charges have been quoted in writing to the shipper prior to the time of shipment.

(iii) A licensee who maintains a uniform schedule of fees for placing insurance and for performing accessorial services (stated by dollar amount and/or percentage of markup) need not itemize the components of such charges in its invoice. A licensee who elects to maintain such uniform pricing schedules must make the current schedule and every superseded schedule available upon request, and shall not assess fees different from the those specified in the effective schedule. Such a schedule shall be filed with the Commission, the schedule itself or notice of its availability posted in a conspicuous place in the forwarder's office, and shall be mailed upon request to shippers.

(i) *Special contracts.* To the extent that special arrangements or contracts are entered into by a licensee, the licensee shall not deny equal terms to other shippers similarly situated.

(j) *Reduced forwarding fees.* Except as otherwise provided in this part, no licensee shall render or offer to render, any forwarding service free of charge or at a reduced fee in consideration of receiving compensation from oceangoing common carriers on the relevant shipment or for any other reason.

§ 510.33 Forwarder and carrier; compensation.

(a) *Disclosure of principal.* No licensee, acting in the capacity of an independent ocean freight forwarder, shall identify itself as the shipper on the shipper identification line which appears above the cargo description data on the bill of lading. The actual shipper must always be disclosed thereon. If the forwarder's name does appear on the shipper identification line, it must appear after the name of the actual shipper.

(b) *Pay over of freight.* Each licensee shall pay over to the oceangoing common carrier or its agent all sums received by the licensee from its principal(s) for freight and transportation charges within twenty (20) days after receipt thereof, or within twenty (20) days after the bill of lading is issued, whichever is later. Each licensee shall promptly disburse all sums received from its principal(s) for the payment of any charges, debts, or obligations due other persons in connection with the relevant forwarding transactions, and shall promptly account to its principal(s) for overpayments, adjustments of charges, reductions in rates, insurance refunds, insurance monies received for claims, proceeds of c.o.d. shipments, drafts, letters of credit, and any other sums due such principal. These sums shall either be returned promptly to the principal or, with the principal's written consent, be used to offset the licensee's outstanding receivables due from such principal.

(c) *Assumption of obligation for freight.* No licensee shall be required by any oceangoing common carrier or its agent to assume, through the singing of due bills or any other means, any obligations for the payment of ocean freight monies to oceangoing common carriers or their agents, which sums have not yet been received by the licensee from its principal.

(d) *Certification required for compensation.* Except as otherwise provided in this part, an oceangoing common carrier shall compensate a licensee pursuant to its tariff provisions for any shipment forwarded on behalf of others when, and only when, such carrier is in possession of a certification in the form prescribed in § 510.33(e) of this part and the actual shipper has been disclosed on the bill of lading as provided for in § 510.33(a) of this part. The oceangoing common carrier shall be entitled to rely on such certification unless it has reason to believe that the certification is incorrect, and shall retain such certification for a period of five (5) years. Every tariff filed pursuant to the Act shall specify the rate(s) of compensation to be paid licensed forwarders certifying in accordance with § 510.33(e) of this part. Except as authorized under § 150.33(f) of this part, such compensation shall be paid by the ocean carrier within thirty (30) days after payment of ocean freight.

(e) *Form of certification.* The licensee shall file with the carrier, either prior to or simultaneously with receipt of compensation, a signed certification as set forth below on one copy of the relevant ocean bill of lading which indicates performance of at least two of the listed services in addition to arranging for space.

The undersigned hereby certifies that it is the holder of valid FMC License No. ———————, issued by the Federal Maritime Commission and has, in addition to soliciting and securing the cargo specified herein for the ship or booking or otherwise arranging for the space for such cargo, performed at least two (2) of the following services (check services performed):

(1) Coordinated the movement of the cargo to shipside.

(2) Prepared and processed the ocean bill of lading.

(3) Prepared and processed dock receipts or delivery orders.

(4) Prepared and processed consular documents or export declarations.

(5) Paid the ocean freight charges.

A copy of such certificate shall be retained by the licensee pursuant to § 510.34(b) of this part.

(f) *Deduction of compensation from freight charges.* No licensee, or employee thereof, shall accept compensation from an oceangoing common carrier which is different than the amount specifically provided for in the carrier's effective tariff(s) lawfully on file with the Commission. Compensation due and payable to a licensee for a shipment moving under a prepaid bill of lading may be deducted by the licensee from the freight charges upon compliance with the foregoing certification provisions if the amount deducted for compensation is that expressly authorized under the applicable provisions of the effective tariff of the oceangoing common carrier.

(g) *Compensation; services performed by underlying carrier; exemptions.* No licensee shall charge or collect compensation in the event it has asked the underlying oceangoing common carrier, or its agent, to perform any of the forwarding services set forth in § 510.2(h) of this part, unless no other licensee is willing and able to perform such services, or unless the Commission has granted a port-wide exemption from this rule to oceangoing common carriers or their agents in the port of loading. Such exemptions may be granted by the Commission upon (1) application of any licensed forwarder, (2) publication of notice of application for such exemption in the **Federal Register** with a twenty (20) day public comment period, and, (3) a finding by the Commission that an insufficient supply of forwarding services is being offered by licensees domiciled at the port of loading. Exemptions shall remain in effect until rescinded by the Commission.

(h) *Duplicative compensation or brokerage.* Where an oceangoing common carrier has paid or has incurred an obligation to pay either brokerage to an ocean freight broker or compensation to a licensee, such carrier shall not be obligated to pay additional compensation to any other person for forwarding services rendered on behalf of the same cargo.

(i) *Licensed oceangoing common carriers; compensation.* An oceangoing common carrier, agent, or person related thereto, acting as an independent ocean freight forwarder, may collect compensation when, and only when, the following certification is made on the "line copy" of the underlying carrier's bill of lading, in addition to all other certifications required by this part:

The undersigned certifies that neither it, nor any related person, has issued a bill of lading covering, or otherwise undertaken common carrier responsibility for, the ocean transportation of the shipment covered by this bill of lading.

Whenever a person acts in the capacity of an oceangoing common carrier as to any shipment, such person shall not be entitled to collect compensation nor shall any underlying carrier pay such compensation to such oceangoing common carrier for such shipment.

§ 510.34 Records required to be kept.

Each licensee shall maintain in an orderly, systematic, and convenient manner, and keep current and correct, all records and books of account in connection with its business of forwarding. These records must be kept in the United States in such manner as to enable authorized Commission personnel to readily determine licensee's cash position, accounts receivable and accounts payable, and to verify information submitted under § 510.35 of this part. The licensee must maintain the following records for a period of five years:

(a) *General financial data.* A current running account of all receipts and disbursements, account receivable and payable, and daily cash balances, supported by appropriate books of account, bank deposit slips, cancelled checks, and a monthly reconciliation of bank statements.

(b) *Types of services by shipment.* A separate file for each shipment which includes a copy of each document prepared, processed, or obtained by the licensee with respect to such shipment.

(c) *Receipts and disbursements by shipment.* A record of all sums received and/or disbursed by the licensee for services rendered and out-of-pocket expenses advanced in connection with each shipment, including specific dates and amounts.

(d) *Special contracts.* A true copy, or if oral, a true and complete memorandum, of every special arrangement or contract with a principal, or modification or cancellation thereof, to which it may be party. Authorized Commission personnel and *bona fide* shippers shall have access to such records upon reasonable request.

(e) *Exempt non-exclusive cooperative working arrangements.* As provided for in § 510.36(b) of this part.

§ 510.35 Reports required to be filed.

Each licensee shall file with the Commission information and reports as follows:

(a) *Samples of office stationery and invoice forms.* Within sixty (60) days after licensing or approval of a change in business name or orgnaization.

(b) *Non-exempt section 15 agreements.* As provided for in § 510.36 of this part.

(c) *Anti-rebate certification.* By March 1 of each year, the Chief Executive Officer of every licensee shall certify that it has a policy against rebates, that it has promulgated such policy to all appropriate individuals in the firm, that it has taken steps to eliminate such illegal practices, which measures must be fully described in detail, and, that it will cooperate with the Commission in its investigation of such rebates. This certification shall be in accordance with the following format:

(Name of Filing Firm)

Certification of Policies and Efforts To Combat Rebating in the Foreign Commerce of the United States

Pursuant to the provisions of section 21(b) of the Shipping Act, 1916, as amended and Federal Maritime Commission regulations promulgated pursuant thereto, 46 CFR parts 510 and 552,

I, ———————, Chief Executive Officer of (name of firm), holder of a valid, independent ocean freight forwarder license #———————, state under oath that:

1. It is the policy of (name of firm) that the participation of said freight forwarder in the payment, solicitation, or receipt of any rebate, directly or indirectly, to or by any carrier or shipper, which is unlawful under the provisions of the Shipping Act of 1916, as amended, is prohibited.

2. On or before ———————, 19—, such policy was promulgated to each owner, officer, employee and agent of (name of firm).

3. [Set forth the details of measures instituted within the filing firm or otherwise to eliminate, discourage, prevent or correct any participation in the payment of illegal rebates in the foreign commerce of the United States.]

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4. [Name of firm] affirms that it will fully cooperate with the Commission in its investigation of illegal rebating or refunds in United States foreign trades and with the Commission's efforts to end such illegal practices.

Signature

Subscribed and sworn before me this —— day of ————————, 19—.

Notary Public

§ 510.36 Section 15 Agreements.

(a) *Filing for approval.* A copy of each written agreement and a true and complete memorandum of each oral agreement between a licensee and any other licensee, common carrier, or other person subject to the Act, and modifications or cancellations thereof, which are subject to section 15 of the Act, must be filed with the Commission for approval in accordance with part 522 of this Chapter. Such submissions shall clearly show the nature of the agreement, the parties thereto, the port(s) involved, and subject matter in detail, and shall refer to any previously filed agreements to which they may relate. Except as provided for in paragraph (b) of this section, no agreements, or modifications or cancellations thereof, shall be implemented without prior approval of the Commission.

(b) *Exemptions.* Nonexclusive cooperative working agreements between licensed independent ocean freight forwarders, which provide for the completion of documentation and performance of other forwarder services on behalf of the parties to the agreements, are exempt from the provisions of section 15 of the Act, and need not be filed with the Commission for approval, but shall be retained in the files of the licensee. Such agreements shall follow the following format:

Nonexclusive Cooperative Working Agreement

Parties to the agreement are:
(a) (Company name) (Street address) (City, State, Zip)
FMC No. —
(b) (Company name) (Street address) (City, State, Zip)
FMC No. —

Terms of the agreement: 1. This is a cooperative, nonexclusive working arrangement whereunder either of the parties may complete documentation and peform other freight forwarder functions on behalf of the other party. Either of the parties may engage or be engaged by other forwarder(s) under a similar nonexclusive working agreement or pursuant to an agreement approved by the Federal Maritime Commission under the provisions of section 15 of the Shipping Act, 1916, as amended, by reason of 46 CFR 510.36(b).

2. Forwarding fees are to be divided between the parties as follows: [the agreed division of freight forwarder fees, or schedule of fees for services, rendered, or a statement that fees are subject to negotiation and agreement on each transaction].

3. Ocean freight compensation is to be divided between the parties as follows: [the agreed division of ocean freight compensation]. This division of compensation will be restricted to those shipments handled by one party on behalf of the other.

4. This agreement shall not be terminated on less than 15 days' Notice to the other party.

(Signature) (Official Title)

(Type in company name)

(Signature) (Official Title)

(Type in company name)

(Date)

(Date)

Subpart D—Revocation or Suspension of License

§ 510.50 Revocation or suspension of license.

(a) *Grounds for revocation.* Except for the automatic revocation for failure to have a valid surety bond in effect under §§ 510.15(c) and (d) of this part, a license may be revoked or suspended after notice and hearing for any of the following reasons:

(1) Failure to conduct its forwarding business consistent with national maritime policies as declared in the Merchant Marine Act, 1936;

(2) Violation of any provision of the Act, as amended, or any other statute or Commission regulation related to carrying on the business of forwarding;

(3) Failure to respond to any lawful inquiry by the Commission;

(4) Making a willfully false or misleading statement to the Commission in connection with an application for a license or its continuance in effect;

(5) Change of circumstances whereby the Commission determines that the licensee no longer qualifies to be an independent ocean freight forwarder; or,

(6) Conduct which the Commission determines renders the licensee unfit or unable to carry on the business of forwarding.

(b) *Civil penalties.* As provided for in part 505 of this Chapter, civil penalties for violations of the Act or any Commission order, rule, or regulation may be assessed in any proceeding to revoke or suspend a license and may be compromised when such a proceeding has not been instituted.

(c) *Reapplication within one year prohibited.* When a license is revoked because the licensee, or any officer or employee thereof, has committed a violation, has failed to respond, has made a willfully false or misleading statement, or has engaged in conduct which renders the licensee unfit, within the meaning of paragraphs (1), (2), (3), (4) and (6) of § 510.50(a) of this part, the Commission may reject any new application by the same applicant, or any application of a different applicant employing said officer or employee, within one year of the effective date of revocation.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80-8035 Filed 3-14-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 81 and 83

[Gen. Docket No. 80-1; RM-3101; RM-3128; RM-3129]

Allocating Spectrum for an Automated Inland Waterways Communications System (IWCS) Along the Mississippi River and Connecting Waterways; Correction

AGENCY: Federal Communications Commission.

ACTION: Errata.

SUMMARY: This action corrects an erroneous phrase that appeared in paragraph 26 of the Notice of Proposed Rule Making, Order and Notice of Inquiry (FCC 80-2).

DATES: Comments must be received on or before March 24, 1980 and Reply Comments must be received on or before April 23, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Walter E. Weaver or Robert P. DeYoung, Private Radio Bureau (202) 632-7175.

SUPPLEMENTARY INFORMATION:

[Gen. Docket No. 80-1; RM-3101; RM-3128; RM-3129]

Third Errata

Released: March 10, 1980.

In the Matter of Amendment of Parts 2, 81 and 83 of the Commission's rules to allocate spectrum for an automated inland waterways communications system (IWCS) along the Mississippi River and connecting waterways and, Maritime Mobile Radio Services:

improvement in service through provision for automated VHF common carrier systems and, VHF frequency assignments to the maritime radio services in the New Orleans and Lower Mississippi River areas and on the coastlines of the contiguous states.

In the Notice of Proposed Rule Making, Order and Notice of Inquiry in the above-captioned proceeding, released January 11, 1980 (45 FR 3064, January 16, 1980), FCC 80-2, in paragraph 26, the phrase "216-225 MHz band" is changed to "216-220 MHz band" to be consistent with the document as a whole.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-8038 Filed 3-14-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 79-340; RM-3508]

FM Broadcast Station in Malakoff, Tex.; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding involving the proposed assignment of an FM channel to Malakoff, Texas. Action is taken on the Commission's own motion so that reply comments can address a counterproposal to assign the same channel to Athens, Texas.

DATE: Reply comments must be filed on or before March 31, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Malakoff, Texas), BC Docket No. 79-340, RM-3508.

Adopted: March 6, 1980.

Released: March 11, 1980.

1. On December 19, 1979, the Commission adopted a *Notice of Proposed Rule Making*, 45 FR 1920, proposing the assignment of Class A FM Channel 240A to Malakoff, Texas. The date for filing comments has expired and the date for filing reply comments is March 10, 1980.

2. A counterproposal has been filed proposing the same channel for Athens, Texas. However, although timely filed, the Commission has not yet given public notice of its acceptance. We are awaiting additional information which we expect to receive shortly. In order to permit interested parties to comment on the counterproposal, the Commission is granting an extension of time to and including March 31, 1980.

3. Accordingly, it is ordered that the date for filing reply comments in BC Docket No. 79-340 is extended to and including March 31, 1980.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-8055 Filed 3-14-80; 8:45 am]

BILLING CODE 6712-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1436-4]

Approval and Promulgation of Implementation Plans: Illinois

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The United States Environmental Protection Agency (USEPA) announced final rulemaking on revisions to the Illinois State Implementation Plan (SIP) on February 21, 1980 (45 FR 11472). Illinois submitted these revisions to satisfy the requirements of Part D of the Clean Air Act, as amended in 1977. In the final rulemaking, USEPA conditionally approved certain revisions to the Illinois SIP. A discussion of conditional approval and its practical effect appears in the July 2, 1979 **Federal Register** (44 FR 38583) and the November 23, 1979 **Federal Register** (44 FR 67182). A conditional approval requires the State to remedy identified deficiencies by specified deadlines. This notice solicits public comment on the deadlines by which the State of Illinois has committed itself to remedy conditionally approved portions of its SIP. Although public comment is solicited on the deadlines, the State remains bound by its commitments unless the schedules are disapproved by USEPA in its Final Rulemaking action. A conditional approval means that the restriction on new source construction in designated nonattainment areas will not apply unless the State fails to submit the corrections by the specified date, or unless the corrections are ultimately determined to be inadequate.

DATES: Comments must be received on or before April 16, 1980.

ADDRESSES: Comments should be sent to the following address: Mr. Gary Gulezian, Acting Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the materials submitted by the State and by the public during the comment period announced in this notice of proposed rulemaking are available for review during normal business hours at the following addresses:

USEPA Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

USEPA, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Gulezian, Acting Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6053.

SUPPLEMENTARY INFORMATION: In a final rulemaking action published February 21, 1980 (45 FR 11472), USEPA identified the actions taken by the State of Illinois to remedy deficiencies in the Illinois SIP submittal which were noted in USEPA's July 2, 1979 Notice of Proposed Rulemaking. USEPA also identified the conditions which must be satisfied by the State of Illinois to correct other specified deficiencies in the revisions to the Illinois State Implementation Plan (SIP). The State of Illinois has provided assurances that it will satisfy these conditions on specific schedules.

In some instances, the State has made a commitment to submit regulations to the Illinois Pollution Control Board by a specified date. Because the State cannot legally prejudge the outcome of the Board's statutorily mandated proceedings, it cannot assure USEPA that the regulations will be promulgated. Therefore, the State has not made commitments either to promulgate the regulations or to a specific date for promulgation. In these cases, USEPA is proposing a date by which the State must promulgate and submit the regulations to USEPA. USEPA believes that this is necessary in order to guarantee that the deficiencies are adequately addressed and that the plan is adequate to satisfy the requirements of the Act. In establishing the date by

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which any necessary regulations must be promulgated USEPA has taken into consideration the complex Illinois Pollution Control Board Rulemaking procedures which require technical as well as economic hearings and findings on all rulemaking actions.

USEPA proposes to approve the following schedules for the correction by the State of Illinois of deficiencies in the Illinois SIP.

Schedules

Total Suspended Particulates.—1. The State has committed itself to utilize emission factors for determining potential emissions, to promulgate administrative rules specifying the manner in which these emission factors will be used, and to submit these rules to the Illinois Secretary of State and USEPA. These actions will be completed by July 1, 1980.

2. The State of Illinois has also committed itself to conduct an analysis of the potential air quality impact from storage piles with uncontrolled emissions of less than 50 tons/year, submit the results of the analysis to USEPA and submit any necessary regulations to the Illinois Pollution Control Board. These actions will be completed by December 30, 1980. USEPA imposes the additional condition that any necessary regulations be finally promulgated by the State and submitted to USEPA by December 31, 1981.

Sulfur Dioxide

1. The State of Illinois has committed itself to conduct a reanalysis of the Pekin, Illinois area. The State will submit the results of the study to USEPA and, if necessary, submit additional regulations to the Illinois Pollution Control Board. These actions will be completed by September 30, 1980. USEPA imposes the additional condition that any necessary regulations be finally promulgated by the State and submitted to USEPA by September 30, 1981.

Ozone

1. The State of Illinois has committed itself to conduct a study to demonstrate that the 3 pound per hour, 15 pound per day exemption for solvent metal cleaners contained in Rule 205(k) represents reasonably available control technology (RACT). The State will submit the results of the study to USEPA and, if necessary, submit revised regulations representing RACT to the Illinois Pollution Control Board. These actions will be completed by November 30, 1980. USEPA imposes the additional condition that any necessary regulations be finally promulgated by the State and submitted to USEPA by November 30, 1981.

2. The State of Illinois has also committed itself to conduct a study to demonstrate that the 75% overall control efficiency requirement in Rule 205(n) represents RACT. The State will submit the results of the study to USEPA, and, if necessary, submit regulations representing RACT to the Illinois Pollution Control Board. Those actions will be completed by November 30, 1980. USEPA imposes the additional condition that any necessary regulations be finally promulgated by the State and submitted to USEPA by November 30, 1981.

Transportation Control Plans

1. The State of Illinois has committed itself to submit transportation control strategy implementor commitments for the Northeast Illinois (Chicago) Area after July 1980 and the Illinois portion of the St. Louis by February 28, 1981.

2. The State of Illinois has committed itself to submit evidence that the Chicago Area Transportation Study has formally adopted representative transportation control measures as SIP air quality strategies by April 30, 1980.

3. The State of Illinois must correct all of the remaining deficiencies in the transportation control plans for the Peoria Metropolitan Area and the Northeast Illinois (Chicago) Area by July 31, 1980.

Nitrogen Dioxide

1. The State of Illinois has committed itself to perform additional analyses to determine the need for emission reductions beyond those which would be obtained through the Federal Motor Vehicle Control Program, to develop any necessary regulatory proposals, and to submit necessary proposals to the Illinois Pollution Control Board. These actions will be completed by July 1, 1980. USEPA imposes the additional condition that any necessary regulations be finally promulgated by the State and submitted to USEPA by July 1, 1981.

Carbon Monoxide

1. To attain the carbon monoxide National Ambient Air Quality Standard, the State is relying on transportation control measures. Consequently, the State must correct the deficiencies in the transportation control plans for the Peoria Metropolitan Area and the Northeastern Illinois (Chicago) by August 31, 1980.

New Source Review

1. The State has committed itself to submit either a determination signed by the Illinois Attorney General that the promulgation of the New Source Review Rules is consistent with Illinois law; or, in the alternative, to submit to USEPA for approval another nonattainment area New Source Review Plan which is consistent with Illinois law and meets the requirements of sections 172(b)(6) and 173 of the Clean Air Act. These actions will be completed within one hundred eighty (180) days of the February 21, 1980 publication of the Notice of final rulemaking (45 FR 11472).

Under Executive Order 12044, USEPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of proposed rulemaking is issued under authority of Section 110 of the Clean Air Act, as amended.

Dated: February 11, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-8137 Filed 3-14-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Parts 52 and 81

[FRL 1436-5]

Approval and Promulgation of Missouri State Implementation Plan (SIP) and Revision to Section 107 Attainment Status; Designation for New Madrid, Mo.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rulemaking.

SUMMARY: This proposed rulemaking involves a change in the status of the New Madrid area nonattainment designation by eliminating the primary particulate nonattainment designation, but retaining the secondary particulate nonattainment designation for the area. It is also proposed to disapprove proposed State Implementation Plan (SIP) revisions for Noranda Aluminum, Inc. and Associated Electric Cooperative. These sources are located within the designated New Madrid nonattainment area.

This proposal is published to notify the public of our proposed actions on the matters mentioned above and to request comments.

DATES: Comments must be received no later than April 16, 1980.

ADDRESSES: Comments should be sent to Dewayne E. Durst, Air Support Branch, EPA Region VII, 324 East 11th Street, Kansas City, Missouri, 64106. Copies of the state submission and EPA prepared rationale and evaluation reports covering the proposed action are available at the above address. They are also available at the following locations:

Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, SW., Washington, D.C. 20460.
Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65101.

FOR FURTHER INFORMATION: Contact Dewayne E. Durst at 816-374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION:

Attainment Status Designation

On December 5, 1977, the Missouri Department of Natural Resources submitted a listing of areas in the state where air quality standards were being violated. The state recommended that the New Madrid, Missouri area be designated as primary nonattainment for total suspended particulates (TSP) because 1977 air quality data indicated that both annual and 24-hour primary air quality standards were exceeded.

The Environmental Protection Agency (EPA) accepted the state's recommendation and on March 3, 1978, the designation of New Madrid as a primary nonattainment area for particulates was promulgated in the **Federal Register.**

On May 1, 1978, attorneys for Noranda Aluminum, Inc., submitted comments to EPA on the attainment status designations promulgated by EPA. The comments asserted that data used by the Missouri Department of Natural Resources (MDNR) were inadequate for the nonattainment designation and that the MDNR was inconsistent in discounting certain high air quality values for other areas of the state and not doing so for data collected in New Madrid. The comments also cited the EPA Rural Fugitive Dust Policy as a reason for designating New Madrid as an attainment area.

On May 13, 1978, attorneys for Noranda Aluminum filed a petition with the Missouri Air Conservation Commission (MACC) which challenged the authority of the Director of the Department of Natural Resources to make the submittal of the attainment status list on behalf of the State of Missouri. A copy of the petition was sent to EPA Region VII. The Noranda petition stated that only the MACC had authority under the state statutes to make such submissions and that public hearings were required on the state prepared attainment status listing. In response to Noranda's petition, the MACC heard testimony concerning the designation of the New Madrid area at a Commission meeting held on August 23, 1978. Based upon this testimony, the Commission voted to redesignate the New Madrid area as attainment for primary and secondary total suspended particulate standards.

In a letter dated August 25, 1978, Carolyn Ashford, Director of the Missouri Department of Natural Resources notified EPA of the action taken by the Commission. The letter stated that the Commission "concluded that industrial emissions in the New Madrid area do not cause a significant impact on the nonattainment area. Therefore, the Commission decided they should implement EPA's fugitive dust policy and redesignate New Madrid as an attainment area for primary and secondary standards."

Particulate air quality data collected at a sampling station located at the Missouri Department of Conservation Building in New Madrid was the basis for the original nonattainment designation. The MDNR operated the station which was established in 1973. During calendar year 1977, there were three measured values which exceeded the 24-hour primary particulate standard of 260 micrograms per cubic meter. In addition, there were four measured values which exceeded the 24-hour secondary particulate standard of 150 micrograms per cubic meter. The 1977 geometric mean for all data collected at the sampling station was 79 micrograms per cubic meter.

The MDNR presented testimony at the August 23, 1978, MACC meeting which showed that not all of the samples which exceeded the primary particulate standard were valid. Examination of the filter for one of the days when the primary standard was exceeded indicated it had been contaminated by a bird's nest. Another sample was invalidated by the MDNR because high winds caused exceedances of the particulate air quality standards in all parts of the State of Missouri on that day due to blowing dust. The EPA agrees that these samples should not be considered part of a valid sample set. Thus by eliminating two of the three 1977 samples which exceeded the 24-hour primary particulate standard at the MDNR site, only one sample remained which was above the 24-hour primary standard. With only one valid exceedance remaining, the short-term primary particulate standards were not violated at the MDNR station in 1977. Also, by eliminating the high values, the annual geometric mean was reduced to 74 micrograms per cubic meter at the MDNR station which is below the annual primary particulate standard.

After eliminating the two samples which exceeded the 24-hour primary standard, there were five measured values which exceeded the secondary 24-hour particulate standard at the MDNR site in 1977.

Air quality monitoring data collected at the MDNR station during 1978 indicate that the secondary particulate standard was violated. Noranda Aluminum, Inc., also operates four samplers in the New Madrid area, designated as sites A, B, C, and D. Data for calendar year 1978 from these sites indicate the following: Eight violations of the secondary standard at site A, two violations of the secondary standard at site B, four violations of the secondary standard at site C, and one violation of the secondary standard at site D.

Two technical documents used as resource material for the August 23, 1978 MACC meeting on the New Madrid attainment designations were: (1) "Evaluation of Total Suspended Particulate Attainment Status of New Madrid County, Missouri," prepared for Noranda Aluminum Company, Inc., by Midwest Research Institute (MRI), dated August 21, 1978; and (2) "Dispersion Modeling of the New Madrid, Missouri Nonattainment Area," dated August 18, 1978, prepared by Shell Engineering Associates for Associated Electric Cooperative.

Midwest Research Institute used the micoroinventory technique to evaluate the quantity and origin of particulate emissions near each of the five monitoring sites in the New Madrid area. The microinventory is a survey technique to gather emission data for use in an EPA developed empirical model for predicting air quality. As stated in the MRI report, ground level fugitive and area source emissions within a one-mile radius of the sampling site are calculated when using the technique. However, according to the EPA developed technique, emissions from point sources are also included, if the sources are within five miles of the sampling site.

The microinventory prepared by MRI included only those point sources within one mile of the sampling sites and did not consider those sources beyond one mile, but within five miles of the sites. The microinventory technique as used by MRI ignores the emissions from Noranda Aluminum, Inc. and Associated Electric Cooperative, Inc. Ignoring these point sources results in the erroneous conclusion that fugitive dust sources contribute 100 percent of the particulates within the microinventory

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area at Noranda sampling sites B, C, and D.

The MRI report shows that combustion products contribute from four to 36 percent of the particulate matter on the filter for days when the secondary 24–hour particulate standard was exceeded. This indicates that fuel-burning sources significantly impact the samplers during certain periods when secondary particulate standards are exceeded.

A major issue concerning the nonattainment designation of the New Madrid area is whether the EPA futitive dust policy should apply to the area. The State of Missouri did not expressly indicate that the fugitive dust policy was considered in preparing the listing of nonattainment areas contained in the December 5, 1977, submittal. Guidance contained in the preamble to the March 3, 1978, **Federal Register** states that rural areas experiencing particulate standards violations which could be attributed primarily to fugitive dust could be designated attainment. In order to be considered rural, an area must: (1) Lack major industrial development or significant industrial particulate emissions, and (2) have low urbanized population. The guidance in the March 3, 1978, **Federal Register** was based on a fugitive dust policy paper issued by EPA in 1977.

The fugitive dust policy paper defined low urbanized population as less than 25,000 to 50,000 for western states and 100,000 to 200,000 for eastern states. Thus, New Madrid (with a population of about 3,000) clearly meets this test for low population. EPA believes that the criteria for determining low urbanized population are consistent with the guidance in the March 3, 1978, **Federal Register** concerning the low population density aspect of the definition of "rural area." However, the remaining test for lack of significant industrial particulate emissions must also be met in order for the fugitive dust policy to apply in allowing rural fugitive dust to be discounted for purposes of determining the attainment status designation.

The March 3, 1978, **Federal Register** does not specifically define major industrial development or significant industrial particulate emissions. The Clean Air Act (Section 302(j)) defines "major stationary source" as any stationary facility or sorce of air pollutants which emits or has the potential to emit 100 tons per year. The 100 tons/yr guide will be used as one of the considerations in this proposed rulemaking for deciding what constitutes significant industrial particulate emissions.

The emission inventory used by Shell Engineering as referenced above listed short-term emission rates for both point and area sources for the New Madrid area. If a uniform annual emission rate is assumed for the sources, the annual emissions may be calculated for all point and area sources listed in the report. These calculations result in an estimate that point sources emit approximately 19,100 tons per year of particulates in the New Madrid area. Area sources account for approximately 24,400 tons per year of particulates in the area. Thus, for the base year, information in the Shell Report indicates that point sources account for approximately 43 percent of total particulates emitted in the New Madrid area. Of this total, Associated Electric Cooperative's New Madrid powerplant emits approximately 16,300 tons of particulates per year based on information in the Shell report. Noranda Aluminum, Inc., emits approximately 2,400 tons of particulates per year. Comparing the emissions from these two sources to the 100 ton per year guide mentioned above, clearly indicates that there are significant industrial emissions in the New Madrid area.

Based upon the above information, EPA has determined that validated 1977 and 1978 air quality data show violations of the secondary standard for total suspended particulates for the New Madrid area. After applying acceptable methods for invalidating unacceptable data, no violations of the primary particulate standard occurred. The procedures used by the Missouri DNR for discounting air quality data in New Madrid were consistent with the methods used in other parts of the state. Further, the emission inventory indicates that over 40 percent of the total suspended particulate matter in the New Madrid area is caused by point sources. Associated Electric Cooperative's New Madrid powerplant emits approximately 16,300 tons of particulate per year, and Noranda Aluminum, Inc., emits approximately 2,400 tons of particulate per year.

New Madrid clearly meets the critieria in the March 3, 1978, **Federal Register** for having a low urbanized population. However, because of the presence of large industrial sources of particulate matter, the rural fugitive dust criteria cannot be used for designating New Madrid as an attainment area for particulates.

PROPOSED ACTION: EPA proposes to eliminate the primary particulate nonattainment designation, but retain the secondary particulate nonattainment designation for the New Madrid area.

Noranda Aluminum, Inc., Variance

On February 23, 1977, the MACC granted a variance to Noranda Aluminum, Inc., for its New Madrid, Missouri primary aluminum reduction plant. The variance applied specifically to pot-line I and an associated carbon anode production facility. This variance was submitted to EPA on March 11, 1977, as a proposed revision to the State Implementation Plan (SIP).

In the **Federal Register** of February 2, 1978, EPA proposed to disapprove the variance granted by the MACC to Noranda Aluminum, Inc., as a SIP revision. The reason for the proposed disapproval was that the control [4] strategy demonstration submitted with the variance failed to demonstrate that ambient air quality standards would be attained and maintained in New Madrid if the variance was granted and the Noranda Aluminum, Inc., pot-line I and associated carbon bake oven were allowed to operate at an emission rate in excess of that which was approved in the SIP at that time.

Because of the time which has elapsed since the February 2, 1978, proposed disapproval and because other actions have occurred in relation to the Missouri SIP since that time, disapproval of the Noranda Aluminum, Inc., variance is being reproposed at this time for public comment.

The variance issued to Noranda Aluminum, Inc., by the MACC allows the company to operate pot-line I with a particulate emission rate not to exceed 1,253 lbs./hr. plus five (5) percent. Missouri regulation 10 CSR 10–3.050 would require that particulate emissions from pot-line I be limited to 30.5 lbs./hr. The variance also allows the number 1 carbon anode baking furnace to emit particulates at the rate of 264 lbs./hr. plus five (5) percent. Missouri regulation 10 CSR 10–3.050 would require that emissions from the number 1 carbon anode baking furnace be limited to 13.2 lbs./hr.

Information has been made available to EPA which indicates that the actual emissions of particulates from pot-line I and associated carbon anode bake oven are considerably less than those allowed by the variance granted by the MACC in 1977. Stack tests conducted on pot-line I in 1977, 1978, and again in 1979 indicate the actual particulate emissions may range from 436 lbs./hr. to slightly in excess of 500 lbs./hr. The more recent information also indicates that emissions from carbon anode bake oven number 1 are in compliance with Missouri Regulation 10 CSR 10–3.050.

The New Madrid area was designated as a primary particulate nonattainment

area in the March 3, 1978, **Federal Register**. Action is proposed in this notice which would eliminate the primary standard nonattainment designation but retain the secondary particulate standard nonattainment designation. Thus, the requirement remains that the State of Missouri develop and submit a SIP revision which demonstrates attainment and maintenance of the ambient air quality standards in the New Madrid area. Such a plan has not been submitted.

It is EPA policy that relaxations of SIP emission limits for sources located in designated nonattainment areas could be approved if the following criteria are met:

1. The State must demonstrate that the source is actually located in a portion of the designated nonattainment area where there are no recorded or predicted violations. This demonstration is on a case-by-case basis and may be made through the use of air quality dispersion modeling, ambient air quality data, or any other information that is available.

2. The State must also demonstrate that the source currently is not significantly impacting the portion of the nonattainment area where violations are recorded or predicted.

3. Finally, the State must demonstrate that the relaxed emission limits will not cause a violation of the applicable PSD increments in adjoining attainment areas nor cause a violation of any applicable National Ambient Air Quality Standard. In the case for Noranda Aluminum, the variance proposal cannot be approved as the source fails the initial criterion because valid air quality monitoring data which is representative of the air quality in area of the source shows violations of the secondary particulate matter standards.

The state and the public are advised any Part D plan submitted to EPA for approval must meet statutory and regulatory requirements. Section 172(b)(3) of the Clean Air Act requires that such a plan demonstrate reasonable further progress (RFP) toward attaining the air quality standard. Application of RACT to all existing sources which will expedite attainment of the air quality standards is required in order to demonstrate RFP.

The requirements for State Implementation Plan (SIP) revisions in nonattainment areas are set forth in the following **Federal Registers**: April 4, 1979, 44 FR 20362; July 2, 1979, 44 FR 38583; August 28, 1979, 44 FR 50371, September 17, 1979, 44 FR 53761; and November 23, 1979, 44 FR 67182.

In summary, EPA cannot approve a relaxation of existing emission limitations in an area where the air quality standards are not being attained and where no Part D plan has been approved for the area, unless the previously stated criteria are met. Therefore, a variance which would allow emissions to exceed Missouri Regulation 10 CSR 10–3.050 in the New Madrid nonattainment area is not approvable.

PROPOSED ACTION: The EPA proposed to disapprove the SIP revision which would allow Noranda Aluminum, Inc., to operate under the variance granted by the MACC on February 23, 1977.

Associated Electric Cooperative, Inc., Variance

On April 18, 1979, the MACC granted a variance to the Associated Electric Cooperative, Inc., for units No. 1 and 2 at its New Madrid power plant. This variance was submitted to EPA on June 25, 1979, as a proposed revision to the State Implementation Plan.

Associated Electric Cooperative, Inc., New Madrid power plant is located within the New Madrid particulate nonattainment area. The regulation which applies to the Associated Electric, New Madrid plant is Missouri Regulation 10 CSR 10–3.060, Maximum Allowable Emissions of Particulate Matter from Fuel-Burning Equipment Used for Indirect Heating. This regulations was adopted by the MACC and became effective April 3, 1971. The variance granted to Associated Electric by the MACC would allow emissions from units No. 1 and 2 to exceed regulations 10 CSR 10–3.060 during the period of the variance. Even though the variance would be renewed annually, the excess emissions would be allowed to continue until such time as the two units can comply with regulation 10 CSR 10–3.060. Compliance of unit 1 is required by June 30, 1982, and compliance of unit 2 is required by December 31, 1982, as a condition of the variance.

As stated above, the Clean Air Act requires that all nonattainment areas be included in a plan for attainment and maintenance of the air quality standards. A nonattainment plan has not been submitted or approved for the New Madrid area. Again, in such an instance, the source must meet the previously stated criteria. Associated Electric Cooperative, Inc., fails the initial test as monitoring data exists showing violations of the secondary TSP NAAQS in the area of the source. As stated previously, the state and the public are advised that any Part D plan must demonstrate reasonable further progress (RFP) toward attainment of the standard. Application of RACT to all existing sources which will expedite attainment of the NAAQS is required in order to demonstrate RFP. If a Part D plan is in effect for a nonattainment area, a variance which constitutes a SIP relaxation, even for an interim period, without an accompanying demonstration of reasonable further progress is not approvable.

The requirements for State Implementation Plan (SIP) revisions in nonattainment areas are set forth in the following **Federal Registers**: April 4, 1979, 44 FR 20362; July 2, 1979, 44 FR 38583; August 28, 1979, 44 FR 50371; September 17, 1979, 44 FR 53761; and November 23, 1979, 44 FR 67182.

PROPOSED ACTION: EPA proposes to disapprove the proposed SIP revision which would allow Associated Electric Cooperative, Incorporated, to operate units 1 and 2 of their New Madrid power plant with emissions in excess of Missouri Regulation 10 CSR 10–3.060.

This notice of proposed rulemaking is issued to advise the public and all affected parties of EPA's intention to eliminate the primary particulate nonattainment designation of New Madrid, but retain the secondary nonattainment designation and to disapprove SIP revisions for facilities operated by Noranda Aluminum, Inc., and Associated Electric Cooperative, Inc., within the New Madrid nonattainment area.

Comments received on or before April 16, 1980, will be considered in EPA's final action. EPA has determined that a 30-day comment period is justified because the subject matter of this proposal is limited in scope.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore, subject to the procedural requirements of the order, or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." EPA has determined that this is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of proposed rulemaking is issued under the authority of Sections 107 and 110 of the Clean Air Act, as amended.

Dated: February 4, 1980.

Kathleen Q. Camin,

Regional Administrator.

[FR Doc. 80–8104 Filed 3–14–80; 8:45 am]

BILLING CODE 6560–01–M

40 CFR Part 52

[FRL 1436-3]

Interstate Pollution Abatement; Notice of Proceedings Under Section 126 of the Clean Air Act and Hearing

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Notice of Proceedings under Section 126 of the Clean Air Act (Inerstate Pollution Abatement) including Notice of Public Hearing.

SUMMARY: Section 126 of the Clean Air Act provides a mechanism for any State or political subdivision to petition the USEPA to determine whether a major pollution source in another State is causing or has the potential to cause in interestate air pollution problem. Such a petition has been filed by Jefferson County, Kentucky with respect to sulfur dioxide (SO_2) emissions from the Public Service of Indiana (PSI) Gallagher power station in Floyd County, Indiana. The purpose of this notice is to announce a public hearing to determine the interstate impact of the PSI Gallagher station; and to solicit comments from affected parties and the general public with respect to the criteria which should be used to establish an emission limitation for the Gallagher station should the Administrator determine that this source is emitting any air pollutant in amounts which will prevent attainment or maintenance by any other State of any national primary or secondary ambient air quality standard, or interfere with measures required to be included in the applicable implementation plan for any other State under Part D of the Act to prevent significant deterioration of air quality or to protect visibility.

DATE: The public hearing will be held on April 17, 1980.

Submit requests to present oral testimony by not later than close of business on April 11, 1980.

USEPA request advance copies of written comments and factural information wherever possible; however, written material will be accepted up until the close of the public hearing record on May 2, 1980.

ADDRESSES: The hearing will be held at the Ramada Inn-Airport, Corbin Room, 1465 Gardiner Lane at Interstate 264, Louisville, Kentucky. The hearing will convene at 1 p.m.; recess at 5 p.m. (or at such time as all commentors scheduled for the afternoon have completed their testimony); reconvene at 7 p.m.; and adjourn when all scheduled testimony has been completed.

Individuals wishing to present oral testimony are requested to contract Robert Miller, Air Programs Branch, USEPA, Region V, 230 South Dearborn, Chicago, Illinois 60604 (312-886-6031).

FOR FURTHER INFORMATION CONTACT:
Robert Miller, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6031
Barryn Gilbert, Air Programs Branch, U.S. Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30308, (404) 881-3286.

Technical and background documents are available for public inspection at the above address and at:

Public Information reference Unit, U.S. Environmental Protection Agency Library, Room 2922, 401 M Street, SW., Washington, D.C. 20460.
Air Pollution Control District of Jefferson County, 914 E. Broadway, Louisville, Kentucky 40204.
Division of Air Pollution Control, Kentucky Department for Natural Resources and Environmental Protection, W. Frankfort Office Complex, US 127 South, Frankfort, Kentucky 40601.
Air Pollution Control Division, Indiana Board of Health, 1330 W. Michigan Street, Indianapolis, Indiana 46206.

Backgpund:

On May 14, 1973, the USEPA approved Indiana's S02 State Implementation Plan for Floyd County (38 FR 12698). This regulation set an emission limitation for PSI's Gallagher Station of 1.2 pounds of S02 per million British Thermal Units (MBTU) of actual heat input. Final compliance with the rule was required by April 1, 1975. In 1974 Indiana adopted new S02 regulations for Floyd County. Technical support submitted by the State of Indiana included ambient air quality data showing no monitored violations of S02 air quality standards in Indiana, and a modeling study which concluded that Gallagher's contribution to high S02 levels in Kentucky was minimal (i.e. about 6%). On August 24, 1976 the USEPA approved these regulations for the Gallagher station (41 FR 35676). Although these regulations do not impose an emission limitation of any kind on Gallagher, they do require the facility to install an ambient monitoring system and to maintain an emergency two week supply of fuel which will be adequate to meet an emission limitation of 1.2 lbs. of S02/MBTU. This fuel is to be used upon the State of Indiana's order during periods of adverse meteorological conditions.

Indiana submitted a revised statewide S02 attainment strategy and a revised S02 regulation to USEPA on July 3, 1979. These regulations were designed to demonstrate attainment of S02 standards in the Lake, Marion, Vigo, and Wayne County nonattainment areas. The regulations also establish a 6 lbs. of S02/MBTU heat imput emission limitation for fossil fuel fired power plants throughout the State. If approved by the USEPA, this 6 lbs. of S02/MBTU limitation would apply to the Gallagher station.

The 1972 Kentucky State Implementation Plan required major power plants in Jefferson County, Kentucky to limit their emissions to 1.2 lbs. of S02/MBTU. These limitations are still in effect in Kentucky.

Section 126(b) of the Clean Air Act authorizes any State or political subdivision to petition the Administrator of the USEPA for a finding that any major source emits or will emit an air pollutant in violation of the prohibition of section 110(a)(2)(E)(i) of the Clean Air Act. This section prohibits any stationary source within a State from emitting any air pollutant in amounts which will prevent attainment or maintenance by any other State of any national primary or secondary ambient air quality standard, or interfere with measures required to be included in the applicable implementation plan for any other State under Part C of the Act to prevent signficant deterioration of air quality or to protect visibility. After public hearings, the Administrator either makes a finding that section 110(a)(2)(E)(i) is being violated or denies the petition. If the finding is made, section 126(c) provides that operation of the source for more than three months after the finding has been made shall be a violation of the applicable implementation plan unless the Adminstrator permits continued operation of the source conditioned on its compliance with emission limitations and compliance schedules provided by the Administrator. Compliance with the requirements contained in section 110(a)(2)(E)(i) must be as expeditious as practicable but no later than three years after the date of such finding.

On May 14, 1979, USEPA was petitioned by the Air Pollution Control District of Jefferson County, Kentucky to initiate proceedings, pursuant to section 126 (b) and (c) of the Clean Air Act as amended in 1977 (42 U.S.C. 7401 *et seq.*), to make a finding that the sulfur dioxide emissions from the PSI Gallagher Station in Floyd County, Indiana were causing or contributing to violations of the SO_2 standards in Kentucky and were otherwise in violation of 110(a)(2)(E)(i).

In order to study the issues raised by Jefferson County, the USEPA funded a computer dispersion modeling study to assess the impact of SO_2 emissions from selected facilities in the Louisville Interstate Air Quality Control Region (AQCR). The 1976 emissions were modeled using the Air Quality Display Model (AQDM) to determine if the National Ambient Air Quality Standards (NAAQS) would be violated. A background of 30 micrograms per cubic meter ($\mu g/m^3$) was used. No violation of the annual standard was predicted. The annual contribution from Gallaher at the point of maximum concentration was 0.7 $\mu g/m^3$. The annual primary standared is 80 $\mu g/m^3$. A compliance scenario was then modeled with AQDM in which the LG&E plants were assumed to be in compliance with Federal consent orders and Gallagher was modeled at the maximum allowable emissions rate. No violation of the annual NAAQS was predicted. The annual contribution of Gallagher at the point of maximum concentration was then predicted to be 0.9 $\mu g/m^3$.

The short-term impact of Gallagher when emitting at a 6 lbs./MBTU rate was determined. This impact, and all others, was determined without consideration of the possibility that the sulfur content of coal burned by power plants may significantly vary. Computer dispersion modeling predicts that the plant would cause a violation in Indiana of the 3-hour NAAQS (1300 $\mu g/m^3$—not to be exceeded more than once a year). The highest second-highest 3-hour concentration of 1434 $\mu g/m^3$ would occur at a location eleven kilometers north of the plant. The highest second-highest-24-hour impact would be 307 $\mu g/m^3$, again occuring eleven kilometers north of Gallagher. The primary 24-hour standard is 365 $\mu g/m^3$ not to be exceeded more than once a year. Kentucky sources would have an insignificant contribution to these values in Indiana during the time periods that these concentrations are predicted. Gallagher emitting at 6 lbs. of SO_2 per MBTU would impact in Kentucky as well. The highest second-highest predicted 24-hour and 3-hour concentrations in Kentucky from Gallagher alone are 126 $\mu g/m^3$ and 608 $\mu g/m^3$, respectively. Sulfur dioxide emissions from both Gallagher and three LG&E power plants were modeled to determined if Gallagher would contribute to violations of the NAAQS in Kentucky in 1976. Violations of the 24-hour standard were predicated for two Kentucky locations to which Gallagher has a contribution: 16 $\mu g/m^3$ contribution to a 487 $\mu g/m^3$ violation and 51 $\mu g/m^3$ contribution to a 395 $\mu g/m^3$ violation. Violations of the three hour standard were predicted in Kentucky but Gallagher does not contribute to these violations.

In conclusion, the model predicted that emissions from the plant result in increased ambient air concentrations in Kentucky and contribute to predicted violations of the 24-hour NAAQS in Kentucky.

The Agency considers that the degree of protection afforded by the interstate pollution provisions includes not only protection against NAAQS violations, but also protection against unreasonable interference with a maintenance program or margin for growth in the SIP. In reaching this conclusion, the Agency has reviewed the interstate pollution provisions of the Act, including Sections 101, 110, 126 and 301, their legislative history and pertinent case law. The Agency is of the opinion that these provisions evidence Congressional intent to protect against unreasonable interstate interference with State programs to maintain the NAAQS and create margins of growth, as well as efforts to attain the standards, prevent significant deterioration of air quality and protect visibility. Such efforts may include State adoption of emission limitations that are more stringent than needed to attain Federal standards. In addition, the Agency believes that the provisions are designed to protect against interstate interference with State or local ambient air standards or other measures more stringent than necessary to attain Federal standards. See, H.R. Rep. No. 95-294, 95th Cong., 1st Sess., May 12, 1977, 331, n. 14.

Issues that should be addressed by the interested parties and the public include the questions and possible USEPA courses of action given below.

1. Does the Gallagher Power Plant in Indiana now cause or contribute to air pollution concentrations in excess of the NAAQS in Kentucky?

2. Were sources in Jefferson County, Kentucky, required to put on additional controls to correct NAAQS violations that were caused or substantially contributed to by emissions from the Gallagher plant?

3. Does the Gallagher plant have a substantial adverse impact on Kentucky's or Jefferson County's efforts to develop a State Implementation Plan which will attain and maintain standards or create a margin for future growth for NAAQS or PSD purposes? It should be noted that emissions from the Gallagher Plant may affect future growth in Kentucky, irrespective of a proposed new sources and Gallagher's air quality impact within Kentucky, if Gallagher substantially consumes the full NAAQS or PSD increment within Indiana.

4. The Agency currently intends to encourage the interested parties to resolve the interstate dispute themselves. The Agency will encourage the parties to consider various strategies and tradeoffs that may be used to settle the dispute. If this is not possible, the Agency intends to make a case-by-case finding of whether an interstate pollution problem exists. The Agency will consider the air quality impact of the source and differences between the control requirements for the contested source and comparable sources in the affected State. One option would be to find that the Gallagher plant in Indiana has a substantial adverse impact on Kentucky's air quality maintenance program or margin for growth if, in the Administrator's opinion, the air quality impact in Kentucky of emissions from the Gallagher plant is significantly greater than the air quality impact allowed a comparable Kentucky source.

5. If the Agency makes a finding of substantial adverse impact, the Agency may resolve the interstate dispute by requiring generally comparable emission limits for comparable sources in both States. In determining a comparable emission limit for the contested source, the Administrator would consider the air quality impacts permitted comparable sources in each State and emission limits required for similar sources in similar areas. Comments are solicited on such an approach.

6. Suggestions are also solicited on other appropriate criteria for USEPA arbitration of interstate disputes. Suggestions should include consideration of the following questions:

a. How should differences between State emission limits generally be compared against the estimated air quality impacts of out-of-State sources and comparable in-State sources.

b. What criteria should the Agency utilize when air quality impacts may be difficult to ascertain, for example, when multiple sources and pollution transport over considerable distances may be involved?

c. In such a situation, should the Agency give a lesser weight to air quality impacts and more to differences in emission limits?

d. Under what circumstances should the Agency consider the application of reasonably available control technology (RACT) by the contested sources to be sufficent in and of itself to avoid a finding of impermissible interstate pollution?

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e. Under what circumstances should the Agency require regionally uniform emission limits or uniform control technologies?

7. Specific discussions of estimated air quality impacts should include information on, among other things, the model used, the input data used, and the assumptions used in applying the model, such as the selection of critical meteorological periods, plant loading and other plant operating characteristics assumed for the period of time (annual, 24-hour, 3-hour, 3-hour) being examined and fuel variability.

8. If the Agency has need of more information than that presented at the hearing, it may use its powers to obtain information under Section 114 of the Act. Also, if any additional reports or studies need to be prepared, the costs of such may be assessed against the Agency's Section 105 grants for the States involved in the dispute. The Agency may require in-stack monitoring to develop comparable information.

Conduct of Public Hearings

A panel of Agency officials will conduct an informal public hearing on the above issues. Although no cross-examination will take place at the hearings, the panel may ask questions of witnesses to clarify issues or to make the record complete. Written questions directed at the witnesses may be submitted to the panel by members of the audience. Any person wishing to make a presentation or submit material for inclusion in the hearing record should provide written notice of this intention by April 11, 1980, to: Robert Miller, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6031.

This notice should include the following information: (1) Name(s), title(s), and affiliation(s); (2) amount of time necessary for presentation and whether you would like to present your testimony in the afternoon or evening session. The time allotted for each presentation will depend on the number of persons seeking an opportunity to appear. A verbatim transcript of the hearing, copies of written statements, and copies of other material will be made available for public inspection and copying during normal working hours at the USEPA Region IV Library (Atlanta), the Region V Air Programs Branch (Chicago), and the Public Information Reference Unit (Washington). The same documents will be available for inspection at the Air Pollution Control District of Jefferson County (Louisville), the Kentucky Division of Air Pollution Control (Frankfort), and the Indiana Air Pollution Control Division (Indianapolis).

Submission of Written Materials

USEPA solicits and will accept written materials relevant to the issues set forth above from all interested parties. Eight copies of the material should be submitted. We encourage the filing of written statements prior to the hearing, but they may be filed at the hearing itself. The public hearing record will be kept open until May 2, 1980, to provide an opportunity for the public to submit rebuttal and supplementary information on the data presented at the hearing. Written materials should be submitted to Mr. Miller, Air Programs Branch, USEPA Region V at the above address.

The Agency recognizes that interested persons may require a period or time prior to the hearing to read the written submissions of other interested parties so that informed comments can be made at the public hearing. All written comments prior to the public hearing will be available for public inspection and copying during normal business hours at the following address: U.S. Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Final Determination Under These Proceedings

The EPA recommendation will be based upon the preponderance of the evidence of record and will be announced in the **Federal Register** in the form of a proposal upon which the public will be given an opportunity to comment. Final action, following the public comment period, will be announced in the **Federal Register**.

Dated: March 10, 1980.

John McGuire,

Regional Administrator.

[FR Doc 80-7959 Filed 3-14-80; 8:45 am]

BILLING CODE 6560-01-M

Notices

Federal Register
Vol. 45, No. 53
Monday, March 17, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

List of Warehouses Licensed Under U.S. Warehouse Act

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of Publication of List of Warehouses Licensed Under the U.S. Warehouse Act.

Notice is hereby given that the Agricultural Marketing Service has published a list of warehouses licensed under the U.S. Warehouse Act (7 U.S.C. 241 *et seq.*) as of December 31, 1979, as required by section 26 of that Act. Copies of the list will be distributed to all licensed warehousemen. Other interested persons may obtain a copy of the list from: Mrs. Judy Fry, Warehouse Service Branch, Warehouse Division, U.S. Department of Agriculture, AMS, Room 2720, South Agricultural Bldg., Washington, D.C., 20250. Ph: 202-447-3821.

Done at Washington, D.C. March 12, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-8091 Filed 3-14-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Opto Dynetics, Inc., 100 Fernwood Avenue, Rochester, New York 14621, a producer of photographic lenses and shutters (accepted February 28, 1980); (2) Grizzly Shake Company, Inc., P.O. Box 1449, Forks, Washington 98331, a producer of cedar shakes (accepted February 28, 1980); (3) C & C Cedar Products, Inc., 43355 Snow Peak Drive, Lebanon, Oregon 97355, a producer of cedar shakes (accepted February 28, 1980); (4) A. E. Nelson and Company, Inc., 34-42 Baltimore Street, Wilkes-Barre, Pennsylvania 18701, a producer of men's slacks, suits, coats, jackets (accepted February 28, 1980); (5) Fry Togs, Inc., P.O. Box 1438, Easley, South Carolina 29640, a producer of infant's sleepwear and play suits (accepted February 29, 1980); (6) I. D. Watch Case Company, Inc., 137-11 90th Avenue, Jamaica, New York 11435, a producer of watch cases and bands (accepted February 29, 1980); (7) Sting Bee, Inc., 112 West 34th Street, New York, New York 10001, a producer of children's pants, skirts and blouses (accepted March 3, 1980); (8) Yorktown Industries, Inc., 330 Factory Road, Addison, Illinois 60101, a producer of office copiers (accepted March 3, 1980); (9) Northwest Cedar, Inc., 415 Pacific Street, Sedro Woolley, Washington 98284, a producer of cedar shakes (accepted March 3, 1980); (10) Taurus Manufacturing Company, P.O. Box 98, Blairsville, Pennsylvania 15717, a producer of women's dresses and mattress covers (accepted March 3, 1980); (11) United Pants Company, Inc., Shoemaker and Simpson Streets, Swoyersville, Pennsylvania 18704, a producer of men's suit coats and sportcoats (accepted March 4, 1980); (12) C'Bon Sportswear, Inc., 92-15 172nd Street, Jamaica, New York 11432, a producer of women's pants, skirts and jackets (accepted March 6, 1980); (13) Perfect Fit Glove Company, Inc., P.O. Box 369, Buffalo, New York 14240, a producer of work gloves (accepted March 7, 1980); (14) Willo Veal Corporation, 114 North 6th Street, Brooklyn, New York 11211, a processor of meat (accepted March 7, 1980); (15) Capri Blouse, Inc., 888 Eighth Avenue, New York, New York 10019, a producer of women's blouses, skirts, tops and beachwear (accepted March 7, 1980); (16) Technisound, Inc., 60 Ida, Antioch, Illinois 60002, a producer of loudspeakers (accepted March 10, 1980); (17) Arista Knitwear Manufacturing Corporation, 584 Broadway, New York, New York 10012, a producer of women's sweaters, capes and vests (accepted March 10, 1980); and (18) Dee-Vee Manufacturing Company, Inc., 32 Beck Place, Poughkeepsie, New York 12601, a producer of women's dresses and blouses (accepted March 10, 1980).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (P.L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

Charles L. Smith,

Acting Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 80-8092 Filed 3-14-80; 8:45 am]

BILLING CODE 3510-24-M

International Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of Klystrons

The following is a consolidated decision on applications for duty-free entry of Klystrons pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. at 866-11th Street, N.W. (Room 735), Washington, D.C.

Docket No. 79-00389. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, AZ

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85705. Article: Repair of Klystron Model VRT 2124B11. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency and direction of cosmic radiation. Advice submitted by the National Bureau of Standards: November 21, 1979. Article ordered: July 13, 1979.

Docket No. 79–00390. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, AZ 85705. Article: Repair of Klystron Model VRT 2124B6. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency and direction of cosmic radiation. Advice submitted by the National Bureau of Standards: November 21, 1979. Article ordered: July 13, 1979.

Docket No. 79–00391. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, AZ 85705. Article: Repair of Klystron Model VRT 2124B4. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency and direction of cosmic radiation. Advice submitted by the National Bureau of Standards: November 21, 1979. Article ordered: July 13, 1979.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article provides a frequency range of 140 to 170 gigahertz. The National Bureau of Standards advised in its respectively cited memoranda that the capabilities cited above are pertinent to the purposes for which each of the foreign articles is intended to be used. NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing application relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80–8083 Filed 3–14–80; 8:45 am]

BILLING CODE 3510–25–M

Notice of Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 735 at 666–11th Street N.W. Washington, D.C.

Docket No.: 80–00126. Applicant: The Johns Hopkins University, Department of Physiological Chemistry, 725 N. Wolfe Street, Baltimore, Maryland 21205. Article: Flow Microcalorimeter Block. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the studies of cell membrane functions. Application received by Commissioner of Customs: January 10, 1980.

Docket No.: 80–00127. Applicant: Brooke Army Medical Center, Fort Sam Houston, San Antonio, TX 78234. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for visualizing the fine structure of tissue architecture, cells, and component structures during studies of the following materials: (1) Surgical and autopsy specimens obtained from patients, (2) Clinical microscopy and cytology specimens such as peripheral blood pellets, bone marrow aspirates, and urine sediments, (3) Tissue culture specimens, and (4) Tissue specimens of non-human origin (mouse, rat, dog, etc.). In addition, the article will be used for educational purposes in a Pathology Resident Training program which lasts for four years. Application received by Commissioner of Customs: January 3, 1980.

Docket No.: 80–00128. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Article: Backward—Wave Oscillator; MM–Wave, Type RWO–50. Manufacturer: Siemens Corporation, West Germany. Intended use of article: The article is intended to be used as a radio-frequency pump for a low-noise maser receiver which is being used in a wide variety of astronomical observations. Investigations to be carried out will include a) the distribution of such emission in the sky, to determine its association with celestial objects; and b) its variation with frequency and time to improve the understanding of the physics of the objects and in some cases the mechanism of emission, where such mechanism is not obviously the usual thermal-equilibrium excited-line radiation. Application received by Commissioner of Customs: January 3, 1980.

Docket No.: 80–00129. Applicant: Saint Barnabas Medical Center, Old Short Hills Road, Livingston, New Jersey 07039. Article: Electron Microscope, Model EM 109. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the study of human tissue obtained from the patient's diseased organs in investigations to determine the histologic (pathologic) diagnosis. Application received by Commissioner of Customs: January 3, 1980.

Docket No.: 80–00130. Applicant: The University of Texas Health Science Center, Biochemistry Department, 7703 Floyd Curl Drive, San Antonio, TX 78284. Article: Circular Dichroism Spectrophotometer, J–500C. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use of article: The article is intended to be used for studies of proteins and nucleic acids. Experiments will be conducted to obtain

circular dichroism spectra of the molecules and molecular complexes at various temperatures. The objectives of these experiments are: (1) To develop quantitative methods of assessing protein conformation changes; (2) To study subtle changes of the environment surrounding protein chromophores; and (3) To compare predicted and experimental structures. Application received by Commissioner of Customs: January 7, 1980.

Docket No.: 80–00131. Applicant: Mayo Foundation, 200 First Street Southwest, Rochester, MN 55901. Article: Scanning Microdensitometer, M85 and Accessories. Manufacturer: Vickers Instruments, Inc., United Kingdom. Intended use of article: The article is intended to be used for investigations to provide highly sensitive assays for the biologic activity of selected hormones including ACTH, TSH, and PTH. These microdensitometry assays will provide single sample *in vitro* capability to measure the hormones in these deficiency states. Application received by Commissioner of Customs: January 7, 1980.

Docket No.: 80–00132. Applicant: The University of Texas Health Science Center, 7703 Floyd Curl Drive, San Antonio, TX 78284. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of biological specimens obtained from laboratory animals at the time of death following various experimental manipulations. Research projects to be conducted will include: (1) Investigation of the precise mechanisms of control of oviduct smooth muscle in three species, including human. Experiments will be correlated with the functional capacity of the oviduct to transport gametes, by studying post-ovulatory animals and those treated with drugs and hormones which modify the rate of ovum transport. The long term objective is to understand the mechanism of control of gamete transport with the ideal of developing a contraceptive which acts by interfering with this process. (2) Experiments to acquire information concerning the mechanism(s) by which these ovarian steroids exert their influence on ovum transport. This information should be of value in contraception by suggesting techniques to move the fertilized egg into the uterus prematurely and might also be useful in the therapy of some types of infertility. Application received by Commissioner of Customs: January 7, 1980.

Docket No.: 80–00135. Applicant: University of California, San Francisco, 1438 Harbour Way South, P.O. Box 4028, Richmond, CA 94804. Article: Kratos MS–25S Gas Chromatograph/Mass Spectrometer System and accessories. Manufacturer: Kratos/AEI, United Kingdom. Intended use of article: The article is intended to be used by faculty, graduate students and Pharm. D. candidates to obtain: (1) High quality, high sensitivity mass spectra on organic substances occurring primarily as complex mixtures isolated from biological matrices; and (2) ultra high sensitivity measurements of the quantitiative occurrence of specific organic and chemotherapeutic agents or mixtures thereof and fractions isolated from physiological fluids, tissue and cell cultures, biopsy materials, etc. as well as toxic substances from environmental samples. Experiments in biomedical and pharmaceutical research and related environmental toxicology will support multicomponent qualitative analystic studies and quantitative studies will be carried out on race amounts of substances isolated from complex chemical and biological milieux using stable isotopically labelled synthetic specific analogs. Studies of the products of chemical reactions aimed at developing a knowledge of reaction mechanisms will also be carried out. The article will also be used for educational purposes in the courses: Organic Chemistry Laboratory (Chemistry 117), Qualitative Organic Analysis (Chemistry 165), and Mass Spectrometery (a graduate course in the Chemistry 200 series). The general objective of these courses is to train students in the analytical methodology for identification and qualitative structure determination of unknowns and knowns in complex mixtures isolated from biological and medical milieux. Application received by Commissioner of Customs: January 10, 1980.

Docket No.: 80–00137. Applicant: Northwestern University, Department of Chemistry, Evanston, Illinois 60201. Article: Excimer Laser, Model EMG 101. Manufacturer: Lambda Physik, West Germany. Intended use of article: The article is intended to be used to produce large quantities of molecular fragments which will be studied by laser induced fluorescence and double resonance techniques. It will also be used to pump a dye laser. Several graduate students and post-doctoral students will use this equipment in their research and will learn about the fundamental techniques of laser application as well as an understanding of the chemistry and physics of the systems being studied. Application received by Commissioner of Customs: January 11, 1980.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80–8084 Filed 3–14–80; 8:45 am]

BILLING CODE 3510–25–M

National Telecommunications and Information Administration

Grant Appeals Board of the Public Telecommunications Facilities Program

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Memorandum Opinion and Order.

SUMMARY: On February 7, 1980 the Grant Appeals Board of the Public Telecommunications Facilities Program (PTFP) held its first meeting to consider the petition of The Washington Ear, Inc. seeking reconsideration of an action of the PTFP staff denying Ear eligibility for a grant from the PTFP to improve the equipment of an existing telecommunications entity. Having considered the arguments of both the PTFP staff and The Washington Ear, the Board finds that the staff was incorrect in denying eligibility to the Ear.

Before the National Telecommunications and Information Administration U.S. Department of Commerce

In the matter of Petition for Reconsideration of The Washington Ear, Inc.

Memorandum Opinion and Order

By the Grant Appeals Board:Fishman, Chairman; Chisman; and Zimmerman Adopted, March 11, 1980

1. The Grant Appeals Board (Board) of the Public Telecommunications Facilities Program (PTFP) has for consideration the December 21, 1979 petition for reconsideration of the Washington Ear, Inc. (Ear). Ear seeks reversal of a decision of the PTFP and the Office of Chief Counsel finding Ear ineligible for an improvement grant under the terms of Section 393(b)(4) of the Public Telecommunications Financing Act of 1978.[1] On February 7, 1980, The Board held an informal

[1] Pub. L. 95–567, 92 Stat. 2405, 47 U.S.C. Section 390, *et seq.* The text of Section 393(b)(4) is set forth in note 4, *infra.*

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session at which Ear and the PTFP presented their cases.

2. Since Ear's petition is the first occassion that NTIA has had to convene the Grant Appeals Board, the Board felt that it should outline the procedures followed in this case before turning to the issues raised by Ear's petition. The Board was created by Section 2301.33(b) of the PTFP Rules to consider petitions for reconsideration of certain decisions of the PTFP and the Office of Chief Counsel. No staff is provided for the Board. Therefore, the Office of Chief Counsel is responsible for compiling a memorandum for the Board containing a summary of the facts, issues, and arguments of the staff and the petitioner. The memorandum also contains copies of all relevant materials in the case. While the original Section 2301.33(b) implied that neither the PTFP nor the Office of Chief Counsel were to discuss the merits of pending cases during the decisional phase of the case, NTIA amended the section to make the *ex parte* ban more explicit. This amendment was effective February 6, 1980. 45 FR 8582 (February 8, 1980). Therefore, neither PTFP nor Office of Chief Counsel staffs discussed the merits of Ear's petition with the Board's members prior to the time that the Board issued instructions to the Office of Chief Counsel for the drafting of our written decision. While the rule creating the Board contemplates that petitions will be decided on the basis of the written record, we invited Ear and the staff to make short, informal oral presentations. These presentations and the opportunity to discuss the case with the parties were very useful. We must stress, however, that such oral presentations are neither necessary nor desirable as a general rule. We turn now to Ear's petition.

3. Ear is a nonprofit organization. Pursuant to a 1974 agreement with Greater Washington Educational Telecommunications Association, Inc. (GWETA), it operates a radio reading service for the blind and visually handicapped using the 67 kHz subsidiary communications authorization [SCA] of WETA–FM, GWETA's noncommercial educational FM radio station in Washington, D.C. Section 73.593(a) of the Rules of the Federal Communications Commission (FCC), provides that the licensee or construction permittee of a noncommercial educational FM broadcast station may apply for an SCA to transmit instructional material, including programs "intended to serve the special needs and interests of * * * the handicapped. * * *" *See* 47 CFR Section 73.593(a)(1). The SCA is a "subsidiary or secondary" adjunct to the FM station and may "not exist apart from the noncommercial educational FM license or [construction] permit." The FM licensee applies for and holds the license for the SCA, and must apply for renewal of the SCA authority at the same time that it applies for renewal of its FM license. Section 73.59 (a). Section 73.595(c) of the Commission's rules provides that although the licensee may lease effective operation of its SCA to "outside" parties, "the licensee * * * must retain control over all material transmitted over the station's facilities", including the right to reject material of the SCA lessee. Thus, GWETA is the licensee of and in full control of the SCA operated by Ear. The terms of the GWETA-Ear agreement (which is in the process of being renewed) follows the terms of Sections 73.593–.595 of the FCC's Rules.

4. On June 4, 1979, Ear filed an application with the PTFP for a $38,920 grant to improve its existing studio facilities. Subsequently, on October 10, 1979 Margaret W. Rockwell, President and Director of Ear, was advised informally by the PTFP staff that Ear's application for an improvement grant had been denied. The basis for this ruling was the conclusion of the PTFP staff and the Office of Chief Counsel that because Ear was not itself an "existing public broadcast station," its radio reading service did not qualify for an "improvement" grant under Section 393(b)(4) of the Act.[2] Ms. Rockwell wrote to Henry Geller, Administrator of NTIA, on October 25, 1979, seeking general information as to the eligibility of radio reading services, such as Ear, for section 393(b)(4) improvement grants.

5. The Office of Chief Counsel, on behalf of the Administrator, responded to Ms. Rockwell's October 25th letter on December 7, 1979. The Office concluded that:

> [A]lthough The Washington Ear and the SCA reading services * * * may be or become public telecommunications entities within the meaning of the PTFA and the PTFP rules, those entities are not eligible for improvement grants under Section 393(b)(4) of the PTFA, unless they also qualify as existing public broadcast stations or organizations composed of existing stations.

6. On December 21, 1979 Ear requested the Grant Appeals Board to reconsider the staff's denial of Ear's 1979 application. Because this letter was filed more than 30 days beyond the 30 day limit governing the filing of petitions for reconsideration of adverse rulings under Sections 2301.13 and .33 [3] of the PTFP Rules, the letter also addressed the issue of whether "good cause" existed for the waiver of the 30 day requirement.[4] At the same time Ear filed a two part application with the PTFP seeking funds to be awarded during the 1980 funding cycle. Part B of that application is substantially identical to the rejected 1979 application.

7. In the Board's view, Ear's petition for reconsideration presents two questions for resolution: (1) whether the Board should waive the 30 day requirement for filing petitions for reconsideration, as authorized under § 2301.37 of the rules;[5] and if so (2) whether SCA reading services for the visually impaired, such as Ear, are eligible for "improvement" grants under section 393(b)(4) of the PTFA.

8. The procedural question presented by Ear's admitted failure to file its petition for reconsideration within the time specified in the Rules poses little difficulty. On the basis of the facts presented to the Board both orally at its February 7, 1980 meeting and in the written submissions, we have concluded that "good cause" exists for waiver of the filing period in this case for several reasons. First, the PTFP regulations creating the Board are relatively new and sound administration suggests the need for a degree of latitude in their initial application. Second, at the time in question Ms. Rockwell and Ear were undergoing a period of substantial stress. Indeed, Ms. Rockwell's hospitalization during the 30 day period following the denial of Ear's application might in itself be sufficient cause to justify a waiver of the 30 day rule. Last, and most important, Ear has filed an application for an FY 1980 PTFP grant which poses legal issues identical to those raised by its petition. Taking all these factors into consideration, the Board has determined that "good cause" exists for the waiver of the 30 day requirement of Sections 2301.13 and .33 of the PTFP Rules to enable us to reach the merits of Ear's petition.

9. In considering the merits of the petition, it is necessary to briefly review the opinion of the Office of Chief Counsel and the action of the staff taken pursuant to that opinion. That opinion relies on section 393(b)(4) of the Act which, in part, authorizes the Secretary of Commerce to make grants for "the improvement of the capabilities of existing public broadcast stations * * *." A public broadcast station is defined in section 397(b) of the Act to be "a television or radio broadcast station which * * * under the rules and regulations of the [Federal Communications] Commission * * * is eligible to be licensed * * * as a noncommercial educational radio or television broadcast station * * *." The staff and the Office of Chief Counsel contend that while Ear would be eligible for a planning or construction grant as a public telecommunications entity under other provisions of the Act, improvement grants can only be made to "existing public broadcast stations" or to organizations composed of such stations.[6] To support this interpretation the staff points to various statements in the legislative history of the PTFA.[7]

10. Ear, on the other hand, argues that the legislative history is vague at best, and supports its theory that Congress intended the legislation to be read expansively to include all public telecommunications entities within the scope of section 393(b)(4).

11. Having reviewed the Act, the legislative history, and the written and oral presentations of both the staff and Ear, we conclude that a narrow reading of section 393(b)(4) is not required by the Act. While such a reading might reasonably exclude Ear's SCA facilities from eligibility for improvement grants (because Ear is not itself an "existing public broadcast station"), a broader reading of this statutory authorization is preferable and would aid in achieving the overall goal of the Act. This is not to say, however, that we agree with the Ear's view that the intent of Congress was to include all public telecommunications entities within the scope of section 393(b)(4). Rather, we conclude that the inseparable interrelationship between an SCA facility lessee and an FM broadcasting station, brings radio reading services using SCA's within the scope of Section 393(b)(4). In a sense, Ear is GWETA's agent, operating *GWETA's* SCA on its behalf and under its control.[8] Since the FM broadcaster is the licensee of the SCA, award of an improvement grant to Ear would necessarily "improve the *capabilities* of an existing public broadcast station [*i.e.*, WETA–FM] to provide public telecommunications services." Although such a construction of the Act is broad, it is, nevertheless, reasonable and consistent with the goal of the legislation to provide public telecommunications services to as many areas and people as possible. *See* section 390 of the Act. We also note in passing that if Ear were to terminate or abandon its present operation of GWETA's SCA and subsequently apply to the PTFP as a new applicant for a construction grant to purchase the same items of equipment that it now seeks funding for, its eligibility would be unquestioned under sections 393(b)(1) and (2) of the Act if it possessed a means of electronic distribution. *See Report and Order* adopting the PTFP Rules, 44 FR 30898, 30899–900 (May 29, 1979). It strikes us as inappropriate, therefore, to resolve any uncertainty about Congressional intent in such a way as to bar Ear from applying directly for and receiving a grant to improve its existing studio facilities.

12. Accordingly, we reverse the staff and find that Ear is eligible for a grant from the PTFP to improve its existing facilities and hereby order that the staff consider Ear's pending application for an improvement grant with other improvement applications filed during the 1980 funding round.

Grant Appeals Board of the Public Telecommunications Facilities Program.

William Fishman,
Chairman.
Forrest Chisman,
Member.
Edward Zimmerman,
Member.

[FR Doc. 80-8105 Filed 3-14-80; 8:45 am]

BILLING CODE 3510-60-M

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[2] The only authority for making improvement grants is contained in Section 393(b)(4) of the Act which provides, in pertinent part, that: "The Secretary shall base determinations of whether to approve applications for grants under this subpart, and the amount of such grants, on criteria * * * designed to achieve * * * the improvement of the capabilities of existing public broadcast stations to provide public telecommunications services."

[3] Section 2301.13 provides, *inter alia*, that: "Applications which are not complete or which are determined to be not in accordance with the provisions of this part will not be accepted for filing and will be returned to the applicant; *Provided*, that within 30 days of such return, the applicant may file with the Administrator a petition pursuant to [Section] 2301.33."

Section 2301.33 provides that: "(a) A petition for reconsideration as provided in [Sections] 2301.4, .13 and .32 must be filed with the Administrator within 30 calendar days after the date of receipt of the notice of the adverse decision; must state specifically in what respect the Administrator's action is claimed to be unjust, unwarranted or erroneous; must specifically indicate the relief sought; and must be accompanied by a written statement on the question presented."

[4] Ms. Rockwell stated that it was not possible for Ear to meet the 30 day requirement, "[s]ince we were unaware of its existence until we received [the December 7, 1979] letter. Perhaps we would have carried our more independent research into this matter at the time we received the denial of funding, but at this time we were in the midst of a major construction project, and I was in the hospital undergoing spinal surgery."

[5] Pursuant to Section 2301.36, as amended, effective February 6, 1980, 45 FR 8582 (February 8, 1980), the Board is authorized to waive the requirements of § 2301.33 for "good cause shown."

[6] *See* Letter from John Cameron, Director, Public Telecommunications Facilities Division to Kim Spencer, dated September 25, 1979, 45 FR 1994 (January 9, 1980).

[7] *See* statements of Senator Hollings, 124 Cong. Rec. S. 15440, September 19, 1978 (Daily Ed.); and Senator Cannon, 124 Cong. Rec. S. 15448, September 19, 1978 (Daily Ed.). *See also* H.R. Rep. No. 1178, 95th Cong., 2nd Sess. 2 (1978)

[8] These factors distinguish the relationship between an FM licensee and an SCA lessee on the one hand, from the relationship between a broadcast station and an independent producer or media access center on the other.

Interagency Task Force on Electronic Funds Transfers

AGENCY: National Telecommunications and Information Administration (NTIA), DOC.

ACTION: Informational notice.

SUMMARY: An interagency Task Force has been convened to prepare an options paper for the President on whether, and to what extent, some electronic funds transfer (EFT) systems should be provided by the Federal Government. Various questions have to date been brought to the attention of the Task Force. These include: market structure and competition; technological considerations; privacy; security; the consumer; and the operational integrity of the payments system.

The Task Force, which met first on September 18, 1979, has the following membership:

National Telecommunications and Information Administration, Chair
Department of the Treasury, Co-Chair
Office of the Comptroller of the Currency
Executive Office of the President
  Council of Economic Advisors
  Council on Wage and Price Stability
  Office of Consumer Affairs
Board of Governors of the Federal Reserve System
Department of Justice
Federal Trade Commission
Federal Deposit Insurance Corporation
Federal Home Loan Bank Board
National Credit Union Administration
United States Postal Service (observer)

The Task Force will accept public comment on the issues and data before it. For further information contact: Mr. Richard M. Firestone, Project Manager, Information Policy Division, National Telecommunications and Information Administration, Room 709, 1800 G Street, N.W., Washington, D.C., 20504 (202) 377–1890.

Issued in Washington, D.C., March 6, 1980.

Gregg P. Skall,
Chief Counsel.

[FR Doc. 80-8076 Filed 3-14-80; 8:45 am]

BILLING CODE 3510-60-M

COMMISSION ON CIVIL RIGHTS

Arkansas Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arkansas Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 2:00 p.m., on April 10, 1980, at the Sam Peck Hotel, 625 W. Capitol (Old Paris Room), Little Rock, Arkansas 72201.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, 418 South Main, San Antonio, Texas 78204.

The purpose of this meeting is to discuss the conference to be held on May 10, 1980, on CDBG.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 12, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-8102 Filed 3-14-80; 8:45 am]

BILLING CODE 6320-01-M

Connecticut Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut Advisory Committee (CAC) of the Commission will convene at 7:00 p.m. and will end at 10:00 p.m., on April 16, 1980, at the Sonesta Hotel, 5 Constitution Plaza, Harford, Connecticut 06103.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the New England Regional Office of the Commission, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

The purpose of this meeting is to discuss CDBG Program and introduce new members.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 12, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-8100 Filed 3-14-80; 8:45 am]

BILLING CODE 6320-01-M

Idaho Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Idaho Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 12:00 p.m., on March 29, 1980, at the Rodeway Inn, Room 108, 1115 North Curtis Road, Boise, Idaho 83706.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, room 2852, Seattle, Washington 98174.

The purpose of this meeting is program planning.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 11, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-8099 Filed 3-14-80; 8:45 am]

BILLING CODE 6320-01-M

Michigan Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 5:00 p.m., on April 3, 1980, at the Howard Johnson (North Essex Room) 231 Michigan Avenue, Detroit, Michigan 48226.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is at 9:00 a.m.—Affirmative Action Subcommittee (continue work on project); and at 1:00 p.m.—Education Subcommittee (discuss various issues of education in State.)

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 12, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-8101 Filed 3-14-80; 8:45 am]

BILLING CODE 6320-01-M

New York Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 8:00 p.m., on April 25, 1980, at the W. O'Brian Federal Building, Clinton Avenue and North Pearl Street, Room 317, Albany, New York.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Eastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is the Section 8 Housing Program planning.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 12, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-8103 Filed 3-14-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on EMP Hardening of Aircraft; Change in Meeting Date

The meeting date for the Defense Science Board Task Force on EMP Hardening of Aircraft scheduled for a closed session on March 12–13, 1980 at the Headquarters, Defense Nuclear Agency, Alexandria, Virginia, as published in the **Federal Register** (Vol. 45, No. 40, dated Wednesday, February 27, 1980, FR Doc. 80-6010) has been changed to March 18–19, 1980. In all other respects, the original notice cited above remains the same.

O. J. Williford,

Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 12, 1980.

[FR Doc. 80-8048 Filed 3-14-80; 8:45 am]

BILLING CODE 3810-70-M

Privacy Act of 1974; New System of Records

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of a new record system.

SUMMARY: The Office of the Secretary of Defense publishes a notice of a new record system for public comment under the Privacy Act of 1974.

DATES: This system shall be effective as proposed without further notice on April 16, 1980, unless comments are received on or before April 16, 1980, which would result in a contrary determination.

ADDRESS: Any comments including written data, views or arguments concerning the proposed notice should be addressed to the system manager identified in the record system.

FOR FURTHER INFORMATION CONTACT: Mr. James S. Nash, Chief, Records Management Division, Rm 5C–315, The Pentagon, Washington, DC 20301, telephone 202–695–0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense record system notices inventory as prescribed by the Privacy Act of 1974, Pub. L. 93–579 (5 U.S.C. 552a) have been published in the **Federal Register** as follows: FR Doc. 79–37052 (44 FR 74088) December 17, 1979.

The Office of the Secretary of Defense has submitted a new system report dated February 8, 1980 for this new record system under the provisions of 5 U.S.C. 552a(o) of the Privacy Act which requires submision of a new system report and in accordance with Office of Management and Budget (OMB) Circular A–108, Transmittal Memoranda No. 1 and No. 3, dated September 30, 1975, and May 17, 1976, respectively, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of records under the Privacy Act of 1974. This OMB guidance was set forth in the **Federal Register** (40 FR 45877) on October 3, 1975.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 11, 1980.

DPA DSR.B 11

SYSTEM NAME:

Mandatory Declassification Review Files

SYSTEM LOCATIONS:

Primary system—directorate for Freedom of Information and Security Review, Office of Assistant Secretary of Defense (Public Affairs).

Decentralized segments—Under Secretaries of Defense, Assistant Secretaries of Defense, Assistants to the Secretary of Defense, or equivalent, the Organization of the Joint Chiefs of Staff, and other activities assigned to the Office of the Secretary of Defense for administrative support.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person (or records repository) who makes a request to the Office of the Secretary of Defense or activities assigned to Office of the Secretary of Defense for administrative support for the Mandatory Declassification Review of Records under Executive Order 12065 (Sections 3–5). That aspect of the Executive Order pertaining to the systematic review of classified Defense documents is acted upon by the Records Administrator, Office of the Secretary of Defense, Room 5C315, Pentagon, Washington, D.C. 20301. Overall responsibility for the Department of Defense Information Security Program rests with the Deputy Under Secretary for Policy Review.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, firm, address of requester, identification of records requested, dates and summaries of action taken, and documents for establishing collectable fees and processing costs to the Government.

Names, titles, or positions of each person primarily responsible for an initial or final denial on appeal of a request for declassification of a record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12065, "National Security Information", June 28, 1978, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

Primary system and decentralized segments are used by officials in the locations described above to: (a) administratively control requests to ensure compliance with Executive Order 12065 and DoD Regulation 5200.1–R, "Information Security Program Regulation", December 1978; and (b) research historical data on release of records so as to facilitate conformity to subsequent actions.

Primary system is used also for developing annual report data required by Executive Order 12065, and other management data such as, but not limited to, number of request; type of category of records requested; average processing time; average cost to requester; percentage of denials and number of denials by exemption; and for computing processing costs to the Government.

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic disks, computer paper printouts, index file cards, and paper records in file folders.

RETRIEVABILITY:

Filed by request number and retrieved by name, subject material (including date), request number using conventional indices, referring agency, or any combination of fields.

SAFEGUARDS:

Paper records are maintained in security containers with access only to officials whose access is based on requirements of assigned duties.

Computer access is by verification of identification code; one for search and another for maintenance.

RETENTION AND DISPOSAL:

Files that grant access to records are held in current status for two years after the end of the calendar year in which created, then destroyed.

Files pertaining to denials of requests are destroyed 5 years after final determination. Appeals are retained for 3 years after final determination.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary of Defense (Public Affairs), Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Freedom of Information and Security Review Office, Assistant Secretary of Defense (Public Affairs), Room 2C757, Pentagon, Washington, D.C. 20301, telephone: 202–697–1180.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addessed to the above office and should include full name and address.

Personal visits are restricted to Room 2C757. Individuals should be able to present acceptable identification, that is, driver's license or comparable identity card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Requests for Mandatory Declassification Review and subsequent release of records originated from individuals under Executive Order

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12065, and subsequent date provided by form and memorandum by officials who hold the requested records, act upon the request, or who are involved in legal action stemming from action taken.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE.

[FR Doc. 80-8135 Filed 3-14-80; 8:45 am]
BILLING CODE 3810-70-M

Defense Science Board Task Force on MX; Meeting

The Defense Science Board Task Force on MX will meet in closed session on April 8–9, 1980 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Task Force on MX has been scheduled for April 8–9, 1980 to critically review current designs, operational modes, alternatives, and cost estimates.

In accordance with 5 U.S.C. App. I section 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 12, 1980.

[FR Doc. 80-8049 Filed 3-14-80; 8:45 am]
BILLING CODE 3810-70-M

Defense Science Board Task Force on Particle Beam Technology; Advisory Committee Meeting

The Defense Science Board Task Force on Particle Beam Technology will meet in a closed session on April 8–9, 1980 in The Pentagon, Room 1E801 No. 5, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Defense Science Board Task Force on Particle Beam Technology has been scheduled for April 8–9, 1980 to review all aspects of the Department of Defense particle beam technology program. The Task Force will specifically focus on whether the Department of Defense should pursue development of particle beam technology, and if so, the appropriate program content and level of effort.

In accordance with 5 U.S.C. App. I section 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

O. J. Williford,

Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 11, 1980.

[FR Doc. 80-8050 Filed 3-14-80; 8:45 am]
BILLING CODE 3810-70-M

Economic Regulatory Administration

Maurice L. Brown Co.; Proposed Consent Order and Opportunity for Comment

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order.

DATES: January 2, 1980. Comments by April 16, 1980.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Alan L. Wehmeyer, Chief, Crude Products Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374–5932.

SUPPLEMENTARY INFORMATION: On January 2, 1980 the Office of Enforcement of the ERA executed a proposed Consent Order with Maurice L. Brown Company (Brown) of Kansas City, Missouri. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Maurice L. Brown Company, with its home office located in Kansas City, Missouri, is engaged in the production and sale of crude oil, and is subject to the Mandatory Petroleum and Allocation and Price Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Brown, the Office of Enforcement, ERA, and Brown, entered into a Consent Order, the significant terms of which are as follows:

1. The Office of Enforcement has examined Brown's books and records and reviewed all pertinent matters relating to Brown's compliance with DOE petroleum price regulations in effect during the period from September 1, 1973 through December 31, 1975. All matters pertaining to compliance with the DOE petroleum price regulations and prices charged by Brown in sales of crude oil during the period September 1, 1973 through December 31, 1975 are resolved by this Consent Order; however, the Office of Enforcement reserves the right to take further remedial action in this case upon discovery of information which is materially inconsistent with the information upon which the agreement by the Office of Enforcement to this Consent Order is based.

2. Brown has refunded the alleged overcharges of $953,162.51 to its various crude oil purchasers.

3. Execution of the Consent Order does not constitute an admission by Brown that it has sold crude petroleum at prices in violation of DOE regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should submit your comments or written notification of a claim within 30 days after publication of this notice to Alan L. Wehmeyer, Chief, Crude Products Program Mangement Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on Brown Consent Order." We will consider all comments we receive by April 16, 1980.

You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri, on the 22nd day of February, 1980.

William D. Miller,

Manager, Central Enforcement District, Economic Regulatory Administration.

Concurrence: February 22, 1980.

David H. Jackson,

Chief Enforcement Counsel, Central Enforcement District.

[FR Doc. 80-8043 Filed 3-14-80; 8:45 am]
BILLING CODE 6450-01-M

[6450-01]

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

Proposed Report to Congress on the Classification and Evaluation of Electric Motors and Pumps; Availability of Proposed Report, Request for Public Comments, and Notice of Public Hearings

AGENCY: Department of Energy.

ACTION: Notice of Availability.

SUMMARY: The Department of Energy has prepared a proposed report to Congress concerning the evaluation of electric motors and pumps to detrmine standard classifications with respect to size, function, type of energy used, method of manufacture, or other factors which may be appropriate; and to determine the practicability and effects of requiring all or part of the classes of electric motors and pumps to meet performance standards establishing minimum levels of energy efficiency. Copies of the proposed report are available to interested persons for comment, and public hearings to receive oral comments are scheduled. DOE will consider comments received and make such modifications as appropriate before submitting the final report to Congress on the results of such evaluation, together with any appropriate recommendations for legislation. Extensive public review and comment on the report are encouraged.

DATES: Written comments must be received no later than May 16, 1980. Public hearings to be held on the dates and at the locations as follows:

1. May 1, (2), 1980—Federal Building, Ben Franklin Station, Room 3000A, 12th & Pennsylvania Ave., N.W., Washington, D.C. 20461.
2. May 6, 1980—Radisson Chicago Hotel, San Juan Room, 505 No. Michigan Avenue, Chicago, Illinois 60611.
3. May 8, 1980—Hyatt Union Square, Dolores Room, 345 Stockton Street, San Francisco, California 94108.

All hearings are to commence at 9:30 a.m. local time. Requests to speak at any hearing must be received by April 17, 1980. Speakers will be notified by April 23, 1980. Each person selected to be heard must bring twenty-five copies of his or her statement to the hearing locations.

ADDRESSES: Send written comments and requests to speak at the hearings to: Carol Snipes, Office of Hearings and Dockets, Docket Number CAS–RM–79–303, Conservation and Solar Energy, Department of Energy, Room 2221C, 20 Massachusetts Ave., N.W., Washington, D.C. 20585, (202) 376–1651.

Copies of the proposed report are available for inspection at the DOE Freedom of Information Office, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:30 a.m., and 4:00 p.m. Monday through Friday, and at each DOE Regional Office as follows:

Region, Address and Hours

I—Analex Bldg., DOE Library, 150 Causeway Street, Boston, Mass. 02114, (616) 223–5207—8:30 to 5:00
II—Room 3206, 26 Federal Plaza, New York, N.Y. 10007, (212) 264–4836—8:30 to 5:00
III—Room 1011, 1421 Cherry Street, Philadelphia, Pa. 19102, (215) 597–9067—8:00 to 4:30
IV—8th Floor, 1655 Peachtree Street NE, Atlanta, Ga. 30309, (404) 881–2696—8:00 to 4:30
V—Room A–333, 175 West Jackson Blvd., Chicago, Ill. 60604, (312) 886–5170—8:00 to 4:30
VI—Room 280, 2626 West Mockingbird Lane, Dallas, Texas 75235, (214) 767–7701—8:00 to 4:30
VII—324 East 11th Street, Kansas City, Mo. 64106, (816) 374–5182—7:30 to 4:00
VIII—Room 206, 1075 South Yukon St., Lakewood, Colo. 80226, (303) 234–2420—7:30 to 4:00
IX—Third Floor Reading Room, 111 Pine Street, San Francisco, Calif. 94111, (415) 556–0305—7:30 to 3:00
X—Room 1992, 915 Second Avenue, Seattle, Wash. 98174, (206) 442–7303—8:00 to 4:00

Copies of the study will, wherever possible, be made available for duplication after regular business hours. A limited number of copies of the report will be available upon request from the Office of Industrial Programs at: Dee Pollard, Office of Industrial Programs, U.S. Department of Energy, 1000 Independence Ave., SW., Washington, D.C. 20585, (202) 252–2384,

FOR FURTHER INFORMATION CONTACT:

Lewis S. Newman, Office of Industrial Programs, U.S. Department of Energy, 1000 Independence Ave., SW., Washington, D.C. 20585, (202) 252–2384.
David R. Klimaj, Office of Industrial Programs, U.S. Department of Energy, 1000 Independence Ave., SW., Washington, D.C. 20585, (202) 252–2075.
Catherine Edgerton, Office of General Counsel, U.S. Department of Energy, 20 Massachusetts Avenue, NW., Washington, D.C. 20585, (202) 376–4617.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory Requirement

Section 441 of the National Energy Conservation Policy Act (Pub. L. 95–619) (NECPA), established a new Part C to Title III of the Energy Policy and Conservation Act (Pub. L. 94–163) (EPCA). The purpose of the new Part C, entitled, "Certain Industrial Equipment," is to improve the efficiency of industrial equipment in order to conserve the energy resources of the Nation.

Section 342(a) under Part C directs DOE to evaluate motors and pumps to determine standard classifications with respect to size, function, type of energy used, method of manufacture, or other appropriate factors, and to determine the practicability and effects of requiring all or part of the classes to meet performance standards establishing minimum levels of energy efficiency.

In conducting this evaluation, DOE was required to: (1) Identify significant factors that determine energy efficiency, including hours of operation per year and average power consumption at normal use and at full capacity; (2) estimate current and future equipment population profiles; (3) estimate the potential for improvements in energy efficiency that are both technologically feasible and economically justified; (4) estimate likely increases or decreases in energy efficiency and total energy savings likely to result from implementation of labeling rules and energy efficiency standards; and (5) examine any other appropriate factors. A report on the results of this evaluation, together with any appropriate recommendations for legislation, is to be submitted to Congress. Section 342 directs DOE, before submitting the report to Congress, to make available to interested persons copies of the proposed report, publish notice of availability of such report in the **Federal Register**, and afford interested persons an opportunity for comment. On the basis of comments received, any necessary modifications will be made to the report before its submission to Congress.

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B. The Study of Electric Motors and Pumps

The objectives of the study were to identify specific, well-focused classes of standardized electric motors and pumps in significant usage in industry and, subsequently, to determine the extent that efficiency labeling rules and/or energy efficiency standards, for such classes, were both technically feasible and economically attractive to end-users and would result in significant conservation.

The approach of the study was to establish an overall comprehensive understanding of the existing population of electric motors and pumps, and then to focus on areas presenting the most promise for energy conservation. The approach involved identifying all-encompassing population/ consumption matrices for both motors and pumps, based on the best available data. The motor matrix preceded the pump matrix identifications, because there were more extensive data available for motors, and, moreover, most pumps are driven by motors. Once established, these matrices became the foundations for further information gathering and gave overall perspective on existing purchases, populations, usage, energy consumptions, and useful lives. Based on these understandings, the basic issues of economics and policy were identified. The study analyzed and prepared scenarios of possible Government actions such as labeling and standards and examined the consequences and economics of those actions. Finally, recommendations were developed.

C. Recommendation

DOE recommends, with respect to motors, that: (1) test procedures and labeling rules be prescribed under its existing authority; (2) DOE be authorized to prescribe efficiency standards and to collect data to monitor the penetration of energy efficient motors into the market; (3) a system application manual be developed by DOE.

DOE recommends, with respect to pumps, that: (1) existing authorities to prescribe test procedures and labeling rules not be implemented, since complete labels are not generally used in the selection of pumps and most equipment catalogs currently include efficiency data; (2) authority to prescribe efficiency standards not be enacted since standards do not appear to be significantly cost-effective; (3) a system application manual for pumps be developed by DOE.

II. Significant Issues

While comment is generally invited on all aspects of the proposed report on the evaluation of electric motors and pumps and the effects of establishing energy efficiency standards, the attention of the public is particularly directed to the following issues.

A. Recommendations

DOE seeks public comment and data relating to the analyses and findings regarding the possible impacts of mandatory standards and labeling programs for electric motors and labeling for pumps. In particular, the effects of such programs on manufacturers, manufacturing costs, market shares, sales, import/export relationships, program implementation costs, testing and certification, energy savings, and other technical and economic considerations are desired.

DOE's recommendations are based on direct cost, direct benefit analyses. However, indirect costs and benefits were not evaluated during the study. Comments related to the magnitude and impact of indirect costs and benefits to manufacturers, Original Equipment Manufacturers (OEM), distributors, end-users, and the general public are desired. DOE is requesting views and supporting data on how indirect costs and benefits may affect the feasibility of a labeling or standards program and on whether DOE should include indirect costs and benefits in its analysis.

B. Data Validation

DOE also desires comments related to the data presented in the study. In particular, comments on the accuracy of the data with respect to equipment class, use, distribution, energy consumption and economic considerations are invited. Comments are encouraged which take into account more recent information than that used in the study, including recent projections of energy prices by DOE, especially since DOE may use more recent information in preparing its report and recommendations to Congress. The most recent DOE energy price forecasting was contained in DOE's final rule entitled "Federal Energy Management and Planning Programs; Methodology and Procedures for Life Cycle Cost Analyses" (45 FR 5620, January 23, 1980). More recent price projections, including estimates of the premium value of energy savings above marginal price projections, will be completed in the near future so they can be published in the Federal Register by March 31, 1980, as a proposed amendment to that rule.

C. Inclusiveness

DOE is interested in any comments on the adequacy of the rationale for focusing the detailed analyses on AC polyphase induction motors of 5.1 to 125 horse-power and on centrifugal pumps. Should other classes of electric motors and pumps be analyzed further? Also, should more attention be given to efficiency-related system considerations other than intrinsic equipment efficiency, such as power factor, speed controllers, and load matching? Is the study's evaluation of these other considerations accurate?

D. Judgment of Numerical Parameters

The study characterizes typical equipment for each class which is used in policy analysis. Public comments relating to these characterizations are desired. Also, is there agreement with basing the evaluation of motor conservation potential on the efficiency of existing energy-efficient motors? Alternatively, should still higher efficiencies be included in the analysis as being economically and technologically attainable in the future? Furthermore, DOE welcomes comments and supporting analyses related to the choice of discount rate, energy cost projections, market penetration of efficient equipment without Federal action, and the estimate of the costs of Federal programs, contained in the study's economic evaluation.

E. Non-Quantitative Judgments

DOE requests comment relating to existing industry standards, test procedures, labeling practices and their use with regard to possible Federal programs. Are there other industry practices which achieve energy conservation in a cost-effective manner and which are relevant to the implementation of Federal programs in this area.

The study recommends the development of a motor application handbook. Views related to its impact, workability, content and usefulness are desired.

Also, is the study's description of criteria used in making purchase decisions valid? What would the effects of the options (labeling, standards) be on buyer behavior?

F. Environmental Considerations

DOE seeks public comment regarding what environmental impact, if any, could result from the proposed labeling and/or standards programs for electric motors and pumps. In particular, comments directed toward the environmental impact of the increased use of copper, and silicon steel and views concerning the possible generation of ozone from malfunctioning electric motors are desired.

IV. Opportunities for Public Comment

A. Written Comment Procedures

Interested persons are invited to participate in the development of the report to Congress on the classification and evaluation of electric motors and pumps by submitting data, views or arguments to the address noted at the beginning of this preamble.

Comments should be identified on the envelope and on enclosed documents with the designation "Electric Motors and Pumps, Docket No. CAS–RM–79–303." Twenty-five copies should be submitted. All comments received by (insert date 60 days from date of publication in **Federal Register**), and all other relevant information, will be considered by DOE in developing the final report for submission to Congress.

Pursuant to the provisions of 10 CFR 1004.11 (44 FR 1980, January 8, 1979), any person submitting information which he or she believes to be confidential and which may be exempt by law from public disclosure should submit one complete copy, and twenty-five copies from which information claimed to be confidential has been deleted. In accordance with the procedures established at 10 CFR 1004.11, DOE shall make its own determination with regard to any claim that information submitted be exempt from public disclosure.

B. Public Hearings

The hearings will be held at 9:30 a.m. local time at the locations and on the dates noted at the beginning of this preamble.

Any person who has an interest in these proceedings or who is a representative of a group of persons that has an interest in these proceedings may make a written request for an opportunity to make an oral presentation. All such requests should be directed to DOE at the address given at the beginning of this preamble, and must be received by April 17, 1980. A request may be hand delivered between the hours of 8:30 a.m., and 5-00 p.m., Monday through Friday. Requests should be marked, as for written comments, with the additional notation, "Request to Speak."

The person making the request should briefly describe the interest concerned, and, if appropriate, state why she or he is a proper representative of a group of persons that has such an interest, and give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted. Each person selected to be heard will be notified by DOE before April 23, 1980. Each person selected to be heard must bring twenty-five copies of his or her statement to the hearing location. In the event any person wishing to testify cannot provide twenty-five copies, alternate arrangements can be made in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling Carol Snipes at (202) 376–1651.

C. Conduct of Hearings

DOE reserves the right to select the persons to be heard at the hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at each hearing. These will not be judicial or evidentiary type hearings. Questions may be asked of speakers only by those conducting a hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements at each hearing, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make an rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any person making an oral statement, or in attendance at the hearing, who wishes to ask a question of a speaker may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of each hearing will be announced by the presiding officer.

A transcript of each hearing will be made and the entire record of each hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585 between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday. Any person may purchase a copy of a transcript from the reporter.

Issued in Washington, D.C., March 11, 1980.

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy.

[FR Doc. 80-9095 Filed 3-14-80; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Parker-Davis Project (PDP); Proposed Order Confirming, Approving, and Placing Increased Power and Transmission Rates in Effect on an Interim Basis

March 10, 1980.

AGENCY: Western Area Power Administration (Western), Department of Energy.

ACTION: Notice of a Proposed Rate Order and Opportunity for Public Comment—Parker-Davis Project.

SUMMARY: Notice is given of a proposed Rate Order No. WAPA–3 of the Assistant Secretary for Resource Applications placing increased power and transmission rates into effect on an interim basis for power marketed and transmitted by Western's Parker-Davis Project, Arizona, California, and Nevada.

The rate adjustment would increase annual revenues about $2.3 million to meet cost recovery criteria.

All Parker-Davis Project wholesale firm power customers would have a single rate increase of 24 percent consisting of a capacity charge of $1.82/kW/mo and an energy charge of 4.15 mills/kWh resulting in a composite rate of 8.3 mills/kWh. All firm transmission service contracts that permit periodic rate adjustment would be increased from $5.30/kW/yr to $6.80/kW/yr. Additionally, a $3.67/kW/season transmission service charge for transmission service would be initially implemented for those Colorado River Storage Project wholesale firm power customers utilizing the Parker-Davis Project system for delivery of CRSP energy. Also, rates for nonfirm transmission service would be increased from 1.0 mill/kWh to 1.3 mills/kWh, an increase of 30 percent.

This proposed rate order also contains statements and discussion of the principal factors leading to the decision on the proposed rate increase, and explanations and responses to the comments, criticisms and alternatives offered during the rate increase proceedings.

An opportunity for an oral presentation of views, data and arguments will be afforded interested persons upon request.

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DATES: Interested persons will be given until April 16, 1980 to submit comments in writing to the Assistant Secretary on the proposed decision. Requests for an oral presentation must be received by April 1, 1980.

EFFECTIVE DATE: The rate adjustments and new rate would be effective the first day of the first full billing period beginning on or after June 16, 1980.

ADDRESSES: All written comments (three copies required) and requests for oral presentation should be submitted to: Dr. Ruth M. Davis, Assistant Secretary for Resource Applications, Office of Power Marketing Coordination, Department of Energy, Room 3349, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633–8338.

Three copies of the written comments should also be sent to:

Mr. Robert L. McPhail, Administrator, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, Colorado 80401.

Mr. Robert A. Olson, Area Manager, Boulder City Area, Western Area Power Administration, Department of Energy, P.O. Box 200, Boulder City, Nevada 89005.

The oral hearing, if scheduled, would be held in Phoenix, Arizona, and would be announced in a future **Federal Register** notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert A. Olson, Area Manager, Boulder City Area, Western Area Power Administration, Department of Energy, P.O. Box 200, Boulder City, Nevada 89005, (702) 293–8475.

Mr. Conrad Miller, Chief, Rates and Statistics Branch, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, Colorado 80401, (303) 231–1535.

Mr. James A. Braxdale, Office of Power Marketing Coordination, Department of Energy, Room 3349, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, (202) 633–8338.

SUPPLEMENTARY INFORMATION: By Delegation Order No. 0204–33, effective January 1, 1979 (43 FR 60636, December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis.

Rate adjustments on the Parker-Davis Project are being conducted consistent with procedural rules applicable to Western. Final Procedures for Public Participation in General Adjustments were published in the **Federal Register** on March 23, 1978 (43 FR 12076), April 5, 1978 (43 FR 14359), and February 7, 1979 (44 FR 7796).

Proceedings on the proposed rates were initiated on June 14, 1979, with an announcement published in the **Federal Register**, 44 FR 34192 (June 14, 1979), stating that a tentative power rate adjustment was being considered. A public information forum was held on July 9, 1979, with a public comment forum following on August 31, 1979.

Subsequent to the above-mentioned 30-day comment period and after consideration of comments received, the Assistant Secretary for Resource Applications will issue a rate order confirming and approving rates to be placed in effect on an interim basis and promptly submit such rates to the Federal Energy Regulatory Commission for confirmation and approval on a final basis.

Issued in Washington, D.C., March 10, 1980.

Ruth M. Davis,

Assistant Secretary, Resource Applications.

Proposed Rate Order

Pursuant to Section 302(a) of the Department of Energy Organization Act, 42 U.S.C. 7152(a), the power marketing functions of the Secretary of the Interior under the Reclamation Act of 1902, 43 U.S.C. 372 *et seq.*, as amended and supplemented by subsequent enactments, particularly by Section 9(c) of the Reclamation Act of 1939, 43 U.S.C. 485h(c), and acts specifically applicable to the Parker-Davis Project, for the Water and Power Resources Service (formerly the Bureau of Reclamation) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204–33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. This rate order is issued pursuant to the delegation to the Assistant Secretary and the rate adjustment procedures at 43 FR 12076 (March 23, 1978), as amended by 44 FR 7796 (February 7, 1979).

Background

Public Notice and Comment. On June 14, 1979, the Western Area Power Administration (Western) announced a tentative rate adjustment for Parker-Davis Project power marketed by Western (44 FR 34192). Interested persons were invited to participate in public forums and to submit written comments relative to the proposed rate adjustment. A public information forum was held in Las Vegas, Nevada, on July 9, 1979. The Boulder City Area Manager presented an overview of the project rate history, costs, and projected revenues and costs throughout the remainder of the repayment period. A question and answer session followed, after which the meeting was concluded.

A public comment forum was held in Phoenix, Arizona, on August 31, 1979. Oral presentations were made by seven customer representatives, and one written comment was received.

Existing Rates. The wholesale firm power service rate subject to this order supersedes Rate Schedule LC–F2 ($1.39/kW/mo and 3.5 mills/kWh), for wholesale firm power service from the Parker-Davis Project. The existing rate was approved by the Secretary of the Interior, effective on the first day of the first full billing period beginning on or after June 1, 1977.

The existing firm transmission service charge for the use of the Parker-Davis Project transmission system except for the transmission of Colorado River Storage Project (CRSP) power, was initially implemented by contract at $5.30/kW/yr on March 1, 1976. There has been no transmission service charge for CRSP electric service customers utilizing the Parker-Davis Project transmission system for the transmission of CRSP power. The existing rate for nonfirm transmission service is 1.0 mill per kilowatt hour.

Project History. The Parker Dam Power Project was authorized by Section 2 of the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1039), and the Davis Dam Project was authorized April 26, 1941, by the Acting Secretary of the Interior under provisions of the Reclamation Project Act of 1939 (43 U.S.C. 485 *et seq.*) The Parker-Davis Project was formed by the consolidation of the two projects under the terms of the Act of May 28, 1954 (68 Stat. 143).

Parker Dam, which creates the Lake Havasu reservoir, is located on the Colorado River between Arizona and California, 155 miles downstream from Hoover Dam. The dam was constructed by the Bureau of Reclamation, partially with funds advanced by the Metropolitan Water District of Southern California. Under contract, the Metropolitan Water District is entitled to one-half of the net energy generated. Davis Dam, which creates the Lake Mohave reservoir, is located on the Colorado River between Arizona and Nevada, 67 miles downstream from Hoover Dam. The Parker-Davis Project is operated in conjunction with other hydroelectric installations in the Colorado River Basin.

Construction of Parker Dam was authorized for the purpose of controlling floods, improving navigation, regulating the flow of the streams of the United States, providing for storage and for the delivery of the stored waters thereof, for the reclamation of public lands and Indian reservations, and other beneficial uses, and for the generation of electric energy as a means of financially aiding and assisting such undertakings.

Davis Dam was constructed to provide reregulation of the fluctuating water releases from Lake Mead at Hoover Dam, from hourly to seasonal, to facilitate water delivery for downstream irrigation requirements, for delivery of water beyond the boundary of the United States as required by the Mexican Water Treaty, and for the generation of electric energy as a means of financially aiding and assisting such undertakings.

A total of 254,000 kilowatts is available from the Parker-Davis Project in the summer season, and 186,000 kilowatts in the winter season. Average annual generation is 1.2 billion kilowatthours. Transmission system capacity commitments were 933,625 kilowatts in FY 1977.

Discussion

Power Repayment Study. The current power repayment study for fiscal year 1977 indicates that the existing power rates are inadequate, based on January 1977 price levels, to pay the costs allocated and assigned to the power function within allowable time periods. Such inadequate revenues would result in a deficit which would be due primarily to higher operation, maintenance, and replacement costs as well as higher interest rates charged against the unamortized portion of new additions and replacement investment.

A revised power repayment study was conducted which indicated the average annual revenue would have to be increased about $2.3 million to meet cost recovery criteria. New firm power rates and transmission charges were developed to generate the revenue required by the revised power repayment study.

Rate Design and Rates. A capacity and energy rate study and a transmission service charge study were made to assist in designing rates.

Estimated future power costs were examined to determine an appropriate apportionment between capacity and energy components. Analyses of future costs indicated it would be equitable and reasonable to split power production costs evenly between the capacity and energy components.

The annual charge for use of the Parker-Davis transmission system was developed based on annual transmission costs and capacity commitments for FY 1977. Of the total assumed transmission commitments of 613 MW in 1982 excluding Colorado River Storage Project, the new transmission rate of $6.80/kW/yr would be applicable to 171 MW. The existing transmission rate of $5.30/kW/yr cannot be changed at this time on some existing firm transmission contracts. The new seasonal charge of $3.67/kW/season for the transmission of CRSP power was developed based on proportionate usage of the Parker-Davis transmission facilities. Nonfirm transmission service is, by its nature, intermittent and therefore was not considered to be a significant factor in rate setting and in the rate design. Revenues from project use and Government camps represent about 6 percent of total power revenues. The rates for power for project use and for Government camps are not affected by this order.

The results of a revised power repayment study and subsequent rate design indicated that an average composite yield of 8.3 mills/kWhr, or a capacity component of $1.82/kW/mo and an energy component of 4.15 mills/kWhr, for all wholesale firm power customers, would satisfy the repayment criteria. Over 60 percent of project power revenues would be received from firm power sales.

The transmission charges provide for: an increase of firm transmission service charge, as permitted under existing contracts, to $6.80/kW/yr for the use of the Parker-Davis Project transmission system for firm transmission other than for Colorado River Storage Project power as permitted under existing contracts; implementation of a transmission charge of $3.67/kW/season for the Colorado River Storage Project, Southern Division, contractors using the Parker-Davis Project transmission system for the transmission of Colorado River Storage Project power; and establishment, by rate schedule, of an increase to a 1.3 mills/kWh charge for nonfirm transmission service.

Surplus Energy Revenues. A number of the customers presented comments regarding the alleged failure of Western to consider the probability of surplus water releases previously forecasted by the Water and Power Resources Service which might result in surplus energy generation through Davis and Parker Powerplants. The customers contended that there is a high probability of surplus energy becoming available for sale during the time frame 1981 through 1985. It was indicated that surplus energy sales would result in added revenues available for the project and thus eliminate the need for a power rate adjustment at this time or at least reduce the proposed rate adjustment.

Further, the Department of the Interior's Manual 730.4.7E (adopted by Department of Energy's Order RA 6120.2 dated September 20, 1979) was cited by the customers as the authority for Western to consider potential surplus revenues derived from anticipated higher than normal streamflows on the Colorado River. One customer stated that Western had acted contrary to the manual while another commented that Western chose to disregard the instructions.

It is noted that DM 730.4.7E and Department of Energy's Order RA 6120.2.10(e)(4), state, "Power quantities used for estimating revenues, unless defined by contract, are determined by the theoretical *reservoir operation studies* based on historical streamflows. In preparing these operational studies, hydrological data, current to within 5 years if possible, and available engineering data will be used, recognizing restrictions imposed by other project functions. Input data will be revised and updated whenever new information indicates that a significant change in the forecast can be expected in the future where there is a significant variance between the forecasted and actual results, but in any event not less frequently than once every 5 years unless an accepted explanation is provided concerning why this is not necessary." (Emphasis added.)

A reservoir operation study is a quantitative hydrology study which indicates the number of acre-feet of water which would be released and the number of kilowatthours which would be generated under a variety of water conditions, such as upper quartile, average, lower quartile, and adverse. Forecasts of energy sales and revenues are based on average water conditions.

The Water and Power Resources Service forecast relied on by the customers is a study of the probability of water releases for the purpose of flood control covering a relatively short time of the power repayment period. The study is not a reservoir operation study and does not indicate how much water will be released or the resultant energy that could be generated. A probability study simply indicates the likelihood of occurrence of a specific event; in this case, the likelihood that surplus water releases for flood control will occur in the 1981–1985 time frame. This

likelihood, whether a surplus or a deficit, does not invalidate the use of average water conditions for forecasting energy sales and revenue as discussed above.

The repayment study does not show future costs for purchased power to meet contract commitments in low water years because the assumption is made that revenues from surplus energy sales would offset such costs. This assumption is favorable to the power customers. Consistent with this assumption, it would not be proper to make the further assumption that the possibility of surplus releases during the 1981–1985 period will become a reality. If such surplus releases do occur, the resulting sales and revenues as reflected in historical accounts, will tend to reduce future rate increases that might be required.

Replacements. The customers commented on the method of forecasting replacement costs indicating that these costs may not be accurately projected and integrated into the repayment study. One commentator felt the power repayment study may be overstating the funds estimated for facilities replacement. The customers also were concerned that the 1968 Replacement Service Life Report used as a basis for forecasting future replacement cost may be outdated and in need of review.

The method of estimating future replacement costs in the repayment study was accomplished by a computer model developed by the Water and Power Resources Service. This computer model utilizes estimated service life values to calculate future replacements of plant investments. It should be noted that for the 5 succeeding years following the current study year, budget estimates are utilized for replacement costs. For the period following the 5 years, the computer model is employed to forecast future year replacement costs.

The 1968 Replacement Service Life Report is the basis for the service lives utilized by the replacement computer program to project future replacement costs appearing in the power repayment study. The customers believe that some of the estimated service lives are unrealistic. Western acknowledged that the study is 10 years old and may require review. Therefore, correspondence with the Water and Power Resources Service was initiated suggesting a joint review of the service life report. It has been generally agreed that the review will require 18–24 months to complete. The customers have expressed a desire to be involved in this review and it is Western's intent to seek customer involvement. Appropriate notification will be given the customers as the review progresses. Any new service life study or revisions to the 1968 study will be reflected, when available, in future power repayment studies.

CRSP Transmission Charge. The question of the implementation of a transmission charge for delivery of CRSP power over the Parker-Davis system was presented by a number of customers. The comment made by three of the customers concerned the basis for the transmission charge to be levied by the Parker-Davis Project.

The General Marketing Criteria for Colorado River Storage Project published in the **Federal Register** on February 9, 1978 (43 FR 5559), specifically referred to transmission charges by other Federal projects. On page 5564 of the **Federal Register** notice, first column, paragraph D states: "WAPA will transmit CRSP power to customers over existing transmission systems of other projects to the extent that capacity is determined to be available. Capacity in these other project transmission systems to the extent possible will be available for the term of the CRSP contracts involved. No additional charges will be imposed unless additional substation or switching station capacity is required or where utilization of another project's system would delay project repayment beyond the point in time which would otherwise be the case. *At some future date, the Secretary may charge for transmission service for delivery of CRSP power over other Federal Systems such as the Parker-Davis and Pick-Sloan Missouri Projects.* The customer will pay for such service at a rate determined by the Secretary which may be assessed as early as 1978 but shall not be later than the termination date of the customer's existing power sales contracts as they may be amended, or in any event, by October 1, 1989." (Emphasis added.)

We believe it is proper to charge those contractors/customers in the Southern Division of the Colorado River Storage Project for transmission of CRSP energy over the Parker-Davis system. Those receiving the benefits of the service should defray the costs of service. It would not be equitable for those CRSP contractors utilizing the Parker-Davis system to continue receiving transmission service for their CRSP entitlement at no cost, at the expense of the other users of the Parker-Davis system.

One customer objected to the proposed transmission charge for wheeling CRSP power over the Parker-Davis system on the basis that it is not properly chargeable to individual customers but should be charged to the CRSP itself.

This question arose once before during the development of the revised CRSP "General Power Marketing Criteria" in 1976. The coordinating committee, which was comprised of representatives of the Water and Power Resources Service and of all CRSP customers, recommended the adoption of Section 10D of those criteria, which is quoted above. The coordinating committee recommended and DOE adopted these provisions on the basis of their being the most equitable solution to the problem of transmission costs for the delivery of CRSP power over other Federal systems.

Transmission Costs. One customer was in agreement with the concept that all users of the transmission system should bear the cost of the system. However, it was believed that all contractors/customers should participate proportionately with their usage. The customer expressed concern that "presently unrecovered costs" (due to some contractors not being subject to the increase at this time) should not be recouped in the future from contractors who are subject to the increase at this time, and that at the earliest possible date the impediments, not required by statute, which prevent application of increases to all transmission contractors should be removed.

There are contractual restraints in a few contracts that do not allow for a transmission rate adjustment at this time. Two of these contracts expire in 1987. The rates in these contracts will be adjusted at the earliest opportunity.

One representative pointed out differences between its actual transmission costs compared to those forecast in the brochure which suggested that the amount of the rate increase needed was overstated.

The differences stem from the estimate of future load based on contracts in effect in FY 1977. Since the repayment study was prepared, there have been numerous contract revisions and these will be reflected in future power repayment studies.

Future Transmission Capacity Commitments. It was indicated by one customer that Western's power repayment study excludes any growth in transmission capacity commitments through 1982 and therefore is unrealistic in view of growth of electric requirements. Further, because transmission capacity commitments for 1982 are claimed to be understated, the customer indicated that the projected revenues are also understated and the amount of the increase is overstated.

In estimating future revenues, Western's study was based on contractual commitments as of July 1977 or the best information available at the time of the study. To the extent any estimates of revenues (or costs) ultimately prove to be inaccurate, corrections will be made in future power repayment studies.

Leavitt Act. The Ak-Chin Indian Community argued that it was entitled to equitable relief from the new transmission charge for the delivery of CRSP power under the first provision of the Leavitt Act which authorizes and directs the Secretary of the Interior ". . . to adjust or eliminate reimbursable charges of the Government of the United States existing as debts against individual Indians or tribes of Indians in such a way as shall be equitable and just in consideration of all the circumstances under which such charges were made: . . . ." (Act of July 1, 1932, 47 Stat. 564, 25 U.S.C. 386a.)

This portion of the Leavitt Act authorized the Secretary of the Interior to grant relief on a project-by-project basis from then existing obligations under the Indian Appropriations Act for Fiscal Year 1915 (Act of August 1, 1914, 38 Stat. 582, 583) to reimburse the Government for expenditures made for Indian irrigation projects. Neither it nor the first proviso, which defers construction costs assessed "against Indian owned lands within any Government irrigation project," applies to reclamation projects. Solicitor Finney Opinion, 54 I.D. 90 (1932). Also, both portions of the act, which derived from separate bills, provide relief only from irrigation costs and do not apply to power costs. Consequently, the Leavitt Act does not afford a basis for the requested relief.

Authority of Assistant Secretary for Resource Applications. One commentator disagreed that the Assistant Secretary for Resource Applications has the authority to set rates on a provisional basis, after which they are submitted to the Federal Energy Regulatory Commission for approval on a final basis.

My authority to confirm, approve and place rates in effect on an interim basis for the Parker-Davis Project stems from Delegation Order 0204–33, as explained in the first paragraph of this order. The legal issues raised by the comment are answered by the opinion of the General Counsel of the Department of Energy issued October 14, 1978, discussing a draft of the delegation order. In that opinion the General Counsel pointed out that the authority to establish rates on an interim basis "is a necessary corollary of, and inherent in, the basic authority to set rates."

Lower Colorado River Basin Development Fund. A written statement filed on behalf of the Central Arizona Water Conservation District and the State of Arizona asserted that the Colorado River Basin Project Act of 1968 (Public Law 90–537, 43 U.S.C. 1501 *et seq.*) makes it necessary to set power rates for the Parker-Davis Project at a level which will assure project payout no later than the year 2005. Thereafter, rates should be at a level that would provide surplus revenues which, along with surplus revenues from the Boulder Canyon Project and the Pacific Northwest-Pacific Southwest Intertie Project in Nevada and Arizona, would provide at least 24 percent of the reimbursable costs of the Central Arizona Project.

Section 403(c)(2) of the Colorado River Basin Project Act (43 U.S.C. 1543(c)(2)) provides that there shall be credited to the Lower Colorado River Basin Development Fund ". . . any Federal revenues from the Boulder Canyon and Parker-Davis Projects which, after completion of repayment requirements of the said Boulder Canyon and Parker-Davis Projects, are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of those projects. . . ." Other provisions of the Act deal with the application and distribution of these funds.

The legislative history of the Act shows that Congress anticipated that the original investment in the Parker-Davis Project would be essentially paid off in the year 2005, after which surplus revenues would be available. The revised power repayment study shows that the payout target will be met, but the determination of a surplus is complicated by the unforeseen rise in the cost of additions and replacements and the interest charges thereon. The decision to implement some form of contribution from the Parker-Davis Project to the Lower Colorado River Basin Development Fund will need to be made at a later date to satisfy the original intent of Congress.

Environmental Assessment. One customer representative objected to the fact that an environmental assessment was not included with the preliminary rate proposal.

A study of the environmental and economic impacts of the proposed rate increase has been accomplished concurrent with the power repayment study. This study, called an environmental review, is designed to determine the extent of environmental impacts that can be expected from the rate adjustment. Study results indicate that the proposed rate increase will not significantly affect air or water quality, recreation resources, fish and wildlife, or any physical operation criteria of the Colorado River or related power production facilities.

It is clear that the proposed rate increase are not major Federal actions significantly affecting the quality of the human environment, within the meaning of NEPA, and that no environmental impact statement or environmental assessment is required.

Public Utility Regulatory Policies Act 1978. Comments were made by numerous customer representatives regarding the applicability of the Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601 *et seq.* (PURPA) to the Parker-Davis rate adjustment proceedings.

The PURPA Standards are not currently applicable to the rate adjustment proceedings because Parker-Davis did not have sales not for resale in excess of 500 million kilowatthours. However, some of the analyses suggested by the PURPA Standards may be included in the development of future proposed rates.

Suspend Proceedings. A request was made to the Administrator, by one representative, to suspend the rate proceedings because of a number of legal, procedural, and information deficiencies.

We are not aware of any valid basis that would justify suspending these proceedings.

Availability of Information. Information regarding this rate adjustment, including studies, comments, transcripts and other supporting material, is available for public review in the Boulder City Area Office, Western Area Power Administration, P.O. Box 200, Boulder City, Nevada 89005; Office of the Administrator, Western Area Power Administration, P.O. Box 3402, Golden, Colorado 80401; and in the Office of the Director of Power Marketing Coordination, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Submission to the Federal Energy Regulatory Commission. The rates herein confirmed, approved, and placed in effect on an interim basis, together with supporting documents, will be submitted to the Federal Energy Regulatory Commission for confirmation and approval on a final basis.

Price Stability. Western is a "government enterprise" within the meaning of the price standards of the President's Council on Wage and Price Stability. The rate increase approved herein complies with the operating

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margin limitation of these standards because the revenues will be only those necessary to repay Parker-Davis Project costs and expenses.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective June 16, 1980, Rate Schedules PD–F1, PD–T1, PD–T2, and PD–T3 for wholesale power and transmission service. These rates shall remain in effect on an interim basis for a period of 12 months unless such period is extended, or until the FERC confirms and approves these or substitute rates on a final basis, whichever occurs first.

[Schedule PD–F1 (Replaces LC–F2)]

Parker-Davis Project, Arizona-California-Nevada

Schedule of Rates for Wholesale Firm Power Service

Effective: The first day of the first full billing period beginning on or after June 16, 1980.

Available: In the area served by the Parker-Davis Project.

Applicable: To wholesale power customers for general electric service supplied through one meter at one point of delivery.

Character and Conditions of Service: Three-phase alternating current at sixty (60) Hertz, delivered and metered at the voltages and points of delivery specified by the service contract.

Monthly Rate: Capacity Charge: $1.82 per kilowatt of billing demand.

Energy Charge: 4.15 mills per kilowatthour for each kilowatthour scheduled and/or delivered, not to exceed the delivery obligation under the electric service contract.

Billing Demand: The billing demand will be the greater of (1) the highest 30-minute integrated demand established during the month up to, but not in excess of, the delivery obligation under the power sales contract, or (2) the contract rate of delivery.

Billing for Unauthorized Overruns: For each billing period in which there is a contract violation involving an unauthorized overrun of the contractual firm power and/or energy obligations, such overrun shall be billed at ten (10) times the above rates.

Adjustments:

For Transformer Losses: If delivery is made at transmission voltage but metered on the low-voltage side of the transformer, the meter readings will be increased two (2) percent to compensate for transformer losses.

For Power Factor: None. The customer will normally be required to maintain a power factor at the point of delivery of between 95 percent lagging and 95 percent leading.

[Schedule PD–T1]

Parker-Davis Project, Arizona-California-Nevada

Schedule of Rates for Firm Transmission Service

Effective: The first day of the first full billing period beginning on or after June 16, 1980.

Available: In the area served by the Parker-Davis Project.

Applicable: To firm transmission service customers where power and energy are supplied to the Parker-Davis system at points of interconnection with other systems and transmitted and delivered, less losses, to points of delivery on the Parker-Davis system specified in the service contract.

Character and Conditions of Service: Transmission service for three-phase alternating current at sixty (60) Hertz, delivered and metered at the voltages and points of delivery specified in the service contract.

Rate: Transmission Service Charge: $6.80 per kilowatt per year for each kilowatt contracted for at the point of delivery as specified in the service contract; payable monthly at the rate of $0.567 per kilowatt.

Adjustments:

For Reactive Power: None. There shall be no entitlement to transfer of reactive kilovoltamperes at delivery points, except when such transfers may be mutually agreed upon by Contractor and contracting officer or their authorized representatives.

For Losses: Power and energy losses incurred in connection with the transmission and delivery of power and energy under this rate schedule shall be supplied by the customer in accordance with the service contract.

[Schedule PD–T2]

Parker-Davis Project, Arizona-California-Nevada

Schedule of Rates for Transmission Service of Colorado River Storage Project (CRSP) Power and Energy

Effective: The first day of the first full billing period beginning on or after June 16, 1980.

Available: In the area served by the Parker-Davis Project.

Applicable: To Colorado River Storage Project (CRSP) Southern Division customers where such power and energy are supplied to the Parker-Davis system by CRSP at points of interconnection with the CRSP system for transmission and delivery, less losses, to Southern Division customers at points of delivery on the Parker-Davis system specified in the service contract.

Character and Conditions of Service: Transmission capacity for three-phase alternating current at sixty (60) Hertz, delivered and metered at the voltages and points of delivery specified in the service contract.

Rate: Transmission Service Charge: $3.67 per kilowatt of the maximum allowable rate of delivery made available at each point of delivery during each season as specified in the service contract; payable monthly at the rate of $0.612 per kilowatt.

Adjustments:

For Reactive Power: None. There shall be no entitlement to transfer of reactive kilovoltamperes at delivery points, except when such transfers may be mutually agreed upon by Contractor and contracting officer or their authorized representatives.

For Losses: Power and energy losses incurred in connection with the transmission and delivery of power and energy under this rate schedule shall be supplied by the customer in accordance with the service contract.

[Schedule PD–T3]

Parker-Davis Project, Arizona-California-Nevada

Schedule of Rates for Nonfirm Transmission Service

Effective: The first day of the first full billing period beginning on or after June 16, 1980.

Available: In the area served by the Parker-Davis Project.

Applicable: To nonfirm transmission service customers where power and energy are supplied to the Parker-Davis system at points of interconnection with the other systems and transmitted and delivered subject to the availability of transmission capacity, less losses, to points of delivery on the Parker-Davis system specified in the service contract.

Character and Conditions of Service: Transmission service on an intermittent basis for three-phase alternating current at sixty (60) Hertz, delivered and metered at the voltages and points of delivery specified in the service contract.

Rate: Transmission Service Charge: 1.3 mills per kilowatthour for each kilowatthour scheduled; payable monthly.

Adjustments:

For Reactive Power: None. There shall be no entitlement to transfer of reactive kilovoltamperes at delivery points, except when such transfers may be mutually agreed upon by Contractor and contracting officer or their authorized representatives.

For Losses: Power and energy losses incurred in connection with the transmission and delivery of power and energy under this rate schedule shall be supplied by the customer in accordance with the service contract.

[FR Doc. 80-8044 Filed 3-14-80; 8:45 am]
BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 80-94; CC Docket No. 80-89 File No. 291-CSG-P-78]

Communications Satellite Corp., et al.; Designating Application for Hearing on Stated Issues

Memorandum Opinion and Order

Adopted: February 28, 1980.
Released: March 14, 1980.

In the Matter of the Application of Communications Satellite Corporation, American Telephone and Telegraph Company, ITT World Communications, Inc., RCA Global Communications, Inc., Western Union International Inc., for authority to construct 14/11 GHz communications satellite earth station facilities in the vicinity of Etam and Lenox, West Virginia, and a terrestrial interconnecting link via Laurel Mountain, for operation with communications satellite systems.

By the Commission: Commissioner Lee absent; Commissioner Washburn issuing a separate statement.

1. The Commission has under consideration the above-captioned application, as amended, filed by the Communications Satellite Corporation (Comsat).[1] Comsat seeks authority to construct a 14/11 GHz diversity earth station at Lenox, West Virginia and the Diversity Interconnect Link (DIL) between the Lenox facility and the primary facility at Etam, West Virginia which has already been constructed pursuant to Commission authorization.

Background

2. This application proposes an expansion of the Intelsat earth station complex located at Etam, West Virginia. The proposed facilities will be used for communications with the latest series of Intelsat satellites, Intelsat V. The application was partially granted in *Communications Satellite Corporation et al.*, 69 FCC 2d 1540 (1978), where we found a clear need for the primary 14/11 GHz facility at Etam but could not make a similar finding with regard to the need for a diversity antenna at Lenox. In its initial application, Comsat argued that space-diversity earth station facilities were required for operation in the 14/11 GHz bands to overcome degradation to communications link performance which occurs during heavy rains. Comsat submitted a technical analysis which, it argued, demonstrated that degradation in excess of Intelsat V standards would occur at the Etam facility. Since no measured data was available, Comsat based its analysis on numerous assumptions focusing on the worst case. It asserted that the public interest in reliable communications required construction of the diversity facility.

3. We were not convinced by the presentation. We rejected Comsat's analysis because the extreme pessimism built into its assumptions detracted from the accuracy of the predictions. For example, Comsat assumed that during heavy rain periods, two of the larger degradation sources, internetwork and terrestial emissions would enter the Etam facility totally unattenuated.[2] While we agreed that these emissions present interference problems, we found it highly unlikely that the emissions would be unattenuated. We corrected the predicted degradation time accordingly and found that the number of minutes per year when the amount of circuit noise could be expected to exceed a specified level was greatly reduced.[3] In addition, we noted that the degree of unreliability which Comsat alleged was exaggerated because it assumed that noisy circuits were unusable, when in fact a degraded circuit becomes noisy, but not necessarily unusable. Moreover, we pointed out that the predicted hours when heavy rains might occur were not peak calling hours, thus reducing the actual amount of traffic that would suffer degradation.

4. For these reasons, we did not reach any conclusion concerning the need for a diversity antenna. We stated: "[b]efore we decide whether the increased service available from a space-diversity facility warrants the substantial investment, we need either actual measured performance data from Comsat or a technical analysis using more realistic assumptions" 69 FCC 2d at 1549. We thus deferred action on the Lenox facility until Comsat supported the application with "actual measurements of communications performance or, if assumed values are used, with a persuasive showing using realistic assumptions." Id. Comsat now amends its application in an attempt to provide the requested showing. No comments on the amendment were received.

The Amendment

5. Comsat's amendment reasserts and emphasizes its position that the antenna at the Etam site will not meet Intelsat V standards and, therefore, a diversity facility is needed. Comsat states that, in its judgement, it would be unwise to delay construction at the diversity site while waiting for measured data because it does not wish to risk overall reliability at the Etam complex. Therefore, Comsat now attempts to quantify the public benefit which it believes will accrue when the diversity antenna is installed. Using "more realistic" data, Comsat calculates the number of minutes of outage which may be expected per year if a single facility is used, and compares that number to the Intelsat V standard.[4] The difference, presumably, is the public benefit.

6. Comsat presents four new pieces of information to support its position: (1) one year of measured radiometer data at the Etam site; (2) one year of satellite beacon measurements taken by AT&T at Crawford Hill, New Jersey, with the 11.7 GHz beacon on the Communications Technology Satellite; [5] (3) AT&T study of estimated outage time at the Etam site for 11 GHz operation without diversity; and (4) estimates of projected usage of this facility in its first two years of operation, which nearly double the earlier projections. Comsat also updates its cost estimates for the construction of these diversity facilities and states that the proposed investment

[1] Comsat filed the application as manager on behalf of the joint owners of the Etam, West Virginia earth station complex. The ownership of Intelsat earth stations in the contiguous states is apportioned as follows: Comsat 50%, AT&T 26.5%, ITTW 7%, RCAG 10.5% and WUI 4.0%. Ownership and Operation of Earth Stations, 5 FCC 2d 812 (1966).

[2] Internetwork interference is caused by other satellite systems sharing the same frequency band as the Intelsat V system where the interference enters the intended communications link via a direct propagation path, i.e. essentially the same path as the intended signal. Terrestial interference is caused by terrestial microwave systems that share the 11 GHz band. Terrestial interference signals potentially enter the intended communications link via both direct and reflected paths.

[3] Even our corrected projections did not meet the most conservative of Intelsat's performance criteria. However, we noted that the Intelsat V standard is not mandatory, but merely a guideline for standard facilities. The U.S. has no legal obligation to meet every Intelsat technical standard.

[4] It should be noted that the Intelsat V performance criteria consist of three technical performance specifications, two of which are satisfied by the single Etam facility. It is only the third and most stringent performance criterion which is at issue here.

[5] This data has been adjusted to reflect the different elevation angle and height of ground level at Etam, West Virginia.

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now amounts to about $10 million for the Lenox and DIL facilities.[6]

7. The Comsat amendment also argues that our analysis in the deferral order was faulty. It asserts that the Intelsat outage standard is not merely a guideline, as we suggested, but a clear international criterion which it feels obliged to meet. Comsat then implies that a standard of 10dB carrier-to-noise ratio (C/N) for no more than 0.02% of the time in any given year (the Intelsat V criterion) is the correct measuring standard, not the 50,000 pWOp figure used in our order.[7] In addition, Comsat states that its year of measured radiometer data shows there is no set time of day when heavy rains are likely to occur at Etam. This means, according to Comsat, that one may not predict that degradation will occur mainly during non-peak traffic hours. Finally, Comsat contends our Order seemed to conclude that, since only light traffic would be placed on Intelsat V, performance standards could be relaxed. Comsat states that this is no longer a viable notion since its revised loading information shows that the traffic on Intelsat V will be quite heavy. For the reasons given below, we do not believe any of these points are of decisional significance.

8. In addition to its earlier arguments, Comsat submits two new justifications for the diversity antenna. First, it asserts that the facility would provide redundancy for the system, and thus a quick restoral capability in the event of equipment failure, as well as an immediate restoral capability in case some catastrophic occurence affects the Etam 14/11 GHz antenna system.[8] Second, Comsat draws support for its plan from AT&T which argues that outage at the 14/11 GHz facility could restrict service in some eastern European and African countries and cause network congestion.

Discussion

A. Regulatory Purpose

9. For a rate base-regulated carrier with little or no effective competition, the cost of a new facility, such as the one proposed in this application, is added to the carriers's rate base and must be supported by higher revenues. If the facility does not generate new business or improve efficiency, its revenue requirement must be borne by consumers in the form of higher rates than they would ordinarily pay. Our function, as a regulatory agency in such instances, is to guard against unnecessary expenditures by the carrier so that the public may enjoy quality communications service at lower rates. Congress specifically directed us to consider international satellite facility investments in the Communications Satellite Act of 1962 where we were instructed to "insure that no substantial additions are made by the corporation or carriers with respect to facilities of the system or satellite terminal stations unless such additions are required by the public interest, convenience and necessity." 47 U.S.C. § 721(c)(9). When this provision was presented to the Congress, it was described as a supplement to Section 214(a) of the Communications Act of 1934 which would enable the FCC to oversee "proper development of space communications in a manner consistent with national policy [by placing the Commission] in a position to closely scrutinize and control proposed additions to facilities if they are of a substantial nature." 108 Cong. Rec. 9874 (1962). More generally, the Communications Act of 1934 directs us to see that the common carrier facilities investments of rate base-regulated carriers are required by the public convenience and necessity. 47 U.S.C. § 214.

10. In light of the above, we believe we have a duty to determine whether the proposed investment for a diversity facility and interconnecting microwave link will result in benefits to the public and if so, whether that benefit is so substantial that we may conclude that the public interest requires the investment. We believe that this decision must be based on an evaluation of costs (both monetary and radio spectrum utilization) vis a vis quantifiable benefits to the public (service quality and reliability).

11. We are unable to conclude that construction of the diversity facility will serve the public interest on the basis of the facts before us. For the purposes of our discussion herein, we accept all Comsat's calculations and assertions; [9] yet we cannot find that the requisite public interest showing has been made. We believe that the significant costs associated with this construction exceed the benefit alleged by Comsat. Moreover, as discussed below, we cannot accept Comsat's assertion that there is an international obligation which requires the construction of what appears to be an unnecessary facility. We believe that Congress intended that we exercise our best judgement in these matters on the ratepayers behalf.

B. Predicted Performance at the Etam Complex

12. Comsat states that, under the governing Intelsat V performance specifications, an outage occurs when the C/N falls below 10dB. Thus, it assumes that a singled facility at Etam will provide an unacceptable grade of service if the C/N falls below 10dB for more than a specified percentage of time per year. Tables 1 and 2 of the amendment, which are reproduced below summarize Comsat's predictions for the percentage of time, in any given year, when the C/N for the single 14/11 GHz facility at Etam will fall below 10dB for both the cross-strap links and the straight-through links.[10] Comsat concludes that the unsatisfactory performance level which it predicts can only be cured by the diversity antenna at Lenox.

Table 1.—Cross-Strapped Links 14/4 GHz and 6/11 GHz

INTELSAT Requirement—0.017% = 89 min/yr—Max.
Comsat Analysis: [11]
11 GHz to Etam—0.044% = 230 min/yr—Avg.
14 GHz from Etam—0.036% = 189 min/yr—Avg.
AT&T Analysis:
11 GHz to Etam—0.055% = 290 min/yr—Avg.

[6] Comsat estimated that if we authorized the diversity facility in December, 1979, the cost of diversity would be $10,096,000.00 while the main 14/11 GHz antenna would cost $8,687,000.00. Amendment, p. 29.

[7] The term, pWOp, is defined as the noise in picowatts (pW) at a point of zero level (0) psophometrically weighted (p) in any telephone channel.

[8] Catastrophic destruction of the entire Etam complex would negate any restoral capability of the diversity facility because the ground communication equipment and the interconnect to terrestial communications are located only at the Etam complex.

[9] We emphasize that our uncritical acceptance of the results of Comsat's technical analysis is limited to this order only, and is not intended to imply acceptance of the technical assumptions and methodologies employed if presented in any future applications.

[10] A "cross-strap" satellite transponder may receive a carrier at 6 GHz and transmit it at 11 GHz, or it may receive a carrier at 14 GHz and transmit it at 4 GHz. A "straight-through" satellite transponder works entirely in the new frequency band, receiving at 14 GHz and transmitting at 11 GHz.

[11] These values assume that the 14/11 GHz west spot beam provides "nominal" coverage which includes the U.S. and Canada. Comsat recognizes that Canada has no plans to build a 14/11 GHz station at the present time (Amendment, p.12, fn**) and that the Intelsat Board of Governors has authorized the initial repointing of the satellite west spot beam to yield higher values of satellite gain-to-temperature ratio (G/T) and power towards Etam. (Amendment, Appendix 1, p. 15.) Comsat calculated the performance shortfall which could be expected under these conditions. It states that an outage of 160 minutes/yr. for the cross-strap mode and 106 minutes/yr. for the straight-through mode may be expected. The shortfall from the Intelsat V standard in this instance, is 71 minutes/yr. for the cross-strap mode and 53 minutes/yr. for the straight-through mode.

Table 2.—Straight-Through Links 14/11 GHz

INTELSAT Requirement—0.01% = 53 min/yr—Max.
Comsat Analysis:
11 GHz to Etam—0.028% = 148 min/yr—Avg.
14 GHz from Etam—0.027% = 142 min/yr—Avg.

13. We believe it appropriate to place this predicted performance analysis and the Intelsat V criteria into perspective by comparing them to the actual performance of other Intelsat facilities. Although direct comparison is not possible since data available on current Intelsat operations was measured for operation in the 4/6 GHz bands, which is less susceptible to propagation impairment, we believe that this comparison shows that the predicted performance of a single 14/11 GHz facility at Etam is not out of line with overall earth station performance in the Intelsat system. Intelsat's Annual Report for 1979 shows that the average earth station-to-earth station continuity of service for Intelsat facilities in 1978 was 99.877%. This means that the average outage time for downlink performance at any given earth station complex operating in the 4/6 GHz bands was approximately 323 minutes/year. Thus, for even the most pessimistic performance prediction (290 minutes per year given on Table 1 above), the overall performance of a single 14/11 GHz antenna at the Etam facility operating with an Intelsat V satellite is comparable to the average Intelsat facility performance.

C. Benefits of Diversity

14. Comsat asserts that the public will benefit from the installation of this diversity facility because the communications services provided through the Etam earth station complex will be more reliable. We fully recognize that reliability is an important feature which much be built into any communications system. We will therefore consider the data concerning the predicted performance at the Etam earth station very closely. Comsat predicts that the primary facility will meet Intelsat V circuit performance criteria between 99.945 and 99.973% of the time in any given year, but argues that this is not good enough. It states that use of the diversity facility will enable it to meet the Intelsat V criteria, implying that there is a quantifiable public benefit to be derived from conformity with Intelsat V standards. It asserts that there will be up to 201 minutes/year of increased reliability (71 minutes/year if one assumes the Intelsat Board of Governors will not reconsider its decision to point the Intelsat V antenna at Etam). We do not believe that an increase of this magnitude makes the facility so much more reliable that the expenditure necessary to achieve it would be in the public interest. We place great weight, in coming to this conclusion, on the fact that even without the proposed investment, the public will not be forced to tolerate a very unreliable facility, but will be served by a facility that will be as good or better than the average Intelsat earth station as described in paragraph 13 above.

15. AT&T argues that the predicted outages for the single Etam facilities are likely to cause network congestion and service disruptions. We will not rely heavily on these points in the course of our analysis, since they are very general and highly speculative. Moreover, we note that the improvements suggested in paragraph 20 should alleviate some of AT&T's concerns.

16. The arguments presented in Comsat's amendment imply that because it predicts that performance at a single 14/11 GHz facility at Etam will fall short of the Intelsat V standard, the facility must be authorized. Comsat never supplies a legal basis for this implication, but merely asserts "[t]here *are* detailed international transmission standards, carefully worked out by CCIR and CCITT for each segment of an international communications link and agreed to by each country, and Comsat and all other [Intelsat] members view these standards as obligatory" (Amendment, p. 16). Comsat never links this statement to the Intelsat V criteria, which are not CCIR or CCITT criteria. While we give due weight to considerations of the multilateral characteristics of communications among nations, we cannot find any legal obligation to authorize every facility merely because it is asserted that the predicted performance does not meet every international criterion. In fact, we believe that to do so would be contrary to our Congressional mandate.

17. Comsat argues that diversity may also be justified by its inherent redundancy in equipment which insures greater link availability and provides an immediate restoral capability in the event of catastrophic events or equipment failures affecting the Etam 14/11 GHz antenna system. Redundancy of all equipments except for the antenna can be implemented at Etam and Comsat would be expected to provide that redundancy if Etam is to be a viable facility. A diversity site is not required to obtain equipment redundancy. We recognize that a single 14/11 GHz facility at Etam would not provide an immediate restoral capability in the event of a catastrophy, but the risk associated with using only the Etam antenna is acceptable since restoral is obtainable within a relatively short period of time. This slight delay in restoration of the 14/11 GHz antenna at Etam would not be unreasonable since a catastrophic event is unlikely and the cost of the diversity facility is so high. It would appear that the reliability of the Etam facility can be improved to practically that which would be obtained by the requested diversity facility by installing the redundant Low Noise Amplifier (LNA) at Etam along with high power amplifiers. INTELSAT-V 14/11 GHz facilities for INTELSAT members in Europe are employing single antenna facilities and would experience the same type of delay in restoral if a catastrophic antenna failure occurred at their facility. Installation of redundant high power amplifiers at Etam would also provide additional operating capability during propagation impairments since such amplifiers can be operated in parallel to double the available additional power to the uplink.

D. Costs of Diversity

18. There are significant disadvantages associated with diversity. The most significant problem is, of course, the cost of the diversity facility and the interconnecting microwave link, estimated at $10 million compared to $7 million for the primary facility. In addition to these costs, one must also consider the cost in terms of spectrum utilization. Both the diversity station and the interconnect link must be frequency coordinated with terrestial operations. At a minimum, we note that the 14.0–14.5 GHz band, which Comsat would use for the interconnect link, is not allocated to terrestial fixed service by the Table of Frequency Allocations in Section 2.106 of our Rules and Regulations, and the facilities of each of the four DIL frequency paths do not conform to the bandwidth and emission limitations of Section 21.703, the channel loading requirements of Section 21.710 and the equipment type acceptance requirements of Section 21.120.[12] Thus, waivers of several sections of our rules and regulations would be required for this construction. While grant of these waivers in this specific case might be warranted because of a lack of frequency congestion in this area, we would not want to set an unwise

[12] Comsat considers the DIL to be an integral part of international earth-station-to-satellite operations, rather than a domestic microwave link. We do not believe this result can be reached at the present time, and thus we treat the DIL as point-to-point microwave links under Part 21 of our rules.

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precedent for such inefficient spectrum use in other areas where the frequency bands are more congested. In particular, we would not permit the 14.0–14.5 GHz frequency path to preclude uplink earth station operations in the area should actual customer requirements for such service arise in the future. We do not reach the question of waiver here, however, since we cannot conclude that the public interest requires the proposed construction.

E. Alternatives to Diversity

19. We note that an alternative means of improving performance without construction of a diversity earth station apparently exists. We believe Comsat could use higher quality components at the primary facility.[13] Our staff suggested this approach, and asked Comsat to provide an analysis which would reflect the improvements afforded by such a change. Comsat responded by supplying the operating improvement factors that accrue when upgraded equipments such as LNAs and receivers employing threshold extension are used, but did not incorporate these improvements into a revised analysis to show the amount of shortfall from the Intelsat V criteria that would exist if the improvements were installed.[14]

20. The Commission staff performed an analysis using Comsat's methodology and the operating improvement factors provided by Comsat for the upgraded LNA and threshold extension. Since the radiometer did not provide measured propagation measurements into the region of operation desired by the INTELSAT–V criteria, the propagation impairments were adjusted to predict the amount of impairment that would be experienced. Comsat had applied two methods for adjustment of the data. The chart below shows the performance level which might be expected under this analysis if upgraded equipment such as the improved LNA, threshold extension and the operating characteristics that are representative of commercially available receiver-demodulators, are used, as corrected under both methodological approaches for adjusting radiometer data and repointing the satellite antenna towards Etam.[15]

Cross-Strapped Links 14/4 GHz and 6/11 GHz.

INTELSAT V Requirement—0.017% = 89 min/yr
Comsat Analysis:
11 GHz to Etam—0.012% = 64 min/yr
14 GHz from Etam—0.0178% = 94 min/yr
AT&T Analysis:
11 GHz to Etam—0.015% = 79 min/yr
14 GHz from Etam—0.02% = 105 min/yr

Straight-Through Links 14/11 GHz

INTELSAT V Requirement 0.01% = 53 min/yr
Comsat Analysis:
11 GHz to Etam—0.009% = 48 min/yr
14 GHz from Etam—0.012% = 71 min/yr
AT&T Analysis:
11 GHz to Etam—0.013% = 69 min/yr
14 GHz from Etam—0.017 = 89 min/yr

The analysis thus predicts that with the use of upgraded equipment, the maximum predicted downlink shortfall is 16 minutes and the uplink shortfall is 36 minutes, when the more pessimistic AT&T analysis adjusted propagation data is used for the straight-through mode. The criteria are essentially satisfied for all other conditions.

Conclusion

21. In summary, Comsat is asking us to authorize a very significant investment on the basis of speculative adverse effects on service reliability. The rain propagation data is not conclusive, and the models used to analyze and predict performance can be further improved. Aside from an expected rise in the dollar cost of the facility due to inflation and some additional traffic congestion which might occur if there is an outage, Comsat gives no new reasons why this facility should be constructed before actual measured data showing a real need is available. Comsat argues that it should be allowed to expend large sums of money to satisfy a technical standard which appears to be very stringent and, far in excess of current Intelsat operating experience with existing stations. Based on the record before us, we see no reason to do so. Accordingly, we conclude that we cannot find that the public interest will be served by a grant of this application.

22. We believe that another deferral of this application is unnecessary since we indicate herein that Comsat may refile it at a later time when it is able to show, through actual measured data, that there is a clear need for the facility in terms of quantifiable detriments to the rate-paying public. The only issue which remains after the analysis we have performed in our previous order and above is one of policy: should we allow Comsat to spend $10 million so that it will have increased quality of service for certain small periods of time in any given year. We believe that because of the limited nature of this issue, it is appropriate to confine the hearing procedure on the questions specified below to written submissions alone. *See United States v. Florida East Coast Railway Co;* 410 U.S. 224 (1973). As indicated herein, we do not believe that the current record shows a need for the proposed facility. Nonetheless, we will give Comsat and any other interested party an opportunity to show that the benefits which the facility will provide to the public are worth the cost.

23. Accordingly, it is hereby ordered, that pursuant to Sections 4(i), 4(j), 214(a) and 309(e) of the Communications Act of 1934, as amended, and Section 201(c)(9) of the Communications Satellite Act of 1962, those portions of Application File No. 291–CSG–P–78 which have not been previously decided, are designated for hearing on a written record on the following issues:

1. Has the analysis delineated above accurately assessed the costs and benefits of the proposed diversity antenna and interconnect link?
2. What would be the systemic impact of implementation of the alternatives to diversity described in paragraphs 19 and 20 above?
3. Does the United States interest in adherence to the Intelsat V technical standards warrant authorization of this facility without any clear showing of an independent need?
4. Based upon the above issues, does the public interest require that the application be granted or denied?

24. It is further ordered that Communications Satellite Corporation, American Telephone and Telegraph Company, ITT World Communications, Inc., RCA Global Communications, Inc., and Western Union International, Inc., are made parties to this proceeding.

25. It is further ordered, that the parties above shall submit their direct case on the above issues within 45 days of the release date of this order. Response may be filed by any other interested parties within 20 days thereafter.

26. It is further ordered, that a trial staff of the Common Carrier Bureau will participate in this proceeding and shall be separated from both the Commission and the Chief, Common Carrier Bureau.

27. It is further ordered that the Chief, Common Carrier Bureau is delegated authority to require the submission of additional information, make further inquiries, and modify dates and procedures, if necessary, to provide for a fuller record and more efficient proceeding.

28. It is further ordered that the Chief, Common Carrier Bureau is designated as decision-making personnel within the meaning of Section 1.1205 of our Rules and Regulations, for the purposes of this proceeding.

Federal Communications Commission.*
William J. Tricarico,
Secretary.
February 28, 1980.

Separate Statement of Commissioner Abbott Washburn

Re: Communications Satellite Earth Station—Lenox, West Virginia. There are certain unresolved facts in this case that the expedited paper hearing should resolve. In the final analysis, however, the Commission's decision will be a judgment call. The staff says "the significant costs associated with this construction exceed the benefit. * * *"[1] The best operational and engineering judgment available in the private sector and throughout the world—which evolved the CCIR, CCITT, Intelsat and Bell System performance standards—is in disagreement with this FCC staff assessment. In similar cases in the past, it has been extremely useful for the Commissioners to be able to question the parties directly. Therefore I am pleased with the assurances of the Chairman and the Chief of the Bureau that should the situation warrant, we will hold an oral argument at the conclusion of the paper proceeding.

I am also grateful for the assurances that the paper hearing will proceed on an expedited schedule. The estimated cost of this facility has already increased by more than $3.4 million during the two years the Commission has thus far spent reviewing it. The axiom: "Time is money" was never more true. The public should not be billed for any more regulatory delay than is absolutely essential.

[FR Doc. 80-8028 Filed 3-14-80; 8:45 am]
BILLING CODE 6712-01-M

[13] We do not wish to imply that Comsat deliberately chose to make the primary facility less reliable. The components chosen for the primary antenna are entirely appropriate if one assumes, as Comsat did, that a diversity antenna will be built.

[14] Such upgraded equipment as contemplated would use a 90°K LNA providing 0.35 dB gain and receivers using threshold extension providing 1.5dB gain. The additional estimated costs of the LNA is $60,000 and threshold extension incorporation in a receiver is $1000.

[15] When the percentage of time for which attenuation is exceeded is less than 0.033 (the measurement limit of the radiometer) the attenuation is extrapolated in both the Comsat and AT&T methods. For greater than 0.033, actual radiometer measurements are applied and therefore the Comsat and AT&T analysis are identical and are given as "Comsat analysis" in Tables 1 and 2 of paragraph 12.

* See attached Separate Statement of Commissioner Abbott Washburn.

[1] Order para 11.

FEDERAL MARITIME COMMISSION

[Docket No. 80-14]

Compensation of Independent Ocean Freight Forwarders; Filing of Petition for Declaratory Order

Notice is given that a petition for declaratory order has been filed by Kuehne & Nagel, Inc., a licensed independent ocean freight forwarder. Petitioner seeks an order declaring the following: 1) receipt of a payment or payments from an ocean common carrier by an independent ocean freight forwarder licensed under section 44 of the Shipping Act, 1916, as amended, at a rate different from that published in that carrier's tariff does not place the licensed forwarder in violation of any section of that Act or any regulations lawfully implementing that Act, nor in itself reflect upon the forwarder's "fitness" under Section 44 of the Act, 2) receipt of a payment or payments from an ocean common carrier by an independent ocean freight forwarder licensed under section 44 of the Shipping Act, 1916, as amended, at a rate different from that published in the carrier's tariff does not, in itself, give rise to an agreement required to be filed under section 15 of that Act, 3) receipt of a payment or payments in any amount from an ocean common carrier by a persons who is not an independent ocean freight forwarder licensed under section 44 of the Shipping Act, 1916, as amended, which payment or payments are solely for the securing or booking of cargo and not for any services connected with dispatching or forwarding of cargo is not payment for "carrying on the business of forwarding" as defined in section 1 of the Shipping Act, 1916, as amended, and does not violate any section of that Act; nor does any such payment give rise to an agreement which must be filed for approval under section 15 of that Act.

Interested persons may inspect and obtain a copy of the petition and memorandum in support thereof at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 11101 or may inspect the petition and memorandum at the Field Offices located at New York, New York; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested persons may submit replies to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 on or before April 7, 1980. An original and fifteen copies of such replies shall be submitted and a copy thereof served on petitioner. Replies shall contain the complete factual and legal presentation of the replying party as to the desired resolution of the petition.

Francis C. Hurney
Secretary.

[FR Doc. 80-8027 Filed 3-14-80; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Hereford Investment Co.; Formation of Bank Holding Company

Hereford Investment Co., Hereford, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 92.31 per cent of the voting shares of Hereford State Bank, Hereford, Colorado. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Hereford Investment Co., Hereford, Colorado, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Hereford Insurance Agency, Hereford, Colorado.

Applicant states that the proposed subsidiary would engage in the activities of acting as insurance agent or broker for multiple-line insurance, primarily fire, crop, general casualty and automobile insurance sold in a community with a population not exceeding 5,000, and acting as underwriter for credit life insurance directly related to extensions of credit by Applicant's subsidiaries. These activities would be performed from the offices of Hereford State Bank in Hereford, Colorado, and the geographic area to be served is the area within a 50 mile radius of Hereford, Colorado. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing,

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identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 7, 1980.

Board of Governors of the Federal Reserve System, March 7, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-8082 Filed 3-14-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 10, 1980. See 44 U.S.C. 3512(c) and (d). The purpose of publishing notice in the **Federal Register** is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before April 4, 1980, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Civil Aeronautics Board

The CAB requests clearance of the filing requirements contained in Part 231 of the Board's Economic Regulations, "Transportation of Mail, Mail Schedules." Part 231 requires each certificated air carrier to file copies of its flight schedules prior to engaging in scheduled service and subsequent changes thereto. Adherence to Part 231 is mandatory under section 405(b) of the Federal Aviation Act of 1958, as amended. The CAB estimates respondents will number approximately 74 and that reporting time will average 15 minutes per schedule filed.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 80-8041 Filed 3-14-80; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

SES Performance Review Boards for Small Client Agencies Serviced by GSA; Names of Members

Sec. 4314(c) (1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Boards. The board shall review and evaluate the initial appraisal by the supervisor of a senior executive's performance, along with any recommendations to the appointing authority relative to the performance of the senior executive.

As provided under section 601 of the Economy Act of 1932, as amended, 31 U.S.C. 686, the General Services Administration, through its Agency Liaison Division personnel office, provides various personnel management services to a number of diverse Presidential commissions, committees, and other small agencies and boards through reimbursable administrative support agreements. This notice is processed on behalf of these client agencies. Because of their small size, a Performance Review Board register has been established composed of members appointed by the heads of the various agencies. From this register of names, the head of each client agency will appoint executives to a specific board to serve the particular client agency.

The members whose names appear on the Performance Review Board register to serve client agencies are:

Francis B. Tenny, Executive Director, Japan-United States Friendship Commission
Thomas C. Woodruff, Executive Director, President's Commission on Pension Policy
Barbara Boyle Torrey, Deputy Executive Director, President's Commission on Pension Policy
Stephen L. Babcock, Executive Director, Administrative Conference of the United States
Richard K. Berg, Executive Director, Administrative Conference of the United States
James V. DeLong, Research Director, Administrative Conference of the United States
Daniel E. Shaughnessy, Executive Director, Presidential Commission on World Hunger
Arthur D. Levin, Financial Manager, Board for International Broadcasting
Anatole Shub, Foriegn Information Officer, Board for International Broadcasting
Malcolm E. O'Hagan, Executive Director, United States Metric Board
Stanley Parent, Director, Research, Coordination and Planning, United States Metric Board
John R. Twiss, Jr., Executive Director, Marine Mammal Commission

For further information, contact Betty R. Bruce, Agency Liaison Division (202-472-6214); mailing address: General Services Administration (WXL), Washington, DC 20407.

Dated: March 7, 1980.

W. M. Paz,

Assistant Administrator for Human Resources and Organization.

Performance Review Board membership approved by:

John W. Hall, Chairman, Japan-United States Friendship Commission
Thomas C. Woodruff for C. Peter McColough, Chairman, President's Commission on Pension Policy
Stephen L. Babcock for Margaret A. McKenna, Acting Chairman, Administrative Conference of the United States
Sol M. Linowitz, Chairman, Presidential Commission on World Hunger
Walter R. Roberts for John A. Gronouski, Chairman, Board for International Broadcasting
Louis F. Polk, Chairman, United States Metric Board
Douglas G. Chapman, Chairman, Marine Mammal Commission

[FR Doc. 80-8025 Filed 3-14-80; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

Advisory Committee; Filing of Annual Report

Notice is hereby given that pursuant to Section 13 of Pub. L. 92-463 (5 U.S.C. Appendix I), the Annual Report for the Rape Prevention and Control Advisory Committee has been filed with the Library of Congress.

Copies are available to the public for inspection at the Library of Congress Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, S.E., Washington, D.C., and on weekdays 9 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245-6791. Copies may be obtained from the Committee Management Officer, National Institute of Mental Health, Room 9-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443-4333.

Dated: March 11, 1980.

Gerald L. Klerman, M.D.,

Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 80-8040 Filed 3-14-80; 8:45 am]

BILLING CODE 4110-88-M

Office of the Assistant Secretary for Health

National Committee on Vital and Health Statistics; Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92-463) notice is hereby given that the National Committee on Vital and Health Statistics (NCVHS) established pursuant to 42 USC 242K, section 306(K)(2) of the Public Health Service Act, as amended, will convene on Wednesday, April 2, 1980, at 9:30 a.m. and Thursday, April 3 at 9:00 a.m. in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

The first day, April 2, will be devoted to meetings of the subcommittees of the NCVHS including data Concepts and Methodology; Environmental Health Statistics; Cooperative Health Statistics System; and International Health Statistics. Room assignments for subcommittee meetings will be posted in Room 800 of the Humphrey Building.

Among the agenda items for discussion by the full Committee on April 3 include: data standardization and statistical planning; overview of research and statistical programs of Health Care Financing Administration; International Health activities of the Department; the National Death Index; and the Health and Nutrition Examination Survey.

These meetings are open for public observation and participation. Agenda items are subject to change as priorities dictate.

Further information regarding the Committee may be obtained by contacting Samuel P. Korper, Ph.D., M.P.H., Executive Secretary, National Committee on Vital and Health Statistics, Office of Health Research, Statistics, and Technology, Room 17A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone 301-443-2660.

Dated: March 11, 1980.

Wayne C. Richey, Jr.,

Associate Director for Program Support, Office of Health Research, Statistics, and Technology.

[FR Doc. 80-8032 Filed 3-14-80; 8:45 am]

BILLING CODE 4110-86-M

National Institute of Education

Program of Research Grants on Knowledge Use and School Improvement; Closing Date for Receipt of Applications

Notice is given that applications are being accepted for grants in the Program of Research Grants on Knowledge Use and School Improvement according to the authority contained in Section 405 of the General Education Provisions Act, as amended (20 U.S.C. 1221e).

This announcement covers applications for new awards that are to be considered in Fiscal Year 1980. Awards will be made for research focused on how schools modify existing operations and how knowledge is employed in such changes.

Any institution of higher education, State, local or intermediate educational agency, public or private non-profit or for-profit agency, organization, group, individual, or any combination of these is eligible to apply for a grant under this program.

Closing Date: May 13, 1980.

A. *Application and Program Information:* Persons who wish to receive the program announcement may request one by sending a self-addressed mailing label to the Research and Educatinal Practice (REP) Program on Dissemination and Improvement of Practice, STOP 24, National Institute of Education, Washington, D.C. 20208 (202-254-6050).

The program announcement includes the guidelines governing the program, eligibility and review criteria, evaluation and review processes, and instructions on how to apply. Persons who have previously requested that their names be placed on the mailing list for the program announcement will be sent copies of it as soon as possible.

This program is initially scheduled for a three-year period, but may be extended following a review of its activities through 1982. However, this competition covers only the initial year of the program in which a single review and funding cycle will be completed. Preliminary proposals are not required for this first review cycle. Only full proposals will be considered. In subsequent years, proposals will be reviewed, and awards announced twice annually. Funds will be set aside to support new work in both small and major grant categories and to continue support of satisfactorily conducted, previously approved multi-year projects without requiring the latter to recompete for funds.

This program will award major and small grants. A major grant may support a project whose direct costs exceed $15,000. A project supported by a major grant under this program may take several years to complete, with multi-year work to be funded in 12-month increments. However, initial funding for major grants will, in most cases, not exceed 12 months. Applications for major grants that propose a multi-year project must be supported by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and the budget estimates necessary to attain the objectives in any years subsequent to the first year of the project.

A small grant supports a project for a duration of up to 12 months whose direct costs do not exceed $15,000.

B. *Estimated Distribution of Program Funds:* Current estimates are that approximately $500,000 will be available in FY 1980 to fund projects under this program. However, only projects of the highest quality will be supported, whether or not the resources of the program are exhausted. Further, nothing in the program announcement should be construed as committing NIE to award any specific amount. Before the end of September 1980, we expect to announce the award of 6 major grants and 8 small grants, with the amounts of support averaging about $65,000 and $10,000, respectively, for each 12-month award. The total amount allocated to these grants may be increased or decreased by the Director of NIE, based on the merits of grants applications received.

C. *Applications Delivered by Mail:* Applications may be submitted at any time up to the deadline for the particular review cycle. For the current review cycle, the deadline date for submitting small grant applications and full proposals for major grants is May 13, 1980. Application packages will be accepted only by the Proposal Clearinghouse, Room 813, National Institute of Education, 1200 19th Street, NW, Washington, D.C. 20208. The use of certified mail for which a receipt can be obtained is strongly recommended for mailed application packages. The packages should be securely wrapped and in the lower left hand corner of the packages include the words Knowledge Use and School Improvement—Small

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Grant or Full Proposal. Applications will be accepted only if they are mailed on or before the closing date and the following proof of mailing is provided: a legible U.S. Postal Service dated postmark or a legible mail receipt with the date of mailing stamped by the U.S. Postal Service. Private metered postmarks or mail receipts will not be accepted without a legible date stamped by the U.S. Postal Service.

Note.—The U.S. Postal Service does not uniformly provide a dated postmark. Applicants should check with their local post office before relying on this method.

Each applicant whose application does not meet the deadline date described above will be notified that the late application will not be considered in the current competition, but will be held over for the consideration in the next one or returned at the applicant's request.

D. *Applications Delivered by Hand:* An application that is hand-delivered must be taken to the Proposal Clearinghouse, National Institute of Education, Room 813, 1200 19th Street, NW., Washington, D.C. the Proposal Clearinghouse will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications for new awards that are hand-delivered will not be accepted after 4:30 p.m. on May 13, 1980, for the current review cycle, but will be considered in the next round of the competition or returned at the applicant's request.

E. *Applicable Regulations:* The regulations applicable to this program include the Education Division General Administrative Regulations (EDGAR) and the proposed regulations for the Research Grants Program on Knowledge Use and School Improvement (the latter was published in the **Federal Register** on February 28, 1980, 41 FR 13135), both of which are expected to be published as final regulations by the time any awards will be made under this program.

(Catalog of Federal Domestic Assistance Number 13.950, Educational Research and Development)

Dated: March 11, 1980.

Michael Timpane,

Acting Director, National Institute of Education.

[FR Doc. 80-8046 Filed 3-14-80; 8:45 am]

BILLING CODE 4110-39-M

Office of Education

National Advisory Council on Women's Educational Programs; Meeting

AGENCY: Office of Education, National Advisory Council on Women's Educational Programs.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a forthcoming meeting of the National Advisory Council on Women's Educational Programs and its Executive, Federal Policies, Practices, and Programs, Civil Rights and WEEA Program Committees. It also describes the functions of the Council. Notice of the meeting is required pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). This document is intended to notify the general public of their opportunity to attend.

DATE: April 7, 1980, 7:30 p.m. to 9:30 p.m.; April 8, 8:30 a.m. to 5:00 p.m.; and April 9, 1980, 8:30 a.m. to 5:00 p.m.

ADDRESS: 1832 M Street, N.W., #821, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Kathleen M. Dauito, National Advisory Council on Women's Educational Programs, 1832 M Street, N.W., #821, Washington, D.C. 20036 (202) 653-5846.

The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 95-561. The Council is mandated to (a) advise the Secretary, Assistant Secretary, and the Commissioner on matters relating to equal education opportunities for women and policy matters relating to the administration of the Women's Educational Equity Act of 1978; (b) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to the Act including criteria developed to insure an appropriate geographical distribution of approved programs and projects throughout the Nation; (c) recommend criteria for the establishment of program priorities; (d) make such reports as the Council determines appropriate to the President and Congress on the activities of the Council; and (e) disseminate information concerning the activities of the Council.

The meeting of the Executive Committee will take place on April 7, 1980 from 7:30 to 9:30 p.m. The agenda will include plans for the Council meeting as well as internal personnel matters. From 9:00 p.m. to 9:30 p.m. the meeting will be closed to the public for the personnel matters. This portion of the meeting will touch upon matters which would constitute a serious invasion of privacy if conducted in an open session. Such matters are protected by exemptions (2) and (6) of Section 552b(c), Title V, U.S.C. The 9:00 p.m. to 9:30 p.m. session will therefore be closed to the public as provided in Section 10(d) of the Federal Advisory Committee Act.

The meeting of the Federal Policies, Practices, and Programs Committee, the Civil Rights Committee, and the WEEA Program Committee will take place on April 8, 1980 from 8:30 a.m. to 3:00 p.m.

The agenda for the Federal Policies, Practices, and Programs Committee will include a review of the status of pending legislation on higher education and on youth employment and education, review of the progress of the study of implementation of the sex equity provisions in vocational education programs, and a consideration of actions for responding to recommendations received at three recent Council public hearings on educational needs of women.

The agenda for the Civil Rights Committee will include discussion of matters concerning the implementation of Title IX, 1972 Education Amendments, and other non-discrimination initiatives.

The agenda for the Program Committee will include plans for future site visits to WEEA projects and a status report on WEEAP regulation and grant activities for FY 1980.

The meeting of the National Advisory Council on Women's Educational Programs will take place from 3:00 p.m. to 5:00 p.m. on April 8, and from 8:30 a.m. to 5:00 p.m. on April 9, 1980. The agenda will include reports of the Executive Director and the Women's Educational Equity Act Program; recommendation of the Council's standing Committees; and a presentation of WEEA products by the Educational Development Center.

The meetings of the Council will be open to the public except for the 9:00 p.m. to 9:30 p.m. session of the Executive Committee on April 7. Records will be kept of the proceedings and will be available for public inspection. A summary of the activities of the closed session which are informative to the public consistent with the policy of Title V, U.S.C. 552b(c) will be available to the public within fourteen days of the April 7 closed session.

Signed at Washington, D.C., on March 11, 1980.

Joy R. Simonson,

Executive Director.

[FR Doc. 80-8072 Filed 3-14-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Administration

[Docket No. N-80-984]

Annual Review of National Mobile Home Advisory Council; Invitation for Public Comment

AGENCY: Department of Housing and Urban Development.

ACTION: Notice Requesting Public Comment.

SUMMARY: The National Mobile Home Advisory Council is annually reviewed in accordance with the Federal Advisory Committee Act, Pub. L. 92-463, to evaluate its functions and effectiveness. As part of the review process, public comment is invited, in accordance with Office of Management and Budget Circular A-63, and will be considered in the formulation of HUD's final recommendations. As part of the review process, HUD's Office of Mobile Home Standards has prepared a report on the council's performance and is recommending that the council be continued as a unique, valuable and cost-effective source of information and advice. This report appears below in the Supplementary Information section of this Notice.

DATE: Comment due April 15, 1980.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451—7th Street, SW., Washington, D.C. 20410.

FOR ADDITIONAL INFORMATION CONTACT: Norma Austin, Office of Organization and Management Information, (202) 755-5202 (Not a toll free number).

SUPPLEMENTARY INFORMATION: The recommendations in HUD's annual review are based on considerations of the following factors:

(1) The number of times the council has met in the past year and the relevance of that number to its continuation.

(2) The number of reports submitted by the council in the past year.

(3) A description of how the council's report, recommendations, or advice have been used in HUD policy formulation, program planning, decision-making, achieving economies, etc.

(4) An explanation of why the recommendation or information cannot be obtained from other sources, elsewhere within HUD, from other agencies or existing committees, public hearings, consultants, etc.

(5) An explanation of any degree of duplication of functions, purpose, etc., with other committees, or within HUD, or with other agencies.

(6) The relationship of the cost of the council to the reports, recommendations, or information provided.

(7) The functions to be performed by the Council.

(8) The points of view to be represented, *specifically* how the membership is balanced—the views, areas of expertise, etc.,

The text of the Department's report follows:

Department of Housing and Urban Development, Office of Mobile Home Standards, National Mobile Home Advisory Council

Review

(1) The Advisory Council had two meetings in full session during 1979, in accordance with provisions of the Council Charter, which permits a maximum of two meetings per year. This meeting level is deemed both adequate and optimum to deal with the major issues expected to be considered by the Council. However, the Council was established to meet "as required" rather than on a prescribed schedule.

(2) In 1979, the Council submitted approximately 15 reports to the Department.

(3) The Advisory Council made recommendations to HUD on issues involving the Federal Mobile Home Standards Program as well as on its operations as an advisory committee. Examples of such recommendations are set forth below:

A. The Council recommended that its term be extended one year in order to maintain the continuity of the review of research as it relates to proposed changes in the Federal Mobile Home Standards. As a result of this recommendation, the Secretary approved an extension to August 21, 1981.

B. The Council, as presently constituted, has been deeply involved in the ongoing research activities that will lead to changes in the Federal standards, and has been presented with an analysis of the comments received in response to the Advance Notice of Proposed Rulemaking on revisions to the Federal Mobile Home Construction and Safety Standards. As a result of discussions held with the Council, additional information will be evaluated by the mobile home standards' staff to assure that any changes incorporated into the standards, on an interim basis, will cause minimal disruption for all affected parties.

C. The Council recommended that the Department continue to research and study the indoor air quality (formaldehyde) question and report the results of that study to the Council for subsequent evaluation.

(4) The Department seeks diverse views on issues affecting the mobile home program. Alternative sources are not available within HUD and there are no other committees or agencies dealing with the same subject matter. Public hearings are an interesting possibility but do not provide for a continuing consensus of informed advice which is a strong feature of the advisory council. Also, since committee members are compensated for their time and travel expenses, we are able to obtain opinions and advice from persons who might not be able to attend a public hearing for economic reasons. Additionally, the public hearing does not provide the basis for balanced representation or follow through on recommendations which is inherent in an advisory council. Consultants offer considerable expertise within their speciality, but this alternative fails to provide balanced representation, particularly from the consumer segment.

(5) There is no duplication or overlap of function.

(6) The cost of the National Mobile Home Advisory Council is relatively insignificant when compared to its value to the Department in generating nationally representative recommendations, reports, and other information on the Federal Mobile Home Standards.

(7) The enacting legislation and the Council Charter require a balanced membership on the Council. Eight members are selected from among consumer organizations, community organizations and recognized consumer leaders; eight members are selected from the mobile home industry and related groups including at least one representative of small business; and eight members are selected from government agencies including State and local governments. Additionally, membership is weighed geographically according to the size of the industry and the number of mobile homes in each region. The government segment of the membership consists of non-Federal government employees.

The public is invited to comment on these or any other relevant factors for consideration in the final recommendations.

Issued at Washington, D.C., March 13, 1980.
(Sec. 605, National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.))

Vincent J. Hearing,

Acting Assistant Secretary for Administration.

[FR Doc. 80-8258 Filed 3-14-80; 8:45 am]

BILLING CODE 4210-01-M

Office of Environmental Quality

[Docket No. NI-12]

Intended Environmental Impact Statements for Certain Housing Projects

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: Evergreen Park Housing Development, Fort Collins, Colorado; Park Meadows Subdivision, Tulare, California; Cheyenne Mountain Ranch, Master Plan, Cheyenne, Wyoming; The Fairfield Addition, Arlington, Tarrant

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County, Texas; Colby Lake Planned Development, Woodbury, Minnesota, and the Cascade Sewer Trunkline, Redding, California. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Issued at Washington, D.C., March 7, 1980.

Richard H. Broun,

Director, Office of Environmental Quality.

Appendix

EIS on Evergreen Park Housing Development, Fort Collins, Colorado

The HUD Area Office in Denver, Colorado intends to prepare an EIS on Evergreen Park, described below, and requests information and comments for consideration in the EIS.

Description. Approximately 1250 dwelling units (Multi-family) will be constructed in north Fort Collins, Colorado. Construction will include streets and water and sewerage facilities.

Need. An EIS is required because the total number of dwelling units exceeds a HUD-established threshold.

Alternatives. The alternatives are HUD participation in the development as proposed by the builder, participation in the development provided that HUD-required modifications are implemented by the builder, or reject participation in the development.

Scoping. A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Fort Collins, Colorado.

Comments. Comments should be forwarded on or before April 7, 1980, to: HUD, Region VIII, Attention: Carroll F. Goodwin, Area Office Environmental Clearance Officer, 1404 Curtis Street, Executive Tower Inn, Denver, Colorado 80202.

Appendix

EIS on Fairfield Addition, Arlington, Tarrant County, Texas

The Dallas Area Office of the Department of Housing and Urban Development intends to prepare an Environmental Impact Statement for a proposed subdivision to be known as Fairfield Addition, located in Arlington, Tarrant County, Texas. The purpose of this Notice is to solicit comments and recommendations from all interested persons, local, state and Federal agencies regarding the issues to be addressed in depth in the Environmental Impact Statement.

Description. The Crow Development Company, Dallas, Texas, proposes to develop a tract comprised of 501.23 acres of land which is located east of Matlock Road and south of Interstate Highway 20 and within the city limits of the City of Arlington, Texas. The developer proposes a residential housing development which will consist of approximately 1,473 single family residences. When fully developed, it is anticipated the development will accommodate a population of approximately 5,150 persons. The developer has requested an early start on 199 lots.

Need. Due to the size and scope of the total proposed project the Dallas Area Office has determined that an environmental impact statement will be prepared pursuant to Pub. L. 91–190, the National Environmental Policy Act of 1969.

Alternatives. The alternatives available to the Department are (1) find the project acceptable for mortgage insurance as submitted, (2) find the project acceptable for mortgage insurance with modifications, or (3) reject the project.

Scoping. No formal scoping meeting is anticipated for this project. This Notice is part of the process used for scoping the environmental impact statement. Any response to this Notice will be used to help (1) determine significant environmental issues and (2) identify data which the EIS should address.

Contact. Comments should be sent on or before April 7, 1980, to I. J. Ramsbottom, Environmental Officer, Dallas Area Office, Department of Housing and Urban Development, 2001 Bryan Tower, Dallas, Texas 75201. The commercial telephone number of this office is 214–767–8347 and the FTS number is 729–8347.

Appendix

EIS on Colby Lake Planned Development, Woodbury, Minnesota

The HUD Area Office in Minneapolis, Minnesota intends to prepare an EIS on the project described below and solicits information and comments for consideration in the EIS.

Discription. The proposal calls for the phased construction of a maximum of 8926 residential units in Woodbury (Washington County) Minnesota by Orrin Thompson Construction Corporation (Division of U.S. Homes) and Minnesota Mutual Life Insurance Company. The Project is expected to begin in March, 1980. Construction will include all necessary streets, water and sewerage facilities and provide appropriate open space and recreation areas. The site is located South of Valley Creek Road, North of Bailey Road, and bounded along the west by Pioneer Drive with the eastern boundary parallel with Woodbury Drive. Total project area is 2,285 acreas. The developer has requested an early start on this project pursuant to HUD regulations which permit approval of a first segment of a large scale project which is found to be financially and functionally separate and meets specific criteria.

Need. An EIS is proposed due to HUD threshold requirements in accordance with housing program environmental regulations and probable impact on: water resources, energy, transporation systems and community services.

Alternatives perceived. At this time the HUD alternatives include: no project, accept project as proposed, accept project with conditions, or modification of project.

Scoping. A scoping meeting to determine significant issues to be addressed will be held at 9:00 a.m. on Tuesday, April 15, 1980, in the Fort Snelling Federal Building, Fort Snelling (St. Paul) Minnesota. Additional information regarding the project will be sent to interested agencies in advance of the meeting.

Comments. Comments regarding this proposal should be sent on or before April 7, 1980, to: Thomas T. Feeney, Area Manager, Attention: William Middleton, Environmental Clearance Officer, HUD Area Office, 6400 France Avenue South, Minneapolis, Minnesota 55435 (or call (612) 725–4724)

Appendix

EIS on Park Meadows Subdivision Proposal, Tulare, California

The San Francisco Area Office of the U.S. Department of Housing and Urban Development proposes to publish and distribute a Draft EIS in the summer of 1980 on the project described below and solicits information and comments for consideration in the EIS. This EIS will be developed pursuant to 24 CFR Part 50.

Discription. This is a proposal to develop 599 dwelling units on a 110 acre parcel in the southwest part of the City of Tulare, California. The parcel has frontage of one-fourth mile along the south side of Bardsley Avenue at "E" Street and extends southerly approximately three-fourths of a mile. It is one-fourth mile east of Pratt Avenue and borders the Tulare High School Farm on its westerly side.

The project will consist of approximately 265 single family homes and 334 duplex and apartment units, 8 acres of parks and meandering walkways, and a 3 acre commercial site. Development will be in 6 phases and take 4 years to complete. The first phase of 200 lots will start in March, 1980 under a special Early Start approval granted by HUD.

The sponsor has requested HUD analysis under Section 203b of the Mortgage Insurance Program in order to make HUD mortgage insurance available to eligible home buyers. Some of the apartments will be constructed under the Farmers Home Administration (FmHA) Section 515 of the Rural Housing Act. The project has been approved by the City of Tulare.

Need. An EIS is required on this proposal because the proposed number of units exceeds the allowable threshold under which a project can be approved without an EIS.

Alternatives perceived. At this time, known HUD alternatives are (1) to approve the project for insurability, (2) to approve the project partially for insurability, or (3) to disapprove the project.

Scoping. This notice is part of the process for scoping the EIS. Accordingly you are invited to submit a list of the significant issues which you or your agency believes should be analyzed in depth in this EIS. If any of the significant issues listed by you or your agency involve an area of expertise not generally known to be part of HUD's interdisciplinary capability, your assistance may be requested in preparing the environmental analysis in accordance with 40 CFR 1501.6. Please submit the name, address and telephone number of the designated person whom we may contact, if necessary, concerning the issue or the need for assistance. HUD also requests your assistance in providing, on permanent or loan basis, any documents pertaining to issues you may have listed, or in identifying any individual or agency (with address and telephone number) able to provide information concerning the issues.

Comments. Please submit the requested information on or before April 7, 1980, and direct any questions about the proposed action and the Environmental Impact Statement to: Edward Handschin, EIS Manager (415) 556–6642, HUD Area Office, 16th Floor, 1 Embarcadero Center, San Francisco, California 94111.

Appendix

EIS on Master Plan for Cheyenne Mountain Ranch; Cheyenne, Wyoming

Notice is hereby given that the Denver Area Office of the U.S. Department of Housing and Urban Development is preparing an Environmental Impact Statement (EIS) on the master plan described below.

Description. The master plan for Cheyenne Mountain Ranch will consist of approximately 10,025 units on 2827.9 acres. The initial project, Cheyenne Meadows Filing No. 3 and 4 within the master plan, will consist of 250 units on 87 plus acres. The project is located at East Meadows Drive and Cheyenne Meadows Road. Anticipated publication date of the draft EIS for public comment is April, 1980. The developer has requested early start of 199 units pursuant to HUD regulations which permit approval of a first segment of a large scale project which is found to be financially and functionally separate and meets specific criteria.

Need. The number of units exceeds the threshold established pursuant to HUD Handbook 24 CFR, Part 50, dated November 27, 1979. HUD anticipates approval of construction of 199 housing units of the proposed 250 units in Cheyenne Meadows Filing No. 3 and 4 not less than 15 days from the first printing of this notice.

Scoping. A Scoping meeting will not be held. All comments will be considered for inclusion in the Draft Environmental Impact Statement.

Comments. All interested parties are invited to comment on the envionmental impacts of the Cheyenne Mountain Ranch master plan by addressing their comments to: Mr. Carroll F. Goodwin, Environmental Clearance Officer, HUD Area Office, 1405 Curtis Street—Executive Towers Inn, Denver, Colorado 80202. Comments should be in writing, be specific, and submitted not more than 21 days after the first printing of this notice in the **Federal Register**. (April. 7, 1980).

Appendix

EIS on Cascade Sewer Trunkline, Redding, California

The City of Redding, as Community Development Block Grant recipient, intends to prepare an Environmental Impact Statement (EIS) on the project described below and solicits comments and information for consideration in the EIS.

Description. The project involves the construction of two major sewer trunk lines located in the southern region of Redding in Shasta County. The first would connect into the existing line at Westside Road and extend 1,000 feet south to Kenyon Drive and 70 feet west on Kenyon Drive with a 15-inch diameter line. The Second sewer line would connect into the existing line along South Bonnyview Road, run under the Southern Pacific Railroad Tracks and Highway 273, extend along Cedar Road and end at Branstetter Lane. The trunk line extension will have the capacity to accommodate 2,600 household equivalents, which will permit the creation of parcels with less than one-half acre.

At present there are no public sewers in South Redding, except for an 18-inch collector and a 42-inch interceptor pipeline. Sewage tretment and disposal are accomplished by individual spetic tanks and drain fields, thus requiring larger lots per household. It has been determined by county health officials that poor drainage and a high groundwater table, along with an increasing population density, have led to spetic tank failures. Due to poorly- or nonfunctioning septic systems, sewage has collected around valves and pipelines and in some areas is lying on the surface of the ground. This causes potential health hazards for the residents of the Redding-Cascade neighborhood. completion of the Cascade sewer trunkline will make it possible for the formation of sewer assessment districts, which in turn will remedy the existing potential health hazard.

Project construction is estimated to take three to five months to complete, with a project completion date of June, 1981.

Need. Redding is located in Shasta County, which is classified by HUD as an SMSA County (pop. 110,000). The household equivalent capacity of the proposed sewer line is 2,600 (H.H.E.). This exceeds the "automatic threshold limit" of 700 units established by HUD in § 58.25, Part III of the Federal Register, thus requiring the preparation of an Environmental Impact Statement.

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Alternatives. The no-project alternative would increase the number of septic tank failures, and result in the State Health Department declaring a moritorium on building activity and the closure of non-functioning septic tank systems. Another alternative would be to require the replacement of existing failing septic tank systems and to require larger parcel sizes for new septic tank systems. The third alternative relates to two different routes for the sewer trunk line.

Scoping. The City of Redding does not intend to hold a scoping meeting unless one is requested by any affected agency. Significant issues and selected data will be incorporated into the EIS through written response by affected agencies.

Comments. Comments should be forwarded on or before April 7, 1980, to Jim King, 760 Parkview Avenue, Redding, California (916) 246–1151.

[FR Doc. 80–8058 Filed 3–14–80; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–16670]

Alaska Native Claims Selection

On February 17, 1978, Cook Inlet Region, Inc., filed an application for title to oil, gas and coal pursuant to Sec. 12(b)(2) of the act of January 2, 1976, 89 Stat. 1145, 1151; 43 U.S.C. 1601, 1611(e) (1976), and Sec. I.B.(2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified on August 31, 1976, 90 Stat. 1935. Section 12(b)(2) of the act of January 2, 1976, authorizes conveyance to Cook Inlet Region, Inc., of title to oil, gas and coal within certain lands in the Kenai National Moose Range.

Section 12(a)(1) of the Alaska Native Claims Settlement Act (85 Stat. 688, 701; 43 U.S.C. 1601, 1611) (ANCSA), provides that when a village corporation selects the surface estate to lands within the National Wildlife Refuge System, the Regional Corporation for that region may select the subsurface estate in an equal acreage from other lands withdrawn by subsection 11(a) within the region. Section I.B.(2) of the Terms and Conditions further provides that to the extent that Cook Inlet Region, Inc., is or becomes entitled to subsurface rights as a result of valid Sec. 12(a) of ANCSA selections by village corporations within the Kenai National Moose Range, Cook Inlet Region, Inc. shall take in lieu thereof an equal acreage of the subsurface estate to oil, gas and coal in certain lands including those described in Appendix B–2 of the Terms and Conditions.

To date, the surface estate of 32,936 acres in the Kenai National Moose Range has been conveyed to the Tyonek Native Corporation; therefore, Cook Inlet Region, Inc. has a current in-lieu subsurface entitlement of 32,936 acres. The selection application of Cook Inlet Region, Inc., as to the lands described below is properly filed and meets the requirements of the act. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the subsurface estate of the oil, gas and coal in the following described lands as described in Appendix B–2 of the Terms and Conditions, aggregating approximately 32,936 acres, is considered proper for acquisition by Cook Inlet Region, Inc., and is hereby approved for conveyance pursuant to Sec. 12(b)(2) of the act of January 2, 1976, *supra*, and the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area:

Seward Meridian, Alaska (Surveyed)

T. 4 N., R. 11 W., Seward Meridian, Alaska
Sec. 25, E½, E½W½.
Containing approximately 480 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 4 N., R. 10 W., Seward Meridian, Alaska
Secs. 13 to 36, inclusive, all.
Containing approximately 15,226.00 acres.
T. 6 N., R. 9 W., Seward Meridian, Alaska
Secs. 1 to 17, inclusive, all; Sec. 20, all;
Secs. 22 to 29, inclusive, all;
Sec. 34, N½, SW¼, W½SE¼, W½SE¼SE¼, NE¼SE¼SE¼, NE¼SE¼.
Containing approximately 17,232.00 acres.

Conveyance of the subsurface estate of the coal, oil and gas of the lands described above shall contain the following reservation to the United States:

All other minerals including but not limited to common varieties of minerals.

The grant of the above described estate shall be subject to: 1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 714; 43 U.S.C. 1601, 1621(g)), that the above described lands which were withdrawn by Public Land Order No. 3400, on May 22, 1964, and are now a part of the Kenai National Moose Range, remain subject to the laws and regulations governing use and development of such Refuge;

4. The provisions of Sec. I.B.(1) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area; namely the covenants that: The right to extract coal shall be conditioned upon the opening by the Secretary for the extraction of coal of that portion of the Range in which these lands are located: *And provided further,* That coal shall only be extracted in a liquid or gaseous state; all activities related to the extraction of oil, gas and coal which affect the surface of the Kenai National Moose Range shall be conducted in accordance with a surface use plan approved by the Secretary. Such extraction shall be undertaken in accordance with the most advanced technology commercially available at that time and causing the least practicable temporary and permanent harm to the fish and wildfish habitats of the Range; and any surface damage caused by the exercise of the rights herein must be repaired or reclaimed by Cook Inlet Region, Inc., its successors and assigns, as rapidly as practicable without unreasonable interference with the rights of extraction.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Times. Any party claiming a porperty interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until April 16, 1980, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is:

Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509.

Judith Kammins Albietz,

Chief, Division of ANCSA Operations.

[FR Doc. 80–8047 Filed 3–14–80; 8:45 am]

BILLING CODE 4310–84–M

District Managers, Resource Area Managers, California; Redelegation of Authority by State Director

Pursuant to the authority contained in Section 1.1 of B.L.M. Order 701, dated July 23, 1964, as amended, authority is hereby delegated to California District Managers to take all listed action on: Section 3.9 Land Use.

(g) Material other than forest products not exceeding $10,000 and in accordance with 43 CFR, Part 3610.

The District Manager may recommend to the State Director that further redelegation to Resource Area Managers be obtained in accordance with Section 1.1.

This order will become effective March 17, 1980.

James B. Ruch,

State Director.

[FR Doc. 80–8078 Filed 3–14–80; 8:45 am]

BILLING CODE 4310–84–M

INTERNATIONAL COMMUNICATION AGENCY

[Delegation Order No. 79–2]

Delegation of Authority to the Associate Director for Programs

Pursuant to the authority vested in me as Director of the International Communication Agency by Reorganization Plan No. 2 of 1977, and by Executive Order 12048 of March 27, 1978, there is hereby delegated to the Associate Director for Programs the following described authority which heretofore had been vested in the Associate Director for Educational and Cultural Affairs.

16. The authority to direct cultural presentations.

Delegation Orders No. 78–2 and 78–3 (44 F.R. No. 65, April 4, 1978) are hereby amended accordingly.

This Order is effective as of publication.

Dated: March 12, 1980.

John E. Reinhardt,

Director, International Communication Agency.

[FR Doc. 80–8030 Filed 3–14–80; 8:45 am]

BILLING CODE 8230–01–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: March 11, 1980.

In our decisions of February 26, and March 4, 1980, a 13-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

Although the weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 13.2 percent, we are authorizing that the 13-percent surcharge remain in effect. All owner-operators are to receive compensation at the 13-percent level. At the same time, a 2.3-percent surcharge is authorized on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, and a 4.9-percent surcharge is authorized for bus carriers. No change will be made in the existing authorization of a 1.3-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivery a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday, 12:01 a.m., March 14, 1980.

By the Commission Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis. Commissioner Trantum absent and not participating in the disposition of this proceeding.

Agatha L. Mergenovich,

Secretary.

Appendix—*Fuel Surcharge*

Base Date and Price Per Gallon (Including Tax)

January 1, 1979 ..... 63.5¢

Date of Current Price Measurement and Price Per Gallon (Including Tax)

March 10, 1980 ..... 113.1¢

Average Percent: Fuel Expenses (Including Taxes) of Total Revenue

(1)	(2)	(3)	(4)
From transportation performed by owner-operators.	Other.	Bus carriers ...	UPS
(Apply to all truckload rated traffic.	(Including less-than-truckload traffic.		
16.9%	2.9% .	6.3%	3.3%

Percent Surcharge Developed

13.2%	2.3% .	4.9%	[1] 2.1%

Percent Surcharge Allowed

13.0%	2.3% .	4.9%	[2] 1.3%

[1] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to the UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

[2] The developed surcharge figure is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 80–8084 Filed 3–14–80; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29277]

Escanaba & Lake Superior Railroad Co.—Acquisition and Operation of a Line of Railroad from Ontonagon to Iron Mountain, Mich.

Escanaba & Lake Superior Railroad Company, Wells, MI 49894, represented by Felhaber, Larson, Fenlon & Vogt, P.A., West 1080 First National Bank Building, St. Paul, MN 55101, hereby gives notice that on the 7th day of March, 1980, it filed with the Interstate Commerce Commission at Washington, DC, an application pursuant to 49 U.S.C. 11343(a)(2) and Section 5(b)(2) of the Milwaukee Railroad Restructing Act, for authority to purchase and operate from the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) a line of railroad from milepost 290.6 in the City of Iron Mountain, MI, to milepost 315.8 at Channing, MI (being the Escanaba & Lake Superior junction at Channing), and from milepost 315.3 at Channing, MI, to milepost 407.9 in Ontonagon, MI, together with all fixtures attached thereto, consisting of approximately 117.3 miles of right-of-way and approximately 1,534 acres of land.

This application is in furtherance of a report issued by the Commission on February 26, 1980, in docket No. AB–7 (Sub-No. 85) *Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific*

Railroad Company, Debtor-Abandonment Between Green Bay, WI, and Ontonagon, MI, that recommended to the MILW's Bankruptcy Court that the line should be sold to a financially responsible person.

The proposed transaction will improve the financial viability of applicant, substantially increase its markets, and ensure the continuation of rail service for those shippers on subject line. Specifically, applicant currently operates 66.00 miles of main and branch lines, from milepost 0.00 at Wells, MI, to the end of the main line at Channing, MI, a distance of 64.00 miles, as well as the Escanaba branch beginning at milepost 1.50 on the main line and extending for 4.00 miles to Escanaba, MI. Applicant is a short line carrier and derives a major portion of its revenue by a division of through rates for traffic which originates or terminates on other railroads. There are a few, if any, potential new customers for the applicant to solicit on its current line, and the present shippers cannot increase their shipments by any appreciable amount of substantially increase applicant's revenue.

In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4) *Implementation—National Environmental Policy Act, 1969,* 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra,* at p. 487.

The Commission has adopted the following Special Rules of Procedure for this proceeding:

Pursuant to 49 CFR 1111.29(c), verified comments supporting or opposing the application shall be filed no later than April 14, 1980. The Secretary of Transportation and Attorney General of the United States may file comments no later than April 23, 1980. The applicant's verified replies to comments shall be filed by May 23, 1980.

Decided: March 12, 1980.

By the Commission, Gary J. Edles, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8085 Filed 3-14-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-No. 47)]

Illinois Central Gulf Railroad Co.—Abandonment Between Milepost 0.0 at Cherokee, Iowa, and Milepost 96.47 at Sioux Falls, S. Dak., in Cherokee, O'Brien, Sioux, and Lyon Counties, Iowa, Rock County, Minn., and Minnehaha County, S. Dak.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided August 24, 1979, a finding, which is administratively final, was made by the Commission, Division 1, stating that the present and future public convenience and necessity permits (1) Abandonment by the Illinois Central Gulf Railroad Company of its Sioux Falls District line of railroad extending between milepost 0.0 at Cherokee, IA, and milepost 96.47 at Sioux Falls, SD, in Cherokee, O'Brien, Sioux, and Lyon Counties, IA, Rock County, MN, and Minnehaha County, SD, subject to the conditions for the protection of employees set forth in *Oregon Short Line R. Co.-Abandonment Goshen,* 360 I.C.C. 91 (1979), and (2) Any certificate of abandonment issued by virtue of the authorization stated in paragraph (1) shall include and be subject to the following conditions: (a) the ICG shall notify the Iowa Historical Society at least 30 days prior to undertaking efforts to salvage track located in the vicinity of the Bastian Archeological site to allow the society to secure the services of a trained archeologist to monitor the salvage operations; (b) the ICG shall not sell, lease, exchange, or otherwise dispose of the right-of-way underlying the track located in the Bastian Archeological site, including all bridges and culverts, for a period of 120 days from August 24, 1979, unless this property is first offered, upon reasonable terms, to public authorities or other responsible persons interested in acquiring the property for public use; (c) the ICG shall include in any contract for sale of those portions of its right-of-way within which the Bastian Archeological site is located, a provision requiring the purchaser to notify the Iowa Historical Society of their plans for the property; (d) the ICG shall maintain the Sioux Falls passenger depot for a period of time not to exceed 180 days from the date of issuance of the certificate. During this time it shall take reasonable steps to prevent significant alteration or deterioration of the station and afford to any public agency or private organization wishing to acquire the station for public use the right of first refusal for its acquisition; (e) in the event that the ICG plans to demolish the Sioux Falls depot or sell it for a use which would adversely affect its historic qualities, it must document the building in accordance with the standards of the Historic American Buildings Survey. The extent and nature of such documentation is to be developed in consultation with the Historic American Buildings Survey. Copies of the documentation are to be provided to the Historic American Buildings Survey and the South Dakota State Historic Preservation Officer for inclusion in their respective archival collections; and (f) the ICG shall notify the South Dakota Department of Educational and Cultural Affairs, Historical Preservation Center (HPC), of its plans for the Sioux Falls depot. If the ICG sells the property, it shall include in its contract of sale a provision requiring the purchaser to notify the HPC of its plans for the structure. The purpose of this condition is to provide HPC with notice of any proposed plans. It does not subject any proposed plan to approval by HPC. A certificate of abandonment will be issued to the Illinois Central Gulf Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice (April 16, 1980), unless within 30 days from the date of publication, the Commission further funds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds,the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8086 Filed 3-14-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-No. 28)]

Illinois Central Gulf Railroad Co.—Abandonment Between Freeport, Ill., and Madison, Wis.; Findings

Notice is given pursuant to 49 U.S.C. 10903 that by a decision decided November 14, 1979, a finding, which is administratively final, was made by the Commission, Division 2, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line Railroad Co. Abandonment Goshen,* 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit abandonment by the Illinois Central Gulf Railroad Company of its line of railroad beginning at milepost 2.50 near Freeport, Ill., and extending to milepost 61.37 at Madison, Ill., a distance of 58.87 miles in Stephenson County, Ill., and Green and Dane Counties, Wis., provided that the applicant shall not sell, lease, exchange, or otherwise dispose of the right-of-way underlying the track, nor remove any of the railroad structure, except rails and ties, for a period of 180 days from November 14, 1979, unless it has first offered the property, upon reasonable terms, to responsible persons interested in acquiring the property for public use. A certificate of abandonment will be issued to the Illinois Central Gulf Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice (April 16, 1980) unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8087 Filed 3-14-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-No. 43)][1]

Illinois Central Gulf Railroad Co.—Abandonment Between Herscher and Barnes in Kankakee, Ford, Livingston, and McLean Counties, Ill; Findings

Notice is hereby given pursuan to 49 U.S.C. 10903 that by a decision decided October 4, 1979, the Commission, Division 1, stated that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line Railforad Co.-Abandonment Goshen,* 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Illinois Central Gulf Railroad Company of the line of railroad extending from milepost 72 near Herscher, IL, to milepost 135 near Barnes, IL, a distance of 63 miles in Kankakee, Ford, Livingston, and McLean Counties, IL.

A certificate of abandonment will not be issued to the Illinois Central Gulf Railroad Company based on the above-described finding of abandonment until final determination of the proceeding by the Commission. During the interim, however, the proceeding specified in 10905 will otherwise be followed. Thus, the Commission will be in a position to issue a certificate of abandonment 30 days after publication of this notice (April 16, 1980) unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect.

However, as previously indicated no such certificate will be issued until the pending petition for administrative review has been finally resolved. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as

[1] This proceeding is pending on a petiiton for administrative review before the Commission.

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well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8086 Filed 3-14-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-103 (Sub-No. 4F)]

Kansas City Southern Railway Co., Abandonment in Jackson County, Mo.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided January 18, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Oregon Short Line Railroad Co.-Abandonment Goshen, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Kansas City Southern Railway Company of a portion of a line of railroad known as the Independence Airline Branch, extending from railroad milepost 8E+1874.3 to railroad milepost 9E+1896.5, a distance of approximately one mile, in Jackson County, MO. A certificate of abandonment will be issued to the Kansas City Southern Railway Company based on the above-described finding of abandonment, 30 days after publication of this notice (April 16, 1980), unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8090 Filed 3-14-80; 8:45 am]

BILLING CODE 7035-01-M

Released Rates Application

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rates Application No. FF-451.

SUMMARY: Household Goods Carriers' Bureau, for and on behalf of Interstate International, Inc., seeks authority to publish released value rates between points in Maryland, Virginia and Washington, DC, on the one hand and points in the United States (excluding Alaska and Hawaii) on the other hand, with some restrictions, on used household goods tendered for transportation in freight forwarder service. The new rates will be based on increments of volume, as opposed to weight and will encompass three levels of service as well as three different levels of carrier liability.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. Kenneth Morrissette, President, Interstate International, Inc., 5801 Rolling Road, Springfield, VA 22152.

FOR FURTHER INFORMATION CONTACT: Mr. Harold Ward, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, telephone: (202) 275-7447.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 U.S.C. 10730, formerly Sections 20(11) and 413 of the Interstate Commerce Act, to publish released value rates based on volume, in the tariffs of Interstate International, Inc.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8083 Filed 3-14-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-12 (Sub-No. 53] [1]

Southern Pacific Transportation Co.-Abandonment Between Bonita Junction and Seagoville in Nacogdoches, Rusk, Cherokee, Anderson, Kaufman and Dallas Counties, Tex.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided October 12, 1979, the Commission, Division 2, stated that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line Railroad Co.-Abandonment Goshen*, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Company of the Jacksonville Branch extending from milepost 154.56 near Bonita Junction to milepost 203.43 near Jacksonville, except between milepost 200.30 and milepost 202.70, and the Athens Branch extending from milepost 203.43 to milepost 298.70, except between milepost 240.66 and milepost 256.52, provided that prior to effecting abandonment of any portion of the line mentioned above, SP will obtain the necessary approval from the Commission and will implement agreements whereby the St. Louis Southwestern Railway Company of Texas will purchase the certain portions of the line mentioned above, *provided* that the applicant shall not sell, lease, exchange, or otherwise dispose of the right-of-way underlying the track, nor remove any of the railroad structure, except rails and ties, for a period of 180 days from October 12, 1979, unless it has first offered the property, upon reasonable terms, to responsible persons interested in acquiring the property for public use.

A certificate of abandonment will not be issued to the Southern Pacific Transportation Company based on the above-described finding of abandonment until final determination of the proceeding by the Commission. During the interim, however, the proceeding specified in 10905 will otherwise be followed. Thus, the Commission will be in a position to issue a certifcate of abandonment 30 days after publication of this notice (April 16, 1980), unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any protion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect.

However, as previously indicated no such certificate will be issued until the pending petition for administrative review has been finally resolved. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8089 Filed 3-14-80; 8:45 am]

BILLING CODE 7035-01-M

[1] This proceeding is pending on a petition for administrative review before the Commission.

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

[Notice No. F-9]

The following applications were filed in Region 1.

Send protests to: Complaint/Authority Center, I.C.C., 150 Causeway Street, Room 501, Boston, MA 02114.

MC 59640 (Sub-1-1TA), filed March 5, 1980. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, New Jersey 07016. Applicant's representative: Michael A. Beam, 301 Blair Road, Woodbridge, New Jersey 07095. *Contract carrier,* irregular routes: *Pet foods and foodstuffs* between Jersey City, NJ, on the one hand, and, on the other, Canton, Norwood, Palmer, Springfield and Worcester, MA, and Henrietta and Rochester, NY. Restricted to traffic originating at or destined to facilities of Ralston-Purina Company, for the account of Ralston-Purina Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston-Purina Company, Checkerboard Square, St. Louis, MO.

MC 124151 (Sub-1-1TA), filed March 4, 1980. Applicant: VANGUARD TRANSPORTATION, INC., Lafayette Street, Carteret, NJ 07008. Representative: Dwight L. Koerber, Jr., Suite 805, 666 Eleventh St., N.W., Washington, D.C. 20001. (1) *Liquid chemicals and petroleum products* (in bulk, in tank vehicles), from points in Bergen, Essex, Hudson, Middlesex and Union Counties, NJ to points in CT, DE, MA, MD, NY, NJ, RI, and PA; and (2) *silver slurry,* in bulk, in tank vehicles, from Bingham, NY to Linden, NJ. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 10 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, Massachusetts.

MC 148632 (Sub-1-1), filed March 4, 1980. Applicant: DIXON LEASING CO., INC., A Corporation, 2620 Old Egg Harbor Road, Lindenwold, NJ 08021. Applicant's representative: Robert B. Einhorn, Esquire, 3220 P.S.F.S. Building, 12 South 12th Street, Philadelphia, PA 19107. *Heating pipe, duct and fittings* as described in Item #51740 of the National Motor Freight Classification; from Philadelphia, PA, Medina, NY, Lithonia, GA, to all points east of the Mississippi River and all points in the State of TX. For 180 days. Supporting shipper: Acme Manfacturing, 7500 State Road, Philadelphia, PA 19136.

MC 141932 (Sub-1-2TA), filed March 5, 1980. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Applicant's representative: Alton C. Gardner, 176 King Street, Hanover, MA 02339. Such merchandise as is dealt in by grocers, food business houses, wholesale and retail chain department stores and food stores and materials, equipment and supplies used in the conduct of such business (except commodities in bulk) between the facilities and warehouses of, or used by, Statler Tissue Company at Augusta and Portland, ME and Lawrence, MA, on the one hand, and, on the other, points in the United States in or east of IL, MO, AR and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Statler Tissue Company, 300 Middlesex Avenue, Medford, MA 02155.

MC 138304 (Sub-1-1TA), filed March 4, 1980. Applicant: NATIONAL PACKERS EXPRESS, INC., 1600 Clinton Street, Hoboken, NJ 07030. Applicant's representative: Craig B. Sherman, Attorney at Law, Broad and Cassel, Barnett Bank Building, 1108 Kane Concourse, Bay Harbor Islands, FL 33154. *Part (A):* Glass, and glass articles, flat glass, and glazing units from New York, NY; Charleston, SC; Wilmington, NC; New Orleans, LA; Jeanette, PA; to

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all points in the Continental United States in and East of the States of MT, WY, CO, NM, and TX; and *Part (B):* Wood products from New York, NY to all points in the Continental United States in and East of the States of MT, WY, CO, NM, and TX, for 180 days. Supporting shipper: General Glass International Corp., 270 North Avenue, New Rochelle, NY 10801.

MC 145282 (Sub-1–1TA), filed March 4, 1980. Applicant: FALCON TRANSPORT, INC., 308 Hopkins Street, Buffalo, NY 14220. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043. *Iron, steel and iron and steel articles* between the facilities of Gibraltar Steel Corporation located in Buffalo, NY, Rochester, NY and Niles, OH and points in MD, OH, PA, NJ, NY and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Gibraltar Steel of Rochester, 635 South Park Avenue, Buffalo, NY 14240.

MC 145305 (Sub-1–1TA), filed March 3, 1980. Applicant: BEVTRANS, INC., P.O. Box 778, Hartford, CT 06101. Representative: William J. Boyd, William J. Boyd, P.C., 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. *Such commodities as are dealt in and used by producers and distributors of alcoholic beverages, liquors and wines,* between the facilities of Heublein, Inc., at or near Hartford, CT, on the one hand, and, on the other, points in the US (except AL and HI) moving under continuing contract or contracts with Heublein, Inc. Restriction: The above authority is restricted to the movement of traffic originating at or destined to the named facilities, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Heublein, Inc., 300 New Park Avenue, Hartford, CT 06101.

MC 99136 (Sub-1–1TA), filed March 3, 1980. Applicant: CHARLES C. TOWNE & SONS, INC., 25 Hampshire Road, Methuen, MA 01844. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. (1) *Book pages,* from Westford, MA to Brattleboro, VT, and (2) *pallets and skids,* from Brattleboro, VT to Westford, MA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Murray Printing Company, Pleasant Street, Westford, MA 01886.

MC 149193 (Sub-1), Applicant: AUBRY TRANSPORTATION INC., P.O. Box 216, Yorkshire, NY 14173. Representative: William J. Hirsch, 43 Court St., Buffalo, NY. *Coke,* in bulk, in dump vehicles, from the Commercial zone of the City of Buffalo, NY, to all points in Pennsylvania and New York; *Pig iron,* in bulk, in dump vehicles, from the Commercial Zone of the City of Buffalo, NY, to all points in New Jersey, Pennsylvania and Maryland, for 180 days. Supporting shipper: (1) Donner-Hawna Coke Corp., Buffalo, NY (2) Benton Foundry, Inc., Benton, PA (3) Hawna Furnace Corp., Buffalo, NY (4) Hallstead Foundry, Inc., Hallstead, PA.

MC 4941 (Sub-1–2TA), filed February 29, 1980. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Representative: Russell S. Callahan, 1093 North Montello Street, Brockton, MA 02403. *Such commodities as are dealt in by retail department stores,* between the facilities of Zayre Corp., at points in MA, on the one hand, and, on the other, points in AL, FL, GA, IA, KS, KY, MI, MN, MS, MO, NC, SC, TN, WV, and WI, for 180 days. Supporting shipper: Zayre Corp., Rt. 6, Framingham, MA 01701.

MC 109825 (Sub-1–1TA), Feburary 29, 1980. Applicant: MASHKIN FREIGHT LINES, INC., 64 Oakland Avenue, East Hartford, CT 06108. Representative: Gerald A. Joseloff, 80 State Street, Hartford, CT 06103. *General commodities except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment* between points in MA, RI, CT, NY, NJ and PA, for 180 days. An underlying ETA seeks 90 days authority.

MC 136250 (Sub-1–1TA), filed March 7, 1980. Applicant: ROBERT A. LIDDYCOAT, 142 Elgin Street, Thorold, Ontario, Canada. Representative: Robert D. Gunderman, Esq., 710 Statler Building, Buffalo, NY 14202. *Contract carrier:* irregular routes: *concrete poles,* from ports of entry on the International Boundary line between the U.S. and Canada located in NY and MI to San Diego, CA and Newark, NJ, under contract with Barratt Spun Concrete Poles Ltd., Niagara Falls, Ontario, Canada. Supporting shipper: Barratt Spun Concrete Poles Ltd., P.O. Box 372, 4536 Montrose Road, Niagara Falls, Ontario, Canada L2E 6T8.

MC 150230 (Sub-1–1TA), filed March 6, 1980. Applicant: BERNARD ALBERT Perreault, d.b.a. BERNIE'S TRANSPORT, Box 121, Jericho, VT 05465. Representative: Bernard A. Perreault (same address as applicant). Contract carrier: irregular routes: *Brick and clay products and materials, equipment and supplies used in the manufacture and distribution thereof,* from Coeymans, NY, East Windsor Hill, CT, Middleboro, MA, Waynesburg, OH, and Lebanan, NH to points in VT, for the account of Densmore Brick Co., Inc. Supporting shipper: Densmore Brick Co., Inc., Essex Junction, VT 05452.

MC 150059 (Sub-1–2TA), filed March 6, 1980. Applicant: ROBERTI-WHITE, INC., 38 Dike Street, Providence, RI 02909. Representative: Morris J. Levin, Levin & Toomey, 1050 Seventeenth Street, N.W., Washington, DC 20036. *Flour and baking mixes* (other than in bulk), from Buffalo, NY, to points in RI, MA, CT, NH, and ME, for 180 days. Supporting shippers: Robar Distributors, Inc., 38 Dike Street, Providence, RI; Nutmeg Bakers Supply Comp., P.O. Box 155, Breault Rd., Beacon Falls, CT.

MC 143127 (Sub-1–3TA), filed March 6, 1980. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Linda A. Calvo (same address as applicant). *Beverages* (except alcoholic beverages and except in bulk), from Austin, IN to points in IL, KS, KY, MO, and OH. Supporting shipper: Kolmar Products Corp., 1745 N. Kolmar Ave., Chicago, IL 60639.

MC 150224 (Sub-1–1TA), filed March 6, 1980. Applicant: PROUD SPIRIT REFRIGERATED EXPRESS, 51 Wrentham Road, Bellingham, MA 02019. Representative: James F. Martin, Jr., 8 W. Morse Road, Bellingham, MA 02019. Contract carrier, irregular routes transporting *Frozen french fried onion rings and frozen french fried onion rings in mixed loads of fish.* From the facilities of Caribou Food Industries, Inc., Boston, MA to points in ME, NH, VT, RI, CT, NY, NJ, PA, DE, DC, VA, WV, NC, SC, GA, AL, FL, MS, TN, TX, KY, IN, OH, MI, LA, AZ, OK, AR, and CA, under continuing contract with Caribou Food Industries, Inc. Supporting shipper: Caribou Food Industries, Inc., Distribution Manager, 301 Northern Avenue, Boston, MA 02210.

MC 146006 (Sub-1–1TA), filed March 5, 1980. Applicant: RODCO LEASING, INC., 380 Union Street, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Contract carrier,* irregular routes, transporting: *Stationery, office and school supplies and equipment,* between Springfield, MA and Meridian, MS, on the one hand, and, on the other, Orlando, FL. Restricted to service performed under a continuing contract or contracts with National Blank Book Company, 655 Page Boulevard, Springfield, MA 01104. Supporting shipper: National Blank Book Company, 655 Page Boulevard, Springfield, MA 01104.

MC 71593 (Sub-1–3TA), filed March 5, 1980. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second Street, Scotch Plains, NJ 07076.

Representative: David W. Swenson, 1608 E. Second Street, Scotch Plains, NJ 07076. *Frozen packaged meat, meat products, and meat by-products and articles distributed by meat packing houses,* from the facilities utilized by Weinstein International Corp., at St. Paul, Buffalo Lake, MN; Sioux City, IA; St. Louis, MO; Chicago, IL; Cleveland, Cincinnati, OH; Columbus, IN; Plainwell, Detroit, MI; and points within PA, to ports within the commercial zones of New York, NY and Baltimore, MD. Supporting shipper: Weinstein International Corp., 5738 Olson Highway, Minneapolis, MN 55422.

MC 128343 (Sub-1–2), filed March 4, 1980. Applicant: C-LINE, INC., 340 Jefferson Blvd., Warwick, Rhode Island 02888. Representative: Ronald N. Cobert, Esquire, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. *Contract carrier, irregular routes* transporting: *Bolts, nuts, washers,* and *fasteners,* from East Freetown, MA and South Norwalk, CT, to points in CA, IL, KS, MA, MN, NJ, NY, NC, PA, and TX between South Norwalk, CT and Pawtucket, RI. *Materials, equipment,* and *supplies,* used in the manufacture and distribution of bolts, nuts, washers, and fasteners, from points in CA, CT, MA, NJ, NY, OH, PA, RI, and TX to East Freetown, MA, between East Freetown, MA, and Pawtucket, RI. Restriction: The authority requested herein is limited to a transportation service to be performed under a continuing contract, or contracts, with Pawtucket Fasteners, Inc. of Pawtucket, RI, and Stillwater Fasteners, Inc. of East Freetown, MA. Supporting shippers: Pawtucket Fasteners, Inc. and Stillwater Fasteners, Inc.

MC 134404 (Sub-1–1TA), filed March 5, 1980. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. *Contract carrier,* irregular route: *plumbing fixtures* and *fittings* and *accessory parts* and *supplies,* from Plainfield, CT to points in CT, DE, DC, FL, GA, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VT and VA, under a continuing contract(s) with American Standard, Inc. of New Brunswick, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: American Standard, Inc., P.O. Box 2003, New Brunswick, NJ 08903.

MC 128343 (Sub-1–1), filed March 4, 1980. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, Rhode Island 02814. Representative: Ronald N. Cobert, Esquire, Suite 501, 1730 M Street, N.W., Washington, D.C. 20036. *Contract carrier, irregular routes* transporting: *Plastic granules* from Madison, CT to the facilities of The Tupperware Co., located at or near North Smithfield, RI, Halls, TN, Hemingway, SC and Jerome, ID, and the international boundary line between the United States and Canada in Vermont for movement to the facilities of The Tupperware Company located at or near Cowansville, Quebec, Canada, for 180 days. Supporting shipper: The Tupperware, Traffic Manager, Woonsocket, RI 02895.)

The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 68898 (Sub-2–1), filed March 4, 1980. Applicant: HANOVER TRANSFER CO., 409 East Hanover St., Hanover, PA 17331. Representative: Barry Roberts, 888 17th Street, N.W., Washington, D.C. 20006. *Common carrier: regular* route: *general commodities:* Between Hanover, PA, and Baltimore, MD, serving all intermediate points: From Hanover, PA, over PA Hwy 194 to Littlestown, PA, then over U.S. Hwy 140 to junction unnumbered highway (formerly portion U.S. Hwy 140), then over unnumbered highway via Westminster and Reese, MD, to junction U.S. Hwy 140, then over U.S. Hwy 140 to Baltimore, and return over the same route. From Hanover, PA, over Hwy 94 to the MD–PA State Line, then over MD Hwy 30 to Reisterstown, MD, then over U.S. Hwy 140 to Baltimore, and return over the same route. Supporting shippers: New Oxford Aluminum Co., R.D. #1, New Oxford, PA 17350; Fairfield Graphics, Inc., P.O. Box Drawer AN, North Miller Rd., Fairfield, PA 17320; Alloy Rods Div., Chemetron Corp., Member AL Metals Group, Alleghany Ludlum Industries, Inc., Karen La. & Wilson Ave., Hanover, PA 17331; Florida Texas Freight, 6330 Erdman Ave., Baltimore, MD 21205; and Cambridge Rubber, York St., Taneytown, MD 21787.

Note.—Applicant proposes to Tack all authority sought here with its existing operating authority in its lead and Sub 6 Dockets. In addition, applicant proposes to Interline at Hanover, PA, and Baltimore, MD.

MC 68898 (Sub-2–2), filed March 4, 1980. Applicant: HANOVER TRANSFER CO., 409 East Hanover St., Hanover, PA 17331. Representative: Barry Roberts, 888 17th Street, N.W., Washington, D.C. 20006. *Common carrier: regular* routes: *general commodities:* (1) Between Hanover, PA, and Spring Grove, PA, serving all intermediate points: From Hanover, PA, over PA Hwy 116 to Spring Grove, PA, and return over the same route. (2) Between Hanover, PA, and Taneytown, MD, serving all intermediate points: From Hanover, PA, over PA Hwy 194 to the PA–MD State Line, then over MD Hwy 194 to Taneytown, MD, and return over the same route. Serving Lineboro, MD, and Porters and Glenville, PA, as off-route points in connection with carrier's route between Hanover, PA, and Baltimore, MD. (3) Between Hanover, PA, and Fairfield, PA, serving all intermediate points: From Hanover, PA, over PA Hwy 94 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Cashtown, PA, then over unnumbered highway via Orrtanna, PA, to Fairfield, PA, and return over the same route. (4) Between Hanover, PA, and East Berlin, PA, serving all intermediate points: From Hanover, PA, over PA Hwy 194 to East Berlin, PA, and return over the same route. (5) Between Hanover, PA, and Fairfield, PA, serving all intermediate points: From Hanover, PA, over PA Hwy 116 to Fairfield, PA, and return over the same route. (6) Between Littlestown, PA, and Gettysburg, PA, serving all intermediate points: From Littlestown, PA, over PA Hwy 97 to Gettysburg, PA, and return over the same route. (7) Between Mt. Pleasant, MD, and Melrose, MD, serving all intermediate points: From Mt. Pleasant, MD, over MD Hwy 496 to junction, MD Hwy 30, south to Melrose, MD, and return over the same route. (8) Between Westminster, MD, and Manchester, MD, serving all intermediate points: From Westminster, MD, over MD Hwy 27 to Manchester, MD, and return over the same route. (9) Between Westminster, MD, and Baltimore, MD, serving all intermediate points: From Westminster, MD, over MD Hwy 482 to Hampstead, MD, then over MD Hwy 88 to junction, MD Hwy 25, north of Butler, MD, to Baltimore, MD, and return over the same route. (10) Between Hampstead, MD, and White House, MD, serving all intermediate points: From Hampstead, MD, over MD Hwy 137 to White House, MD, and return over the same route. (11) Between Reisterstown, MD, and Butler, MD, serving all intermediate points: From Reisterstown, MD, over MD Hwy 128 to Butler, MD, and return over the same route. (12) Between Abbottstown, PA, and the junction of U.S. 30 and PA Hwy 94, serving all intermediate points: From Abbottstown, PA, to said junction over U.S. Hwy 30 and return over same route. (13) Between Taneytown, MD, and Westminster, MD, serving all intermediate points. From Westminster, MD, over MD Hwy 97 to Taneytown, MD and return over same route. (14) Between Hampstead, MD, and Baltimore, MD, serving all intermediate points. From Hampstead, MD, over MD

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Hwy 88, to junction MD Hwy 25, then over MD Hwy 25 to Baltimore, MD and return over same route. Supporting shippers: Fairfield Graphics, Inc., P.O. Box Drawer AN, North Miller Rd., Fairfield, PA 17320; Florida Texas Freight, 6330 Erdman Ave., Baltimore, MD 21205; Alloy Rods Div Chemetron Corp., Member AL Metals Group, Alleghany Ludlum Industries, Karen La. & Wilson Ave., Hanover, PA 17331; Cambridge Rubber, York St., Taneytown, MD 21787; and Con Fab, Inc., 359 Manchester Rd., Westminster, MD 21157.

Note.—Applicant proposes to Tack all authority sought here with its existing operating authority in its lead and Sub 6 Dockets. In addition, applicant proposes to Interline at Hanover, PA, and Baltimore, MD.

MC 140159 (Sub-2-1), filed March 4, 1980. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *Coal, in bulk, in dump vehicles,* from Jefferson County, PA to Relay, MD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Coal Hill Mining Co., P.O. Box 463, DuBois, PA 15801.

MC 150080 (Sub-2-2), filed March 4, 1980. Applicant: CONTROLLED CARRIERS, INC., 319 Pottstown Pk., Box 18, Exton, PA 19341. Representative: Joseph Seifrit (same as applicant). *Contract; irregular:* (1) *Juvenile furniture, broken down, in cartons,* from the facilities of Graco Children's Products at or near Blue Ball, Elverson and Hallam, PA, Rochester, NY and West Rutland, VT to points in the U.S. (except AK and HI) under continuing contract or contracts with Graco Children's Products. Supporting shipper(s): Graco Children's Products, Inc., Rt. 23, Elverson, PA 19520.

MC 4963 (Sub-2-1), filed March 3, 1980. Applicant: JONES MOTOR CO., INC., Bridge St. and Schuylkill Rd., Spring City, PA 19475. Representative: William H. Peiffer (same as applicant). *Complete log homes, lumber and lumber products, metal and metal products* between the plantsite of Lincoln Log Homes at China Grove, NC and PA, SC, GA, TN, AL, MI, IN, IL, MO, NY, ME, VT, NH, KY, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lincoln Log Homes, Inc., 1908 N. Main St., Kannapolis, NC.

MC 118899 (Sub-2-4), filed March 3, 1980. Applicant: BALTIMORE TANK LINES, INC., 180 Eight Ave., Glen Burnie, MD 21061. Representative: Lawrence E. Lindeman, 424 13th St., NW, Suite 1032, Washington, DC 20004. *Alcohol, in bulk, in tank vehicles,* from Philadelphia, PA to points in MD and Washington, DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Motohaul Supply Corp., 1346 Connecticut Ave., NW., Washington, DC 20036.

MC 144188 (Sub-2-1TA), filed March 3, 1980. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, PA 18603. Representative: J. Bruce Walter, P.O. Box 1146, 410 North Third St., Harrisburg, PA 17108. (1) *Paper and plastic bags and wrapping paper* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the above commodities, between the facilities of Terminal Paper Bag Co., Inc. at or near Yulee, FL on the one hand, and, on the other, points in NC, VA, WV, OH, IN, IL, DE, MD, PA, NJ, NY, CT, MA, RI, MI, WI, MN, IA, DC, MO and KY, restricted to the transportation of shipments originating at the indicated origins and destined to the indicated destinations. Supporting shipper: Terminal Paper Bag Co., Inc., P.O. Box 47, Yulee, FL 32097.

MC 128940 (Sub-2-1), filed March 3, 1980. Applicant: RICHARD A. CRAWFORD, d.b.a. R. A. CRAWFORD TRUCKING SERVICE, P.O. Box 303, Gambrills, MD 21054. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Contract; irregular: Automotive parts, materials and supplies (except in bulk) used in the manufacture and distribution thereof* between Middletown, PA, on the one hand, and, on the other, points in the U.S. (except ME, VT, RI, MA, CT, NY, NH, AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mack Trucks, Inc., P.O. Box 6311, Bridgewater, NJ 08807.

MC 148570 (Sub-2-1), filed February 29, 1980. Applicant: N.A.T. TRANSPORTATION, INC., 229 N. Main St., Bradner, OH 43406. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. West, Suite 406, Bradenton, FL 33507. *(1) plastic articles and plastic component parts and (2) parts, materials, accessories, equipment and supplies used in the manufacture or sale of commodities named in (1) above, except commodities in bulk,* between the facilities of Capitol Plastics of Ohio, Inc. at or near Bowling Green, OH on the one hand, and, on the other, points in the U.S. except AK and HI for 180 days. Supporting shipper(s): Capitol Plastics of Ohio, Inc., 333 Van Camp Rd., Bowling Green, OH 43402.

MC 148478 (Sub-2-1TA), filed March 3, 1980. Applicant: TIMBER EXPRESS CO., INC., 4601 North High St., Columbus, OH 43214. Representative: Jerry B. Sellman, 50 West Broad St., Columbus OH 43215. *Lumber and plywood* from Madison, GA to points in the U.S. in and east of MN, NE, KS, OK and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Woodkraft, Inc. P.O. Box 2489, Peachtree City, GA 30269.

MC 143522 (Sub-2-1), filed March 3, 1980. Applicant: CONSOLIDATED CARRIERS, INC., 121 Sunrise Dr., Irwin, PA 15642. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. *Foodstuffs, except in bulk,* from the facilities of Bordon Foods at or near Waterloo and Syracuse, NY; Wellsboro, PA and Van Wert, OH to points in the US (except AK & HI) for 180 days. Supporting shipper(s): Borden Foods, 180 E. Broad St., Columbus, OH 43215.

MC 150203 (Sub-2-1), filed March 3, 1980. Applicant: HORWITH TRUCKS, INC., R.D. 1, Coplay, PA 18037. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. *Coal, in bags and in bulk,* from Minersville, Schuylkill County, Locust Summit and Treverton, Northumberland County, PA to Brimfield, Brockton, Cambridge, Danvers, Dedham, Duxbury, E. Long Meadow, Georgetown, Gloucester, Hadley, Holland, Lowell, Lynn, Milford, New Bedford, Palmer, Pittsfield, Salem, Turners Falls, West Stockbridge, Westfield, Whitman, and Worcester, MA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Reading Anthracite Coal Co., Pottsville, PA.

MC 109478 (Sub-2-2), filed March 3, 1980. Applicant: WORSTER MOTOR LINES, INC., P.O. Box 110, Gay Rd., North East, PA 16428. Representative: Robert D. Gunderman, 710 Statler Bldg., Buffalo, NY 14202. *Such commoditites as are used, manufactured, sold or distributed by manufacturers of baby food products (except commodities in bulk), and materials, supplies, and equipment used in the manufacture, sale or distribution of such commodities* from the facilities of Gerber Products Co. at or near Fremont, MI, to points in OH and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gerber Products Co., 445 State St., Fremont, MI.

MC 78228 (Sub-2-2), filed March 3, 1980. Applicant: J. MILLER EXPRESS, INC., 962 Greentree Rd., Pittsburgh, PA 15220. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219 15219. *Iron and steel, and iron and steel articles, gaskets, and caulking and glazing compounds (except in bulk),* from West Mifflin, PA to points in AZ, CA, CO, GA, OR, TX and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ductmate Industries, Inc., P.O. Box 10966, Pittsburgh, PA 15236.

MC 125825 (Sub-2-1), filed March 3, 1980. Applicant: RICHARD L. WESTON, P.O. Box 306, Tyrone, PA 16686. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. *Contract; irregular: high-stability granulated peanuts* from Tyrone, PA to Battle Creek, MI, San Leandro, CA, and Omaha, NB, under continuing contract with Flavored Nuts, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Flavored Nuts, Inc., 10 W. 10th St., Tryone, PA 16686.

MC 107403 (Sub-2-5), filed March 3, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Salt and salt products, in bulk, in tank vehicles,* from Weeks, LA to points in FL, MS, TN, AL, GA, AR & TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Morton Salt Div. of Morton-Norwich Products, Inc., 111 N. Wacker Dr., Chicago, IL 60606.

MC 140294 (Sub-2-1), filed March 3, 1980. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Middleburg, Pk., Hagerstown, MD 21740. Representative: Edward N. Button, 580 Northern Avenue, Hagerstown, MD 21740. *Refrigerated equipment, materials and supplies (except in bulk) used in the manufacture and distribution thereof,* between the facilities of Frick, Inc., at or near Waynesboro, PA, on the one hand, and on the other, Baltimore, MD, Hagerstown, MD, and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Frick, Inc., 345 West Main Street, Waynesboro, PA 17268.

MC 141344 (Sub-2-1), filed March 3, 1980. Applicant: ALLEN TRANSPORT CORP., P.O. Box 9702, Richmond, VA 23228. Representative: Richard J. Lee, Suite 1222, 700 E. Main St., Richmond, VA 23219. *Commodities which because of size or weight requires the use of special equipment and/or handling;* between points in VA, on the one hand, and, on the other, points in VA, SC, NC, MD, WV, TN, and DC for 180 days. Supporting shipper(s): There are 10 supporting shippers. Their statements may be examined at the office listed above.

MC 112304 (Sub-2-5TA), filed February 29, 1980. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: John G. Banner (same address as applicant). *Iron and steel articles,* from the facilities of Dietrich Industries, at or near Ashville, AL, to all points in FL, GA, KS, LA, MN, MO, NY, OK, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dietrich Industries, P.O. Box 400, Ashville, AL 35953.

MC 147759 (Sub-2-1), filed February 22, 1980. Applicant: CAPITAL CITIES COACH CO., INC., 8800 Yellow Brick Rd., Baltimore, MD 21237. Representative: L. C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. *Common; regular: Passengers and their baggage, and express and newspapers in the same vehicle with passengers,* between Annapolis, MD and Rehoboth Beach, DE: from Annapolis over Rowe Blvd. to its junction with US Hwy 50, then over US Hwy 50 East to Ocean City, MD, then over MD Hwy 528 North to the MD–DE State Line, then over DE Hwy 1 to Rehoboth Beach, DE, and return over the same route serving all intermediate points betwen Ocean City, MD and Rehoboth Beach, DE for 180 days. Restricted against any passenger or traffic whose entire transportation is between Annapolis, MD and any point in the State of DE, including Rehoboth Beach, DE. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 21 supporting shippers. Their statements may be examined at the office listed above.

MC 146015 (Sub-2-1TA), filed January 7, 1980. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: E. J. Mumma, Jr. (same address as applicant). Contract carrier, irregular routes: *Bottles, carboys, demijohns or jars NOI (Item No. 87700 Reference—ICC–NMFC–100E),* from Chambersburg, PA to points in the states of NY, NJ and MD, for 180 days. Supporting shipper(s): Chattanooga Glass Company, P.O. Box 968, Keyser, WV 26726.

MC 146015 (Sub-2–2TA), filed January 7, 1980. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: E. J. Mumma, Jr. (same address as applicant). Contract carrier, irregular routes: *Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and materials, ingredients and supplies used in the manufacture, distribution, and sale of products above (except in bulk)* from the plantsite and storage facilities of Ralston Purina Co. at or near Hampden Township, Cumberland County, PA to points in CT and VA, for 180 days. Supporting shipper(s): Ralston Purina Co., 6509 Brandy Lane, Mechanicsburg, PA 17055.

MC 109448 (Sub-2–1TA), filed December 31, 1979. Applicant: PARKER TRANSFER CO., Telegraph Rd., R.D. #1, Elyria, OH 44035. Representative: Robt. W. Gardier, 100 E. Board St., Columbus, OH 43215. *Steel, steel products, and brass stock* between Elyria, OH, and points in the states of IL, IN, MI, PA, and NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Standayne Distribution Center, 301 N. Taylor Rd., Garrett, IN 46738.

MC 119689 (Sub-2–2TA), filed January 28, 1980. Applicant: PEERLESS TRANSPORT CORP., 2701 Railroad St., Pittsburgh, PA 15222. Representative: Roert T. Hefferin (same address as applicant). *Fertilizers, fungicides, insecticides, plastic, plastic articles, and tree and weed killing compounds, and equipments, materials, and supplies used in the manufacture and distribution of the commodities above* between Danville, IL and points in MI, OH, and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chevron Chemical Co., 1200 State St., Perth Amboy, NJ 08861.

MC 135616 (Sub-2–1TA), filed January 28, 1980. Applicant: PERRYSBURG TRUCKING CO., INC., 24892 Thompson Road, Perrysburg, OH 43551. Representative: Michael D. Bromley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. *Contract carrier-irregular routes: Uncrated flat glass,* from the facilities of Ford Motor Company at or near Tulas, OK to points in AL, AZ, CA, CO, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MS, MO, NE, NJ, OH, OR, PA, SC, TN, TX, UT, VA and WA, restricted to transportation provided under a continuing contract(s) with Ford Motor Company, of Detroit, MI, for 180 days. Supporting shipper(s): Ford Motor Company, Glass Division, 300 Rennaissance Center, P.O. Box 43343, Detroit, MI 48243.

MC 143324 (Sub-2–1TA), filed January 16, 1980. Applicant: PHILLIPS BROTHERS WAREHOUSING & DISTRIBUTING CORPORATION, 25 Thomas Ave., Baltimore, MD 21225. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. *General commodities (except those of unusual value, Classes A & B explosives, commodities in bulk and those requiring special equipment) in containers or trailers having a prior or subsequent movement by water, (2) general commodities (except those of unusual value, Classes A & B explosives, commodities in bulk and*

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those requiring special equipment) with a prior or subsequent movement by water, and (3) empty containers or trailers, between points in the Baltimore, MD commercial zone, on the one hand, and, on the other, points in DE, MD, NJ, PA VA, WV and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 11 supporting shippers. Their statements may be examined at the office listed above.

MC 114969 (Sub-2–2TA), filed January 28, 1980. Applicant: PROPANE TRANSPORT, INC., 1734 St. Rt. 131, P.O. Box 232, Milford, OH 45150. Representative: James Roudebush (same address as applicant). *Liquefied petroleum gasses,* in bulk, in tank vehicles, from the refineries of Ashland Oil at or near Cattlesburg, KY to points in OH, PA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ashland Petroleum Company, Division of Ashland Oil, Inc., P.O. Box 391, Ashland, KY 41101.

MC 119632 (Sub-2–2TA), filed December 5, 1979. Applicant: REED LINES, INC., 634 Ralston Ave., Defiance, OH 43512. Representative: Wayne C. Pence (same address as applicant). *Foodstuffs: Viz, fruit juices, natural or artificially flavored, corn starch, syrups, not medicated (except frozen, or in bulk),* from the facilities of A. E. Staley Mfg. Co. at Chicago, IL commercial zone to points in states of CT, DC, DE, IN, KY, MD, MA, lower peninsula of MI, NJ, NY, OH, PA, VA, WV, restricted to traffic originating at the named origin and destined to the named states for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): A. E. Staley Mfg. Co., 2222 Kensington Ct., Oak Brook, IL 60540.

MC 69052 (Sub-2–1TA), filed January 14, 1980. Applicant: REED TRUCKING CO., INC., P.O. Box 216, Milton, DE 19968. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Washington, DC 20004. *Foodstuffs* (except in bulk) from points in Sussex County, DE to points in NY (except Albany, New York City, and Schenectedy), CT (except New Haven), MA (except Boston and Springfield), RI, VT, NH, and ME, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 5 supporting shippers. Their statements may be examined at the office listed above.

MC 50069 (Sub-2–3TA), filed January 18, 1980. Applicant: REFINERS TRANSPORT & TERMINAL, 445 Earlwood Ave., Oregon, OH 43616. Representative: William P. Fromm (same address as applicant). *J.P. 4, jet fuel,* in bulk, in tank vehicles, from Cincinnati, OH to Grand Forks AFB, Grand Forks, ND, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): U.S. Army Legal Services Agency, Department of the Army, Falls Church, VA 22041.

MC 146964 (Sub-2–3TA), filed December 4, 1979. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Ave., York, PA 17403. Representative: Michael Valencik (same address as applicant). *Paper and paper products* between Erie and Lock Haven, PA and Oswego, NY and FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hammermill Paper Co., Box 1440, Erie, PA 16533.

MC 146964 (Sub-2–4TA), filed January 17, 1980. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Ave., York, PA 17403. Representative: Michael Valencik (same address as applicant). *Retail stores freight all kinds,* from the facilities of McCrory Corp., York, PA to points in FL, for 180 days. Restricted to traffic originating at the above origin and destined to the above destination. An underlying ETA seeks 90 days authority. Supporting shipper(s): McCrory Stores Division of McCrory Corporation, 2955 East Market Street, York, PA 17402.

MC 148188 (Sub-2–2TA), filed January 25, 1980. Applicant: RETAIL LEASING CORP., d.b.a. RETAIL TRANSPORTATION CO., 11301 Rockville Pike, Kensington, MD 20795. Representative: Edward F. Schiff, 1333 New Hampshire Ave., Washington, DC 20036. *Contract carrier, irregular routes: Computer addressed forms* between all points in the states of AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NY, NH, NJ, NM, NC, NV, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WI, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fulfillment Corp. of America, 205 W. Center, Marion, OH 44302.

MC 148188 (Sub-2–3TA), filed December 18, 1979. Applicant: RETAIL LEASING CORP., d.b.a. RETAIL TRANSPORTATION CO., 11301 Rockville Pike, Kensington, MD 20795. Representative: Edward F. Schiff, 1333 New Hampshire Ave., Washington, DC 20036. Contract carrier, irregular routes: *Boots, shoes, soles, heels and raw materials used in the manufacture of boots, shoes, and soles,* between Columbus, OH, on the one hand, and, on the other, points in MA and Cuba, MO, under continuing contract(s) with R. G. Barry Corporation, for 180 days. Supporting shipper(s): R. G. Barry Corp., 831 Greencrest Dr., Columbus, OH 43216.

MC 147627 (Sub-2–1TA), filed January 29, 1980. Applicant: ROADRUNNER DELIVERY SERVICE, INC., BWI Airport, Baltimore, MD 21240. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *General commodities (except Classes A & B explosives, commodities in bulk, household goods and commodities requiring special equipment),* (1) between Baltimore, MD, on the one hand, and Washington, D.C. on the other, including their respective commercial zones, and (2) between Washington, D.C., Baltimore, MD, and Philadelphia, PA, on the one hand, and New York, NY on the other hand, including their respective commercial zones. The movement of traffic in (1) and (2) above is restricted to traffic having a prior or subsequent movement by air or water, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Imperial Air Freight Service Inc., 57 Freeman Street, Newark, NJ; Air Freight International, Inc., P.O. Box 8718—BWI Airport, Baltimore, MD 21240; Five Star Air Freight, 625 North Gov. Printz Bldg., Essington, PA 19029; Horizon Air Freight, Inc., 152–15 Rockaway Blvd., Jamaica, NY 11434; and Summit Airlines Inc., Scott Plaza Two, Philadelphia, PA 19153.

MC 138960 (Sub-2–1TA), filed January 9, 1980. Applicant: ROKO EXPRESS, INC., P.O. Box 169, Columbus, OH 43216. Representative: Elaine M. Conway, 10 S. LaSalle St., Chicago, IL 60603. (1) *Paper and paper products and plastic articles,* from the facilities of International Paper located at or near Mobile, AL and Jackson, TN, to points in IL, IN, KY, MI and OH; (2) *Paper and paper products and plastic articles,* from the facilities of International Paper located at or near Jackson, TN to points in FL, for 180 days. Supporting shipper(s): International Paper Company, 220 E. 42nd St., New York, NY 10017.

MC 144859 (Sub-2–1TA), filed January 16, 1980. Applicant: SCOTT PALLETS, INC., Box 341, Amelia, VA 23002. Representative: Calvin F. Major, Atty., 200 W. Grace St., Richmond, VA 23220. Contract carrier, irregular routes: *Steel coils and related steel products* from Irwin, Allenport, Aliquippa, Fairless Hills, PA; Wheeling, WV; Yorkville, OH; and Sparrows Point, MD, to the facilities of Hon Industries near Chester, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hon Industries, Chester, VA 23831.

MC 149256 (Sub-2–1TA), filed January 17, 1980. Applicant: SELCO TRUCKING CO., P.O. Box 8801 Canton, OH 44711. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of leather and leather products, chemicals and coated fabrics,* except commodities in bulk, between the facilities of Seton Company and its subsidiaries located at or near Newark, NJ; Wilmington, DE; Canton, OH; and Malvern and Saxton, PA, on the one hand, and, on the other, points in the United States, restricted to the transportation of shipments originating at or destined to the origins indicated, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Seton Company, P.O. Box 8801, Canton, OH 44711.

MC 114569 (Sub-2–3TA), filed January 21, 1980. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). *Books, with flexible covers, and magazines, bundled, dated and perishable* from Canton, OH, to WA, OR, CA, AZ, NV, UT, CO, NM, TX, OK, KS, MN, AR, MO, IL, WI, IN, PA, MD, and LA, for 180 days. Supporting shipper(s): Danner Press Corp., 1250 Camden Avenue SW, Canton, OH 44711.

MC 114569 (Sub-2–4TA), filed December 6, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). *Olemargarine* (except in bulk) from facilities of Osceola Foods, Inc., at or near Osceola, AR to points in NY, NJ, MA, CT, RI, PA, VA, MD, DE, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Osceola Foods, Inc., P.O. Box 368, Osceola, AR 72370.

MC 114569 (Sub-2–5TA), filed December 26, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). *Canned and preserved foodstuffs* from Wenatchee, WA to the facilities of Heinz USA at or near Grand Prairie, TX; Greenville, SC; Harrison, NJ; Iowa City, IA; Jacksonville, FL; Mechanicsburg, PA; Pittsburgh, PA; and Toledo, OH; and in each case restricted to traffic originating at the named origin and destined to the named facilities, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz USA, P.O. Box 57, Pittsburgh, PA 15230.

MC 146015 (Sub-2–3TA), filed January 30, 1980. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: E. J. Mumma, Jr. (same address as applicant). *Contract carrier, irregular routes: Plastic materials, o/t expanded groups: Flakes, NOI Granules, Lumps, Pellets; Powder or solid mass, NMFC Item No. 156200,* from the plantsite and storage facilities of Arco/Polymees Inc., Monaca, PA or Kubuta, PA to plantsites and storage facilities of Dart Container Corp., Lithonia, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dart Container Corp., Mason, MI 48854.

MC 135364 (Sub-2–1TA), filed January 4, 1980. Applicant: MORWALL TRUCKING, INC., R.D. #3, Moscow, PA 18444. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Contract carrier, irregular routes: Such commodities as are manufactured, processed, sold, used, distributed, or dealt in by manufacturers and converters of paper and paper products (except commodities in bulk),* between facilities of Paper, Printing and Forms Group of Litton Business Systems, Inc., at Lockport, LA, on the one hand, and, on the other, Birmingham, AL, Camden and Little Rock, AR, Washington, DC, Jacksonville and Pensacola, FL, Atlanta, Chamblee, and Cummins, GA, Chicago, Effingham, and Elk Grove Village, IL, Plainfield, IN, Shepherdsville, KY, Fort Meade, MD, Columbia, Kansas City, and St. Louis, MO, New York, NY, Riegelswood, NC, Wilkes-Barre, PA, Dallas and Houston, TX, and Franconia and Herndon, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Paper, Printing and Forms Group of Litton Business Systems, Inc., 601 River St., Fitchburg, MA 01420.

MC 140201 (Sub-2–1TA), filed December 21, 1979. Applicant: SONELL, INC., Neshaminy Plaza Bldg. Cornwells Hts., PA 19020. Representative: Steven M. Tannenbaum, 133 N. 4th St., Philadelphia, PA 19106. *Candy and confectionery, chocolate, cocoa and foodstuffs (except in bulk), in vehicles equipped with mechanical refrigeration,* (1) between the facilities of or utilized by the Hershey Chocolate Co., at Hershey and Derry Township, Dauphin County, PA; Y&S Candies, Inc., in E. Hempfield Township, Lancaster County, PA; Dauphin Distribution Services, Inc., in Hampden Township, Cumberland County, PA; Mechanicsburg, PA and their respective commercial zones (a non-radial movement) and (2) from the facilities of or utilized by the Hershey Chocolate Co., at Hershey and Derry Township, Dauphin County, PA; Y&S Candies, Inc., in E. Hempfield Township, Lancaster County, PA; Dauphin Distribution Services, Inc., in Hampden Township, Cumberland County, PA; Mechanicsburg, PA; and their respective commercial zones, to New York, NY and its commercial zone, points in Suffolk and Westchester Counties, NY and points in Bergen, Middlesex and Somerset Counties, NJ, for 180 days. Supporting shipper(s): Hershey Chocolate Co., 19 E. Chocolate Ave., Hershey, PA 17033.

MC 14215 (Sub-2–1TA), filed January 10, 1980. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. (1) *Coal carbon pitch* from Cleveland, OH to the facilities of Eastalco Aluminum Company at or near Buckeyestown, MD and (2) *aluminum skimmings and dross skimmings* in dump trucks from the facilities of Eastalco Aluminum Company at or near Buckeyestown, MD to points in OH, for 180 days. Supporting shipper(s): Eastalco Aluminum Co., 5601 Manor Woods Rd., Frederick, MD 21701.

MC 148443 (Sub-2–1TA), filed January 4, 1980. Applicant: SOUTH SHORE EQUIPMENT CORP., 1294 Miller Rd., Avon, OH 44011. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. (1) *Cleaning compounds, rust preventing compounds, proprietary electroplating additives, paint, paint products, metal and metal products, petroleum products, nickel, chemicals,* and (2) *materials and supplies used in the manufacturing, marketing, and distribution of commodities in (1) above* (except in bulk), between Cleveland, OH, CT, SC, FL, MI, MN, IL, MO, TX, LA, CO, AZ, CA, and WA, on the one hand, and, on the other, points in the continental U.S., for 180 days. Supporting shipper(s): R. O. Hull & Co., 23000 St. Clair Ave., Cleveland, OH 44117.

MC 114569 (Sub-2–6TA), filed December 5, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). *Printing paper* from the facilities of Penntech Papers, Inc., Johnsonburg, PA, to points in the U.S. in an west of ND, SD, NE, MO, AR, and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Penntech Papers, Inc., 100 Center St., Johnsonburg, PA 15845.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7520, Atlanta, GA 30309.

MC 95540 (Sub-3–2TA), filed February 28, 1980. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road,

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P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher, General Traffic Manager, Watkins Motor Lines, Inc., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. *Foodstuffs* from El Paso, TX to Jefferson, LA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Prepared Foods, Inc., P.O. Box 26918, El Paso, TX 79926.

MC 144946 (Sub-3-1TA), filed February 25, 1980. Applicant: BIG T TRUCK SERVICE, INC., 5878 Buford Highway, Suite 5, Atlanta, GA 30360. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S, 3390 Peachtree Road, N.E., Atlanta, Georgia 30326. *Such commodities as are dealt in by retail and chain grocery and food business houses (except frozen foods and commodities in bulk),* from the facilities of The Clorox Company, Forest Park, GA, to points in KY, under continuing contract(s) with the Clorox Company. Supporting shipper: The Clorox Company, 17 Lake Mirror Rd., Forest Park, GA 30050.

MC 116778 (Sub-3-1), filed February 29, 1980. Applicant: FLOYD R. BEARD, P.O. Box 43, Denmark, SC 29042. Representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. *Fertilizer and fertilizer materials, except liquid fertilizer and liquid fertilizer materials in bulk, in tank vehicles,* from plant facilities of Farmers Mutual Exchange, Div. of Gold Kist, Inc., at or near Clio, GA to points in SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Farmers Mutual Exchange, Div. of Gold Kist, Inc., P.O. Box 928, Bamberg, SC 29003.

MC 146782 (Sub-3-1TA), filed February 25, 1980. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. (1) *Iron and steel articles* from the facilities of Northwestern Steel and Wire Company located at Sterling and Rock Falls, IL to points in AL, AR, GA, KY, LA, MS, NC, OH, OK, PA, SC, TN, TX, VA, WV and (2) *materials, equipment and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk) from points in AL, AR, GA, KY, LA, MS, NC, OH, OK, PA, SC, TN, TX, VA, and WV to the facilities of Northwestern Steel and Wire Company located at Sterling and Rock Falls, IL. Supporting shipper: Northwestern Steel and Wire Company, 121 Wallace Street, Sterling, IL 61081.

MC 138157 (Sub-3-4TA), filed February 25, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9595, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). *Carpeting* from Columbus, GA to points in IL, MO, IN, AR, LA, MS, TX, OK, NM, AZ, NV, and CA. Supporting shipper: Columbus Mills, Inc., P.O. Box 1560, Columbus, GA 31902.

Note.—Applicant holds contract carrier authority in MC-134150 and subs thereunder, therefore, dual operations may be involved.

MC 124887 (Sub-3-2TA), filed February 25, 1980. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. (1) Pre-cut log buildings and (2) materials, equipment and supplies used in the production and distribution of pre-cut log buildings between Claremore, OK and points in AL, FL, GA, MS. Supporting shipper: Beaver Log Homes, P.O. Box 458, Blountstown, FL 32424.

MC 146293 (Sub-3-1TA), filed February 19, 1980. Applicant: REGAL TRUCKING CO., INC., Post Office Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, N.E., Atlanta, GA 30326. *Plastic articles* (except commdities in bulk), between points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Amoco Foam Products Co. Dual operations may be involved, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Amoco Foam Products Co., Suite 200, 2111 Powers Ferry Road., NW, Atlanta, GA 30339.

MC 124896 (Sub-3-1TA), filed February 26, 1980. Applicant: WILLIAMSON TRUCK LINES, INC., Corner Thorne & Ralston Streets, Box 3485, Wilson, NC 27893. Representative: Peter A. Greene, Thompson, Hine, Caldwell & Greene, 900 17th Street, N.W., Washington, DC 20006. *Tires and tubes,* from Frazier, PA to Wilson and Charlotte, NC; Harrisonburg and Virginia Beach, VA; and Greenville, SC for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Interstate Tire Company, Inc., P.O. Box 141, Wilson, NC 27893.

MC 145560 (Sub-3-1), filed February 27, 1980. Applicant: NORTH ALABAMA TRANSPORTATION, INC., Post Office Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. *Carpet,* from Chatsworth, Dalton, Ringgold, Calhoun, Rome and Eden, GA, and Dallas, TX, and points in their commercial zones, to City of Industry, Scramento, and Oakland, CA, and points in their commercial zones, for 180 days, restricted to transportation of shipments under a continuing contract(s) with L. D. Brinkman Co.—Greenbraun Division. Supporting shipper: L. D. Brinkman Co.—Greenbraun Division. Send protests to: Ms. Sara K. Davis, Interstate Commerce Commission, Post Office Box 7520, Atlanta, GA 30309.

MC 111548 (Sub-3-1TA), filed February 22, 1980. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, NC 28637. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St. NW., Washington, DC 20004. *Open drums of iron and steel screws or bolts, unfin., stems of cold heading wire and related materials used in production of same* from the facilities of Southern States Fasteners, Inc. at Addison, Wheaton and Chicago, IL, to the facilities of Southern States Fasteners, Inc. at Hickory, NC. Supporting shipper: Southern States Fasteners, Inc., P.O. Box 2632, Hickory, NC 28601.

MC 124306 (Sub-3-1TA), filed February 21, 1980. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, North Carolina 27514. Representative: W. David Fesperman, P.O. Box 2729, Chapel Hill, North Carolina 27514: *Fuel Oil, in bulk, in tank vehicles,* from Lexington, SC to Whiting, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fluids Engineering Corporation, 2500 New York Avenue, Whiting, IN 46394.

MC 146993 (Sub-3-1TA), filed February 27, 1980. Applicant: RAYMOND L. VAUGHAN, d.b.a. VAUGHAN CARTAGE COMPANY, P.O. Box 1798, LaGrange, Georgia 30241. Representative: C. E. Walker, P.O. Box 7381, Columbus, Georgia 31908. *General commodities, except commodities in bulk, in shipper or railroad-owned trailers, having prior or subsequent movement by railroad,* between railroad ramps located at Montgomery and Lanett, AL, and Atlanta, GA, on the one hand, and on the other, Heard, Troup and Meriwether Counties, GA, and Randolph, Chambers, Lee and Tallapoosa Counties, AL. Supporting shippers: Milliken and Company, 1 Dallis St., LaGrange, GA; Seamco Sporting Goods, Forrest Avenue, LaGrange, GA 30240; Jambs Louvered Products Moulding Co., P.O. Box 208, Roanoke, AL 36274; Carpets International Georgia, Inc., Orchard Hill Rd., LaGrange, GA 30240.

MC 149250 (Sub-3-1TA), filed February 27, 1980. Applicant: H. H. SMITH FARMS, INC., 3325 Thomas Avenue, Montgomery, Alabama 36106. Representative: James D. Harris, Jr., Harris & Harris, P.A., 200 S. Lawrence Street, Montgomery, Alabama 36104. *Poultry and animal feed, and feed ingredients from residuary by-products of milling processes, such as, but not limited to, soy bean meal, cotton seed meal, and fish meal,* in bulk, in hopper type vehicles with gravity or auger unloading from the bottom only, between all points and places in AL, AR, FL, GA, LA, MS, and TN. Supporting shipper: Cargill, Inc., Nutrena Feeds, 3250 Fitzpatrick Avenue, Montgomery, AL 36108.

MC 139958 (Sub-3-2TA), filed February 27, 1980. Applicant: R. T. TRUCK SERVICE, INC., 4319 Campground Road, Louisville, Kentucky 40216. Representative: Rudy Yessin, 314 Wilkinson Street, P.O. Drawer B, Frankfort, Kentucky 40602. *Communication cable, brass, bronze or copper; wire, iron or steel, and materials, supplies and equipment used in the manufacture thereof (except commodities in bulk):* Between the facilities of Anaconda Wire and Cable locafed at LaGrange, KY, and points in KY, IN, IL, OH, WV, MI, MO, TN, GA, NC, LA, AL, SC, VA, PA, AR, TX, NY, MN, WI, NJ and MS. Supporting shipper: Anaconda Wire & Cable, LaGrange, KY.

MC 150187 (Sub-3-1TA), filed February 27, 1980. Applicant: D & L TRUCKING SERVICES, INC., 2080 S. 9th Street, Louisville, KY 40208. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Used barrels,* from Owensboro, Louisville, Frankfort, and Bardstown, KY to the facilities of General Cooperage, Inc., at or near Overpeck, Butler County, OH, for 180 days. An underlying ETA has been filed. Supporting shipper: General Cooperage, Inc. (P.O. Box 121), 4224 Hamilton-Trenton Road, Overpeck, OH 45055.

MC 125368 (Sub-3-2TA), filed: February 27, 1980. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, North Carolina 28445. Representative: C. W. Fletcher, President, same as above. *Meat, meat products, foodstuff and supplies used by Hardee's Food, Inc.,* between Hardee's Food, Inc., Rocky Mt., NC and Distribution Centers in MO, IA, GA, PA, KY, on the one hand, and, on the other, points in AL, AR, FL, IL, IN, KS, ME, MD, MI, MN, NE, NJ, SD, TX, VA, WV and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Hardee's Food, Inc., P.O. Box 1241, Rocky Mount, NC 27801.

MC 146251 (Sub-3-1TA), filed: February 27, 1980. Applicant: CLAXTON TRANSPORT, INC., Route #3, Box 135, Wrightsville, GA 31096. Representative: Ronald K. Kolins, 333 N. Fairfax St., Suite 202, Alexandria, VA 22314. (1) *Malt beverages and related advertising materials;* and (2) *Equipment materials and supplies used in the sale, manufacture and distribution of malt beverages,* (1) from the facilities of the Pabst Brewing Co., Pabst, GA to points in MD; (2) from points in MD to the facilities of the Pabst Brewing Co., Pabst, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Pabst Brewing Co., Pabst, GA.

MC 135646 (Sub-3-1TA), filed February 19, 1980. Applicant: DERVAN CARTAGE SERVICE, P.O. Box 123, 1020 Coastline Ave., Albany, GA 31702. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Altanta, GA 30349. *General commodities* (except those of unusual value, classes A and B, explosives, household goods, as defined by the Commission commodities in bulk, and those requiring special equipment), between Cordele, GA on the one hand and on the other points in Atkinson, Baker, Ben Hill, Berrien, Brooks, Calhoun, Clay, Coffee, Colquitt, Cook, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Irwin, Lanier, Lee, Lowndes, Macon, Miller, Mitchell, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Telfair, Terrell, Thomas, Tift, Turner, Webster, Wilcox, Worth, Jeff Davis, and Peach Counties, GA. Restricted to the transportation of shipments having a prior or subsequent movement by rail in trailer-on-flat car service. There are 11 statements in support attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 150200 (Sub-3-1TA), filed: March 3, 1980. Applicant: BRAVE TRANSPORT, INC., 3181 Bankhead Highway, Room 100, Atlanta, GA 30315. Representative: Alan E. Serby, Bruce E. Mitchell, Serby & Mitchell, P.C., 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. Contract carrier, irregular routes, *iron and steel articles* from the facilities of Atlantic Steel Co. located at or near Atlanta and Cartersville, GA to points in the US on and east of US Hwy 85, and to points in CA, UT, NV, and CO, for 180 days. Supporting shipper: Atlantic Steel Co., P.O. Box 1714, Atlanta, GA 30301.

MC 149140 (Sub-3-1TA), filed February 22, 1980. Applicant: OVERLAND, INC., 4121 Augusta Rd., Garden City, GA 31408. Representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339. *Granulated slag* from the facilities of Coastal Abrasives and Filter Sand Co. in Jasper County, SC to points in GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Coastal Abrasives and Filter Sand Co., P.O. Box 158, Hardeeville, SC 29927.

MC 135985 (Sub-3-1TA), filed February 22, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) wood furniture, (2) plastic and plastic articles, (3) rough steel forging, (4) metal products, and (5) equipment, materials and supplies used in the manufacture, distribution and sale of commodities described in (1) through (4) above (except commodities in bulk and those requiring special equipment) between the facilities of Piper Industries, Inc. at or near Jackson, MS, Collierville, TN, Clarendon, AR, and Salt Lake City, UT, on the one hand, and, on the other, points in the United States except AK and HI, for 180 days. Supporting shipper: Piper Industries, Inc., P.O. Box 9226, Jackson, MS 39206. Corresponding ETA for 90 days sought. No tacking or joinder sought.

MC 149218 (Sub-3-1TA), filed February 22, 1980. Applicant: SUNBELT EXPRESS INC., 118 Hamilton Circle, Bremen, Georgia 30110. Representative: Clyde W. Carver, Attorney, P.O. Box 720434, Atlanta, Georgia 30328. Authority is sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *such merchandise as is dealt in by wholesale and retail grocery houses, retail chain department stores, and drug stores.* From the facilities of Colgate-Palmolive Company, Inc. at or near Jeffersonville, IN to Atlanta, GA; Birmingham, AL; and Jacksonville, FL. Supporting shipper: Colgate-Palmolive Company, Inc. State and Woerner Streets, Jeffersonville, IN 47130. Send protest to: Interstate Commerce Commission, Regional Complaint and Authority, 1766 Peachtree St. N.W. 3rd Floor Atlanta, Georgia 30309.

MC 148057 (Sub-3-2TA), filed February 22, 1980. Applicant: BLAZER EXPRESS, INC., Route 2, Pelham Rd., Greenville, SC 29607. Representative:

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Clyde W. Carver, Attorney, P.O. Box 720434, Atlanta, GA 30328. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *wheels and axles used in the manufacture of railroad cars* from Charleston, SC to Pickens, SC; and from Pickens, SC to Ashland City, TN and Atlanta, GA for 180 days. Supporting shipper: Creusot-Loire Steel Corporation, 400 Broadacre Drive, Bloomsfield, New Jersey 07003. Send protests to: Ms. Sara Davis, Transportation Assistant, Interstate Commerce Commission, P.O. Box 7520, Atlanta, GA 30309.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 146303 (Sub-6–1TA), filed: March 4, 1980. Applicant: COLO-TEX INDUSTRIES, INC., 1325 West Quincy Avenue, Englewood, Colorado 80110. Representative: Wm. Fred Cantonwine, 6785 E. 50th Avenue, Suite 201, Commerce City, Colorado 80022. *Meat, meat by-products and articles distributed by packing houses, except hides and commodities in bulk in tank vehicles,* from Ford and Finney Counties, Kansas to points in: AL, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, UT, VT, VA, WV and WI for 180 days. An underlying ETA seeks 90 day authority. Supporting shippers: High Plains Dress Beef, Inc., P.O. Box 539, Dodge City, Kansas 67801, and Farmland Industries, P.O. Box 957, Garden City, Kansas 67846.

MC 125433 (Sub-6–7TA), filed: March 5, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson, same as applicant. (1) *Batteries, and accessories and supplies used in connection with batteries,* from Allentown, PA; Atlanta, GA; Buffalo, NY; Burlington, IA; Columbia and Sumter, SC; Dallas, and Texarkana, TX; Denver, CO; Fairfield, CT; Indianapolis and Beech Grove, IN; Kansas City, MO; Logansport and Memphis, TN; Los Angeles, and San Jose, CA; Minneapolis, MN; Omaha, NE; Portland, OR; Richmond, VA; Seattle and Spokane, WA; Richmond, KY; Wausau and Racine, WI; Cleveland, OH; Clark and Trenton, NJ and Jacksonville, FL to points in the United States (except AK and HI); and (2) *material, equipment and supplies used in the manufacture and distribution of batteries,* from points in the United States (except AK and HI) to Allentown, PA; Atlanta, GA; Buffalo, NY; Burlington, IA; Columbia and Sumter, SC; Dallas and Texarkana, TX; Denver, CO; Fairfield, CT; Indianapolis and Beech Grove, IN; Kansas City, MO; Logansport and Memphis, TN; Los Angeles, and San Jose, CA; Minneapolis, MN; Omaha, NE; Portland, OR; Richmond, VA; Seattle and Spokane, WA; Richmond, KY; Wausau and Racine, WI; Cleveland, OH; Clark and Trenton, NJ and Jacksonville, FL. Restricted to traffic originating at or destined to the facilities of ESB Incorporated Division of Exide Corporation, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: ESB Incorporated Division of Exide Corporation, 101 Gibraltar Road, Horsham, PA 19044

MC 730 (Sub-6–1TA), filed: March 5, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598, (Mailing address: P.O. Box 8004, Walnut Creek, CA 94596). Representative: R. N. Cooledge (same as applicant). *Chemicals,* in bulk, in tank vehicles, from the plant site of Sandoz, Colors and Chemicals, at or near Martin, SC (Allendale County) to Vernon, CA, for 180 days. Supporting shipper: R. C. Walker, Distribution Planner, Sandoz Colors and Chemicals, 59 Route 10 Bldg. 501, E. Hanover, NJ 07936.

MC 150219 (Sub-6–1TA), filed: March 5, 1980. Applicant: SILVER EAGLE SERVICES, INC., 577 Meadowlark Lane, Grand Junction, CO 81503. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. *Contract carrier:* Irregular routes: *commodities dealt in by drug and pharmaceutical supply houses,* between Grand Junction, CO, on the one hand, and, on the other, San Juan, Grand, Emery, Carbon, Duchesne, Uintah, and Daggett Counties, UT, San Juan County, NM and Uinta, Sweetwater and Carbon Counties, WY, for the account of C. D. Smith Company, for 180 days. Supporting shipper: C. D. Smith Company, Box 728, Grand Junction, CO 81501.

MC 150220 (Sub-6–1TA), filed March 5, 1980. Applicant: MICHAEL T. SPENCER, d.b.a. MIKE SPENCER TRUCKING, 3988 Railroad Avenue, (P.O. Box 996), Yuba City, CA 95991. Representative: Walter H. Walker III, Handler, Baker, Greene & Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Lumber and lumber products* from points in CA to points in WA, OR, NV and CO; and from points in OR to points in CA and NV, for 180 days. There are 7 supporting shippers. Their statements may be examined at the office listed.

MC 95920 (Sub-6–1TA), filed March 5, 1980. Applicant: SANTRY TRUCKING CO., 10505 N.E. 2nd Avenue, Portland, Oregon 97211. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Washington 98104. *Chemicals and plastic materials and other than tanker hopper vehicles:* from the plant site facilities of Union Carbide Corporation at Torrance, California to points in Oregon and Washington, for 180 days. Supporting shipper: Union Carbide Corporation, 1 California Street, San Francisco, CA 94111.

MC 128514 (Sub-6–1TA), filed March 6, 1980. Applicant: SCHAEFFER TRUCKING, INC., 5200 W. Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603. *Ink materials, toner and developers used in copying machines, copying machines and sorter machines,* from the plant sites of Nashua Corp. at Nashua and Merrimack, NH and Chelmsford, MA to all points within the state of CA, for 180 days. Supporting shipper: Nashua Corp., 44 Franklin St., Nashua, NH 03061.

MC 124160 (Sub-6–1TA), filed February 19, 1980. Applicant: SAVAGE BROTHERS, INCORPORATED, 585 South 500 East, American Fork, Utah 84003. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, Utah 84111. *Sodium tripolyphosphate,* from Long Beach, CA, to Salt Lake City, UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Huish Distributing Company, 3540 West 198 South, Salt Lake City, Utah 84125.

MC 124160 (Sub-6–2TA), filed February 19, 1980. Applicant: SAVAGE BROTHERS, INCORPORATED, 585 South 500 East, American Fork, Utah 84003. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, Utah 84111. *Coke, in bulk,* from Salt Lake City, UT, to Sweetwater Resources Plant of Monsanto Chemical at or near Rock Springs, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: ICM Corporation, 660 County Court, Grand Junction, CO 81501.

MC 141097 (Sub-6–1TA), filed March 6, 1980. Applicant: CAL–TEX, INC., P.O. Box 1678, Costa Mesa, CA 92626. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. *Contract carrier,* irregular routes. *(1) synthetic yarn and fiber, and chemical products (except in bulk); and (2) materials and supplies used in the manufacture and sale thereof,* between points in the United States, restricted to

shipments originating at or destined to the facilities of Badische Corporation, under a continuing contract(s) with Badische Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Badische Corporation, P.O. Drawer D, Williamsburg, VA 23185.

MC 125433 (Sub-6–9TA), filed March 5, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). *Insulation in bags,* from Pueblo, CO to points in NM for the account of Rockwool Industries, Inc. for 180 days. Supporting shipper: Rockwoll Industries, Inc., 7400 Alton Way, Englewood, CO 80112.

MC 52709 (Sub-6–2TA), filed March 6, 1980. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). *Common carrier:* regular route: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses, and materials, equipment and supplies used in the business of meat packinghouses,* serving the facilities of Sterling Colorado Beef Co., at or near Fort Morgan, CO, in connection with carrier's presently authorized regular route operations between Denver, CO and Omaha, NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Sterling Colorado Beef Co., 1500 Right of Way Rd., Sterling, CO 80751.

MC 134548 (Sub-6–1TA), filed March 6, 1980. Applicant: ZENITH TRANSPORT, LTD., 2361 Rogers Avenue, Coquitlam, B.C., Canada V3K 5Y2. Representative: George R. Labissoniere, 1100 Norton Building, Seattle, WA 98104. *Contract carrier:* irregular routes: *Rubber Mats,* from ports of entry on the International Boundary line between the U.S. and Canada located in WA to points in CA and AZ for 180 days. Supporting shipper: Northwest Rubber Mats, Ltd., 1790 Kennedy Road, Pitt Meadows, B.C., Canada V0M 1PO.

MC 139906 (Sub-6–4TA), filed March 6, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84127. Mr. Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. *Toilet preparations, hair care products and personal appliances,* (except in bulk), Between the facilities of Clairol, Inc., a division of Bristol Myers, Inc., at or near Camarillo, CA, and the facilities of Bristol Myers, Inc., at or near La Mirada, CA, on the one hand, and, on the other, the facilities of Bristol Myers, Inc., at or near Dallas, TX, for 180 days. supporting shipper: Clairol, Inc., a Division of Bristol Myers, Inc., 1 Blachley, Stamford, CT 06902. An underlying ETA seeks 90 days authority.

MC 79577 (Sub-6–1TA), filed March 6, 1980. Applicant: OILFIELDS TRUCKING COMPANY, 1601 S. Union Ave. (P.O. Box 751), Bakersfield, CA 93302. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Gasoline and distillate fuel oils,* from the pipeline terminal of Calnev Pipeline Co. at or near Daggett, CA to points in AZ, NV and UT, for 180 days. Supporting shipper: Union Oil Co. of CA, 461 S. Boylston, Los Angeles, CA 90017; Chevron USA, Inc., 575 Market St., San Francisco, CA 94105.

MC 149195 (Sub-6–1TA), filed March 6, 1980. Applicant: ARCADIAN MOTOR CARRIERS, 1831 Simpson, Kingsburg, CA 93631. Representative: James F. Hauenstein (same address as applicant). *Recreation equipment and sporting goods and the material, supplies and equipment used in manufacture of same.* (Restricted to traffic originating from the facilities of Kransco Manufacturing, Inc.) From Tijuana, Mexico via San Ysidro, CA to Oceanside, CA, South San Francisco, CA and Virginia Beach, VA and from South San Francisco, CA, to points in AZ, TX, OK, LA, KS, MO, and IL for 180 days. Supporting shipper: Kransco Manufacturing, Inc., 501 Forbes Blvd., P.O. Box 2746, South San Francisco, CA 94080.

MC 109584 (Sub-6–4TA), filed March 7, 1980. Applicant: ARIZONA–PACIFIC TANK LINES, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). *Spent caustic sulfide,* in bulk, in tank vehicles, from El Paso, TX to Sahuarita, AZ and Artesia, NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Kerley Chemical Co., 2801 W. Osborn Rd., Phoenix, AZ 85017

MC 147883 (Sub-6–1TA), filed March 7, 1980. Applicant: TRANSPORT IMPROVERS, INC., 7350 S.E. 87th, Portland, OR 97266. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. *Contract carrier,* irregular routes, *lubricating oil, grease, antifreeze and undercoating,* between the facilities of Quaker State Oil Refining Corporation at Portland, OR, on the one hand, and points in WA and ID, on the other hand for 180 days. Supporting shipper: Quaker State Oil Refining Corp., Municipal Terminal No. 4, Foot of Lombard Street, Portland, OR 97203.

MC 117786 (Sub-6–3TA), filed March 7, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Foodstuffs including cookies and crackers,* from Louisville, KY to Phoenix and Flagstaff, AZ; Salt Lake City, UT; Lubbock, San Antonio, Houston and Dallas, TX; Oklahoma City, OK; Topeka, KS; Kansas City, Joplin and Springfield, MO for 180 days. Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. An underlying ETA seeks 90 days authority.

MC 2862 (Sub-6–2TA), filed February 19, 1980. Applicant: ARROW TRANSPORTATION CO. OF DE, d.b.a. ARROW TRANSPORTATION COMPANY, 3125 N.W. 35th Avenue, Portland, OR 97210. Representative: Jerry Woods, Suite 1440, 200 Market Street, Portland, OR 97201. *Jet fuel, in bulk, in tank vehicles,* from the facilities of West Aire, Inc., at or near Hayden Lake, ID to Walla Walla, WA, for 180 days. Supporting shipper: West Aire, Inc., Box 28, Hayden Lake, ID 83835

MC 15004 (Sub-6–1TA), filed February 8, 1980. Applicant: PRIDE TRANSPORT, INC., 1005 Jewell St., Salt Lake City, UT 84104. Representative: James Faust, Kearns Building, Salt Lake City, UT 84111. *Juvenile furniture, broken down, in cartons;* from the facilities of Graco Children's Products, Inc., located at or near Blue Ball, Elverson and Hallam, PA, Rochester, NY and West Rutland, VT to points in and west of CO, MT, MN, and WY for 180 days. Supporting shipper: Graco Children's Products, Inc., Elverson, PA 19529.

MC 148158 (Sub-6–4TA), filed February 29, 1980. Applicant: CONTROLLED DELIVERY SERVICE, INC., Post Office Box 1299, City of Industry, California 91749. Representative: Patricia M. Schnegg, Knapp, Grossman & Marsh, 707 Wilshire Boulevard, 1800 United California Bank Bldg., Los Angels, California 90017. *General commodities (except commodities of unsual value, household goods as defined by the Commission, commodities in bulk, class A and B explosives, and livestock)* between Cache, Davis, Salt Lake, Tooele, and Weber Counties, UT, on the one hand, and on the other points in CA, GA, IN, KY, and TX. Supporting shipper: William E. Bird, General Manager, Wasatch Shippers Association, 278 North 1275 East, Layton, Utah 84041.

MC 141867 (Sub-6–1TA), filed February 29, 1980. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma,

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WA 98421. Representative: Ronald R. Brader, 2301 Milwaukee Way, Tacoma, WA 98421. (1) *Items dealt in or used by the manufacturers of insulation,* between ports of entry on the International Bounday Line between the United States and Canada located in WA, ID, MT, on the one hand, and, on the other, points in WA, ID, MT, OR and CA, and (2) *Sand,* from ports of entry on the International Boundary Line between the United States and Canada located in WA to points in WA and OR.

MC 26396 (Sub-6–7TA), filed February 29, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. *Dry fertilizer and dry fertilizer materials,* from ports of entry on the International Boundary line between the United States and Canada located in MT to points in ID, MT, OR, UT and WA, for 180 days. Supporting shipper: Occidental Chemical, Inc., 8700 Southwest 26th Avenue, Portland, OR 97219.

MC 141804 (Sub-6–11TA), filed February 29, 1980. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Wearing apparel and shoes,* from Portland and Longview, WA to Indianapolis, IN. Restricted to traffic having a prior movement by water, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Lawrence R. Gonia, Traffic Manager, Lane Bryant, Inc., 2300 Southeastern Avenue, Indianapolis, IN 46201.

MC 148966 (Sub-6–1TA), filed February 29, 1980. Applicant: DROTZMANN, INC., P.O. Box 10178, Yakima, WA 98909. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Frozen bagels,* from the facilities of Abel's Bagels, Inc. at Buffalo, NY to points in CA, CO, NV, OR, UT and WA. Supporting shipper: Abel's Bagels, Inc., Division of Lender Bagels, Inc., 75 Empire Drive, Buffalo, NY 14224.

MC 141532 (Sub-6–2TA), filed February 29, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Iron and steel pipe fittings,* from the facilities of Wheeling-Pacific Division of Wheeling Machine Products Co. at or near Woodlake, CA to points in CO, KS, LA, MO, OH, OK, TX and WV, for 180 days. Supporting shipper: Wheeling-Pacific Division of Wheeling Machine Products Co., Box 6463, Wheeling, WV 26003.

MC 146137 (Sub-6–1TA), filed February 29, 1980. Applicant: STANTON SALES & TRANSPORTATION COMPANY, 11135 S.W. Industrial Way, Tualatin, OR 97602. Representative: Thomas Y. Higashi, Attorney at Law, 2075 S.W. First Avenue—#2–N, Portland, OR 97201. Contract carrier; irregular routes; *new mattresses, beds and bed springs,* between the facilities of Van Vorst-Englander at or near: (a) Los Angeles, CA and points and places in AZ, CO, ID, MT, NM, NV, OK, OR, TX, UT and WA. (b) Denver, CO and points and places in AZ, CA, ID, MT, NM, NV, OK, OR, TX, UT and WA. (c) Dallas and Houston, TX and points and places in AZ, CA, CO, ID, MT, NM, NV, OK, OR, UT and WA. (d) Seattle, WA and points and places in AZ, CA, CO, ID, MT, NM, NV, OK, OR, UT, and TX. For the account of Van Vorst-Englander for 180 days. Supporting shipper: Van Vorst-Englander, 415 Boren Avenue, N., Seattle, WA 98109.

MC 113678 (Sub-6–2TA), filed February 29, 1980. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as applicant). *Empty wire baskets* from Milpitas, CA, to Pueblo, CO; and La Habra, CA, to Pueblo, CO. Supporting shipper: Alpha Beta Packing Co., 303 So. Santa Fe, Pueblo, CO.

MC 128333 (Sub-1TA), filed February 29, 1980. Applicant: LES CALKINS TRUCKING, INC., 19501 North Highway 99, Acampo, CA 95220. Representative: Alan F. Wohlstetter, Denning & Wohlstetter, 1700 K Street NW., Washington, DC 20006. *Rock, sand and gravel,* from Dayton, Nevada to the facilities of Basalite Company, Napa, California, for 180 days.

MC 141804 (Sub-6–12TA), filed March 3, 1980. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Paper and paper products* from the facilities of Champion International Corporation at or near Hamilton, OH to San Diego, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jeanne H. Sisson, Traffic Analyst—Pricing, Champion International Corporation, Knightsbridge Drive, Hamilton, OH 45020.

MC 148281 (Sub-6–1TA), filed March 3, 1980. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Rd., Whittier, CA 90601. Representative: Mandel & Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Automobile parts, supplies, and accessories (except in bulk);* from points in CA, Boulder, CO, Davenport and Des Moines, IA, St. Louis, MO, Warren, OH, and Salt Lake City, UT, to points in OR and WA for 180 days. Supporting shipper(s): Willamette Wheel, Inc., and Willamette Distributing, 1205 S.E. Grand Ave., Portland, OR 97208.

MC 117786 (Sub-6–2TA), filed February 29, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses (except frozen commodities and commodities in bulk)* (1) from Reno, NV to Oakland and Fairfield, CA; (2) from Houston, TX to Louisiana and NM; (3) from Los Angeles, CA to AZ; (4) from Oakland and Fairfield, CA to OR and WA; and from Kansas City, MO to CO, *restricted to shipments originating at the facilities of The Clorox Company.* Supporting shipper(s): The Clorox Company, P.O. Box 24305, Oakland, CA 94612.

MC 111434 (Sub-6–1TA), filed February 15, 1980. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, CO 80216. Representative: J. Albert Sebald, 1700 Western Federal Savings Building, Denver, CO 80202, Phone: 303–825–5111. *Liquid concrete admixtures,* in bulk, from points in Seattle, WA to points in CA, OR, NV, ID, UT, WY, MT., for 180 days.

MC 150204 (Sub-6–1TA), filed March 3, 1980. Applicant: CAL RENTAL TOOL & SUPPLY, INC., 4557 West Yellowstone, P.O. Box 1360, Mills, WY 82644. Representative: Ciro G. Cerullo (same as applicant). *Machinery, equipment and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by products, restricted against the transportation of complete oil drilling rigs, between points in WY, CO, UT, MT and ND for 180 days. There are 5 shippers. Their statements may be examined at the S.F., CA office.

MC 75623 (Sub-6–1TA), filed March 4, 1980. Applicant: STEWART-STILES TRUCK LINE, INC., Route 2, Box 415A, Forest Grove, OR 97116. Representative: John A. Anderson, Attorney, Suite 1440, 200 S.W. Market St., Portland, OR 97201. *Pharmaceuticals, proprietaries, toiletries, sundries and such commodities as are dealt in by drug stores,* (1) from Portland, OR to points in Washington, Payette, Gem, Canyon and Ada Counties, ID, and (2) from points in Washington, Payette, Gem, Canyon and Ada Counties, ID to Ontario, Baker, LaGrande, Pendleton and Portland, OR, for the account of McKesson-Robbins Drug Co. (a division of Foremost-McKesson, Inc.) 630 NW 14th, Portland, OR, for 180 days.

MC 142686 (Sub-6–1TA), filed March 3, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 S. Shoemaker Avenue, Santa Fe Springs, CA 90670. Commodity: *Beverages, Alcoholic (except in bulk).* Territory: Between the Counties of Alameda, Contra Costa, Fresno, Imperial, Los Angeles, Marin, Mendocino, Napa, Orange, Riverside, San Bernadino, San Diego, San Francisco, San Mateo, Santa Barbara, Santa Clara, and Sonoma, California, on the one hand, and, on the other, Atlanta, GA; Baltimore, MD; Boston, MA; Clermont, KY; Dallas, TX; Detroit, MI; Dundalk, MD; Elizabethport, NJ; Houston, TX; Lawrenceburg, KY; Louisville, KY; Miami, FL; Melville, MI; New York, NY; Philadelphia, PA; Relay, MD; San Antonio, TX, points within the states of OH, IL, IN, MN, MO and WI.

MC 135803 (Sub-6–1TA), filed March 3, 1980. Applicant: WALLACE TRANSPORT, 9290 E. Hwy. 140 (P.O. BOX 67), Planada, CA 95365. Representative: Donald M. Fennel, (same address as above). *Such merchandise as is dealt with by wholesale, retail, chain grocery and food business houses, and materials, ingredients, and supplies used in manufacture and sale of such merchandise,* between the facilities of Ralston Purina Co. at or near Sparks, NV and points in CA, for 180 days. Supporting shipper: Ralston Purina Co., P.O. Box 2150, Sparks, NV 89431.

MC 119390 (Sub-6–1TA), filed February 26, 1980. Applicant: MAIRS TRANSPORT, LTD., 978 Adair Ave. (P.O. Box 1188), Coquitlam, B.C., Canada V3J 6Z9. Representative: Wallace Aiken, Attorney at Law, 1215 Norton Bldg., Seattle, WA 98104. *Gypsum wallboard and allied products; roofing materials; lumber and lumber products,* between ports of entry on the International Boundary line between the U.S. and Canada located in WA; and points in WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Vernon Young, Traffic Co-Ordinator, Domtar Construction Materials Group of Domtar Inc., 2001 University St., Montreal, Quebec, Canada; Keith Reynolds, U.S. Traffic Manager, Doubletree Forest Products Ltd., Ste. 1–4649 E. Hastings, N. Burnaby, B.C., Canada.

MC 144040 (Sub-7–1TA), filed February 26, 1980. Applicant: PINETREE TRANSPORTATION COMPANY, 6400 Westminister Avenue, Westminister, CA 92683. Representative: Robert J. Corber, Steptoe & Johnson, 1250 Connecticut Avenue, Washington, D.C. 20036. *Passengers and their baggage, in the same vehicle with passengers,* in *charter operations,* beginning and ending at points and places in Los Angeles and Orange Counties, CA, and extending to points and places in the United States including AK and excluding HI. Supporting shipper: there are 13 statements in support attached to this application which may be examined in Washington, D.C. or copies of which may be examined in the field office named.

MC 121641 (Sub-16–1TA), filed March 3, 1980. Applicant: SHAMROCK TRUCK LINES, 2233 So. 7th St., San Jose, CA 95112. Representative: E. L. Scott (same address as above). *Foodstuffs* from Santa Clara and Stanislaus Counties, CA to Phoenix, AZ and its Commercial Zone, for 180 days. Supporting shipper(s): Cal-Grower Assn., 447 N. 1st St., San Jose, CA.

MC 135082 (Sub-6–2TA), filed March 4, 1980. Applicant: ROADRUNNER TRUCKING, INC., 4100 Edith Boulevard N.E., Post Office Box 26748, Albuquerque, NM 87125. Representative: J. B. Martin (same address as applicant). *Iron and steel, from Pueblo, CO to NM, AZ, UT, TX, OK, LA, AR, KS, WY, MT, ID, NV, CA, OR, and WA for 180 days.*

MC 139906 (Sub-6–3TA), filed March 4, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, Utah 84127. Representative: Mr. Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. *Such commodities as are dealt in by retail and department stores and equipment, materials, and supplies used in the conduct of such business (except foodstuffs and commodities in bulk);* From the facilities of J. C. Penney Company, Inc., at or near Jersey City, NJ and points in its commercial zone to Reno, NV and points in its commercial zone, for 180 days. Supporting shipper: J. C. Penney Company, Inc., 1301 Avenue of the Americas, New York, NY 10019.

MC 42487 (Sub-6–7TA), filed February 29, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. A *common carrier* regular routes *General commodities, (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment),* (1) Between Atlanta, GA and Gainesville, GA, serving all intermediate points: From Atlanta over U.S. Hwy 23 to Gainesville, and return over the same route. (2) Between Atlanta, GA and Greenville, SC, serving no intermediate points: From Atlanta over Interstate Hwy 85 to Greenville, and return over the same route. Applicant intends to tack the authorities described above. Applicant also intends to tack to its existing authority and any authority it may acquire in the future. The proposed authority will tack with present authority of Applicant at Atlanta, GA and Greenville, SC. Present authority at these points is found in Docket No. MC 42487 Sub 744. Authority at Atlanta, GA is also found in Docket No. MC 42487 Sub 872. Authority at Greenville, SC is also found in Docket No. MC 42487 Subs 863 and 905F. These authorities, in turn, will be joined with other authorities of Applicant at common service points to permit service throughout the United States. Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission. Supporting shipper(s): There are 56 shipper support statements filed with this application which may be inspected at the offices of the Interstate Commerce Commission, for 180 days.

MC 84690 (Sub-6–2TA), filed March 5, 1980. Applicant: BN TRANSPORT INC., 6775 East Evans Avenue, P.O. Box 22695, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50307. *Rubber hose and couplings* from Galesburg, IL to Iola, KS, for 180 days.

MC 98864 (Sub-6–1TA), filed March 5, 1980. Applicant: PBI FREIGHT SERVICE, 960 North 1200 West, P.O. Box 37, Orem, UT 84057. Representative: Rick J. Hall, Post Office Box 2465, Salt Lake City, UT 84110. *Contract Carrier:* Irregular routes: *Crushed lava rock (tufa),* from the mine site of Magic Mountain Mining Company at Kirkland, AZ, to the States of CA, NV, UT and CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Magic Mountain Mining Company, 215 Main St., Sausalito, CA 94965.

MC 135518 (Sub-6–1TA), filed March 5, 1980. Applicant: WESTERN CARRIERS, INC., 53 S. Dawson, Seattle, WA 98124. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Frozen potato*

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products, from Pasco, WA and Boardman and Metolius, OR to points in CA, restricted to traffic moving from the facilities of U & I, Inc., for 180 days. Supporting shipper: U & I, Inc., P.O. Box 2308, Tri-Cities, WA 99302.

MC 138026 (Sub-No. 6–1TA), filed March 5, 1980. Applicant: LOGISTICS EXPRESS, INC., d.b.a. LOGEX, 1890 South Chris Lane, Anaheim, California 92805. Representative: Patricia M. Schnegg, Knapp, Grossman & Marsh, 707 Wilshire Boulevard, 1800 United California Bank Building, Los Angeles, California 90017. *helium* from Elkhart, Liberal, Ulysses, KS and Keyes, OK to Los Angeles, Santa Clara, San Mateo Counties, CA; Platteville, CO; Bladensburg, MD; Camden, NJ; Hightstown, NJ; and Renton, WA. An underlying ETA seeks 90 days authority. Supporting shipper: Mr. William G. Walker, Regional Distribution Manager, Air Products and Chemicals, Inc., 2021 East Rosecrans Boulevard, El Segundo, California 90245.

W-587 (Sub-6–1TA), filed February 6, 1980. Applicant: FOSS L & T CO, a corporation, 660 West Ewing Street, Seattle, WA 98119. Representative: Thomas E. Kimball and Richard C. Jones, Attorneys at Law, Two Embarcadero Center, San Francisco, CA 94111. By decision entered February 15, 1980, the Region 6 Motor Carrier Board granted applicant 60-day temporary authority to engage in the business of transportation by water vessel, in interstate commerce, in the transportation of a *nuclear steam generator*, from the facility of Surry Reactor, at or near Surry, VA to Port of Benton, Richland, WA via James River, Straits of Florida, Yucatan Straits, Panama Canal and Columbia River, under a contract with Battelle Memorial Institute for the U.S. Department of Energy, and the U.S. Nuclear Regulatory Commission, Richland, WA. Any interested person may file a petition for reconsideration with the Regional Motor Carrier Board, Interstate Commerce Commission, Post Office Box 7413, San Francisco, CA 94120 within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8080 Filed 3-14-80; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

Institution of Final Antidumping Investigation and Scheduling of Hearings, 731-TA-16 (Final): Melamine in Crystal Form, Provided for in TSUS Item 425.10, From the Netherlands

AGENCY: United States International Trade Commission.

ACTION: Institution of a final antidumping investigation under section 735(b) of the Tariff Act of 1930 to determine whether with respect to melamine in crystal form (provided for in TSUS item 425.10) from the Netherlands there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise allegedly sold or likely to be sold at less then fair value.

EFFECTIVE DATE: February 26, 1980.

FOR FURTHER INFORMATION, CONTACT: John MacHatton (202) 523–0439, the supervisory investigator.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, section 735(b)(2), requires that the Commission make a final antidumping determination in cases where the administering authority has issued an affirmative preliminary determination under section 733(b) as to the question of less-than-fair-value sales. Accordingly, the Commission hereby gives notice that, effective as of February 26, 1980, it is instituting Investigation No. 731–TA–16 (final) pursuant to section 735(b) of the Tariff Act of 1930, as added by Title I of the Trade Agreements Act of 1979. This investigation will be subject to the provisions of Part 207 of the Commission's Rules of Practice and Procedure (19 CFR Part 207, 44 FR 76457) and, particulary, Subpart B thereof, effective January 1, 1980.

WRITTEN SUBMISSIONS: Any person may submit to the Commission by April 8, 1980 a written statement of information pertinent to the subject matter of this investigation. A signed original and nineteen true copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of sec. 201.6 of the Commission's rules of practice and procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

HEARING: The Commission has scheduled a hearing in this investigation beginning at 10:00 a.m., e.s.t. on April 11, 1980, in the Hearing Room, U.S. International Trade Commission Building. Parties wishing to participate in the Hearing should notify the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. A preliminary staff report will be available to all interested parties on March 25, 1980. Any person's prehearing statement must be filed by April 8, 1980. All parties who desire to appear at the hearing and make oral presentations must file prehearing statements. For further information consult the Commission's rules of practice and procedure, Part 207, Subpart C (44 FR 76457), effective January 1, 1980.

Issued: March 13, 1980.

By order of the Commission.

Kenneth R. Mason.

Secretary.

[FR Doc. 80-8259 Filed 3-14-80; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

National Institute of Justice

Solicitation; Competitive Research Cooperative Agreement

The National Institute of Justice announces a competitive research cooperative agreement program to evaluate Jail Pretrial Release Recommendation/Decision Systems. The purpose of this evaluation award is to assess the operations and effectiveness of these systems. Key Research questions in this evaluation are:

1. Have Jail Pretrial Release Recommendation/Decision Systems been effective and, if so, what factors have contributed to their effectiveness?
2. Are Jail Pretrial Release Recommendation/Decision Systems able to impact jail population levels?
3. Are Jail Pretrial Release Recommendation/Decision Systems cost effective?

The solicitation asks for the submission of draft proposals. A formal application will be requested following a peer review process in accordance with the criteria set forth in the solicitation. In order to be considered, all papers must be postmarked no later than April 15, 1980. This cooperative agreement is planned for award in June, 1980 with funding support not to exceed $300,000 or 18 months in duration for individual grants. To maximize competition for the award, both profit making and non-profit organizations are eligible to apply; however, a fee will not be paid.

Note.—This announcement originally appeared in the **Federal Register** on February 27, 1980. This announcement is only to extend the due date for papers from April 1, 1980 to April 15, 1980.

Further information and copies of the solicitation can be obtained by contacting Richard S. Laymon, Office of Program Evaluation, NIJ, 633 Indiana Avenue, N.W., Washington, D.C. 20531, or phone (301) 492–9085.

Dated: March 7, 1980.

Harry M. Bratt,

Primary and Principal Assistant, to the Acting Director, National Institute of Justice.

[FR Doc. 80-8028 Filed 3-14-80; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION

Meeting

The Twenty-Third meeting of the National Commission on Unemployment Compensation is scheduled to be held at the Skirvin Plaza Hotel, Oklahoma City, Oklahoma. The meeting will begin at 9:00 A.M., on Thursday, March 27, and conclude at 12 Noon on Saturday, March 29. The agenda is as follows:

Thursday, March 27

1. 9:00 A.M.—12:30 P.M.
   Report on Legislative Developments.
   Report on Administrative Financing.

Break 12:30

2. 2:00 P.M.—4:00 P.M.
   Commission discussion: Federal Role in Financing of Reinsurance and Extended Benefits.
3. 4:00 P.M.—5:P.M.
   Presentation by Oklahoma Employment Security commission.

Friday, March 28

4. 9:00 A.M.—10:00 A.M.
   Commission discussion: Special Unemployment Programs.
5. 10:00 A.M.—12:30 P.M.
   Commission discussion: Provisions of a State Law (Suitable Work and Dependents Benefits).
6. 2:00 P.M.—4:00 P.M.
   Continuation of Commission discussion.
7. 4:00 P.M.—6:00 P.M.
   Public Testimony.

Saturday, March 29

8. 8:00 A.M.—9:00 A.M.
   Commission discussion: Agendas for Future Meetings.
9. 9:00 A.M.—10:00 A.M.
   Commission discussion: Interstate Claims Proposals.
10. 10:00 A.M.—12 Noon
    Commission discussion: Further Consideration of Draft of Proposed Report.

Adjourn (12 Noon)

Telephone inquires and communications concerning this meeting should be directed to: Roger Webb, Deputy Executive Director, National Commission on Unemployment Compensation, 1815 N. Lynn Street, Room 440, Rosslyn, Virginia 22209 (703) 235–2782.

Signed at Washington, D.C., this 11th day of March 1980.

Roger Webb,

Deputy Executive Director, National Commission on Unemployment Compensation.

[FR Doc. 80-8133 Filed 3-14-80; 8:45 am]

BILLING CODE 4510-30-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Ad Hoc Subcommittee on Three Mile Island, Unit 2 Accident Action Plan; Meeting

The ACRS Ad Hoc Subcommittee on the Three Mile Island, Unit 2 Accident Action Plan will hold a meeting on April 1–2, 1980 in Room 1046, 1717 H St., NW., Washington, DC 20555 to continue its consideration of Draft 3 of NRC NUREG–0660, "Action Plans Developed as a Result of the TMI–2 Accident."

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Tuesday and Wednesday, April 1 and 2, 1980 8:30 a.m. until the conclusion of business each day.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, the nuclear industry, various utilities, and their consultants, and other interested persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Public Law 92–463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. John C. McKinley (telephone 202/634–3265) between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 10, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-7971 Filed 3-14-80; 8:45 am]

BILLING CODE 7590-01-M

Applications for Licenses to Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.41 "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses for the period February 11 through March 1, 1980. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street., NW., Washington, D.C.

Dated this day March 3, 1980, at Bethesda, Md.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Exxon Nuclear Co., 02/12/80, 02/20/80, XSNM01653.	3.8% enriched uranium	33,660	1,010	Multiple reloads for Barsebaeck I	Sweden.
General Electric, 02/19/80, 02/25/80, XSNM01654.	3.06% enriched uranium	33,665	921	Reload for Fukushima 1, Unit 2	Japan.

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Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
General Electric, 02/19/80, 02/25/80, XSNM01655.	3.65% enriched uranium	55,125	1,494	Reload for Fukushima 1, Unit 6	Japan.
General Electric, 02/22/80, 02/26/80, XSNM01656.	3.65% enriched uranium	36,730	1,002	Reload for Tokai 2	Japan.
Exxon Nuclear Co., 02/15/80, 02/27/80, XSNM01657.	3.5% enriched uranium	55,440	1,940	Multiple reloads for Tihange	Belgium.
Exxon Nuclear Co., 02/15/80, 02/27/80, XSNM01658.	3.1% enriched uranium	68,000	2,110	Multiple reloads for Biblis B	West Germany.
Transnuclear, 02/29/80, XSNM01661.	03/03/80, 93.3% enriched uranium	14.3	13.342	Fuel elements for FRJ-1 reactor and samples for MOL, Petten, Grenoble, Studsvik, Julich.	West Germany plus the Netherlands, Sweden, France, Belgium.

[FR Doc. 80-8066 Filed 3-14-80; 8:45 am]
BILLING CODE 7590-01-M

Availability of Report Relating to Activities, Effects, and Impacts of the Coal Fuel Cycle for a 1,000-MWE Electric Power Generating Plant

The Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, has issued a report entitled, "Activities, Effects and Impacts of the Coal Fuel a Cycle for 1,000-MWe Electric Power Generating Plant," prepared under contract to the NRC by Teknekron Research, Inc. The report, NUREG/CR-1060 includes considerations of coal fuel cycle activities such as resource extraction and coal pretreatment, transportation, storage, power production, and waste disposal. The impacts and effects of each of these fuel cycle activities are discussed and include air and water pollution effects, mining and transportation accidents, land use effects, radiological effects and health impacts.

Preparation of the report involved review of current literature supplemented by recent research results of other Federal agencies. The report provides a summation of the adverse societal impacts of all segments of the coal fuel to support the operation of a 1,000-MWe powerplant.

Copies of NUREG/CR-1060 may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161 (703) 577-4650.

Final unclassified NUREG Series documents are also available directly from the NRC to those with deposit accounts with the Superintendent of Documents, U.S. Government Printing Office. To place orders, call (301) 492-7333 or write Division of Technical Information and Document Control, ATTN: Publications Sales Manager, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland this 29th day of February 1980.

For the Nuclear Regulatory Commission.

Daniel R. Muller,

Acting Director, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation.

[FR Doc. 80-8068 Filed 3-14-80; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas & Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 42 and 25 to Facility Operating Licenses Nos. DPR-53 and DPR-69 issued to Baltimore Gas & Electric Company, which revised the licenses for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2 (the facility) located in Calvert County, Maryland. The amendments are effective as of the date of issuance.

The amendments: (1) delete satisfied License Condition 2.C.(3). "Steam Generator Water Level Rise Rate", for Unit No. 2, and (2) delete satisfied license conditions concerning Liquefied Natural Gas (LNG) traffic at Cove Point Terminal for both units.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated November 13, 1978, as supplemented March 15, 1979, and October 15, 1979, (2) Amendments Nos. 42 and 25 to Licenses Nos. DPR-53 and DPR-69, (3) the Commission's concurrently issued Safety Evaluation on Steam Generator Water Hammer, and (4) the Commission's June 13, 1978, Safety Evaluation on LNG traffic at the Cove Point Terminal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 10th day of March.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4 Division of Operating Reactors.

[FR Doc. 80-8071 Filed 3-14-80; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-295 SP and 50-304 SP]

Commonwealth Edison Co. (Zion Station, Units 1 and 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this spent fuel proceeding to consist of the following members: Richard S. Salzman, Chairman; Dr. John H. Buck; and Dr. W. Reed Johnson.

Dated: March 7, 1980.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 80-8066 Filed 3-14-80; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 70-2623]

Duke Power Co. (Amendment to Materials License SNM-1773 for Oconee Nuclear Station Spent Fuel Transportation and Storage at McGuire Nuclear Station); Resumed Evidentiary Hearing

March 7, 1980.

Please take notice that the evidentiary hearing in this proceeding will be resumed on Monday, April 28, 1980 commencing at 9:00 a.m., local time, at the Commissioners' Board Room, Mecklenburg County Office Building, 4th Floor, 720 East Fourth Street, Charlotte, North Carolina 28202.

The reconvened hearing will address routing issues. The routing issues which will be raised to include further examination of the impacts on the public of the proposed transportation of spent fuel, giving consideration to physical security during transportation including the likelihood of sabotage. The proposed transportation routes are:

Route No. 1—From Oconee South on South Carolina (SC) 130 to US 123, East to SC 153, South to I-85, North to North Carolina (NC) 273, North to NC 16, North to NC 73 and on to McGuire.

Route No. 2—From Oconee South on SC 130 to US 123, East to SC 153, South to I-85, North to SC 18, North on SC 18 and NC 18 to NC 180, then Northeast to NC 150-US 321, North to NC 27, East to NC 73 and on to McGuire.

Route No. 3—From Oconee North on SC 130 to SC 183, West to SC 11, East to I-85, and the rest of the way to McGuire using Routes 1 or 2.

Route No. 4—From Oconee South on SC 130 to US 123, East to SC 153, South to I-85, North to I-77, North to NC 73, and on to McGuire.

Route No. 4 has been the subject of the prior phases of this proceeding.

Routes 1-3 are those routes which have been approved by the NRC Staff.

In addition, the record will be updated with regard to the status of spent fuel storage options available to the Applicant.

The Parties have agreed to explore these matters among themselves prior to the hearing with a view toward developing a full and complete record in the most expeditious fashion.

Limited appearance statements may be made from 9-10 a.m., local time, on April 28 and 29, 1980. Written limited appearance statements may be made at any time during this proceeding. Both oral and written limited appearance statements will be made a part of the record. A person permitted to make a limited appearance does not become a party, but may state his, her or its position and raise questions which should be answered to the extent that they are within the scope of this hearing. The public is invited to attend the hearing, but a member of the public does not have the right to participate unless granted the right of limited appearance.

Dated at Bethesda, Maryland, this 7th day of March 1980.

It is so ordered.

For the Atomic Safety and Licensing Board.

Marshall E. Miller,

Chairman.

[FR Doc. 80-8069 Filed 3-14-80; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Company (the licensee), which revised the Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility), located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

This amendment revises the Technical Specifications to support operation of the facility at full rated power during Cycle 5.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 5, 1979, as supplemented February 15, 1980, (2) Amendment No. 48 to License No. DPR-36, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 7th day of March.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 80-8067 Filed 3-14-80; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. STN 50-486]

Union Electric Co.; Issuance of Interim Decision Under 10 CFR 2.206

By petition dated August 14, 1979, the Public Service Commission of the State of Missouri (PSC) pursuant to 10 CFR 2.206 of the Commission's regulations requested the Director of Nuclear Reactor Regulation to issue a show cause order to suspend the construction permit granted to Union Electric Company for Callaway Plant, Unit 2.

Upon consideration of the information submitted by the PSC, I have determined that a decision on its proceedings on the generation expansion program of Union Electric Company. The reasons for this decision are fully described in an "Interim Decision Under 10 CFR 2.206" which is available for public inspection in the Commission's Public Document Room at 1717 H Street NW, Washington, DC 20555 and in the local public document rooms for the Callaway Nuclear Plant, Unit 2, Located at Fulton City Library, 709 Market Street, Fulton, Missouri 65251 and Olin Library of Washington University, Skinker and Lindell Boulevard, St. Louis, Missouri 63130.

Dated at Bethesda, Maryland, this 10th day of March, 1980.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 80-8070 Filed 3-14-80; 8:45 am]
BILLING CODE 7590-01-M

V45/53 MR 17 80 UMI

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms under Review; Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them cut rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from subsitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washingotn, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447–6201

New Forms

Economics, Statistics, and Cooperatives Service
Petroleum operation of farmer cooperatives
Single time
Farmer cooperatives selling petroleum products, 30 responses; 45 hours
Office of Federal Statistical Policy and Standard, 673–7974

Forest Service
Study plan—N. H. campground growth
Single time
Campground owners, 300 responses; 100 hours
Charles A. Ellett, 395–5080

Revisions

Economics, Statistics, and Cooperatives Service
Multiple frame hog and cattle survey
Quarterly
Cattle and hog producers, 213,500 responses; 52,782 hours
Office of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377–3627

Revisions

Bureau of the Census
Marital and fertility history—June 1980
CPS–1
Annually
68,000 interviewed H'Holds in June 1980 CPS sample, 79,300 responses; 8,562 hours
Office of Federal Statistical Policy and Standard, 673–7974
Bureau of the Census
Housing vacancy survey
HVS–1; HVS–1(R)
Monthly
Eligible vacant housing units in monthly smaple of 86,000 units, 72,000 responses; 3,600 hours
Office of Federal Statistical Policy and Standard, 673–7974

Reinstatements

National Oceanic and Atmospheric Administration
Capital construction fund—Deposit/withdrawal report
NOAA 34–82
Annually
U.S. citizens owning or leasing fishing vessels, 2,000 responses; 500 hours
William T. Adams, 395–4814

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—697–1195

New Forms

Departmental and other college market study
Single time
College youth, 6,750 responses; 3,875 hours
Kenneth B. Allen, 395–3785

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Joseph J. Strand—245–6511

New Forms

Office of the Secretary
Testing of the vocational rehabilitation evaluation standards
Single time
VR clients and counselors, 10, 947 responses; 7,690 hours
Barbara F. Young, 395–6132
Public Health Service
Population based case-control study of respiratory cancer and employment history
Single time
Respiratory cancer cases and controls, 10,400 responses; 1,387 hours
Richard Eisinger, 395–3214

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—William L. Carpenter—343–6716

New Forms

U.S. Fish and Wildlife Service
1980 National survey of fishing, hunting, and wildlife association recreation
Single time
Households of Nation and identified fishermen and hunters
Charles A. Ellett, 395–5080

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—633–3526

New Forms

Immigration and Naturalization Service
Inquiry concerning status of I–551 alien registration receipt card
G–731
Single time
Aliens who have not received their registration card, 39,000 responses; 6,500 hours
Andrew R. Uscher, 395–4814

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Paul Elston—755–2744

New Forms

Municipal survey of centralized waste treatment (metal finishing wastes)
Single time
Municipal Governments and their sanitary districts, 50 responses; 25 hours
Edward H. Clarke, 395–5867

PENSION BENEFIT GUARANTY CORPORATION

Agency Clearance Officer—Charles P. Paul—254–4765

New Forms

Reporting and notification requirements for reportable events
On occasion
Plan administrators of defined benefit pension plans, 500 responses; 250 horus
Arnold Strasser, 395–5080

C. Louis Kincannon,

Acting Deputy Assistant Director for Reports Management.

[FR Doc. 80-8174 Filed 3-14-80; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 11078; Admin. Proceeding File No. 3–5889; 812–4593]

Fidelity Daily Income Trust, and Walter Untermeyer, Jr., Application

March 12, 1980.

In the matter of Fidelity Daily Income Trust, 82 Devonshire Street, Boston, Massachusetts 02109 and Walter Untermeyer, Jr., c/o Silverman and Harnes, 75 Rockefeller Plaza, New York, New York 10019.

Notice and order for hearing on application for order pursuant to sections 2(a)(9) and 2(a)(19) of the act, and notice and order of temporary exemption pursuant to section 6(c) of the act from the provisions of section 2(a)(9) of the act.

Notice is hereby given that Walter Untermeyer, Jr. ("Applicant"), a shareholder of Fidelity Daily Income Trust ("the Fund"), filed an application on January 14, 1980, and an amendment thereto on February 19, 1980, for an order, pursuant to Sections 2(a)(9) and 2(a)(19) of the Investment Company Act of 1940 ("Act") or, alternatively, pursuant to Section 554(e) of the Administrative Procedure Act ("APA"), determining that Messrs. George K. McKenzie and William R. Spaulding, trustees of the Fund, are controlled and interested persons of Fidelity Management and Research Company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Fidelity Management and Research Company ("Adviser") is the Fund's investment adviser; FMR Corporation ("FMR Corp.") is the parent company of the Adviser; Fidelity Distributors Corporation ("Distributor") is the Fund's principal underwriter; and FMR Service Company ("Service") is the Fund's transfer agent. The application states that the Fund is a Massachusetts Business Trust, registered as a no-load, diversified, open-end management investment company, and that the Fund is one of a relatively new breed of mutual funds commonly known as "liquid asset funds". Applicant alleges generally that the performance of Messrs. McKenzie and Spaulding as trustees of the Fund, and their compensation from other funds under contract with the same investment adviser ("the Fidelity Group"), indicates that they are controlled and interested persons of the Adviser. The application also states that the Applicant, Walter Untermeyer, Jr., is a plaintiff in a shareholder derivative action pending in the United States District Court for the District of Massachusetts, entitled *Walter Untermeyer, Jr.* v. *Fidelity Daily Income Trust*, Civil Action No. 76–1802–N. Applicant describes the complaint in that action as alleging three claims: one based on the alleged improper pricing of the Fund's portfolio; the second seeking to recover excessive compensation received by the Adviser contrary to the fiduciary duty of such Adviser under Section 36(b) of the Act; and the third asserting a claim for the alleged failure of the Fund's trustees to make an informed evaluation of the terms of the advisory contract, as required by Section 15(c) of the Act.

To support his request for Commission determinations of control and interested person status, Applicant alleges that: (1) the Fund, since its inception in 1974, has entered and renewed each year an advisory service contract with its Adviser, that such contract has been renewed annually by the vote of Messrs. McKenzie and Spaulding and that the Adviser performs little, if any, of the functions provided for in that contract; (2) each shareholder pays a monthly fee to Service, such fee is not in the Fund's reported yield, making that yield misleading; (3) Service, though designated transfer agent, dividend disbursing agent and shareholders' servicing agent in its contract with the Fund, merely performs an accounting function; (4) the designated principal underwriter of the Fund is a shell company with no income or employees, and performs no functions for the Fund; (5) although the Fund is advertised as a no-load fund, all selling expenses are borne directly and indirectly by the Fund and the Fund shareholders are charged a continuing load; and (6) fees charged to the Fund under contracts with the Adviser, Service and Distributor are generally unfair and the terms of such contracts are viewed in favor of FMR Corp.

Messrs. McKenzie and Spaulding have filed a Statement in Opposition to the Untermeyer request for relief requesting that the Commission: (1) decline to exercise jurisdiction over the application for a Commission order as a matter of comity because, they allege, the issues presented by such request are currently pending before a court of competent jurisdiction; (2) deny Applicant's request for a Commission order on its merits within sixty days after the filing thereof for failure to establish valid legal or factual grounds for an affirmative determination; or (3) in the absence of (1) or (2) above, grant an exemption pursuant to Section 6(c) of

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the Act from the provisions of Section 2(a)(9) of the Act, to the extent that such section provides that if an application filed thereunder is neither granted nor denied by the Commission within sixty days after the filing thereof, the determination sought by such application shall be deemed to have been temporarily granted pending the final determination of the Commission. Messrs. McKenzie and Spaulding state that such exemption would not adversely affect the interests of the Fund's shareholders, but would only serve to maintain the status quo for the period it remains in effect.

Section 2(a)(9) of the Act defines "control" as "the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company". Section 2(a)(9) also grants a presumption to a natural person not to be a controlled person, and states that such presumption shall continue until a determination to the contrary is made by the Commission by order on its own motion, or upon filing of an application by an interested person. Finally, Section 2(a)(9) states that if an application filed thereunder is not granted or denied by the Commission within sixty days after the filing thereof, the determination sought by the application shall be deemed to have been temporarily granted pending final determination by the Commission.

Section 2(a)(19) of the Act defines "interested person of another person", with respect to an investment adviser of or principal underwriter for any investment company as, *inter alia*, "any affiliated person of such investment adviser or principal underwriter". Section 2(a)(3) of the Act defines "affiliated person of another person" to include "any person directly or indirectly controlling, controlled by, or under common control with, such other person." Section 2(a)(19) of the Act further defines "interested person of another person", with respect to an investment adviser of or principal underwriter for any investment company, as ". . . any natural person whom the Commission by order shall have determined to be an interested person by reason of having had . . . a material business or professional relationship with such investment adviser or principal underwriter or with the principal executive officer or any controlling person of such investment adviser or principal underwriter". Finally, Section 2(a)(19) of the Act defines "interested person of another person", with respect to an investment company as, *inter alia*, "any interested person of any investment adviser of or principal underwriter for such company."

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities or transactions from any provision of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that the Commission has determined that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act to issue a temporary order exempting the trustees of the Fund, named in the application filed by Walter Untermeyer, Jr., from the provisions of Section 2(a)(9) of the Act to the extent that such section provides that if an application filed thereunder is not granted or denied by the Commission within 60 days after filing thereof, the determination sought by the application shall be deemed to have been temporarily granted pending final determination of the Commission thereon. In granting the requested temporary order the Commission takes no position on any issue raised by the Untermeyer application.

Notice is further given that the Commission has determined that it is appropriate in the public interest and in the interest of investors that a hearing be held, limited to written briefs with respect to the application filed by Walter Untermeyer, Jr. requesting determinations of control and interested person status under Sections 2(a)(9) and 2(a)(19) of the Act, to resolve certain jurisdictional issues raised by such application. It appears that the jurisdictional issues raised in this matter are legal issues, and not factual issues, and therefore an evidentiary proceeding to consider them is not warranted. Accordingly,

It is ordered, pursuant to Section 6(c) of the Act that, pending final determination of the Commission on the application filed by Walter Untermeyer, Jr., the trustees named in such application be, and they hereby are, exempted from the provisions of Section 2(a)(9) of the Act to the extent that such section provides that if an application filed thereunder is not granted or denied by the Commission within 60 days after filing thereof, the determinations sought by the application shall be deemed to have been temporarily granted pending final determination of the Commission thereon, provided that such temporary order is not intended nor should be construed to restrict the ability of the courts to take such action as they may deem appropriate on the above shareholder derivative action.

It is further ordered, pursuant to Section 40(a) of the Act, that a hearing, limited to written briefs on the following jurisdictional issues, under the applicable provisions of the Act and the Rules of the Commission thereunder, be held pursuant to a schedule to be determined by the Secretary of the Commission.[1]

(1) Are the issues pending before the Commission in the Untermeyer application so closely related to those raised in the Untermeyer lawsuit that the Commission should decline to exercise its jurisdiction under the Act and defer to the federal district court on the basis of comity?

(2) Does the doctrine of primary jurisdiction require the Commission to exercise its jurisdiction over the Untermeyer application?

It is further ordered, that the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this Notice and Order by certified mail to Walter Untermeyer, Jr., at the address noted hereinabove, and to George K. McKenzie and William R. Spaulding, c/o Fidelity Daily Income Trust, at the address noted hereinabove, and that notice to all other persons be given by publication of this Notice and Order in the **Federal Register**, that a copy of the Notice and Order shall be published in the "SEC Docket" and that an announcement of the aforesaid hearing shall be included in the "SEC Digest."

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-8134 Filed 3-14-80; 8:45 am]

BILLING CODE 8010-01-M

[1] Since the Commission is requesting the submission of briefs on certain jurisdictional issues raised by Applicant's request for an order pursuant to Sections 2(a)(9) and 2(a)(19) of the Act, there is no need for the Commission to consider this request under the APA.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1744, Amendment No. 2]

Texas; Declaration of Disaster Loan Area

The above number Declaration (See 45 FR 1465) and amendment No. 1 (See 45 FR 7666) are amended by adding the following counties:

County, Natural Disaster(s), and Date(s)

Hudspeth, adverse weather, 4/1/79–4/30/79 and 8/1/79–9/30/79.
Pecos, drought, 9/1/79–11/14/79.

and adjacent counties within the State of Texas as a result of natural disaster as indicated. All other information remains the same: i.e., the termination date for filing applications for physical damage is close of business on June 26, 1980, and for economic injury until the close of business on September 26, 1980.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 7, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-8008 Filed 3-14-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA), Special Committee 142—Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 142 on Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment to be held on April 8–10, 1980 in Building 11 Conference Room, Federal Aviation Administration, National Aviation Facilities Experimental Center, Atlantic City, N.J. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Third Meeting Held on January 22–23, 1980; (3) Discussion of Draft DABS National Aviation Standard and development of Consensus Comments as Required; (4) Report of Working Group on Technical Requirements; (5) Report of Working Group on Operational Requirements; (6) Report on Air-to-Air Antenna Diversity Requirements; (7) Discussion of Test Procedures and Equipment; (8) Identification of Remaining Work to be Accomplished and Schedule to Complete Committee Activities; (9) Assignment of Tasks; and (10) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on March 6, 1980

Karl F. Bierach,

Designated Officer.

[FR Doc. 80-8029 Filed 3-14-80; 8:45 am]

BILLING CODE 4910-13-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations [49 CFR Part 107, Subpart B], notice is hereby given of the exemptions granted in December 1979. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo-vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		Renewals		
3630-X	DOT-E 3630	Allied Chemical Corp., Morristown, N.J.	49 CFR 177.839(a), (b)	To ship a corrosive liquid in DOT-Specification 33A polystyrene case with four 5-pint glass bottles of nitric acid. (mode 1)
4354-X	DOT-E 4354	Minerec Corp., Baltimore, Md., Pennwalt Corp., Buffalo, N.Y.	49 CFR 173.119(m), 173.245, 173.268(d), (e)	To ship certain corrosive liquids and flammable liquids in DOT Specification 6D or 37M cylindrical steel overpack with an inside DOT Specification 2S, 2SL or 2T polyethylene container. (modes 1, 2, 3)
5022-X	DOT-E 5022	U.S. Department of Defense, Washington, D.C.; The Boeing Co., Seattle, Wash.; United Technologies, Sunnyvale, Calif.	49 CFR 174.86, 174.101(L), 174.104(d), 174.112(a)	To ship certain Class A and Class B explosives in temperature controlled equipments. (modes 1, 2)
5248-X	DOT-E 5248	Lawrence Livermore Lab., Livermore, Calif.	49 CFR 173.389(g), 175.3	To ship certain quantity of polonium-210 in any DOT approved Type A packaging. (modes 1, 2, 4, 5)
5876-X	DOT-E 5876	FMC Corp., Philadelphia, Pa	49 CFR Part 107 Appendix B, 173.365, 178.241.	To ship a Class B poison in DOT Specification 44D multiwall paper bag. (modes 1, 2, 3)
6232-X	DOT-E 6232	U.S. Department of Defense, Washington, D.C.; McDonnell Douglas Corp., St. Louis, Mo.	49 CFR 172.101, 173.87, 173.102, 173.106, 173.176, 175.3.	To ship certain mixed hazardous materials in a rucksack containing a DOT specification cylinder. (modes 1, 3, 4)
6762-P	DOT-E 6762	Texo Corp., Cincinnati, Ohio	49 CFR 173.266(b)(2), 175.3	To become a party to Exemption 6762. (modes 1, 2, 4)
6806-X	DOT-E 6806	Analytical Instruments Development Inc., Avondale, Pa.; Barnebey-Cheney Co., Columbus, Ohio.	49 CFR 173.302(a), 175.3	To ship a certain flammable gas in a DOT Specification 3E1800 cylinder. (mode 5)
6923-X	DOT-E 6923	El Paso Products Co., Odessa, Tex.	49 CFR 172.101, 173.315(a)(1)	To ship a flammable gas in non-DOT Specification insulated cargo tank. (mode 1)
7052-P	DOT-E 7052	Raytex, Mountain View, Calif.; Industrial Solid State Controls, Inc., York, Pa.; Wilson Greatbatch Ltd., Clarence, N.Y.; Electrochem Industries, Inc., Clarence, N.Y.; Sonatech, Inc., Goleta, Calif.	49 CFR 172.101, 173.206(e)(1), 175.3	To become a party to Exemption 7052. (modes 1, 2, 3, 4)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
Renewals—Continued				
7274-X	DOT-E 7274	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 172.101, 173.315(a)	To ship nonflammable gases in non-DOT specification vacuum insulated portable tanks. (mode 3)
7605-X	DOT-E 7605	General Dynamics, Fort Worth, Tex.	49 CFR 173.87, 173.92, 173.101, 173.102, 173.113, 175.3, 176.83, 177.848.	To ship certain explosives contained in a partially dis-assembled aircraft or canopy assembly. (modes 1, 3, 4)
7840-X	DOT-E 7840	Douglas Aircraft Co., Long Beach, Calif.	49 CFR 173.87, 175.3, 176.83	To transport Class C explosive and a nonflammable compressed gas in the same package. (modes 1, 2, 3, 4, 5)
7929-X	DOT-E 7929	CIL Chemicals, Inc., Plattsburg, N.Y.	49 CFR 173.65	To transport flaked or pelletized trinitrotoluene (TNT) in non-DOT woven plastic bags with plastic film liners. (modes 1, 2)
8012-X	DOT-E 8012	Bignier Schmid-Laurent, Paris, France.	49 CFR 173.266	To ship hydrogen peroxide in non-DOT specification portable tanks. (modes 1, 2, 3)
8012-P	DOT-E 8012	Degussa Corp., Frankfurt, West Germany.	49 CFR 173.266	To become a party to Exemption 8012. (modes 1, 2, 3)
8110-X	DOT-E 8110	Fauvet-Girel, Paris, France	46 CFR 90.05-35;, 49 CFR Part 173.	To ship certain hazardous materials in non-DOT specification intermodal portable tanks with bottom outlets. (modes 1, 2, 3)
8110-P	DOT-E 8110	SLEMI, Paris, France	46 CFR 90.05-35, 49 CFR Part 173.	To become a party to Exemption 8110. (modes 1, 2, 3)
8146-X	DOT-E 8146	Thiokol, Bringham City, Utah	49 CFR 173.375	To ship a poison B solid materials in a DOT Specification 56 portable tank described as Flo-Bin or a non-DOT specification collapsible flexible container decribed as Super Sack. (modes 1, 2)

Application No.	Exemption No	Applicant	Regulation(s) affected	Nature of exemption thereof
New Exemptions				
8199-N	DOT-E 8199	Dow Corning Corp., Midland, Mich.	49 CFR 172.101, 173.315(a), 178.337-11(c).	To ship liquefied anhydrous hydrogen chloride in DOT Specification MC-331 cargo tanks. (mode 1)
8221-N	DOT-E 8221	Applied Environments Corp., Van Nuys, Calif.	49 CFR 173.302(a), 175.3	To ship nonflammable compressed gases in non-DOT specification high pressure cylinders of welded construction for military missile systems use only. (modes 1, 2, 4)
8232-N	DOT-E 8232	ANF Industries, Paris, France	49 CFR 173.315(a)	To ship certain compressed gases in a non-DOT specification portable tank. (modes 1, 2, 3)
8232-P	DOT-E 8232	GRP Cisterne SA, Chasso, Switzerland; Eurotainer, Paris, France; Societe Auxiliaire de Transports et d'Industries, Paris, France; Compagnie des Containers Reservoirs, Neuilly-sur-Seine Cedex, France; G.C.S. Container Service, Chasso, Switzerland.	49 CFR 173.315(a)	To become a party to Exemption 8232.
8243-N	DOT-E 8243	Degussa Corp., Frankfurt, West Germany.	49 CFR 173.370(a)(6), 173.370(a)(9).	To ship a poison B, solid in a non-DOT specification portable tank. (modes 1, 2, 3)
8253-N	DOT-E 8253	Allied Drum Service Inc., Louisville, Ky.	49 CFR 173.28(o), 178.118-10(a)	To recondition, convert, mark and sell non-DOT specification 55-gallon steel drums for shipment of certain hazardous materials. (modes 1, 2, 3)
8260-N	DOT-E 8260	Bayonne Barrel & Drum Co., Newark, N.J..	49 CFR 173.28(o), 178.118-10(a)	To recondition, convert, mark and sell non-DOT specification 55-gallon steel drums for shipment of certain hazardous materials. (modes 1, 2, 3)
8266-N	DOT-E 8266	Industrial Plastic Container Co., Long Beach, Calif.	49 CFR Part 173, 178.24. 178.211.	To manufacture, mark and sell DOT Specification 12P packaging having inside two 2½ gallon Specification containers for ship-of various hazardous materials. (modes 1, 2, 3)
8269-N	DOT-E 8269	M-D Trailer Co., Fortworth, Tex	49 CFR 173.119(a)(17), 173.245(a)(30), (31), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks for shipment of waste, classed as flammable liquids, and corrosive liquids. (mode 1)
8278-N	DOT-E 8278	Maintenance Mechanical Corp., Houston, Tex.	49 CFR 173.119, 173.304,173.315	To manufacture, mark and sell non-DOT specification containers for shipment of flammable liquids and gases. (mode 1)
8290-N	DOT-E 8290	Mobil Chemical Co., Richmond, Va.	49 CFR 173.271	To ship phosphorus trichloride in DOT Specification 51 phenolic lined portable tanks. (modes 1, 3)
Emergency				
EE2805-P	DOT-E 2805	Publicker Industries Greenwich, Conn.	49 CFR 172.101, 173.315(a)(1)	To become a party to Exemption 2805. (mode 1)
EE8333-N	DOT-E 8333	Global International Airways, Kansas City, Mo.	49 CFR 172.101, table column (6)(b).	To transport packages of various explosives prescribed in 49 CFR Part 173, Subpart C, as appropnate. (mode 4)

DENIALS

7052-P—Request by Sonatech, Inc., Goleta, Calif.—To become a party to Exemption 7052 to ship certain transponders containing lithium batteries of various sizes, denied December 26, 1979.
7983-P—Request by ESB Inc., Madison, Wis.—To become a party to Exemption 7983 to ship miniature batteries containing lithium metal without compliance with the hazardous materials regulations, denied December 27, 1979.
8190-P—Request by Stauffer Chemical Co., Westport, Conn.—To become a party to Exemption 8190 for shipment dimethyl chlorothiophosphate as a corrosive liquid n.o.s. in DOT Specification 105 A300 W tank Cars, denied December 13, 1979, as being unnecessary.

WITHDRAWALS

8270-N—Request by 3M Company, St. Paul, Minn.—To ship pyrophoric solids in solvents, classed as flammable liquids in DOT Specification 6A, 6B or 6C drums, withdrawn December 13, 1979.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc.80-7892 Filed 3-14-80; 8:45 am]

BILLING CODE 4910-60-M

Technical Pipeline Safety Standards Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. 1), notice is hereby given of a meeting of the Technical Pipeline Safety Standards Committee on April 15-17, 1980, at 9 a.m. in Room 2230, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

The purpose of the meeting is to discuss the following notices of proposed rulemaking:

1. Docket PS-57, Notice 1, "Monitoring Gas Odor Levels," (44 FR 10604, February 22, 1979).

2. Docket PS-58, Notice 1, "Temperature Limits on Cold Expanded Steel Pipe," (44 FR 52185, September 13, 1979).

3. Docket PS-59, Notice 1, "Damage Prevention Program," (44 FR 65792, November 15, 1979).

4. Docket PS-60, Notice 1, "Hot Taps in Gas Pipelines," (44 FR 68491, November 29, 1979).

5. Docket PS-62, Notice 1, "Leakage Surveys," (44 FR 72201, December 13, 1979).

Attendance is open to the public, but limited to the space available. With approval of the chairman of the Committee, members of the public may present oral statements on any item scheduled for discussion. Due to the limited time available, each person who wants to make an oral statement is requested to notify Toni Reed, Room 8101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2392, of the topics to be addressed and the time requested to address each topic. The chairman may deny any request to present an oral statement and may limit the time of any oral presentation. Members of the public may present written statements to the Committee before or after any session of the meeting.

The opportunity for public participation at the meeting is intended to provide information for the Committee to consider in formulating its recommendations to the Materials Transportation Bureau, and not as an extension of the respective times allowed for public participation in the above proceedings.

Dated: March 10, 1980.

Cesar DeLeon,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 80-8080 Filed 3-14-80; 8:45 am]

BILLING CODE 4910-60-M

Urban Mass Transportation Administration

[Docket No. 80-F]

Rail Retrofit Reports; Availability; Correction

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Correction.

SUMMARY: In Part IV of the **Federal Register** of March 10, 1980 (45 FR 15462), the Urban Mass Transportation Administration announced the availability of Rail Retrofit Reports and established a 90-day comment period for the receipt of comments by organizations representing handicapped persons as required by Section 321(a) of the Surface Transportation Assistance Act of 1978. This Notice makes three corrections to the original published notice.

1. On page 15462, in the second column, the listing for UMTA Field Offices is revised by adding the following between the listing for Region I and the listing for Region III:

"UMTA Region II Office, Suite 14-130, 26 Federal Plaza, New York, New York 10007. (212) 264-8162, Hours: 9:00 a.m. to 4:00 p.m., Monday through Friday."

2. On page 15462, in the third column, the following is added at the end of the listing for the Regional Transportation Authority (RTA), Chicago, Illinois:

"Contact Susan Sloan at (312) 793-3464 for additional locations where reports can be viewed."

3. On page 15464, in the third column, the information concerning the March 28, 1980 briefing in Boston, Massachusetts is revised to read as follows:

"Boston, Massachusetts (MBTA), McCormack Building, Conference Room, One Ashbenton Place, Boston, Massachusetts 02108, Time: 9:30 a.m. to 1:30 p.m.; Patricia White Building Community Room, 20 Washington Street, Brighton, Massachusetts 02108, Time: 4:30 p.m. to 8:30 p.m."

Dated: March 12, 1980.

Theodore C. Lutz,

Administrator, Urban Mass Transportation Administration.

[FR Doc. 80-8077 Filed 3-14-80; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular Public Debt Series—No. 10-80]

Treasury Notes of March 31, 1982, Series Q-1982

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,500,000,000 of United States securities, designated Treasury Notes of March 31, 1982, Series Q-1982 (CUSIP No. 912827 KN 1). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated March 31, 1980, and will bear interest from that date, payable on a semiannual basis on September 30, 1980, and each subsequent 6 months on March 31 and September 30, until the principal becomes payable. They will mature March 31, 1982, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000.

V 45/53 MR 17 80 UMI

Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Thursday, March 20, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, March 19, 1980.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Monday, March 31, 1980, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) matured on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Wednesday, March 26, 1980, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Tuesday, March 25, 1980, of the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80-8300 Filed 3-13-80; 4:26 pm]

BILLING CODE 4810-40-M

[Dept. Circular; Public Debt Series—No. 11-80]

Treasury Notes of March 31, 1984; Series D-1984

March 13, 1980.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,500,000,000 of United States securities, designated Treasury Notes of March 31, 1984, Series D-1984 (CUSIP No. 912827 KP 6). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securites and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated March 31, 1980, and will bear interest from the date, payable on a semiannual basis on September 30, 1980, and each subsequent 6 month on March 31 and September 30, until the principal becomes payable. They will mature March 31, 1984, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the secuities is subject to all taxes imposed under the Internal Revene Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the prinicpal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, March 25, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, March 24, 1980.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

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3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Monday, March 31, 1980, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Friday, March 28, 1980, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, March 28, 1980, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriated identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assisgnment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risks of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80-8281 Filed 3-13-80; 4:58 pm]

BILLING CODE 4810-40-M

V45/53 MR17 80 UMI

Sunshine Act Meetings

Federal Register
Vol. 45, No. 53
Monday, March 17, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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[M-273 Amdt. 2; March 12, 1980]

CIVIL AERONAUTICS BOARD.

Notice of cancellation of the March 13, 1980 board meeting.

TIME AND DATE: 9:30 a.m., March 13, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: See M–273 dated March 7, 1980.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

SUPPLEMENTARY INFORMATION: Due to unforeseen circumstances, George A. Dalley, who has been confirmed by the Senate for Board Membership, will not be sworn in this week as expected, so it is necessary to cancel the Meeting scheduled for March 13, 1980, as the Board will not have a quorum present. Accordingly, the following Members have voted that agency business requires the cancellation of the March 13, 1980 meeting and that no earlier announcement of this change was possible:

Chairman Marvin S. Cohen.
Member Elizabeth E. Bailey.
Member Gloria Schaffer.

[S–517–80 Filed 3–12–80; 4:42 pm]

BILLING CODE 6320–01–M

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[273 Amdt. 1; March 11, 1980]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the March 13, 1980 meeting agenda.

TIME AND DATE: 9:30 a.m., March 13, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 2a. Docket 37072, Petition to review Order 79–11–52, November 7, 1979, award of unused authority in the Fort Meyers-West Palm Beach market to TWA.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

SUPPLEMENTARY INFORMATION: Due to processing delays, the staff did not submit this item before the deadline for the March 13, 1980 meeting agenda. The draft order concerns a petition for review of Order 79–11–52 in which TWA was awarded unused authority under section 401(d)(5)(a) in the West Palm Beach-Fort Meyers market. The award is contested on environmental grounds. The Board's immediate consideration of this matter is necessary to resolve the issue of the staff's authority to defer or deny unused authority applications for environmental reasons. Accordingly, the following Members have voted that this Item be added to the March 13, 1980 meeting and that no earlier announcement was possible:

Chairman Marvin S. Cohen.
Member Elizabeth E. Bailey.
Member Gloria Schaffer.

[S–518–80 Filed 3–12–80; 4:42 pm]

BILLING CODE 6320–01–M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, March 18, 1980.

PLACE: Commission Conference Room No. 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the public

1. Freedom of Information Act Appeal No. 80–1–FOIA–30, concerning a request for the presentation memorandum on Commission intervention in Lola Kouba v. Allstate Insurance Co.
2. Proposed contract for services needed in connection with a court case.
3. Report on Commission Operations by the Executive Director.

Closed to the public

Litigation authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634–6748.

This Notice Issued March 11, 1980.

[S–520–80 Filed 3–13–80; 10:36 am]

BILLING CODE 6570–06–M

4

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, March 19, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item Number, and Subject

Common Carrier—1—*Title:* Reallocation of the 2500–2690 MHz band for additional Multipoint Distribution Service channels. *Summary:* The Commission is considering reallocation of channels in the 2500–2690 MHz band to provide additional channels for use in the Multipoint Distribution Service and the Operational Fixed Service.

Common Carrier—2—*Title:* Amendment of Parts 21, 74 and 94 of the Commission's Rules with regard to the technical requirements applicable to the Multipoint Distribution Service (MDS), the Instructional Fixed Service (ITFS) and Operational Fixed Service (OFS). *Summary:* This is a two part item. The first is a *Notice of Proposed Rulemaking* whereby technical standards for acceptable interference and geographic spacing between MDS sites operating in the 2150–2162 MHz band are proposed. The second part is a *Notice of Inquiry* seeking comments for the establishment of similar technical standards for MDS, ITFS and OFS operation in the 2500–2690 MHz band.

Common Carrier—3—*Title:* Application of R. L. Mohr d.b.a. RadioCall Corporation for construction permit in Multipoint Distribution Service for a new station at San Pedro, California. *Summary:* The Commission is considering RadioCall's request to construct an MDS station at San Pedro, California, which will serve an area along the Pacific Coast that is not presently served by the Los Angeles area's other two licensed MDS stations. The application is opposed by Microband Pacific Corporation and Metrotel Corporation, which are MDS licensees at Los Angeles and Anaheim respectively. Both opposing parties allege that if RadioCall is allowed to construct an MDS station at San Pedro it will cause unacceptable co-channel interference with their service areas.

Common Carrier—4—*Title:* Applications of Frank K. Spain, d.b.a. Microwave Service Co. and Comcast Corp. for construction permits in the Multipoint Distribution Service for a new station at Meridian, Mississippi. *Summary:* The Commission will consider the designation for hearing of the mutually exclusive applications of Frank K. Spain, d.b.a. Microwave Service Co. and Comcast Corp. for construction permits in the Multipoint Distribution Service for a new station at Meridian, Mississippi. Part of said designation will be a reexamination of the *Peabody* MDS issues.

Common Carrier—5—*Title:* Notice of Inquiry Proposed Rulemaking to Use Alternative Procedures in choosing Applicants for Radio and Authorizations in the Multipoint Distribution Service. *Summary:* The Commission is inquiring into amending its procedures for processing competing applications in the Multipoint Distribution Service to permit the use of alternative procedures in determining who shall receive an authorization where mutually exclusive applications are involved.

Common Carrier—6—*Subject:* Application (BPIF–376) of the Richardson Independent School District for changes in the facilities of instructional television fixed station WEF–79. *Summary:* Applicant proposes to operate station WEF–69 omnidirectionally with a transmitter power output of 50 watts. The issue before the Commisssion is whether applicant has justified its high power ITFS proposal.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 632–7260.

Issued: March 12, 1980.

[S–523–80 Filed 3–13–80; 8:45 am]

BILLING CODE 6712–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that, during the course of its open meeting held by telephone conference called at 9:30 a.m. on Wednesday, March 12, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Village Bank of Elm Grove, a proposed new bank, to be located at 930 Elm Grove Road, Elm Grove, Wisconsin, for Federal deposit insurance.

A personnel action with respect to which the name of the employee is authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The Board further determined, by the same majority vote, that the public interest did not require consideration of the matters added to the agenda in a meeting open to public observation; that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), and (c)(8), of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), and (c)(8)); and that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: March 12, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S–522–80 Filed 3–13–80; 11:08 am]

BILLING CODE 6714–01–M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 2:35 p.m. on Friday, March 7, 1980, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider final amendments to Part 329 of the corporation's rules and regulations entitled "Interest on Deposits".

In calling the meeting, the Board determined, on motion of Chairman Irvine H. Sprague, seconded by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), concurred in by Director William M. Isaac (Appointive), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsection (c)(9)(A)(i) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(A)(i).

Dated: 7, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S–521–80 Filed 3–13–80; 11:08 am]

BILLING CODE 6714–01–M

7

FEDERAL ENERGY REGULATORY COMMISSION

March 12, 1980

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: 10 a.m., March 19, 1980.

PLACE: Room 9306, 825 North Capitol Street, NE., Washington, D.C. 20426.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public information may be examined in the Office of Public Information.

Power Agenda—443d Meeting, March 19, 1980, Regular Meeting— (10 a.m.)

CAP–1. Docket No. ER80–227, Ohio Valley Electric Corp.
CAP–2. Docket No. ER80–213, Iowa Electric Light & Power Co.
CAP–3. Docket No. ER78–414, Delmarva Power & Light Co.
CAP–4. Docket No. ER78–355, Lockhart Power Co.
CAP–5. Docket No. E–7631 and E–7633, *City of Cleveland, Ohio* v. *Cleveland Electric Illuminating Co.* Docket No. E–7713, city of Cleveland, Ohio.

Miscellaneous Agenda—443d Meeting, March 19, 1980, Regular Meeting

CAM–1. Docket No. GP80– , NGPA well category determination, L & B Oil Co., Inc., JD80–14668.

Gas Agenda—443d Meeting, March 19, 1980, Regular Meeting

CAG–1. Docket No. TA80–1–22 (PGA80–2 and PGA80–2a), (IPR80–2), (RD&D80–1), (LPUT80–1), Consolidated Gas Supply Corp.
CAG–2. Docket No. TA80–1–50 (PGA80–1 and PGA 80–1a), Locust Ridge Gas Co.
CAG–3. Docket Nos. RP78–136 and RP77–26, Transcontinental Gas Pipe Line Corp.

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CAG–4. Docket No. RP73–3, Transcontinental Gas Pipe Line Corp.
CAG–5. Docket No. RP73–43, Mid-Louisiana Gas Co.
CAG–6. Docket No. RP72–136 (PGA79–2), Florida Gas Transmission Co.
CAG–7. Docket Nos. C72–883 et al., Tommy Bolack and Terry Bolack, Co-Personal Representatives of the Estate of Alice N. Bolack deceased and Tom Bolack—Docket No. CI76–629, Conoco Inc.; Docket No. CI79–447, Tenneco Oil Co.; Docket No. CI79–519, Texaco, Inc.; Docket No. CI77–577 et al., Gulf Oil Corp. et al.; Docket Nos. C–6837 et al., Sun Oil Co. et al.; Docket No. C–7526 et al., Amoco Production Co. et al.; Docket No. CI79–628, Marathon Oil Co.; Docket No. CI79–633, Cotton Petroleum Co.; Docket No. CI79–635, CNG Producing Co.; Docket No. CI79–671, Amoco Production Co.; Docket No. CI64–349, Exxon Corp.; Docket Nos. CI75–522 et al., Gulf Oil Corp. et al.; Docket No. CI79–587 (CS69–25), Anadarko Production Co.; Docket No. CI79–628, Chevron U.S.A. Inc.; Docket No. CI79–299, Trans Ocean Oil, Inc.; Docket Nos. CI78–688, and CI79–470, Cities Service Co.; Docket No. CI78–1158, Cotton Petroleum Corp.; Docket Nos. CI79–346 and CI79–505, American Natural Gas Production; Docket No. CI79–450, Marathon Oil Co.; Docket Nos. CI79–472, and CI79–473, Mesa Petroleum Co.; Docket No. CI79–490, General Crude Oil Co.; Docket No. CI80–161, American Petrofina Co. of Texas; Docket No. CI79–363, Multistate Oil Properties, N.V.; Docket No. CI78–282, Highland Resources, Inc.; Docket No. CI79–185, Continental Oil Co.; Docket No. CI79–178, Exxon Corp.; Docket No. CI78–1268, Exxon Corp.; Docket No. CI75–61, Continental Oil Co.; Docket No. CI78–1008, Kerr-McGee Corp.; Docket No. CS72–950, Maurice L. Brown Co.; Docket No. CI79–255, Forest Oil Corp.; Docket No. CI79–259, Cabot Corp.; Docket No. CI79–261, CIG Exploration; Docket No. CI77–483, CIG Exploration, Inc.; Docket No. CI79–147, Exxon Corp.; Docket Nos. CI65–453 et al., Atlantic Richfield Co.; Docket No. CI76–68, (CS70–5), Phillips Petroleum Co.; Docket No. CI79–417, Marathon Oil Co.; Docket No. CI79–457, VSEA, Inc.; Docket No. CI79–458, Pinto, Inc.
CAG–8. Docket Nos. CS71–697 et al., Burk Royalty Co. et al.
CAG–9. Docket Nos. CI72–255, Getty Oil Co.; Docket No. CI72–398, Transocean Oil, Inc.; Docket No. CI77–137, Placid Oil Co.; Docket No. CI77–165, Highland Resources, Inc.; Docket No. CI77–263, Gulf Oil Corp.; Docket No. CI77–315, Hunt Oil Co.; Docket No. CI77–326, The Superior Oil Co.; Docket No. CI77–354, Hunt Petroleum Corp.; Docket No. CI77–420, Canadian Superior Oil (U.S.), Ltd.
CAG–10. Docket Nos. CI79–644 and CI79–662, Texaco Inc.
CAG–11. Docket No. SA80–8, Wallace Energy Corp.
CAG–12. Docket No. TC80–30, Texas Gas Transmission Corp.
CAG–13. Docket No. CP78–237, Northern Natural Gas Co.
CAG–14. Docket No. CP77–478, Panhandle Eastern Pipe Line Company and Trunkline Gas Co.
CAG–15. Docket No. CP79–471, Florida Gas Transmission Co.; Docket No. CP79–479, Natural Gas Pipeline Co.
CAG–16. Docket No. C75–71, Natural Gas Pipeline Co. and Transwestern Pipeline Co.
CAG–17. Docket No. CP80–182, East Tennessee Natural Gas Co.; Docket No. CP80–186, Texas Gas Transmission Corp.
CAG–18. Docket No. CP75–127, Texas Eastern Transmission Corp. and Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Docket No. CP80–30, Tennessee Gas Pipeline Co., division of Tenneco Inc., Texas Eastern Transmission Corp. Trunkline Gas Co. and Natural Gas Pipeline Co. of America; Docket No. CP78–379, Trunkline Gas Co.; Docket No. CP78–458, Columbia Gulf Transmission Co. and Columbus Gas Transmission Corp.; Docket No. CP80–195, Truckline Gas Co.
CAG–19. Docket No. CP78–254, Michigan Consolidated Gas Co.
CAG–20. Docket No. CP80–112, Northern Natural Gas Co.
CAG–21. Docket No. CP79–452, Forida Gas Transmission Co.

Power Agenda—443d Meeting, March 19, 1980, Regular Meeting

Electric Rate Matters

ER–1. Docket Nos. ER80–214 and ER80–215, Pacific Gas & Electric Co.
ER–2. Docket No. ER80–220, New England Power Co.
ER–3. Docket No. ER80–202, public Service Co. of Indiana, Inc.
ER–4. Docket No. ER80–112, Upper Peninsula Power Co.
ER–5. Docket Nos. ER78–229, ER78–292, ER78–313, ER78–242, ER79–245, ER79–247, ER79–250, ER79–254 and ER79–269, Indiana and Michigan Electric Co. et al.; Docket No. ER78–107, ER78–108, ER78–109, and ER78–219, Pennsylvania-New Jersey-Maryland Interconnection. et al.; Docket No. ER78–249, Appalachian Power Co., et al.; Docket No. ER78–252, Ohio Power Co., Et al.; Docket No. ER78–335, New England Power Pool et al.; Docket No. ER79–218, Dayton Power & Light Co. et al.; Docket No. ER80–1, Indiana & Michigan Electric Co. and Central Illinois Public Service Co.; Docket No. ER79–80–6, Ohio Power Co. & Dayton Power and Light; Docket Nos. ER78–229 et al., Indiana & Michigan Electric; Docket No. ER79–456 and ER79–458, Ohio Power Co. et al.
ER–6. Docket Nos. E–9520 and ER77–531, Illinois Power Co.
ER–7. Docket Nos. ER77–23 et al., and ER77–411 et al., Illinois Power Co.
ER–8. Docket No. EL78–13, *Central Virginia Electric Cooperative, Inc, Craig-Botetourt Electric Cooperative, Inc., and Southside Electric Cooperative, Inc.*, v. *Appalachian Power Co.*

Power Agenda—443d Meeting, March 19, 1980, Regular Meeting

M–1. Reserved.
M–2. Reserved.
M–3. Docket No. RM79–78, final rule under the NGPA defining the term new well.
M–4. Docket No. RM79–32, procedures for adjustments of rules and orders issued by the Federal Energy Regulatory Commission under the NGPA.
M–5. Docket No. RM80–33, final regulations, part 270, subpart B, sections 270.201, 202 and 204.
M–6. Docket No. GP80– , NGPA well category determination, Ladd Petroleum Corp., JD80–3569 and JD80–3571.
M–7. Docket No. RA78–5, Young Refining Corp.

Gas Agenda—443d Meeting, March 19, 1980, Regular Meeting

I. Pipeline Rate Matters

RP–1. Reserved.

II. Pipeline Certificate Matters

CP–1. Docket Nos. CP75–81 and CP75–104, High Island Offshore Systems.

Kenneth F. Plumb,

Secretary.

[S–519–80 Filed 3–13–80; 9:05 am]
BILLING CODE 6450–01–M

8

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., March 20, 1980.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6677).

MATTERS TO BE CONSIDERED:

Application for Branch Office—Heritage Federal Savings and Loan Association, Daytona Beach, Florida.
Application for Branch Office—Fortune Federal Savings and Loan Association, Clearwater, Florida.
Application for Branch Office—Midwest Federal Savings and Loan Association of Minot, Minot, North Dakota.
Application for Branch Office—Lincoln Federal Savings and Loan Association, Lincoln, Nebraska, and Application for Limited Facility—State Federal Savings and Loan Association, Beatrice, Nebraska.
Merger—First Federal Savings and Loan Association of Beaver Falls, Beaver Falls, Pennsylvania into Tower Federal Savings and Loan Association, New Brighton, Pennsylvania.
Service Corporation Activity—Gibraltar Savings and Loan Association, Beverly Hills, California.
Application to Upgrade a Satellite Office to a Full Service Branch Office—Central Federal Savings and Loan Association of Nassau County, Long Beach, New York.
Bank Membership and Insurance of Accounts—Taos Savings and Loan Association, Inc., Taos, New Mexico.
Preliminary Application for Conversion into a Federal Mutual Association—Macomb Savings and Loan Association, Macomb, Illinois.
Request for Waiver of Regulation—Commonwealth Savings and Loan Association, Torrance, California, and First Public Savings and Loan Association, Los Angeles, California.

Allegheny County Home Improvement Loan Program.
Application for Permission to Convert from Federal Mutual to Federal Stock Form—Virginia Beach Federal Savings and Loan Association, Virginia Beach, Virginia.
Regulation on Monitoring Fair Lending Practices.

No. 324, March 13, 1980.

[S–524–80 Filed 3–13–80; 3:09 pm]
BILLING CODE 6720–01–M

9

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

March 11, 1980.

TIME AND DATE: 10 a.m., Tuesday, March 18, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Southern Ohio Coal Company, Docket No. VINC 79–227–P (Petition for Discretionary Review, Judge Kennedy, Feb. 8, 1980.)
2. Pittsburg & Midway Coal Mining Company, Docket No. BARB 79–307–P, etc. (Petition for Discretionary Review, Judge Koutras, Feb. 8, 1980.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S–525–80 Filed 3–13–80; 3:10 pm]
BILLING CODE 6820–12–M

10

FEDERAL RESERVE SYSTEM: Board of Governors
"FEDERAL REGISTER": Citation of Previous Announcement: Forwarded to **Federal Register** on March 11, 1980.
PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, March 19, 1980.
CHANGES IN THE MEETING: Deletion of the following open item(s) from the agenda:

Proposed policy statement concerning financial factors in the formation of one-bank holding companies. (Proposed earlier for public comment; docket no. R–0265).
This matter will be rescheduled for an upcoming open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.
1Dated: March 13, 1980.

Theodore E. Allison,

Secretary of the Board.

[S–526–80 Filed 3–13–80; 3:41 pm]
BILLING CODE 6210–01–M

V 45 / 53 MR 17 80 UMI

V 45 / 53 MR 17 80 UMI

federal register

Monday
March 17, 1980

Part II

Department of Transportation

Urban Mass Transportation Administration

Reducing the Paperwork Burden on Transit Operators

V 45/53 MR 17 80 UMI

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

Reducing the Paperwork Burden on Transit Operators

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice of Amendments to UMTA Operating Procedures and Requirements.

SUMMARY: This notice describes several actions taken by the Urban Mass Transportation Administration (UMTA) to reduce paperwork burdens on State and local governments in the execution of the Federal public transportation assistance program. These steps are consistent with President's Carter's efforts to reduce the paperwork burden throughout the Federal government as evidenced most recently by Executive Order 12174. The specific actions modify UMTA operating procedures and requirements and will reduce paperwork burdens on applicants for capital grants funded under Section 3 and 5 of the Urban Mass Transportation Act of 1964, as amended (UMT Act), and help speed the implementation of projects using such funds while retaining essential Federal oversight.

DATE: These actions are effective on March 24, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Charlyne Schofield, Office of Grants Assistance (UTA–13), Phone (202) 472–7037.

SUPPLEMENTARY INFORMATION:

Background

Operating procedures and requirements governing applications for capital grants and administration of approved capital projects are described in the UMTA External Operating Manual (EOM), August, 1972 (UMTA Order 1000.2).

There have been no significant changes to the portion of the EOM covering capital grants since 1974. By contrast, the UMTA program changed significantly during that period. Three of the most important changes are:

1. The National Mass Transportation Act of 1974 which added formula grants for capital or operating assistance (Section 5 of the UMT Act);
2. The growth in the total transit assistance program from $870.3 million in FY 1974 to $2,600 million in FY 1979 (excluding interstate transfers); and
3. The decentralization of UMTA grant making and program management activities between 1975 and 1978.

UMTA is updating existing operating procedures and requirements to make them consistent with the current Federal transit assistance program and reduce the paperwork burden on transit operators. Where possible, procedures and requirements are being reshaped and streamlined by eliminating duplicative and unnecessary requirements; moving more decisions to UMTA regional offices and thus condensing the UMTA review period; and eliminating required UMTA concurrence for selected actions, thus increasing the descretion of local officials and placing increased emphasis on the experience and expertise of transit operators.

This notice describes one of these efforts—actions which we have taken to reduce immediately the paperwork burden on applicants for capital assistance. Additional steps to reduce the paperwork burden on transit operators will follow in the near future.

Actions to Reduce Paperwork

1. The following actions eliminate at least one level of UMTA review and approval and will therefore reduce the paperwork burden on transit operators and speed the implementation of transit improvements:

a. UMTA Order 1100.18B, which covers delegations to UMTA regional offices, is amended to give Regional Directors the authority over most single bid awards. Those involving rail cars, buses and electronic fair systems continue to be reserved to UMTA headquarters.

b. UMTA EOM is amended to require prior UMTA approval of budget revisions only when the cumulative amount of such revisions exceeds 10 percent of the total budget (provided of course such changes are within the scope of the approved project). This is an increase from the current 5 percent level.

2. Appendix 3 of the UMTA EOM is amended to eliminate several exhibits currently required for each grant application. Elimination of the exhibits will reduce paperwork as some of the exhibits require several pages to complete:

a. Exhibit B (Public Transportation System) need not be submitted with a capital grant application if a description of the current system is on file with UMTA. The public transportation system exhibit must be submitted once and updated as the system is modified. Grantees should work with UMTA regional offices to ensure that UMTA files contain an accurate and current description of the public transportation system.

b. Exhibit F (Status of Transportation Planning) is eliminated. The purpose of this exhibit was to describe the extent and nature of local planning. The exhibit is no longer required because UMTA (jointly with the Federal Highway Administration) assesses the local transportation planning process during periodic planning certification reviews (usually annually). These reviews provide both an inventory and evaluation of local planning activities.

c. Exhibit G (Public Transportation Program) is eliminated. The purpose of this exhibit was to summarize the local transit development program (TDP). It is no longer required because both planning and programming—the two principal components of the TDP—are currently reviewed and evaluated as preconditions for the approval of an application: planning during the certification review of short-range transit planning and programming during the review and approval of the transportation improvement program/annual element (TIP/AE).

d. Exhibit M (Elderly and Handicapped (E&H)) is eliminated. The purpose of this exhibit was to describe actions taken on behalf of elderly and handicapped persons. It is no longer required because of current reviews by UMTA staff to determine the adequacy of the E&H component of local planning and programming actions as preconditions for the approval of an application. These reviews provide both an inventory and evaluation of local E&H planning activities and programmed E&H services.

e. Exhibit N (Distribution of Transportation Benefits) is eliminated. The purpose of this exhibit was to assist UMTA in determining whether transit service was being provided in a nondiscriminatory manner. Exhibit N is included in a more comprehensive Title VI submission which is submitted once and is used in certifying that transit service is planned and provided in a non-discriminatory manner. Grantees should work with UMTA Regional Offices to ensure that UMTA files contain a current Title VI submission.

UMTA shall provide notice of this action to transit operators and other interested parties by mailing a copy of this notice to all transit operators, designated recipients, State Departments of Transportation and Metropolitan Planning Organizations.

Dated: March 12, 1980.

Theodore C. Lutz,

Administrator.

[FR Doc. 80-8132 Filed 3-14-80; 8:45 am]

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federal register

Monday
March 17, 1980

Part III

Department of Energy

Privacy Act of 1974; Addition of System of Records

DEPARTMENT OF ENERGY

Privacy Act of 1974; Proposed Establishment of a New System of Records

AGENCY: Department of Energy.

ACTION: Proposed establishment of a new system of records subject to the Privacy Act of 1974 (Pub. L. 93–579; 5 U.S.C. 552a).

SUMMARY: The Department of Energy proposes to establish system of records in order to carry out a pilot energy conservation and residential weatherization program in the Pacific Northwest. The program, which will be conducted by the Bonneville Power Administration (BPA), will provide BPA financing for the weatherization of eligible homes in the States of Idaho, Oregon, Washington, and Montana. Eligibility for assistance will be based on the cost-effectiveness of weatherizing homes, and will be determined based on analyses performed by local utility companies at the request of their customers. Public comment is sought on the system of records and in particular on the routine uses of the records, as required by subsection (e)(11) of the Privacy Act (5 U.S.C. 552a(e)(11)).

DATES: Written comments must be received on or before April 16, 1980.

ADDRESSES: Comments should be directed to: Mr. Walter Pollock, Bonneville Power Administration, PRE, P.O. Box 3621, Portland, OR 97208.

FOR FURTHER INFORMATION CONTACT: Mr. Walter Pollock, Bonneville Power Administration, PRE, P.O. Box 3621, Portland, OR 97208.

SUPPLEMENTARY INFORMATION: The Bonneville Power Administration (BPA) of the Department of Energy (DOE) proposes to establish a new system of records, to be entitled "Electricity Use and Conservation Analysis," which will be part of DOE's pilot energy conservation program in Idaho, Oregon, Washington, and Montana. As a part of this program, BPA will finance the weatherization of certain homes in the area and has contracted with local utilities to evaluate and analyze residences to determine their eligibility, based on cost-effectiveness, for DOE financing.

The weatherization program will operate as follows: participating utilities will send their customers a mailer advertising the availability of DOE-financed weatherization assistance. At the customers' request, the utility will perform an analysis of the home to determine the weatherization needs. This step will involve the collection of information about the customers and their homes which will constitute the system of records. If eligible, the customer may sign an agreement with the utility to seek bids for the weatherization work. The utility will review the contractors' bids and determine, based on a cost-effectiveness formula developed by BPA, whether the customer is eligible for BPA financing of specific weatherization items. A report based on the analysis will then be provided to the customer, describing the recommended work and indicating whether he or she is eligible for DOE financing. The customer may then enter into an agreement under which BPA will finance the installation of weatherization measures.

The records in this system will include the names and addresses of customers who request an analysis of their homes from the utility company, and information about their families' energy consumption and about their homes, such as construction, heating/cooling system, and existing weatherization measures. The records will be maintained by the utility, which will agree in its contract with DOE to observe the requirements of the Privacy Act.

The records in the system will be disclosed as follows: (1) relevant portions of the records will be provided, with identifiers, to potential bidders on the actual weatherization work; (2) information regarding the homes will be available to subsequent purchasers of those homes; (3) records will be made available to DOE for audit and program evaluation purposes. While these records will include the account billing code used by the utilities, which is a unique identifier, names and addresses will be removed from the files, so that the unique identifier will not be traceable to the individual customers by DOE. (4) The records, in aggregated statistical form, will become part of a public data base on weatherization of homes to be maintained by DOE.

The system of records will be established and maintained pursuant to the Bonneville Project Act of 1937 (16 U.S.C. Ch. 12B), as amended by the Flood Control Act of 1944 (16 U.S.C. 825s) and the Federal Columbia River Transmission System Act of 1974 (16 U.S.C. Chapter 838). The collection of data and maintenance of the system of records are incidental to the performance of the overall energy conservation program, whose objective is to determine what cost-effective weatherization conservation measures should be installed or adopted at individual residences, and to provide incentives to utility customers in the form of no-interest, deferred payment financing for the installation of weatherization.

The establishment of this system of records should have a minimal effect on the personal privacy of the utility customers in the region, because participation in the program is entirely voluntary and will be initiated by the individuals themselves. For the record subjects, i.e., those who choose to participate in the program, the impact will be minimal because the information collected will consist mostly of data about the individuals' homes, such as energy consumption patterns, amount and kind of insulation, etc.

Some State laws and other utilities in the region provide for similar weatherization and conservation programs, but these are not equally available to all customers in the region. The DOE program is intended to provide additional incentives to residential customers on a pilot basis, and to assist utilities in meeting the residential conservation requirements imposed on them by existing laws. Thus, the only likely impact of the program on the administration of State law will be to foster State-mandated conservation measures. The principle of federalism will not be adversely affected.

Safeguards: Access to records will be limited to those personnel who have a need for the data. More elaborate security measures need not be considered because (1) information will be provided to DOE in a form which is not traceable to individual customers, and (2) the records will consist primarily of nonpersonal data about customer's homes. In addition to protecting the personal privacy of those customers, these measures provide assurance against improper use of the data.

A Report on New Systems has been submitted to the Office of Management and Budget as required by section 3(o) of the Privacy Act (5 U.S.C. 552a(o)) and OMB Circular No. A–108 as amended. In addition, a waiver of the 60-day advance notice period which is required by the Circular has been requested. The reason for the waiver request is that the implementation of the weatherization program has been delayed, and further delay before operation of the system of records would adversely affect the public interet in the conservation of energy.

If a waiver of the notice period is granted, and no comments are received which would justify a change in the system as proposed, it will become effective on April 16, 1980.

Information to be maintained in the system will be collected using BP–406, a data collection from which has been submitted to OMB for clearance under the Federal Reports Act and OMB Circular No. A–40, as amended.

The text of the system notice is set forth below.

March 13, 1980.

William S. Heffelfinger,

Director of Administration.

SYSTEM NAME:

Electricity Use and Conservation Analysis Records.

SYSTEM LOCATION:

Bonneville Power Administration, Conservation Section, P.O. Box 3621, Portland, OR 97208; and utilities that may be participating in the program and announced here annually.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have requested participation in the Residential Conservation Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information about a person's household energy consumption, family size, characteristics of his/her dwelling, including heating and cooling systems; structural aspects related to thermal efficiency, and other characteristics which affect patterns of residential energy consumption.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

Bonneville Project Act of 1937, 16 U.S.C. Chapter 12B (1976), as amended by the Flood Control Act of 1944 (16 U.S.C. § 825s) and the Federal Columbia River Transmission System Act of 1974 (16 U.S.C. Ch. 838).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information will be maintained by the utility and wil be used (1) to evaluate various energy-saving opportunities in the home; (2) to calculate energy and financial savings which could result from weatherization improvements in the home; (3) to make recommendations concerning weatherization improvements in the home; (4) to determine eligibility for DOE weatherization financing; and (5) to provide a record of weatherization improvements and household energy efficiency to subsequent owners of the home.

DOE (Bonneville Power Administration) will use this information in aggregated statistical form, without identifiers, to (1) evaluate the overall effectiveness of the program through statistical analysis, (2) provide a public data base which will be used to plan and analyze appropriate conservation measures for residents of the Pacific Northwest.

The utility will make information available (1) to building contractors for use in preparing and submitting bids for the performance of weatherization work; (2) DOE for audit and program evaluation purposes. The information provided to DOE will include a unique utility company account number for each customer, but not the customers' names and addresses; without the latter information, the customers' identities will not be traceable by DOE.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained (1) on paper and stored in file folders, and (2) on computer tape without individuals' names and addresses. As noted above, under *Routines, uses,* the customers' unique billing account numbers will be in the file but not traceable to individual customers.

RETRIEVABILITY:

Records are indexed by a utility account number assigned to each utility customer.

SAFEGUARDS:

Access to and use of individually identifiable records are limited to those persons whose official duties require such access. All files are locked when unattended. Names and addresses of individuals will not be disclosed to DOE.

RETENTION AND DISPOSAL:

A records retention and disposal authorization will be developed and issued in the effective edition of DOE Order 1324.1, Records Disposition.

SYSTEM MANAGER(S) AND ADDRESS:

Walter E. Pollock, Head, Energy Conservation Section, Bonneville Power Administration, P.O. Box 3621, Portland, OR 97208, (503) 234–3361 Ext. 4082.

NOTIFICATION PROCEDURE:

Individuals about whom information is maintained in this system of records are aware of that fact through participation in the program. However, inquiries may be addresses to the System Manager named above. Requests should include the individual's full name and address.

RECORD ACCESS PROCEDURES:

Requests for access may be directed to the System Manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the System Manager named above.

RECORD SOURCE CATEGORIES:

The information in this system is solicited from the individual to whom the record pertains. Information about homes will be gathered by representatives of the utilities based on an examination of the home conducted in cooperation with the customer.

[FR Doc. 80–8283 Filed 3–14–80; 11:58 am]

BILLING CODE 6450–01–M

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Reader Aids

Federal Register

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Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
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DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

10194 2–14–80 / Industrial Energy Conservation Program provisions

ENVIRONMENTAL PROTECTION AGENCY

9910 2–14–80 / Water quality standards for navigable waters of the State of Alabama

FEDERAL COMMUNICATIONS COMMISSION

8990 2–11–80 / Special radio services; amateur radio service; authorized emission; deregulation

8989 2–11–80 / Maritime services; land and shipboard stations; expired ship station license certification for temporary use

FEDERAL RESERVE SYSTEM

10329 2–15–80 / Initial disclosures for open-end credit plans and disclosure requirements under Regulation Z for loophole accounts (money market certificate loans; official staff interpretations

INTERIOR DEPARTMENT

National Park Service—

10350 2–15–80 / Everglades National Park; fishing and boating regulations

LABOR DEPARTMENT

Employment and Training Administration—

10330 2–15–80 / Migrant and Other Seasonally Employed Farmworker Program under CETA; eligibility determination and verification

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

10184 2–14–80 / Airport aid program; civil rights provisions

List of Public Laws

Last Listing March 14, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 3756 / Pub. L. 96–205 To authorize appropriations for certain insular areas of the United States, and for other purposes. (Mar. 12, 1980; 94 Stat. 84) Price: $1.25.

S.J. Res. 149 / Pub. L. 96–206 To recognize the Honorable Carl Vinson on the occasion of the christening of the United States Ship Carl Vinson, March 15, 1980. (Mar. 13, 1980; 94 Stat. 93) Price: $1.00.

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1979)

Quantity	Volume	Price	Amount
_____	Title 30—Mineral Resources	$13.00	$_____
_____	Title 41—Public Contracts and Property Management (Chapter 18, Supplement)	3.00	_____
		Total Order	$_____

[A Cumulative checklist of CFR issuances for 1979 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).]

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federal register

Tuesday
March 18, 1980

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17123 **Credit Control** Executive order

17125 **Anti-inflationary Pay and Price Standards** CWPS establishes, on an interim basis, range for annual pay-rate increases; effective 10–1–79; comments by 4–17–80

17206 **Infant Formulas** HEW/FDA announces interim guidelines for nutrient composition and levels

17131 **Social Security** HEW/SSA issues interim regulations increasing money amounts used to evaluate work activity of claimants and beneficiaries with impairment other than blindness; effective on an interim basis starting 1–1–80; comments by 5–19–80

17132 **Radio Free Europe and Radio Liberty** BIB adopts regulations governing functions to ensure continuation; effective 2–21–80

17164 **Official Mail** PS proposes to revise procedures for using postage meters in Federal agencies; comments by 4–17–80

17147 **National Pollutant Discharge Elimination** EPA clarifies State requirements; effective 3–18–80

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Area Code 202–523–5240

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Presidential Documents

Title 3—

The President

Executive Order 12201 of March 14, 1980

Credit Control

By the authority vested in me as President of the United States of America by Section 205 of the Credit Control Act (12 U.S.C. 1904), and having determined that the regulation and control of credit is necessary and appropriate for the purpose of preventing and controlling inflation generated by the extension of credit in an excessive volume, it is hereby ordered as follows:

1–101. The Board of Governors of the Federal Reserve System is authorized to exercise all the authority under the Credit Control Act (12 U.S.C. 1901 *et seq.*) to regulate and control consumer credit.

1–102. The Board of Governors of the Federal Reserve System is authorized to exercise all the authority under the Credit Control Act to regulate and control credit extended by those financial intermediaries which are not subject, as of the date hereof, to either the amendments of law effected by Public Law 89–597, as amended, or Section 19 of the Federal Reserve Act, as amended (12 U.S.C. 461), and which are primarily engaged in the extension of short-term credit.

1–103. The Board of Governors of the Federal Reserve System is authorized to exercise all the authority under the Credit Control Act to regulate and control credit extended to commercial banks that are not members of the Federal Reserve System in the form of managed liabilities.

1–104. The Board of Governors of the Federal Reserve System is authorized to exercise the authority under Section 206(4) of the Credit Control Act (12 U.S.C. 1905(4)) to prescribe appropriate requirements as to the keeping of records with respect to all forms of credit.

1–105. For the purposes of this Order "consumer credit," "financial intermediaries," "short-term credit," "commercial banks," and "managed liabilities" shall have such meaning as may be reasonably prescribed by the regulations of the Board of Governors of the Federal Reserve System.

1–106. The authorizations granted by this Order shall remain in effect for an indefinite period of time and until revoked by the President.

Jimmy Carter

THE WHITE HOUSE,
March 14, 1980.

[FR Doc. 80–8371
Filed 3–14–80; 4:49 pm]
Billing code 3195–01–M

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

BOARD FOR INTERNATIONAL BROADCASTING

1 CFR Parts 415 and 416

Redesignation

Cross Reference: For a document redesignating regulations codified in Title 1 CFR Parts 415 and 416 into Title 22 CFR Parts 1301 and 1302 respectively, see FR Doc. 80–8243 appearing elsewhere in this issue.

BILLING CODE 6155–01–M

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service; Entire Executive Civil Service

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This document transmits two excepted service appointing authorities for career-related work-study programs. These programs are excepted under Schedule B because it is not practicable to examine competitively for them.

EFFECTIVE DATE: February 2, 1980.

FOR FURTHER INFORMATION CONTACT: James R. Poole, Office of Personnel Management, 202–632–5677.

SUPPLEMENTARY INFORMATION:

1. Under the provisions of E.O. 12015, the Federal Junior Fellowship Program is determined to be a career-related work-study program. The positions covered under the Program are excepted under Schedule B because it is not practicable to examine competitively for them.

2. Under the provisions of E.O. 12015, a career-related work-study program for students employed under the Stay-in-School Program is established on a 2-year pilot basis. For the Social Security Administration, Department of Health, Education, and Welfare, the positions under this career-related work-study program are excepted under Schedule B because it is not practicable to examine competitively for them. Under this program, the number of annual conversions to competitive service entry-level clerk-typist, clerk-stenographer, other general clerical positions, and technician positions related to computer science and the graphic arts are limited to not more than 10 percent of the positions in those occupations by the agency annually.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, OPM is amending 5 CFR 213.3202 as follows:

(1) The introductory text is revised; (2) the undesignated paragraph following paragraph (e) is deleted; (3) paragraphs (f) and (g) are added; and (4) paragraphs (h) and (i) are reserved as set forth:

§ 213.3202 Entire executive civil service.

The provisions established under paragraphs (a) through (i) are authorized under provisions of E.O. 12015 and support career-related work-study programs. OPM's requirements relating to appointment under paragraphs (a) through (i) will be published in the Federal Personnel Manual. Further, appointments under paragraphs (a) through (i) are subject to all the requirements and conditions governing career or career-conditional appointments, including investigation by OPM to establish an appointee's qualifications and suitability. Appointments of participants may be converted to career or career-conditional at any time within a 120-day period after satisfactory completion of a career-related work-study program.

* * * * *

(f) Positions under the Federal Junior Fellowship Program, a career-related work-study program covered under the provisions of E.O. 12015.

(g) Positions with the Social Security Administration, Department of Health, Education, and Welfare, in a 2-year pilot, career-related work-study program under the provisions of E.O. 12015 for students employed under the Stay-in-School Program. Under this program, the number of annual conversions to competitive service entry level clerk-typist, clerk-stenographer, other general clerical positions, and technician positions related to computer science and the graphic arts are limited to not more than 10 percent of the positions filled in these occupations by the agency annually.

* * * * *

(5 U.S.C. 3301, 3302, EO 10577, 3 CFR 1954–1958 Comp. p. 218)

[FR Doc. 80–8248 Filed 3–17–80; 8:45 am]

BILLING CODE 6325–01–M

COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Parts 705, 706 and 707

Anti-Inflationary Pay and Price Standards; Procedural Rules; Data Requests; Miscellaneous Amendments

AGENCY: Council on Wage and Price Stability.

ACTION: Interim final pay standard, with request for public comments.

SUMMARY: The Council is establishing on an interim basis that the pay standard for the second program year be a range of 7.5 to 9.5 percent; in normal circumstances, annual pay-rate increases should be expected to average about the mid-point of the range (8.5 percent). In addition, the Council is adopting procedures requiring that those implementing pay-rate increases above 8.5 percent notify the Council of that action. Cost-of-living-adjustment clauses, according to this action, should be evaluated using an inflation assumption of 7.5 percent. Other technical amendments to the pay standard and related procedures are being adopted.

DATES: The effective date is October 1, 1979. Written comments should be submitted by April 17, 1980.

ADDRESS: Written comments should be addressed to: Office of the General Counsel, Council on Wage and Price Stability, 600 17th Street, NW, Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Office of Pay Monitoring, Lucretia Tanner, 456–7180; Malcolm Liggett, 456–7180; Homer Jack, 456–7180.

Office of the General Counsel, Daniel Duff, 456–6210; Jane Campana, 456–6210.

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SUPPLEMENTARY INFORMATION: On September 28, 1979, the President announced the creation of a Pay Advisory Committee to advise the Council on policies that encourage anti-inflationary behavior by employers and labor, that decelerate the rate of inflation, and that provide for a fair and equitable distribution of the burden of restraint. The Committee's charter provides that it will recommend new or revised interpretations of the pay standard. In the meantime, the first-year pay standard (in Subpart 705B) remained in effect with certain modifications (see the Council's questions and answers published in the **Federal Register** on October 12, 1979 (44 FR 56900), October 19, 1979 (44 FR 60251), November 19, 1979 (44 FR 66534), and January 16, 1980 (45 FR 3247); see also the **Federal Register** of December 17, 1979 (44 FR 73003), December 28, 1979 (44 FR 76748), and January 22, 1980 (45 FR 4338)).

On January 22, 1980, the Committee recommended that the second program year pay standard be a range of 7.5 percent to 9.5 percent. Establishment of a range provides for greater flexibility than a single numerical standard. The Committee also presented a set of principles for voluntary pay stabilization during 1980, which provide in part that settlements or wage determinations in the normal circumstances should be expected to average about the mid-point of the range (8.5 percent). Such pay-rate increases are viewed as substantial restraint, particularly in the face of recent increases in consumer prices.

As the Pay Advisory Committee recommended, § 705.10(a) provides for a range of annual pay-rate increases of 7.5 percent to 9.5 percent. Section 705.10(a) further provides that compliance units implementing increases within the range but in excess of 8.5 percent should follow the procedures at § 706.24 of the Council's procedural rules. Exceptions are available for pay-rate increases in excess of the pay range; since there will be pay increases below 8.5 percent, the Council believes that the economy-wide pay increases should average about the Pay Advisory Committee's objectives. In addition, the Committee has recommended, and the Council has accepted, the principle that increases generated by cost-of-living formulas in multi-year contracts should be evaluated using a 7.5-percent inflation assumption rather than the 6 percent used in the first program year.

While these changes affect only a portion of the pay standard and procedural rules, for convenience the Council is publishing Subpart 705B in its entirety. The major modifications adopted today on an interim final basis are as follows:

Section 705.10 (formerly 705B–1) is revised by deleting 7 percent and substituting the 7.5-percent-to-9.5-percent range and by specifying the criteria on which pay adjustments normally are based. Settlements or wage determinations in normal circumstances should be expected to average about the mid-point of the range (8.5 percent). Increases above the mid-point require notification to the Council under new Section 706.24 of the procedural rules.

In § 705.12 (formerly 705B–3), the inflation assumption is changed from 6 percent to 7.5 percent. The first year of a multi-year agreement should conform with the criteria outlined for the second program year and the collective-bargaining agreement should continue the historical relationship of deferred increases to first-year increases. Conforming changes in § 705.13 (formerly 705B–4) and § 705.15 (formerly 705B–6) reflect the new pay standard.

Certain portions of § 705.13 (formerly 705B–4) that are no longer applicable in the second program year are being deleted—namely, the exclusion of pay-rate increases dictated by the continuation of a formal annual pay plan in operation as of October 1, 1978, and the exclusion of pay-rate increases communicated to employees before that date.

The Council is also modifying the criteria for an acute-labor-shortage exception by deleting the requirement that the local Employment Service Agency certify that a shortage for the particular job category exists. Applicants must, however, show that the requested pay rate for the shortage category is comparable to the pay rate in the relevant labor market. Section 707.33 is revised to reflect these changes.

The Council is adding a new exception category to correct the inequities between workers covered by COLA clauses and those not covered by such provisions during the first program year. These issues have been considered under the gross inequity/undue hardship exception during the interim period.

These modifications of the pay standard and regulations are effective October 1, 1979—the beginning of the second program year—and supersede the interim rules authorizing a self-administered one-percent non-COLA catch-up for complying units. Carryover, however, is permitted as part of, or in addition to, the pay standard. Since these changes do not provide for any greater restraint than was called for by the interim rules, the Council believes that no one is adversely affected by the retroactive application of these changes.

The Council will be publishing questions and answers on the revised standard and procedures, including any issues that may have developed under the interim-period rules. The Council requests interested parties to submit proposed questions and answers regarding issues that they think require clarification. Until further notice, existing questions and answers interpreting the first-year standard continue in effect unless they are inconsistent with the specific provisions contained herein.

Finally, the Council is publishing these materials on an interim final basis since many companies have a need to know and must be able to rely on the second-year pay standard. The Council has provided a 30-day comment period rather than the customary 60-day period, since it is important to receive any public comments as soon as possible so that any changes may be made rapidly. Companies may rely fully on these interim final changes to Parts 705, 706, and 707 until these materials are modified.

(Council on Wage and Price Stability Act, Pub. L. 93–387 (August 24, 1974), as amended by Pub. L. 94–78 (August 9, 1975) and Pub. L. 95–121 (October 5, 1977), (12 U.S.C. 1904 note); as last amended by Pub. L. 96–10 (May 10, 1979); E.O. 12092 (November 1, 1978); E.O. 12161 (September 28, 1979))

Issued in Washington, D.C., March 13, 1980.

R. Robert Russell,

Director, Council on Wage and Price Stability.

Accordingly, Parts 705, 706, and 707 of Title 6 CFR are amended as set forth below:

I. Subpart B of Part 705 is revised on an interim final basis to read as follows:

PART 705—ANTI-INFLATIONARY PAY AND PRICE STANDARDS

* * * * *

Subpart B—The Pay Standard

Sec.

705.10 Pay Standard.
705.11 Employee units.
705.12 Application of the Pay Standard to Collective Bargaining Agreements.
705.13 Application of the Pay Standard to Employees Not Under Collective Bargaining Agreements.
705.14 Pay Standard for Future-Value Incentive Plans.
705.15 Maintenance of Health Plan Benefits.
705.16 Changes in Pension Funding Costs.
705.17 Low-Wage Exemption.
705.18 Tandem Pay-Rate Changes.
705.19 Pay-Rate Increases Traded for Productivity Improving Work-Rule Changes.
705.20 Pay-Rate Increases Attributable to Acute Labor Shortages.
705.21 Pay-Rate Increases to Correct COLA-Related Inequities.
705.22 Undue Hardship and Gross Inequity.

Authority. Council on Wage and Price Stability Act, Pub. L. 93–387 (August 24, 1974), as amended by Pub. L. 94–78 (August 9, 1975) and Pub. L. 95–121 (October 5, 1977), (12 U.S.C. 1904 note); as last amended by Pub. L. 96–10 (May 10, 1979); E.O. 12092 (November 1, 1978); E.O. 12161 (September 28, 1979)

Subpart B—The Pay Standards

§ 705.10 Pay standard.

(a) For each employee unit, the annual pay-rate increase should be no more than an amount within a range of 7.5 percent to 9.5 percent. In the normal circumstance, annual pay-rate increases should be expected to average about the midpoint of the range (8.5 percent). Compliance units implementing a pay-rate increase above the midpoint should follow the procedures under § 706.24.

(b) Pay adjustments in normal circumstances under paragraph (a) of this section should be based on the following criteria: cost-of-living (and any provisions in the pay arrangements relating to cost-of-living adjustments), ability to pay, profits, competitive conditions, productivity, labor availability, comparable compensation in other establishments, etc.

§ 705.11 Employee units.

For the purpose of establishing compliance with the pay standard, a compliance unit must identify three types of employee units: (a) Each group of the compliance unit's employees subject to a collective bargaining agreement to which the compliance unit (or the company of which it is a part) is a party constitutes a separate employee unit, (b) All management employees not under a collective bargaining agreement constitute an employee unit, and (c) All other employees constitute an employee unit.

A compliance unit need not identify separately collective bargaining units accounting for less than 5 percent of its employees. However, if a collective bargaining unit is not separately identified, the workers must be included in the management or "all other employees" category.

§ 705.12 Application of the pay standard to collective bargaining agreements.

(a) A compliance unit complies with the pay standard if the annual rate of pay-rate change over the life of each collective-bargaining agreement negotiated during the program year is no more than provided for in § 705.10(a).

(b) The first year of a multi-year agreement should conform to the second year pay standard and the collective bargaining agreement should continue the historical relationship of deferred increases to first-year increases.

(c) For purposes of determining whether the annual rate of pay-rate change complies with the pay standard, formulas for cost-of-living adjustments should be computed on the assumption of a 7.5 percent annual rate of inflation in the Consumer Price Index over the life of the contract.

(1) This assumption cannot be used if:

(i) A new cost-of-living provision is established that makes payments only after the Consumer Price Index has increased by some minimum amount;

(ii) An existing cost-of-living provision is modified to begin making payments only after the Consumer Price Index has increased by some minimum amount;

(iii) The Consumer Price Index minimum amount in an existing cost-of-living provision of the type described in paragraph (c)(1)(i) of this section is increased; or

(iv) The duration of the contract is one year or less.

(2) Cost-of-living adjustment provisions that are not permitted to be evaluated using the 7.5 percent inflation assumption should be evaluated using the actual rate of inflation. Contracts with such clauses should be in compliance with the pay standard at the end of each year of the contract.

(d) The cost of private fringe benefit programs should be measured by employer contribution rates.

(e) Pay-rate increases dictated by agreements signed prior to October 25, 1978, are exempted from the pay standard.

(f) A contract that includes a provision for a future wage reopening will be assumed to be terminating on that date.

(g) The effects of legitimate promotions and increases under pre-existing incremental pay plans and practices are excluded from computations for the purpose of measuring compliance with the pay standard.

§ 705.13 Application of the pay standard to employees not under collective bargaining agreements.

(a) A compliance unit complies with the pay standard if, for each employee unit, the increase in the pay rate from the base quarter to the last quarter of the program year is no more than provided for in § 705.10(a).

(b) Alternatively, compliance may be determined by computing pay-rate changes for the fixed population of continuing employees employed in the beginning and end of the program year. In this case, pay-rate increases may exclude the effects of legitimate promotions and increases under pre-existing incremental pay plans and practices.

(c) In determining compliance under paragraph (a) of this section, adjustments may be made for shifts in the composition of the work force among distinct functional employee subgroups within the employee unit.

§ 705.14 Pay standard for future-value incentive plans.

(a) A future-value incentive plan is any long-term plan under which the compensation value of the units (such as shares, stock options, and awards) granted or issued will not be known until some future time.

(b) Any such units granted or issued before October 25, 1978, under such plans are not subject to the pay standard.

(c) The average number of units per recipient granted or issued in the program year under any continuation of, or modification to, existing plans or creation of successor plans may not exceed one plus the percent provided for in § 705.10(a) multiplied by—

(1) The average number granted or issued in the twelve-month period prior to the program year, or

(2) The annual average of the units granted over the last five years, whichever is greater.

(d) With respect to plans covered by paragraph (c) of this section, any spread between an option or purchase price and fair market value at the time of the grant is included as pay.

(e) For any new plans introduced during the program year for which there is no historical precedent, companies should place a value on units granted or issued in the program year consistent with generally accepted accounting practices and include these amounts in pay.

§ 705.15 Maintenance of health plan benefits.

Changes in the costs of maintaining existing health benefits up to and including the rate of pay increase implemented under § 705.10(a) are charged against the pay standard; any additional costs of maintaining existing health benefits are excluded from computations for purposes of measuring compliance with the standard. Any changes in costs due to changes in benefits should be included as pay-rate changes.

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§ 705.16 Changes in pension funding costs.

For pension plans that pay specified benefits at retirement (qualified defined-benefit plans), changes in employer costs due to (a) changes in funding methods, (b) changes in amortization periods, (c) changes in actuarial assumptions, and (d) plan experience (other than year-to-year wage or salary changes) are not included as pay-rate changes. Changes in employer costs due to plan amendments, changes in the benefit structure, or changes in benefit levels due to wage or salary changes are included as pay-rate changes.

§ 705.17 Low-wage exemption.

(a) Employee units with an average straight-time hourly wage rate of $5.35 or less during the third quarter of 1979 are exempt from the pay standard in the second program year.

(b) Individual employees in other employee units who were earning $4.00 or less per hour in straight-time wages on October 1, 1978, may be either excluded from or included in all pay-rate computations for the second program year. If such employees are included, any portion of their pay-rate increases that exceeds the pay standard should be excluded in determining compliance. Employers should also be prepared to demonstrate that, if low-wage employees are included, they are being treated equitably.

§ 705.18 Tandem pay-rate changes.

Pay-rate changes in an employee unit that have been linked regularly to pay-rate changes in another employee unit or groups of employee units will be excepted if the leader is in compliance with or exempt from the pay standard and the pay-rate change of the follower unit maintains the historical relationship. This exception also may be applied when pay-rate changes in an employee unit have been linked regularly to a survey of pay-rate changes in an identified labor market. In order to establish such linkage, the parties must be able to demonstrate that the past pay-rate changes in the follower unit have been substantially equivalent over a period of years to pay-rate changes in the leader unit, group of units, or identified labor market. Employee units need not be in the same company, industry, or geographical area to establish a relationship.

§ 705.19 Pay-rate increases traded for productivity improving work-rule changes.

In determining compliance, that part of a pay-rate change that is in return for changes in contractual work-rules and practices that improve productivity may be deducted from the total pay-rate change. In order to comply in this manner, it must be demonstrated that the cost reductions generated by the work-rule changes are equal to or greater than the excess of the pay-rate change over the pay standard.

§ 705.20 Pay-rate increases attributable to acute labor shortages.

Where pay-rate increases in excess of the pay standard are necessary to attract or retain employees in a particular job category because of an acute labor shortage, the amount of such excess may be excepted if all of the following conditions are met:

(a) The proportion of vacancies relative to the work force or the number of vacancies during the preceding quarter has increased abnormally over that experienced during the past two years;

(b) The time required to fill vacancies during the preceding quarter has increased abnormally over that required during the past two years, despite intensive recruiting;

(c) Pay rates for the shortage category in the relevant labor market have increased abnormally over the past two years; and

(d) The requested pay rate for the shortage category is comparable to the pay rate in the relevant labor market.

§ 705.21 Pay-rate increases to correct COLA-related inequities.

The Council may grant an exception for increases in excess of the pay standard that are necessary to restore equity with wages of comparable groups of employees, occasioned by the operation of COLA clauses.

§ 705.22 Undue hardship and gross inequity.

The Council may grant an exception from the application of the pay standard or may make appropriate adjustments in the standard if its application would cause undue hardship or gross inequity.

(a) An undue hardship exists if application of the pay standard would seriously threaten the company's financial viability.

(b) A gross inequity is any situation that, in the Council's judgment is manifestly unfair.

PART 706—PROCEDURAL RULES

2. Section 706.24 is added to read as follows:

§ 706.24 Notification of pay-rate increases.

When a compliance unit implements a pay-rate increase under § 705.10(a) that is within the range but exceeds 8.5 percent, and the affected employee unit includes 100 or more employees in a compliance unit with (or that is part of a company with) 1,000 or more employees, or the affected collective bargaining agreement covers 1,000 or more employees, regardless of the number of employees in an individual company's employee units, the compliance unit should notify the Council of such action.

3. Section 706.32 is revised to read as follows:

§ 706.32 Grounds for exceptions.

The grounds for an exception to the price standard are contained in § 705.6 and § 705.41. The grounds for an exception to the pay standard are contained in §§ 705.13 through 705.22.

PART 707—DATA REQUESTS

4. Section 707.33 is revised to read as follows:

§ 707.33 Acute-labor shortage exceptions.

For an exception to the pay standard based on pay-rate changes needed because of acute labor shortages (§ 705.20), a compliance unit should submit:

(a) Documentation that, for the particular job categories, the proportion of vacancies relative to the work force and the time or effort required to fill them have increased abnormally during the preceding quarter relative to the two prior years;

(b) Documentation that pay rates for employees in those job categories have increased abnormally over the two prior years and that the requested pay rates for the shortage categories are comparable to pay rates in the relevant labor market;

(c) Documentation of the proportion of the compliance unit's work force that would be affected; and

(d) An estimate of the effect that the exception would have on the compliance unit's pay rates.

5. Section 707.40 is added to read as follows:

§ 707.40 Pay-rate increases to correct COLA-related inequities.

For an exception to the pay standard based on pay-rate increases to correct COLA-related inequities (Section 705.21), a compliance unit should submit:

(a) Documentation that the employee unit was not covered by a cost-of-living clause in the first program year;

(b) Documentation that the employee unit was in compliance with the pay standard during the first year;

(c) Documentation that pay-rate increases provided for in § 705.10(a) would be inadequate to compensate for the fact that either (1) the non-COLA employee unit's wages have been compressed in comparison with COLA-covered employees within the same company (intra-firm inequities) or (2) the employer is competing in a labor market in which other employers provide COLA or COLA-related increases to their employees (intra-firm inequities).

6. Part 707 Subpart E is added to read as follows:

Subpart E—Data Submissions With Respect to Pay-Rate Increases Within the Range, but Above 8.5 Percent

§ 707.50 Pay-rate increases above 8.5 percent.

Compliance units covered by § 706.24 should promptly notify the Council of the following:

(a) Identification of the affected employee unit,

(b) The number of employees in the employee unit, and

(c) The total pay-rate percentage change for single year pay plans with the cost analysis of the increases in individual elements of pay compared with the base pay rate, or

(d) The average annual percentage pay-rate change and the percentage pay-rate change for each year of multi-year pay plans and collective bargaining agreements with the cost analysis of the increases in individual elements of pay compared with the base pay rate.

[FR Doc. 80-8262 Filed 3-14-80; 10:42 am]

BILLING CODE 3175-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 226

Child Care Food Program; Correction

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule correction.

SUMMARY: This document corrects the final rule relating to the Child Care Food Program published January 22, 1980 (45 FR 4960).

DATE: Effective March 18, 1980.

FOR FURTHER INFORMATION CONTACT: Jordan Benderly or Beverly Walstrom at (202) 447-6509.

SUPPLEMENTARY INFORMATION: In FR Doc. 80-2006 appearing at page 4960 in the Federal Register of January 22, 1980 (45 FR 4960), make the following correction: On page 4995 in the third column in Section 226.29(j) in the second from the last line after the word "shall" and before the word "be" insert the following wording: "submit a request for FNS review and approval not later than May 1, 1980. Requests for extensions relative to all other provisions shall. . . ."

Dated: March 12, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-8146 Filed 3-17-80; 8:45 am]

BILLING CODE 3410-30-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 9

Privacy Act Regulations; Notice of Exemptions

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is publishing exemptions as provided under the Privacy Act of 1974. This amendment of the Commission's regulation "Public Records" exempts from certain requirements of the Privacy Act portions of a new system of records "Document Control System, NRC-29."

EFFECTIVE DATE: April 17, 1980.

FOR FURTHER INFORMATION CONTACT: Joseph M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301-492-7211.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission published a notice of proposed exemptions which would exempt from the Privacy Act portions of a proposed new system of records "Document Control System" in the Federal Register on August 28, 1979 (44 FR 50353). The notice invited public comment on the proposed exemptions by September 27, 1979. No comments were received on the proposed exemptions. The NRC is now publishing a final rule exemption to NRC-29. Simultaneously with the publication of this rule, the final rule creating the new Document Control System is being published.

The amendment of § 9.95 of 10 CFR Part 9 set forth below exempts from certain requirements of the Privacy Act portions of the system of records NRC-29.

Specific exemptions from the requirements of the Privacy Act pertaining to proposed NRC-29 are intended to prevent access to records that contain information specifically authorized under Executive Order (E.O. 12065) to be kept secret in the interest of the national defense and foreign policy.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 9, is published as a document subject to codification.

PART 9—PUBLIC RECORDS

1. Section 9.95 is amended by adding a new paragraph (n) to read as follows:

§ 9.95 Specific exemptions.

Pursuant to 5 U.S.C. 552a(k), portions of the following systems of records are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(1); (e)(4)(G), (H), (I); and (f) and are subject to the provisions of § 9.61 of this part:

* * * * *

(n) Document Control System.

* * * * *

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841); 5 U.S.C. 552a)

Dated at Bethesda, Maryland this 5th day of March 1980.

For the Nuclear Regulatory Commission.

William J. Dircks,

Acting Executive Director for Operations.

[FR Doc. 80-8073 Filed 3-17-80; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 275

[Docket No. RM79-3]

Final Part 275 Regulations Under the Natural Gas Policy Act of 1978

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order on Rehearing of Order No. 34.

SUMMARY: On June 14, 1979 (44 FR 34475), Order No. 34 was issued in Docket No. RM79-3 by the Federal Energy Regulatory Commission (Commission). Order No. 34 issued final regulations in Part 275 of the Commission's regulations. Part 275 deals with Commission review of jurisdictional agency determinations regarding the appropriate classification of natural gas under Natural Gas Policy Act of 1978 (NGPA). In this order on rehearing, the Commission hereby amends § 275.204(f) to expand the notice requirements for a filed protest to a

Notice of Determination to require that such notice be served upon "any persons who submitted or who sought an opportunity to submit written comments" as well as upon participants in the proceeding before the jurisdictional agency, as originally required. Further, § 275.206 has been amended to require that the Commission's notice to a submitter of information under § 274.104(a)(4) that such information will be made public be sent by telegram.

EFFECTIVE DATE: August 13, 1979.

FOR FURTHER INFORMATION CONTACT:
Mark Magnusson, Office of the General Counsel, 825 North Capitol Street, NE., Room 4016–I, Washington, D.C. 20426, (202) 357–8511.

Order on Rehearing of Order No. 34

Issued August 13, 1979.

On June 14, 1979, Order No. 34 was issued in Docket No. RM79–3 by the Federal Energy Regulatory Commission (Commission). Order No. 34 issued final regulations in Part 275 of the Commission's regulations. Part 275 deals with the Commission's review of jurisdictional agency determinations of the appropriate classification of natural gas wells under the Natural Gas Policy Act of 1978 (NGPA). One application for rehearing was filed, by the Indicated Producers, on July 13, 1979.

Indicated Producers also filed, on February 28, 1979, an application for rehearing of the entire interim regulations. In that first application for rehearing, Indicated Producers alleged ten separate errors in the part 275 regulations. In its second application for rehearing, two more errors were alleged, and the previously alleged errors were incorporated by reference.

I. The February 28, 1979 Application for Rehearing

Almost all of the issues raised in Indicated Producers' first application for rehearing were addressed either in the preamble to the interim rules or the preamble to Order No. 34. However, certain other issues were not addressed; the Commission does so in this order on rehearing.

First, Indicated Producers claims that § 275.202(b) is unlawful. That section of the regulations authorizes the Commission to issue an "incomplete notice" if the jurisdictional agency's notice is inadequate. The Commission recognizes that the limited statutory grounds for reversal or remand [1] do not include those listed in § 275.202(b)(1).[2]

However, the issuance of an incomplete notice does not have the same effect as a reversal or remand. A reversal would terminate a producer's right to continue making interim collections. A remand would have the same effect after six months. See § 273.203(b)(2). An incomplete notice simply gives a jurisdictional agency a chance to correct certain deficiencies, and thus the statutory standards for reversal or remand do not apply. If the omission is not corrected, remand or reversal on the statutory grounds would be appropriate.

Further, the Commission is statutorily authorized, under section 503(a)(2) of the NGPA, to require, by rule, the information which must be submitted in the notice of determination. The incomplete notice is simply an extension of that authority, to enable the Commission to expeditiously exercise its review function.

Second, Indicated Producers claim that § 275.202(f), which involves the procedures following the issuance of a preliminary finding, does not allow interested parties to be formally apprised of the views of Staff or to respond to those views. Such is not the case. The Commission specifically expresses its views in the Notice of Preliminary Finding, and interested parties are allowed to respond in the informal conference provided for in § 275.202(d). Thus the rule will not be changed.

Indicated Producers did make one suggestion in its first application for rehearing that should be adopted. Section 275.204(f) requires a person who files a protest to a Notice of Determination to file that protest with all participants at the jurisdictional agency proceeding. However, Indicated Producer points out that § 274.104(a)(1) requires the Notice of Determination to include the names of all participants "as well as any persons who submitted or who sought an opportunity to submit written comments." The Commission agrees with Indicated Producers that all persons listed pursuant to § 275.104(a)(1) should be notified by the protestor of the protest. Therefore, § 275.204(f) has been amended accordingly.

II. The July 13, 1979 Application for Rehearing

As stated previously, Indicated Producers raised two additional issues in its second application for rehearing. The first involves § 275.205(d), which allows the Commission to include a refund obligation in a final order which reopens a final determination.[3] The Indicated Producers assert that "the producer/applicant may be ordered to refund monies some or all of which are later determined by subsequent well determination to have been lawfully collected." The Commission disagrees with this statement, because if a final determination is subsequently reopened by final Commission order, any rate collected pursuant to the reopened determination which is in excess of the otherwise applicable rate was not lawfully collected. Absent a valid final determination, the rate for the gas is controlled by either section 104, 105, 106 or 109 of the NGPA. See § 273.302(g)(2). The effect of a reopening is to negate the determination *ab initio*. Thus, a Commission ordered refund may be appropriate upon the reopening of a final determination.

Indicated Producers also object to the change made in Order No. 34 involving the notice provisions of § 275.206(b). That section sets forth the procedure that will be followed by the Commission upon a request under the Freedom of Information Act (FOIA), 5 U.S.C. 552, for information submitted in a notice of determination. The last sentence of § 275.206(b) now provides that five days notice will be given to the party submitting the information. Prior to Order No. 34 the notice period was ten days. The time period was shortened because the FOIA requires that non-exempt requested information must be divulged within ten days of the request, unless a written extension is submitted to the party requesting the information on one of the grounds enumerated in 5 U.S.C. 552(a)(6)(B). Since providing ten days notice to the party submitting the information is not one of the enumerated grounds for extending the ten day period for divulging the information, the notice period will remain five days. However, the Commission agrees that § 275.206(b) should provide for notice by telegram, and the rule will have been amended accordingly.

The Commission Orders

The Application of Indicated Producers for rehearing of Order No. 34 is granted in part and denied in part.

(Natural Gas Act, as amended, 15 U.S.C. § 717, Department of Energy Organization Act, 42 U.S.C. § 7171, Natural Gas Policy Act of 1978, 15 U.S.C. § 3301)

For the reasons set forth above, the regulations of the Commission are amended as set forth below, effective for protests and FOIA requests filed thirty days after the issuance of this order.

By the Commission.

Kenneth F. Plumb,
Secretary.

1. Section 275.204 is amended by revising paragraph (f) to read as follows:

PART 275—COMMISSION DETERMINATIONS AND REVIEW OF JURISDICTIONAL AGENCY DETERMINATIONS

§ 275.204 Contents of protests to the Commission.

* * * * *

(f) A statement that the protestor has served, in accordance with §§ 1.17 and 1.51 of this chapter, a copy of the protest together with all supporting documents on the jurisdictional agency and all persons listed in the notice of determination pursuant to § 274.104(a)(1) of this subchapter.

2. Section 275.206 is amended in paragraph (b) by adding the following sentence to the end thereof:

§ 275.206 Confidentiality.

* * * * *

(b) * * * Such notice shall be sent to telegraph.

[FR Doc. 80–8142 Filed 3–17–80; 8:45 am]
BILLING CODE 6450–85–M

[1] *See* Section 503(b) (1) and (2) of the NGPA.

[2] § 273.202(b)(1) allows an Incomplete Notice to be sent if "all the material information required in § 274.104(a) (4) and (5)" is not included in the Notice of Determination.

[3] The Commission may reopen a determination if the determination was based on material misstatement or omission. *See* Section 503(d) of the NGPA.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

20 CFR Parts 404 and 416

[Regulations Nos. 4, 16]

Substantial Gainful Activity Earnings Guidelines for 1980

AGENCY: Social Security Administration, HEW.

ACTION: Interim regulations.

SUMMARY: These interim regulations increase the money amounts used as guidelines to determine whether persons with impairments other than blindness are able to do substantial gainful activity. For calendar year 1980, we are increasing the amount at the upper level from $280 per month to $300 per month and at the lower level from $180 to $190 per month. These increases reflect general increases in average earnings levels of workers in the national labor market. Under the new guidelines, we will ordinarily consider a person's monthly earnings from work activity averaging more than the upper level amount as showing that he or she has the ability to do substantial gainful activity. Similarly, we will ordinarily consider an employee's monthly earnings from work activity averaging less than the lower level amount as showing that he or she has not done substantial gainful activity.

ADDRESSES: Send your written comments to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, room 1169, 330 Independence Avenue, SW., Washington, D.C. 20201.

DATES: The regulations are effective on an interim basis starting January 1, 1980. We must receive your comments no later than May 19, 1980 to consider them in establishing the final rule.

FOR FURTHER INFORMATION CONTACT:
David Smith, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301–594–7336.

SUPPLEMENTARY INFORMATION: These interim regulations increase the earnings guidelines we use to evaluate the work activity of claimants and beneficiaries with impairments other than blindness under titles II and XVI of the Social Security Act. We use these guidelines to determine whether an individual has the ability to do substantial gainful activity (SGA).

Under the increased guideline amounts, we will consider a person's earnings from work activity averaging more than $300 a month in calendar year 1980 and later years as showing that he or she is able to do SGA, unless there is other evidence that the person is not able to do SGA. The present dollar amounts at the upper level of the guidelines for calendar years before 1980 contained in §§ 404.1534(b)(1) and 416.934(b)(1) will continue to be applied in evaluating earnings for those years.

Under the increased guideline amounts, we will consider an employee's earnings from work activity averaging less than $190 a month in calendar year 1980 and later years as showing he or she did not do SGA, unless there is other evidence to the contrary. The present dollar amounts at the lower level of the guidelines for calendar years before 1980 contained in §§ 404.1534(b)(2) and 416.934(b)(2) will continue to be applied in evaluating earnings for those years.

Where a person's monthly earnings from work activity average between the upper and lower levels of the guidelines, inclusively, other circumstances concerning the person's work and medical restrictions will be evaluated together with the amount of earnings to determine whether he or she is able to do SGA.

The increased guideline amounts reflect the general rise in earnings levels of workers in the national economy. The new amounts also maintain the same relationship to earnings levels which has existed in the past. The upper level amount was determined by multiplying $280 (the 1979 upper level amount) by 1.079410 (the ratio of the average of the total wages (as defined in § 404.1049(b)) reported for 1978 to those reported for 1977). This produced the amount of $302.23, which was rounded to $300, the nearest multiple of $10. The 1980 lower level amount was determined by multiplying $180 (the 1979 lower level amount) by the same ratio. This produced the amount of $194.29, which was rounded to $190.

We will use the new guideline amounts to determine whether earnings from work activity in calendar year 1980 and subsequent calendar years show SGA. Any claim involving earnings in those years will be considered on the basis of the increased guideline amounts. We are publishing these rules as interim regulations before we receive public comments so that we can apply them in making SGA determinations beginning 1980. For this reason, we believe that it would be impracticable and contrary to the public interest to delay issuance of these interim rules pending receipt of public comment.

To show the increased guideline amounts in the regulations, we are amending § 404.1534 applicable to the Federal Old-Age, Survivors and Disability Benefits program and § 416.934 applicable to the Supplemental Security Income for the Aged, Blind, and Disabled program.

The interim regulations are to be issued under the authority in sections 205, 223, 1102, 1614, and 1631 of the Social Security Act; 53 Stat. 1368, as amended, 70 Stat. 815, as amended, 49 Stat. 647, as amended, and 86 Stat. 1471, 1475, as amended; 42 U.S.C. 405, 423, 1302, 1382c. and 1383.

(Catalog of Federal Domestic Assistance Program Nos. 13.802 Social Security-

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Disability Insurance; 13.807 Supplemental Security Income)

Dated: February 25, 1980.

William J. Driver,

Commissioner of Social Security.

Approved: March 11, 1980.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. In § 404.1534, paragraph (b)(1) is amended by revising paragraph (b)(1)(v), redesignating paragraph (b)(1)(vi) as (b)(1)(vii) and adding a new paragraph (b)(1)(vi). Paragraph (b)(2) is amended by revising paragraph (b)(2)(v), redesignating paragraph (b)(2)(vi) as (b)(2)(vii) and adding a new paragraph (b)(2)(vi) to read as follows:

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

§ 404.1534 Evaluation of earnings from work.

* * * * *

(b) *Earnings guidelines.* * * *

(1) *Earnings that will ordinarily show that a person has done substantial gainful activity.* We will ordinarily consider that a person's earnings from work activity show that he or she has done substantial gainful activity if * * *

(v) Earnings averaged more than $280 a month in calendar year 1979; or

(vi) Earnings averaged more that $300 a month in calendar years after 1979; and

(vii) There is no evidence that the person was unable to do substantial gainful activity under the rules in §§ 404.1532 and 404.1533 and paragraph (a) of this section.

(2) *Earnings that will ordinarily show that a person has not done substantial gainful activity.* We will ordinarily consider that a person's earnings from work activity as an employee show that he or she has not done substantial gainful activity if * * *

(v) Earnings averaged less than $180 a month in calendar year 1979; or

(vi) Earnings averaged less than $190 a month in calendar years after 1979; and

(vii) There is no evidence that the person was able to do substantial gainful activity under the rules in §§ 404.1532 and 404.1533 and paragraph (a) of this section.

* * * * *

2. In §416.934, paragraph (b)(1) is amended by revising paragraph (b)(1)(v), redesignating paragraph (b)(1)(vi) as (b)(1)(vii) and adding a new paragraph (b)(1)(vi). Paragraph (b)(2) is amended by revising paragraph (b)(2)(v), redesignating paragraph (b)(2)(vi) as (b)(2)(vii) and adding a new paragraph (b)(2)(vi) to read as follows:

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

§ 416.934 Evaluation of earnings from work.

* * * * *

(b) *Earnings guidelines.* * * *

(1) *Earnings that will ordinarily show that a person has done substantial gainful activity.* We will ordinarily consider that a person's earnings from work activity show that he or she has done substantial gainful activity if * * *

(v) Earnings averaged more than $280 a month in calendar year 1979; or

(vi) Earnings averaged more than $300 a month in calendar years after 1979; and

(vii) There is no evidence that the person was unable to do substantial gainful activity under the rules in §§ 416.932 and 416.933 and paragraph (a) of this section.

(2) *Earnings that will ordinarily show that a person has not done substantial gainful activity.* We will ordinarily consider that a person's earnings from work activity as an employee show that he or she has not done substantial gainful activity if * * *

(v) Earnings averaged less than $180 a month in calendar year 1979; or

(vi) Earnings averaged less than $190 a month in calendar years after 1979; and

(vii) There is no evidence that the person was able to do substantial gainful activity under the rules in §§ 416.932 and 416.933 and paragraph (a) of this section.

* * * * *

[FR Doc. 80-8104 Filed 3-17-80; 8:45 am]

BILLING CODE 4110-07-M

BOARD FOR INTERNATIONAL BROADCASTING

22 CFR Parts 1300, 1301, 1302 and 1303

Rules of Procedure; Radio Free Europe and Radio Liberty

AGENCY: Board for International Broadcasting.

ACTION: Final rulemaking.

SUMMARY: The Board for International Broadcasting (BIB) is adopting regulations to govern the manner in which its functions shall be carried out with particular respect to Radio Free Europe and Radio Liberty (RFE/RL, Inc.) These regulations ensure the continuation of RFE/RL, Inc. as independent broadcast media with professional independence. They also prescribe the manner in which the Board for International Broadcasting will encourage efficient and economical utilization of resources by RFE/RL, Inc.; how it will assess the quality, effectiveness and professional integrity of RFE/RL broadcasting; how it will assure that grants provided to RFE/RL are applied in a manner not inconsistent with the broad foreign policy objectives of the United States; and how it will assure that grants to RFE/RL are applied for purposes intended by the grants.

Additionally, this document transfers into 22 CFR Chapter XIX BIB declassification, Privacy Act and Government in the Sunshine Act regulations appearing in 1 CFR Parts 415 and 416 and 32 CFR Part 2600.

EFFECTIVE DATE: February 21, 1980.

FOR FURTHER INFORMATION CONTACT: Arthur D. Levin, Budget & Administrative Officer, Board for International Broadcasting, Suite 430, 1030 15th Street, N.W., Washington, D.C. 20005, telephone 202–254–8040.

SUPPLEMENTARY INFORMATION: These regulations are published as final rulemaking without previous publication in proposed form since officers of RFE/RL, Inc., the organization to which the regulations will apply, have been consulted in connection with their preparation and have participated in their final development and because there is involved a foreign affairs function of the United States Government. Therefore, the requirement of publication for proposed rulemaking purposes under 5 U.S.C. 553(b) is not applicable to these regulations.

1. Therefore, there is established in Title 22 of the Code of Federal Regulations a new Chapter XIII, Board for International Broadcasting, consisting of the following Part 1300, Rules of Procedure.

PART 1300—RULES OF PROCEDURE

Sec.

1300.1 Purpose.
1300.2 Organization of the Board for International Broadcasting.
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1300.10 Budget development and execution.
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1300.12 Financial oversight.
1300.13 Reorganization of RFE/RL operations and changes in charter of by-laws.
1300.14 Government relations.
1300.15 Relations with foreign governments and international organizations.
1300.16 Research, studies and progress reports.
1300.17 Procurement and ownership of equipment.
Appendix A—Additional reports to be submitted

Authority: Pub. L. 93–129; 22 U.S.C. 2873(a)(10).

§ 1300.1 Purpose.

(a) These regulations are adopted by the Board for International Broadcasting (BIB) pursuant to authority granted to it by Pub. L. 93–129 (22 U.S.C. 2871 et seq.).

(b) These regulations carry out the statutory mandate of the Board for International Broadcasting to insure the continuation of Radio Free Europe and Radio Liberty (RFE/RL, Inc.) as independent broadcast media with professional independence. They also provide the regulatory framework to enable the BIB to encourage the most efficient and economical utilization of resources by RFE/RL, to assure that grants provided by BIB to RFE/RL are applied in accordance with the purposes for which such grants are made, to assess the quality, effectiveness and professional integrity of RFE/RL broadcasting, and to assure that Federal grants are applied in a manner not inconsistent with the broad foreign policy objectives of the United States Government.

§ 1300.2 Organization of the Board for International Broadcasting.

(a) The Board for International Broadcasting is composed of seven members, two of whom are *ex officio* members. The five voting members are appointed by the President subject to confirmation by the Senate. Voting members are appointed for a term of three years. Not more than three voting members can be of the same political party. The chief operating executive and the Chairman of the Board of RFE/RL, Inc. are the *ex officio* members and participate in the deliberations of the Board for International Broadcasting, but do not vote in the determinations made by the Board. The terms of the *ex officio* members are concurrent with their tenure as officers of RFE/RL, Inc.

(b) A member of the Board for International Broadcasting is designated by the President to serve as Chairman. In the case of a vacancy in the office of the Chairman of the Board, or in the prolonged absence of the Chairman, the Board may designate one of its members to serve as Acting Chairman for such time as may be necessary. The Chairman of the Board for International Broadcasting shall have the following duties and responsibilities:

(1) To call and preside at all meetings of the Board, or in his or her own temporary absence, to designate a Board member to so preside.

(2) To appoint standing or ad hoc committees comprised of one or more Board members.

(3) To represent the Board and RFE/RL in all matters relating to legislation and legislative reports.

(4) To represent the Board and RFE/RL in all matters requiring conferences or communications with officers, departments or agencies of the United States Government as well as foreign governments.

(5) To represent the voting members of the Board in matters requiring conferences or communications with RFE/RL.

(c) The Board shall hold formal meetings no less than four times in a calendar year and such meetings shall be held at the Board's offices in Washington, D.C. unless the Board determines otherwise. Meetings will be called by the Chairman or will be held at the request of any three voting members of the Board upon timely notice to other Board members.

(d) Three voting members constitute a quorum for the conduct of business. Actions of the Board shall be taken by a vote of at least three of the voting members. Members absent from a meeting may register their agreement or disagreement with Board decisions in writing or by telephone, to be included in the minutes of the meeting.

(e) Agendas for the Board meetings are prepared by the Executive Director with the concurrence of the Chairman or Board members convening the meeting and shall be received by members at least three working days before the meeting. Minutes of all meetings shall be prepared and distributed to Board members.

(f) In periods between meetings, the Chairman, any Board member or the Executive Director may poll the Board on matters requiring action before the next Board meeting, either in writing or by telephone, and Board action may be taken upon the concurrence of three voting members.

§ 1300.3 Staff of the Board.

(a) The Board may appoint such staff personnel as may be necessary subject to the provisions of Title 5, United States Code, governing appointments in the competitive service.

(b) There shall be an Executive Director appointed by the Board and responsible thereto and who is under the direct supervision of the Chairman. The Executive Director shall direct the activities of subordinate staff and shall monitor compliance by RFE/RL with the provisions of law and these regulations.

(c) The Board may delegate authority to its staff, through the Executive Director, to act on such matters which do not require the action of the Board or which may require immediate action. Any actions taken under delegated authority are subject to review by the Board. The Executive Director may refer any matter at any stage to the Chairman or to the full Board upon concluding that it involves matters warranting the Board's consideration, and the Board may instruct him to do so in specific instances.

(d) The functions of each staff member shall be described in a position description which shall be maintained on file in the Board's offices.

§ 1300.4 Annual report.

(a) The BIB shall publish an annual report subject to the concurrence of a majority of its voting members. Members of the Board who dissent from the majority shall have their views published as part of the BIB Annual Report if they so request.

§ 1300.5 Independence of RFE/RL, Inc.

(a) RFE/RL, Inc. shall be operated by its management in a manner not inconsistent with the broad foreign policy objectives of the United States. The BIB shall not impose any prior constraint on programming, on the preparation of broadcast materials or on the manner in which those materials are broadcast by RFE/RL.

(b) Where information and advice is relayed to the BIB by the Secretary of State in accordance with Section 6 of Pub. L. 93–129, which advice could likely render actions by RFE/RL to be inconsistent with the foreign policy objectives of the United States, the BIB shall convey this advice to RFE/RL, the management of which will take appropriate action based on such advice.

(c) RFE/RL is responsible for requesting the advice of the BIB on operating matters which in its judgment raise questions concerning the broad foreign policy objectives of the United States and the BIB will consult with the Secretary of State on such matters and advise RFE/RL.

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§ 1300.6 Mission statement and policy guidelines.

(a) After consultation with RFE/RL and the Department of State, the BIB shall prepare a statement defining the mission of the radios and appropriate language priorities. Any change in the statement must be approved by a majority of the Board.

(b) After consultation with and subject to the concurrence of the BIB, the management of RFE/RL shall prepare such program policy guidelines as may be necessary to sound and effective conduct of the broadcasting operations.

(c) RFE/RL management is responsible for assuring compliance of its operations with the policy guidelines and shall promptly inform the BIB of any violations of the policy guidelines, and of the remedial actions it has taken as a result.

(d) Where BIB has found a violation of the mission statement or policy guidelines by RFE/RL, and no corrective action has been taken, the Executive Director shall inform the chief operating executive of RFE/RL of the violation, and, if he concurs in the finding, the chief operating executive shall take appropriate remedial action to preclude such violation in the future. He shall inform the Executive Director of the action taken.

(e) In the event the chief operating executive of RFE/RL does not concur in the BIB's finding of a violation or does not take the aforesaid remedial action, the matter will be presented at the next regularly scheduled meeting of the BIB for determination. Staff members of RFE/RL as well as staff members of the BIB involved in the subject matter of the violation shall be invited to participate in the discussion.

(f) The decision of the voting members of the BIB as to any such violation will be final and the Board shall direct remedial action which shall be carried out forthwith by the chief operating executive of RFE/RL.

(g) Where in the judgment of the Board it is desirable to do so, the Chairman may provide a report to the President and to the Congress as to a violation of mission statement or policy guidelines and of the steps taken to remedy the violation. The Chairman may suggest modifications in the authority of the BIB to assure that violations of a similar nature will not occur in the future.

§ 1300.7 Program evaluation.

(a) The BIB shall evaluate the operations of RFE/RL to assess the quality, effectiveness and professional integrity of its broadcasts. Such evaluation will be made within the context of the statement of mission and the program policy guidelines.

(b) The BIB shall organize, at appropriate intervals, meetings and conferences to review RFE/RL programming. At least two voting Board members shall be present at such conferences. Timely notification shall be given to RFE/RL management and the RFE/RL board of directors of such conferences so as to permit the participation of program personnel. The BIB may at its discretion invite others, inside or outside the U.S. Government, to participate in such conferences or attend them as observers.

(c) The BIB will issue a written report on such conferences, including a summary of any specific requests or recommendations to RFE/RL, and within ninety days of receipt of such a report RFE/RL will inform the BIB in writing of actions taken or proposed to be taken pursuant to the BIB's recommendations.

(d) So that program evaluation by the BIB can be undertaken, the reports specified in Appendix A to this part shall be submitted to the BIB by RFE/RL as of the times and at intervals as specified in Appendix A to this part.

§ 1300.8 Languages of broadcast.

(a) The BIB shall review and approve changes in the roster of broadcast languages, or significant changes in the duration of broadcasting in any language, after holding consultations with appropriate persons in the Executive and/or Legislative Branches. The BIB shall also review and approve significant changes in the number of transmitters and total power allocated to each language, and in the scheduling of such allocations. In its review, the Board will be guided by the mission statement and the Board's evaluation of conditions in the audience area.

§ 1300.9 Personnel.

(a) RFE/RL shall be responsible for the appointment, assignment, promotion and separation of its employees and such personnel actions, with the exceptions noted below in paragraph (e) of this section, shall not require concurrence of the BIB.

(b) The Chairman of the BIB shall be an *ex officio* member of the Board of Directors of RFE/RL and its Executive Committee. He shall be a voting member of its Nominating Committee for the nomination of officers and, for the purpose of confirming or rejecting appointments to the positions enumerated in paragraph (e)(1) of this section, of the RFE/RL Executive Committee. Only those nominations made with the unanimous consent of members of the Nominating Committee may be presented to the Board of Directors of RFE/RL for action. The By-laws of RFE/RL, Inc. will be amended to conform to this paragraph.

(c) Appointments to the Board of Directors of RFE/RL, to the positions of Chairman and Vice Chairman of the Board, to membership on the Executive Committee of the RFE/RL Board, to any officership of the RFE/RL corporation and to the positions of Director of the RFE Division and Director of the RL Division shall be made only upon the recommendation of the Nominating Committee.

(d) The officers of RFE/RL, Inc. specified in paragraph (c) of this section, including the Directors of the RFE and RL Divisions, shall be chosen annually by the RFE/RL Board of Directors upon recommendation of the Nominating Committee.

(e) Selections to the positions specified herein may be made by the management of RFE/RL only if, at least 15 days prior to final selection, the management of RFE/RL shall inform the Executive Committee of the Board of Directors of RFE/RL, Inc., including the chairman of the BIB, of the name of the nominee and relevant work related information concerning such nominee. A member of the Executive Committee may, within five business days of such notification, raise an objection to the proposed selection and request a meeting of the Executive Committee to discuss his or her objections. The Executive Committee shall confirm or reject the proposed appointment by majority vote within five business days after the objection has been raised.

(1) The positions covered by this provision are those named herein or any other position which is substantially identical functionally to the positions named herein regardless of title. The positions are: Directors of the five East European Broadcast Services; Director of the Russian Service; Director of the Nationalities Service; Directors of the RFE and RL Area Research and Audience Research Departments; Director of the Broadcast Analysis Department; Director of the Central News Division and Director of Administration.

(2) Any change in the function of these positions, or the establishment of any new positions at comparable levels of responsibility, shall be reported by RFE/RL to the BIB. Such new positions may be designated by the BIB as requiring action by the RFE/RL Executive Committee before appointment is made thereto.

(f) All appointments of members and officers of the RFE/RL Board, and appointments to such other positions as the BIB shall designate among those enumerated above in this Section, and such other positions as may be designated by the RFE/RL management, shall be subject to security clearance through the BIB.

(g) Within 120 days after the beginning of each fiscal year, RFE/RL shall provide the BIB with a complete roster of all personnel by position and title employed by RFE/RL stating citizenship, date of birth, date of hire, pay plan under which the employee is compensated, grade level and such information on personal compensation, including all allowances and special benefits, as the BIB shall specify. For foreign locations, the report shall provide current information at appropriate local currencies, with dollar equivalents calculated at exchange rates specified by the BIB.

(h) RFE/RL shall provide the BIB copies of all substantive communications made to management, or general announcements to employees, by labor unions, works councils and other employee organizations as well as copies of all substantive correspondence addressed by management to such organizations.

(i) Personnel actions shall be free from any discrimination on the basis of race, color, sex, age, religion or national origin.

§ 1300.10 Budget development and execution.

(a) During June of the year preceding the beginning of the fiscal year to which the budget applies, RFE/RL shall make a detailed oral presentation of projected budget requirements for each element of the RFE/RL operations to the Chairman and staff of the BIB. Written materials on which the oral presentation is based shall be submitted to the BIB at least ten working days beforehand.

(b) The budget presentation specified in paragraph (a) of this section shall be consistent with guidelines presented to RFE/RL by the BIB, as soon as practicable, based on the ceiling established by the Office of Management and Budget (OMB).

(c) Based on the BIB guidelines, the OMB ceiling, and the budget decisions resulting from the presentation specified in paragraph (a) of this section, RFE/RL shall submit to the BIB a formal budget request in August of each year, and the BIB shall arrange for RFE/RL to present and defend its budget before the voting members of the BIB. All written materials for such a budget hearing shall be submitted to the BIB at least seven working days beforehand. RFE/RL shall restructure the budget request in accordance with directions received at such hearings.

(d) The BIB will present the budget to OMB for approval and subsequently present it to the authorization and appropriations committees of the Congress. In making such presenta tions, representatives of the BIB will be accompanied by the chief operating executive of RFE/RL, or his or her designee, a representative of the RFE/RL Board and a representative of its financial management staff.

(e) Expenditures during a fiscal year by RFE/RL shall correspond to planned spending as reflected in the final budget as approved by the Congress, and on or before October 1 of each year, RFE/RL shall submit to BIB a fiscal year financial plan which provides, on a quarterly basis, projected expenditures by object class for each of its programs and activities.

(1) For each object class line item budgeted for the fiscal year of more than $25,000, any reprogramming of funds in any fiscal quarter in excess of $50,000 or 10% of the budgeted amount for that quarter, whichever is less, shall require prior approval of the BIB.

(2) Quarterly financial reports to the BIB will show all cases where object class line item expenditures during the quarter deviated from the budgeted amount by more than $50,000 or 10% of the budgeted amount, whichever is less, and will include an explanation for the deviations and, when the line item amount for the fiscal year exceeds $25,000, either a request for reprogramming authority or a plan for offsetting the deviation in the succeeding fiscal quarter or quarters shall be submitted.

§ 1300.11 Access to information and premises.

(a) RFE/RL shall keep such records as prescribed by law and by the regulations and shall provide the BIB any and all such records and documents concerning its operations, including but not limited to information on corporate, financial, personnel, engineering, research and technical matters necessary to carry out the purposes of the regulations as may be requested from time to time by the BIB. Members, staff and consultants of the BIB shall have access to any information in the records of RFE/RL and access to RFE/RL premises or sites at reasonable times it may deem necessary. The Board will make every effort to assure that its requests for information and for access to premises and sites shall provide sufficient time for RFE/RL to respond thereto in an orderly fashion without disruption of the business of RFE/RL.

(b) Appendix A to these regulations sets out certain reports which are to be provided by RFE/RL to the BIB and the time reporting period. Appendix A is a part of these regulations and shall have the same force and effect as if set out fully herein. Certain additional financial reporting requirements may be added from time to time to Appendix A and will be made an integral part of these regulations.

§ 1300.12 Financial oversight.

(a) Funds will be granted to RFE/RL by the BIB to support international radio broadcasting activities and all expenditures by RFE/RL under such grants shall be made in accordance with requirements of Office of Management and Budget Circular No. A–110.

(b) The grant agreement between the BIB and RFE/RL will incorporate financial requirements to be placed on the grantee and RFE/RL shall be bound by such grant agreement.

(c) RFE/RL shall keep such financial records as would be maintained by a prudent business organization and which will fully disclose the amount and disposition of funds granted to it by the BIB, including records showing the total costs of its programs for which grants are provided, and that portion of its expenditures, if any, supported by other sources of funds. In addition, RFE/RL will keep all financial records as required by the BIB.

(d) RFE/RL shall maintain separate accountability for funds granted to it by the BIB and shall not directly or indirectly commingle funds or accounts or combine the financing of its international radio broadcasting with those of any other of its operations, if any.

(e) For any construction program, RFE/RL shall submit to the BIB the Outlay Report and Request for Reimbursement for Construction Programs in Office of Management and Budget Circular No. A–110.

(f) To assure that the legislative intent of economy, efficiency and effectiveness in operations is met, RFE/RL shall submit to the BIB its proposals for capital expenditures, consultant or professional services, or lease arrangements under the following conditions:

(1) Copies of all draft contracts or proposals for a capital expenditure exceeding $25,000 in any single fiscal year; of any proposed lease agreements for business premises, in the United States or overseas, for a period of more than two years or at an annual rental exceeding $25,000.

(2) Copies of any solicitations by RFE/RL of consultant or professional services, and draft contracts for such services, including legal, actuarial and other noneditorial services with any person or organization which exceed $25,000 in any single fiscal year.

(3) No contract described in paragraph (f) (1) and (2) of this section shall be entered into by RFE/RL without the prior written approval of the BIB.

(4) The dollar limitations in paragraph (f) (1) and (2) of this section may be reviewed periodically at the request of either BIB or RFE/RL.

(g) Reports on the management of foreign currency shall be governed by special agreement between the Board and the Office of Management and Budget and RFE/RL shall comply fully and promptly with all requirements of such agreement.

(h) Copies of all annual, quarterly, monthly or other periodic financial report, projection, statement or audit prepared by or on behalf of RFE/RL shall be submitted to BIB promptly upon issuance.

(i) Copies of all public solicitations made by or on behalf of RFE/RL Fund, Inc. shall be submitted to the BIB upon issuance and on a quarterly basis, reports shall be submitted by RFE/RL on the receipts and expenditures of the Fund.

(j) RFE/RL shall make available for public inspection during normal business hours at its principal offices in the United States, a complete list of every person and government making a contribution to RFE/RL or to the RFE/RL Fund, Inc. during the fiscal year preceding the making of any grant to it by the BIB and the fiscal year in which the grant is to be made, the address of the person or government making the contribution, and the date the contribution was made.

(k) The Comptroller General of the United States or his representative shall have access for the purpose of audit and examination to any book, document, paper and record of RFE/RL.

§ 1300.13 Reorganization of RFE/RL operations and changes in charter or by-laws.

(a) Any proposed major change in the organizational alignment of RFE/RL offices, programs or activities shall be presented as part of the RFE/RL budget presentation specified in § 1300.10 of these regulations so that they may be presented, if concurred in by the BIB, to the OMB and the relevant Congressional Committees in connection with the BIB appropriation request.

(b) Major organizational changes in RFE/RL shall include the addition or elimination of languages, significantly altering broadcast transmitter time or power allocation among the languages, major structural reorganizations including the addition or elimination of departments, divisions or functions and any substantial relocation of offices, broadcast services or other significant activities. Proposals for such major changes must be presented to and concurred in by BIB.

(c) The Charter and By-laws of RFE/RL, Inc. are incorporated by reference in these regulations as if fully set out herein, and the BIB shall be informed of and provide its concurrence in any proposed change in the Charter or By-laws before such changes may be made effective by RFE/RL.

(d) The BIB Statement of Mission and the RFE/RL Program Policy Guidelines are incorporated by reference in these regulations as if fully set out herein.

§ 1300.14 Government relations.

(a) Relations within the Executive Branch, the Congress and with foreign governments on matters arising under the Board for International Broadcasting Act are the primary responsibility of the BIB and shall be carried out by the BIB.

(b) The BIB encourages contacts by RFE/RL Board members and staff with members and staff of Congress and officials of Federal government agencies, including U.S. diplomatic personnel overseas, in order to increase knowledge and understanding of the operations of RFE/RL. Where matters involving budget, proposals for legislative change or other matters of substance are raised, prompt reports of such discussions shall be made by RFE/RL representatives through RFE/RL management to the Executive Director or Chairman of the BIB.

(c) Discussion of budget proposals, legislative changes or other pending legislation is the primary responsibility of the BIB. RFE/RL officials and staff shall not initiate discussion on these matters with members of Congress, their staff, or Executive Branch officials including U.S. diplomatic personnel overseas, until they have discussed the purpose and substance of the proposed initiative with the BIB Chairman or Executive Director.

(d) To provide for a full exchange of information, it is the policy of the BIB that RFE/RL and BIB officials shall exchange memoranda setting forth relevant details of any substantive conversations which they have with members of Congress, their staff and officials of the Executive Branch on matters related to BIB and/or RFE/RL affairs.

(e) Nothing herein shall be construed to limit the normal exercise of professional duties by RFE/RL news, research and program personnel. The BIB supports, and when requested shall attempt to facilitate, full and unimpeded access by such personnel to officials of the Executive Branch and the Congress for interviews, news conferences, background briefings and all other legitimate journalistic purposes.

§ 1300.15 Relations with foreign governments and international organizations.

(a) Relationships with foreign governments on other than day-to-day operating matters is reserved to the BIB, in conjunction with the Department of State. The BIB will issue on request a blanket authorization for RFE/RL contacts with foreign government personnel which are of a routine nature. Any substantive contacts in person or writing on other than day-to-day matters with officials of foreign governments by officers, Board members or employees of RFE/RL, including contacts regarding licenses and agreements, shall have prior approval of the BIB. In each instance where approval is granted, the BIB shall be immediately apprised of the nature and substance of conversations and correspondence with representatives of foreign governments in sufficient detail to enable the BIB to take appropriate action. Any substantive communication from an official of a foreign government to RFE/RL shall be immediately transmitted to the BIB.

(b) The BIB, in conjunction with the Department of State, will exercise sole responsibility for formal relations with international organizations which are within the scope of the Bureau of International Organization Affairs.

§ 1300.16 Research, studies and progress reports.

(a) The BIB may direct and the RFE/RL shall undertake such studies as in the judgment of the BIB may identify areas where operations may be made more efficient and economical.

(b) RFE/RL management shall promptly transmit to the BIB progress reports made to management on on-going audience research or other studies, whether requested by BIB or undertaken by RFE/RL. In connection with studies involving collection of survey data for the purpose of audience estimates, RFE/RL shall notify BIB of the scope and timing of the project, including details of the methodology, and shall notify BIB when interviewing and analysis of data are completed, and when an initial submission is made to RFE/RL management of an audience estimate report.

(c) Additional research reports and documents to be supplied by RFE/RL to the BIB are included in Appendix A.

§ 1300.17 Procurement and ownership of equipment.

(a) The BIB is authorized under 22 U.S.C. 2872(c) to procure supplies, services and other personal property, including specialized electronic equipment, and in consultation with and at the request of RFE/RL will use its authority to purchase for use by RFE/RL electronic equipment, title to which shall remain with the United States Government.

Appendix A—Additional Reports To Be Submitted

A. The following reports and documents shall be submitted by RFE/RL to BIB on the schedule shown below:

(1) *Corporate Information.* (a) Proposed agendas of meetings of the Board of Directors of RFE/RL or of any of its committees and any documents, reports, draft resolutions or exhibits prepared for such meetings shall be submitted at least three working days prior to such meetings, and minutes of such meetings shall be submitted as prepared.

(b) To the extent and the manner required by the provisions of § 1300.9, all relevant biographical information available concerning individuals being considered for appointment to such positions.

(2) *Technical and Program Information To Be Supplied as Prepared.* (a) Copies of proposed transmitter schedules, propagation charts, monitoring data, equipment specifications and records, studio schedules and other information relating to the technical operation of RFE/RL, Inc.

(b) Copies of daily broadcast analyses of all languages of broadcast; and of monthly, quarterly and annual statistical and/or content analyses of RFE/RL programs. Management shall also promptly inform the BIB when, in its judgment, any broadcast may have been wholly or in part in violation of the program policy guidelines and/or inconsistent with broad U.S. foreign policy objectives. In connection with such violations, RFE/RL shall promptly supply the Board with tapes, scripts, copies of any evaluations of such broadcasts by policy, research or program officers, and a report on the actions taken by management to prevent a recurrence of such violations.

(c) Copies of all program schedules, and of any proposals for significantly revising such schedules which might have substantial budgetary impact.

(d) Copies of any translations made into English of any broadcast.

(e) Copies of all reports made on programming on behalf of management by RFE/RL, Inc. employees, consultants or panels.

(f) Copies of significant articles, or texts of radio or television broadcasts, dealing with RFE and RL program content, whether in the United States, in the broadcast area, or elsewhere overseas; English translations of such articles or texts shall be supplied whenever available.

(g) Upon request, after-broadcast copies of tapes and scripts, copies of news items, features, correspondent reports, policy guidances and other material distributed by the news division, policy officers, or research units to programmers; relevant content-monitoring tapes, texts and (as available) translations of same.

(3) *Research Materials.* (a) Copies of all area-research and audience-research reports, including reports submitted to management, immediately upon completion, and, if requested, copies of raw data and computer printouts.

(b) To the extent provided for in § 1300.16(b), copies of plans or proposals for new area-research or audience-research projects, specifically including audience-research questionnaires and details of survey methods.

(c) Copies of any proposal, draft agreement or draft contract providing for collaboration of the various research departments or any of its principal specialists with outside institutes, academic institutions, governmental agencies, survey organizations or commercial publishers.

(d) Copies of any proposal, plan or directive committing any of the various research units, or any of its principal specialists, to sustained work supported by RFE/RL funds which is not primarily designed to serve the daily broadcast needs of RFE and RL.

(4) *Assistance to Congressional Inquiries.* (a) Upon request, RFE/RL management shall promptly provide the BIB with any or all information available to it which may be necessary for the BIB to respond satisfactorily to inquiries raised by committees of Congress, individual Members or their staffs in the course of hearings, in committee reports, or in other written communications.

1 CFR PARTS 415 AND 416 (CH. IV) [REDESIGNATED 22 CFR PARTS 1301 AND 1302 (CH. XIII)]

2. Regulations codified as Part 415, Board for International Broadcasting (Privacy Act of 1974), and Part 416, Rules for implementing open meetings within the Board for International Broadcasting, of Title 1 CFR Chapter IV are redesignated as Parts 1301 and 1302 respectively of Title 22 CFR Chapter XIII.

32 CFR PART 2600 (CH. XXVI) [REDESIGNATED 22 CFR PART 1303 (CH. XIII)]

32 CFR CH. XXVI [VACATED]

John A. Gronouski,
Chairman.

3. The regulations codified in Part 2600, Declassification, of Title 32 CFR Chapter XXVI is redesignated as Part 1303 of Title 22 CFR Chapter XIII, and Chapter XXVI is vacated.

February 21, 1980.

[FR Doc. 80-8243 Filed 3-17-80; 8:45 am]
BILLING CODE 8155-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 5

[T.D. 7672]

Tentative Refund Under Claim of Right Adjustment; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction, temporary regulations.

SUMMARY: This document contains corrections to a previously published Treasury decision in order to correct a date in three separate places. The Treasury decision prescribes rules for applying for a tentative refund under a claim of right adjustment.

EFFECTIVE DATE: The regulation applies to applications for tentative refund filed after November 5, 1978.

FOR FURTHER INFORMATION CONTACT: Richard L. Mull of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. Attn: CC:LR:T (LR-46-79), 202-566-3458, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On February 7, 1980, the **Federal Register** published T.D. 7672 (45 FR 8295), which prescribes rules for applying for a tentative refund under a claim of right adjustment (26 CFR Part 5). The application for the tentative refund is filed under section 6411(d) of the Internal Revenue Code of 1954.

Need for Correction

The full text of T.D. 7672 begins at 45 FR 8295. The text contains an incorrect date in the fourth full paragraph in the second column on page 8295 and in the heading and the first sentence of paragraph (c)(2) of § 5.6411-1 on page 8296. The correct date which should have been inserted in the text is February 7, 1980, the date of publication of the Treasury decision in the **Federal Register**.

Drafting Information

The principal author of these corrections is Richard L. Mull of the Legislation and Regulations Division,

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Office of Chief Counsel, Internal Revenue Service.

Correction of Publication

Accordingly, FR Doc. 80-4002 (45 FR 8295) is amended by the following corrections:

1. In the fourth full paragraph in the second column on page 8295, the date "April 7, 1980", in the seventh line is corrected to read "February 7, 1980".

2. In the heading and first sentence of paragraph (c)(2) of § 5.6411-1 on page 8296 the date "April 7, 1980" is corrected to read "February 7, 1980".

Dated: March 13, 1980.

Robert A. Bley,

Director, Legislation and Regulations Division.

[FR Doc. 80-8210 Filed 3-17-80; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 169

[DoD Directive 4100.15] [1]

Commercial or Industrial Type Activities

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: The Department of Defense revised its rules regarding commercial and industrial type activities to conform with and implement the policies of OMB Circular A-76 and its Supplement No. 1. The Department of Defense reaffirms the Government's general policy of reliance on the private sector for commercial or industrial activities while recognizing that Government personnel must perform intrinsic governmental functions and must consider cost-effectiveness.

EFFECTIVE DATE: February 4, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert T. Mason, Office of the Deputy Assistant Secretary of Defense (Supply, Maintenance and Transportation), OASD(MRA&L), The Pentagon, Telephone: 202-695-0037/0337.

SUPPLEMENTARY INFORMATION: In FR Doc. 79-35151, appearing in the **Federal Register** (44 FR 65601) on November 14, 1979, the Office of the Secretary of Defense published Part 169 as a proposed rule to provide more definitive guidelines to ensure consistency and equity to all parties in its implementation. The Office of the Defense previously published Part 169 in FR Docs. 67-10186 (32 FR 12807), August 31, 1967; 69-6119 (34 FR 8107) May 23, 1969; and 71-10943 (36 FR 14184) July 31, 1971. No substantive comments from the public sector were received; however, some internal DoD Components' comments and editorial changes were incorporated in the final rule.

Accordingly, 32 CFR Chapter I, is amended by revising Part 169, reading as follows:

PART 169—COMMERCIAL OR INDUSTRIAL TYPE ACTIVITIES

Sec.

169.1 Reissuance and purpose.
169.2 Applicability and scope.
169.3 Policy.
169.4 Responsibilities.
169.5 Definitions.

Authority: The provisions of this Part 169 issued under Title 5, U.S.C. 301 and 552, and Pub. L. 93-400.

§ 169.1 Reissuance and purpose.

This part is reissued to accommodate substantive changes required by OMB Circular No. A-76, "Policies for Acquiring Commercial or Industrial Products and Services Needed by the Government," March 29, 1979; and prescribes DoD policy for the establishment and operation of DoD commercial and industrial-type activities (CITA).

§ 169.2 Applicability and scope.

(a) The provisions of this part apply to the Office of the Secretary of Defense (OSD), the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to as "DoD Components").

(b) Its provisions encompass DoD policy for the establishment and operation of CITAs by DoD Components in the United States, its territories and possessions, and the Commonwealth of Puerto Rico.

(c) Its provisions further encompass the establishment (new start) or expansion of Government-Owned, Contractor-Operated (GOCO) commercial and industrial activities.

(d) This part does not apply to:

(1) Governmental functions, including discretionary application of Government authority, and monetary transactions and entitlements.

(2) Expert and consulting services of a purely advisory nature relating to the governmental functions of DoD Component administration and management and program management. Assistance in the management area may be provided either by Government staff organizations or private sources, in accordance with DoD Directive 1442.4, "Procurement of Temporary and Intermittent Services of Experts and Consultants," January 11, 1965.

(3) Nonappropriated Fund Instrumentalities.

(4) Research, development, test, and evaluation (RDT&E) activities, whose funds are required to be authorized by 10 U.S.C. 138(a)(2). This exclusion does not apply to operation or support of installations or equipment used for RDT&E, such as facility and equipment maintenance, which are subject to the provisions of this Part under Pub.L. 96-107, section 802 (1979).

(e) Further, this Part shall not be applied when to do so would be contrary to law, or inconsistent with the terms of any treaty or international agreement.

(f) This Part is subject to any restrictions that may be imposed by Congress in annual Defense Appropriation Authorization or Appropriation Acts. Guidance for compliance with any such restrictions shall be provided in Part 169a of this title.

§ 169.3 Policy.

(a) It is the policy of the Government to rely on competitive private enterprise to supply the products and services it needs. This policy is reaffirmed in OMB Circular A-76, which also recognizes that governmental functions must be performed by Government personnel, that some functions must be performed by Government personnel to support national defense, that in some instances there may be no satisfactory private, commercial source available, and that proper attention must be given to relative cost.

(b) In conformance with this policy, the Department of Defense shall depend upon both Government and private, commercial sources for the provision of products and services to meet its military readiness requirements with maximum cost effectiveness as follows:

(1) No DoD Components shall engage in or contract for commercial or industrial activities except in accordance with the provisions of this Part or as otherwise provided by law. DoD CITAs may be authorized when it is determined that one or more of the following circumstances exist:

(i) The Government's cost for providing a product or service can be shown by a cost comparison analysis, conducted in accordance with OMB Circular A-76, to be lower than the commercial cost.

(ii) No satisfactory private, commercial source is available.

(iii) The DoD CITA is operated by military personnel who are assigned to the activity, and (A) the activity or military personnel assigned are utilized in or subject to deployment in a direct military combat support role; or (B) the activity is essential to training in exclusively military skills; or (C) the activity is needed to provide appropriate work assignments.

(iv) The DoD CITA provides depot or intermediate-level maintenance and the Secretary of the Military Department or the Director of the Defense Agency determines that the DoD CITA is required to support national defense, in accordance with criteria in Part 179 of this title.

(2) Specific justification for in-house performance must be documented and approved on a case-by-case basis. Part 169a provides guidance for determining whether a specific DoD CITA qualifies under one of these exceptions.

(3) Excess property or services available from other Federal agencies should be used in preference to new starts or new contracts, provided there is a formal program established for managing the excess capacity of the other Federal agencies, or the needed product or service cannot be obtained more economically from a private, commercial source.

(i) When a CITA operated by a DoD Component primarily to meet its own needs has excess capacity, that capacity can be used to provide products or services to other agencies, provided that it is done according to DoD Directive 4000.19,[1] "Basic Policies and Principles for Interservice, Interdepartmental and Interagency Support," March 27, 1972, and this Part.

(ii) All DoD CITAs providing products or services to other Federal agencies must be reviewed under this Part to determine whether continued in-house operation is justified.

(4) Implementation of this policy is subject to the following:

(i) This Part does not provide authority to enter into contracts. Guidelines governing contracting for goods and services are set forth in the Defense Acquisition Regulation.

(ii) This Part shall not be used as authority to enter into contracts that establish a situation tantamount to an employer-employee relationship between the Government and individual contract personnel. Additional guidance on this subject is in the Federal Personnel Manual issued by the Office of Personnel Management.

(iii) This Part shall not be used to justify a conversion to contract solely to meet personnel ceilings or to avoid salary limitations. When in-house performance of a new start or expansion is justified under this Part but cannot be accommodated within DoD Component personnel ceilings, an appeal for necessary adjustment to the Component's personnel ceiling shall be made to the OSD in connection with the annual budget review process.

(iv) Major system acquisitions are governed by the provisions of DoD Directive 5000.1,[1] "Major System Acquisitions," January 18, 1977. Reliance on the private sector is one of the general policies contained in DoD Directive 5000.1 to ensure competitive consideration of all alternatives before making a decision on the best method of satisfying a DoD Component's mission need.

(v) This Part applies to printing and binding only to the extent that the printing and binding by the DoD Component are exempted by law from the provisions of 44 U.S.C.

§ 169.4 Responsibilities.

(a) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* (ASD(MRA&L)) shall:

(1) Formulate and develop policy consistent with this Part for the DoD CITA program.

(2) Issue instructions to implement the requirements of this Directive.

(3) Maintain an inventory of DoD CITAs and contract support service functions.

(4) Monitor program implementation.

(5) Conduct, in collaboration with the Assistant Secretary of Defense (Comptroller), a continuing program for improving management and cost effectiveness in the performance of DoD CITAs and contract support service functions.

(6) Exempt selected DoD CITAs from review, as provided in paragraph 10.c.(5) of OMB Circular A-76.

(7) Establish the use of automatic data processing (ADP) for DoD CITA program surveillance and managerial control.

(8) Develop, register, coordinate, and maintain data elements for use in ADP systems and reporting in accordance with the requirements of the DoD Data Element and Data Code Standardization Program (DoD Directive 5000.11,[1] "Data Elements and Data Codes Standardization Program," December 7, 1964.

(9) Approve requests for changes in each DoD Component's review schedule when it is determined that the change is in the best interest of the Government, as provided in paragraph 10.c.(4) of OMB Circular A-76.

(b) The *Secretaries of the Military Departments and the Directors of Defense Agencies*, shall:

(1) Implement this Part in accordance with the instructions issued by the ASD(MRA&L) under § 169.4(a)(2).

(2) Act for the Secretary of Defense in approving or disapproving new starts involving a capital investment or annual operating cost of $500,000 or more. Further, they are authorized to redelegate approval and disapproval for new starts involving a capital investment or annual operating cost of $500,000 or more, but not below the level of an Assistant Secretary or an official of equivalent rank.

(3) Have the authority to determine that certain DoD CITAs are required to support national defense. This authority may be redelegated, but not below the Assistant Secretary of the Military Department or equivalent level.

(4) Act for the Secretary of Defense in approving or disapproving requests to continue, expand, or convert DoD CITAs operated by their respective DoD Component. This authority may be redelegated but not below the level of commanding officer of a major command.

(5) Ensure that high standards of objectivity and consistency are maintained in conducting the reviews and in compiling and maintaining the inventory.

(6) Maintain the technical competence necessary to ensure effective and efficient management of the total DoD CITA program.

§ 169.5 Definitions.

(a) *DoD Commercial or Industrial-Type Activity.* An activity operated and managed by a DoD Component that provides a product or service obtainable from a private, commercial source. A representative but not comprehensive listing of the functions performed by such activities is provided in Part 169a. A DoD CITA can be identified with an organization or a type of work, but must be: (1) separable from other functions to be suitable for either in-house or contract; and (2) a regularly needed activity of an operational nature, not a one-time operational activity of short duration associated with support of a particular project.

(b) *Private, Commercial Source.* A private business, university, or other

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

[1] See footnote, page 1.

[1] See footnote 1, page 1.

[1] See footnote, page 1.

non-Federal activity located in the United States, its territories and possessions, or the Commonwealth of Puerto Rico that provides a commercial or industrial product or service required by Government agencies.

(c) *Governmental Function.* A function that must be performed in house due to a special relationship in executing governmental responsibilities. Such governmental functions can fall into several categories:

(1) *Discretionary application of Government authority,* as in investigations, prosecutions, and other judicial functions; management of Government programs requiring value judgements, as in directing the national defense; management and direction of the Military Services; conduct of foreign relations; selection of program priorities; direction of Federal employees; regulation of the use of space, oceans, navigable rivers, and other natural resources; direction of intelligence and counter-intelligence operations; and regulation of industry and commerce, including food and drugs.

(2) *Monetary transactions and entitlements,* as in Government benefit programs; tax collection and revenue disbursements by the Government; control of the public treasury, accounts, and money supply; and the administration of public trusts.

(d) *New Start.* A newly established DoD CITA, of any dollar value, including a transfer of work from contract to in-house performance. Also included is any expansion that would increase capital investment or annual operating cost by 100 percent or more. New start does not include interim in-house operation of essential services pending reacquisition of the services prompted by such action as the termination of an existing contract operation. Also not included are actions required solely to comply with the requirements of the National Environmental Policy Act or the Occupational Safety and Health Act.

(e) *Expansion.* The modernization, replacement, upgrade, or enlargement of a DoD CITA that involves adding a capital investment of $100,000 or more or increasing the annual operating costs by $200,000 or more, provided the increase exceeds 20 percent of the total investment or annual operating cost. A consolidation of two or more activities is not an expansion unless the total capital investment or annual operating cost exceeds the total from the individual activities by the amount of the threshold.

(f) *Conversion.* The transfer of work from a DoD CITA to a private, commercial source under contract.

O. J. Williford,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.
March 13, 1980.

[FR Doc. 80-8173 Filed 3-17-80; 8:45 am]
BILLING CODE 3810-70-M

BOARD FOR INTERNATIONAL BROADCASTING

32 CFR Part 2600

32 CFR Ch. XXVI

Redesignation and Vacation of Chapter

Cross Reference: For a document redesignating regulations codified in Title 32 CFR Part 2600 into Title 22 CFR Part 1303 and vacating Chapter XXVI of Title 32, see FR Doc. 80-8243 appearing elsewhere in this issue.

BILLING CODE 6155-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1438-4]

Florida Implementation Plan; 1979 Plan Revisions

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces its conditional approval of the State Implementation Plan (SIP) revisions which the Florida Department of Environmental Regulations (DER) submitted pursuant to the requirements of Part D of Title I of the Clean Air Act (CAA), as amended in 1977, with regard to nonattainment areas.

The State's 1979 revisions contain deficiencies which the State has agreed to correct by May 30, 1980. After receipt of the supplementary submittal, they will be the subject of another notice of proposed rulemaking. The Florida Implementation Plan revisions that EPA is conditionally approving are described below in the General Discussion.

DATE: This action is effective March 18, 1980.

ADDRESSES: Copies of the materials submitted by Florida and the comments received in response to the proposal notice of July 16, 1979 (44 FR 41254), may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.
Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia, 30308.

FOR FURTHER INFORMATION CONTACT:
Archie Lee, Region IV, Air Programs Branch, 345 Courtland Street, N.E., Atlanta, Georgia, 30308, 404/881-3286 (FTS 257-3286)

SUPPLEMENTAL INFORMATION:

Background

In the July 16, 1979, **Federal Register** (44 FR 41254) EPA proposed conditional approval of the Florida SIP revision for the following nonattainment areas. The only area in the State designated nonattainment for sulfur dioxide (SO_2) is:

The northwest corner of Pinellas County. Both primary and secondary short-term (24-hour and 3-hour, respectively) sulfur dioxide standards were violated.

The areas designated nonattainment (the same standard which serves as both the primary and secondary standard) for photochemical oxidants or "ozone" [O_3] are:

Duval County
Orange County
Pinellas County
Hillsborough County
Dade County
Broward County
Palm Beach County

Implementation plan revisions under Part D of Title I of the Clean Air Act were developed by the State for all the foregoing areas. These revisions were submitted for EPA's approval on April 30, 1979; further information was submitted on August 27, 1979 and January 23, 1980.

In addition to the above nonattainment areas, two (2) Florida counties contain portions which were designated nonattainment for only the short-term (24 hours) secondary standard for particulate matter (TSP). These are:

The downtown Jacksonville area located just north and west of the St. Johns River, east of I-95, and south of the Trout River.

That portion of Hillsborough County (Tampa) which falls within the area of the circle having a centerpoint at the intersection of US 41 and State Road 60 and a radius of 12 kilometers.

EPA has received a formal request from Florida for an 18-month extension (to July 1, 1980) to submit a revised SIP for these two areas. This request was made in accordance with 40 CFR 51.31 and EPA approved that request in the January 10, 1980, **Federal Register** (45 FR 2032).

As mentioned in the July 16, 1979, **Federal Register** proposing conditional approval of Florida's nonattainment plan, attainment status designations for Escambia and Broward Counties (originally designated "nonattainment" for ozone and carbon monoxide, respectively) are changed to "unclassifiable". These changes were proposed in the June 27, 1979, **Federal Register** (44 FR 37515) and approved in the November 2, 1979, **Federal Register** (44 FR 63104).

Receipt of the Florida revisions submitted April 30, 1979, was first announced in the **Federal Register** of May 21, 1979 (44 FR 29496).

The Florida revisions have been reviewed by EPA in light of the Clean Air Act, EPA regulations, and additional guidance materials. The criteria utilized in this review were detailed in the **Federal Register** on April 4, 1979 (44 FR 20372), and need not be repeated in detail here. Supplements to the April 4 notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, (44 FR 53761), and November 23, (44 FR 67182) 1979, involving, among other things, conditional approval. As stated in the July 16, 1979 **Federal Register** (44 FR 41254), Florida was to meet a deadline of December 15, 1979, for submitting materials satisfying the conditions of EPA's proposed conditional approval of the revised SIP. This deadline is being changed to May 30, 1980.

General Discussion

The July 16, 1979, notice of proposed rulemaking listed each of the provisions of Section 172(b) of the Clean Air Act accompanied by a discussion of the contents and adequacy of the Florida submittals. The nonattainment plan for the Pinellas County sulfur dioxide area was submitted to EPA on April 30, 1979. The plan demonstrates that the nonattainment problem is due to downwash of the plume from Stauffer Chemical Company's kiln stack. The State has submitted information which will require Stauffer to correct the downwash situation which should also correct the nonattainment problem.

EPA has reviewed the submittal and is today conditionally approving the plan based on the following deficiencies being corrected by May 30, 1980:

1. A commitment to update annually the emission inventory for the SO_2 nonattainment area and submit the data to EPA in order to determine if there is RFP.

2. A test method for determining SO_2 emissions for compliance with the SIP.

3. Enforceable SO_2 emission limits for processes at Stauffer Chemical Company.

In the proposal notice, another deficiency was listed regarding the failure to identify the growth plan for this area. The State has adopted a new source review program which has provisions for offsets in the nonattainment areas and meets the requirements of Section 173 of the Clean Air Act.

The nonattainment plans for the ozone nonattainment areas were also submitted to EPA on April 30, 1979. The following table lists the nonattainment area along with the percent reduction in hydrocarbon emissions needed to attain standards and the percent reduction projected to be achieved with the adopted requirements.

	Reduction needed (percent)	Reduction projected (percent)
Duval County	23.8	31.3
Orange County	20.0	24.9
Pinellas County	20.0	24.9
Hillsborough County	20.0	24.5
Dade County	11.1	22.2
Broward County	11.1	24.0
Palm Beach County	11.1	18.9

The State submittal of April 30, 1979, shows that the percent reductions projected to occur by 1982 are sufficient to attain standards in all ozone nonattainment areas before December 31, 1982, excluding projected inspection and maintenance reductions.

These reductions are going to be effected through the Federal Motor Vehicle Control Program, stationary source volatile organic compound (VOC) regulations, and mobile source transportation control measures (TCMs).

As noted in the "General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas", 44 FR 20376 (April, 1979), ozone SIPs, such as Florida's must include RACT requirements for VOC sources covered by CTGs EPA issued by January, 1978. The General Preamble also required such SIPs to contain schedules to adopt and submit by each future January additional requirements for sources covered by CTGs issued by the previous January. The submittal date for the first set of additional RACT requirements was revised from January 1, 1980, to July 1, 1980, by **Federal Register** notice of August 28, 1979 (44 FR 50371). Today's approval of the ozone portion of the Florida plan is contingent on the submittal of these additional RACT regulations by July 1, 1980 (for CTGs published between January, 1978 and January, 1979). Also, by each subsequent January beginning January 1, 1981, RACT regulations for CTGs published by the preceding January must be included in the plan. The above requirements are set forth in the "Approval Status" section of this final rule. If the RACT requirements are not adopted and submitted to EPA according to the time frame set forth in the rule, EPA will take appropriate remedial action.

Florida's SIP revisions for the aforementioned ozone nonattainment areas are conditionally approved. The State must, as a condition of approval of the ozone nonattainment plan, submit the following by May 30, 1980:

Commitments and schedules for the TCMs developed by the nonattainment counties' metropolitan planning organizations (MPOs), if they are to be a part of this SIP (The State has indicated they would implement TCMs to insure reasonable further progress (RFP) and provide a margin for additional growth).

For the Broward and Dade County portions of the SIP, commitments to implement any TCMs must be submitted. For Dade, Broward, Palm Beach, Duval, Orange and Pinellas Counties, schedules for implementation of TCMs must be submitted. In addition, commitments from the appropriate responsible agencies to the implementation and enforcement of the measures and projected emission reductions from the measures must be submitted.

(2) A demonstration that positive long-term as well as short-term air quality benefits will be realized for those reasonably available TCMs which are contained in the Annual Element of the Transportation Improvement Plan and are included in the SIP.

(3) For Pinellas County transportation control plan, a signed Section 174 agreement.

(4) A signed Section 174 agreement for Dade County.

(5) A Section 174 agreement for Hillsborough County specifying an attainment deadline of December 31, 1982, rather than 1987.

(6) A commitment to report annually to EPA the RFP for the ozone nonattainment areas.

(7) Certification that not auto and light duty truck coating operations exist in the ozone nonattainment areas.

(8) With regard to the regulation for petroleum liquid storage, the State adopted a tank size cut-off of 42,000 gallons instead of a 40,000 gallon cut-off recommended in the EPA control techniques guidelines (CTGs). Therefore, the cutoff should either be revised or a demonstration that the impact on

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emissions is insignificant (e.g., less than five percent of the controlled emissions from this category), that it impacts only less than 100-ton sources and is not necessary for attainment, or that the exemption is otherwise justified.

(9) With regard to the regulation for cutback asphalt, procedures to be used to monitor the application of cutback asphalt (i.e., how such regulation will be enforced). In addition, the State should revise the regulation or justify the exemptions for seal and tack coats or show that the impact on emissions is insignificant (i.e., less than five percent).

(10) Specific testing methods or procedures for determining whether the VOC sources are complying with the emission limitations in the SIP. This is needed for enforceability of the regulations.

In the proposal notice, another deficiency was listed regarding the State's plan for ozone being based on the 0.08 instead of 0.12 ppm standard. This item is deleted as a deficiency since the State can be more stringent than Federal requirements if they so desire.

The following deficiencies were described in the July 16,1979, Proposed Rules notice regarding Florida's plan, but have been corrected by the Florida DER's August 27, 1979, and January 23, 1980 SIP revision submittal to EPA. The State submitted regulatory revisions to address each of the following deficiencies:

(1) The Lowest Achievable Emission Rate (LAER) must be required for affected sources which significantly impact a nonattainment area.

(2) The baseline for emission offsets cannot be the maximum allowable permitted emissions as stated in the April 30, 1979, SIP revision if the potential emissions of the affected offsetting source(s) are less than the allowable emissions.

(3) LAER must apply to sources which construct or modify in increments such that individually they would not be considered major for a particular pollutant, but the cumulative amount would make them a major source or major modification.

(4) Due to the "default" provision in the Florida Administrative Procedures Act (Fla. Stat. Ann. (120.60(2)(1978))) which states that any application not approved or denied within a 90-day or shorter period shall be deemed approved and a license issued, there is no assurance that the requirements contained in the nonattainment SIP revisions will be applied. A provision should be added to the new source review permitting regulations which requires that any such permit issued by default must also be formally approved by EPA before the permit is effective.

(5) The regulation for cutback asphalt allows the use of cutback when the ambient temperature is less than 50 degrees F. The State should include the authoritative source of such temperature determination.

(6) A provision which would assure compliance with the reasonable further progress requirement under Section 172(b) of the Clean Air Act when offsets are needed by a source in order to construct and operate.

(7) A means by which spillage loses from bulk gasoline terminals can be quantified.

(8) A provision requiring submission of revised operating permits, for sources which have provided external offsetting emissions to sources permitted under the nonattainment rules, to EPA as SIP revisions.

(9) In the regulation for cutback asphalt, provision of an authoritative source of temperature determination.

Public Comments

The following comment addressed extending the comment period on the proposing rulemaking.

Comment: An extension of the public comment period until August 29, 1979, is necessary because of the complexity of the issues involved, the short duration of the comment period, and personal conflicts the commenter had with the comment period schedule.

Agency Response: The revised portion of the Florida SIP submitted by the State for approval has been on file since the notice of availability was published in the **Federal Register** on May 21, 1979 (44 FR 29496). The present version of the conditionally approved Florida nonattainment area SIP, including past revisions, has been maintained on file (EPA Washington Library and EPA Region IV Library) since that date. There is no justifiable reason for extending the comment period beyond that previously established.

The only other comments received were those which were requested by the commenters to be applied to all State submissions. The response to these comments for States in Region IV may be reviewed in the November 26, 1979 issue of the **Federal Register** starting at Page 67377.

Attainment Dates

The 1978 edition of 40 CFR Part 52 lists in the subpart for Florida the applicable deadlines for attaining ambient standards (attainment dates) required by Section 110(a)(2)(A) of the Act. For each nonattainment area where a revised plan provides for attainment by the deadlines required by section 172(a) of the Act, the new deadlines are substituted on Florida's attainment date chart in 40 CFR Part 52. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the chart. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as with the new Section 172 plan requirements.

Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

> Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 amendments. It would be a perversion of clear congressional intent to construe part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under part D. (123 Cong. Rec. 11 11958, daily ed. November 1, 1977).

To implement Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment. (*See* General Preamble for Proposed Rulemaking, 44 FR 20373–74 (April 4, 1979)).

In addition, sources subject to pre-existing plan requirements may be relieved of complying with such requirements if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made on a case-by-case basis.

Conditional Approval

EPA is taking final action to conditionally approve certain elements of Florida's plan. A discussion of conditional approval and its practical effect appears in a supplement to the General Preamble, 44 FR 38583 (July 2, 1979) and November 23, 1979 (44 FR 67182). The conditional approval requires the State to submit additional materials by the deadlines specified in today's notice. There will be no extensions of conditional approval deadlines which are being promulgated today. EPA will follow the procedures described below when determining if the State has satisfied the conditions.

1. If the State submits the required additional documentation according to schedule, EPA will publish a notice in the **Federal Register** announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the State's submission to determine if the condition is fully met. After review is complete, a **Federal Register** notice will be published proposing or taking final action either to find the condition has been met and approve the plan, or to find the condition has not been met, withdraw the conditional approval and disapprove the plan. If the plan is disapproved the Section 110(a)(2)(I) restrictions on construction will be in effect.

3. If the State fails to timely submit the required materials needed to meet a condition, EPA will publish a **Federal Register** notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and Section 110(a)(2)(I) restrictions on growth are in effect.

Certain deadlines for satisfying conditions are being promulgated today without prior notice and comment. EPA finds that for good cause notice and comment on these deadlines are unnecessary. *See* 5 U.S.C. Section 553(b)(B) (the Administrative Procedure Act). The State is the party responsible for meeting the deadlines and the State has requested this extension of the deadline from December 15, 1979, to May 30, 1980. This is because the State must have the additional time to complete the SIP revision process. In addition, the public has had an opportunity to comment generally on the concept of conditional approval and on what deadlines should apply for these conditions. 44 FR 38583 (July 2, 1979), 44 FR 43302 (July 24, 1979).

EPA finds good cause to make this conditional approval immediately effective, because the Clean Air Act restricts new construction where plans are not approved after June 30, 1979, and making the conditional approval immediately effective will terminate the restriction as soon as possible.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". EPA has reviewed these regulations and determined that they are specialized regulations not subject to the procedural requirements of Executive Order 12044.

(Sections 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: March 11, 1980.

Douglas M. Costle,

Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart K—Florida

1. In § 52.520, paragraph (c) is amended by adding subparagraph (18) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(18) 1979 implementation plan revisions for nonattainment areas, (sulfur dioxide and ozone), submitted on April 30, 1979, as supplemented with August 27, 1979 and January 23, 1980 submittals by the Florida Department of Environmental Regulation. Conditional approval is given to the following revisions: SO_2 plan for Pinellas County and ozone plans for Dade, Broward, Palm Beach, Hillsborough, Pinellas, Orange and Duval Counties.

2. Section 52.522 is revised to read as follows:

§ 52.522 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Florida's plans for the attainment and maintenance of the national standards under § 110 of the Clean Air Act. Furthermore, the Administrator finds the plans satisfy all requirements of Part D, Title I, of the Clean Air Act as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of Part D, for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for those sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

3. Section 52.523 is revised to read as follows:

§ 52.523 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Florida's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Mobile (Alabama)-Pensacola, Panama City (Florida)-Southern Mississippi Interstate:							
a. Escambia County	a	a	f	a	c	c	f
b. Rest of AQCR	a	a	a	a	c	c	a
Jacksonville (Florida)-Brunswick (Georgia) Interstate:							
a. Leon County	a	a	a	a	c	c	f
b. Duval County [1]	a	e	f	a	c	c	d
c. Rest of AQCR	a	a	a	a	c	c	a
West Central Florida Intrastate:							
a. Hillsborough County [1]	a	e	f	a	c	c	d
b. Pinellas County [1]	a	a	e	e	c	c	d
c. Pasco County	a	a	f	f	c	c	c
d. Polk County	a	f	a	a	c	c	c
e. Rest of AQCR	a	a	a	a	c	c	d
Central Florida Intrastate:							
a. Seminole County	b	f	c	c	c	c	c
b. Orange County	b	a	c	e	c	c	d
c. Rest of AQCR	b	a	c	c	c	c	c
Southeast Florida Intrastate:							
a. Dade County	b	a	c	c	c	c	d
b. Broward County	b	a	c	c	c	f	d
c. Palm Beach County	b	a	c	c	c	c	d
d. Rest of AQCR	b	a	c	c	c	c	c
Southwest Florida Intrastate	c	c	c	c	c	c	c

[1] For more precise delineation, see § 81.310 of this chapter.

Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.2223 (1978).

NOTE.—Dates or footnotes which are italic are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. July 1975.
b. Air quality levels presently below primary standards.
c. Air quality levels presently below secondary standards.
d. December 31, 1982.
e. To be determined at a later date.
f. Area is unclassifiable.

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4. A new § 52.527 is added as follows:

§ 52.527 Control strategy: Ozone.

(a) Part D, conditional approval. The plans submitted pursuant to Part D of Title I for Duval, Orange, Pinellas, Hillsborough, Dade, Broward, and Palm Beach County nonattainment areas are approved on the condition that the State submit the following by May 30, 1980:

(1) Commitments and schedules for the TCMs developed by the nonattainment counties' metropolitan planning organizations (MPOs), if they are to be a part of this SIP. For the Broward and Dade County portions of the SIP, commitments to implement any TCMs must be submitted. For Dade, Broward, Palm Beach, Duval, Orange and Pinellas Counties, schedules for implementation of TCMs must be submitted. In addition, commitments from the appropriate responsible agencies to the implementation and enforcement of the measures and projected emission reductions from the measures must be submitted.

(2) A demonstration that positive long-term as well as short-term air quality impacts will be realized for those reasonably available TCMs which are contained in the Annual Element of the Transportation Improvement Plan and are included in the SIP.

(3) A signed Section 174 agreement for the Pinellas County transportation control plan.

(4) A signed Section 174 agreement for Dade County.

(5) A Section 174 agreement for Hillsborough County showing an attainment deadline of December 31, 1982.

(6) A commitment to report annually to EPA the emission inventory for the ozone nonattainment areas.

(7) Certification that no auto and light duty truck coating operations exist in the ozone nonattainment areas.

(8) With regard to the regulation for petroleum liquid storage, a demonstration that the impact on emissions is insignificant (i.e., less than five percent of the controlled emissions from this category), that it impacts only less than 100-ton sources and is not necessary for attainment, or that the exemption is otherwise justified.

(9) With regard to the regulation for cutback asphalt, procedures to be used to monitor the application of cutback (i.e., how such regulation will be enforced). In addition, the State should revise the regulation or justify the exemptions for seal and tack coats or show that the impact on emissions is insignificant (i.e. less than five percent).

(10) Specific testing methods or procedures for determining whether the VOC sources are complying with the emission limitations in the SIP.

(11) Provision of either source specific or categorical compliance schedules for sources of VOC.

5. Section 52.528 is amended by adding paragraph (b) as follows:

§ 52.528 Control strategy: Sulfur oxides.

* * * * *

(b) *Part D, conditional approval.* The plan submitted pursuant to Part D of Title I for the Pinellas County SO_2 nonattainment area is approved on the condition that the State submit the following by May 30, 1980:

(1) A commitment to update annually the emission inventory for the SO_2 nonattainment area and submit the data to EPA.

(2) A test method for determining SO_2 emissions for compliance with the SIP.

(3) Enforceable SO_2 emission limits for processes at Stauffer Chemical Company.

[FR Doc. 80-8188 Filed 3-17-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1423-3]

Maryland State Implementation Plan; Approval of Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This final rulemaking amends the Maryland State Implementation Plan (SIP) to include two Consent Orders issued by the Acting Secretary of the Maryland Department of Health and Mental Hygiene. The orders would allow two boilers to be constructed as an exception to the current Maryland regulations. Studies submitted with the proposed changes show that no ambient air quality standards or PSD increments will be violated due to the construction and operation of these two boilers. It is therefore the decision of the Administrator to approve the revision.

EFFECTIVE DATE: March 18, 1980.

ADDRESSES: Copies of the revisions and accompanying support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Air Programs Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106, ATTN: Patricia Sheridan

Bureau of Air Quality and Noise Control, State of Maryland, 201 W. Preston St., Baltimore, MD 21201, ATTN: George Ferreri

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW. (Waterside Mall), Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Edward A. Vollberg (3AH11), U.S. Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, telephone number (215) 597-8179.

SUPPLEMENTARY INFORMATION:

I. Background

On February 7, 1979 and March 16, 1979, respectively, the State of Maryland submitted Consent Orders to allow the construction of two boilers; one in Frostburg, Maryland at the Beall Jr./Sr. High School and one in Frederick County, Maryland at Mount St. Mary's College. The orders allow construction of the boilers as an exception to the current Maryland Air Quality Regulations. (COMAR 10.18.02.02B, 10.18.03.02B, 10.18.02.03B(2)b, 10.18.03.03B(2)b, 10.18.02.03B(2)c(2), 10.18.03.03B(2)c(2), 10.18.02.06D(2) and 10.18.03.06D(2)). This revision grants exceptions to the two sources, to allow construction and operation of the new boilers, subject to the following conditions:

1. Operation of boilers are not to result in visible emissions exceeding 20% opacity and an outlet particulate grain loading of 0.10 grains per standard cubic feet dry.

2. Boilers are to be constructed so as to provide for a stack test, which is to be conducted within ninety (90) days after they have come into operation.

3. The boilers are to be fired with the fuel mixtures stated in the orders with the sources maintaining accurate records of the fuel ratios.

4. The boilers shall be constructed so as to provide for the installation of pollution control equipment if necessary.

II. Control Strategy Demonstration

Diffusion modeling performed by the State of Maryland indicates that the allowed increase in particulate emissions will not significantly affect ambient air quality. Maryland has therefore concluded that the modeling demonstrates that the SIP revision will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) or exceed the PSD increments for particulate matter.

III. Approvability of the Proposed Revision

Based upon an evaluation of the material submitted by the State of Maryland, the Agency believes that the proposed revision satisfies the applicable requirements of Section 110 of the Clean Air Act and EPA's regulations, 40 CFR Part 51. The revision will not exceed the PSD increments. Therefore, the Administrator approves the revisions to the Maryland State Implementation Plan.

Concurrently, the Administrator amends 40 CFR Section 52.1070 (Identification of Plan) of Subpart V (Maryland) to incorporate this plan revision into Maryland's SIP.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(42 U.S.C. 7401-642)

Dated: March 11, 1980.

Douglas M. Costle,

Administrator.

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart V—Maryland

1. In Section 52.1070 *Identification of Plan*, paragraph (c) is amended as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) Title of plan:

(26) Consent Orders for Beall Jr./Sr. High School and Mount St. Mary's College issued by the Secretary of the Maryland Department of Health and Mental Hygiene on January 30, 1979 and March 8, 1979 respectively.

[FR Doc. 80-8185 Filed 3-17-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1438-5]

Missouri; Revision of Air Quality Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving several revised state air pollution control regulations as part of the Missouri State Implementation Plan (SIP). Approval means the regulations will be enforceable against individual sources of air pollution by the federal government as well as by the state government. The EPA is not taking any formal approval or disapproval action on additional specified regulation revisions.

DATES: This regulation is effective as of March 18, 1980.

ADDRESSES: Copies of these regulations are available at the office of EPA, Region VII, 324 East 11th Street, Kansas City, Missouri, 64106; Public Information Reference Unit, Library Systems Branch (PM-213), 401 M Streeet, S.W., Washington, D.C. 20460; and the Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri, 65101.

FOR FURTHER INFORMATION CONTACT: Wayne Leidwanger, EPA, Region VII, (816) 374-2880.

SUPPLEMENTARY INFORMATION:

A. On September 6, 1979, there was published in the **Federal Register** (44 FR 52001) a notice of proposed rulemaking to make certain regulations part of the State Implementation Plan. The notice also stated that no action to approve or disapprove was proposed for additional regulations.

The rulemaking today approves the revised state regulations which include EPA source test methods; revised air quality standard consistent with the National Ambient Air Quality Standards; Standards of Performance for New Stationary Sources (NSPS); continuous monitoring on certain power plants, cement kilns, and refinery sources; specific emission rates for individual power plants; and the recodification of the Missouri air regulations. The reader is referred to the proposed rulemaking for the rationale for approval of these regulations.

No comments were received in response to the proposal.

The rationale for approval is the same as contained in the proposal.

Action: The EPA approves the Missouri regulations as proposed September 6, 1979.

B. On October 11, 1979, the EPA published in the **Federal Register** (44 FR 58758) a notice proposing to approve changes in the Missouri regulations affecting the three primary Missouri lead smelters.

These revised regulations establish mass emission rates for the Missouri lead smelters. The former regulations contained volumetric SO_2 emission rates. One lead smelter is required to erect a stack which does not exceed the good engineering practice (GEP) height.

The reader is referred to the proposed rulemaking for the rationale for approval of these regulations.

No comments were received in response to this proposal.

The rationale for approval is the same as contained in the proposal.

ACTION: The EPA approves the revisions to Missouri Rule 10 CSR 10-5.150 and Rule 10 CSR 10-3.100 pertaining to SO_2 emissions from primary lead smelters in the State of Missouri.

C. Internal review of the September 6, 1979, proposed rulemaking (44 FR 52001) after publication in the **Federal Register**, revealed that the discussion of the fugitive particulate regulations did not clearly distinguish between the requirements for the St. Louis regulation and the regulations for Kansas City and outstate Missouri. However, this does not alter the fact that the submission of the fugitive dust regulations did not constitute a complete SIP revision because no control strategy demonstration was provided by the state. The state argued that a control strategy demonstration was not necessary because the regulation only applies if particles of greater than 40 microns in size are found beyond the property line from where they originate. In the proposed rulemaking, EPA determined that a demonstration was required because all particulate, regardless of size, must be controlled if any particles of over 40 microns are found. Thus, the ambient air quality is affected.

The regulation for the St. Louis area does not contain the 40 micron restriction. This regulation simply prohibits the allowing of unnecessary amounts of particulate matter from

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becoming airborne. Since particulate of all sizes are controlled by this regulation, the ambient air quality is impacted and a control strategy demonstration is required. Thus, the determination to take no action on this amendment is still valid.

Since no information was received to alter the conclusions of approvability set forth in the proposals, the EPA is taking no action on the proposed revision. These regulations will not be part of the applicable Missouri SIP.

Action: The EPA is taking no action on Rule 10 CSR 10–5.100, 10 CSR 10–2.050 and 10 CSR 10–3.070 which limit fugitive particulate emissions from the handling, transporting and storage of materials in the St. Louis AQCR, the Kansas City AQCR, and outstate Missouri respectively.

Dated: March 11, 1980.

Douglas M. Costle,

Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart AA—Missouri

1. In § 52.1320 paragraph (c) (13) and (14) are added:

§ 52.1320 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(13) On August 28, 1978, the following revisions were submitted by the Missouri Department of Natural Resources:

(i) The recodification of Missouri regulations of July 1, 1976, now contained in Title 10, Division 10 of the Code of State Regulations.

(ii) Title 10, Division 10, Chapter 6 of the Code of State Regulations which contains air quality standards, definitions, and reference methods.

(iii) Missouri Rule 10 CSR 10–2.200; Rule 10 CSR 10–3.150; and Rule 10 CSR 10–4.190 pertaining to control of SO_2 from indirect heating sources.

(iv) Missouri Rule 10 CSR 10–2.030; Rule 10 CSR 10–3.050; Rule 10 CSR 10–4.030; and 10 CSR 10–5.050 exempting certain process sources from the process weight regulations for particulate matter.

(v) Missouri Rule 10 CSR 10–2.190; Rule 10 CSR 10–3.140; Rule 10 CSR 10–4.180; and Rule 10 CSR 10–5.280 which contain the "Standards of Performance for New Stationary Sources," found at 40 CFR Part 60 as in effect on January 18, 1975.

(vi) Missouri Rule 10 CSR 10–2.060; Rule 10 CSR 10–3.080; Rule 10 CSR 10–4.060; and Rule 10 CSR 10–5.090 which require continuous opacity monitors for certain sources.

(vii) Missouri Rule 10 CSR 10–5.140 for determining settleable acid and alkaline mists is rescinded.

(viii) The EPA is taking no action on Rule 10 CSR 10–5.100; 10 CSR 10–2.050, and 10 CSR 10–3.070 which limit fugitive particulate emissions from the handling, transporting and storage of materials in the State of Missouri.

(14) On March 12, 1979, the Missouri Department of Natural Resources submitted Rule 10 CSR 10–3.100 and Rule 10 CSR 10–5.150 establishing revised SO_2 emission limits for primary lead smelters.

[FR Doc. 80-8187 Filed 3-17-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1438-3]

Missouri; Revision of Air Quality Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving a revised state air pollution control regulation as part of the Missouri State Implementation Plan (SIP). This revision affects the allowable emissions of sulfur dioxide in the St. Louis metropolitan area. Approval means the regulation will be enforceable against individual sources of air pollution by the federal government as well as by the state government.

This revision establishes new sulfur dioxide emission limits for the Union Electric Company's Sioux and Labadie plants. The allowable emission rates are being increased from 2.3 pounds per million BTUs heat input to 4.8 pounds per million BTUs. These power plants have never complied with the 2.3 pound limit, but operated at emission rates in excess of 8.0 pounds per million BTUs.

Compliance with the 2.3 pound limit would have required major expenditures for SO_2 removal equipment or transportation of low sulfur western coal. Compliance with the 4.8 pound limit can be achieved by blending approximately 25 percent low sulfur coal with the mid-western coal currently used. The 4.8 pound emission limit will assure that the National Ambient Air Quality Standards are met, and thus, will assure protection of the public health.

DATES: This regulation is effective April 17, 1980.

ADDRESSES: Copies of this regulation are available at the office of EPA, Region VII, 324 East 11th Street, Kansas City, Missouri 64106; Public Information Reference Unit, Library Systems Branch (PM–213), 401 M Street, SW., Washington, D.C. 20460; and the Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65101.

FOR FURTHER INFORMATION CONTACT: Wayne Leidwanger, EPA Region VII, (816) 374–2880.

SUPPLEMENTARY INFORMATION: On October 19, 1979, there was published in the **Federal Register** (44 FR 60339) a notice of proposed rulemaking to make a revised regulation part of the SIP. One comment was received in response to the proposal. This comment supported the proposed revision.

No objections were raised to the rationale for approval presented in the proposed rulemaking, and no new information is available that would alter that rationale. Thus, approval is based on that rationale.

Action: The EPA approves the revision to Missouri Regulation 10 CSR 10–5.110 pertaining to the allowable emissions of sulfur dioxide from the Union Electric Company's Sioux and Labadie Plants.

Dated: March 11, 1980.

Douglas M. Costle,

Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart AA—Missouri

1. In § 52.1320 paragraph (c)(15) is added:

§ 52.1320 . Identification of plan.

* * * * *

(c) The plan revision listed below was submitted on the dates specified.

* * * * *

(15) On March 1, 1979, the Missouri Department of Natural Resources submitted a revision of regulation 10 CSR 10–5.110 revising the allowable emission rates of sulfur dioxide from Union Electric's Sioux and Labadie power plants.

Rationale for Approval

As discussed in the October 19, 1979, proposal and supporting technical review document, this revision increases the allowable emission rate of SO_2 from 2.3 pounds per million BTU heat input to 4.8 pounds per million BTUs. The state demonstrated, through the use of dispersion modeling, that violations of the NAAQS will not result from this change. Modeling did predict possible exceedances of the NAAQS in Illinois, however, this was determined to be attributable to local sources and would continue to exist even in the complete absence of emissions from the Sioux and Labadie plants.

Although the revision increases the allowable emission rate, the actual emissions will decrease. This occurs because the plants have never complied with the 2.3 pound limit and have had emissions of about 6.3 pounds per million BTUs. Since actual emissions are decreased, PSD increment usage is not a concern.

The revised emission rate will provide for continued attainment of the NAAQS in Missouri, will not cause any NAAQS violations in Illinois, and will not consume PSD increment.

The public participation requirements of 40 CFR 51.4 and 51.6 have been met.

[FR Doc. 80-8188 Filed 3-17-80; 8:45 am]

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40 CFR Parts 122 and 123

[FRL 1438-6]

National Pollutant Discharge Elimination System; Clarification of State Requirements

AGENCY: Environmental Protection Agency.

ACTION: Amendments to final rule.

SUMMARY: The United States Environmental Protection Agency (EPA) today is amending 40 CFR 123.12(a) to clarify that the listing of certain minimum requirements for State National Pollutant Discharge Elimination System (NPDES) programs does not preclude States from omitting or modifying those requirements to impose more stringent requirements. Similarly, EPA is amending 40 CFR 122.1(a) to clarify that States are not precluded from more stringent regulation of any activity covered by the NPDES regulations.

DATES: Effective date: March 18, 1980.

FOR FURTHER INFORMATION CONTACT: Edward A. Kramer, Office of Water Enforcement (EN–336), Environmental Protection Agency, 401 "M" Street SW., Washington, D.C. 20460, (202) 755–0750.

SUPPLEMENTARY INFORMATION: On June 7, 1979, EPA published a final rule revising its NPDES permit program regulations (44 FR 32854). Section 123.12(a) of that rule lists several provisions applicable to the EPA-administered permit program, and requires that these provisions also be implemented and administered by State permit programs. Section 510 of the Clean Water Act authorizes States to impose more stringent requirements concerning effluent limitations, or other limitations, effluent standards, prohibitions, pretreatment standards, or standards of performance than those in effect under the Clean Water Act. Accordingly, § 123.1(g) of the June 7 rule specifies that nothing in Part 123 precludes a State from adopting a more stringent standard, limitation or other requirement. Nevertheless, § 123.12(a) has created confusion as to whether State programs may omit any permit conditions referred to in the list to make the State requirement more stringent than that required for EPA-issued permits. In particular, the State of Oregon and the Natural Resources Defense Council have questioned in court cases whether EPA can require States to recognize the upset defense defined in § 122.14(1). EPA believes that § 123.1(g) allows more stringent State requirements, even when they result from the modification or omission of a provision listed in § 123.12(a). Today's amendments make clearer this interpretation. Because the amendments merely clarify EPA's existing interpretation, I find good cause that it would be unnecessary to propose these amendments for public comment.

Accordingly, the following amendments are made:

1. 40 CFR 122.1(a) is amended to read as follows:

§ 122.1 Purpose and scope.

(a) The regulations in this Part define the National Pollutant Discharge Elimination System (NPDES) program including permit programs under sections 402, 318 and 405 of the Act. They apply to the program as administered by EPA and, to the extent incorporated by reference in Part 123, by approved NPDES States. Nothing in this rule precludes more stringent State regulation of any activity covered by these regulations, whether or not under an approved State program.

* * * * *

2. 40 CFR § 123.12(a) is amended to read as follows:

§ 123.12 Operational requirements.

(a) All State programs under this Part must have legal authority to implement each of the following provisions and must be administered in conformance with each; except that States are not precluded from omitting or modifying any provision to impose more stringent requirements.

Douglas M. Costle,

Administrator.

March 10, 1980.

[FR Doc. 80-8186 Filed 3-17-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[PP 7F1925/R226A; FRL 1438-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Tebuthiuron; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: This document corrects a final rule on tebuthiuron that appeared in the **Federal Register** of December 21, 1979 (44 FR 75638) under the Federal Food, Drug, and Cosmetic Act. The document corrects the word "insecticide" to read "herbicide" in the second column, p. 75639, under § 180.380.

DATE: Effective on March 18, 1980.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS–767), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460 (202–755–2196).

SUPPLEMENTARY INFORMATION: In FR Document 79–39149 appearing at p. 75639 in the issue of December 21, 1979, the herbicide tebuthiuron was incorrectly identified as an insecticide. The second line under "§ 180.390 Tebuthiuron; tolerances for residues" is corrected to read "residues of the herbicide tebuthiuron."

(Sec. 408(d)(2), 21 U.S.C. 346a(d)(2)).

Dated: March 11, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-8190 Filed 3-17-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[PP 9E2215/R236; FRL 1438-1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Chlorpyrifos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide chlorpyrifos on nectarines at 0.05 part per million (ppm). The regulation was requested by the Interregional Research Project No. 4. This rule establishes a maximum permissible level for residues of the subject insecticide on nectarines.

DATE: Effective on March 18, 1980.

FOR FURTHER INFORMATION CONTACT: Patricia Critchlow, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 (202–426–0223).

SUPPLEMENTARY INFORMATION: In the **Federal Register** on January 11, 1980 (45 FR 2352), the EPA published a notice of proposed rulemaking in response to a pesticide petition (PP 9E2215) submitted to the Agency by the Interregional Research Project No. 4 (IR–4), New Jersey State Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of Ohio under the provisions of the Federal Food, Drug, and Cosmetic Act. This petition proposed that 40 CFR 180.342 be amended by the establishment of a tolerance for residues of the insecticide chlorpyrifos in or on the raw agricultural commodity nectarines at 0.05 ppm. No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.342 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, within 30 days after publication in the **Federal Register**, file written objection with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708, (A–110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This regulation has been reviewed, and it had been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective on the date of publication in the **Federal Register**, Part 180, Subpart C, § 180.342 is amended by adding a tolerance for residues of the subject insecticide on nectarines at 0.05 ppm as set forth below.

Part 180, Subpart C, § 180.342 is amended by alphabetically inserting nectarines at 0.05 ppm in the table to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

* * * * * * *

Commodity:	Part per million
Nectarines	0.05

* * * * * * *

(Sec. 408(e), 21 U.S.C. 346a(e)).

Dated: March 11, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-8191 Filed 3-17-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 3

[Docket No. FEMA-GEN-3-A]

Standards of Conduct; Post Employment Conflicts of Interest

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This final rule implements Title V of the Ethics in Government Act of 1978 concerning post employment conflicts of interest by former officers and employees of the Federal Emergency Management Agency. It establishes procedures for imposing administrative restrictions on such former officers and employees for violation of the post employment conflict of interest laws.

EFFECTIVE DATE: April 17, 1980.

ADDRESS: Any views on this rule can be addressed to Rules Docket Clerk, Room 801, 1725 I Street NW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: John Brosnahan, Office of General Counsel, 202/634–4100.

SUPPLEMENTARY INFORMATION: Title V of the Ethics in Government Act of 1978 amended 18 U.S.C. 207 which prohibits certain post employment activities of former Government employees. Subsection (j) of 18 U.S.C. 207, as amended, provides that if the head of the agency finds that a former officer or employee of the agency violated 18 U.S.C. 207 (a), (b), or (c), he may prohibit that person from appearing before the agency, or communicating with the agency, with the intent to influence the agency on behalf of any other person (except the United States) for a period not to exceed five years or he may take other appropriate disciplinary action. Subsection (j) also requires that the former officer or employee be given notice and opportunity for a hearing. It also requires that departments and agencies, in consultation with the Director of the Office of Government Ethics (OGE), establish procedures to carry out subsection (j). The Office of Personnel Management (OPM) published interim regulations to implement 18 U.S.C. 207 in the **Federal Register** for April 3, 1979 (44 FR 19974 (1979)). The Federal Emergency Management Agency has consulted with OGE which has advised that these regulations conform with the law and with the OPM regulations.

The rule implements 18 U.S.C. 207(j) for the Federal Emergency Management Agency. It uses the substantive provisions of the regulations published by the Office of Personnel Management. The regulations will be enforced by the General Counsel, Federal Emergency Management Agency.

The sanctions available may affect a former employee's eligibility to practice before the entire Federal Emergency Management Agency.

This regulation merely implements for one specific agency, procedures which were subject to notice and public comment procedures when issued by OPM. The regulation also relates to agency practice and procedures. In view of this it is determined that the regulation is not subject to 5 U.S.C. 553 nor is it a significant regulation under Executive Order 12044.

Accordingly, Part 3 of Chapter 1 of Title 44 of the Code of Federal Regulations is amended by striking [Reserved] from the Table of Contents and adding to Part 3 a subpart E as follows:

PART 3—STANDARDS OF CONDUCT

Sec.

3.100 Scope.
3.101 Definitions.
3.102 General counsel.
3.103 Records.
3.104 Interpretative standards.
3.105 Authority to prohibit appearances.
3.106 Receipt of information concerning former employees.
3.107 Conferences.
3.108 Institution of proceeding.
3.109 Contents of complaint.
3.110 Service of complaint and other papers.
3.111 Answer.
3.112 Reply to answer.
3.113 Proof; variance; amendment of pleadings.
3.114 Motions and requests.

3.115 Representation.
3.116 Administrative Law Judge.
3.117 Hearings.
3.118 Evidence.
3.119 Depositions.
3.120 Transcript.
3.121 Proposed findings and conclusions.
3.122 Decision of Administrative Law Judge.
3.123 Appeal to the Director, Federal Emergency Management Agency.
3.124 Decision of the Director, Federal Emergency Management Agency.
3.125 Notice of disciplinary action.

Authority: Title 5 of the Ethics in Government Act of 1978, Pub. L. 95–521, 92 Stat. 1838 (5 U.S.C. App.), E.O. 11222, 30 FR 6469, 3 CFR 1964–1965 Comp. p. 306.

Subpart E—Post Employment Conflicts of Interest

§ 3.100 Scope.

This part contains rules governing discipline of a former officer or employee of the Federal Emergency Management Agency because of a post employment conflict of interest. Such discipline may include prohibition from practice before the agency as these terms are defined in this part.

§ 3.101 Definitions.

For the purpose of this part—

(a) The term "agency" means the Federal Emergency Management Agency and includes the U.S. Fire Administration which has been designated as a separate statutory agency by rule of the Office of Government Ethics.

(b) The term "General Counsel" means the General Counsel of the agency.

(c) The term "practice" means any informal or formal appearance before, or, with the intent to influence, any oral or written communications to the agency on a pending matter of business on behalf of any other person (except the United States).

§ 3.102 General Counsel.

The General Counsel shall initiate and provide for the conduct of disciplinary proceedings involving former employees of the agency as authorized by 18 U.S.C. 207(j) and perform such other duties as are necessary or appropriate to carry out his/her functions under this part. The General Counsel reserves the right to issue such special orders as he/she may consider proper in any case within the purview of this part.

§ 3.103 Records.

There are made available to public inspection at the Office of General Counsel the roster of all persons prohibited from practice before the agency. Other records may be disclosed upon specific request, in accordance with appropriate disclosure regulations of the agency.

§ 3.104 Interpretative standards.

A determination that a former officer or employee of the agency violated 18 U.S.C. 207 (a), (b), or (c) will be made in conformance with the standards established in the interpretative regulations promulgated by the Office of Personnel Management, 5 CFR Part 737.

§ 3.105 Authority to prohibit appearances.

Pursuant to 18 U.S.C. 207(j), if the General Counsel finds, after notice and opportunity for a hearing, that a former officer or employee of the agency violated 18 U.S.C. 207 (a), (b), or (c), the General Counsel in his/her discretion may prohibit that individual from engaging in practice before the agency for a period not to exceed five years, or may take other appropriate disciplinary action.

§ 3.106 Receipt of information concerning former employees.

(a) If an officer or employee of the Agency has reason to believe that a former officer or employee of the Agency has violated any provision of this part, or if any such officer or employee received information to that effect, he/she shall promptly make a written report thereof, which report or a copy thereof shall be forwarded to the Inspector General, Federal Emergency Management Agency. If any other person has information of such violations, he/she may make a report thereof to the Inspector General or to any officer or employee of the Agency. The Inspector General shall refer any information he/she deems warranted to the General Counsel.

(b) The General Counsel shall coordinate proceedings under this part with the Office of Government Ethics and with the Department of Justice in cases where the agency is in receipt of information regarding a possible violation of 18 U.S.C. 207 (5 CFR 27(a)(2)(ii)) or in cases where the Department of Justice initiates criminal prosecution.

§ 3.107 Conferences.

(a) *In general.* The General Counsel may confer with a former officer or employee concerning allegations of misconduct irrespective of whether an administrative disciplinary proceeding has been instituted against him or her. If such conference results in a stipulation in connection with a proceeding in which such person is the respondent, the stipulation may be entered in the record at the instance of either party to the proceeding.

(b) *Voluntary suspension.* A former officer or employee, in order to avoid the institution or conclusion of a proceeding, may offer his/her consent to suspension from practice before the Agency. The General Counsel in his/her discretion, may suspend a former officer or employee in accordance with the consent offered.

§ 3.108 Institution of proceeding.

Whenever the General Counsel has reason to believe that any former officer or employee of the Agency has violated 18 U.S.C. 207 (a), (b) or (c), he/she may reprimand such person or institute an administrative disciplinary proceeding for that person's suspension from practice before the Agency. The proceeding shall be instituted by a complaint which names the respondent and is signed by the General Counsel and filed in his/her office. Except in cases of willfulness, or where time, the nature of the proceeding, or the public interest does not permit, a reprimand will not be given nor will a proceeding be instituted under this section until facts or conduct which may warrant such action have been called to the attention of the proposed respondent in writing and he/she has been accorded the opportunity to provide his/her position on the matter.

§ 3.109 Contents of complaint.

(a) *Charges.* A complaint shall give a plain and concise description of the allegations which constitute the basis for the proceeding. A complaint shall be deemed sufficient if it fairly informs the respondent of the charges against him/her so that the respondent is able to prepare a defense.

(b) *Demand for answer.* In the complaint, or in a separate paper attached to the complaint, notification shall be given of the place and time within which the respondent shall file his/her answer, which time shall not be less than 15 days from the date of service of the complaint, and notice shall be given that a decision by default may be rendered against the respondent in the event he/she fails to file an answer as required.

§ 3.110 Service of complaint and other papers.

(a) *Complaint.* The complaint or a copy thereof may be served upon the respondent by certified mail, or first-class mail as hereinafter provided; by delivering it to the respondent or his/her attorney or agent of record either in person or by leaving it at the office or place of business of the respondent, attorney or agent; or in any other manner which has been agreed to by the

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respondent. Where the service is by certified mail, the return post office receipt duly signed by or on behalf of the respondent shall be proof of service. If the certified mail is not claimed or accepted by the respondent and is returned undelivered, complete service may be made upon the respondent by mailing the complaint to him/her by first-class mail, addressed to him/her at the last address known to the General Counsel. If service is made upon the respondent or his/her attorney or agent of record in person or by leaving the complaint at the office or place of business of the respondent, attorney or agent, the verified return by the person making service, setting forth the manner of service, shall be proof of service.

(b) *Service of papers other than complaint.* Any paper other than the complaint may be served upon a respondent as provided in paragraph (a) of this section or by mailing the paper by first-class mail to the respondent at the last address known to the General Counsel, or by mailing the paper by first-class mail to the respondent's attorney or agent of record. Such mailing shall constitute complete service. Notices may be served upon the respondent or his/her attorney or agent of record by telegraph.

(c) *Filing of papers.* Whenever the filing of a paper is required or permitted in connection with a proceeding, and the place of filing is not specified by this subpart or by rule or order of the Administrative Law Judge, the paper shall be filed with the General Counsel, Federal Emergency Management Agency, 1725 I Street, N.W., Washington, DC 20472. All papers shall be filed in duplicate.

§ 3.111 Answer.

(a) *Filing.* The respondent's answer shall be filed in writing within the time specified in the complaint or notice of institution of the proceeding, unless on application the time is extended by the General Counsel or the Administrative Law Judge. The answer shall be filed in duplicate with the General Counsel.

(b) *Contents.* The answer shall contain a statement of facts which constitutes the grounds of defense, and it shall specifically admit or deny each allegation set forth in the complaint, except that the respondent shall not deny a material allegation in the complaint which he/she knows to be true, or state that he/she is without sufficient information to form a belief when in fact he/she possesses such information. The respondent may also state affirmatively special matters of defense.

(c) *Failure to deny or answer allegations in the complaint.* Every allegation in the complaint which is not denied in the answer shall be deemed to be admitted and may be considered as proved, and no further evidence in respect of such allegation need be adduced at a hearing. Failure to file an answer within the time prescribed in the notice to the respondent, except as the time for answer is extended by the General Counsel or the Administrative Law Judge, shall constitute an admission of the allegations of the complaint and a waiver of hearing, and the Administrative Law Judge may make his/her decision by default without a hearing or further procedure.

§ 3.112 Reply to answer.

No reply to the respondent's answer shall be required, and new matter in the answer shall be deemed to be denied, but the General Counsel may file a reply in his/her discretion or at the request of the Administrative Law Judge.

§ 3.113 Proof; variance; amendment of pleadings.

In the case of a variance between the allegations in a pleading and the evidence adduced in support of the pleading, the Administrative Law Judge may order or authorize amendment of the pleading to conform to the evidence: *Provided,* That the party who would otherwise be prejudiced by the amendment is given reasonable opportunity to meet the allegations of the pleading as amended; and the Administrative Law Judge shall make findings on any issue presented by the pleadings as so amended.

§ 3.114 Motions and requests.

Motions and requests may be filed with the General Counsel or with the Administrative Law Judge.

§ 3.115 Representation.

A respondent or proposed respondent may appear in person or he/she may be represented by counsel or other representative.

§ 3.116 Administrative Law Judge.

(a) *Appointment.* An Administrative Law Judge appointed as provided by 5 U.S.C. 3105 (1966), shall conduct proceedings upon complaints for the administrative disciplinary proceedings under this part.

(b) *Power of Administrative Law Judge.* Among other powers, the Administrative Law Judge shall have authority, in connection with any proceeding assigned or referred to him/her, to do the following:

(1) Administer oaths and affirmations;

(2) Make rulings upon motions and requests, which rulings may not be appealed from prior to the close of a hearing except, at the discretion of the Administrative Law Judge, in extraordinary circumstances;

(3) Determine the time and place of hearing and regulate its course and conduct;

(4) Adopt rules of procedure and modify the same from time to time as occasion requires for the orderly disposition of proceedings;

(5) Rule upon offers of proof, receive relevant evidence, and examine witnesses;

(6) Take or authorize the taking of depositions;

(7) Receive and consider oral or written argument on facts or law;

(8) Hold or provide for the holding of conferences for the settlement or simplification of the issues by consent of the parties;

(9) Assess the responsible party extraordinary costs attributable to the location of a hearing;

(10) Perform such acts and take such measures as are necessary or appropriate to the efficient conduct of any proceeding; and

(11) Make initial decisions.

§ 3.117 Hearings.

(a) *In general.* The Administrative Law Judge shall preside at the hearing on a complaint for the suspension of a former officer or employee from practice before the Agency. Hearings shall be stenographically recorded and transcribed and the testimony of witnesses shall be taken under oath or affirmation. Hearings will be conducted pursuant to 5 U.S.C. 556.

(b) *Public access to hearings.* Hearings will be closed unless an open hearing is requested by the respondent, except that if classified information or protected information of third parties (such as tax information) is likely to be adduced at the hearing, it will remain closed. A request for an open hearing must be included in the answer to be considered.

(c) *Failure to appear.* If either party to the proceeding fails to appear at the hearing, after due notice thereof has been sent to him/her, he/she shall be deemed to have waived the right to a hearing and the Administrative Law Judge may make a decision against the absent party by default.

§ 3.118 Evidence.

(a) *In general.* The rules of evidence prevailing in courts of law and equity are not controlling in hearings on complaints for the suspension of a former officer or employee from practice before the Agency. However, the Administrative Law Judge shall exclude evidence which is irrelevant, immaterial, or unduly repetitious.

(b) *Depositions.* The deposition of any witness taken pursuant to § 3.109 may be admitted.

(c) *Proof of documents.* Official documents, records and papers of the Agency shall be admissible in evidence without the production of an officer or employee to authenticate them. Any such documents, records, and papers may be evidenced by a copy attested or identified by an officer or employee of the Agency.

(d) *Exhibits.* If any document, record, or other paper is introduced in evidence as an exhibit, the Administrative Law Judge may authorize the withdrawal of the exhibit subject to any conditions which he/she deems proper.

(e) *Objections.* Objections to evidence shall be in short form, stating the grounds of objection relied upon, and the record shall not include argument thereon, except as ordered by the Administrative Law Judge. Rulings on such objections shall be a part of the record. No exception to the ruling is necessary to preserve the rights of the parties.

§ 3.119 Depositions.

Depositions for use at a hearing may, with the consent of the parties in writing or the written approval of the Administrative Law Judge, be taken by either the General Counsel or the respondent or their duly authorized representatives. Depositions may be taken upon oral or written interrogatories, upon not less than 10 days' written notice to the other party before any officer duly authorized to administer an oath for general purposes or before an officer or employee of the Agency who is authorized to administer an oath. Such notice shall state the names of the witnesses and the time and place where the depositions are to be taken. The requirement of 10 days' notice may be waived by the parties in writing, and depositions may then be taken from the persons and at the times and places mutually agreed to by the parties. When a deposition is taken upon written interrogatories, any cross-examination shall be upon written interrogatories. Copies of such written interrogatories shall be served upon the other party with the notice, and copies of any written cross-interrogation shall be mailed or delivered to the opposing party at least 5 days before the date of taking the depositions, unless the parties mutually agree otherwise. A party upon whose behalf a deposition is taken must file it with the Administrative Law Judge and serve one copy upon the opposing party. Expenses in the reporting of depositions shall be borne by the party at whose instance the deposition is taken.

§ 3.120 Transcript.

In cases where the hearing is stenographically reported by a Government contract reporter, copies of the transcript may be obtained from the reporter at rates not to exceed the maximum rates fixed by contract between the Government and the reporter. Where the hearing is stenographically reported by a regular employee of the Agency, a copy thereof will be supplied to the respondent either without charge or upon payment of a reasonable fee. Copies of exhibits introduced at the hearing or at the taking of depositions will be supplied to the parties upon the payment of a reasonable fee (Sec. 501, Pub. L. 82–137, 65 Stat. 290 (31 U.S.C. 483a)).

§ 3.121 Proposed findings and conclusions.

Except in cases where the respondent has failed to answer the complaint or where a party has failed to appear at the hearing, the Administrative Law Judge prior to making his/her decision, shall afford the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor.

§ 3.122 Decision of the Administrative Law Judge.

As soon as practicable after the conclusion of a hearing and the receipt of any proposed findings and conclusions timely submitted by the parties, the Administrative Law Judge shall make the initial decision in the case. The decision shall include (a) a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (b) an order of suspension from practice before the Agency or other appropriate disciplinary action, or an order of dismissal of the complaint. In any decision of the Administrative Law Judge ordering suspension from practice or other disciplinary action the respondent shall be advised that such disciplinary action shall be subject to review in an appropriate United States district court. The Administrative Law Judge shall file the decision with the Director of the Federal Emergency Management Agency and shall transmit a copy thereof to the respondent or his/her attorney of record. In the absence of an appeal to the Director, Federal Emergency Management Agency, the decision of the Administrative Law Judge shall without further proceedings become the decision of the Agency 30 days from the date of the Administrative Law Judge's decision.

§ 3.123 Appeal to the Director, Federal Emergency Management Agency.

Within 30 days from the date of the Administrative Law Judge's decision, either party may appeal to the Director, Federal Emergency Management Agency. The appeal shall be filed in duplicate and shall include exceptions to the decision of the Administrative Law Judge and supporting reasons for such exceptions. If an appeal is filed by the General Counsel, he/she shall transmit a copy thereof to the respondent. Within 30 days after receipt of an appeal or copy thereof, the other party may file a reply brief in duplicate with the Director, Federal Emergency Management Agency. If the reply is filed by the General Counsel, he/she shall transmit a copy of it to the respondent. Upon the filing of an appeal and a reply brief, if any, the General Counsel shall transmit the entire record to the Director, Federal Emergency Management Agency.

§ 3.124 Decision of the Director, Federal Emergency Management Agency.

On appeal from the initial decision of the Administrative Law Judge, the Director, Federal Emergency Management Agency will make the agency decision. In making his/her decision, the Director, Federal Emergency Management Agency will review the record or such portions thereof as may be cited by the parties to permit limiting of the issues. A copy of the Director's decision shall be transmitted to the respondent. Any decision ordering disciplinary action shall contain provision that such disciplinary action is subject to review in an appropriate United States district court.

§ 3.125 Notice of disciplinary action.

(a) Upon the issuance of a final order suspending a former officer or employee from practice before the Agency, the General Counsel shall give notice thereof to appropriate officers and employees of the Agency. Officers and employees of the Agency shall refuse to participate in any appearance by such former officer or employee or to accept any communication which constitutes the prohibited practice before the Agency during the period of suspension.

(b) The General Counsel shall take other appropriate disciplinary action as may be required by the final order.

V 45/54 MR 18 80 UMI

Dated: March 10, 1980.

John W. Macy, Jr.,

Director, Federal Emergency Management Agency.

[FR Doc. 80-8289 Filed 3-17-80; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 6

[Docket No. FEMA—General 6]

Implementation of the Privacy Act of 1974

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: On August 27, 1979, the Federal Emergency Management Agency (FEMA) published its interim regulation implementing the Privacy Act of 1974 (44 FR 50293). While this regulation has been fully effective since August 27, FEMA did offer an opportunity for public comment on the regulation by October 26, 1979. This date has now passed and the regulation should be given final effect immediately.

EFFECTIVE DATE: March 18, 1980.

ADDRESS: Federal Emergency Management Agency, 1725 I Street, NW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: William L. Harding, office of General Counsel, (202) 634–4113.

SUPPLEMENTARY INFORMATION: No comments were received on this rule other than some editorial suggestions and some suggestions concerning organizational placement within FEMA of functions under the Act. These are reflected in the changes set out in these amendments. Also a provision is added to allow use of the OMB waiver procedures in connection with time requirements for establishing new systems of records.

Except for certain minor adjustments to the fee schedule, other changes are editorial and procedural in nature, and no useful purpose is served by delaying the effective date of this revision. Hence, the amendments are effective immediately.

Accordingly, the interim regulation "Implementation of the Privacy Act of 1974," 44 CFR Part 6, published at 44 FR 50293, hereby becomes the final regulation but with the following changes.

1. Subsections 6.2 (n) and (o) are amended to read as follows:

PART 6—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

§ 6.2 Definitions.

* * * * *

(n) **"Deputy Director"** means the Deputy Director, FEMA, or, in the case of the absence of the Deputy Director, or a vacancy in that office, a person designated by the Director to perform the functions under this regulation of the Deputy Director.

(o) "Privacy Appeals Officer" means the Director of Office of Public Affairs or his/her designee.

2. Section 6.10 is amended to read as follows:

§ 6.10 Assistance and referrals.

Requests for assistance and referral to the responsible system manager or other FEMA employee charged with implementing these regulations should be made to the Privacy Appeals Officer, Federal Emergency Management Agency, Washington, DC 20472.

3. Section 6.33(b) is amended to read as follows:

§ 6.33 Denials of access.

* * * * *

(b) Upon receipt of a request for access to a record which the system manager believes is contained within an exempt system of records, he or she shall forward the request to the appropriate official listed below through normal supervisory channels:

(1) At Headquarters:

(i) The Deputy Director.

(ii) Associate Directors or Office Directors.

(iii) Assistant Director for Training and Education.

(iv) U.S. Fire Administrator.

(v) Federal Insurance Administrator.

(vi) Director, Operations Support.

(vii) Director, Personnel.

(viii) Director, Finance and Administration.

(ix) Director, Program Evaluation and Research.

(x) General Counsel.

(xi) Inspector General.

(2) At Regions: Regional Directors.

The system manager shall append to the request an explanation of the determination that the requested record is contained within an exempt system of records and a recommendation that the request be denied or granted.

* * * * *

4. Subsection 6.53(c) is amended to read as follows:

§ 6.53 Denial of requests to amend records.

* * * * *

(c) If the appropriate official listed in § 6.33, after reviewing the request to amend a record, determines not to amend the record in accordance with the request, the requestor shall be promptly advised in writing of the determination. The refusal letter (1) shall state the reasons for the denial of the request to amend; (2) shall include proposed alternative amendments, if appropriate; (3) shall state the requestor's right to appeal the denial of the request to amend; and (4) shall state the procedures for appealing and the name and title of the official to whom the appeal is to be addressed.

* * * * *

5. Subsection 6.55(a) is amended to read as follows:

§ 6.55 Appeal of denial of request to amend a record.

(a) A requestor who disagrees with a denial of a request to amend a record may file an administrative appeal of that denial. The requestor should address the appeal to the FEMA Privacy Appeals Officer, Washington, DC 20472. If the requestor is an employee of FEMA and the denial to amend involves a record maintained in the employee's Official Personnel Folder covered by an Office of Personnel Management Government wide system notice, the appeal should be addressed to the Assistant Director, Information Systems, Agency Compliance and Evaluation Group, Office of Personnel Management, Washington, DC 20415.

6. Section 6.70 is amended by adding a new subsection (d) as follows:

§ 6.70 Reporting requirement.

* * * * *

(d) The Director may waive the time requirements set out in this section upon a finding that a delay in the establishing or amending the system would not be in the public interest and showing how the public interest would be adversely affected if the waiver were not granted and otherwise complying with OBM Circular A–108, and Transmittal Memorandums 1 and 3.

7. Section 6.70 (a) and (b) is amended by striking "Director, Finance and Administration" in the three places it appears in the section, and substituting "Privacy Appeals Officer".

§ 6.80 [Amended]

8. Section 6.80 is amended by changing the figure "6.98" to "in § 6.85."

9. Section 6.85 is amended to read as follows:

§ 6.85 Reproduction fees.

(a) There will be a minimum fee of $2.00 for each request for reproducing copies of FEMA records up to and including material 8½ x 14 inches, plus the fee for each page as shown below:

Minimum fee first 6 copies	$2.00
Forms per copy	.10
Reports per page	.10

(b) The fee for reproducing copies of FEMA records over 8½ x 14 inches or whose physical characteristics do not permit reproduction by routine electrostatic copying shall be the direct cost of reproducing the records through Government or commercial sources.

Dated: March 12, 1980.

John W. Macy, Jr.,

Director, Office of Management and Budget.

[FR Doc 80-8170 Filed 3-17-80; 8:45 am]

BILLING CODE 6718-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1036

[Ex Parte No. 252 (Sub-No. 4)]

Level of Incentive Per Diem Charges

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Interstate Commerce Commission is amending its incentive per diem (IPD) regulations to lower the level of incentive per diem charges on plain boxcars and XF cars as has been done for gondolas. The Commission will not extend IPD to year-round applicability for plain boxcars.

EFFECTIVE DATE: Thirty days from the date of service [March 7, 1980].

FOR FURTHER INFORMATION CONTACT: Richard B. Felder, (202) 275–7693.

SUPPLEMENTARY INFORMATION: In our notice of proposed rulemaking in this proceeding served October 11, 1979 [44 FR 59581, Oct. 16, 1979], we proposed to amend our incentive per diem (IPD) regulations at 49 CFR 1036.2 to lower the level of IPD charges on plain boxcars (XM cars) and XF cars as had been done in Ex Parte No. 252 (Sub-No. 2). *Incentive Per Charges—Gondolas*, 361 I.C.C. 454 (1979). We also requested comments on whether the IPD charges on plain boxcars should be returned to a year-round basis.

In our gondola decision, we found to be unnecessarily high the level of compensation produced by combining IPD and the basic per diem charges increased in Ex Parte No. 334, *Car Service Compensation Basic Per Diem Charges*, 361 I.C.C. 189 (1979). The pre-Ex Parte No. 334 combination of basic and incentive elements was implicitly found to constitute a reasonable level; since the basic rate was altered, we found in the gondola decision that an offsetting adjustment would be necessary in the incentive element. 361 I.C.C. at 467–68. Prior to Ex Parte No. 334, plain boxcars earned an 8.2% basic per diem rate of return year-round and a 12.0% incentive per diem annual return for 6 months. This resulted in an average annual return of 14.2%. For XF cars, the annual return was 20.2% (8.2% plus 12.0% year-round).[1] In Ex Parte No. 334, the basic per diem rate of return was increased to 11.94%. Thus, the present combined IPD and basic return for plain boxcars is 17.94% and for XF cars it is 23.94%.

In response to our notice, a number of parties urged the elimination of IPD; others indicated the value of the program. These comments are outside the scope of this proceeding as set forth in our October 11, 1979 notice and shall not be considered. We shall examine the effectiveness of the incentive per diem program in Ex Parte No. 252 (Sub-No. 5) *Elimination of Incentive Per Diem Charges*, notice served December 5, 1979.[2]

The proposal to lower IPD on plain boxcars and XF cars received broad support. Approval for such a change in the regulations came from shippers (for example, the Kimberly-Clark Corporation), IPD creditor roads (the Western Pacific), IPD debtors (the Milwaukee Road), car leasing companies (ITEL), and the smaller carriers (the Chattahoochee Railroad), as well as supporters and opponents of the IPD concept in general. It was argued that lowering the level of IPD would still present a reasonable level of compensation and proper incentive for carriers to acquire boxcars. Little support for the current level of IPD was voiced; a carrier in favor of that level, the East Camden & Highland Railroad Company, maintains that IPD has been a very successful program infusing the rail industry with $1 billion in rolling stock. All in all, however, the presumptions made in our notice proposing the lowering of IPD (the increased level of IPD is unnecessarily high; the pre-E.P. No. 334 level will provide sufficient incentive to attain the objectives of IPD) have not been rebutted by the parties.

We find that the pre-Ex Parte No. 334 level of the combination of incentive per diem and basic per diem charges, used in our gondola and prior boxcar reports, is reasonable. That level is 14.2% for plain (XM) boxcars and 20.2% for XF cars. Because of increases in the level of basic per diem, the current combination of IPD and basic of 17.94% for XM cars and 23.94% for XF is, in our opinion, unnecessarily high for accomplishing IPD's purpose of encouraging the acquisition of cars in short supply. Despite the concerns voiced by the East Camden & Highland, we believe that the combined level we are prescribing will provide sufficient incentive to continue to attract capital which would otherwise not be available for investment in freight cars in short supply.

The tables below contain the incentive per diem charges effective April 1, 1980 on XF boxcars and plain (XM) boxcars.[3] [4] The XF table (§1036.2(b)) is the same as the current plain gondola table except for minor differences due to a more refined calculation. This refinement will facilitate implementation of the new charges by eliminating the computational difficulties encountered in implementing the plain gondola schedule.[5] These difficulties were due to use of rounded figures in three tables since the gondola IPD table was derived by adding the old basic and old IPD and subtracting the new basic charges.

A separate table is required for plain (XM) boxcars to attain a rate of 14.2%. (See § 1036.2(a)). As noted by the National Railway Utilization Corporation, to use the XF and gondola table's 8.26% return for plain boxcars for 6 months would give a return of 16.07% (11.94% plus 4.13%) and not 14.2%. Thus, the table for XM cars reflects an incentive per diem rate of return of 4.52%. This 4.52% rate for 6 months and the 11.94% basic per diem rate results in the pre-Ex Parte No. 334 average annual yield of 14.2%.

Finally, we do not feel there is sufficient evidence to warrant extending IPD on plain boxcars to year-round applicability. We extended IPD year-round by order of March 30, 1973 because the nation was facing the most severe plain boxcar shortage in the Commission's history, caused in part by the Russian wheat sale. Daily shortages in 1973 ranged from a maximum of approximately 18,300 to a low of about 8,500. We returned IPD to six-month applicability by our decision of July 29, 1975 in *Incentive Per Diem Charges—1968* 350 I.C.C. 464. Although shortages still remain for plain boxcars, they are nowhere near the amounts found in 1973

[1] This is the rate of return we approved in the gondola decision.

[2] Several shippers also complained that carriers were attempting to impose surcharges ($200 per car according to the American Cotton Shippers Association) on incentive per diem cars. The Commission by decision of September 4, 1979, Special Permission No. 79–3481, rejected a tariff with such a surcharge. Such surcharges, absent further justification, are discriminatory.

[3] An explanation of the computation of these tables is found in the attachment, *Incentive Hourly Charge Computation Methodology*.

[4] Since IPD applies to XM cars from September through February, the lowered XM car charges will not acutally take effect until September 1, 1980.

[5] Plain gondolas, effective April 1, 1980, will also be governed by this schedule.

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when IPD was made year-round. According to the AAR's report CS 44–C, in October 1979, daily shortages of about 2000 were reported; for November, reports indicated shortages of 1000. Moreover, extending IPD year-round would increase return above the pre-Ex Parte No. 334 levels of the combination of IPD and per diem. IPD charges on plain boxcars shall remain in effect for the 6-month period of September through February.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

It is ordered: We are amending 49 CFR 1036.2 as found below.

The rules are effective 30 days from the date of service. [March 7, 1980]

This proceeding is discontinued.

Decided: March 3, 1980.

Agatha L. Mergenovich,

Secretary.

Attachment—Incentive Hourly Charge Computation Methodology

In the interim report of the Commission in Ex Parte No. 252 (Sub-No. 1), *Incentive Per Diem Charges—1968*, decided December 12, 1969, the methodology used to compute incentive car hire charges was presented. The purpose of this appendix is to provide a more rigorous mathematical presentation of this methodology.

The incentive hourly charge applicable to a car in a given age and cost bracket represents the interest (at the effective incentive rate per hour) on the depreciated value of the midpoint of the cost bracket averaged over the age bracket. The structure of the incentive charges therefore is made up of three components; the cost bracket structure, the depreciation and age bracket structure and the effective hourly interest rate. These will be discussed in separate sections below. The concluding section presents a mathematical formula for computing the incentive hourly charges.

Cost Brackets

The first cost bracket ranges from $1 to $1000 with the remaining brackets defined at $2000 increments. Letting CBL(J) and CBU(J) represent the lower and upper bounds of the Jth cost bracket respectively, the cost bracket structure may be specified as in equations (1), (2), (3), (4), (5) and (6)—

(1) CBL(1)=1
(2) CBU(1)=1000
(3) CBL(2)=1001
(4) CBU(2)=3000
(5) CBL(J)=CBL(J–1)+2000 J=3, 4, . . .
(6) CBU(J)=CBU(J–1)+2000 J=3, 4, . . .

Letting MPCB (J) represent the midpoint of the Jth cost bracket, equation (1)–(6) may be used to specify MPCB (J) as in equation (7).

$$MPCB(J)=\frac{CBL(J)+CBU(J)}{2000} \quad J=1, 2, \ldots$$

Depreciation and Age Brackets

To represent original car cost less accrued depreciation over the car life, depreciation is calculated using the straight line method at a rate of 3 percent with 10 percent salvage value. The car's life is assumed to be 30 years.

Letting C(K) represent the depreciated value of $1000 dollars of the total car cost after (K – ½) years (K=1, 2, . . ., 30, 30.5), C(K) with the above assumptions may be expressed as in equation (8).

(8) $C(K)=1000(1-.03\ (K-½))=1015-30K,\quad K=1, 2, \ldots, 30, 30.5$

The total depreciated cost of the car after (K-½) years is simply the initial cost of the car expressed in units of one thousand dollars multipled by C(K) from equation (8).

As mentioned above the incentive charges are based on the depreciated initial cost of the car averaged over the age bracket covering the age of the car. The age brackets span five years; 1–5 years (group a), 6–10 years (group b), 11–15 years (group c), 16–20 years (group d), 21–25 years (group e), 26–30 years (group f) and greater than 30 years (group g). Letting L_i represent the lower bound and U_i the upper bound of age bracket i (i=a,b,c,d,e,f,g) (note for group g, Lg=Ug=30.5) and letting ADC(i) represent the average depreciated cost over age bracket of $1000 of the total initial cost of a car whose age is covered by age bracket i, equation (8) may be used to express ADC(i) as in equation (9).

(9)

$$ADC(i) = 1/5 \cdot \left[\sum_{k=L_i}^{U_i} C(k)\right] = 1015 - 30 \cdot \left[\left(\sum_{k=L_i}^{U_i} k\right) \cdot 1/5\right]$$

$$\text{for } i = a,b,c,d,e,f$$

$$= C(30.5) = 100 \quad \text{for} \quad i=g$$

It is a simple matter to verify using (9) that ADC(a)=925, ADC(b)=775, ADC(c)=625, ADC(d)=475, ADC(e)=325, ADC(f)=175 and ADC(g)=100.

Effective Hourly Incentive Interest Rate

The incentive interest rate is applied seasonally (on a half year basis) to XM cars and annually to the other IPD car types. If the incentive rate is expressed on an annual basis, the effective incentive rate per hour (whether applicable seasonally or annually) is simply the annual incentive rate divided by the number of hours in a car-year. A car-year contains 342 days with 24 hours in each day for a total of 8208 hours. Letting AIR represent the annual incentive rate, the effective incentive rate per hour (EIR) is given by equation (10).

(10) EIR=AIR/8208.

Incentive Hourly Charge Formula

Letting IHC(J,i) represent the incentive hourly charge applicable during the incentive period for a car whose initial cost falls in cost bracket J and whose age falls in age bracket i, equations (7), (9) and (10) may be used to express IHC(J,i) as in equation (11).

(11)

$$IHC(J,i) = MPCB(J) \cdot \left[1015-30\left[\left(\sum_{k=L_i}^{U_i} k\right) \cdot 1/5\right]\right] \cdot EIR$$

$$\text{for } i = a, b, c, d, e, f$$

$$= MPCB(J) \cdot (100) \cdot EIR$$

$$\text{for } i = g$$

Section 1036.2 is amended as follows:

§ 1036.2 Amount of incentive hourly charge.

(a) The incentive charges applicable on plain boxcars in each cost bracket by age group are set forth below:

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EX PARTE 252 (SUB NO. 4)
INCENTIVE PER DIEM CHARGES
CAR HIRE RATE TABLE
HALF YEAR INCENTIVE CHARGES

COST BRACKET (DOLLARS)	1-5 YEARS HOURLY TIME CHARGE (DOLLARS)	6-10 YEARS HOURLY TIME CHARGE (DOLLARS)	11-15 YEARS HOURLY TIME CHARGE (DOLLARS)	16-20 YEARS HOURLY TIME CHARGE (DOLLARS)	21-25 YEARS HOURLY TIME CHARGE (DOLLARS)	26-30 YEARS HOURLY TIME CHARGE (DOLLARS)	OVER 30 YEARS HOURLY TIME CHARGE (DOLLARS)
1. - 1000.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1001. - 3000.	0.01	0.01	0.01	0.01	0.00	0.00	0.00
3001. - 5000.	0.02	0.02	0.01	0.01	0.01	0.00	0.00
5001. - 7000.	0.03	0.03	0.02	0.02	0.01	0.01	0.00
7001. - 9000.	0.04	0.03	0.03	0.02	0.01	0.01	0.00
9001. - 11000.	0.05	0.04	0.03	0.03	0.02	0.01	0.01
11001. - 13000.	0.06	0.05	0.04	0.03	0.02	0.01	0.01
13001. - 15000.	0.07	0.06	0.05	0.04	0.03	0.01	0.01
15001. - 17000.	0.08	0.07	0.06	0.04	0.03	0.02	0.01
17001. - 19000.	0.09	0.08	0.06	0.05	0.03	0.02	0.01
19001. - 21000.	0.10	0.08	0.07	0.05	0.04	0.02	0.01
21001. - 23000.	0.11	0.09	0.08	0.06	0.04	0.02	0.01
23001. - 25000.	0.12	0.10	0.08	0.06	0.04	0.02	0.01
25001. - 27000.	0.13	0.11	0.09	0.07	0.05	0.03	0.01
27001. - 29000.	0.14	0.12	0.10	0.07	0.05	0.03	0.02
29001. - 31000.	0.15	0.13	0.10	0.08	0.05	0.03	0.02
31001. - 33000.	0.16	0.14	0.11	0.08	0.06	0.03	0.02
33001. - 35000.	0.17	0.15	0.12	0.09	0.06	0.03	0.02
35001. - 37000.	0.18	0.15	0.12	0.09	0.06	0.03	0.02
37001. - 39000.	0.19	0.16	0.13	0.10	0.07	0.04	0.02
39001. - 41000.	0.20	0.17	0.14	0.10	0.07	0.04	0.02
41001. - 43000.	0.21	0.18	0.14	0.11	0.08	0.04	0.02
43001. - 45000.	0.22	0.19	0.15	0.12	0.08	0.04	0.02
45001. - 47000.	0.23	0.20	0.16	0.12	0.08	0.04	0.03
47001. - 49000.	0.24	0.20	0.17	0.13	0.09	0.05	0.03
49001. - 51000.	0.25	0.21	0.17	0.13	0.09	0.05	0.03
51001. - 53000.	0.26	0.22	0.18	0.14	0.09	0.05	0.03
53001. - 55000.	0.28	0.23	0.19	0.14	0.10	0.05	0.03
55001. - 57000.	0.29	0.24	0.19	0.15	0.10	0.05	0.03
57001. - 59000.	0.30	0.25	0.20	0.15	0.10	0.06	0.03
59001. - 61000.	0.31	0.26	0.21	0.16	0.11	0.06	0.03
61001. - 63000.	0.32	0.26	0.21	0.16	0.11	0.06	0.03
63001. - 65000.	0.33	0.27	0.22	0.17	0.11	0.06	0.04
65001. - 67000.	0.34	0.28	0.23	0.17	0.12	0.06	0.04
67001. - 69000.	0.35	0.29	0.23	0.18	0.12	0.07	0.04
69001. - 71000.	0.36	0.30	0.24	0.18	0.13	0.07	0.04
71001. - 73000.	0.37	0.31	0.25	0.19	0.13	0.07	0.04
73001. - 75000.	0.38	0.32	0.25	0.19	0.13	0.07	0.04
75001. - 77000.	0.39	0.32	0.26	0.20	0.14	0.07	0.04
77001. - 79000.	0.40	0.33	0.27	0.20	0.14	0.08	0.04
79001. - 81000.	0.41	0.34	0.28	0.21	0.14	0.08	0.04
81001. - 83000.	0.42	0.35	0.28	0.21	0.15	0.08	0.05
83001. - 85000.	0.43	0.36	0.29	0.22	0.15	0.08	0.05
85001. - 87000.	0.44	0.37	0.30	0.22	0.15	0.08	0.05
87001. - 89000.	0.45	0.38	0.30	0.23	0.16	0.08	0.05
89001. - 91000.	0.46	0.38	0.31	0.24	0.16	0.09	0.05
91001. - 93000.	0.47	0.39	0.32	0.24	0.16	0.09	0.05
93001. - 95000.	0.48	0.40	0.32	0.25	0.17	0.09	0.05
95001. - 97000.	0.49	0.41	0.33	0.25	0.17	0.09	0.05
97001. - 99000.	0.50	0.42	0.34	0.26	0.18	0.09	0.05
99001. - 101000.	0.51	0.43	0.34	0.26	0.18	0.10	0.06
101001. - 103000.	0.52	0.44	0.35	0.27	0.18	0.10	0.06
103001. - 105000.	0.53	0.44	0.36	0.27	0.19	0.10	0.06
105001. - 107000.	0.54	0.45	0.36	0.28	0.19	0.10	0.06

BILLING CODE 7035-01-C

(b) The incentive charges applicable on plain gondolas and XF boxcars in each cost bracket by age group are set forth below:

BILLING CODE 7035-01-M

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EX PARTE 252 (SUB NO. 4)
INCENTIVE PER DIEM CHARGES
CAR HIRE RATE TABLE
ANNUAL INCENTIVE CHARGES

COST BRACKET (DOLLARS)	1-5 YEARS HOURLY TIME CHARGE (DOLLARS)	6-10 YEARS HOURLY TIME CHARGE (DOLLARS)	11-15 YEARS HOURLY TIME CHARGE (DOLLARS)	16-20 YEARS HOURLY TIME CHARGE (DOLLARS)	21-25 YEARS HOURLY TIME CHARGE (DOLLARS)	26-30 YEARS HOURLY TIME CHARGE (DOLLARS)	OVER 30 YEARS HOURLY TIME CHARGE (DOLLARS)
1. - 1000.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1001. - 3000.	0.02	0.02	0.01	0.01	0.01	0.00	0.00
3001. - 5000.	0.04	0.03	0.03	0.02	0.01	0.01	0.00
5001. - 7000.	0.06	0.05	0.04	0.03	0.02	0.01	0.01
7001. - 9000.	0.07	0.06	0.05	0.04	0.03	0.01	0.01
9001. - 11000.	0.09	0.08	0.06	0.05	0.03	0.02	0.01
11001. - 13000.	0.11	0.09	0.08	0.06	0.04	0.02	0.01
13001. - 15000.	0.13	0.11	0.09	0.07	0.05	0.02	0.01
15001. - 17000.	0.15	0.12	0.10	0.08	0.05	0.03	0.02
17001. - 19000.	0.17	0.14	0.11	0.09	0.06	0.03	0.02
19001. - 21000.	0.19	0.16	0.13	0.10	0.07	0.04	0.02
21001. - 23000.	0.20	0.17	0.14	0.11	0.07	0.04	0.02
23001. - 25000.	0.22	0.19	0.15	0.11	0.08	0.04	0.02
25001. - 27000.	0.24	0.20	0.16	0.12	0.09	0.05	0.03
27001. - 29000.	0.26	0.22	0.18	0.13	0.09	0.05	0.03
29001. - 31000.	0.28	0.23	0.19	0.14	0.10	0.05	0.03
31001. - 33000.	0.30	0.25	0.20	0.15	0.10	0.06	0.03
33001. - 35000.	0.32	0.27	0.21	0.16	0.11	0.06	0.03
35001. - 37000.	0.34	0.28	0.23	0.17	0.12	0.06	0.04
37001. - 39000.	0.35	0.30	0.24	0.18	0.12	0.07	0.04
39001. - 41000.	0.37	0.31	0.25	0.19	0.13	0.07	0.04
41001. - 43000.	0.39	0.33	0.26	0.20	0.14	0.07	0.04
43001. - 45000.	0.41	0.34	0.28	0.21	0.14	0.08	0.04
45001. - 47000.	0.43	0.36	0.29	0.22	0.15	0.08	0.05
47001. - 49000.	0.45	0.37	0.30	0.23	0.16	0.08	0.05
49001. - 51000.	0.47	0.39	0.31	0.24	0.16	0.09	0.05
51001. - 53000.	0.48	0.41	0.33	0.25	0.17	0.09	0.05
53001. - 55000.	0.50	0.42	0.34	0.26	0.18	0.10	0.05
55001. - 57000.	0.52	0.44	0.35	0.27	0.18	0.10	0.06
57001. - 59000.	0.54	0.45	0.36	0.28	0.19	0.10	0.06
59001. - 61000.	0.56	0.47	0.38	0.29	0.20	0.11	0.06
61001. - 63000.	0.58	0.48	0.39	0.30	0.20	0.11	0.06
63001. - 65000.	0.60	0.50	0.40	0.31	0.21	0.11	0.06
65001. - 67000.	0.61	0.51	0.42	0.32	0.22	0.12	0.07
67001. - 69000.	0.63	0.53	0.43	0.33	0.22	0.12	0.07
69001. - 71000.	0.65	0.55	0.44	0.33	0.23	0.12	0.07
71001. - 73000.	0.67	0.56	0.45	0.34	0.24	0.13	0.07
73001. - 75000.	0.69	0.58	0.47	0.35	0.24	0.13	0.07
75001. - 77000.	0.71	0.59	0.48	0.36	0.25	0.13	0.08
77001. - 79000.	0.73	0.61	0.49	0.37	0.26	0.14	0.08
79001. - 81000.	0.74	0.62	0.50	0.38	0.26	0.14	0.08
81001. - 83000.	0.76	0.64	0.52	0.39	0.27	0.14	0.08
83001. - 85000.	0.78	0.66	0.53	0.40	0.27	0.15	0.08
85001. - 87000.	0.80	0.67	0.54	0.41	0.28	0.15	0.09
87001. - 89000.	0.82	0.69	0.55	0.42	0.29	0.15	0.09
89001. - 91000.	0.84	0.70	0.57	0.43	0.29	0.16	0.09
91001. - 93000.	0.86	0.72	0.58	0.44	0.30	0.16	0.09
93001. - 95000.	0.88	0.73	0.59	0.45	0.31	0.17	0.09
95001. - 97000.	0.89	0.75	0.60	0.46	0.31	0.17	0.10
97001. - 99000.	0.91	0.76	0.62	0.47	0.32	0.17	0.10
99001. - 101000.	0.93	0.78	0.63	0.48	0.33	0.18	0.10
101001. - 103000.	0.95	0.80	0.64	0.49	0.33	0.18	0.10
103001. - 105000.	0.97	0.81	0.65	0.50	0.34	0.18	0.10
105001. - 107000.	0.99	0.83	0.67	0.51	0.35	0.19	0.11

[FR Doc. 80-8138 Filed 3-17-80; 8:45 am]
BILLING CODE 7035-01-C

Proposed Rules

Federal Register
Vol. 45, No. 54
Tuesday, March 18, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

10 CFR Part 440

[Docket No. CAS-RM-80-508]

Weatherization Assistance for Low-Income Persons; Amendment of Regulation and Request for Comments; Cancellation of Public Hearing

AGENCY: Department of Energy.

ACTION: Interim Rule with Request for Comments; Cancellation of Public Hearings.

SUMMARY: The Department of Energy hereby cancels two public hearings on the Weatherization Assistance for Low-Income Persons; Amendment of Regulation and Request for Comments which were scheduled for March 19, 1980 in Chicago, Illinois and March 20, 1980 in Denver, Colorado. The public hearings are cancelled due to lack of public interest in making oral presentations at the hearing. As stated in the notice of the Interim Final Rule with Request for Comments issued on February 22, 1980 (45 FR 13028, February 27, 1980), written comments on the Interim Final Rule must be received by 4:30 p.m. on April 28, 1980.

FOR FURTHER INFORMATION CONTACT:
Carolyn Martin, Office of Weatherization Assistance, Department of Energy, 1000 Independence Avenue, SW., Mail Stop 2H-027, Washington, D.C. 20585, (202) 252-2207.

Issued in Washington, D.C., March 12, 1980.

Worth Bateman,
Deputy Under Secretary.

[FR Doc. 80-8247 Filed 3-17-80; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 170

[Docket No. 77N-0222]

Nitrates and Nitrites in Poultry Products; Proposed Declaration that no Prior Sanction Exists

AGENCY: Food and Drug Administration.

ACTION: Extension of comment period on proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is allowing an additional 90 days for comment on a proposed regulation that would declare that the use of nitrates and nitrites in poultry products is not the subject of any prior sanction granted by FDA under the Federal Food, Drug, and Cosmetic Act.

DATE: Comments by June 18, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:
Gerad McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 21, 1979 (44 FR 75662), FDA proposed to adopt by regulation the position that no prior sanction or approval granted under the Federal Food, Drug, and Cosmetic Act (the act), within the meaning of section 201(s)(4) of the act (21 U.S.C. 321(s)(4)), exists for the use of nitrates and nitrites in poultry products. Comments originally were to be filed by February 19, 1980.

The comment period was extended to March 20, 1980 in response to requests by the Special Poultry Research Committee (SPRC) and others for additional time to prepare comments (45 FR 11840; February 22, 1980). FDA granted that 30-day extension based on delays attributable to the holiday season. FDA concluded that the entire 180-day extension SPRC and others sought was not justified because the poultry industry, particularly SPRC, has been aware of FDA's position on the prior sanction issue for well over 2 years and has known of FDA's intent to initiate this rulemaking since at least July 20, 1979. No adequate assurance was provided in the original request that a further extension would result in any new evidence that a prior sanction had been granted.

The SPRC now has provided FDA with details of new efforts in and other industry representatives are making to obtain new information, from sources not yet fully explored, bearing on the existence of a prior sanction for the use of sodium nitrite in poultry products. SPRC states, in part, that as a consequence of the December 21, 1979 notice, over 4,000 individual poultry businesses have been contacted by member trade associations and asked to search records and submit relevant information, and that a more thorough investigation of U.S. Department of Agriculture (USDA) records is warranted and has been undertaken. SPRC requests 90 additional days to gather this information and complete its comments.

The agency agrees that the actions SPRC has now undertaken to gather information on the prior sanction issue could be productive and will require more time to complete. Therefore FDA is granting the additional 90-day extension of the comment period. The new deadline for comments is June 18, 1980.

Subsequent to SPRC's latest request for extension of the comment period, the agency received requests from Valchris, Inc., and Land O Lakes, Inc., asking for a 180-day extension to give them time to search their files for documents supporting the existence of a prior sanction. FDA acknowledges that individual businesses need time to search their files, and this has been a consideration in granting the 90-day extension discussed above. The agency does not believe that such a search of files justifies a 180-day extension.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s) and 701(a), 72 Stat. 1784 as amended, 52 Stat. 1055 (21 U.S.C. 321(s) and 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), the comment period on the proposed rule to declare that no prior sanction exists for the use of nitrates and nitrites in poultry is extended to June 18, 1980.

Interested persons may, on or before June 18, 1980, submit written comments

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to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above-named office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 13, 1980.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8313 Filed 3-17-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 575

Waiver of Child Labor Provisions for Agricultural Employment of 10 and 11 Year Old Minors in Hand Harvesting of Short Season Crops; Provisions Governing Application for and Issuance of a Waiver; Restrictions on Use of Pesticides and Other Chemicals

Correction

In FR Doc. 80-7368 appearing at page 15168 in the issue of Friday, March 7, 1980, making the following corrections:

1. On page 15168, in the first column, the fifteenth line of the SUMMARY paragraph reading "injuction pending" should be corrected to read "injunction pending".

2. Also on page 15168, in the third column, the second line from the bottom reading "statutory criteria existed. The labor" should be corrected to read "statutory criteria existed. The Labor".

3. On page 15169, in the third column, the eighth line of the first full paragraph reading "were codified at 19 CFR 575.5(d). (The" should be corrected to read "were codified at 29 CFR 575.5(d). (The".

4. On page 15170, in the first column, the eleventh line of the third complete paragraph reading "chemicals which might possible be used" should be corrected to read "chemicals which might possibly be used".

5. On page 15170, in the second column, in the first table, on line six reading "Tricycloexyltin" should be corrected to read "Tricyclohexyltin".

6. Also on page 15170, in the second column, in the second table, on the twenty-fifth line reading "Paraguat" should be corrected to read "Paraquat".

BILLING CODE 1505-01-M

TREASURY DEPARTMENT

Office of the Secretary

31 CFR Part 14

Regulations Concerning Post Employment Conflict of Interest

AGENCY: Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: The proposed rule implements the application of Title V of the Ethics in Government Act of 1978 addressing post employment conflicts of interest by former officers and employees of the Department of the Treasury. It establishes the procedure to impose administrative restrictions for violation of the post employment laws by such former officers and employees.

DATES: Comments must be in writing and must be received on or before April 17, 1980. The effective date of the regulation will be January 1, 1980.

ADDRESS: Comments should be addressed to the Director of Practice, Department of the Treasury, Washington, D.C. 20220.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie S. Shapiro, Director of Practice, 202-376-0767.

SUPPLEMENTARY INFORMATION: Title V of the Ethics in Government Act of 1978 amended 18 U.S.C. 207 which prohibits certain post employment activities of former Government employees. Subsection (j) of 18 U.S.C. 207, as amended, provides that if the head of a department finds that a former officer or employee of the department violated 18 U.S.C. 207(a), (b) or (c), he/she may prohibit that person from appearing before the department, or communicating with the department, with the intent to influence, on behalf of any other person (except the United States) for a period of not to exceed five years or take other appropriate disciplinary action. Subsection (j) also requires that the former officer or employee be given notice and opportunity for a hearing. Accordingly, departments and agencies, in consultation with the Director of the Office of Government Ethics, have been required by the legislation to establish procedures to carry out such provision by January 1, 1980. The Office of Government Ethics published interim regulations to implement 18 U.S.C. 207 in the **Federal Register** for April 3, 1979 (44 FR 19974 (1979)). The final rule was published in the **Federal Register** for February 1, 1980 (45 FR 7402 (1980)).

The proposed rule implements 18 U.S.C. 207(j) for the Department of the Treasury. It incorporates by reference the substantive provisions of the regulations published by the Office of Government Ethics. The regulations will be enforced by the Director of Practice, Office of the Secretary. The proposed procedural rules applicable to disciplinary proceedings are similar to those pertaining to the discipline of Internal Revenue Service practitioners in 31 CFR Part 10 and practitioners before the Bureau of Alcohol, Tobacco and Firearms in 31 CFR Part 8, which are also the responsibility of the Director of Practice.

The sanctions available may affect a former employee's eligibility to practice before the entire Department of the Treasury or a separate statutory agency of the Department depending on the circumstances of the violation. Effective July 1, 1979, the following agencies and bureaus within the Department of the Treasury were designated as separate statutory agencies or bureaus by rule of the Office of Government Ethics:

Internal Revenue Service
Bureau of Alcohol, Tobacco and Firearms
United States Secret Service
Bureau of the Mint
United States Customs Service
Bureau of Engraving and Printing
Comptroller of the Currency

In addition, a former officer or employee of the Department of the Treasury who violates 18 U.S.C. 207 (a), (b) or (c) during practice before the Bureau of Alcohol, Tobacco and Firearms or the Internal Revenue Service also may be subject to a disciplinary proceeding pursuant to 31 CFR Part 8 or Part 10, whichever is applicable. Such a proceeding may be consolidated with a proceeding under this part.

It has been determined that the proposed regulation does not meet the Treasury criteria for a significant regulation.

Drafting Information

The principal author of the proposed rule is Mr. Leslie S. Shapiro, Director of Practice, and members of his staff.

Authority

These amendments are proposed under authority of 92 Stat. 1864 (18 U.S.C. 207), as amended. In consideration of the foregoing, it is proposed, after consultation with the Office of Government Ethics, to amend Subtitle A of 31 CFR by adding a new Part 14 to read as follows:

PART 14—REGULATIONS CONCERNING POST EMPLOYMENT CONFLICT OF INTEREST

Subpart A—General Provisions

Sec.
14.737-1 Scope.
14.737-2 Definitions.
14.737-3 Director of practice.
14.737-4 Other discipline.
14.737-5 Records.

Subpart B—Rules Applicable to Post Employment Practice by Officers and Employees of the Department

§ 14.737-6 Interpretative Standards.

Subpart C—Administrative Enforcement Proceedings

14.737-7 Authority to prohibit practice.
14.737-8 Special orders.
14.737-9 Receipt of information concerning former Treasury employee.
14.737-10 Conferences.
14.737-11 Institution of proceeding.
14.737-12 Contents of complaint.
14.737-13 Service of complaint and other papers.
14.737-14 Answer.
14.737-15 Reply to answer.
14.737-16 Proof; variance, amendment of pleadings.
14.737-17 Motions and requests.
14.737-18 Representation.
14.737-19 Administrative Law Judge.
14.737-20 Hearings.
14.737-21 Evidence.
14.737-22 Depositions.
14.737-23 Transcript.
14.737-24 Proposed findings and conclusions.
14.737-25 Decision of the Administrative Law Judge.
14.737-26 Appeal to the General Counsel.
14.737-27 Decision of the General Counsel.
14.737-28 Notice of disciplinary action.

Subpart D—Other Departmental Proceedings

14.737-29 Review by the General Counsel.

Authority: 92 Stat. 1864 (18 U.S.C. 207), as amended, except at otherwise noted.

Subpart A—General Provisions

§ 14.737-1 Scope.

This part contains rules governing discipline of a former officer or employee of the Department of the Treasury because of a post employment conflict of interest. Such discipline may include prohibition from practice before the Department or a separate statutory agency thereof as those terms are defined in this part.

§ 14.737-2 Definitions.

For the purpose of this part—

(1) The term "Department" means the Department of the Treasury and includes the separate statutory agencies thereof.

(2) The term "Director" means the Director of Practice.

(3) The term "General Counsel" means the General Counsel of the Department.

(4) The term "practice" means any informal or formal appearance before, or, with the intent to influence, any oral or written communication to the Department or, where applicable, to a separate statutory agency thereof on a pending matter of business on behalf of any other person (except the United States).

(5) The term "separate statutory agency thereof" means an agency or bureau within the Department designated by rule by the Director, Office of Government Ethics as a separate agency or bureau. The Internal Revenue Service, Bureau of Alcohol, Tobacco and Firearms, United States Secret Service, Bureau of the Mint, United States Customs Service, Bureau of Engraving and Printing, and Comptroller of the Currency were so designated effective July 1, 1979.

§ 14.737-3 Director of practice.

There is, in the Office of the Secretary of the Treasury, the Office of Director of Practice. The Director shall institute and provide for the conduct of disciplinary proceedings involving former employees of the Department as authorized by 18 U.S.C. 207(j), and perform such other duties as are necessary or appropriate to carry out his/her functions under this part.

§ 14.737-4 Other discipline.

For activity alleged to violate 18 U.S.C. 207 (a), (b) or (c), the Director may also bring a disciplinary proceeding pursuant to the regulations governing practice before the Bureau of Alcohol, Tobacco and Firearms or the Internal Revenue Service as found in 31 CFR Part 8 and 31 CFR Part 10, respectively. Such proceeding may be consolidated with any proceeding brought pursuant to this part.

§ 14.737-5 Records.

There are made available to public inspection at the Office of Director of Practice the roster of all persons prohibited from practice before the Department. Other records may be disclosed upon specific request, in accordance with appropriate disclosure regulations of the Department.

Subpart B—Rules Applicable to Post Employment Practice by Officers or Employees of the Department

§ 14.737-6 Interpretative standards.

A determination that a former officer or employee of the Department violated 18 U.S.C. 207 (a), (b) or (c) will be made in conformance with the standards established in the interpretative regulations promulgated by the Office of Government Ethics and published at 5 CFR Part 737.

Subpart C—Administrative Enforcement Proceedings

§ 14.737-7 Authority to prohibit practice.

Pursuant to 18 U.S.C. 207(j), if the General Counsel finds, after notice and opportunity for a hearing, that a former officer or employee of the Department violated 18 U.S.C. 207 (a), (b) or (c), the General Counsel in his/her discretion may prohibit that person from engaging in practice before the Department or a separate statutory agency thereof for a period not to exceed five years, or may take other appropriate disciplinary action.

§ 14.737-8 Special orders.

The General Counsel may issue special orders as he/she may consider proper in any case within the purview of this part.

§ 14.737-9 Receipt of information concerning former Treasury employees.

If an officer or employee of the Department has reason to believe that a former officer or employee of the Department has violated 18 U.S.C. 207 (a), (b) or (c), or if any such officer or employee receives information to that effect, he/she shall promptly make a written report thereof, which report or a copy thereof shall be forwarded to the Inspector General, Department of the Treasury. If any other person has information of such violations, he/she may make a report thereof to the Inspector General or to any officer or employee of the Department. The Inspector General shall refer any information he/she deems warranted to the Director.

§ 14.737-10 Conferences.

(a) *In general.* The Director may confer with a former officer or employee concerning allegations of misconduct irrespective of whether an administrative disciplinary proceeding has been instituted against him/her. If such conference results in a stipulation in connection with a proceeding in which such person is the respondent, the stipulation may be entered in the record at the instance of either party to the proceeding.

(b) *Voluntary suspension.* A former officer or employee, in order to avoid the institution or conclusion of proceeding, may offer his/her consent to suspension from practice before the Department or a separate statutory agency thereof. The Director in his/her discretion, may suspend a former officer

or employee in accordance with the consent offered.

§ 14.737-11 Institution of proceeding.

(a) Whenever the Director has reason to believe that any former officer or employee of the Department has violated 18 U.S.C. 207(a), (b) or (c), he/she may reprimand such person or institute an administrative disciplinary proceeding for that person's suspension from practice before the Department or a separate statutory agency therof. The proceeding shall be instituted by a complaint which names the respondent and is signed by the Director and filed in his/her office. Except in cases of willfulness, or where time, the nature of the proceeding, or the public interest does not permit, a proceeding will not be instituted under this section until facts or conduct which may warrant such action have been called to the attention of the proposed respondent in writing and he/she has been accorded the opportunity to provide his/her position on the matter.

(b) The Director shall coordinate proceedings under this part with the Department of Justice in cases where it initiates criminal prosecution.

§ 14.737-12 Contents of complaint.

(a) *Charges.* A complaint shall give a plain and concise description of the allegation which constitute the basis for the proceeding. A complaint shall be deemed sufficient if it fairly informs the respondent of the charges against him/her so that the respondent is able to perpare a defense.

(b) *Demand for answer.* In the complaint, or in a separate paper attached to the complaint, notificaiton shall be given of the place and time within which the respondent shall file his/her answer, which time shall not be less than 15 days from the date of service of the complaint, and notice shall be given that a decison by default may be rendered against the respondent in the event he/she fails to file an answer as required.

§ 14.737-13 Service of complaint and other papers.

(a) *Complaint.* The complaint or a copy thereof may be served upon the respondent by certified mail, or first-class mail as hereinafter provided; by delivering it to the respondent or his/her attorney or agent of record either in person or by leaving it at the office or place of business of the respondent, attorney or agent; or in any other manner which has been agreed to by the respondent. Where the service is by certified mail, the return post office receipt duly signed by or on behalf of the respondent shall be proof of service. If the certified mail is not claimed or accepted by the respondent and is returned undelivered, complete service may be made upon the respondent by mailing the complaint to him/her by first-class mail, addressed to him/her at the last address known to the Director. If service is made upon the respondent or his/her attorney or agent of record in person or by leaving the complaint at the office or place of business of the respondent, attorney or agent, the verified return by the person making service, setting forth the manner of service, shall be proof of such service.

(b) *Service of papers other than complaint.* Any paper other than the complaint may be served upon a respondent as provided in paragraph (a) of this section or by mailing the paper by first-class mail to the respondent at the last address known to the Director, or by mailing the paper by first-class mail to the respondent's attorney or agent of record. Such mailing shall constitute complete servce. Notices may be served upon the respondent or his/her attorney or agent of record by telegraph.

(c) *Filing of papers.* Whenever the filing of a paper is required or permitted in connection with a proceeding, and the place of filing is not specified by this subpart or by rule or order of the Administrative Law Judge, the paper shall be filed with the Director of Practice, Department of the Treasury, Washington, D.C. 20220. All papers shall be filed in duplicate.

§ 14.737-14 Answer.

(a) *Filing.* The respondent's answer shall be filed in writing within the time specified in the complaint, unless on application the time is extended by the Director or the Administrative Law Judge. The answer shall be filed in duplicate with the Director.

(b) *Contents.* The answer shall contain a statement of facts which constitute the grounds of defense, and it shall specifically admit or deny each allegation set forth in the complaint, except that the respondent shall not deny a material allegation in the complaint which he/she knows to be true, or state that he/she is without sufficient information to form a belief when in fact he/she possesses such information. The respondent may also state affirmatively special matters of defense.

(c) *Failure to deny or answer allegations in the complaint.* Every allegation in the complaint which is not denied in the answer shall be deemed to be admitted and may be considered as proved, and no further evidence in respect of such allegaton need be adduced at a hearing. Failure to file an answer within the time prescribed in the notice to the respondent, except as the time for answer is extended by the Director or the Administrative Law Judge, shall constitute an admission of the allegations of the complaint and a waiver of hearing, and the Administrative Law Judge may make his/her decision by default without a hearing or further procedure.

§ 14.737-15 Reply to answer.

No reply to the respondent's answer shall be required, and new matter in the answer shall be deemed to be denied; but the Director may file a reply in his/her discretion or at the request of the Administrative Law Judge.

§ 14.737-16 Proof; variance; amendment of pleadings.

In the case of a variance between the allegations in a pleading and the evidence adduced in support of the pleading, the Administrative Law Judge may order or authorize amendment of the pleading to conform to the evidence: *Provided,* That the party who would otherwise be prejudiced by the amendment is given reasonable opportunity to meet the allegations of the pleading as amended; and the Administrative Law Judge shall make findings on any issue presented by the pleadings as so amended.

§ 14.737-17 Motions and requests.

Motions and requests may be filed with the Director or with the Administrative Law Judge.

§ 14.737-18 Representation.

A respondent or proposed respondent may appear in person or he/she may be represented by counsel or other representative. The Director may be represented by an attorney or other employee of the Department.

§ 14.737-19 Administrative Law Judge.

(a) *Appointment.* An Administrative Law Judge appointed as provided by 5 U.S.C. 3105 (1966), shall conduct proceedings upon complaints for the administrative disciplinary proceedings under this part.

(b) *Power of Administrative Law Judge.* Among other powers, the Administrative Law Judge shall have authority, in connection with any proceeding assigned or referred to him/her, to do the following:

(1) Administer oaths and affirmations;

(2) Make rulings upon motions and requests, which rulings may not be appealed from prior to the close of a hearing except, at the discretion of the Administrative Law Judge, in extraordinary circumstances;

(3) Determine the time and place of hearing and regulate its course and conduct;

(4) Adopt rules of procedure and modify the same from time to time as occasion requires for the orderly disposition of proceedings;

(5) Rule upon offers of proof, receive relevant evidence, and examine witnesses;

(6) Take or authorize the taking of depositions;

(7) Receive and consider oral or written argument on facts or law;

(8) Hold or provide for the holding of conferences for the settlement or simplification of the issues by consent of the parties;

(9) Assess the responsible party extraordinary costs attributable to the location of a hearing.

(10) Perform such acts and take such measures as are necessary or appropriate to the efficient conduct of any proceeding; and

(11) Make initial decisions.

§ 14.737-20 Hearings.

(a) *In general.* The Administrative Law Judge shall preside at the hearing on a complaint for the suspension of a former officer or employee from practice before the Department. Hearings shall be stenographically recorded and transcribed and the testimony of witnesses shall be taken under oath or affirmation. Hearings will be conducted pursuant to 5 U.S.C. 556.

(b) *Public access to hearings.* Hearings will be closed unless an open hearing is requested by the respondent, except that if classified information or protected information of third parties (such as tax information) is likely to be adduced at the hearing, it will remain closed. A request for an open hearing must be included in the answer to be considered.

(c) *Failure to appear.* If either party to the proceeding fails to appear at the hearing, after due notice thereof has been sent to him/her, he/she shall be deemed to have waived the right to a hearing and the Administrative Law Judge may make a decision against the absent party by default.

§ 14.737-21 Evidence.

(a) *In general.* The rules of evidence prevailing in courts of law and equity are not controlling in hearings on complaints for the suspension of a former officer or employee from practice before the Department. However, the Administrative Law Judge shall exclude evidence which is irrelevant, immaterial, or unduly repetitious.

(b) *Depositions.* The deposition of any witness taken pursuant to Section 14.737-22 of this part may be admitted.

(c) *Proof of documents.* Official documents, records and papers of the Department shall be admissible in evidence without the production of an officer or employee to authenticate them. Any such documents, records, and papers may be evidenced by a copy attested or identified by an officer or employee of the Department.

(d) *Exhibits.* If any document, record, or other paper is introduced in evidence as an exhibit, the Administrative Law Judge may authorize the withdrawal of the exhibit subject to any conditions which he/she deems proper.

(e) *Objections.* Objections to evidence shall be in short form, stating the grounds of objection relied upon, and the record shall not include argument thereon, except as ordered by the Administrative Law Judge. Rulings on such objections shall be a part of the record. No exception to the ruling is necessary to preserve the rights of the parties.

§ 14.737-22 Depositions.

Depositions for use at a hearing may, with the consent of the parties in writing or the written approval of the Administrative Law Judge, be taken by either the Director or the respondent or their duly authorized representatives. Depositions may be taken upon oral or written interrogatories, upon not less than 10 days' written notice to the other party before any officer duly authorized to administer an oath for general purposes or before an officer or employee of the Department who is authorized to administer an oath. Such notice shall state the names of the witnesses and the time and place where the depositions are to be taken. The requirement of 10 days' notice may be waived by the parties in writing, and depositions may then be taken from the persons and at the times and places mutually agreed to by the parties. When a deposition is taken upon written interrogatories, any cross-examination shall be upon written interrogatories. Copies of such written interrogatories shall be served upon the other party with the notice, and copies of any written cross-interrogation shall be mailed or delivered to the opposing party at least 5 days before the date of taking the depositions, unless the parties mutually agree otherwise. A party upon whose behalf a deposition is taken must file it with the Administrative Law Judge and serve one copy upon the opposing party. Expenses in the reporting of depositions shall be borne by the party at whose instance the deposition is taken.

§ 14.737-23 Transcript.

In cases where the hearing is stenographically reported by a Government contract reporter, copies of the transcript may be obtained from the reporter at rates not to exceed the maximum rates fixed by contract between the Government and the reporter. Where the hearing is stenographically reported by a regular employee of the Department, a copy thereof will be supplied to the respondent either without charge or upon payment of a reasonable fee. Copies of exhibits introduced at the hearing or at the taking of depositions will be supplied to the parties upon the payment of a reasonable fee (Sec. 501, Pub. L. 82-137, 65 Stat. 290 (31 U.S.C. 483a)).

§ 14.737-24 Proposed findings and conclusions.

Except in cases where the respondent had failed to answer the complaint or where a party has failed to appear at the hearing, the Administrative Law Judge prior to making his/her decision, shall afford the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor.

§ 14.737-25 Decision of the Administrative Law Judge.

As soon as practicable after the conclusion of a hearing and the receipt of any proposed findings and conclusions timely submitted by the parties, the Administrative Law Judge shall make the initial decision in the case. The decision shall include (a) a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (b) an order of suspension from practice before the Department or separate statutory agency thereof or other appropriate disciplinary action, or an order of dismissal of the complaint. The Administrative Law Judge shall file the decision with the Director and shall transmit a copy thereof to the respondent of his/her attorney of record. In the absence of an appeal to the General Counsel or review of the decision upon motion of the General Counsel, the decision of the Administrative Law Judge shall without further proceedings become the decision of the General Counsel 30 days from the date of Administrative Law Judge's decision.

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§ 14.737-26 Appeal to the General Counsel.

Within 30 days from the date of the Administrative Law Judge's decision, either party may appeal to the General Counsel. The appeal shall be filed with the Director in duplicate and shall include exceptions to the decision of the Administrative Law Judge and supporting reasons for such exceptions. If an appeal is filed by the Director, he/she shall transmit a copy thereof to the respondent. Within 30 days after receipt of an appeal or copy thereof, the other party may file a reply brief in duplicate with the Director. If the reply brief is filed by the Director, he/she shall transmit a copy of it to the respondent. Upon the filing of an appeal and a reply brief, if any, the Director shall transmit the entire record to the General Counsel.

§ 14.737-27 Decision of the General Counsel.

On appeal from or review of the initial decision of the Administrative Law Judge, the General Counsel will make the agency decision. In making his/her decision, the General Counsel will review the record or such portions thereof as may be cited by the parties to permit limiting of the issues. A copy of the General Counsel's decision shall be transmitted to the respondent by the Director.

§ 14.737-28 Notice of disciplinary action.

(a) Upon the issuance of a final order suspending a former officer of employee from practice before the Department or a separate statutory agency thereof, the Director shall give notice thereof to appropriate officers and employees of the Department. Officers and employees of the Department shall refuse to participate in any appearance by such former officer or employee or to accept any communication which constitutes the prohibited practice before the Department or separate statutory agency thereof during the period of suspension.

(b) The Director shall take other appropriate disciplinary action as may be required by the final order.

Subpart D—Other Departmental Proceedings

§ 14.737-29 Review by the General Counsel.

In any proceeding before the Department, if an initial decision is made with respect to the disqualification of a representative or attorney for a party on the grounds of 18 USC 207 (a), (b) or (c), such decision may be appealed to the General Counsel, who will make the agency decision on the issue.

Dated: March 12, 1980.

J. William Miller,

Secretary of the Treasury.

[FR Doc. 80-8143 Filed 3-17-80; 8:45 am]
BILLING CODE 4810-25-M

POSTAL SERVICE

39 CFR Part 111

Official Mail; Revised Procedures for Handling Postage Meters Used by Federal Agencies

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: These proposed regulations would expand and clarify current regulations for handling official mail postage meters. Major changes would provide that Federal agencies operate only one postage meter per license, that billings for postage be based upon the amount of postage set on each meter in a quarter, and that procedures be established to handle shortpaid official metered mail. This proposal is intended to improve accountability for official postage meter mail.

DATE: Comments must be received on or before April 17, 1980.

ADDRESS: Written comments should be sent or delivered to the Manager, Government Revenue and Examination Branch, Finance Department, U.S. Postal Service, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocopying at the above address between 9 A.M. and 4 P.M., Monday through Friday, in Room 8446.

FOR FURTHER INFORMATION CONTACT: Darrell L. Moriarity, (202) 245-5623.

SUPPLEMENTARY INFORMATION: Current regulations in Chapter 1 of the Domestic Mail Manual (formerly the Postal Service Manual) do not provide adequate information for proper handling of postage meters used by Federal agencies. The regulations proposed would provide more definitive instructions for handling these meters. Some agencies are presently operating more than one meter on a single license. This procedure, which does not provide adequate control to ensure that charges for all meters are properly billed, would be changed under the proposal.

Federal agencies currently reimburse the Postal Service for official meter postage based upon postage that has been used. The agencies provide the Postal Service with periodic reports of postage used and are billed based on these reports. This procedure depends solely upon the accuracy and completeness of agency reporting, which is exceedingly difficult and costly to verify. The Postal Service proposes, therefore, to establish an automated accounting system, conforming to sound accounting principles, that will provide accurate accounting information for billing Federal agencies for postage set on their meters.

Present regulations do not identify procedures for handling short paid or unpaid official metered postage. As a result, there appears to be some confusion over the proper way to handle this mail, with resultant loss of revenue. The proposed regulations would instruct postal employees to follow procedures prescribed in 146.12, 146.13, and 146.4 of the Domestic Mail Manual for handling short paid or unpaid official metered mail. These sections provide that unpaid mail will be returned to sender for postage. Short paid mail is delivered to addressee if the addressee pays the additional postage. If the addressee refuses to pay the deficiency, the mail is returned to the sender and delivered upon payment of the deficiency.

To carry out the above purposes, the Postal Service proposes to revise sections 137.273a and 137.276 a and b of the Domestic Mail Manual. We anticipate these changes, if adopted, will become effective on July 1, 1980 (fourth quarter, GFY 1980).

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**. See 39 CFR 111.1.

PART 137—OFFICIAL MAIL

In 137.27, revise .273a and .276 to read as follows:

.27 Services To Be Provided

* * * * *

.273 Mailing Procedures Requiring Permits.

Government agencies authorized in 137.231 to use official mail services may use payment procedures and/or mail at postage rates requiring permits in accordance with the following requirements:

a. *Postage Meters*—The procedures prescribed in 144 must be followed for official mail postage meters, except as modified below:

(1) *License.* A government agency authorized by 137.231 to use official mail services may obtain a license to use an official postage meter by submitting Form 3601-A, *Application for a Postage Meter License*, to the Manager, Government Revenue and Examination Branch, U.S. Postal Service, Washington, DC 20260. A separate application must be submitted for each meter to be set. Only one meter may be set for each license issued. A copy of each approved license will be sent to the post office at the authorized location as the authority to set one official postage meter without prepayment.

(2) *Meter Settings and Payment.* Payment is not required at the time an official meter is set. Government agencies are billed for all meter settings from Postal Service Headquarters. Form 3610, *Record of Postage Meter Settings*, must be completed and maintained for official mail meters by the meter-setting employee at the post office authorized to set the meter. When completing Form 3610, no entry is necessary in Column 6, *Amount Collected.* Form 3610 for official mail meters should be filed separately from commercial meter Form 3610 in license number sequence. There must be only one meter and one Form 3610 per license number. Since the six-month inspection required by 144.224 applies to official meters and payment will be based on amounts set, post offices should suggest that government agencies set their meters at least once every six months with enough postage to cover six month's estimated use.

(3) *Reporting Settings.* Official mail meter settings will not be reported by postal employees on Form 1412, *Daily Financial Report.* Total quarterly settings will be reported for each license/meter on Form 3612; *Quarterly Report of Official Mail Meter Settings*, and forwarded to the Manager, Government Revenue and Examination Branch within five days after the close of each quarter. A negative report is required for those meters with no settings during a quarter (see instructions on reverse of report Form 3612). Government agencies will be billed from Postal Service Headquarters for the amount of postage set during each quarter based upon these reports.

(4) *Spoiled Meter Postage.* To obtain credit, an agency must present spoiled meter postage to the setting post office. When spoiled postage is presented, follow the procedures in 147.2 must be followed by completing Form 3533, *Application and Voucher for Refund of Postage and Fees.* Note: No refund will be made in cash or applied to a meter. A file of Forms 3533 by license number will be maintained by the post office and the amount of credit will be reported in the "Credit" section on Form 3612 at the close of each quarter.

(5) *Changing Meter Location.* When an official mail meter is transferred from one post office to another, the government agency must re-apply in accordance with 137.273a(1) for a license authorizing the new post office to set the meter without prepayment. Official meters may be transferred between stations or branches within the same city without a new license application or notification to Headquarters.

(6) *Replacement Meters.* If a meter is replaced and the remaining postage is transferred from the original meter to the replacement meter, report the transfer information will be reported in the "Transfer" section on Form 3612. Postage will be transferred to a replacement meter only. It will not be transferred to a meter operating under a different license number. If a meter is checked out-of-service without replacement, the procedures in 137.273a(7) will be followed.

(7) *Checking Meter Out-of-Service.* When an official mail meter is checked out-of-service without replacement, and postage remains on the meter, no cash refund will be given by the post office. The post office will report the required information in the "Withdrawn Meter (Not Replaced)" section of Form 3612. If a possible meter malfunction is indicated when a meter is checked out-of-service, a copy of the meter manufacturer's report will be forwarded to the Manager, Government Revenue and Examination Branch immediately, so the agency's account can be adjusted.

(8) *On-site Meter Settings.* Government agencies which desire on-site meter settings must pay the setting fee prescribed in 144.35 when the meter is set. *Note:* Agencies are not required to prepay for the actual amount of postage set. Reports of on-site settings will be made in accordance with 137.273a(3).

(9) *Mailings.* A special official mail meter-stamp design is prescribed for metered official mail (see 144.41). Official mail envelopes used with a postage meter system must not contain the *Postage and Fees Paid* imprint or other printing in the area where postage will be applied. Official meter imprints should indicate the correct postage, including applicable surcharge, for the class and weight of the mail piece. Official metered mail with insufficient postage imprinted will be handled in accordance with 146.13 or 146.4 as appropriate. If official envelopes and labels designed for meter use are found in the mail without a meter stamp, they will be treated in accordance with 146.12. Post offices serving Federal goverhment agencies using postage meters will monitor such mailings for possible postage deficiencies.

* * * * *

.276 Forwarding Billing Records.

a. Copies of Forms 25, 3541, 3541-A, 3602, 3602-PC and 3612 pertinent to official mailings and meter settings will be forwarded to the Government Revenue & Examination Branch, Finance Department, U.S. Postal Service, Washington, D.C. 20260, for billing purposes.

b. Forms 3541, 3541-A, 3602, and 3602-PC will be forwarded at the end of each accounting period. Forms 25 and 3612 will be forwarded at the end of each quarter.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposals are adopted.

(39 U.S.C. 401(2), 404(2))

W. Allen Sanders,

Associate General Counsel for General Law and Administration.

[FR Doc. 80-8141 Filed 3-17-80; 8:45 am]
BILLING CODE 7710-12-M

DEPARTMENT OF THE INTERIOR

Water and Power Resources Service

43 CFR Part 428

Sale of Replacement Farm Units to Teton Flood Victims

AGENCY: Water and Power Resources Service, Interior.

ACTION: Proposed rule.

SUMMARY: An environmental impact assessment was prepared on the proposed sale on January 18, 1979. Since that time, the number of qualified farmers has been reduced, there are fewer acres to be sold, and changes have been made in the proposed wildlife mitigation plan. This required a revision in the environmental assessment. The current wording of 43 CFR 428.6 requires the sale of those lands to commence no later than February 1979. The revision of the environmental assessment has caused a delay in the implementation of 43 CFR 428.6. For that reason, we propose to revise 43 CFR 428.6 to allow for the necessary extra time.

DATE: Interested parties may submit written comments, suggestions, or objections regarding the proposed amendments to the Water and Power Resources Service. Comments must be received on or before April 17, 1980.

ADDRESS: Comments should be submitted to the Commissioner, Water and Power Resources Service, Department of the Interior, 18th and C Streets, NW., Washington, DC 20240, Attention: Code 420.

FOR FURTHER INFORMATION CONTACT: Mr. L. David Williamson, Jr., Senior Staff Assistant for Land Resources Management, Operation and Maintenance Policy Staff, Water and Power Resources Service, 18th and C Streets, NW., Washington, DC 20240, telephone (202) 343-5204.

SUPPLEMENTAL INFORMATION: The Act of February 25, 1978, (Pub. L. 95-230) directed the Water and Power Resources Service to sell 5,955 acres of land within the Idaho National Energy Laboratory to qualified farmers whose farms were damaged by the Teton Flood. An environmental assessment was prepared on the proposed sale on January 8, 1979. Since that time, the number of qualifed farmers has been reduced, therefore, there are fewer acres to be sold. There also have been changes made to the proposed wildlife mitigation plan. These changes in the overall proposed action have made a revision to the environmental assessment necessary. This revision will cause a delay in the implementation of

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43 CFR 428.6. For that reason we are amending 43 CFR Part 428.6 to accommodate the extra time needed.

Principal author of this document is Mr. Terence G. Cooper, Staff Assistant for Land Resources Management, Operation and Maintenance Policy Staff, Water and Power Resources Service.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Dated: March 5, 1980.

Daniel P. Beard

Acting Assistant Secretary of the Interior.

Pursuant to the authority of the Secretary of the Interior contained in Executive Order No. 11989 of May 24, 1977, it is hereby proposed to amend Part 428 of Title 43 as follows:

PART 428—SALE OF REPLACEMENT FARM UNITS TO TETON FLOOD VICTIMS

Paragraph (a) is amended to read as follows:

§ 428.6 Sale of replacement farm units.

* * * * *

(a) Replacement farm units shall be made available for purchase by qualifying farmers approximately every 6 months starting after final determinations have been made identifying the qualified farmers and within approximately 120 days after compliance with applicable Federal laws and regulations, including the National Environmental Policy Act of 1969; provided, however, that sales will be limited to the land made available for this program pursuant to the act of February 25, 1978 (92 Stat. 76) and described in § 428.4(3) hereof. The Secretary shall notify all qualifying farmers, in writing, of the date the first replacement farm units will be offered for sale and will also give notice of the closing date on which the qualifying farmer may file an intent to purchase a replacement farm unit from those offered for sale during the initial sale period. No subsequent notice will be provided; however, each qualifying farmer may file an intent to purchase at any time after the initial sale provided that no filings may be made after July 1, 1982.

* * * * *

[FR Doc. 80-8018 Filed 3-17-80; 8:45 am]

BILLING CODE 4310-09-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 5794]

National Flood Insurance Program; Proposed Base Flood Elevation and Zone for the Town of Conklin, N.Y.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevation and zone described below.

The proposed base flood elevation and zone will be the base for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevation and zone are available for review at the Supervisor's Office, Town Hall, Conklin, New York:

Send comments to:

Mr. George S. Archie, Jr., Supervisor, Town of Conklin, 1070 Conklin Road, Box 182, Conklin, New York 13748.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and, Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872 or (800) 424–8873.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevation and zone (100-year flood) for the Town of Conklin, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The base flood elevation and zone, together with the flood plain management measures required by Section 60.3 (presently appearing at its former Section 24, CFR 1910.3) of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed elevation and zone will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevation and zone for the selected location:

Source of flooding	Location	Zone	Elevation [1]
Susquehanna River	West of the railroad	A8	860

[1] Elevation in feet, mean sea level.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.

Issued: March 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-8176 Filed 3-17-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 5793]

National Flood Insurance Program; Proposed Boundaries and Zones for Indian River County, Fla.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed boundaries and zones described below.

The proposed boundaries and zones will be the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESS: Map and other information showing the detailed outlines of the flood-prone areas and the proposed boundaries and zones are available for review at the County Administrator's Office, Indian River County, Vero Beach, Flordia.

Send comments to:

Mr. Jack G. Jennings, County Administrator, Indian River County, 2145 14th Avenue, Vero Beach, Florida 32960

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and, Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755–6570 or toll free line (800) 424–8872 or (800) 424–8873.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed boundaries and zones (100-year flood) for Indian River County, Florida, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The boundaries and zones, together with the flood plain management measures required by Section 60.3 (presently appearing at its former Section 24, CFR 1910.3) of the program regulations, are the minimum that are required. They should not be construed to mean the communmity must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed boundaries and zones will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year boundaries and zones for selected locations are:

Source of flooding	Location	Zone	Elevation [1]
Atlantic Ocean	unincorporated areas	V8	8
Indian River	north of the Town of	A8	6
	Indian River Shores	A8	5

[1] Elevation in feet, mean sea level.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: January 25, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-8177 Filed 3-17-80; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[Docket No. 21002; RM-2695; RM-2723]

Applications for Certificates of Compliance and Federal State/Local Regulatory Relationships; Order Extending Time for Comments

AGENCY: Federal Communications Commission.

ACTION: Order allowing for responsive comments in Docket 21002.

SUMMARY: Commission grants request of American Television and Communications Corporation and National Cable Television Association to file joint Supplemental Comments and an economic study prepared by the National Economic Research Associates dealing with the proposed elimination of the franchise fee limitation. Commission orders that comments responsive to the study be filed by April 7, 1980.

DATE: Comments responsive to the study "Removing the FCC Limit on Cable Television Franchise Fees" will be accepted until April 7, 1980.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Deborah Stuehrmann, Cable Television Bureau (202) 632–6468.

SUPPLEMENTARY INFORMATION:
In the matter of amendment of Subpart B and C of Part 76 of the Commission's rules Pertaining to Applications for Certificates of Compliance and Federal, State/Local Regulatory Relationships, Docket No. 21002, RM–2695, RM–2723, 44 FR 37014, June 25, 1979.

Order

Adopted: March 7, 1980.

Released: March 11, 1980.

1. In connection with the Commission's *Memorandum Opinion and Order and Further Notice of Proposed Rule Making in Docket 21002*, released April 27, 1979, relating to the possible elimination of the cable television franchise fee limitation, the American Television and Communications Corporation (ATC) filed a request for an extension of time on June 11, 1979. That request was premised on the need for additional time to have an outside contract study of the economic implications of the proposal completed. The request was denied in an *Order* issued June 26, 1979, with the statement that if

> American Television and Communication wishes to proceed with the study in any case, we of course would consider motions to accept late filed pleadings during the pendency of this proceeding.

2. On February 29, 1980, American Television and Communications Corporation and the National Cable Television Association filed a request that the Commission accept and consider their joint Supplemental Comments and a study by the National Economic Research Associates entitled "Removing the FCC Limit on Cable Television Franchise Fees."

3. Since the proceeding is still pending at the time of this request, we will grant permission to file the Supplemental Comments and the NERA study. We believe that granting this request will not cause any undue delay.

4. In order that interested parties may have an opportunity to comment on this additional research, copies of the study have been placed in Docket 21002 and a period of thirty (30) days will be allocated for submission of comments.

Accordingly, it is ordered, that comments responsive to the study "Removing the FCC Limit on Cable Television Franchise Fees" will be accepted until April 7, 1980.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by § 0.288 of the Commission's rules.

Willard R. Nichols,

Chief, Cable Television Bureau.

[FR Doc 80-8184 Filed 3-17-80; 8:45 am]

BILLING CODE 6712-01-M

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Notices

Federal Register
Vol. 45, No. 54
Tuesday, March 18, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Agreement Regarding the Development Finance Program of the Economic Development Administration

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to § 800.8 of the regulations for the "Protection of Historic and Cultural Properties" (36 CFR Part 800) with the Economic Development Administration, Department of Commerce (EDA), and the National Conference of State Historic Preservation Officers concerning the EDA's assistance actions in all the States, the District of Columbia, the Commonwealths of Puerto Rico and Northern Mariana Islands, the Virgin Islands, the Trust Territory of the Pacific Islands, Guam, and American Samoa. Authorization for a vastly expanded program is currently pending in Congress as "an Act to extend the Appalachian Regional Development Act and Title V of the Public Works and Economic Development Act of 1965 (S. 914)." The Agreement is being published for public comment to avoid delays in implementation once the Act becomes law. The Agreement provides a system that will ensure EDA will give adequate consideration to historic and cultural properties in its assistance programs to meet the requirements of Section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

COMMENTS DUE: April 17, 1980.

ADDRESS: Comments should be addressed to Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Suite 430, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT:

Peter H. Smith, Director, Division of Federal Program Review, Advisory Council on Historic Preservation, 1522 K Street NW., Suite 510, Washington, D.C. 20005; Telephone: 202–254–3886.

Andrew Kauders, Special Assistant for the Environment, Economic Development Administration, Department of Commerce, Washington, D.C. 20240; Telephone: 202–377–4208.

SUPPLEMENTARY INFORMATION: The notice of the proposed Agreement invites comments from interested parties. Copies of the proposed Agreement are available from either the Economic Development Administration or the Council. The Agreement concerns the manner in which EDA will meet its responsibilities under Section 106 of the National Historic Preservation Act, and the Council's implementing regulations, 36 CFR Part 800. Section 106 requires that the head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted or licensed undertaking affecting properties either in or eligible for the National Register of Historic Places shall afford the Council a reasonable opportunity for comment. The Agreement is designed to respond to various programmatic undertakings resulting in approximately 5000 actions, 75 percent of which EDA proposes to process in 15 working days. The Agreement establishes several generic classes of actions for which the Council will accept No Effect Determinations pursuant to its regulations. Further, the Agreement provides that for all other classes of actions EDA will make every reasonable effort to avoid adverse effects on cultural resources. For all actions which will not have an adverse effect and for those actions where the adverse effect may be satisfactorily mitigated through agreement between EDA and the relevant State Historic Preservation Officer, no further Council comment will be required. The Council will be informed of all such agreements. If there is no mutually acceptable agreement between EDA and the State Historic Preservation Officer, or if any of the parties so requests, the undertaking will be referred to the Council with a request for comment in accordance with 36 CFR Part 800. The proposed Agreement will be reviewed on an annual basis to determine whether it should be continued or modified. The parties to the proposed Agreement believe that it provides a workable system for expediting review of actions proposed by EDA as part of the Development Finance Program which will result in decreased paper work and provide adequate protection for historic and cultural properties and sites.

Dated: March 11, 1980.

Thomas F. King,

Acting Executive Director.

[FR Doc. 80-8216 Filed 3-17-80; 8:45 am]

BILLING CODE 4310-10-M

Programmatic Agreement Regarding the Intercontinental Ballistic Missile System (MX) of the U.S. Air Force

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to § 800.8 of the regulations for the "Protection of Historic and Cultural Resources" (36 CFR Part 800) with the U.S. Air Force and Nevada and Utah State Historic Preservation Officers concerning the Intercontinental Ballistic Missile System known as the MX System. The Agreement provides a system that will ensure that adequate consideration is given to historic and cultural properties in the planning of the program in order to meet the requirements of Section 106 of the National Historic Preservation Act (16 U.S.C. 470).

COMMENTS DUE: April 17, 1980.

ADDRESS: Comments should be addressed to Executive Director, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT:

Dr. Thomas F. King, Director, Office of Cultural Resource Preservation, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, D.C., 20005, 202–254–3974.

SUPPLEMENTARY INFORMATION: This notice of the proposed Agreement invites comments from interested parties. Copies of the proposed Agreement are available from the Council. The proposed Agreement concerns the manner in which the Air Force will meet its responsibilities under Section 106 of the National Historic Preservation Act and the Council's implementing regulations (36 CFR Part 800). Section 106 requires that the head of any Federal agency having indirect or direct jurisdiction over a proposed Federal or federally assisted or licensed undertaking affecting properties included in or eligible for inclusion in the National Register of Historic Places shall afford the Council a reasonable opportunity for review and comment. The proposed Agreement provides that an oversight committee will be established to assist the State Historic Preservation Officers (SHPOs) in coordinating historic preservation-related work carried out in connection with the undertaking. The Air Force will, in consultation with the Bureau of Land Management and the Nevada and Utah State Historic Preservation Officers, develop a plan for study of all potential facility locations in order to identify sites listed in or eligible for the National Register of Historic Places, as well as guidelines for data recovery that take into account the concerns of local communities, social and ethnic groups, the native American Religious Freedom Act, the guidelines published by the Department of the Interior as 36 CFR Part 66, and the standards of the Society of Professional Archeologists. The plan and guidelines will be implemented in consultation with the SHPOs, in the course of project planning and development.

Dated: March 11, 1980.

Thomas F. King,

Acting Executive Director.

[FR Doc. 80-8215 Filed 3-17-80; 8:45 am]

BILLING CODE 4310-10-M

Effective date: This delegation of authority shall be effective on March 18, 1980.

Done at Washington, D.C., this 9th day of February 1980.

R. Max Peterson,

Chief, Forest Service.

[FR Doc. 80-8175 Filed 3-17-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Regional Foresters and Deputy Regional Foresters; Delegation of Authority

Pursuant to the delegation of authority to the Chief, Forest Service, 7 CFR 2.60, authority is hereby delegated through the Deputy Chief for the National Forest System to the Regional Forester and Deputy Regional Forester of each Forest Service Region to perform the following Acts under the authority of the various land exchange laws:

(1) Sign land exchange deeds,
(2) Accept title to nonfederal land,
(3) Request issuance of patents from appropriate State Director, Bureau of Land Management.

Office of the Secretary

Annual Comprehensive Review Advisory Committees

Notice is hereby given that the Department of Agriculture is conducting an annual comprehensive review to determine which, if any, of its advisory committees are no longer serving a valid purpose and should be abolished. This review is required by Section 7(b) of the Federal Advisory Committee Act. The following committees are being reviewed.

Advisory Committee on Foreign Animal and Poultry Diseases.
Advisory Committee on Meat and Poultry Inspection.
Advisory Committee on State and Private Forestry.
Agricultural Policy Advisory Committee for Trade Negotiations.
Agricultural Technical Advisory Committee for Trade Negotiations on Cotton.
Agricultural Technical Advisory Committee for Trade Negotiations on Dairy.
Agricultural Technical Advisory Committee for Trade Negotiations on Fruits and Vegetables.
Agricultural Technical Advisory Committee for Trade Negotiations on Grain and Feed.
Agricultural Technical Advisory Committee for Trade Negotiations on Livestock and Livestock Products.
Agricultural Technical Advisory Committee for Trade Negotiations on Oilseeds and Products.
Agricultural Technical Advisory Committee for Trade Negotiations on Poultry and Eggs.
Agricultural Technical Advisory Committee for Trade Negotiations on Tobacco.
Animal Health Science Research Advisory Board.
Black Hills National Forest Grazing Advisory Board.
Bridger—Teton National Forest Grazing Advisory Board.
Caribou National Forest Grazing Advisory Board.
Cascade Head Scenic—Research Area Advisory Council.
Challis National Forest Grazing Advisory Board.
Citizens Advisory Committee on Equal Opportunity.
Coconino National Forest Grazing Advisory Board.
Committee of Nine.
Cooperative Forestry Research Advisory Board.
Coronado National Forest Grazing Advisory Board.
Deerlodge National Forest Grazing Advisory Board.
Deschutes National Forest Grazing Advisory Board.
East Carson Grazing Advisory Board.
Flue—Cured Tobacco Advisory Committee.
Fremont National Forest Grazing Advisory Board.
General Conference Committee of the National Poultry Improvement Plan.
Gila National Forest Grazing Advisory Board.
Gospel—Hump Area Advisory Committee.
Grain Standards Act Advisory Committee.
Hop Marketing Advisory Board.
Human Nutrition Advisory Committee.
Humboldt National Forest Grazing Advisory Board.
Joint Council on Food and Agricultural Sciences.
Lewis and Clark National Forest Grazing Advisory Board.
Lincoln National Forest Grazing Advisory Board.
Los Padres National Forest Grazing Advisory Board.
Malheur National Forest Grazing Advisory Board.
Medicine Bow National Forest Grazing Advisory Board.
Modoc National Forest Grazing Advisory Board.
National Advisory Council on Child Nutrition.
National Advisory Council on Maternal, Infant and Fetal Nutrition.
National Agricultural Research and Extension Users Advisory Board.
National Arboretum Advisory Council.
National Forest System Advisory Committee.
National Plant Genetic Resources Board.
Nezperce National Forest Grazing Advisory Board.
Ochoco National Forest Grazing Advisory Board.
Pacific Crest National Scenic Trail Advisory Council.
Payette National Forest Grazing Advisory Board.
Plant Variety Protection Board.
Prescott National Forest Grazing Advisory Board.
Targhee National Forest Grazing Advisory Board.
The Committee of State Foresters.
Tonto National Forest Grazing Advisory Board.
Uinta National Forest Grazing Advisory Board.
West Carson Grazing Advisory Board.

Persons interested in commenting on this review should submit such comments to the Management Staff, Room 115–A, U.S. Department of Agriculture, Washington, D.C. 20250, before April 1, 1980.

John Miranda,

Assistant to Assistant Secretary for Administration.

March 13, 1980.

[FR Doc. 80-8242 Filed 3-17-80; 8:45 am]

BILLING CODE 3410-01-M

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Soil Conservation Service

Dry Creek Watershed, Kansas; Authorization of Federal Assistance in the Installation of Works of Improvement

Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1008) has been authorized for the Dry Creek Watershed, Kansas.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: March 3, 1980.

David G. Unger,

Associate Administrator, Soil Conservation Service.

[FR Doc. 80-8212 Filed 3-17-80; 8:45 am]

BILLING CODE 3410-16-M

Los Olmos Creek Watershed, Texas.

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

FOR FURTHER INFORMATION CONTACT:
Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main Street, Temple, Texas 76501, telephone number (817) 773–1711.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Los Olmos Creek Watershed, Jim Hogg and Starr Counties, Texas.

The environmental evaluation of this federally-assisted action indicates that the project may cause significant local, regional or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan to eliminate the threat to risk of loss of life from the 100-year frequency flood in every building in the flood hazard area, reduce average annual damages to urban property, reduce average annual flood damages to agricultural properties, and increase the quality of life for the area as a result of project installation.

The planned works of improvement are one floodwater retarding structure and two dikes, one at El Sauz and one at Rio Grande City, to be installed within a 4-year installation period.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement wil be developed by Mr. George C. Marks, State Conservationist, Soil Conservation Service, W.R. Poage Federal Building, 101 South Main Street, Temple, Texas 76501, telephone number (817) 773–1711.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: March 3, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80-8208 Filed 3-17-80; 8:45 am]

BILLING CODE 3410-16-M

Paw Paw Bottoms Watershed, Oklahoma

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Availability of a Record of Decision.

FOR FURTHER INFORMATION CONTACT.
Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624–4360.

NOTICE: Pursuant to the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that a decision has been made to implement the drainage and flood prevention plan developed for Paw Paw Botttoms Watershed project, Sequoyah County, Oklahoma. The planned works of improvement include 8.13 miles of channel work and 3 grade control structures.

The environmental impact statement (EIS) prepared for this federally-assisted action indicates that the impacts of the project are primarily beneficial and that the minor adverse impacts are acceptable in terms of trade-offs. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the plan for this project should be implemented.

The draft EIS has been circulated for review and the final EIS has been filed with the Environmental Protection Agency (EPA).

The record of decision has been forwarded to the EPA. A limited number of copies of this document are available to fill single copy requests. the copies may be requested from Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624–4360.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: March 3, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80-8209 Filed 3-17-80; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

Chief, Intellectual Property Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, DC 20310

Patent application 6,004,636: Early-Late Gate; filed January 19, 1979.
Patent application 6,056,581: Chemical Protective, Fire Resistant Composition; filed July 11, 1979.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, S.W., Washington, DC 20324

Patent 4,168,470: Two-Bit A/D Conversion Apparatus without a Signal Derived Automatic Gain Control; filed February 15, 1977; patented September 18, 1979; not available NTIS.
Patent 4,168,500: Method and System for Moving Target Elimination and Indication Using Smoothing Filters; filed March 10, 1972; patented September 18, 1979; not available NTIS.
Patent 4,168,908: Precision Pointing and Tracking Control System; filed December 30, 1977; patented September 25, 1979; not available NTIS.

U.S. Department of Agriculture, Program Agreements & Patent Branch, Administrative Service Division, Federal Building, Science and Education Administration, Hyattsville, MD 20782

Patent application 6,076,540: Prevention of Damage to Falling Fruits and Vegetables; filed September 18, 1979.
Patent application 4,167,447: Method for Insolubilizing Enzymes on Chitosan; filed March 24, 1978; patented September 11, 1979; not available NTIS.

U.S. Environmental Protection Agency, Room W513, 401 M Street, S.W., Washington, DC 20460

Patent application 881,980: Distributing Fluids Into Fluidized Beds; filed January 16, 1978.
Patent application 953,147: Converting Calcium Sulphide to Calcium Oxide; filed October 17, 1978.

U.S. Department of the Interior Branch of Patents, 18th and C Streets, N.W., Washington, DC 20240

Patent application 6,047,542: Process for Directly producing Anhydrous Aluminum Sulfate from Aluminum Sulfate Solution; filed June 11, 1979.
Patent application 6,056,151: Production of Alumina from Aluminum Nitrate Solutions; filed July 10, 1979.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217

Patent application 6,066,271: Frequency Comparator for Electronic Clocks; filed August 13, 1979.
Patent application 4,156,761: Room Temperature Cured Elastomer; filed August 24, 1978; patented May 29, 1979; not available NTIS.

National Aeronautics and Space Administration Assistant General Counsels for Patent Matters, NASA Code GP-2, Washington, DC 20546

Patent 4,165,460: Coal-Rock Interface Detector; filed November 4, 1977; patented August 21, 1979; not available NTIS.
N80, 11469, 7: One Step Dual Purpose Joining Technique; August 30, 1979.
Patent application 6,061,566: Self-Calibrating Threshold Detector; filed July 27, 1979.
Patent application 727,444: Continuous Coal Processing Method and Means; filed September 28, 1976.
Patent application 900,659: Molten Salt Pyrolysis of Latex; filed April 27, 1978.
Patent 4,033,133: Start Up System for Hydrogen Generator Used With an Internal Combustion Engine; filed March 22, 1976; patented July 5, 1977; not available NTIS.
Patent 4,167,111: Borehold Geological Assessment; filed May 4, 1978; patented September 1979; not available NTIS.
Patent 4,168,287: Compound Oxidized Styrylphosphine; filed May 19, 1976; patented September 18, 1979; not available NTIS.
Patent 4,168,483: System for Detecting Substructure Microfractures and Method Therefor; filed September 6, 1977; patented September 18, 1979; not available NTIS.
Patent 4,168,708: Portable Breathing System; filed March 24, 1977; patented September 25, 1979; not available NTIS.
Patent 4,168,718: Passive Propellant System; filed July 11, 1978; patented September 25, 1979; not available NTIS.
Patent 4,169,129: Sodium Storage and Injection System; filed February 24, 1978; patented September 25, 1979; not available NTIS.

[FR Doc. 80-8201 Filed 3-17-80; 8:45 am]

BILLING CODE 3510-04-M

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Chief, Intellectual Property Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, DC 20310

Patent application 6-003,175: Near Carrier AM–FM Calibration Technique; filed January 15, 1979.
Patent application 6-009,000: Tire Removing Tool; filed February 5, 1979.
Patent application 6-010,551: Blinker Aiming Post Light; filed February 9, 1979.
Patent application 6-011,490: Digital Fluidic Output Force Balance Accelerometer; filed February 12, 1979.
Patent application 6-021,037: A Method for the Removal of Phosgene Impurities from Boron Trichloride; filed March 16, 1979.
Patent application 6-025,632: Magnesium Anodize Bath Control; filed March 30, 1979.
Patent application 6-029,421: Array Antenna Controller; filed May 11, 1979.
Patent application 6-033,936: Projectile Pallet Truck; filed April 27, 1979.
Patent application 6-042,681: Output Coupling System for Near-Millimeter Microwave Source; filed May 25, 1979.
Patent application 6-042,688: Multi-Beam Antenna Controller; filed May 25, 1979.
Patent application 6-047,675: Optical Memory with Fiber Optic Light Guide; filed June 12, 1979.
Patent application 6-047,676: Improved Null Mask; filed June 12, 1979.
Patent application 6-050,365: Multilayer Store Beam Accessed Memory; filed June 20, 1979.
Patent application 6-056,581: Chemical Protective, Fire Resistant Composition; filed July 11, 1979.
Patent application 6-066,598: Castable TNT Compositions Containing a Broad Spectrum; Preformed Thermoplastic Polyurethane Elastomer Additive; filed August 14, 1979.
Patent application 733,658: Snap Ring Bearing for a Gun Barrel Bushing; filed October 18, 1976.
Patent application 842,835: Optical Sight Mount, filed October 17, 1977.
Patent application 871,171: Helical Lock for Automatic Gun; filed January 23, 1978.
Patent application 904,052: Electrically Energized Impact Detonated Projectile with Safety Device; filed May 8, 1978.
Patent application 916,167: Cartridge for Reducing Bare Erosion and Extending Barrel Life; filed June 16, 1978.
Patent application 921,390: Prepackaged Ammunition System; filed July 3, 1978.
Patent application 930,827: Front Sight for Small Arms; filed August 3, 1978.
Patent application 931,356: Constant Power Regenerative Magnetic Switching Regulator; filed August 7, 1978.
Patent application 939,760: Method of Bonding Propellants Containing Mobile Constituents; filed September 5, 1978.

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Patent application 940,545: Technique for Passivating Stainless Steel; filed September 8, 1978.
Patent application 941,446: Bead Breaker; filed September 11, 1978.
Patent application 944,489: Method for Connecting to Semiconductor Chips without the Use of Wires; filed September 21, 1978.
Patent application 962,436: Rifle Adapter Assembly With Hold Open Feature; filed November 20, 1978.
Patent 4,104,953: Machine Gun Barrel for Firing Blanks; filed February 14, 1977; patented August 8, 1978; not available NTIS.
Patent 4,128,080: High Velocity Anti-Surge Spring Assembly; filed April 29, 1977; patented November 21, 1978; not available NTIS.
Patent 4,128,955: High Velocity Tapered Bore Gun and Ammunition; filed March 17, 1977; patented November 28, 1978; not available NTIS.
Patent 4,128,040: Blank Firing Adapter; filed June 2, 1977; patented December 5, 1978; not available NTIS.
Patent 4,128,041: Weapon Elevating Mechanism Having an Automatic Clutch; filed October 3, 1977; patented December 5, 1978; not available NTIS.
Patent 4,128,754: Arc Spray Welding Replaceable Electrode Tip; filed March 6, 1978; patented December 5, 1978; not available NTIS.
Patent 4,131,052: Drum Cam with Anti Hang-Fire Feature; filed July 5, 1977; patented December 26, 1978; not available NTIS.
Patent 4,137,893: Riot Control Weapon; filed October 31, 1977; patented February 6, 1979; not available NTIS.
Patent 4,141,276: Locking and Firing Mechanism for Rotating-Cam Actuated Weapons; filed August 1, 1977; patented February 27, 1979; not available NTIS.
Patent 4,152,091: Numerical Controlled Rotary Cutting Tool Extension; filed November 25, 1977; patented May 1, 1979; not available NTIS.
Patent 4,160,927: Ferroelectric Ceramic Devices; filed April 5, 1977; patented July 10, 1979; not available NTIS.
Patent 4,162,499: Flush-Mounted Piggyback Microstrip Antenna; filed October 26, 1977; patented July 24, 1979; not available NTIS.
Patent 4,164,650: Means for Reducing Nuclear Radiation-Induced Fluorescence Noise in Fiber-Optics Communications Systems; filed July 8, 1977; patented August 14, 1977; not available NTIS.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, S.W., Washington, DC 20324

Patent application 6-060,066: Fully Asynchronous Input/Output Data Buffer Apparatus; filed July 24, 1979.
Patent application 6-063,510: Insulated Structural Bushings; filed August 3, 1979.
Patent application 6-063,872: Adjustable Electronic Circuit Card Supporter; filed August 3, 1979.
Patent application 6-064,337: Image Enhancement Using On-Line Spatial Filtering; filed August 3, 1979.
Patent 4,168,273: Method for the Preparation of Glycidyl 2,2-dinitro-2-fluoroethoxide; filed May 14, 1974; patented September 18, 1979; not available NTIS.
Patent 4,168,465: Tapered Hole Capacitive Probe; filed Dec. 15, 1977; patented Sept. 18, 1979; not available NTIS.
Patent 4,168,532: Multimode Data Distribution and Control Apparatus; filed Feb. 24, 1977; patented Sept. 18, 1979; not available NTIS.
Patent 4,169,267: Broadband Helical Antennas; filed June 19, 1978; patented Sept. 25, 1979; not available NTIS.
Patent 4,169,268: Metallic Grating Spatial Filter for Directional Beam Forming Antenna; filed May 11, 1978; patented Sept. 25, 1979; not available NTIS.

U.S. Department of Health, Education, and Welfare, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda,

Patent application 6,062,056: 7 Alkpha-Methylnorethindrone Enanthate and Its Use in Long-Term Suppression of Fertility in Female Mammals; filed Oct. 5, 1979.

U.S. Department of the Interior, Branch of Patents, 18th and C Streets NW., Washington, DC 20240.

Patent application 6,060,102: Decomposition of A1C13.6H20 in H2 Atmosphere; filed July 24, 1979.
Patent 4,164,460: System for the Dielectrophoretic Separation of Particulate and Granular Materials; filed Apr. 17, 1978; patented Aug. 14, 1979; not available NTIS.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.

Patent application 6,063,506: Antisparking Electrodes for Dielectrophoretic Filters; filed Aug. 3, 1979; not available NTIS.
Patent application 6,066,220: Sea Hunt System; filed Aug 13, 1979.
Patent application 6,067,646: An Anti-Blooming Shield for Two-Dimensional Charge-Injection Devices; filed Aug. 17, 1979.
Patent application 6,073,399: Treatment of Body Tissue by Means of Internal Cavity Resonance; filed Sept. 7, 1979.
Patent application 966,717: Apparatus for Expanding the Memory of a Mini-Computer System; filed Dec. 5, 1979.
Patent application 931,348: Shaft Decoupling Device; filed Aug. 7, 1978.
Patent application 944,433: Ejected Roller Shaft Disconnect Mechanism; filed Sept. 21, 1978.
Patent application 952,169: Rotary Shaft Decoupling Mechanism; filed Oct. 17, 1978.
Patent application 955,542: Condition Responsive Cable with Bendable Coaxial Sensor Mount; filed Oct. 27, 1978.
Patent 4,114,137: Directional Sonobuoy; filed Dec. 19, 1974; patented Sept. 12, 1978; not available NTIS.
Patent 4,115,753: Filter Optic Acoustic Array; filed July 18, 1977; patented Sept. 19, 1978; not available NTIS.
Patent 4,123,732: Method of Making Tuned Resonance Passive Electronic Filters; filed Jan. 31, 1977; patented Oct. 31, 1978; not available NTIS.
Patent 4,128,300: Optical Logic Elements; filed Sept. 26, 1977; patented Dec. 5, 1978; not available NTIS.
Patent 4,128,759: Fiber Optic Delay Line Filter; filed Nov. 21, 1977; patented Dec. 5, 1978; not available NTIS.
Patent 4,131,444: Method for Increasing the Strength and Density of Lead Titanate Ceramic Bodies; filed Aug. 25, 1977, patented Dec. 26, 1978; not available NTIS.
Patent 4,139,403: Dinitroalkyl and Fluorodinitroalkyl Silicon Compounds; filed Aug. 19, 1977; patented Feb. 13, 1979; not available NTIS.
Patent 4,139,897: Fast Two Dimensional Fourier Transform Device; filed Mar. 18, 1977; patented Feb. 13, 1979; not available NTIS.
Patent 4,140,057: Axisymmetic Stabilized Liner Implosion System; filed May 2, 1978, patented Feb. 20, 1979; not available NTIS.
Patent 4,141,295: Actuation Mine Simulator; filed Feb. 13, 1978; patented Feb. 27, 1979; not available NTIS.
Patent 4,142,145: Method for Determining Conduction-Band Edge and Electron Affinity in Semiconductors; filed Dec. 22, 1977, Patented Feb. 27, 1979; not available NTIS.
Patent 4,143,299: Charged-particle Beam Acceleration in a Converging Waveguide; filed Feb. 22, 1978; patented Mar. 6, 1979; not available NTIS.
Patent 4,143,838: Folding Fin Assembly Detent; filed Aug. 22, 1977; patented Mar. 13, 1979; not available NTIS.
Patent 4,144,488: Investigation of Near-Surface Electronic Properties in Semiconductors by Electron Beam Scanning; filed Dec. 22, 1977; patented Mar. 13, 1979; not available NTIS.
Patent 4,144,530: Combined Intrustion Sensor Line; filed Nov. 17, 1977; patented Mar. 13, 1979; not available NTIS.
Patent 4,145,484: Safe High Energy Density Battery; filed Jan. 23, 1978; patented Mar. 20, 1979; not available NTIS.
Patent 4,145,713: Composite Video Signal Field Recognition Circuit; filed Aug. 29, 1977; patented Mar. 20, 1979; not available NTIS.
Patent 4,145,972: Dual-Mode Warhead Initiation System; filed Dec. 17, 1976, patented Mar. 27, 1979; not available NTIS.
Patent 4,146,329: Autoalignment System for High Power Laser; filed Sept. 14, 1977; patented Mar. 27, 1979; not available NTIS.
Patent 4,148,032: Method and Means for Defocusing Engine Cavity Reflected Energy; filed Oct. 27, 1977; patented Apr. 3, 1979; not available NTIS.
Patent 4,149,770: Single-Fiber Duplex Coupler; filed Nov. 21, 1977; patented Apr. 17, 1979; not available NTIS.
Patent 4,150,341: High Input Power Laser Device; filed Dec. 28, 1976; patented Apr. 17, 1979; not available NTIS.
Patent 4,152,934: Vector Measuring Current Meter; filed Mar. 1, 1978, patented May 8, 1979; not available NTIS.
Patent 4,153,368: Electro-Optical Detector Protection Device; filed Dec. 12, 1977; patented May 8, 1979; not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, DC 20546

Patent application 6,034,529: Diced Tile Thermal Protection for Spacecraft; filed Apr. 27, 1979.
Patent 4,168,287: Compound Oxidized Styrylphosphine; filed May 19, 1978; patented Sept. 18, 1979; not available NTIS.

[FR Doc. 80-8202 Filed 3-17-80; 8:45 am]
BILLING CODE 3510-04-M

Travel Service

Travel Advisory Board Meeting

On January 29, 1980, notice was given in the **Federal Register** (44 FR, Page 6637), that the Travel Advisory Board would meet on March 27, 1980. Notice is hereby given that the Travel Advisory Board meeting will begin at 9:00 a.m. in Room 1858 of the Main Commerce Building, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230.

Established in July 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended, and the Act of July 19, 1940, as amended.

Agenda items are as follows: 1. Department of Energy—Petroleum Stock and Supply Outlook.

2. U.S.-Mexico Consultative Mechanism Progress Report.

3. Pacific Basin Development Conference—Report on Kuilima, Hawaii Conference.

4. Progress Report on Visa Waiver Legislation.

5. General Report on USTS Activities.

6. Reports of TAB Members.

7. Review of S. 1097.

8. USTS FY '81 Budget.

9. Miscellaneous.

A limited number of seats will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements will be allowed.

Sue Barbour, Travel Advisory Board Liaison Officer of the United States Travel Service, Room 1858, U.S. Department of Commerce, Washington, D.C. 20230, (telephone (202) 377-4752) will respond to public requests for information about the meeting.

Jeanne Westphal,
Acting Assistant Secretary for Tourism.

[FR Doc. 80-8211 Filed 3-17-80; 8:45 am]
BILLING CODE 3510-11-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Bacterial Diseases; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name of Commitee: United States Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Bacterial Diseases.
Date of Meeting: April 7 and 8, 1980.
Time and Place: 0900 hours, Room 3092, Walter Reed Army Institute of Research, Washington, DC.
Proposed agenda: This meeting will be open to the public from 0900–1000 hrs on April 7, 1980 to discuss the scientific research program of the Bacterial Diseases Branch, Walter Reed Army Institute of Research and on April 8 from 1630–1700 for the summation of the meetings. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on April 7 from 1000–1630 hrs and on April 8, from 0900–1630 hrs for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576-3061) will furnish summary minutes, roster of Committee members, and substantive program information.

For the Commander.
Richard O. Spertzel,
Colonel, VC, Executive Officer.

[FR Doc. 80-8180 Filed 3-17-80; 8:45 am]
BILLING CODE 3710-08-M

Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Medical Entomology; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee meeting:

NAME OF COMMITTEE: United States Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Medical Entomology.

DATE OF MEETING: 21 & 22 April 1980.

TIME & PLACE: 0900 hours, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

PROPOSED AGENDA: This meeting will be open to the public from 0900–1000 hrs on 21 April 1980 to discuss the scientific research program of the Medical Entomology Branch, Walter Reed Army Institute of Research and on 22 April from 1630–1700 for the summation of the meetings. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on 21 April from 1000–1630 hrs and on 22 April from 0900–1630 hrs for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director, Walter Reed Army Institute of Research, Room 1111, Building 40, Walter Reed Army Medical Center, Washington, DC 20012 (202/576-3061) will furnish summary minutes, roster of Committee members, and substantive program information.

FOR THE COMMANDER:
Richard O. Spertzel,
Colonel, VC Executive Officer.

[FR Doc. 80-8182 Filed 3-17-80; 8:45 am]
BILLING CODE 3710-08-M

Shoreline Erosion Advisory Panel; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (PL 92-463), notice is hereby given of a meeting of the Shoreline Erosion Advisory Panel on 15 April 1980.

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The meeting will be held in the Howard Johnson's Motor Lodge, Route 1 and Capital Beltway, Alexandria, Virginia, from 0830 hours to 1630 hours on 15 April 1980.

The meeting will be devoted to briefings by the responsible Districts on the Stuart-Jensen Causeways, Florida demonstration site; the Basin Bayou, Louisiana demonstration site, and the Fountainebleau, Louisiana demonstration site; a presentation on sitting vegetation for erosion control by a representative of the Soil Conservation Service, Department of Agriculture; a report on dissemination of information by members of the Panel; and a report from the contractor on the data analysis contract.

Participation by the public is scheduled at 1300 hours on 15 April.

The meeting will be open to the public subject to the following:

1. Since seating capacity of the meeting room at the Howard Johnson's Motor Lodge is limited, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

2. Oral participation by public attendees is encouraged during the time scheduled on the agenda; written statements may be submitted prior to the meeting or up to 30 days after the meeting.

Inquiries and notice of intent to attend the meeting may be addressed to Colonel Ted E. Bishop, Executive Secretary, Shoreline Erosion Advisory Panel, Kingman Building, Fort Belvoir, VA 22060; Telephone (202) 325–7000.

Marian G. Spittle,

Army Liaison Officer with the Federal Register.

[FR Doc. 80-8181 Filed 3-17-80; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Requests for Interpretation; Months of December 1979 and January 1980

Notice is hereby given that during the months of December 1979 and January 1980, the requests for interpretation listed in the Appendix to this notice were filed pursuant to 10 CFR Part 205, Subpart F with the Office of General Counsel, Department of Energy (DOE). Notice of subsequently received requests will be published at the end of each calendar month. Copies of the requests for interpretation listed herein are on file in and should be obtained from the DOE's Public Reading Room, Information Access Office, Room 5B–180, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–5968.

The statement of issue that follows each request for interpretation listed in the Appendix is not intended to be definitive or final. Rather, the issue statement should be regarded as the initial restatement by the DOE of the question that appears to have been presented for resolution. The issue may, of course, be refined and modified during the interpretive process.

Interested parties may submit written comments on the listed interpretation requests by April 17, 1980. Comments should be identified on the outside envelope and on documents submitted with the file number of the interpretation request and all comments should be filed with the Assistant General Counsel for Interpretations and Rulings, Office of the General Counsel, Department of Energy, Room 5E052, 1000 Independence Avenue, SW., Washington, D.C. 20585. Any comments submitted should be served on the requesting parties as identified in the Appendix below. When appropriate, aggrieved parties, as defined in 10 CFR 205.2, will continue to receive actual notice of pending interpretation requests in accordance with the current practice of the Office of General Counsel.

For further information contact Diane Stubbs, Office of General Counsel, 1000 Independence Avenue, SW., Room 5E052, Washington, D.C. 20585, (202) 252–2931.

Merrill F. Hathaway, Jr.,

Acting Assistant General Counsel for Interpretations and Rulings.

March 11, 1980.

Appendix.—*List of Requests for Interpretation Received by the Office of General Counsel*

[Months of December 1979 and January 1980]

Date received	Name and location of requester	File No.
Dec. 12, 1979	Calvert Drilling Company, Horace K. Calvert, President, Calvert Drilling Company, 1000 City Center Building, Oklahoma City, Oklahoma 73102.	A–505
Issue: Where crude oil was recovered from a property in 1978 in the course of testing, was crude oil "produced" from that property for purposes of the "newly discovered crude oil" provisions of 10 CFR 212.79(b)?		
Dec. 17, 1979	Clardy Oil Company, Russell C. Powell, Esq., Baseman, Mitchell & Levy, Suite 1000, 1612 K Street, NW., Washington, D.C. 20006	A–506
Issue: Does the normal business practices rule set forth in 10 CFR 210.62 prohibit the operation of "card-lock" automated gasoline sales outlets?		
Dec. 17, 1979	Western Marketing, Inc., Russell C. Powell, Inc., Baseman, Mitchell & Levy, Suite 1000, 1612 K Street, NW., Washington, D.C. 20006	A–507
Issue: Does the normal business practices rule set forth in 10 CFR 210.62 prohibit the operation of "card-lock" automated gasoline sales outlets?		
Dec. 20, 1979	Sunmark Industries Division of Sun Oil Company of Pennsylvania, Richard Berryman, Esq., Fried, Frank, Harris, Shriver & Kampelman, Suite 1000, 600 New Hampshire Avenue, NW, Washington, D.C. 20037.	A–508
ISSUES		
(1) May Sun use a proportional method to determine its "dealer tank wagon" price for a product which is blended at the point of retail sale under the provisions of 10 CFR 212.83(c)(1)(ii)(C)? (2) May Sun's independent dealers similarly determine their "acquisition cost" for blended grades of gasoline under 10 CFR 212.92 and 212.93(a)(2)?		
Dec. 28, 1979	Gulf Oil Corporation, James W. Copp, Esq., Gulf Oil Corporation, P.O. Box 3725, Houston, Texas 77001	A–509
ISSUES		
(1) Where Gulf has changed its method of financing refinery assets, modernization and expansion, from general corporate borrowings to segregated borrowing for particular purposes, may Gulf include any increased interest costs associated with such segregated borrowing in its total increased non-product costs consistent with the requirements of 10 CFR 212.83(c)(2)(iii)(E)? (2) How is the C_n" factor for May 1973 interest cost increases attributable to refinery operations computed?		
Dec. 28, 1979	Seneca Oil Company, Frank J. LaPello, Esq., Caeson, Calligaro & Mutryn, 900 Watergate Office Building, 2600 Watergate Avenue, NW., Washington, D.C. 20037.	A–510
Issue: Where crude oil was recovered from a property in 1978 in the course of testing, was crude oil "produced" from that property for purposes of the "newly discovered crude oil" provisions of 10 CFR 212.79(b)?		
Jan. 7, 1980	Vulcan Asphalt Refining Company, Dillon J. Ferguson, Esq., Butler, Binion, Rice, Cook & Knapp, 818 Connecticut Avenue, NW., Washington, D.C. 20006.	A–511
Issue: May a refiner include in its crude oil runs to stills for purposes of the entitlements program those barrels of crude oil refined by other firms, or be paid the proceeds of entitlements sold pursuant to processing agreements under 10 CFR 211.62, 211.66, and 211.67?		
Jan. 8, 1980	Eugene Water & Electric Board, William F. Rau, Director, General Services Division, Eugene Water & Electric Board, 500 East Fourth Avenue, P.O. Box 10148, Eugene, Oregon 97440.	A–512
Issue: Are commercial buildings heated by electricity and steam generated through the use of "hogged fuel" exempt from the Emergency Building Temperature Restrictions in 10 CFR 490?		

Appendix.—*List of Requests for Interpretation Received by the Office of General Counsel*—Continued

[Months of December 1979 and January 1980]

Date received	Name and location of requester	File No.
Nov. 23, 1979	Enterprise Products Company, Michael R. Johnston, Esq., Enterprise Products Company, 1100 Milam Building, Suite 2900, Houston, Texas 77002.	A–513
Issue: Must a separate "bank" be established for unrecovered costs as computed under the special rules for natural gas liquid products, 10 CFR 212.93(f)(2) of the Mandatory Petroleum Price Regulations?		
Jan. 4 1980	The Parawax Company, William F. Cockrell, Jr., Esq., Seyfarth, Shaw, Fairweather & Geraldson, 1111 19th Street, NW., Washington, D.C. 20036.	A–514
Issue: Does a reclaimer of crude oil determine its maximum lawful selling price under 10 CFR Part 212 Subpart D or Subpart L?		
Jan. 15, 1980	Standard Oil Company (Indiana), Matthew Gallo, Esq., Standard Oil Company (Indiana), 200 E. Randolph Drive, Post Office Box 5910–A, Chicago, Illinois 60680.	A–515
ISSUES		
(1) Does the Tertiary Incentive Program (10 CFR 212.78) apply to enhanced oil recovery (EOR) programs already in existence on October 1, 1979 (the effective date of the program)? (2) May a producer receive the market price for tertiary incremental crude oil produced from a particular property, while at the same time recouping expenses that relate to the EOR project on that property by selling tertiary incentive crude oil produced from a different property? (3) Are the royalty interests in a EOR property and the royalty interests in the property from which allowed expenses are to be recouped through the sale of tertiary incentive crude oil at uncontrolled prices to be paid on the basis of the otherwise applicable ceiling price? (4) Under the Tertiary Incentive Program, may a producer recover expenses incurred for services or material which is provided "in-house" or by an affiliate of the producer?		
Jan. 22, 1980	DeLozier Chevron Station, Thomas Hal Clarke, Jr., Esq., Mitchell, Clarke, Pate, Anderson, & Wimberly, Sixth Floor, Georgia Federal Savings Building, Atlanta, Georgia 30303.	A–516
Issue: In determining its substituted base period volumes, does 10 CFR 211.104(a)(1) allow a station that did not come into existence until December 15, 1978, to compute "its average monthly purchases in those months of the October 1978 through February 1979 period" on a pro rata basis?		
Jan. 22, 1980	Risser Oil Corporation, P. N. Risser III, Risser Oil Corporation, 7101 Park Boulevard, Pinellas Park, Florida 33565	A–517
Issue: Where a supplier has sold petroleum products to accounts at a price below that charged the consignee agent and subsequently the same accounts become the consignee's upon conversion to a wholesale purchaser-reseller, does 10 CFR 212.111(c) compel the wholesale purchaser-reseller to determine its maximum lawful selling price in accordance with 10 CFR 212.93?		
Jan. 23, 1980	E-Z Serve, Inc., John D. Hemphill, Esq., E-Z Serve, Inc., One Allen Center, Suite 975, Houston, Texas 77002	A–518
Issue: Do the provisions of 10 CFR 211.13(c) (1) and (2) permit a wholesale purchaser-reseller with more than one base period supplier, which is entitled to receive an adjustment to its base period use, to supply a new retail sales outlet by an upward certification on a proportional base period use basis for those suppliers located in the same marketing area as the new outlet?		
Jan. 31, 1980	Concord Oil Co., Inc., J. M. Tomaino, Vice President, Concord Oil Co., Inc., 147 Lowell Road, Concord, Massachusetts 01742	A–520
Issue: Does a supplier violate the normal business practices rule set forth in 10 CFR 210.62 if by refusing to sufficiently increase a wholesale purchaser-reseller's line of credit, it does not maintain payment terms extended to a purchaser since 1976?		
Jan. 21, 1980	Nederland Processing Company, Sherwood B. Smith, Jr., Esq., Kaler, Worsley, Daniel & Hollman, 1200 18th Street, NW., Washington, D.C. 20036.	A–522
Issue: Is a limited partnership to construct and operate a refinery a "firm," as that term is defined in 10 CFR 211.51 and 212.31 for purposes of the Mandatory Petroleum Allocation and Price Regulations, distinct from the participating partners, if the proposed facility is to be operated on a "day-to-day" basis by an entity that is a wholly-owned subsidiary of one of those partners?		

[FR Doc. 80-8249 Filed 3-17-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed; Week of January 4 Through January 11, 1980

Notice is hereby given that during the week of January 4, 1980 through January 11, 1980 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

March 10, 1980.

List of Cases Received by the Office of Hearings and Appeals

[Week of Jan. 4 through Jan. 11, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 4, 1980	Commonwealth Oil Refining Co., Inc., Washington, D.C.	BED–0024, BEJ–0024.	Motion for Discovery and Protective Order. If granted: Discovery would be granted to Commonwealth Oil Refining Co., Inc., in connection with the Statement of Objections submitted by Texaco, Inc., to the November 30, 1979, Proposed Decision and Order (Case No. DEE–8020) issued to Commonwealth Oil Refining Co., Inc. In addition, the December 14, 1979, Protective Order agreed upon by Texaco, Inc., and Commonwealth Oil Refining Co., Inc. (Case No. BEJ–0009) would be supplemented.
Jan. 4, 1980	ICG Vista Petroleum, Inc., Denver, Colo	BEN–0636, BEE–0638, BEL–0638.	Allocation Exception, Motion for Interim Order. If granted: ICG Vista Petroleum, Inc., would receive an exception from the provisions of 10 CFR 211.65 (the Buy/Sell Program) and would receive the relief requested on an interim basis pending a final determination on the application for exception.
Jan. 7, 1980	Acme, Inc., Lincolnton, N.C	BEE–0635	Allocation Exception. If granted: Acme, Inc., would receive an exception from the provisions of 10 CFR Part 211 that would increase the firm's allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 7, 1980	Ashland Oil, Inc., Washington, D.C	BEA–0133	Appeal of Assignment Order. If granted: The December 6, 1979, Assignment Order issued to Ashland Oil, Inc., by the Economic Regulatory Administration, Office of Petroleum Operations, Region IV, would be rescinded with respect to Ashland Oil Inc.'s supply obligations to Delta Petroleum Corporation.
Jan. 7, 1980	Barton Bernstein, Stanford, Calif	BFA–0131	Appeal of Information Request Denial. If granted: The July 12, 1979, Information Request Denial issued to Barton Bernstein would be rescinded, and the applicant would receive access to information in connection with atomic bomb stockpiles.
Jan. 7, 1980	By-Rite Oil Company, Dearborn Heights, Mich	BEE–0631	Allocation Exception. If granted: By-Rite Oil Company would receive an exception from the provisions of 10 CFR Part 211 that would increase the firm's allocation of unleaded motor gasoline for the purpose of blending gasohol.

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List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Jan. 4 through Jan. 11, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 7, 1980	Castle Aero Club, Inc., Merced, Calif	BEE–0620	Allocation Exception. If granted: Castle Aero Club, Inc., would receive an exception from the provisions of 10 CFR Part 211 that would permit the firm to receive an allocation of aviation fuel.
Jan. 7, 1980	Chronister Oil Company (Lincoln Land), Springfield, Ill.	BMR–0018, BEJ–0018.	Petition for Modification and Protective Order. If granted: The January 5, 1977, Allocation Order issued by the Economic Regulatory Administration, Fuels Regulation Branch, to Coastal States Gas Corporation would be modified with respect to the firm's allocation fractions. Chronister Oil Company would enter into a Protective Order with Coastal States Gas Corporation in order to ensure the confidentiality of information provided to Chronister pursuant to its petition for modification.
Jan. 7, 1980	Chuck Bryant Chevron Service, Whittier, Calif	BRW–0016	Remedial Order. If granted: An Interim Remedial Order for Immediate Compliance issued to Chuck Bryant Chevron Service on October 12, 1979, would be issued as a final Remedial Order for Immediate Compliance.
Jan. 7, 1980	Cities Service Company, Tulsa, Okla	BES–0044, BST–0044.	Request for Stay and Temporary Stay. If granted: Cities Service Company would receive a stay and a temporary stay of the December 21, 1979, Decision and Order issued to Union Oil Company of California (BEN–0009) pending a final determination on Union Oil Company's Application for Exception (Case No. DEE–5748).
Jan. 7, 1980	Cities Service Company, Tulsa, Okla	BEE–0637	Exception from the Entitlements and Buy/Sell Programs. If granted: Cities Service Company would receive an exception from the provisions of 10 CFR 211.67 and 10 CFR 211.65 which would have the effect of equalizing the firm's past entitlement crude oil costs with those of other domestic refiners.
Jan. 7, 1980	Cities Service Company, Tulsa, Okla	BEA–0129	Appeal of Entitlements Notice. If granted: The September 1979 Entitlements Notice would be modified with respect to Cities Service Company's entitlements purchase obligations.
Jan. 7, 1980	Clouse Oil Company, Ozark, Ala	BEE–0636	Allocation Exception. If granted: Clouse Oil Company would receive an exception from the provisions of 10 CFR Part 211 that would increase the firm's allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 7, 1980	Coulson Oil Company, Inc., North Little Rock, Ark	BEE–0627	Allocation Exception. If granted: Coulson Oil Company, Inc., would receive an exception from the provisions of 10 CFR Part 211 that would increase the firm's allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 7, 1980	Exxon Company, U.S.A., Houston, Tex	BEA–0132	Appeal of Assignment Order. If granted: The December 6, 1979, Assignment Order issued to Exxon Company, U.S.A., by the Economic Regulatory Administration, Region IV, would be rescinded with respect to Exxon Company, U.S.A.'s supply obligations to Publix Oil Company.
Jan. 7, 1980	Getty Refining & Marketing Co., Tulsa, Okla	BEE–0621, BEE–0622, BEE–0623, BEE–0624, BEE–0625, BEE–0626.	Allocation Exception. If granted: Getty Refining & Marketing Co. would receive an exception from the provisions of 10 CFR Part 211 that would increase the firm's allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 7, 1980	Harrison Gas and Oil, Inc., Los Angeles, Calif	BRW–0015	Remedial Order. If granted: An Interim Remedial Order for Immediate Compliance issued to Harrison Gas and Oil, Inc., on October 25, 1979, would be issued as a final Remedial Order for Immediate Compliance.
Jan. 7, 1980	M.F.A. Oil Company, Columbia, Miss	BEE–0630	Credit Exception. If granted: M.F.A. Oil Company would receive an exception from the provisions of 10 CFR 212.62 that would permit the firm to adopt a 30-day billing cycle with credit beyond 30 days extended at the lawful interest rate.
Jan. 7, 1980	M. W. Sewell and Company, Bath, Maine	BEE–0629	Allocation Exception. If granted: M. W. Sewell and Company would receive an exception from the provisions of 10 CFR Part 211 that would increase the firm's allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 7, 1980	Newsday, Garden City, N.Y	BFA–0130	Appeal of Information Request Denial. If granted: The December 12, 1979, Information Request Denial issued by the Economic Regulatory Administration, Office of Petroleum Operations, Region II, would be rescinded, and Newsday would receive access to certain DOE information.
Jan. 7, 1980	Texaco, Inc., White Plains, N.Y	BED–0025	Motion for Discovery. If granted: Discovery would be granted to Texaco, Inc., in connection with Applications for Exception, Stay, Temporary Exception and a Petition for Special Redress submitted by Energy Cooperative, Inc. (Case Nos. BEE–0508, BES–0508, Bel–0508, and BSG–0009).
Jan. 7, 1980	Wallace Mays, Jr., Point Marion, Pa	BRW–0014	Remedial Order. If granted: An Interim Remedial Order for Immediate Compliance issued to Wallace Mays, Jr., on October 12, 1979, would be issued as a final Remedial Order for Immediate Compliance.
Jan. 7, 1980	Williams & Connolly, Washington, D.C	BFA–0128	Appeal of Information Request Denial. If granted: The December 11, 1979, Information Request Denial issued by the Deputy General Counsel for Enforcement and Litigation would be rescinded and Williams & Connolly would receive access to certain DOE and FEA documents relating to criminal sanctions provided in the 1973 Emergency Petroleum Allocation Act.
Jan. 8, 1980	Crown Central Petroleum Corporation/Office of Special Counsel, Baltimore, Md.	BEX–0024	Supplemental Order. If granted: The relief granted in the June 5, 1979, Decision and Order (Case No. DES–0211) would be extended pending a final determination on the objection to a proposed remedial order (Case No. DRO–0111).
Jan. 8, 1980	Dale Olson Oil Company, Sioux Falls, S. Dak	BEE–0709	Allocation Exception. If granted: Dale Olson Oil Company would receive an exception from the provisions of 10 CFR Part 211 that would increase the firm's allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 9, 1980	Brock Exploration Corporation, Washington, D.C	BFA–0134	Appeal of Information Request Denial. If granted: The December 10, 1979, Information Request Denial issued to Brock Exploration Corporation would be rescinded and the firm would receive access to DOE documents in connection with an agency audit of the firm.
Jan. 9, 1980	Duo-matic Olsen Inc., Park Forest South, Ill	BEE–0648	Exception from the Energy Efficiency Test Procedures. If granted: Duo-matic Olsen Inc., would receive an exception from the provisions of 10 CFR Part 430 to modify the energy efficiency test procedures applicable to furnaces.
Jan. 9, 1980	Lumberport-Shinnston Gas Co., Lumberport, W. Va	BEE–0643	Exception to the Reporting Requirements. If granted: Lumberport-Shinnston Gas Co. would not be required to file Form EIA–149 ("Natural Gas Supply Requirements").
Jan. 9, 1980	Marathon Oil Company, Findlay, Ohio	BEA–0139	Appeal of Assignment Order. If granted: The December 4, 1979, Assignment Order issued to Marathon Oil Company by the Economic Regulatory Administration, Region IV, would be rescinded with respect to Marathon Oil Company's supply obligations to Philip Sloan Oil Company.
Jan. 9, 1980	Marathon Oil Company, Findlay, Ohio	BED–0026	Motion for Discovery. If granted: Discovery would be granted to Marathon Oil Company in connection with the Statement of Objections it submitted to the October 31, 1979, Proposed Decision and Order (Case No. DEE–2427) issued to Apollo Oil Company by the Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Jan. 4 through Jan. 11, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 9, 1980	Mid-State Oil Company, Fargo, N. Dak	BEL–0025	Temporary Allocation Exception. If granted: Mid-State Oil Company would receive a temporary exception from the provisions of 10 CFR Part 211 that would increase the firm's allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 9, 1980	Pride Refining, Inc., Abilene, Tex	BEE–0651	Allocation Exception. If granted: Pride Refining, Inc., would receive an exception from the provisions of 10 CFR 211.65 that would permit the firm to receive an allocation of crude oil.
Jan. 9, 1980	Reed Distributing Company, Inc., Beaumont, Tex	BEE–0649	Allocation Exception. If granted: Reed Distributing Company, Inc., would receive an exception from the provisions of 10 CFR Part 211 that would increase the firm's allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 10, 1980	Marathon Oil Company, Findlay, Ohio	BEA–0135	Appeal of Redirection Order. If granted: The December 7, 1979, Redirection Order issued to Marathon Oil Company by the Economic Regulatory Administration, Region IV, regarding Marathon Oil Company's supply obligations to Farm Stores, Inc., would be rescinded.
Jan. 10, 1980	Pester Refining Company, Washington, D.C	BEE–0656	Price Exception (Section 212.83). If granted: Pester Refining Company would receive an exception from the provisions of 10 CFR 212.83 that would permit the firm to pass through incremental expenses relating to the blending, storage, distribution, and marketing of gasohol.
Jan. 10, 1980	Publicker Industries, Inc., Greenwich, Conn	BEE–0652	Allocation Exception. If granted: Publicker Industries, Inc., would receive an exception from the provisions of 10 CFR Part 211 that would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 10, 1980	Randolph Oil Company, Moberly, Mo	BEE–0654	Allocation Exception. If granted: Randolph Oil Company would receive an exception from the provisions of 10 CFR Part 211 that would increase the firm's allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 10, 1980	The Country Store, Tafton, Pa	BEN–0012	Interim Order. If granted: The Country Store would receive interim allocation exception relief pending a final determination on its Application for Exception.
Jan. 11, 1980	Mid-South Oil Company, Dallas, Tex	BEL–0039	Request for Temporary Exception. If granted: Mid-South Company's supplier/purchaser obligations with Oklahoma Refining would be terminated.
Jan. 11, 1980	Thomsen Oil Company, Hastings, Nebr	BEE–0664	Allocation Exception. If granted: Thomsen Oil Company would receive an exception from the provisions of 10 CFR Part 211 that would increase the firm's allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 7, 1980	Kenneth L. Tipps, Denver, Colo	BXE–0633	Price Exception. If granted: Kenneth L. Tippe would be permitted to continue to sell the crude oil from the Marick 1–A property at upper tier ceiling prices.
Jan. 10, 1980	Buttes Resources, Inc., Dallas, Tex	BEE–0653	Exception to Reporting Requirements. If granted: Buttes Resources, Inc., would be granted an extension of time in which to file Form EIA–23 (Annual Survey of Domestic Oil and Gas Reserves).
Jan. 10, 1980	Raymer Oil Company, Statesville, N.C	BEJ–0015	Motion for Protective Order. If granted: Raymer Oil Company will disclose confidential information contained in its application for exception (Case No. BEE–0404) to Standard Oil Company of Indiana (Amoco).

Notices of Objection Received—Week of January 4 to January 11, 1980

Date	Name and location of applicant	Case No.
1/7/80	June Lake Chevron, June Lake, Calif.	BEO–0703
1/7/80	Lake Chelan School District No. 129, Chelan, Wash.	BEO–0704
1/7/80	Nelson Pontiac, El Monte, Calif	BEO–0694
1/7/80	Schley & Keller, Inc. Denver, Colo	BEO–0705
1/7/80	Seattle Flight Service, Inc. Seattle, Wash.	BEO–0706
1/7/80	Taylor's Chevron American Fork, Utah.	BEO–0707
1/7/80	Walker Chevron Service Coleville, Calif.	BEO–0708
1/7/80	Wally's Texaco Service Dayton, Wash.	BEO–0709
1/7/80	City of Holyoke Holyoke, Mass	DEE–7582
1/7/80	Joe's Gas House Mt. Ranch, Calif	DEE–4609
1/7/80	Rabehl Oil Co. Fox Lake, Wis	BEO–0717
1/7/80	Texas Electric Service Fort Worth, Tex.	BEO–0718
1/7/80	Scothorn Standard Service, Inc. Des Moines, Iowa.	BEO–0719
1/3/80	Elmar's Chevron Service Gardena, Calif.	BEO–0721
1/8/80	Gateway Buick Corona, Calif	BEO–0722
1/7/80	Geico Courier San Francisco, Calif	BEO–0723
1/7/80	D & R Contractors, Inc. Orcutt, Calif	BEO–0687
1/7/80	Ben Holt Construction, Inc. Edmonds, Wash.	BEO–0688
1/7/80	The Grocery Brush Prairie, Wash	BEO–0689
1/7/80	Arnold Orloske Shell Service Belfair, Wash.	BEO–0693
1/7/80	Amoco Quick Six Shoppe (E. Alameda) Denver, Colo.	BEO–0692
1/7/80	Amoco Quick Six Shoppe (S. Broadway) Denver, Colo.	BEO–0690
1/7/80	Boys' Club of Denver, Inc. Denver, Colo.	BEO–0695
1/7/80	Captain Beans' Cruises Kailua-Kona, Hawaii.	BEO–0696
1/7/80	Cody Texaco Cody, Wyo	BEO–0697
1/7/80	Del's "66" Grand Junction, Colo	BEO–0698
1/7/80	Friendly Oil Company Alhambra, Calif.	BEO–0699
1/7/80	Glenn's Freeway Service Winslow, Ariz.	BEO–0691

Notices of Objection Received—Week of January 4 to January 11, 1980—Continued

Date	Name and location of applicant	Case No.
1/7/80	J & W Texaco Federal Way, Wash	BEO–0700
1/7/80	John W. Lattimore Contractor Phoenix, Ariz.	BEO–0701
1/7/80	John's Exxon Stockton, Calif	BEO–0702
1/7/80	Yellow Cab of Ft. Lauderdale Ft. Lauderdale, Fla.	BEO–0710
1/7/80	McKee's Marathon Service Richmond, Ind.	BEO–0711
1/7/80	Petersen's Standard Waterloo, Iowa	BEO–0712
1/7/80	Progress West Texaco Maryland Heights, Mo.	BEO–0713
1/7/80	Tosa Car Wash Milwaukee, Wis	BEO–0714
1/7/80	Brazos Electric Power Coop., Inc. Waco, Tex.	BEO–0715
1/8/80	Hawn Freeway Texaxo Dallas, Tex	BEO–0716
1/9/80	West Nash Exxon Wilson, N.C	BEO–0724
1/9/80	Cermak & Harlem Shell LaGrange, Ill.	BEO–0725
1/9/80	Detroit Car Care Center Detroit, Mich.	BEO–0726
1/9/80	Frank's Service Center Aurora, Ill	BEO–0727
1/9/80	Clowe 66 Oil Co. Ardmore, Okla	BEO–0728
1/9/80	Country Super Store Bogalusa, La	BEO–0729
1/9/80	Ralston Motor Service Ralston, Okla.	BEO–0730
1/7/80	Southland Oil Company Washington, D.C.	BXE–0003
1/7/80	Warrior Asphalt Co. of Alabama Washington, D.C.	BXE–0004
1/7/80	Midwest Solvents Co. Houston, Tex	DEE–7741
1/9/80	Fred Astaire Dance Studio Miami, Fla.	BEO–0556
1/9/80	Spartan Exxon Spart, N.J	BEO–0720
1/9/80	Midan Auto Care, Inc. Ronkonkoma, N.Y.	BEO–0619
1/7/80	Wiggins Standard, Denver, Colo	BEO–0734
1/7/80	Rogers Gulf Service Center, Vienna, Va.	BEO–0735
1/9/80	Lund Construction Sacramento, Calif.	BEO–0731
1/9/80	Samir's Shell & Auto Gardena, Calif	BEO–0732
1/8/80	Quick Six Shoppe (E. Colfax) Aurora, Colo.	BEO–0737

Notices of Objection Received—Week of January 4 to January 11, 1980—Continued

Date	Name and location of applicant	Case No.
1/10/80	Harrison Gas & Oil, Inc. Los Angeles, Calif.	BXE–0245
1/9/80	Morris I–80 Standard Adair, Iowa	BEO–0542
1/9/80	Oil Products Co., Inc. Ind	BEE–0258
1/10/80	Hayes, Kenneth Yuca Valley, Calif	BEO–0740
1/9/80	Pen Fern Oil Company Dallas, Pa	BEO–0739
1/9/80	North Side Center Hamilton, Mon	DEE–7919
1/10/80	Liberty Hill Oil Co Denver, Colo	DEE–6132
1/10/80	Buh, Inc. Pierz, Minn	DEE–5232
1/9/80	Beverly Hills Car Wash Los Angeles, Calif.	BEO–0766
1/10/80	K.C.I. Texaco Kansas City, Mo	BEO–0743
1/10/80	Faukland Exxon Wilmington, Del	BEO–0748
1/11/80	Rusty's Gulf Service Pittsburgh, Pa	BEO–0749
1/10/80	Highway 259 Service Station & Garage Leithchfield, Ky.	BEO–0750
1/11/80	J.E.T. Farms Boynton Beach, Fla	BEO–0751
1/11/80	Starkville Auto Mart Starkville, Miss	BEO–0752
1/11/80	Frank's ARCO Los Angeles, Calif	BEO–0753
1/11/80	Avants, William K. Oklahoma City, Okla.	BEO–0754
1/11/80	Glockner's Phillips "66" Mandeville, La.	BEO–0755
1/11/80	Cottonwood Height Chevron Salt Lake, Utah.	BEO–0757
1/11/80	Lee's One Stop Mart Chehalis, Wash.	DEE–4764
1/11/80	District of Columbia Washington, D.C.	DEE–8329
1/11/80	North Beach Shell Servicenter Miami Beach, Florida.	BEO–0756
1/11/80	Bob's Marathon Indianapolis, Ind	BEO–0760
1/10/80	Florence Car Wash Los Angeles, Calif.	BEO–0761
1/10/80	Laurel Gulf Silver Spring, Md	BEO–0747
1/10/80	Miami Beach Texaco Miami Beach, Fla.	BEO–0746
1/10/80	Mr. Gleem Car Wash Houston, Tex	BEO–0745
1/10/80	Bob Mullins' Texaco Altamonte Springs, Fla.	BEO–0744
1/10/80	Wald's 63 Service Cable, Wis	BEO–0742
1/10/80	33rd Street Texaco Orlando, Fla	BEO–0741

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List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of January 4 through January 11, 1980

If granted: The following firms would receive an exception which would increase their base period allocation of motor gasoline.

January 4, 1980

Champion Oil Service Co., BEE–0619, District of Columbia.

January 7, 1980

D & J ARCO Service, BEE–0634, California.
Earle's Grocery, BEE–0628, Kentucky.

January 8, 1980

Art's Mobil, BEE–0659, Pennsylvania.
Benson General Store, BEE–0645, Vermont.
Bill Haramis Truck Stop, BEE–0662, California.
McCoy Oil Company, Inc., BEE–0640, North Carolina.
Shield's ARCO, BEE–0667, Pennsylvania.
Turner, Harold, BEE–0663, California.

January 9, 1980

Bee Jay's Auto Body, BEE–0641, New Jersey.
Denniaport ARCO Station, BEE–0661, Massachusetts.
Des Moines Ind. Com. Sch. Dist., BEE–0675, Iowa.
Earman Oil Co., Inc., BEE–0642, Florida.
Fireline Petroleum Co., BEE–0650, District of Columbia.
Town & Country Food Markets Inc., BXE–0647, District of Columbia.

January 10, 1980

Blair Park Exxon, BEE–0658, District of Columbia.
Dickson Motor Service, Inc., BEE–0655, California.
Jones Sunoco Service, BEE–0729, Ohio.
L. D. Service Center, BEE–0657, Missouri.
McDonough Iron Work, BEE–0639, Texas.
Park & 66 Exxon, BEE–0684, Florida.
Sun Coast Supply Co., Inc., BEE–0672, Florida.
Thoele Oil & Hauling Co., Inc., BEE–0692, Missouri.

January 11, 1980

Chen's United Petroleum, BEE–0674, California.
Earl & Fred's ARCO, BEE–0660, Washington.
Langley Park Amoco, BEE–0669, Maryland.
Mason Valley Petroleum Dealers, BXE–0673, Nevada.
McCormack's Service Center, BEE–0668, Illinois.
Quick Trip Corp., BEE–0671, Oklahoma.
Tollision ARCO, BEE–0666, California.

[FR Doc. 80-8253 Filed 3-17-80; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of January 11 through January 18, 1980

Notice is hereby given that during the week of January 11, 1980 through January 18, 1980 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

March 10, 1980.

List of Cases Received by the Office of Hearings and Appeals

[Week of Jan. 11 through Jan. 18, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 11, 1980	Alcot, Inc., Kathleen, Ga	BFA–0136	Appeal of Information Request Denial. If granted: The December 13, 1979, Information Request Denial issued to Alcot, Inc., would be rescinded, and the firm would receive access to certain DOE documents.
Jan. 11, 1980	Chevron U.S.A. Inc., San Fancisco, Calif	BEA–0137	Appeal of Assignment Order. If granted: The December 6, 1979, Assignment Order issued to Chevron U.S.A., Inc., by the Economic Regulatory Administration Region IV would be rescinded with respect to Chevron U.S.A., Inc.'s supply obligations to Publix Oil Company, Inc.
Jan. 11, 1980	Chevron, U.S.A. et al., Washington, D.C	BEA–0153	Appeal of Assignment Order. If granted: The December 10, 1979, Assignment Order issued by the Economic Regulatory Administration to the firms of Chevron, U.S.A., Atlantic Richfield Company, Exxon Company, U.S.A., Getty Refining & Marketing Co., Marathon Oil Co., Mobil Oil Corp., and Tosco Corporation, regarding their supply obligations to Fina Jobbers Association, Inc., would be modified.
Jan. 11, 1980	Exxon Company, U.S.A., Houston, Tex	BEA–0138	Appeal of Assignment Order. If granted: The December 4, 1979, Assignment Order issued to Exxon Company, U.S.A., would be rescinded with respect to Exxon Company, U.S.A.'s supply obligations to Philip Sloan Oil Company.
Jan. 11, 1980	Glen Ellyn Standard, Glen Ellyn, Ill	BEE–0670	Allocation Exception. If granted: Glen Ellyn Standard would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 11, 1980	Sabre Oil Company, Bakersfield, Calif	BEH–0010	Motion for Evidentiary Hearing. If granted: An Evidentiary Hearing would be convened in connection with the Application for Exception submitted by Sabre Oil Company and the December 6, 1979, Proposed Decision and Order issued to the firm.
Jan. 11, 1980	Vickers Petroleum Corp., Washington, D.C	BEA–0152	Appeal of Assignment Order. If granted: The December 10, 1979, Assignment Order issued by the Economic Regulatory Administration to Vickers Petroleum Corporation regarding the firm's supply obligations to Fina Jobbers Association, Inc, would be modified.
Jan. 14, 1980	Audio of Baton Rouge, Inc., Baton Rouge, La	BEE–0677	Allocation Exception. If granted: Audio of Baton Rouge, Inc., would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 14, 1980	Commonwealth Oil Refining Co., Washington, D.C	BED–0026, BEJ–0026.	Motion for Discovery and Protective Order. If granted: Discovery and Protective Order would be granted to Commonwealth Oil Refining Company in connection with the Statement of Objection submitted in response to the October 22, 1979, Proposed Decision and Order (Case No. DXE–7928) issued to Commonwealth Oil Refining Company.
Jan. 15, 1980	Aminoil USA, Inc., Harris County, Tex	BXE–0678	Extension of relief granted in *Aminoil USA, Inc.*, DOE, Par. (October 24, 1979). If granted: Aminoil USA Inc., would be permitted to continue to sell the crude oil produced from the California State Lease, located in Harris County, Texas, at upper tier ceiling prices.
Jan. 15, 1980	Amoco Oil Company, Washington, D.C	BRZ–0020	Interlocutory Order. If granted: The Office of Hearings and Appeals of the Department of Energy would issue an Interlocutory Order to Amoco Oil Company with respect to the Motion for Discovery filed by the petitioner.
Jan. 15, 1980	Atlantic Richfield Company, Los Angeles, Calif	BRZ–0015	Interlocutory Order. If granted: The Office of Hearings and Appeals of the Department of Energy would issue an Interlocutory Order to Atlantic Richfield Company with respect to the Motion for Discovery filed by the petitioner.
Jan. 15, 1980	Chevron U.S.A., Inc., San Francisco, Calif	BRZ–0018	Interlocutory Order. If granted: The Office of Hearings and Appeals of the Department of Energy would issue an Interlocutory Order to Chevron U.S.A., Inc., with respect to the Motion for Discovery filed by the petitioner.
Jan. 15, 1980	Clarence Barner, Randolph, Nebr	BEE–0685	Allocation Exception. If granted: Clarence Barner would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Jan. 11 through Jan. 18, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 15, 1980	Don White Oil Service, Inc., Galesburg, Ill	BEE–0690	Allocation Exception. If granted: Don White Oil Service, Inc., would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increase allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 15, 1980	Fritz Ashland Service Station, Greenup, Ky	BEH–0559	Motion for Evidentiary Hearing. If granted: An evidentiary hearing would convened in connection with the Statement of Objections submitted by Fritz Ashland Service Station in response to the Proposed Decision and Order issued to the firm.
Jan. 15, 1980	Getty Refining and Marketing Company, Tulsa, Okla.	BEA–0141	Appeal of an Assignment Order. If granted: The December 17, 1979, Assignment Order issued to Getty Refining and Marketing Company by the Economic Regulatory Administration, Region VII, regarding the firm's supply obligations to Schapeler Oil Company, would be rescinded.
Jan. 15, 1980	Gulf Oil Company, Washington, D.C	BRZ–0016	Interlocutory Order. If granted: The Office of Hearings and Appeals of the Department of Energy would issue an Interlocutory Order to Gulf Oil Company with respect to the Motion for Discovery filed by the petitioner.
Jan. 15, 1980	Gulf Oil Company, Houston, Tex	BEA–0140	Appeal of Assignment Order. If granted: The December 6, 1979, Assignment Order issued to Gulf Oil Company, by the Economic Regulatory Administration, Region IV, with respect to Gulf Oil Company's supply obligations to Publix Oil Company would be rescinded.
Jan. 15, 1980	Kerr McGee Corporation, Oklahoma City, Okla	BES–0045	Request for Stay. If granted: Kerr McGee Corporation would receive a Stay of the December 5, 1979, Decision and Order issued to San-Ann Service, Inc., by the Office of Hearings and Appeals pending a final determination on the Appeal if that Order filed with FERC.
Jan. 15, 1980	Koch Exploration Company, Wichita, Kans	BXE–0687	Price Exception (Section 212.73). If granted: Koch Exploration Company would be permitted to sell the crude oil produced from the Sink Draw #1 Lease located in Duchesne County, Utah, at upper tier ceiling prices.
Jan. 15, 1980	Landes Oil Company, Salina, Kans	BEE–0697	Allocation Exception. If granted: Landes Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 15, 1980	Louisiana Land & Exploration, Washington, D.C	BRZ–0022	Interlocutory Order. If granted: The Office of Hearings and Appeals of the Department of Energy would issue an Interlocutory Order to Louisiana Land & Exploration with respect to the Motion for Discovery filed by the petitioner.
Jan. 15, 1980	Manatee Energy Company, Washington, D.C	BEX–0025	Supplemental Order in *Manatee Energy Co.*, DOE Par. (December 28, 1979). If granted: The DOE would reconsider the December 28, 1979, Decision and Order issued to Manatee Energy Company (Case No. BES–0025).
Jan. 15, 1980	Marathon Oil Company, Washington, D.C	BRZ–0017	Interlocutory Order. If granted: The Office of Hearings and Appeals of the Department of Energy would issue an Interlocutory Order to Marathon Oil Company with respect to the Motion for Discovery filed by the petitioner (Case No. BRD–0026).
Jan. 15, 1980	Mocar Oil Company, Pensacola, Fla	BEE–0698	Allocation Exception. If granted: Mocar Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 15, 1980	Raymer Oil Company, Statesville, N.C	BEJ–0016	Motion for Protective Order. If granted: Raymer Oil Company will disclose confidential information contained in its application for exception (Case No. BEE–0404) to Cities Service Company.
Jan. 15, 1980	Saveway, Cape Girardeau, Mo	BEE–0683	Allocation Exception. If granted: Saveway would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 15, 1980	Standard Oil Company of Ohio, Cleveland, Ohio	BRZ–0019	Interlocutory Order. If granted: The Office of Hearings and Appeals of the Department of Energy would issue an Interlocutory Order to Standard Oil Company of Ohio with respect to the Motion for Discovery filed by the petitioner (Case No. BRD–0022).
Jan. 15, 1980	Tennessee Valley Energy, Waynesboro, Tenn	BEE–0689	Allocation Exception. If granted: Tennessee Valley Energy would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 15, 1980	Texaco, Inc., Washington, D.C	BRZ–0021	Interlocutory Order. If granted: The Office of Hearings and Appeals of the Department of Energy would issue an Interlocutory Order to Texaco, Inc., with respect to the Motion for Discovery filed by the petitioner.
Jan. 16, 1980	Atlantic Richfield Company, Los Angeles, Calif	BEE–0696	Allocation and Price Exception. If granted: Atlantic Richfield Company would receive an exception from the provisions of 10 CFR 211 and 212.83 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol and to pass through incremental expenses relating to the blending, storage, distribution, and marketing of gasohol.
Jan. 16, 1980	Commonwealth Oil Refining Co., Inc., San Antonio, Tex.	BEE–0691, BEL–0691.	Allocation Exception and Temporary Exception. If granted: Commonwealth Oil Refining Co., Inc., would receive an exception and temporary exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of crude oil.
Jan. 16, 1980	Farmers Co-Op of Arkansas and Oklahoma, Van Buren, Ark.	BEE–0708	Allocation Exception. If granted: Farmers Co-Op of Arkansas and Oklahoma would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the prupose of blending gasohol.
Jan. 16, 1980	Gul Oil Corporation, Houston, Tex	BEE–0695	Price Exception (Section 212.73). If granted: Gulf Oil Corporation would be permitted to sell the crude oil produced from the "C" Lease, Cleveland Field, located in Liberty County, Texas, at upper tier ceiling prices.
Jan. 16, 1980	Phillips Petroleum Company, Bartlesville, Okla	BEE–0693	Price Exception. If granted: Phillips Petroleum Company would receive an exception from the provisions of 10 CFR 212.83 which would permit the firm to pass through incremental expenses relating to the blending, storage, distribution, and marketing of gasohol.
Jan. 16, 1980	Priebe Brothers & Sons Oil Co., Inc., Waterloo, Iowa.	BEE–0700	Allocation Exception. If granted: Priebe Bros. & Sons Oil Co., Inc., would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 16, 1980	Standard Oil Co. of Indiana, Chicago, Ill	BEE–0702	Price Exception. If granted: Standard Oil Co. of Indiana would receive an exception from the provisions of 10 CFR 212.83 which would permit the firm to pass through incremental expenses relating to the blending, storage, distribution, and marketing of gasohol.
Jan. 16, 1980	Witmer's Gulf, Crosby, Tex	BRA–0149	Appeal of Assignment Order. If granted: The Assignment Order issued to Witmer's Gulf by the Economic Regulatory Administration, Region VI, would be modified.
Jan. 17, 1980	Clark's Service Station, Pawtucket, R.I	BES–0094	Request for Stay. If granted: Clark's Service Station would recieve a stay of the November 21, 1979, Assignment Order issued to the firm by the Economic Regulatory Administration, Region I, pending a final determination on its Appeal (Case No. BEA–0094).
Jan. 17, 1980	Exxon Company, U.S.A., Washington, D.C	BES–0024	Request for Stay. If granted: Exxon Company, U.S.A., would receive a stay of the December 21, 1979, Interim Order (Case No. BEN–009) issued to Union Oil Company of California by the Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Jan. 11 through Jan. 18, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 17, 1980	Kreiner Brothers Motor and Implement Company, Hampton, Iowa.	BEE-0707	Allocation Exception. If granted: Kreiner Brothers Motor and Implement Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 17, 1980	McCall Marketing Company, Portland, Oreg	BEN-0015	Interim Order. If granted: McCall Marketing Company would receive the relief tentatively granted in the October 18, 1979, Proposed Decision and Order issued to the firm on an interim basis pending a final determination on its Application for Exception (Case No. DEE-7887).
Jan. 17, 1980	McDermott Oil Company, Cascade, Iowa	BEE-0712	Allocation Exception. If granted: McDermott Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 17, 1980	Time Oil Company, Washington, D.C.	BEE-0703	Price Exception (Section 212.83). If granted: Time Oil Company would receive an exception from the provisions of 10 CFR 212.83 which would permit the firm to pass throgh incremental expenses relating to the blending, storage, distribution and marketing of gasohol.
Jan. 18, 1980	Keller Oil Company, Inc., Effingham, Ill	BEE-0711	Allocation Exception. If granted: Keller Oil Company, Inc., would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 18, 1980	Slant/Fin Corporation, Greenvale, N.Y	BEE-0704, BES-0704, BST-0704.	Exception from the Energy Conservation Program for Consumer Products. If granted: Slant/Fin Corporation would not be required to perform energy efficiency test procedures applicable to packaged air conditioners. The firm would receive a stay and temporary stay of the provisions of 10 CFR 430 pending a final determination on its Application for Exception.

Notices of Objection Received—Week of January 11, 1980 to January 18, 1980

Date	Name and Location of Applicant	Case No.
1/11/80	Rousseau's Texaco, Meriden, Conn.	DEE-7348
1/11/80	Tidmore Oil Company, Columbiana, Ala.	DEE-8022
1/11/80	J & M Shell Service San Mateo, Calif.	BEO-0759
1/11/80	County of Santa Clara, Ca. San Jose, Calif.	BEO-0758
1/14/80	Ajax Rent A Car Berkeley, Mo	BEO-0764
1/11/80	Gas 'N Save, Inc. Findlay, Ohio	BEO-0765
1/14/80	Marte's Texaco Servicenter, Inc. Langhorne, Pa.	BEO-0762
1/14/80	S & P Sunoco Service Hialeah, Fla.	BEO-0763
1/14/80	Fegley's Mini Mart, Inc. Tamaqua, Pa.	DEE-6289
1/11/80	Alpha Park Public Library District Bartonville, Ill.	BEE-0322
1/14/80	Kirby Smith Groves Orlando, Fla	BEO-0767
1/14/80	Bob's Marathon Young America, Ind.	BEO-0768
1/14/80	Crazy Bait Center Montgomery, Tex	BEO-0769
1/14/80	Tiny's Freeway Station Tulsa, Okla.	BEO-0770
1/14/80	De Soto Cab Company San Francisco, Calif.	BEO-0771
1/15/80	Eagle Rock Mini-Market Los Angeles, Calif.	BEO-0772
1/15/80	Gleason Company Belcher, La	BEO-0773
1/15/80	Gugino's Amoco Service Kenmore, NY.	BEO-0774
1/15/80	International Metal Company Sapulpa, Okla.	BEO-0775
1/15/80	Jay Jays Service Houston, Tex	BEO-0776
1/15/80	Jed's Exxon Clarksville, Tenn	BEO-0777
1/15/80	Roy, Joseph Bethlehem, Conn	BEO-0778
1/15/80	Northrop Hawthrone, Calif	BEO-0779
1/15/80	Veyo Mercantile Central, Utah	BEO-0780
1/16/80	Bonafide Oil Company Kansas City, Mo.	BEO-0782
1/14/80	Warekubco, Inc. Washington, D.C	DEE-2396
1/14/80	F. S. Services, Inc. Washington, D.C.	DEE-7938
1/16/80	Davis, Dee Tulsa, Okla	BEO-0797
1/16/80	Batley, Donald E. Petaluma, Calif	BEO-0798
1/16/80	Don Nelson Texaco Oklahoma City, Okla.	BEO-0799
1/17/80	Billman's Sunoco Columbus, Ohio	BEO-0824
1/15/80	Washington Garage Bergenfield, NJ	BEO-0788
1/15/80	Corona Mall Chevron La Habra, Calif.	BRO-0781
1/15/80	Nick's Chevron Ozonz, Tex	BEO-0787
1/15/80	Marion DX Service Marion, Iowa	BEO-0786
1/15/80	Rescue Junction General Store Rescue, Calif.	BEO-0785
1/15/80	Friday, Paul L. Del City, Okla	BEO-0784
1/15/80	City of Bartlesville Bartlesville, Okla.	BEO-0783
1/17/80	Bay Village Marathon Bay Village, Ohio.	BEO-0545
1/16/80	Abe Lincoln North/South Washington, D.C.	BEO-0789 and BEO-0790

Notices of Objection Received—Week of January 11, 1980 to January 18, 1980—Continued

Date	Name and Location of Applicant	Case No.
1/16/80	Airport "66" Service Salt Lake City, Utah.	BEO-0791
1/16/80	Muzny, Al Oklahoma City, Okla	BEO-0792
1/16/80	Bonifield Oil Company Kansas City, Mo.	BEO-0793
1/15/80	Cash N' Dash Nevada, Mo	BEO-0794
1/16/80	Chapman's Exxon Shillington, Pa	BEO-0795
1/16/80	D. A. Hart, Inc. Orange, Calif	BEO-0796
1/16/80	Peterson Henry M. Colville, Wash	BEO-0805
1/16/80	Homerding, Mark Yukon, Okla	BEO-0806
1/16/80	Hub Truck Rental Corp. Melville, NY	BEO-0807
1/15/80	Dillard, Jerry Moore, Okla	BEO-0808
1/16/80	Johnson's Mini Market Chicago, Ill	BEO-0809
1/15/80	Meridian Construction Co. Phoenix, Ariz.	BEO-0810
1/16/80	Mercy Peninsula Ambulance Service Daly City, Calif.	BEO-0811
1/16/80	Pfenninger, Ralph Oklahoma City, Okla.	BEO-0812
1/16/80	Saylorsburg Garage Saylorsburg, Pa	BEO-0813
1/16/80	Shadow Mountain Texaco Tulsa, Okla.	BEO-0814
1/15/80	Shop-A-Snak Food Mart, Inc. Homewood, Ala.	BEO-0815
1/15/80	United Telephone Co. of Kansas, Inc. Junction City, Kans.	BEO-0816
1/16/80	Walt's Arco Everett, Wash	BEO-0817
1/15/80	Wash, World-Bretts, Inc. Van Nuys, Calif	BEO-0818
1/17/80	West Paterson Amoco, Inc. West Paterson, NJ.	BEO-0819
1/17/80	Bud's "66" Service, Inc. South Bend, Ind.	BEO-0826
1/16/80	Burns Service Center West Acton, Mass.	DEE-4430
1/16/80	Cunningham Drug Store, Inc. Detroit, Mich.	BEO-0827
1/17/80	Ferguson's Convenient Market Philadelphia, Pa.	BEO-0828
1/17/80	Good Chevrolet, Inc. Renton, Wash.	BEO-0829
1/17/80	Lincoln Service Center Irwin, Pa	BEO-0830
1/17/80	Poole's Exxon Fountain Inn, SC	BEO-0831
1/17/80	Tyre Brothers Glass Co. Los Angeles, Calif.	BEO-0832
1/17/80	Walsh Moving Service Torrance, Calif.	BEO-0833
1/17/80	Bob's Skelly Service Newton, Iowa	BEO-0825
1/17/80	Weitzel Brothers, Inc. Baltimore, Md	DEE-6102
1/16/80	Bennett, Douglas North Beach, Calif	BEO-0800
1/16/80	Don's Texaco & Tire Service Puyallup, Wash.	BEO-0801
1/15/80	Robertson, Garvin W. Ontario, Calif	BEO-0802
1/16/80	Go-C-Us Kennewick, Wash	BEO-0803
1/15/80	Harold & Carol Turner Thousand Palms, Calif.	BEO-0804
1/16/80	Midway Petroleum, Inc. Houston, Tex.	DEE-3851
1/15/80	Boardwalk Regency Atlantic City, NJ.	BEE-6673

Notices of Objection Received—Week of January 11, 1980 to January 18, 1980—Continued

Date	Name and Location of Applicant	Case No.
1/15/80	Ray's Exxon Servicenter Pine Island, NY.	BEO-0822
1/17/80	Don Gay Mobil Salinas, Calif	BEO-0823
1/16/80	Rally Oil Company Melville, NY	DEE-2542
1/15/80	H. L. Mills Petroleum Products Washington, D.C.	BXE-0139
1/17/80	Convenience Stores of California Los Angeles, Calif.	BEO-0834
1/16/80	Mickey's Anchor Dudley, Mass	BEE-0277
1/17/80	Foley's Chevron & Drive In Dairy Los Angeles, Calif.	BEO-0842
1/16/80	W. J. Fletcher ARCO 70 Medford, NJ.	DEE-2960
1/16/80	South Colby Texaco Port Orchard, Wash.	BEO-0915

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of January 11 Through January 18, 1980

If granted: The following firms would recieve an exception which would increase their base period allocation of motor gasoline.

January 11, 1980

Chen's United Petroleum, BEE–0674, California.
Earl & Fred's Arco, BEE–0660, Washington.
Langley Park Amoco, BEE–0669, Maryland.
Mason Valley Petroleum Dealers, BXE–0673, Nevada.
McCormack's Service Center, BEE–0668, Illinois.
Quick Trip Corp., BEE–0671, Oklahoma.
Tollision Arco, BEE–0666, California.

January 15, 1980

Charles Hasting Oil Co., BEE–0688, Tennessee.
James Tidwell Chevron, BEE–0699, California.
Marlow's Service Center, BEE–0682, Oklahoma.
Prewitt, Roger J., BEE–0680, Kentucky.
Ripley Exxon Servicenter, BEE–0679, West Virginia.
Steve's Market, BEE–0681, New Hampshire.
Travelers Petroleum, Inc., BEE–0686, South Carolina.

January 16, 1980

Dale's Chevron, BEE–0730, Colorado.
Golden Eagle Refining Co., Inc., BEE–0694, California.

January 17, 1980

Dean–O's Dairybar, BEE–0705, New York.
Nance, W. N., BEE–0706, Texas.
Saveway, BEE–0716, Missouri.

January 18, 1980

Bob's American, BEE–0717, Pennsylvania.
McCombs Oil Co., Inc, BEE–0725, North Carolina.
Round's Service Station, BEE–0775, Rhode Island.
Service O–Mation, BEE–0898, Pennsylvania.

Items retrieved 23

[FR Doc. 80–8254 Filed 3–17–80; 8:45 am]
BILLING CODE 6450–01–M

Issuance of Decisions and Orders; Week of January 14 Through January 18, 1980

Notice is hereby given that during the week of January 14 through January 18, 1980, the Decisions and Orders summarized below were issued with repect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

American Petrofina, Inc., Dallas, Texas; BEA–0095, motor gasoline

American Petrofina (Fina) filed an Appeal from an Assignment Order which was issued to Treasure Coast Oil, Inc. The Order directed Treasure Coast to supply motor gasoline to a retail outlet. Fina is the prime supplier of Treasure Coast. The Fina Appeal relates to an Order issued on September 14, 1979 granting temporary exception renef to a class consisting of branded Fina jobbers, and directing Fina to supply gasoline to those jobbers at specified allocation levels during the period September through December 1979. In its Appeal Fina contended that the Assignment Order failed to comply with the provisions of Paragraph (13) of the September 14, Order. That Paragraph required that any assignment order issued subsequent to March 1, 1979 assigning a firm to supply motor gasoline to a firm eligible to receive relief pursuant to the September 14 Decision be rescinded unless specific findings were made that the assignment order was to be maintained. Since no such specific findings were made, Fina claimed that the assignment was defective on its face and should be rescinded. The DOE found that the terms of Paragraph (13) applied only to assignment orders in which the beneficiary was a Fina jobber not a retail motor gasoline outlet such as that to be supplied by Treasure Coast Oil, Inc. The DOE therefore concluded that the Fina Appeal should be denied.

Blackmon's Exxon, Kershaw, South Carolina; DEA–0665, motor gasoline

Blackmon's Exxon filed an Appeal from an Assignment Order which the Region IV Office of Petroleum Operations had issued. In its Appeal, Blackmon contended that the Office of Petroleum Operations erred in establishing a base period volume for its outlet. In considering the Appeal, the DOE found that Blackmon failed to meet its burden of establishing that the determination of the Office of Petroleum Operations was not in accordance with the "Guidelines for Evaluation of Applications for Assignment of Supplier and Base Period Use to New Gasoline Retail Outlets" issued by the Economic Regulatory Administration. The DOE also found that Blackmon's had failed to make a *prima facie* showing that it was entitled to exception relief.

Marathon Oil Company, Washington, D.C.; BEA–0099, motor gasoline

Marathon Oil Company filed an Appeal of a December 6, 1979 order issued by the Region IV Office of the Economic Regulatory Administration (ERA) requiring Marathon to supply Delta Petroleum Corporation with motor gasoline. If Marathon's request was granted, the December 6 order would be rescinded. The December 6 order was issued at the direction of the Office of Hearings and Appeals in a Decision and Order issued on November 20, 1979 in which exception relief was granted to Delta. In considering Marathon's Appeal, the DOE determined that Marathon's contentions that the December 6 order was legally deficient for failure to comply with Subpart C of the DOE procedural regulations were without merit because the order was not technically an assignment order issued pursuant to Subpart C. Instead, the DOE found that the order was required to satisfy generally applicable constitutional due process requirements and that the procedures followed in choosing Marathon as a supplier for Delta satisfied those requirements. Marathon's Appeal was therefore denied.

Miller Oil Company, Oneonata, Alabama; DEA–0583, Motor Gasoline

Miller Oil Company filed an Appeal from an Assignment Order which the Deputy Regional Director of the Office of Fuels Regulation of the Economic Regulatory Administration, Region IV, issued to Robinson's Grocery and Gas Station. In considering the Appeal, the DOE found that the Economic Regulatory Administration erred in assigning a base period volume to Robinson based on volume data obtained from Roy's Spur Go Shop. The DOE therefore granted the Miller Appeal and remanded the matter to the Region IV Office of Petroleum Operations for further review and to issue a new assignment order to Robinson. The DOE further determined that in the interim Miller should supply additional volumes of motor gasoline to Robinson, over the amount assigned in the above-cited Assignment Order, until the Region IV Office of Petroleum Operations establishes a permanent allocation level for the outlet.

Raymond International Builders, Inc., Houston, Texas; BFA–0080, Freedom of Information

Raymond International Builders, Inc. filed an Appeal from a denial by the Contract Specialist, Department of Energy, New Orleans of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found tht the Contract Specialist acted correctly in withholding the information requested pursuant to Exemption 4. An important issue that was considered in the Decision and Order was whether information relating to ongoing procurement contract negotiations should be withheld pursuant to Exemption 4 while such negotiations remain pending.

Requests for Exception

Bob Dix Union 76, Wilmington, Ohio; BEO–0028, Motor Gasoline

Bob Dix Union 76 filed an Application for Exception from the provisions of 10 CFR 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE determined that the Applicant had failed to show that it is suffering a serious hardship, or gross inequity. Accordingly, exception relief was denied.

Bob's Standard, Moorhead, Minnesota; DEE–8965, Motor Gasoline

On June 28, 1979, Bob's Standard (Bob's) filed an Application for Exception in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that exception relief is not necessary because Bob's is already entitled to an increased allocation under the DOE regulations. Bob's qualifies for a transfer of the allocation of the facility where it now operates pursuant to 211.106(e) because it moved there shortly after the prior operator vacated ad the prior operator has not established another outlet. In addition, Bob's is entitled to the allocation of its former outlet pursuant to 211.106(c)(1) because it serves substantially the same market at its new location and because of the former outlet is not being operated by an independent marketer. Accordingly, Bob's Application for Exception was dismissed without prejudice to a refiling at a later date.

Earl McCarley Service Station, Bradenton, Fla.; BEO–0210, motor gasoline

Earl McCarley Service Station filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline in order to realize the intended benefits of an investment it had made. In considering the request, the DOE found that the firm had made its investment after the institution of the new base period. Therefore any difficulties which the firm might be experiencing were the result of its own discretionary business decisions and were not attributable to DOE regulations. Accordingly, exception relief was denied.

Fitzgerald's Gulf Service, St. Petersburg, Fla.; BEO–0019, motor gasoline

Fitzgerald's Gulf Service (Fitzgerald) filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE Region IV found that

exception relief was necessary to alleviate the serious financial hardship the firm was experiencing as a result of its acquisition of the retail outlet and improvements made thereto. The firm's objections to the issuance of the Proposed Decision and Order were denied by the DOE.

Gordon Mandt's Arco, Tacoma, Wash.; BEO–0024, motor gasoline

Gordon Mandt's Arco filed an Application for Exception from the provisions of 10 CFR 211.102, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm would not experience any serious financial difficulties as a result of denial of exception relief. The DOE also determined that the residents of the market area served by Mandt's were not subject to a gross inequity or unequal distribution of burdens as a result of an unusual shortage of motor gasoline in the community. Accordingly, exception relief was denied.

Gulf Oil Corp., Houston, Tex.; DEE–3447, crude oil

Gulf Oil Corporation (Gulf) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Gulf to sell at upper tier ceiling prices the crude oil produced from the H. F. Hansen #1 Lease in Brazoria County, Texas. In analyzing the exception application, the DOE used imputed 1973 operating costs for the lease because the actual 1973 data was unavailable. On the basis of operating data for the most recently completed fiscal period, the DOE found that operating costs for the lease exceeded the revenues which Gulf received from the sale of crude oil at lower tier ceiling prices. Accordingly, in order to provide the working interest owners with an economic incentive to continue production, the DOE determined that Gulf should be permitted to sell 100% of the crude oil produced and sold for the benefit of the working interest owners of the H. F. Hansen #1 Lease at upper tier ceiling prices.

H.L. Mills Petroleum Products, Hagerstown, Md.; DEE–2997 Exxon Co., U.S.A., Houston, Tex.; DEA–0572
Amoco Oil Company, Chicago, Ill.; DEA–0519, Motor gasoline

H.L. Mills Petroleum Products filed an Application for Exception seeking a new, lower priced supplier which would furnish the firm with its base period use of motor gasoline. In considering the request, the DOE tentatively determined that exception relief was necessary to prevent the firm from suffering a serious hardship and gross inequity as a result of DOE allocation regulations. Proposed exception relief was immediately implemented in an accompanying Interim Decision. In assignment orders dated June 28, 1979, the ERA directed Exxon Company, U.S.A. and Amoco Oil Company to supply Mills with motor gasoline for the months of June and July 1979. Exxon and Amoco subsequently filed Objections to the Proposed Decision, and Appeals from the June 28 Orders. In their respective Objections and Appeals, Exxon and Amoco contended that exception relief was unwarranted and that the June Orders were not issued in accordance with DOE procedural regulations. The DOE found these contentions to be without merit. Accordingly, the Proposed Decision was issued in final form, and the Appeals were denied.

Holiday Gulf, Careyville, Tenn.; BEO–0217, motor gasoline

Holiday Gulf field an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline in order to realize the intended benefits of an investment it had made. In considering the request, the DOE found that the firm had made its investment after the institution of the new base period. Therefore, any difficulties which the firm might be experiencing were the result of its own discretionary business decisions and were not attributable to DOE regulations. Accordingly, exception relief was denied.

Jimbo's Fast Foods, Baton Rouge, La.; BEO–0137, motor gasoline

Jimbo's Fast Foods filed an Applicaton for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm was realizing a substantial profit from the sale of its current base period allocation of motor gasoline. Therefore, the firm had failed to substantiate its claim that it was experiencing a financial hardship. Accordingly, exception relief was denied.

Lavery & Sons Garage, Spring House, Pa.; BEO–0045, motor gasoline

Lavery & Sons Garage filed an Application for Exception from the provisions of 10 CFR 211.102, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm would not experience any serious financial difficulty as a result of denial of exception relief. The DOE further found that the firm had made no significant alteration in its business practices. Finally, the DOE determined that the residents of the market area served by Lavery were not subject to a gross inequity or unequal distribution of burdens as a result of an unusual shortage of motor gasoline in the community served by the firm. Accordingly, exception relief was denied.

Martin Petroleum Corp., Port Everglades, Fla.; DEE–2935, motor gasoline

Martin Petroleum Corporation filed an Application for Exception from the provisions of 10 CFR part 211 in which the firm sought an increase in the base period allocation for three retail outlets which it supplies. In considering the request, the DOE found that exception relief was necessary to prevent a serious hardship to two retail operators who had made substantial investments in the outlets after the end of the base period, and to the third who had significantly changed his outlet's business proactices in order to attract new customers. The DOE found that if exception relief were not granted the outlets would experience a severe financial hardship that could jeopardize their continued existence as viable business entities. Accordingly, exception relief was granted.

Munro Petroleum & Terminal Corp., Biloxi, Miss.; DEE–4810, motor gasoline

Munro Petroleum & Terminal Corporation (Munro) filed an Application for Exception from the provisions of 10 CFR 211.9 in which the firm sought an increased allocaiton of motor gasoline to supply its retail outlets located in the City of Biloxi, Mississippi. In considering the request, the DOE found that the City of Biloxi had a sufficient volume of motor gasoline to meet demand, and that it was not experiencing a gross inequity or unfair distribution of burdens relative to the current nationwide shortage of motor gasoline. Accordingly exception relief was denied.

Natrogas, Inc. Minneapolis, Minn.; BEE–0380, propane

Natrogas, Inc. filed an Application for Exception from the provisions of 10 CFR 211.9, which, if granted, would result in the issuance of an Order directing the Economic Regulatory Administration (ERA) to assign a new, lower-priced supplier of propane to Natrogas to replace its four base period suppliers. In considering the Natrogas request, the DOE surveyed the propane prices in the firm's market area and found that the price charged for propane by two of the firm's base period suppliers exceeded by over 4 cents per gallon the average price which the firm's competitors pay for that product. In addition, Natrogas submitted financial data which indicated that the firm was experiencing serious financial difficulties as a result of its high acquisition cost of propane. Based upon these factors, the DOE concluded that the application of the provisions of Section 211.9, which require adherence to base period supplier/purchaser relationships would result in a serious hardship to Natrogas. Exception relief was therefore approved which directed ERA to replace the firm's two high-priced base period suppliers with a new lower-priced supplier(s) of propane for the months January through March 1980.

Ozona Gas processsing Plant, Crockett County, Tex.; DXE–0396, DXE–1237, natural gas liquid products

Ozona Gas Processing Plant filed two Applications for Exception from the provisons of 10 CFR 212.165 in which the firm requested that it be permitted to raise its selling prices for the natural gas liquid products which it produces at its natural gas processing facility located in Crockett County, Texas. In considering the request, the DOE found that exception relief was necessary to prevent a gross inequity which would result from the firm's inability under the regulations to recover certain increased non-product costs incurred in connection with the operations of its processing plant. Accordingly, on March 21, 1978, and June 28, 1978, the DOE issued Proposed Decision and Orders in which it tentatively determined that Ozona's exception applictions should be approved and that the firm should be permitted to increase its prices for NGL products sold during the period January through December 1978, inclusive. Subsequently, Gas del Oro, Inc., and two affiliated companies, filed Statements of Objections to the March 21 and June 28 Proposed Decisions. In its Statements of Objections, Gas del Oro contended that the DOE improperly allocated Ozona's nonproduct costs by failing to offset certain processing fees received by Ozona. The DOE rejected the claim because the calculation of the amounts of nonproduct cost increases per unit which Ozona experienced was performed correctly and on an internally consistent basis. The DOE cited *Gas del Oro, Inc.*, 2 DOE Par. 80,138 (1978), in which Gas del Oro had previously raised a similar issue unsuccessfully. Gas del Oro also contended that the two Proposed Decisions were invalid because Ozona failed to notify the DOE of all administrative and judicial proceedings related to its exception requests as required by 10 CFR 204.9(e). The DOE found that contrary to Gas del Oro's contention, Ozona had informed the Office of Hearings and Appeals that the DOE had undertaken an audit of the firm. The DOE determined that since the audit had recently been completed and no substantial pricing violations had been found to exist, Ozona's failure to notify the DOE of the other proceedings did not warrant the denial of exception relief in the present proceedings. Fianlly, the DOE rejected Gas del Oro's contention that it was denied due process because it did not have access to certain information concerning Ozona's operations. The DOE concluded that this information was commercial and financial information of a confidential nature which the agency is required to protect from unwarranted disclosure. After carefully considering the issues raised in Gas del Oro's Statements of Objections, the DOE determined that the Proposed Decisions and Orders issued to Ozona on March 21 and June 28, 1978, should be issued in final form.

Publix Oil Co., Morristown, Tenn., DEE–2254; Exxon Co., U.S.A., Houston, Tex., DEA–0384; Amoco Oil Co., Chicago, Ill., DEA–0408; Gulf Oil Co., Houston, Tex., DEA–0407, motor gasoline

Publix Oil Company filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm requested that the DOE assign it a new, lower-priced supplier of motor gasoline for the months of March through May. In considering the request, the DOE found that Publix was unable to purchase motor gasoline at reasonable price levels and that the substantial disparity between the prices which the firm and its customers were paying to their base period suppliers as compared to those being paid by other comparable firms was leading to severe financial difficulties. Accordingly, exception relief was granted. The DOE also determined that the Appeals filed by Exxon, Gulf and Amoco from the motor gasoline assignment orders issued by ERA Region IV to implement the exception relief for Publix should be denied.

R. W. Tyson Producing Co., Inc., Jackson, Miss., DXE–6554, DXE–6555, DXE–6556, DXE–6557, crude oil

R. W. Tyson Producing Company, Inc. (Tyson) filed four Applications for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception requests, if granted, would result in an extension of exception relief previously granted to Tyson and would permit the firm to continue to sell a portion of the crude oil produced from four wells in the Ovett Field at prices in excess of the ceiling price levels. In considering the exception applications, the DOE found that the Carter No. 1 Federal Land Bank No. 1, and McCann No. 1 wells continued to incur operating costs in excess of the ceiling price levels and that, in the absence of exception relief, the working interests would lack an incentive to produce crude oil from those properties. The DOE therefore concluded that the working interest owners should be permitted to sell 100 percent of the crude oil produced from those wells at market prices. However, the DOE also determined that the Vickers No. 3 well incurred operating costs well below the ceiling price levels, and an extension of exception relief for that well was accordingly denied.

Shell Oil Co., Houston, Tex., DEE–4640, motor gasoline

Shell Oil company filed and Application for Exception from the provisions of 10 CFR, Part 211 in which the firm sought an increased allocation of motor gasoline for a company-owned motor gasoline retail outlet located in Las Vegas, Nevada. In considering the request, the DOE determined that as a major integrated oil company Shell proceeded with the renovation of the Las Vegas outlet with the full realization that gasoline supplies would be restricted and that it would in all likelihood be unable to furnish surplus gasoline to this station. The DOE also noted that Shell could not seriously argue that it would experience a hardship if it is unable to realize immediately the benefits of that investment. Finally, the DOE condluded that Shell had failed to show that the citizens of Las Vegas are experiencing a disproportionate burden as a result of the DOE allocation program. Accordingly, exception relief was denied.

Ted's Rent-A-Car, Burbank, Calif., DEE–6105, motor gasoline

Ted's Ren-A-Car filed an Application for Exception from the provisions of 10 CFR 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the Applicant had failed to show that it is experiencing a gross inequity as a result of the DOE allocation regulations. Accordingly, exception relief was denied.

Walters Oil, Easton, Pa., BEO–0003, motor gasoline

Walters Oil filed an Application for Exception from the provisions of 10 CFR 211 in which the firm sought an increase in its base period allocation of motor gasoline and a change in its base period supplier. In considering the request, the DOE determined that the firm did not make a showing that the hardship allegedly being experienced is primarily attributable to the DOE allocation regulations. The DOE also fund that the Applicant failed to meet the standards for a change in base period supplier. Accordingly, exception relief was denied.

Request for Temporary Exception

Petraco-Valley Oil & Refining Co. Brownsville, Tex., BEL–0019, crude oil

Petraco-Valley Oil and Refining Company filed an Application for Temporary Exception from the requirement that it purchase entitlements during the month of November 1979 based on the firm's purchase of crude oil during September 1979 for establishment of a starting inventory. In considering the Application, the DOE determined that the criteria set forth in 10 CFR 205.125(b) for the granting of a temporary exception had not been met. Petraco-Valley's temporary exception request was therefore denied.

Request for Stay

Ashland Oil, Inc., Washington, D.C., BES–0036 motor gasoline

Ashland Oil, Inc. filed an Application for Stay from the requirement that it supply motor gasoline to Delta Petroleum Corporation pursuant to a December 6, 1979 order issued by ERA Region IV at the direction of the Office of Hearings and Appeals in *Delta Petroleum Corp.*, Case No. DEE–2368 (Proposed Decision issued November 20, 1979) pending a final determination on Ashland's Appeal of that order. In considering the Application, the DOE determined that Ashland had failed to show that it or its customers were likely to suffer irreparable injury in the absence of stay relief because the December 6 order provides that Ashland can purchase from Champlin Oil Company, Delta's base period supplier, an amount of gasoline equal to that supplied to Delta by Ashland. The DOE also determined that Ashland's contention concerning the possible cumulative effect of similar assignments was without merit because adequate procedural safeguards exist to prevent overburdening Ashland. Ashland's stay request was therefore denied.

Motions for Discovery

Gene L. Bolin, d.b.a. Gene Bolin's Chevron Station, Lagrande, Oreg., DRD–0026, DRH–0026, motor gasoline

Gene L. Bolin, d.b.a. Gene Bolin's Chevron Station (Bolin) filed a Motion for Discovery and a Motion for Evidentiary Hearing in connection with his Statement of Objections to a Proposed Remedial Order (PRO) which the DOE Region X Office of Enforcement (Region X) issued to him on June 27, 1978. In the PRO, Region X found that Bolin had improperly calculated his maximum lawful selling prices for motor gasoline at the time he began operating his Chevrron Station, which had formerly been operated by Standard Stations, Inc., a subsidiary of Standard Oil of California (SoCal). Region X concluded that these improper calculations resulted in overcharges to his customers which totaled $47,343.85.

The DOE limited Bolin's request for any agency material which related to him or to his service station to audit workpapers not heretofore released and to those additional materials for which Bolin persuasively demonstrated a specific need. The DOE also granted Bolin an evidentiary hearing to present his testiomony regarding the oral advice for dealers received from agency personnel. The DOE denied Bolin's Motions for Discovery and Evidentiary Hearing insofar as they sought to inquire into the

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calculations of SoCal's product costs. Accordingly, Bolin's Motion for Discovery and Motion for Evidentiary Hearing were each granted in part.

Golden Gate Petroleum Co., San Francisco, Calif., DRH-0253, DRD-0253, residual fuel oil.

Golden Gate Petroleum Company filed a Motion for Evidentiary Hearing and a Motion for Discovery in connection with its Statement of Objections to a Proposed Remedial Order issued to the firm on June 8, 1979. In considering the Motion for Evidentiary Hearing, the DOE determined that Golden Gate had not established that there were disputed issues of fact which could best be resolved at an evidentiary hearing. In considering the Motion for Discovery, the DOE concluded that with respect to some of the material which Golden Gate sought, the firm had not shown that the material was relevant to its Statement of Objections. With respect to the rest of the material sought by Golden Gate, the DOE determined that the requested discovery would unnecessarily delay the objection proceeding. Accordingly, the Motion for Evidentiary Hearing and the Motion for Discovery were denied.

Supplemental Orders

Henderson Petroleum Corp., Denver, Colo., BEX-0019, crude oil.

On December 16, 1977, the Department of Energy issued a Decision and Order to B. W. Whittington which granted the firm's request for exception relief from the provisions of 10 CFR, Part 212, Subpart D. Subsequently the Henderson Petroleum Corporation acquired the working interest ownership of the property from B. W. Whittington. Accordingly, the DOE issued a Supplemental Decision and Order transferring the exception relief originally granted to B. W. Whittington to the Henderson Petroleum Corporation.

Manatee Energy Co., Washington, D.C., BEX-0025, crude oil.

On January 16, 1980, the DOE issued a supplemental Decision and Order to Manatee Energy Company. The supplemental order rescinded the provisions of a Decision and Order issued to Manatee on December 28, 1979, which stayed a portion of the firm's obligation to purchase entitlements in December 1979 and required the firm to purchase one-twelfth of the remaining December 1979 obligation during each month of the period January 1980 through December 1980. The supplemental order provided the firm with the same stay relief as the December 28 Order and in addition afforded the firm an opportunity to have its January 1980 entitlement purchase obligation stayed pending final action on an Application for Exception provided that the firm and its equity owners obtain a security bond for the unconditional payment of its December 1979 entitlements obligation if the firm should fail on the merits of its exception request.

Remedial Order

In the following case involving a Proposed Remedial Order and/or an Interim Remedial Order for Immediate Compliance, no Statements of Objections were filed. The DOE therefore issued the order in final form.

Company Name, Case No., and Location

Jack Shield d.b.a. Palatine 76, BRW-0002, Palatine, Ill.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy.

Company Name, Case Number and Location

Atlantic Richfield, BEJ-0013, Washington, D.C.
Quik Serv Marts, Inc., Union Oil Co. of California, BEJ-0010, Washington, D.C.

Interim Orders

The following firms were granted Interim Exception relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order:

Company Name, Case Number and Location

Brock's Automotive, DEN-8275, El Paso, Tex.
Busler Enterprises, DEN-5175, Evansville, Ind.
Fountain Hills Servi-Center, DEN-2995, Fountain Hills, Ariz.
Reece Oil Co., Inc., DEN-5130, Terre Haute, Ind.
Wagoner Gas and Oil, DEN-4837, W. Newton, Pa.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Order which determined that the requests be denied.

Company Name, Case Number and Location

Bob's 66 Service, DEE-3452, Indianapolis, Ind.
Fleetwing Corp., DEE-2547, Washington, D.C.
Jerry Cox Co., DEE-7944, Washington, D.C.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The request, if granted, would result in an increase in the firm's base period allocation of motor gasoline. The DOE issued a Decision and Order which determined that the request be dismissed without prejudice to a refiling at a later date.

Company Name, Case Number and Location

Mid-South Oil Co., BEL-0039, Dallas, Tex.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The request if granted, would result in an increase in the firm's base period allocation of motor gasoline. The DOE issued a Decision and Order which determined that the request be granted.

Company Name, Case No. and Location

Bingo Exxon, BXE-0279, Muscle Shoals, AL.

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name and Case No.

Belle Haven Sunoco; DEO-0246
Busler Enterprises; DES-5175; DST-5175
Convenience Petroleum; DES-4495; DST-4495
Gary's Auto Service; DEE-7087
Natick Turnpike Citgo; DEE-3348
San Francisco 4 Wheel Brake Service; DEE-7051
Whiteley-Davis Oil Co., Inc.; DEE-5159
Allied Chemical Corporation; DEE-1470
Baker & Botts; DEH-0068
Bannister Steel, Inc.; DEE-4130
Goodwill Industries of America, Inc.; DEE-7549
Atlantic Oil Company; DEE-2149
Bert Waller; DEE-2225
Collins Chevron; DES-5903
Don's Shell #2; DEE-3615; DST-3615
Energy Coop., Inc.; BED-0010
Farwest Towing, Inc.; DEE-6429
Franko Companies; DEE-4093; DST-4093
Fuller Oil Company, Inc.; DEE-6085; DES-6085; DST-6085
Gerry's Auto; DEE-5189
Gibsonskomfort Air; DEE-5731
Greenwich Oil Company; DEE-6873
Amoco Production Company; DRA-0575
Amtel, Inc.; DMR-0039
Whitco, Inc.; Sun Company, Inc.; Blanchfield's Arco; DEE-5573; DES-5573
Gulf Oil Corporation; DES-0407
Exxon Company, USA; DES-0384
Amoco Oil Company; DES-0408
Jim's Elm St. Gulf; DEE-6848
Murphy's Tow Service; BEO-0398
North of the Border Shell; DEE-7286
Randy Jones Car Wash; BEO-0400
Growth Industries, Inc.; DEE-2968
Hartford Ballet; DEE-8129
Hudson Oil Company; DEE-4798
J & J Oil Company, Inc.; DEE-2844; DES-2844
Jones Service Station; DEE-7701
Leonard Doyle; DEE-6542
Leonard E. Belcher; BMR-0003; BES-0023
Long Island Tourism Commission; DEE-6227
Mid-State Oil Company; DEE-3302
Morton Oil Company; DEE-4199; DES-4199
Nelson Oil Company; DEE-2950
Vickers Petroleum Corp.; DEA-0555
C&B Warehouse Distributing, Inc.; BEA-0064
Fountain Hills Servicenter; DES-2995
Newspaper Printing Corporation; DST-4370

Wise Oil & Fuel, Inc.; DEE-7564
Group Health Association, Inc.; DEE-7781
Hupp-Wilbert Vault Company; DEE-6048
Illinois Central College; BEO-0215
Industrial Fuel & Asphalt of Indiana, Inc.; DEE-3139
Kernaghan's Service, Inc.; DEE-2109
O. O. Corsaut, Inc.; DEE-7128
Royal Petroleum Company; DEE-3406
The Brewer Company; DEE-7282

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,
Director, Office of Hearings and Appeals.
March 10, 1980.

[FR Doc. 80-8250 Filed 3-17-80; 8:45 am]
BILLING CODE 6450-01-M

Cases Filed; Week of January 18, 1980 Through January 25, 1980

Notice is hereby given that during the week of January 18, 1980 through January 25, 1980 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,
Director, Office of Hearings and Appeals.
March 10, 1980.

List of Cases Received by the Office of Hearings and Appeals

[Week of Jan. 18 through Jan. 25, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 18, 1980	BRO Oil Company, Inc., Des Moines, Iowa	BEE-0710	Allocation Exception. If granted: BRO Oil Company, Inc., would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 18, 1980	Casson, Calligaro and Mutryn, Washington, D.C	BFA-0142	Appeal of Information Request Denial. If granted: The November 21, 1979, Information Request Denial issued to Casson, Calligar, and Mutryn by the Economic Regulatory Administration, Office of Enforcement, Region VI, would be rescinded, and the firm would receive access to certain DOE documents.
Jan. 18, 1980	Lakes Charles Refining Company, Addison, Tex	BEE-0715	Allocation Exception. If granted: Lakes Charles Refining Company would receive an exception from the provisions of 10 CFR 211.67 which would permit the firm to receive an increased allocation of crude oil.
Jan. 18, 1980	National Oil Jobbers Council, Washington, D.C	BST-0003	Request for Temporary Stay. If granted: The National Oil Jobbers Council would receive a temporary stay of the Special Report Orders issued by the Economic Regulatory Administration, Office of Enforcement for the period between May 1, 1979, and July 31, 1979, as well as any future Special Report Orders which may be issued, pending a final determination on its Application for Exception and Stay which the firm intends to file.
Jan. 18, 1980	Office of Enforcement, Washington, D.C	BRD-0027	Motion for Discovery. If granted: Discovery would be granted to the Office of Enforcement in connection with the Statement of Objections submitted in response to the July 30, 1979, Proposed Remedial Order issue to Kenneth H. White by the Economic Regulatory Administration.
Jan. 18, 1980	Strait Oil Company, Inc., Storm Lake, Iowa	BEE-0731	Allocation Exception. If granted: Strait Oil Company, Inc., would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 18, 1980	United Company, Overland Park, Kans	BEE-0713	Allocation Exception. If granted: United Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 18, 1980	West Fargo, Truck Stop, West Fargo, N. Dak	BEE-0714	Allocation Exception. If granted: Well Fargo Truck Stop would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 21, 1980	Ackerman Oil Company, Inc., Jasper, Ind	BEE-0720	Allocation Exception. If granted: Ackerman Oil Company, Inc., would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 21, 1980	Ashland Oil, Inc., Ashland, Ky	BEX-0026	Supplemental Order. If granted: A Supplemental Order would be issued to Ashland Oil Inc., which would modify the temporary exception granted to the firm by the November 27, 1979, Decision and Order (Case No. BEL-0373).
Jan. 21, 1980	Ashland Oil, Inc., Ashland, Ky	BEX-0027	Supplemental Order. If granted: A Supplemental Order to the December 21, 1979, Protective Orders BEJ-0004 through BEJ-0006 issued by the Department of Energy would be issued which would include three additional firms in protective order agreements with Ashland Oil, Inc.
Jan. 21, 1980	Conoco, Inc., Houston, Tex	BEA-0143	Appeal of Assignment Order. If granted: The October 11, 1979, Assignment Order issued to Conoco, Inc., by the Economic Regulatory Administration, Region VII, would be rescinded with respect to the firm's supply obligations to American Agri-Fuels.
Jan. 21, 1980	Continental Oil Co., Inc., Houston, Tex	BMR-0020	Request for Modification/Recission. If granted: The August 28, 1979, Decision and Order issued to American Agri-Fules Corporation (Case No. DEE-2179) would be modified or rescinded.
Jan. 21, 1980	Getty Refining & Marketing, *et al.*, Houston, Tex	BEJ-0036	Motion for Protective Order. If granted: Union Oil Company of California, Getty Refining and Marketing, Atlantic Richfield Company, Texaco, Inc., and Conoco, Inc., would enter into a Protection Order regarding the exhange of certain confidential information in connection with Union Oil's Application for Exception (Case No. DEE-5748).
Jan. 21, 1980	Lyle and Company, Los Angeles, Cali	BXE-0727	Price Exception (Section 212.73). If granted: Lyle and Company would be permitted to sell the crude oil produced from the Skeeter Slaughter Lease at upper tier ceiling prices.
Jan. 21, 1980	Marathon Oil Company Findlay, Ohio	BED-0237	Motion for Discovery. If granted: Discovery would be granted to Marathon Oil Company in connection with the Statement of Objections submitted in response to the December 13, 1979, Proposed Decision and Order issued to Lawrence and Sons Oil Company (Case No. BEE-0237).
Jan. 21, 1980	Redding Petroleum, Inc., Concord, Cali	BEE-0721	Allocation Exception. If granted: Redding Petroleum, Inc, would receive an exception from the provisions of 10 CFR 211 which would ermit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.

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List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Jan. 18 through Jan. 25, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 21, 1980	Robert H. Hart & Sons, Inc., Winter Haven, Fla	BEE-0722	Allocation Exception. If granted: Robert H. Hart & Sons, Inc., would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 21, 1980	Tucson Electric Powere Co., Tucson, Artz	BES-0047, BST-0047.	Request for Stay and Temporary Stay. If granted Tucson Electric Power Company would receive a stay and a temporary stay of the December 21 1979, Interim Order issued to the company bya the Office of Hearings and Appeals; Region IX.
Jan. 21, 1980	Wayne G. Aarestad, Ltd., Fargo, N.D	BEE-0723	Allocation Exception. If granted: Wayne G. Aarestad, Ltd., would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 22, 1980	Ayers Oil Company, Canton, Mo	BEE-0732	Allocation Exception. If granted: Ayers Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 22, 1980	Bracewell & Patterson, Washington, DC	BFA-0145	Appeal of an Information Request Denial. If granted: The December 27, 1979, Information Request Denial issued by the Director of Petroleum Price Regulations would be rescinded, and Bracewell & Patterson would receive access to certain documents concerning the proposed crude oil reseller regulations issued by the DOE on October 25, 1979 (Case No. ERA-R-79-45).
Jan. 22, 1980	Cities Service Company, Tulsa, Okla	BEE-0735	Price Exception. If granted: Cities Service Company would receive an exception from the provisions of 10 CFR 212.83 which would permit the firm to pass through incremental expenses relating to the blending, storage, distribution and marketing of gasohol.
Jan. 22, 1980	Copper Oil Company	BEE-0734	Allocation Exception. If granted: Cooper Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 22, 1980	Energy Cooperative, Inc., East Chicago, Ind	BEX-0028	Supplemental Order. If granted: A Supplemental Order would be issued to Energy Cooperative, Inc., which would clarify the methodology used to calculate the relief granted in its application for Temporary Exception (BEL-0508).
Jan. 22, 1980	H. H. Weinert Estate, Sequin, Tex	BEE-0726	Exception to the reporting requirements. If granted: H. H. Weinert Estate would not be required to file Form EIA-14 "(Refiners Monthly Cost Allocation Report)".
Jan. 22, 1980	Heath Oil Company, Winchester, Tenn	BEE-0733	Allocation Exception. If granted: Heath Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 22, 1980	Marathon Oil Company, Findley, Ohio	BEJ-0020	Protective Order. If granted: A Protective Order would be issued in regard to the exchange of confidential information between Energy Cooperative, Inc.'s and Marathon Oil Company in connection with Energy Cooperative, Inc.'s Application for Exception, Application for Temporary Exception, Petition for Special Redress, and Request for Stay (Case Nos. BEE-0508, BEL-0508, BSG-0009).
Jan. 22, 1980	Mobil Oil Corporation, Scarsdale, N.Y	BEA-0144	Appeal of a State Set Aside Order. If granted: The December 21, 1979, State Set Aside Order issued to Mobil Oil Corporation by the Connecticut Office of Policy and Management/Energy Division regarding the firm's supply obligations to Fuel Oils, Inc., would be rescinded.
Jan. 23, 1980	Atlantic Richfield Company, Los Angeles, Calif	BRH-0293, BRD-0293.	Motion for Discovery; Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. BRO-0293) issued to Atlantic Richfield by the Office of Special Counsel for Compliance of the Economic Regulatory Administration.
Jan. 23, 1980	Bracewell & Patterson, Washington, D.C	BFA-0146	Appeal of an Information Request Denial. If granted: Bracewell & Patterson would receive access to certain Department of Energy Entitlements Office documents regarding working inventory adjustments for new refiners.
Jan. 23, 1980	Bray Terminals, Inc., Marcy, N.Y	BEE-0746	Allocation Exception. If granted: Bray Terminals, Inc., would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 23, 1980	Campbell Oil Company, Olean, N.Y	BEE-0743	Allocation Exception. If granted: Campbell Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 23, 1980	J. J. Doherty and Co., Inc., Trenton, N.J	BEE-0739	Allocation Exception. If granted: J. J. Doherty and Company, Inc., would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 23, 1980	Leiheer Oil Company, Decatur, Ill	BEE-0742	Allocation Exception. If granted: Leiheer Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 23, 1980	Mauritz and Carroll, El Campo, Tex	BEE-0737	Allocation Exception. If granted: Mauritz and Carroll would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 23, 1980	Montgomery Oil, Leeds, Ala	BEE-0689	Allocation Exception. If granted: Montgomery Oil would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 23, 1980	Occidental Petroleum Corp., Houston, Tex	BEX-0031	Supplemental Order. If granted: Occidental Petroleum Corporation would be dismissed as a participant in the Commonwealth Oil Refining Co., Inc.'s Application for Exception (Case No. BEE-0691).
Jan. 23, 1980	Patricia M. Fairbanks, Spokane, Wash	BEE-0744	Allocation Exception. If granted: Patricia M. Fairbanks would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 23, 1980	Petrgleum Delivery Service, Inc	BEH-0014	Motion for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with an application for exception and temporary exception submitted by Southern Bell Telephone and Telegraph.
Jan. 23, 1980	Southern Bell Telephone and Telegraph Company, Atlanta, Ga.	BEH-0011	Motion for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted in response to the December 4, 1979, Proposed Decision and Order (Case No. DEE-8328) issued to Southern Bell Telephone & Telegraph Company by the Office of Hearings and Appeals.
Jan. 23, 1980	United Refining Company, Warren, Pa	BEE-0738	Price Exception. If granted: United Refining Company would receive an exception from the provisions of 10 CFR 212.83 which would permit the firm to pass through incremental expenses relating to the blending, storage, distribution, and marketing of gasohol.
Jan. 24, 1980	Commonwealth Oil Refining Co., Inc./Occidental Petroleum, Washington, D.C.	BEJ-0022	Motion for Protective Order. If granted: Commonwealth Oil Refining Company, Inc., would enter into a Protective Order with Occidental Corporation which would ensure the confidentiality on information designated as confidential by Corco and Occidental.
Jan. 24, 1980	Duncan, Allen and Mitchell, Washington, D.C	BFA-0147	Appeal of Information Request Denial. If granted: The December 27, 1979, Information Request Daniel issued to Duncan, Allen and Mitchell by the Economic Regulatory Administration, Office of Power Marketing Coordination, Resource Applications would be rescinded, and the firm would receive access to certain DOE documents.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Jan. 18 through Jan. 25, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 24, 1980	Gast Fuel & Service, Warsaw, Ind	BEE-0747	Allocation Exception. If granted: Gast Fuel and Service would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 24, 1980	Guam Energy Office, Agana, Guam	BEE-0745	Exception from the Emergency Building Temperature Restrictions. If granted: The Guam Energy Office would receive an exception from the provisions of 10 CFR 450.51 concerning the definition of "heating and cooling systems" eligible for energy audit grants.
Jan. 24, 1980	Husky Oil Company, Denver, Colo	BMR-0021	Request for Modification. If granted: The January 4, 1980, Decision and Order issued to Husky Oil Company regarding the firm's Appeal (Case No. DEA-0356) would be modified.
Jan. 24, 1980	Keller Oil Company, Enfield, Conn	BEE-0753	Allocation Exception. If granted: Keller Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 24, 1980	Macon Oil Company, Lafayette, Tenn	BRW-0017	Proposed Remedial Order Finalization. If granted: The November 21, 1979, Proposed Remedial Order issued to Macon Oil Company by the Economic Regulatory Administration, Region IV, would be issued as a final Remedial Order..
Jan. 24, 1980	Mobil Oil Corp./Texaco, Inc., Washington, D.C	BES-0050	Request for Stay. If granted: Mobil Oil Corp. and Texaco, Inc., would receive a stay of the August 28, 1979, Decision and Order issued to American Agri-Fuels Corp. (Case No. DEE-2179) regarding Mobil's and Texaco's supply obligations to American Agri-Fuels, pending a final determination on the firms' Appeals.
Jan. 24, 1980	Sun Oil Co. of Pennsylvania, Philadelphia, Pa	BEH-0071	Motion for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with an Appeal submitted by Sun Oil Company of Pennsylvania in response to the August 28, 1979, Proposed Decision and Order issued to American Agri-Fuels (Case No. DEE-2179).
Jan. 25, 1980	Darsey Oil Company, Inc., Albany, Ga	BEE-0755	Allocation Exception. If granted: Darsey Oil Company, Inc., would receive an exception from the Provisions of 10 CFR 211 which would permit the firm to receive an increased allocaion of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 25, 1980	Georgia-Pacific Corporation, Bellingham, Wash	BEE-0759	Allocation Exception. If granted: Georgia-Pacific Corporation would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 25, 1980	Mallard Oil Company, Kinston, N.C	BEE-0757	Allocation Exception. If granted: Mallard Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 25, 1980	Toney Petroleum, Inc., Terre Haute, Ind	BEE-0754	Allocation Exception. If granted: Toney Petroleum, Inc., would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.

Notices of Objection Received

[Week of Jan. 18 to 25, 1980]

Date	Name and location of applicant	Case No.
1/18/80	Pardee Oil Co., Dover, Del	DEE-7527
1/21/80	Mutual Ga-s-rama, Inc., Springfield, Mass.	DEE-6490
1/21/80	Oil Products Co., Inc., Houston, Tex.	BEE-0258
1/18/80	The Filling Station, Bala-Cynwyd, Pa.	BEO-0835
1/18/80	Circle B Grocery & Feed, Aragon, Ga.	BEO-0836
1/18/80	Texaco Wash & Service Center, Riverdale, Mo.	BEO-0837
1/18/80	Tige's Service Station, Chicago, Ill.	BEO-0838
1/21/80	Altamont ARCO Service Station, Los Angeles, Cal.	BEO-0839
1/18/80	Elmar's Chevron Service, Santa Monica, Cal.	BEO-0841
1/21/80	Hillsdale Auto Wash, San Mateo, Calif.	BEO-0843
1/21/80	John L. Gray, Inc., Phoenix, Ariz	BEO-0844
1/21/80	Koko's ARCO, Los Angeles, Calif.	BEO-0845
1/18/80	Kristine Jordan Shell Service, Livermore, Calif.	BEO-0846
1/18/80	Niles Avenue Standard, St. Joseph, Mich.	BEO-0847
1/21/80	Singer Realty, Long Beach, Calif	BEO-0848
1/21/80	Starika, Jan L., Canon City, Colo	BEO-0849
1/21/80	Marine Oil Co., Washington, D.C	BEE-0396
1/18/80	Fina Jobbers Association, Inc., Washington, D.C.	DEE-5568
1/21/80	American Motohol Supply Corp., Washington, D.C.	DEE-7203
1/18/80	Stewart's Texaco, Milwaukee, Ore.	BEO-0850
1/21/80	Summit Exxon, Tacoma, Wash	BEO-0851
1/21/80	Williams & Dorius, Malad, Idaho	BEO-0853
1/18/80	Tucson Electric Power Co., Tucson, Artz.	BEO-0852
1/22/80	Jim's Minute Mart (G&G Enterprises), Wise, Va.	BEO-0854
1/22/80	Henkel's & McCoy, Inc., Philadelphia, Pa.	BEO-0840
1/22/80	Alexander, Alonso, Memphis, Tenn.	BEO-0855

Notices of Objection Received—Continued

[Week of Jan. 18 to 25, 1980]

Date	Name and location of applicant	Case No.
1/22/80	Haynie, William (Haynie's Texaco), Conway, Ark.	BEO-0867
1/18/80	Mobil Oil Corp., Los Angeles, Calif.	BEO-0913
1/25/80	Clay Ralph, Mechanicsburg, Pa	BEO-0950
1/25/80	Conestoga Wagon, Conestoga, Pa.	BEO-0946
1/23/80	Ellisville Automatic Car Wash, St. Louis, Mo.	BEO-0899
1/23/80	Hippie Oil Co., Iowa City, Iowa	BEO-0900
1/23/80	Olson Oil Inc., Kearney, Nebr	BEO-0901
1/22/80	Freeman, Frank (Crystal Hill Texaco), North Little Rock, Ark.	BEO-0865
1/22/80	Cavanaugh, Frank (Tanglewood Texaco), Little Rock, Ark.	BEO-0859
1/21/80	Garibaldo ARCO, Garibaldi, Ore	BEO-0945
1/23/80	Angelos Service Gas Station, Madison, Wis.	BEO-0949
1/24/80	Mac's Standard Service, Highland Park, Ill.	BEO-0887
1/24/80	C. Bridges & Co., Carrollton, Md	BEO-0952
1/23/80	Gingery's Standard, Ankeny, Iowa	BEO-0953
1/22/80	Scallions, R. C., Memphis, Tenn	BEO-0857
1/22/80	Moore, Tyler, Memphis, Tenn	BEO-0856
1/22/80	Feller, Mom (Texaco), Jacksonville, Ark.	BEO-0864
1/22/80	Goodline, Guy A., Broken Arrow, Okla.	BEO-0866
1/22/80	Cupples, Ricky, West Memphis, Ark.	BEO-0860
1/22/80	Davis, Donald Lee, Moore, Okla	BEO-0861
1/22/80	Dickerson, Kaylor, Benton, Ark	BEO-0862
1/22/80	Doyle Barnes Texaco, Marion, Ark.	BEO-0863
1/22/80	Berg, Arnoldo, Tulsa, Okla	BEO-0858
1/23/80	Bogart Brothers Exxon, East Stroudsburg, Pa.	BEO-0883
1/21/80	Lisbon Garage, Inc., Lisbon, Md	BEO-0984
1/22/80	Noble, Earl, Little Rock, Ark	BEO-0874
1/22/80	Nagle, Robert, Little Rock, Ark	BEO-0873
1/22/80	York, Charles H., Norman, Okla	BEO-0882
1/22/80	McConnell, Will, Broken Arrow, Okla.	BEO-0872
1/22/80	Maxwell, Doug, El Reno, Okla	BEO-0871

Notices of Objection Received—Continued

[Week of Jan. 18 to 25, 1980]

Date	Name and location of applicant	Case No.
1/22/80	Mann, Willard (Mann I-40 Texaco), Conway, Ark.	BEO-0870
1/22/80	Kaminski, Jerry, Tulsa, Okla	BEO-0869
1/22/80	Jabbour, Joe, Tulsa, Okla	BEO-0868
1/23/80	Buggy Bath, Inc., Philadelphia, Pa	BEO-0884
1/22/80	Wells, Hugh, Jr., Little Rock, Ark	BEO-0881
1/22/80	Welch, J.C. (Lakewood Texaco), No. Little Rock, Ark.	BEO-0880
1/22/80	Still, James, Tulsa, Okla	BEO-0879
1/22/80	Stephens, C. N., Jacksonville, Ark	BEO-0878
1/22/80	Shaw, Paul (County Line Texaco), Little Rock, Ark.	BEO-0877
1/22/80	Sauls, David, Oklahoma City, Okla.	BEO-0876
1/22/80	Richie, Tim, Little Rock, Ark	BEO-0875
1/24/80	Butler Garage & Service Station, Johnstown, Pa.	DEE-7465
1/23/80	William Pase, Inc., Huntington, N.Y.	BEO-0886
1/23/80	Town of Wallingford, Conn., Wallingford, Conn.	BEO-0885
1/23/80	Thompson, Lee (Parkhill Texaco), Little Rock, Ark.	BEO-06911
1/23/80	Reader, Leroy, Tulsa, Okla	BEO-0890
1/23/80	Quaker City Exxon, Quaker City, Ohio.	BEO-0889
1/23/80	Pittsburg Mobile Station, Pittsburg, Tex.	BEO-0888
1/24/80	Tranamission Parts Specialists, Inc., Jacksonville, Fla.	BEO-0930
1/22/80	Community Fuel, Lakeville, Conn	BEO-0897
1/23/80	Baraky's Sunoco Service, Pittsburg, Pa.	BEO-0896
1/23/80	Woodall, Charles, Hot Springs, Ark.	BEO-0895
1/23/80	White, Billy J., Hot Springs, Ark	BEO-0894
1/23/80	Traveler's Gas For Less, Gransville, Ill.	BEO-0893
1/23/80	Tracy, Charles, Little Rock Ark	BEO-0892
1/23/80	Dick's Texaco Service, Glendale, Calif.	DEE-7438
1/23/80	Rick's Green Trails Texaco, Chesterfield, Mo.	BEO-0902
1/24/80	Robrock Oil Co., Huntington, Ind	BEO-0903
1/23/80	Standard of Grayslake, Grayslake, Ill.	BEO-0904

Notices of Objection Received—Continued

[Week of Jan. 18 to 25, 1980]

Date	Name and location of applicant	Case No.
1/23/80	Bratton, Kenneth, Arkadelphia, Ark.	BEO-0905
1/24/80	Davis, John, Brinkley, Ark	BEO-0906
1/23/80	DeLage's Phillips 66, Crookston, Minn.	BEO-0907
1/23/80	Freeman, Duain, N. Little Rock, Ark.	BEO-0908
1/23/80	Hubbard, Mel (Mel's Texaco), Forrest City, Ark.	BEO-0909
1/18/80	Chuck's Carwash, Denver, Colo.	BEO-0910
1/24/80	Encinitas Car Wash, Encinitas, Calif.	BEO-0911
1/23/80	Ken's Chevron, Bakersfield, Calif.	BEO-0912
1/24/80	Wagon Wheel Post Grocery, Tucson, Ariz.	BEO-0916
1/23/80	Westlake Union Service, Seattle, Wash.	BEO-0917
1/21/80	Pryor Interprises, Inc., Griffin, Ga.	DEE-6541
1/24/80	Capital Enterprises Systems, Inc., New York, N.Y.	BEO-0937
1/24/80	Slones Mobil, Indianapolis, Ind.	BEO-0936
1/24/80	Beebe's School Transportation, Madison, Conn.	BEO-0935
1/24/80	Thrifty Gas Station, Ellicott City, Md.	BEO-0934
1/24/80	Haltak Mobil Service, Sylmer, Calif.	BEO-0933
1/24/80	Urban Transit Corp., Montgomery, N.Y.	BEO-0932
1/24/80	Chuck & Ken's Marathon Service, Pontiac, Mich.	BEO-0931
1/24/80	R. H. Bowles Co., Inc., Washington State.	DEE-0043
1/23/80	Rainbow Car Wash, Madison, S. Dak.	DEE-6044
1/24/80	Hartley Oil Co., Cambridge, Ohio.	DEE-7147
1/25/80	Duncan Oil Co., Rock Hill, S.C.	BEO-0924
1/25/80	Energy Cooperatives, Inc., Long Grove, Ill.	DXE-8112
1/25/80	Central Avenue Exxon, West Caldwell, N.J.	BEO-0940
1/25/80	Davis, George, No. Little Rock, Ark.	BEO-0941
1/24/80	MS Rental Co., Maria Stein, Ohio.	BEO-0919
1/24/80	Burns ARCO Service, Tacoma, Wash.	BEO-0918
1/24/80	Marcum Oil Co., Sevennah, Mo.	BEO-0920
1/24/80	Treasure Island Chevron Food Mart, Treasure Island, Fla.	BEO-0922
1/23/80	Cannon, Doyle, Arkadelphia, Ark.	BEO-0923
1/23/80	San Francisco Newspaper Agency, San Francisco, Calif.	BEO-0925 thru BEO-0926
1/24/80	BP Station, Reisterstown, Md.	BEO-0898
1/24/80	Adams, Jim, Tulsa, Okla.	BEO-0929
1/25/80	Augusta Mall Gulf Service, Augusta, Ga.	DEE-6481
1/25/80	T. M. Davis Industries, White Plains, N.Y.	DEE-8081
1/25/80	Bose Oil, Lake City, Minn.	BEO-0944
1/25/80	North End Texaco, Parkersburg, W.Va.	BEO-0943
1/25/80	Foothill Car Wash, Los Angeles, Calif.	BEO-0942
1/25/80	Porter's Automotive, Richmond, Va.	BEO-0939
1/25/80	Madison County Farm Bureau, Madison, Fla.	BEO-0938

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of January 18 through January 25, 1980

If granted: the following firms would receive an exception which would increase their base period allocation of motor gasoline.

January 18, 1980

Bob's American, BEE-0717, Pennsylvania.
McCombs Oil Co., Inc., BEE-0725, North Carolina.
Round's Service Station, BEE-0775, Rhode Island.
Service O-Mation, BEE-0898, Pennsylvania.

January 21, 1980

City of Stanton, N. Dak., BEE-0724, North Dakota.
Kettering Amoco, BEE-0718, Maryland.
New Hampshire Public Works Dept., BEE-0719, New Hampshire.
Shepherd Bros., Inc., BEE-0726, District of Columbia.

January 22, 1980

Massachusetts Bay Trans. Author., BEE-0137, Massachusetts.

January 23, 1980

A. G. Lee Oil Co., Inc., BEE-0741, North Carolina.
Boc Corporation, BEE-0740, Rhode Island.

January 24, 1980

Fones, Bill, BEE-0829, New York.
Hartley Oil Co., BEE-0805, Ohio.
Smith Oil Co., Inc., BEE-0736, West Virginia.
Turbo Tunnel Car Wash, BEE-0748, Maryland.
Vincent & Anna Marie Cutinelli, BEE-0752, New York.

January 25, 1980

Lucas, Edgar D., BEE-0762, Indiana.
Midland Energy Corp., BEE-0756, Missouri.
Seeman, J. H., BEE-0758, Minnesota.

Items retrieved, 19.

[FR Doc. 80-8255 Filed 3-17-80; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of January 21 Through January 25, 1980

Notice is hereby given that during the week of January 21 through January 25, 1980, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Barnes, P. A., McLean, Virginia, BFA-0107, freedom of information

Ms. Patricia A. Barnes filed an Appeal from a partial denial by the Department of Energy's Inspector General of a Request for Information which she had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that certain of the documents which were initially withheld under Exemption 5 and 7(c) should be released to the public. An important issue considered in the Decision and Order was the extent of protection afforded personal privacy interests in connection with investigatory records compile for law enforcement purposes.

Cabco, Inc., Washington, D.C., BEA-0030, motor gasoline

Cabco, Inc., of Washington, D.C. filed an Appeal of an Order issued to the firm by the Region III Office of Petroleum Operations of the Economic Regulatory Administration. This Order denied Cabco's application for assignment of a base period supplier of motor gasoline. In considering the Appeal, the DOE noted that Cabco, a taxi cab company which previously purchased gasoline at the retail level qualifies as a priority user of gasoline and as such is entitled to preferential treatment in accordance with ERA's own guidelines for evaluating applications of new bulk purchasers for assignments of base period suppliers. The DOE therefore rescinded the ERA Order issued to Cabco and ordered the Director of Petroleum Operations, Region III to reconsider Cabco's application.

Cass County Bank, Plattsmouth, Nebraska, BFA-0114, freedom of information

Cass County Bank filed an Appeal from a denial by the DOE Central District Office of Enforcement of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the information was properly withheld under exemption 7(D) relating to the identity of confidential sources.

Remedial Order

Harmar Marina, Harmarville, Pennsylvania, BRO-0143, motor gasoline

On November 14, 1979 Harmar Marina filed a Notice of Objection to a Proposed Remedial Order which the ERA Northeast Enforcement District issued to the firm on October 29, 1979. In the Proposed Remedial Order, the Northeast Enforcement District found that during the period August 1, 1979 through August 29, 1979, Harmar Marina had sold regular leaded gasoline at prices in excess of the maximum lawful selling price. On January 8, 1980, the Northeast Enforcement District and Harmar Marina entered into a Consent Order which disposed of all issues in the Proposed Remedial Order. The DOE therefore concluded that the Propsed Remedial Order should be rescinded.

Requests for Exception

Al Whitmore's Auto and U-Haul, Buena Park, Calif., DEE-3360, motor gasoline.

Al Whitmore's Auto and U-Haul filed an application for Exception from the provisions of 10 CFR 211.102 seeking an increased allocation of motor gasoline. In considering the request, the DOE found that the firm did not qualify for exception relief under the criteria developed in *Leo Anger, Inc.*, 3 DOE Par. ——— (June 22, 1979). Accordingly, exception relief was denied.

Aminoil U.S.A., Inc., Washington, D.C.; DEE-2187, crude oil.

Aminoil USA, Inc., filed an application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Aminoil to sell at upper tier ceiling prices 51 percent of the crude oil produced from the North Bolsa lease.

Assembly of God, Ecorse, Mich., BEO-0193, Emergency building temperature restrictions.

The Assembly of God filed an Application for Exception from the provisions of 10 CFR Part 490 in which the applicant sought permission to raise the dry bulb temperature in its church above 65°F during the heating season. In considering the request, the firm failed to demonstrate that its parishioners would suffer a gross inequity or health hazard in the absence of relief. Accordingly, exception relief was denied.

R. B. Baldwin, Jasper, Tex., DEO-0363, motor gasoline.

R. B. Baldwin filed an Application for Exception from the provisions of 10 CFR Part 211 in which he sought an increase in his base period allocation of motor gasoline. In considering the request, the DOE found that the increased gasoline sales expected from the firm's investment and conversion of the outlet to self service were already reflected by the unusual growth adjustment and that the firm was not experiencing a severe financial hardship. Accordingly, exception relief was denied.

City of Belmont, Mississippi, Belmont, Mississippi; BEE-0037.
City of Berry, Alabama, Berry, Alabama; BEE-0024.
City of Bowden, Georgia, Bowden, Georgia; BEE-0025.
City of Buford, Georgia, Buford, Georgia; BEE-0026.
City of Hawkinsville, Georgia, Hawkinsville, Georgia; BEE-0027.
City of Lawrenceville, Georgia, Lawrenceville, Georgia; BEE-0028.
City of Monticello, Georgia, Monticell, Georgia; BEE-0029.
City of New Albany, Mississippi, New Albany, Mississippi; BEE-0038.
City of Pikeville, Tennessee, Pikeville, Tennessee; BEE-0040.
City of Pontotoc, Mississippi, Pontotoc, Mississippi; BEE-0039
City of Shellman, Georgia, Shellman, Georgia; BEE-0030.
City of Sugar Hill, Georgia, Sugar Hill, Georgia; BEE-0031.
City of Thomson, Georgia, Thomson, Georgia; BEE-0032.
City of Toccoa, Georgia, Toccoa, Georgia; BEE-0140.
City of Trion, Georgia, Trion, Georgia; BEE-0033.
City of Warner Robins, Georgia, Warner Robins, Georgia; BEE-0034.
City of Winder, Georgia, Winder, Georgia; BEE-0035.
City of Wrens, Rusellville Utilities, Wrens, Georgia, Russellville, Alabama; BEE-0036, BEE-0042, reporting requirements.

The applications named above filed Applications for Exception from the reporting requirements of Form EIA-149 ("Natural Gas Supply, Requirements, and Usage"). The applicants requested that they be relieved of the requirement to file the form with the Energy Information Administration. In considering the requests, the DOE determined that the reporting requirements were somewhat burdensome for the applicants, but that a complete waiver of the requirements was not desirable for public policy reasons. The applicants were granted exception relief which permitted them to file a modified form which provides the needed information but at a lesser cost to the applicants. The firms were also granted an extension of time in which to file the modified submission.

Mr. John P. Davis, Ouachita County, Ark., DEE-7364, crude oil.

Mr. John P. Davis (Davis) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The Davis request, if granted, would permit Davis to receive upper tier ceiling prices for the crude oil which he produced and sold from the J. P. Davis #1 Well during the period August 1977 through August 1979 by recertifying the well's production as "new" crude oil. In his exception application, Davis indicated that he failed to certify in writing in a timely manner that the crude oil produced from the well qualified as "new" crude oil as required by Section 212.131 and that as a result did not receive upper tier ceiling prices for the crude oil which was produced from the well between August 1977 and August 1979. In considering the Davis request, the DOE noted that all crude oil producers are subject to the certification requirements set forth in Section 212.131, and that Davis presented no evidence which indicated that in his case the application of the requirements was either discriminatory or inequitable. The DOE also noted that Davis did not allege that he will experience a financial hardship as a result of his inability to obtain the additional revenues. The DOE noted that retroactive exception relief is generally inappropriate unless an applicant demonstrates that it would otherwise experience a severe and irreparable injury or that compelling reasons exist for the approval of retroactive relief. Since Davis had failed to satisfy these criteria, his Application was denied.

Lloyd Engeran, Hammond, La., BEE-0676, emergency building temperature restrictions.

Lloyd Engeran filed an Application for Exception from the provisions of 10 CFR Part 490 in which the applicant sought permission to lower the dry bulb temperature in his offices to 74° F during the cooling season. In considering the request, the DOE found that exception relief was necessary to avoid a serious health risk.

Furrh, Moon & Hines, Jackson, Miss., DEE-4103, crude oil.

Furrh, Moon & Hines (Furrh) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Furrh to treat certain tracts of land as separate properties and thereby enable the applicant to sell any volumes of crude oil produced from the as yet undeveloped tracts at market prices. In considering the request, the DOE determined that the applicant should be afforded sufficient relief to enable him to earn a 23 percent rate of return on the proposed investment in developing the tracts. However, the applicant refused to submit the information necessary to evaluate the financial viability of the project. Accordingly, the application was dismissed.

Groff's Food Store, Ephrata, Pa., BEO-0111, motor gasoline.

Groff's Food Store filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm acquired the outlet and began operations subsequent to the updating of the base period *i.e.* after publication of Standby Regulation Activation Order No. 1 on February 28, 1979. Accordingly, exception relief was denied. The important issues discussed in the Decision and Order are (i) the fact that the failure of the applicant to consider the effect of the allocation regulations at the time it undertook its investment was the primary cause of the difficulties that it was seeking exception relief to resolve, and (ii) the exception process is not designed to relieve a firm of adverse consequences of a discretionary business decision made in apparent disregard of applicable regulations.

Gulf Oil Corp., Tulsa, Okla., BXE-0350, crude oil.

Gulf Oil Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Gulf to sell at upper tier ceiling prices 49.88 percent of the crude oil produced from the N.W. Graylin "D" Sand Unit.

Henry Engineering, Midland, Tex., BXE-0387, crude oil.

Henry Engineering filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Henry Engineering to sell at upper tier prices 64.26 percent of the crude oil produced from the Riley lease.

Husky Oil Co., Denver, Colo., DXE-6322, crude oil.

Husky Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Husky Oil Company to sell at upper tier prices 100 percent of the crude oil produced from the Fleisher lease.

Husky Oil Co., Denver, Colo., DXE-6326, crude oil.

Husky Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Husky Oil Company to sell at upper tier prices 100 percent of the crude oil produced from the Standard Nicholson lease.

Husky Oil Co., Denver, Colo., DXE-6324, crude oil.

Husky Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Husky Oil Company to sell at upper tier prices 100 percent of the crude oil produced from the Lakeview lease.

Johnson Petroleum Products, Everett, Wash., BEO-0101, motor gasoline.

Johnston Petroleum Products filed an Application for Exception from the provisions of 10 CFR Part 211 seeking an increase in its allocation of motor gasoline. In considering the request, the DOE found that the firm had not made a substantial investment in its business, was not experiencing a severe financial hardship and that the community served by the firm was not bearing a

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disproportionate share of the burdens resulting from the nation's energy problems. The DOE also rejected the applicant's contention that small retailers should be given increased allocations of motor gasoline before the DOE grants additional gasoline to governmental entities. The DOE stated in this regard that the preservation of the competitive viability of independent marketers was only one of the objectives set out in the EPAA which must be weighed in determining whether to grant exception relief. The DOE further stated that even if a grant of relief to a governmental entity was in error, this would still not be reason to grant the applicant's application. Accordingly, exception relief was denied.

M. J. Mitchell, Dallas, Tex., BXE–0342, crude oil.

M. J. Mitchell filed an Application for Exception from the provisions of 10 CFR, Part 212, Supbart D. Exception relief was granted to permit Mitchell to sell at upper tier ceiling prices 75.89 percent of the crude oil produced from the Mitchell State Minnelusa Sand Unit.

M. J.'s Queen Size Fashions, Janesville, Wisconsin, BEO–0238, BEO–0209
X-Size Ladies Fashions, Inc., Clear Lake, Iowa, BEO–0222, emergency building temperature restrictions
Happy Day Shoppe, Ypsilanti, Michigan

M. J.'s Queen Size Fashions, et al., filed Applications for Exception from the provisions of 10 CFR Part 4990 in which the firms sought permission to lower the minimum cooling temperature below 78°F in their stores. In considering the request, the DOE found that the firms have not presented any medical evidence to substantiate their claims that the health of their customers is jeopardized by compliance with the Temperature Restrictions. Accordingly, exception relief was denied.

Nashotah Garage, Nashotah, Wis., BEE–0088, motor gasoline.

Nashotah Garage filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that since the firm failed to establish that it was subject to a gross inequity as a result of an anomolous event during the entire base period, exception relief was necessary only for certain months of the base period. Accordingly, exception relief was granted in part and denied in part.

O'Meara Brothers, New Orleans, La., BXE–0317, crude oil.

O'Meara Brothers filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit O'Meara to sell 97.10 percent of the crude oil produced for the benefit of the working interest owners from the Louisiana State Lease 2192 at market price levels not to exceed $32.28 per barrel and the remaining working interests' share of the production from that lease at upper tier ceiling prices.

Pennzoil Producing Company, Houston, Tex., BXE–0348, crude oil.

Pennzoil Producing Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Pennzoil to sell 63.54 percent of the crude oil produced for the benefit of the working interest owners from the Woodruff Sand Waterflood Unit at market price levels not to exceed $28.86 per barrel and the remaining working interests' share of production from that Unit at upper tier ceiling prices.

West Side Distributing Co., Rochester, Minn., DEE–2749, motor gasoline.

West Side Distributing Company filed an Application for Exception from the provisions of 10 CFR, Part 211 in which the firm sought reassignment of a portion of its motor gasoline supply entitlement from its base period supplier to another supplier. In considering the request, the DOE found that exception relief was necessary to relieve the gross inequity the firm was suffering as an unintended consequence of the operation of the DOE motor gasoline allocation regulations. Accordingly, exception relief was granted. (The important issues involved in the Decision are: (i) the degree of involvement in the distribution of motor gasoline that is necessary for a firm to be considered a wholesale purchaser-reseller under the allocation regulations; and (ii) the granting of exception relief terminating a base period supplier/purchaser relationship on grounds other than price disparity.)

Request for Modification and/or Rescission

Mobil Oil Corp., New York, N.Y., DMR–0071, crude oil.

Mobil Oil Corporation (Mobil) filed an Application for Modification or Rescission of a Decision and Order issued by the Economic Regulatory Administration (ERA) on February 16, 1979. The ERA found that Hudson Refining Company (Hudson) had suffered a loss of actual access to imported crude oil sufficient to qualify for an emergency supplemental allocation of crude oil under the Buy/Sell Program and ordered Mobil to arrange to sell 527,000 barrels of crude oil to Hudson.

Mobil contended that a decrease in the demand for Hudson's refined products during March 1979 was a "significantly changed circumstance" which warranted consideration of its Application for Modification or Rescission of the ERA's determination. The DOE found that, since the intitial Decision and Order was not dependent on demand for Hudson's refined products and made no findings on the subject, the changed circumstances alleged by Mobil are not "facts or circumstances upon which the . . . order" was based. Since Mobil had not made the threshold showing of "significantly changed circumstances," the DOE denied its Application for Modification or Rescission.

Requests for Temporary Exception

Beacon Oil Co., Hanford, Calif., BEL–0010, gasohol.

Beacon Oil Company filed an Application for Temporary Exception from the provisions of 10 CFR Part 211 in which the firm sought an increased allocation of unleaded motor gasoline for the purpose of expanding its gasohol production and marketing program. In considering the Application, the DOE determined that Beacon had not met the criteria for temporary exception relief set forth at 10 CFR 205.125(b). The Beacon temporary exception request was therefore denied.

Chevron U.S.A. Inc., San Francisco, Calif., BEL–0614, gasohol.

Chevron U.S.A. Inc. filed an Application for Temporary Exception from the provisions of 10 CFR 212.83 in which the firm sought permission to market gasohol as a separate category and grade of gasoline for cost passthrough purposes. In considering the request, the DOE noted that the removal of the regulatory disincentives for the production of gasohol would help to diminish the nation's reliance on petroleum products for energy. The DOE also concluded that Chevron had made a showing that denial of temporary exception relief would result in a more immediate hardship to itself than to any other parties. Accordingly, temporary exception relief was granted.

Requests for Stay

Air-Conditioning and Refrigeration Institute, Washington, D.C., BES–0618; BST–0618, test procedures.

The Air-Conditioning and Refrigeration Institute (ARI), on behalf of its members, filed an Application for Stay and Temporary Stay of the provisions of 10 CFR Part 430, in which it requested that its member firms be relieved of the requirement to perform energy efficiency test procedures on packaged terminal air-conditioners. In considering the requests, the DOE determined that certain of ARI's members might suffer significant financial injury in the absence of stay relief and that ARI had demonstrated a significant likelihood of success on the merits of its exception request (Case No. BEE–0618). The ARI stay request was therefore granted and the temporary stay request was dismissed.

Energy Cooperative, Inc., East Chicago, Ind., DES–0508; DEL–0508, crude oil.

On December 14, 1979 Energy Cooperative, Inc. (ECI) filed an Application for Stay and Temporary Exception to the provisions of 10 CFR 211.65 and/or 211.67. In that Application, ECI sought sufficient volumes of crude oil under the DOE Buy/Sell Program to allow it to run its refinery at a rate equal to the current national average refinery utilization ratio based on its current refinery certified capacity. In considering the request, the DOE found that exception relief was necessary to prevent the ECI refinery from being forced to shut down for lack of crude oil. Temporary Exception relief was granted to ECI which provided the firm with sufficient crude oil to run its refinery at the minimum level necessary to maintain operations and required the firm to purchase 10,000 barrels per day of crude oil on the spot market. The supply obligation was divided between the seven largest refiners-sellers and the Standard Oil Company of Ohio for the months January and February 1980.

Getty Refining & Marketing Co., Tulsa, Okla., BES–0062, motor gasoline.

Getty Refining & Marketing Company filed an Application for Stay from the requirement that it supply unleaded motor gasoline to American Agri-Fuels Corporation as required by an October 11, 1979 order issued by the Region VII Office of Petroleum Operations pursuant to an August 28 Decision and Order granting exception relief to AAF for the production of gasohol. *American Agri-Fuels Corp.*, 3 DOE Par. ——— (August 28, 1979). In considering the Application, the DOE determined that Getty had failed to show that it was likely to succeed on the merits of its underlying Appeal of the October 11 order because the firm had not shown that exception relief should not have been granted to AAF or that Getty had not received adequate notice of the assignment. Getty's stay request was therefore denied.

Request for Temporary Stay

National Oil Jobbers Council, Washington, D.C., DST–0003, reporting requirements.

The National Oil Jobbers Council filed an Application for Temporary Stay from the requirement that its members respond to a Special Report Order issued by the DOE Office of Enforcement. In considering the Application, the DOE determined that the NOJC failed to present sufficient factual material to permit consideration of the merits of the NOJC's Application. The temporary stay request was therefore dismissed.

Motions for Discovery

Lucia Lodge, Big Sur, Calif., DRD–0162, motor gasoline.

On March 5, 1979, Lucia Lodge filed a Motion for Discovery in which it sought certain information and material allegedly in the possession of the DOE. In considering the discovery motion, the DOE determined that Lucia Lodge had failed to satisfy the standards for the approval of a Motion for Discovery set forth in 10 CFR 205.198. The Motion for Discovery filed by Lucia Lodge was therefore denied.

Peerless Petro-Chemicals, Inc., Washington, D.C., BED–0016; BEJ–0002, naphtha.

Peerless Petro-Chemicals, Inc. (Peerless) filed a Motion for Discovery and Protective Order. In this Motion, Peerless requested that the DOE direct the Commonwealth Oil Refining Co., Inc. (Corco) to provide Peerless with certain data pertaining to Corco's monthly after-entitlement cost of purchased naphtha since November of 1978. The DOE found that Peerless had failed to show that the data it had requested was relevant to the underlying exception proceeding involving Corco and Peerless. However, the DOE also found that Peerless was entitled to certain data which would enable it to assess the impact which the approval of exception relief to Corco would have upon Peerless's operations. Accordingly, the Peerless Motion was granted in part.

Riddle Oil Co., San Antonio, Tex., DRD–0133, crude oil.

Riddle Oil Company and the other working interest owners of certain crude oil producing properties filed a Motion for Discovery in conjunction with enforcement proceedings pending against them. In their Motion, the working interest owners sought discovery of information presented to the Economic Regulatory Administration (ERA) by the operator of the properties in question regarding the operator's financial condition. It was asserted that this information had been the basis for the ERA's determination to assess the working interest owners directly for alleged overcharges. In considering the request, the DOE determined that the ERA had discretion to identify and assess the working interest owners directly for alleged overcharges without regard to the financial condition of the operator. The information sought was therefore determined to be insufficiently relevant to the enforcement proceedings to warrant discovery. Accordingly, the Motion for Discovery was denied.

Interlocutory Order

Atlantic Richfield Co., BRZ–0015; Gulf Oil Corp., BRZ–0016; Marathon Oil Co. BRZ–0017; Standard Oil Co. of California, BRZ–0018; The Standard Oil Co (Ohio) BRZ–0019; Standard Oil Co. (Indiana) BRZ–0020; Texaco, Inc., BRZ–0021; Louisiana Land and Exploration Co., BRZ–0022, Washington, D.C., crude oil.

The petitioners in this proceeding filed Motions for Discovery in connection with seven enforcement proceedings pending before the Office of Hearings and Appeals of the Department of Energy. Substantial portions of the petitioners' discovery requests related to legal issues in dispute in the enforcement cases. In an Interlocutory Order, the Office of Hearings and Appeals specified the proper scope of discovery related to those issues, particularly requests for administrative records of allegedly invalid rulemakings and rulings and agency constructions of regulations. The Office of Hearings and Appeals held that:

(a) The record for informal notice-and-comment rulemaking for purposes of OHA review of the rulemaking should contain:

(1) the notice of proposed rulemaking and any documents referred to therein; (2) comments and other documents submitted by interested persons; (3) any transcripts of oral presentations made in the course of the rulemaking; (4) factual information not included in the foregoing that was considered by the authority responsible for the promulgation of the rule or that is proffered by the agency as pertinent to the rule; (5) reports of any advisory committees; and (6) the agency's concise general statement or final order and any documents referred to therein.

(b) No administrative record need to produced by the agency in support of a Ruling issued pursuant to Subpart K of the DOE procedural regulations.

(c) Discovery of agency constructions is appropriate where a showing is made that the regulations in question were silent as to the subject matter in dispute or that the regulations were susceptible to several reasonable interpretations and had not been clarified by agency or congressional pronouncements of a public nature.

Supplemental Orders

Ashland Oil, Inc., Ashland, Ky., BEX–0026, crude oil.

On November 27, 1979, the DOE granted a temporary exception to Ashland Oil, Inc. which assigned nine refiners to supply Ashland with 80,000 BPD of crude oil to replace crude oil previously obtained from Iran. *Ashland Oil, Inc.*, 4 DOE Par. (Case No. BEL–0373, November 27, 1979). Based on certain developments since November 27, the DOE issued a Supplemental Order which reduced the amount of relief to Ashland to 60,00 BPD of crude oil.

Energy Cooperative, Inc., East Chicago, Ind., BEX–0028, crude oil.

On January 21, 1980 the DOE issued a Temporary Exception Decision and Order to Energy Cooperative, Inc. (ECI). That Decision allocated crude oil to ECI which would allow the firm to run its refinery at the minimum operable level. The January 21 Decision also designated specific suppliers to supply ECI with specific quantities of crude oil during the period January 1 through February 29, 1980. The Supplemental Order issed to ECI on January 24, 1980, clarifies the methodology used to calculate the amount of relief granted to ECI and how the supply obligation for each of the eight designated suppliers was determined.

Husky Oil Co., Denver, Colo., BEX–0020, crude oil.

On June 27, 1979 the DOE issued a Decision and Order to Husky Oil Company which granted the firm's request for exception relief from the provisions of 10 CFR, Part 212, Subpart D. This exception relief was provided for the benefit of the working interest owners of the Fleisher Lease but was not extended to the royalty interest owners. Subsequent to the issuance of the Decision and Order the royalty interest owners filed additional information reasserting a claim that exception relief granted to working interest owners should be applied on an equal basis to royalty interest owners. In its submission the royalty interest owners claimed to be in a unique position because unlike most royalty interest owners they are required to absorb a proportionate share of the cost of diluents that are injected into the Fleisher Lease well in order to enhance production. The DOE decided to review this specific contention of the royalty interest owners of the Fleisher Lease and on its own motion issue a Supplemental Order. Upon review the DOE determined that the royalty interest owners of the Fleisher Lease were not in the same relative financial position as the working interest owners. During the latest six month period reviewed, the royalty interest owners were able to achieve a significant profit without exception relief whereas the working interest owners had no economic incentive to continue production without such relief. Accordingly, the DOE affirmed its previous conclusion that exception relief of the royalty interest owners was not warranted.

Interim Orders

Appollo Oil Co., Peoria, Ill., BEN–0011, motor gasoline.

Appollo Oil Company filed a Motion for Interim Decision and Order in which the firm sought to implement immediately exception relief which the DOE proposed to approve on October 31, 1979. *See Appollo Oil Co.*, Case No. DEE–2427 (October 31, 1979). The effect

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of granting the Motion would be to require the Marathon Oil Company to supply Apollo with 300,000 gallons of unleaded motor gasoline per month for use in the firm's gasohol blending operations. In considering the request, the DOE found that substantial objections have been raised to the implementation of the proposed relief and that Apollo had failed to establish that it will be harmed in any way by the denial of the present Motion. Accordingly, the Apollo Motion for Interim Decision and Order was denied.

McCall Marketing Co., Portland, Oreg., BEN–0015, motor gasoline.

McCall Marketing Company filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increase in its base period allocation of motor gasoline to implement a gasohol blending program. In considering the request, the DOE found that an interim order was necessary because a strong probability existed that exception relief would be approved, immediate implementation of the relief sought would relieve some of McCall's difficulties encountered in developing its gasohol operation, public interest considerations strongly favor the approval of an interim exception.

Interim Orders

The following firms were granted Interim Exception relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order:

Company Name, Case Number, and Location

Brace's Service Station, BEN–0393, Wellsville, Mo.
Brighton auto Body, DEN–7235, Brighton, Mass.
Callan & Co., DEN–7157, Blythe, Calif.
Colstrip Town Pump, DEN–5883, Washington, D.C.
Cone Oil Co., Inc., BEN–0545, Washington, D.C.
Duncan Oil Co., DEN–6624, Xenia, Ohio.
Staggers Oil Co., DEN–7104, Marshall, Tex.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Company Name, Case Number, and Location

Marathon Oil Co., BEJ–0020, Findlay, Ohio.
Publix Oil Co., BEJ–0014, Washington, D.C.
Raymer Oil Co., BEJ–0015, Washington, D.C.
Raymer Oil Co., BEJ–0016, Washington, D.C.
Texaco, Inc. and United Refining Co., BEJ–0011, Washington, D.C.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied.

Company Name, Case Number, and Location

Stockbridge Motors, DEE–6765, Stockbridge, Mass.
Walter Mockus d.b.a. The Pumper, BEO–0021, Addison, Ill.

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name, Case Number, and Location

Beacon Oil Co., DEE–3561.
Butler & Williamson, BEL–0504; BES–0504.
Buttes Resources Co., BEE–0653.
Chevron U.S.A., Inc., DES–0214; DST–0214.
City of Sikeston, DEE–5319.
D&C Exxon, DRO–0313.
Deck Johnson Oil Co., DEE–4968.
Federal Info. Tools, BFA–0103.
Land O'Lakes, Inc., DEE–5971; DES–5972.
Marlow Heights Group Health Association, DEE–7781.
Northwestern Bell Telephone, BEO–0348.
State of Alaska, BEE–0200.
State University of New York at Binghampton, BEE–0319.
Universal Atlas Cement, BEO–0227.
Universal Atlas Cement, BEO–0026.
Universal Atlas Cement, BEO–0240.
Wayne's Shell, BEO–0403.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

March 10, 1980.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

[FR Doc. 80–8251 Filed 3–17–80; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Decisions and Orders; Week of February 4 Through February 8, 1980

Notice is hereby given that during the week of February 4 through February 8, 1980 the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Barton Bernstein, Stanford, Calif., BFA–0131, freedom of information.

Mr. Barton Bernstein filed an Appeal from a denial by the Director of the DOE Office of Classification of a Request for Information which Mr. Bernstein had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the documents were properly withheld under Exemption 3 of the FOIA since they are properly classified. The present Appeal was accordingly denied.

Newsday, Long Island, N.Y., BFA–0130, freedom of information.

Newsday filed an Appeal from a partial denial by the Director of the Region II Office of Petroleum Operations of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that the information which Newsday sought—base period suppliers and volumes of a certain firm—was recently held to be not of a confidential nature unless release of the information would cause competitive harm. *See Atlantic Richfield Company*, 5 DOEPar. — (January 17, 1980). The DOE therefore remanded the matter to the regional office to determine whether release of the information in the present case would cause competitive harm to the firms involved. In addition, the DOE ordered the release of two documents which are in the public record of a May 17, 1979 DOE hearing.

Rosedale, Miles R., Los Angeles, Calif., BFA–0112, freedom of information.

Miles R. Rosedale filed an Appeal from a denial by the Director of Freedom of Information and Privacy Acts Activities of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that certain of the documents which were initially withheld under Exemption 5 should be released to Mr. Rosedale. Important issues that were considered in the Decision and Order were (i) whether advisory memoranda of the Office of General Counsel embodied the effective law or policy of the agency and (ii) whether cover letters containing no substantive material are protected by Exemption 5.

Oak Hills Oil, Meta, Mo., BEO–0432, BEA–0150, motor gasoline.

Oak Hills Oil filed a Statement of Objection to a December 6, 1979 Proposed Decision and Order issued to it by the Central Regional Center of the Office of Hearings and Appeals. In considering the matter, the DOE determined that Oak Hills' submission should be construed as an Appeal of a determination by the ERA Region VII Office that Oak Hills could not be assigned as the base period supplier of a new retail outlet, Hooks Car Wash, which it owns. The DOE found that the firm's Application for Assignment should have been approved by Region VII despite the opposition of Oak Hills' supplier, Amoco Oil Company. The Decision held that the unwillingness of a prime supplier is not generally a bar to the assignment of base period volumes to a new outlet where the immediate supplier is willing to assume the obligation. Consequently, the DOE granted the firm's Appeal and remanded the firm's Request for Assignment to ERA for appropriate action. In addition, the DOE dismissed the exception proceeding without prejudice.

Requests for Exception

Bainbridge Shell, Chagrin Falls, Ohio, DEO–0371, motor gasoline.

Bainbridge Shell filed a Statement of Objections to a Proposed Decision and Order issued by the Central Regional Center of the Office of Hearings and Appeals. The firm had sought an exception from the provisions of 10 CFR 211 which would have increased its base period allocation of motor gasoline. In considering the firm's objections to the proposed denial of exception relief, the DOE determined that the current allocation regulations are not causing the firm a serious financial hardship. Accordingly, exception relief was denied.

City of Wilson, Wilson, N.C., BEE–0442, reporting requirements.

The City of Wilson, North Carolina (Wilson) filed an Application for Exception from the reporting requirements of Form EIA–149 ("Natural Gas Supply, Requirements, and Usage"). Wilson requested that it be relieved entirely of the requirement to file the form with the Energy Information Administration. In considering Wilson's application, the DOE found that the impending retirement of the city's gas system supervisor coupled with a long delay in the city's receipt of the form imposed a gross inequity on the city. Accordingly, exception relief was granted which permitted Wilson to file its data in simplified form no later than March 31, 1980.

Euclid Bee Clean Auto Wash, Euclid, Ohio, BEO–0052, motor gasoline.

Euclid Bee Clean Auto Wash filed an Application for Exception from the provisions of 10 CFR, Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that it was suffering a serious hardship as a result of DOE regulations. Accordingly, exception relief was denied.

Finch Oil Co., Fayetteville, N.C., DEE–7195, motor gasoline.

Finch Oil Company filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increased allocation of unleaded motor gasoline so that the firm could blend and sell gasohol. In considering the request, the DOE found that exception relief was necessary to relieve the gross inequity which Finch was experiencing as a result of the allocation regulations. Accordingly, exception relief was granted.

Geesey's Mobil Service, York, Pa., BEO–0383, motor gasoline.

Geesey's Mobil Service filed an Application for Exception from the provisions of 10 CFR, Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that Geesey's is not experiencing a hardship of inequity as a result of the DOE allocation regulation's. Accordingly, exception relief was denied.

Spencer's Quick Six, Chicago, Ill., BEO–0118, motor gasoline.

Spencer's Quick Six filed an Application for Exception in which it requested an increase in its base period allocation of motor gasoline. In considering the exception request, the DOE found that Spencer had satisfied the criteria established in *Leo Anger, Inc.*, 4 DOE Par. — (June 18, 1979) for the approval of exception relief. Accordingly, exception relief was granted.

Kenneth L. Tipps, Denver, Colo., BXE–0633, crude oil.

Kenneth L. Tipps filed an application for Exception from the provisions of 10 CFR, Part 212, Subpart D, in which the firm sought an extension of exception relief which would permit it to continue to sell quantities of crude oil produced from it Marick 1–A property at upper tier ceiling prices. In considering the request, the DOE found that operating costs at the property had increased substantitally and that exception relief was necessary to provide the working interest owners with an economic incentive to continue production activities. Accordingly, exception relief was granted permitting 100 percent of the curde oil produced from the property and sold for the benefit of the working interest owners to be priced at upper tier ceiling price levels.

Zachary Gulf Service Station, Zachary, La., DEO–0387, motor gasoline

Zachary Gulf Service Station filed an application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had been able to utilize the ten percent growth adjustment provided in 10 CFR 211.104(a) to substantially increase the quantity of gasoline it is entitled to receive from its base period supplier and had failed to provide financial data indicating its viability as an independent marketer was jeopardized as a result of the updating of the base period. Exception relief was therefore denied.

Request for Temporary Exception

ICG Vista Petroleum, Inc., Denver, Colo., BEL–0636, crude oil.

ICG Vista Petroleum, Inc. (ICG) filed an Application for Temporary Exception in which it requested that it be permitted to sell additional entitlements (10 CFR 211.67) or that it gain access to additional crude oil under the Buy/Sell Program (10 CFR 211.65) in order to reduce its average cost of crude oil. In considering the Application, the DOE determined that ICG has not demonstrated that it is experiencing an irreparable injury as a result of the DOE regulatory program. ICG's temporary exception request was therefor denied.

Supplemental Order

Commonwealth Oil Refining Co., Inc., San Antonio, Tex., BEX–0030, crude oil.

On December 21, 1979, the Commonweatlh Oil Refining Company, Inc. filed a Motion to Dismiss the Mobil Oil Corporation as a participant in Case No. DEE–8020 and various related cases pending before the Office of Hearings and Appeals. In considering the Motion, the DOE found it appropriate to preclude Mobil from further participation in the Corco proceedings because Mobil had willfully refused to comply with a Discovery Order issued by the Office of Hearings and Appeals. In addition, Mobil had failed to file a timely Notice of Objection. The Decision discusses the authority of the Office of Hearings and Appeals to impose sanctions for failure to comply with a discovery order, and refers to Rule 37 of the Federal Rules of Civil Procedure.

Remedial Orders

In the following cases involving Proposed Remedial Orders and/or Interim Remedial Orders for Immediate Compliance, no Statements of Objections were filed. The DOE therefore issued the orders in final form.

Company Name, Case Number, and Location

Macon Oil Co., BRW–0017, Washington, DC.
Arcadia Exxon Service, DRO–0348, Old Bridge, NJ.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Company Name, Case Number, and Location

Occidental Pet. Corp., BEJ–0022, Washington, DC.
Marathon Oil Co., BEJ–0023, Washington, DC.
Chevron USA, Inc., BEJ–0027, Washington, DC.

Interim Orders

The following firms were granted interim exception relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order:

Company Name, Case Number, and Location

Benson Gen. Store, BEN–0645, Benson, VT.
F. S. Williams Country Store, DEN–3469, Ethel, LA.
Gold Oil Co., BEN–0454, Belleville, IL.
P&W Oil Co., Inc., BEN–0559, Athens, AL.
Southwest Research Institute, DEN–5896, San Antonio, TX.
Tuscaloosa City School System, BEN–0246, Tuscaloosa, AL.

Petition Involving the Emergency Building Temperature Restrictions

The following firm filed an Application for Exception from the provisions of the Emergency Building Temperature Restrictions. The request, if granted, would permit the firm to change the temperature in its facilities from the temperature level prescribed in the regulations. The DOE issued a Decision and Order which determined that the request be granted.

Company Name, Case Number, and Location

Tri Rehabilitation Institute, DEE–7567, Mineola, NY.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an

increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied.

Company Name, Case Number, and Location

Bob Webb's Arco Service, DEO–0399, Long Beach, CA.
Red Carpet Car Wash, BEO–0120, Hillsborough, CA.
Sparta's Gulf Service, DEO–0388, Bryn Mawr, PA.

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name and Case Number

Alan Corporation, DEE–5132.
Bubble Machine Car Wash, DEE–6353; DEE–6354.
Five Points Standard, DEE–6957.
Foust Oil Co., DES–3089; DST–3089.
Midtown Oil Co., Inc., DEE–2437.
Rogerson & Manzone, DEE–6755.
S&S Gulf Service, DEE–7958.
Sagamore Amoco, DEE–7690.
Standard Tractor Sales Co., DEE–7108.
Bennett's Cobra Oil Co., Inc., DEE–2860.
Bill Warren, DEE–6572.
Bonner's Arco Mini Market, DEE–6700.
C.T. Decinces Construction Corp., DEE–6952.
City of Industry Disposal Co., Inc., DEE–6161.
Fore, Inc., DEE–3771; DST–3771; DES–3771.
GSC/Six Flags Corp., BEE–0371.
Johnson's Grocery, DEE–6955.
Marathon Oil Co., BED–0252.
Robert Winston Sunoco, DEE–7695.
S & J Gen. Store, DEE–6402.
Sierra Glen Store, DEE–6907.
Strickland Oil Co., DEE–3167.
Southwest Research Institute, DES–5896.
Conoco, Inc., BEA–0143; BMR–0020.
Energy Development Corporation, DXE–1310.
Fargo, Inc., DEE–2533; DES–2533; DST–2533.
Universal Atlas Cement, BEO—0285.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commerically published loose leaf reporter system.

Dated: March 10, 1980.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

[FR Doc. 80-8252 Filed 3-17-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER80-263]

Cleveland Electric Illuminating Co.; Filing

March 10, 1980.

Take notice that on March 3, 1980, the Cleveland Electric Illuminating Company (CEI) tendered for filing Amendment No. 5 to the CAPCO Basic Operating Agreement dated January 1, 1975 as amended (the "Agreement") which is on file with the Commission.

CEI states that Section 1 of Amendment No. 5 amends the Agreement extending the term of the Agreement by six months—from March 1, 1980 to September 1, 1980.

CEI requests that the Commission waive its notice requirements in order to allow an effective date of March 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intevene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8147 Filed 3-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP78-51, RP79-1]

Colorado Interstate Gas Co.; Informal Conference

March 10, 1980.

Take notice that on March 19, 1980, at 11:00 A.M. an informal conference of all interested persons will be held pursuant to Article II of the "Stipulation and Agreement of Settlement" in this proceeding. The conference will be held at a meeting room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as a party in these proceedings.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in these proceedings and to make commitments with respect to such issues and to any offers of settlement or stipulation discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8146 Filed 3-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-246]

Columbia Gas Transmission Corp.; Application

March 10, 1980.

Take notice that on February 19, 1980, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP80-246 an application pursuant to Section 3 of the Natural Gas Act for authorization to import natural gas from Canada for a period of 15 years, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has contracted pursuant to a gas sales contract with Columbia Gas development of Canada, Ltd. (Columbia Development) for the sale by Columbia Development and purchase by Columbia of gas not to exceed 41,000 Mcf per day or 13,600,000 Mcf per annum which gas would be purchased at the applicable border price set by the National Energy Board of Canada (NEB), which is currently $2.80 (U.S.) per million Btu.

Columbia Development would, it is stated, obtain the natural gas from the Kotaneelee field which is located in the Yukon Territory of Canada pursuant to gas purchase agreements with Dome Petroleum Limited, Esso resources Canada Limited, Amoco Canada Petroleum Company Ltd., Alminex Limited, and Canada Southern Petroleum Ltd. The remaining natural gas reserves in this field are stated to be 205,200,000 Mcf at 14.65 psia.

Columbia Development is, it is stated, finalizing arrangements with Westcoast Transmission Company Limited (Westcoast) for the processing and transportation of the gas from the Kotaneelee gas field to the international border.

Applicant states that the arrangements for the transportation of gas within the United States would be the subject of separate applications filed with the Commission pursuant to Section 7(c) of the Natural Gas Act. It is stated that the gas would enter the United States at Sumas, Washington, at the existing delivery point of Westcoast with Northwest Pipeline Corporation (Northwest); the gas would then be displaced by Northwest to El Paso Natural Gas Company (El Paso) in LaPlata County, Colorado; El Paso would deliver a similar quantity from its supply in the Gulf of Mexico region to Columbia Gulf Transmission Company, an affiliate of Applicant, in southern Louisiana; which would deliver such gas through its existing pipeline system to Applicant at existing points of delivery in Kentucky.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 2, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8149 Filed 3-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-289]

El Paso Natural Gas Co.; Change in Rates

March 10, 1980.

Take notice that on February 29, 1980, El Paso Natural Gas Company ("El Paso") filed, pursuant to Part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act, the following revised tariff sheets to its FERC Gas Tariff:

Tariff Volume and Tariff Sheet

Original Volume No. 1—Seventh Revised Sheet No. 63–C.8, Third Revised Sheet No. 63–C.9A
Third Revised Volume No. 2—Seventh Revised Sheet No. 1–M.8, Third Revised Sheet No. 1–M.9A
Original Volume No. 2A—Seventh Revised Sheet No. 7–MM.8, Third Revised Sheet No. 7–MM.9A

El Paso states that the purpose of the filing is to give notice of a change in the surcharge rate applicable to the Clay Basin Interim Storage Arrangements ("Clay Basin Arrangements") [1] and a revision in costs associated with the utilization of the Clay Basin Arrangements by Southwest Gas Corporation ("Southwest") for the purpose of preserving a portion of its Opinion No. 800–B Payback Gas entitlements.[2] El Paso proposes that such change be made effective April 1, 1980.

El Paso states that the notice of change is being filed in accordance with the effective storage provisions in its FERC Gas Tariff relating to the Clay Basin Arrangements which provide, among other matters, that the surcharge rate applicable thereto shall be adjusted each April 1, and October 1, so as to permit El Paso to recover during the succeeding six (6) month period its actual and projected costs in providing (i) Priority 1 and 2 storage protection service to its EOC customers through the Clay Basin Arrangements, and (ii) storage service for the portion of Southwest's Opinion No. 800–B Payback Gas.

El Paso states that it is proposing to change the surcharge rate applicable to all rate schedule services for those EOC Priority 1 and 2 customers receiving the benefit of the Clay Basin Arrangements from the currently effective surcharge rate of 4.24¢ per Mcf of Priority 1 and 2 monthy nominations to 9.51¢ per Mcf of Priority 1 and 2 monthly nominations, effective as of April 1, 1980.

El Paso states that the surcharge applicable to Southwest for serving its Opinion No. 800–B Payback Gas is comprised of an injection fee, fixed and variable cost residency fees and a withdrawal fee. El Paso further states that it is proposing to revise the currently effective injection fee, fixed and variable cost residency fees of 27.03¢, (0.78¢) and 2.86¢ per Mcf, respectively, to 28.02¢, 4.33¢ and 2.50¢ per Mcf, respectively, effective as of April 1, 1980. No change in the withdrawal fee portion of the subject surcharge, presently 1.0¢ per Mcf, is proposed in the subject filing.

El Paso also states that copies of the filing have been served upon all parties of record in Docket No. CP77–289, and, otherwise, upon all of El Paso's interstate system customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before Mar. 21, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8150 Filed 3-17-80; 8:45 am]

BILLING CODE 6450-85-M

[1] By order issued July 3, 1978, as modified by order issued February 5, 1979, at Mountain Fuel Resources, Inc., *et al.*, Docket Nos. CP76–285, *et al.*, the Commission granted temporary certificates for, among other things, the extended Clay Basin Arrangements and El Paso's participation in such arrangements through September 30, 1980. Such extended Clay Basin Arrangements provide for the sale, transportation and storage of gas in the Clay Basin Field, located in Daggett County, Utah, under agreements between El Paso, Northwest Pipeline Corporation, Mountain Fuel Resources, Inc. and Clay Basin Storage Company.

[2] By order issued December 22, 1978, at Docket Nos. CP76–285, *et al.*, the Commission amended the terms of Opinion No. 800–B and its order issued July 3, 1978, at such docketed proceedings in order to permit the interim use of the Clay Basin Arrangements for purposes of preserving El Paso's east-of-California ("EOC") customers' opinion No. 800–B Payback Gas. Southwest Gas Corporation was the only customer advising El Paso that it desired El Paso to provide for the preservation of certain quantities of its allocable share of Opinion No. 800–B Payback Gas through the Clay Basin Arrangements.

[Docket No. CP80-192]

Florida Gas Transmission Co.; Amendment to Application

March 10, 1980.

Take notice that no February 19, 1980, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP80–192 pursuant to Section 7(c) of the Natural Gas Act an amendment to the application pending in said docket so as to reflect a revision in the three contracts pursuant to which it sells natural gas for resale in the state of Texas, as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that, pursuant to the terms of Applicant's initial filing, it has executed contracts by which it sells natural gas for resale in the state of Texas to the Texas Department of Corrections, Gulfside Gas Company, and Entrex, Inc.

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Such contracts, it is stated, have been amended to provide that Buyer would pay Applicant for all services rendered prices established under Applicant's Rate Schedule G and as such rate schedule may hereafter be legally amended or superseded.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 2, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8151 Filed 3-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-19, et al. (Phase II)]

Florida Power and Light Co.; Filing

March 10, 1980.

The filing Company submits the following:

Take notice that no January 3, 1980 Florida Power and Light Company (FPL) filed a refund report in compliance with the Commission's letter order of December 5, 1979 in the above-styled proceeding. The other accepted a settlement agreement filed by FPL on September 21, 1979.

A copy of this filing has been served on all parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before March 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8152 Filed 3-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-19, et al. (Phase II)]

Florida Power and Light Co.; Filing

March 10, 1980.

The filing Company submits the following:

Take notice that on February 29, 1980, Florida Power and Light Company (FPL) filed a compliance report in accordance with the Commission's letter order of February 7, 1980 in the above styled proceeding.

The compliance report shows refunds made to FPL's partial requirements customers.

A copy of this filing has been furnished to the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before March 31, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8153 Filed 3-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-19 et. al.]

Florida Power and Light Co.; Filing

March 10, 1980.

The filing Company submits the following:

Take notice that on February 13, 1980 the Florida Power and Light Company (FPL) submitted for filing certain rate schedules and unexecuted service agreements in compliance with the Commission's order of December 21, 1979 in the above-styled proceeding.

FPL further states that this filing is being made for the sole purpose of complying with the aforementioned order, that it is being made under protest, and that it does not waive any rights FPL may have to seek review of the above-mentioned order.

Copies of this filing have been served upon the affected parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before March 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8174 Filed 3-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-34]

Iowa Electric Light and Power Co.; Application

March 10, 1980.

Take notice that on February 28, 1980, the Iowa Electric Light and Power Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act with the Federal Energy Regulatory Commission seeking authority to issue 225,000 shares of common stock pursuant to the Company's Employee Stock Ownership Plan.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 55 counties in the State of Iowa.

Any person desiring to be heard or to make protest with reference to this application should on or before March 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 80-8155 Filed 3-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-259]

Kansas Gas & Electric Co.; Proposed Tariff Change

March 10, 1980.

The filing Company submits the following:

Take notice that Kansas Gas and Electric Company on February 29, 1980 tendered for filing proposed changes in its FERC Electric Service Tariff Nos. 32, 55, 98, 110, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 129, 131, 132, 133, 134 and 135. The proposed changes would increase revenues from Applicant's Municipal jurisdictional customers' sales and service by $3,550,874 based on the twelve month period ending December 31, 1980.

Applicant is experiencing a number of major problem which necessitate requesting the proposed increase. The principal factor is the addition of the Jeffrey Energy Center No. 1 and 2 Units and their related facilities on July 31, 1978 and May 31, 1980, respectively. Unit No. 1 has been in commercial operation for over one year and applicant has been permitted virtually no rate relief to offset the significant increase in operating and maintenance expense, depreciation and taxes attributable to the unit nor to earn a rate of return on the investment. Rising capital expenditures, inflation, attrition and regulatory lag have contributed to a general erosion in the return earned from jurisdictional customers. Unit No. 2 is scheduled to go into commercial operation on May 31, 1980 and Applicant will be faced with the same problems associated with the No. 1 Unit, necessitating timely rate relief.

Copies of the filing were served upon the public utility's jurisdictional customers and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said Application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20436, in accordance with Paragraph 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 80-8156 Filed 3-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP77-641 and CP78-23]

Natural Gas Pipeline Co. of America and United Gas Pipe Line Co.; Petition to Amend

March 10, 1980.

Take notice that on December 21, 1980, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, and United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket Nos. CP77-461 and CP78-23, respectively, a joint petition to amend the order of December 20, 1977, issued in the instant dockets, pursuant to Section 7(c) of the Natural Gas Act so as to authorize the exchange of up to 185,500 Mcf per day of natural gas, the exchange of natural gas at additional exchange points in Cameron Parish, Louisiana, Panola County, Texas, and Polk County, Texas, and the construction and operation of facilities at the proposed Panola County Exchange Point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that, pursuant to the order issued December 20, 1977, Petitioners were authorized to exchange up to 105,500 Mcf of natural gas per day, at three points of exchange; the Texaco Henry Plant located in Vermilion Parish, Louisiana (Henry Delivery Point); the Mobil Cameron Meadows Plant, Cameron Parish, Louisiana (Cameron Delivery Point); and the terminus of Sea Robin Pipeline Company's (Sea Robin) onshore measuring station located in Vermilion Parish, Louisiana (Erath Delivery Point).

It is further stated that Natural has additional gas supply volumes available to be purchased from offshore areas which would be transported by Sea Robin pursuant to a gas transportation agreement dated September 2, 1977, authorized by Commission order of December 20, 1977, in Docket No. GP78-7. Petitioners stated that this agreement provides for Sea Robin to transfer and redeliver volumes of natural gas that Natural has available for purchase, to United for Natural's account at the Erath Delivery Point.

It is stated that Petitioners have agreed to amend their existing gas exchange agreement, dated August 16, 1977, so as to increase the volumes of gas to be exchanged between them to 185,500 Mcf per day, and to add the following three points of exchange: (1) the existing interconnection of the facilities of U-T Offshore System and Natural near Johnson's Bayou, Cameron Parish, Louisiana; (2) a proposed point of interconnection between the Pipeline systems of Petitioners in Panola County, Texas; and (3) the existing interconnection between the pipeline systems of the Petitioners near Goodrich, Polk County, Texas.

Natural also proposed to construct approximately 1,800 feet of 10-inch pipeline, a 10-inch measuring facility, and 8-inch tap connection, and other appurtenant facilities which would cost $189,000. United proposes to construct an 8-inch tap connection and other appurtenant facilities for a cost of $28,000. It is stated that these facilities would be constructed in Panola County, Texas. It is asserted such costs would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 2, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8157 Filed 3-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-259]

Northern Natural Gas Co.; Application

March 10, 1980.

Take notice that on February 27, 1980, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80-259 an application pursuant to

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Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity so as to authorize the construction and operation of a new sales measuring station to serve as an additional point of delivery to Iowa Power and Light Company (Iowa Power), all as more fully set forth in the application which is on file with the commission and open to public inspection.

It is stated that this application is filed pursuant to a settlement agreement entered into by the parties in the proceeding involving Iowa Power's application filed pursuant to Section 7(c) of the Natural Gas Act in Docket No. CP79-198. Applicant states that in Docket No. CP79-198 Iowa Power requested the Commission to issue an order directing Applicant to construct facilities to establish a new natural gas delivery point at Iowa Power's Sycamore Power Station. Applicant states that, in accordance with the terms of the settlement agreement, it proposes to install and operate a town border station to serve Iowa Power's Sycamore Power Station. It is stated that the new delivery point would be located in Polk County, Iowa. It is further stated that deliveries to Iowa Power for use in their peak load generating units, which would include deliveries to the Sycamore Power Station through the herein proposed town border station, would be limited to 1,400,000 Mcf annually.

It is stated that volumes of natural gas to be provided through the proposed facilities would be served out of Iowa Power's presently effective firm entitlement.

It is further stated that the cost of the proposed facilities would be $174,400, for which Iowa Power has agreed to reimburse Applicant for the total actual cost of construction.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 1, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8158 Filed 3-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-77]

United Gas Pipe Line Co.; Proposed Changes in FERC Gas Tariff

March 10, 1980.

Take notice that United Gas Pipe Line Company (United), on February 27, 1980, tendered for filing the following proposed tariff sheets for inclusion in its FERC Gas Tariff, First Revised Volume No. 1:

Twelfth Revised Sheet No. 5
Thirteenth Revised Sheet No. 6
Twentieth Revised Sheet No. 21
Sixth Revised Sheet No. 22

United States that the revisions are being made to eliminate the demand ratchet provisions of United's Tariff, and to limit the overrun penalty to only those volumes taken in excess of 102% of Buyer's Maximum Daily Quantity. Previously the overrun penalty applied to all volumes taken by Buyer in excess of its Maximum Daily Quantity if the quantity taken on any day exceeded 102% of the Maximum Daily Quantity. United has requested that the revised tariff sheets be made effective as of December 1, 1978, the date that its rate filing in Docket No. RP78-68 became effective, and will not increase the rates charged to any of its customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8159 Filed 3-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-41]

United Gas Pipeline Co., Third-Party Protests[1]

March 10, 1980.

Take notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23-B,[2] and "Order on Rehearing of Order No. 23-B," [3] the Staff of the Commission protested on March 4, 1980, the assertion by the United Gas Pipeline Company (United) and certain producers that the contracts identified in its protest constitute contractual authority for the producers to charge and collect any applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

Staff stated that the language of the contracts contained in Appendix A does not constitute authority for the producer to increase prices to the extent claimed by United in its evidentiary submission.

Any person, other than the pipeline and the seller, desiring to be heard or to make any response with respect to these protests should file with the Commission, on or before March 24, 1980, a petition to intervene in accordance with 18 C.F.R. § 1.8. The seller need not file for intervention because under 18 C.F.R. § 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party.

Kenneth F. Plumb,

Secretary.

Appendix A

Producer	Contract date
POGO Producing Co	9-10-76
Exxon Corp	2-9-78
Gulf Oil Corp	12-21-70
Gulf Oil Corp	12-21-70
Phillips, Jack L	4-11-78
Cities Service Co	7-6-76
Delta Drilling Co	3-27-59
Delta Drilling Co	3-27-59
Sun Oil Co	4-16-71
Exxon Corp	11-3-66
Art Machin & Assn., Inc	10-9-69
Kling, Inc	8-19-79
Lynal, Inc	10-4-60
Atlantic Richfield Co	5-26-47
Duerr, S. E., Jr	2-3-76
Expando Prod. Co	8-27-73
Getty Oil Co	11-1-53
Abercrombie, J. S	1-31-51
Texas Oil & Gas Corp	10-16-79
Atlantic Richfield Co	6-1-76
Gulf Oil Corp	1-11-62
Texas Gas Exploration Corp	6-28-63
Highland Resources Inc	8-14-56
Pennzoil LA & TX Offs Inc	5-16-78
Louisiana Land & Expl. Co	2-17-78
Hunt Oil Co	4-29-40
Arco Oil & Gas Corp	4-29-40
Gemini Explorations Inc	4-29-40
Marathon Oil Co	4-29-40
Getty Oil Co	4-29-40
Amoco Production Co	4-29-40
Sun Gas Co	4-29-40
Hargraves FE & Sons Drl. Co	9-19-74
Teel, Roy M	10-15-29
Transocean Oil, Inc	7-9-74

[FR Doc. 80-8160 Filed 3-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-76]

West Texas Gathering Co.; Tariff Filing

March 10, 1980.

Take notice that on February 27, 1980, West Texas Gathering Company (West Texas) filed Original Tariff Sheet Nos. 51A, 51B, 51C, and 51D. The proposed effective date of these sheets is April 1, 1980. West Texas also filed a financial statement for the year ending December 31, 1979, certain cost of service data for 1979 and statements N and O for the year 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8161 Filed 3-17-80; 8:45 am]

BILLING CODE 6450-85-M

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[1] The term "third-party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

[2] "Order Adopting Final Regulations and Establishing Protest Procedure," Docket No. RM79-22, issued June 21, 1979.

[3] Docket No. RM79-22, issued August 6, 1979.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1437-8; 80P-14]

California Department of Agriculture; Issuance of Specific Exemption To Use Diclofop-Methyl to Control Italian Ryegrass and Wild Oats in Wheat Fields

AGENCY: Environmental Protection (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the California Department of Food and Agriculture (hereafter referred to as the "Applicant") to use diclofop-methyl to control Italian ryegrass and wild oats in wheat in that portion of California north of and including San Joaquin County.

DATE: The specific exemption expires on June 15, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Donald Stubbs, Emergency Response Section, Environmental Protection Agency, Rm. E-124, (TS-767), 401 M St., SW., Washington, DC 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: According to the Applicant, both Italian ryegrass (*Lolium multiflorum*) and wild oats (*Avena fatua*) are widespread weed problems in California. The Applicant states that they compete with the crops for light, nutrients, and water and severely reduce yield.

The Applicant proposed to treat a maximum of 150,000 acres of wheat and barley fields with diclofop-methyl. The Applicant claimed that the number of infested fields has been increasing because of the inadequacy of the registered herbicides, barban, triallate, and difenzoquat. The Applicant further stated that although cultural controls work on the long-term basis, they will have no effect on this year's crops. Data indicate that the herbicide diclofop-methyl is effective for controlling both Italian ryegrass and wild oats.

EPA has determined that the frequent rainfall in the counties north of and including San Joaquin often prevents effective use of pre-emergent herbicides there and that triallate cannot be used on the short-statured wheat grown in California. However, since barban can be used on wheat grown in the southern part of California and triallate can be used on barley grown in California, EPA cannot determine that an emergency situation exists in wheat grown in the southern counties or in barley.

EPA has determined that the proposed use should not result in residues of diclofop-methyl and its metabolites in excess of 0.1 part per million (ppm). This level has been judged adequate to protect the public health. Applicators will be required to wear protective clothing and respirators.

A restriction on the grazing or foraging of treated land and a prohibition against the use of treated hay or straw as animal feed have been imposed. Since diclofop-methly is acutely toxic to fish, EPA has imposed a restriction which would prohibit the application of diclofop-methyl within 100 feet of any aquatic habitat. EPA has also prohibited the use of diclofop-methly in areas where any endangered or threatened species occur.

After reviewing the application and other available information, EPA has determined that (a) peat outbreaks of Italian ryegrass and wild oats have occurred; (b) the pesticides registered for this use do not provide adequate control of Italian ryegrass and wild oats in California; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if Italian ryegrass and wild oats are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until June 15, 1980 subject to the following conditions:

1. Use of the American Hoechst product Hoelon 3EC, which contains the active ingredient (a.i.) diclofop-methyl, is authorized at the following dosage rates and methods of application:

Ground Equipment: 2 to 3.3 pints of product (0.75 to 1.25 pounds a.i.)/ minimum of 10 gallons of water/acre per season;

Aerial Equipment: 2 to 3 pints of product (0.75 to 1.25 pounds a.i.)/ minimum of 5 gallons of water/acre per season;

2. Up to 42,000 pounds of diclofop-methly are authorized;

3. One laboratory study with mice indicated that diclofop-methyl may be oncogenic. Because of uncertainty relating to the oncogenic potential of diclofop-methyl, the Applicant shall be responsible for assuring that all workers who will come into contact with this material through pesticide applications

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and related agricultural operations are fully advised of the uncertainty of the oncogenicity situation prior to any exposure to the material. In addition, the following precautions must be taken: (a) Applications are to be made only by State-certified commercial and private applicators; (b) the following protective apparel must be worn during all loading and mixing operations of diclofop-methyl and when diclofop-methyl is applied with ground equipment: gloves, waterproof boots, impermeable pants and shirts, goggles, and a cartridge-type respirator; (c) aerial pilots are not to be involved in the mixing and loading of diclofop-methyl unless the aforementioned equipment is worn. Pilots must wear a cartridge-type respirator when applying diclofop-methyl;

4. Applications of diclofop-methyl shall be made only when a knowledgeable expert determines that densities of Italian ryegrass are at a level where the use of herbicides registered for use on wheat to control those weeds is not likely to provide sufficient economic control of those weeds. Such knowledgeable experts may be personnel of the California Department of Food and Agriculture, county agricultural personnel, university personnel, or state-licensed pest control advisors;

5. Diclofop-methyl is highly toxic to fish. It must be kept out of lakes, streams, ponds, tidal marshes, and estuaries. Direct applications or drift of spray material to water surfaces must be avoided. It may not be applied within 100 feet of aquatic habitats or within 100 feet of any vegetable, corn, or milo crop. Aerial applications may not be made when wind velocity is above five miles per hour. Care must be taken to avoid contamination of arable land or water by the cleaning of equipment or disposal of waste;

6. There are seven fish which have been classified as either endangered or threatened species, in accordance with the Endangered Species Act of 1973, found in California. Hoelon 3 EC may not be used in areas where these species are known or expected to occur;

7. The Applicant must set up a monitoring program to prevent adverse effects to aquatic habitats and non-target border vegetation. The EPA shall be informed of any adverse effects resulting from the use of diclofop-methyl under this specific exemption;

8. Fields treated with diclofop-methyl must not be grazed or foraged. Likewise, wheat hay or straw must not be fed to livestock;

9. Wheat grain with residues of diclofop-methyl not exceeding 0.1 ppm may entered interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

10. Pest control advisors recommending the use of Hoelon 3 EC in accordance with item 4 above must submit to the Applicant a written statement concerning the conditions found in each field which led them to believe an emergency situation existed. The Applicant is responsible for summarizing these statements and forwarding copies to EPA; and

11. The Applicant is responsible for ensuring that all of the provisions of this specific exemption are met and must submit a full report which summarizes the amounts of diclofop-methyl used and the economic benefits derived, as a result of this specific exemption, to the EPA by October 31, 1980.

(Sec. 18, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: March 11, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-8102 Filed 3-17-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1437-7; 80P-27]

Issuance of Exerimental Use Permit for N-(Mercaptomethyl)-Phthalimide S-(O,O-Dimethly Phosphorodithioate)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an experimental use permit under provisions of the Federal Insecticide, Fungicide, and Rodenticide Act to Zoecon Industries for use of the insecticide *N*-(mercaptomethyl]phthalimide *S*-(*O,O,*-dimethyl phosphorodithioate) on 1,250 hogs to evaluate control of hog-mange and hog lice.

FOR FURTHER INFORMATION CONTACT: Mr. George T. LaRocca, Product Manager, Room E-329, (PM-15), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460 (202-426-9490).

SUPPLEMENTARY INFORMATION: Zoecon Industries, Dallas, TX 75234, has been issued experimental use permit No. 2724-EUP-15. This permit allows the use of 20 pounds of the insecticide *N*-(mercaptomethly) phthalimide *S-(O,O-*dimethyl phosphorodithioate) on 1,250 hogs to evaluate control of hog mange and hog lice. The program is authorized only in the States of Arkansas, Illinois, Indiana, Iowa, Nebraska, Pennsylvania, and Virginia. This experimental use permit is effective from February 8, 1980, to February 8, 1981. A permanent tolerance for residues of the active ingredient in or on the meat, fat, and meat byproducts of hogs has been established (40 CFR 180.26). (PM-25, Room: E-329, Telephone: 202-426-9490).

Persons wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street S.W., Washington, D.C. 20460. Inquiries regarding this permit should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819 as amended, (7 U.S.C. 136))

Dated: March 7, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-8199 Filed 3-17-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1437-6; 80P-59]

Experimental Use Permit for Oryzalin and Trifluralin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an experimental use permit to Elanco Products Co. for use of the herbicides oryzalin and trifluralin on cotton and soybeans to evaluate control of weeds.

DATE: The experimental use permit is effective from March 30, 1980 to March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM-25), Rm. E-359, (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202)-765-2196).

SUPPLEMENTARY INFORMATION: Elanco Products Co., Indianapolis, IN 46206 has been issued experimental use permit No. 1471-EUP-68. This permit allows the use of 1,627 pounds each of the herbicides oryzalin and trifluralin on cotton and soybeans to evaluate control of weeds.

A total of 2,814 acres are involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Georgia, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin.

This experimental use permit is effective from March 30, 1980 to March 30, 1981. Permanent tolerances for residues of the active ingredients in or on cottonseed and soybeans have been established (40 CFR 180.304 and 180.207).

Persons wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW., Washington, D.C. 20460. Inquiries regarding this permit should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819 as amended, (7 U.S.C. 136))

Dated: March 7, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

FR Doc 80-8194 Filed 3-17-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1437-5; 8 OP—56]

Stauffer Chemical Co.; Experimental Use Permit for S-Ethyl Diisobutylthiocarbamate Alternate Formula Containing Safener R-29148

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an experimental use permit to Stauffer Chemical Co. for use of the herbicide S-ethyl diisobutylthiocarbamate alternate formula containing safener R-29148 on corn to evaluate control of weeds.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Rm. E-359 (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202-755-2196).

SUPPLEMENTARY INFORMATION: Stauffer Chemical Co., Richmond, CA 94804, has been issued experimental use permit No. 476-EUP-98. This permit allows the use of 4,000 pounds of the herbicide S-ethyl diisobutylthiocarbamate alternate formula containing safener R-29148 on corn to evaluate control of weeds.

A total of 800 acreas are involved; the program is authorized only in the States of Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, and Wisconsin. The experimental use permit is effective from March 15, 1980 to September 15, 1981. This permit is being issued with the limitation that all treated crops are to be destroyed or used for research purposes only.

Persons wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Divison (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW, Washington, D.C. 20460. Inquiries regarding this permit should be directed to the contact perons given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819 as amended, (7 U.S.C. 136))

Dated: March 7, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-8195 Filed 3-17-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1437-4; 80P-57]

Stauffer Chemical Co.; Experimental Use Permit for S-Ethyl Diisobutylthiocarbamate Alternate Formula Containing Safener R-29148

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an experimental use permit to Stauffer Chemical Co. for use of the herbicide S-ethyl diisobutylthiocarbamate alternate formula containing safener R-29148 on corn to evaluate control of weeds.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM)25, Rm. E-359 (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-755-2196).

SUPPLEMENTARY INFORMATION: Stauffer Chemical Co., Richmond, CA 94804, has been issued experimental use permit No. 476-EUP-97. This permit allows the use of 4,000 pounds of the herbicide S-ethyl diisobutylthiocarbamate alternate formula containing safener R-29148 on corn to evaluate control of weeds.

A total of 800 acres are involved; the program is authorized only in the States of Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, and Wisconsin. The experimental use permit is effective from March 15, 1980 to September 15, 1981. This permit is being issued with the limitation that all treated crops are to be destroyed or used for research purposes only.

Persons wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. Inquiries regarding this permit should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819 as amended, (7 U.S.C. 136))

Dated: March 7, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-8196 Filed 3-17-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1437-3; 80P-58]

Stauffer Chemical Co.; Experimental Use Permit for S-Ethyl Diisobutylthiocarbamate Alternate Formula Containing Safener R-29148

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an experimental use permit to Stauffer Chemical Co. for use of the herbicide S-ethyl diisobutylthiocarbamate alternate formula containing safener R-29148 on corn to evaluate control of weeds.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM)25, Rm. E-359 (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202-755-2196).

SUPPLEMENTARY INFORMATION: Stauffer Chemical Co., Richmond, CA 94804, has been issued experimental use permit No. 476-EUP-99. This permit allows the use of 4,000 pounds of the herbicide S-ethyl diisobutylthiocarbamate alternate formula containing safener R-29148 on corn to evaluate control of weeds.

A total of 800 acres are involved; the program is authorized only in the States of Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, and Wisconsin. The experimental use permit is effective from March 15, 1980 to September 15, 1981. This permit is being issued with the limitation that all treated crops are to be destroyed or used for research purposes only.

Persons wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street S.W., Washington, D.C. 20460. Inquiries regarding this permit should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819 as amended, (7 U.S.C. 136)).

Dated: March 7, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-8187 Filed 3-17-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1437-2; 80 OP-31]

CIBA-Geigy Corp. Amendment to Experimental Use Permit for N-(2, 6-Dimethylphenyl)-N-(Methoxyacetyl)-Alanine Methyl Ester

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has amended an experimental use permit issued to Ciba-Geigy Corp. for use of 1,543 pounds of the fungicide N-(2,6-dimethylphenyl)-N-(methoxyacetyl)-alanine methyl ester on potatoes to evaluate control of late blight and early blight by adding the State of Alabama to and removing the State of Iowa from the program.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Rm. E–305 (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202–755–2562).

SUPPLEMENTARY INFORMATION: In the **Federal Register** on June 27, 1979 (44 FR 37553), information appeared pertaining to the issuance of an experimental use permit, No. 100–EUP–1, to Ciba-Geigy Corp., Greensboro, NC 27409, under provisions of the Federal Insecticide, Fungicide, and Rodenticide Act. At the request of the company, that permit has been amended. The program is now authorized also in the State of Delaware; it is no longer authorized in the State of Iowa. All other conditions and limitations of the experimental use permit remain the same.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: March 7, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-8186 Filed 3-17-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1437-1; OPP-50455]

Dow Chemical Co.; Experimental Use Permit for Chlorpyrifos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an experimental use permit to Dow Chemical U.S.A., for use of the insecticide chlorpyrifos on field corn to evaluate control of insects.

FOR FURTHER INFORMATION CONTACT: Charles Mitchell, Acting Product Manager (PM) 12, Room E–303 (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. (202–426–2635).

SUPPLEMENTARY INFORMATION: Dow Chemical U.S.A., Midland, MI 48640, has been issued experimental use permit No. 464–EUP–58. This permit allows the use of the remaining supply of 4,660 pounds (4,720 pounds originally authorized) of the insecticide chlorpyrifos on field corn to evaluate control of insect pests; this use was authorized in a previous experimental use permit.

A total of 1,800 acreas are involved; the program is authorized only in the States of Alabama, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Ohio, Texas, and Wisconsin. This experimental use permit is effective from April 1, 1980 to April 1, 1981.

A permanent tolerance for residues of the active ingredient in or on field corn has been established (40 CFR 180.342). However, this permit is being issued with the limitation that all treated crops are to be destroyed or used for research purposes only because residues are expected to exceed established tolerances.

Persons wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, DC 20460. Inquiries regarding this permit should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819 as amended, (7 U.S.C. 136))

Dated: March 7, 1980.

Douglas D. Campt,

Director, Registration Division Office of Pesticide Programs.

[FR Doc. 80-8199 Filed 3-17-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1436-8; OPP-50454]

Dow Chemical Co.; Experimental Use Permit for Chlorpyrifos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an experimental use permit to Dow Chemical U.S.A., for use of the insecticide chlorpyrifos on field corn to evaluate control of insects.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Mitchell, Acting Product Manager (PM) 12, Room E–303, (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202–426–2635).

SUPPLEMENTARY INFORMATION: Dow Chemical U.S.A., Midland, MI 48640, has been issued experimental use permit No. 464–EUP–59. This permit allows the use of the remaining supply of 3,398 pounds (3,510 pounds originally authorized) of the insecticide chlorpyrifos on field corn to evaluate control of insect pests, this use was authorized in a previous experimental use permit.

A total of 1,800 acres are involved; the program is authorized only in the States of Alabama, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, Nebraska, Ohio, Texas, and Wisconsin. This experimental use permit is effective from April 1, 1980 to April 1, 1981.

A permanent tolerance for residues of the active ingredient in or on field corn has been established (40 CFR 180.343). However, this permit is being issued with the limitation that all treated crops are to be destroyed or used for research purposes only because residues are expected to exceed established tolerances.

Persons wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, SW., Washington, D.C. 20460. Inquiries regarding this permit should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819 as amended, (7 U.S.C. 136))

Dated: March 7, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-8200 Filed 3-17-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–614–DR]

Arizona; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Arizona (FEMA–614–DR), dated February 19, 1980, and related determinations.

DATED: March 10, 1980.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634–7845.

NOTICE: The Notice of a major disaster for the State of Arizona dated February 19, 1980, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 19, 1980.

The following for Individual Assistance and Public Assistance: Mohave County, Fort Apache Indian Reservation, San Carlos Apache Indian Reservation.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

William H. Wilcox,

Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 80-8165 Filed 3-17-80; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Genuine International Freight Forwarders, Inc., 17 Battery Place, Suite 300, New York, NY 10004. Officers: Hans-George Reintgen, President, Carol Reintgen, Secretary.

Garden State Maritime Services, Inc., 201 Bay Avenue, Elizabeth, NJ 07201. Officers: Wm. F. Carthy, Pres./Treasurer, Gerard Marino, Vice President/Secretary, Lancelot W. Burns, Vice President Operations.

S.G.M. International Inc., 7277 N.W. 12 Street, Miami, FL 33126. Officers: Efraim E. Serrano, President, Guillermo G. Marmol, Treasurer.

Kenneth M. Williams & Associates, Inc., Suite 22, World Trade Center, Baltimore, MD 21202. Officers: Kenneth M. Williams, President/Treasurer, David M. Moore, Vice President/Secretary.

Denis Seiglie, P.O. Box 3641, Coral Gables, FL 33134.

Plazas International Company (Carlos E. Plazas, d.b.a.), 1873 West 29th Street, Long Beach, CA 90810.

Fred Pelsinger, 15810 Laurel Heights Drive, Houston, TX 77084.

WTS of Houston, Inc., 2050 North Loop West, Suite 228–S, Houston, TX 77018. Officers: James Shaw, President/Director, Fred C. Leatherland, Chairman of the Board, Phillip E. Boyd, Secretary/Treasurer.

Jiffco Systems, Inc., 17795 J.F.K. Blvd., Suite 226–S, Houston, TX 77025. Officers: Harold R. Jones, Vice President/Treasurer, L. Ivonne Jones, President.

Anthony C. Pfister, 2324 Carol Sue Avenue, Gretna, LA 70053.

Houston Expeditors (Mary U. Upton, d.b.a.), 8144 Niles, Houston, TX 77017.

Volga Forwarders Service Inc., 500 SW 7th Street, 2nd Floor, Miami, FL 77056. Officers: Orlando A. Arencibia, President/Director, Maria J. Arencibia, Sec./Treas./Director.

Summit Forwarding Corporation, 3000 S. Post Oak Road, #1460, Houston, TX 77056. Officers: James A. Swann, President, David Hsiang, Sec./Treasurer.

Herbert Hall Pierce, 3805 Cypress Shores Drive, North, Route 4, Box 142, Mobile, AL 36609.

European Ocean Freight Inc., 17 Battery Place, New York, NY 10004. Officer: Uwe F. Kordts, President/Treasurer.

Gayo International Forwarders, Inc., 1820 S.W. 127 Avenue, Miami, FL 33175. Officer: Gilda R. Gayo, President (sole officer).

Dated: March 13, 1980.

By the Federal Maritime Commission.

Francis C. Hurney

Secretary.

[FR Doc. 80-8244 Filed 3-17-80; 8:45 am]

BILLING CODE 6730-01-M

United States Atlantic and Gulf/Venezuela and Netherlands Antillies Conference and Compania Anonima Venezolana de Navegacion (Venezuelan Line); Cancellation

AGREEMENTS NOS. 6190–A and 7777.

FILING PARTY: Nathan J. Bayer, Esq., Brauner Baron Rosenzweig Kligler Sparber & Bauman, 120 Broadway, New York, New York 10005.

SUMMARY: The Commission has received notification of the cancellation of Agreements Nos. 6190–A and 7777. The cancellation is effective February 20, 1980.

Dated: March 13, 1980.

By order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80-8245 Filed 3-17-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Ameribanc, Inc.; Acquisition of Bank

Ameribanc, Inc., St. Joseph, Missouri, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First National Bank of Centralia, Centralia, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 10, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation

V 45/54 MR 18 80 UMI

would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-8167 Filed 3-17-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed De Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consumation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 11, 1980.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

MANUFACTURERS HANOVER CORPORATION, New York, New York (financing, loan servicing and real and personal property leasing; Alabama and Tennessee): to engage, through a direct subsidiary, Manufacturers Hanover Leasing Corporation in leasing real and personal property on a full payout basis in accordance with the provisions of regulations promulgated by the Board of Governors of the Federal Reserve System and acting as agent, broker or advisor in leasing of such property and making and acquiring for its own account or for the account of others, loans and other extensions of credit with respect to such property and servicing such leases, loans or other extensions of credit. These activities will generally involve substantial dollar amounts and property used for commercial/business purposes by the lessee/borrower concerned and will be conducted from an office located in Nashville, Tennessee serving Tennessee and the northen half of Alabama.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 11, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-8168 Filed 3-17-80; 8:45 am]

BILLING CODE 6210-01-M

Kiester Investments, Inc.; Proposed General Insurance Activities

Kiester Investments, Inc., Kiester, Minnesota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843 (c)(8) and 225.4(b)(2)) of the Board's Regulation Y (12 CFR CFR 225.4(b)(2)), for permission to retain voting shares of Kiester Insurance Agency, Kiester, Minnesota.

Applicant states that the proposed subsidiary would engage in the activities of acting as an agent or broker for general insurance services sold in a community not exceeding 5,000. These activities would be performed from offices of applicant's subsidiary in Kiester, Minnesota, and the geographic area to be served is Kiester, Minnesota and its surrounding area. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank, not later than April 10, 1980.

Board of Governors of the Federal Reserve System, March 10, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-8169 Filed 3-17-80; 8:45 am]

BILLING CODE 6210-01-M

Southern Bancorporation, Inc.; Proposed Acquisition of Citizens Finance Service

Southern Bancorporation, Inc., Greenville, South Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire the assets of Citizens Finance Service, Moultrie, Georgia.

Applicant proposes to engage in the activities of a small loan company, making direct loans and acting as agent for the sale of credit life, accident, and health insurance written in connection with such loans. These activities would be performed from offices of Applicant's indirect subsidiary World Finance Corporation of Georgia in Moultrie, Georgia, and the geographic area to be served includes the city of Moultrie and the immediate surrounding area. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 11, 1980.

Board of Governors of the Federal Reserve System, March 11, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-8169 Filed 3-17-80; 8:45 am]

BILLING CODE 6210-01-M

Suwannee County Bancorporation; Formation of Bank Holding Company

Suwannee County Bancorporation, Live Oak, Florida, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 98.9 percent or more of the voting shares of First Commercial Bank of Live Oak, Live Oak, Florida. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 11, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 11, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-8170 Filed 3-17-80; 8:45 am]

BILLING CODE 6210-01-M

First National Corp. of El Reno; Proposed De Novo Subsidiary, First Air Courier, Inc.

First National Corporation of El Reno, El Reno, Oklahoma, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843 (c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to establish a *de novo* subsidiary, First Air Courier, Inc., El Reno, Oklahoma.

Applicant states that the proposed subsidiary would transport time critical materials of limited intrinsic value of the types utilized by banks and bank-related firms in performing their business activities. These activities would be performed from an office of Applicant's Subsidiary in El Reno, Oklahoma, and the geographic areas to be served are the State of Oklahoma, northern Texas, southern Kansas and southwestern Missouri. Such activities have been specified by the Board in § 22.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 10, 1980.

Board of Governors of the Federal Reserve System, March 10, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-8217 Filed 3-17-80; 8:45 am]

BILLING CODE 6210-01-M

Manufacturers National Corp.; Proposed Acquisition of Manucor Insurance Corp.

Manufacturers National Corporation, Detroit, Michigan, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Manucor Insurance Corporation, Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage in underwriting, as a reinsurer, credit life, credit accident and health insurance directly related to extensions of credit by banking subsidiaries of Applicant. These activities would be performed from offices of Applicant's subsidiaries in Detroit, Livonia, Southfield, St. Clair Shores, Novi, Bay City, Saline and Coopersville, Michigan, and the geographic areas to be served are Wayne, Oakland, Macomb and Bay Counties, and the cities of Livonia, Southfield, St. Clair Shores, Novi, Saline and adjacent townships, Coopersville, Comstock Park, Marne, Fruitport and Muskegon all in the State of Michigan. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank, not later than April 14, 1980.

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Board of Governors of the Federal Reserve System, March 12, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-8218 Filed 3-17-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 80N-0025]

Infant Formulas; Interim Guidelines for Nutrient Composition; Notice to Manufacturers, Packers, and Distributors

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing in this notice a statement of policy concerning interim guidelines for the nutrient composition and nutrient levels in infant formulas. The recommendations on standards for nutrient levels in infant formulas made by the Committee on Nutrition of the American Academy of Pediatrics in 1976 should be followed by infant formula manufacturers as interim guidelines until revision in the existing infant formula nutrient composition regulation (21 CFR 105.65) is completed.

FOR FURTHER INFORMATION CONTACT: Joginder Chopra, Bureau of Foods (HFF-203), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1561.

SUPPLEMENTARY INFORMATION: Recently, a major manufacturer of soy protein-based infant formulas reformulated its products which resulted in an inadequate level of chlorine (as choride ion), an essential nutrient. In late July and early August 1979, a number of cases of hypochloremic metabolic alkalosis, an abnormal condition generally characterized in infants by a failure to thrive, were found by several pediatricians to be associated with prolonged exclusive use of the manufacturer's chloride-deficient soy protein-based infant formulas.

In an attempt to prevent the recurrence of this type of problem, FDA announced in the January 29, 1980 **Federal Register** (45 FR 6702) a public meeting held on February 19, 1980 and a public hearing held on March 12, 1980 to discuss, among other things, the adequacy of the nutrient composition of infant formulas and to obtain scientific justification for changes in the current regulation, Title 21, Code of Federal Regulations, § 105.65 (21 CFR 105.65), which governs the nutrient labeling of infant formulas. Testimony and other information derived from these proceedings are being used to assist FDA in revising the existing nutrient composition labeling regulation.

The current regulation on nutrient composition of formulas (21 CFR 105.65) was issued in 1971 and was patterned after the proposed standards published in 1967 by the Committee on Nutrition of the American Academy of Pediatrics (CON/AAP) ("Proposed Changes in Food and Drug Administration Regulations Concerning Formula Products and Vitamin-Mineral Dietary Supplements for Infants," *Pediatrics* 40:916-922, 1967). Nine years later, CON/AAP revised and expanded its recommendations on standards for infant formulas in a statement titled "Commentary on Breast-Feeding and Infant Formulas, Including Proposed Standards for Formulas" (*Pediatrics* 57:278-285, 1976). Table I from that statement, which specifies recommended nutrient levels for infant formula products, is reproduced below with the permission of the American Academy of Pediatrics.

Table 1.—*Nutrient Levels of Infant Formulas (per 100 Kcal)*

Nutrient	FDA 1971 regulations: Minimum	CON 1976 recommendations: Minimum	CON 1976 recommendations: Maximum
Protein (gm)	1.8	1.8	4.5
Fat:			
(gm)	1.7	3.3	6.0
(% cal)	15.0	30.0	54.0
Essential fatty acids (linoleate):			
(% cal)	2.0	3.0	
(mg)	222.0	300.0	
Vitamins:			
A (IU)	250.0	250.0 (75 μg)[1]	750.0 (225 μg).[1]
D (IU)	40.0	40.0	100.0
K (μg)		4.0	
E (IU)	0.3	0.3 (with 0.7 IU/gm linoleic acid).	
C (ascorbic acid) (mg)	7.8	8.0	
B_1 (thiamine) (μg)	25.0	40.0	
B_2 (riboflavin) (μg)	60.0	60.0	
B_6 (pyridoxine) (μg)	35.0	35.0 (with 15 μg/gm of protein in formula).	
B_{12} (μg)	0.15	0.15	
Niacin:			
(μg)		250.0	
(μg equiv)	800.0		
Folic acid (μg)	4.0	4.0	
Pantothenic acid (μg)	300.0	300.0	
Biotin (μg)		1.5	
Choline (mg)		7.0	
Inositol (mg)		4.0	
Minerals:			
Calcium (mg)	[2]50.0	[2]50.0	
Phosphorus (mg)	[2]25.0	[2]25.0	
Magnesium (mg)	6.0	6.0	
Iron (mg)	1.0	0.15	
Iodine (μg)	5.0	5.0	
Zinc (mg)		0.5	
Copper (μg)	60.0	60.0	
Manganese (μg)		5.0	
Sodium (mg)		20.0 (6 mEq)[3]	60.0 (17 mEq).[3]
Potassium (mg)		80.0 (14 mEq)[3]	200.0 (34 mEq).[3]
Chloride (mg)		55.0 (11 mEq)[3]	150.0 (29 mEq).[3]

[1] Retinol equivalents.

[2] Calcium to phosphorus ratio must be no less than 1.1 nor more than 2.0.

[3] Milliequivalent for 670 kcal/liter of formula.

Because the list of essential nutrients in the current regulation, § 105.65, is not as comprehensive as that given above, FDA is recommending to manufacturers and packers of infant fomulas that the additional information contained in the CON/AAP table above that is not addressed in § 105.65 be used as interim guidelines for nutrients in infant formulas until a revised regulation becomes effective.

FDA is now preparing a proposal for revision of § 105.65 using the most current recommendations from CON/AAP. All information received from the American Academy of Pediatrics on this issue is on file with the FDA Hearing Clerk under Docket No. 80N-0025. However, because there may be some changes made in the 1976 standards for nutrient levels, FDA is recommending, as a statement of policy, that the 1976 recommendations of CON/AAP be used as interim guidelines. Based on recent analytical data compiled by FDA on the nutrient content of a number of formulations that constitute the greater part of the U.S. infant formula market, the agency believes that the major infant formula manufacturers are currently utilizing the 1976 recommendations of CON/AAP. FDA believes if the infant formula industry strictly adheres to the 1976 CON/AAP recommendations, they will reasonably ensure the nutritional safety and adequacy of their products.

Dated: March 11, 1980.

Jere E. Goyan,

Commissioner of Food and Drugs.

[FR Doc. 80-8039 Filed 3-12-80; 11:07 am]

BILLING CODE 4110-03-M

Consumer Participation Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by James E. Anderson, District Director, Dallas District Office, Dallas, TX.

DATE: The meeting will be held at 9 a.m., Wednesday, April 23, 1980.

ADDRESS: The meeting will be held in the W.L.D. Glass Home Economics Bldg., 2404 North Grand, Tyler, TX.

FOR FURTHER INFORMATION CONTACT: Hazel L. Wallace, Consumer Affairs Officer, Food and Drug Administration, Department of Health, Education, and Welfare, 500 S. Ervay, Suite 470-B, Dallas, TX 75201, 214-767-5433.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Dallas District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: March 10, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8037 Filed 3-17-80; 8:45 am]

BILLING CODE 4110-03-M

Public Health Service

Food and Drug Administration; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (35 FR 3692 as amended most recently at 44 FR 73165, December 17, 1979) is amended to reflect organizational changes within the Bureau of Drugs. These changes include: (1) The retitling of the Office of Planning and Evaluation to the Office of Planning, Evaluation, and Management, and (2) the integration of all administrative and management support functions into the Office of Planning, Evaluation, and Management.

Section HF-B, Organization and Functions, is amended by deleting the entire paragraph (1-l-i) and substituting a new paragraph (1-l-i) reading as follows:

(1-l-i) *Office of Planning, Evaluation, and Management (HFG12).* Advises and assists the Bureau Director and other key Bureau officials regarding strategic and operational planning, substantive program policy development, and resource management.

Provides advice and support to the Bureau Director and Deputy Director in the establishment of management and administrative policies and guidelines; assists in Bureau implementation.

Develops the Bureau's submission to the Agency annual Forward Plan. Develops and implements the Bureau's annual budget.

Identifies operational goals and evaluation measures for Bureau programs; develops and applies appropriate effectiveness measures to these programs.

Provides planning and evaluation consulting services to Bureau program and management officials.

Represents the Bureau in matters related to planning, evaluation, and management within FDA, and with other Federal agencies and the regulated industries.

Develops policy and provides technical and professional assistance to the Bureau contracts and grants programs, including the Bureau Contracts and Grants Review Committee.

Develops, in coordination with the Executive Director of Regional Operations (EDRO), surveillance and compliance programs for field implementation, including appropriate evaluation and reporting requirements.

Develops plans for the allocation of field resources and coordinates the implementation of the planned allocations with EDRO. Monitors the status of this implementation.

Develops and implements Bureau management programs and administrative services including employee development and training, committee management, general office services support activities, and extramural programs.

Serves as the principal advisor and coordinator to the Bureau Director and Deputy Director for the Bureau's personnel management, positon allocation, financial management, contracts and grants, and field resources programs; develops and implements plans relating to these functions.

Advises the Bureau Director and Deputy director on implementation of Bureau program management systems. Directs the operations of these systems, including coordination of goal-setting, performance review, and related resource utilization reporting systems.

Dated: March 11, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-8204 Filed 3-17-80; 8:45 am]

BILLING CODE 4110-03-M

Health Resources Administration, Office of the Assistant Secretary for Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HR (Health Resources Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (43 FR 39432, September 5, 1978, as amended most recently at 44 FR 20306, April 4, 1979), is amended to reflect: (1) A revised mission statement for the Health Resources Administration, (2) the retitling of the Bureau of Health Facilities Financing, Compliance, and Conversion; the Bureau of Health Manpower; and the Division of Manpower Training Support and the Division of Manpower Analysis within the Bureau of Health Manpower; and (3) title changes in the *order of succession* statement.

Part H, Chapter HA (Office of the Assistant Secretary for Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (38 FR 18571, July 12, 1973, as amended most recently at 44 FR 65190, November 9, 1979) is amended to change the title and revise the functional statement of the Division of Manpower

V45/54 MAR 1980 UMI

Management and Planning within the Office of Organization and Management Systems, Office of Management, Office of the Assistant Secretary for Health.

Health Resources Administration

1. *Section HR–A mission* is deleted in its entirety and replaced with the following:

Section HR–A mission. The mission of the Health Resources Administration (HRA) is to identify health care resource problems through a careful assessment of the health care system; recommend changes to improve that system in terms of improving access to health care, improving continuity of health care, assuring reasonable costs of health care, assuring equal access to health education, and enhancing the Federal, State, local, and private partnership; and stimulate priority changes through program action to improve both the health care system and individual health status.

To carry out this mission, HRA administers programs which: contribute to better use of the Nation's health resources through promulgation of National Guidelines on Health Planning and other major policies; direct and support a nationwide system of State and local planning agencies; develop new approaches to analyze and influence health capital expenditures; provide financial aid and technical assistance for modernization and replacement of needed health care facilities; and provide leadership to improve the distribution, supply, use and quality of the Nation's health personnel through analytical studies, financial support, and technical assistance.

2. *Section HR–B organization and functions.*—a. Change the organizational title of the *Bureau of Health Facilities Financing, Compliance, and Conversion (HRF)* to the *Bureau of Health Facilities (HRF)* and all references to the Bureau of Health Facilities Financing, Compliance, and Conversion to read "Bureau of Health Facilities."

b. Change the organizational title of the *Bureau of Health Manpower (HRM)* to the *Bureau of Health Professions (HRM);* the *Division of Manpower Training Support (HRM6)* to the *Division of Health Professions Training Support (HRM6);* and the *Division of Manpower Analysis (HRM7)* to the *Division of Health Professions Analysis (HRM7).* Change all references to the Bureau of Health Manpower to read "Bureau of Health Professions" and to the Division of Manpower Analysis to read "Division of Health Professions Analysis."

3. *Section HR–C order of succession.*—Change item (3) to read "Director, Bureau of Health Professions" and item (5) to read "Director, Bureau of Health Facilities."

Office of the Assistant Secretary for Health

Section HA–20 Functions is amended as follows:

Under the heading *Office of Organization and Management Systems (HAU2),* delete the functional statement for the *Division of Manpower Management and Planning (HAU23)* and substitute the following:

Division of Management Planning and Quantitative Assessment (HAU23).—(1) Provides advice and assistance in the design and installation of management planning and control systems. (2) Develops standards and policy for the development of quantitative staffing systems. (3) Administers the system for justifying staffing authorizations by PHS agencies, and periodically evaluates those systems for conformance to PHS policies. (4) As an integral part of the PHS budget review process, participates in the review of all requests for personnel resources and prepares recommendations on appropriate position levels to be supported by ASH's request to the Department. (5) Participates in the development of systems and procedures used in preparation of the ZBB for PHS. (6) Conducts staffing assessment studies utilizing quantitative analysis and/or work measurement techniques. (7) Encourages and improves the efficient and effective use of information systems in PHS staff offices and agencies by: (a) providing criteria and guidance for the review and evaluation of existing and planned information system applications; (b) reviewing proposals for information system consultant contracts for broad management impact; and (c) assuring complete and accurate measurement of costs and benefits associated with information systems. (8) Coordinates the functioning of the Legislative Planning Implementation System internal to the Office of Management.

Dated: March 12, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-8205 Filed 3-17-80; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI–13]

Intended Environmental Impact Statement for the Cheyenne Mountain Ranch Housing Development, Colo.

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Cheyenne Mountain Ranch Housing Development, Colorado Springs, Colorado. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person indicated.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Issued at Washington, D.C., March 13, 1980.

Richard H. Broun,

Director, Office of Environmental Quality.

EIS on Cheyenne Mountain Ranch Housing Development, Colorado Springs, Colo.

The HUD Area Office in Denver, Colorado intends to prepare an EIS on Cheyenne Mountain Ranch, described below, and requests information and comments for consideration in the EIS.

Description. Approximately 8,500 dwelling units (single and multi-family) will be constructed in the southwest section of Colorado Springs, Colorado. Construction will include streets, housing, commercial, industrial, park, open space, and school facilities.

Need. An EIS is required because the total number of dwelling units exceeds a HUD-established threshold.

Alternatives. The alternatives are HUD participation in the development as proposed by the builder, participation in the development provided that HUD-required modifications are implemented by the builder, or reject participation in the development.

Scoping: A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Colorado Springs, Colorado.

Comments. Comments should be forwarded by April 14, 1980, to: HUD, Region VIII, Attention: Carroll F. Goodwin, Area Office Environmental Clearance Officer, 1405 Curtis Street, Executive Tower Inn, Denver, Colorado 80202, or call (303) 837–3102.

[FR Doc. 80-8206 Filed 3-17-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before March 7, 1980. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by April 2, 1980.

Sarah G. Oldham,

Acting Chief, Registration Branch.

NEW YORK

Interborough Rapid Transit Subway Control Houses Thematic Resources. Reference—see individual listings under New York County.

Women's Rights Historic Sites Thematic Resources. Reference—see individual listings under Seneca County.

Albany County

Alcove, *Alcove Historic District,* SR 11 and Alcove Rd.
Guilderland, *Albany Glassworks Site.*
Menands, *Sage, Henry M., Estate,* 1 Sage Rd.

Bronx County

Bronx, *Bronx Central Annex-U.S. Post Office,* 558 Grand Concourse.
Bronx, *Fonthill Castle and the Administration Building of the College of Mount St. Vincent,* W. 261st St. and Riverdale Ave.
Bronx, *New York, Westchester and Boston Railroad Administration Building,* 481 Morris Park Ave.
Bronx, *St. Ann's Church Complex,* 295 St. Ann's Ave.
New York, *Mott Avenue Control House (Interborough Rapid Transit Subway Control Houses Thematic Resources)* 149th St. and Grand Concourse.

Broome County

Windsor, *Windsor Village Historic District,* College Ave., Academy, Chapel, Church, Dewey, Elm and Main Sts.

Cayuga County

Auburn, *Case Memorial-Seymour Library,* 176 Genesee St.
Aurora, *Aurora Village-Wells College Historic District,* NY 90.

Chemung County

Elmira, *Elmira Civic Historic District,* E. Church, Lake, E. Market, Baldwin, Carroll, and States Sts.
Horseheads, *Horseheads 1855 Extension. Historic District,* Grand Central Ave., Fletcher, Sayre, West Mill and Center Sts.

Columbia County

Claverack, *Double-Span Whipple Bowstring Truss Bridge,* Van Wyck Lane.
Hudson, *Wiswall, Oliver, House,* W of Hudson on Mt. Merino Rd.

Delaware County

Franklin, *New Stone Hall,* Center St.
Stamford and vicinity, *Churchill Park Historic District,* NY 10, NY 23 and W. Main St.

Dutchess County

Red Hook vicinity, *Heermance Farmhouse,* N of Red Hook on W. Kerley Corner Rd.

Erie County

Buffalo, *Buffalo and Erie County Historical Society,* 25 Nottingham Ct.
Buffalo, *Niagara Frontier Transit Buildings,* 855 Main St.
Buffalo, *West Village Historic District,* Roughly bounded by S. Elmwood Ave., Chippewa, Georgia, Prospect, Carolina and Tracy Sts.
Orchard Park, *Johnson-Jolls Complex,* S–4287 S. Buffalo St.

Essex County

Ticonderoga and vicinity, *Fort Ticonderoga,* NY 22 and NY 73 (boundary increase).

Greene County

Athens, *VILLAGE OF ATHENS MULTIPLE RESOURCE AREA (Partial Inventory).* This area includes: *Athens Lower Village Historic District,* Roughly bounded by Hudson River, NY 385, Vernon and Market Sts.; *Brick Row Historic District,* Off NY 385; *Stranahan-DelVecchio House,* N. Washington St.; *Van Loon, Albertus, House,* N. Washington St.; *Zion Lutheran Church,* N. Washington St.
Coxsackie, *Reed Street Historic District,* Reed, Ely, Mansion, and River Sts.

Jefferson County

Alexandria Bay vicinity, *Ingleside,* W of Alexandria Bay on Cherry Island.

Kings County

Brooklyn, *Hanson Place Seventh Day Adventist Church,* 88 Hanson Pl.
Brooklyn, *Kings County Savings Bank,* 135 Broadway.
Brooklyn, *New Utrecht Reformed Church and Buildings,* 18th Ave. and 83rd St.
Brooklyn, *Monsignor McGolrick Park and Shelter Pavilion,* Bounded by Nassau and Driggs Ave., Russell and Monitor Sts.
Brooklyn, *Old Gravesend Cemetery,* Gravesend Neck Rd. and MacDonald Ave.
Brooklyn, *Park Slope Historic District,* Roughly bounded by Prospect Park West, Berkeley Pl., 15th St., 7th, 6th, and Flatbush Aves.
Brooklyn, *Prospect Park,* Bounded by Parkside, Ocean and Flatbush Aves., Prospect Park West and Park SW.
Brooklyn, *Russian Orthodox Cathedral of the Transfiguration of Our Lord,* 228 N. 12th St.
Brooklyn, *St. Bartholomew's Protestant Episcopal Church and Rectory,* 1227 Pacific St.
Brooklyn, *23rd Regiment Armory,* 1322 Bedford Ave.
Brooklyn, *Williamsburgh Savings Bank,* 175 Broadway.
New York, *Atlantic Avenue Control House (Interborough Rapid Transit Subway Control Houses Thematic Resources)* Flatbush and Atlantic Aves.
New York, *Parachute Jump,* Coney Island.
New York, *Public School 39,* 417 6th Ave.

Livingston County

Avon vicinity, *Barber-Mulligan Farm,* NE of Avon at 5403 Barber Rd.
Lima, *Hillcrest,* 7242 W. Main St.
Oakland vicinity, *Edgerley,* S of Oakland at 9303 Creek Rd.

Monroe County

Fairport, *DeLand, Henry, House,* 99 S. Main St.
Fairport, *Wilbur House,* 187 S. Main St.
Perinton, *Richardson's Tavern,* 1474 Marsh Rd.
Pittsford, *VILLAGE OF PITTSFORD MULTIPLE RESOURCE AREA (Partial Inventory).* This area includes: *Central Historic District,* NY 96 and NY 31; *North District,* Washington Rd. and Main St.; *West District,* W. Jefferson Rd.
Rochester, *Grove Place Historic District,* Grove Pl., Gibbs, Selden, and Windsor Sts.

Montgomery County

Canajoharie vicinity, *Rice's Woods.*
Nelliston, *NELLISTON MULTIPLE RESOURCE AREA (Partial Inventory).* This area includes: *Nelliston Historic District,* Prospect, River, Railroad and Berthoud St.; *Ehle, Peter, House,* E. Main St.; *Lasher-Davis House,* U.S. 5; *Nellis, Jacob, Farmhouse,* Nellis St.; *Walrath-Van Horne House,* W. Main St.; *Waterman-Gramps House,* School St.

Nassau County

Manhasset, *Onderdonk, Horatio Gates, House,* 1471 Northern Blvd.

New York County

New York, *American Fine Arts Society,* 215 W. 57th St.
New York, *American Radiator Building,* 40–52 W. 40th St.

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New York, *Audubon Terrace Historic District*, Bounded by Broadway, Riverside Dr., W. 155th and W. 156th Sts.
New York, *Bailey House*, 10 St. Nicholas Pl.
New York, *Battery Park Control House (Interborough Rapid Transit Subway Control Houses Thematic Resources)* State St. and Battery Pl.
New York, *Belnord Apartments*, 225 W. 86th St.
New York, *Bouwerie Lane Theater*, 330 Bowery St.
New York, *Bowery Savings Bank*, 130 Bowery St.
New York, *Bowling Green Fence and Park*, Broadway and Beaver Sts.
New York, *Building at 45 East 66th Street.*
New York, *Building at 85 Leonard Street.*
New York, *Chanin Building*, 122 E. 42nd St.
New York, *Chapel of the Intercession Complex and Trinity Cemetery*, 550 W. 155th St.
New York, *Church of Notre Dame and Rectory*, 405 W. 114th St. and 40 Morningside Dr.
New York, *Church of St. Ignatius Loyola Complex*, Park Ave., 83rd and 84th Sts.
New York, *Church of the Holy Communion and Buildings*, 656—662 6th Ave.
New York, *Church of the Transfiguration*, 25 Mott St.
New York, *Claremont Stables (Claremont Riding Academy)* 173—177 W. 89th St.
New York, *Control House on 72nd Street (Interborough Rapid Transit Subway Control Houses Thematic Resources)* W. 72nd St. and Broadway.
New York, *Federal Reserve Bank of New York*, 33 Liberty St.
New York, *First Shearith Israel Graveyard*, 55—57 St. James Pl.
New York, *Hamilton Heights Historic District*, Roughly bounded by St. Nicholas and Amsterdam Aves., W. 145th and W. 140th Sts.
New York, *Harlem Courthouse*, 170 E. 121st St.
New York, *Holy Trinity Church, St. Christopher House and Parsonage*, 312—316, and 332 E. 88th St.
New York, *Houses at 83 and 85 Sullivan Street.*
New York, *Knickerbocker Hotel*, 142 W. 42nd St.
New York, *Lescaze House*, 211 E. 48th St.
New York, *Marble Collegiate Reformed Church*, 275 5th Ave.
New York, *Mariner's Temple*, 12 Oliver St.
New York, *Municipal Asphalt Plant*, Between 90th and 91st Sts.
New York, *New York City Marble Cemetary*, 52—74 E. 2nd St.
New York, *New York Marble Cemetery*, Between E. 2nd and E 3rd Sts., 2nd Ave. and Bowery.
New York, *New York Public Library, 115th Street Branch*, 203 W. 115th St.
New York, *New York Public Library and Bryant Park*, Bounded by 40th and 42nd Sts., Avenue of the Americas and 5th Ave.
New York, *No. 8 Thomas Street Building*, 8 Thomas St.
New York, *Old Colony Club*, 120 Madison Ave.
New York, *Old Grolier Club*, 29 E. 32nd St.
New York, *Public Baths*, Asser Levy Pl. and E. 23rd St.
New York, *Riverside-West 105th Street Historic District*, Roughly bounded by West End Ave., Riverside Dr., W. 104th and W. 106th Sts.
New York, *St. Augustine's Chapel*, 290 Henry St.
New York, *St. Bartholomew's Church and Community House*, 109 E. 50th St.
New York, *St. Jean Baptiste Church and Rectory*, 1067—1071 Lexington Ave.
New York, *St. Peter's Roman Catholic Church*, 22 Barclay St.
New York, *St. Thomas Church and Parish House*, 1—3 W. 53rd St.
New York, *Schinasi House*, 351 Riverside Dr.
New York, *Scribner Building*, 153—157 5th Ave.
New York, *Sea and Land Church*, 61 Henry St.
New York, *Stuyvesant Square Historic District*, Routhly bounded by Nathan D. Perleman Pl., 3rd Ave., E. 18th and E. 15th Sts.
New York, *Town Hall*, 113—123 W. 43rd St.
New York, *Union Theological Seminary*, W. 120th St. and Broadway.
New York, *University Club*, 1 W. 54th St.
New York, *Waldo, Gertrude Rhinelander, Mansion 867 Madison Ave.*
New York, *West End Collegiate Church and Collegiate School*, W. end Ave. and W. 77th St.
New York, *West 76th Street Historic District*, W. 76th Street Historic District, W. 76th St. between Central Park West and Columbus Ave.

Onondaga County

Skaneateles vicinity, *Kelsey-Davey Farm*, NE of Skaneateles on Old Seneca Tpke.

Ontario County

Victor, *Osborne House*, 146 Maple Ave.

Orange County

Goshen, *Church Park Historic District*, Park Pl., Main St. and Webster Ave.
Port Jervis, *Erie Railroad Station*, Jersey Ave. and Fowler St.

Otsego County

Cooperstown, *Cooperstown Historic District*, NY 28, NY 80, and Main St.
Morris, *Grove, The*, S. Main St.
Oneonta, *Walnut Street Historic District*, Ford Ave., Walnut, Dietz, Elm and Maple Sts.
Oneonta vicinity, *Fortin Site.*
Otego vicinity, *Otsdawa Creek site.*
Unadilla vicinity, *Russ-Johnsen Site.*

Oswego County

Oswego, Sheldon Hall, Washington Blvd.

Queens County

Elmhurst, *Reformed Church of Newtown Complex*, 85–15 Broadway.
New York, *First Reformed Church*, 153–10 Jamaica Ave.

Richmond County

Staten Island, *Edgewater Village Hall and Tappen Park*, Bounded by Bay, Water, Wright and Canal Sts.
Staten Island, *Garibaldi Memorial*, 420 Tompkins Ave.
Staten Island, *Moore-McMillen House*, 3531 Richmond Rd.
Staten Island, *St. Paul's Memorial Church and Rectory*, 225 St. Paul's Ave.
Staten Island, *Seguine House*, 440 Seguine Ave.
Staten Island, *Ward, Caleb T., Mansion*, 141 Nixon Ave.

Schenectady County

Schenectady, *General Electric Realty Plot*, Roughly bounded by Oxford Pl., Union Ave., Nott St., Lenox and Lowell Rds.
Schenectady, *Union Street Historic District*, Union St.

Schoharie County

Schoharie, *Weatheimer Site.*

Schoharie County

West Fulton Vicinity, *Shafer-Romagnoli Site*

Seneca County

Covert, *Covert Historic District*, NY 96.
Seneca Falls, *Bloomer, Amelia, House (Women's Rights Historic Sites Thematic Resources)* 53 E. Bayard St.
Seneca Falls, *Stanton, Elizabeth Cady, House (Women's Rights Historic Sites Thematic Resources)* 32 Washington St. (previously listed in the *National Register*).
Seneca Falls, *Wesleyan Methodist Church (Women's Rights Historic Sites Thematic Resources)* 128 Fall St.
Waterloo, *Hunt House (Women's Rights Historic Sites Thematic Resources)* 401 E. Main St.
Waterloo, *M'Clintock House (Women's Rights Historic Sites Thematic Resources)* 14 E. Williams St.

Steuben County

Addison, *Addison Village Hall*, Tuscarora and South Sts.
Hammondsport, *Curtiss, Glenn H., Museum*, Lake and Main Sts.
Hornell, *Hornell Armory*, 100 Seneca St.
Riverside, *Erwin, William, House*, 508 Water St.

Suffolk County

Bellport, *VILLAGE OF BELLPORT MULTIPLE RESOURCE AREA (Partial Inventory).* This area includes: *Bellport Village Historic District*, Bell St., S. Country Rd.
Bellport, Brewster and Brown's Lanes; *Bellport Academy*, 24 Academy Lane.
Rocky Point vicinity, *Radio Central Complex*, S. of Rocky Point on Rocky Point-Yaphank Rd.
Southampton, *Breese, James L., House* 155 Hill St.

Tompkins County

Ithaca, *Llenroc*, 100 Cornell Ave.

Ulster County

Kingston, *Ponckhockie Union Chapel*, 91 Abruyn St.
Kingston and vicinity, *Kingston-Port Ewen Suspension Bridge*, U.S. 9W.

Wahington County

Greenwich vicinity, *Coffin Site.*

Wayne County

Pultneyville, *HAMLET OF PULTNEYVILLE MULTIPLE RESOURCE AREA (Partial Inventory).* This area includes: *Lake Road-Hamilton Street Historic District*, Lake Rd. and NY 21; *West Lake Road Historic District*, Lake Rd.
Sodus Point, *Customs House*, Sentell St.

Westchester County

Bronxville, *Masterton-Dusenberry House*, 90 White Plains Rd.
Hawthorne vicinity, *Hammond House*, S. of Hawthorne on Grasslands Rd.
New Rochelle, *Davenport House*, 157 Davenport Rd.
Rye, *Playland Amusement Park*, Playland Pkwy. and Forest Ave.
White Plains, *White Plains Armory*, 35 S. Broadway.

Wyoming County

Arcade and North Java, *Arcade and Attica Railroad*, Railroad right-of-way from Arcade to North Java.

[FR Doc. 80-7807 Filed 3-17-80; 8:45 am]
BILLING CODE 4310-03-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before March 11, 1980. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by April 1, 1980.

Sarah G. Oldham,
Acting Chief, Registration Branch.

UTAH

Salt Lake County

Salt Lake City, *Wasatch Springs Plunge*, 840 N. 300 West St.

[FR Doc. 80-8062 Filed 3-17-80; 8:45 am]
BILLING CODE 4310-03-M

Water and Power Resources Service

Irrigation Water Service Contract Negotiations; Intent To Negotiate for Irrigation Water Service

The Department of the Interior, through the Water and Power Resources Service, intends to begin negotiations with John and Lois Rumney, Cascade, Montana, and other potential contractors for long-term irrigation water service from Canyon Ferry Reservoir, a storage feature of Canyon Ferry Unit, Pick-Sloan Missouri Basin Program. The proposed contracts will be drafted pursuant to section 9(e) of the Reclamation Project Act of August 4, 1939 (53 Stat. 1187).

The Rumneys have requested that irrigation water service be provided to 130 acres of land adjacent to the Missouri River, near Cascade, which is approximately 60 river miles below Canyon Ferry Dam. In this case, water would be delivered at the outlet works of Canyon Ferry Dam. All costs of diverting and delivering water to the land would be the responsibility of the contractors.

Because of the time and cost of processing water service contract applications, it is to the advantage of the United States to process several applications for contracts at one time. Therefore, other parties interested in obtaining water service from Canyon Ferry Reservoir in 1981 are asked to make applications by September 30, 1980.

Canyon Ferry Unit, consisting of Canyon Ferry Dam and Reservoir and associated hydroelectric, permanent operating, and recreational facilities, was constructed as part of the Pick-Sloan Missouri Basin Program. Total storage capacity of the reservoir is about 2 million acre-feet with active conservation space of 713,000 acre-feet and joint conservation and flood control space of 799,000 acre-feet.

Any new use of Missouri River water between Canyon Ferry Dam and Great Falls, Montana, will usually affect the existing rights of the Montana Power Company (MPC). Therefore, MPC usually objects to the issuance of new water use permits by the State of Montana, in this reach of the river. For new uses of water above Canyon Ferry Reservoir, the existing rights of both Water and Power Resources Service and MPC are affected. Objections to the issuance of new water use permits above Canyon Ferry Reservoir are usually filed by both the Service and MPC.

Execution of water service contracts for Canyon Ferry storage would satisfy the objections of the Service and MPC for all water use permit applications below Canyon Ferry Dam and for many permit applications above the reservoir. Meetings between the Service and the Montana Department of Natural Resources and Conservation are being scheduled to discuss the establishment of procedures that will satisfy State water use permit requirements.

All meetings and/or negotiating sessions, where terms and conditions of proposed contracts are to be discussed, are open to the public. Advance notice of such meetings or sessions will be furnished on written request identifying a specific contract of interest. Requests for meeting notices on water service contracts should be addressed to the Regional Director, Water and Power Resources Service, Attention Code 440, P.O. Box 2553, Billings, Montana 59103.

A proposed draft contract will be made available for public review following completion of contract negotiations. Thereafter, a public hearing may be held, if necessary, and a 30-day period will be allowed for receipt of written comments from the public.

For further information on proposed water service contractual arrangements, please contact William E. Crosby, Chief, Economics and Repayment Branch, Division of Water and Land, at the address stated above or by telephone (406) 657–6413.

Dated: March 10, 1980.

Clifford I. Barrett,
Assistant Commissioner of Water and Power Resources.

[FR Doc. 80-8020 Filed 3-17-80; 8:45 am]
BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Permanent Authority Decisions

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filing prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or

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business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioners interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitioners for intervention, filed on or before April 16, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices on or before April 16, 1980, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicles, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

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Decided: March 4, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 531 (Sub-429F), filed October 30, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *liquid chemicals*, in bulk, in tank vehicles, from the facilities of Shell Oil/Shell Chemical, at or near Norco, LA, to points in AL, FL, GA, KS, KY, MO, NC, TN, TX, and WV. (Hearing site: New Orleans, LA or Houston, TX.)

MC 2900 (Sub-403F), filed October 15, 1979. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Rd., P.O. Box 2408–R, Jacksonville, FL 32203. Representative: Paul Dixon (same address as applicant). Transporting (1) *sugar*, in containers or in trailers, having an immediately prior or subsequent movement by water, and (2) *empty containers or trailers*, between Savannah, GA, and Jacksonville, FL. (Hearing site: Jacksonville, FL or Atlanta, GA.)

Note.—Common control may be involved.

MC 4080 (Sub-2F), filed October 23, 1979. Applicant: BRICK HAULERS, INC., 403 Holland Lane, Alexandria, VA 22313. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, D.C. 20014. *Contract carrier* transporting *brick, cinder block, and mortar* (except in bulk), from points in Washington County, MD, and Berks County, PA, to Alexandria, VA, under continuing contract(s) with United Materials & Services, Inc., of Vienna, VA. (Hearing site: Washington, DC.)

MC 4941 (Sub-78F), filed October 15, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello St., Brockton, MA 02403. Representative: Russell S. Callahan (same address as applicant). Over regular routes transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), serving the facilities of Zayre Corp., at Madawaska and Presque Isle, ME as off-route points in connection with applicant's otherwise authorized regular-route operations, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Boston, MA or Washington, DC.)

MC 6801 (Sub-11F), filed October 22, 1979. Applicant: G. H. HARNUM, INC., 867 Woburn St., Wilmington, MA 01887. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting *machinery, machinery parts, and machinery accessories*, between Boston and Worcester, MA, New Haven, CT, Nottingham, NH, and Spartanburg, SC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Boston, MA.)

MC 7840 (Sub-20F), filed October 19, 1979. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper St., Watertown, NY 13601. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001. Transporting (1) *paper and paper products;* and (2) *materials, equipment and supplies*, used in the manufacture and shipping of paper and paper products, between Lockport and Taylorville, IL, Woodland, ME, St. Louis, MO, Thomson and Warwick, NY, Hamlet, NC, Reading, PA, Richmond, VA, Tomahawk, WI, and facilities of Georgia Pacific Corporation at or near Guilderland Center, NY, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and LA. (Hearing site: Hartford, CT.)

MC 29910 (Sub-238F), filed October 24, 1979. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th St., Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. Over regular routes transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Colt Industries, Trent Tube Division, at or near East Troy, WI, as an off-route point in connection with applicant's authorized regular-route service at Milwaukee, WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 29910 (Sub-240F), filed October 15, 1979. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th St., Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the facilities of Siemens Allis Company, at or near Wendell, NC, as an off-route point in connection with carrier's authorized regular route operations at Raleigh, NC. Applicant intends to tack this auhtority. (Hearing site: Raleigh, NC or Washington, DC.)

MC 35320 (Sub-359F), filed October 15, 1979. Applicant: T.I.M.E.-DC, Inc., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of the General Electric Company, at or near Fort Smith, AR to all points in the United States (except Alaska and Hawaii). (Hearing site: Memphis, TN or Washington, DC.)

MC 44801 (Sub-13F), filed October 15, 1979. Applicant: DICK HARRIS & SON TRUCKING CO., INC., P.O. Box 10277, Lynchburg, VA 24506. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *printed matter and printing paper*, between all points in the United States (except AK and HI) restricted to traffic from or to facilities of Meredith/Burda, Inc. and Meredith Printing Group of Meredith Corp. (Hearing site: Washington, DC.)

MC 53841 (Sub-37F), filed October 15, 1979. Applicant: W. H. CHRISTIE & SONS, INC., P.O. Box 517, East State St., Knox, PA 16232. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Transporting *iron, copper, or tin powder* (except in bulk) from Riverton and Carteret, NJ and Gallatin, TN, to Columbus, OH. (Hearing site: Pittsburgh, PA or Columbus, OH.)

MC 59150 (Sub-168F), filed October 22, 1979. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Transporting *lumber* from points in FL to points in AL, GA, LA, MS, NC, SC, TN, and VA. (Hearing site: Jacksonville, FL.)

MC 63871 (Sub-7F), filed October 12, 1979. Applicant: ANDREWS & PIERCE, INC., 1431 Bedford St., North Abington, MA 02351. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109. Transporting (1) *insulation* and (2) *materials and supplies* used in the manufacture of insulation between the facilities of Bay State Gas Company in Lawrence, MA, on the one hand, and, on the other, points in ME, NH, VT, CT, RI and NY. (Hearing site: Boston, MA.)

MC 68100 (Sub-40F), filed October 12, 1979. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Drawer G, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison St., Topeka, KS 66603. Transporting (1) *prefabricated buildings and building parts*, from the facilities of Sonoco Buildings located at or near Chetopa, KS and Waukesha, WI, to points in AL, AR, CO, FL, GA, IA, IL, IN, KS, KY, LA, MI, MO, MS, NE, ND, NM, OH, OK, SD, TN, TX, WI, and WY, and (2) *materials and supplies* used in the manufacture of commodities named in (1) above, in the reverse direction. (Hearing site: Tulsa, OK or Kansas City, MO.)

MC 78400 (Sub-76F), filed October 22, 1979. Applicant: BEAUFORT TRANSFER COMPANY, a corporation, P.O. Box 151, Gerald, MO 63037. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting (1) *charcoal, charcoal briquettes, wood chips, and fireplace logs (wax impregnated compressed sawdust)* and, (2) *commodities* used in the manufacture and distribution of the commodities in (1) above between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of The Kingsford Company. (Hearing site: St. Louis, or Jefferson City, MO.)

MC 85811 (Sub-13F), filed October 12, 1979. Applicant: AMSCO TRANSPORTATION, INC., P.O. Box 33280, Houston, TX 77033. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *iron and steel articles*, between points in LA and TX, on the one hand, and, on the other, points in AL, AZ, AR, CO, IL, IN, KS, KY, LA, MS, MO, NM, OK, TN, TX, and UT. (Hearing site: Houston, TX.)

Note.—Issuance of the authority is conditioned upon receipt of a written request by applicant for coincidental cancellation of its certificate MC 85811 (Sub-No. 7G).

MC 93980 (Sub-82F), filed October 12, 1979. Applicant: VANCE TRUCKING CO., INC., P.O. Box 1119, Henderson, NC 27536. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. Transporting *iron and steel articles* from the facilities of Jones & Laughlin Steel Corporation at Youngstown, OH, Aliquippa and Pittsburgh, PA, to points in AL. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 106920 (Sub-86F), filed October 16, 1979. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe St., P.O. Box 28, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW, Washington, DC 20001. Transporting (1) *glass products, metal products, plastic products, clay and clay products, feldspar, and talc* (except commodities in bulk), (2) *molds and machinery used in the manufacture of glass products* (except commodities in bulk), (3) *bottle coating system* (except commodities in bulk), (4) *parts and accessories for the commodities in (2) and (3) above* (except commodities in bulk); and (5) *materials, equipment and supplies used in the manufacture and distribution of the commodities in (1), (2), (3) and (4) above* (except commodities in bulk), between the facilities of Flat River Glass Co., at or near Flat River, MO, on the one hand,

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and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 108341 (Sub-173F), filed October 30, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Mr. Jack F. Counts (same address as applicant). Transporting *motors, generators, engines, fuel tanks, machinery, heat exchangers, racks, metal articles, pipe, and mufflers, (2) parts, accessories, and attachments for commodities in (1) above and (3) materials and supplies* used in the manufacture of commodities in (1) and (2) above (except in bulk), between Rocky Mount, NC, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Charlotte, NC or Washington, DC.)

MC 113271 (Sub-68F), filed October 30, 1979. Applicant: CHEMICAL TRANSPORT, a corporation, P.O. Box 2644, Great Falls, MT 59403. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. Transporting *salt* from the facilities of the Hardy Salt Company at or near Williston, ND, to points in ID, MT, OR, UT, and WA. (Hearing site: Williston, ND.)

MC 111231 (Sub-289F), filed October 12, 1979. Applicant: JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, AR 72764. Representative: John C. Everett, P.O. Box A, 140 E. Buchanan, Prairie Grove, AR 72753. Transporting (1) *fiberglass material and fiberglass products, fibrous glass mineral wool products, fibrous glass textile materials, fibrous glass textile products, plastic materials and plastic products* (except plastic bottles) and (2) *materials supplies and equipment* used in the manufacture of such commodities (except commodities in bulk) between Kansas City, Topeka, and Pauline, KS, on the one hand, and, on the other, points in IL, MO, IN, MI, and OH. (Hearing site: Toledo or Cleveland, OH.)

MC 108651 (Sub-27F), filed October 16, 1979. Applicant: ROY B. MOORE, INC., P.O. Box 628, Kingsport, TN 37662. Representative: Daniel H. Moore (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Rochester, NY, Kingsport, TN, Chamblee and Doraville, GA, and Cleveland, TN. (Hearing site: Kingsport, TN or Washington, DC.)

MC 113651 (Sub-315F), filed October 15, 1979. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Rd., Muncie, IN 47302. Representative: Glen L. Gissing (same address as applicant). Transporting *foodstuffs* from the facilities of Doric Food Corporation located at Findley, OH, to points in IN, IL, IA, KS, MI, MN, MO, NE, NY, PA, and WI. (Hearing site: Orlando, FL or Washington, DC.)

MC 113751 (Sub-31F), filed October 12, 1979. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia St., Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. Transporting *feed and feed ingredients*, in bulk, from the Minneapolis, MN, to points in WI, restricted to the transportation of traffic originating at the facilities of Cargill, Inc. (Hearing site: St. Paul, MN, or Madison, WI.)

MC 114290 (Sub-92F), filed October 15, 1979. Applicant: EXLEY EXPRESS, INC., 2610 S.E. 8th Ave., Portland, OR 97202. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. Transporting *resin-coated paper* from Tacoma, WA, Dillard and Medford, OR to points in AZ and CA. (Hearing site: Portland, OR or Seattle, WA.)

MC 114301 (Sub-108F), filed October 15, 1979. Applicant: DELAWARE EXPRESS CO., P.O. Box 97, Elkton, MD 21921. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., N.W., Washington, DC 20005. Transporting *flour*, in bulk, in tank vehicles, from Barksdale, MD to points in CT, DE, MA, MD, NJ, NY, PA, VA, and DC. (Hearing site: Washington, DC.)

MC 115311 (Sub-379F), filed October 15, 1979. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Mark S. Gray, P.O. Box 56387, Atlanta, GA 30343. Transporting (1) *steel buildings and steel building parts* from the facilities of National Steel Products Co., Inc., at or near Houston, TX, Terre Haute, IN, and La Grange, GA, to points in TX, OK, LA, AR, MO, MS, AL, GA, FL, SC, NC, TN, KY, VA, WV, MD, DE, NJ, PA, OH, IN, MI and IL; and (2) *materials, equipment and supplies* used in the manufacture, distribution and installation of the commodities named in (1) above, in the reverse direction. (Hearing site: Houston, TX or Atlanta, GA.)

MC 115651 (Sub-66F), filed October 30, 1979. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Rd., P.O. Box 39, Rockford, IL 61105. Representative: E. Stephen Heisley, 666 11th St., N.W., Washington, DC 20001. Transporting *industrial sand*, from Oregon, IL, to those points in the United States on and east of U.S. Hwy 85. (Hearing site: Chicago, IL or Milwaukee, WI.)

MC 116300 (Sub-66F), filed October 15, 1979. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting (1) *liquid bleach and fabric finish* (except in bulk), from New Orleans, LA to points in AL, GA, MS, TN and TX; and (2) *liquid bleach and fabric finish containers*, from Columbus, MS to New Orleans, LA. (Hearing site: New Orleans, LA.)

MC 117940 (Sub-356F), filed October 15, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting *such commodities* as are dealt in by retail and wholesale stores, from the facilities of F.W. Woolworth Company at Jersey City NJ to points in CO, KS, LA, and TX. (Hearing site: New York, NY.)

MC 117940 (Sub-357F), filed October 15, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting *general commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring the use of special equipment, and foodstuffs) (1) from the facilities of United Shippers Association, Inc. at St. Louis MO, to points in KS, (2) from the facilities of United Shippers Association, Inc. located at points in TX to points in CO, IL, MN, and OH, and (3) from the facilities of United Shippers Association, Inc. located at points in TN to points in IL, NY, and OH. (Hearing site: St. Louis, MO.)

MC 119741 (Sub-240F), filed October 30, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *foodstuffs* (except in bulk, in tank vehicles), from the facilities of Louisville Freezer Center at or near Louisville, KY, to those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Louisville, KY.)

Note.—Common control may be involved.

MC 120910 (Sub-28F), filed October 15, 1979. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35403. Representative: Mr. Richard Davis (same address as applicant).

Transporting (1) *charcoal, charcoal briquets, hickory chips, vermiculite, charcoal lighter fluid, fireplace logs, related barbeque items* and (2) *materials, equipment* and *supplies* used in the manufacture and distribution of the above mentioned items, between points in the United States (except AK and HI), restricted to traffic moving from, to, or between the facilities, of the Kingsford Company. (Hearing site: Louisville, KY or Birmingham, AL.)

MC 123640 (Sub-31F), filed October 30, 1979. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Ave., Fort Wayne, IN 46803. Representative: Irving Klein, 371—7th Ave., New York, NY 10001. *Contract carrier* transporting (1) *footwear and footwear accessories*, and (2) *materials and supplies* used in the distribution and display of footwear, between Huntington, IN, on the one hand, and, on the other, points in MO and WI, under continuing contract(s) with Meldisco, a Division of Melville Corporation, of Hackensack, NJ. (Hearing site: New York, NY or Washington, DC.)

MC 123640 (Sub-32F), filed October 15, 1979. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Ave., Fort Wayne, IN 46803, Representative: Irving Klein, 371 7th Ave., New York, NY 10001. *Contract carrier* transporting *such commodities* as are dealt in by wholesale hardware houses between Dixon, IL, on the one hand, and, on the other, points in SD, under continuing contract with Hardware Wholesalers, Inc., of Fort Wayne, IN. (Hearing site: Chicago, IL or Washington, DC.)

MC 124151 (Sub-13F) filed October 19, 1979. Applicant: VANGUARD TRANSPORTATION, INC., Lafayette St., Carteret, NJ 07008. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting *industrial chemicals*, in bulk, in tank vehicles, from Newark, NJ to points in VA, NC, SC, WV, KY, TN, OH, IN, IL, and NH. (Hearing site: Edison, NJ.)

MC 124170 (Sub-140F), filed October 12, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Dr., Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, commodities which because of size and weight require special equipment and household goods as defined by the Commission), from Willsboro, NY and points in MA and VT to points in AL, AR, CO, FL, GA, IL, IN, KY, LA, MI, MN, MO, MS, NC, OH, OK, SC, TN, TX and WI. Restricted to the transportation of traffic originating at the facilities of New England Shipping Association Cooperative. (Hearing Site: Boston, MA or Washington, DC.)

MC 124170 (Sub-142F), filed October 15, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Dr., Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521. Transporting *foodstuffs* from Boston and Woburn, MA and West Reading, PA to points in AL, AR, FL, GA, IA, IL, IN, KS, KY, LA, MI, MN, MO, NC, ND, NE, OH, SD, TN and WI. (Hearing site: New York, NY or Washington, DC.)

MC 127640 (Sub-143F), filed October 22, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Dr., Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. Transporting *vegetable oils and vegetable oil products*, in bulk, in tank vehicles, from Minneapolis, MN, to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, and WI. (Hearing site: Buffalo, NY or Chicago, IL.)

MC 128951(Sub-31F), filed October 15, 1979. Applicant: ROBERT H. DITTRICH, d.b.a. BOB DITTRICH TRUCKING, 1000 North Front St., New Ulm, MN 56073. Representative: Rodney H. Jeffery (Same address as applicant). Transporting *feed and feed ingredients*, in bulk, from Minneapolis, MN to points in WI. (Hearing site: Minnespolis or St. Paul, MN.)

MC 133920 (Sub-26F), filed October 23, 1979. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, GA 31082. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix B, Atlanta, GA 30349. Transporting *cement* from the plantsite of Medusa Cement Company, at or near Clinchfield, GA to points in FL, AL, TN, SC, NC, VA, KY, AR, LA, and MS. (Hearing site: Atlanta, GA.)

MC 128951 (Sub-32F), filed October 15, 1979. Applicant: ROBERT H. DITTRICH, d.b.a. BOB DITTRICH TRUCKING, 1000 North Front St., New Ulm, MN 56073. Representative: Rodney H. Jeffery (same address as applicant). Transporting *feed and feed ingredients*, in bulk, in tank vehicles, between points in MN and points in AR, MS, TN, VA and WV. (Hearing site: Minnespolis or St. Paul, MN.)

MC 134501(Sub-68F), filed October 30, 1979. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting *new furniture*, from Michigan City, IN, to points in CA, AZ, NM, WY, NE, KS, IA, MO, LA, MS, TN (except Shelby County), AL, GA, FL, SC, NC, VA, MD, DE, WV, OH, PA, NJ, NY, MA, CT, RI, UT, NH, ME, and DC. (Hearing site: Chicago, IL or Washington, DC.)

MC 134970(Sub-28F), filed October 30, 1979. Applicant: UNZICKER TRUCKING, INC. P.O. Box 35, El Paso, IL 61738. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting (1)(a) *cosmetics, plastic articles, weed killing compounds*, and *animal* and *poultry feed supplements (except in bulk), from the facilities of Eli Lilly & Co. at or near (i) Clinton, Indianapolis, and Lafayette, IN, and (ii) Omaha, NE, on the one hand, and, on the other, points in IL, IA, MN, NE, ND, SD, and TN, restricted to traffic originating at the named origins; (b) materials* and *supplies* (except in bulk) and *equipment* (except which because of size or weight requires the use of special equipment) utilized in the manufacture, sale, and distribution of the commodities in (1)(a) above, from points in IL, IA, MN, NE, ND, SD, and TN to the facilities of Eli Lilly & Co. at or near Clinton, Indianapolis, and lafayette, IN, restricted to traffic destined to the named destinations; and (2) *weed killing compounds* (except in bulk) from Mendota, IL, to points in IN, IA, MN, NE, ND, and SD, restricted to traffic originating at the named origin. (Hearing site: Indianapolis, IN.)

MC 135070 (Sub-113F), filed October 23, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting (1) *bananas*, and (2) *agricultural commodities*, the transportation of which is otherwise exempt from economic regulation, in mixed loads with bananas, from Galveston, TX, to points in AR, CO, IL, IN, IA, KS, LA, MI, MN, MO, NE, NM, ND, OH, OK, SD, and WI. (Hearing site: Miami, FL, or Dallas, TX.)

Note.—Dual operations and common control may be involved.

MC 135410 (Sub-94F), filed October 30, 1979. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *alcoholic liquors, wine*, and *malt beverages* (except in bulk), from points in CA, IN, KY, MI, MO, MN, NJ, NY, OH, and WI to Galesburg, Peoria and Rock Island, IL, restricted to the transportation of shipments destined to the named

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destinations. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 135861 (Sub-59F), filed October 30, 1979. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Cart St., Fort Worth, TX 76103. *Contract carrier* transporting *confectionery* from Lehigh and Northampton, PA, to points in AR, OK, TN, and TX, under continuing contract(s) with Just Born, Inc., of Bethlehem, PA. (Hearing site: Dallas, TX or Philadelphia, PA.)

MC 136511 (Sub-78F), filed October 11, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Rd., Lynchburg, VA 23502. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting (1) *foodstuffs*, and (2) *materials, equipment and supplies* used in the manufacture of foodstuffs between the facilities of Anderson Clayton Foods, Division of Anderson Clayton and Company at or near Humboldt, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 136511 (Sub-80F), filed October 12, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Rd., Lynchburg, VA 23502. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting (1) *foodstuffs*, and (2) *materials, equipment and supplies* used in the manufacture of foodstuffs between the facilities of Anderson Clayton Foods, Division of Anderson Clayton and Company at or near Mayville, WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 136511 (Sub-81F), filed October 16, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Rd., Lynchburg, VA 23502. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting *chemicals and anti-freeze preparations*, (except in bulk) from the facilities of Jefferson Chem. Co., Inc., at or near Austin, Youens, Pt. Neches, and Houston, TX, to points in the United States (except AK and HI). (Hearing site: Houston, TX.)

MC 138741 (Sub-98), filed October 5, 1979. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *iron and steel articles*, from the facilities of Southwestern Ohio Steel, Inc. and Blake Steel Service, Inc., in Butler County, OH, to points in AL, AR, GA, IL, IN, IA, KY, LA, MI, MO, MS, TN, TX, and WI. (Hearing site: Cincinnati, OH.)

MC 141671 (Sub-19F), filed October 30, 1979. Applicant: WNI, Inc., 8560 S.W. Salish Lane, Wilsonville, OR 97070. Representative: Warren Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *canned goods*, and *such commodities* as are dealt in, or used by, manufacturers or distributors of canned goods (1) from Lindsay, CA, to Salt Lake City, UT, Phoenix, AZ, Seattle, WA, and Portland, OR, and (2) from Salem, OR, to Phoenix, AZ, Denver, CO, and points in CA. (Hearing site: Chicago, IL.)

MC 143001 (Sub-3F), filed October 12, 1979. Applicant: GLENN PETERSON d.b.a. PETERSON TRANSIT, Route 2, Merrill, WI 54452. Representative: Frank M. Coyne, 25 West Main St., Madison, WI 53703. Transporting *such commodities* as are dealt in or used by manufacturers, converters, and printers of paper and paper products (except commodities in bulk), between Ward Paper Company facilities at Merrill, WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Madison, WI.)

MC 143121 (Sub-8F), filed September 17, 1979. Applicant: TILLAMOOK CARRIERS, INC., 11600 Paramount Blvd., Office "C", Downey, CA 90241. Representative: Stuart R. Mandel, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Contract carrier* transporting *such commodities* as are dealt in by retail and chain grocery hardware, variety, merchandising and drug stores, and *materials and supplies* used in the manufacture and distribution of such commodities (except in bulk), (1) between New York, NY, and Atlanta, GA, on the one hand, and, on the other, points in FL, GA, MD, NC, PA, SC, VA, and DC, (2) between Canton, OH, on the one hand, and, on the other, points in KY, TN, and WV, (3) between Chicago, IL, on the one hand, and, on the other, Atlanta, GA, and points in IN, KY, and TN, (4) between Los Angeles, CA, Arlington, TX, and Atlanta, GA, and (5) from Danville, IL, Mono Lake and Newbury Park, CA, Green River, WY, and points in NJ, NY, and PA, to the facilities used by American Home Products at Los Angeles, CA, Chicago, IL, Atlanta, GA, Arlington, TX, Canton, OH, and New York, NY, under continuing contract(s) with American Home Products Corporation, of New York, NY. (Hearing site: New York, NY.)

MC 144030 (Sub-9F), filed October 19, 1979. Applicant: DRUE CHRISMAN, INC., P.O. Box 284, Lawrenceburg, IN 47025. Representative: Norbert B. Flick, 715 Executive Bldg., Cincinnati, OH 45202. Transporting *alcoholic liquors*, from Lawrenceburg, IN and Frankfort, KY to Raleigh, NC. (Hearing site: Cincinnati, OH.)

MC 144330 (Sub-63F), filed October 22, 1979. Applicant: UTAH CARRIERS, INCORPORATED, P.O. Box 1218, Freeport Center, Clearfield, UT 84106. Representative: Charles D. Midkiff (same address as applicant). Transporting (1) *plastic pipe, pipe fittings, building materials* and (2) *materials and supplies* used in the installation of the commodities in (1) above from Single Springs, CA, to those points in the United States in and west of AR, IA, LA, MN, and MO, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: San Francisco, CA, or Salt Lake City, UT.)

MC 144901 (Sub-4F), filed October 15, 1979. Applicant: INTERMODAL SERVICES, INC., 11650 Courthouse Blvd., Inver Grove Heights, MN 55075. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *metal building construction wall sections* and (2) *materials, supplies and equipment* used in the manufacture of the commodities in (1) above between the facilities of Flour City Architectural Metals, Division of the Seagrave Corporation, at Minneapolis, MN, on the one hand, and, on the other, points in the United States (except AK and HI) (Hearing site: St. Paul, MN.).

MC 144910 (Sub-8F), filed October 16, 1979. Applicant: TYREE D. PRUITT, d.b.a. TY PRUITT TRUCKING, 811 Landay Ave., Baltimore, MD 21237. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005. Transporting *electric and gas appliances, and parts thereof*, from Columbia, MD, to points in VT, NH, and FL. (Hearing site: Washington, DC.)

MC 145011 (Sub-10F), filed September 23, 1979. Applicant: R. F. WESTBURY, 1617 Willis Rd., Richmond, VA 23224. Representative: Carroll B. Jackson, 1610 Vincennes Rd., Richomnd, VA 23229. *Contract carrier* transporting *(1) drugs, drug preparations, and toilet preparations, (2) ingredients for the commodities named in (1) above, (3) chemicals, animal feed, fish feed, poultry feed, animal feed ingredients, fish feed ingredients, poultry feed ingredients, cleaning compounds,*

displays, glassware, light bulbs, paper, paper articles, pet products, pharamaceutical products, pesticides, plastic articles, rubber articles, shampoo, soap, and toys, and (4) materials, equipment and supplies used in the manufacture, and distribution of the commodities named in (1), (2) and (3) above, (except in bulk in tank vehicles), between Richmond, VA, and Cherry Hill, NJ on the one hand, and, on the other, points in AL, AR, AZ, CO, GA, IL, (except Des Plaines), IN KS, LA, MI, MS, MO, NE, NJ, NV, NY, OH, OK, OR, PA, TN, TX (except Dallas), VA, WA, and WI, under continuing contract(s) with A. H. Robins Company, of Richmond, VA, Miller-Morton Company, of Richmond, VA, Elkins-Sinn, Inc., of Cherry Hill, NJ, and Chap Stick Company, of Lynchburg, VA. (Hearing site: Richmond, VA or Washington, DC.)

MC 145241 (Sub-2F), filed September 23, 1979. Applicant: HOWELL ENTERPRISES, INC., P.O. Box 696, Hayleyville, AL 35565. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203. *Contract carrier*, transporting *iron and steel articles*, from Detroit and Grand Rapids, MI, Chicago, IL, and Cleveland, OH, to points in AL, MS, TN, GA, TX, AR, and MO, under continuing contract(s) with Mid-States Steel Supply Corporation, of St. Charles, MO. (Hearing site: St. Louis, MO or Birmingham, AL.)

MC 145441 (Sub-67F), filed October 15, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, No. Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *foodstuffs* (except in bulk), in mechanically refrigerated equipment from Fresno and Kingsburg, CA, to points in and east of WI, IA, NE, KS, OK, and TX. (Hearing site: Little Rock, AR or Los Angeles, CA.)

MC 145441 (Sub-68F), filed October 15, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, No. Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *frozen foodstuffs* (except in bulk), from Union City, CA, to points in NE, TX, MO, IL, MI, OH, NY, and SC. (Hearing site: Little Rock, AR or San Francisco, CA.)

MC 145700 (Sub-5F), filed October 23, 1979. Applicant: TIGATOR, INC. d.b.a. TIGATOR, TRUCKING SERVICE, P.O. Box 1748, Baton Rouge, LA 70821. Representative: J. H. Campbell, Jr., 8686 Anselmo Lane, Baton Rouge, LA 70821. *Contract carrier* transporting *non-alcoholic beverages* from the facilities of Shasta Beverage Company at or near (a) Houston, TX, and (b) Birmingham, AL, to the facilities of Associated Grocers, Inc., at Baton Rouge, LA, under continuing contract(s) with Associated Grocers, Inc., of Baton Rouge, LA. (Hearing site: New Orleans, LA or Dallas, TX.)

MC 145701 (Sub-5F), filed October 15, 1979. Applicant: D. C. TRANSPORT, INC., 916 South Riverside Ave., St. Clair, MI 48079. Representative: James J. Sheehan (same address as applicant). Transporting (1) *paper and paper products* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Scott Paper Company. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 145701 (Sub-6F), filed October 5, 1979. Applicant: D.C. TRANSPORT, INC., 916 South Riverside Ave., St. Clair, MI 48079. Representative: James J. Sheehan (same address as applicant). Transporting (1) *plastic articles, chemicals, swimming pool compounds, padding* (except upholstery), and *foam fabrics*, (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Olin Corporation. (Hearing site: New York, NY or Washington, DC.)

MC 145950 (Sub-53F), filed October 11, 1979. Applicant: BAYWOOD TRANSPORT, INC., Route 6, P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Transporting (1) *foodstuffs*, and (2) *materials, equipment and supplies* used in the manufacture of foodstuffs between the facilities of Anderson Clayton Foods, Division of Anderson Clayton and Company at or near Humboldt, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 145950 (Sub-54F), filed October 11, 1979. Applicant: BAYWOOD TRANSPORT, INC., Route 6, P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Transporting (1) *foodstuffs* (except in bulk), and (2) *materials, equipment and supplies* (except in bulk) used in the manufacture, sale and distribution of the commodities in (1) above, between the facilities of Lawry's Foods, Inc., at or near Ft. Worth, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 145950 (Sub-55F), filed October 11, 1979. Applicant: BAYWOOD TRANSPORT, INC., Route 6, P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Transporting *foodstuffs and paper and paper products* (except in bulk), (1) from Dallas, TX to points in FL, GA, and MS, and (2) from Lithonia, GA to points in MS. (Hearing site: Tampa or Orlando, FL.)

MC 145950 (Sub-56F), filed October 12, 1979. Applicant: BAYWOOD TRANSPORT, INC., Route 6, P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Transporting (1) *foodstuffs*, and (2) *materials, equipment and supplies* used in the manufacture of foodstuffs between the facilities of Anderson Clayton and Company at or near Mayville, WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 146201 (Sub-1F), filed September 27, 1979. Applicant: JOSEPH C. FIORENTINO d.b.a. J. C. FIORENTINO, 1515 Hill Dr., Los Angeles, CA 90041. Representative: Joseph C. Fiorentino (same address as applicant). *Contract carrier* transporting *bananas* from points in the Los Angeles, CA Harbor Zone, to points in AZ, ID, MT, NV, NM, OR, TX, UT, and WA, under continuing contract(s) with Castle and Cooke Foods, of Irvine, CA. (Hearing site: Los Angeles, CA.)

MC 146320 (Sub-2F), filed October 15, 1979. Applicant: CHARLES A. STOECKLER, INC., 3 Spring St., Wilkes Barre, PA 18702. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. *Contract carrier* transporting (1) *printed matter* from Dallas, PA to (a) points east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the Western Boundary of Itasca County, MN, thence northward along the western boundary of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada and (b) points in CA, and (2) *materials, equipment and supplies* used in the manufacture of printed matter, in the reverse direction, under continuing contract(s) with Offset Paperback Mfrs., Inc., of Dallas, PA. (Hearing site: Wilkes Barre, PA.)

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MC 146451 (Sub-8F), filed October 5, 1979. Applicant: WHATLEY-WHITE, INC., 230 Ross Clark Circle, NE., Dothan, AL 36302. Representative: William K. Martin, P.O. Box 2069, Montgomery, AL 36103. Transporting (a) *plywood*, from the facilities used by Howell Plywood Corporation, at or near Dothan, AL, to points in NY, PA, NC, GA, FL, TN, IN, WI, AR, MS, MI, CA, and TX, and (b) *materials, equipment and supplies* used in the manufacture of plywood, from points in IN, VA, GA, TX, PA, NC, MS, and SC, to the facilities used by Howell Plywood Corporation, at or near Dothan, AL. (Hearing site: Dothan, or Montgomery, AL.)

MC 146700 (Sub-3F), filed September 21, 1979. Applicant: TRAVELERS TRANS. CO., INC., Room 8, Commonwealth Pier 5, Boston, MA 02210. Representative: J. Albert Johnson, 8 Whittier Pl., Boston, MA 02114. *Contract carrier* transporting (1) *frozen foods*, and (2) *materials, equipment, and supplies* (except commodities in bulk) used in the manufacture and sale of frozen foods, between points in MI, on the one hand, and, on the other, points in RI, MA, NH, VT, ME, CT, NY, NJ, PA, and OH, under continuing contract(s) with Chef Pierre, Inc., of Traverse City, MI. (Hearing site: Boston, MA.)

MC 146700 (Sub-4F), filed September 21, 1979. Applicant: TRAVELERS TRANS. CO., INC., Room 8, Commonwealth Pier 5, Boston, MA 02210. Representative: J. Albert Johnson, 8 Whittier Place, Boston, MA 02114. *Contract carrier* transporting (1) *frozen onion rings*, (2) *fish* otherwise exempt from economic regulation under 49 U.S.C. 10526(a)(6) [formerly Section 203(b)(6)] of the Act, when moving in mixed loads with frozen onion rings, between points in MA, on the one hand, and, on the other, points in the United States (except AK, HI, and MA), under continuing contract(s) with Caribou Food Industries, Inc., of Boston, MA. (Hearing site: Boston, MA.)

MC 146840 (Sub-3F), filed October 5, 1979. Applicant: BOYCHUKS' TRANSPORT LTD., P.O. Box 6208, Station "C", Edmonton, AB, Canada T5B 4K6. Representative: Richard S. Mandelson, 1660 Lincoln St., Denver, CO 80264. Transporting *lime and limestone products*, in containers, from ports of entry on the international boundary line between the United States and Canada in WA, ID, and MT, to points in ID, MT, OR, and WA, restricted to traffic moving in foreign commerce. (Hearing site: Great Falls, or Zortman, MT.)

MC 146861 (Sub-2F), filed August 31, 1979. Applicant: EDGAR A. SPIEGEL, Route No. 1, Neillsville, WI 54456. Representative: Ronald E. Laitsch, 113 N. 3rd St., Watertown, WI 53094. Transporting (1) *exhaust mufflers, spark arrestors, intake silencers, and air cleaners* and (2) *parts and equipment* for the commodities described in (1) above, from Neillsville, Black River Falls, Mineral Point, Viroqua, Arcadia, Wautoma, and Stoughton, WI, to points in IA, IL, TN, SC, and MN. (Hearing site: Madison or Milwaukee, WI.)

MC 147021 (Sub-3F), filed October 9, 1979. Applicant: C. SUMMERS, INC., 112 Spruce St., Elizabethville, PA 17023. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. Transporting *bread-making ingredients, fatty esters, and buffing compounds*, (except commodities in bulk), (1) from the facilities of Glyco Chemicals, Inc., at Williamsport, PA, and of C. Summers, Inc., at Elizabethville, PA, to points in IL, IN, OH, MI, and WI, and (2) from the facilities of Glyco Chemicals, Inc., at or near Painesville, OH, to Pennsauken and Totowa, NJ. (Hearing site: Harrisburg, PA.)

Note.—Dual operations may be involved.

MC 147060 (Sub-2F), filed September 26, 1979. Applicant: JAMES D. HOFFMAN d.b.a. HOFFMAN TRUCKING, Box 778, Fort Pierre, SD 57532. Representative: Edith G. Hoffman (same address as applicant). *Contract carrier*, transporting *fertilizer, crop protection chemicals*, and *animal feed*, from Port Neal Landing, Merrill, and Sioux City, IA, Minneapolis, MN, and Omaha, NE, to Pierre, SD, under continuing contract(s) with Cone Ag-Service, Inc., of Pierre, SD. (Hearing site: Pierre, SD.)

MC 147360 (Sub-2F), filed September 19, 1979. Applicant: ROCHESTER CHEESE EXPRESS, INC., 4219 North Frontage Road, Rochester, MN 55901. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. *Contract carrier* transporting *cheese*, (1) from the facilities of Rochester Cold Storage at or near Rochester, MN, to points in CA, ID, IA, KS, MO, UT, WI and WY, and (2) from points in IA, NJ, NY, OH, PA, and WI to the origin named in (1) above, under continuing contract(s) with Rochester Cheese Sales, Inc., of Rochester, MN. (Hearing site: Minneapolis, MN.)

MC 147461 (Sub-1F), filed October 5, 1979. Applicant: FEDERAL ARMORED EXPRESS, INC., 7675 Canton Center Dr., Baltimore, MD 21224. Representative: Eugene T. Liipfert, Suite 1100, 1660 L St. NW., Washington, DC 20036. Transporting *coin, bullion, monies, securities, and other articles of unusual value*, between Cincinnati, OH, on the one hand, and, on the other, those points in KY in and east of Boone, Grant, Scott, Woodford, Jessamine, Garrard, Lincoln, Pulaski, and McCreary Counties, KY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 147500 (Sub-2F), filed October 3, 1979. Applicant: ERNEST L. "BOB" CORNISH, P.O. Box 114, Shoshoni, WY 82649. Representative: Ernest L. Cornish (same address as applicant). Transporting *Iron and steel articles*, from points in Cook County, IL, to points in Fremont County, WY. (Hearing site: Casper, WY.)

MC 147700 (Sub-2F), filed September 24, 1979. Applicant: TRANSTOR CORP., 3710 Calumet Ave., Hammond, IN 46320. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402. *Contract carrier* transporting *iron and steel articles*, and *non-ferrous articles* (A) from (1) Portage, IN, to Northbrook, IL, (2) Northbrook, IL to points in IL, IN, the Lower Peninsula of MI, MN, MO, OH, and WI, (3) Indianapolis, IN, to points in IL and OH, and (4) points in OH to Northbrook, IL, and Indianapolis, IN, under continuing contract(s) with Fullerton Metals Company, of Northbrook, IL and (B) from (1) Chicago, IL, to points in IN, KY, the Lower Peninsula of MI, and OH, and (2) points in IN, KY, MI, and OH to Chicago, IL, under continuing contract(s) with Edgcomb Metals Company, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 147930(Sub-1F), filed September 17, 1979. Applicant: NESCO TRANSPORT, INC., 1743 Meriden, Waterbury Road, Milldale, CT 06467. Representative: Gerald A. Joseloff, 80 State St., Hartford, CT 06103. *Contract carrier* transporting *general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between points in the United States (except AK and HI), restricted to the transportation of traffic moving from, to, or between the facilities of Peter Paul Cadbury, Inc. (Hearing site: Hartford, CT or Washington, DC.)

MC 148141 (Sub-2F), filed September 24, 1979. Applicant: H. GOODMAN & SONS, INC., 696 Newark Turnpike, Kearny, NJ 07032. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Rd., Springfield, VA 22050. *Contract carrier*, transporting *printed matter* and *printing paper* from Chicago, IL, to points in CT, GA, MD, NY, PA, VA, and DC, under continuing contract(s) with Time, Inc., of Chicago, IL. (Hearing site: Chicago, IL.)

MC 148181 (Sub-1F), filed October 30, 1979. Applicant: SALEM TRUCKING CO., a corporation, Rd. No. 1, Franklin, ME 14634. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. *Contract carrier* transporting *lumber and lumber products* (1) from points in ME and ports of entry on the international boundary line between the United States and Canada in NY, VT and NH to points in DE, MD, NJ, PA, VA, WV, and DC, and (2) from ports of entry on the international boundary line between the United States and Canada in NY, VT, NH, and ME to Ellsworth, ME, under continuing contract(s) with Salem Forest Products, Ltd., of Abington, PA. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 148191 (Sub-2F), filed October 15, 1979. Applicant: GERALD J. MAJERUS d.b.a. L&M TRUCKING, P.O. Box 486, Kelso, WA 98626. Representative: William H. Grady, 1100 Norton Bldg., Seattle, WA 98104. Transporting (1) *canned goods*, and (2) *scrap paper*, (a) from the Port of Longview, WA, to points in IL, KS, MN, MO, NE, OK, WI, IA, and MI, and (2) from Kent, WA, to Springfield, OR. (Hearing site: Seattle, WA, or Portland, OR.)

MC 148261F, filed September 17, 1979. Applicant: WACEK, INC., Route 1, North Redwood, MN 56275. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. *Contract carrier* transporting *agricultural machinery* from East Moline and Moline, IL, Ankeny, Ottumwa and Waterloo, IA, Canton, OH, Fargo and Gwinner, ND, and ports of entry on the international boundary line between the United States and Canada in MI and NY, to Redwood Falls, MN, under continuing contract(s) with Anderson Implement Co., Inc., and Hopfenspirger & Schoffman, Inc., both of Redwood Falls, MN. (Hearing site: Minneapolis or St. Paul, MN.)

MC 148301F, filed October 1, 1979. Applicant: FRANCIS J. BURKE, d.b.a., BEE TRUCKING, 2812 South Hillock Ave. Chicago, IL 60608. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Chicago, IL, on the one hand, and, on the other, points in IL, MI, IN, WI, OH and IA, restricted to the transportation of traffic having a prior or subsequent movement by rail or water. (Hearing site: Chicago, IL.)

MC 148530 (Sub-1F), filed October 3, 1979. Applicant: MID MONTANA, INC., 1010 No. Rouse, P.O. Box 1131, Bozeman, MT 59715. Representative: Gary Everson, 320 Hart-Albin Bldg., Billings, MT 59101. Transporting *dairy products* (except in bulk) and *non-alcoholic beverages* from points in CO to points in MT. (Hearing site: Billings or Bozeman, MT.)

MC 148540F, filed October 3, 1979. Applicant: DIXIE GAS, INC., P.O. Box 40, Marks, MS 38646. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting *anhydrous ammonia*, in bulk, in tank vehicles, (1) from the facilities of Mississippi Chemical Corporation, at or near Yazoo City, MS, to points in AL, AR, LA, and TN, and (2) from the facilities of Mid-South Terminal, Inc., at Memphis, TN, to points in AL, AR, KY, MS, and MO. (Hearing site: Jackson, MS.)

MC 148560F, filed October 15, 1979. Applicant: GOLD STAR, INC., 130 Davidson Ave., Somerset, NJ 08873. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. *Contract carrier* transporting (1) *such commodities* as are dealt in by wholesale, retail and chain grocery and food business houses, and (2) *materials, equipment and supplies* used in the conduct of such business, between points in AL, FL, GA, MS, SC, and TN, under continuing contract(s) with the Great Atlantic and Pacific Tea Company, Inc., of Montvale, NJ. (Hearing site: New York, NY.)

MC 148561F, filed October 9, 1979. Applicant: BENETO, INC., 1700 South River Rd., W. Sacramento, CA 95691. Representative: Frank R. Golzen, 2672 Bayshore Frontage Rd., Mountain View, CA 94043. Transporting *petroleum and petroleum products* (except asphalt and road oil), in bulk, in tank vehicles, from points in San Mateo, Alameda, Contra Costa, Solano, Yolo, and Sacramento Counties, CA to those points in NV north of US Hwy 6 and west of US Hwy 95, and to points in Lassen County, CA. (Hearing site: San Francisco, CA, or Reno, NV.)

MC 148571F, filed October 4, 1979. Applicant: BRADDY TRUCKING CO., INC., P.O. Box 177, Soperton, GA 30457. Representative: Ariel V. Conlin, 53 Sixth St. NE., Atlanta, GA 30308. Transporting *malt beverages* (1) from Fort Valley, GA, to points in WV, VA, NC, SC, TN, and (2) from Eden, NC to Vidalia, Ga. (Hearing site: Atlanta, GA.)

MC 148591F, filed October 19, 1979. Applicant: KILE TRANSFER CORP., 4600 78th St., Des Moines, Ia 50322. Representative: Thomas E. Leahy, 1980 Financial Center, Des Moines, IA 50309. Over regular routes transporting *general commodities* (except class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment) (1) between Des Moines, and Indianola, IA, over U.S. Hwy 69 and (2) between Indianola and Murray, IA, from Indianola over U.S. Hwy 69 to junction U.S. Hwy 35, then over U.S. Hwy 34 to Murray, and return over the same route. (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 148611F, filed October 23, 1979. Applicant: EXPO STUCCO, INC., 7465 Carroll Rd., P.O. Box 23670, San Diego, CA 92126. Representative: Peter A. Greene, 900 17th St. N.W., Washington, D.C. 20006. Transporting *building materials* between points in CA, on the one hand, and, on the other, points in AZ. (Hearing site: San Diego or Los Angeles, CA.)

MC 148611 (Sub-1F), filed October 23, 1979. Applicant: EXPO STUCCO, INC., 7465 Carroll Rd., P.O. Box 23670, San Diego, CA 92126. Representative: Peter A. Greene, 900 17th St. N.W., Washington, D.C. 20006. Transporting *iron and steel articles* from Los Angeles, CA, to points in AZ, CO, NV, and NM. (Hearing site: San Diego or Los Angeles, CA.)

MC 148621F, filed October 30, 1979. Applicant: REYNOLDS WOOD PRODUCTS, INC., P.O. Box 197, Maplesville, AL 36750. Representative: Terry P. Wilson, 420 South Lawrence St., Montgomery, AL 36104. Transporting *lumber*, from the facilities of Hammermill Paper Company, Southern Forest Products Division, at or near Maplesville, AL, to points in AL, AR, FL, GA, IL, IN, KY, LA, MI, MS, MO, OH, PA, and TX. (Hearing site: Montgomery or Birmingham, AL.)

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Decided: February 12, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 200 (Sub-407F), filed October 9, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis (same as applicant). Transporting *glass bottles and containers*, between Indianapolis, IN, and Millsboro, DE. (Hearing site: Kansas City, MO.)

MC 200 (Sub-408F), filed October 9, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis (same address as applicant). Transporting *rough castings*,

between Chattanooga, TN, and Siloam Springs, AR. (Hearing site: Kansas City, MO.)

MC 200 (Sub-409F), filed October 9, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis (same address as applicant). Transporting *meats, meat products, meat byproducts* and *articles distributed by meat-packinghouses,* as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 & 766 (except hides and commodities in bulk), from the facilities of Missouri Valley Foods, Inc., at or near Omaha, NE, to points in AL, AR, FL, GA, KY, LA, MN, MS, NC, OK, SC, TN, TX, VA, WI, & WV, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing: Kansas City, MO.)

MC 340 (Sub-59F), filed October 9, 1979. Applicant: QUERNER TRUCK LINES, INC., 1131–33 Austin St., San Antonio, TX 78208. Representative: M. Ward Bailey, 2412 Continental Life Blvd., Fort Worth, TX 76102. Transporting *alcohol* and *malt beverages* form St. Louis, MO, to points in LA, OK, TX, AL, FL, and Chicago, IL. (Hearing site: St. Louis, MO.)

MC 730 (Sub-477F), filed October 9, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Nevada Corporation, 25 North Via Monte, Walnut Creek, CA 94598. Representative: R.Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Transporting *liquid chemicals,* in bulk, in tank vehicles, from Charleston and Belle, WV, Chicago and Carpentersville, IL, Wyandotte and Midland, MI, South Kearney, Fair Lawn, Hoboken and Washington, NJ, Wilmington, DE, Martin, SC, and Akron, OH, to points in AZ, CA, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Chicago, IL, or San Francisco, CA.)

MC 730 (Sub-478F), filed October 9, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: R. N. Cooledge (same address as applicant). Transporting *petroleum crude oil,* in bulk, in tank vehicles, from Trapp Springs, NV, to Fruita, CO. (Hearing site: Denver, CO or Salt Lake City, UT.)

MC 4941 (Sub-74F), filed October 17, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello St., Brockton, MA 02403. Representative: Rusell S. Callahan (same address as applicant). Transporting *roofing and roofing materials,* from the facilities of Koppers Company, Inc., at or near Youngstown and Wickliffe, OH, to points in CT, DE, ME, MD, MA, NH, NJ, NY, RI, VT, VA, and DC. (Hearing site: Boston, MA, or Washington, DC.)

MC 4941 (Sub-75F), filed October 17, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello St., Brockton, MA 02403. Representative: Russell S. Callahan (same address as applicant). Transporting *bakery goods, foodstuffs, and nuts,* from the facilities of Nabisco, Inc., at or near Richmond, VA, to points in CT, ME, MA, NH, RI, and VT. (Hearing site: New York, NY, or Washington, DC.)

MC 6031 (Sub-58F), filed October 4, 1979. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Ave., Milwaukee, WI 53204. Representative: William P. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Contract carrier* transporting (1) *castings* from the facilities of Waupaca Foundry, Inc., at Waupaca, WI, to points in IL on and north of IL Hwy 17, and (2) *foundry supplies* in the reverse direction, under continuing contract(s) with Waupaca Foundry, Inc., of Waupaca, WI. (Hearing site: Milwaukee or Madison, WI.)

MC 7840 (Sub-17F), filed October 17, 1979. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper St., Watertown, NY 13601. Representative: E. Stephen Heisley, 805 McLachlen Bank, 666 Eleventh St., NW, Washington, DC 10001. Transporting *feed and feed ingredients* (except in bulk), from Circleville, OH, to points in NY. (Hearing site: Columbus, OH.)

MC 22311 (Sub-24F), filed October 18, 1979. Applicant: A LINE INC., 8135 Monroe St., Munster, IN 46321. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. Transporting *Pipe, fittings, valves, hydrants, and accessories used in the installation thereof,* (except in bulk), (a) from Columbia, MO, to points in IL, IN, KY, MI, MN, NY, OH, PA, TN, VA, WV, and WI, and (b) from Buckhannon, WV, to points in IL, IN, IA, KY, MI, MN, MO, OH, PA, TN, and WI, restricted to the transportation of traffic originating at the facilities of Clow Corporation and destined to points in the named States. (Hearing site: Chicago, IL.)

MC 23441 (Sub-23F), filed October 24, 1979. Applicant: LAY TRUCKING COMPANY, INC., 104 Hawthorne, LaPorte, IN 46350. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *agricultural implement parts,* from the facilities of French & Hecht Division—Allis Chalmers Corporation, at Davenport and Wolcott, IN to West Allis, WI. (Hearing site: Milwaukee, WI.)

MC 28060 (Sub-62F), filed October 9, 1979. Applicant: WILLERS, INC., d.b.a. WILLERS TRUCK SERVICE, 1400 North Cliff Ave., Sioux Falls, SD. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., NE, Atlanta, GA 30326. Transporting *household appliances* and *lawn care equipment* from points in WI, AR IL, KY, and MN to the facilities of Max Pasley, Inc., at or near Sioux Falls, SD. (Hearing site: Chicago, IL.)

MC 29790 (Sub-11F), filed October 9, 1979. Applicant: HILL BROTHERS TRUCKING COMPANY, INC., State St. and River Rd., Camden, NJ 08105. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *lumber and lumber products, wood products, composition board, and building materials,* (except commodities in bulk, and metal and concrete articles), between Philadelphia, PA, Baltimore, MD, and points in NC, NJ, NY, OH, and VA, on the one hand, and, on the other, points in DC, DE, MD, NC, NJ, NY, OH, PA, VA, and WV. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 29910 (Sub-239F), filed October 26, 1979. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th St., Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of John H. Harland Co., at or near O'Fallon, MO, as an intermediate or off-route point in connection with carriers's authorized regular-route operations at St. Louis, MO. Applicant intends to tack this authority. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 47171 (Sub-147F), filed October 24, 1979. Applicant: COOPER MOTOR LINES, INC., P.O. Box 282, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *textiles and textile products,* from Albany, GA, to points in CT, DE, MD, MA, NJ, NY, PA, RI, and DC. (Hearing site: Columbia, SC.)

MC 48441 (Sub-52F), filed October 17, 1979. Applicant: R.M.E. INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting *malt beverages,* from Newport, KY, to points in IL. (Hearing site: Milwaukee, WI.)

MC 52460 (Sub-266F), filed October 1, 1979. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 615, East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *frozen, canned and chilled citrus products and beverages* (except in bulk), from Lake Wales, FL to AR, CO, KS, LA, MO, NM, OK and TX. (Hearing site: Miami, FL.)

MC 61231 (Sub-162F), filed October 1, 1979. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *building materials* from the facilities of Chicago Metallic Corporation at Chicago, IL, to points in AR, KY and LA. (Hearing site: Chicago, IL.)

MC 67450 (Sub-99F), filed October 9, 1979. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Transporting *liquid sugar* and *liquid corn syrup,* in bulk, in tank vehicles, from Detroit, MI, to points in IL, IN, NJ, NY, PA, and WI. (Hearing site: Chicago, IL or Detroit, MI.)

MC 68100 (Sub-39F), filed October 11, 1979. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Drawer G, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison St., Topeka, KS 66603. Transporting *plywood paneling, composition board, and building and construction materials,* from the facilities of Plywood Panels, Inc., at New Orleans, LA, to points in AR, IA, KS, MO, NE, OK and TX. (Hearing site: New Orleans, LA, or Tulsa, OK.)

MC 93840 (Sub-52F), filed October 11, 1979. Applicant: GLESS BROS, INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *fly ash,* from the facilities of Iowa and Illinois Gas and Electric Company at or near Bettenford, IA, to points in WI and IL. (Hearing site: Des Moines, IA.)

MC 99680 (Sub-7F), filed October 17, 1979. Applicant: NORTH SHORE & CENTRAL ILLINOIS FREIGHT CO., 7701 W. 95th St., Hickory Hills, IL 60457. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *general commodities* over regular routes (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Gary, IN, and Hickory Hills, IL, over U.S. 20, serving all intermediate points. (Hearing site: Chicago, IL.)

MC 113751 (Sub-33F), filed October 9, 1979. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia Streets, Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 8425 Odana Rd., Madison, WI 53719. *Foodstuffs* (except commodities in bulk, in tank vehicles) between Plover, WI, on the one hand, and, on the other hand, points in CT, FL, IL, IN, LA, MI, MO, NY, OH, PA, and TN, restricted to the transportation of traffic originating at or destined to the facilities of Great America Basic Commodities, Inc., at Plover, WI. (Hearing site: Madison, WI.)

MC 115311 (Sub-377F), filed October 9, 1979. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Atlanta, GA 31061. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30343. Transporting *cement* from the facilities of The Marquette Co., at or near Rockmart, GA, to points in AL, FL, NC, SC, and TN. (Hearing site: Nashville, TN, or Atlanta, GA.)

MC 115311 (Sub-380F), filed October 9, 1979. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Ralph B. Matthews, P.O. Box 56387, Atlanta, GA 30343. Transporting (1) *fertilizer and fertilizer materials,* between points in AL and GA on the one hand, and, on the other, points in AL, FL, GA, and SC and (2) *sand,* in bags, from the facilities of Crawford County Mining Company in Crawford County, GA, to points in AL, FL, SC, NC, TN, and KY. (Hearing site: Atlanta, GA.)

MC 115331 (Sub-520F), filed October 10, 1979. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 11040 Manchester Road, St. Louis, MO 63122. *Transporting in bulk,* from Opelousas, LA to points in the United States (except AK and HI). (Hearing site: Washington, D.C. or New Orleans, LA.)

MC 115331 (Sub-521F), filed October 10, 1979. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J.R. Ferris, 11040 Manchester Rd., St. Louis, MO 63122. Transporting *petroleum and petroleum products, in containers,* from the facilities of Mobil Oil Corporation at Cicero, IL, to points in IN, IA, OH, MN, WI. (Hearing site: Chicago, IL or Washington, DC.)

MC 119211 (Sub-13F), filed October 5, 1979. Applicant: MAU TRUCKING, INC., 90 Jacob's Addition, Ida Grove, IA 51445. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Contract carrier:* Transporting *construction machinery, and equipment, materials, supplies and parts used in the manufacturing and distribution of construction machinery and equipment* between the facilities of Gomaco Corp. at or near Ida Grove, IA, on the one hand, and, on the other, points in FL, IL, IN, MN, MO, MD, NE, NY, OH and WI, under continuing contract(s) with Gomaco Corp., a division of Godberson-Smith Construction Co. of Ida Grove, IA. (Hearing site: Omaha, NE, or Des Moines, IA.)

MC 119531 (Sub-175F), filed October 1, 1979. Applicant: SUN EXPRESS, INC., Box 1031, Warren, OH 44482. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting *such commodities as are manufactured or dealt in by manufacturers of containers and equipment, materials and supplies used in the manufacture of the foregoing commodities (except in bulk)* between points in and east of ND, SD, NE, KS, OK and TX, restricted to the transportation of traffic originating at or destined to the facilities of Brockway Glass Company, Inc. (Hearing site: Columbus, OH.)

MC 119670 (Sub-53F), filed October 17, 1979. Applicant: THE VICTOR TRANSIT CORPORATION, 5250 Este Ave., Cincinnati, OH 45232. Representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, KY 40602. Transporting *glass containers and closures,* from the facilities of Ball Corporation, at Muncie, IN and Mundelein, IL, and facilities used by Ball Corporation, in Cook and Lake Counties, IL, to points in IL, IN, KY, MI, OH, PA, VA, and WV, restricted to the transportation of traffic originating at the above-named facilities. (Hearing site: Cincinnati, OH.)

MC 119741 (Sub-238F), filed October 17, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *frozen foods* (except in bulk, in tank vehicles), between the facilities of Frozen Food Distribution, Inc., at or near Louisville, KY, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, LA, MI, MS, MO, NC, OH, SC, TN, VA, and WV. (Hearing site: Louisville, KY.)

MC 120181 (Sub-17F), filed October 17, 1979. Applicant: MAIN LINE HAULING

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CO., INC., Box C, St. Clair, MO 63077. Representative: William H. Shawn, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Transporting (1) *containers, container closures,* and *container components, glassware* and *packaging products,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk and those requiring special equipment), between points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MO, MN, MS, NE, NC, OH, OK, SC, TN, TX, VA, WV, and WI. (Hearing site: St. Louis, MO.)

MC 121470 (Sub-40F), filed October 9, 1979. Applicant: TANKSLEY TRANSFER CO., 801 Cowan St., Nashville, TN 37207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting *iron and steel articles,* from the facilities of Mitchell Steel, Inc., at Nashville, TN, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC. (Hearing site: Nashville, TN.)

MC 121470 (Sub-41F), filed October 25, 1979. Applicant: TANKSLEY TRANSFER CO., a corporation, 801 Cowan St., Nashville, TN 37207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting (1) *self-propelled articles,* each weighing 15,000 pounds or more, and (2) *machinery, parts, tools, and supplies* used in the distribution, repair, and maintenance of the commodities named in (1) above when moving in connection with the commodities named in (1) above, from Peoria, IL, to those points in TN on and east of U.S. Highway 27 and from the facilities of Stowers Machinery Corporation, at or near Knoxville, TN, to points in GA, KY, NC, and SC. (Hearing site: Nashville, TN.)

MC 123091 (Sub-34F), filed October 17, 1979. Applicant: NICK STRIMBU, INC., 3500 Parkway Rd., Brookfield, OH 44403. Representative: E. H. van Deusen, P.O. Box 97, 220 West Bridge St., Dublin, OH 43017. Transporting *composition board, hardboard, lumber products, paneling, particleboard, plywood and wallboard,* from Norfolk and Virginia Beach, VA, to points in IN, IL, the Lower Peninsula of MI, NY (on and west of U.S. Highway 15), OH, PA (on and west of U.S. Highway 219), and WV. (Hearing site: Washington, DC.)

MC 124160 (Sub-34F), filed October 9, 1979. Applicant: SAVAGE BROTHERS, INCORPORATED, 585 South 500 East, American Fork, UT 84003. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111. Transporting *chemicals,* in bulk between points in UT and WY. (Hearing site: Salt Lake City, UT, or Rock Springs, WY.)

MC 124170 (Sub-141F), filed October 17, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Transporting *such commodities* as are used by manufacturers of sugar and confectioneries (except commodities in bulk in tank vehicles), from Versailles, CT and Charleston, SC to New Orleans, LA, Boston, MA, Baltimore, MD, New York City, NY, Pitman, NJ, and Philadelphia, PA. (Hearing site: New York City, NY, or Washington, DC.)

MC 124821 (Sub-66F), filed October 24, 1979. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting (1) *glass bottles* (a) between the facilities of National Bottle Company, at or near Vienna, WV, on the one hand, and, on the other, points in MA, NJ, NY, and Pittsburgh, New Kensington, Philadelphia and Schenley, PA, and (2) between the facilities of National Bottle Company, at or near Joliet IL, on the one hand, and, on the other, points, in NY, NJ, OH, PA, WV, MD, MI, RI, and MA. *Materials* used in the manufacture and distribution of glass bottles, from the destination points indicated in (a) and (b) above, to the facilities of National Bottle Company, at or near Joliet, IL, and Vienna, WV.

MC 124821 (Sub-67F), filed October 25, 1979. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting (1) *chemicals* (except in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of chemicals (except commodities in bulk), from the facilities of National Starch & Chemical Corp., at or near Meredosia, IL, to points in CT, DE, MD, ME, MA, NH, NJ, NY, PA, RI, VA, and VT. (Hearing site: Harrisburg, PA.)

MC 125470 (Sub-55F), filed October 25, 1979. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, NE 68701. Representative: Paul D. Kratz, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *canned and preserved foodstuffs* from the facilities of Heinz U.S.A. at or near Muscatine and Iowa City, IA to points in AR, and to those points in MO on and west of U.S. Hwy. 63, and to Memphis, TN, restricted to traffic originating at the named facilities and destined to the named destinations. (Hearing site: Omaha, NE, or Pittsburgh, PA.)

MC 126091 (Sub-6F), filed October 24, 1979. Applicant: FRALEY & SCHILLINGS, INC., R.R. 1, Rushville, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Contract carrier,* transporting (1) *aluminum ingots,* from Chandler, AZ to Russellville, AR, (2) *aluminum and scrap aluminum,* from Russellville, AR to Chandler, AZ, and (3) *aluminum extrusions,* from Russellville, AR, to points in the United States (except AK and HI), under continuing contract(s) with Pimalco Corporation, of Chandler, AZ. (Hearing site: Columbus, OH.)

MC 128860 (Sub-18F), filed October 5, 1979. Applicant: LARRY'S EXPRESS, INC., 720 Lake St., Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. *Contract carrier:* Transporting (1) *malt beverages, and* (2) *malt beverage dispensing equipment,* in mixed loads with malt beverages, (1) from Evansville, IN, and Frankenmuth, MI, to points in IA, MN, MO, WI, and the UP of MI, and (2) from Baltimore, MD, to Newport, KY, Evansville, IN, and Belleville, IL, under continuing contract(s) with G. Heileman Brewing Co., Inc., of La Crosse, WI. (Hearing site: La Crosse, WI.)

MC 128951 (Sub-30F), filed October 17, 1979. Applicant: ROBERT H. DITTRICH, dba BOB DITTRICH TRUCKING, 1000 North Front St., New Ulm, MN 56073. Representative: Rodney H. Jeffery (same address as applicant). Transporting *feed and feed ingredients,* in bulk, (1) between Minneapolis-St. Paul, MN, on the one hand, and, on the other, points in WI, (2) from Chicago, IL, to points in IN, WI, and IA, and (3) from Wahpeton, ND, to points in SD. (Hearing site: Minneapolis or St. Paul, MN.)

MC 133591 (Sub-80F), filed October 17, 1979. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main St., Winchester, KY 40391. Transporting *bakery products and snack food items* (except frozen), from Buena Park, CA, to points in AR, MO, OK, and TX. (Hearing site: Kansas City, MO.)

MC 134300 (Sub-42F), filed October 1, 1979. Applicant: TRIPLE R EXPRESS, INC., 498 First St. Northwest, New Brighton, MN 55112. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Transporting *games and toys, recreation equipment and materials and supplies* used in the manufacture and distribution of games and toys and recreation equipment, between the facilities of Schaper Mfg. Co. at or near Minneapolis, MN, on the one hand, and on the other, points in AL, AR, CT, DC, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, ME, MD, MI, MS, MO, NC, ND, NE, NJ, NH, NY, OH, PA, RI, SC, SD, TN, VA, VT, WI and WV. (Hearing site: Minneapolis or St. Paul, MN.)

MC 134300 (Sub-44F), filed October 18, 1979. Applicant: TRIPLE R EXPRESS, INC., 498 First St. Northwest, New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting (1) *plastic and iron pipe fittings and tubings,* and (2) *adhesive cement,* from the facilities of U-Brand Corporation, at or near Shelby, OH, to points in IL and MN. (Hearing site: Minneapolis or St. Paul, MN.)

MC 134551 (Sub-16F), filed October 18, 1979. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., a corporation, #3 Caine Drive, Madison, IL 62060. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *such commodities as are dealt in by wholesale, retail and chain food and grocery stores, plastic articles, cleaning scouring and solvent materials* (except in bulk), *compressed gas in cylinders,* in vehicles equipped with mechanical refrigeration, between Des Plaines and Chicago, IL and points in MO and KS. (Hearing site: St. Louis, MO.)

MC 135070 (Sub-119F), filed October 24, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln NE 68501. Transporting *artificial Christmas trees, Christmas tree stands, Christmas decorations, and lighting,* from Los Angeles, CA, and East Douglas, MA, to points in the United States (except AK and HI). (Hearing site: Worcester, MA, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135221 (Sub-17F), filed October 24, 1979. Applicant: DICK SIMON TRUCKING, INC., 5140 South 2050 East, P.O. Box 26724, Salt Lake City, UT 84125. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, DC 20005. Transporting (1) *animal feed, feed ingredients, supplements and additives,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between the facilities of Kal-Kan Foods, Inc., at (a) Ogden, UT, (b) Columbus, OH, (3) Mattoon, IL, and (4) in Orange County, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Salt Lake City, UT.)

MC 135691 (Sub-38F), filed October 1, 1979. Applicant: DALLAS CARRIERS CORP., P.O. Box 402626, Dallas, TX 75240. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier* transporting *automotive parts and accessories, non-self-propelled automotive jacks and cranes, tools, and materials, supplies and equipment* used in the manufacture, sale and distribution of the foregoing commodities (except commodities in bulk or those which because of size or weight require the use of special equipment), between points in the United States (except AK and HI), under continuing contract(s) with Tenneco Automotive, a Division of Tenneco, Inc. (Hearing site: Chicago, IL.)

Note.—Upon a grant of this application, applicant will request voluntary revocation of all existing contract carrier authority to serve Tenneco Automotive, Division of Tenneco, Inc. to be effective with the issuance of the Permit in this proceeding.

MC 135861 (Sub-57F), filed October 10, 1979. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. *Contract carrier:* Transporting *meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from San Angelo, TX, to points in CA, CT, DC, FL, IA, IL, LA, MA, MD, ME, NY, OH, and PA, continuing contract(s) with Monfort of Colorado, Inc., of Greely, CO. (Hearing site: Dallas, TX, or Denver, CO.)

MC 136511 (Sub-84F), filed October 18, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 23502. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, DC 20001. Transporting *foodstuffs,* from Timberville, Winchester, VA, Martinsburg, WV, and Lincolnton, NC, to points in NM, CO, WY, MT, AZ, UT, ID, WA, OR, NV, and CA. (Hearing site: Washington, DC.)

MC 136511 (Sub-85F), filed October 18, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 23502. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting *foodstuffs,* from Hollister, San Jose, and Oakland, CA, to points in GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NJ, NY, OH, PA, TN, TX, VA, WI, NH, NM, NC, ND, RI, SC, SD, WY, AL, AR, CO, CT, VT, DE, and DC. (Hearing site: San Francisco, CA.)

MC 136711 (Sub-41F), filed October 26, 1979. Applicant: McCORKLE TRUCK LINE, INC., P.O. Box 94968, Oklahoma City, OK 73143. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 24, El Reno, OK 73036. Transporting *animal and poultry feed, feed ingredients, and feed supplements,* between points in AR, CO, IL, IN, IA, KS, LA, MS, MO, NE, NM, OK, TN, TX, and WI. (Hearing site: Oklahoma City, OK, or Kansas City, MO.)

MC 138741 (Sub-100F), filed October 25, 1979. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *lumber and lumber products,* between Nashville, IL, on the one hand, and, on the other, points in IN, KS, MI, MO, NE, OK, and WI. (Hearing site: St. Louis, MO.)

MC 139401 (Sub-3F), filed October 1, 1979. Applicant: EARL W. NORRIS, 3654 Gertrude St., Omaha, NE 68147. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. *Contract carrier:* transporting *iron and steel,* from the facilities of Jones & Laughlin Steel Company at or near Hennepin, IL, to the facilities of Nebraska Engineering Company at Omaha, NE, under continuing contract(s) with Nebraska Engineering Company of Omaha, NE. (Hearing site: Omaha, NE.)

MC 140011 (Sub-8F), filed October 18, 1979. Applicant: A. C. DENNLER CO., a corporation, 13023 Arroyo Ave., San Fernando, CA 91340. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. *Contract carrier,* transporting *masonry supplies,* from the facilities of Laticrete International, at Woodbridge, CT, to Denver, Longmont, and Colorado Springs, CO, Salt Lake City and Orem, UT, Las Vegas, NV, Portland, OR, Seattle, WA, Okalahoma City and Tulsa, OK, Des Moines and Davenport, IA, Loncoln and Omaha, NE, Albuquerque, NM, Phoenix, AZ, Los Angeles, San Francisco, Sacramento, Salinas, San Diego, Visilia, Fresno, San Luis Obispo, Concord, and Campbell, CA, Nashville, Memphis, Chattanooga, and Knoxville, TN, Little Rock, AR, Jackson, MS, New Orleans, LA, Dallas, Fort Worth, Houston, El Paso, Austin, and San Antonio, TX, under continuing contract(s) with Laticrete International,

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Inc., of Woodbridge, CT. (Hearing site: New York, NY.)

MC 140061 (Sub-9F), filed October 9, 1979. Applicant: DONALD MULDER d.b.a. DON MULDER TRUCKING, 1735 North 50th St., Lincoln, NE 68504. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. *Contract carrier:* Transporting (1) *charcoal, wood chips, lighter fluid, and sawdust and wax-impregnated fireplace logs;* and (2) *equipment, materials and supplies* used in the manufacture, sale and distribution of the commodities listed in (1) above, between points in the United States (except AK and HI) under continuing contract(s) with The Kingford Company. (Hearing site: Louisville, KY, or Lincoln, NE.)

MC 140530 (Sub-3F), filed October 11, 1979. Applicant: FREEWAY TRANSPORT, INC., 635 S.E. 11th Ave., Portland, OR 97214. Representative: Earle v. White, 2400 S.W. Fourth Ave., Portland, OR 97201. *Contract carrier:* Transporting *canned goods,* in vehicles equipped with mechanical refrigeration, from Salem and Eugene, OR, to points in AZ, CA, and NV, under continuing contract(s) with Agripac, Inc. of Salem, OR. (Hearing site: Portland, OR.)

MC 142181 (Sub-12F), filed October 1, 1979. Applicant: LIBERTY CONTRACT CARRIER, INC., 214 Hermitage Ave., Nashville, TN 37202. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. *Contract carrier:* Transporting *non ferrous scrap* between points in AL, AR, CO, GA, IL, IN, IA, KA, KY, LA, MI, MN, MS, MO, NJ, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI under continuing contract(s) with Metal Processors, Inc., of Chesterfield, MO. (Hearing site: Nashville, TN, or St. Louis, MO.)

MC 142161 (Sub-14F), filed October 4, 1979. Applicant: LIBERTY CONTRACT CARRIER, INC., 214 Hermigate Ave., Nashville, TN 37202. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. *Contract carrier:* Transporting (1) *such commodities as are dealt in or sold by a manufacturer of metal products,* and (2) *equipment, materials, and supplies* used in the conduct of such business between Nashville, TN, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KA, KY, LA, MS, MO, NE, NC, OH, OK, SC, TN, TX, and VA, under continuing contract(s) with Cincinnati Sheet Metal and Roofing Company, of Nashville, TN. (Hearing site: Nashville, TN or Washington, DC.)

MC 142311 (Sub-2F), filed October 19, 1979. Applicant: MR. STEAK TRANSPORTATION COMPANY, INC., 5100 Race Court, Denver, CO 80216. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Contract carrier:* Transporting *foodstuffs and restaurant materials, equipment, and supplies* (except commodities in bulk), between the facilities of Mr. Steak, Inc., at Denver, CO, and the facilities of Quality Steaks of Snyder, Inc., at or near Snyder, NE and Minneapolis, MN, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with Mr. Steak, Inc., of Denver, CO. (Hearing site: Denver, CO.)

MC 142640 (Sub-2F), filed October 25, 1979. Applicant: P.W.K. TERMINALS, INC., 6 Highgate Course, St. Charles, IL 60174. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Contract carrier:* Transporting *foodstuffs,* from Grundy Center, IA, to points in WI, IL, IN, and MI, under continuing contract(s) with Western Dressing, Inc., of Grundy Center, IA. (Hearing site: Chicago, IL.)

MC 142850 (Sub-2F), filed October 1, 1979. Applicant: DICK SIMON TRUCKING, INC., 9541 South 5250 West, West Jordan, UT 84084. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. *Contract carrier:* Transporting (1) *frozen fruits* from the facilities of Payson Fruit Growers at or near Payson, UT, to points in PA, NY, MI, OH, TN, VA, TX, NJ, and IL, and (2) *materials and supplies* used in the packaging and distribution of frozen fruits, in the reverse direction, under continuing contract(s) with Payson Fruit Growers Association. (Hearing site: Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 142920 (Sub-9F), filed October 25, 1979. Applicant: OLIVER TRUCKING CORP., 2203 W. Oliver St., Indianapolis, IN 46221. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier:* Transporting *such commodities* as are dealt in or used by a printer or converter of paper products (except commodities in bulk), between Terre Haute, IN, on the one hand, and, on the other, points in TN, NY, NJ, PA, and IL, under continuing contract(s) with Artco Press, Inc., of Terre Haute, IN. (Hearing site: New York, NY.)

MC 142941 (Sub-55F), filed October 18, 1979. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 North 25th Ave., Phoenix, AZ 85009. Representative: Lewis P. Ames, 111 West Monroe, 10th floor, Phoenix, AZ 85003. Transporting *alcoholic beverages,* from Clermont, KY, Detroit, MI, and Lynchburg, TN, to Phoenix and Tucson, AZ. (Hearing site: Phoenix, AZ.)

MC 142941 (Sub-56F), filed October 18, 1979. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 North 25th Ave., P.O. Box 6716, Pheonix, AZ 85003. Representative: Lewis P. Ames, 111 West Monroe, 10th Floor, Pheonix, AZ 85003. Transporting *plastic garbage cans,* from Pheonix, AZ, to points in the United States (except AZ, AK, and HI). (Hearing site: Phenoix, AZ.)

MC 143540 (Sub-21F), filed October 11, 1979. Applicant: MARINE TRANSPORT COMPANY, P.O. Box 2142 (330 Shipyard Boulevard), Wilmington, NC 28402. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. *Contract carrier,* transporting *mineral wool* and *insulation products (except in bulk),* from the facilities of CertainTeed Corporation at or near Athens, Atlanta, and Chamblee, GA, to points in AL, DE, FL, KY, LA, MD, MS, MJ, NC, PA, SC, TN, VA, and WV, under continuing contract(s) with CertainTeed Corp. (Hearing site: Wilmington, NC.)

MC 143691 (Sub-25F), filed October 25, 1979. Applicant: PONY EXPRESS COURIER CORP., P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher (same address as applicant). *Contract carrier,* transporting *commercial papers, documents, and written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions between points in WY, under continuing contract(s) with banks and banking institutions. (Hearing site: Denver, CO, or Cheyenne, WY.)

MC 144121 (Sub-3F), filed October 17, 1979. Applicant: LARRY'S EXPRESS, INC., 720 Lake St., Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. Transporting (a) *uncrated stoves and heating units,* and (b) *materials, equipment and supplies* used in the manufacture and distribution of such commodities, from Galesville, Ettrick, Tomah, and West Salem, WI, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of E. K. Industries, division of Gale Marble, Inc., and Therm-Kon Products, Inc., Galesville & Ettrick, WI, Slumbering Giant, Inc., West Salem, WI, and Energy Research & Development Corporation, Tomah, WI. (Hearing site: La Crosse or Madison, WI.)

MC 144330 (Sub-82F), filed October 11, 1979. Applicant: UTAH CARRIERS, INC., P.O. Box 1218, Freeport Center, Clearfield, Utah 84016. Representative: Charles D. Midkiff (same address as applicant). Transporting *lumber, lumber products,* and *wood products,* from points in CA to points in AR, AZ, to KS, NM, OK and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: San Francisco, CA or Salt Lake City, UT.)

MC 144630 (Sub-37F), filed October 9, 1979. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between the facilities used by Marsh Supermarkets, Inc., at or near Yorktown, Indianapolis, and Richmond, IN, on the one hand, and, on the other, points in CO and TX, and points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 145171 (Sub-1F), filed October 9, 1979. Applicant: ROBERT D. ZARNDT TRUCKING, INC., Route 2, Box 330, Aurora, IL 60504. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601. *Contract carrier* transporting *sand,* in bulk, from Troy Grove, IL, and points in Berrien County, MI, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI under continuing contract(s) with Indiana, Inc. (Hearing site: Chicago, IL.)

MC 145301 (Sub-2F), filed October 9, 1979. Applicant: R.E.M. TRANSPORT CO., INC., Building No. 431, Raritan Center, Edison, NJ 08817. Representative: Brian S. Stern, 2425 Wilson Blvd., Suite 327, Arlington, VA 22201. Transporting *tractors* (except truck tractors), from the facilities of Ford Motor Company at or near Romeo, MI, to points in NE, KS, OK, MO, and AR, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Detroit, MI or Washington, DC.)

MC 145360 (Sub-8F), filed October 2, 1979. Applicant: THOM'S TRANSPORT COMPANY, INC., Box 405, Blackshear, GA 31516. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *building materials, lumber, and lumber products,* from points in GA to points in AL, AR, FL, GA, IN, IL, KY, LA, MD, MN, MO, MI, MS, NC, OH, PA, SC, TN, TX, VA, WI, and WV. (Hearing site: Jacksonville, FL, or Atlanta, GA.)

MC 145441 (Sub-62F), filed October 1, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, No. Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *boxed meat* from Los Angeles, CA, to points in AL, FL, IL, KS, LA, MA, MD, MO, NJ, OH, PA, TN, TX, VA, and DC. (Hearing site: Little Rock, AR, of Los Angeles, CA.)

MC 145581 (Sub-3F), filed October 24, 1979. Applicant: HAROLD L. HOOD, d.b.a. HOOD TRUCKING, R.R. #1, Rushville, IL 62681. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract carrier,* transporting *lumber and wood products,* from Beardstown, IL, to points in IN, IA, MI, MN, and WI, under continuing contract(s) with Edward Hines Lumber Co., of Chicago, IL. (Hearing site: Chicago, IL.)

MC 145680 (Sub-9F), filed October 1, 1979. Applicant: C & R TRUCKING, LTD., 2955 Packers Ave., Madison, WI 53704. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Transporting (1) *such merchandise as is dealt in by manufacturers and distributors of sewage treatment plants and waste water flowage measurement devices, doors, and manufactured buildings, and parts and accessories* for all the foregoing commodities, from Necedah, WI, to points in the United States (except AK and HI); and (2) *fiberglass and plastic products* from the facilities of Clow Corporation at points in WI to points in the United States (except AK and HI). (Hearing site: Madison or Milwaukee, WI.)

MC 145700 (Sub-4F), filed October 1, 1979. Applicant: TIGATOR, INC. d.b.a. TIGATOR TRUCKING SERVICE, 8686 Anselmo Lane, P.O. Box 1748, Baton Rouge, LA 70821. Representative: J. H. Campbell, Jr. (same address as applicant). *Contract carrier,* transporting *citrus products and by-products, juices and drinks* from points in Hardee, Hernando, Hillsborough, Lake, Mantee, Pasco, Polk, Sarasota, and Sumter Counties, FL, to Baton Rouge, LA, under continuing contract(s) with Associated Grocers, Inc., of Baton Rouge, LA. (Hearing site: New Orleans, LA, or Dallas, TX.)

MC 145760 (Sub-11F), filed October 17, 1979. Applicant: JOHNSON TRANSPORTATION CO., a corporation, 1327 Highway 13 North, Columbia, MS 39429. Representative: Fred W. Johnson, Jr., P.O Box 22628, Jackson, MS 39205. Transporting *brick and tile,* from Plant City, FL, to points in AZ, CA, ID, MT, NV, OR, UT, WA, and WY. (Hearing site: Tampa, FL or Washington, DC.)

MC 145760 (Sub-12F), filed October 17, 1979. Applicant: JOHNSON TRANSPORTATION CO., a corporation, 1327 Highway 13 North, Columbia, MS 39429. Representative: Fred W. Johnson, Jr., P.O Box 22628, Jackson, MS 39205. Transporting *conduits, sewer and water pipe, clay pipe, valves, hydrants, parts and accessories,* from the facilities of Can-Tex Industries at or near Magnolia, AR and Rolla, MO to points in AL, AR, CO, DE, FL, GA, IL, IN, KS, KY, LA, MI, MS, MO, NJ, NM, NC, OH, OK, SC, TN, TX, VA, and WV. (Hearing site: Dallas, TX, or Jackson, MS.)

MC 145760 (Sub-14F), filed October 17, 1979. Applicant: JOHNSON TRANSPORTATION CO., a Corporation, 1327 Highway 13 North, Columbia, MS 39429. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. Transporting *plastic pipe and fittings,* from the facilities of PLEXCO, at or near Knoxville, TN, to points in AL, AR, CO, GA, FL, KS, LA, MS, MO, NM, NC, OK, SC, and TX (Hearing site: Chicago, IL, or Washington, DC.)

MC 145931 (Sub-2F), filed October 25, 1979. Applicant: HORSESHOE'S GARAGE & TIRE CENTER, INC., P.O. Box 775, Denton, NC 27239. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting (1) *Wrecked and disabled tractors, wrecked and disabled trailers (except those designed to be drawn by passenger vehicles), wrecked and disabled trucks, and wrecked and disabled buses,* from those points in the United States in and east of MN, IA, NE, KS, OK, and TX, (except FL and NC), to points in Davidson County, NC, (2) *replacement vehicles* for the vehicles named in (1) above, from points in Davidson County, NC, to the origin points described in (1) above, (3) *Wrecked and disabled tractors, wrecked and disabled trailers (except those designed to be drawn by passenger vehicles), wrecked and disabled trucks, and wrecked and disabled buses,* from points in the United States (except AK, HI, and NC), to points in Guilford and Randolph Counties, NC; and (4) *Replacement vehicles* for the vehicles named in (3) above, from points in Guilford and Randolph Counties, NC, to the origin points described in (3) above. (Hearing site: High Point, NC.)

MC 145950 (Sub-52F), filed October 9, 1979. Applicant: BAYWOOD TRANSPORT, INC., Route 6 P.O. Box 2611, Waco, TX 76708. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Transporting (1) *Foodstuffs,* and (2) *materials, equipment and supplies* used in the manufacture of foodstuffs, between the facilities of

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Anderson Clayton Foods, Division of Anderson Clayton and Company at or near Fresno, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 145981 (Sub-18F), filed October 18, 1979. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *chemicals, cleaning compounds, paint remover, petroleum oils, and insecticides* (except commodities in bulk), between Edgewater, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New York, NY, or Washington, DC.)

MC 146401 (Sub-2F), filed October 1, 1979. Applicant: NEU–WAY, INC., 3766 197th St., Langley, B.C., Canada V3A 7C1. Representative: Jack Waybourne (same address as applicant). *Contract carrier,* transporting (1) *lumber and lumber products,* and (2) *commodities dealt in* by material dealers for the drywall, plastering and roofing trades, between ports of entry on the International Border line between the United States and Canada located in WA, on the one hand, and on the other points in OR on and west of U.S. 97 and points in WA. (Hearing site: Seattle or Bellingham, WA.)

MC 147050 (Sub-6F), filed October 3, 1979. Applicant: PETER HOLMAN TRUCKING, INCORPORATED, 3504 South Federal Highway, Fort Pierce, FL 33450. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. *Contract carrier,* transporting *such commodities as are dealt in or used by manufacturers or dealers of recreational devices* (except commodities in bulk), between the facilities of Ebonite Corporation at Miami Lakes, FL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Ebonite Corporation, of Miami Lakes, FL. (Hearing site: Miami, FL.)

MC 147050 (Sub-7F), filed October 17, 1979. Applicant: PETER HOLMAN TRUCKING, INC., 3504 South Federal Hwy., Fort Pierce, FL 33450. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Transporting *covering materials* (except commodities in bulk), from New York, NY, to points in FL. (Hearing site: Miami, FL.)

MC 147811 (Sub-3F), filed October 3, 1979. Applicant: FLO-JO CONTRACTING, INC., P.O. Box 283, Belgrade Lakes, ME 04918. Representative: Karl A. Johnson (same address as applicant). *Contract carrier,* transporting (1) *salt, lime, and chemicals,* in bags, from ports of entry on the international boundary line between the United States and Canada located at or near Derby Line and Norton, VT, Jackman, Coburn Gore, and Calais, ME, Champlain, Syracuse, and Watkins Glen, NY, and from points in the New York, NY, Commercial Zone as defined by the Commission to points in ME, under continuing contract(s) with W. H. Shurtleff Co., of Portland, ME, (2) *lumber,* from Belgrade and Cornville, ME, to ports of entry on the international boundary line between the United States and Canada located at or near Derby Line, Norton and Newport, VT, Jackman and Coburn Gore, ME, and Champlain, NY, under continuing contract(s) with Can-Am Lumber Co., of Skowhegan, ME, and (3) *lumber,* from ports of entry on the international boundary line between the United States and Canada located at or near Coburn Gore and Jackman, ME, to Leeds, ME, under continuing contract(s) with Dayken Pallet Co., of Monmouth, ME. (Hearing site: Portland or Augusta, ME.)

MC 147851 (Sub-3F), filed October 26, 1979. Applicant: KWESVA, INC., 4000 Lambert Ave., Louisville, KY 40218. Representative: Herbert D. Liebman, P.O. Box 478, Frankfort, KY 40602. Transporting *adhesives,* in drums, from Louisville, KY, to Cincinnati, OH, and Palatine, IL. (Hearing site: Louisville or Frankfort, KY.)

MC 147961 (Sub-2F), filed October 2, 1979. Applicant: WESTERN ALFALFA TRANSPORTATION SYSTEMS, INC., P.O. Box 69, Shawnee Mission, KS 66201. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Contract carrier transporting *alfalfa products,* (1) between points in KS, CO, MO, and NE, and (2) from points in KS, CO, MO, and NE, on the one hand, and on the other, points in the United States (except AK, and HI), under continuing contract(s) with Western Alfalfa Corp. (Hearing site: Kansas City, MO.)

MC 148301(Sub-1F), filed October 1, 1979. Applicant FRANCIS J. BURKE, d.b.a. BEE TRUCKING, 2812 South Hillock Ave., Chicago, IL 60608. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, moving on bills of lading of freight forwarders, between Cleveland, Cincinnati, and Columbus, OH, on the one hand, and, on the other, Chicago, IL. (Hearing site: Chicago, IL.)

MC 148310 (Sub-2F), filed October 25, 1979. Applicant: CACTUS TRANSPORT, INC., P.O. Box 2059, Wickenburg, AZ 85358. Representative: Keenan O. Holte, P.O. Box 2241 Wickenburg, AZ 85358. *Contract carrier,* transporting (1) *asphalt products and granulated rubber,* and (2) *such commodities* as are used in the construction and maintenance of streets, roads, highways, airports, and parking lots, between points in the United States (including AK and HI), under continuing contract(s) with Sahuaro Petroleum & Asphalt Co., of Phoenix, AZ. (Hearing site: Phoenix, AZ.)

MC 148500 (Sub-2F), filed October 25, 1979. Applicant: BULK HAULERS, INC., Rural Route 6, Hwy 49, North, Box 272J, Macon, GA 31211. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting (1) *basic slag,* in bulk, in dump vehicles, from points in Jefferson County, AL, to points in FL, GA, and SC, and (2) *dolomite limestone,* in bulk, in dump vehicles, from points in Lee County, AL, to points in GA. (Hearing site: Macon, or Atlanta, GA.)

MC 148541F, filed October 4, 1979. Applicant: MPI CORP., RD 6, Bridgeton, NJ 08302. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. *Contract carrier,* transporting *liquid fuel,* in bulk, from Delaware City, DE, to points in Cumberland County, NJ, under continuing contract(s) with Sasdelli Oil Company, Inc., of Vineland, NJ, and Progresso Fuel Company of Franklinville, NJ. (Hearing site: Philadelphia, PA.)

Passengers

MC 99891 (Sub-15F), filed October 24, 1979. Applicant: ARROW COACH LINES, Box 476, Brownwood, TX 76801. Representative: Thomas F. Sedberry, 801 Vaughn Bldg., Austin, TX 78701. Transporting (1) *passengers and their baggage,* and express in the same vehicle with passengers, coordinating with existing service, (a) between San Antonio and Wichita Falls, TX, over Interstate Hwy 10 to Comfort, TX, then over U.S. Hwy 87 to Fredericksburg, TX, then over State Road 16 to DeLeon, TX, then over State Hwy 6 to Eastland, TX, then over State Rd 69 and U.S. Hwy 183 to Breckenridge, TX, then over State Rd 67 to Graham, TX, then over State Rds 251 and 79 to Wichita Falls, TX, and return over the same route, (b) between Hearne and Huntsville, TX, over U.S.

Hwy 79, FM Road 50 and State Hwy 21 to Bryan, TX, then over State Hwy 30 to Huntsville, TX, and return over the same route, (c) between Kingsville and Corpus Christi, TX, over State Rd 44 to Robstown, TX, then over U.S. Hwy 77 to Kingsville, TX, and return over the same route, and (2) *passengers and their baggage,* in the same vehicle with passengers, in round trip special or charter operations, beginning and ending at named points described in (1) above and extending to points in the United States (except HI). (Hearing site: Houston, or San Antonio, TX.)

MC 148580F, filed October 17, 1979. Applicant: A & C CHARTER SERVICE, INC., 12 Cole Terrace, New Rochelle, NY 10801. Representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, beginning and ending at points in Westchester and Rockland Counties, NY, and extending to points in CT, DE, IL, IN, MD, MA, MI, NJ, NY, OH, PA, RI, VA, WV, and DC. (Hearing site: New York, NY.)

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Decided: Feb. 8, 1980

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 200 (Sub-402F), filed September 27, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis (same address as applicant). Transporting *meats, meat products, meat byproducts,* and *articles distributed by meat-packing houses* as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of American Beef Packers, Inc., at or near Oakland, IA to points in AR, AL, FL, GA, KY, LA, MI, MN, NC, OK, SC, TN, TX, VA, WI, and WV, restricted to the transportatioan of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Kansas City, MO.)

MC 200 (Sub-406F), filed October 5, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis (same address as applicant). Transporting *meats, meat products, meat byproducts,* and *articles distributed by meat-packing houses* as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Lakin Meat Processors located at or near Omaha, NE to points in AL, AR, FL, GA, KY, LA, MN, NS, NC, OK, SC, TN, TX, VA, WI, and WV, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Kansas City, MO.)

MC 200 (Sub-410F), filed October 5, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis (same address as applicant). Transporting *books,* serving Westminster, MD, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Kansas City, MO.)

MC 531 (Sub-430F), filed October 28, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road (P.O. Box 14048), Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *clay, clay slurry* and *clay products,* in bulk, in tank vehicles, from points in Jefferson, Washington, Wilkinson, Warren, Richmond and Twiggs Counties, GA to points in AL, AR, LA, MS, and TX. (Hearing site: Brimingham, AL or New Orleans, LA.)

Note.—Common control may be involved.

MC 730 (Sub-470), filed September 17, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, P.O. Box 8004, Walnut Creek, CA 94596. Representative: R. N. Cooledge (same address as applicant). Transporting *jet fuel,* in bulk, in tank vehicles, from Woodward, OK and Salina, KS, to Los Angeles, CA. (Hearing site: Los Angeles or San Francisco, CA.)

MC 730 (Sub-479F), filed October 29, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 25 No. Via Monte, Walnut Creek, CA 94596. Representative: E. E. Reddick (same address as applicant). *Contract carrier,* transporting *printing paper,* (except newsprint), serving the facilities of Newton Falls Paper Mill, Inc., at or near Newton Falls, NY, as an off-route point in connection with carriers authorized regular-route operations. (Hearing site: Syracuse, NY, or San Francisco, CA.)

MC 2900 (Sub-394F), filed September 20, 1979. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the facilities of International Paper Company, at or near Mansfield, LA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Houston, TX, or Washington, DC.)

MC 2900 (Sub-400F), filed September 28, 1979. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Rd., P.O. Box 2408–R, Jacksonville, FL 32203. Representative: Paul Dixon (same address as applicant). Transporting copper pipe from Sauget, IL, to Vanderbilt, MI. (Hearing site: St. Louis, MO, or Atlanta, GA.)

MC 2900 (Sub-401F), filed September 28, 1979. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). Over regular routes, transporting: *general commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, those requiring special equipment and household goods as defined by the Commission): (1) Between the junction of Interstate Hwys 94 and 35W and the junction of Interstate Hwys 74 and 75 from the junction of Interstate Hwys 94 and 35W over Interstate Hwy 94 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction U.S. Hwy 51 then over over U.S. Hwy 51 to junction Interstate Hwy 74 then over Interstate Hwy 74 to junction IL Hwy 1 (also from junction Interstate Hwys 94 and 25W over Interstate Hwy 94 to junction U.S. Hwy 41 then continuing over Interstate Hwy 94 to junction IL Hwy 1 then over IL Hwy 1 to junction of Interstate Hwy 74) (also over Interstate Hwy 94 as described above to junction Interstate Hwy 90 then over Interstate Hwy 90 to junction IL Hwy 1 then over IL Hwy 1 to junction Interstate Hwy 74) then over Interstate Hwy 74 to junction Interstate Hwy 75, and return over the same route, serving no intermediate points, and serving the termini and the junctions of Interstate Hwy 94 and U.S. Hwy 41, Interstate Hwy 90 and IL Hwy 1, and Interstate Hwy 94 and IL Hwy 1 for the purpose of joinder only, as an alternate route for operating convenience only. (2) between the junction of Interstate Hwys 94 and 35W and junction of Interstate Hwys 55 and 40, from the junction Interstate Hwys 94 and 35W, over Interstate Hwy 35 to junction Interstate Hwy 35, then over Interstate Hwy 35 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction U.S. Hwy 65, then over U.S. Hwy 65 to junction

U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction Interstate Hwy 55, then over Interstate Hwy 55 to junction Interstate Hwy 40 and return over the same route, serving no intermediate points and serving the termini and the junctions of Interstate Hwys 35 and 70, as an alternate route for operating convenience only and (3) between the junction of Interstate Hwy 70 and 25 and the junction of combined Interstate Hwys 71 and 75 and U.S. Hwy 50, from the junction of Interstate Hwys 70 and 25, over Interstate Hwy 70 to junction Interstate Hwy 64, then over Interstate Hwy 64 to junction Interstate Hwy 71 then over Interstate Hwy 71 to junction Interstate Hwy 75, then over combined Interstate Hwys 71 and 75 to junction U.S. Hwy 50, and return over the same route serving no intermediate points and serving the termini and the junctions of Interstate Hwys 70 and 35, Interstate Hwys 70 and 64 and Interstate Hwys 64 and 71, for the purpose of joinder only, as an alternate route for operating convenience only. (Hearing site: Washington, D.C. or Jacksonville, FL.)

MC 2960 (Sub-36F), filed October 26, 1979. Applicant: ENGLAND TRANSPORTATION COMPANY OF TEXAS, A corporation, 2301 McKinney St., Houston, TX 77023. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities as are dealt in by business and office supply companies,* from the facilities of United Stationers, at Dallas, TX, to New Orleans, LA. (Hearing site: Chicago, IL, or Dallas, TX.)

MC 3121 (Sub-8F), filed September 28, 1979. Applicant: STEEL TRUCKING, INC., 210 Northview Dr., Brookfield, OH 44403. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *iron and steel articles and materials, supplies and equipment used in the manufacture and distribution of iron and steel articles,* between Sharon, Farrell and Greenville, PA, Dearborn, MI, and Warren, OH, on the one hand, and, on the other, points in IL, IN and MI, under continuing contract(s) with Sharon Steel Corporation, of Sharon, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 3121 (Sub-9F), filed October 11, 1979. Applicant: STEEL TRUCKING, INC., 210 Northview Dr., Brookfield, OH 44403. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract carrier,* transporting *pipe, and materials, supplies and equipment used in the production and distribution of pipe,* between Sharon and Wheatland, PA, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA, under continuing contract(s) with Wheatland Tube Company, of Wheatland, PA, and Sawhill Tubular Division of Cyclops Corporation, of Sharon, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 4941 (Sub-67F), filed August 9, 1979, and previously noticed in the **Federal Register** issue of February 20, 1980. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello St., Brockton, MA 02403. Representative: Russell S. Callahan (same address as applicant). Transporting *paper and paper products,* from the facilities of Fonda/Royal Lace Group, Division of Saxon Industries, Inc., at St. Albans, VT, to points in IL, IN, KS, MI, MN, MO, OH, and WI. This republication shows MO as a destination state in lieu of MD. (Hearing site: Boston, MA.)

MC 4941 (Sub-72F), filed October 4, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello St., Brockton, MA 02403. Representative: Russell S. Callahan (same address as applicant). Transporting *boot or shoe findings, and materials, equipment, and supplies used in the manufacture and distribution of boots or shoes,* from Brockton, MA, to Cincinnati, OH. (Hearing site: Boston, MA, or Washington, DC.)

MC 4941 (Sub-82F), filed October 29, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello St., Brockton, MA 02403. Representative: Russell S. Callahan (same address as applicant). Transporting (1) *adhesives, building materials, fabricated metal products, gypsum and gypsum products, paint and paint products, lime (except in bulk), paper,* and (2) *materials, equipment and supplies used in the manufacture, production, distribution and installation of commodities named in (1) above,* between the facilities of the United States Gypsum Company at or near (a) Baltimore, MD, (b) Boston, MA, (c) Clark, Camden, and Kearney, NJ, (d) Philadelphia, PA, and (e) Oakfield and Stony Point, NY, on the one hand, and, on the other, points in WI, MI, IL, KY, TN, IN, OH, NC, VA, WV, MD, DE, PA, NJ, NY, CT, RI, MA, VT, NH, ME, and DC. (Hearing site: Boston, MA, or Chicago, IL.)

MC 7840 (Sub-21F), filed October 5, 1979. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper St., Watertown, NY 13601. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW, Washington, DC 20001. Transporting *foundry sand, foundry sand additives, foundry core compounds, sodium silicate, and processed clay,* from Albion, MI, Granite City, IL, and Columbus, OH, to points in ME, NH, NY, and VT. (Hearing site: Chicago, IL.)

MC 7840 (Sub-22F), filed October 5, 1979. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper St., Watertown, NY 13601. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW, Washington, DC 20001. Transporting *paper and paper products,* from Plattsburgh, NY to points in CT, DE, IL, IN, MA, MD, ME, MI, NH, NY, OH, PA, RI, VT, and DC. (Hearing site: New York, NY.)

MC 11220 (Sub-179F), filed October 22, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Over *regular routes,* transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Decatur and Gadsden, AL, from Decatur over AL Hwy 67 to junction U.S. Hwy 231, then over U.S. Hwy 231 to junction U.S. Hwy 278, then over U.S. Hwy 278 to Gadsden and return over the same route, serving no intermediate points and serving the junction of AL Hwys 67 and 69, and the junction of U.S. Hwy 278 and AL Hwy 75 for purposes of joinder only, (2) between the junction of AL Hwys 67 and 69 and Gadsden, AL, from junction AL Hwys 67 and 69 over AL Hwy 69 to junction U.S. Hwy 431, then over U.S. Hwy 431 to Gadsden, and return over the same route, serving the intermediate points of Guntersville, Albertville and Boaz, AL, and serving the junction of AL Hwys 67 and 69 for purposes of joinder only, and (3) between the junction of U.S. Hwy 278 and AL Hwy 75, and Albertville, AL, over AL Hwy 75, serving no intermediate points. (Hearing site: Birmingham, AL.)

Note.—Applicant intends to tack with its existing authority at Decatur and Gadsden, AL.

MC 11220 (Sub-180F), filed October 29, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101 Transporting *wood fibreboard,* and *materials* and *supplies* used in the installation thereof, from Laurel, MS, to points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, OH, OK, PA, TN, TX, WV, and WI, restricted to the transportation of shipments originating at the facilities of Masonite Corporation. (Hearing site: New Orleans, LA.)

MC 11220 (Sub-182F), filed October 5, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Conyers, GA, as an off-route point in connection with carrier's authorized regular-route operations from and to Atlanta, GA. (Hearing site: Chicago, IL.)

MC 11220 (Sub-183F), filed October 2, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Transporting (1) *paper* and *paper products,* from the facilities of Crown Zellerbach Corp., at or near Zee, LA, to points in IL, IN, and OH, and (2) *equipment, materials,* and *supplies* used in the manufacture, and distribution of the commodities named in (1) above (except commodities in bulk), in the reverse direction, restricted in (1) and (2) above to the transportation of shipments originating at or destined to the facilities of Crown Zellerbach Corp. (Hearing site: New Orleans, LA.)

MC 13651 (Sub-21F), filed October 8, 1979. Applicant: PEOPLES TRANSFER, INC., 1430 West 11th St., Long Beach, CA 90813. Representative: Edward J. Hegarty, 100 Bush St., 21st Floor, San Francisco, CA 94104. Transporting *such commodities* as are dealt in or used by grocery and food business houses, or discount and variety houses, between points in AZ, CA, NV, OR and WA. (Hearing site: Sacramento or San Francisco, CA.)

MC 22311 (Sub-23F), filed October 1, 1979. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46325. Representative: Marvin Mickow (same address as applicant). Transporting (1) *railway track equipment, materials* and *supplies* and (2) *iron* and *steel articles,* between points in IL, MN, MI, TN, GA, IN, WI, OH, KY, PA, MO, IA, TX, OK, WV, and VA, restricted to shipments originating at or destined to the facilities of Hyman Michaels Company, a division of Azcon Corporation. (Hearing site: Chicago, IL, or Washington, DC.)

MC 28060 (Sub-60F), filed September 28, 1979. Applicant: WILLERS, INC., d.b.a. WILLERS TRUCK SERVICE, 1400 North Cliff Ave., Soiux Falls, SD 57101. Representative: Bruce E. Mitchell, 3390 Peachtree Road, N.E., Atlanta, GA 30326. Transporting *such commodities* as are dealt in or used by restaurant supply houses (except commodities in bulk), from points in MN, WI and IL, to the facilities of Hogg Restaurant Supply Service, at or near Aberdeen, SD.

MC 43421 (Sub-66F), filed October 9, 1979. Applicant: DOHRN TRANSFER COMPANY, a corporation, 4016 9th St., (P.O. Box 1237), Rock Island, IL 61201. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. Transporting *alcoholic liquors and materials and supplies* used in the manufacture and sale of alcoholic liquors and beverage products between points in IL, on the one hand, and, on the other, Bardstown, Clermont, Cox's Creek, Frankfort and Louisville, KY, restricted against the transportation of commodities in bulk. (Hearing site: Chicago, IL.)

MC 47171 (Sub-145F), filed October 3, 1979. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *tires and articles* used in the manufacture and distribution of tires (except in bulk), from and distribution of tires (except in bulk), from Tuscaloosa, AL, to Atlanta, GA. (Hearing site: Columbia, SC.)

MC 48441 (Sub-42F), filed April 25, 1979, and previously noticed in FR issue of October 16, 1979. Applicant: R.M.E. INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting (1) *such commodities* as are dealt in by grocery and food business houses and agricultural feed business houses, (2) *soy products,* (3) *paste,* (4) *flour products,* and (5) *dairy based products,* and (6) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) through (5) above (except commodities in bulk), between points in AZ, CA, IL, IN, IA, KS, KY, MD, MI, MN, MO, NJ, NY, OH, PA, TN, and WI, restricted to the transportation of traffic originating at or destined to the facilities used by Ralston Purina Company. (Hearing site: St. Louis, MO.)

Note.—This republication corrects the commodity and territorial description.

MC 42460 (Sub-265F), filed October 4, 1979. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 West 35th St., Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *paper* and *paper products, chemicals, plastic* and *plastic products,* and *materials, equipment* and *supplies* used in the distribution and manufacture thereof (except commodities in bulk), between points in the United States (except AK and HI), restricted to traffic moving from or to facilities of Union Camp Corporation. (Hearing site: Dallas, TX, or Washington, DC.)

MC 52460 (Sub-267F) filed September 27, 1979. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 47107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *plastic articles,* and *equipment, materials and supplies* as are used in the manufacture and distribution of plastic articles (except commodities in bulk and those which because of size and weight require the use of special equipment), between the facilities of Fort Howard Paper Company, at or near Muskogee, OK on the one hand, and on the other points in AR, CO, KS, LA, MO, NE, NM, OK, and TX. (Hearing site: Washington, DC.)

MC 52460 (Sub-268F) filed October 22, 1979. Applicant: ELLEX TRANSPORTATION, INC., 1420 W 35th Street, P.O. Box 9637, Tulsa, OK 47107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting (1) *paper and paper products,* from the facilities of Westvaco at or near New Orleans, LA, to points in AL, AR, CO, FL, GA, IA, KS, MS, MO, NM, NC, OK, SC, TN, TX, those points in IL on and south of a line beginning at the MO-IL State line extending along U.S. Hwy 24 to the IS-IN State line, and those points in NE on and east of a line beginning at the KS-NE State line and extending along U.S. Hwy 81 to the NE-SD State line, and (2) *materials, equipment* and *supplies* used in the manufacture of paper and paper products (except commodities in bulk, in tank vehicles), in the reverse direction. (Hearing site: New Orleans, LA.)

MC 52861 (Sub-80F), filed October 1, 1979. Applicant: WILLS TRUCKING, INC., 3185 Columbia Rd., Richfield, OH 44286. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting (1) *iron and steel articles,* and (2) *equipment, materials and supplies used in the manufacture of iron and steel articles,* between Cleveland, OH, on the one hand, and, on the other, points in IN, IL, MI, and WI. (Hearing site: Columbus, OH.)

MC 52921 (Sub-36F), filed September 27, 1979. Applicant: RED BALL, INC., P.O. Box 520, Sapulpa, OK 74066. Representative: Frank P. Burzio (same address as applicant). Transporting *plastic articles, and equipment,*

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materials and supplies as are used in the manufacture and distribution of articles (except commodities in bulk and those which because of size and weight require the use of special equipment), between the facilities of Fort Howard Paper Company, at or near Muskogee, OK, on the one hand, and, on the other, points in AR, CO, KS, LA, MO, NE, NM, OK, and TX. (Hearing site: Oklahoma City, OK.)

MC 53841 (Sub-36F), filed October 9, 1979. Applicant: W. H. CHRISTIE & SONS, INC., Box 517, East State Street, Knox, PA 16232. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Transporting *iron and steel wire rods,* in coils, from Perth Amboy, NJ, to points in IL, IN, KY, MI, NC, OH, PA, TN, and WV. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 57591 (Sub-27F), filed October 22, 1979. Applicant: EVANS DELIVERY COMPANY, INC., P.O. Box 268, Pottsville, PA 17901. Representative: Albert L. Evans, Jr. (same address as above). Transporting *aluminum articles, and materials, equipment, and supplies* used in the manufacture and distribution of aluminum articles between the plant site of Cressona Aluminum Corporation, at Cressona, PA, on the one hand, and, on the other, points in CT, DE, MD, NJ, NY, VA, and DC. (Hearing site: Philadelphia, PA.)

Note.—Common control may be involved.

MC 57591 (Sub-28F), filed October 22, 1979. Applicant: EVANS DELIVERY COMPANY, INC., P.O. Box 268, Pottsville, PA 17901. Representative: Albert L. Evans, Jr. (same address as applicant). Transporting (1) *carpets, carpet padding, adhesives, solvents, and chemicals,* and (2) *materials and supplies* used in the manufacture of carpets and carpet padding, between the facilities of General Felt Industries, at Haverhill, MA, on the one hand, and, on the other, points in CT, DE, MD, NJ, NY, PA, RI, VA, and DC. (Hearing site: Washington, DC.)

MC 59640 (Sub-75F), filed September 18, 1979. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Dr., Cranford, NJ 07106. Representative: Charles J. Williams, 1815 Front St., Scotch Plains, NJ 07076. Transporting *such commodities* as is dealt in or used by wholesale, retail, and chain grocery and food business houses, supermarkets, and agricultural feed businesses, soy products, paste, flour products, and pet food products (except commodities in bulk), between the points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to facilities used by Ralston Purina Company, under continuing contract(s) with the Ralston Purina Company, of St. Louis, MO. (Hearing site: Newark, NJ, or New York, NY.)

MC 61231 (Sub-160F), filed October 1, 1979. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., 4143 East 43rd St., Des Moines, IA 50317. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *animal litter,* and *such commodities as are dealt in or used by manufacture and distributors of cellulose materials and products* (except commodities in bulk) between points in AR, AZ, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MO, MT, NE, NM, ND, OH, OK, SD, TN, TX, WI and WY, restricted to traffic originating at or destined to the facilities of Diversified Insulation, Inc. (Hearing site: St. Paul, MN.)

MC 67450 (Sub-98F), filed June 28, 1979. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Transporting (1) *such commodities* as are dealt in by grocery and food business houses and agricultural feed business houses, (2) *soy products,* (3) *paste,* (4) *flour products, and* (5) *dairy based products,* and (6) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) through (5) above, between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities used by Ralston Purina Company. (Hearing site: Chicago, IL.)

MC 68100 (Sub-37F), filed October 1, 1979. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Box Drawer G, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison St., Topeka, KS 66603. Transporting *plastic pipe, plastic conduit, extruded plastic products, and fittings and accessories for such commodities,* from the facilities of Peerless Plastic, at Garden City, KS, to points in the United States (except AK and HI). (Hearing: Wichita, KS, or Tulsa, OK.)

MC 74321 (Sub-150F), filed September 26, 1979. Applicant: B. F. WALKER, INC., 1555 Tremont Place, P.O. Box 17–B, Denver, CO 80217. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. Transporting (1) *cooling equipment and parts,* and (2) *materials, equipment and supplies* (except in bulk), used in the manufacture and distribution of the commodities named in (1) above, between points in the United States (except AK and HI), to the transportation of shipments in (1) above originating at facilities used by The Marley Cooling Tower Company and in (2) above to the transportation of shipments destined to facilities of The Marley Cooling Tower Company. (Hearing site: Dallas, TX, or New Orleans, LA.)

MC 85970 (Sub-29F), filed September 27, 1979. Applicant: SARATAIN TRUCK LINE, INC., 1625 Hornbrook St., Dyersburg, TN 38024. Representative: Larry Kilzer (same as applicant). Transporting *such commodities* as are dealt in and used by manufactures of plastic and plastic products, (except in bulk), between the facilities of the Ethyl Corporation at or near Tiptonville, TN, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Memphis, TN.)

MC 93840 (Sub-50F), filed September 26, 1979. Applicant: GLESS BROS. INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Building, Des Monies, IA 50309. Transporting *feed phosphate,* in dump vehicles, from the facilities of Hocker Chemical at or near Montpelier, IA, to Ashkum, IL. (Hearing site: Des Moines, Iowa.)

MC 94201 (Sub-179F), filed August 22, 1979. Applicant: BOWAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, Esq., 601–09 Frank Nelson Building, Birmingham, AL 35203. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) Between Memphis, TN, and El Paso, TX: (a) From Memphis over U.S. Hwy. 64 to junction U.S. Hwy. 60, at or near Enid, OK, then over U.S. Hwy. 60 to junction U.S. Hwy. 70 at or near Clovis, NM, then over U.S. Hwy. 70 to junction U.S. Hwy. 54, at or near Tularosa, NM, then over U.S. Hwy. 54 to El Paso, and return over the same route. (b) From Memphis over Interstate Hwy. 40 to junction U.S. Hwy. 87, at or near Amarillo, TX, then over U.S. Hwy. 87 to junction U.S. Hwy. 62, at or near Lubbock, TX, then over U.S. Hwy. 62 to El Paso, and return over the same route. (2) Between Memphis, TN, and Lubbock, TX: From Memphis over U.S. Hwy. 70 to junction U.S. Hwy. 67, at or near Little Rock, AR, then over U.S. Hwy. 67 to junction U.S. Hwy. 82, at or near Texarkana, TX, then over U.S. Hwy. 82 to Lubbock, and return over the same route. (3) Between Texarkana and Houston, TX, over U.S. Hwy. 59. (4) Between Beaumont, and Amarillo, TX; over U.S. Hwy. 287. (5) Between Houston, and El Paso, TX; over Interstate Hwy. 10. (6) Between Shreveport, LA, and Junction Interstate Hwy. 10 and Interstate Hwy. 20, at or near Kent, TX; over Interstate Hwy. 20. (7) Between Houston and Lubbock, TX; From Houston over U.S. Hwy. 290 to junction U.S. Hwy. 183, at or near Austin, TX, then over U.S. Hwy. 183 to junction U.S. Hwy. 84, at or near Goldthwaite, TX, then over U.S. Hwy. 84 to Lubbock, and return over the same route. (8) Between Houston, TX, and Oklahoma City, OK; From Houston over Interstate Hwy. 45 to Dallas, TX, then over Interstate Hwy. 35 to Oklahoma City, and return over the same route. Restricted against traffic moving between points in Texas. The authority here sought will be tacked to the present authority of applicant at Memphis, TN, Texarkana, TX–AR, Dallas, Houston and Beaumont, TX, and Shreveport, LA to provide service between the authority herein sought and that presently held by Bowman, authorizing service in the States of AL, GA, FL, TN, LA, MS, AR, MO, IL, KY, IN, OH, SC, NC, VA, MD, DE, NJ, NY, CT, PA, RI, and MA. (Hearing site: Dallas, TX, or Memphis, TN.)

Note.—Service in connection with the above described routes is authorized at all intermediate points and the off-route points of Ponca City, Bartlesville, Miami, Okmulgee, Sapulpa, McAlester, Chickasha, and Lawton, OK, and all off-route points in Texas.

MC 95540 (Sub-1135F), filed September 25, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of gum removing compound and liquid cleaning compound, between points in PA, MO and CA, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 95540 (Sub-1139F), filed October 3, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting (1) *carpet strips,* and (2) *adhesives, sealants, solvents, stains, wood preservatives,* and *accessories, equipment, materials* and *supplies* used in the installation, maintenance and distribution of floors, floor coverings, walls, and wall coverings, from Asheville, NC, to those points in the United States in and east of TX, OK, MO, and IL, and (2) above, from the facilities of Roberts Consolidated Industries, in Los Angeles County, CA, to points in TX, OK, IA, NE, MO, AR, LA, WI, IL, TN, MS, AL, PA, NY, and MA. (Hearing site: Los Angeles, CA, or Washington, DC.)

MC 95540 (Sub-1140F), filed October 3, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting (1) *Such commodities* as are dealt in by manufacturers, wholesalers, retailers and distributors of marine equipment, and (2) *materials, supplies and equipment* used in the manufacture and distribution of marine equipment, between points in OK, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

MC 95920 (Sub-61F), filed September 24, 1979. Applicant: SANTRY TRUCKING CO., 10505 N.E. 2d Ave., Portland, OR 97211. Representative: George R. LaBissoniere, 1110 Norton Bldg., Seattle, WA 98104. Transporting *foodstuffs,* from the facilities of American Home Foods, Division of American Home Products Corporation, at or near Vacaville, CA, to points in OR and WA, under continuing contract(s) with American Home Foods Division of American Home Products Corporation, of New York, NY. (Hearing site: Portland, OR.)

MC 97251 (Sub-8F), filed October 3, 1979. Applicant: TURNER TRUCKING COMPANY, INC., 1215 W. Main St., Lebanon, IN 46052. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46240. Transporting: (1) *plastic articles* and (2) *materials, equipment* and *supplies* used in the manufacture and distribution of plastic articles (except commodities in bulk), between the facilities of (a) Prairie Industries, Inc. at Lebanon, IN, (b) Genolite Corporation, at Scranton, PA, and (c) General Foam Plastics Corporation, at Norfolk, VA, on the one hand, and, on the other, points in the United States (except AK, HI, ID, MT, NV, ND, OR, SD, UT, WA and WY). (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 105461 (Sub-110F), filed June 18, 1979. Applicant: HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, PA 17566. Representative: Robert R. Herr (same address as applicant). Transporting (1) *paper and paper products,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between points in PA, NY, NJ, DE, MD, ME, NH, VT, CT, MA, RI, OH, VA, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Scott Paper Company. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 106401 (Sub-73F), filed September 26, 1979. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 31577, Charlotte, NC 28231. Representative: Roger W. Rash (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commmission, commodities in bulk, and commodities requiring special equipment), serving the facilities of Mississippi Power and Light Company, at or near Port Gibson, MS, as an off-route point in connection with carriers otherwise authorized regular-route operations. (Hearing site: Jackson, MS, or Atlanta, GA.)

MC 108341 (Sub-166F), filed July 2, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Mr. Jack F. Counts, P.O. Box 26125, Charlotte, NC 28213. Transporting (1) *cranes, and elevators, and (2) parts, attachments, and accessories* for commodities in (1) above (except commodities in bulk), between the facilities of Heede International, Inc., at or near Stamford and New Haven, CT and Alexandria, VA, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR and LA. (Hearing site: New York, NY, or Washington, DC.)

MC 108341 (Sub-172F), filed September 26, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Mr. Jack F. Counts (same address as applicant). Transporting *(1) buildings, and building parts, and (2) materials, accessories, and supplies* used in construction and installation, of commodities in (1) above (except commodities in bulk), from the facilities of Star Manufacturing Company, at or near Homer City, PA, to points in NC, VA, WV, ME, MD, DE, NJ, NY, CT, RI, MA, VT, NH and DC. (Hearing site: Washington, DC.)

MC 110420 (Sub-841F), filed September 27, 1979. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW, Washington, DC 20004. Transporting *chemicals,* in bulk, in tank vehicles, from Beaumont, Houston, Strang, and Orange, TX, to points in the U.S. (except

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AK and HI). (Hearing site: Washington, DC.)

MC 110420 (Sub-842F), filed October 22, 1979. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Transporting *packinghouse products,* in bulk, in tank vehicles, from the facilities of Lauridsen Foods, Inc., at or near Britt, IA to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI. (Hearing site: Chicago, IL, or Washington, DC.)

MC 111661 (Sub-8F), filed October 9, 1979. Applicant: GERDIN TRANSFER, INC., Princeton, MN 55371. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *new school, office and store fixtures and furniture,* in crates or cartons, and (2) *materials, supplies and equipment* (except commodities in bulk) used in the manufacture and sale of commodities named in (1) above, between Princeton, MN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Paul, MN.)

MC 112801 (Sub-246F), filed October 9, 1979. Applicant: TRANSPORT SERVICE CO., a corporation, 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh St. NW, Washington, DC 20001. Transporting *chemicals,* in bulk, in tank vehicles from Atlas Point, DE, to points in OH, IN, MI, IA, MN, and WI. (Hearing site: Washington, DC.)

MC 112801 (Sub-247F), filed October 4, 1979. Applicant: TRANSPORT SERVICE CO., a corporation, 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh St., N.W., Washington, DC 20001. Transporting *sugar,* in bulk, from Chaska, MN, to points in IL, IA, and WI. (Hearing site: Fargo, ND.)

MC 113651 (Sub-313F), filed September 18, 1979. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Representative: Glen L. Gissing (same address as applicant). Transporting *cheese, cheese foods, cheese products,* and *such commodities* as are dealt in by retail and wholesale cheese manufactures and distributors of cheese products, from Horsehead and Waverly, NY, to points in FL, GA, IL, IN, KS, MD MN, MO, NC, OH, PA, SC, TN, TX, VA, and WI. (Hearing site: New York, NY, or Washington, DC.)

MC 114890 (Sub-99F), filed October 22, 1979. Applicant: COMMERCIAL CARTAGE CO., a corporation, 343 Axminster Drive, Fenton, MO 63026. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034. Transporting *hydraulic fluid,* in bulk, in tank vehicles, from Wyandotte, MI, to Alton and Granite City, IL. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 115331 (Sub-522F), filed October 8, 1979. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 11040 Manchester Road, St. Louis, MO 63122. Transporting (1) *charcoal, charcoal briquettes, hickory chips, vermiculite, lighter fluid, fireplace logs* and *accessories* used in outdoor cooking, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of The Kingsford Company, at points in the United States (except AK and HI). (Hearing site: St. Louis, MO, or Louisville, KY.)

MC 115331 (Sub-523F), filed October 9, 1979. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 11040 Manchester Road, St. Louis, MO 63122. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of cellulose, cellulose materials, paper and paper products, laundry supplies (except commodities in bulk), between the facilities of Procter and Gamble, at points in MI, MO, and WI, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Procter & Gamble. (Hearing site: Washington, DC, or St. Louis, MO.)

MC 115491 (Sub-140F), filed October 22, 1979. Applicant: COMMERCIAL CARRIER CORPORATION, Post Office Box 67, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). Transporting *animal and poultry feeds,* and *animal and poultry feed supplements,* from the facilities of Smith-Douglass, Division of Borden Chemical, Borden, Inc., at or near Plant City, FL, to points in TN. (Hearing site: Tampa, FL.)

MC 116300 (Sub-65F), filed October 3, 1979. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635, Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting *sugar* and *empty containers,* between Gramercy and Reserve, LA, on the one hand, and, on the other, Lake Charles and New Orleans, LA. (Hearing site: New Orleans, LA.)

MC 117370 (Sub-39F), filed October 22, 1979. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, WI 53122. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Transporting *(1) foundry materials and supplies and, (2) calcined plaster* between Milwaukee, WI, on the one hand, and, on the other hand, points in Cook, DuPage, Lake, and Will Counties, IL, and Lake and Porter Counties, IN, restricted in (1) and (2) against the transportation of commodities in bulk, in tank or hopper-type vehicles. (Hearing site: Milwaukee, WI or Chicago, IL.)

MC 117940 (Sub-355F), filed October 1, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, those requiring special equipment, and foodstuffs) from the facilities of United Shippers Association, Inc., at points in IL and MO, to points in CT, VA, and UT, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: St. Louis, MO.)

MC 119390 (Sub-18F), filed September 28, 1979. Applicant: MAIRS TRANSPORT LTD., 976 Adair Avenue (P.O. Box 1188), Coquitlam, B.C., Canada V3J 6Z9. Representative: Wallace Aiken, 1215 Norton Bldg., Seattle, WA 98104. Transporting (1) *lumber and lumber products,* (2) *gypsum wallboard and gypsum wallboard products, roofing materials and fiber products,* and (3) *scrap paper in bales,* between points on the international boundary line between the U.S. and Canada in WA and those points in WA on and west of U.S. Hwy 97. (Hearing site: Seattle or Bellingham, WA.)

MC 119531 (Sub-176F), filed October 5, 1979. Applicant: SUN EXPRESS, INC., P.O. Box 1031, Warren, OH 44482. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting *such commodities as are manufactured or dealt in by manufacturers of containers and related accessories and equipment, materials and supplies used in the manufacture of the above described commodities (except in bulk)* between those points in the United States in and east of ND, SD, NE, KS, OK and TX, restricted to the

transportation of traffic originating at or destined to the facilities of or used by Midland Glass Company, Inc. (Hearing site: Columbus, OH.)

MC 119531 (Sub-77F), filed October 12, 1979. Applicant: SUN EXPRESS, INC., P.O. Box 1031, Warren, OH 44482. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting (1) *such commodities* as are dealt in by manufacturers of containers, and (2) *equipment, materials and supplies* used in the manufacture of the commodities in (1) above (except in bulk), between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Inland Steel Container Company. (Hearing site: Columbus, OH.)

MC 119531 (Sub-178F), filed October 22, 1979. Applicant: SUN EXPRESS, INC., P.O. Box 1031, Warren, OH 44482. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting (1) *such commodities as are dealt in by manufacturers of containers, and equipment, materials and supplies used in manufacture of the commodities in (1) above (except in bulk)* between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Continental Can Co., U.S.A., (Hearing site: Columbus, OH.)

MC 119531 (Sub-178F), filed October 31, 1979. Applicant: SUN EXPRESS, INC., P.O. Box 1031, Warren, OH 44482. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting (1) *such commodities as are manufactured or dealt in by manufacturers of containers, and* (2) *equipment, materials and supplies used in the manufacture of the commodities in (1) above (except in bulk)* between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Container Corporation of America. (Hearing site: Columbus, OH.)

MC 119670 (Sub-52F), filed September 27, 1979. Applicant: THE VICTOR TRANSIT CORPORATION, 5250 Este Ave., Cincinnati, OH 45232. Representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, KY 40602. Transporting *glass containers,* from Lawrenceburg, IN, to St. Louis, MO. (Hearing site: Cincinnati, OH.)

MC 119741 (Sub-239F), filed September 28, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *meats, meat products, meat byproducts,* and *articles* distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), from the facilities of Wilson Foods Corporation at Omaha, NE, to points in IL (except Chicago), IN, MI, MN, MO, OH, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

MC 120910 (Sub-27F), filed October 4, 1979. Applicant: SERVICE EXPRESS, INC., Post Office Box 1009, Tuscaloosa, AL 35403. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., Post Office Box 1240, Arlington, VA 22210. Transporting *tires,* (1) between the facilities of B. F. Goodrich Tire Company located at or near Tuscaloosa, AL, on the one hand, and, on the other, the facilities of B. F. Goodrich Tire Company located at or near Columbus, MS; and (2) from the facilities of B. F. Goodrich Tire Company located at or near Columbus, MS, to Birmingham, AL. (Hearing site: Birmingham, AL or Washington, DC.)

MC 120981 (Sub-30F), filed October 26, 1979. Applicant: BESTWAY EXPRESS, INC., 905 Visco Drive, Nashville, TN 37210. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. Transporting *general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between the facilities of American Cyanamid Company at or near Jackson, MS, on the one hand, and, on the other, those points in TX on and east of Interstate Hwy. 35. (Hearing site: Jackson, MS or Nashville, TN.)

MC 120981 (Sub-31F), filed October 29, 1979. Applicant: BESTWAY EXPRESS, INC., 905 Visco Drive, Nashville, TN 37210. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. *Contract carrier* transporting *general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* serving the facilities of Inland Container Division of Inland Steel at or near Canton, MS, as an off-route point in connection with carrier's otherwise authorized regular-route authority. (Hearing site: Jackson, MS or Nashville, TN.)

MC 121420 (Sub-19F), filed September 27, 1979. Applicant: DART TRUCKING COMPANY, INC., 61 Railroad St., Canfield, OH 44406. Representative: Paul F. Berry, 275 East State St., Columbus, OH 43215. Transporting *iron and steel articles;* and *equipment, materials and supplies* used in the manufacture of iron and steel articles, between the facilities of Sharon Steel Corporation at or near Sharon, PA on the one hand, and, on the other, points in MI, IN, and OH. (Hearing site: Columbus, Ohio.)

MC 121470 (Sub-36F), filed September 26, 1979. Applicant: TANKSLEY TRANSFER COMPANY a Corporation 801 Cowan Street, Nashville, TN 37207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting *iron and steel articles,* (1) from Bethlehem and Johnstown, PA to points in KY and TN; (2) from Burns Harbor, IN to points in AR, KY, MS, and TN; (3) from Lackawanna, NY to points in KY and TN; and (4) from Sparrows Point, MD to points in AL, FL, GA, KY, and TN, restricted to the transportation of traffic originating at the facilities of Bethlehem Steel Corporation, at the above-named origins. (Hearing site: Nashville, TN.)

MC 121470 (Sub-37F), filed September 26, 1979. Applicant: TANKSLEY TRANSFER COMPANY a Corporation, 801 Cowan Street, Nashville, TN 37207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting *iron and steel articles,* from the facilities of Republic Steel Corp., at or near Gadsden, AL, to points in AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OH, SC, TN, VA, WV, and PA. (Hearing site: Nashville, TN.)

MC 121821 (Sub-4F), filed October 22, 1979. Applicant: TENNESSEE MOTOR LINES, INC., 402 Maplewood Ave., Nashville, TN 37210. Representative: Edward C. Blank II, P.O. Box 1004, Columbia, TN 38401. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Knoxville, TN, and McMinnville, TN, from Knoxville over Interstate Hwy 40 to junction with US Hwy 127, then over US Hwy 127 to junction with US Hwy 70, then over US Hwy 70 to junction with US Hwy 70S, then over US Hwy 70S to McMinnville, and return over the same route, serving no intermediate points. (Hearing site: Nashville, TN.)

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MC 124211 (Sub-374F), filed October 2, 1979. Applicant: HILT TRUCK LINE, INC., P.O. BOX 988, D.T.S., Omaha, NE 68101. Representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, DC 20001. Transporting: *glass products, metal products, plastic products, clay* and *clay products, feldspar,* and *talc* (except in bulk); (2) *molds* and *machinery* used in the manufacture of glass products (except in bulk) (3) *bottle coating systems* (except in bulk); *parts* and *accessories* for the commodities in (2) and (3) above (except in bulk); and, (5) *materials, equipment,* and *supplies* used in the manufacture and distribution of the commodities in (1), (2), (3), and (4) above (except in bulk), Between the facilities of Flat River Glass Co., at or near Flat River, MO, on the one hand, and on the other, points in the United States (except in AK and HI). (Hearing site: Washington, DC.)

MC 126930 (Sub-28F), filed October 29, 1979. Applicant: BRAZOS TRANSPORT CO., a corporation, P.O. Box 2746, Lubbock, TX 79408. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *lumber, plywood, and particleboard,* from Bon Wier, Silsbee, and Cleveland, TX, to points in TX, restricted to traffic moving in foreign commerce. (Hearing site: Dallas or Houston, TX.)

MC 127840 (Sub-140F), filed October 4, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Dr., Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. Transporting *animal fats, products* and *blends* thereof, in bulk, in tank vehicles, (1) from Guymon, OK to points in AZ, CA, CO, KS, LA, NM, and TX and (2) from Clovis, NM to points in AZ, CA, CO, KS, LA, OK, and TX. (Hearing site: Chicago, IL or Fort Worth, TX.)

MC 127840 (Sub-141F), filed October 22, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Transporting *packinghouse products* in bulk, in tank vehicles, from the facilities of Lauridsen Foods, Inc., at or near Britt, IA, to points in IL, IN, CO, KY, MI, MO, MN, OK, OH, KS, NE, SD, ND, and WI. (Hearing site: Chicago, IL.)

MC 127840 (Sub-142F), filed October 29, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. Transporting *liquid chemicals,* in bulk, in tank vehicles, from the facilities of Monsanto Company at Chocolate Bayou and Texas City, TX, to those points in the United States in and east of LA, AR, MO, IA, and MN. (Hearing site: Houston, TX or Chicago, IL.)

MC 128031 (Sub-7F), filed October 22, 1979. Applicant: GEORGE A. McFARLAND, JR., d.b.a. McFARLAND TRUCKING, P.O. Box 643, Austin, MN 55912. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Transporting *such commodities* as are used in the manufacture and distribution of concrete ready mixers from points in IL, IN, IA, MI, MO, PA, and WI to Dodge Center, MN, restricted to traffic destined to Dodge Center, MN. (Hearing site: St. Paul, MN or Chicago, IL.)

MC 128270 (Sub-45F), filed October 31, 1979. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley Street, Lake Station, IN 46405. Representative: Richard A. Kerwin, 180 North LaSalle Street, Chicago, IL 60601. Transporting *flat glass* from the facilities of PPG Industries, Inc., at or near Crystal City, MO, to points in IL, IN, MI, WI, MN, ND, SD, NE, KS, and IA. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 129510 (Sub-17F), filed September 28, 1979. Applicant: ENGLUND EQUIPMENT COMPANY, a corporation, 740 Old Stage Road, Salinas, CA 93901. Representative: Michael S. Rubin, 256 Montgomery Street, Fifth Floor, San Francisco, CA 94104. Transporting *plastic and plastic products,* and *materials and supplies* used in the manufacture, and distribution of plastic and plastic products (except in bulk), between points in the United States, under a continuing contract(s) with American Hoechst Corporation, of Delaware City, DE. (Hearing site: San Francisco, CA, or Phoenix, AZ.)

MC 129790 (Sub-13F), filed October 16, 1979. Applicant: JOSEPH A. BECKER, d.b.a. BECKER HI-WAY FRATE, Route 5, Box 10B, Albert Lea, MN 56007. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Contract carrier: Transporting *meat, meat products, meat by-products, articles distributed by meat-packing houses, and such commodities as are used by meat packers in the conduct of their business,* as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 MCC 209 & 766 (except hides and commodities in bulk), between the facilities of Lauridsen Foods, Inc., at or near Britt, IA, and the facilities of Armour and Company at or near (a) Mason City, IA, and (b) Worthington, MN, on the one hand, and, on the other, points in AL, AR, CT, DE, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, PA, RI, SD, TN, VT, VA, WV, WI and DC, restricted to traffic originating at the named facilities and destined to the indicated destinations, under continuing contract(s) with Armour and Company, of Phoenix, AZ. (Hearing site: Phoenix, AZ.)

MC 133490 (Sub-12F), filed September 24, 1979. Applicant: LEE'S TRUCKING, INC., Route 2, Box 463, North Branch, MN 55056. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. *Contract carrier* transporting (1) *glassware;* (2) *earthenware;* (3) *glass, metal and plastic containers* from points in IN, NJ, NY, OH, PA and WV, to Minneapolis, MN, under continuing contract(s) with TCB, Inc., Minneapolis, MN. (Hearing site: Minneapolis or Saint Paul, MN.)

MC 133490 (Sub-13F), filed September 24, 1979. Applicant: LEE'S TRUCKING, INC., Route 2, Box 463, North Branch, MN 55056. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Transporting *pre-cut houses, knocked down,* from Minneapolis, MN, to points in IN, KS and KY, under continuing contract(s) with Harvey Builders, Inc., DBA President Homes, of Minneapolis, MN. (Hearing site: Minneapolis or St. Paul, MN.)

MC 133841 (Sub-14F), filed October 1, 1979. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *air handling equipment,* and *materials, equipment,* and *supplies* used in the manufacture, installation, and sales of air handling equipment, between the facilities of the Green Fan Company, division of Ecolaire, located at or near Beacon, NY, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: New York, NY or Washington, DC.)

MC 133920 (Sub-23F), filed October 4, 1979. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, GA 31082. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *cement,* from the facilities of Marquette Cement Co., at Rockmart, GA to points in AL, FL, TN, NC, SC, and GA. (Hearing site: Atlanta, GA.)

MC 135070 (Sub-103F), filed September 13, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *foodstuffs* (except frozen foods and commodities in bulk), from the facilities of Vlasic Foods, Inc.,

at or near Greenville, MS, to points in TX, OK, KS, AR, and MO. (Hearing site: Detroit, MI, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-104F), filed September 20, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting (1) *bananas* and (2) *agricultural commodities,* the transportation of which is otherwise exempt from economic regulation, in mixed loads with bananas, from Port Hueneme, CA, to those points in the United States in and west of IA, MN, MO, OK, TX, and WI (except AK and HI). (Hearing site: Miami, FL, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-105F), filed September 20, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *foundry and industrial mill tools and supplies,* from points in the United States (except AK and HI), to points in KS, MO, AR, LA, OK, and TX. (Hearing site: Dallas, TX or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 135111 (Sub-3F), filed October 29, 1979. Applicant: REESE TRUCKING, INC., P.O. Box 99, Dover, OH 44622. Representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. *Contract carrier* transporting *paper and paper products, and equipment, materials and supplies* used in the manufacture, and distribution of paper and paper products (except commodities in bulk), between those points in the United States in and east of MN, IA, MO, AR, and LA, under continuing contract(s) with Union Camp Corporation, of Wayne, NJ. (Hearing site: Pittsburgh, PA or Cleveland, OH.)

MC 135430 (Sub-4F), filed September 28, 1979. Applicant: LEAVITTS FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, OR 97477. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201. Transporting *treated wood products,* (1) from points in OR and WA, to points in AZ, CO, MT, NM, UT and WY; and (2) from points in ID and MT, to points in AZ, CA, CO, MT, NV, OR, UT and WA. (Hearing site: Portland, OR.)

Note.—Dual operations may be involved.

MC 135861 (Sub-57F), filed October 9, 1979. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Transporting *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) for the account of Armour Fresh Meats Company, Phoenix, AZ, from Brownsville, TX to points in AL, LA, MS, NY and PA. (Hearing site: Dallas, TX or Phoenix, AZ.)

MC 135861 (Sub-58F), filed October 9, 1979. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. Transporting *meats, meat products, meat byproducts and articles distributed by meat-packing houses* as described in Sections A and C to Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Swift & Company, At Brownwood, TX to points in AL, AR, AZ, CA, CO, FL, GA, IL, IN, IA, KS, LA, MI, MN, MO, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, WA, and WI. (Hearing site: Dallas, TX, or Chicago, IL.)

MC 136511 (Sub-77F), filed October 9, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Rd., Lynchburg, VA 23502. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW, Washington, DC 20001. Transporting (1) *foodstuffs,* and (2) *materials, equipment and supplies* used in the manufacture thereof, between the facilities of Anderson Clayton Foods, Division of Anderson Clayton and Company at or near Fresno, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 136711 (Sub-40F), filed October 29, 1979. Applicant: McCORKLE TRUCK LINE, INC., P.O. Box 94968, Oklahoma City, OK 73143. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 24, El Reno, OK 73036. Transporting (1) *roofing granules,* in bulk, from Little Rock, AR, to points in Lauderdale County, MS, and Chatham County, GA, (2) *Soda ash,* in bulk, from Green River, Alchem, T.G. Soda and Stauffer, WY, to points in OK, TX, IL, IN, and LA, and (3) *crushed rock, clay, stone, sand, mineral and synthetic aggregates,* in bulk, (a) between points in MO, on the one hand, and, on the other, points in Columbia, Hempstead, Howard, Lafayette, Little River, Miller, Ouachita, Polk and Sevier Counties, AR, Bossier, Caddo, Desoto, and Webster Parishes, LA, and Bowie, Camp, Cass, Collin, Delta, Fannin, Franklin, Grayson, Harrison, Hopkins, Hunt, LaMar, Marion, Morris, Panola, Red River, and Titus Counties, TX, (b) between points in AR (except Columbia, Hempstead, Howard, Lafayette, Little River, Miller, Ouachita, Polk, and Sevier Counties, AR), on the one hand, and, on the other, points in Bossier, Caddo, Desoto and Webster Parishes, LA, and Bowie, Camp, Cass, Collin, Delta, Fannin, Franklin, Grayson, Harrison, Hopkins, Hunt, LaMar, Marion, Morris, Panola, Red River and Titus Counties, TX, (c) between points in Bossier, Caddo, Desoto and Webster Parishes, LA, on the one hand, and, on the other, points in OK (except Atoka, Bryan, Choctaw, McCurtain, and Pushmataha Counties, OK) and TX (except Bowie, Camp, Cass, Collin, Delta, Fannin, Franklin, Grayson, Harrison, Hopkins, Hunt, LaMar, Marion, Morris, Panola, Red River, and Titus Counties, TX), (d) between points in OK (except Atoka, Bryan, Choctaw, McCurtain and Pushmataha Counties, OK), on the one hand, and, on the other, points in Columbia, Hempstead, Howard, Lafayette, Little River, Miller, Ouachita, Polk and Sevier Counties, AR, and (e) between points in AR, KS, MO, OK and TX, on the one hand, and, on the other, points in AL, GA, MO, MS, NE, SC, TN and WY. (Hearing site: Oklahoma City, OK or Kansas City, MO.)

MC 138420 (Sub-42F), filed October 4, 1979. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., Route 1, P.O. Box 147, Cleveland, WI 53063. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting (1) *malt beverages* from Pittsburgh, PA to points in MO and those in IL on and south of U.S. Hwy. 136, and (2) *materials, equipment,* and *supplies* used in the manufacture and distribution of malt beverages in the reverse direction. (Hearing site: Madison, WI or Pittsburgh, PA.)

MC 138701 (Sub-4F), filed September 26, 1979. Applicant: G. D. & K., INC., 500 W, Main St., Wyckoff, NJ 07481. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. *Contract carrier* transporting *disposal hospital devices and supplies, monitoring electrodes,* (1) from (a) Jacksonville, FL to Spartanburg, SC, and (b) from Dayton, OH and Spartanburg, SC to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacturing, packaging and sale thereof (except in bulk) in the reverse direction, under continuing contract(s)

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with NDM Corporation. (Hearing site: Newark, NJ.)

MC 138741 (Sub-99F), filed October 5, 1979. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *iron and steel articles*, between Little Rock, AR, on the one hand, and, on the other, points in IA, IL, IN, KY, MO, NE, OK, TN, and TX. (Hearing site: Little Rock, AR.)

MC 138941 (Sub-37F), filed October 22, 1979. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservior St., Pomona, CA 91766. Representative: Ralph B. Matthews, P.O. Box 56387, Atlanta, GA 30343. Transporting (1) *plastic and plastic articles*, and (2) *materials and supplies* used in the manufacture of plastic articles (except commodities in bulk), between the facilities of International Paper Company, at or near (a) Hudson, NC, and (b) Litchfield, IL, on the one hand, and, on the other, points in AZ, CA, CO, ID, IL, IN, KS, LA, MN, MS, MT, NM, NV, OK, OR, SD, TX, UT, WA, and WI, under continuing contract(s) with International Paper Company, of New York, NY. (Hearing site: Los Angeles, CA.)

MC 139360 (Sub-11F), filed September 28, 1979. Applicant: RAEMARC, INC., 1903 Chicory Rd., Racine, WI 53403, Representative: William D. Brejcha, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting (1) *Such commodities* as are dealt in by wholesale and retail, chain, grocery, and hardware and drug stores, from the facilities of S. C. Johnson & Son, Inc. at or near Waxdale, WI to points in MN; and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities described above in (1), in the reverse direction, under continuing contract(s) with S. C. Johnson & Son, Inc., of Racine, WI. (Hearing site: Racine, WI or Chicago, IL.)

Note.—Dual operations may be involved.

MC 140601 (Sub-17F), filed September 17, 1979. Applicant: BILLY FRANK, d.b.a., FRANK BROS., 349 Abbott Ave., P.O. Box 241, Hillsboro, TX 76645. Representative: Charles E. Munson, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767. Transporting (1) *plastic pipe*, and *fittings and accessories* for plastic pipe, from Waco, TX to points in the U.S. (except AZ, AR, CA, KS, LA, MS, NM, OK, TN, TX, AK, and HI); and (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture of the commodities named in (1) above in the reverse direction under continuing contract(s) with CertainTeed Corporation of Valley Forge, PA. (Hearing site: Dallas or Austin, TX.)

MC 141131 (Sub-2F), filed September 20, 1979. Applicant: THE BIRGE COMPANY, a Corporation, 421 E. 16th St., Paterson, NJ 07514. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting (1) *printing paper* (except newsprint), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), from Glens Falls, NY, to points in the United States east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then north along the boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada. (Hearing site: Newark, NJ.)

MC 141131 (Sub-4F), filed September 19, 1979. Applicant: THE BIRGE COMPANY, INC., 421 East 16th St., Paterson, NJ 07514. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier* transporting *artists materials and supplies*, between Brunswick, ME; Cranbury, NJ; and New York, NY, under continuing contract(s) with M. Grumbacher, Inc. of New York, NY. (Hearing site: Newark, NJ or New York, NY.)

MC 141330 (Sub-4F), filed August 30, 1979. Applicant: MALCOLM POWELL, d.b.a. POWELL TRUCKING, Route One, Lumber City, GA 31549. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Contract carrier* transporting *lumber*, from Lumpkin, GA, and Jacksonville, FL, to points in AL, DE, FL, GA, KY, IL, IN, MD, NJ, NC, OH, PA, SC, TN, VA, and WV, under continuing contract(s) with St. Regis Paper Company of Lumpkin, GA. (Hearing site: Jacksonville, FL, or Atlanta, GA.)

MC 141430 (Sub-5F), filed October 22, 1979. Applicant: TRANS-CONTINENTAL EXPRESS, INC., P.O. Box D, Clarksville, TX 75426. Representative: R. L. Moore (same address as above). Transporting *such commodities* as are sold and used by wholesale and retail stores between the facilities of Gibson Metalux, Inc., at Eufaula, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 142080 (Sub-7F), filed October 22, 1979. Applicant: LITE TRANSPORT, INC., 480 Neponset St., Canton, MA 02021. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody MA 01960. *Contract carrier* transporting (1) *such commodities* as are dealt in by manufacturers and distributors of paper and paper products, and (2) *materials, equipment* and *supplies* used in their production and distribution (except commodities in bulk, in tank vehicles), between points in CT, IL, MA, ME, MI, NH, NY, OH, PA, RI and VT, under continuing contract(s) with Scott Paper Company, of Philadelphia, PA. (Hearing site: Philadelphia, PA.)

MC 142080 (Sub-8F), filed October 22, 1979. Applicant: LITE TRANSPORT, INC., 480 Neponset St., Canton, MA 02021. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody MA 01960. *Contract carrier* transporting (1) *such commodities* as are dealt in by manufacturers and distributors and convertors of paper, paper products, woodpulp, cellulose flour and plastic articles, and (2) *materials, equipment* and *supplies* used in their production and distribution (except commodities in bulk, in tank vehicles), between Edgely, PA, Parchment and Kalamazoo, MI, Nashua, Berlin and Gorham, NH, and Lowell and Lawrence, MA, on the one hand, and, on the other, those points in the United States in and east of MI, IL, MO, AR and LA, under continuing contract(s) with Brown Company, of Kalamazoo, MI. (Hearing site: Detroit, MI.)

MC 142640 (Sub-1F), filed September 18, 1979. Applicant: P.W.K. TERMINALS, INC., 6 Highgate Course, St. Charles, IL 60174. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Contract carrier* transporting *insulation*, and *materials, equipment*, and *supplies* used in the manufacture and distribution of insulation between Gilberts, IL, on the one hand, and, on the other, points in IA, IN, MI, MN, MO, NE, WI, ND, SD, KY, and KS, under continuing contract(s) with Mono-Therm of Illinois, Gilberts, IL. (Hearing site: Chicago, IL.)

MC 142830 (Sub-4F), filed September 24, 1979. Applicant: TRANSHIELD TRUCKING, INC., 1470 N. Farnsworth Ave., P.O. Box 1617, Aurora, IL 60507. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. *Contract carrier* transporting (1)(a) *aluminum building products, aluminum lawn and garden products, aluminum rods and wire, aluminum coil, aluminium fencing, aluminum lineals and (b) parts and accessories* for those commodities in (a) above, *(2) scrap aluminum, steel and steel products, vinyl articles and products*, and (3) *materials, equipment, and supplies* used in the manufacture, processing, and distribution of the commodities described in (1) and (2) above (except commodities in bulk), between Chatsworth and West Chicago, IL, Davenport, IA, Rice Lake, WI, Atlanta, GA, Harrisburg, PA, Tampa, Miami, Hialeah, Orlando, Hollywood, FL, and Carrollton and San Antonio, TX, on the one hand, and, on the other, points in the United States (except AK and HI) under continuing contract(s) with Nichols-Homeshield, Inc. of West Chicago, IL. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 142920 (Sub-8F), filed October 22, 1979. Applicant: OLIVER TRUCKING CORP., 2203 West Oliver Street, Indianapolis, IN 46221. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier* transporting *such commodities* as are dealt in or used by retail department stores (except in bulk), between New York, NY, and Philadelphia, PA, on the one hand, and, on the other, Indianapolis, IN, under continuing contract(s) with Ayre-Way Stores, Inc., of Indianapolis, IN. (Hearing site: Indianapolis, IN.)

MC 143121 (Sub-5F), filed September 17, 1979. Applicant: TILLAMOOK CARRIERS, INC., 11600 Paramount Bldg., Office "C", Downey, CA 90241. Representative: Stuart R. Mandel, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Contract carrier* Transporting (1) *such commodities* as are dealt in by retail and chain stores, and (2) *materials and supplies* used in the manufacture and distribution of such commodities (except in bulk) from (1) Chicago, IL to Phoenix, AZ, Denver, CO and Boise, ID, Albuquerque, NM, Billings and Butte, MT, Omaha, NE, Reno, NV, Fargo, ND, Salt Lake City, UT and points in CA, IA, OR and WA, and (2) from Reno, NV to points in CA, OR and WA, under a continuing contract(s) with American Home Products Corporation of New York, NY. (Hearing site: New York, NY.)

MC 143390 (Sub-2F), filed October 15, 1979. Applicant: NORTHWEST TRANSPORT, INC., 932 Yorkshire Ave, Rice Lake, WI 54868. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203. *Contract carrier* transporting *lime in bags*, in mixed loads with cement, from Duluth, MN, to points in Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Douglas, Eau Claire, Iron, Pepin, Pierce, Polk, Price, Rusk, Dunn, St. Croix, Sawyer, Taylor, Trempeauleau and Washburn Counties, WI, under continuing contract(s) with Cutler-Magner Company, of Duluth, MN. (Hearing site: St. Paul, MN.)

MC 143621 (Sub-34F), filed October 5, 1979. Applicant: TENNESSEE STEEL HAULERS, INC., 901 5th Avenue, North, Post Office Box 5748, Nashville, TN 37208. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Transporting *iron and steel articles* from the facilities of Tennessee Forging Steel Corporation at or near Harriman, TN and Newport, AR to points in LA, MS, AL, GA, TN, AR, MO, IL, OH, IN, MI, KY, NY, PA, VA, WV, SC, NC, MD, and NJ. (Hearing site: Nashville, TN or Birmingham, AL.)

MC 143621 (Sub-38F), filed September 26, 1979. Applicant: TENNESSEE STEEL HAULERS, INC., 901 5th Avenue, N., Post Office Box 5748, Nashville, TN 37208. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *cross ties* from points in TN to Columbus and Meridian, MS. (Hearing site: Nashville, TN; Washington, DC.)

MC 143891 (Sub-7F), filed October 29, 1979, Applicant: FLYING L. TRUCKING CO., a corporation, P.O. Box 4942, Thousand Oaks, CA 91359. Representative: William J. Monheim, P.O. Box 1756, Whittier CA 90609. Transporting *pet food*, from El Paso, TX, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 143991 (Sub-3F), filed September 26, 1979. Applicant: BICENTENNIAL TRANSPORT, INC., 317 N. North Point Boulevard, Baltimore, MD 21224. Representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Suite 501, Washington, DC 20036. Transporting foodstuffs, (except in bulk), from Baltimore, MD to points in VA, WV, PA, DE, NJ and DC. (Hearing site: Washington, DC.)

MC 144061 (Sub-11F), filed October 4, 1979. Applicant: SICOMAC CARRIERS, INC., 347 Sicomac Avenue, Wyckoff, NJ 07481. Representative: Jack L. Schiller, 345 Webster Avenue, Brooklyn, NY 11230. Transporting *vegetable oils*, in bulk, (1) from the facilities of Capital City Products Co., Division of Stokley-Van Camp Inc., at or near Guttenberg, NJ, to points in DE, GA, IL, IN, MD, MI, MN, MO, NY, NC, OH, PA, SC, TN, TX, and WI, (2) from the facilities of Capital City Products Co., Division of Stokley-Van Camp, Inc. at or near Guttenberg, NJ, and (3) from points in AR, GA, IA, KY, LA, TN, and WI to the facilities of Capital City Products Co., Division of Stokley-Van Camp, Inc., at or near Columbus, OH, and Guttenberg, NJ, under continuing contract(s) with Capital City Products Co., Division of Stokley-Van Camp, Inc., of Columbus, OH. (Hearing site: Columbus, OH.)

MC 144901 (Sub-5F), filed: October 31, 1979. Applicant: INTERMODAL SYSTEMS, INC., P.O. Box 4952, Kansas City, MO 64112. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. Transporting *general commodities*, (except commodities in bulk, in tank vehicles, classes A and B explosives, household goods as defined by the Commission, and commodities which, because of size or weight, require the use of special equipment), between points in the United States (except AK and HI), restricted to traffic having a prior or subsequent movement by rail. Condition: The person or persons engaged in common control of applicant and another regulated carrier must file and application for approval under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Kansas City, MO, or Washington, DC.)

MC 145300 (Sub-4F), filed October 4, 1979. Applicant: MINUTE MAN TRANSIT, INC., 24 Williams St., Dedham, MA 02026. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting *chemicals, medicines, and toilet preparations* (except in bulk), from West Haven, CT to points in ME, MA, NH, RI, and VT. (Hearing site: Boston, MA, or Hartford, CT.)

MC 145301 (Sub-3F), filed October 26, 1979. Applicant: R.E.M. TRANSPORT CO., INC., Building No. 431, Raritan Center, Edison, NJ 08817. Representative: Brian S. Stern, 2425 Wilson Boulevard, Suite 367, Arlington, VA 22201. Transporting *glass* and *glass products*, from the facilities of PPG Industries, Inc., at or near Crystal City, MO, and Mt. Zion, IL, to points in the United States (except AK and HI). (Hearing site: Pittsburgh, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 145341 (Sub-7F), filed September 27, 1979. Applicant: NORTH CENTRAL DISTRIBUTING CO., a corporation, 2001 North University Dr., Box 5453, University Station, Fargo, ND 58105. Representative: William J. Gambucci, P.O. Box 1680, 414 Gate City Bldg., Fargo, ND 58107. Transporting *lumber, lumber mill products, millwork and wood products* from the facilities of Quality Wood Treating Co., Inc., at or near Prairie du Chien and Janesville, WI to points in IA, MN, NE, ND and SD, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Fargo, ND.)

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MC 145371 (Sub-4F), filed October 1, 1979. Applicant: MFCH, INC., Route 1, Kings, IL 61045. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities as are dealt in or used by food business houses and drug stores* (except commodities in bulk), from the facilities of the Procter & Gamble Distributing Company at or near Cheboygan, MI, Neelys Landing, MO, Lima and Toledo, OH, and Green Bay, WI, to points in CA, CO, IL, IN, IA, KS, MI, MN, MO, NE, OH and TN, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Cincinnati, OH or Columbus, OH.)

MC 145441 (Sub-56F), filed September 20, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, N. Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *foodstuffs* (except in bulk), from Ontario and Roubidoux, CA to those points in the United States in and east of ND, SD, KS, OK and TX. (Hearing site: Little Rock, AR, or Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 145441 (Sub-57F), filed September 20, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, N. Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *foodstuffs* (except in bulk), from Vernon, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Little Rock, AR, or Los Angeles, CA.)

MC 145441 (Sub-74F), filed October 29, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey (same address as applicant). Transporting *general commodities* (except commodities in bulk, in tank vehicles) between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Phillips of Phillips Petroleum Company, Phillips Fibers Corp., Phillips Chemicals Co., and Phillips Products Co. at Houston, TX. (Hearing site: Dallas, TX or Washington, DC.)

MC 145870 (Sub-17F), filed September 19, 1979. Applicant: L-J-R HAULING, INCORPORATED, P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting (1) *mining equipment, and parts for such commodities*, and (2) *materials, equipment and supplies* used in the manufacture and installation of mining equipment (except commodities in bulk), between the facilities of Long-Airdox Company at or near Pulaski and Rural Retreat, VA, on the one hand, and, on the other, points in the United States (except AK, HI, AL, AR, CO, IL, IN, KY, MD, OH, OK, PA, TN, UT, VA, WV, and WY). (Hearing site: Washington, DC or Roanoke, VA.)

MC 146360 (Sub-11F), filed September 19, 1979. Applicant: FLOYD SMITH, JR. TRUCKING, INC., P.O. Box 816, Meridian, ID 83642. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting, *such commodities* as are dealt in and used by department, discount and catalog stores (1) from points in CA to points in AZ, NM, UT and (2) from points in CA, DE, IL, IN, MA, MO, NJ, NY, OH, PA, and TN to points in CO, ID, MN, MT, ND, OR, SD, WA and WY, restricted to the transportation of traffic originating at or destined to the facilities of Modern Merchandising Inc., LaBelles Distributing, Dolgin's Jafco, Anchor Distribution, Great Western Distributing, Standard Sales Co., Rogers Distributing, and Miller Sales Co. (Hearing site: Boise, ID or Minneapolis, MN.)

MC 146811 (Sub-3F), filed September 26, 1979. Applicant: PAULUIK BROTHERS LTD., R. R. #5, Thunder Bay, Ontario P7C 5M9. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. to operate in foreign commerce only, transporting *brick and tile*, from ports of entry on the international boundary line between the U.S. and Canada in MN to points in IA, IL, IN, MI, MN, ND, OH, SD and WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 146820 (Sub-3F), filed August 6, 1979, and previously noticed in FR issue of February 14, 1980. Applicant: B & G TRUCKING, INC., 77 East Wilson Bridge Rd., Worthington, OH 43085. Representative: David Turano, 100 East Broad St., Columbus, OH 43215. *Contract carrier*, transporting *such commodities* as are dealt in or used by grocery and food business houses (except frozen commodities and commodities in bulk), (a) between the facilities of The Clorox Company, at Chicago, IL, on the one hand, and, on the other, points in IN, MI, and OH, and (b) between the facilities of The Clorox Company, at Cleveland, OH, on the one hand, and, on the other, points in MI, PA, NY, and NJ, under continuing contract(s) with The Clorox Company, of Oakland, CA. (Hearing site: Columbus, OH, or Washington, DC.)

Note.—This republication clarifies the commodity description.

MC 146841 (Sub-3F), filed October 22, 1979. Applicant: DESERT FREIGHT LINES, INC., 1200 Valencia Avenue, Tustin, CA 92680. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *dried soup ingredients*, from Tustin, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA.)

MC 147170 (Sub-3F), filed October 19, 1979. Applicant: KENNETH DUCKER, d.b.a. K & L TRUCK SERVICE, 461 South Harbor Blvd., La Habra, CA 90631. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. *Contract carrier* transporting *clothing* from the facilities of Petrie Stores Corporation at Dallas, TX, to Los Angeles, Oakland, and San Francisco, CA, under continuing contract(s) with Petrie Stores, of Secaucus, NJ. (Hearing site: Los Angeles, CA.)

Note.—Dual operation may be involved.

MC 147221 (Sub-2F), filed September 20, 1970. Applicant: KIZAR INTERNATIONAL, INC., 2711 North 125th Circle, Omaha, NE 68164. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Transporting *meats*, and *packinghouse products* from Omaha, NE to points in CA. (Hearing site: Omaha, NE.)

MC 147471 (Sub-1F), filed October 19, 1979. Applicant: ALLSTATE TRANSPORT CO., INC., P.O. Box 73, 410 R. Rutherford Avenue, Charlestown, MA 02129. Representative: James M. Fiore (same address as applicant). *Contract carrier* transporting *general commodities* (except those requiring special equipment, classes A and B explosives, and household goods as defined by the Commission) between the facilities of Merchanside Warehouse Co, Inc., Boston, MA, on the one hand, and on the other, points in MA, ME, NH, VT, CT, and RI, under continuing contract(s) with Merchandise Warehouse, of Charlestown, MA. (Hearing site: Boston, MA.)

MC 147681 (Sub-2F), filed September 19, 1979. Applicant: HOYA EXPRESS, INC., P.O. Box 543, R.D. #2, West Middlesex, PA 16159. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *foodstuffs*, from the facilities of Nabisco Inc. at Fair Lawn, NJ to points in IL, IN, MI, and OH. (Hearing site: New York, NY or Washington, DC.)

MC 147831 (Sub-6F), filed October 29, 1979. Applicant: CENTRAL STATES EXPRESS, INC., P.O. Box 2464, Jackson, TN 38301. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. Transporting *(1) electric rotors and stators, and parts thereof*, and *(2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1)*, between the facilities of Copeland Electric Corporation at or near Humboldt, TN, on the one hand, and, on the other, points in IL, IN, MI, NY, OH, PA, TX, and WI. (Hearing site: Jackson, TN.)

MC 148000 (Sub-3F), filed October 19, 1979. Applicant: C. H. DREDGE & CO., INC., 918 South 2000 West, Syracuse, UT 84041. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. Transporting *sodium bicarbonate, sodium carbonate, and cleaning, scouring and washing compounds* (except in bulk and except soda ash) from points in Sweetwater County, WY, to points in OR and WA. (Hearing site: Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 148130 (Sub-1F), filed October 19, 1979. Applicant: SHARP TRANSPORT, INC., Route 1, Box 20, Ethridge, TN 38456. Representative: Jean N. Beckner, P.O. Box 2757, Nashville, TN 37219. *Contract carriers* transporting *such articles as are dealt in by manufacturers of bicycles and lawn and garden care equipment and commodities use in their manufacture* between Lawrenceburg, TN, on the one hand, and, on the other, points in the United States (except AK and HI, under continuing contract(s) with Murray Ohio Manufacturing Co., Inc., of Lawrenceburg, TN. (Hearing site: Nashville, TN.)

MC 148280 (Sub-1F), filed September 27, 1979. Applicant: INTERNATIONAL TRUCKERS INC., P.O. Box 306, Laurel Street, Anguilla, MS 38721. Representative: Bob Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *general commodities* (except commodities in bulk, household goods as defined by the Commission, articles of unusal value, classes A & B Explosives, and those which because of size or weight require the use of special equipment), between the facilities of the Louisiana Midland Railway at Trout, LA, on the one hand, and, on the other, points in the United States (except AK & HI). (Hearing site: Washington, DC.)

MC 148281 (Sub-3F), filed September 26, 1979. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Road, Whittier, CA 90601. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Transporting *bakery products*, and *materials, equipment* and *supplies* used in the manufacture and distribution of bakery products (except in bulk) (1) from Carnegie, PA to points in Los Angeles County, CA and (2) from points in Los Angeles County, CA to Seattle, WA., restricted to the transportation of traffic originating at the facilities of Mallet & Company. (Hearing site: Pittsburgh, PA.)

MC 148291F, filed September 26, 1979. Applicant: RAZORBACK EXPRESS, INC., P.O. Box 1773, Harrison, AR 72601. Representative: Patrick W. Clifford (same address as above). Over regular routes, transporting *general commodities* (except commodities in bulk, those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment) (a) between Springfield, MO, and Harrison, AR, over US Hwy 65 serving all intermediate points in AR, (b) between Harrison, AR, and Gateway, AR over US Hwy 62 serving all intermediate points, and (c) between Harrison, AR, and Mountain Home, AR, over US Hwy 62 serving all intermediate points. (Hearing site: Springfield, MO, or Harrison, AR.)

Note.—Applicant intends to tack this authority with any existing authority.

MC 148291 (Sub-4F), filed September 26, 1979. Applicant: RAZORBACK EXPRESS, INC., P.O. Box 1773, Harrison, AR 72601. Representative: Patrick W. Clifford (same address as above). Over regular routes, transporting *general commodities* (except commodities in bulk, those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment) (a) between Memphis, TN, and Conway, AR, over Interstate Hwy 40, serving no intermediate points, restricted against the transportation of shipments moving between Memphis, TN, and Little Rock, AR. (b) between Memphis, TN, and Harrison, AR, from Memphis over Interstate 55 to junction U.S. Hwy. 63, then over U.S. Hwy. 63 to junction U.S. Hwy. 62, then over U.S. Hwy. 62 to Harrison and return over the same route, serving all intermediate points between Mountain Home, AR, and Harrison, AR, including Mountain Home. (Hearing site: Memphis, TN, or Conway, AR.)

Note.—Applicant intends to tack this authority with any existing authority.

MC 148291 (Sub-6F), filed September 26, 1979. Applicant: RAZORBACK EXPRESS, INC., P.O. Box 1773, Harrison, AR 72601. Representative: Patrick W. Clifford (same as above). Over regular routes, transporting *general commodities* (except commodities in bulk, those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment) (a) between Harrison, AR, and Ft. Worth, TX, from Harrison over U.S. Hwy 65 to Little Rock, AR, then over Interstate Hwy. 30 to Dallas, TX, then over U.S. Hwy. 80 to Ft. Worth, TX, and return over the same route; serving all intermediate points in AR, between Harrison and Little Rock, AR, including Little Rock, and Dallas, TX, and the off-route points of Russellville, AR, and Morrilton, AR. (Hearing site: Little Rock, AR, or Dallas, TX.)

Note.—Applicant intends to tack this authority with any existing authority.

MC 148300F, filed September 28, 1979. Applicant: ALL STAR VAN & STORAGE, INC., 2309 Mills St., El Paso, TX 79901. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. Transporting *household appliances* between points in Texas west of Highway 83, NM and AZ. (Hearing site: El Paso. TX.)

MC 148381 (Sub-2F), filed October 31, 1979. Applicant: PETER HOLMAN TRUCKING, INC., 3504 S. Federal Highway, Fort Pierce, FL 33450. Representative: Dwight L. Koerber, Jr., 805 McLachen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. *Contract carrier* transporting *(1) adhesives and (2) materials, supplies and equipment* utilized in their manufacture, distribution, or installation (except commodities in bulk), between Bloomfield, NJ, on the one hand, and on the other, points in the United States (except AK and HI), under continuing contract(s) with Roman Adhesives, Inc., of Bloomfield, NJ. (Hearing site: Miami, FL.)

Note.—Dual operations may be involved.

MC 148381 (Sub-3F), filed October 31, 1979. Applicant: PETER HOLMAN TRUCKING, INCORPORATED, 3504 South Federal Highway, Fort Pierce, FL 33450. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. *Contract carrier:* Transporting (1) *adhesives and* (2) *materials, supplies and equipment* utilized in their manufacture, distribution, or installation (except commodities in bulk), between Hammond, IN, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Roman Adhesives, Inc., of Bloomfield, NJ. (Hearing site: Miami, Florida)

Note.—Dual operations may be involved.

MC 148520 (Sub-2F), filed October 30, 1979. Applicant: M & R TRUCKING, INC., 114 Hardenburg Avenue,

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Demarest, NJ 07627. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier:* Transporting *meats, packing-house products, and commodities* used by packing houses as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk), between the facilities of ITT GWALTNEY at Smithfield, VA, on the one hand, and, on the other, points in MD, DE, PA, NJ, NY, CT, MA, RI, NH, VT, ME, VA and DC, under continuing contract(s) with ITT GWALTNEY, of Smithfield, VA. (Hearing site: Washington, D.C.)

MC 148610F filed October 29, 1979. Applicant: MANLEY L. WILSON, P.O. Box 23, Route 1, Hamilston, MO 64666. Representative: Eugene W. Hiatt, 207 Casson Bldg., 603 Topeka Blvd., Topeka, KS 66603. *Contract carrier* transporting (1) *metal reclamation and metal recycling furnaces*, from Topeka, KS, to points in the United States (except AK and HI), and (2) *fire brick, sheet steel and angle steel*, in the reverse direction, under continuing contract(s) with The United Corporation, of Topeka, KS. (Hearing site: Topeka, KS, or Kansas City, MO.)

MC 143481 (Sub-1F), filed October 29, 1979. Applicant: SWAN BUSES LTD., 8611 98th St., Grand Prairie, Alberta, Canada T8V 2C5. Representative: Harry William Hoag (same address as applicant). Transporting *passengers and their baggage*, in round-trip charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada (1) in AK and extending to points in AK, and (2) in WA, ID, and MT and extending to points in WA, OR, CA, NV, UT, AZ, WY, MT, and ID. (Hearing site: None specified.)

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Decided: February 12, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen.

MC 2202 (Sub-607F), filed September 20, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave. NW., Washington, DC 20014. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Colonial Corporation of America, at or near Woodbury, TN, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Nashville, TN.)

MC 4963 (Sub-77F), filed October 22, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street & Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Bldg., 1111 E. Street, NW., Washington, DC 20004. Transporting *iron and steel articles, metals and metals products, paper and paper products and lumber*, between Gallaway, TN, on the one hand, and, on the other, points in TN, PA, WV, IN, WI, MI, AL, KY, MO, NC, SC, MD, DE, and IA, restricted to the transportation of traffic originating at or destined to the facilities of Gallaway Aluminum Products at Galloway, TN. (Hearing site: Memphis, TN.)

MC 4963 (Sub-78F), filed October 22, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street & Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Bldg., 1111 E. Street NW., Washington, DC 20004. Transporting (1) *carbon electrodes and graphite shapes*, between Niagara Falls, NY and St. Marys, PA, on the one hand, and, on the other, points in PA, NY, MD, WV, KY, IN, IL, MI, WI, NC, AL, SC, GA, MO, and TN, and (2) *machinery and equipment* between Terryville, CT, on the one hand, and, on the other, points in IL, IN, MI, MO, KY, PA, WV, and WI. (Hearing site: Washington, DC.)

MC 4963 (Sub-80F), filed October 22, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street & Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Bldg., 1111 E. Street NW., Washington, DC 20004. Transporting *auto frames, railway car parts, dumping devices and parts* for such devices, and *iron and steel articles*, between Milwaukee, WI, on the one hand, and, on the other, points in IL, IN, MI, OH, KY, NY, PA, MD, DE, NJ, VA, WV, NC, AL, GA, MA, SC, MO, CT, and RI. (Hearing site: Milwaukee, WI.)

MC 8973 (Sub-84F), filed September 13, 1979. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, NJ 07047. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting *plastic articles, and materials and supplies* used in the manufacture and distribution of plastic articles (except commodities in bulk), between points in the United States (except AK and HI), on the one hand, and, on the other, the facilities used by Samsill Bros. Plastic Corp. at Forth Worth, TX. (Hearing site: Ft. Worth, TX.)

MC 9812 (Sub-15F), filed October 22, 1979. Applicant: C. F. KOLB TRUCKING CO., INC., Rural Route 1, Box 294, Mt. Vernon, IN 47620. Representative: Constance J. Goodwin, Suite 800, Circle Tower Bldg., Five East Market Street, Indianapolis, IN 46204. Transporting (1) *roofing and exterior sidings*, and (2) *materials* used in the installation of the commodities in (1) above (except in bulk, in tank vehicles), from the facilities of GAF Corporation at Louisville, KY to points in IN, OH and TN. (Hearing site: St. Louis, MO or Chicago, IL.)

MC 10343 (Sub-39F), filed September 4, 1979. Applicant: CHURCHILL TRUCK LINES, INC., U.S. Hwy 36 West, P.O. Box 250, Chillicothe, MO 64601. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Des Moines, IA and Minneapolis, MN, over Interstate Hwy 35, serving no intermediate points; (2) between Cedar Rapids, IA, and Minneapolis, MN, from Cedar Rapids over U.S. Hwy 218 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Minneapolis, and return over the same route, serving the intermediate points of Waterloo, IA; and (3) between Rock Island, IL, and Minneapolis, MN, from Rock Island over U.S. Hwy 67 to junction U.S. Hwy 61, then over U.S. Hwy 61 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Minneapolis, and return over the same route, serving the intermediate points of Davenport and Dubuque, IA. NOTE: Applicant proposes to tack the regular routes sought in this application with its existing authority at Des Moines, Cedar Rapids, Waterloo, Davenport, and Dubuque, IA, and Rock Island, IL. (Hearing site: Minneapolis, MN or Kansas City, MO.)

MC 14552 (Sub-68F), filed September 21, 1979. Applicant: McNICHOLAS TRANSPORTATION CO., a corporation, 555 West Federal St., Youngstown, OH 44501. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Transporting (1) *such commodities* as are dealt in by food business houses, and (2) *equipment, materials, and supplies* used in the operation of food business houses, between points in Mahoning County, OH, on the one hand, and, on the other, points in KY. (Hearing site: Columbus, OH.)

MC 20992 (Sub-56F), filed September 4, 1979. Applicant: DOTSETH TRUCK LINE, INC., Knapp, WI 54749. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *iron and steel articles*, from Franklin, PA, to points in IA, KS, MI, MN, MO, NE, ND, SD, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Pittsburgh, PA.)

MC 32882 (Sub-121F), filed September 11, 1979. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, P.O. Box 17039, Portland, OR 97217. Representative: David J. Lister (same address as applicant). Transporting (1) *buildings*, complete, knocked down, or in sections; (2) *building sections and building panels;* (3) *parts and accessories* used in the installation of the commodities in (1) and (2) above; and (4) *metal prefabricated structural components and panels and accessories* used in the installation of such commodities from the facilities of Armco, Inc., at Hanford, CA to points in WA, OR, ID, NV, UT, AZ, CO, MT, WY, ND, SD, NE, KS, OK, NM, and TX. (Hearing site: San Francisco, CA.)

MC 32882 (Sub-122F), filed September 13, 1979. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, P.O. Box 17039, Portland, OR 97217. Representative: David J. Lister (same address as applicant). Transporting (1) *telephone equipment and equipment, materials and supplies* used in the installation of telephone systems (except commodities in bulk), from Omaha, NE to points in OR and WA, and (2) *empty reels and cores* (except commodities in bulk), in the reverse direction, restricted in (1) and (2) to the transportation of traffic originating at or destined to the facilities of Western Electric Corporation, at Omaha, NE. (Hearing site: Omaha, NE.)

MC 32882 (Sub-127F), filed September 24, 1979. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, P.O. Box 17039, Portland, OR 97217. Representative: David J. Lister (same address as applicant). Transporting *building materials, lumber, lumber mill products, and wood products*, from points in CA, OR, WA, ID, and MT, to points in NE, KS, OK, TX, IA, IL, WI, IN, and MO. (Hearing site: Portland, OR.)

MC 52953 (Sub-51F), filed October 24, 1979. Applicant: ET & WNC TRANSPORTATION COMPANY, a corporation, 3177 Irving Blvd., Dallas, TX 75247. Representative: Jackie Hill (same address as applicant). To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Daystrom Furniture, Inc. at South Boston, VA as an off-route points in connection with applicant's regular routes. Applicant intends to tack the sought authority to that in No. MC–52953 and subs thereof and to interline. (Hearing site: Durham or Greensboro, NC.)

MC 72423 (Sub-10F), filed September 6, 1979. Applicant: PLATTE VALLEY FREIGHTWAYS, a corporation, 111 East Chestnut St., Sterling, CO 80751. Representative: Raymond M. Kelley, Jr., 450 Capitol Life Center, East 16th Ave. at Grant, Denver, CO 80203. Transporting *household goods* as defined by the Commission, between points in Logan, Morgan, Phillips, Sedgwick, Washington, and Yuma Counties, CO, on the one hand, and, on the other, points in AZ, TX, and UT. NOTE: Applicant indicates intention to tack with existing authority in the named counties to provide service between points in IA, KS, MO, NE, NM, OK, SD, and WY, on the one hand, and, on the other, points in AZ, TX, and UT, to the extent the operations are less than 300 miles. (Hearing site: Denver, CO.)

MC 77972 (Sub-34F), filed September 11, 1979. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting (1) *screw conveyor* and *elevator parts, idlers* and *pulleys*, from the facilities of FMC Corporation at or near Tupelo, MS to points in IL, IN, IA and WI, and (2) *materials, equipment* and *supplies*, used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), in the reverse direction. (Hearing site: Jackson, MS.)

MC 101563 (Sub-2F), filed September 21, 1979. Applicant: DOM CATRAMBONE, FRANK CATRAMBONE, and GREGORY CATRAMBONE, a partnership, d.b.a. C&S CARTAGE, 7611 Lincoln, Summit, IL 60501. Representative: Bernard J. Kompare, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Transporting *acoustic suspension systems, metal studs, metal floor and ceiling track*, and *steel products*, from the facilities of (1) Chicago Metallic Corporation at Chicago, IL, and (2) Chicago Finished Metals at Bridgeview, IL, to points in WI, restricted to the transportation of traffic originating at the named origins. (Hearing site: Chicago, IL.)

MC 103993 (Sub-999F), filed September 4, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting (1) *wallboard*, and (2) *materials* used in the installation of wallboard, from Grand Rapids, MI to points in IL, IN, and OH. (Hearing site: Grand Rapids, MI.)

MC 103993 (Sub-1000F), filed September 11, 1979. Applicant: MORGAN DRIVE-AWAY INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting (1) *trailers* (except those designed to be drawn by passenger automobiles), in initial movements, from the facilities of Fruehauf Corporation at or near Fort Wayne, IN, Waverly, OH, Uniontown, PA, and Memphis, TN, to points in the United States (except AK and HI); and (2) *trailers* (except those designed to be drawn by passenger automobiles), in secondary movements, between points in the United States. (Hearing site: Detroit, MI.)

MC 103993 (Sub-1012F), filed September 17, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting *iron and steel articles*, between points in the United States in and east of ND, SD, NE, KS, OK and TX, restricted to the transportation of traffic originating at or destined to the facilities of Gregory Galvanizing, Inc., at Canton, OH. (Hearing site: Cleveland, OH.)

MC 105813 (Sub-264F), filed September 13, 1979. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 12th St., P.O. Box 2009, Ocala, FL 32670. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting *Foodstuffs* (except commodities in bulk) from the facilities of the Green Giant Company at or near Belvidere, IL, to points in FL. (Hearing site: Minneapolis, MN.)

MC 107012 (Sub-424F), filed September 17, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne IN 46801. Representative: David D. Bishop, (same address as applicant). Transporting (1) *new furniture and new commercial and institutional fixtures;* and (2) *parts* for the commodities named in (1) above, from the facilities of Steelcase Inc., at or near Athens, AL to points in the United States (except AK and HI and except new furniture from Athens, AL to points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, MI, MN, MO, MT, NE, NV, NM, ND, OH,

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OK, OR, SD, UT, WA, WI and WY and except new commercial and institutional fixtures from Athens, AL to points in CA, CO, ID, IN, KS, MI, MO, MT, NE, NV, ND, OH, OR, UT, WA, WI and WY). (Hearing site: Lansing, MI or Washington, DC.)

MC 107012 (Sub-425F), filed September 17, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting (1) *toys and games*, from the facilities of Fisher-Price Toys at or near East Aurora, NY, Medina, NY, Murray, KY, Holland, NY, San Diego, CA, and Brownsville, TX, to points in the United States in and east of MN, IA, MO, AR and LA; and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), from points in the United States (except AK and HI), to the facilities of Fisher-Price Toys at or near East Aurora, NY; Medina, NY; Murray, KY; Holland, NY; San Diego, CA; and Brownsville, TX. (Hearing site: Buffalo, NY or Washington, DC.)

MC 107323 (Sub-58F), filed September 21, 1979. Applicant: GILLILAND TRANSFER COMPANY, a Corporation, 7180 West 48th St., Fremont, MI 49412. Representative: Donald B. Levine, 39 South LaSalle St., Chicago, IL 60603. Transporting *glass containers*, and *equipment and supplies*, used in the manufacture and distribution of glass containers, (1) between Marion, IN, on the one hand, and, on the other, points in MI; and (2) between Burlington, WI, on the one hand, and on the other, points in IN and MI. (Hearing site: Chicago, IL.)

MC 107403 (Sub-1266F), filed September 21, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Landsowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting *commodities* in bulk, (1) between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the United States west of ND, SD, NE, KS, OK, and TX (except AK and HI), restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Johns-Manville Sales Corporation. (Hearing site: Washington, DC.)

MC 107403 (Sub-1270F), filed September 20, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Landsowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting (1) *acids and chemicals*, in bulk, in tank vehicles, from the facilities of Union Carbide Corporation, at or near Brownsville, TX, to points in the United States (except AK and HI), and (2) *acids, chemicals, and petroleum products*, in bulk, in tank vehicles, in the reverse direction. (Hearing site: Washington, DC.)

MC 107403 (Sub-1275F), filed October 19, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Landsowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting *petroleum products*, in bulk, in tank vehicles, (1) from Sidney, NE to points in Morgan County, CO, Goshen County, WY, and Shannon County, SD, (2) from Scottsbluff, NE, to points in Sedgwick, Logan, Phillips, Yuma, Washington, and Morgan Counties, CO, and (3) from Denver, CO and points within 25 miles of Denver, CO to points in that part of NE west of an imaginary line bisecting NE and passing through N. Platte, NE. (Hearing site: Washington, DC.)

MC 108053 (Sub-104F), filed September 13, 1979. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, IL 60601. Transporting *such merchandise* as is dealt in by manufacturers or distributors of malt beverages, and *equipment, materials, and supplies* used in the conduct of such business, between Milwaukee, WI, on the one hand, and, on the other, points in OR and CA. (Hearing site: Chicago, IL.)

MC 108053 (Sub-166F), filed September 11, 1979. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, IL 60601. Transporting *meats, meat products, and meat byproducts and articles distributed by meat-packing houses*, as described in sections A and C to Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Swift & Company at or near Sioux City, IA to points in AZ, WA, and OR. (Hearing site: Chicago, IL.)

MC 108223 (Sub-24F), filed September 12, 1979. Applicant: CENTURY-MERCURY MOTOR FREIGHT, INC., P.O. Box 43050, St. Paul, MN 55164. Representative: Julius F. Bonello (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between St. Paul, MN and Des Moines, IA over Interstate Hwy 35, serving no intermediate points; (2) between St. Paul MN and Davenport, IA, serving no intermediate points, (a) over U.S. Hwy 61, (b) from St. Paul, MN over U.S. Hwy 52 to junction with U.S. Hwy 61, then over U.S. Hwy 61 to Davenport, IA, and return over the same route, and (c) from St. Paul, MN over Interstate Hwy 35 to junction with U.S. Hwy 218, then over U.S. Hwy 218 to junction with Interstate Hwy 380, then over Interstate Hwy 380 to junction with Interstate Hwy 80, then over Interstate Hwy 80 to Davenport, IA, and return over the same route, as alternate routes for operating convenience only. (Hearing site: Minneapolis-St. Paul, MN.

MC 108233 (Sub-26F), filed September 23, 1979. Applicant: CENTURY-MERCURY MOTOR FREIGHT, INC., P.O. Box 43050, St. Paul, MN 55164. Representative: Warren K. Wahoske (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Bismarck, ND, on the one hand, and, on the other, points in Mercer and Oliver Counties, ND. (Hearing site: St. Paul, MN.)

MC 108382 (Sub-41F), filed September 13, 1979. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, Bay City, MI 48706. Representative: Rex Eames, 900 Guardian Building, Detroit, MI 48226. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Bay City, MI, and Mackinaw City, MI over U.S. Hwy 23, (2) between Fairview, MI, and Harrisville, MI over MI Hwy 72, and (3) between Hillman, MI, and Alpena, MI over MI Hwy 32, service is authorized to all intermediate points along the above-described routes and all off-route points in Arenac, Iosco, Alcona, Alpena, Presque Isle and Cheboygan Counties, MI. (Hearing site: Lansing, MI or Detroit, MI.)

MC 108473 (Sub-52F), filed September 19, 1979. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffrey Avenue, Holliston, MA 01746. Representative: John F. O'Donnell, Barrett and Barrett, P.O. Box 238, 60 Adams Street, Milton, MA 02187. Transporting *General Commodities*

(except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Port Jervis, NY, and Millersburg, PA, over US Hwy 209; (2) between Hancock, NY, and Easton, PA, from Hancock over unnumbered hwy to the NY–PA State line, then over PA Hwy 191 to jct PA Hwy 248, then over PA Hwy 248 to Easton and return over the same route; (3) between Binghamton, NY, and Hagerstown, MD, over US Hwy 11; (4) between Waverly, NY, and Cumberland, MD, over US Hwy 220; (5) between Elmira, NY, and jct US Hwy 15 and PA Hwy 14 near Trout Run, PA, from Elmira over NY Hwy 14 to NY–PA State line, then over PA Hwy 14 to jct PA Hwy 14 and US 15, and return over the same route; (6) between Painted Post, NY, and jct US Hwys 15 and 11 over US Hwy 15; (7) between Garrison, PA, and jct PA Hwys 18 and 5 near Lake City, PA, over PA Hwy 18; (8) between Pittsburgh, PA and Erie, PA, from Pittsburgh over PA Hwy 28 to jct PA Hwy 8, then over PA Hwy 8 to Erie, and return over the same route; (9) between Mount Morris, PA, and Erie, PA, over US Hwy 19; (10) between Kane, PA, and Greensburg, PA, over PA Hwy 66; (11) between DuBois, PA, and Point Marion, PA, over US Hwy 119; (12) between Uniontown, PA, and PA–Ohio State line over PA Hwy 51; (13) between Addison, PA, and the PA–WV State line over US Hwy 40; (14) between Ebensburg, PA, and the PA–OH State line over US Hwy 422; (15) between Lockhaven, PA, and Ridgeway, PA, over PA Hwy 120; (16) between Wellsville, NY, and Lockhaven, PA, From Wellsville over NY Hwy 19 to NY–PA State line, then over PA Hwy 449 to jct US Hwy 6, then over US Hwy 6 to jct PA Hwy 144, then over PA Hwy 144 to jct PA Hwy 44, then over PA Hwy 44 to jct PA Hwy 664, then over PA Hwy 664 to Lockhaven, and return over the same route; (17) between Olean, NY, and jct PA Hwys 46 and 120 at Emporium, PA, from Olean over NY Hwy 417 to jct NY Hwy 305, then over NY Hwy 305 to NY–PA State line, then over PA Hwy 446 to jct PA Hwy 46 and PA Hwy 120, and return over the same route; (18) between Salamanca, NY, and PA–MD State line, from Salamanca over NY Hwy 17 to jct US Hwy 219, then over US Hwy 219 to the PA–MD State line, and return over the same route; (19) between Frewsburg, NY, and Sharon, PA, over US Hwy 62; (20) between Ripley, NY, and PA–OH State line over US Hwy 20; (21) between Ripley, NY, and jct PA Hwy 5 and US Hwy 20, from Ripley over NY Hwy 76 to jct NY Hwy 5, then over NY Hwy 5 to NY–PA State line, then over over PA Hwy 5 to jct PA 5 and US Hwy 20, and return over the same route; (22) between Harrisburg, PA, and York, PA over Interstate Hwy 83; (23) between York, PA, and PA–WV State line over US Hwy 30; (24) between Harrisburg, PA, and PA–WV State line at or near Paris, PA, over US Hwy 22; (25) between Pennline, PA, and jct US Hwys 6 and 209 at or near Milford, PA, over US Hwy 6; (26) between Lewiston, PA, and PA–OH State line over US Hwy 322; (27) between Lewiston, PA, and jct US Hwys 522 and 15 at or near Selinsgrove, PA, over US Hwy 522; (28) between Mount Union, PA, and Hancock, MD over US Hwy 522; (29) between Emmitsburg, MD, and jct US Hwys 15 and 11 at or near Camp Hill, PA, over US Hwy 15; (30) between Lancaster, PA, and Oakwood, MD, from Lancaster over PA Hwy 272 to jct US Hwy 222, then over US Hwy 222 to Oakwood, and return over the same route; (31) between Scranton, PA, and Philadelphia, PA, from Scranton over PA Hwy 307 to jct Interstate Hwy 380, then over Interstate 380 to jct PA Hwy 611, then over PA Hwy 611 to Philadelphia, and return over the same route. In (1)–(31) serving all intermediate points and all other points in Pennsylvania as off-route points in connection with applicant's regular-route operations. Applicant intends to tack with its existing regular routes. (Hearing site: Boston, MA, or Philadelphia, PA.)

MC 110012 (Sub-59F), filed September 24, 1979. Applicant: ROY WIDENER MOTOR LINES, INC., 707 N. Liberty Hill Rd., Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th St. N.W., Washington, DC 20004. Transporting *new furniture*, from Chicago, IL, to those points in the United States in and east of MN, IA, MO, KS, OK, and TX. (Hearing site: Washington, DC or Chicago, IL.)

MC 110563 (Sub-307F), filed September 18, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., 9393 State Route 29 North, P.O. Box 747, Sidney, OH 45365. Represenative: Joseph M. Scanlan, 111 W. Washington St., Chicago, IL 60602. Transporting *foodstuffs*, from Chicago, IL to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 111812 (Sub-652F), filed June 8, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks (same address as applicant). Transporting (1) *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except foodstuffs, hides, and commodities in bulk), and (2) *foodstuffs* (except commodities in bulk), from the facilities used by Geo A. Hormel & Co., at (A)(1) Fort Dodge, IA and (2) Beloit, WI, to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, (B) Fremont, NE, to points in UT, (C) austin, MN, to points in IA and NE, (D) Huron, SD, to points in IA, KS, MO, and NE, (E) Ottumwa, IA, to points in MN, MO, NE, and SD, and (F) Springfield, MO, to points in MN and (G) Ft. Dodge, IA, to points in MN, NE and SD, restricted in (A) through (G) above to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Minneapolis, MN.)

MC 111812 (Sub-683F), filed August 24, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). Transporting (1) *ammunition, and component parts of ammunition*, (2) *electrical equipment and accessories for electrical equipment* and (3) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) and (2) above, between Anoka, MN, on the one hand, and, on the other, points in the United States (except AK and HI). Condition: Issuance of this certificate is subject to prior or coincidental cancellation at applicant's written request of Certificate No. MC–111812 Sub 574, issued March 30, 1979. (Hearing site: Minneapolis, MN.)

MC 111812 (Sub-684F), filed September 4, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). Transporting *meats, meat products*, and *meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C.209 and 766 (except hides and commodities in bulk), from the facilities of Dubuque Packing Company at Denison, IA, to points in the United States (except AK, HI, CA, FL, GA, ID, MT, NV, OR, UT and WA), restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Omaha, NE.)

MC 111812 (Sub-687F), filed September 21, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma

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(same address as applicant). Transporting *iron and steel articles*, from the facilities of Northwestern Steel & Wire Co., at Sterling and Rock Island, IL, to points in the United States (except AK, HI, and IL). (Hearing site: Chicago, IL.)

MC 112223 (Sub-125F), filed September 20, 1979. Applicant: QUICKIE TRANSPORT CO., 1700 N.E. New Brighton Blvd., Minneapolis, MN 55413. Representative: Earl Hacking (same address as applicant). Transporting *anhydrous ammonia*, in bulk, in tank vehicles, from Pine Bend and Vernon Center, MN, to points in IA and WI. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 112223 (Sub-126F), filed September 11, 1979. Applicant: QUICKIE TRANSPORT CO., 1700 New Brighton Blvd., Minneapolis, MN 55413. Representative: Earl Hacking (same address as applicant). Transporting *liquefied petroleum gas (LPG)*, in bulk, in tank vehicles, from Mankato and Vernon Center, MN to points in NE. (Hearing site: Minneapolis or St. Paul, MN.)

MC 112822 (Sub-476F), filed September 4, 1979. Applicant: BRAY LINES INC., 1401 N. Little St., P.O. Box 1191, Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). Transporting *paper and paper products*, and *materials* used in the manufacture of paper and paper products (except commodities in bulk), between the facilities of Champion International Corporation, at or near Houston, TX, on the one hand, and, on the other, points in IL, IN, OH, and WI. (Hearing site: Cincinnati, OH or Chicago, IL.)

MC 113362 (Sub-364F), filed September 12, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, 1105½ Eighth Avenue N.E., P.O. Box 429, Austin, MN 55912. Transporting *millwork, hardwood furniture parts, and hardwood furniture dimension stock*, from the facilities of Foreston Dimension Company and Woodcraft Industries, Inc. at Foreston and St. Cloud, MN to points in AR, IN, IA, KY, TX, NY, PA, OH, and CO. (Hearing site: Minneapolis, MN or Fargo, ND.)

MC 113362 (Sub-368F), filed October 15, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, 1105½ Eighth Ave., NE., P.O. Box 429, Austin, MN 55912. Transporting (1) *floor covering*, and (2) *materials and supplies* used in the installation of floor covering (except in bulk), from Philadelphia, PA to points in AR, LA, MS, OK and TX. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 114273 (Sub-650F), filed September 11, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *materials, equipment, component parts and accessories* used in the manufacture of lawn care equipment from points in WI, MA, NY, NJ, PA, OH, IN, MO, MI, IA and Minneapolis, MN to Galesburg, IL. (Hearing site: Chicago, IL or Washington, D.C.)

MC 114273 (Sub-651F), filed September 11, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *aluminum and zinc alloy ingots* from Maple Heights, OH to points in IL, IA, NE, MN, MO, IN, PA, and NJ. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-652F), filed September 4, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting (1) *furnaces, air conditioners, and solar collectors*, and (2) *parts* for the commodities in (1) above, from Columbus, OH, to Woburn, MA, Cornwell Heights, PA, Jessup, MD, and Boonton, NJ. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-653F), filed September 4, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *foodstuffs and animal feed* (except in bulk, in tank vehicles), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between those points in the United States in and east of ND, SD, NE, KS, OK, and TX (except ME, FL, MS, AL, and AR), restricted to the transportation of traffic originating at or destined to the facilities used by the Ralston Purina Company. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-654F), filed September 4, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *foodstuffs* from Cedar Rapids IA, to Chattanooga, TN. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-655F), filed September 4, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *iron and steel articles*, between Norfolk, NE, on the one hand, and, on the other, points in IL, IN, IA, KS, MI, MO, TX, and WI. (Hearing site: Chicago, IL or Washington, DC.)

MC 114552 (Sub-234F), filed September 17, 1979. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *iron* and *steel articles and pipe*, between the facilities of Fort Worth Pipe and Supply at or near Conroe, TX on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Ft. Worth, TX.)

MC 114562 (Sub-10F), filed September 4, 1979. Applicant: WENDELL TRANSPORT CORPORATION, 500 Industrial Drive, Wendell, NC 27591. Representative: C. Proc Dean (same address as applicant). Transporting *anhydrous ammonia*, in bulk, in tank vehicles, from Wilmington, NC, to points in SC. (Hearing site: Raleigh or Charlotte, NC.)

MC 115213 (Sub-11F), filed September 4, 1979. Applicant: ELLIOTT & FIKES TRUCK LINE, INC., P.O. Box 8827, Pine Bluff, AR 71611. Representative: Horace Fikes, Jr., 414 National Building, Pine Bluff, AR 71601. Transporting *building materials*, and *materials, equipment, and supplies*, used in the manufacture, installation, and distribution of building materials (except commodities in bulk), between the facilities of Georgia-Pacific Corporation, Gypsum Division, at Hampton, GA, on the one hand, and, on the other, points in AL, AR, IL, IA, IN, KS, KY, LA, MS, MO, NE, OK, TN, TX, and WI. (Hearing site: Little Rock, AR or Memphis, TN.)

MC 115213 (Sub-12F), filed September 4, 1979. Applicant: ELLIOTT & FIKES TRUCK LINE, INC., P.O. Box 8827, Pine Bluff, AR 71611. Representative: Horace Fikes, Jr., 414 National Bldg., Pine Bluff, AR 71601. Transporting *lumber and composition board*, from points in LA, TX, and OK, to the facilities of Hixson Lumber Sales, Inc., in Jefferson County, AR. (Hearing site: Little Rock, AR or Memphis, TN.)

MC 115523 (Sub-195F), filed September 21, 1979. Applicant: CLARK TANK LINES COMPANY, a corporation, P.O. Box 1895, 1450 N. Beck Street, Salt Lake City, UT 84116. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. Transporting *lime and limestone products* from points in Lincoln County, NV, to points in AZ, CA, CO, ID, NM, OR, UT, WA, and WY. (Hearing site: Salt Lake City, UT.)

MC 116273 (Sub-247F), filed September 4, 1979. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Ave., Cicero, IL 60650. Representative: William R. Lavery (same address as applicant). Transporting *Petroleum grease*, in bulk, in tank vehicles, from Whiting, IN, to points in SC and VA. (Hearing site: Chicago, IL.)

MC 116273 (Sub-248F), filed September 12, 1979. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Representative: William R. Lavery (same as above). Transporting *bentonite clay* in bulk, in tank vehicles, from Belle Fourche, SD, Upton and Lovell, WY, and Malta, MT, to points in IL, IN, MI, MN, NY, PA, OH, and WI. (Hearing site: Chicago, IL.)

MC 116273 (Sub-249F), filed September 13, 1979. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Representative: William R. Lavery (same as above). Transporting *liquid chemicals* in bulk, in tank vehicles, from the facilities of Union Carbide Corp. near North Seadrift and Texas City, TX to points in IL, IN, MI, OH, and WI. (Hearing site: Washington, DC, or Chicago, IL.)

MC 116763 (Sub-593F), filed September 13, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting (1) *such commodities* as are manufactured distributed, or dealt in by manufacturers or converters of paper and paper products (except commodities in bulk), and (2) *equipment, materials and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk) between the facilities of the Mead Corporation at or near Kingsport, and Gray, TN, on the one hand, and, on the other, points in ME, NH, VT, MA, CT, RI, NY, PA, NJ, AR, LA, OK, TX, DE, MD, WV, VA, KY, TN, NC, SC, GA, FL, AL, MS, and DC, restricted to the transportation of traffic originating at or destined to the named shipper facilities. (Hearing site: Cincinnati, OH.)

MC 116763 (Sub-596F), filed September 20, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *paper and paper products* (except commodities in bulk, in tank vehicles), from the facilities of Scott Paper Company, at or near Detroit and Muskegon, MI, to those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Philadelphia, PA.)

MC 116763 (Sub-600F), filed September 20, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *such commodities* as are dealt in or used by distributors, and manufacturers, of health and beauty aids (except commodities in bulk, in tank vehicles), between Omaha, NE, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at or destined to the facilities of Tip Top Products, Division of Faberge, Inc. (Hearing site: Omaha, NE.)

MC 118142 (Sub-236F), filed September 24, 1979. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Transporting *foodstuffs*, from Wichita and Hutchinson, KS, to points in CA, MS, NC, OR, SC and WA, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Wichita, KS or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 118263 (Sub-96F), filed September 4, 1979. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. Transporting *meats, meat products and meat byproducts, articles distributed by meat-packinghouses, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, as described in sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between the facilities of Lauridsen Foods, Inc., at or near Britt, IA, and Armour and Company, at or near Mason City, IA, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Des Moines, IA or Louisville, KY.)

MC 119493 (Sub-320F), filed September 13, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting *iron and steel articles, and materials and supplies used in the manufacture and distribution of iron and steel articles* (except in bulk), between points in the United States (except AK or HI) restricted to the transportation of traffic originating at or destined to facilities of Leggett & Platt, Incorporated. (Hearing site: Kansas City, or St. Louis, MO.)

MC 119493 (Sub-323F), filed September 21, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) *plastic pipe and fittings and accessories* used in the installation of plastic pipe, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk) between points in MS, on the one hand, and, on the other, those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Springfield or Chicago, IL.)

MC 123993 (Sub-54F), filed September 13, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX 78701. Transporting *dry pet food*, from the facilities of Sunshine Feed Mills at Red Bay, AL and Tupelo, MS to points in AR, FL, GA, IL, LA, MS, MO, OK, SC, TN, TX and VA. (Hearing site: New Orleans or Baton Rouge, LA.)

MC 124212 (Sub-105F), filed September 12, 1979. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, OH 44130. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Transporting *cement*, in bulk, from Hartford, CT to points in CT, restricted to the transportation of shipments having an immediately prior movement by rail. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 125433 (Sub-312F), filed September 14, 1979. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). Transporting *office and household fixtures and furnishings, component parts, equipment, materials and supplies* used in the manufacturing of office and household furnishings (except commodities in bulk) between points in the United States (except AK and HI) restricted to the transportation

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of traffic originating at or destined to the facilities used by Triangle Pacific Corporation. (Hearing site: Dallas, TX.)

MC 125433 (Sub-316F), filed September 20, 1979. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *mining machinery and construction equipment*, from the facilities of Elmac Corporation, at or near Carlsbad, NM, to points in the United States (except AK and HI). (Hearing site: Phoenix, AZ, Salt Lake City, UT.)

MC 125433 (Sub-317F), filed September 17, 1979. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *fire hydrants, iron valves, castings, pipe, pipe fittings, indicator, posts and floor stands*, and (2) *parts, attachments, accessories and supplies* for the commodities described in (1), (a) from Chattanooga, TN and Albertville, AL to points in the United States in and east of ND, SD, NE, KS, OK and TX, (b) from Decatur, IL to points in the United States (except AK and HI), and (3) *equipment, materials and supplies* used in the manufacture of the commodities in (1) and (2) above, from points in the United States (except AK and HI) to Chattanooga, TN, Albertville, AL and Decatur, IL, restricted to the transportation of traffic originating at or destined to the facilities of the Mueller Company at Chattanooga, TN, Albertville, AL, and Decatur, IL. (Hearing site: Salt Lake City, UT.)

MC 125433 (Sub-326F), filed October 1, 1979. Applicant: F–B TRUCK LINE COMPANY, a Corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *pipe* and *pipe fittings* (except iron and steel pipe), (2) *accessories* for the commodities in (1) above, and (3) *materials* used in the installation of pipe, from Gustine, CA, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Ingomar Plastics, at Gustine, CA. (Hearing site: San Francsico, CA or Salt Lake City, UT.)

MC 125433 (Sub-332F), filed October 1, 1979. Applicant: F–B TRUCK LINE COMPANY, a Corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *prefabricated refrigeration panels*, from South El Monte, CA, to points in the United States (except Ak and HI), restricted to the transportation of traffic originating at the facilities of Pacific Panel Systems, at South El Monte, CA. (Hearing site: Los Angeles, CA or Salt Lake City, UT.)

MC 125433 (Sub-333F), filed October 1, 1979. Applicant: F–B TRUCK LINE COMPANY, a Corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *commercial marine floatation systems*, and (2) *parts, attachments, and accessories* for the commodities in (1) above (except commodities in bulk), from Costa Mesa, Gardena, and San Carlos, CA, to points in the United States (except AK and HI) restricted to the transportation of traffic originating at the facilities of Thompson Floatation Company, at the named origins. (Hearing site: Los Angeles or San Francisco, CA.)

MC 127042 (Sub-279F), filed September 10, 1979. Applicant: HAGEN, INC., P.O. Box 98—Leeds Station, Sioux City, IA 51108. Representative: Joseph B. Davis, (same as above). Transporting *meats, meat products, meat byproducts and articles distributed by meat-packing houses (except hides and commodities in bulk)*, as defined in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation at Cedar Rapids and Des Moines, IA to points in Colorado, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

MC 127902 (Sub-14F), filed September 17, 1979. Applicant: DIETZ MOTOR LINES, INC., P.O. Box 1427, Hickory, NC 28601. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. Transporting *sugar*, in containers from Gramercy and Kenner, LA to points in NC and SC. (Hearing site: Washington, DC or Hickory, NC.)

MC 128662 (Sub-4F), filed September 12, 1979. Applicant: STICKLEY'S GARAGE, INC., d.b.a. STICKLEY'S TRUCKING, P.O. Box 2842, Winchester, VA 22601. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Transporting *frozen foods*, between the facilities of Zeropack at Winchester, VA, on the one hand, and, on the other, points in NY, NJ, PA, CT, MA, RI, NC, SC, GA, FL, MS, TN, KY, IL, IN, OH, MI, WI, NH, VT, ME, and AL. (Hearing site: Winchester, VA.)

MC 129032 (Sub-106F), filed September 11, 1979. Applicant: TOM INMAN TRUCKING, INC., 5656 South 129th E. Ave., Tulsa, OK 74134. Representative: David R. Worthington (same address as applicant). Transporting (1) *kitchen and storage cabinets, and new furniture, knocked down*, and (2) *parts and accessories* for the commodities in (1) from the facilities of D&M Wood Products at or near Portland, OR, to points in the United States (except AK and HI) restricted to the transportation of traffic originating at the above named location and destined to the named destination points. (Hearing site: Portland, OR or San Francisco, CA.)

MC 134453 (Sub-16F), filed October 29, 1979. Applicant: STERNLITE TRANSPORTATION CO., a corporation, Winsted, MN 55395. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *aluminum extrusions* from Yankton, SD, to points in AL, AZ, AR, CA, CO, GA, ID, IL, IN, IA, KS, KY, LA, MI, MS, MO, MT, NE, NV, NM, ND, OH, OK, OR, TN, TX, UT, WA, WI, and WY; and (2) *scrap aluminum and aluminum billets*, in the reverse direction, under continuing contract(s) with Alumax Extrusions, Inc., of Yankton, SD. (Hearing site: St. Paul, MN.)

MC 135283 (Sub-61F), filed September 13, 1979. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, Grand Island, NE 68801. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting *General commodities*, (except meats and packinghouse products, articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Grand Island, Alda, and the facilities of Sperry New Holland, Division of Sperry Rand Corp., at or near Lexington, NE, on the one hand, and, on the other, points in the United States (except AK, HI and NE). (Hearing site: Grand Island, NE.)

MC 136313 (Sub-61F), filed September 17, 1979. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street, S.W., Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting (1) *grain bins, metal buildings and truck bodies*, knocked down and (2) *materials and supplies* used in the manufacture, distribution and erection the commodites in (1) from the facilities of Scafco Corporation at Spokane and Airway Heights, WA to points in MT, ND, SD, WY, NV, CA, OR, ID and UT. (Hearing site: Spokane, WA.)

MC 138882 (Sub-284F), filed August 6, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting *flour and corn products*, from the facilities of J. R. Short Milling Company, at or near (a) Kankakee, IL and (b) Mt. Vernon, IN, to points in AL, AR, IN, IA, KS, KY, LA, MS, MO, NE, OH, OK, TN, TX, FL, SC, NC, and GA. (Hearing site: Chicago, IL or Birmingham, AL.)

MC 138882 (Sub-314F), filed October 15, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting *roofing, roofing materials, equipment materials and supplies* used in the manufacture and distribution of roofing and roofing materials between the facilities of the Masonite Corporation-Roofing Division at or near Meridian, MS, on the one hand, and, on the other, GA, LA, TX, TN, KY, SC, and NC. (Hearing site: Meridian, MS or Birmingham, AL.)

MC 140023 (Sub-7F), filed September 11, 1979. Applicant: COLUMBIA TRANSIT CORP., 404 Walnut, Waldo, AR 71770. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. Transporting *wood residuals*, from points in Lafayette County, AR to points in McCurtain County, OK. (Hearing site: Little Rock, AR.)

MC 140563 (Sub-45F), filed September 13, 1979. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *such commmodities* as are dealt in by manufacturers and distributors of insulation, and insulating materials and products, (except commodities in bulk), between points in the United States in and east of MN, IA, NE, KS, OK and TX, restricted to the transportation of shipments originating at or destined to a CertainTeed Corporation facility. (Hearing site: Atlanta, GA.)

MC 140612 (Sub-72F), filed September 13, 1979. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J.L. Kazimour (same as applicant). Transporting *foodstuffs* and *materials, equipment and supplies used in the manufacture and distribution of foodstuffs* (except commodities in bulk, in tank vehicles), between the facilities used by the Kellogg Co. at or near Battle Creek, Grand Rapids, and Kalamazoo, MI, Omaha, NE, Memphis TN, and San Leandro, CA, on the one hand, and, on the other, points in the United States in and west of MI, OH, KY, TN, NC, SC, GA, and FL. (Hearing site: Battle Creek, MI.)

MC 141443 (Sub-37F), filed September 13, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615, East, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting (1) *non-alcoholic beverages and concentrates*, not frozen, and *equipment, materials and supplies* used in the manufacture and distribution of the above-named commodities (except commodities in bulk), and (2) *fruit salads* in mixed loads with the commodities described in (1) above, between the facilities of Doric Foods Corporation at or near Anaheim, CA, on the one hand, and, on the other, points in AZ, CO, NM, OR, TX and WA. (Hearing site: Orlando, FL.)

Note.—Dual operations may be involved.

MC 141443 (Sub-38F), filed September 13, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615, East, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *glass, glass containers, metal caps and fiberboard cartons*, between Sand Springs, OK, and Waxahachie and Arlington, TX, on the one hand, and, on the other, points in AZ, AR, CA, ID, KS, LA, MO, MT, NM, NV, OR, TX, UT, WA and WY. (Hearing site: Tulsa or Oklahoma City, OK.)

Note.—Dual operations may be involved.

MC 141532 (Sub-44F), filed September 4, 1979. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. Transporting *refractory products*, from the facilities of Interpace Corporation at or near Victorville, CA, to points in AZ, OR, TX, and WA. (Hearing site: Los Angeles, CA.)

MC 141532 (Sub-49F), filed September 24, 1979. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. Transporting *roofing materials and roofing supplies*, from the facilities of Tarco, Inc., at or near North Little Rock, AR, to points in AZ, CA, ID, MT, NM, NV, OR, and WA. (Hearing site: Little Rock, AR.)

MC 141652 (Sub-35F), filed September 12, 1979. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, MS 39207. Representative: Ralph B. Matthews, P.O. Box 56387, Atlanta, GA 30343. Transporting *chemicals, solvents, defoaming compounds, plastic liquid compounds, ink, plastic film or sheeting, machinery and machinery parts, containers, and printed materials* (except commodities in bulk), in vehicles equipped with mechanical refrigeration (1) between the facilities of Thiokol/Dynachem Corporation in Orange, CA, on the one hand, and, on the other Herndon, VA, Woburn and South Hadley Falls, MA, Matthews and Charlotte, NC, Moss Point, MS, Castleberry, FL, Kearney, NJ, Farmingdale, Long Island, NY, Indianapolis, IN, and Terre Haute, IN; (2) from Woburn, MA to Elmhurst, IL and Herndon, VA; (3) from Herndon, VA to Castleberry, FL; (4) from Matthews, NC to Woburn, MA; (5) from Charlotte, NC to South Hadley Falls, MA; and (6) from Moss Point, MS, to Charlotte and Matthews, NC and South Hadley Falls, MA. (Hearing site: Los Angeles, CA.)

MC 141652 (Sub-36IF), filed September 13, 1979. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, MS 39207. Representative: K Edward Wolcott P.O. Box 56387, Atlanta, GA 30343. Transporting (1) *clothing* from New Roads, LA to Los Angeles, CA and, (2) *piece goods* from points in NC, SC, GA, AL, and NJ to Los Angeles, CA, restricted in (1) and (2) to the transportation of traffic destined to facilities of Tobias Kotzine Company, at Los Angeles, CA. (Hearing site: Los Angeles, CA or New Orleans, LA.)

MC 141932 (Sub-21F), filed September 21, 1979. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner (same address as applicant). Transporting *such commodities* as are dealt in by food chains, cosmetic dealers, drugstores, hospitals, and discount and variety stores, from the facilities of Bristol-Myers Company, at Atlanta, Ga, to points in AL, FL, KY, MS, NC, SC, and TN, restricted to the transportation of traffic originating at the named origin. (Hearing site: Boston, MA.)

Note.—Dual operations may be involved.

MC 143032 (Sub-30F), filed September 18, 1979. Applicant: THOMAS J. WALCZYNSKI, d.b.a. WALCO TRANSPORT, 2112 Truck Center Drive, Duluth, MN 55806. Representative: William J. Gambucci, 414 Gate City Building, P.O. Box 1680, Fargo, MD 58107. Transporting expoxy *coated rebar, angles, square stocks, rounds and tees*, from the facilities of Simcote, Inc., at or near Newport, MN to points in CT,

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DE, DC, IL, IN, IA, KS, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VT and WI. (Hearing site: Minneapolis-St. Paul, MN.)

MC 144452 (Sub-17F), filed September 11, 1979. Applicant: ARLEN LINDQUIST d.b.a. ARLEN E. LINDQUIST TRUCKING, 3242 Old Highway 8, Minneapolis, MN 55418. Representative: William J. Gambucci, 414 Gate City Building, P.O. Box 1680, Fargo, 58107. MD Transporting *Storage Tanks*, from the facilities of Roll Tank Company, Inc., at or near Eden Prairie and Maple Plain, MN, to points in IL and WI. (Hearing site: Minneapolis, MN.)

MC 144682 (Sub-30F), filed September 21, 1979. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting *foodstuffs* (except commodities in bulk), from the facilities of Anderson Clayton Foods, at Sherman, TX, to points in AR, CA, CO, FL, GA, IL, KS, LA, MN, MS, MO, NE, NJ, NM, NY, NC, OH, OK, OR, PA, TN, and UT. (Hearing site: Dallas, TX.)

Note.—Dual operations may be involved.

MC 144682 (Sub-31F), filed September 13, 1979. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, TX 75245. Transporting *foodstuffs (except commodities in bulk)* from the facilities of Green Giant Company at or near Watsonville, CA, to points in Texas, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Dallas, TX.)

MC 144953 (Sub-5F), filed September 4, 1979. Applicant: MULLEN TRUCKING LTD., 6204–A Burbank Road SE., Calgary, Alberta Canada T2H 2C2. Representative: John T. Wirth, 717, 17th St. Suite 2600, Denver, CO 80202. Transporting *lumber, and wood products*, from points in ID, MT, OR, and WA, to those ports of entry on the international boundary line between the United States and Canada located in ID, MT, and WA. (Hearing site: Great Falls, MT.)

MC 145152 (Sub-105F), filed September 13, 1979. Applicant: BIG THREE TRANSPORTATION, INC., Post Office Box 706, Springdale, AR 72764. Representative: Don Garrison, Post Office Box 159, Rogers, AR 72756. Transporting *such commodities as are dealt in or used by wholesale and retail discount and variety stores*—between the facilities of Wal-Mart Stores, Inc., on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Wal-Mart Stores, Inc. (Hearing site: Fayetteville, or Little Rock, AR.)

MC 145842 (Sub-7F), filed September 11, 1979. Applicant: SUNDERMAN TRANSFER, INC., Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Transporting *Fresh meat*, suspended, from points in NE, to the facilities of United Dressed Beef, at or near Golden Valley, MN. (Hearing site: Twin Cities, MN.)

Note.—Dual operations may be involved.

MC 146782 (Sub-18F), filed September 13, 1979. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. Transporting (1) *iron and steel articles*, and (2) *equipment, materials and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk) between the facilities of Babcock & Wilcox Co., Tubular Products Division, at or near Beaver Falls, Koppel, and Ambridge, PA, and Alliance, OH, on the one hand, and, on the other, points in AL, GA, KY, NC, SC, TN and VA, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Nashville, TN or Beaver Falls, PA.)

MC 147083 (Sub-4F), filed September 13, 1979. Applicant: TANKS, INC., Drawer 1179, Gillette, WY 82716. Representative: Leon L. Brady (same address as applicant). Transporting *petroleum and petroleum products, butane, propane, and natural gas*, between points in Campbell County, WY, on the one hand, and, on the other, Denver, CO. (Hearing site: Casper or Cheyenne, WH.)

MC 147393 (Sub-1F), filed June 8, 1979. Applicant: KENNETH L. WHEELER, d.b.a. WHEELER ASSOCIATES, 5920 Fairway Dr., Hope Mills, NC 28348. Representative: William E. Anderson, P.O. Box 1286, Raleigh, NC 27602. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Wilmington and Fayetteville, NC, on the one hand, and, on the other, Charlotte, NC, and (2) between Fayetteville and Wilmington, NC, Arbra, AL, Florence, SC, Richmond, VA, Louisville, KY, Chattanooga, TN, and Baltimore and Easton, MD, restricted in (1) and (2) above to the transportatioan of traffic having a prior or subsequent movement by air. (Hearing site: Fayetteville or Wilmington, NC.)

MC 147412 (Sub-2F), filed September 11, 1979. Applicant: DELTA REFINING COMPANY, 543 West Mallory Ave., Memphis, TN 38109. Representative: John L. LeMay (same address as applicant). Transporting *jet fuel*, in bulk, in tank vehicles, from Blytheville River Rail Terminal, near Blytheville, AR to Little Rock Air Force Base, at Jacksonville, AR. (Hearing site: Memphis, TN or Blytheville, AR.)

MC 148292 (Sub-1F), filed September 25, 1979. Applicant: J. POSA, INC., 1 N. First St., Fulton, NY 13069. Representative: Piken & Piken, Queens Office Tower, 95–25 Queens Boulevard, Rego Park, NY 11374. Transporting (1) *malt beverages* from Fulton and New York, NY, Elizabeth, Secaucus, and Newark, NJ, Eden, NC, and the ports of entry on the international boundary line between the United States and Canada located in NY and MI, to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, VT, VA, and DC, and (2) *barrels, pallets, and supplies* used in the manufacture of malt beverages, in the reverse direction. (Hearing site: New York, NY or Washington, DC.)

MC 148552F, filed September 21, 1979. Applicant: MOTORHOME TRANSPORT INC., 3401 Etiwanda Space #941, Mira Loma, CA 91752. Representative: David L. Steinhagen (same address as applicant). Transporting *motorhomes*, between points in Los Angeles, Riverside, and Orange Counties, CA, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Los Angeles, CA.)

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Decided: February 21, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 2934 (Sub-48F), filed September 13, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: James L. Beattey, 130 East Washington St., Suite 1000, Indianapolis, IN 46204. Transporting *mattresses and supporting foundations for mattresses*, from Indianapolis, IN, to points in VA, TN, MD, (except points in Hartford, Cecil, Kent, Queen Ames, Talbot, Caroline, Dorchester, Wicomico, Somerset, Worchester Counties, MD), and DC. (Hearing site: Indianapolis, IN.)

MC 13095 (Sub-14F), filed September 11, 1979. Applicant: WUNNICKE TRANSFER LINES, INC., 101 Buchanan St., Boscobel, WI 53805. Representative: Rolfe E. Hanson, 121 West Doty St., Madison, WI 53703. *Contract carrier* transporting (1) *cheese, in refrigerated vehicles, from Warsaw, IN, to points in WI*, and (2) *materials and supplies used in (1)*, above, *points in WI, to Warsaw, IN*, under continuing contract(s) with Borden, Inc., of Plymouth, WI. (Hearing site: Madison or Milwaukee, WI.)

MC 30844 (Sub-656F), filed September 13, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same as applicant). Transporting *canned and preserved foodstuffs*, between Pittsburgh, PA, Muscatine, Iowa City, IA, Holland, MI, and Mechanicsburg PA, Harrison, NJ, Toledo and Fremont, OH, Greenville, SC, restricted to shipments originating at or destined to facilities of H. J. Heinz, at the above named points. (Hearing site: Pittsburgh, PA.)

MC 52704 (Sub-244F), filed September 13, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Drawer "H", Lafayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (a) *containers*, and *closures*, (b) *commodities* manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers, and (c) *materials, equipment* and *supplies* used in the manufacture and distribution of containers and closures, between points those in the United States in and east of WI, IL, KY, TN, MS, and LA, restricted (1) against the transportation of commodities in bulk, in tank vehicles, and (2) shipments originating at or destined to a facility of Thatcher Glass Manufacturing Company. (Hearing site: Atlanta, GA.)

MC 56244 (Sub-89F), filed September 13, 1979. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. #2, Gardners, PA 17324. Representative: J. B. Walter, P.O. Box 1146, 410 North Third St., Harrisburg, PA 17108. Transporting *cheese, cheese products and synthetic cheeses*, from the facilities of L. D. Schreiber Cheese Co., Inc., in Barry, Jasper, Lawrence and Newton Counties, MO, to points in DE, MD, NJ, NY, PA, VA, WV, and DC, restricted to traffic originated at the above origins and destined to the above destinations. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 59124 (Sub-20F), filed September 13, 1979. Applicant: MAIERS MOTOR FREIGHT COMPANY, 875 E. Huron, Vassar, MI 48768. Representative: Ronald J. Mastej, 900 Guardian Bldg., Detroit, MI 48226. Transporting *general commodities* (except those of unusual value, commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), serving the facilities of North Star Steel Company, at or near Monroe, MI, as an off-route point in connection with carrier's otherwise authorized operations. (Hearing site: Detroit, MI or Lansing, MI.)

MC 73165 (Sub-487F), filed September 11, 1979. Applicant: EAGLE MOTOR LINES, INC., 830 33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting (1) *urethane products and plywood* from the facilities of Temple-Eastex, Inc., at Diboll, TX, to points in the United States (except AK and HI) (2) *plywood* from the facilities of Temple-Eastex, Inc., at Pineland, TX to points in the United States (except AK and HI). Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343 (a) (1978), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Dallas or Houston, TX.)

MC 73165 (Sub-488F), filed September 11, 1979. Applicant: EAGLE MOTOR LINES, INC., 830 33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting *reels*, from the facilities of Metco Division, Baker Industries, at or near Hartselle, AL, to points in the United States (except AK, HI, MI, IN, OH). Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) (1978), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Birmingham, AL, or New Orleans, LA.)

MC 73165 (Sub-489F), filed September 13, 1979. Applicant: EAGLE MOTOR LINES, INC., 830 33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting *activated soduim silicate, in containers*, from Baton Rouge, LA, Hammond, IN, Port Neches and Houston, TX, to points in the United States (except AK and HI.) Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) (1978), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Dallas, TX, or St. Louis, MO.)

MC 73165 (Sub-490F), filed September 13, 1979. Applicant: EAGLE MOTOR LINES, INC., 830 33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting *iron or steel grating and footwalks* from points in Harris and Montgomery Counties, TX, and New Orleans, LA, to points in the United States (except AK and HI). Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343 (a) (1978), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Dallas, TX, or St. Louis, MO.)

MC 73165 (Sub-491F), filed September 13, 1979. Applicant: EAGLE MOTOR LINES, INC., 830 33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting *ventilators, ventilator parts, air louvers, pre-fabricated building parts*, and *accessories* used in the installation of the above-named commodities, between Batavia, OH, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, MO, NC, SC, TN, and TX. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343 (a) (1978), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: St. Louis, MO, or Dallas, TX.)

MC 83835 (Sub-165F), filed September 14, 1979. Applicant: WALES TRANSPORTATION, INC., P.O. Box 226186, Dallas, TX 75266. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, Suite 301, Dallas TX 75237. Transporting *roofing* and *roofing materials*, from the facilities of Masonite Corporation, at or near Little Rock, AR, to points in KS, LA, MO, OK, and TX. (Hearing site: Dallas, TX.)

MC 95084 (Sub-150F), filed September 11, 1979. Applicant: HOVE TRUCK LINE, a Corporation, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, 1501 E. Main, Ottumwa, IA 52501. Transporting (1) *iron and steel articles*, and *pipe*, from

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Conroe, TX, to points in the United States (except AK and HI), and (2) *materials, equipment* and *supplies* used in the manufacture or distribution of iron and steel articles and pipe, from points in the United States (except AK and HI) to Conroe, TX. (Hearing site: Houston, or Fort Worth, TX.)

MC 102295 (Sub-39F), filed September 13, 1979. Applicant: GUY HEAVENER, INC., 480 School Lane, Harleysville, PA 19438. Representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, N.W., Washington, DC 20005. Transporting *sand, stone,* and *gravel,* from points in NJ on and south of NJ Highway 33, to points those in the United States in and east of MN, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 102295 (Sub-40F), filed September 13, 1979. Applicant: GUY HEAVENER, INC., 480 School Lane, Harleysville, PA 19438. Representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, N.W., Washington, DC 20005. Transporting *stone,* from Bucks County, PA, to those points in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site: Washington, DC.)

MC 106074 (Sub-126F), filed September 12, 1979. Applicant: B AND P MOTOR LINES, INC., Shiloh Road and U.S. Highway 221 South, Forest City, NC 28043. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. Transporting (1) *animal feed ingredients,* from Bainbridge, GA, to points in NC and SC; and (2) *animal feed ingredients,* from Marshall, TX, to points in GA, NC, and SC. Dual operations may be involved. (Hearing site: Atlanta, GA.)

MC 111274 (Sub-52F), filed September 11, 1979. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 358, Morton, IL 61550. Representative: Frederick C. Schmidgall (same as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, or irregular routes, transporting (1) *material handler, material handler parts, and material handler trailer,* from Crystal Lake, IL, to points in CA, CO, ID, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NV, NH, NJ, NY, ND, OH, OR, PA, RI, SD, TN, UT, VT, VA, WA, WV, WI, WY, NE, and ports of entry on the International Boundary line between the United States and Canada in MT, under continuing contract(s) with Foxcroft Development Associates, of Crystal Lake, IL. (Hearing site: Springfield or Chicago, IL.)

MC 113974 (Sub-64F), filed September 13, 1979. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Ave., Dravosburg, PA 15034. Representative: James D. Porterfield, 211 Washington Ave., Dravosburg, PA 15034. Transporting *pre-cut log buildings* and *such commmodities* as are used in the construction of pre-cut log buildings, from Bangor, ME, to points in CT, DE, IN, KY, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WV, and DC. (Hearing site: Washington, DC.)

MC 116915 (Sub-99F), filed September 13, 1979. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. #1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting (1) *environmental equipment, steel tanks, hoppers, silos, storage* and *wastewater tanks, fabricated steel,* and *accessory materials* (2) *materials, equipment* and *supplies* used in the manufacture thereof (except commodities in bulk), between the facilities of Tampa Tank & Welding, Inc., at or near Tampa, FL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to shipments originating at or destined to the facilities of Tampa Tank & Welding, Inc. (Hearing site: Tampa, FL.)

MC 116915 (Sub-100F), filed September 13, 1979. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. #1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *general commodities* (except those of unusual value, classes A and B explosives, motor vehicles, household goods as defined by the Commission and commodities in bulk), between Miami, Palm Beach, and Ft. Lauderdale, FL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic which has a prior or subsequent movement by rail, water, or air. (Hearing site: Miami, FL.)

MC 119654 (Sub-77F), filed September 11, 1979. Applicant: HI-WAY DISPATCH, INC., 1401 West 28th St., P.O. Box 509, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *plastic containers,* from the facilities of Hoover Universal, Inc., at or near Franklin, IN, to points in IL, KY, MI, MO, OH, WI, and points in PA on and west of a line beginning at the NY–PA state line and extending along U.S. Hwy. 219 to junction U.S. Hwy. 119, then along U.S. Hwy. 119 to the PA–MD state line, (2) *materials, equipment* and *supplies,* used in the manufacture, distribution, and sale of plastic containers (except commodities in bulk), from the destination points listed in part (1), to the facilities of Hoover Universal, Inc., at or near Franklin, IN. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119774 (Sub-106F), filed September 18, 1979. Applicant: EAGLE TRUCKING COMPANY, a corporation, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Transporting *tractors, farm machinery, industrial machinery, machinery attachments, equipment* therefor, and *parts* thereof, from the facilities of Caterpillar Tractor Co., at or near Peoria, Aurora, Decatur, and Joliet, IL, to points in LA, MS, and TX. (Hearing site: Dallas or Houston, TX.)

MC 124147 (Sub-162F), filed September 13, 1979. Applicant: MOMSEN TRUCKING CO., a corporation, 13011 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). Transporting *castings* and *forgings,* from points in MN, and WI to Eden Prairie, MN, Spencer and Shenandoah, IA, and Shawnee, OK. (Hearing site: Cleveland, OH, or Chicago, IL.)

MC 126514 (Sub-61F), filed September 13, 1979. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Road, Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. Transporting *general commodities* (except commodities in bulk), from the facilities of Charter Oak Shippers Association, at Berlin, CT, to points in CA, WA, OR, AZ, NV, UT, CO, NM, TX, GA, and FL. Condition: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance. (Hearing site: Chicago, IL.)

MC 127705 (Sub-96F), filed September 12, 1979. Applicant: KREVDA BROS. EXPRESS, INC., P.O. Box 68, Gas City, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *petroleum and petroleum products, vehicle body sealer and sound deadener compounds* (except in bulk), from St. Mary and Congo, WV, Farmers Valley, Emlenton, North Warren and New Kensington, PA, Buffalo and North Tonawanda, NY, to points in OH, MI, IN, KY, IL, WI, and MO. (Hearing site: Washington, DC.)

MC 134094 (Sub-9F), filed September 12, 1979. Applicant: HEIGHT'S SERVICE, INC., 521 East Nevada Avenue, St. Paul, MN 55101. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. *Contract carrier,* transporting *wine and alcoholic liquors,* from points in IL, to St. Paul, MN, under continuing contract(s) with Griggs, Cooper & Co., Inc., of St. Paul, MN. (Hearing site: Minneapolis-St. Paul, MN.)

MC 134545 (Sub-2F), filed September 11, 1979. Applicant: FRANK SALERNO, 3400 Bridlepath Road, Easton, PA 18042. Representative: Francis W. Doyle, 323 Maple Avenue, Southampton, PA 18966. *Contract carrier,* transporting *sulphuric acid, in bulk, in tank vehicles, from Newark, NJ, to the facilities of Hi-Pure Chemicals, Inc., at Edelman,* PA, under a continuing contract(s) with Hi-Pure Chemicals, Inc., of Nazareth, PA. (Hearing site: Allentown or Philadelphia, PA.)

MC 134755 (Sub-176F), filed September 11, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson (same address as applicant). Transporting (1) *lumber,* and (2) *truck and trailer flooring,* except lumber and commodities in bulk), from Lufkin, TX, to points in IN, IL, OH, MI, PA, WV, FL, TN, GA, MO, KS, AR, AL, MS, and LA. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 134755 (Sub-207F), filed September 11, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson (same address as applicant). Transporting iron and steel articles, and accessories used in the installation of such articles, from Grapeland, TX, to points in AR, LA, NM, and OK. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 134755 (Sub-208F), filed September 13, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Raymond P. Keigher, 1400 Gerard St., Rockville, MD 20850. Transporting *general commodities* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in MA, NH, NY, PA, and VT, to those points in the United States in or west of OH, KY, TN, GA, and FL (except ND, SD, MT, WY, ID, UT, NM, AK, and HI), restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 135524 (Sub-86F), filed September 11, 1979. Applicant: G. F. TRUCKING CO., a Corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting (1) *railway car wheels, locomotive wheels, railway axles,* and *railway bearings,* from the facilities of Griffin Wheel Company, at or near Keokuk, IA, to points in the United States (except AK and HI); and (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities in* (1) *above,* (except commodities in bulk), in the reverse direction. (Hearing site: Columbus, OH, or Chicago, IL.)

MC 135895 (Sub-56F), filed September 13, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. Transporting (1) *ground clay, crude clay, floor sweeping compounds and absorbents* (except in bulk) and (2) *materials, equipment and supplies* (except in bulk) *used in the manufacture, sale and distribution of the commodities in part (1) above,* between the facilities of Malta, Incorporated, at or near Middleton, TN, on the one hand, and, on the other, points in AL, AR, FL, GA, KS, LA, MO, MS, NC, OK, SC, and TX. (Hearing site: Memphis, TN.)

MC 136605 (Sub-133F), filed September 13, 1979. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). Transporting (1) *railway materials, equipment, and supplies,* (2) *materials, equipment and supplies used in the manufacture of (1),* between points in the United States, (except AK and HI), restricted to traffic originating at or destined to the facilities of Abex Corporation, and further restricted in (1) and (2) against commodities in bulk). (Hearing sites: Denver, CO, and Billings, MT.)

MC 136844 (Sub-13F), filed September 11, 1979. Applicant: WESTERN DRYWALL TRANSPORT, INC., d.b.a. WESTERN DIRECT TRANSPORT, 2001 Broadway, Vallejo, CA 94590. Representative: R. D. Davis (same as applicant). *Contract carrier,* transporting *elevated flooring sections,* and *parts* and *materials* used in the installation, from Lodi, CA, to points in NV, OR, and WA, under continuing contract(s) with Mazzamine Modules, of San Francisco, CA. (Hearing site: San Francisco or Sacramento, CA.)

MC 139495 (Sub-481F), filed September 10, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *such commodities* as are dealt in and sold by distributors of paper products (except commodities in bulk), from points in the US (except AK and HI) to Albuquerque, NM, Amarillo, El Paso, and Lubbock, TX, Billings, MT, Boise, ID, Colorado Springs, Denver, Grand Junction, and Pueblo, CO, and Salt Lake City, UT, restricted to shipments destined to the above-named destination points. (Hearing site: Washington, DC.)

MC 139495 (Sub-483F), filed September 11, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *cleaning, scouring, and washing compounds, buffing and polishing compounds, fabric softeners, and chemicals* (except in bulk), from the facilities of Purex Corporation, in IL and OH, to points in the US (except AK and HI), restricted to traffic originating at the facilities of Purex Corporation. (Hearing site: Washington, DC.)

MC 139495 (Sub-484F), filed September 12, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *such commodities* as are dealt in by retail and chain grocery, hardware, and drug stores, from St. Louis, MO, to points in the US (except AK, AR, FL, GA, HI, LA, OK, and TX). (Hearing site: Washington, DC.)

MC 140665 (Sub-68F), filed September 13, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting *animal feed, feed ingredients, and materials and supplies used in the manufacture of the above commodities* (except commdities in bulk), between points in Orange and Los Angeles Counties, CA, Ogden, UT, Hutchinson, KS, Columbus, OH, Birmingham, AL, and Mattoon, IL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Kal Kan Foods, Inc. (Hearing site: Washington, DC, or Los Angeles, CA.)

MC 142305 (Sub-4F), filed September 13, 1979. Applicant: WISCONSIN EXPRESS LINES, INC., Route 2, Green Bay, WI 54301. Representative: Daniel R. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53023. *Contract carrier* transporting *such merchandise* as are dealt in by wholesale, retail, and chain grocery and food business houses, from points in WI, to the facilities of Topco

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Associates, Inc., in AL, AZ, CO, GA, IL, KS, OH, MA, MI, MO, MS, NE, NJ, NY, PA, and TX, under a continuing contract with Topco Associates, Inc., of Skokie, IL. (Hearing site: Milwaukee, WI.)

MC 142765 (Sub-9F), filed September 13, 1979. Applicant: AMERICAN TRANSPORTATION, INC., 797 Amity Rd., Bethany, CT 06525. Representative: Mel P. Booker, Jr., 110 South Columbus St., Alexandria, VA 22314. *Contract carrier* transporting (1) *such commodities* as are dealt in or used by door-to-door sales, catalog sale, and mail order houses; (2) *order forms* and *correspondence* and (3) *materials, equipment* and *supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), between the facilities of Avon, Inc., at or near Rye, NY, on the one hand, and, on the other, points in CT, NY, RI, MA, NH, VT, and ME, under a continuing contract(s) with Avon Products, Inc., of Rye, NY. (Hearing site: Washington, DC or New York, NY.)

MC 143775 (Sub-110F), filed September 13, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same as applicant). Transporting (1) *plastic and plastic articles,* and (2) *materials and supplies used in the manufacture and distribution thereof,* from City of Industry, CA, and Kearney and Rockaway, NJ, to points in the United States (except AK and HI.) (Hearing site: Los Angeles or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 145454 (Sub-7F), filed September 13, 1979. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 2154 Green Valley Drive, Crown Point, IN 46307. Representative: Anthony E. Young, 29 South LaSalle St., Chicago, IL 60603. Transporting *juice and juice concentrates* (except in bulk), from points in FL, to points in IL, restricted to the transportation of traffic destined to the facilities of Certified Grocers of Illinois. (Hearing site: Chicago, IL.)

MC 145614 (Sub-4F), filed September 12, 1979. Applicant: TRIPLE A TRANSPORT, INC., 193 Main St., Springvale, ME 04083. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101. Transporting *fresh meat,* from Commerce City, CO, to points in ME and NY. (Hearing site: Portland, ME, Boston, MA.)

MC 146964 (Sub-1F), filed September 13, 1979. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Ave., York, PA 17403. Representative: Michael Valencik (same as applicant). Transporting *paper* and *paper products,* between Erie and Lock Haven, PA, and Oswego, NY, on the one hand, and, on the other, points in VA, NC, SC, GA, AL, and FL. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 147294 (Sub-1F), filed September 13, 1979. Applicant: STAM-WIN, INC., 3700 Park East Drive, Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Transporting (1) *containers,* and *container closures,* from the facilities of the Van Dorn Company at (a) Cleveland, OH, Leetsdale, PA, and Elizabeth, NJ, to points in DE, NC, and WI, (b) Massillon, OH, and Cranbury, NJ, to points in CT, DE, IL, IN, KY, MD, MI, MA, MO, NC, NJ, NY, OH, PA, RI, VA, WI, and WV, (2) *Materials* used in the manufacture of containers, container closures, and plastic articles (except commodities in bulk), from points in CT, DE, KY, MD, MA, MO, NC, NJ, NY, RI, VA, WI, and WV, to the facilities of the Van Dorn Company, at Massillon, OH, and Cranbury, NJ. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343 (a) (1978), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 148265F, filed September 13, 1979. Applicant: L & F LEASING, INC., 3050 Gale Ave., Hubbard, OH 44425. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting *iron and steel articles, aluminum extrusions, and machinery,* between points in Mercer County, PA, and points in OH, on and east of Ohio Highway 14, on the one hand, and, on the other, points in MI, IN, OH, WV, MD, DE, PA, NY, NJ, CT, RI, MA, VT, NH, and ME. (Hearing site: Columbus, OH.)

MC 148274F, filed September 11, 1979. Applicant: M & S TRANSPORT, INC., 167 Fairfield Rd., Fairfield, NJ 07006. Representative: A. David Millner and Michael R. Werner, P.O. Box 1409, Fairfield, NJ 07006. *Contract carrier* transporting *automotive parts* and *automotive accessories,* and such *commodities* as are dealt in or used by distributors of automotive parts (except commodities in bulk), between the facilities of General Motors Parts Division, at Bensalem Township, PA, on the one hand, and, on the other points in NJ, New York, NY, and points in Broome, Chemung, Chenango, Cortland, Delaware, Greene, Orange, Otsego, Rockland, Schoharie, Sullivan, Tioga, Tompkins, Ulster and Westchester Counties, NY, New Castle County, DE, and points in Berks, Bucks, Bradford, Carbon, Chester, Columbia, Delaware, Lackawana, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, Schuylkill, Sullivan, Susquehana, Wayne, and Wyoming Counties, PA, under continuing contract(s) with General Motors Parts Division, of Flint, MI. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343 (a) (1978), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

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Decided: February 11, 1980.

By the Commission, Review Board Numbers, Members Parker, Fortier and Hill.

MC 1783 (Sub-33F), filed September 25, 1979. Applicant: BLUE LINE EXPRESS, INC., 260 D. W. Highway South Nashua, NH 03060. Representative: Charles A. Webb, Suite 800 South, 1800 M Street, NW., Washington, DC 20036. Transporting *paper and paper products,* from Jay and Livermore Falls, ME, to Middlebury, VT. (Hearing site: Concord, NH or Boston, MA.)

MC 2202 (Sub-608F), filed September 18, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 George Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between New Orleans and Baton Rouge, LA, serving all intermediate points, and serving New Orleans and Baton Rouge for joinder only over U.S. Hwy 61; (2) between Baton Rouge and Laplace, LA, serving all intermediate points, and serving Baton Rouge for joinder only, from Baton Rouge over LA Hwy 30 to junction LA Hwy 74, then over LA Hwy 74 to junction LA Hwy 75, then over LA Hwy 75 to junction LA Hwy 22, then over LA Hwy 22 to junction LA Hwy 44, then over LA Hwy 44 to Laplace, and return over the same route; and (3) between New Oreleans and Norco, LA serving all intermediate points, and serving New Orleans for joinder only, LA Hwy 48. (Hearing site: Baton Rouge, LA.)

MC 2202 (Sub-610F), filed September 28, 1979. Applicant: Roadway Express, Inc., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. *Transporting General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* serving Madison, IN as an off-route point in connection with applicant's regular routes. (Hearing site: Madison, IN.)

MC 5623 (Sub-50F), filed September 14, 1979. Applicant: ARROW TRUCKING CO., P.O. Box 7280, Tulsa, OK 74105. Represenatative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *Iron and steel articles,* between the facilities of Levinson Steel Co. at Pittsburgh and Ambridge, PA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 7523 (Sub-18F), filed September 18, 1979. Applicant: VENTURA TRANSFER CO., a corporation, 2418 East 223d St., Long Beach, CA 90810. Representative: Warren Goodman (same address as applicant). Transporting *plastic materials* (except expanded), in bulk, in tank vehicles, from points in CA to points in AZ, NV, OR, UT, and WA. (Hearing site: Los Angeles or San Francisco, CA.)

MC 8973 (Sub-65F), filed September 24, 1979. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, NJ 07047. Representative: MORTON E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *Chemicals* (except in bulk), between points in the United States (except AK and HI) restricted to the transportation of traffic originating at or destined to the facilities used by Hexagon Enterprises, Inc. (Hearing site: New York, NY.)

MC 14552 (Sub-69F), filed September 24, 1979. Applicant: McNICHOLAS TRANSPORTATION CO., 555 West Federal St., Youngstown, OH 44501. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Transporting (1) *iron, steel, and aluminum articles,* (2) *construction materials,* and (3) *equipment, materials, and supplies* used in the manufacture of the commodities in (1) and (2) above, between, St. Louis, MO, and points in WI, IL, MI, IN, KY, OH, WV, PA, MD, DE, VA, NY, NJ, CT, RI, MA, VT, NH, ME, and DC. (Hearing site: Columbus, OH.)

MC 32882 (Sub-128F), filed September 24, 1979. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Blvd., P.O. Box 17039, Portland, OR 97217. Representative: David J. Lister (same address as applicant). Transporting (1) *tractors* (except tractors used in connection with highway trailers), *lift trucks, excavators, motor graders, scrappers, engines, generators, road rollers, pipe layers, and dump trucks,* designed for off-highway use; and (2) *parts, attachments, and accessories,* for the commodities in (1) above, from the facilities of Caterpillar Tractor Company, in (a) Vermillion, Macon, Tazewell, Coles, Peoria, Sangamon Counties, IL, (b) Scott County, IA, and (c) Lake County, OH, to points in OR, WA, ID, MT, WY, CO, UT, NV, AZ, and CA. (Hearing site: Salt Lake City, UT.)

MC 47583 (Sub-108F), filed September 24, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Transporting *plastic articles, and equipment, materials and supplies* used in the manufacture and distribution of plastic articles (except commodities in bulk and those which because of size and weight require the use of special equipment), between the facilities of Fort Howard Paper Company, at or near Muskogee, OK, on the one hand, and, on the other, points, in AZ, AR, CA, CO, ID, IL, KS, LA, MO, NE, NV, NM, OK, OR, TX, UT, WA and WY. (Hearing site: Kansas City, MO.)

MC 61403 (Sub-272F), filed September 20, 1979. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: W. C. Mitchell, Suite 1201, 370 Lexington Ave., New York, NY 10017. Transporting (a) *chemicals,* in bulk, in tank vehicles, from the facilities of Union Carbide Corp., at the near North Seadrift, TX, to points in the United States (except AK and HI), and (b) *acids, chemicals, and petroleum products,* in bulk, in tank vehicles, in the reverse direction. (Hearing site: Houston, TX.)

MC 61592 (Sub-470F), filed September 17, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting (1) *metal shelving and store fixtures,* from Terrell, TX, to points in the United States (except AK and HI); and (2) *cleaning compounds and chemicals* (except commodities in bulk, in tank vehicles), from Terre Haute, IN, to points in AZ, CA, CO, FL, GA, ID, LA, MT, NV, NM, OK, OR, TN, TX, UT, WA, and WY. (Hearing site: Memphis, TN.)

MC 73612 (Sub-6F), filed September 18, 1979. Applicant: SANDI TRANSPORTATION, INC., 645 Spring St., Elizabeth, NJ 07201. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *chemicals, dyes, waxes, food preservatives, plastic, plastic articles, resins, plasticizers, paper, printing plates, sun glasses, softeners, and acids;* and (2) *materials, equipment, and supplies* used in the manufacture or sale of the commodities in (1) above, between New York, NY, and the facilities of the American Hoechst Corporation at (a) points in NJ, (b) Delaware City, DE, (c) Leominster, MA, and (d) Coventry, RI, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, KS, OK, and TX, restricted to the transportation of commodities in bulk. (Hearing site: New York, NY, or Washington, DC.)

MC 77972 (Sub-35F), filed September 18, 1979. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22626, Jackson, MS 39205. Transporting *such commodities* as are dealt in or used by agricultural equipment, industrial and lawn and leisure product manufacture (except commodities in bulk), between the facilities of (a) the Parts Distribution Service Center of John Deere Company at Milan, IL, and (b) the Distributing Service Company of John Deere at Moline, IL, on the one hand, and, on the other, Memphis, TN. (Hearing site: Memphis, TN.)

MC 80443 (Sub-29F), filed September 17, 1979. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Transporting (1) *Furniture and furniture parts,* (2) *materials, equipment and supplies* used in the manufacture of furniture. (1) From the facilities of Homecrest Industries, Inc., at Wadena, MN, to points in the United States (except AK and HI). (2) From points in the United States (except AK and HI) to the facilities of Homecrest Industries, Inc., at Wadena, MN. (Hearing site: Minneapolis or St. Paul, MN.)

MC 82492 (Sub-247F), filed September 27, 1979. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative:

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Dewey R. Marselle (same address as applicant). Transporting *paper and paper products*, from the facilities of International Paper Co., at or near Clinton, IA, to points in OH, IL, MO, KS, WI, PA, NY and TN. (Hearing site: Chicago, IL, or Washington, DC.)

MC 103993 (Sub-1003F), filed September 24, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda, 28651 U.S. 20 West, Elkhart, IN 46515. Transporting *trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), from Oklahoma City, OK and Great Bend, KS to points in the United States (except AK and HI). (Hearing site: Oklahoma City, OK.)

MC 107012 (Sub-436F), filed September 17, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Stephen C. Clifford, (same address as applicant). Transporting *Television picture tubes*, from Chicago, IL to Springfield MO, restricted to traffic originating at or destined to the facilities of Zenith Radio Corporation. (Hearing sites: Chicago, IL or Washington, DC.)

Note.—Common control may be involved.

MC 107012 (Sub-445F), filed September 27, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop, (same address as applicant). Transporting *such commodities* as are dealt in by discount and department stores, from points in the United States (except AK and HI) to the facilities of Wal-Mart Stores, Inc., at or near (a) Bentonville, Fort Smith, and Searcy, AR, (b) Springfield, MO, and (c) Palestine, TX. (Hearing sites: Little Rock, AR, or Washington, DC.)

MC 107012 (Sub-446F), filed September 27, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *barbecue grills* and *camping equipment*, from the facilities of Neosho Product Co., Division of Sunbeam Corp., at or near Neosho, MO, to points in the United States (except AK and HI). (Hearing sites: Springfield or Joplin, MO.)

MC 107403 (Sub-1265F), filed September 27, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting *liquid petroleum and petroleum products*, in bulk, in tank vehicles, from the facilities of EXXON Company, U.S.A., at or near Baton Bouge, LA, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 107403 (Sub-1289F), filed September 19, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050, Representative Martin C. Hynes, Jr. (same address as applicant). Transporting (1) *chemicals*, in bulk, in tank vehicles, from the facilities of Union Carbide Corporation at or near North Seadrift, TX to points in the United States (except AK and HI), and (2) *Acids, Chemicals and Petroleum Products*, in bulk, in tank vehicles, from points in the United States (except AK & HI), to the facilities of Union Carbide Corporation at or near North Seadrift, TX.

Note.—Hearing site: Washington, DC.

MC 108053 (Sub-167F), filed September 28, 1979. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, IL 60601. Transporting *meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), between the facilities of Armour and Company, at or near South San Francisco, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Omaha, NE.)

MC 108053 (Sub-168F), filed September 24, 1979. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, IL 60601. Transporting *beverages*, in containers, from points in CA, to points in the United States (except AK and HI). (Hearing site: San Francisco, CA.)

MC 109533 (Sub-119F), filed September 27, 1979. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1000 Semmes Avenue, Richmond, VA 232224. Representative: E. T. Liipfert, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Louisville and Henderson, KY, over U.S. Hwy 60, serving all intermediate points, (2) serving Anderson, IN, Danville, IL, Muncie, IN, Owensboro, KY, and Greenville, OH, and those points in IN located on and south of a line beginning at the IL–IN state line, and extending along Interstate Hwy 74 to Indianapolis, IN, then along U.S. Hwy 36 to the IN–OH state line, as intermediate or off-route points in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Indianapolis, IN or Louisville, KY.)

Note.—Applicant intends to tack the authority here sought with its existing regular- and irregular-route authority.

MC 110683 (Sub-155F), filed September 25, 1979. Applicant: SMITH'S TRANSFER CORPORATION, Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Suite 502, 1000 16th St., N.W., Washington, DC 20036. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment): Serving points in York County, ME, as off-route points in connection with carrier's otherwise authorized regular-routes operations. (Hearing site: Washington, or Richmond, VA.)

MC 110683 (Sub-157F), filed September 25, 1979. Applicant: SMITH'S TRANSFER CORPORATION, Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Suite 502, 1000 16th St. NW., Washington, DC 20036. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), serving points in Westchester and Orange Counties, NY, as off-route points in connection with carriers regular routes. (Hearing site: Washington D.C. or Richmond, VA.)

Note.—The purpose of this application is to convert one-way irregular-route authority to two-way regular route authority.

MC 110683 (Sub-161F), filed September 25, 1979. Applicant: SMITH'S TRANSFER CORPORATION, Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Suite 502, 1000 16th St., N.W., Washington, DC. 20036. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment): (1) between Memphis, TN, and Nashville, TN, over Interstate Hwy 40, serving no intermediate points; (2) between Louisville, KY, and Memphis, TN, and

from Louisville over Interstate Hwy 65 to junction Western KY Parkway, then over Western Ky Parkway to junction U.S. Hwy 62, then over U.S. Hwy 62 to junction Interstate Hwy 24, then over Interstate Hwy 24 to junction Purchase Parkway, then over Purchase Parkway to junction U.S. Hwy 51, then over U.S. Hwy 51 to Memphis, and return over the same route, serving junction Western KY Parkway and U.S. Hwy 41, and junction U.S. Hwy 62 and Interstate Hwy 24, for joinder only; and (3) between Terre Haute, IN, and junction Western KY Parkway and U.S. Hwy 41 serving this junction for joinder only from Terre Haute over U.S. Hwy 41 to junction U.S. Hwy 41, then over U.S. Hwy 41 to junction with Western KY Parkway, and return over the same route, serving junction Western KY Parkway and U.S. Hwy for purposes of joinder as alternate routes for operating convenience only in (1), (2), and (3) above. . (Hearing site: Washington, DC or Richmond, VA.)

MC 111812 (Sub-686F), filed September 25, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). Transporting (1) *foodstuffs* and *frozen inedible meat by-products* (except commodities in bulk in tank vehicles), from the facilities of Wiscold, Inc., at Milwaukee and Beaver Dam, WI, to points in the United States (except AK, HI, and WI); and (2) *meats, meat products, and meat by-products, dairy products, articles distributed by meat packinghouses*, and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in Sections A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 208 and 766 (except hides and commodities in bulk), from the facilities of Dubuque Packing Co., at Milwaukee, WI, to points in the United States (except AK, CA, HI, ID, MT, NV, OR, UT, WA, and WI, restricted in both (1) and (2) above to the transportation of traffic originating at the named origins. (Hearing site: Milwaukee, WI.)

MC 111812 (Sub-688F), filed September 21, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). Transporting *meats, meat products and meat by-products, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from Worthington, MN, to points in IL, (2) from Omaha, NE, to points in IL and WI, (3) from St. Joseph, MO, to points in CA, CT, DE, ID, IL, ME, MD, MA, MI, MT, NV, NH, NJ, NY, OH, OR, PA, RI, UT, VT, VA, WA, WV, WI, and DC, (4) from Huron, SD, to points in AZ, CA, CT, DE, ID, IL, KY, ME, MD, MA, MI, MT, NV, NH, NJ, NY, OH, PA, RI, UT, VT, VA, WV, WI, and DC, (5) from Fremont, NE, to points in AZ, DE, IL, MD, NV, UT, VA, WV, WI, and DC, and (6) From Madison, NE, to points in CA, ID, IL, MT, NV, OR, UT, WA, and WI, restricted in (1) through (6) to the transportation of traffic originating at the facilities of Armour Fresh Meats at the named origins and destined to the named destinations. (Hearing site: Phoenix, AZ.)

MC 113362 (Sub-366F), filed September 25, 1979 Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, 1105½ Eight Avenue N.E., P.O. Box 429, Austin, MN 55912. Transporting *meats, meat products and meat by-products, and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities used by Wilson Foods Corporation at Omaha, NE, to points in CT, DE, IA, ME, MD, MA, MN, NH, NJ, NY, OH, PA, RI, VT, VA, and DC, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

MC 114273 (Sub-662F), filed September 24, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting (1) *mineral fiber, mineral fiber products, insulating materials, and air filters*, and (2) *materials, equipment, and supplies* used in the manufacturing, distribution, and installation of the commodities in (1) above (except commodities in bulk, in tank vehicles and those which require use of special equipment), between the facilities of the United States Gypsum Company, at Wabash, IN, on the one hand, and, on the other, points in AR, CO, IA, KS, LA, MN, MO, NE, ND, OK, SD, TX and WI. (Hearing site: Chicago, IL or Washington, D.C.)

MC 114273 (Sub-663F), filed September 24, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *weed killing compounds*, in bags, from Mendota, IL, to points in IN, IA, NE, ND and SD. (Hearing site: Chicago, IL or Washington, D.C.)

MC 114273 (Sub-864F), filed September 24, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *iron and steel articles*, from Sinking Springs, PA, to points in MI. (Hearing site: Chicago, IL or Washington, DC.)

MC 114552 (Sub-236F), filed September 27, 1979. Applicant: SENN TRUCKING COMPANY, a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting (1) *plastic pipe and building materials* (except commodities in bulk), from the facilities of CertainTeed Corporation, at or near (a) Eads, TN, (b) Social Circle, GA, and (c) McPherson, KS, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture or distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Washington, DC.)

MC 114632 (Sub-261F), filed September 25, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting: *steel*, from Sterling and Granite City, IL, to Richardton, ND. (Hearing site: Fargo, ND, or Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 114632 (Sub-262F), filed September 25, 1979. Applicant: APPLE LINE, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting (1) *iron and steel articles, rails, railway crossties and railway track accessories, piling, pile drivers, and extractors* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture, installation, dismantling or distribution of the commodities in (1) above (except commodities in bulk), between points in IL, IN, IA, KS, MI, MN, MO, NE, ND, SD, and WI, restricted to the transportation of traffic originating at or destined to the facilities of L.B. Foster Company. (Hearing site: Chicago, IL or Minneapolis, MN.)

MC 115162 (Sub-507F), filed September 28, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting (1) *such commodities* as are dealt in or used by agricultural equipment, industrial equipment, and lawn and leisure product dealers, from Kaukauna, WI, to points in the United States (except AK and HI); and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, in the reverse direction. (Hearing site: Chicago, IL or Washington, DC.)

MC 116763 (Sub-595F), filed September 14, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira, (same address as applicant). Transporting *paper and paper products* (except commodities in bulk, in tank vehicles), from the facilities of Scott Paper Company at Mobile, AL, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NC, OK, SC, TN, TX and WI. Restricted to traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Philadelphia, PA.)

MC 116763 (Sub-597F), filed September 20, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *cans, can lids, can ends, and can labels*, from the facilities of Seneca Foods, Inc., at or near Marion, NY, to points in ME, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Rochester, NY.)

MC 116763 (Sub-603F), filed September 24, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *malt beverages, malt syrups, and beverage containers* (except commodities in bulk, in tank vehicles), from points in Oswego and Onondaga Counties, NY, to points in ME, MA, NH, VT, MD, PA, MI, IN, KY, and OH, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Milwaukee, MI.)

MC 116763 (Sub-604F), filed September 24, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting expanded *plastic foam, and molded plastic articles*, from Omaha, NE, to points in AL, LA, MS and SC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Omaha, NE.)

MC 116763 (Sub-605F), filed September 27, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *plastic articles, and equipment, materials and supplies* used in the manufacture and distribution of plastic articles, (except commodities in bulk, and those which require the use of special equipment), between the facilities of Ft. Howard Paper Company, at or near Muskogee, OK, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Ft. Howard Paper Company. (Hearing site: Washington, DC.)

MC 118142 (Sub-235F), filed September 24, 1979. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Brad T. Murphree, 814 Century Plaza Building, Wichita, KS 67202. Transporting (1) *Meat, meat byproducts, and articles distributed by meat packing houses*, as described in section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Garden City, KS to points in the United States (except AK and HI); and (2) *Materials, supplies, and equipment* used or dealt in by meat packing houses, from points in the United States to Garden City, KS. Restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Wichita, KS or Kansas City, MO.)

MC 118202 (Sub-135F), filed September 28, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *foodstuffs (except commodities in bulk)*, (1) from points in CT, DE, MA, ME, NH, NJ, NY, PA, RI, VA, VT, and DC to Austin, MN, and (2) from Owatonna, MN, to points in CT, DE, MA, ME, NH, NJ, OH, PA, RI, VA, VT and DC. (Hearing site: Minneapolis, MN.)

MC 118202 (Sub-136F), filed September 17, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *dairy products*, from Green Bay, WI, to points in AL, CO, GA, IL, KS, MA, MI, MS, MO, NE, NJ, NY, NC, OH, and PA. (Hearing site: Chicago, IL or St. Paul, MN.)

MC 118202 (Sub-137F), filed September 28, 1979. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge Street, P.O. Box 406, Winona, MN 55987. Representative: Thomas J. Beener, One State Street Plaza, New York, NY 10004. Transporting *fertilizer (except in bulk)*, from Maumee, Holland and Toledo, OH, to points in CT, IA, IL, IN, MA, ME, MN, NJ, NY, PA and WI. (Hearing site: New York, NY.)

MC 119493 (Sub-324F), filed September 26, 1979. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting *zinc dust* and *materials and supplies* used in the manufacture and distribution of zinc dust (except commodities in bulk), between Spelter and Meadowbrook, WV, on the one hand, and, on the other, those points in the United States in and each of MT, WY, CO, and NM. (Hearing site: Charleston, WV or Albany, NY.)

MC 123993 (Sub-59F), filed September 17, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX 78701. Transporting *bagging, steel cotton bale ties, burlap and twine*, between New Orleans, LA, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, MS, MO, NE, OK, TN and TX. (Hearing site: New Orleans or Baton Rouge, LA.)

MC 123993 (Sub-60F), filed September 19, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX 78701. Transporting *flour, meal, and potato products* (except commodities in bulk), from Sherman, TX, to points in NM. (Hearing site: Dallas or Ft Worth, TX.)

MC 124692 (Sub-309F), Filed September 24, 1979. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59706. Representative: J. David Douglas (same address as applicant). Transporting *plastic pipe, and parts and accessories* for plastic pipe, from the facilities of Robintech, Inc., at Grinnell, IA, to those points in the United States in and west of MT, WY, CO, NM, and TX (except AK and HI). (Hearing site: Chicago, IL.)

MC 125433 (Sub-315F), filed September 25, 1979. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *general commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in CA, on the one hand, and, on the other, points in UT, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Los Angeles, CA.)

MC 125433 (Sub-318F), filed September 17, 1979. Applicant: F–B TRUCK LINE COMPANY a corporation, 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *batteries*, and (2) *materials, equipment, and supplies* used in the manufacture, installation, and distribution of batteries, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by Globe Battery Div. of Globe Union, Inc. (Hearing site: Chicago, IL.)

MC 125433 (Sub-320F), filed September 17, 1979. Applicant: F–B TRUCK LINE COMPANY 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *iron and steel bars*, from the facilities of Nucor Cold Drawn—Vulcraft Division, at or near Norfolk, NE, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 125433 (Sub-321F), filed September 25, 1979. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1)(a) *tractors, agricultural implements* and *pumps*, and (b) *parts* for the commodities in (1)(a) above, and (2) *materials and supplies* used in the manufacture of the commodities in (1)(a) above (except commodities in bulk), between Fargo, ND, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Steiger Tractor, Inc., at Fargo, ND. (Hearing site: Fargo, ND.)

MC 125433 (Sub-322F), filed September 25, 1979. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson, (same address as applicant). Transporting (1) *crushing equipment*, and *parts and accessories* for crushing equipment, from the facilities of Universal Engineering Corp. (subsidiary of Pettibone Corp.), at or near Cedar Rapids, IA, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), in the reverse direction. (Hearing site: Chicago, IL.)

MC 125433 (Sub-338F), filed October 29, 1979. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of Gates Rubber Company, at or near Denver, CO, to points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 126243 (Sub-31F), filed September 27, 1979. Applicant: ROBERTS TRUCKING CO., INC., P.O. Drawer "G", Poteau, OK 74953. Representative: Vernon Roberts (same address as applicant). Transporting *plastic articles*, and *equipment, materials and supplies* used in the manufacture and distribution of plastic articles (except commodities in bulk and those which because of size or weight require the use of special equipment), between the facilities of Fort Howard Paper Company, at or near Muskogee, OK, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IL, KS, KY, LA, MS, MO, NE, NM, NC, SC, TN, TX, and VA. (Hearing site: Washington, DC.)

MC 126822 (Sub-70F), filed September 17, 1979. Applicant: WESTPORT TRUCKING COMPANY, a corporation, 15580 South 169 Highway, Olathe, KS 66061. Representative: Kenneth E. Smith (same address as applicant). Transporting *hides*, from Memphis, TN, to Chicago, IL, and Milwaukee, WI, and points in NH, ME, MA, NY, and PA. (Hearing site: Philadelphia, PA.)

MC 128273 (Sub-365F), filed September 27, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting *plastic articles* and *equipment, materials and supplies* used in the manufacture and distribution of plastic articles (except commodities in bulk and those which, because of size or weight, require the use of special equipment) between the facilities of Fort Howard Paper Company, at or near Muskogee, OK, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, KS, KY, LA, MS, MO, MT, NE, NV, NM, NC, OR, SC, TN, TX, UT, VA, OK, WA, WI and WY. (Hearing site: Washington, D.C.)

MC 129032 (Sub-103F), filed September 21, 1979. Applicant: TOM INMAN TRUCKING, INC., 5656 South 129th East Ave., Tulsa, OK 74134. Representative: David R. Worthington (same address as applicant). Transporting (1) *wheels, brakes, axles and axle assemblies*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk, in tank vehicles), between the facilities of Kelsey Brake & Axle Division, at or near Seminole, OK, on the one hand, and, on the other, Dayton, OH, Jackson and Dearborn, MI, Chattanooga, TN, Chicago, IL, Logansport, IN, Montezuma, GA, Elkhart, IN, McMinneville, OR, and Chino, CA, restricted to the transportation of traffic originating at or destined to the above named facilities. (Hearing site: Oklahoma City, OK or St. Louis, MO.)

MC 129032 (Sub-116F), filed September 27, 1979. Applicant: TOM INMAN TRUCKING, INC., 5656 South 129th E. Avenue, Tulsa, OK 74121. Representative: David R. Worthington (same address as applicant). Transporting: (1) *Plastic articles*, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk and those requiring special equipment), between the facilities of Fort Howard Paper Company, at or near Muskogee, OK, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, KS, KY, LA, MS, MO, MT, NE, NV, NM, NC, OR, SC, TN, TX, UT, VA, WA, and WY. (Hearing Site: Washington, DC.)

MC 129282 (Sub-51F), filed September 27, 1979. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, TX 75601. Representative: Fred S. Berry (same address as applicant). Transporting *plastic articles*, and *equipment, materials, and supplies* used in the manufacture and distribution of plastic articles (except commodities in bulk and those which because of size and weight require the use of special equipment), between the facilities of Fort Howard Paper Company, at or near Muskogee, OK, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, KS, LA,

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MS, MO, NE, NM, NC, SC, TN, TX, KY, OK, and VA. (Hearing site: Washington, DC.)

MC 134783 (Sub-61F), filed September 25, 1979. Applicant: DIRECT SERVICE, INC., 940 East 66th Street, P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Transporting *foodstuffs* (except in bulk in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of Kraft, Inc., at or near Lakeland, FL, to points in LA, MS, MO, and TX, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Chicago, IL or Dallas, TX).

Note.—Dual operations may be involved.

MC 135052 (Sub-21F), filed September 26, 1979. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, IN 46176. Representative: Warren C. Moberly, 777 Chamber of Commerce Building, 320 North Meridian St., Indianapolis, IN 46204. Transporting (1) *paper and paper products*, (a) from Indianapolis, IN, to points in FL, MO, NJ, NY, PA, and WI, and (b) from Cayuga, IN, to points in IA, IL, KY, MI, MO, OH, PA, and WI; (2) *waste paper for recycling*, (a) from points in FL, LA, NY, PA, TX, and WV, to Cayuga, IN, (b) from points in AL, GA, IA, IL, KS, KY, MI, MN, MO, NE, OH, TN, WI, to points in IN; (3) *pulpboard*, from Indianapolis, IN, to AL, AR, CT, DE, DC, FL, GA, IA, IL, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, NC, NE, NH, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, VT, WI, WV, and DC; and (4) *Kadinclay*, from Wrens, GA, to Indianapolis, IN. (Hearing site: Washington, DC, or Louisville, KY.)

MC 135052 (Sub-24F), filed September 20, 1979. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, IN 46176. Representative: Warren C. Moberly, 777 Chamber of Commerce Building, 320 North Meridian St., Indianapolis, IN 46204. Transporting (1) *battery boxes*, from Waterbury, CT, to Cleveland, TN, and Lancaster, SC; (2) *battery tubes and sleeves*, from Rockford, IL, to Cleveland, TN, and Lancaster, SC; (3) *zinc powder*, in containers, from Palmerton, PA, to Cleveland, TN, and Lancaster, SC; (4) *alkaline and carbon zinc batteries* from Lancaster, SC, and Cleveland, TN, to Indianapolis, IN, Bethel, CT, and Dallas and Fort Worth, TX; (5) *steel coils*, from Warren, OH, to Waterbury, CT. (Hearing site: Washington, DC, or Chicago, IL.)

MC 136343 (Sub-182F), filed September 26, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *paper and paper products, woodpulp, containers, plastic articles*, and *chemical products*, and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above (except commodities in bulk in tank vehicles), between those points in the United States in and east of MN, IA, MO, KS, OK, and TX, on the one hand, and, on the other, points in AR, FL, GA, IL, IN, IA, LA, ME, MI, MS, MO, NJ, NY, OH, PA, SC, VT, VA, and WI. (Hearing site: New York, NY or Washington, DC.)

MC 136343 (Sub-185F), filed September 24, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166 (100 Pine St.), Harrisburg, PA 17108. Transporting (1) *glass containers*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of glass containers (except commodities in bulk, or those which, because of size or weight, require the use of special equipment), between the facilities of Midland Glass Company, Inc., at or near (a) Cliffwood, NJ, (b) Warner Robins, GA, and (c) Terre Haute, IN, on the one hand, and, on the other, those points in the United States in and east of WI, IL, KY, TN, and AL. (Hearing site: New York, NY or Philadelphia, PA.)

MC 136393 (Sub-5F), filed September 24, 1979. Applicant: N.Y., N.J., CONN. FREIGHT & MESSENGER CORP., 351 West 38th St., New York, NY 10018. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10001. Transporting (1) *wearing apparel*, and (2) *such commodities* as are dealt in by retail department stores, in mixed loads with wearing apparel, between New York, NY and Los Angeles, CA. (Hearing site: New York, NY or Los Angeles, CA.)

MC 136553 (Sub-87F), filed September 26, 1979. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *lime and limestone products*, from the facilities of Linwood Stone Products Company, Inc., at or near Davenport, IA, to points in IL, MN, and WI. (Hearing site: St. Paul, MN, or Chicago, IL.)

MC 138882 (Sub-304F), filed September 25, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). Transporting *iron and steel articles*, from Harriman, TN, to Chicago, IL. (Hearing site: Chicago, IL or Birmingham, AL.)

MC 139822 (Sub-41F), filed September 19, 1979. Applicant: FOOD CARRIER, INC., P.O. Box 2287, Savannah, GA 31402. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Penn. Ave & 13th St. NW, Washington, DC 20004. Transporting *(1) malt beverages* from the facilities of Miller Brewing Company, at Albany, GA, to points in AL, AR, FL, GA, KY, LA, MS, SC and TN, and (2) *equipment, materials*, and *supplies* used in the manufacture of malt beverages, from points in AL, FL, IN, LA, MO, OK, SC, TX, VA and WV, to points in GA. (Hearing Site: Milwaukee, WI or Washington, DC.)

MC 139923 (Sub-64F), filed September 25, 1979. Applicant: MILLER TRUCKING CO., INC., P.O. Box Drawer "D", Stroud, OK 74079. Representative: Daniel O. Hands, Suite 200, 205 West Touhy, Park Ridge, IL 60068. Transporting *foodstuffs* (except commodities in bulk), from points in the United States (except AK, HI, and OK) to points in Lincoln County, OK. (Hearing site: Dallas, TX or Oklahoma, City, OK.)

Note:—Dual operations may be involved.

MC 139923 (Sub-68F), filed September 28, 1979. Applicant: MILLER TRUCKING CO., INC., P.O. Box Drawer "D", Stroud, OK 74079. Representative: Jack H. Blanshan, Suite 200, 205West Touhy Avenue, ParkRidge, IL 60068. Transporting *empty propane tanks*, from Bedford, IN, to Stround, OK. (Hearing site: Dallas, TX or Oklahoma City, OK.)

Note:—Dual operations may be involved.

MC 139973 (Sub-78F), filed September 20, 1979. Applicant: J.H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *meats, meat products and meat by-products, and articles distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the facilities used by Farmland Foods, Inc., at or near (a) Crete, Lincoln, and Omaha, NE, and (b) Denison, Carroll, Iowa Falls, Desmoines, Fort Dodge, and Sioux City, IA, to points in AZ, NM, LA, TX, CA, WA, OR, CO, AR, OK, and TN. (Hearing site: Omaha, NE)

MC 140833 (Sub-2F), filed September 28, 1979. Applicant: GLENGARRY TRANSPORT LIMITED, Highway 34 South, Alexandria, Ontario, Canada KOC 1AO. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. NW, Washington, DC 20004. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction NY Hwys 37 and 287 and the port of entry on the international boundary line between the United States and Canada at or near Alexandria Bay, NY: from junction NY Hwys 37 and 287 over NY Hwys 287 to junction NY Hwy 283, then along NY Hwy 283 to junction Interstate Hwy 81, then along Interstate Hwy 81 to the port of entry at or near Alexandria Bay, and return over the same route, serving no intermediate points. (Hearing site: Syracuse, NY.)

Note:—Applicant intends to tack this route with its existing regular routes.

MC 141532 Sub-45F, filed September 24, 1979. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. Transporting *wire, wire products*, and *fencing*, from the facilities of Bekaert Steel Wire Corp., at or near Van Buren, AR, to points in AZ, CA, ID, MT, NM, NV, OR, UT and WA. (Hearing site: Little Rock, AR.)

MC 141532 Sub-46F, filed September 24, 1979. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. Transporting (1) *aluminum sheet and plate*, from the facilities of Kaiser Aluminum & Chemical Corp., at or near Ravenswood, WV, to points in CA, OR and WA; and (2)(a) *Titanium and titanium products*, and (b) *materials and supplies* used in the production of the commodities in (2)(a) above (except commodities in bulk), between Toronto, OH and Henderson, NV, restricted to the transportation of traffic originating at or destined to the facilities of Titanium Metals Corp. of America. (Hearing site: Las Vegas, NV.)

MC 141532 Sub-47F, filed September 24, 1979. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. Transporting (1) *pre-finished panel siding* and (2) *materials and supplies* used in the manufacture or installation of the commodities in (1) above, from the facilities of Sanspray Corp., at or near Santa Clara, CA, to points in AR, AZ, IA, ID, IL, IN, KS, KY, LA, MI, MN, MO, MT, ND, NE, NM, NV, OH, OK, OR, SD, TX, UT, WA, WI and WV. (Hearing site: San Francisco, CA.)

MC 144622 Sub-100F, filed September 27, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation, at Marshall, MO, to points in OR and WA, restricted to the transportation of traffic originating at the above-named origins and destined to the named destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

MC 144622 Sub-101F, filed September 27, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *meats, meat products, and meat by-products and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at Logansport, IN, to points in CA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 144622 (Sub-102F), filed September 27, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *meats, meat products and meat by-products, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation at (a) Albert Lea, MN and (b) Cedar Rapids, IA, to points in AL, FL, GA, LA, MS, NC, SC, and TN, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 144622 (Sub-103F), filed September 18, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Louisville, KY, to points in AL, FL, GA, NC, SC, TN, MI and OH. (Hearing site: Louisville, KY.)

MC 145152 (Sub-114F), filed September 24, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. Transporting (1) *toilet preparations and toilet articles*, in vehicles equipped with mechanical refrigeration, (a) from the facilities of Roux Laboratories, Inc., at or near Jacksonville, FL, to points in AL, AZ, CA, CO, ID, IL, KS, LA, MS, MT, ND, MN, OR, SD, TX, UT, and WA, and (b) from Denton, TX, to the facilities of Roux Laboratories, Inc., at or near Jacksonville, FL; and (2) *plastic cannisters*, from Luxemberg, WI, to the facilities of Roux Laboratories, Inc., at or near Jacksonville, FL. (Hearing site: Jacksonville, FL or Dallas, TX.)

MC 145152 (Sub-115F), filed September 25, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, attorney at law, P.O. Box 159, Rogers, AR 72756. Transporting *confectionery* (except in bulk) *dessert preparations, and gum ball machines and stands*, from the facilities of Leaf Confectionery, Inc., at or near Chicago, IL, to points in AZ, CA, CO, MT, MN, OR, UT, and WA. (Hearing site: Chicago, IL or Fayetteville, AR.)

MC 145152 (Sub-116F), filed September 27, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, attorney at law, P.O. Box 159, Rogers, AR 72756. Transporting (1) *frozen vegetables*, from the facilities of Campbell Soup Company, at or near Hart, MI, to Paris, TX, and (2) *canned goods, and macaroni and flour*, in bags, from the facilities of Campbell Soup Company, at or near Chicago, IL, to Paris, TX; and (3) *canned goods*, from the facilities of Campbell Soup Company, at or near Chicago, IL, to Maxton, NC. (Hearing site: Chicago, IL or Fayetteville, AR.)

MC 145152 (Sub-117F), filed September 18, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O.

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Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. Transporting *canned and preserved foodstuffs* (1) from the facilities of Heinz USA, at or near Pittsburgh, PA, to points in AL, AR, FL, GA, LA, MS, OK, SC, and TX, and (2) from the facilities of Heinz USA, at or near Iowa City and Muscatine, IA, to points in AL, AR, FL, LA, MS, OK, SC, and TX, restricted in both (1) and (2) above, to the transportation of traffic originating at the named origins and destined to the named states. (Hearing site: Pittsburgh, PA or Fayetteville, AR.)

MC 145152 (Sub-118F), filed September 27, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. Transporting *paper products* (1) from Plattsburgh, NY to points in IL, IN, MI, OH, and PA, and (2) from Gilman, VT to points in IA, IL, IN, MD, MI, NY, OH, and PA. (Hearing site: Stamford, CT or Fayetteville, AR.)

MC 145203 (Sub-4F), filed September 25, 1979. Applicant: REITZEL TRUCKING CO., INC., 7401 Fremont Pike, Perrysburg, OH 43551. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. Transporting automobile *parts and equipment materials, and supplies* used in the manufacture of automobile parts (except commodities in bulk) between Perrysburg Township, Lucas County, OH, on the one hand, and, on the other points in IN, KY, MI, WV, PA, NY, IL, WI, NJ, MO, DE, and MD. (Hearing site: Columbus, OH.)

MC 145392 (Sub-3F), filed September 17, 1979. Applicant: RAJOR, INC., 100 Beta Drive, P.O. Box 756, Franklin, TN 37064. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *fireplaces and chimneys*, from Louisville, KY, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 145743 (Sub-10F), filed September 27, 1979. Applicant: T.F.S., INC., RR 2, Box 126, Grand Island, NE 68801. Representative: A. J. Swanson, P.O. Box 1103, 300 S. Thompson Avenue, Sioux Falls, SD 57103. Transporting *meats, meat products, meat by-products,* and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Farmland Foods, Inc., at or near (a) Carroll, Cherokee, Denison, Des Moines, Fort Dodge, Iowa Falls and Sioux City, IA, and (b) Crete, Lincoln, and Omaha, NE, to points in AZ, CO, ID, NM, NV, MT, OR, WA, CA, WY, UT, NE, IN, MI, OH, PA, and NY, restricted to the transportation of traffic originating at and the named facilities and destined to the named states. (Hearing site: Dension, IA or Omaha, NE.)

MC 146143 (Sub-1F), filed September 17, 1979. Applicant: JOHNIE R. JOHNSON and BETTY J. RODGERS, d.b.a. B&J TRUCKING, R.R. No. 3, Cisne, IL 62823. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting: (1) *roofing material, fencing, and nails*, (a) from Whiting, IN, to points in IL on and south of U.S. Hwy 36, and (b) from Camden, AR, Marrero, LA, Laurel, MS, and Memphis and Paris, TN, to Fairfield, IL; and (2) *wall paneling*, from Camden, AR, and New Orleans, LA, to Fairfield, IL. (Hearing site: St. Louis, MO or Chicago, IL.)

MC 146402 (Sub-8F), filed September 17, 1979. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (same address as applicant) Transporting: *copper and copper products* (except commodities in bulk), from the facilities of Cerro Copper Products Company at Sauget, IL, to points in DE, MD, NJ, NY OH, PA, and WV.

Note.—Dual operations may be involved.

MC 146402 (Sub-9F), filed September 17, 1979. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (same address as applicant) Transporting: (1) *plastic articles, photo albums, and page protectors*, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles), between the facilities of Kleer-Vu Industries, Inc., at Brownsville, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta, GA or Washington, DC.)

MC 146423 (Sub-6F), filed September 27, 1979. Applicant: STEPHEN HROBUCHAK, d.b.a. TRANS-CONTINENTAL REFRIGERATED LINES, P.O. Box 1456, Scranton, PA 18503. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. Transporting: *wire products and dishwasher racks*, from Wilkes Barre, PA, to Dallas, TX, and Cucamonga, CA. (Hearing site: Wilkes Barre, PA.)

MC 146753 (Sub-1F), filed September 25, 1979. Applicant: SAM YOUNG, INC., P.O. Box 337, Wolcott, IN 47995. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting: (1) *paper and paper products*, from the facilities of Roosevelt Paper Company at or near (a) Philadelphia, PA, (b) Cincinnati, OH, (c) Forest Park, IL, (d) Atlanta, GA, and (e) Miami, FL, to points in the United States (except AK and HI); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Philadelphia, PA.)

MC 147273 (Sub-3F), filed September 27, 1979. Applicant: KENNETH SHAFER, d.b.a., K&T HOT SHOT SERVICE, P.O. Box 558, Proctorville, OH 45669. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between Huntington, WV, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Charleston, WV.)

MC 147812 (Sub-1F), filed September 20, 1979. Applicant: ANTHONY W. DAUITO, d.b.a., DAUITO'S EXPRESS, 3526 Northwest Boulevard, Vineland, NJ 08360. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting *general commodities* (except motor vehicles, articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from New York, NY, and Philadelphia, PA, to Alexandria, VA, restricted to the transportation of traffic having an immediately subsequent movement by rail, and (2) from Alexandria, VA, to New York, NY and Philadelphia, PA, restricted to the transportation of traffic having an immediately prior movement by rail. (Hearing site: New York, NY or Washington, DC.)

Note.—Dual operations may be involved.

MC 148282 F, filed September 25, 1979. Applicant: SOUTH CENTRAL COACHES, INC., 910 Weston Ave., St. James, MN 56081. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *passengers and their baggage*, in charter operations, and in round-trip special operations in sightseeing and pleasure tours, beginning and ending at points in Blue Earth, Cottonwood, Martin, Nicollet, Waseca, and Watonwan Counties, MN, and extending to points in the United States (including AK but excluding HI). (Hearing site: Minneapolis or St. Paul, MN.)

MC 148292 F, filed September 25, 1979. Applicant: J. POSA, INC., 1 North First St., Fulton, NY 13069. Representative: Piken & Piken, Queens Office Tower, 95-25 Queens Boulevard, Rego Park, NY 11374. Transporting (1) *glass containers*, between the facilities of Midland Glass Co., Inc., Cliffwood, NJ, on the one hand, and, on the other, East Hartford, Meriden, New Haven, and New London, CT, New Castle and Wilmington, DE, Baltimore and Catonsville, MD, Braintree, Lowell, Lynn, Millis, New Bedford, Northampton, Sagamore, Somerville, Waltham, Worcester, MA, Albany, Fulton, Hamlin, Middletown, Newburgh, New York, Rochester, Saratoga Springs, Scotia, South Volney, Syracuse, and Williamson, NY, Allentown, Conshohocken, and Harrisburg, PA, Providence, RI, and Martinsville, Norfolk, Suffolk, and Williamsburg, VA, (2) *glass containers*, and *materials, supplies, and equipment* used in the manufacture, sale, and distribution of malt beverages, from the facilities of Midland Glass Co., Inc., at or near Cliffwood, NJ, to Newport News, Norfolk, Suffolk, Martinsville, and Williamsburg, VA, Points in Bedford, Carroll, Floyd, Franklin, Halifax, Henry, Montgomery, Patrick, Pittsylvania, and Pulaski Counties, VA, and points in Alamance, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Guilford, Orange, Person, Randolph, Rockingham, Stokes, Surry, and Yadkin Counties, NC, and (3) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of glass containers, from the destination points indicated in (2) above, to the facilities of Midland Glass Co., Inc., at or near Cliffwood, NJ. (Hearing site: New York, NY.)

MC 148553F, filed September 28, 1979. Applicant: B J EXPRESS, INC., 4928 Assisi Lane, Cincinnati, OH 45238. Representative: Stephen D. Strauss, 2613 Carew Tower, Cincinnati, OH 45202. Transporting (1) *drugs and toilet preparations*, from Cincinnati, OH, to the facilities of Merrell National Lab., Division of Richardson-Merrell, Inc., at (a) Vernon, CA and (b) Arlington, TX, and the facilities of K-Mart, at Sparks, NV; (2) *such commodities* as are manufactured or dealt in by manufacturers of glass and glass products, between points in OH, PA, and WV, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY; and (3) *household products and foodstuffs*, (a) between Franklin, KY, Nashville, TN, and Urbana and Dayton, OH, on the one hand, and, on the other, La Mirada, CA, Portland, OR, and Salt Lake City, UT, and (b) from La Mirada, CA, to Sparks, NV. (Hearing site: Cincinnati, OH.)

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Decided: March 7, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 120419 (Sub-10F), filed December 5, 1979. Applicant: SERVICE TRANSFER, INC., P.O. Box 460, Henryetta, OK 74437. Representative: Wilburn L. Williamson, Suite 615-East, the Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *glass containers*, from Corsicana, TX, to points in AR, KS, MO and OK.

MC 120978 (Sub-26F), filed December 10, 1979. Applicant: REINHART MAYER, d.b.a. MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, ND 58401. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting: *vegetable meals and vegetable meal products* between Riverside, ND, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Fargo, ND, or Minneapolis, MN.)

MC 121128 (Sub-2F), filed December 18, 1979. Applicant: MILLEN MOVING AND STORAGE, INC., 1 Millen St., Cayce, SC 29033. Representative: James E. Hunter, 351 Meeting Street, West Columbia, SC 29169. Transporting *household goods, store fixtures, appliances, and hospital equipment* from points in SC, on the one hand, and, on the other, points in NC, VA, WV, MD, DC, PA, KY, TN, AL, GA, FL, and MS. (Hearing site: Columbia, Aiken, or Florence, SC.)

MC 121598 (Sub-8F), filed December 7, 1979. Applicant: SHELBYVILLE EXPRESS, INC., Deery St., P.O. Box 187, Shelbyville, TN 37160. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities*, (except household goods, classes A and B explosives, as defined by the Commission, commodities in bulk, and articles requiring special equipment), (1) between Nashville and Shelbyville, TN, over US HWY 41-A, serving all intermediate points, and points within 5 miles of Shelbyville as off-route points, (2) between Shelbyville and Memphis, TN, (a) from Shelbyville over US HWY 231 to Fayetteville, then over US HWY 64 to Memphis, and return over the same route, serving no intermediate points, (b) from Shelbyville over US HWY 231 to its junction with Interstate Hwy 24 then over Interstate Hwy 24 to Nashville, then over Interstate Hwy 40 to Memphis, and return over the same route, serving Nashville as an intermediate point, restricted against the handling of traffic which originates at or is destined to points in Davidson County, on the one hand, and, on the other, that which originates at or is destined to Memphis, TN and points in its commercial zone, (3) between Memphis, TN and Shreveport, LA, from Memphis over US HWY 79 to junction US HWY 167, at or near Fordyce, then over US HWY 167 to juction LA HWY 9, then over LA HWY 9 to junction US HWY 79, then over US HWY 79 to Shreveport, and return over the same route, serving all intermediate points in LA, and serving points in LA on and within an area bounded as follows; beginning on the LA-TX state line, then along the LA-AR State line eastward from the TX State line to the junction of LA HWY 9, thence along LA HWY 9 to its junction with I-20, then westwards over Interstate Hwy 20 to the LA-TX State line, then northwards along the LA-TX State Line to the points of beginning, as off-route points, (4) between Memphis, TN and Shreveport, LA, from Memphis over Interstate Hwy 40 to junction Interstate Hwy 30, then over Interstate Hwy 30 to junction U.S. Hwy 71, then over US HWY 71 to Shreveport, LA, and return over the same route, serving all intermediate points in LA.

Note.—Applicant proposes to tack the four routes set out above with each other and with future grant of authority.

MC 123048 (Sub-473F), filed December 7, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting (1) *self-propelled vehicles* (except highway trucks, automobiles, buses and motor homes); (2) *agricultural machinery, equipment and implements;* (3) *parts, attachments, accessories and components* of the commodities described in Parts (1) and (2) above, between Decatur, IL, on the one hand, and, on the other, points in the United States (except AK and HI); (4) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture of the commodities described in Parts (1), (2) and (3) above, from points in the United States (except AK and HI) to Decatur, IL; (5) *Experimental and Show Display* (a) *self-propelled vehicles* (except highway trucks, automobiles, buses and motor

homes); (b) *agricultural machinery, equipment* and *implements*, which at the time of movement are being transported for the purposes of show display or experiment, and not for sale; and (c) parts for (a) and (b), between the facilities, shows, exhibits and sales branches owned or utilized by Tryco Manufacturing Co., Inc. at points in the United States (except AK and HI), restricted in parts (1), (2) and (3) to the transportation of traffic originating at or destined to Decatur, IL and part (4) is restricted to the transportation of traffic destined to Decatur, IL. (Hearing site: Chicago or Springfield, IL.)

MC 123748 (Sub-24F), filed October 22, 1979. Applicant: CONNECTICUT LIMOUSINE SERVICE, INC., 1060 State Street, New Haven, CT 06511. Representative: Palmer S. McGee, Jr., One Constitution Plaza, Hartford, CT 06103. Over regular routes, transporting *passengers and their baggage* in the same vehicle with passengers, (1) between Southbury, CT, and LaGuardia Airport and John F. Kennedy International Airport, New York, NY, from Southbury over town roads and access roads to junction Interstate Hwy 84, then over Interstate Hwy 84 to junction U.S. Hwy 7, then over U.S. Hwy 7 to junction Interstate Hwy 95, then over Interstate Hwy 95 to the corporate limits of New York, NY, then over city streets and hwys to LaGuardia Airport, and John F. Kennedy International Airport, and return over the same route, serving no intermediate points, and (2) between Trumbull, CT, and LaGuardia Airport and John F. Kennedy International Airport, New York, NY, from Trumbull over town roads and access roads to CT Hwy 25, then over CT Hwy 25 to junction CT Hwy 127, then over CT Hwy 127 to junction CT Hwys 8 and 25, then over CT Hwys 8 and 25 to junction Interstate Hwy 95, then over Interstate Hwy 95 to the corporate limits of New York, NY, then over city streets and hwys to LaGuardia Airport and John F. Kennedy International Airport, and return over the same route, serving no intermediate points. (Hearing site: Danbury or Bridgeport, CT.)

MC 124078 (Sub-1009F), filed December 4, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Transporting (1) *spent chromate*, in bulk, in tank vehicles, from Clinton, IA, to Waukegan, IL, and (2) *fertilizer solutions*, in bulk, in tank vehicles, from Buffalo, IA to points to IL. (Hearing site: Chicago, IL.)

MC 124078 (Sub-1010F), filed December 6, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Transporting *silica sand*, between the facilities of Ottawa Silica Company, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 124679 (Sub-115F), filed December 7, 1979. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Daniel E. England (same address as applicant). Transporting *foodstuffs* from points in CA to points in the United States (except AK and HI). (Hearing site: San Francisco, CA or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 125368 (Sub-103F), filed December 13, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: Ronald Lowell, Sixth Floor, United American Bank Bldg., Nashville, TN 37219. Transporting *frozen foods* between Indianapolis, IN, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA IL, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, and DC, restricted to traffic originating at or destined to the facilities of Monument Distribution Warehouse, Inc., at Indianapolis, IN. (Hearing site: Chicago, IL, or Washington, DC.)

MC 125368 (Sub-104F), filed December 10, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher (same address as applicant). Transporting *meats, meat products and supplies* used in the manufacture of meat products, between the facilities of White Packing Company at King George, VA, on the one hand, and, on the other, points in AR, CO, CT, FL, IA, KS, LA, MA, MO, NE, NH, NY, OK, SC, SD, WV, and WI.

MC 125708 (Sub-192F), filed December 11, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting *railway track material, and scrap metal*, from Nitro, WV, to points in the US (except AK and HI).

MC 128698 (Sub-22F), filed December 31, 1979. Applicant: ERDNER BROS., INC., Davidson Road, Swedesboro, NJ 08085. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth Street, Washington, DC 20005. Transporting (1) *such merchandise as is dealt in by chain grocery stores and food business houses*, and (2) *materials, equipment*, and *supplies* used in their manufacture and distribution (except in bulk), between Omaha, NE, and those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to traffic originating at or destined to the facilities of Campbell Soup Company. (Hearing site: Washington, DC.)

MC 129189 (Sub-6F), filed December 3, 1979. Applicant: WING CARTAGE COMPANY, 4141 George Place, Schiller Park, IL 60176. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting *prestressed concrete building materials*, from Hodgkins, IL to points in IN. (Hearing site: Chicago, IL.)

MC 129729 (Sub-6F), filed December 28, 1979. Applicant: FRANCIS J. BEAROFF, INC., Swedeland Road, P.O. Box 195, King of Prussia, PA 19406. Representative: Raymond A. Thistle, Jr., Five Cottman Court, Homestead Road & Cottman Street, Jenkintown, PA 19046. Transporting (1) *coke*, in bulk, from the facilities of Keystone Coke Company at Swedeland (Montgomery County), PA, to points in NY and VA, and (2) *empty containers* in the reverse direction. (Hearing site: Philadelphia, PA.)

MC 129908 (Sub-24F), filed December 12, 1979. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, Oklahoma City, OK 73107. Representative: T. J. Blaylock, 8125 S.W. 15th Street, Oklahoma City, OK 73107. Transporting (1) *container ends and container closures*, and (2) *materials, equipment and supplies* used in their manufacture and distribution (except aluminum sheet) between the facilities of Reynolds Metals Company at or near Bristol, VA, on the one hand, and on the other points in AR, IN, IL, KS, KY, LA, MO, OK, and TX. (Hearing site: Oklahoma City, OK.)

MC 133689 (Sub-322F), filed December 7, 1979. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street, N.W., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN. Transporting (I) *containers, container closures, paper, paper products, plastic materials and plastic articles, cellulose products, printed matter, and packaging material* (except commodities in bulk), and (II) *equipment, materials and supplies* used in the manufacture, and distribution of the commodities described in (I) above, (except commodities in bulk), between those points in the United States in and east of ND, SD, NE, KS, OK and TX. (Hearing site: St. Paul, MN.)

MC 134978 (Sub-20F), filed December 3, 1979. Applicant: C. P. BELUE, d.b.a. BELUE'S TRUCKING, Route 6, Spartanburg, SC. Representative: Mitchell King, Jr., P.O. Box 1628, Greenville, SC. Transporting: *aluminum dross and aluminum scrap* between points in Spartanburg County, SC, on the one hand, and, on the other, points in IN, KS, KY, MI, MO, PA, and OH. (Hearing site: Columbia, SC.)

MC 135598 (Sub-37F), filed December 4, 1979. Applicant: SHARKEY TRANSPORTATION, INC., 3803 Dye Road, P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Transporting *Aluminum and zinc ingots* from Maple Heights, OH, to points in IL, IN, IA, MO, and WI. (Hearing site: Chicago, IL or Cleveland, OH.)

MC 136818 (Sub-106F), filed December 10, 1979. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Transporting *cheese, cheese products and synthetic cheese* from the facilities of L. D. Schreiber Cheese Co. in Barry, Newton, Jasper, and Lawrence Counties, MO, to points in AL, AR, FL, GA, KY, LA, MS, OK, TN, TX, NC, SC, VA, WV, and DC. (Hearing site: Phoenix, AZ.)

Note.—Dual operations may be involved.

MC 136828 (Sub-31F), filed December 10, 1979. Applicant: COOK TRANSPORTS, INC., P.O. Box 6362A, Tarrant, AL 35217. Representative: Ocie M. Cook, Jr. (same address as applicant). Transporting (1) *metal articles, and metal fabrications* and (2) *equipment, materials and supplies* used in the manufacture and distribution of metal articles and metal fabrications, between Trinity, TX on the one hand, and, on the other points in the United States (except AK and HI). (Hearing site: Birmingham, AL.)

MC 136828 (Sub-32F), filed December 10, 1979. Applicant: COOK TRANSPORTS, INC., P.O. Box 6362A, Tarrant, AL 35217. Representative: Ocie M. Cook, Jr. (same address as applicant). Transporting *iron and steel articles*, from Baytown, TX to points in AL, AR, FL, GA, LA, MS and TN. (Hearing site: Birmingham, AL.)

MC 138228 (Sub-10F), filed December 10, 1979. Applicant: OGALLALA TRANSFER, INC., P.O. Box 16412, Denver, CO 80216. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *meats, meat products, meat byproducts and articles* distributed by meat-packing houses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Geo. A. Hormel & Co. at or near Fremont, NE to points in CO. (Hearing site: Omaha, NE or Denver, CO.)

MC 138308 (Sub-98F), filed December 4, 1979. Applicant: KLM, Inc., Old Highway 49 South, (P.O. Box 6098), Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting *general commodities* (except those of unusal value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) from points in NJ, CA, and NC to El Paso, TX, restricted to the transportation of traffic destined to the facilities of the El Paso Shippers Association at or near El Paso, TX. (Hearing site: El Paso, TX or Jackson, MS.)

Note.—Dual operations maybe involved.

MC 138328 (Sub-108F), filed December 18, 1979. Applicant: CLARENCE L. WERNER, d/b/a WERNER ENTERPRISES, I–80 and Highway 50, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Transporting *alcoholic beverages* from points in CA to points in AR, IL, IA, KS, LA, MN, MO, NE, OK, TX, and WI.

Note.—Dual operations may be involved. (Hearing site: San Francisco, CA.)

MC 138328 (Sub-109F), filed December 28, 1979. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 and Highway 50, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, I–80 and Highway 50, Omaha, NE 68137. Transporting *such commodities* as are dealt in or used by retail and discount stores (except used household goods as defined by the Commission, commodities in bulk, in tank vehicles, or those which by reason of size or weight require the use of special equipment), between Omaha, NE, and Des Moines, IA, restricted to traffic originating at or destined to the facilities of Richman Gordman Stores and/or Half Price Stores, Inc. (Hearing site: Omaha, NE.)

Note.—Dual operations may be involved.

MC 138328 (Sub-112F), filed December 12, 1979. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 and Highway 50, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, I–80 and Highway 50, P.O. Box 37205, Omaha, NE 68137. Transporting *tires, tubes, and articles* used in their distribution and installation (1) from Des Moines, IA, to points in NV, UT, CO, NM, and TX, and (2) from Little Rock, AR, to Des Moines, IA, and Hanford, CA. (Hearing site: Boston, MA, or New York, NY.)

Note.—Dual operations may be involved.

MC 138438 (Sub-77F), filed December 3, 1979. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Transporting (1) *acoustical tile, panels, noise control products*, (2) *accessories for the commodities described in (1) above* and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities described in (1) and (2) above, between Hagerstown, MD, on the one hand, and on the other, points in IL and IN. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 138438 (Sub-78F), filed December 3, 1979. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Transporting: *refractory products*, from York, PA, to points in ND, SD, NE, KS, OK, MN, IA, MO, AR, LA, WI, IL, IN, MS, and MI. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 138469 (Sub-203F), filed December 6, 1979. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting *chemicals, plastic, plastic articles and materials, equipment and supplies used in the manufacture and distribution of chemicals, plastics and plastic articles* (except commodities in bulk, in tank vehicles), between the facilities of U.S. Industrial Chemical Company, located at or near (a) Tuscola, IL, (b) Indianapolis, IN, and (c) Houston and Deer Park, TX, on the one hand, and on the other hand, points in the U.S. (except AK and IH), restricted to the transportation of traffic originating at or destined to the facilities of U.S. Industrial Chemical Company.

MC 138469 (Sub-206F), filed December 6, 1979. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting (A) *electrical sound amplifying equipment, component parts,*

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accessories, displays and related articles (except commodities in bulk), (1) from Anaheim, CA to Oklahoma City, OK, and; (2) from Oklahoma City, OK to points in the U.S. (except AK and HI), and, (B) *materials, equipment and supplies used in the manufacture and distribution of the commodities named in (A)* above from points in the U.S. (except AK and HI) to Oklahoma City, OK, restricted in Part (A) to the transportation of traffic originating at the facilities of Altec Corporation and restricted in Part (B) to the transportation of traffic destined to the facilities of Altec Corporation. (Hearing site: Oklahoma City, OK, Dallas, TX.)

MC 139859 (Sub-32F), filed November 16, 1978, previously published in **Federal Register** issue of January 4, 1979. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Aveune, Hamilton, OH 45015. Representative: Chandler L. Van Orman, 1729 H Street NW., Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of American Standard Inc., in AZ, AR, CA, CO, CT, GA, IL, IN, IA, KS, KY, LA, MD, MI, MO, NJ, NV, NY, NC, OH, PA, SC, TX, and WA, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with American Standard Inc., of New Brunswick, NJ. (Hearing site: Cincinnati, OH, or Washington, DC.)

Note.—This republication broadens the territorial description.

MC 140159 (Sub-13F), filed December 13, 1979. Applicant: C. L. FEATHER, INC., P.O. Box. 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, Esquire, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Transporting *salt*, from the facilities of International Salt Co. at Cleveland, OH, to points in PA.

MC 140389 (Sub-76F), filed December 18, 1979. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box. 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box. 304, Conley, GA 30027. Transporting *frozen foods*, from Plover, WI, and Greenville, MI, to points in AL, FL, GA, KY, LA, MS, NC, SC, and TN. (Hearing site: Boise, ID, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 140829 (Sub-334F), filed December 13, 1979. Applicant: CARGO, INC., P.O. Box 208, U.S. Hwy 20, Sioux City, IA 51102. Representative: David L. King, Vice President, P.O. Box 208, U.S. Hwy 20, Sioux City, IA 51102. Transporting *cookies*, from Ripon, WI, to points in AZ, AR, CA, CO, CT, DE, IA, KS, ME, MD, MA, MO, NE, NV, NH, NJ, NM, NY, ND, OK, OR, PA, RI, SD, TX, VT, and WA, restricted to traffic originating at named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 141459 (Sub-17F), filed August 8, 1979. Applicant: A.G.S. ENTERPRISES, INC., 809 Columbia Boulevard, Litchfield, IL 62056. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. Transporting (1) *lawn mower parts and accessories*, and *engine, carburetor, and vehicle wheel brake parts*, from Litchfield, IL, to points in the United States (including AK and HI) and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in part (1) above, from points in the United States (including AK and HI), to Litchfield, IL. (Hearing site: Chicago, IL.)

MC 141489 (Sub-9F), filed December 10, 1979. Applicant: HUNTER TRUCKING, INC., 805 32nd Ave., Council Bluffs, IA 51501. Representative: Greg A. Dickinson, Suite 610, 7171 Mercy Road, Omaha, NE 68106. In foreign commerce, only, transporting *feed and feed ingredients* from points in IL, IA, MN, MO, and NE to the ports of entry on the international boundary line between the United States and Canada at Pembina, ND and Noyes, MN. (Hearing site: Omaha, NE.)

Note.—Dual operations may be involved.

MC 142059 (Sub-112F), filed December 18, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, 1830 Mound Road, Joliet, IL 60436. Transporting *plastic pipe and accessories* from Denver, CO, to those points in the United States in and west of LA, AR, MO, IA, and MN. (Hearing site: Denver, CO.)

MC 142288 (Sub-40F), filed December 5, 1979. Applicant: GORSKI BULK TRANSPORT, INC., R.R. #4, Harrow, Ontario, Canada NOR 1G0. Representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, MI 48084. Transporting *tires, tubes*, and *materials, articles* and *supplies* used in the manufacture thereof, between points in IL and KY, on the one hand, and, on the other, points in the Lower Peninsula of MI. (Hearing site: Detroit, MI, Chicago, IL.)

MC 142449 (Sub-6F), filed December 12, 1979. Applicant: SPEEDWAY HAULERS, INC., P.O. Box 1463, South Bend, IN 46624. Representative: James L. Beattey, 130 E. Washington Street, Suite 1000, Indianapolis, IN 46204. Transporting (1) *synthetic cloth, filters, air-filtering pads, vehicle body padding or seats, plastic or rubber padding*, and (2) *materials and supplies* used in their production between Michigan City, IN, on the one hand, and, on the other, points in IL, MI, WI, MO, and OH. (Hearing site: Indianapolis, IN.)

MC 142508 (Sub-131F), filed December 31, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Pauss, P.O. Box 37096, Omaha, NE 68137. Transporting (1) *foodstuffs* from the facilities of Kaukauna Dairy Products at Little Chute, WI, to points in the United States (except AK and HI), and (2) *foodstuffs and equipment, materials and supplies* used in their manufacture from points in the United States (except AK and HI) to the facilities of Kaukauna Klub Cheese in WI. (Hearing site: Green Bay or Milwaukee, WI.)

MC 142559 (Sub-137F), filed December 4, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Transporting (1) *containers, container closures, container components, glassware and packaging products;* (2) *scrap materials* and (3) *materials, equipment and supplies used in the manufacture, sale and distribution of the commodities in (1) and (2) above* (except commodities in bulk, in tank vehicles, and commodities requiring special equipment), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to facilities of Owens-Illinois, Inc. (Hearing site: Columbus, OH or Washington, D.C.)

MC 142559 (Sub-138F), filed December 6, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Transporting (1) *aluminum and zinc alloy ingots, and (2) materials, equipment and supplies used in the manufacture, sale and distribution of the commodities in (1) above* (except commodities in bulk), between points in the US is and east of ND, SD, NE, CO and MN, restricted to traffic originating at or destined to the facilities of Aluminum Smelting and Refining Co., Inc. and Certified Alloys Company. (Hearing site: Cleveland, OH or Washington, D.C.)

MC 142559 (Sub-141F), filed December 18, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Transporting (1) *such merchandise* as is dealt in by wholesale, retail, chain grocery, and food business houses and agricultural feed business houses, *soy products, dry flour paste*, and *dairy products* (except in bulk), and (2) *materials, equipment* and *supplies* used in the development, manufacture, distribution, and sale of the commodities in (1) above (except in bulk), between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Ralston Purina Company. (Hearing site: Columbus, OH.)

Note.—Dual operations may be involved.

MC 142559 (Sub-144F), filed December 31, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Transporting: (1) *such commodities* as are dealt in by animal and pet stores, and (2) *materials and supplies* used in their manufacture, sale, and distribution (except commodities in bulk), between Canton, GA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Columbus, OH.)

Note.—Dual operations may be involved.

MC 142998 (Sub-11F), filed December 5, 1979. Applicant: LAUGHLIN LINES, INC., P.O. Box 11886, Reno, NV 89510. Representative: Harley E. Laughlin, Suite 264, Airport Plaza, 1175 E. Plumb Lane, Reno, NV 89502. Transporting: *Such commodities* as are dealt in by grocery and department stores, between points in NV, CA, OR, UT, WA, AZ, CO, and NM, on the one hand, and, on the other, points in ID, MT, and UT. (Hearing site: Reno, NV.)

MC 143059 (Sub-114F), filed December 10, 1979. Applicant: MERCER TRANSPORTATION CO., a corporation, P.O. Box 35610, Louisville, KY 40232. Representative: James L. Stone (same address as applicant) Transporting: *iron and steel articles* from Pine Bluff, AR to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Century Tube, Inc., at or near Pine Bluff, AR.

MC 143639 (Sub-2F), filed July 13, 1979. Applicant: SMITH AND SMITH, INC., 4361 Headquarters Road, Charleston Heights, SC 29405. Representative: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia, SC 29201. Transporting: (1) *aluminum articles* and (2) *materials, equipment and supplies* used in their manufacture between the facilities of Alumax, Inc., in Berkeley, County, SC, on the one hand, and, on the other, those points in the United States in and east of WI, IL, KY, TN, and MS. (Hearing site: Columbia, SC, Charlotte, NC, or Washington, DC.)

MC 144678 (Sub-15F), filed December 12, 1979. Applicant: AMERICAN FREIGHT SYSTEM, INC., 9393 West 110th Street, Suite 500, Overland Park, KS 66210. Representative: Harold H. Clokey, 9393 West 110th Street, Suite 500, Overland Park, KS 66210. Transporting: *wood shavings*, (except in bulk) serving the plantsite of Neiman Sawmill, Inc., d.b.a. Devils Tower Forest Products, at or near Hulett, WY as an off-route point in connection with carrier's otherwise authorized regular-route service.

MC 144879 (Sub-6F), filed December 10, 1979. Applicant: D AND J TRANSFER CO., a Corporation, Highway 4 North, Sherburn, MN 56171. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting (1) *malt beverages* and (2) *such commodities* as are dealt in by grocery, food and institutional supply business houses (except malt beverages and commodities in bulk), from points in IL, IN, KS, MO and WI, to Fairmont, MN, restricted to the transportation of traffic originating at the named origins and destined to the indicated destination. (Hearing site: Fairmont, MN.)

Note.—Dual operations may be involved.

MC 144969 (Sub-17F), filed December 7, 1979. Applicant: WHEATON CARTAGE CO., a Corporation, Wheaton Ave., Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, DC 20001. Transporting (1) *chemicals in drums*, and (2) *proprietary anti-freeze preparations*, in containers, from the plantsite of Jefferson Chemical Co., Inc., at or near Austin, Youens, Pt. Neches, and Houston, TX, to points in the United States (except AK and HI). (Hearing site: Houston, TX.)

Note.—Dual operations may be involved.

MC 145219 (Sub-9F), filed December 18, 1979. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 2728, Savannah, GA 31402. Representative: William P. Sullivan, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Transporting *sprinkler systems*, and *materials, equipment and supplies* used in their distribution, installation or manufacture (except commodities in bulk), between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to traffic originating at or destined to the facilities of Grinnell Fire Protection Systems Company, Inc. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 145738 (Sub-16F), filed December 11, 1979. Applicant: EAST-WEST MOTOR FREIGHT, INC., Highway 45 South, Selmer, TN 38375. Representative: Bruce E. Mitchell, 3390 Peachtree Road, N.E., Suite 520, Lenox Towers South, Atlanta, GA 30326. Transporting *new furniture* from Greensboro, NC to points in AZ, NM and CA.

Note.—Dual operations may be involved.

MC 146078 (Sub-16F), filed December 18, 1979. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 394, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. Tranporting *Pet foods*, and *materials, and supplies* used in the manufacture, distribution, and sale of pet foods and wooden pallets; between the facilities of Sunshine Mills, at or near (a) Red Bay, AL, and (b) Tupelo, MS, on the one hand, and on the other, points in AR, IA, IL, IN, KS, LA, MI, MO, OH, OK, PA, TX, and WI. (Hearing site: Red Bay, AL, or Tupelo, MS.)

Note.—Dual operations may be involved.

MC 146328 (Sub-2F), filed December 31, 1979. Applicant: ALLIED DELIVERY SYSTEM CO., a corporation, 6200 Roland Ave., Cleveland, OH 44127. Representative: David A. Turano, 100 East Broad St., Suite 1800, Columbus, OH 43215. Transporting *paint, stains, and varnishes* (except in bulk) between Cleveland, OH, on the one hand, and, on the other, points in OH. (Hearing site: Columbus, OH, or Washington, DC.)

MC 146378 (Sub-6F), filed December 10, 1979. Applicant: PAUL HARPOLE TRUCK SERVICE, INC., 22 Wilshire Ct., Belleville, IL 62223. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting *confectionary*, from the facilities of Hollywood Brands, Inc., Centralia, IL to points in KY, MD, MI, NJ, IN, NY, OH, PA, WI, and WV. (Hearing site: Chicago, IL.)

MC 146578 (Sub-15F), filed December 13, 1979. Applicant: PALMETTO MOTOR LINES, INC., 7153 Lone Oak Road, Spartanburg, SC 29303. Representative: Donald E. Cross, 918—16th St. N.W., Washington, D.C. 20006. Transporting (1) *metal containers and parts, and (2) materials, equipment and supplies used in the manufacture of metal containers*, between points in Chesterfield and Spartanburg Counties,

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SC, on the one hand, and, on the other, points in TX and VA, restricted to the transportation of traffic originating at or destined to the facilities of Crown Cork & Seal Co., Inc. (Hearing site: Spartanburg, SC, or Greenville, SC.)

MC 146748 (Sub-1F), filed December 31, 1979. Applicant: POWELL COUNTY TRUCKERS ASSOCIATION, INC., Route 2, Box 131, Stanton, KY 40380. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602. Transporting *coal*, in bulk, from those points in KY in and east of Boyd, Carter, Elliott, Estill, Laurel, Madison, Menifee, Morgan, Powell, Pulaski, Rockcastle, and Whitley Counties, KY, to points in IN, KY, OH, TN, and WV. (Hearing site: Lexington, KY.)

MC 146758 (Sub-4F), filed December 3, 1979. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main St., Albert Lea, MN 56007. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *such commodities as are dealt in or used by manufacturers and converters of paper and paper products (except commodities in bulk)* from the facilities of Nekoosa Papers Inc. in Portage and Wood Counties, WI to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Minneapolis, MN or Milwaukee, WI.)

MC 146888 (Sub-4F), filed December 6, 1979. Applicant: GLASS CONTAINER TRANSPORT, INC., Route 1, Box 271, Ridgeway, SC 29130. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *animal and poultry feed ingredients* (except in bulk) from the facilities of Eastern Minerals, Inc. in Vance County, NC, to points in the United States in and east of WI, IL, KY, TN and GA, and (2) *materials, equipment and supplies* used in the manufacture and distribution of animal and poultry feed ingredients (except in bulk), in the reverse direction. (Hearing site: Atlanta, GA.)

MC 146898 (Sub-4F), filed December 10, 1979. Applicant: MICKS SERVICE INC., 2146 Camanche Avenue, Clinton, IA 52732. Representative: Carl E. Munson, 489 Fischer Building, Dubuque, IA 52001. *Contract carrier*, transporting *corn products, in packages*, from Clinton, IA, to points in IL, IN, OH and WI, under continuing contract(s) with the Clinton Corn Processing Company, of Clinton, IA. (Hearing Site: Chicago, IL or Des Moines, IA.)

MC 147239 (Sub-2F), filed December 4, 1979. Applicant: O'DELL TRANSPORT, INC., a Corporation, P.O. Box 20705, Phoenix, AZ 85036. Representative: David Robinson, 3003 North Central Ave., Suite 2500, Phoenix, AZ 85012. *Contract carrier*, transporting *sugar, syrup, molases and bone charcoal*, (except in bulk in tank vehicles) between points in AZ, AR, CA, CO, GA, IA, ID, IL, IN, KS, KY, LA, MA, MI, MN, MO, MT, NC, NE, NM, NV, OH, OK, OR, PA, SC, TN, TX, UT, WA and WI, under a continuing contract(s) with California and Hawaiian Sugar Co., of San Francisco, CA. (Hearing site: Phoenix, AZ, or Crocket, CA.)

MC 147348 (Sub-6F), filed August 9, 1979. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: James M. Duckett, 927 Pyramid Life Building, Little Rock, AR 72201. Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring the use of special equipment) between Little Rock and Fayetteville, AR, Springfield, Jefferson City, Sikeston and Cape Girardeau, MO, Temple, Longview, Texarkana and San Angelo, TX, Monroe, LA and Lawton, OK, restricted to traffic having a prior or subsequent movement by rail and destined to the facilities of Osco Drug, Inc. (Hearing site: Little Rock, AR.)

MC 147478 (Sub-3F), filed December 10, 1979. Applicant: STANLEY R. SOWERS d.b.a. TEESUN TRUCK LINE, P.O. Box 183, Hayti, SD 57241. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. Transporting (A) *feed ingredients* from Nebraska City and Weeping Water, NE, Sioux City, IA, St. Paul and Mankato, MN to points in IA, NE, MT, ND, SD and WY; and (B) *bentonite* from Colony, WY to points in IL, IA, MN, MO, MT, NE, ND, SD, and WI. (Hearing site: Minneapolis, MN.)

MC 147798 (Sub-2F), filed December 3, 1979. Applicant: MUMMA TRUCKING, INC., 103 No. Bridge Street, Brewster, WA 98812. Representative: John Goldmark, 540 Central Bldg., Seattle, WA 98104. Transporting *fruit juice and fruit juice concentrates*, (except frozen) in containers from Tacoma and Seattle, WA to points in Yakima, Chelan, and Douglas Counties, WA. (Hearing site: Seattle, WA.)

MC 148428 (Sub-7F), filed December 10, 1979. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *cabinets and materials, equipment and supplies used in the construction of cabinets* between the facilities of Crystal Cabinet Works, Inc. at or near Princeton, MN and points in the US (except AK and HI), restricted to traffic originating at or destined to the named facilities.

MC 148428 (Sub-8F), filed December 10, 1979. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *paper and paper products and materials used in the sale and distribution of paper and paper products* from the facilities of Holes-Webway Co., in St. Cloud, MN to points in the US (except AK and HI); and (2) *materials, equipment and supplies used in the manufacture of the commodities described in (1) above*, in the reverse direction. (Hearing site: Minneapolis, MN.)

MC 148428 (Sub-9F), filed December 28, 1979. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *printed matter*, and (2) *materials, equipment and supplies used in the production and distribution of* printed matter, between the facilities of Meredith Printing at Des Moines, IA on the one hand, and, on the other, points in MN, WI, IL, IN, KS, MO, ND, and SD. (Hearing site: Des Moines, IA.)

MC 148659 (Sub-2F), filed December 10, 1979. Applicant: FOLSTER TRANSPORTATION, INC., a corporation, 4317 West Irving Park Road, Chicago, IL 60641. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL. Transporting *general commodities* (except Classes A and B explosives, commodities in bulk, commodities which, because of size or weight, require special equipment and household goods as defined by the Commission), from the facilities of Dry Storage Corporation, at or near Chicago, IL to points in KS, WI, IA, MO, IN, OH, MI, and KY, restricted to the transportation of traffic originating at the named origin. (Hearing site: Chicago, IL, or Washington, DC.)

MC 148719 (Sub-2F), filed December 10, 1979. Applicant: FAIRMONT BODY SHOP, 1013 Winnebago Avenue, Fairmont, MN 56031. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting: (1) *disabled motor vehicles*, and (2) *replacement vehicles* for disabled motor vehicles between points in IA, MN, ND, SD, and WI, restricted to the transportation of traffic requiring the use of wrecker equipment in a towaway service.

MC 148768 (Sub-2F), filed December 5, 1979. Applicant: JAMES S. SHAPKOFF, d.b.a. VERNON MOVING & STORAGE, P.O. Box 557, Terminal Road, Leesville, LA 71446. Representative: Alan F. Wholstetter, 1700 K Street, N.W., Washington, DC 20006. Transporting *used household goods* between points in Vernon, Beauregard, Allen, Natchitoches, Sabine, Jefferson, Cameron, and Calcasieu Parishes, LA, and Orange, Sabine, Angelina, Jasper, Newton, Nacogdoches, San Augustine and Shelby Counties, TX, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restriced to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic. (Hearing site: New Orleans, LA.)

MC 148869F, filed December 3, 1979. Applicant: UNITED SALT CORPORATION, 2000 West Loop South, Houston, TX 77027. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Transporting *matches, and vegetable oils, canned or preserved foodstuffs* from the facilities of Hunt-Wesson Foods, Inc., at New Orleans and Harvey, LA to Houston, TX. (Hearing site: New Orleans, LA or Houston, TX.)

MC 149058F, filed December 12, 1979. Applicant: THE INLAND SEA, INC., 2021 West Governors Circle, Houston, TX 77092. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, DC 20006. transporting *used household hoods, unaccompanied baggage, and used automobiles*, in steamship containers, between Houston, TX, on the one hand, and, on the other, Huntsville and Fort Rucker, AL, Phoenix, AZ, Lawton, OK, and El Paso and Wichita Falls, TX, restricted to traffic having a prior or subsequent movement by water in foreign commerce. (Hearing site: Houston, TX.)

MC 149068F, filed December 6, 1979. Applicant: TEXAS PETRO GAS CO., 16630 Imperial Valley, Houston, TX 77060. Representative: Jo E. Shaw, 711 Fannin Bldg., Suite 816, Houston, TX 77060. Transporting *liquefied petroleum gas*, in bulk, in tank vehicles, between points in TX, LA, MS, AL and TN. The authority granted here is limited in point of time to a period of five (5) years from the date of issuance thereof. (Hearing site: Houston, TX or New Orleans, LA.)

MC 149098F, filed December 13, 1979. Applicant: HART'S MANUFACTURING CO., a Corporation, P.O. Drawer G, 141 Easterly St., Collierville, TN 38017. Representative: James N. Clay, III, 2700 Sterick Building, Memphis, TN 38103. Transporting (1) *such commodities* as are dealt in by wholesale and retail horticultural nurseryman from points in AL, TX, WI, and MO to Memphis, TN, (2) *such commodities* as are dealt in by manufacturers of toys from points in AL, NC, and IL to Memphis, TN, (3) *such commodities* as are dealt in by manufacturers of screws, bolts, and metal machine shops from points in IL, MS, and OH to Memphis, TN, (4) *such commodities* as are dealt in by manufacturers of filters from points in KY, IL, WI, MI, OH, and PA to Memphis, TN, (5) *such commodities* as are dealt in by manufacturers of cooling and heating equipment from points in OH, NY, IN, KS, AL, PA, AR, and VA to Memphis, TN, (6) *such commodities* as are dealt in by manufacturers of woodworking and industrial machinery from points in AL, OK, SC, and WV to Memphis, TN, (7) *such commodities* as are dealt in by producers of promotional and advertising materials, from points in GA, VA, AL, and NC to Memphis, TN, (8) *tractors, agricultural implements, and parts therefor*, from points in MI, GA, TX, IA, IN, AL, and MS to Memphis, TN, (9) *such commodities* as are dealt in by retail hardware stores from points in MO, GA, OH, LA, FL, TN, and TX to Memphis, TN, (10) *petroleum products*, in containers, from points in TX, LA, and AL to Memphis, TN, and (11) *such commodities* as are dealt in by distributors of furniture from points in NC, MS, CA, KY, and AL to Memphis, TN. (Hearing site: Memphis, TN.)

MC 149109F, filed December 10, 1979. Applicant: CHARLEY T. LONG, d.b.a. C & E EQUIPMENT COMPANY, 12660 Central Road, Apple Valley, CA 92307. Representative: Richard C. Celio, 2300 Camino del Sol, Fullerton, CA 92633. Transporting *drilling mud and drilling compounds* from points in WY, ND, SD, and MT to points in CA, AZ, and NV. (Hearing site: Los Angeles, CA.)

MC 149348F, filed November 5, 1979. Applicant: LOOMIS ARMORED CAR SERVICE, INC., 821 Sansome Street, San Francisco, CA 94111. Representative: Robert C. Konkle (same address as applicant). Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in AL, AZ, CA, CO, HI, ID, MI, MN, MT, NV, ND, OR, PA, SD, UT, WA, WI, and DC. (Hearing site: San Francisco, CA or Los Angeles, CA.)

Note.—Dual operations may be involved.

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Decided: January 16, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones. Member Joyce not participating.

MC 4426 (Sub-2F), filed: June 20, 1979. Applicant: M & T TRANSPORT, INC., 7397 Richmond Road, P.O. Box 292, East Syracuse, NY 13057. Representative: Herbert M. Canter, Esq. and Benjamin D. Levine, Esq., 305 Montgomery Street, Syracuse, NY 13202. Transporting (1) telephone and *telegraph cable on reels* from Baltimore, MD, to Syracuse, NY, and (2) *empty cable reels*, in the reverse direction. (Hearing site: Syracuse or Albany, NY or Washington, DC.)

MC 26396 (Sub-264F), filed June 17, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. The Waggoners, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *pipe, pipe fittings, couplings, building materials, and materials and supplies used in the installation thereof*, between points in the United States (except AK and HI), restricted against the transportation of commodities in bulk and further restricted to traffic originating at or destined to the facilities of CertainTeed Corporation. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 26396 (Sub-265F), filed June 19, 1979. Applicant: POPELKA TRUCKING CO., a corporation, d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 65801. Transporting *feeding equipment and supplies* utilized in the feeding of livestock and poultry, from points in AL, GA, IN, IL, IA, KS, MI, MN, MS, MO, MT, NE, OH, and TX to points in MT, ID and WY. (Hearing site: Billings, MT.)

MC 35227 (Sub-11F), filed June 19, 1979. Applicant: EDSON EXPRESS, INC., P.O. Box 925, Longmont, CO 80501. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Denver, CO, and Sheridan, WY: (1) from Denver over U.S. Hwy 87 and Interstate Hwys 25 and 90 to Sheridan, and return over the same routes, serving the intermediate points of Cheyenne, Douglas, Casper, and Buffalo, WY, and serving all points in Campbell County, WY, as off-route points, and (2) from Denver over U.S. Hwy 87 and Interstate Hwy 25 to junction WY Hwy 59, then over WY 59 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Sheridan, and return over the same routes, serving all points in Campbell County, WY, as intermediate and off-route points.

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(Hearing sites: Denver, CO, Casper, Sheridan and Gillette, WY.)

MC 43706 (Sub-6F), filed June 20, 1979. Applicant: ATKINSON FREIGHT LINES, INC., Neshaminy Plaza, Bldg. 1, Suite 111, 133 North 4th Street, Philadelphia, PA 19106. Representative: Steven M. Tannenbaum, Esquire, c/o Law Offices of Richard Rueda, 133 North 4th Street, Philadelphia, PA 19106. Transporting *foam rubber* (except in bulk, in tank vehicles) from the facilities of William T. Burnett and Co., Inc., at Baltimore and Jessup, MD, to points in DE, NJ, PA, OH, NY, CT, MA, RI, VT, NH and ME. (Hearing site: Philadelphia, PA.)

MC 51146 (Sub-706F), filed June 18, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting *paper, paper products, and materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk) between points in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of shipments originating at or destined to facilities of Champion International Corporation. (Hearing site: Chicago, IL.)

MC 61016 (Sub-52F), filed July 3, 1979. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, MA 01103. Representative: Philip J. Shine, 83 State Street, Springfield, MA 01103. Transporting, *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, in vehicles specially equipped to accommodate wheelchairs, (1) between points in ME, NH, VT, MA, CT, RI and NY, and (2) beginning and ending at the points named in (1) and extending to points in the United States (including AK but excluding HI). (Hearing site: Boston, MA.)

MC 63417 (Sub-213F), filed June 16, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting: *animal feed, feed additives and supplements, and materials and supplies* used in the manufacture of animal feed (except commodities in bulk) between Matoon, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 63417 (Sub-214F), filed June 18, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of the Scott & Fetzer Company, and its divisions: American-Lincoln Division, Klevac Division, Kirby Group, Western Enterprises Division, Canada Lighting Division, Powerwinch/Ja-Son Division, Quikut Division, Streamway Division, World Book-Childcraft International, Incorporated, Campbell-Hausfeld Group, Wayne Home Equipment Division, Carefree of Colorado Division, Douglas Division, Stahl Division, Valley Industries Division, Adalet-PLM Division, France Division, Halex Division, Northland Division, Meriam Instrument Division. (Hearing site: Washington, DC.)

MC 63417 (Sub-215F), filed June 18, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *steel containers*, from New Orleans, LA, to points in AL, AR, FL, GA, MS and TN. (Hearing site: New Orleans, LA.)

MC 66886 (Sub-75F), filed June 20, 1979. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Transporting: (1) *metal buildings*, complete, knocked-down or in sections, and *parts and accessories* for metal buildings; (2) *off-highway vehicles*, and parts and accessories for off-highway vehicles; (3) *power plant components* and accessories; (4) *fabricated steel structures;* and (5) *machinery, materials, equipment and supplies* used in connection with the manufacture, distribution, installation or maintenance of commodities described in (1), (2), (3) and (4) above (except commodities in bulk), between the facilities of Braden Steel Corporation at or near Tulsa, OK, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to traffic originating at or destined to the named origins. (Hearing site: Tulsa, OK.)

MC 69116 (Sub-242F), filed June 25, 1979. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. Transporting: *paper mill machinery*, from the facilities of American Can Co., at Neenah, WI, to the facilities of American Can Co., at Naheola, AL. (Hearing site: Chicago, IL.)

MC 78687 (Sub-68F), filed June 18, 1979. Applicant: LOTT MOTOR LINES, INC., P.O. Box. 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting *salt, salt products*, and *pepper* (except in bulk, in tank vehicles) from Watkins Glen, NY, to points in CT, DE, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC. (Hearing site: Washington, DC.)

MC 78687 (Sub-70F), filed June 15, 1979. Applicant: LOTT MOTOR LINES, INC., P.O. Box. 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting (1) *plastic articles*, (2) *roofing and siding materials*, and (3) *equipment, materials and supplies* used in the manufacture, sale, or distribution thereof, between the facilities of GAF Corporation, at or near South Bound Brook, Gloucester, and Thorofare, NJ, on the one hand, and, on the other, points in NY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 78687 (Sub-71F), filed June 22, 1979. Applicant: LOTT MOTOR LINES, INC., P.O. Box. 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting (1) *wood fiberboard* and (2) *materials, equipment and supplies* used in the manufacture of wood fiberboard (except in bulk), between the facilities of Weyerhaeuser Company at or near Doswell, VA, on the one hand, and, on the other, points in CT, ME, MA, NH, NY, NJ, PA, RI, and VT. (Hearing site: Raleigh, NC.)

Note.—Dual operations may be involved.

MC 79687 (Sub-34F), filed June 21, 1979. Applicant: WARREN C. SAUERS COMPANY, INC., 200 Rochester Road, Zelienople, PA 16063. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Transporting (1) *foodstuffs*, from the facilities of The J. M. Smucker Company, at Medina and Orrville, OH, to points in IN and MI, and (2) *materials, equipment, and supplies* used in the manufacture or distribution of foodstuffs, from points in IN and MI to the facilities of The J. M. Smucker Company at Medina and Orrville, OH.

(Hearing site: Pittsburgh, PA or Washington, DC.)

MC 87997 (Sub-3F), filed June 13, 1979. Applicant: TEXTILE MOTOR EXPRESS, INC., One McLean Blvd., Paterson, NJ 07509. Representative: Ronald I. Shapss, Esq., 450 Seventh Avenue, New York, NY 10001. Transporting (1) *textiles, textile products, plastics*, and (2) *materials, supplies* and *machinery* used in the manufacture of textiles, textile products and piece goods (excluding commodities in bulk), between New York, NY and points in Suffolk County, NY on the one hand, and, on the other, points in DE, NJ, PA, NC, those in MA north of US Hwy 20 and west of MA Hwy 15, and those in CT on west of CT Hwy 52. (Hearing site: New York, NY.)

MC 89716 (Sub-55F), filed June 22, 1979. Applicant: DICK JONES TRUCKING, a corporation, Box 965, Powell, WY 82435. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. Transporting (1) *buildings and building equipment, materials and supplies*, (2) *lumber, lumber mill products, and wood products*, (3) *contractors' equipment, materials and supplies*, and (4) *fencing equipment, materials and supplies* between points in CO, ID, MT, NE, ND, SD, UT, WA, and WY. (Hearing site: Casper, WY or Denver, CO.)

MC 95876 (Sub-284F), filed June 20, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *wallboard, fibreboard, pulpboard*, and *strawboard*, from Cicero, IL, to those points in the United States in and east of IN, KY MI, MS and TN. (Hearing site: Chicago, IL.)

MC 95876 (Sub-287F), filed June 20, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *iron and steel articles*, from points in OH to points in IA, MN, NE, ND, SD, and WI. (Hearing site: Chicago, IL or Columbus, OH.)

MC 95876 (Sub-290F), filed June 21, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *iron and steel articles*, from South Bend, IN, to points in IA, IL, MI, MN, OH and WI, restricted to the transportation of traffic originating at the facilities of Armco, Inc. (Hearing site: Cincinnati, OH, or Louisville, KY.)

MC 95876 (Sub-295F), filed June 20, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting: (1) *turbines, motors, generators, and (2) equipment, materials and supplies* used in the manufacture, installation and distribution thereof, between the facilities of Brown Boveri Turbomachinery, Inc., at St. Cloud, MN, on the one hand, and, on the other, points in the United States (including Alaska, but excluding HI). (Hearing site: Minneapolis, MN.)

MC 96607 (Sub-15F), filed June 18, 1979. Applicant: RUCKER BROTHERS TRUCKING, INC., 1820 Stewart Street East, Tacoma, WA 98421. Representative: Michael D. Duppenthaler, 211 South Washington Street, Seattle, WA 98104. Transporting *lumber, lumber products, plywood, particleboard, laminated beams, and doors*, between points in WA, OR, ID, and MT. (Hearing site: Seattle, WA.)

MC 107496 (Sub-1217F), filed June 18, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting (1) *asphalt*, in bulk, from Wood River, IL, to points in IN, and (2) *petroleum products*, in bulk, from Pana, IL, to points in IA. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 107496 (Sub-1218F), filed June 18, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 85, Des Moines, IA 50304. Transporting (1) *animal oils, fats, tallow and blends thereof*, in bulk, (a) from Des Moines, IA, to points in MN, and (b) from Davenport, IA, to points in IL, MN, MO, NE, SD and WI, and (2) *molasses*, in bulk, from points in ND, to points in IA, SD, and MN. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 107496 (Sub-1219F), filed June 18, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *sugar, corn syrup, and blends* in bulk, from Jefferson and Reserve, LA to points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MI, MS, MO, NE, NC, OH, OK, SC, TN, TX, VA, WI, and WV. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 107496 (Sub-1221F), filed June 18, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *liquid argon, liquid nitrogen, liquid oxygen, liquid hydrogen*, and *compressed gases* (except butane, propane, anhydrous ammonia and sulfur dioxide), in bulk (1) from Claymont, DE, Augusta and Waycross, GA, Chicago, East Alton, Granite City and LaSalle, IL, E. Chicago, Mt. Vernon and Indianapolis, IN, Clinton, IA, Lawrence, KS, Ashland, KY, Michoud, LA, Acton, MA, Albion, MI, Yazoo City, MS, Bound Brook, Newark and Pendricktown, NJ, Buffalo, Olean and Selkirk, NY, Lima, Warren and Toledo, OH, Chattanooga, TN, Freeport and Houston, TX, Provo, UT, and Chester, WV, to points in the United States (except AK and HI). Condition: The authority granted here is limited in point of time to a period of five (5) years from the date of issuance. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 107496 (Sub-1222F), filed June 25, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *tallow*, in bulk, from the facilities of Iowa Beef Processors, Inc., at or near Amarillo, TX, Dakota City and West Point, NE; Denison and Ft. Dodge, IA, Luverne, MN, and Emporia, KS, to points in AR, AZ, CA, CO, IL, IN, IA, LA, MA, MN, MO, NV, NJ, OH, OK, OR, TN, TX, UT, WA and WI, restricted to traffic originating at the named origins. (Hearing site: Omaha, NE, or Sioux City, IA.)

MC 107496 (Sub-1225F), filed June 18, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting soda Ash, in bulk, from Sweetwater County, WY, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 107906 (Sub-38F), filed June 15, 1979. Applicant: TRANSPORT MOTOR EXPRESS, INC., P.O. Box 958, Fort Wayne, IN 46801. Representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting general *commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Pittsburgh, PA and New York, NY, from Pittsburgh over I–76 to Harrisburg, PA, then over I–78 to New York, and return over the same route, serving no intermediate points, but serving Bernardsville, High Bridge, and

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Pine Brook, NJ and points in Morris County, NJ, and points in Suffolk County, NY as off-route points in connection with said regular route. Hearing site: Pittsburgh, PA or Chicago, IL). This application is being filed to substitute single-line service for existing joint-line service.

Note.—Applicant proposes to tack the requested authority with its existing authority.

MC 108297 (Sub-30F), filed June 18, 1979. Applicant: FOX TRANSPORT SYSTEM, 21 S. 5th Street, Philadelphia, PA 19106. Representative: James J. Fox (same address as applicant). Transporting (1) *such commodities* as are dealt in by wholesale, retail, chain grocery, and food business houses, and (2) *equipment materials, and supplies* used in the conduct of such business (except commodities in bulk), between points in and south of Erie, Crawford Venango, Clarion, Jefferson, Clearfield, Clinton, Lycoming, Bradford, and Susquehanna Counties, PA, points in NJ, NY, DE, and DC, those in MD east of US 81, Richmond, VA, on the one hand, and, on the other, points in NJ, NY, DE, and DC, those in MD east of US. 81, Richmond, VA, and Philadelphia, PA restricted in (1) and (2) above to traffic moving in vehicles equipped with mechanical refrigeration. (Hearing site: Philadelphia, PA, or New York, NY.)

MC 109397 (Sub-464F), filed June 25, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting (1) *iron and steel articles*, from the facilities of Republic Steel Corporation, at or near Gadsden, AL, to points in TX, AR, OK, MO, KS, IL, IN, OH, PA, NY, WV, VA, KY, NC, and those in LA on and west of the Mississippi River, and (2) *equipment, materials, and supplies* (except in bulk) used in the manufacture and distribution of iron and steel articles, in the reverse direction. (Hearing site: Birmingham, AL.)

MC 109397 (Sub-469F), filed June 25, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting (1) *tote pans, refrigeration tunnels*, and *air vents*, and (2) *parts and accessories* for the commodities named in (1) above, from the facilities of Aero Tech Mfg., Inc. at or near North Salt Lake, UT, to points in the United States (except AK and HI). (Hearing site: Salt Lake City, UT.)

MC 109397 (Sub-470F), filed June 19, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting (1)(a) *equipment*, and *attachments, accessories*, and *supplies* for equipment, and (b) *materials, equipment*, and *supplies* used in the manufacture and distribution of the commodities in (1)(a) above, (except commodities in bulk), between Manitowoc, WI, on the one hand, and, on the other, points in the United States in and east of TX, OK, MO, IL, and WI (except IL, IN, OH, and MI), and (2) *materials, equipment, and supplies* used in the building, repair, or outfitting of marine vessels (except commodities in bulk), from points in the United States in and east of TX, OK, MO, IL, and WI (except IL, IN, OH, and MI), to Sturgeon Bay, WI, restricted to the transportation of traffic originating at or destined to the facilities of The Manitowoc Company, Inc., at or near Manitowoc or Sturgeon Bay, WI. (Hearing site: Milwaukee, WI, or Washington, DC.)

MC 112766 (Sub-7F), filed June 25, 1979. Applicant: JOHN F. COYNE, d.b.a. COYNE TRUCKING CO., P.O. Box 549, Scotland Lane, New Castle, PA 16103. Representative: John A. Pillar, Esq., 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Transporting *battery boxes and parts thereof*, from Indianapolis, IN, to points in OH and PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 113106 (Sub-77F), filed June 15, 1979. Applicant: THE BLUE DIAMOND COMPANY, 4401 East Fairmount Avenue, Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC. 20005. Transporting *malt liquor* and *equipment, materials*, and *supplies* used in the manufacture of malt liquor (except commodities in bulk), between Trenton, NJ on the one hand, and, on the other, points in NY, PA, DE, VA, NC, SC, and NJ. (Hearing site: Washington, DC. or Philadelphia, PA.)

MC 113408 (Sub-13F), filed June 25, 1979. Applicant: DOT LINES, INC., 1000 Findlay Road, P.O. Box 1526, Lima, OH 45802. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Transporting (1) *such commodities* as are manufactured, distributed or sold by food and drug manufacturers or distributors, and (2) *equipment, materials* and *supplies* used in the manufacture of the items specified above (except commodities in bulk), from (a) Bath Township, Allen County, OH to points in MO and (b) from points in MO to points in OH, restricted in (a) and (b) above to the transportation of traffic originating at or destined to facilities of The Procter & Gamble Distributing Co. (Hearing site: Columbus, OH.)

MC 113666 (Sub-177F), filed June 18, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: R. Scott Mahood (same address as applicant). Transporting (1) *Dicyandiamide*, from ports of entry between the United States and Canada located in MI and NY to points in LA, NC and TX; (2) *Textile treating compounds*, from ports of entry between the United States and Canada located in MI and NY to points in NC; (3) *Acrylonitrile*, from points in LA to ports of entry between the United States and Canada located in MI and NY; (4) *Pesticides and plant growth regulants*, from Atlanta, IL and Randolph, WI to ports of entry between the United States and Canada located in MI and NY; (5) *Clay*, from Attapulgus, GA, and Aiken and Langley, SC to ports of entry between the United States and Canada located in MI and NY; (6) *Alumina, hydrated and alumina oxide catalyst*, from Michigan City, IN, to ports of entry between the United States and Canada located in MI and NY. (7) *synthetic fiber*, from Painesville, OH, to ports of entry between the United States and Canada located in MI and NY. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 114457 (Sub-No. 522F), filed June 25, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting *railway lubricating pads*, from Baltimore, MD, to Flat River, MO, and Beech Grove, IN. (Hearing site: Baltimore, MD, or St. Paul, MN.)

MC 114457 (Sub-No. 523F), filed June 25, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting *clay* (except in bulk), from Sandersville, GA and Aiken, SC to Baltimore, MD and Spencer, WV. (Hearing site: St. Paul, MN, or Baltimore, MD.)

MC 114457 (Sub-No. 530F), filed June 20, 1979. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills, General Counsel, 2102 University Avenue, St. Paul, MN 55114. Transporting *sugar* (except in bulk), from Chaska, Crookston, East Grand Forks, Minneapolis, and Moorhead, MN, and Drayton, ND, to points in AR, CO, KS, NE, NM, OK, and TX. (Hearing site: St. Paul, MN, or Fargo, ND.)

MC 115826 (Sub-493F), filed June 12, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *meats, meat products* and *articles distributed by meat packinghouses* (except commodities in bulk), from Fort Morgan, CO, to points in IA, MN, WI, IL, IN, MI, OH and KY. (Hearing site: Denver, CO.)

MC 115826 (Sub-494F), filed June 12, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) *such commodities* as are dealt in by a manufacturer or distributor of drugs, medicines, toilet preparations, cosmetics, (except commodities in bulk in tank vehicles), and (2) *materials, supplies and equipment* used in the conduct of such business (except commodities in bulk in tank vehicles), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Vick Manufacturing Division of Richardson-Merrill, Inc. (Hearing site: Denver, CO.)

MC 115826 (Sub-504F), filed June 22, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *frozen foods*, from points in WA, OR, and CA to Des Moines, IA. (Hearing site: Denver, CO.)

MC 115826 (Sub-505F), filed June 22, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) *alcoholic liquors*, in cases, (a) from Plainfield, IL, to points in CA, TX and IA, and (b) from Dayton, NJ, to points in CA, CO, and NV, and (2) *alcoholic liquors, wine*, and *beer* from points in KY, OH, IL, NJ, and MA to points in NM, restricted in (1) and (2) to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Denver, CO.)

MC 116077 (Sub-414F), filed June 20, 1979. Applicant: DSI TRANSPORTS, INC., 4550 Post Oak Place Drive, P.O. Box 1505, Houston, TX 77001. Representative: James M. Doherty, 500 West Sixteenth Street, P.O. Box 1945, Austin, TX 78767. Transporting *clay and processed clay*, in bulk, in tank vehicles, from Attapulgus, GA, to points in MT, CA, WY, ND, and WA. (Hearing site: Atlanta, GA, or Houston, TX.)

MC 117786 (Sub-59F), June 21, 1979. Applicant: Riley Whittle, Inc., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *Fresh, smoked or processed meats, meat products, and meat by-products*, from the facilities of Kahn's and Company at Cincinnati, OH, to points in AZ, CA, LA and TX. (Hearing site: Phoenix, AZ.)

MC 117786 (Sub-60F), filed June 21, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *quarry tile*, from points in OH to points in the United States west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada. (Hearing site: Phoenix, AZ.)

MC 117786 (Sub-61F), filed June 25, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting (1) *Such commodities* as are dealt in by wholesale, retail and chain grocery and food business houses (except frozen commodities and commodities in bulk) and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of commodities in part (1) above, from Chicago, IL, Columbus, OH to Los Angeles and Oakland, CA, restricted to the transportation of traffic moving from and to the facilities of the Clorox Company at the named points. (Hearing site: Phoenix, AZ.)

MC 117786 (Sub-62F), filed June 21, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *kitchen cabinets and cabinet hardware*, from Longview, WA, to points in AZ and NM. (Hearing site: Phoenix, AZ.)

MC 117786 (Sub-63F), filed June 21, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting (1) *such merchandise as is dealt in by wholesale, retail, chain grocery and feed business houses* and (2) *materials, ingredients and supplies used in the manufacture, distribution, and sale of the products in (1) above*, between the facilities of Ralston Purina Company at or near Denver, CO, and points in AZ and NM. (Hearing site: Phoenix, AZ.)

MC 117786 (Sub-64F), filed June 21, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting (1) *paper and paper products* from the facilities of Champion International Corporation at or near Courtland, AL, and Pasadena, TX, to those points in the United States in and west of MT, WY, CO, NM, and TX (except AK and HI, and (2) *commodities used or useful in the manufacture of paper and paper products (except commodities in bulk)*, in the reverse direction. (Hearing site: Phoenix, AZ.)

MC 117786 (Sub-65F), filed June 21, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85005. Transporting (1) *electric motors and parts* for electric motors, from the facilities of U.S. Electric Motors, a Division of Emerson Pryne, at Prescott, AZ, to points in the United States (except AK and HI), and (2) steel (bar, roll and sheet), in the reverse direction. (Hearing site: Phoenix, AZ.)

MC 117786 (Sub-66F), filed June 22, 1979. Applicant: RILEY WHITTLE, INC., Post Office Box 19038, Phoenix, AZ 85009. Representative: Thomas F. Kilroy, Suite 406 Springfield Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Transporting *charcoal, charcoal briquettes, fireplace logs, charcoal lighter fluid*, in containers, *hickory chips*, and *vermiculite* (1) from Parsons, WV, to points in TX, CO, MO, OR, WA, CA, NE, IN, OH, and MT; (2) from Belle, MO, to points in CO; (3) from Burnside, KY, to points in IL, IN, MI, OH, and WI; (4) from Dothan, AL, to points in FL; (5) from Springfield, OR, to points in AZ, CA, NV, and UT, and (6) from Jacksonville, TX, to points in AZ, CA, CO, NV, NM, UT, OK, OR, and WA. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 117786 (Sub-67F), filed June 25, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *fireplace logs, briquettes, and fire starter*, from Flagstaff, AZ, to points in the United States located on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, and thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line

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between the United States and Canada (except AK and HI). (Hearing site: Phoenix, AZ.)

MC 117786 (Sub-68F), filed June 26, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), from Cincinnati, OH, to points in WA, OR, CA, ID, NV, UT, AZ, MT, WY, CO and NM. (Hearing site: Phoenix, AZ.)

MC 118127 (Sub-28F), filed June 18, 1979. Applicant: HALE DISTRIBUTING CO., INC., 914 South Vail Aveune, Montebello, CA 90640. Representative: George Carl Pezold, 120 Main Street, P.O. Box. Z, Huntington, NY 11743. *Frozen foods* in vehicles equipped with mechanical refrigeration from VA, to points in CA, CO, IL, IN, MO, OH and TX. (Hearing site: Washington, DC.)

MC 119176 (Sub-No. 25F), filed June 18, 1979. Applicant: THE SQUAW TRANSIT COMPANY, 6211 South 49th West Avenue, Tulsa, OK 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Transporting (1) *truck bodies and truck body parts*, from Buffalo, NY, to points in the United States (except AK and HI); and (2) *machinery, equipment, material and supplies* used in the manufacture of the commodities in (1), from points in the United States (except AK and HI) to Buffalo, NY. (Hearing site: Washington, DC.)

MC 119176 (Sub-No. 26F), filed June 18, 1979. Applicant: THE SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, OK 74107. Representative: A. William Brackett, 1108 Continental Life Building, Fort Worth, TX 76102. Transporting *agricultural implements and equipment and materials and supplies* used in the manufacture or production thereof, between Beaumont, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX or Tulsa, OK.)

MC 119226 (Sub-120F), filed May 23, 1979. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, IN 46227. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. Transporting *Vegetable oil*, in bulk, in tank vehicles, from Columbus, OH, to points in NC, SC, and VA. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 119656 (Sub-62F), filed June 25, 1979. Applicant: NORTH EXPRESS, INC., 219 Main St., Winamac, IN 46996. Representative: Donald W. Smith, P.O. Box 40428, Indianapolis, IN 46240. Transporting *aluminum*, between points in IL, IN, IA, KY, MI, MO, OH, TN, WI, NE, AR, WV, PA, NY, AL, LA, and MN. (Hearing site: St. Louis, MO.)

MC 119777 (Sub-395F), filed June 11, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85-East, Madisonville, KY, 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY, 42431. Transporting: (1) *Frames, axle housings, exhaust elbows, valves*, and (2) *parts, attachments* and *equipment* used in connection with the previously described commodities, from the facilities of Rockwell International at or near Atchison, KS and St. Joseph, MO to Oshkosh, and Green Bay, WI, McCook, IL, Jamaica and Brooklyn, NY, Atlanta, GA, and Erie and Burnham, PA. (Hearing site: Kansas City, MO.)

MC 121496 (Sub-29F), filed June 20, 1979. Applicant: CANGO CORPORATION, Suite 2900, 1100 Milam Building, Houston, TX 77002. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting *chemicals*, in bulk, in tank vehicles, from the plant site and storage facilities of Monsanto Co., at or near Chocolate Bayou, Texas City, and Houston, TX, to those points in the United States in and east of LA, AR, MO, IA, and MN. (Hearing site: Houston, TX.)

MC 123407 (Sub-583F), filed June 18, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr., (same address as applicant). Transporting *honeycomb paper products* from points in Elkhart County, IN, to points in the United States (except AK and HI). (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 125777 (Sub-251F), filed June 18, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46406. Representative: Allan C. Zuckerman, 39 South LaSalle Street Chicago, IL 60603. Transporting *petroleum coke*, in bulk, in dump vehicles, from the facilities of Great Lakes Corporation, at Kremlin, OK, to Scottsboro, AL, Savannah, GA, Warrick, IN, Baltimore, MD, New Madrid, MO, Badin, NC, Alcoa, TN, and Rockdale and Port Arthur, TX. (Hearing site: Chicago, IL.)

MC 125777 (Sub-252F), filed June 15, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46406. Representative: Allan C. Zuckerman, 39 South LaSalle Street Chicago, IL 60603. Transporting *activated carbon*, in bulk, in dump vehicles, from the Catlettsburg, KY, Neville Island, PA, and Bayport, TX, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 126736 (Sub-125F), filed June 18, 1979. Applicant: FLORIDA ROCK AND TANK LINES, INC., 155 East 21st Street, Jacksonville, FL 32206. Representative: L. H. Blow, P.O. Box 1559, Jacksonville, FL 32201. Transporting *petroleum and petroleum products*, in bulk, in tank vehicles, from Jacksonville, FL, to points in VA. (Hearing site: Jacksonville, FL.)

MC 128087 (Sub-7F), filed June 11, 1979. Applicant: JOHN N. JOHN III, INC., P.O. Box 921, Crowley, LA 70526. Representative: John N. John III (same address as applicant). Transporting *bags, bagging, burlap, steel bale ties, twine, cotton fabric, and metal strippings*, from the Port of New Orleans, LA, and Houston, TX, to Crowley, LA. (Hearing site: New Orleans, LA.)

MC 133566 (Sub-142F), filed June 22, 1979. Applicant: GANGLOFF & DOWNHAM TRUCKING COMPANY, INC., P.O. Box 479, Logansport, IN 46947. Representative: Thomas J. Beener, Suite 4950, One World Trade Center, New York, NY 10048. Transporting general commodities (except classes A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) from Maumee, and Holland, OH, to Delphi, IN, and Champaign, IL. (Hearing site: New York, NY.)

MC 133666 (Sub-29F), filed June 20, 1979. Applicant: JACOBSON TRANSPORT, INC., 1112 Second Avenue, South, Wheaton, MN 56296. Representative: Thomas J. Burke, Jr., 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. Transporting *petroleum products*, in bulk, in tank vehicles, from points in Stark County, ND, to points in SD and MN. (Hearing site: Fargo, ND, or St. Paul, MN.)

MC 133796 (Sub-58F), filed June 25, 1979. Applicant: GEORGE APPEL TRUCKING, INC., 249 Carverton Rd., Trucksville, PA 18708. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. Transporting *electric light bulbs*, (1) from Los Angeles, CA, to points in NM, ID, WA, CO, OR, AZ, UT, NV, MT, and WY, and (2) from East Brunswick and Finderine, NJ, to those points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada. (Hearing site: New York, NY.)

MC 135797 (Sub-228F), filed June 12, 1979. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as above). Transporting (1) *foodstuffs*, and (2) commodities which are otherwise exempt from economic regulation under Section 10526(a)(6) in mixed loads with foodstuffs (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Uncle Ben's Foods or American Frozen Foods, Division's of Uncle Ben's Inc. (Hearing site: Houston, TX, or Wahington, DC.)

MC 135797 (Sub-229F), filed June 12, 1979. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting (1) *pet foods*, from Hamilton and Holland, MI to points in AZ, CA, CO, CT, DE, ID, IL, IN, IA, KS, ME, MD, MA, MN, MS, MT, NE, NV, NH, NJ, NM, ND, OH, OK, OR, RI, SD, UT, VT, WA, WI, WY and DC and (2) *material, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in the United States (except AK and HI) to Hamilton, MI. (Hearing site: Washington, DC.)

MC 135797 (Sub-233F), filed June 15, 1979. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting (1) *bicycles, tricycles, and parts and accessories for bicycle and tricycles*, from the facilities of The Huffy Corporation, at or near Ponca City, OK, to points in the United States (except AK and HI); and (2) *materials and supplies* used in the manufacture of bicycles and tricycles (except commodities in bulk and commodities which, because of size or weight, require the use of special equipment), from points in the United States (except AK and HI), to the facilities of The Huffy Corporation, at or near Ponca City, OK. (Hearing site: Washington, DC.)

MC 135797 (Sub-234F), filed June 15, 1979. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting *foodstuffs* from Lindsay, CA and Salem, OR, to points in CO, FL, GA, IL, IN, IA, MA, MI, MN, MO, MS, NE, NY, OH, PA, TN, TX and WI. (Hearing site: Los Angeles, CA or Washington, DC.)

MC 135797 (Sub-242F), filed June 21, 1979. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting (1) *wire, metal and machinery products*, and (2) *materials, equipment and supplies* utilized in the manufacture of the commodities in (1) above between the facilities of National Standard Company located in the United States (except AK and HI) on the one hand, and, on the other, points in the United States (except AK and HI).

MC 135797 (Sub-248F), filed June 18, 1979. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting *bentonite clay, lignite coal, and foundation water impedance boards*, from the facilities of American Colloid Company located in (a) Phillips County, MT (b) Bowman County, ND, (c) Butte County, SD, and (d) Big Horn, Crook and Weston Counties, WY, to points in the United States (except AK and HI). (Hearing site: Chicago, IL or Washington, DC.)

MC 136246 (Sub-28F), filed June 15, 1979. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *anhydrous ammonia and liquid fertilizer*, from Hoag, Fremont, Omaha, Greenwood, and Lincoln, NE, to points in IA, KS, and MO. (Hearing site: Des Moines, IA, or Omaha, NE.)

MC136768 (Sub-162F), filed June 15, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Avenue, Des Moines, IA 50321. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Boulevard, Minneapolis, MN 55416. Transporting *lard, edible tallow, shortening, margarine*, and *cooking oils*, from the facilities of Swift & Co. at or near Bradley, IL, to points in CA, OR and WA. (Hearing site: Minneapolis, MN or Chicago, IL.)

MC 138076 (Sub-15F), filed June 22, 1979. Applicant: HEAVY HAULING, INC., 1100 West Grand, Salina, KS 67401. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *Iron and steel articles*, except "Mercer" commodities as defined in 74 M.C.C. 459, 543, and earth drilling commodities as described in 103 M.C.C. 825, 832, from points in Riley County, KS, to points in NE, OK, CO, MO, and IA.

MC 138126 (Sub-39F), filed June 18, 1979. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., P.O. Box 47, Old Denton Road, Federalsburg, MD 21632. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005. Transporting (1) *foodstuffs* and (2) *commodities* otherwise exempt from economic regulations under Section 10526(a)(6) of the Interstate Commerce Act, when moving in mixed shipments with foodstuffs, from those points in DE, MD and VA, located east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to points in AL, CT, DE, DC, FL, GA, IL, IN, KY, MD, MA, MI, MS, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and WI. (Hearing site: Washington, D.C.)

MC 138157 (Sub-178F), filed June 25, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d/b/a SOUTHWEST MOTOR FREIGHT, P.O. Box 9596 Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). (1) *Clay building products* and (2) *materials, equipment* and *supplies* used in the manufacture, sale and distribution of the commodities in (1) (except in bulk), from Pomona and Westminister, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing location: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 139767 (Sub-3F), filed June 18, 1979. Applicant: FAIRWAY TRANSIT, INC., N10 W14730 Highway TJ, Pewaukee, WI 53072. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Transporting *scrap iron*, in dump vehicles, between the facilities of Grossman Bros. Company at Milwaukee, WI, on the one hand, and, on the other, Chicago and Rockford, IL. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 140337 (Sub-6F), filed June 22, 1979. Applicant: JESSE SHERMAN, d.b.a. SHERMAN TRAILER TRANSPORTATION, P.O. Box 3343, Cheyenne, WY 82001. Representative: Jesse Sherman, P.O. Box 3343, Cheyenne, WY 82001. Transporting *new mobile homes* between points in WY, CO, ID, MT, NE, ND, SD, UT, KS, and NM. (Hearing site: Cheyenne, WY, or Denver, CO.)

MC 140186 (Sub-35F), filed June 21, 1979. Applicant: TIGER TRANSPORTATION, INC., 3217 Montana Avenue, Billings, MT 59101. Representative: David A. Sutherlund, 1150 Connecticut Avenue, NW, Suite 400, Washington, DC 20036. Transporting *aluminum plate, sheet, foil*, and *ingot*, from the facilities of

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Aluminum Company of America at or near Riverdale, IA, to points in CA, OR, WA, NV, AZ, MT, and ID. (Hearing site: Pittsburgh, PA.)

MC 141516 (Sub-4F), filed June 17, 1979. Applicant: RICHARD L. HODGES, INC., P.O. Box 141, Unity, ME 04988. Representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04101. Transporting *frozen food stuffs and dry potato products*, from points in ME, to points in AL, AR, DE, DC, FL, GA, IL, IN, KY, LA, MD, MI, MS, MO, NJ, OH, PA, SC, TN, TX, VA, WV, and WI. (Hearing site: Portland, ME, or Boston, MA.)

MC 143127 (Sub-45F), filed June 15, 1979. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson, Rd., Rochester, NY 14623. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. Transporting *empty glass bottles*, from Joliet, IL, to points in NJ, NY, OH, PA, and WV. (Hearing site: Philadelphia, PA or Buffalo, NY.)

Note.—Dual operations may be involved.

MC 143267 (Sub-83F), filed June 15, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th Street, N.W., Washington, DC 20005. Transporting *refractory and magnesite products* (except in bulk), from Seneca County, OH, to points in CT, DE, MD, NJ, NY, PA, and WV. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 144897 (Sub-5F), filed June 18, 1979. Applicant: SUN FREIGHTWAYS, INC., P.O. Box 5386, Lubbock, TX, 79417. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *general commodities* (except Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment) between the facilities of Kirby West, located at or near Andrews, TX, on the one hand, and, on the other, Amarillo, TX, Lubbock, TX, and Clovis, NM (Hearing site: Lubbock, TX, or Odessa, TX.)

Note.—Applicant intends to tack at Amarillo, TX, and Lubbock, TX, to serve points in NM.

MC 145557 (Sub-9F), filed June 22, 1979. Applicant: LIBERTY TRANSPORT, INC., 3409 South Belt Highway, St. Joseph, MO 64503. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting (1) *meats, meat products and meat by-products, and articles distributed by meat-packing houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and (2) *foodstuffs and such commodities as are dealt in by retail variety, discount and drug stores, and wholesale houses serving such stores* (except commodities in bulk), from Kansas City, MO, to points in AZ, CO, IA, KS, MN, ND, NE, NM, OK, SD, IL, TX, WI, and WY.

MC 145577 (Sub-12F), filed June 18, 1979. Applicant: GULLETT-GOULD, LTD., P.O. BOX 406, Union City, IN 47390. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 43215. Transporting *liquid or gas compressors*, and *evaporator coils*, from Somerset, KY to City of Industry, CA. (Hearing sites: Columbus, OH or Chicago, IL.)

MC 145797 (Sub-8F), filed June 18, 1979. Applicant: NANCY TRANSPORTATION, INC., 429 Stablestone Drive, Chesterfield, MO 63017. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting drugs and chemicals (except commodities in bulk, in tank vehicles) (1) from the facilities of Miles Laboratories, Inc. at Elkhart, IN to points in FL, GA, NJ, PA, and TN, and (2) between the facilities of Miles Laboratories, Inc., located at Elkhart, IN and the facilities of Miles Laboratories, Inc. located at West Haven, CT. (Hearing site: St. Louis, MO, or DC.)

MC 146417 (Sub-2F), filed June 18, 1979. Applicant: PISANO FRENCH BAKING COMPANY, INC., 2497 Grove Way, Castro Valley, CA 94546. Representative: Walter H. Walker, III, 100 Pine St., Suite 2550, San Francisco, CA 94111. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bakery goods*, frozen, in boxes, in vehicles equipped with mechanical refrigeration, from the facilities of Merico, Inc., at or near Paris, TX, to Los Angeles, CA, under continuing contract(s) with Merico, Inc., of Dallas, TX. (Hearing site: San Francisco, CA.)

MC 146417 (Sub-2F), filed June 18, 1979. Applicant: PISANO FRENCH BAKING COMPANY, INC., 2497 Grove Way, Castro Valley, CA 94546. Representative: Walter H. Walker, III, 100 Pine St., Suite 2550, San Francisco, CA 94111. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bakery goods*, frozen, in boxes, in vehicles equipped with mechanical refrigeration, from the facilities of Merico, Inc., at or near Paris, TX, to Los Angeles, CA, under continuing contract(s) with Merico, Inc., of Dallas, TX. (Hearing site: San Francisco, CA.)

MC 146457 (Sub-2F), filed June 25, 1979. Applicant: PAISLEY TRUCKING, INC., P.O. Box 208, Durango, IA 53209. Representative: James M. Hodge, 1980 financial Center, Des Moines, IA 50309. Transporting *sand*, and sand with additives from Oregon, IL, to points in IA. (Hearing site: Chicago, IL.)

MC 146547 (Sub-2F), filed June 21, 1979. Applicant: RAYMOND SHOWMAN, d.b.a. RAYMOND SHOWMAN AND SONS TRUCKING, Route 86, R.D. #1, Edinboro, PA 16412. Representative: John l. Alden, 1396 West Fifth Avenue, P.O. Box 12241, Columbus, OH 43212. Transporting *lime and limestone products*, from Conneaut, OH, to those points in PA on and west of U.S. Hwy 219. (Hearing site: Columbus, OH, or Washington, DC.)

MC 146876 (Sub-2F), filed June 20, 1979. Applicant: WILLIAM W. EGGERS, d.b.a. CEDAR VALLEY TRANSPORT, R. R., Box 309, Webster City, IA 50595. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Tranporting *meats, meat by-products, meat products, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Colfax, Dakota, and Douglas Counties, NE, to the facilities of G. B. Nissen & Son Company, Inc., at or near Webster City, IA. (Hearing site: Des Moines, IA or Omaha, NE.)

MC 147087 (Sub-2F), filed June 20, 1979. Applicant: W. L. GOOD TRUCKING, INC., Mingo, IA 50168. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Transporting *liquid fertilizer*, in bulk, in tank vehicles, from Beatrice, LaPlatte, and Fremont, NE, to points in IA. (Hearing site: Des Moines, IA or Omaha, NE.)

MC 147237 (Sub-2F), filed June 18, 1979. Applicant: DEAN ANDERSON, d.b.a. DEAN ANDERSON TRUCKING, P.O. Box 392, Cumberland, WI 54829. Representative: Wayne W. Wilson, 150 E. Gilman Street, Madison, WI 53703. Transporting (1) *fabricated steel* from the Town of Lakeland (Barron County), WI, to points in IA, MI, MN, ND, and SD, and (2) *materials, equipment, and supplies used in the manufacture and distribution of fabricated steel* from points in IA, MI, MN, ND, and SD to the Town of Lakeland, (Barron County), WI. (Hearing site: Madison or Cumberland, WI.)

MC 147536 (Sub-10F), filed June 19, 1979. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as appliant). Transporting (1) *rubber and plastic articles* (except commodities in bulk, in tank vehicles), and (2) *materials and supplies* used in the manufacture of the above named commodities, between the facilities of Entek Corp. of America at or near Irving, TX, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KS, KY, MI, MN, MS, MO, NE, OH, OK, TN, and WI. (Hearing site: Dallas, or Houston, TX.)

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Decided: Jan. 22, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill. Members Parker and Hill not participating.

MC 107 (Sub-11F), filed June 29, 1979. Applicant: BORO BUSSES COMPANY, 445 Shrewsbury Avenue, Shrewsbury, N.J. 07701. Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round trip special and charter operations, beginning and ending at points in Ocean County, NJ, and extending to points in the United States (including AK, but excluding HI). (Hearing site: Red Bank, NJ.)

MC 11207 (Sub-495F), filed June 29, 1979. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting (1) *containers, container ends, and closures*; (2) *commodities manufactured or distributed by manufacturers and distributors of containers in mixed loads with containers*; and (3) *materials, equipment, and supplies used in the manufacture and distribution of containers, container ends, and closures* (except commodities in bulk) between the facilities of Standard Container Corporation at Morrow, GA, on the one hand, and, on the other, those points in the United States in and east of IL, MI, MO, OK, and TX. (Hearing site: Jacksonville, FL or Washington, DC.)

MC 21866 (Sub-123F), filed June 28, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *precast concrete structural forms*, from the facilities of Formigli Corporation at Williamstown Junction, NJ, to points in CT, DC, DE, MD, NY, PA, and VA. (Hearing site: Washington, D.C. or Philadelphia, PA.)

MC 21866 (Sub-127F), filed June 27, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting: *Cleaning compounds, disinfectants, drain cleaner, air freshener, paint, varnish, wax, animal food supplements, insecticides, paper towels, toilet tissues, paper towel dispensers*, and *materials and supplies* used in the manufacture and distribution of the commodities, (except commodities in bulk), between the facilities of West Chemical Products, Inc., at Greenwich, NY, Tenafly, NJ, Coatesville and Philadelphia, PA, Cleveland, OH, Chicago, IL, and Kansas City, KS, on the one hand, and, on the other, points in the United States east of the western boundaries of MN, IA and MO, and north of the southern boundaries of MO, TN, and VA, restricted to the transportation of traffic originating at or destined to the facilities of West Chemical Products, Inc. (Hearing site: Washington, D.C. or Philadelphia, PA.)

MC 26396 (Sub-266F), filed June 27, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *barite*, from points in UT, to ports of entry on the International Boundary line between the United States and Canada, located in MT. (Hearing site: Billings, MT.)

MC 26396 (Sub-276F), filed July 25, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *wrought iron pipe*, from Oil City, PA, to points in WI. (Hearing site: Billings, MT.)

MC 33566 (Sub-4F), filed July 23, 1979. Applicant: BAY STATE TRANSFER & STORAGE CO., INC., 60 Haynes Circle, Chicopee, MA 01020. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Transporting *household goods* as defined by the Commission, between points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, MD, DE, DC, VA, WV, OH, MI, NC, SC, GA, and FL. (Hearing Site: Springfield, MA; Hartford, CT, or Washington, DC.)

MC 34156 (Sub-6F), filed July 23, 1979. Applicant: NIEDERT FREIGHT COMPANY, 2300 S. Mt. Prospect Rd., Des Plaines, IL 60018. Representative: Daniel C. Sullivan, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities*, (except commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment and Classes A and B explosives), between Chicago, IL, and Milwaukee, WI, over Interstate Hwy 94, serving all intermediate points and Racine and Kenosha, WI as off-route points (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 42487 (Sub-932F), filed July 26, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Serving the terminal of Consolidated Freightways Corporation of Delaware in Belpre, OH, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Washington, DC.)

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future.

MC 42487 (Sub-933F), filed July 27, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment*, (1) Between Orlando, FL and West Palm Beach, FL: From Orlando over U.S. Hwy 441 to Okeechobee, FL, then over FL Hwy 70 to junction FL Hwy 710, then over FL Hwy 710 to West Palm Beach and return over the same route. (2) Between Orlando, FL, and Daytona Beach, FL, over Interstate Hwy 4, (3) Between Orlando, FL and Titusville, FL, over FL Hwy 50, (4) Between the junction U.S. Hwy 17 and FL Hwy 528 and the junction FL Hwy 528 and U.S. Hwy 1 at or near City Point, FL, over FL Hwy. 528, (5) Between the junction U.S. Hwy 17 and FL Hwy 528 and Titusville, FL: From the junction U.S. Hwy 17 and FL Hwy 528 over FL Hwy 528 to junction FL Hwy 407, then

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over FL Hwy 407 to Titusville, and return over the same route. Serving no intermediate points in connection with Routes (1) through (5) described above, as alternate routes for operating convenience only in connection with carrier's otherwise authorized regular route operations. (Hearing Site: Atlanta, GA or Washington, DC.)

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future.

MC 42487 (Sub-934F), filed July 26, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except those of unusual value, classes A and B explosives, *household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* Serving the terminal of Consolidated Freightways Corporation of Delaware at the junction Interstate Highway 69 and Interstate Highway 80–90 near Fremont, IN, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chicago, IL or Detroit, MI.)

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future.

MC 60506 (Sub-1F), filed: June 26, 1979. Applicant: O'NEILL BROS. TRANSFER & STORAGE CO., 706 S. West Commercial St., Peoria, IL 61602. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *rough iron castings,* from Peoria, IL, to Burlington, Davenport and Bettendorf, IA, and Rock Island and Milan, IL, restricted to the transportation of traffic having a prior movement by rail. (Hearing site: Chicago, IL.)

MC 61977 (Sub-24F), filed June 26, 1979. Applicant: ZERKLE TRUCKING COMPANY, a corporation, 2400 Eighth Avenue, Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Transporting (1) *Such commodities* as are dealt in by wholesale, retail grocery and drug stores and *(2) materials, equipment, and supplies for the commodities named in* (1) above, (except commodities in bulk), between the facilities of Procter & Gamble Distributing Company at Cincinnati, OH, on the one hand, and, on the other, points in PA, VA, and WV. (Hearing site: Charleston, WV.)

Note.—Dual operations may be involved.

MC 63417 (Sub-216F), filed June 29, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *petroleum, petroleum compounds, vehicle body sealer,* and *sound deadener compounds,* (except commodities in bulk), and *filters* from points in Warren County, MS, to points in TN. (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 63417 (Sub-227F), filed July 25, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting (1) *such merchandise* as is dealt in by wholesale, retail, chain grocery and food business houses and agricultural feed business houses, soy products, paste, flour products, dairy based products, and (2) *materials, ingredients, equipment and supplies* used in the development, manufacture, distribution and sale of the products in (1) above, (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Ralston Purina Co. (hearing site(s): Roanoke, VA, or St. Louis, MO.)

MC 63417 (Sub-228F), filed July 25, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *new furniture* and *furniture parts* from Roanoke, VA, Chocowinity and Sanford, NC, to points in MO. (Hearing site: Roanoke, VA.)

MC 69116 (Sub-243F), filed: June 26, 1979. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Transporting *cast iron products and materials and supplies* used in the manufacture of cast iron products (except commodities in bulk): (1) between Florence, NJ, on the one hand, and, on the other, points in KY, MD, MI, MN, MO, NY, OH, PA, TN, VA, WI and WV; (2) between points in Pottawattamie County, IA, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, MA, MD, ME, MI, MN, MO, NC, NH, NJ, NY, OH, PA, RI, SC, VA, VT, WI, WV and DC, and (3) between Lynchburg, VA, on the one hand, and, on the other, points in CT, MA, ME, NH, NJ, NY, PA, RI and VT. (Hearing site: Chicago, IL.)

MC 69116 (Sub-248F), filed July 26, 1979. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving the facilities of Fisher-Price Toys, Inc., at or near Murray, KY, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chicago, IL.)

Note.—Applicant proposes to tack the requested authority with its existing authority.

MC 70557 (Sub-17F), filed July 23, 1979. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer Street, Chicago, Illinois 60639. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, Ill. 60603. Transporting (1) *malt beverages,* from the facilities of Miller Brewing Company at or near Albany, GA, to points in AL, FL, GA, KY, LA, MS, NC, SC and TN, and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of malt beverages (except commodities in bulk), from points in AL, FL, GA, KY, MS, NC, SC and TN to the facilities of Miller Brewing Company at or near Albany, GA. Hearing site—Atlanta, GA).

Note.—Dual operations may be involved.

MC 71296 (Sub-6F), filed June 28, 1979. Applicant: FORT TRANSPORTATION & SERVICE CO., INC., 1600 Janesville Avenue, Fort Atkinson, WI 53538. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Fort Atkinson, WI, and Whitewater, WI, over U. S. Hwy 12, serving all intermediate points. (Hearing Site: Madison, WI or Milwaukee, WI.)

MC 95876 (Sub-298F), filed July 27, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. North, St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting *cement roofing tile,* from Fairfield, CA, to points in the United States (except AK and HI). (Hearing site: Minneapolis, MN, or San Francisco, CA.)

MC 96607 (Sub-16F), filed July 26, 1979. Applicant: RUCKER BROTHERS TRUCKING, INC., 1820 Stewart Street East, Tacoma, WA 98421. Representative: Michael D. Duppenthaler, 211 South Washington Street, Seattle, WA 98104. Transporting *crushed cars and scrap metal* for recycling, from points in MT and ID to Tacoma, WA, and McMinnville, OR. (Hearing site: Seattle, WA.)

MC 99427 (Sub-44F), filed June 28, 1979. Applicant: ARIZONA TANK LINES, INC., 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting (1) *petroleum products,* in bulk, from Los Angeles, CA, to points in AZ; (2) *Sulfuric Acid,* in bulk, from points in Valencia County, NM, to points in NM. (Hearing site: (1) Phoenix, AZ; (2) Kansas City, MO.)

MC 102616 (Sub-1006F), filed July 26, 1979. Applicant: COASTAL TANK LINES, Inc., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting *alcohol,* in bulk, in tank vehicles, from Decatur, IL, to Cincinnati, OH. (Hearing site: Cincinnati, OH, or Louisville, KY.)

Appendix I—Summary of Authority for Publication in Federal Register

MC 103926 (Sub-97F), filed June 29, 1979. Applicant: W. T. MAYFIELD SONS TRUCKING CO., P.O. Box 947, Mableton, GA 30059. Applicant's Representative: K. Edward Wolcott, P.O. Box 56387, Atlanta, GA 30343. Transporting *cranes, draglines, excavators* and *parts, attachments and accessories* for the foregoing commodities, (1) from the facilities of FMC Corporation at or near Cedar Rapids, IA, to points in AL, AR, FL, GA, KY, LA, MD, MS, NC, SC, TN, TX, VA, WV and DC, and (2) from the Ports in MD, VA, NC, SC, GA, FL, AL, LA and TX, to points in AL, AR, FL, GA, KY, LA, MD, MS, NC, SC, TN, TX, VA, WV, DC and Cedar Rapids, IA, restricted in (2) to the transportation of traffic having a prior movement by water. (Hearing site: Atlanta, GA.)

MC 108067 (Sub-19F), filed June 29, 1979. Applicant: AL ZEFFIRO TRANSFER & STORAGE, INC., P.O. Box 296, Murrysville, PA 15668. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 2005. Transporting *iron and steel articles* (a) from the facilities of U.S. Steel Corp., Gary, IN., to points in NY, OH, and PA; and (b) from the facilities of U.S. Steel Corp., at or near Braddock, Clairton, Duquesne, Dravosburg, Homestead, Irwin, Johnstown, McKeesport, McKees Rocks, Pittsburgh, and Vandergrift, PA, to points in OH, IL, IN, and those in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, and Bay Counties. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 108876 (Sub-141F), filed July 2, 1979. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., N.E., Knoxville, TN 37917. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *iron and steel articles* from Beaver Falls and Allenport, PA, and Canton, OH, to the facilities of F.M.C. Corporation at or near Indianapolis, IN. (Hearing Site: Pittsburgh, PA.)

MC 109397 (Sub-465F), filed June 25, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., A Delaware Corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting (1) *plastic and styrofoam articles,* between the facilities of Thompson Industries Company, at or near (a) Phoenix, AZ, (b) Alexandria, VA, (c) City of Industry, CA, (d) Des Plaines, IL, (e) Fort Worth, TX, (f) Higginsville, MO, (g) Milford, NH, (h) Monroeville and Mt. Sterling, OH, (i) Renton, WA, (j) Shreveport, LA, (k) Stone Mountain, GA, and (l) Tinton Falls, NJ; and (2) *styrofoam beads, (A)* from Fort Worth, TX, to the facilities of Thompson Industries Company, at or near (a) Phoenix, AZ, (b) City of Industry, CA, (c) Higginsville, MO, and (d) Shreveport, LA, and (B) from Kobuta, PA, to the facilities of Thompson Industries Company, at or near (a) Phoenix, AZ, (b) Alexandria, VA, (c) City of Industry, CA, (d) Des Plaines, IL, (e) Fort Worth, TX, (f) Higginsville, MO, (g) Milford, NH, (h) Monroeville and Mt. Sterling, OH, (i) Renton, WA, (j) Shreveport, LA, (k) Stone Mountain, GA, and (l) Tinton Falls, NJ. (Hearing site: Phoenix, AZ.)

MC 109397 (Sub-473F). Applicant: TRI-STATE MOTOR TRANSIT CO., A Delaware corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting *railroad crossing modules,* from the facilities of Oneida Manufacturing Co., at or near Malad, ID, to points in the United States (except AK and HI). (Hearing site: Boise, ID, or Salt Lake City, UT.)

MC 109397 (Sub-474F), filed July 23, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., A Delaware Corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting (1) *self-propelled articles* transported on trailers, and (2) *parts, attachments,* and *accessories* for the commodities in (1) above between points in Gwinnett County, GA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta, GA.)

MC 112617 (Sub-443F), filed June 26, 1979. LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford (same address as applicant). Transporting *commodities,* in bulk, in tank vehicles, from points in the United States (except AK & HI), to points in Clark, Floyd, Posey and Vanderburgh Counties, IN, KY, Lawrence and Scioto Counties, OH and Wayne County, WV. (Hearing site: Louisville, KY, or Washington, DC.)

MC 114457 (Sub-524F), filed June 26, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting *marine engines and such commodities* as are dealt in and are used by manufacturers and distributors of marine engines, (except commodities in bulk), between the facilities of Mercury Marine Division of Brunswick Corporation at or near Stillwater, OK, on the one hand, and on the other, points in the United States. (Hearing site: St. Paul, MN, or Chicago, IL.)

Caption Summary Page

MC 115826 (Sub-506F), filed June 26, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *foodstuffs* (except commodities in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration, from the facilities of M & M/Mars at or near Cleveland, TN, to points in AZ, CA, WA, OR, UT, NV, ID, WY and NM. (Hearing site: Denver, CO.)

MC 115826 (Sub-507F), filed June 27, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *foodstuffs,* from Houston, TX, to St. Louis, MO. (Hearing site: Denver, CO.)

MC 115826 (Sub-508F), filed June 26, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *floor tile,* from the facilities of Armstrong Cork Company, at or near Kankakee, IL, to South Gate, CA. (Hearing site: Denver, CO.)

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MC 115826 (Sub-509F), filed June 27, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *dairy products*, from Newman Grove, NE, to points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 115826 (Sub-51F), filed July 26, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *meats, meat products, meat by-products, and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and comodities in bulk), from Glenwood, Denison, Sioux City, and Marshalltown, IA, Kansas City, KS, and Omaha, NE, to points in AZ, CA, CO, NV, OR, UT, ID, WA, MT and WY. (Hearing site: Denver, CO.)

MC 116877 (Sub-8F), filed July 23, 1979. Applicant: A & B TRANSPORTATION SERVICES, INC., 2645 Nevin Ave., Los Angeles, CA 90011. Representative: Daniel W. Baker, 100 Pine St., Suite 2550, San Francisco, CA 94111. Transporting (1) *garments*, (2) *clothing and wearing apparel and component parts* used in the manufacture thereof, as defined in Appendix X to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except natural furs and natural fur trimmed garments), (3) *handbags*, and (4) *costume jewelry*, (1) between San Jose, CA, and Salinas, CA, over U.S. Hwy 101, serving all intermediate points, and serving Hollister and San Juan Bautista, CA, as off-route points, (2) between San Jose, CA, and Santa Cruz, CA, over State Hwy 17, serving all intermediate points, and serving Felton, CA, as an off-route point, (3) between Santa Cruz, CA, and Carmel, CA, over CA Hwy 1, serving all intermediate points, and serving Watsonville, CA, as an off-route point, and (4) between Salinas, CA, and Monterey, CA, over CA Hwy 68, serving all intermediate points. (Hearing site: San Francisco, CA.)

Note.—Applicant seeks authority to tack with its authority held under Docket No. MC 116877 Sub 5.

MC 117686 (Sub-278F), filed July 2, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102 Representative: George L. Hirschbach (same address as applicant). Transporting *meats, meat products, meat by-products, and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Sioux Preme Packing Company at or near Sioux Center and Sioux City, IA, and Omaha, NE, to points in CA, OR and WA, restricted to the transportation of traffic originating at the named origins and destined to the named States. (Hearing site: Omaha, NE or Minneapolis, MN.)

MC 117786 (Sub-56F), filed July 26, 1979. Applicant: RILEY WHITTLE, INC., Post Office Box 19038, Phoenix, AZ 85009. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA. Transporting paper labels and tags from the facilities of Monarch Marketing Systems in Dayton, OH to Greenville, SC. (Hearing site: Columbus or Cincinnati OH.)

MC 119557 (Sub-10F), filed July 26, 1979. Applicant: KENNETH L. STUART, d.b.a. K & S TANK LINE, P.O. Drawer R, Copperhille, TN 37317 Representative: Ralph B. Matthews, P.O. Box 56387, Atlanta, GA 30343. Transporting *sulfur dioxide*, in bulk, in tank vehicles, from Copperhill, TN, to points in AR, IL, IN, IA, KS, KY, LA (except Bastrop and Bogalusa), MI, NJ, NY, NC (except Canton and Sylvia), OH, PA, TX and VA and St. Louis, MO. (Hearing site: Chattanooga, TN, or Atlanta, GA.)

MC 119728 (Sub-161F), filed July 26, 1979. Applicant: N. A. B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, IN 46217. Representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, IN 46204. Transporting *malt beverages*, and *materials equipment* and *supplies* used in the manufacture of malt beverages (except commodities in bulk in tank vehicles), between Albany, GA, and points in the United States (except AK and HI). (Hearing site: Indianapolis, IN.)

MC 121496 (Sub-33F), filed July 23, 1979. Applicant: CANGO CORPORATION, Suite 2900, 1100 Milam Building, Houston, TX 77002. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting *chemicals*, in bulk, in tank vehicles, from Bogalussa, LA, to points in TX. (Hearing site: New Orleans, LA.)

MC 121496 (Sub-34F), filed July 27, 1979. Applicant: CANGO CORPORATION, Suite 2900, 1100 Milam Bldg., Houston, TX 77007. Representative: E. STEPHEN HEISLEY, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting *ethane*, in bulk, in tank vehicles, from points in LA to Mont Belvieu, TX. (Hearing site: Dallas or Houston, TX.)

MC 123387 (Sub-21F), filed July 25, 1979. Applicant: E. E. HENRY, 1123 South Military Highway, Chesapeake, VA 23320. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting (a) *malt beverages*, from Albany, GA, to points in LA, AR, MI, FL, SC, NC, TN, KY, VA, IL, IN, AL, and NY; and (b) *materials, equipment and supplies* used in the manufacture of malt beverages (except commodities in bulk) in the reverse direction. (Hearing site: Washington, DC.)

MC 123807 (Sub-6F), filed: June 27, 1979. Applicant: RENNOLDS POTTERFIELD, 425 Park Street, Monroe City, MO 63456. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102. Transporting *fertilizer*, in bulk, from Louisiana, MO, to points in AR, IL, IN, IA, KY, NE, OH and WI. (Hearing site: Jefferson City or St. Louis, Mo.)

MC 123987 (Sub-31F), filed June 24, 1979. Applicant: JEWETT SCOTT TRUCK LINE, INC., Box 267—Terminal—Hwy #9 North, Mangum, OK 73554. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting (1) *particleboard*, from Albuquerque, NM, to points in AL, AR, AZ, CA, CO, GA, KS, IA, IL, LA, MO, MS, NE, NV, OH, OK, TX, UT and WY; and (2) *lumber and lumber Products*, from Fredonia, Payson and Whiteriver, AZ, Craig and Eagle, CO and Panguitch, UT, to points in AR, IL, IA, KS, KY, MO, NE, OK, TN and TX. (Hearing site: Oklahoma City, OK, or Phoenix, AZ.)

MC 124306 (Sub-62F), filed June 26, 1979. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: Richard A. Mehley, 1000 16th St., NW., Washington, DC 20036. Transporting, *chemicals*, in bulk, in tank vehicles, from points in SC, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI. (Hearing site: Columbia, SC, or Baton Rouge, LA.

MC 125777 (Sub-258F), filed July 26, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. Transporting *granulated slag*, between the facilities of Mineral Aggregates Company, Inc., at Satsuma, AL, on the one hand, and, on the other, points in GA, AL, LA, TN, MS, AR, FL, NC, SC and KY. (Hearing site: Chicago, IL, or Washington, DC.)

MC 125916 (Sub-9F), filed July 23, 1979. Applicant: NORWOOD TRANSPORTATION, INC., 2232 South 7200 West, Magna, UT 84044. Representative: Macoy A. McMurray, Suite 800, Beneficial Life Tower, 36 South State St., Salt Lake City, UT 84044. Transporting *salt, salt products, salt additives, and block salt*, and *mineral mixtures*, in packages, moving in mixed loads with salt or salt products, from points in Salt Lake and Tooele Counties, UT, to points in Dolores, Delta, Garfield, La Plata, Moffat, Montezuma, Montrose, Mesa, Ouray, Rio Blanco, San Juan, and San Miguel Counties, CO, and Carbon, Fremont, Lincoln, Natrona, Sublette, Sweetwater, and Uinta Counties, WY. (Hearing site: Salt Lake City, UT, or Denver, CO.)

MC 125996 (Sub-79F), filed June 27, 1979. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Transportating *Frozen foodstuffs*, between Indianapolis, IN, on the one hand, and, on the other, points in AZ, CA, NV, NM, OR, UT, WA restricted to the transportation of traffic originating at or destined to the facilities of Monument Distribution Warehouse, Inc., at Indianapolis, IN. (Hearing: Chicago, IL.)

Note.—Dual operations may be involved.

MC 125996 (Sub-80F), filed June 27, 1979. Applicant: GOLDEN TRANSPORTATION, INC., 2200 South 400 West, Salt Lake City, UT 84115. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Transporting *Corn products, soy proteins* and *dessert preparations*, from Muscatine and Mitchellville, IA, to points in AZ, CA, CO, ID, MT, NV, OR, UT, WA and WY. (Hearing: Des Moines, IA or Chicago, IL.)

Note.—Dual operations may be involved.

MC 125996 (Sub-85F), filed July 27, 1979. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Transporting *meats, meat products, meat by-products* and *articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), between the facilities of Lauridsen Foods, Inc, at or near Britt, IA, and the facilities of Armour and Co, at or near Mason City, IA, on the one hand, and on the other, points in AZ, CA, CO, ID, NV, OR, MT, UT, WA and WY, restricted to the transportation of traffic originating at the above named origins and destined to the indicated destinations. (Hearing sites: Phoenix, AZ, or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 126736 (Sub-127F), filed June 27, 1979. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, Jacksonville, FL 32201. Representative: L. H. Blow, P.O. Box 1559, Jacksonville, FL 32201. Transporting *manganese oxide dust*, in bulk, in dump vehicles, from Rockwood, TN, to Jerico, SC. (Hearing site: Columbia, SC.)

MC 127047 (Sub-39F), filed June 27, 1979. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, KS 67219. Representative: William B. Barker, 641 Harrison Street, Topeka, KS 66603. Transporting (1) *axles, tires, wheels, and hub and drum assemblies, and materials and supplies* used in the manufacture and distribution of the commodities named above, between Chicago Ridge, IL, on the one hand, and, on the other, Rolling Prairie, IN, Grand Prairie, TX, Pine Grove, PA, and Ashburn, GA, and (2) *axles, tires, wheels, and hub and drum Assemblies*, from Rolling Prairie, IN, Grand Prairie, TX, Ashburn, GA, and Cartersville, GA, to points in AL, AZ, AR, CA, CO, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, OH, OK, SD, TN, TX, UT, WI and WY. (Hearing site: Kansas City, MO; Chicago, IL.)

MC 128007 (Sub-140F), filed June 29, 1979. Applicant: HOFER, INC., 20th & 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. Transporting *iron construction castings*, from the facilities of Deeter Foundry, Inc., at Lincoln, NE, to points in KS and MO. (Hearing site: Kansas City, MO; Lincoln, NE.)

MC 128007 (Sub-142F), filed July 23, 1979. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. Transporting *well drilling compounds and well sealing mixture*, from points in Benton County, AR, and Tulsa County, OK, to points in AL, AZ, AR, CA, CO, FL, ID, IL, KS, LA, MI, MS, MT, NE, NM, NV, OH, OK, TX, UT, WA and WY. (Hearing site: Tulsa, OK, or Wichita, KS.)

MC 128837 (Sub-9F), filed July 27, 1979. Applicant: TRUCKING SERVICE, INC., P. O. Box 229, Carlinville, IL 62656. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *wallboard, fibreboard, pulpboard, and strawboard*, from Cicero, IL, to those points in the United States in and east of MI, IN, KY, TN and MS, restricted to the transportation of traffic originating at the facilities of Boise Cascade Corporation at Cicero, IL. (Hearing site: Chicago, IL.)

MC 133167 (Sub-5F), filed July 24, 1979. Applicant: JOHN R. RAWLS TRUCKING CO., INC., P. O. Box 174, Capron, VA 23829. Representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229. Transporting: *(1) wood residuals, lumber, lumber mill products and particleboard;* and *(2) materials, equipment and supplies* used in the manufacture, distribution or sale of the commodities in (1) above (except in bulk in tank vehicles), between the facilities of Union Camp Corporation at or near Franklin, VA, Waverly, VA, Seaboard, NC and Smithfield, NC, on the one hand, and, on the other, points in DE, MD, NC, NJ, PA, SC, TN, VA, WV and DC, and (3) wood residuals, between points in VA, on the one hand, and, on the other, points in DE, MD, NC, NJ, PA, SC, TN, VA, WV and DC. (Hearing sites: Richmond, VA, or Washington DC.)

MC 135797 (Sub-243F), filed July 2, 1979. Applicant: J.B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting *appliances;* (1) from the facilities of McGraw Edison, at Searcy, AR, to points in CA, CT, FL, GA, IL, MA, MI, MN, NC, NJ, NY, OH, PA, SC, TX, VA, WI and WV, and (2) from the facilities of McGraw Edison at Phoenix, AZ, to points in CA, CO, ID, MT, NM, NV, OR, UT, WA and WY.

MC 135797 (Sub-252F), filed July 23, 1979. Applicant: J.B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting (1) *plastic granules* (except in bulk), from points in the United States (except AK, HI, IL, NJ, and PA) to Sallisaw, OK and (2) *plastic articles* (except in bulk), from Sallisaw, OK to points in the United States (except AL, AK, AR, HI, IA, KS, LA, MS, MO, TN and TX.) (Hearing site: Oklahoma City, OK, or Washington, DC.)

MC 136077 (Sub-14F), filed July 23, 1979. Applicant: REBER CORPORATION, a corporation, 2216 Old Arch Road, Norristown, PA 19401. Representative: Sheri B. Friedman, 1600 Land Title Building, 100 South Broad Street, Philadelphia, PA 19110.

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Transporting *gypsum, gypsum products and building materials and materials, equipment and supplies* used in or incidental to the manufacture, installation and distribution of gypsum, gypsum products and building materials between the facilities of Georgia-Pacific Corporation at or near Akron and Buchanan, NY, Delair, NJ, Milford, VA, Quakertown, PA, and Wilmington, DE, on the one hand, and, on the other, those points in the United States in and east of OH, KY, TN and AL (except FL.) (Hearing site: Philadelphia, PA.)

MC 138157 (Sub-165F), filed June 28, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). Transporting *fireplaces, stoves, grills, and broilers and materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities named above, from Santa Fe Springs, CA, to those points in the United States in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138157 (Sub-172F), filed July 27, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). Transporting *such commodities* as are dealt in by wholesale, retail, chain grocery and food business houses, and agricultural feed business houses; *soy products; paste, flour products; dairy based products;* and (2) *materials, ingredients, equipment and supplies* used in the development, manufacture, distribution and sale of the commodities in (1) above, between points in the United States (except AK and HI), restricted against the transportation of commodities in bulk and to the transportation of traffic originating at or destined to the facilities of Ralston Purina Company. (Hearing site: St. Louis, MO.)

Note.—Dual operations may be involved.

MC 138157 (Sub-173F), filed July 23, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). Transporting *building materials, perlite, plant bed media, plastic articles, chemicals, potting soil, vermiculate* and *materials, equipment and supplies* used in the application of the above-named commodities and materials, equipment and supplies used in the manufacture, production and distribution of the above-named commodities (except in bulk and commodities which by reason of size or weight require the use of special equipment), between Little Rock, AR, Boca Raton, Jacksonville, Pompano Beach and Tampa, FL, Atlanta, GA, Chicago, IL, Wilders, KY, New Orleans, LA, Muirkirk, MD, Easthampton, MA, Dearborn, MI, Minneapolis, MN, St. Louis, MO; North Bergen and Trenton, NJ, Weedsport, NY, High Point, NC, New Castle and Allentown, PA, Enoree and Travelers Rest, SC, Nashville, TN, Dallas, Houston and San Antonio, TX, and Milwaukee, WI, on the one hand, and on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of W. R. Grace & Co. (Hearing site: Boston, MA.)

Note.—Dual operations may be involved.

MC 138286 (Sub-5F), filed June 27, 1979. Applicant: JOHN F. SCOTT COMPANY, P.O. Box 8, 404 Washington Avenue, Dravosburg, PA 15034. Representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. Transporting *iron and steel articles,* and *materials, equipment and supplies* used or useful in the manufacture of iron and steel and iron and steel articles, between points in DE, MD, NJ, NY, OH, PA, WV and DC. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 138736 (Sub-14F), filed July 24, 1979. Applicant: F B M TRUCKING INC., Hwy 54 East, Fayetteville, GA 30214. Representative: Dorothy V. Meatows (same address as applicant). Transporting *plastic molded products,* (1) from the facilities of El Mar Plastics, Inc. at Carson, CA, to Decatur, GA, Greenville, SC, Gastonia, Charlotte and Chapel Hill, NC, Dallas, TX, Nashville, TN, and Rye and New York, NY, and (2) from New York, NY, Boonton, NJ, and Freemont, NE, to the facilities of El Mar Plastics, Inc., at Carson, Ca. (Hearing site: Atlanta, GA.)

MC 138826 (Sub-8F), filed July 24, 1979. Applicant: JERALD HEDRICK d.b.a. HEDRICK & SON TRUCKING, Rural Route #1, Warren, IN 46792. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *dry animal and poultry feed, feed ingredients and supplies,* (except in bulk) between Portland, IN, on the one hand, and, on the other, points in AR, AL, CT, DC, FL, GA, IL, IA, KY, LA, ME, MD, MA, MI, MN, MO, MS, NH, NJ, NY AND NC. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 139797 (Sub-7), filed July 2, 1979. Applicant: FAIRWAY TRANSIT, INC., N10 W24730 Highway TJ, Pewaukee, WI 53072. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Transporting (1) *commodities* used in the installation of chain link and wire woven fences; (2) *materials, equipment* and *supplies* used in the installation of highway signs, guard rails, and other highway safety devices; and (3) *materials, equipment* and *supplies* used in connection with the striping of public highways, between the facilities of Century Fence Company at or near Waukesha and Knapp, WI, and Forest Lake, MN, on the one hand and on the other hand points in the U.S. (except AK and HI). (Hearing site: (1) Milwaukee, WI or (2) Chicago, IL.)

MC 139906 (Sub-56F), filed July 2, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting *office filing equipment* and *parts, materials, and supplies* used in the manufacture, sales, and distribution of the foregoing commodities, (except commodities in bulk), between the facilities of Supreme Equipment & Systems, Corp., at or near Brooklyn, NY, and Los Angeles, CA, Chicago, IL, Cincinnati, OH, and Dallas and Houston, TX. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 139906 (Sub-57F), filed July 2, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting *such commodities* as are used, manufactured or dealt in by manufacturers and distributors of sound recordings (except in bulk), (1) from Danbury, CT, New York, NY, and points in IN, and NJ, to Terre Haute, IN, and points in CA, (2) from Terre Haute, IN, to points in IN, CA and NJ, and Danbury, CT, and New York, NY, and (3) from points in CA, to Terre Haute, IN, and New York, NY, and points in IN and NJ. (Hearing site: Lincoln, NE.)

Note.—Dual operations may be involved.

MC 140186 (Sub-3F), filed June 29, 1979. Applicant: TIGER TRANSPORTATION, INC., 3217 Montana Avenue, Billings, MT 59101. Representative: David A. Sutherlund, Suite 400, 1150 Connecticut Ave., NW., Washington, DC 20036. Transporting: (1) *buildings, building panels and building parts,* (2) *materials, accessories and supplies* used in the installation, erection and construction of the commodities in (1) above, (3) *tanks and bins* and (4) *parts and accessories* for the commodities in (3) above, from Galesburg, IL, and Kansas City, MO, to points in CA, CO, ID, IL, IA, KS, MN, MO, NE, NC, OR, SD, UT, WA, WI and WY. (Hearing site: Chicago, IL.)

MC 140567 (Sub-4F), filed July 25, 1979. Applicant: EDWARD L. NORTHINGTON, d.b.a. ED NORTHINGTON TRUCKING, P.O. Box 51, Gattman, MS 38844. Representative: John A. Crawford, 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting *stone* and *construction aggregates,* in dump vehicles, (1) from points in Colbert County, AL to points in TN, and (2) from points in Hardin and Maury Counties, TN to points in MS. (Hearing site: Jackson, MS.)

MC 140916 (Sub-2F), filed June 28, 1979. Applicant: R & E HAULING, INC., 2940 Waterview Ave., Baltimore, MD 21230. Representative: Ronald N. Cobert, Suite 501, 1730 M St., N.W., Washington, DC 20036. Transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), (1) between Baltimore, MD, and York, PA, and (2) between Alexandria, VA, and York, PA, restricted to the transportation of traffic which has a prior or subsequent movement by rail or water. (Hearing site: Washington, DC.)

MC 141396 (Sub-5F), filed July 23, 1979. Applicant: DELP, INC., Highway 71 South, P.O. Box 369, Springdale, AR 72764. Representative: Stanley W. Ludwig, P.O. Box 285, 529 S. Holcomb Street, Springdale, AR 72764. Transporting *frozen potato products,* from the facilities of Mid-American Potato Company at or near Grand Rapids, Lake Odessa, Martin, and Muskegon, MI, to points in AL, AR, FL, GA, LA, MS, NC, SC, TN TX, and VA. (Hearing site: Little Rock, AR.)

MC 141546 (Sub-30F), filed June 28, 1979. Applicant: BULK TRANSPORT SERVICE, INC., One Dundee Park, Andover, MA 01810. Kenneth B. Williams, 84 State Street, Boston, MA 02109. Transporting *gasoline and fuel oil,* in tank vehicles, from Providence, RI, to points in MA. (Hearing site: Boston, MA.)

MC 142096 (Sub-14F), filed July 26, 1979. Applicant: MILLER BROS, TRUCKING CO., INC., 4100 West Mitchell Street, Milwaukee, WI 53215. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. Transporting *empty metal containers,* from Glendale, WI, to points in Chicago, IL.

MC 142477 (Sub-2F), filed June 29, 1979. Applicant: EARL PIPPIN, d.b.a EARL PIPPIN TRANSPORTER, 211 Kornegay St., Goldsboro, NC 27530. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting *repossessed motor vehicles,* in driveaway service, and *boats and trailers,* between points in the United States (except AK and HI). (Hearing site: Raleigh, NC, or Atlanta, GA.)

MC 143997 (Sub-1F), filed July 23, 1979. Applicant: WESTERN EXPRESS, INC., 24711 Summit Landsburg Road, Ravensdale, WA 98051. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Transporting *meats, meat products, meat byproducts* and *articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions of Motor Carrier Certificates,* 61 MCC 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Wallula, WA, to points in AZ, restricted to the transportation of traffic originating at and destined to the above named points. (Hearing site: Seattle, WA, or Portland, OR.)

MC 144136 (Sub-4F), filed June 27, 1979. Applicant: STOVER LINES, INC., 5636 NW 17th St., Topeka, KS 66618. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting (1) *dry animal and poultry feed, dry animal and poultry feed supplements, feed blocks, and bulk replacers and livestock feeding equipment,* from the facilities of Albers Milling Co., at Kansas City, MO, to points in TX, OK, AR, NM and KS, (2) *dry rendered tankage,* from Wichita and Emporia, KS, to St. Joseph MO, (3) *meatmeal and bonemeal,* from St. Joseph, MO, to points in KS, (4) *soy bean meal,* from the facilities of Ralston-Purina Co., near Kansas City, MO, to points in OK, AR and KS, and to Flagstaff, AZ, (5) *alfalfa products,* from the facilities of Western Alfalfa, near Topeka, KS, to St. Joseph and Kansas City, MO, (6) *dry feed ingredients,* from Kansas City, MO, and St. Joseph, MO, to the facilities of General Foods Corp. at or near Topeka, KS, and (7) *bloodmeal, meatmeal, bonemeal and unground tankage,* from Wichita, Mankato, Liberal, Garden City and Arkansas City, KS, to points in MO. (Hearing site: Kansas City, MO.)

MC 144407 (Sub-15F), filed July 26, 1979. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 412 Route 23, Pompton Plains, NJ 07444. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *Drugs, Medicines, Toilet Preparations,* and *Shampoo,* and (2) materials, equipment, and supplies used in the manufacture and sale of the commodities in (1) above (except commodities in bulk), between the facilities of Block Drug Co., located at (a) Jersey City and Dayton, NJ, and (b) Memphis, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New York, NY or Washington, DC.)

MC 144527 (Sub-5F), filed July 25, 1979. Applicant: BULS EYE TRANSPORT, INC., Suite 2424, 33 North Dearborn St., Chicago, IL 60602. Representative: Patrick H. Smyth, Suite 521, 19 South LaSalle St., Chicago, IL 60603. Transporting *malt beverages* and *commodities* used in the manufacture, sale and distribution of malt beverages (except commodities in bulk), between Columbus, OH, Houston, TX, Jacksonville and Tampa, FL, Merrimack, NH, Newark, NJ, St. Louis, MO, and Williamsburg, VA, on the one hand, and, on the other, points in TX and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada, restricted to the transportation of traffic originating at or destined to the facilities of Anheuser-Busch, Inc. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 145997 (Sub-7F), filed July 26, 1979. Applicant: J.E.M EQUIPMENT, P.O. Box 396, Alma, AR 72921. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. Transporting *heating and air conditioning equipment and parts* used in the manufacturing of the commodities named above, between Fort Smith, AR, and Milledgeville, GA, on the one hand, and on the other, points in the United States (except AL, HI, WY, ID, MT, ND, SD, and NE). (Hearing site: Fort Smith, AR.)

MC 146386 (Sub-2F), filed June 26, 1979. Applicant: NATIONAL RETAIL TRANSPORATION, INC., Building A, 10 East Oregon Avenue, Philadelphia, PA 19148. Representative: Richard Rueda,

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133 North 4th Street, Philadelphia, PA 19106. Transporting *such commodities* as are dealth in or used by retail department stores (except commodities in bulk), between the facilities of Walsh Trucking and Consolidating Co., Inc., at North Bergen, NJ, and New York, NY, on the one hand, and on the other, Philadelphia and Pittsburgh, PA, Richmond, VA, Charolotte, NC, Memphis, TN, Atlanta, GA, Jacksonville and Miami, FL, New Orleans, LA, Dallas and Houston, TX, Cincinnati, Cleveland and Columbus, OH, Indianapolis, IN, Detroit, MI, Chicago, IL, Milwaukee, WI, Minneapolis, MN, St. Louis, MO, Omaha, NE, Denver, CO, San Francisco and Los Angeles, CA, Portland, OR, and Seattle, WA. (Hearing site: Philadelphia, PA.)

MC 146527 (Sub-1F), filed July 23, 1979. Applicant: LIFTLOCK COACH LINES LIMITED, 135 George St. North, Peterborough, Ontario, Canada K9J 3G6. Representative: Robert D. Gunderman, 710 Statler Bldg., Buffalo, NY 14202. Transporting *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at ports of entry on the International Boundary Line between the United States and Canada and extending to points in the United States (including AK, but excluding HI). (Hearing site: Buffalo, NY.)

MC 146646 (Sub-5), filed June 27, 1979. Applicant: BRISTOW TRUCKING COMPANY, P.O. Box 63558, Birmingham, AL 35217. Representative: Henry Bristow Jr. (same address as applicant). Transporting *construction material* and *materials and supplies* used in the manufacture and distribution of construction materials (except in bulk) between the facilities of the Celotex Corporation at or near Russellville, AL on the one hand, and on the other points in the United States (except AK and HI). (Hearings site: Tampa, FL, or Birmingham, AL.)

MC 146648 (Sub-7F), filed July 23, 1979. Applicant: BRISTOW TRUCKING COMPANY, P.O. Box 63558, Birmingham, AL 35217. Representative: Henry Bristow (same address as applicant). Transporting *construction materials* and *materials and supplies* used in the manufacture and distributtion of construction materials, (except in commodies in bulk), between the facilities of the Celotex Corporation at or near Linden, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Tampa, FL or Birmingham, AL.)

MC–146716 (Sub-2F), filed June 28, 1979. Applicant: LEVELLAND TRUCKING CO., P.O. Box 1375, Levelland, TX 79336. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting (1) *dry fertilizer*, from Littlefield, TX, to Albuquerque, Lovington, and Deming, NM; and (2) *dry fertilizer*, in bulk, from Carlsbad, NM, to points in TX. (Hearing Site: Lubbock, TX, or Dallas, TX.)

MC 146987 (Sub-2F), filed June 29, 1979. Applicant: EARL WEVER, Route 2, Box 59, Madill, OK 73446. Representative: G. Timothy Armstrong, 200 N. Choctaw (P.O. Box 24), El Reno, OK 73036. Transporting: *meats, meat products, meat by-products,* and *articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from Detroit and Quincy, MI, Chicago, IL, Council Bluffs, Dubuque and Sioux City, IA, Omaha, NE, Oklahoma City, OK, St. Joseph and Kansas City, MO, and Wichita, KS, to Ft. Smith, Little Rock and West Memphis, AR, Los Angeles and San Francisco, CA, Oklahoma City and Tulsa, OK; Portland, OR, Dallas, Ft. Worth and Houston, TX, Seattle, WA, Detroit, MI, Cleveland, OH, Buffalo and New York, NY, Philadelphia, PA, Boston, MA, and Baltimore, MD. (Hearing site: Oklahoma City, OK.)

MC 147227 (Sub-2F), filed July 24, 1979. Applicant: ATLANTIC MARKETING CARRIERS, INC., 39400 Clarkson Drive, Kingsburg, CA 94631. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from Willsboro, NY, and points in MA and VT, to points in IN, OH, MI, MO, IL, WI, MN, and CA. (Hearing site: Boston, MA.)

MC 147236 (Sub–1F), filed July 23, 1979. Applicant: KENYON TRUCKING INC., P.O. Box 477, Mills, WY 82644. Representative: Donnie G. Kenyon, 2912 Pheasant Dr., Casper, WY 82601. Transporting (1) *machinery, equipment and supplies* used in, or in connection with the discovery development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts, and (2) *machinery, materials, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling, of pipelines, including the stringing and pick up thereof, between points in WY, CO, UT, MT, and ID. (Hearing site: Casper, or Cheyenne, WY.)

MC 147596F, filed June 26, 1979. Applicant: INTERNATIONAL TRAVEL GUILD, 330 Sutter St., San Francisco, CA 94108. Representative: Michael J. Stecher, 256 Montgomery St., 5th Floor, San Francisco, CA 94104. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, limited to the transportation of not more than 20 passengers in any one vehicle not including the driver thereof, between Anchorage, AK, Seattle, WA, San Francisco and Los Angeles, CA, and New York, NY, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: San Francisco, CA.)

MC 147669 (Sub-4F), filed July 22, 1979. Applicant: J. H. STEWART AND SON TRUCKING CO., 735 Laidlaw Avenue, Cincinnati, OH 45237. Representative: John L. Alden, 1396 West Fifth Avenue, P.O. Box 12241, Columbus, OH 43212. Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, commodities in bulk), between Columbus, OH, on the one hand, and, on the other, points in OH, restricted to the transportation of traffic having a prior or subsequent movement by rail. (Hearing site: Columbus, OH, and Washington, DC.)

MC 147677 (Sub-2F), filed July 24, 1979. Applicant: J & L TRUCK LINES, INC., 620 West Second St., Odessa, TX 79760. Representative: Joe L. White (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Odessa, TX, and Artesia, NM, serving all intermediate points in NM, including the off-route points of Monument and Oil Center, NM: from Odessa over U.S. Hwy 385 to Andrews, TX, then over TX Hwy 176 to junction NM Hwy 18, then over NM Hwy 18 to junction U.S. Hwy 82, then over U.S. Hwy 82 to Artesia, and return over the same route, and (2) between Odessa, TX and Artesia, NM, serving all intermediate points in NM: from Odessa over TX Hwy 302 to junction TX Hwy 18, then over TX Hwy 18 to junction NM Hwy 18, then over NM Hwy 18 to junction U.S. Hwy 285, then over U.S. Hwy 285 to Artesia, and return over the same route. (Hearing site: Odessa, TX, or Hobbs, NM.)

MC 147716F, filed June 28, 1979. Applicant: OVERLAND TRANSPORT, INC., 904 Wright Ave. #28, Richmond, CA 94805. Representative: James H. Gulseth, 100 Bush St., 21st Fl., San Francisco, CA 94104. Transporting (1) *animal feed and animal feed ingredients, supplements,* and *additives,* and *materials* used in the manufacture and sale of animal feed, between the facilities of Kal Kan Foods, Inc., at or near Ogden and Salt Lake City, UT, on the one hand, and, on the other, points in CA, OK, and WA (2)(a) *such commodities* as are dealt in by wholesale and retail groceries, food businesses, drug, discount and variety houses, (b) *equipment, materials,* and *supplies* used in the conduct of such businesses; and (c) *general commodities* in mixed loads with commodities in (a) and (b), between the facilities of Colgate Palmolive Co. in Alameda County, CA, on the one hand, and, on the other, points in UT and NV. (Hearing site: San Francisco, CA.)

MC 147746F filed June 28, 1979. Applicant: TRI-UNION EXPRESS, INC., 3680 179th St., Suite "D", Hammond, IN 46323. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting *general commodities* (except classes A and B explosives); between points in the Chicago, IL, Commercial Zone, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Chicago, IL.)

MC 147886–1F, filed June 27, 1979. Applicant: A M & M, INCORPORATED, P.O. Box 1627, Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, TN 38103. Transporting (1) *such commodities as are dealt in by manufactures and converters of pallets and packaging materials;* and (2) *wooden pallets, skids and crating devices and materials (except commodities in bulk)* between the facilities of Menasha Corporation in IN and TN on the one hand, and, on the other, points in AR, IL, IN, KY and TN. (Hearing site: Chicago, IL.)

MC 148046F, filed June 26, 1979. Applicant: ROGER CHILTON, d.b.a. CHILTON TRUCKING COMPANY, P.O. Box 841, Beaumont, TX 77707. Representative: Phillip Robinson, P.O. Box 2207, Austin, TX 78768. Transporting *marine engines, parts, pumps, generators, motors, gauges, valves, fittings, pipe, electrical equipment and controls; ships' stores, tackle rigging and gangways; marine tools and ships' personnel's baggage; and materials, equipment, parts and supplies* used in the repair, maintenance and operation of marine vessels (except ships' lading, commodities and bulk and commodities requiring special equipment), (a) between points in AL, MI, LA, and TX on and south of a line commencing at the AL–FL State Line and extending along Interstate Hwy 10 to Houston, TX, then along U.S. Hwy 59 to junction U.S. Hwy 77 at or near Victoria, TX, then along U.S. Hwy 77 to the International boundary line between TX and the Republic of Mexico at or near Brownsville, TX, (b) between Dallas, TX, on the one hand, and, on the other, points within the territory described in (a) above, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Houston, TX, or New Orleans, LA.)

MC 148046 (Sub-1F), filed June 26, 1979. Applicant: ROGER CHILTON, d.b.a. CHILTON TRUCKING COMPANY, P.O. Box 841, Beaumont, TX 77707. Representative: Phillip Robinson (same address as applicant). Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, limited to the transportation of not more than 15 passengers in any one vehicle, not including the driver thereof, (1) between points in AL, MI, LA and TX, on and south of a line commencing at the AL–FL state line and extending along Interstate Hwy 10 to Houston, TX, then along U.S. Hwy 59 to junction U.S. Hwy 77 at or near Victoria, TX, then along U.S. Hwy 77 to Corpus Christi, TX, and (2) between the Dallas-Ft. Worth Regional Airport, on the one hand, and, on the other, points in the territory described in (1) above, restricted to the transportation of passengers having an immediately prior or subsequent movement by water. (Hearing site: Houston, TX, or New Orleans, LA.)

MC 148267F, filed July 24, 1979. Applicant: BEELER INC., 219 Vernon Avenue East, Fergus Falls, MN. Representative: Brent Wm. Primus, 432 Midland Bank Bldg., Minneapolis, MN 55401. Transporting *liquid nitrogen fertilizer,* from the facilities of C & F Industries at or near Grand Forks, ND, to the facilities of Perham Co-op Creamery, at or near Perham, MN. (Hearing site: Minneapolis/St. Paul, MN.)

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80–8163 Filed 3–17–80; 8:45 am]
BILLING CODE 7035–01–M

INTERNATIONAL TRADE COMMISSION

Termination of Nine Countervailing Duty Investigations Concerning Frozen Boneless Beef from the European Communities

AGENCY: U.S. International Trade Commission.

ACTION: Termination of countervailing duty investigations under section 704 of the Tariff Act of 1930.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Vera A. Libeau, Office of Investigations, telephone number (202) 523–0368.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, subsection 104(a)(1)(C), requires the Commission to conduct countervailing duty investigations in cases where the Commission receives the most current net subsidy information pertaining to any countervailing duty order in effect on January 1, 1980, applicable to frozen, boneless beef from the European Communities under Treasury Decision 76–109. On February 5, 1980, the Commission received such information from the Department of Commerce with respect to the following countervailing duty orders:

Frozen boneless beef, provided for in tariff schedule item 106.10/Belgium;
Frozen boneless beef, provided for in tariff schedule item 106.10/Denmark;
Frozen boneless beef, provided for in tariff schedule item 106.10/Fed. Rep. of Germany;
Frozen boneless beef, provided for in tariff schedule item 106.10/France;
Frozen boneless beef, provided for in tariff schedule item 106.10/Ireland;
Frozen boneless beef, provided for in tariff schedule item 106.10/Italy;
Frozen boneless beef, provided for in tariff schedule item 106.10/Luxembourg;
Frozen boneless beef, provided for in tariff schedule item 106.10/Netherlands; and
Frozen boneless beef, provided for in tariff schedule item 106.10/United Kingdom.

The Commission has received communications from the original petitioners for these countervailing duty orders—the American Farm Bureau Federation and the National Cattlemen's Association. In a letter dated February 21, 1980, the American Farm Bureau Federation informed the Commission that it had withdrawn from its status as a petitioner for these countervailing duty investigations in 1975. The National Cattlemen's Association requested that the Commission terminate those investigations under section 704 of the Tariff Act of 1930. This request was received on February 26, 1980.

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Section 704 requires that all parties be notified of the termination. The receipt of these letters from the original petitioners prior to the formal institution of the investigations presents the Commission with a situation in which no persons have formally appeared as parties to these investigations. Section 704, however, does not require that the Commission formally institute proceedings in order that the original petitioners formally appear as parties to request termination of the investigations. For these reasons the Commission is acknowledging the information supplied by the American Farm Bureau Federation and granting the request of the National Cattlemen's Association by terminating these investigations.

In addition to publishing this notice in the **Federal Register**, the Commission is serving this notice on all persons who have written the agency in connection with the investigations and is notifying the Department of Commerce of its action in these cases.

Issued: March 7, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-8276 Filed 3-17-80; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; New Extended Benefit Period in the State of Maine

This notice announces the beginning of a new Extended Benefit Period in the State of Maine, effective on March 16, 1980.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State or the nation, to furnish up to 13 weeks of additional benefits to eligible individuals who have exhausted their rights to regular benefits under permanent State and Federal unemployment compensation laws. Part 615 of Title 20, Code of Federal Regulations, implements the statute (20 CFR Part 615).

In accordance with section 203(e) of the Act, the Maine unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines, in accordance with 20 CFR 615.12(e), that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment under the State unemployment compensation law equalled or exceeded the State trigger rate, 20 CFR 615.12(b) or (c). The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of the State of Maine has determined that, for the period consisting of the week ending on March 1, 1980, and the immediately preceding 12 weeks, the rate of insured unemployment in the State equalled or exceeded the State trigger rate.

Therefore, an Extended Benefit Period commenced in that State with the week beginning on March 16, 1980.

Information for Claimants

The duration of Extended Benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to Extended Benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period, 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year, 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to Extended Benefits in the State of Maine, or who wish to inquire about their rights under the Extended Benefit Program, should contract the nearest State Employment Office of the Maine Employment Security Commission in their locality.

Signed at Washington, D.C., on March 13, 1980.

Ernest G. Green,

Assistant Secretary for Employment and Training.

[FR Doc. 80-8220 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-80-28-C]

McInnes Coal Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

McInnes Coal Co., Box 201, Sidney, Kentucky 41564, has filed a petition to modify the application of 30 CFR 75.326 (air courses and belt haulage entries) to its McInnes Mine located in Pike County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The petitioner states that the coal bed of the mine is below the water table, and the operator is in the process of gaining access to this coal bed by the shaft and slope method.

2. As an alternative to application of the mandatory standard, the operator proposes to provide ventilation on a temporary basis, and only in the initial phase of gaining access to the coal bed, by separating intake and return air courses in the belt haulage entry.

3. In connection with the alternate method, the operator will:

(a) continuously monitor the methane content of the air and will immediately shut off all underground power circuits should methane content reach 0.75%;

(b) will carry out a program of regular inspection of the belt of certified personnel; and

(c) will maintain the belt line in a safe, rock dusted condition.

4. The petitioner states the alternate method will at all times guarantee no less than the same measure of protection afforded the miners at this mine by the mandatory standard for the following reasons:

(a) The velocity of the ventilation air current at the working faces can and will be maintained at a consistently higher level than would be provided by strict compliance with the mandatory standard.

(b) Transporting personnel, supplies and equipment on the slope will be less hazardous than installing a temporary means of hoisting at the shaft.

(c) Means of escape for personnel in emergencies will be provided that will not only be safer and faster than that provided only by the shaft, but, in addition, two separate means of escape will be available.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 10, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8219 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-33-M]

Cominco American Inc.; Petition for Modification of Application of Mandatory Safety Standard

Cominco American Incorporated, Magmont Mine, Bixby, Missouri 65439, filed a petition to modify the application of 30 CFR 57.4-61A (fire prevention and control) to its Magmot Mine located in Iron County, Missouri, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The mine has three levels.

2. Most of the inherent fire hazards are located within a few hundred feet of the mine shaft, which is lined with concrete.

3. There is a minimum of flammable material in the shaft, shaft stations, and shaft access drifts.

4. The petitioner proposes as an alternative to application of 30 CFR 57.4-61A to adjust the main fan so that any smoke generated by a fire, should one occur, would be removed directly from the mine.

5. The petitioner states that fire doors would restrict its ability to redirect ventilation and the fire doors at this mine would constitute more of a safety hazard than a safety advantage.

6. For these reasons, the petitioner requests a modification of the application of the standard.

Request for Comments

Persons interested in this petition may furnish written comment on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 5, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8105 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-1-M]

Diamond Crystal Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Diamond Crystal Salt Company, St. Clair, Michigan 48079 filed a petition to modify the application of 30 CFR 57.21-10 (fire prevention and control in gassy mines) to its Jefferson Island Mine located in New Iberia, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The technology and methodology of salt dome mining is a radical departure from conventional underground mining. Rooms are large (160 feet wide and when coupled with benching, about 73 feet high). Pillars are big (240 feet on a side). The air volume in the mine is estimated to be in excess of 500,000,000 cubic feet. There are 4 levels, and a 5th level has been planned.

2. Concentrations of methane or other flammable gases exist among the salt crystals. Porosity and permeability of the deposit are low, however, and there is little if any propagation of the methane gas within the salt dome. Methane will remain confined until released through mining operations (called localization), and, the petitioner notes, there has been no case recorded of instantaneous outbursts of methane or other flammable gas in any salt dome mine operation which did not involve simultaneous blasting or some other induced disturbance. Thus, danger of outbursts of gas exists only as a direct result of blasting or other mining induced disturbance.

3. Because of the geological formation of the dome itself, any concentration of flammable gas or other contaminants will occur in generally vertical patterns. An encounter with gas in an area at one level is indicative that gas will probably occur in the area directly below that point on the next mining level (vertical predictability).

4. To eliminate the danger due to the remote possibility of methane gas outbursts, the petitioner proposes the following:

a. To test drill faces prior to blasting so high concentrations of methane gas can be located.

b. To locate concentrations of methane gas through study of mine maps for vertical predictability.

c. To provide continuous and comprehensive monitoring for methane. These monitoring devices will automatically sound an alarm if the methane concentration reaches one (1.0) percent. Such monitoring will allow miners the time needed to take adequate precautions to control or eliminate any potential hazard.

d. To issue manual methanometers to qualified personnel to supplement the continuous monitoring systems.

e. To remove miners from the mine before face blasting is done in known gassy zones. At other times, comprehensive monitoring will ensure that no miner will be endangered by methane.

5. In conjunction with these measures for controlling the dangers due to outbursts of methane gas, the petitioner proposes to modify the application of 30 CFR 57.21-10 as follows:

a. Smoking will be permitted in specified controlled enclosed areas outside the vicinity of any known gassy zones. A nonportable electric lighting device will be provided at each area. No matches, lighters or other lighting materials will be allowed in the mine.

b. At the beginning of each shift, petitioner will require that cigarettes be checked and left at the smoking area.

c. An automatic methane monitoring device will be located in the smoking area to signal miners if the flammable gas concentration in the areas reaches one (1.0) percent.

6. The petitioner asserts that the presence of a controlled smoking station would significantly lessen the probability of an individual attempting to "sneak" a cigarette in some other area.

7. The petitioner states that application of 30 CFR 57.21-10 may be potentially more hazardous than the proposed alternative, and that the proposed alternative application is no less safe than the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

V 45/54 MR 18 80 UMI

Dated: March 5, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8109 Filed 3-17-80; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-80-2-M]

Diamond Crystal Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Diamond Crystal Salt Company, St. Clair, Michigan 48079 filed a petition to modify the application of 30 CFR 57.21–12 (fire prevention and control in gassy mines) to its Jefferson Island Mine located in New Iberia, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The technology and methodology of salt dome mining is a radical departure from conventional underground mining. Rooms are large (160 feet wide and when coupled with benching, about 73 feet high). Pillars are big (240 feet on a side). The air volume in the mine is estimated to be in excess of 500,000,000 cubic feet. There are 4 levels, and a 5th level has been planned.

2. Concentrations of methane or other flammable gases exist among the salt crystals. Porosity and permeability of the deposit are low, however, and there is little if any propagation of the methane gas within the salt dome. Methane will remain confined until released through mining operations (called localization), and, the petitioner notes, there has been no case recorded of instantaneous outbursts of methane or other flammable gas in any salt dome mine operation which did not involve simultaneous blasting or some other induced disturbance. Thus, danager of outbursts of gas exists only as a direct result of blasting or other mining induced disturbance.

3. Because of the geological formation of the dome itself, any concentration of flammable gas or other contaminants will occur in generally vertical patterns. An encounter with gas in an area at one level is indicative that gas will probably occur in the area directly below that point on the next mining level (vertical predictability).

4. To eliminate the danger due to the remote possibility of methane gas outbursts, the petitioner proposes the following:

a. To test drill faces prior to blasting so high concentrations of methane gas can be located.

b. To locate concentrations of methane gas through study of mine maps for vertical predictability.

c. To perform continuous and comprehensive monitoring for methane which will give more than adequage notice of significant increases over the relatively minute quantities which may be present at any given time. These monitoring devices will automatically sound an alarm if the methane concentration reaches one (1.0) percent. Such monitoring will allow miners the time needed to take adequate precautions to control or eliminate any potential hazard.

d. To issue manual methanometers to qualified personnel to supplement the continuous monitoring systems.

e. To remove miners from the mine before face blasting is done in known gassy zones. At other times, comprehensive monitoring will ensure that no miner will be endangered by methane.

5. In conjunction with these measures for controlling the dangers due to outbursts of methane gas, the petitioner proposes to modify the application of 30 CFR 57.21–12 as follows:

a. Before creating an ignition source, the site will be monitored for methane.

b. Methane monitoring measurements will be made at thirty (30) minute intervals during the existence of the ignition source.

6. The petitioner asserts that it is impossible for a concentration of methane gas to accumulate to an explosive level between such thirty minute time intervals, and that the presence of methane would be detected soon enough to evacuate the affected area.

7. The petitioner states that the proposed alternative application of 30 CFR 57.21–12 will provide miners the same degree of safety as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 5, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8110 Filed 3-17-80; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-80-3-M]

Diamond Crystal Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Diamond Crystal Salt Company, St. Clair, Michigan 48079 filed a petition to modify the application of 30 CFR 57.21–20 (ventilation in gassy mines) to its Jefferson Island Mine located in New Iberia, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The technology and methodology of salt dome mining is a radical departure from conventional underground mining. Rooms are large (160 feet wide and when coupled with benching, about 73 feet high). Pillars are big (240 feet on a side). The air volume in the mine is estimated to be in excess of 500,000,000 cubic feet. There are 4 levels, and a 5th level has been planned.

2. Concentrations of methane or other flammable gases exist among the salt crystals. Porosity and permeability of the deposit are low, however, and there is little if any propagation of the methane gas within the salt dome. Methane will remain confined until released through mining operations (called localization), and, the petitioner notes, there has been no case recorded of instantaneous outbursts of methane or other flammable gas in any salt dome mine operation which did not involve simultaneous blasting or some other induced disturbance. Thus, danger of outbursts of gas exists only as a direct result of blasting or other mining induced disturbance.

3. Because of the geological formation of the dome itself, any concentration of flammable gas or other contaminants will occur in generally vertical patterns. An encounter with gas in an area at one level is indicative that gas will probably occur in the area directly below that point on the next mining level (vertical predictability).

4. To eliminate the danger due to the remote possibility of methane gas outbursts, the petitioner proposes the following:

a. To test drill faces prior to blasting so high concentrations of methane gas can be located.

b. To locate concentrations of methane gas through study of mine maps for vertical predictability.

c. To perform continuous and comprehensive monitoring for methane which give more than adquate notice of significant increases over the relatively minute quantities which may be present at any given time. These monitoring devices will automatically sound an alarm if the methane concentration reaches one (1.0) percent. Such monitoring will allow miners the time needed to take adequate precautions to control or eliminate any potential hazard.

d. To issue manual methanometers to qualified personnel to supplement the continuous monitoring systems.

e. To remove miners from the mine before face blasting is done in known gassy zones. At other times, comprehensive monitoring will ensure that no miner will be endangered by methane.

5. In conjunction with these measures for controlling the dangers due to outburst of methane gas, the petitioner proposes to modify the application of 30 CFR 57.21–20 by maintaining fresh air on the escapeway from the mine. The petitioner states that several hours would be required to reverse the flow of air because of the massive volume involved. Further, the petitioner alleges, reversing of the airflow could endanger miners not previously exposed to noxious gases.

6. The petitioner alleges that the presence of fresh air on the emergency escapeway provides the miners the same degree of safety as that provided by 30 CFR 57.21–20(b), and eliminates a potential diminution of safety.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 6, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8111 Filed 3-17-80; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-80-4-M]

Diamond Crystal Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Diamond Crystal Salt Company, St. Clair, Michigan 48079 filed a petition to modify the application of 30 CFR 57.21–21 (ventilation in gassy mines) to its Jefferson Island Mine located in New Iberia, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The technology and methodology of salt dome mining is a radical departure from conventional underground mining. Rooms are large (160 feet wide and when coupled with benching, about 73 feet high). Pillars are big (240 feet on a side). The air volume in the mine is estimated to be in excess of 500,000,000 cubic feet. There are 4 levels, and a 5th level has been planned.

2. Concentrations of methane or other flammable gasses exist among the salt crystals. Porosity and permeability of the deposit are low, however, and there is little if any propagation of the methane gas within the salt dome. Methane will remain confined until released through mining operations (called localization), and, the petitioner notes, there has been no case recorded of instantaneous outbursts of methane or other flammable gas in any salt dome mine operation which did not involve simultaneous blasting or some other induced disturbance. Thus, danger of outbursts of gas exists only as a direct result of blasting or other mining induced disturbance.

3. Because of the geological formation of the dome itself, any concentration of flammable gas or other contaminants will occur in generally vertical patterns. An encounter with gas in an area at one level is indicative that gas will probably occur in the area directly below that point on the next mining level (vertical predictability).

4. To eliminate the danger due to the remote possibility of methane gas outbursts, the petitioner proposes the following:

a. To test drill faces prior to blasting so high concentrations of methane gas can be located.

b. To locate concentrations of methane gas through study of mine maps for vertical predictability.

c. To perform continuous and comprehensive monitoring for methane which will give more than adequate notice of significant increases over the relatively minute quantities which may be present at any given time. These monitoring devices will automatically sound an alarm if the methane concentration reaches one (1.0) percent. Such monitoring will allow miners the time needed to take adequate precautions to control or eliminate any potential hazard.

d. To issue manual methanometers to qualified personnel to supplement the continuous monitoring systems.

e. To remove miners from the mine before face blasting is done in known gassy zones. At other times, comprehensive monitoring will ensure that no miner will be endangered by methane.

5. In conjunction with these measures for controlling the dangers due to outbursts of methane gas, the petitioner proposes to modify the application of 30 CFR 57.21–21 as follows:

a. Miners would not be removed from the mine because of intentional stopping of a main fan during a controlled shutdown to lower equipment or to inspect and service shafts. Controlled shutdowns will occur only during nonblasting operations when the potential for release for methane is minimal.

b. Operation of diesel-powered production equipment will be kept at a minimum during controlled main fan shutdowns.

c. Carbon monoxide and carbon dioxide will be monitored during main fan shutdowns.

6. Early detection of methane by automatic monitors will give ample time for evacuation of miners from the affected area.

7. The petitioner alleges that the proposed alternative to 30 CFR 57.21–21 will provide the same degree of safety to the miners as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 5, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8112 Filed 3-17-80; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-80-5-M]

Diamond Crystal Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Diamond Crystal Salt Company, St. Clair, Michigan 48079 filed a petition to modify the application of 30 CFR 57.21–24 (ventilation in gassy mines) to its Jefferson Island Mine located in New Iberia, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The technology and methodology of salt domé mining is a radical departure from conventional underground mining. Rooms are large (160 feet wide and

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when coupled with benching, about 73 feet high). Pillars are big (240 feet on a side). The air volume in the mine is estimated to be in excess of 500,000,000 cubic feet. There are 4 levels, and a 5th level has been planned.

2. Concentrations of methane or other flammable gases exist among the salt crystals. Porosity and permeability of the deposit are low, however, and there is little if any propagation of the methane gas within the salt dome. Methane will remain confined until released through mining operations (called localization), and, the petitioner notes, there has been no case recorded of instantaneous outbursts of methane or other flammable gas in any salt dome mine operation which did not involve simultaneous blasting or some other induced disturbance. Thus, danger of outbursts of gas exists only as a direct result of blasting or other mining induced disturbance.

3. Because of the geological formation of the dome itself, any concentration of flammable gas or other contaminants will occur in generally vertical patterns. An encounter with gas in an area at one level is indicative that gas will probably occur in the area directly below that point on the next mining level (vertical predictability).

4. To eliminate the danger due to the remote possibility of methane gas outbursts, the petitioner proposes the following:

a. To test drill faces prior to blasting so high concentrations of methane gas can be located.

b. To locate concentrations of methane gas through study of mine maps for vertical predictability.

c. To provide continuous and comprehensive monitoring for methane which will give more than adequate notice of significant increases over the relatively minute quantities which may be present at any given time. These monitoring devices will automatically sound an alarm if the methane concentration reaches one (1.0) percent. Such monitoring will allow miners the time needed to take adequate precautions to control or eliminate any potential hazard.

d. To issue manual methanometers to qualified personnel to supplement the continuous monitoring systems.

e. To remove miners from the mine before face blasting is done in known gassy zones. At other times, comprehensive monitoring will ensure that no miner will be endangered by methane.

5. In conjunction with these measures for controlling the dangers due to outbursts of methane gas, the petitioner proposes to modify the application of 30 CFR 57.21–24 as follows:

a. During controlled shutdowns of main fans, and during uncontrolled shutdowns where air quality is not adversely affected, the petitioner will

(1) Allow miners to remain in the affected workings and would not deenergize power.

(2) Provide methane monitoring as described above, and monitor for noxious gases.

(3) Perform no blasting.

b. During shutdowns of main fans where air quality has been adversely affected, the petitioner will

(1) Remove miners from the affected active workings.

(2) Deenergize the power. However, this will render inoperable the automatic methane monitoring system.

(3) Activate the ventilation system and monitor exhaust air until levels below one (1.0) percent are reached. At that time, power will be reenergized in order to activate the automatic methane monitoring devices for purposes of determining when an acceptable level of concentration has been reached.

6. For the reasons stated above, the petitioner states that the proposed alternative method will provide the same measure of protection as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 5, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8113 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-6-M]

Diamond Crystal Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Diamond Crystal Salt Company, St. Clair, Michigan 48079 filed a petition to modify the application of 30 CFR 57.21–25 (ventilation in gassy mines) to its Jefferson Island Mine located in New Iberia, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The technology and methodology of salt dome mining is a radical departure from conventional underground mining. Rooms are large (160 feet wide and when coupled with benching, about 73 feet high). Pillars are big (240 feet on a side). The air volume in the mine is estimated to be in excess of 500,000,000 cubic feet. There are 4 levels, and a 5th level has been planned.

2. Concentrations of methane or other flammable gases exist among the salt crystals. Porosity and permeability of the deposit are low, however, and there is little if any propagation of the methane gas within the salt dome. Methane will remain confined until released through mining operations (called localization), and, the petitioner notes, there has been no case recorded of instantaneous outbursts of methane or other flammable gas in any salt dome mine operation which did not involve simultaneous blasting or some other induced disturbance. Thus, danger of outbursts of gas exists only as a direct result of blasting or other mining induced disturbance.

3. Because of the geological formation of the dome itself, any concentration of flammable gas or other contaminants will occur in generally vertical patterns. An encounter with gas in an area at one level is indicative that gas will probably occur in the area directly below that point on the next mining level (vertical predictability).

4. To eliminate the danger due to the remote possibility of methane gas outbursts, the petitioner proposes the following:

a. To test drill faces prior to blasting so high concentrations of methane gas can be located.

b. To locate concentrations of methane gas through study of mine maps for vertical predictability.

c. To perform continuous and comprehensive monitoring for methane which will give more than adequate notice of significant increases over the relatively minute quantities which may be present at any given time. These monitoring devices will automatically sound an alarm if the methane concentration reaches one (1.0) percent. Such monitoring will allow miners the time needed to take adequate precautions to control or eliminate any potential hazard.

d. To issue manual methanometers to qualified personnel to supplement the continuous monitoring systems.

e. To remove miners from the mine before face blasting is done in known gassy zones. At other times, comprehensive monitoring will ensure that no miner will be endangered by methane.

5. In conjunction with these measures for controlling the dangers due to outbursts of methane gas, the petitioner proposes to modify the application of 30 CFR 57.21–25 as follows:

a. Miners would not be removed from the active workings so long as the air quality is not adversely affected, as determined by the monitoring described above.

b. Blasting will not be done.

c. The petitioner will monitor the air for carbon monoxide and carbon dioxide.

6. Detection of excess levels of methane by the automatic monitoring system will give ample time for evacuation of miners from the affected area.

7. If miners have been evacuated and the power has been deenergized, the automatic methane detector would be rendered inoperable. A procedure for reestablishing air quality and monitoring is given. Then miners may reenter the area and power may be reactivated.

8. The petitioner submits that the proposed alternative application of 30 CFR 57.21–25 will provide the same measure of protection as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 5, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8114 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-7-M]

Diamond Crystal Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Diamond Crystal Salt Company, St. Clair, Michigan 48079 filed a petition to modify the application of 30 CFR 57.21–28 (ventilation in gassy mines) to its Jefferson Island Mine located in New Iberia, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The technology and methodology of salt dome mining is a radical departure from conventional underground mining. Rooms are large (160 feet wide and when coupled with benching, about 73 feet high). Pillars are big (240 feet on a side). The air volume in the mine is estimated to be in excess of 500,000,000 cubic feet. There are 4 levels, and a 5th level has been planned.

2. Concentrations of methane or other flammable gases exist among and salt crystals. Porosity and permeability of the deposit are low, however, and there is little if any propagation of the methane gas within the salt dome. Methane will remain confined until released through mining operations (called localization), and, the petitioner notes, there has been no case recorded of instantaneous outbursts of methane or other flammable gas in any salt dome mine operation which did not involve simultaneous blasting or some other induced disturbance. Thus, danger of outbursts of gas exists only as a direct result of blasting or other mining induced disturbance.

3. Because of the geological formation of the dome itself, any concentration of flammable gas or other contaminants will occur in generally vertical patterns. An encounter with gas in an area at one level is indicative that gas will probably occur in the area directly below that point on the next mining level (vertical predictability).

4. The petitioner proposes the following alternative to the application of 30 CFR 57.21–28:

a. To locate concentrations of methane gas by

(1) Test drilling of faces before blasting.

(2) Study of mine maps for vertical predictability of methane concentrations before blasting.

b. To establish a system of automatic monitoring for methane gas by placing continuous monitors in strategic places throughout the mine. These devices will automatically sound an alarm if the methane concentration reaches one (1.0) percent. Miners would have sufficient time after the warning to take adequate precautions to control or eliminate the hazard.

c. To supplement the automatic monitoring system by issuing manually operated mathanometers to miners qualified to use them.

d. To remove miners from the mine before face blasting in areas where test drilling or mine maps predict a concentration of methane gas. At other times, comprehensive monitoring for methane would ensure that no miner is endangered by methane, the petitioner alleges.

e. To monitor for noxious gases such as carbon monoxide and carbon dioxide.

5. The petitioner alleges that the proposed alternative to 30 CFR 57.21–28 will proved the same degree of safety as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 5, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8115 Filed 3-17-80 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-8-M]

Diamond Crystal Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Diamond Crystal Salt Company, St. Clair, Michigan 48079 filed a petition to modify the application of 30 CFR 57.21–29 (ventilation in gassy mines) to its Jefferson Island Mine located in New Iberia, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The technology and methodology of salt dome mining is a radical departure from conventional underground mining. Rooms are large (160 feet wide and when coupled with benching, about 73 feet high). Pillars are big (240 feet on a side). The air volume in the mine is estimated to be in excess of 500,000,000 cubic feet. There are 4 levels, and a 5th level has been planned.

2. Concentrations of methane or other flammable gases exist among the salt crystals. Porosity and permeability of the deposit are low, however, and there is little if any propagation of the methane gas within the salt dome. Methane will remain confined until released through mining operations (called localization), and, the petitioner notes, there has been no case recorded of instantaneous outbursts of methane or other flammable gas in any salt dome mine operation which did not involve simultaneous blasting or some other induced disturbance. Thus, danger of outbursts of gas exists only as a direct result of blasting or other mining induced disturbance.

3. Because of the geological formation of the

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flammable gas or other contaminants will occur in generally vertical patterns. An encounter with gas in an area at one level is indicative that gas will probably occur in the area directly below that point on the next mining level (vertical predictability).

4. The petitioner proposes the following alternative to the application of 30 CFR 57.21–29:

a. To locate concentrations of methane gas by

(1) Test drilling of faces before blasting.

(2) Study of mine maps for vertical predictability of methane concentrations before blasting.

b. To establish a system of automatic monitoring for methane gas by placing continuous monitors in strategic places throughout the mine. These devices will automatically sound an alarm if the methane concentration reaches one (1.0) percent. Miners would have sufficient time after the warning to take adequate precautions to control or eliminate the hazard.

c. To supplement the automatic monitoring system by issuing manually operated methanometers to miners qualified to use them.

d. To remove miners from the mine before face blasting in areas where test drilling or mine maps predict a concentration of methane gas. At other times, comprehensive monitoring for methane would ensure that no miner is endangered by methane, the petitioner alleges.

5. The petitioner asserts that in accordance with 30 CFR 57.21–29, power is off when the concentration of methane is over one (1.0) percent so there is no need for remote controls of booster fans. If methane is less than one (1.0) percent, manual control of fans by a miner is permitted. Booster fans should not be reversed in this mine, the petitioner asserts, because it could stop the flow of air in some areas. Also, it could place the emergency escape route on exhaust air. Therefore, remote controls are not needed.

6. For these reasons, the petitioner requests that application of the standard be modified for this mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 5, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8116 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-9-M]

Diamond Crystal Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Diamond Crystal Salt Company, St. Clair, Michigan 48079 filed a petition to modify the application of 30 CFR 57.21–30 (ventilation in gassy mines) to its Jefferson Island Mine located in New Iberia, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The technology and methodology of salt dome mining is a radical departure from conventional underground mining. Rooms are large (160 feet wide and when coupled with benching, about 73 feet high). Pillars are big (240 feet on a side). The air volume in the mine is estimated to be in excess of 500,000,000 cubic feet. There are 4 levels, and a 5th level has been planned.

2. Concentrations of methane or other flammable gases exist among the salt crystals. Porosity and permeability of the deposit are low, however, and there is little if any propagation of the methane gas within the salt dome. Methane will remain confined until released through mining operations (called localization), and, the petitioner notes, there has been no case recorded of instantaneous outbursts of methane or other flammable gas in any salt dome mine operation which did not involve simultaneous blasting or some other induced disturbance. Thus, danger of outbursts of gas exists only as a direct result of blasting or other mining induced disturbance.

3. Because of the geological formation of the dome itself, any concentrations of flammable gas or other contaminants will occur in generally vertical patterns. An encounter with gas in an area at one level is indicative that gas will probably occur in the area directly below that point on the next mining level (vertical predictability).

4. The petitioner proposes the following alternative to the application of 30 CFR 57.21—30:

a. To locate concentrations of methane gas by

(1) Test drilling of faces before blasting.

(2) Study of mine map for vertical predictability of methane concentrations before blasting.

b. To establish a system of automatic monitoring for methane gas by placing continuous monitors in strategic places throughout the mine. These devices will automatically sound an alarm if the mathane concentration reaches one (1.0) percent. Miners would have sufficient time after the warning to take adequate precautions to control or eliminate the hazard.

c. To supplement the automatic monitoring system by issuing manually operated methanometers to miners qualified to use them.

d. To remove miners from the mine before face blasting in areas where test drilling or mine maps predict a concentration of methane gas. At other times, comprehensive monitoring for methane would ensure that no miner is endangered by methane, the petitioner alleges.

5. Recirculation can not be entirely eliminated in such large openings. A buildup of methane, however, would be detected by the automatic monitoring system well in advance of dangerous levels. Immediate concentrations of methane could develop only when face blasting in a known gassy area after miners have been removed from the mine. The petitioner states that these precautions, therefore, will provide a system as safe as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 5, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8117 Filed 3-17-80 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-10-M]

Diamond Crystal Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Diamond Crystal Salt Company, St. Clair, Michigan 48079 filed a petition to modify the application of 30 CFR 57.21–46 (ventilation in gassy mines) to its Jefferson Island Mine located in New Iberia, Louisiana, in accordance with

section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The technology and methodology of salt dome mining is a radical departure from conventional underground mining. Rooms are large (160 feet wide and when coupled with benching, about 73 feet high). Pillars are big (240 feet on a side). These dimensions are necessitated by the rock mechanics program at the mine. The air volume in the mine is estimated to be in excess of 500,000,000 cubic feet. There are 4 levels, and a 5th level has been planned.

2. Concentrations of methane or other flammable gases exist among the salt crystals. Porosity and permeability of the deposit are low, however, and there is little if any propagation of the methane gas within the salt dome. Methane will remain confined until released through mining operations (called localization), and, the petitioner notes, there has been no case recorded of instaneous outbursts of methane or other flammable gas in any salt dome mine operation which did not involve simultaneous blasting or some other induced disturbance. Thus, danger of outbursts of gas exists only as a direct result of blasting or other mining induced disturbance.

3. Because of the geological formation of the dome itself, any concentration of flammable gas or other contaminants will occur in generally vertical patterns. An encounter with gas in an area at one level is indicative that gas will probably occur in the area directly below that point on the next mining level (vertical predictability).

4. The petitioner proposes the following alternative to the application of 30 CFR 57.21–46:

a. The distance of crosscuts or intervals between entries and between rooms may exceed 100 feet. At the fifteen hundred (1,500) foot level, for example, crosscuts are presently on four hundred (400) foot centerlines.

b. A system of automatic monitoring for methane gas would be established by placing continuous monitors in strategic places throughout the mine. These devices will automatically sound an alarm if the methane concentration reaches one (1.0) percent. The system would be supplemented by issuing manually operated methanometers to miners qualified to use them.

c. Concentrations of methane gas would be located by

(1) Test drilling of faces before blasting.

(2) Study of mine maps for certical predictability of methane concentrations before blasting.

d. Miners would be removed from the mine before face blasting in areas where test drilling or mine maps predict a concentration of methane gas.

5. The petitioner alleges that the proposed alternative to 30 CFR 57.21–46 will provide no less safety to miners than that achieved by application of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 5, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8118 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-11-M]

Diamond Crystal Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Diamond Crystal Salt Company, St. Clair, Michigan 48079 filed a petition to modify the application of 30 CFR 57.21–52 (ventilation in gassy mines) to its Jefferson Island Mine located in New Iberia, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The technology and methodology of salt dome mining is a radical departure from conventional underground mining. Rooms are large (160 feet wide and when coupled with benching, about 73 feet high). Pillars are big (240 feet on a side). These dimensions are necessitated by the rock mechanics program at the mine. The air volume in the mine is estimated to be in excess of 500,000,000 cubic feet. There are 4 levels, and a 5th level has been planned.

2. Concentrations of methane or other flammable gases exist among the salt crystals. Porosity and permeability of the deposit are low, however, and there is little if any propagation of the methane gas within the salt dome. Methane will remain confined until released through mining operations (called localization), and, the petitioner notes, there has been no case recorded of instantaneous outbursts of methane or other flammable gas in any salt dome mine operation which did not involve simultaneous blasting or some other induced disturbance. Thus, danger of outbursts of gas exists only as a direct result of blasting or other mining induced disturbance.

3. Because of the geological formation of the dome itself, any concentration of flammable gas or other contaminants will occur in generally vertical patterns. An encounter with gas in an area at one level is indicative that gas will probably occur in the area directly below that point on the next mining level (vertical predictability).

4. The petitioner proposes the following alternative to the application of 30 CFR 47.21.52:

a. The existing dimensions of rooms, pillars, and openings would be maintained. For example, at the fifteen hundred (1,500) foot level, crosscuts are on four hundred (400) foot centerlines. The larger pillars and room provide for greater stability during mining operations, the petitioner alleges.

b. The depth of room necks and entries beyong the last open crosscuts would not be limited to 18 feet, because vetilation technology for large rooms is completely different from that needed for small rooms. (Examples illustrating both large room and small room mining developments are attached to the petition.)

c. A system of automatic monitoring for methane would be established by placing continuous monitors in strategic places throughout the mine. These devices will automatically sound an alarm if the methane concentration reaches one (1.0) percent. The automatic monitoring system would be supplemented by issuing manually operated methanometers to miners qualified to use them.

(d) Methane gas pockets in the ore would be located by

(1) Test drilling of faces before blasting.

(2) Study of mine maps for vertical predictability of methane concentrations before blasting.

e. Miners would be removed from the mine before blasting in areas where test drilling or mine maps predict a concentration of methane gas.

5. The petitioner alleges that the proposed alternative to 30 CFR 57.21–52 will provide no less safety to miners than that achieved by application of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627,

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4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 5, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8119 Filed 3-17-80 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-80-12-M]

Diamond Crystal Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Diamond Crystal Salt Company, St. Clair, Michigan 48079 filed a petition to modify the application of 30 CFR 57.21-53 (ventilation in gassy mines) to its Jefferson Island Mine located in New Iberia, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The technology and methodology of salt dome mining is a radical departure from conventional underground mining. Rooms are large (160 feet wide and when coupled with benching, about 73 feet high). Pillars are big (240 feet on a side). These dimensions are necessitated by the rock mechanics program at the mine. The air volume in the mine is estimated to be in excess of 500,000,000 cubic feet. There are 4 levels, and a 5th level has been planned.

2. Concentrations of methane or other flammable gases exist among the salt crystals. Porosity and permeability of the deposit are low, however, and there is little if any propagation of the methane gas within the salt dome. Methane will remain confined until released through mining operations (called localization), and, the petitioner notes, there has been no case recorded of instantaneous outbursts of methane or other flammable gas in any salt dome mine operation which did not involve simultaneous blasting or some other induced disturbance. Thus, danger of outbursts of gas exists only as a direct result of blasting or other mining induced disturbance.

3. Because of the geological formation of the dome itself, and concentration of flammable gas or other contaminants will occur in generally vertical patterns. An encounter with gas in an area at one level is indicative that gas will probably occur in the area directly below that point on the next mining level (vertical predictability).

4. Tight rigidly constructed stoppings invariably collapse under the pressure of salt movement in the domal mine.

5. The petitioner proposes the following alternative to the application of 30 CFR 57.21-53:

a. Broken salt and fire resistant brattice will be used as an alternative to rigid stoppings.

b. An automatic monitoring system will be established for methane gas by placing continuous monitors in strategic places throughout the mine. These devices will automatically sound an alarm if the methane concentration reaches one (1.0) percent. The system will be supplemented by issuing manually operated methanometers to miners qualifed to use them.

c. Methane gas pockets in the ore will be located by:

(1) Test drilling of faces before blasting.

(2) Study of mine maps for vertical predictability of methane concentrations before blasting.

d. Miners will be removed from the mine before face blasting in areas where test drilling or mine maps predict a concentration of methane gas.

6. The petitioner alleges that the proposed alternative, will provide no less than the measure of safety provided miners by application of 30 CFR 57.21-53.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 5, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8120 Filed 3-17-80; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-80-13-M]

Diamond Crystal Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Diamond Crystal Salt Company, St. Clair, Michigan 48079 filed a petition to modify the application of 30 CFR 57.21-59 (ventilation in gassy mines) to its Jefferson Island Mine located in New Iberia, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The technology and methodology of salt dome mining is a radical departure from conventional underground mining. Rooms are large (160 feet wide and when coupled with benching, about 73 feet high). Pillars are big (240 feet on a side). These dimensions are necessitated by the rock mechanics program at the mine. The air volume in the mine is estimated to be in excess of 500,000,000 cubic feet. There are 4 levels, and a 5th level has been planned.

2. Concentrations of methane or other flammable gases exist among the salt crystals. Porosity and permeability of the deposit are low, however, and there is little if any propagation of the methane gas within the salt dome. Methane will remain confined until released through mining operations (called localization), and, the petitioner notes, there has been no case recorded of instantaneous outbursts of methane or other flammable gas in any salt dome mine operation which did not involve simultaneous blasting or some other induced disturbance. Thus, danger of outbursts of gas exists only as a direct result of blasting or other mining induced disturbance.

3. Because of the geological formation of the dome itself, and concentration of flammable gas or other contaminants will occur in generally vertical patterns. An encounter with gas in an area at one level is indicative that gas will probably occur in the area directly below that point on the next mining level (vertical predictability).

4. The petitioner proposes the following alternative to preshift examinations:

a. An automatic monitoring system for methane gas will be established by placing continuous monitors in strategic places throughout the mine. These devices will automatically sound an alarm if the methane concentration reaches one (1.0) percent. In addition, the system will be supplemented by issuing manually operated methanometers to miners qualified to use them.

b. Methane gas pockets in the ore will be located by:

(1) Test drilling of faces before blasting.

(2) Study of mine maps for vertical predictability of methane concentrations before blasting.

c. Miners would be removed from the mine before blasting in areas where test drilling or mine maps predict a concentration of methane gas.

5. The petitioner alleges that application of the proposed alternative will provide the same degree of safety as application of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 5, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8121 Filed 3-17-80; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-80-14-M]

Diamond Crystal Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Diamond Crystal Salt Company, St. Clair, Michigan 48079 filed a petition to modify the application of 30 CFR 57.21-78 (permissible equipment in gassy mines) to its Jefferson Island Mine located in New Iberia, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The technology and methodology of salt dome mining is a radical departure from conventional underground mining. Rooms are large (160 feet wide and when coupled with benching, about 73 feet high). Pillars are big (240 feet on a side). The air volume in the mine is estimated to be in excess of 500,000,000 cubic feet. There are 4 levels, and a 5th level has been planned.

2. Concentrations of methane or other flammable gases exist among the salt crystals. Porosity and permeability of the deposit are low, however, and there is little if any propagation of the methane gas within the salt dome. Methane will remain confined until released through mining operations (called localization), and, the petitioner notes, there has been no case recorded of instantaneous outbursts of methane or other flammable gas in any salt dome mine operation which did not involve simultaneous blasting or some other induced disturbance. Thus, danger of outbursts of gas exists only as a direct result of blasting or other mining induced disturbance.

3. Because of the geological formation of the dome itself, and concentration of flammable gas or other contaminants will occur in generally vertical patterns. An encounter with gas in an area at one level is indicative that gas will probably occur in the area directly below that point on the next mining level (vertical predictability).

4. The petitioner proposes the following alternative to the application of 30 CFR 57.21-78:

a. An automatic monitoring system will be established for methane gas by placing continuous monitors in strategic places throughout the mine. These devices will automatically sound an alarm if the methane concentration reaches one (1.0) percent. In addition, the petitioner proposes to supplement the system by issuing manually operated methanometers to miners qualified to use them.

b. Methane gas pockets in the ore will be located by:

(1) Test drilling of faces before blasting.

(2) Study of mine maps for vertical predictability of methane concentrations before blasting.

c. In areas of mining operations which will involve potential disturbance of areas which cold propagate flammable gas, permissible equipment will be used. Specifically, the petitioner will use permissible face drills, undercutters, roofbolters, and test drills. Other equipment will not necessarily be permissible.

d. Miners will be removed from the mine before face blasting is done in known gassy zones. At other times, comprehensive monitoring will ensure that no miner will be endangered by methane.

5. The petitioner alleges that the proposed alternative to application of 40 CFR 57.21-78 will result in no diminution of the level of safety provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 6, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8122 Filed 3-17-80; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-80-15-M]

Diamond Crystal Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Diamond Crystal Salt Company, St. Clair, Michigan 48079 filed a petition to modify the application of 30 CFR 57.21-79 (equipment in gassy mines) to its Jefferson Island Mine located in New Iberia, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The technology and methodology of salt dome mining is a radical departure from conventional underground mining. Rooms are large (160 feet wide and when coupled with benching, about 73 feet high). Pillars are big (240 feet on a side). The air volume in the mine is estimated to be in excess of 500,000,000 cubic feet. There are 4 levels, and a 5th level has been planned.

2. Concentrations of methane or other flammable gasses exist among the salt crystals. Porosity and permeability of the deposit are low, however, and there is little if any propagation of the methane gas within the salt dome. Methane will remain confined until released through mining operations (called localization), and, the petitioner notes, there has been no case recorded of instantaneous outbursts of methane or other flammable gas in any salt dome mine operation which did not involve simultaneous blasting or some other induced disturbance. Thus, danger of outbursts of gas exists only as a direct result of blasting or other mining induced disturbance.

3. Because of the geological formation of the dome itself, any concentration of flammable gas or other contaminants will occur in generally vertical patterns. An encounter with gas in an area at one level is indicative that gas will probably occur in the area directly below that point on the next mining level (vertical predictability).

4. The petitioner proposes the following alternative to the application of 30 CFR 57.21-79:

a. An automatic monitoring system will be established for methane gas by placing continuous monitors in strategic places throughout the mine. These devices will automatically sound an alarm if the methane concentration reaches one (1.0) percent. In addition, the system will be supplemented by issuing manually operated methanometers to miners qualified to use them.

b. Methane gas pockets in the ore will be located by:

(1) Test drilling of faces before blasting.

(2) Study of mine maps for vertical predictability of methane concentrations before blasting.

c. Miners will be removed from the mine prior to face blasting operations in known gassy zones.

d. Permissible distribution boxes will be used only in those area of mining operations which will involve potential disturbance of areas which could propagate flammable gas.

5. The petitioner alleges that the proposed alternative to 30 CFR 57.21–79 will result in no dimunition of the level of safety provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 6, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8123 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-4-M]

Diamond Crystal Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Diamond Crystal Salt Company, St. Clair, Michigan 48079 filed a petition to modify the application of 30 CFR 57.21–97 (explosive in gassy mines) to its Jefferson Island Mine located in New Iberia, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The technology and methodology of salt dome mining is a radical departure from conventional underground mining. Rooms are large (160 feet wide and when coupled with benching, about 73 feet high). Pillars are big (240 feet on a side). The air volume in the mine is estimated to be in excess of 500,000,000 cubic feet. There are 4 levels, and a 5th level has been planned.

2. Concentrations of methane or other flammable gasses exist among the salt crystals. Porosity and permeability of the deposit are low, however, and there is little if any propagation of the methane gas within the salt dome. Methane will remain confined until released through mining operations (called localization), and, the petitioner notes, there has been no case recorded of instantaneous outbursts of methane or other flammable gas in any salt dome mine operation which did not involve simultaneous blasting or some other induced disturbance. Thus, danger of outbursts of gas exists only as a direct result of blasting or other mining induced disturbance.

3. Because of the geological formation of the dome itself, any concentration of flammable gas or other contaminants will occur in generally vertical patterns. An encounter with gas in an area at one level is indicative that gas will probably occur in the area directly below that point on the next mining level (vertical predictability).

4. The petitioner proposes the following alternative to the application of 30 CFR 57.21–97:

a. Blasting procedures using primadet plastic caps will be used in lieu of electric detonation.

b. An automatic monitoring system will be established for methane gas by placing continuous monitors in strategic places throughout the mine. These devices will automatically sound an alarm if the methane concentration reaches one (1.0) percent. In addition, the petitioner proposes to supplement the automatic monitoring system by issuing manually operated methanometers to miners qualified to use them.

c. Miners will be removed from the mine when blasting in known gassy zone (determined from mine maps and advance test drilling of faces); miners will be removed to a safe place at the level above the level of a shot when blasting in non-gassy zones.

5. The petitioner states that two accidents have been directly related to electric blasting caps.

6. The petitioner alleges that application of the proposed modification will provide no less a measure of safety than that guaranteed by 30 CFR 57.21–97 and that application of the standard would present an unwarranted danger to the safety of miners.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 6, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8124 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-17-M]

Diamond Crystal Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Diamond Crystal Salt Company, St. Clair, Michigan 48079 filed a petition to modify the application of 30 CFR 57.21–98 (explosives in gassy mines) to its Jefferson Island Mine located in New Iberia, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The technology and methodology of salt dome mining is a radical departure from conventional underground mining. Rooms are large (160 feet wide and when coupled with benching, about 73 feet high). Pillars are big (240 feet on a side). The air volume in the mine is estimated to be in excess of 500,000,000 cubic feet. There are 4 levels, and a 5th level has been planned.

2. Concentrations of methane or other flammable gasses exist among the salt crystals. Porosity and permeability of the deposit are low, however, and there is little if any propagation of the methane gas within the salt dome. Methane will remain confined until released through mining operations (called localization), and, the petitioner notes, there has been no case recorded of instantaneous outbursts of methane or other flammable gas in any salt dome mine operation which did not involve simultaneous blasting or some other induced disturbance. Thus, danger of outbursts of gas exists only as a direct result of blasting or other mining induced disturbance.

3. Because of the geological formation of the dome itself, any concentration of flammable gas or other contaminants will occur in generally vertical patterns. An encounter with gas in an area at one level is indicative that gas will probably occur in the area directly below that point on the next mining level (vertical predictability).

4. The petitioner proposes the following alternative to the application of 30 CFR 57.21–98:

a. An automatic monitoring system will be established for methane gas by placing continuous monitors in strategic places throughout the mine. These devices will automatically sound an alarm if the methane concentration reaches one (1.0) percent. In addition, the system will be supplemented by issuing manually operated methanometers to miners qualified to use them.

b. Methane gas pockets in the ore will be located by:

(1) Test drilling of every face before blasting to insure knowledge of gassy concentrations.

(2) Study of mine maps for vertical predictability of methane concentrations before blasting.

c. Miners will be removed from the mine before face blasting is done in known gassy zones.

5. The petitioner asserts that the monitoring system, coupled with the predictability factor, adequately meets any potential hazard of dangerous concentrations of methane during blasting operations in non-gassy zones. Further, the petitioner states that since miners will be removed before face blasting in know gassy zones, there is no need to stem boreholes.

6. The petitioner alleges that the comprehensive monitoring system, coupled with the unique geological qualities of its domal salt mine, provides a measure of safety no less than that provided by 30 CFR 57.21–98.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 6, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8125 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-18-M]

Diamond Crystal Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Diamond Crystal Salt Company, St. Clair, Michigan 48079 filed a petition to modify the application of 30 CFR 57.21–99 (explosives in gassy mines) to its Jefferson Island Mine located in New Iberia, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The technology and methodology of salt dome mining is a radical departure from conventional underground mining. Rooms are large (160 feet wide and when coupled with benching, about 73 feet high). Pillars are big (240 feet on a side). The air volume in the mine is estimated to be in excess of 500,000,000 cubic feet. There are 4 levels, and a 5th level has been planned.

2. Concentrations of methane or other flammable gasses exist among the salt crystals. Porosity and permeability of the deposit are low, however, and there is little if any propagation of the methane gas within the salt dome. Methane will remain confined until released through mining operations (called localization), and, the petitioner notes, there has been no case recorded of instantaneous outbursts of methane or other flammable gas in any salt dome mine operation which did not involve simultaneous blasting or some other induced disturbance. Thus, danger of outbursts of gas exists only as a direct result of blasting or other mining induced disturbance.

3. Because of the geological formation of the dome itself, any concentration of flammable gas or other contaminants will occur in generally vertical patterns. An encounter with gas in an area at one level is indicative that gas will probably occur in the area directly below that point on the next mining level (vertical predictability).

4. The petitioner proposes the following alternative to the application of 30 CFR 57.21–99:

a. An automatic monitoring system will be established for methane gas by placing continuous monitors in strategic places throughout the mine. These devices will automatically sound an alarm if the methane concentration reaches one (1.0) percent. In addition, the system will be supplemented by issuing manually operated methanometers to miners qualified to use them.

b. Methane gas pockets in the ore will be located by:

(1) Test drilling of faces before blasting.

(2) Study of mine maps for vertical predictability of methane concentration before blasting.

c. Miners will be removed from the mine prior to face blasting in known gassy zones.

5. The petitioner alleges that the proposed alternative method will provide the same measure of safety as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 6, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8126 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-34-M]

Frontier-Kemper Constructors; Petition for Modification of Application of Mandatory Safety Standard

Frontier-Kemper Constructors, P.O. Box 2295, New Iberia, Louisiana 70560, has filed a petition to modify the application of 30 CFR 57.19–11 (man hositing) to its operation at Morton Salt Company's Weeks Island New Mine located in Iberia Parish, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The mine shaft is completed. A Nordberg hoist is installed. The flanges of the 6 foot diameter drum are 3 inches. The drum is 10 feet wide.

2. The petitioner proposes as an alternative to application of 30 CFR 57.19–11 to use a single wrap of 1¼ inch hoist rope with a maximum fleet angle of 1½ degrees at maximum speed of 500 feet per minute. Although the present rope will spool to 12 inches from one flange at the upper limit and 42 inches from the opposite flange at the lower limit, the petitioner further proposes a stipulated safety area of 12 inches from either flange to allow for additional rope when the present rope is replaced. Photographs of the drum with the rope spooled to both the upper and lower limits are a part of the petition.

3. The petitioner alleges that the proposed modification of 30 CFR 57.19–11 will not diminish the safety of miners.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

V 45 / 54 MR 18 80 UMI

Dated: March 7, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8127 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-26-M]

Martin Marietta Aggregates; Petition for Modification of Application of Mandatory Safety Standard

Martin Marietta Aggregates, Central Division of the Martin Marietta Corporation, P.O. Box 789, Cedar Rapids, Iowa 52406, filed a petition to modify the application of 30 CFR 57.4-61B (fire prevention and control) to its Clayton Mine located in Clayton County, Iowa, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The nature and dimensions of the mine cause no danger to affected miners from the spread of toxic gases.

2. Confinement of toxic gases in an enclosed shop area by fire doors constructed in accordance with the provisions of 30 CFR 57.4-61B could create a concentrated toxic environment for miners as well as a potentially explosive one.

3. Installation of bulkheads or fire doors in the underground shop area of the mine will result in a diminution of safety to affected miners, the petitioner alleges.

4. For these reasons, the petitioner requests a modification of the application of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 6, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8128 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-30-C]

Reitz Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Reitz Coal Company, 509 15th Street, Winber, Pennsylvania 15963, filed a petition to modify the application of 30 CFR 75.1600-1 (communication facilities) to four mines (No. 21 North Somerset Mine, No. 22 St. Thomas Mine, No. 23 J. T. Mine, and No. 24 Camp Hamilton Mine) located in Somerset County, Pennsylvania, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The petitioner plans a central communications and fan monitoring system to serve four mines. The greatest distance from the proposed location of the central system would be 9 miles. Travel time is expected to be 8 minutes for this maximum distance. Travel time to the other three mines is expected to be 0, 3, and 5 minutes.

2. As an alternative to application of 30 CFR 75.1600-1, the petitioner proposes to put one responsible person at the monitoring station who can hear the telephone and respond immediately as required by the standard.

3. The petitioner alleges that the proposed alternative meets the requirements of the standard, and there would not be a diminution of safety to the miners in the four mines.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 5, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8129 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-158-C]

Tram Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Tram Coal Company, P.O. Drawer A & B, Harold, Kentucky 41635 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Mine No. 34 located in Floyd County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The petition concerns the installation of lighting equipment to scoops and roof bolt machines in the petitioner's mine.

2. Petitioner states that lighting in addition to that presently on the equipment would be hazardous due to the height of the coal seam.

3. Petitioner further states that miners are immobile due to seam height and that additional lighting would tend to blind the miners.

4. Petitioner believes that compliance with the standard will therefore reduce the safety of miners, and seeks a modification of the application of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 6, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8130 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-33-C]

Westmoreland Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

The Westmoreland Coal Company, Winding Gulf Division, Tams, West Virginia 25933, filed a petition to modify the application of 30 CFR 75.305 (Weekly examinations for hazardous conditions) to its Eccles No. 6 Mine located in Raleigh County, West Virginia, in accordance with section 101(c) of the federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. Eccles No. 6 Mine, closed in 1978, has been reopened. To eliminate the former rail haulage and hoisting system, a new slope was driven from the surface. Intentions are, the petitioner states, to eventually convert to total belt haulage.

2. While closed, Number One and Number Three Entries of the mine fell in and both entries have deteriorated over distnces of approximately 1,300 feet. The entries are too dangerous to be traveled and inspected as required by 30 CFR 75.305, the petitioner claims. Airways used to ventilate the mine, however, are open and safe for weekly travel and inspection.

3. The petitioner proposes as an alternative to application of 30 CFR 75.305 to monitor methane in the air by weekly tests taken from a safe area in/by the falls and deteriorated areas until such time as parallel entries are completed and made safe for travel.

4. The petitioner states that monitoring the two 1,300 foot fall areas would diminish the safety of those monitoring the areas.

5. For these reasons, the petitioner requests that modification of the application of 30 CFR 75.305 be granted.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 17, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 6, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8131 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

[TA-W-6758]

American Home Products Corp. (Boyle-Midway Division; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 10, 1980 in response to a worker petition received on December 31, 1979 which was filed by the Oil, Chemical and Atomic Workers Union on behalf of workers and former workers producing household chemicals at Boyle-Midway, Cranford, New Jersey. The investigation revealed that Boyle-Midway is a division of the American Home Products Corporation and that the plant produces household chemical products. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imports into the United States of household insecticides, starch, polishes, waxes and other cleaners, were negligible during 1977, 1978 and 1979.

Imports of soaps and detergents decreased relative to domestic production from 1978 to 1979. The ratio of imports to domestic production did not exceed 0.18 percent during the period 1975 through 1979.

Total sales of household chemicals by the Boyle-Midway Division increased from 1977 to 1978 and from 1978 to 1979.

Total sales from the Cranford, New Jersey plant increased from 1977 to 1978 and from 1978 to 1979.

Conclusion

After careful review, I determine that all workers of the Cranston, New Jersey plant of the American Home Products Corporation, Boyle-Midway Division, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of March 1980.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 80-8221 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6766]

American Shingle Co.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 14, 1980 in response to a worker petition received on January 9, 1980 which was filed on behalf of workers and former workers producing redcedar shakes and shingles at American Shingle Company, Garibaldi, Oregon. It is concluded that all of the requirements have been met.

U.S. imports of redcedar shingles and shakes increased both absolutely and relative to domestic production in 1978 compared to 1977 and increased absolutely in the first nine months of 1979 compared to the first nine months of 1978.

A survey of customers who decreased purchases of redcedar shingles and shakes from American Shingle Company in 1979 compared to 1978 indicated that several large customers increased purchases of imported redcedar shakes and shingles during the same period.

The survey further revealed that several firms plan to purchase imported redcedar shingles in 1980 due to price considerations.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with redcedar shakes and shingles produced at American Shingle Company, Garibaldi, Oregon contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of American Shingle Company, Garibaldi, Oregon who became totally or partially separated from employment on or after January 2, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-8222 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6831]

Braswell Shipyards, Inc.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 22, 1980, in response to a worker petition received on January 14, 1980, which was filed on behalf of workers and former workers engaged in ship repair functions at Braswell Shipyards, Inc., Boston, Massachusetts.

V 45/54 MR 18 80 UMI

Braswell Shipyards, Inc. is engaged in providing the service of ship repair functions.

Thus, workers of Braswell Shipyards, Inc. do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Braswell Shipyards, Inc. by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Braswell Shipyards, Inc. and its customers have no controlling interest in one another. The subject firm is affiliated with another firm which performs subcontract work for the subject firm. The other firm in no way controls or affects the demand for the services of Braswell Shipyards, Inc.

All workers engaged in ship repair functions at Braswell Shipyards, Inc. are employed by that firm. All personnel actions and payroll transactions are controlled by Braswell Shipyards, Inc. All employee benefits are provided and maintained by Braswell Shipyards, Inc. Workers are not, at any time, under employment or supervision by customers of Braswell Shipyards, Inc. Thus, Braswell Shipyards, Inc., and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Braswell Shipyards, Inc., Boston, Massachusetts are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of March 1980.

Donald J. Rousslang,

Acting Director, Office of Foreign Economic Research.

[FR Doc. 80-8223 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6870]

Brunswick Corp. (Consumer Division); Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 30, 1980 in response to a worker petition received on January 23, 1980 which was filed on behalf of workers and former workers producing home recreation games for Brunswick Corporation, Consumer Division, Marion, Virginia. The investigation revealed that the petition was filed for the Pinball Machine Department of the Consumer Division. In the following determination, without regard to whether any of the other criteria have been met, the following cirterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that imports of home pinball machines like or directly competitive wih those assembled by the Pinball Machine Department of the Consumer Division are negligible. Numerical data are unavailable for U.S. production and U.S. imports as there is little domestic demand for the machines and there are virtually no imports.

Trade and industry sources indicate that programmable electronic video games and coin operated pinball machines are competitive with home pinball machines. U.S. imports of coin-operated pinball machines decreased in 1979 compared with 1978, and were less than four percent of domestic production. U.S. imports of programmable electronic video games were negilible during 1978 and 1979.

The petition alleges that imports of component parts have contributed importantly to employment declines in the pinball machine department. The investigation revealed that the company has imported all the playfields used in assembling its pinball machines ever since it started producing pinball machines in 1976. Since the company has never produced its own playfields, and since its importation of playfields varies with the production of pinball machines, it is concluded that increased company imports of playfields cannot be considered to have contributed importantly to employment declines within the meaning of Section 222(3) of the Trade Act of 1974.

Conclusion

After careful, review, I determine that all workers of the Pinball Machine Department, Consumer Division, the Brunswick Corporation, Marion, Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of March 1980.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 80-8224 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6760]

Corcol Energy, Inc. (Preparation Plant #101); Amended Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 221 and 223(a) of the Trade Act of 1974 (19 U.S.C. 2271, 2273), on February 26, 1980 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of Corcol Energy, Incorporated, Preparation Plant #101, Wharncliffe, West Virginia. That certification included all workers who became totally or partially separated from employment on or after April 5, 1979.

Subsequent to the publication of the original determination, the Office of Trade Adjustment Assistance received an inquiry regarding workers who became separated from employment prior to April 5, 1979. Further information revealed that partial separations had occurred prior to April 5, 1979.

Conclusion

Based on the additional evidence, a review of the entire record and in accordance with the provisions of the Act, I make the following amended certification:

All workers of Corcol Energy, Incorporated, Preparation Plant #101, Wharncliffe, West Virginia who became totally or partially separated from employment on or after December 26, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of March 1980.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 80-8226 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6488 and TA-W-6604]

Corning Distribution Co. and ACF Industries (Carter Carburetor Division); Negative Determination Regarding Application for Reconsideration

By letters of February 18 & 19, 1980 the petitioners and former workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding eligibility to apply for worker adjustment assistance in the case of workers and former workers of the Corning Distribution Company, Corning, Arkansas and ACF Industries, Carter Carburetor Division, St. Louis, Missouri. The determination was published in the **Federal Register** on February 8, 1980 (45 FR 8767).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The petitioners and former workers claim in their application for reconsideration that increased imports of automobiles have hurt the production and sales of domestically produced automobile parts and have caused considerable layoffs at their auto parts plants. The petitioners further claim that workers at a nearby auto parts plant received trade adjustment assistance while the petitioners did not.

The Department's review showed that Carter Carburetor in St. Louis, Missouri produced carburetors and fuel pumps which were distributed through the Corning Distribution Company in Corning, Arkansas. The review further showed that workers at the subject firms, both subsidiaries of American Car Foundry (ACF) Industries, were denied because they did not meet the "contributed importantly" test of the Trade Act of 1974. The Department's survey of major customers of the subject firms showed that none of the customers surveyed purchased imported fuel pumps or carburetors during 1977, 1978 or 1979. Further, U.S. imports of carburetors, which constitutes virtually all of the St. Louis' plant production, are negligible. Components of automobiles, such as carburetors and fuel pumps cannot be considered "like or directly competitive" with finished articles. See *United Shoe Workers of America vs. Bedell 506 F2d., (1974).*

The Department does not consider the petitioners' claim that workers in a nearby auto parts plant producing shock absorbers were found eligible for trade adjustment assistance while they were not as relevant in rebutting the Department's original denial. For certification, the Trade Act requires that worker groups filing a petition must meet the three statutory group criteria by themselves during the period under investigation. In this case, workers of Carter Carburetor and the Corning Distribution Company did not meet all the statutory criteria while those of the other firm did. In the shock absorber case, the certification was based on corporate imports by Monroe and a major OEM customer shifted to imports of shock absorbers.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 11th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-8227 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6749]

DeLuca Sportswear, Inc.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 10, 1980 in response to a worker petition received on December 20, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's and boys' suits, sportcoats and vests at DeLuca Sportswear, Incorporated, Philadelphia, Pennsylvania. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of men's and boys' tailored suits decreased absolutely and relative to domestic production in 1978 compared to 1977 and decreased absolutely in 1979 compared to 1978. U.S. imports of men's and boys' tailored dress coats and sportcoats decreased absolutely in 1979 compared to 1978. U.S. imports of men's and boys' tailored suit vests decreased absolutely in 1978 compared to 1977.

A Department survey of clothing manufacturers who provided contract work to DeLuca revealed that none of the manufacturers surveyed imported suits, sportcoats, or vests during 1978 and 1979. The manufacturers' sales increased from 1978 to 1979.

Conclusion

After careful review, I determine that all workers of DeLuca Sportswear, Incorporated, Philadelphia, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-8228 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6703]

Dunlop Tire and Rubber Corp.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 7, 1980 in response to a worker petition received on December 26, 1979 which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers and

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former workers producing passenger car tires at the Huntsville, Alabama plant of the Dunlop Tire and Rubber Corporation. It is concluded that all of the requirements have been met.

U.S. imports of passenger car tires increased both absolutely and relative to domestic production in 1979 compared with 1978.

Imports of passenger car tires by Dunlop increased both absolutely and relative to domestic production in 1979 compared with 1978.

A survey of customers buying passenger car tires from Dunlop Tire and Rubber Corporation revealed that a significant proportion of customers decreased purchases from domestic sources and increased purchases from foreign sources in 1979 compared with 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with passenger car tires produced at the Huntsville, Alabama plant of the Dunlop Tire and Rubber Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the Huntsville, Alabama plant of the Dunlop Tire and Rubber Corporation who became totally or partially separated from employment on or after April 22, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-8229 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6817]

Dunlop Tire & Rubber Corp.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 21, 1980 in response to a worker petition received on January 15, 1980 which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers and former workers producing tires for passenger cars, trucks, and motorcycles at the Buffalo, New York plant of the Dunlop Tire and Rubber Corporation. It is concluded that, with respect to workers producing passenger car tires, all of the requirements have been met.

U.S. imports of passenger car tires increased both absolutely and relative to domestic production in 1979 compared with 1978.

Company imports of passenger car tires by Dunlop increased both absolutely and relative to domestic production in 1979 compared with 1978.

A survey of customers buying passenger car tires from Dunlop Tire and Rubber Corporation revealed that a significant proportion of customers decreased purchases from domestic sources and increased purchases from foreign sources in 1979 compared with 1978.

With respect to workers producing truck tires, all of the requirements have been met.

U.S. imports of truck tires increased both absolutely and relative to domestic production in 1979 compared with 1978.

Imports of truck tires by Dunlop increased both absolutely and realtive to domestic production in 1979 compared with 1978.

A survey of customers buying truck tires from Dunlop Tire and Rubber Corporation revealed that a significant proportion of customers decreased purchases from domestic sources and increased purchases from foreign sources in 1979 compared with 1978.

With respect to workers producing motorcycle tires, all of the requirements have been met.

U.S. imports of motorcycle tires increased both absolutely and relative to domestic production in 1978 compared with 1977 and remained at high levels in 1979 compared with 1978.

Imports of motorcycle tires by Dunlop Tire and Rubber Corporation increased both absolutely and relative to domestic production in 1979 compared with 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with tires for passenger cars, trucks and motorcycles produced at the Buffalo, New York plant of the Dunlop Tire and Rubber Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the Buffalo, New York plant of the Dunlop Tire and Rubber Corporation who became totally or partially separated from employment on or after April 29, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-8230 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6859]

Everlock Detroit Inc.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make and affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 28, 1980 in response to a worker petition received on January 23, 1980 which was filed on behalf of workers and former workers producing industrial fasteners at Everlock Detroit Incorporated, Sterling Heights and Mt. Clemens, Michigan. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of specialty fasteners, including nuts, were negligible in 1978 and 1979.

Everlock Detroit Incorporated produces threaded female industrial fasteners (nuts) that are engineered to customer specifications. A Department survey revealed that none of the surveyed customers who had reduced purchases from Everlock Detroit had increased purchases of imported industrial fasteners in 1979 compared to 1978.

Conclusion

After careful review, I determine that all workers of Everlock Detroit Incorporated, Sterling Heights and Mt. Clemens, Michigan are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-8231 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6862]

General Industries Electronics, Inc.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 28, 1980 in response to a worker petition received on January 23, 1980 which was filed on behalf of workers and former workers producing direct current fractional horsepower electric motors at General Industries Electronics, Incorporated, Forrest City, Arkansas. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

General Industries Electronics, Incorporated produced direct current fractional horsepower motors for use in the automobile industry. The petitioners allege that increased imports of automobiles contributed importantly to declines in sales or production and to the separation of workers at General Industries Electronics, Incorporated. Imported automobiles cannot be considered like or directly competitive with direct current fractional horsepower motors.

A survey of customers of General Industries Electronics, Incorporated, Forrest City, Arkansas representing over 95 percent of sales was conducted by the Department. The survey results indicated that none of the customers purchased imported direct current fractional horsepower motors of the size and capacity produced by General Industries Electronics during 1978 and 1979.

Conclusion

After careful review, I determine that all workers of the General Industries Electronics, Incorporated, Forrest City, Arkansas are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-8232 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6793 and TA-W-6794]

Jacobson Manufacturing Co. and Jersey Jacobson; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group of eligibility requirements of Section 222 of the Act must be met.

The investigations were initiated on January 16, 1980 in response to worker petitions received on December 31, 1979 which were filed by the United Automobile, Aerospace, and Agricultural Implement Workers of America on behalf of workers and former workers producing nuts at Jacobson Manufacturing Company, Kenilworth, New Jersey (TA-W-6793) and on behalf of workers and former workers producing nuts at Jersey Jacobson, Union, New Jersey (TA-W-6794). Jacobson Manufacturing Company and Jersey Jacobson are jointly owned and operated. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of specialty fasteners, including nuts, were negligible during 1978 and 1979.

A Department survey revealed that none of the surveyed customers who had reduced purchases from Jacobson Manufacturing Company has increased purchases of imported industrial fasteners in 1979 compared to 1978.

Conclusion

After careful review, I determine that all workers of Jacobson Manufacturing Company, Kenilworth, New Jersey (TA-W-6793) and all workers of Jersey Jacobson, Union, New Jersey (TA-W-6794) are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of March 1980.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 80-8233 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6822]

Keystone Group; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 21, 1980 in response to a worker petition received on January 15, 1980 which was filed by the Independent Steel Workers Alliance on behalf of workers and former workers producing steel and wire products at Keystone Group, Bartonville, Illinois. In the following detemination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or

threat thereof, and to the absolute decline in sales or production.

U.S. imports of carbon steel wire rod, wire, and wire products decreased both absolutely and relative to domestic shipments during the first nine months of 1979 compared to the first nine months of 1978. U.S. imports of semifinished carbon steel products, including steel billets, decreased absolutely during the first nine months of 1979 compared to the first nine months of 1978. Sales of steel rods and billets produced at Bartonville, measured in both quantity and value, increased during 1979 compared to 1978.

On March 10, 1978 the Office of Trade Adjustment Assistance issued a certification of eligibility to apply for trade adjustment assistance applicable to workers of the Bartonville, Illinois plant (TA–W–2612). That certification expired on March 10, 1980—two years from its date of issuance. The most recent employment declines at the Bartonville plant began in June 1979 and continued until January 1980, when recalls of workers commenced. By the end of February 1980 levels of employment at Bartonville had risen to match levels of employment in June 1979.

Conclusion

After careful review, I determine that all workers of Keystone Group, Bartonville, Illinois are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-8234 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7146]

Lilliput; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on February 19, 1980 in response to a worker petition received on February 5, 1980 which was filed on behalf of workers and former workers who contracted sewing for children's snowsuits and jackets at Lilliput, Hackensack, New Jersey. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's coats and jackets increased both absolutely and relative to domestic production in 1978 compared to 1977.

U.S. imports of women's, misses' and children's suits (which includes snowsuits) increased absolutely and relative to domestic production in 1978 compared to 1977.

Lilliput is a contractor for a manufacturer of children's and infants' outerwear. A Department survey revealed that the sole customer of this manufacturer decreased purchases from the manufacturer and increased purchases of imports in 1979 compared to 1978. Workers of this manufacturer were certified eligible to apply for trade adjustment assistance in January 1980.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that the increases of imports of articles like or directly competitive with children's snowsuits and jackets produced at Lilliput, Hackensack, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Lilliput, Hackensack, New Jersey who became totally or partially separated from employment on or after January 2, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-8235 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 28, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 28, 1980.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day February 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/Workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Charisse Fashions, Inc. (ILGWU)	New Hyde Park, N.Y	2/1/80	1/29/80	TA–W–7,106	Contractor of women's coats, jackets, blazers.
Goralnick Shoe Trimming Co., Inc. (workers)	Haverhill, Mass	2/4/80	1/30/80	TA–W–7,107	Shoe manufacturer—eocklings and stamping.
International Shoe Co., Shank Department (workers).	St. Louis, Mo	2/5/80	2/1/80	TA–W–7,108	Steel shanks for shoes.
Jones & Laughlin Steel Corp., Northwest Ore Division, Cretaceious Plant (USWA).	Virginia, Minn	2/1/80	1/29/80	TA–W–7,109	Prepares finely ground ore.
McLouth Steel Co., Trenton Plant (USWA)	Trenton, Mich	1/29/80	1/24/80	TA–W–7,110	Carbon steel—coil.
McLouth Steel Co., Gibraltar Plant (USWA)	Gibraltar, Mich	1/29/80	1/24/80	TA–W–7,111	Finishing of carbon steel.
McLouth Steel Co., Detroit Plant (USWA)	Detroit, Mich	1/29/80	1/24/80	TA–W–7,112	Stainless steel finishing.
Neatit Knitting Mill, Inc. (workers)	Los Angeles, Calif	2/4/80	1/24/80	TA–W–7,113	Knitted outerwear.
Penn Childrens Dress Corp. (workers)	Mayfield, Pa	1/30/80	1/25/80	TA–W–7,114	Children's sportswear and girl's dresses.
Sea Isle Sportswear, Inc. (ILGWU)	New York, N.Y	1/31/80	1/28/80	TA–W–7,115	Girl's sportswear.
Stackpole Carbon Co., Kane Resistor Plant (company).	St. Marys, Pa	2/1/80	1/29/80	TA–W–7,116	Fixed composition resistors.
Swagger, Inc. (workers)	Telford, Pa	2/1/80	1/26/80	TA–W–7,117	Men's trousers and slacks.
Dura Corp.—Switches Division (workers)	Logansport, Ind	2/1/80	1/28/80	TA–W–7,118	Auto electrical products.
Twine Products Corp. (company)	New Orleans, La	2/5/80	2/1/80	TA–W–7,119	Agricultural twine.
U.S. Truck Co., Inc. (workers)	Detroit, Mich	2/4/80	1/28/80	TA–W–7,120	Carriers (parts and commodities—automotive).

[FR Doc. 80-8225 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6835]

Loree Footwear Corp.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 22, 1980 in response to a worker petition received on January 18, 1980 which was filed on behalf of workers and former workers producing dresses and casual shoes for women at Loree Footwear Corporation, Freeport, Maine. The investigation revealed that the plant produces women's dress and casual shoes but does not manufacture dresses. It is concluded that all of the requirements have been met.

U.S. imports of women's non rubber footwear, except athletic, increased absolutely and relative to domestic production in 1978 compared to 1977 and in January through September 1979 compared to the like period of 1978.

The Departmental survey was conducted of customers which decreased purchases of women's dress and casual shoes from Loree Footwear Corporation in 1979 compared to 1978. The survey revealed that, in aggregate, customers increased their purchases of imported women's shoes on an absolute basis and as a percent of their total demand for women's dress and casual shoes in 1979 compared to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increase of imports of articles like or directly competitive with women's dress and casual shoes produced at Loree Footwear Corporation, Freeport, Maine contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Loree Footwear Corporation, Freeport, Maine who became totally or partially separated from employment on or after January 14, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-8236 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6764]

McGregor Sportswear; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 10, 1980 in response to a worker petition received on December 26, 1979 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers at the Berwick, Pennsylvania distribution center of McGregor Sportswear (formerly McGregor-Doniger, Incorporated). It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' outer jackets increased from 1976 to 1977 and from 1977 to 1978.

During the past two years, five out of a total of seven McGregor-Doniger plants (for which the Berwick, Pennsylvania facility acts as a distribution center), as well as corporate offices in Dover, New Jersey, has been closed permanently.

Workers at six of the seven McGregor-Doniger plants have been certificated as eligible to apply for trade adjustment assistance (TA–W–1693, 4124, 4216–4217, 4436, 4702). Notices of Determination were issued on, respectively, October 31, 1977; January 8, 1979; January 22, 1979; February 5, 1979; and March 16, 1979. These six plants represent a substantial portion of McGregor-Doniger's domestic production. Workers at corporate offices in Dover, New Jersey and New York, New York have also been certified (TA–W–4702A, 4702B). A Notice of Determination was issued on March 16, 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's apparel produced by McGregor-Doniger, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of the Berwick, Pennsylvania distribution center of McGregor Sportswear (formerly McGregor-Doniger, Incorporated). In accordance

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with the provisions of the Act, I make the following certification:

All workers of the Berwick, Pennsylvania distribution center of McGregor Sportswear (formerly McGregor-Doniger, Incorporated) who became totally or partially separated from employment on or after December 20, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-8237 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7099]

Modern Coat Co.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on February 12, 1980 in response to a worker petition received on January 29, 1980 which was filed by the International Ladies' Garment Workjers' Union on behalf of workers and former workers producing ladies' coats at Modern Coat, Union City, New Jersey. The investigation revealed that the correct company's name is Modern Coat Company. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdividion have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of women's, misses' and children's coats and jackets declined absolutely in the first nine months of 1979 compared with similar period in 1978.

A survey conducted by the Department of Labor of the customers of Modern Coat Company shows that these manufacturers decreased imports of ladies' coats and increased orders for ladies' coats with other domestic contractors in 1979 compared with 1978. Sales of ladies' coasts by the manufacturers increased from 1978 to 1979.

Conclusion

After careful review, I determine that all workers of Modern Coat Company, Union City, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-8238 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6127 and 6128]

National Standard Co.; Negative Determination on Reconsideration

On January 22, 1980, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the Columbiana and Childersburg, Alabama, plants of National Standard Company. This determination was published in the **Federal Register** on January 29, 1980, (45 FR 6675).

In applying for reconsideration, the petitioners define three major arguments: (1) That production and employment losses at the Columbiana and Childersburg, Alabama, plants of National Standard Company have occurred as a result of a corporate transfer in the production of tire cord wire from the domestic production facilities in Columbiana and Childersburg to the foreign production operations of National Standard Company in the United Kingdom and Canada; (2) that the workers of several customers of National Standard Company (i.e., workers of passenger and truck tire manufacturers) have been certified as eligible to apply for worker adjustment assistance is indicative of a prejudicial determination in their own case; and (3) that foreign suppliers are capturing an increasing portion of the U.S. tire cord market displacing the workers of such domestic suppliers as National Standard Company. In addition, the United Steelworkers of America cite the 1979 Report of National Standard Company and company import data for the last five years contained therein in support of the petitioners' arguments. The petitioners and the union do not dispute the Department's findings with respect to production of bead wire, hose wire and fiber wire at the Columbiana and Childersburg plants.

In light of the arguments and information presented by the petitioners, a further investigation was made by the Department. The investigation confirmed the Department's initial findings that importing by National Standard Company from its foreign operations in the United Kingdom and Canada was insignificant during the period of investigation, 1978–1979. According to company officials, tire cord wire produced in the United Kingdom was imported on an experimental basis to determine the compatibility of this tire cord with the rubber compound produced by domestic tire manufacturers. National Standard Company also imported semi-finished wire from its Canadian facility. However, the quantity of semi-finished wire imported was insignificant and was used only to supplement the brass plating operations of the Columbiana and Childersburg plants. The Canadian facility did not produce finished tire cord during 1978–1979. The data on National Standard Company imports submitted by the union represents total intracorporate sales—machinery as well as finished product and exports as well as imports.

The fact that the Department has certified workers of several tire manufacturers as eligible to apply for adjustment assistance does not direct a certification for the workers of the tire cord industry. The Department has certified certain groups of workers in the tire manufacturing industry on the basis of increases of imports of tires. The Department's findings indicate that Columbiana and Childersburg plants are not in a situation comparable to tire manufacturers. The major domestic customers of National Standard have found that the tire cord wire produced at Columbiana and Childersburg is incompatible with the rubber compound produced at their facilities. The compatibility of the tire cord wire and the rubber compound is defined by the adhesion characteristics the wire and the rubber exhibit for each other. Without proper adhesion the tire results cannot meet minimum safety and performance standards. The compatibility of tire cord with a rubber compound is unique, i.e., a type of tire cord may be compatible with certain rubber compounds but not with others. Thus, National Standard Company was able to maintain sales to some firms but lost significant others. As a consequence, several major domestic tire manufacturers have turned to foreign tire cord producers which are capable of meeting their specifications.

The fact *per se* that domestic tire manufacturers have increased their purchases of foreign-manufactured tire cord, as a result of the inability to obtain tire cord domestically, is not a basis for certification. The Senate Finance Committee report on the Trade Act of 1974, in discussing the certification criterion that increased imports must have "contributed importantly" to the petitioning workers' separations and to the firm's production or sales declines, states: ". . . the Secretary may find that imports were at such a level that, under ordinary circumstances, they would have been an important factor in causing total or partial separations of a group of workers and in the decline in sales or production, but that another cause was so dominant that the separations and decline in sales or production would have been essentially the same irrespective of the influence of the import increase. In such a case, the Secretary would not find the increased imports had 'contributed importantly' " (S. Report 93–1298, 93rd Cong., 2d Sess., 1974, p. 133).

In the case of Columbiana and Childersburg plants, the dominant cause of the separations was the incompatibility of the tire cord produced there with tire manufactures' technical specifications. Thus, the separations and declines in sales and production would have been essentially the same irrespective of the influence of imports. Tire manufacturers surveyed by the Department indicated that total domestic supply of tire cord is insufficient to support demand, and that this supply shortfall is aggravated by the problem of obtaining tire cord which will meet their technical specifications.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers of the National Standard Company, Columbiana and Childersburg, Alabama, plants.

Signed at Washington, D.C., this 10th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-8239 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6809]

Stanhope Sewing Center, Inc.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 18, 1980 in response to a worker petition received on January 11, 1980 which was filed on behalf of workers and former workers producing women's sportswear at Stanhope Sewing Center, Incorporated, Netcong, New Jersey. The investigation revealed that the plant primarily produces women's blouses. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of women's, misses' and children's blouses and shirts decreased absolutely during the January–September period of 1979 compared to the corresponding period of 1978.

The Department of Labor conducted a survey of the manufacturers from whom Stanhope Sewing Center, Incorporated received contract work during 1979. The survey revealed that these manufacturers did not contract with foreign sources or import women's blouses during 1977, 1978 or 1979. The manufacturers reported that their sales increased during 1979 compared to 1978.

Conclusion

After careful review, I determine that all workers of Stanhope Sewing Center, Incorporated, Netcong, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of March 1980.

Donald J. Rousslang,

Acting Director, Office of Foreign Economic Research.

[FR Doc. 80-8240 Filed 3-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7117]

Swagger, Inc.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on February 13, 1980 in response to a worker petition received on February 1, 1980 which was filed on behalf of workers and former workers producing men's trousers and slacks at Swagger, Incorporated, Telfor, Pennsylvania. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed in the course of the investigation revealed that U.S. imports of men's and boys' dress and sport trousers and short declined in quantity in 1979 compared to 1978.

Swagger, Incorporated produces men's trousers on a contract basis for one manufacturer. That manufacturer does not purchase imported trousers nor use the services of foreign contractors to produce trousers. Sales, however, of trousers by the manufacturer declined. A survey of customer (retail outlets) of the manufacturer revealed that most retail outlets who reduced purchases of trousers from the manufacturer in 1979 compared to 1978 did not increase purchases of imported trousers during the period. Customers surveyed who increased import purchases from 1978 to 1979 while decreasing purchase from Irving Greenberg, Incorporated accounted for an insignificant accounted for an insignificant proportion of the total sales decline experienced by Irving Greenberg, during the period.

Conclusion

After careful review, I determine that all workers of Swagger, Incorporated, Telfor, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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Signed at Washington, D.C., this 11th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-8241 Filed 3-17-80; 8:45 am]

BILLING CODE 4810-39-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting Addendum

March 13, 1980.

The agenda for the meeting of the National Advisory Committee on Oceans and Atmosphere (NACOA) scheduled for March 24–25, 1980, published in the **Federal Register** of March 11, 1980 (Page 15734), has been changed. The amended agenda is as follows:

Page Bldg. No. 1, Room B100

March 24, 1980

9:00–9:30 a.m.

Plenary Session
Opening Remarks
Review/Approval of Minutes of February Meeting
Plans for the Meeting
May Meeting Plans

9:30–10:00 a.m.

Remarks by James P. Walsh, Deputy Administrator, NOAA
Reorganization of NOAA Ocean Engineering

10:00–10:30 a.m.

Discussion of possible NACOA study on various jurisdictional problems regarding living marine resources.

10:30–12:00 Noon

Subseabed Disposal of High-Level Radioactive Wastes

12:00–1:00 p.m.

Lunch

1:00–2:00 p.m.

Remarks by Michael Glazer, Asst. Administrator for CZM, NOAA
Marine Sanctuaries
Relationship between CZMAC and NACOA

2:00–4:00 p.m.

Panel Meeting
Organic Act Panel
NACOA report on an Organic Act for NOAA
Results of Coastal States Organization Workshop

4:00–5:00 p.m.

Steering Committee Meeting

March 25, 1980

9:00–12:00 Noon

Panel Meetings
Weather and Climate Panel
Support of Research Facilities
Discussion of OTA study on Ocean Platforms & Technology
National Climate Program
Satellite Data

10:30–12:00 Noon

Oil Spill Panel
Review of NACOA response to DOT comments regarding Barge Liability Recommendations in NACOA's 6th Annual Report

12:00–1:00 p.m.

Lunch

1:00–2:00 p.m.

Plenary Session
Reports of Panel Chairmen

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to impose limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Mr. Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, N.W. (Suite 438, Page Building No. 1), Washington, D.C., 20235. The telephone number is (202) 653–7818.

Samuel H. Walinsky,

Executive Officer.

[FR Doc. 80-8140 Filed 3-17-80; 8:45 am]

BILLING CODE 3510-12-M

NUCLEAR REGULATORY COMMISSION

Privacy Act of 1974; New System of Records

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of new system of records.

SUMMARY: The Nuclear Regulatory Commission has established a new system of records identified as Document Control System, NRC–29. The purpose of the system is to enable the agency to maintain document control for all documents originated or received by the NRC staff and to serve as an information source for these documents. The system incorporates existing system NRC–26. When the new system NRC–29 becomes effective on the existing system NRC–26 will be deleted.

EFFECTIVE DATE: This amendment to the NRC Notices of Systems of Records becomes effective on April 17, 1980.

FOR FURTHER INFORMATION CONTACT: Joseph M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301–492–7211.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission published a notice of a proposed new system of records in the **Federal Register** on August 28, 1979 (44 FR 50418). The notice invited comments on the proposed new system of records identified as Document Control System, NRC–29, by September 27, 1979. No comments were received on the proposed new system of records, which will consist of correspondence and related documents originated or received by the NRC staff.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a, and 553 of Title 5 of the United States Code, the following notice of NRC Systems of Records, Document Control System, NRC–29, is published as a document subject to publication in the annual compilation of Privacy Act Documents.

Dated at Bethesda, Maryland this 5th day of March 1980.

For the Nuclear Regulatory Commission.

William J. Dircks,

Acting Executive Director for Operations.

NRC–29

SYSTEM NAME:

Document Control System—NRC–29.

Pursuant to 5 U.S.C. 552a(k), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (e)(1), (e)(4)(G), (H), (I), and (f). This exemption rule is contained in section 9.95 of the NRC regulation (10 CFR 9.95).

SYSTEM LOCATION:

Primary system—Division of Technical Information and Document Control, Office of Administration, U.S. Nuclear Regulatory Commission, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate system—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2 of the NRC Notice of Systems of Records; the NRC Public Document Room, 1717 H Street, NW., Washington, D.C.; the NRC Local Public Document Rooms (LPDR's); and the TERA Advanced Services Corporation, 7101 Wisconsin Avenue, Suite 1400, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC staff, contractors, and sub-contractors, licensees, congressional offices, and other correspondents with the NRC staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents both received by and originated by the NRC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 44 U.S.C. 3101.

b. Sec. 201, Energy Reorganization Act of 1974, U.S.C. 5841.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To refer, where appropriate, inquiries to Federal agencies or persons for their reply or action;

b. To provide information to persons or agencies requesting this information, including provision of Daily Accession Lists in the NRC Public Document Room and Local Public Document Rooms;

c. To prepare a monthly "Title List of Documents Made Publicly Available," and

d. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on microfiche, disks, tapes, and paper in file folders. Classified documents are maintained in locked safes; proprietary and sensitive safeguards documents are maintained in secured facilities.

RETRIEVABILITY:

Accessed by name (author and recipient), corporate source, subject matter, or other identifying document or control number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Information not exempt from disclosure under the Freedom of Information Act (FOIA) will be publicly available in the PDR's and LPDR's.

RETENTION AND DISPOSAL:

Retained and destroyed in accordance with approved records disposal schedules for the various types of records involved.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Technical Information and Document Control, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure." Information which is classified or otherwise exempt from public disclosure under the FOIA and will not be disclosed.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the correspondence to and from the NRC staff, contractors, and NRC staff employees.

[FR Doc. 80-8074 Filed 3-17-80; 8:45 am]

BILLING CODE 7590-01-M

TREASURY DEPARTMENT

Customs Service

[T.D. 80-83]

Tariff-Rate Quotas for the Calendar Year 1980, on Fish Dutiable Under Item 110.50, Tariff Schedules of the United States (TSUS).

March 7, 1980.

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Announcement of the quota quantity on certain fish for calendar year 1980.

SUMMARY: The tariff-rate quota for fish pursuant to item 110.50, TSUS, for the 1980 calendar year is 45,241,035 pounds.

EFFECTIVE DATES: The 1980 tariff-rate quota is applicable to fish described in item 110.50, TSUS, which are entered, or withdrawn from warehouse, for consumption during calendar year 1980.

FOR FURTHER INFORMATION CONTACT: Helen C. Rohrbaugh, Head, Quota Section, Duty Assessment Division, Office of Commercial Operations, U.S. Customs Service, Washington, D.C. 20229 (202–566–8592).

SUPPLEMENTARY INFORMATION: This tariff-rate quota for fish is equal to 15 percent of the average aggregate apparent annual consumption in the United States of fish, fresh, chilled or frozen, fillets, steaks, and sticks, of cod, cusk, haddock, hake, pollock, and rosefish, for the three preceding years, as provided for in headnote 1, part 3A, schedule 1, and item 110.50, TSUS.

It has been determined that the average aggregate consumption for calendar years 1977 through 1979 was 301,606,899 pounds. Therefore, the quota quantity of fish, item 110.50, TSUS, for calendar year 1980 is 45,241,035 pounds.

William T. Archey,

Acting Commissioner of Customs.

[FR Doc. 80-8183 Filed 3-17-80; 8:45 am]

BILLING CODE 4810-22-M

V 45 / 54 MR 18 80 UMI

Sunshine Act Meetings

Federal Register
Vol. 45, No. 54
Tuesday, March 18, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-274; Mar. 13, 1980]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 1 p.m., March 20, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items adopted by notation.
2. Freedom of Information Act request of A. V. Costantini for access to Board records concerning violations of the Federal Aviation Act (memo No. 9539, OGC, BCP).
3. Dockets 33113 and 36202; statutory notice requirements for tariff filing and Special Tariff Permission to file on less than statutory notice (OGC, BDA).
4. Docket 35197, Finalization of interim rule on terminations, suspensions, and reductions of service (OGC, BDA).
5. Schedule listings and delays in discontinuing service under Part 323 (OGC, BDA).
6. Docket 25546, Mackey certification proceeding; removal of condition concerning inter-corporate transactions (memo No. 7984-C, OGC).
7. Dockets EAS-429, 430, 431, 446; Appeals of Essential Air Service Determinations of Alexandria, Lafayette, Lake Charles and Shreveport, Louisiana (memo No. 9532, OGC, OCCR, BDA).
8. Docket 36941, Reconsideration of Order 79-10-133 that deferred action on applications for new route authority at Boston (memo No. 9200-B, BDA).
9. Docket 37072, Petition to review Order 79-11-52, November 7, 1979, award of unused authority in the Ft. Meyers-West Palm Beach market to TWA (memo No. 9537, BDA).
10. Docket 36116, *Seattle-San Francisco/Los Angeles/San Diego Show-Cause Proceeding;* Docket 37299, *Seattle-Sacramento/Reno/Fresno/Stockton/Las Vegas/Tucson Show-Cause Proceeding.* (BDA).
11. Docket 37712, Cochise's notice to terminate service at Gallup, New Mexico (BDA, OCCR).
12. Docket 37703, Sun International's notice to terminate service at Aguadilla, Puerto Rico (BDA, OCCR).
13. Docket 33789, Petition of Air Florida for reconsideraion of Order 79-11-103 (BDA).
14. Docket 36357 Altair Airlines, Inc.; Docket 37424 Air New England, Inc.; Docket 37380 Big Sky Airlines; Docket 37401 New Haven Airways, Inc.; Docket 37618 Imperial Airlines; Docket 37667 Mid-South Aviation, Inc. and Docket 37287 Sky West Aviation, Inc. Altair requests reconsideration of its exemption from Part 250 granted in Order 79-12-161. The other carriers request similar exemption from Part 250 (BDA).
15. Docket 32901 Application of Texas International Airlines for compensation for losses incurred in support of essential air service at Carlsbad and Hobbs, New Mexico. Docket 36481 Application of Air Midwest for compensation for losses sustained in providing part of the essential air service at Carlsbad, Clovis and Hobbs, New Mexico (memo No. 9406-A, BDA).
16. Docket 34774 Application of Metro Airlines for compensation for losses in providing essential air service at Paris, Texas (memo No. 8060-J, BDA, OCCR, OGC, OC).
17. Docket 37751 Petition of Nor East Commuter Airlines, Inc. for advance compensation for losses in providing essential air service at New Bedford (BDA, OCCR, OGC, OC).
18. Docket 23080-2 and 37294, Priority and Nonpriority Domestic Service Mail Rates Investigation (BDA).
19. Domestic Fare Flexibility and Docket 31290, Domestic Passenger Fare Policy (BDA).
20. Docket 32660, IATA agreements establishing a number of general resolutions governing such matters as currency surcharge factors, conditions of service, meeting of non-party carrier fares and practices and other administrative or fare matters (memo No. 9538, BIA).
21. Docket 37123, Application of Transportes Aereos Nacionales, S.A. for exemption to operate limited Fifth Freedom turnaround cargo service between Miami and Belize (BIA).
22. Docket 36919, Application of Redcoat Air Cargo Limited for foreign charter air carrier permit to carry cargo between the United States and the United Kingdom (BIA, OGC, BALJ).
23. Docket 26373, Aerolineas El Salvador, S.A. application for renewal of foreign air carrier permit authorizing foreign air transportation of property and mail between El Salvador and Miami (BIA, OGC, BALJ).
24. Docket 37300, Application of Societe Anonyme Belge d'Exploitation de la Navigation Aerienne (SABENA) for amendment of its foreign air carrier permit to add the coterminal points Detroit and Chicago (BIA, OGC, BALJ).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-533-80 Filed 3-14-80; 2:40 pm]

BILLING CODE 6320-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., March 14, 1980.

PLACE: 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) An ongoing private formal investigation.
(2) The agency's participation in a civil action.
(3) A request for the institution of a private formal investigation.
(4) The proposed institution of an investigation into the practices of a jurisdictional electric utility allegedly in violation of Section 205 of the Federal Power Act.
(5) Proposed institution of a formal investigation into alleged anti-competitive practices of a jurisdictional utility.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, telephone (202) 357-8400.

[S-529-80 Filed 3-14-80; 9:48 am]

BILLING CODE 6450-85-M

3

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 44, FR p. 16392; March 13, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 17, 1980.

PLACE: 1700 G Street NW., 6th floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The following item has been added to the agenda for the open meeting.

Bank Membership and Insurance of Accounts—Independence Savings and Loan Association, Gonzales, Tex.

Announcement is being made at the earliest practicable time.

No. 325, March 14, 1980.

[S-536-80 Filed 3-14-80; 3:16 pm]

BILLING CODE 6720-01-M

4

[USITC SE-80-16]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, March 25, 1980.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Anhydrous ammonia from the U.S.S.R. (Inv. TA-406-6)—vote on remedy, if necessary.
6. any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-527-80 3-13-80; 4:43 pm]

BILLING CODE 7020-02-M

5

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, March 20, 1980.

PLACE: 1776 G Street NW., Washington, D.C., 7th floor board room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rates.
2. Waiver of mandatory reserve requirement for first quarter of 1980.
3. Adoption of Conforming Amendments to Final Rule, Part 711, Management Official Interlocks.
4. Examination Council's Uniform Policy for Classification of Consumer Installment Credit Based on Delinquency Status.
5. Report on actions taken under delegations of authority.
6. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

CONTACT PERSON FOR MORE INFORMATION: Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

[S-530-80 Filed 3-14-80; 10:30 am]

BILLING CODE 7535-01-M

6

NATIONAL RAILROAD PASSENGER CORPORATION

In accordance with rule 4a. of Appendix A of the Bylaws of the National Railroad Passenger Corporation notice is given that the Board of Directors will meet on March 26, 1980.

A. The meeting will be held on Wednesday, March 26, 1980, in the National Guard Association Building, 3d Floor, 1 Massachusetts Avenue, NW., Washington, D.C., beginning at 9:30 a.m.

B. The meeting will be open to the public at 10:30 a.m. beginning with agenda item No. 3, as described below.

C. The agenda items to be discussed at the meeting follow.

Agenda

National Railroad Passenger Corporation meeting of the Board of Directors, March 26, 1980.

(9:30) Closed Session

1. *Internal Personnel Matters.*
2. *Litigation Matters.*

(10:30) Open Session

3. *Election of Chairman of the Board.*
4. *Approval of Minutes of Meeting of February 27, 1980.*
5. *Commitment Approval Requests.*

80-108 Pollution Control—New Haven, Connecticut.
80-110 Blocking Panel Devices—New York Division.
80-114 Lease Peripheral Computing Equipment.
78-37-S2 Supplemental Funding for Reconditioning and Dieselization of One Wreck Derrick.

6. *Authorization to Sell Property to the City of Philadelphia.*
7. *Approval of Modified Banking Resolution.*
8. *Five Year Plan: Equipment Requirements and Capital Program.*
9. *Presentation: Marketing in the 1980's.*
10. *Board Committee Reports.*

Audit.
Finance.
Northeast Corridor Improvement Project.
Organization and Compensation.

11. *President's Report.*
12. *New Business.*
13. *Adjournment.*

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's Bylaws should be directed to the Corporate Secretary at (202) 383-3973.

Dated: March 14, 1980.

Elyse G. Wander,

Corporate Secretary.

[S-531-80 Filed 3-14-80; 10:42 am]

7

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Wednesday, March 19, 1980.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

10 a.m.

1. Discussion of OIA Audit Program (approximately 1 hour, public meeting).

2 p.m.

1. Discussion of NRC Enforcement Program (approximately 1 hour, public meeting).
2. Time Reserved for Discussion of Management-Organization and Internal Personnel Matters (approximately 2 hours, closed—Ex 2 and 6).

ADDITIONAL INFORMATION: By a vote of 3-0 (Commissioners Kennedy and Hendrie not present) on March 12, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business required that the Briefing on Environmental Assessment for Decontamination of TMI-2 Building Atmosphere, held that day, be held on less than 1 week's notice to the public.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Dated: March 12, 1980.

Roger M. Tweed,

Office of the Secretary.

[S-534-80 Filed 3-14-80; 3:18 pm]

BILLING CODE 7590-01-M

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of March 17, 1980 (revised).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

Wednesday, March 19 (as announced):

10 a.m.

1. Discussion of OIA Audit Program (approximately 1 hour public meeting).

2 p.m.

1. Discussion of NRC Enforcement Program (approximately 1 hour public meeting).
2. Time Reserved for Discussion of Management-Organization and Internal Personnel Matters (approximately 2 hours closed—Ex. 2 and 6).

Thursday, March 20

10 a.m.

1. Discussion of Proposed Interim Hydrogen Control Requirements for Small Containments (approximately 1½ hours public meeting). (Rescheduled from 3/17. Note: GE has been granted time in this commission meeting).

1:30 p.m.

1. Briefing on Work Plans of the Office of Analysis and Evaluation of Operating Data (approximatley 1 hour public meeting). (Rescheduled from 3/17.)

2. Briefing on Two Approaches to the Treatment of Inventory Differences in Nuclear Material Accounting (approximately 1 hour public meeting).

3. Affirmation Session (approximately 10 minutes public meeting).

a. NRC Rulemaking re EPA Radiation Protection Standards.

b. Appointment of J. Gleason to ASLB Panel.

c. Appointment of L. Carter to ASLB Panel.

d. Class 9 Issue in ALAB 573.

Tentative:

e. Reporting of Misadministration of Byproduct Material.

f. Fire Protection Actions.

Friday, March 21

11 a.m.

1. Time reserved (1½ hours).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

March 13, 1980.

[S-535-80 Filed 3-14-80; 3:18 pm]

BILLING CODE 7590-01-M

9

OVERSEAS PRIVATE INVESTMENT CORPORATION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S–493–80; filed March 11, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m.; Tuesday, March 18, 1980.

CHANGES IN THE MEETING: In connection with anticipated additional discussion of proposed OPIC Legislation, the OPIC Board of Directors decided on March 13, 1980 to transfer the agenda item from the Open Session to the Closed Session since the premature disclosure of the subject to be discussed might significantly frustrate implementation of proposed OPIC Action.

Due to the additional time requirement, the Closed Session of the meeting will end at 11:00 a.m. at which time the Open Session will be convened.

CONTACT PERSON FOR MORE INFORMATION: Elizabeth A. Burton, Corporate Secretary (202) 632–1839.

Elizabeth A. Burton,

Corporate Secretary.

March 13, 1980.

[S-528-80 Filed 3-14-80; 4:58 pm]

BILLING CODE 3210-01-M

10

RAILROAD RETIREMENT BOARD.

TIME AND DATE: 9 a.m., March 20, 1980.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Illinois 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to public:

(1) Interview by industrial psychologist.
(2) Budgetary cuts.

Portion closed to the public:

(A) Appeal from referee's denial of disability annuity application, William C. Scott.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board, Com No. 312–751–4920, FTS No. 387–4920.

[S-532-80 Filed 3-14-80; 2:48 pm]

BILLING CODE 7905-01-M

V 45 / 54 MR 18 80 UMI

federal register

Tuesday
March 18, 1980

Part II

Department of the Interior

Heritage Conservation and Recreation Service

National Register of Historic Places; Annual Listing of Historic Properties

V 45 / 54 MR 18 80 UMI

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

National Register of Historic Places; Annual Listing of Historic Properties

Pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470 et seq.), the Heritage Conservation and Recreation Service, Department of the Interior, has undertaken steps to implement the purposes of that act through: (1) expansion of the National Register of Historic Places, (2) initiating a program of grants-in-aid for historic preservation, and (3) adoption of procedures and criteria for furthering the Nation's historic preservation program.

It is the purpose of this notice, through publication of the information included herein, to apprise the public, as well as governmental agencies, associations, and all other organizations and individuals interested in historic preservation of the properties added to the National Register during 1979, and of the properties determined eligible for inclusion in the National Register through December 1979.

Ronald M. Greenberg,

Acting Chief, National Register of Historic Places.

The following properties were placed on the National Register of Historic Places between January and December 1979. Properties recorded by the Historic American Buildings Survey are designated by HABS and properties recorded by the Historic American Engineering Record are designated by HAER.

This listing differs from previous annual listings published by the Heritage Conservation and Recreation Service in that properties are listed that were entered on the National Register only for calendar year 1979. For a cumulative listing comprising all properties on the National Register, we recommend that users retain the **Federal Register** listing from February 6, 1979 (Vol. 44 No. 26, Part II). Together these listings provide accumulative information for all National Register properties and for properties determined eligible for inclusion on the National Register through 1979. The 1979 **Federal Register** Part II is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (GPO Stock No. 022–003–00971–0) price 75¢.

ALABAMA

clarke county

Grove Hill. *ALSTON-COBB HOUSE*, 120 Cobb St., (4-30-79); 79/07/13 079 0001500

dallas county

Selma vicinity. *RIVERDALE*, NE of Selma on River Rd, (9-10-79); 79-11-17 079 0004750

jefferson county

Birmingham. *ALABAMA THEATRE*, 1811 3rd Ave., N, (11-13-79); 80/01/0079 0006100

Birmingham. *CALDWELL-MILNER BUILDING 1st Ave., N*, (11-8-79); 80/01/0079 0006101

Birmingham. *MCADORY BUILDING*, 2013 1st Ave., N, (11-14-79); 80/01/0079 0006102

lauderale county

Florence vicinity. *SEVEN MILL ISLAND ARCHEOLOGICAL DISTRICT*, SW of Florence, (4-16-79) (also in Colbert County); 79/07/14 079 0001502

lauderdale county

Florence. *WILSON PARK HOUSES*, 209, 217 and 223 E. Tuscaloosa St., (1-25-79); 80/01/0079 0006600

marengo county

Demopolis. *DEMOPOLIS HISTORIC BUSINESS DISTRICT*, Roughly bounded by Capital and Franklin Sts. Desnanette and Cedar Aves, (10-25-79); 80/01/0079 0006103

mobile county

Mobile. *LOWER DAUPHIN STREET HISTORIC DISTRICT*, 171–614 Dauphin St., (2/9/79); 79/07/19 079 0000002

Mobile. *STEINER-LOBMAN AND TEAGUE HARDWARE BUILDINGS*, 184 and 172 Commerce St., (2-9-79); 80/01/0079 0006601

montgomery county

Montgomery. *DAVIS, JEFFERSON, HOTEL*, Catoma and Montgomery Sts., (3/13/79); 79/07/12 079 0000500

Montgomery. *GAY HOUSE*, 230 Noble Ave., (3/21/79); 79/07/12 079 0000501

Montgomery. *LOWER COMMERCE STREET HISTORIC DISTRICT*, roughly bounded by RR tracks, Commerce, N.Court and Bibb Sts., (3/29/79); 79/07/12 079 0001000

Montgomery. *STAY HOUSE*, 631 S. Hull St, (9-10-79); 79-11-17 079 0004752

Montgomery. *STEINER-LOBMAN AND TEAGUE HARDWARE BUILDINGS*, 184 and 172 Commerce St., (1-31-79); 80/01/0079 0006602

Montgomery. *TULANE BUILDING*, 800 High St., (3-21-79); 79/07/12 079 0000502

Montgomery. *TYSON-MANER HOUSE*, 469 S. McDonough St., (5-10-79); 79/07/14 079 0001503

Montgomery vicinity. *HARRINGTON ARCHEOLOGICAL DISTRICT*, S of Montgomery, (1-25-79); 80/01/0079 0006604

Montgomery vicinity. *HARRINGTON ARCHEOLOGICAL SITE*, S of Montgomery, (1/25/79); 79/07/19 079 0000004

perry county

Marion. *GREEN STREET HISTORIC DISTRICT*, 203–751 W. Green St., (5-30-79); 79/10/22 079 0002000

Marion. *PRESIDENT'S HOUSE, MARION INSTITUTE*, 110 Brown St., (5-14-79); 79/07/14 079 0001504

russell county

Pittsview vicinity. *GLENNVILLE HISTORIC DISTRICT*, S of Pittsview, (8-7-79); 79/11/14 079 0004000

tuscaloosa county

Tuscaloosa. *OLD TUSCA*, 2803 6th St, (11-28-79); 80/01/0079 0006301

wilcox county

Camden. *WILCOX COUNTY COURTHOUSE HISTORIC DISTRICT*, irregular pattern along Broad St., (1-23-79); 80/01/0079 0006605

ALASKA

aleutian islands division

Aleutian Islands. *TEMNAC P-38G LIGHTNING (AIRCRAFT)*, (08-26-79); 79/11/14 079 0004001

Atka vicinity. *ATKA B-24D LIBERATOR (AIRCRAFT)*, (07-26-79); 79/11/14 079 0004002

Port Moller vicinity. *PORT MOLLER HOT SPRINGS VILLAGE SITE*, (4-20-79); 79/07/14 079 0001505

anchorage division

Anchorage. *CAMPUS CENTER*, Wesley Dr., (8-22-79); 79/10/22 079 0002001

bristol bay division

Nondalton vicinity. *KIJIK HISTORIC DISTRICT*, E of Nondalton at Lake Clark and Kijik River, (1-29-79); 80/01/0079 0006606

cordova-mccarthy division

McCarthy. *MCCARTHY POWER PLANT*, At McCarthy Creek, (4-26-79); 79/07/14 079 0001506

fairbanks division

Delta Junction vicinity. *SULLIVAN ROADHOUSE*, W of Delta Junction, (8-10-79); 79-11-17 079 0004753

Fairbanks. *WICKERSHAM HOUSE*, Alaskaland, (4-27-79); 79/07/14 079 0001507

Nabesna. *NABESNA GOLD MINE HISTORIC DISTRICT*, Base of White Mountain, (5-25-79); 79/10/22 079 0002002

North Pole vicinity. *CHUGWATER SITE*, (11-23-79); 80/01/0079 0006300

ketchikan division

Saxman. *SAXMAN TOTEM PARK (AHRS KET-060)*, S. Tongass Hwy., (08-07-79); 79/11/14 079 0004003

kobuk division

Point Hope. *IPIUTAK ARCHEOLOGICAL DISTRICT*, (5-25-79); 79/10/22 079 0002003

sitka division

Sitka. *CABLE HOUSE AND STATION*, Lincoln St., (6-4-79); 79/10/22 079 0002004

valdez-chitina-whittier division

Chitina. *CHITINA TIN SHOP*, Main St., (6-11-79); 79/10/22 079 0002005

Chitina vicinity. *DAKAH DE'NIN'S VILLAGE SITE*, (4/9/79); 79/07/12079 0001000

ARIZONA

cochise county

Bisbee. *MUHEIM HOUSE*, 207 Youngblood Ave., (1/23/79); 79/07/19 079 0000007

Dragoon vicinity. *DRAGOON SPRINGS STAGE STATION SITE*, E of Dragoon, (5-7-79); 79/07/14 079 0001508

coconino county

Flagstaff. *RIORDAN ESTATE*, 2 Kinlichi Knoll, (2/28/79); 79/07/12 079 0000503

Flagstaff vicinity. *WALNUT CANYON DAM*, SE of Flagstaff, (1-29-79); 80/01/0079 0006608

maricopa county

Phoenix. *ADAMS SCHOOL*, 800 W. Adams St, (11-29-79); 80/01/0079 0006302

Tempe. *ANDRE BUILDING*, 401–403 S. Mill Ave., (08-10-79); 79/11/14 079 0004004

navajo county

Shumway. *SHUMWAY SCHOOL*, off AZ 77, (1-29-79); 80/01/0079 0006609

Shumway. *SHUMWAY SCHOOL*, Off AZ 77, (1/29/79); 79/07/19 079 0000009

pima county

Tucson. *MANNING, LEVI H., HOUSE*, 9 Paseo Redondo, (7-27-79); 79/11/14 079 0004005

Tucson. *OLD LIBRARY BUILDING*, University of Arizona campus, (11-28-79); 80/01/0079 0006303

Tucson. *RONSTADT HOUSE*, 607 N. 6th Ave., (2/28/79); 79/07/12 079 0000504

pinal county

Casa Grande. *CASA GRANDE WOMAN'S CLUB BUILDING*, 407 N. Sacaton St., (3/13/79); 79/07/12 079 0000505

Oracle vicinity. *AMERICAN FLAG POST OFFICE RANCH*, 5 mi. SE of Oracle, (6-20-79); 79/10/23 079 0002006

Saçaton vicinity. *HA-AK SITE*, (9-6-79); 79-11-17 079 0004754

washington county

Fayetteville. *VEST, JOHN S., HOUSE*, 21 N. West St, (11-27-79); 80/01/0079 0006304

yavapai county

Prescott. *HASSAYAMPA HOTEL*, 122 E. Gurley St, (11-29-79); 80/01/0079 0006305

yuma county

Yuma. *BLAISDELL SLOW SAND FILTER WASHING MACHINE*, N. Jones St., (1/25/79); 79/07/19 079 0000010

Yuma. *OCEAN TO OCEAN HIGHWAY BRIDGE*, Penitentiary Ave, (9-11-79); 79-11-17 079 0004755

ARKANSAS

benton county

Siloam Springs. *LAKESIDE HOTEL*, 119 W. University St, (11-15-79); 80/01/0079 0006306

bradley county

Warren vicinity. *ADAMS-LESLIE HOUSE*, S of Warren, (8-9-79); 79/11/14 079 0004006

calhoun county

Calion vicinity. *KELLER SITE (KELLER PLACE)*, (10-29-79); 80/01/0079 0006104

columbia county

Magnolia vicinity. *OLD ALEXANDER HOUSE*, NE of Magnolia, (1-9-79); 80/01/0079 0006611

conway county

Morrilton. *MORRILTON MALE AND FEMALE COLLEGE*, E. Church St., (8-3-79); 79/11/14 079 0004007

drew county

Monticello. *MONTICELLO NORTH MAIN STREET HISTORIC DISTRICT*, Irregular pattern along Westwood Ave. and N. Main St., (2/2/79) 07/19/79; 079 0000012

ARKANSAS—Continued

faulkner county

Conway. *HARTON HOUSE*, 1821 Robinson Ave., (5-25-79); 79/10/23 079 0002007

garland county

Bear vicinity. *GREEN, HARLEY E., HOUSE*, N of Bear, (7-19-79); 79/11/01079 0003004

Hot Springs. *CITIZENS BUILDING*, 723 Central Ave., (8-9-79); 11/14/79 IA ARKANSAS 079 0004008

Hot Springs. *GARLAND COUNTY COURTHOUSE*, Ouachita and Hawthorne Aves, (12-8-79); 80/01/0079 0006307

jefferson county

Pine Bluff. *BOONE-MURPHY HOUSE*, 714 W. 4th Ave., (2-14-79); 80/01/0079 0006613

Pine Bluff. *HOTEL PINES*, Main St. and W. 5th Ave., (8-10-79); 79/11/14 079 0004010

Pine Bluff. *TRULOCK-COOK HOUSE*, 703 W. 2nd Ave., (2/23/79); 79/07/12 079 0000506

lee county

Marianna. *ELKS CLUB*, 67 W. Main St., (7-27-79); 79/11/14 079 0004011

monroe county

Holly Grove. *HOLLY GROVE HISTORIC DISTRICT*, Main and Pine Sts., (2-2-79); 80/01/0079 0006614

newton county

Parthenon. *NEWTON COUNTY ACADEMY*, Gum Springs Rd., (1-9-79); 80/01/0079 0006615

pulaski county

Little Rock. *BECHLE HOUSE*, 1004 E. 9th St., (2-8-79); 80/01/0079 0006616

Little Rock. *BRAGG, RICHARD, HOUSE*, 305 E. 16th St., (7-22-79); 79/11/01079 0003005

little Rock. *LITTLE ROCK Y.M.C.A.*, 524 Broadway St., (7-22-79); 79/11/01079 0003006

Little Rock. *MARSHALL SQUARE HISTORIC DISTRICT*, Bounded by 17th, McAlmont, 16th, and Vance Sts., (8-10-79); 79/11/14 079 0004012

Little Rock. *WATERS, CHARLES CLARY, HOUSE*, 2004 W. 22nd St., (8-10-79); 79/11/14 079 0004013

sebastian county

Fort Smith. *BRACHT, KARL EDWARD, HOUSE*, 315 N. 13th St., (5-2-79); 79/07/14 079 0001509

Fort Smith. *BRECKINRIDGE, C.R., HOUSE*, 504 N. 16th St., (8-07-79); 79/11/14 079 0004014

Fort Smith. *MURPHY, WILLIAM J., HOUSE*, 923 N. 13th St., (8-07-79); 79/11/14 079 0004015

Fort Smith. *ROGERS, HORACE FRANKLIN, HOUSE*, 2900 Rogers Ave., (5-2-79); 79/07/14 079 0001510

Fort Smith. *WEST GARRISON AVENUE HISTORIC DISTRICT*, 100–525 Garrison Ave., (4-26-79); 79/07/14 079 0001511

CALIFORNIA

alameda county

Livermore vicinity. *RAVENSWOOD*, S of Livermore on Arroyo Rd., (6-26-79); 79/11/01079 0003007

Oakland. *FEDERAL REALTY BUILDING (PIERCE BUILDING)*, 1615 Broadway, (1-29-79); 80/01/0079 0006617

Oakland. *FOX-OAKLAND THEATER*, 1807-1829 Telegraph Ave., (2-9-79); 80/01/0079 0006618

Oakland. *FOX-OAKLAND THEATER*, 1807–1829 Telegraph Ave., (2/9/79); 79/07/11 079 0000018

Oakland. *M.V. SANTA ROSA (FERRYBOAT)*, Howard Terminal, (5-28-79); 79/10/23 079 0002008

Oakland. *OAKLAND HOTEL*, 280 13th St, (9-4-79); 79-11-17 079 0004756

calaveras county

Altaville. *ALTAVILLE GRAMMER SCHOOL*, 125 N. Main St, (8-24-79); 79-11-17 079 0004757

contra costa county

Richmond vicinity. *POINT RICHMOND HISTORIC DISTRICT*, Off CA 17, (11-8-79); 80/01/0079 0006105

fresno county

Fresno. *FRESNO REPUBLICAN PRINTERY BUILDING*, 2130 Kern St., (1-31-79); 80/01/0079 0006619

humboldt county

Ferndale vicinity. *GRIZZLY BLUFF SCHOOL*, E of Ferndale on Grizzly Bluff Rd, (11-27-79); 80/01/0079 0006309

Samoa vicinity. *HUMBOLDT BAY LIFE-SAVING STATION*, S of Samoa on Samoa Rd, (10-30-79); 80/01/0079 0006100

kern county

Bakersfield. *FIRST BAPTIST CHURCH*, 1200 Truxtun Ave., (1-23-79); 80/01/0079 0006620

lake county

Anderson Springs vicinity. *ARCHEOLOGICAL SITE NO. CA-LAK-711*, (5-25-79); 79/10/23 079 0002009

los angeles county

Chatsworth. *PALMER, MINNIE HILL, HOUSE (HOMESTEAD ACRE)*, Chatsworth Park South, (9-4-79); 79-11-17 079 0004758

Hollywood. *GUARANTY BUILDING*, 6331 Hollywood Blvd, (9-4-79); 79-11-17 079 0004759

Los Angeles. *BERNARD, SUSANA MACHADO, HOUSE AND BARN*, 845 S. Lake St, (9-4-79); 79-11-17 079 0004760

Los Angeles. *BRITT, EUGENE W., HOUSE*, 2141 W. Adams Blvd., (5-17-79); 79/07/14 079 0001512

Los Angeles. *BROADWAY THEATER AND COMMERCIAL DISTRICT*, 300–849 S. BROADWAY, (5-9-79); 79/07/14 079 0001513

Los Angeles. *ENGINE COMPANY NO. 28*, 644–646 S. Figuara St, (11-16-79); 80/01/0079 0006310,

Los Angeles. *MILLER AND HERRIOTT HOUSE*, 1163 W. 27th St, (11-16-79); 1-9-80 IA CALIFORNIA 079 0006311

Los Angeles. *PELLISSIER BUILDING*, 3760 Wilshire BLvd., (2-23-79); 80/01/0079 0006621

~~Los Angeles. *PELLISSIER BUILDING*, 3760 Wilshire Blvd., (2/23/79); 79/07/12 079 0000507~~

Los Angeles. *SPRING STREET FINANCIAL DISTRICT*, 354–704 S. Spring St., (8-10-79); 79/11/14 079 0004016

Los Angeles. *WILTON HISTORIC DISTRICT*, S. Wilton Pl., S. Wilton Dr., and Ridgewood Pl., (7-24-79); 11/14/79 IA CALIFORNIA 079 0004017

Pasadena. *HOLLY STREET LIVERY STABLE*, 110 E. Holly St, (10-25-79); 80/01/0079 0006107

Pasadena. *HOUSE AT 530 S. MARENGO AVE*, (9-13-79); 79-11-17 079 0004761

marin county

San Rafael. *CHINA CAMP*, 247 N. San Pedro Dr., (4/2/79); 79/07/12 079 0001001

mariposa county

El Portal. *BAGBY STATIONHOUSE, WATER TANKS AND TURNTABLE*, CA 140, (4/13/79) habs; 79/07/12 079 0001002

Yosemite National Park. *CAMP CURRY HISTORIC DISTRICT*, Yosemite Valley, (11-1-79); 80/01/0079 0006108

Yosemite National Park. *JORGENSON, CHRIS, STUDIO*, Pioneer Yosemite History Center, (4/13/79; 79/07/12 079 0001003

Yosemite Village vicinity. *McGURK CABIN*, S of Yosemite Village, (6-4-79); 79/10/23 079 0002010

mendocino county

Manchester. *MANCHESTER SCHOOLHOUSE*, 19750 CA1, (6-26-79); 79/11/01079 0003008

merced county

Los Banos. *BANK OF LOS BANOS BUILDING*, 836, 840, 842 and 848 6th St, (8-24-79); 79-11-17 079 0004762

Merced. *LEGGETT HOUSE*, 352 W. 22nd St, (10-25-79); 80/01/0079 0006109

monterey county

Soledad vicinity. *LOS COCHES RANCHO*, 1 mi. (1.6 km) S of Soledad on US 101, (1-31-79); 80/01/0079 0006622

~~Soledad vicinity. *LOS COCHES RANCHO*, 1 mi. (1.6 km) S of Soledad on U.S. 101, (1-31-79) habs.; 79/07/12 079 0000508~~

napa county

Calistoga. *FRANCIS, JAMES H., HOUSE*, 1403 Myrtle St., (1-29-79); 80/01/0079 0006623

Calistoga. *PALMER, JUDGE AUGUSTUS C., HOUSE (THE ELMS)*, 1300 Cedar St., (1/29/79); 79/07/12 079 0000024

Napa. *LISBON WINERY*, 1720 Brown St., (3-1-79); 079 0000508

Napa vicinity. *SUSCOL HOUSE*, S of Napa on Old Suscol Ferry Rd., (2-28-79); 79/07/12 079 0000509

Oakville vicinity. *FAR NIENTE WINERY*, S of Oakville at 1577 Oakville Grade, (2/28/79); 79/07/12 079 0000510

St. Helena. *ST. HELENA PUBLIC LIBRARY*, 1360 Oak Ave., (1-19-79); 80/01/0079 0006625

St. Helena vicinity. *NICHELINI WINERY*, E of St. Helena at 2950 Sage Canyon Rd, (8-24-79); 79-11-17 079 0004763

~~Yountville. *VETERANS HOME OF CALIFORNIA*, CA 29, (3-13-79); 80/01/0079 0006626~~

Yountville. *VETERANS HOME OF CALIFORNIA CHAPEL*, CA 29, (2/13/79); 79/07/12 079 0000026

orange county

Laguna Beach vicinity. *CRYSTAL COVE HISTORIC DISTRICT*, NW of Laguna Beach, (6-15-79); 79/10/23 079 0002011

San Juan Capistrano. *HARRISON HOUSE*, 27832 Ortega Hwy, (8-21-79); 79-11-17 079 0004764

Santa Ana. *SPURGEON BLOCK*, 208 W. 4th St, (8-31-79); 79-11-17 079 0004765

Yorba Linda. *PACIFIC ELECTRIC RAILWAY COMPANY DEPOT*, 18132 Imperial Hwy., (10-25-79); 80/01/0079 0006110

placer county

Tahoe City. *WATSON LOG CABIN*, 580 N. Lake Blvd, (8-24-79); 79-11-17 079 0004766

riverside county

Rubidoux. *JENSEN, CORNELIUS, RANCH*, 4350 Riverview Dr, (9-6-79); 79-11-17 079 0004767

sacramento county

Fair Oaks. *SLOCUM HOUSE*, 7992 California Ave., (1/25/79); 79/07/12 079 0000027

san bernardino county

Chino. *MOYSE BUILDING*, 13150 7th St., (2-2-79); 80/01/0079 0006628

san diego county

San Diego. *GRANT, U.S. HOTEL*, 326 Broadway St, (8-27-79); 79-11-17 079 0004768

San Diego. *MEDICO-DENTAL BUILDING*, 233 A St, (9-4-79); 79-11-17 079 0004769

San Diego. *SAN DIEGO ROWING CLUB*, 525 E. Harbor Dr, (8-30-79); 79-11-17 079 0004770

San Diego. *WATTS BUILDING*, 520 E St., (4/9/79); 79/07/12 079 0001004

san francisco county

San Francisco. *ATHERTON HOUSE*, 1990 California St., (1-9-79); 80/01/0079 0006629

San Francisco. *AUDIFFRED BUILDING*, 1–21 Mission St., (5-10-79); 79/07/14 079 0001514

San Francisco. *FORT MASON*, Bounded by Van Ness Ave., Bay and Laguna Sts. and San Francisco Bay, (4-23-79) habs.; 79/07/14 079 0001515

San Francisco. *GIRLS CLUB*, 362 Capp St, (11-6-79); 80/01/0079 0006111

San Francisco. *HOUSE AT 1254–1256 MONTGOMERY ST.*, (1/19/79); 79/07/12 079 0000030

San Francisco. *LEWIS ARK (HOUSEBOAT)*, Hyde St. Pier, (11-8-79); 80/01/0079 0006112

San Francisco. *MISH HOUSE*, 1153 Oak St., (5-21-79); 79/10/23 079 0002013

San Francisco. *OLD OHIO STREET HOUSES*, 17–55 Osgood Pl., (5-31-79); 79/10/23 079 0002014

San Francisco. *SIX-INCH RIFLED GUN NO. 9*, Baker Beach, (2-7-79); 80/01/0079 0006631

San Francisco. *TUBBS CORDAGE COMPANY OFFICE BUILDING*, Hyde St. Pier, (11-6-79); 80/01/0079 0006113

san joaquin county

Stockton. *FOX CALIFORNIA THEATER*, 242 E. Main St., (6-27-79); 79/11/01079 0003009

Stockton. *SPERRY UNION FLOUR MILL*, 445 W. Weber, (1-29-79); 80/01/0079 0006632

san mateo county

Princeton. *PRINCETON HOTEL*, Capistrano Rd. and Prospect Way, (1-23-79); 80/01/0079 0006633

santa barbara county

Santa Barbara vicinity. *SAN MARCOS RANCHO*, W of Santa Barbara, (4-26-79); 79/07/14 079 0001516

santa clara county

Campbell. *CAMPBELL UNION GRAMMAR SCHOOL*, 11 E. Campbell Ave., (7-20-79); 79/11/01079 0003010

Cupertino vicinity. *PICCHETTI BROTHERS WINERY*, SW of Cupertino at 13100 Montebello Rd., (5-10-79) habs.; 79/07/14 079 0001517

San Jose. *ST. JAMES SQUARE HISTORIC DISTRICT*, Roughly bounded by N. 1st, N. 4th, E. St. James, and E. St. John Sts, (11-27-79); 80/01/0079 0006313

santa cruz county

Santa Cruz. *BRANCIFORTE ADOBE*, 1351 N. Branciforte Ave., (1-25-79); 80/01/0079 0006634

Santa Cruz. *HOTEL METROPOLE*, 1111 Pacific Ave., (5-23-79); 79/10/23 079 0002015

solano county

Benicia. *CARR HOUSE*, 165 E. D St. (9-13-79) habs.; 79-11-17 079 0004772

Benicia. *FISCHER, JOSEPH, HOUSE*, 135 G St., (5-24-79); 79/10/23 079 0002016

sonoma county

Freestone. *HINDS HOTEL*, 306 Bohemian Hwy., (1-29-79); 80/01/0079 0006635

Geyserville. *GEYSERVILLE UNION SCHOOL*, Main St, (10-24-79); 80/01/0079 0006114

Santa Rosa. *OLD POST OFFICE*, 425 7th St, (11-16-79); 80/01/0079 0006314

Santa Rosa. *PARK APARTMENTS*, 300 Santa Rosa Ave., (4/9/79); 79/07/12 079 0001005

Santa Rosa. *RAILROAD SQUARE DISTRICT*, Roughly bounded by 3rd, Davis, Wilson, and 6th Sts. and Santa Rosa Creek, (4-20-79); 79/07/14 079 0001518

Santa Rosa. *WASSERMAN HOUSE*, 930 Mendocino Ave., (1-19-79); 80/01/0079 0006636

~~Santa Rosa. *WASSERMAN HOUSE*, 930 Mendocino Ave., (1/19/79); 79/07/12 079 0000036~~

Windsor vicinity. *LAUGHLIN, JAMES H. AND FRANCES E., HOUSE*, SE of Windsor on Lone Redwood Rd., (4/9/79); 79/07/12 079 0001006

stanislaus county

La Grange. *LA GRANGE MULTIPLE RESOURCE AREA (PARTIAL INVENTORY)*, This area includes various properties at various locations. Details available upon request, (8-24-79); 79-11-17 079 0004771

tehama county

Red Bluff. *CONE AND KIMBALL BUILDING*, 747 Main St., (6-28-79); 79/11/01079 0003011

tulare county

Visalia. *HYDE HOUSE*, 500 S. Court St., (4/9/79); 79/07/12 079 0001007

tuolumne county

Lee Vining vicinity. *SODA SPRINGS CABIN (JOHN LEMBERT HOMESTEAD)*, SW of Lee Vining, (4-19-79); 79/07/14 079 0001519

Yosemite National Park. *PARSONS MEMORIAL LODGE*, Tuolumne Meadows, (4-30-79); 79/07/14 079 0001520

yolo county

Davis. *TUFTS, JOSHUA B., HOUSE*, 434 J St, (9-6-79); 79-11-17 079 0004773

COLORADO

adams county

Westminster. *WESTMINSTER UNIVERSITY*, 3455 W. 83rd Ave., (8-10-79); 79/11/14 079 0004019

boulder county

Boulder. *CARNEGIE LIBRARY*, 1125 Pine St., (2-16-79); 80/01/0079 0006637

Boulder. *WOODWARD-BAIRD HOUSE*, 1733 Canyon Blvd., (2-7-79); 80/01/0079 0006638

chaffee county

Buena Vista. *CHAFFEE COUNTY COURTHOUSE AND JAIL BUILDINGS*, 501 E. Main St, (9-10-79); 79-11-17 079 0004774

denver county

Denver. *DENVER CITY CABLE RAILWAY BUILDING*, 1801 Lawrence St. (7-2-79)

Denver. *CAMPBELL, RICHARD CRAWFORD, HOUSE*, 909 York St., (7-3-79); 79/11/01079 0003012

Denver. *COUNTRY CLUB HISTORIC DISTRICT Roughly bounded by 1st and 4th Aves. Race and Downing Sts.*, Roughly bounded by 1st and 4th Aves., Race and Downing Sts., (7-10-79); 79/11/01079 0003013

Denver. *DENVER ATHLETIC CLUB*, 1325 Glenarm Pl, (11-14-79); 80/01/0079 0006115

Denver. *DUNWOODY, WILLIAM J., HOUSE*, 2637 W. 26th Ave., (4/11/79); 79/07/12 079 0001008

Denver. *ENTERPRISE HILL HISTORIC DISTRICT*, Bounded by 21st and 22nd Aves., Tremont and Glenarm Pls., (8-09-79) DKY 11/14/79; 079 0004020

Denver. *FIELD, THOMAS M., HOUSE (COLORADO STATE HOME FOR DEPENDENT CHILDREN)*, 2305 S. Washington St., (8-10-79); 79/11/14 079 0004021

Denver. *FIRE STATION NO. 1*, 1326 Tremont Pl, (11-14-79); 80/01/0079 0006116

Denver. *GUERRIERI-DECUNTO HOUSE*, 1650 Pennsylvania St, (9-10-79); 79-11-17 079 0004775

Denver. *NEEF, FREDERICK W., HOUSE*, 2143 Grove St, (10-25-79); 80/01/0079 0006117

Denver. *OLD HIGHLAND BUSINESS DISTRICT*, 15th and Boulder Sts., (7-17-79); 79/11/01079 0003015

Denver. *OXFORD HOTEL*, 1612 17th St., (4-30-79); 79/07/14 079 0001521

Denver. *SCHLESSINGER HOUSE*, 1544 Race St, (11-14-79); 80/01/0079 0006119

Denver. *SHORTHORN BUILDING*, 2257 Larimer St, (11-14-79); 80/01/0079 0006120

Denver. *ST. PATRICK MISSION CHURCH*, 3325 Pecos St, (11-14-79); 80/01/0079 0006118

Denver. *ZANG, ADOLPH J., HOUSE*, 1532 Emerson St, (11-14-79); 80/01/0079 0006121

el paso county

Colorado Springs. *ATCHISON, TOPEKA AND SANTA FE PASSENGER DEPOT*, 555 E. Pikes Peak Ave, (9-10-79); 79-11-18 079 0004776

Colorado Springs. *BEMIS, JUDSON MOSS, HOUSE*, 506 N. Cascade Ave, (9-14-79); 79-11-18 079 0004777

Colorado Springs. *CHAMBERS RANCH*, 3202 Chambers Way, (11-29-79); 80/01/0079 0006315

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COLORADO—Continued

Colorado Springs. *MIDLAND TERMINAL RAILROAD ROUNDHOUSE*, 600 S. 21st St., (7-10-79); 79/11/01079 0003016
Colorado Springs. *RIO GRANDE ENGINE NO. 168*, 9 S. Sierra Madre, (8-10-79); 79/11/14 079 0004022
Colorado Springs. *Y.W.C.A.*, 130 E. Kiowa St, (9-10-79); 79-11-18 079 0004778
Fountain. *OLD LIVERY STABLE*, 217 W. Missouri, (3/2/79); 79/07/12 079 0000511
Manitou Springs. *MANITOU BATHHOUSE*, 934 Manitou Ave., (8-01-79); 79/11/14 079 0004023

fremont county

Canon City. *MCCLURE HOUSE, THE (STRATHMORE HOTEL)*, 323-331 Main St, (9-14-79); 79-11-18 079 0004779

gunnison county

Marble. *MARBLE MILL SITE*, Park and W. 3rd Sts., (2-7-79); 80/01/0079 0006638

jefferson county

Evergreen. *EVERGREEN CONFERENCE DISTRICT*, CO 74, (5-1-79); 79/07/14 079 0001522

larimer county

Fort Collins. *ANDERSON, PETER, HOUSE*, 300 S. Howes St, (10-25-79); 80/01/0079 0006122

logan county

Sterling. *LOGAN COUNTY COURTHOUSE*, Main St., (2/22/79); 79/07/12 079 0000512

montrose county

Montrose vicinity. *GUNNISON TUNNEL*, E of Montrose, (7-22-79); 79/11/01079 0003017

otero county

La Junta. *Hart, Wilson A., House*, 802 Raton Ave., (5-31-79); 79/10/23 079 0002017

park county

Fairplay. *PARK COUNTY COURTHOUSE AND JAIL*, 418 Main St., (5-25-79); 79/10/23 079 0002018

pueblo county

Pueblo. *CENTRAL HIGH SCHOOL*, 431 E. Pitkin Ave, (11-14-79); 80/01/0079 0006123
Pueblo. *FIRST METHODIST EPISCOPAL CHURCH*, 400 Broadway St, (11-14-79); 80/01/0079 0006124

san miguel county

Telluride vicinity. *SMUGGLER-UNION HYDROELECTRIC POWER PLANT*, SE of Telluride at Bridal Veil Falls, (12-27-79); 79/01/0078 0002510

CONNECTICUT

fairfield county

Bridgeport. *BLACK ROCK HISTORIC DISTRICT*, roughly bounded by Black Rock Harbor, Grovers ave., Beacon and Prescott Sts., (3/15/79); 79/07/12 079 0001009
Bridgeport. *EAGLE'S NEST*, 282–284 Logan St., (3-5-79); 79/07/12 079 0000513
Bridgeport. *EAST BRIDGEPORT HISTORIC DISTRICT*, Roughly bounded by RR tracks, Beach, Arctic, and Knowlton Sts., (4-25-79); 79/07/14 079 0001523
Bridgeport. *PALACE AND MAJESTIC THEATERS*, 1315–1357 Main St., (12-14-79); 79/01/0078 0002514
Fairfield. *OGDEN, DAVID, HOUSE*, 1520 Bronson Rd., (8-17-79); 79/11/30 079 0004024
Greenwich. *PUTNAM HILL HISTORIC DISTRICT*, U.S. 1, (8-24-79); 79-11-18 079 0004780
Stamford. *COVE ISLAND HOUSES*, Cove Rd. and Weed Ave., (5-22-79); 79/10/23 079 0002019
Stamford. *KNAP, JOHN, HOUSE*, 984 Stillwater Rd., (3/5/79); 79/07/12 079 0000514
Stamford. *OCTAGON HOUSE*, 120 Strawberry Hill Ave., (8-17-79); 79/11/30 079 0004025
Stamford. *STARR, C. J., BARN AND CARRIAGE HOUSE*, 200 Strawberry Hill Ave, (9-14-79); 79-11-18 079 0004781

hartford county

East Hartford. *BREWER, SELDEN, HOUSE*, 137 High St., (6-4-79); 79/10/24 079 0002020
Enfield. *ENFIELD HISTORIC DISTRICT*, 1106–1492 Enfield St., (8-10-79); 79/11/30 079 0004026
Enfield. *ENFIELD SHAKERS HISTORIC DISTRICT*, Shaker, Taylor and Cybulski Rds., (5-21-79); 79/10/24 079 0002021
Hartford. *ASYLUM HILL MULTIPLE RESOURCE AREA (PARTIAL INVENTORY)*, This area includes various properties at various location. Details available upon request, (11-29-79); 80/01/0079 0006316
Hartford. *BARBOUR, LUCIUS, HOUSE*, 130 Washington St, (8-21-79); 79-11-18 079 0004782
Hartford. *FROG HOLLOW*, roughly bounded by Park River, Capitol Ave., Oak, Washington, and Madison Sts. and Park Ter., (4/11/79); 79/07/12 079 0001011
Hartford. *JEFFERSON-SEYMOUR DISTRICT*, Cedar, Wadsworth, Seymour and Jefferson Sts., (5-4-79); 79/07/14 079 0001524
Hartford. *SECOND CHURCH OF CHRIST*, 307 Main St., 12-1-79 (1-9-78); 78/10/28 078 0000038
Hartford. *SIGOURNEY SQUARE DISTRICT*, Sargeant, Ashley, and May Sts., (1-16-79); 80/01/0079 0006639
~~Hartford. *SIGOURNEY SQUARE DISTRICT*, Sargeant, Ashley and May Sts., (1/16/79); 79/07/13 079 0000040~~
Hartford. *UNION BAPTIST CHURCH (ST. THOMAS'S CHURCH)*, 1913 and 1921 Main St., (8-15-79); 79/11/30 079 0004027
Manchester. *PITKIN GLASSWORKS RUIN*, Parker St., (4/9/79); 79/07/12 079 0001012
Suffield vicinity. *HASTINGS HILL HISTORIC DISTRICT*, 987-1308 Hill St., 1242 Spruce St and 1085-1162 Russell Ave, (9-14-79); 79-11-18 079 0004783
West Hartford. *HOOKER, SARAH WHITMAN, HOUSE*, 1237 New Britain Ave, (11-1-79); 80/01/0079 0006125
West Hartford. *SPANISH HOUSE, THE (GRACE M. SPEAR LINCOLN HOUSE)*, 46 Fernwood Rd., (6-14-79); 79/10/24 079 0002022
Windsor. *ALLYN, CAPT. BENJAMIN. II, HOUSE*, 119 Deerfield Rd., (6-28-79); 79/11/02079 0003018

litchfield county

Canaan. *FALLS VILLAGE DISTRICT*, CT 126, (6-14-79); 79/10/24 079 0002023
Kent. *FLANDERS HISTORIC DISTRICT*, U.S. 7, Cobble Rd. and Cobble Lane, (4/13/79); 79/07/12 079 0001013
Kent vicinity. *BEARDSLEY, CAPT. PHILO, HOUSE*, SE of Kent on Beardsley Rd., (7-3-79); 79/11/02079 0003019
Roxbury. *ROXBURY IRON MINE AND FURNACE COMPLEX*, Hodge and Mine Hill Rds, (8-24-79); 79-11-18 079 0004784
Sharon. *GAY, EBENEZER, HOUSE*, Main St., (7-9-79); 79/11/02079 0003020

middlesex county

Cromwell. *MIDDLETOWN UPPER HOUSES HISTORIC DISTRICT*, CT 99, (7-27-79); 79/11/30 079 0004028
Middletown. *CHURCH OF THE HOLY TRINITY AND RECTORY*, 381 Main St. and 144 Broad St., (8-14-79); 79/11/30 079 0004029
Middletown. *TOWN FARMS INN*, Spring St. and River Rd., (5-4-79); 79/07/14 079 0001525

monroe county

Monroe. *HAWLEY, THOMAS, HOUSE*, 514 Purdy Hill Rd., (4/11/79); 79/07/12 079 0001010

new haven county

Guilford. *PITKIN, ELISHA, HOUSE*, 173 High Woods Dr., (4/6/79) habs; 79/07/12 079 0001014
Meriden. *GOFFE, SOLOMON, HOUSE*, 677 N. Colony St., (1-16-79); 80/01/0079 0006640
~~Meriden. *GOFFE, SOLOMON HOUSE*, 677 N. Colony St., (1/16/79); 79/07/12 079 0000041~~
Milford. *ST. PETER'S EPISCOPAL CHURCH*, 61, 71, 81 River St, (8-21-79); 79-11-18 079 0004785
Milford. *TAYLOR MEMORIAL LIBRARY*, 5 Broad St, (8-21-79); 79-11-18 079 0004786
New Haven. *GOFFE STREET SPECIAL SCHOOL FOR COLORED CHILDREN*, 106 Goffe St., (8-17-79); 79/11/30 079 0004030
New Haven. *NEW HAVEN JEWISH HOME FOR THE AGED*, 169 Davenport Ave., (6-19-79); 79/10/24 079 0002024
New Haven. *PROSPECT HILL HISTORIC DISTRICT*, Off Ct 10, (11-2-79); 80/01/0079 0006126
North Haven. *RISING SUN TAVERN*, Old Tavern Lane, (8-21-79); 79-11-18 079 0004787
Waterburg. *HIBBARD, ENOCH, HOUSE AND GRANNIS, GEORGE, HOUSE*, 41 Church St. and 33 Church St., (4/9/79); 79/07/12 079 0001015
~~Woodbridge. *DARLING, THOMAS, HOUSE AND TAVERN*, E of Woodbridge at 1907 Litchfield Tpke., (1-17-79); 80/01/0079 0006643~~
Woodbridge vicinity. *DARLING, THOMAS, HOUSE AND TAVERN*, E of Woodbridge at 1907 Litchfield Tpke., (1/17/79); 79/07/12 079 0000042

new london county

East Lyme. *AVERY, THOMAS, HOUSE*, Society Rd, (8-22-79); 79-11-18 079 0004788
East Lyme. *SMITH, SAMUEL, HOUSE*, 82 Plants Dam Rd., (6-4-79); 79/10/24 079 0002025
Groton. *U.S.S. NAUTILUS (submarine)*, Naval Submarine Base, (5-16-79); 79/07/14 079 0001526
Lebanon. *LEBANON GREEN HISTORIC DISTRICT*, CT 87 and W. Town St., (6-4-79); 79/10/24 079 0002026
Lisbon. *CLARK, ANDREW, HOUSE*, Ross Hill Rd., (6-28-79); 79/11/02079 0003021
Mystic. *MYSTIC BRIDGE HISTORIC DISTRICT*, U.S. 1 and CT 27, (8-31-79); 79-11-18 079 0004789
Mystic. *PEQUOTSEPOS MANOR (DENISON HOMESTEAD)*, Pequotsepos Rd., (6-15-79); 79/10/24 079 0002027

CONNECTICUT—Continued

New London. *DOWNTOWN NEW LONDON HISTORIC DISTRICT*, roughly bounded by Captain's Walk, Bank, Tilley and Washington Sts., (4/13/79); 79/07/12 079 0001016
Noank. *NOANK HISTORIC DISTRICT*, CT 215, (8-10-79); 79/11/30 079 0004031
Sprague. *ASHLAWN (JOSHUA PERKINS HOUSE)*, 1 Potash Hill Rd., (8-15-79); 79/10/24 079 0002028
Stonington. *STANTON, ROBERT, HOUSE (DAVIS HOMESTEAD)*, Green Haven Rd., (6-4-79); 79/10/24 079 0002029
Stonington. *WHITEHALL MANSION*, off CT 27, (4/12/79); 79/07/12 079 0001017
West Mystic. *MYSTIC RIVER HISTORIC DISTRICT*, U.S. 1 and CT 215, (8-24-79); 79-11-18 079 0004790

tolland county

Mansfield. *MANSFIELD HOLLOW HISTORIC DISTRICT*, 86–127 Mansfield Hollow Rd., (5-21-79); 79/10/24 079 0002030

windham county

Willimantic. *WILLIMANTIC FOOTBRIDGE*, Railroad St., (4-19-79); 79/07/14 079 0001527
Windham. *WINDHAM CENTER HISTORIC DISTRICT*, CT 14 and CT 203, (6-4-79); 79/10/24 079 0002031

DELAWARE

kent county

Bowers vicinity. *ST. JONES NECK MULTIPLE RESOURCE AREA (PARTIAL INVENTORY)*, This area includes various properties at various locations. Details available upon request., (5-22-79); 79/10/24 079 0002032
Dover. *VICTORIAN DOVER HISTORIC DISTRICT*, Roughly bounded by Silver Lake, St. Jones River, North and Queen Sts., (7-16-79); 79/11/02079 0003022
Felton vicinity. *HUGHES EARLY MAN SITES*, (7-24-79); 79/11/30 079 0004032
Little Creek vicinity. *PORT MAHON LIGHTHOUSE*, NE of Little Creek, (10-25-79); 80/01/0079 0006127

new castle county

Newark vicinity. *FERGUSON, ROBERT, HOUSE*, E of Newark at 636 Chestnut Hill Rd., (7-22-79); 79/11/02079 0003023
Newark vicinity. *WALNUT LANE*, E of Newark at 4133 Ogletown Rd., (7-22-79); 79/11/02079 0003024
Newport vicinity. *WOODDALE HISTORIC DISTRICT*, NW of Newport on Wooddale Rd, (8-24-79); 79-11-18 079 0004792
Wilmington. *BAYNARD BOULEVARD HISTORIC DISTRICT*, Baynard Blvd. between 18th St. and Concord Ave., (7-26-79); 79/11/30 079 0004033
Wilmington. *BROWN, DR. JOHN A., HOUSE*, 4 7th Ave., (4-24-79); 79/07/14 079 0001526
Wilmington. *HARLAN AND HOLLINGSWORTH OFFICE BUILDING*, West St., (4-26-79); 07/14/79) 079 0001529
Wilmington. *QUAKER HILL HISTORIC DISTRICT*, Roughly bounded by Tatnall, Jefferson, 2nd and 7th Sts, (9-6-79); 79-11-18 079 0004793
Wilmington. *SCHOONOVER, FRANK E., STUDIOS*, 1616 Rodney St., (4-20-79); 79/07/14 079 0001530
Wilmington. *STATE OF PENNSYLVANIA (steamboat)*, Christian River, (4-20-79); 79/07/14 079 0001531
Wilmington. *U.S. POST OFFICE, COURTHOUSE, AND CUSTOMHOUSE*, 11th and Market Sts., (6-14-79); 79/10/24 079 0002033
Wilmington. *WOODWARD HOUSES*, 701–703 West St., (4-20-79); 79/07/14 079 0001532
Wilmington vicinity. *GLYNRICH*, Mill Rd. and Race St, (11-1-79) habs; 80/01/0079 0006128

sussex county

Fenwick Island. *FENWICK ISLAND LIGHT-HOUSE STATION*, off DE 54 (8-13-79)
Georgetown. *BRICK HOTEL*, The Circle, (11-13-79); 80/01/0079 0006129
Georgetown. *JUDGE'S HOUSE AND LAW OFFICE*, 100 and 104 W. Market St, (11-13-79) habs; 80/01/0079 0006130
Georgetown. *RICHARDS MANSION*, N. Bedford St. and the Circle, (7-26-79); 79/11/30 079 0004035
Georgetown. *ST. PAUL'S EPISCOPAL CHURCH*, E. Pine St, (11-13-79); 80/01/0079 0006131
Georgetown. *WRIGHT, GARDINER, MANSION*, 228 S. Front St, (11-15-79); 80/01/0079 0006317
Georgetown vicinity. *GYLES, STELLA PEPPER, HOUSE*, SW of Georgetown, (11-13-79); 80/01/0079 0006132
Georgetown vicinity. *PEPPER, CARLTON, DAVID, FARM*, S of Georgetown on SR 469, (9-24-79); 79/11/17 079 0005530
Millsboro vicinity. *NANTICOKE INDIAN COMMUNITY*, E of Millsboro, (4-26-79); 79/07/14 079 0001533

DISTRICT OF COLUMBIA

washington

ST. ELIZABETHS HOSPITAL, 2700 Martin Luther King Jr., Ave., SE., (4-26-79); 78/07/14 079 0001534

FLORIDA

alachua county

Gainesville. *ANDERSON HALL*, W. University Ave., (6-27-79); 79/11/02079 0003025
Gainesville. *BRYAN HALL*, W. University Ave. and 13th St., (6-27-79); 79/11/02079 0003026
Gainesville. *FLINT HALL*, W. University Ave., (6-27-79); 79/11/02079 0003027
Gainesville. *FLOYD HALL*, University of Florida campus, (6-27-79); 79/11/02079 0003028
Gainesville. *LIBRARY EAST*, Murphree Way, (6-27-79); 79/11/02079 0003029
Gainesville. *NEWELL HALL*, Stadium Rd., (6-27-79); 79/11/02079 0003030
Gainesville. *PEABODY HALL*, University of Florida campus, (6-27-79); 79/11/02079 0003031
Gainesville. *U.S. POST OFFICE*, 25 SE. 2nd Pl., (7-10-79); 79/11/02079 0003032
Gainesville. *WOMEN'S GYMNASIUM*, East-West Rd., (6-27-79); 79/11/02079 0003033

broward county

Pompano Beach. *HILLSBORO INLET LIGHT STATION*, off I-95 at Hillsboro Inlet, (2-16-79); 80/01/0079 0006643
Ponpano Beach. *HILLSBORO INLET LIGHT STATION*, Off I-95 at Hillsboro Inlet, (2/16/79); 79/07/12 079 0000044

collier county

Ochopee vicinity. *OSTL, C. J., SITE*, E of Ochopee, (12-15-79); 79/01/0078 0002558

dade county

Hialeah. *HIALEAH PARK RACE TRACK*, E. 4th Ave., (3/2/79); 79/07/12 079 0000515
Miami. *FREEDOM TOWER*, 600 Biscayne Blvd, (9-10-79); 79-11-18 079 0004794

duval county

Jacksonville. *MOROCCO TEMPLE*, 219 Newnan St, (11-29-79); 80/01/0079 0006318
Jacksonville. *SAMMIS, JOHN S., HOUSE*, 207 Noble Circle West, (7-10-79); 79/11/02079 0003034

escambia county

Pensacola. *LOUISVILLE AND NASHVILLE PASSENGER STATION AND EXPRESS BUILDING*, 239 N. Alcaniz St., (6-11-79); 79/10/24 079 0002034
Pensacola. *ST. JOSEPH'S CHURCH BUILDINGS*, 140 W. Government St., (7-10-79); 79/11/02079 0003035

jefferson county

Lamont vicinity. *TURNBULL-RITTER HOUSE*, NW of Lamont off U.S. 19, (7-18-79); 79/11/02079 0003036
Monticello. *PALMER-PERKINS HOUSE*, 625 W. Palmer Mill Rd., (7-10-79); 79/11/02079 0003037

leon county

Tallahassee. *CALHOUN STREET HISTORIC DISTRICT*, U.S. 90 and FL 61 (previously listed as Tallahassee Historic District I and II, (10-24-79); 80/01/0079 0006319
Tallahassee. *JOHNSON-CALDWELL HOUSE*, Old Bainbridge Rd., (7-20-79); 79/11/02079 0003038
Tallahassee. *OLD CITY WATERWORKS*, E. Gaines and S. Gadsden Sts., (1/31/79); 79/07/12 079 0000046
Tallahassee. *PARK AVENUE HISTORIC DISTRICT*, Park Ave. and Call St. (previously listed as Tallahassee Historic District I and II, (10-24-79); 80/01/0079 0006320
Tallahassee vicinity. *LEWIS HOUSE*, N. of Tallahassee at 3117 Okeeheepkee Rd., (2-14-79); 80/01/0079 0006646
Tallahassee vicintiy. *LEWIS HOUSE*, N of Tallahassee at 3117 Okeeheepkee Rd., (2/14/79); 79/07/12 079 0000047

marion county

Ocala. *COCA-COLA BOTTLING PLANT*, 939 N. Magnolia Ave., (5-4-79); 79/07/15 079 0001536

monroe county

Florida Keys. *OVERSEAS HIGHWAY AND RAILWAY BRIDGES, (LONG KEY BRIDGE, KNIGHT KEY BRIDGE, OLD BAHIA HONDA BRIDGE)*, Bridges on U.S. 1 between Long and Conch Key, Knight and Little Duck Key, and Bahia Honda and Spanish Key, (8-13-79); 79-11-18 079 0004795

orange county

Orlando. *PHILLIPS, DR. P., HOUSE*, 135 Lucerne Circle, NE., (7-10-79); 79/11/02079 0003039

palm beach county

Boynton Beach. *BOYNTON WOMAN'S CLUB*, 1010 S. Federal Hwy., (4/11/79); 79/07/12 079 0001018

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FLORIDA—Continued

pinellas county

Clearwater. *DUCROS, LOUIS, HOUSE*, 1324 S. Fort Harrison St., (7-2-79); 79/11/02079 0003040

Clearwater. *SOUTH WARD SCHOOL*, 610 S. Fort Harrison Ave., (6-18-79); 79/10/24 079 0002035

Dunedin. *DOUGLAS, J. O., HOUSE*, 209 Scotland St, (11-29-79); 80/01/0079 0006321

sarasota county

North Port Charlotte vicinity. *LITTLE SALT SPRINGS*, Off U.S. 41, (7-10-79); 79/11/02079 0003041

st. johns county

St. Augustine. *GRACE UNITED METHODIST CHURCH*, 8 Carrera St, (11-29-79); 80/01/0079 0006322

walton county

DeFuniak Springs. *SUN BRIGHT (SIDNEY JOHNSTON CATTS HOUSE)*, 606 Live Oak Ave., (5-7-79); 79/07/15 079 0001537

GEORGIA

baldwin county

Milledgeville vicinity. *OLD STATE PRISON BUILDING*, 3 mi. (4.8 km) W of Milledgeville on GA 22, (5-8-79); 79/07/15 079 0001536

Milledgeville vicinity. *WOODVILLE*, 3 mi. (4.8 km) S of Milledgeville on GA 243, (6-22-79); 79/10/24 079 0002036

barrow county

Winder. *WINDER DEPOT*, Broad and Porter Sts., (5-8-79); 79/07/15 079 0001539

bartow county

Cartersville vicinity. *FELTON, REBECCA LATIMER, HOUSE*, N of Cartersville off U.S. 411, (1-25-79); 80/01/0079 0006647

bibb county

Macon. *COLLINS, ANDREW J., HOUSE*, 1495 2nd St., (1-22-79); 80/01/0079 0006648

bryan county

Richmond Hill vicinity. *KILKENNY*, E of Richmond Hill on Kilkenny Rd., (2-14-79); 80/01/0079 0006649

Richmond Hill vicinity. *STRATHY HALL*, SE of Richmond Hill, (1-29-79); 80/01/0079 0006650

catoosa county

Fort Oglethorpe. *FORT OGLETHORPE HISTORIC DISTRICT*, U.S. 27, (4-20-79) (also in Walker County); 07/15/79) 079 0001540

Ringgold vicinity. *STONE CHURCH*, E of Ringgold off U.S. 76/41, (11-29-79); 80/01/0079 0006323

chatham county

Savannah vicinity. *LEBANON PLANTATION*, SW of Savannah, (11-29-79); 80/01/0079 0006324

clarke county

Athens. *COBB-TREANOR HOUSE*, 1234 S. Lumpkin St., (5-8-79); 79/07/15 079 0001541

Athens. *CRANE, ROSS, HOUSE*, 247 Pulaski St., (6-18-79); 79/10/24 079 0002037

Athens. *DEARING, ALBIN P., HOUSE*, 338 S. Milledge Ave., (5-8-79) habs.; 79/07/15 079 0001542

Athens. *HAMILTON, DR. JAMES S., HOUSE (ALPHA DELTA PI SORORITY HOUSE)*, 150 S. Milledge Ave., (4-24-79); 79/07/15 079 0001543

Athens. *THOMAS-CARITHERS HOUSE*, 530 S. Milledge Ave., (5-8-79); 79/07/15 079 0001544

Whitehall. *WHITE HALL*, Whitehall and Simonton Bridge Rds., (6-18-79); 79/10/24 079 0002038

clayton county

Rex. *REX MILL*, Rex Rd., (3-7-79); 79/07/12 079 0000516

cobb county

Marietta vicinity. *CHENEY, ANDREW J., HOUSE*, SW of Marietta at Powder Springs and Bankstone Rds., (7-22-79); 79/11/02079 0003042

columbia county

Winfield vicinity. *WOODVILLE*, (5-10-79); 079 0001545

de kalb county

Atlanta vicinity. *DRUID HILLS HISTORIC DISTRICT*, U.S. 29/78, (10-25-79); 80/01/0079 0006133

dooly county

Vienna. *STOVALL-GEORGE-WOODWARD HOUSE*, 305 Union St., (4-27-79); 79/07/15 079 0001546

doughtery county

Albany. *U.S. POST OFFICE AND COURTHOUSE*, 337 Broad Ave., (6-22-79); 79/10/24 079 0002039

fulton county

Atlanta. *ANSLEY PARK HISTORIC DISTRICT*, Ansley Park and environs, (4-20-79); 79/07/15 079 0001547

Atlanta. *ATLANTA WOMEN'S CLUB COMPLEX*, 1150 Peachtree St., NE, (1-19-79); 80/01/0079 0006651

Atlanta. *ATLANTA WOMEN'S CLUB COMPLEX*, 1150 Peachtree St., NE., (1/19/79); 79/07/12 079 0000052

Atlanta. *BASS FURNITURE BUILDING*, 142-150 Mitchell St., (1-8-79); 80/01/0079 0006652

Atlanta. *BASS FURNITURE BUILDING*, 142–150 Mitchell St., (1/8/79); 79/07/12 079 0000053

Atlanta. *FIRST CONGREGATIONAL CHURCH*, 105 Courtland St., NE., (1-19-79); 80/01/0079 0006653

Atlanta. *GARRISON APARTMENTS*, 1325-1327 Peachtree St., NE., (1-29-79); 80/01/0079 0006654

Atlanta. *GARRISON APARTMENTS*, 1325–1327 Peachtree St., NE., (1/29/79); 79/07/12 079 0000055

Atlanta. *GRANT PARK HISTORIC DISTRICT*, Roughly bounded by Glenwood and Atlanta Aves., (7-20-79) DKY 11/2/79; 079 0003043

Atlanta. *KRIEGSHABER, VICTOR H., HOUSE*, 292 Moreland Ave. Northeast, (1-8-79); 80/01/0079 0006656

Atlanta. *KRIEGSHABER, VICTOR H., HOUSE*, 292 Moreland Ave., NE, (1/8/79); 79/07/12 079 0000056

Atlanta. *PITTS, THOMAS H., HOUSE AND DAIRY (CASA LOMA)*, 3105 Cascade Rd., SW., (6-27-79); 79/11/02079 0003044

Atlanta. *RHODES-HAVERTY BUILDING*, 134 Peachtree St., NW., (1-19-79); 80/01/0079 0006657

Atlanta. *VAN WINKLE, E., GIN AND MACHINE WORKS*, Foster St, (9-10-79); 79-11-18 079 0004796

glynn county

Brunswick. *BRUNSWICK OLD TOWN HISTORIC DISTRICT*, roughly bounded by 1st, Bay, New Bay, H and Cochran Sts, (4/3/79); 79/07/12 079 0001019

hall county

Gainsville vicinity. *TANNER'S MILL*, S of Gainesville on SR 3, (9-10-79) HAER; 79-11-18 079 0004797

hancook county

Jewell. *JEWELL HISTORIC DISTRICT*, GA 248 and GA 10, (5-14-79) (also in Warren County); 79/07/15 079 0001548

henry county

Hampton. *HAMPTON DEPOT*, E. Main St, (9-10-79); 79-11-18 079 0004798

houston county

Henderson vicinity. *DAVIS-FELTON PLANTATION*, NW of Henderson on Felton Rd, (11-13-79); 80/01/0079 0006134

jackson county

Commerce. *SHANKLE, SEABORN M., HOUSE*, 125 Cherry St, (11-29-79); 80/01/0079 0006325

jasper county

Monticello. *HITCHCOCK-ROBERTS HOUSE*, N. Warren St., (2/14/79); 79/07/12 079 0000058

mcduffie county

Thomas vicinity. *BOWDRE-REES-KNOX HOUSE*, SW of Thomson on Old Wrightsboro Rd., (1-19-79); 80/01/0079 0006659

Thomson. *HICKORY HILL (THOMAS E. WATSON HOUSE)*, Hickory Hill Dr. and Lee St, (11-15-79); 80/01/0079 0006326

monroe county

Forsyth. *HIL'ARDIN (SHARP-HARDIN-WRIGHT HOUSE)*, 212 S. Lee St., (6-22-79); 79/10/24 079 0002040

muscogee county

DISMUKES, ROBERT E., ST., HOUSE, 1617 Summit Dr., (1-8-79); 80/01/0079 0006660

OLD DAWSON PLACE (GORDONIDO), 1420 Wynnton Rd., (1-8-79); 80/01/0079 0006661

WOOLFOLK, JOHN W., HOUSE, 1615 12th St., (1-22-79); 80/01/0079 0006662

Columbus. *DISMUKES, ROBERT E., SR., HOUSE*, 1617 Summit Dr., (1-8-79); 79/07/12 079 0000060

Columbus. *OLD DAWSON PLACE (GORDONIDO)*, 1420 Wynnton Rd., (1/8/79); 79/07/12 079 0000061

Columbus. *WOOLFOLK, JOHN W., HOUSE*, 1615 12th St., (1/22/79); 79/07/12 079 0000062

oconee county

Watkinsville. *SOUTH MAIN STREET HISTORIC DISTRICT*, S. Main St. and Harden Hill Rd., (3/30/79); 79/07/12 079 0001020

oglethorpe county

Philomath. *PHILOMATH HISTORIC DISTRICT*, GA 22, (7-6-79); 79/11/02079 0003045

putnam county

Eatonton vicinity. *WOODLAND*, NE of Eatonton on Harmony Rd., (1-29-79); 80/01/0079 0006663

GEORGIA—Continued

richmond county

Augusta. *FRUITLANDS (AUGUSTA NATIONAL GOLF CLUB)*, 2604 Washington Rd., (5-25-79); 79/10/24 079 0002041

Augusta. *GOULD-WEED HOUSE*, 828 Milledge Rd., (7-16-79); 79/11/02079 0003046

Augusta. *LAMAR BUILDING (SOUTHERN FINANCE BUILDING)*, 753 Broad St., (4-24-79); 79/07/15 079 0001549

Augusta. *REID-JONES-CARPENTER HOUSE*, 2249 Walton Way, (11-13-79) HABS; 80/01/0079 0006135

Augusta. *WILSON, WOODROW, BOYHOOD HOME*, 419 17th St., (2/28/79); 79/07/12 079 0000517

troup county

LaGrange. *FERRELL-HOLDER HOUSE*, 1402 Vernon Rd., (8-14-79); 79/11/30 079 0004036

union county

Blairsville vicinity. *WALASI-YI INN*, S of Blairsville on U.S. 129, (1/12/79); 79/07/12 079 0000064

warren county

Warrenton. *ROBERTS-MCGREGOR HOUSE*, Depot St., (8-14-79); 79/11/30 079 0004037

whitfield county

Dalton. *CROWN MILL HISTORIC DISTRICT*, U.S. 41, (5-30-79); 79/10/24 079 0002042

GUAM

Agat vicinity. CABLE STATION RUINS, 6 mi. N of Agat, (9-6-79); 79-11-18 079 0004799

Asan. *ASAN INVASION BEACH*, N edge of Asan, (2/14/79); 79/07/12 079 0000065

Merizo. *COOK, MERLYN G., SCHOOL*, GU 4, (11-29-79); 80/01/0079 0006327

Naval Station. *OROTE HISTORICAL COMPLEX*, Orote Point, (10-23-79); 80/01/0079 0006136

Santa Rita vicinity. *MOUNT TENJO FORTIFICATIONS*, NE of Santa Rita, (3/13/79); 79/07/12 079 0000518

Santa Rita vicinity. *WEST BONA SITE*, SE of Santa Rita, (3-26-79); 79/07/12 079 0001021

Yona vicinity. *SOUTH PULANTAT SITE*, 2 mi. W of Yona, (3/26/79); 79/07/12 079 0001022

HAWAII

hawaii county

Hilo. *DISTRICT COURTHOUSE AND POLICE STATION*, 141 Kalahaua St, (9-4-79); 79-11-18 079 0004800

Honaunau. *ST. BENEDICT'S CATHOLIC CHURCH*, Off HI 11, (5-31-79); 79/10/24 079 0002043

Kapaau. *KOHALA DISTRICT COURTHOUSE*, Government Rd, (8-31-79); 79-11-18 079 0004801

honolulu county

Honolulu. *ALEXANDER AND BALDWIN BUILDING*, 822 Bishop St, (9-7-79); 79-11-18 079 0004802

Honolulu. *DILLINGHAM TRANSPORTATION BUILDING*, 735 Bishop St, (9-7-79); 79-11-18 079 0004803

kauai county

Hanalei. *HANALEI PIER*, Hanalei Bay, (9-13-79); 79-11-18 079 0004804

Kapaa. *SETO BUILDING*, Kuhio Hwy, (9-4-79); 79-11-18 079 0004805

Lihue. *WILCOX, ALBERT SPENCER, BUILDING (KAUA'I MUSEUM)*, 4420 Rice St., (5-31-79); 79/10/24 079 0002044

maui county

Kalae. *MEYER, R. W., SUGAR MILL*, HI 47, (9-4-79); 79-11-18 079 0004806

IDAHO

ada county

Boise. *ARTESIAN WATER CO. PUMPHOUSE AND WELLS*, Off ID 21, (7-26-79); 79/11/30 079 0004038

Boise. *HOPFFGARTEN HOUSE*, 1115 W. Boise Ave, (8-30-79); 79-11-18 079 0004807

Boise. *MCCARTHY, JUDGE CHARLES P., HOUSE*, 1415 Fort St, (8-30-79); 79-11-18 079 0004808

Boise. *O'FARRELL, JOHN A., HOUSE*, 420 W. Franklin St, (9-4-79); 79-11-18 079 0004809

Boise. *UNION BLOCK AND MONTANDON BUILDINGS*, 6th and Idaho Sts., (3/12/79); 79/07/12 079 0000519

Boise vicinity. *BOWN, JOSEPH, HOUSE*, 2020 E. Victory Rd., (6-18-79); 79/10/24 079 0002045

adams county

New Meadows. *MEADOWS SCHOOLHOUSE*, ID 55, (10-30-79); 80/01/0079 0006137

bannock county

Lava Hot Springs. *RIVERSIDE INN*, 112 Portneuf Ave, (8-29-79); 79-11-20 079 0004810

McCammon. *MCCAMMON STATE BANK BUILDING*, Center and 3rd Sts., (7-9-79); 79/11/02079 0003047

Pocatello. *BRADY MEMORIAL CHAPEL*, Mountain View Cemetery, (5-1-79); 79/07/15 079 0001552

Pocatello. *CHURCH OF THE ASSUMPTION*, 528 N. 5th Ave., (5-1-79); 79/07/15 079 0001553

benewah county

St. Maries. *KOOTENAI INN*, 130 N. 9th St, (11-16-79); 80/01/0079 0006328

bingham county

Blackfoot. *BLACKFOOT I.O.O.F. HALL*, 57 Bridge St., (5-15-79); 79/07/15 079 0001554

Blackfoot. *NORTH SHILLING HISTORIC DISTRICT*, N. Shilling Ave., (8-29-79); 79-11-20 079 0004811

Blackfoot. *ST. PAUL'S EPISCOPAL CHURCH*, 72 N. Shilling Ave., (5-15-79); 79/07/15 079 0001555

Blackfoot. *STANDROD BANK (BROWN-HART STORE BUILDING)*, 59 and 75 NW. Main St, (8-30-79); 79-11-20 079 0004812

bonneville county

Idaho Falls. *BONNEVILLE COUNTY COURTHOUSE*, Capital Ave. and C St., (7-10-79); 79/11/02079 0003048

Idaho Falls. *U.S. POST OFFICE*, 581 Park Ave., (5-31-79); 79/10/24 079 0002046

Ririe vicinity. *SHELTON L.D.S. WARD CHAPEL*, SW of Ririe on Shelton Rd, (8-30-79); 79-11-20 079 0004813

canyon county

Caldwell. *CALDWELL CARNEGIE LIBRARY*, 1101 Cleveland Blvd., (6-18-79); 79/10/24 079 0002047

Caldwell. *NORTH CALDWELL HISTORIC DISTRICT*, 9th, Albany and Belmont Sts, (9-5-79); 79-11-20 079 0004814

Parma. *STEWART, A. H., HOUSE (HOTEL PARMA)*, 3rd St. and Bates Ave, (10-25-79); 80/01/0079 0006138

caribou county

Soda Springs. *HOPKINS, WILLIAM, HOUSE*, E. Hooper Ave., (1/12/79); 79/07/12 079 0000067

fremont county

Big Springs. *SACK, JOHNNY, CABIN*, Island Park, (4-19-79); 79/07/15 079 0001556

St. Anthony. *FREEMONT COUNTY COURTHOUSE*, 151 W. 1st St. North, (1/9/79); 79/07/12 079 0000068

idaho county

Cottonwood vicinity. *ST. GERTRUDE'S CONVENT AND CHAPEL*, W of Cottonwood, (6-18-79); 79/10/24 079 0002048

jerome county

Hunt. *MINIDOKA RELOCATION CENTER*, Hunt Rd., (7-10-79); 79/11/02079 0003049

kootenai county

Coeur d'Alene. *COEUR D'ALENE CITY HALL*, 5th and Sherman Sts., (8-03-79); 79/11/30 079 0004039

Coeur d'Alene. *FIRST UNITED METHODIST CHURCH*, 618 Wallace Ave., (6-18-79); 79/10/24 079 0002049

Coeur d'Alene. *FORT SHERMAN BUILDINGS*, North Idaho Junior College campus, (10-25-79); 80/01/0079 0006139

Spirit Lake. *SPIRIT LAKE HISTORIC DISTRICT*, Maine St., (2/1/79); 79/07/12 079 0000069

latah county

Genesee. *GENESEE EXCHANGE BANK*, Walnut St., (1/9/79); 79/07/13 079 0000070

Genesee. *VOLLMER BUILDING*, Walnut St., (1/12/79); 79/07/13 079 0000071

Kendrick. *BETHANY MEMORIAL CHAPEL*, Kendrick-Deary Hwy, (12-6-79); 80/01/0079 0006329

Moscow. *MOSCOW CARNEGIE LIBRARY*, 110 S. Jefferson St., (6-18-79); 79/10/24 079 0002050

lemhi county

Salmon. *EPISCOPAL CHURCH OF THE REDEEMER*, 1st St., North, and Fulton St., (1-12-79); 79/07/13 079 0000072

oneida county

Malad. *MALAD SECOND WARD TABERNACLE*, 20 S. 100 W. St., (7-27-79); 79/11/30 079 0004040

Malad City. *CO-OP BLOCK AND J.N. IRELAND BANK*, Main and Bannock Sts., (4-18-79); 79/07/15 079 0001557

Malad City. *EVANS, D. L., SR., BUNGALOW*, 203 N. Main St, (8-30-79); 79-11-20 079 0004815

Malad City. *JONES, JEDD, HOUSE*, 242 N. Main St., (5-1-79); 79/07/15 079 0001558

payette county

Payette. *PAYETTE CITY HALL AND COURTHOUSE*, 3rd Ave. and 8th St., (5-14-79); 79/07/15 079 0001559

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IDAHO—Continued

shoshone county

Wallace. *WALLACE HISTORIC DISTRICT,* Roughly bounded by Pine, Bank, 5th and 7th Sts., (6-10-79); 79/11/30 079 0004041

twin falls county

Twin Falls. *STRICKER STORE AND FARM,* N of Rock Creek, (8-30-79); 79-11-20 079 0004816

washington county

Weiser. *INTERMOUNTAIN INSTITUTE,* Paddock Ave, (11-1-79); 80/01/0079 0006140

ILLINOIS

adams county

Quincy. *GARDNER, ROBERT W., HOUSE,* 613 Broadway St., (6-20-79); 79/10/24 079 0002052

Quincy. *STATE SAVINGS LOAN AND TRUST COMPANY,* 428 Maine St., (3/23/79); 79/07/12 079 0001023

Quincy. *WARFIELD, WILLIAM S., HOUSE,* 1624 Maine St., (3/21/79); 79/07/12 079 0000520

alexander county

Cairo. *CAIRO HISTORIC DISTRICT,* Roughly bounded by Park, 33rd, Sycamore, 21st, Cedar, and 4th Sts., and the Ohio River, (1-29-79); 79/07/13 079 0000073

calhoun county

Brussels vicinity. *GOLDEN EAGLE-TOPPMEYER SITE,* (6-14-79); 79/10/24 079 0002053

Hamburg vicinity. *SCHUDEL NO. 2 SITE,* (6-15-79); 79/10/24 079 0002054

coles county

Mattoon. *U. S. POST OFFICE,* 1701 Charleston Ave, (12-6-79); 80/01/0079 0006330

cook county

Arlington Heights. *MULLER HOUSE,* 500 N. Vail Ave., (3/23/79); 79/07/12 079 0001024

Barrington. *OCTAGON HOUSE,* 223 W. Main St., (3/21/79); 79/07/12 079 0000521

Chicago. *BACH, EMIL, HOUSE,* 7415 N. Sheridan Rd., (1-23-79); 079 0000074

Chicago. *BALABAN AND KATZ CHICAGO THEATRE,* 175 N. State St., (6-6-79); 79/10/24 079 0002055

Chicago. *CHAPIN AND GORE BUILDING,* 63 E. Adams St., (6-27-79); 79/11/02079 0003050

Chicago. *HYDE PARK-KENWOOD HISTORIC DISTRICT,* Roughly bounded by 47th and 59th Sts., Cottage Grove and Lake Park Aves., (2-14-79); 79/07/13 079 0000075

Chicago. *MUNICIPAL PIER,* 200 Streeter Dr. (9-13-79); 79-11-20 079 0004817

Chicago. *NOTRE DAME DE CHICAGO,* 1338 W. Flournoy St., (3/21/79); 79/07/12 079 0000522

Chicago. *QUINN CHAPEL OF THE A.M.E. CHURCH,* 2401 S. Wabash Ave, (9-4-79); 79-11-20 079 0004818

Chicago. *REEBIE MOVING AND STORAGE COMPANY,* 2325–2333 N. Clark St., (3-21-79); 79/07/12 079 0000523

Chicago. *UNITY BUILDING,* 127 N. Dearborn St, (9-6-79) **habs.; 79-11-20 079 0004819**

Chicago. *VILLA HISTORIC DISTRICT,* Roughly bounded by Avondale, W. Addison, N. 40th and N. Hamlin Aves, (9-11-79); 79-11-20 079 0004820

Chicago. *WICKER PARK HISTORIC DISTRICT,* Roughly bounded by Wood, Crystal and N. Caton Sts., Claremont and North Aves., (6-20-79); 79/10/24 079 0002056

Kenilworth. *KENILWORTH CLUB,* 410 Kenilworth Ave., (3/21/79); 79/07/12 079 0000524

Kenilworth. *MAHER, GEORGE W., HOUSE,* 424 Warwick Rd., (3/21/79); 79/07/12 079 0000525

La Grange. *LA GRANGE VILLAGE HISTORIC DISTRICT,* U.S. 12/20/45, (6-8-79); 79/11/30 079 0004042

Palatine. *CLAYSON, GEORGE, HOUSE,* 224 E. Palatine Rd., (3/21/79); 79/07/12 079 0000526

dekalb county

DeKalb. *GURLER, GEORGE H., HOUSE,* 205 Pine St., (3-21-79); 79/07/12 079 0000527

Sandwich. *SANDWICH CITY HALL,* 144 E. Railroad St, (12-6-79); 80/01/0079 0006331

Sycamore. *BROWER, ADOLPHUS W., HOUSE,* 705 Dekalb Ave., (2/14/79); 79/07/13 079 0000076

dewitt county

Clinton. *MOORE, C.H., HOUSE,* 219 E. Woodlawn St., (3/23/79); 79/07/12 079 0001025

du page county

Wheaton. *BLANCHARD HALL,* Wheaton College campus, (11-14-79); 80/01/0079 0006141

Winfield. *BESCH HOUSE,* O S 070 Church St., (7-27-79); 79/11/30 079 0004043

fulton county

Liverpool vicinity. *SLEETH SITE,* (5-17-79); 79/07/15 079 0001560

Maples Mills vicinity. *TAMPICO MOUNDS,* (5-14-79); 79/07/15 079 0001561

Table Grove. *TABLE GROVE COMMUNITY CHURCH,* N. Broadway and W. Liberty Sts., (2/9/79); 79/07/13 079 0000078

jackson county

Grand Tower. *GRAND TOWER MINING, MANUFACTURING AND TRANSPORTATION COMPANY SITE,* Devil's Backbone Park, (4/13/79); 79/07/12 079 0001028

jersey county

Nutwood vicinity. *NUTWOOD SITE,* S. of Nutwood, (2/9/79); 79/07/13 079 0000079

kane county

Aurora. *OLD SECOND NATIONAL BANK,* 37 S. River St., (5-8-79); 79/07/15 079 0001562

Batavia. *CHICAGO, BURLINGTON, AND QUINCY RAILROAD DEPOT (BATAVIA DEPOT MUSEUM),* 155 Houston St., (6-6-79); 79/10/24 079 0002057

Batavia vicinity. *CAMPANA FACTORY,* N of Batavia on N. Batavia Ave., (4/6/79); 79/07/12 079 0001027

Batavia vicinity. *DUTCH MILL,* N of Batavia off IL 25, (6-4-79); 79/10/24 079 0002058

Geneva. *CENTRAL GENEVA HISTORIC DISTRICT,* Roughly bounded by Fox River, South, 6th and W. State Sts, (9-10-79); 79-11-20 079 0004821

St. Charles. *CITY BUILDING,* 15 N. 1st Ave., (3/21/79); 79/07/12 079 0000528

Wayne. *OAKLAWN FARM,* Army Trail and Dunham Rds., (7-26-79); 79/11/30 079 0004044

kankakee county

Kankakee. *MILK, LEMUEL, CARRIAGE HOUSE,* 165 N. Indiana Ave., (6-4-79); 79/10/24 079 0002059

knox county

Oneida. *CONGER, J. NEWTON, HOUSE,* 334 N. Knox St., (4-20-79); 79/07/15 079 0001563

lake county

Fox Lake. *MINEOLA HOTEL,* 91 N. Cora St., (1/29/79); 79/07/13 079 0000080

Libertyville vicinity. *CHURCH OF THE ST. SAVA SERBIAN ORTHODOX MONASTERY,* N of Libertyville on N. Milwaukee Ave, (9-6-79); 79-11-20 079 0004822

macon county

Decatur. *MILLIKIN BUILDING,* 100 N. Water St., (7-24-79); 79/11/30 079 0004045

madison county

Edwardsville. *LECLAIRE HISTORIC DISTRICT,* Roughly bounded by RR tracks, Wolf St., Hadley and Madison, (8-8-79); 79/11/30 079 0004046

Godfrey. *GODFREY, BENJAMIN, MEMORIAL CHAPEL,* Godfrey Rd., (5-10-79) **habs; 79/07/15 079 0001564**

marion county

Kinmundy. *ROHRBOUGH, CALENDAR, HOUSE (GRISSOM HOUSE),* 3rd and Madison Sts, (9-6-79); 79-11-20 079 0004823

mchenry county

Marengo. *HIBBARD, CHARLES H., HOUSE,* 413 W. Grant Hwy., (2-14-79); 79/07/13 079 0000081

Marengo vicinity. *ROGERS, ORSON, HOUSE,* E of Marengo at 19621 E. Grant St., (6-22-79); 79/10/24 079 0002060

Woodstock vicinity. *STICKNEY, GEORGE, HOUSE,* NE of Woodstock at 1904 Cherry Valley Rd., (5-14-79); 79/07/15 079 0001565

Woodstock vicinity. *TERWILLIGER HOUSE,* E of Woodstock at Mason Hill and Cherry Valley Rds., (5-14-79); 79/07/15 079 0001566

mclean county

Bloomington. *MILLER-DAVIS LAW BUILDINGS,* 101–103 N. Main St. and 102–104 E. Front St., (4-27-79); 79/07/15 079 0001567

Hudson. *HUBBARD HOUSE,* 310 Broadway, (2/1/79); 79/07/13 079 0000082

Towanda vicinity. *DUNCAN MANOR,* SW of Towanda off IL 4, (2/9/79); 79/07/13 079 0000083

menard county

Athens vicinity. *NORTH SANGAMON UNITED PRESBYTERIAN CHURCH,* N of Athens on SR 2, (3/23/79); 79/07/12 079 0001028

monroe county

Columbia. *GUNDLACH-GROSSE HOUSE,* 8 Park Ave., (6-28-79); 79/01/0078 0002618

Valmeyer vicinity. *MILES, STEPHEN W., HOUSE,* NW of Valmeyer off IL 156, (6-28-79); 79/01/0078 0002619

Waterloo. *WATERLOO HISTORIC DISTRICT,* 517 S. Main St., (7-2-79); 79/01/0078 0002620

peoria county

Peoria. *PROCTOR, JOHN C., RECREATION CENTER,* 300 S. Allen St, (9-6-79); 79-11-20 079 0004824

ILLINOIS—Continued

piatt county

Bement vicinity. *VOORHIES CASTLE (NELS LARSON HOUSE),* S of Bement, (6-20-79); 79/10/24 079 0002061

pike county

Barry. *BARRY HISTORIC DISTRICT,* U.S. 36, (3/13/79); 79/07/12 079 0000529

Griggsville. *GRIGGSVILLE HISTORIC DISTRICT,* Irregular pattern along Corey, Stanford, Quincy and Liberty Sts., (1-17-79); 79/07/13 079 0000084

putnam county

Hennepin. *PULSIFER, EDWARD, HOUSE,* IL 71, (9-4-79); 79-11-20 079 0004825

randolph county

Red Bud. *RED BUD HISTORIC DISTRICT,* Irregular pattern along Main and Market Sts., (12-29-79); 79/07/13 079 0000085

sangamon county

Springfield. *LEWIS, JOHN L., HOUSE,* 1132 W. Lawrence Ave, (9-10-79); 79-11-20 079 0004828

Springfield. WEBER, HOWARD K., HOUSE, 925 S. 7th St., (10-1-79)

scott county

Naples. *NAPLES ARCHEOLOGICAL DISTRICT,* Central Illinois, (12-22-79); 79/01/0078 0002627

Winchester. *WINCHESTER HISTORIC DISTRICT,* IL 106, (2-14-79); 79/07/13 079 0000086

st. clair county

East St. Louis. *PENNSYLVANIA AVENUE HISTORIC DISTRICT,* Pennsylvania Ave., (7-27-79); 79/11/30 079 0004047

stephenson county

Cedarville. *ADDAMS, JOHN H., HOMESTEAD,* 425 N. Mill St., (4-17-79); 79/07/14 079 0001568

Tazewell County

Manito vicinity. *CLEAR LAKE SITE,* W of Manito (7-10-79); 79/01/0078 0002617

vermilion county

Danville vicinity. *COLLINS ARCHEOLOGICAL DISTRICT,* (8-3-79); 79/11/30 079 0004048

whiteside county

Sterling vicinity. *MCCUNE MOUND AND VILLAGE SITE,* (8-16-79); 79/11/30 079 0004049

Sterling vicinity. *SINNISSIPPI SITE,* (5-14-79); 79/07/15 079 0001569

will county

Joliet. *HENRY, JACOB H., HOUSE,* 20 S. Eastern Ave., (5-14-79); 79/07/15 079 0001570

winnebago county

Pecantonica. *ROBERTS, WILLIAM H., HOUSE,* 523 Main St., (1/29/79); 79/07/13 079 0000087

Rockford. *CORONADO,* 312-324 N. Main St, (9-6-79); 79-11-20 079 0004827

Rockford. *GRAHAM-CINESTRA HOUSE,* 1115 S. Main St., (6-11-79); 79/10/24 079 0002062

INDIANA

bartholomew county

Columbus. *BARTHOLOMEW COUNTY COURTHOUSE,* 3rd and Washington Sts, (11-15-79); 80/01/0079 0006332

Columbus. *COLUMBUS CITY HALL,* 5th and Franklin Sts, (11-15-79); 80/01/0079 0006333

clinton county

Frankfort. *OLD FRANKFORT STONE HIGH SCHOOL,* 301 E. Clinton, (6-4-79); 79/10/24 079 0002063

dekalb county

Garrett. *MOUNTZ HOUSE,* 507 E. Houston St, (9-11-79); 79-11-20 079 0004828

elkhart county

Elkhart. *BICKEL, EMMANUEL C., HOUSE,* 614 Bower St, (11-14-79); 80/01/0079 0006142

fulton county

Rochester. *SMITH, JOHN W., HOUSE,* 730 Pontiac St., (7-26-79); 79/11/30 079 0004050

grant county

Fairmount. *PATTERSON, J. W., HOUSE,* 203 E. Washington St, (11-14-79); 80/01/0079 0006143

harrison county

Corydon vicinity. *CORYDON BATTLE SITE,* S of Corydon on IN 135, (7-9-79); 79/11/02079 0003051

henry county

Lewisville. *GUYER OPERA HOUSE,* U.S. 40, (12-6-79); 80/01/0079 0006334

howard county

Kokomo vicinity. *SMITH, HENRY W., HOUSE,* 5 mi. (8 km) W of Kokomo, (3/9/79); 79/07/12 079 0000530

Kokomo vicinity. *YOUNGMAN, FREDERICK, HOUSE,* SE of Kokomo at 200 East Rd., (2/9/79); 79/07/13 079 0000088

lake county

Gary. *GARY LAND COMPANY BUILDING,* 4th Ave. and Pennsylvania St., (5-8-79); 79/07/15 079 0001571

marion county

Indianapolis. *HAMMOND BLOCK (BUDNICK'S TRADING MART),* 301 Massachusetts Ave., (1/9/79); 79/07/13 079 0000089

Indianapolis. *INDIANA THEATRE,* 134 W. Washington St., (1-29-79) **habs.; 79/07/13 079 0000090**

Indianapolis. *JOHNSON-DENNY HOUSE,* 4456 N. Park Ave, (8-24-79); 79-11-20 079 0004829

Indianapolis. *MORRISON BLOCK (M. O'CONNOR GROCERY WHOLESALERS),* 47 S. Meridian St, (11-15-79); 80/01/0079 0006335

Indianapolis. *SCHNULL-RAUCH HOUSE,* 3050 N. Meridian St, (11-14-79); 80/01/0079 0006144

Indianapolis. *STUMPF, GEORGE, HOUSE,* 3225 S. Meridian St., (5-14-79); 79/07/15 079 0001572

monroe county

Bloomington. *COCHRAN-HELTON-LINDLEY HOUSE,* 405 N. Rogers St., (6-20-79); 79/10/24 079 0002064

noble county

Ligonier. *STRAUS, JACOB, HOUSE (LOUIS LEVY HOUSE),* 210 S. Main St., (6-4-79); 79/10/24 079 0002065

randolph county

Winchester. *STONE, GEN. ASAHEL, MANSION,* 201 W. Orange St., (3/21/79); 79/07/12 079 0000531

ripley county

Napoleon. *CONWELL, ELIAS, HOUSE,* Wilson St. and U.S. 421, (5-14-79); 79/07/15 079 0001573

shelby county

Morristown. *JUNCTION RAILROAD DEPOT,* U.S. 52, (11-14-79); 80/01/0079 0006145

Shelbyville. *HAMILTON, JOHN, HOUSE,* 132 W. Washington St., (6-4-79); 79/10/24 079 0002066

tippecanoe county

Lafayette. *PERRIN HISTORIC DISTRICT,* Roughly bounded by Murdock Park, Sheridan Rd., Columbia, Main and Unions Sts, (9-10-79); 79-11-20 079 0004830

West Lafayette. *WEST LAFAYETTE BAPTIST CHURCH,* 123 N. Chauncey St, (9-6-79); 79-11-20 079 0004831

vanderburgh county

Evansville. *LOUISVILLE AND NASHVILLE RAILROAD STATION,* 300 Fulton Ave, (8-24-79); 79-11-27 079 0004950

Evansville. *SOLDIERS AND SAILORS MEMORIAL COLISEUM,* 350 Court St., (5-10-79); 79/07/15 079 0001574

McCutchanville. *MCJOHNSTON CHAPEL AND CEMETERY,* Kansas Rd. and Erskins Lane, (1/18/79); 79/07/20 079 0000090

vermillion county

Clinton vicinity. *SALEM METHODIST EPISCOPAL CHURCH,* N of Clinton on IN 63, (2/22/79); 79/07/12 079 0000532

vigo county

North Terre Haute. *MARKLE HOUSE AND MILL SITE,* 4900 Mill Dam Rd, (9-10-79); 79-11-27 079 0004951

wabash county

North Manchester. *NOFTZGER-ADAMS HOUSE,* 102 E. 3rd St, (11-14-79); 80/01/0079 0006146

warrick county

Boonville. *OLD WARRICK COUNTY JAIL,* 124 E. Main St., (2/14/79); 79/07/20 079 0000090

Yankeetown vicinity. *YANKEETOWN ARCHEOLOGICAL SITE,* (2/28/79); 79/07/12 079 0000533

wells county

Bluffton. *STEWART-STUDEBAKER HOUSE,* 420 W. Market St., (5-14-79); 79/07/15 079 0001575

Bluffton. *WELLS COUNTY COURTHOUSE,* 100 W. Market St., (1-15-79) **habs.; 79/07/20 079 0000090**

whitley county

Columbia City. *WHITLEY COUNTY COURTHOUSE,* Van Buren and Main Sts., (2/16/79); 79/07/13 079 0000091

IOWA

black hawk county

La Porte City. *LA PORTE CITY STATION,* 202 E. Main St., (3/13/79); 79/07/12 079 0000534

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IOWA—Continued

butler county

Greene. *COLDWATER CHURCH OF THE BRETHREN*, N. High St., (7-13-79); 79/11/02079 0003052

cherokee county

Cherokee vicinity. *BREWSTER SITE*, (3/7/79); 79/07/12 079 0000535

chickasaw county

Chickasaws. *CHICKASAW OCTAGON HOUSE*, Court St., (7-17-79); 79/11/02079 0003053

New Hampton. *FOLEY, JOHN, HOUSE*, 511 N. Locust St., (4-18-79); 79/07/15 079 0001576

clayton county

Garnavillo. *I.O.O.F. HALL*, Centre St., (6-18-79); 79/10/24 079 0002067

Guttenberg. *ALBERTUS BUILDING*, 222 Park River Dr., (4/3/79); 79/07/12 079 0001029

clinton county i07 Clinton

LAMB, LAFAYETTE, HOUSE, 317 7th Ave. South, (10-18-79); 80/01/10079 0005551

dallas county

DeSoto vicinity. *WILSON, JOHN, HOUSE*, SE of DeSoto, (3/30/79); 79/07/13 079 0001030

dubuque county

Dubuque. *DUBUQUE FREIGHT HOUSE*, E. 3rd St., (10-11-79); 79/11/17 079 0005552

floyd county

Charles City vicinity. *COOK FARM*, S of Charles City on U.S. 218, (6-18-79); 79/10/24 079 0002068

franklin county

Hampton vicinity. *REEVE, LEANDER, HOUSE*, SE of Hampton on IA 134, (7-17-79); 79/11/02079 0003054

hardin county

Iowa Falls. *EDGEWOOD SCHOOL OF DOMESTIC ARTS (EDGEWOOD COMMUNITY CENTER)*, 719 River St., (4-19-79); 79/07/15 079 0001577

jackson county

Canton. *CANTON SCHOOL*, South St., (7-24-79); 79/11/30 079 0004200

Maquoketa vicinity. *HURSTVILLE HISTORIC DISTRICT*, N of Maquoketa on U. S. 61, (12-3-79); 80/01/0079 0006336

St. Donatus. *GEHLEN HOUSE AND BARN*, U.S. 52, (6-18-79); 79/10/24 079 0002069

jasper county

Newton vicinity. *GERMAN EVANGELICAL REFORMED CHURCH*, N of Newton, (3/7/79); 79/07/12 079 0000536

johnson county

Iowa City. *BERRYHILL, CHARLES, HOUSE*, 414 Brown St., (5-31-79); 79/10/24 079 0002070

Iowa City. *OLD POST OFFICE*, 28 S. Linn St., (4-17-79); 79/07/15 079 0001578

Iowa City. *RITTENMEYER, F. X., HOUSE*, 630 E. Fairchild St., (5-31-79); 79/10/24 079 0002071

Iowa City. *WOODLAWN HISTORIC DISTRICT*, irregular pattern along Woodlawn Ave., (3/20/79); 79/07/13 079 0001031

jones county

Monticello. *FARWELL, S.S., HOUSE*, 301 N. Chestnut St., (4-27-79); 79/07/15 079 0001579

Monticello vicinity. *ELY'S STONE BRIDGE*, NW of Monticello at Hardscrabble Rd., (3/7/79); 79/07/12 079 0000537

linn county

Cedar Rapids. *AVERILL, A. T., HOUSE*, 1120 2nd Ave., SE., (5-29-79); 79/01/0078 0002659

Cedar Rapids. *C.S.P.S. HALL*, 1105 3rd St., (5-29-79); 79/01/0078 0002660

Marion. *BRASKA HOUSE*, 889 2nd Ave., (3/5/79); 79/07/12 079 0000538

louisa county

Oakville vicinity. *FLORENCE-COUNCIL ON THE IOWA SITE*, W of Oakville, (5-29-79); 79/01/0078 0002661

Morning Sun vicinity. *BETHEL CHURCH*, NE of Morning Sun off U.S. 61 (2-22-79)

lucas county

Chariton. *PAYNE, O. E., HOUSE*, 702 Auburn Ave., (7-17-79); 79/11/02079 0003055

madison county

St. Charles. *IMES COVERED BRIDGE*, IA 251, (2/9/79); 79/07/13 079 0000094

Winterset. *GUIBERSON HOUSE*, 302 S. 4th Ave., 7-10-79; 79/11/02079 0003056

marshall county

Marshalltown. *WHITEHEAD, C. H., HOUSE*, 108 N. 3rd St., (1/17/79); 79/07/13 079 0000096

montgomery county

Red Oak vicinity. *RUNNELS, B. F., HOUSE*, SW of Red Oak, (6-4-79); 79/10/24 079 0002072

muscatine county

Muscatine. *WARDE, J.C.B., HOUSE*, 205 Cherry St., (4/3/79); 79/07/13 079 0001032

Muscatine. *WELCH APARTMENTS*, 224 Iowa Ave., (1/11/79); 79/07/13 079 0000097

plymouth county

LeMars. *LE MARS PUBLIC LIBRARY*, 200 Central Ave., SE, (3/30/79); 79/07/13 079 0001033

polk county

Des Moines. *FIRE STATION NO. 4*, 1041 6th St., (6-27-79); 79/11/03079 0003057

Des Moines. *IOWA-DES MOINES NATIONAL BANK BUILDING*, 520 Walnut St., (7-10-79); 79/11/03079 0003058

Des Moines. *POLK COUNTY COURTHOUSE*, 6th and Mulberry Sts., (4-30-79); 79/07/15 079 0001580

Des Moines. *SHERMAN HILL HISTORIC DISTRICT*, Roughly bounded by Woodland Ave., 19th, School, and 15th Sts., (1-25-79); 79/07/13 079 0000098

Des Moines. *ST. AMBROSE CATHEDRAL AND RECTORY*, 607 High St., (3/20/79); 79/07/13 079 0001034

pottawattamie county

Council Bluffs. *WICKHAM, O. P., HOUSE*, 616 S. 7th St., (6-18-79); 79/10/24 079 0002073

Council Bluffs. *Y.M.C.A. BUILDING*, 628 1st Ave., (6-27-79); 79/11/03079 0003059

Shelby vicinity. *CARSTENS FARMSTEAD*, S. of Shelby on IA 168, (7-10-79); 79/11/03079 0003060

poweshiek county

Grinnell. *GOODNOW HALL*, Grinnell College Campus, (4/2/79); 79/07/13 079 0001035

Grinnell. *MEARS HALL*, Grinnell College Campus, (4/2/79); 79/07/13 079 0001036

ringgold county

Mount Ayr. *RINGGOLD COUNTY JAIL*, 201 E. Monroe St., (6-19-79); 79/10/24 079 0002074

scott county

Davenport. *CLIFTON*, 1533 Clay St., (2/22/79); 79/07/12 079 0000540

Davenport. *NORTHWEST DAVENPORT TURNER SOCIETY HALL*, 1602 Washington St., (7-10-79); 79/11/03079 0003061

Le Claire. *CODY ROAD HISTORIC DISTRICT*, Irregular pattern along Cody Rd., (5-7-79); 79/07/15 079 0001581

tama county

Toledo. *WIETING THEATER*, 101 S. Church St., (4/9/79); 79/07/13 079 0001037

washington county

Riverside. *ST. MARY'S PARISH CHURCH BUILDINGS*, St. Mary's and Washburn Sts., (7-9-79); 79/11/03079 0003062

wayne county

Corydon. *TEDFORD, W.H., HOUSE (POSTON HOUSE)*, 312 S. West St., (3/30/79); 79/07/13 079 0001038

winneshiek county

Decorah. *LUTHER COLLEGE FARM*, Luther College campus, (7-17-79); 79/11/03079 0003063

Decorah vicinity. *BIRDSALL LIME KILN*, NE of Decorah, (3/7/79); 79/07/12 079 0000541

Ossian. *OSSIAN OPERA HOUSE*, Main St., (6-18-79); 79/10/24 079 0002075

Spillville. *TAYLOR, WENZIL, BUILDING*, Main St., (3/13/79); 79/07/12 079 0000542

woodbury county

Sioux City. *MIDLAND PACKING COMPANY (SWIFT AND COMPANY PACKING PLANT)*, 2001 Leech Ave., (1/29/79); 79/07/13 079 0000102

KANSAS

ford county

Dodge City. *DODGE CITY PUBLIC LIBRARY*, 2nd and Spruce Aves., (3/28/79); 79/07/13 079 0001039

shawnee county

Wakarusa. *WAKARUSA HOTEL*, Main St., (4/4/79); 79/07/13 079 0001040

KENTUCKY

madison county. MILLER, WILLIAM M., HOUSE, S of Richmond, (7-16-79); 79/11/03079 0003080

adair county

Columbia. *GAITHER, DR. NATHAN, HOUSE*, 100 S. High St., (3/1/79); 79/07/12 079 0000543

anderson county

Lawrenceburg. *DOWLING HOUSE*, 321 S. Main St., (7-10-79); 79/11/03079 0003064

Lawrenceburg vicinity. *MOORE, REV. WILLIAM DUDLEY, HOUSE*, 4 m. (6.4 km) S of Lawrenceburg, (2/22/79); 79/07/12 079 0000544

KENTUCKY—Continued

bath county

Sharpsburg vicinity. *SPRINGFIELD PRESBYTERIAN CHURCH*, S of Sharpsburg on Springfield Rd., (4-26-79); 79/07/15 079 0001582

boone county

Burlington. *BURLINGTON HISTORIC DISTRICT*, KY 16, (6-19-79); 79/10/24 079 0002076

Burlington vicinity. *DINSMORE HOUSE*, W. of Burlington on KY 18, (3-28-79); 79/07/13 079 0001041

bourbon county

Paris. *PARIS COURTHOUSE SQUARE HISTORIC DISTRICT*, Courthouse Sq. and environs, (1/18/79); 79/07/13 079 0000104

Paris vicinity. *SACRED HOME (ROBINSON-BRECKINRIDGE HOUSE)*, W of Paris on Hume-Bedford Rd., (8-9-79); 79/11/30 079 0004201

Shawhan vicinity. *DAVID, WILLIAM, HOUSE*, N of Shawhan on Shawhan-Ruddles Mill Pike, (2/9/79); 79/07/13 079 0000105

boyd county

Ashland. *ASHLAND MULTIPLE RESOURCE AREA*, (7-3-79); 79/11/03079 0003065

bracken county

Chatham vicinity. *BRACKEN COUNTY INFIRMARY*, NE of Chatham on KY 19, (4-16-79); 79/07/15 079 0001583

christian county

Hopkinsville. *CROCKETT, JUDGE JOSEPH, HOUSE (LONE OAK)*, 317 E.16th St., (4-3-79); 79/07/13 079 0001042

Hopkinsville and Environs. *CHRISTIAN COUNTY MULTIPLE RESOURCE AREA (PARTIAL INVENTORY)*,. This area includes various properties at various locations. Details available upon request., (4-30-79); 79/07/15 079 0001584

clark county

CLARK COUNTY MULTIPLE RESOURCE AREA (PARTIAL INVENTORY), (8-1-79) DKY 11/30/79; 079 0004202

daviess county

Owensboro. *UNION STATION*, 1039 Frederica St., (8-1-79); 79/11/30 079 0004203

St. Joseph. *MOUNT ST. JOSEPH ACADEMY*, KY 56, (1/9/79); 79/07/13 079 0000107

fayette county

Lexington. *CENTRAL CHRISTIAN CHURCH*, 207 E. Short St, (9-11-79); 79-11-27 079 0004952

Lexington. *CLARK HARDWARE COMPANY BUILDING*, 367–369 W. Short St. and 142 N. Broadway, (7-16-79); 79/11/03079 0003066

Lexington. *NORTHSIDE HISTORIC RESIDENTIAL DISTRICT*, Poughly bounded by RR tracks, N. Limestone, W. Short and Newtown Sts, (8-28-79); 79-11-27 079 0004953

Lexington. *PRICE, WILLIAMSON, HOUSE*, 2497 Liberty Rd., (9-25-79); 80/01/10079 0005564

Lexington. *STONY POINT*, 4935 Parkers Mill Rd., (8-7-79); 79/11/30 079 0004204

Lexington vicinity. *BOWMAN HOUSES*, W of Lexington on Bowman's Mill Rd., (8-9-79); 79/11/30 079 0004205

Lexington vicinity. *ROGERS, JOSEPH HALE, HOUSE*, E of Lexington on Bryan Station Pike, (11-15-79); 80/01/0079 0006337

Lexington vicinity. *TODD, WILLIAM LYTLE, HOUSE*, W of Lexington at 3725 Bowman Mill's Rd., (7-17-79); 79/11/03079 0003067

fleming county

Flemingsburg. *FLEMING, THOMAS W., HOUSE (DUDLEY HOUSE)*, 114 Water St., (3/21/79); 79/07/12 079 0000545

franklin county

Frankfort. *BEECHES*, Off U.S. 421, (2-9-79); 79/07/13 079 0000108

Frankfort. *FRANKFORT COMMERCIAL HISTORIC DISTRICT*, Both sides of Kentucky River at Bridge St., (5-10-79); 79/07/15 079 0001585

Frankfort vicinity. *ALLEN, COL. R. T. P., HOUSE*, S of Frankfort on Johnson Rd., (7-10-79); 79/11/03079 0003068

fulton county

Fulton. *CARR, BEN F., JR., HOUSE*, 203 2nd St., (7-16-79); 79/11/03079 0003069

Hickman. *THOMAS CHAPEL C.M.E. CHURCH*, Moscow Ave., (1/18/79); 79/07/13 079 0000109

gallatin county

Sparta vicinity. *TURLEY, BENJAMIN F., HOUSE*, 2.5 mi. N of Sparta on KY 35, (3-7-79); 79/07/12 079 0000546

grant county

Sherman vicinity. *SHERMAN TAVERN*, S of Sherman on U.S. 25, (2/9/79); 79/07/13 079 0000110

green county

Greensburg. *GREENSBURG BANK BUILDING*, E. Court St, (8-21-79); 79-11-27 079 0004954

harrison county

Broadwell. *KIMBROUGH-HEHR HOUSE*, U.S. 62, (4-20-79); 79/07/16 079 0001593

hart county

Mundfordville vicinity. *SALTS CAVE ARCHEOLOGICAL SITE*, SW of Mundfordville in Mammoth Cave National Park (5-15-79)

henry county

Eminence. *EMINENCE HISTORIC COMMERCIAL DISTRICT*, Broadway, Main and Penn Sts., (2/14/79); 79/07/13 079 0000111

Smithfield vicinity. *HIGHLANDS*, SW of Smithfield on KY 22, (7-9-79); 79/11/03079 0003078

jefferson county

Louis vicinity. *HUME-BISCHOF HOUSE*, E of Louisville at 18701 Shelbyville Rd., (4-30-79); 79/07/16 079 0001592

Louisville. *BUSH, S.S., HOUSE*, 230 Kenwood Hill Rd., (4-30-79); 79/07/16 079 0001586

Louisville. *CHESTNUT STREET METHODIST CHURCH*, 809 W. Chestnut St., (7-16-79); 79/11/03079 0003070

Louisville. *CRESCENT HILL RESERVOIR*, Reservoir Ave, (9-10-79); 79-11-27 079 0004955

Louisville. *DOERHOEFER-HAMPTON HOUSE*, 2422 W. Chestnut St., (7-16-79); 79/11/03079 0003071

Louisville. *ELKS ATHLETIC CLUB*, 604 S. 3rd St., (7-16-79); 79/11/03079 0003072

Louisville. *FINZER, NICHOLAS, HOUSE*, 1212 Hull St., (5-9-79); 79/07/16 079 0001587

Louisville. *FIRST CHRISTIAN CHURCH*, 850 S. 4th St., (7-16-79); 79/11/03079 0003073

Louisville. *FOURTH AVENUE METHODIST EPISCOPAL CHURCH*, 318 W. St. Catherine St., (7-16-79); 79/11/03079 0003074

Louisville. *HEYBURN BUILDING*, 332 W. Broadway, (7-16-79); 79/11/03079 0003075

Louisville. *JEFFERSON BRANCH LOUISVILLE FREE PUBLIC LIBRARY*, 1718 W. Jefferson St., (7-16-79); 79/11/03079 0003076

Louisville. *KENTUCKY NATIONAL BANK*, 300 W. Main St., (7-16-79); 79/11/03079 0003077

Louisville. *LOUISVILLE MALE HIGH SCHOOL*, 911 S. Brook St., (4-18-79); 79/07/16 079 0001588

Louisville. *MEEK-MILLER HOUSE*, 3123 N. Western Pkwy, (9-10-79); 79-11-27 079 0004956

Louisville. *PORTER-TODD HOUSE*, 929 S. 4th St., (4-30-79); 79/07/16 079 0001589

Louisville. *WHITESIDE BAKERY*, 1400 W. Broadway St., (4-24-79); 79/07/16 079 0001590

Louisville vicinity. *FARNSLEY-MOREMEN HOUSE (HOUSE OF REFUGE)*, W of Louisville at 10908 Lower River Rd., (4-20-79); 79/07/16 079 0001591

jessamine county

Nicolasville vicinity. *DUNN, NATHANIEL, HOUSE*, N of Nicolasville off U.S. 68, (3/1/79); 79/07/12 079 0000547

kenton county

Covington. *CHAMPION ICE MANUFACTURING AND COLD STORAGE COMPANY*, 40 E. 2nd St., (3/9/79); 79/07/12 079 0000548

laurel county

London. *BENNETT, SUE, MEMORIAL SCHOOL BUILDING*, College St, (9-11-79); 79-11-27 079 0004957

London vicinity. *WILDCAT BATTLEFIELD SITE Wildcat Battlefield Site*, 13.4 mi. N of London off U.S. 25, (6-28-79); 79/11/03079 0003079

leslie county

Wooton. *WOOTON PRESBYTERIAN CENTER*, KY 80, (5-24-79); 79/10/24 079 0002077

lincoln county

Stanford vicinity. *SWOPE-DUDDERAR HOUSE AND MILL SITE*, E of Stanford on Goshen Rd., (4-18-79); 79/07/16 079 0001595

magoffin county

Salyersville. *GARDNER, JUDGE D.W., HOUSE (GREENCREST)*, KY 7, (3-28-79); 79/07/13 079 0001043

mccracken county

Paducah. *NASHVILLE, CHATTANOOGA AND ST. LOUIS RAILWAY OFFICE AND FREIGHT HOUSE*, 300 S. 3rd St., (7-17-79); 79/11/03079 0003081

Paducah. *ST. FRANCIS DESALES ROMAN CATHOLIC CHURCH*, 116 S. 6th St., (4-16-79); 79/07/16 079 0001596

menifee county

Frenchburg vicinity. *W.S. WEBB MEMORIAL ROCK SHELTER*, (1/22/79); 79/07/13 079 0000112

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KENTUCKY—Continued

mercer county

Harrodsburg. *COLLEGE STREET HISTORIC DISTRICT*, College St. from North Lane to Factory St., (2/9/79); 79/07/13 079 0000113
Harrodsburg vicinity. *JONES, MOSES, HOUSE*, N of Harrodsburg on Oregon Rd., (2/9/79); 79/07/13 079 0000114

montgomery county

Mount Sterling. *CHURCH OF THE ASCENSION*, High and Broadway Sts., (7-10-79); 79/11/03079 0003082

nelson county

Bardstown. *JOHNSON, BEN, HOUSE*, 1003 N. 3rd St., (7-16-79); 79/11/03079 0003083

nicholas county

Carlisle. *LOUISVILLE AND NASHVILLE PASSENGER DEPOT*, Market and Locust Sts., (5-18-79); 79/10/24 079 0002078

oldham county

Brownsboro vicinity. *KELLAR, ABRAHAM, HOUSE*, W of Brownsboro off KY 329, (7-9-79); 79/11/03079 0003084

scott county

Georgetown. *GEORGETOWN COLLEGE HISTORIC BUILDINGS*, E. Jackson St., (8-8-79); 79/11/30 079 0004206
Georgetown vicinity. *OXFORD HISTORIC DISTRICT*, NE of Georgetown at U.S. 62 and KY 922, (9-11-79); 79-11-27 079 0004958
Midway vicinity. *PAYNE'S DEPOT MULTIPLE RESOURCE AREA (PARTIAL INVENTORY)*, This area includes various properties at various locations. Details available upon request, (8-28-79); 79-11-27 079 0004959

trigg county

Cadiz. *CADIZ MASONIC LODGE NO. 121 F. AND A.M.*, Jefferson and Monroe Sts., (4-17-79); 79/07/16 079 0001597

wolfe county

Hazel Green. *HAZEL GREEN ACADEMY HISTORIC BUILDINGS*, KY 191, (7-18-79); 79/11/03079 0003085

woodford county

Versailles vicinity. *ARNOLD-WOOLDRIDGE HOUSE (PROSPECT HILL)*, S of Versailles, (5-29-79); 79/10/24 079 0002079
Versailles vicinity. *MOSS SIDE*, SW of Versailles on McCowans Ferry Pike, (1/8/79); 79/07/13 079 0000115

LOUISIANA

ascension parish

Geismar vicinity. *ASHLAND*, 2 mi. (3.2km) S of Geismar on LA 75, (5-4-79); 79/07/16 079 0001598

assumption parish

Plattenville. *CHURCH OF THE ASSUMPTION OF THE BLESSED VIRGIN MARY*, LA 308, (5-8-79); 79/07/16 079 0001599

avoyelles parish

Bunkie. *BAILEY THEATRE*, Oak St., (7-26-79); 79/11/30 079 0004207

bienville parish

Gibsland. *SYLVAN RETREAT*, 610 N. 3rd St, (12-6-79); 80/01/0079 0006338

caddo parish

Shreveport. *LEWIS HOUSE*, 675 Jordan St., (7-27-79); 79/11/30 079 0004208
Shreveport. *TEXAS AVENUE BUILDINGS Texas Avenue Buildings, LA*, 824–864 Texas Ave., (5-25-79); 79/10/26 079 0002080

catahoula parish

Sicily Island vicinity. *BATTLEGROUND PLANTATION*, 4 mi. (6.4 km) N of Sicily Island, (5-14-79); 79/07/16 079 0001600

concordia parish

Ferriday vicinity. *LISBURN PLANTATION HOUSE*, SE of Ferriday, (7-26-79); 79/11/30 079 0004209
Vidalia. *CAMPBELL, SHERIFF EUGENE P., HOUSE*, 2 Concordia Ave., (4-13-79); 79/07/13 079 0001044
Vidalia. *TACONY PLANTATION HOUSE*, Off U.S. 84, (4-19-79); 79/07/16 079 0001601

desoto parish

Mansfield. *MUNDY-MCFARLAND HOUSE*, 200 Welsh St, (12-6-79); 80/01/0079 0006339

east baton rouge parish

Baton Rouge. *REILEY-REEVES HOUSE*, 810 Park Blvd., (5-24-79); 79/10/26 079 0002081

east carroll parish

Lake Providence. *LAKE PROVIDENCE HISTORIC DISTRICT*, Lake, Levee, and Scarborough Sts, (12-6-79); 80/01/0079 0006340

east feliciana parish

Jackson. *CENTENARY COLLEGE*, College St., (4-19-79); 79/07/16 079 0001602
Norwood vicinity. *RICHLAND PLANTATION*, SW of Norwood on LA 442, (3-28-79); 79/07/13 079 0001045

iberia parish

New Iberia. *MAGNOLIAS, THE*, 115 Jefferson St, (12-6-79); 80/01/0079 0006341
New Iberia. *STEAMBOAT HOUSE*, 623 E. Main St., (7-27-79); 79/11/30 079 0004210

lafayette parish

Lafayette. *ST. JOHN'S CATHEDRAL*, St. John St., (7-27-79) 11/30/79; 079 0004211

lafourche parish

Thibodaux. *LAFOURCHE PARISH COURTHOUSE*, 200 Green St, (8-21-79); 79-11-27 079 0004960

livingston parish

Springfield vicinity. *CARTER PLANTATION*, SW of Springfield on SR 1038, (2/23/79); 79/07/12 079 0000549

natchitoches parish

Bermuda vicinity. *MAISON DE MARIE THERESE*, 1 mi. NW of Bermuda, (12-6-79); 80/01/0079 0006342
Derry vicinity. *MAGNOLIA PLANTATION*, N of Derry on LA 119, (3/21/79); 79/07/12 079 0000550
Natchez vicinity. *OAKLAWN PLANTATION*, E of Natchez on LA 494, (3-28-79); 79/07/13 079 0001046
Natchez vicinity. *PRUD'HOMME, JEAN PIERRE EMMANUEL, PLANTATION*, SE of Natchez on LA 19, (8-29-79); 79-11-27 079 0004961

orleans parish

New Orleans. *GRANT-BLACK HOUSE*, 3932 St. Charles Ave., (7-26-79); 79/11/30 079 0004212
New Orleans. *NAPOLEON STREET BRANCH LIBRARY*, Napoleon St., (1/12/79); 79/07/13 079 0000117
New Orleans. *ST. PETER A.M.E. CHURCH*, 1201 Cadiz St., (3/21/79); 79/07/12 079 0000551

ouachita parish

Bosco. *BOSCOBEL COTTAGE*, Cordell Lane, (5-7-79); 79/07/16 079 0001603
Monroe. *HALL, GOV. LUTHER, HOUSE*, 1515 Jackson St., (5-7-79); 79/07/16 079 0001604

pointe coupee parish

LaCour. *LACOUR, OVIDE, STORE*, LA 419, (7-27-79); 79/11/30 079 0004213
Lacour vicinity. *OLD HICKORY*, SE of Lacour, (6-15-79); 79/10/26 079 0002082
New Roads vicinity. *ST. FRANCIS CHAPEL*, NW OF NEW ROADS ON LA 10, (5-25-79); 79/10/26 079 0002083

rapides parish

Alexandria. *BENTLEY HOTEL*, 301 3rd St, (11-15-79); 80/01/0079 0006343
Alexandria. *BOLTON, JAMES WADE, HOUSE*, 1330 Main St, (11-15-79); 80/01/0079 0006344
Alexandria. *COOK HOUSE*, 222 Florence Ave, (11-15-79); 80/01/0079 0006345
Alexandria. *HIRSCH, MAYER, HOUSE*, 1216 Jackson St., (7-26-79); 79/11/30 079 0004214
Alexandria vicinity. *BENNETT PLANTATION HOUSE AND STORE*, E of Alexandria on U.S. 71, (5-14-79); 79/07/16 079 0001605
Pineville. *RAPIDES CEMETERY*, Hardtner and Main Sts., (6-15-79); 79/10/26 079 0002084

sabine parish

Fisher. *FISHER HISTORIC DISTRICT*, Roughly bounded by 4 L Dr., 3rd Ave., S. 2nd and North Sts., (7-27-79); 79/11/30 079 0004215

st. james parish

Convent. *ST. MICHAEL'S CHURCH HISTORIC DISTRICT*, LA 44, (11-15-79); 80/01/0079 0006346

st. martin parish

St. Martinville. *OLD CASTILLO HOTEL*, 220 Port St., (7-24-79) KY 11/30/79; 079 0004216

st. tammany parish

Covington vicinity. *SUNNYBROOK*, (8-29-79); 79-11-27 079 0004962

tangipahoa parish

Kentwood. *TANGIPAHOA PARISH TRAINING SCHOOL DORMITORY*, Off LA 38, (7-27-79); 79/11/30 079 0004217
Tangipahoa vicinity. *CAMP MOORE*, Off LA 440, (8-21-79); 79-11-27 079 0004963

tensas parish

St. Joseph. *TENSAS PARISH COURTHOUSE*, Courthouse Sq., (3-20-79); 79/07/13 079 0001047
Waterproff. *MYRTLE GROVE PLANTATION (OLD BASS PLACE)*, LA 568, (5-10-79); 79/07/16 079 0001606

washington parish

Bogalusa. *BOGALUSA CITY HALL*, 214 Arkans Hall Ave., (7-26-79); 79/11/30 079 0004218
Bogalusa. *SULLIVAN HOUSE*, 223 S. Border Dr., (7-27-79); 79/11/30 079 0004219
Franklinton. *BABINGTON, ROBERT H., HOUSE*, 606 Main St, (12-6-79); 80/01/0079 0006347
Franklinton. *KNIGHT CABIN*, Washington Parish Fairgrounds, (1/23/79); 79/07/13 079 0000120
Franklinton. *SYLVEST HOUSE*, Washington Parish Fairgrounds, (1/23/79); 79/07/13 079 0000121

LOUISIANA—Continued

webster parish

Minden. *GERMANTOWN*, off U.S. 79, (3/12/79); 79/07/12 079 0000552

west feliciana parish

Hardwood. *OAKS, THE*, U.S. 61, (8-20-79); 79-11-27 079 0004964
St. Francisville. *GRACE EPISCOPAL CHURCH*, 510 Ferdinand St., (3-28-79); 79/07/13 079 0001048
St. Francisville vicinity. *GREENWOOD PLANTATION*, N of St. Francisville on U.S. 61, (4-17-79); 79/07/16 079 0001607

winn parish

St. Maurice. *ST. MAURICE PLANTATION*, Off LA 477, (4-3-79); 79/07/13 079 0001049

MAINE

androscoggin county

Auburn. *BARKER MILL*, 143 Mill St., (5-8-79); 79/07/16 079 0001608
Auburn. *FIRST UNIVERSALIST CHURCH*, Elm and Pleasant Sts., (5-7-79); 79/07/16 079 0001609
Lewiston. *CONTINENTAL MILL HOUSING*, 66–82 Oxford St., (7-10-79); 79/11/03079 0003086
Lewiston. *GRAND TRUNK RAILROAD STATION*, Lincoln St., (6-4-79); 79/10/26 079 0002085
Turner. *TURNER TOWN HOUSE*, ME 117, (7-9-79); 79/11/03079 0003087

cumberland county

Brunswick. *DUNLAP, JOHN, HOUSE*, 4 Oak St., (6-14-79); 79/10/26 079 0002086
Gorham. *BAXTER HOUSE*, South St., (6-27-79); 79/11/03079 0003088
Harpswell. *KELLOGG, ELIJAH, CHURCH*, ME 123, (6-27-79); 79/11/03079 0003089
Harpswell. *MERRICONEGAN FARM*, ME 123, (6-15-79); 79/10/26 079 0002087
Naples. *PERLEY, SAM, FARM*, Perley Rd., (7-10-79); 79/11/03079 0003090
Portland. *MAINE ARCHEOLOGICAL SITE NO. 9-16*, (5-7-79); 79/07/16 079 0001610
Portland. *MINOTT, WILLIAM, HOUSE*, 45 Park St., (7-10-79); 79/11/03079 0003091
Pownal. *RANDALL, JACOB, HOUSE*, Lawrence Rd., (3/2/79); 79/07/12 079 0000553
Scarborough vicinity. *ATLANTIC HOUSE*, S of Scarborough on Kirkwood Rd., (7-10-79); 79/11/03079 0003092
Westbrook. *WESTBROOK HIGH SCHOOL*, 765 Main St, (11-27-79); 80/01/0079 0006348
Yarmouth. *BLANCHARD, CAPT. S.C., HOUSE*, 46 Main St., (5-7-79); 79/07/16 079 0001611
Yarmouth. *CAMP HAMMOND*, 74 Main St., (2/1/79); 79/07/13 079 0000122
Yarmouth. *GRAND TRUNK RAILROAD STATION*, ME 115, (7-10-79); 79/11/03079 0003093

franklin county

Farmington vicinity. *TUFTS HOUSE*, SE of Farmington on U.S. 2, (5-8-79); 79/07/16 079 0001612

hancock county

Arcadia National Park and vicinity. *CARRIAGE PATHS, BRIDGES AND GATEHOUSES*, (11-14-79); 80/01/0079 0006349
Brooklin. *GODDARD SITE*, (5-7-79); 79/07/16 079 0001613
Deer Isle vicinity. *POND ISLAND ARCHEOLOGICAL DISTRICT*, W of Deer Isle, (1/26/79); 79/07/13 079 0000123

kennebec county

Augusta. *ELLIS, DR. J. W., HOUSE*, 62 State St., (8-15-79); 79/11/30 079 0004220
Gardiner. *RICHARDS, LAURA, HOUSE Richards, Laura, House, ME*, 3 Dennis St., (6-14-79); 79/10/26 079 0002088
Kent's Hill. *KENT'S HILL SCHOOL HISTORIC DISTRICT*, ME 17, (4-26-79); 79/07/16 079 0001614
Palermo vicinity. *DINSMORE GRAIN COMPANY MILL*, W of Palermo on ME 3, (11-3-79); 80/01/0079 0006350

knox county

Cushing vicinity. *KING, THOMAS, INSCRIPTION*, SW of Cushing, (5-7-79); 79/07/17 079 0001615
Rockland. *ROCKLAND PUBLIC LIBRARY*, Union St., (7-10-79); 79/11/03079 0003094

lincoln county

Damariscotta. *MAIN STREET HISTORIC DISTRICT*, Main St., (8-10-79); 79/11/30 079 0004221
Edgecomb vicinity. *MOORE, JOHN, HOUSE*, SW of Edgecomb on Cross Point Rd., (7-10-79); 79/11/03079 0003095
Newcastle. *SECOND CONGREGATIONAL CHURCH*, River St., (5-7-79); 79/07/17 079 0001616

oxford county

Fryeburg. *CHASE, SQUIRE, HOUSE*, 151 Main St., (5-7-79); 79/07/17 079 0001617
Rumford vicinity. *DEACON HUTCHINS HOUSE*, NW of Rumford on ME 5, (7-10-79); 79/11/03079 0003096

piscataquis county

Greenville vicinity. *TRAMWAY HISTORIC DISTRICT*, NE of Greenville, (5-7-79); 79/07/17 079 0001618
Millinocket Lake vicinity. *MUNSUNGAN-CHASE LAKE THOROUGHFARE ARCHEOLOGICAL DISTRICT*, (9-6-79); 79-11-27 079 0004965

sagadahoc county

Bath. *CROOKER, W. D., HOUSE*, 71 South St., (7-10-79); 79/11/03079 0003097
Phippsburg. *FORT BALDWIN HISTORIC SITE*, Sabino Hill, (8-3-79); 79/11/30 079 0004222

waldo county

Searsport. *SEARSPORT HISTORIC DISTRICT*, Main St., (7-27-79); 79/11/30 079 0004223

washington county

Calais. *GILMORE HOUSE*, 316 Main St., (6-14-79); 79/10/26 079 0002089
Whitneyville. *WHITNEYVILLE CONGREGATIONAL CHURCH*, Main St., (6-26-79); 79/11/03079 0003098

york county

Kittery Point. *HOWELLS, WILLIAM DEAN, HOUSE*, Pepperrell Rd, (10-25-79); 80/01/0079 0006147
North Berwick. *HURD, MARY R., HOUSE*, Elm St, (9-11-79); 79-11-27 079 0004966

MARYLAND

allegany county

Cumberland. *AFRICAN METHODIST EPISCOPAL CHURCH*, Decatur and Frederick Sts., (4-20-79); 79/07/17 079 0001619
Cumberland. *B'ER CHAYIM TEMPLE*, Union and S. Centre Sts, (11-15-79); 80/01/0079 0006351
Cumberland. *TOWN CLOCK CHURCH*, 312 Bedford St., (8-6-79); 79/11/30 079 0004224
Cumberland vicinity. *UNION GROVE SCHOOLHOUSE*, NE of Cumberland on Mason Rd., (7-24-79); 79/11/30 079 0004225

anne arundel county

Linthicum Heights. *TURKEY HILL*, 106 W. Maple Rd., (7-24-79); 79/11/30 079 0004226

Baltimore (independent city)

CUMMINS MEMORIAL CHURCH, 210 W. Lanvale St, (10-31-79); 80/01/0079 0006148
DORGUTH MEMORIAL UNITED METHODIST CHURCH, Scott and Carroll St., (8-14-79); 79/11/30 079 0004227
HOUSE AT 9 NORTH FRONT STREET, (6-14-79); 79/10/26 079 0002090
LEADENHALL STREET BAPTIST CHURCH, 1021–1023 Leadenhall St., (3-16-79); 79/07/12 079 0000554
PUBLIC SCHOOL NO. 111 (FRANCIS ELLEN HARPER SCHOOL), W. Carrollton Ave. and Riggs Rd., (9-25-79); 79/11/17 079 0005706
WALTERS BATH NO. 2, 900 Washington Blvd., (6-19-79); 79-10-26 079 0002090

baltimore county

Catonsville. *SUMMIT*, 10 Stanley Dr., (7-24-79); 79/11/30 079 0004228
Lutherville. *WESTERN RUN-BELFAST ROAD HISTORIC DISTRICT*, NW of Lutherville, (1/23/79); 79/07/13 079 0000124
Lutherville vicinity. *CLOISTERS, THE*, W of Lutherville at 10440 Falls Rd., (8-7-79); 79/11/30 079 0004229
Owings Mills. *ST. THOMAS CHURCH*, St. Thomas Lane and Garrison Forest Rd., (5-24-79); 79/10/26 079 0002091
Reisterstown. *REISTERSTOWN HISTORIC DISTRICT*, U.S. 140 and MD 30, (11-15-79); 80/01/0079 0006352

carroll county

Westminster vicinity. *ROYER, CHRISTIAN, HOUSE*, N of Westminster, (11-7-79); 80/01/0079 0006149

cecil county

Providence vicinity. *HOPEWELL*, NW of Providence, (5-7-79); 07/ 17/79 079 0001620
Providence vicinity. *LITTLE ELK FARM*, NW of Providence, (5-9-79); 79/07/17 079 0001621

charles county

Faulkner vicinity. *TIMBER NECK FARM*, SE of Faulkner, (9-6-79); 79-11-27 079 0004967
La Plata vicinity. *CEDAR GROVE*, S of La Plata off MD 6, (3/2/79); 79/07/12 079 0000555

dorchester county

Cambridge vicinity. *DALE'S RIGHT*, S of Cambridge, (4-3-79); 79/07/13 079 0001050
Taylor's Island. *BETHLEHEM METHODIST EPISCOPAL CHURCH*, Hoopers Neck Rd., (6-7-79); 79/10/26 079 0002092
Taylor's Island. *GRACE EPISCOPAL CHURCH COMPLEX*, Hooper Neck Rd., (7-24-79); 79/11/30 079 0004230

frederick county

Brunswick. *BRUNSWICK HISTORIC DISTRICT*, Roughly bounded by Potomac River, Central, Park and 10th Aves., and C St, (8-29-79); 79-11-27 079 0004968

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MARYLAND—Continued

Frederick vicinity. *EDGEWOOD*, N of Frederick off Poole Jones Rd. (9-6-79); 79-11-27 079 0004969
Middletown vicinity. *BENNIES HILL ROAD BRIDGE*, SW of Middletown on Bennies Hill Rd. (6-27-79); 79/11/03079 0003099
New London vicinity. *MAYNARD, THOMAS, HOUSE*, 1.5 mi. NW of New London on Gas House Pike. (7-18-79); 79/11/03079 0003200
Rocky Ridge vicinity. *OLD MILL ROAD BRIDGE*, W of Rocky Ridge on Old Mill Rd. over Owens Creek. (3/7/79); 79/07/12 079 0000556
Unionville vicinity. *PEARRE-METCALFE HOUSE*, NE of Unionville off MD 31. (7-2-79); 79/11/03079 0003201
Urban vicinity. *FAT OXEN*, N of Urbana on MD 355. (5-21-79); 79/10/26 079 0002093

harford county

Abingdon vicinity. *WOODSIDE*, NW of Abingdon at 400 Singer Rd. (11-1-79); 80/01/0079 0006150
Bel Air vicinity. *NORRIS-STIRLING HOUSE*, 4 mi. SW of Bel Air. (5-30-79); 79/10/26 079 0002094
Jappatowne vicinity. *OLD JOPPA SITE*, Off U.S. 40. (8-24-79) habs.; 79-11-27 079 0004970

howard county

Dorsey vicinity. *TROY*, N of Dorsey. (6-22-79); 79/10/26 079 0002095

kent county

Chestertown. *MIDDLE, EAST AND WEST HALLS*, Washington Ave. (9-6-79); 79-11-27 079 0004971
Chesterville. *CHESTERVILLE BRICK HOUSE*, Jct. of MD 290 and MD 447. (7-17-79); 79/11/03079 0003202

montgomery county

Poolesville vicinity. *DARNALL PLACE*, E of Poolesville at 17615 White's Ferry Rd., (8-13-79).; 79/11/30 079 0004231

prince georges county

Landover vicinity. *BEALL'S PLEASURE*, SE of Landover at 7250 Old Landover Rd., (5-4-79); 79/07/17 079 0001622
Laurel. *LAUREL HIGH SCHOOL*, Montgomery St., (6-27-79); 79/11/03079 0003203

queen anne's county

Sudlersville vicinity. *DUDLEY'S CHAPEL*, SW of Sudlersville off MD 300. (11-15-79); 80/01/0079 0006353

somerset county

Smith Island. *ISLAND BELLE*, Ewell. (3/5/79); 79/07/12 079 0000557

talbot county

Bellevue. *CLAY'S HOPE*, Bellevue Rd. (10-31-79); 80/01/0079 0006151
Easton vicinity. *HOPE HOUSE*, NW of Easton. (11-1-79); 80/01/0079 0006152

washington county

Hagerstown vicinity. *OLD FORGE FARM*, E of Hagerstown. (11-7-79); 80/01/0079 0006153
Hagerstown vicinity. *ROHRER HOUSE*, E of Hagerstown. (11-7-79); 80/01/0079 0006154
Keedysville vicinity. *HITT'S MILL AND HOUSES*, W of Keedysville off MD 34. (4-12-79); 79/07/13 079 0001051

worcester county

Snow Hill. *ALL HALLOWS EPISCOPAL CHURCH*, 101 N. Church St., (8-6-79) DKY 11/30/79; 079 0004233

MASSACHUSETTS

barnstable county

Barnstable. *BARNSTABLE FAIR HALL*, 3512 Main St., (3/7/79); 79/07/12 079 0000558
Chatham. *BRICK BLOCK*, Main St. and Chatham Bars Rd., (4-13-79); 79/07/13 079 0001052
Chatham vicinity. *MONOMOY POINT LIGHTHOUSE*, Monomoy Island. (11-1-79); 80/01/0079 0006155
Osterville. *WIANNO CLUB*, Seaview Ave., (3/2/79); 79/07/12 079 0000559

bristol county

Attleboro. *BLACKINTON HOUSES AND PARK*, N. Main St., (4-20-79); 79/07/17 079 0001623
Fairhaven. *SAWIN, EZEKIEL, HOUSE (HOWLAND HOUSE)*, 44 William St., (6-15-79); 79/10/26 079 0002096

dukes county

Oak Bluffs. *FLYING HORSES*, 33 Oak Bluffs Ave. (8-27-79); 79-11-27 079 0004972

essex county

Andover. *SHAWSHEEN VILLAGE HISTORIC DISTRICT*, MA 133. (2/9/79); 79/07/13 079 0000125
Lawrence. *DOWNTOWN LAWRENCE HISTORIC DISTRICT*, Roughly bounded by MA 110, Methuen, Lawrence and Jackson Sts. (11-1-79); 80/01/0079 0006156
Lawrence. *ESSEX COMPANY OFFICES AND YARD*, 6 Essex St., (4-26-79); 79/07/17 079 0001624
Lynn. *G.A.R. HALL AND MUSEUM*, 58 Andrew St., (5-7-79); 79/07/17 079 0001625
Lynn. *LYNN, ARMORY*, 36 S. Common St. (9-7-79); 79-11-27 079 0004973
Lynn. *LYNN MASONIC HALL*, 64-68 Market St. (8-21-79); 79-11-27 079 0004974
Lynn. *LYNN PUBLIC LIBRARY*, 5 N. Common St. (8-21-79); 79-11-27 079 0004975
Lynn. *ST. STEPHEN'S MEMORIAL CHURCH*, 74 S. Common St. (9-7-79); 79-11-27 079 0004976
North Andover. *NORTH ANDOVER CENTER HISTORIC DISTRICT*, Roughly bounded by Osgood, Pleasant, Stevens, Johnson, and Andover Sts. and Wood Lane. (3-5-79); 79/07/12 079 0000560
Peabody. *PEABODY CENTRAL FIRE STATION*, 41 Lowell St., (4-11-79); 79/07/13 079 0001053
Rowley. *CHAPLIN-CLARKE HOUSE*, 109 Haverhill St., (5-10-79); 79/07/17 079 0001626

franklin county

Shelburne Falls. *ODD FELLOW'S HALL*, 1–5 State St., (5-10-79); 79/07/17 079 0001627

hampden county

Holyoke. *CALEDONIA BUILDING*, 185–193 High St., (7-3-79); 79/11/03079 0003204
Springfield. *KENNEDY-WORTHINGTON BLOCKS*, 1585–1623 Main St. and 166–190 Worthington St., (6-14-79); 79/10/26 079 0002097
Springfield. *SANDERSON, JULIA, THEATER (PARAMOUNT THEATER)*, 1676–1708 Main St., (5-10-79); 79/07/17 079 0001628
Springfield. *WASON-SPRINGFIELD STEAM POWER BLOCKS*, 27–43 Lyman St. and 26–50 Taylor St., (6-19-79); 79/10/26 079 0002098
Springfield. *WINCHESTER SQUARE HISTORIC DISTRICT*, U.S. 20. (5-10-79); 79/07/17 079 0001629
Wilbraham. *ACADEMY HISTORIC DISTRICT*, Mountain Rd., Main and Faculty Sts., (4-20-79); 79/07/17 079 0001630

hampshire county

Amherst. *CONKEY-STEVENS HOUSE*, 664 Main St., (5-10-79); 79/07/17 079 0001631

middlesex county

Belmont. *PLEASANT STREET HISTORIC DISTRICT*, Irregular pattern along Pleasant St., (6-12-79); 79/10/26 079 0002099
Cambridge. *ABBOT, EDWIN, HOUSE (LONGY SCHOOL OF MUSIC)*, 1 Follen St., (5-10-79); 79/07/17 079 0001632
Cambridge. *CORNERSTONE BAPTIST CHURCH*, 2114 Massachusetts Ave., (2/8/79); 79/07/13 079 0000126
Cambridge. *HOOPER-LEE NICHOLS HOUSE*, 159 Brattle St., (6-15-79); 79/10/26 079 0003000
Concord. *DAMON MILL*, 9 Pond Lane. (5-25-79); 79/10/26 079 0003001
Concord vicinity. *PARKMAN TAVERN*, S of Concord at 20 Powder Mill Rd., (6-19-79); 79/10/26 079 0003002
lewis county. *TUSCULUM*, Roughly bounded by Merrimack, Middle, Prescott, and Central Sts., (1-16-79) Middle,; 79/07/13 079 0000127
Newton. *PEIRCE SCHOOL*, 88 Chestnut St, (12-6-79); 80/01/0079 0006354
Newton. *WINSLOW-HASKELL MANSION*, 53 Vista Ave, (10-25-79); 80/01/0079 0006157
Waltham. *BOSTON MANUFACTURING COMPANY*, 144 Moody St., (4-18-79); 79/07/17 079 0001633
Waltham. *CASTLE, THE (MIDDLESEX MEDICAL SCHOOL)*, 415 South St., (4-9-79); 79/07/16 079 0001054
Winchester. *LOCKE, CAPT. JOSIAH, HOUSE*, 195 High St., (3/2/79); 79/07/12 079 0000561
Winchester. *WINCHESTER SAVINGS BANK*, 26 Mt. Vernon St., (6-19-79); 79/10/26 079 0003003

norfolk county

Brookline. *BROOKLINE VILLAGE COMMERCIAL DISTRICT*, Irregular pattern along Washington St., (5-22-79); 79/10/29 079 0002104
Norfolk. *WARE, JOSIAH, TAVERN*, Main St. and Rockwood Rd., (6-19-79); 79/10/29 079 0002105
Norfolk vicinity. *TURNER, STEPHEN, HOUSE*, N of Norfolk at 187 Seekonk St., (5-10-79); 79/07/17 079 0001634

plymouth county

Hanover. *STETSON HOUSE*, Hanover St. (9-7-79); 79-11-28 079 0004977
Plymouth vicinity. *PARTING WAYS ARCHEOLOGICAL DISTRICT*, W of Plymouth. (3/19/79); 79/07/12 079 0000562

suffolk county

Boston. *BEDFORD BUILDING*, 89-103 Bedford St. (8-21-79); 79-11-28 079 0004978
Boston. *INTERNATIONAL TRUST COMPANY BUILDING*, 39-47 Milk St. (9-10-79); 79-11-28 079 0004979

MASSACHUSETTS—Continued

Boston. *WASHINGTON STREET THEATRE DISTRICT*, 511–559 Washington St, (3-19-79); 79/07/12 079 0000563

worcester county

Firchburg. *CALVINISTIC CONGREGATIONAL CHURCH*, 620 Main St., (6-15-79); 79/10/29 079 0002106
Gardner. *FIRST MINISTER'S HOUSE*, 186 Elm St. (11-14-79); 80/01/0079 0006158
Gardner. *GARDNER NEWS BUILDING*, 309 Central St. (11-14-79); 80/01/0079 0006159
Gardner. *HEYWOOD, LEVI, MEMORIAL LIBRARY BUILDING*, 28 Pearl St, (12-6-79); 80/01/0079 0006355
Gardner. *PARTRIDGE, JABEZ, HOMESTEAD*, 81 Partridge Rd, (12-6-79); 80/01/0079 0006356
Gardner. *SMITH, F. W., SILVER COMPANY*, 60 Chestnut St, (11-14-79); 80/01/0079 0006160
Lancaster. *ATHERTON BRIDGE*, Bolton Rd. (9-10-79); 79-11-28 079 0004980
Lancaster vicinity. *PONAKIN BRIDGE*, N of Lancaster on Ponakin Rd, (9-10-79); 79-11-28 079 0004981
Southbridge. *CENTRE VILLAGE HISTORIC DISTRICT*, Along Main St, (9-7-79); 79-11-28 079 0004982

MICHIGAN

calhoun county

Homer. *CORTRIGHT-VAN PATTEN MILL*, 109 Byron St. (8-31-79); 79-11-28 079 0004983
Marshall. *EMPORIUM*, 154–156 W. Michigan Ave., (8-9-79); 79/11/30 079 0004234

genesee county

Flint. *APPLEWOOD (CHARLES STEWART MOTT HOUSE)*, 1400 E. Kearsley St., (4-16-79); 79/07/18 079 0001635
Flint. *CIVIC PARK HISTORIC DISTRICT*, Roughly bounded by Welch and Brownell Blvds., Trumbull Ave., Dupont and Dartmouth Sts. (9-7-79); 79-11-28 079 0004984

ionia county

Ionia. *IONIA COUNTY COURTHOUSE*, E. Main St., (8-9-79); 79/11/30 079 0004235

jackson county I07 Jackson

MICHIGAN STATE PRISON, Armory Court and Cooper St., (8-10-79); 79/11/30 079 0004236

kalamazoo county

Kalamazoo. *DESENBERG BUILDING*, 251 E. Michigan Ave., (8-13-79); 79/11/30 079 0004237
Kalamazoo. *SOUTH STREET HISTORIC DISTRICT*, South St. between Oakland Dr. and Westnedge Ave, (8-28-79); 79-11-28 079 0004985
Kalamazoo vicinity. *DELANO, WILLIAM S., HOUSE*, N of Kalamazoo at 555 W. E Ave., (8-9-79); 79/11/30 079 0004238

lake county

Idlewild. *IDLEWILD HISTORIC DISTRICT*, U.S. 10. (6-7-79); 79/10/29 079 0002107

leelanau county

Glen Haven. *SLEEPING BEAR INN*, MI 209, (9-6-79); 79-11-28 079 0004986
Glen Haven vicinity. *SLEEPING BEAR POINT LIFE SAVING STATION*, N of Glen Haven. (4-26-79); 79/07/18 079 0001636

lenawee county

Blissfield. *CARPENTER, DAVID, HOUSE*, 424 W. Adrian St. (11-20-79); 80/01/0079 0006357

macomb county

St. Clair Shores. *FORD, EDSEL AND ELEANOR, HOUSE*, 1100 Lakeshore Dr., (7-24-79); 79/12/03 079 0004239

newaygo county

Croton. *CROTON HYDROELECTRIC PLANT*, Croton Dam Rd., (8-16-79); 79/12/03 079 0004240

oakland county

Rochester vicinity. *MEADOW BROOK FARMS*, 480 S. Adams Rd., (4-17-79); 79/07/18 079 0001637
Waterford. *WATERFORD VILLAGE HISTORIC DISTRICT*, Dubay and Pontiff Sts., Steffeus, Andersonville and Airport Rds., (8-10-79); 79/12/03 079 0004241

saginaw county

Saginaw. *SAGINAW CENTRAL CITY HISTORIC RESIDENTIAL DISTRICT*, Roughly bounded by Federal Ave., S. Baum St., Park and Hoyt Aves. (both sides). (2-1-79); 79/07/13 079 0000128

st. joseph county

Three Rivers. *SILLIMAN, ARTHUR, HOUSE*, 116 S. Main St. (11-20-79); 80/01/0079 0006358

van buren county

Paw Paw. *VAN BUREN COUNTY COURTHOUSE COMPLEX*, Paw Paw St., (8-9-79); 79/12/03 079 0004242

washtenaw county

Ann Arbor. *NORTHERN BREWERY*, 1327 Jones Dr. (11-20-79); 80/01/0079 0006359

wayne county

Detroit. *COLUMBIA (STEAMER)*, 661 Civic Center Dr. (11-2-79); 80/01/0079 0006161
Detroit. *DUNBAR HOSPITAL*, 580 Frederick St., (6-19-79); 79/10/29 079 0002108
Detroit. *FIRST CONGREGATIONAL CHURCH*, 33 E. Forest St., (6-4-79); 79/10/29 079 0002109
Detroit. *SCARAB CLUB*, 217 Farnsworth Ave. (11-20-79); 80/01/0079 0006360
Detroit. *STE. CLAIRE (STEAMER)*, 661 Civic Center Dr. (11-2-79); 80/01/0079 0006162
Detroit. *TROMBLY, CHARLES, HOUSE*, 553 E. Jefferson Ave., (8-13-79); 79/12/03 079 0004243
Detroit. *WOMEN'S CITY CLUB*, 2110 Park Ave. (11-20-79); 80/01/0079 0006361

MINNESOTA

dakota county

South St. Paul. *STOCKYARDS EXCHANGE BUILDING*, 200 N. Concord St., (3/7/79); 79/07/12 079 0000564

douglas county

Alexandria. *U.S. POST OFFICE BUILDING*, 625 Broadway St., (4-16-79); 79/07/18 079 0001638

goodhue county

Red Wing. *GLADSTONE BUILDING*, 309 Bush St. (11-14-79); 80/01/0079 0006163
Red Wing. *HEWITT, DR. CHARLES, LABORATORY*, 216 Dakota St. (11-15-79); 80/01/0079 0006362
Red Wing. *KAPPEL WAGON WORKS*, 221 W. 3rd St. (11-14-79); 80/01/0079 0006164
Red Wing. *KEYSTONE BUILDING*, 409 Main St. (11-14-79); 80/01/0079 0006165
Red Wing. *NELSON, JULIA B., HOUSE*, 219 5th St. (11-15-79); 80/01/0079 0006363
Red Wing. *PRATT-TABOR HOUSE*, 706 W. 4th St. (11-14-79); 80/01/0079 0006166
Red Wing. *RED WING CITY HALL*, W. 4th St. (11-14-79); 80/01/0079 0006167
Red Wing. *TOWNE-AKENSON HOUSE*, 1121 W. 3rd St. (11-15-79); 80/01/0079 0006364
RED WING IRONWORKS, 401 Levee St, (11-14-79); 80/01/0079 0006168

hennepin county

Minneapolis. *FIRST CONGREGATIONAL CHURCH*, 500 8th Ave., SE., (1-15-79); 79/07/13 079 0000129

hubbard county

Nevis vicinity. *MOSER, LOUIS J., HOMESTEAD*, NW of Nevis on Mantrap Lake, (4-17-79); 79/07/18 079 0001639

otter tail county

Fergus Falls. *WRIGHT, C. J., HOUSE*, 831 Mount Faith Ave. E., (11-30-78) DKY 1/6/79; 078 0002769

pine county

Sandstone. *SANDSTONE PUBLIC SCHOOL BUILDING*, Off MN 123. (2-7-79); 79/07/13 079 0000130

pope county

Terrace. *TERRACE MILL HISTORIC DISTRICT*, Skarpness Rd. and SR 21, (7-17-79); 79/11/03079 0003205

price county

Northfield. *NORTHFIELD HISTORIC DISTRICT*, Roughly bounded by Water, Division, 3rd and 5th Sts., (6-11-79); 79/10/29 079 0002110

rice county

Faribault. *CATHEDRAL OF OUR MERCIFUL SAVIOUR*, 515 NW. 2nd Ave., (8-10-79); 79/12/03 079 0004244
Lonsdale. *LONSDALE PUBLIC SCHOOL*, 3rd Ave., SW, (8-30-79); 79-11-28 079 0004987

sibley county

Henderson. *OLD SIBLEY COUNTY COURTHOUSE*, 6th and Main Sts., (7-2-79); 79/11/03079 0003206

st. louis county

Virginia. *VALON TUOTE RAITTIUSSEURA (REWARD OF LIGHT TEMPERANCE SOCIETY)*, 125 3rd St. North. (8-24-79); 79-11-28 079 0004988

stearns county

Collegeville. *ST. JOHN'S ABBEY AND UNIVERSITY*, Off U.S. 52. (3-23-79); 79/07/16 079 0001055

washington county

Stillwater. *NELSON SCHOOL*, 1018 S. 1st St. (10-25-79); 80/01/0079 0006169

MISSISSIPPI

adams county

GLEN MARY PLANTATION AND TENANT HOUSE, Foster Mound Rd., (7-6-79); 79/11/03079 0003209
Natchez. *BURN, THE*, 307 Oak St., (7-3-79); 79/11/03079 0003207
Natchez. *COTTAGE GARDENS*, 616 Myrtle Ave., (7-5-79); 79/11/03079 0003208

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MISSISSIPPI—Continued

Natchez. *DIXON BUILDING*, 514 Main St., (5-30-79); 79/11/06 079 0002111
Natchez. *EOLA HOTEL*, Main and Pearl Sts., (1/11/79); 79/07/13 079 0000131
Natchez. *HAWTHORNE PLACE*, Lower Woodville Rd., (7-3-79); 79/11/03079 0003210
Natchez. *INSTITUTE HALL*, 111 S. Pearl ST., (6-20-79); 79/11/06 079 0002112
Natchez. *KOONTZ HOUSE*, 303 S. Rankin St., (3-29-79) **habs; 79/07/16 079 0001056**
Natchez. *LISLE-SHIELDS TOWN HOUSE*, 701 N. Union St., (3-29-79); 79/07/16 079 0001057
Natchez. *MANSE, THE*, 307 S. Rankin St., (3-7-79) **habs.; 79/07/12 079 0000565**
Natchez. *MERCER-LAIRD HOUSE*, 118 S. Wall St., (8-9-79); 79/12/03 079 0004245
Natchez. *NEIBERT-FISH HOUSE*, 310 N. Wall St., (1/22/79); 79/07/13 079 0000132
Natchez. *PLEASANT HILL*, 310 Pearl St., (3-28-79); 79/07/16 079 0001058
Natchez. *PRENTISS CLUB*, Peral and Jefferson Sts., (4-17-79); 79/07/18 079 0001640
Natchez. *RAVENNASIDE*, 601 S. Union St., (7-5-79); 79/11/03079 0003211
Natchez. *ROOS HOUSE*, 208 Linton Ave, (11-8-79); 80/01/0079 0006170
Natchez. *SHADYSIDE*, 107 Shadyside St., (3-29-79); 79/07/16 079 0001059
Natchez. *SMART-GRIFFIN HOUSE*, 180 St. Catherine St., (5-16-79); 79/11/06 079 0002113
Natchez. *TEXADA TAVERN*, 222 S. Wall St., (4-17-79); 79/07/18 079 0001641
Natchez. *TILLMAN HOUSE*, 506 High St., (4-17-79); 79/07/18 079 0001642
Natchez. *WINCHESTER HOUSE*, 816 Main St., (1/31/79); 79/07/13 079 0000133
Natchez vicinity. *EDGEWOOD*, N of Natchez on MS 554, (3-30-79); 79/07/16 079 0001060
Natchez vicinity. *ELGIN*, S of Natchez off U.S. 61, (1/19/79); 79/07/13 079 0000134
Natchez vicinity. *MAGNOLIA HILL*, SE of Natchez, (3-30-79); 79/07/16 079 0001061
Natchez vicinity. *MOUNT REPOSE*, N of Natchez on MS 555, (6-19-79); 79/11/06 079 0002114

attala county

Sallis vicinity. *COFFEY, COL. J. K., HOUSE*, E of Sallis off MS 12, (2/8/79); 79/07/13 079 0000135

claiborne county

Port Gibson. *PORT GIBSON MULTIPLE RESOURCE AREA*, This area includes various properties at various locations. Details available upon request., (7-22-79); 79/12/03 079 0004246

clairborne county

Port Gibson vicinity. *WINDSOR SITE*, SW of Port Gibson, (2/2/79); 79/07/13 079 0000136

coahoma county

Clarksdale vicinity. *CARSON MOUNDS*, N of Clarksdale, (4-19-79); 79/07/18 079 0001643

forrest county

Hattiesburg. *SAENGER THEATRE*, Forrest and Front Sts., (5-29-79); 79/11/06 079 0002115

harrison county

Biloxi. *REED, PLEASANT, HOUSE*, 928 Elmer St., (1/11/79); 79/07/13 079 0000137
Pass Christian. *SCENIC DRIVE HISTORIC DISTRICT*, Scenic Dr., (5-7-79); 79/07/18 079 0001644

hinds county

Byram. *BYRAM BRIDGE (SWINGING SUSPENSION BRIDGES THEMATIC RESOURCES)*, Old Byram and Florence Rds., (5-23-79) (also in rankin county); 79/11/06 079 0002116
Jackson. *SPENGLER'S CORNER HISTORIC DISTRICT*, E. Capitol, N. State and N. President Sts, (11-15-79); 80/01/0079 0006365
Jackson. *WARREN-GUILD-SIMMONS HOUSE*, 734 Fairview St., (1/11/79); 79/07/12 079 0000138
Jackson. *WILLIAMS, ALEX, HOUSE*, 937 N. Lamar St., (7-3-79); 79/11/03079 0003212
Raymond vicinity. *DUPREE HOUSE*, W of Raymond on Dupree Rd., (1-31-79); 79/07/13 079 0000139

jefferson county

Church Hill. *CEDAR GROVE PLACE*, MS 553, (3-28-79); 79/07/16 079 0001062
Church Hill. *OAK GROVE*, MS 553, (2/22/79); 79/07/12 079 0000566
Coon Box. *COON BOX FORK BRIDGE (SWINGING SUSPENSION BRIDGES THEMATIC RESOURCES)*, Coon Box Rd., (5-23-79); 79/11/06 079 0002117
Fayette. *OLD HILL PLACE BRIDGE (SWINGING SUSPENSION BRIDGES THEMATIC RESOURCES)*, Hill Rd., (5-23-79); 79/11/06 079 0002118
Union Church. *UNION CHURCH PRESBYTERIAN CHURCH*, MS 550, (7-18-79); 79/11/03079 0003213
Union Church. *YOUNGBLOOD BRIDGE (SWINGING SUSPENSION BRIDGES THEMATIC RESOURCES)*, Youngblood Rd., (5-23-79); 79/11/06 079 0002119

jefferson davis county

Prentiss vicinity. *1907 Holland House (MAGEE PLANTATION)*, E of Prentiss on Fort Stephens Rd., (2-14-79); 79/07/13 079 0000140

lafayette county

College Hill. *COLLEGE CHURCH*, College Hill Rd, (11-13-79); 80/01/0079 0006171

lauderdale county

Meridian. *HIGHLAND PARK*, Roughly bounded by 15th and 19th Sts., 37th and 47th Aves., (2-28-79); 79/07/12 079 0000567
Meridian. *MERIDIAN BAPTIST SEMINARY*, 16th St. and 31st Ave., (1-8-79); 79/07/16 079 0000141

leflore county

Greenwood vicinity. *FORT LEFLORE*, N of Greenwood off MS 7, (4-4-79); 79/07/16 079 0001063

lowndes county

Columbus. *CEDARS, THE*, 1311 Military Rd., (3-29-79) **habs; 79/07/16 079 0001064**
Columbus. *SYMONS HOUSE*, 304 4th Ave. S., (3-28-79); 79/07/16 079 0001065

madison county

Canton. *MADISON COUNTY JAIL*, 234 E. Fulton St., (3-28-79); 79/07/16 079 0001066

marshall county

Red Banks vicinity. *SUMMER TREES*, NE of Red Banks on Mayhome Rd., (1-19-79); 79/07/16 079 0000142

noxubee county

Macon. *OLD NOXUBEE COUNTY JAIL*, 209 Monroe St., (1-8-79); 79/07/16 079 0000143

perry county

New Augusta vicinity. *OLD AUGUSTA HISTORIC SITE*, NE of New Augusta, (4-24-79); 79/07/18 079 0001645

quitman county

Denton vicinity. *DENTON SITE*, (2-2-79); 79/07/16 079 0000144

warren county

Vicksburg. *BECK HOUSE*, 1101 South St., (3-29-79); 79/07/16 079 0001067
Vicksburg. *BOB HOUSE*, 1503 Harrison St., (1-8-79); 79/07/16 079 0000145
Vicksburg. *GREEN, DUFF, HOUSE r*, 806 Locust St., (1-11-79) **habs.; 79/07/16 079 0000146**
Vicksburg. *HOTEL VICKSBURG*, 801 Clay St., (06-04-79); 79/11/06 079 0002122
Vicksburg. *MAIN STREET HISTORIC DISTRICT*, 1st, East, Adams, Main and Openwoods Sts., (4-16-79); 79/07/18 079 0001646
Vicksburg. *YAZOO AND MISSISSIPPI VALLEY DEPOT*, 500 Grove St, (11-13-79); 079 0006172

yazoo county

Yazoo City. *YAZOO CITY TOWN CENTER HISTORIC DISTRICT*, Irregular pattern along Main, Madison and Broadway Sts., (4-16-79); 79/07/18 079 0001647

MISSOURI

St. Louis (independent city)

HADLEY-DEAN GLASS COMPANY, 701-705 N 11th St., (8-1-79); 80/01/10079 0006821
ST. STANISLAUS KOSTKA CHURCH, 1413 N. 20th St., (7-10-79); 79/11/03079 0003232

adair county

Kirksville. *GRIM BUILDING*, 113-115 E. Washington St., (6-27-79); 79/11/03079 0003214
Novinger vicinity. *CABINS HISTORIC DISTRICT*, S. of Novinger off MO 6, (7-17-79); 79/11/03079 0003215

boone county

Centralia. *CHANCE, ALBERT BISHOP, HOUSE AND GARDENS*, 319 E. Sneed St., (7-3-79); 79/11/03079 0003216
Centralia. *CHATOL (F. GANO CHANCE HOUSE)*, 543 S. Jefferson St., (4-20-79); 79/07/18 079 0001648
Columbia. *GREENWOOD*, 3005 Mexico Gravel Rd., (1-15-79) **habs.; 79/07/16 079 0000147**
Columbia. *MAPLEWOOD*, Nifong Blvd. and Ponderosa Dr., (4-13-79); 79/07/18 079 0001649
Columbia. *MISSOURI, KANSAS, AND TEXAS RAILROAD DEPOT*, 402 E. Broadway, (1-29-79); 79/07/16 079 0000148
Columbia. *MISSOURI THEATER*, 201-215 S. 9th St., (06-06-79); 79/11/06 079 0002123

buchanan county

St. Joseph. *HALL STREET HISTORIC DISTRICT*, Roughly bounded by Isadore, Corby, 6th and 9th Sts., (7-17-79); 79/11/03079 0003217

cass county

Garden City vicinity. *O'BANNON HOMESTEAD (SCHUYLER STOCK FARM)*, NE of Garden City off MO NN, (7-3-79); 79/11/03079 0003218

MISSOURI—Continued

clay county

Kansas City. *ANTIOCH CHRISTIAN CHURCH*, 4805 NE. Antioch Rd, (4-2-79); 79/07/16 079 0001068
Kansas City. *COMPTON, DR. JAMES, HOUSE*, 5410 NE. Oak Ridge Rd., 7-10-79); 79/11/03079 0003219

cooper county

New Lebanon. *NEW LEBANON CUMBERLAND PRESBYTERIAN CHURCH AND SCHOOL*, MO A, (7-9-79); 79/11/03079 0003220

greene county

Springfield. *U.S. CUSTOMHOUSE AND POST OFFICE*, 830 Boonville Ave., (6-27-79); 79/11/03079 0003221

grundy county

Trenton. *ST. PHILIP'S EPISCOPAL CHURCH*, 141 E. 9th St., (7-17-79); 79/11/03079 0003222

holt county

Forest City. *CITY HALL*, MO 111, (6-27-79); 79/11/03079 0003223

iron county

Ironton. *IRON COUNTY COURTHOUSE BUILDINGS*, Courthouse Sq. and 220 S. Shepherd St., (6-27-79); 79/11/03079 0003224
Pilot Knob. *IMMANUEL EVANGELICAL LUTHERAN CHURCH*, Palmer and Zeigler Sts., (1-22-79); 79/07/16 079 0000149

jackson county

Independence. *MISSOURI PACIFIC DEPOT*, 600 S. Grand, (1/29/79); 79/07/16 079 0000150
Independence. *TRINITY EPISCOPAL CHURCH*, 409 N. Liberty St., (4-27-79); 79/07/18 079 0001650
Kansas City. *GUMBEL BUILDING*, 801 Walnut St., (1/25/79); 79/07/16 079 0000151
Kansas City. *HENDERSON, DR. GENEROUS, HOUSE*, 1016 The Paseo, (2/26/79); 79/07/12 079 0000568
Kansas City. *HOTEL PHILLIPS*, 106 W. 12th St., (06-04-79); 79/11/06 079 0002124
Kansas City. *JENKINS MUSIC COMPANY BUILDING*, 1217–1223 Walnut St., (3-2-79); 79/07/12 079 0000569
Kansas City. *MUTUAL MUSICIAN'S FOUNDATION BUILDING*, 1823 Highland Ave., (2/7/79); 79/07/16 079 0000152
Kansas City. *PROFESSIONAL BUILDING*, 1101–1107 Grand Ave., (7-17-79); 79/11/03079 0003225
Kansas City. *UPTOWN BUILDING AND THEATRE*, 3700–3712 Broadway, (6-27-79); 79/11/03079 0003226
Kansas City. *WHOLESALE DISTRICT*, Roughly bounded by 6th, Wyandotte, 8th, May, 11th and Washington Sts, (10-25-79); 80/01/0079 0006173
Raytown. *RICE-TREMONTI HOUSE*, 8801 E. 66th St., (3/2/79); 79/07/12 079 0000570

jasper county

Joplin. *JOPLIN CARNEGIE LIBRARY*, 9th and Wall Sts., (7-10-79); 79/11/03079 0003227

lewis county

Lewistown. *QUINCY, MISSOURI, AND PACIFIC RAILROAD STATION*, Off MO 16, (5-7-79); 79/07/18 079 0001651

marion county

Hannibal. *HANNIBAL OLD POLICE STATION AND JAIL*, 4th and Church Sts., (7-17-79); 79/11/03079 0003228

miller county

St. Elizabeth vicinity. *BOECKMAN BRIDGE*, SE of St. Elizabeth over Big Tavern Creek, (3/19/79); 79/07/12 079 0000571

moniteau county

Tipton. *MACLAY MANSION*, 209 W. Howard St., (2/26/79); 79/07/12 079 0000572

morgan county

Gravois Mills vicinity. *OLD ST. PATRICK'S CHURCH*, S of Gravois Mills on SR 0, (3/2/79); 79/07/12 079 0000573

nodaway county

Maryville. *GAUNT, THOMAS, HOUSE*, 703 College Ave., (4-19-79); 79/07/18 079 0001652

pettis county

Sedalia. *HARRIS HOUSE*, 705 W. 6th St., (7-10-79); 079 0003229
Sedalia. *MISSOURI, KANSAS AND TEXAS RAILROAD DEPOT*, 600 E. 3rd St., (3-28-79); 79/07/16 079 0001069

platte county

Parkville. *MACKAY BUILDING*, Park College campus, (4-6-79); 79/07/16 079 0001070
Platte City. *PLATTE COUNTY COURTHOUSE*, 3rd and Main Sts., (1/17/79); 79/07/16 079 0000153

pulaski county

Waynesville. *PULASKI COUNTY COURTHOUSE*, Courthouse Sq., (7-17-79); 79/11/03079 0003230

ralls county

Center vicinity. *ST. PAUL CATHOLIC CHURCH*, W of Center off SR EE, (05-31-79); 11/06/679 079 0002125

ray county

Richmond. *RAY COUNTY POOR FARM*, W. Royale St., (7-10-79); 79/11/03079 0003231

saline county

Marshall. *CHICAGO AND ALTON DEPOT*, Sebree St., (6-27-79); 79/11/03079 0003233

scotland county

Memphis. *DOWNING HOUSE Downing House,*, 311 S. Main St., (6-27-79); 79/11/03079 0003234

st. louis (independent city)

WASHINGTON UNIVERSITY HILLTOP CAMPUS HISTORIC DISTRICT, Roughly bounded by Big Bend, Forsyth, Skinker, and Millbrook Blvds., (1-12-79); 79/07/16 079 0000155

st. louis county

Bridgeton. *PAYNE-GENTRY HOUSE*, 4211 Fee Fee Rd., (4-17-79); 79/07/18 079 0001653
Florissant. *ST. FERDINAND CITY MULTIPLE RESOURCE AREA (PARTIAL INVENTORY)*, This area includes various properties at various locations. Details available upon request, (9-12-79); 79-11-28 079 0004989
Grantwood. *WHITE HAVEN*, 9060 Whitehaven Dr., **(4-4-79) habs; 79/07/16 079 0001071**
Manchester. *LYCEUM, THE*, 920 Manchester Rd., (4-3-79); 79/07/16 079 0001072
Norfolk. *BOCKRATH-WIESE THEATER*, St. Ferdimand Park, (2/2/79); 79/07/16 079 0000154

stone county

Reeds Spring vicinity. *MORRILL, LEVI, POST OFFICE AND HOMESTEAD*, SE of Reeds Spring off MO 148, (4-3-79); 79/07/16 079 0001073

wright county

Mountain Grove vicinity. *ADMINISTRATION BUILDING, MISSOURI STATE FRUIT EXPERIMENT STATION*, N of Mountain Grove off MO 60, (1/15/79); 79/07/16 079 0000157

MONTANA

cascade county

Sun River vicinity. *ADAM'S, J. C., STONE BARN*, NE of Sun River off U.S. 81, (1/29/79); 79/07/16 079 0000158

custer county

Miles City. *MILES CITY STEAM LAUNDRY*, 800 Bridge St., (7-5-79); 79/11/01079 0003300

deer lodge county

Anaconda. *ANCIENT ORDER OF HIBERIANS HALL*, 321-323 E. Commercial St., (8-10-79); 80/01/10079 0006822
Anaconda. *CITY HALL*, 401 E. Commercial St., (8-10-79); 80/01/10079 0006823

fergus county

Lewistown. *MASONIC TEMPLE*, 322 W.Broadway St., (7-3-79); 79/11/01079 0003301

gallatin county

Bozeman. *BOZEMAN CARNEGIE LIBRARY*, 35 N. Bozeman Ave., (2/26/79); 79/07/12 079 0000574

jefferson county

Boulder vicinity. *BOULDER HOT SPRINGS HOTEL*, SE of Boulder on MT 281, (1/29/79); 79/07/16 079 0000159

lewis and clark county

Helena. *HAUSER MANSION*, 720 Madison Ave., (2/9/79); 79/07/16 079 0000160

powell county

Deer Lodge. *BIELENBERG, NICK J., HOUSE*, 801 Milwaukeee Ave., (8-10-79); 80/01/10079 0006824
Deer Lodge. *COLEMAN, WILLIAM E., HOUSE*, 500 Missouri Ave., (05-21-79); 79/11/06 079 0002126
Deer Lodge. *KOHRS, WILLIAM K., FREE MEMORIAL LIBRARY*, 5th St. and Missouri Ave., (5-7-79); 79/07/18 079 0001654

ravalli county

Hamilton. *RAVALLI COUNTY COURTHOUSE*, 225 Bedford St., (4-20-79); 79/07/18 079 0001655

rosebud county

Forsyth. *ROSEBUD COUNTY DEACONESS HOSPITAL*, N. 17th Ave, (11-16-79); 80/01/0079 0006366

silver bow county

Butte. *U. S. POST OFFICE*, 400 N. Main St, (11-15-79); 80/01/0079 0006367

yellowstone county

Billings. *BILLINGS HISTORIC DISTRICT*, Roughly bounded by N. 23rd and N. 25th Sts., 1st and Montana Aves., (3-13-79); 79/07/12 079 0000575

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MONTANA—Continued

Billings vicinity. *BOOTHILL CEMETERY*, N of Billings, (4-17-79); 79/07/18 079 0001656

NEBRASKA

adams county

Hastings. *BRACH, WILLIAM, HOUSE*, N. Lincoln Ave., (2/1/79); 79/07/16 079 0000161

Hastings. *FARRELL BLOCK*, 533–537 2nd St. and 112 Denver Ave., (5-1-79); 79/07/16 079 0001657

Hastings. *NEBRASKA LOAN AND TRUST COMPANY BUILDING*, 2nd and Lincoln Ave., (5-1-79); 79/07/18 079 0001658

Hastings. *NOWLAN-DIETRICH HOUSE*, 1105 N. Kansas Ave., (4-17-79); 79/07/18 079 0001659

Hastings. *STEIN BROTHERS BUILDING*, 630 W. 2nd St., (5-1-79); 79/07/18 079 0001660

arthur county

Arthur. *PILGRIM HOLINESS CHURCH*, Off NE 61, (06-18-79); 79/11/06 079 0002127

custer county

Broken Bow. *CUSTER COUNTY COURTHOUSE AND JAIL*, Main St., (4-19-79); 79/07/18 079 0001661

dawson county

Cozad. *HENDEE HOTEL*, 220 E. 8th St., (3/21/79); 79/07/12 079 0000576

Gothenburg. *CALLING, ERNEST A., HOUSE*, 1514 Lake Ave, (10-25-79); 80/01/0079 0006174

dixon county

Ponca. *PONCA HISTORIC DISTRICT*, Roughly bounded by East, Court, 2nd and 3rd Sts., (5-18-79); 79/07/18 079 0001662

douglas county

Boys Town. *FATHER FLANAGAN'S HOUSE*, Off U.S. 6, (9-6-79); 79-11-28 079 0004990

Omaha. *ANHEUSER-BUSCH BEER DEPOT*, 1207–1215 Jones St., (2-1-79); 79/07/16 079 0000162

Omaha. *OLD MARKET HISTORIC DISTRICT*, Bounded by 13th, Farnam, 10th and Jackson Sts., (3-23-79); 79/07/16 079 0001074

Omaha. *OMAHA QUARTERMASTER DEPOT HISTORIC DISTRICT*, Roughly bounded by RR tracks, Woolworth Ave., Hickory, 22nd and 20t, (7-26-79); 80/01/10079 0006825

Omaha. *ST. CECILIA'S CATHEDRAL*, 701 N. 40th St., (1/25/79); 79/07/16 079 0000163

Omaha. *STANDARD OIL COMPANY BUILDING*, 500 S. 18th St, (8-24-79); 79-11-28 079 0004991

Omaha. *U.S.S. HAZARD AND U.S.S. MARLIN*, 2500 N. 24th St., (1/1/79); 79/07/16 079 0000164

gage county

Beatrice. *BEATRICE CHAUTAUQUA PAVILION AND GATEHOUSE*, 6th and Grable Sts., (4-9-79); 79/07/16 079 0001075

hitchcock county

Culbertson vicinity. *ST. PAUL'S METHODIST PROTESTANT CHURCH*, S of Culbertson on NE 17, (1/25/79); 79/07/16 079 0000165

keith county

Keystone. *KEYSTONE COMMUNITY CHURCH*, McGinley St., (1/25/79); 79/07/16 079 0000166

lancaster county

Lincoln. *BURR BLOCK*, 1206 O St., (05-18-79); 79/11/06 079 0002128

Lincoln. *PHILLIPS, R. O., HOUSE*, 1845 D St, (11-29-79); 80/01/0079 0006368

Walton vicinity. *RETZLAFF FARMSTEAD*, (05-31-79); 79/11/06 079 0002129

merrick county

Central City. *PATTERSON LAW OFFICE*, 1517 18th St., (3/9/79); 79/07/12 079 0000577

nemaha county

Auburn vicinity. *ST. JOHN'S LUTHERAN CHURCH COMPLEX*, SW of Auburn, (1/25/79); 79/07/16 079 0000167

saline county

Crete. *TRINITY MEMORIAL EPISCOPAL CHURCH*, 14th and Juniper Sts. (9-14-79); 79-11-23 079 0004992

saunders county

Ashland. *ST. STEPHEN'S EPISCOPAL CHURCH*, 15th and Adams Sts., (1/25/79); 79/07/16 079 0000168

sheridan county

Antioch. *ANTIOCH POTASH PLANTS*, NE 2, (5-16-79); 79/07/18 079 0001663

thurston county

Macy vicinity. *BLACKBIRD HILL*, SE of Macy, (5-2-79); 79/07/18 079 0001664

washington county

Blair. *CONGRESSIONAL CHURCH OF BLAIR*, 16th and Colfax Sts., (2/1/79); 79/07/16 079 0000169

wayne county

Wayne. *WAYNE COUNTY COURTHOUSE*, 510 Pearl St., (5-2-79); 07/ 18/79 079 0001665

webster county

Bladen vicinity. *PAVELKA FARMSTEAD*, SE of Bladen, (4-13-79); 79/07/16 079 0001076

NEVADA

carson city (independent city)

CARSON CITY POST OFFICE, 401 N. Carson St., (2-9-79) **habs.; 79/07/16 079 0000170**

CLEMENS, ORION, HOUSE, 502 N. Division St., (3/12/79); 79/07/12 079 0000578

FERRIS, G. W. G., HOUSE, 311 W. 3rd St., (2-9-79) **habs.; 79/07/16 079 0000171**

ORMSBY-ROSSER HOUSE, 304 S. Minnesota St., (5-17-79); 79/07/18 079 0001666

SADLER, GOV. REINHOLD, HOUSE, 310 Mountain St., (3/2/79); 79/07/12 079 0000579

clark county

Las Vegas. *LAS VEGAS GRAMMAR SCHOOL, BRANCH NO. 1*, Washington and D Sts., (4-2-79); 79/07/16 079 0001077

Las Vegas vicinity. *TULE SPRINGS ARCHEOLOGICAL SITE*, (4-20-79); 07/19/79) 079 0001667

douglas county

Gardnerville. *CARSON VALLEY HOSPITAL*, 1486 U.S. 395, (05-29-79); 79/11/06 079 0002130

Glenbrook. *LAKE SHORE HOUSE*, Glenbrook Rd, (10-4-79); 80/01/0079 0006175

nye county

Austin vicinity. *GATECLIFF ROCKSHELTER*, SE of Austin, (4-27-79); 79/07/19 079 0001668

washoe county

Steamboat vicinity. *ALAMO RANCHHOUSE*, SW of Steamboat at 20205 S. Virginia St, (11-23-79); 80/01/0079 0006369

NEW HAMPSHIRE

carroll county

Moultonborough vicinity. *WINDERMERE*, SW of Moultonborough on Long Island, (11-14-79); 80/01/0079 0006176

coos county

Berlin. *HOLY RESURRECTION ORTHODOX CHURCH*, Petrograd St., (5-16-79); 79/07/19 079 0001669

Berlin. *ST. ANNE CHURCH*, 58 Church St., (05-29-79); 79/11/06 079 0002131

grafton county

Enfield. *ENFIELD SHAKER HISTORIC DISTRICT*, SR 4A, (11-7-79); 80/01/0079 0006177

hillsborough county

Milford. *PEABODY, WILLIAM, HOUSE*, N. River Rd, (11-30-79); 80/01/0079 0006370

merrimack county

Concord. *MERRIMACK COUNTY COURTHOUSE*, 163 N. Main St, (11-27-79); 80/01/0079 0006371

rockingham county

Chester. *CHESTER VILLAGE CEMETERY*, NH 102 and NH 121, (11-29-79); 80/01/0079 0006372

Northwood. *NORTHWOOD CONGREGATIONAL CHURCH*, U. S. 4, (11-30-79); 80/01/0079 0006373

Portsmouth. *LARKIN-RICE HOUSE*, 180 Middle St, (11-29-79); 80/01/0079 0006374

Portsmouth. *NEW HAMPSHIRE BANK BUILDING*, 22-26 Market Sq, (9-10-79); 79-11-28 079 0004993

Portsmouth. *SOUTH PARISH*, 292 State St, (8-21-79); 79-11-27 079 0004994

Portsmouth. *WENTWORTH-GARDNER AND TOBIAS LEAR HOUSES*, Mechanic and Gardner Sts, (10-30-79); 80/01/0079 0006178

Raymond. *RAYMOND BOSTON AND MAINE RAILROAD DEPOT*, Main St., (5-16-79); 79/07/19 079 0001670

strafford county

Milton vicinity. *PLUMER-JONES FARM*, N of Milton on NH 16, (3/23/79); 79/07/12 079 0000580

sullivan county

Claremont. *CLAREMONT WAREHOUSE NO. 34*, (Part of Downtown Claremont and Lower Village Multiple Resource Area) 43 River St., (2-28-79); 79/07/16 079 0001078

Claremont. *DEXTER, DAVID, HOUSE*, Dexter Heights, (11-29-79); 80/01/0079 0006375

NEW HAMPSHIRE—Continued

Claremont. *MONADNOCK MILLS*, Broad, Water, Crescent Sts., and Mill Rd., (2-15-79); 79/07/16 079 0000172

Claremont. *MONADNOCK MILLS, BROAD, WATER*, Crescent Sts. and Mill Rd., (2-15-79); 80/01/10079 0006763

Claremont. *ROSITER, WILLIAM, HOUSE*, 11 Mulberry St., (05-25-79); 79/11/06 079 0002132

NEW JERSEY

atlantic county

Estell Manor. *HEAD OF THE RIVER CHURCH*, NJ 49, (3-7-79) **habs.; 79/07/12 079 0000581**

Mays Landing. *RICHARDS, SAMUEL, HOTEL*, 106 E. Main St, (8-31-79); 79-11-28 079 0004995

Port Republic. *BLAKE, AMANDA, STORE*, 104 Main St., (1-25-79); 80/01/10079 0006764

bergen county

Bergenfield. *SOUTH CHURCH MANSE*, 136 W. Church St, (8-24-79); 79-11-29 079 0004996

Closter. *DEMAREE, ABRAM, HOUSE*, Schraalenburgh and Old Hooks Rds, (11-1-79); 80/01/0079 0006179

Franklin Lakes. *REACTION MOTORS ROCKET TEST FACILITY*, 936 Dogwood Trail, (06-06-79); 79/11/06 079 0002133

Old Tappan. *HARING, TEUNIS, HOUSE*, 70 Old Tappan Rd., (4-20-79); 79/07/19 079 0001671

Oradell. *VAN BUSKIRK-OAKLEY HOUSE*, 467 Kinderamack Rd., (7-3-79); 79/11/01079 0003302

Saddle River. *ACHENBACH HOUSE*, 184 Chestnut Ridge Rd., (4-18-79); 79/07/19 079 0001672

Tenafly. *TENAFLY STATION*, off Hillside Ave., (1-25-79); 80/01/10079 0006765

Tenafly. *TENAFLY STATION*, Off Hillside Ave., (1-25-79) **habs.; 79/07/16 079 0000174**

burlington county

Chatsworth. *SHAMONG HOTEL (WHITEHORSE INN)*, Main St, (9-13-79); 79-11-29 079 0004997

Chesterfield vicinity. *SINGLETON-LATHEM-LARGE HOUSE*, NW of Chesterfield on NJ 528, (3/7/79); 79/07/12 079 0000582

Wrightstown vicinity. *UPPER SPRINGFIELD MEETINGHOUSE*, W of Wrightstown, (8-24-79); 79-11-29 079 0004998

cape may county

Avalon. *AVALON LIFE SAVING STATION*, 76 W. 15th St., (3/2/79); 79/07/12 079 0000583

Cape May Court House. *HOLMES, JOHN, HOUSE*, U.S. 9, (08-12-79) **habs.; 79/11/06 079 0002134**

essex county

Montclair. *SCHULTZ, CHARLES S. HOUSE*, 30 N. Mountain Ave., (7-22-79); 79/11/01079 0003303

Montclair. *VAN REYPER-BOND HOUSE*, 848 Valley Rd., (1-22-79); 80/01/10079 0006766

Newark. *MURPHY VARNISH WORKS*, McWhorter, Vesey, and Chestnut Sts., (3/9/79); 79/07/12 079 0000584

Newark. *NEWARK FEMALE CHARITABLE SOCIETY*, 305 Halsey St., 41-43 Hill St, (9-12-79); 79-11-29 079 0004999

Newark. *SECOND REFORMED DUTCH CHURCH*, 178-184 Edison Pl., (3/12/79); 79/07/12 079 0000585

Newark. *SYMINGTON HOUSE*, 2 Park Place, (3-2-79); 79/07/12 079 0000586

Roseland. *WILLIAMS-HARRISON HOUSE*, 126 Eagle Rock Ave., (3-13-79) **habs.; 79/07/12 079 0000587**

gloucester county

Bridgeport vicinity. *SALISBURY FARM*, W of Bridgeport, (3-7-79); 79/07/12 079 0000588

Richwood. *RICHWOOD METHODIST CHURCH*, Elmer Rd., (1-9-79); 80/01/10079 0006767

hudson county

Hoboken. *HOBOKEN LAND AND IMPROVEMENT COMPANY BUILDING*, 1 Newark St., (7-3-79); 079 0003304

Jersey City. *GRACE CHURCH VAN VORST*, 268 2nd St, (8-1-79); 79-11-13 079 0004350

Jersey City. *HAMILTON PARK HISTORIC DISTRICT*, roughly bounded by Brunswick, Grove 6th and 9th Sts., (1-25-79); 80/01/10079 0006768

Jersey City. *HAMILTON PARK HISTORIC DISTRICT*, Roughly bounded by Brunswick, Grove, 6th, and 9th Sts., (1-25-79); 79/07/16 079 0000177

hunterdon county

Califon. *APGAR, J. K., FARMHOUSE*, SR 512 and Guinea Hollow Rd, (11-1-79); 80/01/0079 0006180

Clinton vicinity. *VAN SYCKEL CORNER DISTRICT*, Van Syckels Corner and Norton Rds, (11-8-79); 80/01/0079 0006181

Pattenburg vicinity. *CASE FARMSTEAD*, W of Pattenburg on SR 14, (8-14-79); 79-11-13 079 0004351

Pittstown vicinity. *LANSDOWN*, NE of Pittstown on SR 2, (11-2-79); 80/01/0079 0006182

Prallsville. *PRALLSVILLE DISTRICT*, NJ 29, (6-27-79); 11/1/79 IA NEW JERSEY 079 0003305

mercer county

Lawrencevilie vicinity. *BAKER-BREARLEY HOUSE*, E of Lawrenceville on Meadow Rd, (8-31-79); 79-11-29 079 0005000

Trenton. *CLAY, HENRY AND BOCK AND COMPANY CIGAR FACTORY*, 507 Grand St., (06-12-79); 79/11/06 079 0002135

Trenton. *KUSER, RUDOLPH V., ESTATE*, 315 W. State St, (6-24-79); 79-11-29 079 0005001

Trenton. *PENNSYLVANIA RAILROAD BRIDGE*, Spans Delaware River, (06-06-79); 79/11/06 079 0002136

Trenton. *PHILADELPHIA AND READING RAILROAD FREIGHT STATION*, 260 N. Willow St., (5-14-79); 79/07/19 079 0001673

middlesex county

East Brunswick. *KEARNEY, EDWARD S., HOUSE*, NJ 18, (4-6-79); 79/07/16 079 0001079

Highland Park vicinity. *RARITAN LANDING ARCHEOLOGICAL DISTRICT*, (8-10-79); 79-11-13 079 0004352

Jamesburg. *ENSLEY-MOUNT-BUCKALEW HOUSE*, Buckalew Ave, (9-12-79); 79-11-29 079 0005002

Jamesburg vicinity. *HOLMES-TALLMAN HOUSE*, NW of Jamesburg at Cranbury and Brown's Corner Rds, (9-12-79); 79-11-29 079 0005003

Perth Amboy. *SIMPSON UNITED METHODIST CHURCH*, High and Jefferson Sts., (4-6-79); 79/07/16 079 0001080

Sayreville. *SAYRE AND FISHER READING ROOM (SAYREVILLE HALL)*, Main St. and River Rd, (9-12-79); 79-11-29 079 0005004

monmouth county

Asbury Park. *ASBURY PARK CONVENTION HALL*, Ocean Ave., (3-2-79); 79/07/12 079 0000589

Asbury Park. *WINSOR BUILDING*, 400-420 Main St. and 715-131 Bangs Ave, (9-13-79); 79-11-29 079 0005005

Long Branch. *HOUSE AT 364 CEDAR AVENUE*, (11-1-79); 80/01/0079 0006183

morris county

Chatham. *DUSENBERRY HOUSE*, 186 Main St, (11-1-79); 80/01/0079 0006184

Dover vicinity. *TUTTLE, DAVID, COOPERAGE*, 83 Gristmill Rd., (06-19-79); 79/11/06 079 0002137

passaic county

Passaic. *ST. NICHOLAS ROMAN CATHOLIC CHURCH*, Washington, State and Ann Sts., (5-14-79); 79/07/19 079 0001674

salem county

Woodstown. *SHINN, JOSEPH, HOUSE*, 68 N. Main St., (3-7-79); 07/12/79 @CE Little-Lord Farmstead NJ@CF 079 0000590

somerset county

Neshanic. *NESHANIC HISTORIC DISTRICT*, Amwell and Zion Rds, (8-1-79); 79-11-13 079 0004353

Rocky Hill vicinity. *CAT TAIL BROOK BRIDGE*, NW of Rocky Hill on Montgomery Rd, (8-1-79); 79-11-13 079 0004354

sussex county

Branchville vicinity. *FOSTER-ARMSTRONG HOUSE*, N of Branchville on River Rd., (7-23-79); 79-11-13 079 0004355

Hamburg vicinity. *LAWRENCE MANSION*, W of Hamburg on NJ 94, (11-2-79); 80/01/0079 0006185

Newton. *SUSSEX COUNTY COURTHOUSE*, High and Spring Sts., (7-23-79); 79-11-13 079 0004356

Wallpack Center vicinity. *GUNN, CORNELIUS, HOUSE*, SW of Wallpack Center on Ridge Rd, (7-23-79); 79-11-13 079 0004357

Wallpack Center vicinity. *LAYTON, RICHARD, HOUSE*, SW of Wallpack Center on Ridge Rd., (7-23-79); 79-11-13 079 0004358

Wallpack Center vicinity. *SHOEMAKER-HOUCK FARM*, S of Wallpack Center on Heney's Mill-Wallpack Center Rd., (7-23-79); 79-11-13 079 0004359

Wallpack Center vicinity. *SNABLE, ANDREW, HOUSE*, NE of Wallpack Center on Sandyston-Haney's Mill Rd., (7-23-79); 79-11-13 079 0004360

union county

Berkeley Heights. *LITTLE-LORD FARMSTEAD*, 23 and 31 Horseshoe Rd., (3-7-79); 79/07/20 079 0000591

Plainfield. *WARING, ORVILLE TAYLOR, HOUSE (RUNYON FUNERAL HOME)*, 900 Park Ave., (5-14-79); 79/07/19 079 0001675

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NEW JERSEY—Continued

Springfield. *SAYRE HOMESTEAD*, Sayre Homestead Lane, (8-24-79); 79-11-29 079 0005006
Union. *TOWNLEY, JAMES, HOUSE*, Morris Ave. and Green Lane, (5-14-79); 79/07/19 079 0001676

warren county

Alpha vicinity. *HUNT, GEORGE, HOUSE*, SW of Alpha at 135 Warren Glen Rd, (9-12-79); 79-11-29 079 0005007
Washington. *WASHINGTON RAILROAD STATION*, Railroad Ave., (7-3-79); 79/11/01079 0003307

NEW MEXICO

Albuquerque

Albuquerque. *FIRST NATIONAL BANK BUILDING*, 217–233 Central Ave., NW, (2-2-79); 79/07/16 079 0000178

bernalillo county

O'REILLY, J.H., HOUSE, 220 9th St., NW., (1/29/79); 79/07/16 079 0000179
Alberquerque. *LEWIS, CHARLES W. BUILDING*, 1405–1407 2nd St., SW., (7-3-79); 79/11/01079 0003308
Albuquerque. *DE GRACIA, TOMASA GRIEGO, HOUSE*, 6939 Edith Blvd., NE
Albuquerque. *BARELA-BLEDSOE HOUSE*, 7017 Edith Blvd., NE., (3-12-79); 79/07/12 079 0000592
Albuquerque. *FIRST NATIONAL BANK BUILDING*, 217-233 Central Ave., NW., (2-2-79); 80/01/10079 0006769
Albuquerque. *O'REILLY, J.H., HOUSE*, 220 9th St., NW., (1-29-79); 80/01/10079 0006770
Albuquerque. *SAN IGNACIO CHURCH*, 1300 Walter St., NE, (8-21-79); 79-11-29 079 0005008

colfax county

Eagle Nest vicinity. *EAGLE NEST DAM*, 3 mi. SE of Eagle Nest off U.S. 64, (4-18-79); 79/07/19 079 0001677
Springer. *COWAN, R. H., LIVERY STABLE*, 220 Maxwell Ave., (8-3-79); 79-11-13 079 0004361

de baca county

Fort Sumner vicinity. *FORT SUMNER RAILROAD BRIDGE*, 2 mi. (3.2 km) W of Fort Sumner over Pecos River, (3-21-79); 79/07/12 079 0000593

lincoln county

Nogal vicinity. *EL PASO AND SOUTHWESTERN RAILWAY WATER SUPPLY SYSTEM*, S of Nogal, (11-21-79); 80/01/10079 0006377

mckinley county

Gallup. COTTON, C.N., HOUSE, 406 W. Aztec Ave. (7-10-79)
Prewitt vicinity. *ANDREWS ARCHEOLOGICAL DISTRICT*, NE of Prewitt, (5-17-79); 79/07/19 079 0001678

mora county

Cleveland. *CASSIDY, DANIEL, AND SONS GENERAL MERCHANDISE STORE*, NM 3, (8-1-79); 79-11-13 079 0004362
Ocate. *STRONG, J. P., STORE*, NM 21 and NM 120, (7-27-79); 79-11-13 079 0004363

otero county

Cloudcroft vicinity. *MEXICAN CANYON TRESTLE*, NW of Cloudcroft off NM 83, (5-7-79); 79/07/19 079 0001679
La Luz vicinity. *LA LUZ POTTERY FACTORY*, 2 mi. (3.2 km) E of La Luz, (05-29-79); 79/11/06 079 0002139
Tularosa. *TULAROSA ORIGINAL TOWNSITE DISTRICT*, U.S. 54/70, (2-14-79); 80/01/10079 0006771

rio arriba county

Dulce vicinity. *VICENTI SITE*, (5-14-79); 79/07/19 079 0001680
Embudo. *EMBUDO HISTORIC DISTRICT*, U.S. 64, (3-12-79); 79/07/12 079 0000594

san juan county

La Plata vicinity. *MORRIS' NO. 41 ARCHEOLOGICAL DISTRICT*, (5-17-79); 79/07/19 079 0001681

san miguel county

Las Vegas. *LIBRARY PARK HISTORIC DISTRICT*, Liberty Park and environs, (3-12-79); 79/07/12 079 0000595
Las Vegas. *LINCOLN PARK HISTORIC DISTRICT*, 7th, 8th, Lincoln and Jackson Sts, (8-6-79); 79-11-13 079 0004364
Las Vegas. *RAILROAD AVENUE HISTORIC DISTRICT*, U.S. 85, (8-6-79); 79-11-13 079 0004365
Rociada vicinity. *PENDARIES GRIST MILL*, 1 mi. (1.6 km) E of Rociada off NM 105, (2-2-79); 80/01/10079 0006772

santa fe county

Lamy vicinity. *APACHE CANYON RAILROAD BRIDGE*, 3 mi. (4.8 km) NE of Lamy over Galisteo Creek, (4-27-79); 79/07/19 079 0001682
Santa Fe. *VIERRA, CARLOS, HOUSE*, 1002 Old Pecos Trail, (8-3-79); 79-11-13 079 0004366

sierra county

Arrey vicinity. *PERCHA DIVERSION DAM*, 2 mi. (3.2 km) NE of Arrey, (4-6-79); 79/07/16 079 0001081
Elephant Butte vicinity. *ELEPHANT BUTTE DAM AND RESERVOIR*, NW of Elephant Butte off NM 51, (4-9-79); 79/07/16 079 0001082

socorro county

Magdalena vicinity. *CLEMENS RANCHHOUSE*, S of Magdalena, (4-18-79); 79/07/19 079 0001683

taos county

Taos. *GASPARD, LEON, HOUSE*, Raton Rd., (2-23-79); 79/07/12 079 0000596
Tres Piedras. *TRES PIEDRAS RAILROAD WATER TOWER*, off U.S. 285, (2-2-79); 80/01/10079 0006773
Tres Piedras. *TRES PIEDRAS RAILROAD WATER TOWER*, Off U.S. 285, (2-2-79); 79/07/16 079 0000182

torrance county

Moriarty vicinity. *MORIARTY ECLIPSE WINDMILL*, 2 (3.2 km) W of Moriarty off NM 222, (06-04-79); 79/11/06 079 0002140

valencia county

Los Lunas. *ATCHISON, TOPEKA, AND SANTA FE RAILROAD DEPOT*, U.S. 85, (8-1-79); 79-11-13 079 0004367
San Mateo vicinity. *SAN MATEO ARCHEOLOGICAL SITE*, NW of San Mateo, (5-17-79); 79/07/19 079 0001684

waseca county

Janesville vicinity. *SEHA SORGHUM SYRUP MILL*, SE of Janesville off MN 60, (06-04-79); 79/11/06 079 0002141

NEW YORK

albany county

Albany. *TEN BROECK HISTORIC DISTRICT*, irregular pattern along Ten Broeck St. from Clinton Ave. to Livingston Ave., (1-25-79); 80/01/10079 0006774
Albany. *TEN BROECK HISTORIC DISTRICT*, Irregular pattern along Ten Broeck St. from Clinton Ave. to Livingston Ave., (1-25-79); 79/07/16 079 0000183
Cohoes. *SILLIMAN MEMORIAL PRESBYTERIAN CHURCH*, Mohawk and Seneca Sts., (8-1-79); 79-11-13 079 0004368
Menands. *ALBANY RURAL CEMETERY*, Cemetery Ave, (10-25-79); 80/01/0079 0006186

bronx county

Bronx. *HALL OF FAME COMPLEX*, Bronx Community College campus, (9-7-79); 79-11-29 079 0005009

chenango county

Greene. *ROSEKRANS BUILDING*, 62 Genessee St, (7-27-79); 79-11-13 079 0004369

columbia county

Claverack. *VAN HOESEN, JAN, HOUSE*, NY 66, (8-1-79); 79-11-13 079 0004370
Clermont vicinity. *SIXTEEN-MILE DISTRICT*, W of Clermont along Hudson River, (3-7-79) (also in Dutchess County); 79/07/13 079 0000597
Germantown vicinity. *CLERMONT ESTATES HISTORIC DISTRICT*, S of Germantown, (5-7-79); 79/07/19 079 0001686
Linlithgo vicinity. *OAK HILL*, N of Linlithgo on Oak Hill Rd., (6-26-79); 79/11/01079 0003310
Valatie. *FIRST PRESBYTERIAN CHURCH*, Church St, (9-7-79); 79-11-29 079 0005010

cortland county

Preble vicinity. *LITTLE YORK PAVILION*, S of Preble off NY 281, (7-27-79); 79-11-13 079 0004371

dutchess county

Beacon. *EUSTATIA*, 12 Monell Pl., (2-26-79); 79/07/13 079 0000598
Poughkeepsie. *POUGHKEEPSIE RAILROAD BRIDGE*, Spans Hudson River, (2-23-79) (also in Ulster County); 79/07/13 079 0000600
Rhinebeck. *RHINEBECK VILLAGE HISTORIC DISTRICT*, U.S. 19 and NY 308, (8-6-79); 79-11-13 079 0004372

erie county

Buffalo. *BLESSED TRINITY ROMAN CATHOLIC CHURCH BUILDINGS*, 317 LeRoy Ave, (8-3-79); 79-11-13 079 0004373
Hamburg vicinity. *KLEIS SITE*, (4-20-79); 79/07/19 079 0001687
West Seneca. *EATON SITE*, (4-3-79); 79/07/16 079 0001083

essex county

Elizabethtown. *HAND-HALE HISTORIC DISTRICT*, River and Maple Sts., (3-5-79); 79/07/13 079 0000601

genesee county

LeRoy. *KEENEY HOUSE*, 13 W. Main St, (9-11-79); 79-11-29 079 0005011

greene county

LEEDS VICINITY. *NEWKIRK HOMESTEAD*, NW of Leeds on Sandy Plains Rd., (7-22-79); 79/11/01079 0003311

NEW YORK—Continued

Leeds vicinity. *SALISBURY MANOR*, NW of Leeds on NY 145/23, (06-19-79); 79/11/06 079 0002145
Windham. *CENTRE PRESBYTERIAN CHURCH*, Main and Church Sts, (9-7-79); 79-11-29 079 0005012

kings county

Brooklyn. *FLATLANDS DUTCH REFORMED CHURCH*, Kings Hwy. and E. 40th St, (8-30-79); 79-11-29 079 0005013

manhattan county

New York. *JEFFREY'S HOOK LIGHTHOUSE (HUDSON RIVER LIGHTHOUSES THEMATIC RESOURCES)*, Fort Washington Park, (05-29-79); 79/11/06 079 0002146

monroe county

Rochester. *EAST AVENUE HISTORIC DISTRICT*, Irregular pattern along East Ave. from Probert St. to Alexander St., (4-17-79); 79/07/19 079 0001688

montgomery county

Fort Plain vicinity. *FORT PLAIN CONSERVATION AREA*, (11-15-79); 80/01/10079 0006378

nassau county

Cove Neck. *ROOSEVELT, JAMES ALFRED, ESTATE*, 300 Cove Neck Rd., (5-17-79); 79/07/19 079 0001689
Glen Cove. *WOOLWORTH ESTATE*, 77 Crescent Beach Rd., (5-17-79); 79/07/19 079 0001690
Lattingtown. *ALDRED, JOHN E., ESTATE (ORMSTON)*, Lattingtown Rd, (8-3-79); 79-11-13 079 0004374
Millneck. *DODGE,*, Frost Mill Rd., (7-22-79); 79/11/01079 0003312
Muttontown vicinity. *MOORE, BENJAMIN, ESTATE*, N of Muttontown on NY 25A, (5-14-79); 79/07/19 079 0001691
Oyster Bay. *ADAM-DERBY HOUSE*, 166 Lexington Ave., (5-17-79); 79/07/19 079 0001692
Oyster Bay vicinity. *PLANTING FIELDS ARBORETUM*, W of Oyster Bay on Planting Fields Rd., (1-23-79); 80/01/10079 0006775

new york county

New York. *DUNBAR APARTMENTS*, Bounded by 7th and 8th Aves. and W. 149th and 150th Sts., (3-29-79); 79/07/16 079 0001084
New York. *FLATIRON BUILDING*, 5th Ave. and Broadway St, (11-20-79); 80/01/10079 0006379
New York. *GREENWICH VILLAGE HISTORIC DISTRICT*, Roughly bounded by W. 13th St., St. Luke's Pl., University Pl., and Washington St., (06-19-79); 79/11/06 079 0002147
New York. *NORWOOD, ANDREW S., HOUSE CF*, 241 W. 14th St., (7-9-79); 79/11/01079 0003313
New York. *OTTENDORFER PUBLIC LIBRARY AND STUYVESANT POLYCLINIC HOSPITAL*, 135 and 137 2nd Ave., (7-22-79); 79/11/01079 0003314

oneida county

Boonville. *BOONVILLE HISTORIC DISTRICT*, Schuyler, Post, W. Main and Summit Sts, (11-16-79); 80/01/10079 0006380
Oriskany Falls. *FIRST CONGREGATION FREE CHURCH*, 177 N. Main St., (1-19-79); 011/80/ 079 0006776
Oriskany Falls. *FIRST CONGREGATIONAL FREE CHURCH*, 177 N. Main St., (1/19/79); 79/07/16 079 0000185

onondaga county

Delphi Falls. *DELPHI BAPTIST CHURCH*, Oran-Delphi Rd, (8-24-79); 79-11-29 079 0005014
Skaneateles. *SMITH, REUEL E., HOUSE*, 26 W. Lake St, (7-27-79) HABS; 79-11-13 079 0004375
Skaneateles vicinity. *COMMUNITY PLACE*, S of Skaneateles at 725 Sheldon Rd., (4-20-79); 79/07/19 079 0001693
Syracuse. *HAWLEY-GREEN STREET HISTORIC DISTRICT*, Green St. and Hawley Ave., (5-2-79); 79/07/19 079 0001694
Syracuse. *KING, POLASKI, HOUSE*, 2270 Valley Dr., (4-20-79); 79/07/19 079 0001695

ontario county

Clifton Springs. *CLIFTON SPRINGS SANITARIUM AND FOSTER COTTAGE*, 11 and 9 E. Main St., (4-6-79); 79/07/16 079 0001085

orange county

Vails Gate. *EDMONSTON HOUSE*, NY 94, (3-2-79); 79/07/13 079 0000602

orleans county

Albion. *ORLEANS COUNTY COURTHOUSE HISTORIC DISTRICT*, Courthouse Sq. and environs, (8-31-79); 79-11-29 079 0005015

oswego county

Pulaski vicinity. *SELKIRK LIGHTHOUSE*, W of Pulaski on Lake Rd., (3-30-79); 79/07/16 079 0001086

putnam county

Brewster. *OLD BREWSTER TOWN HALL*, Main St, (7-24-79); 79-11-13 079 0004376

queens county

New York. *CORNELL FARMHOUSE*, 73-50 Little Neck Pkwy, (7-24-79); 79-11-13 079 0004377

rensselaer county

MATHEWS, DAVID, HOUSE, (9-10-79); 79-11-29 079 0005016
Rensselaer. *BEVERWYCK MANOR (ST. ANTHONY-ON-HUDSON SEMINARY)*, Washington Ave, (8-3-79) HABS; 79-11-13 079 0004378
Rensselaer. *PATROON AGENT'S HOUSE AND OFFICE*, 15 Forbes Ave, (8-3-79); 79-11-13 079 0004379
Troy. *ST. PAUL'S EPISCOPAL CHURCH COMPLEX*, 58 3rd St, (9-7-79); 79-11-29 079 0005017
Troy. *WILLARD, EMMA, SCHOOL*, Pawling and Elmgrove Aves, (8-30-79); 79-11-29 079 0005018

rockland county

Stony Point. *STONY POINT LIGHTHOUSE (HUDSON RIVER LIGHTHOUSES THEMATIC RESOURCES)*, Stony Point Battlefield, (05-29-79); 79/11/06 079 0002148

saratoga county

Saratoga Springs. *BROADWAY HISTORIC DISTRICT*, Broadway, Washington and Rock Sts, (9-12-79); 79-11-29 079 0005019

schenectady county

Niskayuna. *NISKAYUNA REFORMED CHURCH*, 3041 Troy-Schenectady Rd., (4-18-79); 79/07/19 079 0001696

schoharie county

Gallupville. *GALLUPVILLE HOUSE*, Main St, (9-7-79); 79-11-30 079 0005020
Schoharie vicinity. *BECKER STONE HOUSE*, E of Schoharie on Murphy Rd, (11-20-79); 80/01/10079 0006383
Schoharie vicinity. *BECKER-WESTFALL HOUSE*, E of Schoharie on NY 443, (11-20-79); 80/01/10079 0006384

st. lawrence county

Potsdam. *MARKET STREET HISTORIC DISTRICT*, Market and Raymond Sts, (11-16-79); 80/01/10079 0006381
West Stockholm. *WEST STOCKHOLM HISTORIC DISTRICT*, W. Stockholm and Livingston Rds, (11-20-79); 80/01/10079 0006382

suffolk county

Commack. *CARLL, MARION, FARM*, 475 Commack Rd., (6-26-79); 79/11/01079 0003315
Lloyd Harbor. *FIELD, MARSHALL III, ESTATE*, Lloyd Harbor Rd., (4-30-79); 79/07/19 079 0001697
Montauk vicinity. *H.M.S. CULLODEN SHIPWRECK SITE*, N of Montauk, (3-5-79); 79/07/13 079 0000603

sullivan county

Grahamsville. *GRAHAMSVILLE HISTORIC DISTRICT*, NY 55, (12-6-79); 80/01/10079 0006385

tompkins county

Ithaca. *ITHACA POTTERY SITE*, (7-17-79); 79/11/01079 0003316
Ithaca. *STRAND THEATRE*, 310 E. State St., (2-22-79); 79/07/13 079 0000604
Ithaca vicinity. *ENFIELD FALLS MILL AND MILLER'S HOUSE*, SW of Ithaca in Robert H. Treman State Park, (2/5/79); 79/07/16 079 0000186
Ithaca vicinity. *ENFIELD FALLS MILLS AND MILLER'S HOUSE*, SW of Ithaca in Robert H. Treman State Park, (2-5-79); 80/01/10079 0006777

ulster county

Esopus. *ESOPUS MEADOWS LIGHTHOUSE (HUDSON RIVER LIGHTHOUSES THEMATIC RESOURCES)*, Spans Hudson River, (05-29-79); 79/11/06 079 0002149
Kingston. *COMMUNITY THEATER (BROADWAY THEATER)*, 601 Broadway, (7-22-79); 79/11/01079 0003317
Kingston. *KINGSTON/RONDOUT 2 LIGHTHOUSE (HUDSON RIVER LIGHTHOUSES THEMATIC RESOURCES)*, Hudson River and Rondout Creek, (05-29-79); 79/11/06 079 0002150
Kingston. *RONDOUT-WEST STRAND HISTORIC DISTRICT*, U.S. 9w, (8-24-79); 79-11-30 079 0005021
Saugerties. *SAUGERTIES LIGHTHOUSE (HUDSON RIVER LIGHTHOUSES THEMATIC RESOURCES)*, Hudson River at Esopus Creek, (05-29-79); 79/11/06 079 0002151
Woodstock vicinity. *BYRDCLIFFE HISTORIC DISTRICT*, W of Woodstock at Glasco Tpke. and Larks Nest Rd., (5-7-79); 79/07/19 079 0001698

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NEW YORK—Continued

washington county

White Creek. *WHITE CREEK HISTORIC DISTRICT*, SR 68, Byars and Niles Rds., (4-26-79); 79/07/19 079 0001699

westchester county

Chappaqua. *GREELEY, HORACE, THEMATIC RESOURCES*, This area includes various properties at various locations. Details available upon request., (4-19-79); 79/07/19 079 0001685

Dobbs Ferry. *ESTHERWOOD AND CARRIAGE HOUSE*, Clinton Ave, (11-20-79); 80/01/10079 0006386

New Rochelle. *FIRST PRESBYTERIAN CHURCH AND PINTARD, LEWIS, HOUSE*, Pintard Ave, (9-7-79); 79-11-30 079 0005022

North Tarrytown. *TARRYTOWN LIGHTHOUSE (HUDSON RIVER LIGHTHOUSES THEMATIC RESOURCES)*, Spans Hudson River, (05-29-79); 79/11/06 079 0002152

Tarrytown. *NORTH GROVE STREET HISTORIC DISTRICT*, 1,2,8,15,and 19 Grove St., (3-13-79); 79/07/13 079 0000606

White Plains. *PURDY, JACOB, HOUSE*, 60 Park Ave, (8-31-79); 79-11-30 079 0005023

yates county

Penn Yan. *YATES COUNTY COURTHOUSE PARK DISTRICT*, Main, Court and Liberty Sts., (06-19-79); 79/11/06 079 0002153

NORTH CAROLINA

PAISLEY-RICE LOG HOUSE, N of Mebane, (1-22-79); 80/01/10079 0006785

PINE HALL(ANDERSON-HANES-HOUSE) SR 1091 and NC 772, (7-16-79); 079 0003327

alamance county

Burlington. *ST. ATHANASIUS EPISCOPAL CHURCH AND PARISH HOUSE AND THE CHURCH OF THE HOLY COMFORTER*, 300 E. Webb Ave. and 320 E. Davis St., (05-29-79); 79/11/06 079 0002154

Glencoe. *GLENCOE MILL VILLAGE HISTORIC DISTRICT*, off NC 62 at Haw River, (2-16-79); 80/01/10079 0006778

Glencoe. *GLENCOE MILL VILLAGE HISTORIC DISTRICT*, Off NC 62 at Haw River, (2-16-79); 79/07/16 079 0000187

Graham. *ALAMANCE COUNTY COURTHOUSE, (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Elm and Main Sts., (5-10-79); 79/07/20 079 0001705

alleghany county

Laurel Springs. *DOUGHTON, ROBERT L., HOUSE*, NC 18, (8-13-79); 79-11-13 079 0004380

Sparta. *ALLEGHANY COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Main and Whitehead Sts., (5-10-79); 79/07/20 079 0001706

ashe county

Glendale Springs. *GLENDALE SPRINGS INN*, NC 16 and SR 1832, (10-10-79); 80/01/18079 0005900

Jefferson. *ASHE COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Main St., (5-10-79); 79/07/20 079 0001707

avery county

Linville. *LINVILLE HISTORIC DISTRICT*, U.S. 221, (3-7-79); 79/07/13 079 0000807

Newland. *AVERY COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Montezuma St. and Courthouse Dr., (5-10-79); 79/07/20 079 0001708

beaufort county

Washington. *WASHINGTON HISTORIC DISTRICT*, roughly bounded by Jacks Creek, Pamlico River, Hackney, 3rd., (2-9-79); 80/01/10079 0006779

Washington. *WASHINGTON HISTORIC DISTRICT*, Roughly bounded by Jacks Creek, Pamlico River, Hackney, 3rd, Market, 5th, Harvey, and 2nd Sts., (2-9-79); 79/07/16 079 0000188

bertie county

Windsor. *BERTIE COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, King and Dundee Sts., (5-10-79); 79/07/20 079 0001709

brunswick county

Southport. *BRUNSWICK COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Davis and Moore Sts., (5-10-79); 79/07/20 079 0001710

bumcombe county

Ashville. *ASHVILLE HISTORIC AND ARCHITECTURAL MULTIPLE RESOURCE AREA.*, This area includes various properties at various locations. Details available upon request., (4-26-79); 79/07/20 079 0001711

buncombe county

Asheville. *BILTMORE VILLAGE MULTIPLE RESOURCE AREA (PARTIAL INVENTORY)*, This area includes various properties at various locations. Details available upon request, (11-15-79); 80/01/10079 0006387

Asheville. *BUNCOMBE COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, College and Davidson Sts., (5-10-79); 79/07/20 079 0001712

Asheville. *ST. MATTHIAS EPISCOPAL CHURCH*, Valley St., (5-10-79); 79/07/21 079 0001713

Black Mountain vicinity. *BLUE RIDGE ASSEMBLY HISTORIC DISTRICT*, S of Black Mountain on SR 2720, (9-17-79); 80/01/18079 0005901

cabarrus county

Mount Pleasant. *MOUNT PLEASANT COLLEGIATE INSTITUTE HISTORIC DISTRICT*, Jct. of NC 49 and NC 73, (11-15-79); 80/01/10079 0006388

caldwell county

Lenoir. *CALDWELL COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Main St., (5-10-79); 79/07/22 079 0001714

caswell county

Yanceyville vicinity. *POTEAT HOUSE*, N of Yanceyville on NC 62, (10-24-79); 80/01/0079 0006167

catawba county

Newton. *CATAWBA COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, S. Main, W.A. S. College, and W. 1st Sts., (5-10-79); 79/07/22 079 0001715

chatham county

Pittsboro. *CHATHAM COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, NC 15-501 and Highway 64, (5-10-79); 79/07/22 079 0001716

cherokee county

Murphy. *CHEROKEE COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Peachtree and Central Sts., (5-10-79); 79/07/22 079 0001717

chowan county

Edenton. *EDENTON PEANUT FACTORY*, E. Church St., (9-20-79) haer; 80/01/18079 0005902

cleveland county

Shelby. *CLEVELAND COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Main, Washington, Warren, and Lafayette Sts., (5-10-79); 79/07/22 079 0001718

Shelby. *MCBRAYER, DR. VICTOR, HOUSE*, 507 N. Morgan St., (05-31-79); 79/11/06 079 0002155

columbus county

Whiteville. *COLUMBUS COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Bounded by Madison and Jefferson Sts. circle, (5-10-79); 79/07/22 079 0001719

cumberland county

Fayetteville. *CUMBERLAND COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Franklin, Gillespie, and Russell Sts., (5-10-79); 79/07/22 079 0001720

currituck county

Currituck. *CURRITUCK COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, SR 1242, (5-10-79); 79/07/22 079 0001721

dare county

Nags Head vicinity. *BODIE ISLAND LIFESAVING/COAST GUARD STATION*, S of Nags Head on NC 12, (2-9-79); 80/01/10079 0006780

davidson county

Jackson Hill vicinity. *REID FARM*, W of Jackson Hill on SR 2537, (1-25-79); 80/01/10079 0006781

davie county

Advance vicinity. *FULTON UNITED METHODIST CHURCH*, S of Advance off NC 801, (11-15-79); 80/01/10079 0006389

Mocksville. *DAVIE COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Courthouse Sq., (5-10-79); 79/07/22 079 0001722

NORTH CAROLINA—Continued

durham county

Durham. *BASSETT HOUSE (FACULTY AVENUE HOUSES THEMATIC RESOURCES)*, 1017 W. Trinity Ave., (11-29-79); 79/01/10079 0006901

Durham. *CRANFORD-WANNAMAKER HOUSE (FACULTY AVENUE HOUSES THEMATIC RESOURCES)*, 1019 W. Trinity Ave., (11-29-79); 79/01/10079 0006902

Durham. *CROWELL HOUSE (FACULTY AVENUE HOUSES THEMATIC RESOURCES)*, 504 Watts St., (11-29-79); 79/01/10079 0006903

Durham. *DILLARD-GAMBLE HOUSES*, 1311 and 1307 N. Mangum St., (1-19-79); 80/01/10079 0006782

Durham. *PEGRAM HOUSE (FACULTY AVENUE HOUSES THEMATIC RESOURCES)*, 1019 Minerva Ave., (11-29-79); 79/01/10079 0006904

forsyth county

Winston-Salem. *ATKINS, S.G. HOUSE (SLATER INDUSTRIAL ACADEMY HOUSES THEMATIC RESOURCES) Atkins, S.G. House (Slater Industrial Academy Houses Thematic Resources)*, 346 Atkins St., (7-22-79); 79/11/01079 0003318

Winston-Salem. *HILL, J.S., HOUSE (SLATER INDUSTRIAL ACADEMY HOUSES THEMATIC RESOURCES) Hill, J.S., House (Slater Industrial Academy Houses Thematic Resources)*, 914 Stadium Dr., (7-22-79); 79/11/01079 0003319

Winston-Salem. *PAISLEY J.W., HOUSE (SLATER INDUSTRIAL ACADEMY HOUSES THEMATIC RESOURCES) Paisley, J.W., House (Slater Industrial Academy Houses Thematic Resources)*, 934 Stadium Dr., (7-22-79); 79/11/01079 0003320

gaston county

Gastonia. *GASTON COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, N. York and S. South Sts., (5-10-79); 79/07/22 079 0001723

Mountain Island. *ST. JOSEPH'S CATHOLIC CHURCH*, Off MD 273, (06-07-79); 79/11/06 079 0002156

granville county

Oxford. *GRANVILLE COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Main and Williamsboro Sts., (5-10-79); 79/07/22 079 0001724

Stovall vicinity. *ABRAMS PLAINS*, NW of Stovall, (11-29-79); 80/01/10079 0006390

greene county

Snow Hill. *GREENE COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Greene and 2nd Sts., (5-10-79); 79/07/22 079 0001725

Snow Hill. *ST. BARNABAS EPISCOPAL CHURCH*, SE. 4th St. and St. Barnabas Rd., (10-10-79); 80/01/18079 0005903

guilford county

Greensboro. *GREEN HILL CENETERY GATEKEEPER'S HOUSE*, 700 Battleground Ave., (05-29-79); 79/11/06 079 0002157

Greensboro. *GUILFORD COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Market St., (5-10-79); 79/07/22 079 0001726

Greensboro. *IRELAND, CHARLES H., HOUSE*, 802 W. Friendly Ave., (05-29-79); 79/11/06 079 0002158

Greensboro. *WAFCO MILLS*, 801 McGee St., (05-30-79); 79/11/06 079 0002159

Jamestown vicinity. *MCCULLOCH'S GOLD MILL*, S of Jamestown off SR 1153, (4-24-79); 79/07/22 079 0001727

halifax county

Aurelian Springs vicinity. *EDMUNDS-HEPTINSTALL HOUSE*, NW of Aurelian Springs on NC 1001, (3-12-79); 79/07/13 079 0000608

Enfield. *CELLAR, THE*, 404 Whitfield St., (9-20-79); 80/01/18079 0005904

Halifax. *HALIFAX COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Main St., (5-10-79); 79/07/22 079 0001728

Hollister vicinity. *WHITE ROCK PLANTATION*, N of Hollister on NC 1315, (2-14-79); 80/01/10079 0006783

haywood county

Waynesville. *HAYWOOD COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Main and Depot Sts., (5-10-79); 79/07/22 079 0001729

Waynesville. *SHELTON HOUSE*, 307 Shelton St., (1-31-79); 80/01/10079 0006784

henderson county

Hendersonville. *HENDERSON COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, 1st and Main Sts., (5-10-79); 79/07/22 079 0001730

hoke county

Raeford. *HOKE COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Main and Edenborough Sts., (5-10-79); 79/07/22 079 0001731

hyde county

Swansboro. *HYDE COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Bounded by SR 1129, 1132, and 1128, (5-10-79); 79/07/22 079 0001732

jackson county

Sylva. *JACKSON COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Main St., (5-10-79); 79/07/22 079 0001734

johnston county

Kenly vicinity. *BOYETTE SLAVE HOUSE*, NW of Kenly on SR 2110, (9-20-79); 80/01/18079 0005905

Smithfield. *JOHNSTON COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Martin and 2nd Sts., (5-10-79); 79/07/22 079 0001735

lee county

Stanford. *LEE COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Horner Blvd., between Courtland and McIntosh Sts., (5-10-79); 79/07/23 079 0001736

lenoir county

Kinston. *LENOIR COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Queen and Kings Sts., (5-10-79); 79/07/23 079 0001737

lincoln county

Lincolnton. *LINCOLN COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Courthouse Sq., (5-10-79); 79/07/23 079 0001738

madison county

Marshall. *MADISON COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Main St., (5-10-79); 79/07/23 079 0001739

martin county

Williamston. *BIGGS, ASA, HOUSE AND SITE*, 100 E. Church St., (10-10-79); 80/01/18079 0005906

Williamston. *MARTIN COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Main St., (5-10-79); 79/07/23 079 0001740

mcdowell county

Marion. *MCDOWELL COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Main and E. Court Sts., (5-10-79); 79/07/23 079 0001742

mecklenburg county

Charlotte. *MECKLENBURG COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, E. Trade, Alexander, and E. 4th Sts., (5-10-79); 79/07/23 079 0001741

Davidson vicinity. *BEAVER DAM PLANTATION HOUSE*, SE of Davidson on NC 73, (3-19-79); 79/07/13 079 0000809

mitchell county

Bakersville. *MITCHELL COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Main St., (5-10-79); 79/07/23 079 0001743

montgomery county

Troy. *MONTGOMERY COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, E. Main St. between S. Main and S. Pearl Sts., (5-10-79); 79/07/23 079 0001744

moore county

Carthage. *MOORE COUNTY COURTHOUSE (NORTH CARIOLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Ray, Dowd, Monroe, and Sanders Sts. circle, (5-10-79); 79/07/23 079 0001745

nash county

Nashville. *NASH COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Washington St. between Drake and N. Court Sts., (5-10-79); 79/07/23 079 0001746

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NORTH CAROLINA—Continued

onslow county

Palopato. *PALO ALTO PLANTATION*, SR 1434, (10-10-79); 80/01/18079 0005907

orange county

Mebane vicinity. *PAISLEY-RICE LOG HOUSE*, N of Mebane, (1/22/79); 79/07/18 079 0000194

pender county

Burgaw. *PENDER COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Wright, Wilmington, Walker, and Fremont Sts., (5-10-79); 79/07/23 079 0001747

perquimans county

Bethel vicinity. *WHITE, ISAAC, HOUSE*, NE of Bethel on SR 1339, (3-23-79) habs; 79/07/16 079 0001067

Hertford. *PERQUIMANS COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Market St., (5-10-79); 79/07/23 079 0001749

person county

Roxboro. *PERSON COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Main St. between Aggitt and Court Sts., (5-10-79); 79/07/23 079 0001748

pitt county

Greenville. *PITT COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, N. 3rd St. between Washington and S. Evan St., (5-10-79); 79/07/23 079 0001750

randolph county

Asheboro. *RANDOLPH COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Worth St., (5-10-79); 79/07/23 079 0001751

richmond county

Rockingham. *MANUFACTURERS BUILDING*, 220 E. Washington St., (5-29-79); 80/01/18079 0002859

Rockingham. *RICHMOND COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Franklin St. between Hancock and Lee Sts., (5-10-79); 79/07/23 079 0001753

rockingham county

Wentworth. *ROCKINGHAM COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Highway 65, (5-10-79); 79/07/23 079 0001752

rutherford county

Rutherfordton. *RUTHERFORD COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Main St. between 2nd and 3rd Sts., (5-10-79); 79/07/23 079 0001754

stokes county

Danbury. *STOKES COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Main St. between North St. and Courthouse Rd., (5-10-79); 79/07/23 079 0001755

surry county

Dobson. *SURRY COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, N. Main St. between School and Kapp Sts., (5-10-79); 79/07/23 079 0001756

swain county

Bryson. *SWAIN COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Main and Fry Sts., (5-10-79); 79/07/23 079 0001757

transylvania county

Brevard. *TRANSYLVANIA COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, N. Broadway and E. Main St., (5-10-79); 79/07/23 079 0001758

Brevard vicinity. *MORGAN'S MILL*, SW of Brevard on SR 1331, (8-16-79); 79-11-13 079 0004381

Pisgah Forest vicinity. *DEAVER, WILLIAM, HOUSE*, N of Pisgah Forest on NC 280, (8-13-79); 79-11-13 079 0004382

tyrrell county

Columbia. *TYRRELL COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Main and Broad Sts., (5-10-79); 79/07/23 079 0001759

vance county

Henderson. *VANCE COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Young St., (5/10/79); 79/07/23 079 0001763

Kittrell vicinity. *CRUDUP, JOSIAH, HOUSE*, S of Kittrell on U.S. 1, (9-25-79); 80/01/18079 0005908

Middleburg vicinity. *HAWKINS HOUSE*, W of Middleburg on SR 1371, (3-19-79); 79/07/13 079 0000610

wake county

Cary. *PAGE-WALKER HOTEL*, 119 Ambassador St., (5-29-79); 80/01/18079 0002660

Raleigh. *MASONIC TEMPLE BUILDING*, 133 Fayetteville St. Mall, (9-17-79); 80/01/18079 0005909

Raleigh. *ROGERS-BAGLEY-DANIELS-PEGUES HOUSE*, 125 E. South St., (3-21-79); 79/07/13 079 0000611

warren county

Inez vicinity. *LAKE O'WOODS (DAVIS HOUSE)*, S of Inez of SR 1512, (1-19-79); 80/01/10079 0006786

washington county

Plymouth. *WASHINGTON COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Main and Adams Sts., (5-10-79); 79/07/23 079 0001760

watauga county

Blowing Rock vicinity. *WESTGLOW (ELLIOTT DAINGERFIELD HOUSE)*, W of Blowing Rock on U.S. 221, (8-13-79); 79-11-13 079 0004383

wayne county

Goldsboro. *FIRST PRESBYTERIAN CHURCH (CHURCH OF CHRIST, SCIENTIST)*, 111 W. Ash St., (5-29-79); 80/01/18079 0002861

Goldsboro. *GIDDENS, L. D., AND SON JEWELRY STORE*, 135 S. Center St., (3-19-79); 79/07/13 079 0000612

wilkes county

Wilkesboro. *WILKES COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, E. Main St. between Bridge and Broad Sts., (5-10-79); 79/07/23 079 0001761

wilson county

Wilson. *WILSON COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, Nash at Goldsboro St., (5-10-79); 79/07/23 079 0001762

yadkin county

Enon vicinity. *GLENWOOD*, E of Enon on SR 1548, (8-13-79); 79-11-13 079 0004384

yancey county

Burnsville. *YANCEY COUNTY COURTHOUSE (NORTH CAROLINA COUNTY COURTHOUSES THEMATIC RESOURCES)*, W. Main at Town Square, (5-10-79); 79/07/23 079 0001764

NORTH DAKOTA

barnes county

Valley City. *VALLEY CITY CARNEGIE LIBRARY*, 413 Central Ave., (10-18-79); 80/01/18079 0005910

benson county

Maddock vicinity. *VIKING LUTHERAN CHURCH*, SE of Maddock, (11-14-79); 80/01/0079 0006188

burleigh county

Bismarck vicinity. *DOUBLE DITCH EARTH LODGE VILLAGE SITE*, 14 mi. (22.4 km) NW of Bismarck on ND 1804, (1-29-79); 79/07/18 079 0000196

Bismark vicinity. *DOUBLE DITCH EARTH LODGE VILLAGE SITE*, 14 mi. NW of Bismark on ND 1804, (1-29-79); 80/01/10079 0006787

cass county

Fargo. *DELENDRECIE'S DEPARTMENT STORE*, 620–624 Main Ave., (10-22-79); 80/01/18079 0005911

Fargo. *GRAND LODGE OF NORTH DAKOTA, ANCIENT ORDER OF UNITED WORKMEN*, 112-114 N. Roberts St, (8-24-79); 79-11-30 079 0005024

Fargo. *LEWIS HOUSE*, 1002 3rd Ave. South, (10-18-79); 80/01/18079 0005912

Fargo. *MASONIC BLOCK*, 11 S. 8th St, (8-3-79); 79-11-13 079 0004385

ramsey county

Devil's Lake. *RAMSEY COUNTY SHERIFF'S HOUSE*, 420 6th St. Park, 10/31/79; 78/10/28 078 0000152

ransom county

Fort Ransom. *WALKER, T. J., HISTORIC DISTRICT*, At Sheyenne River, (12-5-79); 80/01/10079 0006391

Lisbon. *LISBON OPERA HOUSE*, 413 Main Ave., (10-16-79); 80/01/18079 0005913

NORTH DAKOTA—Continued

sheridan county

Goodrich vicinity. *WINTER HOUSE*, (11-29-79); 80/01/10079 0006392

traill county

Mayville. *STOMNER HOUSE*, 32 3rd St. NE., (10-11-79); 80/01/18079 0005914

walsh county

Warsaw. *ST. STANISLAUS CHURCH HISTORIC DISTRICT*, Off I-29, (8-3-79); 79-11-13 079 0004386

williams county

Williston. *JAMES MEMORIAL LIBRARY*, 621 1st Ave. W, (11-14-79); 80/01/0079 0006189

Williston. *OLD U.S. POST OFFICE*, 322 Main Ave., (10-22-79); 80/01/18079 0005915

OHIO

CROSS-TIPPED CHURCHES OF OHIO THEMATIC RESOURCES, Maria Stein and its environs. Within a 22-mile radius of the convent at Maria Stein. Also in Mercer, Auglaize, Dark, and Shelby Counties. For detailed information contact National Register officer, (7-26-79); 79-11-30 079 0005025

adams county

Peebles vicinity. *WICKERHAM INN*, NE of Peebles on OH 41, (5-7-79); 79/07/23 079 0001765

allen county

Lima. *LIMA MEMORIAL HALL*, W. Elm and S. Elizabeth Sts., (5-7-79); 79/07/23 079 0001766

Lima. *METROPOLITAN BLOCK*, 300 N. Main St, (11-29-79); 80/01/10079 0006393

athens county

Athens. *ATHENS GOVERNMENTAL BUILDINGS*, E. State, E. Washington, Court, and W. Union Sts, (11-29-79); 80/01/10079 0006394

Athens. *OHIO UNIVERSITY CAMPUS GREEN HISTORIC DISTRICT*, Ohio University campus, (6-11-79); [10-22-7) 079 0002500

auglaize county

New Bremen. *BOESEL, ADOLPH, HOUSE*, 110 S. Franklin St, (11-29-79); 80/01/10079 0006395

St. Marys. *WILLIAMS, DR. ISSAC ELMER, HOUSE AND OFFICE*, 407–411 N. Main St., (5-8-79; 79/07/23 079 0001767

belmont county

Martins Ferry. *CENTRAL SCHOOL*, Hickory and S. 4th Sts., (5-7-79); 79/07/23 079 0001768

St. Clairsville vicinity. *GREAT WESTERN SCHOOLHOUSE*, W of St. Clairsville on U.S. 40, (5-7-79); 79/07/23 079 0001769

butler county

Oxford. *HERRON GYMNASIUM*, Miami University campus, (11-29-79) ;; 079 0006396

Oxford. *MALTBY, HENRY, HOUSE*, 216 E. Church St, (11-29-79); 80/01/10079 0006397

Oxford. *WESTERN FEMALE SEMINARY*, U.S. 27 and OH 73, (9-17-79); 80/01/18079 0005916

clark county

Springfield. *MAIN STREET BUILDINGS*, 6–14 E. Main st., (3-2-79); 79/07/13 079 0000613

Springfield vicinity. *MARQUART-MERCER FARM*, SW of Springfield, (7-26-79); 79-11-13 079 0004387

clinton county

Wilmington. *DOAN HOUSE*, 822 Fife Ave, (6-20-79); [10-22-79) 079 0002501

Wilmington. *ROMBACH PLACE*, 149 E. Locust St, (6-20-79); 79-10-22 079 0002502

columbiana county

Lisbon. *LISBON HISTORIC DISTRICT*, U.S. 30 and OH 45, (8-24-79); 79-11-30 079 0005026

Lisbon vicinity. *COLUMBIANA COUNTY INFIRMARY*, W of Lisbon on County Home Rd, (6-20-79); [10-22-79) 079 0002503

coshocton county

Coshocton. *LEE, SAMUEL, HOUSE*, 306 4th St, (12-6-79); 80/01/10079 0006398

Trinway vicinity. *ADAMS-GRAY HOUSE*, SE of Trinway on Tobacco Hill Rd, (12-5-79) (also in Muskingum County); 80/01/10079 0006399

crawford county

Leesville. *LEESVILLE VILLAGE MULTIPLE RESOURCE AREA*., This area includes various properties at various locations. Details available upon request., (4-3-79); 79/07/16 079 0001068

cuyahoga county

Bay Village. *HUNTINGTON, JOHN, PUMPING TOWER*, 28600 Lake Rd., (2-2-79); 80/01/10079 0006788

Bratenahl. *PICKANDS, JAY M., HOUSE*, 9619 Lake Shore Blvd, (8-24-79); 79-11-30 079 0005027

Brecksville. *BURT, WILLIAM, HOUSE*, 9525 Brecksville Rd., (3-22-79); 79/07/13 079 0000614

Brecksville. *RICH, CHARLES B., HOUSE*, 9367 Brecksville Rd., (2-22-79); 79/07/13 079 0000615

Brecksville vicinity. *COONRAD, JONAS, HOUSE*, SE of Brecksville at 10340 Riverview Rd, (7-24-79); 79-11-13 079 0004388

Brecksville vicinity. *JAITE MILL HISTORIC DISTRICT*, SE of Brecksville at Riverview and Vaughan Rds., (5-21-79) (also in Summit County); [10-23-79) 079 0002504

Brecksville vicinity. *STATION ROAD BRIDGE*, E of Brecksville at Cuyahoga River, (3-7-79) (also in Summit County); 79/07/13 079 0000616

Brookpart vicinity. *DANALDS, SAMUEL, HOUSE*, 6511 Ruple Rd., (10-11-79); 80/01/18079 0005917

Cleveland. *HRUBY CONSERVATORY OF MUSIC*, 5417 Broadway St, (11-29-79); 1-10-80 IA OHIO 079 0006400

Cleveland. *LEAGUE PARK*, Lexington and 66th Sts, (8-8-79); 079 0004389

Cleveland. *WHEATLEY, PHILLIS, ASSOCIATION*, 4450 Cedar Ave, (8-24-79); 79-11-30 079 0005028

Cleveland. *WOODLAND AVENUE AND WEST SIDE RAILROAD POWERHOUSE Woodland Avenue and West Side Railroad Powerhouse*,, 1180 Cathan Ave., NW., (6-4-79); 79-10-23 079 0002505

Cleveland Heights. *ALCAZAR HOTEL*, Surrey and Derbyshire Rds., (4-17-79); 79/07/23 079 0001770

Cleveland Heights. *EAST CLEVELAND DISTRICT 9 SCHOOL*, 14391 Superior Rd, (7-26-79); 79-11-13 079 0004390

Independence. *PACKARD-DOUBLER HOUSE*, 7634 Riverview Rd., (3-9-79); 79/07/13 079 0000617

Lakewood. *DAY, ERASTUS, HOUSE*, 16807 Hilliard Rd., (5-8-79); 79/07/23 079 0001771

Lakewood. *NICHOLSON, JAMES, HOUSE*, 13335 Detroit Ave, (8-24-79) HABS; 79-11-30 079 0005029

Olmstead Falls. *LAY, SAMUEL, HOUSE*, 7622 Columbia Rd., (6-20-79); [12-23-79) 079 0002506

Valley View. *KNAPP, WILLIAM H., HOUSE*, 7101 Canal Rd., (3-19-79); 79/07/13 079 0000618

Valley View. *ULYATT, ABRAHAM, HOUSE*, 6579 Canal Rd., (2-27-79); 79/07/13 079 0000619

Warrensville Heights vicinity. *COOLEY FARMS*, N of Warrensville Heights off OH 175, (8-8-79); 79-11-13 079 0004391

darke county

Greenville. *LANSDOWNE HOUSE*, 338 E. 3rd St., (4-20-79); 79/07/23 079 0001772

delaware county

Delaware vicinity. *GREENWOOD FARMS*, S of Delaware off U.S. 42, (4-17-79); 79/07/23 079 0001773

Galena vicinity. *KEELER, DIADATUS, HOUSE*, SE of Galena at 4567 Red Bank Rd., (2-2-79); 80/01/10079 0006789

erie county

Sandusky. *BEECHER, LUCAS, HOUSE*, 215 W. Washington Row, (5-7-79); 79/07/23 079 0001774

Sandusky. *MELVILLE-MILNE, WILLIAM GORDON, HOUSE*, 319 Lawrence St., (3-28-79); 79/07/16 079 0001089

Vermilion. *FRANCIS, JOSEPH, IRON SURF BOAT*, 480 Main St, (9-13-79); 079 0005030

fairfield county

Lancaster. *LANCASTER WEST MAIN STREET HISTORIC DISTRICT*, W. Main St. from Columbus to Broad St., (2-2-79); 80/01/10079 0006790

Lancaster. *ST. PETER'S EVANGELICAL LUTHERAN CHURCH*, Broad and Mullberry Sts., (4-16-79); 79/07/23 079 0001775

Pickerington vicinity. *STEMEN ROAD COVERED BRIDGE*, NE of Pickerington over Sycamore Creek, (4-20-79); 79/07/23 079 0001776

Sugar Grove vicinity. *CRAWFIS INSTITUTE*, Crawfis and Old Sugar Grove Rds, (11-29-79); 80/01/10079 0006402

fayette county

Washington Courthouse. *KELLEY, BARNEY, HOUSE*, 321 E. East St., (4-17-79); 79/07/23 079 0001777

franklin county

Columbus. *HANNA HOUSE*, 1021 E. Broad St., (4-19-79); 79/07/23 079 0001778

Columbus. *HIGGINS, H. A., BUILDING (FLATIRON BUILDING)*, 129 E. Naghten St, (8-27-79); 79-11-30 079 0005031

Columbus. *HOLY CROSS CHURCH, RECTORY AND SCHOOL*, 212 S. 5th St., (4-26-79); 79/07/23 079 0001779

Columbus. *OLD OHIO UNION*, 154 W. 12th Ave., (4-20-79); 79/07/23 079 0001780

Columbus. *OLD PORT COLUMBUS AIRPORT CONTROL TOWER*, 420 E. 5th Ave, (7-26-79); 79-11-13 079 0004392

Columbus. *THURBER, JAMES, HOUSE*, 77 Jefferson Ave, (11-8-79); 80/01/10079 0006403

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OHIO—Continued

Gahanna. *SHEPARD STREET SCHOOL (GAHANNA NURSING HOME)*, 106 Short St, (11-29-79); 80/01/10079 0006404
Grove City. *GANTZ HOMESTEAD*, 2233 Gantz Rd., (6-20-79); [10-23-79) 079 0002507
Hilliard vicinity. *WESLEY CHAPEL*, SE of Hilliard at 3299 Dublin Rd., (2-27-79); 79/07/13 079 0000620
Washington Township. *WASHINGTON TOWNSHIP MULTIPLE RESOURCE AREA*., This area includes various properties at various locations. Details available upon request., (4-11-79); 79/07/18 079 0001090
Westerville. *OTTERBEIN MAUSOLEUM*, W. Walnut St, (11-29-79); 80/01/10079 0006405

geauga county

Burton. *DOMESTIC ARTS HALL AND FLOWER HALL*, N. Cheshire St, (8-24-79); 79-11-30 079 0005032

greene county

Xenia. *EAST SECOND STREET DISTRICT*, 184-271 E. 2nd St, (9-10-79); 79-11-30 079 0005033

guernsey county

Cambridge. *McCRACKEN-McFARLAND HOUSE*, 216 N. 6th St., (2-16-79); 79/07/18 079 0000200
Cambridge vicinity. *SARCHET, PETER B., HOUSE*, N of Cambridge on SR 365, (2-22-79); 79/07/13 079 0000621
Claysville vicinity. *CLAYSVILLE SCHOOL*, N of Claysville on SR 15, (2-22-79); 79/07/13 079 0000622
Guernsey vicinity. *BOOTH HOMESTEAD*, N of Guernsey at 8433 Wheeling Twnshp. Rd, (9-6-79); 79-11-30 079 0005034

hamilton county

Cincinnati. *BAKER, JOHN, HOUSE*, 1887 Madison Rd., (6-6-79); [10-23-79 079 0002508
Cincinnati. *BEECH AVENUE HOUSES*, 1120 and 1128 Beech Ave., (2-16-79); 79/07/18 079 0000201
Cincinnati. *COLUMBIA-TUSCULUM MULTIPLE RESOURCE AREA (PARTIAL INVENTORY)*, This area includes various properties at various locations. Details available upon request, (8-24-79); 79-11-30 079 0005035
Cincinnati. *FRIEDLANDER, ABRAHAM J., HOUSE*, 8 W. 9th St., (5-7-79); 79/07/23 079 0001781
Cincinnati. *GWYNN BUILDING*, 6th and Main Sts, (8-3-79); 79-11-13 079 0004393
Cincinnati. *LINCOLN SCHOOL*, 455 Delta Ave, (11-29-79); 80/01/10079 0006406
Cincinnati. *MADAM FREDIN'S EDEN PARK SCHOOL AND NEIGHBORING ROW HOUSE*, 938–946 Morris St. and 922–932 Morris St, (11-29-79); 80/01/10079 0006407
Cincinnati. *MARTIN HOUSE*, 6500 Beechmont Ave., (3-21-79); 79/07/13 079 0000623
Cincinnati. *THOMSON, PETER G., HOUSE (LAUREL COURT)*, 5870 Belmont Ave. (11-29-79); 80/01/10079 0006408
Cincinnati. *WEST FOURTH STREET HISTORIC DISTRICT*, W. 5th and Perry Sts. between Central Ave. and Plum St., 4th St. between Central Ave. and Race St, (8-13-79); 80/01/10079 0006409
Mariemont. *MARIEMONT HISTORIC DISTRICT*, U.S. 50, (7-24-79); 79-11-13 079 0004394

hardin county

Kenton. *HARDIN COUNTY COURTHOUSE*, Courthouse Sq., (3-21-79); 79/07/13 079 0000624

highland county

Greenfield. *TRAVELLERS' REST INN*, Jefferson St. and McArthur Way, (5-15-79); 79/07/23 079 0001782
Hillsboro vicinity. *EUBANKS-TYTUS HOUSE*, SE of Hillsboro on OH 41, (2-27-79); 79/07/13 079 0000625

holmes county

Winesburgh vicinity. *SHULL-LUGENBUHL FARM*, N of Winesburgh, (4-26-79); 79/07/23 079 0001783

jackson county

Wellston. *MORGAN MANSION*, Broadway and Pennsylvania Aves., (2-16-79); 79/07/18 079 0000202

jefferson county

Steubenville. *OHIO VALLEY CLAY COMPANY*, Washington and Water Sts, (8-10-79); 79-11-13 079 0004395

knox county

Bladensburg. *MILL ROAD BOWSTRING BRIDGE*, Mill Rd, (12-5-79); 80/01/10079 0006410

lake county

Kirtland Hills. *HANNA, LEONARD C., JR., ESTATE*, Little Mountain Rd., (3-12-79); 79/07/13 079 0000626
Madison vicinity. *MADISON SEMINARY AND HOME*, N of Madison at 6789 Middle Ridge Rd., (2-22-79); 79/07/13 079 0000627
Mentor. *GARFIELD L*, 7300 Center St., (2-23-79); 79/07/13 079 0000628
Painesville vicinity. *SOUTH LEROY MEETINGHOUSE*, NE of Painesville at OH 86 and Brakeman Rd., (5-8-79); 79/07/23 079 0001784
Unionville. *TAPPAN, JUDGE ABRAHAM, HOUSE*, 7855 S. Ridge Rd., (5-8-79); 79/07/23 079 0001785
Wickliffe. *COULBY, HARRY, MANSION*, 28730 Ridge Rd, (8-24-79); 79-11-30 079 0005036

lawrence county

Ironton. *RANKIN HISTORIC DISTRICT*, Roughly bounded by Vernon, 7th, Monroe and 4th Sts, (7-26-79); 79-11-13 079 0004396

licking county

Johnstown vicinity. *LYNNWOOD FARM*, S of Johnstown at 4986 Caswell Rd., (6-22-79); [10-23-79) 079 0002509
Newark. *COURTHOUSE CENTER*, 35–37 S. Park Pl. and jct. of S. Park and S. 2nd St, (11-29-79); 80/01/10079 0006411
Newark. *PENNSYLVANIA RAILWAY STATION*, 25 E. Walnut St, (11-29-79); 80/01/10079 0006412
Newark. *UPHAM-WRIGHT HOUSE*, 342 Granville St., (6-22-79); [10-23-79) 079 0002510
Newark. *WILLIAMS, ELIAS, HOUSE (BOLTON HOUSE)*, 565 Granville St., (4-16-79); 79/07/23 079 0001786

logan county

Bellafontaine. *LAWRENCE, WILLIAM, HOUSE*, 325 N. Main St, (8-24-79); 79-11-30 079 0005037

lorain county

Elyria. *ELYRIA MULTIPLE RESOURCE AREA*, This area includes various properties at various locations. Details available upon request, (8-13-79); 79-11-13 079 0004397
Elyria. *STARR, HORACE C., HOUSE AND CARRIAGE BARNS*, 276 Washington Ave., (4-3-79); 79/07/17 079 0001091
Oberlin. *BURRELL-KING HOUSE*, 317 E. College St., (3-7-79); 79/07/13 079 0000629
Oberlin. *JEWETT, FRANK, HOUSE*, 73 S. Professor St. [7-24-79); 79-11-13 079 0004398
Oberlin. *OBERLIN LAKE SHORE AND MICHIGAN SOUTHERN STATION*, Depot Park, (3-2-79); 79/07/13 079 0000630
Oberlin vicinity. *REAMER BARN*, W of Oberlin, (3-21-79); 79/07/13 079 0000631
Wellington. *OLD ST. PATRICK'S CHURCH*, 512 N. Main St., (3-21-79); 79/07/13 079 0000632
Wellington. *WELLINGTON HISTORIC DISTRICT*, Irregular pattern along Main St. from Kelley St. to W and L E RR, (5-30-79); [10-23-79) 079 0002511

lucas county

Toledo. *SECOR, JOSEPH K., HOUSE*, 311 Bush St., (6-11-79); [10-24-79) 079 0002513

mahoning county

Boardman. *ST. JAMES EPISCOPAL CHURCH*, 375 Boardman-Poland Rd., (6-20-79); [10-24-79) 079 0002514
Youngstown. *OUR LADY OF MOUNT CARMEL CHURCH*, Off OH 289, (5-10-79); 79/07/23 079 0001787

medina county

Medina vicinity. *GAYER, JACOB, HOUSE*, N of Medina at Rd. Marks Rd, (6-22-79); [10-24-79) 079 0002515
Valley City. *PARMELEE HOUSE*, 1328 W. River Rd, (11-29-79); 80/01/10079 0006413
Weymouth. *SEYMOUR, WILLIAM H., HOUSE*, 3306 S. Weymouth Rd., (6-4-79); [10-24-79) 079 0002516

montgomery county

Centerville vicinity. *BRADFORD, ROBERT, HOUSE*, S of Centerville on Social Row Rd., (3-21-79); 79/07/13 079 0000633
Dayton. *EAST SECOND STREET DISTRICT*, 3–27 E. 2nd St., (3-7-79); 79/07/13 079 0000634
Dayton. *GILBERT, PHILIP E., HOUSES*, 1012 Huffman Ave. and 16-30 Belpre Pl, (8-3-79); 79-11-13 079 0004399
Dayton. *PRETZINGER, RUDOLPH, HOUSE*, 908 S. Main St, (8-24-79); 79-11-30 079 0005038
Dayton. *SOUTHERN OHIO LUNATIC ASYLUM*, 2335 Wayne Ave. (11-15-79)
Dayton. *TRAXLER MANSION*, 42 Yale Ave., (4-24-79); 79/07/23 079 0001788
Kettering. *DEEDS' BARN*, 35 Moraine Circle South, (9-3-79); 80/01/10079 0006415
Kettering. *TRAILSEND (JAMES M. COX MANSION)*, 3500 Governors Trail, (5-22-79); [10-24-79) 079 0002517

morgan county

McConnelsville. *MCCONNELSVILLE HISTORIC DISTRICT*, OH 376 and OH 77, (8-14-79); [10-24-79) 079 0002518

morrow county

Cardintgton. *EXCHANGE HOTEL*, W. Main St., (3-21-79); 79/07/13 079 0000635
Chesterville. *CHESTERVILLE MULTIPLE RESOURCE AREA*, This area includes various properties at various locations. Details available upon request, (8-21-79); 79-11-30 079 0005039

OHIO—Continued

muskingum county

Duncan Falls. *MOUND HOUSE*, 400 Mound Rd., (6-6-79); [10-24-79) 079 0002519
Frazeysburg vicinity. *BAUGHMAN MEMORIAL PARK*, W of Frazeysburg on OH 586, (6-27-79); 79-11-30 079 0005040
New Concord. *MUSKINGUM COLLEGE CAMPUS HISTORIC DISTRICT*, U.S. 22/40, (6-11-79); [10-24-79) 079 0002520
Roseville vicinity. *RIDER, ADAM, HOUSE 109 SE of Roseville at 9350 Athens Rd*, (11-29-79); 80/01/10079 0006417
Trinway vicinity. *ADAMS, GEORGE W., HOUSE*, S of Trinway on Bottom Rd, (11-29-79); 80/01/10079 0006418
Trinway vicinity. *PROSPECT PLACE (ADAM-COX HOUSE)*, S of Trinway on OH 77, (5-10-79); 79/07/23 079 0001789
Zanesville. *BLACK-ELLIOTT BLOCK*, 525 Main St., (5-8-79); 79/07/23 079 0001790
Zanesville. *BLOCKSOM-ROLLS HOUSE*, 960 Eastman St., (2-21-79); 79/07/13 079 0000636
Zanesville. *KEARNS, GEORGE and EDWARD, HOUSES*, 306 and 320 Luck Ave., (2-2-79); 79/07/18 079 0000203
Zanesville. *MCINTIRE TERRACE HISTORIC DISTRICT*, Roughly bounded by Peter Alley, McIntire, Moorehead, Findley, Blue, and Adair Aves, (9-6-79); 79-11-30 079 0005041
Zanesville. *ST. PAUL'S A.M.E. CHURCH AND PARSONAGE*, 331 South St., (3-23-79); 79/07/17 079 0001092
Zanesville. *TANNEHILL, CAPT. JAMES BOGGS, HOUSE*, 367 Taylor St, (8-27-79); 79-11-30 079 0005042
Zanesville vicinity. *GALIGHER, JAMES, HOUSE*, S of Zanesville on S. River Rd., (2-22-79); 79/07/13 079 0000637
Zanesville vicinity. *PEAIRS HOMESTEAD*, E of Zanesville on OH 146, (2-27-79); 79/07/13 079 0000638

noble county

Lashley vicinity. *WILLIAMS, ABNER, LOG HOUSE*, NE of Lashley, (6-20-79); [10-24-79) 079 0002521

perry county

Thornville vicinity. *WHITMER, SOLAMAN, HOUSE*, N of Thornville at 13917 Zion Twnshp. Rd., NW, (9-5-79); 79-11-21 079 0005250

pickaway county

Circleville. *ANDERSON, WILLIAM MARSHALL, HOUSE*, 131 W. Union St, (11-29-79); 80/01/10079 0006419
Circleville. *MORRIS HOUSE*, 149 W. Union St, (8-3-79); 79-11-13 079 0004400

putnam county

Gilboa. *GILBOA MAIN STREET HISTORIC DISTRICT*, Main St., (2-27-79); 79/07/13 079 0000639
Leipsic. *LEIPSIC CITY HALL*, Belmore St., (6-20-79); [10-24-79) 079 0002522

richland county

Lexington. *FIRST CONGREGATIONAL CHURCH AND LEXINGTON SCHOOL*, 47 Delaware St. and 51 W. Church St., (2-23-79); 79/07/13 079 0000640
Mansfield. *ST. PETERS CHURCH*, 54 S. Mulberry St, (11-29-79); 80/01/10079 0006420

ross county

Chillicothe. *CHILLICOTHE BUSINESS DISTRICT*, Roughly bounded by Water, 4th, Walnut and Hickory Sts., (6-11-79); [10-24-79) 079 0002523
Chillicothe. *CHILLICOTHE WATER AND POWER COMPANY PUMPING STATION*, Enderlin Circle, (11-15-79); 80/01/10079 0006421
Chillicothe. *TANGLEWOOD*, 177 Belleview Ave., (6-20-79); [10-24-79) 079 0002524
Chillicothe. *VANMETER CHURCH STREET HOUSE*, 178 Church St., (2-21-79); 79/07/13 079 0000641
Chillicothe vicinity. *HIGBY HOUSE*, S of Chillicothe on Three Locks Rd, (11-29-79); 80/01/10079 0006422
Hopetown. *WESLEY CHAPEL Wesley Chapel*, Off U.S. 23, (2-2-79); 79/07/18 079 0000204
South Salem. *SOUTH SALEM ACADEMY*, Church St., (2-23-79); 79/07/13 079 0000642

scioto county

Portsmouth. *BONEYFIDDLE COMMERCIAL DISRICT*, Roughly bounded by Front, Washington, 3rd and Scioto Sts., (6-6-79); [10-24-79) 079 0002525
Portsmouth. *PECK, JUDGE WILLIAM V., HOUSE*, 601 Market St, (11-15-79); 80/01/10079 0006423
Portsmouth. *ST. MARY*, 5th and Markets Sts, (8-24-79); 79-11-21 079 0005251

seneca county

Bellevue vicinity. *HETER FARM*, NW of Bellevue on SR 29, (3-29-79); 79/07/17 079 0001093
Flat Rock vicinity. *HENNY BARN*, NE of Flat Rock, (11-6-79); 80/01/0079 0006192
Fostoria. *CORY, AMBROSE, HOUSE*, 957 N. Union St., (6-20-79); [10-24-79) 079 0002526
Kansas vicinity. *MICHAELS FARM*, S of Kansas on OH 635, (11-29-79); 80/01/10079 0006424
Tiffin. *FORT BALL-RAILROAD HISTORIC DISRICT*, Roughly bounded by Sandusky River, Perry, Sandusky and Washington Sts., (6-20-79); [10-24-79) 079 0002527
Tiffin. *HEIDELBERT COLLEGE, HISTORIS MULTIPLE RESOURCE AREA (Partial Inventory)*, This area includes AIGLER ALUMNI BUILDING, 315 E. Market St; *COLLEGE HALL* 310 E. Market St; *DEVELOPMENT HOUSE* 67 Greenfield St; *FINE ARTS BUILDING* 338 E. Perry St; *FOUNDERS HALL* 318 E. Perry St.; *FRANCE HALL* 119 Greenfield St; *GERMAN HOUSE* 285 E. Perry St.; *GREAT HALL* 44 Greenfield St.; *LAIRD HALL* 70 Greenfield St.; *OCTOGAN, THE* 297 E. Perry St.; *PFEIDERER, ARTHUR B., CENTER FOR RELIGION AND HUMANITIES* 28 Greenfield St.; and *WILLARD HALL* 116 Greenfield St., (2-12-79); 79/07/18 079 0000205
Tiffin. *MIAMI STREET GRADE SCHOOL*, 155 Miami St., (3-21-79); 79/07/13 079 0000643
Tiffin vicinity. *UMSTED FARM*, N of Tiffin on SR 38, (4-27-79); 79/07/23 079 0001791

shelby county

Sidney. *FULTON FARM (RIVER BEND FARM)*, 804 S. Brooklyn Ave., (5-8-79); 79/07/23 079 0001792

stark county

Canton. *FIRST METHODIST EPISCOPAL CHURCH*, 120 Cleveland Ave., SW., (4-16-79); 79/07/23 079 0001793
Canton. *PALACE THEATER*, 605 Market Ave. North, (4-26-79); 79/07/23 079 0001794
Canton. *SAXTON HOUSE*, 331 S. Market St., (4-26-79); 79/07/24 079 0001794
Louisville. *ST. LOUIS CHURCH*, 300 N. Chapel St., (2-22-79); 79/07/13 079 0000644
Massillon. *ST. MARY'S CATHOLIC CHURCH*, 206 Cherry Rd., NE., (4-16-79); 79/07/23 079 0001795
Massillon. *ST. TIMOTHY'S PROTESTANT EPISCOPAL CHURCH*, 228 SE. 3rd St., (2-22-79); 79/07/13 079 0000645
Navarre. *LOEW-DEFINE GROCERY STORE AND HOME*, 202 S. Market St, (11-29-79); 80/01/10079 0006425
North Canton vicinity. *HOOVER FARM*, S of North Canton on Easton St, (8-3-79); 79-11-13 079 0004401

summit county

BATH TOWNSHIP MULTIPLE RESOURCE AREA (PARTIAL INVENTORY), This area includes various properties at various locations. Details available upon request., (6-11-79); [10-24-79) 079 0002528
Peninsula vicinity. *BROWN, JIM, HOUSE*, S of Peninsula at 3491 Akron Peninsula Rd., (3-2-79); 79/07/13 079 0000647
Peninsula vicinity. *WELTON, ALLEN, HOUSE*, SW of Peninsula at 2485 Major Rd., (5-7-79); 79/07/23 079 0001796

tuscarawas county

Port Washington. *PORT WASHINGTON TOWN HALL*, Main St., (2-22-79); 79/07/13 079 0000648

union county

Irwin vicinity. *ELMWOOD PLACE*, SW of Irwin on OH 161, (11-29-79); 80/01/10079 0006426

van wert county

Van Wert. *BRUMBACK LIBRARY*, 215 W. Main St., (1-29-79); 79/07/18 079 0000206

warren county

Lebanon vicinity. *ROBINSON, EDMUND, HOUSE*, N of Lebanon at 3208 OH 48, (4-16-79); 79/07/23 079 0001797
Springboro. *WRIGHT, DR. AARON, HOUSE*, 155 W. Central Ave, (8-3-79); 79-11-13 079 0004402
Waynesville. *WAYNESVILLE GREEK REVIVAL HOUSES*, 5303 and 5323 Wilkerson Lane, (8-8-79); 79-11-13 079 0004403

washington county

Archer's Fork. *WAERNICKE-HILLE HOUSE AND STORE*, SR 36, (11-29-79); 80/01/10079 0006427
Coal Run. *MASON HOUSE*, OH 393, (11-29-79); 80/01/10079 0006428
Newport vicinity. *BARKER, JUDGE JOSEPH, JR., HOUSE*, SW of Newport on OH 7, (7-26-79); 79-11-13 079 0004404

wood county

Bowling Green. *U.S. POST OFFICE*, 305 N. Main St., (3-28-79); 79/07/17 079 0001094
Bowling Green vicinity. *WOOD COUNTY HOME AND INFIRMARY*, N of Bowling Green at 13660 County Home Rd., (4-16-79); 79/07/23 079 0001798

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OKLAHOMA

OKLAHOMA CITY, STOCKYARDS CITY HISTORIC DISTRICT, An irregular pattern along Agnew and Exchange Aves, (8-24-79); 79-11-21 079 0005252

atoka county

Atoka. *OLD ATOKA COUNTY COURTHOUSE,* Pennsylvania and Court Sts. (12-6-79); 80/01/10079 0006430

canadian county

El Reno. *EL RENO HOTEL,* 300 S. Choctaw St., (3-21-79); 79/07/13 079 0000649

garvin county

Pauls Valley. *PAULS VALLEY HISTORIC DISTRICT,* Roughly bounded by RR tracks, Grant Ave., Joy and Walnut Sts., (2-1-79); 79/07/13 079 0000650

grady county

Bradley vicinity. *JEWETT SITE,* S of Bradley, (2-14-79); 79/07/18 079 0000207

lincoln county

Stroud. *GRAHAM HOTEL,* Main St. and 2nd Ave., (5-22-79); [10-24-79) 079 0002530

mccurtain county

Idabel. *FRISCO STATION,* Texas Ave., (5-21-79); [10-24-79] 079 0002531

muskogee county

Fort Gibson vicinity. *CHEROKEE NATIONAL CEMETERY,* 1.5 mi. (2.4 km) E of Fort Gibson, (3-19-79); 79/07/13 079
NASH-SWINDLER HOUSE Maple and Jackson Sts. , (7-13-79);

noble county

Perry. *FIRST NATIONAL BANK AND TRUST COMPANY BUILDING,* 300 W. 6th St., (5-16-79); 79/07/23 079 0001799
Perry. *WOLLENSON-NACEWONDER BUILDING,* 611 Delaware St., (5-16-79); 79/07/23 079 0001800

oklahoma county

Midwest City vicinity. *QUILLIN SITE,* N of Midwest City, (2-14-79); 79/07/18 079 0000209
Oklahoma City. *HERITAGE HILLS HISTORIC AND ARCHITECTURAL DISTRICT,* Roughly bounded by Robinson and Walker Aves., 14th, 15th, and 21st Sts. and Classen Blvd., (6-4-79); [10-24-79) 079 0002532
Oklahoma City. *MID-CONTINENTAL LIFE BUILDING,* 1400 Classen Dr., (3-12-79); 79/07/13 079 0000652
Spencer vicinity. *NAGLE SITE,* N of Spencer, (2-14-79); 79/07/18 079 0000210

osage county

Fairfax. *CHIEF NE-KAH-WAH-SHE-TUN-KAH GRAVE AND STATUE,* Off OK 18, (5-22-79); [10-24-79) 079 0002533
Hominy. *HOMINY OSAGE ROUND HOUSE,* Round House Sq. in Indian Village, (5-16-79); 79/07/23 079 0001801
Pawhuska. *BLACKSMITH'S HOUSE,* 210 W. Main St., (5-7-79); 79/07/23 079 0001802
Pawhuska. *IMMACULATE CONCEPTION CHURCH,* 1314 Lynn Ave., (5-21-79); [10-24-79) 079 0002534

pawnee county

Pawnee. *CORLISS STEAM ENGINE,* Pawnee County Fairgrounds, (5-7-79); 79/07/23 079 0001803

payne county

Ripley vicinity. *HOPKINS SANDSTONE HOUSE AND FARMSTEAD,* NE of Ripley, (5-7-79); 79/07/23 079 0001804
Stillwater. *MAGRUDER PLOTS,* Oklahoma State University, (8-29-79); 79-11-21 079 0005253

pittsburg county

Krebs. *HOKEY'S DRUGSTORE,* Main and Washington Sts, (12-6-79); 80/01/10079 0006431
McAlester. *BUSBY OFFICE BUILDING,* 113 E. Carl Albert Pkwy, (12-6-79); 80/01/10079 0006432
McAlester. *BUSBY THEATRE,* Washington Ave. and 2nd St, (12-6-79); 80/01/10079 0006433

tulsa county

Tulsa. *CLINTON-HARDY HOUSE,* 1322 S. Guthrie, (1-23-79); 79/07/18 079 0000211
Tulsa. *CONVENTION HALL,* 105 W. Brady St, (8-29-79); 79-11-21 079 0005254
Tulsa. *COSDEN BUILDING 409 S. Boston Ave.,* (2-1-79); 79/07/18 079 0000212
Tulsa. *MCFARLIN BUILDING,* 11 E. 5th St, (12-6-79); 80/01/10079 0006434
Tulsa. *McFARLIN, ROBERT M., HOUSE,* 1610 S. Carson, (1-25-79); 79/07/18 079 0000213
Tulsa. *PHILTOWER,* 427 S. Boston Ave, (8-29-79); 79-11-21 079 0005255

OREGON

benton county

Alsea vicinity. *HAYDEN BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* W of Alsea, (11-29-79); 80/01/10079 0006436
Corvallis. *BENTON COUNTY STATE BANK BUILDING,* 155 SW. Madison Ave., (3-7-79); 79/07/13 079 0000653
Corvallis. *BRYSON, J. R., HOUSE,* 242 NW 7th St, (11-15-79); 80/01/10079 0006437
Monroe vicinity. *IRISH BEND BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* NE of Monroe, (11-29-79); 80/01/10079 0006438
Wren vicinity. *HARRIS BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* W of Wren, (11-29-79); 80/01/10079 0006439

clackamas county

Canby vicinity. *ANTHONY, HERMAN, FARM,* NE of Canby at 10205 S. New Era Rd., (3-26-79); 79/07/17 079 0001095
Lake Oswego. *LAKE OSWEGO ODD FELLOWS HALL,* Durham and Church Sts., (3-7-79); 79/07/13 079 0000654
Oregon City. *CROSS, HARVEY, HOUSE,* 809 Washington St, (10-30-79); 80/01/0079 0006194
Oregon City. *MILNE, JAMES, HOUSE,* 504 3rd St., (3-12-79); 79/07/13 079 0000655

clatsop county

Astoria. *ASTOR, JOHN JACOB, HOTEL,* 342 14th St, (11-26-79); 80/01/10079 0006440
Astoria. *YOUNG, BENJAMIN, HOUSE AND CARRIAGE HOUSE,* 3852 Duane st., (3-7-79); 79/07/13 079 0000656

columbia county

Clatskanie. *FLIPPIN, THOMAS J., HOUSE,* 620 Tichenor St., (3-7-79); 79/07/13 079 0000657

coos county

Remote. *SANDY CREEK BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* Sandy Creek Rd, (11-29-79); 80/01/10079 0006441

curry county

Gold Beach. *HUME, MARY D.,* Port of Gold Beach, (8-1-79); 79-11-13 079 0004405

deschutes county

Bend vicinity. *ROCK O' THE RANGE BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* N of Bend, (11-29-79); 80/01/10079 0006442

douglas county

Days Creek vicinity. *MILO ACADEMY BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* SE of Days Creek, (11-29-79); 80/01/10079 0006443
Drain vicinity. *ROARING CAMP BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* W of Drain, (11-29-79); 80/01/10079 0006444
Elkton vicinity. *BROWN, HENRY, HOUSE,* W of Elkton off Or 38, (10-30-79); 80/01/0079 0006195
Oakland. *OAKLAND HISTORIC DISTRICT,* Roughly bounded by Chestnut, 1st, Cedar and 8th Sts., (3-30-79); 79/07/17 079 0001096
Roseburg. *U.S. POST OFFICE,* 704 SE Cass Ave., (6-18-79); [10-25-79) 079 0002535

harney county

Burns vicinity. *P RANCH,* S of Burns, (1-29-79); 79/07/18 079 0000214
Burns vicinity. *SOD HOUSE RANCH,* S of Burns, (1-29-79); 79/07/18 079 0000215

hood river county

Hood River vicinity. *COLUMBIA GORGE HOTEL,* W of Hood River at 9000 Westcliff Dr., (9-21-79); 79/12/03 079 0005939
Hood River vicinity. *OAK GROVE SCHOOLHOUSE,* SW of Hood River at 2121 Reed Rd., (3-5-79); 79/07/13 079 0000658

jackson county

Ashland. *BEACH, BALDWIN, HOUSE,* 348 Hargadine St., (3-28-79); 79/07/17 079 0001097
Ashland. *CARTER, E. V., HOUSE,* 505 Siskiyou Blvd., (3-7-79); 79/07/13 079 0000659
Ashland. *FIRST BAPTIST CHURCH,* 241 Hargadine St, (3-28-79); 79/07/17 079 0001098
Butte Falls vicinity. *JACKSONVILLE-TO-FORT KLAMATH MILITARY WAGON ROAD,* S of Butte Falls, (5-16-79) (also in Klamath County); 79/07/23 079 0001805
Lakecreek vicinity. *LOST CREEK BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* SE of Lakecreek, (11-29-79); 80/01/10079 0006445
Medford. *SOUTH OAKDALE HISTORIC DISTRICT,* Irregular pattern along S. Oakdale Ave. from Stewart Ave. to W. 10th St., (3-15-79); 79/07/13 079 0000660
Medford. *U.S. POST OFFICE AND COURTHOUSE,* 310 W. 6th St., (4-30-79); 79/07/23 079 0001806

OREGON—Continued

Medford vicinity. *ANTELOPE CREEK BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* NE of Medford, (11-29-79); 80/01/10079 0006446
Ruch vicinity. *MCKEE BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* S of Ruch, (11-29-79); 80/01/10079 0006447
Wimer. *WIMER BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* E. Evans Creek Rd, (11-29-79); 80/01/10079 0006448

josephine county

Grants Pass. NEWELL, EDWIN, HOUSE, 591 SW. G St. (11-15-79)
Grants Pass. *CROXTON, THOMAS, HOUSE,* 1002 NW Washington Blvd., (3-29-79); 79/07/17 079 0001099
Grants Pass. *REDWOODS HOTEL,* 310 NW 6th St, (10-25-79); 80/01/0079 0006196
Grants Pass vicinity. *GRAVE CREEK BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* N of Grants Pass, (11-29-79); 1-10-80 to samson 36 yes 079 0006450

lane county

Cottage Grove. *CHAMBERS BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* S. River Rd, (11-29-79); 80/01/10079 0006451
Cottage Grove vicinity. *CURRIN BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* E of Cottage Grove, (11-29-79); 80/01/10079 0006452
Cottage Grove vicinity. *MOSBY CREEK BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* E of Cottage Grove, (11-29-79); 80/01/10079 0006453
Crow vicinity. *COYOTE CREEK BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* SE of Crow, (11-29-79); 80/01/10079 0006454
Dexter vicinity. *LOWELL BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* E of Dexter, (11-29-79); 80/01/10079 0006455
Dorena vicinity. *DORENA BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* NW of Dorena, (11-29-79); 80/01/10079 0006457
Eugene. *OREGON ELECTRIC RAILWAY PASSENGER STATION,* 27 E. 5th St., (3-13-79); 79/07/13 079 0000661
Eugene vicinity. *CAMPBELL, ROBERT E., HOUSE,* E of Eugene at 880 Aspen Dr, (11-1-79); 80/01/0079 0006198
Eugene vicinity. *WILDCAT CREEK BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* W of Eugene, (11-29-79); 80/01/10079 0006458
Greenleaf vicinity. *LAKE CREEK BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* W of Greenleaf, (11-29-79); 80/01/10079 0006459
Jasper vicinity. *PENGRA BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* SE of Jasper, (11-29-79); 80/01/10079 0006460
Lowell vicinity. *UNITY BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* N of Lowell, (11-29-79); 80/01/10079 0006461
Marcola vicinity. *ERNEST BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* NE of Marcola, (11-29-79); 80/01/10079 0006462
Marcola vicinity. *WENDLING BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* NE of Marcola, (11-29-79); 80/01/10079 0006463
McKenzie Bridge vicinity. *HORSE CREEK BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* S of McKenzie Bridge, (11-29-79); 80/01/10079 0006464
Rainbow. *BELKNAP BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* Off SR 126, (11-29-79); 80/01/10079 0006465
Swisshome vicinity. *DEADWOOD CREEK BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* NE of Swisshome, (11-29-79); 80/01/10079 0006466
Vida vicinity. *GOODPASTURE BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* W of Vida, (11-29-79); 80/01/10079 0006467
Walden vicinity. *BRUMBAUGH BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* SE of Walden, (11-29-79); 80/01/10079 0006468
Walden vicinity. *STEWART BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* SE of Walden, (11-29-79); 80/01/10079 0006469

lincoln county

Chitwood. *CHITWOOD BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* Off SR 20, (11-29-79); 80/01/10079 0006471
Elk City. *ELK CITY BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* Cherry St, (11-29-79); 80/01/10079 0006472
Fisher. *FISHER SCHOOL BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* Five Rivers Rd, (11-29-79); 80/01/10079 0006473
Lincoln City vicinity. *DRIFT CREEK BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* SE of Lincoln City, (11-29-79); 80/01/10079 0006474
Siletz vicinity. *SAM'S CREEK BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* E of Siletz, (11-29-79); 80/01/10079 0006475
Yachats vicinity. *NORTH FORK OF THE YACHATS BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* NE of Yachats, (11-29-79); 80/01/10079 0006476

linn county

LARWOOD BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES), E of Crabtree, (11-29-79); 80/01/10079 0006480
Albany. *FLINN BLOCK,* 222 SW. 1st Ave., (3-2-79); 79/07/13 079 0000662
Albany. *METHODIST EPISCOPAL CHURCH SOUTH,* 238 E. 3rd St, (11-16-79); 80/01/10079 0006477
Albany. *UNITED PRESBYTERIAN CHURCH AND RECTORY,* 510 SW. 5th Ave., (4-18-79); 79/07/23 079 0001808
Brownsville vicinity. *BROWN, HUGH LEEPER, BARN,* SE of Brownsville on OR 228, (11-15-79); 80/01/10079 0006478
Cascadia. *SHORT BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* High Deck Rd, (11-29-79); 80/01/10079 0006479
Crabtree vicinity. *WEDDLE BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* NW of Crabtree, (11-29-79); 80/01/10079 0006481
Crawfordsville. *CRAWFORDSVILLE BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* SR 228, (11-29-79); 80/01/10079 0006482
Scio vicinity. *HANNAH BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* Burmester Creek Rd, (11-29-79); 80/01/10079 0006483
Shedd vicinity. *BOSTON FLOUR MILL (THOMPSON'S FLOUR MILL),* E of Shedd on Boston Mill Rd, (8-21-79); 79-11-21 079 0005256

marion county

Jefferson vicinity. *CAMPBELL, HAMILTON, HOUSE,* N of Jefferson, (3-13-79); 79/07/13 079 0000663
Salem. *JARMAN, DANIEL B., HOUSE AND GARDEN,* 567 High St. SE, (12-6-79); 80/01/10079 0006484
Salem. *SMITH-OHMART HOUSE,* 2655 E. Nobb Hill SE, (11-16-79); 80/01/10079 0006485
Salem. *STARKEY-MCCULLY BLOCK,* 223–233 Commercial St., NE, (3-12-79); 79/07/13 079 0000664
Salem vicinity. *WITZEL, ROBERT, HOUSE,* 6576 Joseph St., SE, (11-15-79); 80/01/10079 0006486
Silverton vicinity. *GALLON HOUSE BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES),* NW of Silverton, (11-29-79); 80/01/10079 0006487
Woodburn. *OLD WOODBURN CITY HALL,* 550 N. 1st St., (3-30-79); 79/07/17 079 0001100

multnomah county

Portland. *ASHLEY, MARK A.M., HOUSE,* 2847 NW. Westover Rd., (3/2/79); 79/07/13 079 0000666
Portland. *BATES-SELLER HOUSE,* 2381 NW. Flanders St. (8-29-79); 79-11-21 079 0005257
Portland. *BRAINARD, WILLIAM E., HOUSE,* 5332 SE. Morrison St., (3/1/79); 79/07/13 079 0000667
Portland. *CENTRAL BUILDING, PUBLIC LIBRARY,* 801 SW. 10th Ave., (6-11-79); [10-25-79) 079 0002536
Portland. *COTILLION HALL,* 406 SW. 14th Ave., (3/8/79); 79/07/13 079 0000668
Portland. *EXCHANGE BUILDING AND HUBER'S RESTAURANT,* 320 SW. Stark St., (3/13/79); 79/07/13 079 0000670
Portland. *FRANK, M. LLOYD, ESTATE,* 0615 Palatine Hill Rd., SW., (4-18-79); 79/07/23 079 0001809
Portland. *KENDALL, JOSEPH, HOUSE,* 3908 SE. Taggart St, (8-29-79); 79-11-21 079 0005259
Portland. *KERR, ALBERTINA, NURSERY,* 424 NE. 22nd Ave, (8-29-79); 79-11-21 079 0005260
Portland. *MULTNOMAH COUNTY COURTHOUSE,* 1021 SW. 4th Ave., (6-11-79); [10-25-79) 079 0002537
Portland. *NICOLAS-LANG HOUSE,* 2030 SW. Vista Ave., (3/13/79); 79/07/13 079 0000669
Portland. *OREGON CRACKER COMPANY BUILDING 109 616 NW. Glisan St.,* (8-10-79); 79-11-13 079 0004406
Portland. *PIGGOTT, CHARLES, HOUSE,* 2591 SW. Buckingham Ter., (3-28-79); 79/07/17 079 0001101
Portland. *SMITHSON AND MCKAY BROTHERS BLOCKS,* 943 and 927 N. Russell St, (8-10-79); 79-11-13 079 0004407
Portland. *TEMPLE BETH ISRAEL,* 1931 NW Flanders St, (7-26-79); 79-11-13 079 0004408
Portland. *U.S. COURTHOUSE,* 620 SW. Main St., (4-30-79); 79/07/23 079 0001810

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OREGON—Continued

Portland. *U.S. POST OFFICE*, 511 NW. Broadway, (4-18-79); 79/07/23 079 0001811
Portland. *UNIVERSITY CLUB*, 1225 SW. 6th Ave, (7-26-79); 79-11-13 079 0004409
Portlane. *FENTON, WILLIAM D., HOUSE*, 626 SE. 16th Ave, (8-29-79); 79-11-21 079 0005258

polk county

Ellendale vicinity. *PUMPING STATION BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES)*, SW of Ellendale, (11-29-79); 80/01/10079 0006488
Pedee vicinity. *RITNER CREEK BRIDGE (OREGON COVERED BRIDGES THEMATIC RESOURCES)*, S of Pedee, (11-29-79); 80/01/10079 0006489

union county

La Grande vicinity. *HOT LAKE RESORT*, SE of La Grande on OR 203, (3/15/79); 79/07/13 079 0000671
LaGrande. *U.S. POST OFFICE AND FEDERAL BUILDING*, 1010 Adams St., (1-25-79); 79/07/18 079 0000216

wasco county

Shaniko. *COLUMBIA SOUTHERN HOTEL*, 4th and E Sts, (10-31-79); 80/01/0079 0006199

yamhill county

Yamhill. *LAUGHLIN, LEE, HOUSE*, 100 Laurel St., (3-26-79); 79/07/17 079 0001102

PENNSYLVANIA

adams county

Hunterstown. *HUNTERSTOWN HISTORIC DISTRICT*, PA 394 and Granite Station Rd., (5-15-79); 79/07/23 079 0001812

alleghany county

McKeesport vicinity. *BOWMAN HOMESTEAD*, N of McKeesport at 3500 The Lane, (9-7-79); 79-11-21 079 0005262
Pittsburgh. *HENDERSON-METZ HOUSE*, 1516 Warren St, (8-22-79); 79-11-21 079 0005263
Pittsburgh. *SELLERS HOUSE*, 400 Shady Ave, (9-7-79); 79-11-21 079 0005264
Pittsburgh. *WEST END-NORTH SIDE BRIDGE*, Western Ave. and Carson St, (8-24-79); 79-11-21 079 0005265

allegheny county

Bridgeville vicinity. *GILFILLAN FARM*, 1950 Washington Rd, (11-20-79); 80/01/10079 0006490
Coraopolis. *CORAOPOLIS RAILROAD STATION*, Neville Ave. and Mill St., (4-20-79); 79/07/23 079 0001813
Pittsburgh. *CARNEGIE INSTITUTE AND LIBRARY*, 4400 Forbes Ave., (3-30-79); 79/07/17 079 0001103
Pittsburgh. *EWART BUILDING*, 921, 923 and 925 Liberty Ave, (8-9-79); 79-11-13 079 0004412
Pittsburgh. *PENNSYLVANIA RAILROAD BRIDGE*, 11th St, (8-13-79); 79-11-13 079 0004413
Pittsburgh. *RODEF SHALOM TEMPLE*, 4905 5th Ave, (11-15-79)M; 80/01/0079 0006200
Pittsburgh. *SIXTEENTH STREET BRIDGE*, Spans Allegheny River, (8-13-79); 79-11-13 079 0004414

bedford county

Bedford. *RUSSELL HOUSE*, 203 S. Juliana St., (6-19 '9); [10-25-79) 079 0002538
Bedford vicinity. *BONNET'S TAVERN*, 4 mi. W of Bedford at jct. of U.S. 30 and PA 31, (8-1-79); 79-11-13 079 0004415

berks county

Hamburg vicinity. *SCHAUMBOCH'S TAVERN*, NW of Hamburg on Hawk Mountain Rd, (11-20-79); 80/01/10079 0006491
Reading. *BETHEL A.M.E. CHURCH*, 119 N. 10th St, (9-7-79); 79-11-21 079 0005266
Reading. *HENDEL BROTHERS, SONS AND COMPANY HAT FACTORY*, 517–539 S. 5th St, (11-20-79); 80/01/10079 0006492
Reading. *LOG HOUSE, HIESTER HOUSE, AND MARKET ANNEX*, 30 S. 4th St, (11-20-79); 80/01/10079 0006493
Reading. *READING HARDWARE COMPANY BUTT WORKS*, 537 Willow St, (11-20-79); 80/01/10079 0006494
Wernersville. *LERCH TAVERN*, 182-184 W. Penn Ave, (9-12-79); 79-11-21 079 0005267

butler county

Butler. *LOWRIE, SEN. WALTER, HOUSE*, W. Diamond and S. Jackson Sts., (5-1-79); 79/07/23 079 0001814

cambria county

Johnstown. *NATHAN'S DEPARTMENT STORE*, 428-432 Main St, (8-10-79); 79-11-14 079 0004416

carbon county

Weissport and vicinity. *CARBON COUNTY SECTION OF THE LEHIGH CANAL*, Along Lehigh River, (8-10-79); 79-11-14 079 0004417

centre county

Bellefonte vicinity. *BROCKERHOFF MILL*, SW of Bellefonte on PA 550, (5-1-79); 79/07/24 079 0001815
Centre Hall vicinity. *NEFF ROUND BARN*, S of Centre Hall off PA 45, (5-2-79); 79/07/24 079 0001816
Lemont. *LEMONT HISTORIC DISTRICT*, Off PA 26, (6-6-79); [10-25-79) 079 0002540
Oak Hall. *OAK HALL HISTORIC DISTRICT*, SR 871, (10-25-79); 80/01/0079 0006201
Spring Mills vicinity. *EGG HILL CHURCH*, SW of Spring Mills on Egg Hill Rd., (6-4-79); [10-25-79) 079 0002541
Spring Mills vicinity. *WAGGONER, DANIEL, LOG HOUSE AND BARN*, SW of Spring Mills, (4-18-79); 79/07/24 079 0001817
State College. *AG HILL COMPLEX*, (1-22-79); 79/10/29 079 0000217
State College. *CAMELOT*, 520 S. Fraser St., (4-26-79); 79/07/24 079 0001818
Unionville. *UNIONVILLE HISTORIC DISTRICT*, U.S. 220 and PA 504, (5-30-79); [10-25-79) 079 0002542

chester county

Downingtown. *DOWNINGTOWN LOG HOUSE*, 15 E. Lancaster Ave., (5-24-79); [10-25-79) 079 0002543
Downingtown. *GENERAL WASHINGTON INN*, Uwchlan and E. Lancaster Aves, (8-22-79); 79-11-21 079 0005268
Elverson vicinity. *BULL, THOMAS, HOUSE*, E of Elverson on Builtown Rd, (8-3-79) HABS; 79-11-14 079 0004418
Elverson vicinity. *LAHR FARM*, E of Elverson on PA 23, (9-7-79); 79-11-21 079 0005269
Glenmoore vicinity. *SPRINGTON MANOR FARM* S of Glenmoore at Springton and Creek Rds, (8-7-79); 79-11-14 079 0004419
Malvern vicinity. *WISNER, JACOB, HOUSE (RAPP HOUSE)*, NW of Malvern on Yellow Springs Rd, (8-6-79); 79-11-14 079 0004420
Marshallton vicinity. *TAYLOR HOUSE*, E of Marshallton on W. Strasburg Rd, (8-1-79); 79-11-14 079 0004421
Phoenixville vicinity. *WININGS, JACOB, HOUSE AND CLOVER MILL*, SW of Phoenixville on James Mill Rd, (8-17-79); 79-11-14 079 0004422
Strickersville. *LUNN'S TAVERN*, PA 896, (10-25-79); 80/01/0079 0006202
Unionville. *UNIONVILLE VILLAGE HISTORIC DISTRICT*, PA 162 and PA 82, (6-6-79); [10-25-79) 079 0002544
West Chester. *WARNER THEATER*, 120 N. High St, (11-20-79); 80/01/10079 0006496

clarion county

Clarion. *CLARION COUNTY COURTHOUSE AND JAIL*, Main St., (5-22-79); [10-25-79) 079 0002545

clearfield county

Burnside. *IRVIN-PATCHIN HOUSE*, Main St., (6-19-79); [10-25-79) 079 0002546
Clearfield. *CLEARFIELD COUNTY COURTHOUSE*, 2nd and Market Sts., (4-27-79); 79/07/24 079 0001819
Clearfield. *MURRAY, THOMAS, HOUSE*, 120 S. 2nd St, (10-25-79); 80/01/0079 0006203
Clearfield. *OLD TOWN HISTORIC DISTRICT*, Irregular pattern along Front St., (5-15-79); 79/07/24 079 0001820

clinton county

Loganton vicinity. *LOGAN MILL COVERED BRIDGE*, SW of Loganton over Fishing Creek, (8-6-79); 79-11-14 079 0004423

columbia county

Catawissa vicinity. *DAVIS COVERED BRIDGE (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 371, (11-29-79); 79/01/10079 0006907
Catawissa vicinity. *HOLLINGSHEAD COVERED BRIDGE NO. 40 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 405, (11-29-79); 79/01/10079 0006908
Catawissa vicinity. *JOHNSON COVERED BRIDGE NO. 26 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 320, (11-29-79); 79/01/10079 0006909
Catawissa vicinity. *RIEGEL COVERED BRIDGE NO. 6 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 312, (11-29-79); 79/01/10079 0006910
Catawissa vicinity. *ROHRBACH COVERED BRIDGE NO. 24 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 369, (11-29-79); 79/01/10079 0006911
Central vicinity. *Y COVERED BRIDGE NO. 156 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 757, (11-29-79); 79/01/10079 0006912
Esther vicinity. *FURNACE COVERED BRIDGE NO. 11 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 373, (11-29-79); 79/01/10079 0006913
Fernville vicinity. *WANICH COVERED BRIDGE NO. 69 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, Off PA 42, (11-29-79); 79/01/10079 0006914
Forks vicinity. *JOSIAH HESS COVERED BRIDGE NO. 122 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 563, (11-29-79); 79/01/10079 0006915
Forks vicinity. *TWIN BRIDGES-EAST PADEN COVERED BRIDGE NO. 120 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, Off PA 478, (11-29-79); 80/01/10078 0006916
Forks vicinity. *TWIN BRIDGES-WEST PADEN COVERED BRIDGE NO. 121 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, Off PA 487, (11-29-79); 80/01/10078 0006917
Fowlersville vicinity. *FOWLERSVILLE COVERED BRIDGE (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 19039, (11-29-79); 80/01/10078 0006918
Grassmere Park vicinity. *WELLE HESS COVERED BRIDGE NO. 51 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 19074, (11-29-79); 80/01/10078 0006919
Iola vicinity. *SHOEMAKER COVERED BRIDGE (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 19053, (11-29-79); 80/01/10078 0006920
Millville vicinity. *CREASYVILLE COVERED BRIDGE (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 683, (11-29-79); 80/01/10078 0006921
Millville vicinity. *ECKMAN, SAM, COVERED BRIDGE NO. 92 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 548, (11-29-79); 80/01/10078 0006922
Millville vicinity. *JUD CHRISTIE COVERED BRIDGE NO. 95 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 685, (11-29-79); 80/01/10078 0006923
Newlin vicinity. *WAGNER COVERED BRIDGE NO. 19 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 468, (11-29-79); 80/01/10078 0006924
Orangeville vicinity. *PATTERSON COVERED BRIDGE NO. 112 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 575, (11-29-79); 80/01/10078 0006925
Parr's Mill. *PARR'S MILL COVERED BRIDGE NO. 10 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 371, (11-29-79); 80/01/10078 0006926
Rohrsburg vicinity. *KRAMER COVERED BRIDGE NO. 113 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 572, (11-29-79); 80/01/10078 0006927
Rupert. *RUPERT COVERED BRIDGE NO. 56 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, ST 449, (11-29-79); 80/01/10078 0006928

PENNSYLVANIA—Continued

Slabtown vicinity. *SNYDER COVERED BRIDGE NO. 17 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 361, (11-29-79); 80/01/10078 0006929
Stillwater. *STILLWATER COVERED BRIDGE NO. 134 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 629, (11-29-79); 80/01/10078 0006930

cumberland county

Carlisle. *CARLISLE HISTORIC DISTRICT*, Roughly bounded by Penn, East, Walnut and College Sts., (6-15-79); [10-25-79) 079 0002547

dauphin county

Dauphin vicinity. *AYRES, JOHN, HOUSE*, NW of Dauphin on PA 325, (9-7-79); 79-11-21 079 0005270
Fort Hunter. *FORT HUNTER HISTORIC DISTRICT*, U.S. 22, (8-17-79); 79-11-14 079 0004424
Harrisburg. *KEYSTONE BUILDING*, 18-22 S. 3rd St, (9-7-79); 79-11-21 079 0005271
Hummelstown. *HENDERSON, DR. WILLIAM, HOUSE (FOX HOUSE)*, 31 E. Main St., (5-14-79); 79/07/14 079 0001821
Hummelstown. *ZION LUTHERAN CHURCH AND GRAVEYARD*, Rosanna St., (3-29-79); 79/07/17 079 0001104
Middletown. *RAYMOND, CHARLES AND JOSEPH, HOUSES 109 38 and 37 N. Union St*, (8-1-79); 79-11-14 079 0004425

delaware county

Haverford. *ALLGATES*, Coopertown Rd., (5-15-79); 79/07/24 079 0001822
Swarthmore. *OGDEN HOUSE*, 530 Cedar Lane, (11-20-79); 80/01/10079 0006497

erie county

Erie. *MAIN LIBRARY*, 3 S. Perry St., (4-26-79); 79/07/24 079 0001823

forest county

Cooksburg. *COOK, ANTHONY WAYNE, MANSION*, River Dr., (6-19-79); [10-25-79) 079 0002548

franklin county

Chambersburg vicinity. *BROTHERTON FARM*, SW of Chambersburg on Falling Spring Rd., (3-30-79); 79/07/17 079 0001105
Greencastle vicinity. *SPRING GROVE FARM AND DISTILLERY*, NW of Greencastle on Williamsport Pike, (8-10-79); 79-11-14 079 0004426
Greencastle vicinity. *STOVER-WINGER FARM*, Leitersburg Rd, (8-24-79); 79-11-21 079 0005272
Mercersburg vicinity. *ANGLE FARM*, SE of Mercersburg, (11-20-79); 80/01/10079 0006498
Mercersburg vicinity. *MANSFIELD*, SE of Mercersburg, (4-26-79); 79/07/24 079 0001824
Mercersburg vicinity. *MILLMONT FARM*, E of Mercersburg at jct. of PA 16 and PA 416, (4-27-79); 79/07/24 079 0001825
Mercersburg vicinity. *WORK, COL. JOHN, HOUSE*, SE of Mercersburg, (11-20-79); 80/01/10079 0006499

greene county

Carmichaecals. *CARMICHAELS COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, Spans Muddy Creek, (6-22-79); 079 0003345
Carmichaecals. *KING COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, Spans Hoover Run, (6-22-79); 079 0003344
Carmichaecals. *RED, NEILS, COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, (6-22-79); 079 0003346
Waynesburg. *HANNA HALL*, College St., (4-18-79); 79/07/24 079 0001826

huntingdon county

Marklesburg vicinity. *BRUMBAUGH HOMESTEAD*, NE of Marklesburg off PA 26, (3-28-79); 79/07/17 079 0001106

indiana county

Creekside vicinity. *THOMAS COVERED BRIDGE (COVERED BRIDGES OF INDIANA COUNTY THEMATIC RESOURCES)*, (8-3-79); 79-11-14 079 0004427
Indiana. *BREEZEDALE (SUTTON-ELKIN HOUSE)*, Indiana University of Pennsylvania campus, (3-29-79); 79/07/17 079 0001107
Kintersburg. *KINTERSBURG COVERED BRIDGE (COVERED BRIDGES OF INDIANA COUNTY THEMATIC RESOURCES)*, (8-3-79); 79-11-14 079 0004428
Willet vicinity. TRUSAL COVERED BRIDGE
Willet vicinity. *HARMON'S COVERED BRIDGE (COVERED BRIDGES OF INDIANA COUNTY THEMATIC RESOURCES)*, (8-3-79); 79-11-14 079 0004429

jefferson county

Brookville. *GRAY-TAYLOR HOUSE*, 9 Walnut St, (8-3-79); 79-11-14 079 0004431

juniata county

Dimmsville. *DIMMSVILLE COVERED BRIDGE (COVERED BRIDGES OF JUNIATA AND SNYDER COUNTIES THEMATIC RESOURCES)*, (8-10-79); 79-11-14 079 0004432
Oriental vicinity. *EAST ORIENTAL COVERED BRIDGE (COVERED BRIDGES OF JUNIATA AND SNYDER COUNTIES THEMATIC RESOURCES)*, (8-10-79) (also in Snyder County); 79-11-14 079 0004500
Oriental vicinity. *NORTH ORIENTAL COVERED BRIDGE (COVERED BRIDGES OF JUNIATA AND SNYDER COUNTIES THEMATIC RESOURCES)*, (8-10-79) (also in Snyder County); 79-11-14 079 0004501
Port Royal. *LEHMAN'S, PORT ROYAL COVERED BRIDGE (COVERED BRIDGES OF JUNIATA AND SNYDER COUNTIES THEMATIC RESOURCES)*, (8-10-79); 79-11-14 079 0004502
Spruce Hill vicinity. *ACADEMIA POMEROY COVERED BRIDGE (COVERED BRIDGES OF JUNIATA AND SNYDER COUNTIES THEMATIC RESOURCES)*, NW of Spruce Hill, (8-10-79); 79-11-14 079 0004503

lackawanna county

Scranton. *CENTRAL RAILROAD OF NEW JERSEY FREIGHT STATION*, 602 W. Lackawanna Ave, (8-1-79); 79-11-14 079 0004504
Scranton. *DICKSON WORKS*, 225 Vine St., (5-14-79); 79/07/24 079 0001827

lancaster county

Columbia. *BACHMAN AND FORRY TOBACCO WAREHOUSE*, 125 Bank Alley, (3-29-79); 79/07/17 079 0001108

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PENNSYLVANIA—Continued

Columbia. *WRIGHT'S FERRY MANSION*, 38 S. 2nd St, (11-20-79); 80/01/10079 0006500
Ephrata. *CONNELL MANSION*, 249 W. Main St., (1-19-79); 79/10/29 079 0000218
Lancaster. *LANCASTER HISTORIC DISTRICT*, Roughly bounded by Howard Ave., Queen, Church, Duke, Chestnut and Plum Sts, (11-15-79); 80/01/10079 0006501
Lancaster. *SPRENGER BREWERY*, 125–131 E. King St, (11-27-79); 80/01/10079 0006502
Marietta. *BUCHER, JOSEPH, HOUSE*, 104 E. Front St, (9-7-79); 79-11-21 079 0005273

lebanon county

Annville. *ANNVILLE HISTORIC DISTRICT*, Roughly bounded by Quittapahilla Creek, Lebanon, Saylor and Marshall Sts., (4-30-79); 79/07/24 079 0001828

lehigh county

Coopersburg. *LINDEN GROVE PAVILION*, Linden and S. Main Sts, (11-30-79); 80/01/10079 0006504
Zionsville vicinity. *DILLINGERSVILLE UNION SCHOOL AND CHURCH*, E of Zionsville on Zionsville Rd, (10-25-79); 80/01/0079 0006204

luzerne county

Kingston. *WYOMING SEMINARY*, Sprague Ave, (8-6-79); 79-11-14 079 0004505
Wilkes-Barre. *STEGMAIER BREWERY*, Roughly bounded by Coal, Welles, Market, Lincoln and Baltimore Sts., (5-30-79); (10-25-79) 079 0002549
Wyoming. *LUZERNE PRESBYTERIAL INSTITUTE (WYOMING INSTITUTE)*, Institute St, (9-7-79) habs.; 79-11-21 079 0005274

lycoming county

Muncy. *ST. JAMES EPISCOPAL CHURCH*, 215 S. Main St, (11-20-79); 80/01/10079 0006505

mifflin county

Lewistown vicinity. *OLD STONE ARCH BRIDGE*, S of Lewistown on Jack's Creek Rd., (4-18-79); 79/07/24 079 0001829

monroe county

Bushkill vicinity. *SCHOONOVER MOUNTAIN HOUSE*, S of Bushkill, (8-21-79); 79-11-21 079 0005275
Monroe vicinity. *COLD SPRING FARM SPRINGHOUSE*, NE of Monroe, (8-24-79) habs.; 79-11-21 079 0005276
Stroudsburg. *MONROE COUNTY COURTHOUSE*, 7th and Monroe Sts., (4-28-79); 79/07/24 079 0001830
Stroudsburg. *STROUD MANSION*, Main and 9th Sts, (8-1-79); 79-11-14 079 0004506
Stroudsburg vicinity. *TURN, JOHN, FARM*, NE of Stroudsburg, (7-23-79); 79-11-14 079 0004507

montgomery county

Bryn Mawr. *BRYN MAWR COLLEGE HISTORIC DISTRICT*, Morris Ave., Yarrow St. and New Gulph Rd., (5-4-79); 79/07/24 079 0001831
Bryn Mawr. *BRYN MAWR HOTEL (BALDWIN SCHOOL)*, Morris Montgomery Aves., (4-27-79); 79/07/24 079 0001832
Cheltenham. *ROWLAND HOUSE*, 300 Ashbourne Rd, (10-25-79); 80/01/0079 0006205
Norristown vicinity. *OLD NORRITON PRESBYTERIAN CHURCH*, NW of Norristown on U.S. 422, (4-3-79); 79/07/17 079 0001109

montour county

Danville. *MONTGOMERY, GEN. WILLIAM, HOUSE*, 1 and 3 Bloom St, (8-9-79); 79-11-14 079 0004508
Washingtonville vicinity. *KEEFER COVERED BRIDGE NO. 7 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, SR 346, (11-29-79); 79/01/10079 0006906

northampton county

Bethlehem. *FOUNTAIN HILL OPERA HOUSE (GLOBE THEATRE)*, 405 Wyandotte St, (6-7-79); (10-25-79) 079 0002550
Bethlehem. PACKER MEMORIAL CHAPEL, Packer Ave. (11-20-79)

northumberland county

elysburg vicinity. *KREIGBAUM COVERED BRIDGE (COVERED BRIDGES OF NORTHUMBERLAND COUNTY THEMATIC RESOURCES)*, E of Elysburg, (8-8-79); 79-11-21 079 0005277
Elysburg vicinity. *RICHARDS COVERED BRIDGE (COVERED BRIDGES OF NORTHUMBERLAND COUNTY THEMATIC RESOURCES)*, E of Elysburg, (8-8-79); 79-11-21 079 0005278
Knoebel's Grove. *KNOEBEL, LAWRENCE L., COVERED BRIDGE (COVERED BRIDGES OF NORTHUMBERLAND COUNTY THEMATIC RESOURCES)*, (8-8-79); 79-11-21 079 0005279
Montandon vicinity. *RISHEL COVERED BRIDGE (COVERED BRIDGES OF NORTHUMBERLAND COUNTY THEMATIC RESOURCES)*, E of Montandon, (8-8-79); 79-11-21 079 0005280
Potts Grove vicinity. *BROWN, GOTTLIEB, COVERED BRIDGE (COVERED BRIDGES OF NORTHUMBERLAND COUNTY THEMATIC RESOURCES)*, E of Potts Grove, (8-8-79); 79-11-21 079 0005281
Rebuck vicinity. *HIMMEL'S CHURCH COVERED BRIDGE (COVERED BRIDGES OF NORTHUMBERLAND COUNTY THEMATIC RESOURCES)*, NE of Rebuck, (8-8-79); 79-11-21 079 0005282
Sunbury vicinity. *KEEFER STATION COVERED BRIDGE (COVERED BRIDGES OF NORTHUMBERLAND COUNTY THEMATIC RESOURCES)*, E of Sunbury, (8-8-79); 79-11-21 079 0005283
Turbotville vicinity. *HOWER-SLOTE HOUSE*, W of Turbotville, (8-22-79); 79-11-21 079 0005284

philadelphia county

Philadelphia. *BARNEGAT LIGHT SHIP*, Pier Thirty South, (11-29-79); 80/01/10079 0006508
Philadelphia. *FRANKLIN INSTITUTE*, 15 S. 7th St, (8-1-79); 079 0004509
Philadelphia. *GLEN FOERD AT TORRESDALE*, 5001 Grant Ave, (11-20-79); 80/01/10079 0006509
Philadelphia. *LITS DEPARTMENT STORE*, Market between 7th and 8th Sts., (5-15-79); 79/07/24 079 0001833
Philadelphia. *MASK AND WIG CLUB OF THE UNIVERSITY OF PENNSYLVANIA*, 310 S. Quince St, (11-20-79); 80/01/10079 0006511
Philadelphia. *MCILVAIN, FRANCIS, HOUSE*, 1924 Arch St, (11-20-79); 80/01/10079 0006512
Philadelphia. *PHILADELPHIA RACQUET CLUB*, 213-225 S. 16th St, (8-1-79); 79-11-14 079 0004510
Philadelphia. *POTH, FREDERICK A., HOUSES.*, 15, 3301–3311 Powelton Ave., (4-19-79); 79/07/24 079 0001834
Philadelphia. *PROTESTANT EPISCOPAL CHURCH OF THE SAVIOUR*, Ludlow St. and 3723-3725 Chestnut St, (8-1-79); 79-11-14 079 0004511
Philadelphia. *ST. STEPHEN'S EPISCOPAL CHURCH c*, 19 S. 10th St., (6-4-79); (10-25-79) 079 0002551
Philadelphia. *STEWART, JOHN, HOUSES*, 1020–1028 Spruce St, (11-20-79); 80/01/10079 0006510
Philadelphia. *WIDENER, P. A. B., MANSION*, 1200 N. Broad St, (11-20-79); 80/01/10079 0006513
Philadelphia. *WISSAHICKON INN*, 500 W. Willow Grove Ave, (12-6-79); 80/01/10079 0006514

pike county

Bushkill. *BUSHKILL GRISTMILL*, U.S. 209, (8-3-79) HABS; 79-11-14 079 0004512
Bushkill. *PETERS HOUSE*, U.S. 209, (8-24-79); 79-11-21 079 0005285
Bushkill vicinity. *BRODHEAD FARM (WHEAT PLAINS)*, NE of Bushkill on U.S. 209, (7-23-79); 79-11-14 079 0004513
Bushkill vicinity. *NYCE FARM (VAN GORDON HOUSE)*, NW of Bushkill on U.S. 209, (7-23-79); 79-11-14 079 0004514
Dingman's Ferry. *DINGMAN'S FERRY DUTCH REFORMED CHURCH*, U.S. 209, (7-23-79) habs; 79-11-14 079 0004515
Milford. *CALLAHAN HOUSE (JACOB HELM HOUSE)*, U.S. 29, (7-23-79) habs.; 79-11-14 079 0004516
Milford. *PIKE COUNTY COURTHOUSE*, Broad and High Sts, (7-23-79); 79-11-14 079 0004517
Milford vicinity. *ZIMMERMAN, MARIE, FARM*, SW of Milford on U.S. 209, (11-1-79); 80/01/0079 0006206

schuylkill county

Pottsville. *YUENGLING, FRANK D., MANSION*, 1440 MAHANTONGO ST,, (4-18-79); 79/07/24 079 0001835

snyder county

Beavertown vicinity. *DREESE'S COVERED BRIDGE (COVERED BRIDGES OF JUNIATA AND SNYDER COUNTIES THEMATIC RESOURCES)*, (8-10-79); 79-11-14 079 0004520
Meiserville. *ALINE COVERED BRIDGE (COVERED BRIDGES OF JUNIATA AND SNYDER COUNTIES THEMATIC RESOURCES)*, (8-10-79); 79-11-14 079 0004521
Selinsgrove. *SELINSGROVE HALL AND SEIBERT HALL*, Pine St, (10-25-79); 80/01/0079 0006207

somerset county

Addison. *PETERSBORG TOLLHOUSE*, Off U.S. 40, (3-20-79); 79/07/17 079 0001110

union county

Lewisburg. *CHAMBERLIN IRON FRONT BUILDING*, 434 Market St., (5-14-79); 79/07/24 079 0001836
Mifflinburg. *HEISS, WILLIAM A., HOUSE AND BUGGY SHOP*, 523 Green St, (8-6-79); 79-11-14 079 0004522

PENNSYLVANIA—Continued

washington county

California. *PENNSYLVANIA RAILROAD PASSENGER STATION*, Water and Wood Sts, (6-19-79); (10-25-79) 079 0002552
Claysville vicinity. *MAYS, BLANEY COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, Spans Middle Wheeling Creek, (6-22-79); 79/11/05079 0003500
Cokesburg vicinity. *LEATHERMAN COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, (6-22-79); 79/11/05079 0003501
Midway vicinity. *KREPPS COVERED BRIDGES (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, (6-22-79); 79/11/05079 0003502
Monongahela vicinity. *HENRY COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, Spans Mingo Creek, (6-22-79); 79/11/05079 0003503
North Fredericktown vicinity. *DAVIS, HORN, OVERHOLTZER (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, (6-22-79) also in Greene County; 79/11/05079 0003504
Prosperity vicinity. *BAILEY COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, Spans Ten Mile Creek, (6-22-79); 79/11/05079 0003505
Prosperity vicinity. *DAY COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, Spans Short Creek, (6-22-79); 79/11/05079 0003506
Prosperity vicinity. *HUGHES COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, Spans Ten Mile Creek, (6-22-79); 79/11/05079 0003507
Taylorstown vicinity. *SAWHILL COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, PA 221, (6-22-79); 79/11/05079 0003508
West Alexander vicinity. *ERSKINE COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, Spans Middle Wheeling Creek, (6-22-79); 79/11/05079 0003509
West Finely vicinity. *WYIT SPROWLS COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, (6-22-79); 79/11/05079 0003516
West Finley vicinity. *BROWNLEE, SCOTT, COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, Off PA 231, (6-22-79); 79/11/05079 0003510
West Finley vicinity. *CRAWFORD COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, (6-22-79); 79/11/05079 0003511
West Finley vicinity. *DANLEY COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, (6-22-79); 79/11/05079 0003512
West Finley vicinity. *MILLER, LONGDON L., COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, (6-22-79); 79/11/05079 0003513
West Finley vicinity. *PLANT'S COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, (6-22-79); 79/11/05079 0003514
West Finley vicinity. *SPROWL'S COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES)*, Off PA 231, (6-22-79); 79/11/05079 0003515

wayne county

Ledgedale vicinity. *LACAWAC*, E of Ledgedale, (8-9-79); 079 0004523

york county

East Prospect vicinity. *BURGHOLTSHOUSE*, S of East Prospect on PA 124, (6-22-79); 79/11/05079 0003517
York. *WILLIS HOUSE*, 135 Willis Run Rd., (4-20-79); 79/07/24 079 0001837
York. *YORK HISTORIC DISTRICT*, Roughly bounded by RR tracks, Hartley St., Lilac Lane and Codorus Creek, (8-29-79); 79-11-21 079 0005286

RHODE ISLAND

washington county

Kingstown vicinity. *MARCHANT, HENRY, FARM*, W of Kingstown on S. County Trail, (8-16-79); 079 0004524

beaufort county

Beaufort vicinity. *FORT LYTTELTON SITE*, S of Beaufort on Spanish Point Dr, (9-13-79); 79-11-21 079 0005289

newport county

Tiverton. *HICKS, JOSEPH, HOUSE*, 494 Main Rd, (9-10-79); 79-11-21 079 0005287

providence county

Central Falls. *CENTRAL FALLS MULTIPLE RESOURCE AREA.*, This area includes various properties at various locations. Details available upon request., (4-6-79); 79/07/17 079 0001111
East Providence. *POMHAM ROCKS LIGHT STATION*, Riverside Rd., (7-9-79); 79/11/05079 0003518
Johnston. *HUGHES, THOMAS H., HOUSE*, 423 Central Ave., (6-15-79); (10-25-79) 079 0002553
North Scituate. *SMITHVILLE-NORTH SCITUATE*, U.S. 6 and RI 116, (8-29-79); 79-11-21 079 0005288
Providence. *DYERVILLE MILL*, 610 Manton Ave., (6-18-79); (10-25-79) 079 0002554
Providence. *SHAKESPEARE HALL (SPRAGUE-KNIGHT BUILDING)*, 128 Dorrance St., (6-18-79); (10-25-79) 079 0002555

richland county

Columbia. *COLUMBIA MULTIPLE RESOURCE AREA (PARTIAL INVENTORY) (ADDITIONS)*, This area includes various properties at various locations. Details available upon request, (8-28-79); 79-11-21 079 0005290

Woonsocket

Woonsocket. *U.S. POST OFFICE*, 295 Main St., (5-30-79); (10-25-79) 079 0002556

SOUTH CAROLINA

anderson county

Anderson. *ANDERSON DOWNTOWN HISTORIC DISTRICT*, Main St. between Tribble and Market Sts., (2/23/79); 79/07/13 079 0000672
Belton. *BELTON DEPOT*, Public Sq, (8-13-79); 79-11-14 079 0004525

Barnwell county

Barnwell. *BETHLEHEM BAPTIST CHURCH*, Wall and Gilmore Sts., (7-10-79); 79/11/05079 0003519

beaufort county

Beaufort vicinity. *SEASIDE PLANTATION*, 10 mi. E of Beaufort on SC 21, (7-16-79); 79/11/05079 0003520

calhoun county

St. Matthews vicinity. *BUYCK'S BLUFF ARCHEOLOGICAL SITE*, 8 mi, NE of St. Matthews, (5-4-79); 79/07/24 079 0001838

charleston county

Charleston. *TENNENT, JOSIAH SMITH, HOUSE*, 729 E. Bay St, (11-27-79); 80/01/10079 0006516
Kiawah Island. *BASS POND SITE*, Shullbred Point, (4-24-79); 79/07/24 079 0001839

chesterfield county

McBee vicinity. *KIRKLEY, EVY, SITE (38CT25)*, (8-3-79); 79-11-14 079 0004526

clarendon county

Manning. *MANNING LIBRARY*, 211 N. Brooks St., (7-10-79); 79/11/05079 0003521

fairfield county

Monticello vicinity. *FONTI FLORA PLANTATION*, 5.4 mi. NE of Monticello on SC 99, (4-24-79); 79/07/24 079 0001840

greenville county

Greenville. *REEDY RIVER INDUSTRIAL DISTRICT*, (2-14-79) (63.3); 79/10/29 079 0000219

greenwood county

Greenwood. *MT. PISGAH A.M.E. CHURCH*, Hackett Ave. and James St, (8-16-79); 79-11-14 079 0004527

lancaster county

Lancaster. *KILBURNIE*, 204 N. White St., (4-24-79); 79/07/24 079 0001841
Lancaster vicinity. *MOUNT CARMEL A.M.E. ZION CAMPGROUND*, S of Lancaster, (5-10-79); 79/07/24 079 0001842

lexington county

Lexington vicinity. *MEETZE, MAJ. HENRY A., HOUSE*, S of Lexington at 723 S. Lake Dr., (7-13-79); 79/11/05079 0003522

marlboro county

Clio. *CLIO HISTORIC DISTRICT*, SC 9 and SC 381, (7-16-79); 79/11/05079 0003523

newberry county

Newberry. *OAKHURST (MATTHEWS HOUSE)*, 2723 Main St., (4-24-79); 79/07/24 079 0001843
Pomaria vicinity. *POMARIA*, SE of Pomaria on U.S. 176, (4-24-79); 79/07/24 079 0001844

pickens county

Pickens. *OLD PICKENS JAIL*, Johnson and Pendleton Sts., (4-11-79); 79/07/17 079 0001112

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SOUTH CAROLINA—Continued

richland county

Columbia. *COLUMBIA CANAL*, E bank of the Broad and Congaree Rivers from the Diversion dam to the Southern RR Bridge, (1-15-79); 79/10/29 079 0000220

Columbia. *CONFEDERATE PRINTING PLANT*, 501 Gervais St., (3-28-79); 79/07/17 079 0001113

Columbia vicinity. *BROWN'S FERRY VESSEL*, E of Columbia, (5-18-79); 79/07/24 079 0001845

spartanburg county

Enoree. *MOUNTAIN SHOALS PLANTATION*, jct. of U.S. 221 and SC 92, (4-24-79); 79/07/24 079 0001846

sumter county

Mayesville. *MAYESVILLE HISTORIC DISTRICT*, Irregular pattern along Lafayette St., (7-16-79); 80/01/0079 0003523

york county

York. *YORK HISTORIC DISTRICT*, SC 5 and U.S. 321, (10-18-79); 80/01/0079 0006206

SOUTH DAKOTA

bon homme county

Scotland. *METHODIST EPISCOPAL CHURCH*, 811 6th St, (9-12-79); 79-11-21 079 0005291

brookings county

Bushnell. *FARMERS STORE*, Main St, (8-7-79); 79-11-14 079 0004528

clark county

Clark. *ELROD, GOV. S. H., HOUSE*, 301 N. Commercial St, (7-27-79); 79-11-14 079 0004529

day county

Andover. *WALDORF HOTEL*, Main St, (9-13-79); 79-11-21 079 0005292

edmunds county

Ipswich. *PARMLEY LAND OFFICE*, Main st., (3/7/79); 79/07/13 079 0000674

jerauld county

Wessington Springs. *SHAKESPEARE GARDEN AND SHAY HOUSE*, Off SD 34, (11-14-79); 80/01/0079 0006209

knox county

Knoxville. *HOLSTON NATIONAL BANK*, 531 S. Gay St, (10-2-79); 79/12/05079 0006051

lake county

Ramona vicinity. *ST. ANN'S CATHOLIC CHURCH OF BADUS*, NE of Ramona, (8-7-79); 79-11-14 079 0004530

lincoln county

Canton vicinity. *KRUGER DAM*, NE of Canton, (5-1-79); 79/07/24 079 0001847

minnehaha county

Sioux Falls. *BERDAHL-ROLVAAG HOUSE*, 1009 W. 33rd St., (1-23-79); 79/10/29 079 0000221

Sioux Falls. *SIOUX FALLS NATIONAL BANK BUILDING*, 100 N. Phillips Ave., (3/7/79); 79/07/13 079 0000675

moore county

Lynchburg. *MOORE COUNTY COURTHOUSE AND JAIL*, Court Sq, (9-28-79); 79/12/05079 0006052

shelby county

Memphis. *HAYLEY, PATRICK H., HOUSE*, 804 Vance Ave, (10-10-79); 79/12/05079 0006053

Memphis. *PINCH-NORTH MAIN COMMERCIAL DISTRICT*, Roughly bounded by N. Front and N. 2nd Sts., Commerce and Auction Aves, (10-18-79); 79/12/05079 0006054

spink county

Turton. *FIRST CONGREGATIONAL CHURCH*, Oak and 2nd Sts, (9-14-79); 79-11-21 079 0005293

turner county

Parker. *THIELMAN-STODDARD HOUSE*, 132 1st St, (8-3-79; 79-11-14 079 0004531

union county

Alcester vicinity. *BAKER HOUSE*, NE of Alcester, (8-7-79); 79-11-14 079 0004532

yankton county

Yankton. *GURNEY, CHARLES, HOTEL Gurney, Charles, Hotel SD*, 3rd and Capital Sts, (8-3-79); 79-11-14 079 0004533

Yankton. *YANKTON CARNEGIE LIBRARY*, 4th and Capitol Sts, (8-7-79); 79-11-14 079 0004534

Yankton vicinity. *WESTERN PORTLAND CEMENT PLANT*, (9-19-79); 79/12/05079 0006050

TENNESSEE

bedford county

Shelbyville. *BIVVINS HOUSE*, Off U.S. 41, (12-6-79); 80/01/10079 0006517

carter county

Siam vicinity. *CARRIGER-COWAN HOUSE*, E of Saim, (6-6-79); [10-25-79) 079 0002557

cheatham county

Ashland City vicinity. *SYCAMORE MILLS SITE*, N of Ashland City on TN 49, (7-9-79); 79/11/05079 0003525

Kingston Springs. *KINGSTON SPRINGS HOTEL AND BUILDINGS*, Kingston Springs Rd, (10-31-79); 80/01/0079 0006210

chester county

Henderson. *CHESTER COUNTY COURTHOUSE*, Court Sq., (3-28-79); 79/07/17 079 0001114

claiborne county

Tazewell. *WIER, JAMES, HOUSE.*, Eppes St., (4-18-79); 79/07/24 079 0001848

davidson county

Goodlettsville. *CARTWRIGHT HOUSE*, Old Dickerson Pike, (8-1-79); 79-11-14 079 0004535

Nashville. *GERMANTOWN HISTORIC DISTRICT*, Off I-40 and U.S. 41, (8-1-79); 79-11-14 079 0004536

Nashville. *GILBERT MANSION*, 1906 W. End Ave., (3-28-79); 79/07/17 079 0001115

Nashville. *MILES HOUSE*, 631 Woodland St., (1-8-79); 79/10/29 079 0000222

Nashville. *RICHLAND-WEST END HISTORIC DISTRICT*, Roughly bounded by RR tracks, Murphy Rd., Park Circle, Wilson and Richland Aves., (4-16-79); 79/07/24 079 0001849

Nashville. *THIRD BAPTIST CHURCH (HOPEWELL MISSIONARY BAPTIST CHURCH AND PARSONAGE)*, 900 and 908 Monroe St, (10-31-79); 80/01/0079 0006211

Nashville. *UTOPIA HOTEL*, 206 4th Ave. North, (3/9/79); 79/07/13 079 0000676

franklin county

Winchester. *ESTILL-FITE HOUSE*, 114 Sharp Springs Rd., (3-23-79); 79/07/17 079 0001116

Winchester. *FRANKLIN COUNTY JAIL*, Decherd Blvd., (3/7/79); 79/07/13 079 0000677

giles county

Pulaski. *BROWN-DALY-HORNE HOUSE*, 307 W. Madison St, (12-6-79); 80/01/10079 0006518

grundy county

Altamont vicinity. *NORTHCUTTS COVE CHAPEL*, SE of Altamont, (4-18-79); 79/07/24 079 0001850

hamblen county

Lowland vicinity. *ST. PAUL PRESBYTERIAN CHURCH*, W of Lowland, (8-10-79); 79-11-14 079 0004537

hamilton county

Chattanooga. *BRAINERD MISSION CEMETERY*, Off U.S. 11 and U.S. 64, (12-6-79); 80/01/10079 0006519

Chattanooga. *CHATTANOOGA CAR BARNS*, 301 Market St., (7-9-79); 79/11/05079 0003526

Chattanooga. *FORT WOOD HISTORIC DISTRICT*, Roughly bounded by Palmetto, McCallie, Central and 5th Sts., (4-18-79); 79/07/24 079 0001851

Chattanooga. *FOUNTAIN SQUARE*, 600-622 Georgia Ave. and 317 Oak St., (3-28-79); 79/07/17 079 0001117

Chattanooga. *GASKILL HOUSE (MAHONEY-CLARKE HOUSE)*, 427 E. 5th St, (12-6-79) ; 079 0006520

Chattanooga. *MIKADO LOCOMOTIVE NO. 4501*, 2202 N. Chamberlain Ave., (3-28-79); 79/07/17 079 0001118

Chattanooga. *SHILOH BAPTIST CHURCH (FIRST BAPTIST CHURCH)*, 506 E. 8th St., (1-19-79); 79/10/29 079 0000223

Chattanooga. *WILEY UNITED METHODIST CHURCH*, 504 Lookout St, (8-1-79); 79-11-14 079 0004538

hardin county

Hurley vicinity. *INDIAN MOUNDS*, E of Hurley, (4-27-79); 79/07/24 079 0001852

haywood county

Brownsville. *TEMPLE ADAS ISRAEL*, Washington and College Sts., (1-19-79); 79/10/29 079 0000224

maury county

Columbia. *ST. PETER'S EPISCOPAL CHURCH*, 311 W. 7th St., (6-27-79); 79/11/05079 0003527

Spring Hill vicinity. *THOMPSON, ABSALOM, HOUSE (OAKLAWN)*, S of Spring Hill on Denning Rd, (9-11-79); 79-11-21 079 0005294

montgomery county

Clarksville vicinity. *RIVERVIEW*, W of Clarksville on Cumberland Heights Rd., (3/15/79); 79/07/13 079 0000678

St. Bethlehem vicinity. *CLOVERLANDS*, N of St. Bethlehem on Clarksville-Trenton Rd., (1-8-79); 79/10/29 079 0000225

polk county

Ocoee. *OCOEE HYDROELECTRIC PLANT NO. 2*, U.S. 64, (10-31-79); 80/01/0079 0006212

putnam county

Algood. *ALGOOD METHODIST CHURCH*, 158 Wall St, (11-15-79); 80/01/10079 0006521

TENNESSEE—Continued

Cookeville. *ARCADE, THE*, 7–13 S. Jefferson Ave., (4-17-79); 79/07/24 079 0001853

robertson county

Springfield. *SPRINGFIELD TOWN SQUARE HISTORIC DISTRICT*, U.S. 41 and TN 49, (8-1-79); 79-11-14 079 0004539

shelby county

Capleville. *CAPLEVILLE METHODIST CHURCH*, 5053 Shelby Dr., (4-3-79); 79/07/17 079 0001119

Memphis. *ANNESDALE-SNOWDEN HISTORIC DISTRICT*, Roughly bounded by I-255, Lamar Ave. and Heistan Pl, (10-25-79); 80/01/0079 0006213

Memphis. *DARNELL, ROWLAND J., HOUSE (NINETEENTH CENTURY CLUB)*, 1433 Union Ave., (3/21/79); 79/07/13 079 0000679

Memphis. *FRONT ROW HISTORIC DISTRICT*, S. Front St. between Monroe and Gayoso Aves, (8-1-79); 79-11-14 079 0004540

Memphis. *GREENWOOD*, 1580 Central Ave., (7-9-79); 79/11/05079 0003528

Memphis. *LEATH, PORTER, CHILDREN'S CENTER*, 850 N. Manassas St., (5-8-79); 79/07/24 079 0001854

Memphis. *LOVE, GEORGE COLLINS, HOUSE*, 619 N. 7th St., (4-2-79); 79/07/17 079 0001120

Memphis. *LOWENSTEIN HOUSE*, 756 Jefferson Ave., (3-23-79); 79/07/17 079 0001121

Memphis. *MEMPHIS MERCHANTS EXCHANGE*, 2nd St. and Madison Ave., (5-8-79); 79/07/24 079 0001855

Memphis. *OVERTON PARK HISTORIC DISTRICT*, I-40, (10-25-79); 80/01/0079 0006214

Memphis. *PATTON-BEJACH HOUSE*, 1085 Poplar St, (7-27-79); 79-11-14 079 0004541

Memphis. *SECOND PRESBYTERIAN CHURCH (CLAYBORN TEMPLE)*, 280 Hernando St, (9-4-79); 79-11-21 079 0005295

Memphis. *SHRINE BUILDING*, 66 Monroe Ave., (3-29-79); 79/07/17 079 0001122

Memphis. *ST. MARY'S CATHEDRAL, CHAPEL, AND DIOCESAN HOUSE*, 700 Poplar Ave. (Cathedral), 714 Poplar Ave. (Chapel), and 692 Poplar Ave. (Diocesan House), (1-19-79); 79/10/29 079 0000226

Memphis. *STEELE HALL*, LeMoyne-Owen College campus, (3-23-79); 79/07/17 079 0001123

Raleigh. *GOODWINSLOW*, 4066 James Rd, (12-6-79); 1-10-80 TENNESSEE 079 0006522

smith county

Carthage. *SMITH COUNTY COURTHOUSE*, Court Sq., (4-17-79); 79/07/24 079 0001856

sumner county

Castalian Springs vicinity. *LOCUST GROVE*, N. of Castalian Springs, (1-8-79); 79/10/29 079 0000227

weakley county

Gardner. *CALDWELL, WILLIAM PARKER, HOUSE*, off TN 22, (3/9/79); 79/07/13 079 0000680

williamson county

Franklin. *WINSTEAD HOUSE*, S. Margin St., (4-18-79); 79/07/24 079 0001857

wilson county

Lebanon. *BUCHANAN, I. W. P., HOUSE*, 428 W. Main St., (1/8/79); 79/07/18 079 0000228

TEXAS

anderson county

Palestine. *SACRED HEART CATHOLIC CHURCH AND SCHOOL*, 503 N. Queen St, (12-6-79); 80/01/10079 0006524

austin county

Wesley vicinity. *WESLEY BRETHREN CHURCH*, S of Wesley, (1/18/79); 79/07/18 079 0000229

bandera county

Bandera. *BANDERA COUNTY COURTHOUSE AND JAIL*, Public Sq., 12th and Maple Sts, (10-31-79); 80/01/0079 0006215

bexar county

Leon Springs vicinity. *AUE STAGECOACH INN*, Boerne Stage Rd and I-10, (8-1-79) HABS; 79-11-15 079 0004542

San Antonio. *CLEGG, L. B., HOUSE*, 123 W. Park Ave, (12-7-79); 80/01/10079 0006525

San Antonio. *MAIN AND MILITARY PLAZAS HISTORIC DISTRICT*, Roughly bounded by San Antonio River, E. Nueva, Laredo and Houston Sts., (6-11-79); [10-26-79) 079 0002559

San Antonio. *SAN PEDRO SPRINGS PARK*, San Pedro Ave, (11-1-79); 80/01/0079 0006216

San Antonio. *SOUTHERN PACIFIC DEPOT HISTORIC DISTRICT*, Roughly bounded by Crockett, Chestnut, Galveston and Chestnut Sts., (2-1-79); 79/07/18 079 0000230

San Antonio vicinity. *MAVERICK-ALTGELT RANCH AND FENSTERMAKER-FROMME FARM*, NW of San Antonio, (4-12-79); 79/07/17 079 0001124

bosque county

Meridian. *BOSQUE COUNTY JAIL*, 203 E. Morgan, (1/29/79); 79/07/18 079 0000231

Meridian. *FIRST NATIONAL BANK BUILDING*, Main and Morgan Sts, (11-7-79); 80/01/0079 0006217

bowie county

Texarkana. *HOTEL MCCARTNEY*, State Line Ave, (9-6-79); 79-11-21 079 0005296

Texarkana. *WHITAKER HOUSE*, 517 Whitaker St, (11-7-79); 80/01/0079 0006219

brazoria county

Angleton. *OLD BRAZORIA COUNTY COURTHOUSE*, Public Sq., (3/12/79); 079 0000681

brown county

Brownwood. *ST. JOHN'S EPISCOPAL CHURCH*, 700 Main Ave, (9-4-79); 79-11-21 079 0005297

cameron county

Brownsville. *STILLMAN, CHARLES, HOUSE*, 1305 E. Washington St, (11-19-79); 80/01/10079 0006526

cass county

Linden. *CASS COUNTY COURTHOUSE*, Public Sq., (5-25-79); [10-26-79) 079 0002560

chambers county

Anahuac. *CHAMBERSEA*, Washington and Cummings Sts, (11-19-79) HABS; 80/01/10079 0006527

colorado county

Columbus vicinity. *ZIMMERSCHEIDT-LEYENDECKER HOUSE*, S of Columbus on FR 109, (3-30-79); 79/07/17 079 0001125

cooke county

Lindsay. *ST. PETER'S ROMAN CATHOLIC CHURCH*, Ash St., (5-25-79); [10-26-79) 079 0002561

coryell county

Copperas Cove vicinity. *COPPERAS COVE STAGESTOP AND POST OFFICE*, 1.6 mi. SW of Copperas Cove off U.S. 190, (9-26-79); 79/12/05079 0006055

culberson county

Van Horn. *CLARK HOTEL*, 112 Broadway St., (7-19-79); 79/11/05079 0003529

dallas county

Dallas. *SOUTH BOULEVARD-PARK ROW HISTORIC DISTRICT*, South Blvd. and Park Row from Central Expwy. to Oakland Ave., (2-5-79); 79/07/18 079 0000232

Dallas. *WILSON BUILDING*, 1621-1623 Main St, (7-24-79); 79-11-15 079 0004543

edwards county

Rocksprings. *EDWARDS COUNTY COURTHOUSE AND JAIL*, Public Sq, (11-7-79); 80/01/0079 0006220

el paso county

El Paso. *HOTEL PASO DEL NORTE*, 115 El Paso St., (1-18-79); 79/07/18 079 0000233

El Paso. *TOLTEC CLUB*, 602 Magoffin Ave., (3/12/79); 79/07/13 079 0000682

El Paso. *WOMEN'S CLUB*, 1400 N. Mesa St., (7-22-79); 79/11/05079 0003560

erath county

Thurber vicinity. *THURBER HISTORIC DISTRICT*, S of Thurber, (8-17-79); 79-11-15 079 0004544

fannin county

Bonham. *CLENDENEN-CARLETON HOUSE*, 803 N. Main St., (5-14-79); 79/07/24 079 0001858

fayette county

Schulenburg. *SCHULENBURG COTTON COMPRESS*, James and Main Sts, (9-13-79); 79-11-21 079 0005298

floyd county

Floydada vicinity. *FLOYDADA COUNTRY CLUB SITE*, 7 mi. S of Floydada off U.S. 62, (11-7-79); 80/01/0079 0006221

freestone county

Teague. *TRINITY AND BRAZOS VALLEY RAILROAD DEPOT AND OFFICE BUILDING*, 208 S. 3rd Ave., (3/21/79); 79/07/13 079 0000683

frio county

Pearsall. *OLD FRIO COUNTY JAIL*, E Medina and S. Pecan Sts, (11-19-79); 80/01/10079 0006528

galveston county

Galveston. *FIRST PRESBYTERIAN CHURCH*, 1903 Church St., (1-29-79) habs.; 79/07/18 079 0000234

Galveston. *GALVESTON ORPHANS HOME*, 1315 21st St., (3/21/79); 79/07/13 079 0000684

Galveston. *GALVEZ HOTEL*, 2024 Seawall Blvd., (4-4-79); 79/07/17 079 0001126

Galveston. *KEMPNER, DANIEL WEBSTER, HOUSE*, 2504 Avenue O, (3-30-79); 79/07/17 079 0001127

Galveston. *TRINITY PROTESTANT EPISCOPAL CHURCH*, 22nd St. and Ave. G, (9-4-79); 79-11-21 079 0005299

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TEXAS—Continued

goliad county

Goliad vicinity. *PECK, CAPT. BARTON, HOUSE*, W of Goliad at Hill and Post Oak St., (2/23/79) **habs; 79/07/13 079 0000685**

gregg county

Longview. *EVERETT BUILDING*, 214–216 Fredonia St, (11-15-79); 80/01/10079 0006529

guadalupe county

Seguin. *HALL, ROBERT, HOUSE*, 214 S. Travis St, (10-25-79); 80/01/0079 0006222
Seguin. *SAFFOLD DAM*, Off TX 123, (11-15-79); 80/01/10079 0006530

hardeman county

Quanah. *QUANAH, ACME AND PACIFIC DEPOT*, 100 Mercer St, (10-15-79); 79/12/05079 0008056

harris county

Baytown vicinity. *CEDAR BAYOU ARCHEOLOGICAL DISTRICT*, SE of Baytown, (3/2/79); 79/07/13 079 0000686
Houston. *AUTRY, JAMES L., HOUSE*, 5 Courtlandt Pl., (6-14-79); [10-26-79) 079 0002562
Houston. *BAYOU BEND*, 1 Westcott St, (12-6-79); 80/01/10079 0006531
Houston. *CARROLL, J. J., HOUSE*, 16 Courtlandt Pl., (6-14-79); [10-26-79) 079 0002563
Houston. *CARTER, W. T., JR., HOUSE*, 18 Courtlandt Pl., (6-14-79); [10-26-79) 079 0002564
Houston. *CHRIST CHURCH*, 1117 Texas Ave., (6-15-79); [10-26-79) 079 0002565
Houston. *CLEVELAND, A. S., HOUSE*, 8 Courtlandt Pl., (6-14-79); [10-26-79) 079 0002566
Houston. *DONOGHUE, THOMAS J., HOUSE*, 17 Courtlandt Pl., (6-14-79); [10-26-79) 079 0002567
Houston. *DORRANCE, JOHN M., HOUSE*, 9 Courtlandt Pl., (6-14-79); [10-26-79) 079 0002568
Houston. *JONES-HUNT HOUSE*, 24 Courtlandt Pl., (6-14-79); [10-26-79) 079 0002569
Houston. *KENNEDY BAKERY*, 813 Congress St. (7-27-79); 79-11-15 079 0004545
Houston. *MYER, STERLING, HOUSE*, 4 Courtlandt Pl., (6-14-79); [10-26-79) 079 0002570
Houston. *NEUHAUS, C. L., HOUSE*, 6 Courtlandt Pl., (6-14-79); [10-26-79) 079 0002571
Houston. *PARKER, JOHN W., HOUSE*, 2 Courtlandt Pl., (6-14-79); [10-26-79) 079 0002572
Houston. *PAUL BUILDING (REPUBLIC BUILDING)*, 1016 Preston Ave., (4-6-79); 79/07/17 079 0001128
Houston. *TAYLOR, JUDSON L., HOUSE*, 20 Courtlandt Pl., (6-14-79); [10-26-79) 079 0002573
Houston vicinity. *HARRIS COUNTY BOY'S SCHOOL SITE*, NE of HOUSTON, (5-2-79); 79/07/24 079 0001859

harrison county

Jonesville. *LOCUST GROVE*, Off TX 134, (6-20-79); [10-26-79) 079 0002574
Marshall. *ARNOT HOUSE*, 306 W. Houston St. (7-27-79); 79-11-15 079 0004546
Marshall. *STINSON, JOHN R., HOUSE (GAINES, BELLE FRY, HOUSE)*, 313 W. Austin St. (11-7-79); 80/01/0079 0006223
Marshall. *TURNER, JAMES, HOUSE*, 406 W. Washington Ave, (11-7-79); 80/01/0079 0006224
Marshall vicinity. *DIAL-WILLIAMSON HOUSE*, 3 mi.(4.8 km) W of Marshall on Old Longview Rd., (3/2/79); 79/07/13 079 0000687

hays county

San Marcos vicinity. *BURLESON-KNISPEL HOUSE*, 1.5 mi. N of San Marcos on Lime Kiln Rd, (8-3-79); 79-11-15 079 0004547

hidalgo county

Hidalgo. *OLD HIDALGO SCHOOL*, Flora and 4th Sts, (10-24-79); 80/01/0079 0006225
Linn vicinity. *EL SAL DEL REY ARCHEOLOGICAL DISTRICT*, E of Linn of TX 186, (8-27-79); 79-11-21 079 0005300

hudspeth county

Sierra Blanca vicinity. *TINAJA DE LAS PALMAS BATTLE SITE*, SE of Sierra Blanca, (11-7-79); 80/01/0079 0006227
Sierra Blanca vicinity. *JOHNSON, ROD, SITE (41 HZ 101)*, W of Sierra Blanca, (11-1-79); 80/01/0079 0006228

jack county

Jacksboro. *KNOX, JAMES W., HOUSE*, 215 Knox St., (4-9-79); 79/07/17 079 0001129

jackson county

Edna. *TEXANA PRESBYTERIAN CHURCH*, Apollo Dr. and Country Club Lane, (9-12-79); 79-11-21 079 0005301

jasper county

Jasper vicinity. *SMYTH, ANDREW, HOUSE*, W of Jasper, (5-25-79); [10-26-79) 079 0002575
Roganville. *TURNER-WHITE-MCGEE HOUSE*, Off U.S. 96, (6-19-79); [10-26-79) 079 0002576

jefferson county

Beaumont. *BEAUMONT Y.M.C.A.*, 934 Calder St., (3-30-79); 79/07/17 079 0001130
Port Arthur. *ROSE HILL*, 100 Woodworth Blvd, (10-31-79); 80/01/0079 0006228

karnes county

Karnes City vicinity. *RUCKMAN, JOHN, HOUSE*, 6 mi. N of Karnes City off TX 80, (6-19-79); [10-26-79) 079 0002577

kaufman county

Terrell. *CARTWRIGHT, MATTHEW, HOUSE*, 505 Griffith Ave., (4-4-79); 79/07/17 079 0001131

kendall county

Comfort. *COMFORT HISTORIC DISTRICT*, TX 27, (5-29-79); [10-26-79) 079 0002578

kinney county

Brackettville. *FORT CLARK HISTORIC DISTRICT*, Off U.S. 90, (12-6-79); 80/01/10079 0006532

lee county

Giddings vicinity. *DROEMER BRICKYARD SITE*, 1 mi. SW of Giddings on Old Serbin Rd, (11-7-79); 80/01/0079 0006229

llano county

Llano. *SOUTHERN HOTEL*, 201 W. Main St, (10-10-79); 79/12/05079 0006057

matagorda county

Blessing. *HOTEL BLESSING*, Ave. B., (2-1-79); 79/07/18 079 0000235

mclennan county

Waco. *ROTAN-DOSSETT HOUSE*, 1503 Columbus Ave., (1-29-79); 79/07/18 079 0000236

mills county

Goldthwaite. *MILLS COUNTY JAILHOUSE*, Fisher and 5th Sts., (5-8-79); 79/07/24 079 0001860

mitchell county

Colorado City. *SCOTT-MAJORS HOUSE*, 425 Chestnut St., (2-5-79); 79/07/18 079 0000237

nacogdoches county

Nacogdoches vicinity. *BARRET, TOL, HOUSE*, S of Nacogdoches, (7-27-79); 79-11-15 079 0004548

newton county

Newton. *NEWTON COUNTY COURTHOUSE*, Off TX 190, (7-19-79); 79/11/05079 0003561

nolan county

Sweetwater. *RAGLAND, R.A., BUILDING*, 113–117 3rd St., (5-14-79); 79/07/24 079 0001861

nueces county

Port Aransas. *TARPON INN*, 200 E. Cotter St, (9-14-79); 79-11-21 079 0005302
Violet. *OLD ST. ANTHONY'S CATHOLIC CHURCH*, S. Violet Rd. and TX 44, (9-7-79); 79-11-21 079 0005303

palo pinto county

Mineral Wells. *FIRST PRESBYTERIAN CHURCH*, 410 NW. 2nd St., (6-14-79); [10-26-79) 079 0002579
Palo Pinto. *PALO PINTO COUNTY JAIL*, Elm St. and 5th Ave, (9-26-79); 79/12/05079 0006058

shackelford county

Fort Griffin vicinity. *FORT GRIFFIN BRAZOS RIVER BRIDGE*, NE of Fort Griffin, (10-16-79); 79/12/05079 0006059

smith county

Tyler. *CARNEGIE PUBLIC LIBRARY*, 125 S. College St., (3/12/79); 79/07/13 079 0000688

somervell county

Glen Rose. *SOMERVELL COUNTY COURTHOUSE*, Off TX 144, (8-1-79); 79-11-15 079 0004549

tarrant county

Fort Worth. *EDDLEMAN-MCFARLAND HOUSE*, 1110 Penn St, (10-18-79); 79/12/05079 0006060
Fort Worth. *ELIZABETH BOULEVARD HISTORIC DISTRICT*, 1001–1616 Elizabeth Blvd, (11-16-79); 80/01/10079 0006533
Fort Worth. *HOTEL TEXAS*, 815 Main St., (7-3-79); 79/11/05079 0003562
Fort Worth. WAGGONER, W. T., BUILDING, 810 Houston St. (7-10-79)

travis county

Austin. *RATHER HOUSE*, 3105 Duval St, (10-24-79); 80/01/0079 0006230
Austin. *SCHNEIDER, J. P., STORE*, 401 W. 2nd St., (1-29-79); 79/07/18 079 0000238
Austin. *SCHOLZ GARTEN*, 1607 San Jacinto, (7-27-79); 79-11-15 079 0004550

TEXAS—Continued

Austin. *SMITH-CLARK AND SMITH-BICKLER HOUSES*, 502 and 504 W. 14th St., (4-20-79); 79/07/24 079 0001862
Austin. *WESTHILL*, 1703 West Ave, (7-26-79); 79-11-15 079 0004551
Austin. *WOOLDRIDGE PARK*, Guadalupe St, (8-1-79); 79-11-15 079 0004552
Austin. *YOUTH COUNCIL SITE (41TV382)*, Barton Springs Rd. and S. Lamar Blvd., (4-24-79); 79/07/24 079 0001863

victoria county

Victoria. *CALLENDER HOUSE*, 404 W. Guadelupe St, (9-26-79) HABS; 79/12/05079 0006061

walker county

Riverside vicinity. *RIVERSIDE SWINGING BRIDGE*, NE of Riverside, (9-12-79); 79-11-21 079 0005304

waller county

Prairie View. *FOSTER HALL*, Prairie View A and M University campus, (12-7-79); 80/01/10079 0006534

washington county

Burton vicinity. *GANTT-JONES HOUSE*, 1.5 mi. NW of Burton off SR 1697, (11-16-79); 80/01/10079 0006535

wilbarger county

Odell vicintiy. *DOAN'S ADOBE HOUSE*, E of Odell off U.S. 283, (2-8-79); 79/10/27 079 0000239

williamson county

Georgetown. *RAILROAD PRODUCE DEPOT*, 401 W. 6th St, (11-7-79); 80/01/0079 0006231
Georgetown. *UNIVERSITY AVENUE-ELM STREET HISTORIC DISTRICT*, E. University and Elm Sts, (12-6-79); 80/01/10079 0006536

wise county

Chico. *BROWN, J. T., HOTEL*, E. Decatur St, (10-16-79); 79/12/05079 0006062

UTAH

cache county

Logan. *LOGAN CENTER STREET HISTORIC DISTRICT*, Roughly bounded by 200 North, 200 South, 200 East and 600 West, (4-26-79); 79/07/24 079 0001864
Logan. *LOGAN L.D.S. SIXTH WARD CHURCH*, 395 S. Main St., (7-17-79); 79/11/06079 0003564
Wellsville. *HOWELL-THEURER HOUSE*, 30 S. 100 East, (10-18-79); 79/12/05079 0006063

carbon county

Helper. *HELPER COMMERCIAL DISTRICT*, Bounded by RR tracks, Janet, 1st, West, and Locust Sts, (7-24-79); 79-11-15 079 0004553

daggett county

Dutch John vicinity. *SWETT RANCH*, NE of Dutch John, (7-10-79); 79/11/06079 0003565

emery county

Castle Dale. *SEELEY, JUSTIS WELLINGTON II, HOUSE*, Center and 100 South Sts, (11-15-79); 80/01/10079 0006537
Ferron vicinity. *SINGLETON, SAMUEL, HOUSE*, S of Ferron on UT 10, (11-8-79); 80/01/0079 0006232
Huntington. *HUNTINGTON ROLLER MILL AND MILLER'S HOUSE*, 400 North St, (9-27-79); 79/12/05079 0006064

iron county

Parowan vicinity. *LONG FLAT SITE*, (11-1-79); 80/01/0079 0006233

juab county

Nephi. *BOOTH, EDWIN ROBERT, HOUSE*, 94 W. 300 South St, (12-6-79); 80/01/10079 0006538

salt lake county

Riverton. *DANSIE, GEORGE HENRY, FARMSTEAD*, 12494 S. 1700 West, (9-27-79); 79/12/05079 0006065
Salt Lake City. *ANSELMO, FORTUNATO, HOUSE*, 164 S. 900 East St., (5-21-79); [10-26-79) 079 0002580
Salt Lake City. *BEESLEY, EBENEZER, HOUSE*, 80 W. 200 North, (7-16-79); 79/11/06079 0003566
Salt Lake City. *GRANT STEAM LOCOMOTIVE NO. 223*, Liberty Park, (5-23-79); [10-26-79) 079 0002581
Salt Lake City. *OAKWOOD*, 2610 Evergreen St, (11-16-79); 80/01/10079 0006539
Salt Lake City. *ROWLAND HALL-ST. MARK'S SCHOOL*, 205 1st Ave, (7-26-79); 79-11-15 079 0004554
Salt Lake City. *SALT LAKE CITY PUBLIC LIBRARY*, 15 S. State St, (8-7-79); 79-11-15 079 0004555
Salt Lake City. *WHIPPLE, NELSON WHEELER, HOUSE*, 564 W. 400 North, (9-26-79); 79/12/05079 0006066
Salt Lake City. *WOODRUFF-RITER HOUSE*, 225 N. State St, (7-26-79); 79-11-15 079 0004556

sanpete county

Mount Pleasant. *MOUNT PLEASANT COMMERCIAL HISTORIC DISTRICT*, U.S. 89 and UT 116, (10-26-79); 80/01/0079 0006234
Mt. Pleasant. *STAKER, ALMA, HOUSE*, 81 E. 300 South, (7-9-79); 79/11/06079 0003567

sevier county

Salina vicinity. *ASPEN-CLOUD ROCK SHELTERS*, NE of Salina, (11-1-79); 80/01/0079 0006235

summit county

Park City. *MAIN STREET HISTORIC DISTRICT*, Main St., (3/9/79); 79/07/13 079 0000691
Park City. *ST. MARY OF THE ASSUMPTION CHURCH AND SCHOOL*, 121 Park Ave., (1-25-79); 79/07/18 079 0000240

utah county

American Fork. *SMITH, WARREN B., HOUSE*, 589 E. Main St., (6-19-79); [10-26-79) 079 0002582
Eureka vicinity. *TINTIC MINING DISTRICT RESOURCE AREA*, This area includes: *EUREKA HISTORIC DISTRICT*, roughly bounded by city limits; *MAMMOTH HISTORIC DISTRICT*, roughly bounded by city limits; and 23 associated mining sites over an 8-mile area, (3/14/79) (also in Jaub County); 79/07/13 079 0000692
Provo. *ALLEN, DR. SAMUEL H., HOUSE AND CARRIAGE HOUSE*, 135 E. 200 North, (5-18-79); [10-26-79) 079 0002583
Provo. *HOTEL ROBERTS*, 192 S. University Ave, (7-26-79); 79-11-15 079 0004557
Provo. *PROVO THIRD WARD CHAPEL AND AMUSEMENT HALL*, 105 N. 500 West, (4-2-79); 79/07/17 079 0001132

wasatch county

Heber City. *WHERRITT, AUSTIN, HOUSE*, 315 E. Center, (1-25-79); 79/07/18 079 0000241

washington county

New Harmony vicinity. *FORT HARMONY SITE*., (11-16-79); 80/01/10079 0006539

weber county

Ogden. *MAGUIRE, DON, DUPLEX*, 549-551 25th St., (2/26/79); 79/07/13 079 0000693
Ogden. *NEW BRIGHAM HOTEL*, 2402–2410 Wall Ave., (6-14-79); [10-26-79) 079 0002584
Ogden. *U.S. POST OFFICE AND COURTHOUSE*, 298 W. 24th St, (7-26-79); 79-11-15 079 0004558

VERMONT

addison county

Vergennes. *STRONG, SAMUEL PADDOCK, HOUSE*, 82 W. Main St, (8-15-79); 79-11-15 079 0004559

bennington county

Bennington vicinity. *MATHEWS, DAVID, HOUSE*, VT 67, (9-10-79) (also in Rensselaer County, NY); 79-11-21 079 0005305
Center Shaftsbury vicinity. *GALUSHA, GOV. JONAS, HOMESTEAD*, U.S. 7, (11-30-79) **habs r; 80/01/10079 0006540**
Stamford. *TUDOR HOUSE*, VT 8, (9-10-79); 79-11-21 079 0005306

caledonia county

Hardwick vicinity. *HARDWICK STREET HISTORIC DISTRICT*, NE of Hardwick, (6-22-79); [10-26-79) 079 0002585

chittenden county

Burlington. *WELLS, EDWARD, HOUSE*, 61 Summit St, (10-3-79); 79/12/05079 0006067
Burlington. *WELLS-RICHARDSON DISTRICT*, Main, Pine, College, and St. Paul Sts., (3/5/79); 79/07/13 079 0000694
Winooski. *PORTER SCREEN COMPANY*, 110 E. Spring St, (11-15-79); 80/01/0079 0006236
Winooski. *WINOOSKI FALLS MILL DISTRICT*, N. bank of Winooski River to Center and Canal Sts., S bank to bartl, (2-9-79); 80/01/10079 0006791
Winooski. *WINOOSKI FALLS MILL DISTRICT*, N. bank of Winooski River to Center and Canal Sts., S bank to Bartlet St., (2/9/79); 79/07/18 079 0000242

essex county

Island Pond. *ISLAND POND HISTORIC DISTRICT*, jct. of VT 105 and VT 114, (1-31-79); 80/01/10079 0006792
Island Pond. *ISLAND POND HISTORIC DISTRICT*, Jct. of VT 105 and VT 114, (1-31-79); 79/07/18 079 0000243

orange county

Barre vicinity. *WHITCOMB, HARLIE, FARM*, NE of Barre off U.S. 302, (9-11-79); 79-11-21 079 0005307

rutland county

Castleton. *CASTLETON VILLAGE HISTORIC DISTRICT*, Irregular pattern along Main and South Sts., (4-26-79); 79/07/24 079 0001865
Healdville vicinity. *CROWLEY CHEESE FACTORY*, SW of Healdville on Healdville Rd, (10-11-79); 79/12/05079 0006068

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VERMONT—Continued

washington county

Barre. *BARRE DOWNTOWN HISTORIC DISTRICT*, VT 302, (9-4-79); 79-11-21 079 0005308
Waterbury. *MILL VILLAGE HISTORIC DISTRICT*, Roughly bounded by VT 100, I-89, and Stowe St., (6-12-79); [10-26-79) 079 0002586
Waterbury vicinity. *COLBY MANSION*, N of Waterbury on VT 100, (9-10-79); 79-11-21 079 0005309

windham county

Athens. *OLD BRICK CHURCH*, Off VT 35, (11-30-79); 80/01/10079 0006541
Dummerston. *NAULAKHA*, Off U.S. 5, (4-11-79); 79/07/17 079 0001133
Rockingham. *ROCKINGHAM MEETINGHOUSE*, Off VT 103, (9-10-79); 79-11-21 079 0005310

windsor county

Andover vicinity. *SIMONS' INN*, SW of Andover on VT 11, (3/2/79); 79/07/13 079 0000695
Ludlow. *LUDLOW GRADED SCHOOL*, High St. (11-29-79); 80/01/10079 0006542

VIRGINIA

Danville independent city. PENN-WYATT HOUSE, 862 Main St. (9-7-79); 79-11-23 079 0005311

albemarle county

Millington vicinity. *MIDWAY*, SE of Millington off VA 678, (2-2-79); 80/01/10079 0006793

albermarle county

Millington vicinity. *MIDWAY*, SE of Millington off VA 678, (2/2/79); 79/07/19 079 0000244

alexandria (independent city)

LEE-FENDALL HOUSE, 614 Oronoco St., (6-22-79); [10-26-79) 079 0002587

arlington county

Arlington. *HUME SCHOOL*, 1805 S. Arlington Ridge Rd., (6-18-79); [10-26-79) 079 0002588

augusta county

Mossy Creek vicinity. *MILLER, HANNAH, HOUSE*, N of Mossy Creek off VA 747, (5-24-79); [10-26-79) 079 0002589
Mossy Creek vicinity. *MILLER, HENRY, HOUSE*, E of Mossy Creek on VA 42, (5-23-79); [10-26-79) 079 0002590

bland county

Ceres vicinity. *SHARON LUTHERAN CHURCH AND CEMETERY*, W of Ceres on VA 42, (2-1-79); 80/01/10079 0006794

brunswick county

Lawrenceville. *ST. PAUL'S COLLEGE*, (6-27-79); 79/11/06079 0003586

buena vista (independent city)

OLD COURTHOUSE, 2110 Magnolia Ave, (5-25-79); [10-26-79) 079 0002591

campbell county

Spring Mills vicinity. *BLENHEIM*, 2.4 mi. SW of Spring Mills, (5-31-79); [10-26-79) 079 0002592

caroline county

Corbin vicinity. *SANTEE*, Off VA 610, (5-7-79); 79/07/24 079 0001866

clarke county

Boyce vicinity. *MEADOW, THE (HUNTINGDON)*, N of Boyce, (5-25-79); [10-26-79) 079 0002593

emporia (independent city)

OLD MERCHANTS AND FARMERS BANK BUILDING, S. Main St., (5-7-79); 79/07/24 079 0001868

essex county

Chance vicinity. *GLENCAIRN*, N of Chance off U.S. 17, (5-14-79); 79/07/24 079 0001869

fairfax county

Colchester. *FAIRFAX ARMS*, 10712 Old Colchester Rd., (5-21-79); [10-26-79) 079 0002594
Great Falls vicinity. *PATOWMACK CANAL HISTORIC DISTRICT*, E of Great Falls, (10-18-79) HAER; 79/12/05079 0006069
Herndon. *HERNDON DEPOT*, Elden St., (6-18-79); [10-26-79) 079 0002595

fauquier county

Middleburg vicinity. *WAVERLY*, S of Middleburg on VA 626, (3/12/79); 79/07/13 079 0000696

fredericksburg (independent city)

BROMPTON, Hanover St. and Sunken Rd, (7-24-79); 79-11-15 079 0004560

gloucester county

Wicomico vicinity. *TIMBERNECK*, E of Wicomico off VA 635, (9-10-79); 79-11-23 079 0005312

goochland county

Goochland vicinity. *ELK HILL*, W of Goochland off VA 6, (2-2-79); 80/01/10079 0006795

halifax county

South Boston vicinity. *GLENNMARY*, SW of South Boston on U.S. 58, (2-1-79); 80/01/10079 0006796

hampton (independent city)

TRUSTY, WILLIAM H., HOUSE, 76 W. County St., (6-22-79); [10-26-79) 079 0002596

hanover county

Ashland. *RANDOLPH-MACON COLLEGE BUILDINGS*, Randolph-Macon College campus, (6-19-79); [10-26-79) 079 0002597
Mechanicsville vicinity. *CLOVER LEA*, E of Mechanicsville off VA 629, (2-1-79); 80/01/10079 0006797

harrisonburg (independent city)

WILTON, JOSHUA, HOUSE, 412 S. Main St., (5-24-79); [10-26-79) 079 0002598

hopewell (independent city)

CITY POINT HISTORIC DISTRICT, Off VA 10/156, (10-15-79); 79/12/05079 0006070

isle of wight county

Raynor vicinity. *JORDAN, JOSEPH, HOUSE*, NE of Raynor on VA 683, (6-22-79); [10-26-79) 079 0002599

Smithfield vicinity. *FOUR SQUARE*, W. of Smithfield on VA 620, (7-26-79) HABS; 79-11-15 079 0004561

james city county

Toano vicinity. *CHICKAHOMINY SHIPYARD ARCHEOLOGICAL SITE*, (6-28-79); 79/11/06079 0003589

king county

Colville. *KELLER HOUSE*, 700 N. Wynne St., (4-18-79); 79/07/24 079 0001878
Colville. *MCCAULEY, H.M., HOUSE*, 285 Oak St., (4-18-79); 79/07/24 079 0001879
Seattle. *FEDERAL OFFICE BUILDING*, 909 1st Ave., (4-30-79); 79/07/24 079 0001876
Seattle. *FERRY, PIERRE P., HOUSE*, 1531 10th Ave. East, (4-18-79); 79/07/24 079 0001877

lexington (independent city)

LEXINGTON PRESBYTERIAN CHURCH, Main and Nelson Sts., (5-24-79); [10-26-79) 079 0002600

loudoun county

Hillsboro. *HILLSBORO HISTORIC DISTRICT*, VA 9, (5-7-79); 79/07/24 079 0001870

lunenburg county

Kenbridge vicinity. *FLAT ROCK*, SW of Kenbridge on VA 655, (5-21-79); [10-26-79) 079 0002601

lynchburg (independent city)

DIAMOND HILL HISTORIC DISTRICT, Roughly bounded by Dunbar Dr., Main, Jackson and Arch Sts, (10-1-79); 79/12/05079 0006071
HAYES HALL, Dewitt St. and Garfield Ave., (6-19-79); [10-26-79) 079 0002602
MAIN HALL, RANDOLPH-MACON WOMEN'S COLLEGE, 2500 Rivermont Ave., (6-19-79); [10-26-79) 079 0002603

madison county

Woodberry Forest. *RESIDENCE, THE*, Woodberry Forest School, (6-19-79); [10-26-79) 079 0002604

mecklenburg county

Baskerville vicinity. *ELM HILL*, SE of Baskerville off VA 4, (7-27-79); 79-11-15 079 0004562
Clarksville. *MOSS TOBACCO FACTORY*, Main and 7th Sts., (5-21-79); [10-26-79) 079 0002605

middlesex county

Wilton vicinity. *WILTON*, S of Wilton on VA 3, (2-1-79); 80/01/10079 0006798

montgomery county

Christiansburg. *OLD CHRISTIANBURG INDUSTRIAL INSTITUTE*, 570 High St., (4-6-79); 79/07/17 079 0001134
Christiansburg vicinity. *YELLOW SULPHUR SPRINGS*, N of Christiansburg on VA 643, (9-20-79); 79/12/05079 0006072

norfolk (independent city)

CHRIST AND ST. LUKE'S CHURCH, 560 W. Olney Rd., (6-18-79); [10-26-79) 079 0002606
ST. MARY'S CHURCH, 232 Chapel St., (5-25-79); [10-26-79) 079 0002607

orange county

Old Somerset. *SOMERSET CHRISTIAN CHURCH*, VA 20, (2-1-79); 80/01/10079 0006799
Orange vicinity. *WILLOW GROVE*, 2 mi. (3.2 km) NW of Orange on U.S. 15, (5-7-79); 79/07/24 079 0001871

VIRGINIA—Continued

page county

Hamburg vicinity. *FORT EGYPT*, NW of Hamburg, (6-18-79); [10-26-79) 079 0002608
Stanley vicinity. *BEAVER, JOHN, HOUSE*, N of Stanley on VA 615, (6-22-79); 79/12/18 079 0002608

petersburg (independent city)

TABB STREET PRESBYTERIAN CHURCH, 21 W. Tabb St., (5-31-79); [10-30-79) 079 0002610

pittsylvania county

Chatham vicinity. *MOUNTAIN VIEW*, 2 mi. S of Chatham on VA 703, (9-10-79); 79-11-23 079 0005313
Danville vicinity. *DAN'S HILL*, 4 mi. (6.4 km) W of Danville, (5-30-79); [10-30-79) 079 0002611

powhatan county

Powhatan vicinity. *BELNEMUS*, W of Powhatan off U.S. 60, (4-20-79) habs.; 79/07/24 079 0001872

prince edward county

Meherrin vicinity. *FALKLAND*, NW of Meherrin on VA 632, (6-22-79); [10-30-79) 079 0002612
Worsham. *OLD PRINCE EDWARD COUNTY CLERK'S OFFICE*, U.S. 15, (9-10-79); 79-11-23 079 0005314

prince george county

Hopewell vicinity. *EVERGREEN*, E. of Hopewell on VA 644, (7-24-79); 79-11-15 079 0004563

pulaski county

Newbern. *NEWBERN HISTORIC DISTRICT*, VA 611, (6-4-79); [10-30-79) 079 0002613
Pulaski. *DALTON THEATRE BUILDING*, Washington Ave., (5-7-79); 79/07/24 079

rappahannock county

Washington vicinity. *MOUNT SALEM BAPTIST MEETINGHOUSE*, SE of Washington on VA 626, (5-24-79); [10-30-

richmond (independent city)

BYRD THEATRE, 2908 W. Cary St, (9-24-79); *CENTRAL NATIONAL BANK*, 3rd and Broad Sts, (9-20-79); 79/12/05079 0006074
FOURTH BAPTIST CHURCH, 2800 P St. (9-7-79)
LOEWS THEATER, 6th and Grace Sts. (11-20-79)
REVEILLE, 4200 Cary Street Rd., (2-1-79); 79/
ST. ANDREW'S CHURCH, 223, 224, and 227 S. Cherry St., (6-22-79); [10-30-79) 079
WINSTON, JOSEPH P., HOUSE, 101–103 E. Grace St., (6-11-79); [10-30-79) 079 0002616

rockbridge county

Brownsburg vicinity. *KENNEDY-WADE MILL*, (7-13-79); 79/11/06079 0003570
Buena Vista vicinity. *GLEN MAURY*, W of Buena Vista, (5-24-79); [10-30-79) 079 0002617
Lexington vicinity. *CHURCH HILL*, 6.5 mi. NE of Lexington off U.S.11 at I-64/81, (2/23/79); 79/07/13 079 0000697
Lexington vicinity. *STONE HOUSE (ZACHARIAH JOHNSTON HOUSE)*, W of Lexington on Ross Rd., (5-24-79); [10-30-79) 079 0002618

rockingham county

Broadway vicinity. *SITES HOUSE*, NW of Broadway off VA 617, (4-3-79); 79/07/17 079 0001135

Elkton. *MILLER-KITE HOUSE*, 302 Rockingham St., (2-1-79); 80/01/10079 0006810

shenandoah county

Edinburg. *EDINBURG MILL*, U.S. 11, (9-7-79); 79-11-23 079 0005316
Fishers Hill vicinity. *SNAPP HOUSE*, SW of Fishers Hill on VA 757, (5-7-79); 79/07/24 079 0001874
Strasburg. *STRASBURG STONE AND EARTHENWARE MANUFACTURING COMPANY*, E. King St., (6-19-79); [10-30-79) 079 0002625

southampton county

Courtland vicinity. *BEECHWOOD*, NE of Courtland on VA 643, (2-1-79); 79/07/19 079 0000253
Courtland vicinity. *ELM GROVE*, NE of Courtland on VA 646, (7-24-79); 79-11-15 079 0004564
Drakes Corner vicinity. *BROWN'S FERRY*, E of Drakes Corner off VA 684, (6-18-79); [10-30-79) 079 0002626

staunton (independent city)

HILLTOP, Mary Baldwin College campus, (6-19-79); [10-30-79) 079 0002619
KABLE HOUSE, 310 Prospect St., (6-19-79); [10-30-79) 079 0002620
MILLER, C. W., HOUSE, 210 N. New St., (6-19-79); [10-30-79) 079 0002621
NATIONAL VALLEY BANK, 12–14 W. Beverly St., (6-19-79); [10-30-79) 079 0002622
OAKS, THE, 437 E. Beverley St., (6-19-79); [10-30-79) 079 0002623
ROSE TERRACE, 150 N. Market St., (6-19-79); [10-30-79) 079 0002624

tazewell county

Burke's Garden vicinity. *BURKE'S GARDEN CENTRAL CHURCH AND CEMETERY*, SE of Burke's Garden on VA 623, (5-7-79); 79/07/24 079 0001875

Virginia Beach (independent city)

U.S. COAST GUARD STATION, Atlantic Ave. and 24th St., (7-11-79); 79/11/06079 0003571

westmoreland county

Oak Grove vicinity. *INGLESIDE*, S of Oak Grove on VA 638, (3/15/79); 79/07/13 079 0000698
Oak Grove vicinity. *MONROE, JAMES, FAMILY HOME SITE*, N of Oak Grove, (7-24-79); 79-11-15 079 0004565
Oak Grove vicinity. *ROXBURY*, 1.7 mi. S of Oak Grove, (3/15/79); 79/07/13 079 0000699
Oak Grove vicinity. *WIRTLAND*, S of Oak Grove on VA 638, (3/15/79); 79/07/13 079

whatcom county

Bellingham. *U.S. POST OFFICE AND COURTHOUSE*, 104 W. Magnolia St., (4-

winchester (independent city)

GLEN BURNIE, 801 Amherst St. (9-10-79) HABS

wythe county

Fort Chiswell vicinity. *MCGAVOCK FAMILY CEMETERY*, E of Fort Chiswell off I-81, (6-22-79); [10-30-79) 079 0002627
Speedwell vicinity. *ZION EVANGELICAL LUTHERAN CHURCH CEMETERY*, NW of Speedwell, (2-1-79); 80/01/10079 0006812

WASHINGTON

adams county

Lind vicinity. *SEIVERS BROTHERS RANCHHOUSE AND BARN*, SE of Lind on Providence Rd., (6-19-79); [10-30-79) 079 0002828

clallam county

Port Angeles vicinity. *ROSEMARY INN*, SW of Port Angeles on Barnes Point, (7-17-79); 79/11/06079 0003572

clark county

Heisson. *HEISEN, HENRY, HOUSE*, 27904 NE. 174th Ave, (10-4-79); 79/12/05079 0006075
Ridgefield. *SHOBERT, WILLIAM HENRY, HOUSE*, 621 Shobert Lane, (10-4-79); 79/12/05079 0006076
Ridgefield vicinity. *ARNDT PRUNE DRYER*, SE of Ridgefield at 2109 NW. 219th St, (10-4-79); 79/12/05079 0006077
Vancouver. *EVERGREEN HOTEL*, 500 Main St., (1-19-79); 80/01/10079 0006813
Vancouver. *EVERGREEN HOTEL*, 500 MAIN ST., (1/19/79); 79/07/19 079 0000255

clarke county

Camas vicinity. *PITTOCK HOUSE (LAKESIDE)*, N of Camas at 114 NE. Leadbetter Rd., (7-3-79); 79/11/06079 0003573

ferry county

Curlew. *ANSORGE HOTEL*, River St. and Railroad Ave., (3/9/79); 79/07/13 079 0000701
Danville. *NELSON-GRUNWELL STORE*, Main and Wall Sts., (3/19/79); 79/07/13 079 0000702

franklin county

Pasco. *MOORE, JAMES, HOUSE*, Off U.S. 12, (5-31-79); [10-30-79) 079 0002629

grays harbor county

Hoquiam. *POLSON, F. ARNOLD, HOUSE AND POLSON, ALEX, GROUNDS*, 1611 Riverside Ave., (6-19-79); [10-30-79) 079 0002630

king county

Seattle. *BALLARD CARNEGIE LIBRARY*, 2026 N. West Market St., (6-15-79); [10-30-79) 079 0002631
Seattle. *BALLARD-HOWE HOUSE*, 22 W. Highland Dr., (3/9/79); 79/07/13 079 0000703
Seattle. *IMMIGRANT STATION AND ASSAY OFFICE*, 815 Airport Way South, (1-25-79); 80/01/10079 0006814
Seattle. *OLYMPIC HOTEL*, 1200–1220 4th Ave., (6-15-79); [10-30-79) 079 0002632
Seattle. *RAYMOND-OGDEN MANSION*, 702 35th Ave., (6-15-79); [10-30-79) 079 0002633
Seattle. *SUMMIT SCHOOL*, E. Union St. and Summit Ave, (10-4-79); 79/12/05079 0006078
Seattle. *THOMPSON, WILL H., HOUSE*, 3119 S. Day St, (11-29-79); 80/01/10079 0006544
Seattle. *U.S. IMMIGRANT STATION AND ASSAY OFFICE*, 815 Airport Way South, (1/25/79); 79/07/19 079 0000256
Tukwila. *TUKWILA SCHOOL*, 14475 59th Ave. S, (11-29-79); 80/01/10079 0006545

kittitas county

Easton vicinity. *CABIN CREEK HISTORIC DISTRICT*, W of Easton, (8-17-79); 79-11-15 079 0004566

pacific county

Klipsan Beach. *KLIPSAN BEACH LIFE SAVING STATION*, WA 103, (7-5-79); 79/11/06079 0003574
Ocean Park. *WRECKAGE, THE*, 256th Pl, (9-18-79); 79/12/05079 0006079

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WASHINGTON—Continued

Raymond. *RAYMOND PUBLIC LIBRARY,* 507 Duryea St, (11-29-79); 80/01/10079 0006546

pend oreille county

Metaline Falls. *LARSON, LEWIS P., HOUSE,* 5th and Pend Oreille Blvd., (3/9/79); 79/07/13 079 0000704

Metaline Falls. *WASHINGTON HOTEL,* 5th and Washington St., (3/9/79); 79/07/13 079 0000705

pierce county

Dupont. *SEQUALITCHEW ARCHEOLOGICAL SITE,* N of Dupont, (2-14-79); 80/01/10079 0006815

Fort Lewis. *RED SHIELD INN,* Main St., (2-5-79); 80/01/10079 0006816

Tacoma. *BOWES BUILDING (TACOMA SAVINGS AND LOAN BUILDING),* 100 S. 9th St, (11-23-79); 80/01/10079 0006547

snohomish county

Everett. *COMMUNITY CENTER AND WAR MEMORIAL BUILDING (MASONIC TEMPLE),* 1611 Everett Ave., (2/21/79); 79/07/13 079 0000706

spokane county

Cheney. *CHENEY INTERURBAN DEPOT,* 505 2nd St., (3/15/79); 79/07/13 079 0000707

Spokane. *FREQUENCY CHANGING STATION,* E. 1420 Celesta Ave., (6-19-79); [10-30-79) 079 0002834

Spokane vicinity. *RIBLET, ROYAL, HOUSE,* E of Spokane on Fruit Hill Rd., (3/9/79); 79/07/13 079 0000708

stevens county

Northport. *NORTHPORT SCHOOL,* South and 7th Sts. (10-4-79); 79/12/05079 0006080

thurston county

Olympia. *BIGELOW, DANIEL R., HOUSE,* 918 Glass St, (8-7-79); 79-11-15 079 0004567

Olympia. *WASHINGTON STATE CAPITOL HISTORIC DISTRICT,* State Capitol and environs, (6-22-79); [10-30-79) 079 0002835

Olympia. *WOMEN'S CLUB,* 1002 Washington St., (6-15-79); 79/12/18 079 0002635

whatcom county

Bellingham. *ELDRIDGE AVENUE HISTORIC DISTRICT,* Eldridge Ave. and environs, (7-27-79); 79-11-15 079 0004568

whitman county

Pullman. *STEVENS HALL,* Campus and Administration Sts., (3/12/79); 79/07/13 079 0000709

yakima county

Yakima. *U. S. POST OFFICE AND COURTHOUSE,* 25 S. 3rd St, (11-27-79); 80/01/10079 0006548

WEST VIRGINIA

berkeley county

Martinsburg. *APOLLO THEATRE,* 128 E. Martin St, (10-11-79); 79/12/05079 0006081

braxton county

Sutton. *OLD SUTTON HIGH SCHOOL,* N. Hill Rd, (8-29-79); 79-11-23 079 0005318

brooke county

Bethany. *DELTA TAU DELTA FOUNDERS HOUSE,* 211 Main St., (5-29-79); [10-30-79) 079 0002836

Wellsburg. *WELLSBURG WHARF,* 6th and Main Sts, (11-27-79); 80/01/10079 0006549

clay county

Clay. *OLD CLAY COUNTY COURTHOUSE,* Main St., (4-20-79); 79/07/24 079 0001881

fayette county

Fayetteville. *ALTAMONT HOTEL,* 110 Fayette Ave, (8-29-79); 79-11-23 079 0005319

gilmer county

Glenville vicinity. *JOB'S TEMPLE,* W of Glenville on WV 5, (5-29-79); [10-30-79) 079 0002637

hampshire county

Romney. *LITERARY HALL,* Main and High Sts., (5-29-79); [10-30-79) 079 0002638

hardy county

Moorefield. *MASLIN, THOMAS, HOUSE (GAMBLE, MORTIMER, HOUSE),* 131 Main St, (8-29-79); 79-11-23 079 0005320

harrison county

Clarksburg. *STEALEY-GOFF-VANCE HOUSE,* 123 W. Main St, (9-25-79); 79/12/05079 0006082

jackson county

Ravenswood. *OLD RAVENSWOOD SCHOOL,* Henry St, (8-29-79); 79-11-23 079 0005321

Staats Mill. *STAATS MILL COVERED BRIDGE,* SR 40, (5-29-79); [10-30-79) 079 0002639

jefferson county

Summit Point vicinity. *WHITE HOUSE FARM,* E of Summit Point of SR 13, (8-29-79) HABS; 79-11-23 079 0005322

jefferson county 107 Harpers Ferry

Madison. *HARPERS FERRY HISTORIC DISTRICT,* Off U.S. 340, (10-15-79); 1-9-80 IA WISCONSIN 079 0006236

kanawha county

St. Albans. *BEECHES, THE,* 806 Kanawha Ter., (4-20-79); 79/07/24 079 0001882

marion county

Fairmont. *FLEMING, THOMAS W., HOUSE,* 300 1st St, (8-29-79); 79-11-23 079 0005323

Fairmont. *MARION COUNTY COURTHOUSE AND SHERIFF'S HOUSE,* Adams and Jefferson Sts., (5-29-79); [10-30-79) 079 0002840

Montana vicinity. *PRICKETT, JACOB, JR., LOG HOUSE,* S of Montana off SR 72, (4-20-79); 79/07/24 079 0001883

mason county

Mason. *SHUMAKER-LEWIS HOUSE,* Brown St., (3/12/79); 79/07/13 079 0000710

Point Pleasant. *LEWIS-CAPEHART-ROSEBERRY HOUSE,* 1 Roseberry Lane, (8-29-79); 79-11-23 079 0005324

mcdowell county

Welch. *MCDOWELL COUNTY COURTHOUSE,* Wyoming St, (8-29-79); 79-11-23 079 0005325

mercer county

Bluefield. *MUNICIPAL BUILDING,* 614 Bland St., (5-29-79); [10-30-79) 079 0002841

mineral county

Ridgeville. *VANDIVER-TROUT-CLAUSE HOUSE,* U.S. 50/220, (5-29-79); [10-30-79) 079 0002842

monongalia county

Morgantown. *OLD MORGANTOWN POST OFFICE,* 107 High St., (3-28-79); 79/07/17 079 0001136

ohio county

Triadelphia vicinity. *STEWART, DAVID, FARM (MRS. ROBERT WHITE HOUSE),* SE of Triadelphia off SR 43, (5-29-79); [10-30-79) 079 0002843

Wheeling. *OGLEBAY MANSION MUSEUM,* Oglebay Park, (8-29-79); 79-11-23 079 0005326

Wheeling. *WHEELING BALTIMORE AND OHIO RAILROAD PASSENGER STATION,* College Sq., (3/7/79); 79/07/13 079 0000711

pocahontas county

Marlinton. *MARLINTON CHESAPEAKE AND OHIO RAILROAD STATION,* 8th St. and 4th Ave, (8-29-79); 79-11-23 079 0005327

randolph county

Elkins. *ALBERT AND LIBERAL ARTS HALLS,* Davis and Elkins College campus, (8-29-79); 79-11-23 079 0005328

taylor county

Webster. *JARVIS, ANNA, HOUSE,* U.S. 119/250, (5-29-79); [10-30-79) 079 0002844

tucker county

Thomas. *COTTRILL OPERA HOUSE (SUTTON'S OPERA HOUSE),* East Ave, (8-29-79); 79-11-23 079 0005329

wayne county

Fort Gay. *WILDCAT BRANCH PETROGLYPHS,* N of Fort Gay on SR 1, (7-22-79); 79/11/06079 0003575

wood county

Parkersburg. *OAKLAND (JAMES M. STEPHENSON HOUSE),* 1131 7th St., (5-29-79); [10-30-79) 079 0002845

Parkersburg. *WOOD COUNTY COURTHOUSE,* Court Sq, (8-29-79); 79-11-23 079 0005330

wyoming county

Pineville. *WYOMING COUNTY COURTHOUSE AND JAIL,* Main St, (11-27-79); 80/01/10079 0006550

WISCONSIN

ashland county

Ashland. *UNION DEPOT,* 417 Chapple Ave., (3-23-79); 79/07/17 079 0001137

Mellen. *MELLEN CITY HALL,* Bennett and Main Sts, (9-20-79); 79/12/05079 0006083

barron county

Rice Lake. *RICE LAKE MOUNDS (47 BN-90),* (9-7-79); 79-11-23 079 0005331

brown county

Green Bay vicinity. *FORT HOWARD BUILDINGS,* Heritage Hill State Park, (7-22-79); 1-10-80 IA WYOMING 079 0006551

buffalo county

Alma. *LAUE, FREDERICK, HOUSE,* 1111 S. Main St., (5-14-79); 79/07/24 079 0001884

Alma. *SHERMAN HOUSE,* 301 S. Main St, (8-14-79); 79-11-15 079 0004569

Alma. *TESTER AND POLIN GENERAL MERCHANDISE STORE,* 215 N. Main St., (5-14-79); 79/07/24 079 0001885

Fountain City. *FUGINA HOUSE,* 346 S. Main St., (5-8-79); 79/07/24 079 0001886

WISCONSIN—Continued

columbia county

Columbus. *COLUMBUS CITY HALL,* 105 N. Dickason St, (9-4-79); 79-11-23 079 0005332

Portage vicinity. *FORT WINNEBAGO SITE,* E of Portage on WI 33, (5-17-79); 79/07/24 079 0001887

crawford county

Prairie du Chien. *POWERS, STRANGE, HOUSE,* 338 N. Main St, (8-27-79); 79-11-23 079 0005333

dane county

Madison vicinity. *BLACKHAWK COUNTY CLUB MOUND GROUP (47 DA 131),* Shorewood Hills, (8-1-79); 79-11-15 079 0004570

Middleton. *STRICKER POND I SITE (47 DA 424),* (7-16-79); 79/11/06079 0003576

Paoli. *PAOLI MILLS,* 6890 Sun Valley Pkwy., (3-30-79); 79/07/17 079 0001138

dodge county

Mayville. *HOLLENSTEIN WAGON AND CARRIAGE FACTORY,* Bridge and German Sts, (7-27-79); 79-11-15 079 0004571

Watertown vicinity. *SCHOENICKE BARN,* NE of Watertown on Venus Rd, (9-19-79); 79/12/05079 0006084

Waupun. *WAUPUN PUBLIC LIBRARY,* 22 S. Madison St, (9-4-79); 79-11-23 079 0005334

Waupun vicinity. *HORICON SITE,* E of Waupun, (1-31-79); 80/01/10079 0006817

door county

Egg Harbor. *CUPOLA HOUSE,* 7836 Egg Harbor Rd., (7-16-79); 79/11/06079 0003577

Washington Island vicinity. *POTTAWATOMIE LIGHTHOUSE,* NW ROCK ISLAND, (4-20-79); 79/07/24 079 0001888

douglas county

Superior. *TRADE AND COMMERCE BUILDING,* 916 Hammond Ave., (5-8-79); 79/07/24 079 0001889

Superior vicinity. *DAVIDSON WINDMILL,* SE of Superior on WI 13, (8-3-79); 79-11-15 079 0004572

fond du lac county

Ripon. *FIRST CONGREGATIONAL CHURCH,* 220 Ransom St, (9-4-79); 79-11-23 079 0005335

grant county

Platteville. *BEEBE HOUSE,* 390 W. Adams St, (8-7-79); 79-11-15 079 0004573

Potosi. *ST. JOHN MINE,* WI 133, (6-4-79); [10-30-79) 079 0002846

green county

Brodhead. *SMITH, FRANCIS WEST, HOUSE,* 1002 W. 2nd Ave., (4-17-79); 79/07/24 079 0001890

Monroe. *BINTLIFF, GEN. JAMES, HOUSE,* 723 18th Ave., (5-14-79); 79/07/24 079 0001891

Monroe. *CARADINE BUILDING,* 1007 16th Ave., (5-8-79); 79/07/24 079 0001892

Monroe. *HULBURT, C.D., HOUSE,* 1205 13th Ave., (5-8-79); 79/07/24 079 0001893

Monroe. *WHITE, F. F., BLOCK,* 1514–1524 11th St., (1-31-79); 79/07/19 079 0000260

iron county

Hurley vicinity. *ANNALA ROUND BARN,* S of Hurley, (8-27-79); 79-11-23 079 0005336

jefferson county

Busseyville vicinity. *CARCAJOU POINT (47 JE 2),* (9-18-79); 79/12/05079 0006085

Watertown. *CHICAGO AND NORTHWEST RAILROAD PASSENGER STATION,* 725 W. Main St., (3-28-79); 79/07/17 079 0001139

Watertown. *ST. PAUL'S EPISCOPAL CHURCH,* 413 S. 2nd St, (11-7-79); 80/01/0079 0006240

juneau county

Necedah. *WESTON-BABCOCK, HOUSE,* Main St., (1-29-79); 80/01/10079 0006819

Necedah. *WESTON-BABCOCK HOUSE,* Main St., (1/29/79); 79/07/19 079 0000261

kenosha county

Kenosha. *KENOSHA HIGH SCHOOL,* 913 57th St., (6-6-79); [10-30-79) 079 0002847

Kenosha. *ST. MATTHEW'S EPISCOPAL CHURCH,* 5900 7th Ave., (6-6-79); [10-30-79) 079 0002848

kewaunee county

Kewaunee vicinity. *PILGRIM FAMILY FARMSTEAD,* SW of Kewaunee on Church Rd., (5-8-79); 79/07/24 079 0001895

la crosse county

La Crosse. *WATERWORKS BUILDING,* 119 King St, (7-27-79); 79-11-15 079 0004574

West Salem and vicinity. *PALMER BROTHERS' OCTAGONS,* 358 N. Leonard St. and WI 16, (8-7-79); 79-11-15 079 0004575

marinette county

Marinette. *LAUERMAN, F.J., HOUSE,* 383 State St, (8-14-79); 79-11-15 079 0004576

milwaukee county

Glendale. *SPRING GROVE SITE,* (9-10-79); 79-11-23 079 0005337

Milwaukee. *GRAHAM ROW,* 1501, 1503, and 1507 N. Marshall St, (7-27-79); 79-11-15 079 0004577

Milwaukee. *NORTH POINT SOUTH HISTORIC DISTRICT,* Roughly bounded by North Ave., Summit, Terrace, and Lafayette Sts, (9-4-79); 79-11-23 079 0005338

Milwaukee. *QUARLES, CHARLES, HOUSE,* 2531 N. Farwell Ave, (7-27-79); 79-11-15 079 0004578

Milwaukee. *ST. JAMES EPISCOPAL CHURCH,* 833 W. Wisconsin Ave., (6-27-79); 79/11/06079 0003578

Milwaukee. *TRINITY EVANGELICAL LUTHERAN CHURCH,* 1046 N. 9th St., (5-8-79); 79/07/24 079 0001896

oconto county

Oconto. *BEYER HOME MUSEUM,* 917 Park Ave, (8-14-79); 79-11-15 079 0004579

Oconto. *WEST MAIN STREET HISTORIC DISTRICT,* Main St. from Duncan to Erie Sts., (5-14-79); 79/07/24 079 0001897

racine county

Racine. *ST LUKES EPISCOPAL CHURCH, CHAPEL, GUILDHALL, AND RECTORY,* 614 S. Main St. (7-27-79)

Racine. *ENGINE HOUSE NO. 4,* 1339 Lincoln St., (6-27-79); 79/11/06079 0003579

Racine. *HANSEN HOUSE,* 1221 N. Main St., (6-6-79); [10-30-79) 079 0002849

Racine. *MURRAY, GEORGE, HOUSE,* 2219 Washington Ave., (6-6-79); [10-30-79) 079 0002850

Racine. *ST. PATRICK'S ROMAN CATHOLIC CHURCH,* 1100 Erie St., (7-5-79); 79/11/06079 0003580

rock county

Beloit. *EMERSON HALL,* Beloit College campus, (9-20-79); 79/12/05079 0006086

Beloit vicinity. *DOUGAN ROUND BARN (CENTRIC BARNS THEMATIC GROUP IN ROCK COUNTY),* S of Beloit, (6-4-79); [10-30-79) 079 0002853

Edgerton vicinity. *GILLEY-TOFSLAND OCTAGONAL BARN (CENTRIC BARNS THEMATIC GROUP IN ROCK COUNTY),* NW of Edgerton, (6-4-79); [10-30-79) 079 0002852

Janesville. *BELLE COTTAGE (KELLOGG-DAMROW HOUSE),* 1837 Center Ave., (5-8-79); 79/07/24 079 0001898

Janesville. *MYERS-NEWHOFF HOUSE,* 121 N. Parker Dr., (5-18-79); [10-30-79) 079 0002854

Milton vicinity. *DEAN-ARMSTRONG-ENGLUND OCTAGONAL BARN (CENTRIC BARNS THEMATIC GROUP IN ROCK COUNTY),* NE of Milton, (6-4-79); [10-30-79) 079 0002855

Orfordville vicinity. *GEMPELER ROUND BARN (CENTRIC BARNS THEMATIC GROUP IN ROCK COUNTY),* SW of Orfordville, (6-4-79); [10-30-79) 079 0002856

Orfordville vicinity. *RISUM ROUND BARN (CENTRIC BARNS THEMATIC GROUP IN ROCK COUNTY),* SW of Orfordville, (6-4-79); [10-30-79) 079 0002857

rusk county

Ladysmith vicinity. *FLAMBEAU MISSION CHURCH,* W of Ladysmith, (8-7-79); 79-11-16 079 0004581

sawyer county

Ojibwa vicinity. *HALL-RAYNOR STOPPING PLACE,* N of Ojibwa on WI G, (8-14-79); 79-11-16 079 0004582

st.croix county

Hudson. *OPERA HALL BLOCK,* 516 2nd St., (3/7/79); 79/07/13 079 0000712

walworth county

Lake Geneva. *YOUNGLANDS,* 880 Lake Shore Dr, (9-18-79); 79/12/05079 0006087

washington county

Kewaskum vicinity. *ST. JOHN OF GOD ROMAN CATHOLIC CHURCH, CONVENT, AND SCHOOL,* E of Kewaskum at 1488 Highland Dr, (8-9-79); 79-11-16 079 0004583

waukesha county

Brookfield. *DOUSMAN INN (DUNKEL INN),* 15679 Blue Mound Rd., (1-15-79); 80/01/10079 0006820

Muskego. *PHILADELPHIA TOBOGGAN COMPANY CAROUSEL NO. 15,* Janesville Rd., (6-27-79); 079 0003581

winnebago county

Neenah. *SMITH, CHARLES R., HOUSE,* 824 E. Forest Ave., (7-16-79); 79/11/06079 0003582

Oshkosh. *BUCKSTOFF OBSERVATORY,* 2119 N. Main St., (5-17-79); 79/07/24 079 0001899

Oshkosh. *OVIATT HOUSE,* 842 Algoma Blvd, (8-27-79); 79-11-23 079 0005339

Winneconne vicinity. *LASLEY'S POINT SITE,* (9-6-79); 79-11-23 079 0005340

WYOMING

converse county

Douglas. *COLLEGE INN BAR,* 103 N. 2nd St., (7-10-79); 79/11/06079 0003583

johnson county

Barnum vicinity. *DULL KNIFE BATTLEFIELD,* N of Barnum, (6-15-79); 79-11-16 079 0004584

V 45/54 MR 18 80 UMI

laramie county

Cheyenne. *BAXTER RANCH HEADQUARTERS BUILDINGS*, 912–122 E. 18th St. and 1810–1920 Morris Ave., (6-14-79); [10-30-79] 079 0002658
Cheyenne. *CASTLE ON 19TH STREET*, 1318 E. 19th St., (7-10-79); 79/11/06079 0003584
Cheyenne. *CROOK HOUSE*, 314 E. 21st ST., (7-10-79); 79/11/06079 0003585
Cheyenne. *KEEFE ROW*, E. 22nd St. and Evans Ave, (8-3-79); 79-11-16 079 0004585

The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593, as implemented by the Advisory Council on Historic Preservation, 36 CFR Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Associate Director for Cultural Programs, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, D.C. 20243, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR, Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

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ALABAMA

autauga county

Jones Bluff vicinity. *IVY CREEK ARCHEOLOGICAL DISTRICT*, Jones Bluff park (63.3).; 78/11/11 078 0055000

colbert county

Maude vicinity. *ROCK CREEK DISTRICT.; 78/12/19 078 0002381*

franklin county

CEDAR CREEK ARCHEOLOGICAL DISTRICT, (63.3).; 78/11/14 078 0055283
JOHNSON, BEN, PLACE, Jay Center Rd. (63.3).; 78/11/14 078 0055284
LANGLEY, CATHERINE MASSEY, HOUSE, Jay Center Rd. (63.3).; 78/11/14 078 0055285
MCKINNEY, NELSON, HOME, Jay Center Rd. (63.3).; 78/11/14 078 0055286
MCKINNEY, OLD SAMPSON, PLACE, Jay Center Rd. (63.3).; 78/11/14 078 0055287
MCMURRAY, OLD JIM, PLACE, Jay Center Rd. (63.3).; 78/11/14 078 0055288
Bonds. *A. T., HOME*, 1 mi. past Bond Cemetery (63.3).; 78/11/14 078 0055282

green county

TOMBIGBEE RIVER MULTIPLE RESOURCE AREA. (also in Pickens County, AL; and Tishomingo, Prentiss, Tawamba, Monroe, Clay, Lowndes, Noxubee counties, MS)
Gainesville vicinity. *ARCHEOLOGICAL SITES IN GAINESVILLE PROJECT*, Tombigbee Waterway, (also in Pickens and Sumter counties); 78/11/28 078 0050000

jefferson county

Pleasant Hill vicinity. *SITE 1JE36*, Project I-459-4(4).; 78/11/28 078 0050002

limestone county

Athens. *FOUNDERS' HALL*, Athens College campus (63.3).; 78/11/13 078 0055101

lowndes county

JONES BLUFF PARK SITE (1 AU 139), Jones Bluff Lake Project.; 78/11/28 078 0050003

mobile county

Creola vicinity. *DEAD LAKE SITE (1 MB 95)*, (63.3).; 78/11/14 078 0055182

monroe county

ARCHEOLOGICAL SITE 6–1MN57.; 78/12/19 078 0002382

montgomery county

GUNTER HILL PARK SITE (1 MT 134), Jones Bluff Lake Project.; 78/11/28 078 0050004

pickens county

Gainesville Lake vicinity. *SUMMERVILLE MOUND SITE 1PI85 (SUMMERVILLE MOUND SITE 1PI85)*, Lubbub Creek Cutoff (63.3).; 78/11/11 078 0055001

pike county

Troy. *MAIN POST OFFICE*, 300 E. Walnut St..; 79/10/30 078 0000100

washington county

Sunflower vicinity. *DR. WILLIAMS HOME*, Project RF-98(7).; 78/11/28 078 0050005

ALASKA

WRANGELL-PETERSBURG DIVISION.; 79/11/30 078 0002616
Petersburg. *SONS OF NORWAY HALL*, Indian St (7-10-79).; 79/11/30 078 0002617

aleutian islands division

Unalaska vicinity. *AMAKNAK BRIDGE SITE (UNL-050)*, (63-3).; 78/11/28 078 0050006

anchorage division

Anchorage. *POTTER SECTION HOUSE*, Seward Hwy..; 79/11/12 078 0002300

fairbanks division

Faith Creek vicinity. *DAVIDSON DITCH*, Steese Hwy..; 78/11/28 078 0050007

kodiak division

Karluk vicinity. *ARCHEOLOGICAL SITE KAR-037 (63.3).; 78/11/14 078 0055183*

nome division

Cape Nome vicinity. *NUK SITE*, Nome-Council Rd..; 78/11/28 078 0050008
Little Diomede Island. *JOHN IYAPANC HOUSE.; 78/11/28 078 0050009*

sitka division

Crab Bay. *CRAB BAY PETROGLYPH.; 78/11/28 078 0050010*
Sitka vicinity. *HIDDEN FALLS SITE*, 21 mi. NE of Sitka (63.3).; 1/8/79 078 0050816

ARIZONA

SALT-GILA AQUEDUCT ARCHEOLOGICAL SITES, 40 sites, Queen Creek Archeological District and Florence Archeological District.; 79/11/09 078 0002000

apache county

Chinle. *HEADQUARTERS AREA*, Canyon de Chelly National Monument.; 1/8/79 078 0050817
Grand Canyon National Park. *OLD POST OFFICE.; 78/11/28 078 0050011*
Lupton vicinity. *PAINTED CLIFFS ARCHEOLOGICAL DISTRICT (ARIZONA K11213, K12187, K121238, K121239)*, Lupton Interchange off I-40.; 78/11/28 078 0050012

coconino county

GRANT CANYON NATIONAL PARK, LITTLE JUG SITE, (66.3).; 78/12/19 078 0002360
Fredonia vicinity. *PARIA PLATEAU ARCHEOLOGICAL DISTRICT.; 78/11/28 078 0050015*
Gray Mountain vicinity. *GRAY MOUNTAIN SITE (AR-02-020-946).; 78/11/28 078 0050013*
Jacob's Lake vicinity. *HOUSE ROCK SPRINGS*, Upper Houserock Valley.; 78/11/28 078 0050014

gila county

clobe vicinity. *ARCHEOLOGICAL SITES AR-03-13-02-72 AND 75 Archeological Sites AR-03-13-02-72 and 75*, (63.3).; 79/10/30 078 0000101
Tonto National Forest. *ARCHEOLOGICAL SITES AZ:U3, 18, 19, 20, 21, 22, 36; AZ:U 4, 6, 19, 22; AND AZ:U 8, 80, 83, 84*, (63.3).; 79/11/07 078 0000099

graham county

Stafford vicinity. *FOOTE WASH–NO NAME WASH ARCHEOLOGICAL DISTRICT.; 78/11/28 078 0050016*

greenlee county

Clifton. *CLIFTON CASA GRANDE BUILDING*, 8 PARK AVE (6-28-79).; 79/11/30 078 0002618

maricopa county

ARCHEOLOGICAL SITE AZ T:6:3, (63.3).; 78/12/19 078 0002361
ARCHEOLOGICAL SITE AZ T:6:4, (63.3).; 78/12/19 078 0002362
Carefree vicinity. *SITE T 4 6.; 78/11/28 078 0050033*
Carefree vicinity. *SITE U:1:30 (A.S.U.).; 78/11/28 078 0050034*
Carefree vicinity. *SITE U:1:31 (A.S.U.).; 78/11/28 078 0050035*
Glendale vicinity. *CAVE CREEK ARCHEOLOGICAL DISTRICT.; 78/11/28 078 0050017*
Glendale vicinity. *CAVE CREEK DAM.; 78/11/28 078 0050018*
Phoenix. *BETH ISRAEL SYNAGOGUE*, 120 E. Culver.; 78/11/28 078 0050020
Phoenix. *BROOKS, M. B., HOUSE*, 334B 75th Ave..; 78/11/28 078 0050021
Phoenix. *ELLIS-SHACKLEFORD HOUSE*, 1242 N. Central.; 78/11/28 078 0050022
Phoenix. *EVANS BARN*, 67th Ave., between Van Buren and McDowell.; 78/11/28 078 0050023
Phoenix. *FENNEMORE HOUSE*, 501 E Moreland.; 78/11/28 078 0050024
Phoenix. *HIDDEN-PORCHER HOUSE*, 763 E. Moreland.; 78/11/28 078 0050025
Phoenix. *IVY HOUSE*, 111 W. Monroe St..; 78/11/28 078 0050026
Phoenix. *KENILWORTH ELEMENTARY SCHOOL*, 1210 N. 5th Ave..; 78/11/28 078 0050027
Phoenix. *LA CIUDAD ARCHEOLOGICAL SITE.; 78/11/28 078 0050028*
Phoenix. *LAS COLINAS (ARIZONA T112810)*, 1200 block of N. 27th Ave..; 78/11/28 078 0050029
Phoenix. *PIERI-ELLIOTT HOUSE*, 767 E. Moreland.; 78/11/28 078 0050030
Phoenix. *STEWARD HOUSE*, 1115 N. Central.; 78/11/28 078 0050031
Phoenix. *WILCOX PROPERTY*, 2222 W. Washington St..; 78/11/28 078 0050032
Phoenix vicinity. *NEW RIVER DAMS ARCHEOLOGICAL DISTRICT.; 78/11/28 078 0050019*
Phoenix vicinity. *SKUNK CREEK ARCHEOLOGICAL DISTRICT.; 78/11/28 078 0050036*

mohave county

Colorado City vicinity. *SHORT CREEK RESERVOIR STATES, NA 13,257 and NA 13,258.; 78/11/28 078 0050037*
Mt. Trumbull vicinity. *TEMPLE TRAIL*, Old wagon trail from Mt. Trumbull, AZ, to St. George, MT..; 78/11/13 078 0055051

navajo county

Black Mesa. *ARCHEOLOGICAL SITES ALONG NAVAJO 41*, 40 sites(63.3.; 79/11/09 078 0002001
Chilchinbito Vicinity. *BLACK MESA MULTIPLE RESOURCE AREA*, W of Chinchilbito(63.3) This area includes various properties at various locations. Details available upon request..; 79/11/07 078 0001680
Fort Apache Indian Reservation vicinity. *AMOS RANCH AT BIG SPRING*, Near Faught Ridge Rd. and AZ 73 (63.3).; 78/11/13 078 0055102
Fort Apache Indian Reservation vicinity. *ARCHEOLOGICAL SITES AZ P:16:3, 12, 13 (ASU) and AZ Q:13:1, 4, 5, 9, 12, 16 (ASU)*, Near Faught Ridge Rd. and AZ 73 (63.3).; 78/11/13 078 0055103
Fort Apache Indian Reservation vicinity. *ARCHEOLOGICAL SITES AZ P:16:5, 8, 9, 10, 11, 16 (ASU)*, Near Indian Rte. 65 and U.S. 60 (63.3).; 78/11/13 078 0055104

ARIZONA—Continued

Holbrook vicinity. *CHOLLA-SAGUARO-TRANSISSION LINE, ARCHEOLOGICAL SITES APS-CS-2; APS-CS-3; CS-221; APS-CS-61; CS-216; CS-219; CS-224; CS-220; APS-CS-222.; 78/11/28 078 0050038*
Joseph City vicinity. *ARCHEOLOGICAL SITES AZ 9:3:11 AND AZ P:3:12*, Off AZ 40(63.3).; 79/11/09 078 0002002
Polacca vicinity. *WALPI HOPI VILLAGE*, Adjacent to Polacca.; 78/11/28 078 0050039

pima county

Tucson. *CONVENTO SITE.; 78/11/28 078 0050040*
Tucson. *RINCON MOUNTAIN FOOTHILLS ARCHEOLOGICAL DISTRICT*, Saguaro National Monument.; 79/11/07 078 0001681

pinal county

ARCHEOLOGICAL SITES AR-03-12-20-149 AND 150, Tonto National Forest.; 1/8/79 078 0050818
BLACKWATER ARCHEOLOGICAL DISTRICT, Gila River Indian Reservation (63.3).; 78/12/19 078 0002383
Kohatk vicinity. *VEKOL HILLS ARCHEOLOGICAL SITES*, Vekol Hills Cooper Mining Project.; 78/11/13 078 0055052
Sacaton. *UPPER SANTAN VILLAGE (GILA RIVER INDIAN RESERVATION)*, Jct. Gila River Rt. 7 and AZ 87 (63.3).; 78/11/11 078 0055002

yavapai county

Prescott National Forest. *COPPER BASIN ARCHEOLOGICAL DISTRICT.; 78/11/28 078 0050041*

yuma county

ARCHEOLOGICAL SITE AZS:8:14(ASU).; 79/11/07 078 0001682
EAGLE TRAIL MOUNTAINS ARCHEOLOGICAL SITE.; 78/11/28 078
ARCHEOLOGICAL SITES AZS: 7:13 (ASU9, 8:5, 8:12, and 8:13 H)
Bouse vicinity. *ARCHEOLOGICAL SITES AZ S:1:1,2,4,5(ASU) AND AZ S:2:2(ASU) AZ S:5:1,S:6:1,2,3,4,6,S:7:13, S:8:5,12,13,14,T:4:53*, Central Arizona Project (63.3).; 78/11/11 078 0055003
Monette Vicinity. *ARCHEOLOGICAL SITE AZ T:4:53(ASU)*, E of Monette.; 79/11/07 078 0001683
Tacna Vicinity. *ANTELOPE HILL HIGHWAY BRIDGE*, NW of Tacna spanning Gila River (6-28-79).; 79/11/30 078 0002619

ARKANSAS

arkansas county

Stuttgart. *STANDARD ICE COMPANY BUILDING*, 517 S Main St (7-2-79)..; 79/12/01 078 0002620

boone county

Harrison. *U.S. POST OFFICE-COURTHOUSE*, Rush Ave. and Vine St. (63.3).; 78/11/13 078 0055053

clay county

ARCHEOLOGICAL SITES, Black River Watershed, (also in Missouri); 78/11/28 078 0050043
Clark National Forest. *SITE 3CY34*, Little Black River Watershed.; 78/11/28 078 0050044

craighead county

MANGRUM SITE (STATE SITE NUMBER 3CG638).; 78/11/28 078 0050046
Jonesboro. *U.S. POST OFFICE*, Church and Jackson Sts..; 78/11/28 078 0050045

faulkner county

SITE 3VB49–3VB51, N. Fork Cadron Creek Watershed.; 78/11/28 078 0050048
SITE, 3WH145, E. Fork of Cadron Creek Watershed, (also in White County); 78/11/28 078 0050047

Greene County

ARCHEOLOGICAL SITE LC NO. 1, along Locust Creek.; 79/11/07 078 0001685

hempstead county

Ozan vicinity. *ARCHEOLOGICAL SITES IN OZAN CREEKS WATERSHED.; 78/11/28 078 0050049*

lawrence county Portia

ARCHEOLOGICAL SITE 3 LW 501.; 79/11/09 078 0002003

lonoke county

Scott vicinity. *WILLIAM S. PEMBERTON HOUSE.; 78/11/28 078 0050050*

mississippi county

Leachville Vicinity. *ARCHEOLOGICAL SITES 3MS346 AND 3MS351*, S of Leachville !.; 79/11/07 078 0001686

pointsett county

RIVERVALE SITE (STATE SITE NUMBER 3P0395).; 78/11/28 078 0050051

pulaski county

Little Rock. *LITTLE ROCK CITY HALL*, Markham and Broadway Sts.(63.4c).; 79/11/09 078 0002004
Little Rock. *LITTLE ROCK FIRE DEPARTMENT BUILDING*, Markham and Arch Sts.(63.4c).; 79/11/09 078 0002005
Little Rock. *NEW PULASKI COUNTY COURTHOUSE*, 2nd Spring, Markham, and Broadway Sts.(63.4c).; 79/11/09 078 0002007
Little Rock. *ROBINSON MEMORIAL AUDITORIUM*, Markham and Broadway Sts.(63.4c).; 79/11/09 078 0002009
Little Rock. MARION HOTEL, Markham St.(63.4c).; 79/11/09 078 0002006
Little Rock. *OLD PULASKI COUNTY COURTHOUSE*, 2nd Spring, Markham, and Broadway Sts..; 79/11/09 078 0002008

sebastian county

Boonville. *SLIDING SLAB SHELTER SITE (3SB29).; 78/11/28 078 0050052*

CALIFORNIA

Fullerton. PACIFIC ELECTRIC DEPOT, 128 E. Commonwealth Ave..; 79/11/14 078 0002013

alameda

Berkeley. *DAVID/HARMS HOUSE.; 1/8/79 078 0050822*
Berkeley. *HEYWOOD (ESTRADA HOUSE)*, 1808 5th St..; 1/8/79 078 0050823
Berkeley. *HOUSE AT 1809–1811 4TH STREET.; 1/8/79 078 0050824*
Berkeley. *HOUSE AT 1812 6TH STREET.; 1/8/79 078 0050826*
Berkeley. *HOUSE AT 1824 5TH STREET.; 1/8/79 078 0050825*

alameda county

Berkeley. *ALPHONSO HOUSE*, 1731 5th St..; 1/8/79 078 0050819
Berkeley. *BORCHARD HOUSE*, 1610 6th St..; 1/8/79 078 0050820
Berkeley. *BROWN HOUSE*, 1614 6th St..; 1/8/79 078 0050821
Castor Valley. *CROW CREEK BRIDGE*, I-580 (63.3).; 1/3/80 078 0003000
Oakland. *GINN, FREDERICK B., HOUSE*, 660 13th St. (63.3).; 78/11/28 078 0050053
Oakland. *GREENE, CHARLES S., LIBRARY BUILDING*, 659 14th St. (63.3).; 78/11/28 078 0050054
Oakland. *HOOVER, HERBERT, HOUSE*, 1079–1081 12th St. (63.3).; 78/11/11 078 0055004
Oakland. *MAHONEY, THOMAS, HOUSE*, 669 8th St. (63.3).; 78/11/28 078 0050055
Oakland. *OAKLAND HOTEL*, 280 13th St..; 78/11/13 078 0055105
Oakland. *PRESERVATION PARK HISTORIC DISTRICT*, Bounded by 10th, 14th, Castro, and Grove Sts. (63.3).; 78/11/28 078 0050056
Oakland. *QUINN, WILLIAM H., HOUSE*, 1425 Castro St. (63.3).; 78/11/28 078 0050057
Oakland. *RECTORY, CHURCH OF THE IMMACULATE CONCEPTION*, 662 7th St. (63.3).; 78/11/28 078 0050058
Oakland. *REMILLARD, PIERRE, HOUSE*, 654 13th St. (63.3).; 78/11/28 078 0050059
Oakland. *ST. MARY'S CHURCH*, Jefferson and 8th Sts. (63.3).; 78/11/28 078 0050060
Oakland. *ST. MARY'S CHURCH RECTORY*, 707 Jefferson St. (63.3).; 78/11/28 078 0050061
Oakland. *WHITE, JAMES, HOUSE*, 702 11th St. (63.3).; 78/11/28 078 0050062
Oakland. *1226–1228 WEST STREET*, (63.3).; 78/11/28 078 0050071
Oakland. *1416 CASTRO STREET*, (63.3).; 78/11/28 078 0050066
Oakland. *1811–1813 BRUSH STREET*, (63.3).; 78/11/28 078 0050064
Oakland. *576 SIXTH STREET*, (63.3).; 78/11/28 078 0050069
Oakland. *669 NINTH STREET*, (63.3).; 78/11/28 078 0050068
Oakland. *716 CASTRO STREET*, (63.3).; 78/11/28 078 0050065
Oakland. *782–784 TWELFTH STREET*, (63.3).; 78/11/28 078 0050070
Oakland. *905 GROVE STREET*, (63.3).; 78/11/28 078 0050067

alpine county

Woodsford vicinity. *ARCHEOLOGICAL SITE 4-ALP-105.; 78/11/28 078 0050072*

amador county

AMADOR CITY, 35 mi. (58 km) SE of Sacramento.; 78/11/28 078 0050073

benito county

Soledad vicinity. *CHALONE CREEK ARCHEOLOGICAL SITES*, Pinnacles National Monument.; 78/11/28 078 0050074

butte county

GIANELLI DAIRY BARN, Hwy. 32 and Sacramento River (63.3).; 79/10/30 078 0001088

calaveras county

NEW MELONES HISTORICAL DISTRICT, New Melones Lake Project area, Stanislaus River, (also in Tuolumne County); 78/11/28 078 0050075

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CALIFORNIA—Continued

colusa county

SACRAMENTO RIVER BRIDGE, spans Sacramento River (63.3).; 78/12/19 078 0002363

Princeton. *PRINCETON FERRY SITE*, Rte. 45 (63.3).; 78/11/28 078 0050076

Stoneyford vicinity. *UPPER AND LOWER LETTS VALLEY HISTORICAL DISTRICT*, 12 mi. (19.2 km) SW of Stoneyford.; 78/11/28 078 0050077

contra costa county

Richmond. *POINT RICHMOND.; 78/11/14 078 0055269*

Richmond. *WINEHAVEN*, Point Molate, Fuel Depot, NSCO.; 78/11/13 078 0055106

del norte county

Six Rivers National Forest. *CHIMNEY ROCK.; 78/11/28 078 0050078*

Six Rivers National Forest. *DOCTOR ROCK.; 78/11/28 078 0050079*

Six Rivers National Forest. *PEAK NO. 8.; 78/11/28 078 0050080*

el dorado county

Columa vicinity. *SITE ELD-58.; 78/11/28 078 0050081*

Placerville. *GIEBENHAIN HOUSE AND MOUNTAIN BREWERY COMPLEX.; 78/11/28 078 0050082*

fresno county

ARCHEOLOGICAL SITES: FRE-625 AND FRE-635, near Kerckhoff Lake (63.3).; 78/12/19 078 0002364

Sierra National Forest. *HELMS PUMPED STORAGE ARCHEOLOGICAL SITES.; 78/11/28 078 0050083*

glenn county

GIANELLI BRIDGE, Hwy. 32 over Sacramento River (63.3) (also in Butte County).; 79/10/30 078 0001089

Mendocino National Forest. *BLACK SADDLE SITE, 05-08-53-89.; 78/11/28 078 0050084*

Mendocino National Forest. *STICK LAKE PREHISTORIC SITE, CASE NO. 05-08-67.; 78/11/28 078 0050111*

Mendocino National Forest. *UPPER LEACH LAKE PREHISTORIC SITE, CASE NO. 05-08-67.; 78/11/28 078 0050112*

Willows vicinity. *WHITE HAWK TOP SITE*, Twin Rocks Ridge Road Reconstruction Project.; 78/11/28 078 0050085

humboldt county

HUMBOLDT BAY LIFE-SAVING STATION, On Humboldt Bay.; 78/11/14 078 0055270

MOODY BRIDGE, Over S fork of Eel River.; 78/11/14 078 0055271

Bayside, *NELLIST, DAVIS OSCAR, HOUSE*, Old Arcata Rd. (63.3)

Bayside. *BAYSIDE PRESBYTERIAN CHURCH*, Myrtle Ave. (63.3) DKY 10-31-79.; 078 0000207

Bayside. *BERRY, JOHN, HOUSE*, Myrtle Ave. (63.3).; 79-10-31 IA CALIFORNIA 078 0000214

Bayside. *CONNORS-LAWLOR-WILSON HOUSE*, Myrtle Ave. (63.3).; 79-10-31 078 0000208

Bayside. *MCADAM-BARWISE-WILL MCFARLAND HOUSE*, Myrtle Ave. (63.3).; 79-10-31 078 0000209

Bayside. *MITCHELL, GEORGE, HOUSE*, Myrtle Ave. (63.3).; 79-10-31 078 0000210

Bayside. *MONAHAN, CHARLES-DEXTER HOUSE*, Old Arcata Rd. (63.3).; 79-10-31

Bayside vicinity. NOBLE, JIM, HOUSE, S of Bayside on Myrtle Ave. (63.3).; 79-10-31

Bayside. *NELLIST-ZUCAR-SMITH, HOUSE*, Old Arcata Rd. (63.3).; 79-10-31 078 0000213

Bayside. *TRINIDAD WATER TOWER*, Old Arcata Rd. (63.3).; 1/3/80 078 0003001

Bayside vicinity. *CLENDENIN HOUSE*, S of Bayside on Myrtle Ave. (63.3).; 79-10-31 078 0000216

Bayside vicinity. *DOLBEER AND CARSON SCHOOL (MATHESON HOUSE)*, S of Bayside on Myrtle Ave. (63.3).; 79-10-31 078 0000217

Bayside vicinity. *HENRY, FRANCIS, HOUSE*, S of Bayside on Myrtle Ave. (63.3).; 79-10-31 078 0000218

Bayside vicinity. *HENRY, JAMES, HOUSE*, S of Bayside on Myrtle Ave. (63.3–.; 79-10-31 078 0000219

Bayside Vicinity. *MCGUIRE BARN S of Bayside on Myrtle Ave.(63.3).; 79/11/14 078 0002010*

Indainola Vicinity. *PINKERTON, GEORGE. MONTGOMERY-WILLIAMSON HOUSE AND BARN N of Indianola on Myrtle Ave(63.3).; 79/11/14 078 0002011*

Orleans vicinity. *KAROK PANAMENIL WORLD*, Renewal Ceremony District.; 78/11/13 078 0055054

Eureka. *EUREKA HISTORIC DISTRICT.; 78/11/28 078 0050088*

Freshwater Corners. *WILSON, CLIFTON, WATER TOWER*, N of Freshwater on Myrtle Ave. (63.3).; 79-10-31 078 0000227

Freshwater Corners vicinity. *GRAHAM-ANDERSON HOUSE*, N of Freshwater Corners on Myrtle Ave. (63.3).; 79-10-31 078 0000221

Freshwater Corners vicinity. *GRAHAM, GEORGE, HOUSE*, N of Freshwater Corners on Myrtle Ave. (63.3).; 79-10-31 078 0000222

Freshwater Corners vicinity. *LONG-GRAHAM HOUSE*, N of Freshwater Corners on Myrtle Ave. (63.3).; 79-10-31 078 0000223

Freshwater Corners vicinity. *PINKERTON, JOHN, HOUSE*, N of Freshwater Corners on Myrtle Ave. (63.3).; 79-10-31 078 0000224

Freshwater Corners vicinity. *SPINNEY, GIDEON, HOUSE*, N of Freshwater Corners on Myrtle Ave. (63.3).; 79-10-31 078 0000225

Freshwater Corners vicinity. *SPINNEY, JOSEPH, HOUSE*, N of Freshwater Corners on Myrtle Ave. (63.3).; 79-10-31 078 0000226

Freshwater Corners vicinity. *WILSON, SECOND CLIFTON, HOUSE*, N of Freshwater on Myrtle Ave. (63.3).; 79-10-31 078 0000228

Freshwater Corners vicinity. *WILSON, STEPHEN, HOUSE*, N of Freshwater Corners on Myrtle Ave. (63.3).; 79-10-31 078 0000229

Freshwater Slough vicinity. *LONG-GRAHAM DAIRY BARN*, Myrtle Ave. (63.3).; 79-10-31 078 0000230

Indianola vicinity. *JOHNSON, AL AND MARY, HOUSE*, N of Indianola on Myrtle Ave. (63.3).; 79-10-31 078 0000231

Indianola vicinity. *PINKERTON, GEORGE-MCALISTER BARN*, N of Indianola on Myrtle Ave. (63.3).; 79-10-31 078 0000232

Indianola vicinity. *VIALE HOUSE*, N of Indianola on Myrtle Ave. (63.3).; 79-10-31 078 0000233

Redwood Creek vicinity. *NOLEDIN VILLAGE SITE*, Redwood National Park.; 78/11/13 078 0055107

imperial county

Glamis vicinity. *CHOCOLATE MOUNTAIN ARCHEOLOGICAL DISTRICT.; 78/11/28 078 0050087*

Holtville vicinity. *ARCHEOLOGICAL SITES: 4-IMP-2936, 2937, 2939*, (63.3).; 78/12/19 078 0002365

Holtville vicinity. *ARCHEOLOGICAL SITES 4-IMP-318, 322, 324, 1747, 1748, 1749, 1750.; 78/11/28 078 0050088*

Lake Cahuilla. *LOT 1.; 78/11/28 078 0050089*

Lake Cahuilla. *LOT 5.; 78/11/28 078 0050090*

inyo county

THE TWENTY MULE TEAM BORAX WAGON ROAD, Crosses Mojave and Death Valley deserts, (also in Kern and San Bernadino counties); 78/11/28 078 0050091

kern county

SITE CA-KER-322.; 78/11/28 078 0050092

lake county

ARCHEOLOGICAL SITE 4-LAK-702, Lake/Colusa boundary (63.3).; 78/11/11 078 0055005

lassen county

ARCHEOLOGICAL SITE HJ-1 AND HJ-5, (also in Sierra County); 78/11/28 078 0050093

Susanville vicinity. *ARCHEOLOGICAL SITE PS-05-06-58-25*, Pikes Point Marina Development Project.; 78/11/13 078 0055055

los angeles county

VAN NORMAN RESERVOIR, SITE-CA-LAN 646, CA-LAN 643, SITE CA-LAN 490, AND A CLUSTER MADE UP OF SITES CA-LAN, 475, 491, 492, AND 493.; 78/11/28 078 0050103

Long Beach. *POINT VICENTE LIGHT.; 78/11/14 078 0055272*

Los Angeles. *FIRE STATION NO. 26*, 2475 W. Washington Blvd..; 78/11/28 078 0050095

Los Angeles. *LAKE STREET HISTORIC DISTRICT*, Lake St.; 79-10-31 078 0000234

Los Angeles. *ROYAL LAKE*, 2202 11th St.; 79-10-31 078 0000235

Los Angeles. *VENICE SHORT LINE TRACT*, Venice Blvd. from Lincoln Blvd. to Pacific Ave..; 78/11/28 078 0050096

Los Angeles vicinity. *LOS ANGELES HARBOR LIGHT STATION*, Cabrillo Beach.; 78/11/14 078 0055273

Pasadena. *SHEA HOUSE*, 524 N. Marengo Ave. (63.3).; 78/12/19 078 0002366

Pico Rivera. *NATIONAL BANK OF PICO*, 9235 Whittier Blvd..; 78/11/28 078 0050097

San Fernando vicinity. *BIG TUIJUNGA PREHISTORIC ARCHEOLOGICAL SITE*, I 210 Project.; 78/11/28 078 0050094

South Pasadena. *BUENA VISTA DISTRICT*, 917–1005 Buena Vista St..; 78/11/28 078 0050098

South Pasadena. *OAKLAND DISTRICT*, Oakland Ave..; 78/11/28 078 0050099

South Pasadena. *RHODES HOUSE*, 365 W. Bellevue Dr..; 78/11/28 078 0050100

South Pasadena. *WEST BELLEVUE DRIVE DISTRICT*, Portions of Naverley Dr., Bellevue Dr., Palmetto Dr., and Pasadena Ave..; 78/11/28 078 0050101

South Pasadena. *WEST DEL MAR DISTRICT*, 320–380 W. Del Mar Blvd.; 280, 310 S. Orange Grove Blvd..; 78/11/28 078 0050102

CALIFORNIA—Continued

los angeles county

Los Angeles. *BALDWIN PARK CITY HALL (CENTRAL SCHOOL), BALDWIN PARK PASADENA, VISTA DEL ARROYA COMPLEX*, Bounded by Arroyo Blvd, and Defender's Pkwy, and Grand Ave. (63.3).; 78/11/11 078 0055006

madera county

ARCHEOLOGICAL SITES, Buchanan Dam at Chowchilla River.; 78/11/28 078 0050104

ARCHEOLOGICAL SITES: MAD-289 AND MAD-293, near Kerckhoff Lake (63.3).; 78/12/19 078 0002367

Hensley Dam vicinity. *CA-MAD 176–185.; 78/11/28 078 0050106*

Hensley Dam vicinity. *LOWER CHINA CROSSING.; 78/11/28 078 0050107*

Hensley Dam vicinity. *NEW SITE.; 78/11/28 078 0050108*

Sierra National Forest. *BASS LAKE ARCHEOLOGICAL SITES.; 78/11/28 078 0050105*

marin county

Olema Vicinity. *RANDALL, SARAH SEAVER, HOUSE*, Olema-Bolinas Rd..; 79/11/14 078 0002012

Point Reyes. *P. E. BOOTH COMPANY PIER*, Point Reyes National Seashore.; 78/11/28 078 0050109

Point Reyes. *POINT REYES LIGHT STATION.; 78/11/28 078 0050110*

mariposa county

OLD COULTERVILLE ROAD AND TRAIL, Yosemite National Park.; 78/11/11 078 0055007

WAWONA ARCHEOLOGICAL DISTRICT, Yosemite National Park.; 1/8/79 078 0050827

modoc county

Alturas vicinity. *RAIL SPRING*, About 30 mi. (48 km) N. of Alturas in Modoc National Forest.; 78/11/28 078 0050113

Fender Flat vicinity. *JOHNSON SLOUGH SITE (SITE 1).; 78/11/28 078 0050114*

Tulelake vicinity. *LAVA BED NATIONAL MONUMENT ARCHEOLOGICAL DISTRICT*, S. of Tulelake.; 78/11/28 078 0050115

mono county

Inyo National Forest. *ARCHEOLOGICAL SITE CA-MNO-584.; 78/11/28 078 0050116*

monterey county

Big Sur. *POINT SUR LIGHT STATION.; 78/11/28 078 0050117*

Monterey. *HOVDEN CANNERY*, 886 Cannery Row(63.3).; 79/11/12 078 0002301

napa county

ARCHEOLOGICAL SITES 4-NAP-14, 4-NAP-261, Napa River Flood Control Project.; 78/11/28 078 0050118

Napa. *HOLMES MOVING AND STORAGE BUILDING*, 920-930 3rd St..; 79/10/18 078 0000001

Napa vicinity. *SOSCAL HOUSE, SITE*, S of Napa (63.3).; 79/10/18 078 0000003

orange county

Cooks Corners vicinity. *ARCHEOLOGICAL DISTRICT*, (63.3).; 78/11/14 078 0055274

Fullerton. *SANTA FE DEPOT*, E. Santa Fe Ave..; 79/11/14 078 0002014

plumas county

Blairsden. *ARCHEOLOGICAL SITE CA-PLU-250*, off Rt. 70(63.3).; 79/11/07 078 0001687

La Porte vicinity. *HARRISON DIGGINS SITE CA-PLU-380*, Plumas National Forest(63.3).; 79/11/14 078 0002015

Mineral. *HAY BARN AND COOK'S CABIN, DRAKESBAD (SIFFORD FAMILY) GUEST HOUSE*, Lassen Volcanic National Park.; 78/11/28 078 0050120

Mineral. *SUMMIT LAKE RANGER STATION*, Lassen Volcanic National Park.; 78/11/28 078 0050121

Plumas National Forest. *ARCHEOLOGICAL SITES 05-11-55-11, 28, 33, 43, 44.; 78/11/28 078 0050119*

riverside county

La Quinta vicinity. *ARCHEOLOGICAL DISTRICT LA QUINTA EVACUATION CHANNEL*, Covers a 240 ft. easement from La Quinta to the white water at Indio.; 78/11/28 078 0050122

Twentynine Palms. *COTTONWOOD OASIS (COTTONWOOD SPRINGS)*, Joshua Tree National Monument.; 78/11/28 078 0050123

Twentynine Palms. *LOST HORSE MINE*, Joshua Tree National Monument.; 78/11/28 078 0050124

sacramento county

SACRAMENTO RIVER BANK PROTECTION PROJECT, SITE 1, Sacramento River.; 78/11/28 078 0050125

Sacramento. *SACRAMENTO WEIR.; 78/11/28 078 0050126*

Sacramento. *TOWER BRIDGE*, M St. over Sacramento River, (also in Yolo County); 78/11/28 078 0050127

san barbara county

Santa Barbara vicinity. *POINT CONCEPTION LIGHT STATION.; 78/11/14 078 0055278*

san bernardino county

Johannesburg. *TRONA PINNACLES RAILROAD CAMP.; 78/11/28 078 0050131*

Ontario. *EUCLID AVENUE RAILROAD GRADE SEPARATION-PROPERTIES.; 78/11/28 078 0050128*

Redlands vicinity. *MARSHALL HOUSE*, 27297 Barton Rd..; 78/12/19 078 0002368

Redlands vicinity. *WHITE HOUSE*, 26849 Barton Rd..; 78/12/19 078 0002369

San Bernardino. *SQUAW SPRING WELL ARCHEOLOGICAL DISTRICT.; 78/11/28 078 0050129*

Twentynine Palms. *TWENTYNINE PALMS OASIS*, Joshua Tree National Monument.; 78/11/28 078 0050132

Highland. *HIGHLAND HISTORIC DISTRICT*, Bounded by AT & SF RR. line, Pacific St., Church Ave., rear lots of Main St. and Cole Ave. (63.3).; 78/11/14 078 0055236

Oro Grande vicinity. *CULBERTSON'S RANCH SITE*, NW of Oro Grande (63.3).; 79/10/18 078 0000004

Steam Well vicinity. *STEAM WELL PETROGLYPH ARCHEOLOGICAL DISTRICT.; 78/11/28 078 0050130*

san diego county

Campo. *CAMPO RAILROAD STATION.; 78/11/28 078 0050133*

Escondido vicinity. *CALTRANS PROJECT (ARCHEOLOGICAL SITE 4-SDI-4558).; 78/11/28 078 0050134*

North Island. *CAMP HOWARD, U.S. MARINE CORPS*, Naval Air Station.; 78/11/28 078 0050135

North Island. *ROCKWELL FIELD*, Naval Air Station.; 78/11/28 078 0050136

San Diego. *MARINE CORPS RECRUIT DEPOT*, Barnett Ave..; 78/11/28 078 0050137

San Diego vicinity. *ARCHEOLOGICAL SITES SDI 4807, 4808, 4806, 4556.; 78/11/11 078 0055008*

san francisco county

San Francisco. *ARONSON HISTORIC DISTRICT*, 67 3rd St., 693 and 710 Mission St..; 78/11/13 078 0055108

San Francisco. *FIRE BOAT HOUSE*, The Embarcadero (63.3).; 78/12/19 078 0002384

San Francisco. *FLEISHHACKER POOL*, SE corner of Sloat Blvd. and the Great Hwy. (63.3).; 78/11/14 078 0055184

San Francisco. *FOREST HILL STATION.; 78/11/28 078 0050139*

San Francisco. *JESSIE HOTEL*, 179–181 Jessie St..; 78/11/13 078 0055109

San Francisco. *MERCANTILE BUILDING*, 710 Mission St..; 78/11/13 078 0055110

San Francisco. *NORTH POINT PARK: MARINA (EAGLE CAFE AND PIER FACADES)*, San Francisco northern waterfront.; 78/11/28 078 0050140

San Francisco. *PIER 16 AND SHED*, The Embarcadero (63.3).; 78/12/19 078 0002385

San Francisco. *SALVATION ARMY BUILDING*, 360 4th St..; 78/11/13 078 0055111

San Francisco. *SAN FRANCISDO SEAWALL*, The Embarcadero (63.3).; 78/12/19 078 0002386

San Francisco. *ST. PATRICK CHURCH*, 748 Mission St..; 78/11/13 078 0055112

San Francisco. *THE FEDERAL BUILDING*, 100 McAllister St..; 78/11/28 078 0050138

San Francisco. *TWIN PEAKS TUNNEL.; 78/11/28 078 0050141*

San Francisco, Y.W.C.A. *BUILDING*, 940 Powell St. (63.3)

San Francisco. *3397-3399 SACRAMENTO STREET, 420 WALNUT STREET, LOT 15.; 79/10/18 078 0000005*

san joaquin county

Stockton. *SPERRY OFFICE BUILDING*, 148 W. Weber Ave..; 79/11/07 078 0001688

san luis obispo county

New Cuyana vicinity. *CALIENTE MOUNTAIN AIRCRAFT LOOKOUT TOWER*, 13 mi. (20.8 km) NW of New Cuyana off Rte. 166.; 78/11/28 078 0050142

San Luis Obispo. *SAN LUIS OBISPO LIGHT STATION.; 78/11/28 078 0050143*

san mateo county

Hillsborough. *POINT MONTANA LIGHT STATION.; 78/11/28 078 0050144*

santa barbara county

CA-SBA-539, (63.3).; 78/11/14 078 0055275

CA-SBA-670, (63.3).; 78/11/14 078 0055276

CA-SBA-931, (63.3).; 78/11/14 078 0055277

SITE SBA-188, Near Veronica Springs Rd. (63.3).; 78/12/19 078 0002387

Los Padros National Forest. *4-SBA-508.; 79/10/18 078 0000006*

Santa Barbara., *Santa Monica Creek.; 78/11/28 078 0050145*

Santa Barbara. *S. P. RAILROAD DEPOT*, W of State St. (63.3).; 78/11/13 078 0055118

Santa Barbara. *SANTA BARBARA TURN OF THE CENTURY ARCHITECTURAL DISTRICT*, Roughly bounded by Canon Perdido, Hwy. 101 and Cota and Bath Sts. (63.3).; 78/11/13 078 0055119

Santa Barbara. *111 GUTIERREZ ST.*, (63.3).; 78/11/13 078 0055117

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CALIFORNIA—Continued

Santa Barbara, *17 W. HALEY ST.*, (63.3).; 78/11/13 078 0055120
Santa Barbara. *208 PALM ST.*, (63.3).; 78/11/13 078 0055127
Santa Barbara. *212 PALM ST.*, (63.3).; 78/11/13 078 0055129
Santa Barbara. *217 STATE ST.*, (63.3).; 78/11/13 078 0055128
Santa Barbara. *23 W. HALEY ST.*, (63.3).; 78/11/13 078 0055126
Santa Barbara. *315 CASTILLO ST.*, (63.3).; 78/11/13 078 0055121
Santa Barbara. *315 STATE ST.*, (63.3).; 78/11/13 078 0055122
Santa Barbara. *317 CHAPALA ST.*, (63.3).; 78/11/13 078 0055123
Santa Barbara. *324–330 STATE ST.*, (63.3).; 78/11/13 078 0055125
Santa Barbara. *333 ANACAPA ST.*, (63.3).; 78/11/13 078 0055124
Santa Barbara. *409 STATE ST.*, (63.3).; 78/11/13 078 0055114
Santa Barbara. *412 W. MONTECILO ST.*, (63.3).; 78/11/13 078 0055116
Santa Barbara. *435 CHAPALA ST.*, (63.3).; 78/11/13 078 0055115
Santa Barbara. *501 CHAPALA ST.*, (63.3).; 78/11/13 078 0055113
Santa Barbara Channel. *COJO BAY ARCHEOLOGICAL DISTRICT Cojo Bay Archeological District, CA*, (63.3).; 79/10/18 078 0000007
Santa Barbara vicinity. *ARCHEOLOGICAL SITE CA-SBA-1437*, Los Padres National Forest (63.3).; 78/11/13 078 0055131
Santa Barbara vicinity. *ARCHEOLOGICAL SITE CA-SBA-1444*, Los Padres National Forest (63.3).; 78/11/13 078 0055132
Santa Barbara vicinity. *ARCHEOLOGICAL SITE CA-SBA-822*, Los Padres National Forest (63.3).; 78/11/13 078 0055130
Santa Barbara vicinity. *SITE CA-SBA-1325.; 78/11/28 078 0050146*

santa clara county

Coyote. *THE JOHNSON HOUSE COMPLEX*, Monterey Rd. (63.3).; 78/11/28 078 0050148
Coyote vicinity. *THE DIARY*, (63.3).; 8 / 1279/078 0050148
Coyote vicinity. *THE FISHER RANCH*, 0.25 mi. (0.3 km) E. of Monterey Rd. (63.3).; 78/11/28 078 0050149
Coyote vicinity. *THE STEVENS RANCH*, (63.3).; 78/11/28 078 0050150
San Jose. *MASONIC TEMPLE*, 262–272 1st St. (63.3).; 78/12/19 078 0002370
San Jose vicinity. *ARCHEOLOGICAL SITE CA-SCL-70*, (63.3).; 78/11/14 078 0055279
San Jose vicinity. *ARCHEOLOGICAL SITES 4-SCL-163 236, 237, 178, 241, 242, 54*, (63.3).; 78/11/28 078 0050147

santa cruz county

Ben Lomond. *JONES HOUSE*, 9655 CA 9 (63.3).; 79-10-31 078 0000236

santa curz county

Ben Lomond. *WEATHERLY CASTLE*, CA9.; 79-10-31 078 0000237

shasta county

ARCHEOLOGICAL SITES: FS 05-14-56-37, FS 05-14-56-191, Shasta-Trinity National Forest.; 78/12/19 078 0002388
Lassen National Forest. *ARCHEOLOGICAL SITES FS 05-08-56-91, 125, 339, AND 341.; 1/3/80 078 0003002*
Mineral. *PARK ENTRANCE STATION AND RESIDENCE*, Lassen Volcanic National Park.; 78/11/28 078 0050151
Mineral. *PARK NATURALIST'S RESIDENCE*, Lassen Volcanic National Park.; 78/11/28 078 0050152
Mineral. *WARNER VALLEY RANGER STATION*, Lassen Volcanic National Park.; 78/11/28 078 0050153
Redding vicinity. *SQUAW CREEK ARCHEOLOGICAL SITE*, NE of Redding.; 78/11/28 078 0050154

siskiyou county

Forks of Salmon. *FONG WAH CEMETERY (CA-SIS-414).; 78/11/14 078 0055185*
Lava Beds National Monument. *THOMAS-WRIGHT BATTLE SITE.; 78/11/28 078 0050155*

solano county

Fairfield. *748 BROADWAY BUILDING*, (63.3).; 1/3/80 078 0003003
Suisun. *SUISUN-FAIRFIELD DEPOT*, Main St.,; 1/8/79 078 0050828

sonoma county

Petaluma. *FERRELL HOME*, 500 E. Washington St.,; 78/11/28 078 0050157
Petaluma vicinity. *DRY CREEK-WARM SPRINGS VALLEY ARCHEOLOGICAL DISTRICT.; 78/11/28 078 0050156*
Santa Rosa. *SANTA ROSA POST OFFICE.; 78/11/28 078 0050158*

tehama county

Los Molinos vicinity. *ISHI SITE (YAHI CAMP)*, E. of Los Molinos in Deer Creek Canyon.; 78/11/28 078 0050159

trinity county

ARCHEOLOGICAL SITES FS 05-14-51-60 AND 05-14-51-61, (63.3).; 78/11/14 078 0055280
Douglas City vicinity. *INDIAN CREEK TOWNSITE*, near Indian Creek (63.3).; 1/3/80 078 0003004

tulare county

Sequoia National Park. *ATWELL'S MILL.; 78/11/28 078 0050160*
Sequoia National Park. *CATTLE CABINS.; 78/11/28 078 0050161*
Sequoia National Park. *QUINN RANGER STATION.; 78/11/28 078 0050162*
Sequoia National Park. *THARP'S LOG.; 78/11/28 078 0050163*

tuolumne county

TUOLUMNE MEADOWS ARCHEOLOGICAL DISTRICT, Yosemite National Park.; 1/8/79 078 0050829
Yosemite National Park. *DEAD GIANT TUNNEL TREE.; 79/10/18 078 0000008*
Yosemite National Park. *PARSONS MEMORIAL LODGE.; 79/10/18 078 0000009*
Yosemite National Park. *SODA SPRINGS CABIN.; 79/10/18 078 0000010*

ventura county

ARCHEOLOGICAL SITE 4 VEN 247, Los Padres National Forest (63.3).; 78/11/11 078 0055009
ARCHEOLOGICAL SITE 4 VEN 280 (CA-VEN-280), Los Padres National Forest.; 78/11/11 078 0055010
Los Padres National Forest. *ARCHEOLOGICAL SITES 4 VEN-367 AND 4-VEN-368*, (63.3).; 78/11/28 078 0050164
Port Hueneme. *ANACAPA LIGHTHOUSE*, Anacapa Island.; 78/11/14 078 0055281
Simi Valley. *ARCHEOLOGICAL SITE VEN-341.; 78/11/28 078 0050165*

yuba county

Honcut vicinity. *HONCUT CREEK BRIDGE*, W of Honcut (63.3).; 1/3/80 078 0003005
Marysville. *U.S. POST OFFICE*, 407 C St.,; 79/11/07 078 0001690

COLORADO

boulder county

Longmont. *HOVER MANSION DISTRICT*, 1309 Hover Rd.,; 78/11/14 078 0055282

delta county

Paonia vicinity. *ARCHEOLOGICAL SITES 5DT126 AND 5DT127*, Off CO 133 (63.3).; 79-10-31 078 0000238
Paonia vicinity. *BRUCE, RAY, PROPERTY*, W of Paonia on CO 133 (63.3) DKY 10-31-79.; 078 0000239
Paonia vicinity. *TOWN OF BOWIE*, E of Paonia on CO 133 (63.3).; 79-10-31 078 0000240

denver county

Denver. *DENVER LOWER DOWNTOWN COMMERCIAL DISTRICT*, roughly bounded by 20th, Market and Wyncoop Sts.,; 78/10/30 078 0000104
Denver. *LARIMER STREET HISTORIC DISTRICT*, (63.3).; 79/11/01 078 0001121
Denver. *31ST STREET OVERFLOW STRUCTURE*, 31st St. and Atkins Ct. (63.3).; 78/11/13 078 0055133
PLYMOUNTH PLACE CORY HOTEL *Broadway and 16th Sts,, 0000105*

douglas county

ARCHEOLOGICAL SITE 5DA259, (63.3).; 79-10-31 078 0000241
KEYSTONE RAILROAD BRIDGE, Pike National Forest.; 78/11/28 078 0050166
ROXBOUROUGH STATE PARK ARCHEOLOGICAL DISTRICT, Roxbourough State Park(63.3).; 79/11/14 078 0002016
South Platte Canyon. *DEANSBURRY BRIDGE*, Foothills Project 7.7 mi. (12.3 km) W from gate at Kassler Treatment Plant along access road, (also in Jefferson County); 78/11/13 078 0055056

el paso county

Colorado Springs. *BUILDING AT 2801 COLORADO STREET.; 79/11/27 078 0002303*
Colorado Springs. *OLD COLORADO CITY HISTORIC DISTRIC-ALTERNATE B.; 79/11/14 078 0002017*

garfield county

HAVEMEYER-WILCOX CANAL SYSTEM.; 1/8/79 078 0050830

jefferson county

Golden. *MAGIC MOUNTAIN SITE*, (5/F223).; 79/10/30 078 0000106
South Platte vicinity. *DENVER AND RIO GRANDE ROCKWORK AND RAILROADS*, Foothills Project.; 78/11/13 078 0055057

larimer county

Buckeye vicinity. *SITES 5-LR-257 AND 5-LR-263*, Boxelder Watershed Project.; 78/11/28 078 0050168
Estes Park. *BEAVER MEADOWS MAINTENANCE AREA*, Rocky Mountain

COLORADO—Continued

National Park Utility Area.; 78/11/28 078 0050167

mesa county

Clifton vicinity. *ANDEREGG HOUSE*, S of Clifton at 498 32 Rd. (63.3).; 1/3/80 078 0003006
Gran Junction vicinity. *COLORADO NATIONAL MONUMENT MULTIPLE RESOURCE AREA (PARTIAL INVENTORY) This area includes Comfort Station; Devil's Kitchen Panic Shelter; Headquarters Historic District; Trail of the Serpent(63.3).; 79/11/14 078 0002018*

montezuma county

MESA VERDE NATIONAL PARK ADMINISTRATIVE DISTRICT, Mesa Verde National Park.; 1/8/79 078 0050831
Dolores vicinity. *ANASAZI ARCHEOLOGICAL DISTRICT.; 78/11/28 078 0050169*

ouray county

Uncompahgre Ute Reservation. *OLD DALLAS HISTORIC ARCHEOLOGICAL DISTRICT*, (63.3).; 79/10/18 078 0000011

pitkin county

Emma. *EMMA HISTORIC DISTRICT.; 78/11/28 078 0050170*

pueblo county

Pueblo. *PUEBLO FEDERAL BUILDING (U.S. POST OFFICE)*, 5th and Main Sts.,; 78/11/28 078 0050171

weld county

Greeley. *PLUMB, CHARLES, HOUSE*, 4001 10th St.(63.3).; 79/11/14 078 0002019

CONNECTICUT

New Haven, Waterbury. JONES-MORGAN BUILDING, 98-108 Bank St.,; 79/11/07 078 0001691

fairfield county

CATENARY BRIDGE SYSTEM, Reference – see New Haven county; 79/10/30 078 0000108
Automatic Signal System. *CONRAIL NEW HAVEN MAINLINE AND NEW CANAAN BRANCH*, (63.3)(also in New Haven County).; 078 0000107
Bridgeport. *MARINA PARK HISTORIC DISTRICT*, (63.3).; 1/3/80 078 0003007
Bridgeport. *NO. 3–3 1/2 ARMSTRONG PLACE, ARMSTRONG MILL HISTORIC DISTRICT PROPOSED*, (63.3).; 78/11/11 078 0055011
Bridgeport. *PEQUONNOCK RIVER BRIDGE*, Crosses Pequonnock River (63.3).; 78/11/28 078 0050172
Bridgeport. *PIXLEE TAVERN*, 590 Boston Ave. (63.3).; 78/11/13 078 0055134
Bridgeport. *2414, 2440, 2450, 2403 and 2429 NORTH AVENUE.; 79/10/30 078 0001090*
Bridgeport Harbor. *BRIDGEPORT CANAL BARGES*, (63.3).; 78/11/28 078 0050173
Cos Cob. *COS COB BRIDGE*, Over Mianus River (63.3).; 78/11/28 078 0050174
Devon. *DEVON BRIDGE*, Over Housetonic River between Stratford and Devon (63.3).; 78/11/28 078 0050175
Fairfield. *ATLANTIC STREET BLOCK*, 322 Main and 1-129 Atlantic Sts. including buildings on that side of the street between those addresses.; 78/11/14 078 0055286
Fairfield. *BLACK ROCK TURNPIKE BRIDGE*, Spans the New York, New Haven and Hartford RR. tracks.; 78/11/14 078 0055283
Fairfield. *FERGUSON LIBRARY*, 96 Broad St. and Bedford (63.3).; 78/11/14 078 0055284
Fairfield. *MILL HILL ROAD BRIDGE*, Spans the New York, New Haven and Hartford RR. tracks.; 78/11/14 078 0055285
Greenwich. *MERRITT PARKWAY*, Transportation corridor also through towns of Stanford, New Canaan, Norwalk, Fairfield, Trunball and Stratford.; 78/11/28 078 0050176
Greenwich. *OUR HOUSE*, 61 East Putnam Ave.,; 79/16/30 078 0000109
Greenwich. *TOWN HALL*, Greenwich Ave. (63.3).; 79/10/30 078 0001091
Norwalk. *WASHINGTON STREET–S. MAIN STREET AREA*, (Also in S. Main and Washington Streets Historic District).; 78/11/28 078 0050177
Ridgefield. *HUGH CAIN FULLING MILL*, Rte. 7 (63.3).; 79/10/18 078 0000012
South Norwalk. *NORWALK RIVER BRIDGE*, (63.3).; 78/11/28 078 0050178
Stamford. *CITIZENS SAVINGS BANK*, Bank and Atlantic Sts.,; 78/11/14 078 0055287
Stamford. *DRESS BARN BUILDING*, 128–134 Broad St.,; 78/11/14 078 0055288
Stamford. *MUNICIPAL OFFICE BUILDING*, 429 Atlantic St.,; 78/11/14 078 0055289
Stamford. *ST. JOHN'S PORTESTANT EPISCOPAL CHURCH, PARISH HOUSE, AND RECTORY*, Main and Grove Sts. (63.3).; 78/11/14 078 0055293
Stamford. *ST. JOHN'S ROMAN CATHOLIC CHURCH, RECTORY, AND PARISH HOUSE*, Atlantic St.,; 78/11/14 078 0055294
Stamford. *STAMFORD ADVOCATE BUILDING*, 258 Atlantic St.,; 78/11/14 078 0055290
Stamford. *STAMFORD SAVINGS BANK*, 160 Atlantic St.,; 78/11/14 078 0055291
Stamford. *STAMFORD THEATER*, 307 Atlantic St.,; 78/11/14 078 0055292
Stamford. *U.S. POST OFFICE*, 421 Atlantic St.,; 78/11/14 078 0055296
Stamford. *WHITE TOWER CORPORATION OFFICES*, 382 Main St.,; 78/11/14 078 0055297
Stamford. *309 ATLANTIC STREET*, 309 Atlantic St.,; 78/11/14 078 0055295
Westport. *BEACHSIDE AVENUE BRIDGE*, (63.3).; 1/3/80 078 0003008
Westport. *SAUGATUCK RIVER BRIDGE*, Over Saugatuck River (63.3).; 78/11/28 078 0050179

hartford county

Bristol. *ROCKWELL PARK.; 79-10-31 078 0000242*
Burlington. *DRAW HOUSE*, Stafford and Monce Rds.,; 79/10/18 078 0000013
Burlington. *HART PLACE*, Stafford Rd.,; 79/10/18 078 0000014
Burlington. *NYBAKKEN HOUSE*, Stafford and Monce Rds.,; 79/10/18 078 0000015
Farmington. *GRIDLEY-PARSONS-STAPLES HOMESTEAD*, Rt. 4, Farmington Ave.,; 78/11/28 078 0050180
Farmington. *UNIONVILLE TUNXIE HOSE FIREHOUSE*, Farmington Ave. and Lovely St.,; 79/10/18 078 0000016
Granby. *GRANBY CENTER.; 78/11/28 078 0050181*
Hartford. *CHRIST CHURCH CATHEDRAL AND CATHEDRAL HOUSE*, 955 Main St. and 45 Church St.,; 78/11/28 078 0050182
Hartford. *ELIZABETH PARK (WESTERN PORTION)*, (63.3).; 78/12/19 078 0002371
Hartford. *FLAT IRON BUILDING (MOTTO BUILDING)*, (also in Congress Street Historic District); 78/11/28 078 0050183
Hartford. *FROG HOLLOW HISTORIC DISTRICT*, 35 square blocks S of Capitol Ave., between Oak St. and Park Ter. (63.3).; 78/11/14 078 0055239
Hartford. *HARTFORD MAIN POST OFFICE*, 135–149 High St.,; 78/11/28 078 0050184
Hartford. *HOUSES OF WETHESFIELD AVE.*, Between Morris and Wyllys Sts., particularly Nos. 97–81, 65, (also in NR South Green Historic District); 78/11/28 078 0050185
Hartford. *SISSON, ALBERT L., HOUSE*, Sisson Ave.; 79-10-31 078 0000243
Manchester. *BATSON FARM HOUSE*, Burnham St.,; 78/11/28 078 0050186
Manchester. *PORTIONS OF CHENEY SILK MILLS INDUSTRIAL COMPLEX*, Cheney Homes Area.; 78/11/28 078 0050187
Simsbury. *DRALE HILL ROAD BRIDGE*, Spans Farmington River(63.3).; 79/11/01 078 0001122
Simsbury. *HEUBLEIN TOWER*, Talcott Mountain State Park (63.3).; 78/11/11 078 0055012
Simsbury. *ROUTE 315 BRIDGE*, Spans Farmington River(63.3).; 79/11/01 078 0001123
Simsbury vicinity. *FARMINGTON CANAL*, Granby Sewer facility (Simsbury portion).; 78/11/28 078 0050188
South Windsor. *GREEK REVIVAL HOUSE*, 87 Long Hill Rd.,; 78/11/28 078 0050189
South Windsor. *LATE FEDERAL HOUSE*, 78 Long Hill Rd.,; 78/11/28 078 0050190
Southington. *LEWIS, SALLEY, HOUSE*, 500 N. Main St.,; 78/11/28 078 0050191
West Hartford. *HOOKER, SARAH WHITMAN, HOUSE*, 1237 New Britain Ave. (63.3).; 78/12/10 078 0055012
Windsor. *MILLS, ELIJAH, HOUSE*, Deerfield Rd.,; 78/11/28 078 0050192

middlesex county

Cromwell. *UPPER HOUSES RIVER PORT HISTORIC DISTRICT.; 79/10/30 078 0001092*
East Hampton. *RAPALLO VIADUCT*, Smith St. vicinity.; 78/11/14 078 0055240
Middletown. *BROAD STREET HISTORIC DISTRICT*, (63.3).; 79/11/01 078 0001124
Middletown. *COOKSON, FULLER, AND SOUTHMAYD HOUSES*, (also in Metro South Historic District); 78/11/28 078 0050193
Middletown. *MAIN STREET FIREHOUSE*, 533 Main St.,; 78/11/28 078 0050194
Middletown. *MANSION BLOCK*, (also in Main Street South Historic District); 78/11/28 078 0050195
Middletown. *MATHER-DOUGLAS-SANTANGELO HOUSE*, 11 S. Main St., (also in NR South Green Historic District); 78/11/28 078 0050196
Middletown. *METRO SOUTH HISTORIC DISTRICT.; 78/11/13 078 0055048*
Middletown. *MIDDLETOWN HIGH SCHOOL*, Court and Pearl Sts.,; 78/11/28 078 0050197
Middletown. *MIDDLETOWN MAIN POST OFFICE.; 78/11/28 078 0050198*
Old Saybrook. *CONNECTICUT RIVER BRIDGE*, Connecticut River between Old Saybrook and Old Lyme.; 78/11/28 078 0050199

middletown county

Middletown. *MAIN STREET HISTORIC DISTRICT*, Main St.,; 79/10/30 078 0001093

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CONNECTICUT—Continued

new castle county

Wilmington. *WILMINGTON YARDS AND SHOPS*, Off 12th St.,; 79/11/14 078 0002031

new haven county

AUTOMATIC SIGNAL SYSTEM, Reference – see Fairfield county; 79/10/30 078 0000110

CATENARY BRIDGE SYSTEM, Conrail New Haven Mainline and New Canaan Branch (63.3) (also in Fairfield),; 078 0000111

East Haven. *ELANTHAN HOUSE*, 147 Hemingway Ave.,; 1/3/80 078 0003009

East Haven. *GIDEON POTTER HOUSE*, 274 Hemingway Ave. (63.3),; 1/3/80 078 0003010

East Haven. *OLD STONE CHURCH*, NE corner of Main and High Sts.,; 78/11/13 078 0055135

Meriden. *GOFFE, SOLOMON, HOUSE*, 677 N. Colony St. (63.3),; 78/11/14 078 0055298

New Haven. *ANSONIA OPERA HOUSE*, 100 Main St.,; 78/11/28 078 0050200

New Haven. *GRAND AVENUE DRAWBRIDGE*, Over Quinnipiac River.; 78/11/28 078 0050201

New Haven. *ORANGE STREET STRUCTURES*, Orange St.,; 1/8/79 078 0050832

New Haven. *POST OFFICE AND COURTHOUSE*, Church and Court Sts.,; 78/11/13 078 0055136

Southington vicinity. *THE FARMINGTON CANAL*, Section of Canal about 1100 ft. S. of Ten Mile River Culvert.; 78/11/28 078 0050202

Wallingford. *TOELLES ROAD BRIDGE*, Spans Wyinnipiac River (63.3),; 79-10-31 078 0000244

Waterbury. *ARTHEMIS, THE*, 149 Cooke st.,; 79/10/30 078 0000112

Waterbury. *BISHOP STREET SCHOOL*, Bishop St.,; 078 0000113

Waterbury. *MATHEW AND WILLORD COMPANY*,, 16 Cherry St.,; 078 0000114

Waterbury. *PECK, H. H., CARRIAGE HOUSE*, Harrison Ave..,; 78/11/28 078 0050203

Waterbury,. *ST. THOMAS SCHOOL*,, Beacon St.,; 078 0000115

Waterbury,. *STOPLETON, EASTON AVE. AND N.*, Main St.,; 078 0000116

Waterbury,. *TWIN BLOCKS.*, Main and Aetna Sts.,; 078 0000117

Waterbury,. *WATERBURY CLOCK COMPANY,OFFICES AND LABORATORIES.*, N.Elm St. and Cherry Ave.,; 078 0000118

Watersury,. *WATERBURY GREEN HISTORIC DISTRICT*,, Waterbury (63.3),; 79/10/31 078 0000119

Watersury,. *WEBSTER SCHOOL*,, 127 Easton Ave..,; 79/10/31 078 0000120

Watersury,. *WHEELER AND THE WILSON*,, N. Main and Cooke Sts.,; 79/10/31 078 0000121

Watersury,. *WILBY HIGH SCHOOL*,, Grove St..,; 79/10/31 078 0000122

West Haven. *UNION SCHOOL*,, Union and Center Sts.,; 79/10/31 078 0000123

new london county

Colchester. *LYMAN VIADUCT*, Bull Hill Rd. vicinity.,; 78/11/14 078 0055241

Colchester. *WARREN TRUSS BRIDGE*, Bull Hill Rd. vicinity.,; 78/11/14 078 0055242

East Lyme. *NIANTIC RIVER BRIDGE*, Crosses Niantic River (63.3),; 78/11/12 078 0050204

Groton. *GROTON BRIDGE*, Over Thames River between Groton and New London.; 78/11/12 078 0050205

Mystic. *MYSTIC RIVER RAILROAD BRIDGE*, Mystic River between Mystic and Groton (63.3),; 78/11/12 078 0050206

New London. *BANK STREET HISTORIC DISTRICT*,; *78/11/12 078 0050207*

New London. *OLD TOWN MILL*, Jct. of Mill and State Pier Sts. (63.3),; 78/11/14 078 0055299

New London. *SHAW'S COVE BRIDGE*, Over Shaw's Cove (63.3),; 78/11/12 078 0050209

New London. *STARR STEET AREA*, Starr St.,; 78/11/12 078 0050210

New London. *WILLIAMS MEMORIAL INSTITUTE BUILDING*, 110 Broad St.,; 78/11/12 078 0050211

Norwich. *BUCKINGHAM MEMORIAL BUILDING*, 307 Main St.,; 78/11/12 078 0050208

Norwich. *NORWICH CITY HALL*, Union and Broadway Sts.,; 79/11/14 078 0002022

Norwich. *WASHINGTON STREET HISTORIC DISTRICT*, Project 103–159.; 78/11/12 078 0050212

Stonington. *Railroad Bridge over the Pawtucket River(63.3),; 79/10/30 078 0001095*

weld county

Greenwich. *ST. MARY'S CHURCH AND RECTORY*,; *79/11/14 078 0002020*

windham county

Brooklyn. *QUEBEC HISTORIC DISTRICT (QUEBEC VILLAGE),; 78/11/12 078 0050213*

Plainfield. *WAUREGAN HISTORIC DISTRICT*,; *79-10-31 078 0000245*

Willimantic. *U.S. POST OFFICE*, Main St. (63.3),; 78/11/14 078 0055300

DELAWARE

new castle county

Newark. *FERGUSON, ROBERT HOUSE*, 636 Chestnut Hill Rd. (63.3),; 78/11/12 078 0050214

Newark. *WALNUT LANE*, 4133 Ogletown Rd. (63.3),; 78/11/12 078 0050215

DISTRICT OF COLUMBIA

washington

AMERICAN MOSIAC BUILDING, (63.4c),; 79/11/14 078 0002023

AUDITORS' BUILDING, 201 14th St. SW. (included within AUDITORS' BUILDING COMPLEX),; 78/11/12 078 0050216

BOUNDARY STONE SE NO. 5, also in Prince Georges County, MD,; 1/3/80 078 0003011

BRICK SENTRY TOWER AND WALL, Along M St. (also in NR Wash. Navy Yard Historic Precinct),; 78/11/12 078 0050217

CENTRAL HEATING PLANT, 13th and C Sts. SW. SE between 4th and 6th Sts. SE..; 78/11/12 078 0050218

ELEMENTS OF THE L'ENFANT PLAN, (63.4c),; 79/11/14 078 0002024

ENVOY TOWERS, 2400 16th St., NW.,; 78/11/12 078 0050219

FORT MCNAIR, 4th and P Sts., NW.; 1/8/79 078 0050833

MT. VERNON SQUARE (63.3)

NEW YORK AVENUE FROM NINTH TO FIFTEENTH STREET (63.3)

U.S. RESERVATIONS, 173 and 174 M St., NW (63.3)

MOUNT VERNON APARTMENTS, (63.4c),; 79/11/14 078 0002025

MOUNT VERNON THEATER, (63.4c),; 79/11/14 078 0002026

O STREET MARKET, (63.3),; 1/3/80 078 0003012

PEPCO POWER SUBSTATION, (63.4c),; 79/11/14 078 0002027

UNITED BRICK CORPORATION COMPLEX, Bladensburg and New York Ave.,; 78/11/11 078 0055013

WASHINGTON NAVY YARD ANNEX, Buildings 74, 137, 158, 159, 159E, 160, 167, 173, 187, 197, 202.,; 78/11/12 078 0050221

1700 BLOCK Q STREET NW., 1700-1744, 1746, 1748 Q St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.,; 78/11/12 078 0050220

District of Columbia,. *STODDARD BAPTIST CHURCH 1818 NEWTON STREET*,,; *79/10/31 078 0000124*

FLORIDA

broward county

Hillsboro Inlet. *COAST GUARD LIGHT STATION*,; *78/11/12 078 0050222*

collier county

Marco Island. *ARCHEOLOGICAL SITES ON MARCO ISLAND*,; *78/11/12 078 0050223*

dade county

Hialeah. *HIALEAH RACECOURSE*, Bounded by East Coast RR., E. 4th and Palm Aves. and E. 32nd St. (63.3),; 78/11/14 078 0055186

Miami. *DADE COUNTY COURTHOUSE*, 73 W. Flagler St. (63.3),; 78/11/14 078 0055187

Miami. *FLORIDA EAST COAST RAILWAY FREIGHT HOUSE*, 400 SW. 1st Ave. (63.3),; 78/11/14 078 0055188

duval county

Jacksonville. *FAIRFIELD SCHOOL NO. 3*, 525 Florida Ave.,; 78/11/13 078 0055137

hillsborough county

Tampa Bay vicinity. *ARCHEOLOGICAL DISTRICT*, E. of Tampa on 175(63.3),; 79/11/01 078 0001125

monroe county

KNIGHTS KEY MOSER CHANNEL–PACKET CHANNEL BRIDGE (SEVEN MILE BRIDGE),; 78/11/12 078 0050224

LONG KEY BRIDGE, Between Long Key and Conch Key,; 78/11/12 078 0050225

OLD BAHIA HONDA BRIDGE,; 78/11/12 078 0050226

pinellas county

Bay Pines. *VA CENTER*, Sections 2, 3, and 11 TWP 31-S, R-15E.; 78/11/13 078 0050227

polk county

Tampa vicinity. *ARCHEOLOGICAL SITE PO 90*, (63.3),; 78/11/13 078 0050229

Tampa vicinity. *ARCHEOLOGICAL SITE PO89*, (63.3),; 78/11/12 078 0050228

santa rosa county

NAVAL LIVE OAKS HISTORIC DISTRICT,; *78/11/14 078 0055301*

st. johns county

St. Augustine. *ST. AUGUSTINE NATIONAL CEMETERY*,; *78/11/12 078 0050230*

GEORGIA

camden county

DUNGENESS, PLUM ORCHARD, STAFFORD PLANTATION,

green county

WALLACE RESERVOIR ARCHEOLOGICAL DISTRICT (also in Hancock, Morgan, and Putnam counties)

baldwin county

Milledgeville vicinity. *VINSON-ASHFIELD HOUSE*, 3 mi. E of Milledgeville on Sandersville Rd.,; 79/10/16 078 0000017

bartow county

Cartersville. *OLD BARTOW COUNTY COURTHOUSE*, 4 E. Church St. (63.3),; 78/11/13 078 0055058

ben hill county

Fitzgerald. *GRAND THEATRE*, 113–121 Main St. (63.3),; 1/3/80 078 0003013

bibb county

Macon. *VINEVILLE AVENUE AREA*, Both sides of Vineville Ave. from Forsyth and Hardman Sts. to Pio Nono Ave.,; 78/11/12 078 0050231

camden county

Kings Bay. *KING PLANTATION OUTBUILDING SITE*,; *78/11/13 078 0050233*

Kings Bay. *MILL CREEK SHELL MIDDEN A*,; *78/11/13 078 0050232*

carroll county

Carroll. *JORDAN-HAMPTON HOUSE*, Route 1.; 78/11/13 078 0050234

chatham county

Savannah. *516 OTTO STREET*,; *78/11/13 078 0050236*

Savannah. *908 WHEATON STREET*,; *78/11/13 078 0050237*

Savannah. *914 WHEATON STREET*,; *78/11/13 078 0050238*

Savannah. *920 WHEATON STREET*,; *78/11/13 078 0050239*

Savannah. *928 WHEATON STREET*,; *78/11/13 078 0050240*

Savannah. *930 WHEATON STREET*,; *78/11/13 078 0050241*

Skidaway Island. *ARCHEOLOGICAL SITE*,; *78/11/13 078 0050235*

Skidaway Island. *PRIEST'S LANDING MOUNDS*,; *78/11/13 078 0050242*

clay county

ARCHEOLOGICAL SITE WGC-73, Downstream from Walter F. George Dam.; 78/11/13 078 0050243

cobb county

Marietta. *BOSTWICH, CHARLES C., HOUSE*, 325 Atlanta St.,; 78/11/13 078 0050244

Marietta. *CLAY, ALEXANDER STEPHENS, HOUSE*, 353 Atlanta St.,; 78/11/13 078 0050245

Marietta. *MARIETTA NATIONAL CEMETERY*, 500 Washington Ave..,; 78/11/13 078 0050247

Marietta. *McCULLOCK-WELLONS' HOUSE*, 348 Powder Springs Rd.,; 78/11/13 078 0050246

Marietta. *SLAUGHTER, M. G., COTTAGE*, 216 Fraser St.,; 78/11/13 078 0050249

Marietta. *WATERMAN STREET SCHOOL (JOSEPH T. WALKER SCHOOL)*, 205 Waterman St.,; 78/11/13 078 0050248

Smyrna. *CARMICHAEL,J.H.,HOUSE*, 501 Log Cabin Rd.(63.3),; 79/11/01 078 0001126

de kalb county

Atlanta. *ATKINS PARK SUBDIVISION*, St. Augustine, St. Charles, and St. Louis places,; 78/11/13 078 0050250

Decatur. *SYCAMORE STREET AREA*,; *78/11/13 078 0050251*

Stone Mountain. *EVANS-WILLIAMS HOUSE*, 459 Hairston Rd.,; 78/11/13 078 0050252

SOAPSTONE RIDGE (ARCHEOLOGICAL SITE 9DA69), (63.3),; 78/12/19 078 0002374

Decatur. *U.S. HONOR FARM COMPLEX*, 3074 Panthersville Rd.(63.3),; 79/11/01 078 0001127

Dunwoody. *SPRUILL HOMEPLACE*, 4681 Ashford-Dunwoody Rd. (63.3),; 78/12/19 078 0002372

Dunwoody. *WOOD HOME*, 4834 Ashford-Dunwoody Rd. (63.3),; 78/12/19 078 0002373

dougherty county

Oakfield vicinity. *ARCHEOLOGICAL SITE 9DT3*, (63.3),; 78/11/13 078 0055138

elbert county

RICHARD B. RUSSELL MULTIPLE RESOURCE AREA, Richard B. Russell Dam and Lake (also in Hart County,GA and Abbeviland Anderson Counties, SC)(63.3),; 79/10/30 078 0001096

Elberton vicinity. *EUREKA HOUSE*, 5.5 mi. (8.8 km) E of Elberton (63.3),; 78/11/14 078 0055189

forsyth county

Cumming vicinity. *BUFFINGTON TAVERN*, Hightower Rd. (63.3),; 78/11/13 078 0055059

Cumming vicinity. *SHERRILL HOUSE*, Hightower Rd.,; 78/11/13 078 0055060

fulton county

ATLANTA. *ACADEMY OF MEDICINE*, 825 W. Peachtree St.,; 79/11/08 078 0001692

Atlanta. *ALL SAINTS EPISCOPAL CHURCH*, 634 W. Peachtree St. (63.3),; 78/11/13 078 0055139

Atlanta. *BILTMORE HOTEL*, 817 W. Peachtree St.,; 79/10/30 078 0001097

Atlanta. *COTTINGIN BUILDING*, 97 Broad St., SW.,; 78/11/13 078 0050253

Atlanta. *CRUM AND FORSTER BUILDING*, 771 Spring St. (63.3),; 78/11/13 078 0055140

Atlanta. *DOWNTOWN ATLANTA HISTORIC DISTRICT*, Beginning at jct. Atlanta St. and Central Ave..; 78/11/13 078 0050254

Atlanta. *E. R. PARKER MOTOR COMPANY*, 560 W. Peachtree St. (63.3),; 78/11/13 078 0050261

Atlanta. *FIRE STATION NO. 11*, 30 North Ave. (63.3),; 78/11/13 078 0055141

Atlanta. *FIRST METHODIST CHURCH*, 360 Peachtree St. (63.3),; 78/11/13 078 0050256

Atlanta. *HOWARD APARTMENTS*, 4-10 Prescott St. (63.3),; 78/11/13 078 0050257

Atlanta. *LONG, CRAWFORD W., MEMORIAL HOSPITAL*, Linden Ave. (63.3),; 78/11/13 078 0050258

Atlanta. *MITCHELL-PEACHTREE STREET HISTORIC DISTRICT*, 127, 129, 133 Peachtree; 143, 165-167, 168, 170, 176 Mitchell; N and W corners of Mitchell and Peachtree Sts.,; 78/11/13 078 0050259

Atlanta. *ORR, W. W., DOCTORS' BUILDING*, Peachtree St. at Pine St. (63.3),; 78/11/13 078 0050260

Atlanta. *THE FARLINGER*, Corner of Ivy and Peachtree Sts. (63.3),; 78/11/13 078 0050255

Atlanta. *WINECOFF HOTEL*, 176 Peachtree St. (63.3),; 78/11/13 078 0055142

gilmer county

Ellijay vicinity. *SUBSTATION SITE 9GI (DOT)3*, 5.5 mi (8.8 km) S of Ellijay on GA5 (63.3),; 78/11/13 078 0055061

Ellijay vicinity. *WHITE PATH SITE 9GI (DOT)5*, 6 mi. (9.6 km) N of Ellijay on GA5 (63.3),; 78/11/13 078 0055062

gordon county

Calhoun vicinity. *HAYNES, CLEO, HOUSE AND FRAME STRUCTURE*, University of Georgia.; 78/11/13 078 0050263

Redbud Creek vicinity. *MOSS-KELLY HOUSE*, Sallacoa Creek area.; 78/11/13 078 0050264

gwinnett county

Duluth. *HUDGINS, SCOTT, HOME (CHARLES W. SUMMEROUR HOUSE)*, McClure Rd.,; 78/11/13 078 0050266

hancock county

Wallace Dam vicinity. *ARCHEOLOGICAL SITE 9 PM 215 (WALLACE DAM TRAILRACE PROJECT)*, SE of Wallace Dam on Oconee River, (also in Putnam County); 78/11/13 078 0050267

Wallace Dam vicinity. *ARCHEOLOGICAL SITE 9 PM 247 (WALLACE DAM TRAILRACE PROJECT)*, SW of SR 16 bridge, (also in Putnam county); 78/11/13 078 0050268

heard county

PHILPOTT HOMESITE AND CEMETERY, On bluff above Chattahoochee River where Grayson Trail leads into river.; 78/11/13 078 0050269

henry county

Stockbridge. *TURNER HOUSE*, SR 42(63.3),; 79/10/30 078 0001098

lumpkin county

Dahlonega vicinity. *ARCHEOLOGICAL SITE 9 LU (DOT) 1*, S of Dahlonega (63.3),; 78/11/11 078 0055015

pickens county

Talking Rock. *KIRK HOUSE*, Off GA5 (63.3),; 78/11/13 078 0055063

richmond county

Augusta. *BLANCHE MILL*,; *78/11/13 078 0050271*

Augusta. *ENTERPRISE MILL*,; *78/11/13 078 0050272*

Augusta. *GREEN STREET*,; *78/11/13 078 0050273*

Augusta vicinity. *ARCHEOLOGICAL SITES PROJECT F-117-1(7),; 78/11/13 078 0050270*

sumter county

Americus. *ABORIGINAL CHET QUARRY*, Souther Field.; 78/11/13 078 0050274

Plains. *PLAINS HISTORIC DISTRICT*, (63.3),; 78/11/13 078 0050275

tift county

Ty Ty vicinity. *WILLIAMS, EZEKIEL, HOUSE*, W of Ty Ty on U.S. 82 (63.3),; 78/11/14 078 0055302

toombs county

Lyons. *TWENTY COLUMNS*, Libert and Johnson Sts. (63.3),; 79/10/18 078 0000018

Vidalia vicinity. *MOSE COLEMAN HOME*, E. of Vidalia on U.S. 280 (63.3),; 79/10/18 078 0000019

GEORGIA—Continued

union county

Blairsville. *HARALSON-CARR HOUSE*, Jct. of GA2 and U.S. 129 (63.3),; 78/11/13 078 0055064

walker county

Blowing Spring. *BLOWING SPRING MILL HOUSES*, GA 193 (63.3),; 78/12/19 078 0002375

Blowing Spring. *GRANT HOUSE*, GA 193 (63.3),; 78/12/19 078 0002376

Blowing Spring. *SCHOLZE HOUSE*, GA 193 (63.3),; 78/12/19 078 0002377

Flintstone vicinity. *FLINTSTONE METHODIST CHURCH*, near Flintstone (63.3),; 78/12/19 078 0002378

Flintstone vicinity. *HIXON, WILLIAM, HOUSE*, NE of Flintstone on Burnt Mill Rd. (63.3),; 78/12/19 078 0002379

ware county

Waycross. *EVERETT, T. L., HOUSE*, GA 38 (63.3),; 78/11/11 078 0055016

HAWAII

hawaii county

Hana vicinity. *KIPAHULU HISTORIC DISTRICT*, SW of Hana on Rts. 31,; 78/11/13 078 0050279

Hawaii Volcanoes National Park. *MAUNA LOA TRAIL,; 78/11/13 078 0050276*

Kapsan. *OLD KAHAKA COURTHOUSE*, Government Rd.,; 79/11/08 078 0001693

Kealakekua Bay. *KONA FIELD SYSTEM,; 78/11/13 078 0050277*

South Kona vicinity. *GREAT WALL OF KUAKINI*, (63.3),; 78/11/13 078 0050278

honolulu county

Honolulu. *ADVERTISER BUILDING*, 605 Kapiolani Blvd. (63.3),; 79/10/19 078 0000020

Honolulu. *BRASS FOUNDRY*, 556B Kamani St. (63.3),; 79/10/19 078 0000022

Honolulu. *CHURCH OF THE CROSSROADS*, 1212 University Ave. (63.3),; 79/10/19 078 0000023

Honolulu. *OAHU ICE AND COLD STORAGE COMPANY*, 721 Kapiolani Blvd. (63.3),; 79/10/19 078 0000024

Honolulu. *OR&L OFFICE AND DOCUMENT STORAGE BUILDING AND OR&L STATION*, 333, 355, 357 N. King St. (63.3),; 79/10/19 078 0000025

Honolulu. *OTANI BLOCK*, N. King St. between Iwilei RD. and Awa St. (63.3),; 79/10/19 078 0000026

Honolulu. *PORTLAND BUILDING*, Union Mall and Hotel St. (63.3),; 79/10/19 078 0000027

Honolulu. *S. H. KRESS COMPANY*, 917 Fort St. (63.3),; 79/10/19 078 0000028

Oahu. *ARCHEOLOGICAL SITE 7*, Kawainui Marsh (63.3),; 9 -1171-078 0000249

kauai county

HANALEI BRIDGE, Kuhio Hwy.,; 78/11/15 078 0055303

WAIOLI BRIDGE, Kuhio Hwy.,; 78/11/15 078 0055304

WAIPA BRIDGE, Kuhio Hwy.,; 78/11/15 078 0055305

oahu county

Honolulu. *MOANALUA VALLEY,; 78/11/13 078 0050281*

Oahu. *BARBER'S POINT HARBOR,; 78/11/13 078 0050280*

IDAHO

ada county

Boise. *ALEXANDERS*, 826 Main St.,; 78/11/13 078 0050282

Boise. *FALKS DEPARTMENT STORE*, 100 N. 8th St.,; 78/11/13 078 0050283

Boise. *IDAHO BUILDING*, 216 N 8th St.,; 78/11/13 078 0050284

Boise. *SIMPLOT BUILDING (BOISE CITY NATIONAL BANK) Simplot Building (Boise City National Bank)*, 805 Idaho St.,; 78/11/13 078 0050285

Boise. *UNION BUILDING*, 712-1/2 Idaho St.,; 78/11/13 078 0050286

cassia county

Rock Creek vicinity. *BEAR HOLLOW ARCHEOLOGICAL DISTRICT (ALSO IN TWIN FALLS COUNTY)*, (63.3),; 79/10/19 078 0000029

clearwater county

Orofino vicinity. *CANOE CAMP–SUITE 18*, W of Orofino on U.S. 12 in Nez Perce National Historic Park.,; 78/11/13 078 0050287

gem county

MARSH AND IRETON RANCH, Montour Flood project.,; 78/11/13 078 0050288

TOWN OF MONTOUR, Montour Flood project.; 78/11/13 078 0050289

idaho county

Kamiah vicinity. *EAST KAMIAH–SUITE 15 East Kamiah–Suite 15*, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.; 78/11/13 078 0050290

kootenai county

Coeur d'Alene vicinity. *MULLAN TRAIL*, (63.3),; 79/11/01 078 0001128

lemhi county

Tendoy. *LEWIS AND CLARK TRAIL, PATTEE CREEK CAMP,; 78/11/13 078 0050291*

lewis county

Kamiah. *EAST KAMIAH VILLAGE ARCHEOLOGICAL SITE*, (63.3),; 79/10/19 078 0000030

nez perce county

Lapwai. *FORT LAPWAI OFFICER'S QUARTERS*, Phinney Dr. and C St. in Nez Perce National Park.; 78/11/13 078 0050292

Lapwai. *SPALDING,; 78/11/13 078 0050293*

Lewiston. *FIX BUILDING*, 211–213 Main St.,; 8 /1279/078 0050293

Lewiston. *LOWER SNAKE RIVER ARCHEOLOGICAL DISTRICT,; 78/11/13 078 0050295*

Lewiston. *MOXLEY BUILDING*, 215 Main St.,; 78/11/13 078 0050296

Lewiston. *SCULLY BUILDING*, 209 Main St.,; 78/11/13 078 0050297

Lewiston vicinity. *HATWAYMA VILLAGE SITE*, Vicinity of Hatwai Creek on U.S. 12 (63.3),; 78/11/13 078 0050298

power county

Snake River. *AMERICAN FALLS POWER, LIGHT, AND WATER COMPANY ISLAND POWER PLANT,; 78/11/13 078 0050299*

twin falls county

Murtaugh vicinity. *MURTAUGH BRIDGE*, N of Murtaugh.; 79/11/01 078 0001129

ILLINOIS

bureau county

I & M CANAL, nhl. (also in Henry, Rock Island, and Whiteside counties); 78/11/13 078 0050300

carroll county

Savanna vicinity. *SPRING LAKE CROSS DIKE ISLAND ARCHEOLOGICAL SITE*, 2 mi. (3.2 km) SE of Savanna.; 78/11/13 078 0050301

cook county

Chicago. *CHICAGO UNION LOOP ELEVATED STRUCTURE*, Bounded by Wells, Lake, Van Buren, and Wabash Sts.,; 78/11/15 078 0055306

Chicago. *GARFIELD PARK ADMINISTRATION BUILDING*, 100 N. Central Park Dr.,; 79/10/30 078 0001099

Chicago. *HOUSE AT 3639 SOUTH MICHIGAN AVENUE*, (63.3),; 79/11/14 078 0002028

Chicago. *HOUSE AT 3657 SOUTH MICHIGAN AVENUE*, (63.3),; 79/11/14 078 0002031

Chicago. *OLIVER BUILDING*, 159 N. Dearborn St.,; 78/11/13 078 0050302

Chicago. *SPRING BLOCK (BAY, STATE, AND KRANZ BUILDINGS)*, 128–146 N. State St.,; 78/11/13 078 0050303

Chicago. *UNITY BUILDING*, 127 N. Dearborn St.,; 8 /1279/078 0050303

de kalb county

De Kalb. *HAISH BARBED WIRE FACTORY*, Corner of 6th and Lincoln Sts.,; 78/11/13 078 0050304

hancock county

Hamilton. *MISSISSIPPI RIVER BRIDGE*, also in Lee County, IA,; 1/3/80 078 0003014

henry county

Genesco. *RISTAU BREWERY,; 78/11/13 078 0050305*

knox county

London Mills,. *LONDON MILLS BRIDGE*, over the Spoon River (63.3),; 79/10/31 078 0000125

lake county

Fort Sheridan. *MUSEUM BUILDING*, 33 Lyster Rd.,; 78/11/13 078 0050306

madison county

East St. Louis vicinity. *AMERICAN BOTTOMS*, 69 archeological sites in Madison, Monroe, and St. Clair counties.,; 78/11/13 078 0050307

pike county

Flint Township. *NAPOLEON HOLLOW VILLAGE SITE AND ASSOCIATED RUSSELL MOUND GROUP,; 78/11/13 078 0050308*

Griggsville. *QUINCY STREET COMMERCIAL BUILDINGS,; 78/11/15 078 0055307*

Griggsville. *WADE, SAM, PROPERTY,; 78/11/15 078 0055308*

BURNT HILL MULTIPLE RESOURCE AREA, This area includes various properties at various locations. Details available upon request.; 9 -1171-078 0000250

pope county

ARCHEOLOGICAL SITES 25D3-23(12PO521) AND 25D3-24(12PO522),; 1/3/80 078 0003015

ILLINOIS—Continued

rock island county

ARCHEOLOGICAL SITE 11-RI-337, East Moline Mississippi and Rock Rivers,; 78/11/13 078 0050309

Rock Island. *ROSENFIELD, MORRIS, HOUSE*, 617 19th St./1911 6th St. (63.3),; 78/11/11 078 0055017

sangamon county

Springfield vicinity. *ARCHEOLOGICAL SITE 11 SGV 385*, (63.3),; 78/11/13 078 0050311

scott county

Naples vicinity. *NAPLES-CASTLE SITE*, SW of Naples,; 78/11/13 078 0050312

st. clair county

East St. Louis. *U.S. POST OFFICE AND COURTHOUSE*, 750 Missouri Ave.,; 78/11/13 078 0050310

New Athens vicinity. *KINGFISH SITE,; 79/10/19 078 0000032*

williamson county

Crab Orchard National Wildlife Refuge. *WOLF CREEK ABORIGINAL MOUND,; 78/11/13 078 0050314*

INDIANA

clark county

Jeffersonville. *CLARK MARITIME ARCHEOLOGICAL DISTRICT,; 78/11/13 078 0050315*

Jeffersonville. *EASR RIVERSIDE DRIVE HISTORIC DISTRICT,; 79/11/14 078 0002032*

Jeffersonville. *SPRING STREET HISTORIC DISTRICT,; 79/11/14 078 0002033*

Jeffersonville. *WEST RIVERSIDE DRIVE HISTORIC DISTRICT,; 79/11/14 078 0002034*

crawford county

Leavenworth. *COLE SITE (12CRL)*, (63.3),; 78/11/13 078 0050316

delaware county

Muncie. *FEDERAL BUILDING*, High and Charles Sts. (63.3),; 1/7/80 078 0003016

floyd county

New Albany. *NEW ALBANY HISTORIC DISTRICT,; 9 -1171-078 0000251*

jefferson county

ARCHEOLOGICAL SITE 12JE119/120,; 78/11/15 078 0055309

lawrence county

Bedford. *MAIN POST OFFICE*, 1324 K St.,; 78/11/13 078 0050317

Mitchell. *RILEY SCHOOL,; 78/11/13 078 0050318*

marion county

Indianapolis. *GARFIELD PARK PAGODA*, 2 mi (3.2 km) S of center of Indianapolis in Garfield Park.; 78/11/13 078 0050320

Indianapolis. *HANNAH, ALEXANDER MOORE, HOUSE*, 3801 S. Madison Ave. (63.3),; 78/11/13 078 0055143

Indianapolis. *LOCKFIELD GARDENS PUBLIC HOUSING PROJECT*, 900 Indiana Ave.,; 78/11/13 078 0050319

Indianapolis vicinity. *PARKER COVERED BRIDGE*, SR 700 S., spans county line (63.3), (also in Putnam County); 78/11/13 078 0055144

orange county

Jackson. *TEN PREHISTORIC SITES IN THE PATOKA LAKE,; 78/11/13 078 0050323*

Paoli vicinity. *COX SITE*, Lost River Watershed,; 78/11/13 078 0050321

Paoli vicinity. *HALF MOON SPRING*, Lost River Watershed.; 78/11/13 078 0050322

parke county

Montezuma vicinity. *LEATHERWOOD CREEK COVERED BRIDGE*, (63.3),; 78/11/13 078 0050324

st. joseph county

Mishawaka. *100 NW BLOCK*, Properties fronting N. Main St. and W. Lincoln Way,; 78/11/13 078 0050325

switzerland county

Posey Township. *PREHISTORIC ARCHAIC SITE 12SW100,; 79/10/19 078 0000035*

Posey Township. *PREHISTORIC ARCHAIC SITE 12SW89,; 79/10/19 078 0000033*

Posey Township. *PREHISTORIC ARCHAIC SITE 12SW99,; 79/10/19 078 0000034*

Veray. *612 FERRY STREET*, Also known as 608 Ferry St.,; 8 /1279/078 0050325

Vevay. *305 TELL STREET,; 78/11/13 078 0050332*

Vevay. *403 SEMINARY STREET,; 78/11/13 078 0050331*

Vevay. *410 PEARL STREET,; 78/11/13 078 0050328*

Vevay. *504 PIKE STREET,; 78/11/13 078 0050329*

Vevay. *506 PIKE STREET,; 78/11/13 078 0050330*

Vevay. *506 WALNUT STREET,; 78/11/13 078 0050333*

Vevay. *508 LIBERTY STREET*, Also known as 512 Liberty St.,; 78/11/13 078 0050326

Vevay. *510 LIBERTY STREET,; 78/11/13 078 0050327*

tippecanoe county

Lafayette. *BIG FOUR DEPOT*, Jct. of 2nd and South Sts. (63.3),; 78/11/13 078 0055065

Lafayette. *CAPITOL HOTEL*, 9 S. 2nd St. (63.3),; 78/11/13 078 0055066

Lafayette. *FORMER MONON RAILROAD BUILDING*, 500 Salem St. (63.3),; 78/11/13 078 0055068

Lafayette. *INTERURBAN POWER STATION*, E bank of Wabash River at the foot of 7th St.,; 78/11/14 078 0055243

Lafayette. *PURDUE BLOCK*, 8 N. 2nd St. (63.3),; 78/11/13 078 0055070

Lafayette. *112 NORTH THIRD ST.*, Lafayette Railroad Relocation Project (63.3),; 78/11/13 078 0055069

Lafayette. *8 NORTH THIRD ST.*, Lafayette Railroad Relocation Project (63.3),; 78/11/13 078 0055067

vanderburgh county

Evansville. *ALHAMBRA THEATER*, 50 Adams St.,; 78/11/13 078 0050334

Evansville. *GARVIN PARK*, Bounded by Morgan, and Heidelbach Aves., Herndon Dr., and Pigeon Creek(63.3),; 79/11/01 078 0001130

Evansville. *MONASTERY OF ST. CLARE*, 509 S. Kentucky Ave.,; 1/8/79 078 0050834

Evansville. *POLLARD MAIER HOUSE,; 78/11/13 078 0050335*

Evansville. *RIVERSIDE NEIGHBORHOOD,; 78/11/13 078 0050336*

Evansville. *WASHINGTON AVENUE HISTORIC DISTRICT*, Washington Ave. between Parrett (63.3) St. and Evans Ave.,; 78/11/14 078 0055190

Evansville. *WEST FRANKLIN STREET*,, Wabash Avenue Historic District (63.3),; 79/10/31 078 0000126

vermillion county

Terre Haute vicinity. *HOUSES IN SR63/32 PROJECT*, Jct. of SR 32 and SR 63 and 1st Rd. S of jct.,; 78/11/13 078 0050337

wayne county

Richmond. *RICHMOND GAS COMPANY BUILDING*, Between Whitewater River and C & O RR. Tracks N of Main St. Bridge,; 78/11/13 078 0055071

Richmond. *STARR PIANO FACTORY DISTRICT*, Roughly bounded by C & O RR. tracks, G St. Bridge, and Whitewater River.; 78/11/13 078 0055072

IOWA

allamakee county

Marquette vicinity. *FIRE POINT SITE (NINE FOOT CHANNEL NAVIGATION PROJECT),; 78/11/13 078 0050338*

black hawk county

Waterloo. *CEDAR PARK REST ROOM BUILDING*, Jct. of Fairview and Lafayette (63.3),; 78/11/11 078 0055018

Waterloo. *CHICAGO, ROCK ISLAND, AND PACIFIC RR.: WATERLOO STATION*, W. 4th and Bluff Sts. (63.3),; 78/11/13 078 0055145

boone county

Des Moines vicinity. *SAYLORVILLE ARCHEOLOGICAL DISTRICT*, (also in Polk and Dallas counties); 78/11/13 078 0050339

buena vista county

Storm Lake. *CHICAGO, MILWAUKEE, ST. PAUL, AND PACIFIC RAILROAD COMPANY STORM LAKE DEPOT,; 78/12/19 078 0002380*

cerro gordo county

Mason City. *KNIGHTS OF COLUMBUS HALL*, 202–204 S. Federal Ave. (63.3),; 78/11/11 078 0055019

Mason City. *MCFARLANE, W. T., BUILDING*, 123 S. Federal Ave. at 2nd St., SE. (63.3),; 78/11/11 078 0055021

Mason City. *OLD CENTRAL FIRE HOUSE*, 19 First St., SW. (63.3),; 78/11/11 078 0055020

Mason City. *RAINBOW ARCH BRIDGE*, Hwy. 18, over the Winnebago River (63.3),; 78/11/14 078 0055244

Mason City. *ZOLLER BLOCK/BIJOU THEATER*, 119–121 S. Federal Ave. (63.3),; 78/11/11 078 0055022

dallas county

LANDIS SITE (13DA12) RACCOON RIVER VALLEY, (63.3),; 79/10/31 078 0000127

dubuque county

Dubuque. *BREWING AND MALTING COMPANY BUILDINGS*, 30th and Jackson Sts.,; 78/11/13 078 0055049

hamilton county

Webster,. *U.S. POST OFFICE, 601 WILLSON AVE.*, 601 Willson Ave.(63.3),; 79/10/31 078 0000128

harrison county

LINCOLN, ABRAHAM, MEMORIAL BRIDGE, U.S. 30 (also in Washington County, NE),; 1/7/80 078 0003017

ida county

Ida Grove. *MURL BROWN SITE (13-IA-4)*, County Courthouse,; 78/11/13 078 0050340

V 45/54 MR 18 80 UMI

IOWA—Continued

jackson county

Maquoketa vicinity. *NICKERSON, TERTULLUS, HOUSE*, IA 64(63.3).; 79/11/14 078 0002035

jasper county

Newton. *RAINBOW ARCH BRIDGE*, W. 8th St. (63.3).; 1/7/80 078 0003018

johnson county

Iowa City vicinity. *INDIAN LOOKOUT.; 78/11/13 078 0050341*

lee county

Keokuk. *MISSISSIPPI RIVER BRIDGE*, also in Hancock County, IL.; 1/7/80 078 0003019

linn county

Marion. *GRANT HOUSE*, 3400 Adel Rd., SE (63.3).; 79/10/19 078 0000036

louisa county

Toolesboro vicinity. *POISON IVY SITE, IA 99*, (63.3).; 8 /1279/078 0050341

marshall county

Marshalltown. *RAINBOW ARCH BRIDGE*, S. 3rd Ave., over Linn Creek (63.3).; 78/11/14 078 0055245

plymouth county

Hinton vicinity. *ARCHEOLOGICAL SITE 13 PM 91.; 78/11/13 078 0050342*

polk county

Des Moines. HOUSES AT 1037—1039, 1053, and 1059 NINTH STREET

Des Moines. *BANKERS TRUST BUILDING*, 605 Locust St.; 1/7/80 078 0003020

Des Moines. *CARBARN*, 24th and Ingeroll Ave.,; 78/11/14 078 0055191

Des Moines. *FIRE STATION NO. 4*, 1041 8th St.,; 78/12/20 078 0002193

scott county

Davenport. *MILWAULKEE, ST. PAUL AND PACIFIC RAILROAD TRESTLE.; 79/11/14 078 0002036*

Davenport. *VILLAGE OF EAST DAVENPORT HISTORIC DISTRICT.; 1/7/80 078 0003021*

woodbury county

Sioux City. *PACIFIC SHORT LINE BRIDGE*, U.S. 20 (also in Dakota County, NE).; 1/7/80 078 0003022

KANSAS

douglas county

Clinton Lake. *BARBER SCHOOL.; 79/10/19 078 0000037*

Clinton Lake. *DEISTER FARMSTEAD.; 79/10/19 078 0000038*

Lawrence. *CURTIS HALL (KIVA HALL) 109 Haskell Institute*, nhl.; 78/11/13 078 0050343

franklin county

Peoria. *COLUMBIA BRIDGE*, Spans Marais des Cygnes River(63.3).; 79/11/01 078 0001131

johnson county

Shawnee. *CAENEN, REMI, HOUSE*, 120401 Johnson Dr.; 9 -1171-078 0000252

republic county

Norway. *KING BRIDGE OVER THE REPUBLICAN RIVER(63.3).; 79/10/30 078 0001100*

KENTUCKY

bell county

Pineville. *CUMBERLAND FORD*, Walnut St. (63.3).; 78/11/13 078 0050344

boone county

Rabbit hash. *SITES 15Be75 AND 15Be76.; 78/11/13 078 0050345*

fayette county

Lexington vicinity. *PARIS PIKE HISTORIC DISTRICT*, (also in Bourbon County); 78/11/15 078 0055310

jefferson county

ashville vicinity. *McCOLLOUGH ESTATE*, 8300 Bardstown Rd.,; 78/11/13 078 0050346

Jeffersontown Vicinity. *SWAN HOUSE*, S. of Jeffersontown at 6609 Billtown Rd.(63.3).; 79/11/08 078 0001697

Louisville. *ARCHEOLOGICAL SITES: SECTION 2*, SW Jefferson County Local Protection Project.; 78/11/13 078 0050347

Louisville. *ATHERTON BUILDING*, 466 River City Hall.; 9 -1171-078 0000253

Louisville. *LEVIN BATES HOUSE*, Bardstown Rd..; 78/11/13 078 0050348

Louisville. *REPUBLIC BUILDING*, 129 W. Walnut St.; 9 -1171-078 0000254

Louisville. *SALES, WILL, BUILDING*, 405 S. 4th St.; 9 -1171-078 0000255

Louisville. *STARKS BUILDING*, River City Mall.; 9 -1171-078 0000256

johnson county

Volga. *McKENZIE LOG CABIN*, McKenzie Branch.; 78/11/13 078 0050350

Win vicinity. *FISHTRAP UNITED METHODIST CHURCH.; 78/11/13 078 0050349*

lawrence county

Louisa. *FORT ANCIENT ARCHEOLOGICAL SITE.; 78/11/13 078 0050351*

lewis county

Concord vicinity. *BIERLY, MAUDE, HOUSE*, KY 8.; 78/12/20 078 0002194

Concord vicinity. *CARRS METHODIST CHURCH*, KY 8.; 78/12/20 078 0002195

Concord vicinity. *COOK, HAZEL, HOUSE*, KY 8.; 78/12/20 078 0002196

Concord vicinity. *DICKERSON, WALTER, HOUSE*, KY 8.; 78/12/20 078 0002197

Concord vicinity. *KIMBLE, HELEN ROSE, HOUSE*, KY8.; 78/12/20 078 0002198

montgomery county

Mount Sterling. *ARCHEOLOGICAL SITES 15MN49, 15MN51,15MN54.; 79/10/19 078 0000039*

nelson county

Highgrove vicinity. *HIBBS HOME*, Jct. of U.S. 31E/150 and KY 480.; 78/11/13 078 0050352

scott county

Georgetown. *THORNE HOUSE*, Lemons Mill Rd. (63.3).; 78/12/20 078 0002199

spencer county

Taylorsville vicinity. *McCLAIN-PREVALLET SITE (ARCHEOLOGICAL SITE 15-Sp-243).; 78/11/13 078 0050353*

LOUISIANA

assumption parish

Bayou Boeuf vicinity. *THIBODAUX SITE (16 AS 35).; 1/8/79 078 0050835*

cameron parish

Hackberry. *BLACK LAKE SITE (16-Cm-87).; 78/11/13 078 0050354*

Hackberry. *ELLENDER HOUSE.; 78/11/13 078 0050355*

Hackberry. *SANNER HOUSE.; 78/11/13 078 0050356*

east baton rouge parish

Baton Rouge. *SPANISH TOWN.; 78/11/13 078 0050357*

lasalle parish

White Sulfer Springs Vicinity. *WHATLEY SITE (16-LA-37)*, SW of White Sulphur Springs.; 78/11/13 078 0050358

orleans parish

New Orleans. *ALGIERS COURTHOUSE*, 225 Morgan St. (63.3).; 78/11/13 078 0055146

New Orleans. *BEAUREGARD SQUARE*, St. Anne Sts., and Municipal Auditorium building.; 8 /1279/078 0050359

New Orleans. *BIENVILLE HOTEL*, 1040 St. Charles Ave..; 78/11/13 078 0050359

New Orleans. *BRADFIELD HOUSE*, 1236 Annunciation.; 78/11/13 078 0050360

New Orleans. *BRADFORD, MARY, RENTAL PROPERTY*, 1238 Annunciation.; 78/11/13 078 0050361

New Orleans. *BROOKLYN COOPERAGE COMPANY*, 1200 St. Peters St..; 78/11/13 078 0050362

New Orleans. *CASEY, KATE, HOUSE*, 932-934 Howard.; 78/11/13 078 0050363

New Orleans. *CENTRAL CITY DISTRICT.; 78/11/13 078 0050364*

New Orleans. *COCHRAN AND MIMS FOUNDRY*, 1101 S. Peters St..; 78/11/13 078 0050365

New Orleans. *COLUMBIA STEAM FIRE COMPANY*, 830 Julia St. (63.3).; 78/11/13 078 0055147

New Orleans. *CORDES, JOHN, HOUSE*, 3027-3029 Royal St., Square 170.; 78/11/13 078 0050366

New Orleans. *DEYRON, DR. J. A., HOUSE*, 3037 Royal St., Square 170.; 78/11/13 078 0050367

New Orleans. *DUNN, ANDREW JACKSON, HOUSE*, 928-930 Calliope St., Square 119.; 78/11/13 078 0050368

New Orleans. *DWYER, JAMES, HOUSE*, 933-935 Gaienne St., Square 119.; 78/11/13 078 0050369

New Orleans. *GASQUET, WILLIAM, HOUSES*, 1128-1130 Constance St., Square 119.; 78/11/14 078 0050370

New Orleans. *HART, JAMES S., HOUSE*, 615 Erato St., Square 71.; 78/11/14 078 0050371

New Orleans. *I-SEA STORAGE AND TRANSFER COMPANY BUILDING*, 2201 Clio St., Square 348.; 78/11/14 078 0050372

New Orleans. *ISRAELITE DIVINE SPIRITUAL CHURCH*, 631 S. Roman St..; 78/11/14 078 0050373

New Orleans. *JAHUCKE BUILDING*, 814 Howard Ave., Square 237.; 78/11/14 078 0050374

New Orleans. *KOHLMAN COTTON MILL AND MANUFACTURING*, 1228 St. Thomas St..; 78/11/14 078 0050375

New Orleans. *LE BOEUF HOUSE*, 101 Carmick St..; 1/8/79 078 0050836

New Orleans. *LEE CIRCLE AND LEE MONUMENT*, St. Charles Ave. at Howard Ave..; 78/11/14 078 0050376

New Orleans. *MAGINNIS COTTON MILLS*, 1054 Constance St., Square 120.; 78/11/14 078 0050377

New Orleans. *MALLOY HOUSE*, 1228-1230 Annunciation.; 78/11/14 078 0050378

New Orleans. *MALLOY RENTAL PROPERTY*, 1232 Annunciation.; 78/11/14 078 0050379

LOUISIANA—Continued

New Orleans. *McLAUGHLIN, M.A., HOUSE*, 1122-1126 Constance St., Square 119.; 78/11/14 078 0050380

New Orleans. *McLEOD, EUPHENIA NAPIR HOUSE*, 1523-1525 Calliope St., Square 183.; 78/11/14 078 0050381

New Orleans. *MURRAY, THOMAS, HOUSE*, 1131 S. Rampart St., Square 290.; 78/11/14 078 0050382

New Orleans. *O'BRIEN, THOMAS, HOUSE*, 1255 Annunciation.; 78/11/14 078 0050383

New Orleans. *OLD FIREHOUSE*, 1045 Magazne St., Square 158.; 78/11/14 078 0050384

New Orleans. *PEYTON, WILLIAM H., HOUSE*, 1135 S. Rampart St., Square 290.; 78/11/14 078 0050385

New Orleans. *ROPER, GEORGE W., HOUSE*, 1032 St. Charles Ave., Square 183.; 78/11/14 078 0050386

New Orleans. *SAULET, MARIE THERESA, HOUSE*, 1218-1222 Annunciation St., Square 100.; 78/11/14 078 0050388

New Orleans. *SCHWEGMAUN, G. A., HOUSE*, 3044 Royal St., Square 142.; 78/11/14 078 0050389

New Orleans. *SPORL, C. J., HOUSE*, 3015 Royal St., Square 142.; 78/11/14 078 0050390

New Orleans. *ST. JOHN THE BAPTIST CHURCH*, 1139 Dryedes St., Square 277.; 78/11/14 078 0050387

New Orleans. *TALEN, AALDEMAR APPOLLONIUS, STUDIO-HOUSE*, 1029 Calliope St., Square 137.; 78/11/14 078 0050391

New Orleans. *TEMPLE SINAI*, 1032 Ceroudelet St., Square 215.; 78/11/14 078 0050392

New Orleans. *TOURAE, NICHOLAS, HOUSE*, 1169 Tchoupitoulas St., Square 71.; 78/11/14 078 0050394

New Orleans. *VERRET, THEODORE, HOUSE*, 1216 Annunciation St., Square 109.; 78/11/14 078 0050393

New Orleans. *WELLS FARGO BUILDING*, 1055 Dryades St..; 78/11/14 078 0050395

New Orleans. *ZANGEL, FREDERICK, HOUSE*, 1118 Constance St., Square 119.; 78/11/14 078 0050396

ouachita parish

Logtown vicinity. *FILHIOL MOUND COMPLEX*, 1 mi. (1.6 km) S. of jct. of SR165 and SR841.; 78/11/14 078 0050397

placequimes parish

English Turn. *FORT ST. LEON (16PL35).; 79/10/19 078 0000040*

rapides parish

Alexandria. *MISSOURI PACIFIC-TEXAS PACIFIC RAILROAD STATION*, 10th and Jackson Sts.; 9 -1171-078 0000257

red river county

Hanna. *HANNA SITE (16RR4).; 78/11/14 078 0050398*

st. james parish

WELCOME SITE (16 SJ 17).; 1/8/79 078 0050837

st. martins parish

Plaquemine-Morgan City vicinity. *SITE 16, SM-45*, Atchafalaya Basin Floodway.; 78/11/14 078 0050399

vernon parish

Fort Polk. *ARCHEOLOGICAL SITE 16-SA-50*, (63.3).; 78/11/14 078 0055192

Fort Polk. *SITE 16 VN 16 AND 16 VN 24.; 78/11/14 078 0050400*

west felicianna parish

ILLINOIS CENTRAL GULF RR ABANDONMENT, Hardwood, AL to Woodville, MS.; 78/11/14 078 0050401

MAINE

androscoggin county

Lewistown. *CONTINENTAL MILL HOUSING*, 66-82 Oxford St.(63.3).; 79/11/08 078 0001698

washington county

Jonesport vicinity. *ARCHEOLOGICAL SITE 61-20*, (63.3).; 1/7/80 078 0003023

MARYLAND

Cumberland vicinity . *LIPPOLD STONE FARMHOUSE.; 9 -1171-078 0000258*

BALTIMORE CITY RETAIL HISTORIC DISTRICT MUNICIPAL HISTORIC DISTRICTPHILADELPHIA, WILMINGTON, AND BALTIMORE RAILROAD: PASSENGER STATION AND TRAINSHED Baltimore City Retail Historic District Municipal Historic District Philadelphia, Wilmington, and Baltimore Railroad: Passenger Station and Trainshed, President and Fleet Sts..; 79/10/30 078 0001102

allegany county

Cumberland. *HINKLE FARM GROUP.; 78/11/14 078 0050402*

Cumberland vicinity. *CONCRETE BLOCK HOUSE*, E of Cumberland (63.3).; 78/12/19 078 0002389

Cumberland vicinity. *LILLER-GEIGER HOUSE*, E of Cumberland (63.3).; 78/12/19 078 0002390

Flintstone. *BREAKNECK ROAD HISTORIC DISTRICT.; 78/11/14 078 0050403*

Flintstone vicinity. *MARTIN GORDON FARM*, Breakneck Rd. (Rte. 1).; 78/11/14 078 0050404

Flintstone vicinity. *MARTINS MOUNTAIN FARM*, Breakneck Rd. (Rte. 1).; 78/11/14 078 0050405

anne arundel county

Claiborne. *BLOODY POINT BAR LIGHT*, On Chesapeake Bay.; 78/11/14 078 0050406

Skidmore. *SANDY POINT SHOAL LIGHT*, On Chesapeake Bay.; 78/11/14 078 0050407

baltimore (independent city)

ARTHUR'S BAKERY, 223 N. Eutaw St..; 78/12/20 078 0002200

BALTIMORE BELT (BALTIMORE AND OHIO) RAILROAD (HOWARD STREET TUNNEL AND POWER HOUSE).; 78/11/14 078 0050408

BARRE CIRCLE HISTORIC DISTRICT, Lombard St., Fremont Ave., Scott St..; 78/11/14 078 0050409

CAMDEN STATION (CAMDEN STATION AND B & O DEPOT), Camden, Butaw, Howard, and Conway Sts..; 78/11/11 078 0055023

CAMDEN WAREHOUSE, Camden, Butaw, and Lee Sts..; 78/11/11 078 0055024

CANTON HISTORIC DISTRICT, Eastern Ave., Conkling St., Boston St. between Conkling and Canton Sts., line through Northwear Harbor, and Chester St..; 78/11/11 078 0055025

CITY AND SUBURBAN RAILWAY POWERHOUSE, Pier 4, Pratt St..; 79/10/22 078 0000042

CRIMES HISTORIC DISTRICT.; 9 -1171-078 0000259

EASTERN AVENUE SEWAGE PUMPING STATION, SW corner of Eastern Ave. and President St..; 78/11/14 078 0050410

FAYETTE STREET METHODIST EPISCOPAL CHURCH, 745 West Fayette St..; 78/11/14 078 0050411

FEDERAL HILL-RIVERSIDE PARK HISTORIC DISTRICT, Federal Hill and Riverside Park areas.; 78/11/14 078 0050414

HOLLINS-LOMBARD HISTORIC DISTRICT, 800 blocks of Hollins and Lombard Sts., between Fremont and Callender: unit block of Parkin St..; 78/11/14 078 0050415

HUTZLER HIGH RISE BUILDING, 220-223 N. Howard St..; 78/12/20 078 0002201

LITTLE ITALY HISTORIC DISTRICT Little Italy Historic District, MD, President St., Eastern Ave., Pratt, Spring, and Eden Sts..; 79/10/22 078 0000043

MARKET PLACE HISTORIC DISTRICT, Baltimore St., W. Falls, Ave., Pratt St., Market Pl., and Frederic St..; 79/10/22 078 0000044

MOUNT CALVARY CHURCH HISTORIC DISTRICT, Biddle St., Madison Ave., N. Eutaw St..; 78/11/14 078 0050412

MURPHY BUILDING, 320-322 W. Lexington St..; 78/12/20 078 0002202

NEW OWINGS MILLS RAILROAD STATION, W. of Reisterstown Rd..; 78/11/14 078 0050416

NINE NORTH FRONT STREET, 9 N. Front St..; 79/10/22 078 0000045

OLD WESTERN POLICE STATION (OLD PINE STREET STATION).; 78/11/14 078 0050417

PALACE BUILDING, 210-218 N. Howard St..; 78/12/20 078 0002203

RIDGELY'S DELIGHT HISTORIC DISTRICT.; 78/11/14 078 0050418

SCARLETT, WILLIAM G., SEED COMPANY, SE. corner of Pratt St. and E. Falls Ave..; 79/10/22 078 0000046

ST. PAUL'S CEMETERY, UNION BLOCK, Fremont Ave..; 78/11/14 078 0050419

STEWART AND COMPANY DEPARTMENT STORE, 201 N. Howard St..; 78/12/20 078 0002204

601-807 CHASE STREET.; 78/11/14 078 0050413

baltimore county

FORT HOWARD.; 79/11/14 078 0002038

Fort Howard. *CRAIGHILL CHANNEL UPPER RANGE FRONT LIGHT*, On Chesapeake Bay.; 78/11/14 078 0050420

Rayville. *FLEAGLE HOUSE*, 124 Middletown Rd..; 79/11/08 078 0001699

Rayville Vicinity. *RAYVILLE SCHOOL*, N of Rayville on Middletown Rd..; 79/11/08 078 0001700

Reisterstown. *REISTERSTOWN HISTORIC DISTRICT*, Butler and Walston Rds..; 78/11/14 078 0050421

Sparrows Point. *CRAIGHILL CHANNEL RANGE FRONT LIGHT*, On Chesapeake Bay.; 78/11/14 078 0050422

carroll county

Finksburg vicinity. *BRIDGE NO. 10141 on HUGHES RD.,; 78/11/14 078 0050423*

cecil county

SASSAFRAS ELK NECK, At Elk River and Chesapeake Bay.; 78/11/14 078 0050426

Havre de Grace. *SUSQUEHANNA RIVER BRIDGE.; 78/11/14 078 0050424*

V 45/54 MR 18 80 UMI

MARYLAND—Continued

Perryman. *BUSH RIVER BRIDGE,; 78/11/14 078 0050425*

charles county

Blossom Point. *BALLAST HOUSE,; 79/11/01 078 0001132*

dorchester county

Hoopersville. *HOOPER ISLAND LIGHT,* Chesapeake Bay-Middle Hooper Island,; 78/11/14 078 0050427

frederick county

Fort Detrick. *HORTON TEST SPHERE (ONE-MILLION LITER TEST SPHERE),; 78/12/10 078 0050427*

Thurmont vicinity. *CATOCTON FURNACE HISTORIC DISTRICT,* U.S. 15,; 78/11/11 078 0055026

Thurmont vicinity. *MOSER FARM AND BARN,* U.S. 15,; 78/11/11 078 0055027

harford county

Havre de Grace vicinity. *OLD POST ROAD BRIDGE,* MD 7-A,; 78/11/14 078 0055193

montgomery county

Gaithersburg. *ASCENSION CHAPEL,* Frederick and Summit Ave.,; 1/7/80 078 0003024

Gaithersburg. *FULKS, THOMAS, HOUSE,* 208 S. Frederick Ave.,; 1/7/80 078 0003025

Gaithersburg. *GRACE UNITED METHODIST CHURCH,* 1 Walker Ave.,; 1/8/80 078 0003026

Germantown. *GERMANTOWN HISTORIC DISTRICT,* (63.3),; 1/8/80 078 0003027

Rockville. *THIRD ADDITION TO ROCKVILLE AND OLD ST. MARY'S CHURCH AND CEMETERY,; 78/12/10 078 0050427*

prince georges county

BOUNDARY STONE SE NO. 5., Reference—see Washington, DC.; 1/8/80 078 0003028

Greenbelt. *GREENBELT HISTORIC DISTRICT,; 1/8/80 078 0003029*

Temple Hills. *ST. BARNABAS EPISCOPAL CHURCH,* 5203 St. Barnabas Rd. (83.3),; 1/8/80 078 0003030

queen anne county

Stevensville vicinity. *BENTON HOUSE,* W of Stevensville (63.3),; 78/11/15 078 0055311

st. mary's county

CEDAR POINT LIGHTHOUSE, Patuxent River and Chesapeake Bay,; 9 -1171-078 0000280

St. Inigoes. *ST. INIGOES MANOR HOUSE,* Naval Electronic System Test and Evaluation Detachment,; 78/12/10 078 0050427

St. Mary City. *POINT NO POINT LIGHT,* On Chesapeake Bay,; 78/11/14 078 0050428

talbot county

Easton. *EASTON HISTORIC DISTRICT,* (63.3),; 1/8/80 078 0003031

Easton. *STONEY RIDGE FARM,* Dutchman's Lane,; 1/8/80 078 0003032

Tilghman Island. *SHARPS ISLAND LIGHT,* On Chesapeake Bay,; 78/11/14 078 0050429

MASSACHUSETTS

barnstable county

RIDER, SAMUEL, HOUSE, Gull Pond Rd. off Mid-cape Hwy. 6,; 78/11/14 078 0050430

Provincetown. *FREEMAN'S WHARF,* 125 Commercial St.,; 78/11/14 078 0055194

Truro. *HIGHLAND GOLD COURSE,* Cape Cod Light area,; 78/11/14 078 0050431

berkshire county

Glendale. *GLENDALE POWERHOUSE STATION,* Housatonic River,; 79/11/14 078 0002039

Pittsfield. *NORTH STREET COMMERCIAL BLOCK,; 1/8/79 078 0050838*

bristol county

Mansfield. *NORTON RESERVOIR PREHISTORIC DISTRICT,* (63.3),; 78/11/14 078 0055195

Mansfield. *SCHOOL STREET SITE,* I 495 and relocated SR 140,; 78/11/14 078 0050432

Norton. *BAY STREET PREHISTORIC DISTRICT,* (63.3),; 78/11/14 078 0055196

Norton. *NEWCOMB STREET SITE (7MP),* (63.3),; 78/11/14 078 0055197

Raynham vicinity. *ROZENAS I/II SITE (7HP-7IP),* (63.3),; 78/11/14 078 0055198

somerset. *MONTAUP PREHISTORIC SITE (19-BR-131),* (63.3),; 78/11/14 078 0055246

Taunton vicinity. *JOHNSON FIELD HISTORIC SITE (7TH),* (63.3),; 78/11/14 078 0055199

Taunton vicinity. *SNAKE RIVER EAST SITE (7DDP),* (63.3),; 78/11/14 078 0055200

Taunton vicinity. *SNAKE RIVER WEST SITE (7GP),* (63.3),; 78/11/14 078 0055201

Taunton vicinity. *WILBORE HISTORIC SITE (7BH),* (63.3),; 78/11/14 078 0055202

essex county

Amesbury. *AMESBURY U.S. POST OFFICE,* 100 Main St. (63.3),; 78/11/14 078 0055247

Andover. *TYER RUBBER COMPANY,* 10-30 Railroad St.,; 1/8/80 078 0003033

Lawrence. *SOUTH CANAL AND ASSOCIATED GATEHOUSE STRUCTURE,* Roughly between Duck and O'Leary Bridges (63.3),; 78/11/13 078 0055148

Lynn. *BROAD STREET HISTORIC DISTRICT,; 79/11/14 078 0002040*

Lynn. *FABENS BUILDING,* 312-344 Union St.,; 1/8/80 078 0003034

Newburyport. *CENTRAL WATERFRONT ARCHEOLOGICAL DISTRICT,; 9 -1172-078 0000261*

Salem. *ELEVATOR WORKS,* 76-80 Lafeyette St.,; 79/11/14 078 0002041

hampden county

Chicopee. *INDIAN CROSSING SITE,* Confluence of Chicopee and Connecticut rivers,; 78/11/14 078 0050433

Chicopee. *POLISH NATIONAL HOME,* 136-144 Cabot St.,; 1/8/80 078 0003035

Holyoke. *CALEDONIA BUILDING (CRAFTS BUILDING),* 185-193 High St.,; 78/11/14 078 0050434

Holyoke. *CLEARY BUILDING (STILES BUILDING),* 190-196 High St.,; 78/11/14 078 0050435

Holyoke. *ROUTE 116 HOLYOKE-SOUTH HADLEY BRIDGE,* MA 116,; 79/10/22 078 0000047

Holyoke. *STEAMER COMPANY NO. 3,; 78/11/14 078 0050436*

South Hadley. *SOUTH HADLEY CANAL,* Canal St. vicinity (63.3),; 78/11/14 078 0055248

Springfield. *MILTON BRADLEY TOY COMPANY,* Park-Cross-Willow block,; 1/8/79 078 0050839

Springfield. *SPRINGFIELD RESCUE MISSION,; 1/8/79 078 0050840*

middlesex county

Ashby. *LOCKE'S MILL COMPLEX,; 1/8/79 078 0050841*

Ashby. *TRAPFALL STONE ARCH BRIDGE,; 1/8/79 078 0050842*

Ashland. *ASHLAND HOUSE,* 117 Main St (63.3),; 9 -1172-078 0000262

Framingham. *DANFORTH STREET BRIDGE,* On road from Saxonville to Wayland,; 78/11/14 078 0050437

Natick. *BACON FREE LIBRARY AND MUSEUM,* 58 Elliot ST.,; 79/11/08 078 0001701

Watertown. *WATERTOWN ARSENAL PARK SITE,* Watertown Arsenal Park(63.3),; 79/10/30 078 0001103

plymouth county

Bridgewater vicinity. *DOUBLE P SITE,; 78/11/14 078 0055203*

suffolk county

Boston. *BOSTON ELECTRIC ILLUMINATING COMPANY BUILDING,* 39 Boylston St.,; 1/8/80 078 0003037

Boston. *BUILDINGS AT 113, 101, 91-95, 83-87 SUMMER STREET,; 1/8/80 078 0003038*

Boston. *DUDLEY HOUSE,* 167 Centre St.,; 78/11/14 078 0050438

Boston. *DUDLEY STATION AND THE ELEVATED NORTH OF DUDLEY,* Dudley and Washington Sts.,; 78/11/14 078 0050440

Boston. *ELEVATED SOUTH OF DUDLEY,; 78/12/10 078 0050440*

Boston. *GRAND LODGE OF THE MASONS,* 186 Tremont St.,; 1/8/80 078 0003039

Boston. *NORTHERN AVENUE BRIDGE,* Fort Point Channel,; 78/11/14 078 0050441

Boston. *POLICE STATION NO. 10,* 1170 Columbus Ave.,; 78/11/14 078 0050444

Boston. *PROCTOR BUILDING (TRIANGULAR CIGAR STORE),; 1/8/80 078 0003040*

Boston. *ROXBURY HIGHLANDS AREA,; 78/11/14 078 0050442*

Boston. *ST. BOTOLPH STREET AREA,; 78/11/14 078 0050443*

Boston. *TREMONT STREET BLOCK BETWEEN AVERY AND BOYLSTON STREET,; 1/8/80 078 0003041*

worcester county

Leicester. *SHAW SITE (SITES 4, 5, and 6),* Upper Quaboag River Watershed project,; 78/11/14 078 0050445

North Brookfield. *MEADOW SITE NO. 11,* Upper Quaboag River Watershed,; 78/11/14 078 0050446

Oxford. *MEMORIAL HALL,* 325 Main ST.(63.3),; 79/11/08 078 0001702

Worcester. *OXFORD-CROWN DISTRICT (extension),* (63.3),; 9 -1172-078 0000263

Worcester. *WORCESTER CAR BARN,* 99-109 Main St.,; 79/11/08 078 0001703

MICHIGAN

INDIANA, on Lake Superior bottomalands,,; 79/10/31 078 0000130

bay county

Bay City. *ARCHEOLOGICAL SITES 20BY76, 20BY77, 20BY78, AND 20BY79,* (63.3),; 79/11/14 078 0002042

Bay City. *MIDLAND STREET HISTORIC DISTRICT,* E. Midland St. between Catherine and Litchfield Sts. (63.3),; 78/11/14 078 0055204

delta county

Gladstone. *GLADSTONE CABIN SITE,; 79/11/08 078 0001704*

MICHIGAN—Continued

houghton county

Houghton. *SOO LINE RAILWAY COMPANY DEPOT,* Lake and Huron Sts. (63.3),; 78/11/13 078 0055073

kalamazoo county

Kalamazoo. *MASONIC TEMPLE,* Corner Rose and Eleanor Sts.,; 78/11/14 078 0050447

leelanau county

Northport vicinity. *GRAND TRAVERSE LIGHT STATION,* SR 629 at Lighthouse Point (63.3),; 078 0000046

lenawee county

Adrian Vicinity. *RAISIN VALLEY FRIENDS CHURCH,* Jct. M-52 and Valley Rd.(63.3),; 79/11/08 078 0001705

marquette county

Ottawa National Forest. *WHITE DEER LAKE CAMP,* Buildings on the Cyrus H. McCormick Experimental Forest,; 78/11/14 078 0050448

midland county

Midland. *LITTLE FORKS ARCHEOLOGICAL DISTRICT,; 78/11/14 078 0050449*

presque isle county

Presque Isle. *PRESQUE ISLE LIGHT STATION,* Grand Lake Rd. (63.3),; 79/10/22 078 0000049

shiawaksee county

Shaftsburg. *VAN RIPER HOUSE,* 12370 Shaftsburg Rd. (63.3),; 78/11/13 078 0055149

washtenaw county

LIMA TOWNSHIP HISTORIC DISTRICT, Lima Township (63.3),; 78/11/11 078 0055028

wayne county

Detroit. *DETROIT PUBLIC LIBRARY DOWNTOWN BRANCH,* Bounded by Library, Farmer and State Sts.(63.3),; 79/11/14 078 0002043

Detroit. *DETROIT STREET PLAN,* (63.3),; 79/11/14 078 0002044

Detroit. *HUDSON, J.L., COMPANY BUILDING,* Bounded by Woods Rd, Grand River, Farmer and State Sts.(63.3),; 79/11/14 078 0002045

Detroit. *MACKENZIE, DAVID, HOUSE,* 4735 Cass Ave.,; 78/11/14 078 0050450

Detroit. *RANDOLPH STREET COMMERCIAL BUILDINGS,* 1208-1244 Randolph St(63.3),; 79/11/14 078 0002046

Detroit. *SIEGAL, B., COMPANY BUILDING,* State and Woodward Sts.(63.3),; 79/11/14 078 0002047

MINNESOTA

hennepin county

Minneapolis. *MINNESOTA VETERANS HOME,* E. 51st St. and Minnehaha Ave.,; 78/12/10 078 0050450

itasca county

Deer River. *LAKE WINNIBIGOSHISH DAM ARCHEOLOGICAL SITE,; 78/11/14 078 0050451*

murray county

Fulda. *CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY'S FULDA RAILWAY DEPOT,* (63.3),; 78/12/20 078 0002205

ramsey county

St. Paul. *HAMM BUILDING,* 408-416 St. Peter St.,; 79/11/09 078 0001706

St. Paul. *MINNESOTA BOAT CLUB,* Navy Island,; 9 -1172-078 0000264

St. Paul. *RICE PARK HISTORIC DISTRICT,; 79/11/09 078 0001707*

st. louis county

Duluth. *MORGAN PARK HISTORIC DISTRICT,; 78/11/14 078 0050452*

washington county

COPAS,JOHN,HOUSE, Rte. 1,Marine on St. Croix,; 79/10/30 078 0001104

Stillwater. *CROIXSYDE,* 4 Croixside Rd.,; 79/10/30 078 0001105

Stillwater. *HEATH SUMMER HOUSE,* Arcola Trail,; 79/10/30 078 0001106

Stillwater. *ST. CROIX BOOM COMPANY HOUSE AND BARN,* 9686 N. St. Croix Trail,; 79/10/30 078 0001107

winona county

Winona. *SECOND STREET COMMERCIAL BLOCK,; 78/11/14 078 0050453*

MISSISSIPPI

adams county

Natchez. *DIXON BUILDING,* 514 Main Street (5-30-79).,; 79/11/29 078 0002601

Natchez. *FRENCH DWELLING SITE,* St. Catherines Creek,; 78/12/19 078 0002391

Natchez. *INSTITUTE HALL,* 111 S Pearl St. (6-20-79).,; 79/11/29 078 0002602

Natchez. *SMART-GRIFFIN HOUSE,* 180 St. Catherine St. (5-18-79).,; 79/11/29 078 0002603

Natchez vicinity. *MOUNT REPOSE,* N of Natchez on MS 555 (6-19-79).,; 79/11/29 078 0002605

forrest county

Hattiesburg. *SAENGER THEATRE,* Forrest and Front Sts. (5-29-79).,; 79/11/29 078 0002605

grenada county

Grenada. *GRENADA POST OFFICE,* 178 S. Main St.,; 78/11/15 078 0055312

harrison county

Gulfport. U.S. POST OFFICE AND COURT-HOUSE, 25th Ave. and 13th St. (63.3)

hinds county

BYRAM BRIDGE(SWINGING SUSPENSION BRIDGES THEMATIC RESOURCES) Byram Bridge (Swinging Suspension Bridges Thematic Resources), Old Byram and Florence Rds. (5-23-79) (also in Rankin County).,; 79/11/29 078 0002606

Jackson. *GREYSTONE HOTEL,* 937 Lamar St.(63.3),; 79/11/01 078 0001133

Jackson. *SECTION 8 HOUSING PROJECT AREA IN JACKSON,; 1/8/80 078 0003042*

jefferson county

GORDON MOUNDS, MJE 1 122-3W,; 78/11/

Coon Box. *COON BOX FORK BRIDGE (SWINGING SUSPENSION BRIDGES THEMATIC RESOURCES),* Coon Box Rd.

Fayette. *OLD HILL PLACE BRIDGE (SWINGING SUSPENSION BRIDGES THEMATIC RESOURCES),* Hill Rd. (5-23-

Lorman vicinity. *MUD ISLAND CREEK COMPLEX,; 78/12/19 078 0002392*

Union Church. *YOUNGBLOOD BRIDGE (SWINGING SUSPENSION BRIDGES THEMATIC RESOURCES),* Youngblood

leflore county

Greenwood vicinity. *ARCHEOLOGICAL SITES 22-LF-516 AND 22-LF-649,* (63.3),; 79/11/01 078 0001134

Whaley. *LIGHTLINE LAKE SITE (22-Lf-504),* MS 7 (63.3),; 78/11/11 078 0055029

lowndes county

Columbus vicinity. *MAGNETIC SITE 5,* Tombigbee River Multiple Resource Area near Aliceville Lake,; 1/8/79 078 0050843

Columbus vicinity. *TIBBEE CREEK ARCHEOLOGICAL SITE, COLUMBUS LOCK AND DAM PROJECT,; 78/11/14 078 0050454*

marshall county

Holly Springs. *POST OFFICE BUILDING,* College Ave., Memphis St.,; 79/10/22 078 0000050

monroe county

Aberdeen vicinity. *EAST ABERDEEN SITE (22Mo819),; 78/11/14 078 0050455*

rankin county

Byram Bridge. *BYRAM BRIDGE (SWINGING SUSPENSION BRIDGES THEMATIC RESOURCES),* Old Byram and Florence Rds. (5-23-79).,; 79/11/29 078 0002610

tallahatchie county

ARCHEOLOGICAL SITE 22-TL-520, (63.3),; 79/11/14 078 0002048

tippah county

Blue Mountain,. *PALMER HOUSE,.* Highway 15S.,; 79/10/31 078 0000131

Blue Mountain. *BLUE MOUNTAIN COLLEGE HISTORIC DISTRICT,.* MS 15 (5-23-79).,; 79/11/29 078 0002611

tishomingo county

Tishomingo vicinity. *TENNESSEE–TOMBIGBEE WATERWAY,* (63.3),; 78/11/14 078 0050456

warren county

Vicksburg. *HOTEL VICKSBURG,* 801 Clay St. (6-4-79).,; 79/11/29 078 0002612

yalobusha county

Water Valley. *WATER VALLEY POST OFFICE,* 2322 Main St.,; 78/11/15 078 0055314

MISSOURI

boone county

Columbia. *COLUMBIA (WABASH) DEPOT BUILDING AND FREIGHT HOUSE,* 126 N. 10th St. (63.3),; 78/11/15 078 0055315

Columbia. *MISSOURI THEATER,* 201-215 S. 9TH ST. (6-8-79).,; 79/11/29 078 0002613

carroll county

Carrollton. *CARROLL COUNTY COURTHOUSE,; 9 -1172-078 0000265*

clay county

Kansas City vicinity. *SMITHVILLE MULTI-RESOURCE AREA (ARCHEOLOGICAL RESOURCES),* (63.3), (also in Clinton County); 78/11/13 078 0055074

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MISSOURI—Continued

dent county

Lake Spring. *MYER, JOHN, HOUSE,: 78/11/14 078 0050457*

franklin county

Leslie. *NOSER'S MILL AND ADJACENT MILLER'S HOUSE,* Rural Rte. 1,: 78/11/14 078 0050458

gasconade county

Gasconade Harbor. *WILLIAM BLACK,* (dredge),: 79/10/22 078 0000051

greene county

Springfield. *ARCHEOLOGICAL SITES: 23GR005, 110, 215, 221, 225, 267, 270, 134, 049,: 1/8/79 078 0050844*

Springfield. *23GR183,: 79/10/22 078 0000052*

henry county

LITTLE BLACK RIVER WATERSHED, (also in Ripley County); 78/11/14 078 0050460

La Due. *BATSCHELETT HOUSE,* Near Harry S. Truman Dam and Reservoir,: 78/11/14 078 0050459

jackson county

Kansas City. *HOTEL PHILLIPS,* 106 W 12TH ST. (8-4-79),.: 79/11/29 078 0002614

Kansas City. *ROCKFORD SCHOOL,* Raytown Rd. (63.3),: 78/11/14 078 0055205

Kansas City vicinity. *ARCHEOLOGICAL DISTRICT,* Blue Springs Lake project,: 78/11/11 078 0055030

Kansas City vicinity. *ARCHEOLOGICAL DISTRICT,* Longview Lake project,: 78/11/11 078 0055031

Kansas City vicinity. *ARCHEOLOGICAL SITES: 23JA36, 23JA40, 23JA42, 23JA44, 23JA54, 23JA77, 23JA78, 23JA81, 23JA83, 23JA84, 23JA85, 23JA89, 23JA115, 23JA119, 23JA120, 23JA125, 23JA185, 23JA186, 23JA187,* LITTLE BLUE RIVER CHANNEL AREA, (63.3),: 78/12/20 078 0002206

Lees Summit. *LONGVIEW FARM,* Off Raytown Rd. (63.3),: 78/11/14 078 0055206

jasper county

Joplin. *JOPLIN CARNEGIE LIBRARY,* 9th and Wall Sts.,: 78/11/13 078 0055150

jefferson county

House Springs vicinity. *ARCHEOLOGICAL DISTRICT 23JE392–23JE395, 23JE400, and 23JE401,* Route W Project (63.3),: 78/11/13 078 0055075

macon county

Macon. *LONG BRANCH LAKE ARCHEOLOGICAL DISTRICT,* (63.3),: 78/11/13 078 0055151

maries county

Gasconade River vicinity. *ARCHEOLOGICAL SITES 23MS12, 23MS35, 23MS57, 23MS77, 23MS78, 23MS79, 23MS80, 23MS81 AND UNVERIFIED ROCK CAIRN Archeological Sites 23MS12, 23MS35, 23MS57, 23MS77, 23MS78, 23MS79, 23MS80, 23MS81 and unverified rock cairn,* (63.3),: 78/11/13 078 0055076

marion county

Hannibal. *MARION COUNTY COURTHOUSE,: 79/11/14 078 0002049*

Palmyra. *MARION COUNTY JAIL,: 79/11/14 078 0002050*

mississippi county

Charleston. *MISSISSIPPI COUNTY COURTHOUSE AND JAIL,: 1/8/80 078 0003043*

monroe county

Florida. *BANNISTER, DANIEL, LOG HOUSE,: 78/11/15 078 0055316*

Florida. *BANNISTER, DANIEL, SITE,: 78/11/15 078 0055317*

Florida. *CAVE, RICHARD, SITE,* (63.3),: 78/11/15 078 0055318

Florida. *DONALDSON, ANDREW C., FARMSTEAD,* (63.3),: 78/11/15 078 0055319

Florida. *POLLARD HOUSE,* (63.3),: 78/11/15 078 0055320

Florida. *VIOLETTE, ALEXANDER, HOUSE,: 78/11/14 078 0050465*

Florida vicinity. *ARCHEOLOGICAL DISTRICT NO. 1 (CLARENCE CANNON DAM AND RESERVOIR PROJECT),* (also in Ralls County); 78/11/14 078 0050461

Florida vicinity. *ARCHEOLOGICAL DISTRICT NO. 2 (CLARENCE CANNON DAM AND RESERVOIR PROJECT),* (also in Ralls County); 78/11/14 078 0050462

Florida vicinity. *ARCHEOLOGICAL DISTRICT NO. 3 (CLARENCE CANNON DAM AND RESERVOIR PROJECT),* (also in Ralls County); 78/11/14 078 0050463

Florida vicinity. *ARCHEOLOGICAL DISTRICT NO. 4 (CLARENCE CANNON DAM AND RESERVOIR PROJECT),* (also in Ralls County); 78/11/14 078 0050464

Florida vicinity. *DOWELL, SUSANNE, HOUSE,* 3 mi. W of Florida,: 78/11/15 078 0055321

Florida vicinity. *MILLER, JASON C., HOUSE AND FARMSTEAD,* E of Florida,: 78/11/15 078 0055322

Florida vicinity. *MORTON, JOSEPH, FARMSTEAD,* SW of Florida,: 78/11/15 078 0055323

Florida vicinity. *SMITH, SAMUEL H., HOUSE AND FARMSTEAD,* 5 mi. W of Florida (63.3),: 78/11/15 078 0055324

Joanna. *LONG, EMMETT, LOG HOUSE,: 78/11/15 078 0055340*

Joanna vicinity. *PETERSON, JOHN, LOG HOUSE,* W of Joanna (63.3),: 78/11/15 078 0055341

North Fork vicinity. *FIELD'S STONE STORAGE HOUSE,* 3 mi. S of North Fork (63.3),: 78/11/15 078 0055325

Paris. *MONROE COUNTY COURTHOUSE,: 79/11/14 078 0002051*

Paris. *SPROUL, R. B., HOUSE,* (63.3),: 78/11/15 078 0055326

Paris vicinity. *JORDAN, HARVEY, HOUSE AND FARMSTEAD,* 6.5 mi. E (63.3) of Paris,: 78/11/15 078 0055327

Paris vicinity. *MAPPIN, MATTHEW, HOUSE AND FARMSTEAD,* NE of Paris,: 78/11/15 078 0055328

Paris vicinity. *SMITH, JAMES H., FARMSTEAD,* NE of Paris (63.3),: 78/11/15 078 0055329

Paris vicinity. *SMITH, JOSEPH B., HOUSE SITE,* SE of Paris (63.3),: 78/11/15 078 0055330

Paris vicinity. *SPROUL, JOSEPH, MILL HOUSE,* 5 mi. SW of Paris (63.3),: 78/11/15 078 0055331

Perry vicinity. *FLEMING, THOMAS F., HOUSE,* 6 mi. N of Perry,: 78/11/15 078 0055342

Stoutsville vicinity. *WHELAN, HENRY, HOUSE AND GROUNDS,* 1.5 mi. S of Stoutsville (63.3),: 78/11/15 078 0055332

Victor. *BRYAUH/LUTZ, WILLIAM, LOG HOUSE,* (63.3),: 78/11/15 078 0055333

Victor. *CALHOON, A. O., HOUSE,* (63.3),: 78/11/15 078 0055334

Victor. *HATTERSLEY, WILLIAM, STORE,* (63.3),: 78/11/15 078 0055335

Victor vicinity. *CROW, BASIL, LOG HOUSE AND FARMSTEAD,* 0.5 mi. N of Victor (63.3),: 78/11/15 078 0055336

Victor vicinity. *DOWDY, ROY, HOUSE AND FARMSTEAD,* 1 mi. S of Victor (63.3),: 78/11/15 078 0055337

Victor vicinity. *FRIDAY BARN,* 1 mi. S of Victor,: 78/11/15 078 0055338

newton county

Racine. *SMITH CABIN RUINS (LOST CREEK WATERSHED ARCHEOLOGICAL SITE),: 78/11/14 078 0050466*

oregon county

TERRACE ARCHEOLOGICAL SITE 23OR42, Mark Twain National Forest(63.3),: 79/10/30 078 0001108

ralls county

Center. *BELL, SAMUEL F., HOUSE,* (63.3),: 78/11/15 078 0055339

Center vicinity. *ST. PAUL CATHOLIC CHURCH,* W of center off SR EE (5-31-79),.: 79/11/29 078 0002615

st. charles county

St. Charles. *BRUNS, NORMAN, HOUSE,* 3030 W. Clay Ave.,: 1/8/80 078 0003044

st. francois county

Farmington. *ST. FRANCOIS COUNTY JUVENILE CENTER,: 1/8/80 078 0003045*

warren county

Warrenton. *WARREN COUNTY JAIL,* 106 W. Boonslick Rd.,: 1/8/80 078 0003046

worth county

Grant City. *WORTH COUNTY COURTHOUSE,: 9 -1172-078 0000268*

MONTANA

beaverhead county

Grant. *OLD QUAKER QUARRY,: 78/11/15 078 0055343*

big horn county

Decker vicinity. *BUNNY CHASE ARCHEOLOGICAL SITE,* 10 mi. (16 km) W. of Decker,: 78/11/14 078 0050467

Decker vicinity. *SPRING CREEK ARCHEOLOGICAL DISTRICT,* 5 mi. N of Decker (63.3),: 79/11/05 078 0001163

Spring Creek Mine vicinity. *24 BH 1045,* (63.3),: 78/11/14 078 0055207

Spring Creek Mine vicinity. *24 BH 1046,* (63.3),: 78/11/14 078 0055208

Spring Creek Mine vicinity. *24 BH 1052,* (63.3),: 78/11/14 078 0055209

Spring Creek Mine vicinity. *24 BH 1583,* (63.3),: 78/11/14 078 0055210

Spring Creek Mine vicinity. *24 BH 1589,* (63.3),: 78/11/14 078 0055211

Spring Creek Mine vicinity. *24 BH 1591,* (63.3),: 78/11/14 078 0055212

Spring Creek Mine vicinity. *24 BH 1593,* (63.3),: 78/11/14 078 0055214

Spring Creek Mine vicinity. *24 BH 1595,* (63.3),: 78/11/14 078 0055215

Spring Creek Mine vicinity. *24 BH 1597,* (63.3),: 78/11/14 078 0055216

Spring Creek Mine vicinity. *24 BH 1602,* (63.3),: 78/11/14 078 0055217

Spring Creek Mine vicinity. *24 BH 1606,* (63.3),: 78/11/14 078 0055218

MONTANA—Continued

Spring Creek Mine vicinity. *24 BH 1609,* (63.3),: 78/11/14 078 0055219

Spring Creek Mine vicinity. *24 BH 1610,* (63.3),: 78/11/14 078 0055220

Spring Creek Mine vicinity. *24 BH 1614,* (63.3),: 78/11/14 078 0055221

Spring Creek Mine vicinity. *24 BH 1618,* (63.3),: 78/11/14 078 0055222

Spring Creek Mine vicinity. *24 BH 1619,* (63.3),: 78/11/14 078 0055223

cascade county

Great Falls. *BUILDING AT 108 CENTRAL AVENUE,* 108 Central Avenue,: 78/11/14 078 0050468

custer county

Miles City. *MILES CITY WATER WORKS BUILDING AND PUMPING PLANT PARK,* Pumping Plant Rd.; 9 -1172-078 0000267

Miles City vicinity. *OLD FORT Old Fort,* At Fort Keogh,: 78/11/14 078 0050469

dawson

Glendive vicinity. *TAYLOR-SIEGEL ARCHEOLOGICAL SITE (24DW11),* (63.3),: 9 -1172-078 0000266

deer county

Anaconda. *ANACONDA HISTORIC LIGHTING,* (63.3),: 79/11/14 078 0002052

fergus county

LEWIS & CLARK CAMPSITE, MAY 24, 1805,: 78/11/14 078 0050470

glacier county

Glacier. *CUT BANK RANGER STATION,* Cut Bank Creek Rd.(63.3),: 79/11/14 078 0002053

St. Mary vicinity. *ST. MARY RANGER STATION,: 78/11/13 078 0055077*

granite county

Garnet. *GARNET GHOST TOWN,* (63.3),: 78/11/13 078 0055078

jefferson county

Basin. *BASIN HISTORIC DISTRICT,: 9 -1172-078 0000269*

Basin. *150 HOUSE(63.3),: 79/10/30 078 0001109*

Basin vicinity. *JIB MILL FOUNDATION AND WATER FLUME,* 2 mi. W of Basin(63.3),: 79/10/30 078 0001110

Basin vicinity. *MONTANA CENTRAL RAILROAD ORE LOADING COMPLEX,* E of Basin on U.S. 91(63.3),: 79/10/30 078 0001111

lewis and clark county

Marysville. *MARYSVILLE HISTORIC DISTRICT,: 78/11/14 078 0050471*

lewis and cloark county

Helena,. *DRENNEN LOG HOUSE,,* 520 W. Main St.,: 79/10/31 078 0000132

lincoln county

ARCHEOLOGICAL SITES 24-LN-1036, 1037, 1130, 1131, Kootenai River, NW.,: 78/11/11 078 0055032

Kootenai River vicinity. *LIBBY-JENNINGS ARCHEOLOGICAL DISTRICT,: 79/10/22 078 0000053*

missoula county

Lolo Hot Springs vicinity. *LOLO SPRINGS RANGER STATION,* Lolo National Forest (63.3),: 9 -1172-078 0000270

phillips county

Malta vicinity. *BEAUCOUP SITE COMPLEX (SITES 168/189),: 78/12/20 078 0002207*

powder river county

YANKEE RESERVOIR SITE (24PR402), Custer National Forest,: 1/8/79 078 0050845

Ashland vicinity. *MUD TURTLE SPRING SITE (24PR628),* (63.3),: 79/10/22 078 0000054

Moorhead vicinity. *REYNOLDS'S BATTLEFIELD HISTORIC SITE,* Moorhead County Rd. (63.3),: 78/11/14 078 0055224

ravalli county

Sula vicinity. *INDIAN TREES CAMPGROUND (24RA61),* (63.3),: 79/10/22 078 0000055

roosevelt county

Culbertson vicinity. *BEMER COAL MINE STRUCTURES,* 6 mi. (9.6 km) SE of Culbertson,: 78/11/13 078 0055079

Poplar. *GATEWAY HOTEL,* 1st Ave. and A St. (63.3),: 1/8/80 078 0003048

NEBRASKA

arthur county

Arthur. *PILGRIM HOLINESS CHURCH,* off NE 61 (6-18-79),: 79/12/12 078 0002626

boyd county

SUNSHINE BOTTOM HISTORIC DISTRICT, S of Missouri River,: 78/12/20 078 0002208

cherry county

Valentine vicinity. *FORT NIOBRARA NATIONAL WILDLIFE REFUGE,: 78/11/14 078 0050472*

Valentine vicinity. *NEWMAN BROTHERS HOUSE,: 78/11/14 078 0050473*

dakota county

PACIFIC SHORT LINE BRIDGE, (63.3), *Reference—see Woodbury County, IA; 1/8/80 078 0003049*

douglas county

Omaha. *NASH BUILDINGS,* 902–912 Farnam St. and 901–911 Douglas St.,: 78/11/14 078 0055249

Omaha. *SMITH, M. E., BUILDING,* 201–211 S. 10th St.,: 78/11/14 078 0055250

knox county

Niobrara. *NIOBRARA HISTORIC PROPERTIES,: 78/11/14 078 0050474*

lancaster county

Lincoln. *BURR BLOCK,* 1206 O St. (5-18-79),: 79/12/12 078 0002627

Lincoln. *SOUTH SALT CREEK NEIGHBORHOOD,: 79/11/05 078 0001164*

Walton vicinity. *RETZLAFF FARMSTEAD,* (5-31-79),: 79/12/12 078 0002628

richardson county

Humboldt. *RUEL NIMS STORE,: 79/11/05 078 0001165*

washington county

LINCOLN, ABRAHAM, MEMORIAL, Reference—see Harrison County, IA; 1/8/80 078 0003050

NEVADA

clark county

PUEBLO GRAND DE NEVADA, Lake Mead National Recreation Area(63.3),: 79/11/14 078 0002054

Las Vegas vicinity. *BLACKSMITH SHOP,* Desert National Wildlife Range,: 78/11/14 078 0050475

Las Vegas vicinity. *LAS VEGAS WASH ARCHEOLOGICAL DISTRICT,: 78/11/14 078 0050476*

Las Vegas vicinity. *MESQUITE HOUSE,* Desert National Wildlife Range,: 78/11/14 078 0050477

douglas county

Gardnerville. *CARSON VALLEY HOSPITAL,* 1468 U.S. 395 (5-29-79),: 79/12/12 078 0002629

elko county

Carlin vicinity. *ARCHEOLOGICAL SITES 26EK1689, 26EK1672,: 78/11/14 078 0050478*

nye county

Las Vegas vicinity. *EMIGRANT'S TRAIL,* About 75 mi. NW. of Las Vegas on U.S.95,: 78/11/14 078 0050479

pershing county

Lovelock vicinity. *ADOBE IN RUDDELL RANCH COMPLEX,: 78/11/14 078 0050480*

Lovelock vicinity. *LOVELOCK CHINESE SETTLEMENT SITE,: 78/11/14 078 0050481*

washoe county

Reno vicinity. *SITE 26WA2065,: 78/11/14 078 0050482*

NEW HAMPSHIRE

cheshire county

Keene. *HOUSE NO. 66,* 66 Island St. (63.3),: 78/11/15 078 0055346

Keene. *HOUSE NO. 70,* 70 Island St. (63.3),: 78/11/15 078 0055347

Keene. *HOUSE NO. 76,* 76 Island St. (63.3),: 78/11/15 078 0055348

Kenne. *HOUSE NO. 58,* 58 Island St. (63.3),: 78/11/15 078 0055345

North Walpole. *ARCH BRIDGE,* Between N. Walpole and Bellows Falls, (also in Windham County, Vt); 78/11/14 078 0050483

coos county

Berlin. *ANDROSCOGGIN VALLEY HOSPITAL/ST. REGIS ACADEMY COMPLEX,* Bounded by Main, Pleasant, Church, School, and Success Sts. (63.3),: 78/11/14 078 0055251

Berlin. *ST. ANNE CHURCH,* 58 Church St. (5-29-79),: 79/12/12 078 0002630

hillsborough county

Manchester. *AMOSKAAG MILLYARD COMPLEX,: 78/11/14 078 0050484*

Manchester. *HOUSE AT 191–193 MERRIMACK STREET,: 1/8/79 078 0050847*

Manchester. *HOUSE AT 205–213 PINE STREET,: 1/8/79 078 0050848*

Manchester. *HOUSE AT 69 LAUREL STREET,: 1/8/79 078 0050846*

Manchester. *MONADNOCK BUILDING,* 1140-1160 Elm St.; 9 -1172-078 0000272

Manchester. *SALTY DOG TAVERN,* 17 Bridge St.; 9 -1172-078 0000273

rockingham county

Newmarket. *NEWMARKET CENTRAL SCHOOL,* Church St(63.3),: 79/11/14 078 0002055

Portsmouth. *FORT WASHINGTON,* Pierce Island (63.3),: 78/11/14 078 0055225

Rye. *PULPIT ROCK OBSERVATION STATION,* Portsmouth Harbor,: 78/11/14 078 0050485

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NEW HAMPSHIRE—Continued

strafford county

Dover. *ODD FELLOW'S HALL (MORNING STAR BLOCK),*; *78/11/14 078 0050486*
Dover. *O'NEILL HOUSE (COCHECO CO. HOUSING),*; *78/11/14 078 0050487*
Dover. *PUBLIC MARKET (MORRILL BLOCK),*; *78/11/14 078 0050488*
Dover. *TRELLA HOUSE (DOVER MANUFACTURING CO. HOUSING),*; *78/11/14 078 0050489*
Dover. *VETERAN'S BUILDING (CENTRAL FIRE HOUSE),*; *78/11/14 078 0050490*
Dover. *WESTERN AUTO BLOCK (MERCHANTS ROW),*; *78/11/14 078 0050491*

sullivan county

Claremont. *ROSITER, WILLIAM, HOUSE,* 11 Mulberry St. (5-25-79),; 79/12/12 078 0002631
Newport. *NEWPORT HISTORIC DISTRICT,* (63.3),; 79/11/05 078 0001166

NEW JERSEY

bergen county

Franklin Lakes. *REACTION MOTORS ROCKET TEST FACILITY,* 936 Dogwood Trail (6-6-79),; 79/12/12 078 0002632
Mahwah. *HOPPER GRISTMILL AND SAWMILL,* (63.3),; 78/11/14 078 0055226

burlington County

Bordentown,. *BORDENTOWN HISTORIC DISTRICT,*, (63.3),; 79/10/31 078 0000133
Bulrington. *DELAWARE RIVERFRONT ARCHEOLOGICAL SITE,* (63.3),; 78/11/15 078 0055349
Burlington. *BETHLEHEM A.M.E. CHURCH,* 215 Pearl Blvd.,; 78/11/11 078 0055033
Burlington. *FACTORY BUILDING,* 231 Penn St.,; 78/11/11 078 0055034
Burlington. *ONEIDA BOAT CLUB,* York St.,; 78/11/11 078 0055035
Burlington. *WATER WORKS,* Pearl Blvd.,; 78/11/11 078 0055036

camden county

CAMDEN, 726 Cooper St.,; 78/11/15 078 0055350
Camden. *ARCHEOLOGICAL REMAINS IN THE COOPER HOUSE AREA,* (63.3),; 79/10/22 078 0000056
Camden. *DUDLEY MANSION,* Dudley Grange Park (63.3),; 79/10/22 078 0000057
Camden. *728 COOPER STREET,* 728 Cooper St.,; 78/11/15 078 0055351

cape may county

Cape May Court House. *HOLMES, JOHN, HOUSE,* U.S. 9 (6-12-79) HABS,; 79/12/12 078 0002633

cascade county

Great Falls vicinity. *ARCHEOLOGICAL SITE 24CA74,* E. of Great Falls (63.3),; 1/8/80 078 0003047

essex county

Montclair. *MONTCLAIR RAILROAD STATION HISTORI DISTRICT,* Bloomfield Ave., Lackawanna Plaza, and Grove St. (63.3),; 78/11/14 078 0050492
Newark. *BUILDING AT 585 MOUNT PROSPECT AVENUE,* (63.3),; 1/8/80 078 0003051
Newark. *BUILDING AT 599 MOUNT PROSPECT AVENUE,* (63.3),; 1/8/80 078 0003052
Newark. *LINCOLN PARK HISTROIC DISTRICT,*, (63.3),; 79/10/31 078 0000135
Newark. *PENNSYLVANIA STATION,* Bounded by Raymond Plaza on W. Raymond Blvd. on N. and Market St. on S. (63.3),; 78/11/14 078 0050493

gloucester county

West Depford Township. *ARCHEOLOGICAL SITES 4, A, B, AND C,* Near Delaware River,; 1/8/79 078 0050849

hudson county

S.S. NEWTON, Midway between Ellis and Liberty islands,; 78/11/14 078 0050494
Jersey City. *CAR-FLOAT TRANSFER BRIDGE 1,* Liberty State Park,; 78/12/20 078 0002209
Jersey City. *CAR-FLOAT TRANSFER BRIDGE 2,* Liberty State Park,; 78/12/20 078 0002210
Jersey City. *JERSEY CITY MEDICAL CENTER,* (63.3),; 1/8/80 078 0003053
Jersey City. *PIER G.,* Liberty State Park,; 78/12/20 078 0002211
Jersey City. *PIER NO. 18,* Liberty State Park,; 78/12/20 078 0002212
Jersey City. *PIER 2,* Liberty State Park (63.3),; 1/8/80 078 0003054
Jersey City. *VAN VORST PARK HISTORIC DISTRICT,* (63.3),; 1/8/80 078 0003055
Kearney. *PORTAL BRIDGE,*; *78/11/14 078 0050495*

mercer county

WEST WINDSOR TOWNSHIP WASTEWATER FACILITIES (ARCHEOLOGICAL SITE 3313.14)–EXTENDED,; *78/11/14 078 0050501*
Bordentown. *BLACKS CREEK PREHISTORIC ARCHEOLOGICAL SITE,*; *78/11/14 078 0050496*
Hamilton and West Windsor Townships. *ASSUNPINK HISTORIC DISTRICT,*; *78/11/14 078 0050497*
Trenton. *CHAMPALE BREWING COMPANY OFFICE BUILDING,*; *78/11/14 078 0050498*
Trenton. *CLAY, HENRY AND BOCK AND COMPANY CIGAR FACTORY,* 507 Grand St. (6-12-79),; 79/12/12 078 0002634
Trenton. *HOG ISLAND LOCOMOTIVE GANTRY CRANES,* Trenton Marine Terminal area (63.3),; 1/8/80 078 0003056
Trenton. *LAMBERTON INTERCEPTOR,*; *78/11/14 078 0050499*
Trenton. *MADDOCK CHINA COMPANY DUMP SITE,*; *78/11/14 078 0050500*
Trenton. *PENNSYLVANIA RAILROAD BRIDGE,* spans Delaware River (6-6-79) (also in Bucks County, PA),; 79/12/12 078 0002635
West Windsor. *28ME91,* (63.3),; 79/10/22 078 0000058

middlesex county

CRANBURY HISTORIC DISTRICT,; *78/11/14 078 0050502*
Metuchen. *METUCHEN RAILROAD STATION,*; *78/11/14 078 0050503*
Monroe Township. *TEN EYCKS FORGE SITE,* (63.3),; 78/11/14 078 0050504
New Brunswick. *DELAWARE RARITAN CANAL,* Portion between Albany St. and Landing Lane Bridge,; 78/11/14 078 0050505
Perth Amboy. *RARITAN RIVER STEEL COMPANY (RARITAN COPPER WORKS/ ANACONDA COPPER REFINERY),* Elm and Market Sts.,; 78/11/11 078 0055037
Piscataway. *LANDING LANE ARCHEOLOGICAL DISTRICT,* (63.3),; 78/11/13 078 0055080
Sayreville vicinity. *TENNENT BROOK SOUTH SITE (28-MI-81),* (63.3),; 1/8/80 078 0003057
Spotwood Borough. *CEDAR BROOK SITE,* (63.3),; 78/11/14 078 0050506

monmouth county

JACKSON FORGE SITE, DOWD SITE, FLOODPLAIN SITE, KANDY BAR RANCH SITE AND SQUANKUM MILLI HISTORIC SITE, (63.3),; 79/10/31 078 0000136
Little Silver. *LITTLE SILVER PASSENGER RAILROAD STATION,* Ocean Ave. (63.3),; 79/10/22 078 0000059
Long Branch. *THE RESERVATION,* 1-9 New Ocean Ave.,; 78/11/14 078 0050507
Matawan. *MATAWAN PASSENGER RAILROAD STATION AND FREIGHT HOUSE,* S of RR. tracks between Main St. and Atlantic Ave. (63.3),; 79/10/22 078 0000060
Sandy Hook. *FORT HANCOCK AND THE SANDY HOOK PROVING GROUND HISTORIC DISTRICT,* NJ 36,; 78/11/14 078 0050508
Sandy Hook. *ORDNANCE/ QUARTERMASTER WHARF NO. 536,*; *78/11/14 078 0050509*

morris county

Dover vicinity. *TUTTLE, DAVID, COOPERAGE,* 83 Gristmil] Rd. (6-19-79),; 79/12/12 078 0002636
East Hanover. *DEFINIS SITE (28-MR-161),* Off Rte. 280(63.3),; 79/11/14 078 0002056
East Hanover. *STEPPEL SITE,* (63.3),; 79/11/14 078 0002057
Morristown. *ABBETT AVENUE BRIDGE,*; *78/11/14 078 0050510*
Morristown. *MORRISTOWN AQUEDUCT DISTRIBUTION RESERVOIR,* Court and Ann Sts.,; 78/11/13 078 0055081
Morristown. *RESIDENCES ON COURT STREET,* 30, 32, 36, 38, 40, and 42 Court St.,; 78/11/13 078 0055082

newark,

Newark,. *BRANCH BROOK PARK,*, (63.3),; 79/10/31 078 0000134

ocean county

Forked River. *JOSEPH HOLMES MILL (THE MILL SITE),* SW corner of intersection of Mill and Parker Sts.,; 78/11/14 078 0050511

passaic county

Clifton. *ANIMAL QUARANTINE FACILITY,* Bounded by Clifton and Van Houten Aves., and the Erie RR.,; 78/11/13 078 0055152
Paterson. *FERGUSON,JOHN.W.,HOUSE,* 421 12th Ave.,; 79/11/05 078 0001167
Wayne Township. *FORSBERG HOUSE,* 3 Edgemont Crescent,; 78/11/14 078 0050512

somerset county

Manville. *FINDERNE AVENUE BRIDGE,*; *9-1172-078 0000274*

union county

Berkeley Heights Township. *FELTVILLE (DESERTED VILLAGE),*; *78/11/14 078 0050513*
Elizabeth. *BENDER BUILDING (PLAINFIELD CORRIDOR SERVICE PROJECT),* 251-267 N. Broad St.,; 78/11/14 078 0050514
Elizabeth. *FREIGHT STATION (PLAINFIELD CORRIDOR SERVICE PROJECT),* 520-532 North Ave.,; 78/11/14 078 0050515

NEW JERSEY—Continued

Elizabeth. *SLAUGHTERHOUSE (PLAINFIELD CORRIDOR SERVICE PROJECT),* 247 Morris Ave.,; 78/11/14 078 0050516
Elizabeth. *TANNERY (PLAINFIELD CORRIDOR SERVICE PROJECT),* 244-246 N. Broad St.,; 78/11/14 078 0050518
Plainfield. *PLAINFIELD NORTH AND SOUTH STATIONS,* Watchung and North Aves.,; 78/11/11 078 0055038
Plainfield. *ROSELLE NORTH AND SOUTH STATIONS (ROSELLE PARK),* Westfield and East Aves.,; 78/11/11 078 0055039
Plainfield. *SCOTCH PLAINS NORTH AND SOUTH STATIONS AND PEDESTRIAN OVERPASS (FANWOQD),* Martine and North Aves.,; 78/11/11 078 0055040
Plainfield. *WESTFIELD/GARWOOD NORTH AND SOUTH STATIONS AND KIOSK,* North and South Aves.,; 78/11/11 078 0055041
Springfield Township. *SAYRE HOUSE (I-78 PROJECT),*; *78/11/14 078 0050517*

warren county

Oxford. *OXFORD INDUSTRIAL COMPLEX,*; *78/11/14 078 0050519*

NEW MEXICO

bernalillo county

Albuquerque. *DE GARCIA, TOMASA GRIEGO, HOUSE,* 6939 Edith Blvd., NE (6-19-79),; 79/12/12 078 0002637

chaves county

Artesia vicinity. *SITES LA11809-LA11822,* Cottonwood-Walnut Creek Watershed, (also in Eddy County); 78/11/14 078 0050520

dona ana county

Plasitas Arroyo. *SITES SCSPA 1-8,*; *78/11/14 078 0050521*

eddy county

Carlsbad vicinity. *ARCHEOLOGICAL DISTRICT,*; *78/11/14 078 0055227*

guadalupe county

Los Esteros Reservoir. *LOS ESTEROS LAKE ARCHEOLOGICAL SITE,*; *78/11/14 078 0050522*

lea county

Santa Fe vicinity. *LAGUNA PLATA ARCHEOLOGICAL DISTRICT,*; *78/11/14 078 0050523*

mckinley county

51 SITES IN THE BISTI-STAR LAKE REGION,; *78/12/19 078 0002393*
Gallup vicinity. *MCKINLEY MINE ARCHEOLOGICAL DISTRICT,*; *78/11/14 078 0055228*
Zuni. *OAK WASH SITES N.M.G.:13:19-N.M.G.:13:37,* Zuni Pueblo Watershed,; 78/11/14 078 0050524

otero county

DOG CANYON ARCHEOLOGICAL SITE (LA 15939), Oliver Lee Memorial State Park (63.3),; 78/12/19 078 0002394
THREE RIVERS PETROGLYPHS,; *78/11/14 078 0050525*
La Luz vicinity. *LA LUZ POTTERY FACTORY,* 2 mi. (3.2 km) E of La Luz (5-29-79),; 79/12/12 078 0002638

rio arriba county

Ghost Ranch vicinity. *CERRITO RECREATION SITE ARCHEOLOGICAL DISTRICT,*; *78/11/14 078 0050526*

san juan county

Little Water vic,. *ARCHEOLOGICAL SITE LA7371,*, near US 666.,; 79/10/31 078 0000137
Shiprock vicinity. *ARCHEOLOGICAL SITE LA 8970,* Off U.S. 550 (63.3),; 9 -1172-078 0000275
Squaw Springs vicinity. *SQUAW SPRINGS ARCHEOLOGICAL SITES 1, 3-23, 25-51, 53-61,*; *9 -1172-078 0000276*

sandoval county

Corrales vicinity. *ARCHEOLOGICAL SITE OCA:SCS:3,* (63.3),; 79/11/05 078 0001168
Tetilla Peak Recreation Area. *TETILLA PEAK SITE,*; *78/11/14 078 0050527*

torrance county

Moriarty vicinity. *MORIARTY ECLIPSE WINDMILL,* 2(3.2 km) W of Moriarty off NM 222 (6-4-79),; 79/12/12 078 0002639

waseca county

Janesville vicinity. *SEHA SORGHUM SYRUP MILL,* SE of Janesville off MN 60 (6-4-79),; 79/12/12 078 0002840

NEW YORK

HUDSON RIVER LIGHTHOUSES THEMATIC RESOURCES, Reference—see individual listings under Columbia, Greene, Rockland, Ulster and Westchester Counties; 79/12/12 078 0002641

Rensselear. *TROY DOWNTOWN COMMERCIAL HISTORIC DISTRICT,*; *79/11/09 078 0001709*

albany county

Albany. *LOCK 5, ERIE CANAL,* (63.3),; 79/11/14 078 0002059
Albany. *3 AND 5 CLINTON STREET,*; *79/11/05 078 0001169*
Guilderland. *LIZZI 2 SITE,* (63.3),; 78/11/14 078 0050528
Guilderland. *NOTT PREHISTORIC SITE,*; *78/11/14 078 0050529*
Owego. *SUBI 677 SITE AND SUBI: 672 SITE,* (63.3),; 78/11/14 078 0050530

bronx county

HELL GATE BRIDGE AND APPROCH VIADUCTS AND BRIDGES, (63.3), (also in New York and Queens counties); 78/11/14 078 0050531
Bronx. *SALVATION ARMY OFFICERS' TRAINING CENTER,* Andrews and W. Tremont Aves.,; 79/10/30 078 0001112
New York. *BRONX POST OFFICE,*; *78/11/14 078 0050532*
New York. *NORTH BROTHERS ISLAND LIGHT STATION,* In center of East River,; 78/11/14 078 0050533
Pelham Bay. *PELHAM BAY RAILROAD BRIDGE,*; *78/11/14 078 0050534*

broome county

Endicott. *ENDICOTT-JOHNSON WORKERS ARCH,* (63.3),; 78/11/14 078 0050535
Maine Township. *MILL SITE AT SITE 7-A,* Manticoke Creek project, (also in Tioga County); 78/11/14 078 0050536
Vestal. *VESTAL NURSERY SITE,* (also in Union County); 78/11/14 078 0050537

cattaraugus county

Olean. *FORNESS PARK DEVELOPMENT-ARCHEOLOGICAL SITES,*; *78/11/14 078 0050538*

chautauqua county

Dunkirk. *PROPERTIES IN THE CITY OF DUNKIRK,*; *78/11/14 078 0050539*
Lakewood vicinity. *LOOMIS ARCHEOLOGICAL SITE,* South and Central Chautauqua Lake,; 78/11/14 078 0050540

chemung county

Elmira. *OLD MAIN POST OFFICE,* 200 Church St.,; 79/10/22 078 0000061

columbia county

Hudson. *HUDSON-ANTHES LIGHTHOUSE (HUDSON RIVER LIGHTHOUSES THEMATIC RESOURCES),* spans Hudson River (5-29-79) (also in Greene County),; 79/12/12 078 0002642
Hudson. *10 POWER AVENUE,*; *79/10/30 078 0001066*
Hudson. *11 POWER AVENUE,*; *79/10/30 078 0001067*
Hudson. *12 POWER AVENUE,*; *79/10/30 078 0001068*
Hudson. *13 POWER AVENUE,*; *79/10/30 078 0001069*
Hudson. *16 POWER AVENUE,*; *79/10/30 078 0001070*
Hudson. *20 POWER AVENUE,*; *79/10/30 078 0001071*
Hudson. *6 POWER AVENUE,*; *79/10/22 078 0000062*
Hudson. *8 POWER AVENUE,*; *79/10/22 078 0000064*
Valatie. *RIVER STREET SITE,*; *1/8/79 078 0050850*

delaware county

Hancock. *DUNN SITE,* E of Delaware River (63.3),; 78/12/20 078 0002401

erie county

ERIE CANAL,; *78/11/14 078 0050541*
Amherst. *U.B. SITE 1488,* Near Ellicott Creek,; 1/8/79 078 0050851
Buffalo. *DELAWARE, LACKAWANNA, AND WESTERN RAILROAD TERMINAL IN BUFFALO,* S. Park Ave.,; 78/12/19 078 0002395
Cheektowaga vicinity. *CREEKSIDE GROVE SITE UB 1503,* Union Rd. (63.3),; 9 -1172-078 0000277

greene county

HUDSON-ATHENS LIGHTHOUSE (HUDSON RIVER LIGHTHOUSES THEMATIC RESOURCES), Reference—see Columbia County; 79/12/13 078 0002643
Leeds vicinity. *SALISBURY MANOR,* NW of Leeds on NY 145/23 (6-19-79),; 79/12/13 078 0002644
New York. *HUDSON CITY LIGHT STATION,* In center of Hudson River,; 78/11/14 078 0050542

herkimer county

Little Falls. *DUNN PROPERTY BUILDINGS,* W. Mill St.,; 78/11/14 078 0050543

kings county

Brooklyn. *RHEINGO,* Forest and Stanwix Sts.,; 78/11/15 078 0050544
Brooklyn. *STEEPLECHASE PARACHUTE JUMP,*; *78/11/15 078 0050545*
New York. *LOEW'S KINGS THEATER,* 1027 Flatbush Ave.(63.3),; 79/11/14 078 0002062

manhattan county

New York. *JEFFREY'S HOOK LIGHTHOUSE (HUDSON RIVER LIGHTHOUSES THEMATIC RESOURCES) FORT*

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NEW YORK—Continued

WASHINGTON PARK (5-29-79),; 79/12/13 078 0002645

monroe county

Rochester. *U.S. POST OFFICE,* Cumberland St.,; 79/10/30 078 0001113
Rochester. *50 WEST MAIN STREET,* (63.3),; 79/11/05 078 0001170

nassau county

RIDGEWOOD AQUEDUCT, (63.3), (also in Queens County); 78/12/20 078 0002402
Long Island. *SEAFOOD PARK ARCHEOLOGICAL SITE,; 78/12/10 078 0050545*

new york county

New York. *COLONIAL PARK POOL COMPLEX,* Branhurst Ave.,; 78/11/15 078 0050546
New York. *GREENWICH VILLAGE HISTORIC DISTRICT,* roughly bounded by W 13th St, St. Luke's Pl., University Pl., and Washington St. (6-19-79),; 79/12/13 078 0002646
New York. *HARLEM COURTHOUSE,; 78/11/15 078 0050547*
New York. *HAYES, HELEN, THEATER,* 210 W. 46th St. (63.3),; 78/11/15 078 0055352
New York. *NEW YORK CANCER HOSPITAL (TOWER'S NURSING HOME),* 2 W. 106th St.,; 78/11/15 078 0050548
New York. *OLD PRODUCE EXCHANGE (ARMY BUILDING RESERVATION),* 39 Whitehall,; 78/11/15 078 0050549
New York. *PIER NO. 70,; 78/11/15 078 0055353*

niagara county

Somerset. *WAGONER, MORGAN VAN, HOUSE,* Hosmer Rd.,; 78/12/19 078 0002396

onondaga county

Elbridge. *ELBRIDGE PARK INDUSTRIAL ARCHEOLOGICAL DISTRICT,; 78/11/14 078 0055229*
Syracuse. *AMOS BLOCK,* 208-220 W. Water St.,; 78/11/15 078 0050550

orange county

New Windsor. *HAZARD'S MILL LOTT,* Between Forge Hill Rd. and Moodina Creek and E of U.S. 9W (63.3),; 78/11/15 078 0050554
Newburgh. *BREWSTER HOOK AND LADDER COMPANY NO. 1,* 75 Broadway,; 78/11/15 078 0050553
Port Jervis. *CHURCH STREET SCHOOL,* 55 Church St.,; 78/11/15 078 0050551
Port Jervis. *FARNUM, SAMUEL, HOUSE,* 21 Ulster Pl.,; 78/11/15 078 0050552

oswego county

Granby. *INDIAN POINT SITE(63.3),; 79/10/30 078 0001114*
Mexico Village. *GUSTIN-EARLE FACTORY SITE,; 78/11/15 078 0050555*
Oswego. *MUSICO MOTORS BUILDING,* W. First and W. Seneca Sts.,; 78/11/15 078 0050556

otsego county

Oneonta. *SWART-WILCOX HOUSE,; 78/11/15 078 0050557*

putnam county

Carmel. *LAKE SECOR HISTORIC AND ARCHEOLOGICAL CABIN,; 78/11/15 078 0050558*

queens county

Bayside. *FORT TOTTEN BATTERY,* Fort Totten,; 78/11/11 078 0055042
New York. *FORT TOTTEN OFFICER'S CLUB,; 78/11/15 078 0050559*
Queens. *ASTORIA STUDIO,; 78/11/15 078 0050560*

richmond county

Breakabeen vicinity. *VALLEY BETWEEN THE VILLAGES OF BREAKABEEN AND NORTH BLENHEIM,; 78/11/15 078 0050567*
New York. *ROMER SHOAL LIGHT STATION,* Located in lower bay area of New York Harbor,; 78/11/15 078 0050561
Staten Island. *U.S. COAST GUARD BASE, ST. GEORGE,; 78/11/15 078 0050562*
Totenville vicinity. *WARD'S POINT,* Oakwood Beach Project,; 78/11/15 078 0050563

rockland county

Stony Point. *STONY POINT LIGHTHOUSE (HUDSON RIVER LIGHTHOUSES THEMATIC RESOURCES),* Stony Point Battlefield (5-29-79),; 79/12/13 078 0002647

saratoga county

Saratoga Springs. *SARATOGA SPRINGS HISTORIC DISRICT,; 78/11/15 078 0050565*
Saratoga Springs. *YADDO HOUSE AND GARDENS DISTRICT,; 78/11/15 078 0050564*
Schuylerville. *ARCHEOLOGICAL SITE,* Schuylerville Water pollution Control Facility,; 78/11/15 078 0050566
Waterford. *ARCHEOLOGICAL SITE 209,; 79/10/30 078 0001115*
Waterford. *WATERFORD ARCHEOLOGICAL DISTRICT,; 9 -1172-078 0000280*
Waterford. *WATERFORD INDUSTRIAL COMPLEX,; 78/12/10 078 0050566*

st. lawrence county

Potsdam. *POTSDAM DEPOT,* (63.3),; 9 -1172-078 0000278

steuben county

Hornell. *MERRILL SILK MILL,* Canistee and Pleasant Sts.,; 79/10/30 078 0001072

suffolk county

Babylon. *OLD BABYLON TOWN HALL,* 47 W. Main St. (63.3),; 79/11/05 078 0001171
Jamesport vicinity. *EAST END SITE,; 78/11/15 078 0050569*
Jamesport vicinity. *HALLOCK'S POND SITE,; 78/11/15 078 0050570*
Jampesport. *NORTHVILLE HISTORIC DISTRICT,* Houses along Sound Ave.,; 78/11/15 078 0050568
New York. *FIRE ISLAND LIGHT STATION,* U.S. Coast Guard Station,; 78/11/15 078 0050571
New York. *LITTLE GULL ISLAND LIGHT STATION,* Off North Point of Orient Point, Long Island,; 78/11/15 078 0050572
New York. *PLUM ISLAND LIGHT STATION,* Off Orient Point Long Island,; 78/11/15 078 0050573
New York. *RACE ROCK LIGHT STATION,* S of Fishers Island 10 mi. N. of Orient Point,; 78/11/15 078 0050574
North Amityville. *OLD BETHEL A.M.E. CHURCH,* Albany Ave. (63.3),; 79/11/06 078 0001172
Upton. *WORLD WAR 1 TRAINING TRENCHES. World War 1 Training Trenches, NYCF,,; 79/10/31 078 0000138*

ulster county

WILDMERE RESORT HOTEL (MINNEWASKA ACQUISITION PROJECT), Towns of Gardiner and Rochester,; 78/11/15 078 0050582
Esopus. *ESOPUS MEADOWS LIGHTHOUSE (HUDSON RIVER LIGHTHOUSES THEMATIC RESOURCES),* spans Hudson River (5-29-79),; 79/12/13 078 0002648
Kingston. *KINGSTON/RONDOUT 2 LIGHTHOUSE (HUDSON RIVER LIGHTHOUSES THEMATIC RESOURCES),* Hudson River and Rondout Creek (5-29-79),; 79/12/13 078 0002649
Kingston vicinity. *ESOPUS MEADOWS LIGHT STATION,* Middle of Hudson River,; 78/11/15 078 0050575
Lloyd. *CHRISTIANA HOUSE,* 24 River Rd. (63.3),; 78/11/15 078 0050576
Lloyd. *MID-HUDSON HOTEL,* Jct. of River and Willow Dock Rds and Maple Ave. (63.3),; 78/11/15 078 0050577
Lloyd. *PALMATEER HOUSE,* 26 River Rd. (63.3),; 78/11/15 078 0050578
Lloyd. *YELVERTON HOUSE,* 39 Maple Ave. (63.3),; 78/11/15 078 0050579
New York. *RONDOUT NORTH DIKE LIGHT,* Center of Hudson River at jct. of Rondout Creek and Hudson River,; 78/11/15 078 0050580
New York. *SAUGERTIES LIGHT STATION,* Hudson River,; 78/11/15 078 0050581
Saugerties. *SAUGERTIES LIGHTHOUSE (HUDSON RIVER LIGHTHOUSES THEMATIC RESOURCES),* Hudson River at Esopus Creek (5-29-79),; 79/12/13 078 0002650
Saugerties. *UPPER DOCK SITE,* Esopus Creek (63.3),; 78/11/13 078 0055153
Sleightsburg. *FIRST AVENUE SITE,* Confluence of Rondout Creek and Hudson River,; 78/11/15 078 0050583
Sleightsburg. *SECOND AVENUE SITE,* Parsell St. (63.3),; 78/11/15 078 0050584

warren county

Lake George. *BOYAU,* Portion of Moncalm St.,; 78/11/15 078 0050585

washington county

GLEN FALLS FEEDER CANAL, Reference-see Warren County,; 79/11/14 078 0002064
Greenwich. *PALMER MILL (OLD MILL),* Mill St.,; 78/11/15 078 0050586

westchester county

North Tareytown. *TAREYTOWN LIGHTHOUSE (HUDSON RIVER LIGHTHOUSES THEMATIC RESURCES),* spans Hudson River (5-29-79),; 79/12/13 078 0002651
Ossining. *OLD OSSINING FURNITURE STORE,* 1-3 S. Highland Ave.,; 78/11/15 078 0050587
Ossining. *SNOWDEN COURT (SYMOND'S SCHOOL),* 89 Snowden Ave.,; 78/11/15 078 0050588
Port Washington vicinity. *EXECUTION ROCKS LIGHT STATION,* Lower SW portion of Long Island Sound,; 78/11/15 078 0050589
Tarrytown. *TARRYTOWN LIGHT STATION,; 78/11/15 078 0050590*
Yonkers. *MOQUETTE ROW HOUSING,* Nepperhan Ave. (63.3),; 78/12/20 078 0002403
Yonkers. *SMITH, ALEXANDER, CARPET MILLS,* Nepperhan Ave. (63.3),; 78/12/20 078 0002404
Yonkers. *WOMEN'S INSTITUTE BUILDING,; 78/11/15 078 0050591*

NEW YORK—Continued

Yonkers. *YONKERS CITY HALL,* S. Broadway (63.3),; 78/12/20 078 0002405
Yonkers. *YONKERS PUBLIC LIBRARY,* S. Broadway and Nepperhan Ave. (63.3),; 78/12/20 078 0002406
Yorktown. *YORKTOWN RAILROAD STATION,; 78/11/15 078 0050592*

yates county

Penn Yan. *YATES COUNTY COURTHOUSE PARK DISTRICT,* Main, Court and Liberty Sts. (6-19-79),; 79/12/13 078 0002652

NORTH CAROLINA

YANCEY NO. 194 METAL TRUSS BRIDGE,; 79/11/14 078 0002065

alamance county

Burlington. *CLAPP'S MILL AND DAM SITE,* (also in Guilford County); 78/11/15 078 0050593
Burlington. *FAUST MILL,* (also in Guilford County); 78/11/15 078 0050594
Burlington. *LOW HOUSE,* (also in Guilford County); 78/11/15 078 0050595
Burlington. *SOUTHERN RAILWAY PASSENGER DEPOT,* NE Corner Main and Webb Sts.,; 78/11/15 078 0050596
Burlington. *ST. ATHANASIUS EPISCOPAL CHURCH AND PARISH AND THE CHURCH OF THE HOLY COMFORTER,* 300 E. Webb Ave. and 320 E. Davis St. (5-29-79),; 79/12/13 078 0002653

alleghany county

ALLEGHANY NO. 107 METAL TRUSS BRIDGE, SR 1308 over King's Creek,; 79/11/14 078 0002066

buncombe county

BUNCOMBE NO. 213 METAL TRUSS BRIDGE SR 1408,; 79/11/14 078 0002069

burke county

BURKE NO. 126-85-10 METAL TRUSS BRIDGE, NC 126,; 79/11/14 078 0002071
BURKE NO. 2 METAL TRUSS BRIDGE, SR 1501,; 79/11/14 078 0002070

caldwell county

CALDWELL NO. 272 METAL TRUSS BRIDGE, SR 1328,; 79/11/14 078 0002072

camden county

South Mills vicinity. *BURNHAM HOUSE,* US Route 17,; 78/11/15 078 0050597

caswell county

Yanceyville vicinity. *ARCHEOLOGICAL SITES CS-12,* County Line Creek Watershed Project, (also in Rockingham County); 78/11/15 078 0050598
Yanceyville vicinity. *WOMACK'S MILL,* In County Creek Watershed Project, (also in Rockingham County); 78/11/15 078 0050599

catawba county

CATAWBA NO. 1 METAL TRUSS BRIDGE, SR 1008,; 79/11/14 078 0002074
CATAWBA NO. 58 METAL TRUSS BRIDGE, SR 1116,; 79/11/14 078 0002075

chatham county

CHATHAM NO. 155 METAL TRUSS BRIDGE, SR 2153,; 79/11/14 078 0002076
Haw River vicinity. *31CH28,; 79/10/30 078 0001073*
Haw River vicinity. *31CH29,; 79/10/30 078 0001074*
Seaforth vicinity. *NEWKIRK SITE 31CH366,* (63.3),; 9 -1172-078 0000281

cleveland county

Forest City vicinity. *ARCHEOLOGICAL RESOURCES IN SECOND BROOD RIVER WATERSHED PROJECT,* (also in Rutherford County); 78/11/15 078 0050600
Shelby. *MCBRAYER, DR. VICTOR, HOUSE,* 507 N. Morgan St. (5-31-79),; 79/12/13 078 0002854

cumberland county

Fayetteville. *VETERANS ADMINISTRATION HOSPITAL CONFEDERATE BREASTWORKS,* 23 Ramsey St.,; 78/11/15 078 0050601

dare county

Buxton. *CAPE HATTERAS LIGHT,* Cape Hatteras National Seashore,; 78/11/15 078 0050602
Nags Head. *BODIE ISLAND LIFESAVING/COAST GUARD STATION DISTRICT,* 5.3 mi. (8.5 km) S of jct. of U.S. 64 and SR 12 (63.3),; 78/11/15 078 0050603
Wanchese. *SITE 31DR35,* Wanchese Harbor Development,; 78/11/15 078 0050604

davidson county

DAVIDSON NO. 249 METAL TRUSS BRIDGE, SR 2294,; 79/11/14 078 0002077

durham county

Durham. *BENNEHAN-CAMERON PLANTATION HISTORIC DISTRICT,* (63.3),; 78/11/14 078 0055252

forsyth county

Winston-Salem. *ATKINS, DR. SIMON GREEN, HOUSE,* 348 Atkins St.,; 78/11/15 078 0050605
Winston-Salem. *BLAIR, COL. WILLIAM ALLEN, HOUSE,* 210 Cherry St. (63.3),; 78/11/15 078 0050606
Winston-Salem. *FRIES, JOHN WILLIAM, HOUSE,* 224 S. Cherry St. (63.3),; 78/11/15 078 0050607
Winston-Salem. *HILL, JAMES S., HOUSE,* 914 Stadium Dr.,; 78/11/15 078 0050608
Winston-Salem. *OLD SALEM SINGLE BROTHERS' BREWERY AND STILLHOUSE,* Off Academy and Marshall Sts. (63.3),; 78/11/15 078 0050609
Winston-Salem. *OLD SALEM SINGLE BROTHERS' RED TANNERY SITE,* Off Marshall and Academy Sts. (63.3),; 78/11/15 078 0050611
Winston-Salem. *OLD SALEM SINGLE BROTHERS' SLAUGHTERHOUSE-STABLE,* Off Salem and Academy Sts. (63.3),; 78/11/15 078 0050610
Winston-Salem. *PAISLEY, J. W., HOUSE,* 934 Stadium Dr.,; 78/11/15 078 0050612
Winston-Salem. *PATTERSON, ACKERMAN, AND SUSSDORF HOUSES,* 434, 440 448 S. Trade St.,; 78/11/15 078 0050613

gaston county

Mountain Island. *ST. JOSEPH'S CATHOLIC CHURCH,* off MD 273 (6-7-79),; 79/12/13 078 0002655

guilford county

GUILFORD NO. 158 METAL TRUSS BRIDGE, SR 2784,; 79/11/14 078 0002080
GUILFORD NO. 53 METAL TRUSS BRIDGE, SR 1334,; 79/11/14 078 0002079
Greenboro. *BUICK MOTOR COMPANY,* 309 N. Elm St. (63.3),; 78/11/15 078 0050614
Greenboro. *GREENSBORO MOTOR COMPANY,* 315 N. Elm St. (63.3),; 78/11/15 078 0050615
Greenboro. *O'HENRY HOTEL,* SW corner of intersection of N. Elm and Bellemeade Sts. (63.3),; 78/11/15 078 0050616
Greenboro. *WAFCO MILL (GREENSBORO ROLLER MILL),* 801 McGee St. (63.3),; 78/11/15 078 0050617
Greensboro. *GREEN HILL CENETERY GATEKEEPER'S HOUSE,* 700 Battleground Ave. (5-29-79),; 79/12/13 078 0002656
Greensboro. *GREENSBORO RAILROAD STATION,* 300 E. Washington St. (63.3),; 78/11/14 078 0055253
Greensboro. *IRELAND, CHARLES H., HOUSE,* 602 W. Friendly Ave. (5-29-79),; 79/12/13 078 0002657
Greensboro,. *OLD GREENSBOROUGH DISTRICT,* (63.3),; 79/10/31 078 0000136
Greensboro. *WAFCO MILLS,* 801 McGee St. (5-30-79),; 79/12/13 078 0002658
High Point. *HIGH POINT RAILROAD STATION,* 100 W. High St. (63.3),; 78/11/14 078 0055254

haywood county

HAYWOOD NO. 291 METAL TRUSS BRIDGE, SR 1625,; 79/11/14 078 0002082
HAYWOOD NO. 79 METAL TRUSS BRIDGE, SR 1112,; 79/11/14 078 0002081

henderson county

HENDERSON NO. 63 METAL TRUSS BRIDGE, SR 1882,; 79/11/14 078 0002083

hyde county

New Holland,. *MATTAMUSKEET LODGE,,* Mattamuskeet National Wildlife Refuge,,; 79/10/31 078 0000140

jackson county

JACKSON NO. 63 METAL TRUSS BRIDGE Jackson No. 63 Metal Truss Bridge, SR 1392,; 79/11/14 078 0002084

lincoln county

LINCOLN NO. 22 METAL TRUSS BRIDGE Lincoln No. 22 Metal Truss Bridge, SR 1414,; 79/11/14 078 0002085

mcdowell county

MCDOWELL NO. 126-87-10 METAL TRUSS BRIDGE McDowell No. 126-87-10 Metal Truss Bridge, NC 126,; 79/11/14 078 0002086

mitchell county

MITCHELL NO. 229 METAL TRUSS BRIDGE Mitchell No. 229 Metal Truss Bridge, SR 1336,; 79/11/14 078 0002087

montgomery county

MONTGOMERY NO. 60 METAL TRUSS BRIDGE Montgomery No. 60 Metal Truss Bridge, SR 1567,; 79/11/14 078 0002088

nash county

NASH NO. 271 METAL TRUSS BRIDGE Nash No. 271 Metal Truss Bridge, SR 1331,; 79/11/14 078 0002089

new hanover county

Wilmington. *COLD MORNING SITE (31 NM 28),* (63.3),; 78/12/19 078 0002397

onslow county

Swansboro. *UNIFLITE SITE (31 ON 33),* Just beyond end of SR 1507,; 78/11/15 IA NORTH DAKOTA 078 0050618

pasquotank county

Newland vicinity. *31PK 5(17-1) BRICK ROAD,* SE of Newland on U.S. 17,; 79/11/14 078 0002090

person county

PERSON NO. 35 METAL TRUSS BRIDGE Person No. 35 Metal Truss Bridge, SR 1120,; 79/11/14 078 0002091

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NORTH CAROLINA—Continued

pitt county

PITT NO. 411 METAL TRUSS BRIDGE Pitt No. 411 Metal Truss Bridge, SR 1531.; 79/11/14 078 0002092

randolph county

RANDOLPH NO. 19 METAL TRUSS BRIDGE Randolph No. 19 Metal Truss Bridge, SR 1170.; 79/11/14 078 0002093

robeson county

ROBESON NO. 430 METAL TRUSS BRIDGE Robeson No. 430 Metal Truss Bridge, SR 1539.; 79/11/14 078 0002094

rockingham county

ROCKINGHAM NO. 98 METAL TRUSS BRIDGE Rockingham No 98 Metal Truss Bridge,; 79/11/14 078 0002095

rowan county

ROWAN NO. 27 METAL TRUSS BRIDGE Rowan No. 27 Metal Truss Bridge, SR 1003.; 79/11/14 078 0002096

Salisbury. EXPANDED BOUNDARIES FOR THE SALISBURY HISTORIC DISTRICT

rutherford county

RUTHERFORD NO. 270 METAL TRUSS BRIDGE Rutherford No. 270 Metal Truss Bridge, SR 1155.; 79/11/14 078 0002097

stokes county

STOKES NO. 197 METAL TRUSS BRIDGE Stokes No. 197 Metal Truss Bridge, SR 1665.; 79/11/14 078 0002099

STOKES NO. 75 METAL TRUSS BRIDGE Stokes No. 75 Metal Truss Bridge, SR 1417.; 79/11/14 078 0002098

tuscarawas county

BELNAP-PEARCH-VAN BUSKIRK FARM BUILDINGS, OH 212.; 9 -1172-078 0000288

wake county

Falls. *FALLS OF THE NEUSE MANUFACTURING COMPANY,* W bank of Neuse River at SR 2000 (63.3).; 78/11/11 078 0055043

washington county

Plymouth. *PLYMOUTH RAILROAD STATION.; 1/8/80 078 0003058*

NORTH DAKOTA

dunn county

Haliday vicinity. *ARCHEOLOGICAL SITE 32DU2,* Highway 8 Project (63.3).; 78/11/13 078 0055083

OHIO

adams county

Wrightsville vicinity. *GRIMES SITE (33 AD 39),* Killen Electric Generating Station.; 78/11/15 078 0050620

Wrightsville vicinity. *KILLEN BRIDGE SITE (33 AD 36),* Killen Electric Generating Station.; 78/11/14 078 0050621

astabula county

Astabula. *WEST FIFTH STREET BRIDGE,* Over Astabula River.; 78/11/15 078 0050622

athens county

Nelsonville. *DEW HOUSE (DEW HOTEL),* (63.3).; 78/11/14 078 0055230

Shade. *COLBURN RESIDENCE,* Route 1.; 78/11/15 078 0050623

belmont county

Bellaire. *BERGUNDTHAL, ROSE, HOUSE,* 4710 Jefferson St..; 78/11/15 078 0050624

Bellaire. *FULTON,EDWIN,HOUSE,* 3678 Belmont St.(63.3).; 79/11/05 078 0001173

Bellaire. *GUERNSEY STREET HISTORIC GROUPING,* 4711-4825 Guernsey St..; 78/11/15 078 0050625

Bellaire. *INDEPENDENT HOSE COMPANY NO. 3, THE,* 19th and Belmont Sts..; 78/11/15 078 0050626

Bellaire. *MITCHELL RESIDENCE,* 4363 Guernsey St..; 78/11/15 078 0050627

Bellaire. *SONS OF ITALY BUILDING,* 3141 Union St.(63.3).; 79/11/05 078 0001174

Bellaire. *UNION STREET BRIDGE,* Union St. over McMahon's Creek.; 78/11/15 078 0050628

Martins Ferry. *CENTRAL SCHOOL BUILDING,* Hickory and S. 4th Sts..; 1/8/79 078 0050852

clark county

Pike Township. *HALLOCK, MERTIE, HOUSE.; 78/11/15 078 0050629*

cook county

Chicago. *CHICAGO ACADEMY OF SCIENCES,* 2001 N. Clark St.(63.3).; 79/11/08 078 0001695

Chicago. *SHEDD, JOHN G., AQUARIUM,* 1200 S. Lakeshore Dr.(63.3).; 79/11/08 078 0001696

crawford county

Crestline. *CALVARY REFORMED CHURCH, FIRST UNITED METHODIST CHURCH, CRESTLINE SHUNK MUSEUM.; 78/11/15 078 0050630*

darke county

Union City. *DAR-S.R.-571-0.00.; 78/11/15 078 0050631*

fairfield county

Richland. *R. F. BAKER BRIDGE,* Thornville Rd. and Little Rush Creek.; 78/11/13 078 0055084

franklin county

Columbus. *NEAR NORTH SIDE HISTORIC DISTRICT.; 79/10/30 078 0001075*

greene county

Xenia. *OLDTOWN GREEK MOUND AND CIRCLE,* (63.3).; 78/11/15 078 0055354

hamilton county

Cincinnati.. *BUILDINGS AT 1716,1718, 1726 AND 1728 RACE STREET.,* Race Street..; 79/10/31 078 0000142

Cincinnati.. *HOUSE AT 27 WEST MCMILLON STREET.,* West McMillan Street.; 79/10/31 078 0000143

Cincinnati.. *HOUSES AT 801,813,817,819,821 AND 823 VINE STREET.,* Vine Street..; 79/10/31 078 0000144

cincinnati. *PROPERTIES IN IANE SEMINARY RECREATION SITE,* (17 sites).; 79/11/14 078 0002100

Cincinnati. *BETTS HISTORICAL DISTRICT.; 9 -1172-078 0000282*

Cincinnati. *BUILDING AT 200-204 FOURTH STREET; 9 -1172-078 0000283*

Cincinnati. *BUILDING AT 201-205 FIFTH STREET.; 9 -1172-078 0000284*

Cincinnati. *BUILDING AT 213-215 FIFTH STREET.; 9 -1172-078 0000285*

Cincinnati. *BUILDING AT 425-435 ELM STREET.; 9 -1172-078 0000286*

Cincinnati. *EIGHTH STREET CLUSTER.; 9 -1172-078 0000287*

Cincinnati. *17 PROPERTIES IN WALNUT HILLS, LINCOLN&GILBERT UDAG AREA,* 2935 Gilbert Ave.;835,849,857 Beecher St.;3014,3010,Melrose Ave; and 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856 Lincoln Ave..; 79/11/05 078 0001175

licking county

Health. *DIGIONDOMENICO SITE (OHIO LIC 343-0.00).; 78/11/15 078 0050632*

lucas county

Toledo. SECURITIES BANK BUILDING. 312 Summit St. (63.3)

Toledo. *KEASEY FLATS,* 1341-1343 Dorr St..; 79/10/30 078 0001076

meigs county

Rutland Village.. *COMPBELL-LARKIN HOUSE E OF RUTLAND VILLAGE,.* E of Rutland Village.; 79/10/31 078 0000145

montgomery county

Dayton. *COLUMBIA BRIDGE WORKS.; 78/11/15 078 0050633*

Farmersville vicinity. *LOWER CRATIS ROAD BRIDGE.; 78/11/15 078 0050634*

morgan county

McConnelsville.. *MCCONNELSVILLE HISTORIC DISTRICT,.* (63.3).; 79/10/31 078 0000146

richland county

Mansfield. *RITTER, WILLIAM, HOUSE,* 181 S. Main.; 78/11/15 078 0050635

seneca county

Tiffin. *OLD U.S. POST OFFICE,* 215 S. Washington St..; 78/11/15 078 0050636

summit county

Akron. *UNITED WAY BUILDING,* Perkins St..; 78/11/15 078 0050637

tuscarawas county

Warren Township. *CONOTTON CREEK BRIDGE,* CR 90 over Conotton Creek.; 78/11/15 078 0050638

warren county

Corwin. *SHAFFER MOUND,* S of New Burlington Rd..; 78/11/15 078 0050639

Harveysburg. *E. L. ANDERLEE MOUND,* S of new Burlington Rd. in Caesar Creek Lake Project.; 78/11/15 078 0050640

Massie. *CARR MILL SITE (33WA 75),* Caesar Creek Lake Project.; 78/11/16 078 0050641

Massie. *JONAH'S RUN SITE (33Wa 82),* Caesar Creek Lake Project.; 78/11/16 078 0050646

Massie. *KING ROAD SITE (33WA 112),* Caesar Creek Lake Project.; 78/11/16 078 0050642

Massie. *OGLESBY-HARRIS SITE (33WA 83).; 78/11/16 078 0050645*

Massie. *PIPELINE SITE (33WA 78).; 78/11/16 078 0050644*

Massie. *WOOD 73 SITE (33WA 92),* Caesar Creek Lake Project.; 78/11/16 078 0050643

wayne county

Wooster. *THORNE HOUSE,* 1576 Beall Ave..; 78/11/16 078 0050647

OKLAHOMA

atoka county

Wapanucka vicinity. *ARCHEOLOGICAL SITE AT-172.; 78/11/14 078 0055231*

Wapanucka vicinity. *ESTEP SHELTER,* Lower Clear Boggy Watershed.; 78/11/16 078 0050648

OKLAHOMA—Continued

Watson Creek. *GRAHAM SITE,* Lower Clear Boggy Watershed,; 78/11/16 078 0050649

caddo county

DELAWARE CANYON SITES CD-257 AND CD-258, West Branch Delaware Creek.; 78/11/16 078 0050650

comanche county

Fort Sill. *BLOCKHOUSE ON SIGNAL MOUNTAIN,* Off Mackenzie Hill Rd..; 78/11/16 078 0050651

kay county

Newkirk vicinity. *BRYSON ARCHEOLOGICAL SITE,* NE of Newkirk.; 78/11/16 078 0050652

mccurtain county

ARCHEOLOGICAL SITES: MC242, MC244, MC245, Waterfall-Gilford Watershed.; 78/12/19 078 0002398

pittsburg county

ARCHEOLOGICAL SITES: PS 96, PS 99, Brushy-Peacable Watershed.; 78/12/19 078 0002399

pushmataha county

Clayton Lake vicinity. *BUG HILL SITE (34PU116),* (63.3),; 1/8/80 078 0003059

OREGON

baker county

Baker vicinity. *VIRTUE FLAT MINING DISTRICT,* 10 mi. (16 km) E of Baker off Hwy. 86.; 78/11/16 078 0050653

clackamas county

THREE LYNX RAILROAD GRADE SITE (CL107), Mount Hood National Forest (63.3).; 1/8/80 078 0003060

Government Camp vicinity. *LAUREL HILL SEGMENT, BARLOW ROAD HISTORIC DISTRICT,* Off U.S. 26.; 78/11/13 078 0055154

columbia county

Scappose vicinity. *PORTLAND AND SOUTHWESTERN RAILROAD TUNNEL,* 13 mi. (20.8 km) NW of Scappose.; 78/11/16 078 0050654

coos county

Charleston. *CAPE ARAGO LIGHT STATION.; 78/11/16 078 0050655*

curry county

Port Orford. *CAPE BLANCO LIGHT STATION.; 78/11/16 078 0050656*

gilliam county

Arlington vicinity. *FOUR MILE CANYON AREA (OREGON TRAIL),* 10 mi. (16 km) SE of Arlington.; 78/11/16 078 0050658

Olex vicinity. *ARCHEOLOGICAL SITES (GHOST CAMP RESERVOIR).; 78/11/16 078 0050657*

Olex vicinity. *CRUM GRISTMILL,* Ghost Camp Reservoir area.; 78/11/16 078 0050659

Olex vicinity. *OLD WAGON ROAD,* Ghost Camp Reservation area.; 78/12/10 078 0050659

Olex vicinity. *OLEX SCHOOL,* Ghost Camp Reservoir area.; 78/11/16 078 0050660

Olex vicinity. *STEEL TRUSS BRIDGE,* Ghost Camp Reservoir area.; 78/11/16 078 0050661

harney county

ARCHEOLOGICAL SITE 35 HA 403, Malheur National Wildlife Refuge(63.3),; 79/11/05 078 0001176

jackson county

BIG ELK GUARD STATION,. Rouge River National Forest (63.3).; 79/10/31 078 0000147

POLMER CREEK SITES B, D, AND F,. Rouge River National Forest,.; 79/10/31 078 0000149

Copper vicinity,. *ARCHEOLOGICAL SITES 35JA42, 35JA47, 35JA52 AND 35JA53,* (63.3).,; 79/10/31 078 0000148

Medford. *MCCREDIE HOUSE,* 2806 Old Stage Rd. (63.3).; 78/11/16 078 0050662

klamath county

CRATER LAKE NATIONAL PARK, Crater Lake Lodge.; 78/11/16 078 0050663

lane county

Coburg vicinity. *MCKENZIE RIVER RAILROAD BRIDGE.; 78/11/16 078 0050664*

Eugene. *EAKIN-SNODGRASS HOUSE,* 437 Lawrence St..; 79/11/14 078 0002102

Eugene. *ELLIOT HOUSE,* 938 Jefferson St..; 79/11/14 078 0002103

Eugene. *HAM HOUSE,* 347 1/2 High St..; 79/11/14 078 0002104

Eugene. *MCMURRAY HOUSE,* 930 E. 21st Ave..; 79/11/14 078 0002105

Eugene. *SOULTS-WESTFALL DUPLEX,* 1412 Pearl St..; 79/11/14 078 0002106

Roosevelt Beach. *HECETA HEAD LIGHT STATION.; 78/11/16 078 0050666*

Roosevelt Beach. *HECETA HEAD LIGHTHOUSE.; 78/11/16 078 0050665*

lincoln county

Agate Beach. *YAQUINA HEAD LIGHTHOUSE.; 78/11/16 078 0050667*

polk county

Salem. *CHEMAWA INDIAN SCHOOL.; 78/11/16 078 0050668*

tillamook county

Tillamook. *CAPE MEARES LIGHTHOUSE.; 78/11/16 078 0050669*

wallawa county

Enterprice vicinity. *ELK MOUNTAIN SITE,* Elk Mountain.; 79/11/14 078 0002107

wasco county

MEMALOOSE ISLAND, River Mile 177.5 in Columbia River.; 78/11/16 078 0050670

wheeler county

Antone. *ANTONE MINING TOWN,* Barite 1901–1906.; 78/11/16 078 0050671

PENNSYLVANIA

COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES. Covered Bridges Of Washington And Greene Counties Thematic Resources., Reference—see individual listings under Washington and Greene Counties; 79/12/01 078 0002821

clinton county. *MUSSINA, LYONS, HOUSE,* 23 N. Jay St..; 78/11/16 078 0050691

Rogersville vicinity. *SCOTT COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES),* PA 221 (6-22-79).; 79/12/12 078 0002822

Waynesburg vicinity. *GRIMES COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES),* PA 221 (6-22-79).; 79/12/12 078 0002823

Waynesburg vicinity. *LIPPINCOTT COVERED BRIDGE (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES),* PA 221 (6-22-79).; 79/12/12 078 0002824

adams county

KUHN'S FORDING BRIDGE, Spans Conewago Creek.; 78/11/16 078 0050672

Irishtown. *LILLY'S MILL COVERED BRIDGE.; 78/11/13 078 0055155*

allegheny county

East Berlin vicinity. *MCJUNKIN SITE,* New Texas Rd..; 78/11/16 078 0050673

Heidelberg vicinity. MIDDEN NEAR NEVILLE HOUSE, off SR 50 (63.3)

Pittsburgh. *ARROTT BUILDING,* 4th and Wood Sts. (63.3).; 79/10/30 078 0001077

Pittsburg. *1144 E. OHIO ST..; 78/11/13 078 0055158*

Pittsburg. *1148 E. OHIO ST..; 78/11/13 078 0055159*

Pittsburgh. *HEINZ, SARAH, HOUSE,* Bounded by E. Ohio, Heinz, and N. Canal Sts..; 78/11/13 078 0055156

Pittsburgh. *ST. BONIFACE CHURCH,* 2208 East St..; 78/11/16 078 0050674

Pittsburgh. *ST. MARY'S CHURCH,* Lackhart and Pressley Sts..; 78/11/13 078 0055160

Pittsburgh. *1134 E. OHIO ST..; 78/11/13 078 0055157*

Sewickley Borough vicinity. *SEWICKLEY BRIDGE,* Spans the Ohio River.; 78/11/13 078 0055161

Sewickley,. *U.S. POST OFFICE,.* Walunt and Bank Streets (63.3).; 79/10/31 078 0000151

berks county

Brownsville vicinity. *LAUER-GERHART FARM, MT. PLEASANT, BERGER-STOUT LOG HOUSE,* Near jct. of Church Rd. and Tulephocken Creek.; 78/11/16 078 0050675

Mt. Pleasant. *BERGER–STOUT LOG HOUSE,* Near jct. of Church Rd. and Tulephocken Creek.; 78/12/10 078 0050675

Mt. Pleasant. *CONRAD'S WAREHOUSE,* Near jct. of Rte. 183 and Powder Mill Rd..; 78/11/16 078 0050676

Mt. Pleasant. *HECK-STAMM-UNGER FARMSTEAD,* Gruber Rd..; 78/11/16 078 0050677

Mt. Pleasant. *O'BOLDS-BILLMAN HOTEL AND STORE,* Gruber Rd. and Rte. 183.; 78/11/16 078 0050678

Mt. Pleasant. *UNION CANAL,* Blue Marsh Lake Project area.; 78/11/16 078 0050679

Reading vicinity. *BLUE MARSH ARCHEOLOGICAL DISTRICT.; 78/11/16 078 0050680*

Wernersville. *STAUDT FARM, THE,* R.D. No. 1.; 78/11/13 078 0055085

butler county

Butler. *BONNIE BROOK ARCHEOLOGICAL SITE.; 78/11/16 078 0050681*

chester county

Charlestown. *NESSPOR HOUSE (THOMAS DAVIS HOUSE),* State Rd..; 78/11/16 078 0050683

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PENNSYLVANIA—Continued

Charlestown. *PICKERING CREEK ICE DAM*, State Rd.; 78/11/16 078 0050664
Charlestown Township. *NATURE CENTER OF CHARLESTOWN*, State Rd.; 78/11/16 078 0050662
Chester vicinity. *LOCK AERIE,; 78/11/16 078 0050685*
East Whiteland Township. *GUNKLE GRIST MILL*, (63.3).; 78/11/15 078 0055356
Schuylkill township. *THE BLACKEWELL HOUSE*, State Rd.; 78/11/16 078 0050686
Schuylkill township. *THE SHOWALTER HOUSE*, Sate Rd.,; 78/11/16 078 0050687

clinton county

Lockhaven. *APSLEY HOUSE*, 302 E. Church St.; 78/11/16 078 0050680
Lockhaven. *HARVEY, JUDGE, HOUSE*, 29 N. Jay St.,; 78/11/16 078 0050689
Lockhaven. *MCCORMICK, ROBERT, HOUSE*, 234 E. Church St.,; 78/11/16 078 0050690

columbia county

Forks vicinity. *TWIN BRIDGES-EAST PADEN COVERED BRIDGE NO. 120 (COVERED BRIDGES OF COLUMBIA AND MONTOUR COUNTIES THEMATIC RESOURCES)*, Off PA 478, (11-29-79); 0 11/80/078 0008916

cumberland county

Hampden township. *CROGHAN SITE*, Route 1067.; 78/11/16 078 0050692
Hampden township. *WEIBLY HOUSE*, Route 1067.; 78/11/16 078 0050693

delaware county

Chester vicinity. *I 476 HISTORIC SITES (20 HISTORIC SITES)*, Mid-County Expwy., between Conshohocken and Chester, (also in Montgomery County); 78/11/16 078 0050694
Media Borough. *MINSHALL HOUSE,; 78/11/16 078 0050695*

fayette county

Washington. *COOK JOSEPH H., HOUSE*, Cook Rd.,; 78/11/16 078 0050696

huntingdon county

Marklesburg vicinity. *BRUMBAUGH HOMESTEAD*, Raystown Lake Project,; 78/11/16 078 0050697

lackawanna county

Carbondale. *MINERS AND MECHANICS BANK BLDG.*, 13 N. Main St.,; 78/11/16 078 0050698

lancaster county

Bainbridge township. *HALDEMAN MANSION,; 78/11/16 078 0050699*
Lititz. *MUELLER, JOHANNES, HOUSE*, 146 E. Main St. (63.3).; 78/11/13 078 0055086
Marietta. *UNION MEETINGHOUSE*, Waterford Ave. (63.3).; 78/11/11 078 0055046

lehigh county

Allentown. *OLD LEHIGH COUNTY COURTHOUSE*, 501 Hamilton St.,; 1/8/80 078 0003061
Colesville vicinity. *SITE 1: FARMHOUSE, BARN, AND OUTBUILDINGS*, I-78,; 78/11/16 078 0050700

lycoming county

Williamsport. *FAXON LUMBER CO., INC.*, Williamsport Beltway,; 78/11/16 078 0050701

mercer county

Greenville. *PENN MIDDLE SCHOOL*, Penn Ave.,; 79/11/05 078 0001177

montgomery county

Norristown. *MARSHALL STREET BRIDGE*, W. Marshall St.,; 78/12/19 078 0002400

northampton county

Bethlehem. *LEHIGH CANAL,; 78/11/16 078 0050702*
Easton. *EASTON HISTORIC DISTRICT,; 78/11/16 078 0050703*
Lower Saucon Township. *SITE 3: FARMHOUSE, BARN, AND OUTBUILDINGS*, I-78,; 78/11/16 078 0050704
Lower Saucon Township. *SITE 4: FARMHOUSE, BARN, AND OUTBUILDINGS*, I-78,; 78/11/16 078 0050705

philadelphia county

Philadelphia. *BRIDGE ON 'I' STREET*, Over Tacony Creek.; 78/11/16 078 0050706
Philadelphia. *COURTHOUSE AND POST OFFICE*, 9th St., between Chestnut and Market Sts.,; 78/11/16 078 0050707
Philadelphia. *FRANKLIN SQUARE*, 6th, 7th, Vine, and Franklin Sts.,; 78/11/16 078 0050708
Philadelphia. *LIGHTHOUSE, THE*, 152 W. Lehigh Ave.,; 78/11/14 078 0055255
Philadelphia. *NEW FOREST THEATER*, 1108–1114 Walnut St.,; 78/11/16 078 0050709
Philadelphia. *POTH, FREDERICK, HOUSE*, 216 N. 33rd St.,; 78/11/16 078 0050710
Philadelphia. *STETSON, JOHN B., COMPANY*, 1801 Germantown Ave. (63.3).; 78/11/13 078 0055087
Philadelphia. *TREMONT MILLS*, Wigonocking St. and Adams Ave.,; 78/11/16 078 0050712
Philadelphia. *WEST PHILADELPHIA STATION (PENNSYLVANIA RR. STATION)*, W. River Dr., Market, 30th, and Arch Sts. (63.3).; 78/11/13 078 0055047
Philadelphia. *WOODLAND CARBARN*, 49th St. and Woodland Ave.,; 78/11/16 078 0050713
Philadelphia. *3400 BLOCK OF SANSON ST.,; 78/11/16 078 0050711*

pike county

Delaware Township. *EMERY HOUSE*, I-316,; 78/11/16 078 0050714

susquehanna county

Montrose. *MONTROSE INN*, Church and Chestnut Sts.,; 78/11/14 078 0055162

washington county

Somerset Township. *WRIGHT NO. 22 COVERED BRIDGE,; 78/11/16 078 0050715*

york county

NEWBERRYTOWN HISTORIC DISTRICT,;
Goldsboro. *GOLDSBORO HISTORIC DISTRICT,; 79/11/09 078 0001710*
Wrightsville. *WRIGHTSVILLE HISTORIC DISTRICT,; 79/11/09 078 0001712*
York. *YORK HISTORIC DISTRICT*, Bounded by Broad St., Hartley, Newton, and Gas

PUERTO RICO

PUERTO ROJO (SANTA MATILDE BRIDGE OVER LA TUNA RIVER), Spans Guajataca River,; 78/11/15 078 0055358
Mona Island. *SARDINERO SITE AND BALL COURTS,; 78/11/17 078 0050614*
San Juan. *MIRAFLORES CHAPEL,; 78/12/20 078 0002407*

san juan county

San Juan. *PASEO MUNOZ RIVERA ARCHEOLOGICAL SITE,; 78/11/17 078 0050615*

RHODE ISLAND

kent county

Coventry. *ISAAC BOWEN HOUSE*, Maple Valley Rd.(63.3).; 79/10/30 078 0001078
Coventry. *WILCOX SITE,; 79/10/30 078 0001079*
Coventry. *WILLIAM WATERMAN HOUSE*, RI 102 (63.3).; 79/10/30 078 0001080

providence county

Lincoln. *MILK CAN*, Louisquisset Pike (63.3).; 78/11/14 078 0055163
Pawtucket. *ART'S AUTO*, 5–7 Lonsdale Ave. (63.3).; 78/11/14 078 0055164
Pawtucket. *LORENZO CRANDALL HOUSE*, 221 High St.,; 78/11/16 078 0050716
Pawtucket. *THE MODERN DINER*, 13 Dexter St.,; 78/11/16 078 0050717
Providence. *DOWNTOWN PROVIDENCE HISTORIC DISTRICT*, (63.3).; 78/11/15 078 0055359
Providence. *WOONESQUATUCKET BRIDGE,; 78/11/16 078 0050718*
Scituate. *BATTEY-BARDEN HOUSE*, Plainfield Pike,; 1/8/80 078 0003062
Seituate. *AMOS COOKE HOUSE*, Chopmist Hill Rd. (63.3).; 79/10/30 078 0001081
Woonsocket. *CLUB MARQUETTE BUILDING (ST. ANNES'S GYMNASIUM)*, Cumberland St.,; 78/11/16 078 0050719
Woonsocket. *HANORA MILLS*, 1 Main St. (63.3).; 1/8/80 078 0003063

washington county

Davisville vicinity. *CAMP ENDICOTT*, Off U.S. 1,; 78/11/11 078 0055044
Narragansett. *CAMPBELL SITE(8ALP),; 79/10/30 078 0001116*
Narragansett. *SPRAGUE, GOV., BRIDGE*, Boston Neck Rd.,; 78/11/16 078 0050720
Narragansett. *SPRAGUE 1 SITE(8ALP),; 79/10/30 078 0001117*

SOUTH CAROLINA

beaufort county

Parris Island. *MARINE CORPS RECRUIT DEPOT,; 78/11/16 078 0050721*

berkeley county

HONEY HILL SITE(38BK134), Francis Marion National Forest,; 79/11/14 078 0002108
Cooper River vicinity. *ARCHEOLOGICAL SITES: 38 BK 75, 38 BK 76, 38 BK 88, 38 BK 109, 38 BK 225, 38 BK 226, 38 BK 229, 38 BK 230, 38 BK 231, 38 BK 235, 38 BK 236, 38 BK 239, 38 BK 245, 38 BK 246*, Cooper River Rediversion Archeological Survey (63.3).; 78/12/20 078 0002406
Lake Marion. *SPIERS LANDING SITE (38 BK 160)*, (63.3).; 78/11/14 078 0055165

charleston county

Charleston. *OLD RICE MILL*, Off Lockwood Dr.,; 78/11/16 078 0050729
Charleston. *139 ASHLEY ST.,; 78/11/16 078 0050722*
Charleston. *268 CALHOUN ST.,; 78/11/16 078 0050727*
Charleston. *274 CALHOUN ST.,; 78/11/16 078 0050728*
Charleston. *316 CALHOUN ST.,; 78/11/16 078 0050725*

SOUTH CAROLINA—Continued

Charleston. *316R CALHOUN ST.,; 78/11/16 078 0050726*
Charleston. *69 BARRE ST.,; 78/11/16 078 0050723*
Charleston. *69R BARRE ST.,; 78/11/16 078 0050724*

fairfield county

Winnsboro vicinity. *ARCHEOLOGICAL SITES 38 FA 161 and 38 FA 162*, Jackson-Mill Creeks Watershed (63.3).; 78/11/13 078 0055088

jasper county

LAUREL HILL PLANTATION SITE,; 1/8/79 078 0050853

lexington county

Cayce. *GODLEY 38LX141*, (63.3).; 78/11/16 078 0050739
Cayce. *MANNING 38LX50*, (63.3).; 78/11/16 078 0050740

SOUTH DAKOTA

brookings county

Brookings,. *OAKWOOD LAKES SITE,, (39BK7)* Oakwood Lakes State Park.,; 103179 078 0000152

corson county

Mobridge vicinity. *JAKE WHITE BULL (39C06) ARCHEOLOGICAL SITE*, (63.3).; 78/11/13 078 0055089

lake county

Madison. *MAIN POST OFFICE*, 119 Center St.,; 1/8/80 078 0003064

minnehaha county

Sioux Falls. *ORPHEUM THEATER*, 315 N. Phillips Ave.,; 78/11/16 078 0050741
Sioux Falls. *SIOUX FALLS DEPOT*, Between 5th and 6th Sts. (63.3).; 78/11/15 078 0055360

pennington county

RAPID CITY, 612–632 Main St., (also in NR Rapid City Historic Commercial District); 78/11/16 078 0050742

walworth county

Mobridge vicinity. *TRAVIS II SITE,; 78/11/16 078 0050743*

TENNESSEE

blount county

Tellico River vicinity. *TELLICO ARCHEOLOGICAL DISTRICT*, (also in Loudon and Monroe counties),; 79/10/30 078 0001082

davidson county

Nashville. *ANCIENT INDIAN VILLAGE AND BURIAL GROUND*, Section 203(b),; 78/11/16 078 0050744

hamilton county

WALNUT STREET BRIDGE, Across the Tennessee River from Walnut St. to Frazier Ave.,; 78/11/15 078 0055361
Chattanooga. *AMNICOLA HOUSE*, Amnicola Hwy.,; 78/11/13 078 0055090
Chattanooga. *EAST TENNESSEE IRON MANUFACTURING COMPANY*, Walnut St.,; 78/11/13 078 0055091
Chattanooga. *GUID, JO CONN, HOUSE*, 950 Vine St.,; 78/11/13 078 0055092
Chattanooga. *THOMAS, BENJAMIN F., HOUSE*, 938 McCallie Ave.,; 78/11/13 078

hardin county

INDIAN MOUNDS, Shiloh National Military Park,; 1/8/79 078 0050854

hickman county

Greenfield Bend vicinity. *SHELBY BEND ARCHEOLOGICAL DISTRICT,; 78/11/14 078 0055232*

jackson county

Gainesboro vic.,. *HURRICANE BRANCH ARCHEOLOGICAL DISTRICT*
Gainsboro, *CORDELL HULL RESERVOIR ARCHEOLOGICAL SITES*

polk county

Ocoee. *OCOEE HYDROELECTRIC PLANT NO. 2*, U.S. 64(63.3).; 79/11/14 078 0002109

sevier county

Gatlinburg vicinity. *BAXTER, WILLIS, CABIN*, E of Gatlinburg in Great Smoky Mountains National Park (63.3).; 78/11/15 078 0055362

washington county

Johnson City. *MOUNTAIN HOME MEDICAL CENTER,; 79/11/14 078 0002110*

TEXAS

bexar county

Fort Sam Houston. *EISENHOWER HOUSE*, Artillery Post Rd.,; 78/11/17 078 0050747
San Antonio. *ARCHEOLOGICAL SITE 41BX1 NORTH,; 1/8/80 078 0003065*

brazoria county

Brazoria vicinity. *ELLERSLIE PLANTATION*, (63.4(b)).; 79/11/14 078 0002111

brewster county

Big Bend National Park. *ARCHEOLOGICAL SITE 41BS41*, (63.3).; 78/11/14 078 0055233
Big Bend National Park. *ARCHEOLOGICAL SITE 41BS809*, (63.3).; 78/11/14 078 0055234

calhoun county

Port O'Connor vicinity. *MATAGORDA LIGHTHOUSE,; 1/8/79 078 0050855*

comanche county

Rush Creek vicinity. *ARCHEOLOGICAL SITE 41CJ62*, (63.3).; 78/11/14 078 0055235

concho county

Middle Colorado River Watershed. *PREHISTORIC ARCHEOLOGY IN THE SOUTHWEST LATERALS SUBWATERSHED*, (also in McCulloch County); 78/11/17 078 0050748

culberson county

EMIGRANT TRAIL TO CALIFORNIA AND BUTTERFIELD STAGE ROUTE, Guadalupe Mountains National Park,; 1/8/79 078 0050856

delta county

Klondike vicinity. *COPPER LAKE ARCHEOLOGICAL DISTRICT*, (also in Hopkins County); 78/11/67 078 0050749

denton county

Sangers vicinity. *HAMMONS, GEORGE, HOUSE*, Between Sangers and Pilot Point,; 78/11/17 078 0050750

galveston county

Galveston. *U.S. CUSTOMHOUSE*, Bounded by Avenue B, 17th, Water, and 18th Sts.,; 78/11/17 078 0050751

hardeman county

Quanah. *QUANAH RAILROAD STATION*, Lots 2, 3, and 4 in Block 2,; 78/11/17 078 0050752

hays county

ARCHEOLOGICAL SITE 41HY75,; 78/11/15 078 0055363
ARCHEOLOGICAL SITE 41HY86,; 78/11/15 078 0055364
ARCHEOLOGICAL SITE 41HY92,; 79/11/07 078 0001776
ARCHEOLOGICAL SITE 41HY92, UPPER SAN MARCOS RIVER WATERSHED,; 79/11/05 078 0001178

hill county

AQUILLA ARCHEOLOGICAL DISTRICT, (63.3).; 1/8/79 078 0050857

hunt county

Greenville. *EDGE HOUSE*, Stonewall and Marshall Sts. (63.3).; 78/11/14 078 0055256
Greenville. *ROSENBURG HOUSE*, Stonewall and Morse Sts. (63.3).; 78/11/14 078 0055257

jim wells county

Chiltipin vicinity. *ARCHEOLOGICAL SITE 41JW8,; 78/11/14 078 0055236*

kaufman county

Cedar Creek Lake vicinity. *41 KF 64,; 78/11/15 078 0055385*

lamar county

ARCHEOLOGICAL SITE: 41 LR 45, (63.3).; 78/12/20 078 0002409
ELLIS I SITE X 41 LR 62, (63.3).; 78/12/20 078 0002410
Pin Hook vicinity. *MORTON SITE 41 LR 44*, SW of Pin Hook (63.3).; 78/12/20 078 0002411

live oak county

Tilden vicinity. *CHOKE CANYON RESERVOIR ARCHEOLOGICAL DISTRICT*, also in McMullen County (63.3).; 1/8/80 078 0003066

mcculloch county

Bluff Creek vicinity. *41MK27*, (63.3).; 79/10/30 078 0001083
Brady vicinity. *SALTWATER CREEK FLOODWATER RETARDATION STRUCTURE 6A ARCHEOLOGICAL DISTRICT*, (63.3).; 1/8/80 078 0003068
Corn Creek vicinity. *41MK9*, (63.3).; 79/10/30 078 0001084

mcmullen county

CHOKE CANYON RESERVOIR ARCHEOLOGICAL DISTRICT, Reference—see Live Oak County; 1/8/80 078 0003067

uvalde county

Uvalde vicinity. *LEONA RIVER WATERSHED, ARCHEOLOGICAL SITES,; 78/11/17 078 0050753*

webb county

Laredo. *BERTANI, PAUL REVOST HOUSE*, 604 Iturbide St.,; 78/11/17 078 0050754
Laredo. *DE LEAL, VISCAYA, HOUSE*, 620 Zaragoza St.,; 78/11/17 078 0050755
Laredo. *LEYEDECKER/SALINAS HOUSE*, 702 Iturbide St.,; 78/11/17 078 0050757
Laredo. *MONTEMAYOR, JOSE A., HOUSE (CAROLS VELA HOUSE)*, 601 Zaragosa St.,; 78/11/17 078 0050758
Laredo. *ZOILA DE LA, HOUSE*, 500 Iturbide St.,; 78/11/17 078 0050756

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TEXAS—Continued

williamson county

ARCHEOLOGICAL DISTRICTS OF NORTH FORK AND GRANGER LAKE,; 78/11/17 078 0050759

TRUST TERRITORY OF THE PACIFIC ISLANDS

kosrea District

Lele Village. *LELE ARCHEOLOGICAL SITES,* (63.3),; 78/11/17 078 0050760

palau district

Babelthuap vicinity. *BABELTHUAP AIRPORT ARCHEOLOGICAL SITES,; 79/10/30 078 0001085*

ponape district

Eastern Caroline Islands. *TAFUNSAK SHELL MIDDEN,* Kosrae Island (63.3),; 78/11/15 078 0055366

tafunsak district

Kosrae Island. *OKAT JUNGLE ROAD SITE,* Okat Harbor vicinity (63.3),; 78/11/14 078 0055258

truk district

Moen Island. *NINE JAPANESE BUNKERS,* (63.3),; 78/11/15 078 0055367
Moen Island. *SHELL MIDDEN NO. 1,* (63.3),; 78/11/15 078 0055368
Moen Island. *SHELL MIDDEN NO. 2,* (63.3),; 78/11/15 078 0055369
Moen Island. *SHELL MIDDEN NO. 3,* (63.3),; 78/11/15 078 0055370
Moen Island. *SHELL MIDDEN NO. 4,* (63.3),; 78/11/15 078 0055371
Moen Island. *SHELL MIDDEN NO. 5,* (63.3),; 78/11/15 078 0055372
Sapore Village. *AIKEI/WINAS,* Fefen Island,; 78/11/17 078 0050761

yap district

Yap Island. *YAP AIRPORT HISTORICAL AREA,; 1/8/79 078 0050858*

UTAH

BRYCE CANYON NATIONAL PARK MULTIPLE RESOURCE AREA, This area includes various properties at various locations. Details available upon request.,; 1/8/80 078 0003089

emery county

Manti-LaSal National Forest. *SITE ML-2145,; 78/11/17 078 0050762*

san juan county

Blanding Vicinity. *WHITE MESA ARCHEOLOGICAL DISTRICT,* S of Blanding(63.3),; 79/11/09 078 0001713

VERMONT

chittenden county

Milton. *CLARK MEMORIAL BUILDING,; 78/11/17 078 0050763*

franklin county

Swanton. *SWANTON VILLAGE HISTORIC DISTRICT Portions of Church, Canada, Academy and 2d Sts. and Grand Ave.,; 78/11/17 078 0050764*

windham county

Rockingham. *BELLOWS FALLS ARMORY,* 72 Westminster St., Bellows Falls,; 78/11/17 078 0050765

windsor county

Windsor. *POST OFFICE BUILDING,* (also in NR Windsor Historic District); 78/11/17 078 0050766

VIRGIN ISLANDS

st. john island

Cruz Bay. *TRUNK BAY SUGAR FACTORY,* Cruz Bay Quarter,; 78/11/13 078 0055094

st. thomas island

Charlotte Amalie. *HAMBURG-AMERICA SHIPPING LINE ADMINISTRATIVE OFFICES,* 48B Tolbod Gade,; 78/11/15 078 0055373

VIRGINIA

accomack county

Greenbackville vicinity. *CAPTAIN'S COVE DEVELOPMENT, ARCHEOLOGICAL SITES (CHINCOTEAGUE BAY),; 78/11/17 078 0050767*

allegheny county

Greenwood vicinity. *GATHRIGHT LAKE PROJECT (ARCHEOLOGICAL SITES),* (also in Bath County); 78/11/17 078 0050768

bath county

ARCHEOLOGICAL SITE 44BA200, (63.3),; 78/11/15 078 0055374
George Washington National Forest vicinity. *ARCHEOLOGICAL AREAS 1, 2, and 3,* (63.3),; 78/11/13 078 0055095
George Washington National Forest vicinity. *ARCHEOLOGICAL SITES A-4, A-5, A-6, A-7, A-8, A-9, A-10,* (63.3),; 78/11/13 078 0055096
George Washington National Forest vicinity. *HACKEN RUN SITE COMPLEX SITES A-4 THROUGH A-10,* (63.3),; 78/11/13 078 0055100
George Washington National Forest vicinity. *PINE GROVE HOUSE SITE,* (63.3),; 78/11/13 078 0055098
George Washington National Forest vicinity. *POSEY HALL FARM,* (63.3),; 78/11/13 078 0055099
George Washington National Forest vicinity. *ZION HILL CHURCH,* (63.3),; 78/11/13 078 0055097
Warm Springs vicinity. *MCCLINTIC HOUSE,* (63.3),; 78/11/14 078 0055166

charlottesville (independent city)

U.S. POST OFFICE AND COURTHOUSE (OLD POST OFFICE),; 78/11/17 078 0050769

chesterfield county

ARCHEOLOGICAL SITES 44CF106 AND 44CF108, Point of Rocks Park(63.3),; 79/10/30 078 0001118
POINT OF ROCKS ARCHEOLOGICAL SITES 44CF101, 44CF104, AND 44CF105, (63.3),; 78/11/15 078 0055375

danville (independent city)

DANVILLE RAILROAD STATION, 701 Craghead St. (63.3),; 78/11/14 078 0055259

fairfax county

District of Columbia vicinity. *DULLES INTERNATIONAL AIRPORT,* S of DC (63.3), (also in Loudoun County); 78/11/11 078 0055045

henrico county

DEEP BOTTOM WEST SITE,; 78/11/14 078 0055260

loudon county

Lowes Island. *44LD3 (63.3),; 79/10/30 078 0001086*

lynchburg (independent city)

KEMPER STREET STATION, 825 Kemper St.,; 78/11/14 078 0055261
Lynchburg. *COLLEGE HILL NEIGHBORHOOD DEVELOPMENT AREA,; 78/11/17 078 0050771*
Lynchburg. *LYNCHBURG HILL DISTRICT,; 78/11/17 078 0050770*

norfolk county

Norfolk,. *ATTUCKS THEATER,* 1008-1012 Church St. (63.3),; 79/10/31 078 0000154
Norfolk,. *FIRST COLVARY BAPTIST CHURCH,* 1039-1040 Wide St. (63.3),; 79/10/31 078 0000155

winchester county

Winchester. *MAIN POST OFFICE,* 40 W. Piccadilly St.,; 79/10/30 078 0001119

wythe county

Fort Chiswell vicinity. *FORT CHISWELL,; 78/11/17 078 0050772*

WASHINGTON

benton county

Richland vicinity. *PARIS ARCHEOLOGICAL SITE,* Hanford Works Reservation,; 78/11/17 078 0050773

clallam county

Cape Alava vicinity. *WHITE ROCK VILLAGE ARCHEOLOGICAL SITE,* S of Cape Alava,; 78/11/17 078 0050774
Segium. *NEW DUNGENESS LIGHT STATION,; 78/11/17 078 0050776*

clallam county F(also in Jefferson County)

Olympic National Park. *OLYMPIC NATIONAL PARK ARCHEOLOGICAL DISTRICT,; 78/11/17 078 0050775*

clark county

Vancouver. *BUILDINGS NO. 110,113, and 134,* Fort Vancouver Military Reservation (63.3),; 79-10-31 078 0000200
Vancouver. *VANCOUVER BARRACKS,* Vancouver Barracks,; 79-10-31 078 0000201

douglas county

Bridgeport vicinity. *RUFUS WOODS ARCHEOLOGICAL DISTRICT,* (63.3),; 78/11/14 078 0055237

franklin county

Pasco vicinity. *PASCO-KENNEWICK BRIDGE,* (63.3) (also in Benton County),; 79-10-31 078 0000202

king county

Burton. *POINT ROBINSON LIGHT STATION,; 78/11/17 078 0050777*
Seattle. *ALKI POINT LIGHT STATION,; 78/11/17 078 0050778*

pierce county

Longmire. *LONGMIRE CABIN,* Mount Rainier National Park,; 78/11/17 078
Tacoma. FIRST INDUSTRIAL CENTER OF TACOMA,

skamamnia county

North Bonneville. *SITE 44SA11,* Bonneville Dam Second Powerhouse Project,; 78/11/

wahkiakum county

Skamokawa village. *ARCHEOLOGICAL SITE 45-WK-5,* (also in NR Skamokawa Historic District); 78/11/17 078 0050781

WASHINGTON—Continued

whatcom county

NEWHALEM HISTORIC DISTRICT, WA 20,; 79-10-31 078 0000203

whatcom county Sumas

U.S. BORDER STATION, Cherry St. and Boundary Rd.,; 79/11/07 078 0001678

WEST VIRGINIA

barbour county

Romines Mills vicinity. *COVERED BRIDGE ACROSS ROOTING CREEK,* Elk Creek, Watershed, (also in Harrison County); 78/11/17 078 0050782

cabell county

Huntington. *OLD BANK BUILDING,* 1208 3rd Ave.,; 78/11/17 078 0050783
Huntington. *U.S. POST OFFICE AND COURTHOUSE,* 9th and 5th Ave. (63.3),; 1/8/80 078 0003070

jackson county

Mill Creek vicinity. *STAATS MILL BRIDGE (63.3),; 79/10/30 078 0001087*

kanawha county

Charleston. *KANAWHA COUNTY COURTHOUSE,; 78/11/17 078 0050784*

lewis county

Weston. *LEWIS COUNTY COURTHOUSE,* Center Ave. (63.3),; 78/11/13 078 0055050

marshall county

Moundsville. *U.S. POST OFFICE (FEDERAL BUILDING) U.S. Post Office (Federal Building),* Lafayette and 7th Sts. (63.3),; 1/8/80 078 0003071

mercer county

Bluefield. *U.S. POST OFFICE AND COURTHOUSE (KEE-FEDERAL BUILDING),* 601 Federal St. (63.3),; 1/8/80 078 0003072

ohio county

Wheeling. *U.S. POST OFFICE, COURTHOUSE AND CUSTOMHOUSE,* 12th and Chapline Sts.,; 78/11/17 078 0050785

Pendleton County

Pendleton. *WAYSIDE INN (SITE'S INN),* Monongahela National Forest,; 78/11/17 078 0050786

wood county

Parkersburg. *WOOD COUNTY COURTHOUSE,; 78/11/17 078 0050787*
Parkersburg. *WOOD COUNTY JAIL,; 78/11/17 078 0050788*

WISCONSIN

ashland county

Ashland vicinity. *MADELINE ISLAND SITE 7302,; 78/11/17 078 0050789*

brown county

Green Bay. *ARCHEOLOGICAL SITE 47 BR-115,* (63.3),; 78/11/14 078 0055167

columbia county

Wisconsin Dells. *211 WISCONSIN AVENUE HOUSE,; 78/12/20 078 0002412*

crawford county

Prairie du Chien. *ISLAND OF ST. FRIOLE ARCHEOLOGICAL AND HISTORIC DISTRICT,* (63.3),; 79-10-31 078 0000204

dane county

Darlington. *DARLINGTON DEPOT,; 78/11/17 078 0050790*
Madison. *LAKE FARMS ARCHEOLOGICAL DISTRICT,; 78/11/17 078 0050791*
Madison. *THORSTRAND ESTATE,; 79-10-31 078 0000205*
Mount Horeb. *MOUNT HOREB DEPOT,; 78/11/17 078 0050792*

green county

Madison. *PRATT TRUSS BRIDGE,* Between Madison, WI and Freeport, IL, (also in Dane Co, WI); 78/11/17 078 0050793
Madison. *TUNNEL, ILLINOIS CENTRAL GULF RR,* Between Freeport, IL and Madison, WI, (also in Dane Co., WI); 78/11/17 078 0050794
Monroe. *ILLINOIS CENTRAL FREIGHT HOUSE,; 78/11/17 078 0050795*

jackson county

Melrose. *BLACK RIVER BRIDGE,* (63.3),; 78/12/20 078 0002413

jefferson county

Watertown. *GERMAN METHODIST EPISCOPAL CHURCH AND PARSONAGE,* 201 N. 5th St. (63.3),; 78/11/17 078 0050796

la crosse county

La Crosse. *HEALEY'S BLOCK,* Main at 2nd St., SE. (63.3),; 78/11/14 078 0055168
La Crosse. *MICHEL BUILDING,* 111 S. 2nd St. (63.3),; 78/11/14 078 0055169
La Crosse. *PAMPERIN CIGAR COMPANY,* 113 S. 2nd St. (63.3),; 78/11/14 078 0055170
La Crosse. *SCHWARZ BUILDING,* 205, 207, 209 Pearl St. (63.3),; 78/11/14 078 0055171
La Crosse. *VOEGLE BLOCK,* 211, 213, 215 Pearl St. (63.3),; 78/11/14 078 0055173
La Crosse. *201 PEARL STREET BUILDING,* 201 Pearl St. at 2nd, NE. (63.3),; 78/11/14
LaCrosse. *LACROSSE POST OFFICE,; 78/11/17 078 0050797*

milwaukee county

VICTOR SCHLITZ HOUSE (HIGHLAND COMMUNITY SCHOOL), 2004 W. Highland Ave.,; 78/11/17 078 0050804
Greenfield. *FURLONG LIME KILN (WELSH KILN),* N side of W. Grange Ave. between 84th and 92nd Sts. (63.3),; 78/11/14 078 0055174
Greenfield. *TRIMBORN FARM,* S side of W. Grange Ave. between 84th and 92nd Sts. (63.3),; 78/11/14 078 0055175
Milwaukee. *ABBOT ROW,* 1019-1043 Ogden Ave. (63.3),; 78/11/17 078 0050798
Milwaukee. *BOSTON STORE,* 331 W. Wisconsin Ave.,; 78/11/15 078 0055376
Milwaukee. *ELWELL, EDWARD, HOUSE,* 1363 N. Prospect Ave. (63.3),; 78/11/17 078 0050799
Milwaukee. *FIRE HOUSE ENGINE COMPANY NO. 18,* 2602 N. Richards St.,; 78/11/15 078 0055377
Milwaukee. *FIRST WARD TRIANGLE HISTORIC DISTRICT,* In irregular pattern around the intersection of N. Prospect, E. Juneau, N. Franklin, and E. Knapp (63.3),; 78/11/17 078 0050800
Milwaukee. *GIEBISCH, H., BUILDING,* 2569-2573 N. 3rd St.(63.3),; 79/11/14 078 0002112
Milwaukee. *ENGELMANN HALL,* 20-33 E. Hartford Ave.,; 78/11/14 078 0055176
Milwaukee. *GIMBELS,* 101 W. Wisconsin Ave.,; 78/11/15 078 0055378
Milwaukee. *GRAHAM ROW,* 1501-1507 N. Marshall St. (63.3),; 78/11/17 078 0050801
Milwaukee. *LIPPERT, CHIEF HENRY, FIRE HOUSE,* 642 W. North Ave.,; 78/11/15 078 0055379
Milwaukee. *MAJESTIC BUILDING,* 231 W. Wisconsin Ave.,; 78/11/15 078 0055380
Milwaukee. *MATTHEWS BROTHERS BUILDING,* 301 W. Wisconsin Ave.,; 78/11/15 078 0055381
Milwaukee. *MIDDOUGH, B. A., HOUSE,* 1612 E. Kane Pl.(63.3),; 79/11/14 078 0002113
Milwaukee. *PLANKINTON ARCADE,* 161 W. Wisconsin Ave.,; 78/11/15 078 0055382
Milwaukee. *PUDDLERS' HALL,* 2461-2463 S. St. Clair St. (63.3),; 78/11/17 078 0050802
Milwaukee. *RICHARDS, EDWARDS, HOUSE,* 2419-2421 S. Wentworth Ave. (63.3),; 78/11/17 078 0050803
Milwaukee. *ST. VINCENT'S ASYLUM,* 809 W. Greenfield Ave.,; 78/11/15 078 0055383
Milwaukee. *TEUTONIA AVENUE STATE BANK,* 2803 N. Teutonia Ave.(63.3),; 79/11/14 078 0002114

oconto county

Oconto. *MAIN POST OFFICE,* 141 Congress St.(63.3),; 79/11/14 078 0002115

outagamie county

Greenville. *THE CULBERTSON FARMSTEAD,; 78/11/17 078 0050805*
Shiocton Vicinity. *SHIOC RIVER BRIDGE,* N of Shiocton(63.3),; 79/11/07 078 0001679

racine county

Racine. *BADGER BUILDING,* 610 Main St.,; 1/8/79 078 0050859
Racine. *MEMORIAL HALL,* 72 7th St.,; 1/8/79 078 0050860
Racine. *RACINE LODGE NO. 252 OF THE BENEVOLENT AND PROTECTIVE ORDER OF THE ELKS,* 610 Lake Ave.,; 1/8/79 078 0050861
Racine. *RACINE PUBLIC LIBRARY,* 701 Main St.,; 1/8/79 078 0050862
Racine. *ROBINSON BUILDING,* 201 6th St.,; 1/8/79 078 0050863
Racine. *ST. LUKE'S EPISCOPAL CHURCH AND CHAPEL AND PARISH HOUSE,* 614 Main St.,; 1/8/79 078 0050864
Racine. *UNITED STATES POST OFFICE,* 603 Main St.,; 1/8/79 078 0050865

rock county

Evansville. *PORTION OF EVANSVILLE HISTORIC DISTRICT,; 78/11/17 078 0050806*
Janesville. *MYERS-NEWHOFF BUILDING,* 121 N. Parker Dr. (63.3),; 78/11/15 078 0055384

winnebago county

JAMES ISLAND, James Island (63.3),; 79-10-31 078 0000206

WYOMING

fremont county

Wind River Basin. *PILOT BUTTE POWERPLANT,; 78/11/17 078 0050807*

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WYOMING—Continued

johnson county

Kaysee. *CASTLE ROCK ARCHEOLOGICAL SITE.; 78/11/17 078 0050808*
Kaysee. *DULL KNIFE BATTLEFIELD,; 78/11/17 078 0050809*
Kaysee. *MIDDLE FORK PICTOGRAPH-PETROGLYPH PANELS.; 78/11/17 078 0050810*
Kaysee. *PORTUGUESE HOUSES.; 78/11/17 078 0050811*

lincoln county

Reliance. *COMBERLAND (CAMP MUDDY).* (63.3).; 78/11/14 078 0055177
Smoot vicinity. *LANDER CUTOFF OF THE OREGON TRAIL.; 78/11/17 078 0050812*

park county

Mammouth. *CHAPEL AT FORT YELLOWSTONE,* Yellowstone National Park.; 78/11/17 078 0050813

sweetwater county

Cedar Canyon vicinity. *CEDAR CANYON PETROGLYPHS,* (63.3).; 78/11/14 078 0055178.
Point of Rocks vicinity. *BLACK BUTTES STAGE STATION,* Black Butte Mine Project (63.3).; 78/11/14 078 0055179
Point of Rocks vicinity. *GIBRALTAR TOWNSITE AND MINE,* (63.3).; 78/11/14 078 0055180
Point of Rocks vicinity. *HALLVILLE TOWNSITE AND MINE,* (63.3).; 78/11/14 078 0055181

teton county

Grand Teton National Park. *THREE RIVERS RANCH.; 78/12/20 078 0002414*

county

Eugene. *SCHAEFERS BUILDING,* 1001 Williamette St, (10-30-79); 80/01/0079 0006197

The following list is of properties Determined Eligible for Inclusion in the National Register of Historic Places, and is appended here to update the preceding list. Both lists should be considered *in toto* as the current representation of properties determined eligible for inclusion in the National Register by the Secretary of the Interior.

ALASKA

fairbanks division

Fairbanks. *CRIPPLE CREEK ARCHEOLOGICAL SITE,* Mile 60 on Steese Hwy NE of Fairbanks

ARIZONA

apache county

Springville. *CORRAJO, JUAN, HOMESTEAD SITE (AT Q:16:46)* (63.3)

coconino county

Tuweep vicinity. *LITTLE JUG SITE (GC-663),* Grand Canyon National Park

CALIFORNIA

alameda county

Oakland. *FREDERICK HENSHAW HOUSE,* 1443 6th Ave.
Oakland. *GROVE-SHAFTER FREEWAY,* 920 Brush St. (63.3)

humboldt county

Bayside. *TRINIDAD WATER TOWER,* Old Arcata Road (63.3)

kern county

South Lake vicinity. *LONG CANYON VILLAGE SITE (4 KER 311)* (63.3)

los angeles county

Los Angeles. *CALIFORNIA CLUB,* 538 S. Flower
Los Angeles. *EDISON BUILDING,* 601 W. 5th St.
Los Angeles. *FEDERAL TITLE,* 448 S. Hill St.
Los Angeles. *FIFTH STREET RETAINING WALL,* 5th St. between Grand and Flower
Los Angeles. *FIRE STATION NO. 3,* 219 S. Hill St.
Los Angeles. *FIRE STATION NO. 28,* 644 S. Figueroa St.
Los Angeles. *FRIDAY MORNING CLUB,* 940 S. Figueroa St.
Los Angeles. *GRAND CENTRAL MARKET,* 315 S. Broadway
Los Angeles. *HOMETELEPHONE BUILDING,* 246 S. Hill St.
Los Angeles. *LOS ANGELES TIMES BUILDING,* 210 W. 1st St.
Los Angeles. *LOUIS BROWNSTEIN AND COMPANY,* 751 S. Figueroa St.
Los Angeles. *MYRICK AND MARKHAM HOTELS,* 324½—326½ S. Hill St.

monterey county

Salinas. *BUNN, THOMAS M., HOUSE,* 425 Blanco Rd. (63.3)
Salinas. *SURBACK, MARGARET HART, HOUSE,* 322 Blanco Rd. (63.3)
Salinas. *275 BLANCO ROAD RESIDENCE* (63.3)

riverside county

Blythe vicinity. *SUNDESERT ARCHEOLOGICAL DISTRICT A* (63.3)
Blythe vicinity. *SUNDESERT ARCHEOLOGICAL DISTRICT E* (63.3)
Blythe vicinity. *SUNDESERT ARCHEOLOGICAL DISTRICT F* (63.3)

santa barbara county

Santa Barbara vicinity. *ARCHEOLOGICAL SITES CA-SBa-334, 551, 654, 678, 680, 682, 932, 1109, 1128, 1129, 1145.* (63.3)
Santa Monica Creek. *ARCHEOLOGICAL SITE SBa-1330*
Vandenberg Air Force Base. *US COAST GUARD RESCUE STATION AND LOOKOUT TOWER* (63.3)

shasta county

Shasta-Trinity National Forest. *ARCHEOLOGICAL SITES FS 05-14-59-45A and FS 05-14-59-45B*

trinity county

Shasta Trinity National Forest. *IRONSIDE MOUNTAIN* (63.3)

COLORADO

el paso county

Colorado Springs. *ALAMO HOTEL,* Tejon and Cucharras Sts.

grand county

Rocky Mountain National Park. *SHADOW MOUNTAIN LOOKOUT*

larimer county

Estes Park vicinity. *LEIFFER HOUSE, CO 7*

CONNECTICUT

new london county

Colchester. *1887 STONE RAILROAD VIADUCT OVER RIVER ROAD* (63.3)

DELAWARE

new castle county

Wilmington. *WILMINGTON YARDS AND SHOPS,* off 12th St.

FLORIDA

hillsborough county

Tampa vicinity. *FORT DADE SITE*

GEORGIA

cobb county

Powder Springs. *BRUMBY, ARNOLDUS, HOUSE,* 472 Powder Springs St.

de kalb county

Dunwoody. *SPRUILL HOUSE,* 5455 Chamblee-Dunwoody Rd. (63.3)

fulton county

Roswell. *SMITH HOUSE,* 935 Alpharetta St.

HAWAII

honolulu county

Honolulu. *US COAST GUARD DIAMOND HEAD LIGHT,* 3399 Diamond Head Rd.

maui county

Kalauppa. *US COAST GUARD MOLOKAI LIGHT*

IDAHO

elmore county

Glenns Ferry vicinity. *OREGON TRAIL/KALTON ROAD* (63.3)

shoshone county

Idaho Panhandle National Forest. *HISTORIC LOG CHUTE SITE,* near Shoshone Creek

ILLINOIS

adams county

Quincy vicinity. *FALL CREEK MULTIPLE RESOURCE AREA,* between Barry and Quincy, also in Pike County (63.3)

cook county

Chicago. *BLACKSTONE BRANCH LIBRARY,* 4904 S. Lake Park Ave. (63.3)
Chicago. *CHICAGO ACADEMY OF SCIENCE,* 2001 N. Clark St.
Chicago. *SHEDD, JOHN G., AQUARIUM,* 1200 S. Lakeshore Dr. (63.3)
Chicago. *WASHINGTON PARK AND ADMINISTRATION BUILDING,* 740 E. 56th Place (63.3)

rock island county

Rock Island vicinity. *ARCHEOLOGICAL SITE 11RI217,* near I & M Canal (63.3)

INDIANA

wells county

SR 316 BRIDGES OVER THE WABASH RIVER (63.3)

KENTUCKY

menifee county

ARCHEOLOGICAL SITES IN THE RED RIVER LAKE PROJECT, also in Powell and Wolfe counties

LOUISIANA

avoyelles parish

LOG RAFT SITE (16Av63) (63.3)

caddo parish

Shreveport. *HAROLD, SIDNEY, MANSION,* 840 Jordan St.

orleans parish

New Orleans. *SINCER, LOUIS, HOUSE,* 1061 Camp St.

MARYLAND

baltimore county

Baltimore vicinity. *OWINGS MILLS RAILROAD STATION (OLD),* E side of Reisterstown Rd.

baltimore (independent city)

MUNICIPAL HISTORIC DISTRICT PHILADELPHIA, WILMINGTON, AND BALTIMORE RAILROAD PASSENGER STATION AND TRAINSHED, President and Fleet Sts.
PRIVIDENT SAVINGS BANK OF BALTIMORE, 236—240 N. Howard St.

MASSACHUSETTS

bristol county

Norton. *CANOE RIVER PREHISTORIC AND HISTORIC DISTRICT,* N. Washington and Newcomb Sts. (63.3)

middlesex county

Newton Upper Falls. *NEWTON UPPER FALLS RAILROAD STATION,* Chestnut and Oak Sts. (63.3)

MICHIGAN

wayne county

Detroit. *ROBSON-DODGE HOUSE,* 642 W. Forest Ave.

MISSOURI

charles county

Blossom Point. *BALLAST HOUSE*

cole county

Jefferson City vicinity. *ARCHEOLOGICAL SITE 23CO227* (63.3)

ralls county

Joanna vicinity. *FLEMING, THOMAS F., HOUSE,* SR 3
Joanna vicinity. *LONG, EMMET, LOG HOUSE*
Joanna vicinity. *PETERSON, JOHN, LOG HOUSE,* W of Joanna (63.3)

saline county

ARCHEOLOGICAL SITES 23SA228 and 23SA231

MONTANA

cascade county

Great Falls vicinity. *24CA74* (63.3)

stillwater county

Red Lodge vicinity. *ARCHEOLOGICAL SITE 24ST651* (63.3)

NEW HAMPSHIRE

hillsborough county

Manchester. *SMYTH TOWER*

sullivan county

Newport. *COURT HOUSE PARK PROJECT*

NEW JERSEY

APPALACHIAN TRAIL IN NEW JERSEY (63.3)

passaic county

Paterson. *DUBLIN MULTIPLE RESOURCE AREA.* This area includes: *Barbour Mill Workers Housing Complex,* 223—231 Slater St.; *Elm Street Residential District; First Presbyterian Church,* 320 Main St.; *Former German Presbyterian Church,* 26 Elm St.; *Former Fire Truck Co. No. 2*

V 45/54 MR 18 80 UMI

Building, 77 Prospect St.; *Morrissee Building*, Ward and Main Sts.; *Question Mark Bar*, 20 Van Houston St.; *Ryle, John, House*, 12 Mill St.; *St. Michael's Sisters Home*, 45—47 Ward St.; *Southwest Residential District*; *Thompson, Daniel, House*, 10 Mill St. (63.3)

NEW MEXICO

lea county

Hobbs vicinity, *ARCHEOLOGICAL SITE AR 6-73*, East Roswell Grazing Area

mckinley county

Zuni, *ZUNI PUEBLO MULTIPLE RESOURCE AREA*. This area includes sites numbered 2-4, 6-9, 11, 12, 14-20, 22, 23, 25-45, 49-69, 71-73, 75-85, 87-133, 135-151, 153-156, 158-165, 170-172, 174-182, 184-192, 195-200, 202-223, 225-227, 229-235, 238-240, 244-257, 259-294, 296-306, 308-313, 315, 318; and localities numbered 403, 405-407, 411, 413, 414, 417, 418, 422-425, 431, 440, 441, 445-449, 451-457, 459-461, 463, 472-475, 481, 483, 484, 488, 490, 491, 498, 504, 507, 508, 515, and 435.

san juan county

BOLACK LAND EXCHANGE MULTIPLE RESOURCE AREA. This area includes 53 sites in Stewart Canyon

Burnham, *LOWER CHACO RIVER MULTIPLE RESOURCE AREA*. This area includes 152 archeological sites along the Chaco River (63.3)

Burnham, *NAVAJO TRIBAL LANDS MULTIPLE RESOURCE AREA*. This area includes 8 archeological sites situated on tribal lands leased to Consolidated Coal (63.3)

sandoval county

Randelier National Monument, *ARCHEOLOGICAL SITES LA 13659 AND LA 12117*

NEW YORK

albany county

Albany, *ARCHEOLOGICAL SITES IN GUILDERLAND SEWER SYSTEM*

chautaugua county

Pomfret, *DEDRICK, PRESTON, HOUSE*, 5057 Van Buren Rd.
Pomfret, *FROST, GEORGE, FARM*, Van Buren Rd.
Portland, *DUBERT, CALVIN J., HOUSE*, 5553 Martin Rd.
Sheridan, *FORMER SHERIDAN SCHOOL DISTRICT NO. 3 SCHOOLHOUSE*, Chapin and O'Brien Rd.
Sheridan, *KNOX-RAED FARM*, Center and Chapin Rd.

columbia county

Hudson, *7 POWER AVENUE*

orange county

New Windsor, *PLUM POINT SITE*, W of Hudson River (63.3)

schoharie county

VALLEY BETWEEN VILLAGES OF BREAKABEEN AND NORTH BLENHEIM

staten island county

Tottenville, *WARD'S POINT*, Oakwood Beach project

tioga county

Owego, *ARCHEOLOGICAL SITES SUBI 677 AND SUBI 672*

westchester county

Ossining, *MAIN STREET CRESCENT* (63.3)

NORTH CAROLINA

wake county

Raleigh, *SIR WALTER RALEIGH HOTEL*, 400-412 Fayetteville St. (63.3)

wayne county

Goldsboro, *NEUSE LODGE NO. 6—INTERNATIONAL ORDER OF ODD FELLOWS*, 113—115 S. John St.

NORTH DAKOTA

burleigh county

Bismarck, *FORD LINCOLN SITE*

OHIO

clinton county

Harveysburg, *BUNNELL BAKER SITE 33Cn7*

hamilton county

Cincinnati, *AMERICAN OAK LEATHER COMPANY*, NW corner of Kenner and Dalton Sts.
Cincinnati, *BETTS HISTORICAL DISTRICT*
Cincinnati, *JOBS CORPS SCREENING UNIT*, 1413 Western Ave.
Cincinnati, *OHIO NATIONAL GUARD ARMORY*, 1437—1439 Western Ave.
Cincinnati, *OUR LADY OF MERCY HIGH SCHOOL*, SE corner Western Ave. and Kenner St.
Cincinnati, *ST. HEINRICH CHURCH*, Flint and Dalton Sts.
Cincinnati, *200—204 FOURTH STREET*
Cincinnati, *201—205 FIFTH STREET*
Cincinnati, *213—215 FIFTH STREET*
Cincinnati, *425—435 ELM STREET*
Cincinnati, *8TH STREET CLUSTER*

pickaway county

Darby township, *ORIENT BRIDGE*, OH 762 over Big Darby Creek (63.3)

tuscarawas county

BELNAP PEARCH VAN BUSKIRK FARM COMPLEX, SR 212

OKLAHOMA

latimer county

ARCHEOLOGICAL SITE 34LT32, Clayton Lake area

oklahoma county

Oklahoma City, *STATE NATIONAL BANK BUILDING*, 201—207 W. Main St.

pushmataha county

ARCHEOLOGICAL SITES 34PU 74, 102, 105, and 111, Clayton Lake area (63.3)

OREGON

clackamas county

Canby, *CANBY RAILROAD DEPOT*, 1st St. (63.3)

columbia county

St. Helens vicinity, *WARRIOR ROCK LIGHT*

lake county

Lakeview, *SYCAN MARCH LAND EXCHANGE MULTIPLE RESOURCE AREA*. This area includes sections 9, 16, 21, 30, 29, 31, 32, and portions of sections 4, 28, and 33. (63.3)

PENNSYLVANIA

chester county

West Chester, *US POST OFFICE*, E. Gay and Walnut Sts.

lancaster county

Lancaster, *US POST OFFICE*, W. Chestnut and N. Prince Sts.

RHODE ISLAND

washington county

North Kingstown, *QUONNET POINT NAVAL AIR STATION*

SOUTH CAROLINA

florence county

Florence, *US POST OFFICE*, Irby and W. Evan Sts.

oconee county

CHATTOOGA RIVER BRIDGE, also in Rabun County

TEXAS

cameron county

PORT ISABEL COAST GUARD STATION

el paso county

El Paso, *ARCHEOLOGICAL SITE E.P.C.M. 31:106:3:1717*

FS 05-14-59-45B

hidalgo county

McAllen, *FEDERAL BUILDING*

live oaks county

Three Rivers vicinity, *SCHULTZ SITE 41LK 114*
Three Rivers vicinity, *PULLEN SITE 41LK 116*
Three Rivers vicinity, *WEBB SITE 41LK 228*

VERMONT

chittenden county

Winooski, *PORTER SCREEN WOOD FINISHING MILL*

VIRGINIA

prince william county

BROWNER FARM, N of VA 29/211

WASHINGTON

jefferson county

Kalaloch vicinity, *DESTRUCTION ISLAND LIGHT STATION*

pierce county

Mt. Rainier National Park, *PARADISE INN* (63.3)

san juan county

Prevost Harbor vicinity, *TURN POINT LIGHT STATION*

skagit county

Burrows Island, *BURROWS ISLAND LIGHT STATION*

WISCONSIN

fond du lac county

Fond du lac, *CHICAGO, MILWAUKEE, ST. PAUL, AND PACIFIC RR. CO. FOND DU LAC ENGINEHOUSE*

racine county

Racine, *RACINE COUNTY COURTHOUSE*, 730 Wisconsin Ave.
Racine, *RACINE ZOO ADMINISTRATION BUILDING*, 2129 N. Main St.

richland county

Gotham vicinity, *RICHLAND CITY SITE*, S of Gotham

[FR Doc. 80-2587 Filed 3-17-80; 8:45 am]
BILLING CODE 4310-03-C

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federal register

Tuesday
March 18, 1980

Part III

Department of Agriculture

Animal and Plant Health Inspection Service

Animal Welfare; List of Registered Research Facilities

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Animal Welfare; List of Registered Research Facilities

Pursuant to the provisions of the Animal Welfare Act (7 U.S.C. 2131 *et seq.*), and the regulations thereunder (9 CFR Part 2), notice is hereby given that the research facilities listed below are registered under said Act:

Note.—Any "X" denotes inactive registrant-research facilities that have suspended research activities but may resume research at a future time.

(Sec. 3, 80 Stat. 351, as amended (7 U.S.C. 2133).)

Done at Washington, D.C., this 10th day of March 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

BILLING CODE 3410-34-M

ALABAMA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	685	AUBURN UNIVERSTIY			AUBURN 36830
* A	641	SOUTHERN RESEARCH INSTITUTE		2000 NINTH AVE. S.	BIRMINGHAM 35205
* A	6810	THE JIM DANDY CO.		P.O. BOX 10687	BIRMINGHAM 35202
* A	649	THE UNIVERSITY OF ALABAMA		PO BOX 2846	UNIVERSITY 35486
* A	642	TUSKEGEE INSTITUTE			TUSKEGEE 36088
* A	644	UNIV. OF AL. IN BIRMINGHAM		1919 7TH AVE SOUTH	BIRMINGHAM 35233
* A	648	UNIVERSITY OF SOUTH ALABAMA		307 GAILLARD BLVD.	MOBILE 36688

ALASKA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	9601	UNIVERSITY OF ALASKA			COLLEGE 99701

ARIZONA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	862	ARIZONA STATE UNIVERSITY			TEMPE 85281
* A	868	ARMOUR-DIAL COMPANY		15101 N. SCOTTSDALE ROAD	SCOTTSDALE 85260
* A	8611	BIOMED. RES. & EDUC. PROG.		421 NORTH 18TH ST SUITE 115	PHOENIX 85006
* A	869	NORTHERN ARIZONA UNIVERSITY			FLAGSTAFF 86001
* A	866	ST. JOSEPH'S HOSP & MED. CTR		350 W. THOMAS RD.	PHOENIX 85113
* A	8610	ST. LUKE'S HOSPITAL MED CTR		1820 E. POLK	PHOENIX 85006
* A	863	UNIVERSITY OF ARIZONA			TUCSON 85721
* A	869	W. L. GORE & ASSOCIATES, INC.		1505 N. FOURTH STR. BOX 1389	FLAGSTAFF 86002

ARKANSAS

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	713	ANIMAL BEHAVIOR ENTRP. INC		RT 6 BOX 368	HOT SPRINGS 71901
* A	711	UNIVERSITY OF ARKANSAS			FAYETTEVILLE 72701

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CALIFORNIA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	9367	ALLERGAN PHARMACEUTICALS		2525 DUPONT DR.	IRVINE 92664
* A	9387	ALPHA GAMMA LABS		160 E. MONTACITO AVE.	SIERRA MADRE 91024
* A	93155	ALPHA THERAPEUTIC CORP		5555 VALLEY BLVD	LOS ANGELES 90032
* A	9356	ALZA CORPORATION		950 PAGE MILL RD.	PALO ALTO 94304
* A	93158	ANTIBODIES INCORPORATED		BOX 442	DAVIS 95616
* A	9352	APPLIED BIO. SCI. LAB., INC		6320 SAN FERNANDO RD	GLENDALE 91201
* A	9389	BARLOW HOSPITAL		2000 STADIUM WAY	LOS ANGELES 90026
* A	9362	BARNES-WIND PHARMACY, INC.		895 KIFER RD.	SUNNYVALE 94086
* A	9378	BECKMAN INSTRUMENTS, INC.		2041 E. LAMBERT RD.	LA HABRA 90631
* A	9393	BENTLEY LABORATORIES, INC.		17502 ARMSTRONG AVE.	IRVINE 92705
* A	93141	BIO-RAD LABORATORIES		2200 WRIGHT AVE.	RICHMOND 94804
* A	9372	BIO-SCIENCE LABORATORIES		7600 TYRONE AVE.	VAN NUYS 91405
* A	9395	BIO-TECHNICS LABS., INC.		1133 CRENSHAW BLVD.	LOS ANGELES 90019
* A	93106	BUREAU OF PUBLIC HEALTH LAB.		313 N. FIGUEROA ST.	LOS ANGELES 90012
* A	9399	C.R. DREW POST-GRAD MED. SCH		1621 E. 120TH ST.	LOS ANGELES 90059
* A	93123	CALBIOCHEM		PO BOX 12087	SAN DIEGO 92112
* A	9328	CALIFORNIA INSTITUTE OF TECH.		1201 E CALFI. BLVD.	PASADENA 91125
* A	9339	CALIFORNIA STATE COLLEGES		5670 WILSHIRE BLVD.	LOS ANGELES 90036
* A	9352	CEDARS-SINAI MEDICAL CENTER		8720 BEVERLY BLVD.	LOS ANGELES 90048
* A	9330	CHILDREN'S HOSP MEDICAL CTR.		51ST & GROVE STREETS	OAKLAND 94609
* A	9311	CHILDRENS HOSP OF LOS ANGELES		4650 SUNSET BLVD.	LOS ANGELES 90027
* A	9334	CHLDNS HOSP OF SAN FRANCISCO		P.O. BOX 3405	SAN FRANCISCO 94119
* A	937	CITY OF HOPE MEDICAL CENTER		1500 E. DUARTE RD.	DUARTE 91010
* A	93126	CLAREMONT MEN'S COLLEGE		11TH & DARTMOUTH AVES	CLAREMONT 91711
* A	93148	CLINICAL IMMUNO-DIAGS., INC		1370-D LOGAN AVE.	COSTA MESA 92626
* A	93111	CLMG, INC.		670 SO. WESTLAKE AVE.	LOS ANGELES 90057
* A	93157	COLL OF OSTEOPATH MED/PACIFIC		309 POMONA MALL	EAST POMONA 91766
* A	93116	COMPTON COMMUNITY COLLEGE		1111 E. ARTESIA BLVD	COMPTON 90221
* A	9380	CONSUMNES RIVER COLLEGE		8401 CENTER PARKWAY	SACRAMENTO 95823
* A	93147	COOPER LABORATORIES INC		455 EAST MIDDLEFIELD RD	MOUNTAIN VIEW 94043
* A	93133	COUNTY OF SAN DIEGO		5555 OVERLAND AVE BLDG. 4	SAN DIEGO 92123
* A	93148	CRYOVITA LABS.		UNIT #304 4030 N. PALM ST.	FULLERTON 90242
* A	9318	CUTTER LABORATORIES, INC.		4TH & PARKER STS.	BERKELEY 94710
* A	93104	DIAGNOSTIC DATE, INC.		518 LOGUE AVE	MOUNTAIN VIEW 94043
* A	93146	DYNAPOL		1454 PAGE MILL RD.	PALO ALTO 94304
* A	93161	E-Y LABS, INC		127 N AMPHLETT	SAN MATEO 94401
* A	93121	EDWARDS LABS		17221 RED HILL AVE.	SANTA ANA 92705
* A	9394	ENDOCRINE SCIENCES		18418 OXNARD ST.	TARZANA 91356
* A	93101	ESTELLE DOHENY EYE FOUNDATION		1355 SAN PABLO ST.	LOS ANGELES 90033
* A	93136	FOOTHILL COLLEGE		12345 EL MONTE RD.	LOS ALTOS HILLS 94022
* A	93153	GIBBONS & GALLINACEOUS RD CTR		BOX 93	CHATSWORTH 91311
* A	93138	GROSSMONT COMMUNITY COLLEGE		8800 GROSSMONT COLLEGE DR.	EL CAJON 92020
* A	93129	HANCOCK LABORATORIES, INC		4643 E. LA PALMA AVE.	ANAHEIM 92807
* X	9355	HOAG MEM. PRESBYTERIAN HOSP.		301 NEWPORT BLVD	NEWPORT BEACH 92660
* A	9360	HOLLYWOOD PRESBYTERIAN HOSPITAL		1322 N. VERMONT AVE.	LOS ANGELES 90027
* A	93163	HUBBS/SEA WORLD RESEARCH INST.		1700 SOUTH SHORES RD	SAN DIEGO 92109
* A	9336	HUNTINGTON INST/APLD MED RES		734 FAIRMOUNT AVE.	PASADENA 91105
* A	93164	HUTTON, D	CLONAL RESEARCH LTD	1602 MONROVIA AVE	NEWPORT BEACH 92663
* A	9335	INST MED/RES SANTA CLARA CO		751 S. BASCOM AVE.	SAN JOSE 95128
* A	9317	INSTITUTE OF MEDICAL SCIENCES		2200 WEBSTER ST., RM 310	SAN FRANCISCO 94115
* A	93113	INTER SCIENCE INST.		2000 COTNER AVE.	LOS ANGELES 90025
* A	9346	INTERNATIONAL MED SYSTEMS LTD		1886 SANTA ANITA AVE.	SOUTH EL MONTE 91733
* A	93132	JANUS LABS.		PO BOX 20260	EL CAJON 92021
* A	93135	KAISER FOUNDATION HOSPITALS		ORDWAY BLDG.	OAKLAND 94666
* A	93109	KEARLEY, D.V.M., EDWARD D.		690 QUINCY RD.	TURLOCK 95380
* A	93122	L. PAULING INST. OF SCI & MED		2700 SAND HILL RD.	MENLO PARK 94025
* A	9316	L.A. COUNTY HARBOR GEN. HOSP.		1000 W. CARSON ST.	TORRANCE 90509
* X	93AA	LA VERNE COLLEGE		1950 THIRD ST.	LA VERNE 91750
* A	9346	LFE PHARMACEUTICALS		1448 SANTA ANITA AV.	SOUTH EL MONTE 91733

CALIFORNIA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	93152	LITTLE, JF	FELINE HOME STUDIES	4640 OLNEY ST	SAN DIEGO 92109
* A	936	LOMA LINDA UNIVERSITY			LOMA LINDA 92350
* A	9353	LOS ANGELES PIERCE COLLEGE		6201 WINNETKA BLVD.	WOODLAND HILLS 96413
* A	9382	LOYOLA UNIVERSITY		7101 W 80TH ST.	LOS ANGELES 90045
* A	9371	MCGAW LABS.		2525 MCGAW AVE	SANTA ANA 92711
* A	9358	MERT-PHYSICS, INC.		5855 CHRISTIE AVE.	EMERYSVILLE 94608
* A	9383	MEMORIAL HOSP. OF LONG BEACH		2801 ATLANTIC AVE.	LONG BEACH 90806
* A	9390	MERCY SAN JUAN HOSPITAL		6501 COYLE AVE.	CARMICHAEL 95608
* A	93119	MOORPARK COLLEGE			MOORPARK 93021
* A	939	MOUNT ZION HOSP. & MED. CTR		1600 DIVISADERO ST.	SAN FRANCISCO 94115
* A	93117	MT. SAN ANTONIO COLLEGE		1100 N. GRAND AVE.	WALNUT 91789
* A	93110	MURPHY, HOWARD F.		400 N. LA COSTA DR.	CARLSBAD 92008
* A	93145	N AMER SCI ASSOC OF CALF INC		1582 DERRE AVE	IRVINE 92714
* A	9368	NEWPORT PHARM. INTL., INC.		1590 MONROVIA BLVD.	NEWPORT BEACH 92660
* X	9302	NICHOLS INST./ENDOCRINOLOGY		1300 S. BEACON ST	SAN PEDRO 90731
* A	9375	NUTRILITE PRODUCTS, INC.		19600 6TH ST.	LAKEVIEW 92353
* A	93105	OCCIDENTAL COLLEGE		1600 CAMPUS RD.	LOS ANGELES 90041
* A	9345	OLIVE VIEW HOSPITAL		14445 OLIVE VIEW DRIVE	SYLMAR 91342
* A	93159	ORTHOPAEDIC HOSPITAL		2400 SO FLOWER ST	LOS ANGELES 90007
* A	9341	PALO ALTO MED. RES. FOUND.		860 BRYANT ST.	PALO ALTO 94301
* A	93103	PASADENA CITY COLLEGE		1570 E. COLORADO BLVD.	PASADENA 91106
* A	9324	PASADENA FOUND./MEDICAL RES.		99 N. EL MOLINO AVE.	PASADENA 91101
* A	9363	PHARMASEAL LABORATORIES		4401 FOXDALE AVE.	IRWINDALE 91706
* A	93160	POINT LOMA COLLEGE	ANNEX LABORATORY	3900 LOMALAND DRIVE	SAN DIEGO 92106
* A	9388	POMONA COLLEGE			CLAREMONT 91711
* A	9398	RADIOASSAY SYSTEMS LAB., INC.		1511 E. DEL AMO BLVD.	CARSON 90746
* A	9337	RANCHO LOS AMIGOS HOSP. INC.		7413 GOLONDRINAS ST.	DOWNEY 90242
* A	93107	RANCHO SANTIAGO COMM COL DIST		17TH ST AT BRISTOL	SANTA ANA 92706
* X	9301	REDKEN LABORATORIES, INC.		10721 CALTFA ST.	VAN NUYS 91401
* A	9366	SALK INST. FOR BIO. STUDIES		PO BOX 1809	SAN DIEGO 92112
* A	93108	SAN BERNARDINO VALLEY COLLEGE		701 SO. MT. VERNON AVE	SAN BERNARDINO 92403
* X	9383	SAN DIEGO BIO-MED. RES. INST.		2602-1ST AVE. RM 104	SAN DIEGO 92103
* A	93124	SAN DIEGO MESA COLLEGE		7250 MESA COLLEGE DR.	SAN DIEGO 92111
* A	93143	SAN DIEGUITO ANIMAL CARE CTR.		PO BOX 64	RANCHO SANTE FE 92067
* A	9347	SANSUM CLINIC RES. FOUND.		2219 BATH ST.	SANTA BARBARA 93102
* X	93118	SANTA BARBARA CITY COLLEGE		721 CLIFF DR.	SANTA BARBARA 93109
* A	9315	SCRIPPS CLINIC & RES. FOUND.		476 PROSPECT ST.	LA JOLLA 92037
* A	9313	SHELL DEVELOPMENT COMPANY		P.O. BOX 4248	MODESTO 95353
* A	93140	SMITH KLINE INSTRUMENTS, INC.		485 POTRERO AVE.	SUNNYVALE 94086
* A	93150	SOCIETY OF SCI. CARE, INC		PO BOX 7535	SAN DIEGO 92107
* A	931	SONOMA STATE HOSPITAL			ELDRIDGE 95431
* A	93127	SOUTHERN CA COLL OF OPTOMETRY		2001 ASSOCIATED RD	FULLERTON 92681
* A	93137	SOUTHERN CA. PERM. MED. GROUP		9985 SIERRA AVE.	FONTANA 92335
* A	93130	SOUTHWESTERN COLLEGE		900 OTAY LAKES RD.	CHULA VISTA 92010

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CALIFORNIA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	93118	ST. JOHN'S HOSP. & HEALTH CTR.		1328 22ND ST.	SANTA MONICA 90406
* A	9342	ST. MARY'S HOSP. MEDICAL CTR.		2200 HAYES ST.	SAN FRANCISCO 94117
* A	9345	STANDARD OIL COMP. OF CA.		576 STANDARD AVE., RM 5201	RICHMOND 94802
* A	9326	STANFORD RESEARCH INSTITUTE		333 RAVENSWOOD AVE.	MENLO PARK 94025
* A	934	STANFORD UNIVERSITY		STANFORD MEDICAL CTR. LOO3D	STANFORD 94305
* A	9364	STAR-KIST FOODS, INC.		920 BARRACUDA	TERMINAL ISLAND 90731
* A	9325	STATE OF CA/DEPT. OF HEALTH		2151 BERKELEY WAY	BERKELEY 94704
* A	933	SUTTER COM HOSP OF SACRAMENTO		52ND & F STS.	SACRAMENTO 95816
* A	93120	SYLVAN CORNERS VET. HOSPITAL		7548 OLD AUBURN BLVD	CITRUS HEIGHTS 95610
* A	9329	SYNTEX (U.S.A.) INC.		3401 HILLVIEW AVE.	PALO ALTO 94304
* A	9341	SYVA COMPANY		2349 CHARLESTON ROAD	MOUNTAIN VIEW 94040
* A	9373	TERA PHARMACEUTICALS, INC.		6920 STANTON AVE.	BUENA PARK 90621
* A	93162	THE GORILLA FOUNDATION		PO BOX 3002	STANFORD 94305
* X	935	THE MINE LABORATORIES, INC.		TEHAMA ST	SAN FRANCISCO 94103
* A	9344	THE REGENTS OF THE UNIV OF CA		UNIVERSITY HALL	BERKELEY 94720
* A	93154	UNILAB RESEARCH		2800 SEVENTH ST	BERKELEY 94710
* A	93131	UNIVERSITY OF SAN DIEGO		ALCALA PARK	SAN DIEGO 92110
* A	9377	UNIVERSITY OF SAN FRANCISCO			SAN FRANCISCO 94117
* A	9320	UNIVERSITY OF SOUTHERN CA		2011 ZONAL AVE.	LOS ANGELES 90033
* A	9350	UNIVERSITY OF THE PACIFIC		751 BROOKSIDE RD	STOCKTON 95207
* A	9358	VALLEY CHLDNS HOSP & GUID CTR		3151 N. MILLARDOK	FRESNO 93703
* A	93115	VICTOR VALLEY COLLEGE			VICTORVILLE 92392
* A	93100	VITAMINERALS, INC.		1815 FLOWER ST.	GLENDALE 91201
* A	9340	WHITE MEMORIAL MEDICAL CENTER		1720 BROOKLYN AVE	LOS ANGELES 90033
* A	9307	WHITTIER COLLEGE			WHITTIER 90608
* A	93156	WST COL/ALLIED MLTH CAREERS		6000 EL CAMINO AVE	SACRAMENTO 95821
* A	9379	YUBA COLLEGE		LINDA & BEALE ROADS	MARYSVILLE 95901
* A	93151	ZOOLOGICAL SOC. OF SAN DIEGO		PO BOX 551	SAN DIEGO 92112

COLORADO

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	8419	ARAPAHOE COMMUNITY COLLEGE		5900 S. SANTA FE DR.	LITTLETON 80120
* A	8413	AFL RAE INSTITUTE		9870 E. ALAMEDA AVE.	DENVER 80231
* A	8430	BIOLOGICAL RES. LABS.		6700 SIMMS AVE.	ARVADA 80004
* A	8427	CHILDREN'S HOSPITAL		1056 EAST 19TH AVE.	DENVER 80218
* A	849	CHLDNS ASTHMA RES INST & HOSP		3401 W. 19TH AVE.	DENVER 80204
* A	8424	CORE LABORATORIES, INC.		1201 OAK ST.	LAKEWOOD 80215
* A	8412	COLORADO MOUNTAIN COLLEGE			GLENWOOD SPRINGS 81601
* A	847	COLORADO SERUM COMP.		4950 YORK ST.	DENVER 80216
* A	843	COLORADO STATE UNIVERSITY			FORT COLLINS 80521
* A	8417	COMMUNITY COLLEGE OF DENVER		12600 W SIXTH ST.	GOLDEN 80401
* A	8425	COOPER U.S.A., INC.		5030 YORK ST.	LAKEWOOD 80215
* A	8416	DENVER DEPT OF HEALTH & HOSP		WEST 8TH AVE. & CHEROKEE ST.	DENVER 80204
* A	8426	ELARS BIO RESEARCH LAB.		225 COMMERCE DR.	FORT COLLINS 80521
* A	8421	FORT LEWIS COLLEGE			DURANGO 81301
* A	8410	MERIDIAN BIO-MEDICAL, INC.		3278 S. WADSWORTH	DENVER 80227
* X	841	NAT'L JEWISH HOSP		3800 EAST COLFAX AVE	DENVER 80206
* A	8423	OTERO JUNIOR COLLEGE		18TH & COLORADO AVE.	LA JUNTA 81050
* A	8415	PENROSE HOSPITAL		2215 N. CASCADE AVE.	COLORADO SPRINGS 80903
* A	8420	REGIS COLLEGE		WEST 50TH & LOWELL BLVD.	DENVER 80221
* A	845	ST. JOSEPH HOSPITAL		1835 FRANKLIN ST.	DENVER 80218
* A	8414	THE COLORADO COLLEGE			COLORADO SPRINGS 80903
* A	848	UNIV OF NORTHERN COLORADO			GREELEY 80631
* A	846	UNIVERSITY OF COLORADO			BOULDER 80302
* A	8431	VALLEYLAB INC		5920 LONGROW DR	BOULDER 80301
* A	8429	WESTERN RESEARCH CORP.		2300 N. HWY 287, PO BOX 1255	FORT COLLINS 80522
* A	8411	WESTERN STATE COLLEGE CO			GUNNISON 81230

CONNECTICUT

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	1616	CT. STATE DEPT. OF HEALTH		PO BOX 1689	HARTFORD 06101
* A	1623	FAIRFIELD UNIVERSITY			FAIRFIELD 06430
* X	169	HAMILTON STANDARD			WINDSOR LOCKS 06096
* A	167	HARTFORD HOSPITAL		80 SEYMOUR ST.	HARTFORD 06115
* A	168	J. B. PIERCE FOUND. OF CT.		290 CONGRESS	NEW HAVEN 06519
* A	1628	NEW ENGLAND INST., INC.		90 GROVE ST.	RIDGEFIELD 06877
* A	1626	QUINNIPIAC COLLEGE		555 NEW ROAD	HAMDEN 06518
* A	1627	RIRICOFF RESEARCH CENTER		NORWICH HOSPITAL, BOX 508	NORWICH 06360
* A	162	ST. FRANCIS HOSP. RES. LAB.		114 WOODLAND ST.	HARTFORD 06105
* A	1619	ST. MARY'S HOSPITAL		56 FRANKLIN ST.	WATERBURY 06702
* A	165	THE HOSPITAL OF ST. RAPHAEL		1450 CHAPEL ST.	NEW HAVEN 06511
* A	168	THE UNIVERSITY OF CONNECTICUT			STORRS 06268
* A	1628	UNITED STATES SURGICAL CORP.		106 COMMERCE RD.	STAMFORD 06902
* A	1625	UNIV OF CT HEALTH CENTER		CENTER FOR LAB ANIMAL CARE	FARMINGTON 06032
* X	1611	UNIVERSITY OF HARTFORD		200 BLOOMFIELD AVE.	W. HARTFORD 06117
* A	161	YALE UNIVERSITY		333 CEDAR ST.	NEW HAVEN 06510

DELAWARE

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* X	509	ALFRED I. DU PONT INSTITUTE		ROCKLAND RD.	WILMINGTON 19803
* A	508	DU PONT EXPERIMENTAL STATION		NEW MURPHY RD.	WILMINGTON 19898
* A	501	E.I. DUPONT DE NEMOURS & CO.		PO BOX 30	NEWARK 19711
* A	503	ICI AMERICAS, INC.		CONCORD PIKE & NEW MURPHY RD.	WILMINGTON 19897
* X	505	STERWIN LABORATORIES, INC.		DUPONT HWY.	MILLSBORO 19966
* A	508	UNIVERSITY OF DELAWARE			NEWARK 19711
* X	506	WILMINGTON MEDICAL CTR., INC.		14TH & WASHINGTON STS.	WILMINGTON 19899

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FLORIDA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	5832	BARRY LABORATORIES, INC.		461 N.E. 27TH ST.	POMPANO BEACH 33060
* A	584	BIGGER'S SMALL ANIMAL HOS P.		2833 S. 8 ST.	FORT PIERCE 33450
* X	5818	CAPE LABORATORIES, INC.		BOX 81	VENICE 33595
* A	5824	CHEMIE HAUS, INC.		160 CONCORD DR.	CASSELBERRY 32707
* A	5819	CORDIS CORP.		PO BOX 370428	MIAMI 33137
* A	5828	DADE DIV AM HOSP SUPPLY C ORP		PO BOX 520672	MIAMI 33152
* A	582	DAWSON RESEARCH CORP.		PO BOX 8272	ORLANDO 32809
* A	5810	ECKERD COLLEGE		PO BOX 12560	ST. PETERSBURG 33733
* A	5826	FL INJURED WILDLIFE SANC. INC		BOX 260,RT. 1	MELBOURNE 32935
* A	5812	FLORIDA A&M UNIV.			TALLAHASSEE 32307
* A	5835	FLORIDA ATLANTIC UNIVERSI TY			BOCA RATON 33431
* A	5820	FLORIDA INST. OF TECHNOLO GY		BOX 1150 COUNTRY CLUB ROAD	MELBOURNE 32901
* A	5836	FLORIDA INTERNATIONAL UNI V		TAMIAMI TRAIL	MIAMI 33199
* A	5817	FLORIDA MED. ENTOMOLOGY L AB.		PO BOX 520-OSLO RD.	VERO BEACH 32960
* A	581	FLORIDA STATE UNIVERSITY			TALLAHASSEE 32306
* A	5827	HOWARD HUGHES MEDICAL INS T.		P.O. BOX 330837	COCONUT GROVE 33133
* A	5831	JACKSON VETERINARY PRACTI CE		RFD 5 BOX 9	ST. AUGUSTINE 32084
* A	5838	KNOWLES ANIMAL CLINIC		1000 NW 27TH AVE	MIAMI 33125
* A	5839	LARY, M.D., BG		7400 N KENDALL	MIAMI 33156
* A	5837	LEO GOODWIN INST FOR CANC RES		3301 COLLEGE	FT. LAUDERDALE 33314
* A	5821	MANNHEIMER PRIMATE FOUND.		20255 S.W. 360TH ST.	HOMESTEAD 33030
* A	5825	MERIEUX INSTITUTE INC.		15960 N.W. 15 AVE.	MIAMI 33169
* A	589	MIAMI HEART INSTITUTE		4701 N. MERIDIAN AVE.	MIAMI BEACH 33140
* A	5841	MOTE MARINE LABORATORY, I NC.		1600 CITY ISLAND PARK	SARASOTA 33577
* A	585	MT. SINAI HOSPITAL RES. L AB.		4300 ALTON RD.	MIAMI BEACH 33140
* A	5829	N. AMERICAN BIOLOGICALS, INC.		16500 NW 15 AVE.	MIAMI 33169
* A	5840	NATIONAL BIOLOGICALS, INC		13710 49TH STREET NORT H	CLEARWATER 33520
* A	5833	PAPANICOLAOU CANCER RES I NST		1155 NW 14TH ST PO BOX 236188	MIAMI 33123
* A	5822	ROLLINS COLLEGE			WINTER PARK 32789
* A	5834	SANDERS MED. RES. FOUND. INC.		33 SE 3RD ST.	BOCA RATON 33432
* A	5842	SHANK, J		3225 NO ANDREWS AVE	FT LAUDERDALE 33309
* A	5814	SHERWOOD MED INDUSTRIES, INC		PO BOX 2078	DELAND 32720
* A	5823	ST. PETERSBURG JR. COLLEG E		PO BOX 13489	ST. PETERSBURG 33733
* A	5830	STATE OF FL., DIV. OF HEA LTH		8000 W. BUFFALO AVE	TAMPA 33614
* X	5813	SUNLAND HOSPITAL		PO BOX 3513	ORLANDO 32802
* A	5816	UNIVERSITY OF CENTRAL FLO RIDA		PO BOX 25000,ALAFAYA T RAIL	ORLANDO 32816
* A	583	UNIVERSITY OF FLORIDA		OFFICE OF THE PRESIDEN T	GAINESVILLE 32601
* A	587	UNIVERSITY OF MIAMI			CORAL GABLES 33124
* A	5815	UNIVERSITY OF SOUTH FLORI DA		4202 FOWLER AVE.	TAMPA 33620

GEORGIA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	573	EMORY UNIVERSITY			ATLANTA 30322
* X	570	GEORGIA COLLEGE			MILLEDGEVILLE 31061
* A	5710	GEORGIA INST. OF TECHNOLO GY			ATLANTA 30332
* A	574	MERCER UNIVERSITY SYSTEM			MACON 31207
* A	576	PALMER CHEM. & EQUIP. CO. INC		PO BOX 867	DOUGLASVILLE 30134
* A	575	UNIVERSITY OF GEORGIA SYS TEM			ATHENS 30601

HAWAII

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	0512	HAWAII DEPT. OF AGRICULTU RE		1428 S. KING ST.	HONOLULU 96814
* X	058	KUAKINI HOSPITAL & HOME		347 N. KUAKINI ST.	HONOLULU 96817
* A	053	QUEEN'S MEDICAL CENTER		PO BOX 861	HONOLULU 96808
* A	0511	RES. CORP. OF THE UNIV OF HI.		1110 UNIVERSITY AVE.	HONOLULU 96817
* A	057	ST. FRANCIS HOSP RES LAB		2260 LILIHA ST.	HONOLULU 96817
* A	052	UNIVERSITY OF HAWAII		PACIFIC BIOMEDICAL RES . CTR.	HONOLULU 96813

IDAHO

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	8201	IDAHO STATE UNIVERSITY			POCATELLO 83201
* A	8203	LONG, CD			BOISE 83704
* A	8204	NORTHWEST NAZARENE COLLEG E		101 N. GARDEN ST.	NAMPA 83651
* A	8202	UNIVERSITY OF IDAHO			MOSCOW 83843

ILLINOIS

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	3358	A.E. STALEY MFG. CO.		22ND & ELDORADO BLDG # 60	DECATUR 62525
* A	3325	ARPOTT LABORATORIES		1400 SHERIDAN RD.	NORTH CHICAGO 60064
* A	3369	AMERICAN DENTAL ASSOCIATI ON		211 EAST CHICAGO AVE.	CHICAGO 60611
* X	331	AMERICAN MEDICAL ASSN.		535 N. DEARBORN ST.	CHICAGO 60610
* A	3333	ARMOUR PHARMACEUTICAL CO.		US ROUTE 54	BRADLEY 60915
* A	3334	ARNAR-STONE LAB.		1600 WAUKEGAN RD.	MCGAW PARK 60085
* A	3378	BIOLABS, INC.		2910 MACARTHUR BLVD.	NORTHBROOK 60062
* A	3352	BLACKBURN COLLEGE			CARLINVILLE 62626
* A	3306	BORREN INC.		RR 1	ELGIN 60120
* A	3359	BRADLEY UNIVERSITY			PEORIA 61606
* X	3372	CHICAGO BOARD OF HEALTH		CHICAGO CIVIC CENTER	CHICAGO 60602
* A	3310	CHICAGO COLLEGE OF OSTEOP ATHY		1122 E. 53 ST.	CHICAGO 60615
* X	3374	CHICAGO INST. FOR ANIMAL RES.		6701 W. GRAND AVE.	CHICAGO 60639
* A	3327	CHICAGO MEDICAL SCHOOL		2020 W OGDEN AVE	CHICAGO 60612
* A	336	CHILDREN'S MEMORIAL HOSPI TAL		2300 CHILDREN'S PLAZA	CHICAGO 60614
* A	3341	COOK CO. GRAD. SCHOOL OF MED.		707 S. WOOD ST.	CHICAGO 60612
* A	3383	DE PAUL UNIVERSITY		1036 W. BELDEN AVE.	CHICAGO 60614
* A	3311	EDGEWATER HOSPITAL		5700 N. ASHLAND	CHICAGO 60626
* A	3370	ELMHURST COLLEGE			ELMHURST 60126
* A	3364	EUREKA COLLEGE		300 E. COLLEGE	EUREKA 61530
* A	3313	EVANSTON HOSPITAL		2650 RIDGE AVE.	EVANSTON 60201
* A	3328	G.D. SEARLE & CO.		BOX 5110	CHICAGO 60680
* A	3331	GENERAL FOODS CORP.		C/O GAINES RES. KENNEL S RR 3	ST. ANNE 60964
* A	335	GEORGE WILLIAM COLLEGE		555-31ST ST.	DOWNERS GROVE 60515
* A	3335	HEKOTOEN INST./COOK CO. H OSP.		627 S. WOOD ST.	CHICAGO 60612
* A	338	IIT RESEARCH INST.		10 WEST 35 ST.	CHICAGO 60616
* A	3357	IL. DEPT. OF PUBLIC HEALT H		535 W. JEFFERSON ST.	SPRINGFIELD 62706
* A	3356	IL. STATE PSYCHIATRIC INS T.		1601 W. TAYLOR ST.	CHICAGO 60612
* A	3371	ILLINOIS BENEDICTINE COLL EGE			LISLE 60532
* A	3345	ILLINOIS INST. OF TECHNOL OGY		3300 S. FEDERAL ST.	CHICAGO 60616
* A	333	ILLINOIS STATE UNIVERSITY			NORMAL 61761
* A	3353	ILLINOIS WESLEYAN UNIV.			BLOOMINGTON 61701
* A	332	INDUSTRIAL BIO-TEST LAB., INC		1810 FRONTAGE RD.	NORTHBROOK 60062
* A	3382	INTER'L SCIENTIFIC IND. I NC		PO BOX 9	CARY 60013
* X	337	JOHN A. HARTFORD FOUNDATI ON		1775 DEMPSTER RD.	PARK RIDGE 60068
* A	3343	KENDALL RESEARCH CENTER		411 LAKE ZURICH ROAD	BARRINGTON 60010
* A	3349	KNOX COLLEGE			GALESBURG 61401

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ILLINOIS

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	3366	KRAFTCO CORP.		801 WAUKEGAN RD.	GLENVIEW 60025
* A	3369	LAKE FOREST COLLEGE			LAKE FOREST 60045
* A	3384	LARABIDA UNIV OF CHICAGO INST		5801 SOUTH ELLIS AVE.	CHICAGO 60637
* A	3385	LOKE-ERICKSON LABS., INC.		112 N. 10TH AVE.	MELROSE PARK 60160
* A	3326	LOYOLA UNIVERSITY		1400 S. FIRST AVE.	MINES 60141
* A	330	M. REESE HOSP. & MED. CENTER		29 & ELLIS	CHICAGO 60616
* A	3387	MEDI-PHYSICS, INC.		9820 BRYN MAWR	ROSEMONT 60018
* A	3377	MEMORIAL HOSPITAL		4501 NORTH PARK DR.	BELLEVIEW 62221
* A	3347	MERCY HOSPITAL & MEDICAL CTR.		STEVENSON EXPRESS. AT KING DR.	CHICAGO 60616
* A	3326	MT. SINAI HOSP. MEDICAL C TR.		CALIFORNIA AVE. AT 1ST M ST.	CHICAGO 60608
* A	3342	N.M. PERCY MED. RES. FOUN D.		811 W. DICKENS	CHICAGO 60612
* A	3379	NORTHEASTERN ILLINOIS UNI V.		BRYN MAWR AT ST. LOUIS	CHICAGO 60625
* A	3367	NORTHERN ILLINOIS UNIVERSITY			DEKALB 60115
* A	3340	NORTHWESTERN UNIVERSITY		619 CLARK ST.	EVANSTON 60201
* A	3322	PRESBYTERIAN-ST. LUKE'S HOSP.		1753 W. CONGRESS PARKW AY	CHICAGO 60612
* A	3381	QUAKER OATS CO.		617 W. MAIN ST.	BARRINGTON 60010
* A	3356	QUINCY COLLEGE			QUINCY 62301
* W	334	ROSNER-MIXSON LABORATORIES		3570 N. AVONDALE AVE.	CHICAGO 60618
* A	3351	SANGAMON STATE UNIVERSITY			SPRINGFIELD 62703
* A	3363	SHERMAN HOSPITAL		934 CENTER ST.	ELGIN 60120
* A	3375	SLEEPY HOLLOW KENNEL/CATTERY		ROUTE 2, BOX 73	HUNDELEIN 60060
* A	3310	SOUTHERN ILLINOIS UNIV.			CARBONDALE 62901
* A	336A	SOUTHERN ILLINOIS UNIVERSITY			EDWARDSVILLE 62025
* A	333A	ST. FRANCIS HOSPITAL		355 RIDGE AVE.	EVANSTON 60202
* A	334A	ST. FRANCIS HOSPITAL		530 NE GLEN OAK AVE.	PEORIA 61603
* A	3380	ST. JAMES HOSPITAL		1423 CHICAGO RD.	CHICAGO HEIGHTS 60411
* W	3319	ST. JOHN'S HOSPITAL		1111 N. LINCOLN ST.	SPRINGFIELD 62707
* A	3393	TECHNAM, INC		2405 ROAD STREET	PARK FOREST SOUTH
* A	3390	TOX MONITOR LAB., INC		112 N 10TH AVE	MELROSE PARK 60160
* A	3329	TRAVENOL LABORATORIES, INC.		6301 LINCOLN AVE.	MORTON GROVE 60053
* A	3336	UNIV OF IL AT CHICAGO CIRCLE		2833 UNIVERSITY HALL	CHICAGO 60680
* A	3330	UNIVERSITY OF CHICAGO		5801 S. ELLIS AVE.	CHICAGO 60637
* A	3329	UNIVERSITY OF ILLINOIS			URBANA 61801
* A	331A	UNIVERSITY OF ILLINOIS		833 S. WOOD ST.	CHICAGO 60612
* A	3365	WEST LABORATORIES		PO BOX 666	ST. ANNE 60964
* A	3362	WESTERN ILLINOIS UNIVERSITY			MACOMB 61455
* A	338A	WHEATON COLLEGE			WHEATON 60187
* W	3373	WIDEMAN, FE		1520 7TH ST., SUITE 60 6	MOLINE 61265
* W	3332	WILSON & CO., INC.		4200 S. MARSHFIELD AVE	CHICAGO 60609
* A	3315	WILSON LABORATORIES		4221 S. WESTERN BLVD.	CHICAGO 60609

INDIANA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	3221	AMERICAN MONITOR, INC.		5625 W. 86TH ST.	INDIANAPOLIS 46268
* A	3211	BALL STATE UNIVERSITY			MUNCIE 47306
* A	3220	BOTTA, JR., DR. JAMES A.		PO BOX 333	MT. VERNON 47620
* A	3218	BUTLER UNIVERSITY		4600 SUNSET	INDIANAPOLIS 46208
* A	322	CENTRAL SOYA COMPANY, INC			DECATUR 46733
* W	324	EARLHAM COLLEGE			RICHMOND 47374
* A	323	ELI LILLY & CO.		740 S. ALABAMA	INDIANAPOLIS 46206
* A	3212	FT. WAYNE SURGICAL ASSOC. INC		3124 E. STATE BLVD.	FT. WAYNE 46805
* A	3223	IMC CHEMICAL GROUP, INC.		PO BOX 207,1331 S. FIR ST ST.	TERRE HAUTE 47808
* A	3210	INDIANA STATE UNIVERSITY			TERRE HAUTE 47809
* A	326	INDIANA UNIVERSITY		526 N. EARL AVE.	BLOOMINGTON 47401
* A	3224	LAFAYETTE PHARMACAL, INC.		2400 PENNSYLVANIA AVE.	LAFAYETTE 47902
* A	325	MEAD, JOHNSON & COMPANY		1604 N. CAPITAL AVE.	EVANSVILLE 47721
* X	329	METHODIST HOSP. OF INDIAN A INC			INDIANAPOLIS 46202
* A	3215	MICHIGAN ROAD ANIMAL HOSP		7720 N. MICHIGAN RD.	INDIANAPOLIS 46268
* A	321	MILES LABORATORIES, INC.			ELKHART 46514
* A	327	PURDUE UNIVERSITY			LAFAYETTE 47907
* A	328	ROSE POLYTECHNIC INSTITUTE		5500 WABASH AVE.	TERRE HAUTE 47803
* A	3222	ST. VINCENT HOSPITAL		2001 W. 86TH ST.	INDIANAPOLIS 46260
* A	3216	UNIVERSITY OF NOTRE DAME			NOTRE DAME 46556
* A	3214	VALPARAISO UNIVERSITY			VALPARAISO 46383
* A	3217	WABASH COLLEGE			CRAWFORDSVILLE 47933

IOWA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	4202	COL OF OSTEOPATHIC MED & SURG		3200 GRAND AVE.	DES MOINES 50312
* A	4201	DIAMOND LABORATORIES, INC		PO BOX 863	DES MOINES 50304
* A	4205	DRAKE UNIVERSITY			DES MOINES 50311
* A	4209	FORT DODGE LAB., INC.		800 FIRST ST., N.W.	FORT DODGE 50501
* A	4214	GRAND VIEW COLLEGE		1200 GRANDVIEW AVE	DES MOINES 50316
* A	4203	IOWA STATE UNIVERSITY			AMES 50010
* A	4211	LUTHER COLLEGE			DECORAH 52101
* A	4212	SALTSBURY LABORATORIES		2000 ROCKFORD RD.	CHARLES CITY 50616
* A	4213	ST. LUKE'S METHODIST HOSP		1026 A AVENUE NE	CEDAR RAPIDS 52402
* A	4206	UNIVERSITY OF IOWA			IOWA CITY 52240

KANSAS

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	4A5	RAYVET CORP.		PO BOX 390	SHAWNEE MISSION 66201
* A	4A11	DOUGLAS PHARMACAL IND., INC.		8906 ROSEMILL RD.	LENEXA 66215
* A	4A15	EMPORIA STATE UNIVERSITY		1200 COMMERCIAL ST.	EMPORIA 66801
* A	4A17	FORT HAYS STATE UNIV			HAYS 67601
* A	4A10	INTERX RESEARCH CORP.		2201 W. 21 ST.	LAWRENCE 66044
* A	4A12	JENSEN-SALSBERY LAB.		2000 S. 11TH ST.	KANSAS CITY 66103
* A	4A1	KANSAS STATE UNIVERSITY			MANHATTAN 66502
* A	4A13	KRUCKENBERG, S.M.		2451 OREGON LANE	MANHATTAN 66502
* A	4A16	MARYMOUNT COLLEGE			SALINA 67401
* A	4A6	MORAY CHEMICAL CORP		PO BOX 1930	STILWELL 66085
* A	4A9	PARSONS STATE HOSPITAL			PARSONS 67357
* A	4A3	UNIV. OF KANSAS MED. CTR.		RAINBOW BLVD. AT 39TH ST.	KANSAS CITY 66103
* A	4A2	UNIVERSITY OF KANSAS			LAWRENCE 66044
* A	4A14	WICHITA STATE UNIVERSITY		1845 FAIRMOUNT	WICHITA 67208

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KENTUCKY

• STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
• A	615	GOODHILL KENNELS		RS BOX 109	CYNTIUANA 41031
• Y	613	HARLAN APPALACHIAN REG. HOSP.			HARLAN 40831
• A	612	UNIVERSITY OF KENTUCKY			LEXINGTON 40506
• A	611	UNIVERSITY OF LOUISVILLE		101 CHESTNUT	LOUISVILLE 40202

LOUISIANA

• STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
• A	721	ALTON OCHSNER MEDICAL FOUND.		1520 JEFFERSON HWY.	NEW ORLEANS 70121
• A	726	GULF SOUTH RES. INSTITUTE		PO BOX 1177	NEW IBERIA 70560
• A	7215	MART-DELTA, INC.		5055 CHOCTAW DR.	BATON ROUGE 70805
• A	723	LOUISIANA STATE UNIV. SYSTEM			BATON ROUGE 70803
• A	7210	LOUISIANA TECH. UNIVERSITY			RUSTON 71270
• Y	725	LOYOLA SCHOOL OF DENTISTRY		6363 ST. CHARLES AVE.	NEW ORLEANS 70118
• A	7213	NICHOLLS STATE UNIVERSITY		BOX 3031 UNIVERSITY ST A.	THIBODAUX 70301
• A	729	NORTHEAST LOUISIANA UNIV.		4001 DESIARD	MONROE 71201
• A	728	NW STATE UNIV. OF LA.			NATCHITOCHES 71457
• A	724	TOURO RESEARCH INSTITUTE		1430 FOUCHER ST.	NEW ORLEANS 70115
• A	722	TULANE UNIVERSITY			NEW ORLEANS 70118
• A	7212	UNIVERSITY OF NEW ORLEANS			NEW ORLEANS 70122
• A	727	UNIVERSITY OF SW LOUISIANA			LAFAYETTE 70501
• A	7211	XAVIER UNIVERSITY			NEW ORLEANS 70125

MAINE

• STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
• A	1111	ATLANTIC ANTIBODIES		52 ANDERSON RD	WESTBROOK 04092
• A	118	BATES COLLEGE			LEWISTON 04240
• A	113	BOWDOIN COLLEGE			BRUNSWICK 04011
• A	112	MAINE MEDICAL CENTER		22 BRAMHALL ST.	PORTLAND 04102
• A	119	MT DESERT ISLAND BIOLOG. LAB			SALSBURY COVE 04672
• A	115	NASSON COLLEGE			SPRINGVALE 04083
• A	1110	NEW ENGLAND COL OF OSTEOP MED		605 POOL ROAD	BIDDEFORD 04005
• A	1112	NORTHEAST BIOMEDICAL LABS INC		RR 1 INLAND FARM DR	SO WINDHAM 04082
• A	116	UNIVERSITY OF MAINE			ORONO 04473
• A	1113	VENTREX LABS INC		217 READ ST	PORTLAND 04103

MARYLAND

• STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
• A	5126	AM. TYPE CULTURE COLLECTION		12301 PARKLAWN DR.	ROCKVILLE 20852
• A	5121	AMERICAN RED CROSS		9312 OLD GEORGETOWN RD	BETHESDA 20014
• A	5124	BIOTECH RESEARCH LABS., INC.		12601 TWINBROOK PKWY	ROCKVILLE 20852
• A	5127	BORRISTON RESEARCH LABS, INC		5050 BEECH PL.	TEMPLE HILLS 20031
• A	5120	BURTON, PARSONS & CO., INC.		120 WESTHAMPTON AVE.	SEAT PLEASANT 20027
• X	5123	COPPIN STATE COLLEGE			BALTIMORE 21216
• A	511	FLOW LABORATORIES, INC.		1710 CHAPMAN AVE.	ROCKVILLE 20852
• A	5118	FRIENDS MED. SCI. RES CTR INC		22 BLOOMSBURY AVE	BALTIMORE 21228
• A	5125	GILLETTE COMP. RESEARCH INST.		1413 RESEARCH BLVD.	ROCKVILLE 20850
• Y	5119	HARFORD COMMUNITY COLLEGE		401 THOMAS RUN ROAD	BEL AIR 21014
• X	5110	HITTMAN ASSOCIATES, INC.		PO BOX 810	COLUMBIA 21043
• A	5124	HYNSON, WESTCOTT/DUNNING INC.		CHARLES & CHASE STS.	BALTIMORE 21201
• A	5130	INST. FOR BEHAVORAL RES. INC.		2429 LINDEN LANE	SILVER SPRING 20910
• A	516	JOHN HOPKINS UNIVERSITY		34TH & CHARLES ST.	BALTIMORE 21218
• A	5122	LITTON BIONETICS, INC.		5516 NICHOLSON LN	KENSINGTON 20795
• A	5116	MD. PSYCHIATRIC RESEARCH CTR.		PO BOX 3235	BALTIMORE 21228
• A	513	MICRUBIOLOGICAL ASSOC., INC.		8733 BETHESDA AVE.	BETHESDA 20014
• A	5117	PENINSULA GENERAL HOSPITAL		S. DIVISION & W. LOCUST STS.	SALISBURY 21801
• A	5115	PHARMACOPATHICS RES. LAB. INC		1261 N. WASHINGTON BLVD.	LAUREL 20810
• X	517	SACRED HEART HOSPITAL		900 SETON DR.	CUMBERLAND 21502
• A	5111	SINAI HOSPITAL OF BALTIMORE		BELVEDERE & GREENSPRING AVES.	BALTIMORE 21215
• A	5112	ST. JOSEPH HOSPITAL		7620 YORK RD.	BALTIMORE 21204
• Y	5120	TOWSON STATE COLLEGE			BALTIMORE 21204
• A	5114	UNIVERSITY OF MARYLAND		C/O DR GERALD M WARD, DIR	COLLEGE PARK 20742

MASSACHUSETTS

• STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
• A	1486	ARCOR, INC		850 MAIN STREET	WILMINGTON 01887
• A	145	ARTHUR D. LITTLE, INC.		25 ACORN PARK	CAMBRIDGE 02140
• A	141	ASTRA PHARMACEUTICAL PROD INC		7 1/2 NEPONSET ST.	WORCESTER 01606
• A	1426	AVCO EVERETT RESEARCH LAB.		2385 REVERE BEACH PKWY.	EVERETT 02149
• A	1473	BECKER JUNIOR COLLEGE		1003 MAIN ST.	LEICESTER 01524
• A	1415	BETH ISRAEL HOSPITAL		330 BROOKLINE AVE.	BOSTON 02215
• A	1458	BIO-RESEARCH INSTITUTE, INC.		9 COMMERCIAL AVE.	CAMBRIDGE 02141
• A	1483	BIOASSAY SYSTEMS CORP		100 INMAN ST	CAMBRIDGE 02139
• A	1433	BOSTON CITY HOSPITAL		818 HARRISON AVE.	BOSTON 02118
• A	1450	BOSTON COLLEGE		140 COMMONWEALTH AVE.	CHESTNUT HILL 02167
• A	1456	BOSTON STATE HOSPITAL		510 MORTON ST.	BOSTON 02124
• A	1417	BOSTON UNIVERSITY		705 COMMONWEALTH AVE.	BOSTON 02215
• A	1430	BRANDEIS UNIVERSITY			WALTHAM 02154
• A	1469	CAMBRIDGE NUCLEAR RADIOPHARMACEUTICAL CENTER		575 MIDDLESEX TURNPIKE	BILLERICA 01821
• A	183	CHILDREN'S CANCER RES. FOUND.		35 RINNEY ST.	BOSTON 02115
• A	1420	CHILDREN'S HOSP. MEDICAL CTR.		300 LONGWOOD AVE.	BOSTON 02115
• A	1485	CIS RADIOPHARMACEUTICALS, INC		5 DEANGELO DR	BEDFORD 01730
• A	1424	CLARK UNIVERSITY		950 MAIN ST.	WORCESTER 01610
• A	1475	COLLABORATIVE RESEARCH, INC		1365 MAIN ST	WALTHAM 02154
• X	1410	EYE RESEARCH INST./RETINA FOUNDATION		20 STANIFORD ST.	BOSTON 02114
• A	1480	FINDLEY RESEARCH INC.		PO BOX 375	ASSONET 02702
• A	1437	FORSYTH DENTAL CENTER		140 THE FENWAY	BOSTON 02115
• A	1476	GAMMA DIAGNOSTIC LABS., INC.		50 WALTON ST.	ATTLEBORO 02703
• A	1472	GTE LABORATORIES, INC.		40 SYLVAN ROAD	WALTHAM 02154
• A	1410	HARVARD UNIV. MED. SCHOOL		25 SHATTUCK ST	BOSTON 02115
• A	1474	HOLLISTON JUNIOR COLLEGE		100 SUMMER ST.	HOLLISTON 01746
• A	1425	HOLYOKE COMMUNITY COLLEGE		303 HOMESTEAD AVE.	HOLYOKE 01040
• A	1471	JOSLIN DIABETES FOUND., INC.		1 JOSLIN PL	BOSTON 02215
• A	1416	LAHEY CLINIC FOUNDATION		605 COMMONWEALTH AVE.	BOSTON 02215
• A	148	LEMUEL SHATTUCK HOSPITAL		170 MORTON ST.	JAMAICA PLAIN 02130
• A	1487	LIBERTY MUTUAL RESEARCH CT		71 FRANKLAND RD	HOPKINTON 01748

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MASSACHUSETTS

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	146	MASON RESEARCH INSTITUTE, INC.		21 HARVARD ST.	WORCESTER 01608
* A	147	MASS. COLLEGE OF PHARMACY		179 LONGWOOD AVE.	BOSTON 02115
* A	1453	MASS. DEPT. OF PUBLIC HEALTH		375 SOUTH ST.	JAMAICA PLAIN 02130
* A	1422	MASS. EYE & EAR INFIRMARY		243 CHARLES ST.	BOSTON 02114
* A	1418	MASS. INSTITUTE OF TECHNOLOGY		77 MASSACHUSETTS AVE.	CAMBRIDGE 02139
* A	1414	MASSACHUSETTS GENERAL HOSP.			BOSTON 02114
* A	1408	MILLIPORE CORPORATION		ASHBY ROAD	BEDFORD 01730
* A	1428	MT. HOLYOKE COLLEGE			SOUTH HADLEY 01075
* A	1444	NEW ENGLAND DEACONESS HOSP.		185 PILGRIM RD.	BOSTON 02215
* A	149	NEW ENGLAND MEDICAL CTR. HOSP		171 HARRISON AVE.	BOSTON 02111
* A	1423	NEW ENGLAND NUCLEAR CORPORATION		601 TREBLE COVE RD	NORTH BILLERICA 01862
* A	1421	NORTHEASTERN UNIVERSITY		360 HUNTINGTON AVE.	BOSTON 02115
* A	1429	PETER BENT BRIGHAM HOSPITAL		721 HUNTINGTON AVE.	BOSTON 02115
* A	1446	PONDVILLE HOSPITAL		BOX 111	WALPOLE 02081
* A	1479	RED ACRE FARM INC.		RED ACRE RD.	STOW 01775
* A	1452	ROBERT B. BRIGHAM HOSPITAL		125 PARKER HILL AVE.	BOSTON 02129
* A	148	SHARPS ASSOCIATES		767-A CONCORD AVE.	CAMBRIDGE 02138
* A	1432	SHRINERS BURNS INSTITUTE		50 BLOSSOM ST.	BOSTON 02114
* A	1478	SHRIVER CTR., MENT RETARD INC.		200 TRAPELO ROAD	WALTHAM 02154
* A	1461	SMITH COLLEGE			NORTHAMPTON 01060
* A	1413	ST. ELIZABETH'S HOSPITAL		736 CAMBRIDGE ST.	BRIGHTON 02135
* A	1451	ST. MARGARET'S HOSP FOR WOMEN		90 CUSHING AVE.	DORCHESTER 02125
* A	1411	ST. VINCENT HOSPITAL		25 WINTHROP ST.	WORCESTER 01610
* A	1439	STONEHILL COLLEGE			NORTH EASTON 02356
* A	1477	THE MEMORIAL HOSPITAL		119 BELMONT ST.	WORCESTER 01605
* A	1445	TRUSTEES OF HAMPSHIRE COLLEGE			AMHERST 01002
* A	1427	TUFTS UNIVERSITY			MEDFORD 02155
* A	1486	TUFTS UNIVERSITY		BALLOU HALL	MEDFORD 02155
* A	1442	TUFTS-NEW ENG MED CTR., INC		BOX 237-171 HARRISON AVE	BOSTON 02111
* A	1481	UNIVERSITY OF LOWELL		450 AIKEN ST	LOWELL 01854
* A	1435	UNIVERSITY OF MASSACHUSETTS			AMHERST 01002
* A	1438	WILLIAMS COLLEGE			WILLIAMSTOWN 01267
* A	1468	WORCESTER POLYTECHNIC INST.		WEST ST.	WORCESTER 01609
* A	1412	WORCHESTER FOUND FOR EXP. BIO		222 MAPLE AVE.	SHREWSBURY 01545

MICHIGAN

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	3420	ALBION COLLEGE			ALBION 49224
* A	347	BLODGETT MEMORIAL HOSPITAL		1840 WEALTHY, S.E.	GRAND RAPIDS 49506
* A	3429	BUTTERWORTH HOSPITAL		100 MICHIGAN N.E.	GRAND RAPIDS 49503
* A	3448	C.S. MOTT COMMUNITY COLLEGE		1401 E. COURT ST.	FLINT 48503
* A	3444	CENTRAL MICHIGAN UNIVERSITY			MT. PLEASANT 48858
* A	3436	CHILDREN'S HOSP. OF MICHIGAN		3901 BEAUBIEN	DETROIT 48201
* A	3445	DELTA COLLEGE		UNIVERSITY CENTER, M 48710	BAY CITY 48710
* A	3428	DETROIT-MACOMB HOSP. ASSN.		7815 E. JEFFERSON	DETROIT 48214
* A	3449	DORNER LABORATORIES		3203 W. COLUMBIA	BATTLE CREEK 49017
* A	348	DOW CHEMICAL CO.			MIDLAND 48640
* A	3432	DOW CORNING CORPORATION		SOUTH SAGINAW RD.	MIDLAND 48640
* A	3419	FERRIS STATE COLLEGE			BIG RAPIDS 49307
* X	3423	FLINT OSTEOPATHIC HOSPITAL		3921 BEECHER RD.	FLINT 48502
* A	3450	FOUNDATION FOR BEHAVIORAL RESEARCH		BOX 248, 600 CHERRY ST	AUGUSTA 49012
* A	3452	GENERAL MOTORS RESEARCH LABS.		12 MILE & MOUND RDS.	WARREN 48090
* A	3440	GRAND VALLEY STATE COLLEGE		COLLEGE LANDING	ALLENDALE 49401
* A	3410	HENRY FORD HOSPITAL & EDSEL B. FORD INSTITUTE FOR MEDICAL RESEARCH		2799 W. GRAND BLVD.	DETROIT 48202
* A	3435	HOPE COLLEGE			HOLLAND 49423
* A	3447	HUTZEL HOSPITAL		432 E. HANCOCK	DETROIT 48201
* A	3418	INGHAM MEDICAL HOSPITAL		401 W. GREENLAWN	LANSING 48910
* A	343	INTERNATIONAL RES. & DEV CORP		900 MAIN ST.	MATTAWAN 49071

MICHIGAN

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	3441	JAFFEE, MARTIN D.			
* A	3434	LABORATORY RES. ENTERP., INC.		2110-16TH ST. 6251 SOUTH 6TH ST.	BAY CITY 48706 KALAMAZOO 49001
* A	3411	LAFAYETTE CLINIC			
* A	3443	LAKE SUPERIOR STATE COLLEGE		951 E. LAFAYETTE	DETROIT 48207 SAULT STE. MARIE 49783
* A	3453	MARQUETTE GENERAL HOSPITAL			MARQUETTE 49855
* A	3451	MCLAREN GENERAL HOSPITAL			FLINT 48502
* A	3427	MI. DEPT OF PUBLIC HEALTH		401 S. BALLENGER HWY.	LANSING 48914
* A	3439	MICHIGAN CANCER FOUNDATION		3500 N. LOGAN 110 EAST WARREN AVE.	DETROIT 48201
* A	3417	MICHIGAN STATE UNIVERSITY			EAST LANSING 48823
* A	3442	MICHIGAN TECHNOLOGICAL UNIV.			HOUGHTON 49931
* A	3412	MT. CARMEL MERCY HOSPITAL			
* A	3421	NORTHERN MICHIGAN UNIVERSITY		6071 W. OUTER DRIVE	DETROIT 48235 MARQUETTE 49855
* A	3438	OAKLAND UNIVERSITY			ROCHESTER 48063
* A	349	PROVIDENCE HOSPITAL		16001 NINE MILE RD.	SOUTHFIELD 48075
* X	3425	RIVERSIDE OSTEOPATHIC HOSP.		150 TRUAX ST.	TRENTON 48183
* A	346	SINAI HOSPITAL OF DETROIT			
* A	3454	TOXICITY RESEARCH LAB.		6767 W. OUTER DR.	DETROIT 48235
* A	3424	UNIVERSITY OF DETROIT		510 WEST MACKLEY	MUSKEGON 49444
* A	341	UNIVERSITY OF MICHIGAN		4001 W. MCNICHOLS RD.	DETROIT 48221
* A	3415	UPJOHN COMPANY			ANN ARBOR 48104
* X	3430	W.D. FRYFOGLE MED. RES. LAB.		301 HENRIETTA ST. 15901 W. NINE MILE RD.	KALAMAZOO 49001 SOUTHFIELD 48075
* A	345	WARNER-LAMBERT/PARK-DAVIS		GPO BOX 1047	ANN ARBOR 48106
* A	3418	WAYNE COUNTY GENERAL HOSPITAL			ELOISE 48132
* A	3414	WAYNE STATE UNIVERSITY			
* A	3433	WESTERN MICHIGAN UNIVERSITY			DETROIT 48202 KALAMAZOO 49001
* A	3437	WILLIAM BEAUMONT HOSPITAL		3601 W. 13 MILE RD.	ROYAL OAK 48073

MINNESOTA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	4121	APPLIED CARDIOPULMONARY RES.		2545 CHICAGO AVE SUITE 111	MINNEAPOLIS 55404
* A	4110	AUSTIN COMMUNITY COLLEGE		1600-8TH AVE., N.W.	AUSTIN 55912
* A	4120	BIO-MEDICUS, INC.		15307 MINNETONKA INDUSTRIAL RD.	MINNETONKA 55343
* A	4122	CARDIAC PACEMAKERS, INC		4100 N HAMLINE AVE	ST PAUL 55108
* A	4123	DAIG CORPORATION		14001 INDUSTRIAL RD	MINNETONKA 55343
* A	4119	KALLESTAD LABORATORIES		1000 LAKE HAZELTINE DR.	CHASKA 55318
* A	4114	MANKATO STATE UNIVERSITY			MANKATO 56001
* A	416	MAYO FOUNDATION		200 FIRST ST. S.W.	ROCHESTER 55901
* A	4115	MEDTRONIC, INC.		1500 NORTHDALE BLVD NW	MINNEAPOLIS 55433
* A	417	MINNEAPOLIS MED RES FOUND INC		619 S. 5TH ST.	MINNEAPOLIS 55415
* X	419	MT. SINAI HOSPITAL		22ND & CHICAGO AVE.	MINNEAPOLIS 55404
* X	412	N STAR DIV MIDWEST RES INST		10701 RED CIRCLE DR	MINNETONKA 55343
* A	4118	NORTHWESTERN HOSPITAL			MINNEAPOLIS 55407
* A	418	RTKER LABORATORIES, INC.		810 E. 27TH ST.	ST PAUL 55101
* A	4112	SOUTHWEST STATE UNIVERSITY		3M CENTER, BLDG. 218-3	MARSHALL 56258
* A	4111	ST. JOHN'S UNIVERSITY			COLLEGEVILLE 56321
* X	414	ST. MARY'S HOSPITAL		2414 S. SEVENTH ST.	MINNEAPOLIS 55406
* A	413	ST. PAUL-RAMSEY HOSPITAL		640 JACKSON ST.	ST. PAUL 55101
* A	415	UNIVERSITY OF MINNESOTA			MINNEAPOLIS 55455

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MISSISSIPPI

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	652	MISSISSIPPI STATE UNIVERSITY		DRAWER G	STATE COLLEGE 39762
* A	651	UNIVERSITY OF MISSISSIPPI		OFFICE OF THE CHANCELLOR	UNIVERSITY 38677

MISSOURI

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	4310	CURATORS OF THE UNIV. OF MO.			COLUMBIA 65201
* A	431	INST. OF MED. EDUCATION & RES.		1605 S. 14TH ST.	ST. LOUIS 63104
* A	437	JEWISH HOSPITAL OF ST. LOUIS		216 S. KINGSHIGHWAY BLVD.	ST. LOUIS 63110
* A	4331	JR COLL. DIST OF JEFFERSON CO			HILLSBORO 63050
* A	4321	KANSAS CITY COLL/OSTEOP. MED.		2105 INDEPENDENCE BLVD	KANSAS CITY 64124
* A	4312	KIRKSVILLE COLL/OSTEOP & SURG			KIRKSVILLE 63501
* A	4332	LOGAN COLLEGE OF CHIROPRACTIC		430 SCHOETTLER RD.	CHESTERFIELD 63017
* A	435	MALLINCKRODT CHEMICAL WORKS		2ND & MALLINCKRODT STS	ST. LOUIS 63160
* A	4320	MAPLE WOODS COMMUNITY COLLEGE		2601 NE HARRY RD.	KANSAS CITY 64156
* A	4324	MARION LABORATORIES, INC.		10236 BUNKER RIDGE RD.	KANSAS CITY 64137
* A	439	MIDWEST RESEARCH INSTITUTE		425 VOLKER BLVD.	KANSAS CITY 64114
* A	4323	MISSOURI ANALYTICAL LAB, INC.			ST. LOUIS 63103
* A	4333	MONSANTO COMPANY		800 N LINDBERGH BLVD	ST LOUIS 63166
* A	4330	NORTHEAST MISSOURI STATE UNIV.			KIRKSVILLE 63501
* A	4314	PHILIPS ROXANE, INC.		2621 N. BELT HIGHWAY	ST. JOSEPH 64502
* A	436	RALSTON PURINA CO.		CHECKERBOARD SQUARE	ST LOUIS 63188
* A	432	SCIENTIFIC ASSOCIATES, INC.		6200 S. LINDBERGH	ST. LOUIS 63123
* A	4325	SIGMA INTERNATIONAL, LTD.		3500 DEKALB ST.	ST. LOUIS 63129
* A	4315	ST. JOHN'S MERCY HOSPITAL		621 S. NEW BALLAS ROAD	ST. LOUIS 63141
* A	433	ST. LOUIS COLLEGE OF PHARMACY		4588 PARKVIEW PLACE	ST. LOUIS 63310
* A	4311	ST. LOUIS UNIVERSITY		1402 S. GRAND AVE.	ST. LOUIS 63104
* A	4327	ST. MARY'S HOSPITAL		101 MEMORIAL DR.	KANSAS CITY 64108
* A	438	WASHINGTON UNIVERSITY		LINDELL & SKINKER BLVDS.	ST. LOUIS 63130
* A	4322	WILLIAM JEWELL COLLEGE			LIBERTY 64068

MONTANA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	412	MONTANA STATE UNIVERSITY			BOZEMAN 59715
* A	411	UNIVERSITY OF MONTANA			MISSOULA 59801

NEBRASKA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	4710	BURNS-BIOTEC LABS INC		220 S WEST CENTER RD.	ELKHORN 68022
* A	4712	CENTRAL BIOLOGICAL CO.		8935 J ST.	OMAHA 68127
* A	4702	CREIGHTON UNIV/SCHOOL OF MED.		629 N. 27TH ST	OMAHA 68131
* A	4708	DANA COLLEGE			BLAIR 68008
* A	4705	DELIEN, INC.		77TH & SERUM AVE.	RALSTON 67127
* A	4709	FATHER FLANAGAN'S BOYS' HOME			BOYS TOWN 68010
* A	4703	HARRIS LABORATORIES, INC.		PO BOX 427, 628 PEACH ST.	LINCOLN 68501
* A	4707	NEBRASKA WESLEYAN UNIVERSITY		50TH & ST. PAUL AVE.	LINCOLN 68504
* A	4704	UNIVERSITY OF NEBRASKA		3835 HOLDREGE	LINCOLN 68503
* A	4706	WREN VETERINARY PATHOLOGY SERVICE		13116 NORMANDY CIRCLE	OMAHA 68137

NEVADA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	481	UNIVERSITY OF NEVADA			RENO 89507

NEW HAMPSHIRE

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	121	DARTMOUTH COLLEGE		PO BOX 432	HANOVER 03755
* A	122	KEENE STATE COLLEGE			KEENE 03431
* A	123	UNIVERSITY OF NEW HAMPSHIRE		SPAULDING BLDG.	DURHAM 03824

NEW JERSEY

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	2213	AFFILIATED MED. BIO. RES. INC		PO BOX 57	PRINCETON 08540
* A	2270	ALLIED CHEMICAL CORP		PO BOX 1057R	MORRISTOWN 07960
* A	2241	BECTON, DICKINSON & COMPANY		MACK CENTRE DRIVE	PARAMUS 07652
* A	2280	BERLEX LABORATORIES INC		110 E HANOVER AVE	CEDAR KNOLLS 07927
* A	2263	BIO-SAFETY RESEARCH LABS.		MILK & BROAD STS.	BRANCHVILLE 07826
* A	2233	BIO/DYNAMICS INC		P.O. BOX 43	EAST MILLSTONE 48873
* A	2279	BOOZ, ALLEN & HAMILTON, INC		55 HANOVER RD	FLORHAM PARK 07932
* A	2221	BRISTOL-MYERS PRODUCTS		225 LONG AVE.	HILLSIDE 07205
* A	2276	CAMDEN COUNTY COLLEGE		PO BOX 200	BLACKWOOD 08012
* A	2223	CAMPBELL SOUP COMPANY		CAMPBELL PLACE	CAMDEN 08101
* A	2218	CIBA PHARMACEUTICAL CO.		556 MORRIS AVE.	SUMMIT 07901
* A	2260	CLINICAL SCIENCES, INC.		30 TROY RD.	WHIPPANY 07981
* A	221	COLGATE-PALMOLIVE CO.		909 RIVER RD.	PISCATAWAY 08854
* A	2266	COLL. OF MED & DENISTRY OF NJ		PO BOX 101	PISCATAWAY 08854
* A	2269	CONSUMER PROD. TESTING CO, INC		1275 BLOOMFIELD AVE. B LDG. #2-15A	FAIRFIELD 07006
* A	2273	COSMOPOLITAN SAFETY EVAL. INC		76 FOURTH ST.	SOMERVILLE 08876
* A	2272	COUNTY COLLEGE OF MORRIS		RT #10 & CENTER GROVE RD	DOVER 07801
* A	2210	CYANAMID ENDN. FOR AGRI. DEV.		PO BOX 400	PRINCETON 08540
* A	2212	ETHICON RESEARCH FOUNDATION		U.S. HIGHWAY 22	SOMERVILLE 08876
* A	2220	FAIRLEIGH DICKINSON UNIV.		1000 RIVER ROAD	TEANECK 07666
* A	2258	FOOD & DRUG RES. LAB., INC.		60 EVERGREEN PLACE	EAST ORANGE 07018
* A	2261	GIRCO/INVENEX DIVISION	DEXTER CORPORATION	22 E. WILLOW ST.	MILLBURN 07041
* A	2275	GIBRALTAR BIO LAB, INC-		23 JUST RD	FAIRFIELD 07006
* X	2227	HACKENSACK HOSPITAL		HOSPITAL PLACE	HACKENSACK 07601
* A	2270	HAZLETON/PRIME LABS, INC.		PO BOX 646	FARMINGDALE 07727
* A	2277	HILLSIDE ACRES INC		GREEN POND RD BOX 52	BUTTZVILLE 07829
* A	2242	HOECHST-ROUSSEL PHARMACEUT.		RT. 202-206 NORTH	SOMERVILLE 08876
* A	2232	HOFFMAN-LA ROCHE, INC.		340 KINGSLAND ST.	NUTLEY 07110
* A	2237	INSTITUTE FOR MEDICAL RES.		COPEWOOD ST.	CAMDEN 08103
* A	2216	JOHNSON & JOHNSON RES. FND.		ROUTE 1	N. BRUNSWICK 08903
* A	224	LEBERCO LABORATORIES		123 HAWTHORNE ST.	ST ROSELLE PARK 07204
* A	2271	LEVER BROS. CO		45 RIVER RD.	EDGEWATER 07020
* X	2240	MANZIANO, DR. CLARENCE F.		603 WESTSIDE AVE.	JERSEY CITY 07306
* A	2256	MCGEE LABORATORIES, INC.		2651 HILL RD	PARSIPPANY 07054
* A	2230	MERCK & CO., INC.		126 E. LINCOLN AVE.	RAHWAY 07065
* X	2235	MONMOUTH MEDICAL CENTER		3RD & PAVILION AVE.	LONG BRANCH 07740
* A	2220	N.J. COLLEGE OF MEDICINE/DEN		100 BERGEN ST.	NEWARK 07103

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NEW JERSEY

• STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
• A	225	N.J. STATE DEPT. OF HEALTH		BOX 1540	TRENTON 08625
• A	2231	NEWARK BETH ISRAEL HOSPITAL		201 LYONS AVE.	NEWARK 07112
• A	2255	ORGANON, INC.		375 MT. PLEASANT AVE.	WEST ORANGE 07052
• A	2266	ORTHO DIAGNOSTICS, INC.		ROUTE 202	RARITAN 08869
• A	226	ORTHO RESEARCH INSTITITE		U.S. HIGHWAY 202	RARITAN 08869
• A	2270	PHARMACIA INC		800 CENTENNIAL AVE	PISCATAWAY 08854
• A	2260	PITMAN-MOORE, INC.		PO BOX 344	WASHINGTON CROSSING 0856 0
• A	2249	REED & CARNRICK		30 BORIGHT AVE.	KENILWORTH 07033
• A	2225	RUTGERS, THE STATE UNIVERSITY			NEW BRUNSWICK 08903
• A	2246	S. MOUNTAIN LIFE SCIENCES, INC.		1102 INDUSTRIAL PKWY.	BRICKTOWN 08723
• A	220	SANDOZ PHARMACEUTICALS			HANOVER 07936
• A	2236	SCHERING CORP.		60 ORANGE ST.	BLOOMFIELD 07003
• A	2249	SETON HALL UNIVERSITY			SOUTH ORANGE 07079
• A	2226	SOUTH MOUNTAIN LABS, INC.		380 LACKAWANNA PL	S ORANGE 07079
• A	2228	SQUIBB AGRI. RESEARCH CNTR		3 BRIDGES RD.	THREE BRIDGES 08887
• A	2219	ST. BARNABAS MEDICAL CENTER		OLD SHORT HILLS ROAD	LIVINGSTON 07039
• X	227	ST. MICHAEL'S HOSPITAL		306 HIGH ST.	NEWARK 07102
• A	2222	TRUSTEES OF PRINCETON UNIV.		NEW SOUTH BLDG.	PRINCETON 08540
• A	2250	U.S. TESTING CO., INC.		1415 PARK AVE.	HOBOKEN 07070
• A	2230	UNIVERSITY LABORATORIES, INC.		810 N. SECOND AVE.	HIGHLAND PARK 08904
• A	2267	VINELAND LABORATORIES, INC.			VINELAND 08360
• A	222	WARNER-LAMBERT RESEARCH INST.		170 TABOR RD.	MORRIS PLAINS 07950
• A	2211	WELLS LABS., INC.		25-27 LEWIS AVE.	JERSEY CITY 07306
• A	2265	WILLIAM PATERSON COLLEGE		300 POMPTON RD.	WAYNE 07470

NEW MEXICO

• STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
• A	858	EASTERN NM UNIVERSITY			PORTALES 88130
• A	851	LOS ALAMOS SCIENTIFIC LAB.		PO BOX 1663	LOS ALAMOS 87545
• A	853	LOVELACE FOUNDATION		5200 GIBSON BLVD.	ALBUQUERQUE 87108
• A	857	N.M. INST. OF MINING & TECH.			SOCORRO 87801
• A	852A	REGENTS OF NM STATE UNIV.		BOX 3000	LAS CRUCES 88003
• A	852	UNIVERSITY OF NEW MEXICO			ALBUQUERQUE 87106

NEW YORK

• STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
• A	21131	AGWAY RESEARCH LABORATORY		777 WARREN RD.	ITHACA 14850
• A	2140	ALBANY COLLEGE OF PHARMACY		106 N. SCOTLAND AVE.	ALBANY 12208
• A	21103	ALBANY MEDICAL COLLEGE		87 NEW SCOTLAND AVE.	ALBANY 12208
• A	2163	ALFRED UNIVERSITY			ALFRED 14802
• A	21106	AM STANDARDS TESTING BUR. INC		40 WATER ST.	NEW YORK 10004
• A	2158	AM. MUSEUM OF NATURAL HISTORY		CENTRAL PARK WEST AT 7 9 ST.	NEW YORK 10024
• A	2126	AMERICAN CYANAMID CO.		N. MIDDLETOWN RD.	PEARL RIVER 10965
• A	21100	AMERICAN HEALTH FOUNDATION		1370 AVENUE OF THE AMERICAS	NEW YORK 10019
• X	2108	ANIMAL MEDICAL CENTER		510 E. 62ND ST.	NEW YORK 10021
• A	213A	ARNOT-OGDEN MEMORIAL HOSPITAL		ROE AVE.	ELMIRA 14901
• A	2115	ASSOCIATED UNIVERSITIES, INC.			UPTON 11973
• A	2150	AVON PRODUCTS, INC.		9 W. 57TH ST.	NEW YORK 10019
• A	21139	AYERST RESEARCH LABORATORIES			CHAZY 12921
• A	2181	B THOMPSON INST PLANT RES INC		1086 N. BROADWAY	YONKERS 10701
• A	21152	BARBARA KOPP GERIATRIC RES CT		100 THORNTON AVE	AUBURN 13021
• A	2133	BETH ISRAEL MEDICAL CENTER		10 NATHAN D. PERLMAN PL.	NEW YORK 10003
• A	21120	BOOTH MEMORIAL HOSPITAL		MAIN ST. AT BOOTH MEMORIAL AVE.	FLUSHING 11355
• A	2148	BRISTOL LABORATORIES		PO BOX 657	SYRACUSE 13201
• A	2145	BRONX-LEBANON HOSPITAL CENTER		1276 FULTON AVE.	BRONX 10456
• A	2150	BROOKDALE HOSPITAL CENTER		BROOKDALE PLAZA	BROOKLYN 11212
• X	2116	BROOKLYN HOSPITAL		121 DEKALB AVE.	BROOKLYN 11201
• A	21116	BUFFALO GENERAL HOSPITAL		100 HIGH ST.	BUFFALO 14203
• X	21150	BUFFALO TESTING LABS., INC.		902 KENMORE AVENUE	BUFFALO 14216

NEW YORK

• STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
• A	21134	BUREAU OF LABS., CITY OF NY		455 FIRST AVENUE	NEW YORK 10016
• A	2146	CANISIUS COLLEGE		2001 MAIN ST.	BUFFALO 14208
• A	21127	CARTER-WALLACE, INC.		2 PARK AVE	NEW YORK 10016
• A	2147	CATTARAUGUS COUNTY LABORATORY		302 LAURENE ST.	OLEAN 14760
• A	21136	CHILDRENS HOSP. OF BUFFALO		219 BRYANT ST.	BUFFALO 14222
• A	21110	COLD SPRINGS HARBOR LAB.			COLD SPRINGS HARBOR 1172 6
• A	212	COLGATE UNIVERSITY			HAMILTON 13346
• A	2135	COLUMBIA UNIVERSITY		115 W. 68TH ST.	NEW YORK 10023
• A	21114	CORNELL UNIV. MEDICAL COLLEGE		1300 YORK AVE.	NEW YORK 10021
• A	21119	CORNELL UNIVERSITY			ITHACA 14850
• A	2182	CORNING GLASS WORKS		SULLIVAN PARK	CORNING 14830
• X	2156	D'YOUVILLE COLLEGE		320 PORTER AVE.	BUFFALO 14201
• A	2162	EASTMAN DENTAL CENTER		800 MAIN ST., E.	ROCHESTER 14603
• A	2187	EASTMAN KODAK CO.		KODAK PARK	ROCHESTER 14650
• A	2190	ELMIRA COLLEGE		COLLEGE AVENUE	ELMIRA 14901
• A	21154	EM INDUSTRIES, INC		35 CHANNEL DRIVE	PORT WASHINGTON 11050
• A	21115	ENDO LABORATORIES, INC.		1000 STEWART AVE.	GARDEN CITY 11533
• A	2110	ERIE COMMUNITY COLLEGE		4140 S WESTERN BLVD	ORCHARD PARK 14127
• A	2160	ERIE COUNTY MEDICAL CTR		462 GRIDER ST.	BUFFALO 14215
• A	21148	FORDHAM UNIVERSITY		E. FORDHAM RD.	BRONX 10458
• A	2130	GENERAL FOODS CORP.		250 NORTH STREET	WHITE PLAINS 10625
• A	2173	GENESEE HOSPITAL		224 ALEXANDER ST.	ROCHESTER 14607
• A	2183	GR. ATLANTIC & PACIFIC TEA CO		500 ANN PAGE RD.	HORSE HEADS 14845
• A	21125	HEALTH RESEARCH, INC.		EMPIRE STATE PLAZA TOWER BLDG.	ALBANY 12208
• A	2161	HOBARTH & WM. SMITH COLLEGES		ST. CLAIR ST.	GENEVA 14456
• A	2186	HOFSTRA UNIVERSITY		HEMPSTEAD TPK	HAMPSTEAD 11550
• A	21151	HOUGHTON COLLEGE			HOUGHTON 14744
• A	2193	HUDSON VALLEY COMM. COLLEGE		80 VANDENBURGH AVE.	TROY 12180
• A	2184	JAMESTOWN COMMUNITY COLLEGE		525 FALCONER ST.	JAMESTOWN 14701
• A	21120	JEWISH HOSP/MED CTR/BROOKLYN		555 PROSPECT PLACE	BROOKLYN 11238
• A	2196	KINGSBROOK JEWISH MED. CNTR.		86 E. 49TH ST.	BROOKLYN 11203
• A	2191	LENOX HILL HOSPITAL		100 E. 77TH ST.	NEW YORK 10021
• A	21117	LONG ISLAND COLLEGE HOSPITAL		340 HENRY ST.	BROOKLYN 11201
• A	21137	LONG ISLAND JEWISH MED. CNTR.		270-05 76 AVE.	NEW HYDE PARK 11040
• A	21122	LONG ISLAND UNIVERSITY		UNIVERSITY CENTER	BROOKVILLE 11548
• A	2176	MAIMONIDES MEDICAL CENTER		4802 TENTH AVE.	BROOKLYN 11219
• A	2120	MANHATTAN EYE EAR/THROAT HOSP		210 E. 64 ST.	NEW YORK 10021
• A	21112	MARY IMOGENE BASSET HOSPITAL		ATHELL RD.	COOPERSTOWN 13326
• A	2117	MASONIC MEDICAL RESEARCH LAB.		BLEECKER ST.	UTICA 13501
• A	2167	MEDICAL FOUNDATION OF BUFFALO		73 HIGH ST.	BUFFALO 14203
• A	2142	METHODIST HOSP. OF BROOKLYN		506 SIXTH ST.	BROOKLYN 11215
• A	211	MILLARD FILLMORE HOSPITAL		3 GATES CIRCLE	BUFFALO 14207
• A	21153	MOBIL OIL CORP	ENVIRON. & TOXICOL. DPT	150 EAST 42 ST	NEW YORK 10017
• A	2181	MONTEFIORE HOSP. & MED. CNTR.		111 E. 210 ST.	BRONX 10467
• A	2140	MT. SINAI SCHOOL OF MEDICINE		100 ST. & 5TH AVE.	NEW YORK 10029
• A	21133	N.Y. DEPT. OF MENTAL HYGIENE		44 HOLLAND AVE.	ALBANY 12229

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NEW YORK

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	2128	N.Y.C. HEALTH & HOSP. COR P.		125 WORTH ST.	NEW YORK 10013
* A	2179	NACC TESTING & RESEARCH L AB.		80 MANSON PL.	BROOKLYN 11217
* A	2174	NASSAU COUNTY MEDICAL CTR .		2201 HEMPSTEAD TURNPIK E	EAST MEADOW 11554
* N	2169	NASSAU HOSPITAL		FIRST ST.	MINEOLA 11501
* A	2160	NEW YORK MEDICAL COLLEGE		FIFTH AVENUE AT 106 ST .	NEW YORK 10029
* A	21126	NEW YORK STATE HEALTH DEP T., DIVISION OF LABORATOR IES & RESEARCH		TOWER BLDG.-EMPIRE STA TE PLAZA	ALBANY 12201
* A	21118	NEW YORK UNIVERSITY		WASHINGTON SQUARE	NEW YORK 10003
* A	21107	NORTH SHORE HOSPITAL		VALLEY ROAD	MANHASSET LONG IS. 11030
* A	2122	NORWICH PHARMACAL CO.		PO BOX 191	NORWICH 13815
* A	218	NY BLOOD CENTER		310 E. 67 ST.	NEW YORK 10021
* A	2188	PFIZER, INC.		235 E. 42ND ST.	NEW YORK 10017
* A	21123	PHILIP D. WILSON RES. FND N.		541 E 71ST	NEW YORK 10021
* N	2123	POLYTECHNIC INST. OF BROO KLYN		333 JAY ST.	BROOKLYN 11201
* N	2118	POPULATION COUNCIL		245 PARK AVE.	NEW YORK 10017
* A	21135	PUBLIC HEALTH RES INST OF NYC		455 FIRST AVENUE	NEW YORK 10016
* A	21108	QUEENS HOSPITAL CENTER		82-68 164TH ST.	JAMICA 11432
* A	21130	RENSSELAER POLYTECHNIC IN ST.			TROY 12181
* N	2119	RES INST FOR SKELETOMUSCU LAR DIS.		1919 MADISON AVE.	NEW YORK 10035
* A	21142	RES. FNDN./CITY UNIV. OF N.Y.		505 PARK AVE.	NEW YORK 10022
* A	2183	REVLON RESEARCH CENTER, I NC.		945 ZEREGA AVE.	BRONX 10473
* A	21140	ROCHESTER GENERAL HOSPITA L		1425 PORTLAND AVE.	ROCHESTER 14621
* A	21126	ROCHESTER INSTITUTE OF TE CH.		1 LOMB MEMORIAL DR.	ROCHESTER 14623
* A	2136	ROCKEFELLER UNIVERSITY		YORK AVE. AT 66TH ST.	NEW YORK 10021
* N	216	S SHORE ANALYTICAL & RES. LAB		148 ISLIP AVE.	ISLIP 11751
* A	215A	SCHWARTZ COLL. OF PHARMAC Y		75 DEKALB AVE.	BROOKLYN 11201
* A	21100	SKIDMORE COLLEGE			SARATOGA SPRINGS 128661
* A	2172	SLOAN-KETTERING INST./CAN CER		410 E. 68TH ST.	NEW YORK 10021
* N	2178	ST. BARNABAS HOSPITAL		183RD & THIRD STS.	BRONX 10457
* A	2198	ST. BONAVENTURE UNIVERSIT Y			ST. BONAVENTURE 14778
* N	215	ST. CLARE'S HOSP & HEALTH CTR		415 W. 51 ST	NEW YORK 10019
* A	2157	ST. JOHN FISHER COLLEGE		3690 EAST AVE.	ROCHESTER 14618
* A	2112	ST. JOHN'S UNIVERSITY		GRAND CENTRAL UTOPIA P ARKWAYS	JAMAICA 11432
* A	211A	ST. JOSEPH'S HOSP. HEALTH CTR		301 PROSPECT AVE.	SYRACUSE 13203
* A	21101	ST. LAWRENCE UNIVERSITY			CANTON 13617
* A	2171	ST. LUKE'S HOSPITAL CENTE R		AMSTERDAM AT W. 114TH ST.	NEW YORK 10025
* A	2125	ST. MARY'S HOSPITAL		89 GENESEE ST.	ROCHESTER 14611
* A	2160	ST. VINCENT'S HOSP & MED CNTR		153 W. 11TH ST.	NEW YORK 10011
* A	2137	STANDARD BRANDS, INC.		625 MADISON AVE.	NEW YORK 10022
* A	21136	STATE UNIVERSITY OF NEW Y ORK		UNIVERSITY PLAZA RM. A 15-B	ALBANY 12201
* A	2111	STERLING DRUG, INC.		COLUMBIA TURNPIKE	RENSSELAER 12144
* A	21128	SYRACUSE UNIVERSITY		130 COLLEGE PL.	SYRACUSE 13210
* A	217	TISSUE CULTURE ASSOC., IN C.		7611 KNOX AVE. & NO	LAKE PLACID 12946
* A	2170	TRUDEAU INSTITUTE, INC.		ALGONQUIN AVE.	SARANAC LAKE 12983
* A	21104	TRUSTEES OF COLUMBIA UNIV .		BOX 20, LOW MEMORIAL L IBRARY	NEW YORK 10023
* A	21149	UNION CARBIDE CORP.		401 THEUDORE FREMD AVE .	RYE 10580
* A	21109	UNIVERSITY OF ROCHESTER		RIVER BLVD.	ROCHESTER 14627
* A	213	USV PHARMACEUTICAL CORP.		1 SCARSDALE RD.	TUCKAHOE 10701
* N	2175	WESTCHESTER COUNTY MED. C NTR.			VALHALLA 10595
* A	2138	WESTWOOD PHARMACEUTICALS, INC.		468 DEWITT ST.	BUFFALO 14213
* A	2166	WILSON MEM HOSP HEART-LUN G LB			JOHNSON CITY 13790
* A	21132	YESHIVA UNIVERSITY		55 FIFTH AVE.	NEW YORK 10003

NORTH CAROLINA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	5515	APPALACHIAN STATE UNIVERS ITY			BOONE 28608
* A	559	BURROUGHS WELLCOME CO.			
* A	5514	CARNIVORE EVOLUTIONARY RE SEARCH INSTITUTE		3030 CORNWALLIS RD. ROUTE 3 BOX 180	RES. TRIANGLE PARK 27709 PITTSBORO 27311
* A	5519	CENTRAL CAROLINA TECH INS T		1105 KELLY DR	SANFORD 27330
* A	5517	CHEM INDUS INST OF TOXICO LOGY		PO BOX 12137	RES. TRIANGLE PARK 27709
* A	553	DUKE UNIVERSITY			DURHAM 27706
* A	5510	EAST CAROLINA UNIVERSITY			GREENVILLE 27834
* A	5513	GREER LABORATORIES, INC.			LENOIR 28645
* A	5518	HEINEMAN MED. RES. CNTR.		BOX 808 CHARLOTTE MEMORIAL HOS P.	CHARLOTTE 28234
* A	5511	LORILLARD RESEARCH CENTER		420 ENGLISH ST.	GREENSBORO 27420
* A	555	N. CAROLINA STATE UNIVERS ITY			RALEIGH 27607
* A	552	RESEARCH TRIANGLE INSTITU TE		PO BOX 12194	RES. TRIANGLE PARK 27709
* A	557	UNIV. OF N.C. AT CHARLOTT E			CHARLOTTE 28205
* A	5512	UNIV. OF N.C. AT WILMINGT ON		7205 WRIGHTSVILLE AVE.	WILMINGTON 28401
* A	556	UNIVERSITY OF NORTH CAROL INA			CHAPEL HILL 27514
* A	551	WAKE FOREST UNIVERSITY			WINSTON-SALEM 27109
* A	5516	WESTERN CAROLINA UNIVERSI TY			CULLOWHEE 28723

NORTH DAKOTA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	453	MINOT STATE COLLEGE			MINOT 58701
* A	452	NORTH DAKOTA STATE UNIVER SITY			FARGO 58102
* A	451	UNIVERSITY OF NORTH DAKOT A		SCHOOL OF MEDICINE	GRAND FORKS 58201

OHIO

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	31R90	ADRIA LABORATORIES, INC.		6071 ST. RT. 161 E.	PLAIN CITY 43064
* A	31R33	AKRON CITY HOSPITAL		525 E. MARKET ST.	AKRON 44309
* N	3151	AKRON GENERAL MEDICAL CEN TER		400 WABASH AVE.	AKRON 44307
* A	31R72	ALLERGY LABS. OF OHIO, IN C.		623 E. 11 AVE.	COLUMBUS 43211
* A	31R76	BALDWIN-WALLACE COLLEGE			BEREA 44017
* A	31R21	BATELLE MEMORIAL INSTITUT E		505 KING AVE.	COLUMBUS 43201
* A	31R87	BEN VENUE LABS. INC		270 NORTHFIELD RD	BEDFORD 44146
* A	31R26	BOWLING GREEN STATE UNIV.			BOWLING GREEN 43402
* N	3139	CAPITAL UNIVERSITY			COLUMBUS 43209
* A	31R28	CASE WESTERN RESERVE		UNIVERSITY CIRCLE	CLEVELAND 44106
* A	31R65	CENTRAL STATE UNIVERSITY		BANNEKER SCIENCE HALL	WILBERFORCE 45384
* A	31R73	CHARLES F. KETTERING RES. LAB.		150 E. SOUTH COLLEGE S T.	YELLOW SPRINGS 45387
* A	31R11	CHILDREN'S HOSPITAL		ELLAND AVE. & BETHESDA	CINCINNATI 45229
* A	31R36	CHILDREN'S HOSPITAL OF AK RON		BUCHTEL AVE. AT ROWERY ST.	AKRON 44308
* A	31R13	CHILDRENS RES. FNDN		561 S 17TH ST	COLUMBUS 43205
* A	31R87	CHRIST HOSP. INST. OF MED RES		2141 AUBURN AVE.	CINCINNATI 45219
* A	31R59	CINCINNATI MILACRON, INC.		4701 MARBURG AVE.	CINCINNATI 45209
* A	31R17	CLEVELAND CLINIC FOUNDATI ON		2020 E. 93RD ST.	CLEVELAND 44120
* A	31R58	CLEVELAND STATE UNIVERSIT Y		1983 E. 24TH ST.	CLEVELAND 44115
* A	31R54	COLLEGE OF WOOSTER			WOOSTER 44691
* A	31R88	COLUMBUS TECHNICAL INSTIT UTE		550 E. SPRING ST.	COLUMBUS 43215
* N	31R69	CREATIVE BIOLOGY LAB., IN C.		3070 CLEVELAND-MASSILO N RD.	BARBERTON 44203

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OHIO

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	31R42	DENISON UNIVERSITY			GRANVILLE 43023
* A	31R91	DIAMOND SHAMROCK CORP.		L PO BOX 348	PAINESVILLE 44077
* A	31R48	ELYRIA MEMORIAL HOSPITAL		630 E. RIVER ST.	ELYRIA 44035
* A	31R03	FAIRVIEW GENERAL HOSPITAL		18101 LORAIN AVE.	CLEVELAND 44111
* A	31R23	GOOD SAMARITAN HOSPITAL		3217 CLIFTON AVE.	CINCINNATI 45220
* A	31R57	GRADY INVESTMENT CORP.		9211 WINTON RD	CINCINNATI 45231
* A	31A09	HILL TOP RESEARCH, INC.			MIAMIVILLE 45147
* A	31R53	HIRAM COLLEGE BIOLOGICAL STA.		PO BOX 1838	HIRAM 44234
* A	31R63	HURON ROAD HOSPITAL		13651 TERRACE ROAD	CLEVELAND 44112
* A	31R58	JOHN CARROLL UNIVERSITY			CLEVELAND 44118
* A	31R30	KENT STATE UNIVERSITY			KENT 44240
* A	31R70	LAKELAND COMMUNITY COLLEGE			MENTOR 44060
* X	3183	MARIETTA COLLEGE			MARIETTA 45750
* A	31R43	MEDICAL COLLEGE OF OHIO		PO BOX 6190	TOLEDO 43614
* A	31R84	MERRELL-NATIONAL LABORATORIES		110 E. AMITY RD.	CINCINNATI 45215
* A	31R20	MIAMI UNIVERSITY		OFFICE OF THE PRESIDENT	OXFORD 45056
* A	31R88	MIAMI VALLEY HOSPITAL		1 WYOMING ST.	DAYTON 45409
* A	31R08	MOGUL CORPORATION			CHAGRIN FALLS 44022
* A	31R25	MT. SINAI HOSPITAL		UNIVERSITY CIRCLE	CLEVELAND 44106
* A	31R78	MUSKINGUM COLLEGE			NEW CONCORD 43762
* A	31R68	NORTH AM. SCIENCE ASSOC., INC		2261 TRACY RD.	NORTHWOOD 43605
* A	31R92	NORTHEASTERN OHIO UNIV		RT 44	ROOTSTOWN 44272
* A	31R35	OBERLIN COLLEGE			OBERLIN 44074
* A	31R93	OH AGRICULT RESEARCH/DEVEL CT			WOOSTER 44691
* A	31R86	OHIO DEPARTMENT OF HEALTH		1571 PERRY ST., PO BOX 2568	COLUMBUS 43216
* A	31R89	OHIO NORTHERN UNIVERSITY			ADA 45810
* A	31R14	OHIO STATE UNIVERSITY		190 N OVAL DR	COLUMBUS 43210
* A	31R82	OHIO UNIVERSITY			ATHENS 45701
* A	31R89	OHIO WESLEYAN UNIVERSITY			DELAWARE 43015
* A	31R71	OTTERBEIN COLLEGE			WESTERVILLE 43081
* A	31R10	PROCTOR & GAMBLE CO.		PO BOX 39175	CINCINNATI 45239
* A	31R05	RHODIA, INC.		ROUTE 250	ASHLAND 44805
* A	31R98	SHADRACK BIOLOGICALS		7560 CHAGRIN RD	CHAGRIN 44022
* A	31R16	SPRINGBORN INST. FOR BIO. RES		555 N. BROADWAY ST.	SPENCERVILLE 45887
* A	31R68	ST. ELIZABETH HOSPITAL		1044 BELMONT AVE.	YOUNGSTOWN 44512
* A	31R31	ST. LUKE'S HOSPITAL		11311 SHAKER BLVD.	CLEVELAND 44104
* A	31R62	ST. THOMAS HOSPITAL OF AKRON, OHIO		444 NORTH MAIN ST.	AKRON 44310
* A	31R01	ST. VINCENT CHARITY HOSPITAL		2351 E. 22ND ST.	CLEVELAND 44115
* A	31R61	ST. VINCENT HOSPITAL & MEDICAL CENTER		2213 CHERRY ST.	TOLEDO 43608
* A	31R19	UNIVERSITY OF AKRON			AKRON 44304
* A	31R27	UNIVERSITY OF CINCINNATI		CLIFTON AVE.	CINCINNATI 45221
* A	31R79	UNIVERSITY OF DAYTON		300 COLLEGE PARK	DAYTON 45469
* A	31R06	UNIVERSITY OF TOLEDO		2801 W. BANCROFT ST.	TOLEDO 43606
* A	31R99	W.S.L. RESEARCH LABS., INC		3156 EXON AVE.	CINCINNATI 45241
* A	31R41	WITTENBERG UNIVERSITY			SPRINGFIELD 45501
* A	31R55	WRIGHT STATE UNIVERSITY		COL. GLENN HIGHWAY	45435
* A	31R45	XAVIER UNIVERSITY		VICTORY PARKWAY.	CINCINNATI 45207
* A	31R46	YOUNGSTOWN STATE UNIVERSITY		410 WICK AVE.	YOUNGSTOWN 44503

OKLAHOMA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	736	BAPTIST MEMORIAL HOSPITAL		5800 NW GRAND BLVD.	OKLAHOMA CITY 73112
* A	7312	DEAN MCGEE EYE INST.		608 STANTON YOUNG DR	OKLA CITY 73104
* A	7310	OK COLL/OSTEOP. MED & SURGERY		1111 W. 17TH ST.	TULSA 74101
* A	732	OK MEDICAL RESEARCH FOUND		825 NE 13TH ST.	OKLAHOMA 73104
* A	738	OK STATE DEPT. OF HEALTH		3400 N. EASTERN	OKLAHOMA CITY 73105
* A	731	OK STATE UNIV/AGR. & APP. SCI			STILLWATER 74074
* A	730	OKLAHOMA CITY UNIVERSITY		2501 N. BLACKWELDER	OKLAHOMA 73106
* A	7311	ORAL ROBERTS UNIV	BIOMEDICAL RESEACH CTR	7777 S LEWIS	TULSA 74171
* A	733	SOUTHWESTERN STATE COLLEGE			WEATHERFORD 73096
* A	737	UNIVERSITY OF OKLAHOMA		660 PARRINGTON OVAL	NORMAN 73069

OREGON

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	9216	ANIMAL HEALTH LABORATORY		635 CAPITOL ST NE	SALEM 97310
* A	9215	BIOPRODUCTS, INC.		BOX 429	WARRENTON 97146
* A	922	GOOD SAMARITAN HOSP & MED CTR		1015 NW 22ND AVE.	PORTLAND 97210
* A	9210	OR REGIONAL PRIMATE RES. CTR.		505 NW 185TH AVE.	BEAVERTON 97005
* A	9214	OREGON COLLEGE OF EDUCATION		345 MONMOUTH AVE.	MONMOUTH 97361
* A	925	OREGON STATE UNIVERSITY			CORVALLIS 97331
* A	923	PACIFIC UNIVERSITY			FOREST GROVE 97116
* A	9213	PCL-RIA, INC.		1406 SE STARK ST.	PORTLAND 97214
* A	927	PORTLAND STATE UNIVERSITY		PO BOX 751	PORTLAND 97207
* A	9212	PROVIDENCE MEDICAL CENTER		700 N.E. 47TH AVE.	PORTLAND 97213
* A	926	UNIV. OF OREGON DENTAL SCHOOL		611 SW CAMPUS DR.	PORTLAND 97201
* A	921	UNIV/OREGON MED SCHOOL		3181 SW SAM JACKSON PK RD	PORTLAND 97201
* A	928	UNIVERSITY OF OREGON			EUGENE 97403
* A	9217	WILLAMETTE LABORATORIES		2480 NE FREMONT	PORTLAND 97212

PENNSYLVANIA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	2332	ALBERT EINSTEIN MEDICAL CNTR.		YORK & TABOR RDS.	PHILADELPHIA 19141
* A	2322	ALLEGHENY-SINGER RESEARCH CORP.		320 E. NORTH AVE.	PITTSBURGH 15212
* A	2365	ALLEN PRODUCTS CO., INC.		PO BOX 2187, RD #3	ALLENTOWN 18001
* A	2381	ARCO MEDICAL PRODUCTS CO.		RT 66 & RIVER RD.	LEECHBURG 15656
* A	2382	BIOSEARCH, INC.		PO BOX 8598	PHILDELPHIA 19101
* A	2374	BRYN MAWR COLLEGE			BRYN MAWR 19010
* A	2346	BUCKNELL UNIVERSITY			LEWISBURG 17837
* A	2379	BUCKSHIRE CORPORATION		2025 RIDGE RD.	PERKASIE 18944
* A	2352	CALIFORNIA STATE COLLEGE			CALIFORNIA 15419
* A	2342	CANNON LABORATORIES		PO BOX 3627	READING 19605
* A	2324	CARNEGIE-MELLON UNIVERSITY		5000 FORBES AVE	PITTSBURGH 15213
* A	2380	CDC RESEARCH, INC.		PO BOX 359	CLARKS SUMMIT 18411
* A	2353	CENTRE SQU. VETERINARY CLINIC		1030 DEKALB PIKE	CENTRE SQUARE 19422
* A	2333	CHILDREN'S HOSP OF PHILA.		1 CHILDRENS CENTER	PHILADELPHIA 19104
* A	2301	CHILDREN'S HOSP. OF PITT.		125 DESOTO ST	PITTSBURGH 15213
* A	2363	COLLEGE MISERICORDIA			DALLAS 18612
* A	2340	CONNAUGHT LABORATORIES, INC.			SWIFTWATER 18370
* A	2329	CONTRIBUTORS TO THE PA HOSP.		8TH & SPRUCE STS.	PHILADELPHIA 19107
* A	2370	CORATOMIC, INC.		PO BOX 434	INDIANA 15701
* X	2314	D. GUTHRIE FNDN. FOR MED. RES.		200 S. WILBUR AVE.	SAYRE 18840
* A	2341	DALMATIAN RESEARCH FOUND.	DALMATIAN RESEARCH FOUNDATION	720 WOODBURY RD	YORK 17403
* A	2304	DEBORAH HOSPITAL FOUNDATION	DEBORAH HEART & LUNG CTR	901 WALNUT ST	PHILADELPHIA 10103
* A	2326	DREXEL UNIVERSITY		32ND & CHESTNUT ST.	PHILADELPHIA 19104
* A	2313	DUQUESNE UNIVERSITY			PITTSBURGH 15219
* A	2310	EASTERN PA PSYCHIATRIC INST.		HENRY AVE. & ABBOTTSFORD RD	PHILADELPHIA 19129
* A	2396	EYE AND EAR HOSPITAL		230 LOTHROP STREET	PITTSBURGH 15213
* A	2393	FASO, J		3216 STATE ST	ERIE 16508
* A	2367	FEDERATED MEDICAL RESOURCES		RD 2	HONEY BROOK 19344
* A	2387	FISHER SCIENTIFIC CO.		711 FORBES AVE.	PITTSBURGH 15219
* A	2377	GENERAL ELECTRIC CO.		VALLEY FORGE SPACE CENTER	KING OF PRUSSIA 19406
* A	2331	HAHNEMANN MED. COLLEGE & HOSP		230 N. BROAD ST.	PHILADELPHIA 19102
* A	2397	HALLOWELL LABORATORIES	PRODUCT INVESTIGATIONS INC	151 EAST TENTH AVE	CONSHOHOCKEN 19428
* A	2378	HARCUM JUNIOR COLLEGE		MORRIS & MONTGOMERY AVE.	BRYN MAWR 19010
* A	2376	INDIANA UNIV. OF PENNSYLVANIA			INDIANA 15701
* A	2358	INSTITUTE FOR CANCER RESEARCH		7701 BURHOLME AVE.	PHILADELPHIA 19111

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PENNSYLVANIA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	233	LANKENAU HOSPITAL		LANCASTER & CITY LINE AVES.	PHILADELPHIA 19151
* A	2317	LAWALL/HARRISON RES. LABS INC		2505 CHRISTIAN ST.	PHILADELPHIA 19146
* A	2368	LEHIGH UNIVERSITY			BETHLEHEM 18015
* X	2371	LINCOLN UNIVERSITY			LINCOLN UNIVERSITY 19352
* A	2350	LYCOMING COLLEGE			WILLIAMSPORT 17701
* A	2361	M.S. RESEARCH LABS., INC.		STEINBERG & WENTZ RDS.	PERKASIE 18944
* A	2390	MAGEE-WOMENS HOSPITAL		FORBES & WALKET STS.	PITTSBURGH 15213
* A	2315	MCNEIL LABORATORIES, INC.		CAMP HILL RD.	FT. WASHINGTON 19034
* A	2375	MEDIAN SCH. OF WEALTH CARE		12 EIGHT ST.	PITTSBURGH 15222
* A	235	MEDICAL COLLEGE OF PENNA.		3300 HENRY AVE.	PHILADELPHIA 19129
* A	2396	MERCY CATHOLIC MEDICAL CENTER		LANSDOWNE AVE.	DARBY 19023
* A	2388	MONELL CHEMICAL SENSES CTR		3500 MARKET ST	PHILADELPHIA 19104
* A	2382	MONTEFIORE HOSPT. ASSOC/N STN. PA		3459 FIFTH AVE	PITTSBURGH 15213
* A	2357	MORAVIAN COLLEGE		MAIN & ELIZABETH AVE.	BETHLEHEM 18018
* A	2369	PA COLLEGE OF PODIATRIC MED.		8TH AT RACE ST.	PHILADELPHIA 19107
* A	2358	PENNSYLVANIA DEPT. OF HEALTH		PICKERING WAY & WELSH POOL RD.	LIONVILLE 19353
* A	2321	PENNSYLVANIA STATE UNIVERSITY		207 OLD MAIN	UNIVERSITY PARK 16802
* A	2335	PENNWALT CORPORATION		3 PENN CENTER	PHILADELPHIA 19102
* A	2356	PENROSE RESEARCH LABORATORY		38TH ST. & GIRARD AVE.	PHILADELPHIA 19104
* A	2360	PHARMACHEM CORP.		710 STEFKO BLVD.	BETHLEHEM 18018
* A	2346	PHARMACOLOGY RESEARCH, INC		21 MAIN ST	DARBY 19023
* A	2345	PHARMAKON LABORATORIES		1140 QUINCY AVE.	SCRANTON 18510
* A	231	PHIL. COLL OF PHARM & SCIENCE		43RD ST. & KINGSESSING AVE.	PHILADELPHIA 19104
* A	2325	PHILA. COLL. OF OSTEOP. MED.		4150 CITY LINE AVE.	PHILADELPHIA 19139
* A	2319	PRESBYTERIAN-UNIVERSITY OF PA		51 N. 39TH ST.	PHILADELPHIA 19104
* A	2347	RACHELWOOD WILDLIFE PRESERVE		RD 1	NEW FLORENCE 15944
* A	2337	ROHM & HAAS COMPANY		NORRISTOWN & MCKEAN RDS.	SPRINGHOUSE 19477
* A	2395	SACKS, L	SACKS FARM	RD3	EVANS 16033
* A	2312	SMITH, KLINE & FRENCH LABS.		1500 SPRING GARDEN ST.	PHILADELPHIA 19101
* A	2368	ST. VINCENT COLLEGE			LATROBE 15650
* A	2348	SUSQUEHANNA UNIVERSITY			SELINSGROVE 17870
* X	2362	SYNDOT LABORATORIES		1075 NEW DEHAVEN RD.	W. CONSHOHOCKEN 19428
* A	2349	T & O TOXICOLOGY INC.		PO BOX 178	SPINNERSTOWN 18968
* A	2327	TEMPLE UNIVERSITY		BROAD & MONTGOMERY STS	PHILADELPHIA 19122
* A	2385	THE GRADUATE HOSPITAL		19TH & LOMBARD STS.	PHILADELPHIA 19146
* A	2311	THOMAS JEFFERSON UNIVERSITY		1025 WALNUT ST.	PHILADELPHIA 19107
* A	2316	UNIV. HEALTH CENTER OF PITTS.		TERRACE & DESOTO STS.	PITTSBURGH 15213
* A	2323	UNIVERSITY OF PENNSYLVANIA		101 COLLEGE HALL	PHILADELPHIA 19104
* A	2389	W. L. CARPEL LABS., INC.		THUD RIDGE FARM	COCHRANVILLE 19330
* A	2328	WESTINGHOUSE CORP.		1310 BEULAH RD.	PITTSBUGH 15235
* A	230	WILLIAM H. ROHER, INC.		500 VIRGINIA DR.	FORT WASHINGTON 19034
* A	2372	WILLS EYE HOSP. RESEARCH INST		1601 SPRING GARDEN ST.	PHILADELPHIA 19130
* A	2355	WISTAR INSTITUTE		36TH & SPRUCE STS.	PHILADELPHIA 19104
* A	2318	WYETH LABORATORIES, INC.		PO BOX 8299	PHILADELPHIA 19101

RHODE ISLAND

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	153	BROWN UNIVERSITY		79 WATERMAN ST. BROWN STA.	PROVIDENCE 02912
* A	1512	CARTER LABORATORIES INC		103-109 HIGGINSON AVE	LINCOLN 02865
* A	1511	CURRAN, ALTON J. M.D.		314 ANGELL ST.	PROVIDENCE 02906
* A	156	MEMORIAL HOSPITAL		PROSPECT ST.	PAWTUCKET 02860
* A	155	MIRIAM HOSPITAL		164 SUMMIT AVENUE	PROVIDENCE 02906
* A	1510	RHODE ISLAND COLLEGE			PROVIDENCE 02908
* A	152	RHODE ISLAND HOSPITAL		593 EDDY ST.	PROVIDENCE 02903
* A	159	ROGER WILLIAMS COLLEGE			BRISTOL 02809
* A	157	ROGER WILLIAMS GENERAL HOSP.		825 CHALKSTONE AVE.	PROVIDENCE 02908
* A	154	UNIVERSITY OF RHODE ISLAND			KINGSTON 02881

SOUTH CAROLINA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	562	CLEMSON UNIVERSITY			CLEMSON 29631
* A	561	MEDICAL COLLEGE OF S. CAROLINA		80 BARRE ST.	CHARLESTON 29401
* A	568	TRI COUNTY TECH COLLEGE		BOX 87	PENDLETON 29670
* A	563	UNIVERSITY OF SOUTH CAROLINA			COLUMBIA 29208

SOUTH DAKOTA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	462	SOUTH DAKOTA STATE UNIVERSITY			BROOKINGS 57006
* A	461	UNIVERSITY OF SOUTH DAKOTA			VERMILLION 57069

TENNESSEE

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	638	BAPTIST MEMORIAL HOSPITAL		899 MADISON AVE.	MEMPHIS 38103
* A	631	BEECHAM LABORATORIES		501 FIFTH ST.	BRISTOL 37620
* A	6311	EAST TENNESSEE STATE UNIV			JOHNSON CITY 37601
* A	632	MEHARRY MEDICAL COLLEGE		1005 18TH AVE. NORTH	NASHVILLE 37208
* A	636	MEMPHIS STATE UNIVERSITY			MEMPHIS 38111
* A	633	OAK RIDGE ASSOC. UNIVERSITIES		PO BOX 117	OAK RIDGE 37830
* A	6310	PLOUGH, INC.			MEMPHIS 38112
* A	637	ST. JUDE CHILDREN'S RES HOSP		3030 JACKSON AVE. PO BOX 318	MEMPHIS 38101
* A	634	UNIVERSITY OF TENNESSEE			KNOXVILLE 37916
* A	635	VANDERBILT UNIVERSITY			NASHVILLE 37203

TEXAS

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	7456	ACORN RESEARCH LAB.		3410 OWEN	AUSTIN 78705
* A	7411	ALCON LABORATORIES, INC.		PO BOX 1959	FORT WORTH 76101
* A	7405	BANDY LABORATORIES		PO BOX 727	TEMPLE 76501
* A	7439	BAYLOR COLLEGE OF DENTISTRY		800 HALL ST.	DALLAS 75235
* A	7428	BAYLOR UNIVERSITY			WACO 76703
* A	7418	BAYLOR UNIVERSITY COLLEGE OF MEDICINE		1200 MOURSUND AVE.	HOUSTON 77025
* A	7438	BROWNSVILLE ANIMAL RES. CNTR.		1810 CENTRAL AVE.	BROWNSVILLE 78520
* A	7444	CARWILE, DVM, MF		DRAWER 821	MONTGOMERY 77356
* A	7456	DALLAS CO. COMM. COLLEGE DIST.		701 ELM	DALLAS 75202
* A	7443	FRANKLIN LABORATORIES		PO BOX 669	AMARILLO 79105
* A	7436	HELENA LABORATORIES		1530 LINDBERGH DR.	BEAUMONT 77704
* A	7442	IMMUNO-REAGENTS ASSOC., INC.		1008 N. RIVER ST.	SEQUIN 78155
* A	7453	JOHN M. SHEETS, M.D., ASSOC.		PO BOX 7016	ODESSA 79760
* A	7455	LAMAR UNIVERSITY		BOX 10037 BIOLOGY DEPT	BEAUMONT 77710
* A	7430	METHODIST HOSPITAL OF DALLAS		PO BOX 5999	DALLAS 75222
* A	7433	NORTH TEXAS STATE UNIVERSITY		BOX 5218 NT STA.	DENTON 76203
* A	7452	PAN AMERICAN UNIVERSITY			EDINBURG 78539
* A	7431	RICE UNIVERSITY		PO BOX 1892	HOUSTON 77001
* A	7408	SCOTT & WHITE MEMORIAL HOSP.		2401 S. 31ST ST.	TEMPLE 76501
* A	7432	SOUTHERN METHODIST UNIVERSITY			DALLAS 75222
* A	7425	SOUTHWEST RESEARCH INSTITUTE		8500 CULEBRA RD.	SAN ANTONIO 78206
* A	7448	SOUTHWEST TEXAS STATE UNIV.			SAN MARCOS 78666
* A	7406	ST. JOSEPH'S HOSPITAL		1919 LA BRANCH	HOUSTON 77002
* A	7415	ST. PAUL HOSPITAL		5909 HARRY HINES	DALLAS 75235
* A	7449	STILLMEADOW, INC.		3223 LACOSTA DR.	MISSOURI CITY 77459

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TEXAS

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	7403	SW FOUNDATION FOR RES. & EDU.		PO BOX 2296-10000 W. E CHMERCE	SAN ANTONIO 78206
* A	7407	TECHNOLOGY, INC.		8531 W. NEW BRAUNFELS	ST. ANTONIO 78217
* A	7412	TEXAS A&M UNIVERSITY			COLLEGE STATION 77843
* A	7406	TEXAS CHRISTIAN UNIVERSITY			FT. WORTH 76129
* A	7401	TEXAS EASTERN UNIVERSITY		3900 UNIVERSITY BLVD.	TYLER 75701
* A	7417	TEXAS HEART INSTITUTE			HOUSTON 77002
* A	7401	TEXAS RESEARCH INSTITUTE OF MENTAL SCIENCES		1300 MOURSUND	HOUSTON 77025
* A	7405	TEXAS STATE TECHNICAL INST.		JAMES CONNALLY CAMPUS	WACO 76705
* A	7407	TEXAS TECH UNIVERSITY			LUBBOCK 79409
* A	7406	TEXAS WOMAN'S UNIVERSITY		BOX 23971, TWU STATION	DENTON 76204
* A	7427	TRINITY UNIVERSITY		715 STADIUM DR.	SAN ANTONIO 78212
* A	7450	TX TECH. UNIV HEALTH SCI CNTR		PO BOX 4569	LUBBOCK 79409
* A	7420	UNIVERSITY OF HOUSTON		3801 CULLEN BLVD.	HOUSTON 77004
* X	7429	UNIVERSITY OF TEXAS SYSTEM		PO BOX 7969	AUSTIN 78712
* A	7438	WADLEY INSTS OF MOLECULAR MED		9000 HARRY HINES	DALLAS 75235
* A	7435	ZOECON INDUSTRIES, INC.		12200 DENTON DR.	DALLAS 75234

UTAH

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	873	BRIGHAM YOUNG UNIVERSITY		RM 679 WIDTSOE BLDG	PROVO 84601
* A	875	INTERMOUNTAIN LABORATORIES		470 E. 7200 SOUTH	MIDVALE 84047
* A	878	LATTER-DAY SAINTS HOSPITAL		325-8TH AVE.	SALT LAKE CITY 84103
* A	879	MIDECO		391 CHIPETA WAY SUITE B	SALT LAKE CITY 84108
* A	876	PRIMARY CHILDREN'S HOSPITAL		320 TWELFTH AVE.	SALT LAKE CITY 84103
* A	871	UNIVERSITY OF UTAH		309 PARK BLDG.	SALT LAKE CITY 84112
* A	872	UTAH STATE UNIVERSITY			LOGAN 84321
* A	87A	WEBER STATE COLLEGE		3750 HARRISON BLVD.	OGDEN 84403

VERMONT

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	135	INST FOR MED RES/BENNINGTON		DEWEY ST.	BENNINGTON 05201
* A	133	MIDDLEBURY COLLEGE			MIDDLEBURY 05753
* A	131	UNIV OF VT & STATE AGRI. COLL			BURLINGTON 05401
* A	130	VERMONT TECH. COLLEGE		RANDOLPH CTR.	VERMONT 05061

VIRGINIA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	527	A.H. ROBINS CO. INC.		1211 SHERWOOD AVE.	RICHMOND 23220
* A	5217	BLUE RIDGE COMMUNITY COLLEGE		PO BOX 80	WEYERS CAVE 24486
* A	5218	COLLEGE OF WILLIAM AND MARY			WILLIAMSBURG 23185
* A	5219	GEORGE MASON UNIVERSITY		4400 UNIVERSITY DR.	FAIRFAX 22030
* A	5218	GLENN M. SHEPARD, M.D. INC.		318 MAIN ST.	NEWPORT NEWS 23601
* X	5216	LYNCHBURG COLLEGE			LYNCHBURG 24504
* A	523	MEDICAL COLLEGE OF VIRGINIA		12TH & BROAD STS.	RICHMOND 23219
* A	5210	MELOY LABS., INC		6715 ELECTRONIC DR.	SPRINGFIELD 22151
* A	5213	OLD DOMINION UNIVERSITY		PO BOX 6173	NORFOLK 23508
* A	529	RESEARCH INST. OF NORFOLK		600 GRESHAM DR.	NORFOLK 23507
* A	528	UNIVERSITY OF VIRGINIA			CHARLOTTESVILLE 22901
* A	525	VIRGINIA POLYTECHNIC INST &			BLACKSBURG 24061
* A	5211	WASHINGTON AND LEE UNIVERSITY			LEXINGTON 24450

WASHINGTON

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	9120	BIO MEDICAL RESEARCH LABS		1115 E. PIKE ST.	SEATTLE 98122
* A	910	EASTERN WASHINGTON STATE COLLEGE			CHENEY 99004
* A	9118	FORT STEILACOOM COMMUNITY COLLEGE		BOX 99186	TACOMA 98499
* A	9111	HOLLISTER-STIER LABORATORIES		BOX 3145 TERMINAL ANNEX	SPOKANE 99220
* A	916	PACIFIC NORTHWEST LABS.		PO BOX 999	RICHLAND 99352
* A	915	PACIFIC NW RESEARCH FNDN.		1102 COLUMBIA ST.	SEATTLE 98104
* A	9121	PHYSIO-CONTROL CORP	EVERGREEN VET HOSPITAL	11811 WILLOWS RD	REDMOND 98052
* A	913	PROVIDENCE HOSPITAL RES. CTR		528 18TH AVE.	SEATTLE 98166
* A	9119	PUGET SOUND BLOOD CENTER		TERRY AT MADISON	SEATTLE 98104
* A	9114	SEATTLE-KING CO. HEALTH DEPT.		1303 PUBLIC SAFETY BLDG.	SEATTLE 98104
* A	9112	ST. JOSEPH HOSPITAL			TACOMA 98405
* A	911	UNIVERSITY OF WASHINGTON		1000 SENECA ST.	SEATTLE 98101
* A	917	VIRGINIA MASON RESEARCH CNTR.			SEATTLE 98101
* A	912	WASHINGTON STATE UNIVERSITY			PULLMAN 99163
* A	9117	WESTERN WASHINGTON STATE COLLLEGE			BELLINGHAM 98225
* A	9110	WEYERHAEUSER COMPANY		PO BOX 420	CENTRALIA 98531

WEST VIRGINIA

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	541	WEST VIRGINIA UNIVERSITY		MEDICAL CENTER	MORGANTOWN 26506
* A	542	WV SCHOOL OF OSTEOP. MEDICINE		400 N. LEE ST.	LEWISBURG 24901

WISCONSIN

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	3515	ALTECH LABORATORIES		RT. 8 SYENE RD.	MADISON 53711
* A	3523	APPLETON MEMORIAL HOSP. ASSOC		1818 N. MEADE ST.	APPLETON 54911
* A	3519	BELLIN MEMORIAL HOSPITAL		744 S. WEBSTER AVE.	GREEN BAY 54301
* A	3521	BELOIT COLLEGE			BELOIT 53511
* A	358	CTRL WI COLONY/TRAINING SCH.		317 KNUTSON DR.	MADISON 53704
* A	3512	FROMM LABORATORIES, INC.			GRAFTON 53024
* A	3511	MARQUETTE UNIVERSITY		1217 W. WISCONSIN AVE.	MILWAUKEE 53233
* A	358	MARSHFIELD CLINIC FOUNDATION FOR MEDICAL RESEARCH AND EDUCATION		630 S. CENTRAL AVE.	MARSHFIELD 54449
* A	3520	MEDICAL COLLEGE OF WISCONSIN, INC.		8701 WATERTOWN PLANK RD	MILWAUKEE 53226
* A	3526	MILWAUKEE CHILDREN'S HOSPITAL		1700 W. WISCONSIN AVE.	MILWAUKEE 53233
* A	359	MT. SINAI HOSPITAL		948 N. 12TH ST.	MILWAUKEE 53233
* A	351	REGENTS OF THE UNIV. OF WISC.		750 UNIVERSITY AVE.	MADISON 53706
* A	3527	S.C. JOHNSON & SON, INC.		1525 HOWE ST.	RACINE 53403
* A	3524	ST. JOSEPH'S HOSPITAL-LAB.		5000 W. CHAMBERS ST.	MILWAUKEE 53210
* A	3518	ST. NORBERT COLLEGE			DEPERE 54115
* A	3516	VOCATIONAL, TECH. & ADULT EDU		211 N. CARROLL ST.	MADISON 53703
* A	3525	WAUSAU HOSPITALS, INC.			MAPLE HILL 54401
* A	3520	WISCONSIN DEPT OF AGRICULTURE		801 W. BADGER RD.	MADISON 53713

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WYOMING

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	A32	CASPER COLLEGE		125 COLLEGE DR.	CASPER 82601
* A	A34	EASTERN WYOMING COLLEGE			TORRINGTON 82240
* A	A33	LARAMIE CO. COMMUNITY COLLEGE		1400 EAST COLLEGE DR.	CHEYENNE 82001
* A	A31	UNIVERSITY OF WYOMING			LARAMIE 82070

PUERTO RICO

* STATUS	LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***					
* A	98R7	ARNAR STONE, INC.		1129 PARALLEL RD	AGUADILLA 00604
* A	98R6	EX-LAX, INC.		CALL BOX 1020	MUMACAO 00661
* A	98R3	INSTITUTE OF HEALTH LABS.		PO BOX 10427, CAPARRA HEIGHTS STA.	SAN JUAN 00922
* A	98R2	LILLY INDUSTRIES, INC.		PO BOX 71325	SAN JUAN 00936
* A	98R5	OMNI RESEARCH, INC.		PO BOX 1156	SAN GERMAN 00753
* A	98R1	UNIVERSITY OF PUERTO RICO			RIO PIEDRAS 00931

[FR Doc. 80-7771 Filed 3-17-80; 8:45 am]

BILLING CODE 3410-34-C

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federal register

Tuesday
March 18, 1980

Part IV

Department of Agriculture

Animal and Plant Health Inspection Service

Animal Welfare; List of Registered Carriers and Intermediate Handlers

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Animal Welfare; List of Registered Carriers and Intermediate Handlers

Pursuant to the provisions of the Animal Welfare Act (7 U.S.C. 2131 *et seq.*), and the regulations thereunder (9 CFR Part 2), notice is hereby given that the carriers and intermediate handlers listed below are registered under said Act:

(Sec. 3, 80 Stat. 351, as amended (7 U.S.C. 2133).)

Done at Washington, D.C., this 10th day of March 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

BILLING CODE 3410-34-M

ALASKA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* AKM1	TAILWAGGERS' LODGE		2905 TANGLEWOOD PLACE	ANCHORAGE 99503
* AKT1	WIEN AIR ALASKA, INC.,		4100 INTL. AIRPORT RD	ANCHORAGE 99502

CALIFORNIA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* CAM8	EL SUPERBA KENNELS		5481 HACKBERRY LN	SACRAMENTO 95841
* CAM7	FLYING FUR PET TRAVEL		13615 VICTORY BLVD	VAN NUYS 91401
* CAM2	JET PETS, INC.		9014 PERSHING DR.	PLAYA DEL REY 90291
* CAM12	JONES, K	LIVING SPECIALTIES	450 APRIL WAY	CAMPBELL 95008
* CAM6	MCCALLUM, WM		1063 DELL AVE	CAMPBELL 95008
* CAM8	MISHLER, GF	ALL PET TRANSPT. SERVICE	3382 UNIVERSITY AVE	SAN DIEGO 92104
* CAM3	STEIN, C & A	FLYING FUR	8357 SUNVIEW DR.	EL CAJON 92022
* CAM5	WECHSLER, W	PET EXPRESS	426 GUERRERO	SAN FRANCISCO 94110
* CAM1	WHEELER'S AIRPORT AN. SHELTER		PO BOX 8245	SAN FRANCISCO 94128
* CAM10	WOOD, JR	WOODBRAE KENNELS	16270 BURTON RD	LOS GATOS 95030
* CAM9	WORLD WIDE PET SHIPPING		2027 CENTRAL AVE	BO. EL MONTE 91733
* CAM11	YOUNG, R	ROLAND'S DOG GROOMING	6129 MISSION STREET	DALY CITY 94014
* CAT7	AIR CALIFORNIA		3636 BIRCH ST	NEWPORT BEACH 92660
* CAT3	CONTINENTAL AIR LINES, INC.		7300 WORLD WAY WEST	LOS ANGELES 90009
* CAT5	HUGHES AIR CORP.		SAN FRANCISCO INTL. AIRPORT	SAN FRANCISCO 94128
* CAT1	KOREAN AIR LINES		1813 WILSHIRE BLVD.	LOS ANGELES 90057
* CAT6	PETAXI, INC.		PO BOX 12337	SAN FRANCISCO 94112
* CAT4	THE FLYING TIGER LINE, INC.		7401 WORLD WAY WEST	LOS ANGELES 90009
* CAT2	WESTERN AIR LINES, INC.		6060 AVION DR.	LOS ANGELES 90045

COLORADO

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* COM2	BOWMAN, R & C	ELMFIELD KENNELS	2658 W FLORIDA AVE	DENVER 80219
* COM6	BRAVO'S PET PICKUP LTD		965 YALE ROAD	BOULDER 80303
* COM3	GARCIA, GH	NORTH METRO BOARDING KENNELS	666 LOWELL BLVD	DENVER 80204
* COM5	PEGASUS PET SHIPPING SERVICES		3916 WINONA CT	DENVER 80212
* COM1	TENAKER KENNEL, INC.		895 LAREDO	AURORA 80011
* COM8	WOODMEN BOARDING KENNELS		6440 N OLD HIWAY 85-87	COLORADO SPRINGS 80919
* COT7	AIR U.S.		PO BOX 38647 AMF STAPLETON INT AIRPT	DENVER 80238
* COT2	ASPEN AIRWAYS, INC.		HANGAR 5 STAPLETON INTL. ARPT	DENVER 80207
* COT8	COMBS FREIGHTAIR, INC.		3333 QUEREC ST	DENVER 80207
* COT1	FRONTIER AIRLINES, INC.		8250 SMITH RD.	DENVER 80207
* COT5	PIONEER AIRWAYS INC		3333 QUEBEC ST #4080	DENVER 80207
* COT6	ROCKY MOUNTAIN AIRWAYS		HANGER 6 STAPLETON APRT	DENVER 80207
* COT3	STAR AIRWAYS, INC.		3390 SYRACUSE ST.	DENVER 80207

CONNECTICUT

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* CTT2	COSMOPOLITAN CANINE CARRIERS INC		5 BROOK STREET	DARIEN 06820
* CTT1	EMERY AIR FREIGHT CORP			WILTON 06897

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FLORIDA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* FLM12	ANIMAL LOVERS' PET CTR.		500 N. 69TH ST.	HIALEAH 33012
* FLM5	B & B KENNELS INC.		15801 SW 152 AVE	MIAMI 33187
* FLM11	BISCAYNE PET HOUSE	TROPICAL PET SHOP	16700 BISCAYNE BLVD	MIAMI 33160
* FLM10	CARNEL CORP.		2220 CORAL WAY	MIAMI 33145
* FLM8	COMFORT KENNELS		265 W 25 ST	HIALEAH 33010
* FLM7	LANDMARK KENNELS		8717 SW 136 ST	MIAMI 33176
* FLM2	LOUIS WASSERMAN		4650 SW 70 TERR	DAVIE 33314
* FLM10	MATUS, E	FLYING FUR PET TRAVEL SERVICE	6742 COLLINS AVE	MIAMI BEACH 33141
* FLM13	MENNYFIELD ACADEMY OF ANIMAL TECH		5040 NE 13 AVE	FT LAUDERDALE 33334
* FLM9	MIDWAY PET CTR		7771 W FLAGLER ST	MIAMI 33144
* FLM6	PET FAIR INC		14005 NW 7TH AVE	MIAMI 33168
* FLM1	PET TAXI SERVICE, INC.		1228 N.E. 144TH ST.	N MIAMI 33161
* FLM15	TAMARAC TOWERS MOTEL FOR PETS		3910 NW 49ST	TAMARAC 33309
* FLM3	TOTH, LD	TOMAR KENNELS	4102 GERTRUDE ST	ORLANDO 32809
* FLM8	UTTL, SERV, CORP OF AM, INC		7855 SW 94 ST	MIAMI 33156
* FLT1	AIR ANIMAL, INC.		6805 HERT GRAY ST.	TAMPA 33600
* FLT5	AIR FLORIDA, INC.		3600 NW 79TH AVE	MIAMI 33166
* FLT6	AIRLIFT INTER, INC		PO BOX 522405	MIAMI 33152
* FLT2	EASTERN AIR LINES, INC.		MIAMI INTL. AIRPORT	MIAMI 33148
* FLT8	FLORIDA AIR LINES		PO BOX 13088	SAROSOTA 33578
* FLT3	NATIONAL AIRLINER, INC.		PO BOX 592055, AMF	MIAMI 33159
* FLT7	RICH INTERNATIONAL AIRWAY S, INC		PO BOX 522067	MIAMI 33152

GEORGIA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* GAM2	ATLANTA BAGGAGE AND EXPRESS CO		1561 E VIRGINIA AVE SUIT E 112A	ATLANTA 30337
* GAM1	SONIC DELIVERY SYSTEMS INC		P.O. BOX 6822	ATLANTA 20302
* GAT1	DELTA AIR LINES, INC.		HARTSFIELD ATLANTA INTL. ARPT	ATLANTA 30320

HAWAII

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* HIM2	A & P SHIPPING CORP.	FLYING FUR PET TRAVEL SERV	1050 KIKOWAENA PL	HONOLULU 96819
* HIM5	ALOHA PET LODGE		767 ALAMOANA BLVD	HONOLULU 96813
* HIM3	HAWAIIAN HUMANE SOCIETY		2700 WAIALAE AVE.	HONOLULU 96826
* HIM6	ST DEPT/AG - ANIMAL QUAR. STATION		99-770 MOANALUA RD	AIEA 96701
* HIT6	AIR CARGO ENTER, INC		PO BOX 30248	HONOLULU 96820
* HIT3	AIR HAWAII CORP		3049 UALENA ST	HONOLULU 96819
* HIT2	ALOHA AIRLINES, INC.		PO BOX 30028	HONOLULU 96820
* HIT6	DHL AIR CARGO		P.O. BOX 30526	HONOLULU 96820
* HIT1	HAWAIIAN AIRLINES, INC.		1164 BISHOP ST, SUITE 80 6	HONOLULU 96813
* HIT5	HORIZON CARGO TRANS, INC		PO BOX 30085	HONOLULU 96820

IDAHO

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* IDM2	ALLISON, M	GEM CREST KENNELS	6180 GOLDENROD	MERIDIAN 83642
* IDT1	GEM STATE AIRLINES		PO BOX 985	HAYDEN LAKE 83835

ILLINOIS

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* ILM6	CALANCA, D		RR 1 BOX 175	GRAYSLAKE 60030
* ILM2	FLYING FUR PET TRAVEL SERVICE		310 SOUTH MICHIGAN AVE.	CHICAGO 60604
* ILM3	OWENS, MR & MRS R		RT 1 BOX 10A BROWN RD	BRIGHTON 62012
* ILT2	ALLIED AIRFREIGHT CORP		999 E TOUHY AVE	DES PLAINES 60018
* ILT1	UNITED AIR LINES, INC.		PO BOX 66100	CHICAGO 60666

IOWA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* IAT1	S.M.A. STAGE LINE, INC		5805 FLEUR DRIVE	DES MOINES 50321

KANSAS

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* KST1	AIR MIDWEST, INC.		MID-CONTINENT AIRPT	WICHITA 67209

LOUISIANA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* LAM1	CLICK DELIVERY SERV, INC		3710 ROBERTSON ST BOX 683	METAIRIE 70004

MAINE

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* MET1	BAR HARBOR AIRWAYS, INC	BAR HARBOR AIRLINES	RFD 1	ELLSWORTH 04605
* MET3	COLES EXPRESS		444 PERRY RD	BANGOR 04401
* MES4	DOWNEAST AIRLINER INC		PO BOX 966	ROCKLAND 04841
* MET2	PORTLAND AIR FREIGHT	PORTLAND INTL.JETPORT	1016 WESTBROOK ST	PORTLAND 04102

MARYLAND

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* MDT1	BALTIMORE AIRWAYS, INC.		2300 DORSEY RD.	GLEN BURNIE 21061
* MDT2	CUMBERLAND AIRLINES		PO BOX 1611	CUMBERLAND 21502
* MDT3	GIBSON AVIATION, INC.		7940 AIR PARK DR.	GAITHERSBURG 20760
* MDT4	PAUL HENRY AIR FRIEGHT INC	AIRPORT INDUSTRIAL PARK	BOX 255	HAGERSTOWN 21740

MASSACHUSETTS

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* MAT1	AIR NEW ENGLAND, INC.		LOGAN INTL. AIRPORT	BOSTON 02128

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MICHIGAN

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* MIT1	EAGLE AVIATION, INC.		BISHOP AIRPORT	FLINT 48507

MINNESOTA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* MNT4	AIR FREIGHT EXPRESS		7600 24TH AVENUE SOUTH	MINNEAPOLIS 55450
* MNT1	NORTHWEST AIRLINES, INC.		ST. PAUL INTL. AIRPORT	ST. PAUL 55111
* MNT3	REPUBLIC AIRLINES INC.		7500 AIRLINE DR.	MINNEAPOLIS 55450

MISSISSIPPI

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* MST1	MILLER AIR TRANSPORTERS, INC		PO BOX 22551	JACKSON 39205

MISSOURI

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* MOM1	KENNELWOOD VILLAGE INC		755 NEW BALLAS RD SO	ST LOUIS 63141
* MOM2	PUTLER, D	PET EXPRESS	9540 NW PRAIRIE VIEW RD	KANSAS CITY 64153
* MOT1	OZARK AIR LINES, INC		PO BOX 10007	ST LOUIS 63145

NEW JERSEY

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* NJM1	GRADLYN KENNELS INC	INT'L PET TRAVEL SERVICE	SYKESVILLE ROAD	WRIGHTSTOWN 08562
* NJM2	ROXDANE KENNELS INC		75 STIRLING RD	WARREN 07060
* NJT1	WORLDWIDE PET TRAVEL SERVICE		7 LEE LANE	VINCENTOWN 08088

NEW MEXICO

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* NMM1	PARCEL DELIVERY OF ALBUQUERQUE		AMF PO BOX 9121	ALBUQUERQUE 87119
* NMT2	CROWN AVIATION INC.		PO BOX 9211	ALBUQUERQUE 87119
* NMT1	ROSS AVIATION INC		PO BOX 9124	ALBUQUERQUE 87119
* NMT3	ZIA AIRLINES COMPANY		2801 MISSOURI AVE SUITE 1A	LAS CRUCES 88001

NEW YORK

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* NYM6	ASPCA		441 EAST 92ND STREET	NEW YORK 10028
* NYM1	DAL CORTIVO, R & S	CROSS CTRY PET TRANSP	CROSS RD	LAGRANGEVILLE 12540
* NYM7	INTRONE, S		RD 5 BOX 281A MARIAVILLE RD	SCHENECTADY 12306
* NYM5	PET ENTERPRISES TOTAL SERVICES	WILLOW KENNELS/ANIMAL TRAVEL AGEN.	1926 DEER PARK AVE	DEER PARK 11729
* NYM8	POWERS, P		179-15 149TH AVE	JAMAICA 11434
* NYM2	WORLD WIDE PET TRANSPORT		96-01 METROPOLITAN AVE	FOREST HILLS 11375
* NYT3	AIR CANADA		1 PLACE VILLE MARIE	MONTREAL H3B3P7
* NYT2	AMERICAN AIRLINES, INC.		633 THIRD AVE	NEW YORK 10017
* NYT1	PAN AMERICAN WORLD AIRWAYS, INC.		200 PARK AVE	NEW YORK 10017
* NYT5	SEABOARD WORLD AIRLINES		BLDG 260 JFK INT'L ARPT	JAMAICA 11430
* NYTR	TRANS WORLD AIRLINES, INC		605 THIRD AVE	NEW YORK 10016

NORTH CAROLINA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* NCH1	MORKY, A & E		2333 EATONTON ST	CHARLOTTE 28208
* NCT3	AIR EXPRESS, INC.		REGIONAL AIRPORT BOX 870 6	GREENSBORO 27410
* NCT2	LITTLE MOUNTAIN AIRPORT, INC.		RT 1 BOX 310	MAIDEN 28650
* NCT1	PIEDMONT AVIATION, INC.		SMITH REYNOLDS AIRPORT	WINSTON 27102
* NCT4	PINEHURST AIRLINES, INC		PO BOX 849	PINEHURST 28374

NORTH DAKOTA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* NDT1	AIR FREIGHT EXPRESS		PO BOX 5021 SUB	FARGO 58102

OKLAHOMA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* OKT1	GT WESTERN AIRLINES, INC	RICHARD LOYD JONES ARPT		TULSA 74107

OREGON

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* ORM1	BERLANT, D	TWIN WILLOWS KENNELS	320 NE GERTZ RD	PORTLAND 97211

PENNSYLVANIA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* PAM3	RUZY, J		ROGGS SCHOOL RD.	CORAOPLIS 15108
* PAM2	CRESTWOOD DOG MOTEL		2717 WEST 26TH ST	ERIE 16506
* PAM4	HURST, D		3031 B OLD PHILA. PIKE RD 2	RONKS 17572
* PAM1	MCKENDRY, S		SCOTT PLAZA 2	CORAOPOLIS 15108
* PAT1	ALTAIR AIRLINES, INC.		PO BOX 67	PHILADELPHIA 19113
* PAT2	FLIGHT EXPRESS CARGO, INC			FSSINGTON 19029

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SOUTH CAROLINA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* SCH4	AIR FREIGHT DELIVERY		PO BOX 558	WEST COLUMBIA 29169
* SCH2	CHARLESTON CARTAGE CO INC		PO BOX 42	CAYCE 29033
* SCH1	GIBSON KENNELS, INC.		6548 WARD AVE	CHARLESTON HEIGHTS 29405
* SCH6	PET HAVEN INC		RT 6 BOX 129	HOPKINS 29061
* SCH3	ROCKYS KENNEL		PO BOX 191 PLATE SPRINGS RD	LEXINGTON 29072
* SCH5	SHADY ACRES PET RESORT		HARMON RD RT2 BOX 207J	HOPKINS 29061

TENNESSEE

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* TNT1	MID-TENN AVIATION CO		RT 3 BOX 840	DICKSON 37055

TEXAS

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* TXH6	AIR CARGO EXPRESS		2227 E. UNION MOWER	IRVING 75062
* TXH1	BOOKER, JR. BH	BOOKER'S KENNEL	101 E NOLAN TRAIL	MARKER HEIGHTS 76541
* TXH2	FLYING FUR PET TRANSFER		2120 TRAVIS, SUITE 104	HOUSTON 77002
* TXH3	KENTREE BOARDING KENNELS		14934 VERA DR.	HUMBLE 77338
* TXH5	MANNING MAX, INC.		400 CASCADE	IRVING 75061
* TXT1	BRANIFF AIRWAYS, INC.		PO BOX 35001	DALLAS 75235
* TXT3	RIO AIRWAYS INC		PO BOX 636	KILLEEN 76541
* TXT2	TEXAS INTL. AIRLINES, INC		PO BOX 12788	HOUSTON 77017

UTAH

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* UTH3	FLYING FUR PET TRAVEL SERVICE		5368 KENWOOD DR	MURRAY 84107
* UTH1	GREENWOOD KENNELS		180 SO. HWY. 89	SALT LAKE CITY 84054
* UTH2	ALPINE KENNELS		235 N 3750 SO	SALT LAKE CITY 84115
* UTT1	JOHNS-MANVILLE SALES CORP	KEY AIRLINES	PO BOX AMF 22065	SALT LAKE CITY 84122
* UTT2	TRANS WESTERN AIRLINES OF UTAH		PO BOX 3253	LOGAN 84321

VERMONT

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* VTT1	PRECISION VALLEY AVIATION		SPRINGFIELD AIRPORT	NORTH SPRINGFIELD 05150

VIRGINIA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* VAH1	K - KENNELS INT.		PO BOX 213	CHANTILLY 22021
* VAT1	ANIMAL AIRLINE		PO BOX 99	LINDEN 22642
* VAT2	DIRECT COURIER INC		2780 S JEFFERSON DAVIS HWY	ARLINGTON 22202

WASHINGTON

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* WAH2	AIRBORNE FREIGHT CORP		PO BOX 662	SEATTLE 98111
* WAH8	ARNOLD, D	WARNITCH KENNELS	13426 SE 208TH	KENT 98031
* WAH6	ATWOOD, L	KELLY'S KENNELS	2040 S 142ND	SEATTLE 98168
* WAH4	DEMARRC, V	HOLIDAY KENNELS	22211 RUSSELL RD.	KENT 98031
* WAH9	KRUGER ANIMAL HOSPITAL		12516 PACIFIC HWY SO	SEATTLE 98168
* WAH3	MOCK, R	HAPSBURG KENNEL	14043 24TH AVE SO	SEATTLE 98168
* WAH10	RUSSELL, P	TANNEHAUS KENNEL	2412 224TH EAST	SPANAWAY 98387
* WAH7	ZAPPALA, C & C	SCHAFERHAUS & VIELEDANKE KENNELS	1043 SO 140TH	SEATTLE 98168
* WAT1	ALASKA AIRLINES		19300 PACIFIC HWY, SO	SEATTLE 98188

WISCONSIN

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* WIT1	AIR WISCONSIN		OUTAGAMIE CTY AIRPORT	APPLETON 54911

PUERTO RICO

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* PRT3	CARIBBEAN AIR SERVICES		SAN JUAN INT'L AIRPORT	ISLA VERDE 00913
* PRT2	FLAMENCO AIRWAYS, INC		PO BOX 214	CULERRA 00685
* PRT1	PRINAIR		INTERNATIONAL AIRPORT	ISLA VERDE 00913

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Tuesday
March 18, 1980

Part V

Department of Energy

Foreign Gifts and Decorations; Policies for Department Employees

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DEPARTMENT OF ENERGY

10 CFR Part 1050

Foreign Gifts and Decorations

AGENCY: Department of Energy.

ACTION: Proposed regulations.

SUMMARY: The Department of Energy is proposing to amend 10 CFR to establish a new Part 1050 which establishes policies and procedures for DOE employees to follow concerning the acceptance of gifts and decorations from foreign Governments. This new rule implements the Foreign Gifts and Decorations Act, (5 U.S.C. 7342).

DATE: Written comments should be submitted April 17, 1980.

ADDRESS: Written comments should be submitted to: Ralph D. Goldenberg, Assistant General Counsel for Standards of Conduct GC–45, U.S. Department of Energy, MS B206, Washington, D.C. 20545.

FOR FURTHER INFORMATION CONTACT: Katherine B. Soffer, Attorney, Office of the Assistant General Counsel for Standards of Conduct, GC–45, U.S. Department of Energy, Washington, D.C. 20545, (301) 353–4016.

SUPPLEMENTARY INFORMATION: In the Foreign Gifts and Decorations Act, 5 U.S.C. 7342 (hereafter the Act), the Congress consented to an exception to the general Constitutional rule prohibiting Federal employees from accepting gifts or decorations from foreign governments. The statute allows employees to accept gifts of minimal value tendered as souvenirs or as marks of courtesy; it permits acceptance of gifts such as medical or educational services; it allows acceptance, on behalf of the United States, of gifts of more than minimal value where refusal would adversely affect the foreign relations of the United States; it consents to acceptance by employees of gifts of travel and related expenses for travel taking place entirely outside of the United States; and it permits the acceptance of decorations in recognition of active field service in combat or other oustanding performance. The Act establishes reporting and enforcement provisions and identifies the Department of State as the lead Executive Branch agency in this area.

The proposed regulations are consistent with State Department Guidelines issued on the subject and implemented the substantive provisons of the Act in a straightforward manner. They identify the Directorate of Administration as the lead organization within the Department of Energy for purposes of administering the Act, and include draft forms for use in meeting reporting requirements. Where appropriate, the General Counsel, the Inspector General, and International Affairs are given major responsiblity for consultation. The Federal Energy Regulatory Commission has been included in coverage of the regulations.

Comments

These are not significant regulations as that term is used in section 501 of the DOE Organization Act (42 U.S.C. 7191), Executive Order 12044, and DOE 2030.1. No substantial issue of fact or law exists and the regulations are not likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Therefore, these regulations will be promulgated in accordance with section 553 of Title 5, United States Code. Although the regulations related to Department management and personnel and therefore may be made final without notice and comment period (5 U.S.C. 553(a)(2)), written comments are solicited and will be accepted. Comments must be received by 4:30 p.m. on April 17, 1980 at the address indicated in the "Address" section of this preamble. Seven copies should be submitted.

(The Constitution of the United States, Article I, Section 9; 5 U.S.C. 7342; Pub. L. 95–91, sections 644 and 652, 91 Stat 599 (42 U.S.C. 7254 and 7262))

Issued in Washington, D.C., February 22, 1980.

Charles W. Duncan, Jr.,

Secretary of Energy.

We propose that title 10 Code of Federal Regulatons be amended to add a new Part 1050 to read as follows:

PART 1050—FOREIGN GIFTS AND DECORATIONS

Subpart A—General

Sec.
1050.101 Purpose and scope.
1050.102 Applicability.
1050.103 Definitions.
1050.104 Responsibilities and authorities.

Subpart B—Guidelines for Acceptance of Foreign Gifts or Decorations

1050.201 Policy against accepting foreign gifts or decorations.
1050.202 Allowable acceptance of gifts.
1050.203 Acceptance of decorations.
1050.204 Advance approval for acceptance of gifts or decorations.

Subpart C—Procedures and Enforcement

1050.301 Reports.
1050.302 Use or disposal of gifts and decorations accepted on behalf of the United States.
1050.303 Enforcement.

Subpart D—Gifts to Foreign Individuals

1050.401 Prohibition against use of appropriated funds.
Appendix I—Form DOE .[1]
Appendix II—Form DOE ———.
Appendix III—Standard Form 120.

Subpart A—General

§ 1050.101 Purpose and scope.

These regulations implement the provisions of the Foreign Gifts and Decorations Act (5 U.S.C. 7342), which establishes policies and procedures pertaining to the acceptance, use, and disposition of gifts or decorations from foreign governments.

§ 1050.102 Applicability.

These regulations apply to all Department of Energy (DOE) employees, including special Government employees, and civilian and military personnel of other Government agencies regularly detailed to DOE, and to spouses and dependents of such personnel. These regulations apply to all employees of the Federal Energy Regulatory Commission (FERC) to the extent the Commission by rule makes these regulations applicable to FERC employees. These regulations do not apply to gifts and bequests accepted by the Department as authorized by section 652 of the Department of Energy Organization Act (42 U.S.C. 7262), except as set forth in § 1050.202(d) of this Part.

§ 1050.103 Definitions.

(a) "Employee" means—

(1) An employee of DOE or FERC as defined by 5 U.S.C. 2105 (employees of DOE contractors are specifically excluded);

(2) A special Government employee as defined in 18 U.S.C. 202(a), and an expert or consultant who is under contract to the DOE pursuant to 5 U.S.C. 3109, including, in the case of an organization performing services under such section, any individual involved in the performance of such services;

A member of a Uniformed Service or an employee of another Government agency assigned or detailed to the DOE or FERC;

(4) The spouse of an individual described in subparagraphs (a)(1) through (a)(3) (unless such individual and his or her spouse are legally separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1954) of such individual, other than a spouse or dependent who is an employee under subparagraphs (a)(1) through (a)(3).

[1] Appendices I through III do not appear in this document. They will be published in the Final Rule.

(b) "Foreign government" means—

(1) Any unit of foreign governmental authority, including any foreign national, State, local, or municipal government;

(2) Any international or multinational organization whose membership is composed of any unit of foreign government described in subparagraph (b)(1); and

(3) Any agent or representative of any such unit or such organization, while acting as such.

(c) "Gift" means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government.

(d) "Decoration" means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government.

(e) "Minimal value" means a retail value in the United States at the time of acceptance of $100 or less.

(f) "The Act" means the Foreign Gifts and Decorations Act, 5 U.S.C. 7342.

(g) "Appropriate General Counsel" means either the DOE General Counsel when the employee involved is an employee of that portion of the DOE which excludes FERC, or the FERC General Counsel when the employee involved is an employee of FERC.

§ 1050.104 Responsibilities and authorities.

The Director of Administration shall—

(1) Assure that all employees are given access to or a copy of the Act and these regulations;

(2) Maintain liaison with the Department of State and prepare Departmental reports to the Department of State consistent with the Act and these regulations;

(3) Provide advice and assistance on implementation of the Act and these regulations, in coordination with the Assistant Secretary for International Affairs (IA) and the appropriate General Counsel;

(4) Collect and maintain for public inspection all employee statements submitted pursuant to these regulations;

(5) Arrange for independent appraisal of the value of gifts or decorations, upon the request of the General Services Administration or the Inspector General (or other appropriate DOE official); and

(6) Accept and maintain custody and make all determinations regarding the use and disposition of all gifts and decorations accepted by employees on behalf of the United States, in coordination with IA, the appropriate General Counsel, and, for gifts to the Secretary, Deputy Secretary or Under Secretary, the appropriate official in the Office of the Secretary.

(b) The Assistant Secretary for International Affairs (IA) shall assist the Directorate of Administration, where appropriate, in making determinations concerning the effects of the proposed acceptance, use, or disposition of a foreign gift or decoration on the foreign relations of the United States.

(c) The General Counsel, DOE, shall assist the Directorate of Administration in matters relating to the interpretation and application of the Act, and these and any related regulations, and shall provide counseling and interpretation regarding the Act, and these and any related regulations, to all DOE employees except FERC employees.

(d) The General Counsel, FERC, shall have the same responsibilities regarding FERC employees as the General Counsel, DOE, has regarding DOE employees other than FERC employees.

(e) Suspected violations of the Act or these regulations shall be referred to the Inspector General.

Subpart B—Guidelines for Acceptance of Foreign Gifts or Decorations

§ 1050.201 Policy against accepting foreign gifts or decorations.

(a) The Constitution of the United States, Article I, section 9, clause 8, provides that "no person holding any office of profit or trust under . . . [the United States], shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any . . . foreign state." In the Foreign Gifts and Decorations Act the Congress consented to the acceptance by Federal employees of gifts and decorations with certain constraints and under certain procedures. Acceptance of any gift or decoration not consistent with this Act, the Department of Energy Organization Act, or the regulations in this Part is prohibited.

(b) No employee shall request or otherwise encourage the tender of a gift or decoration from a foreign government. No employee shall accept a gift or decoration from a foreign government except as provided in §§ 1050.202 or 1050.203 of this Part and in accordance with the additional procedures set forth in §§ 1050.204 and 1050.301 of this Part.

(c) An employee, when offered a gift of more than minimal value from a foreign government, should advise the donor that acceptance of such gifts by the employee is contrary to the policy of the United States.

§ 1050.202 Allowable acceptance of gifts.

(a) Employees may accept and retain gifts from foreign governments:

(1) Where the gift is tendered or received as a souvenir or mark or courtesy, and is of minimal value. Initial responsibility for determining the value of a gift lies with the employee.

(2) Where the gift is in the nature of an educational scholarship.

(3) Where the gift is in the form of medical treatment.

(4) Where the gift consititutes assistance from a foreign government for participation in foreign exchange or visitors programs pursuant to the Mutual Educational and Cultural Exchange Act (22 U.S.C. 2458a).

(b) Employees may accept gifts of travel or expenses for travel (such as transportation, food, lodging, or entertainment) taking place entirely outside of the United States where the provision of such travel or expenses is in accordance with diplomatic custom or treaty. A spouse or dependent may accept gifts of travel or travel expenses when accompanying the employee, provided this is done with the prior written approval of the Head of the employee's Office. Travel or expenses for travel may not be accepted merely for the personal benefit, pleasure, enjoyment, or financial enrichment of the individual involved. Appropriate statements shall be filed in accordance with § 1050.301(b) of this Part. When *any portion* of the travel (such as the origination or termination of a flight) is within the United States, it may not be paid for by a foreign government, except as set forth in paragraph (d) of this section.

Employees may accept gifts of more than minimal value, where it appears that refusal of the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States. If any such gift is accepted by an employee and not immediately returned thereby, it shall be deemed to have been accepted on behalf of the United States. Upon acceptance it becomes the property of the United States. Within 60 days after acceptance by the employee, the gift shall be deposited with the Directorate of Administration for disposal or official Departmental use as determined by the Directorate of Administration, in accordance with § 1050.302 of this Part, and an appropriate statement shall be filed by the employee in accordance with § 1050.301 of this Part.

(d) Pursuant to section 652 of the DOE Organization Act, employees may accept gifts from the International Atomic Energy Agency or other energy-related international organizations (e.g., the Nuclear Energy Agency and the International Energy Agency) covering transportation expenses to or from a

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foreign country in connection with scientific or technical assistance projects of such agencies for which the Department of Energy has lead U.S. Government agency responsibility. Such gifts may be accepted only with approval of the Head of the employee's Office, who is hereby delegated authority to accept such gifts in accordance with section 652.

§ 1050.203 Acceptance of decorations.

(a) An employee may accept, retain and wear a decoration tendered by a foreign government in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance.

(b) Acceptance of a decoration in accordance with paragraph (a) of this section shall be reviewed and approved by the Directorate of Administration in accordance with § 1050.204 of this Part. Otherwise, it will be deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited, within 60 days of acceptance, with the Directorate of administration for disposal or official Departmental use as determined by the Directorate of Administration in accordance with § 1050.302 of this Part.

§ 1050.204 Advance approval for acceptance of gifts or decorations.

(a) If an employee is advised that a gift of more than minimal value as described in § 1050.202(c) is to be tendered to him, the employee shall, if time permits, request the advice of the Directorate of Administration regarding the appropriateness of accepting or refusing the gift. If such advice cannot be obtained and refusal would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, the gift may be accepted, but the Directorate of Administration shall immediately be informed. In either event, the employee shall proceed as provided in §§ 1050.202 and 1050.301 of this Part. The Directorate of Administration shall consult with Assistant Secretary for International Affairs and the appropriate General Counsel in connection with advising the employee.

(b) Where an employee is notified of the intent of a foreign government to award him a decoration for outstanding or unusually meritorious service, approval required under § 1050.203 should be obtained prior to acceptance of the award. A request for approval shall be submitted to the Directorate of Administration in writing, stating the nature of the decoration and the reasons why it is being awarded. The Directorate of Administration shall consult with the Assistant Secretary for International Affairs and the appropriate General Counsel. If time does not permit the employee to obtain approval for the award of the decoration before its receipt, the employee may accept it, but shall seek such approval immediately thereafter.

Subpart C—Procedures and Enforcement

§ 1050.301 Reports.

(a) Within 60 days of accepting a tangible present (e.g., wearing apparel, liquor, etc., but not a decoration) of more than minimal value an employee shall, in addition to depositing the gift with the Directorate of Administration in accordance with § 1050.202 of this Part, file with the Directorate of Administration a statement concerning the gift containing the information identified on the sample form set forth in Appendix I.

(b) Within 30 days after accepting travel or travel expenses in accordance with § 1050.202 of this Part, an employee shall file with the Directorate of Administration a statement concerning the travel containing the information identified on the sample form set forth in Appendix II. Such a statement need not be filed, however, if the travel is in accordance with specific travel arrangements made by the Department in cooperation with the foreign government.

(c) The Directorate of Administration shall:

(1) Maintain the statements filed pursuant to these regulations and make them available for public inspection and copying during regular business hours; and

(2) Not later than January 31 of each year compile and transmit to the Department of State for publication by the Department of State in the **Federal Register** a list of all statements filed pursuant to these regulations during the preceding calendar year.

§ 1050.302 Use or disposal of gifts and decorations accepted on behalf of the United States.

(a) The Directorate of Administration shall accept and maintain custody of all gifts and decorations accepted by employees on behalf of the United States pending their final disposition.

(b) Whenever possible, the gift or decoration shall be returned to the original donor. The Directorate of Administration shall examine the circumstances surrounding its donation, and, in consultation with the Assistant Secretary for International Affairs, assess whether any adverse effect upon the United States foreign relations might result from return of the gift or decoration to the donor. The appropriate officials of the Department of State shall be consulted if the question of an adverse effect arises.

(c) The Directorate of Administration may determine that the gift or decoration may be retained for the official use of the Department, if it can be properly displayed in an area at Headquarters or at a field facility accessible to employees or members of the public or if it is otherwise usable in carrying out the mission of the Department. The Assistant Secretary for International Affairs shall be consulted to determine whether failure to accept the gift or decoration for the official use of the Department will have an adverse effect on the foreign relations of the United States. In no case shall a gift or decoration be accepted for the official use of the Department when the enjoyment and beneficial use of the gift will accrue primarily to the benefit of the donee or any other individual employee. Gifts or decorations that are retained for the official use of the Department shall be handled in accordance with the provisions of paragraph (d) of this section when their official use is ended.

(d) If a gift or decoration is not retained for official use of the Department, or if its official use has ended, the Directorate of Administration shall, within 30 days after its deposit or after its official use has ended—

(1) Report the gift or decoration to the General Services Administration (GSA) for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 and the Federal Property Management Regulations at 41 CFR 101–49, or

(2) If the gift or decoration is in cash, currency, or monies (except those with possible historic or numismatic value), or is a noncash monetary gift such as a check, money order, bonds, shares of stock, or other negotiable instrument, forward it to the Finance and Accounting Office for deposit with the Department of the Treasury.

(e) The Directorate of Administration shall retain custody of gifts and decorations not returned to the donor or retained for the official use of the Department until GSA directs it concerning their disposition. At the request of GSA, the Directorate of Administration shall arrange for appraisal of specific gifts and decorations.

§ 1050.303 Enforcement.

(a) An employee who violates the provisions of the Act or these regulations may be subject to disciplinary action or civil penalty action as set forth in paragraphs (c) and (d) of this section.

(b) Suspected violations of the Act or these regulations shall be reported promptly to the Inspector General.

(c) The Inspector General will be responsible for taking the following actions, as appropriate:

(1) If the results of an investigation by the Inspector General do not provide any support for a determination that a violation of the Act or these regulations has occurred, then no further action shall be taken.

(2) If it is determined that the employee knowingly and through actions within his own control has done any of the following, the matter shall be referred to the Attorney General for appropriate action: (i) Solicited or accepted a gift from a foreign government in a manner inconsistent with the provisions of the Act and these regulations; (ii) As the approved recipient of travel expenses failed to follow the procedures set forth in the Act and these regulations; or (iii) Failed to deposit or report a gift as required by the Act and these regulations.

(3) If it is determined that the employee failed to deposit a tangible gift with the Directorate of Administration within 60 days, or to account properly for acceptance of travel expenses, or to comply with the requirements of these regulations relating to the disposal of gifts and decorations retained for official use, but that the criteria of knowledge and control specified in subparagraph (2) of this section for referral to the Attorney General have not been met, then the matter shall be referred by the Inspector General to appropriate Departmental officials for administrative action.

(d) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by the Act, or who fails to deposit or report such gift as required by the Act. The court in which such action is brought may assess a civil penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus $5000.

Subpart D—Gifts to Foreign Individuals

§ 1050.401 Prohibition against use of appropriated funds.

No appropriated funds other than funds from the "Emergencies in the Diplomatic and Consular Service" account of the Department of State may be used to purchase any tangible gift of more than $100 value for any foreign individual unless such gift has been approved by the Congress.

Note.—Published without Appendices I, II, and III.

[FR Doc. 80-8395 Filed 3-17-80; 9:40 am]
BILLING CODE 6450-01-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
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DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

INTERSTATE COMMERCE COMMISSION

3586 1–18–80 / Transportation of U.S. government traffic; regulations governing special application proceeding for for-hire motor carriers

List of Public Laws

Last Listing March 17, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.J. Res. 493 / Pub. L. 96–207 Providing for the appointment of William G. Bowen as a citizen regent of the Board of Regents of the Smithsonian Institution (Mar. 13, 1980; 94 Stat. 94) Price $1.00.

H.J. Res. 494 / Pub. L. 96–208 Providing for the appointment of Carlisle H. Humelsine as a citizen regent of the Board of Regents of the Smithsonian Institution (Mar. 13, 1980; 94 Stat. 95) Price $1.00.

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Highlights

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C., Memphis, Tenn.,** and **Los Angeles, Calif.,** see announcement in the Reader Aids Section at the end of this issue.

17636 **Elementary and Secondary Education Grants** HEW/OE gives notice of intent to compromise a Title I, ESEA audit claim against New Jersey Department of Education; comments by 5-5-80

17640 **Public Housing Modernization Program** HUD/FHC announces proposal to set aside Fiscal Year 1980 Funds for rehabilitation of larger, rental public housing projects

17702 **Impact of Community Environments on Supervised Offenders** Justice/NIJ announces competitive research grant/cooperative agreement; apply by 4-24-80

17924-17932 **Credit Restraint** FRS issues rules setting reserve requirements for banks, certain creditors, and money market funds; and imposing certain interest rate limitations; effective 3-14, 3-20, and 4-3-80 (Part IX of this issue) (5 documents)

17571 **Pyramid Lake Paiute Tribe** Interior/BIA issues regulations establishing procedures to govern preparation of roll of persons eligible to share in distribution of funds; apply by 7-17-80

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Area Code 202–523–5240

Highlights

17870 **Day Care** HEW/Sec'y issues final regulations on conditions that day care services provided to children outside of their own homes must meet in order to qualify for HEW funds; effective 9–19–80 (Part V of this issue)

17894 **Medicare and Medicaid Programs** HEW/HCFA proposes to establish uniform method for hospitals participating in programs to report cost and volume of services; comments by 5–28–80 (Part VII of this issue)

17633 **Multicandidate Political Committees** FEC publishes comprehensive index

17590 **Nonimmigrant Students** Justice/INS proposes to revise regulations pertaining to nonimmigrant "F–1" students in the United States; representations by 5–19–80

17595 **Loans for Housing for the Elderly and Handicapped** HUD/Sec'y gives notice of transmittal of proposed rule to Congress

17710 **VA's Home Loan Program** VA is finalizing policies on participation of fee appraisers and compliance inspectors; effective 3–13–80

17593 **Child-Protection Packaging Requirements** CPSC proposes exemption for sodium fluoride drug preparations; comments by 5–19–80

17914–17915 **Motor Vehicle Exhaust Standards** EPA establishes carbon monoxide standards for 1981 model year light-duty vehicles belonging to certain Chrysler Corporation engine families; effective 3–31–80 (Part VIII of this issue) (2 documents)

17573 **Excise Tax** Treasury/IRS issues regulations relating to extension of maximum duration period of blanket exemption certificates for purchases of various items otherwise subject to tax; effective for sales made after 12–31–58

17715 **Sunshine Act Meeting**

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 720

Availability of Information; Public Observation of Board Meetings; Government in the Sunshine Act

AGENCY: National Credit Union Administration.

ACTION: Final Rule.

SUMMARY: In accordance with 5 U.S.C. 552b(g), the National Credit Union Administration adopts rules to implement the open meeting provisions of the Government in the Sunshine Act (5 U.S.C. 552b (b) through (f)). These rules govern the public observation of Board meetings and the availability of information regarding the decision-making process of the Board.

EFFECTIVE DATE: April 18, 1980.

ADDRESS: National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Beatrix D. Fields, Attorney-Adviser, at the same address or telephone (202) 357–1030.

SUPPLEMENTARY INFORMATION: As the result of establishing a three member Board, the National Credit Union Administration (NCUA) became subject to the open meeting provisions of the "Government in the Sunshine Act" (Pub. L. 94–409, 5 U.S.C. 552b (b) to (f), hereinafter referred to as the "Sunshine Act" or the "Act") on September 4, 1979. Section (g) of 5 U.S.C. 552b requires that agencies who are subject to the Sunshine Act promulgate regulations to implement the open meeting provisions of the Sunshine Act. However, section (g) also requires that prior to the promulgation of implementing regulations, agencies must consult with the Office of the Chairman of the Administrative Conference of the United States (ACUS) and publish in the **Federal Register** notice of its proposed regulations with an opportunity for public comment. NCUA has consulted with the ACUS and has published proposed Sunshine Act regulations for public comment (45 FR 7596, February 4, 1980). No public comments were received. Therefore, NCUA hereby promulgates final regulations to implement the open meeting provisions of the Sunshine Act.

By the National Credit Union Administration Board on March 13, 1980.

Rosemary Brady,
Secretary of the Board.

Accordingly, Subpart C is added to Part 720 as follows:

PART 720—AVAILABILITY OF INFORMATION

Subpart C—Public Observation of Board Meetings Under 5 U.S.C. 552b

Sec.
720.40 Scope and purpose.
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720.48 Maintenance of meeting records.
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Authority: Sec. 3(g), 90 Stat. 1241 (5 U.S.C. 552b(g); sec. 120, 73 Stat. 635 (12 U.S.C. 1766); and sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).

Subpart C—Public Observation of Board Meetings Under 5 U.S.C. 552b

§ 720.40 Scope and purpose.

(a) This subpart contains the regulations of the National Credit Union Administration implementing subsections (b) through (f) of 5 U.S.C. 552b as required by the Sunshine Act, Pub.L. 94–409. The primary purpose of these regulations will be to provide the public with the fullest access, authorized by law, to the deliberations and decisions of the Board while protecting the rights of individuals and preserving the ability of the agency to carry out its responsibilities.

§ 720.41 Definitions.

For the purposes of this subpart:

(a) "Agency" means the National Credit Union Administration.

(b) "Board" means the National Credit Union Administration Board, whose members are appointed by the President with the advice and consent of the Senate.

(c) "subdivision of the Board" means a group composed of two Board members authorized by the Board to act on behalf of the agency.

(d) "meeting" means any deliberations by two or more members of the Board or any subdivision of the Board that determine or result in the joint conduct or disposition of official agency business with the exception of: (1) Deliberations to determine whether a meeting or a portion thereof will be open or closed to public observation and whether information regarding closed meetings will be withheld from public disclosure; (2) deliberations to determine whether or when to schedule a meeting; and (3) infrequent dispositions of official agency business by sequential circulation of written recommendations to individual Board members ("notation voting procedure"): *Provided,* The votes of each Board member and the action taken are recorded for each matter and are publicly available, unless exempted from disclosure pursuant to 5 U.S.C. 552 (the Freedom of Information Act).

(e) "Public observation" means that a member or group of the public may listen to and observe any open meeting and may record in an unobtrusive manner any portion of that meeting by use of a camera or any other electronic device, but shall not participate in any meeting unless authorized by the Board.

(f) "Public announcement" or "publicly announce" means making reasonable efforts under the particular circumstances to fully inform the public, especially those individuals who have expressed interest in the subject matters to be discussed or the decisions of the agency.

(g) "Sunshine Act" means the open meeting provisions of the "Government in the Sunshine Act", Pub. L. 94–409, 5 U.S.C. 552b (b) to (f).

§ 720.42 Open Meetings.

Except as provided in § 720.43(a), any portion of any meeting of the Board shall be open to public observation. The Board and any subdivision of the Board, shall jointly conduct official agency business only in accordance with this subpart.

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§ 720.43 Exemptions.

(a) Under the procedures specified in § 720.45, the Board may close a meeting or any portion of a meeting from public observation or any withhold information pertaining to such meetings as otherwise required to be disclosed: *Provided,* The Board has properly determined that the public interest does not require otherwise and that the meeting (or any portion thereof) or the disclosure of meeting information is likely to:

(1) Disclose matters that are (i) specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy, and (ii) in fact properly classified pursuant to such Executive Order;

(2) Relate solely to internal personnel rules and practices;

(3) Disclose matters specifically exempted from disclosure by statute (other than Section 552 of Title 5 of the United States Code, the Freedom of Information Act): *Provided,* That such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Involve accusing any person of a crime, or formally censuring any person;

(6) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by a Federal agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of Federal agencies responsible for the regulation or supervision of financial institutions;

(9) Disclose information the premature disclosure of which would (i) Be likely to (A) lead to significant speculation in currencies, securities, or commodities, or (B) significantly endanger the stability of any financial institution, or (ii) be likely to significantly frustrate implementation of a proposed action, except that this subparagraph shall not apply in any instance where the Board has already disclosed to the public the content or nature of its proposed action, or where the Board is required by law to make such disclosure on its own initiative prior to taking final action on such proposal; or

(10) Specifically concern the issuance of a subpena, participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct or disposition of a particular case of formal agency adjudication pursuant to the procedures in Section 554 of Title 5 of the United States Code or otherwise involving a determination on the record after opportunity for a hearing. (b) Prior to closing a meeting whose discussions are likely to fall within the exemptions listed in paragraph (a) of this section, the Board will balance the public interest in observing the deliberations of an exemptible matter and the agency need for confidentiality of the exemptible matter. In weighing these interests, the Board is assisted by the General Counsel as provided in § 720.47, by expressions of the public interest set forth in requests for open meetings as provided by § 727.46(b), and by the brief staff analysis of public interest which will accompany each staff recommendation that an agenda item be considered in a closed meeting.

§ 720.44 Public Announcement of Meetings.

(a) Except as otherwise provided in this section the Board shall, for each meeting, make a public announcement, at least one week in advance of the meeting, of the time, place and subject matter of the meeting, whether it will be open or closed to public observation and the name and telephone number of the Secretary of the Board or the person designated by the Board to respond to requests for information about the meeting.

(b) Advance notice is required unless a majority of the members of the Board determine by a recorded vote that agency business requires that a meeting be called at an earlier date, in which case, the information to be announced in paragraph (a) of this section shall be publicly announced at the earliest practicable time.

(c) A change, including a postponement or a cancellation, in the time or place of a meeting after a published announcement may be made only if announced at the earliest practicable time.

(d) A change in or deletion of the subject matter of a meeting or any portion of a meeting or a redetermination to open or close a meeting or any portion of a meeting after a published announcement may be made only if (1) a majority of the Board determines by recorded vote that agency business so requires and that no earlier announcement of the change was possible and (2) public announcement of the change and of the vote of each member on such change shall be made at the earliest practicable time.

(e) Each meeting announcement or amendment thereof shall be posted on the Public Notice Bulletin Board in the reception area of the agency headquarters and may be made available by other means deemed desirable by the Board. Immediately following each public announcement required by this section, the stated information shall be submitted to the **Federal Register** for publication.

(f) No announcement shall contain information which is determined to be exempt from disclosure under § 720.43(n).

(g) The agency shall maintain a mailing list of names and addresses of all persons who wish to receive copies of agency announcements of meetings open to public observation and amendments to such announcements. Requests to be placed on the mailing list should be made by telephoning or by writing to the Secretary of the Board.

§ 720.45 Regular procedure for closing meeting discussions or limiting the disclosure of information.

(a) A decision to close any portion of a meeting and to withhold information about any portion of a meeting closed pursuant to § 720.43(a) will be taken only when a majority of the entire Board votes to take such action. In deciding whether to close a meeting or any portion of a meeting or to withhold information, the Board shall independently consider whether the public interest requires an open meeting. A separate vote of the Board will be taken and recorded for each portion of a meeting to be closed to public observation pursuant to § 720.43(a) or to withhold information from the public pursuant to § 720.43(a). A single vote may be taken and recorded with respect to a series of meetings, or any portions

of meetings which are proposed to be closed to the public, or with respect to any information concerning the series of meetings, so long as each meeting in the series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series. No proxies shall be allowed.

(b) Any person whose interests may be directly affected by any portion of a meeting for any of the reasons stated in subparagraph (5), (6), or (7) of § 720.43(a), may request that the Board close such portion of the meeting. After receiving notice of a person's desire for any specified portion of a meeting to be closed, the Board, upon a request by one member, will decide by recorded vote whether to close the relevant portion or portions of the meeting. This procedure applies to requests received either prior or subsequent to the announcement of a decision to hold an open meeting.

(c) Within one day after any vote is taken pursuant to paragraph (a) or (b) of this section, the Board shall make publicly available a written copy of the vote taken indicating the vote of each Board member. Except to the extent that such information is withheld and exempt from disclosure, for each meeting or any portion of a meeting closed to the public, the Board shall make publicly available within one day after the required vote, a written explanation of its action, together with a list of all persons expected to attend the closed meeting and their affiliation. The list of persons to attend need not include the names of individual staff, but shall state the offices of the agency expected to participate in the meeting discussions.

§ 720.46 Requests for open meetings.

(a) Following any announcement that the Board intends to close a meeting or any portion of any meeting, any person may make a written or telegraphic request to the Secretary of the Board that the meeting or a portion of a meeting be open. The request shall be circulated to the members of the Board, and the Board, upon the request of one member, shall reconsider its action under § 720.45 before the meeting or before discussion of the matter at the meeting. If the Board decides to open a portion of a meeting proposed to be closed, the Board shall publicly announce its decision in accordance with Section 720.44(c). If no request is received from a Board member to reconsider the decision to close a meeting or portion thereof prior to the meeting discussion, the Chairman of the Board shall certify that the Board did not request reconsideration of its decision to close the discussion of the matter.

(b) The request to open a portion of a meeting shall be submitted to the Secretary of the Board in advance of the meeting in question. The request shall set forth the requestor's interest in the matter to be discussed and the reasons why the requestor believes that the public interest requires that the meeting or portions thereof be open to public observation.

(c) The submission of a request to open a portion of a meeting shall not act to stay the effectiveness of Board action or to postpone or delay the meeting unless the Board decides otherwise.

(d) The Secretary of the Board shall advise the requestor of the Board's consideration of the request to open a portion of the meeting as soon as practicable.

§ 720.47 General Counsel certification.

For each meeting or any portion of a meeting closed to public observation under § 720.45, the General Counsel shall publicly certify, whether in his or her opinion, the meeting or portion thereof may be closed to public observation and shall state each relevant exemptive provision of law. A copy of the certification together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting and the persons present, shall be retained as a part of the permanent meeting records. As part of the certification, the General Counsel shall recommend to the Board whether the public interest requires that the meeting or portions thereof proposed to be closed to public observation be held in the open.

§ 720.48 Maintenance of meeting records.

(a) Except in those circumstances which are beyond the control of the agency, the Board shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or any portion thereof, closed to public observation. However, for meetings closed under subparagraph (8), (9)(A)(i), or (10) of § 720.43(a), the Board shall maintain either a transcript, a recording or a set of minutes. The Board shall maintain a complete electronic recording for each open meeting or any portion thereof. All records shall clearly identify each speaker.

(b) A set of minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons for taking such action. Minutes shall also include a description of each of the views expressed by each person in attendance on any item and the record of any roll call vote, reflecting the vote of each member. All documents considered in connection with any action shall be identified in the minutes.

(c) The agency shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes or a complete electronic recording of each meeting or any portion of a meeting, closed to public observation, for at least two years after such meeting or until one year after the conclusion of any agency proceeding with respect to which the meeting or any portion was held; whichever occurs later. The agency shall maintain a complete electronic recording of each open meeting for at least three months after the meeting date. A complete set of minutes shall be maintained on a permanent basis for all meetings.

§ 720.49 Public availability of meeting records and other documents.

(a) The agency shall make promptly available to the public, in the Public Reference Room, the transcript, electronic recording or minutes of any meeting, deleting any agenda item or any item of the testimony of a witness received at a closed meeting which the Board determined, pursuant to paragraph (c) of this section, was exempt from disclosure under § 720.43(a). The exemption or exemptions relied upon for any deleted information shall be reflected on any record or recording.

(b) Copies of any transcript, minutes or transcription of a recording, disclosing the identity of each speaker, shall be furnished to any person requesting such information in the form specified in paragraph (a) of this section. Copies shall be furnished at the actual cost of duplication or transcription unless waived by the Secretary of the Board.

(c) Following each meeting or any portion of a meeting closed pursuant to § 720.43(a), as the last item of business, the Board shall determine which, if any, portions of the meeting transcript, electronic recording or minutes not otherwise available under 5 U.S.C. 552a (Privacy Act), contain information which should be withheld pursuant to § 720.43(a): *Provided, however,* That should the Board not make such determinations immediately following any such closed meeting, the Secretary of the Board, upon the advice of the General Counsel or the General Counsel's designee and after consulting with the Board, shall make such determinations. If at a later time, the Board determines that there is no further justification for withholding any meeting

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record or other item of information from the public which has previously been withheld, then such information shall be made available to the public.

(d) Except for information determined by the Board to be exempt from disclosure pursuant to paragraph (c) of this section, meeting records shall be promptly available to the public in the Public Reference Room. Meeting records include but are not limited to: The transcript, electronic recording or minutes of each meeting, as required by § 720.48(a); the notice of requirements of § 720.44 and 720.45(c); and the General Counsel Certification along with the presiding officer's statement, as required by § 720.47.

(e) These provisions do not affect the procedures set forth in this Part 720, Subpart A governing the inspection and copying of agency records, except that the exemptions set forth in § 720.43(a) of this subpart and in 5 U.S.C. 552b(c) shall govern in the case of a request made pursuant to this Part 720, Subpart A to copy or inspect the meeting records described in this section. Any documents considered or mentioned at Board meetings may be obtained subject to the procedures set forth in this Part 720, Subpart A.

[FR Doc. 80-8399 Filed 3-18-80; 8:45 am]
BILLING CODE 7530-01-M

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12 CFR Part 722

Rules of Board Procedure; Final Rulemaking

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final Rule.

SUMMARY: As a result of Pub. L. 95-630, NCUA was restructured from management by a single administrator to governance by a three member Board ("NCUA Board"). Since the NCUA Board is a new form of management for the agency, new Part 722 is being added to set forth rules on how the new Board will transact its business.

EFFECTIVE DATE: April 18, 1980.

ADDRESS: National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Beatrix D. Fields, Attorney-Adviser, Office of General Counsel, at the above address or telephone (202) 357-1030.

SUPPLEMENTARY INFORMATION: Since the National Credit Union Administration Board ("Board") was a new form of management for the National Credit Union Administration (NCUA), it adopted at its first scheduled meeting, September 14, 1979, rules governing how it will transact its business.

The FCU Act is silent as to the details of how the Board shall manage itself. Section 102(d) of the FCU Act (12 U.S.C. 1752a(d)) provides that the Board "shall adopt such rules as it sees fit for the transaction of its business." This provision does not require the Board to adopt rules for the transaction of its business, but rather grants the discretion to adopt any rules "as it sees fit." The Sunshine Act (5 U.S.C. 552b) requires the Board to adopt rules implementing the open Board meeting provisions of that Act, and the previously submitted Sunshine Act Policy Statement forms the basis for these rules (Proposed Sunshine Act Rules, 45 FR 7596, Feb. 4, 1980). Those procedural rules not addressed by the Sunshine Act rules were adopted as rules of Board procedure and are set forth in the new Part 722.

The issues and recommendations adopted by the Board for its rules of procedure concern the exercise of the Board's authority to act on behalf of NCUA (quorum and voting requirements, use of proxies, and notation voting), the conduct of meetings (role of the presiding officer, scheduling of meetings, the agenda), and the recording of Board action. These rules of procedure are internal rules for conducting Board business.

The rules of procedure of the NCUA Board as set forth in Part 722 are rules of agency procedure. Such rules of agency procedure are exempt from the public notice and comment requirements of rulemaking by 5 U.S.C. 553(b)(A). In addition, such rules relating to agency management are exempt from the procedural requirements of NCUA's Final Report implementing E.O. 12044. The agency official responsible for this interpretation is Robert Fenner, Assistant General Counsel, Office of the General Counsel. Therefore, new Part 722 is being published as a final rule.

By the National Credit Union Administration Board, Effective March 13, 1980.

Rosemary Brady,
Secretary of the Board.

Accordingly, a new Part 722 is added to set forth the Rules of Board Procedure:

PART 722—RULES OF BOARD PROCEDURE

Sec.
722.1 Scope.
722.2 Number of votes required for Board action.
722.3 Voting by proxy.
722.4 Methods of acting.
722.5 Scheduling of Board meetings.
722.6 Subject matter of a meeting.

Authority: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766); and sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).

§ 722.1 Scope.

The rules contained in this part are the rules of procedures governing how the Board will conduct its business. These regulations concern the exercise of the Board's authority to act on behalf of NCUA, the conduct of Board meetings and the recording of Board action.

§ 722.2 Number of votes required for board action.

The agreement of at least two of the three Board members is required for action by the Board.

§ 722.3 Voting by proxy.

Proxy voting shall not be allowed at meetings of the Board.

§ 722.4 Methods of acting.

(a) *Notation voting.* Notation voting is the circulation of written memoranda and voting sheets to each Board member and the tabulation of the responses.

(1) *Matters that may be decided by Notation Voting.* Notation voting may be used only for routine matters, which normally will not include decisions on proposed and final rules, adjudications, and formal Board interpretations and policy statements.

(2) *Tallying Votes.* Tally sheets will be used which provide for approval with suggested administrative changes. The Secretary of the Board has administrative responsibility over notation voting, including the authority to establish deadlines for voting, receive tally sheets, count votes, and determine whether suggested administrative changes require recirculation.

(3) *Veto and Effect of Failure to Vote.* In view of the public policy for openness reflected in the Sunshine Act: (i) Each Board member is authorized to veto the use of notation voting for the consideration of any particular matter, and thus require that the matter be placed on the agenda of a Board meeting; and (ii) The failure by any Board member to respond to a notation vote within the prescribed time frame is to be treated as an indication that the matter be considered at a Board meeting.

(4) *Disclosure of Results.* A record is to be maintained of Board transactions by use of the notation voting procedure. Public disclosure of this record is determined by the provisions of the Freedom of Information Act (5 U.S.C. 552).

(b) *Board Meetings*—(1) *Applicability of the Sunshine Act.* The Government in the Sunshine Act (Pub. L. 94-409, 5 U.S.C. 552b, "Sunshine Act") requires that joint deliberations of the Board be held in accordance with its open meeting provisions (5 U.S.C. 552b(b) to (f)). Procedural rules for scheduling a meeting and determining the subject matter of a meeting are discussed within this part.

(2) *Presiding Officer.* The Chairman is the presiding officer, and, in the Chairman's absence, the designated Vice Chairman shall preside. The presiding officer shall make procedural rulings with the right of the objector to request a Board ruling.

§ 722.5 Scheduling of board meetings.

(a) *Meeting Calls*—(1) *Regular Periodic Meetings.* The Board will hold regular periodic meetings on Thursdays each week unless there is no business or a quorum is not available. The Secretary of the Board will coordinate the dates for meetings not scheduled on Thursday.

(2) *Special Meetings.* The Chairman shall call special meetings either on the Chairman's own initiative or at the request of any Board member.

(b) *Notice of Meetings*—(1) *Notifying the Public.* The Sunshine Act sets forth the procedures for notifying the public of Board meetings.

(2) *Notifying Board Members*—(i) *Special Meetings.* Except in cases of emergency as determined by a majority of the Board, each Board member is entitled to receive notice of any special meeting at least twenty-four hours in advance of such meeting. The notice shall set forth the place, day, hour and nature of business to be transacted at the meeting. The appearance by a Board member at a special meeting shall constitute waiver of notice, unless the Board member specifies that the appearance is solely for the purpose of objecting to lack of proper notice. (ii) *Regular Periodic Meetings.* Each Board member is entitled to receive notice of the agenda and/or notice of any changes in the subject matter of such meetings concurrent with the public release of such notices under the Sunshine Act. Each Board member shall be entitled to at least twenty-four hours advance notice of the consideration of a particular subject matter, except in cases of emergency as determined by a majority of the Board.

§ 722.6 Subject matter of a meeting.

(a) *Proposed Agenda.* The Chairman shall be responsible for initially determining each meeting agenda.

(b) *Submission of Agenda Items.* Agenda items may be submitted to the Secretary of the Board by each Board member, the Executive Staff (which includes all Office Directors and President of the Central Liquidity Fund), and Regional Directors.

[FR Doc. 80-8400 Filed 3-18-80; 8:45 am]
BILLING CODE 7535-01-M

INTERNATIONAL COMMUNICATION AGENCY

22 CFR Parts 502, 503, 504, 505

Authority Delegations, Organization, and Privacy Act Policies and Procedures; Miscellaneous Amendments

AGENCY: International Communication Agency.

ACTION: Final rule.

SUMMARY: The International Communication Agency amends its general regulations relating to delegations of authority, organization, and privacy. These amendments will update the regulations to reflect organizational changes, office moves, and minor editorial corrections.

EFFECTIVE DATE: March 19, 1980.

FOR FURTHER INFORMATION CONTACT: Jane S. Grymes, Management Analyst, Management Analysis/Regulations Staff, Associate Directorate for Management, International Communication Agency, Washington, D.C. 20547, AC 202-523-4308.

SUPPLEMENTARY INFORMATION: Pursuant to the authority of the Director of the International Communication Agency set forth in Reorganization Plan No. 2 of 1977, 22 CFR, Chapter V is amended as follows:

PART 502—WORLDWIDE FREE FLOW (EXPORT-IMPORT) OF AUDIO-VISUAL MATERIALS

Section 502.2 is amended to add paragraph (d):

§ 502.2 Implementing statute and Executive order.

* * * * * *

(d) Pub. L. 89-632 further provides:

"It shall be the duty of the Federal agency or agencies so designated to take appropriate measures for the carrying out of the provisions of the Agreement including the issuance of regulations.

"Sec. 2. Agencies of the Federal Government are authorized to furnish facilities and personnel for the purpose of assisting the agency or agencies designated by the President in carrying out the provisions of the Agreement."

PART 503—AVAILABILITY OF RECORDS

In § 503.3 the second and third listings on the chart are revised to read as follows:

§ 503.3 Places at which forms and instructions for use by the public may be obtained.

Subject matter	Office	Address
* * *	* * *	* * *
Contracts and Procurement	Contract and Procurement Division, Office of Administrative Services.	1717 H Street NW., Washington, D.C. 20547.
Application for employment, domestic service	Employment Br., Office of Personnel Services.	1776 Pennsylvania Ave. NW., Washington, D.C. 20547.
* * *	* * *	* * *

In § 503.5(b), first sentence is revised to read as follows:

§ 503.5 Availability of final opinions, orders, policies, interpretations, manuals and instructions.

* * * * * *

(b) *Current Index.* The Management Analysis/Regulations Staff, Associate Directorate for Management, 1425 K Street, N.W., Washington, D.C., will maintain and make available on Agency premises for public inspection and copying a current index providing identifying information for the public as to any matter issued, adopted or promulgated after July 4, 1967, and required by this section to be made available or published. * * *

In § 503.6(b)(4), the third sentence is revised to read as follows:

§ 503.6 Availability of Agency records.

* * * * * *

(b) * * *

(4) * * * On the expiration of the time limit the Office of Congressional and Public Liaison shall inform the requester of the reason for the delay, of the date on which a determination may be expected to be dispatched and of his/her right to treat the delay as a denial and of his/her right to appeal. * * *

PART 504—ORGANIZATION

§ 504.2 [Amended]

In § 504.2(b), the second sentence is revised to read as follows:

* * * * * *

(b) * * *. The Reorganization Plan abolished the U.S. Advisory Commission on Information and the U.S. Advisory Commission on International

Educational and Cultural Affairs and established the U.S. Advisory Commission on International Communication, Cultural, and Educational Affairs whose name was subsequently changed to the United States Advisory Commission on Public Diplomacy by Section 604 of the Department of State Authorization Act, Fiscal Years 1980–1981 (93 Stat. 399, August 15, 1979).

* * * * *

§ 504.2 [Amended]

In § 504.2(c), the last full sentence is revised to read as follows:

* * * * *

(c) * * *. The International Communication Agency operates field posts in 127 foreign countries.

* * * * *

§ 504.2 [Amended]

In § 504.2(d)(1)(i)(3), the second paragraph is revised to read as follows:

* * * * *

(d) * * *

(i) * * *

(3) * * * VOA produces and broadcasts radio programs in English and 36 foreign languages, and operates broadcasting and relay facilities to transmit these programs.

§ 504.2 [Amended]

Section 504.2(d)(1)(ii) is amended to read as follows:

* * * * *

(d) * * *

(1) * * *

(ii) The Associate Directorate for Programs is comprised of three small specialized staffs, two foreign press centers, and five major offices and services, all reporting directly to the Associate Director. The Evaluation Staff performs followup for the Agency's inspection activities and evaluates the extent to which media products reflect the Agency's subject priorities. The Planning and Guidance Staff provides both fast daily and in depth background guidance for operating elements of the Agency on those U.S. foreign policy issues which are susceptible to public diplomacy and on those domestic concerns which are relevant to the conduct of it, reviews program proposals of the Agency's overseas posts and Washington elements to assure that they are consistent with agreed-upon policy and that resources are allocated in accordance with priorities, and represents USICA in interagency meetings on public affairs issues. The International Communication Policy Staff develops options and policy recommendations over the entire range of international communication policy issues for the Director of USICA and for the consideration of the U.S. Government as a whole. Foreign Press Centers in New York and Washington provide facilitative services to foreign journalists working in those cities. The Office of Program Coordination and Development coordinates the design and implementation of all Agency support for major communication projects proposed by the Agency's overseas posts or undertaken by it in response to worldwide and regional priorities set by the Director, recruits American participants for those projects, and develops a systematic aggregation of essential resource materials to guide the acquisition and production of media support for them. This Office also is responsible for the development and coordination of the Agency's arts initiative undertaken through an agreement with the National Endowments, including recruitment and scheduling of all fine arts exhibitions and performing artists and groups for overseas programming. The Office of Research combines the functions of research, foreign media reaction reporting, and the Agency library. The three media services—Exhibits, Press and Publications, and Television and Film—are responsible for the acquisition and production of a variety of media products for use or adaptation by USICA's overseas posts. These include exhibits in various formats; a daily wireless bulletin to all posts, magazines, pamphlets, reprints, photographs, and picture stories; and motion pictures, television programs, and videotape recordings for direct viewing. The media services also operate printing plants at two overseas locations and provide facilitative services to foreign TV production teams.

* * * * *

Section 504.2(d)(1)(iii) is amended to read as follows:

* * * * *

(d) * * *

(1) * * *

(iii) The Associate Directorate for Educational and Cultural Affairs (ECA) is composed of four major offices. The Office of Cultural Centers and Resources provides policy direction, program support, and professional guidance and materials to overseas libraries and American and Binational Centers. It promotes the distribution of American books in English and in translation; operates a donated books program; and supports English teaching programs abroad. The Office of Private Sector Programs supports the enhancement of Americans' competence in world affairs through greater understanding of other societies—their peoples, values, cultures and aspirations—by providing selective assistance, encouragement and grant support to nonprofit activities of U.S. organizations outside the federal government that satisfy this purpose. The Office of International Visitor Programs is responsible for planning, implementing, monitoring and evaluating all International Visitor and Voluntary Visitor programs; for managing the Agency's five reception centers; for serving as the Agency's liaison with public and private organizations involved in the International Visitor Program; and for arranging programs in the U.S. for UN Fellows and foreign government trainees. The Office of Academic Programs is responsible for conducting academic exchanges between the United States and other countries; facilitating the establishment and maintenance of close ties between the American academic community and those abroad; encouraging and supporting American studies at foreign universities and other institutions of higher learning; and providing staff support to the Board of Foreign Scholarships.

* * * * *

§ 504.2 [Amended]

In § 504.2(d)(1)(vi), the first sentence is revised to read as follows:

* * * * *

(d) * * *

(1) * * *

(vi) The Agency maintains 204 posts abroad in 127 countries. * * *

§ 504.2 Appendix I [Amended]

In § 504.2 APPENDIX I (1), the third office listing is revised to read as follows:

* * * * *

United States Advisory Commission on Public Diplomacy.

* * * * *

§ 504.2 Appendix I [Amended]

In § 504.2 APPENDIX I(2)(b), the second office listing is revised to read as follows:

* * * * *

Associate Directorate for Educational and Cultural Affairs—Office of Cultural Centers and Resources;

Associate Directorate for Management—Office of Administrative Services.

§ 504.2 Appendix I [Amended]

In § 504.2 APPENDIX I(2)(f) is revised to read as follows:

* * * * *

(f) International Communication Agency, 1425 K Street, N.W., Washington, D.C. 20547; Associate Directorate for Management—Office of Security, Office of Audits, Office of Inspections, Management Analysis/Regulations Staff; Associate Directorate for Programs—Exhibits Service.

§ 504.2 Appendix II [Amended]

In § 504.2 APPENDIX II, the second office listing is revised to read as follows:

* * * * *

International Communication Agency, Foreign Press Center, 18 E. 50th Street, New York, N.Y. 10022.

* * * * *

§ 504.2 Appendix II [Amended]

In § 504.2 APPENDIX II, the sixth office listing is revised to read as follows:

* * * * *

International Communication Agency, Southeast Correspondent Staff, Room 1518 Federal Office Building, 51 S.W. First Avenue, Miami, Fla. 33130.

* * * * *

§ 504.2 Appendix II [Amended]

In § 504.2 APPENDIX II, the fourteenth office listing is revised to read as follows:

* * * * *

International Communication Agency, West Coast Correspondent Staff, Room 13123, Federal Building, 11000 Wilshire Boulevard, Los Angeles, Calif. 90024.

* * * * *

PART 505—PRIVACY ACT POLICIES AND PROCEDURES

In § 505.7(a)(1) last sentence is revised to read as follows:

§ 505.7 Request for correction or amendment of record.

(a) * * *

(1) * * *. These guidelines will also be available in the USICA Office of Congressional and Public Liaison, Room 1013, 1750 Pennsylvania Avenue, NW., Washington, D.C. 20547, or may be obtained by writing the Director of Congressional and Public Liaison, at the above address.

* * * * *

In § 505.10(e)(10), the paragraph is revised to read as follows:

§ 505.10 Disclosure of record to persons other than the individual to whom it pertains.

* * * * *

(e) * * *

(10) Disclosure to the General Accounting Office. Records on individuals may be disclosed to the Comptroller General or any of his/her authorized representatives, in the course of the performance of the duties of the General Accounting Office.

* * * * *

It is the general policy of the International Communication Agency to allow time for interested parties to take part in the rulemaking process. These amendments are administrative in nature, therefore, the rulemaking process involving comment and public procedure is waived and these amendments become effective March 19, 1980.

Issued at Washington, D.C.

John E. Reinhardt,

Director, International Communication Agency.

[FR Doc. 80-8428 Filed 3-18-80; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 43a

Preparation of a Roll of Pyramid Lake Paiute Indians; Preparation, Certification and Approval of Roll

March 13, 1980.

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs is adding a new part to its regulations to establish procedures to govern preparation of a roll of persons eligible to share in the distribution of funds derived from an award to the Pyramid Lake Paiute Tribe.

EFFECTIVE DATE: The new regulations will become effective March 19, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Hunter, Superintendent, Western Nevada Agency, Bureau of Indian Affairs, Stewart, Nevada 89437, Telephone: 702–882–3411.

SUPPLEMENTARY INFORMATION: Proposed regulations for the preparation of a roll of members of the Pyramid Lake Paiute Indian Tribe were published for comment in the **Federal Register** on January 14, 1980 (45 FR 2665). On January 24, 1980, a correction to the proposed regulations was published in the **Federal Register** (45 FR 5754). The membership roll to be prepared will be used to distribute funds derived from an award to the Pyramid Lake Paiute Indian Tribe by the Indian Claims Commission in Docket 87–B. Funds to satisfy the award were appropriated by Congress and the plan for the use and distribution of the funds became effective on June 12, 1979.

No comments or suggestions were received. The only changes in the regulations are the insertion in § 43a.3(c) of the deadline for filing applications, July 15, 1980, and the correction of two typographical errors: changing § 41a.1 to correctly read § 43a.1 and deleting an "s" from "Applications" in the beginning of § 43a.4(s).

The authority for issuing this amendment is contained in 5 U.S.C. 301 and sections 463 and 465 of the revised statutes (25 U.S.C. 2 and 9), and 209 DM 8.

The regulations impose a deadline for applying for enrollment to share in the judgment funds. The 30-day deferred effective date would curtail the filing period, which would not be in the public interest. Therefore, the 30-day deferred effective date is dispensed with under the exception provided in subsection (a)(3) of 5 U.S.C. 553 (1970).

The Department of the Interior has determined that these regulations do not significantly affect the quality of the human environment and, therefore, do not require the preparation of an Environmental Impact Statement under Section 102 (2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332 (2)(c).

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The primary authors of this document are Sharlot Johnson, Tribal Enrollment Specialist and Allen Anspach, Tribal Operations Officer (Intern), Phoenix Area Office, Bureau of Indian Affairs; and Janet L. Parks, Chief, Branch of Tribal Enrollment Services, and Kathleen L. Slover, Tribal Enrollment Specialist, Branch of Tribal Enrollment Services, Bureau of Indian Affairs.

Subchapter F of Chapter I of Title 25 of the Code of Federal Regulations is amended by the addition of a new part to read as set forth below.

Rick Lavis,

Deputy Assistant Secretary, Indian Affairs.

PART 43a—PREPARATION OF A ROLL OF PYRAMID LAKE PAIUTE INDIANS

Sec.

43a.a.1 Definitions.
43a.2 Purpose.
43a.3 Qualification for enrollment and the deadline for filing.
43a.4 Application form.
43a.5 Filing of applications.
43a.6 Burden of proof.
43a.7 Action by the Tribe.
43a.8 Action by the Superintendent.
43a.9 Appeals.
43a.10 Decision of the Secretary on appeals.
43a.11 Preparation of roll.

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Sec.

43a.12 Certification and approval of the roll.
43a.13 Special instructions.

Authority: 5 U.S.C. 301, 463 and 465 of revised statutes (25 U.S.C. 2 and 9), and 209 DM 8.

§ 43a.1 Definitions.

As used in these regulations:

(a) "Plan" means the plan for the use and distribution of Pyramid Lake Paiute judgment funds awarded in Docket 87–B before the Indian Claims Commission, prepared pursuant to the Act of October 19, 1973, and effective June 12, 1979.

(b) "Secretary" means the Secretary of the Interior or his authorized representative.

(c) "Assistant Secretary" means the Assistant Secretary of the Interior for Indian Affairs or his authorized representative.

(d) "Director" means the Area Director, Phoenix Area Office, Bureau of Indian Affairs or his authorized representative acting under delegated authority.

(e) "Superintendent" means the Superintendent, Western Nevada Agency, Bureau of Indian Affairs or his authorized representative acting under delegated authority.

(f) "Staff Officer" means the Enrollment Officer or other person authorized to prepare the roll.

(g) "Tribe" means the Pyramid Lake Paiute Tribe of Nevada.

(h) "Tribal Council" means the governing body of the Pyramid Lake Paiute Tribe.

(i) "Tribal Enrollment Committee" means the tribal committee responsible for assisting the Tribal Council in enrollment.

(j) "Living" means born on or prior to and living on June 12, 1979.

(k) "Resident" means one who makes the Pyramid Lake Indian Reservation his fixed and permanent home and to which, if he is absent, he intends to return.

(l) "Constitution" means the written organizational framework for the governing of the tribe and/or any valid document, enrollment ordinance, or resolution the tribe may adopt pursuant to its constitution.

(m) "Sponsor" means a parent, recognized guardian, next friend, next of kin, spouse, executor or administrator of estate, the Superintendent, or other person who files an application for enrollment on behalf of another person.

§ 43a.2 Purpose.

The regulations in this part are to govern the compilation of a roll of members of the Pyramid Lake Paiute Tribe eligible to share in the distribution of judgment funds awarded the Pyramid Lake Paiute Indians by the Indian Claims Commission in Docket No. 87–B.

§ 43a.3 Qualifications for enrollment and deadline for filing.

The roll shall contain the names of persons living on June 12, 1979, who meet the following requirements for enrollment:

(a) The criteria specified in Article II, Section 1 of the Pyramid Lake constitution which provides that the membership of the tribe shall consist of:

(1) All persons of Indian blood whose names appear on the official roll of the Pyramid Lake Reservation as of January 1, 1935.

(2) All children born to any member of the Pyramid Lake Paiute Tribe who is a resident of the reservation at the time of the birth of said children; or

(b) They are adopted into membership by the tribe pursuant to any ordinance adopted by the tribe in accordance with Article II, Section 2 of the constitution, and approved by the Secretary.

(c) They file an application with the Superintendent, Western Nevada Agency, Stewart, Nevada 89437. Applications must be received by the Superintendent no later than close of business on July 15, 1980. Applications received after that date will be rejected for inclusion on the roll being prepared for failure to file on time regardless of whether applicant otherwise meets the requirements for enrollment. However, persons rejected for late-filed applications may be considered for enrollment as members of the tribe for future purposes. If the filing deadline falls on a Saturday, Sunday, legal holiday or other nonbusiness day, the deadline will be the next working day thereafter.

§ 43a.4 Application forms.

(a) Application forms to be filed by applicants for enrollment will be furnished by the Superintendent, or other designated persons, upon written or oral request. Each person furnishing application forms shall keep a record of the names of individuals to whom applications are given, as well as the control numbers of the forms and the date furnished. Instructions for completing and filing applications shall be furnished with each form. The form shall indicate prominently the deadline for filing applications.

(b) Among other information, each application shall contain:

(1) Certification as to whether application is for a natural child or an adopted child of the parent through whom eligibility is claimed.

(2) If the application is filed by a sponsor, the name, and address of sponsor and relationship to applicant.

(3) A control number for the purpose of keeping a record of applications furnished interested individuals.

§ 43a.5 Filing of applications.

(a) Any person who desires to be enrolled and who believes he meets the requirements for enrollment specified in the plan and the regulations in this part must file or have filed for him a completed application form with the Superintendent or other designated person on or before the deadline specified in § 43a.3.

(b) Written application forms for minors, mentally incompetent persons or other persons in need of assistance, for members of the Armed Services or other service of the U.S. Government and/or members of their families stationed in Alaska, Hawaii, or elsewhere outside the continental United States, or for a person who died after June 12, 1979, may be filed by the sponsor on or before the deadline.[1]

(c) Every applicant or sponsor shall furnish the applicant's mailing address on the application. Thereafter, he shall promptly notify the Superintendent of any change in address, giving appropriate identification of the application, otherwise the address as stated shall be acceptable as the proper address.

§ 43a.6 Burden of proof.

The burden of proof of eligibility for enrollment rests upon the applicant. Documentary evidence such as birth certificates, death certificates, baptismal records, copies of probate findings or affidavits must be used to support claims for enrollment. Records of the Bureau of Indian Affairs may also be used to establish eligibility.

§ 43a.7 Action by the tribe.

All applications received by the Superintendent shall be submitted to the Tribal Enrollment Committee for review and recommendation. The Tribal Enrollment Committee shall review all applications and present their written recommendations at the next regularly scheduled Tribal Council meeting after receipt of the applications. The Tribal Council, by resolution, will make their decision. The decision shall state the reason(s) for approval or rejection of the applicant for tribal membership. Within five (5) working days after the Tribal Council's action, the applications shall be returned to the Superintendent with

[1] Criminal penalties are provided by statute for knowingly filing false information in such settlements. (18 U.S.C. 1001).

the decision and any additional evidence used in determining eligibility for tribal membership.

§ 43a.8 Action by the Superintendent.

(a) The Superintendent shall consider each application, all documentation, and the Tribal Council's decision. The Superintendent shall accept the decision of the Tribal Council unless the decision is clearly erroneous. If the Superintendent overrules the Tribal Council's decision, he shall notify the Tribal Council of his actions and the reasons therefore. The determination of the Superintendent shall only affect the applicant's eligibility to share in the distribution of the judgment funds. Upon determining an applicant's eligibility, the Superintendent shall notify the applicant or sponsor, as applicable, in writing of his decision. If the decision is favorable, the name of the applicant shall be placed on the roll. If the Superintendent decides the applicant is not eligible, he shall notify the applicant or sponsor, as applicable, in writing by certified mail, to be received by the addressee only, return receipt requested, and shall explain fully the reasons for rejection and of the right to appeal to the Secretary. If correspondence is sent out of the United States, it may be necessary to use registered mail. If an individual files applications on behalf of more than one person, one notice of eligibility or rejection may be addressed to the person who filed the applications. However, said notice must list the name of each person involved.

(b) A notice of eligibility or rejection is considered to have been made on the date (1) of delivery indicated on the return receipt, (2) of acknowledgment of receipt, (3) of personal delivery, or (4) of the return by the post office of an undelivered certified or registered letter.

(c) In all cases where an applicant is represented by an attorney, such attorney will be recognized as fully controlling the same on behalf of his client; and service of any document relating to the application shall be considered to be service on the applicant he represents. Where an applicant is represented by more than one attorney, service upon one of the attorneys shall be sufficient.

(d) To avoid hardship or gross injustice, the Superintendent may waive technical deficiencies in applications or other submissions. Failure to file by the deadline does not constitute a technical deficiency.

§ 43a.9 Appeals.

Appeals from rejected applications must be in writing and must be filed pursuant to Part 42 of this subchapter, a copy of which shall be furnished with each notice of rejection.

§ 43a.10 Decision of the Secretary on appeals.

The decision of the Secretary on an appeal shall be final and conclusive, and written notice of the decision shall be given to the applicant or sponsor. When so directed by the Secretary, the Assistant Secretary shall cause to be entered on the roll the name of any person whose appeal has been sustained.

§ 43a.11 Preparation of roll.

The staff officer shall prepare a minimum of 5 copies of the roll of those persons determined to be eligible for enrollment, including those whose appeals were sustained. In addition to other information which may be shown, the complete roll shall contain for each person an identification number, name, address, sex, date of birth, date of death (if applicable), degree of tribal blood, and the authority for enrollment.

§ 43a.12 Certification and approval of the roll.

A certificate shall be attached to the roll by the Superintendent certifying that to the best of his knowledge and belief the roll contains only the names of those persons who were determined to meet the requirements for enrollment. The Director shall approve the roll.

§ 43a.13 Special instructions.

To facilitate the work of the Superintendent the Assistant Secretary may issue special instructions not inconsistent with the regulations in this part.

[FR Doc. 80-8328 Filed 3-18-80; 8:45 am]
BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 48 and 154

[T.D. 7686; LR-56-79]

Manufacturers and Retailers Excise Taxes; Uniform Maximum Period for Exemption Certificates

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to an extension of the maximum duration period of blanket exemption certificates for purchases of various items otherwise subject to tax. These regulations provide necessary guidance to the public for compliance with the law, and they affect all persons required to pay retailers or manufacturers excise taxes.

DATE: The regulations are effective for sales made after December 31, 1958.

FOR FURTHER INFORMATION CONTACT: Annie R. Alexander of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T:LR–56–79, 202–566–3287, not a toll-free call.

SUPPLEMENTARY INFORMAITON:

Background

This Treasury decision amends §§ 48.4041–9, 48.4073–3, 48.4083–1, 48.4091–3–4, 6, 48.4093–1, and 154.1–1 of the regulations to extend the maximum duration of blanket exemption certificates from 4 calender quarters to 12 calendar quarters. The certificates are used by purchasers buying otherwise taxable items for exempt purposes and on a regular basis from a single supplier. The certificates are required before a tax-free purchase can be made. Treasury Decision 7536, 1978–1 C.B. 317, extended the maximum period from 4 to 12 calendar quarters for some, but not all, exemption certificates. These regulations will create a uniform period for all such certificates. For similar reasons, § 48.4221–6 (c) is amended to permit notification for a period not to exceed 12 calendar quarters. Because this regulation is nonsubstantive and liberalizes a procedural requirement in favor of taxpayers, it is found unnecessary to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section. For the same reasons, this regulation is not a significant regulation under paragraph 8 of the Treasury Directive appearing in the Federal Register for November 8, 1978 (43 FR 52120).

Drafting Information

The principal author of these regulations is Annie R. Alexander of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

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Amendments to the Regulations

The following amendments to 26 CFR Parts 48 and 154 are adopted:

§ 48.4041–9 [Amended]

Paragraph 1. Paragraph (b)(2) of § 48.4041–9 is amended by substituting "12 calendar quarters" for "4 calendar quarters" in the second sentence.

§ 48.4073–3 [Amended]

Par. 2. Paragraph (c)(2) of § 48.4073–3 is amended by substituting "12 calendar quarters" for "4 calendar quarters" in the second sentence.

§ 48.4083–1 [Amended]

Par. 3. Paragraph (a) of § 48.4083–1 is amended by substituting "twelve successive calendar quarters" for "four successive calendar quarters" in the first sentence immediately following (a)(2)(ii).

§ 48.4091–3 [Amended]

Par. 4. Paragraph (a)(2)(ii) of § 48.4091–3 is amended by substituting "12 calendar quarters" for "4 calendar quarters" in the second sentence.

§ 48.4091–4 [Amended]

Par. 5. Paragraph (a)(2)(ii) of § 48.4091–4 is amended by substituting "12 calendar quarters" for "4 calendar quarters" in the second sentence.

§ 48.4091–6 [Amended]

Par. 6. Paragraph (b)(2) of § 48.4091–6 is amended by substituting "12 calendar quarters" for "4 calendar quarters" in the second sentence.

§ 48.4093–1 [Amended]

Par. 7. Paragraph (a)(2)(i) of § 48.4093–1 is amended by substituting "12 calendar quarters" for "4 calendar quarters".

§ 48.4221–6(c) [Amended]

Par. 8. Section 48.4221–6(c) is amended by deleting the period at the end of the next to the last sentence and inserting in lieu thereof the following: "except that a single notification containing the information described in this paragraph may cover all sales by the seller to the purchaser made during a designated period not to exceed 12 successive calendar quarters.".

§ 154.1–1 [Amended]

Par. 9. Paragraph (d)(4) of § 154.1–1 is amended by substituting "12 calendar quarters" for "4 calendar quarters" in the first sentence.

(This Treasury decision is issued under the authority contained in Section 7805 of the Code (68A Stat. 917, 26 U.S.C. 7805)

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: February 28, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 80-8378 Filed 3-18-80; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 209

[DoD Directive 4120.18][1]

Metric System of Measurement

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule assigns Department of Defense responsibilities for the implementation and management of the metric system of measurement in compliance with Title 15, U.S.C. 205, "Metric Conversion Act of 1975"; and establishes the DoD Metrication Steering Group. Use of this system will promote interchangeability and interoperability of equipment and materiel with NATO and other allied nations, facilitate joint military production programs, and simplify supply operations.

EFFECTIVE DATE: January 28, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. H. B. Ellsworth, Office of the Under Secretary of Defense for Research and Engineering (Specifications and Standards), The Pentagon, Washington, D.C. 20301, Telephone: 202–695–7915.

SUPPLEMENTARY INFORMATION: In FR Doc. 78–2571, appearing in the **Federal Register** (43 FR 4009) on January 31, 1978, the Office of the Secretary of Defense published Part 209, effective December 10, 1976, which established Department of Defense policies for the use of the metric system of measurement. This rule revises the previously published Part 209.

Accordingly, 32 CFR Chapter I, is amended by revising PART 209, reading as follows:

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

PART 209—METRIC SYSTEM OF MEASUREMENT

Sec.

209.1 Reissuance and purpose.
209.2 Applicability.
209.3 Background.
209.4 Policy.
209.5 Objectives.
209.6 Responsibilities.

Authority: The provisions of this Part 209 issued under 15 U.S.C. 205a-k (Pub.L. 94–168).

§ 209.1 Reissuance and purpose.

This Part is reissued to reflect organizational responsibilities for the implementation and management of the metrication system of measurement within the Department of Defense, and to establish the Metrication Steering Group.

§ 209.2 Applicability.

The provisions of this Part apply to the Office of the Secretary of Defense, the Joint Chiefs of Staff, the Military Departments, and the Defense Agencies (hereafter referred to as "DoD Components").

§ 209.3 Background.

(a) The Metric Conversion Act of 1975, Title 15, U.S.C. Section 205a-k (Pub. L. 94–168) establishes a national policy of coordinating the use of the Metric System in the United States. To comply with that policy, the Department of Defense must establish guidelines and procedures to ensure that conversion from the U.S. Customary System of weights and measures (inch-pound) to the Metric System shall be accomplished with minimum cost and disruption of operations.

(b) Use of the Metric System shall promote interchangeability and interoperability of equipment and materiel with out allies, facilitate joint military production programs, and simplify supply operations.

(c) DoD Components shall keep pace with industry by using metric items when commercially available and economically and technically practicable.

§ 209.4 Policy.

(a) It is the policy of the Department of Defense to consider the use of the Metric System in all of its activities, consistent with operational, economical, technical, and safety requirements.

(b) The Metric System shall be used in all new designs, unless such use is not in the best interest of the Department of Defense. In the latter instance, justification shall be documented. Adoption of the Metric System shall also be considered in the acquisition of supplies and services. In general, DoD

Components shall adopt the Metric System in:

(1) Developing materiel to be used jointly with the North Atlantic Treaty Organization (NATO) and other allied nations.

(2) Developing military materiel that has potential for significant foreign sales or multinational joint acquisition programs.

(3) Areas where industry has made significant progress in the design and production of metric products.

(4) Areas where defense-industry preparedness or defense production readiness may be enhanced.

(5) Areas that offer an economical, operational, or other advantage, or where no disadvantage is incurred.

§ 209.5 Objectives.

(a) Physical and operational interfaces between metric items and inch-pound items shall be designed to ensure that interchangeability and interoperability shall not be adversely affected.

(b) Existing designs dimensioned in inch-pound units shall be converted to metric units only if determined to be necessary or advantageous. Unnecessary retrofit of existing systems with new metric components shall be avoided when both the metric and inch-pound components are interchangeable and interoperable. Normally, the measurement units in which a system is originally designed shall be retained for the life of the system.

(c) During the metric transition phase, use of hybrid metric and inch-pound designs may be necessary and will be acceptable. Materiel components, parts, subassemblies, and semifabricated materials that are of commercial design shall be specified in metric units when economically available and technically adequate, or when it is otherwise specifically determined to be in the best interest of the Department of Defense. Bulk materials shall be specified and accepted in metric units when expediency and economy dictates.

(d) Defense Systems Acquisition Review Council (DSARC) reviews and associated Decision Coordinating Papers (DoD Directive 5000.2[1] "Major System Acquisition Process," January 18, 1977) shall address the use of metric units of measurement or reasons for their nonuse.

(e) Technical reports, studies, and position papers (except those pertaining to items dimensioned in inch-pound units) shall include metric units of measurement in addition to or in place of inch-pound units. With respect to existing contracts, this requirement applies only if such documentation can be obtained without an increase in contract costs.

(f) Programing and budgeting actions shall include resources required to support the DoD effort in converting to the use of metric units. Use of the Metric System shall be identified, justified, and planned so that costs can be included in the budget cycle on an orderly basis.

(g) The Department of Defense shall use the Metric System of the International System of Units (SI) described by the American Society for Testing and Materials, E–380, "Standard for Metric Practice, DoD Index of Specifications and Standards."

(h) To the extent that there is DoD interest, representatives shall participate in the development of national and international standards using the Metric System. NATO and other international metric standards shall be used to the maximum practical extent. However, if a U.S. standard is established with greater definition and restriction than the international standard, the U.S. standard shall be used.

(i) Emphasis shall be placed on coverting or developing specifications, standards, and other general-purpose technical data to keep pace with overall metric conversion activity. When a military item has no commercial counterpart, the developing agency shall assume a leadership role in developing the applicable metric document when the need arises.

(j) When purchasing new shop and laboratory equipment, DoD Components are encouraged to specify features that will allow direct measurement of metric units or both metric and inch-pound units. Use of conversion kits is also encouraged.

(k) Training in metric practices and usage shall be provided to personnel whose duties require such knowledge.

(l) Use of dual dimensions (such as both metric and inch-pound dimensions on drawings) shall be avoided, unless it is determined in specific instances that such usage is beneficial. The use of tables on documents to translate dimensions from one system of measurement to the other is acceptable.

§ 209.6 Reponsibilities.

(a) The *Under Secretary of Defense for Research and Engineering,* or designee, shall:

(1) Provide direction and guidance in the application and use of the metric system of measurement.

(2) Establish the DoD Metrication Steering Group to plan and coordinate the Department of Defense's conversion to the metric system, and to advise DoD Components on matters relating to metrication.

(b) The *Heads of DoD Components* shall:

(1) Appoint a person or establish an office to coordinate metric activities.

(2) Designate a primary and alternate person to represent the DoD Component on the DoD Metrication Steering Group.

(3) The Defense Logistics Agency shall provide the Executive Secretariat to the DoD Metrication Steering Group.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 14, 1980.

[FR Doc. 80-8379 Filed 3-18-80; 8:45 am]

BILLING CODE 3810-70-M

[1] See footnote, page 1.

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32 CFR Part 294

[DoD Directive 5400.12][1]

Obtaining Information From Financial Institutions: Rights to Financial Privacy Act of 1978

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule permits Department of Defense Components to request financial records from a financial institution under the Right to Financial Privacy Act of 1978, and prescribes the conditions and procedures under which such requests may be made. The procedures that this rule established shall be used by authorized DoD personnel to obtain financical records.

EFFECTIVE DATE: February 6, 1980.

FOR FURTHER INFORMATION CONTACT: LTC Aurelio Nepa, Jr., USAF, Staff Director, Defense Privacy Board, Office of the Deputy Assistant Secretary of Defense, (Administration), Telephone: 202–694–3027.

SUPPLEMENTARY INFORMATION: In FR Doc. 79–11033, appearing in the **Federal Register** (44 FR 21304) on April 10, 1979, the Office of the Secretary of Defense published a proposed rule that would permit certain elements of DoD Components to request financial records from a financial institution in accordance with 92 Stat. 3697, et seq, 12 U.S.C. 3401, et seq. No substantive comments from the public sector were received; however, some internal DoD Components' comments and editorial changes were incorporated in the final rule.

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA. 19120. Attention: Code 301.

Accordingly, 32 CFR Chapter I, is amended by adding PART 294, reading as follows:

PART 294—OBTAINING INFORMATION FROM FINANCIAL INSTITUTIONS: RIGHTS TO FINANCIAL PRIVACY ACT OF 1978

Sec.

294.1 Purpose.
294.2 Applicability and scope.
294.3 Policy.
294.4 Information requirements.
294.5 Responsibilities.
294.6 Definitions.
294.7 Requesting basic identifying account information.
294.8 Procedures for obtaining customer's consent.
294.9 Other access procedures.
294.10 Requests for financial records in connection with foreign intelligence and foreign counterintelligence activities.
294.11 Emergency access procedures.
294.12 Procedures for delay of notice.
294.13 Procedures for releasing information obtained from financial institutions.
294.14 Right to Financial Privacy Act of 1978 Annual Report.
Enclosure 1—Request for basic identifying account data format.
Enclosure 2—Customer consent and authorization for access format.
Enclosure 3—Formal written request for access format.
Enclosure 4—Certificate of compliance with the Right to Financial Privacy Act of 1978.
Enclosure 5—Customer notice of formal written request format.

Authority: 92 Stat. 3697, et seq., (12 U.S.C 3401, et seq.)

§ 294.1 Purpose.

This Part implements Title 12, U.S.C Section 3401, et seq., Pub. L. 95–630, "Right to Financial Privacy Act of 1978," and prescribes the procedures for the Department of Defense to use to gain access to financial records maintained by financial institutions.

§ 294.2 Applicability and scope.

(a) The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, the Defense Investigative Service, and the National Security Agency (hereafter referred to as the "DoD Components").

(b) Its provisions apply only to financial records maintained by financial institutions as defined in § 294.6(a).

§ 294.3 Policy.

(a) It is the policy of the Department of Defense when obtaining financial records from a financial institution to seek the consent of the customer to whom the record pertains, unless doing so compromises or harmfully delays a legitimate law enforcement inquiry. If the person declines to consent to disclosure, the alternative means of obtaining the records authorized by this Part shall be utilized.

(b) The provisions of 12 U.S.C. 3401 et seq. and this Part do not govern obtaining access to financial records maintained by military banking contractors located outside of the United States, the District of Columbia, Guam, American Samoa, or the Virgin Islands. The Assistant Secretary of Defense (Comptroller) is authorized to develop procedures for obtaining access to financial records maintained by military banking contractors in those areas.

§ 294.4 Information requirements.

The report required by § 294.14 of this Part is assigned Report Control Symbol DD–COMP(A)1538.

§ 294.5 Responsibilities.

(a) *Heads* of affected *DoD Components* shall:

(1) Follow the procedures outlined in this Part when seeking access to financial records.

(2) Establish procedures for implementing this Part within the Component.

(3) Established procedures to ensure that the report required by § 294.14 is forwarded to the Defense Privacy Board, Office of the Deputy Assistant Secretary of Defense (Administration).

(b) The *Deputy Assistant Secretary of Defense (Administration)*, or designee, shall:

(1) Prepare a consolidated DoD annual report required by 12 U.S.C. 3421(b) and § 294.14.

(2) Provide policy guidance to DoD Components to implement this Part.

§ 294.6 Definitions.

(a) *Financial institution.* Any office of a bank, savings bank, credit card issuer, industrial loan company, trust company, savings and loan, building and loan, homestead association (including cooperative banks), credit union, or consumer finance institution that is located in any State or territory of the United States, or in the District of Columbia, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

(b) *Financial record.* An original, its copy, or information known to have been extracted from the original record held by a financial institution that pertains to a customer's relationship with the financial institution.

(c) *Person.* An individual or a partnership of five or less individuals.

(d) *Customer.* Any person or authorized representative of that person who used or is using any service of a financial institution or for whom a financial institution is acting or has acted as fiduciary for an account maintained in the name of that person.

(e) *Law enforcement office.* Any element of a DoD Component authorized by the Component head to conduct law enforcement inquiries.

(f) *Law enforcement inquiry.* A lawful investigation or official proceeding that inquires into a violation of or failure to comply with a criminal or civil statute, or any rule, regulation, or order issued pursuant thereto.

(g) *Personnel security investigation.* An investigation required to determine a person's eligibility for access to classified information, assignment or retention in sensitive duties, or other designated duties requiring such investigation. Personnel security investigations include investigations of subversive affiliations, suitability information, or hostage situations conducted for the purpose of making personnel security determinations; and also include investigations of allegations that arise subsequent to adjudicative action that require resolution to determine an individual's current eligibility for access to classified information, or assignment or retention in a sensitive position.

(h) *Personnel security element.* Any element of a DoD Component authorized by the Secretary of Defense to conduct personnel security investigations.

§ 294.7 Requesting basic identifying account information.

(a) A DoD law enforcement office may issue a formal written request for basic identifying account information to a financial institution relevant to a legitimate law enforcement inquiry. A request may be issued to a financial institution for any or all of the following identifying data:

(1) Name.
(2) Address.
(3) Account Number.
(4) Type of account of any customer or ascertainable group of customers associated with a financial transaction or class of financial transactions.

(b) A request for disclosure of the above specified basic identifying information concerning a customer's account shall not require any customer notice (§ 294.9, 11, and 13), challenge (§ 294.9) or transfer (§ 294.13) procedures. However, this partial exception for basic identifying data shall not alter the mandatory access requirements set forth in § 294.8 and 9 to obtain the actual financial record itself.

(c) A format for requesting basic identifying account data is set forth in enclosure 1 of this part.

§ 294.8 Procedures for obtaining customer's consent.

(a) A DoD law enforcement office or personnel security element seeking access to a person's financial records shall, when feasible, obtain the customer's consent.

(b) Any consent obtained under § 294.8(a) shall:

(1) Be in writing, signed, and dated.
(2) Identify the particular financial records that are being disclosed.
(3) State that the customer may revoke the consent at any time before disclosure.
(4) Specify the purpose for disclosure and to which agency the records may be disclosed.
(5) Authorize the disclosure for a period not in excess of 3 months.
(6) Contain a Privacy Act advisory statement required by Part 286a of this title for a personnel security investigation.
(7) Contain a "Statement of Customer Rights Under the Right to Financial Privacy Act of 1978" (enclosure 2).

(c) Any customer's consent not containing all of the elements listed in § 294.8(b), shall be void. A customer consent form, in a format set forth in enclosure 2, shall be used for this purpose.

(d) A copy of the customer's consent shall be made a part of the law enforcement inquiry or personnel security investigation file.

(e) A certification of compliance with 12 U.S.C. 3401 et seq., in writing (enclosure 4), along with the customer's consent, shall be provided to the financial institution as a prerequisite to obtaining access to financial records.

(f) The annual reporting requirements of § 294.14 shall apply to any request for access under § 294.8(a).

§ 294.9 Other access procedures.

(a) *Access by compulsory legal process.* (1) *Administrative summons or subpoena.* DoD Components are without authority to issue an administrative summons or subpoena for access to financial records.

(2) *Search warrant.* (i) A law enforcement office may obtain financial records by using a search warrant obtained under Rule 41 of the federal Rules of Criminal Procedure in appropriate cases.

(ii) Unless a delay of notice has been obtained under provisions of § 294.12, the law enforcement office shall, no later than 90 days after serving the search warrant, mail to the customer's last known address a copy of the search warrant together with the following notice:

"Records or information concerning your transactions held by the financial institution named in the attached search warrant were obtained by this [agency or department] on [date] for the following purpose: [state purpose]. you may have rights under the Right to Financial Privacy Act of 1978."

(iii) In any state or territory of the United States, or in the District of Columbia, Puerto Rico, Guam, American Samoa, or the Virgin Islands, search warrants signed by installation commanders or military judges shall not be used to gain access to financial records.

(3) *Judicial subpoena.* Judicial subpoenas are those issued in connection with a pending judicial proceeding and inlcude subpoenas issued under paragraph 115 of the Manual for Courts Martial (1969 Revised) and Article 46 of the Uniform Code of Military Justice. Cognizant legal counsel shall be consulted on the availability and use of judicial subpoenas.

(b) *Formal written request.* (1) A law enforcement office may issue a formal written request for financial records when the records sought are relevant to a legitimate law enforcement inquiry. This request may be issued only if the customer has declined to consent, § 294.8, to the disclosure of his or her records, or if it is determined that to seek consent from the customer would compromise or harmfully delay a legitimate law enforcement inquiry.

(2) A formal written request shall be in a format set forth in enclosure 3 and shall:

(i) State that the request is issued under the Right to Financial Privacy Act of 1978 and the Component's implementation of this Part.

(ii) Describe the specific records to be examined.

(iii) State that access is sought in connection with a legitimate law enforcement inquiry.

(iv) Describe the nature of the inquiry.

(v) Be signed by the head of the law enforcement office or a designee.

(3) When a formal written request is issued to a financial institution, a copy of the request shall, at the same time or before, be personally served upon, or mailed to the customer's last known address unless a delay of customer notice has been obtained under § 294.12. The notice to the customer shall be in a format similar to enclosure shall be personally served at least 14 days or mailed at least 18 days prior to the date on which access is sought.

(4) The official who signs the customer notice shall be designated to receive any challenge from the customer.

(5) The customer shall have 14 days to challenge a notice request when personal service is made and 18 days when service is by mail.

(6) Components shall establish procedures to ensure that no access to financial records is attempted before the expiration of the pertinent time period while awaiting receipt of a potential customer challenge, or prior to the adjudication, prescribed by 12 U.S.C. 3410, of any challenge made.

(7) When a customer fails to file a challenge to access to financial records within the pertinent above time periods, or after a challenge is adjudicated in favor of the law enforcement office, the head of the office, or a designee, shall certify in writing to the financial institution that such office has complied with the requirements of 12 U.S.C. 3401 et seq. No access to any financial records shall be made before such certification is given.

(c) *Certification.* Prior to obtaining the requested records under § 294.9(a)(2) and (a)(3), a certification of compliance with 12 U.S.C. 3401 et seq. and enclosure 4 of this Part, shall be provided to the financial institution as a prerequisite to obtaining access to financial records.

(d) *Annual report.* The annual reporting requirements of § 294.14 shall apply to the access procedures under § 294.9(a)(2), (a)(3), and (b).

§ 294.10 Requests for financial records in connection with foreign intelligence and foreign counterintelligence activities.

(a) Except as specified in § 294.10(b), nothing in this Part shall apply to requests for financial records in connection with authorized foreign intelligence and foreign counterintelligence activities as defined in E.O. 12036, January 24, 1978.

(b) When a request for financial records is made under § 294.10(a), a Component official designated by the Secretary of Defense, the Secretary of a Military Department, or the Head of the DoD Component authorized to conduct foreign intelligence and foreign counterintelligence activities shall certify to the financial institution that the requesting Component has complied with the provisions of 12 U.S.C. 3401 et seq. Such certification, in a format similar to enclosure 4 of this Part, shall be made before obtaining any records.

(c) A Component requesting financial records under section (a), above, may notify the financial institution from which records are sought that section 3414(3) of 12 U.S.C. 3401 et seq., prohibits disclosure to any person by the institution, its agents, or employees that financial records have been sought or obtained.

(d) The annual reporting requirements of § 294.14 shall apply to any request for access under § 294.10(a).

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§ 294.11 Emergency access procedures.

(a) Except as provided in § 294.11(b) and (c), nothing in this Part shall apply to a request for financial records from a financial institution when the law enforcement office making such request determines that a delay in obtaining access to such records would create an imminent danger of:

(1) Physical injury to any person.
(2) Serious property damage.
(3) Flight to avoid prosecution.

(b) When access is made to financial records under § 294.11(a), Component official designated by the Secretary of Defense or the Secretary of a Military Department shall:

(1) Certify in writing, in a format set forth in enclosure 4 of this Part, to the financial institution that the Component has complied with the provisions of 12 U.S.C. 3401 et seq., as a prerequisite to obtaining access.

(2) Submit for filing with the appropriate court a signed sworn statement setting forth the grounds for the emergency access within 5 days of obtaining access to financial records.

(c) After filing of the signed sworn statement required by § 294.11(b)(2), the Component that has obtained access to financial records under § 294.11(a), shall personally serve or mail to the customer a copy of the request to the financial institution and the following notice, unless a delay of notice has been obtained under § 294.12.

"Records concerning your transactions held by the financial institution named in the attached request were obtained by [agency or department] under the Right to Financial Privacy Act of 1978 on [date] for the following purpose: [state with reasonable specificity the nature of the law enforcement inquiry]. Emergency access to such records was obtained on the grounds that [state grounds]."

Mailings under this paragraph shall be by certified or registered mail to the last known address of the customer.

(d) The annual reporting requirements of § 294.14 shall apply to any access pursuant to § 294.11(a).

§ 294.12 Procedures for delay of notice.

(a) The customer notice required by § 294.9(b)(3), § 294.11(c), or § 294.13(c) may be delayed for successive periods of 90 days. The notice required by § 294.12(a)(2)(ii) may be delayed for one period of 180 days and successive periods of 90 days. A delay of notice may only be granted by a court of competent jurisdiction and only when not serving the notice would result in:

(1) Endangering the life or physical safety of any person.
(2) Flight from prosecution.
(3) Destruction of or tampering with evidence.
(4) Intimidation of potential witnesses.
(5) Otherwise seriously jeopardizing an investigation or official proceeding or unduly delaying a trial or ongoing official proceeding to the same degree as the circumstances in § 294.12(1) through (4).

(b) When a delay of notice is appropriate, legal counsel shall be consulted to obtain such a delay. Application for delays of notice shall be made with reasonable specificity.

(c) Upon the expiration of a delay obtained under § 294.12(a), of a notice required by:

(1) § 294.9(a)(2)(ii), the law enforcement office obtaining such records shall mail to the customer a copy of the search warrant and the following notice:

"Records or information concerning your transactions held by the financial institution named in the attached search warrant were obtained by this [agency or department] on [date]. Notification was delayed beyond the statutory 90-day delay period pursuant to a determination by the court that such notice would seriously jeopardize an investigation concerning [state with reasonable specificity]. You may have rights under the Right to Financial Privacy Act of 1978."

(2) § 294.9(b)(3), the law enforcement office obtaining such records shall serve personally or mail to the customer a copy of the process or request and the following notice:

"Records of information concerning your transactions which are held by the financial institution named in the attached process or request were supplied to or requested by the Government authority named in the process or request on [date]. Notification was withheld pursuant to a determination by the [title of the court so ordering] under the Right to Financial Privacy Act of 1978 that such notice might [state reason]. The purpose of the investigation or official proceeding was [state purpose with reasonable specificity]."

(3) § 294.11(c), the law enforcement office obtaining financial records shall serve personally or mail to the customer a copy of the request and the notice required by § 294.11(c).

(4) § 294.13(c), the law enforcement office or personnel security element transferring such records shall serve personally or mail to the customer the notice required by § 294.13(c).

(d) The annual reporting requirements of § 294.14 shall apply to any request for access under the delay of notice.

§ 294.13 Procedures for releasing information obtained from financial institutions.

(a) Financial records obtained under 12 U.S.C. 3401 et seq., shall be marked: "This record was obtained pursuant to the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., and may not be transferred to another federal agency or department without prior compliance with the transferring requirements of 12 U.S.C. 3412."

(b) Financial records obtained under the provisions of 12 U.S.C. 3401 et seq., shall not be transferred to another agency or department outside the Department of Defense unless the head of the transferring law enforcement office, personnel security element, or delegate certifies in writing that there is reason to believe that the records are relevant to a legitimate law enforcement inquiry within the jurisdiction of the receiving agency or department. Such certificates shall be maintained with the DoD Component copy of the released records.

(c) Unless a delay of customer notice has been obtained under § 294.12, when financial information is transferred under § 294.13(b), the law enforcement office or personnel security element shall within 14 days, personally serve or mail to the customer, at his or her last known address, a copy of the certificate required by § 294.13(b), and the following notice:

"Copies of or information contained in your financial records lawfully in possession of [name of agency] have been furnished to [name of agency] pursuant to the Right to Financial Privacy Act of 1978 for the following purposes: [state reason]. If you believe that this transfer has not been made to further a legitimate law enforcement inquiry, you may have legal rights under the Financial Privacy Act of 1978 or the Privacy Act of 1974."

(d) If a request for release of information is from a federal agency authorized to conduct foreign intelligence or foreign counterintelligence activities, as defined in E.O. 12036, for purposes of conducting its protective functions, the transferring DoD Component may release the information without notifying the customer.

§ 294.14 Right to Financial Privacy Act of 1978 Annual Report.

(a) Each affected DoD Component shall compile an annual report setting forth the following for the preceding calendar year:

(1) The number of requests for access to financial institutions specifying the types of access and any other information deemed relevant or useful.

(2) The number of customer challenges to access and whether they were successful.

(3) The number of transfers to agencies outside of the Department of Defense of information obtained under this Part.

(4) The number of customers challenges to the transfer of information and whether they were successful.

(5) The number of applications for delay of notice, the number granted, and the names of the officials requesting such delays.

(6) The number of delay of notice extensions sought and the number granted.

(7) The number of refusals by financial institutions to grant access by category of authorization, such as, customer consent or formal written request.

(b) This report shall be submitted to the Defense Privacy Board, Office of the Deputy Assistant Secretary of Defense (Administration), by February 15 annually.

Enclosure 1

Request for Basic Identifying Account Data Format

[Official Letterhead]

[Date]

To: [Name and address of financial institution]
From: [Name and address of the DoD Component]
Subject: Request for Basic Identifying Account Data concerning [Customer's name or any other appropriate identification]

In connection with a legitimate law enforcement inquiry and pursuant to section 3413(g) of the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., you are requested to provide the following account information: [Name, address, account number, and type of account of any customer or ascertainable group of customers associated with a certain class of financial transactions as set forth in enclosure 2].

I hereby certify, pursuant to section 3403(b) of the Right of Financial Privacy Act of 1978, that the provisions of the Act have been complied with as to this request for account information.

[Signature]
[Name and title of official]
[DoD Component]
[Telephone]

Under section 3417(c) of the Act, good faith reliance upon this certification relieves your institution and its employees and agents of any possible liability to the subject in connection with the disclosure of the requested financial records.

Enclosure 2

Customer Consent and Authorization for Access Format

Pursuant to section 3404(a) of the Right to Financial Privacy Act of 1978, I, [Name of customer], having read the explanation of my rights on the reverse side, hereby authorize the [Name and address of financial institution] to disclose these financial records: [List the particular financial records] to [DoD Component] for the following purpose(s): [Specify the purpose(s)].

I understand that this authorization may be revoked by me in writing at any time before my records, as described above, are disclosed, and that this authorization is valid for no more than three months from the date of my signature.

Date: ———
Signature: ———
[Typed name]
[Address of customer]

Statement of Customer Rights Under the Right to Financial Privacy Act of 1978

Federal law protects the privacy of your financial records. Before banks, savings and loan associations, credit unions, credit card issuers, or other financial institutions may give financial information about you to a federal agency, certain procedures must be followed.

Consent to Financial Records

You may be asked to consent to the financial institution making your financial records available to the Government. You may withhold your consent, and your consent is not required as a condition of doing business with any financial institution. If you give your consent, it can be revoked in writing at any time before your records are disclosed. Furthermore, any consent you give is effective for only three months, and your financial institution must keep a record of the instances in which it discloses your financial information.

Without Your Consent

Without your consent, a federal agency that wants to see your financial records may do so ordinarily only by means of a lawful subpoena, summons, formal written request, or search warrant for that purpose. Generally, the federal agency must give you advance notice of its request for your records explaining why the information is being sought and telling you how to object in court. The federal agency must also send you copies of court documents to be prepared by you with instructions for filling them out. While these procedures will be kept as simple as possible, you may want to consult an attorney before making a challenge to a federal agency's request.

Exceptions

In some circumstances, a federal agency may obtain financial information about you without advance notice or your consent. In most of these cases, the federal agency will be required to go to court for permission to obtain your records without giving you notice beforehand. In these instances, the court make make the Government show that its investigation and request for your records are proper.

When the reason for the delay of notice no longer exists, you will usually be notified that your records were obtained.

Transfer of Information

Generally, a federal agency that obtains your financial records is prohibited from transferring them to another federal agency unless it certifies in writing that the transfer is proper and sends a notice to you that your records have been sent to another agency.

Penalties

If the federal agency or financial institution violates the Right to Financial Privacy Act, you may sue for damages or seek compliance with the law. If you win, you may be repaid your attorney's fee and costs.

Additional Information

If you have any questions about your rights under this law, or about how to consent to release your financial records, please call the official whose name and telephone number appears below:

(Name, title, telephone number) ———
(Component activity, address) ———

Enclosure 3

Formal Written Request for Access Format

[Official letterhead]

[Date]

To: [Name and address of financial institution]
From: [Name and address of the DoD Component]
Subject: Formal Written Request for Financial Records of [Customer's name or any other appropriate identification]

In connection with a legitimate law enforcement inquiry and pursuant to section 3402(5) and section 3408 of the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., and [cite Component's implementation of this Part], you are requested to provide the following account information pertaining to the subject:

[Describe the specific records to be examined]

The [DoD Component] is without authority to issue an administrative summons or subpoena for access to these financial records which are required for [Describe the nature or purpose of the inquiry].

A copy of this request was [personnally served upon or mailed] to the subject on [Date] who has [10 or 14] days in which to challenge this request by filing an application in an appropriate United States district court if the subject desires to do so.

Upon the expiration of the above mentioned time period and absent and filing or challenge by the subject, you will be furnished a certification certifying in writing that the applicable provisions of the Act have been complied with prior to obtaining the requested records. Upon your receipt of a Certificate of Compliance with the Right to Financial Privacy Act of 1978, you will be relieved of any possible liability to the subject in connection with the disclosure of the requested financial records.

[Signature]
[Name and title of official]
[DoD Component]
[Telephone]

Enclosure 4

Certificate of Compliance With the Right to Financial Privacy Act of 1978

[Official letterhead]

[Date]

To: [Name and address of financial institution]
From: [Name and address of the DoD Component]

Subject: Certificate of Compliance with the Right to Financial Privacy Act of 1978

I Certify, pursuant to section 3403(b) of the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., that the applicable provisions of that statute have been complied with as to the [Customer's consent, search warrant or judicial subpoena, formal written request, emergency access, as applicable] presented on [Date], for the following financial records of [Customer's name]:

[Describe the specific records]

[Signature]
[Name and title of official]
[DoD Component]
[Telephone]

Pursuant to section 3417(c) of the Right to Financial Privacy Act of 1978, good faith reliance upon this certificate relieves your institution and its employees and agents of any possible liability to the customer in connection with the disclosure of these financial records.

Enclosure 5

Customer Notice of Formal Written Request Format

[Official letterhead]

[Date]

Mr./Ms. XXXXX X. XXXX,
1500 N. Main Street, Washington, DC

Dear Mr./Ms. XXXX: Information or records concerning your transactions held by the financial institution named in the attached request are being sought by the [agency/department] in accordance with the Right to Financial Privacy Act, of 1978, Title 12, United States Code, Section 3401 et seq., and [Component's implementing document], for the following purpose(s):

[List the purpose(s)]

If you desire that such records or information not be made available, you must:

1. Fill out the accompanying motion paper and sworn statement or write one of your own, stating that you are the customer whose records are being requested by the Government and either giving the reasons you believe that the records are not relevant to the legitimate law enforcement inquiry stated in this notice or any other legal basis for objecting to the release of the records.
2. File the motion and statement by mailing or delivering them to the clerk of any one of the following United States District Courts:

[List applicable courts]

3. Serve the Government authority requesting the records by mailing or delivering a copy of your motion and statement to: [Give title and address].
4. Be prepared to come to court and present your position in further detail.
5. You do not need to have a lawyer, although you may wish to employ one to represent you and protect your rights.

If you do not follow the above procedures, upon the expiration of 10 days from the date of personal service or 14 days from the date of mailing of this notice, the records or information requested therein may be made available. These records may be transferred to other Government authorities for legitimate law enforcement inquiries, in which event you will be notified after the transfer.

[Signature]
[Name and title of official]
[DoD Component]
[Telephone]

Attachments–3

1. Copy of request
2. Motion papers
3. Sworn statement

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 14, 1980.

[FR Doc. 80-8360 Filed 3-18-80; 8:45 am]

BILLING CODE 3810-70-M

Department of the Navy

32 CFR Part 706

Navigation; Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) has determined that USS Jacksonville (SSN 699) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval submarine; and (2) has found that USS Jacksonville (SSN 699) is a member of the SSN 688 class of ships, exemptions for which have previously been granted under 72 COLREGS, Rule 38. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: February 20, 1980.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Charles Stanley Prentace, JAGC, USN, Admiralty Division, Office of the Judge Advocate General, Navy Department, Washington, D.C. 20370, Telephone number (202) 694–5188.

SUPPLEMENTARY INFORMATION: This amendment to Part 706 provides notice that the Secretary of the Navy has certified that USS Jacksonville (SSN 699) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(c) regarding the arc of visibility and location of the stern light; Annex I, section 2(a)(i) regarding the height of the masthead light; Annex I, section 2(k) regarding the height and relative positions of the anchor lights; and Annex I section 3(b) regarding the location of the sidelights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special function of the ship. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS Jacksonville (SSN 699) is a member of the SSN 688 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to USS Jacksonville (SSN 699).

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military function.

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. The third Table One of § 706.2 is amended as follows to indicate certifications issued by the Secretary of the Navy:

Vessel	Number	Distance in meters of forward masthead light below minimum required height § 2(a)(i) Annex I
* * * * *		
USS Bremerton	SSN 698	
USS Jacksonville	SSN 699	3.35
* * * * *		

2. The fourth Table Three of § 706.2 is amended as follows to indicate certifications issued by the Secretary of the Navy:

Vessel	No.	Masthead light, arc of visibility; rule 21(a)	Sidelights, arc of visibility; rule 21(b)	Stern light, arc of visibility; rule 21(c)	Sidelights, distance inboard of ship's sides in meters; § 3(b), annex I	Stern light, distance forward of stern in meters; rule 21(c)	Forward anchor light, height above hull in meters; § 2(k), annex I	Anchor lights, relationship of aft light to forward light in meters; § 2(k), annex I
*	*	*	*	*	*	*	*	*
U.S.S. Bremerton	SSN 698	* * *	* * *	* * *	* * *	* * *	* * *	* * *
U.S.S. Jacksonville	SSN 699			21½°	4.2	6.1	3.5	1.7 below.
*	*	*	*	*	*	*	*	*

(EO 11964 and 33 U.S.C. § 1605)

Effective Date: The effective date of this amendment will be February 20, 1980.

Dated: February 20, 1980.

Edward Hidalgo,
Secretary of the Navy.

[FR Doc. 80-8362 Filed 3-18-80; 8:45 am]

BILLING CODE 3810-71-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 5A-1, 5A-2, 5A-3, and 5-16

[APD 2800.3 CHGE 4]

Procurement Regulations; Miscellaneous Amendments

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Administration Procurement Regulations (GSPR 5A) are amended to provide updated contract numbering designations reflecting recent reorganizations, delete obsolete contract award codes, include a revised illustration of a GSA form used as an application for presenting new articles, require specific circumstances to support priority designator when used to justify negotiation under the public exigency authority, and clarify the use of the "all or none" offers provision. These actions resulted from a reorganization, changes in procurement reporting requirements, and misunderstandings regarding the use of the "all or none" offers provision. The effect of these changes is to improve the procurement system.

EFFECTIVE DATE: March 19, 1980.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy, (703) 557–8947.

PART 5A–1—GENERAL

Subpart 5A–1.3—General Policies

Section 5A–1.352–2 is amended to revise paragraphs (c), (d), (e), and (f) as follows:

§ 5A–1.352–2 Numbering system.

* * * * *

(c) Each contract number shall be prefixed by use of the symbol "GS" and the appropriate activity designation set forth in paragraphs (d) and (e) of this subsection, without dashes.

(d) * * *

00 Central Office
0W National Capital Region
01 Region 1
02 Region 2
03 Region 3
04 Region 4
05 Region 5
06 Region 6
07 Region 7
08 Region 8
09 Region 9
10 Region 10

(e) The following designation shall be used to identify the procuring office:

C Automated Data and Telecommunications Service
B Public Buildings Service
E Office of Human Resources and Organizations
F Office of Plans, Programs, and Financial Management
S Federal Supply Service (Office of Contracts)
T Transportation and Public Utilities Service
D Federal Property Resources Service

(f) An example of the numbering system is: GS02S00001.

(1) * * *

(2) * * *

(3) The letter "S" identifies the procuring office, in this case the Federal Supply Service.

(4) * * *

PART 5A–2—PROCUREMENT BY FORMAL ADVERTISING

The table of contents for Part 5A–2 is amended by revising the following entry:

Sec.

* * * * *

§ 5A–2.201–73 "All or None" offers.

* * * * *

Section 5A–2.201–73 is revised as follows:

§ 5A–2.201–73 "All or None" offers.

The following provision applies to definite quantity and indefinite quantity types of contracts. the requirements of this provision shall be followed by contracting officers in their evaluation of offers. (See FPR 1–2.404–5 for additional instructions regarding "all or none" qualifications, and GSPR 5A–2.201–54 for weighting of items for aggregate awards (indefinite quantity contracts).

"All or None" Offers

(a) Unless awards in the aggregate are specifically precluded in this solicitation, the Government reserves the right to evaluate offers and make awards on an "all or none" basis as provided below.

(b) (Applicable to definite quantity contracts.) An offer submitted on an "all or none" or similar basis will be evaluated as follows: The lowest acceptable offer exclusive of the "all or none" offer will be selected with respect to each item (or group of items when the solicitation provides for aggregate awards) and the total cost of all items thus determined shall be compared with the total of the lowest acceptable "all or none" offer. Award will be made so as to result in the lowest total cost to the Government.

(c) (Applicable only to requirements and indefinite quantity contracts.) An offer submitted on an "all or none" or similar basis will not be considered unless the offer is low on each item to which the "all or none" offer is made applicable. The term "each item" as used in this clause refers either to an item that under the terms of the solicitation may be independently awarded, or to a group of items on which an award is to be made in the aggregate.

(End of clause)

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Subpart 5A-2.4—Opening of Bids and Award of Contract

Section 5A-2.407-84 is amended by revising paragraphs (c), (d), and (e) as follows:

§ 5A-2.407-84 Notification of proposed substantial awards and awards involving Congressional interest.

* * * * *

(c) * * *

(1) *DQ* for definite quantity contract;

(2) *FSS* for Federal Supply Schedule contract;

(3) *TC* for term contract other than Federal Supply Schedule;

(4) *S* for small business concern;

(5) *O* for other than a small business concern;

(6) *NLS* for not labor surplus area; and

(7) *LS* for labor surplus area.

(d) Notification procedure.

(1) The director (or his or her equivalent) of the procurement activity (central office or regional office) shall be responsible for submitting directly to the Director of Congressional and Intergovernmental Relations (XK) complete and factual data pertinent to any proposed award of the type described in paragraph (a) of this section.

(2) Regional offices (except Region W) shall prepare GSA Form 2932 and transmit the notification directly to the Director of Congressional and Intergovernmental Relations (XK), by facsimile machine except as shown in paragraph (d)(4) of this section.

(i) Telephone numbers for transmittal of facsimile messages of the notifications are as follows (area code 202): 472-1217; 632-3626; 632-7944; and 632-7945.

(ii) Messages should be directed to the attention of XK, GS Building, Room 6114.

(3) Central Office and Region W procurement activities shall prepare GSA Form 2932 and transmit the notification (original only) directly to the Director of Congressional Affairs (XK). The notification(s) shall be placed in a messenger envelope and addressed as follows: "Please Hand-Carry Attention: XK, GS Bldg., Room 6114."

(4) Notifications covering regional proposed awards which require Central Office concurrence or approval pursuant to the GSA Delegations of Authority Manual (ADM P 5450.39A) shall be submitted as part of the case file to the Central Office. The notification shall be transmitted to the Director of Congressional Affairs (XK) by the office rendering concurrence in the proposed award.

(5) * * *

(e) Release of awards.

(1) Unless notified to the contrary, commodity centers and regional and Central Office procurement activities may release awards of the type described in (d)(2) thru (4), above, or information pertinent thereto, upon the expiration of 2 full workdays (48 hours) after the time and date of transmittal of the GSA Form 2932 or the facsimile message to the Director of the Congressional Affairs (XK).

(2) The procurement activities shall be responsible for submission of a copy of GSA Form 2932, marked COPY, to the Value Engineering Division (FREV) after release of the award. The notification copy shall indicate the date of awards and include the contract number assigned.

(3) Pre-award release inquiries from offerors shall be processed in accordance with § 5A-2.407-1(c).

(f) * * *

PART 5A-3—PROCUREMENT BY NEGOTIATION

Subpart 5A-3.2—Circumstances Permitting Negotiation

Section 5A-3.202 is amended by revising paragraph (b) as follows:

§ 5A-3.202 Public exigency.

* * * * *

(b) Military purchase requests citing an issue priority designator assigned in accordance with DoD Uniform Materiel Movement and Issue Priority System (UMMIPS) as prescribed by DoD Directive 4410.6, and civilian agency purchase requests citing a priority designator 03 or 06, prescribed by the FEDSTRIP Operating Guide, ch. 2-15, may justify negotiation under this or other negotiation authority, but in such cases the specific circumstances must be set forth in the findings and determination to be made by the contracting officer. These issue priority designators are to be generated and provided only by the requisitioning activity to a requestor and cannot be generated by anyone else for the purpose of conforming or upgrading the priority designator to a requested delivery date.

* * * * *

PART 5A-16—PROCUREMENT FORMS

Subpart 5A-16.9—Illustration of Forms

Note.—The form illustrated at § 5A-16.950-1171 is filed with the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C.)

Dated: March 3, 1980.

Gerald McBride,

Assistant Administrator for Acquistion Policy.

[FR Doc. 80-8296 Filed 3-18-80; 8:45 am]

BILLING CODE 6820-61-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 21

[Docket No. 20490; FCC 80-86]

Procedural Requirements for the Domestic Public Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission adopts new rule to codify the exemption of Multipoint Distribution Service (MDS) radio applications from any § 21.13(f)(1) procedural requirements of prior state certification. The Service, both as it is presently constituted and as it appears to be developing, is primarily interstate in nature.

EFFECTIVE DATE: April 21, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Lelia C. Brown, Common Carrier Bureau, (202) 632-7695.

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of Parts 21 and 43 of the Commission's rules and regulations relative to various procedural requirements for the Domestic Public Radio Service; Second Report and Order (See also 40 FR 53398).

Adopted: February 28, 1980.

Released: March 13, 1980.

By the Commission: Commissioner Lee absent.

Introduction

1. This is a *Second Report and Order* in a rulemaking proceeding whose *Notice* (55 F.C.C. 2d 36) was duly published in the **Federal Register** at 40 FR 24021 (June 4, 1975). In general, this rulemaking proposed to amend Parts 21 and 43 of the Commission's Rules and Regulations in order to clarify various application requirements, implement new processing procedures, and otherwise modernize our regulations.[1] A *First Report and Order*, 55 F.C.C. 2d 744 (1975), initiated the automatic data processing of microwave radio applications with the adoption of new application content requirements. This *Second Report and Order* clarifies further the licensing procedure for Multipoint Distribution Service (MDS) carriers. Left for later consideration in this Docket are proposals concerning permissible engineering changes, non-affiliation requirements for television relay service, and the reporting of the actual cost of constructing authorized common carrier facilities.

[1] A companion proceeding adopted rules which clarified the common carrier radio consolidation or "cut-off" rule, redefined major application amendments, and established new legal procedures for the processing of common carrier radio applications, both microwave and mobile. *Report and Order* in Docket No. 19005, 60 F.C.C. 2d 549 (1976). Additional rulemakings are planned to focus upon the technical subparts of Part 21 in order to further implement automatic data processing and remove obsolete substantive requirements.

Summary of Decision

2. As the result of our decision in *Midwest Corp.*, 53 F.C.C. 2d 294 (1975), we proposed to codify the exemption of MDS radio applications from Section 21.13(f)'s procedural requirement of a prior state certificate.[2] In addition to recognizing more explicitly the Federal interest in MDS service, we stated that we believed that this proposal would resolve administrative ambiguities hindering national development of this new service, in that it would appear to be a logical procedure for the Commission to determine initially the MDS radio licensees without the necessity of a prior state certificate. Based on the record of this proceeding, our review of MDS industry development, relevant statutes and Commission precedent, we conclude that the public interest would be served by adoption of our proposal. Accordingly, we are eliminating state certification as a requirement for MDS applications. We find that such a procedural requirement has not been, and would not be, administratively helpful to our authorization of MDS stations.

Comments of Parties

3. Comments on our *Notice* were filed July 25, 1975, by eighteen parties: American Telephone & Telegraph Company (AT&T); American Television & Communications Corporation (ATC); Dayton Communications Corporation (Dayton); Double B. Radio, Inc. (Double B); GTE Service Corporation (GTE); Jackson Signal Company (Jackson); Micro-TV, Inc. (Micro); Microband Corporation of America (Microband); Midwest Corporation (Midwest); Multipoint Communications, Inc.; Multi-Point Communication Services, Inc.; Multipoint Distribution Systems, Inc.; Multi-point Microwave Common Carrier Association (MMCCA); National Association of Radio-telephone Systems (NARS); National Association of Regulatory Utility Commissioners (NARUC); Southern Pacific Communications Corporation (SPCC); Taft Broadcasting Corporation (Taft); and United States Transmission Systems, Inc. (USTS).[3] Reply comments were received from GTE and MCI Telecommunications Corporation (MCI). In addition, the Chairman of the North Carolina Utilities Commission submitted a letter dated September 23, 1975, regarding MDS certification which appears to be relevant to this proceeding.[4]

4. Our proposal was endorsed by one group of MDS carriers—Microband, Dayton, Jackson, Midwest, Multipoint Communications, and Multipoint—who contended that MDS is significantly different from telephone exchange service, will be substantially interstate in operation and impact, and is being hindered in development by confusing state certification requirements. Another group of MDS carriers—Taft, Micro, Multi-Point, and Double B—acquiesced in the proposal, but stressed their belief that the Commission has no power to compel the filing of tariffs for alleged intrastate service even in the absence of state regulation.[5]

5. NARUC, however, strongly opposed our proposal and suggested an alternative summary dismissal procedure which it claimed would better "harmonize" state-federal common carrier responsibilities. NARUC contended that our *Notice of Proposed Rulemaking* mooted whatever issues of law and fact were raised by the *Midwest* case, making unnecessary further argument on that case's legal sufficiency. Instead, NARUC claimed to address primarily the general policy issue, which, it declared, "is clearly rooted in jurisdictional notions" as "a practical, legal and realistic implementation of the dual state/federal jurisdiction over common carrier services mandated by the Communications Act, insofar as such services are provided by the medium of radio." In essence, NARUC argued that it would not be a logical procedure for the Commission to select MDS licensees in the absence of prior state certification. NARUC stated that any statutory finding which granted a MDS construction permit under Section 319 of the Act [47 U.S.C. § 319] would be "legally infirm" for failing to consider the critical factual question of whether an MDS licensee could lawfully provide service in the absence of a state certificate. Regardless of interconnection, or an interstate source of program content, NARUC contended that an MDS station's service area must be local in character due to physical limitations on its radio transmission capabilities. Consequently, NARUC claimed that there could be only one group of subscribers served by proposed stations and this group must be a local one which could not be divided into a "national" and a "local" audience. Since Congress intended to preserve local regulation of local common carrier radio services, NARUC argued that "MDS is the conceptual equivalent, for regulatory proposes, of telephone exchange service even though the nature of the two communication services may be quite distinct, from a purely factual standpoint." In view of these alleged jurisdictional realities, NARUC concluded that it is not logical for the Commission to evaluate what are inherently local needs for this radio service, or to hold Federal comparative hearings prior to state certification.

6. Instead, NARUC suggested that a "summary dismissal" procedure be applied to mutually exclusive MDS applications after the "cut-off" date for their filing acceptability. Under this proposal, an uncertificated MDS applicant, who was mutually exclusive with a state certificated applicant, would continue to be eligible for a comparative hearing only if:

(1) He could demonstrate no intrastate service proposal—something which NARUC contended "would rarely, if ever, be applicable * * *";

(2) He could show that the state in question did not certificate MDS carriers—in which case the mutually exclusive applicants would be required to obtain a state determination which would then be binding under the doctrine of *Erie R. Company* v. *Tompkins*, 304 U.S. 64 (1938), to prevent the Commission from making its own

[2] Section 21.13(f) was formerly Section 21.15(c)(4). *First Report and Order* in Docket No. 20490, 55 F.C.C. 2d 744, 746 (1975).

[3] Because of a clerical error, the timely filed joint comments of Microband, Multipoint Communications, Dayton, Midwest, Multi-Point Communication and Jackson Signal were inadvertently excluded from the list of comments in this proceeding's *First Report and Order*.

[4] To clarify any uncertainty in *Midwest* regarding the position of North Carolina Utilities Commission, the latter stated in part:

"In order that there may be no doubt of the position of the North Carolina Utilities Commission, you are hereby advised that the construction and operation of any MDS service in North Carolina, without a Certificate of Public Convenience and Necessity from the North Carolina Utilities Commission authorizing such operation, would be unlawful under North Carolina law; and the North Carolina Utilities Commission will take whatever action is necessary to secure compliance with North Carolina law in this connection."

[5] Since the facts of *Midwest* concerned our radio licensing rather than full Title II common carrier jurisdiction, we did not consider the applicability of Section 202(b) (as raised by respondents there), or the Section 2(b) exemptions to MDS. *But see, e.g., General Telephone Company of Southwest v. United States*, 449 F. 2d 846, 855 (5th Cir. 1971); *General Telephone Co. of California v. F.C.C.*, 413 F. 2d 390, 401-402 (D.C. Cir. 1969); *Ward v. Northern Ohio Telephone Co.*, 300 F. 2d 816 (1962); *Capital City Telephone Company*, 3 F.C.C. 189, 193 (1936); *Intrastate Telephone Company*, 3 F.C.C. 170 (1936).

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determination as to the scope, or procedural implementation, of state law; or

(3) He could show that the application of his state certificated rival was not eligible for a license under the Commission's rules, or raised extraordinary Federal public interest questions not considered in a state proceeding—in which case he would be permitted a further opportunity to obtain a state certificate. NARUC claimed that this prodedure would recognize the state regulatory interest in determining both the need for MDS service and the eligibility of potential licensees, and would deal with the mutually exclusive MDS applications accepted for filing prior to a state's assertion of certification jurisdiction.

Discussion

7. Before addressing these arguments, we should note briefly the administrative ambiguities which precipitated our proposal, as illustrated by the *Midwest* case. In general, *Midwest* involved the similar procedural, factual and jurisidictional contentions of two state certificated Domestic Public Land Mobile Radio Service (DPLMRS) carriers who were among the mutually exclusive applicants for MDS Channel 1 in Charlotte, North Caroline, and Jacksonville, Florida. Based upon advisory letters from the North Carolina and Florida public utility commissions, these radio telephone carriers sought the dismissal of their mutually exclusive rivals on the grounds that they lacked prior state certificates. In essence, the DPLMRS carriers argued that their existing state certificates compelled an immediate grant to them of the MDS licensees without a compartive hearing, even though their state certificates were issued for the rendition of mobile radio telephone service; their state certificates were issued before the creation of the MDS service; and their state certificates were not the result of a formal state proceeding as to state jurisdication, the service needs of those cities, or the comparative qualifications of existing DPLMRS carriers to met those MDS service needs.

8. In refusing to dismiss the uncertificated applications, we discussed at length questions relating to rule interpretations and our MDS radio licensing jurisdiction. Insofar as those issues may be pertinent here, we believe *Midwest* to be dispositive.[6] As for the procedural and policy questions raised by our proposals, the *Midwest* case concluded in part:

> Accordingly, it appears that our policy for MDS should recognize both the federal interest in MDS services and the rendition of interstate communications. For example, although MDS facilities do not appear suitable to reach a wholesale mass market for entertainment programming, their service characteristics are analogous to broadcasting and cable television, particularly where MDS stations provde a "pay television" transmission service to potentially substantial group audiences. The relationship of MDS to these analogous services, as well as program standards for intragroup communications, are among the federal regulatory issues raised by MDS service characteristics. *See, Greater Washington Ed. Telecommunications Ass'n Inc.*, 49 F.C.C. 2d 948, 949 (1974); *Notice of Proposed Rule Making* in Docket No. 19871, 39 F.C.C. 2d 527 (1973). Furthermore, we do not believe that a recognition of the capability of MDS to provide intrastate communications requires us to officially ignore the rendition of interstate service, particularly when only two channels are available to meet all service needs. Even if MDS service were to be predominantly local in its early development as the facilities needed for an extensive national network are built, we anticipate that national service demands will be substantial * * *.

Midwest Corporation, supra at 300–301.

9. Events since that 1975 opinion, as well as the comments submitted, have not persuaded us that MDS' general characteristics compel the use of the same administrative policy towards state certificates that is applied to telephone related services. For instance, MDS has become widely used by private programmers or film clubs to distribute "pay television" entertainment to apartment buildings, hotels, and cable television systems. *See Orth-O-Vision, Inc.*, 69 F.C.C. 2d 657 (1978); *First Report and Order* in Docket No. 20561 (*Definition of a Cable Television System*), 63 F.C.C. 2d 956, 990–998 (1977). Based upon the MDS annual reports required by Section 43.72 of the Rules, 63% of the national MDS transmission time sold in 1978 was used for private entertainment distribution. As of August 31, 1979, 44 operating MDS stations served over thirty different private "Pay TV" programmers.[7] These MDS Programmers served an estimated 210,000 persons directly, most of whom resided in apartment buildings or hotels.[8] Over 25,000 persons, however, were served in single family homes. Following the introduction in early 1977 of relatively low cost residential receive packages, increasing numbers of single family homes are being served by MDS.[9] Although MDS service is limited by the line-of-sight propagation characteristics of MDS' microwave signal, some believe that a large home market can be developed, not only for entertainment distribution, but for other broadband services as well.

10. MDS has become, then, another method of distribution for an increasing universe of programming sources. It is difficult to deny the federal interest in such service. *See Brookhaven Cable TV v. Kelly*, 573 F. 2d 765 (2d Cir. 1978), *cert. denied*, 99 S. Ct. 1991 (1979). Furthermore, as we foresaw in 1975, the bulk of the entertainment distribution is of interstate origin. One industry estimate is that approximately 65% of the operating MDS stations are receiving satellite program feeds, and 20% are receiving terrestrial microwave feeds.[10] As to the source of the interstate programming being carried, 53% is nationally originated by Home Box Office; 23% is nationally originated by Showtime; and 7% is nationally originated by Hollywood Home Theater.[11] Only five MDS programmers (whose use constitutes 17% of the total) do not use an interstate program feed.[12] MDS program networks evolved slowly because of concurrent delays in the authorization and construction of domestic communications satellites, receive-only earth stations, and, of course, the MDS terrestrial stations. Nevertheless, it now appears that over 80% of the operating MDS stations are serving as instrumentalities of interstate communication.

11. Nor has MDS service growth been limited to entertainment distribution. The 1978 annual reports reveal that 29% of the national airtime sold was for business users, primarily experimental data and facsimile distribution.[13] For example, Reuters News Service has begun to use the Chicago MDS station for the distribution of financial and commodity information. A large computer in New York feeds continuously updated information vial satellite to the Chicago MDS station. This computer's entire data base, with millions of bits of information, is constantly transmitted through the MDS station to Reuters' subscribers. They, in turn, selectively access the data base by means of special terminals with "row grabber" decoders. Another, more sophisticated system being envisioned would use a similar technique, in conjunction with some return channels, to "fill" selectively the memory chips of "smart terminals" with the data each requires for distributive data processing.[14] Also, two MDS carriers have introduced versions of the CEEFAX teletext systems, which permit data to be transmitted in the vertical blanking intervals of a standard television picture.

12. An outgrowth of business teleconferencing,[15] data and facsimile distribution services need national networks to access enough traffic to justify the large investment required for computer, terminal, and switching equipment. Also, business and government, the major customers for such services, require the ability to communicate, selectively or simultaneously, with widely scattered locations. Completely independent of the telephone system, multipoint networks are well suited to meet such needs. Locally, MDS station transmission costs tend to be distance and usage insensitive.[16] Hence, the stations have the ability to meet the local distribution requirements of many national groups, particularly if data transmissions are invovled. When these stations are interconnected by domestic satellite, whose costs also tend to be distance insensitive, an economically attractive network is available to meet the service needs of various national organizations for data and facsimile distribution. Although MDS stations are capable of rendering local service, these economic characteristics, coupled with the development work in progress, lead us to believe that the national service demands for MDS are, and continue to be, substantial. Consequently, we are unable to conclude that a recognition of the capability of MDS to provide some intrastate service compels our radio licensing to ignore the interstate service demands of MDS networks. *See North Carolina Utilities Commission* v. *F.C.C.*, 552 F. 2d 1036 (4th Cir. 1977).'

13. Nor do we believe that the characteristics of this new form of service require the continuation of a processing policy originally adopted in connection with telephone related facilities. Telephone exchange service, whether by wire or radio, may be generally characterized as the provision of two way voice communications between individuals by means of a central switching complex which interconnects all subscribers within a geographic area. In contrast, MDS utilizes what is essentially a broadcasting technology to distribute multiple addressed broadband communications (usually forms of television) simultaneously to the members of commercial and other institutional subscribers in accordance with their specific transmission. reception, and informational requirements. Although MDS transmissions are not disseminations intended to be received by the general public (as in the case of a broadcasting service), they are a distribution of information intended for simultaneous reception by potentially large numbers of geographically diverse individuals who comprise the membership of the institutional subscriber.[17] As the groups in our pluralistic society are many and varied, we have intended an MDS carrier to have the technical freedom to tailor his transmission service in order to exploit fully MDS technology and to meet appropriate, diverse group communications needs, *Metrock Corp.*, 73 F.C.C. 2d 802, 805–806 (1979); *Peabody Telephone Answering Service*, 55 F.C.C. 2d 626, 627, (1975); *Report and Order* in Docket No. 19493, 45 F.C.C. 2d 616, 623–624 (1974). Although the future technological and service development of this communications concept is not

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[6] *See also Orth-O-Vision, Inc.*, 69 F.C.C. 2d 657, 665–671 (1978); *People of California* v. *FCC, 567 F. 2d 84 (1977) NARUC was the only party to challenge explicitly our Midwest* opinion. In this regard, we note again that NARUC chose not to offer here any further legal arguments on our *Midwest* decision, despite what appear to be conclusionary assumptions on the scope of our radio licensing jurisdication. In the absence of explicit legal arguments which persuade us to the contrary, we believe that our *Midwest* opinions are dispostive. Consequently, this *Report and Order* centers on the policy and procedural aspects of prior state certification of MDS carriers.

[7] PAUL KAGAN ASSOCIATES, INC., THE MDS DATABOOK 2, 25–27 (October 1979). As of August 31, 1979, there were 44 MDS station licensed and operating, 24 MDS stations licensed, but not operating, and 69 stations in the process of construction. Because the Commission's present rules do not require routine reporting of subscriber information, information on MDS "Pay TV" programmers must be obtained from trade publications. *Report and Order* in Docket No. 19493, 45 F.C.C. 2d 616,626 (1974).

[8] The MDS DATABOOK, *supra* at 28. The industry estimates that it has penetrated 9% of a current potential market of 2,317,060 "Pay TV" subscribers. *Id.* These figures do not include the subscribers of cable television systems which receive and relay the MDS transmissions.

[9] Although earlier multiple address radio systems contemplated home reception, MDS is the first to serve a significant number of homes. *See Report and Order* in Docket No. 14744 (*Educational Television*), 39 F.C.C. 898, 847 (1963); *Report and Order* in Docket No. 3929, (*MacKay Radio and Telegraph Co.*), 39 F.C.C. 1, 9 (1939). When the industry began in 1971, MDS licensees used modified reception equipment developed for the Instructional Television Fixed Service at a cost of about $1,500 per receive site. Aggressive commercial development has reduced the cost of a complete downconverter/antenna receiving package to $100 or less, a significant technological development which points to a more generalized use of microwave radio frequencies in the future.

[10] Prepared Remarks of Arthur Lipper III on Pay TV Panel of 1979 National Cable Television Association Convention (May 21, 1979). Lipper is Chairman of Microband Corporation of America, the largest MDS carrier. Lipper estimated that approximately 15% of the stations served programmers who originated their programs on video tape players in a local studio.

[11] The MDS DATABOOK, *supra* at 28. In addition to these program feeds, a few MDS stations have begun within the last year to relay the signal of over-the-air television broadcasting stations, recently available via satellite. *See, e.g. United Video, Inc.*, 69 F.C.C. 2d 1629 (1978); *Southern Satellite Systems, Inc.*, 62 F.C.C. 2d 153 (1976).

[12] Of these five stations, four obtain programming from Television Program Services, an HBO division. The five stations are: Baltimore, MD; Honolulu, HI; Kansas City, KS; New Orleans, LA; and Salt Lake City, UT. THE MDS DATABOOK, *supra* at 28. Moreover, the stations in Kansas City and New Orleans are capable of serving points in adjacent states, and from this standpoint may be considered to be interstate stations.

[13] The remaining 6% of national airtime sold in 1978 was divided equally between educational and public service uses. The major educational use was for the Plato IV computer assisted learning system developed by the University of Illinois. An MDS channel can be configured for digital data applications in a variety of ways. For instance, a single 8 megabit per second digital stream can be transmitted. Alternatively, up to 6400 1200-bit per second channels can be multiplexed utilizing a Time Division Multiplex system.

[14] Technically, this would be a form of "point-to-multipoint accumulation service." As common carriers, MDS licensees are eligible under § 21.700 of the Rules [47 CFR § 21.700] to use common carrier point-to-point microwave frequencies as response channels. A more extensive use of response channels would make possible a "point-to-multipoint exchange service."

[15] Although originally envisioned as the major MDS use, business video teleconferencing proved to be overly expensive, inflexible, and dependent upon MDS and domestic satellite facilities, which, until recently, did not exist. For example, pilot continuing education programs for physicians (in St. Louis and Baltimore) and lawyers (in Washington) were discontinued because a lack of network facilities prevented spreading of the educational program production costs over more than one city. Also, national teleconferencing is more attractive than local teleconferencing because greater savings in travel expenses can be achieved. National teleconferencing, of course, requires network facilities.

[16] *See Ortho-O-Vision, Inc.*, 69 F.C.C. 2d 657, 669 (1978). The MDS stations omnidirectional transmission pattern is capable of reaching various points around the transmitter at roughly equal cost. Also, the monidirectional pattern permits different groups of points to be reached without the need for separate, dedicated facilities. Different network configurations are possible, then without costly additional equipment. Point-to-multipoint satellite service exhibits similar cost sharing characteristics. *See RCA American Communications Inc.*, 72 F.C.C. 2d 473, 477–478 (1979).

[17] Although they utilize a similar technology, multiple addressed radio communications have not been considered historically to be a broadcasting service because they are a distribution of information to specfied (or "addressed") fixed points rather than a dissemination of unaddressed information to an indefinite number of points. *Report of Department of Commerce Conference on Radio Telephony*, RADIO SERVICE BULLETIN No. 61, pg. 23, 26 (May 1, 1922); *see also Report and Orders* in Docket No. 20468, 60 F.C.C. 2d 700, 706–707, 728–729 (1976). It might be observed that multiple address fixed service has been limited traditionally because at lower frequencies it was considered a service to a relatively small number of points on frequencies whose omnidirectional progagation characteristics were much in demand for broadcasting to all points within a service area. *See, e.g. Scrambled Transmission by Educational TV*, 38 F.C.C. 2d 925 (1973), *Report of Department of Commerce Conference on Radio Telephone, supra*, at 26.

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entirely clear at this time, these MDS characteristics complicate State-Federal common carrier jurisdictional classifications and raise Federal licensing questions as to the relationship of MDS to other services for which we are responsible.[18] They also imply issues somewhat analoguous to those in the broadcasting services, such as the access and program standards for intragroup communications, which appear to require national policies in the first instance to foster communications in which there is a strong federal interest. *See, Metrock Corp., supra; Greater Washington Ed. Telecommunications Ass'n Inc., supra.*

14. Consequently, we are unable to accept NARUC's contentions that MDS is strictly local in character, is unable to serve national communications requirements, and is the conceptual equivalent, for regulatory purposes, of telephone exchange service. In this latter regard we do not believe that Congress intended in Section 221(b) of the Communications Act that the term "telephone exchange service" mean anything more than its plain, ordinary meaning. As the court pointed out in *North Carolina Utilities Commission* v. *F.C.C.*, "the legislative history of [Section 221(b)] indicates that this restriction is intended to do no more than to prevent the circumstance that a telephone exchange serves an area that includes parts of more than one state from enlarging the jurisdiction of FCC over the business and facilities of that exchange." 537 F. 2d 787 (4th Cir. 1976).

15. In addition to complicating the development of national MDS Policy, we believe that to require interstate MDS stations to obtain a prior state certificate would unnecessarily disrupt authorization of the stations needed for national MDS service. As a practical matter, interstate service depends upon the availability of network outlets. As the number of stations increases, so does the amount of interstate service, for the attractiveness of any interstate network is dependent in large part upon its ability to offer a communications potential to many diverse points. To date, the Commission has authorized over 137 stations. Most of these stations, as they became operational, have become outlets for interstate service.

16. Consequently, we do not consider a prior state certificate procedural requirement to be beneficial to the public whose service is delayed, but not perceptively improved by such a requirement. In addition to depriving us of a choice of applicants best able to meet national service needs, such a requirement would interject an additional regulatory proceeding which would delay our authorization of stations needed for interstate service. Moreover, such a requirement would appear to be inequitable were it to force the dismissal of long pending competitive applications, the result sought in the *Midwest* case. Were one to accept the full implications of NARUC's arguments, such a requirement might even permit a state to prohibit stations and frustrate settled federal communications policy thereby. These adverse results would be particularly onerous at this time, because domestic satellites, in conjunction with increasingly inexpensive earth stations, now have the capability of providing the growing number of MDS stations with low cost interconnection to meet interstate traffic requirements. Consequently, as a matter of policy, we conclude that we should codify our *Midwest* decision and grant MDS applications proposing interstate service without a requirement that prior state certificates be obtained.

17. There remains the question of whether we should require all MDS stations to be able to render interstate service upon reasonable demand as a condition of radio license eligibility. As a practical matter, this appears to have already occurred. As indicated above, over 80% of the operating MDS stations are receiving interstate satellite or terrestrial program feeds. Strictly intrastate MDS uses are rare for a variety of reasons, including the lower program costs resulting from national program distribution, and the unattractiveness of local teleconferencing. Reflecting this experience, most pending applications are already proposing to offer some form of interstate service. Given this and the unlikely circumstance that a licensee would turn down any customer where transmission time is available, we believe that any formal requirement that an MDS station be able to render interstate service is unnecessary.

18. Although, as a practical matter, the rule change will require us to accept MDS applications and initially to select each MDS licensee without any requirement of a state certificate, we do not presently believe that our regulatory interest should exclude the legitimate concerns of a state. Of course, a state would have no jurisdiction to regulate interstate services provided by an MDS station. However, as recognized above, there may be some requirements for intrastate services. Thus, we see no objection at this time to state regulation of any intrastate MDS service as long as that regulation is not inconsistent with our national MDS regulatory policy, and does not burden the rendition of interstate MDS service.

Conclusions

19. In summary, in this proceeding we are codifying the findings made in *Midwest, supra.* As a matter of law, state certification is not a condition to our licensing of proposed offerors of MDS service.[19] Nor are we able to find that such a requirement is, or would be, administratively helpful to our authorization of MDS stations. The service, both as it is presently constituted and as it appears to be developing, is primarily interstate in nature. But even where intrastate service may be involved, the federal interests expressed in Sections 1 and 303(g) of the Act would best be served by avoiding such a requirement since a prior state proceeding could, among other things, limit the number of applicants among whom a MDS licensee could be chosen and eliminate from consideration some who may be best able to meet interstate service needs. It is obvious that the characteristics of this service—multiple addressed broadband communications from a subscriber to a number of selected points—differ substantially from telephone exchange service. Accordingly, requiring prior state certification for the latter in no manner supports the same requirement for MDS.

20. In view of the foregoing, we conclude that the public interest would be served by adoption of the revised rule as set forth in the Appendix hereto.

21. Accordingly, *it is hereby ordered,* That pursuant to authority contained in Sections 1, 2(a), 4(i), 201–205, 214, 301, 303, 308 and 309 of the Communications Act of 1934 [47 U.S.C. §§ 151, 152(a), 154(i), 201–205, 214, 301, 303, 308 and 309] Part 21 of the Commissions Rules and Regulation IS AMENDED, as set forth in the attached Appendix, effective April 21, 1980.

(Secs. 1, 2, 4, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602; 48 Stat as amended: 1064, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 21 of Chapter I, Title 47, of the Code of Federal Regulations is amended as follows:

1. Section 21.13(f)(1) is revised to read as follows:

§ 21.13 General application requirements.

* * * * *

(f)(1) Except for applications in the Multipoint Distribution Service, an applicant shall include a copy of the franchise or other authorization issued by appropriate regulatory authorities, where required by applicable local laws. If no such local requirement exists, or if Commission authority is a prerequisite for such authorization, a statement explaining the reasons for this opinion shall be included in the application.

* * * * *

[FR Doc. 80-8421 Filed 3-18-80; 8:45 am]

BILLING CODE 6712-01-M

[18] *See, Notice of Proposed Rulemaking* in Docket No. 19871, *supra. Compare Report and Order* in Docket No. 9552 (*Theater Television Service*), 9 Pike & Fischer Radio Regulations 1528 (1953), *with Further Notice of Proposed Rulemaking and Notice of Inquiry* in Docket No. 11279 (*Subscription Television Inquiry*), 7 Pike & Fisher Radio Regulations 2d 1501 (1966), and *KMLA Broadcast Corp.* v. *Twentieth Century Cig. Vend. Corp.*, 264 F. Supp. 35 (C.D. Calif. 1967), *with Functional Music, Inc.* v. *F.C.C.*, 274 F. 2d 543 (D.C. Cir. 1958).

[19] This action is consistent with the amendment of Part 22 of the Rules eliminating state certification as a requirement of applications in the DPLMRS. *First Report and Order* in Docket No. 20870, 69 F.C.C. 2d 398 (1978).

47 CFR Part 73

[BC Docket No. 79-216; RM-3331]

FM Assignment to Martinez, Ga.; Proceeding Terminated

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a Class A FM channel to Martinez, Georgia, in response to a petition filed by R. E. Watkins, Jr., and Patrick G. Blanchard. The proposed channel would provide for a station which could render a first local aural broadcast service to Martinez.

EFFECTIVE DATE: April 25, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 5, 1980.

Released: March 14, 1980.

By the Chief, Policy and Rules Division:

1. The Commission herein considers the *Notice of Proposed Rule Making,* adopted August 30, 1979, 44 FR 53551, which invited comments on a proposal to assign Channel 232A to Martinez, Georgia, as its first FM assignment, in response to a petition filed by R. E. Watkins, Jr., and Patrick G. Blanchard ("petitioners"). Supporting comments were filed by petitioners in which they reaffirmed their intention to file for the channel, if assigned. An opposition was filed by Walter A. Brumbeloe, General Manager of Stations WTBH(AM) and WZZW-FM, Augusta, Georgia.

2. Martinez,[1] an unincorporated community in Columbia County (pop. 22,237),[2] is located approximately 8 kilometers (5 miles) northwest of Augusta, Georgia. There is no local aural broadcast service in Martinez.

3. In support of their proposal, petitioners submitted information with respect to Martinez which is persuasive as to its need for a first FM assignment.

4. In opposition, Mr. Brumbeloe argues that the Augusta area is served by seventeen AM and FM commercial radio stations and three commercial television stations. He contends that another radio station in the Augusta market could be competitively harmful to the overall picture.

5. We believe that it is in the public interest to assign Channel 232A to Martinez, Georgia. The argument made by Mr. Brumbeloe concerning the competitive impact of another radio station in the market is a matter properly deferred for resolution at the application stage rather than in a rule making context.[3] An FM channel here would provide for a first local station which could broadcast programs directed to meeting the special needs and interests of Martinez.

6. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

7. In view of the foregoing, it is ordered, That effective April 25, 1980, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended to read as follows for the community listed below:

City	Channel No.
Martinez, Ga	232A

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-8316 Filed 3-18-80; 8:45 am]

BILLING CODE 6712-01-M

[1] Petitioners attached a letter from the Planning Director of the Columbia County Planning and Zoning Commission which indicates that the Martinez Voting District had a 1970 population of 5,285 which is estimated to have increased to 8,289 in 1977.

[2] Population figure is taken from the 1970 U.S. Census.

[3] See *Carroll Broadcasting Co.* v. *F.C.C.*, 258 F. 2d 440 (D.C. Cir. 1958), and *Adrian, Michigan*, 37 F.C.C. 2d 1021 (1972).

47 CFR Part 73

[BC Docket No. 79-261; RM-3412]

FM Assignment to Warrensburg, Mo.; Proceeding Terminated

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a first Class A channel to Warrensburg, Missouri, in response to a petition filed by Big Country of Missouri, Inc. The proposed channel can be used to provide for a first FM broadcast service to the community.

EFFECTIVE DATE: April 25, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 5, 1980.

Released: March 14, 1980.

By the Chief, Policy and Rules Division:

1. On October 3, 1979, the Commission adopted a *Notice of Proposed Rule Making,* 44 Fed. Reg. 58763, proposing the assignment of FM Channel 288A to Warrensburg, Missouri, as its first FM channel, in response to a petition filed by Big Country of Missouri, Inc. ("petitioner"). In comments petitioner reaffirmed its intention to file for the channel, if assigned. No oppositions to the proposal have been received.

2. Warrensburg (pop. 13,125),[1] seat of Johnson County (pop. 34,172), is located approximately 80 kilometers (50 miles) southeast of Kansas City, Missouri. It is served locally by fulltime AM Station KOKO and noncommercial educational Station KCMW (Channel 215).

3. Petitioner claims that Warrensburg has had a 36% population increase between 1960–1970. It states that the economic base of Warrensburg and Johnson County is comprised of agriculture, manufacturing and education. Petitioner has submitted

[1] Population figures are taken from the 1970 U.S. Census.

V455 MR19 80 UMI

persuasive information with respect to Warrensburg and its need for a first commercial FM assignment.

4. Upon careful consideration of the proposal, the Commission believes it would be in the public interest to assign Channel 288A to Warrensburg, Missouri. An interest has been shown for its use, and the assignment would provide for an FM station which could render a first local commercial broadcast service to the community.

5. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

6. In view of the foregoing, it is ordered, that effective April 25, 1980, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended to read as follows for the community listed below:

City	Channel No.
Warrensburg, Mo	288A

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-8281 Filed 3-18-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 79-214; RM-3382]

FM Assignment to Buckhannon, W. Va.; Proceeding Terminated

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a Class A FM channel to Buckhannon, West Virginia, as a first FM assignment, in response to a petition filed by the West Virginia Wesleyan College. The proposed channel could be used to provide a first fulltime local aural service to Buckhannon.

EFFECTIVE DATE: April 25, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: March 5, 1980.

Released: March 14, 1980.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration the *Notice of Proposed Rule Making*, adopted August 28, 1979, 44 FR 53550, proposing the assignment of Channel 228A as a first FM assignment to Buckhannon, West Virginia. The *Notice* was issued in response to a petition filed by the West Virginia Wesleyan College ("petitioner"), licensee of noncommercial educational Station WVWC at the college in Buckhannon. Petitioner filed supporting comments reaffirming its intention to file for the channel, if assigned. Comments were also received from Station WBUC, Inc., Buckhannon, West Virginia, stating that it, too, would apply for the channel, if assigned.

2. Buckhannon (pop. 7,261),[1] in Upshur County (pop. 19,092), is located approximately 109 kilometers (68 miles) east of Parkersburg, West Virginia. It is served locally by daytime-only AM Station WBUC.

3. Petitioner has submitted sufficient information which is persuasive as to its need for a first fulltime local aural broadcast service.

4. In the *Notice* we noted that petitioner pointed out that since Upshur County was in the "Quiet Zone" of the National Radio Astronomy Observatory ("NRAO") at Green Bank, West Virginia, and also the Naval Installation at Sugar Grove, West Virginia, it contacted these units and stated that both had given their approval of a 100-watt station with certain limitations. Petitioner was requested to state in comments the nature of these limitations. It asserts that NRAO, by letter of November 14, 1978, indicated that the antenna would have to be changed to provide a null of at least 10 dB in the direction of Green Bank, but indicated that it had no objection to a 100-watt operation and that, in any case, no modifications to the antenna would be necessary. Petitioner adds that, by letter of January 24, 1979, the Naval Research Laboratory indicated that only a small amount of antenna pattern control is necessary. Petitioner states that it has been assured by its engineering consultants that the necessary adjustments can be made to afford the protection required.

[1] Population figures are taken from the 1970 U.S. Census.

5. The Canadian Government has given its concurrence to the proposed assignment of Channel 228A to Buckhannon, West Virginia.

6. We have given careful consideration to the proposal and believe that Channel 228A should be assigned to Buckhannon, West Virginia. Interest has been shown for its use and the assignment would provide the community with an opportunity to acquire its first fulltime local broadcast service.

7. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

8. In view of the foregoing, it is ordered, that effective April 25, 1980, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, as regards Buckhannon, West Virginia, IS AMENDED to read as follows:

City	Channel No.
Buckhannon, W. Va	228A

9. It is further ordered, that this proceeding is terminated.

10. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-9660.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083, 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-8318 Filed 3-18-80; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Green, Loggerhead, and Olive Ridley Sea Turtles

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Clarification of final rule.

SUMMARY: The Service clarifies previously published rules (43 FR 32808; July 28, 1978) governing interstate shipment and sale of certain threatened sea turtles and permit requirements for scientific purposes or enhancement of propagation or survival. The publication of the rules provided a "grace period" contingent on a subsequent publication by the Environmental Protection Agency (EPA) of a notice of availability and effect of an environmental impact statement (EIS) on the rule. The grace period has now expired and no longer applies; this clarification eliminates any confusion regarding its expiration date.

EFFECTIVE DATE: This amendment is effective March 19, 1980.

FOR FURTHER INFORMATION CONTACT: Clark Bavin, Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (202) 343-9242.

SUPPLEMENTARY INFORMATION:

Background

Rules published in 43 FR 32808 on July 28, 1978, listed the green sea turtle (*Chelonia mydas*), loggerhead sea turtle (*Caretta caretta*), and olive ridley sea turtle (*Lepidochelys olivacea*), as threatened species under the Endangered Species Act and issued special rules for their protection. The rules were effective 30 days after a publication in the **Federal Register** by the EPA regarding the availability of a final EIS with a one-year "grace period" before the prohibitions of § 17.21 (e) and (f) became effective. Those sections provide prohibitions on the interstate commerce and sale of the three species of sea turtles. Permit regulations under § 17.42 (b)(2)(ii) provided that activities related to scientific purposes, enhancement of propagation or survival purposes for the threatened sea turtles could continue without permit up to 90 days after the effective date of the rules. The EIS was published in 43 FR 34479 on August 4, 1978, thus making the provisions of § 17.42 (b)(1)(iv) and (b)(2)(ii) no longer effective.

Since the amendments clarify the special rules and do not change the rules or their effective date, the Service has determined that it is in the interest of the public and unnecessary to follow the notice and comment procedures and that the amendments should be effective upon the date of publication.

Furthermore, these clarifications are not "rules" as defined in 43 CFR Part 14 and therefore the procedures of that Part do not apply. The primary author of this document is Helen M. Morrison, Management Analyst, Division of Financial and Management Systems.

Accordingly, the text of 50 CFR 17.42(b) is amended as follows:

§ 17.42 [Amended]

In paragraph (b) of § 17.42, subparagraphs (1)(iv) and (2)(ii) are deleted and reserved.

Dated: February 20, 1980.

Lynn A. Greenwalt,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 80-8299 Filed 3-18-80; 8:45 am]

BILLING CODE 4310-55-M

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Proposed Rules

Federal Register
Vol. 45, No. 55
Wednesday, March 19, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Proposed Revisions of Regulations Pertaining to Nonimmigrant "F-1" Students in the United States

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking proposes elimination of the duration of status for nonimmigrant students; proposes to require all nonimmigrant students in the United States attending a post-secondary school to report to the Service and provide information as to residence and maintenance of status; and proposes to add a new provision to establish uniform criteria for the reinstatement of nonimmigrant students to lawful status by district directors. These changes are being made in order to provide the Attorney General with the information he needs to fulfill his statutory responsibilities to enforce the Immigration and Nationality Act, and to provide a uniform manner by which students may apply for and be granted reinstatement of student status by Service district directors.

DATES: Representations must be received on or before May 19, 1980.

ADDRESSES: Please submit written representations, in duplicate, to the COMMISSIONER OF IMMIGRATION AND NATURALIZATION, Room 7100, 425 Eye Street, N.W., Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT:

For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 633–3048

For specific information: R. E. Coughlon, Immigration Examiner, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 633–3946

SUPPLEMENTARY INFORMATION:

Amendments are being proposed to 8 CFR Part 214 which will eliminate duration of status admission of nonimmigrant students. Additionally, it is proposed to require all nonimmigrant students in the United States attending a post-secondary school to report to the Immigration and Naturalization Service and provide information as to residence and maintenance of status. At the time of reporting, students previously granted "duration of status" will have their indefinite period of stay converted to a specific period of time not to exceed one year. Thereafter they may apply for extensions of stay in increments of one year to complete their studies. Applications for transfer of schools may only be made in the Service office having jurisdiction over the school which he/she was last authorized to attend.

Prior to January 1, 1979, the Service granted duration of status only to certain authorized representatives of foreign governments serving their countries in the United States in an official capacity. The status of such aliens was dependent upon their continued employment with the foreign government.

Because of the vast numbers of foreign students in the United States and the continual need to process applications for extension of stay, it was believed that the duration of status rule could be expanded to include foreign students studying in this country. Accordingly, the proposed rules were drafted and published in the **Federal Register**. Comments were received and reviewed.

On November 22, 1978 the final rules were published at 43 FR 54618 to be effective on January 1, 1979. Thereafter, students have been admitted for duration of status if their intended course of study exceeds one year. Students already in the United States were converted to duration of status upon application.

Events of the past year have focused attention upon nonimmigrant students and caused the Service to reevaluate its position. We believe that more effective controls on students are required in order for the INS to fulfill its statutory responsibilities. It has been shown that the present system has contributed to problems in record keeping.

These changes are being made in order to provide the Attorney General, through the Immigration and Naturalization Service, with necessary information and control to accomplish the duty of enforcement of the Immigration and Nationality Act.

Therefore, amendments, as set forth below, will be proposed to 8 CFR 214.2(f)(2), (3), (4), (5) and (6), and 8 CFR 214.5. The purpose of these proposed amendments is to enable the Service to ensure that foreign students are maintaining status and to provide the Service with adequate records concerning nonimmigrant students.

The Service also proposes a further amendment to 8 CFR 214.2(f) to establish uniform criteria for the reinstatement of students to lawful nonimmigrant status by Service district directors. Under the current system, district directors exercise this authority on a case-by-case basis without any specific guidance in Service regulations or operations instructions.

Basically, reinstatement could be granted in situations where the student overstayed or otherwise violated status through circumstances beyond his control or in hardship cases. Students who worked without authorization or who were deportable on grounds other than overstay or failure to maintain status would not be eligible for reinstatement. In addition, a student who changed schools without having applied for authorization would not be considered eligible for reinstatement unless he/she could show considerable hardship or that the failure to request permission was due to circumstances beyond his control. The latter represents a change from current operating policies which generally would allow a student who has changed schools without having applied for authorization to be reinstated in certain circumstances. In order to establish a system of student controls, it is absolutely essential that the Service have accurate information as to what school a nonimmigrant student is attending. Therefore, changing schools without having sought permission will be considered a substantive violation which will bar reinstatement. The regulation specifically provides that the student's eligibility for reinstatement shall not preclude him from receiving deferred action treatment or voluntary departure under the applicable Service procedures. Thus, an out of status student who is ineligible for reinstatement may still be allowed to remain in the United States for a period of time for humanitarian or other compelling reasons.

Therefore, it is proposed to amend 8 CFR 214.2(f) by adding a new subparagraph (8) to contain regulations providing uniform criteria for the reinstatement of nonimmigrant students to lawful status by district directors.

In the light of the foregoing, the following amendments are proposed to Chapter I of Title 8 of the Code of Federal Regulations:

PART 214—NONIMMIGRANT CLASSES

1. It is proposed to revise 8 CFR 214.2(f)(2) as set forth below:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * * *

(f) *Students.* * * *

(2) *Admission.*

A nonimmigrant who has a classification under section 101(a)(15)(F)(i) of the Act shall not be eligible for admission unless he/she establishes that he/she is destined to and intends to attend the school specified in his/her visa or the school specified on Form I–94 presented by a student returning from a temporary absence in accordance with subparagraph (3) of this paragraph. In all cases, the name of the school a student is authorized to attend shall be endorsed by the examining immigration officer on the student's Form I–94. The period of admission for a nonimmigrant student shall be for the period of time necessary to complete the course of study indicated on Form I–20, unless such period exceeds one year, in which event the authorized period of admission shall be limited to one year. Extensions of stay may be applied for in conjunction with subparagraph (5) of this paragraph.

* * * * * *

2. It is proposed to amend 8 CFR 214.2(f)(3) by revising the second sentence. As amended, 8 CFR 214.2(f)(3) is proposed to read as follows:

* * * * * *

(f) * * *

(3) *Temporary absence.* Form I–20 presented by a student returning from a temporary absence may be retained by him/her and used for any number of reentries within one year of the date of its issuance. However, a Canadian national or an alien landed immigrant of Canada who has a common nationality with Canadian nationals who has been temporarily absent in Canada, or any alien whose visa is considered to be automatically revalidated pursuant to 22 CFR 41.125(f)(2) or is within the purview of that regulation except that his/her nonimmigrant visa has not expired, returning to the United States as a nonimmigrant under section 101(a)(15)(F)(i) of the Act, shall, if otherwise admissible, be readmitted, without presentation of Form I–20, for the remainder of his/her initial admission or current extension of stay as shown on Form I–94, privided a specific expiration of status date is shown thereon.

* * * * * *

3. It is proposed to amend 8 CFR 214.2(f)(4) by revising the second sentence by deleting the clause at its end which begins with the word "however". As amended, 8 CFR 214.2(f)(4) is proposed to read as follows:

* * * * * *

(f) * * *

(4) *School transfer.* A student shall not be eligible to transfer to another school unless he submits a valid Form I–20 completed by that school and the Service grants him permission to transfer. Application for transfer shall be made on Form I–538 and shall be filed in the Service office having jurisdiction over the school which he was last authorized by the Service to attend. Permission to transfer may be granted only if the applicant establishes that he/she is a bona fide nonimmigrant student, that he/she intends to take a full course of study at the school to which he/she wishes to transfer, and that he/she in fact was a full-time student at the school which he/she was last authorized by the Service to attend, unless failure to commence or continue full-time attendance was due to circumstances beyond his/her control or was otherwise justified. The name of the school to which transfer is authorized shall be endorsed on the student's Form I–94.

* * * * * *

4. It is proposed to revise 8 CFR 214.2(f)(5), by revising the title and text as set forth below:

* * * * * *

(f) * * *

(5) *Extension and duration of status.* A nonimmigrant student in the United States in accordance with section 101(a)(15)(F)(i) of the Act who has been granted permission to remain in the United States for his/her duration of status as a student is hereby notified that such indefinite status is revoked as of the last day of the calendar month in which he/she is required to report in accordance with 8 CFR 214.5 or, if not required to so report, as of the last day of the sixth full calendar month immediately following the effective date of this regulation. Extensions of stay may be granted in increments not to exceed one year if the student establishes that he/she is currently maintaining student status and is able and in good faith intends to continue to maintain such status for the period for which the extension is requested. Application for extension of stay shall be made on Form I–538. A student who desires an extension of stay for his spouse and children in a classification under section 101(a)(15)(F)(ii) of the Act may include them in his/her application. A student's spouse or child shall not be eligible for an extension of stay unless the student is eligible for an extension of stay. A student who has been compelled by illness to interrupt his/her schooling may be granted an extension of stay without being required to change his/her nonimmigrant classification if he/she establishes that he/she will resume a full course of study after treatment.

* * * * * *

5. It is proposed to amend 8 CFR 214.2(f)(6) by revising the first three sentences, and by adding new sentences 8 and 9 at the end thereof. As amended, 8 CFR 214.2(f)(6) is proposed to read as follows:

* * * * * *

(f) * * *

(6) *Employment.* A nonimmigrant who has a classification under section 101(a)(15)(F)(i) of the Act is not permitted to engage in off-campus employment in the United States, either for an employer or independently, unless specifically authorized by the Service after the following conditions are met: (i) The student is carrying a full course of study as defined in subparagraph (1a) of this section; (ii) the student has demonstrated economic necessity due to unforeseen circumstances arising subsequent to entry or subsequent to change to student classification; (iii) the student has demonstrated that acceptance of employment will not interfere with his/her carrying a full course of study; (iv) the student has agreed that employment while school is in session will not exceed 20 hours per week; and (v) the student has submitted to an authorized official of a school approved by the Attorney General a Form I–538, and this form has been certified by that official that all the aforementioned requirements have been met. The authorized official of the school or the student will submit the certified Form I–

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538 containing his recommendation together with the student's Form I–94 to the Service office which has jurisdiction over the place where the school is located. The student does not have permission to accept employment until he/she receives the Form I–94 endorsed by the Service to that effect. Permission granted under this paragraph allows a student to work no more than 20 hours per week while school is in session and full time when the school is not in session, including the summer if the student is eligible and intends to register for the next following term. On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study, if related thereto. A student who is offered this kind of on-campus employment, or any other on-campus employment which will not displace a United States resident, does not require Service permission to be engaged in such employment. Permission which is granted to a student to engage in any employment shall not exceed the date of expiration of the authorized stay and is automatically suspended while a strike or other labor dispute involving a work stoppage or layoff of employees is in progress in the occupation and at the place where the student is employed. Permission to continue employment previously authorized may be requested in conjunction with an application for extension of stay, and such employment may be continued pending an adjudication of the application. Requests for continued employment authorization must show that the economic necessity brought about by the unforeseen circumstances warranting the initial authorization has not changed and by verification from his/her employer that the student's employment has not exceeded 20 hours per week while school is in session.

* * * * *

6. It is proposed to amend 8 CFR 214.2(f) by adding a new subparagraph (8) pertaining to reinstatement of student status. New 8 CFR 214.2(f)(8) is proposed to read as follows:

* * * * *

(f) * * *

(8) *Reinstatement of student status.* An alien who was admitted to the United States as, or whose status has been changed to, an F–1 nonimmigrant student, and who has overstayed the authorized period of stay granted by the Service or who has otherwise violated the conditions of such status may be reinstated by the district director to lawful nonimmigrant student only if the student:

(1) Is currently pursuing a full course of study at an approved school,

(2) Is pursuing the same general educational adjective for which he/she was originally granted student status,

(3) Has not been employed without authorization, and

(4) Is not deportable on any ground other than section 241(a) (2) or (9). Additionally, the student must establish to the satisfaction of the district director that his/her violation of status resulted from circumstances beyond his/her control or that failure to receive reinstatement to lawful status would result in considerable hardship to the student.

No appeal shall lie from the decision of the district director. However, nothing contained in this section shall be construed to limit the eligibility of an alien to receive deferred action treatment, or voluntary departure pursuant to 8 CFR 242.5.

* * * * *

7. It is proposed to revise the title and text of 8 CFR 214.5 as set forth below:

§ 214.5 Requirements for maintenance of status for nonimmigrant students.

(a) An alien in the United States as an F–1 nonimmigrant student to attend a postsecondary school, including a vocational, technical, or language school, who was not previously required to report during the period between November 14 and December 31, 1979 in accordance with regulations then in effect, must report in person to the office of the Service having jurisdiction over his/her school or to a Service representative on campus and provide information as to residence and maintenance of status. Nonimmigrant students must report during one of the first six full calendar months immediately following the effective date of this regulation as follows: students whose surname begins with the letter A, B, or C must report during the first full calendar month; students whose surname begins with D, E, F, or G must report prior to the end of the second full calendar month; students whose surname begins with H, I, J, K, or L must report prior to the end of the third full calendar month; students whose surname begins with M, N, O, or P must report prior to the end of the fourth full calendar month; students whose surname begins with Q, R, or S must report prior to the end of the fifth full calendar month; students whose surname begins with T, U, V, W, X, Y, or Z must report prior to the end of the sixth full calendar month. At the time of reporting, each student must present:

(1) Passport and Form I–94 for self and accompanying spouse and children if any;

(2) Evidence from the school of current enrollment or, if on semester or summer break, evidence of acceptance or continued enrollment for the next school term, plus evidence of payment of fees, waiver of fee payment, or, if on semester or summer break, proof of financical ability to pay school fees;

(3) A letter from school authorities attesting to the course hours in which presently enrolled or to be enrolled; the fact that the student is in good standing; the expected completion date of the student's studies; and

(4) Evidence of current address in the United States and such other information as may be requested in accordance with 8 CFR 214.1(f).

(b) At the time of reporting, nonimmigrant students previously granted "duration of status" will have their indefinite period of stay revoked and may be granted an extension of stay not to exceed one year. All other students may also be considered for an extension of stay at that time.

(c) Failure by a nonimmigrant student to comply with the reporting requirements of paragraph (b) of this section constitutes a failure to maintain status as required by section 241(a)(9) of the Act.

(Sec. 103 and 214; 8 U.S.C. 1103 and 1184)

Public Comment Invited

Interested members of the public are invited to submit written data, views and arguments concerning this proposed rule to the COMMISSIONER OF IMMIGRATION AND NATURALIZATION, at the address indicated at the beginning of this document, pursuant to 5 U.S.C. 553. Materials should be submitted in writing, in duplicate on or before May 19, 1980. Any relevant written material received on or before that date will be fully considered before final action is taken on the proposed rule.

Dated: March 13, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization

[FR Doc. 80-8401 Filed 3-18-80; 8:45 am]

BILLING CODE 4410-10-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1700

Human Prescription Drugs in Oral Dosage Forms; Proposed Exemption of Sodium Fluoride Drug Preparations, Including Liquid and Tablet Forms, and Containing No More Than 264 Milligrams of Sodium Fluoride Per Package From Child-Protection Packaging Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes for public comment an exemption from child-protection packaging requirements for sodium fluoride drug preparations, including liquid and tablet forms, containing no more than 264 milligrams of sodium fluoride per package and containing no other substances subject to the requirements for special packaging under the Poison Prevention Packaging Act. An exemption for aqueous solutions of sodium fluoride containing no more than 264 milligrams of sodium fluoride per package is currently in effect. The Commission preliminarily believes that child-protection packaging for all generic forms of sodium fluoride containing no more than 264 milligrams of sodium fluoride per package is unnecessary to protect children from serious illness or injury, based upon the low toxicity of sodium fluoride and the lack of adverse human experience associated with ingestion of the drug. The Upjohn Company, manufacturer of a multiple vitamin product in chewable tablet form containing 221 milligrams of sodium fluoride per package, petitioned the Commission to exempt its sodium fluoride-containing product.

DATES: Comments on this proposed exemption must be received by May 19, 1980. Comments received after this date will be considered to the extent practicable.

If the Commission issues a final regulation concerning the exemption, the Commission proposes that the exemption become effective on the date that the final regulation is published in the **Federal Register.**

ADDRESS: Comments, preferably in five copies, should be addressed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments which have been received may be seen in or obtained from the Office of the Secretary, 1111 18th Street, NW., Third Floor, during working hours Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. Fred Marozzi, Division of Safety Packaging and Scientific Coordination, Directorate for Engineering and Science, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492–6477.

SUPPLEMENTARY INFORMATION:

Background

On March 13, 1979, the Commission received a petition (PP 79–2) from the Upjohn Company, of Kalamazoo, Michigan, requesting an exemption from child-protection packaging requirements under the Poison Prevention Packaging Act of 1970 (PPPA) at 16 CFR 1700.14(a)(10) for tablet preparations containing no more than 221 milligrams (mg) of sodium fluoride per package. The petitioner's multiple vitamin product uses sodium fluoride as an anticaries agent (for the prevention of dental decay) and is a prescription drug that is regulated under the PPPA solely on the basis of its fluoride content. Another main use of sodium fluoride is as an insecticide/rodenticide.

Aqueous solutions of sodium fluoride containing no more tha 264 mg of sodium fluoride per package are currently exempted from the Commission's child-protection packaging requirements at 16 CFR 1700.14(a)(10)(vii). This exemption was based upon the Commission finding that 264 mg of sodium fluoride is less than an acutely toxic dose (42 FR 62363–4, December 12, 1977). In addition, the exemption was based upon the safety recommendation of the American Dental Association that no more than 264 mg of sodium fluoride be dispensed at one time.

Although the petitioner has requested an exemption only for its chewable tablet preparation of sodium fluoride containing a maximum of 221 mg of sodium fluoride per package, the Commission acknowledges the fact that the oral toxicity of sodium fluoride is not significantly affected by the dosage form. In other words, the toxicity of sodium fluoride is tablet preparations is considered by the Commission to be no greater than the toxicity of equivalent dosages of the currently exempted liquid preparations.

For the reasons stated below, the Commission has decided to propose an exemption for sodium fluoride drug preparations, including liquid and tablet forms, containing no more than 264 mg of sodium fluoride per package and containing no other substance subject to the special packaging regulations. The Commission points out that there are currently sodium fluoride tablet preparations containing up to 264 mg of sodium fluoride per package. The Commission, therefore, proposes to revise the existing exemption for aqueous solutions of sodium fluoride by extending the exemption to all generic forms of sodium fluoride drug prescriptions but to maintain the maximum dosage level at 264 mg of sodium fluoride per package.

Grounds for Exemption

The Upjohn Company contends that the same fact—lack of toxicity—which justified an exemption for aqueous solutions containing no more than 264 mg of sodium fluoride per package supports the current request. The petitioner also cities as justification for an exemption the lack of adverse human experience data associated with ingestion of its sodium fluoride—containing product. From 1965 until January, 1979, only one report of an accidental ingestion of the product by a child 5 years of age or younger has been received by the petitioner. This report involved a 3 year old child who ingested 15 tablets, for a maximum of 33.15 mg of sodium fluoride, without symptomatology.

An examination of the most current data sources available to the Commission confirms that there is a lack of serious adverse reaction by young children who have accidentally ingested sodium fluoride.

Approximately 4000 individual case reports under the general heading of "vitamins" in the National Clearinghouse for Poison Control Centers (NCPCC) were studied for the year 1977 to obtain an indication of the magnitude of ingestions of sodium fluoride—containing multi-vitamin preparations. This study revealed 358 ingestions of such products by children under 5 years of age. Twenty of these 358 ingestions resulted in symptomatology such as lethargy, nausea, vomiting, abdominal pain, diarrhea, rash, central nervous system depression and shock. None of the cases was serious enough to result in hospitalization.

The NCPCC data from 1969 thorough 1976 indicates 1,496 ingestions by children under 5 years of age of anticaries products which contain no more than 264 mg of sodium fluoride per package. Fifty-two of the 1,496 cases exhibited symptoms. The symptoms ordinarily exhibited were nausea, vomiting, abdominal pain, diarrhea, headache, and a fever of more than 101°F. Nineteen of the 1,496 cases resulted in hospitalizations which were

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generally of an unspecified duration. One death of a one year old child as a result of ingesting sodium fluoride was also reported in the NCPCC data from 1969 through 1976. This death was listed under the chemical name "sodium fluoride" and tabulated under the general heading of "chemicals," which indicates that the product involved may have been an insecticide/rodenticide or a pure chemical entity rather than an anticaries agent.

The Commission's Poison Control Center contract data for 1976 and 1977 reveals 254 ingestions by children under 5 years of age of various anticaries products which contain no more than 264 mg of sodium fluoride per package. Twenty-seven of these cases exhibited symptomatology such as nausea, vomiting, diarrhea and lethargy. In addition, there was one 2-day hospitalization.

The Commission's National Electronic Injury Surveillance System (NEISS) for 1977 and 1978 reports 18 ingestions by children under 5 years of age of anticaries products containing no more than 264 mg of sodium fluoride per package. All of the 18 children were treated and released from the reporting hospital emergency room.

The Commission's National Injury Information Clearinghouse currently has on file 3 in-depth investigations of ingestions by children under 5 years of age of anticaries tablets containing sodium fluoride. These incidents occurred in 1976, 1977 and 1978. All 3 children were treated in hospital emergency rooms and released. As of August 7, 1979, there were no death certificates or consumer complaints on file with the National Injury Information Clearinghouse that are associated with anticaries tablets containing sodium fluoride.

The Commission also conducted a toxicological evaluation of sodium fluoride. The Commission concurs with the petitioner that the toxicity of tablets containing sodium fluoride is similar to the toxicity of aqueous solutions containing sodium fluoride. The existing Commission exemption of aqueous solutions containing no more than 264 mg of sodium fluoride was based upon the Commission finding that 264 mg of sodium fluoride is less than an acutely toxic dose.* In addition, the exemption conformed with safety recommendation of the American Dental Association that no more than 264 mg of sodium fluoride be dispensed at one time.

A general review by the Commission staff of the scientific and medical literature reveals that most of the reported sodium fluoride poisonings have resulted from its usage as an insecticide/rodenticide rather than its usage as a human oral prescription anticaries drug. However, the literature search did reveal 3 reported fatalities of children under 5 years of age from the ingestion of dosage levels of fluoride preparation which are considerably greater than the maximum level of this proposed exemption. The symptoms most commonly presented in acute sodium fluoride ingestions include nausea, vomiting, diarrhea, abdominal pain, salivation, muscular weakness, tremors, convulsions, hypotension, nephritis, and, in fatal cases, respiratory paralysis and cardiac arrest.

Information available to the Commission indicates that the lethal dose of sodium fluoride is about 5 grams in adults and about 3 grams in children. The Commission notes that an important factor in limiting severe toxic reactions is that sodium fluoride, in even moderatly large doses, is a gastric and intestinal irritant which tends to induce vomiting and diarrhea. If such vomiting occurs at an early stage following the sodium fluoride ingestion, which it usually does, then the risk of injury is considerably reduced. The Commission is aware, however, that the ingestion of 1 gram of sodium fluoride by a child would be likely to result in severe symptomatology or even lethality if vomiting were not to occur or if medical treatment were significantly delayed.

The Commission notes that there is a relatively low incidence (about one percent) of adverse reactions associated with normal dosages of sodium fluoride. These adverse reactions, which include gastrointestinal hemorrhages, eczema, dermatitis and uticaria type reactions, are a result of hypersensitivity to fluoride. These reactions cease upon termination of sodium fluoride therapy. It appears that the problem most often associated with the normal sodium fluoride usage as an anticaries agent is a chronic one and involves mottling of the teeth (fluorosis).

The Commission solicited the opinion of its Technical Advisory Committee (TAC) on Poison Prevention Packaging. Of the 14 TAC members who commented on the petition, 9 members recommended granting the exemption, 4 members recommended denial, and one member abstained.

The 9 members who recommended granting the exemption cited the current exemption of aqueous solutions containing no more than 264 mg of sodium fluoride; these members also stated that the marketing history, toxicology, and human experience for sodium fluoride-containing drugs demonstrate that there is a limited risk of severe toxic reaction from accidential ingestion.

The 4 TAC members who recommended denial of the petition cited the following considerations: (1) Sodium fluoride should not be exempt from the special packaging regulations, the previous exemption notwithstanding; (2) there is a lack of adequate justification for the exemption, such as a lifesaving urgency requiring rapid access to the product; (3) flavored chewable sodium fluoride tablets provide more of an incentive for children to accidentally ingest the product than the currently exempted liquid forms; (4) an accidental ingestion could be a traumatic experience for the victim and his/her parents; (5) increasing numbers of exemptions are likely to confuse pharmacists and result in greater noncompliance with special packaging regulations.

The Commission notes that while such considerations as product form, flavoring, and need for rapid access may enter into the evaluation of certain PPPA exemption requests, the major consideration remains the toxic potential of the exempted package and the human experience data.

The Commission also reviewed the medical literature that was cited by some of the TAC members in support of their recommendations to deny the exemption request. The review revealed that such literature was not directly related to the issues involved in the petition; one article involved the symptomatology associated with accidential ingestion of hydrofluoric acid, which is far more toxic than sodium fluoride, and another article involved the symptomatology associated with ingestion of sodium fluoride by cancer and leukemia patients, who probably have lowered fluoride tolerance. The Commission notes that individual variability in tolerance to fluoride cannot be used to predict toxicity in a normal population. In the case of fluoride therapy, information available to the Commission indicates that the incidence of adverse reactions is low and that those reactions that do occur subside upon termination of therapy. The Commission also notes that there is no scientific rationale for predicting a greater incidence of adverse reactions in children, whether due to intolerance or other factors. In fact, human experience data and the medical literature indicate very few adverse reactions, particularly in children.

The one TAC member who abstained noted what appeared to be a discrepancy in the drug's toxicity and its dosage regimen. The dosage regimen is based upon normal fluoride intake through drinking water. The Commission staff notes that the cautionary note accompanying the product limits use of the drug when certain amounts of fluoride are found in the daily drinking water. Fluoride supplementation is indicated only when the fluoride level of normal drinking water falls below certain limits. These cautions are designed to preclude the development of chronic fluoride overdosage (fluorosis).

The Commission also solicited the opinion of the Food and Drug Administration (FDA) on the exemption request. The Agency states that it previously had recommended granting the current exemption for liquid fluoride-containing products based on scientific literature which indicated that 264 mg of sodium fluoride was less than an acutely toxic dose. While observing that the product form is different, FDA states that the composition of sodium fluoride-containing tablets is not significantly different from currently exempted products, and that there is a lack of reports of accidential ingestions of these products resulting in serious toxic effects. Based upon the lack of reported substantial hazard, FDA concluded that the exemption request should be granted.

Findings

Based on currently available information showing the low toxicity of sodium fluoride and the lack of adverse human experience reported from ingesting sodium fluoride, the Commission preliminarily finds that sodium fluoride drug preparations, including liquid and tablet forms, and containing no more than 264 milligrams of sodium fluoride per package, do not pose a risk of serious personal illness or serious injury to children. The Commission emphasizes that this exemption level is partly based on the American Dental Association safety recommendation that no more than 264 mg of sodium fluoride be dispensed at one time. The Commission urges that medical and dental practitioners and pharmacists observe this recommended limitation in the interest of protecting young children from potentially toxic ingestions as a result of exposure to excessive amounts of sodium fluoride-containing preparations. The Commission also emphasizes that this proposed exemption is limited to sodium fluoride-containing products which contain no other substances subject to the requirements for special packaging under 16 CFR 1700.14(a)(10). The applicability of the requirements of special packaging at 16 CFR 1700.14(a)(10) is not affected by this proposal. Products within the scope of this proposal (except for aqueous solutions of sodium fluoride containing no more than 264 mg of sodium fluoride per package, which are currently exempt under 16 CFR 1700.14(a)(10)(vii)) must continue to be in special packaging until the effective date of any final regulation.

Environmental Considerations

The Commission's interim rules for carrying out its responsibilities under the National Environmental Policy Act (see 16 CFR Part 1021; 42 FR 25494) provide that exemptions to an existing standard that do not alter the principal purpose or effect of the standard normally have no potential for affecting the environment and that, therefore, environmental review of exemptions is generally not required (§ 1021.5(b)(1)). The rules also state that environmental review or rules requiring poison prevention packaging is generally not required (§ 1021.5(b)(3)).

With respect to this exemption of sodium fluoride drug preparations containing no more than 264 mg of sodium fluoride from poison prevention packaging, the Commission finds that the rule will have no significant effect on the human environment and that no environmental review is necessary.

Conclusion and Promulgation

Having considered the petition, the poison control statistics from the National Clearinghouse for Poison Control Centers and from six poison control centers under contract with the Commission, medical and scientific literature and other Commission data sources, and having consulted, pursuant to section 3 of the Poison Prevention Packaging Act (PPPA) of 1970, with the Technical Advisory Committee on Poison Prevention Packaging established in accordance with section 6 of the Act, the Commission concludes that an exemption from the special packaging requirements for sodium fluoride drug preparations containing no more than 264 milligrams of sodium fluoride per package should be proposed as set forth below. Accordingly, pursuant to the provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, sections 2(4), 3, 5; 84 Stat. 1670-72; 15 U.S.C. 1471 (4), 1472, 1474) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-572, sec. 30(a); 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission proposes that 16 CFR 1700.14 be amended by revising paragraph, (1)(10)(vii), as follows:

§ 1700.14 Substances requiring special packaging.

(a) * * *

(10) *Prescription Drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c), except for the following:

(vii) Sodium fluoride drug preparations, including liquid and tablet forms, containing no more than 264 milligrams of sodium fluoride per package and containing no other substances subject to this § 1700.14(a)(10).

Dated: March 13, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80-8330 Filed 3-18-80; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 885

[Docket No. R-80-780]

Section 202 Loans for Housing for the Elderly or Handicapped; Transmittal of Proposed Rule to Congress

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of proposed rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information a proposed rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, Room 5218, 451 7th Street S.W., Washington, D.C. 20410, (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

* See 42 FR 62363-4, December 12, 1977.

24 CFR Part 885—Section 202 Loans for Housing for the Elderly or Handicapped—Cost Limits

The proposed rule would amend 24 CFR Part 885 by stating increased per unit cost limits for housing for elderly and non-elderly handicapped persons in the Section 202 program. Also, the rule would establish per unit cost limits for non-elderly handicapped persons with large families.

(Sec. 7(o), Department of HUD Act (42 U.S.C. 3535(o)); sec. 324, Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., March 13, 1980.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 80-8285 Filed 3-18-80; 8:45 am]

BILLING CODE 4210-01-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2700

Proposed Amendment of Procedural Rule

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Proposed amendment of Commission Rule 30, 29 CFR 2700.30.

SUMMARY: The Federal Mine Safety and Health Review Commission proposes to amend 30 CFR 2700.30, a rule dealing with the requirements for Commission approval of a settlement of a penalty case, by revoking paragraph (c).

DATES: Comments must be received no later than May 5, 1980.

ADDRESSES: Comments must be addressed to the Office of the Executive Director, Federal Mine Safety and Health Review Commission, 1730 K Street, N.W., Washington, D.C. 20006. The envelope should be marked "Rules Comments".

FOR FURTHER INFORMATION CONTACT: Dennis D. Clark, General Counsel, or Arthur G. Sapper, Special Counsel, at (202) 653-5610.

SUPPLEMENTARY INFORMATION: Section 110(k) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 820(k), provides that "[n]o proposed penalty which has been contested before the Commission . . . shall be compromised, mitigated, or settled except with the approval of the Commission." Commission Rule 30, 29 CFR 2700.30, as proposed to be amended, reads as follows:

PART 2700—PROCEDURAL RULES

§ 2700.30 Penalty settlements.

(a) *General.* No proposed penalty that has been contested before the Commission shall be compromised, mitigated, or settled except with the approval of the Commission after agreement by all parties to the proceeding.

(b) *Contents of settlement.* A proposal that the Commission approve a penalty settlement shall include the following information for each violation involved: (1) the amount of the penalty proposed by the Office of Assessments of the Mine Safety and Health Administration; (2) the amount of the penalty proposed by the parties to be approved; and (3) facts in support of the appropriateness of the penalty proposed by the parties.

Accordingly, the Commission proposes that paragraph (c) of 29 CFR § 2700.30 be revoked.

Although an opportunity for public comment is not required, the Commission invites public comment to comply with the spirit of Executive Order 12044, "Improving Government Regulations," 43 FR 12661 (1978), and to assist the Commission in its deliberations.

Frank F. Jestrab,

Acting Chairman.

[FR Doc. 80-8280 Filed 3-18-80; 8:45 am]

BILLING CODE 6820-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL 1439-7]

Air Quality Control Regions, Criteria and Control Techniques; Attainment Status Designations: Ohio

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is proposing to change the attainment status designations of Clermont and Defiance Counties in Ohio. For Clermont County, EPA is proposing to revise the boundaries of the secondary nonattainment area for total suspended partculates (TSP) to reduce the size of the nonattainment area. For Defiance County, EPA is proposing to change the primary nonattainment designation of a portion of Richland Township to secondary nonattainment of the National Ambient Air Quality Standards (NAAQS) for TSP.

DATE: Comments must be submitted by no later than April 18, 1980.

ADDRESS: Send comments to: Gary Gulezian, Chief, Regulatory Analysis Section Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Deaborn Street, Chicago, Illinois 60604.

Copies of the requests for the designations, support documents, and the supporting ambient air quality data are available at the address cited above and at:

Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Environmental Protection Specialist, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, 312-886-6053.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added section 107(d) to the Clean Air Act (the Act) which directed each State to submit to the Administrator of the EPA a list of the NAAQS attainment status of all areas within the State. The Administrator was required to promulgate the State lists, with any necessary modifications. The Administrator published these lists in the **Federal Register** on March 3, 1978 (43 FR 8962), and made necessary amendments in the **Federal Register** on October 5, 1978 (43 FR 45993). These area designations are subject to revision whenever sufficient data becomes available to warrant a redesignation.

Clermont County

On March 3, 1978, EPA designated Pierce Township in Clermont County as a secondary NAAQS nonattainment area for TSP (43 FR 8962). EPA based the designation on monitored violations of the TSP secondary standard during 1977 at Ohio EPA's BMOP monitor. On October 5, 1978, EPA amended the Clermont County designation to expand the size of the secondary nonattainment area to include Batavia Township, since the monitored violations were recorded on the boundary between Batavia and Pierce Townships (43 FR 45993). On December 5, 1979, in conjunction with litigation on the Clermont County designation, the agency agreed to review the designation.

EPA can redesignate an area from nonattainment to attainment if the most recent eight quarters of data demonstrate that there have been no violations of either the secondary or primary standard. EPA reviewed data from two monitors operated by Ohio EPA and three monitors operated by Cincinnati Gas and Electric Company in Clermont County. The only pollution levels above the secondary standard for TSP were registered at Ohio EPA's BMOP monitor during 1978. The four other monitors demonstrated attainment of both the primary and secondary standards.

In addition, EPA asked Ohio EPA to review the data and make a recommendation. Based on the monitoring data and an analysis of the area impacting the BMOP monitor, Ohio EPA recommended reducting the size of the secondary nonattainment area to a small area around the BMOP monitor. Ohio EPA recommended redesignating the remaining portions of the original nonattainment area to attainment of both the primary and secondary standards.

EPA has reviewed the State's recommendation and finds that the monitoring data supports the reduction in size of the nonattainment area. The State also recommended, however, redesignating this smaller area as unclassifiable rather than secondary nonattainment for TSP because of the "downward trend" in TSP concentrations recorded at the BMOP monitor over the past three years. EPA can redesignate an area to unclassifiable only upon a showing that the original data on which a designation was based are invalid. The secondary standard violations recorded at the BMOP monitor in 1978 have not been shown to be invalid. Consequently, EPA proposes to modify the State's recommendation and retain the secondary nonattainment designation for the smaller area around the BMOP monitor showing violations.

Therefore, based on ambient air data, EPA proposes to approve the reduction in size of the secondary TSP nonattainment area in Pierce and Batavia Townships to conform to the boundaries recommended by Ohio EPA. All other portions of these townships would be designated as attainment for both the primary and secondary NAAQS for TSP. The proposed boundaries for the revised secondary nonattainment area are:

Southern boundary being Concord Road (Twp Rd #T-67).

The western boundary being the Jenny Lind Road (Twp Rd #T-202); north to Locust Lake Road (Twp Rd #T-179); west to Lewis Road (Twp Rd #T-178).

The northern boundary being State Route 125 east to Amelia, Olive Branch Road. Then east again on Lucy Run Road (Twp Rd #T-182); east again on Chapel Road (Twp Rd #T-68).

The eastern boundary is the Mt. Holly Lane Road.

Defiance County

On March 3, 1978, EPA designated Defiance County as nonattainment of the primary NAAQS for TSP (43 FR 8962). EPA amended the designation on October 5, 1978, retaining the primary nonattainment designation for those areas of Richland Township not within the City of Defiance, revising the designation for the City of Defiance to secondary nonattainment, and making the remainder of Defiance County attainment. Because the primary nonattainment designation included the area surrounding General Motors Corporation's (GM) Central Foundry located in Richland Township, GM petitioned on November 20, 1978, to revise the designation for Richland Township, excluding the City of Definace, to attainment. GM submitted additional TSP monitoring data to support their request. In July 18, 1979, the EPA informed GM that the data did not support an attainment designation but would support a secondary standard designation. GM, on November 28, 1979, submitted additional TSP monitoring data for the period July 1977 to September 1979 and requested a redesignation to secondary nonattainment. However, GM strongly urged that the EPA consider revising the designation to attainment. EPA reviewed GM's November 28, 1979 request and asked Ohio EPA to review the designation. On February 1, 1980, the Ohio EPA recommended that the designation be revised to secondary standard nonattainment because there were violations of the secondary standard for TSP within the most recent eight calendar quarters of monitoring data. No violations of the primary standard were measured during the last eight quarters of data.

Therefore, based upon ambient air monitoring data, the EPA is proposing to approve Ohio's recommendation to redesignate Richland Township excluding the City of Defiance, in Defiance County from primary nonattainment to secondary nonattainment for TSP.

(Sec. 107(d), 171(2), 301(a) of the Clean Air Act as amended (42 U.S.C. 7407(d), 7501(2), 7601(a))

Dated: March 12, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-8283 Filed 3-18-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 716

[OTS-084003; FRL 1434-6]

Health and Safety Data Reporting; Submission of Lists and Copies of Health and Safety Studies; Extension of Comment Period

Correction

In FR Doc. 80-7953, published in the issue of Thursday, March 13, 1980, on page 16209, in the first column, under Summary make the following corrections:

1. In the sixth line the comment period will extend to April 14, 1980;

2. In the nineteenth line "records" should be corrected to read "record".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Docket No. BC 80-94; RM-3306]

Proposed FM Assignment to Poughkeepsie, N.Y.

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a third commercial FM channel to Poughkeepsie, New York, in response to a petition filed by Olympian Broadcasting Corporation. The proposed assignment will result in intermixture. However, petitioner stated it is willing to operate a Class A station in competition with the two currently licensed Class B FM stations, and no other Class B channels are available for assignment to Poughkeepsie.

DATES: Comments must be filed on or before May 6, 1980, and reply comments must be filed on or before May 27, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 5, 1980.

Released: March 13, 1980.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:* (a) A petition for rulemaking [1] was filed on January 2, 1979, by Olympian Broadcasting Corporation ("petitioner"), licensee of AM Station WKIP, Poughkeepsie, New York, proposing the

[1] Public Notice of the petition was given on January 22, 1979, Rept. No. 1160.

V 45/55 MR 19 80 UMI

assignment of Channel 221A as its third commercial FM assignment.

(b) The channel can be assigned without affecting any existing FM assignments in the Table. No responses to the proposal have been received.

2. *Community Data:* (a) *Location:* Poughkeepsie, seat of Dutchess County, is located approximately 105 kilometers (65 miles) north of New York City.

(b) *Population:* Poughkeepsie—32,029;[2] Dutchess County—222,295.

(c) *Local Aural Broadcast Service:* Poughkeepsie is served by fulltime AM Stations WEOK and WKIP, FM Stations WPDH (Channel 268), WSPK (Channel 284) and noncommercial educational FM Station WVKR-FM (Channel 217).

3. *Economic Considerations:* Petitioner states that the population of Dutchess County increased 26.3% during the period 1960–1970. It adds that, according to the *Commercial Atlas and Marketing Guide*, Rand McNally & Co., the county's population, as of 1978, increased another 7%. Petitioner asserts that Poughkeepsie is a principal business center, and with Kingston, in neighboring Ulster County, comprises the Poughkeepsie/Kingston Basic Trading area, the hub of commerce in Dutchess and Ulster Counties.

4. *Preclusion:* A preclusion study indicates that no new preclusion would be created by the proposed assignment except for a small area on the co-channel where no other communities are located.

5. The assignment of Channel 221A to Poughkeepsie would result in intermixing a Class A channel with two Class B channels (268, 284). The Commission has a policy of permitting such intermixture where, as here, no other Class B channel is available for assignment and the petitioner is willing to apply for the Class A channel in spite of the unfavorable competitive situation. *Yakima, Washington*, 42 F.C.C. 2d 548, 550 (1973); *Key West, Florida*, 45 F.C.C. 2d 142, 145 (1974).

6. Since the Poughkeepsie is located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment of Channel 221A to Poughkeepsie, New York, requires coordination with the Canadian Government.

7. In light of the foregoing information and the fact that the proposed assignment would provide a growing community with a third local commercial FM broadcast service, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, with regard to Poughkeepsie, New York, as follows:

City	Channel No.	
	Present	Proposed
Poughkeepsie, N.Y.	268, 284	221A, 268, 284

8. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before May 6, 1980, and reply comments on or before May 27, 1980.

10. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponents of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may led to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-8315 Filed 3-18-80; 8:45 am]

BILLING CODE 6712-01-M

[2] Population figures are taken from the 1970 U.S. Census.

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47 CFR Part 73

[Docket No. 80-93; RM-3196 and 3254]

Proposed FM assignment to Clintonville, Chilton & Manitowoc, Wis.

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking and Order to Show Cause.

SUMMARY: This action proposes, in the alternative, the assignment of Channel 221A to either Chilton or Clintonville, Wisconsin, in response to petitions from R & D Broadcasting, and Add, Inc., respectively. The assignment could bring a first local aural service at either

community. The Chilton proposal would require a substitution of channels at Manitowoc, Wisconsin.

DATES: Comments must be filed on or before May 6, 1980, and reply comments must be filed on or before May 27, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792 or Ira H. Smart, Broadcast Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

Adopted: March 5, 1980.
Released: March 17, 1980.

By the Chief, Policy and Rules Division:

1. The Commission has before it two petitions for rulemaking. The first was filed by R & D Broadcasting ("R&D"), requesting the assignment of FM Channel 221A to Chilton, Wisconsin, as a first FM assignment, and the substitution of Channel 257A for Channel 221A at Manitowoc, Wisconsin.[1] The second petition was received from Add, Inc. ("Add"), seeking the assignment of Channel 221A as a first FM assignment [2] to Clintonville, Wisconsin. These requests conflict since the required spacing is 104 kilometers (65 miles) while the communities are approximately 82 kilometers (51 miles) apart. Add filed comments in opposition to the R&D proposal.

2. *Community Data:* (a) *Location:* Clintonville, seat of Waupaca County, is located 200 kilometers (122 miles) northwest of Milwaukee. Chilton, seat of Calumet County, is located 122 kilometers (80 miles) northwest of Milwaukee.

(b) *Population:* Clintonville—4,600;[3] Waupaca County—37,780; Chilton—3,030; Calumet County—27,604.

(c) *Present Aural Broadcast Service:* Clintonville—none. Chilton—none.

3. *Preclusion Considerations:* No preclusion studies are required as the petitions involve first Class A assignments.

4. *Additional Considerations:* The assignment of Channel 221A to Chilton would require Station WKKB (Channel 221A), Manitowoc, to switch to Channel 257A. R&D has offered to compensate the current licensee for the expense of this change. A staff study indicated that there is no other Class A channel available for assignment to Chilton.

5. In support, R&D notes that there is no means of local or area self expression licensed to either Chilton, or any other community in Calumet County, Wisconsin. R&D argues that an FM station would contribute to the growth and development of Chilton and Calumet County, by assisting area residents in keeping cognizant of local needs and problems. Finally, R&D submitted economic data on Chilton and Calumet County to demonstrate that it is capable of supporting a local FM station.

6. In its petition, Add asserts that Clintonville is a regional transportation center with a local airport. Its local government consists of a mayor and ten aldermen. Add provides additional demographic data which adequately supports the need for a first local station.

7. In opposition to the R&D request Add argues that the R&D petition should be dismissed because of an inadequate preclusion study. Moreover, Add contends that the assignment of Channel 221A to Clintonville should be proposed because although Clintonville and Chilton are both without local aural service, Chilton receives more radio signals from other communities than does Clintonville.

8. The showings thus far provide no clear choice as to the assignment of Channel 221A to either Chilton or Clintonville. There are no other Class A channels available for assignment to either community. The factors that we consider significant, as they pertain here, favor Clintonville since it is the larger community, no other changes are required, and Clintonville appears farther removed from urban areas and outside radio signals. Each proponent should provide additional information on the relevant factors. In addition, if the proponents desire us to consider the existence of first or second services, then information should be provided on this matter following the guidelines set forth in the *Roanoke Rapids/Anamosa* proceedings, 9 F.C.C. 2d 672 (1967) and 46 F.C.C. 2d 520 (1974). Information may also be provided on the availability of an AM station at either community.

9. In view of the foregoing factors, the Commission believes it appropriate to propose amending the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, as it pertains to Clintonville, Chilton and Manitowoc, Wisconsin, as follows:

City	Channel No.	
	Present	Proposed
Clintonville, Wis.		221A
or		
Chilton, Wis.		221A
Manitowoc, Wis.	221A	257A

10. Authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

11. Interested parties may file comments on or before May 6, 1980, and reply comments on or before May 27, 1980.

12. Cub Radio, Inc. licensee of Station WKKB(FM), Manitowoc, Wisconsin, shall show cause why its license should not be modified to specify operation on Channel 257A instead of Channel 221A, if the Commission in this proceeding finds it in the public interest to assign Channel 221A to Chilton, Wisconsin; this Order being made with the understanding that the ultimate licensee at Chilton, Wisconsin, will pay reasonable reimbursement of expenses incurred in the change of channels at Manitowoc, Wisconsin.

13. Pursuant to Section 1.87 of the Commission's Rules, the licensee of Station WKKB(FM), Manitowoc, Wisconsin, may, not later than May 6, 1980, request that a hearing be held on the proposed modification. Pursuant to Section 1.87(f), if the right to request a hearing is waived, Cub Radio, Inc., may not later than May 6, 1980, file a written statement showing with particularity why its license should not be modified as proposed in the *Order to Show Cause*. In this case, the Commission may call on Cub Radio, Inc., to furnish additional information, designate the matter for hearing, or issue without further proceedings, an *Order* modifying the license as provided in the *Order to Show Cause*. If the right to a hearing is waived, and no written statement is filed by the date referred to above, Cub Radio, Inc. will be deemed to consent to modification as proposed in the *Order to Show Cause* and a final *Order* will be issued by the Commission, if the channel change is found to be in the public interest.

14. It is directed, That the Secretary of the Commission shall send a copy of this *Notice of Proposed Rule Making and Order to Show Cause* by Certified mail, return receipt requested, to Cub Radio, Inc., Box 98, Manitowoc, Wisconsin 54220, the party to whom the *Order to Show Cause* is directed.

15. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792 or Ira H. Smart, Broadcast Bureau, (202) 632-6302. However, members of the public should note that from the time a notice of proposed rule making is issued until

[1] Public Notice of the petition was given on December 6, 1978, Rept. No. 1154.

[2] Public Notice of the petition was given on September 5, 1978, Rept. No. 1138.

[3] Population figures from the 1970 U.S. Census.

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the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5 (d)(1), 303(g), and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table to Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached:

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in inital comments. The proponent of a proposed assignment is also expected to file comments even if it only resumbits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to Which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accoradance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an orginal and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnihsed the Commission.

6. *Public inspection of filings.* All filings make in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-8317 Filed 3-18-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[B/C Docket No. 80-95; RM 3117, 3165, and 3204]

FM Assignments to (Proposed) Bountiful, Centerville and West Jordan, Utah; and Rock Springs, Wyo.

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes, in the alternative, to assign one or two Class C FM channels to Bountiful, Utah, in response to two petitions submitted by Garry Munson and John Charles Larsh, and by General Broadcasting, Inc. A conflicting request to assign a Class C channel to West Jordan, Utah, is also proposed. A change would be necessary at Rock Springs, Wyoming, to accommodate one of the Bountiful proposals. The proposed channel would offer a first local aural service to Bountiful. Comments are requested on issues that have been raised concerning the available and proposed transmitter site locations.

DATES: Comments must be filed on or before May 6, 1980, and reply comments must be filed on or before May 27, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Myra G. Kovey, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 5, 1980.

Released: March 17, 1980.

By the Chief, Policy and Rules Division:

1. The Commission has before it two separate petitions for the assignment of FM channels (Channels 258 and 274) to Bountiful, Utah, and a counterproposal for the assignment of Channel 274 to West Jordan, Utah. It should be noted at the outset that no Class A channels are available for assignment to either Bountiful or West Jordan, making Class C assignments the only feasible choice.

2. *RM-3117 and RM-3165, Bountiful, Utah.* On March 23, 1978, D. Garry Munson and John Charles Larsh ("Munson/Larsh") filed a petition[1] requesting the assignment of Channel 258 to Bountiful, Utah and the substitution of Channel 283 for the unused Channel 258 assignment in Rock Springs, Wyoming.[2] Comments and an additional proposal, the assignment of Channel 274 to Bountiful, were filed on June 30, 1978, by General Broadcasting, Inc. ("GBI").[3] Munson/Larsh replied to this filing.

3. Bountiful is located 10 kilometers (6 miles) north of Salt Lake City, Utah. Information submitted by Munson/Larsh indicates that its population of 29,900 makes it the largest city in Davis County (pop. 99,029), and the fourth largest city in the State. Moreover, Munson/Larsh informs us that the city and county have experienced enormous growth over the last ten years, with current population figures estimated at over 39,000 and over 120,000, respectively.[4] We are also told that the city has eleven elementary schools, three junior highs and two high schools; that its civilian labor force is employed primarily in white collar occupations and includes a sizeable percentage of government workers; and that industrial growth and improved public recreational facilities are among the community's development priorities. Currently there are no radio or television stations licensed to Bountiful.[5]

4. In seeking Channel 274, GBI maintains that Channel 258 is not suitable for Bountiful. In this regard GBI argues that short-spacing problems with Station KBYO-FM (Channel 205) Provo, Utah,[6] have required Munson/Larsh to specify a transmitter site 37.8 kilometers (23.6 miles) northwest of the Bountiful reference point, a site so far from the city as to make use of the channel there inappropriate.

[1] Public Notice of the petition was given on June 7, 1978, Report No. 1125.

[2] The Rock Springs substitution is necessary to enable the Bountiful proposal to comply with the required mileage spacing.

[3] Public Notice of the filing was given on August 2, 1978, Report No. 1135.

[4] If these figures are to be used as a basis for ultimate action, they should be supported by specific documentation.

[5] FM Channel 288A is assigned to Bountiful but a construction permit has been granted for its use in Centerville, Utah. Also, GBI has applied for a construction permit for a new AM station in Bountiful.

[6] The spacing required for Intermodulation Frequency (IF) is 30 miles while the distance between Station KBYO-FM at Provo and the Bountiful reference point is 24 miles.

5. Munson/Larsh for its part finds much to fault in the GBI proposal. Pointing out that GBI has not specified a transmitter site, Munson/Larsh contends that it, too, may have to locate close to a city other than Bountiful.[7] Furthermore, Munson/Larsh continues, the lack of a transmitter site makes impossible definite calculations concerning preclusion and first and second FM services. Moreover, Munson/Larsh contends that GBI's engineering statement now shows the preclusionary effects of a Channel 274 assignment to be greater than those of a Channel 258 assignment. With respect to GBI's application for a new AM station at Bountiful (see footnote 5, *supra*), Munson/Larsh requests a statement concerning GBI's intended hours of operation and problem duplication for the two Bountiful stations, should it acquire both an AM and an FM facility. Finally, Munson/Larsh urges a need for a list of GBI's principals, citing the Commission's denial of a request to assign Channel 274 to Granger-Hunter, Utah, in part, because of multiple ownership concerns. *Granger-Hunter, Utah,* 42 FR 20317, 40 RR 2d 535 (1977).

6. There is no question that the securing of an appropriate transmitter site is a problem with both the proposed Channel 258 assignment and the proposed Channel 274 assignment. Paragraphs 11 and 12 of this *Notice* discuss these difficulties in detail. As for Munson/Larsh's other concerns, consideration now of GBI's plans for its proposed FM station is premature, there being no channel for which to apply at this time. Moreover, we have no reason to question GBI's ability to submit an application when appropriate, in the absence of evidence indicating legal or other impediments. In summary, then, we do find need for further comment on the technical aspects of both Bountiful proposals, *i.e.,* the availability of suitable transmitter sites, but otherwise find no basis to investigate into GBI's qualifications.

7. *RM-3204-West Jordan, Utah.* Robert R. Busch d.b.a. Busch Corporation ("Busch"), filed on September 1, 1978, a request to assign Channel 274 to West Jordan, Utah, as its first FM assignment and first local service.[8] Located 16 kilometers (10 miles) south of Salt Lake City, West Jordan's 1970 population was 4,221, a figure which would ordinarily incline us to favor Bountiful for that channel. Busch maintains, however, that West Jordan has grown since 1970 to a city of 28,500, with similar growth projected for the future. This figure, if accurate, would greatly enhance West Jordan's comparative status in this proceeding, placing it on a comparable footing with Bountiful.

8. *Preclusion Considerations.* Assignment of Channel 258 to Bountiful would cause preclusion on one or more channels to forty-two communities of over 1,000 persons, thirty of which have no FM assignments. Assignment of Channel 274 to Bountiful would cause preclusion on one or more channels to forty communities of over 1,000 persons, twenty-seven of which have no FM channel assignments. The assignment of Channel 274 to West Jordan would have a preclusionary effect very similar to that of Channel 274 in Bountiful. Tabulated below are the communities, their populations and the proposals causing preclusion.

Community	Population	Channel No. 258 to Bountiful	Channel No. 274 to Bountiful (or West Jordan)
Utah			
Smithfield	3,342	×	
Morgan	1,566	×	×
Garland	1,187	×	
Tremonton	2,794	×	×
Wellsville	1,267	×	×
Lewiston	1,244	×	
Richmond	1,000	×	
Willard	1,045	×	
Heber	3,245	×	×
Springville	8,790	×	×
Payson	4,501	×	×
Santaquin	1,236	×	×
Nephi	2,699	×	×
Mt. Pleasant	1,516	×	×
Duchesne	1,094	×	×
Helper	1,964	×	×
Ephraim	2,127	×	×
Gunnison	1,073	×	×
Fillmore	1,411	×	×
Delta [1]	1,610	×	×
Salina	1,494	×	
Roosevelt [1]	2,005	×	×
Roy	17,100		×
Clearfield	13,316		×
Farmington	2,526		×
Park City	1,193		×
Hyrum	2,340		×
Idaho			
Kimberly	1,557	×	
Buhl	2,975	×	
Filer	1,173	×	
Wendell	1,122	×	
Montpelier	2,604		×
American Falls	2,769		×
Wyoming			
Lyman	2,002	×	×
Afton	1,280		×
Kemmerer [1]	2,292		×
Green River [1]	4,196	×	×
Nevada			
Wells	1,061	×	
McGill	2,164	×	

[1] Has an AM station.

9. Munson/Larsh states that Channel 300 could be assigned to any of the areas precluded by the assignment of Channel 258 to Bountiful. Staff study verifies this proposition along with the fact that Channel 300 could be assigned to areas precluded by the proposed Channel 274 assignments. Staff study also supports Busch's contention that the following Class A assignments could be made in precluded areas:

Nephi, Utah	272A
Ephraim, Utah	260A
Roosevelt, Utah	296A
Tremonton, Utah	292A
Kemmerer, Wyo	296A
Green River, Wyo	292A
Montpelier, Idaho	288A

10. *Other Considerations.* Munson/Larsh claims that its proposed facility would provide a first FM service to 300 persons in 1,050 kilometers (400 square miles). No second FM service would be provided. GBI states that its proposed operation would provide no first or second FM service. It may be assumed that the Busch proposal would similarly serve no unserved or underserved areas.

11. *Suburban Issue.* To avoid short-spacing with Station KBYO-FM (Channel 205) in Provo, Munson/Larsh proposes to place its transmitter 37.8 kilometers (23.6 miles) northwest of Bountiful, a site closer to the Ogden, Utah (population 69,478) metropolitan area than to Bountiful. Busch, likewise, faces a short-spacing problem with the Channel 221A assignment in Tooele, Utah, a problem which it plans to avoid with a transmitter site located 24 kilometers (15 miles) north of West Jordan and 5.8 kilometers (3.6 miles) north of the Salt Lake City (population 175,885) reference. These two sitings, each closer to a major community than to the proposed community of assignment, raise questions as to the intended use of the proposed stations, *i.e.,* whether they will in fact, serve the larger communities rather than the smaller ones.[9] As GBI does not specify a transmitter site, its service intentions cannot be assessed at this time.[10] Due to the questions raised by these suburban issues we have set forth alternative proposals.

12. We find merit in, and thus a need to investigate further, Busch's allegation that GBI can feasibly locate its transmitter only in the mountains east or northeast of Bountiful or on the valley

[7] GBI's choice of a transmitter site may be limited by the factors discussed in paragraphs 11, 12, *infra.*

[8] Public Notice of the filing was given on September 18, 1978, Report No. 1141.

[9] A request to assign Channel 274 to Granger-Hunter, Utah, was denied, in part, because of serious questions as to whether it would really serve Salt Lake City. *Granger-Hunter, Utah, supra.*

[10] Considerations set forth in paragraph 12, *infra,* may compel GBI to specify a site during the comment phase of this proceeding. If so, its intentions will be given an appropriate assessment at that time.

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floor west or northwest of the city.[11] According to Busch, any available mountain site would require extensive development expenses for access and power and possible environmental impact studies as well. A valley floor location, Busch adds, would fail to provide maximum utilization of a Class C assignment and could result in severe multipath problems. If true, these contentions would cast serious doubt on the technical viability of a Channel 274 assignment to Bountiful.

13. In view of the foregoing, we find it in the public interest to explore the possible assignment of Channel 258 to Bountiful, Utah, and/or the possible assignment of Channel 274 to Bountiful or to West Jordan, in a rule making proceeding. We also desire to reassign Channel 288A from Bountiful to Centerville, Utah, to reflect its use there.

14. Accordingly, we propose the following alternative revisions in our FM Table of Assignments (§ 73.202(b) of the Rules) with respect to the cities listed below:

City	Channel No.	
	Present	Proposed
Alternative I		
Bountiful, Utah	288A	258, 274
Centerville, Utah	.....	288A
Rock Springs, Wyo	243, 258	243, 283
Alternative II		
Bountiful, Utah	288A	258
Centerville, Utah	.....	288A
Rock Springs, Wyo	243, 258	243, 283
Alternative III		
Bountiful, Utah	288A	258
Centerville, Utah	.....	288A
West Jordan, Utah	.....	274
Rock Springs, Wyo	243, 258	243, 283
Alternative IV		
Bountiful, Utah	288A	274
Centerville, Utah	.....	288A
Alternative V		
Bountiful, Utah	288A	.....
Centerville, Utah	.....	288A
West Jordan, Utah	.....	274

15. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

16. Interested parties may file comments on or before May 6, 1980, and reply comments on or before May 27, 1980.

17. For further information concerning this proceeding, contact Myra Kovey, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a notice of proposed rule making is issued until it is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counter proposals advanced in this proceeding itself will be considered if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-8282 Filed 3-18-80; 8:45 am]

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[11] The engineering statement submitted with GBI's proposal uses the Bountiful reference point as a basis for calculation.

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47 CFR Part 73

[BC Docket No. 80–90; RM–2587; RM–3226; RM–3367; FCC 80–108]

Modification of FM Broadcast Station Rules To Increase the Availability of Commercial FM Broadcast Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FCC proposes to change the FM allocation rules to allow additional FM channel assignments to be made. Greater public interest in FM broadcasting prompts the Commission to consider modifications which would increase the number of possible assignments that are available for FM broadcast station use.

DATES: Comments must be received on or before June 13, 1980, and reply comments on or before August 13, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathryn Hosford, Broadcast Bureau, (202) 632–7792; Gregory DePriest, Broadcast Bureau, (202) 254–6884; Mark Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Notice of Proposed Rulemaking

Adopted: February 28, 1980.

Released: March 14, 1980.

By the Commission: Chairman Ferris issuing a separate statement; Commissioner Lee absent; Commissioner Brown, concurring and issuing a statement.

1. The Commission has before it three petitions for rule making seeking changes in the FM allocation rules to permit additional channel assignments. These petitions were filed by George W. Phillips of Laurinburg Broadcasting Company ("Laurinburg" RM–2587), Serge Bergen ("Bergen" RM–3226) [1], and the National Telecommunications and Information Administration ("NTIA" RM–3367).[2] This *Notice* addresses the requests contained in those petitions, proposes specific changes in the FM assignment rules, and seeks comments on them. In an associate item to be before the Commission in the near future, we will discuss the implications of these changes on our present assignment policies and set forth various proposals for modifying our current policies. Before discussing the particular requests contained in the petitions, we shall set forth a brief description of the present FM allocation rules and the rationale underlying their adoption.

I. Background

2. In 1963, the Commission established an FM Table of Assignments in the *Third Report, Memorandum Opinion and Order* (40 F.C.C. 747) in Docket 14185. The purpose of such a table was twofold—first, to distribute assignments on an equitable basis by insuring to the extent possible the future availability of assignments for those communities which might not have a present demand; and second, to afford FM stations the opportunity to expand their facilities as their financial situation developed by providing interference protection to a maximum power and antenna height. Up until that time, new applications were being processed on a demand basis. The application was granted if no interference was caused with the 1 mV/m contour of an existing station or if, on balance, the benefits of the new service outweighed the resultant interference. A result of the demand system was a saturation of available frequencies in the major cities at the expense of nearby smaller localities. Prompted by this dislocation and uneven distribution, the Commission developed an overall plan which optimized both the individual channel use and the FM service in general. A Table of Assignments was established to allocate the available frequencies in an equitable manner.[3]

3. With the dual purpose in mind of maximizing the number of assignments while providing adequate protection from interference, the Commission compared the service radius of each class of station to its interfering contour. It was concluded that the optimum balance between individual station coverage and the maximum number of station assignments would be produced by adopting service contours of 15 miles in radius for a Class A station, 40 miles for a Class B, and 65 miles for a Class C. The signal strength contours requiring protection to produce these service radii were as follows: 927 uV/m for a Class A station; 560 uV/m for a Class B station; and 944 uV/m for a Class C station. The distance separations set forth in § 73.207 of the Rules were the culmination of these efforts.[4]

4. In order to understand the proposed changes set forth in this proceeding, a short outline of the present FM allocation structure is offered. The FM broadcast band is divided into 100 channels (each 200 kHz wide) which are located between 88 and 108 MHz. The first 20 channels are designated for use by noncommercial educational stations and are not a part of the Table. Interspersed throughout the remaining 80 channels are 20 designated for use by Class A stations only. See § 73.206(a) (1) and (3) of the Commission's Rules. Stations operating on Class A channels are designed to provide local service to smaller communities. See § 73.206(a)(2). The remaining 60 channels are reseved for use by Class B or Class C stations, depending on the geographical location of the station. See § 73.206(b) (1), (3) and (5). Class B stations were designed to provide coverage to the larger communities within the densely populated northeastern part of the United States (Zone I) and most of the State of California (Zone I–A). See § 73.206(b)(2). Class C stations were also designed to provide service to the larger communities but at the same time could be used to serve the more sparsely settled areas of the rest of the country (Zone II). See § 73.206(b)(4). Since Class A channels are assigned regardless of the zone, each zone is now permitted two classes of channels. The maximum permissible power and antenna height for each class of station is as follows:

	Max ERP in kilowatts (dBk)	Max HAAT in meters (feet)
Class:		
A	3 (4.8)	92 (300)
B	50 (17)	153 (500)
C	100 (20)	610 (2000)

5. Since its adoption, the Table of Assignments has proven to be an effective means of allocating available FM frequencies. Over time, however, fewer FM frequencies remain available as more and more assignments are made. In many parts of the country, the demand for service has not been fully satisfied yet no frequencies are available for assignment. The very success of the FM broadcast service has led to a scarcity of frequencies in many places.[5] The Commission now wishes to initiate a rulemaking proceeding to

[1] We have received comments in response to the Laurinburg and Bergen petitions from Thomas C. Smith of Schofield, Wisconsin; South Cobb Broadcasting Co. of Austell, Georgia, and Carroll-Haralson Radio, Inc. of Bremen, Georgia; Mr. Hughey of Tallassee, Alabama; and Cherokee Broadcasting Co. of Murphy, North Carolina Several letters were also received from various persons expressing interest or support. A separate request was made by Cherokee Broadcasting Company to consolidate the two petitions for joint consideration which we have done herein.

[2] Formal comments responding to the NTIA petition were received from American Broadcasting Companies, Inc.; National Association of Broadcasters; National Radio Broadcasters Association; McKenna, Wilkinson and Kittner, on behalf of its radio broadcast clients; Institute of High Fidelity, Inc.; Muzak, a division of Teleprompter Corp. Letters were submitted by various interested persons and groups. Each of the comments were helpful in our analysis of the proposals. However, for the most part, the filings concern matters which we have not included for consideration herein. See paragraph 6, *infra*.

[3] This requirement is expressed in Section 307(b) of the Communications Act, which provides: "In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequency, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.

[4] Section 73.207 provides (in miles):

	Class A			
	CO—	200	400	600
Class of station:				
A	65	40	15	15
B	.....	.....	.....	.....
C	.....	.....	.....	.....
	Class B			
A	.....	65	40	40
B	160	105	40	40
	Class C			
A	.....	105	65	65
B	170	135	65	65
C	160	150	65	65

[5] In 1962, when the Table of Assignments was proposed in the *Second Further Notice of Proposed Rulemaking* (40 F.C.C. 728) the number of existing FM stations (licensed and permit status) was approximately 1,200. The December, 1979, figure for FM stations on the air was over 3,000.

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pursue the means by which increased numbers of FM assignments can be made available.

II. Petitions

6. Petitions suggesting changes in the FM assignment structure to permit additional FM assignments were received as noted in paragraph 1. Laurinburg and Bergen request that the Commission initiate a rulemaking proceeding to amend Section 73.206 to permit stations with Class A facilities to operate on the 60 channels designated for use by Class B–C stations. The Laurinburg proposal would favor such operations only in cases where Class B or Class C channels could not be assigned and used by Class B or Class C stations and where no Class A channels are available for assignment. Both petitioners note that the distance requirement tables would have to be amended to reflect co-channel separations resulting from Class A stations operating on Class B–C channels.

7. The NTIA petition requests changes beyond those sought by Bergen and Laurinburg. It supports changes in the FM rules to allow the use of directional antennas, terrain shielding, and more classes of stations. NTIA also supports investigation into such concepts as co-locating adjacent channel stations; reducing the minimum distance separation requirements to force improved receiver performance; a return to the protected contour, case-by-case, approach of making new assignments; and reducing the channel width to something less than the present 200 kHz. These changes, it contends, would provide for the addition of many new assignments.

8. The Commission has carefully reviewed each of the suggestions for change put forward by the petitioners. We have divided the proposals into those that deal primarily with changes within the present allocation framework and those that seek substantive changes to the allocation framework. On the basis of our review, we have decided to focus our attention on those proposals dealing with changes within the present allocation framework. It is our belief that immediate benefits may be obtained from these proposals that would be delayed should we attempt to examine some of the more complex suggestions put forward. For this reason, such areas as terrain shielding, highly directional antennas, reducing the FM bandwidth, and co-locating adjacent channel stations, will not be considered in this proceeding. We will, however, consider those matters in a future proceeding.[*]

III. Actions now Proposed

9. The Commission has conducted studies which indicate that the efficiency of use of the FM broadcast band may be increased if rule changes along the lines of those suggested by the petitioners are considered. These changes would increase the availability of assignments while providing protection to the service contours (except for Class B stations) used in establishing the original Table and its distance separation requirements. Briefly then, the Commission wishes to make some modifications to the present rules while keeping intact the benefits the Table of Assignments concept represents. Therefore, we propose:

(a) To allow Stations with Class A facilities to operate on Class B–C channels if a Class A channel is not available;

(b) To add two new classes of stations: Class B1 (an intermediate class between Class A and B) with maximum facilities of 20 kW (13 dBk) ERP and antenna height of 92 meters (301.84 feet) above average terrain, and Class C1 (an intermediate class between Class B and C) with maximum facilities of 100 kW (20 dBk) ERP and 305 meters (1,000.66 feet) antenna height;

(c) To permit Class B (including B1) facilities in Zone II;

(d) To require that all existing Class B and C stations meet certain operating minimums for power and antenna height or be subject to reclassification to a lower class of channel. A similar requirement is also proposed for new Class C authorizations which would allow a new Class C assignment to initially start with Class C1 facilities; and

(e) To adopt a new separation table proposed herein (see Table I, *infra.*) which reflects the updated propagation curves (adopted in Dockets 16004 and 18052). It also incorporates a uniform protection criteria for all classes of stations and continues the Commission's conversion of its rules to the International System of Units (SI).[6]

IV. Studies and Discussions

10. After receipt of the Laurinburg petition, a number of computer studies were conducted to determine availability of channels in various areas of the country. These studies confirmed that FM assignments are becoming scrace in many areas and that relief could be obtained by allowing Class A stations to operate on Class B–C channels. Early last year in conjunction with Canadian FM reallocation proposals, an extensive allocation study was conducted for the northeastern portion of the United States. It demonstrated that certain areas are entirely foreclosed from obtaining additional FM assignments. The results of this study are contained in Talbe II. It also indicated that the use of Class B–C channels by Class A station would allow new FM assignments to be made over substantial areas. For example, at present new FM assignments can be made to only 5% of a land area consisting of western Ohio and most of Illinois (see Area #8 of Table II). That percentage increases to 81% if Class A stations are permitted to operate on Class B–C channels.[7] Studies conducted in other areas of the country similarly indicate that a degree of land area gain (hence, new assignment potential) could be obtained from intermixing classes of stations on the same channel. Although not every area in the country would now

[*] The Commission encourages NTIA to submit data and information describing the potential of directional antennas and terrain shielding to provide equivalent protection. Particular effort must be devoted to the actual-versus-claimed performance of directional antennas. In addition, it appears that agreement must be reached by the scientific community on the method used to calculate terrain effects if this concept is to be seriously considered. The Commission is also interested in discussing how these concepts may be incorporated into our present Table of Assignments approach.

[6] The proposed changes to the FM broadcast service will be in the International System of Units in order to conform to the program adopted on July 28, 1976, in which the Commission is attempting to convert its rules and regulations to metric units. (See Public Notice, FCC 76–737.) Conversion is appropriate at this time because the separation table independently regulates the distances between commercial FM stations. The Table could be converted from miles to kilometers without changing many of the other rules (such as propagation curves) immediately. For clarity, only those rules in Subpart B, Part 73, which are directly related to this proceeding will be converted at this time. Other rules will be updated as necessity and time permit. This conversion period must be recognized as a transition time and there will be slight inconsistencies between some of the rules. For example, the maximum antenna height for a Class A station is 300 feet at present which would be converted to 92 meters or 301.84 feet under the proposed rules. We will make every attempt to keep such discrepancies to a minimum and we welcome comments on the timeliness of this conversion.

[7] No attempt was made to translate these percentages of specific numbers of new assignments that could be gained. For example, 81% refers to land area; not to an increase in the number of new channels. However, it does indicate that new assignments are possible over a wider geographical area and therefore, to potentially more communities.

benefit from the use of lower power Class A facilities on Class B–C channels, the conclusion can be drawn that substantial benefits can be obtained immediately and future gains can be expected in areas that would eventually be otherwise foreclosed under our present rules.

11. The Commission has also made some preliminary investigations into the merits of adding more classes of stations. Additional classes could increase the number of assignments by reducing the distance separation requirements for stations operating with intermediate facilities. The request for additional classes of stations, and to a large part, the Commission's analysis of the proposal, are based on the premise that a disproportionately large number of existing stations are operating with less than maximum facilities. Therefore, these stations are receiving protection in excess of that intended when the original Table and distance separation standards were established. The separation requirements are based upon the assumption that each assigned station is, or at some time in the future will be, operating at the maximum power and antenna height for is particular class. It was the intention of the creators of the Table to provide stations with adequate protection until their financial viability permitted expansion to maximum or near maximum values. Although FM broadcasting has developed to become a competitive and, in some cases, dominate force in today's marketplace, many FM stations continue to opearate with less than desired facilities. The Commission's studies reveal that, based on their service radius, only 20% of the staions occupying Class C assignments operate with facilities that warrant a Class C classification. In fact, nearly 25% of the licensed Class C stations provide service equivalent to that furnished by a maximum facility Class B station. Thus, some 80% of existing Class C stations are receiving excessive protection in terms of their operating facilities. This may well be a contributing factor to the scarcity of FM assignments in many parts of the country and a luxury that can no longer be affored. In addition, the fact that such a large number of Class C stations operate with these lesser facilities may indicate that the licensees believe that the coverage they provide is adequate for their purposes. Thus, in an effort to minimize overprotection, and to permit the assignment of additional classes of stations, we are proposing to create two new classes of stations: Class B1 and Class C1. [8]

12. No subclassification is proposed for Class A stations since we feel it would be undersirable to consider adopting a class of station with less than a 23 kilometer (14.3 miles) service radius. The interfering signal of such a station would be disproportionately large compared to its service radius. Also, a majority of present Class A stations operate with maximum or near maximum facilities. On the other hand, we believe that the addition of a Class B1 has merit because it would offer an intermediate class of channel between Class A and Class B stations. In those instances were a full Class B assignment would not meet the required distance separations, a Class B1 assignment (assuming it would meet the separation criteria) would offer a larger service area and a more efficient assignment than a Class A station. [9]

13. Therefore, we are proposing two additional classes of stations which appear to warrant examination. The five classes of stations and their maximum facilities would be as follows:

	Max ERP in kilowatts (dBk)	Max HAAT in meters (feet)
Class of station:		
A	3 (4.8)	92 (301.84)
B1	20 (13)	92 (301.84)
B	50 (17)	153 (501.97)
C1	100 (20)	305 (1000.66)
C	100 (20)	610 (2001.31)

14. The minimum power for Class A stations under the Commission's proposal would remain at the present value of 100 W (–10 dBk.). The minimum power for Class B1, B, and C1 stations would have to exceed the maximum of the preceding smaller class of station (Classes A, B1, and B, respectively). Except for Class C assignments, no minimum antenna height above average terrain (HAAT) would be specified. Class C stations would be required to operate at 100 kW (20 dBk) power and an antenna height exceeding 305 meters (1000.66 feet) HAAT. Referring to the above Table, it is noted that the difference in Class C and C1 stations is the maximum permissible antenna height.

15. In order to achieve maximum benefit from the additional classes of stations (by eliminating much of the present overprotection from interference), it is necessary to reclassify any existing Class B and C stations that do not meet the minimum facility requirements in paragraph 14. Class B or Class C stations which do not operate with greater than minimum facilities as provided herein would be given 3 years (from the effective date of the action) to expand their facilities or be reclassified to the lower class of channel which more accurately reflects the actual operating facilities. During the 3 year period, each station would be renewed on a conditional basis to insure conversion to minimum Class B or Class C facilities. If the expansion of facilities is not accomplished within the 3 year period then the downward reclassification would take place.

16. A similar reclassification system would apply to newly authorized Class C stations. We are proposing to permit all newly authorized Class C stations to commence operations with Class C1 facilities and have up to 6 years from the date of authorization to conform to minimum Class C facilities. We recognize that the financial burdens to meet the minimum operating requirements can be onerous for Class C licensees until their operation have had sufficient time to become profitable. To allow for equal treatment we would provide that all stations have up to 6 years to convert. Thus all stations which have been authorized within 3 years prior to the effective date of the action taken in this proceeding would also have additional time (up to 6 years from the date a license is granted) to upgrade their facilities or be reclassified downward. However, we do not propose to allow any other class of station to commence operations with less than the minimum proposed facilities because we do not feel that the initial costs are as burdensome, nor are the other station classes subject to the minimum antenna height requirement.

17. Our proposal to increase the number of station classes necessitates amendment of the distance separation table to include the spacing requirements among the new classes (see Table I *infra.*) The present separation table (Section 73.207) provides predicted protection from interference to approximately the 60 dBu (1mV/m) contour for both Class A and Class C stations. Class B assignments are provided predicted protection from interference to approximately the 54 dBu (.5 mV/m) contour.[10] The greater

[8] The facilities proposed for Classes B1 and C1 are different from those noted as B1 and C1 in Docket 20735. Also, Canada does have a Class C1 (same facilities as proposed herein) but not the B1 class of station.

[9] Only 10% of the licensed Class B stations are operating with facilities that are significantly less than maximum. Therefore, overprotection is not the primary reason for proposing to create a Class B1 station.

[10] As stated previously, the present mileage separation table originally provided protection to 927 uV/m contour for Class A stations, 669 uV/m for Class B and 944 uV/m for Class C. However,

Footnotes continued on next page

protection for Class B stations resulted from a desire to obtain a particular service radius (65 kilometers or 40 miles) rather than a need for greater protection. The proposed separation table provides predicted protection to the 60 dBu contour for all classes, including Class B.[11] A change in the protected contour for Class B stations is necessary to obtain meaningful benefits from our proposal to add more classes of stations. For example, under the proposed separation requirements, two Class C1 stations operating on the same channel would be a minimum of 245 kilometers (152 miles) apart. Under the present separation requirements co-channel Class B stations may be no closer than 241 kilometers (150 miles). Unless the protection afforded Class B stations is modified, no reason exists for the creation of the C1 class of station. Also, we are not convinced that Class B stations require or deserve a greater degree of protection than either a Class A or C station. This was, after all, not the original intent when the 55 dBu contour was chosen for protection. The proposed separation table (Table I) does represent a decrease in the protected service radius for a Class B assignment of approximately 11 kilometers (7 miles). However, the reduction in the required separation from 241 kilometers (150 miles) at present to 191 kilometers (119 miles) as proposed for Class B to B co-channel, would appear to justify the smaller service area by enabling more FM assignments to be made. [12]

18. In addition to studies undertaken to determine the effects of allowing Class A assignments on Class B–C channels, the Commission undertook some preliminary studies to determine the impact of adding intermediate classes of stations. We applied the proposals contained herein to three communities in the United States: Rock Hill, South Carolina (population 33,846); Delaware, Ohio (population 15,008); and Rock Falls, Illinois (population 10,287).[13] These communities were randomly selected from a large group which now have no FM assignments; no FM channels presently available for assignment; and a relatively large population. This study did not consider whether there was a demand for an assignment at these communities; whether the community deserves an assignment; or whether other communities would be precluded from obtaining an assignment. Our primary concern was the impact the creation of additional station classes would have on our ability to make additional FM assignments. The results of these studies are tabulated in Table III.

19. We discovered that merely allowing Class A assignments on Class B–C channels, as proposed by Laurinburg and Bergen, would not provide an available assignment for Rock Hill. However, if five classes of stations were considered (the existing classes plus the two additional ones proposed) and all present stations were reclassified according to their present operating facilities, a Class B channel could be assigned to all three communities. This would be the only means of providing Rock Hill, South Carolina, with an FM assignment.

20. Our investigation into the effects of adding more classes of stations was limited because the time required to complete each study is lengthy and substantial hand examination must be made in each case. However, the Commission feels that the indications of merits are strong enough for us to propose rules which would add more classes of stations. We shall continue our evaluation of the effects of these proposed changes as this proceeding advances. We desire comments which might better show the potential (or lack thereof) in total numbers of assignments such a proposed allocation structure could have.

21. Interested persons desiring an FM assignment at a specific community that would be available only under the proposed rules should not submit a petition for rule making to amend the FM Table of Assignments (§ 73.202(b)) during the comment period. Rather they should wait until a decision is made in this proceeding. Assuming positive Commission action, the request would then be made through the normal "petition" procedure (**see** § 1.401 *et al.*).

22. The attached Appendix does not contain a proposed revision of § 73.213 (dealing with short-spaced stations). The Commission recognizes that this section must be revised to reflect the five classes of stations. However, no proposal is being made at this time. Consideration of these rules will commence, if necessary, at a later date.

23. Accordingly, it is proposed to amend Part 73 of the Commission's Rules and Regulations as set forth in the attached Appendix.

24. Authority for the actions taken herein is contained in Sections 4(i), and 303 (a), (b), (f) and (g) and (r) of the Communications Act of 1934, as amended.

25. Pursuant to procedures set out in § 1.4, 1.415, and 1.419 of the Commission's Rules and Regulations, interested parties may file comments on or before June 13, 1980, and reply comments on or before August 13, 1980. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

26. In accordance with § 1.419 of the Commission's Rules and Regulations, an original and five copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. Members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying docket number BC 80–90.

27. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

28. For further information concerning this proceeding contact Kathryn Hosford, Broadcast Bureau, (202) 632–9660. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, *ex parte* contacts presented to the Commission in proceedings such as this one will be disclosed in the public docket file.

29. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentations requested by the Commission. If a member of the public does wish to comment on the merits of this proceeding in this manner, he or she should follow the Commission's procedures governing *ex parte* contacts in informal rule making. A summary of these procedures is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554 (202–632–7000).

Federal Communications Commission,*

William J. Tricarico,

Secretary.

Footnotes continued from last page

adoption of new propagation curves in 1975 (53 F.C.C. 2d 855) refined these figures.

[11] Although the protection criteria of the separation tables (present and proposed) has been noted in this document, it is stated for reference purposes only. The nature and extent of protection from interference accorded to FM broadcast stations is limited solely to that which results from the station separation requirements and other rules as defined by Section 73.209 of the Commission's Rules.

[12] The proposed separation table represents a 1 mV/m protected service radius of 23 kilometers (14.5 miles) for Class A, 36 kilometers (22 miles) for Class B1, 53 kilometers (33 miles) for Class B, 73 kilometers (45 miles) for Class C1, and 92 kilometers (57 miles) for Class C. The signal to interference ratios used to determine allowable interference were left unchanged at 10:1 for co-channel stations and 2:1 for first-adjacent channel stations. The second-adjacent and third-adjacent channel separations again represent a replacement service by requiring separation between stations corresponding to the service radius only. All calculations were rounded off to the nearest kilometer.

[13] Population figures are taken from the 1970 U.S. Census.

Table I.—*Minimum Distance Requirements Per Frequency Separations In Kilometers (Miles)*

Relation	Co-channel	200 kHz	400 kHz	600 kHz
A to A	96 (61)	58 (36)	23 (14)	23 (14)
A to B1	130 (81)	79 (49)	36 (22)	36 (22)
A to B	161 (100)	102 (63)	53 (33)	53 (33)
A to C1	196 (122)	129 (80)	73 (45)	73 (45)
A to C	222 (138)	160 (99)	92 (57)	92 (57)
B1 to B1	143 (89)	92 (57)	36 (22)	36 (22)
B1 to B	174 (108)	115 (72)	53 (33)	53 (33)
B1 to C1	209 (130)	142 (88)	73 (45)	73 (45)
B1 to C	235 (146)	173 (108)	92 (57)	92 (57)
B to B	191 (119)	131 (81)	53 (33)	53 (33)
B to C1	225 (140)	158 (98)	73 (45)	73 (45)
B to C	251 (156)	189 (118)	92 (57)	92 (57)
C1 to C1	245 (152)	178 (111)	73 (45)	73 (45)
C1 to C	271 (168)	210 (131)	92 (57)	92 (57)
C to C	290 (180)	229 (142)	92 (57)	92 (57)

NOTE 1.—The distance between stations of different classes apply regardless of which is the proposed station under consideration (*e.g.*, distances shown from a new Class A station to an existing Class C station represent the same distance as that between a new Class C and an existing Class A station).

NOTE 2.—The mileage requirements of § 73.207 for stations or assignments seperated in frequency by 10.6 or 10.8 MHz (53 or 54 channels) will not be addressed in this proceeding. Classes B1 and C1 will abide by the requirement of Classes B and C, respectively, in these instances.

NOTE 3.—Except within the Mexican border area (320 kilometers or 199 miles of the common border), Class D (secondary) assignments will be governed by § 73.509. All assignments within the border area (including Class D) must abide by the seperation table as stated in § 73.504(c).

Table II.—*Effects of Allowing Class A Assignments on Class B–C Channels*

	Area and Description	Zone	Present availability [1] (percent)	Proposed availability [2] (percent)
1	Northern Maine	II	99	100
2	Eastern Maine	I and II	100	100
3	Western Maine	I and II	54	91
4	Northern NY/VT	I	57	97
5	Western NY/PA	I	30	71
6	PA/OH/WV	I	11	38
7	Ohio	I	12	60
8	OH/IL	I	5	81
9	Southern Michigan	I	2	41
10	Central Michigan	II	50	97

[1] Represents that percentage of geographic area which is available for further FM assignments under the present allocation scheme.

[2] Represents that percentage of geographic area which would be available for further FM assignments if Class A assignments were allowed on Class B–C channels.

Table III.—*Availability of Assignments (for Three Communities Under the Proposed Revisions)*

	Rock Hill, S.C.	Delaware, Ohio	Rock Falls, Ill.
Population: (1970 Census).	33,846	15,008	10,287.
Present Local Aural Service.	WTYC(AM) Daytime.	WDLR(AM) Daytime.	None.
	WRHI(AM) Fulltime.	WSLR(FM) Class D.	

*See attached Statement of Chairman Ferris and Concurring Statement of Commissioner Brown.

Table III.—*Availability of Assignments (for Three Communities Under the Proposed Revisions)*—Continued

	Rock Hill, S.C.	Delaware, Ohio	Rock Falls, Ill.
	WPRV(FM) Educational.		
Availability under present structure.	0	0	0.
If Class A on B–C Channels.	0	254A, 282A, 300A.	236A, 298A.
If Class B in Zone II.	0	NA	NA.
If five classes of stations.*.	225B1, 291B	254B	263B.

*Assumes reclassification of present stations: For Rock Hill, S.C., of 90 Class C assignments that are within the area of consideration, 34 stations would be reclassified as Class C1, 15 would become Class B, 9 would become Class B1, and 1 would become a Class A station.

For Delaware, Ohio, of 166 Class B assignments that are within the area of consideration, 14 would be reclassified as Class B1. Of 4 Class C assignments within the area, 2 would become Class C1 and 2 would become Class B stations.

For Rock Falls, Ill., of 60 Class B assignments that are within the area of consideration, 9 would be reclassified as Class B1. Of 22 Class C assignments within the area, 13 would become Class C1 and 4 would become Class B stations.

Appendix

1. Section 73.202(a) is proposed to be modified to read as follows:

§ 73.202 Table of assignments.

(a) General. The following Table of Assignments contains the channels (other than noncommercial educational channels) assigned to the listed communities in the United States, its territories and possessions. Channels designated with an "A" are for Class A FM stations. All other listed channels are for Class B stations in Zones I and I–A and for Class C stations in Zone II *unless otherwise designated.* Channels designated with an asterisk are assigned for use by noncommercial educational broadcast stations only. There are specific noncommercial educational FM assignments (Channels 201–220) for various communities in Arizona, California, New Mexico, and Texas. These are set forth in § *73.504.*

* * * * * *

2. Section 73.203(b) is proposed to be modified as follows:

§ 73.203 Availability of channels.

(a) * * *

(b) A channel assigned to a community listed in the Table of Assignments is available upon application *to* any unlisted community which is located withi *16 kilometers (9.9 miles)* of the listed community if the channel requested is a Class A *assignment* and *24 kilometers (14.9 miles)* if the channel is a Class *B1, B, C1, or C assignment,* provided no other channel in the listed community has been similarly assigned to another community and provided further that the unlisted community has not already removed a channel from any other listed community. Where channels are assigned to two or more communities listed in combination in the Table of Assignments the provisions of this paragraph shall apply separately to each community so listed. The distance between communities shall be determined by the distance between the respective coordinates thereof as set forth in the publication of the *United States Department of the Interior, entitled "Index to The National Atlas of the United States of America, 1970." (This publication may be purchased from the Department of the Interior, Geological Survey, Washington, D.C. 20244.)* If said publication does not contain the coordinates of either or both communities, the coordinates of the main post office in either or both of the communities shall be used. The method to be followed in making the measurements is set forth in § 73.208(c).

3. Section 73.206(a)(2), b (1), (2) and (4) is proposed to be modified to read as follows:

§ 73.206 Classes of commercial channels, and stations operating thereon.

(a) * * *

(1) * * *

(2) A Class A station is a station which operates on a Class A channel *if available, but which may otherwise operate on a Class B–C channel,* and is designed to render service to a relatively small community, city or town, and the surrounding rural area.

(3) * * *

(b) *Class B, B1, C and C1 channels and stations.* (1) Except for the channels specified in paragraph (a)(1) of this section, all of the channels listed in § 73.201 from 222 through 300 (92.3 through 107.9 MHz) are classified as Class B–C channels, and (subject to the restrictions set forth in § 73.204) *may be used by Class A, B1, and B in Zones I and I–A and by all classes in Zone II* (there are no Class *C1 or* C stations in Zones I and I–A).

(2) Class *B1 and* B station is a station which operates on a Class B–C channel in Zone I, I–A, *or Zone II* and is designed to render service to a sizable community, city, or town, or to the principal city or cities of an urbanized area, and to the surrounding area.

(3) * * *

(4) A Class *C1 and* C station is a station which operates on a Class B–C channel in Zone II, and is designed to render service to a community, city, or town, and large surrounding area.

* * * * * *

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4. Section 73.207(a) is proposed to be modified to read as follows:

§ 73.207 Minimum distance separation between stations.

(a) Petitions to amend the Table of Assignments (§ 73.202(b)) (other than those expressly requesting amendment of this Section or § 73.205) will be dismissed and no application for a new station, or change in the channel or location of an existing station, other than a Class D (secondary) station, will be accepted for filing, unless the proposed facilities will be located at least as far from the transmitter sites of other co-channel and adjacent channel stations (both existing and proposed) as the distances in *kilometers (miles)* specified in this paragraph. Proposed stations of the respective classes shown in the left-hand column of the following *tables* shall be located no less than the distance shown from co-channel stations, and first adjacent-channel stations (200 kHz removed), second and third adjacent-channel stations (400 and 600 kHz removed), *and separated by 53 or 54 channels (10.6 or 10.8 MHz removed)* in the remaining columns of the table. The distances shown between stations of different classes apply regardless of which is the proposed station under consideration (e.g., distances shown from a new Class A station to an existing Class C station are also the distances between a new Class C and an existing Class A station).

(1) *The following distance separations for channel assignments within the United States (between domestic assignments) must be adhered to.*

Minimum Distance Separation Requirements in Kilometers (Miles)

Relation	Cochannel	200 kHz	400kHz	600kHz	10.6/10.8 MHz
A to A	98 (61)	58 (36)	23 (14)	23 (14)	8 (5)
A to B1	130 (81)	79 (49)	36 (22)	36 (22)	16 (10)
A to B	161 (100)	102 (63)	53 (33)	53 (33)	16 (10)
A to C1	196 (122)	129 (80)	73 (45)	73 (45)	32 (20)
A to C	222 (138)	160 (99)	92 (57)	92 (57)	32 (20)
B1 to B1	143 (89)	92 (57)	36 (22)	36 (22)	24 (15)
B1 to B	174 (108)	115 (72)	53 (33)	53 (33)	24 (15)
B1 to C1	209 (130)	142 (88)	73 (45)	73 (45)	40 (25)
B1 to C	235 (146)	173 (106)	92 (57)	92 (57)	40 (25)
B to B	191 (119)	131 (81)	53 (33)	53 (33)	24 (15)
B to C1	225 (140)	158 (98)	73 (45)	73 (45)	40 (25)
B to C	251 (156)	189 (118)	92 (57)	92 (57)	40 (25)
C1 to C1	245 (152)	178 (111)	73 (45)	73 (45)	48 (30)
C1 to C	271 (168)	210 (131)	92 (57)	92 (57)	48 (30)
C to C	290 (180)	229 (142)	92 (57)	92 (57)	48 (30)

(2) *Under the Canada-United States FM Broadcasting Agreement, the following separations to Canadian stations and assignments must be adhered to when within 402 kilometers (250 miles) of the common border. Class B1 assignments will be considered as Class B assignments when using this table.*

Minimum Distance Separation Requirements in Kilometers (Miles)

Relation	Cochannel	200 kHz	400 kHz	600kHz	10.6/10.8 MHz
A to A	105 (65)	65 (40)	25 (15)	25 (15)	8 (5)
A to B	175 (110)	105 (65)	65 (40)	65 (40)	16 (10)
A to C	210 (130)	170 (105)	105 (65)	105 (65)	32 (20)
A to D	95 (60)	50 (30)	25 (15)	25 (15)	8 (5)
B to B	240 (150)	170 (105)	65 (40)	65 (40)	25 (15)
B to C	270 (170)	215 (135)	105 (65)	105 (65)	40 (25)
B to D	170 (105)	95 (60)	65 (40)	65 (40)	16 (10)
C to C	290 (180)	240 (150)	105 (65)	105 (65)	48 (30)
C to D	200 (125)	155 (95)	105 (65)	105 (65)	25 (15)
D to D	18 (11)	10 (6)	5 (3)	5 (3)	3 (2)

5. Section 73.211(a)(1), (2), (3), (b)(1) and (d) are proposed to be modified to read as follows:

§ 73.211 Power and antenna height requirements.

(a) *Minimum requirements.* (1) Except as provided in paragraph (b)(2) of this section, the minimum effective radiated power shall be: Class A: greater than or equal to 100 watts (−10 dBk); *Class B1: greater than 3 kW (4.8 dBk);* Class B: *greater than 20 kW (13 dBk); Class C1: greater than 50 kW (17 dBk);* Class C: *equal to 100 kW (20 dBk).*

(2) *A minimum antenna height above average terrain is specified only for Class C stations and must exceed 305 meters (1000.66 feet).* No minimum antenna height above average terrain is specified *for Class A, B1, B, or C1 stations.*

(3) *A newly authorized Class C station may operate for up to six (6) years from the issuance of a license with the facilities of a Class C1 assignment, and still maintain a Class C assignment classification. At the expiration of the 6 year period the Class C station must conform to the minimum requirements of this section or be reclassified to a Class C1 assignment.*

(b) *Maximum power and antenna height.* (1) The maximum effective radiated power in any direction and maximum antenna height for equivalence purposes, shall be as follows for the various classes of stations:

Class	Maximum power	Maximum antenna height (above average terrain) in meters (feet)
A	3 kW (4.8 dBk)	92 (301.84)
B1	20 kW (13.0 dBk)	92 (301.84)
B	50 kW (17.0 dBk)	159 (501.97)
C1	100 kW (20.0 dBk)	305 (1000.66)
C	100 kW (20.0 dBk)	610 (2001.31)

(2) • • •
(3) • • •
(c) • • •

(d) *Existing stations.* (1) Stations authorized as of September 10, 1962 which do not conform to the requirements of this section, may continue to operate as authorized. For stations operating with facilities in excess of those specified in paragraph (b) of this section, no change in facilities will be authorized which either increases the effective radiated power or extendeds the location of the 1 mV/m field strength contour beyond that of the present authorization in any direction. The provisions of this section shall not apply to applications to increase facilities for those stations operating with powers less than the minimum powers specified in paragraph (a) of this section.

(2) *Stations authorized as of which do not conform to the requirements of this section, may continue to operate as authorized for a period of three years. All renewals of stations authorized as of will be at their present classification, with the condition that they conform to the requirements of this section or be reclassified on.*

6. Figure 3 of §73.333 is revised as follows:

§ 73.333 Engineering charts.

This Section consists of the following Figures 1, 1A, 2 (slider), 3, 4, and 5.

(a) *Figure 3 is composed entirely of straight lines which can be computed using the following equations:*

(1) for Class A: if H < 92 meters (301.84 feet) then P = 4.8 dBk; if H > 92 meters (301.84 feet) then P = 42.97–19.44 log H.

(2) for Class B1: if H < 92 meters (301.84 feet) then P = 13 dBk; if H > 92 meters (301.84 feet) then P = 54.56–21.17 log H.

(3) for Class B: if H < 153 meters (501.97 feet) then P = 17 dBk; if H > 153 meters (501.97 feet) then P = 65.55–22.22 log H.

(4) for Class C1: if H < 305 meters (1000.66 feet) then P = 20 dBk; if H > 305 meters (1000.66 feet) then P = 77.56–23.17 log H.

(5) for Class C: if H < 610 meters (2001.31 feet) then P = 20 dBk; if H > 610 meters (2001.31 feet) then P = 78.38–20.96 log H.

where

H = antenna height above average terrain in meters.
P = maximum power allowed in dBk.

These equations take precedence over Figure 3.

* * * * *

7. Section 73.507(a) reference to Class D stations is deleted as follows:

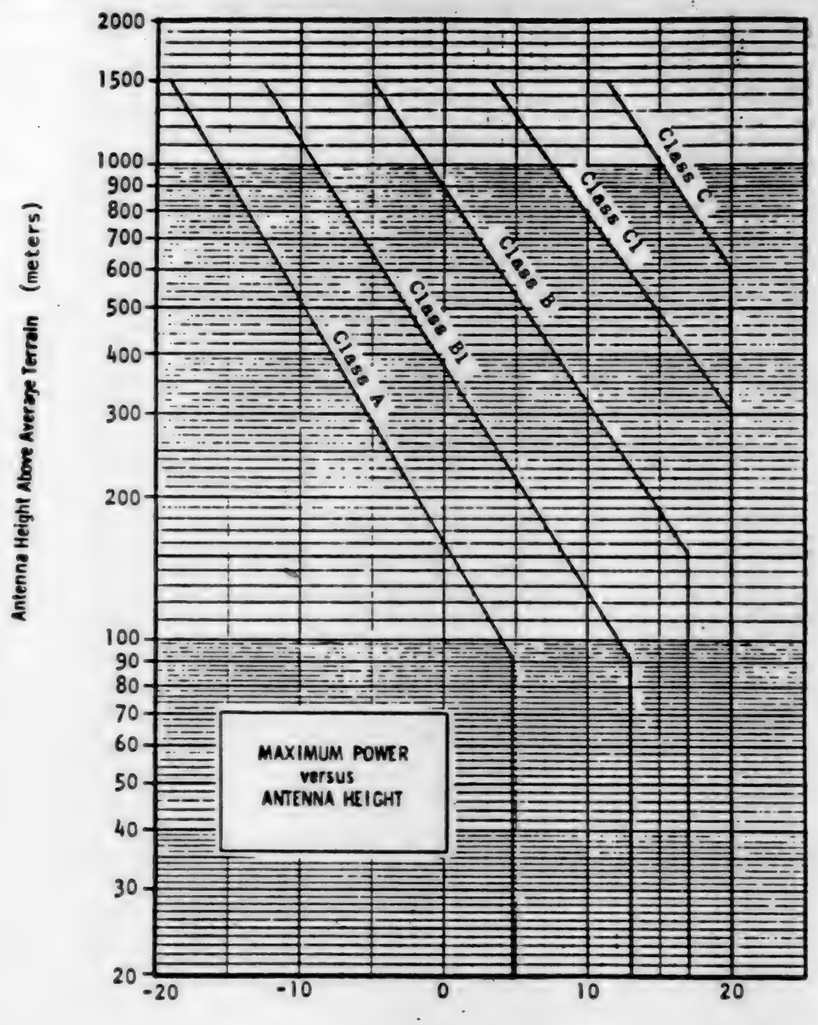
§ 73.507 Minimum distance separation between stations.

(a) Minimum distance sepatations. No application for a new station, or change in channel or transmitter site or increase in facilities of an existing station, will be granted unless the proposed facilities will be located so as to meet the adjacent channel distance separations specified in § 73.207(a) for the class of station involved with respect to assignment on Channels 221, 222 and 223 listed in § 73.201 (except where, in the case of an existing station, the proposed facilities fall within the provisions of § 73.207(b)).

* * * * *

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FCC §73.333, Figure 3

BILLING CODE 6712-01-C

February 28, 1980.

Separate Statement of Charles D. Ferris, Chairman

Re: Modification of FM Broadcast Rules to increase the potential number of new FM radio stations.

Today's action is only one of the many steps we have been taking during the past few months to make the radio market place more competitive and more responsive to consumer needs. The AM radio band is being expanded as a result of the decisions made last year in WARC 79. Our upcoming proposal for 9 Khz spacing before the Region II conference in Brazil next month would create even more new opportunities for fulltime AM stations. All of these changes represent important steps in using the electromagnetic spectrum more efficiently for AM radio.

Today's proposed rulemaking would also increase significantly the number of potential FM radio stations, by providing greater flexibility to our FM table. Many FM stations do not radiate their signal over their entire protected area, nor do they plan to. This results in a fully utilized FM spectrum on paper, but less than full utilization in reality. The Notice proposes to make the areas of protection more precise, opening spaces for new FM allotments. The new rules would also allow radio broadcasters who are unable to serve a large area to concentrate their service on a smaller one.

Actions like the one the FCC proposes today are among the most effective structural tools we have for encouraging program diversity and minority expression, enabling us to reduce governmental intrusion in radio programming areas. We recognized this in our Notice last fall proposing to deregulate some aspects of our direct supervision of radio programming service.[4] We committed at that time to look for ways to expand the opportunities for new radio outlets to provide additional consumer choices. The actions we have taken in the interim to open up both the AM and FM radio bands, including this one, I believe, have lived up to that commitment.

We will continue these efforts to expand the public's choices among more independent radio voices. As we note in this item, we plan to study in the future other FM radio issues raised in this proceeding, such as the viability of terrain shielding, directional antennas, and computer generated protective contours for FM, that could help us achieve this end.

Concurring Statement of Commissioner Tyrone Brown

Re: Modification of FM Broadcast Station Rules To Increase *the Availability of Commercial FM Broadcast Assignments*

The action we take today—initiating a rulemaking proceeding re-examining our FM assignment practices—is another step in expanding opportunities for new voices to enter the broadcast industry. The proposed amendments—allowing stations with Class A facilities to operate on Class B–C channels if a Class A channel is not available, adding intermediate classes of FM stations (B1 and C1), permitting Class B and B–1 stations in Zone II, adopting a new separations table,—are small but significant actions [1] which, when combined with other Commission initiatives, reinforce our commitment to a structural approach to radio broadcast regulation.

This structural approach has been reflected in, among other things, our actions in the Clear Channel proceeding, the U.S. position at the 1979 WARC which resulted in an expansion of the spectrum available for AM radio, and the Commission's position at the upcoming Region II conference in favor of 9 KHz spacing. All of these initiatives have served notice that our goal is to foster diversity and thereby increase competition in the radio marketplace.

The more competition is promoted in the radio marketplace, the more compelling will be the arguments for deregulation of radio. Our current radio deregulation proceeding [2] is premised on the view that competition exists in the radio marketplace sufficient to meet the public interest obligations of broadcasters. Whether or not that situation now obtains (a proposition which will be tested in the rulemaking proceeding), the action we take today and our previous initiatives cannot help but foster an environment which eventually will make substantial deregulation of radio a reality. As I said in my concurring statement in the radio deregulation matter, if competition does indeed exist in radio broadcasting and if the public interest can be served by that competition, there is little reason for the heavy hand of government regulation in that area.[3]

[FR Doc. 80-8284 Filed 3-18-80; 8:45 am]

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[4] 44 FR 57636, 57667 (¶ 270) (1979).

[1] I recognize that the NTIA proposals for use of directional antenna and terrain shielding factors, reduction of FM channel spacing and co-located adjacent channel stations have much merit. While I am convinced that consideration of these proposals will delay institution of the amendments proposed today and thus concur in the decision not to pursue them in a formal proceeding at this time, I have urged the staff to bring the Commission a recommendation on the NTIA proposals as expeditiously as possible.

[2] *Deregulation of Radio BC Docket No.* 79–219, 73 FCC 2d 457, (1979)

[3] In that proceeding I asked whether "competition exist(s) in the radio marketplace to the extent that we can wash our hands of any involvement in nonentertainment programming." I offered an alternative proposal to the Commission's "preferred position" because I do not believe the present radio marketplace is marked by sufficient competition to meet the public interest obligations of broadcasters. 73 FCC 2d at 601.

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47 CFR Parts 81 and 83

[Gen. Docket No. 80–87; FCC 80–84]

Implementing the Provisions of Chapter 4 of the 1974 Safety Convention Pertaining to Radio Equipment Required on Compulsorily Fitted Vessels

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: The FCC proposes the amendment of Parts 81 and 83 of the rules to implement that portion of the 1974 Safety of Life at Sea (SOLAS) Convention pertaining to the radio installations required on compulsorily fitted radio telegraph and radiotelephone vessels. The proposed regulations pertains to vessels subject to the 1974 SOLAS and the Communications Act of 1934, as amended. The Commission is required under the Communications Act of 1934, as amended to make rules and regulations necessary to carry out the provisions of any treaty or convention as it relates to the use of radio. These changes will improve the safety of life at sea measurably. The purpose of this notice of proposed rulemaking is to allow the public an opportunity to comment on the specific proposals.

DATES: Comments must be received on or before April 14, 1980, and reply comments must be received on or before April 24, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert C. McIntyre, Private Radio Bureau, (202) 632–7175.

SUPPLEMENTARY INFORMATION:

[Gen. Docket No. 80–87]

Proposed Rulemaking

Adopted: February 28, 1980.

Released: March 13, 1980.

In the Matter of Amendment of Parts 81 and 83 of the Commission's Rules to implement the provisions of Chapter 4 of the 1974 Safety Convention pertaining to radio equipment required on compulsorily fitted vessels.

1. Notice of Proposed Rulemaking in the above entitled matter is hereby given.

Background

2. On May 25, 1980, the International Convention for the Safety of Life at Sea (SOLAS), 1974, comes into force replacing and abrogating the previous SOLAS Convention of 1960. The Commission is charged, in Section 303(r) of the Communications Act of 1934 as amended, with the responsibility to make "rules and regulations . . . as may be necessary to carry out the provisions of . . . any treaty or convention insofar as it relates to the use of radio." The majority of United States ocean going vessels are subject to the SOLAS Convention and Part II of Title III of the Communications Act of 1934, as amended. The changes required in

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compulsorily [1] fitted vessels by the 1974 SOLAS Convention will measurably improve the safety of life at sea; therefore, we have in most cases made complementary changes to the regulations governing vessels subject to Part II of Title III of the Communications Act.[2a] The purpose of this Notice is to give the public opportunity to comment on specific Commission proposals to implement the provisions of 1974 SOLAS and rules governing vessels subject to the Communications Act.

3. The 1974 SOLAS incorporates changes prepared by the Intergovernmental Maritime Consultative Organization's (IMCO) Subcommittees to improve the safety of life at sea through, among other things, the use of radio. The 1974 SOLAS maintains in large part the existing regulations and provides for amendments to the 1960 SOLAS which were adopted by the IMCO Assembly and accepted by two-thirds of the Contracting Governments.

4. The changes required to bring the 1974 SOLAS into force can be conveniently grouped into three discrete areas: radio watch requirements, radio installations and equipment technical standards. In the paragraphs which follow we will briefly describe the proposed amendments to the Commission's rules implementing the terms of this treaty.

5. In a related matter, the Commission released a Report and Order [2] on March 23, 1979, which required that compulsorily fitted radiotelegraph ships carry a 2182 kHz radiotelephone installation to permit participation in a common distress system. The Commission was subsequently informed that the 1974 SOLAS Convention, the administrative requirements to bring it into force having been satisfied, would become effective on May 25, 1980. The 1974 SOLAS requires that all ships be fitted with a radiotelephone distress frequency watch receiver. A single receiver can satisfy the requirements of the rules adopted in Docket 21089 as well as those required to implement the 1974 SOLAS Convention. For this reason the Commission issued an Order [3] staying the January 1, 1980, effective date in Docket 21089 for Sections 83.202, 83.203 and 83.445(b) of the rules requiring installation of a receiver. This Notice includes proposals concerning those sections of our rules which were stayed and action will be taken in this proceeding to finalize these regulations.

Radio Watch Requirements

6. The 1974 SOLAS Convention modifies the radiotelegraph watch on 500 kHz, the radiotelephone watch on 2182 kHz and introduces a VHF watch requirement for radiotelephone and radiotelegraph fitted vessels. The proposed rules concerning radio watch requirements are applicable to vessels subject to the Safety Convention as well as the Communications Act of 1934, as amended, except in the case of the VHF installation which requirements pertain only to Convention vessels. Vessels subject to the Communications Act are presently required by national statutes to fit with VHF radiotelephone and we see no reason for duplicative rules in this regard.

7. Radio officers on radiotelegraph fitted vessels are allowed to discontinue the 500 kHz distress frequency watch, when operating on other frequencies or when performing other essential radio duties, only if it is not practical to listen with split headphones [4] or a loudspeaker. Essential radio duties are defined by the 1974 SOLAS to be the urgent repair of specific radio equipment. Additionally, the 1974 SOLAS permits the 500 kHz watch to be discontinued to perform maintenance of communication and navigation equipment provided the vessel is fitted with a digital selective calling system.[5] In no instance is it permitted to discontinue the radio watch during the two 3 minutes, hourly silence periods.

8. The 1974 SOLAS requires a continuous radio watch and the fitting of a radiotelephone distress frequency watch receive as part of the radiotelegraph station to permit reception of radiotelephone distress messages on 2182 kHz. The distress frequency receiver is required to be capable of receiving the radiotelephone two tone alarm using a filtered loadspeaker or a device which automtically opens the speaker (auto alarm) when the alarm is received. Several administrations have indicated that the use of filtered loudspeakers on the bridge are detrimental to the safety of navigation because of the constant noise which is generated by these devices. Consequently, we have required the auto alarm facility rather than a filtered loudspeaker. The proposed receiver is capable of automatically responding to the radiotelephone two tone alarm and the vital navigational warning signal. We have modified our regulations concerning radiotelegraph vessels to permit the radiotelephone watch to be stood using the automatic facility in this receiver in lieu of an aural listening watch when, in the opinion of the master such aural listening is detrimental to the safe navigation of the ship. If the radiotelephone watch is stood from the bridge of the vessel the proposed rules require that the radiotelephone distress frequency receiver must be used.

9. Radiotelephone compulsorily fitted vessels are also required by the 1974 SOLAS to include as part of the installation a radiotelephone distress frequency watch receiver of the same type as that required on radiotelegraph fitted vessels and discussed in paragraph 8 above. Use of the receiver's automatic facility is, as in the case of the radiotelegraph ship, to be determined by the ship's master.

10. Radiotelephone and radiotelegraph vessels subject to the 1974 SOLAS as required to additionally fit a VHF installation to permit a listening watch to be maintained on the bridge for such periods and on such channels as may be required by governments party to the SOLAS Convention.

We have not proposed that compulsorily fitted vessels subject only to the Communications Act of 1934 install such equipment since their normal voyages do not require participtionin vessel traffic systems operated by foreign governments. Vessels subject to the SOLAS Convention will be obligated by the proposed rules to stand a listening watch while navigating in water under the sovereignty of another administration when required to do so by that administration.

Radio Installations

11. The 1974 SOLAS Convention modified the requirements governing the radiotelegraph installation to provide for a radiotelephone distress frequency receiver, a homing facility on the radiotelephone distress frequency (2182 kHz) to aid in locating vessels and modification of the reserve power supply to furnish a source of energy for the VHF installation in an emergency situation.

12. The 1974 SOLAS Convention modified the requirements governing the radiotelephone installation to provide for a radiotelephone distress frequency receiver and modification of the reserve supply to furnish a source of energy for the VHF installation in an emergency situation. Further we are removing the mandatory requirement for the variable tuned receiver (§ 83.488(b)) and requiring the installation of the distress frequency watch receiver on the bridge to stand the required radiotelephone radio frequency watch. The manually tuned receiver, if operationally required, may continue to be used on a voluntary basis.

13. The VHF installation described in the proposed rules is required by the 1974 SOLAS to satisfy the VHF watch requirements discussed in paragraph 10 of this Notice. The VHF installation comprises a transmitter, a receiver, a source of power capable of actuating the required equipment and an efficient antenna system. The rules we have proposed concerning this installation are based in part on the bridge-to-bridge radiotelephone equipment (Subpart X of Part 83) and in part on the draft standards prepared by IMCO. The proposed technical requirements for the VHF installations have been designed to permit one piece of equipment to satisfy both the bridge-to-bridge and SOLAS requirements. This requirement has not been imposed on radiotelephone and radiotelegraph vessels subject to the Part II of Title III of the Communications Act of 1934 since national statutes require the fitting of VHF installations.

Equipment Technical Standards

14. The equipment configurations described in the following paragraphs are based on equipment operational standards prepared by IMCO's Subcommittee on Radiocommunications. These draft standards have been published by the Commission in Docket 20274.[6] The Notices of Inquiry released in this docket were used to inform the public concerning equipment standards being developed by IMCO and to provide guidance to the U.S. Delegation preparing for the Subcommittee on Radiocommunications meetings held in London, England. To the extent possible we intend to employ the operational standards described in these Notices when adopting national standards governing equipment used in a world wide distress and safety system. Additionally, common equipment standards provide for internationally compatible operation and potential cost savings associated with the production of a single type of equipment. The Notices in Docket 20274 have addressed standards applicable to the two tone alarm keyer, distress frequency watch receiver and the VHF installation among others.

15. The proposed radiotelephone distress frequency watch receiver is required as part of compulsorily fitted radiotelephone and radiotelegraph installations. The technical standards proposed for the watch receiver can be found in § 83.559 of the attached Appendix. These standards were previously released by the Commission in Docket 20274 and are based on the IMCO Resolution A.383(X) which was prepared by the Submittee on Radiocommunications. This Resolution, which was adopted after the 1974 SOLAS was drafted, goes beyond the 1974 SOLAS in two requirements and IMCO recommends that watch receivers be designed to meet the technical standards required by this resolution. In the first case the 1974 SOLAS sets out the radiotelephone auto alarm equipment separately and requires the receiver to have an automatic muting device similar to the radiotelephone auto alarm. Resolution A.383(X) incorporates the auto alarm facility in the watch receiver eliminating the need for a separate equipment to automatically respond to the two tone alarm signal. We agree with the intent of the IMCO resolution concening the proposed rules and consequently have not proposed a separate radiotelephone auto alarm be carried on compulsorily fitted vessels.

16. Secondly, the 1974 SOLAS requires that the watch receiver and auto alarm be automtically activated by the two tone radiotelephone alarm signal. Resolution A.383(X) recommends that the radiotelephone watch receiver be required to respond additionally to the vital navigational warning signal. The proposed rules require that the watch receiver respond to both types of signals. We have made this proposal to comply with the intent of the Resolution, however, we are concerned that the requirement to have the receiver respond to this additional signal may significantly increase the probability of false alarms. We would specifically like to direct the attention of equipment manufactures to this point and receive comments on this matter from interested parties.

17. The 1974 SOLAS requires an alarm keyer to be installed on compulsorily fitted radiotelegraph vessels equipped with radiotelephone transmitters and continues this requirement for radiotelephone vessels. The Commission in a earlier action [7] required that keyers be installed on radiotelegraph vessels. The rules proposed in the attached appendix are more detailed than those set out in our current rules or in the 1974 SOLAS. The proposed requirements are based largely on the standards attached to Notices in Docket 20274 and are designed to permit more reliable detection of the radiotelephone two tone alarm. Two models of keyers currently manufactured and approved by the Commission comply with the proposed rules which is indicative tht the changes are well within the state of the current art. The Commission is of the opinion that it is generally in the public interest to introduce anticipated mandatory equipment changes as early as possible to keep the number of equipments which will eventually be obsoleted to a minimum. This assumes that existing equipment can continue to be used and that an acceptable time table for introduction of any changes can be agreed to by a majority of those concerned. We have tentatively established a date of January 1983 after which alarm keyers fitted in new installations must comply. Comments are solicited concerning the appropriateness of this date.

18. The VHF transceiver required by the 1974 SOLAS must provide communications on any VHF channel designated by a foreign administration for use in a VHF navigational safety system when vessels are operating in that country's national waters. We have generally followed the draft specifications set out in Docket 20274 [8] for the VHF installation and relied on our bridge-to-bridge technical regulations in developing the proposed standards. Since many of the radio frequency channels identified in Appendix 18 to the Radio Regulations can be used for port operations, ship movement or public correspondence, and it is unknown what frequencies will be brought into use for traffic systems, we have required that this equipment have the capability to operate on all the frequencies in Appendix 18 to the Radio

[1] A "compulsorily" fitted vessel as used in this proceeding applies to either a radiotelephone or a radiotelegraph fitted vessel subject to the SOLAS Convention and/or Part II, Title III of the Communications Act of 1934, as amended. Generally radiotelephone vessels are over 300 but less than 1600 gross tons and radiotelegraph vessels are 1600 gross tons and over.

[2a] The Communications Act of 1934 requires a continuous watch and SOLAS creates exemptions from the watch requirements. These provisions are not in conflict, however, since SOLAS as ratified by Congress is a later expression of congressional intent than the Communications Act thus we do not regard the different language of the Act and of SOLAS to be inconsistent regarding watchkeeping.

[2] Docket 21089, Report and Order, Adopted March 15, 1979, FCC 79-162, 44 FR 18501.

[3] Order, Adopted September 11, 1979, FCC Mimeo November 14638.

[4] Split headphones receive a different channel in each ear-piece which permits monitoring of two frequencies.

[5] Digital Selective Calling is a internationally approved system for automatically contacting vessels on MF, HF and VHF frequencies. See International Radio Consultative Committee (CCIR) Recommendations 493-1 and 541.

[6] Five Notices of Inquiry have been released to date in Docket 20274. Notice of Inquiry, adopted December 10, 1974, 40FR834, FCC 74-1352. Second Notice of Inquiry, adopted June 3, 1975, 40FR26581, FCC 75-652. Third Notice of Inquiry, adopted November 12, 1975, 40FR54867, FCC 75-1252. Fourth Notice of Inquiry, adopted May 18, 1977, 42FR30424, FCC 77-338. Fifth Notice of Inquiry, adopted July 3, 1979, 44FR43343, FCC 79406.

[7] Docket 21089, op. cit.

[8] Docket 20274, op. cit.

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Regulations. We anticipate that much existing installed equipment will comply with these proposed regulations. The standards have been developed to permit one VHF installation to satisfy both the bridge-to-bridge requirements and the requirements of the SOLAS Convention.

19. The homing facility required in direction finding equipment by the 1974 SOLAS is applicable to vessels whose keel will be laid after May 25, 1980. The homing facility shall be capable of operating on the 2182 kHz radiotelephone distress frequency. This capability shall permit the vessel to take bearings on 2182 kHz without ambiguity of sense with an arc of 30° of the bow of the ship. IMCO, recognizing that in some cases the required homing capability may not be achieved due to the physical configuration of a vessel, has provided for administrations to exempt individual ships from this requirement. The Commission's proposed rules also provide for granting such an exemption.

20. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i) and 303(r). Pursuant to procedures set out in Section 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before April 14, 1980, and reply comments on or before April 24, 1980. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

21. In accordance with the provisions of Section 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

22. Regarding questions on matters covered in this document contact Robert C. McIntyre, (202) 632–7175.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachment.

Appendix

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

A. PART 81—STATIONS ON LAND IN THE MARITIME SERVICE AND ALASKA—PUBLIC FIXED

1. Section 81.139 is amended to read as follows:

§ 81.139 Apparatus for generating automatically the radiotelephone alarm signal.

(a) Until January 1, 1983, the device for generating the radiotelephone alarm signal (as defined by § 81.188(b)) by automatic means shall be capable of being taken out of operation at any time in order to permit the immediate transmission of a distress call and message. The device shall comply with the following requirements:

(1) The tolerance of the frequency of each tone shall be plus or minus 1.5 percent;

(2) The tolerance on the duration of each tone shall be plus or minus 50 milliseconds;

(3) The interval between successive tones shall not exceed 50 milliseconds;

(4) The ratio of the aplitude of the stronger tone to that of the weaker shall be within the range 1 to 1.2.

(b) Any device installed on or after January 1, 1983, for generating the radiotelephone alarm signal shall be capable of being taken out of operation at any time in order to permit the immediate transmission of a distress call and message. The device shall comply with the following requirements:

(1) The tolerance of the frequency of each tone shall be plus or minus 1.5 percent;

(2) The tolerance of the duration of each tone shall be plus or minus 10 milliseconds;

(3) The interval between successive tones shall not exceed 4 milliseconds;

(4) The ratio of the amplitude of the stronger tone to that of the weaker shall be within the range of 1 to 1.2;

(5) The output of the device shall be sufficient to modulate the associated transmitter in the case of A3 or A3H classes of emission to a depth of at least 70 percent and for a A3J class of emission to within 3dB of the rated peak envelope power of the transmitter;

(6) After activation the device shall automatically generate the radiotelephone alarm signal for a period of not less than 30 seconds and not more than 60 seconds, unless manually interprupted;

(7) After generating the radiotelephone alarm signal or after manual interruption the device should be immediately ready to repeat the signal;

(8) Provisions shall be made such that the transmitter is automatically switched from the stand-by condition to the transmit condition at the start and return to the stand-by condition at the conclusion of the radiotelephone alarm signal.

(c) Except for experimental or trial operation under developmental station authorization, any device for generating the radiotelephone alarm signal by automatic means, which is used or operated by a coast station subject to this part for transmission of that signal, shall be of a type specifically approved by the Commission in respect to its accuracy, reliability, and other relevant characteristics.

2. A new § 81.148 is added to read as follows:

§ 81.148 Digital selective calling equipment.

(a) Digital selective calling equipment operated by stations subject to this part for transmission or reception of signals in accordance with the International Radio Consultative Committee's Recommendation 493–1 shall be of a type specifically approved by the Commission for this purpose. The demodulation portion of the device which decodes the received signal shall be certificated and signal generator portion of the device which modulates the transmitter shall be type accepted.

(b) Digital selective calling equipment shall be designed and operated pursuant to the International Radio Consultative Committee's Recommendation 493–1, "Digital selective-calling system for use in the Maritime Mobile Service," and Recommendation 541, "Operational Procedures for the use of digital selective calling equipment in the Maritime Mobile Service," respectively.

3. A new § 81.196 is added as follows:

§ 81.196 Use of Digital Selective Calling.

Digital selective calling equipment may be installed by any class of coast station to establish initial contact with ship stations and for other communication purposes provided it complies with the technical standards set out in Section 81.148.

§ 81.203 [Amended]

4. Section 81.203(b) is revoked and reserved.

B. PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. Section 83.142 is revised to read as follows:

§ 83.142 Apparatus for generating automatically the radiotelephone alarm signal.

(a) Any device installed prior to January 1, 1983, for generating the radiotelephone alarm signal (as defined by § 83.245(b)) by automatic means shall be capable of being taken out of operation at any time in order to permit the immediate transmission of a distress call and message. The device shall comply with the following requirements:

(1) The tolerance of the frequency of each tone shall be plus or minus 1.5 percent;

(2) The tolerance on the duration of each tone shall be plus or minus 50 milliseconds;

(3) The interval between successive tones shall not exceed 50 milliseconds;

(4) The ratio of the amplitude of the stronger tone to that of the weaker shall be within the range 1 to 1.2.

(b) Any device installed on or after January 1, 1983, for generating the radiotelephone alarm signal shall be capable of being taken out of operation at any time in order the permit the immediate transmission of a distress call and message. The device shall comply with the following requirements:

(1) The tolerance of the frequency of each tone shall be plus or minus 1.5 percent;

(2) The tolerance of the duration of each tone shall be plus or minus 10 milliseconds;

(3) The interval between successive tones shall not exceed 4 milliseconds;

(4) The ratio of the amplitude of the stonger tone to that of the weaker shall be within the range of 1 to 1.2;

(5) The output of the device should be sufficient to modulate the associated transmitter in the case of A3 or A3H classes of emission to a depth of at least 70 percent, and for a A3J class of emission to within 3dB of the rated peak envelope power of the transmitter;

(6) Means shall be provided to reduce to extinction any light output from the device which is capable of interfering with the safe navigation of the ship;

(7) After activation the device shall automatically generate the radiotelephone alarm signal for a period of not less than 30 seconds and not more than 60 seconds, unless manually interrupted;

(8) After generating the radiotelephone alarm signal or after manual interruption the device should be immediately ready to repeat the signal;

(9) Provisions should be made such that the transmission is automatically swtiched from the stand-by condition to the transmit condition at the start and returned to the stand by condition at the conclusion of the radiotelephone alarm signal.

(c) Except for experimental or trial operation under developmental station authorization, any device for generating the radiotelephone alarm signal by automatic means, which is used or operated by a mobile station subject to this part for transmission of the signal, shall be of a type specifically approved by the Commission in respect to its accuracy, reliability, and other relevant characteristics.

2. A new § 83.148 is added as follows:

§ 83.148 Digital Selective Calling Equipment.

(a) Digital selective calling equipment operated by a station subject to this part for transmission or reception of signals in accordance with the International Radio Consultative Committee's Recommendation 493–1 shall be of a type specifically approved by the Commission for this purpose. The demodulator portion of the device which decodes the received signal shall be certificated and the signal generator portion of the device which modulates the transmitter shall be type accepted.

(b) Digital selective calling equipment installed on compulsorily fitted radiotelephone vessels shall be designed and operated pursuant to the International Radio Consultative Committee's Recommendation 493–1, "Digital selective-calling system for use in the Maritime Mobile Service," and Reommendation 541, "Operational Procedures for the use of digital selective calling equipment in the Maritime Mobile Service," respectively. The equipment shall be capable of operating on one frequency from each of the frequency bands assigned for digital selective calling in § 83.318 of the rules.

(c) Digital selective-calling equipment installed on voluntarily fitted vessels shall be designed and operated pursuant to International Radio Consultative Committee's (CCIR) Recommendation 493–1 and Recommendation 541, except that such equipment need not provide the full system capability set out in these Recommendations.

3. Section 83.201(b) is amended to read as follows:

§ 83.201 Watch required during silence periods.

* * * * *

(b) Each ship station licensed to transmit by telephony on one or more frequencies within the band 1605–3500 kHz shall, during its hours of service for telephony, maintain an efficient watch on the authorized carrier frequency 2182 kHz, whenever such station is not being used for transmission on that frequency or for communication on other frequencies in the band. Such watch shall be maintained at least twice each hour for 3 minutes commencing at x h. 00 and x h. 30, Greenwich mean time using headphones or a loudspeaker. Except for messages of distress, urgency and vital navigational warnings, ship stations shall not transmit on 2182 kHz during the silence periods.

4. In § 83.202, paragraphs (a) and (b) are received to read as follows:

§ 83.202 Watch required on vessels subject to the Communicationa Act.

(a) Each ship of the United States which is equipped with a radio-telegraph station for compliance with Part II of Title III of the Communications Act shall, while being navigated in the open sea outside of a harbor or port, keep a continuous and efficient watch on 500 kHz by means of radio officers. In lieu thereof, on a cargo ship equipped with a radiotelegraph auto alarm in proper operating condition, an efficient watch on 500 kHz shall be maintained by means of a radio officer for at least 8 hours per day in the aggregate, i.e., for at one-third of each day or portion of each day that the vessel is navigated in the open sea outside of a harbor or port. Ships equipped with a radiotelegraph station shall also maintain a continuous watch when in the open sea outside a harbor or port on the radiotelephone distress frequency 2182 kHz from the prinicpal radio operating position or the room from which the vessel is normally steered. A radiotelephone distress frequency watch receiver having a loudspeaker and radiotelephone auto-alarm facility shall be used to keep the continuous watch on 2182 kHz if such watch is kept from the room which the vessel is normally steered. Except that the radiotelephone auto-alarm facility may only be used when conditions are such that maintenance of the listening watch would interefere with the safe navigaiton of the ship.

(b) Each cargo ship of the United States which is equipped with a radiotelephone station for compliance with Part II of Title III of the Communications Act shall while being navigated in the open sea outside of a harbor or port, keep a continuous and

efficient watch on 2182 kHz in the room from which the vessel is normally steered while at sea, whenever such station is not being used for authorized traffic. Such watch shall be maintained by at least one officer or member of the crew of the vessel who has been designated by the master to do so. The person designated by the master may simultaneously perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the effectiveness of the watch. A radiotelephone watch receiver having a loudspeaker and a radiotelephone auto alarm facility shall be used to keep the continuous watch on 2182 kHz. Except that the radiotelephone auto alarm facility may only be used when conditions are such that maintenance of the listening watch would interfere with the safe navigation of the ship.

* * * * *

5. In § 83.203, paragraphs (a) and (b) are revised and (c) is added to read as follows:

§ 83.203 Watch required on vessels subject only to the Safety Convention.

(a) Each ship of the United States which is equipped with a radiotelegraph station for compliance with the Safety Convention, but which is not fitted with a radiotelegraph auto alarm in proper operating condition, shall while at sea keep a continuous and efficient watch on 500 kHz by means of radio officers. Ships equipped with a radiotelegraph station shall also maintain a continuous watch when the open sea outside a harbor or port on the radiotelephone distress frequency 2182 kHz from the principal operating position or the room from which the vessel is normally steered. A radiotelephone distress frequency watch receiver having a loudspeaker and a radiotelephone auto alarm shall be used to maintain the continuous watch on 2182 kHz if such watch is kept from the room from which the vessel is normally steered. If fitted with a radiotelegraph auto alarm in proper operating condition, the 500 kHz watch shall be kept while at sea as follows:

(1) Each cargo ship, and each passenger ship carrying or certificated to carry 250 passengers or less, or more than 250 passengers but engaged on a voyage of less than 16 hours duration between two consecutive ports, at least 8 hours watch a day;

(2) Each passenger ship carrying or certificated to carry more than 250 passengers and engaged on a voyage exceeding 16 hours duration between two consecutive ports, at least 16 hours watch a day.

(b) Each cargo ship of the United States which is equipped with a radiotelephone sation for compliance with the Safety Convention shall, while at sea, keep a continuous and efficient watch on 2182 kHz using a radiotelephone watch receiver having a loudspeaker and a radiotelephone auto alarm facility. Except that the radiotelephone auto alarm facility may only be used when conditions are such that maintenance of the listening watch would interfere with the safe navigation of the ship.

(c) Each ship of the United States subject to the Safety Convention shall maintain a listening watch for such periods and on such VHF channels as may be requied by foreign administrations operating a system to promote the safety of navigation in areas under its sovereignty. This watch shall be maintained from the principal operating position or the room from which the vessel is normally operated.

6. In § 83.204 a new subparagraph (d) is added as follows:

§ 83.204 Provisions governing radiotelegraph watch.

* * * * *

(d)(1) During the period of this watch, on vessels subject to the Communications Act and the safety Convention on international voyages the radio officer may discontinue such listening during the time when he is handling traffic on other frequencies, or performing other essential radio duties, but only if it is impracticable to listen by split headphones or loudspeaker. The listening watch shall always be maintained by a radio officer using headphones or loudspeaker during the silence period provided for by the Radio Regulations. The term "essential radio duties" in this Regulation includes urgent repairs of:

(i) equipment for radiocommunication used for safety;

(ii) radio navigational equipment by order of the master.

(2) In addition to the provisions of paragraph (d)(1) of this section on ships other than multi-radio officer passenger ships, the radio officer may, when it is impracticable to listen by split headphones or loudspeaker, discontinue listening by order of the master in order to carry out maintenance required to prevent imminent malfunction of:

(i) equipment for radiocommunication used for safety;

(ii) radio navigational equipment;

(iii) other electronic navigational equipment, including its repair;

In this case the listening watch shall be maintained during the silence periods and the ship fitted with a digital selective calling equipment which complies with § 83.148 of the rules.

7. Section 83.318 is revised to read as follows:

§ 83.318 Digital selective calling frequencies.

The frequencies set forth in the table below are available for use by ship stations for calls to coast stations by means of digital selective calling. The associated reply frequencies are also shown.

kHz[1]	kHz[2]
4187.6	4357
6281.4	6506
8375.2	8718.5
12562.3	13100
12562.8	13100.5
16749.9	17232
16750.4	17232.5
22248	22565
22248.5	22565.5

[1] Ship station transmit to coast.
[2] Ship station receive from coast.

8. Section 83.443(a) is amended to read as follows:

§ 83.443 Radio installation.

(a) The main installation includes a main transmitter, a main receiver, a main power supply, a main antenna system and a radiotelephone distress frequency watch receiver.

* * * * *

9. Section 83.444 is amended by adding a new paragraph (h) to read as follows:

§ 83.444 Requirements of main installation.

* * * * *

(h) The radiotelephone distress frequency watch receiver shall be capable of meeting the requirements of 83.559.

10. Section 83.445(b) is amended to read as follows:

§ 83.445 Requirements of radiotelephone installation.

* * * * *

(b)(1) The radiotelephone receiver shall be capable of efficiently receiving A3 and A3H when connected to the antenna system specified in paragraph (c) of this section and shall be present and capable of accurate and convenient selection of 2182 kHz. The receiver shall additionally:

(i) Have sufficient sensitivity to provide an audio output of 50 milliwatts to a loudspeaker when the input is as low as 50 microvolts. The 50 microvolt input signal shall be modulated 30 percent at 400 Hertz and provide at least a 6 dB signal-to-noise ratio when measured in the rated audio bandwidth.

(ii) Be equipped with one or more loudspeakers capable of being effectively used to maintain a watch on 2182 kHz at the principal operating position or in the room from which the vessel is normally steered.

(2) The radiotelephone distress frequency watch receiver required by § 83.443 may be used in lieu of the receiver specified in paragraph (b)(1) of this Section. If the watch is stood at the place from which the ship is normally steered a radiotelephone distress frequency watch receiver must be used for this purpose.

* * * * *

11. Section 83.446(a)(9) is revised to read as follows:

§ 83.446 Requirements of reserve installation.

* * * * *

(a)(9) The reserve power supply shall be used to energize the reserve installation and the radiotelegraph alarm signal keyer, and provided that the supply has adequate capacity, may be used to energize the following apparatus:

(i) the audible warning apparatus included as a component of an approved radiotelegraph auto alarm;

(ii) the VHF installation required by Subpart BB of this chapter simultaneously with the reserve transmitter in the case of distress urgency and safety communications;

(iii) the VHF installation required by Subpart BB of this chapter alternately with the reserve transmitter. A switching device shall be fitted to ensure alternate operation only in the case of distress, urgency and safety communications;

(iv) the device for generating the radiotelephone alarm signal;

(v) the bridge-to-bridge VHF radiotelephone installation required by Subpart X of this Chapter.

* * * * *

12. Section 83.458 and the heading are amended to read as follows:

§ 83.458 Direction finding and homing equipment.

Each ship of 1,600 gross tons or over which is subject to the requirement set forth in subparagraph (a)(2) of Section 351 of the Communications Act, or which is subject to Regulation 12 of Chapter V of the Safety Convention, whose keel was laid:

(a) *Prior to May 25, 1980,* shall be equipped with efficient radio direction finding apparatus properly adjusted, in operating condition and approved by the Commission.

(b) *On or after May 25, 1980,* shall be equipped with efficient radio direction finding apparatus having a homing capability properly adjusted, in operating condition and approved by the Commission.

13. A new § 83.463a is added as follows:

§ 83.463a Homing facility requirements.

(a) Direction finding equipment used on mandatorily fitted vessels whose keel was laid on or after May 25, 1980, shall additionally have a homing facility which shall:

(1) Be capable of operating on signals of classes of emission A1, A2, A2H, A3 and A3H on any frequency in the band 2167–297 kHz;

(2) Be capable of taking direction finding hearings on the radiotelephone distress frequency 2182 kHz without ambiguity of sense within an arc of 30° on either side of the bow;

(3) Be installed with due regard to CCIR Recommendation 428–2;

(4) Possess a sensitivity, in the absence of interference, sufficient to permit the taking of accurate bearings on a signal having a field strength as low as 25 microvolts per meter;

(5) The accuracy of the homing facility shall be determined in accordance with § 83.463 by comparison of visual or calculated and homing facility bearings. Comparisons shall be made at −30, 0 and +30 degrees relative to the ship's heading to show that the correct sense is indicated.

(b) All reasonable steps shall be taken to ensure the homing facility meets the technical standards delineated in paragraph (a) of this section. In those cases where due to technical difficulties the standards of paragraph (a) of this section cannot be met the Commission may grant to individual licensees an exemption from part or all of the requirements of this section.

14. Section 83.483 is amended to read:

§ 83.483 Radiotelephone installation.

The radiotelephone installation includes: (a) A radiotelephone transmitter;

(b) A receiver as specified in § 83.488(a);

(c) A radiotelephone distress frequency watch receiver specified in § 83.488(b);

(d) A main source of energy;

(e) A reserve source of energy, when required by § 83.491(a);

(f) An antenna system.

15. Section 83.484 is amended by adding a new paragraph (h) to read as follows:

§ 83.484 Radiotelephone transmitter.

* * * * *

(h) An artificial antenna shall be provided to permit weekly checks without causing interference of the automatic device for generating the radiotelephone alarm signal on frequencies other than the radiotelephone distress frequency.

16. Section 83.488 is amended to read as follows:

§ 83.488 Radiotelephone receivers.

(a) The receiver required by § 83.488(b) of this part shall be capable of effective reception of A3H and A3J emissions on the radiotelephone distress frequency. The receiver shall be capable of effective reception of A3H[1] and A3J emissions on 2638 kHz and the receiving frequencies associated with the transmitting frequencies provided pursuant to § 83.484(a).

(b) In addition to the receiver required by paragraph (a) of this section a radiotelephone distress frequency watch receiver approved by the Commission for maintaining the watch required by §§ 83.202 and 83.203 and complying with the technical standards set out in § 83.559 shall be provided. The receiver may be used for automatic detection of distress and safety signals when, in the opinion of the master, maintenance of the watch with a loudspeaker would interfere with the safe navigation of the vessel in accordance with § 83.202.

(c) One or more loudspeakers capable of being effectively used to maintain the required 2182 kHz signals at the principal operating position and at any other place where listening is performed.

(d) The receiver required by paragraph (a) of this section shall:

(1) Have sufficient sensitivity, as defined in paragraph (e) of this section, over the required frequency band on any required reception frequency to effectively operate a loudspeaker when the receiver input is as low as 50 microvolts;

(2) Be capable of efficient operation when energized by the main source of energy, and when energized by the reserve source of energy if a reserve source of energy is required by § 83.491(a);

(3) Be adequately protected by means of suitable devices from excessive currents and voltages which could cause damage to any component thereof;

(4) Be provided with a durable nameplate, mounted on the receiver or made an integral part thereof, showing clearly the name of the receiver manufacturer and the type of model of the receiver.

(e) The sensitivity of a receiver is the strength in microvolts of a signal, modulated 30 percent at 400 cycles per second, required at the receiver input to produce an audio output of 50 milliwatts

[1] A3H shall not be required after January 1, 1982.

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to the loudspeaker with a signal-to-audio output of 50 milliwatts to the loudspeaker with a signal-to-noise ratio of at least 6 decibels. Evidence of a manufacturer's rating or a demonstration of the sensitivity of a required receiver computed on this basis shall be furnished upon request of a Commission representative.

17. Section 83.491(c)(2) is amended to read as follows:

§ 83.491 Reserve source of energy.

* * * * *

(c)(2) The reserve source of energy, if of sufficient capacity, may be used to energize the bridge-to-bridge radiotelephone and the VHF radiotelephone installation required by Subpart BB.

18. A new § 83.559 is added as follows:

§ 83.559 Radiotelephone distress frequency watch receiver.

(a) The radiotelephone distress frequency watch receiver shall be type approved by the Commission and is comprised of a receiver, a loudspeaker and a radiotelephone auto alarm (muting) facility. The receiver may be provided with a facility for automatically opening the speaker to the full audio passband for the duration of the silence period.

(b) To be type approved by the Commission the radiotelephone distress frequency watch receiver shall comply with the following requirements:

(1) The receiver shall be capable of being preset to the frequency 2182 kHz and be capable of receiving signals of at least class A2, A2H, A3 and A3H.

(2) The selectivity and audio pass band characteristics of the receiver shall be adequate to permit the satisfactory detection of required voice and tone signals.

(3) The receiver shall have sufficient sensitivity to provide a SINAD ratio of 20dB at the audio output when a 30 microvolt signal A3 or A3H emission modulated 30% at 400 Hz is applied at the receiver input terminals. Refer to § 83.715(d)(4) for measurement procedure.

(4) The audio output of the receiver shall be a minimum of 50 milliwatts.

(5) The receiver shall be provided with an auto alarm facility which causes the receiver to be muted (silence the loudspeaker) unless the radiotelephone alarm signal or the signal preceding a vital navigational warning is received. When the auto alarm facility is activated the receiver shall be effective beyond the range at which speech signals are satisfactory.

(i) The receiver shall be considered muted when the audio output power is reduced to less than 1 milliwatt.

(ii) Tone selecting devices if used to process the 1300 Hz and 2200 Hz tones shall be subject to a ± 1.5 percent tolerance and the response shall not fall below 50 percent of the maximum response for frequencies within 3 percent of the frequency of maximum response.

(iv) The receiver mute shall not be lifted by atmospherics or by strong signals other than the radiotelephone alarm and the vital navigational warning signal.

(v) A double sideband signal, modulated to 70% by the signals specified in paragraph (a)(5)(iv) shall lift the mute in not less than 4 seconds nor more than 6 seconds for input signals producing a SINAD of 10dB at the audio output terminals.

(6) Only those controls listed below should be provided on the exterior of the equipment.

(i) On/off switch with a visual indication that the device is on.

(ii) Volume control to adjust the audio output.

(iii) Control for dimming any light on the equipment.

(iv) Control for switching the muting facility in and out of operation.

(v) Provisions shall be included to manually reset the equipment to the mute position.

(7) Means shall be provided for grounding the case of the equipment but this should not cause any terminal of the source of electrical energy to be grounded.

(8) Provisions should be made to protect the equipment from excessive currents, power supply reversals and voltage variations which could cause damage to any component.

(9) The equipment shall continue to comply with the technical requirements of this section under conditions of sea state, vibration, humidity and changes of temperature normally encountered in a maritime environment.

(10) Be provided with a durable name plate, mounted on the receiver or made an integral part thereof showing clearly the name of the receiver manufacturer and the type of model of the receiver.

(c) The watch receiver shall be tested to the satisfaction of the Commission to determine that it will respond to the required signals while rejecting other signals so as not to cause false alarms. The tests conducted by the Commission will include, but not necessarily be limited to, the following:

(1) Response to radiotelephone alarm signal: A test signal (A2 emission) modulated with the radiotelephone alarm signal to a modulation depth of 70% over any combination of the tolerances specified below shall be applied to the receiver. The test signal applied to the receiver shall be increased until a SINAD of 10dB is obtained. The tests shall be conducted at this input level and higher to ensure that the mute lifts within the required 4 to 6 second period. The alarm signal tolerances are:

(i) Modulating frequency: 1300 ± 20 Hz and 2200 ± 35 Hz;

(ii) Duration of tones: 250 ± 50 milliseconds;

(iii) Time between tones: 0 to 50 milliseconds.

(2) Response to navigational warning signal: A test signal (A2 emission) modulated with the navigational warning signal to a modulation depth of 70% over any combination of the tolerances specified below shall be applied to the receiver. The test signal applied to the receiver shall be increased until a SINAD of 10dB is obtained. The tests shall be conducted at this input and higher to ensure that the mute lifts within the required 4 to 6 second period. The navigational warning signal tolerances are:

(i) Modulating frequency: 2200 Hz±35 Hz;

(ii) Modulation and carrier on: 250±50 milliseconds;

(iii) Modulation and carrier off: 250±50 milliseconds;

(3) Response to actual signals: The receiver shall be tested while connected to an antenna capable of efficiently receiving signals on the frequency 2182 kHz for a period of 20 days to demonstrate that the equipment will not respond to signals other than the required signals. Additionally, during this test valid radiotelephone alarm signals and navigational warning signals shall be introduced on an hourly basis to demonstrate that the equipment is operating in a satisfactory manner.

19. A new Subpart is added to Part 83 as follows:

Subpart BB—VHF Radiotelephone Stations Provided for Compliance With the Radio Provisions of the Safety Convention

Sec.

83.851 VHF radiotelephone station.
83.852 The VHF radiotelephone installation.
83.853 VHF radiotelephone transmitter.
83.854 VHF radiotelephone receiver.
83.855 VHF radiotelephone source of energy.
83.856 VHF radiotelephone antenna system.
83.857 Controls and indicators required for the VHF radiotelephone installations.

Subpart BB—VHF Radiotelephone Stations Provided for Compliance With the Radio Provisions of the Safety Convention

20. A new § 83.851 is added to read as follows:

§ 83.851 VHF radiotelephone station.

(a) The provisions of this subpart are applicable to the VHF radiotelephone station required to be provided on all passenger ships irrespective of size and all cargo ships of 300 gross tons and upwards subject to the Safety Convention. The VHF radiotelephone station so provided comprises a radiotelephone installation and such other equipment as may be necessary for the proper use and operation of such installation.

(b) The VHF radiotelephone station shall be installed so as to insure safe and effective operation of the equipment, and shall be arranged to facilitate repair. Adequate protection shall be provided against the effects of vibration, moisture, and temperature.

(c) The principal operating position of the radiotelephone station shall be in the room from which the vessel is normally steered while at sea.

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(d) The radiotelephone station shall be capable of operating in the simplex mode on the ship station transmitting frequency specified in the following table in the frequency band 156.025 MHz to 157.425 MHz. The station shall also be capable of operating in the semiduplex mode on the two frequency channels specified in the following table.

Channel designators	Transmitting frequencies (MHz)		Channel designators	Transmitting frequencies (MHz)	
	Ship stations	Coast stations		Ship stations	Coast stations
60	156.025	160.625	16	156.800	156.800
01	156.050	160.650	76	Guard Band	
61	156.075	160.675	17	156.850	156.850
02	156.100	160.700	77	156.875	
62	156.125	160.725	18	156.900	161.500
03	156.150	160.750	78	156.925	161.525
63	156.175	160.775	19	156.950	161.550
04	156.200	160.800	79	156.975	161.575
64	156.225	160.825	20	157.000	161.600
05	156.250	160.850	80	157.025	161.625
65	156.275	160.875	21	157.050	156.050
06	156.300				or
66	156.325	160.925			161.650
07	156.350	160.950	81	157.075	161.675
67	156.375	156.375	22	157.100	161.700
08	156.400		82	157.125	161.725
68	156.425	156.425	23	157.150	156.150
09	156.450	156.450			or
69	156.475	156.475			161.750
10	156.500	156.500	83	157.175	156.175
70	156.525				or
11	156.550	156.550			161.775
71	156.575	156.575	24	157.200	161.800
12	156.600	156.600	84	157.225	161.825
72	156.625		25	157.250	161.850
13	156.650	156.650	85	157.275	161.875
73	156.675	156.675	26	157.300	161.900
14	156.700	156.700	86	157.325	161.925
74	156.725	156.725	27	157.350	161.950
15	156.750	156.750	87	157.375	161.975
75	Guard Band		28	157.400	162.000
			88	157.425	162.025

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21. A new § 83.852 is added to read as follows:

§ 83.852 The VHF radiotelephone installation.

The VHF radiotelephone installation included:

(a) A VHF radiotelephone transmitter,

(b) A VHF radiotelephone receiver,

(c) A VHF source of energy,

(d) An antenna system.

22. A new § 83.853 is added to read as follows:

§ 83.853 VHF radiotelephone transmitter.

(a) The transmitter shall be capable of effective transmission of F3 emission on 156.3 MHz and 156.8 MHz, and on frequencies which have been specified for use in conjunction with a system which has been established in order to promote safety of navigation. Vessels plying waters under the sovereignty of other administrations are required to effectively communicate on any channel designated by that administration for navigational safety in the bands specified in § 83.851(d).

(b) The transmitter shall be adjusted so that the transmission of speech normally produces peak modulation within the limits of 75 percent and 100 percent.

(c) The transmitter shall have a carrier power of at least 8 watts and not more than 25 watts. Provisions shall be made for reducing the carrier power to a value between 0.1 and 1.0 watts.

(d) The transmitter shall be considered as capable of complying with the power output requirements specified in paragraph (c) of this section when:

(1) The transmitter is capable of being adjusted for efficient use with an actual ship station transmitting antenna meeting the requirements of § 83.857; and

(2) The transmitter has been demonstrated, or is of a type which has been demonstrated, to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 8 watts of carrier power into 50 ohms effective resistance over the frequency band specified in § 83.851(d). An individual demonstration of the power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required whenever in the judgement of the Commission this is deemed necessary; and

(3) It is type accepted as required by § 83.139.

23. A new § 83.854 is added to read as follows:

§ 83.854 VHF radiotelephone receiver.

(a) The receiver used for providing the watch for navigational safety required by § 83.203(c) shall be approved by the Commission and capable of effective reception of F3 emission on the frequencies required by § 83.851(d) when connected to the antenna specified in § 83.856.

(b) The receiver shall have a usable sensitivity of 0.5 microvolts when measured in accordance with § 83.715(d)(4).

(c) The selectivity of the receiver shall be such that intelligibility of the wanted signal is not seriously affected by unwanted signals.

(d) The receiver shall deliver adequate audio output power to be heard in the ambient noise level likely to be expected on board ships with a loudspeaker and/or a telephone handset.

(e) In the simplex mode when the transmitter is activated the receiver output shall be muted.

24. Section 83.855 is added to read as follows:

§ 83.855 VHF radiotelephone source of energy.

(a) There shall be readily available for use under normal load conditions, including times of inspection of the ship's VHF radiotelephone station by a Commission representative, a source of energy sufficient to simultaneously energize the VHF transmitter at its required antenna power, and VHF receiver. Under this load condition the potential of the source of energy at the power input terminals of the VHF radiotelephone installation shall not deviate from its rated potential by more than 10 percent on vessels completed on or after March 1, 1957, nor by more than 15 percent on vessels completed before that date.

(b) When the source of energy for the VHF radiotelephone installation consists of or includes batteries, they shall be installed in the upper part of the ship, secured against shifting with motion of the vessel, capable of operating the installation for 6 hours, and accessible with not less than 10 inches head room.

(c) Means shall be provided for adequately charging any rechargeable batteries used in the vessel's VHF radiotelephone installation. There shall be provided a device which, during charging of the batteries, will give a continous indication of the charging current.

(d) The VHF radiotelephone installation may be connected to the reserve source of energy of a compulsorily fitted radiotelephone or radiotelephone installation to pursuant to Subpart R and S of this Part, respectively.

25. Section 83.856 is added to read as follows:

§ 83.856 VHF radiotelephone antenna system.

An antenna shall be providced for radiotelephone installations, in accordance with the applicable requirements of § 83.107, which is as nondirectional and as efficient as is practicable for the reception of radio ground waves. The construction and installation of this antenna shall be such as to insure, insofar as is practicable, proper operation in time of an emergency.

26. Section 83.857 is added to read as follows:

§ 83.857 Controls and indicators required for the VHF radiotelephone installations.

The control and indicators used on equipment forming part of the VHF radiotelephone installation shall comply with the following standards:

(a) Controls should be of such size as to permit normal adjustment to be easily performed. The function and the setting of the controls should be clearly indicated.

(b) Controls should be illuminated as necessary, so as to enable satisfactory operation of the equipment.

(c) Means should be provided to reduce to extinction any light output from the equipment which is capable of interfering with safety of navigation.

(d) An on/off switch should be provided for the entire installation with a visual indication that the installation is switched on.

(e) The equipment should indicate the channel number, as given in the Radio Regulations, to which it is tuned. It should allow the determination of the channel number under all conditions of external lighting. Where practicable Channel 16 should be distincitively marked.

(f) The receiver should be provided with an manual volume control by which the audio output may be varied.

(g) A squelch control should be provided on the exterior of the equipment.

(h) If the external controls are assembled on a separate control unit and more than one such control unit is provided, the one on the bridge should have priority over the others. When there is more than one control unit, indication should be given to the other(s) that the equipment is operational.

[FR Doc. 80-8366 Filed 3-18-80; 8:45 am]
BILLING CODE 6712-01-M

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DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

36 CFR Part 1215

Archaeological Resources Protection Act of 1979; Public Hearings Prior to Publication of Proposed Rulemaking

AGENCY: Heritage Conservation and Recreation Service, Department of the Interior.

ACTION: Notice of public hearings prior to publication of proposed rulemaking.

SUMMARY: This notice is to provide immediate advice to the general public of scheduled informal hearings. These hearings are designed to provide maximum opportunity for public input and advice to the Department of the Interior, as well as the other major Federal land managers, including the Tennessee Valley Authority and the Departments of Defense and Agriculture, as these agencies prepare uniform regulations to fully implement the provisions of the Archaeological Resources Protection Act of 1979 (Public Law 96–95) regarding the protection and conservation of archeological resources on public and Indian lands.

DATES: Hearings will be held March 22, 1980; March 29, 1980; April 12, 1980; April 19, 1980. See Supplementary Information below for details.

ADDRESSES: Hearings will be held in Denver, Colorado; Phoenix, Arizona; Portland, Oregon; and Knoxville, Tennessee. See Supplementary Information below for details.

FOR FURTHER INFORMATION CONTACT: Charles M. McKinney, Manager, Federal Antiquities Program, Department of the Interior, Heritage Conservation and Recreation Service, 440 G Street, NW., Washington, D.C. 20243; 202–343–7105.

SUPPLEMENTARY INFORMATION: The major Federal land managing agencies wish to afford an opportunity for direct public input regarding the various provisions of Public Law 96–95 prior to the completion and publication of proposed rulemaking. It is the intent of the major Federal land managers to seek out the ideas, comments, and suggestions of the public-at-large. In addition, three major special interest groups have been identified upon which rulemaking may have a direct impact: (1) the Native American community, (2) the professional archeological community, and (3) collectors and treasure hunters. Accordingly, four hearings have been scheduled as follows:

Denver, Colorado—March 22, 1980. Denver Service Center, Bldg. 56, Auditorium, West 6th and Kipling. Host: Water and Power Resources Service, Department of the Interior

Phoenix, Arizona—March 29, 1980. Los Olivos Hotel, 202 East McDowell Road (Fiesta Room). Host: Bureau of Land Management, Department of the Interior

Portland, Oregon—April 12, 1980. Flamingo Motel, 9727 N.E. Sandy Boulevard. Host: Forest Service, Department of Agriculture

Knoxville, Tenn.—April 19, 1980. TVA Office Complex, West Tower Lobby Auditorium, 400 Commerce Avenue. Host: Tennessee Valley Authority

All four hearings are scheduled on a Saturday in order to provide an opportunity for maximum public participation. All hearings are scheduled to begin at 10 a.m. and conclude by 4 p.m. Upon completion of the above hearings, proposed rulemaking is anticipated for publication in the **Federal Register** before May 15, 1980. Following the date of publication, a 90 day commenting period will follow. During the commenting period additional hearings are tentatively planned for Anchorage, Alaska; Los Angeles, California; Albuquerque, New Mexico; and Chicago, Illinois and/or other localities, pending public needs. Host bureaus of the Department of the Interior, Defense, Agriculture, and the Tennessee Valley Authority will provide local arrangements including meeting space for a minimum of 100 people and recording facilities at each hearing. Charles M. McKinney, Manager, Federal Antiquities Program, will serve as principal hearings officer and a representative from each host bureau or Department will serve as co-hearing officer for each hearing.

In addition to providing an opportunity for the general public to make direct input at the hearings, written comments are invited. Although any section of the Act may be discussed either in person or in writing, certain issues regarded as critical by the above mentioned interest groups should be addressed in a public forum. For the purposes of the hearings, the following issues have been identified to be of utmost interest and in need of discussion:

1. What mechanisms might be implemented to assure that appropriate Native American groups and/or leaders are consulted when an application for a permit may result in harm to or destruction of a religious or cultural site?

2. Will the regulations provide guidance to the public regarding the collection of coins and bullets, as referenced in Section 12(b)?

3. What administrative mechanisms, if any, should be implemented for appealing denials of permits and resolving other differences between applicants and Federal field personnel?

4. How will the regulations implement congressional intent regarding the collection of bottles?

5. Notwithstanding clarification in the legislative history, should the regulations address the use or non-use of subsurface sensing devices on public and Indian lands?

6. While the Outer Continental Shelf is delimited from the provisions of this statute, will regulations address the protection of historic shipwrecks located within the boundaries of Federal reserve areas?

7. How will regulations address the issues surrounding graves and human skeletal materials located on public and Indian lands relative to authorized scholarly studies and unauthorized disturbance and vandalism?

8. What are the possibilities for incorporating a public awareness program in conjunction with the civil penalties of this Act?

9. What is the meaning of Section 6(g) and 7(a) relative to "arrowhead" surface collection considering the legislative history of October 17, 1979?

The above questions are examples of those which have been asked by the general public since the enactment of Pub. L. 96–95 on October 31, 1979. It is anticipated that through hearings, in-depth discussions will pursue these questions and several more regarded as critical to specific segments of the public. This list is not intended to serve as an agenda nor necessarily to be discussed at each hearing in its entirety. It is included herein only as an indication of several issues for which public concern does exist and because each may be addressed during the rulemaking process. The Department of the Interior and the other major Federal land managers wish to act with reasonable haste in developing proposed regulations for publication in the **Federal Register** to fully implement the provisions of the Act, however, neither proposed nor final regulations will be published prior to the above mentioned hearings.

As provided in Section 6 of the Act, the criminal prohibitions became operational upon enactment. Prosecutions for criminal violations of the Act are being actively pursued at this time. Cases are being prosecuted on the basis of the statute itself. Accordingly, the time involved in promulgating uniform regulations under this Act should not prevent or otherwise interfere with the implementation of criminal sanctions.

Dated: March 18, 1980.

Robert L. Herbst,

Assistant Secretary of the Interior.

[FR Doc. 80–8671 Filed 3–18–80; 12:13 pm]

BILLING CODE 4310–03–M

Notices

Federal Register

Vol. 45, No. 55

Wednesday, March 19, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket No. 37851; Order 80–3–63]

Aerolineas Argentinas, et al.; Prior Approval of All Charter Flights Between United States and Their Home Country

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 80–3–63, Docket 37851.

SUMMARY: The Board proposes to issue an order requiring the following foreign air carriers to obtain prior approval of all charter flights between the United States and their home country: Aerolineas Argentinas; "VARIG," S.A. (Viacao Aerea Rio-Grandense); Aerocosta, S.A.; Aerolineas Territoriales de Colombia Ltda, "Aerotal"; Aerovias Colombianas Limitada (ARCA); Aerovias Condor de Colombia, S.A.; Aerovias Nacionales de Colombia, S.A. (AVIANCA); Sociedad Aeronautica de Medellin Consolidada, S.A. (SAM); Iran National Airlines Corporation (Iran Air); Aerlinte Eireann Teoranta; Japan Air Lines Company, Ltd.; Aeronaves del Peru, S.A.; AeroPeru (Empresa de Transportes Aero del Peru); Compania de Aviacion "Faucett", S.A.; Air Manila, Inc.; Philippine Air Lines, Inc.; General Department of International Air Service (Aeroflot Soviet Airlines); Transportes Aereos de Carga, S.A. (Transcarga); Venezolana International de Aviacion, S.A. (VIASA).

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this requirement should be imposed as described in the order cited above shall no later than April 8, 1980, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 37851, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to the carrier concerned, the Departments of State and Transportation. Copies of the objection should also be sent to the Ambassadors of the countries affected by the objections.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board may enter an order which would make final the Board's tentative findings and conclusions and require the noted foreign air carriers to obtain prior approval of all charter flights between the United States and their home countries.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION, CONTACT: Regulatory Affairs Division (202) 673–5878, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C.

By the Civil Aeronautics Board: March 13, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–8331 Filed 3–18–80; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 20244]

Aloha Airlines, Inc. Subsidy Mail Rates; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 10, 1980, at 10:00 a.m. (local time) in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., March 13, 1980.

William A. Pope II,

Administrative Law Judge.

[FR Doc. 80–8332 Filed 3–18–80; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 37209; Order 80–3–75]

TTI; Foreign Indirect Air Carrier Permit

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order To Show Cause: Order 80–3–75.

SUMMARY: The Board proposes to approve the following application:

Applicant: TTI Travel, Inc.
Docket: 37209.
Application Date: December 4, 1979.
Authority Sought: Permit to operate as a foreign indirect air carrier of persons and their accompanying baggage.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, no later than April 9, 1980, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Spain in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

ADDRESSES FOR OBJECTIONS: Docket 37209, Docket Section, Civil Aeronatics Board, Washington, D.C. 20428.
TTI Travel, Inc., c/o Howard S. Boros, Boros & Carofalo, P.C., Suite 460, Bender Building, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

To get a copy of the complete order, request it from the D.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Bruce W. Solow, Legal Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673–5203.

By the Civil Aeronautics Board: March 14, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–8339 Filed 3–18–80; 8:45 am]

BILLING CODE 6320–01–M

V 45/55 MR 19 80 UMI

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping: Certain Steel Wire Nails From the Republic of Korea

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of extension of period for final determination.

SUMMARY: This notice is to advise the public that the Commerce Department has extended by sixty days the period within which to make a final determination as to whether certain steel wire nails from Korea are, or are likely, to be sold in the United States at less than fair value.

EFFECTIVE DATE: March 19, 1980.

FOR FURTHER INFORMATION CONTACT: Leon McNeill, Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, (202) 566–5492.

SUPPLEMENTARY INFORMATION: On December 31, 1979, an antidumping investigation involving certain steel wire nails from the Republic of Korea was in progress under the Antidumping Act, 1921 (19 U.S.C. 160 *et seq.*). An "Antidumping Processing Notice" (44 FR 23621) and a notice of "Tentative Determination of Sales at Not Less Than Fair Value and Tentative Discontinuance of Antidumping Investigation" (44 FR 61722) had been published in the **Federal Register** of April 20, 1979 and October 26, 1979 respectively.

On January 1, 1980, Title I of the Trade Agreements Act of 1979 (Pub. L. 96–39, 93 Stat. 144) ("The 1979 Act") became effective. Section 106(a) of the 1979 Act (93 Stat. 193) repealed the Antidumping Act, 1921. Section 102(b) of the 1979 Act (93 Stat. 189) contains transition rules regarding antidumping investigations under the 1921 Act which were pending on the effective date of the 1979 Act. Pursuant to section 102(b)(2), the tentative determination made on October 26, 1979, is being treated as though it were a preliminary determination under section 733 of the Tariff Act of 1930, as amended ("the 1930 Act"), made on January 1, 1980. Section 735(a) of the 1930 Act (93 Stat. 169, 19 U.S.C. 1673d(a)) directs that within 75 days after the date of a preliminary determination, a final determination shall be made of whether the merchandise subject to investigation is being, or is likely to be, sold in the United States at less than its fair value. The last day on which a final determination ordinarily could be made in this investigation is March 17, 1980.

However, the Department of Commerce hereby acts under section 735(a)(2) of the 1930 Act (93 Stat. 170, 19 U.S.C. 1673d(a)(2)) to extend the period within which to make the final determination. This investigation had been self-initiated by the Department of the Treasury and, therefore, was not based on a petition filed by a domestic interested party. Nonetheless, representatives of the domestic industry are participating actively in the case and have requested an extension of time in this case. For the purpose of this provision, the Commerce Department has determined that the administering authority may be considered to be the petitioner where the investigation involved was self-initiated by the then responsible government authority. Consequently, the final determination in this investigation will be made no later than on May 16, 1980.

John Greenwald,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 80-8305 Filed 3-18-80; 8:45 am]

BILLING CODE 3510-22-M

National Bureau of Standards

I/O Channel Level Interface Standards; Federal Information Processing Standards; Proposed Waiver Revision

Under the provisions of Pub. L. 89–306 (79 Stat. 1127; 40 USC 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (The Secretary) is authorized to establish uniform automatic data processing standards. On February 16, 1979, notice was given in the **Federal Register** (44 FR 10098–10101) announcing that the Secretary had approved three input/output (I/O) channel level interface standards as Federal Information Processing Standards (FIPS): (1) I/O Channel Interface, (2) Channel Level Power Control Interface, and (3) Operational Specifications for Magnetic Tape Subsystems, designated FIPS Publication (PUB) 60, FIPS PUB 61, and FIPS PUB 62, respectively. On August 27, 1979, notice was given in the **Federal Register** (44 FR 50078–50079) announcing that the Secretary had approved a fourth I/O channel level interface standard, Operational Specifications for Rotating Mass Storage Subsystems, designated FIPS PUBL 63. These standards were the subject of corrections and revisions announced in the **Federal Register** on August 27, 1979 (44 FR 50079–50080), August 31, 1979 (44 FR 51294) and December 3, 1979 (44 FR 69317).

It is proposed that the waiver provision of each of the above cited FIPS be revised so as to provide for faster and more efficient processing of waiver requests within the Federal Government, while at the same time providing an open and complete public record of the processing of each approved waiver request.

It is proposed that the section headed *"Waivers"* of each of the cited standards be replaced in its entirety by the following:

Waivers. Heads of agencies, or their designees who have been formally delegated authority to make agency waiver determinations (in either case, hereinafter termed approval officers), may waive the provisions of this standard, so as to acquire ADP equipment that does not conform to this standard, following agency review of a waiver request which has been documented according to the procedures and criteria set forth below:

1. A waiver request must originate within an agency and shall be forwarded to that agency's approval officer. Each such waiver request shall include: (1) a description of the existing or planned ADP system for which the waiver is being requested, (2) a description of the system configuration, identifying those items for which the waiver is being requested, and including a description of planned expansion of the system configuration at any time during its life cycle, (3) a justification for the waiver, including a description and discussion of the major adverse economic or operational impact that would result through conformance to this standard as compared to the alternative for which the waiver is requested, and (4) a summary of the waiver request suitable for publication in the **Federal Register** as required in paragraph 2 below.

2. Except as provided in paragraph 5 below, the summary of the waiver request formulated under paragraph 1 shall be published by the agency in the **Federal Register** for public comment, allowing a comment period of no less than twenty days. The **Federal Register** announcement must identify the organizational unit within the agency for which the planned equipment is intended, and that unit's location; the name and title of the approval officer, and the name, title, and telephone number of the agency contact for further information.

3. The approval officer shall review the waiver request, all comments received in response to the **Federal Register** announcement, and any analyses conducted to assist the approval officer in reaching a determination concerning the waiver request. A waiver may be granted if, in the judgment of the approval officer based on all available information, a major adverse economic or operational impact would occur through conformance with this standard. Full consideration shall be given to the Government's stated intent in employing this standard, namely, to reduce the cost of satisfying the Government's automatic data processing requirements through increasing its alternative sources of supply for computer system components at the time of initial system acquisition, as well as in system replacement and augmentation and in system component replacement. Attention shall also be given to potential improved reutilization of system components through conformance with this standard. A detailed written decision rationale document shall be prepared and signed by the approval officer in those cases where a waiver is approved. Except as provided under paragraph 5 below, whether or not a waiver is approved, the agency will publish promptly a notice of its decision relative to the previously published waiver request in the **Federal Register**. Where a waiver has been approved, the notice shall state that a detailed decision rationale document is available from the General Services Administration (GSA).

4. Except as provided under paragraph 5 below, for each waiver request for which a waiver is granted, all comments received in response to the related **Federal Register** announcement, all information and supporting analyses taken into account by the approval officer, and the decision rationale document must be contained in a record forwarded promptly following the waiver decision to the Administrator, GSA, Washington, D.C. 20405. The Administrator of GSA shall make each such record available for public inspection and copying for a period of not less than five years.

5. Where an appropriate agency official determines that the above-required public comment and public record review would result in public release of information which is exempt from mandatory disclosure under 5 USC 552(b)(1), the publication requirements called for under paragraphs 2 and 3 and the requirement under paragraph 4 to forward the record to GSA for public review may be omitted by the agency. In each such case where a waiver is granted, however, a complete record of all aspects of the processing of the waiver request must be maintained by the agency for a period of not less than five years, for possible internal Government review.

Written comments on this proposed revision to each of the above cited standards should be submitted to the Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, Attention: Proposed Interface Standards Waiver Revision. Comments to be considered must be received on or before **May 19, 1980.**

Persons desiring any further information about this proposed revision of the interface standards waiver provision may contact Mr. Thomas N. Pyke, Jr., Director, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234; (301) 921–3436.

Dated: March 14, 1980.

Ernest Ambler,

Director.

[FR Doc. 80-8350 Filed 3-18-80; 8:45 am]

BILLING CODE 3510-13-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Newly Established Specific Ceilings for Certain Cotton, Wool and Manmade Fiber Apparel Products From Hong Kong

March 14, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing specific levels of restraint for the following categories of cotton, wool and man-made fiber apparel products, produced or manufactured in Hong Kong and exported to the United States during the twelve-month period which began on January 1, 1980:

Category	Description	Level of restraint
337	Cotton playsuits	643,205 dozen.
342	Cotton skirts	366,719 dozen.
345	Cotton sweaters	286,101 dozen.
438	Wool shirts and blouses.	739,304 dozen.
635	Women's, girls' and infants man-made fiber coats.	602,617 dozen.
648	Women's, girls' and infants man-made fiber trousers.	922,735 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172))

SUMMARY: The Government of Hong Kong has informed the Government of the United States, pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 8, 1977, as amended, between the two governments, that it is converting Categories 337, 342, 345, 438, 635 and 648 into specific limits during the agreement year which began on January 1, 1980 and extends through December 31, 1980. In 1979, these categories were subject only to group levels and the EA call mechanism.

The purpose of this notice is to advise the public if this change in the status of the cited categories under the terms of the amended bilateral agreement.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Donald R. Foote, Assistant Director, International Agreements and Monitoring Division, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230. (202/377–4212)

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-8306 Filed 3-18-80; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1980 Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to Procurement List 1980 a commodity to be produced by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: March 19, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: On January 15, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published notice (45 FR 2880) of proposed addition to Procurement List 1980, November 27, 1979 (44 FR 67925).

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

V 45 / 55 MAR 1980 UMI

Accordingly, the following commodity is hereby added to Procurement List 1980:

Class 7350

Cup, Plastic

7350-00-721-9003
7350-00-082-5741
7350-00-926-1661
7350-00-145-6126
7350-00-761-7467
7350-00-914-5089
7350-00-914-5088
7350-01-145-6127

C. W. Fletcher,
Executive Director.

[FR Doc. 80-8814 Filed 3-18-80; 8:45 am]
BILLING CODE 6820-33-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 80-2]

Imperial Carpet Mills, Inc.; Publication of Complaint

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of a complaint under the Flammable Fabrics Act.

SUMMARY: Under provisions of its Rules of Practice for Adjudicative Proceedings (16 CFR Part 1025), the Consumer Product Safety Commission must publish in the **Federal Register** Complaints which it issues under the Flammable Fabrics Act. Printed below is a Complaint in the matter of Imperial Carpet Mills, Inc., and Murray Sobel, individually and as an officer of the corporation issued.

SUPPLEMENTARY INFORMATION:

Nature of Proceedings

The Consumer Product Safety Commission (hereinafter, the "Commission") has reason to believe that Imperial Carpet Mills, Inc., a corporation; and Murray Sobel, individually and as an officer of the corporation; (hereinafter, collectively, "Respondents"), are subject to, and have violated, provisions of the Flammable Fabrics Act, as amended (hereinafter, the "FFA") 15 U.S.C. 1191 *et seq.;* the Federal Trade Commission Act, as amended (hereinafter the "FTCA") 15 U.S.C. 41 *et seq.*; and the Standard for the Surface Flammability of Carpets and Rugs (FF 1–70) (hereinafter the "Standards") 16 CFR Part 1630, Subpart A.

It appears to the Commission, from the factual information available to staff, that it is in the public interest to issue this Complaint to commence an Adjudicative Proceeding in accordance with the Commission's Rules of Practice for Adjudicative Proceedings, 16 CFR Part 1025. Therefore, by virtue of the Consumer Product Safety Act, as amended, 15 U.S.C. 2051, 2079(b), the Commission, pursuant to Section 5 of the FFA, 15 U.S.C. 1194, and Section 5 of the FTCA, 15 U.S.C. 45, and in accordance with the Commission's Rules of Practice for Adjudicative Proceedings, hereby issues this Complaint, and states its charges as follows:

CHARGES: 1. Respondent Imperial Carpet Mills, Inc., is a corporation organized and existing under the laws of the State of Georgia, with its principal place of business located at U.S. Highway 41 North, Cartersville, Georgia 30120.

2. Respondent Murray Sobel is an officer of respondent Imperial Carpet Mills, Inc., and in the capacity of President is responsible for the acts, practices, and policies of the corporation.

3. At the times the infractions and violations charged herein occurred, Respondents were engaged in the manufacture and sale of "carpet" "in commerce" as these terms are defined in the Standard, 16 CFR 1630.1(c), and in Section 2(b) of the FFA, 15 U.S.C. 1191(b), respectively.

4. Carpet is a "product" and an "interior furnishing" consisting of "fabric" and "related materials" as those terms are defined in Sections 2 (h), (e), (f), and (g) of the FFA, 15 U.S.C. 1191 (h), (e), (f), and (g), respectively. Carpet is therefore, subject to the FFA and to the Standard and Rules and Regulations promulgated pursuant to that Act.

5. Respondents have engaged in the manufacture for sale, sale or offering for sale in commerce, and the introduction, delivery for introduction, trnasportation and causing to be transported in commerce, and the sale or delivery after sale or shipment in commerce of carpets—styles "Super Shag," "Touchdown," and "Touchdown T," made with nylon face yarns, polypropylene primary backings, and foam secondary backings, which fail to meet the acceptance criteria of the Standard, as defined and set forth in 16 CFR 1630.1(a), 1930.3(c) and 1630.4(f), respectively in violation of Section 3(a) of the FFA, 15 U.S.C. 1192(a).

6. Pursuant to Section 3(a) of the FFA, 15 U.S.C. 1192(a), the aforesaid acts and practices of Respondents are unlawful and constitute unfair methods of competition and unfair and deceptive acts and practices in commerce under the FTCA.

Relief Requested in the Public Interest by Staff

The Commission staff believes that the public interest requires (1) a finding that Respondents have engaged in the violative acts and practices enumerated in paragraphs 5 and 6 of the charges in this Complaint, and (2) the issuance of the Cease and Desist Order set forth below. If, however, the Commission concludes from the record in this Adjudicative Proceeding that this Order would not be appropriate or adequate to fully protect the consuming public, the Commission may order such other relief as it deems necessary and appropriate.

Order I. *It is ordered,* That Imperial Carpet Mills, Inc. (hereinafter, the "Corporation") and Murray Sobel (hereinafter, "Sobel") and their agents, representatives, employees and successors and assigns, directly or through any corporation, subsidiary, division or other instrumentality, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling, or offering for sale, any product made of fabric or related materials which has been shipped or received in commerce, as "commerce," "product," "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended (hereinafter, the "FFA"), 15 U.S.C. 1191 *et seq.*, which product, fabric, or related material fails to conform to the requirements of the Standard for the Surface Flammability of Carpets and Rugs (FF 1–70), 16 CFR Part 1630.

II. *It is further ordered,* That the Corporation and Sobel, and their agents, representatives, employees and successors and assigns, directly or through any corporation, subsidiary, division or other instrumentality, shall conform to all provisions of the FFA, and the standards, rules, and regulations issued thereunder, in the manufacture for sale, sale or offering for sale, in commerce, or importation into the United States, or introduction, delivery for introduction, transportation, or causing to be transported in commerce, or the sale or delivery after sale or shipment in commerce, of any product, fabric or related material subject to the Standard.

III. *It is further ordered,* That the Corporation and Sobel shall either process all carpet or rugs in inventory including the said styles "Super Shag," "Touchdown," and "Touchdown T" so as to bring them into conformance with the applicable standard of flammability under the Act, as amended, or destroy the carpet or rugs.

IV. *It is further ordered,* That the Corporation and Sobel shall, within 15 days after service upon them of this Order, file with the Commission a special report in writing setting forth the manner in which they intend to comply with this Order. They shall submit with their report a complete description of each style of carpet or rug currently in inventory or production.

V. *It is further ordered,* That for a period of 10 years from the date of this Order the Corporation and Sobel shall notify the Commission at least 30 days prior to any proposed change in the Corporation such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the Corporation which may affect compliance obligations arising out of this Order.

VI. *It is further ordered,* That for a period of 10 years from the date of this Order that Sobel promptly shall notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business and shall submit to the Commission a statement as to the nature of the business or employment in which he is newly engaged as well as a description of his duties and responsibilities in the new business.

VII. *It is further ordered,* That the Corporation shall distribute a copy of this Order to each and all of its operating divisions.

VIII. *It is further ordered,* That the Corporation and Sobel (1) shall permit the Commission, in accordance with law, to conduct inspections of the Corporation, to examine the Corporation's books, records, and accounts relating to the manufacture, sale, and distribution of carpet, and to collect samples of carpet manufactured and distributed by the Corporation; and (2) shall upon the request of the Commission, in accordance with law, submit written reports, verified copies of the Corporation's books, records and accounts, and samples of carpet manufactured and distributed by the Corporation, to enable the Commission to determine their compliance with this Order.

Wherefore, the premises considered, the Commission, hereby issues this compliant on this 7th day of March 1980.

By the Commission.

Dated: March 14, 1980.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 80-8500 Filed 3-18-80; 8:45 am]
BILLING CODE 6355-01-M

COUNCIL ON WAGE AND PRICE STABILITY

Pay Advisory Committee; Meeting

AUTHORITY OF COMMITTEE: The Pay Advisory Committee was established by the Council on Wage and Price Stability pursuant to Executive Order 12161 (44 FR 56663).

TIME AND PLACE OF MEETING: The Pay Advisory Committee will meet on April 2, 1980, at 2 p.m. in room 2008 of the New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20506.

PURPOSE OF THE MEETING: The purpose of the meeting will be to continue unfinished business from the Committee's earlier meetings.

PUBLIC PARTICIPATION: The meeting of the Pay Advisory Committee will be open to the public. Public attendance will, however, be limited by available space; persons will be seated on a first-come, first-served basis. Persons attending the meeting will not be permitted to speak or participate in the Committee's deliberations. Interested persons will be permitted to file written statements with the Committee by mail or personal delivery to the Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, NW., Washington, D.C. 20506.

ADDITIONAL INFORMATION: For additional information, please telephone the Office of Public Affairs at (202) 456–6756.

Dated: March 13, 1980.

Sally Katzen,
Advisory Committee Management Officer.

[FR Doc. 80-8347 Filed 3-14-80; 4:19 pm]
BILLING CODE 3175-01-M

Price Advisory Committee; Meeting

AUTHORITY OF COMMITTEE: The Price Advisory Committee was established by the Council on Wage and Price Stability pursuant to Executive Order 12161 (44 FR 56663).

TIME AND PLACE OF MEETING: The Price Advisory Committee will meet on April 9, 1980, at 10:00 a.m. in Room 2008 of the New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20506.

PURPOSE OF THE MEETING: The purpose of the meeting will be to continue unfinished business from the Committee's earlier meetings.

PUBLIC PARTICIPATION: The meeting of the Price Advisory Committee will be open to the public. Public attendance will, however, be limited by available space; persons will be seated on a first-come, first-served basis. Persons attending the meeting will not be permitted to speak or participate in the Committee's deliberations. Interested persons will be permitted to file written statements with the Committee by mail or personal delivery to the Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, N.W., Washington, D.C. 20506.

ADDITIONAL INFORMATION: For additional information, please telephone the Office of Public Affairs at (202) 456–6756.

Dated: March 14, 1980.

Sally Katzen,
Advisory Committee Management Officer.

[FR Doc. 80-8348 Filed 3-14-80; 4:19 pm]
BILLING CODE 3175-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; Altered Record System

AGENCY: Department of the Air Force.

ACTION: Notice of an altered system of records.

SUMMARY: The Air Force is publishing for public comment an altered system of records subject to the Privacy Act of 1974.

DATES: The sustem shall be altered as proposed without further notice in 30 days from the date of this publication (April 18, 1980) unless comments are received on or before April 18, 1980, which would result in a contrary determination and require republication for further comments.

ADDRESS: Send comments to the system manager indentified in the record system notice.

FOR FURTHER INFORMATION CONTACT: Mr. Jon Updike, HQ USAF/DAAD(S), The Pentagon, Washington, DC 20330, telephone 202–694–3431.

SUPPLEMENTARY INFORMATION: The Air Force systems of records notices as prescribed by the Privacy Act of 1974, Pub. L. 93–579 (5 U.S.C. 552a) have been published in the **Federal Register** as follows:

FR Doc. 79–37052 (44 FR 74145) December 17, 1979
FR Doc. 80–2008 (45 FR 5515) January 23, 1980

FR Doc. 80-8232 (45 FR 13181) February 28, 1980

The Department of the Air Force has submitted an altered system report dated February 8, 1980, for this altered record system under the provisions of 5 U.S.C. 552a(o) of the Privacy Act which requires submission of an altered report and in accordance with Office of Management and Budget (OMB) Circular A-108, Transmittal Memoranda No. 1 and No. 3, dated September 30, 1975, and May 17, 1976, respectively, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of records under the Privacy Act of 1974. This OMB guidance was set forth in the **Federal Register** (40 FR 45877) on October 3, 1975.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 11, 1980.

Following the identification code of the record system and the specific changes made therein, the complete revised record system, as altered, is published in its entirety.

F17720 OEACYVA

System name:

Travel Records (44 FR 74361, December 17, 1979)

Changes:

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

Delete the phrase "but are not limited to" throughout the entire section where it appears. Change "Civil Service Commission" to read "Office of Personnel Management."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Add to the end ", and at Aeronautical Systems Division (AFSC), Wright-Patterson AFB, OH, on computer magnetic tape, disks and printouts."

F17720 OEACYVA

SYSTEM NAME:

Travel Records

SYSTEM LOCATION:

Air Force Accounting and Finance Center, Lowry AFB, Denver, CO 80279. Accounting and finance offices at Air Force bases the addresses of which are listed in the Department of Defense directory in the appendix to the Air Force system notice; and at the Denver Federal Archives and Records Center, Denver Federal Center, Bldg. 48, Denver, CO, 80225.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel. Air Force civilian employees and former employees. Air Force Reserve and Air National Guard personnel. Retired Air Force military personnel. Air Force Academy nominees/applicants/cadets. Senior and Junior Air Force Reserve Officers. Dependents of military personnel. Foreign Nationals residing in the United States. Exchange Officers. Any other individual in receipt of competent travel orders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents include but are not limited to travel vouchers and subvouchers; travel allowance payment lists; travel voucher or subvoucher continuation sheets; vouchers and claims for dependent travel and dislocation or trailer allowance; certificate of government quarters and mess; multiple travel payments list; travel payment card; requests for fiscal information concerning transportation requests, bills of lading, and meal tickets; public vouchers for fees and mileage of witnesses; claims for reimbursement for expenditures on official business; claims for fees and mileage of witness; certifications for travel under classified orders; travel card envelopes; statements of adverse effect-utilization of government facilities; and correspondence relating to the above subject matter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 USC 404-412; 5 USC 2105, 2106, 5561, 5564, 5701-5708, 5721-5730, and 5742.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purposes for which information in the system is collected include but are not limited to paying travel entitlements and supporting the payment of travel entitlements to military and civilian personnel. Uses made of the records by the paying Accounting and Finance Office, other Air Force and Dept. of Defense components include but are not limited to the following: payment of advances; payment of per diem at temporary duty stations; settlement payments upon completion of travel; payment of mileage upon separation or release from active duty; consolidation of payments; payment of dependents: travel; payment of dislocation or trailer allowance; to support a traveler's entitlement to a specific rate of per diem; to list multiple payments for travel and temporary duty performed under like conditions and circumstances; as a control record of all travel payments made to an individual; to query the United States Army Finance and Accounting Center for information contained on transportation requests, bills of lading, and meal tickets; payment of fees and allowances to civilian witnesses who are not U.S. Government employees; payment of expenses incurred within and around duty stations; supports the travel voucher in lieu of classified orders; updates leave records. Other users and specific uses made by them include but are not limited to Accounting and Finance Officers, who use travel records to pay travel entitlements to military and civilian personnel who perform official travel; traffic management Officers, who use travel records to support the issuance of transportation requests and to support the movement of household goods or house trailer; Internal Revenue Service, which receives and records information concerning the payment of travel allowances which are subject to federal income tax; the Civil Service Commission which uses the records for personnel management functions; General Accounting Office (GAO), which uses travel records for auditing activities and for the settlement of questionable travel claims; Office of Special Investigation, United States Air Force (OSI), which uses travel records in the investigation of suspected fraud cases; Air Force Audit Agency (AFAA), which uses travel records in performing routine audit activities; Department of Justice (disclosures for criminal prosecution, civil litigation or investigation); and disclosures made pursuant to the Freedom of Information Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books/binders, visible file binders/cabinets, card files, and at Aeronautical Systems Division (AFSC), Wright-Patterson AFB, OH, on computer magnetic tape, disks and printouts.

RETRIEVABILITY:

Filed by Name, Social Security Number (SSN) or by other identification number or system identifier.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, safes, vaults, and locked cabinets or rooms. Records are protected by guards. Records are controlled by personnel screening and by visitor registers, and by computer software in the case of machine readable records.

RETENTION AND DISPOSAL:

The original voucher and related supporting documents are stored at the Air Force Accounting and Finance Center, Denver, CO, for 18 months and then moved to the Denver Federal Archives and Records Center for 4 years and 9 months after which they are sold to salvage companies for destruction by shredding. Copies of the original voucher and related supporting documents are maintained by field accounting and finance offices for 3 years and then destroyed by burning, shredding, tearing, pulping or macerating. Computer tapes are destroyed by overwriting 90 days after member or employee is transferred.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Air Force, Headquarters United States Air Force. Director Accounting and Finance United States Air Force (USAF). At base level the system manager is the local Accounting and Finance Officer.

NOTIFICATION PROCEDURE:

Information as to whether the record system contains information on an individual may be obtaind from AFAFC/DAD, Lowry AFB, Denver, CO 80279, telephone (303) 320-7553. Requester should be able to provide sufficient proof of identity, such as name, social security number, duty station, place of employment, and specify the accounting and disbursing station number, voucher number, date of voucher, or other information verifiable in the record itself.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to AFAFC/DAD, Lowry AFB, Denver, CO 80279, telephone (303) 320-7553. Requester should be able to provide sufficient proof of identity, such as name, social security number, duty station, place of employment, and specify the accounting and disbursing station number, voucher number, date of voucher, or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

RECORD SOURCE CATEGORIES:

Information is acquired from but not limited to the individual traveler; related voucher documents such as those described above in the description of categories of records; Office of the Judge Advocate; the Comptroller; General Accounting Office; Congress; Accounting and Finance Officers; Traffic Management Officers; Consolidated Base Personnel Officers; the Air Force Accounting and Finance Center; and other Air Force and Department of Defense components.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 80-8307 Filed 3-18-80; 8:45 am]
BILLING CODE 3910-01-M

Corps of Engineers, Department of the Army

Chief of Engineers, Environmental Advisory Board; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the next meeting of the Environmental Advisory Board (EAB) of the Chief of Engineers will be held April 9-11, 1980 in Room 415 of Mahan Hall (Bldg. 752) on Thayer Road, U. S. Military Academy, West Point, New York. The theme of the meeting will be "The Corps of Engineers Cultural Resource Program." Time and subjects of each session follow:

April 9—Wednesday—A.M. Session

0815—Meeting convened.
0815-1115—OCE response to February 6-8, EAB report.

P.M. Session

1230-1555—Command briefing on environmental and cultural concerns at USMA.
1555-1730—Inspection of historical sites, West Point.

April 10—Thursday—A.M. Session

0800-1200—Corps of Engineers cultural resources program and policy.

P.M. Session

1330-1700—Case studies on Corps cultural resource activity.
1900-2100—Current Activities.

April 11—Friday—A.M. Session

0815-1130—Workshop for EAB members.

P.M. Session

1300-1500—EAB report to COE, COE response.
1500—Meeting adjourned.

Meeting room has limited seating capacity. Written statements, to be made part of the minutes may be submitted prior to or up to 10 days following the meeting. Persons planning to attend should contact LTC George F. Boone, Assistant Director of Civil Works, Environmental Programs, Office of the Chief of Engineers, Telephone: 202-272-0103.

Dated: March 14, 1980.

Marian G. Spittle,

Army Liaison Officer With the Federal Register.

[FR Doc. 80-8323 Filed 3-18-80; 8:45 am]
BILLING CODE 3710-08-M

Department of the Navy

Naval Research Advisory Committee; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (1976)), notice is hereby given that the Naval Research Advisory Committee will meet on April 8-9, 1980, at the Postgraduate School, Monterey, California. The meeting will consist of four sessions. The first session will commence at 8:30 a.m. and terminate at 12:30 p.m. on April 8, 1980. The second session will commence at 1:30 p.m. and terminate at 5:00 p.m. on April 8, 1980. The third session will commence at 8:00 a.m. and terminate at 12:00 noon on April 9, 1980. Finally, the fourth session will commence at 1:00 p.m. on April 9, 1980, and continue to completion. The first, third, and fourth sessions of the meeting will be held in Room 221, Ingersoll Hall Naval Postgraduate School. The second session will commence in Room 221, Ingersoll Hall, and terminate in various tours of the Naval Postgraduate School. The second session in the afternoon of April 8, 1980, will be open to the public. The three remaining sessions of the meeting will be closed to the public.

The purpose of the meeting is to discuss the research curriculum offered at the Naval Postgraduate School as well as a review of the status of all ongoing Committee studies and discussion/formulation of an agenda for the 1980 Summer Study. The open session will generally cover the mission of the Naval Postgraduate School. The remaining sessions of the meeting will consist of classified information that is

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specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. The Secretary of the Navy has therefore determined in writing that the public interest requires that the first, third, and fourth sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact:

Captain Jesse B. Morris, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, Virginia 22217, telephone no. (202) 696–4484.

Dated: March 13, 1980.

P. B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Administrative Law).

[FR Doc. 80-8245 Filed 3-18-80; 8:45 am]

BILLING CODE 3810-71-M

Academic Advisory Board to the Superintendent, U.S. Naval Academy; a Subcommittee of the Secretary of the Navy's Advisory Board on Education and Training; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (1976)), notice is hereby given that the Academic Advisory Board to the Superintendent, United States Naval Academy, will meet on May 5, 1980, in the Annapolis Room, Nimitz Library, United States Naval Academy, Annapolis, Maryland. The meeting will commence at 8:30 a.m. and terminate at 3:00 p.m.

The purpose of the meeting is to advise and assist the Superintendent of the Naval Academy concerning the education of midshipmen. To accomplish this objective, the Board will review academic policies and practices of the Naval Academy and will submit their proposals to the Superintendent to aid him in improving educational standards and in solving Academy problems.

For further information concerning this meeting contact: Major Donald W. Nelson, USAF, Military Secretary to the Academic Advisory Board, Divison of English and History, United States Naval Academy, Annapolis, Maryland 21402, Telephone No. (301) 267–2170.

Dated: March 11, 1980.

P. B. Walker.

Captain, JAGC, U.S. Navy Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 80-8324 Filed 3-18-80; 8:45 am]

BILLING CODE 3810-71-M

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a panel of the DIA Advisory Committee will be held as follows:

Thursday & Friday, May 1–2, 1980, Pomponio Plaza, Rosslyn, Virginia

The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in section 552b(c)(1). Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on special signals.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 13, 1980.

[FR Doc. 80-8331 Filed 3-18-80; 8:45 am]

BILLING CODE 3810-70-M

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a panel of the DIA Advisory Committee will be held as follows:

Thursday & Friday, May 22–23, 1980, Pomponio Plaza, Roselyn, Virginia

The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on special signals.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 13, 1980.

[FR Doc. 80-8332 Filed 3-18-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

San Juan Islands Area Service, Proposed Transmission Cable; Intent To Prepare a Supplement to a Final Environmental Impact Statement

Bonneville Power Administration (BPA) hereby gives public notice of its intent to prepare and circulate a draft facility location supplement to an environmental impact statement (EIS).

BPA's EIS will address the location, construction, and operation of a proposed 115-kV submarine cable and associated facilities to provide support for the existing transmission system in the San Juan Islands service area of Washington State. This draft facility location supplement is supplemental to the final planning supplement issued in April 1978 as part of BPA's Fiscal Year 1979 Final Program EIS (DOE/EIS–0005). The final planning supplement stated that a 34.5-kV submarine cable would be used in the proposed plan. Subsequent studies have shown that for a relatively small additional cost, a 115-kV cable could be installed. A 115-kV cable would provide a better long-term solution for service to the San Juan Islands. Both alternatives to be analyzed in the intended draft facility location supplement include 115-kV submarine cables.

The proposed route would cross Rosario Strait from Sunset Beach on Fidalgo Island to Decatur Island, and Lopez Sound from Decatur Island to Lopez Island. The proposed construction, therefore, would necessarily be located within coastal floodplains.

Tentatively, we plan to file the draft facility location supplement EIS with the Environmental Protection Agency (EPA) in April 1980.

Although the completed draft facility location supplement will be subject to extensive public and agency review, BPA is interested in receiving input to the EIS preparation process so that concerns identified now can be fully considered in development of the final location supplement. Any suggestions or questions regarding the EIS should be directed to the Environmental Manager, Bonneville Power Administration, U.S. Department of Energy, P.O Box 3621–SJ, Portland, Oregon 97208: Phone (503) 234–3361, extension 5137.

Dated at Portland, Oregon, this 7th day of March 1980.

Sterling Munro,

Administrator.

[FR Doc. 80-8308 Filed 3-18-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Emergency Contact Telephone Number Changes

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Emergency contact telephone number changes.

SUMMARY: The Division of Power Supply and Reliability is responsible for receiving timely reports from electric utilities regarding power outages or other pending system emergencies. These reports are required by the Code of Federal Regulations. Beginning on March 17, 1980, a change in the DOB telephone system will result in a complete change of the telephone numbers for this division. Since these emergency calls are necessary in determining the appropriate Federal Response Actions, all electric utilities are being notified through this notice and by other means of the telephone number changes.

For reporting of electric power system incidents, (202) 653–3832
Electric Power Monitoring Center, (202) 653–3825
Director, Division of Power Supply and Reliability, Richard E. Weiner (202) 653–3899
Chief, System Reliability and Emergency Response Branch, James M. Brown, Jr. (202) 653–3825
Chief, Power Supply Planning Branch, William Graban (202) 653–3828
Chief, Strategic and Emergency Planning Branch, (202) 653–3889
Chief, System Coordination and Power Plant Productivity Branch, James Barker (202) 653–3886
Chief, Source Technology and Economics Branch, Alan Starr (202) 653–3903
Emergency Electric Power Administration, (Formally DEPA), (202) 653–3889

DATES: Effective March 17, 1980.

FOR FURTHER INFORMATION CONTACT:

Ms. Joan Hairston, Economic Regulatory Administration, Room 4103, 2000 M Street, NW., Washington, D.C. 20461, (202) 653–3899.

Jerry L. Pfeffer,

Assistant Administrator, Power Supply and Reliability, Economic Regulatory Administration.

[FR Doc. 80-8306 Filed 3-18-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1439-2]

Issuance of PSD Permit

Notice is hereby given that the Environmental Protection Agency (EPA) Region 10, 1200 Sixth Avenue, Seattle, Washington 98101 (206) 442–7176, has issued a Prevention of Significant Deterioration (PSD) permit, under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52) regulations.

Source: Publishers Paper Times Mirror, 419 Main Street, Oregon City, Oregon 97045.

The permit issued on February 5, 1980, constitutes approval to construct a wood waste boiler as part of a production expansion at the newsprint manufacturing mill in Newberg, Oregon, subject to certain conditions, including:

1. Emissions of particulate matter (PM), oxides of nitrogen (NO_x), carbon monoxide (CO) and hydrocarbons (HC) shall not exceed the following:

Emission Limitations

Facility	Pollutant	Pounds per hour	Tons per year	Concentration or emission factor
Hog fuel boiler	PM	86.5	237	0.04 gr/dscf at 12% CO_2 10% opacity.
	CO	220	569	
	HC	220	569	
	NO_x	789	2,859	

2. With the exception of particulate matter, oxides of nitrogen, carbon monoxide and hydrocarbons, potential emissions of any pollutant regulated under the Clean Air Act will be less than 250 tons per year

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the ninth Circuit Court of Appeals. A petition for review must be filed on or before May 19, 1980.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11C, Seattle, Washington 98101.

Dated: March 10, 1980.

Donald P. Dubois,

Regional Administrator, Region 10.

[FR Doc. 80-8288 Filed 3-18-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1439-3]

Issuance of PSD Permit

Notice is hereby given that the Environmental Protection Agency (EPA) Region 10, 1200 Sixth Avenue, Seattle, Washington 98101 (206) 442–7176, has issued a Prevention of Significant Deterioration (PSD) permit, under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52) regulations.

Source: Alyeska Pipeline Service Company, P.O. Box 4–2, Anchorage, Alaska 99509.

The permit issued on January 24, 1980, constitutes approval to construct two 13,500 horsepower oil fired turbines, three 800 Kw Solar turbine generators, seven small heaters and one 150 pound per hour solid waste incinerator at Pump Station #7 near Livengood, Alaska, subject to certain conditions, including:

1. Emissions of nitrogen oxides (NO_x) shall not exceed the following:

Pollutant	Concentration (% by volume at 15% O_2 dry basis)
NO_x	$\frac{(0.015\ (14.4)+F)^*(NSPS)}{Y}$

* Y = manufacturer's rated heat rate at peak load in kilojoules per watt hour based on the lower heating value of the fuel. The value of Y cannot exceed 14.4.

NSPS—New Source Performance Standards

F is a function of the fuel nitrogen content as follows:

N (fuel bound nitrogen by percent weight)	F
N≤0.015	0
0.015 < N≤0.1	0.04N
0.1 < N≤0.25	0.004+0.0007 (N–0.1)
N > 0.25	0.005

2. With the exception of NO_x, increases in potential emissions of any pollutant regulated under the Clean Air Act resulting from this modification will be less than 250 tons per year.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed on or before May 19, 1980.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11C, Seattle, Washington 98101.

Dated: March 10, 1980.

Donald P. Dubois,

Regional Administrator, Region 10.

[FR Doc. 80-8287 Filed 3-18-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1439-4]

Notice of Issuance of PSD Permit

Notice is hereby given that the Environmental Protection Agency (EPA), Region 10, 1200 Sixth Avenue, Seattle, Washington, 98101 (206) 442–7176, has issued a Prevention of Significant Deterioration (PSD) permit, under EPA's Prevention of Significant Air Quality

Deterioration (40 CFR Part 52) regulations.

Source: Shell Oil Company, P.O. Box 700, Anacortes, Washington 98221.

The permit issued on January 24, 1980, constitutes approval to modify the existing refinery located at Anacortes, Washington to allow the processing of higher sulfur content crude oil and install additional storage tanks subject to certain conditions, including:

1. Shell Oil shall comply with the terms of approval specified in the letter from the Northwest Air Pollution Control Agency (NWAPCA), issued on December 19, 1979. (Future modifications of the permit do *not* automatically amend this PSD permit.)

2. Shell Oil shall not cause or allow sulfure dioxide and hydrocarbon emissions from the subject operation to exceed 50 tons per year, 1,000 pounds per day, or 100 pounds per hour. A source test will be conducted for sulfur dioxide and a copy sent to the Northwest Air Pollution Control Agency (NWAPCA) within ninety (90) days of the sulfur plant becoming operational. EPA will contemporaneously be sent a copy of this information.

3. With the exception of sulfure dioxide and hydrocarbons, potential emissions of any pollutant regulated under the Clean Air Act will be less than 100 tons per year.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed on or before May 19, 1980.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11C, Seattle, Washington 98101.

Dated: March 10, 1980.

Donald P. Dubois,

Regional Administrator, Region 10.

[FR Doc. 80-8386 Filed 3-18-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1439-5]

Issuance of PSD Permit

Notice is hereby given that the Environmental Protection Agency (EPA) Region 10, 1200 Sixth Avenue, Seattle, Washington 98101 (206) 442-7176, has issued a Prevention of Significant Deterioration (PSD) permit, under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52) regulations.

Source: Puget Sound Power and Light Company, Puget Power Building, Bellevue, Washington 98009.

The permit issued on December 19, 1979constitutes approval to install two General Electric model PG7101E combustion turbines at the Pt. Whitehorn facility near Ferndale, Washington subject to certain conditions, including:

1. Emissions of nitrogen oxides (NO_x), sulfur dioxide (SO_2), and particulate matter (PM) shall not exceed the following:

Pollutant	Concentration (% by volume at 15% O_2 dry basis)	lb/hr
NO_x	$\frac{(.0075\ (14.4) + F^*}{Y}$ (NSPS)	500 (BACT)

*Y = manufacturer's rated heat rate at peak load in kilojoules per watt hour based on the lower heating value of the fuel. For values of Y greater than 14.4 use Y = 14.4.

SO_2	.015 or a maximum fuel sulfur content of 0.8% by weight (NSPS)	700 (BACT)
PM	10% opacity (BACT)	64 (BACT)

F is a function of the fuel nitrogen content as follows:

N (fuel bound nitrogen by percent weight)	F
N<0.015	0
0.015 > N<0.1	0.04N
.1 < N<0.25	0.004 + 0.0067(N − 0.1)
N<0.25	0.006

NSPS—Federal New Source Performance Standards
BACT—Best Available Control Technology

2. With the exception of NO_x, SO_2, and PM, increases in potential emissions of any pollutant regulated under the Clean Air Act resulting from this modification will be less than 250 tons per year.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed on or before May 19, 1980.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11C, Seattle, Washington 98101.

Dated: March 10, 1980.

Donald P. Dubois,

Regional Administrator, Region 10.

[FR Doc. 80-8385 Filed 3-18-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1439-6]

Issuance of PSD Permit

Notice is hereby given that the Environmental Protection Agency (EPA) Region 10, 1200 Sixth Avenue, Seattle, Washington 98101 (206) 442-7176, has issued a Prevention of Significant Deterioration (PSD) permit, under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52) regulations.

Source: Precision Castparts Corporation, 4600 Southeast Harney Drive, Portland, Oregon 97206.

The permit issued on January 24, 1980, constitutes approval to expand the existing casting foundry located at Clackamas, Oregon, subject to certain conditions, including:

1. Precision Castparts shall comply with the terms of approval specified in the letter from the Oregon Department of Environmental Quality (DEQ), issued on December 19, 1979. (Future modifications of the permit do *not* automatically amend this PSD permit.)

2. Precision Castparts shall not cause or allow particulate emissions from the subject operation to exceed 25 tons per year, 500 pounds per day, or 50 pounds per hour. Emissions of particulate matter shall not exceed 0.02 grains per standard cubic foot or an opacity equal or greater than twenty percent (20%) for a period aggregating more than thirty (30) seconds in any one hour.

3. With the exception of particulate matter, potential emissions of any pollutant regulated under the Clean Air Act will be less than 100 tons per year.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed on or before May 19, 1980.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11C, Seattle, Washington 98101.

Dated: March 10, 1980.

Donald P. Dubois,

Regional Administrator, Region 10.

[FR Doc. 80-8384 Filed 3-18-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1439-1]

Underground Injection Control; List of States Requiring Programs

AGENCY: Environmental Protection Agency.

ACTION: Notice of Amended List of States Requiring Underground Injection Control (UIC) Programs.

SUMMARY: Section 1422(a) of the Safe Drinking Water Act requires the Administrator of the Environmental Protection Agency to list in the **Federal Register** "* * * each State for which in his judgment, a State Underground Injection Control (UIC) program may be necessary to assure that underground injection will not endanger drinking water sources." For those States listed, the Act requires the development of programs to protect underground drinking water sources. EPA listed 22 States on September 25, 1978 (43 FR 43420); and amended the list by adding 17 more States on June 19, 1979, (44 FR 35288). Today, EPA adds 16 States to the amended list.

DATE: Comments are due April 18, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas E. Belk, Office of Drinking Water (WH-550), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Telephone No. (202) 426-3934.

SUPPLEMENTARY INFORMATION: Section 1421 of the Safe Drinking Water Act (Pub. L. 93-523 as amended by Pub. L. 95-190) requires the Administrator of the Environmental Protection Agency (EPA) to publish regulations which contain minimum requirements for State programs to prevent underground injection which endangers drinking water sources. Such regulations were reproposed on April 20, 1979 (44 FR 23738). The Agency anticipates they soon will be promulgated.

Section 1422(a) of the Act further requires the Administrator to "* * * list in the **Federal Register** each State for which in his judgment a State underground injection control program may be necessary to assure that underground injection will not endanger drinking water sources * * *."

EPA adopted a phased approach by listing States based on its relative ranking of needs as explained in the **Federal Register** (43 FR 43420) when EPA listed the first 22 States on September 25, 1978. EPA later amended the list by adding 17 States to the list on June 19, 1979. EPA also listed Maryland on April 11, 1979, and Idaho on October 3, 1979, in response to their requests to be listed.

In order to bring the disposal of hazardous wastes through well injection under regulatory control in parallel to the control of surface disposal under the Resource Conservation and Recovery Act, EPA decided to list all the remaining States by May 1980, as noted in the **Federal Register** (44 FR 23738) April 20, 1979. EPA is today adding the following sixteen States onto the amended list of States requiring a State underground injection control program to assure that underground injection will not endanger drinking water sources.

Amended List of States Requiring A State Underground Injection Control Program

Alaska	Guam
Connecticut	Maine
Delaware	Northern Mariana Islands
District of Columbia	Nevada
New Hampshire	South Dakota
Commonwealth of Puerto Rico	Trust Territories of the Pacific Islands
Rhode Island	Vermont
American Samoa	Virgin Islands

Section 1422(b) requires each listed State, within 270 days from the date of final promulgation of the "minimum requirements" regulations under Section 1421, to submit an application to the Administrator with a plan to implement a UIC program in response to these requirements. The Administrator may, for good cause, extend the date for submissions of an application of any State for an additional 270 days.

If the Administrator approves the State's application, the State shall have primary enforcement responsibility for its program (Section 1422(b)(3)). If the Administrator disapproves an application in whole or in part, if a State fails to make application within the allowed time, or if the Administrator subsequently determines that a State's program no longer meets the conditions for primacy, the Administrator must prescribe a program applicable to such State within 90 days after the date of such disapproval under Section 1422(a).

States that are listed may apply for Federal financial assistance for developing and implementing the Underground Injection Control Program in accordance with regulations entitled "State Underground Water Source Protection Program Grants" issued on October 12, 1978, 43 FR 47130.

PUBLIC COMMENTS: Although the Act does not require public comment on listings under Section 1422(a), it is EPA's policy to provide for public participation in its decisions. Accordingly, EPA is soliciting written public comments on today's action. Comments should be sent to Thomas E. Belk at the address noted above. EPA will consider all comments carefully, and issue a response in the **Federal Register** which either reconfirms today's list or makes appropriate revisions in the light of the comments. EPA will accept comments until April 18, 1980.

Dated: March 13, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80-8389 Filed 3-18-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL ELECTION COMMISSION

[Notice 1980-9]

Multicandidate Political Committees; Index

The Federal Election Commission today publishes a comprehensive Index of "Multicandidate Political Committees," which is defined by 2 U.S.C. 441a(a)(4) of the Federal Election Campaign Act of 1971, as amended, as a political committee—

* * * Registered under Section 433 for a period of not less than 6 months, which has received contributions from more than 50 persons, and except for any State political party organization, has made contributions to 5 or more candidates for Federal office.

The Multicandidate Committee Index contains two sections—Party-Related Committees and Non-Party Related Committees—and has been derived from a review of the reports and statements filed with the Commission, the General Accounting Office, the Clerk of the U.S. House of Representatives and the Secretary of the U.S. Senate since April 7, 1972. Please note that all committees which had met the qualifications for Multicandidate Committee status prior to January 1, 1975, are determined to have been qualified as of January 1, 1975, the effective date of the 1974 amendments to the Federal Election Campaign Act.

In addition, 11 CFR 100.5(g) states "all committees * * * established, financed, and maintained or controlled by the same corporation, labor organization, persons, or group of persons, including any parent, subsidiary, branch, division, department, or local unit thereof, are affiliated." Therefore, committees have been included in this index specifically identifying their connected or affiliated organization(s) as reported by each committee.

The Commission is publishing this notice of an Index as prescribed by 2 U.S.C. 438(a)(6), requiring periodic publication in the **Federal Register** of an Index of Multicandidate Committees, including the date of registration of such committees and the committees' dates of qualification under 2 U.S.C. 441a(a)(4). Updates to this Index will be published monthly. Copies of this Index are available upon written request from the Federal Election Commission's Office of Public Records, 1325 K Street, NW., Washington, D.C. 20463 for $4 per copy or by calling (202) 523-4181 or toll free 800-424-9530.

Any person who believes that a committee not included on this Index has, in fact, met the qualifications for multicandidate status, should so advise the Commission in writing and provide documentation as appropriate, so that the Commission can correct or update its records.

Para Persona De Hablar Espanol

Si usted tiene dificultades en entendar el indice, ercribe a Federal

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Election Commission, 1325 K Street, NW., Washington, D.C. 20463.

Dated: March 1, 1980.

Robert O. Tiernan,

Chairman.

[FR Doc. 80-8301 Filed 3-18-80; 8:45 am]

BILLING CODE 6715-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 8, 1980. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-3890.

Filing party: E. F. Brimo, Treasurer, Global Terminal and Container Services, Inc., P.O. Box 273, Jersey City, New Jersey 07303.

Summary: Global Terminal and Container Services shall perform container stevedoring and terminal services for the container barge feeder service operated by McAllister Lighterage Line, Inc. according to the schedules attached to the agreement.

Agreement No. T-3891.

Filing party: H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T-3891 is a month-to-month lease between the Port as lessor and Foss Alaska Line, Inc. The leased premises are to be used for the storage of empty containers.

Agreement No. T-3896.

Filing party: J. Robert Bray, Executive Director, Virginia Port Authority, 1600 Maritime Tower, Norfolk, Virginia 23518.

Summary: Agreement No. T-3896, between the Virginia Port Authority (VPA) and Portsmouth Terminals, Inc. (PTI) provides for the 5 year, 4 month lease by VPA to PTI of certain pier and real property at Portsmouth, Virginia to be used as a public marine terminal. PTI will compensate VPA for the use of these premises according to a mutually agreed formula as set forth in the agreement.

Agreement No. 7680-41.

Filing party: Dominick James Manfredi, Chairman, American West African Freight Conference, 67 Broad Street, New York, New York 10004.

Summary: Agreement No. 7680-41 modifies the conference agreement by adding specific language which authorizes the establishment of rules relating to the collection of freight, including rules providing credit conditions and for the suspension and restoration of credit privileges for and in connection with all cargo except wheat shipped in bulk.

Agreement No. 10332-1.

Filing party: Charles F. Warren, Warren & Associates, P. C., 100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement No. 10332-1 modifies a space charter agreement between Korea Marine Transport Company, Ltd. and Nippon Yusen Kaisha (NYK) in the trade between Korea and the Pacific Coast of the United States. The purpose of the modification is to: (1) remove the restriction on NYK from transporting cargo transshipped from or to Far Eastern nations; (2) exclude from the division of revenue, and amend reporting requirements to reflect, cargo carried by NYK in the non-Korean/U.S. trade; and (3) extend the term of the agreement for a period of three years from July 1, 1980.

Agreement No. 10371-1.

Filing party: Charles F. Warren, Esquire, Warren & Associates, P. C., 1100 Connecticut Avenue, NW., Washington, D.C. 20036.

Summary: Agreement No. 10371-1 modifies the basic agreement of the Korea Marine Transport Company, Limited, Nippon Yusen Kaisha, Showa Line, Ltd., Space Charter Agreement to extend the duration of the agreement beyond its current expiration date of June 30, 1980 through July 1, 1983.

By Order of the Federal Maritime Commission.

Dated: March 13, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-8372 Filed 3-18-80; 8:45 am]

BILLING CODE 6730-01-M

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 28, 1980. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No.: T-1768-13.

Filing Party: Dorothy L. Vecchiarelli, Supervising Paralegal, Sea-Land Industries, Inc., P.O. Box 900, 10 Parsonage Road, Edison, New Jersey 08817.

Summary: Agreement No. T-1768-13, between the City of Oakland (City) and Sea-Land Service, Inc., (Sea-Land) modifies the parties' basic agreement which provides for the preferential assignment of certain facilities to Sea-Land. The modification provides for: (1) an extension of time within which Sea-Land may exercise its right to terminate said agreement for an additional thirty (30) day period to and including the 31st day of March, 1980; and (2) for an extension of the period in which the current minimum and maximum compensation amounts will apply under said agreement for two (2) months from and after the 1st day of April, 1980 to and including the 31st day of May, 1980.

By Order of the Federal Maritime Commission.

Dated: March 14, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-8369 Filed 3-18-80; 8:45 am]

BILLING CODE 6730-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 12, 1980. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before April 7, 1980, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Nuclear Regulatory Commission

The NRC requests clearance of the recordkeeping and reporting requirements contained in new Subpart B of 10 CFR Part 4, "Nondiscrimination in Federally Assisted Commission Programs". The Rehabilitation Act of 1973, as amended, prohibits discrimination against qualified handicapped individuals under programs or activities receiving Federal financial assistance. In Executive Order 11914, dated April 28, 1976, the President directed that all Federal agencies providing financial assistance issue regulations consistent with standards and procedures to be established by the Secretary of HEW. The HEW Guidelines were published on January 13, 1978 (43 FR 2131), and are codified at 45 CFR Part 85. On May 8, 1979, the NRC published a proposed rule to implement the Rehabilitation Act of 1973, as amended. The language of that rule was very similar to the HEW Guidelines. After considering public comments on the proposed rule and consulting with HEW, the NRC staff made several changes in the final rule. Nearly all of those changes reflect the language contained in the regulations of HEW which implement Section 504 in its Federal financial assistance programs. All of the reporting requirements in the final rule are modeled after HEW regulations and have been determined by that agency to be the most practicable and effective means of assuring compliance with Section 504. Section 4.127(d) requires that, where structural changes to facilities are necessary to render a Federally assisted program accessible to and usable by handicapped persons, a transition plan is to be developed, approved by NRC, and maintained by recipients for public inspection. Section 4.125(d) requires that information obtained by a recipient-employer as to the medical condition or history of an applicant for employment shall be collected and maintained for review by U.S. Government officials investigating compliance with the Rehabilitation Act of 1973. Section 4.231(e) requires that recipients perform self-evaluations of policies and practices that are covered by Section 504 to assure that their programs are in compliance with the law. This self-evaluation is to be done with the assistance of interested persons, including handicapped persons and/or their representatives. Should this self-evaluation reveal practices or policies that do not comply with NRC regulations, these must be modified and remedial steps taken to eliminate the effects of past discrimination. The self-evaluations shall be maintained on file for public and/or NRC inspection for a period of three years. NRC does not expect transition reports from recipients under § 4.127(d) since the Commission believes that the existing programs will not require structural changes. The NRC estimates the recordkeeping burden for § 4.125(d) to average 50 minutes per respondent; the recordkeeping burden for § 4.231(e) to average 5 minutes per respondent; and the preparation of the self-evaluation under § 4.231(e) to impose a one-time burden of 900 hours for each of the 26 States anticipated to be respondents.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 80-8367 Filed 3-18-80; 8:45 am]

BILLING CODE 1610-01-M

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the regulatory Reports Review Staff, GAO, on March 13, 1980. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before April 7, 1980, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Nuclear Regulatory Commission

The NRC requests clearance of a new, single-time, special request for information concerning evacuation time estimates for areas surrounding future nuclear power plants. The request has been sent to respondents who are applicants for or holders of Construction Permits for nuclear power plants. However, the request for data has been stayed by letter dated March 11, 1980, from the Emergency Preparedness Task Group until compliance with 44 U.S.C. 3512 has been obtained. Evacuation time estimates for areas surrounding sites of future nuclear power plants are currently being prepared as part of an ongoing program to upgrade the state of emergency preparedness. The NRC staff, through this special request for information, will obtain these estimates from utilities on an accelerated basis. This will enable the staff to identify, at an early stage in the licensing proces,

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those cases in which unusual evacuation constraints exist and what, if any, special planning measures should be considered. In cases where extremely difficult logistical problems would accompany evacuation, such as those which would be found at a site near a large population center, special facility modifications might be appropriate. The NRC staff has determined that in order to proceed with the analysis of the necessary data in a timely manner, utilities will have to submit site-specific information. The NRC estimates that evacuation time data will be submitted for 50 future plant sites and that the burden for the preparation of estimates for each site will average 320 hours.

Norman F. Hoyl,

Regulatory Reports Review Officer.

[FR Doc. 80-8418 Filed 3-18-80; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 110; Advice No. 1570]

Mountain Bell Telephone Co., the Colorado Public Utilites Commission; Proposed Intervention in Telephone Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Colorado Public Utilities Commission concerning the application of the Mountain Bell Telephone Company for an increase in its annual telephone rates.

GSA represents the interest of the executive agencies of the U.S. Government as users of telecommunications services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets, N.W., Washington, DC (mailing address: General Services Administration (LT), Washington, DC 20405), telephone 202-556/0750, on or before April 18, 1980, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons of record in the proceeding.

(Section 201(a)(4), Federal Property and Administration Services Act, 40 U.S.C. 481(a)(4))

Dated: March 11, 1980.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 80-8288 Filed 3-18-80; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

Administration for Children, Youth, and Families; Corrections

AGENCY: Office of Human Development Services, Department of Health, Education, and Welfare.

ACTION: Notice of proposed guidelines; corrections.

SUMMARY: In FR Doc. 80-5297, appearing at 45 FR 12050, on February 22, 1980, corrections are made to the date by which comments must be received and two sections of the preamble are re-lettered.

ADDRESS: Comments should be sent to—Associate Chief, Children's Bureau, P.O. Box 1182, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Beatrice D. Moore, Director, Child Welfare Services State Grant Division, Children's Bureau, P.O. Box 1182, Washington, D.C. 20013 (202) 755-8888.

SUPPLEMENTARY INFORMATION: In the Guidelines appearing on February 22, 1980, the closing date for comments was listed as March 21, 1980. In order to provide more opportunity for public comment, additional time is being provided for the submission of written comments. Comments received after March 21, 1980 but before April 21, 1980, will be considered in any revision of the Guidelines for State Plans that will be effective in fiscal year 1982. The extremely limited time available for the development of State Plans that will be effective by October 1, 1980, does not allow for consideration of the comments for the fiscal year 1981 State Plans.

In addition, the sections of the preamble are corrected. On page 12052, sections E and F ("Fiscal Year 1980 Supplemental Appropriation " and "Fiscal Year 1981 State Plans," respectively) are relettered as sections D and E, respectively.

Dated: March 14, 1980.

Warren Master,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 80-8346 Filed 03-18-80; 8:45 am]

BILLING CODE 4110-92-M

Office of Education

Grants to Local Educational Agencies Serving Areas With Concentrations of Children From Low-Income Families; Intent To Compromise an Audit Claim

AGENCY: Office of Education, HEW.

ACTION: Notice of intent to compromise a claim.

SUMMARY: Notice is given that under Section 452(f) of the General Education Provisions Act, 20 U.S.C. 1234a(f), the Commissioner intends to compromise a Title I, ESEA audit claim against the New Jersey Department of Education. This claim is now on appeal before the Education Appeal Board, Docket No. 4-(6)-74.

DATE: Interested persons may submit written data or comments to the address listed below on, or before May 5, 1980.

ADDRESS: Robert J. Arnot, Education Division, Office of the General Counsel, Department of Health, Education, and Welfare, 400 Maryland Avenue, SW. (Room 4091, F0B-6), Washington, D.C. 20202.

SUPPLEMENTARY INFORMATION:

Under Section 451(a) of the General Education Provisions Act, 20 U.S.C. 1234, the Commissioner established the Education Appeal Board to, among other things, provide hearings on appeals from certain types of final audit determinations against State educational agencies. The Board's procedures published in the **Federal Register** on May 25, 1979 (44 FR 30529), became effective on June 29, 1979.

Presently, an audit claim against the New Jersey Department of Education (SEA) is before the Education Appeal Board (Board) for review (Docket No 4-(6)-74). The claim in question, arose out of an audit that the Comptroller General of the United States (GAO) performed concerning New Jersey's administration of Federal funds provided under Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241a *et seq.* (1974)). That portion of the Title I program which was covered by the audit provides grants to local educational agencies for programs that are designed to meet the special educational needs of certain educationally deprived children residing in eligible low-income areas.

In an audit report issued on April 7, 1971, the GAO concluded that, during fiscal years 1966 through 1969, a substantial part of Camden, New Jersey's Title I program "provided general aid to the pubic and private school systems there rather than aid to educationally deprived children." The GAO recommended that HEW "should review those Camden projects that appear to be inconsistent with the objectives of the 1965 Act and should effect recoveries of, or make adjustments in, Title I funds where warranted."

On May 28, 1974, the Acting Deputy Commissioner for School Systems issued a final determination letter concerning the findings in the GAO report. The final determination letter concluded that Camden had improperly used $637,098 in Title I funds for "general aid" during fiscal year 1969. On June 25, 1974, the New Jersey SEA appealed the Deputy Commissioner's final audit determinations for review before the Title I Audit Hearing Board (which was recently replaced by the Education Appeal Board that assumed jurisdiction over all appeals pending before the Title I Audit Hearing Board). On September 13, 1979, a prehearing conference was held before the Board. Subsequently, it was stipulated that the applicable statute of limitations (20 U.S.C. 3383) bars the Office of Education from recovering all but $9,805 of the amount in dispute. This $9,805 in Title I funds was spent, between May 28, 1969 and June 30, 1969, for a fine arts instructional program and development of a program of communicative instructional facilities (audio-visual equipment).

Under Section 452(f) of the General Education Provisions Act, as amended by the Education Amendments of 1976 (20 U.S.C. 1234a(f)) the Commissioner is authorized to compromise audit claims which do not exceed $50,000. However, that section requires that, at least 45 days prior to exercising the authority to compromise this type of claim the Commissioner must publish a notice of intent in the **Federal Register.** In accordance with that requirement, this is a notice of intent to accept New Jersey's offer to pay $4,000 as a cash settlement of this $9,805 claim. Given the cost of taking the claim through the audit appeal process and the difficulties in gathering evidence for this old cliam, it would not be practical or in the public interest to continue to pursue recovery of the full $9,805. In addition, the practice which resulted in the claim has been corrected and will not recur. Furthermore, acceptance of this compromise will not adversely affect the Office of Education's ability to collect other claims. Public comment is invited on the intent to compromise this $9,805 claim for $4,000.

(20 U.S.C. 1234a(f))

(Catalog of Federal Domestic Assistance No. 13.428, Educationally Deprived Children—Local Educational Agencies and 13.430, Educationally Deprived Children—State-Administration)

William L. Smith,

Commissioner of Education.

Dated: March 12, 1980.

[FR Doc. 80-8300 Filed 3-18-80; 8:45 am]

BILLING CODE 4110-02-M

Commission on the Review of the Federal Impact Aid Program; Hearing

AGENCY: Commission on the Review of the Federal Impact Aid Program.

ACTION: Notice of Hearing.

SUMMARY: Notice is hereby given that the Commission on the Review of the Federal Impact Aid Program will hold a hearing in San Francisco, California on April 22, 1980 for the purpose of gathering evidence on the operation and administration of the program authorized by Pub. L. 874, Eighty-first Congress. At the hearing, the Commission is to take evidence from representatives of local educational agencies in Arizona, California, Hawaii and Nevada. The hearing will be open to the general public, and all interested persons are invited to attend. Those interested in presenting their views should submit a request to testify including: the person testifying, their affiliation, their organization's address and telephone number, the subject matter of testimony, preferred time of day for testifying, and need for an English translator or a qualified interpreter and/or signer for the deaf. The request should be received by the Commission no later than mid-April, 1980. Those unable to attend the hearings who wish to submit written testimony may do so by forwarding the text to the Commission no later than mid-April, 1980. Notice of the hearing is given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1).

DATES: April 22, 1980. The Commission will meet at 9:30 a.m. and continue until 4:30 p.m.

ADDRESS: The Georgian Room, Hotel St. Francis, 335 Powell, San Franciso, California 94119.

FOR FURTHER INFORMATION CONTACT: Richard Dallas Smith, Executive Director, Commission on the Review of the Federal Impact Aid Program, 1832 M Street, N.W., Suite 837, Washington, D.C. 20036, tel no. (202) 653-5817.

AUTHORITY AND FUNCTION: The Commission on the Review of the Federal Impact Aid Program is established under section 1015 of the Education Amendments of 1978 (Pub. L. 95-961). The Commission is to conduct a review and evaluation of the administration and operation of the Impact Aid Program, authorized under the Act of September 30, 1950 (Pub. L. 874, 81st Congress), and report its recommendations on that program to the President and Congress not later than December 1, 1980. Such recommendations are to include proposed legislation to accomplish the recommendations. Pub. L. 874 requires that the Commissioner make payments to the local educational agencies in accordance with a formula designed to compensate such agencies for the financial burden carried by them by reason of Federal activities—the loss of revenue because of the Federal ownership of real property and provision of education services for federally-connected children—or by reasons of sudden or substantial increases in the school attendance resulting from Federal activities.

RECORDS: Records of all proceedings of the Commission will be kept in accordance with law and will be available for inspection by the public at the offices of the Commission, located at 1832 M Street, N.W., Suite 837, Washington, D.C. 20036.

Signed at Washington, D.C., on the 14th day of March, 1980.

Richard Dallas Smith,

Executive Director, Commission on the Review of the Federal Impact Aid Program.

[FR Doc. 80-8373 Filed 3-18-80; 8:45 am]

BILLING CODE 4110-02-M

Commission on the Review of the Federal Impact Aid Program; Hearing

AGENCY: Commission on the review of the Federal Impact Aid Program.

ACTION: Notice of Hearing.

SUMMARY: Notice is hereby given that the Commission on the Review of the Federal Impact Aid Program will hold a hearing in Window Rock, Arizona on April 24, 1980 for the purpose of gathering evidence on the operation and administration of the program authorized by Pub. L. 874, Eighty-first Congress. At the hearing, the Commission is to take evidence from representatives of local educational agencies in New Mexico, Oklahoma, and Arizona. The hearing will be open to the general public, and all interested persons are invited to attend. Because of Window Rock's location, it is expected that a majority of school districts represented there will be speaking about Impact Aid and Indian lands. If those persons wishing to attend do not have special concerns with Impact Aid and Indian lands, the Commission would like to offer them the option of attending a

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hearing in a location which may be more accessible to them—either San Antonio, Texas, or San Francisco, California. Those interested in presenting their views should submit a request to testify including: The person testifying, their affiliation, their organization's address and telephone number, the subject matter of testimony, preferred time of day for testifying, and need for an English translator or a qualified interpreter and/or signer for the deaf. The request should be received by the Commission no later than mid-April, 1980. Those unable to attend the hearings who wish to submit written testimony may do so by forwarding the text to the Commission no later than mid-April, 1980. Notice of the hearing is given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1).

DATE: April 24, 1980. The Commission will meet at 9:30 a.m. and continue until 4:30 p.m.

ADDRESS: Navajo Tribal Civic Center, Window Rock, Arizona 86515. Alternative dates and addresses for those who do not have special Indian concerns: (1) April 22, 1980. The Commission will meet at 9:30 a.m. and continue until 4:30 p.m. The Georgian Room, Hotel St. Francis, 335 Powell, San Francisco, California 94119. (2) April 25, 1980. The Commission will meet at 9:30 a.m. and continue until 4:30 p.m. San Antonio Marriott Hotel, the Landmark Alamo Plaza, 711 East Riverwalk, San Antonio, Texas 78205.

FOR FURTHER INFORMATION CONTACT: Richard Dallas Smith, Executive Director, Commission on the Review of the Federal Impact Aid Program, 1832 M Street, NW, Suite 837, Washington, D.C. 20036, tel. no. (202) 653–5817.

AUTHORITY AND FUNCTION: The Commission on the Review of the Federal Impact Aid Program is established under section 1015 of the Education Amendments of 1978 (Pub. L. 95–961). The Commission is to conduct a review and evaluation of the administration and operation of the Impact Aid Program, authorized under the Act of September 30, 1950 (Pub. L. 874, 81st Congress), and report its recommendations on that program to the President and Congress not later than December 1, 1980. Such recommendations are to include proposed legislation to accomplish the recommendations. Pub. L. 874 requires that the Commissioner make payments to the local educational agencies in accordance with a formula designed to compensate such agencies for the financial burden carried by them by reason of Federal activities—the loss of revenue because of the Federal ownership of real property and provision of education services for federally-connected children—or by reasons of sudden or substantial increases in the school attendance resulting from Federal activities.

RECORDS: Records of all proceedings of the Commission will be kept in accordance with law and will be available for inspection by the public at the offices of the Commission, located at 1832 M Street, NW, Suite 837, Washington, D.C. 20036.

Signed at Washington, D.C., on the 14th day of March, 1980.

Richard Dallas Smith,

Executive Director, Commission on the Review of the Federal Impact Aid Program.

[FR Doc. 80-8274 Filed 3-18-80; 8:45 am]

BILLING CODE 4110-02-M

Commission on the Review of the Federal Impact Aid Program; Hearing

AGENCY: Commission on the Review of the Federal Impact Aid Program.

ACTION: Notice of Hearing.

SUMMARY: Notice is hereby given that the Commission on the Review of the Federal Impact Aid Program will hold a hearing in San Antonio, Texas on April 25, 1980 for the purpose of gathering evidence on the operation and administration of the program authorized by Pub. L. 874, Eighty-first Congress. At the hearing, the Commission is to take evidence from representatives of local educational agencies in Texas, Oklahoma, Louisiana and Arkansas. The hearing will be open to the general public, and all interested persons are invited to attend. Those interested in presenting their views should submit a request to testify including: The person testifying, their affiliation, their organization's address and telephone number, the subject matter of testimony, preferred time of day for testifying, and need for an English translator or a qualified interpreter and/or signer for the deaf. The request should be received by the Commission no later than mid-April, 1980. Those unable to attend the hearings who wish to submit written testimony may do so by forwarding the text to the Commission no later than mid-April, 1980. Notice of the hearing is given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1).

DATE: April 25, 1980. The Commission will meet at 9:30 a.m. and continue until 4:30 p.m.

ADDRESS: San Antonio Marriott Hotel, the Landmark Alamo Plaza, 711 East Riverwalk, San Antonio, Texas 78205.

FOR FURTHER INFORMATION CONTACT: Richard Dallas Smith, Executive Director, Commission on the Review of the Federal Impact Aid Program, 1832 M Street NW., Suite 837, Washington, D.C. 20036, telephone No. (202) 653–5817.

AUTHORITY AND FUNCTION: The Commission on the Review of the Federal Impact Aid Program is established under section 1015 of the Education Amendments of 1978 (Pub. L. 95–961). The Commission is to conduct a review and evaluation of the administration and operation of the Impact Aid Program, authorized under the Act of September 30, 1950 (Pub. L. 874, 81st Congress), and report its recommendations on that program to the President and Congress not later than December 1, 1980. Such recommendations are to include proposed legislation to accomplish the recommendations. Public Law 874 requires that the Commissioner make payments to the local educational agencies in accordance with a formula designed to compensate such agencies for the financial burden carried by them by reason of Federal activities—the loss of revenue because of the Federal ownership of real property and provision of education services for federally-connected children—or by reasons of sudden or substantial increases in the school attendance resulting from Federal activities.

RECORDS: Records of all proceedings of the Commission will be kept in accordance with law and will be available for inspection by the public at the offices of the Commission, located at 1832 M Street, NW., Suite 837, Washington, D.C. 20036.

Signed at Washington, D.C., on the 14th day of March, 1980.

Richard Dallas Smith,

Executive Director, Commission on the Review of the Federal Impact Aid Program.

[FR Doc. 80-8275 Filed 3-18-80; 8:45 am]

BILLING CODE 4110-02-M

Office of the Secretary

Statement of Organization, Functions, and Delegations of Authority

Part A, Chapter AHE (Office of Equal Employment Opportunity) of the Statement of Organization, Functions, and Delegations of Authority (43 FR 48018, October 18, 1978) is amended to clarify the responsibilities of the Office of Equal employment Opportunity. Beginning at Section AHE.20.B (page

48019) delete all subsections and replace with the following:

B. The Office of Affirmative Action and Data Analysis is responsible for the overall management of the Department's affirmative action program for Equal Employment Opportunity. Recommends policies regarding affirmative action and the handicapped minority data system in keeping with Federal legislation, Executive Orders, Equal Employment Opportunity Commission, and the Office of Personnel Management requirements; develops and issues guidelines regarding affirmative action plans, process and coverage, coordinates the development of and prepares the final draft of the Department-wide affirmative action plan.

Establishes and maintains uniform handicapped minority data system to meet the needs of affirmative action planning under Section 717 (a) of the Civil Rights Act of 1964, as amended, throughout the Department; controls the development and dissemination of handicapped minority employment data in coordination with the Health, Education, and Welfare personnel data system.

Exercises functional supervision over persons responsible for affirmative action planning in the Principal Operating Compoonents (POCs), Agencies and Regions under a redelegation from the Deputy Assistant Secretary for Equal Employment Opportunity (DAS/EEO). Responds to outside requests for employment data, such as those related to complaints interrogatories, General Accounting Office reviews, Equal Employment Opportunity Task Forces, etc., and requests for standard information and reports from individuals and community groups; reviews and recommends approval or rejection of affirmative action plans for the Office of the Secretary (OS) and the principal Operating Components. Reviews and makes recommendations to the DAS/EEO regarding the appropriateness of items submitted by the Office of the Secretary and POCs for the Secretary's initiative tracking system.

Provides technical assistance and helps organize and provide training of affirmative action matters to managers and Equal Employment Opportunity (EEO) Officials, and personnel staffs throughout the Department; provides leadership and assistance to POCs and Regional Offices in resolving affirmative action problems; serves as liaison with outside agencies, community groups, and professional associations regarding EEO affirmative action matters.

Reviews proposed and existing legislation, regulations, rules and policies for affirmative action program impact and gives clearances or prepares comments for the DAS/EEO insuring appropriate input for affected employees.

C. The Handicapped Employment Program Office provides Departmental leadership and direction in the development and implementation of program policy, and objectives for equal employment opportunity and affirmative action in the employment of handicapped individuals and disabled veterans, complying with Section 501 of the Rehabilitation Act of 1973, as amended, and Section 403 (c) of the Veterans Readjustment Assistance Act of 1974, as amended.

Responsible for functional supervision of the Department-wide effort, under a redelegation from the DAS/EEO, for program development, promotion, goal-setting, monitoring, analysis and evaluation of equal employment opportunity and affirmative action for handicapped individuals and disabled veterans.

Provides consultative service and technical assistance in Equal Employment Opportunity Commission (EEOC) directed activities; such as:

Affirmative action planning and reporting;

Processing complaints of discrimination on the basis of handicap;

Interpretation of rules, regulations, and policy directives.

Provides consultative service and technical assistance in the area of selective placement directed by the Office of Personnel Management, such as:

Recruitment, placement, appointment, conversion, and retention of disabled employees.

Understanding about disabilities, job and work site modification, and resources for obtaining rehabilitation assistance.

Other reasonable accommodations to disabled employees, including the removal or avoidance of architectural, transportation, communication, procedural, or attitudinal barriers.

Prepares the Department's annual program report to the Office of Equal Employment Opportunity Commission.

Assists in the coordination of a system of data reporting for analysis of employment and advancement accomplishments, and the identification of problem areas.

Coordinates a system for referral of handicapped job applicants, maintains an applicant supply file, and refers qualified applicants to selective placement coordinators and managers.

Acts as the principal point of contact for the Department and the EEOC and the Office of Personnel Management (OPM), serving as the link between these offices and Departmental offices having program responsibility. Also serves as the focal point for liaison with other Federal agencies, the national headquarters of organizations serving the handicapped and disabled veteran communities, and the public in matters concerning handicapped and disabled veterans employment in the Department.

Reviews proposed and existing legislation, regulations, rules, and policies for impact on handicapped and disabled veteran employment, prepares comments for the DAS/EEO, insuring appropriate input from handicapped employees.

Serves as an advocate for the employment of handicapped individuals and disabled veterans in the Department, and for the equality of their treatment after they are employed.

Provides support to the Secretary, Under Secretary and the Assistant Secretary for Personnel Administration (ASPER) with the Secretary's co-chairing of the Interagency Committee on Handicapped Employees (ICHE). Serves as co-chairperson of ICHE Standing Committee. Negotiates assignment of Health, Education, and Welfare employees as members of ICHE work groups and subcommittees.

Provides executive secretariat services for the Health, Education, and Welfare Handicapped Employees Committee.

D. The Office of Complaints Analysis and Monitoring provides leadership, technical assistance, and guidance regarding the implementation of the Equal Employment Act of 1972, the Age Discrimination in Employment Act of 1967, as amended, and the Rehabilitation Act of 1973, as amended. Reviews proposed and existing legislation, rules, regulations, instructions, and policies for their impact on equal employment opportunities; originates correspondence, reviews, and gives clearance on correspondence and prepares comments for the DAS/EEO. Develops and recommends policy and procedural changes in the Department-wide program where necessary, and participates in policy formulation and in the drafting and circulation of Circulars, Instructions, and Manuals.

Responsible for collecting, controlling, and analyzing all data pertaining to the processing of discrimination complaints and derivative charges and appeals, class complaints and claims; preparing and issuing timely reports required by the EEOC, OPM, Merit Systems Protection Board and Department regulations. Responsible for developing reports and information on complaints processing for affirmative action planning, monitoring and implementation.

Provides technical assistance and advice to ASPER concerning the processing of class complaints; advises ASPER and the DAS/EEO on the status of complaints, charges, claims, and appeals throughout the Department; and, when appropriate, recommends the assumption of jurisdiction in specific cases. Advises the DAS/EEO concerning discriminatory patterns and practices; the performance of EEO Counselors and complaints investigation; the quality of EEO investigations and other EEO services, and the performance of EEO and other officials involved in the processing of complaints, charges, claims, and appeals.

The Office is the official source of all information concerning the status of all EEO complaints, charges, claims, and appeals in the Department including EEO matters remanded by appellate authorities and U.S. District Courts; insures quality control over processing systems by selecting, evaluating and sampling case files. The Office has authority to assume jurisdiction over complaints, charges and claims against officials having authority to issue final decisions; arranges for informal resolution, and, where appropriate, issues proposed dispositions. Prepares final decisions for the Assistant Secretary for Personnel Administration in the above cited circumstances.

Provides technical assistance and guidance to POCs, Principal Regional Officials (PROs), EEO Managers, EEO staffs, complainants and representatives, and to the public concerning rights, complaints processing, hearings, remands, appeals, and remedial or corrective actions. In consultation with the Office of General Counsel and other appropriate authorities, reviews, and assists in the

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determination and recommendation of awards or denials of attorneys' fees and other corrective actions.

Recommends to ASPER and the DAS/EEO changes in procedures to insure equity and improve the efficiency of the complaints system. Provides functional supervision and oversight throughout the Department to POCs and PROs regarding precomplaint resources and processes, proposed dispositions and attempts at adjustment, decisions, appeals and District Court actions; and to the Office of Personnel Systems Integrity (OPSI) regarding acceptance of complaints and investigations.

E. The mission of the Minorities Employment Program is to provide Department-wide leadership and direction in the development of goals and objectives for a positive, comprehensive equal employment opportunity program for minorities at all grade levels and in all occupational series in accordance with the requirements of the Civil Service Reform Act, pertaining to minority underrepresentation. Conducts studies and analyses of problem areas concerning the employment and advancement of minorities and recommends solutions for improvement. Develops guidelines, criteria and standards for projecting, measuring, and reporting equal opportunity aspects of different ethnic cultures affecting conditions of employment and recommends appropriate affirmative actions to increase employment for underrepresented minority groups. Exercises leadership responsibility for initiating and developing awareness programs, focusing on current and historical racial/ethnic prespectives that reflect affirmative impact on the Department and the nation. Serves as the principal liaison between the Department, Civil Rights, employment, ethnic, professional, and community organizations pertaining to minority employment.

Provides Department-wide technical assistance to POC Heads and PROs on policies and the implementation of programs addressing the concerns and needs of underrepresented minorities and other minorities.

Provides leadership consultative services and technical assistance to POC Heads and PROs in the area of minority recruitment, placement training, and advancement of minority applicants, and employees.

Coordinates a minority referral system to servicing personnel offices and the Special Assistant to the Secretary on Advisory Committees.

Designs and monitors community demonstration projects with an emphasis on assisting minorities to develop marketable employment skills and abilities.

Is the principal point of contact for the Department, with the Office of Personnel Management, and the Equal Employment Opportunity Commission; serves as liaison between those offices and the Department offices having minority underrepresentation program responsibility.

Exercises functional supervision over Headquarters and field staff that have program responsibility and are engaged in furthering the goals of equal employment opportunity for all minority groups. Functional supervision includes analysis, identification of problem areas, evaluation of progress, and making recommendations for changes and improvements in program emphasis, policies and goals.

Reviews and comments on proposed and existing legislation, regulations, rules and policies to assess their impact on minorities employment. Makes recommendations and prepares comments for the DAS/EEO.

Responds to outside requests for employment data including Congressional inquiries, General Accounting Office reviews, the White House, interest groups, Departmental Task Forces and individuals.

F. The Office of the Federal Women's Program provides Department-wide leadership in the planning and implementation of programs to improve the status of women employees in the Department. The functions of the Office include:

Review and evaluation of Departmental programs, plans, and policies. Through such analyses identifies problem areas needing resolution to assure that the Federal Women's Program recognizes and responds to identified needs through shifting emphasis to respond to the changing roles of women in the work force.

Develop recommendations for improving Department-wide policies, programs and activities relating to the status of women employees.

Design measurement standards, using specific benchmarks, to evaluate program effectiveness for improving the employment status of women in the Department. From the analysis of problem areas concerning the employment and advancement of women, make specific recommendations to appropriate Department officials to correct the underrepresentation and exclusion of women in specific occupational groupings.

Exercise functional supervision over all Federal Women's Program Managers in the Principal Operating Components and Regions under a redelegation from the Deputy Assistant Secretary for Equal Employment Opportunity. This involves coordinating and planning programs and providing technical assistance to insure consistency with the provisions of the Department's Federal Women's Program.

Monitor sex discrimination complaints to determine if patterns of sex discrimination exist within organizational units, and, if found, work with supervisory and managerial personnel to correct problem areas.

Review pending and existing legislation to ascertain impact on women. Make recommendations for changes in legislation where found necessary.

Serve as the focal point of liaison for women with the appropriate offices within the EEOC, the OPM, professional organizations, and community groups.

Maintain liaison with the Women's Action Program and participate in the work of the Secretary's Advisory Committee on Women's Rights.

Provide technical advice and guidance to agency and regional officials in the development of programs for the Department's Federal Women's Program.

Dated: March 6, 1980.

Nathan J. Stark,

Secretary (Acting).

[FR Doc. 80-8345 Filed 3-18-80; 8:45 am]

BILLING CODE 4110-12-M

Public Health Service

Health Maintenance Organizations; Delegation of Authority

On October 23, 1978, I delegated the following authorities regarding the HMO program authorities under Title XIII of the Public Health Service Act, as amended, to the Regional Health Administrators, with authority to redelegate: Authority under (a) Section 1303 of the Public Health Service Act (42 U.S.C. 300e–2), to award approved grants for feasibility surveys; and (b) Section 1304 of the Public Health Service Act (42 U.S.C. 300e–3), to award approved grants for planning and for initial development costs. (See **Federal Register**, 43 FR 51452 dated 11/3/78).

I hereby delegate to the Regional Health Administrators in Regions II and IV, with authority to redelegate, the following authority: (a) authority under section 1303 (42 U.S.C. 300e), to approve grants for feasibility surveys. (The citation refers to a section of the Public Health Service Act, as amended.)

This delegation is effective March 14, 1980, and it will expire on March 15, 1981.

Dated: March 11, 1980.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

[FR Doc. 80-8287 Filed 3-18-80; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing-Federal Housing Commissioner

[Docket No. N-80-985]

Public Housing Modernization Program; Announcement of Proposal to Set Aside Fiscal Year 1980 Modernization Funds for Comprehensive Modernization

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice that funds have been set aside for Comprehensive Modernization of public housing projects.

SUMMARY: HUD is announcing a major effort to target a portion of Fiscal Year (FY) 1980 public housing modernization funds for the substantial rehabilitation of larger, rental public housing projects with severe physical deficiencies.

FOR FURTHER INFORMATION CONTACT: Pris Peake, Office of Public Housing, Department of HUD, 451 Seventh Street, SW., Washington, D.C., 20410, (202) 426–0744 (this is not a toll free number) or the Chief, Assisted Housing Management Branch, in the HUD Field Office for your jurisdiction.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department of HUD has set aside a total of $20 million in FY 1980 public housing modernization contract authority for the Comprehensive Modernization of a limited number of public housing projects with severe physical deficiencies. The $20 million of contract authority will finance approximately $218.2 million of capital improvements. This effort is an integral part of the overall Modernization Program. Normal modernization policies and procedures, as set forth in 24 CFR Part 868 and related HUD Handbooks, will be applicable to Comprehensive Modernization, subject to a number of special requirements explained below. The Comprehensive Modernization effort is contingent upon the issuance in the **Federal Register** of regulations that effectuate these special requirements. Those regulations will be the subject of a rulemaking proceeding that will be initiated shortly.

Comprehensive Modernization takes a substantial rehabilitation approach to severely deteriorated projects. For each project approved for Comprehensive Modernization, all modernization needs should be fully met, without regard to the funding priorities which are normally applicable to modernization work items. The minimum standard for Comprehensive Modernization will be based on a modified version of HUD Minimum Property Standards (MPS) for Multifamily Housing (see 24 CFR Part 200, Subpart S), but work items that exceed the modified MPS also may be funded if they are justified by the needs of a particular project.

A limited number of projects will be selected for Comprehensive Modernization through a national competition. The most important selection factors will be the urgency of the project's needs, including the extent of substandard vacant units, and the Public Housing Agency's (PHA's) capability for completing the Comprehensive Modernization within a three-year period after project approval. Emphasis also will be placed on the prospects for the long-term viability of the project after completion of the Comprehensive Modernization and on the PHA's capability to carry out any needed management improvements.

A PHA will not be eligible for Comprehensive Modernization if it has any unexpended modernization funds approved in FY 1975 and prior fiscal years, unless HUD determines that the failure to expend the funds is due to circumstances beyond the PHA's control. Subject to this requirement, eligibility will be limited to PHA-owned, rental projects with 100 or more dwelling units and unfunded modernization needs (at the modified MPS level) averaging $5,000 or more per dwelling unit. Section 8, Section 23 and homeownership projects (Turnkey III and Mutual Help) will not be eligible for Comprehensive Modernization. In addition, eligibility will be limited to one project per PHA. However, a PHA may additionally propose the completion of rehabilitation already underway for one project previously funded for Targeted Rehabilitation under the Public Housing Urban Initiatives Program and requiring incremental additions for completion.

Comprehensive Modernization processing will begin with HUD Field Office determinations, in consultation with PHAs, of project eligibility. HUD Field Office and PHAs with eligible projects then will conduct on-site Joint Reviews and the PHAs will submit their Final Applications for Comprehensive Modernization to the HUD Field Offices. After completion of their reviews of the Final Applications, the HUD Field Offices will forward their funding recommendations to HUD Headquarters for review in accordance with the same criteria used by the HUD Field Offices. The Assistant Secretary for Housing-Federal Housing Commissioner then will make final funding decisions no later than September 30, 1980.

It is HUD's intent to continue Comprehensive Modernization in subsequent fiscal years so that, over a five-year period, the modernization needs of all severely deteriorated projects will be funded. However, future Comprehensive Modernization funding for a particular PHA will be contingent upon satisfactory progress in previously funded modernization and in effecting any needed management improvements. It is expected that experience in connection with FY 1980 Comprehensive Modernization will result in the further development of standards and procedures for implementation in FY 1981 and subsequent fiscal years.

Issued at Washington, D.C., March 12, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 80-8277 Filed 3-18-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Puyallup Indian Reservation, Washington; Ordinance Regulating the Sale and Possession of Intoxicating Beverages

March 13, 1980.

This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 18 U.S.C. 1161 (1976). I certify that the following Ordinance relating to the application of the Federal Indian Liquor Laws on the Puyallup Indian Reservation, Washington, was adopted on November 23, 1979, and amended February 26, 1980, by the Puyallup Tribal Council which has jurisdiction over the area of Indian country included in the Ordinance, reading as follows:

Rick Lavis,

Assistant Secretary—Indian Affairs.

Puyallup Tribal Council Ordinance No. 07911–23A

Whereas, the Puyallup Tribe has existed since creation as the Aboriginal people who are the owners and guardians of their land and waters; and

Whereas, the Puyallup Tribe as an independent sovereign nation, having historically negotiated with several foreign nations including the United States in the Medicine Creek Treaty; and

Whereas, the Puyallup Tribal Council is the governing body of the Puyallup Tribe in accordance with the authority of its sovereign rights as the Aboriginal owners and guardians of their land and waters, reaffirmed in the Medicine Creek Treaty, and their Constitution and By-Laws, as amended, approved by the Assistant Secretary of the Interior on the 1st day of June, 1976; and

Whereas, under Article VI, Section I (H), (K), (L), (M), and (R), Tribal Council is empowered to levy taxes, safeguard and promote the peace, promulgate and enforce ordinances, govern the conduct of tribal members, delegate any enumerated authority to subordinate committees and charter subordinate organizations for economic purposes; and

Whereas, 18 U.S.C. 1161 recognizes the authority of the Tribal Council to regulate transactions involving liquor in Indian country; and

V 45/55 MR 19 80 UMI

V 45/55 MR 19 80 UMI

Whereas, the current prohibition of liquor on the Puyallup Reservation has only been sporadically enforced in the past with the result that liquor transactions have been completely unregulated, subject to abuse; and

Whereas, the regulation of liquor on the Puyallup Reservation by the Puyallup Tribe will provde employment for Native Americans in this community, especially tribal members and generate funds for tribal government purposes as well as eliminate past unregulated practices; now therefore be it enacted by the Tribal Council of the Puyallup Tribe of Indians that, the following Puyallup Tribal Liquor Control Ordinance is hereby adopted as part of the modern laws of the Puyallup Tribe.

Pursuant to its powers as enumerated in tribal ordinnce number 07911-23A, the Puyallup Tribe of Indians duly enacted this Liquor Control Ordinance on November 23, 1979. It became effective on ————, 19—.

Certification

I hereby certify that the above Ordinance was duly enacted by the Puyallup Tribe Council on the 23d day of November, 1979; a quorum being present with a vote of 3 for, 0 against, 1 absention, and 1 not voting.

David Holler,

Secretary, Puyallup Tribal Council.

Attest:

Frank Wright, Sr.,

Vice Chair Acting Chairperson, Puyallup Tribal Council.

Section. 1. Findings and Purpose

1.1 The introduction, possession and sale of liquor on Indian Reservations have, since treaty time, been clearly recognized as matters of special concern to Indian tribes and to the United States' Federal Government. The control of liquor on reservations remains exclusively subject to their legislative enactments.

1.2 Beginning with the Treaty of Medicine Creek, 10 Stat. 1132, Article 9, to which the ancestors of the Puyallup Indian Tribe were parties, the Federal Government has respected this tribe's determinations and activities on the Puyallup Indian Reservation. At treaty time, this tribe's ancestors desired to exlude "ardent spirits" from their reservation; and Federal law currently prohibts the introduction of liquor into Indian country, (18 U.S.C. Sec. 1154), leaving tribes the decision regarding when and to what extent liquor transactions shall be permitted. (18 U.S.C. Sec. 1161).

1.3 Present day circumstances make a complete ban of liquor within the Puyallup Indian Reservation ineffective and unrealistic. At the same time, the need still exists for strict tribal regulation and control over liquor distribution.

1.4 The enactment of a tribal ordinance governing liquor sales on the Reservation and providing for exclusive purchase and sale through the tribal enterprise will increase the ability of the tribal government to control Reservation liquor distribution and possession, and at the same time, will provide an important source of revenue for the continued operation of the tribal government and delivery of tribal governmental services.

1.5 In order to provide for increased tribal control over liquor distribution and possession on the Reservation and to provide for an urgently needed additional revenue source, the Tribal Council of the Puyallup Indian Tribe hereby adopts this Liquor Ordinance.

Sec. 2. This Ordinance shall be known as the Puyallup Liquor Ordinance

Sec. 3. Relation to Other Tribal Laws

All prior ordinances and resolutions of the Puyallup Indian Tribe regulating, authorizing, prohibiting or in any way dealing with the sale of liquor are hereby repealed and of no further force and effect and no tribal business licensing law or other tribal law shall be applied in a manner inconsistent with the provisions of this ordinance.

Sec. 4. Definitions

The definitions of "Alcohol", "Liquor", "Sale", and "Sell", "Spirits" and "Wine", contained in the Revised Code of Washington, R.C.W. 66.04.010(1), (16), (27), (29), and (35) are hereby adopted.

4.1 "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly producted by the fermentation of distillation of grain, starch, molasses, or sugar, or other substances including all dilution and mixtures of this substance.

4.2 "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

4.3 "Sale" and "Sell" include exchange, barter, and traffic, and also include the selling or supplying or distributing, by any mean whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state.

4.4 "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural products containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding seventeen percent of alcohol by weight.

Sec. 5. Prohibitions

The introduction, purchase, sale, and dealing in liquor, other than in a manner authorized by this ordinance is prohibited within the exterior boundaries of the Puyallup Indian Reservation and it is hereby declared an offense under tribal law. The Federal Indian liquor laws are intended to remain applicable to any act or transaction which is not authorized by this ordinance and violators of this ordinance shall be subject to Federal prosecution as well as to legal action in accordance with tribal law. It is intended that possession of liquor by any person now prohibited by Federal law from possessing liquor shall be lawful so long as the possession is in conformity with this ordinance.

Sec. 6. Conformity With State Law

Tribal authorized liquor transactions shall comply with Washington State liquor law standards to the extent required by 18 U.S.C. 1161.

Sec. 7. Puyallup Liquor Distribution Agency Created

7.1 There is hereby created a liquor distribution agency. The Puyallup Tribal Council shall decide upon its formal designated name and whether it is to operate either independently or as a subdivision of another tribal division. This agency shall be constituted in function as part of the Puyallup Tribal Government.

7.2 The manager of this agency shall have the following powers and duties in regard to this agency;

(a) To manage this liquor agency for the benefit of the tribe.

(b) To purchase, in the name of the tribe, liquor products from wholesale distributors and distribute them to such tribal enterprise outlets as he deems appropriate.

(c) To establish, with the Council and subject to its approval, such administrative procedures that are necessary to govern the operation of the agency.

(d) To report and account to the Council at least twice a year regarding the operation and financial status of the agency. The Council and the manager shall establish the dates on which such accounting shall take place. The Council may require more frequent accounting if deemed necessary. The managers reports and all written reports, accounts and records of the Council's proceedings in regard to the liquor agency shall be available for inspection to any Puyallup Indian tribal member, upon demand.

(e) To hire and set the salaries of additional personnel, subject to Council approval, as he deems necessary to the successful operation of the agency.

(f) To supervise all agency employees.

(g) To purchase, with Council approval, and maintain the agency's real and personal property.

(h) To collect the Puyallup Indian Liquor Excise Taxes.

(i) To transfer all tax revenues to the tribal treasurer for deposit in the tribal tax fund, and to transfer to the tribal treasurer for deposit in the tribe's general fund all other revenue not reasonably foreseen as being required for the operation of the agency.

(j) To maintain all other agency revenues in a special account, under direction from the tribal treasurer. With the written approval of at least one council person, funds may be withdrawn from this account by the manager for the wholesale purchase of liquor products to be sold pursuant to this chapter for payment of salaries and business expenses of employees of the agency, and for the purchase and upkeep of real and personal property required for the agency's operation.

(k) To set the retail price for liquor products, in cooperation with the Council.

(l) To obtain and maintain in full force and effect a policy of general liability insurance covering any owned or leased liquor outlet premises in an amount set by the Council. The policy shall contain the stipulation that the Puyallup Tribe shall be given 10 days notice of the proposed cancellation or expiration of such policy. Managers shall submit to the Council a certification of insurance from such policy and shall have available for inspection a complete copy of such policy.

(m) The manager shall be bonded for such additional amount and for such additional purposes as the Council shall determine to be appropriate in managing the liquor department.

Sec. 8. Sovereign Immunity Preserved

Nothing in this chapter is intended or shall be construed as a waiver of the sovereign immunity of the Puyallup Tribe. No manager or employee of the agency shall be authorized, nor shall he attempt, to waive the immunity of the tribe.

Sec. 9. Puyallup Liquor Commission

It is hereby created a Puyallup Liquor Commission. The members of the Tribal Council of the Puyallup Indian Tribe shall serve as the Puyallup Liquor Commission. The Commission is empowered to:

9.1 Administer this ordinance, by exercising general control, management, and supervision of all liquor sales, places of sale, and sales outlets as well as exercising all powers necessary to accomplish the purposes of this ordinance;

9.2 Adopt and enforce rules and regulations in furtherance of the purposes of this ordinance in the performance of administrative functions.

Sec. 10. Excise Tax Levy

10.1 There is hereby levied and shall be collected an excise tax upon each retail sale of liquor, except beer and wine, and whatever packages or container, in the amount of three (3) cents per fluid ounce or fraction thereof contained in such package or container. There is hereby levied and shall be collected an excise tax upon each retail sale of beer and wine in the original package in the amount of five percent (5%) of the selling price. Said taxes shall be added to the sales price of the liquor sold and shall be paid by the buyer to the Puyallup Liquor Distribution Agency (or by whatever name it shall be known) who shall collect the same and hold them in trust for the Puyallup Indian Tribe until deposited as provided in Section 7(i) of this ordinance. The taxes provided for herein shall be the only taxes applicable to activities of the Puyallup Liquor Distribution Agency.

10.2 These taxes which shall be deposited, through the tribal treasurer, as provided in Section 7(i), shall be used for the benefit of the reservation and Tribal community. In appropriating from these tax revenues, the Council shall give priority to:

(a) Strengthening tribal government, which shall include but not be limited to strengthening tribal court and law enforcement systems and the system for administering and enforcing this ordinance.

(b) Health, education, and other social services, and land acquisition and development needs.

(c) Enhancing equal business opportunities for tribal members and the Tribal Enterprise Division.

(d) Providing other reasonable and necessary services to tribal members.

The Council shall have discretion to determine which of the above priorities shall receive an appropriation and the amount of the appropriation for a given priority.

10.3 The manager shall keep such records as shall be sufficient for the tribal tax administrator to determine the amount of tax owing and shall complete tax returns in accordance with instruction from the tribal tax administrator.

10.4 Amendments to the amounts and type of taxes levied on reservation liquor dealings may be made from time to time by approval of the Puyallup Tribal Council, after consultation with the Liquor Distribution Agency manager.

Sec. 11. Penalty

Any person or entity selling, bartering, or manufacturing liquor without a tribal license, or otherwise violating this ordinance, shall be subject to a civil fine of not more than $500.00 for each violation. In addition, any persons or entity subject to criminal prosecution by the tribe who sells, barters, or manufactures liquor without a tribal license shall be subject to a fine of $500.00 and/or six months imprisonment for each separate violation, at the discretion of the tribal court and pursuant to all appropriate provisions of the Law and Order Code of the Puyallup Tribe of Indians.

Sec. 12. Severability

If any provision or application of this ordinance is determined by review to be invalid, such adjudication shall not be held to render such provision inapplicable to other person or circumstances.

Sec. 13. Effective Date

This ordinance shall be effective on such date as the Secretary of the Interior certifies this ordinance and publishes the same in the Federal Register.

Sec. 14. Amendments

All provisions of this ordinance and regulations promulgated by the Puyallup Liquor Commission are subject to proper revision, repeal, or amendment.

Sec. 15. Jurisdiction

The jurisdiction of this ordinance shall extend only to those activities regulated by said ordinance conducted on trust property within the exterior boundaries of the Puyallup Reservation, any other provision of this ordinance or other tribal law notwithstanding.

[FR Doc. 80-8325 Filed 3-18-80; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Utah; Redelegation of Authority

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Section 1.1(a)(2) of Bureau Order No. 701 dated July 23, 1964, as amended by notice published at 45 FR 6177 on Friday, January 24, 1980 (FR Doc. 80-2428 filed 1-24-80; 8:35 a.m.), authorizes the Bureau of Land Management State Directors the opportunity to redelegate the authority to grant, renew, reassign or revoke rights-of-way under Title I, Section 28 of the Mineral Leasing Act of 1920, as amended, and under the Federal Land Policy and Management Act of 1976 to Bureau of Land Management District and Area Managers.

That authority is hereby redelegated to Utah District Managers.

This notice has no other effect on the provisions of F.R. Doc. 80-2428.

EFFECTIVE DATE: This redelegation will become effective April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Utah State BLM Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111 (801) 524-5326.

Dated: March 7, 1980.

Gary J. Wicks,

State Director.

[FR Doc. 80-8320 Filed 3-18-80; 8:45 am]

BILLING CODE 4310-84-M

[W-71161, W-71161-A and W-71161-B]

Wyoming; Application

March 10, 1980.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Chevron U.S.A. Inc. filed an application for a right-of-way to construct their Carter Creek natural gas processing facility and appurtenant utility corridor for the purpose of constructing facilities for condensate separation, dehydration, sweet gas compression, hydrogen sulfide removal and sulfur recovery. These facilities would affect the following described public lands in Uinta County:

Sixth Principal Meridian, Wyoming

T. 18 N., R. 119 W.,
Secs. 6 and 18.
T. 18 N., R. 120 W.,
Secs. 12, 24 and 26.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be

approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-8319 Filed 3-18-80; 8:45 am]

BILLING CODE 4310-84-M

[DES 80-12]

Proposed Geothermal Leasing Within the Coso Known Geothermal Study Area, Inyo County, Bakersfield District, Calif.; Availability of Draft Environmental Impact Statement (DEIS):

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement discussing anticipated impacts of a proposed geothermal leasing program for an area within the Coso Known Geothermal Resource Area, in the Bakersfield District, Inyo County, California. The proposal involves competitive and noncompetitive geothermal leasing of the Federal lands in a 72,640 acre area centered on the Coso Known Geothermal Study Area.

Comments on the draft environmental impact statement will be solicited from public agencies, interested individuals and organizations. A public meeting to receive input will be held on May 1, 1980, at 7:00 p.m. in the Lone Pine Townhall.

Written comments on the DEIS will be accepted until May 12, 1980. Comments should be addressed to the District Manager, Bakersfield District Office, U.S. Federal Building, Rm 311, 800 Truxtun Avenue, Bakersfield, California 93301.

For further information contact: Janis Bowles, 805-861-4191.

Copies of the draft environmental impact statement are available upon request from the following offices:

California State Office (911), Bureau of Land Management, 2800 Cottage Way, Rm. E-2841, Sacramento, California 95825, Telephone (916) 484-4541.

Bakersfield District Office, Bureau of Land Management, 800 Truxtun Avenue, Room 311, Bakersfield, California 93301, Telephone (805) 861-4191.

Copies of the draft environmental impact statement are available for public reading and review at the two above locations plus the following:

Office of Information, Bureau of Land Management, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240, Telephone (202) 343-5717.

Kern County Beale Memorial Library, 1415 Truxtun Avenue, Bakersfield, California 93001.

Ed Hastey,

Associate Director, Bureau of Land Management.

Approved March 14, 1980.

James W. Curlin,

Deputy Assistant, Secretary of the Interior.

[FR Doc. 80-8329 Filed 3-18-80; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 80-11]

Bannock-Oneida Grazing Draft Environmental Impact Statement; Notice of Public Hearings and DEIS Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Hearings on Bannock-Oneida Grazing DEIS.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement for a proposed grazing management program for the Bannock-Oneida Resource Area of the Burley District in southeastern Idaho. The proposal involves changes in initial stocking rates, implementing improved grazing systems and installation of certain range improvements. Approximately 430,000 acres of public lands are involved. Copies of the draft environmental impact statement are available for inspection at the following locations:

Burley District Office, Bureau of Land Management, Route 3, Box 1, Burley, Idaho 83318, Telephone: (208) 678-5514.

Idaho State Office, Bureau of Land Management, Federal Building, 500 W. Fort Street, Boise, Idaho 83724, Telephone: (208) 384-1770.

Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240.

A limited number of single copies may be obtained from the Idaho State Director or the Burley District Manager, Bureau of Land Management, at the above addresses.

Notice is also given that public hearings will be held at: (1) Malad County Courthouse, Malad, Idaho, April 15, 1980, at 7 p.m. MST; and (2) Holiday Inn of Pocatello, Pocatello, Idaho, April 16, 1980, at 7 p.m. MST.

DATES: April 15, 1980—Public hearing in Malad; April 16, 1980—Public hearing in Pocatello; April 30, 1980—Deadline for receiving written testimony.

ADDRESS: Written comments on the Draft EIS should be sent to: Tim Hartzell, Team Leader, BLM Burley District Office, Route 3, Box 1, Burley, Idaho 83318.

FOR FURTHER INFORMATION CONTACT: Tim Hartzell or Nick Cozakos, BLM Burley District Office, Telephone: (208) 678-5514.

SUPPLEMENTARY INFORMATION: The public hearings will be conducted by the Associate State Director, Bureau of Land Management. Individuals wishing to testify may do so by appearing at a hearing place as previously specified. Persons wishing to give testimony will be limited to ten minutes, with written submissions invited. Prior to giving testimony at public hearings, individuals or spokesmen are requested to complete a hearing registration form. Registration forms may be obtained by contacting the Burley District Manager at the above address.

Dated: March 13, 1980.

Ed Hastey,

Associate Director.

[FR Doc. 80-8286 Filed 3-18-80; 8:45 am]

BILLING CODE 4310-84-M

Water and Power Resources Service

[INT-FES 80-10]

Upalco Unit, Central Utah Project; Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement on a proposed water development plan that would alleviate existing shortages on both Indian and non-Indian irrigated farmland in Duchesne County in northcentral Utah and, secondarily, satisfy projected municipal and industrial water needs in nearby towns, provides flood control, improve recreation opportunities, and mitigate stream fishery and wildlife impacts that would occur with development.

Copies are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7622, Water and Power Resources Service, Washington, DC 20240, Telephone: (202) 343-4991

Division of Management Support, General Services, Library Section, Code 950, Engineering and Research Center, Denver Federal Center, Denver, CO 80225, Telephone: (303) 234-3019

Office of the Regional Director, Water and Power Resources Service, Federal Building, 125 South State Street, Salt Lake City, UT 84147, Telephone: (801) 524-5404

Central Utah Projects Office, Water and Power Resources Service, P.O. Box 1338, Provo, UT 84601

Single copies of the statement may be obtained on request to the Commissioner of Water and Power Resources Service or the Regional Director. Copies will also be available for inspection in libraries in the project vicinity.

Dated: March 12, 1980.

Orrin Ferris,

Acting Commissioner.

[FR Doc. 80-8081 Filed 3-18-80; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

[Notice No. 14]

March 5, 1980.

MC 200 (Sub-440TA) filed January 8, 1980. Applicant: RISS INTERNATIONAL CORPORATION, Representative: H. Lynn Davis, 903 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *Common Carrier* by motor vehicle in Interstate or Foreign Commerce, over regular routes transporting General Commodities, except articles of unusual value, classes A & B explosives, household goods as defined by the Commission, Commodities in bulk, and those requiring special equipment, between the points and routes as follows:

(1) Between Louisville, KY and Atlanta, GA: From Louisville, KY over Interstate Hwy 65 to Nashville, TN, then over Interstate Hwy 24 to junction Interstate Hwy 59, then over Interstate Hwy 59 to Chattanooga, TN, then over Interstate Hwy 75 to Atlanta, GA, and return over the same route.

(2) Between St. Louis, MO and Atlanta, GA: From St. Louis, MO over Interstate Hwy 64 to junction Interstate Hwy 57, then over Interstate Hwy 57 to junction Interstate Hwy 24, then over Interstate Hwy 24 to junction U.S. Hwy 68, then over U.S. Hwy 68 (or Interstate Hwy 24 when this segement is completed) to junction Interstate Hwy 24, then over Interstate Hwy 24 to junction Interstate Hwy 59, then over Interstate Hwy 59 to Chattanooga, TN, then over Interstate Hwy 75 to Atlanta, GA, and return over the same route.

(3) Between Louisville, KY and Montgomery, AL: From Louisville, KY over Interstate Hwy 65 to junction U.S. Hwy 31, then over U.S. Hwy 31 (or Interstate Hwy 65 when this segement is completed) to junction Interstate Hwy 65, then over Interstate Hwy 65 to Montgomery, AL, and return over the same route.

(4) Between St. Louis, MO and Montgomery, AL: From St. Louis, MO over Interstate Hwy 64 to junction Interstate Hwy 57, then over Interstate Hwy 57 to junction Interstate Hwy 24, then over Interstate Hwy 24 to junction U.S. Hwy 68, then over U.S. Hwy 68 (or Interstate Hwy 24 when this segement is completed) to junction Interstate Hwy 24, then over Interstate Hwy 24 to Nashville, TN, then over Interstate Hwy 65 to junction U.S. Hwy 31, then over U.S. Hwy 31 (or Interstate Hwy 65 when this segement is completed) to junction Interstate Hwy 65, then over Interstate Hwy 65 to Montgomery, AL, and return over the same route.

(5) Between St. Louis, MO and New Orleans, LA: From St. Louis, MO over Interstate Hwy 55 to junction U.S. Hwy 51, then over U.S. Hwy 51 (or Interstate Hwy 55 when this segement is completed) to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, LA, and return over the same route.

(6) Between Joplin, MO and New Orleans, LA: From Joplin, MO over U.S. Hwy 71 to junction U.S. Hwy 190, then over U.S. Hwy 190 to junction U.S. Hwy 61, then over U.S. Hwy 61 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, LA and return over the same route.

(7) Between Dallas, TX and New Orleans, LA: From Dallas, TX over Interstate Hwy 20 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction U.S. Hwy 190, then over U.S. Hwy 190 to junction U.S. Hwy 61, then over U.S. Hwy 61 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, LA, and return over the same route.

Restriction: The service in the 7 routes described above is restricted against service at any intermediate points, and no service is authorized between the terminal except for the purpose of interline only.

Supporting Shippers: Riss International Corporation, 903 Grand Avenue, Kansas City, MO 64106 and Johnson Motor Lines, Inc., P.O. Box 31577, Charlotte, N.C. 28231. Corresponding ETA and Permanent applications have concurrently been filed. Send protests to Vernon Coble, Dist. Supv., 600 Federal Bldg., 911 Walnut Street, Kansas City, MO 64106.

MC 730 (Sub-494TA), filed January 22, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 N. Via Monte, Walnut Creek, CA 94598. Representative: R. N. Cooledge (same address as applicant). *Chemicals, in bulk,* from Pocatello, ID and points within 5 miles thereof to points in CO, MT, NV, OR, UT and WY, for 180 days. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 4941 (Sub-87TA), filed November 23, 1979 and previously noted in the FR of January 16, 1980 republished as corrected this issue. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Representative: Mr. Russell S. Callahan, 1093 North Montello Street, Brockton, MA 02403. *Paper and paper products, plastic materials, furniture, and*

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materials, equipment and supplies used in the manufacture and distribution thereof, (except commodities in bulk), between the facilities of Scott Paper Company at points in Delaware, Maine, New Jersey, New York, Ohio, Pennsylvania and Virginia on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, Maryland, Maine, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia and the District of Columbia, for 180 days. Supporting Shipper: Scott Paper Company, Scott Plaza, Philadelphia, PA 19113. Send protests to John Thomas, District Supervisor, ICC, 150 Causeway Street, Boston, MA 02114. The purpose of this republication is to clarify the origins and destinations.

MC 11220 (Sub-198TA), filed January 14, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore, Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. (1) Nonferrous metals from the facilities of ASARCO Incorporated and Federated Metals Corporation, subsidiary of ASARCO Incorporated, located at or near Amarillo, Corpus Christi, and Houston, TX; Omaha, NE; Glover, MO; Sand Springs, OK; Whiting, IN; Newark and Trenton, NJ; San Francisco, CA; Hillsboro, IL and Columbus, OH to points in the United States (except AK and HI); and (2) Materials and supplies used in the manufacture and distribution of nonferrous metals from points in the United States (except AK and HI) to the origin points named in (1) above. Restricted to the transportation of shipments originating at or destined to the named facilities. Supporting Shipper(s): ASARCO Incorporated 611 Olive St., Suite 1755, St. Louis MO 63101. Send protests to: Diana J. Porter, Suite 2006, 100 N. Main St., Memphis, TN 38103.

MC 16831 (Sub-36TA), filed December 11, 1979. Applicant: MID SEVEN TRANSPORTATION COMPANY, 2323 Delaware Ave., Des Moines, IA 50317. Representative: William L. Fairbank, 1980 Financial Ctr., Des Moines, IA 50309. (1) *lawn mowers, snowblowers, garden tractors, shredders, and tillers, and* (2) *parts and accesories for the commodities in part (1)* between Brillion, WI, and Des Moines, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ariens Company, 2725 Second Ave., Des Moines, IA 50313. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 16831 (Sub-37TA), filed December 17, 1979. Applicant: MID SEVEN TRANSPORTATION COMPANY, 2323 Delaware Ave., Des Moines, IA 50317. Representative: William L. Fairbank, 1980 Financial Ctr., Des Moines, IA 50309. *Iron and steel articles* from the facilities of Nucor Corporation at or near Norfolk, NE, to points in IL, IN, MO, WI, and those in IA on and east of U.S. Highway 169, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Nucor Corporation, P.O. Box 59, Norfolk, NE 68701. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 18121 (Sub-31TA), filed October 25, 1979. Applicant: ADVANCE TRANSPORTATION CO., P.O. Box 719, Milwaukee, WI 53201. Representative: Michael Wyngaard, 150 E. Gilman St., Madison, WI 53703. *General commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). (1) Between Rockford, IL, and Portage, WI, serving the intermediate points of Beloit, Janesville, Edgerton, Madison, Arlington and Poynette. From Rockford over U.S. Hwy 51 to Portage and return over the same route. (2) Between Beloit, WI, and Milwaukee, WI, serving all intermediate points. From Beloit, WI, over U.S. Hwy 51 to Milwaukee and return over the same route. (3) Between Harvard, IL, and Janesville, WI, serving all intermediate points. From Harvard over U.S. Hwy 14 to Janesville and return over the same route. (4) Between Richmond, IL, and Madison, WI, serving all intermediate points. From Richmond over U.S. Hwy 12 to Madison and return over the same route. (5) Between Janesville, WI, and Racine, WI serving all intermediate points. From Janesville over U.S. Hwy 11 to Racine and return over the same route. (6) Between Lake Geneva, WI and Milwaukee, WI serving all intermediate points. From Lake Geneva over WI Hwy 36 to Milwaukee, WI and return over the same route. (7) Between North Chicago, IL, and Milwaukee, WI, serving all intermediate points. From North Chicago over IL Hwy 131 to Jct IL Hwy 173 to the WI–IL state line, then over WI Hwy 32 from the WI–IL state line to Milwaukee and return over the same route. (8) Between Racine, WI, and Whitewater, WI, serving all intermediate points. From Racine, WI over WI Hwy 20 to Whitewater and return over the same route. (9) Between Milwaukee, WI and Madison, WI serving all intermediate points. From Milwaukee over U.S. Hwy 18 to Madison and return over the same route. (10) Between Madison, WI and Milwaukee, WI serving all intermediate points. From Madison over I–94 to Milwaukee and return over the same route. (11) Between Shorewood, WI and Portage, WI serving all intermediate points. From Shorewood over WI Hwy 190 to Pewaukee, WI, then over U.S. Hwy 16 to Portage, WI and return over the same route. (12) Between Watertown, WI and Madison, WI serving all intermediate points. From Watertown over WI Hwy 19 to Madison and return over the same route. (13) Between Grafton, WI and Arlington, WI serving all intermediate points. From Grafton over WI Hwy 60 to Arlington, WI and return over the same route. (14) Between Port Washington, WI and Beaver Dam, WI serving all intermediate points. From Port Washington over WI Hwy 33 to Beaver Dam and return over the same route. (15) Between Milwaukee, WI and Manitowoc, WI serving all intermediate points. From Milwaukee over I–43 to Manitowoc and return over the same route. (16) Between Green Bay, WI and Milwaukee, WI serving all intermediate points. From Milwaukee over WI Hwy 57 to Green Bay and return over the same route. (17) Between Sheboygan, WI and Plymouth, WI serving all intermediate points. From Sheboygan, WI over WI Hwy 23 to Plymouth and return over the same route. (18) Between Oconomowoc, WI and Mayville, WI serving all intermediate points. From Oconomowoc over WI Hwy 67 to Mayville and return over the same route. (19) Between Fort Atkinson, WI and Jct. Hwy 33 serving all intermediate points. From Fort Atkinson over WI Hwy 26 to Jct. WI Hwy 33 and return over the same route. (20) Between Kenosha, WI and Burlington, WI serving all intermediate points. From Kenosha over WI Hwy 50 to Jct. WI Hwy 83, then over Hwy 83 to Burlington and return over the same route. Service in connection with Route (1) through (20), *supra,* is authorized to all points in Kenosha, Racine, Walworth, Jefferson, Waukesha, Dodge, Washington and Ozaukee Counties in connection with said carrier's regular route operations. An underlying ETA seeks 90 days authority. There are 106 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Gail Daugherty, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 35320 (Sub-558TA), filed January 31, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (address same as applicant). *General commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between Minneapolis, MN, and its commercial zone, on the one hand, and, on the other, Laredo, TX and its commercial zone and Eagle Pass, TX and its commercial zone, restricted to traffic originating at or destined to the facilities of the Longyear Company, for 180 days. Supporting shipper(s): Longyear Company, P.O. Box 1368, Minneapolis, MN 55440. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 44801 (Sub-15TA), filed December 28, 1979. Applicant: DICK HARRIS AND SON TRUCKING CO., INC., 4000 Harris Lane, Lynchburg, VA 24501. Representative: Morton E. Kiel, 2 World Trade Center, New York, NY 10048. *Printed matter,* from Lynchburg, VA to West Nyack and Rye, NY and Newark, DE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Meredith/Burda, Inc., 4201 Murray Pl., Lynchburg, VA 24506. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 53841 (Sub-42TA), filed January 17, 1980. Applicant: W. H. CHRISTIE & SONS, INC., Box 517, East State St., Knox, PA 16232. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *Aluminum ingots and zinc alloy ingots* (excluding commodities in bulk) from Maple Hts., OH to points in CT, IN, IL, NJ, NY and PA, for 180 days. Supporting shipper(s): Aluminum Smelting & Refining Co., Inc., 5463 Dunham Rd., Maple Hts., OH 44137. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 56640 (Sub-47TA), filed January 18, 1980. Applicant: DELTA LINES, INC., 333 Hegenberger Road, Oakland, CA 94621. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. *Foodstuffs, and materials, equipment and supplies used in the manufacture, distribution and sale of foodstuffs* (except in bulk) from the facilities of Ocean Spray Cranberries, Inc. at or near Markham and Aberdeen, WA to points in CO and UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ocean Spray Cranberries, Inc., Star Route, box 195, Aberdeen, WA 98520. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 59570 (Sub-45TA), filed December 28, 1979. Applicant: HECHT BROTHERS, INC., 2075 Lakewood Road, Toms River, NJ 08753. Representative: Hecht Brothers, Inc., 2075 Lakewood Road, Toms River, NJ 08753. *Sand, gravel, silica powder, abrasive materials, bricks, glass beads, reclaimed dust, products mined, sand blasting materials, granules, stones, asphalt mix, plaster mix, gravel mix, mortar mix, minerals, grits, asphalt mix sealer, concrete bonding compounds, pebbles, grinding blocks, and products thereof, and materials, supplies and equipment* used in the manufacturing, distribution and use of the foregoing named products, except liquid commodities in bulk. Between points in NJ on the one hand on on the other NY, PA, CT, MA, RI, DE, MD, VA and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): New Jersey Pulverizing Company, 390 North Broadway, Jericho, NY 11753. Send protests to: Robert J. Latarewicz, TR&TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 61231 (Sub-169TA), filed December 17, 1979. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 1980 Financial Ctr., Des Moines, IA 50309. *Iron and steel articles* from the facilities of Nucor Corporation at or near Norfolk, NE, to points in AR, AZ, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NM, ND, OH, OK, SD, TN, TX, WA, WI, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nucor Corporation, P.O. Box 59, Norfolk, NE 68701. Send protests to: Herbett W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 61440 (Sub-186TA), filed January 2, 1980. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd Street, Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. *Common* Carrier: *Regular* route: *General commodities,* (except those of unusual value, Classes A&B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of General Tire & Rubber Co. at or near Macon, GA, as an off route point in connection with carrier's otherwise regular route operations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The General Tire & Rubber Company, 1 General Street, Akron, OH 44329. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 61620 (Sub-19TA), filed December 13, 1979. Applicant: M & G TRANSPORTATION CO., INC., Route 3, Box 234, Gloucester, Va 23061. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, Va 24168. *Paper and paper products, and woodpulp,* from West Point, Va to points in DC, DE, MD, NJ, NY, PA, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Chesapeake Corp. of Virginia, P.O. Box 311, West Point, VA 23181. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 75281 (Sub-14TA), filed October 24, 1979. Applicant: BOOTHEEL TRANSPORTATION COMPANY, P.O. Box 511, Sikeston, MO 63801. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326. *Paper and paper products,* from the facilities of Westvaco Corporation, at or near Wickliffe, KY to points in FL, GA, NC, SC, MD, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Westvaco Corporation, 299 Park Ave., New York, NY. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 75281 (Sub-15TA), filed November 8, 1979. Applicant: BOOTHEEL TRANSPORTATION COMPANY, P.O. Box 511, Sikeston, MO 63801. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Rd., NE, Atlanta, GA 30326. *Such commodities as are dealt in by manufacturers of pipe, conduit, wire, cable, cord sets, plastic materials, and materials, equipment and supplies* used in the conduct of such business (except commodities in bulk, in tank vehicles), between the plantsite & warehouse facilities of Triangle PWC, Inc., a subsidiary of Triangle Industries, Inc., at or near Jewett City and New Brunswick, NJ, on the one hand, and, on the other, points in GA, FL, MI, IL, IN, MO, TN, AR, OK, TX, NM, CA, KS, NE, IA, CO, MN, ND, SD, AZ, MT, WY, NV, ID, WI, WA, MS, LA, UT, KY, OH, PA, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Triangle PWC, Inc., a subsidiary of Triangle Industries, Inc., P.O. Box 711, New Brunswick, NJ 08903.Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 75281 (Sub-16TA), filed December 4, 1979. Applicant: BOOTHEEL TRANSPORTATION COMPANY, P.O. Box 511, Sikeston, MO 63801. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE, Atlanta, GA 30326. Carpet and rug pads, padding and cushioning, and materials, equipment, and supplies used in the manufacture and installation of such commodities, from the facilities of Ludlow Corporation at or near Cape Girardeau,

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MO to points in FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ludlow Corporation, Cape Girardeau, MO 63701. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 75830 (Sub-19TA), filed December 19, 1979. Applicant: INTER-CITY TRANSPORT & MOTOR COMPANY, INC., P.O. box 88, Buckhannon, WV 26021. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Contract carrier-irregular routes: *Footstuffs and materials, equipment and supplies used in the manufacture and sale of foodstuffs* (except commodities in bulk), between Bluffton, IN, on the one hand, and on the other, Akron, Bedford Heights, Cincinnati, Dayton, Groveport, Toledo and Youngstown, OH; Aston, Carnegie, Cornwell Heights, Ephrata, Mechanicsburg, Philadelphia and Pittsburgh, PA; Ayre and Framingham, MA; Batavia, Hauppage, Henrietta, Jamestown, Latham and Syracuse, NY; Manchester, and Stratford, CT; Edison, Moonachie and Rosenhayn, NJ; Manassas, Norfolk, Ravensworth and Bluefield, VA; and Chicago, IL and Grand Rapids, MI, restricted to a transportation service to be performed under a continuing contract, or contracts, with Keebler company, Elmhurst, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Keebler Company, One Hollow Tree Lane, Elmhurst, IL 60126. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 75840 (Sub-133TA) filed January 22, 1980. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) metal scrap, from the facilities of United Metal Recyclers, located at or near Kernersville, NC, to points in OH, NY, NJ, GA, PA and SC; (2) plastic film, from the facilities of Southern Film Extruders, Inc., located at or near High Point, NC, to Cincinnati, Cleveland, Toledo, Wickliffe, Marlboro, Youngstown and Doylestown, OH; Paoli, Pa; and Rochester, NY; (3) plastic cups or tumblers, from the facilities of Gallos Plastics, Inc., at or near Winston-Salem, NC, to points in GA; (4) agricultural implements and parts, from the facilities of Clarke-Gravely Corp., located at or near Clemmons, NC, to points in OH, WV, PA, and NJ; (5) boots, shoes, and related articles, from the facilities of McRae Industries, Inc., located at or near Mt. Gilead, NC, to points in PA, NY, OH, NJ, and MD; (6) textile products, from the facilities of Wade Manufacturing Co. located at or near Wadesboro, NC, to points in NY, PA, NJ and DE; (7) textile products, from the facilities of Burlington Industries, Inc., located at or near Caroleen, NC, and Neuse, NC to points in NJ and NY; (8) aluminum scrap, from the facilities of Stanley Metal Corp., in NC to points in OH, PA, NJ, NY, VA, MD, DE and GA; (9) plastic film or sheeting, from the facilities of Alpha Plastics Corp., located at or near Hamlet, NC, to points in OH, NY, PA, GA, NJ and DE; (10) scrap metal and material, from the facilities of Levin Brothers, Inc., at points in NC, to points in OH, NJ, NY, PA, and GA; (11) plastic bottle carriers and can carriers, from the facilities of Hi-Cone, Division of ITW, located at or near Zebulon, NC, to points in OH, NJ, NY, GA, MD, VA, and PA; (12) textiles and textile products, from the facilities of Armstrong Cork Company, located at or near Charlotte, NC, to Marietta, PA; (13) ceramic tile and quarry tile, from the facilities of Mid-State Tile Company, located at or near Lexington and Mt. Gilead, NC, to Staten Island, NY and Port Chester, NY; (14) aluminum foil, from the facilities of Republic Foil Company, located at or near Salisbury, NC, to points in VA, PA, NJ, NY and OH; (15) plastics and chemicals from the facilities of Borden, Incorporated, located at or near Fayetteville, NC, to points in VA, WV, MD, OH, DE, PA, NY, NJ, and DC; (16) plastics from the facilities of FMC Corporation, located at or near Fayetteville, NC to Downingtown, PA; (17) freight, all kinds, from the facilities of Montgomery Ward & Company, located at or near Charlotte, NC, to Albany, NY; (18) aluminum scrap, copper, brass, and bronze scrap, from the facilities of Lee Iron & Metal Co., located at or near Sanford, NC, to points in OH, NY, NJ, PA and GA; (19) fire extinguishers and related articles, from the facilities of Walter Kidde & Company, located at or near Mebane, NC, to points in GA and NJ; (20) plastic articles, NOI, from the facilities of Tuscarora Plastics, Inc., located at or near Durham, NC, to points in GA; (21) chemicals, NOI (except commodities in bulk, in tank vehicles), from the facilities of Diamond Shamrock Corp., located at or near Charlotte and Castle Hayne, NC, to points in OH, WV, MD, VA, DE, PA, NY, NJ, and DC; and, (22) plastics from the facilities of Rohm Has, located at or near Fayetteville, NC, to Downingtown, PA. Supporting shipper(s): There are 21 statements in support attached to this application which may be examined at the ICC Washington, D.C., or copies of which may be examined in the field office named below. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 82861 (Sub-20TA), filed January 21, 1980. Applicant: BROOKS TRUCK LINE, INC., 609 14th Street S.E., Puyallup, WA 98371. Representative: Michael D. Duppenthaler, 211 South Washington Street, Seattle, WA 98104. *Lumber, lumber products, plywood and particleboard*, between points in WA, OR, ID, MT and CA, and between those points on the one hand, and, on the other, Ports of Entry on the U.S.-Canada international boundary line located in WA, ID and MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fred Tebb & Sons, Inc., 1906 Marc St., Tacoma, WA 98421, Girard Wood Products, 127 7th St. S.E., Puyallup, WA 98371. Brady International Hardwoods Co., 1244 Alexander Ave., Tacoma, WA 98421, Woodlam, Inc., 1476 Thorne Road, Tacoma, WA 98421. Send protests to: Hugh H. Chaffee, D/S, ICC, 858 Federal Building, Seattle, WA 98174.

MC 85621 (Sub-10TA), filed January 16, 1980. Applicant: VANN EXPRESS, INC., 620 Line Street, Attalla, AL 35954. Representative: R. Kent Henslee, 754 Chestnut Street, Gadsden, AL 35902. *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, moving in express service. Between Chattanooga, TN, and its commercial zone, on the one hand, and, on the other, Birmingham, AL, over Interstate 24, U.S. Hwy 72, and AL Hwy 79. Between Chattanooga, TN, and its commercial zone, on the one hand, and on the other, Birmingham, AL, and its commercial zone, over U.S. Hwy 11, Interstate 59, and Interstate 24. Between Trenton, GA, and Birmingham, AL, over GA Hwy 143 and AL Hwy 75. Between Guntersville, AL, and Gadsden, AL, over U.S. Hwy 431. Supporting shipper(s): There are approximately 76 shippers supporting the applications. Statements may be examined in the Washington, DC, office or in the Birmingham field office. Send protests to: Mabel E. Holston, T/A, I.C.C., Room 1616—2121 Bldg., Birmingham, AL 35203.

Note.—Applicant seeks to serve off-route points within ten miles of the regular routes and the off-route points of Centre and Piedmont, AL, and all intermediate points within the above-described regular-route system. Applicant intends to tack the above authority with existing regular route authority at all common radial points to serve all points in the regular-route system.

MC 97310 (Sub-37TA), filed January 18, 1980. Applicant: SHARRON MOTOR LINES, INC., P.O. Box 5636, Meridian, MS 39301. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203. Common carrier; *regular route; General commodities (except Classes A and B explosives, commodities in bulk, and commodities which because of size or weight require the use of special equipment)* serving all intermediate points in AL lying on the three routes between Birmingham and Memphis, TN, pursuant to existing Sub 24TA; (a) from Birmingham over US Hwy 31 and I–65 to Athens, AL, then over US Hwy 72 to Memphis and return over the same route; (b) from Birmingham over US Hwy 78 to Memphis, and return over the same route; and (c) from Birmingham over US Hwy 11 and I–59 and I–20 to Tuscaloosa, AL, then over US Hwy 82 to Columbus, MS, then over US Hwy 45 to Tupelo, MS, then over US Hwy 78 to Memphis and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Applicant requests authority to interline with other carriers at Decatur, AL. Supporting shipper(s): There are 67 statements in support attached to this application which may be examined at the I.C.C. in Washington, D.C., or copies of which may be examined in the field office named below. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 103051 (Sub-483TA), filed January 28, 1980. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, Nashville, TN 37209. Representative: Russell E. Stone (same address as applicant). *Ammonium liginin sulfonate, in bulk, in tank vehicles*, from New Johnsonville, TN to Henderson, KY, for 180 days. Supporting shipper(s): International Multifoods Corp., 1200 Multifoods Building, Minneapolis, MN 55402. Send protests to: Glenda Kuss, TA, ICC, A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 106401 (Sub-82TA), filed January 11, 1980. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 31577, Charlotte, NC 28231. Representative: Roger W. Rash (same as above). *Lighting fixtures and parts for lighting fixtures* from the facilities of Lithonia Lighting, Div. of National Service Industries, at or near Cochran and Conyers, GA to points in VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lithonia Lighting, Div. of National Service Industries, P.O. Box A, Conyers, GA 30207. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm CC516, Charlotte, NC 28205.

MC 110541 (Sub-19TA), filed December 10, 1979. Applicant: MARK E. YODER, INC., P.O. Box 346, Schuylkill Haven, PA 17972. Representative: Christian V. Graf, 407 N. Front St. Harrisburg, PA 17101. *Petroleum coke, in dump vehicles*, from facilities of Mobile Oil Refinery at or near Paulsboro, NJ to the plantsite of Pennsylvania Power and Light Company in Holtwood (Martic Township), PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pennsylvania Power & Light Co., Two N. 9 St., Allentown, PA 18101. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 111231 (Sub-299TA), filed January 16, 1980. Applicant: JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, AR 72764. Representative: John C. Everett, P.O. Box A, Prairie Grove, AR 72753. (1) *Material handling equipment and articles used or dealt in by manufacturers and jobbers of material handling equipment* from Ouachita County, AR, on the one hand, to all points and places in TX, LA, OK, and MS on the other hand. (2) *reworked material handling equipment, material, equipment, and supplies used in the manufacture of material handling equipment* from all points and places in TX, LA, OK, and MS, on the one hand, to Ouachita County, AR, on the other hand; for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s): C & F Wood Products, P.O. Box 3071, East Camden, AR. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th., Suite 600, Ft. Worth, TX 76102.

MC 111720 (Sub-23TA), filed August 6, 1979. Applicant: QUASAR EXPRESS, INC., P.O. Box 40, Sioux Falls, SD 57101. Representative: Lyle A. Clemetson (same address as applicant). *Contact carrier:* irregular routes: *Meat, meat products and meat by-products* from the facilities of Iowa Beef Processors, Inc. at or near Dakota City, NE to points in IN, KY, MI and OH for the account of Iowa Beef Processors for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper)s): Iowa Beef Processors, Inc., Dakota City, NE 68731. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 113651 (Sub-335TA), filed Jan. 7, 1980. Applicant: INDIANA REFRIGERATOR LINES, P.O. Box 552, Riggin Road, Muncie, IN 47305. Representative: Henry Higgs (address same as applicant). *Meat, meat products, meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides, skins, and commodities in bulk.)* from the facilities utilized by John Morrell & Co. at or near Montgomery, AL and Shreveport, LA to points in AL, CT, DE, FL, GA, IL, KY, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC. Restricted to the transportation of traffic originating at the facilities of John Morrell & Co. for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Transportation Assistant, ICC 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 113981 (Sub-9TA), filed February 1, 1980. Applicant: VEGAS TRUCKING COMPANY, 2853 Cedar Street, Las Vegas, NV 89104. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. *Common carrier:* regular routes:- *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, petroleum products in bulk, and commodities requiring special equipment, between Los Angeles, CA and Las Vegas, NV, serving all intermediate points in NV, the off-route points in CA within the Los Angeles Basin Territory as described below and the off-route points in Nye County, NV from Los Angeles, CA over Interstate Hwy 10 to the junction of Interstate Hwy 15, then over Interstate Hwy 15 to Baker, Ca then over California State Hwy 127 to Shoshone, CA then over California State Hwy 178 to the California-Nevada line, over Nevada State Hwy 52 to Pahrump, NV then over Nevada State Hwy 16 to junction of Interstate Hwy 15, and over Interstate Hwy 15 to Las Vegas, NV, and return over the same route.

Note.—Applicant is requesting authority to serve the Commercial Zone of Las Vegas, NV and interline with other carriers at Los Angeles, CA and Las Vegas, NV, for 180 days. Supporting shipper(s): There are 19 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: W. J. Huetig, DS, I.C.C. 705 N. Plaza Street, Carson City, NV 89701.

MC 115331 (Sub-528TA), filed December 13, 1979. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: Steve Vogt (same as above). *Silica sand*, in bulk, from Festus, MO to Omaha, NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Martin Marietta Aggregates, 110 E. Main St., Rockton, IL 61072. Send protests to: P. E. Binder, DS,

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ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 114211 (Sub. 446TA), filed January 3, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). *Materials and suplies used in the manufacture and distribution of cast iron products* (except commodities in bulk) from points in and west of ND, SD, NE, KS, CO, and NM to points in Pottawattamie County, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Griffin Pipe Products Co., 2000 Spring Rd. Oak Brook, IL 60521. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114211 (Sub. 448TA), filed December 3, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). *Such commodities as are dealt in or used by agricultural equipment dealers and manufacturers* (except commodities in bulk) from Moundridge, KS, to points in IA, IL, WI, MO, WY, CO, NE, NM, TX, OK, and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bradbury Company, Inc., P.O. Box 667, Moundridge, KS 67107. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114890 (Sub-104TA), filed January 28, 1980. Applicant: COMMERCIAL CARTAGE CO. 343 Axminster Drive, Fenton, MO 63026. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034. *Copper chloride solutions, copper nitrate solutions, and copper tetra amine solutions, in bulk, in tank vehicles,* from Austin, TX; Minneapolis, MN; Chicago, IL; and Los Angeles and points in its commercial zone, San Francisco and points in its commercial zone, and Santa Ana, CA, to the facilities of International Metal Recycling Corp. at or near Casa Grande, AZ, for 180 days. Underlying ETA filed. Supporting shipper(s): International Metal Recycling Corp., P.O. Box 573, Casa Grande, AZ 85222. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 115331 (Sub-537TA), filed January 17, 1980. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 11040 Manchester Road, St. Louis, MO 63122. *Alcohol, neutral spirits, distilled spirits, in bond; denatured and industrial alcohol, in bulk* from Jacksonville, FL; Columbus, OH; Merrimack, NH and Williamsburg, VA to points in the U.S. in and east of the States of ND, SD, NE, KS, OK, TX and points in CA, CO, and WA for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s): Chemical Interchange Co., 11 S. Meramec, Suite 1104, St. Louis, MO 63105. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 115570 (Sub-34TA), filed January 11, 1980. Applicant: WALTER A JUNGE, INC., 3818 S.W. 84th St., Tacoma, WA 98491. Representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Such commodities as are dealt in by grocery and food business houses (except commodities in bulk and those moving in vehicles equipped with mechanical refrigeration)* from the facilities of The Procter & Gamble Distributing Company at Los Angeles, Sacramento, Oxnard and Modesto, CA to points in OR and WA, for 180 days. Supporting shipper(s): The Procter & Gamble Distributing Company, P.O. Box 599, Cincinnati, OH 45201. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 115840 (Sub-118TA), filed January 29, 1980. Applicant: COLONIAL FAST FREIGHT LINES, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler, (same address as applicant). *Aluminuim, Fiberglass and Iron and Steel Articles,* between the plantsite and warehouse facilities utilized by IKG Industries located at or near Charlotte, NC; Gulfport, MS; Nashville, TN; Kansas City, KS; Philadelphia and Easton, PA; and Long Island, NY, on the one hand, and, on the other, points in the U.S. in and east of TX, OK, KS, MO, IL and WI, for 180 days. Supporting shipper(s): IKG Industries, 201 Fatherland St., Nashville, TN 37202. Send protests to: Glenda Kuss, TA, ICC, A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 116881 (Sub-5TA), filed November 27, 1979. Applicant: CLINTON H. MILLER, d.b.a. C. H. MILLER TRANSPORTATION, P.O. Box 1776, Oroville, CA 95965. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. *Treated and untreated poles, piling, lumber and wood products* between points in Butte County, CA on the one hand, and points in OR and AZ on the other hand, for 180 days. Supporting shipper(s): D. G. Shelter Products, P.O. Box 1947, Oroville, CA 95695; Koppers Co., Inc., P.O. Box 351, Oroville, CA 95965. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 119741 (Sub-258TA), filed December 18, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, Ft. Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). (1) *household cleaning products, water purifying compounds, and dry acids; and (2) materials, equipment, and supplies used in the manufacture, sale, and distribution of commodities listed in (1) above (except commodities in bulk)* from the facilities of Hi-Lex, Division of Purex Industries, at or near Eagan and St. Paul, MN, to points in IA, ND, SD, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hi-Lex, Division of Purex Industries, 6120 N. Detroit Ave., Toledo, OH 43612. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 121470 (Sub-55TA), filed January 16, 1980. Applicant: TANKSLEY TRANSFER COMPANY, 801 Cowan St., Nashville, TN 37207. Representative: Roy L. Tanksley (same address as applicant). *Decking iron and steel,* from the facilities of Southeast Metal Deck, Inc. at Norfolk, VA to TN, AR, GA, AL, KY, NC, & SC, for 180 days. Supporting shipper(s): Southeast Metal Deck, Inc., 1400 Cavalier Blvd., Chesapeake, VA 23323. Send protests to: Glenda Kuss, TA, ICC, A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 123841 (Sub-10TA), filed January 21, 1980. Applicant: DAVID TESONE TRUCKING, INC., 5374 William Flynn Highway, Gibsonia, PA 15044. Representative: Jeremy Kahn, 1511 K St., NW., 733 Investment Bldg., Washington, DC 20005. *Salt* in bulk, in dump vehicles, from the facilities of Morton Salt at or near Fairport Harbor, OH to Millerstown, PA, Allegheny County, for 180 days. An underlying ETA seeks 30 days authority. Supporting shipper(s): Morton Salt Company, Division of Morton-Norwich, 110 North Wacker Dr., Chicago, IL 60606. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 124711 (Sub-104TA), filed November 29, 1979. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: Rod Parker (same as above). *Alcohol,* in bulk, in tank vehicles, from Atchison, KS to points in NE, MO & IA; for 180 days, common, irregular; supporting shipper: Jones Oil, Inc., 3301 Cornhusker, Lincoln, NE 68501; send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202. An underlying ETA seeks 90 days authority.

MC 124711 (Sub-105TA), filed January 21, 1980. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: Rod Parker, P.O. Box 1050, El Dorado, KS 67042. *Liquid animal feed, ingredients and supplements, in bulk, in tank vehicles* from Ralston Purina Company at or near Leoti, KS to points in CO, NE and OK for 180 days. Supporting shipper(s): Ralston Purina Company, 414 East 18th, Wichita, KS 67201. Send protest to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 124821 (Sub-86TA), filed December 17, 1979. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. *Television sets, radios, phonographs, stereo systems, recorders, and players, speaker systems, and audio equipment, and accessories and parts for the commodities set forth above,* from Bloomington and Indianapolis, IN to points in NY, NJ, PA, and ME, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): RCA Corp., Building 204-2, Route 38, Cherry Hill, NJ 08358. Send protest to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 124920 (Sub-3TA), filed December 14, 1979. Applicant: LA BAR'S, INC., 771 Scott St., Wilkes-Barre, PA 18705. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. *Iron or steel tubing,* (except that requiring special equipment), between the facilities of Roth Steel Tube at Newton Falls, OH, and the facilities of Roshel Industries at East Palestine, OH, on the one hand, and, on the other, the facilities of Roth American, Inc., at Wilkes-Barre, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Roth American, Inc., 356 N. Pennsylvania Ave., Wilkes-Barre, PA 18773. Send protest to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 126930 (Sub-34TA), filed January 28, 1980. Applicant: BRAZOS TRANSPORT CO., P.O. Box 2746, Lubbock, TX 79406. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. *Iron and steel articles,* from the facilities of Nucor Corp. at or near Norfolk, NE, to points in IA, MO, KS, OK, AR, TX, LA, and TN, for 180 days. Underlying ETA filed. Supporting shipper(s): Nucor Corp., P.O. Box 309, Norfolk, NE 68701. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Fort Worth, TX 76102.

MC 128270 (Sub-47TA), filed December 28, 1979. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley St., East Gary, IN 46405. Representative: Richard A. Kerwin, 180 N. LaSalle St., Chicago, IL 60601. *Iron and steel articles and materials, equipment, and supplies used in the manufacture of same* between Gerald, MO on the one hand, and, on the other hand, points in the states of IN, IL, WI, IA, TX, OK, KS, AR, KY, LA, MI, OH, MN, CO, AL, MS, FL and GA for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Bull Moose Tube Co., P.O. Box 214, Gerald, MO 63037. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 129401 (Sub-16TA), filed December 28, 1979. Applicant: DOUGLAS & BESS, INC., Rt. 5, Box 238, Statesville, NC 28677. Representative: John W. Douglas, Jr. (same as above). *Contract* carrier-irregular routes; *(1) Carpet underlay pads or padding, polyurethane cellular padding or material* from Statesville, NC to all points in the US (except HI and AK) under a continuing contract with Walk-On-Products, Inc. (2) *materials, equipment and supplies used in the manufacturing, assembly, and distribution of carpet underlay pads or padding, polyurethane cellular padding or material* from all points in the US (except AK and HI) to Statesville, NC under a continuing contract with Walk-On-Products, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Walk-On-Products, Inc., P.O. Box 5554, Statesville, NC 28677. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm CC516, Charlotte, NC 28205.

MC 133541 (Sub-11TA), filed January 16, 1980. Applicant: MCKIBBEN MOTOR SERVICE, INC., 494 West Sharon Rd., Cincinnati, OH 45246. Representative: James Duvall, 220 W. Bridge St., Dublin, OH 43017. *Containers and container ends* from the facilities of Diamond International Corp., Heekin Can Division, at or near Cincinnati, OH to points in IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Diamond International Corporation, Heekin Can Division, 429 New St., Cincinnati, OH 45202. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 135280 (Sub-12TA), filed January 10, 1980. Applicant: PEP LINES TRUCKING CO., 32600 Dequindre Road, Warren, MI 48092. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. *Contract carrier:* irregular routes: *Such merchandise as is dealt in by retail department stores, wholesale mercantile establishments and mail order houses, and equipment, materials and supplies used in the conduct of such businesses (except commodities in bulk, in tank vehicles)* between Sharonville, OH, on the one hand, and on the other, points in IL, IN, KY, PA, TN, VA and WV, under continuing contract or contracts with Montgomery Ward & Co., Inc. for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Montgomery Ward & Co., Inc., Montgomery Ward Plaza, Chicago, IL 60671. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 135691 (Sub-44TA), filed January 17, 1980. Applicant: DALLAS CARRIERS CORP. P.O. Box 402628, Dallas, TX 75240. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Contract, irregular; *Air conditioning equipment, furnaces, component parts and accessories thereof* from Blackville, SC to Memphis, TN; restricted against commodities in bulk or those which by reason of size or weight require use of special equipment; and further restricted to transportation service to be performed under continuing contract with Carrier Corporation; for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s): Carrier Corporation, P.O. Box 4808, Carrier Pkway, Syracuse, NY 13221. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 135811 (Sub-19TA), filed January 16, 1980. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner (same as above). *Contract Carrier;* over irregular routes: *Welding products, products affiliated with welding, and products dealt in by manufacturers and dealers of welding,* (1) From Baltimore, MD; Troy, OH; Hanover, PA: Monticello, IN; and Chicago, IL, to points in AL, AR, AZ, FL, GA, MS, NM, LA, OK, and TX and (2) Between Dallas, TX and Gulfport, MS, on the one hand, and on the other, points in AL, AR, AZ, FL, GA, MS, NM, LA, OK and TX, for 180 days. Supporting shipper(s): Dealers Wholesale Welding Supply, Inc., P.O. Box 470072, Dallas, TX 75247. Send protests to: E. E. Strotheid, District Supervisor, ICC, 866 Strom Thurmond Fed. Bldg., 1835 Assembly St., Columbia, SC 29201.

MC 136511 (Sub-94TA), filed November 17, 1979, published in the Federal Register of January 16, 1980 and republished this issue. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Rd., Lynchburg, VA 24502. Representative: Dwight L. Koerber, Jr., 666 11 St., N.W., Washington, DC 20001. *Canned goods,* from Belledeau and St. Francisville, LA

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to points in WA, OR, CA, AR, UT, NE, ID, IL, IN, OH, MI, WI, MN, IA, MO, PA, NY, NJ, MD, MA, CT, RI, VA, NC, SC, GA, AL, and FL, for 180 days. An underlying ETA seeks 90 days authority. Shipper: Joan of Arc Co., 2231 W. Altorfer Dr., Peoria, IL 61615. Send protest to: 101 N. Seventh St., Room 620, Philadelphia, PA 19106. The purpose of this republication is to correct the commodity description from foodstuffs to canned goods.

MC 138941 (Sub-43TA), filed January 16, 1980. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, CA 91766. Representative: K. Edward Wolcott, P.O. Box 56387, Atlanta, GA 30343. *Contract:* Irregular: *Plastic and plastic articles, restricted against the transportation of commodities in bulk,* from the facilities of International Paper Co. at or near Hudson, NC, and at or near Litchfield, IL to points in AZ, CA, CO, ID, IL, KS, LA, MN, MS, MT, NM, NV, OK, OR, SD, TX, UT, WA, WI and WY, under a contract or contracts with International Paper Company at New York, NY, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): International Paper Company, 220 E. 42nd St., New York, NY 10017. Send protests to: Irene Carlos, T/A, ICC, 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 138960 (Sub-13TA), filed January 9, 1980. Applicant: ROKO EXPRESS, INC., P.O. Box 169, Columbus, OH 43216. Representative: Elaine M. Conway, 10 S. LaSalle St. Chicago, IL 60603. (1) *Paper and paper products and plastic articles,* from the facilities of International Paper located at or near Mobile, AL and Jackson, TN, to points in IL, IN, KY, MI and OH; (2) *Paper and paper products and plastic articles,* from the facilities of International Paper located at or near Jackson, TN to points in FL, for 180 days. Supporting shipper(s): International Paper Company, 220 E. 42nd St., New York, NY 10017. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Building, 101 North 7th Street, Room 620, Philadelphia, PA 19106.

MC 139091 (Sub-25TA), filed July 30, 1979. Applicant: HENRY ANDERSEN OF TEXAS, INC., Rt. 287, P.O. Box 1129, Stratford, TX 79084. Representative: Chester A. Zyblut, 1030 Fifteenth St., N.W. Suite 366, Washington, D.C. 20005. *Contract carrier*—irregular route: *Meats, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk),* from the facilities used by John Morrell & Co. at or near Amarillo, El Paso, and Lubbock, TX; Shreveport, LA; and Memphis, TN, to points in AL, CA, CT, DE, FL, GA, KY, LA, MA, MD, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Martha A. Powell, TCS, ICC, Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 139420 (Sub-47TA), filed December 26, 1979. Applicant: GLACIER TRANSPORT, INC., Box 428, Grand Forks, ND 58201. Representative: William J. Gambucci, 414 Gate City Bldg., P.O. Box 1680, Fargo, ND 58107. *Alcoholic beverages* from the CA counties of Sonoma, Monterey, Mendocino and Napa to Fargo and Bismarck, ND for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Ed Phillips & Sons Co., 318 N. 5th St., Fargo, ND 58102. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 140030 (Sub-9TA), filed January 16, 1980. Applicant: PLASTIC EXPRESS, 2999 La Jolla St., Anaheim, CA 92806. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. *Contract:* Irregular: *(1) Lubricating oil, oil products, and, lubrication filters (except bulk products), and, (2) Automotive filters,* (1) From Alameda, CA to points in UT and ID, and (2) From Salt Lake City, UT to points in OR and CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): The Pennzoil Company, 1730 West Olympic Blvd., Suite 102, Los Angeles, CA 90015. Send protests to: Irene Carlos, T/A, ICC, 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 142630 (Sub-1TA), filed June 20, 1979. Applicant: FUGAZY CONTINENTAL CORPORATION OF NEW JERSEY, INC., 645 Madison Avenue, New York, NY 10022. Representative: Arthur Wagner, Esq., 600 Madison Avenue., New York, NY 10022. Common carrier, *regular routes: Passengers and their baggage and incidental charter operations subject to vehicular restrictions,* between Ramsey, NJ, and Suffern, NY, beginning at Ramsey, NJ, or Highway 17, to NY Highway 17, to Interstate Highway 87, thence Interstate Highway 87, to Airmont Road (Exit 14B), thence over Airmont Road to Holiday Inn-Holidome at No. 30 Airmont Road, Suffern, NY, and return over the same routes; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Holiday Inn-Holidome, 30 North Airmont Road, Suffern, NY 10901. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 143540 (Sub-22TA), filed December 11, 1979. Applicant: MARINE TRANSPORT COMPANY, P.O. Box 2142, Wilmington, NC 28402. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. *Contract* carrier-irregular routes-*Malt beverages* from Detroit, MI to Myrtle Beach, SC and Wilmington, NC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Oliver Distributing Company, P.O. Box 2867, Myrtle Beach, SC 29577; Windham Distributing Company, P.O. Box 1489, Wilmington, NC 28402. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm. CC516, Charlotte, NC 28205.

MC 143701 (Sub-24TA), filed January 14, 1980. Applicant: HODGES FREIGHT LINES, INC., P.O. Box 73–I, Metairie, LA 70033. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. *(1) Paper bags, (2) materials used in producing paper bags* (1) from New Orleans, LA to points in ID, MA, NV, NH, NY, OR, PA, WV and WY; and (2) from points in ID, MA, NV, NH, NY, OR, PA, WV, and WY to New Orleans, LA for 180 days. Underlying ETA filed. Supporting shipper(s): Westvaco, 1400 Annunication St., New Orleans, LA 70160. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 143921 (Sub-2TA), filed January 31, 1980. Applicant: BAMA EXPRESS, INC., 5400 Kauloosa Ave., Tuscaloosa, AL 35401. Representative: Henry B. Cummings, Address same as the Address of the applicant. *Concrete products and accessories, materials, and supplies used in the installation and shipping of such commodities,* from the plant sites of Tuscaloosa Concrete Pipe Co., at or near Tuscaloosa, AL to points in MS, TN, GA and FL, for 180 days. Supporting shipper(s): Tuscaloosa Concrete Pipe Co., 3735 32nd Ave., Tuscaloosa, AL 35403. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616—2121 Bldg., Birmingham, AL 35203.

MC 144140 (Sub-49TA), filed January 29, 1980. Applicant: SOUTHERN FREIGHTWAYS, INC., W. Highway 44, Eutis, FL 32726. Representative: John L. Dickerson, address same as applicant. *(1) Air, gas and liquid conditioning and handling equipment and (2) materials, equipment and supplies used in the installation and operation of the commodities named in (1) above, from Clarksville* and Nashville, TN to points in FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Trane Company, P.O. Box 1008, Clarksville, TN 37040. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 144330 (Sub-93TA), filed November 20, 1979. Applicant: UTAH CARRIERS, INC., P.O. Box 1218, Freeport Center, Clearfield, UT 84016. Representative: Charles D. Midkiff, same address. *Wallboard,* from Rosario, NM to Denver, CO and Phoenix, AZ, for 180 days. Supporting shipper(s): Dry Wall Supply, Inc., 1805 W. Irvington Place, Denver, CO 80223. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT 84138.

MC 144910 (Sub-14TA), filed December 3, 1979. Applicant: TYREE D. PRUITT, d.b.a., TY Pruitt Trucking, 811 Landay Ave., Baltimore, MD 21237. Representative: Chester A. Zyblut, 1030 15 St. NW, Washington, DC 20005. *Flour, products of flour, and sugar topping* (except in bulk), from the facilities of the Pillsbury Co., Martel, OH, to Williamsport, PA and points in its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Pillsbury Co., 6082 Avenue, South, Minneapolis, MN 55402. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 144930 (Sub-43TA), filed January 9, 1980. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46015. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. *Clay, crushed or ground, except in bulk* from Quality, GA to points in DC, DE, IL, IN, KY, MD, NJ, NY, OH and PA for 180 days. Supporting shipper(s): Waverly Mineral Products Co., 3018 Market St., Philadelphia, PA 19104. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 145301 (Sub-7TA), filed January 15, 1980. Applicant: R. E. M. TRANSPORT CO., INC., Building No. 431, Raritan Center, Edison, NJ 08817. Representative: Brian S. Stern, 2425 Wilson Boulevard, Suite 367, Arlington, VA 22201. *Chemicals, plastics and materials and supplies used in the production or marketing of the above commodities* (except in bulk) from points in Harris County, TX to points in CT, IL, IN, MA, MI, NH, NJ, NY, OH, PA and RI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Diamond Shamrock Corporation, 1100 Superior Avenue, Cleveland, OH 44114. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 145481 (Sub-4TA), filed January 28, 1980. Applicant: COYOTE TRUCK LINE, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. *Such commodities as are dealt in by department stores (except commodities in bulk)* from points in Alabama, Georgia, Mississippi, North Carolina, Tennessee, South Carolina, and Philadelphia, Pennsylvania to the facilities utilized by the Akron, Inc. in Los Angeles, California for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): The Akron, Inc., 3540 Wilshire Blvd., Los Angeles, CA 90010. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 145651 (Sub-1TA), filed June 7, 1979. Applicant: DUNCAN & SONS, INC., P.O. Box 775, Lewis, CO 81327. Representative: J. F. Crosby, P.O. Box 37205, Omaha, NE 68137. Burlap from Los Angeles, CA and points in its commercial zone to Monte Vista, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Valley Bag & Chemical Co., Inc., P.O. Box 109, Monte Vista, CO. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 145651 (Sub-2TA), filed August 6, 1979. Applicant: DUNCAN & SONS, INC., P.O. Box 775, Lewis, CO 81327. Representative: J. F. Crosby, P.O. Box 37205, Omaha, NE 68127. *Protroleum products,* from Los Angeles, CA to points in UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Texaco, Inc., 111 Rusk Street, P.O. Box 52332, Houston, TX 77052. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 145651 (Sub-3TA), filed November 26, 1979. Applicant: DUNCAN & SONS, INC., P.O. Box 775, Lewis, CO 81327. Representative: J. F. Crosby, I–80 & Hwy. 50, P.O. Box 37205, Omaha, NE 68137. *Petroleum products* (except commodities in bulk) from Los Angeles, CA, and points in its comm. zone, to points in AZ, NM and CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Texaco Inc., 1111 Rusk, Houston, TX 77002. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 145950 (Sub-74TA), filed January 16, 1980. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 2611, Waco, TX 76706. Representative: Arthur Grimes, Route 6, Box 2611, Waco, TX 76706. *Pneumatic tires* from the facilities of General Tire Company at or near Waco, TX to Phoenix, AZ; Calexico and Los Angeles, CA and points in their commercial zones for 180 days. Underlying ETA has been filed. Supporting shipper(s): EMPCO Industries, Inc., 900 Allen Avenue, Glendale, CA 91201. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 145981 (Sub-2TA), filed January 15, 1980. Applicant: ACE TRUCKING CO., INC., One Hackensack Avenue, South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Groceries and grocery supplies and materials, equipment and supplies used in the manufacture and sale of groceries and grocery supplies* (except commodities in bulk) between points in MA, on the one hand, and, on the other, points in the states of DE, GA, IL, IN, MD, NJ, NY, NC, OH and PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Transtop Incorporated, 50 Somerset Avenue, Winthrop, MA 02152. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 145981 (Sub-3TA), filed January 16, 1980. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Foodstuffs and materials, equipment and supplies used in the manufacture and sale of foodstuffs* (except commodities in bulk) between points in NJ on the one hand, and, on the other, points in CA, IL, IN, IA, MI, MN, OH and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): De Zaan, Inc., 411 Hackensack Avenue, Hackensack, NJ 07601. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 146040 (Sub-3TA), filed February 1, 1980. Applicant: THOMAS L. McDOWELL and BETTY McDOWELL d.b.a. McDOWELL TRUCKING, Route 2, Michie, TN 38357. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Sand, gravel, limestone and crushed stone, from the plant site or quarry of Adamsville Sand & Gravel Co., Inc. at or near Adamsville, TN to points in Alcorn County, MC and Tishomingo County, MS, for 180 days. Common, irregular. An underlying ETA granted 90 days authority. Supporting shipper(s): Adamsville Sand & Gravel Co., Inc., Adamsville, TN. Send protests to: Diana J. Porter, Suite 2006—100 N. Main St., Memphis, TN 38103.*

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MC 146051 (Sub-4TA), filed December 31, 1979. Applicant: WITTENBURG TRUCK LINE, INC., P.O. Box 96, Readlyn, IA 50668. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. *Iron and steel articles* from Grand Rapids and Detroit, MI; Cleveland, OH; Marengo, DeKalb, and Chicago, IL, and their commercial zones to points in ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, LA, WI, IL, MS, AL, GA, TN, KY, OH, MI, IN, and CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American United Steel Co., 3330 Dundee, Unit C–5, Northbrook, IL 60062. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 146081 (Sub-1TA), filed December 3, 1979. Applicant: SERVICE EQUIPMENT & TRUCKING, INC., Box 162, Mattoon, IL 61932. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Road paving equipment,* from Mattoon, IL to points in the United States, except AK and HI (restricted to traffic originating at the facilities of Blaw-Knox Construction Equipment Co., at Mattoon, IL) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Blaw-Knox Construction Equipment Co., East Route 16, Mattoon, IL 61938. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 146210 (Sub-3TA), filed January 16, 1980. Applicant: MARK IV MESSENGER, INC., Marron Bldg, 50 N. Franklin Tpke., Ho-ho-kus, NJ 07423. Representative: Paul J. Keeler, PO Box 253, South Plainfield, NJ 07080. CONTRACT, IRREGULAR. *Computer printouts; computer terminals and equipment, supplies and materials used or useful in the installation or operation of computer terminals.* Between Rochelle Park, NJ and points in MA, RI, CT, points in PA on and east of US HWY 15 and points in Columbia, Dutchess, Greene, Nassau, Orange, Putnam, Rockland, Suffolk, Ulster and Westchester Counties, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Xerox Computer Services, 365 West Passaic Street, Rochelle Park, NJ 07662. Send protests to: Joel Morrows, D/S, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 146281 (Sub-2TA), filed July 25, 1979. Applicant: SILVER FLEET EXPRESS, INC., P.O. Box 6089, 4521 Rutledge Pike, Knoxville, TN 37914. Representative: Blaine Buchanan, 1024 James Bldg, Chattanooga, TN 37402. *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities which because of size or weight require the use of special equipment),* serving Etowah, TN and points in its commercial zone as off-route points in connection with applicant's otherwise authorized regular route operations between Knoxville, TN and New Orleans, LA, for 180 days. Supporting shipper(s): There are 7 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Glenda Kuss, Suite A–422, 801 Broadway, Nashville, TN 37203.

MC 146281 (Sub-3TA), filed December 5, 1979. Applicant: SILVER FLEET EXPRESS, INC., 4521 Rutledge Pike, P.O. Box 6089, Knoxville, TN 37914. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004. *Foodstuffs,* from the plant site of Stokely-Van Camp at or near Newport, TN to points in MS, LA, and AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stokely-Van Camp, Inc., 941 N. Meridian St., P.O. Box 1113, Indianapolis, IN 46206. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 146440 (Sub-6TA), filed January 25, 1980. Applicant: BOSTON CONTRACT CARRIER, INC., 34 Market Street, Everett, MA 02149. Representative: Mr. Alan Bernson, Suite #32, 34 Market Street, Everett, MA. 02149. *Confectionery and confectionery products (except in bulk)* from the facilities of Schrafft Candy Company, Boston, MA and Woburn, MA to Phoenix, AZ, Little Rock, AR, Los Angeles, CA, San Francisco, CA, Denver, Colorado, Jacksonville, FLA, Miami, FLA, Orlando, FLA and Winter Haven, FLA, Atlanta, GA, Chicago, ILL, Ft Wayne and Indianapolis, Ind. Kansas City, Kansas, Detroit and Grand Rapids, MI, Minneapolis and St. Paul, MN, St. Louis, MO, Charlotte, NC, Cincinnati, Cleveland, Columbus, Dayton and Toledo, OH, Portland, Oregon, Chattanooga, Memphis and Nashville, TN, Dallas, El Paso, Ft Worth, and Houston, TX, Salt Lake City, UT, Seattle, Washington and Milwaukee, Wisconsin. Supporting shipper(s): Schrafft Candy Company, Sullivan Square, Boston, MA. Send protests to: John B. Thomas, D/S, I.C.C., 150 Causeway Street, Boston, MA. 02114.

MC 146451 (Sub-19TA), filed September 11, 1979. Applicant: WHATLEY-WHITE, INC., 230 Ross Clark Circle, NE, Dothan, AL 36302. Representative: William K. Martin, 57 Adams Avenue, Montgomery, AL 36104. *Woven paper fabrics, plastic coated cloth and plastic coated fabrics* (other than loop or pile surface) from the facilities utilized by Twitchell Corporation, at or near Dothan, AL, to all points in the United States (except in AL only to Mobile), for 180 days. Supporting shipper(s): Twitchell Corporation, P.O. Box 1566, Dothan, AL 36302. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616–2121 Building, Birmingham, AL 35203.

MC 146671 (Sub-1TA), filed March 30, 1979. Applicant: PRODUCE SERVICE INC., d.b.a. PSI, 1120 Erie Street, North Kansas City, MO 64116. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. *Charcoal, charcoal briquets, fireplace logs, wood chips, lighter fluid and all related products* (except liquid commodities in bulk), from Meta, MO, to AZ, CA, CO, FL, GA, KS, NE, MS, NM, OK, OH, SD, TX, UT, and WA, for 180 days. An underlying ETA was granted for 20 days. Supporting shipper(s): Standard Milling Company, P.O. Box 410, Kansas City, MO 64141. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut, Kansas City, MO 64106.

MC 146671 (Sub-2TA), filed April 11, 1979. Applicant: PRODUCE SERVICE, INC., 1120 Erie Street, North Kansas City, MO 64116. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Charcoal, charcoal briquets, fireplace logs, wood chips lighter fluid and related products* (except commodities in bulk), from Dickinson, ND to points in MN, SD, IA, NE, MO, AR, LA, TX, OK, KS, MT, ID, WA, OR, WY, CA, NV, AZ, CO, and NM, for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): Husky Industries, 62 Perimeter Center East, Atlanta, Ga 30346. Send protests to: Vernon V. Coble D/S, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 146671 (Sub-3TA), filed April 11, 1979. Applicant: PRODUCE SERVICE, INC., 1120 Erie Street, North Kansas City, MO 64116. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Charcoal, charcoal briquets, fireplace logs, wood chips, lighter fluid and related products* (except commodities in bulk), from Branson, MO to points in AR, LA, MS, TN, IN, IL, OH, TX, OK, KY, NE, IA, W VA, PA, NM, AL, CO, CA, KS, UT, and NV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Husky

Industries, 62 Perimeter Center East, Atlanta, GA 30346. Send protests to: Vernon V. Coble, DS, ICC, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 146671 (Sub-4TA), filed April 16, 1979. Applicant: PRODUCE SERVICE INC., 1120 Erie Street, North Kansas City, MO 64116. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. *Foodstuffs* (except commodities in bulk), from Bonner Springs, KS to points in OK, TX, MO, AR, LA, AZ, and NM, for 180 days, an underlying ETA seeks 90 day authority. Supporting shipper(s): Southeastern Public Service, P.O. Box 356, Bonner Springs, KS 66012. Send protests to: Vernon V. Coble, D/S, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 146671 (Sub-9TA), filed September 24, 1979. Applicant: Produce Service, Inc., d.b.a. PSI, 1120 Erie Street, North Kansas City, MO 64116. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. *Apple cider* (except in bulk), from Alton and Olney, IL, to points in IA, MO, KS, NE, OK, TX, AR, and CO. Supporting shipper(s): Southeastern Public Service, P.O. Box 356, Bonner Springs, KS 66012. Send protests to: Vernon Coble D/S, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 146820 (Sub-4TA), filed August 1, 1979, published in the **Federal Register** of October 3, 1979, and republished this issue. Applicant: B & G TRUCKING, INC., 77 East Wilson Bridge Road, Worthington, OH 43085. Applicant's representative: David Turano, 100 East Broad St., Columbus, OH 43215. *(1) Such commodities* as are dealth in by wholesale, retail and chain grocery and food business warehouses; *(2) Materials, equipment, and supplies* used in the manufacture, processing, and distribution of (1) above, (a) between the facilities of the Clorox Company at Chicago, IL, on the one hand, and, on the other, points in the states of IN, MI, and OH; and (b) between the facilities of the Clorox Company at Cleveland, OH, on the one hand, and, on the other, points in the states of MI, PA, NY, and NJ, restricted against the transportation of frozen commodities and commodities in bulk and further restricted to the transportation of shipments under a continuing contract(s) with The Clorox Company of Oakland, CA. Shipper: The Clorox Co., 1221 Broadway St., Oakland, CA 94612. Send protest to: ICC, Fed. REs. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106. The purpose of this application is to properly reflect the commodities and the origins and territories involved.

MC 146841 (Sub-5TA), filed January 15, 1980. Applicant: DESERT FREIGHT LINES INC., 1200 Valencia Ave., Tustin, CA 92680. Representative: William J. Monheim, P.O. Box 1756 Whittier, Ca 90609. *Drilling tools, parts for drilling tools, and knocked down boxes,* from Irvine, CA, to Denver, CO and Dallas, TX, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Smith Tool Company, 17871 Von Karman Ave., P.O. Box C–19511, Irvine, CA 92713. Send protests to: Irene Carlos, T/A, I.C.C., Room 1321 Federal Building, 300 N. Los Angeles St., Los Angeles, CA 90012.

MC 146880 (Sub-2TA), filed January 2, 1980. Applicant: LOWELL E. DENTON, d.b.a. DENTON CARTAGE CO., 7322 West 90th Street, Bridgeview, IL 60455. Representative: Lowell E. Denton, P.O. Box 40, Palos Park, IL 60464. *Empty container chassis'* from North Bergen, NJ; Harrisburg and West Point, PA; Baltimore, MD; Norfolk, VA to Chicago, IL for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Transport International Pool, 210 N. Ogden Ave., Chicago, IL 60607. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 147280 (Sub-4TA), filed December 21, 1979. Applicant: WARREN GRADWELL, d.b.a. W. L. GRADWELL TRANSPORT, Route 1, Box 52, Mingo, IA 50168. Representative: James M. Hodge, 1980 Financial Ctr. Des Moines, IA 50309. contract carrier—irregular routes *fresh or frozen pork products (except in bulk)* from points in IL, MN, and NE to (1) San Leandro, CA, under continuing contract(s) with Joe Larwill Fresh Pork; (2) Reno, NV, and Sacramento, CA, under continuing contract(s) with Calvada Sales Co.; and (3) San Francisco, CA, under continuing contract(s) with C. J. Figone & Son, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Joe Larwill Fresh Pork, 560 Estabrook, San Leandro, CA 94577; Calvada Sales Co., P. O. Box 5535, Reno, NV 89503; C. J. Figone & Son, 815 Tennessee St., San Francisco, CA 94107. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 147461 (Sub-2TA), filed December 18, 1979. Applicant: FEDERAL ARMORED EXPRESS, INC., 7675 Canton Center Dr., Baltimore, MD 21224. Representative: Frederick A. Aus, 7675 Canton Center Dr., Baltimore, MD 21224. *Currency,* between Philadelphia, PA, Richmond, VA, Culpeper, VA, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Federal Reserve System, 20 & Constitution NW, Washington, DC 20551. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 147521 (Sub-5TA), filed January 15, 1980. Applicant: J. S. L, 916 E. Vermont St., Anaheim, CA 92805. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 91202. *Foodstuffs, in refrigerator equipment,* from points in Orange County, CA to points in Maricopa County, AZ, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Orange Bakery, Inc., 17751 Cowan Ave., Irvine, CA 92664. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 147570 (Sub-2TA), filed December 26, 1979. Applicant: KABAT EXPRESS, INC., 1944 Scranton Rd., Cleveland, OH 44113. Representative: Daniel Kabat, same address as applicant. Contract carrier, irregular routes: *Lead, materials, equipment and supplies used in the processing of lead* between Cleveland, OH, on the one hand, and, on the other, points in and east of ID, UT, and AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Master Metals, Inc., 2850 E. Third St., Cleveland, OH 44113. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 147911 (Sub-2TA), filed January 21, 1980. Applicant: TILFORD TRUCKING, INC., P.O. Box 34, Readyville, TN 37149. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004. *Wheel balancing materials and equipment and commodities used in the manufacture thereof,* between Rutherford County, TN, on the one hand, and, on the other, points in the U.S., for 180 days. Supporting shipper(s): Perfect Equipment Company, 855 Scotch St., Murfreesboro, TN 37130. Send protests to: Glenda Kuss, TA, ICC, A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 148211 (Sub-1TA), filed November 6, 1979. Applicant: JACKSON TRANSFER, INC., 6520 Powers Ferry Road, Suite 200, Atlanta, GA 30339. Representative: C. Jack Pearce, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. *Meats, meat products and meat by-products* from Glenwood, Sioux City and Marshalltown, IA, Guymon, OK, Clovis, NM and Cactus, TX to points in AL, FL, GA, MS, NC, SC and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift & Company, 115 West Jackson Blvd., Chicago, IL 60604. Send protests to: Sara

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K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 148281 (Sub-11TA), filed January 28, 1980. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Road, Whittier, CA 90601. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Plastic containers*, from Tacoma, WA to points in CA, CO, OR and UT, for 180 days. Supporting shipper(s): Northwest Containers, Inc., 635 E. 15th St., Tacoma, WA 98421. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 148300 (Sub-1TA), filed January 14, 1980. Applicant: ALL STAR VAN & STORAGE, INC., 2309 Mills Street, El Paso, Texas 79901. Representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. *Appliances* between points in TX west of Highway 83; NM and AZ: Thatcher, Nogales, Tucson, Show Low, Coolidge, Flagstaff, Sedona, AZ; Alamogordo, Santa Fe, Espanola, Las Vegas, Spunger, Farmington, Carlsbad, NM; Pecos, Presidio, Fabens, Fort Stockton, Big Lake, Brownfield, Hereford, TX for 180 days. Underlying ETA filed. Supporting shipper(s): Maytag Company, Newton, IA 50208. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 148501 (Sub-1TA), filed December 7, 1979. Applicant: SOUTHCHEM, INC., 750 East Markham, Durham, NC 27702. Representative: John M. Pugh, 750 East Markham, Durham, NC 27702. *Contract carrier*—Irregular routes: *Tobacco and tobacco products and advertising and promotional items when moving in the same vehicle and at the same time as the tobacco and tobacco products* from Durham, NC to Albany, NY, Atlanta, GA, Bellmawr, PA, Buffalo, NY, Farmingdale, NY, Harrisburg, PA, Hartford, CT, Jacksonville, FL, Jersey City, NJ, Louisville, KY, Memphis, TN, Pittsburgh, PA, Syracuse, NY, Tampa, FL and Wilkes-Barre, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Liggett & Myers Tobacco Company, Main & Fuller Sts., Durham, NC 27702. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd.—Rm CC516, Charlotte, NC 28205.

MC 148570 (Sub-3TA), filed January 9, 1980. Applicant: N.A.T. TRANSPORTATION, INC., 229 North Main St., Bradner, OH 43406. Representative: Abraham A. Diamond, 29 South LaSalle St., Chicago, IL 60603. (a) *Industrial filtration equipment, and* (b) *equipment, materials and supplies used or useful in the manufacture, sale and distribution of the commodities named in (a) above*, between Bowling Green, OH, on the one hand, and points in the continental United States in and east of MT, WY, CO and NM, on the other, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Henry Filters, Inc., 1350 Van Camp Rd., Bowling Green, OH 43402. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 148620 (Sub-2TA), filed February 1, 1980. Applicant: K.G.L. CONTRACTING SERVICES, INC., 2270 S.W. 30th St., Fort Lauderdale, FL 33312. Representative: John T. Bond, Suite 410, Hollywood Fed. Bldg., 909 South State Rd. 7, Hollywood, FL 33023. Contract Carrier—Irregular Route: *Commodities as are sold or used by operators of restaurant chains* (except commodities in bulk) between (1) Burger King facilities; (2) Burger King facilities and Burger King supply areas; and (3) to and from Burger King supply areas throughout the U.S. (excluding AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Burger King Corporation, 9200 South Dadeland Blvd., Miami, FL 33152. Send protests to: Donna M. Jones, T/A, ICC–BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 148731(Sub-2TA), filed November 20, 1979. Applicant: MINKEVITCH TRUCKING & HAULING, INC., 1217 Cross Street, Ogden, UT 84404. Representative: Fred J. Minkevitch, Jr., same address. *(1) Salt and Salt Products; and (2) Materials and supplies used in agriculture, water treatment, food processing, wholesale grocery, and institutional supply industries when shipped in mixed loads with commodities named in (1) above*, from points and facilities of Lake Crystal Salt Co. at or near Saline, UT and Ogden, UT to points in AZ, CA, CO, ID MT NE NV, NM, OR, SD, UT, WA and WY, for 180 days. An underlying ETA requesting up to 90 days authorized. Supporting shipper(s): Lake Crystal Salt Co., P.O. Box 459, Hutchinson, KS 67501. Send protests to: PATRICIA ALLGIER, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT 84138.

MC 148741 (Sub-1TA), filed January 31, 1980. Applicant: K. A. GOTCHAL, an individual, 6530 Power Line Road, Fallon, NV 89406. Representative: (Same as applicant) *Truck and equipment bodies and hoists* and related articles, from Los Angeles, CA to Reno, NV, for 180 days. Supporting shipper(s): Jordon Thermo King, 355 Sage Street, Reno, NV 89505. Send protests to: W. J. Huetig DS, I.C.C., 705 North Plaza Street, Carson City, NV 89701.

MC 148791 (Sub-4TA), filed November 21, 1979. Applicant: TRANSPORT-WEST, INC., 247 West 1400 South, Salt Lake City, UT 84115. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. *Such commodities as are dealt in or used by wholesale or discount retail department, discount or variety stores*, between Salt Lake City, UT and Reno, NV and their respective commercial zones, for 180 days. There is an identical ETA request for 90 days. Supporting shipper(s): Grand Central, Inc., 2233 S. 300 East, Salt Lake City, UT 84115. Send protests to: PATRICIA ALLGIER, TA, ICC, 5301 Federal Bldg., 125 S State St., Salt Lake City, UT 84138.

MC 149161 (Sub-2TA). Applicant: FOREST PARK AND MAIN STREET WRECKERS, INC., 5013 Courtny Drive, Forest Park, GA 30050. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. (1) *Wrecked and disabled trucks; wrecked and disabled tractors; wrecked and disabled trailers and* (2) *replacement vehicles* from points in FL, AL, MS, KY, TN, NC, SC, and VA to Atlanta, GA and (2) from Atlanta, GA to points in FL, AL, MS, KY, TN, NC, SC, and VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are (15) shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 149170 (Sub-4TA), filed December 28, 1979. Applicant: ACTION CARRIER, INC., 1000 East 41st Street, Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 S. LaSalle Street, Chicago, IL 60603. (1) *Electric ranges and microwave ovens, and parts and accessories thereto*, from Minneapolis, MN, and Sioux Falls, SD, to all points in the United States except AK and HI; and (2) *Commodities used in the manufacture, sale and distribution of (1) above, except commodities in bulk*, from all points in the United States, except AK and HI, to Minneapolis, MN, and Sioux Falls, SD, restricted to traffic originating at and destined to Litton Microwave Cooking in Minneapolis, MN and Sioux Falls, SD for 180 days. Supporting shipper(s): Litton Microwave Cooking, 1405 Xenium Lane, No., Minneapolis, MN 55440. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 148811 (Sub-2TA), filed December 4, 1979. Applicant: BECKSTROM ENTERPRISES, INC., P.O. Box 56, Gwinner, ND 58040. Representative: JAMES B. HOVLAND, 414 Gate City

Building, P.O. Box 1680, Fargo, ND 58107. (1) *Iron and steel articles*, from Minneapolis, MN, and Chicago, IL to the facilities of Concord, Inc. at Fargo, ND; and (2) *Airline baggage wagons*, from the facilities of Concord, Inc. at Fargo, ND to Chicago, IL and Memphis, TN for 180 days. Supporting shipper(s): Concord, Inc., 2800 7th Ave. North, Fargo, ND 58102. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 148971 (Sub-1TA), filed January 24, 1980. Applicant: EDWARD L. PARKER, d.b.a. ED PARKER TRUCKING, Monona, IA 52159. Representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, IA 52001. *Cheese and cheese products* from Hopkinton, Luana, and St. Olaf, IA, to Hyde Park, Logan, and Smithfield, UT; and Kiel and Monroe, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mississippi Valley Milk Producers Assn., P.O. Box 4493, Davenport, IA 52808. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 148971 (Sub-2TA), filed December 31, 1979. Applicant: EDWARD L. PARKER, d.b.a. ED PARKER TRUCKING, Monona, IA 52159. Representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, IA 52001. *Dairy products* (1) from St. Olaf, IA, to Topeka and Wichita, KS; Lakeville and Rochester, MN; Joplin and Kansas City, MO; Lincoln, NE; Oklahoma City, OK; Houston and San Antonio, TX; (2) from Luana, IA, to Deerfield, IL, and Rochester, MN; (3) from Rochester, MN, to St. Olaf, IA; (4) from Clinton, Maquoketa, and Waterloo, IA, to Topeka and Wichita, KS; Detroit, MI; Joplin and Kansas City, MO; Lincoln, NE; Oklahoma City, OK; and Houston and San Antonio, TX; and (5) from Fredericksburg, IA, to Topeka and Wichita, KS; Joplin and Kansas City, MO; Lincoln, NE; Oklahoma City, OK; and Houston and San Antonio, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mississippi Valley Milk Producers Assn., Inc., P.O. Box 4493, Davenport, IA 52808. Fleming Foods Co., 2 Townsite Plaze, Topeka, KS 66601. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 149020 (Sub-1TA), filed December 13, 1979. Applicant: MYERS MEN, INC., 4429 Hamilton Blvd., Allentown, PA 18103. Representative: Robert B. Einhorn, 3220 PSFS Bldg., Philadelphia, PA 19107. Contract carrier, irregular routes: *Used trucks in driveaway and truckaway and service* between points in the states of PA, NY, NJ, CT, RI, MA, OH, MD, DE, VA, NC, IN, WV, and IL, under continuing contract(s) with Mack Trucks, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mack Trucks, Inc., Box M, 2100 Mack Blvd., Allentown, PA 18105. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 149031 (Sub-1TA), filed December 21, 1979. Applicant: WLD, LTD., Route 4, Fairfield, IA 52556. Representative: Richard D. Hoadley, 121 N. Court St., Fairfield, IA 52556. CONTRACT CARRIER—IRREGULAR ROUTES *iron and steel articles and automotive and machinery parts* between points in IL, IN, IA, KS, KY, MI, MN, MO, NE, NY, OH, OK, PA, TN, and WI, for 180 days, under contract with Rockwell International Corporation. An underlying ETA seeks 90 days authority. Supporting shipper(s): Rockwell International Corporation, 1801 W. Stone Ave., Fairfield, IA 52556. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 149120 (Sub-2TA), filed January 2, 1980. Applicant: WORLD WIDE THEATRICAL RENTALS, INC., 695 So. Glenwood Place, Burbank, CA 91506. Representative: Loeb and Leob, One Wilshire Bldg., Suite 1600, Wilshire at Grand Ave., Los Angeles, CA 90017. *Equipment, materials and supplies for television, live theatrical, stage, industrial and promotional productions*, between all points in the United States, for 180 days. Supporting shipper(s): There are approximately fourteen shippers. The statements may be examined at the office listed below and Headquarters. Send protests to: Irene Carlos, T/A, ICC, 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 149131 (Sub-1TA), filed January 22, 1980. Applicant: ELLIS TRUCKING CO., Route 1, Box 294, Grand Bay, AL 36541. Representative: Thomas J. Ellis (same address as applicant). *Machinery parts, iron and steel, iron and steel articles, aluminum products and construction equipment*, between Mobile County, AL, and points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, TX, restricted to a transportation service for Franklin Machine & Iron Company. Supporting shipper(s): Franklin Machine & Iron, P.O. Box 358, Grand Bay, AL 36542. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 149150 (Sub-2TA), filed January 4, 1980. Applicant: 166 AUTO AUCTION, INC., 2944 W. Sunshine, Springfield, MO 65807. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804. *Used pickup trucks, and used vans*, from Springfield, MO to points in AR, IL, IN, IA, KS, MI, NB, OK, TN, and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): 18 supporting statements can be viewed at Kansas City, MO field office or Washington, D.C. office. Send protests to: Vernon V. Coble, DS, ICC, Room 600, 911 Walnut St., Kansas City, MO 64106.

MC 149151 (Sub-1TA), filed January 5, 1980. Applicant: SCHUH TRANSPORT, INC., P.O. Box 207, Kaukauna, WI 54130. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract carrier: irregular routes: Aviation gasoline and jet fuel* from East Chicago, IN, to Austin Straubel Field, Green Bay, and Waupaca and Wautoma, WI. Restricted to transportation to be performed under a continuing contract(s) with Green Bay Aviation Corp. and Cliff Johnson Oil Company of Waupaca, Inc. for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Green Bay Aviation Corp., Austin Straubel Field, Green Bay, WI 54303; Cliff Johnson Oil Co. of Waupaca, Inc., 325 Miller St., Waupaca, WI 54981. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 149171 (Sub-1TA), filed January 10, 1980. Applicant: DATALERT CORP., d.b.a. CHRISTIAN TRANSPORT, 2959 Genesee Street, Buffalo, NY 14225. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Contract carrier—irregular routes. *Meat, meat products, meat by-products and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)*, from Buffalo, NY to Los Angeles and San Francisco, CA; Denver, CO; Ft. Lauderdale, FL; Indianapolis, IN; New Orleans, LA; Minneapolis, MN; St. Louis, MO; Albuquerque, NM; and Dallas, TX, and points in the commercial zones of the respectively named cities, moving under a continuing contract or contracts with Z & W Foods, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Z & W Foods, Inc., 755 Bailey Avenue, Buffalo, NY 14206. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 West Huron St., Buffalo, NY 14202.

MC 149180 (Sub-1TA), filed January 7, 1980. Applicant: THOMAS GARY WEBB, d.b.a. T. G. WEBB CO., P.O. Box 414, Wingate, NC 28174. Representative: W. G. Reese III, P.O. Box 3004,

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Charlotte, NC 28203. *Animal, fish or poultry feed, and feed ingredients* from the facilities of Diamond Shamrock Corporation at or near Louisville, KY to points and places in NC and SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. A. Warren Co., P.O. Box 17095, Charlotte, NC 28211. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 149181 (Sub-1TA), filed January 28, 1980. Applicant: KEIM TRANSPORTATION, INC., 420 North Sixth, Sabetha, KS 66534. Representative: Clyde N. Christey, 1010 Tyler, Suite 110L, Topeka, KS 66612. Contract, irregular; *dry fertilizer* from the facilities of Agrico located in the commerical zone of Blytheville, AR; the facilities of White River Chemical Corp. located in the commerical zone of Clarendon, AR; the facilities of American Cynamid located in the commercial zone of Helena, AR; the facilities of U.S. Fertilizer Co. located in the commerical zone of Little Rock, AR; the facilities of Terra Chemical located in the commerical zone of Port Neal, IA; the facilities of Cargill, Inc. located in the commercial zone of Sioux City, IA; the facilities of Gulf Chemical Company at or near Military, KS; the facilities of Agrico, First Mississippi, Olin Chemical Company and the barge terminals located in the commerical zone at or near Brunswick, MO; the facilities of Agrico, Allied Chemical, First Mississippi Chemical and Conserve located in the commercial zone of Kansas City, MO; the facilities of Cargill, Inc., located in the commerical zone of New Madrid, MO; the facilities of SureGro located in the commerical zone of Fall City, NE; the facilities of Allied Chemical Co. located in the commerical zone of LaPlatte, NE; the facilities of Martrex and American Cynamid located in the commercial zone of Nebraska City, NE; the commercial zone of Omaha, NE; the facilities of Agrico, Olin Chemical Company and Conserve located at or near the Port of Catoosa, OK; the facilities of N-Ren located in the commerical zone of Pryor, OK; the facilities of Chem-Quip and Conserve located in the commmerical zone of Tulsa, OK; the facilities of Fertitex located in the commerical zone of Kearns, TX; the facilities of Occidental Chemical located in the commercial zone of Plainview, TX; and the facilities of Texarkana Milling located in the commerical zone of Texarkana, TX to Arkansas, those points in CO east of the Continental Divide, IA, KS, MO, NE and those points in OK north of U.S. Interstate Highway No. 40, for 180 days. Supporting shipper(s): DeBruce Fertilizer, Inc., Box 10670, Gladstone, MO 64118. Send protest to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 149201 (Sub-1TA), filed January 18, 1980. Applicant: SUN STATES TRUCKING, INC., 304 S. 67th Ave. (P.O. Box 7363 Indian School Station), Phoenix, AZ 85011. Representative: Phil B. Hammond, 3003 N. Central Ave., Suite 1705, Phoenix, AZ 85012. Contract, *Straight structural steel and steel plate, sheet, coil and pipe,* from the facilities of California Pacific Steel, Inc., Bell Gardens, CA, to the facilities of California Pacific Steel, Inc., Phoenix, AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: California Pacific Steel, Inc., 6006 Shull, Bell Gardens, CA 90201. Send Protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025. Supporting shipper: California Pacific Steel, Inc., 6006 Shull, Bell Gardens, CA 90201. Send protests to: Ronald R. Mau, District Superviosor , 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 149211 (Sub-2TA), filed January 7, 1980. Applicant: CONMAC STAGE LINES, LTD., 2280 Beacon Avenue, Sidney, B.C., V8L 1X1. Representative: Gerry Conrod (Same as above). *Passengers and baggage in round trip charter operations,* beginning and ending at ports of entry on the International Boundary line between the U.S. and Canada in WA state and extending to points in WA, OR, CA and NV, for 180 days. Supporting Shipper(s): Budget Travel Limited, 1066 Douglas St., Victoria, B.C., Canada V8W 2C3 Limel Contracting Ltd., 2375 Ulta Vista, Victoria, B.C. Sidney and Penninsula Kiwanis Club, 2025 A Rolwell Ave., Sidney, B.C. V8L 2L6 Vancouver Island Thoroughbred Horse Society, 10963 Kalitan Rd, Sidney, B.C. Victoria Airport Travel Lodge, 2280 Beacon Ave., Sidney, B.C. V8L1X1. Send protests to: Hugh H. Chaffee, D/S, ICC, 858 Federal Building, Seattle, WA 98174.

MC 149241 (Sub-1TA), filed Jan. 30, 1980. Applicant: R & T TRUCKING, INC.; 2003 E. Viola, Yakima, WA. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. *Meat, meat products and meat byproducts (except hides and commodities in bulk)* from the facilities of Washington Beef Producers, Inc. at Toppenish & Yakima, WA to Bend, OR, Eugene, OR and Sublimity, OR and the Portland, OR commerical zone and points in CA for 180 days. A corresponding ETA has been approved and a permanent will be filed. Supporting shipper(s): Washington Beef Producers, Inc., Box 9344, Yakima, WA 98909. Send protests to: D. Merine Galbraith, T/A, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 149300 (Sub-1TA), filed November 2, 1979. Applicant: FRANK L. CASTINE, INC., d.b.a. CASTINE MOTOR SERVICE, 1235 Chestnut Street, Athol, MA 01331. Representative: Donald R. Castine (same address). Contract carrier: irregular routes: *Telephone equipment, materials and supplies, including tools and test sets used in the construction, maintenance and removal of telephone systems,* to and from all points in the Commonwealth of Massachusetts, under contract with New England Telephone Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): New England Telephone Company, 99 High Street, Room 403, Boston, MA 02110. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 149341 (Sub-1TA), filed January 28, 1980. Applicant: McCOY FARM SERVICE CENTER, INC., P.O. Box 638, Highway 24, Davisboro, GA 31018. Representative: Harry S. Dent, P.O. Drawer 528, Suite 10.F, Jefferson Square, Columbia, SC 29202. *All types of dry-bulk fertilizer* from Augusta, GA to fertilizer delivery points in SC. Supporting shipper(s): International Minerals and Chemical Corp., Molly Pond Road, P.O. Box 937, Augusta, GA 30903. Send protests to: Sara K. Davis, T/A, Interstate Commerce Commission, 1252 West Peachtree Street NW., Suite 300, Atlanta, GA 30309.

MC 150001 (Sub-1TA), filed January 25, 1980. Applicant: AMERICAN TRANSPORT LINES, INC., 180 Allen Road, Atlanta, GA 30328. Representative: Robert E. Born, 1447 Peachtree Street NE., Suite 508, Atlanta, GA 30309. *Contract carrier,* over irregular routes, transporting *such commodities as are sold by department stores, hardware stores, and wholesale and retail mail order houses,* between the facilities of W. M. Industries, Inc., at Atlanta, GA, on the one hand, and, on the other, points in the US, except AK and HI, under a continuing bilateral contract or contracts with W. M. Industries, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): W. M. Industries, Inc., 5616 Peachtree Road, Atlanta, GA 30341. Send protests to: Sara K. Davis, T/A, Interstate Commerce Commission, 1252 West Peachtree Street NW., Suite 300, Atlanta, GA 30309.

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MC 488 (Sub-16TA), filed January 2, 1980. Applicant: BERMAN'S EXPRESS CO., 318 Haymaker Rd., Monroeville, PA 15146. Representative: Leslie S. Breman (same address as applicant). *Zinc, zinc dross, and zinc residues (except in bulk), materials, equipment and supplies, used in the manufacture and distribution of zinc, zinc dross, and zinc residues (except in bulk)* for the account of St. Joe Zinc Co. between ponts in CT, DE, MD, MA, NJ, NY, OH, PA, RI, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): St. Joe Zinc Co., Two Oliver Plasa Pittsburgh, PA 15222. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 2978 (Sub-20TA), field December 27, 1979. Applicant: CLE MAR CARTAGE, INC., P.O. Box 428, Cromwell, IN 46732. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. *Contract carrier:* irregular routes: *Paper, paper products, and materials and supplies used in the manufacturer thereof* between the facilities of Sonoco Products Co. located in the states of IN, IL, MI, KY, MO & OH on the one hand, and on the other, points in IL, IN, KY, MI, MO, OH and WI on and south of U.S. Hwy 151. Restricted to service to be performed under a contract or continuing contracts with Sonoco Products Co. for 180 days. Supporting shipper(s): Sonoco Products Co., Corporate Traffic Manager, Hartsville, SC 29550. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 8958 (Sub-37TA), filed November 29, 1979. Applicant: YOUNGSTOWN CARTAGE CO., 825 W. Federal St., Youngstown, OH 44501. Representative: Philip J. Cianciolo (same address as applicant). Steel reinforcing bars and accompanying bar chairs, bar spacers, bar ties, bar supports, clips, screed chairs, stirrup, tie chairs or bar chairs or spacers combined not to exceed 10% of agregate weight, between Strongsville, OH, on the one hand, and, on the other, points in KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bethlehem Steel Corp., Bethlehem, PA 18016. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 28086 (Sub-51TA), filed December 31, 1980. Applicant: NORTH & SOUTH LINES, INC., 2710 S. Main St., Harrisonburg, VA 22801. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., Washington, DC 20004. *Foodstuffs and commodities used in the production, storage, and distribution of foodstuffs (except in bulk),* between Hanover, PA, on the one hand, and, on the other, points in OH, MD, VA, WV, NY, NJ, DE, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hanover Brands, P.O. Box 334, RD #3, Hanover, PA 17371. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 35358 (Sub-55TA), filed January 9, 1980. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive N.E., Minneapolis, MN 55421. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. *Table tops, furniture parts and upholstry materials,* from York, PA to Sheboygan, WI for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Thonet Furniture Company, 911 North 11th Street, Sheboygan, WI 50381. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 40898 (Sub-30TA), filed January 29, 1980. Applicant: S & W MOTOR LINES, INC., P.O. Box 11439, Greensboro, NC 27409. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Petroleum and petroleum products, vehicles body sealers or sound deadening compounds, except in bulk* from the facilities of Quaker State Oil Refining Corp. at or near Emlenton and Farmers Valley, PA and Congo and St. Marys, WV to points in NC and SC, for 180 days. Supporting shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Sheila Reece, TA, 800 Briar Creek Rd., Rm CC516, Charlotte, NC 28205.

MC 44469 (Sub-4TA), filed January 9, 1980. Applicant: WEST BEND TRANSIT & SERVICE CO., 105 Forest Avenue, P.O. Box 477. West Bend, WI 53095. Representative: Michael J. Collins, Wyngaard & Wilson, 150 E. Gilman St., Madison, WI 53703. *General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment,* between West Bend, WI and Kewaskum, WI over U.S. Hwy. 45 serving all intermediate points, for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): (Seven supporting shippers). Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 57778 (Sub-35TA), filed December 26, 1979. Applicant: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 West Jefferson Avenue, Detroit, MI 48209. Represenative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. *Foodstuffs* from Warren, MI to points in FL, GA, IL, IN, MA, MN, MO, NJ, OH, PA, TX, and WI; and *materials and supplies used in the manufacture and distribution of foodstuffs* from the above destination states to Warren, MI for 180 days. Supporting shipper(s): Prince Macaroni of Michigan, Inc., 26155 Groesbeck Hwy., Warren, MI 48089. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 73688 (Sub-108TA), filed October 15, 1979, and published in the **Federal Register** issue of December 10, 1979, and republished as corrected this issue. Applicant: SOUTHERN TRUCKING CORPORATION, P.O. Box 7195, 1500 Orenda Avenue, Memphis, TN 38107. Representative: Diane Price, Route 6, Box 15, North Little Rock, AR 72118. *Meat, meat products, meat by-product and articles* distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766, (except in bulk), from Mansfield, OH, to AL, CA, CT, FL, GA, IL, KY, LA, MD, MA, MO, NJ, NY, NC, PA, SC, TN, TX, VA and WA, for 180 days. Supporting shipper(s): Haring Meats, 1095 National Parkway, P.O. Box 2695, Mansfield, OH 44906. Send protests to: Floyd A. Johnson, Room 2006, 100 N. Main Street, Memphis, TN 38103. The purpose of this republication is to show California (CA) in lieu of Georgia (GA) published twice, and also to show the correct spelling of New Jersey (NJ) in lieu of (MJ) as previously published.

MC 78228 (Sub-146TA), filed September 10, 1979, and published in the **Federal Register** issue of November 27, 1979, and republished as corrected this issue. Applicant: J. MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. *Iron and steel articles,* from the facilities of Eastern Stainless Steel Co., Div. of Eastmet Corp., at Baltimore, MD to points in AR, DE, IA, MO, NJ, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Eastern Stainless Steel Co., Div. of Eastmet Corp., P.O. Box 1975, Baltimore, MD 21203. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Building, 101 North 7th Street, Room 620, Philadelphia, PA 19106. The purpose of this republication is to show location of the field office

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which protests may submitted as previously omitted.

MC 81908 (Sub-13TA), filed December 11, 1979. Applicant: GARNER TRUCKING, INC., Route #4, Findlay, OH 45840. Representative: John L. Alden, 1396 W. 5 Ave., Columbus, OH 43212. (1) *Fertilizer and fertilizer ingredients, except in bulk,* between the facilities of the Andersons at or near Maumee, OH, on the one hand, and, on the other, points in IN, IL, KY, MI, WV, and points in PA on and west of U.S. Highway 15; and (2) *Animal feed and animal feed ingredients,* between the facilities of The Andersons at or near Maumee, OH, on the one hand, and, on the other points in IN, IL, KY, MI, WV, and points in PA on the west of U.S. Highway 15, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Andersons, PO Box 119, Maumee, OH 43537. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 93649 (Sub-33TA), filed February 1, 1980. Applicant: GAINES MOTOR LINES, INC., PO Box 1549, Hickory, NC 28601. Representative: Forest M. Gaines, (same as above). *Commodities dealt in by drug and cigar stores and their related component parts and raw materials* from New York, NY and points in NJ within 50 miles of Columbus Circle, NY; Philadelphia, PA and Baltimore, MD to Sanford, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pfizer, Inc., Coty Division, PO Box 1026, Sanford, NC 27330. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd, Rm CC516, Charlotte, NC 28205.

MC 99919 (Sub-6TA), filed January 29, 1980. Applicant: FREMONT EXPRESS, INC., P.O. Box Q, 620 E. Factory, Fremont, NE 68025. Representative: Scott T. Robertson, 521 S. 14th St., Suite 500, P.O. Box 81849 Lincoln, NE 68501. *Agricultural chemicals and materials and supplies used in the manufacture, packaging, sale and distribution of agricultural chemicals* from AZ, CO, ID, IL, IN, IA, KS, KY, LA, MN, MO, MI, MT, ND, OK, SD, TN, TX, UT, WI and WY to the facilities used by American Cyanamid at or near Fremont, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Cyanamid, R. J. Van Nostrand, Transportation Manager, Agricultural Division, P.O. Box 400, Princeton, NJ 08540. Send protests to D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 100449 (Sub-120TA), filed January 9, 1980. Applicant: MALLINGER TRUCK LINE, INC., Rural Route 4, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, 1980 Financial Ctr., Des Moines, IA 50309. *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* from the facilities of Swift & Company at Sioux City, Glenwood, and Marshalltown, IA; Omaha, NE; Kansas City, KS; Kansas City, MO; East St. Louis, Rochelle, St. Charles, Bradley, and Chicago, IL; Belmont, Ft. Worth, Dallas, Cactus, and San Antonio, TX; Guymon, OK; and Clovis, NM, to points in AR, CO, IL, IN, IA, KS, LA, MI, MN, MS, MO, NE, ND, NM, OK, SD, TN, TX, and WI, for 180 days. Supporting shipper(s): Swift & Co., 115 West Jackson Blvd., Chicago, IL 60604. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 100449 (Sub-121TA), filed January 9, 1980. Applicant: MALLINGER TRUCK LINE, INC., Rural Route 4, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Ctr., Des Moines, IA 50309. *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* from the facilities of Dubuque Packing Company at LeMars, Sioux City, and Denison, IA, to points in AR, IN, KY, LA, MI, NM, OK, TX, and WI, for 180 days. Supporting shipper(s): Dubuque Packing Company, Box 340, LeMars, IA 51031. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 103798 (Sub-50TA), filed December 21, 1979. Applicant: MARTEN TRANSPORT, LTD., Rural Route 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Foodstuffs (except in bulk)* from the facilities of Land O'Lakes, Inc. at or near Hudson, IA to points in IL, MO, KS, and NE for 180 days. Supporting shipper(s): Land O'Lakes, Inc., 614 McKinley Place Minneapolis, MN 55413. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 106398 (Sub-1060TA), filed January 31, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). (1) *Buildings, complete, knocked down, or in section,* and (2) *materials and supplies used in the manufacture of buildings,* (1) from the facilities of Star Manufacturing located at Cedartown, GA, to points in CO, MT, ID, ND, OK, TX, WY, UT, WA, and OR; and (2) between the facilities of Star Manufacturing at Cedartown, GA; Oklahoma City, OK; and Homer City, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Star Manufacturing Company, 500 Tenth St., Cedartown, GA 30125. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 106398 (Sub-1061TA), filed February 1, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). *Lumber, lumber mill products, paneling, plywood and building materials,* from the facilities of Galveston Wharves located at Galveston, TX to points in OK, LA, TX, NE, MS, NM, AZ, MO, KS, and AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Board of Trustees of the Galveston Wharves, 802 25th Street, Galveston, TX 77550. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd Street, Oklahoma City, OK 73102.

MC 107478 (Sub-61TA), filed January 23, 1980. Applicant: OLD DOMINION FREIGHT LINE, INC., 1791 Westchester Dr., High Point, NC 27261. Applicant: Jerry K. Neal (same as above). *General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading,* between Memphis, TN and Birmingham, AL, on the one hand, and, on the other, Atlanta, GA; Charlotte, NC and New York, NY, for 180 days. RESTRICTED to the transportation of traffic having an immediate prior or subsequent move by air. An underlying ETA seeks 90 days authority. Supporting shipper(s): Danzas Commercial Delegation, Inc., 5950 Fairview Rd., Charlotte, NC 28210. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd.—Rm. CC516, Charlotte, NC 28205.

MC 107478 (Sub-62TA), filed January 18, 1980. Applicant: OLD DOMINION FREIGHT LINE, INC., PO Box 2006, High Point, NC 27261. Representative: C. T. Harris, 506 Mayo St., PO Box 999, Wilson, NC 27893. *Iron and steel articles* from the facilities of Exposaic Wire Company, located at Mt. Airy, NC to points in IN, IL and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Exposaic Wire Company, PO Box 1122, Mt. Airy, NC 27030. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd.—Rm. CC516, Charlotte, NC 28205.

MC 107678 (Sub-79TA), filed January 31, 1980. Applicant: HILL & HILL TRUCK LINE, INC., 14942 Talcott Ave., Houston, TX 77015. Representative: Edward D. Brown (same as above). (1) *Grain Milling and Processing Machinery and components;* (2) Machinery and Supplies used in the manufacturer of commodities in (1) above between the facilities of Ferrell-Ross, Inc., at or near Amarillo, TX on the one hand, and, on the other, points in the US including AK but excluding HI for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Ferrell-Ross, Inc., 6516 South Washington, Amarillo, TX 79120. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 108119 (Sub-238TA), filed January 8, 1980. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Bentonite clay in bags* from the facilities of American Colloid Company at Belle Fourche, SD, Upton and Lovell, WY to Calexico, CA, OK and TX for 180 days. Supporting shipper(s): American Colloid Co., P.O. Box 228, Skokie, IL 60077. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 108589 (Sub-28TA), filed December 31, 1979. Applicant: EAGLE EXPRESS CO., P.O. Box 12047, Lexington, KY 40580. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Common carrier, regular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Danville, KY and Lexington, KY, serving Harrodsburg, KY as an intermediate point and Junction City, KY as an off-route point; from Danville, KY over U.S. Hwy 127 to Junction U.S. Hwy 68, thence over U.S. Hwy 68 to Lexington and return over the same route; (2) Alternate route for operating convenience only: between Danville, KY over KY Hwy 34 to Junction U.S. Hwy 27, and then over U.S. Hwy 27 to Lexington, and return over the same route, for 180 days. Restriction: In connection with the routes described immediately above, no service is to be rendered to or from Louisville, KY and its commercial zone. Supporting shipper(s): There are 5 supporting shippers. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 113678 (Sub-844TA), filed October 3, 1979, and published in the Federal Register issue of December 10, 1979, and republished as corrected this issue. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as above). *Frozen and chilled foodstuffs,* from Vernon, CA, and its commercial zone, to points in GA, IL and VT (representative destinations—Atlanta, Macon, Columbus, GA; Chicago, Springfield, Rockford, IL; Salt Lake City, Ogden, and Provo, UT), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Alex Xlnt Foods, Inc., 2750 E. 50th Street, Vernon, CA 90058. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202. The purpose of this republication is to show the destination state of Utah (UT) in lieu of Vermont (VT) as previously published.

MC 113828 (Sub-282TA), filed January 10, 1980. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. *Alcohol* in bulk, in tank vehicles, from Williamsburg, VA to Baltimore, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Standard Brands Incorporated, 1900 Brand Ave., Baltimore, MD 21209. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 113908 (Sub-449TA), filed January 28, 1980. Applicant: ERICKSON TRANSPORT CORP., 2255 N. Packer Rd., P.O. Box 10068, Springfield, MO 65804. Representative: B. B. Whitehead, P.O. Box 10068, Springfield, MO 65804. *Chemical N.O.I., in bulk,* from Newport, TN and the commercial zone thereof to points in CA and AZ. Supporting shipper(s): Arapahoe Chemical, Inc., 2075 N. 55th St., Boulder, CO 80301. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th, Suite 600, Ft. Worth, TX 76102.

MC 113908 (Sub-500TA), filed January 31, 1980. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 10068, Springfield, MO 65804. Representative: Jim G. Erickson, 2255 N. Packer Rd., Springfield, MO 65804. *Vinegar, vinegar stock and vinegar stock concentrates, in bulk,* from Los Angeles, Orange, Riverside, San Bernardino, San Francisco, and San Mateo Counties, CA to Manitowoc, WI and the commercial zone thereof, for 180 days. Supporting shipper(s): American Industries, Corp., 2045 McKinnon Ave., San Francisco, CA. 94124. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 114569 (Sub-352TA), filed October 30, 1979, and published in the Federal Register issue of January 7, 1980, and republished as corrected this issue. Applicant: SHAFFER TRUCKING, INC., P.O. 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). *Such commodities as are dealt in or used by manufacturers of foodstuffs and food business houses* except commodities in bulk, in tank vehicles, (1) between points in CA, GA, IL, IN, MI, NY, OR, PA, TX and WA; and (2) from Pottstown, PA to points in the states of MN, MO, NE and WI for 180 days. Restricted to traffic originating at or destined to the facilities of Mrs. Smith's Pie Co. Supporting shipper(s): Mrs. Smith's Pie Co., Box 298, Pottstown, PA 19464. Send protests to: ICC, 101 N. 7th Street, Philadelphia, PA 19106. The purpose of this republication is to show Washington (WA) in lieu of West Virginia (WV) as previously published.

MC 115669 (Sub-196TA), filed December 13, 1979. Applicant: DAHLSTEN TRUCK LINE, INC., 101 West Edgar Street, P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant). *(1) Salt and salt products and (2) materials and supplies used in agricultural, water treatment, food processing, wholesale grocery and institutional supply industries, when shipped in mixed loads with commodities named in (1) above,* from the facilities of Lake Crystal Salt Company, a subsidiary of Processed Minerals, Inc. at or near Sales and Ogden, UT to points in AZ (except Phoenix); CO (except Denver and Hudson); IA (except Fort Dodge); KS, MN, NE (except Fremont, Grand Island, Lincoln, McCook, Norfolk, North Platte and Omaha); and SD (except Rapid City) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lake Crystal Salt Company, Subsidiary of Processed Minerals, Inc., Guy Mallonee, Jr., Vice President, Transportation, 720 Exchange Lane, Box 1149, Ogden, UT 84402. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 115669 (Sub-197TA), filed January 18, 1980. Applicant: DAHLSTEN TRUCK LINE, INC., 101 West Edgar Street, P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant). *Wheat starch* from the facilities of New Era Milling Company at Arkansas City, KS to Dickinson, ND for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gilbert Jackson Co., Inc., H. H. Linton, President, 7208 West 80th, Room 201, P.O. Box 4667, Overland Park, KS 66204. Send protests

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to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 116319 (Sub-15TA), filed January 31, 1980. Applicant: WASHINGTON TRUCKING, INC., P.O. Box 107, Darrington, WA 98241. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Urea and ammonium nitrate and sulphate in bulk,* from St. Helens and Portland, OR to Rochester and Monroe, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wolfkill Feed & Fertilizer Co., 217 Stretch St., Monroe, WA 98272. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 117119 (Sub-812TA), filed January 25, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean, P.O. Box 188, Elm Springs, AR 72728. *Such commodities as are dealt in or used by retail stores (except foodstuffs and commodities in bulk)* (a) from points in MA, CT, NY, NJ, PA, MD, GA, TN, and TX to points in MO, KS, CO, MT, ID, OR, WA, WY, and UT and (b) from points in IN, OH, and Chicago and Rockford, IL to points in CO, MT, WY, UT, ID, WA, and OR, restricted in (a) and (b) to traffic originating and destined to the facilities of Modern Merchandising, Inc. or its subsidiaries, for 180 days. Supporting shipper(s): Modern Merchandising, Inc., 5101 Shady Oak Road, Minnetonka, MN 55343. Send protests to: Marianne Minnich, TCS, ICC, Suite 600, 411 W. 7th St., Ft. Worth, TX 76102.

MC 117119 (Sub-813TA), filed January 28, 1980. Applicant: WILLIS SHAW FROXEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: Martin M. Geffon, Asst. Dir. of Commerce, P.O. Box 156, Mt. Laurel, NJ 08054. *Cleaning compounds, washing compounds and sodium bicarbonate* from Green River, WY to points in ID, WA, and OR for 180 days. Supporting shipper(s): Church & Dwight Co. Inc., P.O. Box 369, Piscataway, NJ 08854. Send protests to: Marianne Minnich, TCS, ICC, Suite 600, 411 W. 7th, Ft. Worth, TX 76102.

MC 118089 (Sub-39TA), filed January 28, 1980. Applicant: ROBERT HEATH TRUCKING, INC., 2909 Ave C, P.O. Box 2501, Lubbock, TX 79408. Representative: Charles M. Williams, Kimball, Williams & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* from the facilities of MBPXL Corporation, at or near Plainview and Friona, TX to points in AZ, CA, OR, and WA, for 180 days. Supporting shipper(s): MBPXL Corporation, 2901 N. Mead, Wichita, KS 67201. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th, Suite 600, Fort Worth, TX 76102.

MC 118989 (Sub-234TA), filed January 3, 1980. Applicant: CONTAINER TRANSIT, INC., 5223 S. 9th St., Milwaukee, WI 53221. Representative: Eugene R. Kraklow, Jr., 5223 S. 9th St., Milwaukee, WI 53221. *Metal containers* from the facilities of Continental Group, Inc. at Atlanta and Perry, GA to Chicago, IL and Milwaukee, WI for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Continental Group, Inc., 5401 W. 65th St., Chicago, IL 60638. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 119399 (Sub-126TA), filed January 25, 1980. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Blvd., Joplin, MO 64801. Representative: Thomas P. O'Hara, 2900 Davis Blvd., Joplin, MO 64801. *Cleaning, scouring and washing compounds* from Joliet, IL and Delaware, OH to points in KS and MO, for 180 days. Supporting shipper(s): Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City, KS 66106. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th, Suite 600, Fort Worth, TX 76102.

MC 119619 (Sub-143TA), filed November 28, 1979, and published in the **Federal Register** issue of March 3, 1980, and republished as 2nd correction this issue. Applicant: DISTRIBUTORS SERVICE CO., 2000 W. 43rd Street, Chicago, IL 60609. Representative: Piken and Piken, Inc., Queens Office Tower, 95–25 Queens Boulevard, Rego Pk, NY 11374. *Foodstuffs* (except in bulk), from the facilities utilized by Purity Cheese Co., a Div. of Anderson Clayton Co. at Mayville, WI, to points in CT, DC, DE, MA, MD, ME, NH, NJ, NY, OH , PA RI, WA, VT, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Purity Cheese Co., Division of Anderson Clayton Co., P.O. Box 228165, Dallas, TX 75268. Send protest to: Transportation Assistant, ICC, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604. The purpose of this republication is to add the destination states of Massachusetts (MA) and New York (NY) as previously ommitted.

MC 119988 (Sub-238TA), filed January 21, 1980. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. *Foodstuffs,* between San Antonio, TX, on the one hand, and, on the other points in the U.S. (except those in AK, AZ, CA, CO, HI, NV, NM, OR and WA.), for 180 days. Underlying ETA filed. Supporting shipper(s): Gebhardt Mexican Foods Co., P.O. Box 7130A-Station A San Antonio, TX 78285. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 123389 (Sub-51TA), filed January 31, 1980. Applicant: CROUSE CARTAGE COMPANY, P.O. Box 151, Carroll, IA 51401. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Such commodities as are dealt in by wholesale and retail food and drug businesses (except commodities in bulk)* between the facilities of Protor & Gamble Distributing Company at or near Chicago, IL, on the one hand and on the other points in IA, MN and NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Proctor & Gamble Distibuting Company, Dennis C. Chipman, Traffic Analyst, P.O. Box 599, Cincinnati, OH, 599, Cincinnati, OH 54201. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 126118 (Sub-216TA), filed December 20, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). *Paper and paper products* from Erie and Lock Haven, PA and Oswego, NY to points in AZ, CA, OR and WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hammermill Paper Company, H. LeRoy Weidner, Manager, Corp. Transp., P.O. Box 1440, Erie, PA 16512. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 126118 (Sub-217TA), filed January 8, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). *Paper, paper products, woodpulp, plastic, plastic articles, polyethylene and materials, equipment and supplies used in the manufacture and distribution of the named products (except commodities in bulk, in tank vehicles)* between the facilities of International Paper Company located in and east of the states of CO, MT, NM and WY on the one hand, and on the other, points in the United States (except AK and HI) for 180 days.

Restricted to traffic originating at or destined to the facilities of International Paper Company. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Paper Company, Daniel E. Loughnane, Supervisor Motor Carrier/Barge Pricing Analysis, 220 E. 42nd St., New York, NY 10017. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 126118 (Sub-218TA), filed January 30, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). *Paper and paper products* from New York, NY and points in its commercial zone to Orlando, FL and points in its commercial zone for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Palmer Paper Co., C. A. Atkins, Jr., General Manager, P.O. Box 5876, Orlando, FL 32855. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 126118 (Sub-219TA), filed January 31, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). *Such commodities as are used by and dealt in by manufacturers and distributors of automobile parts and accessories* between the facilities of Perfect Equipment Corp. at Murfreesboro, TN on the one hand, and on the other, points in the United States (except AK, HI and TN) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Perfect Equipment Corp., Cecil Porch, Vice President Administration, 855 Scott St., Murfreesboro, TN 37130. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 126118 (Sub-220TA), filed January 31, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). *Such commodities as are dealt in and used by manufacturers of electrical items (except in bulk)* between Fort Wayne, IN and its commercial zone on the one hand, and on the other, points in the United States (except IN, HI and AK) for 180 days. Restricted to traffic originating at or destined to the facilities of General Electric Company. Supporting shipper(s): General Electric Company, Roger D. Borne, Traffic Manager, Component Business Division Support Operation, 2000 Taylor St., Ft. Wayne, IN 46804. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 126118 (Sub-221TA), filed January 2, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). *Such commodities as are used by and dealt in by manufacturers of expanded polystyrene products* between the facilities of Dolco Packaging Corporation at or near Decatur, IN on the one hand, and on the other, points in the United States on and east of U.S. Highway 85 for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dolco Packaging Corporation, David Brown, Plant Manager, Decatur, IN. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 126118 (Sub-222TA), filed January 11, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). *Such commodities as are used by and dealt in by manufacturers and distributors of bedroom furniture* from points in CA; Phoenix and Lake Havasu City, AZ and points in their respective commercial zones to points in the United States on and east of U.S. Highway 85 for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): BABA'S Waterbeds, Robert Elvin, Controllor, 4200 Harding Ind. Dr., Nashville, TN 37211. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 126118 (Sub-223TA), filed January 14, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). *Clay and clay products* from Thomas County, GA to points in NC and SC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Waverly Mineral Products Company, Bruce Hochman, Traffic Manager, 3018 Market Street, Philadelphia, PA 19104. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 126118 (Sub-224TA), filed January 23, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). *General commodities (except explosives, household goods, items which because of size or weight require the use of special equipment, and commodities in bulk, in tank vehicles)* between the facilities utilized by W. W. Grainger, Inc. at points in the Chicago, IL commercial zone on the one hand, and on the other, points in the United States (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): W. W. Grainger, Inc., William J. Meehan, Transportation Operations Manager, 4949 W. Howard St., Chicago, IL 60648. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 126118 (Sub-225TA), filed January 28, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). *Food products (except in bulk)* (1) from Northfield, IL and points in its commercial zone to Liverpool, NY; Boston, MA; St. Louis, MO; Kansas City, MO; Fostoria, OH; Dallas, TX; Omaha, NE; Jacksonville, FL; Milwaukee and Portland, OR; and Chattanooga, TN and points in their commercial zones; and (2) from Fostoria, OH and points in its commercial zone to Liverpool, NY; Boston, MA; St. Louis, MO; Dallas, TX; Chicago, IL; Kansas City, MO; Omaha, NE; Jacksonville, FL; Milwaukee and Portland, OR; and Chattanooga, TN and points in their commercial zones for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Foremost McKesson, Inc., James A. Rosen, Traffic Manager, Crocker Plaza, One Post Street, San Francisco, CA 94104. Send protest to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 126118 (Sub-226TA), filed September 19, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). *(1) Wooden cabinets, vanities and accessories; (2) Such materials and supplies as are used in the manufacture, distribution, installation and sale thereof* from Goshen, IN to points in the United States east of IA, MN, MO, NM and OK (except AK, HI, ME, NH and VT) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Home-Crest Corporation, James C. Bowser, Traffic Manager, 1002 Eisenhower Drive, Goshen, IN 46528. Send protest to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 129459 (Sub-18TA), filed January 25, 1980. Applicant: KEARNEY'S TRUCKING SERVICE, INC., P.O. Box 264, Portland, PA 18351. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. Contract carrier, irregular route, *foodstuffs* (except in bulk), from the facilities of Globe Products Co., Inc., Clifton, NJ to points in PA, OH and MI, for 180 days. An underlying ETA

requests 90 days authority. Supporting shipper(s): Globe Products Co., Inc., P.O.B. 1927, 55 Webro Rd., Clifton, NJ 07015. Send protests to: ICC, 620 Fed. Res. Bank Bldg., 101 N. 7th St., Philadelphia, PA 19106.

MC 129729 (Sub-7TA), filed December 14, 1979. Applicant: FRANCIS J. BEAROFF, INC., Swedeland Rd., P.O. Box 195, King of Prussia, PA 19406. Representative: Raymond A. Thistle, Jr., Five Cottman Court, Homestead Rd. and Cottman St., Jenkintown, PA 19046. *Coke, in bulk,* from the facilities of Keystone Coke Company, located in the Village of Swedeland, Montgomery County, PA to points in the state of NY, and the return of empty containers to the point of origin, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Keystone Coke Company, P.O. Box 10246, Birmingham, AL 35202. Send protests to: ICC, 101 n. 7th St., Philadelphia, PA 19106.

MC 133099 (Sub-14TA), filed January 16, 1980. Applicant: THE GLASGOW & DAVIS CO., P.O. Box 1717, Salisbury, MD 21801. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. *Foodstuffs* (except frozen and except in bulk), (1) from MD to AL, CT, CO, DC, FL, GA, IL, IN, KY, MA, ME, MI, NC, NJ, NY, OH, PA, RI, SC, VA, and WV, and (2) from DE to AL, CA, CO, CT, FL, GA, IL, IN, KY, MA, MD, ME, MI, MN, MS, NC, NE, NJ, NY, OH, PA, SC, TN, TX, VA, WI, and WV, for 180 days. Supporting shipper(s): Cannon Foods, Bridgeville, DE 19933; Kings Creek Canning Co., Princess Anne, MD 21853; Williamsburg Canning Co., Williamsburg, MD 21674. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 133689 (Sub-329TA), filed January 17, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Maples St., N.E., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Such merchandise as is dealt in by manufacturers and distributors of health and beauty aids, cosmetics, personal care items, and advertising materials and displays (except commodities in bulk)* from Edison, Metuchen, East Brunswick, South Plainfield, and South Brunswick, NJ to Cleveland, Dayton and Columbus, OH; Detroit, Michigan and Chicago, IL and points in their commercial zone as defined by the Commission for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Revlon, Route 27 & Talmadge Road, Edison, NJ 08817. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 133689 (Sub-330TA), filed January 18, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Maples St., N.E., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Candy and confectionery, NOI and cough drops except in bulk* from the facility of Luden's, Inc., at Reading, PA to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, TN, VA, WV and WI for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Luden's, Inc., 200 N. 6th St., Reading, PA. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 135069 (Sub-5TA), filed November 13, 1979, and published in the **Federal Register** issue of January 21, 1980, and republished as corrected this issue. Applicant: ROCKAWAY TRUCKING, INC., Route 46, Rockaway, NJ 07866. Representative: Dixie C. Newhouse, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Contract carrier, irregular routes: *Trichloromonofluoromethane, dichlorodifluoromethane, and monochlorodifluoromethane gases,* in containers, between Wichita, KS on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Racon, Incorporated, 6040 South Ridge Road, Wichita, KS 67201. Send protests to: Joel Morrows, ICC, 744 Broad Street, Room 522, Newark, NJ 07102. The purpose of this republication is to include the state of Maryland (MD) as previously omitted.

MC 135078 (Sub-67TA), filed January 2, 1980. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Brushes, hand tools, wooden handles NOI and hole saws* from the commercial zone of Westboro, MA to the commercial zones of Chicago, IL; Connersville and Hammond, IN; Detroit, MI; Pittsburgh, PA; Cleveland, OH; and Houston, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bay State Abrasives, Division of Dresser Industries, Inc., Frank Ciannella, Traffic Manager, 15 Union Street, Westboro, MA 01581. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 135539 (Sub-21TA), filed December 31, 1979. Applicant: FARM SERVICE & SUPPLIES, INC., P.O. Box 154, Marengo, IL 60152. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Road West, Suite 406, Bradenton, FL 33507. *Contract carrier:* Irregular route: *Railroad car parts, brake beams and parts, materials, accessories and supplies used in the manufacture of railroad cars* from Woodstock, IL to Washington, IN for 180 days. Supporting shipper(s): Evans Products Co./Creco Division, 14512 Washington St., Woodstock, IL 60098. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 136008 (Sub-118TA), filed January 28, 1980. Applicant: JOE BROWN COMPANY, INC., 20 Third Street N.E., Ardmore, OK 73401. Representative: John Tipsword, 2900 N. Shields, Moore, OK 73153. *Bentonite,* in bulk, in tank vehicles, from Natrona County, WY, to Kingsport, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): McCabe-Woody and Company, Inc., 4717 S. Yale, Tulsa, OK 74135. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 136008 (Sub-119TA), filed February 1, 1980. Applicant: JOE BROWN COMPANY, INC., 20 Third Street, N.E., Ardmore, OK 73401. Representative: John Tipsword, 2900 N. Shields, Moore, OK 73153. *Granulated asphalt,* bulk, in dump vehicles, from Augusta, KS, to Crown Point, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gunning Refractories, 816 E. Porter St., Crown Point, IN 46307. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 136828 (Sub-33TA), filed January 28, 1980. Applicant: COOK TRANSPORTS, INC., P.O. Box 6362–A, Birmingham, AL 35217. Representative: Ocie M. Cook, Jr. (same address as applicant). *Alcoholic beverages, equipment, materials and supplies used in or in connection therewith,* from points in the United States to AL. Supporting shipper(s): Alcoholic Beverage Control Board of the State of Alabama, P.O. Box 1151, Montgomery, AL 36130. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Bldg., Birmingham, AL 35203.

MC 136898 (Sub-8TA), filed January 31, 1980. Applicant: BAKER TRANSPORT, INC., P.O. Box 678, Hartselle, AL 35640. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. *(1) Aluminum and aluminum products,* from Hot Spring County, Garland County, and Clark County, Arkansas to points in the United States in and east of ND, SD, NE, KS OK and TX; and *(2) Materials and supplies used in the manufacture or distribution of aluminum and aluminum products (except commodities in bulk, in tank vehicles),* from points in the United States in and east of ND, SD, NE, KS, OK and TX to Hot Spring County, Garland County, and Clark County, Arkansas, for 180 days. Supporting shipper(s): Reynolds Metals Co., P.O. Box 128, Malvern, AR 72104. Send protests to: Mabel E. Holston, TA, ICC, Room 1616—2121 Bldg., Birmingham, AL 35203.

MC 138279 (Sub-16TA), filed January 30, 1980. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske, P.O. Box 968, Jackson, TN 38301. *Copper and copper products (except commodities in bulk in tank or hopper vehicles),* from Wynne, AR to Dallas, TX; Elyria, OH; Galesburg, IL; Houston, TX; Louisville, KY; Memphis, TN; Norman, OK; York, PA; and points in their respective commercial zones under continuing contract or contracts with Cambridge-Lee Industries, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cambridge-Lee Industries, Inc., 500 Lincoln St., Boston, MA 02134. Send protests to: Diana J. Porter, Suite 2006—100 N. Main St., Memphis, TN 38103.

MC 138308 (Sub-104TA), filed January 29, 1980. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. *Alcoholic beverages* (except in bulk, in tank vehicles) from points in the states of CA, FL, IL, IN, KY, LA, MI, NJ, NY, OH and TN to Jackson, MS, for 180 days. Supporting shipper(s): State of Mississippi, ABC Division, Chairman, State Tax Commission, P.O. Box 2282, Woolfolk State Office Bldg., Jackson, MS 39205. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 138308 (Sub-105TA), filed January 30, 1980. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Fred W. Johnson, Jr., P.O. 22628, Jackson, MS 39205. *Ground clay, bagged* from Gonzales, TX to the facilities of Filtrol Corporation at Jackson, MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Filtrol Corp., P.O. Box 8337, Jackson, MS 39204. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 138308 (Sub-106TA), filed January 30, 1980. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39205. Representative: Donald B. Morrison, P.O. 22628, Jackson, MS 39205. *Pneumatic rubber tires and rubber tire tubes* from the facilities of The Cooper Company at or near Texarkana, AR to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY for 180 days. Supporting shipper(s): The Cooper Tire Company, P.O. Box 550, Findlay, OH 45840. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 138308 (Sub-107TA), filed January 30, 1980. Applicant: KLM, INC., Old Highway 49 South, P.O. Box 6098, Jackson, MS 39208. Representative: Fred W. Johnson, Jr., P.O. 22628, Jackson, MS 39205. *Cookware,* from Madison County, MS to points in CA, CO, GA, MA and TX, for 180 days. Supporting shipper(s): Regal Ware, Inc., P.O. Box 300, Flora, MS 39071. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 138328 (Sub-113TA), filed December 20, 1979. Applicant: CLARENCE L. WERNER d.b.a. WERNER ENTERPRISES, I–80 and Highway 50, P.O. Box 37308, Omaha, NE 68137. Representative: J. F. Crosby, P.O. Box 37205, Omaha, NE 68137. *Such commodities as are used by or dealt in by retail and discount stores (except used household goods as defined by the Commission, commodities in bulk, in tank vehicles or those which by reason of size or weight require the use of special equipment)* between Omaha, NE on the one hand, and on the other, Des Moines, IA for 180 days. Restricted to shipments originating at or destined to the facilities of Richman Gordman Stores and/or Half Price Stores, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): Half Price Stores, Inc., Richman Gordman Stores, Inc., William G. O'Brien, Traffic Manager, 9202 "F" St., Omaha, NE 68127. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 138328 (Sub-114TA), filed January 21, 1980. Applicant: CLARENCE L. WERNER d.b.a. WERNER ENTERPRISES, P.O. Box 37308, I–80 & Hwy 50, Omaha, NE 68137. Representative: J. F. Crosby, P.O. Box 37205, Omaha, NE 68137. *Macaroni products* (1) between the facilities of Skinner Macaroni Co., Division of Hershey Foods Corp. at Omaha, NE and points in PA; and (2) from Louisville, KY to the facilities of Skinner Macaroni Co., Division of Hershey Foods Corp. at Omaha, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Skinner Macaroni Co., George W. Boand, Traffic Manager, Omaha, NE. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 138438(Sub-79TA), filed December 21, 1979. Applicant: D. M. Bowman, Inc. Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Building materials and materials, equipment and supplies used in the manufacture, installation, and distribution of building materials,* between Quakertown, PA, and its commerical zone, on the one hand, and, on the other, points in and east of OH, KY, TN, and AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Georgia Pacific Corporation, 1062 Lancaster Ave., Rosemont, PA 19010. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 138469 (Sub-215TA), filed January 31, 1980. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, Il 60068. *Foodstuffs, canners supplies, equipment and commodities used or useful in the packing, sale and distribution of the above commodities,* between the plant site of Gerber Products Company, located at Fort Smith, AR, on the one hand, and, on the other all points in the states of CA, CO, IL, IA, KS, KY, LA, MI, MO, MS, NE, NM, NY, NC OK, SD, TN, TX, & WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gerber Products Company, 445 State Street, Fremont, MI 49412. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 138469 (Sub-216TA), filed January 25, 1980. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, Il 60068. *New furniture,* from Fort Worth, TX and points in its commercial zone, to points in AZ, CA, CO, & KS, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): B H & W Manufacture Company, 5901 Eden Drive, Fort Worth, TX 76117; C & S Woodcrafters, 5217 Azle Avenue, Fort Worth, TX 76114. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 138878 (Sub-10TA), filed December 26, 1979. Applicant: John S. Watson d.b.a. JOHN S. WATSON TRUCKING CO., Route 2, Box 94, Weston, WV 26452. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Conveyor structures* from Clarksburg, WV to

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points in KY and TN, for 180 days. Supporting shipper(s): Harrison Conveyor Corp., Box 167, Clarksburg, WV 26301. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 140829 (Sub-344TA), filed December 3, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David L. King, same address as applicant. *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk in tank cars, and those because of size requiring special equipment)* from the facilities of Charter Oak Shippers Cooperative Association, Inc. at or near Berlin, CT to points in AR, IN, MO, OH, OK and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Charter Oak Shippers Cooperative Assoc., Inc., Louis J. Peccerillo, Vice President & General Manager, One Parkland Dr., Darien, CT 06820. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 140829 (Sub-345TA), filed December 3, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David L. King, same address as applicant. *General commodities and foodstuffs (except in bulk, in tank vehicles)* from the facilities of Federal Warehouse Co. at Peoria, IL to points in IA, MN, MO, ND, SD and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Federal Warehouse Co., J. W. Peacock, Traffic Manager, 200 National Road, East Peoria, IL 61611. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 140829 (Sub-346TA), filed January 4, 1980. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David L. King, same address as applicant. *(1) Foodstuffs, health beauty aids, cleaning compounds, kitchen gadgets, dog food, coffee, tea, candy, nuts (except in tank vehicles)* from Chicago, IL to points in CO, CT, KS, MA, MO, NE, NJ, OH, PA, RI, and TX and *(2) Cheese (except in bulk in tank vehicles)* from Green Bay, Lena and Portage, WI to points in CO, CT, KS, MA, MO, NE, NJ, OH, PA, RI, and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Topco Associates, Inc., Joseph L. Stalec, Traffic Manager, 7711 Gross Point Road, Skokie, IL 60077. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha NE 68102.

MC 140829 (Sub-347TA), filed January 29, 1980. Applicant: CARGO, INC., P.O. Box. 206, U.S. Hwy 20, Sioux City, IA 51102. Representative: David L. King, same address as applicant. *Synthetic resin, granular (except in bulk, in tank vehicles)* from Grand Prairie, TX to points in IL, IN, MI, MN, OH and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): CIBA-GEIGY Corporation, Serce R. Lopoukhine, Manager Domestic Traffic Operations, Ardsley, NY 10502. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 141489 (Sub-13TA), filed January 2, 1980. Applicant: HUNTER TRUCKING, INC., 805 32nd Avenue, Council Bluffs, IA 51501. Representative: Paul D. Kratz, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Iron and steel, and iron and steel articles* from Chicago, IL and its commercial zone to the facilities of Lozier Store Fixtures, Inc. located at or near Omaha, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lozier Store Fixtures, Inc., Kathy Dean, Traffic manager, 4401 North 21st Street, Omaha, NE 68110. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 141599 (Sub-10TA), filed September 6, 1979. Applicant: MOUNTAIN PACIFIC TRANSPORT (EDMONTON) LTD. d.b.a. SHADOW LINES, 241 School House Road, Coquitlam, B.C. Canada V3K4X9. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Lime in sacks,* from Ports of Entry on the U.S./Canada International Boundary Line at or near Oroville, WA to Wenatchee, Oroville, Tonasket, Malott and Chelan, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Steel Bros., Ltd, 4836 6th St. N.E., Calgary, Alberta, Canada T2E3Z9. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 142269 (Sub-10TA), filed January 29, 1980. Applicant: EAGLE HAWK CORP., Box 155, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Ctr., Des Moines, IA 50309. *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in descripttions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* from the facilities of Iowa Beef Processors at Fort Dodge, IA, to points in IL and IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Iowa Beef Processors, Inc., Dakota City, NE 68731. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 142449 (Sub-6TA), filed January 31, 1980. Applicant: SPEEDWAY HAULERS, INC., P.O. Box 1463, South Bend, IN 46624. Representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, IN 46624. *Cloth, not woven—synthetic; filters N.O.I., air-filtering pads; vehicle body padding or seats; plastic or rubber padding, cellular, expanded; and materials and supplies thereto* between Michigan City, IN, on the one hand, and, points and places in the state of IA on the other for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Fibre Bond, 110 Menke Road, Michigan City, IN 46360. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 142508 (Sub-138TA), filed December 3, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Meat products* from the facilities of Prime Meat Processors, at Omaha, NE to points in CT, DE, IL, MA, MI, MD, MO, NJ, NY, OH, PA and VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Prime Meat Processors, Inc., William B. Winfield, Jr., Food Service Sales Manager, 1202 Jones Street, Omaha, NE 68102. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142508 (Sub-139TA), filed December 3, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Dressing, salad, other than dry* from the facilities of Swiss Chalet Food Products Co. in Wichita, KS to Franchise services located in Atlanta, GA and Orlando, FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Clorox Company, Beverly Ruth Mitchell, Staff Traffic Manager, 1221 Broadway, Oakland, CA 94612. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142508 (Sub-140TA), filed December 12, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, Omaha, NE 68137. Representative: L. N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Foodstuffs, equipment, materials and supplies used in the manufacture of foodstuffs* from points in CA, MN, NY, NJ, OH and

Chicago, IL; Sioux City, Grundy Center, IA; Benton Harbor and Holland, MI; and Omaha, NE to the facilities of Kaukauna Klub Cheese at Little Chute, WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kaukauna Klub Cheese, Donald A. Welch, Distribution Manager, P.O. Box 229, Kaukauna, WI 54130. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 142508 (Sub-141TA), filed January 31, 1980. Applicant: NATIONAL TRANSPORTATION INC., 10810 South 144th Street, Omaha, NE 68137. Representative: L. N. Fauss, P.O. Box 37096, Omaha, NE 68137. *(1) Frozen bakery products* between the facilities of Bagels Forever in Madison and Milwaukee, WI; Chicago, IL; and Minneapolis, MN on the one hand, and on the other, points in CO, CT, IL, IN, IA, MN, MA, NH, NY, OH, PA and TX; and *(2) Materials, and supplies used in the manufacture of frozen bakery products* from points in MN to Madison, WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bagels Forever, Barry Berman, President, P.O. Box 5547, Madison, WI 53705. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142508 (Sub-142TA), filed January 2, 1980. Applicant: NATIONAL TRANSPORTATION INC., 10810 South 144th Street, Omaha, NE 68137. Representative: L. N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Fruit and berry products* from the facilities of Ocean Spray Cranberries at Montgomery, AL to points in AR, GA, KS, KY, LA, MS, TX, OK and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ocean Spray Cranberries, Inc., Florence Quick, Traffic Manager, 7800 60th Avenue, Kenosha, WI 53142. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142508 (Sub-143TA), filed January 2, 1980. Applicant: NATIONAL TRANSPORTATION INC., 10810 South 144th Street, Omaha, NE 68137. Representative: L. N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Plastic and wrapping articles* from the facilities of Presto Products at Lewiston, UT to points in OK and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Presto Products, Incorporated, Gary Miller, Distribution Coordinator, P.O. Box 2399, Appleton, WI 54913. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142508 (Sub-145TA), filed December 3, 1979. Applicant: NATIONAL TRANSPORTATION INC., 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *(1) Foodstuffs, pet foods, and animal feeds; (2) Such commodities that are used in the processing, milling, packaging, manufacturing or sale of foodstuffs, pet foods and animal feeds (except commodities in bulk, in tank vehicles)* between Chattanooga, TN; Elwood, KS; Fort Dodge, IA; Fort Wayne, IN; Garland, TX; Kokomo, IN; Jefferson, WI; Mechanicsburg, PA; Milwaukee, WI; Rochelle, IL; St. Joseph, MO; Trenton, MO; Waverly, IA and points in the United States in and east of ND, SD, CO, OK and TX for 180 days. Restricted to traffic originating or terminating at the facilities of The Carnation Company. Supporting shipper(s): The Carnation Company, Michael L. Whitehead, Asst. Manager of Transportation, 5045 Wilshire Boulevard, Los Angeles, CA 90036. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142559 (Sub-148TA), filed December 6, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. (1) *Aluminum and zinc allowy ingots, and (2) materials, equipment and supplies used in the manufacture, sale and distribution of the commodities in (1) above* (except commodities in bulk), between points in and east of ND, SD, NE, CO, and NM, for 180 days, restricted to traffic originating at or destined to the facilities of Aluminum Smelting and Refining Co., Inc. and Certified Alloys Company. Supporting shipper(s): Aluminum Smelting & Refining Co., Inc., 5463 Dunham Rd., Maple Hts., OH 44137. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 142559 (Sub-149TA), filed December 21, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. (1) *Personal care products, chewing gum, cough drops, and candies and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above* (except commodities in bulk) between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Warner-Lambert Company, for 180 days. An underlying ETA seeks 30 days authority. Supporting shipper(s): Warner-Lambert Company, 201 Tabor Rd., Morris Plains, NJ 07950. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 142559 (Sub-150TA), filed December 31, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. (1) *Such commodities as are dealt in by animal and pet stores, and (2) materials and supplies used in the manufacture, sale and distribution of the commodities described in (1) above,* (except commodities in bulk) between Canton, GA, on the one hand, and, on the other, points in the United States, except AK and HI, for 180 days. Supporting shipper(s): O'Dell Manufacturing, Inc., P.O. Box 1169, Univeter Rd., Canton, GA 30114. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 143328 (Sub-33TA), filed January 28, 1980. Applicant: EUGENE TRIPP TRUCKING, P.O. Box 2730, Missoula, MT 59806. Representative: David A. Sutherlund, Fulbright & Jaworski, Suite 400, 1150 Connecticut Ave. NW., Washington, DC 20036. *Liquor* from CA to points in MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Montana Department of Revenue, Liquor Division, Mitchell Bldg., Helena, MT 59601. Send protests to: Paul J. Labane, D/S, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 143328 (Sub-34TA), filed January 28, 1980. Applicant: EUGENE TRIPP TRUCKING, P.O. Box 2730, Missoula, MT 59806. Representative: David A. Sutherland, Fulbright & Jaworski, Suite 400, 1150 Connecticut Ave NW, Washington, DC 20036. (1) *Malt beverages* and *related advertising materials, equipment and supplies* from the port of entry at Blaine, WA to points in MN, ND and SD; and (2) *empty containers* and *materials and supplies* used and dealt in by breweries from points in MN, ND, and SD to the port of entry at Blaine, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Rocky Mountain Importers, 1405 Sunflower Driver, Missoula, MT 59801. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 143478 (Sub-15TA), filed January 18, 1980. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 36053. Representative: Terry P. Wilson, 420 S. Lawrence St., Montgomery, AL 36104. *Contract; Irregular, Meats, meat products, and meat by-products, and articles distributed by meat packinghouses as described in Section A & C of Appendix I to the report in Descriptions in Motor*

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Carrier Certificates, 61 M.C.C. 209 and 766, expect hides and commodities in bulk in tank vehicles, from points in the United States except Madison Co., FL, to the facilities of Winn-Dixie Montgomery, Inc., in Montgomery, AL, restricted to a transportation service performed under a continuing contract(s) with Winn-Dixie Montgomery, Inc., for 180 days. Supporting shipper(s): Winn-Dixie Montgomery, Inc., 1550 Jackson Ferry Rd., Montgomery, AL 36104. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616—2121 Bldg., Birmingham, AL 35203.

MC 143478 (Sub-16TA), filed January 16, 1980. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 36053. Representative: Terry P. Wilson, 420 S. Lawrence St., Montgomery, AL 36104. *Contract, Irregular; Meats, meat products, and meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, except hides and commodities in bulk in tank vehicles,* from points in the United States to the facilities of Dixie Packers, Inc., in Madison Co., FL, restricted to a transportation service performed under a continuing contract or contracts with Dixie Packers, Inc., for 180 days. Supporting shipper(s): Dixie Packers, Inc., P.O. Box 622, Madison, FL 32340. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616—2121 Bldg., Birmingham, AL 35203.

MC 143988 (Sub-13TA), filed January 30, 1980. Applicant: JAMES W. TATE d.b.a. JAMAR TRUCKING, P.O. Box 18970, Memphis, TN 38118. Representative: Thomas A. Stroud, 2006 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *General commodities (exept Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and articles which require special handling because of size or weight),* from the facilities of the Memphis Defense Depot at Memphis, TN to Fort Sam Houston, TX; Randolph AFB, TX; Kelley AFB, TX; Fort Bliss, TX; Red River Army Depot at Texarkana, TX; Corpus Christi Naval Air Station, TX; NAS, Department of Defense facility at Kingsville, TX; Goodfellow AFB; and Naval Air Station at Beeville, TX, for 180 days. Supporting shipper(s): U.S. Army Legal Services Agency, Rm. 422, Nassif Building, Falls Church, VA 22041. Send protests to: Diana J. Porter, Suite 2006—100 N. Main St., Memphis, TN 38103.

MC 144069 (Sub-16TA), filed October 31, 1979. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225. Representative: W. T. Trowbridge, P.O. Box 5204, Charlotte, NC 28225. *Aluminum articles* between the facilities of Carolina Aluminum Co. at or near Burlington, NC, on the one hand, and, on the other, points in SC, GA, FL, AL, TN, KY, WV, OH, PA, MD, DE, NJ, VA and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Carolina Aluminum Co., 1184 State Rd., Burlington, NC 27215. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 144069 (Sub-17TA), filed November 9, 1979. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225.

Representative: W. T. Trowbridge, (same as applicant). *Building materials and supplies* (1) between the storage facilities of Pat Brown Lumber Corp. at Columbia, SC, on the one hand, and, on the other, Hoffman, NC (2) between Morganton, NC, on the one hand, and, on the other, Sumter, SC, (3) between Wilmington, NC, on the one hand, and on the other, Charleston, SC and Sumter, SC, (4) between Georgetown, SC, on the one hand, and, on the other points in NC and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pat Brown Lumber Corp., P.O. Box 1103, Lexington, NC 27212. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 144069 (Sub-18TA), filed November 20, 1979. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225.

Representative: W. T. Trowbridge, (same as applicant). *Precast and prestressed structural concrete products and materials, supplies and equipment used in the manufacture and erection of structural concrete products except commodities in bulk* between the Carolina Steel Corp. subsidiary facilities of Arnold Stone Company, Colfax, NC and Cast-A-Stone Company, Raleigh, NC, on the one hand, and, on the other, points in SC, GA, FL, AL, TN, KY, WV, OH, PA, MD, VA and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Carolina Steel Corp., 1451 South Elm/Eugene St., Greensboro, NC 27046. Send protest to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 144159 (Sub-2TA), filed January 30, 1980. Applicant: BENNINGTON'S PLANT SERVICE, INC., P.O. Box 121, Pascagoula, MS 39567. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. *Contract carrier;* irregular routes; *machinery, equipment, materials, records and supplies, used in replacing, servicing and repair of machinery and equipment, or in connection with the development, maintenance and construction of barges, drilling rigs, railroad cars, ships and submarines,* between the facilities of Ingalls Shipbuilding Division, Litton Industries, Inc. at Pascagoula, MS, on the one hand, and, on the other, points in the United States, except AK and HI, under a continuing contract or contracts with Ingall Shipbuilding Div., Litton Industries, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ingalls Shipbuilding Div., Litton Industries, Inc., P.O. Box 149, Pascagoula, MS 39567. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 144188 (Sub-15TA), filed December 31, 1979. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, PA 18603. Representative: John M Musselman, P.O. Box 1146, Harrisburg, PA 17108. *Such merchandise as is dealt in by retail, wholesale, chain grocery and food business houses, and foodstuff ingredients (except commodities in bulk and frozen foods); and packing materials, display racks, machinery, advertising materials, displays, dispensing equipment, premiums, and office equipment and supplies,* between the facilities of Buckeye Foods, a wholly owned subsidiary of Borden, Inc. at Columbus, OH and points in its commercial zone, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK and TX, restricted to traffic originating at the indicated origins and destined to the indicated destinations for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wise Foods Division of Borden, Borden, Inc., 228 Raseley St., Berwick, PA 18603. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 144398 (Sub-7TA), filed January 3, 1980. Applicant: WAYNE TRANSPORTS, INC., P.O. Box 366, Milaca, MN 56353. Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Liquified petroleum gas* from Greenwood and Geneva, NE; Clay Center, Conway & McPherson, KS and Kearney, MO to points in IA, MN, ND and SD for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Land O'Lakes Agricultural Services, 2827 8th Ave., So., Fort Dodge, IA 50501. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 144909 (Sub-5TA), filed January 29, 1980. Applicant: CENTRAL DELIVERY SERVICE OF MASSACHUSETTS, INC., 125 Magazine Street, Boston, MA 02119. Representative: Jeremy Kahn, 1511 K Street, NW. Washington, D.C. 20005. *Television parts and accessories,* from the facilities of Tee Vee Supply Company, Inc. at or near Nashua, NH, to Georgetown, Groveland, Salisbury, Newburyport, Methuen, Lowell, Chelmsford, Dracut, Tyngsboro, Amesbury, Merrimac, Haverhill, Lawrence, Andover, North Andover, Billerica, Wilmington, and Tewksbury, Massachusetts. Supporting shipper(s): Tee Vee Supply Company, Inc., 3211 Washington Street, Boston, MA 02130. Send protests to: John B. Thomas, D/S I.C.C., 150 Causeway Street, Boston, MA 02114.

MC 144938 (Sub-3TA), filed January 25, 1980. Applicant: BILLY L. NORTH d.b.a. VETERANS TRUCKING, 97 27th Avenue N.W., Gig Harbor, WA 98335. Representative: Billy L. North (same as above). *Contract carrier;* irregular routes; *Wood doors,* from Tacoma, WA to points within NV, AZ and CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): West Coast Door, Inc., 3102 So. Pine St., Tacoma, WA 98409. Send protests to: Shirley M. Holmes, T/A ICC, 858 Federal Building, Seattle, WA 98174.

MC 145468 (Sub-30TA), filed January 28, 1980. Applicant: K. S. S. TRANSPORTATION CORP., Route 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Westergren & Hauptman, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Meat and packinghouse products from Tama, IA to points in AL, CA, FL and GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tama Meat Packing Corp., P.O. Box 209, Tama, IA 52339. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark NJ 07102.

MC 145648 (Sub-8TA), filed January 31, 1980. Applicant: DUDLEY TRUCKING, INC., 1819 Olympic (P.O. Box 1651), Tacoma, WA 98401. Representative: Michael B. Crutcher, 2000 IBM Building, Seattle, WA 98101. *(1) Truck bed bodies, grain bins, steel culverts and steel buildings; (2) such materials as are used in the construction of truck bed bodies, grain bins, steel culverts and steel buildings,* (1) from the facilities of SCAFCO Corp., in Spokane County, WA to points in MT, ID, UT, ND, SD, NV, WY, MN and CA, (2) from points in MT, ID, UT, ND, SD, NV, WY and CA to the facilities of SCAFCO Corp. in Spokane County, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): SCAFCO Corporation, E 6212 Main, Spokane, WA 99206. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 145679 (Sub-10TA), filed January 25, 1980. Applicant: A&A TRANSPORT, INC., P.O. Box 569, Palmer, MA 01069. Representative: Arlyn L. Westergren, Westergren & Hauptman, Suite 106, 7101 Mercey Road, Omaha, NE 68106. *Plastics cutlery and utensils,* from the facilities of Engineered Plastics Corp. at Evansville, IN to points in the US in and east of MN, WI, IL, MO, AR and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Engineered Plastics Corp., 2521 Lynch Road, Evansville, IN 47711. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 145679 (Sub-11TA), filed January 28, 1980. Applicant: A&A TRANSPORT, INC., P.O. Box 569, Palmer, Massachusetts 01069. Representative: Arlyn L. Westergren, Westergren & Hauptmen, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* (except commodities in bulk), from the facilities of Armour Fresh Meat Company at Worthington, MN; Huron, SD; Madison, NE; and St. Joseph, MO to points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VT, VA, WV and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour Fresh Meat Company, 111 West Clarendon, Greyhound Tower, Phoenix, AZ 85077. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 145679 (Sub-12TA), filed February 1, 1980. Applicant: A & A TRANSPORT, INC., P.O. Box 569, Palmer, Massachusetts 01069. Representative: Arlyn L. Westergren, Westergren & Hauptman, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Construction wall panels, fiberglass sheets, fiberglass products, plastic products, solar heating and cooling systems, parts and accessories, and materials, equipment, and supplies used in the installation of construction wall panels,* from the facilities of Kalwall Corp. at Manchester, NH and Kalite Corp. at Bow, NH to points in the US (including AK, except HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kalwall Corp./Kalite Corp., 1111 Candia Road, Manchester, NH 03103. Send protests to: Regional Motor Carrier Board, Interstate Commerce Commission, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 145679 (Sub-13TA), filed February 1, 1980. Applicant: A & A TRANSPORT, INC., P.O. Box 569, Palmer, Massachusetts 01069. Representative: Arlyn L. Westergren, Westergren & Hauptman, Suite 107, 7101 Mercy Road, Omaha, Nebraska 68106. *Chemicals, cleaning, defoaming and paint removing compounds, solvents, plastic liquid, ink, plastic sheeting, machinery, machinery* parts, paint, lacquer, varnish, and paint thinner (except commodities in bulk in tank vehicles), (1) between the facilities of Thiokol/Dynachem Corporation in Orange County, CA on the one hand, and, on the other, Indianapolis and Terre Haute, IN; Elmhurst, IL; Herndon, VA; Charlotte and Matthews, NC; Moss Point, MS; Kearny, NJ; Farmingdale and Long Island City, NY; Woburn and South Hadley Falls, MA; (2) from Moss Point, MS to Charlotte and Matthews, NC; and South Hadley Falls, MA; (3) from Charlotte, NC to South Hadley Falls, MA; (4) from Matthews, NC to Woburn, MA; (5) from Woburn, MA to Herndon, VA and Elmhurst, IL; and (6) from Herndon, VA to Casselberry, FL, restricted to traffic originating at or destined to the facilities of Thiokol/Dynachem Corporation and further restricted to shipments moving in mechanically refrigerated equipment, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Thiokol/Dynachem Corporation, 2631 Michelle Drive, Tustin, CA 92680. Send protests to: Regional Motor Carrier Board, Interstate Commerce Commission, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 146148 (Sub-11TA), filed December 13, 1979. Applicant: B–RIGHT TRUCKING CO., 492 Old State Rt. 7, Pottery Addition, Steubenville, OH 43952. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Iron and steel articles,* between points in AL, IL, IN, KY, MI, MO, NJ, NY, OH, PA, VA, and WV; restricted to traffic originating at or destined to the facilities of Tri-State Metal Products, Inc. for 180 days. Supporting shipper(s): Tri-State Metal Products, Inc., P.O. Box 231, Hudson, OH 44236. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 147348 (Sub-7TA), filed January 31, 1980. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: James M. Duckett, 927

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Pyramid Life Building, Little Rock, AR 72201. *General commodities (with the usual exceptions)* from North Little Rock, AR to all points in AR; restricted to shipments moving from pool distribution at Constantin Distribution Corporation of North Little Rock, AR for 180 days. Underlying ETA filed. Supporting shipper(s): 7 shippers. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Ft. Worth, TX 76102.

MC 147589 (Sub-5TA), filed December 31, 1979. Applicant: BAER'S TRANSIT, INC., 754 Airport Road, Menasha, WI 54952. Representative: James A. Spiegel, Old Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract carrier:* irregular routes: *Malt beverages* from Detroit, MI to Wausau, WI and from Belleville, IL to Menasha, WI. Restricted to transportation to be performed under a continuing contract(s) with Baer's Beverage Inc. and Capital Sales, Inc. for 180 days. Supporting shipper(s): Capital Sales, Inc., Baer's Beverage, Inc., 754 Airport Road, Menasha, WI 54952. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 147839 (Sub-10TA), filed October 12, 1979. Applicant: BIB ENTERPRISES, INC., 401 West 9th South, Salt Lake City, UT 84101. Representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. *Contract carrier:* Irregular Route: *Lead scrap* from Ontario, CA to East Helena, MT and San Antonio, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Philipp Brothers, 1221 Avenue of the Americas, New York, NY 10020. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 148158 (Sub-6TA), filed January 29, 1980. Applicant: CONTROLLED DELIVERY SERVICE, INC., P.O. Box 1299, City of Industry, CA 91749. Representative: Knapp, Grossman & Marsh, 707 Wilshire Blvd., 1800 United Calif. Bank Bldg., Los Angeles, CA 90017. *General commodities (except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment),* from points in KS, LA, MD, MI, AR, NC, VA, CT, TX, RI, AZ, OR, and WA to the facilities of Gibson Product Co. located in UT, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Gibson Product Co., 5955 S. Main St., Murray, UT 84107. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 148428 (Sub-11TA), filed October 29, 1979. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Such commodities as are dealt in by general mail order houses* from St. Cloud, MN to Lexington, KY, Little Rock, AR, Denver, CO, Shreveport, LA, Des Moines, IA and St. Louis, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fingerhut Corporation, 11 McLeland Rd., St. Cloud, MN 56301. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.

MC 148479 (Sub-1TA), filed January 31, 1980. Applicant: MIDWEST SOLVENTS COMPANY, INC., 1300 Main St., Atchison, KS 66002. Representative: Bob W. Storey, 310 Columbian Title Bldg., 820 Quincy, Topeka, KS 66612. Contract carrier, irregular routes, *A. Paper products; B. Leather and plastic products; C. Cloth and Metal; D. Glue; E. Machinery* BETWEEN Atchison, KS, on the one hand, and all points and places within the US except AK and HI on the other for 180 days. Underlying ETA filed. Supporting shipper(s): Atchison Leather Prod. Co., Inc., 316 Commercial St., Atchison, KS. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 148479 (Sub-2TA), filed January 31, 1980. Applicant: MIDWEST SOLVENTS COMPANY, INC., 1300 Main St., Atchison, KS 66002. Representative: Bob W. Storey, 310 Columbian Title Bldg., 820 Quincy, Topeka, KS 66612. Contract, Irregular routes, *A. Beverage Alcohol in bottles and in case lots; B. Cereal Malt in case lots and kegs* between Kansas City, MO on the one hand, and all points and places within the US except AK and HI on the other for 180 days. Underlying ETA filed. Supporting shipper(s): Jackson Distributing Co., 8641 NE Underground Dr., Kansas City, MO. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 148479 (Sub-3TA), filed January 31, 1980. Applicant: MIDWEST SOLVENTS COMPANY, INC., 1300 Main St., Atchison, KS 66002. Representative: Bob W. Storey, 310 Columbian Title Bldg., 820 Quincy, Topeka, KS 66612. Contract, irregular, *A. Beverage alcohol in bottles and in case lots; B. Cereal malt in case lots and kegs* between Overland Park, KS, on the one hand and all points and places within NY, NJ, MD, FL, LA, TX, KY, TN, IL, IN, MI, OH, PA, CA, MA, MO, and KS on the other for 180 days. Underlying ETA filed. Supporting shipper(s): Eastern Distributing Co., Inc., 7604 Wedd Road, Overland Park, KS 66204. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 148479 (Sub-4TA), filed January 31, 1980. Applicant: MIDWEST SOLVENTS COMPANY, INC., 1300 Main St., Atchison, KS 66002. Representative: Bob Storey, 310 Columbian Title Bldg., 820 Quincy, Topeka, KS 66612. Contract carrier, irregular routes, *A. Beverage alcohol in bottles and in case lots; B. Cereal malt in case lots and kegs* between Springfield and Sedalia, MO on the one hand and all points and places within NY, NJ, MD, FL, LA, TX, KY, TN, IL, IN, MI, OH, PA, CA, MA, MO, and KS on the other for 180 days. Underlying ETA filed. Supporting shipper(s): Whitaker & Co., Inc., 2241 E. Bennett P.O. Box 4342 G.S. Sta., Springfield, MO 65804. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 148479 (Sub-5TA), filed January 31, 1980. Applicant: MIDWEST SOLVENTS COMPANY, INC., 1300 Main St., Atchison, KS 66002. Representative: Bob Storey, 310 Columbian Title Bldg., 820 Quincy, Topeka, KS 66612. Contract carrier, irregular routes, *A. Beverage alcohol in bottles and in case lots; B. Cereal malt in case lots and kegs* between Joplin, MO on the one hand and all points and places within NY, NJ, MD, FL, LA, TX, KY, TN, IL, IN, MI, OH, PA, CA, MA, MO, and KS on the other for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Southwest Missouri Liquor Co., Inc., 1041 Joplin St., P.O. Box 2065, Joplin, MO 64801. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102

MC 148479 (Sub-6TA), filed January 31, 1980. Applicant: MIDWEST SOLVENTS COMPANY, INC., 1300 Main St., Atchison, KS 66002. Representative: Bob Storey, 310 Columbian Title Bldg., 820 Quincy, Topeka, KS 66612. Contract carrier, irregular routes, *A. Beverage alcohol in bottles and in case lots; B. cereal malt in case lots and kegs* between Hays, and Junction City, KS on the one hand, and all points and places within NY, NJ, MD, FL, LA, TX, KY, IL, IN, MI, OH, PA, CA, MA, MO, and KS on the other for 180 days. Underlying ETA filed. Supporting shipper(s): State Distributors, Inc., 7604 Wedd Rd., Overland Park, KS 66204. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102

MC 148479 (Sub-7TA), filed January 31, 1980. Applicant: MIDWEST

SOLVENTS COMPANY, INC., 1300 Main St., Atchison, KS 66002. Representative: Bob Storey, 310 Columbian Title Bldg., 820 Quincy, Topeka, KS 66612. Contract carrier, irregular routes, *A. Paper products; B. Chemicals; C. Glass Bottles; D. Bulk and case alcoholic products; E. Ceramic Containers; F. Rum, scotch and tequila; G. Machinery* between Weston, Mo, on the one hand, and all points and places within the U.S. except AK and HI, on the other for 180 days. Underlying ETA filed. Supporting shipper(s): McCormick Distilling Company, Rt. 2, Weston, MO 64098. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102

MC 148479 (Sub-8TA), filed January 31, 1980. Applicant: MIDWEST SOLVENTS COMPANY, INC., 1300 Main St., Atchison, KS 66002. Representative: Bob Storey, 310 Columbian Title Bldg., 820 Quincy, Topeka, KS 66612. Contract carrier, irregular routes, *A. Beverage alcohol in bottles and in case lots; B. Cereal malt in case lots and kegs* between Joplin, MO on the one hand and all points and places within NY, NJ, MD, FL, LA, TX, KY, TN, IL, IN, MI, OH, PA, CA, MA, MO, and KS on the other for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Southwest Missouri Liquor Co., Inc., 1041 Joplin St., P.O. Box 2065, Joplin, MO 64801. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102

MC 148729 (Sub-1TA), filed November 28, 1979. Applicant: ED HANSEN d.b.a., DOROTHY J. TRANSPORT, Hy 101 W. Box 7070, Port Angeles, WA 98362. Representative: Ed Hansen (same as above). *Contract carrier;* irregular routes; *(1) Lumber, plywood, veneer, peeler cores, shakes, shingles, forest products,* from points in WA west of U.S. Hwy 97 to points in CA, OR, ID, NV, IL, MN; *(2) Block, brick, bag cement, fireplaces, rebar, building materials,* from OR, CA, ID, and NV to points in WA west of I–5 to terminate in Clallam County, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Peninsula Plywood, P.O. Box 311, Port Angeles, WA 98362; Olympic Block & Brick, Inc., 302 Tumwater, Port Angeles, WA 98362. Send protests to: Shirley M. Holmes, TA, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 148748 (Sub-2TA), filed December 4, 1979. Applicant: MICHAEL S. ESHNER d.b.a. BURLINGTON COUNTY TRANSIT COMPANY, 1212 Stirling St., Philadelphia PA 19111. Representative: Raymond A. Thistle, Jr., Five Cottman Crt. Homestead Rd. & Cottman St., Jenkintown, PA 19046. Contract carrier-irregular routes: *Passengers and their baggage,* between Towers of Windsor, Cherry Hill Township, NJ on the one hand, and on the other, Philadelphia, PA, under a continuing contract or contracts with Deerwood Estates, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Deerwood Estates, 98 Cutter Mill Rd., Great Neck, NY 11021. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 148799 (Sub-1TA), filed November 28, 1979. Applicant: JESSE L. KOGER, an individual, 1903 Marshall Avenue, Sanford, FL 32771. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. *Contract carrier, irregular route, transporting plastic plant post and covers* from Tulsa, OK to Lantana, FL under contract with Royal Vista Plastics, Inc. of Tulsa, OK for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Royal Vista Plastics, Inc., P.O. Box 45651, Tulsa, OK 74145. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 148848 (Sub-1TA), filed November 27, 1979, and published in the **Federal Register** issue of January 23, 1980, and republished as corrected this issue. Applicant: UNIVERSAL DELIVERIES, INC., 2100 N. Southport Avenue, Chicago, IL 60614. Representative: Joseph T. Rambrick, P.O. Box 216, Douglassville, PA 19518. *General commodities (except classes A and B explosives, commodities in bulk, those of unusual value, and used household goods as defined by this commission),* between the following counties in IL i.e. Boone, Bureau, Cass, Champaign, Cook, Dewitt, DeKalb, DuPage, Ford, Fulton, Grundy, Henry, Iroquois, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, Macon, Marshall, McHenry, McLean, Menard, Ogle, Peoria, Piatt, and Putnam, (b) Rock Island, Sangamon, Stark, Stephenson, Tazwell, Vermilion, Whiteside, Will, Winnebago, Woodford; counties in IN; Lake, Laporte, Marshall, Porter, St. Joseph, Starke; counties in WI; Dane, Green, Jefferson, Kenosah, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, and Waukesha, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 6 supporting shippers. Their application can be reviewed at the address below or headquarters. Send protests to: ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604. The purpose of this republication is to show the complete scope of application as previously omitted.

MC 149029 (Sub-2TA), filed December 19, 1979. Applicant: VANWORMER TRUCKING, INC., Star Route, Cranberry, PA 16319. Representative: Dwight L. Koerber, Jr., 666 Eleventh St., NW, 805 McLachlen Bank Bldg., Washington, DC 20001. *Petroleum, petroleum products, vehicle body sealer, sound deadener compounds, and materials and supplies used in the manufacture or distribution of petroleum products* (except commodities in bulk), from North Tonawanda and Buffalo, NY; Farmers Valley, Emlenton, and North Warren, PA; and Congo and Saint Marys, WV, to points in OH, PA, NY, WV, MD, and NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 149068TA, filed November 6, 1979. Applicant: KEPPEL CORPORATION, 1325 Horner Rd., Woodbridge, VA 27191. Representative: H. Neil Garson, 3251 Old Lee Highway, Suite 400, Fairfax, VA 22030. *Automotive tires, tire tread rubber, automotive tubes, tire parts and automotive tire tube parts,* from Findlay and Akron, OH; Clarksdale, MS; and St. Louis, MO; to Lorton, Wytheville, Roanoke, and Richmond, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bogle Tire Co., 1070 E. Main St., Wytheville, VA. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7 St., Philadelphia, PA 19106.

MC 149079TA, filed November 21, 1979. Applicant: WILLIAM MILLICAN, d.b.a. MILLICAN TRANSFER, 2121 Main St., Victoria, VA 23974. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Such commodities as are dealt in by wholesale, retail and chain food business houses* (except frozen foods and commodities in bulk), in vehicles equipped with mechanical refrigeration, between Victoria and Richmond, VA, and the facilities of Dauphin Distribution Service, Inc., at or near Mechanicsburg, PA, Camp Hill, PA and Hampden and Silver Spring Townships, Cumberland County, PA, on the one hand, and on the other, points in VA and Cherry Point, Fayetteville and Jacksonville, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dauphin Distribution Service Co., P.O. Box 427, Camp Hill, PA 17011. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 149158 (Sub-1TA), filed January 4, 1980. Applicant: DAVID McINTOSH,

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INC., P.O. Box 1425, Great Falls, MT 59403. Representative: David W. McIntosh (same address as applicant). Dry fertilizer, in bulk, from Soda Springs, Pocatello, Kellogg and Post Falls, ID and Spokane and Kennewick, WA; and the U.S.-Canada International Boundary line at or near Sweetgrass, MT to all points in MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Prairie Production Co., Highwood Star Rt., Great Falls, MT 59401, Shoco Fertilizer, Box 333, Augusta, MT 59410, Hi Line Fertilizer, Inc., Box 228, Hingham, MT 59528, McIntosh Grain & Feed, Inc., P.O. Box 1425, Great Falls, MT 59403. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 149189 (Sub-1TA), filed January 16, 1980. Applicant: GEORGE TRUCKING, 11250 Firestone Blvd., Norwalk, CA 90650. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602. *Iron or steel pipe or tubing, and fittings, valves and attachments therefor; and oilfield machinery, equipment, materials and supplies,* between Los Angeles and Long Beach Harbors, CA on the one hand, and, on the other hand points and places in Kern County, CA, limited to port traffic having a prior or subsequent movement via water, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Bakersfield Pipe & Supply Inc., 2809 Patton Way, Bakersfield, CA. Send protests to: Irene Carolos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 149199 (Sub-1TA), filed January 18, 1980. Applicant: O. R. MILLER, d.b.a. FRONTIER EXPRESS, 11720 Ashford Dr., Yukon, OK 73099. Representative: O. R. Miller (same address as applicant). *Common* Carrier: *Regular* Route: *General Commodities,* (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Oklahoma City, OK and Newkirk, OK: From Oklahoma City over US Hwy 77 to Newkirk, and return over the same route, serving the intermediate points of Tonkawa, and Ponca City, (2) between Oklahoma City, OK and Braman, OK: From Oklahoma City over US Hwy 77 to the junction of US Hwy 177, then over US Hwy 177 to Braman and return over the same route, serving the intermediate points of Tonkawa, and Blackwell, (3) between Blackwell, OK and the junction of US Hwy 77 and OK Hwy 11: From Blackwell over OK Hwy 11 to the junction of OK Hwy 11 and US Hwy 77, and return over the same route, serving all intermediate points, and (4) between Oklahoma City, OK and the junction of US Hwy 60 and US Hwy 177: From Oklahoma City over Interstate Hwy 35 to the junction of US Hwy 60, then over US Hwy 60 to the junction of US Hwy 177, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, for 180 days. NOTE: Applicant intends to interline with other carriers at Oklahoma City, Blackwell and Ponca City, OK. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are approximately 7 supporting shippers. Their statements may be examined at Headquarters or at the field office listed below. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 149209 (Sub-1TA), filed January 22, 1980. Applicant: MIKE MADDEN, d.b.a., MADDEN TRUCK LINE, 2025 Carroll St., Boone, IA 50036. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. (1) *Concrete pipe form equipment and* (2) *equipment, materials, and supplies (except commodities in bulk) used in the manufacture, distribution, or sale of the commodities in (1)* between Boone, IA, on the one hand, and, on the other, points in the U.S. (except AK & HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Quinn Foundry & Machine Division of Zeidlers, Inc., P.O. Box 130, Boone, IA 50036. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 149218 (Sub-3TA), filed January 17, 1980. Applicant: SUNBELT EXPRESS, INC., 118 Hamilton Circule, Bremen, GA 30110. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. *(1) Containers, container closures, container components and packaging product and (2) Machinery materials and supplies used in the manufacture, sale and distribution of (1) above (except in bulk),* (1) From Tallapoosa, GA to points in AL, FL, GA, IL, IN, KY, LA, MO, MS, NC, OH, SC, TN, VA, and WV; and, (2) From destination states named in (1) above to Tallapoosa, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southern Can Company, 100 Stoffell Drive, Tallapoosa, GA. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 149219 (Sub-1TA), filed January 24, 1980. Applicant: GERALD TRANSPORT CHAMBLY INC., 3730 Grand-Ligne, Chambly Quebec Canada J3L 4A7. Representative: Adrien R. Paquett, 200 St James Street West, Suite 900, Montreal, Quebec, Canada H2Y 1M1. *General commodities* (except those of unusual valve, Classes A and B explosives, household goods as defined by the Commission, commodites in bulk, and those requiring special equipment) *in ocean containers, and empty containers,* between the ports of entry on the International Boundary Line between the United States and Canada located in NY, VT, NH, and ME, on the one hand, and, on the other, points in VT, NH, MA, CT, ME, NY, NJ, DE, MD, RI, PA, OH, IN and IL. Restricted to traffic having a prior or subsequent movement by water, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Entreposage Chambly Ltee, 1155 Boul. Brunelle, Carignan, Quebec, Canada. Send protests to: Carol A. Perry, TA, ICC, P.O. Box 548, Montpelier, VT 05602.

MC 149228 (Sub-1TA), filed January 22, 1980. Applicant: MARINE TRANSPORT COMPANY, P.O. Box 2142, Wilmington, NC 28402. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. *General commodities (except those of unusual value, commodities in bulk, classes A and B explosives, commodities requiring special equipment and household goods as defined by the Commission) restricted to traffic having a prior or subsequent movement by water* between the ports at Newport News, Norfolk and Portsmouth, VA, Morehead City and Wilmington, NC, Charleston, SC and Savannah, GA, on the one hand, and, on the other, points in AL, GA, IN, KY, NC, OH, SC, TN, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 12 supporting shippers. Their statements may be examined at the listed below or Headquarters. Send protest to: Sheila Reece, TA, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 149229 (Sub-2TA), filed January 22, 1980. Applicant: JOYCLIFF TRUCK LEASING COMPANY, INC., 2010 Joycliff Circle, Macon, GA 30201. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Contract* carrier, over irregular routes, *(1) Articles dealt in by janitorial supply houses, (except in bulk); and (2) Materials and supplies used in the manufacture of janitorial supplies (except in bulk),* (1) From Macon, GA to point in AL, AR, FL, FL, IN, KY, LA, MS, NY, NC, PA, SC, TN, TX, VA and (2) from destination states named (1) above to Macon, GA, for 180 days. An underlying ETA seeks 90 says authority. Supporting shipper(s): Southern Chemical Products Company, Inc., 430 Lower Boundary Street, Macon, GA 31202. Send protests to: Sara K. Davis, TA, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 149248 (Sub-2TA), filed Jan. 31, 1980. Applicant: MAYNARD & GOAD TRUCKING COMPANY, Route 3—Box 386 Lebanon, 37087. Representative: John G. Hardeman, 618 United American Bank Bldg. Nashville, TN 37219. *Fertilizer spreaders, salt spreaders and materials & supplies used in the manufacture thereof,* between Lebanon, TN, on the one hand, and, on the other points in NH, NC, NY, CT, PA, MA, ME, TX, LA, AR, NJ, DE, OH, WV, VA, KY, SC, GA, FL, MS, OK and AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Highway Equipment Company, Lebanon, TN. 37087. Send protests to: Glenda Kuss, TA, ICC, A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 149288 (Sub-1TA), filed January 18, 1980. Applicant: TRIPLE A DELIVERY SERVICE, INC., 244 W. Main St., Groveport, OH 43125. Representative: Jerry Sellman, 50 W. Broad St., Columbus, OH 43215. (1) *Foodstuffs* from Columbus, OH to points in IN, KY, MI, PA, and WV, and (2) *commodities used in the manufacture, production, or distribution of foodstuffs* from points in IN, KY, PA, WV, and MI, to Columbus, OH, for 180 days, restricted to shipments originating at or destined to facilities of T. Marzetti Co., located in Columbus, OH. An underlying ETA seeks 90 days authority. Supporting shipper(s): T. Marzetti Co., Box 29163, Columbus, OH 43229. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Building, 101 North 7th Street, Room 620, Philadelphia, PA 19106.

MC 149298TA, filed December 17, 1979. Applicant: DAIRY TRANSPORT, INC., 1928 Foxcroft Dr., Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005.*Contract* carrier-irregular routes; *(a) dairy products, (b) citrus products* (a) between Winston-Salem, NC and points in its commercial zone on the one hand, and, on the other, points in AL, LA, FL, GA, SC, TN, OH, VA, PA, MD, IL, MO, IN, MI and NY, and (b) from points in FL to Winston-Salem, NC and points in its commercial zone and points in VA, for 180 days. Supporting shipper(s): Kraft, Inc. (Dairy Group), P.O. Box 4151, Winston-Salem, NC 27105. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd, Rm CC516, Charlotte, NC 28205.

MC 149299TA, filed October 4, 1979. Applicant: ATLANTIC METRO TRANSPORT, INC., 3501 Sinclair Lane, Baltimore, MD 21213. Representative: Robert B. Pepper, Highland Park, NJ 08904. *Contract* carrier-irregular routes: *Concrete planks,* from Baltimore, MD, and Morrisville, PA to pts. in DE, DC, MD, NJ, PA and VA under a continuing contract or contracts with Strescon Industries, Inc., for 180 days. Supporting shipper(s): Strescon Industries, Inc., P.O. Box 67, Morrisville, PA 19067. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 149349TA, filed Dec. 5, 1979. Applicant: Philpot Bus Lines, 213 Crawford St., Campbellsville, KY 42718. Representative: Marvin L. Coan, 601 Legal Arts Bldg., 200 S. 7th St., Louisville, KY. 40202. Passengers and their baggage in the same vehicle (in charter operations), from the Counties of Taylor, Marion, Washington, Larue, Hardin, Green Adair, Casey, Russell and Medcalf, KY, to the states of IN, OH, NC and TN, and return. Supporting shipper(s): There are 10 supporting statements signed by Pastors of various churches & directors for Councils on Aging all located in KY. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY. 40202.

MC 149368TA, filed September 10, 1979. Applicant: ROBERT L. MILLER, d.b.a. MILLER'S SPECIAL DELIVERY SERVICE, 61390 Bremen Highway, Mishawaka, IN 46544. Representative: Robert L. Miller, 61390 Bremen Highway, Mishawaka, IN 46544. *General commodities,* except Classes A & B explosives, commodities in bulk, articles of high or unusual value and household goods as defined by the Commission. Handling "Emergency Shipments-Expedited Service Requested", between all points in IL, IN, IA, KY, MI, OH and St. Louis, MO and Brook, Cabell, Hancock, Jackson, Marshall, Mason, Ohio, Pleasants, Tyler, Wayne, Wetzel and Wood Counties in WV for 180 days. Supporting shipper(s): 13 Supporting Shippers. Send protests to: Interstate Commerce Commission, 219 S. Dearborn St., Chicago, IL 60604.

MC 148418 (Sub-1TA), filed December 31, 1979. Applicant: BATESVILLE CASKET CO., INC., Batesville, IN 47006. Representative: Edward F. Schiff, 1333 New Hampshire Avenue NW., Washington, DC 20036. *Contract carrier:* irregular routes: *Metal fireplaces and related equipment* from Los Angeles, CA to Louisville, KY for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Marco Manufacturing, Inc., Midland Industrial Park, 8191 National Turnpike, Louisville, KY 40214. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

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March 11, 1980.

MC 148768 (Sub-1TA), filed November 19, 1979, and published in the **Federal Register** issue of March 3, 1980, and republished as corrected this issue. Applicant: JAMES S. SHAPKOFF, d.b.a VERNON MOVING & STORAGE COMPANY, P.O. Box 557, Leesville, LA 71446. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. *Used household goods,* between points in Vernon, Beauregard, Allen, Natchitoches, Sabine, Jefferson, Cameron, and Calcasieu Parishes, LA, and Orange, Sabine, Angelina, Jasper, Newton, Nacogdoches, San Augustine and Shelby Counties, TX, for 180 days. Restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic. Applicant has filed an underlying ETA seeking 90 days authority. Supporting shipper(s): Four Winds Forwarding Company, P.O. Box 80771, San Diego, CA 92138. Cartwright International Van Lines, Inc., 11901 Cartwright Avenue, Grandview, MO 64030. Astron Forwarding Company, 1660 Factor Avenue, San Leandro, CA 94577. Send protests to: Robert J. Kirspel, DS, ICC, T–9038 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113. The purpose of this republication is to correct scope of application as previously published.

Notice No. 262

MC 19306 (Sub-1TA), filed December 26, 1979. Applicant: R. J. TAYLOR AND G. G. TAYLOR CO., 180 Jefferson Boulevard, Warwick, RI 02886. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, NW, Washington, DC 20036. Contract-irregular, General commodities, except those of unusual value, Classes A & B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cranston, RI, on the one hand, and, on the other, points in NH. RESTRICTION: This service to be performed by the above-named carrier is limited to a service in which said carrier leases trucks with drivers to the shippers for the transportation of such shipper's property. For 180 days. An underlying ETA seeks 90 days authority.

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Supporting shipper(s): Jewelers Shipping Association, 125 Carlsbad Street, Cranston, RI 02910. Send protests to: Gerald H. Curry, DS, ICC, 24 Weybosset Street, Room 102, Providence, RI 02903.

MC 26396 (Sub-328TA), filed January 3, 1980. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. (A) *Fertilizer* and *fertilizer additives*, and (B) *Materials, supplies and equipment* used in the manufacture and distribution of the commodities listed in (A) above, between the facilities of Stoller Chemical Company, Inc. at or near Turlock, CA; Jerome, ID; Buckeye, AZ; Brownfield, Houston and Odessa, TX; Fremont, NE; Oswego, IL; Dawson and Pelham, GA; Eustis, FL; Ehrhardt and Jerico, SD; Severn, NC; Clarendon, AR; and Tooele, UT, on the one hand, and, on the other, points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stoller Chemical Company, Inc., 8582 Katy Freeway, Suite 200, Houston, TX 77024. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 51146 (Sub-797-TA), filed December 5, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. *Packaging mixes, cake mixes, corn bread mixes, potato mixes, and drink mixes and equipment, materials, and supplies used in the manufacture and distribution of the above-named commodities*, from Chester and Steelville, IL and Perryville, MO to Arlington, TX; Chattanooga, TN; Clearfield, UT; Kansas City, MO; and points in MN, IA, WI, IL, KY, IN, MI, OH, VA, WV, MD, DE, PA, NJ, NY, CT, RI, MA, VT, NH, and ME for 180 days. Supporting shipper(s): Gilster Mary Lee, P.O. Box 227, Chester, IL 62233. Send protests to: Transportation Assistant, ICC—219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 51146 (Sub-798TA), filed December 12, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). *Beverage preparations and ice cream toppings*, from Chicago, IL and Fostoria, OH to Liverpool, NY; Boston, MA; St. Louis, MO; Fostoria, OH; Dallas, TX; Chicago, IL; and Kansas City, MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Foremost-McKesson, Inc., One Post Street, San Francisco, CA 94104. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 51146 (Sub-799TA), filed December 12, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. Dujardin (same address as applicant). *Such commodities as are dealt in, or used by, manufacturers and distributors of plumbing fixtures and supplies*, between Louisville, KY and Eau Claire, La Crosse, and Madison, WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): La Crosse Plumbing & Supply Co., 106 Cameron Avenue, La Crosse, WI 54601. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 51146 (Sub-800TA), filed December 18, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, P.O. Box 2298, Green Bay, WI 54306. *Sodium bicarbonate, in packages, and phosphates, in packages, when moving in mixed loads with sodium bicarbonate, in packages*, from the facilities of Stauffer Chemical Company at Chicago Heights, IL to points in CT, DE, IN, IA, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, ND, OH, PA, RI, SD, VT, VA, WV, WI and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stauffer Chemical Company, Westport, CT 06880. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 51146 (Sub-801TA), filed December 19, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, (same address as applicant). *Beer, in kegs and cartons*, between Detroit, MI on the one hand, and, on the other, Cleveland, WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lewis Distributing Company, Inc., 855 Hickory Street, P.O. Box 98, Cleveland, WI 53015. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 51146 (Sub-802TA), filed January 4, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, (same address as applicant). (1) *Containers, container ends, and container closures*, (2) *Commodities manufactured or distributed by manufactures and distributors of containers when moving in mixed loads with containers, and* (3) *Material, equipment and supplies used in the manufacture and distribution of containers, container ends, and container closures*, between points in the United States (except AK and HI). Restriction: All of the above authority is restricted against the transportation of commodities in bulk for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 21 supporting shippers. Their application can be reviewed at the address below or headquarters. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 52657 (Sub-753TA), filed November 15, 1979. Applicant: ARCO AUTO CARRIERS, INC., 16 W. 151 Shore Court, Burr Ridge, IL 60521. Representative: James Bouril (same as applicant). *Reconsigned motor vehicles in secondary movements, in truckaway service:* (1) between points in the states of CT, MD, NY, NJ and PA; (2) between points in the states of OH and WV, on the one hand, and, on the other CT, MD, NJ and PA; (3) between points in the states of IL, KS, NB, and OK; and (4) between points in the states of IA and MO, on the one hand, and, on the other KS, NB and OK. Restricted to the transportation of traffic having a prior movement from the facilities of American Motors Corp., Kenosha, WI; Jeep Corp., a subsidiary of American Motors Corp., in Toledo, OH; American Motors (Canada) Ltd., Brampton, Ontario, Canada and Regie Nationale-Des-Usines Renault, France for 180 days. Supporting shipper(s): American Motors Corporation, 14250 Plymouth Rd., Detroit, MI 48232. Send protests to: Transporation Assistant, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 52657 (Sub-754TA), filed November 16, 1979. Applicant: ARCO AUTO CARRIERS, INC., 16 W. 151 Shore Court, Burr Ridge, IL 60521. Representative: James Bouril, 16 W. 151 Shore Court, Burr Ridge, IL 60521. *Motor vehicles*, in truckway service, in secondary movements, from Little Ferry, NJ and points within 20 miles thereof, to points in CT, NJ, NY and RI; from Pittsburgh, PA and points within 20 miles thereof, to points in MD, OH, PA and WV; restricted to the transportation of vehicles having a prior movement from the facilities of Regie Nationale-Des-Usines Renault, France. Supporting shipper(s): American Motors Corporation, 14250 Plymouth Rd., Detroit, MI 48232. Send protests to: Transporation Assistant, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 52657 (Sub-755), filed November 15, 1979. Applicant: ARCO AUTO CARRIERS, INC., 16 W. 151 Shore Court, Burr Ridge, IL 60521. Representative: James Bouril, 16 W. 151 Shore Court, Burr Ridge, IL 60521. *Motor vehicles*, in secondary movements, in truckaway service from Kansas City, KS-MO commerical zone to points in OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Motors Corporation, 14250 Plymouth Road, Detroit, MI 48232. Send protests to: Transporation Assistant, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 55896 (Sub-131TA), filed December 17, 1979. Applicant: R–W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: George E. Batty (same address as applicant). *Materials, equipment and supplies used in the manufacture of automobiles (except commodities in bulk, in tank vehicles)*, from Vienna, WV to Janesville, WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Logistics Operations, G–M Corporation, 30007 Van Dyke Ave., Warren, MI 48090. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 58166 (Sub-17TA), filed December 13, 1979. Applicant: GIBSON TRUCK LINES, LaJara, Colorado 81140. Representative: Fred T. Gibson (same address). (A) *Animal Feeds—Cottonseed Meal in bulk and bags, and insulating materials and supplies*, from points in AZ to points in CO, NM and TX; (B) *Gypsum in bulk and Crushed Rock* from points in NM to CO, for 180 days. Supporting shipper(s): Daniel's Field Service, Monte Vista, CO, Malouff's Hi-Valley Paving, Alamosa, CO, Larry Juhin, LaJara, CO. Send protests to: District Supervisor H. C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 59306 (Sub-6TA), filed December 13, 1979. Applicant: NIEDERGERKE TRUCK LINE, INC., 107 West 4th St., Fulton, MO 65251. Representative: Neal A. Jackson, 1156 15th St. NW., Suite 1022, Washington, D.C. 20005. *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the facilities of Dresser Industries, Inc., at Vandalia, MO, as an off-route point in connection with applicant's existing regular route authority, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Transport Services Div. of Dresser Ind., P.O. Box 2252, Columbus, OH 43216, Harbison-Walker Refractories, 2 Gateway Center, Pittsburgh, PA 15222. Send protests to: Vernon V. Coble, DS, ICC, 600 Fed. Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 59726 (Sub-4TA), filed November 21, 1979. Applicant: MERLIN ZILLMER, d.b.a., ZILLMER TRANSFER, Rural Route 4, Sparta, WI 54656. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities requiring special equipment)*, (1) between Black River Falls, WI and junction of WI Hwy 108 and U.S. Hwy 16; from Black River Falls, WI over U.S. Hwy 54 to Melrose, WI, then over WI Hwy 108 to junction with U.S. Hwy 16, serving all intermediate points (also over U.S. Hwy 54 to Melrose, WI, then over WI Hwy 108 to north junction with unnumbered Hwy (LaCrosse County CTH C) then over unnumbered Hwy to south junction with WI Hwy 108, serving Mindoro, WI as off-route point) and return over same route, (2) between North Bend, WI and Melrose, WI; over WI Hwy 54, and return over the same route and (3) between North Bend, WI and junction of unnumbered Hwy and WI Hwy 108, north of Mindoro, WI, over unnumbered Hwys (Jackson County CTH V and VV, and LaCrosse County CTH VV and T), and return over the same route for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 7 supporting shippers. Their application can be reviewed at the address below or headquarters. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 78276 (Sub-16TA), filed December 31, 1979. Applicant: MAZZEO & SONS EXPRESS, 311 South River Street, P.O. Box 691, Hackensack, NJ 07601. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Wearing apparel*, between Greer, SC and Jackson, TN on the one hand, and on the other, points in the states of AL, AR, FL, GA, KY, MS, NC, SC and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gail Fashions, 104 Mouisey Blvd., City unknown; K&R Sportswear Co., PO Box 219, Spring Hope, NC 27882; Shelia EM and Silverstyle Dress Corp., 501 7th Avenue, New York, NY 10018; The Works, Fun and Fads Inc., Sherayne Dress Co., 1359 Broadway, New York, NY 10018; Jana Lee, Inc., 330 W. 34th St., New York, NY 10001; En Route Inc., & Ellen Harts, Roanoke Enf. App., 1020 Foye St., RR NC 27870; Cotton City Industries, Inc., 45 West 36th St., New York, NY. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 86247 (Sub-25TA), filed November 29, 1979. Applicant: I.C.L. INTERNATIONAL CARRIERS LIMITED, 1333 College Ave., Windsor Ontario Canada N9C 3Y9. Representative: Joseph P. Allen, 7701 W. Jefferson, P.O. Box 09259, Detroit, MI 48209. *Silica sand, magnesite and refractory sand, in dump vehicles*, between Ottawa, IL and its commercial zones, and the international boundary line of the U.S. and Canada at Detroit and Port Huron, MI, restricted foreign traffic, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Motors of Canada, Ltd., Park Rd. So., Oshawa, Ontario, Canada; General Abrasives Canada, 3807 Stanley Ave., Niagara Falls, Ontario; Top Iron & Metal Co., Ltd., Sheppard Ave., Sheppard Center, Willowdale, Ontario M2N 5Y7. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 95876 (Sub-333TA), filed December 31, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC, 203 Cooper Avenue North. St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). *Materials and supplies used in the manufacture and distribution of cast iron products (except commodities in bulk)*, from points in and west of ND, SD, NE, KS, CO and NM, to Pottawattamie County, IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Griffin Pipe Products Co., 2000 Spring Road, Oak Brook, IL 60521. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 95876 (Sub-334TA), filed January 8, 1980. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). *Pedestrian and recreational bridges*, from Alexandria, MN to Santa Rosa, CA, Bloomfield, CT, Savannah, GA, Idaho City, ID, Elk Grove, Harvard, Ringwood and Chicago, IL, Louisville and Lexington, KY, Algiers and Shreveport, LA, Frederick, MD, Fraser, MI, Springfield, MO, Orangetown, Albany and Lake Placid, NY, Albuquerque, NM, Oklahoma City, OK, Knoxville, TN, San Antonio, TX, Falls Church, VA, Madison, WI and

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Sheridan and Encampment, WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Continental Custom Bridge Co., Route 5, Alexandria, MN 56308. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 99427, filed September 28, 1979. Applicant: ARIZONA TANK LINES, INC., 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *naptha, in bulk, in tank vehicles,* from El Segundo, LA, to the facilities of Inspiration Consolidated Copper Co., at or near Miami, AZ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Inspiration Consolidated Copper Company, Inspiration, AZ 85537. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 100666 (Sub-515TA), filed December 12, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same address as applicant). *Materials and supplies used in the manufacture or disbribution of gypsum or gypsum products (except commodities in bulk)* from KS and MO to Acme, TX, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Georgia-Pacific Corp., 1062 Lancaster Ave., Rosemont, PA 19010. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 100666 (Sub-515TA), filed December 18, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same address as applicant). *Insulating materials and supplies* from the facilities of Certain-Teed Corporation at or near Pauline and Kansas City, KS to points in IA, IL, IN, KY, MI, MO, OH, and WI, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Certainteed Corp., Insulation Group, P.O. Box 860, Valley Forge, PA 19482. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 100666 (Sub-516TA), filed December 31, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same address as applicant). *Such commodities as are dealt in or used by, agricultural equipment, industrial equipment and lawn and leisure product dealers (except in bulk)* from Laurinburg, NC to points in FL, GA, NC, SC, TN, and VA. Restricted to shipments having a prior movement by rail and destined to facilities of Deere & Company dealers. Applicant is seeking 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Deere & Company, John Deer Road, Moline, IL 61265. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 100666 (Sub-517TA), filed December 31, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same address as applicant). Materials used in the manufacture of wiping cloths, in bales, from Wichita, KS and Muskogee, OK to Bossier City, LA, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper: Target Wiping Cloth Co., P.O. Box 5958, Bossier City, LA 71111. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 100666 (Sub-518TA), filed January 10, 1980. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same address as applicant). *Lumber and wood mining props* from Butte, Custer, Laurence, Meade and Pennington Counties, SD to AZ, CO, and NM, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper: Southwestern Sales, Inc., P.O. Box 25783, Albuquerque, NM 87125. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 100666 (Sub-518TA), filed January 10, 1980. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same address as applicant). *Lumber and wood mining props* from Butte, Custer, Laurence, Meade and Pennington Counties, SD to AZ, CO, and NM, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper: Southwestern Sales, Inc., P.O. Box 25783, Albuquerque, NM 87125. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 100666 (Sub-519TA), filed January 10, 1980. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same address as applicant). *Such commodities as are dealt in or used by Agricultural equipment, Industrial equipment, and Lawn and Leisure product dealers (except commodities in bulk),* between the facilities of Deere and Company in Jackson County, MO on the one hand, and on the other, points in CO and NE, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper: John Deere Company, 3210 East 85th St., Kansas City, MO 64132. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 105607 (Sub-15TA), filed December 31, 1979. Applicant: CON. WEIMAR CORP., 401 Commerce Road, Linden, NJ 07036. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Fatty alcohol, in tank vehicles,* from Newark and Lyndhurst, NJ to Painesville, Oh for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Fallek Chemical Corporation, 460 Park Avenue, New York, NY 10022. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 107496 (Sub-1262TA), filed November 13, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Alcohol, in bulk, in tank vehicles,* from Decatur, IL, to points in IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Molo Oil Company, 41 Main, Dubuque, IA 52001; Wolter Oil Co., P.O. Box 398, Denver, IA 50622. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1263TA), filed November 14, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Synthetic resins, in bulk, in tank vehicles,* from Valley Park, MO, to points in NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Spencer Kellogg, a Division of Textron, Third & St. Louis Sts., Valley Park, MO 63088. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1264TA), filed November 21, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Chelating compound, in bulk, in tank vehicles,* from Garland, TX, to points in WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Magnablend, Inc., P.O. Box 62, DeSoto, TX 75115. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107527 (Sub-63TA), filed January 2, 1980. Applicant: POST TRANSPORTATION CO., P.O. Box

1000, Long Beach, CA 90801. Representative: R. Sherman Kirksey, P.O. Box 1000, Long Beach, CA 90801. *Contract:* Irregular: *Liquid Caustic Soda and Hydrochloric Acid, in Bulk, in Tank Vehicles,* from Los Angeles County, California, to Points & Places in Arizona, for 180 days. Supporting shipper: Hooker Chemicals & Plastics Corp., 605 Alexander Ave., Tacoma, WA 98401. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 107576 (Sub-27TA), filed October 12, 1979. Applicant: SILVER WHEEL FREIGHTLINES, INC., 1321 S. E. Water Avenue, Portland, OR 97214. Representative: Ben D. Browning or Ronald D. Browning, 1321 S. E. Water Avenue, Portland, OR 97214. Common, regular by motor vehicle, general commodities (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk in tank vehicles, and those requiring special equipment) (1) between Umatilla, OR and Soap Lake, WA via the Umatilla Bridge and connecting roads to Junction WA State Hwy 14 near Plymouth; then via WA State Hwy 14 to Junction USH 12; then via US Hwy 12 to junction US Hwy 395; then US Hwy 395 to Junction WA State Hwy 17; then via WA State Hwy 17 to Soap Lake, serving all intermediate and off-route points located in Benton, Franklin, Adams, and Grant Counties, Washington, and the off-route point of Vantage, WA and return over the same routes, and (2) Between Goldendale, WA and Moses Lake, WA via US Hwy 97 to Junction Interstate Hwy 90; then via Interstate Hwy 90 to Junction WA State Hwy 171; then via WA Hwy 171 to Moses Lake, serving the intermediate point to Vantage, WA and the off-route points located in Grant County, WA and return over the same routes. Also requested is authority to tack, interline, and serve the commercial zones of the above-named points, for 180 days. Supporting shipper(s): Carborundum Irrigation Systems, 90554 Hwy 99N, Eugene, OR. Shinn Irrigation Equipment, Inc., 710 East Broadway, Moses Lake, WA, and 40 others on file in Field Office, Portland, OR. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, 555 S. W. Yamhill Street, Portland, OR 97204.

MC 111496 (Sub-31TA), filed January 8, 1980. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Saint Paul, MN 55113. Representative: R. E. Caturia (Same address as applicant). *General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading,* between Shelby, MT and the United States-Canada boundary line at or near Sweetgrass, MT, serving all intermediate points. From Shelby over U.S. Highway 2 to Junction U.S. Highway 91, thence over U.S. Highway 91 to the United States-Canada boundary line, and return over the same route for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Interstate Motor Freight System, 2750 Lexington Avenue, St. Paul, MN 55121; McLean Trucking Company, 400 First Street SW, New Brighton, MN 55112. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 112617 (Sub-460TA), filed December 17, 1979. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (as above). Liquid Petroleum Pitch, in bulk, in tank vehicles, from Mobil Oil Company, Augusta, KS, to Airco Speer Carbon Graphite, Niagara Falls, NY. Supporting shipper: Gilbert F. Williams, T/M, Airco Speer Carbon Graphic, 4861 Packard Road, Niagara Falls, NY 14302. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 112617 (Sub-461-TA), filed December 28, 1979. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same as above). Granulated Slag, in bulk, from the plantsite of Mineral Aggregates Co., Inc., at or near Greenville, KY, to points in AR, IN, KS, MO, OK, TN, WV, AL, GA, LA, MS, NC, SC, OH, TX, VA, and IL. Supporting shipper(s): David M. Steffen, T/M, Mineral Aggregates Co., Inc., 8149 Kennedy Ave., Highland, IN 46322. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 115357 (Sub-14-TA), filed December 21, 1979. Applicant: TAT, INC., 800 Wyoming St., P.O. Box 4013, Kansas City, MO 64101. Representative: Raymond A. Greene, Jr., 100 Pine St. Suite 2550, San Francisco, CA 94111. *Automobiles and trucks* weighing not in excess of 15,000 lbs. in secondary movements in truckaway service between points in Kansas City, MO, including points within the Kansas City, MO commercial zone and points in MO and points within the St. Louis, MO commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mazda Motors, 3040 E. Ana, Compton, CA 90221; Volvo of America Corp., 1955 190th St., Torrance, CA 90509. Send protests to: Vernon V. Coble, DS, ICC, Room 600, 911 Walnut St., Kansas City, MO 64106.

MC 115716 (Sub-32-TA), filed January 10, 1980. Applicant: DENVER-LIMON-BURLINGTON TRANSFER COMPANY, 3650 Chestnut Place, Denver, CO 80216. Representative: Edward C. Hastings, 666 Sherman Street, Denver, CO 80203. *General Commodities, except Classes A & B Explosives, Commodities in bulk, in tank vehicles, commodities requiring special equipment and household goods as defined by the Commission,* between Denver, CO on the one hand, and on the other, Pueblo, CO via Interstate Hwy. 25 serving all intermediate points, for 180 days. There is an underlying ETA seeking up to 90 days authority. Supporting shipper(s): Colorado Warehouse Delivery Service, Denver, CO, Empire Warehouse, Inc., Commerce City, CO, Conveyor Specialists, Inc., Denver, CO; 14 shippers, Nobel, Inc., Denver, CO, Imperial Dist. Services, Inc., Denver, CO, Bosco Fastening Service Center, Denver, CO, +8 other supporting shippers. Send protests to: District Supervisor R. C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 117786 (Sub-88-TA), filed December 21, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Road, Phoenix, AZ 85014. *Merchandise, equipment and supplies sold, used and distributed by a manufacturer of cosmetics,* from the facilities of Avon Products, Inc. in Morton Grove, IL and Glenview, IL to Billings, MT, Cheyenne, WY and Casper, WY, for 180 days. Supporting shipper(s): Avon Products, Inc., 6901 Golf Road, Morton Grove, IL 60053. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Avenue, Phoenix, AZ 85025.

MC 118806 (Sub-72-TA), filed December 21, 1979. Applicant: ARNOLD BROS. TRANSPORT, LTD., 851 Lagimodiere Blvd., Winnipeg, Manitoba, Canada R2J 3K4. Representative: Bernard J. Kompare, Suite 1600, 10 S. LaSalle St., Chicago, IL 60603. *Pesticides,* from Peoria, IL to the ports of entry on the International Boundary Line between the United States and Canada at or near Pembina, ND and Noyes, MN. Restriction: Restricted to the transportation of traffic moving in foreign commerce for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mobay Chemical Corporation, Agricultural Chemicals

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Division, P.O. Box 4913, Kansas City, MO 64120. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 119226 (Sub-124–TA), filed December 17, 1979. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, IN 46227. Representative: Robert W. Loser II, 1101 Chamber of Commerce Building, Indianapolis, IN 46204. *Liquid weed killing compounds, in bulk, in tank vehicles,* from Lafayette, IN to points in AL and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Eli Lilly & Co., 1555 S. Kentucky Ave., Indianapolis, IN 46206. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 124887 (Sub-106–TA), filed January 2, 1980. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FA 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *(1) Prefabricated buildings, knocked down, and (2) parts, attachments, tools and accessories used in the erection or installation of prefabricated buildings,* from Portland, TN to points in FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southeastern Industrial Developers, 7325 NW 13th Boulevard, Gainesville, FL 32601. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 133566 (Sub-153–TA), filed December 6, 1979. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative Thomas J. Beener, One State Street Plaza, New York, NY 10004. *Chemicals, acids, solvents, coatings, paints, compounds, solutions, powders and salt, and materials, supplies, and equipment used in the manufacture, distribution and sale of such commodities (except in bulk, in tank vehicles),* between the facilities of Shipley Co., Inc., located at Newton, Westwood, Salem and Marlboro, MA, Chicago, IL, the U.S.-Canadian boundary (Toronto, Ontario, Canada), Richmond, VA, Fort Lauderdale, FL, Bloomington, MN, Dallas, TX, Irvine and Berkeley, CA, and Portland, OR for 180 days. Supporting shipper(s): Shipley Co., Inc., 2300 Washington St., Newton, MA 02162. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 139206 (Sub-69TA), filed January 8, 1980. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: R. C. Mitchell (address same as applicant). *Paper and paper articles:* From Taylorville, IL, to Visalia, CA; Noonan, GA; Ft. Wayne, IN; Lawrence, KS; Plymouth, MI; Sparks, NV and Fairless Hills, PA, for 180 days. "Underlying ETA filed." Supporting shipper(s): Sangamon Company, Supervisor of Shipping, Rt 48 West, Taylorville, IL 62568. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 140986 (Sub-13TA), filed January 9, 1980. Applicant: GREAT NORTHERN TRUCK LINES, INC., Bank Street, Netcong, NJ 07857. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Contract, irregular. Insulating materials and materials, equipment and supplies used in the manufacturing, installation and sales thereof. Between Netcong, NJ on the one hand and on the other, points in the US, except AK and HI, for 180 days. Supporting shipper(s): Compac Corporation, Old Flanders Road, Netcong, NJ 07857. Send protests to: Joel Morrows, D/S, ICC, 744 Broad Street, Rm. 522, Newark, NJ 07102.

MC 142466 (Sub-2TA), filed January 8, 1980. Applicant: TIMBER PRODUCTS TRANSPORT, INC., P.O. Box 1513, Longview, WA. Representative: William H. Grady, 1100 Norton Bldg., Seattle, WA 98104. *Western hardwood, gypsum products, roofing materials and roofing insulation* from Los Angeles, and Orange Counties, CA to Marion County, OR and from points in WA on and west of U.S. Highway 97 and from Eugene and Roseburg, OR to Fresno, Union City, San Francisco, and Sacramento, CA and Reno, NV for 180 days. Supporting shipper(s): Higgins Lumber, P.O. Box 15466, Sacramento, CA 95813. Send protests to: D. Merine Galbraith, T/A, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.

MC 142516 (Sub-25TA), filed December 13, 1979. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Contract carrier, irregular routes for 180 days. Titanium dioxide and industrial chemicals and materials, equipment and supplies used in the manufacture and sale of titanium dioxide and industrial chemicals (except commodities in bulk) between points in NJ and New York, NY commercial zone on the one hand, and, on the other, points in the US (except AK and HI). Under a continuing contract or contracts with NL Chemicals, Division of NL Industries, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): NL Chemicals, Division of NL Industries, P.O. Box 700, Hightstown, NJ 08520. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 142686 (Sub-31TA), filed January 3, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker Avenue, Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as above). *Contract; Irregular; Commodity specialty steel products,* from Reading, PA to points in the states of IL, IN, and OH, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Carpenter Technology, Taffic Manager, P.O. Box 662, Reading, PA 19603. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 142686 (Sub-32TA), filed January 3, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 So. Shoemaker Avenue, Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as above). *Contract; Irregular; Commodity plastic articles, including plastic trays used for packing meat for sale in supermarkets,* from the facilities of W. R. Grace Co. at Reading, PA and Indianapolis, IN, to points within the states of IL, OH, MI, CT, NJ, NY, DE, PA, IN, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): W. R. Grace, Traffic Manager, P.O. Box 295, Reading, PA 19603. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 143436 (Sub-37TA), filed December 18, 1979. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 8328 Hill Gail Drive, P.O. Box 41228, Indianapolis, IN 46241. Representative: Stephen M. Gentry, 1500 Main Street, Speedway, IN 46224. *Confectionery items in vehicles equipped with mechanical refrigeration,* from Chicago, IL and its Commercial Zone (as defined by the Commission) to points in IN, KY, MI, and OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Straus-Keilson Co., 9345 Princeton-Glendale Rd., Cincinnati, OH 45246; Ferrara Candy, 7301 W. Harrison, Forest Park, IL. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 143556 (Sub-2TA), filed December 28, 1979. Applicant: DAHLSTROM'S INC., 401 Hill Road, Aberdeen, WA 98520. Representative: George Kargianis, 2120 Pacific Building, Seattle, WA 98104.

Sawdust and wood chips, from Dayton (Mason County), WA on the one hand to Wauna (Clatsop County), OR on the other, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Crown-Zellerbach, 1500 S.W. 1st Avenue, Portland, OR 97201; Simpson Timber Company, Shelton, WA 98584. Send protests to: Hugh H. Chaffee, D/S, ICC, 858 Federal Building, Seattle, WA 98174.

MC 143846 (Sub-12TA), filed January 9, 1980. Applicant: MISSION TRANSPORT, INC., 50 Van Kueren Avenue, Jersey City, NJ 07306. Representative: Arthur J. Piken, Esq., Piken & Piken, Esqs., 95–25 Queens Boulevard, Rego Park, NY 11374. Contract carrier, irregular routes for 180 days. Printing paper in rolls and on pallets from Chillicothe, OH and Madawaska, ME to points in AL, CT, DE, FL, IL, IN, ME, MD, MA, MI, MS, NJ, NY, NH, NC, PA, RI, SC, TN, TX, VA, WV and DC, including movements to Canada. An underlying ETA seeks 90 days authority. Supporting shipper(s): Beekman Paper Company, Inc., 137 Varick Street, New York, NY 10013. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 144547 (Sub-5TA), filed December 27, 1979. Applicant: DURA-VENT TRANSPORT CORP., 2525 El Camono real, Redwood City, CA 94064. Representative: Barry Roberts, 888 17th St., N.W., Washington, D.C. 20006. *Contract Irregular. Truck Parts and Accessories;* From points in U.S., except AK and HI to Fremont, CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Universal Filter Supply, Inc., Fremont, CA 94538. Send protests to: D/S Neil C. Foster, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 144616 (Sub-7TA), filed January 8, 1980. Applicant: TRUCKS, INC., P.O. Box 79113, Saginaw, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. *Meat, Meat products. meat by-products, and articles distributed by meat packing houses and described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 & 766 (except hides and commodities in bulk),* From the facilities utilized by John Morrel & Co. at or near Shreveport, LA to points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MA, MI, MS, MO, NH, NY, MC, OH, PA, RI, SC, TN, VA, WV and DC, restricted to the transportation of traffic originating at the facilities of John Morrell & Co., for 180 days. "Underlying ETA filed." Supporting shipper(s): John Morrell & Co., Manager of Transportation, 208 South LaSalle St., Chicago, IL 60604. Send Protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Ft. Worth, TX 76102.

MC 144926 (Sub-8TA), filed December 12, 1979. Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, 222 40th Street SW, Fargo, ND 58107. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. *Contract carrier:* irregular routes: *Tanks and parts, attachments and accessories for tanks,* (1) from the facilities of O'Day Equipment, Inc., at Fargo, ND and Sioux Falls, SD to points in ND, SD, MN, IA, WY, MT, NE, ID, WA, and OR, and (2) from Minneapolis, MN to the facilities of O'Day Equipment, Inc., at Fargo, ND and Sioux Falls, SD. The above authority is restricted to a service to be performed under a continuing contract(s) with O'Day Equipment, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): O'Day Equipment, Inc., 2500 Main Avenue, Fargo, ND 58102. Send Protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 145997 (Sub-21TA), filed December 21, 1979. Applicant: JEM EQUIPMENT, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Contract carrier over irregular routes: *Foodstuffs and material, equipment and supplies* used in the manufacture, distribution and sales thereof, between Niles, IL and Lakeville, MN, on the one hand, and on the other, points in CA and MD, restricted to the movement of traffic moving to, from or between the manufacturing facilities, plants, warehouses, distribution centers, processing and/or manufacturing contractors and shipping and receiving facilities of or used by McCormick and Company, Inc., its divisions and subsidiary corporations, under a contract or contracts with McCormick and Company, Inc., for 180 days. Supporting shipper(s): McCormick and Company, Inc., 11100 McCormick Road, Hunt Valley, MD 21031. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 146196 (Sub-1TA), filed December 31, 1979. Applicant: RICH DOSS, INC., 3809 Stony Point Road, Santa Rosa, CA 95401. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Lumber and lumber and wood products (except shakes and shingles)* from points in OR to points in CA and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Inland Lumber Co., POB 2746, Dublin, CA 94566; Kelleher Moulding Co., POB 3433, San Rafael, CA 94901; Rolando Lumber Co., POB 34042, San Francisco, CA 94134; Calif. Cascade Industries, POB 130026, Sacramento, CA 95813. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 146206 (Sub-2TA), filed December 31, 1979. Applicant: RBR CORPORATION, d.b.a. CASINO LIMOUSINE, 2490 Terminal Way, Reno, NV 89502. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. *Passengers in special and charter operations,* restricted to equipment of 25 passenger capacity or less between Reno, Sparks, Zephyr Cove, Stateline and Incline, NV, and the facilities of Cal-Neva Club and Crystal Bay Club located in Washoe County, NV on the one hand, and points in El Dorado and Placer Counties, CA located within 20 miles of Lake Tahoe, on the other hand, for 180 days. Supporting shipper(s): There are 9 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: DS W. J. Huetig, I.C.C., 705 North Plaza Street, Carson City, NV 89701.

MC 146256 (Sub-7TA), filed January 2, 1980. Applicant: SHORT LINE TRUCKING CO., INC., P.O. Box 20026, Louisville, KY. 40220. Representative: Lavern R. Holdeman, Peterson, Bowman & Johanns, P.O. Box 81849, Lincoln, NE 68501. (1) such commodities as are dealt in by wholesale, retail and chain grocery, drug, and food business houses, and (2) Materials, equipment and supplies used in the manufcture, sale or distribution of the commodities in (1) above (except in bulk), between the facilities of A. E. Staley Manufacturing Co., at or near Broadview and Cicero, IL, on the one hand, and, on the other, points in the states of GA, IN, KY, MI, OH, and TN. Supporting shipper(s): J. I. Maley, A. E. Staley Mfg. Co., Consumer

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Products Div., 2222 Kensington Ct., Oakbrook, IL 60521. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY. 40220.

MC 146646 (Sub-80TA), filed January 4, 1980. Applicant: BRISTOW TRUCKING, CO., P.O. Box 6355 A, Birmingham, AL 35217. Representative: James W. Segrest (address same as the address of the applicant). *Non-ferrous scrap metals,* between points in and east of ND, SD, NE, KS, OK, and TX, for 180 days. Supporting shipper(s): Aaron Ferer & Son's Co., 909 Abbott Dr., Omaha, NE 68102. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616—2121 Bldg., Birmingham, AL 35203.

MC 146646 (Sub-81TA), filed January, 1980. Applicant: BRISTOW TRUCKING CO., P.O. Box 6355 A, Birmingham, AL 35217. Representative: James W. Segrest (address same as the address of the applicant). *Furniture parts, components, and accessories thereto,* (1) between the facilities of Leggett & Platt, Inc., its divisions and subsidiaries, customers and suppliers, located in and west of MT, WY, CO and NM, and (2) from points in NC, MO, OH, KY and TX, to points in MT, WY, CO, NM, AZ, UT, ID, WA, OR, NV, and CA, for 180 days. Supporting shipper(s): Leggett & Platt, Inc., 18th Rd., Carthage, MO 64836. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616—2121 Bldg., Birmingham, AL 35203.

MC 147136 (Sub-4TA), filed May 2, 1979. Applicant: TOMORROW TRANSPORTS, INC., 1257 Central Avenue, Hamilton, OH 45011. Representative: Jerry B. Sellman, Muldoon, Pemberton & Ferris, 50 W. Broad St., Columbus, OH 43215. *General commodities (except those of unusual value, Class A or B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* from the facilities of Ohio Valley Shippers Association located at Cincinnati, OH, to points in Los Angeles and San Francisco, CA, Portland, OR, and Seattle, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ohio Valley Shippers Association, Roger Sickmeier, Manager, 1428 Dalton St., Cincinnati, OH 45214. Send protests to: Bureau of Operations, ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Room 3238, Philadelphia, PA 19106.

MC 147196 (Sub-3TA), filed January 2, 1980. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Donald A. Larousse (same address as applicant). Applicant is seeking authority as a *contract carrier* over irregular routes to transport *Paper and paper articles* from the facilities of Crown Zellerbach Corporation or those facilities under a continuing lease or contract with Crown Zellerbach Corporation at Houston and Dallas, TX to all points in the states of AR, CO, LA, MO, NM, OK, and TN, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Crown Zellerbach Corp., P.O. Box 1060, Bogalusa, LA 70427. Send protests to: Robert J. Kirspel, DS, ICC, T–9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 147636 (Sub-7TA), filed December 6, 1979. Applicant: LARRY E. HICKOX, d.b.a. Larry E. Hickox Trucking, Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *General commodities (except household goods, dangerous articles and commodities in bulk), from Troy, OH to points in AZ, CA, CO, ID, NV, NM, OR, UT, WA, and WY for 180 days. Supporting shipper(s): Trojan Shippers Association, Inc., Big 4 Railroad and Crawford Street, Troy, OH 45373. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.*

MC 148808 (Sub-1TA), filed December 31, 1979. Applicant: GUNNISON TRUCKING, 601 S. Boulevard, Gunnison, CO 81230. Representative: Jack Coleman, 26 Quartz St., P.O. Box 420, Gunnison, CO 81230. *Uranium Ore,* from Homestake Mine approximately 11.1 miles southeast of Sargents, CO, to Homestake Mining Co. located approximately 10 miles from Grants, NM, for 180 days. An ETA requesting up to 90 days authorized. Supporting shipper(s): Homestake Mining Co., 320 N. Main St., Gunnison, CO 81230. Send protests to: District Supervisor H. C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 148847 (Sub-2TA), filed December 19, 1979. Applicant: WALDEN SAWMILL, INC., Route 5, 1618 Church Street, Booneville, MS 38829. Representative: R. Connor Wiggins, Suite 909, 100 N. Main St., Memphis, TN 38103. *Lumber and lumber mill products,* between points in MS on and north of U.S. 82, on the one hand, and on the other, Collinwood, TN, and points in TN on and west of the TN river, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are two supporting shippers. Send protests to: Floyd A. Johnson, Suite 2006, 100 N. Main St., Memphis, TN 38103.

MC 148998 (Sub-1TA), filed January 7, 1980. Applicant: MERCHANTS DELIVERY SERVICE, INC., P.O. Box 999, San Antonio, TX 78294. Representative: Kenneth R. Hoffman, Lanham, Hatchell, Sedberry & Hoffman, 801 Vaughn Building, Austin, TX 78701. *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* from between San Antonio, TX and points in its commercial zone on the one hand, and, on the other, Laredo, TX, and points in its commercial zone. Restricted to traffic having a prior or subsequent movement by rail in trailer on flat car service, for 180 days. Underlying ETA filed. Supporting shipper(s): Riekes Crisa Corporation, 1600 Justo Penn Road, Laredo, TX 78041. Send protests to: Opal M. Jones, TCS, I.C.C., 411 West 7th St., Suite 600, Fort Worth, Texas 76102.

MC 148977 (Sub-1TA), filed December 10, 1979. Applicant: RALPH N. SCHEMM, JR., 3312 Offutt Road, Randallstown, MD 21133. Representative: James W. Patterson, Esquire, 1200 Western Savings Bank Bldg., Philadelphia, PA 21207. *Contract; irregular:* Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business, between points in the territory bounded by a line beginning at Cape Charles, VA, and extending in a southerly direction along the Chesapeake Bay to the Atlantic Ocean, thence in a northerly direction along the Chesapeake Bay to the Atlantic Ocean, thence in a northerly direction along the Atlantic Coast to the Delaware Bay, thence along the west shore of the Delaware Bay and Delaware River to Delaware City, DE, thence in a northwesterly direction through Newark, DE, to the point of intersection of the MD–DE–PA State lines, thence in a westerly direction along the MD–PA State line to the Susquehenna River, thence in a northwesterly direction along the Susquehanna River to Columbia, PA, thence in a easterly direction to Lancaster, PA, thence in a northwesterly direction to Lebanon, PA, thence in a westerly direction to Newport, PA, thence in a southwesterly direction to Markleysburg, PA, thence in a southeasterly direction through Winchester, VA and Fredericksburg, VA, to Cape Charles, VA, including points on the above-described boundary line under a continuing contract or contracts with Acme Markets, Inc. Supporting shipper(s): Acme Markets, Inc., 124 North 15th Street, Philadelphia, PA 19101. Send protests to: ICC Fed.

Res. Bank Bldg., 101 N. 7th Street, Rm 620, Phila., PA 19106.

MC 149016 (Sub-1TA), filed December 18, 1979. Applicant: ABSORBENT SALES, INC., 2545 Conner, Detroit, MI 48215. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. *Malt beverages,* from Detroit, MI to the facilities of Arrow Distributing Co., Inc. at Nashville, TN for 180 days. An underlying ETA seeks 90 days athority. Supporting shipper(s): Arrow Distributing Co., Inc., 1887 Elmtree Drive, P.O. Box 100874, Nashville, TN 37210. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 149017 (Sub-1TA), filed December 13, 1979. Applicant: AIRWAYS SPECIAL DELIVERY, INC., 8356 W. Cristina Avenue, Orland Park, IL 60462. Representative: Irwin D. Rozner, 134 N. LaSalle Street, Chicago, IL 60602. *Contract carrier:* irregular routes: *Parts, equipment, materials, accessories, and supplies, used in the manufacture, distribution, repair and maintenance of agricultural equipment, heavy machinery, fork lift trucks, and internal combustion engines. Restricted against transportation of commodities in bulk and class A and B explosives, under a continuing contract or contracts with Allis Chalmers, Matteson, IL,* between facilities of Allis Chalmers at Matteson, IL, on the one hand, and, on the other, points in IN, MI, OH, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allis Chalmers, 21800 S. Cicero Avenue, Matteson, IL 60443. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 149026 (Sub-1TA), filed December 21, 1979. Applicant: TRANS-STATES LINES, INC., 2604 Industrial Park Rd., Van Buren, AR 72956. Representative: Don A. Smith, P.O. Box 43, Ft. Smith, AR 72902. (1) *New furniture* crated and uncrated, from Ft. Smith, AR to points in the U.S. (except AK and HI), and (2) *Materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) (except commodities in bulk), from points in the U.S. (except AK and HI) to Ft. Smith, AR, and (3) *rough lumber* from points in the U.S. (except AK and HI) to Russellville, AR for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Riverside Furniture Corporation, P.O. Drawer 1427, Ft. Smith, AR 72902. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 149036 (Sub-1TA), filed January 7, 1980. Applicant: MAHAFFEY'S WAREHOUSE, INC., P.O. Box 317, Yellow Jacket, CO 81335. Representative: J. F. Crosby, P.O. Box 37205, I–80 & Hwy. 50, Omaha, NE 68137. *Beer,* from Los Angeles and Fairfield, CA; Portland, OR; and Fort Worth, TX (and points in their commercial zone), to Durango, CO for 180 days. There is an identical ETA seeking 90 days authority. Supporting shipper(s): Durango Ice & Produce Co., Durango, CO; Southwestern Beverage Co., Durango, CO. Send protests to: District Supervisor H. C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 149056 (Sub-TA), filed December 3, 1979. Applicant: HOLIDAY SYSTEMS, LTD., 1605 Tartan Way, Louisville, KY 40205. Representative: J. Smiley Collins, President (same as above). Passengers and their baggage, in the same vehicle, in special and charter operations, beginning in the states of AL, AR, DC, FL, GA, HI, IL, IN, KY, LA, MI, MO, MS, NC, OH, OK, PA, SC, TN, TX, VA and WV, and extending to all points in the US and internationally, in round-trip operations. Supporting shipper(s): 8 Supporting Shippers; consisting of 4 church groups, 2 schools, 1 newspaper publishing company, and 1 authorized ICC Broker, all of which are located in KY. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY. 40202.

Note.—Under License No. MC 130346, this applicant holds authority to operate as a Broker under the name Holiday International, Inc., Louisville, KY.)

MC 149077, filed December 17, 1979. Applicant: CHARLIE'S PLACE, INC., d.b.a., SUN TRANSPORTATION CO., 5030 Centre Ave., Pittsburgh, PA 15213. Representative: William A. Gray, Esq., 2310 Grant Bldg., Pittsburgh, PA 15219. Contract carrier—irregular routes, *scrap metals and materials, equipment and supplies used in the manufacture, production and distribution thereof,* between Sharpsburg, PA on the one hand, and, on the other, Wheeling and Weirton, WV; Cleveland, Youngstown and Lorain, OH; Buffalo, NY; Chicago, IL; and Gary, IN, under a continuing contract or contracts with The Deitch Co. of Sharpsburg, PA, for 180 days. Supporting shipper(s): The Deitch Co., Sharpsburg, PA. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Philadelphia, PA 19106.

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The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street—Suite 600, Fort Worth, TX 76102.

MC 2960 (Sub-5–1TA), filed March 6, 1980. Applicant: ENGLAND TRANSPORTATION CO. OF TEXAS, 2301 McKinney Street, Houston, Texas 77023. Applicant's Representative: E. Larry Wells, Winkle, Wells & Stafford, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, Texas 75245. Common; regular: *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between Oklahoma City, OK and Houston, TX from Oklahoma City over Interstate Hwy. 35 to Dallas, TX, and then over Interstate Hwy. 45 to Houston, and return over the same route, serving Pauls Valley and Ardmore, OK as intermediate points. Restricted to traffic having a prior or subsequent movement by water. Supporting shippers: The Harper Group, 1020 South Main, Suite 200, Grapevine, TX 76051; Central Liquor Co., 4001 N.W. 3rd, Oklahoma City, OK 73147; Metro Beverage Co., 7 N. Ann Arbor Ave., Oklahoma City, OK 73127; Altec Corp., 10500 W. Reno, Oklahoma City, OK 73129; Arthur J. Fritz & Co., 1301 Cornell Parkway, Suite 400, Oklahoma City, OK 73108; Organon Teknika Corp., 5300 South Portland, Oklahoma City, OK; CMI Corporation, P.O. Box 1985, Oklahoma City, OK 73101; John Paschal Tile Co., 1700 W. Reno, Oklahoma City, OK 73106; Darrel J. Sekin & Co., Inc., P.O. Box 5484, Dallas, TX 75222; Moores Cycle, 1537 W. Main, Oklahoma City, OK 73106.

MC 107064 (Sub-5–1TA), filed March 5, 1980. Applicant: STEERE TANK LINES, INC., Post Office Box 220998, Dallas, TX 75222. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. *Sodium sulphate,* in bulk, from Lea County, NM, to points in the United States (except AK and HI). Supporting shipper: Climax Chemical Co., P.O. Box 1595, Hobbs, NM 88240.

MC 52460 (Sub-5–3TA), filed March 6, 1980. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, Tulsa, OK 74107. Applicant's representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Coffee and coffee products,* from the facilities of the Procter & Gamble Distributing Company and The Folger Coffee Company at or near Sherman, TX to points in CO and LA. Supporting shipper(s): Procter and Gamnble Distributing Company, P.O. Box 599, Cincinnati, OH 45201.

MC 114211 (Sub-5–5TA), filed March 7, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative:

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Kurt E. Vragel, Jr., P.O. Box 420, Waterloo, IA 50704. *Such commodities as are dealt in or used by agricultural equipment dealers and manufacturers (except in bulk),* from Durham, KS, to points in MT, ND, MN, SD, NE, IA, WI, IL, MI, IN, OH, PA, KY, TN, AL, MS, AR, LA, OK, and MO. Supporting shipper: The Donahue Corporation, P.O. Box 126, Durham, KS 67438.

MC 114890 (Sub-5–1TA), filed March 5, 1980. Applicant: COMMERCIAL CARTAGE CO., 343 Axminster Drive, Fenton, MO 63026. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034. *Liquid fertilizer solutions, in bulk, in tank vehicles,* from Galena, KS, to the facilities of Kugler Oil Co. at or near Culbertson, NE. Supporting shipper: Eagle-Picher Industries, Inc., P.O. Box 550, Joplin, MO 64801.

MC 119493 (Sub-5–6TA), filed March 7, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, Missouri 64801. Representative: Thomas D. Boone, Traffic Manager, Monkem Company, Inc., P.O. Box 1196, Joplin, Missouri 64801. *Lumber, plywood, fibreboard, building materials, and wood products* From: New Orleans, LA; Galveston, TX; Holly Hill, SC; and Dublin, GA. To: AR, KS, MO, & NE. Supporting shipper: Ed Weir Plywood & Door Company, 1760 S. Brentwood Blvd., Brentwood, MO 63144.

MC 120673 (Sub–5–2TA), filed March 6, 1980. Applicant: ACME TRANSPORT COMPANY, 3546 Vandalia Road, Des Moines, IA 50317. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Ethanol,* from Decatur, IL and its commercial zone, to Des Moines, IA, and its commercial zone. Supporting shipper: Williams Pipeline Company, 2503 Southeast 43rd, Des Moines, IA 50317.

MC 124393 (Sub–5–2TA), filed March 7, 1980. Applicant: FRANK POTTER TRUCKING CO., INC., P.O. Box 132, Boonville, Missouri 65233. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, Missouri 64068. Contract; Irregular; *Machinery, equipment, materials and supplies used in the manufacture, distribution, shipping, packaging and advertising of fiberboard,* from AL, AR, AZ, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, NE, ND, NM, OH, OK, PA, SD, TN, TX, VA, WI, WV and WY to Boonville, MO. Restriction: the operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Huebert Fiberboard Co. in Boonville, MO. Supporting shipper: Huebert Fiberboard, Inc., Boonville, MO 65233.

MC 124813 (Sub–5–2TA), filed March 5, 1980. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Feed supplements, in bulk,* from the plantsite of Diamond Shamrock Corporation at Louisville, KY, to Farmland Industries at Eagle Grove, IA. Supporting shipper: Diamond Shamrock Corporation, 1100 Superior Avenue, Cleveland, OH 44114.

MC 127701 (Sub–5–1TA), filed February 25, 1980. Applicant: R. D. KING & H. L. DAVIS, JR., d.b.a. HARRISON CONTRACTING COMPANY, Post Office Box 10, Alpena, AR 72611. Representative: Don Garrison, Esq., Post Office Box 1065, Fayeteville, AR 72701. *Bands of iron or steel fence fittings, die cast or molded, unfinished aluminum castings, and materials, equipment and supplies used in the manufacturing, distribution and sales thereof*—between the facilities of Anchor Post Products, Division of Anchor Die Cast Company, at or near Harrison, AR, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Anchor Post Products, Division of Anchor Die Cast Company, Post Office Box 1197, Harrison, AR 72601.

MC 133655 (Sub–5–2TA), filed: March 7, 1980. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Neil A. DuJardin, P.O. Box 2296, Green Bay, WI 54306. *Such merchandise as is dealt in by discount and variety stores (except commodities in bulk)* from points in OH, IN, IL, PA, NJ, and NY to points in AL, AR, KY, TN, MS, LA, TX, OK, KS, MO, and IL. Supporting shipper: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712.

MC 133805 (Sub–5–2TA), filed March 7, 1980. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. *Meats, meat products, meat by-products,* and *articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Vernon Calhoun Packing Co., at or near Palestine, TX to points in IN, AL, AR, AZ, CA, CO, FL, GA, IL, IA, KS, KY, LA, MI, MN, MS, MO, NY, NM, NC, NE, OH, OK, PA, SC, TN, WA, UT and VA. Supporting shipper: Vernon Calhoun Packing Co., P.O. Box 709, Palestine, TX 75801.

MC 134142 (Sub–5–2TA), filed March 7, 1980. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, Fort Scott, KS 66701. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Contract; irregular; *meats, meat products, meat by-products, packinghouse products and commodities used by packinghouses (except hides and commodities in bulk, in tank vehicles),* between the facilities of R. B. Rice Company, Inc. at St. Louis, MO, on the one hand, and, on the other, points in the United States (except AK and HI) under a continuing contract or contracts with R. B. Rice Company, Inc. Supporting shipper: R. B. Rice Company, Inc., P.O. Box 328, Lee's Summit, MO 64063.

MC 135007 (Sub–5–1TA), filed March 5, 1980. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, Nebraska 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, Missouri 64141. Contract; Irregular. *Meat, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* from the facilities of Spencer Foods, Inc., at Spencer, IA, to the Commercial Zone of Minneapolis, MN. Supporting shipper: Spencer Foods, Inc., P.O. Box 544, Schuyler, NE 68661.

MC 135326 (Sub–5–1TA), filed March 5, 1980. Applicant: SOUTHERN GULF TRANSPORT, INC., 4277 N. Market St., Post Office Box 7959, Shreveport, LA 71107. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. *Import and domestic hardboard and plywood* from any point in Houston or Galveston, TX to any point in TX, OK, AR and LA. Supporting shipper: SWS Associates, Inc., 9100 S.W. Frwy., No. 223, Houston, TX 77074.

MC 135797 (Sub–5–12TA), filed March 5, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, Arkansas 72745. Representative: Paul R. Bergant, Esquire, Post Office Box 130, Lowell, Arkansas 72745. *New Furniture:* From the facilities of Simmons Company at Denver, CO and Kansas City, KS to points in ID, MN, MT, ND, SD, and WY. Supporting shipper: Simmons Co., 6428 Warren Drive, Norcross, GA 30093.

MC 135797 (Sub–5–13TA), filed March 6, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, Arkansas 72745. Representative: Paul R. Bergant, Esquire, Post Office Box 130, Lowell, Arkansas 72745. *Molding:* From Turlock, CA to Points in CT, MI, PA and WI. Supporting shipper: Snider Lumber Company, P.O. Box 670, Turlock, CA 95380.

MC 135797 (Sub–5–14TA), filed March 6, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, Arkansas 72745. Representative: Paul R. Bergant, Esquire, Post Office Box 130, Lowell, Arkansas 72745. *Foodstuffs:* From Salem, OR to points in CO, FL, GA, IL, IN, IA, MA, MI, MN, MO, MS, NE, NY, OH, PA, TN, TX, and WI. Supporting shipper: Truitt Brothers, Inc., P.O. Box 309, Salem, OR 97308.

MC 136553 (Sub–5–1TA), filed February 28, 1980. Applicant: ART PAPE TRANSFER, INC., 1980 East 12th Street, Dubuque, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Soda ash, in bulk, in pneumatic trailers,* from Dubuque, IA, to points in IL. Supporting shipper: FMC Corporation, Industrial Chemical Group, 2000 Market Street, Philadelphia, PA 19103.

MC 136104 (Sub–5–1TA), filed March 6, 1980. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. (1) *Building and construction materials (except in bulk), and (2) materials and supplies used in the manufacture and dsitribution of construction materials (except in bulk),* between points in the United States (except AK and HI), restricted to the transportation of shipments originating at or destined to facilities of The Celotex Corporation. Supporting shipper: Jim Walter Corporation, P.O. Box 22601, Tampa, FL 33622.

MC 140829 (Sub–5–5TA), filed March 7, 1980. Applicant: CARGO, INC., P.O. Box 206, US Hwy 20, Sioux City, IA 51102. Representative: David L. King, Vice President, P.O. Box 206, US Hwy 20, Sioux City, IA 51102. *Ferrous sulphate, fertilizer and feed grade* (except in bulk in tank vehicles), from the facilities of Cosmin Corporation at or near Baltimore, MD, to points in IL, IN, IA, NJ, NY, OH, PA and VA. Supporting shipper: Cosmin Corporation, 1635 N.E. Loop 410, San Antonio, TX 78209.

MC 140829 (Sub–5–6TA), filed March 7, 1980. Applicant: CARGO, INC., P.O. Box 206, US Hwy 20, Sioux City, IA 51102. Representative: David L. King, Vice President, P.O. Box 206, US Hwy 20, Sioux City, IA 51102. *Paper and paper articles,* (1) from Dallas, TX to points in CO, IA, KS, MN, MO, NE, and WI, and, (2) from Memphis, TN to points in CT, IL, IN, MD, MA, MI, NJ, NY, OH and PA, restricted in (1) and (2) above, to the transportation of traffic originating at the named origins and destined to the indicated destinations. Supporting shipper: Dixico Incorporated, 4331 Bronze Way, Dallas, TX 75265.

MC 142277 (Sub–5–1TA), filed February 25, 1980. Applicant: CONSOLIDATED PARCEL SERVICE, INC., 2058 Concourse, St. Louis, MO 63141. Representative: Douglas E. Tonkinson, 2058 Concourse, St. Louis, MO 63141. *Laundry care products, home care products, beauty care toiletry products, stainless steel cookware cutlery, and food supplements (except commodities in bulk)* between St. Louis and St. Louis County, MO on the one hand, and, on the other, to points and places in Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Chariton, Clark, Cole, Crawford, Dent, Dunklin, Franklin, Gasconade, Howard, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Macon, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Charles, St. Francis, Ste. Genevieve, St. Louis, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Sullivan, Warren, Washington, and Wayne Counties, MO (on shipments having a prior movement from beyond Missouri). Supporting shipper: Amway Corporation, 7575 East Fulton Road, Ada, MI 49355.

MC 142364 (Sub–5–1TA), filed February 25, 1980. Applicant: KENNETH SAGELY d.b.a. SAGELY PRODUCE, 2802 Kibler Road, Van Buren, AR 72956. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Foodstuffs (not frozen)*—from the facilities of Vlasic Foods, Inc., at or near Greenville, MS—to points in AL, AR, GA, IL, IN, KS, LA, MO, OH, OK, PA, TN, TX and VA. Supporting shipper: Vlasic Foods, Inc., 33200 West 14 Mile Road, West Bloomfield, MI 48033.

MC 143654 (Sub–5–1TA), filed February 28, 1980. Applicant: DOYLE BRANT, an Individual, 4701 Valley Lane, St. Joseph, MO 64503. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. (1) *Dry animal and poultry feed and dry animal and poultry feed ingredients, and (2) animal health aids and sanitation products,* between St. Joseph, MO and its commerical zone on the one hand, and on the other, points and places in IL, Supporting shipper: Allied Mills, Inc., 7th & Lincoln Streets, Elwood, KS 66024.

MC 144117 (Sub–5–2TA), filed March 5, 1980. Applicant: T. L. C. LINES, INC., P.O. Box 1090, 1666 Fabick Drive, Fenton, MO 63026. Representative: Jack H. Blanshan, Attorney at Law, 205 West Touhy Avenue, Suite 200 Park Ridge, IL 60068. *Confectionery (except commodities in bulk)* from the facilities of Y & S Candies, Inc. at Farmington, NM, and points in its commercial zone to the facilities of Hershey Chocolate Company at Mechanicsburg, Waynesboro and York, PA, and points in their commercial zones. Supporting shipper: Hershey Chocolate Company, 19 East Chocolate Avenue, Hershey, PA 17033.

MC 145384 (Sub–5–2TA), filed March 7, 1980. Applicant: ROSE-WAY, INC., P.O. Box 4644, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Iron and steel articles,* from the facilities of H. H. Howard Corporation at Chicago, IL to points in IA and NE. Supporting shipper: H. H. Howard Corporation, 4827 South Kedzie Avenue, Chicago, IL 60632.

MC 145441 (Sub–5–6TA), filed March 6, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, Arkansas 72119. Representative: Ralph E. Bradbury, P.O. Box 5130, North Little Rock, Arkansas 72119. (1) *rubber articles, plastic materials, and rubber materials, and* (2) *Equipment, materials, and supplies used in the manufacture* and distribution of commodities in (1), between the facilities of Entek Corporation of America, at or near Irving, TX on the one hand, and on the other, points in the United States (except AK and HI). Supporting shipper: Entek Corporation of America, P.O. Box 61048, Dallas, TX 75261.

MC 146047 (Sub–5–1TA), filed March 6, 1980. Applicant: ENNIS CORP., Clarion, Iowa 50525. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Feed, and feed ingredients, (except in tank vehicles),* from Redwing, Hastings, Lake City, and Minneapolis, MN, to points in IA and IL. Supporting shipper: Ralston Purina Company, P.O. Box 1020, Iowa Falls, IA 50126.

MC 146616 (Sub–5–1TA), filed March 6, 1980. Applicant: B & H MOTOR FREIGHT, INC., 3314 East 51st Street, Suite B, Tulsa, Oklahoma 74135. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East Fourth Street, Tulsa, Oklahoma 74103. Contract; irregular; *(a) containers, roll-off frames, waste equipment and handling units, parts and supplies, and (b) equipment,*

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materials and supplies used in the production and distribution of the commodities named in (a) above, from Bartlesville, OK to points in AZ, CA, CO, LA, OR, TX and VA; from Houston, Dallas and Ft. Worth, TX; New Orleans, LA; Birmingham, AL; and Los Angeles, CA to Bartlesville, OK. Supporting shipper: Scott & Hill Steel Corporation, P.O. Box 1235, Bartlesville, OK 74003.

MC 150225 (Sub-5–1TA), filed March 6, 1980. Applicant: JACK HATT ENTERPRISES, INC., Fourth Avenue and Second Street East, P.O. Box 2141, Cedar Rapids, Iowa 52406. Representative: Richard P. Moore, 2720 First Avenue N.E., P.O. Box 1943, Cedar Rapids, Iowa 52406. Transporting *general commodities except household goods, Classes A and B explosives, commodities requiring specialized equipment and commodities in bulk, restricted to commodities moving under an air bill of lading and having an immediately prior or subsequent movement by air,* between Cedar Rapids Municipal Airport, Cedar Rapids, IA, on the one hand, and, on the other, O'Hare Field and Midway Airport, Chicago, IL. Supporting shipper: United Airlines, Cedar Rapids Municipal Airport, Cedar Rapids, IA 52401.

MC 148818 (Sub-5–1TA), filed: March 7, 1980. Applicant: CARL PRINCE, d.b.a. PRINCE TRUCKING, Rt. 1, Box 159, Cane Hill, AR 72717. Representative: John C. Everett, P.O Box A, 140 E. Buchanan, Prairie Grove, AR 72753. Transporting *cartoned futniture,* from Conway, AR, to all points and places in NM, TX, LA, KS, OK, MS, AL, TN, KY, MO, OH, IL, IN, IA, NE, WI, FL, and GA. Supporting shipper: Virco Manufacturing Corporation, Hwy. 65 South, Conway, AR 72032.

MC 149026 (Sub-5–1TA), filed March 6, 1980. Applicant: TRANS-STATES LINES, INC., 2604 Industrial Park Road, Van Buren, AR 72956. Representative: Larry C. Price, 301 South Eleventh Street, Fort Smith, AR 72901. Transporting *(1) Foodstuffs, (2) Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses, and (3) equipment, materials and supplies used in the manufacture, sale and distribution of commodities named in (1) and (2) above.* Between points in the United States (except AK and HI). Supporting shipper: Stokely-Van Camp, Inc.; 941 N. Meridian Street; Indianapolis, IN 46208.

MC 150014 (Sub-5–1TA), filed March 6, 1980. Applicant: Applicant: TRANSWAY, INC., 1320 East 6th. Street, Irving, TX 75060. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Contract carrier* irregular routes, transporting: *Cleaning and polishing compounds, textile solvents, lubricants, deodorants, disenfectants, hyproclorite solutions, paints, stains, varnishes, plastic bags and filters, and materials, supplies, and equipment used in the manufacture of the commodities nomed above (except commodities in bulk, in tank vehicles),* between the plantsites and facilities by Economics Laboratory at Garland, TX; Joliet, IL; St. Paul, MN; Avenal, NJ; Atlanta, GA; Miami, FL; City of Industry and San Jose, CA; Waburn, MA; Cincinnati, OH; Detroit, MI; Cleveland, OH; and Charlotte, NC; under continuing contract(s) with Economics Laboratory, of St. Paul, MN. Supporting shipper: Economics Laboratory, Osburn Bldg., St. Paul, MN 55102.

MC 150065 (Sub-5–1TA), filed March 6, 1980. Applicant: Pinner Carpets, Inc., d.b.a. Pinner Transportation, 800 East Eight Street, Odessa, Texas 79761. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. Transporting *rugs, carpets, floor covering, and materials and supplies used in the installation and maintenance thereof,* from points in Georgia to points in TX located on and west of U.S. Hwy 283 and on and north of U.S. Hwy 67. Supporting shippers: Crenshaw Carpet, 807 Wink, Odessa, TX 79761, Carpet World, 3221–34 Street, Lubbock, TX 79782, Boyd's Carpet Shworoom, 436 Andrews Hwy., Midland, TX 79701, House of Carpets, 1530 8th Street, Odessa, TX 79761.

MC 150228 (Sub-5–1TA), filed March 3, 1980. Applicant: RICENBAW TRUCKING, INC., Rural Route No. 2, Beaver Crossing, Nebraska 68313. Representative: Linda Mead, Box 206, Beaver Crossing, Nebraska 68313. *Contract;* irregular; transporting *frozen processed potatoes, frozen fish, canned and frozen fruits and vegetables, refined flour products, poultry products, and shortening,* to Lincoln, Nebraska, from California, San Jose; Colorado, Denver; Idaho, Burley, Caldwell, Nampa, Twin Falls; Illinois, Decatur; Michigan, Traverse City; Missouri, Independence, Kansas City; Nebraska, Gibbon; North Dakota, Grand Forks; Oregon, Ontario; South Dakota, Clark; Utah, Clearfield, Ogden, Salt Lake City; Washington, Seattle; Wisconsin, Oconomowoc and their commercial zones. Supporting shipper: Lincoln Poultry & Egg Company, 2005 "M" Street, Lincoln, Nebraska 68510.

MC 150229 (Sub-5–1), filed March 6, 1980. Applicant: CENTRAL PETROLEUM TRANSPORT, INC., P.O. Box 662, Sergeant Bluff, IA 51054. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting (1) *Anhydrous ammonia,* (a) from Marshalltown, IA, and points in that part of Iowa bounded on the east by Interstate I–35 and on the south by Interstate I–80, including points on the named highways, to points in MN, SD, and NE. (b) from the facilities of Cominco American, Inc. at or near Greenwood, NE, to points in MN, SD, and IA. (2) *Dry fertilizer,* (a) from the facilities of Cominco American, Inc. at or near Hoag, NE, to points in MN, SD, and IA. Supporting shipper: Cominco American, Inc., RR No. 3, Beatrice, NE 68310.

MC 3063 (Sub-5–1TA), filed March 3, 1980. Applicant: INMAN FREIGHT SYSTEM, INC., 321 N. Spring Avenue, Cape Cirardeau, MO 63701. Representative: G. H. Boles (same address as applicant). *Common;* regular. Transporting *filtering or cleaning devices for internal combustion engines or air compressors, and cartridges or elements therefor,* serving the facilities of Rex Filter at or near Fairfield, IL, and those of Champion Laboratories, Inc. at or near W. Salem and Albion, IL, as off-route points in connection with carriers otherwise authorized regular route operations from and to Evansville, IN. Supporting shippers; Rex Filter, Fairfield, IL 62837, and Champion Laboratories, Inc., West Salem, IL 62476.

MC 24784 (Sub-5–1TA), filed February 29, 1980. Applicant: BARRY, INC., 463 South Water, Olathe, Kansas 66061. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, Missouri 64141. Transporting *iron and steel articles* between Manhattan, KS, and points in CO, IA, IL, MO, NE and OK. Supporting Shipper: Steel and Pipe Supply Company, P.O. Box 703, Manhattan, KS 66502.

MC 29910 (Sub-5–3TA), filed March 3, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (address same as above). *Plastic pipe or tubing and materials, equipment and supplies used in the installation thereof,* from Denver, CO to points in AZ, NM, UT, WY, MT, OR, NE, KS, TX, OK, ND and SD. Supporting shipper: Continental Plastics Ind., Inc., 1300 40th St., Denver, CO 80205.

MC 29910 (Sub-5–4TA), Filed March 3, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (same address as above). Common; regular. *General Commodities (except those of unusual value, Classes A and B*

Explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the facilities of ServiceMaster Industries, Inc., at or near Cairo, IL as an off-route point in connection with applicant's regular route authority between St. Louis, MO and Memphis, TN. Supporting shipper: ServiceMaster Industries, Inc.; 1210 Commercial Avenue, Cairo, IL 62914.

MC 30844 (Sub-5–7TA), filed: February 25, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 4616 E. 67th St., Tulsa, OK 74121. Applicant's Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. *Air cleaner filter paper,* from West Groton, CT to Frankfort, IN. Restricted to shipments originating at or destined to the facilities of the Donaldson Co., Inc. at the named origin and destination. Supporting shipper: Donaldson Company, Inc., 1400 W. 94th St., Minneapolis, MN 55431.

MC 47583 (Sub-5–1TA), filed: February 25, 1980. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Applicant's representative: D.S. Hults, P.O. Box 225, Lawrence, KS 66044. *Industrial and food chemicals (except in bulk or in tank vehicles);* from Buffalo, NY; Portsmouth, VA; and Trenton, MI to the facilities of Metro Chem, Inc., located at or near Broken Arrow, OK. Restricted to traffic originating at the named origin points and destined to the facilities of Metro Chem, Inc., at Broken Arrow, OK. Supporting shipper(s): Metro Chem Inc., 1509 E. Freeport, Broken Arrow, OK 74012.

MC 52480 (Sub-5–1TA), filed February 29, 1980. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, Tulsa, OK 74107. Applicant's representative: Wilburn L. Williamson, Suite 615–East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Alcohol, in bulk, in tank vehicles,* from Atchison, KS to points in MO. Supporting shipper(s): Atwell Oil Co., Inc., 8th & Broadway, Monett, MO 65708.

MC 102567 (Sub-5–3TA), filed March 3, 1980. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Applicant's representative: Joe C. Day, 13403 Northwest Freeway, Suite 130, Houston, TX 77040. *Petroleum Products, in bulk, in tank vehicles,* from Lake Charles, LA, to all points in TX (except Waskom, Palestine, Lufkin, Silsbee, and Deer Park, TX). Supporting shipper: Morgan Petroleum Company, P.O. Box 8486, Shreveport, LA 71108.

MC 106400 (Sub-5–2TA), filed February 29, 1980. Applicant: KAW TRANSPORT COMPANY, P.O. Box 8510, Sugar Creek, MO 64054. Applicant's representative: Harold D. Holwick, P.O. Box 8510, Sugar Creek, MO 64054. *Alcohol, in bulk, in tank vehicle,* from American Agri-Fuels Corporation plant site in Atchison County, MO to all points in KS. Supporting shipper: American Agri-Fuels Corporation, 1006 Grand Ave. Room 1010, Kansas City, MO 64106.

MC 107496 (Sub-5–4TA), filed February 29, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as above). *Liquid feed supplement, in bulk, in tank vehicles,* from Storm Lake, IA to Eudora, AR. Supporting shipper: Trans-Agra Corporation, 1355 Lynnfield Road, Suite 261, Memphis, Tennessee 38138.

MC 107496 (Sub-5–3TA), filed February 29, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check (same address as applicant). Transporting *Soybean oil in bulk, in tank vehicles,* from Manning, IA, to points in MN, MO, and NE. Supporting shipper: Agri-Industries, Box 187, Manning, IA 51455.

MC 111231 (Sub-5–1TA), filed February 25, 1980. Applicant: JONES TRUCK LINES, INC., 610 E. Emma Avenue, Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. Transporting *Electric motors, electric equipment, and articles used in the manufacture and distribution thereof:* Between the facilities of Franklin Electric Co., Inc. at or near Wilberton, OK, on the one hand, and, on the other, Jacksonville, AR; Siloam Springs, AR; Bluffton, IN; Pittsburgh, PA; Indianapolis, IN; Gary, IN; Chicago, IL; Putman County, IL; Birmingham, AL; Toledo, OH; and Hot Springs County, AR. Supporting shipper: Franklin Electric Co., Inc., P.O. Box 490, Hwy. 68 Bypass, Siloam Springs, AR 72761.

MC 111231 (Sub-5–2TA), filed March 4, 1980. Applicant: JONES TRUCK LINES, INC., 610 E. Emma Avenue, Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. Transporting *Iron and steel, and iron and steel articles, and articles dealt in by manufacturers and distributors of iron and steel articles:* Between the plant site facilities of Standard Steel Sales, Primary Steel, Inc., Universal King Corporation, and Ten Tex Marine, Inc. in Shelby County, TN, on the one hand, and, on the other, all points and places in IN, MI, OH, MO, IL, and KS. Supporting shippers: Standard Steel Sales, 5830 Mt. Moriah Ext., Suite 15, Memphis, TN 38118; Ten Tex Marine, Inc., 382 Klinke Road, Memphis, TN 38127; Universal King Corporation, P.O. Box 18484, Memphis, TN 38118; Primary Steel, Inc., 2672 Channel Avenue, Memphis, TN.

MC 14211 (Sub-5–2TA), filed February 20, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr., P.O. Box 420, Waterloo, IA 50704. Transporting *such commodities as are manufactured, distributed, dealt in, or used by manufacturers, distributors or dealers of agricultural machinery and equipment,* between Midland, PA, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Adams Hardfacing, P.O. Box 1859, Guymon, OK 73942.

MC 114211 (Sub-5–3TA), filed February 20 , 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr., P.O. Box 420, Waterloo, IA 50704. Transporting. (1) *Self-propelled compaction equipment, maintenance equipment and sweepers,* and (2) *parts and accessories for commodities named in* (1) *above,* (1) between New Ulm, MN, and points in TX, PA, ND, AR, WI, UT, VA, WY, OK, and IL, and (2) Between New Ulm and Minneapolis, MN, on the one hand, and, on the other, ports of entry in Ontario, Canada, on the United States/Canadian Boundary. Supporting shipper: Raygo, Inc., 9401 85th Avenue, North, Minneapolis, MN 55445.

MC 114211 (Sub-5–4TA), filed February 20, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr., P.O. Box 420, Waterloo, IA 50704. Transporting, *Iron and steel articles,* from Channelview, TX, to point in CO, KS, NE, SD, MN, IA, WI, and IL. Supporting shipper: Geoffrey Metals, Inc., 7826 West 103 Street, Palos Hills, IL 60465.

MC 115331 (Sub-5–1TA), filed February 25, 1980. Applicant: TRUCK TRANSPORT, INCOPRPORATED, 11040 Manchester Road, St. Louis, Missouri 63122. Representative: J. R. Ferris, 11040 Manchester Road, St. Louis, Missouri 63122. Transporting, *alcohol and alcoholic liquors, in bulk , in tank vehicles,* from Lindfield, PA to Plainfield, IL. Supporting shipper: Medley Distilling Corporation, P.O. Box 838, Louisville, Kentucky 40201.

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MC 116077 (Sub-5–2TA), filed February 29, 1980. Applicant: DSI TRANSPORTS, INC., 4550 One Post Oak Place, Suite 300, Houston, Texas 77027. Representative: J. C. Browder, Manager of Traffic-Operations, DSI Transports, Inc., 4550 One Post Oak Place, Suite 300, Houston, Texas 77027. Transporting *chemicals, in bulk, in tank vehicles,* from the facilities of the E. I. DuPont Corporation at or near Orange, TX to points in the United States. Supporting shipper: E. I. DuPont de Nemours & Co., 1007 Market Street, Wilmington, Delaware 19898.

MC 116077 (Sub-5–3TA), filed January 29, 1980. Applicant: DSI TRANSPORTS, INC., 4550 One Post Oak Place, Suite 300, Houston, Texas 77027. Applicant's representative: J. C. Browder, Manager of Traffic-Operations, DSI Transports, Inc., 4550 One Post Oak Place, Suite 300, Houston, Texas 77027. *Rosin Sizing, in bulk, in tank vehicles,* from Oakdale, LA, to Pt. Neches, TX. Supporting shipper: Reichhold Chemical Corporation, Post Office Box 1433, Pensacola, Florida 32596.

MC 117119 (Sub-5–4TA), filed February 29, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. BOX 188, Elm Springs, AR 72728. Applicant's representative: L. M. McLean, P.O. Box 188, Elm Springs, AR 72728. *Chemicals and Plastic Materials in other than tank or hopper vehicles,* from the plantsite of Union Carbide Corporation at Torrance, CA, to points in ID, OR, UT, and WA. Supporting shipper(s): Union Carbide Corporation, 1 California St., San Francisco, CA 94111.

MC 119493 (Sub-5–7TA), filed March 3, 1980. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, Missouri 64801. Applicant's representative: Thomas D. Boone, Traffic Manager, Monkem Company, Inc., P.O. Box 1196, Joplin, Missouri 64801. *Furniture and furniture parts.* From: Gainesville, TX. To: Atlanta, GA and St. Louis, MO. Supporting shipper: Northwood Furniture, P.O. Box 933, Gainesville, TX 76240.

MC 119988 (Sub-5–2TA), filed February 25, 1980. Applicant: GREAT WESTERN TRUCKING CO., INC., Post Office Box 1384, Lufkin, TX 75901. Representative: Larry Norwood, Post Office Box 1384, Lufkin, TX 75901. *Power equipment and parts thereof,* from the facilities of McCulloch Corp. at Lake Havasu City, AZ, to points in CA, CO, ID, MT, NE, NM, OR, UT, WA, and WY. Supporting shipper: McCulloch Corporation, 900 Lake Havasu Avenue, Lake Havasu City, AZ 86403.

MC 121589 (Sub-5–1TA), filed March 3, 1980. Applicant: N & W TRANSFER, INC., P.O. Box 188, Nehawka, NE 68413. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Grain and grain products,* in bags, from Omaha, NE, and Fergus Falls, MN, to Chicago, IL, and points in the Chicago, IL commercial zone. Supporting shipper: Conagra, Inc., 200 Kiewit Plaza, Omaha, NE 68131.

MC 121589 (Sub-5–2TA), filed March 3, 1980. Applicant: N & W TRANSFER, INC., P.O. Box 188, Nehawka, NE 68413. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Iron and steel articles,* from Chicago, IL and points in its commercial zone, to Grand Island, NE. Supporting shipper: Sperry-New Holland, 3445 West Stalley Park Road, Grand Island, NE 68801. Overhead Door, P.O. Box 2007, Grand Island, NE 68801.

MC 124141 (Sub-5–2TA), filed March 3, 1980. Applicant: JULIAN MARTIN, INC., Post Office Box 3348 (Highway 25 W), Batesville, AR 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Transporting *(1) Coffee, green in bags, (2) Coffee, roasted in cans, ground and not ground, (3) Coffee, extract of, dry in packages, and (4) Coffee, roasted, ground, in individual pre-measured bags, with or without coffee filters in same box (1–4 except in bulk),* from the facilities of Chock Full O'Nuts Co., New York, NY; New Orleans, LA; and St. Louis, MO, to points in the United States and between the facilities of Chock Full O'Nuts Co. located in New York, NY; New Orleans, LA; and St. Louis, MO. Supporting shipper: Chock Full O'Nuts Co., 425 Lexington Avenue, New York, NY 10017.

MC 124174 (Sub-5–1TA), filed February 27, 1980. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NW 68137. Representative: Karl E. Momsen, 13811 "L" Street, Omaha, NE 68137. Transporting *tile, terrazo clay or concrete,* from Laredo and Roma, TX to Grand Junction, Co; Evansville, IN; Maricopa County, AZ; Reno, NV; Zanesville, OH; and Leesburg, FL. Supporting shipper: General Growth Development, 1055 6th Avenue, Des Moines, IA 50306.

MC 124174 (Sub-5–2TA), filed February 27, 1980. Applicant: MOMSEN TRUCKING, CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 "L" Street, Omaha, NE 68137. Transporting, *tile, facing or flooring concerete, or terrazzo tile and candelilla wax,* from Laredo and Roma, TX to Canajoharie, Fort Johnson, Mamaroneck, West Bablyon, L.I., New York City, Long Island City, NY and Jersey City, NJ. Supporting shipper: Robert A. Baldini Company, Inc., 89 Millburn Avenue, Millburn, NJ 07041.

MC 126118 (Sub-5–5TA), filed March 3, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. Transporting, *Such commodities as are dealt in and used by manufacturers and distributors of health care products, drugs, chemicals, beverages and foodstuffs (except in bulk),* between points in the United States (except AK and HI). Restriction: Restricted to traffic moving to or from facilities utilized by Foremost-McKesson, Inc. Supporting shipper: Foremost-McKesson, Inc., James A. Rowen, Traffic Manager, One Post Street, San Francisco, CA 94104.

MC 126822 (Sub-5–4TA), filed February 29, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, Kansas 66061. Representative: John T. Pruitt, 15580 South 169 Highway, Olathe, Kansas 66061. Transporting, *glass and glass products* from the facilities of Libbey-Owens-Ford Company, at or near Ottawa, IL, to points in TX. Supporting shipper: Libbey-Owens-Ford Company, 811 Madison Avenue, Toledo, Ohio 43695.

MC 126822 (Sub-5–5TA), filed February 29, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, Kansas 66061. Representative: John T. Pruitt, 15580 South 169 Highway, Olathe, Kansas 66061. Transporting, (1) *pipe, pipe fittings, conduit, couplings, roofing and building materials, insulating materials, and materials and supplies used in the installation thereof;* (2) *materials, equipment and supplies used in the manufacture or distribution of the above named commodities* between points in the United States (except AK and HI), restricted to shipments to, from, or between the facilities of CertainTeed Corporation (except commodities in bulk). Supporting shipper: CertainTeed Corporation, Pipe & Plastic Group, P.O. Box No. 1100, Blue Bell, Pennsylvania 19422.

MC 126822 (Sub-5–6TA), filed March 3, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, Kansas 66061. Representative: John T. Pruitt, 15580 South 169 Highway, Olathe, Kansas 66061. Transporting: *containers, container ends, and container closures and materials, equipment, and supplies used in the manufacture, sale and distribution of containers* between points in the United States (except AK and HI), restricted to the transportation of shipments moving from, to, or between the facilities of Crown Cork & Seal Co., Inc. Supporting shipper: Crown Cork & Seal Co., Inc., 9300 Ashton Road, Philadelphia, Pennsylvania 19136.

MC 134405 (Sub-5–2TA), filed March 3, 1980. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *asphalt, in bulk, in tank vehicles,* from Smiths Bluff, TX to Oklahoma City, OK. Supporting shipper: Trumbull Asphalt Division of Owens-Corning Fiberglas Corp., 3400 N.E. 4th Street, Oklahoma City, OK 73117.

MC 135678 (Sub-5–1TA), filed March 3, 1980. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Okla. City, OK 73125. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Okla. City, OK 73106. Transporting: (1) *cabinets, radio, phonograph, tape or wire player or recorder, or loud speaker, wire on spindle full or empty, NOI mechanism or apparatus, SU, Box type:* (2) *Horns, sound amplifying or directing w/o electrical components, wooden, SU, not nested; horns signals, sound wiring, NOI, electrical appliances or instruments, NOI, or loud speakers; dynamic or electro-magnet or permanent magnet type w/o cabinets, housing or horns, or in other than console type cabinets or housing;* (3) *Stands, microphone, floor, with cast iron bases, bases separated. Sets, radio amplifiers; transformers, NOI, weighing each 25 pounds or more, Transformers, NOI, weighing each less than 25 pounds, or transformer parts, NOI;* (4) *Equipment, materials and supplies used in the manufacturing of commodities set out in Par. (1), (1) and (3) above,* from OK City, OK to Gardena, Anaheim, Downey, Azusa and Hawthorne, CA and Bend, OR. Supporting shipper: Altec Lansing Corp., 7747 Gemini St., Okla. City, OK 73128.

MC 135797 (Sub-5–10TA), filed February 29, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, AR. Representative: Paul R. Bergant, Esquire (same address as applicant). Transporting: *air conditioning equipment, furnaces, stoves, and parts and accessories thereto,* from the facilities of Carrier Corporation located at or near Los Angeles, CA, to points in PA. Supporting shipper: Carrier Corporation, Post Office Box 4800, Syracuse, NY 13221.

MC 139457 (Sub-5–2TA), filed February 25, 1980. Applicant: G. L. SKIDMORE d.b.a., JELLY SKIDMORE TRUCKING COMPANY, P.O. Box 38, Paris, TX 75460. Representative: Paul D. Angenend, P.O Box 2207, Austin, TX 78768. Transporting *(1) Canned and preserved foodstuffs and canned and packaged animal food, and (2) ingredients and supplies used in the manufacture of the commodities in (1) above,* (1) from the facilities of German Village Products, Inc., at or near Wauseon, OH, to Dallas and Paris, TX. Supporting shipper: German Village Products, Inc., Napolean, OH 43545.

MC 140612 (Sub-5–1TA), filed February 25, 1980. Applicant: ROBERT F. KAZIMOUR, P.O Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour, P.O Box 2207, Cedar Rapids, IA. 52406. Transporting *such commodities as are dealt in or used by retail stores (except foodstuffs, alcoholic beverages and commodities in bulk in tank vehicles),* between Northridge, CA. and its commercial zone on the one hand and on the other, points in AZ, CO, CT, DE, FL, ID, MD, MA, ME, MT, NC, NH, NJ, NM, NV, NY, OR, PA, RI, SC, UT, VA, VT, WA, WV. Supporting shipper: Industrial Industries International 19411 Londelius Street, Northridge, CA 91324.

MC 140665 (Sub-5–3TA), filed February 19, 1980. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting *salad dressings, (except frozen and commodities in bulk),* from the facilities of Swiss chalet Food Products Co. at or near Wichita, KS to Fredericksburg, VA; Atlanta, GA; and Orlando, FL. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper: The Clorox Company, 1221 Broadway, Oakland, CA 94612.

MC 140665 (Sub-5–4TA), filed February 25, 1980. Applicant: PRIME, INC., Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting *foodstuffs, in vehicles equipped with mechanical refrigeration,* from Vernon, CA to points in the United States in and east of ND, SD, NE, OK, KS, and TX. Supporting shipper: Alex Foods, Inc., 2750 E. 50th St., Vernon, CA 90058.

MC 140665 (Sub-5–5TA), filed February 25, 1980. Applicant: PRIME, INC., Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting, *foodstuffs (except commodities in bulk)* (1) between the facilities of American Home Foods at or near Vacaville, CA. LaPorte, IN, and Milton, PA; and (2) from the facilties of American Home Foods located at or near Vacaville, CA to Chicago, IL. Supporting shipper: American Home Foods Division of American Home Products Corporation, 685 3rd Ave., New York, NY 10017.

MC 141914 (Sub-5–1TA), filed March 3, 1980. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks, Route 1, Box 108A, Big Cabin, OK 74332. Transporting, *plastic products* from Tupperlake, NY, to points in CA, GA, IL, NJ, SC, TX, VA and WI. Supporting shipper: O. W. D., Inc., 100 Demars Boulevard, Tupper Lake, NY 12986.

MC 143953 (Sub-5–1TA), filed February 22, 1980. Applicant: ELITE TRUCKING COMPANY, P.O. Box 69, Station E, St. Joseph, Missouri 64505. Representative: W. R. England III, Hawkins, Brydon & Swearengen P. C., P.O. Box 456, Jefferson City, Missouri 65102. *Contract carrier,* irregular routes, *weed and tree killing compounds, in five-gallon pails, except commodities in bulk, in tank vehicles,* from the plant-site facilities of Rhodia, Inc., at or near St. Joseph, MO, to all points in CA, ID, ND, IL, OR and WA, under continuing contract with American Hoechst Corporation. Supporting shipper: American Hoechst Corporation, Rt. 202–206 N., Somerville, NJ 08876.

MC 144105 (Sub-5–1TA), filed March 3, 1980. Applicant: OVERLAND EXPRESS, INC., 6440 North Broadway, Wichita, KS 67219. Representative: Glaves, Weil, and Evans, 120 Building, 120 South Market, Wichita, KS 67202. Transporting, *animal and poultry feeds and feed ingredients and sanitation and health products used in raising animals and poultry, in mixed loads,* between Kansas City, MO; Wichita, KS; and McPherson, KS, on the one hand, and, on OK and TX. Supporting shipper: Cargill, Inc., Post Office Box 2696, Wichita, KS 67201; Cargill, Inc. (nutrena), First and Baer Street, Post Office Box 678, McPherson, KS 67460.

MC 14462 (Sub-5–5TA), filed February 25, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). Transporting *refractories, foundry supplies, chemicals, and chemical products, (except in bulk)* from Chicago, IL to points in OR, WA, and UT, and from points in OR, WA, and UT, and from points in OR and NV, to Cleveland, OH. Supporting shipper: FOSECO, INC. 20200 Sheldon Road, Brookpart, OH 44142.

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MC 144821 (Sub-5-1TA), filed February 15, 1980. Applicant: FREEDOM FREIGHTWAYS, INC., P.O. Box 5850, St. Louis, MO 63134. Representative: Raymond Ellsworth, P.O. Box 5850, St. Louis, MO 53134. Transporting *such commodities as are dealt in or used by automotive or truck service centers and retail or wholesale business houses* from points in the U.S., except AK and HI, to St. Louis, MO; Ferndale, MI; Mt. Laurel, NJ; and Compton, CA, restricted to shipments originating at or destined to facilities utilized by Texstar Automotive Distribution Group. Supporting shipper: Texstar Automotive Distribution Group, 9060 Latty Avenue, St. Louis, MO 63134.

MC 144858 (Sub-5-1TA), filed February 25, 1980. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799 Little Rock, Arkansas 72219. Representative: Harvey K. Thompson. Transporting *frozen Foodstuffs (except in bulk),* between the facilities of Northern Star Company located at or near Minneapolis, MN, on the one hand, and, on the other, points in AR as follows: Little Rock, Hope, Batesville, Hot Springs, Texarkana, Fort Smith, Fayetteville, Heber Springs, Jonesboro, Pine Bluff, Rogers and Springdale. Restricted to traffic originating at the facilities utilized by the Northern Star Company at the named origin and destined to points in the named states. Supporting shipper: Northern Star Company, 3171 South East Fifth Street, Minneapolis, MN, 55414.

MC 145119 (Sub-5-1TA), filed February 29, 1980. Applicant: LINT TRANSFER, INC., 4549 Delaware Avenue, Des Moines, IA 50313. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Contract carrier;* Irregular. *Tires, tire parts and inner tubes,* between the facilities of The Firestone Tire & Rubber Company, at Des Moines, Iowa, on the one hand, and, on the other, Fargo, ND, La Crosse, WI, and points in MN and SD, under contract with The Firestone Tire & Rubber Company. Supporting shipper: The Firestone Tire & Rubber Company, 2nd and Hoffman, P.O. Box 1295, Des Moines, IA, 50305.

MC 145441 (Sub-5-7TA), filed March 3, 1980. Applicant: A.C.B. TRUCKING, INC., Post Office Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). *Paper and plastic bags, rolls of wrapping paper,* from the plantside of International Paper Company at or near Jackson, TN, to points in CA and points in and east of WI, IL, MO, KS, OK, and TX. Supporting shipper: International Paper Company, 220 East 42nd Street, New York, NY 10017.

MC 145947 (Sub-5-1TA), filed March 3, 1980. Applicant: SHELTON D. SMITH d.b.a. PROTOCOL TRUCKING COMPANY, a sole proprietorship, P.O. Box 40088, Garland, Texas 75041. Representative: William D. White, Jr., 4200 Republic National Bank Tower, Dallas, Texas 75201. *Contract;* Irregular. *Drilling Mud, including friction reducers, non-foaming agents, gels (muds), (restricted against the transportation of said commodities in bulk, in tank vehicles),* from the facilities of Fritz Chemical Company at Mesquite, Texas to TX gulf ports for export—Houston, Galvenston and Brownsville, under a contract with Halliburton Services, P.O. Box 1431, Duncan, Oklahoma 735333.

MC 146744 (Sub-5-2TA), filed February 25, 1980. Applicant: A. L. EUBANKS, Route 2, Box 45-6, Mt. Carmel Road, Cabot, AR. Representative: A. L. Eubanks, (same address as applicant). *Ventilating products, roof louvers, trubines, and shutters,* between Jacksonville, AR, on the one hand, and, on the other, any and all points in CA. Supporting shipper: Lomanco, Inc., 2101 W. Main, Jacksonville, AR 72076.

MC 148886 (Sub-5-1TA), filed February 11, 1980. Applicant: A & A TRUCKING, INC., Post Office Box 538, Stephens, AR 71764. Representative: Joe D. Woodward, Post Office Box 727, Magnolia, AR 71753. *Roofing and roofing materials and supplies used in the manufacture of roofing and roofing materials,* between the plantsite and storage facilities of the Elk Corporation located at Stephens, AR, on the one hand, and all points in AL, KY, LA, MO, OK, TN, and TX, on the other hand. Supporting shipper: Elk Corporation, Post Office Box 37, Stephens, AR 71764.

MC 149206 (Sub-5-1TA), filed February 4, 1980. Applicant: BREWTON EXPRESS, INC., P.O. Box 508, Winnfield, LA 71483. Representative: Brian F. Brewton, P.O. Box 508, Winnfield, LA 71483. *Wire, wire products, fencing, fencing materials and supplies* between the facilities of Bekaert Steel Wire Corporation at or near Van Buren, AR on the one hand and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Bekaert Steel Wire Corp., P.O. Box 668, Van Buren, AR 72956.

MC 149323 (Sub-5-1TA), filed March 3, 1980. Applicant: BINGHAM TRANSPORTATION, INC., 2005 E. Avenue, Baxter Springs, KS 66713. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Salt, in Bulk, From Port of Catoosa, OK to points in KS on and South of US Hwy 56 and points in MO on and West of US Hwy 63 and on and south of US Hwy 50. Supporting shipper: Cargill, Inc., P.O. Box 9300, Minneapolis, MN 55440.*

MC 150008 (Sub-5-2TA), filed March 3, 1980. Applicant: KUELLA, INC., Rt. 2, King City, MO 64463. Representative: Lee Reeder, Michael A. Knepper, 1221 Baltimore Avenue, Suite 310, Kansas City, MO 64105. *Hides, partially processed, on pallets,* from St. Joseph, MO to Kansas City, KS restricted to shipments having subsequent movement by rail. Supporting shipper: Prime Tanning Co., Inc., Berwick, ME 03901.

MC 150102 (Sub-5-1TA), filed March 3, 1980. Applicant: MUSTANG TRANSPORTATION, INC., 1101 Rue Corton, Slidell, LA 70458. Representative: Albert T. Riddle, 1101 Rue Corton, Slidell, LA 70458. *Contract; Irregular, tires, tubes, wheels, wheel nuts, wheel weights, tire valves, and hub wheel clips* between Armstrong Rubber Co. Plant located in Natchez, MS and Sears Roebuck & Co. Facilities located in the states of LA, TX, OK and NM. Supporting shipper: Sears Roebuck and Company, 1409 South Lamar Street, Dallas, TX 75295.

MC 150195 (Sub-5-1TA), filed February 29, 1980. Applicant: RAHMEIER TRUCKING, INC., P.O. Box 283, Salina, KS 67401. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Contract;* irregular; transporting *Part (1) wood-burning stoves; fireplace inserts and accessories, equipment, materials, and supplies used in conjunction with or in the maintenance of wood-burning stoves and fireplace inserts,* between the facilities of Big M Manufacturing & Equipment, Inc. at or near Nickerson, KS, to AL, AZ, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MT, NV, NH (except Bow), NJ, NM, NY, NC, ND, OH, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI and WY, between the facilities of Cullinson Manufacturing, Inc. at or near Alva, OK to points in AL, AZ, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MT, NV, NH (except Bow), NJ, NM, NY, NC, ND, OH, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI and WY between the facilities of Fisher Stoves Co., Inc., at/or near Wichita, KS to points in AL, AZ, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MT, NM, NH, (except Bow), NJ, NM, NY, NC, ND, OH, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI and WY.

Part (2) wood-burning stoves and fireplace inserts, components, equipment, accessories, materials and supplies used and useful in the manufacturing, maintenance and/or transportation of the commodities in Part (1) above, from all points and places in the 48 contiguous states to points in AR, KS, MO, NE and OK, restricted, however, to provide no service from the Commercial Zones of Granite City and Wheaton, IL; Bow, NH; Memphis, TN; Salem, VA; Dover, OH; Eugene, OR; Everett and Avon, MA; E. Hartford, CT; Jamaica, Long Island, NY and Philadelphia, PA, to the facilities of Big M Manufacturing & Equipment, Inc. at or near Nickerson, KS or the facilities of Cullinson Manufacturing at or near Alva, OK. Under contract with Fisher Stoves Co. Inc. Supporting shipper: Fisher Stoves Co. Inc., 104 S. Broadway, Douglas Bldg, Suite 111, Wichita, KS 67202.

MC 150198 (Sub-5-2TA), filed March 3, 1980. Applicant: NASH TRUCKS, INC., Box 158, Altamont, KS 67330. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *dry fertilizer,* from the facilities of Gulf Oil Chemicals Co located in Cherkee County, KS to points and places in AR, OK and MO. Supporting shipper: Gulf Oil Chemicals Co., P.O. Box 6200B, Pittsburg, KS 66762.

MC 150199 (Sub-5-1TA), filed February 29, 1980. Applicant: MISSOURI AND NORTH ARKANSAS TRANSPORTS, INC., 511 Huntington Place, Harrison, AR 72601. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601. Common; Regular. *General commodities, with the usual exceptions,* (1) between Harrison, AR and Kansas City, MO, and points in their commercial zones; from Harrison over U.S. Hwy 65 to Springfield, MO, then over MO Hwy 13 to junction MO Hwy 7, then over MO Hwy 7 to junction U.S. Hwy 71, then over U.S. Hwy 71 to Kansas City and return over the same route, serving no intermediate points. Applicant intends to interline with other carriers in Harrison, AR and Kansas City, MO. Supporting shipper: Approximately 28 shippers.

MC 150201 (Sub-5-1TA), filed February 25, 1980. Applicant: SAM F. HARKEY, doing business as SAM F. HARKEY TRUCKING, Box 423, Holdenville, OK 74848. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Contract; Irregular. *Bentonite Clay, except in bulk,* from the facilities of American Colloid Co., Big Horn, Crook and Weston Counties, WY, and Phillips County, MT to points in OK and TX. Supporting shipper: American Colloid Co., P.O. Box 228, Skokie, IL 60077.

MC 150202 (Sub-5-1TA), filed March 3, 1980. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Avenue, Memphis, TN 38103. Contract; Irregular. *Glass bottles and jars, and equipment, materials, and supplies used in the manufacture of glass bottles and jars (except commodities in bulk),* between Jonesboro, AR, on the one hand, and, on the other, AL, CO, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WI. Supporting shipper: Arkansas Glass Container Corporation, 516 West Johnson, Jonesboro, AR 72401.

MC 140364 (Sub-5-1TA), filed February 22, 1980. Applicant: ARMOUR FOOD EXPRESS COMPANY, P.O. Box 2785, Amarillo, TX 79105. Representative: L. J. Celmins, Senior Commerce Attorney, Greyhound Tower, 111 West Clarendon Avenue, Phoenix, AZ 85077. Contract carrier, irregular routes, *meats, meat products, meat by-products, dairy products, articles distributed by meat packinghouses,* and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers as described in Sections A, B, C and D of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk) between points in California, Oregon and Washington under contract(s) with Armour and Company, Phoenix, AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Armour and Company, Greyhound Tower, 111 West Clarendon Avenue, Phoenix, AZ 85077.

MC 106398 (Sub-5-2TA), filed February 22, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, OK 74120. *Furniture and iron or steel.* From: The facilities of B.E.F. Manufacturing Company, Inc., at Earle, AR. To: Points in AL, TX, LA, GA, FL, NC, SC, TN, MS and AR.

MC 41432 (Sub-5-3TA), filed February 14, 1980. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Dallas, TX 75207. Representative: Wayland Little, Director of Commerce, Registered Practitioner, 2355 Stemmons Freeway, Dallas, TX 75207. *Yeast,* between San Antonio and Houston, TX, on the one hand, and, on the other, Corpus Christi, TX, for 180 day. Applicant intends to tack with MC-41432 and subs thereto and to interline. Applicant has filed an underlying ETA for 90 days. Supporting shipper: Anheuser-Busch Companies, 721 Pestalozzi, St. Louis, MO 63118.

MC 139973 (Sub-5-1 TA), filed, February 21, 1980. Applicant: J.H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *(1) Construction machinery, equipment and parts; (2) agricultural machinery, implements, equipment and parts; (3) electrical applicances, equipment and parts; (4) automotive equipment, accessories and parts; (5) pumps; (6) compressors; (7) iron and steel articles and (8) equipment, materials and supplies* (except commodities in bulk) *used in the manufacture, sale or distribution of the commodities in (1) through (7).* Between Boaz, AL; Florence, KY; St. Louis, MO; Boyertown, PA; Holyoke, MA; York, PA; Maspeth, NY; Clemmons, NC; Minneapolis, MN; Huntsville, AL; Taneytown, NJ; Shawnee, OK; Mountainside, NJ; Buffalo, NY; Harrison, NJ; Wellsville, NY; East Orange, NJ; and Curtland, NY, on the one hand, and, on the other, points in the United States (except AK & HI), restricted to traffic originating at or destined to the facilities of McGraw-Edison Co., or its subsidiaries. Supporting shipper: McGraw-Edison Co., 1275 Davis Road, Elgin, IL 60120.

MC 96992 (Sub-5-1TA), filed February 21, 1980. Applicant: HIGHWAY PIPELINE TRUCKING CO., P.O. Box 1517, Edinburg, Texas 78539. Representative: Kenneth R. Hoffman, Lanham, Hatchell, Sedberry & Hoffman, P.O. Box 2165 (801 Vaughn Bldg.), Austin, Texas 78768. *Such commodities as are dealt in or used by manufacturers of Photographic Products,* from the facilities of Eastman Kodak Co. at Rochester, NY, to the facilities of Eastman Kodak Co. at Chamblee, GA and Dallas, TX, and from the facilities of Eastman Kodak Co. at Rochester, NY to Laredo, TX, for export beyond Laredo, TX. Supporting shipper: Eastman Kodak Co., 2400 Mt. Read Blvd., Rochester, NY, 14650. An underlying ETA seeks 90 days authority.

MC 125299 (Sub-5-2TA), filed February 21, 1980. Applicant: WITTE BROTHERS EXCHANGE, INCORPORATED, 690 E. Cherry Street. Troy, MO 63379. Representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101. Plastic products from the plantsite and facilities

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of Regal Industries, Inc. at or near Wentzville, MO to points in the U.S., except Alaska and Hawaii for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Regal Industries, Inc., P.O. Box 65, Wentzville, MO 63385.

MC 124025 (Sub-5–1TA), filed February 21, 1980. Applicant: GLASS TRUCKING COMPANY, P.O. Box 276, 200 Chestnut Street, Newkirk, OK 74647. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Contract carrier, irregular routes, transporting *Flour,* Between the facilities of International Multifoods Corporation, Blackwell, OK and points in AR, KS, MO and TX.

MC 146879 (Sub-5–1TA), filed February 21, 1980. Applicant: L. E. CAWOOD, d.b.a. L. E. CAWOOD PRODUCE, P.O. Box 83, Springdale, AR 72764. Representative: Paul F. Beery, Beery & Spurlock Co., L.P.A., 275 East State Street, Columbus, OH 43215. Contract carrier, irregular routes: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and equipment, materials, and supplies used in the conduct of such business* (except commodities in bulk), from Cincinnati and Columbus, OH to San Antonio, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: The Kroger Co., 1014 Vine Street, Cincinnati, OH 45201.

MC 93840 (Sub-5–2TA), filed February 25, 1980. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Liquid fertilizer, in bulk, in tank vehicles,* from points in Lee County, Iowa, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI. Supporting Shipper: First Miss, Inc., P.O. Box 328, Ft. Madison, IA 52627.

MC 4405 (Sub-5–1TA), filed February 22, 1980. Applicant: DEALERS TRANSIT, INC., a corporation, P.O. Box 236, Tulsa, OK 74101. Representative: Leonard L. Bennett, P.O. Box 236, Tulsa, OK 74101. *Irrigation systems, and equipment and parts thereof* from the facilities of Irrifrance U.S.A. Inc. at or near Charlotte, NC, to points in the United States (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Irrifrance U.S.A., 8011 Pence Road, Charlotte, NC 28212.

MC 109818 (Sub-5–1TA), filed February 22, 1980. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52804. Represenatative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Flour,* in bags (1) From Omaha, NE, to Moline and Chicago, IL, and points in their commercial zones, and (2) From Fergus Falls, MN, to points in IL. Supporting shipper: Con-Agra Inc., 200 Kiewit Plaza, Omaha, NE 68131.

MC 136788 (Sub-5–4TA), filed February 22, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *Frozen fruits and vegetables* between storage and warehouse facilities used by Curtice-Burns, Inc. located at or near Brockport and Holley, NY, on the one hand, and, on the other, points in AL, AR, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NE, NJ, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WI, WV and DC for 180 days. Supporting shipper: Curtice-Burns, Inc., LeRoy, NY 14482.

MC 147248R (Sub-5–2TA), filed February 22, 1980. Applicant: CONTAINER SHUTTLE SERVICE CORP., 6950 College Oaks "G", Beaumont, TX 77707. Representative: Charles Norris Driver, Container Shuttle Service Corp., 6950 College Oaks "G", Beaumont, TX 77707. General Commodities (except Articles of unusual value, Classes A & B explosives, houshold goods as defined by the Commission commercial papers, documents and written instruments as are used in the business of banks and banking institutions, stocks, bonds, securities and negotiable instruments and commodities in bulk, in tank vehicles) in ocean going containers or highway trailers, having a prior or subsequent movement by water or rail, to or from points beyond the State of Texas. Between points in the Beaumont, TX Commercial Zone and points in the Houston and Galveston, TX Commercial Zones. Supporting shipper: Texas-U.S. Chemical Co., P.O. Box 667, Port Neches, TX 77651; Missouri-Kansas-Texas Railroad Co., P.O. Drawer 38385, Dallas, TX 75238.

MC 134501 (Sub-5–1TA), filed February 21, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, Morgan Brown & Schneider, P.O. Box 1540, Edmond, OK 73034. *Used and reconditioned hospital furniture, fixtures and equipment,* between points in the United States (except AK and HI) for 180 days. An underlying ETA seeks 90 days of operating authority. Supporting shipper: Walnut Street Company, Division of Hill-Rom, Inc., East Pearl Street, Batesville, IN 47006.

MC 141443 (Sub-5–3TA), filed February 21, 1980. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton Street, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Furniture parts and materials and supplies used in the manufacture and distribution thereof* (1) From Hominy, OK to Ennis and Houston, TX, Los Angeles, CA and Phoenix, AZ and (2) Carthage, MO to Ennis and Houston, TX, for 180 days. Supporting shipper(s): Leggett & Platt Incorporated, P.O. Box 757, Carthage, MO 64836.

MC 98992 (Sub-5–2TA), filed February 22, 1980. Applicant: HIGHWAY PIPELINE TRUCKING CO., P.O. Box 1517, Edinburg, TX 78539. Representative: Kenneth R. Hoffman, Lanham, Hatchell, Sedberry & Hoffman, P.O. Box 2165, Austin, TX 78768. *Gasoline,* in bulk, in tank vehicles, from Center, Longview and Tyler, TX, to Alexandria, Bossier City, Haughton, Leesville, Minden, Monroe, Natchitoches, Ruston and Shreveport, LA. Supporting shipper: Southland Corporation, 3645 Southern Avenue, Shreveport, LA 71104.

MC 113908 (Sub-5–4TA), filed February 22, 1980. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 10068 G.S., Springield, MO 65804. Representative: Jim G. Erickson, Assistant Traffic Manager (same address as applicant). *Alcohol and alcoholic liquors, in bulk,* from: Linfield, PA, and the commercial zone thereof to: South San Francisco, CA, and the commercial zone thereof. Supporting shipper: E. Martinoni Co., 543 Forbes Blvd., South San Francisco, CA 94080.

MC 118468 (Sub-5–1TA), filed February 22, 1980. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Contract carrier,* irregular routes, transporting: *Lumber and timbers* from Ashland and Tomah, WI, to points in IA, under contract with Emmer-Eagle Grove, Inc., of Eagle Grove, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Emmer-Eagle Grove, Inc., 6800 France Avenue South, Minneapolis, MN 55435.

MC 126118 (Sub-5–3TA), filed February 22, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Floor coverings, counter coverings, and wall coverings and equipment, materials and supplies used in the manufacture and distribution of the foregoing commodities,* from Miami, FL; Monticello, AR; Rocky River, OH; Philadelphia, PA; Lancaster, PA; Camden, NJ; and Chattanooga, TN and points in their respective commercial zones to Lincoln, NE and points in its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cubbison Distributing Co., Gary Ledin, Assistant Manager, 3333 N. 20th St., Lincoln, NE 68521.

MC 124393 (Sub-5–1TA), filed February 22, 1980. Applicant: FRANK POTTER TRUCKING CO., INC., P.O. Box 132, Boonville, MO 65233. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. *Contract carrier,* irregular routes transporting: *Beer and/or mix products,* from Milwaukee, WI, Ft. Worth-Dallas, TX, Omaha, NE, Evansville, IN and Byhalia, MS to Boonville, Moberly, Jefferson City and Sedalia, MO.

MC 143701 (Sub-5–1TA), filed February 22, 1980. Applicant: HODGES FREIGHT LINES, INC., P.O. Box 73–I, Metairie, LA 70033. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Such commodities as are dealt in by grocery and food business houses, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between the facilities of Inland Storage Distribution Center, at or near Kansas City, KS, on the one hand, and, on the other, points in the United States (except AK, HI, IL, IN, MI, OH, and WI.) Restricted to the transportation of traffic originating at or destined to the named facilities.

MC 108207 (Sub-5–1TA), filed February 22, 1980. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, and Foodstuffs, from the facilities utilized by John Morrell & Co., at or near Lubbock, TX, to points in CO on and east of the Continental Divide.

MC 136786 (Sub-5–3TA), filed February 22, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *Mulch, consisting of shredded printed matter and trim,* from Mattoon, IL to points in the U.S. (except AK and HI), restricted to transportation of traffic originating at the facilities of R. R. Donnelly & Sons Co. An underlying ETA seeks up to 90 days authority. Supporting shipper: R. R. Donnelly & Sons Co., P.O. Box 189, North Route 45, Mattoon, IL 61938.

MC 134286 (Sub-5–2TA), filed February 22, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Represenatative: Julie Humbert (same address as above). *Frozen bagels* (except in bulk) (1) from the facilities of Lender's Bagel Bakery, Inc. at or near Buffalo, NY to points in KY; and (2) from the facilities of Lender's Bagel Bakery, Inc. at or near West Haven, CT, to the facilities of Lender's Bagel Bakery, Inc. at or near Buffalo, NY for 180 days. Underlying ETA. Supporting shipper: Marvin Lender, Lender's Bagel Bakery, Inc., Post Road, West Haven, CT 06516.

MC 134286 (Sub-5–3TA), filed February 22, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Represenatative: Julie Humbert (same address as above). *Foodstuffs* (except in bulk) from the facilities of Vlasic Foods, Inc. at or near Memphis, Bridgeport, and Imlay City, MI, to points in CO for 180 days. Underlying ETA. Supporting shipper: Ira M. Kaplan, Director of Distribution, Vlasic Foods, Inc., 33200 West 14 Mile Road, West Bloomfield, MI 48033.

MC 150004 (Sub-5–1TA), filed February 22, 1980. Applicant: FRANK D. JAMES d.b.a. F & J LEASING, 731 Campbell, P.O. Box 13806, St. Louis, Missouri 63147. Represenatative: Joseph E. Rebman, 314 North Broadway, Suite 1330, St. Louis, Missouri 63102. *Common carrier,* regular routes, transporting: *CTN tubes, cathode ray, television picture receiving or CTN televisions or vision receiving sets, radio receiving sets, phonographs, talking machines, tape or wire records in shippers own trailers,* between rail ramps in the St. Louis, MO-East St. Louis, IL commercial zone and the facilities of Zenith Radio Corp. at or near Springfield, MO for 180 days. Supporting shipper: Zenith Radio Corp., 1900 North Austin Avenue, Chicago, IL 60639.

MC 119399 (Sub-5–2TA), filed February 22, 1980. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Represenatative: Thomas P. O'Hara, P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. *Cheese* from Tangipahoa, LA to Carthage, MO. Supporting shipper: L. D. Schreiber Cheese Co., Inc., Green Bay, WI.

MC 119493 (Sub-5–4TA), filed February 25, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, Traffic Manager, P.O. Box 1196, Joplin, MO 64801. *Rubber articles, plastic articles, rubber materials, plastic materials, and materials and equipment and supplies used in the manufacture and distribution thereof* (except commodities in bulk in tank vehicles). Between facilities of Entek Corp. of America at or near Irving, Texas on the one hand; And points in the U.S. (except AK & HI) on the other hand. No ETA filed. Supporting Shipper is Entek Corporation of America, 104 County Line Road, Irving, Texas 75060.

Note.—No dual operation will be involved. Common control will not be involved. If a hearing is deemed necessary, applicant requests that it be held at: ———.

MC 140829 (Sub-5–4TA), filed February 25, 1980. Applicant: CARGO, INC., P.O. Box 206, US Hwy 20, Sioux City, IA 51102. Representative: David L. King, Vice President, P.O. Box 206, US Hwy 20, Sioux City, IA 51102. *Foodstuffs, in mechanical refrigerated equipment* (except commodities in bulk, in tank vehicles), from the facilities of Anderson Clayton Foods, at or near Jacksonville, IL, to points in AL, FL, GA, NC, SC, TN, VA and WV, restricted to the transportation of traffic originating at the named origin and destined to points in the above named destination states for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anderson Clayton Foods, P.O. Box 226165, Dallas, TX 75222.

MC 148914 (Sub-5–2TA), filed February 21, 1980. Applicant: ASTRO MOTOR FREIGHT SYSTEM, INC., 6th and Iron, Salem, MO 65560. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Common carrier, *regular routes, General commodities,* except household goods, commodities which because of size or weight require the use of special equipment, classes A and B explosives, commodities in bulk, and those injurious to other lading, (1) between Kansas City, MO and Rolla, MO: (a) from Kansas City over U.S. Hwy 70 to junction U.S. Hwy 63, then over U.S. Hwy 63 to Rolla, MO and return over the same route; (b) from Kansas City over U.S. Hwy 50 to its junction with U.S. Hwy 63, then over U.S. Hwy 63 to Rolla, MO and return over the same route; (2) between Kansas City, MO and Springfield, MO, serving Springfield, MO

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for purposes of joinder only: (a) from Kansas City over U.S. Hwy 71 to junction MO Hwy 7, then over MO Hwy 7 to junction MO Hwy 13, then over MO Hwy 13 to Springfield, MO and return over the same route; (b) from Kansas City over U.S. Hwy 50 to junction MO Hwy 13, then over MO Hwy 13 to Springfield, MO and return over the same route, for 180 days. Applicant seeks to tack this authority with authority presently held. Underlying ETA filed. There are 23 supporting shippers.

MC 144901 (Sub-5–1TA), filed February 25, 1980. Applicant: INTERMODAL SYSTEMS, INC., 4740 Roanoke Parkway, Kansas City, MO 64111. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. *Foodstuffs and agricultural commodities,* as defined by 49 U.S.C. Section 10526(a)(6) (except commodities in bulk) between points in California, Ohio, Illinois, Indiana, Kentucky, Missouri and Tennessee. *Restricted* to traffic which involves the substitution of trailer-on-flat-car service for a portion of the through movement, and further restricted to traffic which either originates at points in California, and is destined to points in Ohio, or which originates at points in Ohio, and is destined to points in California. For 180 days. Supporting shipper(s): There are seven statements of support attached to the application.

MC 150116 (Sub-5–1TA), filed February 19, 1980. Applicant: COX BROS TRUCKING, Route 1, Waynesville, MO 65583. Representative: Wayne Gifford, 409 City Route East, Waynesville, MO 65583. *Contract carrier,* irregular routes, *Tires, tubes, accessories, and other similar items,* between Memphis, Tennessee on the one hand, and on the other, Springfield, Missouri and Columbia, Missouri for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: MFA Oil Company, 2738, E. Kearney, Springfield, Missouri 65804.

MC 142508 (Sub-5–4TA), filed February 25, 1980. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, Post Office Box 37465, Omaha, Nebraska 68137. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, Nebraska 68137. *Drugs, medicines, toilet preparations, health care items, alumina and magnesium hydroxide* from Philadelphia, PA and Lewes, DE, to points in the United States (except AK, ME, NH, VT, NY, PA, VA, NJ, MD, MA, RI, CT, DE, WV, DC, and HI) for 180 days. Supporting shipper: William H. Rorer, Inc., 500 Virginia Drive, Fort Washington, PA 19034.

MC 135797 (Sub 5-8TA), filed February 27, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, Arkansas 72745. Representative: Paul R. Bergant, Esquire, Post Office Box 130, Lowell, Arkansas 72745. (1) *Containers.* (2) *Material, equipment and supplies* used in the manufacturing and distribution of the commodities named in (1) above, between the facilities of Chattanooga Glass Co. at Corsicana, TX on the one hand, and on the other, points in AR, IA, IL, IN, KS, LA, MO, MS, OH, OK and TN for 180 days. Supporting shipper: Chattanooga Glass Co.

MC 29910 (Sub-5–2TA), filed February 27, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (address same as above). *Common carrier,* regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), between Las Cruces, NM and El Paso, TX, serving all intermediate points, and serving the off-route points of Dona Ana, NM, points within five miles of the specified regular route, and those within five miles of the termini: From Las Cruces over NM Hwy 478 to Anthony, NM, then over U.S. Hwy 80 to El Paso, and return over the same route. The sole purpose of this application is to substitute single-line for joint-line operations in which applicant has been participating.

MC 29910 (Sub-No. 5–1–TA), filed February 27, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (address same as above). *Common carrier,* regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment and commodities in bulk), Serving the facilities of Digital Equipment Corporation at or near Nashua and Salem, NH as off-route points in connection with carrier's regular route authority between Boston and Lowell, MA. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Digital Equipment Corporation, 444 Whitney Street, Northboro, MA 01532.

MC 143681 (Sub-5–2–TA), filed February 27, 1980. Applicant: S & S CONTRACT CARRIERS, INC., P.O. Box 497, Royse City, TX 75089. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Contract carrier,* irregular routes, transporting: (1) *Lighting fixtures,* and (2) *glassware, parts and materials* used in the manufacture and distribution of lighting fixtures, (1) from Philadelphia, PA, Linden, NJ, and Cowpens, SC to Grand Prairie, TX, and (2) from Decatur, TX to Cowpens, SC, under continuing contract(s) with Progress Lighting Div., Kidde Consumer Durables Corp., Philadelphia, PA, for 180 days. Underlying ETA seeks 90 day authority. Supporting shipper: Progress Lighting Div., Kidde Consumer Durables Corp., G & Erie Ave., Philadelphia, PA 19134.

MC 149169 (Sub-5–1–TA), filed February 25, 1980. Applicant: INTERCOASTAL CONTAINER SERVICE CORP., 2003 Macarthur Drive, P.O. Box 1770, Orange, TX 77630. Representative: John P. Jones III, 715 Church Street, Beaumont, TX 77705. Transporting: *General commodities in trailers,* between the Beaumont, TX commercial zone and the Houston, TX commercial zone for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Missouri-Kansas-Texas Railroad Co., 2625 Leroy St., Houston, TX 77007.

MC 138748 (Sub-5–1–TA), filed February 5, 1980. Applicant: DODDS REALTY CO. d.b.a. DODDS SERVICE CO., 40 Terminal Street, Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Contract carrier,* irregular routes: *twine,* from Milwaukee, WI, to points in CO, IL, IN, IA, KS, KY, MI, MN, MO, MT, ME, ND, OH, SD, TN, and WI under continuing contract with Dubuque Twine Co., Dubuque, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Dubuque Twine Co., Jones & Terminal Streets, Dubuque, IA 52001.

MC 107496 (Sub-5–1–TA), filed February 22, 1980. Applicant: RUAN TRANSPORT CORP., 666 Grand Avenue, Des Moines, Iowa 50309. Representative: E. Check (same as above). Transporting: *Fuel oil,* in bulk, in tank vehicles, from St. Joseph, MI to E. Chicago, IN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Enterprise Oil & Gas Co., 14445 Lynwood Ave. Detroit, MI 48238.

MC 150142 (Sub-5–1–TA), filed February 21, 1980. Applicant: LARRY D. and PATRICIA CHICK TRUCKING (a partnership), 1319 San Miguel, Springdale, AR 72764. Representative: Michael H. Mashburn, Blair, Cypert, Waters & Roy, 111 Holcomb Street, P.O. Box 869, Springdale, AR 72764. *Contract carrier,* irregular routes, *foodstuffs,* between St. Louis, MO, on the one hand and on the other points within the states of AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI and WY, restricted to operations performed pursuant to a continuing contract or contracts with Consolidated Flavor Corporation and restricted against contract carrier operations from St. Louis, MO, to Orlando, FL; Los Angeles, CA; Minneapolis-St. Paul, MN; West Allis, WI; and Fargo, ND, for 180 days. An underlying ETA seeks 90 days' authority. Supporting shipper: Consolidated Flavor Corporation, 264 Boulder Industrial Drive, Bridgeton, MO 63044.

MC 141312 (Sub-5–1–TA) (Region No. 5), filed February 25, 1980. Applicant: DOKTER TRUCKING CORP., P.O. Box 408, Weeping Water, NE 68463. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier,* irregular routes, transporting: *Dry fertilizer,* from Omaha, NE, to points in IA, KS, MO, and SD, under a continuing contract(s) with the Agricultural Chemicals Division of Kaiser Aluminum & Chemical Sales, Inc. of Savannah, GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kaiser Aluminum & Chemical Sales, Inc., Agricultural Chemicals Division, P.O. Box 65697, West Des Moines, IA 50265.

MC 121517 (Sub-5–1–TA), filed February 25, 1980. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., P.O. Box 15627, Tulsa, OK 74112. Representative: WILBURN L. WILLIAMSON, suite 615, East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting: *Barite,* in bulk, in tank vehicles, from points in Hot Springs County, AR and Washington County, MO to points in KS, LA, OK and TX for 180 days. Supporting shipper(s): Milchem Incorporated, a Division of Baker International, P.O. Box 22111, 3920 Essex Lane, Houston, TX 77027, and N. L. Baroid/N. L. Industries, Inc., P.O. Box 1675, Houston, TX 77001.

MC 136786 (Sub-5–5–TA), filed February 25, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 Northeast Third Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, suite 411, Edina, MN 55435. (1) *Malt beverages and related advertising materials,* from Jefferson County, CO to points in AR, ID, MT, TX and WA; and (2) *empty beverage containers and materials and supplies* used in or dealt with by breweries from points in AR, ID, MT, TX and WA to Jefferson County, CO, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 141312 (Sub-5–2–TA), (Region No. 5), filed February 25, 1980. Applicant: DOKTER TRUCKING CORP., P.O. Box 408, Weeping Water, NE 68463. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier,* irregular routes, transporting: *Phosphatic solution,* in bulk, in tank vehicles, from the facilities of Texasgulf Inc. at or near Weeping Water, NE, to points in IL, IA, KS, MN, MO, ND and SD, under a continuing contract(s) with Texasgulf Inc. of Raleigh, NC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Texasgulf Inc., 4509 Creedmoor Road, Raleigh, NC 27622.

MC 141443 (Sub-5–4–TA), filed February 25, 1980. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, suite 615, East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting: (1) *Malt beverages and related adverstising materials,* from points in Jefferson County, CO to points in AR; (2) *empty used beverage containers and materials and supplies* used in and dealt with by breweries, from points in AR to Jefferson County, CO. Supporting shipper(s): Adolph Coors Company, Golden, CO 80401.

Note.—Dual operations may be involved.

MC 146336 (Sub-5–1–TA), filed February 22, 1980. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 1609 109th Street, Grand Prairie, TX 75050. Representative: D. Paul Stafford, Winkle, Wells & Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting: *disposable surgical supplies, and pieced or finished paper or non-woven fabric used in the manufacture of disposable supplies,* (1) from Nashville, TN, and its commercial zone to Atlanta, GA, (2) from Gainesville, GA, to Waco, Laredo, and El Paso, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Surgikos, 2500 Arbrook Drive, Arlington, TX, 76012.

MC 146898 (Sub-5–1–TA), filed February 21, 1980. Applicant: MICKS SERVICE INC., 2146 Camanche Avenue, P.O. Box 838, Clinton, IA 52732. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Contract carrier,* irregular routes, transporting *paper and paper products,* from the facilities of International Paper Co., at or near Clinton, IA, to points in IL, IN, MN, MO, OH, and WI, for 180 days, under continuing contracts with International Paper Co., New York, NY. An underlying ETA seeks 90 days authority. Supporting shipper: International Paper Company, 220 E. 42nd Street, New York, NY 10017.

MC 138328 (Sub-5–1–TA), filed February 8, 1980. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, Registered Practitioner, P.O. Box 37205, Omaha, NE 68137. Such commodities as are dealt in by retail and discount stores (except household goods, foodstuffs, commodities in bulk, or those which by reason of size or weight require the use of special equipment) from Los Angeles, CA and Seattle, WA (and points in their commercial zones) to Dodge City and Salina, KS.

MC 138748 (Sub-5–2–TA), filed February 5, 1980. Applicant: DODDS REALTY CO., d.b.a. DODDS SERVICE CO., 40 Terminal Street, Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Contract motor carrier,* over irregular routes, transporting: *Twine,* from Duluth, MN and points in the Duluth, MN, commercial zone to points in CO, IA, KS, MN, MO, MT, ND, SD, WI and WY, under continuing contracts with the Dubuque Twine Company, Dubuque, IA 52001, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Dubuque Twine Co., Jones & Terminal Streets, Dubuque, IA 52001.

MC 141115 (Sub-5–1–TA), filed February 14, 1980. Applicant: RONALD D. JERNIGAN, RONNIE JERNIGAN TRUCKING, Route 5, Box 35, Minden, LA 71055. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. (1) *Batteries, battery parts, block and reverb lead and reverb slag* (except liquid commodities in bulk), and (2) *Electric storage batteries and parts,* and (3) *Spent batteries,* (1) Between the facilities of General Battery Corporation, its subsidiaries and divisions at Dallas, TX, and Heflin, LA. (2) From Lancaster, TX to Heflin, LA. (3) From rail sidings at Shreveport and Minden, LA to Heflin, LA, 180 days. Applicant has also fined an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Battery Corporation, its subsidiaries and divisions at Dallas, TX.

V 45/55 MR 19 80 UMI

MC 119493 (Sub-5–3TA), filed February 15, 1980. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, Missouri 64801. Representative: Thomas D. Boone, Traffic Manager, P.O. Box 1196, Joplin, Missouri 64801. *Lignite coal* in packages, from: Omaha, NE. To: Military, KS for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Gulf Oil Corporation, P.O. Box 3706, Houston, TX 77001.

MC 119789 (Sub-5–4TA), filed February 13, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75286. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75286. *Meats, meat products, meat by-products,* and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carriers Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from Franklinton, LA to New York City, NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Parish Packing Co., Inc.; P.O. Box 400, Franklinton, LA 70438.

MC 102567 (Sub-5–2TA), filed February 21, 1980. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Freeway, suite 130, Houston, TX 77040. *Petroleum Products, in bulk, in tank vehicles,* from Lake Charles, LA, to Waskom, Palestine, Lufkin, Silsbee, and Deer Park, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Morgan Petroleum Company, P.O. Box 8486, Shreveport, LA 71108.

MC 139495 (Sub-5–2TA) (Sub-465), filed February 19, 1980. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, P.O. Box 1358, Liberal, Kansas 67901. Representative: Herbert Alan Dubin, Baskin & Sears, 1320 Fenwick Lane, Silver Spring, MD 20910. *Coffee and coffee products* from the facilities of the Proctor & Gamble Distributing Company and Folger Coffee Company at or near Sherman, TX, to points in CA, OR and AZ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Proctor & Gamble Distributing Company, P.O. Box 599, Cincinnati, OH 45201.

MC 142508 (Sub-5–7–TA), filed February 19, 1980. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, P.O. Box 37465, Omaha, Nebraska 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, Nebraska 68137. *Frozen Foods,* from the facilities of General American Foods in Van Nuys, CA to Mobile, AL; Jacksonville, Miami, and Orlando, FL; Atlanta, GA; Lafayette, LA; Charlotte, NC; and Dallas and Houston, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: General American Foods, 14657 Lull Street, Van Nuys, CA 91405.

MC 142508 (Sub-5–6–TA), filed February 19, 1980. Applicant: NATIONAL TRANSPORTATION, INC., 10610 South 144th Street, P.O. Box 37465, Omaha, Nebraska 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, Nebraska 68137. *Meat, Meat Products, and Meat By-Products,* from Jersey City, Newark, Elizabeth and Secaucus, NJ; New York City, NY; and Fogelsville, PA, to Miami, Jacksonville, and Tampa, FL; Charleston, SC; and Savannah, GA for 180 days. Restricted to traffic having a prior or subsequent movement by water. An underlying ETA seeks 90 days authority. Supporting shipper: A. J. Cunningham Packing Corporation, 1776 Heritage Drive, Quincy, MA 02171.

MC 142508 (Sub-5–5–TA), filed February 19, 1980. Applicant: NATIONAL TRANSPORTATION, INC., 10610 South 144th Street, P.O. Box 37465, Omaha, Nebraska 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, Nebraska 68137. (1) *Paper and paper products and equipment, materials and supplies* used in the manufacture of paper products, between the facilities of National Envelope Corporation in Worcester, MA and Kansas City, KS, and the facilities of New York Envelope Corporation in New York, NY; and (2) *Paper* from Jay, ME; Canton, NC; Berlin, NH; Ticonderoga, NY; Hamilton, OH; Pasadena, TX; Franklin, VA; and Rothschild, WI to the facilities of National Envelope Corporation in Kansas City, KS; and (3) *Paper and paper products* from the facilities of National Envelope Corporation in Kansas City, KS to Rockville, MD for 180 days. An underlying ETA seeks 90 days authority. Supporing shipper: National Envelope Corporation, 11 Lincoln Street, Kansas City, KS.

MC 149200 (Sub-5–2–TA), filed February 25, 1980. Applicant: CHANSHEL, INC., P.O. Box 928, Cushing, OK 74023. Representative: Charles D. Midkiff, P.O. Box 928, Cushing, OK 74023. *Bentonite clay and lignite coal,* except in bulk, from the facilities of Amelcan Colloid Co., located at or near Malta, MT, Gascoyne, ND, Belle Fourche, SD, Lovell and Upton, WY; to points in KS, OK and TX. An underlying ETA seeks 90 days authority. Supporting shippers: Eagle Mud, Inc., 880 City Center Bldg., Okla City, Okla 73102 and American Colloid Co., P.O. Box 228, Skokie, Ill 60077.

MC 118959 (Sub-5–1–TA), filed February 19, 1980. Applicant: JERRY LIPPIS, INC., 130 South Frederick, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. *Tires and Tubes,* Between Baltimore, MD, on the one hand, and, on the other, AL, AR, AZ, CO, FL, LA, MI, MO, MS, OH, TX, and WI. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Universal Tire Marketing Corporation, 14622 South-Lawn Lane, Rockville, MD 20850.

MC 150067 (Sub-5–2–TA), filed February 15, 1980. Applicant: LARRY LA PRADE TRUCKING, INC., P.O. Box 388, Grand Saline, TX 75140. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. *Sand, gravel, crushed stone, aggregate, iron ore, slag, rock and rip-rap* in bulk in dump vehicles, from points in the Counties of McCurtain, Choctaw, Atoka, Bryan, Coal, and Johnston, OK, to points in TX on and east and north of a line running along U.S. Hwy 81 from the TX–OK border to its intersection with U.S. Hwy 190 and thence along that highway to the TX–LA border. Supporting shippers: United Contractors, P.O. Box 893, Kilgore, TX 75662; Big J Construction Co., P.O. Box 324, Carthage, TX 75633; Jackson Bros. Concrete, P.O. Box 958, Wylie, TX 75098; Lee Ray Contractors, Inc., 629 W. Broadway, Winnsboro, TX 75494; and J. W. Smith & Sons Contractors, Inc., P.O. Box 67, Beckville, TX 75631.

MC 142508 (Sub-5–8–TA), filed February 21, 1980. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Auto parts, loose and in boxes, and such commodities sold by automotive parts stores,* between the facilities of Standard Motor Products, Inc., New York, NY; Edwardsville, KS; and Montgomery, AL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Standard Motor Products, Inc., 380 Southern Boulevard, Bronx, NY.

MC 35320 (Sub-5–4–TA), filed February 25, 1980. Applicant: TIME-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the facilities of Chase Metal Service, at or near Denver, CO, on the one hand, and, on the other, Roswell, NM. Supporting shipper: Chase Metal Service, Denver, CO.

MC 118089 (Sub-5–1TA), filed February 25, 1980. Applicant: ROBERT HEATH TRUCKING, INC., 2909 Avenue C, P.O. Box 2501, Lubbock, Texas 79408. Representative: Charles M. Williams, Kimball, Williams & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, Colorado 80203, (303) 839–5856. Transporting *meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Freezer Services, Inc. at or near Amarillo, TX, to points in AZ, CA, LA, MS, NC, SC and TX. An underlying ETA seeks 90 days authority.

MC 107496 (Sub-5–2TA), filed February 20, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, Iowa 50309. Representative: E. Check (same as above). Transporting *lubricating motor oil, in bulk, in tank vehicles,* from Kansas City, Missouri to points in Indiana and Michigan for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Rutledge Oil Co., 951 N. Topping, Kansas City, Missouri 64120.

MC 144622 (Sub-5–4TA) (republication), filed February 5, 1980. Applicant: GLENN BROS. TRUCKING, INC., Post Office Box 9343, Little Rock, AR 72219. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Authority sought to operate as a *common carrier,* by motor vehicles over irregular routes, transporting *(a) household appliances, and (b) parts and accessories for household appliances* between the facilities of the General Electric Co. at Little Rock, AR, on the one hand, and the facilities of the General Electric Co. in Louisville, KY, Chicago, IL, Milwaukee, WI, Columbia, MD, Columbia, TN, Decatur, AL, and Bloomington, IN, on the other. Also from the facilities of the General Electric Co. at Little Rock, AR, to all points in the states of LA, MS, OK, and TX, over irregular routes.

MC 148943 (Sub-5–1TA), (republication), filed February 27, 1980. Applicant: TEJAS OESTE TRUCK LINES INC., 2209 Mills St., El Paso, Texas 79901. Representative: Greg J. Evans, Vice President, Tejas Oeste Truck Lines Inc., 2209 Mills St., El Paso, Texas 79901. *Common carrier,* regular routes, in the transportation of general commodities, freight of all kinds, other than bulk liquid commodities in tank vehicles, or bulk commodities requiring special equipment or commodities which either due to size, weight, or value that would require special equipment. (1) Between El Paso, TX and Artesia, NM serving all intermediate points and commercial zones. From El Paso, TX over Hwys U.S. 62 and 180 to Carlsbad, NM. Thence over Hwy U.S. 285 to Artesia, NM and return over the same routes. (2) Between Artesia, NM and Roswell, NM, serving all intermediate points and commercial zones. From Artesia, NM over Hwy U.S. 285 or Alternate Hwy U.S. 285 to Roswell, NM and return. (3) Between Roswell, NM and Tatum, NM, serving all intermediate points and commercial zones. From Roswell, NM, over Hwy U.S. 380 to Tatum, NM and return. (4) Between Roswell, NM and Clovis, NM, serving all intermediate points and commercial zones. Plus Cannon Air Force Base as an off route point. From Roswell, NM, over Hwy U.S. 70 to Clovis, NM, and return. (5) Between Artesia, NM, and Lovington, NM, serving all intermediate points and commercial zones. From Artesia, NM, over Hwy U.S. 82 to Lovington, NM, and return. (6) Between Clovis, NM, and Lovington, NM, serving all intermediate points and commercial zones. From Clovis, NM, to Portalis, NM, via Hwy U.S. 70 to Lovington NM, via Hwy 18 and return. Applicant wishes to tack to its own authority at Lovington, NM and Carlsbad NM, and will interline with other carriers at Roswell, NM and Clovis, NM. Supporting shippers: 14 supporting shippers.

By the Commission.

Agatha L. Mergenovich,
Secretary.

Establishment of Nine Special Temporary Authority Boards

AGENCY: Interstate Commerce Commission.

ACTION: Establishment of nine (9) Special Temporary Authorities Boards.

SUMMARY: On March 10, 1980, the Interstate Commerce Commission voted to establish nine Special Temporary Authorities Boards for a period not to exceed 60 days. These Boards have been delegated the functions set forth at 49 CFR 1011.6(b)(1) and will have concurrent jurisdiction with the Commission's Motor Carrier Board to decide applications for motor and water carrier temporary authority under 49 USC 10928. The purpose of this delegation is to eliminate the backlog of temporary authority applications ready for decision as of February 3, 1980. Applications filed on or after February 4, 1980, and any filed prior to that time in which the field staff had not yet completed the record, are covered by the rules in Ex Parte No. MC–67 (Sub-No. 5), *Temporary Authority Application Procedures* (45 Fed. Reg. 3580, January 18, 1980) and are not subject to the jurisdiction of the Special Temporary Authorities Boards.

EFFECTIVE DATE: March 10, 1980.

COMMENTS: Since this is a notice of final action taken to revise internal organization matters, comments are not invited.

FOR FURTHER INFORMATION CONTACT: For information on *specific* pending applications or *general information* concerning temporary authority application procedures: Denise Ryan (202) 275–7792.

For a list of Board Members: Office of Communications (202) 275–7252.

For general information on the Special Temporary Authorities Boards: Paul Grossman (202) 275–7911 or Donald J. Shaw, Jr. (202) 275–7292.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80–8369 Filed 3–18–80; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 241; Rule 19; Eighty-first Revised Exemption 90]

Aberdeen and Rockfish Railroad Co., et al.; Exemption Under Mandatory Car Service Rules

To all railroads;

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in my by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, ICC RER 6410–D, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a) and 2(b).

Aberdeen and Rockfish Railroad Company,
Reporting Marks: AR

V45/55 MR 19 80 UMI

The Ahnapee & Western Railway Company, Reporting Marks: AHW
Ann Arbor Railroad System.
Michigan Interstate Railway Company, Operator, Reporting Marks: AA
Apalachicola Northern Railroad Company, Reporting Marks: AN
The Arcata and Mad River Railroad Company, Reporting Marks: AMR
The Atchison, Topeka and Santa Fe Railway Company, Reporting Marks: ATSF
Atlanta & Saint Andrews Bay Railway Company, Reporting Marks: ASAB
Bath and Hammonsport Railroad Company, Reporting Marks: BH
Berlin Mills Railway, Inc., Reporting Marks: BMS
Burlington Northern Inc., Reporting Marks: BN–CBQ–GN–NP–SPS
Cadix Railroad Company, Reporting Marks: CAD
Camino, Placerville & Lake Tahoe Railroad Company, Reporting Marks: CPLT
Central Vermont Railway, Inc., Reporting Marks: CV
Chesapeake Western Railway, Reporting Marks: CHW
City of Prineville, Reporting Marks: COP
The Clarendon and Pittsford Railroad Company, Reporting Marks: CLP
Columbus and Greenville Railway Company, Reporting Marks: CAGY
Delaware and Hudson Railway Company, Reporting Marks: DH
Delta Valley & Southern Railway Company, Reporting Marks: DVS
*Detroit and Mackinac Railway Company, Reporting Marks: D&M–DM
Detroit, Toledo and Ironton Railroad Company, Reporting Marks: DT&I–DTI
Duluth, Missabe and Iron Range Railway Company, Reporting Marks: DMIR
East Camden & Highland Railroad Company, Reporting Marks: EACH
East St. Louis Junction Railroad Company, Reporting Marks: ESLJ
Galveston Wharves, Reporting Marks: GWF
Genessee and Wyoming Railway Company, Reporting Marks: GNWR
Green Bay and Western Railway Company, Reporting Marks: GBW
Green Mountain Railroad Corporation, Reporting Marks: GMRC
Greenville and Northern Railway Company, Reporting Marks: GRN
The Hutchinson and Northern Railway Company, Reporting Marks: HN
Helena Southwestern Railroad Company, Reporting Marks: HSW
Illinois Terminal Railroad Company, Reporting Marks: ITC
Indiana Eastern Railroad and Transportation, Inc., d.b.a. The Hoosier Connection, Reporting Marks: HOSC
Lake Erie, Franklin & Clarion Railroad Company, Reporting Marks: LEF
Lake Superior & Ishpeming Railroad Company, Reporting Marks: LSI
Lamoille Valley Railroad Company, Reporting Marks: LVRC
Lancaster and Chester Railway Company, Reporting Marks: LC
Lenawee County Railroad Company, Inc., Reporting Marks: LCRC
Longview, Portland & Northern Railway Company, Reporting Marks: LPN
Louisiana Midland Railway Company, Reporting Marks: LOAM
Louisville and Wadley Railway Company, Reporting Marks: LW
Louisville, New Albany & Corydon Railroad Company, Reporting Marks: LNAC
Manufacturers Railway Company, Reporting Marks: MRS
Maryland and Delaware Railroad Company, Reporting Marks: MDDE
McCloud River Railroad Company, Reporting Marks: MR
Middletown and New Jersey Railway Company, Inc., Reporting Marks: MNJ
Mississippian Railway, Reporting Marks: MISS
Missouri-Kansas-Texas Railroad Company, Reporting Marks: MKT–BKTY
New Hope and Ivyland Railroad Company, Reporting Marks: NHIR
New Jersey, Indiana & Illinois Railroad Company, Reporting Marks: NJII
New Orleans Public Belt Railroad, Reporting Marks: NOPB
New York, Susquehanna and Western Railroad Company, Reporting Marks: NYSW
Norfolk and Western Railway Company, Reporting Marks: ACY–N&W–NKP–WAB
Norfolk, Franklin and Danville Railway Company, Reporting Marks: NFD
North Louisiana & Gulf Railroad Company, Reporting Marks: NL&G
Octararo Railway, Inc., Reporting Marks: OCTR
Pearl River Valley Railroad Company, Reporting Marks: PRV
Peninsula Terminal Company, Reporting Marks: PT
Pittsburgh, Allegheny & McKees Rocks Railroad Company, Reporting Marks: PA&M
Port Huron and Detroit Railroad Company, Reporting Marks: PHD
Port of Tillamook Bay Railroad, Reporting Marks: POTB
Prairie Trunk Railway, Reporting Marks: PARY
Raritan River Rail Road Company, Reporting Marks: RR
St. Lawrence Railroad, Reporting Marks: NSL
St. Louis Southwestern Railway Company, Reporting Marks: SSW
St. Marys Railroad Company, Reporting Marks: SM
Sandersville Railroad Company, Reporting Marks: SAN
Savannah State Docks Railroad Company, Reporting Marks: SSDK
Sierra Railroad Company, Reporting Marks: SERA
Southern Pacific Transportation Company, Reporting Marks: SP
Southern Railway Company, Reporting Marks: CG–NS–SA–SOU
Terminal Railway, Alabama State Docks, Reporting Marks: TASD
The Texas Mexican Railway Company, Reporting Marks: TM
Toledo, Peoria & Western Railroad Company, Reporting Marks: TPW
Union Railroad of Oregon, Reporting Marks: UO
Upper Merion and Plymouth Railroad Company, Reporting Marks: UMP
Vermont Railway Inc., Reporting Marks: VTR
The Virginia and Maryland Railroad Company, Reporting Marks: VAMD
Virginia Central Railway, Reporting Marks: VC
Warwick Railway Company, Reporting Marks: WRWK
Wabash Valley Railroad Company, Reporting Marks: WVRC
WCTU Railway Company, Reporting Marks: WCTR
Youngstown & Southern Railway Company, Reporting Marks: YS
Yreka Western Railroad Company, Reporting Marks: YW

Effective March 1, 1980, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 27, 1980.

Interstate Commerce Commission.
Joel E. Burns,
Agent.

[FR Doc. 80-8301 Filed 3-18-80; 8:45 am]
BILLING CODE 7035-01-M

Long- and Short-Haul Application for Relief, Formerly Fourth Section Application

March 13, 1980.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before April 3, 1980.

No. 43807, Southwestern Freight Bureau, Agent, No. B–50, on various commodities, including iron and steel articles, from stations in Eastern, Illinois, Southern, Southwestern and Western Territories to Korf, TX. Rates and provisions are published in Supplement 464 to Tariff ICC SWFB 3002–H and Supplement 476 to Tariff ICC SWFB 4850 of Southwestern Freight Bureau, Agent, effective April 13, 1980. Grounds for relief—market competition.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-8302 Filed 3-18-80; 8:45 am]
BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief, Formerly Fourth Section Application

March 14, 1980.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before April 3, 1980.

No. 43808, Southwestern Freight Bureau, Agent No. B–55, on (a) Butadiene from Baton Rouge, Norco, LA and Houston, TX to Tildale, GA, and (b) Ethylene Glycol from Geismar, LA to Forster, SC published in Supplement 41 to Southwestern Freight Bureau, Agent Tariff ICC SWFB 4615, effective April 9, 1980. Grounds for relief—origin rate relationships.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-8303 Filed 3-18-80; 8:45 am]
BILLING CODE 7035-01-M

[Application No. MC-1491]

National Motor Freight Traffic Association, Inc.; Released Rates Application

ACTION: Released Rates Application No. MC–1491.

SUMMARY: The National Motor Freight Traffic Association, Inc., Agent, on behalf of carriers named as participants in its National Motor Freight Classification, ICC NMF–100–F seeks to further amend Released Rates Order No. MC–525 (corrected) for the purpose of expanding this authority to provide for the application of classes and/or exception ratings in tariffs which publish exceptions to such classifications, and specific and/or general commodity rates, including commodity column rates on flatware, dresserware, or holloware, of sterling silver or with sterling silver parts.

ADDRESS: Anyone seeking copies of this application should contact Mr. William W. Pugh, Counsel, National Motor Freight Traffic Association, Inc., Agent, 1616 P Street, NW., Washington, DC 20036, Telephone No. (202) 797–5310.

FOR FURTHER INFORMATION CONTACT: Mr. Howard Rooney, Unit Supervisor, Informal Rate Cases Branch, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, Telephone No. (202) 275–7390.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 U.S.C. 10730 and 11707 of the Interstate Commerce Act for and on behalf of carriers named as participants in the National Motor Freight Classification ICC NMF–100–F.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-8390 Filed 3-18-80; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Joint Committee for Agricultural Development of the Board for International Food and Agricultural Development Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the meetings of the Regional Work Groups (RWGs), Joint Committee for Agricultural Development (JCAD) of the Board for International Food and Agricultural Development (BIFAD). These meetings will be held on April 14, 1980.

The purpose of the meetings is to: Analyze the RWG members' trip reports on Country/Mission visits; discuss plans for FY–83 Country Development Strategy Statements (CDSS's); update the Country Programs; and discuss the revision of the JCAD guidelines.

The Asia RWG will meet on April 14, 1980, and will convene at 9:30 a.m. in Room 216, Rosslyn Plaza Bldg., 1601 North Kent Street, Rosslyn, Virginia. (Mr. David Lundberg, A.I.D. Federal Designee for this meeting can be contacted at (703) 235–8870.)

The Latin America RWG will meet on April 14, 1980, and will convene at 9:30 a.m. in Room 2242 New State Department Building. (Mr. Blair Allen, A.I.D. Federal Designee for this meeting can be contacted at (202)632–8126).

The Near East and the Africa RWG's will not meet the month of April.

The meetings are open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Frank H. Madden is designated A.I.D. Advisory Committee Representative for JCAD. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at (202)632–3009.

Dated: March 13, 1980.

Frank H. Madden,
A.I.D. Advisory Committee Representative, Joint Committee on Agricultural Development, Board for International Food and Agricultural Development.

[FR Doc. 80-8279 Filed 3-18-80; 8:45 am]
BILLING CODE 4710-02-M

Agency for International Development

Joint Research Committee of the Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Sections 10(a), (2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the thirty-first meeting of the Joint Research Committee (JRC) of the Board for International Food and Agricultural Development (BIFAD) on April 8 and 9, 1980.

The purpose of the meeting is to: discuss energy issues as they affect agricultural development and food production in developing countries; review the research program on small scale energy alternatives being conducted at the University of Florida; consider research needs for agriculture of developing countries as related to the impact, costs and availability of petroleum derived energy and petroleum products used for improved agricultural production (chemical fertilizers, pesticides, etc.); and other research needs related to the energy issues for increasing production and improving consumption of food in LDC's.

The meeting will convene at 8:00 a.m. and adjourn at 5:00 p.m. on April 8 and 9, 1980. The meeting will be held at Rm. 1031 McCarty Hall, University of Florida, Gainesville, Florida 32611. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Mr. William F. Johnson, BIFAD Support Staff is the designated A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, BIFAD Support Staff, State Department, Washington, D.C. 20523, or telephone him at (202) 632–7935.

Dated: March 13, 1980.

William F. Johnson,
A.I.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 80-8278 Filed 3-18-80; 8:45 am]
BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-80; Order No. 1]

Certain Plastic Bouquet Holders

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

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Issued: March 11, 1980.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 80-8275 Filed 3-18-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-10 (Final)]

Ferroalloys from Brazil; Termination of Investigation and Cancellation of Hearing

AGENCY: U.S. International Trade Commission.

ACTION: In view of the withdrawal by the petitioners of the petition upon the basis of which investigation No. 701-TA-10 was initiated, the Commission hereby terminates such investigation pursuant to section 704(a) of the Trade Act of 1930.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Leahy, Office of Investigations, telephone number (202) 523-1369.

SUPPLEMENTARY INFORMATION: By notice issued January 10, 1980, and published in the **Federal Register** (45 FR 3400 (January 17, 1980)), the Commission instituted the subject investigation to determine whether with respect to the articles involved an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of the subsidized imported merchandise. A public hearing was scheduled, on a tentative basis, to be held at the International Trade Commission Building, on April 8, 1980.

The legal authority for a request to withdraw a petition for a countervailing duty investigation and the legal authority for the Commission to terminate an investigation in response to a request to withdraw the petition are found in section 704 of the Tariff Act of 1930. The only restriction on the Commission's authority to terminate is that all parties to the investigation must be notified of the termination. In the instant case no requests for appearances before the Commission have been received. For these reasons the Commission is granting the request and terminating this investigation. In addition to notifying interested persons who have not appeared before the agency, the Commission is notifying the Department of Commerce of its action in this case.

By order of the Commission.

Issued: March 14, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-8366 Filed 3-18-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-8 (Final)]

Firearms From Brazil; Termination of Investigation and Cancellation of Hearing

AGENCY: U.S. International Trade Commission.

ACTION: In view of the withdrawal by both petitioners of the petition upon which investigation No. 701-TA-8 was instituted, the Commission hereby terminates such investigation pursuant to section 704(a) of the Trade Act of 1930.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Cates, Office of Investigations, telephone number (202) 523-0368.

SUPPLEMENTARY INFORMATION: By notice issued January 10, 1980, and published in the **Federal Register** (45 FR 3400, January 17, 1980), the Commission instituted the subject investigation to determine whether with respect to the articles involved an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of the subsidized imported merchandise. A public hearing was scheduled, on a tentative basis, to be held at the International Trade Commission Building, on April 5, 1980.

Section 704(a) of the Tariff Act of 1930 permits the termination of a countervailing duty investigation after notice to all parties to the investigation, upon withdrawal of the petition by the petitioner. Pursuant to section 704(a) of the Act, however, the Commission may not terminate an investigation before a preliminary determination is made by the Department of Commerce under section 703(b) of the Act. In the present investigation, the administering authority (at that time the Department of the Treasury) made an affirmative preliminary determination—(44 FR 53597, September 14, 1979)—and both petitioners have withdrawn the petition on which the present investigation was instituted.

The requirements of section 704(a) having been satisfied, the Commission grants the request to terminate the investigation. In addition to this notice, the Commission is notifying the Department of Commerce and both petitioners of this action.

By order of the Commission.

Issued: March 14, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-8367 Filed 3-18-80; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Countryside Farms, Inc., Egg Products Co., Olson Farms, Inc., and Snow White Egg Co.; Proposed Consent Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement have been filed with the United States District Court for the District of Utah in *United States* v. *Countryside Farms, Inc., et al.*, Civil Action No. C-75-301. Consenting to the proposed Judgment are three of the four defendants in the case, Countryside Farms, Inc., Egg Products Company, and Snow White Egg Company. The fourth defendant, Olson Farms, Inc., has not consented and intends to proceed to trial. The Complaint in this action alleged that defendants conspired to fix wholesale market quotations on which the wholesale prices of fresh eggs were based and to fix the producer paying prices for fresh eggs. The proposed Judgment would enjoin the consenting defendants from agreeing to fix or stabilize the prices at which eggs are bought or sold, from allocating accounts or territories, and from communicating about prices except in the course of bona fide purchase and sale transactions or to agencies and organizations that disseminate aggregate price statistics. The Competitive Impact Statement describes the anticipated effects of the proposed Judgment on competition and evaluates alternatives to the proposed Judgment which were actually considered by the United States. Public comment is invited within the statutory 60-day comment period. Such comments and responses thereto will be published in the **Federal Register** and filed with the Court. Comments should be directed to Anthony E. Desmond, Chief, San Francisco Field Office, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Box 36046, San Francisco, California 94102.

Dated: March 7, 1980.

Joseph H. Widmar,

Director of Operations.

Counsel submitting: Gary R. Spratling, Irene Saal Holmes.

Attorneys for: Plaintiff.

Address: U.S. Department of Justice, Antitrust Division, 450 Golden Gate Avenue, P.O. Box 36046, San Francisco, California 94102, Telephone: (415) 556-6300.

In the United States District Court for the District of Utah, Central Division, *United States of America, Plaintiff,* v. *Countryside Farms, Inc.; Egg Products Company; Olson Farms, Inc.; and Snow White Egg Company,* Defendants. Civil No. C-75-301, Stipulation, Filed: March 7, 1980.

It is stipulated by and between the undersigned parties, plaintiff United States of America, and defendants Countryside Farms, Inc., Egg Products Company, and Snow White Egg Company, by their respective attorneys, that:

1. The parties consent that a final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16) and without further notice to any party or other proceedings: *Provided,* That plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed final judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff or defendants in this or any other proceeding.

For the Plaintiff:

Sanford M. Litvack,

Special Assistant to the Attorney General.

Joseph H. Widmar,

Charles F. B. McAleer,

Anthony E. Desmond

Gary R. Spratling,

Irene Saal Holmes,

Attorneys, Department of Justice.

For the Defendants:

Richardo B. Ferrari, Esq.,

Salt Lake City, Utah, Attorney for Countryside Farms, Inc.

Watkiss & Campbell,

Salt Lake City, Utah,

Clark W. Sessions,

Attorneys for Egg Products Company.

Richards, Brandt, Miller, Nelson & Zarr,

Salt Lake City, Utah,

Robert W. Brandt,

Attorneys for Snow White Egg Company.

Counsel submitting: Gary R. Spratling, Irene Saal Holmes.

Attorneys for: Plaintiff.

Address: U.S. Department of Justice, Antitrust Division, 450 Golden Gate Avenue, P.O. Box 36046, San Francisco, California 94102, Telephone: (415) 556-6300.

United States District Court for the District of Utah, Central Division, *United States of America,* Plaintiff, v. *Countryside Farms, Inc.; Egg Products Company; Olson Farms, Inc.; and Snow White Egg Company,* Defendants. Civil No. 75-301, Final Judgment, Filed: March 7, 1980.

Plaintiff, United States of America, having filed its complaint herein on July 28, 1975, and plaintiff and defendants Countryside Farms, Inc., Egg Products Company, and Snow White Egg Company, by their respective attorneys, having each consented to the entry of this Final Judgment without trial or adjudication of any issues of fact or law herein, and without this Final Judgment constituting evidence against or an admission by any party hereto with respect to any such issues;

Now, therefore, before any testimony has been taken and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

Ordered, Adjudged and Decreed as follows:

I

This Court has jurisdiction of the subject matter hereof and each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against the defendants under Section 1 of The Sherman Act (15 U.S.C. 1).

II

As used in this Final Judgment: (A) "Person" means any individual, corporation, partnership, firm, association or other business or legal entity;

(B) "Salt Lake City Market" means the area encompassing the State or Utah, eastern Nevada, southeastern Idaho and southwestern Wyoming.

III

The provisions of this Final Judgment apply to each of the consenting defendants and to their officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them, who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Each consenting defendant is enjoined and restrained from entering into, adhering to, maintaining, furthering, enforcing or claiming any right under any contract, agreement, understanding, plan or program with any person, directly or indirectly to:

(A) Fix, determine, establish, maintain, raise, stabilize, or adhere to prices, quotations, discounts, or other terms or conditions for the purchase of eggs from or sale to any third person;

(B) Communicate to or exchange with any other person purchasing or selling eggs any information concerning any actual or proposed price, quotation, price change, discount, delivery or processing charge, or other term or condition of sale at which eggs are to be, or have been, purchased from or sold to any third person;

(C) Allocate with any other person or persons purchasing or selling eggs in the Salt Lake City Market the areas from or in which, or accounts from or to which, each such person should or will purchase or sell eggs.

V

Nothing in Section IV hereof shall prohibit the communication of necessary information, including prices and quotations, by a consenting defendant (1) to a purchaser or seller of eggs (whether a defendant or not) in the course of, and related to, negotiating for, entering into, or carrying out a bona fide purchase or sale transaction between such defendant and such other person; (2) to the United States Department of Agriculture, or its agents or employees; (3) to any State agency; or (4) to any private organization which collects said information and disseminates it to the public in a composite form without identifying information gathered from any particular source.

VI

Each consenting defendant is ordered and directed to: (A) Serve within sixty (60) days after the entry of this Final Judgment a copy of this Final Judgment upon each of its officers and directors and upon each of its employees and agents who have any responsibility for the purchase, sale or pricing of eggs;

(B) Serve a copy of this Final Judgment upon each successor to an officer, director, employee, or agent described in Paragraph (A) of this Section, within sixty (60) days after the succession occurs;

(C) Within ninety (90) days after the entry of this Final Judgment, file with the Court and serve upon the plaintiff affidavits concerning the fact and manner of compliance with Paragraph (A) of this Section; and

(D) Obtain, and retain in its files, from each officer, director, employee and agent served with a copy of this Final Judgment pursuant to Paragraph (A) or Paragraph (B) of this Section, a signed statement evidencing each such person's receipt of a copy of this Final Judgment.

VII

Each consenting defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of its total assets of its egg business, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the Court, and serve upon the plaintiff, its consent to be bound by this Final Judgment.

VIII

(A) For the purpose of determining or securing compliance with this Final Judgment:

(1) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a consenting defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(a) Access during the office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of the defendant relating to any matters contained in this Final Judgment; and

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(b) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, directors, agents, servants or employees of the defendant, who may have counsel present, regarding any such matters.

(2) Any consenting defendant, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division made to its principal office, shall submit such reports in writing, under oath if requested, with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

(B) No information or documents obtained by the means provided in this Paragraph VIII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by a defendant to plaintiff, the defendant represents and identifies in writing the material in any such information or documents which is of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and the defendant marks each pertinent page of such material, "Subject to Claim of Protection under the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to the defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which the defendant is not a party.

IX

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of violations hereof.

X

This Final Judgment shall be in full force and effect for a period of ten (10) years from the date of entry.

XI

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

Counsel Submitting: Gary R. Spratling, Irene Saal Holmes.

Attorneys for: Plaintiff.

Address: U.S. Department of Justice, Antitrust Division, 450 Golden Gate Avenue, box 36046, San Francisco, CA 94102, Telephone: (415) 556-6300.

In the United States District Court, District of Utah, Central Division, *United States of America*, Plaintiff, v. *Countryside Farms, Inc.; Egg Products Company; Olson Farms, Inc.; and Snow White Egg Company*, Defendants. Civil No. 75-301, Competitive Impact Statement. Filed: March 7, 1980.

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)), the United States hereby submits this Competitive Impact Statement relating to the proposed consent judgment with defendants Countryside Farms, Inc., Egg Products Company and Snow White Egg Company submitted for entry in this civil antitrust proceeding. Defendant Olson Farms, Inc., is not a party to the proposed judgment.

I. Nature of the Proceeding

On July 28, 1975 the United States filed a civil complaint under Section 4 of the Sherman Act (15 U.S.C. 4) alleging that the defendants violated Section 1 of the Sherman Act (15 U.S.C. 1). The complaint alleges that the defendants and various co-conspirators engaged in a combination and conspiracy in unreasonable restraint of interstate commerce, the substantial terms of which were (1) to fix, maintain and stabilize the wholesale market quotations on which were based the wholesale prices at which defendants sold eggs in the Salt Lake City Market, and (2) to fix, maintain and stabilize the producer paying prices which defendants paid for eggs. The period of time covered by the complaint is from at least as early as 1966 until March 1974. The Salt Lake City Market is defined in the complaint to include the State of Utah plus, generally, eastern Nevada, southeastern Idaho, and southwestern Wyoming.

In a grand jury indictment also filed on July 28, 1975, *United States* v. *Countryside Farms, Inc., et al.*, Cr. 75-76 (D. Utah), these same four corporate defendants, as well as two individual defendants, were charged with a misdemeanor criminal violation of the Sherman Act on the basis of the same alleged conspiracy charged in this civil complaint. In the criminal case, defendants Countryside Farms, Inc., Egg Products Company, Olson Farms, Inc., Snow White Egg Company and R. Kent Christofferson entered pleas of *nolo contendere*. Defendants Olson Farms, Inc., was sentenced to a fine of $10,000 and the other defendants were sentenced to one-year terms of probation. One individual defendant, Gilbert T. Cochran, pleaded not guilty and was tried in February 1977. The trial resulted in a hung jury and the indictment against Cochran was dismissed by order of the court entered May 16, 1977. Olson Farms, Inc.'s fine has been paid and the criminal case is concluded.

In the civil case, entry by the court of the proposed consent judgment will terminate the action with respect to defendants Countryside Farms, Inc., Egg Products Company and Snow White Egg Company, except insofar as the court will retain jurisdiction over the matter for possible further proceedings which may be required to interpret, modify or enforce the judgment, or to punish violations of any of the provisions of the judgment.

The proposed consent decree does not include defendant Olson Farms, Inc. At this time, the government and defendant Olson Farms are unable to agree on a consent decree and the civil case will continue against Olson Farms. Trial is set for September 1980.

II. Description of Events Constituting the Alleged Violation

During the period of time covered by the complaint, the defendant egg dealers bought and sold fresh eggs in the Salt Lake City Market. The defendants and co-conspirator companies bought eggs from producers in the Salt Lake City Market and in California, and sold cartoned eggs to retailers in the Salt Lake City Market for resale to consumers. In 1973, the last full year of the alleged conspiracy, the four defendants, including Olson Farms, Inc., which is not a party to the proposed consent judgment, sold approximately twelve million dollars of fresh cartoned eggs in the Salt Lake City Market. Their sales accounted for an estimated 90 percent of all sales by egg dealers of fresh cartoned eggs to retailers in that Market.

The complaint in this civil action alleges a conspiracy that began in at least 1966 and continued until March 1974. The complaint alleges that the price fixing conspiracy was carried out by means of meetings attended by representatives of the four defendant companies at which wholesale market quotations, producer paying prices, terms of sale and market conditions were discussed and by means of telephone conversations during which wholesale market quotations were exchanged and producer paying prices, terms of sale, and market conditions were discussed. The complaint alleges further that in carrying out the alleged conspiracy the defendants quoted agreed-upon wholesale market quotations, paid agreed-upon producer paying prices, allocated territories for the sale of eggs, and acted to exclude competitors from selling eggs in Salt Lake and Utah Counties in the State of Utah.

The wholesale market quotation was a base price to which varying discounts were applied by the individual egg dealers to arrive at the actual selling price to different retail accounts. Discounts were a certain number of "cents off" (below) the wholesale market quotation. The complaint (like the indictment) does not charge the defendant egg dealers with fixing the discounts offered to various retailers. Rather, it charges the defendant egg dealers with collusion in setting each dealer's wholesale market quotation, which was the starting point from which the sale price to retailers was determined.

A Salt Lake City Market Quotation was published weekly by the United States Department of Agriculture (USDA) in the Dairy and Poultry Market News and was determined by the USDA by calling each dealer weekly for the quotation that dealer would use in selling eggs, and the price that dealer would pay in purchasing eggs, the following week. The Market Quotation, published after its effective date, listed the range of all wholesale market quotations and producer paying prices reported to the USDA by defendant egg dealers. At the criminal trial of the individual defendant, the government introduced evidence showing that the defendants quoted to the USDA identical wholesale market quotations and producer paying prices during most of the weeks between 1966 and 1972.

The specific evidence introduced in the criminal trial on the means by which the conspiracy was carried out was as follows. Beginning in the 1950's egg dealers in Salt Lake City met for lunch monthly or bi-monthly to discuss wholesale market quotations, terms of sale—such as premium charges for half-case sales and allowances for the return of empty cartons—as well as general shortage and surplus egg supply conditions in the market. All defendant egg dealers were represented at these dealer luncheon meetings, as well as Ballard Egg Company, an egg dealer that was acquired by defendant Olson Farms in 1969.

These meetings ended in approximately 1967. At that time weekly evening meetings began among egg producers in the Salt Lake City area; these meetings were also regularly attended by representatives of defendants Countryside Farms and Olson Farms. The producer group prepared for its weekly meetings by sending its representative to each of the defendant egg dealers before the meeting and asking what each dealer thought the quotation should be the following week. This information was discussed at the meeting; the group arrived at a consensus quotation, which it communicated to the egg dealers and which those dealers generally followed. Each dealer cooperated with the producer group in the expectation of receiving in return a quotation that was a consensus of the opinions of all dealers, a quotation that each in turn would use. Thus the dealers fixed quotations and prices using the producer group meetings as a conduit.

These meetings ended in 1969. The government introduced evidence showing that the dealers, however, continued to cooperate and agree upon uniform quotations and prices using a different method: weekly inter-dealer telephone calls. The dealers exchanged telephone calls weekly to communicate to one another the wholesale market quotation and producer paying price that each would quote, both to the USDA and in business transactions, the following week. In addition, certain representatives of the defendant egg dealers met on an irregular basis to discuss specific pricing problems.

III. Explanation of the Proposed Consent Judgment

The United States and three of the four defendants, Countryside Farms, Inc., Egg Products Company and Snow White Egg Company, have stipulated that the proposed consent judgment, which is in a form negotiated by the above parties, may be entered by the court at any time after compliance with the Antitrust Procedures and Penalties Act. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed judgment by the court is conditioned upon a determination by the court that the judgment is in the public interest.

A. Prohibited Conduct

The proposed judgment will be in effect for ten years. It will during that time prohibit each of the above three defendants from entering into or adhering to any agreements or arrangements with any person to fix, maintain or adhere to prices, quotations, discounts or any other terms or conditions under which it purchases eggs from third parties or sells eggs to third parties.

The judgment will also during its ten year term prohibit the above three defendants from entering into or adhering to any agreements or arrangements to communicate to or exchange with other egg dealers their prices, quotations, price changes, discounts or any other terms on which or conditions under which they purchase eggs or sell eggs to third parties. This prohibition will not, by the terms of the proposed judgment, prohibit the defendants from communicating to other egg dealers necessary information to carry out or negotiate for a bona fide purchase or sale transaction with the other egg dealer. Furthermore, it does not prohibit the defendants from communicating price and quotation information to the United States Department of Agriculture, to a State agency or to any private organization that compiles and makes publicly available egg price information in composite form without identifying what information it received from any specific egg dealer.

The judgment will further prohibit each consenting defendant from allocating with any other egg dealer in the Salt Lake City Market, the marketing areas in which each will sell or not sell or the accounts to which each will sell or not sell.

B. Required Conduct

In order to make the provisions of this judgment and the penalties for violation of it known to all responsible employees, each consenting defendant is required, within sixty days, to furnish a copy of the judgment to each of its officers and directors and to each agent or employee having responsibility for the purchase, sale or pricing of eggs. The judgment requires that each defendant report to the court within ninety days the fact that it has complied with this requirement and the manner in which it has done so. If new employees are hired or appointed in any of these positions, the judgment requires that they be furnished copies of the judgment within sixty days. In order to ensure that all employees required to receive a copy of the judgment do in fact receive a copy and become aware of the judgment's provisions, each consenting defendant must obtain and keep for ten years a signed statement from each such employee acknowledging receipt of the judgment. This permits enforcement of the judgment by means of a criminal contempt proceeding against employees who violate the prohibitions of the judgment.

If any consenting defendant sells all or substantially all of its egg business assets during the time the judgment is in effect, it is required to obtain the acquiring party's consent to be bound by the judgment's provisions.

The Department of Justice is given access under the proposed judgment to the files and records of the consenting defendants to examine such records for compliance or non-compliance with the judgment. The Department is also granted access to interview employees of the defendants to determine whether the consenting defendants are complying with the judgment. Defendants' officials may also be required to appear before the court to testify under oath regarding their companies' compliance with the judgment.

C. Effect of the Proposed Judgment on Competition

The relief encompassed in the proposed consent judgment is designed to prevent the consenting defendants from engaging in the activities alleged in the complaint. The prohibiting language of the judgment will ensure that each defendant makes its pricing decisions in buying and selling eggs without prior consultation, understanding or agreement with competing egg dealers. The judgment provides for sufficient access to the records of the consenting defendants to allow the Department to monitor compliance by those defendants.

The United States will continue to pursue this civil action against the remaining non-consenting defendant in order to obtain a court order enjoining it from engaging int the activities alleged in the complaint.

It is the opinion of the Department of Justice that, as to the consenting defendants, the proposed judgment is fully adequate to prevent future antitrust violations of this nature.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney's fees.

Any potential plaintiffs will retain the same rights to seek monetary damages and equitable remedies that they would have had if the proposed judgment had not been entered. However, pursuant to Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), the judgment may not be used in private litigation as *prima facie* evidence of a violation.

V. Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act any person believing that the proposed judgment should be modified may submit written comments to Anthony E. Desmond, Department of Justice, Antitrust Division, 450 Golden Gate Avenue, Box 36046, San Francisco, California 94102, within the 60 day period for public comment provided by the Act. The comments and the government's response to them will be filed with the Court and published in the Federal Register. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to its entry if it should determine that some modification of the judgment is necessary to the public interest. The proposed judgment itself provides that the court will retain jurisdiction over this action, and that the parties may apply to the court for such orders as may be necessary or appropriate for the modification or enforcement of the judgment.

VI. Alternatives to the Proposed Consent Judgment

This case does not involve such novel or unusual issues of fact or law as might make litigation a more desirable alternative than

the entry of this consent judgment. The proposed decree does not contain a judgment by the court, as requested in the complaint, that the consenting defendants have violated Section 1 of the Sherman Act. It states on the contrary that the judgment is neither an admission nor adjudication of such a violation. Litigation may result in an adjudication that the consenting defendants have violated the Sherman Act but the Department feels that the public interest is best served by the entry of the proposed judgment.

VII. Determinative Documents

There are no materials or documents that were determinative in formulating a proposal for a consent judgment. Accordingly, none are being filed by the government pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)).

Dated: March 7, 1980.

Gary R. Spratling,

Irene Saal Holmes,

Attorneys, U.S. Department of Justice.

[FR Doc. 80-8236 Filed 3-18-80; 8:45 am]

BILLING CODE 4410-01-M

National Institute of Justice

Solicitation Regarding Competitive Research Grant/Cooperative Agreement To Support Two Phase Study of Impact of Community Environments on Supervised Offenders

The National Institute of Justice announces a competitive research grant/cooperative agreement to support a two phase study of the impact of community environments on supervised offenders. In Phase I the research issue to be examined is whether parole outcomes appear to be influenced by community environments. If such an influence is established, the study will enter into Phase II in which the nature and relationship of community factors that appear to account for that influence will be examined.

The solicitation requests submissions of draft proposals rather than full, formal proposals. Full proposals will be requested from those applicants receiving favorable review by a peer review panel. In order to be considered, a draft proposal must be received by the National Institute of Justice no later than April 24, 1980. One grant/cooperative agreement for Phase I is expected to be awarded under this announcement. A maximum of $100,000 will be awarded for Phase I with an expected duration of 16 months. The decision to enter into Phase II and its funding level will be determined upon review of the Phase I results. To maximize competition, both profit makers and non-profit organizations may apply.

Additional information and copies of the solicitation may be obtained by sending a mailing label to:

Solicitation Request, Community Environments and Their Impact on Supervised Offenders, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Dated: March 7, 1980.

Harry M. Bratt,

Primary and Principal Assistant to the Acting Director, National Institute of Justice.

[FR Doc. 80-8321 Filed 3-18-80; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

Full Council Meetings; April 21 and April 22

March 13, 1980.

Pursuant to Section 10 of the Federal Advisory Committee Act of 1972 notice is hereby given that the National Advisory Council on Economic Opportunity will hold meetings on Monday and Tuesday, April 21 and 22, 1980 at its office at 1725 K St. N.W., Suite 405, Washington, D.C. The meetings will begin at 9:30 EST each day and are open to the public.

The purpose of the meetings will be to discuss matters related to welfare reform, energy projects, the definition of poverty, national priorities, inflation and the status of the Community Services Administration.

The National Advisory Council on Economic Opportunity is authorized by Section 605 of the Community Services Act to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and to review the effectiveness and operation of programs under the Act.

Records shall be kept of all proceedings and shall be available for public inspection at the office of the National Advisory Council on Economic Opportunity, 1725 K Street, N.W., Suite 405, Washington, D.C. 20006.

Walter B. Quetsch,

Executive Director.

Dolores A. Washington,

Staff Assistant.

[FR Doc. 80-8371 Filed 3-18-80; 8:45 am]

BILLING CODE 6820-42-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups, and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published February 22, 1980 (45 FR 11986). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meetings open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The exact time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the April 1980 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Mary E. Vanderholt) between 8:15 a.m. and 5:00 p.m., EST.

Subcommittee and Working Group Meetings

Emergency Core Cooling Systems (ECCS), March 25, 1980, Rescheduled from March 26, Washington, DC. The Subcommittee will review the analysis of small break LOCAs in Westinghouse UHI reactors, and several ACRS generic items related to the capability of ECC systems. Notice of this meeting was published March 11 and March 19.

Concrete and Concrete Structures, March 25–26, 1980, Washington, DC. Rescheduled to April 22–23. Notice of this meeting was published March 10 and March 19.

Natural Circulation and Feed and Bleed Heat Removal, March 26, 1980, Rescheduled from March 25, Washington, DC. An Ad Hoc Subcommittee will review information presently available on natural circulation and feed and bleed heat removal systems. Also, areas where inadequate information is available will be examined, and planned NRC research programs and tests at Sequoyah and North Anna reactors will be reviewed to determine their ability to meet information needs. Notice of this meeting was published March 10 and March 19.

Anticipated Transients Without Scram (ATWS), March 26, 1980, Washington, DC. The Subcommittee will meet with representatives of the NRC Staff to continue discussion of the proposed resolution of ATWS. Notice of this meeting was published March 11.

Three Mile Island, Unit 2 Accident Action Plans, April 1–2, 1980, Washington, DC. An Ad Hoc Subcommittee will review Draft 3 of NRC NUREG–0660, "Action Plans Developed as a Result of The TMI–2 Accident." Notice of this meeting was published March 17.

Babcock & Wilcox Water Reactors, April 8, 1980, Washington, DC.The Subcommittee will complete its review of the NRC Staff study to determine whether construction should be halted on certain B & W plants because of sensitivity of the once-through-steam generator (OTSG) to feedwater transients.

Three Mile Island, Unit–2 Accident Implications, April 9, 1980, Washington, DC. An Ad Hoc Subcommittee will discuss implications of the TMI–2 Accident as they relate to construction permit applications.

Regulatory Activities, April 9, 1980, (8:45 am), Washington, DC. The Subcommittee will review regulatory guides and revisions to existing regulatory guides; also, it may discuss pertinent activities which affect the current licensing process and/or reactor operation.

Power and Electrical Systems, April 9, 1980 (2:00 pm), Washington, DC. The Subcommittee will consider the nuclear data link (NDL), presently being developed by NRC as part of the TMI–2 Accident Actions Plans.

Reactor Safety Research, April 9, 1980, (4:00 pm), Washington, DC. The Subcommittee will review the NRC office of Nuclear Regulatory Research response to ACRS recommendations to Congress on NRC research (NUREG–0657); also, the FY–82 budget review and preparation of the ACRS report to NRC will be discussed.

General Electric Test Reactor (GETR), April 18–19, 1980, Sunol, CA. The Subcommittee will continue its review of the geologic and seismologic aspects of the GETR plant site. Also, other matters related to the NRC Order to Show Cause may be discussed. Notice of this meeting was published February 22.

Licensee Event Report (LER), April 22, 1980, (8:30 am), Washington, DC. The Subcommittee will review plans of the new NRC Office of Analysis and Evaluation of Operational Data, and NRC action in response to the ACRS LER Report, (NUREG–0572).

Site Evaluation, April 22, 1980, (1:00 pm) Washington, DC. The Subcommittee will review the proposed Emergency Planning Rule (10 CFR, Part 50), published in the **Federal Register** December 19, 1979, and NUREG–0654, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants." Notice of this meeting was published February 22.

Concrete and Concrete Structures, April 22–23, 1980—Rescheduled from March 25–26, Washington, DC. The Subcommittee will review "user needs" in structural engineering and the way in which these needs have been met.

Reactor Radiological Effects, April 23, 1980, Washington, DC. The Subcommittee will review the radiological protection programs at nuclear power plants.

Natural Circulation and Feed and Bleed Heat Removal, April 24, 1980. An Ad Hoc Subcommittee will continue its review of information presently available on natural circulation and feed and bleed heat removal systems. Also, areas where inadequate information is available will be examined, and planned NRC (or other) tests that will be run to obtain needed information will be studied and the possible need for other tests will be explored.

Metal Components, April 24–25, 1980, Oak Ridge, TN. The Subcommittee will meet with representatives of the NRC and ORNL Staffs to review the Heavy Section Steel Technology (HSST) Program.

Reactor Fuel, April 29, 1980, Washington, DC. The Subcommittee will discuss the status of reactor fuel development and use in commercial LWRs, including particular problems or unusual events that occurred in the past year.

Reliability and Probabilistic Assessment, April 30, 1980, Washington, DC. The Subcommittee will continue its evaluation of the need to develop quantitative safety goals for nuclear power plants and consideration of the actual form these goals may take and what they should accomplish.

Consideration of Class 9 Accidents, May 6, 1980, Washington, DC. The Subcommittee will discuss consideration of low probability, high consequence accidents (including core melt) as part of the licensing process. The Integrated Fuel Melt Research Program will also be discussed.

ACRS Full Committee Meetings

April 10–12, 1980.

A. *Floating Nuclear Plant—Core ladle conceptual design.

B. *Sequoyah Nuclear Power Plant, Unit 1—Augmented Low-power test program.

C. *Anticipated Transients Without Scram (ATWS)—Proposed plant modifications.

D. *Pressurized Water Reactors with Once-Through-Steam Generators (OTSG)—Dynamic response to transients.

E. *NRC Action Plans to Implement Lessons Learned from the TMI–2 Accident—Proposed implementation of long term items.

F. *Code of Federal Regulations (10 CFR, Part 50, Appendix K, ECCs Evaluation Models)—Proposed changes in techniques to calculate clad-ballooning.

G. *Proposed Replies to NRC Commissioner V. Gilinsky re ACRS Report dated Dec. 11, 1979 on the pause in licensing and proposed use of the nuclear data link (NDL).

H. *Meeting with NRC Chairman J. Ahearne and other NRC Commissioners who may be present re ACRS activities as an NRC advisory committee, including ACRS comments on the NRC Action Plans.

May 1–3, 1980—Agenda to be announced

June 5–7, 1980—Agenda to be announced

Dated: March 14, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 8034 Filed 3-18-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Emergency Core Cooling Systems; Change of Date

The March 26, 1980 meeting of the ACRS Subcommittee on Emergency Core Cooling Systems has been rescheduled to be held on March 25. All items pertaining to this meeting remain the same as announced in the **Federal Register** March 11, 1980 (45 FR 15735).

Dated: March 14, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-8336 Filed 3-18-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Ad Hoc Subcommittee on Natural Circulation Heat Removal; Change of Date

The March 25, 1980 meeting of the ACRS Ad Hoc Subcommittee on Natural Circulation Heat Removal has been rescheduled to be held on March 26, 1980. Notice of this meeting was announced in the **Federal Register** March 10, 1980 (45 FR 15347).

In addition, the title of this Ad Hoc Subcommittee has been changed to "ACRS Ad Hoc Subcommittee on Natural Circulation and Feed and Bleed Heat Removal."

All other items regarding this meeting remain the same as announced in cited notice.

Dated: March 14, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-8336 Filed 3-18-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Concrete and Concrete Structures; Change of Date

The meeting of the ACRS Subcommittee on Concrete and Concrete Structures announced in the **Federal Register** March 10, 1980 (45 FR 15346) has been rescheduled from March 25–26, to April 22–23, 1980. All other items regarding this meeting reamin the same as announced in the cited notice.

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Dated: March 14, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-8237 Filed 3-18-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. PRM-2-9]

Cincinnati Gas & Electric Company, et al.; Denial of Petition for Rulemaking

Notice is hereby given that the Nuclear Regulatory Commission has denied a petition for rulemaking (PRM-2-9) submitted by Troy B. Conner, Jr. of Conner, Moore & Corber, counsel for Cincinnati Gas & Electric Co., Columbus and Southern Ohio Electric Company and Dayton Power & Light Company. The petition requested the Commission to amend its regulation "Rules of Practice for Domestic Licensing Proceedings," 10 CFR Part 2, through the addition of a new § 2.718a and changes in Aprendix A to 10 CFR Part 2. In essence, petitioners seek the elimination of problems which they believe prolong many NRC adjudicatory hearings. The suggested amendments would, in petitioners' view, rectify the perceived problems by (1) limiting cross-examination by intervenors to contentions of the particular intervenor admitted in controversy, (2) limiting examination and cross-examination by intervenors strictly to the scope of the contention, and (3) direction the presiding officer to expedite hearings in NCR adjudicatory proceedings in a number of ways.

Specifically, the petitioners requested that the Commission amend 10 CFR Part 2 of its regulations as follows:

1. 10 CFR Part 2 would be amended by adding a new § 2.718a to read:

§ 2.718a Special rules for the conduct of evidentiary hearings.

(a) Cross-examination by an intervenor shall be limited to contentions granted to that intervenor, and

(b) Examination and cross-examination by an intervenor shall be limited strictly to the scope of its specific contention.

2. Appendix A to Part 2 would be amended by adding the following new sentences at the end of subsections V. (d)(4), (5), and (7), and (11), and by adding a new subsection (d)(15):

(d)(4) * * * As provided in § 2.718a, cross-examination may be conducted by intervenors only on contentions granted to them and examination and cross-examination by intervenors will be limited to granted contentions in order to protect against expansion of issues. The Board will not interrupt the taking of evidence to consider procedural matters unrelated to the contentions scheduled for that session of evidentiary hearings, unless failure to do so would in fact prejudice the rights of a party.

(d)(5) * * * It is expected that parties will prepare their examination and cross-examination of witnesses in advance and the Board shall not permit long delays by counsel in conducting questioning. Where a party is not represented by counsel, the presiding officer shall make every effort to avoid such delays.

(d)(7) * * * It is expected that the presiding officer shall endeavor to admit only competent and material evidence as well as relevant evidence. Nothing contained therein shall prohibit the presiding officer from excluding matters which do not meet these tests or which are otherwise of no probative value to an issue. It is expected that the presiding officer shall endeavor to rule on evidentiary questions without delay and avoid prolonged conferences and recesses before ruling on objections and motions relating to such matters.

(d)(11) * * * In contested cases, particularly in an operating license proceeding, the presiding officer shall avoid questioning in areas which are not essential to the resolution of contentions, except as provided in section VIII(b).

(d)(15) * * * In order to expedite the receipt of evidence in adjudicatory proceedings, the presiding officer will, to the extent practicable, limit luncheon recesses to one hour and morning and afternoon recesses to ten minutes.

A notice of filing of the petition requesting comments by November 13, 1979 was published in the **Federal Register** on September 12, 1979 (44 FR 53114).

One letter of public comment was received which supported the petition. Both the petition and comment were placed in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., where they are available for public inspection.

The Nuclear Regulatory Commission shares the concern voiced by the petitioners and commenter regarding the need for efficiency in the Commission's adjudicatory proceedings and agrees that unnecessary delays should be avoided whenever possible. Since its inception, the Commission has recognized the need for a nuclear power plant licensing process which will achieve more effective public participation in the process and, at the same time, increase efficiency in the conduct of public hearings. However, the Commission finds that the proposed changes are either not justified or not necessary.

The first proposed rule change, limiting cross-examination by an intervenor only to its admitted contentions (§ 2.718a(a), cuts against a long established principle first enunciated in *Northern States Power Co.* (Prairie Island Nuclear Power Plant, Units 1 & 2), ALAB-244, 8 AEC 857 (1974), that an intervenor may cross-examine on contentions other than its own. This right is subject to the intervenor's having a discernible interest in resolution of the matter and is also subject to the Board's authority to assure that such participation is not irrelevant, repetitious, cumulative or otherwise of no value to the ventilation of the issues in contest (8 AEC 868).

The "Prairie Island Rule" was specifically affirmed by the Commission in 1975. CLI-75-1, 1 NRC 1 (1975). The Commission there stated:

> * * * we wish to underscore the fundamental importance of meaningful public participation in our adjudicatory process. Such participation, performed in the public interest, is a vital ingredient in the open and full consideration of licensing issues and in establishing public confidence in the sound discharge of the important duties which have been entrusted to us. It cannot be disputed that only if our rules provide for, and are perceived by all to allow, "full exploration of the safety and environmental aspects of each reactor for which a construction permit or operating license is sought," will the objective of such meaningful participation be achieved. We do not believe, nor do we intend, that this interpretation of our rules will lead to "open ended" examination, as the staff fears, or "needless and unproductive delay", as the hearing board anticipated. As stated by the Appeal Board, such inquiry shall be "strictly confined to the scope of the direct examination in order to insure that it does not have the effect of expanding the boundaries of the contested issues."

If, as suggested by the petitioner, atomic safety and licensing boards have not imposed the limitations on cross-examination on contentions other than those raised by the intervenor, as stated by the Appeal Board, the remedy lies in Commission instructions to licensing boards emphasizing those limitations, rather than in a rule change.

On balance, it appears that the petitioners have not shown sufficient need for departing from the Commission's established policy of permitting cross-examination by an intervenor on contentions other than its own.

The second part of the proposed rule change, in § 2.718a(b), that examination and cross-examination by an intervenor be limited strictly to the scope of the specific contention, is also, at least in part, reflected in Commission policy. The Appeal Board, in the Prairie Island case, 8 AEC 857, stated specifically, in footnote 17 on p. 869, that:

> To avoid possible misunderstanding, it should be stressed that we do *not* hold here that an intervenor may adduce affirmative evidence (or do anything else during the course of the hearing other than conduct cross-examination) with regard to an issue placed in contest by another party.

Existing policy as noted in the Commission's opinion in the Praire Island case, quoted above, is that cross-examination on issues not raised by an intervenor must be "strictly confined to the scope of the direct examination in order to insure that it does not have the effect of expanding the boundaries of the contested issues." 1 NRC 2.

The proposed changes to Appendix A would, for the most part, provide authority or instruction to atomic safety and licensing boards in conducting hearings in facility licensing proceedings that are already included in Part 2.

Thus, § 2.714(e) and (f) authorize atomic safety and licensing boards to condition orders permitting intervention to (a) restrict irrelevant, duplicative or repetitive evidence and argument, (b) require representation of common interests by a spokesman, (c) retain authority to determine priorities and control the compass of the hearing and (d) limit an intervenor's participation if the intervenor's interest is limited to one or more of the issues in the proceeding. Section 2.718 grants to presiding officers all powers necessary to, among other things, take appropriate action to avoid delays, including regulating the course of the proceeding and the conduct of the participants. Paragraph 2.743(b) requires parties to submit direct testimony in writing unless otherwise ordered by the presiding officer and § 2.743(c) provides that only relevant material and reliable evidence which is not unduly repetitious will be admitted. Section 2.757 permits the presiding officer to, among other things, take necessary and proper measures to prevent argumentative, repetitious, or cumulative cross-examination.

In view of the foregoing, the Commission has denied the petition for rulemaking filed by Troy B. Conner, Jr. on July 31, 1979 on behalf of Cincinnati Gas & Electric Company, *et al.* A copy of the Commission's letter of denial is available for public inspection at the NRC's Public Document Room at 1717 H Street, NW., Washington, D.C.

Dated at Washington, D.C., this 12th day of March 1980.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-8339 Filed 3-18-80; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, OH 940-4 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 2 to Regulatory Guide 8.14 and is entitled "Personnel Neutron Dosimeters." This proposed revision is being developed to update the guidance provided by the NRC staff on the use of personnel neutron dosimeters where exposure to neutrons occurs. It will continue to endorse, with additional qualification, the standard, ANSI N319-1976, "Personnel Neutron Dosimeters (Neutron Energies Less than 20 MeV)."

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by May 19, 1980.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reprocuced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 11th day of March 1980.

For the Nuclear Regulatory Commission.

Karl R. Goller,

Director, Division of Siting, Health and Safeguards Standards, Office of Standards Development.

[FR Doc. 80-8340 Filed 3-18-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320]

Metropolitan Edison Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR-73, issued to Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Power company, which added license conditions and revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 2, located in Londonderry Township, Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the Appendix B Technical Specifications relating to the operation of an EPICOR-II filtration and ion exchange decontamination system to decontaminate intermediate level radioactive waste water held in tanks in the TMI-2 auxiliary building and adds license conditions regarding availability of storage tanks and shipment of resins offsite.

The amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of proposed issuance of this amendment was provided in the Order

V45/55 MAR 1980 UMI

for Modification of License dated October 18, 1979 [44 FR 61276] issued by the Director, Office of Nuclear Reactor Regulation. The Order provided that the licensee or any person whose interests may be affected could request a hearing on this matter on or before November 5, 1979. The Susquehanna Valley Alliance filed a timely petition to intervene and request for a hearing which was conditionally granted by the Atomic Safety and Licensing Board (the Board) on November 15, 1979. On November 30, 1979 the NRC staff filed a Joint Motion to Terminate Proceeding based on an Agreement executed by the intervenor, the licensee, and the NRC. On December 3, 1979 the Board issued an Order Granting Motion to Terminate Proceeding.

In connection with issuance of this amendment, the Commission has issued a Negative Declaration and Environmental Assessment, "Use of EPICOR–II at Three Mile Island, Unit 2," NUREG–0591. The Environmental Assessment was revised to address comments which had been submitted and was supplemented by discussion at open Commission meetings on October 4 and 10, 1979. For further details with respect to this action, see (1) the Commission's Memorandum and Order dated October 16, 1979, (2) the Order for Modification of License dated October 18, 1979 (44 FR 61276–8 as clarified 62833), (3) the ASLB Order Granting Joint Motion to Terminate Proceeding dated December 3, 1979, (4) the Commission's Negative Declaration dated October 18, 1979 and the associated Environmental Assessment, and (5) the transcripts of the October 4 and 10, 1979 open Commission meetings. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Harrisburg, Pennylvania. A copy of items (1), (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Three Mile Island Support.

Dated at Bethesda, Md., this 12th day of March, 1980.

For the Nuclear Regulatory Commission.

Richard H. Vollmer,

Director, Three Mile Island Support.

[FR Doc. 80-8338 Filed 3-18-80; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-6299]

Electronics, Missiles, and Communications, Inc.; Common Stock, $.01⅔ Par Value; Application To Withdraw From Listing and Registration

March 13, 1980.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. Electronics, Missiles & Communications, Inc.'s (the "Company") common stock became listed and registered on the BSE on January 2, 1975.

2. Company management has determined that because of the limited publication of the BSE's quotes, its shareholder's interest would be better served if trading in its common stock reverted to the over-the-counter market.

Any interested person may, on or before April 14, 1980, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-8342 Filed 3-18-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11083; 812-4583]

John Hancock Mutual Life Insurance Co. and John Hancock Variable Account C–1; Filing of Application

March 13, 1980.

In the matter of John Hancock Mutual Life Insurance Company and John Hancock Variable Account C–1, John Hancock Place, Boston, Massachusetts 02117. Notice of filing of application pursuant to section 6(c) of the Act for an order granting exemptions from the provisions of sections 17(f), and 27(c)(2) of the Act and rule 17f–2 thereunder.

Notice is hereby given that John Hancock Variable Account C–1 (the "Account"), a diversified, open-end management investment company registered under the Investment Company Act of 1940 (the "Act"), and John Hancock Mutual Life Insurance Company ("John Hancock"), a mutual life insurance company incorporated under the laws of the State of Massachusetts (hereinafter collectively called "Applicants"), have filed an application on December 14, 1979 and an amendment thereto on February 25, 1980 for an order pursuant to Sections 17(f), and 27(c)(2) of the Act and Rule 17f–2 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

John Hancock established the Account as an investment medium for certain variable annuity contracts (the "Contracts") to be issued by John Hancock. The Contracts offered for sale by John Hancock, as principal underwriter of Account C–1, may be Single Payment Immediate or Deferred Contracts (hereinafter collectively called "Single Payment Contracts") or Periodic Payment Deferred Contracts ("Periodic Payment Contracts"). In the case of all Contracts, John Hancock will make deductions from purchase payments for sales and administrative expenses, for taxes, if any, based on the amount of the purchase payment and, in the case of Deferred Contracts, for the undertaking of John Hancock to pay a minimum death benefit. Under Periodic Payment Deferred Contracts, total deductions from purchase payments for sales expenses will equal 4.5 percent of the first $5,000 of purchase payments, 3.5 percent for the next $5,000 or purchase payments, 2.5 percent of the next $15,000 of purchase payments, and 2 percent of any purchase payments over $25,000. The deductions under Periodic Payment Deferred Contracts for administrative expenses are 1.5 percent of purchase payments up to $25,000 and 1 percent of purchase payments over that amount. The deduction for the minimum death benefit is 0.5 percent of every purchase payment. Further, under Peridic Payment Deferred Contracts a maintenance charge equal to the lesser of $10 or 2 percent of the value of the Contract will will be deducted from the Contract annually.

Under Single Payment Contracts, the maximum deduction from any purchase payment for sales expenses will be 3.5 percent for either a Deferred or Immediate Contract. Additionally, there is an administrative expense deduction of $50 plus a maximum of 0.5 percent of the first $25,000 of the purchase payment under either kind of Single Payment Contract and a deduction under the Single Payment Deferred Contract of 0.5 percent of the purchase payment for the minimum death benefit.

Section 27(c)(2)

Section 27(c)(2) of the Act prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by Section 26(a) (2) and (3) for trust indentures of a unit investment trust.

Applicants assert that all purchase payments received under the Contracts, after deductions for sales and administrative expenses, are to be applied or held for later application to the purchase of investments for the Account, of which John Hancock will have custody as owner and not as trustee. Exemption is requested from Section 27(c)(2) to permit all purchase payments received under the Contracts to be held and applied by John Hancock in the manner set forth in its Management Agreement which requires, in part, that moneys received for the Account be deposited in one or more cash accounts identified as assets of the Account maintained in one or more banks which will have the qualifications prescribed in paragraph (1) of Section 26(a) of the Act for trustees of unit investment trusts, but which banks will not act as trustee or custodian, or under an indenture or agreement meeting the requirements in Sections 26(a) (2) and (3).

Section 17(f)

Section 17(f) of the Act provides, in pertinent part, that every registered management company shall place and maintain its securities and similar investments in the custody of (1) a bank having the qualifications prescribed in Paragraph 1 of Section 26(a) for trustees of unit investment trusts; (2) a company which is a member of a national securities exchange as defined in the Securities Exchange Act of 1934; or (3) such registered company, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Rule 17f–2 provides, among other things, that such assets be placed in a bank subject to the requirements of the rule, one of which limits the persons who shall have access to such assets to only certain specific individuals.

Applicants request an exemption from the provisions of Section 17(f) and Rule 17f–2 to the extent necessary to permit the securities and similar investments of Account C–1 to be placed and maintained in the custody of John Hancock in its vault located at its Home Office in Boston, Massachusetts or in a securities depository in accordance with the terms and conditions of Rule 17f–4 under the Act.

In support of their requested exemptions from Section 27(c)(2), Section 17(f) and Rule 17f–2 thereunder, Applicants state that John Hancock is subject to extensive supervision and regulation by the Commissioner of Insurance of Massachusetts, and to the applicable insurance laws, in the other jurisdictions in which John Hancock does an insurance business. In addition, under Massachusetts law, John Hancock cannot abandon its obligations to Owners or annuitants until they have been fully discharged, and the assets of the Account, equal to the reserves and other liabilities under the Contracts, are not chargeable with liabilities arising out of any other business that John Hancock may conduct. Applicants also represent that John Hancock's vault is similar or superior in every respect to the vaults of most banks and that John Hancock maintains within it securities and other investments having a value in excess of $7,000,000,000. In addition, the supervisory functions of the Massachusetts Commissioner of Insurance include periodic inspections of John Hancock's vault and examination of every aspect of John Hancock's operations. Applicants further state that the Account's investment will be physically segregated at all times, that its securities may be withdrawn only for certain purposes, that its investments will at all times be subject to inspection by the Commission, that each person depositing or withdrawing investments will sign a notation in respect thereof, and that only certain designated persons will have access to the securities and other investments in the Account as follows: (1) Two or more jointly of the not more than 10 officers or responsible employees of the Account or of John Hancock designated pursuant to a resolution of the Board of Managers of the Account; (2) Properly authorized officers and employees of John Hancock; (3) For the purposes of verification, audit and examination, independent public accountants jointly with any of the persons designated above; and (4) Authorized employees or agents of the state insurance regulatory authorities.

Section 6(c) authorizes the Commission upon application to conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act or the Rules and Regulations promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants have consented that any order granting the requested exemption from Section 27(c)(2) be made subject to the conditions (1) that the charges under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved to the Commission for such purpose, and (2) that the payment of sums and charges out of the assets of the Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charge out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Notice is hereby given that any interested person may not later than April 9, 1980 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As

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provided by rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) any any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-8343 Filed 3-18-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1807]

Utah; Declaration of Disaster Loan Area

Cache County and adjacent Counties within the State of Utah constitute a disaster area as a result of severe flooding caused by heavy rains from January 11 through January 14, 1980.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 12, 1980, and for economic injury until the close of business on December 15, 1980, at:

Small Business Administration, District Office, 125 South State Street, Room 2237, Salt Lake City, Utah 84138.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 13, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-8365 Filed 3-18-80; 8:45 am]

BILLING CODE 8025-01-M

Region II Advisory Council Meeting

The Small Business Administration Region II Advisory Council, located in the geographical area of Newark, New Jersey, will hold a public meeting at 9:30 a.m., Thursday, May 15, 1980, at the Sheraton Gardens Hotel, Route 537, Freehold, New Jersey, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Stanley H. Salt, Acting District Director, U.S. Small Business Administration, 970 Broad Street, Newark, New Jersey 07102—(201) 645–3580.

Dated: March 13, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-8363 Filed 3-18-80; 8:45 am]

BILLING CODE 8025-01-M

Region III Advisory Council Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Baltimore, Maryland, will hold a public meeting at 9:00 a.m., Friday, May 9, 1980, at the Sheraton Inn-Frederick, I–270 & Route 85, Frederick, Maryland, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Gerard J. Lang, Deputy District Director, U.S. Small Business Administration, 630 Oxford Building, 8600 LaSalle Road, Towson, Maryland, 21204—(301) 962–2054.

Dated: March 13, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-8364 Filed 3-18-80; 8:45 am]

BILLING CODE 8025-01-M

Region III Advisory Council Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Philadelphia, Pennsylvania, will hold a public meeting at 9:30 a.m., Thursday May 1, 1980, at the Doylestown Inn, 18 West State Street, Doylestown, Pennsylvania, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call William T. Gennetti, District Director, U.S. Small Business Administration, Philadelphia District Office, One Bala Cynwyd Plaza, Suite 400-East Lobby, Bala Cynwyd, Pennsylvania 19004—(215–596–5801).

Dated: March 12, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-8362 Filed 3-18-80; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Columbia, South Carolina, will hold a public meeting at 10:00 a.m., Tuesday, April 15, 1980, at The Greystone Restaurant, 304 Greystone Boulevard, Columbia, South Carolina, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Vern F. Amick, District Director, U.S. Small Business Administration, 1835 Assembly Street, P.O. Box 2786, Columbia, South Carolina 29202—(803) 765–5373.

Dated: March 12, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-8361 Filed 3-18-80; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council Meeting

The Small Administration Region VI Advisory Council, located in the geographical area of Lubbock, Texas, will hold a public meeting at 8:30 a.m., Tuesday, May 13, 1980, at the Lubbock Memorial Civic Center, Lubbock, Texas, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Curtis G. Olson, District Director, U.S. Small Business Administration, 712 Federal Office Building & Courthouse, 1205 Texas Avenue, Lubbock, Texas 79401—(806) 762–7462.

Dated: March 13, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-8355 Filed 3-18-80; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council Meeting

The Small Administration Region VIII Advisory Council, located in the geographical area of Salt Lake City, Utah, will hold a public meeting at 9:00 a.m., Friday, April 18, 1980, Ogden Golf & Country Club, 4197 Washington Boulevard, Ogden Utah, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call W. Grant Evans, Assistant District Director for Finance & Investment, U.S. Small Business Administration, 2237 Federal Building, 125 South State Street, Salt Lake City, Utah 84138—(801) 524–5804.

Dated: March 14, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-8353 Filed 3-18-80; 8:45 am]

BILLING CODE 8025-01-M

Region IX Advisory Council Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of Phoenix, Arizona, will hold a public meeting at 3:00 p.m., Wednesday, April 16, 1980, in the board room of the Thunderbird Bank, 2031 W. Camelback Road, Phoenix, Arizona, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Mack Kehoe, Public Information Officer, U.S. Small Business Administration, 3030 North Central Avenue, Suite 1201, Phoenix, Arizona 85012—(602) 261–2206.

Dated: March 14, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-8354 Filed 3-18-80; 8:45 am]

BILLING CODE 8025-01-M

Region III Advisory Council; Public Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Richmond, Virginia, will hold a public meeting at 10:00 a.m., Thursday, April 17, 1980 through noon on Friday, April 18, 1980, at the Sheraton Beach Inn, Richmond, Virginia, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration and others attending.

For further information, write or call Raymond P. Kuttenkuler, District Director, U.S. Small Business Administration, P.O. Box 10126, Richmond, Virginia 23240—(804) 771–2741.

Dated: March 12, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-8358 Filed 3-18-80; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Louisville, Kentucky, will hold a public meeting from 10:00 a.m., Thursday, April 17, 1980 through 12:00 noon, Friday, April 18, 1980, at the Executive Inn Rivermont, One Executive Boulevard, Owensboro, Kentucky, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call John W. Ireland, Acting District Director, U.S. Small Business Administration, P.O. Box 3517, Louisville, Kentucky 40201—(502)582–5971.

Dated: March 12, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-8360 Filed 3-18-80; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council; Public Meeting

The Small Business Administration Region V Advisory Council, located in the geographical area of Columbus, Ohio, will hold a public meeting from 2:00 p.m. to 5:00 p.m., Tuesday, April 8, 1980, at the Columbus District Office, 85 Marconi Boulevard, Columbus, Ohio, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or cali Janice E. Wolfe, Acting District Director, U.S. Small Business Administration, 85 Marconi Boulevard, Columbus, Ohio 43215—(614) 469–7310.

Dated: March 12, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-8357 Filed 3-18-80; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council; Public Meeting

The Small Business Administration Region VII Advisory Council, located in the geographical area of Kansas City, Missouri, will hold a public meeting at 10:00 a.m., Tuesday, April 29, 1980, at the District Office Conference Room, Lower Level, 1150 Grand Avenue, Kansas City, Missouri, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Douglas F. Graves, District Director, U.S. Small Business Administration, Twelve Grand Building, 1150 Grand Avenue, Fifth Floor, Kansas City, Missouri 64106—(816) 374–5557.

Dated: March 12, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-8360 Filed 3-18-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1805]

New York; Declaration of Disaster Loan Area

The area of South 4th Avenue (between West 1st Street and West 2nd Street) and West 1st Street (between South 4th and 5th Avenues) in the City of Mount Vernon, Westchester County, New York, constitutes a disaster area because of damage resulting from a fire which occurred on March 3, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 12, 1980, and for economic injury until the close of business on December 12, 1980, at:

Small Business Administration, District Office, 26 Federal Plaza—Room 3100, New York, New York 10007.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 13, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-8356 Filed 3-18-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[521487]

Decision Denying American Manufacturer's Petition Requesting the Reclassification of Sheets of Acrylic Resin; Notice of Petitioner's Desire To Contest This Decision

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of (1) decision on American manufacturer's petition, and (2) receipt of notice of petitioner's desire to contest the decision.

SUMMARY: In response to an American manufacturer's petition requesting that acrylic resin sheets, regardless of dimension, be reclassified under the provision for nonflexible sheets of acrylic resin in item 771.45, Tariff Schedules of the United States (TSUS), the Customs Service advised the petitioner that acrylic resin sheets, measuring over 15 inches in width and 18 inches in length, would continue to be

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classified under the provision for flexible plastic sheets in item 771.42, TSUS, provided the sheets could be easily bent, turned, or twisted by hand without being broken, cracked, or permanently distorted upon returning by themselves to their original shape. Upon being informed that its petition had been denied, the petitioner filed notice of its desire to contest the decision of the Customs Service.

FOR FURTHER INFORMATION CONTACT:
Donald F. Cahill, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8181).

SUPPLEMENTARY INFORMATION:

Background

A petition was filed under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516), by Rohm and Haas Company, Philadelphia, Pennsylvania, an American manufacturer of acrylic resin sheets. The petition requested that acrylic resin sheets, regardless of dimension, be reclassified under the provision for nonflexible sheets of acrylic resin in item 771.45, Tariff Schedules of the United States (TSUS). Notice of receipt of the petition, which was published in the **Federal Register** on January 12, 1979 (44 FR 2745), indicated that it is current Customs practice to classify acrylic resin sheets measuring over 15 inches in width and 18 inches in length under the provision for flexible plastic sheets in item 771.42, TSUS, provided the sheets can be easily bent, turned, or twisted by hand without being broken, cracked, or permanently distorted upon returning by themselves to their original shape. This practice is derived, in part, from the decision in *Sekisui Products, Inc.* v. *United States*, 63 Cust. Ct. 123, C.D. 3885 (1969), in which the United States Customs Court noted that an article, in order to be flexible, need not be capable of being bent, bowed or twisted, in *every* direction.

It is the petitioner's basic contention that acrylic resin sheets are specifically provided for by name in item 771.45, TSUS, and are commercially characterized as rigid plastic sheets. In this regard, the petitioner argues that the dictionary definition of a flexible sheet as one that can be easily bent must yield to industry standards of defining flexibility. It is the position of the Customs Service, however, that acrylic resin sheets of the kind in question conform to the definition of flexibility expressed by the Customs Court in the *Sekisui* case, *supra*. To substitute industry standards for flexibility as suggested by the petitioner would be contrary to judicial precedent. Furthermore, the legislative history of item 771.42, TSUS, indicates that imports of flexible acrylic resin sheets are classifiable thereunder.

Decision on Petition and Receipt of Petitioner's Notice of Desire To Contest

In Headquarters letter dated August 6, 1979, file No. 057473, the petitioner was advised that his petition was denied and that the Customs Service would adhere to its practice of classifying acrylic resin sheets measuring over 15 inches in width and 18 inches in length under the provision for flexible plastic sheets in item 771.42, TSUS, provided the sheets can be easily bent, turned, or twisted by hand without being broken, cracked, or permanently distorted upon returning by themselves to their original shape.

In response to this decision, the petitioner filed his notice of desire to contest, in accordance with section 516(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1516(c)), and § 175.23 of the Customs Regulations (19 CFR 175.23). However, under section 516(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1516(e)), current Customs practice will continue so long as no decision of the United States Customs Court or the United States Court of Customs and Patent Appeals not in harmony with this practice is published.

Authority

This notice is being published in accordance with section 516(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1516(c)), and § 175.24 of the Customs Regulations (19 CFR 175.24).

Dated: March 13, 1980.

Jack T. Lacy,
Acting Commissioner of Customs.

[FR Doc. 80-8322 Filed 3-18-80; 8:45 am]
BILLING CODE 4810-22-M

VETERANS ADMINISTRATION

Career Development Committee; Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92–463 that a meeting of the Career Development Committee, authorized by 38 U.S.C. 4101, will be held in Room A–53 of the Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, April 2–4, 1980 at 8:30 a.m. The meeting will be for the purpose of scientific review of applications for appointment to the Career Development Program in the Veterans Administration system. The Committee advises the Director, Medical Research Service on selection and appointment of Associate Investigators, Research Associates, Clinical Investigators, Medical Investigators, Senior Medical Investigators and William S. Middleton Award Nominees.

The meeting will be open to the public up to the seating capacity of the room from 8:30 a.m. to 9 a.m. to discuss the general status of the program. Because of the limited seating capacity of the room, those who plan to attend should contact Mr. David D. Thomas, Executive Secretary of the Committee, Veterans Administration Central Office, Washington, DC (202–389–2317) prior to March 15, 1980.

The meeting will be closed from 9 a.m. to 5 p.m. on April 2–4 for consideration of individual applications for positions in the Career Development Program. This necessarily requires examination of personnel files and discussion and evaluation of the qualifications, competence, and potential of the several candidates, disclosure of which would constitute a clearly unwarranted invasion of personal privacy. In addition, decisions recommended by the board are strictly advisory in nature; other factors are considered in final decisions. Premature disclosure of board recommendations as well as the disclosure of research information would be likely to significantly frustrate implementation of final proposed agency actions. Accordingly, closure of this portion of the meeting is permitted by section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463 as amended, in accordance with subsections (c) (6) and (c)(9)(B) of the Government in the Sunshine Act, 5 U.S.C. 552b.

Minutes of the meeting and rosters of the committee members may be obtained from Mr. David D. Thomas, Chief, Career Development Program, Medical Research Service, Veterans Administration, Washington, DC (Phone 202–389–2317).

Dated: March 14, 1980.

By direction of the Administrator.

Rufus H. Wilson,
Deputy Administrator.

[FR Doc. 8304 Filed 3-18-80; 8:45 am]
BILLING CODE 8320-01-M

Issuance of Policies and Procedures for Participation of Fee Personnel in the Home Loan Program

AGENCY: Veterans Administration.

ACTION: Notice of final policies.

SUMMARY: The VA (Veterans Administration) is finalizing policies on the participation of fee appraisers and compliance inspectors in the VA's home loan program.

EFFECTIVE DATE: March 13, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. Lyman T. Miller, Assistant Director for Construction and Valuation (262), Loan Guaranty Service, Veterans Administration, Washington, D.C. 20420, 202–389–2691.

SUPPLEMENTARY INFORMATION: On August 21, 1979, the VA published for comment in the **Federal Register** (44 FR 49087) proposed policies applicable to the qualifications, designation, suspension and removal of fee appraisers and compliance inspectors participating in the VA home loan program.

Two responses were received. One of these comments contained two recommendations. The first recommendation was for a reduction of the 5-year experience requirement set forth in VA Regulation 4339, Qualification for Designated Fee Appraisers. It is important to note that VA Regulation 4339, § 36.4339, title 38, Code of Federal Regulations, which has been in effect since January 21, 1947, does not specify 5 years of appraisal experience, rather that "to qualify for approval of a designated fee appraiser, an applicant must show to the satisfaction of the Administrator that his or her character, experience, and the type of work in which he or she has had experience for at least 5 years qualifies the applicant to competently appraise and value within a prescribed area the type of property to which the approval relates." In other words, the regulations is restrictive as to a minimum of 5 years' experience, but it permits VA field stations the latitude to interpret the type of work which can be considered qualifying experience in the appraisal or related fields.

The VA utilizes fee basis appraisers to appraise residential real estate and recommend value for loan purposes. A VA fee appraiser is not a Government employee but rather a qualified individual in the private business sector who agrees to provide VA with real estate appraisals for a set fee in a specific designated area. These appraisers are contract or fee appraisers who are independent business persons. The fee appraiser's estimate of value is reviewed by a staff appraiser who uses the data to establish the VA reasonable value, which becomes the maximum loan amount for an eligible veteran. The staff review is usually an office review although a minimum of 10 percent must be field reviewed. In view of the importance of the fee appraiser's estimate of value, it is imperative that the fee appraiser have significant experience and expertise. VA staff appraisers perform a review function in the valuation process. Since the staff appraiser reviews and supervises the work of fee appraisers, and on a limited basis, makes origination appraisals, qualification requirements for fee appraisers should approximate the requirements published by the Office of Personnel Management for a staff appraiser. The "journeyman" experience requirement for GS–11 staff appraiser established by the Office of Personnel Management is 6 years (3 years' general and 3 years' specialized). VA's 5-year related experience requirement for fee appraiser applicants provides sufficient flexibility to give all applicants equal opportunity to qualify for designation. The other major residential housing agency, the Department of Housing and Urban Development, requires that fee personnel qualifications must equal or exceed the Office of Personnel Management standards for comparable staff personnel. It is concluded, therefore, that the 5-year experience requirement is not only reasonable, but consistent with standards established for similar positions in the Federal Government.

The other recommendation by this commentor is that the "full-time" requirement be dropped as it may constitute an unnecessary and inappropriate burden for a substantial segment of the workforce who work only part time. It was not VA's intention to require or favor designating only those persons who devoted 40 hours a week to appraising real property. Rather, it was VA's intention to favor designating, whenever possible, those persons whose principal business is appraisal, as opposed to persons presently engaged in other aspects of real estate; e.g., sales brokers, for whom appraisal is only a sideline. The rationale for this position is to avoid conflicts of interest or the appearance of conflicts of interest. VA recognizes that the use of the term "full-time appraisers" may be misleading. Accordingly, paragraph 4b(2) is amended to provide that designations of fee appraisers should be made to those who specialize in real estate appraisals.

The other comment received concerned the required use of VA Form 26–1803, Residential Appraisal Report, in the performance testing of appraiser applicants. The commentor believed that the performance testing requirement should be broadened to permit the acceptance of a narrative appraisal report. narrative-type reports are commonly used in private industry and fee appraiser applicants not familiar with VA Form 26–1803 or VA Form 26–8712, Mobile Home Appraisal Report, may be unnecessarily disadvantaged by such a requirement. Accordingly, paragraph 4b(4) and (6) has been amended to specify that the performance test may be a demonstration appraisal with the report submitted either on the applicable VA form or in narrative report form.

Accordingly, DVB Circular 26–80—, Processing of Applicants for Fee Appraiser and Compliance Inspector Roster, is adopted as set forth below.

By direction of the Administrator.

Approved: March 13, 1980.

Rufus H. Wilson,
Deputy Administrator.

DEPARTMENT OF VETERANS BENEFITS

Veterans Administration

[DVB Circular 26–80–]

Processing of Applicants for Fee Appraiser and Compliance Inspector Rosters

1. *Purpose.* The purpose of this circular is to announce new procedures for processing applications and appointing appraisers and compliance inspectors to fee rosters. The procedures for the supervision and removal of such fee personnel are also covered.

2. *Responsibility for Selection, Designation and Separation of Loan Guaranty Fee Personnel.* DVB field stations will be responsible for the selection and designation of qualified persons to Loan Guaranty fee rosters and for the removal of such designated personnel as may be in the best interest of the VA. The Construction and Valuation Section, Loan Guaranty Division, will handle all matters related to fee appraisers and compliance inspectors; i.e., maintenance of fee personnel files, receiving and responding to related correspondence, making arrangements for and administering written examinations, managing the roster of appraisers and compliance inspectors, etc.

3. *Fee Roster Committee.* A Fee Roster Committee will be established consisting of the Loan Guaranty Officer, the Assistant Loan Guaranty Officer, and the Chief of the Construction and Valuation Section. If there is no Assistant Loan Guaranty Officer position at a station, a section chief in the Division will be designated by the Loan Guaranty Officer. The Loan Guaranty Officer will be the Chairperson of the committee.

4. *Qualification Requirements*—a. *General Requirements for Appraisers and Compliance Inspectors.* (1) Applicants must have complied with local or State licensing requirements, if any, prior to designation.

(2) Designation will not be made in those instances in which an applicant's employment or other position may result in a conflict of interest between such position or employment and performance as a fee person with the VA, or when embarrassment, adverse public relations or adverse publicity

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concerning the applicant or the VA might result.

(3) An individual may be designated to more than one fee roster.

(4) A satisfactory credit report must be obtained for each applicant before designation.

(5) Employees of Federal or quasi-governmental organizations; i.e., FNMA (Federal National Mortgage Association), FHLMC (Federal Home Loan Mortgage Corporation), Postal Service, will not be approved by VA as fee appraisers or compliance inspectors. Employees of local or State governments may be designated, but care must be taken that assignments to them will not result in a conflict of interest or the appearance of a conflict of interest.

(6) An applicant must submit three letters of reference attesting to the applicant's qualifications as an appraiser or inspector as listed on the application.

b. *Fee Appraisers.* (1) With respect to qualifications for designation as a VA fee appraiser, VA Regulation 4339 provides as follows:

To qualify for approval as a designated fee appraiser, an applicant must show to the satisfaction of the Administrator that his or her character, experience, and the type of work in which he or she has had experience for at least 5 years qualifies the applicant to competently appraise and value within a prescribed area the type of property to which the approval relates.

(2) When it is possible, every effort should be made to only designate fee appraisers who (a) specialize in real estate appraisals, (b) have completed basic appraisal courses and (c) are not connected with a firm or firms active in the origination of VA loan applications.

(3) Those appraisers who wish to appraise condominiums, planned unit developments, new construction or other complex assignments must demonstrate past significant experience, education and ability in this type of appraising.

(4) A written test and a performance test will be given the applicant in order to evaluate the applicant's capabilities. The written test will be prepared by the station and will test the applicant's knowledge of appraisal theory and terminology. The performance test will be a demonstration appraisal with a report submitted on VA Form 26–1803, Residential Appraisal Report, or in narrative report form. The station may waive the written test in cases in which it is determined that the applicant possesses the desired knowledge. Completion of the demonstration appraisal, however, will not be waived. Prior to the performance test, the applicant will be furnished with instructional and procedural material necessary to complete the appraisal. A sample appraisal on VA Form 26–1803 should be part of this material, unless the narrative report method is used.

(5) No written or performance test will be required for designation to make appraisals provided in VA Regulation 4340, or to make appraisals for supplemental loans when the cost of the repairs, alterations, or improvements does not exceed $3,500. Evaluation of the qualifications of such applicants for approval shall be on the basis of information contained in the application.

(6) The procedures outlined in subparagraph (4) above will also be applicable to mobile home appraisers. However, the performance test will be a demonstration appraisal utilizing VA Form 26–8712, Mobile Home Appraisal Report, instead of VA Form 26–1803, unless the report is submitted in narrative format. Additionally, the instructional and procedural material necessary to complete the appraisal will include a sample appraisal on VA Form 26–8712, if that form is to be used in the performance test.

Note.—The requirement for a credit report and letters of reference will not be applicable in the case of an officer or employee of a supervised lending institution who is designated to make appraisals as provided in VA Regulation 4340.

c. *Compliance Inspector.* (1) To qualify for designation as a VA compliance inspector, an applicant must have at least 5 years of experience which would competently qualify him or her to make inspections within a prescribed area of the type of property to which the approval relates. To be considered qualifying, the experience must have been one of the following types or a combination thereof:

(a) As a construction inspector or real properties for the purpose of determining compliance with construction requirements established by law;

(b) As a construction engineer;

(c) As an architect;

(d) As a superintendent of construction in large housing developments;

(e) As a builder of residential or commercial properties; and/or

(f) In other capacities of a like nature in which the applicant has demonstrated an ability to perform the duties of a compliance inspector.

(2) A written test and a performance test will be given the applicant in order to evaluate the applicant's capabilities. The written test will be prepared by the station and will test the applicant's knowledge of construction techniques and terminology. The performance test may be a demonstration inspection on VA Form 26–1839, Compliance Inspection Report. The station may waive the written test in cases in which it is determined that the applicant possesses the desired knowledge. Completion of the demonstration inspection, however, will not be waived. Prior to the performance test, the applicant will be furnished with instructional and procedural material necessary to complete the inspection.

5. *Application Processing.* a. One of the following application forms will be used when applying for designation as a VA fee appraiser or compliance inspector:

(1) VA Form 26–6681, Application for Designation as Fee Appraiser;

(2) VA Form 26–6681a, Application for Designation as Fee Appraiser for Mobile Home Loans; or

(3) VA Form 26–6683, Application for Designation as Compliance Inspector.

b. In addition to one of the application forms listed above, each applicant must submit VA Form 26–6684, Statement of Fee Appraisers or Compliance Inspectors.

c. Upon receipt of an application, the Chief, Construction and Valuation Section, will determine if the basic qualifications have been met. Applications which meet the basic qualifications, but no vacancy exists, will be placed in a pending file and the applicant informed by letter that all eligible applications will be considered when a vacancy exists. Applicants who do not meet the basic qualifications will be so informed by letter and the application held for 6 months and then destroyed.

d. When the Loan Guaranty Officer determines that a need exists for fee personnel in an area, the committee will review the pending applications and determine the best qualified applicants.

6. *Designation Procedures.* Upon completion of the application processing described above, the Fee Roster Committee will review the application file and recommend the designation or rejection of the applicant to the Director. If the determination is made to designate, the individual will be notified by letter signed by the station Director. The letter will welcome the person to the fee roster and remind the person of the responsibilities involved. The letter will also point out that the first year on the roster is a probationary period. During this time the individual can be removed from the panel at the discretion of the Director. After the 1-year probationary period has been satisfied, removal must follow the procedure described in paragraph 9.

7. *Personnel and Performance Files.* a. A fee personnel file will be established and maintained for each fee applicant. This file should contain the individual's application, supporting letters of reference and appropriate correspondence concerning appointment and termination actions. (Documents relating to work assignments and internal Loan Guaranty matters will not be filed in the fee personnel folder.) The folders should be filed alphabetically by name in an "active" or "inactive" file. An "active" file for this purpose should contain folders of fee personnel who are on approved rosters, regardless of degree of activity.

b. A separate performance file will be maintained for each individual on a fee roster. The file will contain copies of correspondence relating to the individual's performance, such as field reviews, late notices, letters, etc. Any material in this file more than 2 years old can be destroyed. Detailed records of errors, delays in production, incompetence, pertinent interviews, letters of admonishment, and other similar material concerning designated fee appraisers and compliance inspectors shall be maintained to justify and support any action for disqualification.

c. Disposition of folders described above shall be in accordance with Records Control Schedule VB–1, part I.

8. *Proviate Interests of Fee Appraisers and Compliance Inspectors.* a. Except as may be otherwise expressly authorized by VA regulations, instructions or directives, designated or approved fee appraisers and compliance inspectors shall not engage in any private pursuits in which there may or will be:

(1) Any connection established that may result in a conflict between the private interests of the VA fee appraiser or compliance inspector and his or her duties and responsibilities to VA and veterans.

(2) Any connection established that may tend to bias his or her judgment as a VA fee appraiser or compliance inspector.

(3) Any circumstances in which information obtained from or through a VA assignment to appraise or to make compliance inspections will be used to the detriment of the Government or veterans.

b. The foregoing statement of policy and standards are intended to preclude any fee appraiser or compliance inspector from:

(1) Selling land to a builder or sponsor and then making an appraisal or compliance inspection of dwelling units erected or to be erected thereon which are or will be purchased by veterans with guaranteed, insured or direct loans.

(2) Owning an interest in, being employed by, or operating an architectural, engineering, or land planning firm which renders services to builders or sponsors and later accepting an assignment from VA to appraise or inspect dwelling units built or to be built by a particular builder or sponsor for whom architectural, engineering, or land planning services have been or are being rendered by the firm in which the fee appraiser or compliance inspector has employment or an interest.

(3) Appraising or inspecting dwelling units on VA assignments and later accepting exclusive selling rights for the homes.

(4) Appraising or inspecting properties for builders or sponsors who are purchasing hazard insurance or title service with respect to those properties from a company in which the fee appraiser or compliance inspector has an interest.

(5) Owning an interest in a project development by a builder and accepting VA assignments in another VA regional area in respect to dwelling units which the same builder owns, is building, or is handling as a real estate broker.

(6) Having an interest in or representing building supply firms and accepting VA assignments on dwelling units built or to be built by builders or sponsors who deal extensively with such supply firms.

(7) Accepting a VA assignment to appraise a property if his or her fee is contingent upon supporting a predetermined conclusion.

c. The foregoing examples do not include all possible situations in which the private interests or pursuits of fee appraisers and compliance inspectors would contravene VA standards. The above specific examples are supplied only to illustrate some of the activities prescribed by the standards.

d. It is not intended that the provision of subparagraph b(3) above will forever preclude a fee appraiser or compliance inspector from acting as sales agent or broker in connection with a particular property which he or she has appraised or inspected. Those provisions mean that he or she may not accept exclusive selling rights for the sale of a property to a veteran financed with a VA loan when in the particular sale the appraisal is or has been used in establishing reasonable value or any compliance inspection made is or has been used in determining that onsite improvements were completed in accordance with approved plans and specifications and minimum property requirements. The rule in subparagraph b(3) does not apply when he or she accepts a listing or acts as a broker if the purchaser obtains non-VA financing or if any appraisal or inspection made by him or her pursuant to a VA assignment is not used in a transaction involving VA financing. Furthermore, the rule does not apply to the sale of a property by a veteran-obligor under terms whereby the transferee assumes an outstanding guaranteed, insured or direct loan.

e. The information contained in subparagraph a above shall be made available to all fee appraisers and compliance inspectors in connection with the execution of VA Form 26–6684. Upon initial designation and at intervals of not less than each 12 calendar months, each fee appraiser and compliance inspector will be required to complete and return such statement to the appropriate regional office.

f. When it is disclosed that a fee appraiser or a compliance inspector has any private pursuits or interests, such disclosure shall be carefully evaluated and investigated, if such action is deemed necessary. If any private pursuit or interest disclosed conflicts with VA standards, the particular fee appraiser or compliance inspector shall be promptly informed and immediate appropriate action taken; e.g., withdrawing pending assignments or withholding further assignments. In any case in which evidence is obtained indicating a contravention of VA standards, it will be determined whether or not the facts warrant removal of the appraiser or compliance inspector. If so, removal action shall be initiated as quickly as possible.

9. *Disciplinary Actions.* a. Assignments for a period up to 2 months' duration may be withheld by the Chief, Construction and Valuation Section for cause. Notice of such action will be given in writing to the individual and will specify the reasons for the action. The fee person will be notified that written appeal from the action can be made to the Fee Roster Committee. Appeals must be accompanied by specific evidence showing the action by VA was not justified. Assignments will not be made during the appeal process. The Fee Roster Committee must consider the appeal within 2 weeks, make its determination as to whether the action should be sustained, modified or rescinded and notify the individual in writing.

b. Permanent removal of fee personnel may be made by the Fee Roster Committee for cause. The individual will be notified in writing of the action and will be given the reason(s) which formed the basis for the action. The individual will also be advised that if he/she believes the action is not warranted, he/she may ask to appear before the Fee Roster Committee and present evidence to show the action was not warranted or may submit such evidence in writing or both. If an appearance before the Committee is requested, the Loan Guaranty Officer will arrange for a mutually acceptable time and place. The proceedings of the Committee will be informal. Within 2 weeks from completion of the hearing and/or receipt of the written material, the Committee will make its determination as to whether the action should be sustained, modified or rescinded. Written notice of its determination will be given the individual promptly. Such notice must include a statement that if the individual still believes the action was not warranted, he/she may, within 30 days, submit a written request to the Station Director for review and reconsideration of the action.

c. Upon receipt by the Station Director of an appeal, all relevant material concerning the matter will be furnished to the Director by the Fee Roster Committee. The Director will review the entire matter and notify the individual and the Committee of his/her decision as to whether the decision of the Committee is sustained, modified or rescinded.

d. If removal action is taken, Central Office (262) will be notified.

10. When fee personnel are removed from rosters for reasons other than cause; i.e., voluntary resignation, death, unavailability for assignments, etc., the reasons will be recorded in the individual's fee personnel folder. This folder will then be placed in the "inactive file" (see par. 7a). No report to Central Office is necessary in such cases.

11. Rescission: DVB Circular 25–66–6.

Dorothy L. Starbuck,

Chief Benefits Director.

[FR Doc. 80-8326 Filed 3-18-80; 8:45 am]

BILLING CODE 8320-01-M

Medical Research Service Merit Review Boards; Charter Renewals

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463), the Veterans Administration announces the renewal of the following Merit Review Boards in designated medical specialties for the period February 4, 1980 through February 4, 1982:

Merit Review Board for Basic Science Programs
Merit Review Board for Behavioral Science Programs
Merit Review Board for Cardiovascular Programs
Merit Review Board for Clinical Pharmacology, Alcoholism and Drug Dependence Programs
Merit Review Board for Endocrinology Programs
Merit Review Board for Gastroenterology Programs
Merit Review Board for Hematology Programs
Merit Review Board for Immunology Programs
Merit Review Board for Infectious Disease Programs
Merit Review Board for Nephrology Programs
Merit Review Board for Neurobiology Programs
Merit Review Board for Oncology Programs
Merit Review Board for Respiration Programs
Merit Review Board for Surgery Programs

New charters for these committees have been filed in accordance with sections 9 and 14 of Pub. L. 92–463.

V 45 / 55 MR 19 80 UMI

Dated: March 14, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

[FR Doc. 80-8303 Filed 3-18-80; 8:45 am]

BILLING CODE 8320-01-M

Wage Committee; Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, April 3, 1980
Thursday, April 17, 1980
Thursday, May 1, 1980
Thursday, May 15, 1980
Thursday, May 29, 1980
Thursday, June 12, 1980
Thursday, June 26, 1980

The meetings will convene at 2:30 p.m. and will be held in Room 1063, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC. 20420.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System (blue-collar) employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, as amended by Pub. L. 94-409, meetings may be closed to the public when they are concerned with matters listed under section 552b, Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 U.S.C. 552b(c)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 U.S.C. 552(b)(c)(4)).

Accordingly, I hereby determine that all portions of the meetings cited above will be closed to the public because the matters considered are related to the internal rules and practices of the Veterans Administration (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention.

Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW., Washington, DC. 20420.

Dated: March 14, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

[FR Doc. 80-8303 Filed 3-18-80; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 55
Wednesday, March 19, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, March 28, 1980.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-543-80 Filed 3-17-80; 1:19 pm]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:45 a.m., Friday, March 21, 1980.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement and Judicial Matters.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-552-80 Filed 3-17-80; 3:00 pm]

BILLING CODE 6351-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 15363; March 10, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 12, 1980.

CHANGE IN THE MEETING: The following item has been added:

Item Number, Docket Number, and Company

FR-9. EL79-20, Buckeye Power, Inc.

Kenneth F. Plumb,

Secretary.

[S-539-80 Filed 3-17-80; 10:54 am]

BILLING CODE 6450-85-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 17111; March 17, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 19, 1980.

CHANGE IN THE MEETING: The following items have been added:

Item Number, Docket Number and Company

ER-9. ER79-370, Consolidated Edison Co.
ER-10. EL79-26 and ER79-600, Central Power & Light Co.
M-1. RM79-49, Calculation of Cash Working Capital Allowance for Electric Utilities.
M-8. RM79-44, High Cost Gas.

Kenneth F. Plumb,

Secretary.

[S-540-80 Filed 3-17-80; 10:54 am]

BILLING CODE 6450-85-M

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 17111; March 17, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 19, 1980.

CHANGE IN THE MEETING: The following item has been added:

Item number, Docket number and Company

CAM-3. RM80-20, Report of Gas Supply and Requirements: FERC Form No. 16.

Kenneth F. Plumb,

Secretary.

[S-545-80 Filed 3-17-80; 3:00 pm]

BILLING CODE 6450-85-M

6

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 16664; March 14, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., March 20, 1980.

CHANGES IN THE MEETING: Addition of the following items to the open session:

9. Agreement No. 9973-6: Extension and restatement of Johnson Scanstar Combined Service Agreement.
10. Application for an extension of continuing duration of Agreement No. 10064: Equal access agreement between Flota Mercante Grancolombiana S.A. and Lykes Bros. Steamship Co., Inc.

Addition of the following item to the closed session:

3. Docket No. 76-11—IN RE: Agreements 150-DR-7 and 3103 DR-7—Petition for reconsideration of Commission decision.

[S-537-80 Filed 3-14-80; 4:22 pm]

BILLING CODE 6730-01-M

7

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 16392; March 13, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11 a.m., March 19, 1980.

CHANGE IN THE MEETING: The time of the meeting is changed to 10 a.m.

[S-542-80 Filed 3-17-80; 1:09 pm]

BILLING CODE 6730-01-M

8

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 16664; March 14, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m. March 20, 1980.

CHANGE IN THE MEETING: Addition of the following item to the open session: 11. Draft Orders in Informal Docket No. 550(I): Interpur, A Division of Dart Industries, Inc. v. Barber Blue Sea Line and 646(I): SCM Corporation v. Compania Sud-Americana De Vapores—Review of decisions of Settlement Officers.

[S-546-80 Filed 3-17-80; 3:11 pm]

BILLING CODE 6730-01-M

9

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., March 25, 1980.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

V45/55 MAR 19 80 UMI

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Report on Notation Items disposed of during February 1980.
2. Report of the Secretary on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during February 1980.
3. Report of the Secretary on Applications for Admission to Practice approved during February 1980, pursuant to delegated authority.
4. Assignment of Informal Dockets by the Secretary during February 1980.
5. International Cargo Service, Inc.—Application for independent ocean freight forwarder license.
6. Agreement No. 10186–3: Modification of a space chartering agreement between Orient Overseas Container Line, Inc. and Korea Shipping Corporation to provide for space chartering to one another and for other purposes.
7. Petition for Reconsideration of a portion of Order of Conditional Approval of Agreement No. 10012–4.
8. Docket No. 79–93: Security for the Protection of the Public: Increase in Maximum Amount of Required Evidence of Financial Responsibility—Review of comments.
9. Informal Docket No. 667(I): *FMC Corporation* v. *Sea-Land Service, Inc.*—Review of Settlement Officer's decision.
10. Informal Docket No. 688(I): *Dow Corning Corporation* v. *Sea-Land Service, Inc.*—Review of Settlement Officer's decision.
11. Docket No. 79–84: Matson Navigation Company, Proposed 5.90 percent Bunker Surcharge Increase in Tariffs FMC Nos. 164, 165, 166 and 167—Petition of Oscar Mayer and Co. for reopening and reconsideration.

Portion closed to the public:

1. Docket No. 79–75: Interpool, Ltd., Itel Corporation (Container Division), Trans Ocean Leasing Corporation v. Pacific Westbound Conference, Far East Conference, and Member Lines—Review of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523–5725.

[S–551–80 Filed 3–17–80; 2:52 pm]

BILLING CODE 6730–01–M

10

FEDERAL RESERVE SYSTEM, Board of Governors.

TIME AND DATE: 10 a.m., Monday, March 24, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: March 14, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S–544–80 Filed 3–17–80; 2:12 pm]

BILLING CODE 6210–01–M

11

[USITC SE–80–15A]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 16073; March 12, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Thursday, March 20, 1980.

CHANGES IN THE MEETING: By action jacket SE–80–9, approved March 14, 1980, Commissioners Bedell, Alberger, Moore, Stern, and Calhoun determined that Commission business requires the rescheduling of the meeting of March 20, 1980, to 2:00 p.m., and affirmed that no earlier announcement of the change in the schedule was possible and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary. (202) 523–0161.

[S–538–80 Filed 3–17–80; 9:08 am]

BILLING CODE 7020–02–M

12

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Friday, March 21, 1980.

PLACE: Hearing Room A, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

STATUS: Oral argument.

MATTER TO BE DISCUSSED: Investigation and Suspension Docket No. 9222 [1] Conrail Surcharge on Pulpboard.

[1] The oral argument also embraces all the following ConRail surcharge proceedings: I&S No. 9215 ConRail Surcharge on Paper From Mehoopany, Pa., I&S No. 9215 (Sub-No. 1) ConRail Surcharge on Paper From Mehoopany, Pa., September 1979, I&S No. 9220 Non-Application of ConRail, Surcharge, Via The Family Lines System, I&S No. 9227 Surcharge on Iron or Steel, ConRail, October 1979, I&S No. 9229 ConRail Surcharge on Lime, I&S No. 9230 Surcharge on Agricultural Machinery, ConRail, October 1979, I&S No. 9231 Surcharge on Petroleum Coke, ConRail, October 1979, I&S No. 9232 Surcharge on Malt Liquor, ConRail, October 1979, I&S No. 9233 Surcharge on Rubber Tires, ConRail, October 1979, I&S No. 9234 Surcharge on Furniture, ConRail, October 1979, I&S No. 9235 Surcharge on Lumber, ConRail, October 1979, I&S No. 9236 Surcharge on Iron or Steel Articles, ConRail, October 1979, I&S No. 9237 Surcharge on Rosin, Conrail, October 1979, I&S No. 9238 Surcharge on Scrap Tin or Terne Plate, ConRail, October 1979, I&S No. 9236 (Sub-No. 1) Surcharge on Scrap Tin or Terne Plate, ConRail, November 1979, I&S No. 9239 Surcharge on Cotton, Conrail, October, 1979, I&S No. 9240 Surcharge on Motor Vehicles, Conrail, October 1979, I&S No. 9241 Surcharge on Coke (Direct Product of Coal), ConRail, November 1979, No. 37284 Surcharge on Wine, ConRail, October 1979, I&S No. 9244 (Sub-No. 1) Carrier Exceptions to ConRail Surcharge on Wine, TCFB, I&S No. 9245 Surcharge on Wallboard, Lockport, NY, to East, South, and West, Conrail, December, 1979, I&S No. 9248 Surcharge on Pulpboard, Southwest to Official Territory, ConRail, January 1980, I&S No. 9234 (Sub.-No. 1) Surcharge on.Furniture, ConRail, February and March 1980.

13

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Friday, March 21, 1980 (additional item).

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

11 a.m.

1. Meeting with Citizen's Group on TMI Cleanup (approximately 1 hour, public meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

March 14, 1980.

[S–547–80 Filed 3–17–80; 3:11 pm]

BILLING CODE 7590–01–M

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PAROLE COMMISSION.

TIME AND DATE: 9 a.m., Thursday, March 20, 1980.

PLACE: Room 818, 320 First Street NW., Washington, D.C.

STATUS: Closed, pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Appeals to the Commission of approximately 17 cases decided by the National Commissioners pursuant to a reference under 28 CFR § 2.17 and appealed pursuant to 28 CFR § 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal Prisons have applied for parole or are

contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Analyst (202) 724–3094, 320 First Street NW., Washington, D.C.

[S–550–80 Filed 3–17–80; 3:36 pm]

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federal register

Wednesday
March 19, 1980

Part II

Department of the Interior

Bureau of Land Management

Proposed Guidance for National Environmental Policy Act (NEPA) Implementing Procedures

V 45/55 MR 19 80 UMI

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Guidance for Compliance With the National Environmental Policy Act (NEPA)

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed guidance for NEPA Implementing Procedures.

SUMMARY: On November 29, 1978, the Council on Environmental Quality (CEQ) published, at 43 FR 55978–56007 (40 CFR Parts 1500–1508), its final regulations for implementing the procedural provisions of NEPA. The Department of the Interior, on July 10, 1979, published, at 44 FR 40436–40443, draft Departmental Manual guidance for compliance with the CEQ's NEPA Regulations. The final form of this Departmental Manual is undergoing Secretarial-level review and approval and its publication in the **Federal Register** is imminent. This notice is to advise the public of draft Bureau of Land Management guidance which, in combination with guidance in the Departmental Manual, will be used for NEPA implementation when tested, revised, and published in final form.

DATES: This proposed guidance for compliance with NEPA is effective (for new environmental analyses) as of March 19, 1980 and will remain in effect until a final form is published which reflects the results of field-testing and public comment. Comments on the proposed guidance will be accepted until May 1, 1980.

ADDRESS: Comments should be sent to: Director (202), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Bruce L. Bandurski, (202) 343–7417.

SUPPLEMENTAL INFORMATION: On November 19, 1979, the Assistant Secretary, Land and Water Resources, of the Department of the Interior, delegated to the Director of the Bureau of Land Management certain responsibilities and authority for implementation of the National Environmental Policy Act of 1969, as amended. The following guidance, developed pursuant to Secretarial decision of June 11, 1979, proposes a system by which the Bureau of Land Management (BLM) would carry out these delegated responsibilities.

This system for NEPA implementation had its beginnings in 1977. That year two BLM initiatives were taken to more effectively implement NEPA and related environmental law. The first of these initiatives was dubbed "EcolInt"; it involved an interdisciplinary group, constituted to advance the Bureau's ability in identifying and describing ecological interrelationships pursuant to NEPA sections 102(2)(A) and 102(2)(H). The second initiative was a Bureauwide fact-finding effort. It was initiated September 29, 1977, to find ways of increasing the effectiveness, efficiency, and quality of the NEPA process in BLM.

The system which grew from these endeavors reflects a decade of firsthand experience in applying NEPA to management of public lands and the outer continental shelf. It also reflects concerns of an interested public which desires agency consideration of a spectrum of environmental values. And, of course, it comprises guidance that is a consistent subset of CEQ's NEPA Regulations. The principal aims of this system are: (1) to produce better decisions which further the national policy to enhance the quality of the human environment; (2) to enrich the understanding of the ecological systems and natural resources important to the Nation; (3) to prevent, eliminate, or minimize damage to the environment and ecosphere; (4) to reduce paperwork and to reduce delays in addressing issues which are ripe for decision.

The proposed environmental protection and enhancement system will be presented in a series of ten "guidebooks" written to facilitate BLM's use of the NEPA process.[1] The guidebooks' purpose is to give specific guidance to Bureau personnel who must apply the NEPA process in day-to-day operations.

The first two guidebooks in the series are published as proposed guidance to be field-tested and to elicit public comment during this testing period. They are printed, in full, following this supplementary information. If these two guidebooks prove useful and feasible, development of the remaining guidebooks in the proposed series will begin in earnest.

The "preamble" to the BLM 1790–1799 guidebook series comprises two articles; these were presented in draft to a Bureauwide environmental analysis workshop in 1978. This preamble provides a full context for any reader's understanding of the guidebooks which follow. Familiarity with the essence of this preamble and with the overview of BLM's environmental protection and enhancement system (Guidebook 1790) will enable readers to better understand each of the guidebooks in this series.

The preamble's articles are to be included as introductory material in a set of looseleaf binders containing the prospective guidebooks. Single copies of these preamble articles, in their entirety, are available upon request.

Dated: March 10, 1980.

Ed Hastey,

Associate Director.

[1] The last of these, Guidebook 1799, is not yet specified as to topic. If the glossary of terms being developed for Guidebook 1790 becomes voluminous, an entire Guidebook (1799) may be devoted to terminology for the guidebook series.

Guidebook Section 1790

Environmental Protection and Enchancement System

.01 Purpose of Guidebook Section 1790
.02 Objectives
.03 Authority
.04 Responsibility
.05 Definitions (see Glossary of Terms)
.06 Policy
.07 Principles
.08 Program Decision Points
.09 System Overview and Coordination
.1 Environmental Analysis and Decisionmaking Process
.2 Environmental Documents
.3 Lead Agency (or Sub-Unit) Determination and Pre-Decision Referrals
.4 Decision Criteria, Records, and Implementation
.5 Monitoring
.6 Ecosystem Modeling
.7 Review of Non-BLM Environmental Documents
.8 Environmental Knowledge and Awareness
.9 [Reserved]

.01 *Purpose of Guidebook Section 1790.* This section introduces the BLM's Environmental Protection and Enhancement System. The system provides means by which Council on Environmental Quality (CEQ) regulations for the National Environmental Policy Act of 1969 (NEPA) are incorporated into BLM's planning and decisionmaking. Specifically, the Environmental Protection and Enhancement System is designed to comply with the requirements of Section 2 and Title I of NEPA. The system applies to all programs, branches, and offices of the BLM.

.02 *Objectives.* "The National Environmental Policy Act (NEPA) is our basic national charter for protection of the environment. It establishes policy, sets goals (Section 101), and provides means (Section 102) for carrying out the policy. Section 102(2) contains action-forcing provisions to make sure that Federal agencies act according to the letter and spirit of the Act * * *

"* * * it is not better documents but better decisions that count. NEPA's purpose is not to generate paperwork—even excellent paperwork—but to foster excellent action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment" (40 CFR 1500.1).

The central objective is to establish an Environmental Protection and Enhancement System through which the Bureau will strive to:

1. Prevent, eliminate, or minimize damage to the environment and ecosphere by:

a. Encouraging productive and enjoyable harmony between man and his environment,

b. Identifying and analyzing emergent properties of whole systems that relate to the health and welfare of man, and

c. Providing land managers with information about stress points in the ecosystem in order for them to better balance the consideration of short-term uses of the environment and long-term productivity;

2. Enrich the understanding of ecological systems and natural resources important to the Nation by:

a. Detecting gaps and defects in our environmental awareness and understanding of system interrelationships, and

b. Correcting those gaps and defects by systematic interdisciplinary analysis and synthesis;

3. Reduce paperwork in documenting environmental analysis and reduce delay in reaching decisions; and

4. Produce better decisions in seeking and attaining clearly stated environmental goals.

.03 *Authority.* The BLM is authorized and directed by NEPA to carry out its programs in ways that will create and maintain conditions under which man and nature can exist in productive harmony and fulfill social and economic needs of present and future generations of Americans.

Several basic authorities require a systematic, interdisciplinary approach to planning and decisionmaking. These include:

A. The National Environmental Policy Act of 1969, as amended (and related treaties, conventions, agreements, legislation, and regulations).

B. The Environmental Quality Improvement Act of 1970, as amended.

C. Section 309 of the Clean Air Act, as amended.

D. Executive Order 11514, as amended by Executive Order 11991, Protection and Enhancement of the Environment through Regulations Designed to Make the Environmental Impact Statement Process more Useful to Decisionmakers and the Public.

E. The Federal Land Policy and Management Act of 1976.

F. The Outer Continental Shelf Lands Act as amended.

G. The Coastal Zone Management Act.

H. Department of the Interior Departmental Manual, Part 135 (135 DM 3.1) and Part 516.

I. Executive Order 12114, Environmental Effects Abroad of Major Federal Actions.

.04 *Responsibility.* The BLM, as a Federal agency sub-unit, has an active and affirmative responsibility to protect the public interest as expressed in the Bureau's statutory mandates and those mandates of the Department that have been delegated. These responsibilities cover environmental resources and values associated with management of uplands, the coastal zone, and the outer continental shelf.

A. The Director of BLM is responsible for overall direction of the Environmental Protection and Enhancement System. Appendix 5 of Part 516 DM 6, Department of the Interior Departmental Manual, specifies those environmental management responsibilities that have been delegated to various offices within the BLM.

B. The Branch of Environmental Coordination (within the Office of Planning, Inventory, and Environmental Coordination) serves as the Bureau focal point for all NEPA matters and provides advice to the Director and other Bureau decisionmakers on NEPA related activities. The Branch:

1. Monitors Bureauwide compliance with NEPA.

2. Develops policies and guidelines for ensuring that technical requirements of NEPA are included in Bureauwide planning and inventory processes.

3. Establishes and monitors procedures and standards for conducting environmental analyses and preparing environmental documents.

4. Reviews for NEPA compliance, all environmental documents prepared for approval at the Directorate level or above.

5. Serves as liaison with the Departmental Office of Environmental Project Review.

6. Receives, distributes, and reviews environmental documents referred by other Bureaus and Federal agencies; alerts BLM decisionmakers to documents that raise critical issues; and ensures Bureau environmental comments on them.

7. Provides NEPA-related assistance and guidance to all Headquarters Office and field elements of the Bureau for environmental document preparation and review.

The Branch, pursuant to 40 CFR 1506.6(e), receives (from other BLM offices) information useful for the production of status reports on elements of the NEPA process. It produces, for Bureau and Departmental attention, a periodic status report on environmental impact statements for which BLM has lead responsibility and for which BLM is a cooperating agency. Information for this report is received from Bureau offices having responsibility for particular environmental analyses and for providing particulars to interested persons concerning those analyses.

General statements concerning the Branch's delegated responsibilities for program development, technical development and service, administrative functions, and program operations are found in BLM Manual Section 1211.

.05 *Definitions.* See Glossary of Terms, Appendix B.

.06 *Policy.* The Environmental Protection and Enhancement System is used by BLM managers to carry out the following BLM policy:

A. Pursue the goals of NEPA as set forth in Section 101(b) of the Act (Appendix A).

The requirement to maintain and enhance long-term productivity and quality of the environment takes precedence over local, short-term usage. This policy recognizes the responsibility to future generations of those presently controlling the development of natural resources and the modification of the living landscape.

Although the influence of the U.S. policy will be limited outside of its own borders, the global character of ecological relationships must be the guide for domestic activities.

In meeting the objectives of environmental management, it will be necessary to seek constructive compromise and resolutely preserve future options.

B. Seek out, identify, adapt, and/or develop the best environmental analysis and management technology practicable. This must ensure a systematic, initerdisciplinary approach for integrating the natural sciences, the social sciences, and the environmental design arts within an ecosystem concept. It must also ensure the use of that technology for planning and decisionmaking.

C. Include methods and procedures for ensuring that presently unquantified environmental amenities and values will be given appropriate consideration in decisionmaking. It is BLM's policy that in environmental analysis, values that are essential for maintenance of living

systems (functional values) are to be given greater weight than values that are not essential to life support. Likewise, society's normative values (i.e., social norms that serve to guide, regulate, or control proper and acceptable social behavior) must be given greater weight in environmental analysis than values that represent only preferences of individuals, groups, or organizations (preference values).

D. Cooperate with States, counties, municipalities, institutions, and individuals in sharing advice and information useful in restoring, maintaining and enhancing the quality of the environment.

E. Recognize the worldwide and long-range character of environmental problems. Where consistent with foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment.

F. Develop alternatives that will better meet the public interest when an action proposed by an outside applicant does not.

.07 *Principles.* The preamble to this guidebook contains the principles on which this Environmental Protection and Enhancement System is based.

.08 *Program Decision Points.* Appendix 5 of Part 516 DM 6, Department of Interior Manual, specifies the program decision points.

.09 *System Overview and Coordination.* The BLM's Environmental Protection and Enhancement System enables BLM managers to bring together and integrate sound scientific thinking with practical applications of that thinking. The system encompasses many deverse procedures within a unified conceptual framework for making decisions affecting the quality of the environment.

Techniques for implementing the Environmental Protection and Enhancement System are described in the procedural sections of this guidebook series, Sections 1791 through 1798. These techniques provide a means for organizing and channeling professional expertise into more efficient and effective analyses and decisions.

A. *Description of the System.* The Environmental Protection and Enhancement System is made up of several components described in Sections .1 through .8. Chief among these is the environmental analysis and decisionmaking process diagrammed in Illustration 1. This process was developed specifically to comply with NEPA and the CEQ regulations on NEPA.

B. *Overview of the Environmental Analysis and Decisionmaking Process.* The environmental analysis and decisionmaking process consists of eight stages. Stages are expanded into major steps, decision points, and feedback loops (Illustration 1). Public involvement, mitigation, and monitoring are considered at several steps throughout the process. For a complete description, see Guidebook Section 1791.

1. Stage 1—Management Screen. The purpose of the management screen is to determine whether the proposal has enough detail to make a quick management decision or whether further analysis is necessary.

Box 1.1—Provide Pre-proposal Assistance and Guidance. The BLM is required to advise non-Federal applicants of studies or other information that might be required for reaching a decision.

Box 1.2—Screen Proposal. In addition to assisting and guiding the development of a proposal, the management screen provides a quick review of proposals for the following decisions.

Decision Point 1A—EIS Required by Policy? Is the proposal one that automatically requires an environmental impact statement (EIS) by BLM policy? This includes resource management plans, EIS's required by court decisions, and EIS's mandated by the Secretary. If an EIS is mandated by policy, an EIS is begun with preliminary analysis (Stage 2).

Decision Point 1B—Categorical Exclusion? If an EIS is not required by policy, the screen checks to see whether the proposal can be categorically excluded from further environmental analysis. If the proposal can be categorically excluded, a decision approving or disapproving the action can be made (Box 1.3). If not, a preliminary analysis is begun (Stage 2).

Box 1.3—Document the Categorical Exclusion. Document the categorical exclusion and decide whether to approve or disapprove the action (Decision Point 7A).

2. Stage 2—Preliminary Analysis. The purposes of preliminary analysis are (1) to determine whether alternatives have been analyzed elsewhere for environmental impacts; (2) to identify similar actions that have been analyzed in the same geographic area or in a similar environmental setting; and (3) for an EIS, to review existing information for a notice of intent to prepare an EIS (NOI).

Box 2.1—Preliminary Scoping. The manager appoints a team to identify potentially significant issues and to involve the public, as necessary. Another part of preliminary scoping is to review the proposal and existing data to reach the following decisions:

Decision Point 2A—Detail Sufficient? If the proposal is stated clearly and in enough detail to continue analysis, the team proceeds to decision point 2B. If not, the proposal is returned to its originator with specific information requirements needed to refine the proposal and continue analysis (Box 2.3).

Decision Point 2B—Significant Impacts Likely? The team uses several factors to determine whether significant impacts are likely to result from the proposal. If they are, preliminary analysis proceeds to decision point 2C. If not, it goes into an environmental assessment (EA) mode (Decision Point 2D).

Decision Point 2C—Do EIS? If significant impacts are likely to occur, the manager decides whether to eliminate or reduce the likelihood of significant impacts by refining the proposal (Box 2.3), or whether to continue analysis in an EIS mode (Decision Point 2E).

Decision Point 2D—Previous Considerations Adequate? If earlier considerations of similar proposals are still current and adequate for reaching a decision, the interdisciplinary team recommends an action to the decisionmaker (Box 2.2). If not, the team continues analysis for an EA (Stage 4).

Box 2.2—Make Decision—Go to 7A. If previous considerations are adequate, the decisionmaker can approve or disapprove the proposal (Stage 7) and document that decision.

Decision Point 2E—Previous EIS(s) Adequate? If the proposal has already been adequately covered in one or more previous EIS's, the manager can approve or disapprove the proposal (Stage 7) and document that dicision, referencing the earlier environmental documents in the record of decision. If not, an EIS is begun with an NOI (Box 3.1).

Box 2.3—Refine Proposal. The analysis team must specify what additional information is necessary for continuing environmental analysis. The proposal must be refined sufficiently to continue analysis and reach decisions.

3. Stage 3—Scoping and Planning the Analysis. Analysis for an EIS begins with scoping (1) to determine which issues or impacts arising from the proposal might be significant, and (2) to ensure that analysis identifies and addresses net impacts of the proposal. This is done by planning the analysis to fit the needs.

Box 3.1—Notice of Intent for an EIS. Analysis for an EIS can be started only with the approval of the Director or his delegated representative, and after publication of an NOI in the **Federal Register.**

Box 3.2—Scope the EIS. Scoping is a formal process for involving the public to help (1) plan the environmental analysis; (2) identify reasonable alternatives; and (3) identify significant issues arising from alternatives.

Box 3.3—Preparation Plan. The preparation plan for an EIS focuses on significant issues raised during scoping and designs analysis around those issues.

4. Stage 4—Analyzing Information Needs. The purposes of this stage are (1) to determine information needs; (2) to screen and organize existing information; and (3) to get additional information, when necessary.

Box 4.1—Screen and Organize Existing Information. Information needs are determined by: (1) extent to which alternatives are likely to affect the environment, and (2) sensitivity of key ecosystem components and processes likely to be affected. Only those details important to the analysis are included. If these requirements are met, the interdisciplinary team can proceed with analyzing environmental consequences (Stage 5).

Decision Point 4A—Information Adequate? If any new concerns have been identified, the EA analysis must re-evaluate the information base. For an EIS, the same procedures are followed, but generally they are more detailed and require public involvement. If information is adequate, the process continues to stage 5.

Decision Point 4B—Fieldwork Necessary? If information is not adequate to analyze environmental impacts, fieldwork may be necessary (Box 4.2), or the analysis may require only a more thorough search and review of existing information (Box 4.1).

Box 4.2—Design and Complete Fieldwork. The purpose of fieldwork is to gether only enough information to complete analysis. The extent of field studies can vary tremendously, depending on information needs.

Box 4.3—Environmental Information System. The environmental information system will be more than an information storage and retrieval bank. The system will include bibliographies of environmental documents and records of decisions, and information and data on ecosystems from previous environmental analyses, field studies (Box 4.2), monitoring (Box 8.4), and other sources (Box 4.4).

Box 4.4—Information from Other Sources. As part of developing an environmental information system, it will be necessary to update the system with information and data from other sources. This box represents those activities, including input from continued public involvement (Box 4.5).

Box 4.5—Continued Public Involvement. BLM interacts with the public throughout the process. The magnitude of a proposal and its impacts will determine how much public involvement is needed.

5. Stage 5—Analyzing Environmental Consequences. The purposes of analyzing environmental consequences are (1) to analyze impacts for significance; (2) to develop new alternatives; (3) to develop measures to mitigate impacts, where possible, (4) to plan monitoring; and (5) to improve understanding of environmental systems.

Box 5.1—Analyze Impacts. Impact analysis works in conjunction with stage 4 to identify real issues and discover potentially significant environmental impacts. The analysis depends on working records developed in early stages. These records focus analysis on impacts and issues identified as major or potentially significant.

Decision Point 5A—Information Adequate? The interdisciplinary team must determine whether information is adequate to permit reaching a decision about impacts. If not, further review or fieldwork may be required (Decision Point 4B). If so, the team makes the following decisions:

Decision Point 5B—Net Impacts Significant? If net impacts are not significant, the team prepares an EA and FONSI (Box 5.2).

Decision Point 5C—Impacts Adequately Addressed? If significant impacts have been considered and addressed adequately, either by mitigation plans, by revisions in the proposal, or by identifying potential impacts, the team finishes analysis and drafts an EIS (Box 5.2). If not, the manager considers whether to reject the proposal or have it refined (Decision Point 5D).

Decision Point 5D—Reject Proposal? After the analysis, because of severe environmental impacts, a manager may wish to disapprove a proposal without preparing an environmental document. If so, he makes that decision (Stage 7). If the manager decides that the proposal should be further refined, he returns it (Box 2.3).

Box 5.2—Draft Environmental Document(s). An EA may consist primarily of working records developed during analysis. A FONSI is then written that either summarizes the EA or includes the EA as an attachment. For an EIS, working records from analysis can be used to support findings and conclusions in the EIS.

6. Stage 6—Public Comment and BLM Response. The purposes of seeking and responding to public comment are (1) to seek comment on BLM's analysis, and (2) to arrive at equitable decisions, based in part on that comment.

Box 6.1—Circulate Environmental Documents and Respond to Public Comment. Requirements for filing and circulating environmental documents vary. BLM response will be determined by the nature of public comment.

Decision Point 6A—Response to Public Adequate? Responding to public comment might be a matter of minor revisions before a decision is reached, in which case the process continues to stage 7. However, if a more and more detailed response is required, parts of the analysis may need to be repeated (Box 6.2).

Box 6.2—Revise Analysis and Environmental Documents, as Necessary. This procedure "feeds back" to previous stages in the process. Public review may require a decisionmaker to re-evaluate the conclusions of an environmental document and revise an EA or EIS.

7. Stage 7—Reaching and Recording Decision. The purpose of this stage is to identify the point at which a manager must reach and record a decision, based on the analysis. The decision includes any necessary mitigation and monitoring plans that will be implemented.

Decision Point 7A—Approve Proposal? This decision point occurs after determining that the proposal is categorically excluded (Box 1.3), after reviewing previous analyses (Box 2.2), or after completing a new environmental analysis. The manager must record approval or disapproval (Boxes 7.1 or 7.2).

Box 7.1—Record Approval. For an EA and FONSI, the decision to proceed can be a simple cover letter with EA and FONSI attached. A more formal procedure is required for a record of decision in cases requiring EIS's.

Box 7.2—Record Disapproval. The principles for recording a decision to approve a proposal also apply to recording disapproval of a proposal.

8. Stage 8—Implementing the Decision. The purposes of implementing the decision (including any necessary mitigation and monitoring) are (1) to complete the action while minimizing adverse environmental effects, and (2) to provide information for future environmental analyses.

Box 8.1—Proceed with Implementation and Initial-Phase Monitoring. Establish a schedule for implementing the action and, where

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necessary, a schedule for monitoring. Initial phases of the action can be such activities as clearing and grading, excavating, construction, or similar activities that are short-term as opposed to longer-term operational or environmental recovery and rehabilitation phases.

Decision Point 8A—Mitigation Adequate? Determine whether mitigation measures have been implemented and are working as prescribed. Information gained here may help develop or modify a long-term monitoring program (Box 8.3). Information about the adequacy of mitigation will be used to improve future environmental analyses and decisions (Box 8.4).

Box 8.2—Modify Proposal—Go to 2.3. If mitigation proves inadequate during initial phases, or if significant, unexpected long-term impacts occur, the action may be modified to mitigate or rehabilitate unforeseen impacts. The extent to which the BLM can modify a decision depends on whether the proposal originated inside or outside the Bureau and whether a contract contains stipulations that permit modifications. It also depends on enforcement authority and availability of funds and manpower.

Box 8.3—Continue review and monitoring. After initial phases of an action are complete, environmental impacts may be reviewed periodically to determine whether further mitigation and/or monitoring are required. This information could lead to modifying the action (Box 8.2), or it could be stored in the environmental information system (Box 8.4), or both.

Box 8.4—Store Impact Information—Go to 4.3. Useful information on impacts, mitigation measures, and monitoring will be stored in the environmental information system (Box 4.3) for use in future environmental analyses.

C. *Relationships Between the Environmental Protection and Enhancement System and Other BLM Functional and Management Systems.* The EPES is described as a complete system. It is used *in* planning and decisionmaking as required by NEPA Section 102(2)(A). Other BLM functional and management systems also impact BLM decisions. The EPES is designed to link with those systems at key planning and decisionmaking points to ensure that plans and decisions are made in full compliance with NEPA. In some cases the requirements of the EPES will be met by steps in these other systems and joint documentation is possible. There is no intent to duplicate other systems; there is intent to prescribe standards to be met at specific steps in the analysis and decisionmaking process

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The following sections briefly describe other guidebooks in the 1790–1799 series.

.1 Environmental Analysis and Decisionmaking Process. Guidebook 1791 describes operational procedures for the environmental analysis and decisionmaking process.

.2 Environmental Documents. Guidebook 1792 describes the procedures by which environmental documents are prepared.

.3 Lead Agency (Or Sub-Unit) Determination and Predecision Referrals. Guidebook 1793 describes how to determine lead and cooperating agencies and their respective responsibilities, including referrals.

.4 Decision Criteria, Records, and Implementation. Guidebook 1794 contains three major sections. The first describes criteria for assisting decisionmakers in attaining NEPA goals and other environmental values. The second provides methods for documenting differnt types of environmental decisions during scoping and analysis. The third discusses when implementation can legally begin and how implementation can be modified, when necessary, due to unforeseen serious environmental impacts.

.5 Monitoring. Guidebook 1795 identifies different types of monitoring and how monitoring is used for quality assurance and environmental protection and enhancement.

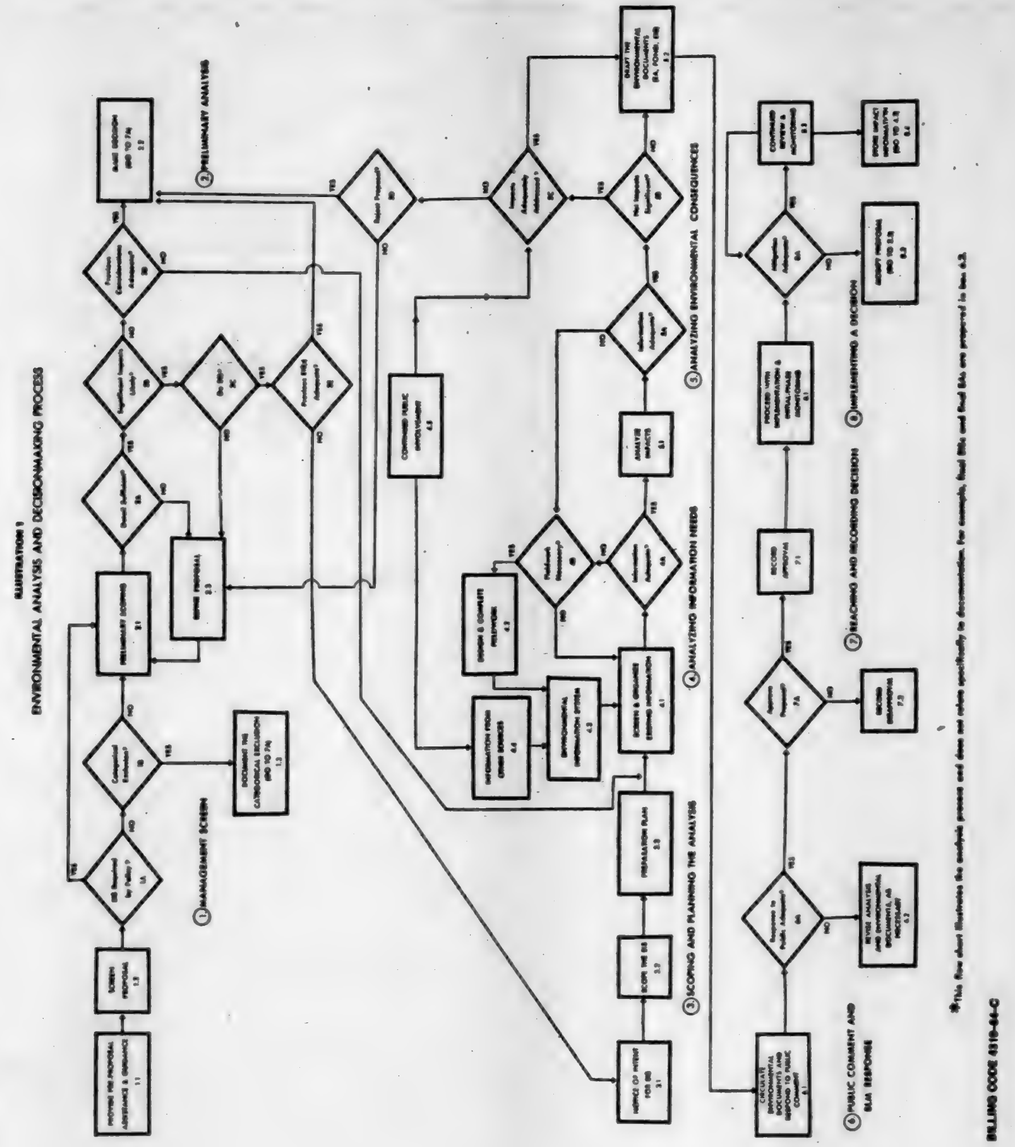
.6 Ecosystem Modeling. Guidebook 1796 reviews modeling procedures currently used for environmental analysis, protection, and enhancement. It develops procedures for computer-based optimization, simulation, and other modeling techniques that can be used in conjunction with the BLM strategic information system.

.7 Review of Non-BLM Environmental Documents. Guidebook 1797 will establish (1) policies regarding BLM's review of other agency environmental documents, (2) procedures for dealing with the Department Office that coordinates reviews and procedures governing the availability of review comments.

.8 Environmental Knowledge and Awareness. Guidebook 1798 will develop procedures for establising and operating an "environmental experience bank" for filing, storing, retrieving, disseminating, and sharing data and information in environmental documents.

.9 [Reserved]

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Appendix A (1790) Environmental Goals

Environmental goals are normative values codified by statute, regulation, or executive action. Specific sources of environmental goals for the BLM are (1) two mission-oriented acts, the Federal Land Policy and Management Act of 1976 (FLPMA) and the Outer Continental Shelf Lands Act (OCSLA), as amended, and (2) the National Environmental Policy Act of 1969 (NEPA), as amended. Although environmental goals are established in other legislation (See Guidebook Section 1790.03), these acts constitute the fundamental basis for the BLM's environmental analysis responsibilities.

Goals define the desired state or condition that a resource management policy or program is designed to achieve. They sometimes conflict, and they usually are not quantifiable. The goals from NEPA, FLPMA, and OCSLA are listed below. They can be divided into three categories: (1) Goals primarily concerned with using the environment; (2) Goals for preserving and/or protecting the environment; and (3) Goals for health and safety in the environment.

1. NEPA Goals. Section 101(b) of NEPA lists six broad goals that can be separated into 20 discrete, individual goals that form the basis for complying with NEPA. These are listed below, by category, along with sample questions that can be asked (or answered) during scoping and other public involvement to determine how well any particular goal is being attained.

A. Goals for Using the Environment. 1. *Attain the widest range of beneficial uses of the environment without unintended consequences.* [NEPA 101(b)(3)] What is the probability of unintended consequences (i.e., unforseen adverse impacts) occurring as a result of implementing a proposed action?

2. *Attain the widest range of beneficial uses of the environment without undesirable consequences.* [NEPA 101(b)(3)] Are undesirable consequences associated with any of the proposed uses?

3. *Attain the widest range of beneficial uses of the environment without degradation.* [NEPA 101(b)(3)] Will a proposed action maintain or limit uses that the area can be put to? Will a new use (e.g., coal mining result in environmental degradation?

4. *Achieve a balance between population and resource use which will permit high standards of living.* [NEPA 101(b)(3)] Are population levels being increased? How will the standard of living be affected?

5. *Achieve a balance between population and resource use which will permit a wide sharing of life's amenities.* [NEPA 101(b)(3)] Is the socially disadvantaged person's life being improved or further degraded? Will the proposed action close off resource use to any segment of the public or make it more difficult for that segment to participate, or vicariously enjoy, the resource?

6. *Assure for all Americans productive surroundings.* [NEPA 101(b)(3)] Will the proposed action remove land from productivity, change type of productivity, or increase productivity? Will the proposed action change the environment enough to impede human productivity?

7. *Assure for all Americans aesthetically pleasing surroundings.* [EPA 101(b)(2)] Will the proposed action change visual or other sensory aspects of the landscape? If so, how? IN what manner? Who does it affect?

8. *Assure for all Americans culturally pleasing surroundings.* [NEPA 101(b)(2)] Will the proposed action preserve our cultural heritage or degrade it?

B. Goals for Preserving and/or Protecting the Environment. 1. *Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.* [NEPA 101(b)(1)] Will the proposed action protect or improve the environment? Whose environment, in what ways, and to what degree? Are critical environmental concerns (e.g., wilderness values) being protected, impaired, or destroyed? Are options for various uses of the environment being preserved? Will the proposed action impose disadvantages on succeeding generations by limiting their choices of alternative resource uses?

2. *Preserve important natural aspects of our national heritage.* [NEPA 101(b)(4)] What will the proposed action do for natural values, such as pristine areas or values and resources unchanged by technology, synthetics, etc.?

3. *Preserve important cultural aspects of our national heritage.* [NEPA 101(b)(4)] Could the proposal effect cultural traits that are not fully apreciated at the local level, but which contribute to understanding of national heritage?

4. *Preserve important historic aspects of our national heritage.* [NEPA 101(b)(4) What historic aspects are being preserved, and of what important are they?

5. *Maintain an environment which supports diversity.* [NEPA 101(b)(5)] Is the proposal developing a monoculture, or is it diversifying potential uses of an area?

6. *Maintain an environment which supports variety of individual choice.* [NEPA 101(b)(4)] Is the proposal slanted toward use by only a certain type of person, or is it making a variety of uses available to the entire public?

7. *Enhance the quality of renewable resources.* [NEPA 101(b)(6)] How are renewable resources being affected? Are quality and productivity being enhanced and/or improved?

8. *Approach the maximum attainable recycling of depletable resources.* [NEPA 101(b)(6)] Are uses of the nonrenewable resources irreversible? If so, to what extent?

C. Goals Relating to Health and Safety. 1. *Assure for all American healthful surroundings.* [NEPA 101(b)(2)] Will the project improve unhealthful conditions, e.g., improve water quality?

2. *Attain the widest range of benefical uses of the environment without risk to health.* [NEPA 101)b)(3)] Do any proposed uses involve an immediate or future health risk?

3. *Assure for all Americans safe surroundings.* [NEPA 101(b)(2)] Will the proposed action create unsafe conditions, to what extent, and how significant are those conditions?

4. *Attain the widest range of beneficial uses of the environment without risk to safety of people.* [NEPA 101(b)(3)] Are safety hazards being increased over existing conditions in order to obtain additional uses of the environment?

2. FLPMA Goals. FLPMA states: "In managing the public lands the Secretary shall by regulation or otherwise take any action required to prevent unnecessary or undue degradation of the lands and their resources or to afford environmental protection" [Section 603(c); also Section 302(b)]. Specifically, FLPMA requires that:

A. Goals for Using the Environment. 1. *Goals and objectives be established by law as guidelines for public land use planning.* [102(a)(7)] These are stated at various places throughout FLPMA itself.

2. *Management be on the basis of multiple use and sustained yield, unless otherwise specified by law.* [102(a)(7)] Will a proposal utilize public lands and resources in the combination that will best meet the present and future needs of the American people? Will a proposal make the most judicious use of the land for some or all resources, or related services, over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions? Will some land be used for less than all of its resources? Does the proposal combine balanced and diverse resource uses? Does it consider long-term needs of future generations for renewable and nonrenewable resources, including recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific, and historical values? Will the proposed action provide harmonious and coordinated management of resources without permanently impairing productivity of the land and quality of the environment? Is consideration being given to relative values of resources, and not necessarily to the combination of uses that will give the greatest economic return or greatest unit output?

3. *The public lands be managed in a manner which recognizes the Nation's needs for domestic sources of minerals, food, timber, and fiber from the public lands* including implementation of the Mining and Minerals Policy Act of 1970 as it pertains to the public lands. [102(a)(12)] How do proposed uses relate to the Nation's needs?

4. *The public lands be managed in a manner that will provide food for fish and wildlife and domestic animals.* [102(a)(8)] what changes will there be in food availability for fish and wildlife or in domestic forage?

5. *The public lands be managed in a manner that will provide habitat for fish and wildlife and domestic animals.* [102(a)(8)] What changes will occur in fish and wildlife habitat? Habitat for domestic animals?

6. *The public lands be managed in manner that will provide for outdoor recreation and human occupancy and use.* [102(a)(8)] How do proposed uses provide for outdoor recreation, human occupancy, and other human uses?

B. Goals for Preserving an Protecting the Environment. 1. *The public lands be managed in a manner that will protect the quality of scientific values.* [102(a)(8)] How will proposed uses protect scientific values?

2. *The public lands be managed in a manner that will protect the quality of scenic values.* [102(a)(8) How will scenic values be protected?

3. *The public lands be managed in a manner that will protect the quality of historical values.* [102(a)(8)] How will historical values be protected?

4. *The public lands be managed in a manner that will protect the quality of ecological values.* [102(a)(8)] How will ecological values be protected?

5. *The public lands be managed in a manner that will protect the quality of environmental values.* [102(a)(8)] How will other environmental values be protected?

6. *The public lands be managed in a manner that will protect the quality of air and atmospheric values.* [102(a)(8)] How will air quality be protected?

7. *The public lands be managed in a manner that will protect the quality of water resources values.* [102(a)(8)] How will water quality be protected?

8. *The public lands be managed in a manner that will protect the quality of archeological values.* [102(a)(8)] How will archeological values be protected?

9. *The public lands be managed in a manner that, where appropriate, will preserve and protect certain public lands in their natural condition.* [102(a)(8)] Can any portion of land area to be affected by proposed action be preserved in its natural condition and protected?

10. *Regulations and plans for the protection of public land areas of critical environmental concern be promptly developed.* [102(a)(11)] This is being done, herein, and by BLM regulations and plans for "special areas".

3. *OCSLA Environmental Goals.* The OCSLA goals related to the environment are found in several places throughout the Act. In addition to goals specified below, the Act requires leasing programs to include conducting "environmental studies and prepare any environmental impact statement required in accordance with this Act and with section 102(2)(c) of NEPA". [OCSLA 208, Sec. 18(b)(3)].

A. Goals for Using the Environment. 1. Preserve, protect, and develop oil and natural gas resources in the OCS in a manner consistent with the need to balance orderly energy resource development with protection of the human, marine, and coastal environments. [OCSLA 102(2)(B)]

2. Encourage development of new and improved technology for energy resource production which will eliminate or minimize risk of damage to the human, marine, and coastal environments. [OCSLA 102(3)]

3. Manage the Outer Continental Shelf to consider economic, social, and environmental values of renewable and nonrenewable resources contained in the OCS, and the potential impact of oil and gas exploration on other resource values of the OCS and the marine, coastal, and human environments. [OCSLA 208, Sec. 18(a)(1)]

4. In timing and locating exploration, development, and production of oil and gas among the oil- and gas-bearing physiographic regions of the OCS, consider (1) geographical, geological, and ecological characteristics among the regions; (2) an equitable sharing of developmental benefits and environmental risks among the various regions; (3) the relative environmental sensitivity and marine productivity of different areas of the OCS; and (4) relevant environmental and predictive information for different areas of the OCS. [OCSLA 208, Sec. 18(a)(2)(A, B, G, & H)]

5. To the maximum extent practicable, select timing and location of leasing so as to obtain a proper balance between the potential for environmental damage, the potential for the discovery of oil and gas, and the potential for adverse impact on the coastal zone. [OCSLA 208, Sec. 18(a)(3)]

B. Goals for Protecting and Preserving the Environment. 1. Provide regions impacted by OCS oil and gas exploration, development, and production with comprehensive assistance in order to anticipate and plan for such impact, and thereby assure adequate protection of the human environment. [OCSLA 102(4)]

2. Consider and recognize the rights and responsibilities of all States and local governments, where appropriate, to preserve and protect their marine, human, and coastal environments through such means as regulation of land, air, and water uses, of safety, and of related development and activity. [OCSLA 202(5)]

3. Minimize the likelihood of occurrences that may cause damage to the environment or to property, or endanger life or health. [OCSLA 202(6)]

Guidebook Section 1791

Environmental Analysis and Decisionmaking Process

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Chapter 1—Introduction

Environmental analysis and decisionmaking is a single process

applied with different degrees of intensity. The process is conducted in eight major stages, each containing one or more steps and decision points (Illustration 1).

The process can be adapted to the needs of a particular analysis *in that it requires only the information necessary to get the job done effectively.* Decision points determine whether steps have been completed adequately. When they have, the analysis proceeds rapidly through decision checkpoints. If not, the analysis returns to an earlier stage for clarification or information necessary to proceed. When the analysis returns to an earlier stage, it repeats all decision points. Time and effort needed to repeat a step will vary, but will usually be much less than required the first time through.

Because of these built-in "feedback mechanisms," analysis can be started as late as the fifth stage (e.g., for a resource management plan). Incomplete or inadequate information will require gathering additional information or refining a proposal, as necessary. Used this way, the process can be adapted to the Bureau's planning process for developing resource management plans.

The environmental analysis and decisionmaking process provides managers with a thorough, systematic set of procedures for reaching environmental decisions efficiently, while making certain that significant issues are not overlooked. ("Environmental impact analysis"as used here is really an estimate of *potential* impacts.)

Where impacts are not expected to be significant, procedures allow the environmental analysis team to analyze the situation quickly, draft an environmental assessment (EA), and use the EA to write a finding of no significant impacts (FONSI) with a minimum amount of documentation. Where potential impacts are expected to be significant, the team performs an analysis commensurate with the complexity and degree of significance of the action and prepares an environmental impact statement (EIS).

Working records are used (1) to constitute a formal record verifying that all necessary activities were performed and (2) to support conclusions and decisions. Worksheets and matrices can also be incorporated directly into an environmental document to minimize necessary narrative and reduce the amount of text. These worksheets and matrices are the "tools" used in several of the eight stages for estimating impacts and determining significance.

Chapter 2—Steps in the Process

The environmental analysis and decisionmaking process is carried out through the use of several "tools," such as, worksheets, matrices, and checklists, that provide a clear record of what was done and how decisions were reached. Because several of these tools are used at more than one stage in the process, they are explained in appendices. This chapter describes how and when to use them.

This process is comprehensive enough to handle a large, complex EIS. For simpler analyses, as most EA's are, many of the procedures may not be necessary. *Adapt the process to specific needs of a given analysis. Do only what is necessary to complete the analysis effectively and reach a sound decision.*

1. Stage 1—Management Screen. This stage provides a quick screen to determine whether (1) an EIS is required as a matter of policy, or (2) the proposal is a categorical exclusion. An interdisciplinary team is not needed to make these determinations. If there is any doubt whether the proposal is a categorical exclusion, further analysis is required. Decisions should be made at the lowest Bureau echelon feasible.

1.1 EIS Required by Policy? (Decision Point 1A). The Director, or his delegated representative, may decide that an EIS is required by policy. Beginning an EIS requires a preliminary preparation plan (Illustration 2), which is developed during preliminary analysis (Stage 2). If an EIS is not required by policy, the decisionmaker decides whether the action is categorically excluded.

1.2 Categorical Exclusion? (Decision Point 1B). If the action is categorically excluded from requiring further environmental analysis, go directly to Stage 7. Document the decision to approve or deny the action in a record of decision. A list of categorical exclusions is provided in Departmental Manual Part 516 DM 6 and Appendix 5 of that manual. If the proposal cannot be categorically excluded, begin preliminary analysis.

2. Stage 2—Preliminary Analysis. Preliminary analysis determines the amount of environmental analysis necessary to reach an informed decision. Review existing information, and involve the public informally, as necessary. *Avoid unnecessary analysis and paperwork.*

This stage examines potentially significant issues from two perspectives: managerial and interdisciplinary. It allows the manager the option of requesting modification of a proposal *before* the interdisciplinary analysis. Preliminary analysis begins with preliminary scoping (Box 2.1).

2.1 Preliminary Scoping (Box 2.1). Preliminary scoping identifies potentially significant issues from both managerial and interdisciplinary perspectives. Use a management team (chief of resources, area manager, planning coordinator, environmental coordinator, district manager, etc., as necessary) to supply the managerial perspective. This team uses Worksheet 1 to identify potentially significant issues. If some are found that can be avoided by modifying the proposal, either have the proposal revised before proceeding, or forward the proposal with comments and worksheets to the interdisciplinary team for further analysis.

When identifying significant issues, first list all the concerns and questions that everyone has. Then, whenever possible, condense and consolidate two or more concerns into a single issue for analysis or Worksheet 1.

If an EIS is expected, gather enough information on alternatives and potentially significant impacts to develop a preliminary preparation plan (Illustration 2). Also keep in mind the NOI when reviewing the proposal and its potential impacts. This cuts down on work later when an NOI is drafted.

If an EA is expected, use preliminary scoping to review proposals, to make certain that alternatives are covered in enough detail, and to discover any unanswered questions about alternatives in preliminary scoping. Involve managerial staff as well as technical personnel.

For example, use staff meetings to brief people on new proposals requiring environmental analysis. Briefly describe each proposal and identify potentially significant issues that the action might create. If such concerns are raised, assign an *ad hoc* interdisciplinary team to explore those issues in more detail with the person responsible for the analysis. Disciplines involved should be relevant to the issues.

Use Section 3.3 as a guide and checklist of things to cover for this type of in-house preliminary scoping. *Do only what is required by the complexity of the problem.*

A. Selecting an Interdisciplinary Team. An interdisciplinary team consists of two or more individuals from different disciplines bring skills and experience to bear on the problem, *both individually and in joint effort.*

The content of the proposal will suggest the types of disciplines required to evaluate alternatives adequately. An interdisciplinary team should contain representatives from one or more disciplines within each of the following

broad categories: (1) natural sciences, (2) social sciences, (3) environmental design arts, and (4) ecological sciences, as necessary. Where this expertise is not available, consider bringing in expertise from outside the office.

Throughout preliminary analysis, both managers and the interdisciplinary team should be alert to opportunities for aggregating proposals or tiering the analysis.

B. Aggregating Proposals. Aggregation involves combining proposals for an integrated environmental analysis. Aggregation can (1) most accurately represent cumulative impacts; (2) make the most effective use of available manpower and funds; (3) reduce the number of EA's prepared; and (4) make the most effective use of the public's time and participation by avoiding unnecessary meetings.

Keep aware of proposals for concurrent or nearly concurrent activities by coordinating with others in your own and contiguous districts. Determine whether proposals: (1) are generally similar or share similar actions; (2) are located in the same geographical area; (3) will be implemented at or near the same time; (4) may result in cumulative impacts; or (5) set a precedent for future actions.

If any of these situations applies, consider aggregating proposals. In order to be considered for aggregation, however, proposals must be (1) complete enough to be analyzed, and (2) written at the same level of detail.

Where a number of activities are planned well in advance, aggregate proposals in the annual work plan (AWP). Plan one EA for several similar actions (i.e., combine several proposals within one EA if no significant impacts are expected). This uses manpower more efficiently.

Besides the AWP, check current management framework plans (MFP) and resource management plans (RMP) for actions that can be aggregated. Aggregate within resource programs, where possible. When new proposals or applications from outside the BLM come up during the year, use staff meetings and preliminary scoping to aggregate them also, whenever possible.

If impacts from a number of proposals are cumulatively significant, they *must* be analyzed in an EIS, unless all significant impacts will be sufficiently mitigated. This EIS may also include any related action that would normally be covered in an EA.

C. Tiering. Tiering means approaching analysis on a level that best fits a proposal. Normally tiering occurs from the top down, i.e., from broad, programmatic, mission-oriented national proposals through several levels, or tiers, to local, site-specific activities.

The Bureau has several established tiers of decisionmaking and related environmental analysis, which are to be observed. The highest level is Director and State Director policy development. This tier may be subdivided in various ways, depending on the subject matter involved. The next tier is land use planning as accomplished through transition period management Framework Plans (MFP), MFP amendments, or new Resource Management Plans (RMP). The third tier down is implementation planning. This may include activity or functional plans for specific programs. (Not all programs utilize activity plans.) In this lowest tier is, also, specific project design or action decisions.

CEQ regulations discuss tiering only in the context of an EIS (40 CFR 1500.4(i), 1502.4(d), 1502.20, and 1508.28). However, the concept is applicable and useful for the analysis needed for some EA's. Use those regulations as guidelines for scoping and planning environmental analyses at all levels. Specify the tier on which the analysis will focus.

D. Public Involvement. As part of preliminary scoping, the responsible BLM official may wish to inform the public that the Bureau is conducting an environmental analysis. This can be through personal contacts, notices in local media, and/or other means.

2.2 Reviewing and Analyzing Existing Information. As part of preliminary analysis, the interdisciplinary team examines earlier environmental documents, relevant reports, and scientific literature to determine (1) whether the proposed action and alternatives (or parts of them) have already been analyzed for environmental impacts, and (2) whether similar actions have occurred or been analyzed in the same geographic area, or in a similar environmental setting.

After reviewing relevant literature in their disciplines, team members meet again to determine whether previous considerations are adequate to recommend a decision about the proposal, as explained below.

The interdisciplinary team should: *A. Review Proposed Action and Alternatives.* Whenever possible, separate each alternative into major subactions, discrete activities, and their change agents. (See Appendix D.) Relate change agents to specific areas or sites on which the change agents will be active. Information should be complete enough for analysis (e.g., soil families, general slopes, aspects, major vegetative and/or community types, possibilities of endangered species, major animals and habitat types).

Return the proposal for refinement if deficiencies exist (Box 2.3). If information is adequate, use Worksheet 1 to identify potentially significant issues, particularly from the perspective of ecosystem functional values.

B. Search and Review Other Information. Search files, libraries, and other sources to locate analyses and monitoring data on similar actions, subactions, activities, and change agents in similar environmental settings. Look for existing EA's and EIS's covering any portion of an alternative.

These earlier documents may (1) provide baseline data from which to measure impacts and (2) give the team clues to mitigating measures. Incorporating mitigating measures that eliminate significant impacts could result in the need for only an EA and FONSI, instead of an EIS. In this type of situation, the proposal is further refined to include the mitigation (Box 2.3).

C. Analyze Data Applicability. Analyze each change agent's effect on components and processes of the ecosystem (including man as component). Determine whether existing documents are adequate. Look for portions of existing documents that assess probable impacts. Use Worksheet 2 to summarize existing information from these documents whenever data from previous studies are applicable.

When significant issues are considered in earlier documents, record all relevant issues on Worksheet 1. Reference all sources in footnotes. This narrows the scope required analysis to only those actions, subactions, and activities not adequately covered by previous considerations.

2.3 Identifying Potentially Significant Issues. If an EIS is not required by policy or other mandate, the decisionmaker must decide whether other factors warrant an EIS. This decision is make through the interaction of Decision Points 2A, 2B, and 2C. Qualitative estimates of likelihood are used to focus further analysis on potentially significant impacts: The *qualitative* cut tells us what to analyze *quantitatively.*

A. Detail Sufficient? (Decision Point 1A). If the proposal lacks enough detailed information to continue through Decision Points 2B, 2C, and/or 2D, the team specifies what information is needed for further analysis and recommends that the proposal be refined (Box 2.3).

B. Significant Impacts Likely? (Decision Point 2B). At this point in the analysis, Worksheet 1 is used to

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determine (1) whether any issues have priorities 1, 2, or 3 (and possibly 4); and (2) whether any thresholds having these priorities are likely to be exceeded. (See Appendix A.) If the proposed action and alternatives are not clearly enough defined to make these determinations, return the proposal for clarifications and refinement (Box 2.3).

Any proposal generating issues with a (1) 1, 2, or 3 priority, and (2) a category A likelihood of exceeding related thresholds must go through Decision Point 2C. All others *may* go through Decision Point 2D for further analysis, with one exception:

Priority 4, category A, is designed to allow a decisionmaker some discretionary judgment. In some cases where likelihood is high, the decisionmaker may wish to consider doing an EIS (Decision Point 2C) or continuing the analysis for an EA at this time (Decision Point 2D), depending on many factors. (See Appendix A.)

C. Do EIS? (Decision Point 2C). If likelihood is high that priority 1, 2, or 3 (and sometimes 4) thresholds will be exceeded, the manager should either recommend an EIS immediately, or return the proposal for refinement (Box 2.3.). In this situation, refinement means modifying the proposal to reduce the likelihood of exceeding any threshold having priority 1, 2, or 3 (and possibly 4).

2.4 Previous Considerations Adequate? (Decision Point 2D). If analysis is to continue in an EA mode, review potentially significant issues recorded on Worksheet 1. The priorities, thresholds, and likelihoods will determine how to continue. Analyze all issues *except* where thresholds with priorities 2 through 5 have a negligible likelihood of occurring (Category C).

If similar proposals have been analyzed in similar locations and no significant impacts were predicted, preliminary analysis should assure that previous analyses, or relevant portions of them, still apply. If they apply, the environmental documents can incorporate these previous considerations by reference. Be sure to explain how and why the previous analyses apply to the proposal.

After reviewing existing information about similar actions, ask whether (1) the proposal itself (or portions of it) has been considered previously, and (2) that consideration is still current.

If the proposal has been analyzed in an EA or an EIS and the information is adequate, in terms of scope, specificity, and currency, the team informs the manager about these previous considerations. When parts of a proposal have been adequately covered previously, the team specifies the acceptable previous considerations and identifies those parts of the proposal that still must be analyzed. Include complete references of documents cited, with relevant page numbers.

When previous considerations are adequate, the decisionmaker can approve or disapprove the action based on those considerations (Box 2.2). If the proposal is not fully covered by adequate previous analyses, the interdisciplinary team moves into Stage 4, focusing the information search *only* on issues and impacts not covered adequately elsewhere.

A. Make Decision (Box 2.2). If the manager decides a proposal is adequately covered by previous considerations, he skips to Stage 7.

B. Return Proposal to Team. If the manager decides previous considerations are not adequate, he/she returns the proposal to the team for further analysis on any portions requiring it (Stage 4).

2.5 Previous EIS(s) Adequate? (Decision Point 2E). If analysis is to continue in an EIS mode, the team should check for the possibility that the proposal might have been covered in one or more previous EIS's. If so, the manager can make a decision (Stage 7) and incorporate the previous EIS's by reference in the record of decision. If not, the manager recommends an EIS. (When parts of a proposal have been analyzed adequately in previous EIS's, those parts can be incorporated by reference later in the new EIS).

3. Stage 3—Scoping and Planning the Analysis.

3.1 Procedures. Formal scoping is required only for an EIS. When significant impacts are found, an EIS is required by CEQ's NEPA regulations. However, the Director must aprove, or have delegated approval for, starting analysis for any EIS. The responsible official requests permission from the Director, or his delegated representative, to begin analysis for an EIS. This request must be accompanied by a preliminary preparation plan.

A. Preliminary Preparation Plan. When an EIS is anticipated, preliminary analysis is used to develop a preliminary preparation plan (Illustration 2). If information is not sufficient to develop an adequate preliminary preparation plan, return the proposal for further refinement (Box 2.3). The main purpose of the preliminary preparation plan is to organize background work that has already been done and provide the Director, or his delegated representative, information needed to approve the EIS. Issues determined to be significant by the Bureau are emphasized.

The preliminary preparation plan is a working document that undergoes substantial changes during scoping. The preliminary plan does not require Washington Office approval.

B. Mandated EIS's. When an EIS is required by court order or by a Secretarial decision, and authority for approval is with the Director, or above, a preliminary preparation plan is prepared and sent to the responsible Washington Office program staff for comments and information purposes before filing an NOI and beginning scoping. The purpose of the comments is not to revise the plan, but to provide advice on alternatives, the NOI, and scoping. For EIS's delegated to State Directors, the preliminary preparation plan is sent to the Washington Office at the time the NOI is filed.

3.2 Notice of Intent (Box 3.1). Publication of a notice of intent to prepare an EIS begins formal scoping. Two main purposes of an NOI are (1) to notify persons or agencies interested in, or affected by, a proposed Federal action, and (2) to seek information and/or participation in scoping by potentially affected interests. The NOI is explained in CEQ's regulations (40 CFR 1501.7, 1507.3(e), and 1508.22).

The NOI should include:

A. Description of the proposed action and alternatives, including purpose of, and need for, the proposed action.

B. Identification of the geographic area to be impacted.

C. Significant issues identified by the Bureau.

D. Description of the scoping process to be used, including:

1. Kind and extent of public involvement planned.

2. Times, dates, and locations of scheduled or anticipated public meetings, hearings, or other similar gatherings.

E. Name, title, address, and telephone number of Bureau officials who may be contacted for additional information.

F. Location and availability of documents relevant to the proposal and the EIS.

3.3 Scoping the EIS (Box 3.2). The overall purposes of scoping are (1) to identify significant issues resulting from the proposal, (2) to prioritize those issues, (3) to determine the scope of issues to be analyzed in detail for the EIS, and (4) to set criteria for developing an environmentally preferable alternative. The NOI identifies potentially significant issues so the public can more readily determine whether they are interested in, or affected by, the proposal.

A. Scoping Tasks. Scoping accomplishes a number of specific tasks

(40 CFR 1501.7), which should be documented in the preparation plan. This section summarizes six tasks. Section B explains the tasks in detail.

1. Determine the scope (40 CFR 1508.25) of the analysis and the significant issues to be analyzed in depth in the EIS.

2. Identify and eliminate from detailed study issues determined during scoping not to be significant and issues covered by prior environmental review.

3. Identify reasonable alternatives and eliminate from detailed study alternatives that are not reasonable. (*Note:* Try to get consensus, but this is not necessary.) Also identify any issues generated by new alternatives.

4. Allocate assignments for preparation of the EIS among lead and cooperating agencies.

5. Identify relevant EA's and other EIS's that are being prepared, or will be prepared, but which are not part of the scope of the EIS under consideration. Identify other environmental review and consultation requirements so that the lead and cooperating agencies may prepare other analyses and studies concurrently with, and integrated with, the EIS as provided in 40 CFR 1502.25.

6. Indicate the relationship between the timing of environmental analyses and the planning and decisionmaking schedule.

B. Task Explanations.

1. Determining Significant Issues. Scoping involves asking the public to identify issues not readily apparent during preliminary analysis (Stage 2) and determining which issues are significant. Appendix A explains how to use Worksheet 1 to determine significance.

2. Eliminating Insignificant Issues. Clearly identifying potentially significant issues allows the interdisciplinary team to focus analysis on those issues and avoids a "shotgun" approach to gathering basic data and analyzing issues that are not significant. It also eliminates unnecessary discussion in an EIS. However, analysis may include related issues, where appropriate.

3. Identifying Reasonable Alternatives. The main purposes of this task are (1) to insure that reasonable alternatives to the proposed action will be analyzed in detail in the EIS and (2) to minimize time devoted to analyzing alternatives that are not reasonable. This will be a complex task because what might seem reasonable to one individual or a group may be unreasonable to others. The test of reasonableness will depend on the values of those involved. Refer to Appendix C "Determining Reasonable Alternatives."

4. Allocating EIS Assignments. Lead and cooperating agencies must collaborate in preparing an EIS. This often involves a Memorandum of Understanding (MOU), (1) specifying each agency's responsibilities for preparing portions of the EIS, and (2) setting deadlines for getting them to the lead agency. The MOU should be signed as soon as possible so as not to delay the NEPA process.

When BLM is a cooperating agency, the MOU should insure that the Bureau will be able to share information and analysis from the environmental document, where applicable. The responsible Bureau office should also plan how to prepare BLM portions of the EIS. This may include a combination of in-house and contracted efforts.

5. Including Other Analyses. Contact other agencies to determine whether they are preparing, or will prepare, any EA's or EIS's (1) in the same geographic area as the proposed action, or (2) on interrelated or associated projects. When possible, involve agencies planning a later action that might be related to the proposal. (See 40 CFR 1502.4.) This will help reduce duplication of effort and provide the needed environmental information to Federal agencies and the public in one environmental document.

6. Timing of Agency Action. Developing a schedule for the EIS will facilitate public involvement at crucial times during analysis. Although the schedule can change owing to unforeseen circumstances, a schedule must be laid out.

C. Scoping Techniques. The scoping process for an EIS must be described in the NOI. Procedures used to involve various publics are diverse. Different levels of involvement are required at various stages in the environmental analysis and decisionmaking process. No single approach or format is universally successful. Detailed guidance is available in the Public Participation Guide (BLM Manual Section 1601, (Appendix 2).

Regardless of scoping format, however, use Worksheet 1 to summarize all potentially significant issues raised by the public. In some cases (e.g., a public meeting) it may be better to write issues on a blackboard or flip chart first. Often two or more issues can be consolidated into a single issue for further analysis on Worksheet 1.

3.4 Preparation Plan (Box 3.3). The purposes of the preparation plan (Illustration 3) are (1) to summarize scoping activities and (2) to define the scope of the EIS.

A. Preparation Plan Components. The preparation plan provides the basis for communication within the Bureau and between the Bureau, Department, and any other agency involved. It describes the nature and scope of the proposal and alternatives. It also provides needed information to Bureau decisionmakers on the use of available expertise and funds for EIS preparation.

B. Review and Approval. Where EIS filing authority has not been delegated to the State Directors, EIS preparation plans are submitted to Washington Office staff with program responsibility (Washington Management Staff). If there is a question about which staff is responsible, submit the plan to the Chief, Office of Planning, Inventory, and Environmental Coordination for resolution. Washington Office staffs reviewing preparation plans must complete review within timeframes established by the Washington Management Staff. Reviews are conducted primarily to determine whether the scope of the EIS should be approved. Comments on the preparation plan may include changes to the plan, comments about its implementation, or changes to the scope of the EIS.

For certain kinds of proposals (e.g. rangeland management and timber management), the Washington Management Staff may require more information on the proposal and alternatives than will normally be required in a preparation plan. This information must be provided before the preparation plan is approved.

Preparation plan approvals may include delegating authority to the State Director to file the EIS. Such delegation of authority will be based on factors including the experience and capability of the State Office staff to insure adequacy of the EIS. As State Offices gain more experience, filing authority may be delegated on a State-by-State basis for certain kinds of EIS's.

Where EIS filing authority has been delegated to the State Director, EIS preparation plans are generally reviewed at the State Office level. However, the Washington Office may review some preparation plans to monitor State Office NEPA compliance.

4. Stage 4—Analyzing Information Needs. Make certain there is enough information about the proposal, important or significant issues, and the environmental setting to analyze environmental consequences associated with alternatives.

Worksheets 1 and 2 are designed to help organize information compactly and efficiently during analysis and maintain a record of what was considered. Worksheet 1 provides a

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starting point for organizing information by identifying significant issues and any missing information about those issues.

Worksheet 2 is designed to summarize several different impacts associated with a major activity or subactivity. It is used with checklists of change agents and impacts to identify direct and indirect (higher-order) impacts produced by alternatives. All anticipated impacts should be included, whether they are expected to be significant or not. If they are expected to be significant, use columns 12 and 13 to explain why. Link impacts to any significance thresholds established on Worksheet 1.

For an EIS, organize information around signficant issues, as identified on Worksheet 1. Issues having priorities 1, 2, and 3 must be analyzed in an EIS. (See Appendix A.) Issues having priorities 5 and zero, need only be analyzed in an EA. Issues assigned a moderate priority (4), may appear in both EA's and EIS's.

For an EA, begin analysis by focusing on issues identified on Worksheet 1. Include other issues as they are discovered during environmental analysis with Worksheet 2, no matter what their priority.

4.1 Screen and Organize Existing Information (Box 4.1). Potentially significant issues are identified on Worksheet 1, one issue per worksheet. Organize worksheets into categories according to component or process affected. This identifies which ecosystem components and processes are the focus of most concern, at least for an initial cut.

A. Determine Information Needs. Information necessary for impact analysis might not be available at this point. The first task in analyzing information needs is to compile a list of facts needed to continue analysis. This means identifying thresholds, baseline values, and other information required on Worksheet 1.

B. Types of Information. Each alternative in a proposal may be composed of several subactions, activities, and subactivities that produce primary change agents. (See Appendix D.) Use Worksheet 2 to identify impacts produced by change agents.

For example, on a large coal mine, one implementation stage might be construction, the second might be operation, and the third, rehabilitation and restoration. Each of these stages might involve building roads. Road construction consists of pretty much the same activities, regardless of the stage in which it occurs. The activities, in turn, consist of several subactivities, each of which produces one or more change agents.

Search proposals systematically for decision implementation stages, subactions, activities, etc., to identify all change agents that could produce potentially significant impacts. Although scoping identifies many of these, not all significant impacts are identified during scoping. Often impacts to functional values of the ecosystem will not be apparent until well into the analysis. Record on Worksheet 1 any potentially significant functional thresholds discovered during analysis.

Use information about the proposed action and alternatives to identify the affected environment. With known change agents in mind, look for key ecosystem components and processes that might be affected, but which were not identified during scoping.

C. Sources of Information. Information for the analysis can come from fieldwork, the public, the environmental information system, and other sources (Illustration 1).

The environmental information system (Box 4.3) is not a formal structured system at this time. It is a general term for bibliographies, other environmental documents, a data bank, scientific literature reference books, etc.

For an EA, very little extra work might be required in this stage beyond that completed during preliminary analysis (Stage 2). When information is organized as described above, impact analysis can begin immediately.

For either an EA or an EIS, ask: Is the information adequate to analyze impacts? (Decision Point 4A). If it is, the analysis continues. If not, fieldwork is considered (Decision Point 4B).

Where fieldwork is required, it must be carefully designed to get the most meaninful information. For a simple proposal, a one-day reconnaissance may be sufficient. A small team of individuals can visit an area, discuss the project on site, and reach conclusions about impacts quickly. In other cases, pilot studies may be required to get enough information simply to design more detailed studies on the ecosystem.

If extensive fieldwork is necessary to finish analysis, the action may also require monitoring. This should be considered when laying out study plots or designing other aspects of the field study. Use standard BLM field procedures, whenever possible.

Other sources of information (Box 4.4) include sources outside BLM. University professors and libraries are often excellent sources. Local historians, long-time residents, and sportsmen often have information that is not available anywhere else. A brief phone call can frequently provide direction that avoids hours of literature search. It often has the additional advantage of involving the public informally.

This continuing public involvement (Box 4.5) can be informal, as mentioned above, or it may require formal review of data and information throughout the analysis by varius affected interests and their representatives. Circulating copies of worksheets and early drafts of the analysis periodically may avoid unpleasant surprises during public review of environmental documents.

5. State 5—Analyzing Environmental Consequences.

This stage uses information organized in Stage 4, (1) to estimate environmental impacts; (2) to develop new alternatives, if necessary; (3) to develop mitigation measures for significant impacts, where feasible; and (4) to plan appropriate monitoring activities.

5.1 Impact Analysis Process. Analysis is focused on (1) impacts related to thresholds for issues listed on Worksheet 1, and (2) discovering new impacts (particularly on ecosystem functional values) that could raise other significant issues.

Impact analysis is handled largely through Worksheet 2. No matter how simple or involved the environmental analysis, Worksheet 2 should always be filled out as fully as possible *before any decision is made about going to the field.* Use information from preliminary analysis, scoping, existing literature, the proposal, and other sources. If this is done, field analysis is readily accomplished using Worksheet 2.

For instance, listing change agents in column 5 focuses analysis on impact-producting factors associated with each alternative. If column 5 is filled out before the team goes into the field, the team can concentrate on determining what impacts may be expected within their area of expertise as a result of those agents. They can use the worksheets directly as field sheets, recording their observations in a standard format as they move through a site. The worksheet also provides a focal point for on-the-spot team consultation as well as for further analysis at the office.

Different disciplines use different methods to estimate impacts. Whenever other worksheets, notes, references, or methods are used to derive impact estimates for Worksheet 2, attach these records to the record copy of Worksheet 2. This is particularly important for significant impacts or for documenting estimates on Worksheet 3. Where necessary for environmental documents, summarize in narrative text the procedures and rationale used to estimate an impact. Explanations must be clear and concise.

Use interdisciplinary analysis to identify mitigation and apply it to

impacts, whenever possible. This is particularly true of impacts likely to cross high-priority thresholds.

A. Information Adequate? (Decision Point 5A). Information must be adequate for conducting a thorough analysis. In particular, this means assigning meaningful quantitative probability estimates to any impacts associated with a 1, 2, or 3 (and possibly 4) threshold. Probabilities should also be assigned to other potential impacts, whenever possible, using Worksheet 2, or to a range of impacts, using Worksheet 3.

5.2 Planning Necessary Monitoring. Significance thresholds identified on Worksheet 1 provide targets for mitigating impacts. Where estimates of significant impacts are very uncertain or involve great risks, impacts and mitigation should be monitored. Monitoring should focus on key indicators.

For example, if the health of a deer herd is a significant issue, monitoring might involve looking at mean weight of animals harvested or fawn mortality. Monitor whatever gets the job done *effectively* at the lowest cost, while permitting comparision against baseline data. This is where field studies (Box 4.2) should be considered and designed in light of what might need to be monitored after an action is implemented.

5.3 Summarizing and Comparing Impacts. Appendix B describes how to use Matrix 1 to summarize impacts of an alternative. This matrix permits calculating cumulative impacts of different activities.

After Matrix 1 is completed, the comparison matrix (Matrix 2) must be developed. This presents environmental impacts of alternatives in comparative form in a single matrix. Significance thresholds are listed in a separate column, along with their priorities. This matrix provides the decisionmaker a succinct comparative format for objectively evaluating alternatives, making trade-offs, and reaching decisions quickly, openly, and effectively.

A. Net Impacts Significant? (Decision Point 5B). At this point in the analysis, potential impacts are summarized with their probabilities of occurring and, in the case of significant issues, any relevant thresholds and priorities. To determine whether any impact will be significant, the following criteria are suggested:

1. Any impact expected to exceed a priority 1 threshold with a likelihood of 1 in 100 (1% of the time, probability 0.01), or more, is significant.

2. Any impact expected to exceed a priority 2 threshold with a likelihood of 1 in 20 (5% of the time, probability 0.05), or more, is significant.

3. Any impact expected to exceed a priority 3 threshold with a likelihood of 1 in 5 (20% of the time, probability 0.2), or more, is significant.

4. Any impact approaching or exceeding a priority 4 threshold could be significant. This is a management decision.

5. Any impact that exceeds *only* a priority 5 threshold is not significant.

B. Impacts Adequately Addressed? (Decision Point 5C). After identifying significant impacts at Decision Point 5B, the manager must decide how to handle them. The nature of the proposed action may require that unmitigatable significant impacts be tolerated, in which case they are "adequately addressed" and an EIS is drafted (Box 5.2).

On the other hand, particularly in an EA mode, the decisionmaker may wish either to reject the proposal (Decision Point 5D), or have it refined further to eliminate the significant impacts that the analysis identified (Box 2.3).

5.4 Development of Environmental Documents. Worksheets and matrics used throughout the process can be thought of as the skeleton of the analysis. Any narrative that accompanies worksheets and matrices should serve to clarify, summarize, or expand upon parts of the analysis that are not self-explanatory. When worksheets are included as appendices or illustrations, refer to them without going into detailed explanation. Guidance on preparing and circulating environmental documents is found in Guidebook Section 1792.

6. Stage 6—Public Comment and BLM Response. Public comment may be written or oral. Comments must be addressed if they (1) are substantive and relate to inadequacies or inaccuracies in the analysis or methologies used, (2) recommend reasonable new alternatives, (3) involve disagreements on interpretations of significance, and/or (4) express opinions on the proposal or on personal preference values.

When analyzing comments, organize them by type. Then group them further in terms of project activities (and their change agents) and affected environmental components and processes.

6.1 Response to Public Adequate? (Decision Point 6A). Public comments on an environmental document play a major role in determining how adequate that document is. Modify, supplement, or improve analysis by repeating earlier stages to the extent needed.

A. Inadequacies, Inaccuracies, and Alternative Methodologies. Factual corrections must be made and recylced through analysis. When a difference of opinion over a significant impact cannot be adequately resolved, that difference must be brought out in all environmental documents and decision documents. Such impacts may require monitoring in order to be resolved.

If additional information is needed to fulfill environmental review and/or consultation requirements of cooperating agencies, those agencies should be encouraged to provide the information and analysis needed for their decisionmaking process. Where additional information is needed for BLM to make a decision, and BLM is a cooperating agency, BLM should provide the information unless other arrangements have been made.

If public comments on a final EIS identify new significant impacts, repeat Stage 2 to determinate whether the impacts are adequately addressed in other environmental documents. Decision documents and records of decision must reflect this information.

If the information has not been covered adequately, the responsible official recommends preparing a supplemental EIS. After this recommendation is approved, the responsible official files an NOI in the Federal Register and proceeds with scoping, focusing on the new issues (Stage 3).

If comments disagree with the methodology used to determine impacts and they suggest an alternative methodology, the team reviews the literature to compare methodologies. This is especially important if suggestions come from agencies with special jursidiction, expertise, and/or recognized experts.

B. New Alternatives. If comments recommend new alternatives which were not eliminated in the scoping process, determine whether the alternatives should be analyzed in depth. When new alternatives meet objectives of the proposal, in whole or part, they are cycled through the process to determine whether they are reasonable. If they are reasonable and would result in environmental impact different from those already analyzed, they must be analyzed in depth.

C. Disagreements on Interpretations of Significance. When comments disagree with BLM's interpretations of what is significant, the interpretations must be re-evaluated in the light of those comments. Differences of opinion about significance are as important to re-analyze as differences of opinion about the impact itself. Re-evaluations may

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require reconsideration of thresholds for significance. These may be legitimate differences of professional opinion. Use a systematic process to attempt a resolution, e.g., the CEQ referral process (40 CFR 1504 and Guidebook Section 1793).

D. Opinion on the Proposal and Preference Values. Comments that fall into the category of preference values or "votes" on the proposal need not be recycled through the analysis process. However, they should be summarized whenever possible and brought to the attention of the decisionmaker.

7. Stage 7—Reaching and Recording Decision. The decisionmaker must document the rationale for a decision and how environmental analysis was used in making that decision. To the extent possible, the record of decision should be integrated with existing decisionmaking processes and documents. For further explanation, refer to 40 CFR 1505.

A. Approve Proposal? (Decision Point 7A). All alternatives considered by the decisionmaker must be included in the record of decision. A decision can approve (1) any single alternative, (2) any parts of alternatives, or (3) any combination of alternatives. Any decision that would result in environmental impacts different from those already analyzed must be re-analyzed in depth, as explained in Section 6.1B above.

7.1 Record Approval (Box 7.1). All decisions to approve proposals must be accompanied by a record of decision.

7.2 Record Disapproval (Box 7.2). Disapproval results in the no-action alternative. It requires a record of decision also.

8. Stage 8—Implementing the Decision. Plans for implementing an alternative and monitoring it are often modified during environmental analysis.

8.1 Proceed with Implementation and Initial-Phase Monitoring (Box 8.1). As initial phases of an action are implemented, activities may or may not be monitored. Purposes of monitoring are (1) to help resolve differences of opinion about impacts; (2) to assure decisions are being implemented; (3) to determine whether mitigating measures are working as prescribed; (4) to determine whether impact predictions are accurate; and (5) to discover unanticipated and/or unpredictable effects. A side benefit of monitoring is the gathering of data and information that could be used as a baseline for future analyses.

A. Mitigation Adequate? (Decision Point 8A). To determine whether mitigation is adequate, consider several factors: (1) Was the decision, including mitigating measures, implemented as described in the analysis? (2) Are mitigating measures working as prescribed? (3) Are any impacts significant? (4) If so, can they be mitigated? (5) Could some mitigating measures be eliminated because they do not reduce or eliminate significant impacts?

If monitoring indicates the decision is not being implemented as described, every effort must be made to bring about compliance. If mitigating measures suggested by another agency and incorporated into the decision have not been carried out, BLM must inform that agency and work with them to take appropriate action.

If monitoring indicates that mitigating measures are not working as prescribed, BLM reviews those measures to determine whether additional or different measures are needed. Some general criteria for whether mitigation is adequate are:

(1) If mitigation is not working as prescribed but no significant impacts are detected, mitigation is adequate.

(2) If mitigation is not working as prescribed and unexpected significant impacts are detected, mitigation is inadequate.

(3) If mitigation is working as prescribed and impacts occur as predicted, mitigation is adequate.

(4) If mitigation is working as prescribed and unexpected significant impacts occur, mitigation is inadequate.

8.2 Modify Project—Box 8.2. If mitigation is inadequate (Decision Point 8A), modification of the action must be considered. The ability to modify an action at this point will depend on whether the proposal was initiated within or outside of BLM. If the project was initiated outside, a great deal will depend on legal constraints of the lease, license, contract, or agreement.

For example, if monitoring reveals violations of law (e.g., air quality standards), BLM should inform the responsible agency so that they can take appropriate action. If BLM can require additional mitigating measures that would reduce or eliminate the unexpected significant impacts, the Bureau should do so.

In the case of a phased decision, later phases may be modified if unexpected significant impacts are found.

When actions are initiated by BLM, violations of any legal thresholds (e.g., air quality standards) or thresholds for planning will require modifying the action to eliminate the violation. If any normative thresholds or goals are violated, the decisionmaker must determine whether modification is necessary.

8.3 Continue Review and Monitoring (Box 8.3). After initial phases of an action have been completed, the long-term monitoring program is started, if applicable. It is intended to insure that long-term mitigation and rehabilitation measures are working. Information gained in this review may also be used to modify the action, as described above for initial-phase monitoring.

8.4 Store Impact Information (Box 8.4). Information from monitoring is stored in the environmental information system (Box 4.3), if data quality is high enough.

Chapter 3—Documentation

1. *Environmental Documents.* There are four "environmental documents" according to the CEQ's NEPA regulations. They are: environmental assessments (EA's), findings of no significant impact (FONSI's), environmental impact statements (EIS's), and notices of intent to prepare an environmental impact statement (NOI's).

1.1 *Environmental Assessment (EA).* An EA must contain sufficient information and analysis to support a decision on whether significant impacts are expected and therefore whether to prepare an EIS.

1.2 *Finding of No Significant Impact (FONSI).* A FONSI is prepared as a separate covering document based on review of an EA. The FONSI may be included in the record of decision.

1.3 *Environmental Impact Statement (EIS).* EIS's are prepared for those actions having a significant effect on the environment.

1.4 *Notice of Intent (NOI).* A notice of intent is prepared to (1) notify persons or agencies interested in, or affected by, a proposal requiring an EIS and (2) seek information and/or participation in the scoping process.

2. *Records of Decision.* Records of decision are prepared for:

2.1 *Categorical Exclusions.* The record of decision must clearly indicate the action is a categorical exclusion, and must reference the list(s) of categorical exclusions applicable. It must also state that the action does not fall under any of the exceptions to the categorical exclusions and must support that conclusion.

2.2 *Decisions Not Requiring Further Environmental Analysis.* Where the proposal is adequately covered by previous environmental documents, the record of decision must indicate the rationale for approval or disapproval of the proposal and must reference the appropriate environmental documents. These may include environmental documents prepared by other agencies.

2.3 *EA's.* Records of decision in cases requiring an EA and resulting in a FONSI must demonstrate clearly that significant impacts are not expected. This can be accomplished by (1) referencing other environmental documents substantiating that the proposal is not expected to result in significant impacts, and/or (2) explaining why impacts resulting from the proposal are not expected to be significant. The record of decision may include the FONSI.

2.4 *EIS.* The record of decision in cases requiring an EIS is described in the CEQ's NEPA regulations (40 CFR 1505.2).

2.5 *Preemptive Rejection.* This takes place when a manager uses his judgement in rejecting a proposal without going through the environmental analysis process. The record of decision in this case must clearly state the rationale for the decision.

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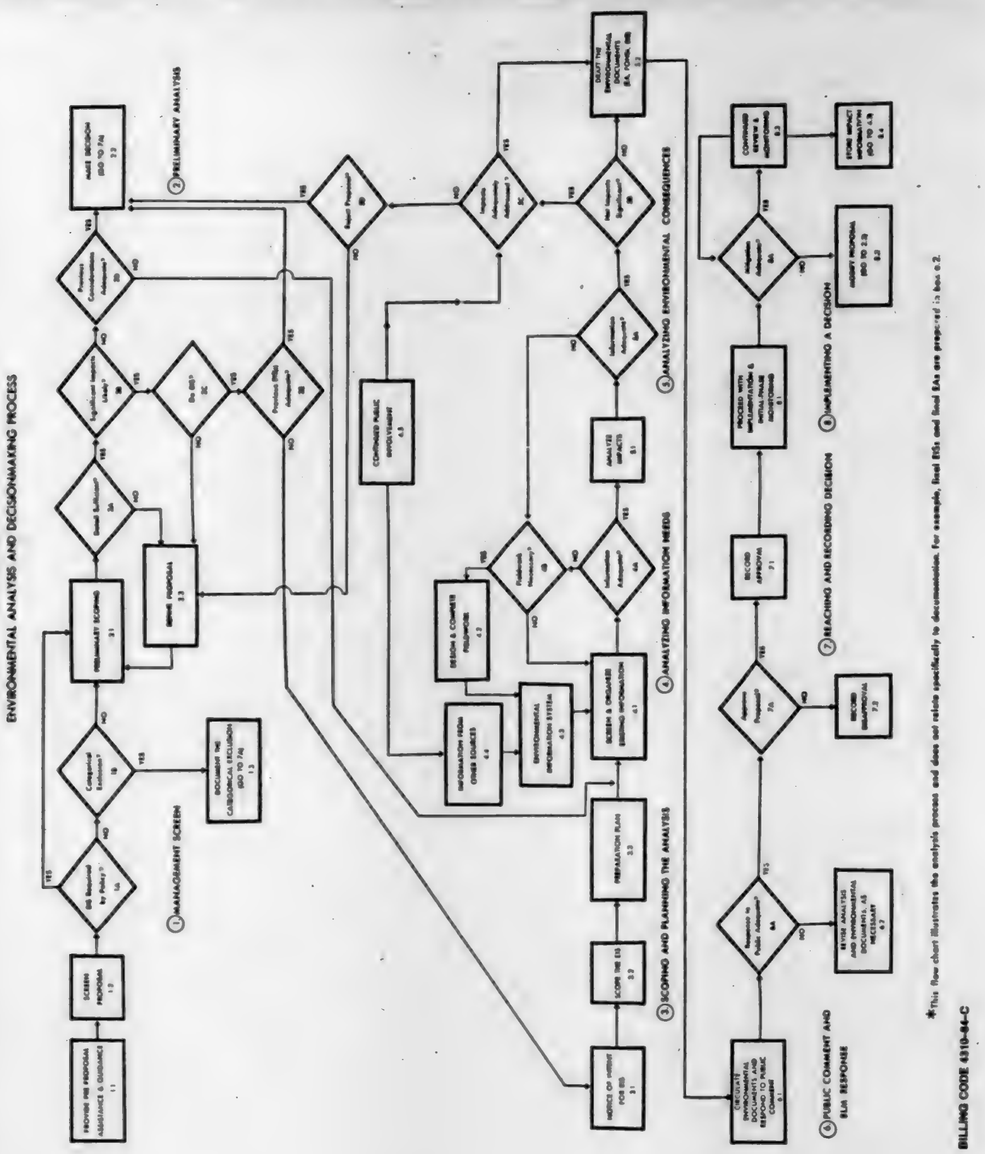


Illustration 2

Preliminary Preparation Plan

The preliminary preparation plan should be concise and succinct, but must include the following topics in this order.

A. *Purpose of Action.* Define the purpose and need to which the Bureau is responding in proposing the alternatives including the proposed action (40 CFR 1502.13).

B. *EIS Level (coverage of broad or narrow matters).* Identify the level of the EIS. This refers to tiering of EIS's (40 CFR 1500.4(i), 1502.20 and 1508.28) and to the extent of aggregation of proposals (40 CFR 1502.4(c)).

C. *Scoping Process.* Describe the planned scoping process including names of individuals, groups and agencies to be contacted and when and where any planned scoping meetings will be held.

D. *Scope of the EIS.* 1. Describe the proposal and alternatives. List the components and stages of implementation and the related actions to be described and analyzed. Briefly identify related actions and their impacts which will not be covered and explain why.

2. Identify the areal extent of the description of the environment and enclose a location map.

3. Briefly describe significant issues identified by Bureau analysts.

4. Identify problem areas such as areas of incomplete or inadequate information and suggest possible solutions.

5. Identify information to be incorporated by reference (40 CFR 1502.21 and 1506.3.).

E. *Organizational Level.* Identify the office level at which the EIS will be prepared.

Illustration 3

Environmental Impact Statement Preparation Plan

The purpose of the EIS preparation plan is to summarize the results of the scoping process and to document the planned scope of the EIS. The plan should be concise and succinct, but must include the following topics in this order.

A. *Purpose of Action.* Define the purpose and need to which the Bureau is responding in proposing the alternatives including the proposed action (40 CFR 1502.13).

B. *EIS Level (Coverage of broad or narrow matters).* Identify the level of the EIS. This refers to tiering of EIS's (40 CFR 1500.4(i), 1502.20 and 1508.28) and the extent of aggregation of proposals (40 CFR 1502.4(c)).

C. *Scoping Process.* Identify the groups organizations, agencies, etc. that participated in the scoping process to date. Briefly describe major aspects of the scoping process. Identify allocations of assignments for EIS preparation among lead and cooperating agencies (if applicable).

D. *Scope of the EIS.* 1. Describe the proposal and alternatives. List the components and stages of implementation and related actions to be described and analyzed. Briefly describe alternatives dropped from detailed study during the scoping process. Briefly explain (with reference to the scoping process) why the impacts from related actions will be or will not be treated in the EIS.

2. Identify agencies with jurisdiction or expertise which need to be consulted further in preparing the EIS.

3. Identify the areal extent of the description of the environment and enclose a location map.

4. Briefly describe significant issues and values identified in the scoping process.

5. Briefly describe issues determined (in the scoping process) not to be significant and therefore not requiring detailed study.

6. Identify problem areas such as, areas of incomplete or inadequate information and organizational deficiencies in skills needed to analyze skills identified as significant in the scoping process (40 GFR 1502.6). Suggest possible solutions (such as contracting for needed studies and analysis, scheduling training, and identifying the incomplete or unavailable information which may be handled in accord with 40 CFR 1502.22).

E. *Organizational Level.* Identify the office level at which the EIS will be prepared. Describe the organizational arrangement of the EIS team and its internal work flow and responsibilities. Identify each individual assigned to the EIS team by organization and professional expertise. "The disciplines of the preparers shall be appropriate to the scope and issues identified in the scoping process . . . ." (40 CFR 1502.6)

F. *Statement Outline.* Show the format in which the EIS will be prepared. Indicate issues requiring detailed study and issues not requiring detailed study and the individuals responsible for them. Outline in sufficient detail to demonstrate that significant issues will be addressed in detail.

G. *Public Involvement Arrangements.* Identify groups, organizations, agencies, etc. that should be involved in subsequent steps in the environmental analysis process and steps to be taken to involve them.

H. *Preparation Schedule.* Identify critical points in the preparation process showing dates. The schedule may be readjusted during EIS preparation to meet unexpected problems or to analyze previously unidentified significant issues.

Appendix A.—Determining Significance

1. Introduction. This appendix develops a working definition of "significance." To determine whether an environmental impact is significant, we must answer the following question: "Who says it's significant, and why?" In other words, we must consider different viewpoints. Who will be affected by the impact? Why is the impact significant? Or, why not?

We must also clearly distinguish between the environmental impact itself and the significance of that impact to someone, some thing, or the ecosystem itself. This approach lets us identify potential controversy and major impacts early so we can focus analysis on issues that are truly significant.

Worksheet 1 (Illustration A–1) provides a format for identifying potentially significant issues for analysis. A second worksheet (Worksheet 2) designed to identify environmental impacts is explained in Appendix B.

2. Definitions for Determining Significance. Determining significance requires setting ground rules that are understood and easily applied. This means defining and using some words precisely, so that everyone knows what's being said.

An *issue* is: an unresolved question about an environmental impact, or about the use of an environmental resource.

An *impact* means: a change in the ecosystem caused by an act of man.

The impact becomes *significant* for some affected interest when it meets both of the following criteria:

(1) The amount of change (increment) exceeds a threshold: *and*

(2) Exceeding that threshold takes on new importance for that affected interest (i.e., according to a particular viewpoint or value system, it is not acceptable to cross that threshold).

A significance *threshold* is a maximum or minimum number, or other parameter, established by somebody or something that will be affected by the impact. It may be an individual or interest group, or it may be a tolerance within the ecosystem itself. The threshold is set according to a particular point of view (value system).

When an environmental impact exceeds a threshold, that impact

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becomes "significant" to the affected interest. An *affected interest* is an individual person or species, a human or other population, or any other part or process of the ecosystem affected by the impact.

Different affected interests hold different values that influence their respective viewpoints. A *value system* is a set of values held by any affected interest. Usually the values we hold strongly shape our opinions, attitudes, and behavior, and thus our judgment about what is significant.

Three types of values are used in determining significance:

Functional values focus on functioning of an ecosystem at different levels of ecological (biophysical, social/economic, and political) organization. If an impact changes the functioning of one or more of these levels past a threshold value, the impact is significant to that level of the ecosystem affected.

Normative values are social norms that serve to guide, regulate, or control "proper and acceptable" social behavior. Often normative values are codified as standards in legislation or governmental regulations. Sometimes they are informal, such as rules of etiquette, tradition, or custom supported by a large portion of the population.

Preference values are preferences held by individuals, groups, or organizations, as distinct from society at large. Often preference values become normative values as they spread throughout a society.

3. Priorities and Likelihood Estimates for Establishing Significance. Thresholds provide a quantitative means for identifying impact intensities that would be considered significant by some affected interest, *if the impacts occurred at those intensities.* Priorities provide criteria for assigning relative importance to those thresholds. Likelihood estimates supply the probability that an environmental impact will exceed a certain threshold.

Priorities, thresholds, and likelihoods of occurrence all are considered in determining what impacts might be significant. The procedure is explained below (Section 4).

3.1 Priorities. The system described below is used to prioritize impact thresholds identified as significant to different affected interests. Priorities may be established by law, regulation, or other factors beyond the decisionmaker's control, by prior commitements, by professional expertise, or by a decisionmaker using his best judgment. If a question exists about which priority to assign, document (in a footnote) the rationale for choosing a particular priority.

The priorities are:

1. *Highest priority.* Threshold established by law or regulation. Not likely to change. Absolute. Threshold may not be exceeded under any circumstances.

2. *Very high priority.* Minimum or maximum constraint thresholds consistent with sound planning and resource use. Usually determined by, or concerned with, functional values of the ecosystem (with man as component). Thresholds rarely subject to change, and only in the light of new information. Should rarely be exceeded. Includes uncertainties and risks which, if misjudged, could result in major or massive irreversible and irretrievable effects on the ecosystem.

3. *High priority.* Thresholds usually established by normative values that are not formally codified in legal requirements, but which clearly carry the force of public opinion sufficient to delay or halt the action if ignored. Also includes thresholds that deal with uncertainties and moderate risks to the functioning of the ecosystem within different contexts.

4. *Moderate priority.* Thresholds that are highly visible or controversial preference values. These might be, or could become, normative values (borderline norms). These thresholds reflect major concerns by an often small, but influential, affected interest. This priority also includes functional thresholds with low risks to the ecosystem.

5. *Low priority.* Thresholds that are preference values of individuals and groups.

3.2 Qualitative Likelihood Estimates. Likelihood estimates can be qualitative or quantitative. Qualitative likelihood estimates are used during Stage 2 (Preliminary Analysis) to assist the decisionmaker in deciding whether an EA should be done or whether an EIS may be required. Quantitative estimates are explained in Appendix B.

Qualitative estimates fall into three categories. Where doubt or question exists, use footnotes to document the rationale for choosing a particular qualitative estimate:

Qualitative estimate	Probability definition
Category:	
A. High likelihood.	Greater than 50–50 chance of occurrence (Probability greater than 0.5).
B. Low likelihood.	Less than (or equal to) 50–50, but at least a 1-in-20 chance of occurrence (Probability 0.05–05).
C. Negligible	Less than 1-in-20 chance of occurrence (Probability less than 0.05).

4. Determining Significance Throughout the Analysis. Actions "significantly affecting the quality of the human environment" require an EIS [NEPA 102(2)(C)]. Except when a proposed action is categorically excluded, or when an EIS is required by policy, court order, or other similar mandate, the fundamental criterion for whether an EIS will be done is whether one or more impacts will be "significant."

A "catch 22" that exists under NEPA is that often it is not known beforehand whether impacts will be "significant." Technically, an EIS must be prepared in order to determine whether an EIS is required! This analysis and decisionmaking process deals with the problem by using the interaction of three factors to avoid unnecessary paperwork and delay (i.e., an unnecessary EIS), while assuring that all environmental analysis *required* for reaching better decisions is performed.

The three factors that determine significance of an impact are: (1) threshold quantities set for that impact by one or more affected interests; (2) priorities of those thresholds; and (3) likelihoods of the impact exceeding one or more thresholds.

These factors are introduced and considered during analysis at different times and in different ways, as described below. Worksheets 1 and 2, in conjunction with supporting analyses from relevant environmental disciplines, provide a record of what was considered and how significance was decided upon.

4.1 Analyzing Significance in Different Stages. Usually most issues will be identified during Stage 2 (Preliminary Analysis) and Stage 3 (Scoping and Planning the Analysis). Whenever issues are raised that are significant to some affected interest, use Worksheet 1 to record each issue separately. Work with those parties raising the issues to fill in as much of the worksheet as possible. Identify thresholds, and priorities, and likelihoods connected with the thresholds, wherever possible.

Unless there is good reason to quantify probabilities at this time, use qualitative categories (A, B, or C). To generate preliminary likelihood estimates, ask: How likely is this threshold to be exceeded by impacts resulting from any alternative in this proposal? In Stage 2, use Illustration A–2 (Identifying Significant Issues for Analysis) to assist in deciding which way to proceed at Decision Point 2B. Consider each threshold identified on Worksheet 1.

In Stage 3, use Illustration A–2 to focus further analysis on "significant issues to be analyzed in depth in the environmental impact statement" and to "identify and eliminate from detailed study the issues which are not significant" [40 CFR 1501.7(a)(2) and (3)].

In Stage 4, when preparing an EIS, use significant issues identified on Worksheet 1 to focus literature review and screen existing information. Concentrating on significant issues will reveal what information is applicable to the analysis and what additional information is needed to continue analysis.

Stage 5 uses Worksheets 1 and 2 to analyze significant issues and potential impacts associated with them, as well as to discover any other impacts that could be significant. In Stage 6, if public comment raises any issues not already addressed in an environmental document, handle those issues in the same way as in Stages 2 and 3, using Worksheets 1 and 2.

Worksheets 1 and 2 also assist the decisionmaker in reaching decisions (Stage 7) about implementing a proposed action, mitigating potential impacts, and monitoring, when necessary (Stage 8).

5. Worksheet 1: Explanation. Worksheet 1 is used to define the level of significance of a particular issue. On this worksheet, the following information is identified:

—Who is concerned.

—Specific aspects of the issue most critical to agencies, groups, or individuals (common denominators for discussion or measurement).

—The setting (context) in which the concern is to be discussed or measured. This may be a setting of time or geographic area, or it may be a social or cultural context.

—A baseline quantity (Column 6) from which to establish thresholds of concern (Column 8).

—Units of measurement.

—Threshold levels which, if exceeded, would be viewed as unacceptable by the individual or group concerned with that specific aspect of the issue.

—The priority of the concern. (This is the weight, or the degree of social expression, to be applied to the concern.)

Note that normally a high issue priority would most likely lead to a high impact priority. However, there may be high-priority issues or public concerns for which there may be little or no related impact. Issues are linked to impacts through priorities, thresholds, and likelihoods of impact occurrences.

5.1 *Issue.* Often when an issue is first raised, it is expressed only as a vague concern about changing a component or process of the ecosystem. Baseline information frequently is lacking, and the affected person or interest may be unable to quantify that concern.

Line 1 on Worksheet 1 provides space for writing that concern in the form of an unresolved question. Once you have written down what is affecting an interest, you have a starting point for analyzing the problem.

5.2 *Date.* For each line, write the date on which that line was begun. Rarely will you be able to complete a line immediately, but writing the date establishes the time that the issue was first raised. In some cases, certain entries on a line, such as a threshold value, priority, or likelihood estimate will change in the light of new information. If that happens, rewrite the entire line with a new date and new values. This provides a chronological record of how significant issues changed during analysis.

5.3 *Affected Interest.* The affected interest might be an individual, an interest group, a population, a government agency, or some other affected portion of the ecosystem. Usually an affected interest is the human being(s) raising an issue or concern.

5.5 *Indicator Component/Process.* An indicator tells us the condition of whatever we are concerned about. It can be a component or process of an ecosystem, or an index of some sort. Include the attribute used to describe the indicator.

A *component* is any structural feature of the ecosystem. It can be a species, a life form, a population, a socioeconomic class, a trophic level, a soil series, or any other element that is part of the ecosystem structure.

A *process* describes the way components function and interact. Ecosystem processes include birth, feeding, fire, migration, consumption, transporting, erosion, evaporation, etc.

An *index* often is a ratio that compares the condition of a component or process against some standard value or against some other component or process. The consumer price index is an example of the first type. Precipitation : evaporation ratios are an example of the second.

Another kind of index is related to thresholds. Air or water quality standards are examples of threshold values that serve as indices to the quality of our environment. These are usually expressed in specific units of measure, whereas ratio indices often have no units other than percentage.

Each component or process is characterized by certain *attributes.* Attributes describe different features, qualities, or characteristics of a component or process. Examples of attributes are weight, length, speed, color, etc.

Usually threshold values are given in terms of some attribute that is particularly characteristic of an ecosystem component or process. An example is vegetation (a component) as described by color, biomass, height, growth form, season of growth, etc., all of which are attributes.

Attributes of components are usually described by absolute units, such as kilograms, meters, liters, or units relative to space, such as kg/ha, numbers/acre, etc. The attribute most commonly used to characterize a process is some kind of rate (a quantity per unit time), such as visitors/year, kg/day, cubic ft/sec, tons/year. Growth rates are sometimes expressed as a percentage of the population or some part of it (e.g., births/thousand females).

5.5 *Context.* The context of any impact—the relationship of that impact to space, time, and other factors—plays a major role in determining the significance of that impact. Consider different contexts when evaluating intensity of an impact on different affected interests.

Spatial, or geographic, contexts include different areas, ranging from a specific site to the nation, and possibly beyond. Temporal contexts are the timing (e.g., season of year) and duration of an action, including long- and short-term considerations.

Also consider the following other factors when evaluating context for significance: uniqueness, controversy, legal violations, benefits and detriments, uncertainty and risk, setting precedent, cumulative effects, and public health and safety. These are explained in 40 CFR 1508.27.

Finally, worksheets are used to help develop the environmentally preferable alternative. This alternative is used to help identify significant impacts resulting from other alternatives.

5.6 *Baseline Quantity.* An impact is a change in the ecosystem caused by an act of man. We must know what conditions exist now (including trends) and what conditions could exist sometime in the future without *further* intervention by man. Changes from these conditions are measures of impacts from the proposed action and its alternatives (except the no-action alternative). For each indicator, this status quo is described by a baseline quantity that includes trend estimates, where appropriate.

Baseline quantities for different indicators help describe the

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environmental setting, or the existing conditions of the ecosystem, within which a proposed action will occur. These conditions are important to know as a basis for estimating impacts of the proposed action, alternatives to achieve the same purpose as the proposed action, and the no-action alternative.

Baseline descriptions should include information about (1) what is there and (2) where it appears to be going (trends).

5.7 *Units.* Components, processes, and indices are usually measured or described in some units. Specify one set of units for both baseline and threshold values.

5.8 *Threshold Quantity.* When a significant issue is first raised, try to determine the best indicator and the threshold for that indicator. Where different affected interests are concerned about the same issue, try to get everyone thinking in terms of the same units. This will simplify the problem of establishing thresholds.

For example, if sportsmen and wildlife managers are concerned about a deer herd that could be affected by a proposal, try to establish a single indicator to focus the issue on. It might be buck:doe ratios, mean weight per animal harvested, birth rate per 1000 does, etc. Then get each group to specify the thresholds they want, giving their reasons. Recording the reasons for any threshold helps the manager set priorities for any threshold value. Use footnotes, where necessary.

5.9 *Priority/Likelihood Category.* Priorities and criteria for assigning them are explained above (Sections 3 and 4). Include qualitative likelihood estimates in this column (Categories A, B, and C).

5.10 *Footnotes.* Use this space to clarify any entry on Worksheet 1 that needs further explanation. Document rationale for assigning priorities and likelihood categories wherever any doubt or question exists.

Illustration A–1.—Worksheet 1 Identifying Significant Issues

Use this worksheet in most stages of the environmental analysis and decisionmaking process to identify significant environmental issues, establish environmental impact thresholds, and set priorities on them. Further explanation is found in Appendix A, Guidebook Section 1791.

Instructions

In the upper right corner, place the EA or EIS number and title. Number each issue as it is raised.

1. *Issue.* Write the concern or issue as an unresolved question.

2. *Date.* Write the date on which this line is first established, even though some information might be missing from the line.

3. *Affected Interest.* Specify the interest that will be affected by exceeding the impact threshold.

4. *Indicator Component/Process.* Specify the component or process and attribute to be used as indicator or an impact.

5. *Context.* Describe spatial, temporal, and/or other context(s) of the impact, i.e., geographic area, duration, timing, uniqueness, etc. Check CEQ regulations (40 CFR 1508.27) for others Use footnotes to explain further, if necessary.

6. *Baseline Quantity.* Write a quantitative value for the existing condition (including trends) of the indicator component or process as it is currently know (i.e., the status quo). The value may be an estimate, or it may be based on research, inventory or other data. Where necessary, use footnotes to explain, particularly if quantitative values are not known.

7. *Units.* Specify the units, or dimensions, in which the indicator is described or measured. Use the same units for both baseline and threshold values.

8. *Threshold Quantity.* Write the quantity of the threshold value.

9. *Priority/Likelihood Estimate.* Assign a priority (1 through 5) to the threshold on this line and include a preliminary likelihood estimate (Category A, B, or C) of exceeding this threshold.

10. *Footnotes.* Use space on reverse side of worksheet to clarify any entry. Number all footnotes.

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Worksheet 1: IDENTIFYING SIGNIFICANT ISSUES

EA/EIS No. _____

Title _____

Issue No. _____

1. Issue	2. Date	3. Affected Interest	4. Indicator Component/Process	5. Context	6. Baseline Quantity	7. Units	8. Threshold Quantity	9. Priority/ Likelihood
					1			

Use a numbered footnote to identify any item or entry that requires further remarks. Write remarks on reverse side of page.

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Worksheet 1: IDENTIFYING SIGNIFICANT ISSUES

1. Issue Disturbance of pronghorn critical winter range — EA/EIS No. ____

Title ____

Issue No. ____

2. Date	3. Affected Interest	4. Indicator Component/Process	5. Context	6. Baseline Quantity	7. Units	8. Threshold Quantity	9. Priority Likelihood
	State Fish and Game	Sagebrush/winter fat	critical winter range 70,000 acres	70,000	acres	14,000 acres	5
	BLM wildlife biologists	"	Timing	"	"	"	4

Use a numbered footnote to identify any item or entry that requires further remarks. Write remarks on reverse side of page.

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Illustration A–2.—*Identifying Significant Issues for Analysis*

Priority	Likelihood category A	B	C
1	Yes	No	No.
2	Yes	No	Omit.
3	Yes	No	Omit.
4	Maybe	No	Omit.
5	No	No	Omit.

Use this table to help decide whether an EIS is warranted, whether certain impacts should be mitigated (and how much), and which impacts to analyze in depth.

Stage 2. At decision point 2B, use the table to identify significant impacts. If thresholds on Worksheet 1 are identified as 1–A, 2–A, or 3–A priority/likelihood categories, there will probably be significant impacts from the proposal. A threshold rated 4–A is borderline; it may or may not be significant. The manager must decide this, on the advice of his staff.

If significant impacts are likely (Decision Point 2B), the decisionmaker has the option of returning the proposal for refinement to eliminate potentially significant impacts or reduce their likelihood through mitigation (Decision Point 2C). If this is done, the proposal recycles within Stage 2, and the analysis could then go into an EA mode (Decision Point 2E).

Stage 3. If the analysis goes into formal scoping, the priority/likelihood categories help the EIS team to develop the notice of intent (NOI). Issues rated 1–A, 2–A, 3–A, and possibly 4–A are listed in the NOI to alert the public to issues considered potentially significant by the BLM. Other issues may be listed also with their priority/likelihood categories to identify other concerns that are being considered for further analysis by the BLM.

Stages 4 and 5. Where gathering further information (Stage 4) to complete the analysis (Stage 5), concentrate the information search and analysis on significant issues. However, also analyze the lower categories (5–A through 1–C) in enough detail to make quantitative estimates on Worksheet 2 of their probabilities of occurrence. Issues falling into categories 2–C through 5–C do not need to be analyzed further, *unless* they change categories later.

Illustration A–3.—Focus of BLM Environmental Analyses on Affected Interest Values

In our pluralistic society, it is obvious that representative government must take account of issues and values which are important to various system levels (individuals, groups, organizations, etc.). It is not appropriate, however, for any particular environmental analysis to ignore the context[1] for significant determinations.

The CEQ NEPA regulations allow for a *systematic* process of tiering agency plans so that NEPA documents may "concentrate on the issues that are truly significant to the action in question" while allowing all pertinent values to be considered at some tier in the overall NEPA process. In BLM's application of the NEPA process to its activities, tiered planning will be utilized where appropriate as a means of focusing on the most germane values and as a means of reasonably limiting the range of alternatives considered for any particular action in question.

The following serves as a guide for determining the scope[2] of BLM environmental analyses conducted as part of Bureau planning pursuant to FLPMA and OCSLA. It shows for each planning tier a germane set of system levels, comprising the most immediate level of concern and interrelationships between that level and adjacent levels.

Illustration A–3

Level of system (affected interest)	Tier[1] of planning
International (ecosphere). National (society). Organization.	Policy Development: focused on individual programs or specific program interrelationships. (a) National—guidance by BLM Director or higher levels in the Federal government. (May include development of international policies.) (b) State—guidance by BLM State Directors.
National (society). Organization. Group.	Land Use: focused on geographic regions.[3] In BLM, land use plans focus on a level of multiple use planning which in the past was represented by Management Framework Plans (MFPs) but now includes transition period MFPs, MFP amendments, and Resource Management Plans (RMPs).[3]
Organization. Group. Individual.	Implementation: focused on functional (activity) plans for specific programs[4] and/or on specific project design or action decisions.

[1] 40 CFR 1508.28(a) (Plans may be tiered geographically or temporally.)
[2] 40 CFR 1502.4(c)(1); 40 CFR 1508.27(a) 40 CFR 1508.28
[3] 43 CFR 1601
[4] Not all programs in BLM utilize activity plans.

Appendix B.— Analyzing and Summarizing Impacts

1. Introduction. Change agents produce impacts, either direct or indirect, and direct impacts often cause indirect impacts over time and space. An impact is a change in the ecosystem caused by an act of man. Estimating the increment of change (increase or decrease) is the first step toward quantifying impacts and one of the most difficult tasks of the environmental analysis process. There is simply no way to predict most impacts with certainty.

However, by applying an organized, systematic approach to impact analysis, the interdisciplinary team can develop credible estimates and leave a clear record of how those estimates were derived. This appendix explains procedures for doing this through the use of a worksheet and two matrices. Worksheet 2 (Illustration B–1) is for identifying impacts. Matrix 1 (Illustration B–2) is used to summarize, for each ecosystem component and process affected, those impacts resulting from a single alternative. Matrix 2 (Illustration B–3) permits comparison of alternatives. Worksheet 3, used in an optional methodology, permits a deeper analysis and prediction of impacts.

2. Worksheet 2—Explanation. Worksheet 2 is designed for all levels of impact analysis, from preliminary analysis through analysis for a major EIS. It helps organize information from the proposal or plan and assists in identifying information needs. Instructions for filling out Worksheet 2 are provided in Illustration B–1.

2.1 *Alternative.* Reasonable alternatives must be explored and evaluated in the same way as the proposed action. The term "alternative" is used here to include the proposed action, no action, and any other reasonable alternative to the proposed action. Use this line to identify which alternative is being analyzed. It may be useful to identify alternatives with a letter, number, acronym, or other appropriate code.

2.2 *Implementation Stage.* Use this line for proposals that involve different stages of decision implementation. An example might be a coal mine, with a construction stage, an operational stage, and a rehabilitation stage. This information should be in the proposal or plan.

This line can also be used when analyzing a number of actions in a single, aggregated EA. In that case each action might be considered as an implementation stage for analysis purposes, particularly if it involves several subactions.

2.3 *Action.* An alternative will generate different types of actions, such as: clear-cutting, allocating grazing, controlling predators, drilling, road building, etc. Each action may produce several change agents. Use this line to list the action (or subaction) being analyzed.

2.4 *Major Ecosystem Component/Process Affected.* Specify the major

[1] 40 CFR 1508.27(a).
[2] 40 CFR 1508.25.

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ecosystem component being analyzed, such as soils, air, water, big game, vegetation, etc. This can also refer to a BLM program, such as minerals, range, outdoor recreation, forestry, etc.

2.5 *Change Agent.* A change agent is the cause of an impact. Change agents produced by man's actions cause primary impacts. Primary impacts often become change agents themselves to produce secondary impacts. Similarly, secondary impacts produce tertiary impacts, and so on into higher-order effects.

Use Worksheet 1 to track primary impacts through their higher-order effects. An interdisciplinary team should work together to identify both direct and indirect impacts. Direct impacts are the same as primary impacts. Indirect impacts include all higher-order effects.

One method that has been successful for tracking indirect impacts is described below:

Identify primary change agents with the letter *A* and a subscript. For instance, write "A_1 Clearing and grubbing; A_2 Cut, fill, and place culvert"; etc. The letter tells you that this is a primary change agent, and the subscript identifies that it is the first, second, etc., primary change agent listed on the worksheet. The rest of the line on Worksheet 1 describes the primary impact.

Use the same system to identify higher-order impacts, tying them to their change agents. For example, change agent A_2 will displace soil, which will produce secondary impacts. Write "B_{21} Soil displacement" for the secondary change agent. the letter *B* identifies it as a secondary change agent, the first subscript (2) links it to change agent A_2, and the second subscript (1) identifies it as the *first* indirect impact produced by A_2.

Soil displacement will reduce soil fertility by mixing horizons. It will also increase erosion and deposit silt in the creek. These are secondary impacts that are also tertiary change agents. Write "C_{211} Reduced soil fertility" and "C_{212} Silt deposition" to identify these new change agents. Again, the letter *C* identifies the agents as tertiary, and the subscript links the agents with earlier impacts that produced them.

A fourth-level change agent would be "D_{2121} Silt deposition." This change agent will affect the fish population. At this point, the wildlife specialist continues the analysis from the fishes' perspective.

The method described above is not essential. It is one way to link direct and indirect impacts. Other ways may be easier and more effective. Experiment!

2.6 *Increase/Decreases.* Use a + or − in this column to indicate whether the change agent increases or decreases the quantity of whatever is being impacted. Remember, *this column does not represent the commonly used terms "beneficial" or "adverse."* It is used to identify whether the change agent will increase or decrease something in the ecosystem.

2.7 *Impacted Component/Process.* A component is a structural feature of the ecosystem. It can be a species, a life form, a population, a socioeconomic class, a trophic level, a soil type, or anything else that describes part of the ecosystem structure.

A process describes the way ecosystem components function and interact. Examples of processes are birth, feeding, migrating, transporting, buying, erosion, evaporation, photosynthesis, etc.

An index sometimes may be used in this column as well. An example of a common index of agricultural soil quality is the carbon:nitrogen ratio.

Each component or process of an ecosystm is characterized by certain attributes, such as weight, length, speed, color, etc. Be certain to include the attribute used to describe the component or process.

2.8 *Estimated Quantity.* In order to be an impact, the quantity of a component or process must change as a result of man's acts. Estimate the increment of change in this column. If a single number is not possible, use a range or estimate a percent change.

2.9 *Units.* List the units used to describe the component, process, of index. Usually components are described by absolute units, such as kilograms, meters, liters, or units relative to space, such as kilograms/hectare, numbers/acre, numbers/mile, etc.

Processes usually are quantified as a rate (quantity per unit time), such as people/year, kilograms/day, acre-feet/year, cubic feet/second, etc. Because many indices are ratios, they often have no units. Percentages can also be used in this column, although use of a percentage change implies that baseline numbers are known.

2.10 *Duration.* Impacts last over some time period, ranging from a few hours or days through the life of any project and beyond. Estimate as quantitatively as possible the length of time that the impact will last. *Make certain not to use "short-term" and "long-term."*

2.11 *Probability.* Many impacts can occur as a result of an action. Not all are equally likely to occur. We are used to hearing daily weather forecasts of the "probability of precipitation." Use this column to estimate a quantitative "probability of impact."

Quantitative probability estimates always fall between zero and 1.0. They can also be expressed as percentages between zero and 100%. A zero probability means that an impact will never occur; a probability of 1.0 (or 100%) means that an impact will occur with certainty. .

Quantitative probability estimates about any impact must always add to 1.0 (or 100%). For example, stating that an impact will occur with a probability of 0.75 (3 out of 4 chances of occurrence) implies that there is also a 0.25 probability that it will *not* occur (1 chance in 4).

Quantitative probabilities are used primarily during impact analysis (Stage 5) to identify the likelihood of any impact occurring. They are extremely important for analyzing impacts associated with significant issues. (See Guidebook 1791, Section 5.3A).

To estimate probabilities, ask "How likely is this impact to occur?" Is it a 50–50 chance? Ninety percent? Five percent? Write the estimate either as a percentage (so many chances out of a hundred) or as a decimal between zero and one.

Estimating probability of an impact is a real test of professional skill and judgment, but the manager must know which impacts are most likely to occur in order to make a sound, informed, intelligent decision.

2.12 *Relative Importance and Context.* Use this column to describe the context of an impact: How important will an impact be, and in relation to what?

Include synergistic effects. Synergistic effects are interactions among two or more impacts that together produce more impact than the simple sum of individual effects. An example is photochemical smog in which a mixture of pollutants is rendered more potent by reaction with sunlight than would be expected from the mixture under other conditions.

State ways in which the impact could be most important. For example, include (1) critical time period (spring, 15–30 April, etc.) and (2) critical area (winter range, breeding grounds, spawning area, etc.).

Ask: Is the impact important to functioning of the ecosystem or to the web of impacts generated by the action? Is it important in relation to impacts from other proposals or ongoing activities? Is the impact on a resource important relative to the total resource available, e.g., the total population of animals? Should the impact be analyzed in more detail? Is it related to any significant thresholds on Worksheet 1?

2.13 *Footnotes.* Use numbered footnotes to explain any entry or continue any comments from the front of the worksheet. Document rationale for estimates of impacts and probabilities. For example, reference literature or any other worksheets or files used to develop estimates.

3. Summarizing Impacts. After the interdisciplinary team has estimated impacts, impacts should be summarized concisely. This is done in impact summary matrices after worksheets are completed.

3.1 Matrix 1: Impact Summary Matrix. To develop an impact summary matrix (Illustration B–2), list change agents from all pages of Worksheet 2 across the top of the matrix. List affected ecosystem components and processes down the left-hand side, along with their units.

In each intersection (space or cell of the matrix) where an impact is anticipated, write the quantitative estimate of that impact from column 8, Worksheet 2. A column on the extreme right of each matrix is used for the sum of all impacts caused by each change agent and/or impact on a particular component or process of the ecosystem.

For example, several different actions might increase sediment load. The cumulative impact on sedimentation would be the total of all impacts in the sedimentation row of the matrix. If the matrix is too large, it may be necessary to develop two or more matrices.

If any synergistic effects are expected beyond cumulative effects, explain them in the text of the report.

4. Comparing Alternatives. In order to choose among several alternatives, the alternatives must be comparable. Impacts of each alternative must therefore be calculated and displayed in such a way that the decisionmaker can decide quickly and objectively what the trade-offs between one alternative and another are. The comparison matrix (Illustration B–3) provides this capability.

4.1 Matrix 2: Comparison Matrix. Right-hand summary columns of impact summary matrices (Illustration B–2) can be used to develop a final comparison matrix for an environmental document. List alternatives across the top of the comparison matrix (Illustration B–3). Down the left side, list all ecosystem components and processes, with units, that will be impacted by any alternative.

Write all impacts resulting from one alternative in a single column of the matrix. These values come from the right-hand columns of impact summary matrices. Use text to describe potential synergistic effects and to explain any other impacts requiring further clarification.

* * * * *

Optional Methodology

5. Expected Impact Calculations. There is no way to predict most impacts accurately *and* with certainty. Worksheet 2 provides space for a "one-number" estimate of both an impact and the probability of that impact's occurring. This estimate, however, is usually the impact voted by the experts as most likely to occur.

Practically, we know there are several possible impact intensities that can occur to a single ecosystem component or process from a single change agent. These impact intensities fall along a continuum with an upper and lower limit (i.e., a range of possible impact intensities). They also vary in probability of occurrence.

The following approach considers the range and continuum of possible impacts, using simple, traditional methods of risk analysis for business and economies. It allows the user to project impacts more systematically and accurately (1) by including in the estimate the range and some intermediate values, and (2) by recognizing the uncertainties associated with these values.

This method is particularly recommended for analyzing environmental impacts associated with significant issues.

5.1 Worksheet 3. Worksheet 3 (Illustration B–4) permits the analyst to look more closely at any impact identified on Worksheet 2 and calculate an *expected impact.* The technique formulates an *expectation* of what an impact will be by identifying several specific, quantitative impacts on an environmental component or process, then associating a probability (likelihood of occurrence) with each increment of change.

An expected impact is a composite value based on several estimates for any specific impact, together with the probability of occurrence for each estimate. It is denoted by the symbol E(I). Specific instructions for calculating E(I) using Worksheet 3 are found in Illustration B–4.

Blanks at the top of Worksheet 3 should contain the same information found in the first two sections of Worksheet 2. This links the two worksheets. Line 4 is used to develop a sentence that summarizes the impact from Worksheet 2. Line 5 identifies the significant issue (if any) associated with this environmental impact.

The rest of Worksheet 3 provides space for calculating (1) an expected impact, E(I); (2) estimates of relative and absolute variability; (3) percentage change from existing conditions; and (4) the probability of an impact's exceeding a high-priority threshold value.

Use Worksheet 3 selectively to analyze impacts associated with significant issues, or impacts that have potential for causing other problems. *It should not be used routinely for each impact identified on Worksheet 2.*

5.2 Impact Sentences. An *impact sentence* is a simple declarative sentence. It can be written for any change agent that produces an impact, based on any line across Worksheet 2.

A. Example Impact Sentence. Logging 40 Acres in June at NW¼, SE¼, Sec 22, T6N, R30W, 6PM will probably increase sedimentation in Beaver Creek to 60 mg/l during the first year; this is an increase of 100% over the long-term mean for the watershed, compared with normal annual fluctation of 67%; the additional sedimentation is not likely to have effects on other resource values in this stream.

5.3 Estimating Impact Likelihoods. An expected impact is essentially a weighted average of impact estimates. Individual experts, or the interdisciplinary team itself, first estimate several values for a particular impact, beginning with a range and a most likely value (a mode).

If so little is known about the impact that only three values can be estimated (a range and mode), then use these values as follows: Write the three values in column 8 of Worksheet 3, beginning at the top with the lowest value and progressing downward through the highest (Illustration B–5). Write the probability of the occurrence on the left side of column 9 under *Indiv. (P).* At the same time under *Cum.*, sum the probabilities cumulatively. They must sum to 1.00.

A. Example. The interdisciplinary team has determined that one of the change agents will be logging 40 acres at some location in June. The forest hydrologist wrote the impact sentence presented in Section 2.A, above.

In a meeting of the interdisciplinary team, the leader asked him to provide a range for that estimate. The hydrologist estimated that in a dry year, sedimentation might not get above 30 mg/l, whereas under extremely wet conditions, the sediment load might reach 80 mg/l. The probabilities of occurrence for these three values were about 15% of the time for each end of the range and 70% of the time for the most likely estimate.

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The team then calculated the expected impact from those estimates by multiplying each impact by its "weight," or probability, and adding the results:

Impact (mg/1)	Likelihood of occurrence (probability)
30	.15
60	.70
80	.15
	1.00

E(I) = 30(.15) + 60(.7) + 80(.15) =
4.5 + 42. + 12. = 58.5

The more he thought about this value of E(I), the more uncomfortable the hydrologist became with it. He thought it should really be a bit higher, but he also felt the range was about right.

He then took a closer look at the probabilities and came up with the following distribution, based on whether records for the area:

Impact (mg/1)	Likelihood of occurrence (probability)
30	.05
40	.05
50	.1
60	.5
70	.2
80	.1
	1.00

He then calculated a new E(I) by multiplying each impact times its probability and adding the results together:

E(I) = 30(.05) + 40(.05) + 50(.1) +
60(.5) + 70(.2) + 80(.1) = 60.5 mg/1

This value was closer to the hydrologist's original single estimate of 60 mg/1, and was even slightly higher. It also conformed with the hydrologist's professional understanding of weather patterns and his knowledge of sedimentation history for the area.

Furthermore, his misgivings about the first estimate (58.5) forced him to look further and derive better-informed estimates. In this case, he learned that, although his range was about right (30 to 80), the area had a predominance of wet weather, so the likelihood of the minimum occurring was less than that of the maximum occurring, and the impacts were more likely to be at the higher end of the range. His investigations enabled him to construct the probability distribution and provide estimates that were more defensible and credible.

5.4 Measures of Variability. Another advantage of calculating an expected impact is that it permits estimating variability. The concept of expectation is central to basic statistical theory: The mean, or arithmetic average, is defined formally as an expected value.

Where only a range and mode are estimated, the range is suitable for some indication of extreme variability. However, using this method, it is possible to calculate a better measure of variability than the range. This measure is the classical standard deviation of statistics.

Calculating a variance and standard deviation is somewhat more complicated than calculating an expected impact. However, the use of statistics has become so widespread that many pocket and desktop calculators have keys to make these calculations routinely. The example below uses a method of calculation that illustrates what the variance and standard deviation are. Worksheet 3 uses a method of calculation that is more efficient (items 10 through 17, Illustration B–6). Both methods arrive at the same answer.

Determining the variance of an expected impact means knowing how much each estimated impact deviates from the mean, or expected impact. This is calculated by subtracting E(I) from each individual estimate.

To calculate the variance, square each deviation, multiply the squared value by its probability, and sum the results. Estimate the standard deviation by taking the square root of the variance (line 17).

A. Example. Using the hydrological problem above, calculate the variance and standard deviation as follows. E(I) is 60.5 mg/1. (The following table is for demonstration only. Worksheet 3 uses a different computational method to arrive at the same answer.)

Impact (mg/1)	Probability	[Impact-E(I)]	[Impact-E(I)]2
30	0.05	−30.5	930.25
40	0.05	−20.5	42.25
50	0.1	−10.5	110.25
60	0.5	−0.5	0.25
70	0.2	9.5	90.25
80	0.1	19.5	380.25

The variance of E(I) is written as Var(I). It can be calculated as follows:

Var(I) = 930.25(.05) + 420.25(.05) + 110.25
(.1) + 0.25(.5) + 90.25(.2) + 380.25(.1) =
134.75

To calculate the standard deviation about the expected impact, extract the square root of Var(I). The standard deviation is written S(I).

S(I) = 134.75 = 11.608

The expected impact and an estimate of its variability can be written:

E(I) ± S(I) = 60.5 ± 11.6 mg/1

5.5 Comparing Variability. Estimates of expected impacts and their deviations can be used to compare variability of different types of impacts, even when units are far different. This is done by calculating a coefficient of variation (line 18). The coefficient of variation, CV, is a percentage of deviation. It is simply the ratio of the standard deviation, S(I), to the expected impact, E(I), expressed as percentage.

In the above problem, the coefficient of variation is calculated as follows:

$$CV = \frac{S(I)}{E(I)} \times 100 = \frac{11.6}{60.5} \times 100 = 19\%$$

5.6 Percentage Change. Often the significance of an impact will be determined by the amount of change from existing conditions in the ecosystem. Line 19 provides space for estimating that amount of change in terms of percent. This relative value (percentage of existing conditions) is often more revealing than absolute quantities of change.

5.7 Exceeding Thresholds. Worksheet 1 contains threshold values for impacts associated with significant issues. Each threshold is assigned a priority, as explained in Appendix A. Lines 20 through 22 provide space for determining the probability of exceeding a high-priority threshold.

On line 20, insert the most important threshold for this issue as identified on Worksheet 1. Write the priority of that threshold on line 21. Calculate the probability of exceeding that threshold and insert the answer on line 22.

This is calculated from columns 8 and 9, as follows:

A. Upper Thresholds. If the threshold is near the upper end of the range, use the following method.

A.1. Locate the two quantities in column 8 that bracket the threshold value (i.e., the two numbers on either side of the threshold).

A.2. For the *smaller* of these two numbers, find the *cumulative* probability on the right side of column 9. If the threshold value appears in column 8 exactly, use its cumulative probability, rather than the smaller value.

A.3. Subtract the cumulative probability from 1.00 and write the answer on line 22.

B. Lower Thresholds. If the threshold is at the low end of the range, use the following method.

B.1. Locate the two quantities in column 8 that bracket the threshold value (i.e., the two numbers on either side of the threshold).

B.2. For the *larger* of these two numbers, find the *cumulative* probability on the right side of column 9.

If the threshold value appears exactly in column 8, use its cumulative probability, rather than the larger value.

B.3. Write the cumulative probability on line 22.

C. *Explanation.* The value on line 22 is the probability that an impact will exceed the threshold value on line 20. Where a threshold value does not appear in column 8, the above method of selecting the nearest value provides a conservative probability estimate.

Illustration B–1.—Instructions for Worksheet 2 Identifying Impacts

Use this worksheet in field and office to make initial estimates of direct and indirect environmental impacts. Further explanation is found in Appendix B, Guidebook Section 1791.

Instructions

Place the EA or EIS number, title, location, date, and the analyst's name in the upper right corner.

1. *Alternative.* Identify the alternative briefly with a letter, number, acronym, or other appropriate code.

2. *Implementation Stage.* Use this line only for larger projects that are subdivided into different implementation stages.

3. *Action.* Insert a specific action associated with the alternative or decision implementation stage.

4. *Major Ecosystem Component Affected.* Insert the major ecosystem component being analyzed for impacts.

5. *Change Agent.* Write the primary, secondary, or higher-order change agent producing an impact. Designate primary change agents with *A*, secondary with *B*, etc.

6. *Increases/Decreases.* Insert a + or − in this column to indicate whether a change agent increases or decreases the ecosystem component or process being considered on this line.

Note.—Use the + or − to indicate a change in some *quantity* associated with the component or process. *Do not make any value judgments about beneficial or adverse impacts.*

7. *Impacted Component or Process.* Name the ecosystem component, process, or index being affected by the change agent. Include the descriptive attribute.

8. *Estimated Quantity.* The quantity of the component, process, or index will change (+/−) by some number. If possible, estimate that number. If no numerical estimate is possible, place a percentage in this space or leave it blank.

9. *Units.* List the units, or dimensions, in which the component or process is usually described. If the impact is one for which a threshold has been established, use the same units as on Worksheet 1.

10. *Duration.* Impacts last over some time period. Estimate that period, based on the proposal or plan. Give a range, if necessary, but *avoid the use of "short-term" and "long-term."*

11. *Probability.* Not all impacts are equally likely. Whenever possible, assign a "probability of occurrence" to the impact estimate on this line.

12. *Relative Importance or Context.* The impact, or estimated change, may be important in relation to other components and processes, or within other contexts of the ecosystem. Use this space to briefly evaluate that relative importance.

13. *Footnotes.* Use this space to expand on any entry on the front of the sheet. Insert baseline values for existing conditions, where known. Number all footnotes.

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UMI 8 0 8 9 1 R M 5 5 / 5 4 V

Worksheet 2: IDENTIFYING IMPACTS EA/EIS No. _____ Title _____

1. Alternative _____ 3. Action _____ 4. Major Ecosystem Component Affected _____ Date _____ Location _____

2. Implementation Stage _____ By _____ Page ___ of _____

5. Change Agent	6. Increases/ Decreases	7. Impacted Component/Process	8. Estimated Quantity	9. Units	10. Duration	11. Probability	12. Relative Importance and Context

Use a numbered footnote to identify any item or entry that requires further remarks. Write remarks on reverse side of page.

Worksheet 2: IDENTIFYING IMPACTS EA/EIS No. _____ Title _____

1. Alternative A 3. Action Laying Pipeline 4. Major Ecosystem Component Affected Vegetation Date _____ Location _____

2. Implementation Stage _____ By _____ Page ___ of _____

5. Change Agent	6. Increases/ Decreases	7. Impacted Component/Process	8. Estimated Quantity	9. Units	10. Duration	11. Probability	12. Relative Importance and Context
Bulldozing and ditching	-	Brush density and Biomass	20	acres	2-5 years	100	Density and biomass would gradually begin increasing above the initial loss point.
"	-	Diversity	20	acres	see column 12	100	Bulldozing and ditching removes all vegetation. Stipulate that top 6-8 inches be replaced on top of backfill
Brushbeating	-	Brush biomass	36	acres	10-15 years	100	Might affect pronghorn critical winter range and sagegrouse strutting and nesting.
"	+	Grass biomass	36	acres	10-15 years	100	Grass cover will begin to decrease as brush increases.
Construction vehicle use	-	Brush biomass					Construction vehicle use is negligible outside brush beat area.
ORV use	-	Re-establishment					ORV use is variable. It could damage vegetation outside the ROW.
Revegetation	+	Grass biomass	56	acres	20 years	100	Natural vegetation should return in about 20 years.

Use a numbered footnote to identify any item or entry that requires further remarks. Write remarks on reverse side of page.

UMI 0 8 0 8 9 1 R M 5 5 \ 5 4 V

Illustration B-2

Matrix 1: Summary Impact Matrix

EA/EIS No._____Alternative_____

Change Agents (Primary, Secondary, etc.)

Component/Process/Index and Attributes	Units										Cumulative Impacts	Probabilities

Instructions: Above the diagonal in the box where a row and a column intersect place an estimate of the effect the change agent (column) is expected to have on the component or process of the ecosystem (row). Below the diagonal place an estimate of the duration of that impact. Cumulative impacts are the sum of all impacts to one component (across a row) from all change agents (primary, secondary, etc.). Where possible calculate the probabilities of the cumulative impacts actually occurring.

Illustration B-2

Matrix 1: Summary Impact Matrix

EA/EIS No._____Alternative A

The numbers and information in the boxes are not necessarily realistic but they do illustrate how to use the matrix.

Change Agents (Primary, Secondary, etc.)

Component/Process/Index and Attributes	Units	Clearing and Grubbing	Bulldozing and ditching	Backfilling	Maintenance	CRV use					Cumulative Impacts	Probabilities
Soil Erosion	tons/acre	0.6 / 1mo	1.2 / 1mo	0.5 / 1mo	0.2 / 1mo	0.4 / 1mo					3/ 1mo	60%
"	"	0.35 / 5yr	0.75 / 5yr	0.35 / 5yr	0.15 / 5yr	0.25 / 5yr					1.8/ 5yr	60%
Sedimentation (added load to stream)	mg/l	60 / 1mo	120 / 1mo	60 / 1mo	30 / 1mo	30 / 1mo					300/ 1mo	75%
"	"	10 / spawn	20 / spawn	10 / spawn	5 / spawn	5 / spawn					50/ spawning	75%

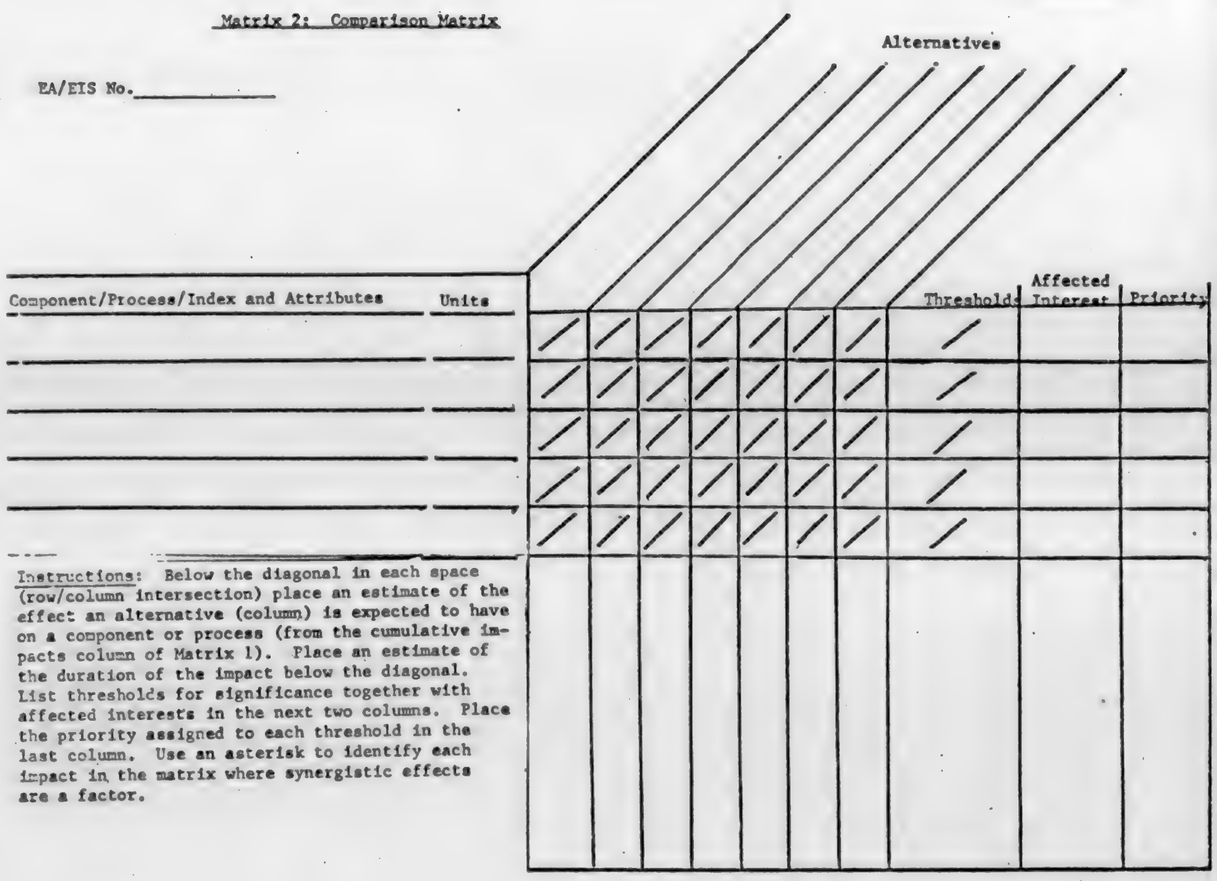
Instructions: Above the diagonal in the box where a row and a column intersect place an estimate of the effect the change agent (column) is expected to have on the component or process of the ecosystem (row). Below the diagonal place an estimate of the duration of that impact. Cumulative impacts are the sum of all impacts to one component (across a row) from all change agents (primary, secondary, etc.). Where possible calculate the probabilities of the cumulative impacts actually occurring.

UMI 0 8 9 1 R M 5 5 \ 5 4 V

Illustration B-3

Matrix 2: Comparison Matrix

EA/EIS No._____



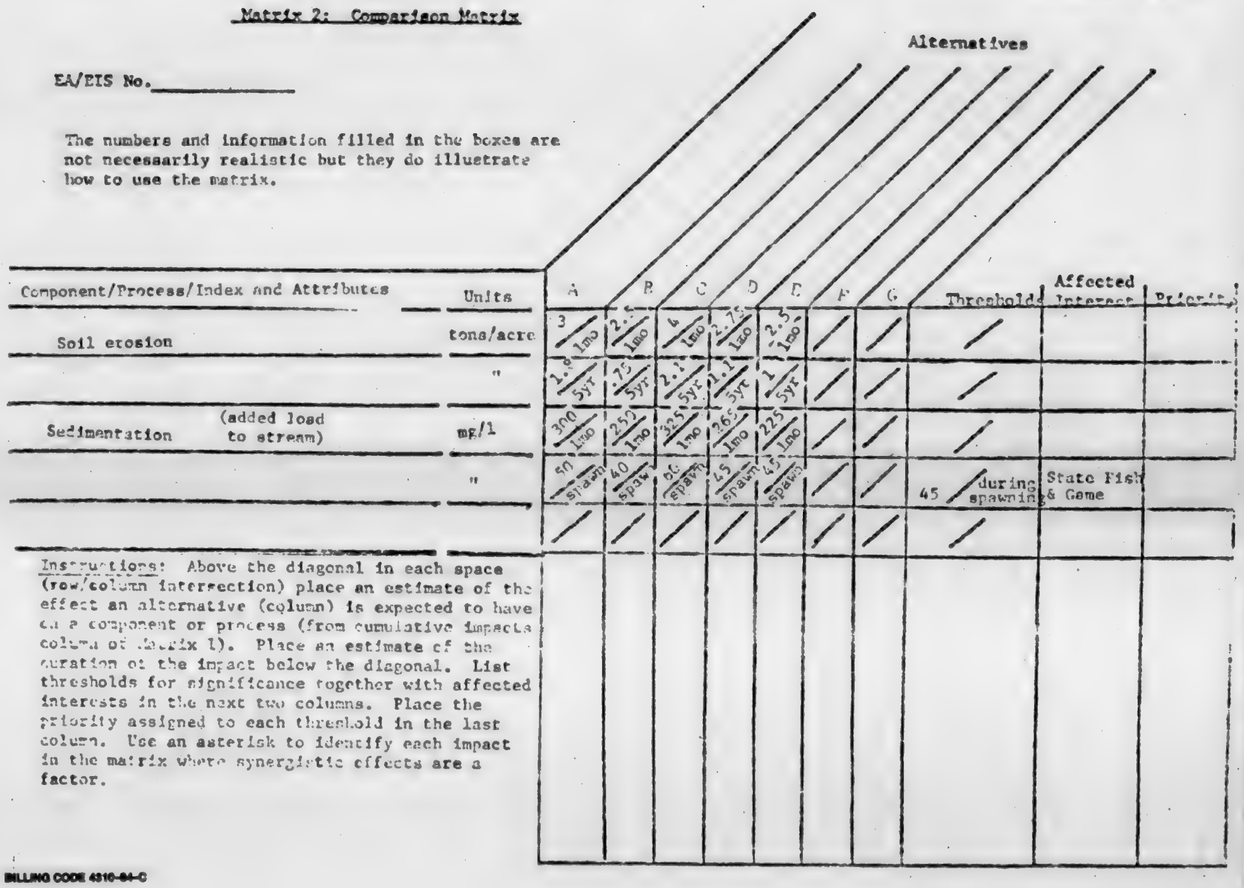
Instructions: Below the diagonal in each space (row/column intersection) place an estimate of the effect an alternative (column) is expected to have on a component or process (from the cumulative impacts column of Matrix 1). Place an estimate of the duration of the impact below the diagonal. List thresholds for significance together with affected interests in the next two columns. Place the priority assigned to each threshold in the last column. Use an asterisk to identify each impact in the matrix where synergistic effects are a factor.

Illustration B-3

Matrix 2: Comparison Matrix

EA/EIS No._____

The numbers and information filled in the boxes are not necessarily realistic but they do illustrate how to use the matrix.



Instructions: Above the diagonal in each space (row/column intersection) place an estimate of the effect an alternative (column) is expected to have on a component or process (from cumulative impacts column of Matrix 1). Place an estimate of the duration of the impact below the diagonal. List thresholds for significance together with affected interests in the next two columns. Place the priority assigned to each threshold in the last column. Use an asterisk to identify each impact in the matrix where synergistic effects are a factor.

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Illustration B–4.—Instructions for Worksheet 3 Expected Impact Calculations

This worksheet is recommended for use in analyzing impacts associated with significant issues.

Instructions

Place the EA or EIS number in the upper right corner. This number should correspond to the number on Worksheets 1 and 2, Guidebook 1791, Appendices A and B, respectively.

1.–3. *Alternative, Implementation Stage, and Action.* These should all correspond to the same items on Worksheet 2.

4. *Impact Sentence.* From the appropriate line of Worksheet 2, develop a declarative sentence that describes the impact on that line. State whether the change agent will increase or decrease the affected ecosystem component or process (Worksheet 2, columns 5, 6, and 7).

Include duration (column 10) and the relative importance and context of the impact (column 12). *No.*—Write the page number and line number of the impact being anlyzed from Worksheet 2 (e.g., "⅘" would refer to line 7 on the third page of Worksheet 2. There could be five pages of Worksheet 2 filled out.).

5. *Issue.* If this impact is associated with a significant issue identified on Worksheet 1, write that issue on this line. Include the issue number.

6. *Impact Estimates and Calculations.* If using a desktop calculator, fill out all columns. If a programmable calculator or a computer is used, fill out only columns 8 and 9, since the computations will be made automatically.

7. *Units.* Specify units used to describe the impact from column 10, Worksheet 2.

8. *Quantity (I).* In this column, estimate several different quantitative values for possible impacts. Try to estimate at least three: a mode (most likely value) and a range (extreme values). Begin on the top line with the smallest value and work down toward the largest.

9. *Probabilities. Indiv. (P).* Next to each quantitative impact in column 8 estimate a probability of that impact's occurring. Write probabilities as decimals between 0.0 and 1.00, not percentages.

If professional judgment is used (i.e., no hard data exist), begin by estimating the probability of the most likely impact (mode). Then estimate the probabilities of the extremes occurring. Third, assign probabilities to the remaining impact estimates in column 8. Sum the probabilities. If they do not total 1.00, re-evaluate and juggle your estimates until (1) they sum to 1.00 *and* (2) your professional judgment is comfortable with the estimates. It may be useful to fill out, or at least review, this column and column 8 in consultation with an interdisciplinary team.

Cum. After estimating individual probabilities, sum the individual probabilities cumulatively in this column.

10. $I \times P$. Multiply each impact estimate from column 8 by its individual probability in column 9 and write the result in column 10.

11. I^2. Square the impact estimate from column 8 and write the result in column 11.

12. $I^2 \times P$. Multiply the squared impact from column 11 by the probability in column 9. Write the result in column 12.

13. *Totals.* Sum columns 9, 10, and 12. Column 9 must always total 1.00.

14. *E(I)=Sum IP.* The total of column 10 is the expected impact, E(I).

15. *Sum* $I^2 \times P$. The total of column 12 is used to calculate the variance of E(I).

16. *Var(I).* Write the value from line 15 in the first blank space. Square E(I) (line 17), and write the result in the second blank. Subtract the second number from the first and write the result in the third blank on line 16. This is the variance of E(I).

17. *S(I).* Calculate the standard deviation of E(I), denoted by S(I), by taking the square root of Var(I). Write the result on line 17.

18. *CV.* Write S(I) in the first blank on line 18. Write E(I) from line 14 in the second blank, divide the first by the second, and multiply by 100. Write the coefficient of variation in the last blank.

19. *Percentage Change.* Estimate the percentage change represented by E(I), using a + or − to denote an increase or decrease.

20. *Threshold.* Select the most critical threshold from the issue identified on Worksheet 1 and insert that quantity here.

21. *Priority.* Insert the threshold's priority from Worksheet 1.

22. *Probability of Exceeding Threshold.* For an upper threshold, locate (in column 8) the closest *smaller* value to the threshold (i.e., the next smallest). Subtract the cumulative probability opposite that number (column 9) from 1.00, and write the answer on this line. For a lower threshold, use the closest *larger* value to the threshold, and use the cumulative probability without subtracting from 1.00. If the exact threshold value is listed in column 8, use it instead of the next smaller or larger.

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EA/EIS No. _____

Page ____ of ____

Date _____

By _____

WORKSHEET 3: EXPECTED IMPACT CALCULATIONS

1. Alternative _____ 2. Implementation Stage _____ 3. Action _____

4. Impact Sentence _____

_____ No. ____

5. Issue _____

_____ No. ____

6. Impact Estimates and Calculations

7. Units _____

8. Quantity (I)	9. Probabilities Indiv.(P)	Cum.	10. I x P	11. I^2	12. I^2 x P
13. TOTALS	1.00		14. E(I)=Sum IP		15. Sum I^2 x P

16. Var(I) = _____ (Sum I^2P (line 15)) − _____ ($[E(I)]^2$) = _____

17. S(I) = _____ ($\sqrt{Var(I)}$) 18. CV = _____ (S(I)) ÷ _____ (E(I)) x 100 = _____ %

19. Percentage Change (+/-)_____ % 20. Threshold _____ 21. Priority _____

22. Probability of Exceeding Threshold _____

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Illustration B-5

EA/EIS No. _____

Page ___ of ___

Date _____

By _____

WORKSHEET 3: EXPECTED IMPACT CALCULATIONS

1. Alternative: RMP - 2 | 2. Implementation Stage: Timber Sale | 3. Action: Logging

4. Impact Sentence: Logging 40 acres in June at this location will probably increase sedimentation in Beaver Creek to 60 mg/l during the first year; this this is an increase of 100% over long-term watershed mean, compared with normal and annual fluctuation of 67%; the additional sedimentation is not likely to affect other resources No. ___

5. Issue: Will sedimentation form logging affect trout spawning in Beaver Creek? No. 6

6. Impact Estimates and Calculations

7. Units: Mg/l

8. Quantity (I)	9. Probabilities Indiv.(P)	Cum.	10. I x P	11. I^2	12. $I^2 \times P$
30	.15	.15	4.5	900	135
60	.70	.85	42	3600	2520
80	.15	1.00	12	6400	960
13. TOTALS	1.00	1.00	58.5		3615
			14. E(I)=Sum IP		15. Sum $I^2 \times P$

16. $Var(I) = \frac{3615}{\text{Sum } I^2P \text{ (line 15)}} - \frac{3422.25}{[E(I)]^2} = 192.75$

17. $S(I) = \frac{13.8834}{\sqrt{Var(I)}}$ 18. $CV = \frac{13.9}{S(I)} \div \frac{58.5}{E(I)} \times 100 = 32.7\ \%$

19. Percentage Change (+/-) 95 % 20. Threshold 85 21. Priority 3

22. Probability of Exceeding Threshold - 0 -

Illustration B-6

EA/EIS No. _____

Page ___ of ___

Date _____

By _____

WORKSHEET 3: EXPECTED IMPACT CALCULATIONS

1. Alternative: RMP-2 | 2. Implementation Stage: Timber Sale | 3. Action: Logging

4. Impact Sentence: Logging 40 acres in June at this location will probably increase sedimentation in Beaver Creek to 60 mg/l during the first year; this is an increase of 100% over long-term mean for watershed, compared with normal annual fluctuation of 67% the additional sediment is not likely to affect other resources. No. 17

5. Issue: Will sedimentation from logging affect trout spawning in Beaver Creek? No. 6

6. Impact Estimates and Calculations

7. Units: Mg/l

8. Quantity (I)	9. Probabilities Indiv.(P)	Cum.	10. I x P	11. I^2	12. $I^2 \times P$
30	.05	.05	1.5	900	45
40	.05	.1	2.0	1600	80
50	.1	.2	5.0	2500	250
60	.5	.7	30.0	3600	1800
70	.2	.9	14.0	4900	980
80	.1	1.00	8.0	6400	640
13. TOTALS	1.00	1.00	60.5		3795
			14. E(I)=Sum IP		15. Sum $I^2 \times P$

16. $Var(I) = \frac{3795}{\text{Sum } I^2P \text{ (line 15)}} - \frac{3660.25}{[E(I)]^2} = 134.75$

17. $S(I) = \frac{11.6082}{\sqrt{Var(I)}}$ 18. $CV = \frac{11.6}{S(I)} \div \frac{60.5}{E(I)} \times 100 = 19.2\ \%$

19. Percentage Change (+/-) 102 % 20. Threshold 85 21. Priority 3

22. Probability of Exceeding Threshold - 0 -

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1791 Appendix C.—Identifying Reasonable Alternatives

BLM's responsibilities for multiple use resource management in the public interest and the mandates of Sections 102(2)(C)(iii) and 102(2)(E) of NEPA require managers to consider alternative uses of available resources. Public involvement in the NEPA process helps managers to explore the full range of reasonable alternatives. This range may include alternatives which make use of less than all of the resources [FLPMA, 103(c)] in the short-term, thereby retaining options for future generations.

The requirement [NEPA, 102(E)] to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources" poses different challenges and requires different approaches depending upon the action being analyzed. Actions fall under the following categories: resource management plans (RMP's): RMP amendments; site-specifications involving significant impacts; site-specifications involving impacts that are not significant; and/or the upper levels of tiered analyses (e.g. regionals and programmatics). Geographic or temporal tiering may involve actions falling within more than one of these categories.

The following types of alternatives are considered: (A) alternative management approaches (for RMP's, and regional and programmatic analyses): (B) alternative uses of available resources (for all categories of actions); (C) partial (e.g. route segment, project component, etc.); system (alternative ways of achieving all or part of the objectives of the proposal), timing and location alternatives (for all categories of actions); and (D) mitigation measures (for all categories of actions). Alternatives evaluated in alternative type (A) usually comprise part of each of the other alternatives types. The level of specificity of alternative types (B), (C) and (D) will usually be greater in site-specific proposals than when considered in an analysis for alternative type (A).

Before an environmental analysis can begin to explore alternatives, the purpose *and* need for the action must be clearly understood. Alternatives do either of the following (1) meet all or part of the stated objectives of the proposed action, or (2) involve a different use of the resources which would have been committed had the proposed action been approved.

A. Alternative Management Approaches

1. RMP's: The analysis of alternative management options for RMP's (43 CFR 1601.5–5) helps establish different sets of goals and objectives for managing the resource area and different ways of achieving the same set of goals and objectives. The set of objectives approved for the RMP will guide the manager's decisions at the activity planning stage. Alternatives may range from allowing maximum natural sucession to maximum technological human use. Maximizing certain "uses" of resources while preserving or sacrificing others falls in between the two extremes and falls more under the second type of alternatives (alternative uses of available resources).

If a manager wants to explore broad alternatives to an existing RMP, it means a revision of the RMP. Minor changes can usually be handled as an RMP amendment and will either be documented as an EA or an EIS. Revisions of the total management approach may be necessary if the existing environment, or local, regional or national needs have changed to an extent that the existing RMP is no longer current.

1. RMP's and RMP amendments: The RMP and its associated EIS form one part of the upper tier (along with programmatic and regional studies) of environmental of environmental analysis. An such, a thorough and objective analysis is essential. It will be used in subsequent site-specific analyses to define the alternatives that have been covered.

2. Regional analysis: Regional analyses function as an upper tier of environmental analysis in that they set goals and objectives and a management approach using a regional, rather than resource area perspective.

3. Programmatic analyses: Programmatic analyses set goals and objectives and a management approach from a program rather than geographic perspective.

Programmatic goals and objectives and regional goals and objectives are used to help determine goals and objectives for an RMP by limiting the range of reasonable alternatives.

B. Alternative Uses of Available Resources

NEPA requires agencies to explore alternatives to proposals involving "unresolved conflicts concerning alternative uses of available resources." This type of alternatives consideration is necessary for all categories of actions.

1. RMP's, RMP amendments, regionals, and programmatics: These upper tiers of environmental analysis should resolve some conflicts among alternative uses of resources. Many of these conflicts cannot be resolved until the lower tiers (e.g. site-specific analyses), but the conflicts resolved to establish the management approach help set limits on the alternatives to be explored in the lower tiers.

In RMP's a preferred action may stress the allocation of certain resources at the expense of others. Alternatives may investigate alternative allocation of the resource or a balance somewhere in between. Alternatives mentioned in the planning regulations (43 CFR 1601.5–5) range from favoring resource protection to favoring resource production, but even within these there are still many remaining conflicts which must be resolved either on a broad RMP basis or on an individual action or activity planning level.

2. Site-specifications involving impacts that are not significant: Although the significance determination cannot be made until the environmental analysis process is complete, this discussion focuses on how to determine the reasonable alternatives for analysis.

(a) If the proposal and its impacts (in an area with an existing RMP) are found to be in conformance with the RMP, the team must explore the "no action" alternative and any other "resonable alternatives" identified during stages 1–5 of the environmental analysis process (including those identified by the Bureau in carrying out its stewardship responsibilities). Alternatives that are not in conformance with the RMP need not be explored. This illustrates how tiering can be used to limit alternatives in the lower tiers.

Three criteria may be used to limit the range of reasonable alternatives. the alternatives to be considered should: (1) result in less or different environmental impact than the proposal; (2) meet more or different goals and objectives for the RMP area; or (3) meet more or different goals of NEPA, FLPMA, and/or the OCS Lands Act (BLM Guidebook 1790, Appendix A). The above criteria are used to make full use of the tiering concept; but, as the analysis proceeds, judgment or public input may indicate that another alternative must also be explored.

(b) If the proposal and its impacts are not in conformance with the existing RMP it is handled as described in the planning regulations for plan amendments. The analysis is documented as an EA.

(c) In instances where there is no approved RMP, the alternatives considered should: (i) result in less or different environmental impact; or (ii) meet more or different goals and objectives of NEPA, FLPMA and/or the OCS Lands Act.

3. Site-specific actions involving significant impacts: If significant impacts are expected from a proposed action, two questions must be answered before deciding to prepare an NOI to begin an EIS or to proceed with analysis for an EA: (a) is the proposed action in conformance with an existing RMP; and (b) if it is, does the EIS for the RMP cover the action specifically or within consideration of cumulative impacts, and is this coverage adequate?

(a) If the proposed action *is not* in conformance with an existing RMP, an EIS must be prepared. The "no action" alternative and a range of alternatives in conformance with the RMP must be explored.

3 (b) If the proposed action *is* in conformance with an existing in the RMP/EIS or (ii) the cumulative impacts in the RMP cover the impacts of the action.

(i) If the proposal *is* specifically covered in the RMP/EIS and the coverage is still current, the decision approving or disapproving the proposal can be made and the previous analysis referenced in the record of decision. This record of decision must conform to the requirements of 40 CFR 1505.2.

(ii) If the proposal *is not* specifically covered in the EIS for the RMP, but the cumulative impacts are adequately covered in the RMP, the analysis proceeds to insure that specificity and currency of the analysis for the RMP are adequate. Public input must be sought.

If the analysis and public involvement do not demonstrate that (1) public controversy exists; (2) the existing environment has changed (beyond the range expected in the EIS for the RMP when trends are taken into account); and (3) local, regional, and national needs have changed (beyond what was expected in the EIS for the RMP), the analysis may be documented as an EA. If the above three circumstances do not arise, the range of alternatives may be limited to those consistent with the RMP unless the analysis reveals new information which was not taken into account in the analysis for the RMP.

If any of the above three circumstances arise, the analysis should proceed as an EIS. In this case the range of alternatives may go beyond those that are consistent with the RMP, recognizing that if such an alternative is approved it requires an RMP amendment or a revised RMP.

C. Partial Location, Timing, or System Alternatives

These are handled in the same way as *B. Alternative Uses of Available Resources.*

D. Mitigation Measures

These are handled in the same general way as B. Alternative Uses of Available Resources. In many cases specific mitigation measures cannot be addressed until a site-specific analysis is conducted.

1. RMP's, RMP amendments, and upper tiers of environmental analysis: Mitigation alternatives for these categories are usually in the form of standard stipulations for certain actions and areas or actions to be given special consideration.

2. Site-specific actions involving signficant impacts: The analysis team must explore measures which would reduce or eliminate the significant imnpact. If such impacts are eliminated during the course of the analysis, the need for documentation is reduced to an EA.

Agency's Preferred Alternative—Environmentally Preferable Alternative

The CEQ's NEPA regulations [40 CFR 1502.24(2)] require the agency to identify its preferred alternative in the draft EIS (if one exists). They require the preferred alternative to be identified in the final EIS unless another law prohibits it.

The broad scope of the definition of "human environment" in the CEQ's NEPA regulations (40 CFR 1508.14) and BLM's responsibilities under FLPMA for mutliple use resource management in the public interest interact in such a way that the environmentally preferable alternative become (by definition) the agency preferred alternative. This is true for alternatives involving significant impacts and those involving impacts that are not significant.

When proposals for BLM action fall outside the scope FLPMA (actions pursuant to the Outer Continential Shelf Lands Act), objectives to be attained by the "environmentally preferred alternative" shall be derived from NEPA's goals. This is consistent with Section 4 of the Outer Continental Shelf land Act and conforms with 40 CFR 1500.1 which specifies that NEPA "is our basic national charter for protection of the environment."

Whether an action falls within or outside the scope of FLMPA, thresholds for significance and priorities developed in the analysis process and public comment and response are used to help determine the environmentally preferable alternative.

Applicants for BLM action and those who would benefit from the proposed action become affected interests. The impacts of not fulfilling their identified purpose and need are assessed in the law "no action" alternative. In the environmental analysis, goals of systems at many levels may appropriately be taken into account. On occasion, the "system" impacted (beneficially or adversely) may be an individual or group or an organization. Tiered environmental analyses allow for appropriate consideration of impacts on various involved system levels Illustration A–3. In each instance of environmental analysis BLM must maintain the perspective of its Federal stewardship role in identifying public benefit of a particular action.

The NEPA process is generated by a need for Federal agency action for public purposes, though the original proposal may have come from the private sector or another government entity. Ultimately, the implication for goals preferable to the society—the nation as a whole—must be yardstick by which environmental impacts are measured pursuant to NEPA.

Objectives constitute planned results to be achieved, often within a stated time period. They are derived from, and subordinate to, goals. They should be chosen so that they are quantifiable and attainable and so that their attainment is measurable.

Specifying objectives as described above requires establishing thresholds for attainment of those objectives. when objectives are specified in terms of thresholds, they can be linked directly to, and become part of, the thresholds for significant established byprocedures described in Appendix B.

The NEPA, FLMPA, OCSLA, and other normative goals, when prioritized according to their functional, normative, and preference values in the scoping process, become the basis for establishing environmentally preferable *objectives* for any given proposal. These objectives, in turn, form the basis for identifying significant impacts and for evaluating each alternative in terms of what is environmentally preferable at a particular time and place. Such objectives, specified as thresholds, constitute targets for developing mitigation measures, new alternatives, and monitoring programs. They also aid the decisionmaker in prioritizing his decision criteria and in reaching a decision objectively.

Appendix D (1791).—Checklists for Environmental Analysis

The BLM, as a mission-oriented agency, has many land management responsibilities that are carried out essentially the same way, regardless of location. Specific details of how a land management action is carried out may

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differ from place to place, but the basic action is the same.

For example, allocating grazing levels is a basic action of range management. Numercial allocations will differ, depending on range condition, soil types, climate, etc.

Environmental analysis requires knowledge, first, of what man intends to do, and then, of what the unintended effects of those activities will be. Man's intended and unintended impacts interface through primary change agents.

Experience with a particular type of action permits us to develop checklists of all subactions, activities, subactivities, and primary change agents associated with that action. Experience should also improve our ability to estimate environmental impacts resulting from any action.

This appendix suggests ways to develop checklists useful for identifying primary change agents and systematically analyzing environmental impacts. The ideas here can be used for all levels of analysis, from small, simple activities routinely covered by environmental assessments (EA), to large complex actions that require major environmental impact statements (EIS). Adapt these suggestions to each situation.

1. *Proposed Actions and Alternatives*

A *proposed action* is an action designed to achieve a purpose; it usually involves the use of one or more resources. *Alternatives* to that action are designed to achieve the same basic purpose using alternative means. Some alternatives are generally included in an initial proposal. Others can be developed during analysis as the discovery of unforeseen impacts requires modification of the proposal.

Because alternatives must be analyzed as completely as the proposed action, "alternatives," when used alone, includes the proposed action.

2. *Subdivisions of Alternatives*

2.1 *Implementation Stages.* Depending on size and complexity of a proposal, alternatives can be subdivided. For a large proposal, an alternative may include several *implementation stages.* These are phases of an action that may occur sequentially or concurrently, but which are basically separate from each other. Illustration 1 lists implementation stages of surface mining and oil shale development.

The concept of implementation stages is useful for aggregating a number of actions that usually require individual analyses and that normally result in individual EA's. By aggregating, each separate action can be thought of as an implementation stage, and all actions can then be analyzed concurrently for a single EA or EIS, depending on significance of impacts.

2.2 *Subactions.* Each alternative and/or implementation stage can be divided into several *subactions.* A subaction is just another level in the organizational hierarchy of a complex action. Illustration 2 lists subactions associated with different implementation stages of oil shale development.

2.3 *Activities and Subactivities.* An *activity* (or, where complexity requires it, a *subactivity*) is yet another subdivision of an alternative. Activities are smaller than subactions, and they can be further subdivided into subactivities, if necessary. Illustration 3 shows a five-level hierarchy of implementation stages, subactions, activities, and subactivities associated with the action of surface mine development. Illustration 4 is a comprehensive list of activities common to surface mine development.

2.4 *Primary Change Agents.* Discrete activities (or subactivities) generate *primary change agents.* A change agent is the cause of one or more environmental impacts. A primary change agent results directly from man's activities and produces direct impacts. Higher-order change agents produce indirect impacts (Appendix B).

A change agent can be a material, substance, energy form, object, or activity capable of producing an impact. Illustration 5 contains a list of primary change agents associated with oil shale development.

3. *Developing Checklists for Environmental Analysis.*

Checklists have both advantages and disadvantages. Among advantages is the fact that once a checklist has been developed, it provides users a quick, thorough review of things to consider. A disadvantage is that users who place too great a reliance on checklists can miss important factors when an action is not "typical."

The purpose of environmental analysis checklists is to identify all primary change agents resulting from alternatives. The hierarchical approach described in Section 2 provides a systematic approach to identifying change agents.

If checklists are to be developed in a district or area office, they should be done "on the job," i.e., during an actual analysis by an interdisciplinary team. Where necessary, checklists should be revised and updated promptly as soon as deficiencies are discovered.

3.1 *Initial Lists.* To develop a checklist, begin at the highest level of the hierarchy. For a complicated analysis, start with implementation stages. Write each implementation stage on a separate sheet of paper. Then list on the appropriate sheet all the subactions involved in that stage.

If there is room on the same sheet of paper, use a branching diagram to list activities and subactivities, as in Illustration 3. Another way is to list subactions, activities, and subactivities by BLM program on separate sheets of paper (Illustration 6).

When generating checklists, it is sometimes possible to continue through subactivities into primary change agents and direct impacts (Illustration 6).

3.2 *Branching Diagrams.* Illustration 3 provides one example of a branching diagram. Another type that links subactivities and their change agents with general impacts is presented in Illustration 7.

3.3 *Matrices.* Often subactions share many of the same activities which, in turn, share similar subactivities. Similarly, several subactivities may generate the same type of change agent. This situation can be handled very concisely through a series of matrices.

Illustrations 8 and 9 show how this is done. The list of subactions in Illustration 2 is written across the top of the matrix in Illustration 8 to identify the columns. Activities that produce change agents are listed down the left side to identify the rows. An *X* is placed at each row/column intersection in which an activity is associated with a subaction.

On the next matrix, Illustration 9, activities from the left-hand side of Illustration 8 are new listed across the top. Change agents down the left side of Illustration 9 are from Illustration 5. Change agents are related to the activities by a "bullet" in the row/column intersection.

4. *Socioeconomic Applications.*

The above methods can be applied as narrowly (e.g., within a single resource) or as broadly as desired. An example checklist of broad socioeconomic factors as they relate to resource development is presented in Illustration 10. Instructions for using these socioeconomic checklists are found in "Draft Guidance for Socioeconomic Inputs to Grazing Environmental Impact Statements (EIS's)." [Issue in draft, for comment, by Instruction Memorandum 80-216.]

Illustration D-1.—Implementation Stages of Two Kinds of Energy Development

Surface Mining

1. Exploration
2. Mine development
3. Mine production (ancillary activities)
4. Mine production (extraction activities)
5. Reclamation

Oil Shale Development

1. Site preparation
2. Preproduction mining
3. Ancillary facilities
4. Commercial facilities
5. Operation

Illustration D-2

Major Oil Shale Development Subactions

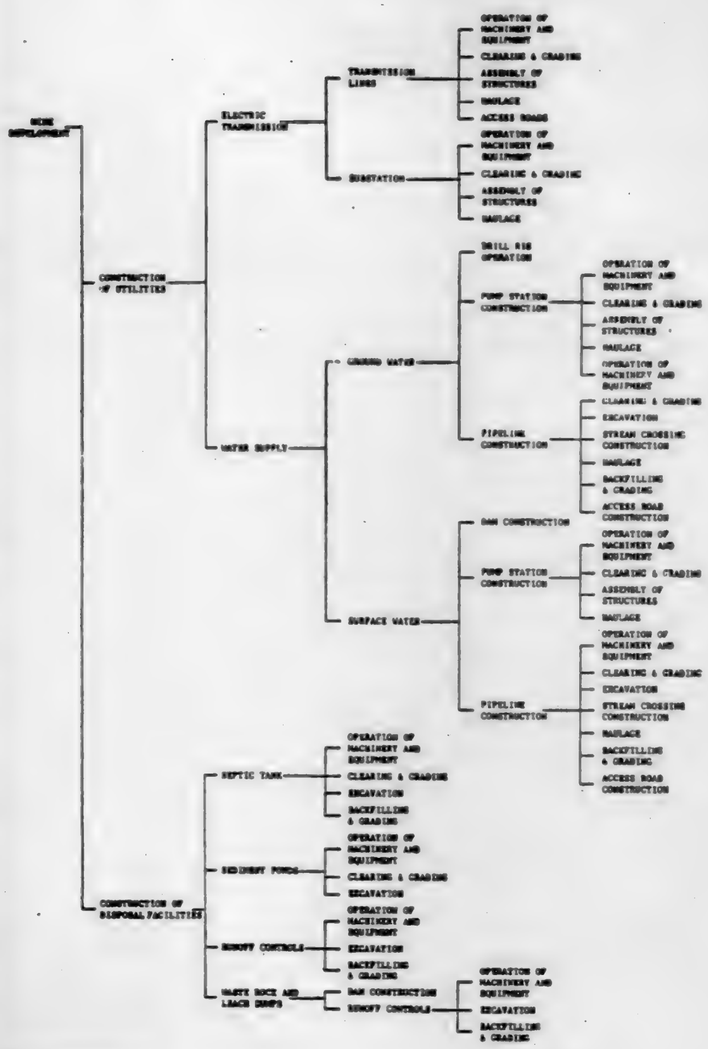
1. Build/extend roads
2. Build impoundments
3. Sink shafts
4. Mine (development/retort construction)
5. Construct underground facilities
6. Construct surface facilities
7. Process raw materials/operate
8. Build power transmission lines
9. Build staging area (off-tract)
10. Build pipelines (off-tract)
11. Build commercial facilities

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Illustration D-3

A partial hierarchical list of action, implementation stages, subactions, and activities associated with surface-mine development. Note that many activities occur more than once within the five levels.



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Illustration D-4

List of Activities Associated With Surface Mine Development

1. Survey land surface
2. Operate drill rigs
3. Remove surface features
4. Store topsoil materials
5. Dewater
6. Blast
7. Remove overburden
8. Dispose of overburden
9. Extract minerals
10. Replace topsoil and revegetate
11. Irrigate
12. Operate machinery and equipment
13. Clear and grade
14. Excavate
15. Backfill and grade
16. Construct stream crossings
17. Construct dams
18. Assemble structures
19. Cut and fill
20. Haul.
21. Prepare surfaces and roadbeds
22. Store minerals
23. Crush minerals
24. Load minerals
25. Operate railroads
26. Operate access roads
27. Operate haul roads
28. Store fuel and chemicals
29. Operate maintenance yards and parking lots
30. Operate electric transmissions
31. Operate water supply
32. Operate sewage treatment plants
33. Operate septic tanks
34. Operate runoff controls
35. Operate waste rock and leach dumps
36. Operate sediment and leach ponds

Illustration D-5

Primary change agents associated with oil shale development in western Colorado. Note how categories are used to group change agents.

Meteorological

Create fugitive dust
Create odors
Create noise and vibration
Emit steam
Create water vapor
Create icing
Create fog
Emit particulates and aerosols
Emit SO_2
Emit H_2S
Emit NO
Emit NO_2
Emit NO_x
Emit CO
Emit CH_4
Emit NMHC (non methane hydrocarbons)
Emit THC (total hydrocarbons)
Emit ozone and other oxidants
Emit arsenic
Emit mercury
Emit selenium

Topographic

Create landslides
Alter contour of land
Alter surface drainage patterns

Edaphic

Create compaction
Create erosion
Remove all vegetation
Alter humus content
Mix soil profile

Geologic

Cause ground to subside
Expose shrink/swell clays

Biological

Disturb vegetation
Increase road kills
Disturb soil microorganisms

Hydrological

Alter surface runoff
Alter peak flows (flash flooding)
Aler sedimentation
Alter evaporation
Alter seepage
Alter water table levels
Alter downstream flows
Alter stream channels
Alter groundwater chemical composition
Alter groundwater flows

Illustration D-6.—Environmental Analysis Checklists

1. Subactions and activities of BLM "Activity Programs" that generate proposed actions.
2. Change agents.
3. Potential impacts associated with change agents.

Checklist 1.—Subactions and Activities by Program

A. Lands and Realty

Granting of Rights-of-Way

Powerline
Pipeline
Telephone line
Communication site
Highway
County road
Access road
Trail
Railroad
Canal or ditch
Fences

Withdrawals

Obtaining Rights-of-Way and Easements

Access Roads
Water development and use
Fences

Leases

Dump site or land fill
Recreation area
Sewage plant
Dam site
Building site

Transfers of Title

Sale
Exchange Acquisition

Temporary Use Permits

ORV events
Group meetings, rock
Concerts, group
Camping, etc.
Movie locations
Others

B. Minerals

Sales

Gravel and sand
Common borrow
Building stone

Permits

Exploration
Drilling Seismic

Leases

Coal
Oil and gas
Oil shale
Bentonite
Sodium and potassium
Phosphate

C. Forest Products

Timber Sales

Clear cutting
Partial cutting
Thinning
Salvage

Stand and Site Improvement

Pre-commercial thinning
Slash disposal and snag Falling
Brush control
Tree planting
Insect control
Disease control
Animal control

Sales of Other Forest Products

Ferns
Cacti
Christmas trees
Cones
Pinyon nuts

D. Range Management

Grazing Use Allocation
Wild Horse Use Allocation
Grazing Authorization—Plan or System Implementation
Range Improvement
Pest and Predator Control

E. Recreation Management

Visual Resource Protection and Improvment

Recreation Management

Fishing
Hunting
Winter sports
Water sports
Collecting
Sightseeing
Specialized events-ORV, etc.
Primitive Values

F. Watershed

Water Management

Protection and enhancement of water quality

Soils Management

Erosion prevention
Erosion reduction

Air Quality Management

Endangered Resource Protection

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G. Wildlife Habitat Management

Terrestrail Habitat

Expansion
Improvement
Maintenance

Aquatic Habitat

Expansion
Improvement
Maintenance

Wetlands

Expansion
Improvement
Maintenance

Endangered Resource Protection

Expansion
Improvement
Maintenance

H. Firefighting and Rehabilitation

Fire Operations

I. Recreation Maintenance

Facility Maintenance

J. Transportation Maintenance

Road, Trail, and Bridge Maintenance

K. Building Maintenance

Checklist 2.—Change Agents

Trampling and crushing
Rutting and eroding
Clearing and grubbing
Brush beating and chaining
Controlled burning
Grazing and browsing
Scarifying
Piling
Tree felling
Log yarding—cable, full suspension
Log yarding—cable, end suspension
Log yarding—caterpillar traction
Log yarding—aerial
Log loading
Tree girdling
Ground spraying
Aerial spraying
Plowing and tilling
Drilling and seeding
Hand planting
Machine planting
Biologically introducing or excluding
Poisoning
Trapping and catching
Shooting or killing
Dumping and littering
Emitting Air pollutants
Flooding
Harvesting
Emitting water pollutants
Emitting soil pollutants
Using water
Consuming water
Pumping
Dredging and sluicing
Excavating
Filling, leveling, and terracing
Placing culverts and diversions
Drilling and blasting
Grading and paving
Hauling and transporting
Well drilling
Shaft digging
Concrete and asphalt mixing and laying
Fencing and barricading
Erecting towers and poles—Aerial
Erecting towers and poles—Ground
Erecting buildings and structures
Erecting dams and earthworks
Erecting docks, ramps, floats
Pipelaying
Line stringing
Processing, manufacturing, producing
Storing and stockpiling
Excluding
Vandalizing

Checklist 3.—Potential Impacts

Air

Creates dust
Creates odors
Emits particles
Emits chemicals

Water

Alters sedimentation rate
Alters stream channels
Alters downstream flow
Alters peak flows
Alters seepage rate
Reduces or increases quantities
Alters temperature
Alters groundwater recharge
Changes water table level
Changes water quality

Soils

Creates compaction
Alters erosion rate
Alters contour or land
Alters drainage pattern
Removes soil
Changes soil temperature
Changes fertility
Changes humus content
Changes permeability rate
Changes profile
Creates instability
Introduces chemicals
Introduces organisms

Vegetation

Removes, destroys, or damages vegetation
Changes community type
Changes species composition or diversity
Changes vegetative density
Changes vegetative vigor
Introduces an exotic
Alters water supply
Introduces disease
Introduces pests

Animals

Changes in species populations, age groups, sex ratios
Changes in species distribution
Changes in species diversity or composition
Changes in species vigor or reproduction
Changes in water supply
Changes in water quality
Changes in food supply
Changes in nesting, calfing, breeding or other special areas
Introduces exotics
Introduces disease
Introduces pests
Harasses
Physically harms or causes death
Restricts, excludes, or entraps

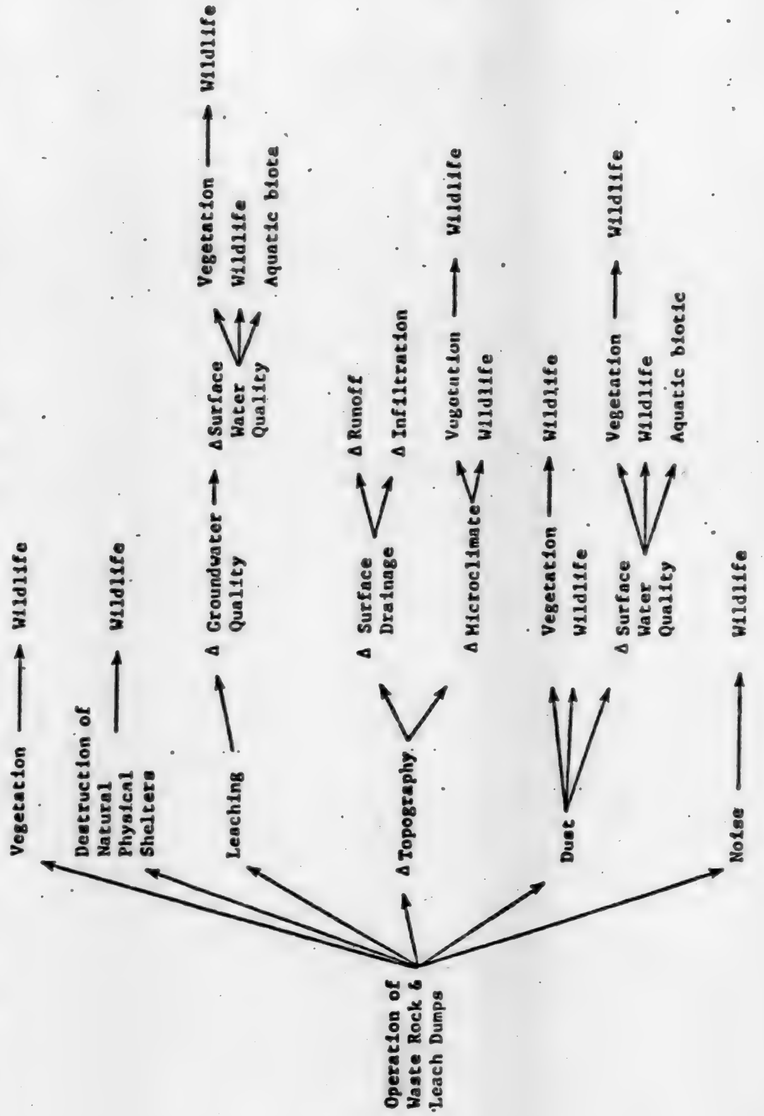
Human Values

Color
Texture
Harmony
Form
Light
Vibration
Sound
Frequency
Rhythm and periodicity
Economic
Infrastructure
Socio-cultural
Emotional

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Illustration D-7

Impacts of Operations of Waste Rock and Leach Dumps



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Illustration D-8

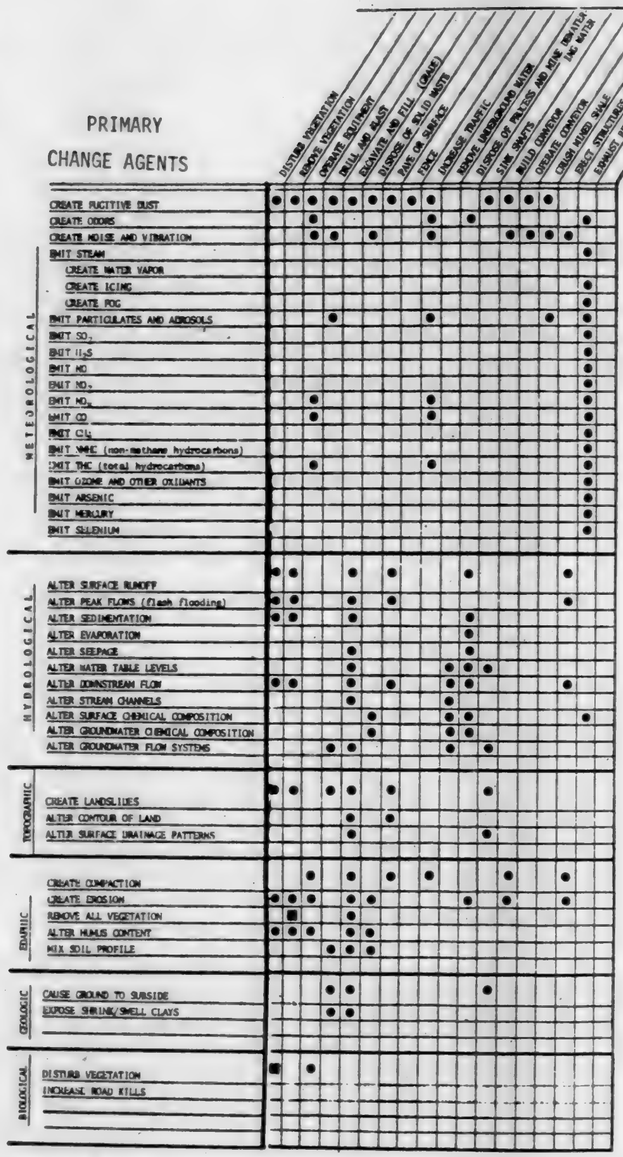
SUBACTIONS

ACTIVITIES THAT PRODUCE PRIMARY CHANGE AGENTS	Build/Extend Roads	Build Impoundments	Sink Shafts	Mine	Construct Underground Facilities	Construct Surface Facilities	Process Raw Materials/Operate	Build Power Transmission Lines	Build Staging Area (off-tract)	Build Pipeline(s) (off-tract)	Build Commercial Facilities
Remove Vegetation	x	x	x			x		x	x	x	x
Store Equipment/Vehicles	x	x	x		x	x			x	x	x
Operate Equipment	x	x	x	x	x	x	x	x	x	x	x
Drill & Blast	x	x	x	x	x	x	x	x	x	x	x
Grade (Excavate & Fill)	x	x			x	x		x	x	x	x
Dispose of Waste	x	x	x	x	x	x	x		x	x	x
Pave or Surface	x	x				x			x		x
Fence	x	x	x			x			x		x
Increase Traffic	x					x			x		x
Disturb Vegetation	x	x	x			x		x	x	x	x
Remove Underground Water (dewater)			x	x	x		x				x
Dispose of Water			x	x	x		x				x
Sink Shafts				•							
Build Conveyor				x							
Operate Conveyor				x			x				
Crush Mined Shale				x			x				
Erect Structures					x	x		x	x		x
Exhaust Retorting Gasses							x				

Illustration D-9

ACTIVITIES

PRIMARY CHANGE AGENTS



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Illustration D–10

1. Socioeconomic Checklist

Detailed information about each component on this checklist can normally be found in SEPs or most regional analyses.
A. Resource production.*
B. Income.
C. Employment.
D. Population.
E. Infrastructure.
1. Public finances.
2. Public administration.
3. Retail and wholesale trade.
4. Finance, insurance, and real estate.
5. Housing.
6. Education.
7. Health care.
8. Mental health.
9. Social services.
10. Sewer and water systems.
11. Public utilities.
12. Transportation and communications.
13. Police and fire protection.
F. Lifestyles.
G. Attitudes and expectations.

2. Resources Checklist

Listed below are resources that should be analyzed in future grazing EISs. Early in the EIS process, the resource specialists must provide the social scientist with resource production estimates, both current and projected. In many cases, it will expand the workload of the specialists; therefore, ample time must be programmed to generate estimates. Frequently, the social scientist will be required to assist in developing these data.
A. Forest industry.
B. Agriculture.
C. Minerals.
D. Recreation.
E. Water, soil, and air.
F. Wilderness.
G. Wild horses and burros.
H. Wildlife.

3. Levels of Systems

Socioeconomic impacts affect different elements (groups or levels) within a given social environment. These separate elements can be related to levels of systems in much the same manner as plants within biological systems (i.e., cell, organism, plant species, plant communities, ecosystems, etc.). The levels of systems most likely to be of concern to the social sciences in grazing EISs include the following:

A. *Individuals.* This system level includes individual persons (e.g., ranchers) or individual operations or businesses.

B. *Groups.* These include *informal* associations of social groups (ranchers, environmentalists, poor, senior citizens, etc.) or functional groups (livestock industry, agribusiness, local eating establishments, etc.).

C. *Organizations. Nongeographic:* this level covers formal, chartered clubs, societies, rancher or business associations, and other interest groups.

Geographic: these include towns, cities, counties, substate regions, states, and multistate regions.

D. *National.* Impacts that affect the entire United States fall into this level. Many attitudinal values (wildlife, open space, wilderness, etc.) frequently have national significance.

E. *International.* Impacts that transcend the national borders come under this level. For example, sedimentation or salinity levels in rivers (e.g., Colorado River) that flow out of the U.S. can be affected by soil erosion factors in certain grazing areas administered by BLM.

The use of these different system levels allows the social scientist to look out from within the EIS study area and identify the full range and scope of impacts caused by BLM grazing actions.

[FR Doc. 80-8009 Filed 3-18-80; 8:45 am]

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*Outputs from resources identified in Resources Checklist.

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federal register

Wednesday
March 19, 1980

Part III

Council on Environmental Quality

National Oil and Hazardous Substances Pollution Contingency Plan; Final Revision

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COUNCIL ON ENVIRONMENTAL QUALITY

40 CFR Part 1510

National Oil and Hazardous Substances Pollution Contingency Plan; Final Revision

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Final Revision of National Contingency Plan.

SUMMARY: These final revisions to the National Oil and Hazardous Substances Pollution Contingency Plan update the Plan to conform to the Clean Water Act amendments of 1977 and restructure the Plan to eliminate duplication and simplify reading. Substantive changes include: (1) Increasing State participation in the Plan, (2) provision for the preparation of local contingency plans, (3) incorporation of the National Pollution Equipment Inventory System, (4) provision for Scientific Support Coordinators, (5) provision for periodic field testing, and (6) clarification of the application of the Endangered Species Act. These changes are designed to improve the efficiency, coordination and effectiveness with which Federal agencies respond to discharges or substantial threats of discharges of oil and hazardous substances.

EFFECTIVE DATE: March 19, 1980.

FOR FURTHER INFORMATION CONTACT: Foster Knight, Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006, (202) 395–5750, or Richard Hess, EPA-Coast Guard Liaison, Headquarters, U.S. Coast Guard, G–WEP/73, Washington, D.C. 20590 (202) 426–9571.

SUPPLEMENTARY INFORMATION:

A. Purpose

We are publishing final revisions to the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR 1510 (as amended March 26, 1976). The Plan is the basis for Federal action to minimize pollution damage from discharges of oil or hazardous substances. The purpose of these revisions is to update the Plan and improve the efficiency, coordination, and effectiveness with which Federal agencies respond to a discharge or substantial threat of discharge of oil or a hazardous substance. We expect the revised regulations to improve planning by and coordination among State and Federal agencies, to improve assessment of environmental damage from spills and to facilitate evaluation of response effectiveness.

B. Summary of Changes Made by the Final Revisions.

1. *Changes to make the Plan track with the Clean Water Act amendments of 1977.*—See particularly §§ 1510.3, 1510.21. Following the Clean Water Act amendments of 1977, the regulations modify the scope of the Plan (§ 1510.3) to include the expanded economic zone of the Fishery Conservation and Management Act of 1976. The revisions apply the Plan to potential as well as actual discharges (§ 1510.21(b)).

2. *Increasing the role of state participation in the Plan.*—(a) States are invited to participate as full members of Regional Response Teams (RRTs). Full participation of high level state representation is desired. See § 1510.23(a) and § 1510.34 (a) and (f).

(b) Section 1510.23(b). EPA and the U.S. Coast Guard should explore the possibility of entering into agreements with states which will delegate to the state spill cleanup responsibilities.

(c) Section 1510.34 (m), (n) and (o). Provisions for RRT members (including state members) to appeal decisions of the RRT to the National Response Team (NRT) and to request further review by CEQ.

3. *Local Contingency Plans.*—The revised Plan makes provision for local contingency plans for dealing with spills in ports or local areas.

Sections 1510.36(d) and 1510.42 provide that the On-Scene Coordinator (OSC) is responsible for developing and maintaining a local contingency plan for the OSC's area of responsibility. Local plans must identify: (1) Environmentally sensitive areas, (2) most probable locations for pollution incidents, (3) the kinds of resources that would be needed to respond to spill incidents, (4) where such resources can be obtained, (5) plans of action for protecting vulnerable resources, (6) sites for disposing recovered oil and hazardous substances, and (7) a local organizational structure for spill response.

To aid the development of local contingency plans, § 1510.34(d) provides that RRTs must designate members to assist the OSC in local contingency planning.

4. *National Pollution Equipment Inventory System.*—The revised Plan in § 1510.43 incorporates a national inventory of equipment and resources available for oil and hazardous substance spill response.

5. *Scientific Support Coordinators.*—The revised Plan provides a mechanism for coordination between the On-Scene Coordinator (OSC) and the scientific community during spills. Such a mechanism is necessary in order to provide the OSC with sound scientific advice in an orderly way, so that the OSC does not have to devote scarce time to a number of different scientists who are concerned about providing cleanup advice and conducting experiments during spill cleanup operations.

Section 1510.34(c) establishes a scientific support organization headed by Scientific Support Coordinators (SSCs) who are designated by EPA for inland spills and by NOAA for coastal area spills.

6. *Annual Field Exercises.*—The revised Plan makes provision for periodic field testing by the RRTs of their spill response equipment and people.

Section 1510.34(h) requires each coastal RRT to conduct annual training exercises in which equipment is actually deployed.

Section 1510.34(i) strongly encourages each inland RRT to conduct annual training exercises.

7. *Changes Reflecting Requirements of the Endangered Species Act.*—The revised Plan specifically discusses the relationship between spill response and cleanup actions and the requirements of legislation protecting endangered or threatened species.

Section 1510.36(a)(3) provides that advice to the OSC provided by DOI through the Fish and Wildlife Service or by Commerce through the National Marine Fisheries Service on the cleanup of spills that affect endangered species, shall be binding on the OSC (with specified exceptions).

8. *Public Information.*—The previous Plan provided for dissemination of public information in Annex VI.

The revised Plan moves the provisions of Annex VI to new § 1510.37. In addition, changes are made to make the Plan conform to the existing public information network.

9. *Restructuring Plan for Easier Reading.*—The previous Plan contained considerable useful information buried in its Annexes.

The revised Plan shifts this more important material into the body of the Plan. The revisions also add new Annex material (new Annexes II, VI and VIII). See attached comparison of Previous Plan and Revised Plan.

In addition, the revisions eliminate duplicative material and rewrite some provisions to achieve clarity and to make minor corrections of outdated Plan information.

Previous Plan	Revised Plan
Annex I (Distribution)	Remains the same.
Annex II (N.R.T. functions)	NRT functions are in § 1510.32.* (Annex II—Formats For Regional and Local Contingency Plans.)
Annex III (National Response Center functions).	NRC functions are in § 1510.33. (Annex III—Regions and Office Locations of Agencies.)
Annex IV (Office Locations of Primary Agencies).	Office locations are in Annex III. (Annex IV—Legal Authorities.)
Annex V (Communication and Reports).	Reports are in § 1510.56.* (Annex V—Communication Services Available.)
Annex VI (Public Information).	Public information is in § 1510.37.* (Annex VI—Sample Collection Procedures to be followed by OSCs.)
Annex VII (Legal Authorities)	Legal Authorities are in Annex IV. (Annex VII—Technical Library.)
Annex VIII (Documentation and Cost Recovery).	Documentation and Cost Recovery are in § 1510.55. (Annex VIII—Definition of Technical Terms.)
Annex IX (Funding)	Funding is in § 1510.65. Annex IX (blank).
Annex X (Schedule of Chemicals and Additives For Removal of Oil and Hazardous Substances).	Remains the same.
Annex XI (Non-Federal Interests).	Non-Federal Interests are in § 1510.23.
Annex XII (blank)	
Annex XIII (blank)	
Annex XIV (blank)	
Annex XV (Technical Library and Definitions of Technical Terms).	Technical Library is in Annex VII; Definition of Technical Terms is in Annex VIII.

*Denotes new annex material.

C. Background

The Plan was first published as an interagency agreement in 1968. It became part of the Code of Federal Regulations in 1970 in accordance with the Water Quality Improvement Act of 1970. Section 311(c)(2) of the Clean Water Act gives the President the responsibility for issuing the Plan. By Executive Order 11735 (August, 1973), this responsibility was delegated to the Council on Environmental Quality (CEQ). In 1973 the Plan was published in its current format. The version that is being revised by these final regulations was publish in 1975 with some minor changes incorporated in 1976.

A number of events over the past two years have identified opportunities for improving the Plan. In late December 1976, the *Argo Merchant* ran aground on Nantucket Shoals, 27 miles from Nantucket Island, Massachusetts. The resulting spill of 7.5 million gallons of oil led to a massive spill response action under the National Contingency Plan. Although the weather conditions exceeded technological capabilities for recovery of the oil, those same conditions meant that no oil reached the Massachusetts shoreline. In April 1978, Massachusetts submitted a Petition for Rulemaking to revise the Plan, asking for specific changes. In addition, a spill of 250,000 gallons earlier in the year resulted in massive shoreline damage on the Chesapeake Bay as 27 miles of coastline were contaminated by the oil.

On June 3, 1979 the worst oil spill in history began with the blow-out of IXTOC No. 1, a well being drilled in the Bay of Campeche by PEMEX, Mexico's national oil company. Estimates of the oil spilled ranged from 10,000 to 30,000 barrels per day. Efforts to plug the well were unsuccessful and drilling of two relief wells began. By late July, 1979 cleanup efforts were only partially successful at best despite the efforts of Mexican authorities, the U.S. Coast Guard's Open Water Containment Recovery System and cleanup firms from around the world. Towards the end of the summer of 1979 huge oil slicks moved north and threatened the Texas coast. The U.S. Coast Guard and Texas authorities prepared to try to protect the highly productive estuaries behind the string of barrier islands on the south Texas coast and to mitigate damage to beaches and the tourist industry. Oil from the spill ultimately reached the south Texas coastline affecting a large geographical area and a multitude of local and regional interests. Response efforts however were moderately successful in mitigating damage.

As a result of such incidents and continuing United States dependency on oil imported by tanker, attention from various levels of government has been continually focused on the response capabilities of the federal government.

Congressional subcommittees have investigated both the response to specific incidents and the general federal scheme for coordinated action. In response to these events and as part of its responsibility to recommend changes, proposed revisions have been submitted to CEQ by the national Response Team, the national group of federal agencies responsible for planning and coordination under this Plan.

Some problems were also addressed in the Clean Water Act amendments of 1977 (Pub. L. No. 95–217 amending 33 U.S.C. 1251 *et seq.*) which changed the jurisdiction of the Plan. The revision of the Plan reflects these statutory changes.

The revised Plan also addresses other problems noted in the course of response actions. In October 1977, CEQ requested information from the States on problems they had encountered in activities under the Plan. Twenty-seven states responded, generally expressing satisfaction with the Plan but offering suggestions for improvements.

The Council published proposed revisions to the National Contingency Plan on May 14, 1979 (44 FR 28196) with 60 days for public review and comment. This comment period was extended upon request until September 1, 1979. The Council received comments from the oil industry, independent waterways operators, state, regional, and local governments and miscellaneous interested parties, totalling 29 written comments. In addition the regional offices of the principal federal agencies provided a number of technical comments.

The Council's staff read and analyzed each of the comments received and developed recommendations were then presented to the National Response Team for further evaluation and recommendations. Finally comments raising significant issues together with staff and National Response Team recommendations for appropriate changes were presented to the Council for resolution.

When, after discussions and review the Council determined that the comments raised valid concerns, the Plan regulations were modified to reflect those concerns. When the Council determined that reasons supporting the Plan provisions were stronger than those for changing them, the Plan provisions were left unchanged. Part D of the Preamble describes the more significant comments received and how the Council responded to them.

D. Comments and the Council's Response

Comments on Section 1510.5—Definitions

One comment objected to the definition of "oil" in § 1510.5, to the extent it includes oil in combination with other substances, as being too vague and imprecise. The Council however determined not to change the definition as it repeats verbatim the definition of "oil" in § 311(a)(1) of the Clean Water Act.

Several comments were critical of § 1510.5(r)(1)'s definition of a minor discharge of a hazardous substance as "a quantity less than that defined as reportable by regulation (40 CFR Part 117)." The comments expressed concern that this definition was inconsistent with EPA's hazardous spills regulations where the enumerated substances are considered hazardous if a quantity equal to or greater than the "reportable quantity" is spilled. The purpose of the Plan is to provide for removal of oil and hazardous substances even in cases where no liability attaches to the discharger. There are many instances where the quantity of hazardous substances spilled cannot be accurately

determined. A definition of minor discharge which excludes less than reportable quantities will discourage efforts to remove such spills. For these reasons, the Council determined not to change the definition of minor discharge of hazardous substances.

The comments also recommended establishing a practical lower limit in the definition of a minor oil spill such as California's 10 gallon limit. The Council determined however that the existing definition in § 1510.5(r)(1), "less than 1000 gallons", is working well and should not be changed.

Comments on Section 1510.21—Federal Responsibility

Some comments pointed out that the proposed language for § 1510.21(a) did not adequately reflect § 311(c)(1) of the Clean Water Act by omitting the modifier "substantial" before "threat." Section 311(c)(1) specifies Federal response actions where there are discharges or a "substantial threat" of such discharge. The Council agrees with these comments. Since this problem was presented in other parts of the proposed revisions, the Council is correcting it by changing the definition of "potential discharge," in § 1510.5(n), to mean "any accident or other circumstance which constitutes a substantial threat of a discharge of oil or hazardous substance." Thus, subject to § 311(c)(1), Federal responsibility exists for discharges and potential discharges. These changes address these same comments with respect to §§ 1510.21(b), 1510.53(a), and 1510.63(b).

Comments on Section 1510.36(b)—On-Scene Coordinator

A number of companies and organizations involved in the carriage of bulk petroleum and chemicals in inland waters requested that § 1510.36(b) be changed to provide that the U.S. Coast Guard (rather than the Environmental Protection Agency) furnish or provide the On-Scene Coordinator for all navigable waters of the United States which are used by waterborne commerce. The principal reasons given in support of this change are: (1) that the Coast Guard is already required to be involved in inland waterway discharges in order to evaluate compliance with pollution prevention regulations and to evaluate penalty assessments, and (2) that it would be an unnecessary duplication of federal agency resources to have the EPA act as On-Scene Coordinator for inland waterway spills. Furthermore EPA's capability to act quickly as the On-Scene Coordinator was questioned by some commenters.

The National Response Team which has overall operational and implementing responsibility for the National Contingency Plan recommended that § 1510.36(b) not be changed because in certain inland waterway regions EPA provides the most effective On-Scene Coordinator, while in others (where the Coast Guard is the most effective), EPA normally predesignates the Coast Guard to serve as the inland waterway OCS. The National Response Team therefore recommended that the existing flexibility in allowing both the EPA and the Coast Guard to be On-Scene Coordinators for inland waterways (depending on the circumstances) is preferable to a fixed rule assigning only the Coast Guard to that function. Based on the National Response Team's experience and recommendations, the Council therefore determined to leave § 1510.36(b) unchanged.

Some commenters expressed concern that the proposed revisions to the Plan (particularly § 1510.36(a)(3) with respect to compliance with the Endangered Species Act and with respect to the use of chemical dispersants governed by Annex X) diminished the On-Scene Coordinator's authority and effectiveness to respond quickly to a spill. These commenters requested that § 1510.36(a)(3) and Annex X be changed to eliminate restrictions on the OSC's authority.

Section 1510.36(a)(3) provides that advice to the On-Scene Coordinator provided by the Fish and Wildlife Service (Department of the Interior) or by the National Marine Fisheries Service (Department of Commerce) on cleanup actions that may affect endangered species shall be considered at all times and be binding on the On-Scene Coordinator unless in the OSC's judgment contrary actions must be taken to protect human life. The Council does not regard this provision as a new limitation on the OSC's authority to act but rather as an incorporation of the requirements of the Endangered Species Act which, since 1973, has applied to all activities of federal agencies and responsible federal officials. In essence, this provision is designed to assist the OSC to comply with the Endangered Species Act, through the expertise of the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), in circumstances where cleanup actions may affect endangered species. Whenever the OSC determines that certain actions must be taken to protect human life, the OSC's judgment will prevail over FWS or NMFS advice to the contrary. For these reasons the Council determined to leave this part of § 1510.36(a)(3) unchanged. Annex X is modified to include a cross-reference to § 1510.36(a)(3). These changes do not affect the OSC's authority to use chemical dispersants such as to substantially reduce explosion or fire hazards to property where there is no threat to endangered species.

With respect to the use of chemical dispersants covered by Annex X, several commenters recommended that the On-Scene Coordinator be provided with authority to allow the spiller or his agents to use *registered chemical dispersants* in *offshore areas* for protection of sensitive environmental or commercial fishery areas without the concurrence of the EPA representative on the Regional Response Team. The National Response Team carefully considered this request but concluded that the continuing involvement of EPA representatives before use of chemical dispersants outweighs any benefits to be derived by allowing the spiller to use dispersants in such areas without advance EPA concurrence. The Council adopted the National Response Team's recommendation with respect to this issue. However, it is the intent of the Plan that the EPA Regional Response Team member continue to work closely with the Coast Guard On-Scene Coordinators to provide greater guidance—in advance of spills—on the circumstances that justify use of chemical dispersants.

Several commenters felt that the priorities of the Plan were insufficiently spelled out and recommended that the primary goals of a spill response be (1) to protect human life and limb and (2) to minimize ecological impacts of spills. The National Response Team believes that these priorities are inherent in the Plan and are already covered in § 1510.36(a)(3) and Annex X. The Council agrees with the NRT and that On-Scene Coordinators have adequate explicit guidance on these priorities.

One comment recommended that § 1510.36(a)(1) be clarified to provide that the first official from an agency with responsibility under the Plan to arrive at the scene of a discharge is to function as acting OSC (if other than the predesignated OSC) until the OSC arrives. The NRT determined that § 1510.36(a)(1) already is sufficiently clear on this point by providing that the first official to arrive on scene "shall coordinate activities under the plan until the OSC arrives." "Shall coordinate activities" includes authority to act as OSC.

Comments on Section 1510.37—Public Information Network

Several comments expressed concern that proposed § 1510.37(b) establishes a regional news office as the "single source of official information on the incident", to the detriment of the public interest in obtaining information from public agencies and private interests. Section 1510.37 has been substantially rewritten, and eliminates the regional news office as the single source of official federal information. As rewritten § 1510.37 provides for coordination of news releases through the OSC, through an on-scene news office or a national news office. Participating federal agencies are given a larger role in the public information network. At the same time, information from private interests on a pollution incident remains unaffected by § 1510.37 or any other provision in the Plan, because the Plan cannot regulate the manner or content of information on a pollution incident provided by private interests. To provide for greater coordination with local government a new sentence is added to § 1510.37(a)(1): [When a major pollution incident occurs] "Those immediately capable, especially local fire, police and government officials, will be contacted first so that they may use all available resources to notify the public of a potential threat."

Comments on Section 1510.42—Local Contingency Plans

One comment recommended that local contingency plans also include development of methods for protecting environmentally sensitive areas. This is addressed in § 1510.42(a) (plans of action for protecting vulnerable resources).

Comments on Section 1510.43—National Inventory System

One comment suggested that standard indemnification agreements be entered into between the Federal government and private parties whose cleanup equipment is listed in the inventory such that owners will be indemnified for any damage that may occur when the equipment is used at the direction of the On-Scene Coordinator. The NRT recommended that indemnification for damaged private equipment need not be addressed in the Plan because private equipment used by the OSC is obtained through rental or other contractual agreements which contain adequate indemnification provisions. The Council therefore deferred to the expertise of the NRT on this issue.

Comments on Section 1510.63—General Pattern of Response Actions

One comment objected to the sentence in § 1510.63(a)(3)(i) which provides "The discharger's removal efforts are 'improper' to the extent that Federal efforts are necessary to prevent further damage." The comment expressed concern that this language prevents or discourages a discharger from seeking Federal removal assistance where Federal assistance would speed the discharger's otherwise "proper" removal actions. The comment misconstrues § 1510.63(a)(3)(i). That section does not mean that otherwise "proper" removal actions by the discharged are rendered improper simply because the discharger seeks Federal assistance.

Comments on Section 1510.64—Special Forces

Several comments were received concerning this section. The State of Washington felt that this section duplicated and conflicted with its own oil and hazardous spills contingency plan provisions governing marine resources damage assessment. Section 1510.64 has been substantially revised based on NRT recommendations and the comments received. With respect to the State of Washington's comment, § 1510.64(c)(2)(i)(aa) makes it clear that well developed state scientific support organizations like Washington's should be employed to support the OSC. Section 1510.64 is not to be construed as requiring the development of duplicatory federal scientific support coordinators where an effective state scientific support organization can be utilized to support the OSC, as coordinated by the state representative on the Regional Response Team.

One commenter recommended changing the title of Scientific Support Coordinator to Scientific Support Advisor. However the NRT believes that Scientific Support Coordinator more accurately reflects the role of the scientific support organization which involves advice to the OSC and RRT but is primarily a coordination role. For this reason the title was not changed.

Another comment recommended that the discharger be advised of the scope of studies to be undertaken by the scientific support organization and be offered an opportunity to comment on its potential liability. The Plan recognizes, as the comment points out, that the line between damage assessment studies (where there may be liability) and pure research (where there is no liability) is difficult to draw. However this problem is addressed in revised §§ 1510.65 (b) and (c) which make it clear that the OSC is to exercise sufficient control over removal operations (including damage assessment) to be able to certify that reimbursement is appropriate.

Concern has also expressed that proposed § 1510.64(c)(1) "would seemingly exclude contractual agreements with commercial environmental firms" to provide scientific assistance and damage assessment for the OSC. This was not the intent, and § 1510.64(c)(2)(i)(aa), as rewritten, expressly includes industry.

Comments on Section 1510.65—Funding

Several comments were received critical of the proposed language in § 1510.65(c). The concern expressed by these comments was that the proposed language implied that the OSC would not be requesting services and resources where essential to an effective Federal response. The Council agrees that the indicated language in proposed § 1510.65(c) was inappropriate. Therefore the last three sentences in proposed § 1510.65(c) were removed and conforming changes were made to the last sentences in § 1510.65(b) and 1510.65(c).

Other Comments

The Commonwealth of Massachusetts urged that the Plan provide for the financial capability of the participating agencies in carrying out the Plan, through an annual assessment of funds available to each agency. The Plan is not authorized to require annual assessments. In response to this comment, however, § 1510.65 relating to funding has been changed to clarify each agency's funding authority and responsibility. Massachusetts also indicated that proposed § 1510.64(c) providing for scientific support coordinators from both EPA and NOAA was a costly redundancy. Section 1510.64(c) has been modified but still preserves the SSC role for EPA in inland waters and for NOAA in coastal waters because the NRT determined this allocation of agency expertise would be the most effective.

The New England Congressional Caucus recommended provision in the Plan for requiring spill cleanup equipment to be stationed near areas of probable spills. The NRT recommended that rather than stationing equipment the most efficient approach is to maintain an up-to-date national inventory and to provide in local contingency plans for the identification of types and locations of clean-up equipment and resources. The Council adopted the NRT recommendation. The

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Caucus also recommended that the Atlantic Strike Team be redeployed to an area to the northeast of its present location. Deployment decisions are within the jurisdiction of the U.S. Coast Guard. The Council has therefore referred this recommendation to the U.S. Coast Guard.

The International Association of Fire Chiefs expressed concern that the Plan unduly and excessively interfered with local agency authority to control and supervise spill response efforts, particularly with respect to responses by local fire and civil defense officials. A number of changes were made in response to this criticism in order to highlight the importance of coordination with local officials and to emphasize that the Plan covers only the Federal response. See §§1510.23(a), 1510.34(f), 1510.36(d), 1510.37(a)(1) and 1510.42(a). Concern was also expressed that §1510.57(a) authorizes the OSC to keep the fire chief and civil defense officials out of the affected area. That section is not intended to give the OSC such authority. Local contingency plans, particularly with the cooperation of local fire and civil defense officials, are to be developed in a manner consistent with local fire and disaster plans and requirements. See §1510.42(a).

One comment recommended expansion and clarification of the Plan concerning the relationship between a responsible discharger (a discharger who is taking proper action to clean up the spill) and the Federal government. The comment recommended coverage of at least four points which are listed below with responses:

(1) What is the continuing role of the OSC if the discharger is in charge of the clean up operation? This question is addressed by §§1510.21(a) and 1510.52(c) which provides that the OSC has a continuing responsibility to monitor clean up actions being taken by the discharger and to provide advice.

(2) Does the OSC continue as the government spokesman for all levels of government? This is addressed in the affirmative by §§1510.5(k) (definition of OSC), 1510.21(a) and Section 1510.52(c).

(3) How is government support and assistance obtained by the discharger (e.g. scientific support)? This is addressed by §§1510.52(c), 1510.63(a)(3), 1510.63(b)(3)(ii) and 1510.64. The OSC's monitoring and surveillance duties includes providing advice and assistance to dischargers concerning proper cleanup and removal actions. Dischargers are encouraged to seek scientific support advice through the OSC on matters not already covered by this Plan and annexes, and the applicable regional and local contingency plans.

(4) How are relations with the news media and public handled? Section 1510.37 provides for relations with the news media and for public information where there is a Federal response to a spill under the Plan. The Plan, of course, cannot govern the manner or content of information provided by the discharger. Where the discharger retains control of the cleanup and removal actions, the public information and news media provisions in §1510.37 will not apply; they only apply where a Federal response is initiated under this Plan.

For the reasons given above, and because the NRT does not believe any significant problems exist in the relationship between the discharger and the Federal government that are not already addressed in the Plan, the NRT recommended that no additional provisions be added to the Plan concerning these points. The Council deferred to the NRT's recommendations.

Several comments from the oil industry recommended that the Plan require the RRT to send copies of their activity reports (under §1510.34(g)(9)) to the oil industry. These reports are available to the public; the American Petroleum Institute representative attending NRT meetings as an observer will be able to obtain copies of such reports and provide for appropriate distribution to the oil industry.

One comment recommended deletion of the term "Coker Feed" in Annex VIII as being inaccurate. This recommendation was adopted.

E. Additional Changes Based on Federal Interagency Comments and NRT Recommendations

Following publication of the proposed revisions to the National Contingency Plan federal agency review resulted in a number of additional changes of essentially a clarifying nature. These are summarized below.

The distinction between Federal primary and advisory agencies under the Plan has been eliminated since over a period of time it has become meaningless. All Federal agencies under the Plan are now referred to as participating agencies. See §§1510.5, 1510.22, 1510.32.

Provisions governing referrals and appeals of decisions by the Regional Response Teams have been clarified. See §§1510.2(10), 1510.32 (m) and (n).

Descriptions of Federal agency expertise and roles under the Plan have been further updated. See §§1510.4, 1510.22(b), 1510.64(c), and Annex III.

Section 1510.37 concerning the public information network has been substantially revised both in response to public comments and to incorporate experience gained by the NRT during 1979 concerning the Campeche Bay and other oil spills affecting U.S. waters in the Gulf of Mexico.

Section 1510.64 relating to Special Forces has been revised in response to public comments and NRT recommendations, particularly with respect to clarifying the responsibilities of NOAA, EPA and the Department of the Interior (Fish and Wildlife Service) in providing scientific support.

F. Regulatory Analyses

Because the Plan governs the Federal government's response to oil and hazardous substances pollution and does not regulate private activities, and since the revisions to the Plan are primarily of a simplifying and updating nature, the Council, supported by a recommendation from the NRT, determined that a regulatory analysis under E.O. 12044 was not required in conjunction with the publication of the Final revisions. The final revisions to the National Contingency Plan implement the policy and other requirements of Executive Order 12044 (Improving Government Regulations) to the fullest extent possible. The revised Plan has been simplified and substantially rewritten in plain language. In reviewing the proposed revisions the Council gave careful attention to minimizing any burden on the public.

The determinations required by Section 2(d) of the Order have been made by the Council and are available on request.

G. Conclusion

We could not, of course, adopt every suggestion that was made on revisions to the National Contingency Plan. We have tried to respond to the major concerns that were expressed. We are confident that any issues which arise in the future can be resolved through recommendations by the public, state and local governments and the participating agencies to the Regional Response Teams and the National Response Team. The National Response Team will continue to supervise implementation of the Plan and, where appropriate, make recommendations to the Council for additional revisions.

We appreciate the efforts of the many people who participated in developing and refining the revisions to the Plan.

Gus Speth,
Chairman.

Part 1510 is revised to read as set forth below:

PART 1510—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Subpart A—Introduction

Sec.
1510.1 Purpose and objectives.
1510.2 Authority.
1510.3 Scope.
1510.4 Abbreviations.
1510.5 Definitions.

Subpart B—Policy and Responsibility

1510.21 Federal responsibility.
1510.22 Duties of Federal agencies.
1510.23 Non-Federal participation.

Subpart C—Organization

1510.31 Emergency response activities and coordination.
1510.32 National Response Team.
1510.33 National Response Center.
1510.34 Regional Response Team.
1510.35 Regional Response Center.
1510.36 On-scene coordinator.
1510.37 Public information network.

Subpart D—Plans

1510.41 Regional contingency plans.
1510.42 Local contingency plans.
1510.43 National inventory system.

Subpart E—Operational Response Phases

1510.51 Phase I—Discovery and notification.
1510.52 Phase II—Evaluation and initiation of action.
1510.53 Phase III—Containment and countermeasures.
1510.54 Phase IV—Cleanup, mitigation and disposal.
1510.55 Phase V—Documentation and cost recovery.
1510.56 Pollution reports.
1510.57 Special considerations.

Subpart F—Coordinating Instructions

1510.61 Delegation of authority.
1510.62 Multi-regional actions.
1510.63 General pattern of response actions.
1510.64 Special forces available to the OSC.
1510.65 Funding.

List of Annexes

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1200 Format of Regional and Local Contingency Plans	II
1300 Regions and Office Locations of EPA and USCG	III
1400 Legal Authorities	IV
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2000 Schedule of Chemicals and Other Additives	X

Authority: Sec. 311(c)(2), Pub. L. 92-500, as amended; 86 Stat. 865, 33 U.S.C. 1321(c)(2); Executive Order 11735, 38 FR 21248 (August 1973).

Subpart A—Introduction

§ 1510.1 Purpose and objectives.

This National Oil and Hazardous Substances Pollution Contingency Plan provides for coordinated Federal action to try to prevent discharges of oil and hazardous substances, and to protect the environment from damage when discharges occur. The Plan also promotes Federal-State coordination and encourages local governments and private firms to build capabilities for cleaning up discharges.

§ 1510.2 Authority.

This Plan was developed in compliance with Section 311(c)(2) of the Clean Water Act, as amended (33 U.S.C. 1321(c)(2)). In Executive Order 11735, the President delegated to the Council on Environmental Quality authority and responsibility to prepare, publish, revise, and amend a National Contingency Plan for the removal of oil and hazardous substances.

(b) The Plan and its Annexes, and regional and local plans, provide for:

(1) Assignment of responsibilities among Federal agencies, in coordination with State and local agencies;

(2) Identification, procurement, maintenance, and storage of equipment and supplies;

(3) Establishment or designation of

(i) A strike force to carry out the Plan and

(ii) Trained and adequately equipped emergency task forces at major ports;

(4) A system of surveillance and reporting to give responsible Federal and State agencies the earliest possible notice of discharges of oil and hazardous substances or imminent threats of such discharges.

(5) Establishment of a national center to provide for coordination and direction of operations in carrying out the Plan;

(6) Procedures for identifying, containing, dispersing, and removing oil and hazardous substances;

(7) A schedule, prepared in cooperation with the states, identifying any dispersants or other chemicals that may be used in carrying out the Plan;

(8) A system for reimbursing states for reasonable costs incurred in removing discharges;

(9) A procedure for coordinating scientific support of cleanup operations, assessment of damage after a spill, and research efforts; and

(10) A system for referral and appeal of decisions of the Regional Response Teams and On-Scene Coordinators.

§ 1510.3 Scope.

(a) The Plan applies to all Federal agencies and is in effect for the navigable waters of the United States and adjoining shorelines, for the contiguous zone, and the high seas beyond the contiguous zone in connection with activities under the Outer Continental Shelf Lands Act or the Deep Water Port Act of 1974, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976). (See Sections 311(b)(1) and 502(7) of the Clean Water Act).

(b) Implementation of this Plan is complementary to the Joint U.S./Canadian Contingency Plan (including the annexes pertaining to the Great Lakes, and the Eastern and Western coastal areas); the Joint U.S./Mexican Contingency Plan (when adopted by both parties); and international assistance plans and agreements, security regulations, and responsibilities based upon Federal statutes and Executive Orders. This Plan shall be utilized to coordinate U.S. involvement in pollution incidents occurring in waters not under the management jurisdiction of the United States.

§ 1510.4 Abbreviations.

(a) *Department and Agency title abbreviations:*

CEQ—Council on Environmental Quality.
Corps—U.S. Army Corps of Engineers.
DHEW—Department of Health, Education, and Welfare.
DOC—Department of Commerce.
DOD—Department of Defense.
DOE—Department of Energy.
DOI—Department of the Interior.
DOJ—Department of Justice.
DOL—Department of Labor.
DOS—Department of State.
DOT—Department of Transportation.
EPA—Environmental Protection Agency.
FEMA—Federal Emergency Management Agency.
FWS—U.S. Fish and Wildlife Service.
MarAd—Maritime Administration.
NMFS—National Marine Fisheries Service.
NOAA—National Oceanic and Atmospheric Administration.
USCG—U.S. Coast Guard.
USDA—Department of Agriculture.
USGS—U.S. Geological Survey.
USN—U.S. Navy.

(b) *Operational title abbreviations:*

ERT—Environmental Response Team.
NRC—National Response Center.
NRT—National Response Team.

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OSC—On-Scene Coordinator.
PIAT—Public Information Assistance Team.
SSC—Scientific Support Coordinator.
RRC—Regional Response Center.
RRT—Regional Response Team.

§ 1510.5 Definitions.

(a) Act—means the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*

(b) Activation—means notification by telephone or other expeditious means to the appropriate state and local officials, to the regional or district office of participating agencies, or, when required, the assembly of some or all members of the RRT or the NRT.

(c) Coastal waters—generally means U.S. waters which are navigable by deep draft vessels, including the contiguous zone and parts of the high seas to which this Plan is applicable and other waters subject to tidal influence.

(d) Contiguous Zone—means the zone of the high seas, established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone, which is contiguous to the territorial sea and which extends 12 miles seaward from the same baseline from which the territorial sea is measured.

(e) Discharge—includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping of oil or hazardous substances. Discharges permitted under Section 301, 302, 306, 318, 402 or 404 of the Act or Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972 (Pub. L. No. 92–532) are not included.

(f) Hazardous substance—means any substance designated as hazardous under subsection (b)(2) of section 311 of the Act (see 40 CFR Part 116).

(g) Inland waters—generally means U.S. waters upstream from coastal waters.

(h) Major disaster—means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, drought, fire or other catastrophe in the United States which the President determines to be damaging enough to warrant major disaster assistance under the Disaster Relief Act of 1974 (Pub. L. 93–288).

(i) Presidential Emergency Determination—a formal Presidential decision made at the request of a State Governor determining that a situation constitutes an "emergency" in accordance with the provisions of the Disaster Relief Act of 1974 (Pub. L. 93–288).

(j) Oil—means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

(k) On-Scene Coordinator (OSC)—means the Federal official predesignated by the EPA or the USCG to coordinate and direct the Federal response to spills, and discharge removal efforts at the scene of a discharge.

(l) Phases—response actions fall into five classes or phases. Phase I is Discovery and Notification; Phase II, Evaluation and Initiation of Action; Phase III, Containment and Countermeasures; Phase IV, Removal, Mitigation and Disposal; and Phase V, Documentation and Cost Recovery. Elements of any phase may coincide with other phases. For a full description of the phases, see Subpart E, § 1510.51–55.

(m) Plan—means the National Oil and Hazardous Substances Pollution Contingency Plan.

(n) Potential discharge—means any accident or other circumstance which constitutes a substantial threat of a discharge of oil or hazardous substance. Severity of potential discharges shall be classified according to the guidelines in subparagraph (r) below.

(o) Participating agencies—means all departments and agencies on the NRT that have responsibility and provide resources for the effective operation of this Plan.

(p) Public health or welfare—includes all factors affecting human health and welfare, including, but not limited to, human health, the natural environment, fish, shellfish, wildlife, and public and private property, shorelines and beaches.

(q) Remove or removal—means the removal of oil or hazardous substances from the water and shorelines or taking necessary actions to minimize or mitigate damage to the public health or welfare. Under this Plan, removal refers to Phase III and IV response operations.

(r) Size classes of discharges—The following classifications are provided as guidance for the OSC and serve as the criteria for the actions delineated in Section 1510.63. They are not meant to imply associated degrees of hazard to the public health or welfare, nor are they a measure of environmental damage. Any discharge that poses a substantial threat to the public health or welfare, or results in critical public concern shall be classed as major discharge regardless of the following quantitative measures.

(1) Minor discharge—means a discharge to the inland waters of less than 1000 gallons of oil; or a discharge to the coastal waters of less than 10,000 gallons of oil; or a discharge of a hazardous substance in a quantity less than that defined as reportable by regulation (40 CFR Part 117).

(2) Medium discharge—means a discharge of 1,000 to 10,000 gallons of oil to the inland waters; or a discharge of 10,000 gallons to 100,000 gallons of oil to the coastal waters; or a discharge of a hazardous substance equal to or greater than a reportable quantity as defined by regulations (40 CFR Part 117).

(3) Major discharge—means a discharge of more than 10,000 gallons of oil to the inland waters; or more than 100,000 gallons of oil to the coastal waters; or a discharge of a hazardous substance that poses a substantial threat to the public health or welfare, or results in critical public concern.

(s) United States—means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

Subpart B—Responsibility

§ 1510.21 Federal responsibility.

(a) This Plan seeks to insure a coordinated Federal response at the scene of a discharge, or a potential discharge of oil or hazardous substance that poses a threat to the public health or welfare. In the event of a discharge, the Federal OSC shall first promptly determine (under section 311(c)(1) of the Act) whether the person responsible for the discharge is taking proper action to remove the discharge or threat of discharge. If practicable, the OSC shall make the person responsible aware of his financial responsibility. If the OSC determines that the person responsible is taking proper action, the OSC shall monitor progress and provide advice. If the person responsible does not act promptly or fails to take proper removal actions, or if the person responsible is unknown, or if a potential discharge is considered to exist, further Federal response actions shall be undertaken promptly in accordance with this Plan.

(b) Removal actions taken under section 311(c)(1) of the Act are limited to the areas described in § 1510.3(a) (Scope of Plan). When a discharge or potential discharge that poses a threat to U.S. waters, occurs outside the Plan's jurisdiction, the procedures of this Plan and those of regional and local plans apply to the extent practicable; removal will take place under other legal authorities.

(c) In accordance with section 311(d) of the Act, whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare, because of a discharge or an imminent discharge of large quantities of oil or a hazardous substance from a vessel, the United States may:

(1) Coordinate and direct all public and private efforts for the removal or elimination of the threat; and

(2) Summarily remove and, if necessary, destroy the vessel by whatever means are available without regard to any provisions of law governing the employment of personnel or the expenditure of appropriated funds. The authority for these actions has been delegated under Executive Order 11735 to the Administrator of EPA and the Secretary of the Department in which the Coast Guard is operating, respectively, for the waters for which each designates the OSC under this Plan.

(d) When the Administrator of EPA or the Secretary of the Department in which the Coast Guard is operating determines there is an imminent and substantial threat to the public health and welfare because of an actual or threatened discharge of oil or hazardous substance into or upon the waters of the United States from any onshore or offshore facility, he may require, through the Attorney General, that the U.S. Attorney of the district in which the threat occurs secure the relief necessary to abate the threat. The NRT may request EPA or the USCG to exercise this authority. The action described here is in addition to any other actions taken by a state or local government for the same purpose.

(e) Federal agencies with facilities or other resources which may be useful in a Federal response situation will make those facilities or resources available for use in accordance with this Plan and the regional and local plans. Federal resources shall be made available to the extent possible, consistent with agencies' operational requirements, within the limits of existing statutory authority, and within the spirit of the President's and the Congress intent to minimize discharges and their effects.

(f) Environmental pollution control techniques shall be employed in accordance with applicable regulations and guidelines, and regional and local contingency plans. In any circumstances not covered by regulations, the use of chemicals shall be in accordance with Annex X and must have the concurrence of the EPA representative or alternate representative on the RRT. In the absence of the EPA representative or alternate, the concurrence of the appropriate EPA regional administrator must be obtained.

(g) Response actions to remove discharges originating from Outer Continental Shelf Lands Act operations shall be in accordance with the August 1971 Memorandum of Understanding between DOI and DOT concerning respective responsibilities under this Plan.

(h) Discharges of radioactive materials shall be handled pursuant to the Interagency Radiological Assistance Plan which is administered by the Department of Energy.

§ 1510.22 Duties of Federal agencies.

(a) Each of the participating Federal agencies has duties established by statute, Executive Order, or Presidential directive which may be relevant to the Federal response to a pollution discharge. See Annex IV for a description of applicable legal authorities. Regional contingency plans shall call upon agencies to discharge these duties in a coordinated manner. They shall provide for:

(1) Identification of the statutory responsibilities of all agencies involved;

(2) Prompt notification of agency representatives in the event of a threatened or actual oil or hazardous substances spill;

(3) Designation of agency representatives to assist OSCs in developing local contingency plans; and

(4) Coordination of agency representatives with the OSC during a pollution incident (see § 1510.36(a)(3)).

(b) The following Federal agencies have specific duties and responsibilities which are relevant to a response to discharges of oil or hazardous substances:

(1) The Council on Environmental Quality is responsible for preparing, publishing, revising and amending the National Contingency Plan. The NRT will advise CEQ on necessary changes to the Plan and CEQ shall insure that any disagreements among participating agencies are expeditiously settled.

(2) The Department of Agriculture provides expertise in managing agricultural, forest, and wilderness areas and in selecting landfill disposal sites. The Soil Conservation Service can provide to the OSC predictions of the effects of pollutants on soil and their movements over and through soil.

(3) The Department of Commerce, through NOAA, shall provide scientific expertise on living marine resources for which it is responsible, including endangered species and marine mammals (see § 1510.36(a)(3)); coordinate scientific support, provide current and predicted meteorologic, hydrologic, ice and oceanographic conditions for the high seas, coastal, and inland waters; provide charts and maps, including tide and current information, for coastal and territorial waters and the Great Lakes; and assist EPA in damage assessment in coastal areas and on the high seas. When requested by NRT, DOC through MarAd will provide advice on the design, construction and operation of merchant ships.

(4) The Department of Defense, consistent with its operational requirements, may provide assistance in maintaining navigation channels, in the removal of navigation obstructions, and in salvage. Upon request of the OSC, NRT, or USCG, the services and special equipment of the Supervisor of Salvage, USN will be provided as available for the cleanup and control of oil spills. Upon request from the OSC, locally deployed Navy equipment may be provided.

(5) The Department of Energy administers, implements, and coordinates the Interagency Radiological Assistance Plan (IRAP). DOE will advise the NRT when assistance is required in identifying the source and extent of radioactive contamination, and in the removal and disposal of radioactive discharges.

(6) The Department of Health, Education, and Welfare is responsible for providing expert advice and assistance on discharges or potential discharges that pose a threat to public health and safety.

(7) Federal Emergency Management Agency participates in the development and evaluation of national, regional, and local oil and hazardous substance pollution contingency plans in accordance with Executive Order 12148, Section 2–1; monitors responses related to such plans in accordance with Executive Order 12148, Section 2–2; and evaluates State Governors' requests for Presidential declarations of major disasters or determinations of emergency under Pub. L. 93–288 (42 U.S.C. 4401, *et seq.*), the Disaster Relief Act of 1974.

(8) The Department of Interior, through the USGS, can provide expertise in the fields of oil drilling, producing, handling, and transportation by pipeline. The USGS supervises continuously manned facilities which can be used for command, control and surveillance of discharges occurring from operations conducted under the Outer Continental Shelf Lands Act. The Bureau of Mines may provide analytical facilities which in an emergency could be of aid in identifying inorganic hazardous substances. Through its pollution response coordinators, the Fish and Wildlife Service of DOI will provide technical expertise to the OSC and RRT on fish and wildlife and their habitats, including migratory birds, marine

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mammals, and endangered and threatened plants and animals (See § 1510.36(a)(3)). DOI is responsible for implementing this plan in American Samoa and the Trust Territory of the Pacific Islands when required.

(9) The Department of Justice can provide expert advice on complicated legal questions arising from discharges and Federal agency responses.

(10) The Department of Labor, through the Occupational Safety and Health Administration, will provide the OSC with advice, guidance, and assistance regarding hazards to persons involved in removal or control of oil or chemical spills, and in the precautions necessary to prevent hazards to their health and safety.

(11) The Department of Transportation provides expertise on all modes of transporting oil and hazardous substances. Through the USCG, DOT offers expertise in the domestic/international fields of port safety and security, marine law enforcement, ship navigation and construction, and the manning, operation, and safety of vessels and marine facilities. The USCG also maintains continuously manned facilities which can be used for command, control, and surveillance of oil discharges occurring on the waters of the United States or the high seas. For those areas where it provides the OSC, the USCG chairs the RRT which develops, implements, and revises the regional and local contingency plans as necessary.

(12) The Department of State will lead in developing joint international contingency plans. It will also help to coordinate an international response when pollution discharge crosses international boundaries or involves foreign flag vessels. Additionally, this Department will coordinate requests for assistance from foreign governments and U.S. proposals for conducting research at incidents that occur in waters of other countries.

(13) The Environmental Protection Agency provides expertise on environmental effects of pollution discharges and environmental pollution control techniques. EPA will also advise the RRT and OSC on what degree of hazard a discharge poses to the public health and safety, and will coordinate scientific support, including assessment of damages, in the inland regions. For those areas where it provides the OSC, EPA chairs the RRT which develops, implements, and revises regional and local contingency plans as necessary. EPA will coordinate with USCG in the preparation of regional and local contingency plans for pollution control and protection of the environment.

(c) All Federal agencies are responsible for minimizing the possibility of discharges; for developing the capability to respond promptly to discharges from facilities they operate or supervise; and for making resources available for Federal pollution response operations.

(d) In addition to their general responsibilities under paragraph (c) of this section, participating agencies are responsible for:

(1) Leading all Federal agencies in programs to minimize environmental damage associated with discharges from facilities they operate or supervise;

(2) Providing representation as necessary to the NRT and RRTs, and giving assistance to the RRTs and OSCs in formulating regional and local contingency plans;

(3) Developing the operating capability in their particular areas of expertise for a rapid response to any pollution discharge in coordination with other Federal agencies;

(4) Making necessary information available to the NRT, RRT, or OSC; and

(5) Informing the NRT and RRTs (consistent with national security considerations) of changes in the availability of resources that would affect the operation of this Plan.

§ 1510.23 Non-Federal participation.

(a) Every State Governor is asked to assign an office or agency to represent the State on the RRT. The State's representative should participate fully in all facets of RRT activities and shall designate the element of the State government that will direct state supervised discharge removal operations. Participation of officials from municipalities with major ports and waterways is also invited in the RRT. (See § 1510.34(f).)

State and local government agencies are encouraged to include contingency planning for discharge removal in all emergency and disaster planning. Federal local contingency plans required by this Plan shall be coordinated with plans developed by state and local governments. This is especially important for traffic control, land access, and disposal of pollutants in removal operations.

(b) States, industry groups, academic organizations, and others are encouraged to commit resources for removal operations. Specific commitments shall be listed in Federal regional and local contingency plans. EPA and the USCG should explore the possibility of concluding memoranda delegating responsibility to concerned States for cleanup of certain spills. Details on reimbursement to states for removal actions taken under to this Plan are contained in § 1510.65 and 33 CFR Part 153.

(c) It is particularly important to coordinate the technical information generated by scientists from the Federal and State governments, from industry, universities, and elsewhere to assist the OSC in developing cleanup strategies in environmentally sensitive areas; to assist in the performance of post spill damage assessments; and to assure that pertinent research will be undertaken to meet national needs. The scientific support aspect of this Plan is described in § 1510.64.

(d) Federal local contingency plans should establish procedures to allow for well-organized and worthwhile employment of volunteers. Local plans should provide for the direction of volunteers by the OSC, or by other Federal, local or state officials knowledgeable in contingency operations and capable of providing leadership. Local plans should also identify specific areas in which volunteers can best be used such as: beach surveillance, logistical support, bird and wildlife treatment, and scientific investigations. Normally, volunteers should not be used for physical removal of pollutants. If the substance discharged is toxic to humans, or if in the judgment of the OSC other dangerous conditions exist, volunteers shall not be permitted at on-scene operations. Regional and local contingency plans should provide for routine education and training of volunteers so that training during an actual incident will not be necessary. Information on discharge and removal efforts should be provided to volunteers frequently during the course of planning to insure coordinated effort and meaningful participation.

Subpart C—Organization

§ 1510.31 Emergency response activities and coordination.

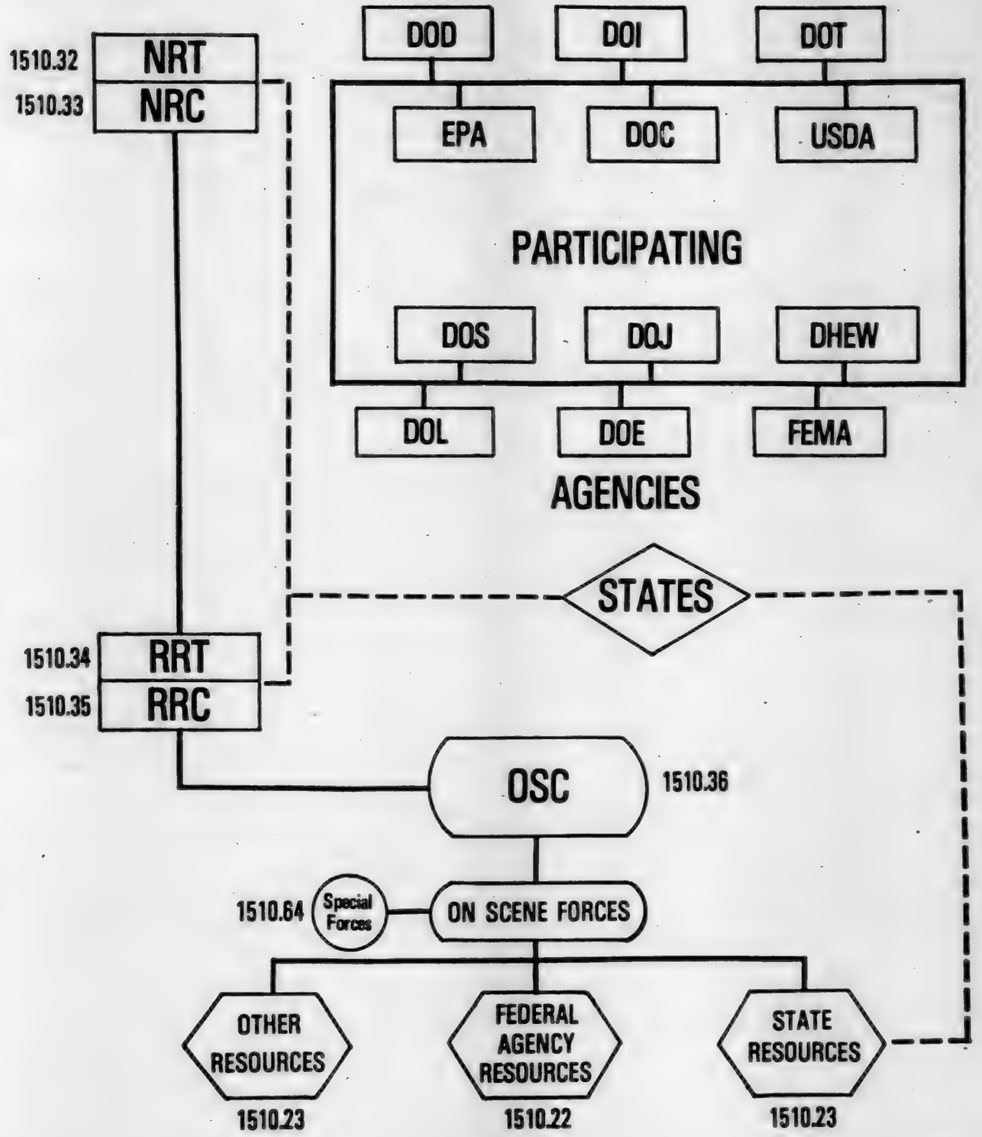
(a) In a pollution emergency, the OSC is responsible for Federal on-scene coordination. The OSC provides reports to and receives advice from the RRT charged with regional coordination. The RRT is composed of representatives from the regional and district offices of the participating agencies, States, and local governments.

(b) National coordination is accomplished through the NRT which receives reports from and provides guidance and advice to the RRTs. Activities are coordinated through the facilities of the national and regional response centers.

(c) The organization of this Plan is shown in Figure 1.

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National Contingency Plan Concepts



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Figure 1

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§ 1510.32 National Response Team.

(a) The NRT consists of representatives from the participating agencies. It is the national body for planning and preparedness before a pollution discharge and for coordination and advice during a discharge. Each participating agency shall designate a member to the team and sufficient alternates to insure representation.

(b) Except for periods of activation because of a pollution incident, the representative of EPA shall be the chairman and the representative of DOT shall be vice-chairman of the NRT. The vice-chairman shall maintain records of NRT activities along with national, regional and local plans for pollution response. When the NRT is activated for a pollution incident, the chairman shall be the representative of EPA or DOT, depending upon the area in which the response is taking place.

(c) NRT meetings are open to the public. Upon invitation of the chairman and with the consent of members, non-government observers may participate without vote in any meeting of the NRT on matters of their direct concern. They shall be provided with reports issued by the NRT. Invitations to participate shall be given to a non-Government organization if:

(1) The organization can reasonably be expected to make a significant contribution to the work of the Team;

(2) The organization's work, past and present, has a direct relationship to the work of the Team; and

(3) The organization is not represented at the NRT through another organization.

(d) Normally, when the NRT is not activated for a pollution incident, it shall serve as a standing committee to evaluate the preparedness of the agencies and effectiveness of plans for responding to pollution discharges, to recommend needed policy changes in the response organization, and to recommend revisions to this Plan as needed.

(e) The NRT shall consider and make recommendations to appropriate agencies on the training and equipping of response teams; necessary research, development, demonstration, and evaluation to improve response capabilities; and equipment, material stockpiling, and other operational matters as the need arises. CEQ shall be advised of any agency's failure to respond adequately to these recommendations.

(f) The NRT shall recommend revisions of this Plan to CEQ for approval and publication.

(g) Scientific advisors shall be designated, from EPA, DOC–NOAA, and DOI–FWS, to advise the NRT on scientific matters related to pollution response, and to coordinate and oversee the regional scientific support mechanism (see § 1510.64). They shall also evaluate and advise the NRT on the desirability of carrying out research affecting waters and resources not under the jurisdiction of the United States.

(h) The NRT shall establish and maintain a Research and Development Committee to:

(1) Provide the latest information on Federal agencies' research, development, and demonstration activities for spill response and cleanup;

(2) Respond to NRT requests for scientific and technical information;

(3) Identify appropriate research and development initiatives;

(4) Provide for information exchange between agencies on response research, development, and demonstration projects. The committee shall report to the NRT at the June and December meetings and at other times upon request.

(i) Ad hoc committees may also be established from time to time. Representatives from the participating agencies with direct involvement in such committees' charters shall serve on these committees.

(j) Planning and preparedness responsibilities of the NRT are to:

(1) Make a continuing review of regional responses to pollution incidents, with an evaluation of equipment readiness and coordination among responsible public agencies and private organizations.

(2) Consider necessary changes in policy on the basis of the continuing review of regional responses to pollution incidents;

(3) Develop procedures to ensure the coordination of Federal, state, local government, and private responses to pollution incidents;

(4) Review regional plans and reports of activities from RRTs, and make sure that RRTs are functioning satisfactorily.

(5) Inform the Research and Development Committee on research requirements identified during discharges of unusual materials or under unique circumstances;

(6) Review continuously and act upon reports by the Research and Development Committee;

(7) Maintain readiness to respond to a nationally significant discharge of oil or hazardous substances;

(8) Monitor incoming reports from all RRTs and activate the NRT for a pollution incident when appropriate; and

(9) Meet monthly or more frequently to review pollution emergency response actions of the preceding period, receive reports from the R&D Committee and ad hoc committees. Information on the time and place of meetings may be obtained from the National Response Center (see § 1510.33).

(k) The NRT shall be activated as an emergency response team when requested by any team representative or when a discharge:

(1) Exceeds the response capability of the region in which it occurs;

(2) Transects regional boundaries; or

(3) Involves significant population hazards or national policy issues, substantial amounts of property, or substantial threats to natural resources.

When acting as an emergency response team, the NRT shall consist of representatives from the participating agencies. Each representative or an appropriate alternate shall be notified immediately by telephone of the emergency activation of the NRT.

(l) When activated for a pollution incident the NRT shall meet at the call of the chairman and shall:

(1) Monitor and evaluate reports from the OSC. The NRT may recommend to the OSC, through the RRT, actions to combat the discharge;

(2) Request other Federal, state, and local governments, or private agencies to consider providing resources under their existing authorities to combat a discharge of monitor response operations;

(3) Coordinate the supply of equipment, personnel, or technical advice to the affected region from other regions or districts; and

(4) Prepare public information releases and transfer information between the OSC and the Washington, D.C., headquarters of the agencies concerned. Public information is discussed in § 1510.37.

(m) The NRT shall consider any matter referred to it for settlement by an RRT or OSC when the matter cannot be resolved at regional level on an interagency basis. Unless circumstances dictate otherwise, further actions will not be taken on matters thus referred to NRT until the NRT position has been transmitted to the RRT and OSC. Any member of an RRT may petition the NRT for a review of matters considered by the RRT. Petitioning RRT members may appear before the NRT to present their arguments but shall not have the right to vote in NRT deliberations on the disputed matter. While the NRT desires to achieve a consensus on all matters brought before it, certain matters may prove unresolvable through normal debate or discussion. In such cases, each cabinet department or independent agency serving as a participating agency on the NRT shall be accorded one vote in NRT proceedings.

§ 1510.33 National Response Center.

(a) The NRC is the national communications center for activities related to pollution incidents. It is located at the Washington, D.C., Headquarters of the USCG. Notice of discharges should be made through a toll free number, a special local number, or through telephone and teletype circuits. (Details appear below and in Annex V.) The NRC relays notices of discharge to the appropriate OSC. It disseminates OSC and RRT reports to the NRT when appropriate. It provides facilities for the NRT to use in coordinating a national pollution emergency response when required.

(b) The Commandant, U.S. Coast Guard, shall provide the necessary communications, plotting facilities, and equipment. These will include:

(1) A continuously manned communication center for receiving reports of discharges;

(2) Telephone branch lines;

(3) Teletypewriter circuits;

(4) The latest updated charts of the Departments of Commerce, Interior and Defense for the U.S. waters, the Continental Shelf and the ocean areas adjacent to the U.S. Territorial waters;

(5) Technical library on oil and hazardous substances pollution (described in Annex VII); and

(6) Plotting and display facilities to depict the geographic position, movement, and extent of the discharge.

(c) The USCG shall furnish technical manuals and materials, and necessary administrative support to operate the NRC effectively and efficiently.

(d) Participating agencies may use normal communication circuits to fulfill their responsibilities under the Plan. Telephone numbers for the primary notification offices of interested agencies will be maintained in NRC and in RRCs.

(e) First notice of a pollution discharge shall be made immediately (in accordance with 33 CFR 153.203) either to the NRC Duty Officer, HQ USCG, Washington, D.C., toll free telephone (800) 424–8802 (or 426–2675 in the Washington, D.C., local calling area), or to the predesignated OSC (see Annex III). All notices of discharges received at the NRC shall be relayed immediately by telephone to the OSC. The NRC shall evaluate incoming information and immediately advise FEMA of potential major disaster situations.

(f) Pollution Reports (POLREPS) shall be submitted by the RRT to the NRC as developments occur and not later than 1600 local time on each day of a pollution response operation. Pollution Reports shall be disseminated by the NRC to NRT members as requested by those members.

§ 1510.34 Regional Response Team.

(a) The RRT serves as the regional body for planning and preparedness actions before a pollution discharge and for coordination and advice during a pollution discharge. The RRT consists of regional representatives of the participating agencies, state, and local government representatives as appropriate. The full participation of high level representation from States and local governments with major ports and waterways is desired. (See §§ 1510.23(a) and 1510.34(f).)

(b) Except when the RRT is activated for a pollution incident, the representatives of EPA and DOT shall act as co-chairmen. When the RRT is activated for a pollution incident, the chairman shall be the representative of EPA or DOT, depending upon the area of the spill and the response.

(c) Each participating agency shall designate one member and at least one alternate member to the RRT. Participating States and local governments should also designate one member and at least one alternate member to the Team. Agencies may also provide additional representatives as observers to meetings of the RRT. Persons representing Federal and State agencies shall be specified in each regional contingency plan.

(d) RRT members shall designate representatives from their agencies to work with OSCs in developing local contingency plans, providing for the use of agency resources, and in responding to pollution incidents.

(e) The chairman of RRT shall ensure that the regional and local contingency plans adequately provide the OSC with assistance from the Federal agencies commensurate with agencies' resources, capabilities and responsibilities within the region. During a pollution emergency, the members of the RRT shall insure that the resources of their agencies are made available to the OSC as specified in the regional and local contingency plans.

(f) Affected states are encouraged to participate actively in all RRT activities (see § 1510.23(a)), to designate representatives to work with the RRT and OSC's in developing regional and local plans, plan for and make available State resources, and serve as the contact point for coordination with local government agencies in responding to pollution incidents. When the RRT is activated for a pollution emergency, affected States are invited to participate in all RRT deliberations. Any State or local government representative who participates in the RRT has the same status as any Federal member of the RRT.

(g) When not activated for a pollution incident, the RRT serves as a standing committee to recommend needed policy changes in the regional response organization, to revise the regional plan as needed, and to evaluate the preparedness of the agencies and the effectiveness of local plans for the Federal response to pollution incidents. The RRT shall:

(1) Make a continuing review of regional and local responses to pollution incidents, considering equipment readiness and coordination among responsible public agencies and private organizations;

(2) Recommend revisions to this National Contingency Plan to the NRT, on the basis of observations of response operations;

(3) Consider and recommend necessary changes in policy on the basis of the continuing review of regional responses to pollution incidents;

(4) Develop procedures to insure the coordination of Federal, State, local government, and private responses to pollution incidents;

(5) Review the functioning of OSCs to insure that local contingency plans are developed satisfactorily;

(6) Be prepared to respond to a major discharge of oil or hazardous substances outside its region;

(7) Monitor incoming reports from all OSCs and activate the RRT when appropriate; and

(8) Meet quarterly to review response actions carried out during the preceding period, and consider changes in both regional and local contingency plans. In those regions having both coastal and inland RRTs, RRT meetings held in alternating quarters (inland in March, coastal in June, etc.) would meet this requirement.

(9) RRTs shall provide letter reports on their activities to the NRT twice a year, no later than 31 January and 31 July. The reports will help to identify techniques and procedures that have worked well and subjects requiring improvement and should be circulated to other RRTs. At a minimum, reports will contain paragraphs covering:

(i) *Summary of Activities,* containing highlights of routine meetings and activations during the reporting period;

(ii) *Organizational Matters,* Outlining improvements made since the last report. Organizational matters requiring NRT action should be included. RRTs

are encouraged to add detailed accounts of successful procedures;

(iii) *Operations*, including recommendations, comments or observations on response methods, equipment, training or other operational matters which have not been addressed in the review of OSC reports.

(h) Each coastal RRT is required to conduct an annual training exercise in which response equipment is actually deployed. These exercises should use all existing capabilities in the local port area. Any funding required to support the exercise should be requested through the normal agency budget process. The RRT shall cooperate to the fullest extent possible in field exercises of member agencies.

(i) RRTs for inland regions are strongly encouraged to conduct an annual training exercise in which response equipment is actually deployed. RRTs for inland regions shall cooperate to the fullest extent possible in field exercises of member agencies.

(j) The RRT shall be activated as an emergency response team when a discharge:

(1) Exceeds the response capability available to the OSC in the place where it occurs;

(2) Transects regional boundaries; or

(3) Poses a substantial threat to the public health and welfare or to regionally significant amounts of property. Regional contingency plans shall specify detailed criteria for activation of RRTs.

(k) The RRT shall be activated automatically in the event of a major or potential major discharge. The RRT may be activated during any other pollution emergency by an oral request from any RRT representative to the chairman of the Team. Requests for Team activation shall later be confirmed in writing. Each representative, or an appropriate alternate, shall be notified immediately by telephone when the RRT is activated. POLREPS to the NRC from RRTs shall include the time of Team activation, method of activation (e.g., telephone) and place of assembly (if appropriate).

(l) When activated for a pollution incident, agency representatives shall meet at the call of the chairman and shall:

(1) Monitor and evalute reports from the OSC. The RRT shall advise the OSC on the duration and extent of Federal response and may recommend to the OSC specific actions to combat the discharge;

(2) Request other Federal, state or local government, or private agencies to consider providing resources under their existing authorities to combat a discharge or monitor response operations;

(3) Help the OSC prepare information releases to the public and for communication with the NRT. Public information is discussed in § 1510.37;

(4) Advise the regional head of the agency providing the OSC if the circumstances or progress of a pollution discharge indicate that a different OSC should be designated; and

(5) Submit Pollution Reports (POLREPS) to the NRC as developments occur and not later than 1600 local time of each day of the operation.

(m) Whenever insufficient national policy guidance exists on a matter before the RRT, or there is a question concerning the interpretation of national guidance, the matter shall be referred to the NRT for resolution. Time permitting, further actions will not be taken on such issues until the NRT has transmitted a position to the OSC and RRT. Should the matter directly affect a State or local government, the RRT representatives of the affected governments may express their position to the NRT.

(n) If any member of the RRT dissents from a decision of the RRT on a discretionary action pursuant to the Plan, or an interpretation of the plan, that member may appeal the decision to the NRT in accordance with § 1510.32(m). The dissenting member shall notify the chair of the NRT of its appeal. During a major pollution discharge, a member who has pursued an appeal to the NRT may request further review by CEQ.

(o) Any State or local government representative who participates in the RRT has the same status as any Federal member of the RRT. Although it is preferable that RRT's reach consensus views, there may be occasions when a vote is necessary. On those occasions, each Federal cabinet level or independent agency, the directly affected State, and the directly affected local government shall be accorded one vote only.

(p) The RRT shall be deactivated by agreement between the EPA and USCC team members. The time of deactivation shall be included in POLREPS.

(q) Boundaries for regional contingency plans shall follow those of the Standard Regions for Federal Administration as shown in Annex III. Boundaries for local contingency plans shall coincide with those agreed upon between EPA and the USCG to determine OSC areas of responsibility and shall be clearly indicated in the regional contingency plan.

§ 1510.35 Regional Response Center.

The RRC is the regional center for pollution response activities. Each regional plan shall specify quarters for the RRC. The RRC provides facilities and personnel for communications, information storage, and other requirements for coordinating the response to pollution incidents.

§ 1510.36 On-Scene Coordinator.

(a) The OSC shall direct Federal pollution control efforts and coordinate all other Federal efforts at the scene of a discharge or potential discharge. The OSC shall be predesignated, as part of the planning and preparation for response to pollution incidents, by the regional or district head of the agency responsible for providing the OSC.

(1) The first official from an agency with responsibility under this plan to arrive at the site of a discharge shall coordinate activities under the Plan until the OSC arrives.

(2) The OSC shall collect pertinent facts about discharge, such as potential impacts on human health and welfare; the nature, amount, and location of discharged materials; the probable direction and time of travel of discharged materials, the natural resources, including fish and wildlife and their habitat, and property which may be affected and the priorities for protecting them.

(3) The OSC shall direct Phase II, Phase III and Phase IV operations; that is, Evaluation and Initiation of Action, Containment and Countermeasures; and Removal, Mitigation and Disposal (see Subpart E, §§ 1510.51–55 for descriptive details). Advice provided by the EPA on the use of chemicals in Phase III and Phase IV operations shall be binding on the OSC, except as provided in Annex X of this Plan. Advice provided by the Fish and Wildlife Service (DOI) or by the National Oceanic and Atmospheric Administration (DOC) on cleanup actions that may affect endangered and threatened species or their habitats shall be considered at all times and shall be binding on the OSC unless in his judgment actions contrary to this advice must be taken to protect human life.

(4) The OSC shall provide necessary support and documentation for Phase V activities (Documentation and Cost Recovery).

(5) The OSC will consult regularly with the RRT in carrying out this Plan and will keep the RRT fully informed of all activities under the Plan.

(b) EPA and the USCG shall designate OSCs for all areas in each region. The EPA shall furnish or provide OSCs for inland waters. The USCG shall furnish or provide OSCs for the coastal waters, and for Great Lakes waters, ports and harbors.

(c) All Federal agencies are required by Executive Order to develop emergency plans and procedures for dealing with oil and hazardous substances spills caused by facilities or vessels under their jurisdiction. All Federal agencies, therefore, are responsible for designating the offices that will coordinate response actions for spills caused by facilities or vessels under their jurisdiction and for providing means to remove or mitigate such spills in accordance with this Plan and applicable Federal regulations and guidelines. If the responsible Federal agency does not act promptly or take appropriate action, to respond to a spill caused by a facility or vessels under its jurisdiction, the EPA or USCG (depending on the area where the discharge occurs) shall assume the OSC functions.

(d) The OSC is responsible for developing and maintaining a local contingency plan (Federal local plan) for the Federal response in the area of the OSC's responsibility. Designated Federal, State, and local representatives to the RRT shall assist in these efforts. (See § 1510.42.)

§ 1510.37 Public information network.

(a)(1) When a major pollution incident occurs, it is imperative to give the public prompt, accurate information on the nature of the discharge and actions underway to mitigate the damage. Those immediately capable, especially local fire, police and governmental officials, will be contacted first so they may use all available resources to notify the public of a potential threat. Prompt disclosure of the facts helps to encourage cooperation by interested parties and to check the spread of misinformation. National administration policy and the Freedom of Information Act both call for maximum disclosure of information.

(2) If a participating agency believes public interest warrants the issuance of statements or releases and the on-scene or national news offices have not been activated, the affected agency should recommend activation. In the interim, all news releases or statements issued by participating agencies concerning the incidents will be cleared through the OSC.

(b) When the NRT is activated, the Team chairman will contact the most appropriate agency and ask it to detail a professional information officer to establish and direct a national news office. Whenever possible, the director of the national news office shall be provided by the same agency providing the OSC. Requests by the director of the national news office for an appropriate number of professional and clerical assistants will be met by one or more of the participating agencies.

(1) The director of the national news office will be responsible for overall supervision of public information activities of the NRT. The closest possible coordination will be maintained between the national news office in Washington and the on-scene news office.

(2) Promptly after his designation, the director of the national news office will contact the White House Press Office and the Office of Governmental and Public Affairs to arrange whatever information assistance may be required by these offices.

(3) All national news office news releases will be cleared by the chairman of the NRT, or in his absence, the vice-chairman.

(4) The Director of the national news office will have free access to meetings of the NRT and will be consulted on the possible public reaction to the courses of action under consideration by the NRT.

(5) At appropriate intervals, the director of the national news office may arrange news conferences at which the NRT will respond to questions from the media representatives.

(6) The director of the national news office will keep appropriate nationally-based press offices posted on developments. These include the press offices of the secretaries or directors of the participating agencies; Senators and Representatives whose States or districts are affected by the incident.

(7) The national news office will be provided with adequate space, telephones, typewriters, communications equipment and other supplies by the U.S. Coast Guard at U.S. Coast Guard Headquarters, Washington, D.C. The director of the national news office will determine what equipment and supplies are needed to insure an orderly flow of information and to accommodate visiting members of the news media.

(c) An on-scene news office will be established upon the request of any agency participating on the RRT or the OSC to coordinate media relations and issue official Federal information on a pollution incident. The office will be staffed according to regional plans and applicable agency directives. Whenever possible, the on-scene news office will be headed by a representative of the agency providing the OSC. Any participating agency may, by request to the RRT, place a representative on the staff of the news office. The OSC shall determine location of the on-scene news office but every effort should be made to locate it near the scene of the pollution incident.

(1) The director of the on-scene news office shall coordinate all public information activities for the OSC. The director's functions include:

(i) Arranging news conferences for the OSC and other officials to make progress reports and respond to questions;

(ii) Keeping local and regional government officials informed of the pollution situation through contacts with their press offices or other representatives;

(iii) Keeping news media informed about the response effort and giving them as much cooperation as possible, for example, by arranging transportation to the scene of a pollution incident when possible;

(iv) Issuing and distributing daily news releases so long as public interest warrants;

(v) Giving citizens who make inquiries up-to-date information from the latest press release;

(vi) Observing public reaction to the pollution incident and advising the OSC of any actions that might better serve public information interests;

(vii) Handling queries from public and commercial interests properly and promptly;

(viii) Referring salesmen to technical personnel assigned to evaluate their wares;

(ix) Upon request, offering special public information services for official visitors, including notifying the news media of the time, place and purpose of official visits; making press conference arrangements; and arranging for interviews;

(x) Informing the public on the proper way to deal with individual problems and damages from the pollution incident; and

(xi) If necessary, drafting a model letter for participating agencies to use in answering mail inquiries, after the crisis has subsided. The model letter must be approved by the Chairman of the NRT.

(2) It is important for the on-scene news office to describe accurately in news releases each agency's contribution to the response effort, and to make sure that the various agencies assisting the OSC are represented at press conferences.

(3) Each OSC and supporting district or regional office must establish contacts and a working relationship with the regional news media as part of preparation and planning before a pollution incident occurs.

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(d)(1) A Public Information Assistance Team (PIAT) shall be available to help OSCs and agenies' regional offices meet the demands for public information during a major pollution incident or threatened incident. Team members will be trained in journalism, public relations, and photography, and will have a knowledge of pollution response techniques, equipment, and the laws and regulations relating to pollution incidents. PIAT will be based at U.S. Coast Guard Headquarters and can be requested through the NRC any time.

(2) If the NRT has not been activated, the PIAT can serve as a center for answering inquiries in Washington, D.C., upon request of the parent agency of the OSC.

Subpart D—Plans

§ 1510.41 Regional contingency plans.

(a) The RRTs shall develop regional contingency plans for each standard Federal region. The purpose of these plans is coordination of a timely, effective response to pollution incidents by various Federal agencies and other organizations. Regional contingency plans must have a broad scope. They must include information on all useful facilities and resources in the region, from government, commercial, academic and other sources. To the greatest extent possible, regional plans will follow the format of the National plan. An example of the desired format is in Annex II.

(b) Each region includes many scientists who can make significant contributions to the response activities of the OSC and RRT. Regional Scientific Support Coordinators (SSCs) shall organize and coordinate these scientists and their contributions to the greatest extent possible. SSCs with advice from RRT members, shall also develop the parts of the regional plan that relate to scientific support.

§ 1510.42 Local contingency plans.

(a) Each OSC if responsible for developing a local contingency plan for the Federal response in his area of responsibility (Federal local plans). The plan should provide for a well-coordinated response that allows integration of or compatibility with pollution response plans of local, State and non-Federal entities. The plan shall identify environmentally sensitive areas, the probable locations for pollution incidents, the kinds of resources required to respond to pollution incidents, where such resources can be obtained, plans of action for protecting vulnerable resources, methods and sites for disposal of recovered oil and hazardous pollutants consistent with local and state plans developed under the Resource Conservation and Recovery Act (42 U.S.C. 6901, *et seq.*), and a local structure for responding to pollution incidents. The Federal local plan shall be developed in concert with and shall be consistent with fire emergency and disaster plans prepared by State and local agencies. To the greatest extent possible, Federal local plans will follow the sample format in Annex II.

(b) While the OSC is responsible for developing Federal local plans, a successful planning effort depends upon the full cooperation of all agency representatives, and includes the development of local capabilities to respond to pollution incidents. Particular attention must be given, during the planning process, to developing a multiagency local response team for coordinating on-scene efforts. The RRT must ensure proper liaison between the OSC and local representatives of RRT members.

A National inventory of pollution response and support equipment (SKIM) has been developed to help OSCs and RRTs gain rapid access to resources during emergencies. This inventory is accessible through the NRC, remote data terminals at Coast Guard Districts and Marine Safety Offices, and Captain of the Port Offices. The inventory shall include privately or commercially owned equipment as well as government resources. Regional and local planners shall ensure that data in the system are current and accuate, so that OSCs can make full use of it during emergencies, with minimal delays in obtaining needed resources. The Coast Guard is responsible for keeping the national inventory up to date with information from the regional offices of Federal agencies.

Subpart E—Operational-Response Phases

§ 1510.51 Phase I—Discovery and notification.

(a) A discharge or potential discharge may be discovered through: (1) A report submitted by a discharger in accordance with statutory requirements; (2) deliberate search by vessel patrols and aircraft; and (3) random or incidental observation by Government agencies or the public.

(b) A discharge or potential discharge discovered through deliberate search should be reported directly to the NRC. Reports of random discovery may be provided by fishing or pleasure boats, fire and police departments, telephone operators, port authorities, news media, or others. Such reports should be made to the NRC or the nearest USCG or EPA office. (See § 1510.33(e) and Annex III).

Regional and local plans shall provide for all reports to be channeled to the NRC, RRC, and appropriate State agency (as agreed upon with each State) as promptly as possible. Reports of major and medium discharges received by either EPA or USCG shall be expeditiously relayed by telephone to appropriate members of the RRT as specified by the regional contingency plan. Reports of minor discharges shall be exchanged between EPA and USCG as agreed to by the two agencies.

(c) The agency furnishing the OSC for a particular area is responsible for implementing Phase I activities in that area.

§ 1510.52 Phase II—Evaluation and initiation of action.

(a) The OSC shall ensure that a report of a discharge or potential discharge is immediately investigated. On the basis of all available information, the OSC shall: (1) Evaluate the magnitude and severity of the discharge or threat; (2) determine the feasibility of removal; and (3) assess the effectiveness of removal actions.

(b) When appropriate and as soon as possible after receipt of a report, the OSC shall advise the RRC of the need to initiate further Federal response actions. The actions may be no more than activation of the RRT, or a request for additional resources for further surveillance, or they may extend to Phase III or Phase IV containment or removal operations.

(c) The OSC shall ensure adequate surveillance over whatever actions are initiated. If effective actions are not being taken to eliminate the threat, or if removal is not being properly done, advise the responsible party. If the responsible party does not then take proper actions, or if the discharger is unknown or is otherwise unavailable, the OSC shall, pursuant to § 311(c)(1) of the Act, take whatever actions are necessary to eliminate the threat or remove the pollutant.

§ 1510.53 Phase III—Containment and countermeasures.

Defensive actions should begin as soon as possible after a discharge or potential discharge is discovered. This phase may include actions to protect the public health and welfare such as: analyzing water samples to determine the source and spread of the pollutants; procedures to control the source of discharge; measures to keep waterfowl and other wildlife away from the polluted area; damage control or salvage operations; placement of physical barriers to deter the spread of a pollutant; use of booms or barriers to protect specific installations or areas; control of the water discharged from upstream impoundments; and the use of chemicals and other materials, in accordance with Annex X, to restrain the spread of the pollutant and mitigate its effects.

§ 1510.54 Phase IV—Cleanup, mitigation and disposal.

(a) Actions should be taken to recover the pollutant from the water and affected shorelines. These actions include: the use of sorbents, skimmers and other collection devices for floating pollutants; the use of vacuum dredges or other devices for sunken pollutants; the use of reaeration or other methods to mitigate damage from dissolved, suspended, or emulsified pollutants; and special treatment techniques to protect public water supplies or fish and wildlife resources from continuing damage.

(b) Pollutants and contaminated materials recovered in cleanup operations shall be disposed of in accordance with regional and local contingency plans (see § 1510.42(a)).

§ 1510.55 Phase V—Documentation and cost recovery.

(a) Documentation and cost recovery may involve a variety of actions, depending on the discharge. Recovery of Federal removal costs and recovery for damage done to Federal, State, or local government property is included. Damages to private citizens (including loss of earnings) are not addressed by this Plan. OSCs shall furnish documentation required by the revolving fund administrator to support Federal efforts to recover costs from responsible parties. Procedures to be followed to fulfill documentation requirements are specified in the Coast Guard directives in the 16450.1 series.

(b) Information and samples needed for legal and scientific purposes shall be collected during this phase. Information and samples are necessary for later identification of financially responsible parties, for scientific understanding of the environment, and for research and development. The samples and information must be gathered at the proper time during the removal operations, because otherwise wind and current may disperse the evidence.

(1) All agencies shall follow uniform procedures, described in Annex VI, for collection of samples and information.

(2) The OSC shall take necessary actions during response phases to ensure necessary collection and safeguarding of information, samples, and reports.

(c) The information and reports obtained by the OSC shall be transmitted to the RRC. Copies will then be forewarded to the NRC, members of the RRT, and others as appropriate.

§ 1510.56 Pollution reports.

(a) Within 60 days after the conclusion of a major pollution discharge and when requested by the RRT, the OSC shall submit to the RRT a complete report on the response operation and the actions taken. The OSC shall at the same time send a copy of the report to the NRT. The RRT shall review the OSCs report and submit the report and an endorsement to the NRT for review. This shall be accomplished within 30 days after the report has been received.

(b) The OSC's report shall accurately record the situation as it developed, the actions taken, the resources committed and the problems encountered. The OSC's recommendations, based on these experiences, are a source for new procedures and policy.

(c) The format for OSC's reports will be as follows:

(1) *Summary of Events.*—This part is a chronological narrative of all events, including:

(i) The cause of the incident;

(ii) The initial situation;

(iii) The organization of the response; and

(iv) The resources committed.

These sections may be presented separately or included in the narrative. If applicable, the following information will also be included:

(v) The location (water body, State, city, latitude and longitude) of the spill; whether the discharge was in connection with activities regulated under the OCSLA or Deepwater Port Act; or whether it might have or actually did affect natural resources under the exclusive management authority of the United States;

(vi) Details of Federal or State efforts to replace or restore damaged natural resources; and

(vii) Details of any threat abatement actions taken under sections 311(c) or (d) of the Act.

(2) *Effectiveness of Response and Removal Actions.*—This part should candidly and thoroughly analyze the effectiveness of the response and removal actions taken by:

(i) The discharger;

(ii) State and local forces;

(iii) Federal agencies and special forces; and

(iv) (If applicable) contractors, private groups and volunteers.

(3) *Problems Encountered.*—This part should list any problems encountered and describe how they affected the response. Particular attention should be given to any problems of intergovernmental coordination that may have occurred.

(4) *Recommendations.*—This section should include all recommendations of the OSC. An endorsement from the RRT shall be included. At a minimum the following areas should be covered;

(i) Means to prevent a recurrence of the incident;

(ii) Improvement of response actions.

Any recommended changes in the regional or National contingency plans should also be included.

§ 1510.57 Special considerations.

(a) *Safety of personnel.*—Actual or potential polluting discharges threatening damage to air and water can also threaten human health and safety. The OSC should be aware of the hazards, should exercise great caution in allowing civilian or government personnel into the affected area until the nature of the substance discharged is known, and due caution should be exercised thereafter. Local contingency plans shall identify sources of information on anticipated hazards, precautions, and requirements to protect personnel during response operations. Names and phone numbers of people with relevant information shall be included.

(b) *Waterfowl conservation.*—Oil discharges, particularly in estuarine and near shore areas, often cause severe stress to resident and migratory bird species. The DOI representative and the state liaison to the RRT shall arrange for and coordinate actions of professional and volunteer groups wishing to participate in waterfowl dispersal, collection, cleaning, rehabilitation, and recovery activities. Regional and local contingency plans shall, to the extent practicable, identify organizations or institutions that are willing to participate in such activities and operate such facilities. Waterfowl conservation activities will normally be included in Phase III and Phase IV response actions (§§ 1510.53 and 1510.54 of this subpart).

Subpart F—Coordinating Instructions

§ 1510.60 Delegation of authority.

As provided by Annex X of this Plan, EPA delegation of authority or concurrence in the use of chemical pollution control activities initially may be oral; however, written confirmation by the EPA representative on the RRT

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should be completed as soon as possible.

§ 1510.62 Multi-regional actions.

(a) If a discharge or a potential discharge moves from the area covered by one Federal local or regional contingency plan into another area, the authority for pollution control actions shall likewise shift. If a polluting discharge or potential discharge affects areas covered by two or more regional plans, the response mechanism of both plans shall be activated. In this case, pollution control actions of all regions concerned shall be fully coordinated as detailed in the regional plans.

(b) There shall be only one OSC at any time during the course of a response operation. Should a discharge affect two or more areas, the EPA and USCG will designate the OSC, giving prime consideration to the area vulnerable to the greatest damage. The RRT shall designate the OSC if EPA and USCG members are unable to agree on designation. The NRT shall designate the OSC if members of one RRT or of two adjacent RRTs are unable to agree on the designation.

§ 1510.63 General pattern of response actions.

(a) When the OSC receives a report of a discharge or potential discharge, he should normally take action in the following sequence:

(1) Investigate the report to determine pertinent information such as the threat posed to public health or welfare, the type and quantity of material discharged, and the source of the discharge.

(2) Notify RRT members and the Scientific Support Coordinator, in accordance with the applicable regional plan.

(3) Determine, in accordance with section 311(c)(1) of the Act, whether the discharger (that is, the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs) is properly carrying out removal actions. Removal is being done properly when:

(i) The discharger's cleanup is fully sufficient to minimize or mitigate damage to the public welfare. The discharger's removal efforts are "improper" to the extent that Federal efforts are necessary to prevent further damage; and

(ii) The discharger's removal efforts are in accordance with applicable regulations and guidelines, including this Plan, especially Annex X.

(4) Officially classify the severity of the discharge and determine the course of action to be followed.

(5) Determine whether state action to effect removal is necessary within the meaning of section 311(c)(2)(H) of the Act (See § 1510.65(h)).

(b) The preliminary inquiry will probably show that the situation falls into one of five classes. These classes and the appropriate response to each are outlined below:

(1) If the investigation shows that the initial information overstated the magnitude or danger of the discharge and no environmental pollution or potential pollution is involved, the case shall be considered a false alarm and should be closed.

(2) If the investigation shows a minor discharge with the discharger taking appropriate removal action, contact should be established with the discharger. The removal action should be monitored to insure continued proper action by the discharger.

(3) If the investigation shows a minor discharge with improper removal action being taken, the following measures shall be taken:

(i) An immediate effort should be made to prevent further discharges from the source.

(ii) The discharger shall be advised of the proper action to be taken.

(iii) If the discharger does not follow this advice, warning of the discharger's liability for the cost of removal, pursuant to § 311(f) of the Act, shall be given.

(iv) The OSC shall notify appropriate state and local officials. He shall keep the RRC advised and initiate Phase III and IV operations as conditions warrant.

(v) Information shall be collected for possible recovery of removal costs when removal is effected in accordance with § 1510.55.

(4) When a report of investigation indicates that a medium discharge has occurred, or the potential for a medium discharge exists, the OSC shall follow the same general procedures as for a minor discharge. Additionally, the OSC shall make a recommendation concerning team activation to the chairman of the RRT.

(5) When a report indicates that a major discharge has occurred, a potential major pollution emergency exists, or that a discharge or potential discharge which could arouse wide public concern has occurred, the OSC shall follow the same procedures as for minor and medium discharges. The RRC and NRC shall, however, be notified immediately of the situation even if the initial report has not been confirmed.

§ 1510.64 Special forces available to the OSC.

(a) The National Strike Force consists of the Strike Teams established by USCG on the East, West and Gulf Coasts and includes the emergency task forces to provide assistance to the OSC during Phase II, IV, and V operations as the circumstances of the situation dictate. When possible, the Strike Teams will provide training to the emergency task forces and participate with the RRT in regional and local contingency plan development.

(1) The Strike Teams can provide communications support, advice, and assistance for oil and hazardous substances removal. These teams also have knowledge of ship salvage, damage control, diving and removal techniques. Additionally, they are equipped with specialized containment and removal equipment, and have rapid transportation available.

(2) Emergency task forces, established by the USCG at major ports pursuant to section 311(c)(2)(C) of the Act, consist of trained personnel with supplies of oil and hazardous substances pollution control equipment and materials, and detailed discharge removal plans for their areas of responsibility.

(3) The Strike Teams will respond to requests for assistance from the OSC. Requests for a team may be made directly to the Commanding Officer of the appropriate team, the Coast Guard member of the RRT, the appropriate area commander, USCG, or to the Commandant, USCG through the NRC. Emergency task forces work directly for the OSC and are accessible through those offices.

(b)(1) The Environmental Response Team (ERT) is established by EPA in accordance with its disaster and emergency responsibilities. The ERT includes expertise in biology, chemistry and engineering. It can provide access to special decontamination equipment for chemical spills and advice to the OSC on:

(i) Cleanup techniques and priorities;

(ii) Water supply contamination and protection;

(iii) Application of dispersants;

(iv) Habitat restoration; and

(v) Disposal of contaminated material.

The ERT will be especially useful to the OSC in hazardous substances spill response and in damage assessment for all spills.

(2) The OSC or RRT requests for ERT support should be made to the EPA representative on the RRT, the EPA Headquarters emergency coordinator or the appropriate EPA regional emergency coordinator.

(c)(1) Scientific support is organized by EPA and NOAA, with assistance from DOI, to support the OSC by providing scientific assistance including: oceanography, chemistry, location of environmentally sensitive areas, assessment of environmental damage and coordination of on-scene scientific activity. Generally, the Scientific Support Coordinator (SSC) for coastal oil spills will be provided by NOAA and those for inland spills will be provided by EPA. This delineation of responsibility may be modified within a region by agreement between DOC, DOI and EPA representatives to the RRT.

(2) Scientific support coordinators serve as advisors to the RRT and OSC in planning and on the OSC staff during major spill response operations.

(i) In planning, the SSC works with the RRT to identify vulnerable resources within the region and to establish and maintain a scientific support structure within the region. The structure should be adequate to provide the OSC with well qualified scientific assistance. Specific responsibilities of the SSC in planning are:

(aa) Establish contact with the scientific community within the region, including State, local, university, industry and others, to determine the existing capability to perform damage assessment that may be necessary in support of the OSC. In those regions whose states have well developed scientific organizations, they should be employed to support the OSC.

(bb) Organize the development of those portions of regional and local contingency plans that deal with scientific support to the OSC and the responsibilities of agencies that must perform damage assessment of pollution incidents. The SSC shall advise each OSC of scientists who can provide scientific advice in assessing effects of spills in localized areas.

(cc) Identify, in cooperation with the region's scientific community, research (basic or applied, data gathering, processing, etc.) required to support the OSC in mitigating the effects of spills and improve the existing capability to support damage assessment.

(ii) When requested by the OSC, the SSC will function as a member of the OSC's staff. In that capacity, the SSC functions as the liaison between the scientific community and the OSC. The extent and nature of SSC involvement in the operational mode shall be determined by the OSC. In order to provide an orderly and intelligible flow of information to the OSC, act as a mediator among differing scientific opinions, and advise the OSC on use by scientific personnel of limited common resources such as aircraft and vessels, the SSC shall:

(aa) Coordinate response from scientific to OSC requests for assistance and to requests from RRT agencies for performance of damage assessment investigations; coordinate responses and requests from scientists interested in performing research on spills.

(bb) Serve as the principal liaison for scientific advice from the scientific community to the OSC. The SSC shall ensure that differing scientific views within the scientific community are communicated to the OSC in timely manner.

(3) The SSC will respond to requests for assistance from the OSC or from the chairman of the appropriate RRT. Details on provision of the access to scientific support shall be included in regional contingency plans.

(d) The activation or involvement of any special forces shall not relieve the OSC of any responsibilities for notification and activation of any member agency of the RRT concerning a pollution incident. The activation and involvement of any special forces will not replace or impede the response actions of any RRT agencies in carrying out responsibilities outlined in § 1510.22, or in providing advice or assistance to the OSC or RRT relative to a pollution incident.

§ 1510.65 Funding.

(a) If the person responsible for the discharge or threat of discharge does not act promptly, or take proper removal actions, or if the person responsible for the discharge is unknown, Federal discharge removal actions may begin under section 311(c)(1) of the Act. The discharger, if known, is liable for the costs of Federal removal in accordance with section 311(f) of the Act.

(b) Actions undertaken by the participating agencies in response to pollution shall be carried out under existing programs and authorities insofar as practicable. This Plan intends that Federal agencies will make resources available, expend funds, or participate in response to pollution incidents under their existing authority. Authority to expend resources will be in accordance with agencies' basic statutes and, if required, through cross-servicing agreements. Specific interagency reimbursement agreements may be signed when necessary to ensure that the Federal resources will be available for a timely response to a pollution incident. The ultimate decision as to the appropriateness of expending funds rests with the agency that is held accountable for such expenditures.

(c) A pollution revolving fund, administered by the Commandant, USCG, has been established pursuant to section 311(k) of the Act. Regulations governing the administration and use of the fund are contained in 33 CFR Part 153. The OSC shall exercise sufficient control over removal operations to be able to certify that reimbursement from the fund is appropriate.

(d) Funding of response actions other than removal, such as scientific investigations not in support of removal actions or law enforcement, shall be provided by the agency with legal responsibility for those specific actions.

(e) The funding of removal actions necessitated by a discharge from a Federally operated or supervised facility or vessel is the responsibility of the operating or supervising agency.

(f) The following agencies have funds available for certain discharge removal actions:

(1) The EPA can provide funds to begin timely discharge removal actions when the OSC is an EPA representative. Because EPA does not have funds authorized for this purpose, operating program funds may be used to initiate Phase III and IV activities; funding of continuing Phase III and IV actions, however, shall be determined on a case-by-case basis by the Oil and Special Materials Control Division at EPA.

(2) The USCG pollution control efforts are funded under "operating expenses." These funds are used in accordance with agency directives and applicable regional plans.

(3) The Department of Defense has two specific sources of funds which may be applicable to a pollution incident under appropriate circumstances. (This does not consider military resources which might be made available under specific conditions.)

(i) Funds required for removal of a sunken vessel or similar obstruction of navigation are available to the Corps of Engineers through Civil Functions Appropriations, Operations and Maintenance, General.

(ii) The U.S. Navy has funds available on a reimbursable basis to conduct salvage operations.

(g) Certain emergency response activities under this plan may qualify for reimbursement as disaster relief functions. In making a declaration of a "major disaster" or a determination that an "emergency" exists, the President may allocate funds from his Disaster Relief Fund, managed by the Director, Federal Emergency Management Agency. The Director may then authorize certain reimbursements to Federal agencies for assistance provided under direction of his office. (See Title

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24, CFR Chapter XIII, Part 2201, "Reimbursement of Other Federal Agencies under Pub. L. 91-606 (For use under Pub. L. 93-288 until revised).) The Director, FEMA, may also make financial assistance available to state governments and, through the states, to local governments (See Title 24, CFR Chapter XIII, Part 2205, "Federal Disaster Assistance").

(h) Pursuant to section 311(c)(2)(H) of the Act, the State or States affected by a discharge of oil or hazardous substances may act where necessary to remove such discharge and may, pursuant to 33 CFR Part 153, be reimbursed from the pollution revolving fund for the reasonable costs incurred in such removal.

(1) Removal by a state is necessary within the meaning of section 311(c)(2)(H) of the Act when the OSC determines that the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs cannot effect removal properly and that:

(i) State action is required to minimize or mitigate significant damage to the public health or welfare which Federal action cannot minimize or mitigate, or

(ii) Remove or partial removal can be done by the State at a cost which is less than or not significantly greater than the cost which would be incurred by the Federal departments or agencies.

(2) State removal actions must be in compliance with Annex X of this Plan in order to qualify for reimbursement.

(3) State removal actions are considered to be Phase III or Phase IV actions, under the same definitions applicable to Federal agencies.

(4) Actions taken by local government in support of Federal discharge removal operations are considered to be actions of the State for purpose of this section.

(i) Regional and local contingency plans shall show what funds and resources are available from participating agencies under various conditions and cost arrangements. Interagency agreements may be necessary to specify when reimbursement is required.

Annex I—1100 Distribution

1101 Plan Distribution

1101.1 This Plan will be distributed to designated offices of participating Agencies, state and interstate water pollution control agencies and such other Federal, state, local and private agencies and organizations which are cooperating with and participating in activities in support of the Plan.

1101.2 Included in this formal distribution are the following:

Department of Agriculture
Department of Commerce
Department of Defense
Department of Energy
Department of Health, Education and Welfare
Department of the Interior
Department of Justice
Department of Labor
Department of State
Department of Transportation
Environmental Protection Agency
Federal Emergency Management Agency
All state representatives to regional response teams
All state water pollution control agencies
All interstate water pollution control agencies
Other Federal, state, local and private agencies and organizations, as appropriate

1101.3 Formal distribution of the Plan and amendments will be made by the Environmental Protection Agency.

1102 Amendment, Distribution and Format

1102.1 Amendments to the Plan and annexes will be made by sequentially numbered changes. Numbered changes will be effected by means of a transmittal sheet which identifies the Plan, the change number and date, the page numbers affected by the change and any other instructions deemed necessary for purpose of clarity or to make special emphasis or explanation of the change. There will be attached to the transmittal sheet the revised or added pages with the change number and current date on each page at the upper right hand corner.

1102.2 Where a change can be effected merely by pen and ink, the transmittal sheet may be used to accomplish the change without submission of revised pages. The use of pen and ink changes is limited to those cases where existing matter is being deleted or is of minor extent.

1102.3 Asterisks will be used to indicate changes. For line changes, an asterisk will be placed before and after each sentence change in the left and right page margins. For paragraph changes, an asterisk will be placed before and after each paragraph changed and if continued on the next page, an asterisk will be placed at the top of the page and the end of the paragraph. For a paragraph deletion, an asterisk will be placed in the left margin and the paragraph number or letter will be retained in the original sequence followed by the word "Rescinded" in parentheses.

1102.4 If the Plan is completely rewritten, asterisks will not be used supersession will be indicated at the bottom of the first page.

Annex II—Formats for Regional and Local Contingency Plans

Regional Contingency Plan

Letter of Promulgation.
Record of Amendments.
Table of Contents.
List of Effective Pages.

100 Introduction
- 101 Authority.
- 102 Purpose and Objectives.
- 103 Scope.
- 104 Abbreviations.
- 105 Definitions.

200 Policy and Responsibility
- 201 Federal Policy.
- 202 Multi-National Policy.
- 203 Federal Responsibility.
- 204 Non-Federal Responsibility.

300 Planning and Response Organization
- 301 Spill Response Activity and Coordination—General.
- 302 Regional Response Team.
- 303 Regional Response Center.
- 304 On-Scene Coordination.
- 305 Special Forces.

400 Coordinating Instructions
- 401 Delegation of Authority.
- 402 Notification.
- 403 Multi-regional Responses.
- 404 Multi-national Responses.
- 405 Coordination with Special Forces.
- 406 Termination of Response Activities.
- 407 Resolution of Disputes.

500 Procedures for Reviewing and Updating the Regional and Local Contingency Plans
- 501 Responsibility.
- 502 Procedures for Review.

Annex I—1100 Distribution.
Annex II—1200 Regional Response Team.
Annex III—1300 Regional Response Center.
Annex IV—1400 Geographical Boundaries.
Annex V—1500 Notifications, Communications and Reports.
Annex VI—1600 Public Information.
Annex VII—1700 Legal Authorities.
Annex VIII—1800 Documentation for Enforcement and Cost Recovery.
Annex IX—1900 Funding.
Annex X—2000 Cleanup Techniques and Policies.
Annex XI—2100 Arrangements for Participation of Non-Federal Groups.
Annex XII—2200 Interagency Support Agreements/Arrangements.
Annex XIII—2300 State Contingency Plans.
Annex XIV—2400 Multi-national Contingency Plans.
Annex XV—2500 Regional Data Base.
Annex XX—3000 National Contingency Plan.

Local Contingency Plans

Letter of Promulgation.
Record of Amendments.
Table of Contents.
List of Effect Pages.

100 Introduction
- 101 Authority.
- 102 Purpose and Objective.
- 103 Scope.
- 104 Abbreviations.
- 105 Definitions.

200 Policy and Responsibility
- 201 Federal Policy.
- 202 Related State Policy.
- 203 Multi-national Policy.
- 204 OSC Responsibility.
- 205 Non-Federal Responsibility.

300 Planning and Response Considerations
- 301 Oil and Hazardous Substances Transportation Pattern.
- 302 Transfer Storage and Processing Facilities.
- 303 Historical Spill Considerations.
- 304 Hydrological and Climatological Considerations.
- 305 Local Geography.
- 306 Highly Vulnerable Areas.
- 307 Local Response Resources.
- 308 Waterfowl Conservation.
- 309 Endangered Species.

400 Response Organization

500 Operational Response Actions

600 Coordination Instructions
- 601 Delegation of Authority.
- 602 Notification.
- 603 Coordination with Special Forces.
- 604 Termination of Response Activities.
- 605 Resolution of Disputes.

700 Procedures for Reviewing and Updating the Local Contingency Plan

Annex I—1100 Distribution.
Annex II—1200 Pollution Response Personnel Assignments.
Annex III—1300 Geographical Boundaries.
Annex IV—1400 Notifications, Communications and Reports.
Annex V—1500 Public Information.
Annex VI—1600 Documentation for Enforcement and Cost Recovery.
Annex VII—1700 Funding.
Annex VIII—1800 Clean up Techniques and Policies.
Annex IX—1900 Arrangements for Non-Federal Groups.
Annex X—2000 Interagency Support.
Annex XI—2500 Geographical/Action Directory.
Annex XVI—2600 Response/Assistance Directory.

Annex III—Regions and Office Locations of EPA and the Coast Guard

1300 Geographical Boundaries

Regional contingency plans shall be based upon the Standard Federal Regions. Local plans shall be based upon the subregional area, for which each OSC is responsible for responding to pollution incidents. These plans are available for inspection at EPA regional offices or USCG district offices as shown in 1301 and 1302. Other agencies' addresses and telephone numbers may be found in the United States Government Manual (issued annually) or in the local telephone directories.

1301 Environmental Protection Agency—Office addresses, telephone numbers, and map.

1302 Department of Transportation—United States Coast Guard district offices addresses, telephone numbers, and map.

Environmental Protection Agency, Region I Room 2303, John F. Kennedy Federal Bldg., Boston, MA 02203, Tel: (617) 223-7265.
Environmental Protection Agency, Region II, Room 908, 26 Federal Plaza, New York, NY 10007, Tel: (201) 548-8730.
Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, Tel: (215) 597-9898.
Environmental Protection Agency, Region IV, 345 Courtland Street, NE, Atlanta, GA 30308, Tel: (404) 881-4062.
Environmental Protection Agency, Region V, 536 South Clark Street, Chicago, IL 60605, Tel: (312) 353-2318.
Environmental Protection Agency, Region VI, 1201 Elm Street, First International Bldg., Dallas, TX 75270, Tel: (214) 749-3840.
Environmental Protection Agency, Region VII, 1735 Baltimore Street, Kansas City, MO 64108, Tel: (816) 374-3778.
Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, CO 80295, Tel: (303) 837-3880.
Environmental Protection Agency, Region IX, 215 Freemont Street, San Francisco, CA 80295, Tel: (303) 837-3880.
Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, WA 98101, Tel: (206) 442-1200.

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BILLING CODE 3125-01-C

1302 Department of Transportation, U.S. Coast Guard Districts

1st Coast Guard District, 150 Causeway Street, Boston, MA 02114, Duty Officer: (617) 223–3645.

2nd Coast Guard District, 1430 Olive Street, St. Louis, MO 63101, Duty Officer: (314) 425–4614.

3rd Coast Guard District, Governors Island, New York, NY 10004, Duty Officer: (212) 668–7055.

5th Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, VA 23705, Duty Officer: (804) 398–6231.

7th Coast Guard District, Room 1018, Federal Building, 51 SW 1st Avenue, Miami, FL 33130, Duty Officer: (305) 350–5611.

8th Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130, Duty Officer: (504) 589–6225.

9th Coast Guard District, 1240 East 9th Street, Cleveland, OH 44199, Duty Officer: (216) 293–3984.

11th Coast Guard District, Union Bank Building, 400 Oceangate Boulevard, Long Beach, CA 90822, Duty Officer: (213) 590–2225.

12th Coast Guard District, 630 Sansome Street, San Francisco, CA 94126, Duty Officer: (415) 556–5500.

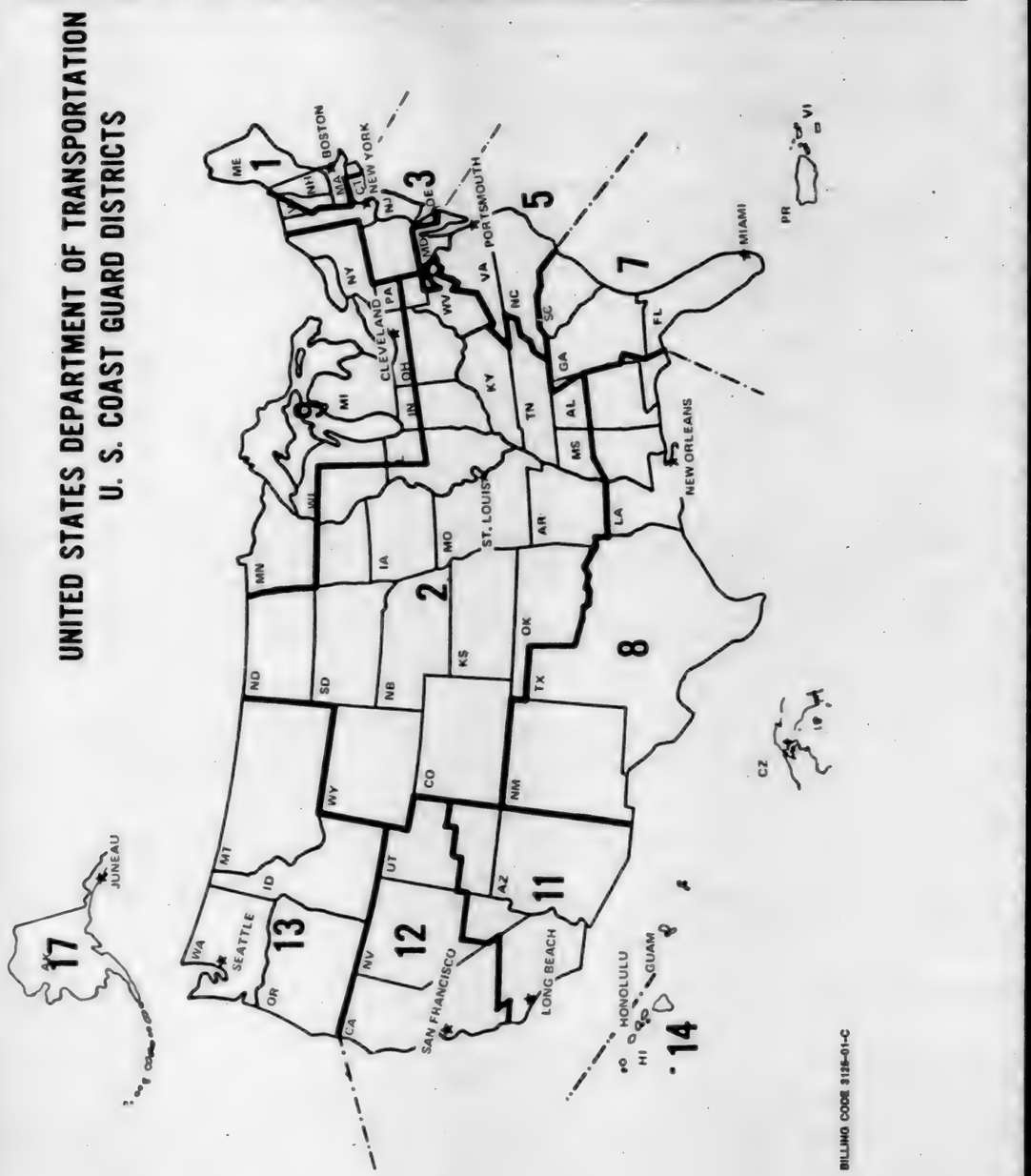
13th Coast Guard District, 915 2nd Avenue, Seattle, WA 98174, Duty Officer: (206) 442–5886.

14th Coast Guard District, Prince Kalanianaole Fed. Bldg., 300 Ala Moana, Honolulu, HI 96850, Duty Officer: (808) 546–7109 (commercial only), AUTOVON—(315) 430–0111.

17th Coast Guard District, P.O. Box 3–5000, Juneau, AK 99802, Duty Officer: (907) 586–7340 (commercial only), AUTOVON—(317) 388–7340.

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Annex IV

1400 Legal Authorities.

1400.1 Federal statutes relative to control of pollution by oil and hazardous substances are administered by several departments and agencies. The following is a tabular summary of the most important of these authorities:

Statute and Agency(ies)

1411 Federal Water Pollution Control Act, as amended (33 USC 1251, et. seq.), EPA, USCG, CORPS, Justice

1412 Safe Drinking Water Act amendment to the Public Health Service Act (42 USC 201); EPA

1413 Refuse Act of 1899 (33 USC 407; 411); CORPS, USCG, Customs, Justice

1414 Toxic Substances Control Act, 1976 (42 USC 2601); EPA

1415 Resources Conservation and Recovery Act of 1976 (42 USC 6901); EPA

1416 Marine Protection, Research and Sanctuaries Act of 1976 (33 USC 1401 et. seq.); EPA, USCG, NOAA, CORPS

1417 Hazardous Materials Transportation Act of 1974 (49 USC 1801 et. seq.); DOT

1418 Ports and Waterways Safety Act as amended (33 USC 1221, et. seq.); USCG

1419 Federal Insecticide, Fungicide and Rodenticide Act of 1972 (7 USC 121 et. seq.); EPA

1420 Deepwater Port Act of 1974 (33 USC 1501 et. seq.); DOT, DOI

1421 Outer Continental Shelf Lands Act, as amended (43 USC 1331); DOI, DOT

1422 Oil Pollution Act of 1961, as amended (33 USC 1001–1001.5); USCG, Customs, CORPS, State

1423 Endangered Species Act of 1973, as amended (16 USC 1531); FWS, NOAA

1424 Intervention on the High Seas Act (33 USC 1471–1487); USCG

1430 Related Federal statues, not specific to oil and hazardous substances pollution control, but, nonetheless, applicable to discharge prevention and cleanup in certain cases are:

1431 Disaster Relief Act of 1974; FEMA, All Federal agencies

1432 U.S. Navy Ship Salvage Authority; U.S. Navy

1433 The Migratory Bird Treaty Act (16 USC 701–718); FWS

1440 Important International Conventions and Agreements relative to oil and hazardous substances pollution control and liability are:

1441 International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and amendments

1442 Convention on the Territorial Sea and the Contiguous Zone

1443 Convention between the Government of the United States and the Government of Japan for the Protection of Migratory Birds in Danger of Extinction, and Their Environment

1444 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter

Annex V.—Communication Services Available in National Response Center

1501 Telephone (voice) services available include:

1501.1 Commercial telephone available 24 hours per day, free (800) 424–8802 (or 426–2675 in the Washington, D.C. local calling area);

1501.2 AUTOVON (Automated Voice Network)—General purpose switched voice network of Defense Communications Systems, which serves Continental U.S., Alaska, Europe, Pacific, and Panama;

1501.3 Washington Tactical Switchboard—Pentagon terminal of the tactical telephone system, operated by USAF;

1501.4. FTS—GSA operated government administrative telephone system; and

1501.5 SARTEL—Search and Rescue Command Coordination telephone network including leased Hotline telephone net extending from Halifax to New Orleans.

1502 *Teletypewriter services available include:*

1502.1 AUTODIN—A worldwide high speed user data communications system operated for and managed by the DCA to provide both direct user-to-user and store and forward message switching service for DOD and other government agencies;

1502.2 SARLANT—Coast Guard-leased teletypewriter system extending from Massachusetts to Texas (used to control and coordinate search and rescue incidents and to handle other operational traffic and priority administrative communications);

1502.3 SARPAC—Same as 2.2 for the West Coast U.S.; and

1502.4 TELEX—Teletypewriter exchange service provided by Western Union that serves Continental U.S., industry and government offices. TELEX also permits direct connections.

Annex VI.—Sample Collection Procedures

1601 Sample collection procedures to be followed by OSC:

1601.1 Several precautions must be observed when taking and handling liquid samples for analyses as the character of the sample may be affected by a number of common conditions. These precautions concern the following: (a) The composition of the container; (b) cleanliness of the container; and, (c) manner in which the sample is taken.

1601.2 In taking such samples, the following procedures are to be followed in all cases:

1601.2–1 Glass or other appropriate containers of suitable size shall be used. The portion of the closure (sealing gasket or cap liner) which may come into contact with the sample in the container is of considerable importance. When oil or petroleum hydrocarbons are to be sampled, the closure should be made of glass, aluminum foil, or teflon. Pollutants other than oil may require special precautions such as jacketing of glass containers or different closure material. The analysis laboratory should be consulted whenever a question arises to the appropriateness of any packaging material.

1601.2–2 Previously unused containers are preferred. Containers that have been cleaned with a strong detergent, thoroughly rinsed, and dried may be used.

1601.2–3 Some explanatory notes governing the above procedures are as follows: (a) Glass or other appropriate containers always must be used because plastic containers, with the exception of teflon, have been found in some cases to absorb organic materials from water and, in other cases, compounds have been dissolved from plastic containers; (b) as it is desirable to take a large sample of the pollutant, proper skimming techniques should be used to obtain a sufficient amount of oil for analysis; and (c) because pollution conditions change rapidly, samples should be taken promptly, and the time sequences and locations noted.

1601.2–4 Consult with the analysis laboratory personnel relative to special samples and unusual problems.

1601.2–5 Samples collected are to be transmitted for analysis, using special courier or registered mail (return receipt requested). Appropriate analytical laboratories are designated in the regional plan. Reports of laboratory analysis will be forwarded to the appropriate RRT for transmittal to counsel.

Annex VII.—1700 Technical Information

1701 Technical Library

1701.1 A technical library of pertinent pollution control documents will be maintained in the NRC and in each RRC. Such information should be useful as reference information to the experienced OSC and instructional to less experienced personnel.

1702 Specific References

1702.1 As a minimum, the following reference documents will be maintained in the NRC and in each RRC technical library.

1702.1–1 Current National Oil and Hazardous Substances Pollution Contingency Plan.

1702.1–2 Current Regional and State Oil and Hazardous Substances Pollution Contingency Plan.

1702.1–3 Current Directory of the American Council of Independent Laboratories.

1702.1–4 Encyclopedia of Chemical Technology, 22 Vol., Kirkothmer, 2nd edition c1963–1971, John Wiley & Sons, New York, New York.

1702.1–5 Chemical Data Guide for Bulk Shipment by Water (U.S. Coast Guard CG–388)

1702.1–6 U.S. Army Corps of Engineers' Regulations ER 500–1–1 and ER 500–1–8 Emergency Employment of Army Resources (Natural Disaster Activities).

1702.1–7 Federal Disaster Assistance Program-Handbook for Applicants FDAA 3300.1, July 1973.

1702.1–8 Federal Disaster Assistance Program-Eligibility Handbook 3300.2, July 1973.

1702.1–9 Federal Disaster Assistance Program-Handbook for State and Federal Officials 3000.4, December 1973.

1702.1–10 Handbook of Toxicology (National Academy of Sciences/National Resource Council).

1702.1–11 46 CFR–146. Transportation or Storage of Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels.

1702.1–12 33 CFR, 3, 5, 121, 122, 124–6. Security of Vessels and Waterfront Facilities (USCG CG 239).

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1702.1–13 33 and 40 CFR parts implementing section 311 of the Federal Water Pollution Control Act, as amended.

1702.2 In addition to the library specified above, the RRC should have provision, either in publications or by computer terminal, for access to the EPA Technical Assistance Data System, (TADS) and the USCG Chemical Hazard Response Information System (CHRIS).

Annex VIII Definitions of Terms

1801 API gravity. An empirical scale for measuring the density of liquid petroleum products, the unit being called the "degree API".

1802 Ash. Inorganic residue remaining after ignition of combustible substances determined by definite prescribed methods.

1803 Asphalts. Black, solid or semi-solid, bitumens which occur in nature or are produced as residues during petroleum refining.

1804 Bilge oil. Waste oil which accumulates, usually in small quantities, in the lower spaces in a ship, just inside the hull plating. Usually mixed with larger quantities of water.

1805 Blowout. A sudden, violent escape of gas and oil from an oil well when high pressure gas is encountered and preventive measures have failed.

1806 Boiling point. The temperature at which the vapor pressure of a liquid is equal to atmospheric pressure.

1807 Bunker "C" oil. General term used to indicate a heavy viscous fuel oil.

1808 Bunker fuel. General term for heavy oils used as fuel on ships and in industry. It often refers to No. 5 and 6 fuel oils.

1809 Bunkering. The process of loading fuel aboard ship.

1810 Conversion tables. (Approximate Conversions).

Materials:	Barrel per ton (long)
Crude oils	6.7–8.1
Aviation gasolines	8.3–9.2
Motor gasolines	8.2–9.1
Kerosenes	7.7–8.3
Gas oils	7.2–7.9
Diesel oils	7.0–7.9
Lubricating oils	6.8–7.6
Fuel oils	6.6–7.0
Asphalt bitumens	5.9–6.5

(As a general rule-of-thumb, use 6.5 barrels or 250 gallons per ton of oil.)

1811 Crude oil. Petroleum as it comes from the earth. There may be several thousands of different substances in crude oil, some of which evaporate quickly while others persist indefinitely. The physical characteristics of crude oils may vary widely. Crude oils are often identified in trade jargon by their regions of origin. This identification may not relate to the apparent physical characteristics of the oil. Commercial gasoline, kerosene, heating oils, diesel oils, lubricating oils, waxes, and asphalts are all obtained by refining crude oil.

1812 Demulsibility. The resistance of an oil to emulsification, or the ability of an oil to separate from any water with which it is mixed. The better the demulsibility rating, the more quickly the oil separates from water.

1813 Density. Density is the term meaning the mass of a unit volume. Its numerical expression varies with the units selected.

1814 Emulsion. A mechanical mixture of liquids which do not naturally mix as oil and water. Water-in-oil emulsions have the water as the internal phase and oil as the external phase. Oil in water emulsions have oil as the internal phase.

1815 Fire point. The lowest temperature at which an oil vaporizes rapidly enough to burn for at least *5 seconds* after ignition, under standard conditions.

1816 Flash point. The lowest temperature at which an oil gives off sufficient vapor to form a mixture which will ignite, under standard conditions.

1817 Fraction. Refinery term for a product of fractional distillation having a restricted boiling range.

1818 Fuel oil grade. Numerical ratings ranging from 1 to 6. The lower the grade number, the thinner the oil is and the more easily it evaporates. A high number indicates a relatively thick, heavy oil. Number 1 and Number 2 fuel oils are usually used in domestic heaters, and the others are used by industry and ships. Number 5 and Number 6 oils are semi-solids that must be liquified by heating. Kerosene, coal oil, and range oil are all Number 1 oil. Number 3 is no longer used as a standard term for fuel oil.

1819 Innage. Space occupied in a product container.

1820 In personem. An action in personem is instituted against an individual, usually through the personal service of process, and may result in the imposition of liability directly upon the person of a defendant.

1821 In rem. An action in which the vessel or thing itself is treated as the offender and made defendant without any proceeding against the owners or even mentioning their names. The decree in an action in rem is enforced directly against the condemnation and sale thereof.

1822 Load On Top (LOT). A procedure for ballasting and cleaning unloaded tankers without discharging oil. Half of the tanks are first filled with seawater while the others are cleaned by hosing. Then oil from the cleaned tanks, along with oil which has separated out in the full tanks, is pumped into a single slop tank. The clean water in the full tanks is then discharged while the freshly-cleaned tanks are filled with seawater. Ballast is thus constantly maintained.

1823 Oil films. A slick thinner than .0001 inch and may be classified as follows:

Standard term	Gallons of oil per square mile	Appearance
"Barely visible"	25	Barely visible under most favorable light conditions.
"Silvery"	50	Visible as a silvery sheen on surface water.
"Slightly colored"	100	First trace of color may be observed.
"Brightly colored"	200	Bright bands of color are visible.

1833 Tonnage. There are various tonnages applied to merchant ships. The one commonly implied is gross tonnage although in these days tankers and other bulk-carriers are often referred to in terms of deadweight.

1833.1 Gross tonnage. 100 cubic feet of permanently enclosed space is equal to one gross ton—nothing whatever to do with weight. This is usually the registered tonnage although it may vary somewhat according to the classifying authority or nationality.

1833.2 Net tonnage. The earning capacity of a ship. The gross tonnage after deduction of certain spaces, such as engine and boiler rooms, crew accommodations, stores, equipment, etc. Port and harbor dues are based on this tonnage.

1833.3 Displacement tonnage. The actual weight in tons, varying according to whether a vessel is in light or loaded condition. Warships are always spoken of by this form of measurement.

1833.4 Deadweight tonnage. The actual weight in tons of cargo, stores, etc., required to bring a vessel down to her load line, from the light condition. Cargo deadweight is, as its name implies, the actual weight in tons of the cargo when loaded, as distinct from stores, ballast, etc.

1834 Ullage. The amount by which a tank or vessel lacks being filled. (See also Outage).

1835 Viscosity. The property of liquids which causes them to resist instantaneous change of shape, or instantaneous rearrangement of their parts, due to internal friction. The resistance which the particles of a liquid offer to a force tending to move them in relation to each other. Viscosity of oils is usually expressed as the number of seconds at a definite temperature required for a standard quantity of oil to flow through a standard apparatus.

1836 Viscous. Thick, resistance to flow, having a high viscosity.

1837 Volatile. Evaporates easily.

Annex X—Schedule of Chemical and Other Additives to Remove Oil and Hazardous Substances Discharges

2001 General

2001.1 This Schedule has been prepared by the U.S. Environmental Protection Agency pursuant to section 1(2) of Executive Order 11735. This Schedule applies to the waters of the United States and adjoining shorelines, the waters of the Contiguous Zone, and the high seas beyond the Contiguous Zone in connection with activities under the Outer Continental Shelf Lands Act or the Deep Water Port Act of 1974, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976).

2001.2 This Schedule applies to the use of any chemicals or other additives as hereinafter defined that may be used to remove oil and remove or neutralize hazardous substances discharges. Any chemical agent or other substance not specifically defined in this schedule will be considered by EPA on a case-by-case basis for use in the removal of oil and hazardous substances discharges.

2001.3 This Schedule favors development and utilization of sorbents, skimmers, booms and other mechanical control methods to remove or mitigate oil and remove, mitigate, or neutralize hazardous substances discharges from the environment with subsequent proper disposal.

2001.4 It is the intent of this Schedule that the use of chemicals and additives to remove or mitigate the effects of oil or hazardous substances discharges shall cause the least overall environmental impact.

2001.5 In implementing this Schedule and in maintaining its relationship with other Federal and State agencies, EPA shall recognize that some States may have more stringent laws, regulations or written policies regulating the use of chemicals in the removal of oil and hazardous substance discharges, in which case such laws, regulations or policies shall govern.

2001.6 It has been determined that because of the overriding need for prompt initiation of discharge removal actions no formal permit, as provided for by Sec. 402 of the Act, shall be required before application of chemicals to mitigate the effects of a discharge. The provisions of Sec. 1510.21(f) and 1510.36(a)(3) of this Plan shall apply.

2002 Definitions

Materials applied to oil or floating hazardous substances discharges are defined as follows:

2002.1 Chemical agents are those elements, compounds, or mixtures that disperse, dissolve, emulsify, neutralize, precipitate, reduce, solubilize, oxidize, concentrate, congeal, entrap, fix, gell, make the pollutant mass more rigid or viscous, or otherwise facilitate the mitigation of deleterious effects or removal of the pollutant from the water.

2002.2 Dispersing Agents are those chemical agents which emulsify, disperse, or solubilize oil into the water column or act to further the surface spreading of oil slicks in order to facilitate dispersal of the oil into the water column.

2002.3 Surface Collecting Agents are those chemical agents which are a surface film forming chemical for controlling oil layer thickness.

2002.4 Biological Additives are microbiological cultures, enzymes, or nutrient additives that are deliberately introduced into an oil or hazardous substance spill for the specific purpose of encouraging bio-degradation to mitigate the effects of a spill.

2002.5 Burning Agents are those materials which, through physical or chemical means, improve the combustibility of the materials to which they are applied.

2002.6 Sinking Agents are those materials which are applied to oil and hazardous substance spills to sink floating pollutants below the water surface.

2002.7 Mechanical removal methods include the use of pumps, skimmers, booms, earthmoving equipment, and other mechanical devices.

2002.8 Sorbents are essentially inert and insoluble materials which are used to remove oil and hazardous substances from water through a variety of sorption mechanisms. Examples include: straw, expanded perlite, polyurethane foams, reclaimed paper fibers, peat moss.

2003 Dispersing Agent Program for Spills of Oil and Applicable Hazardous Substances

2003.1 Authorization for Use of Dispersing Agents

2003.1–1 Major and medium discharges. Dispersing agents may be used in any place, at any time, and in quantities designated by the OSC when their use will:

2003.1–1.1 In the judgment of the OSC, prevent or substantially reduce hazard to human life.

2003.1–1.2 In the judgment of the EPA RRT member on a case-by-case basis, in consultation with appropriate State or Federal agencies, prevent or reduce substantial hazard to a major segment of the population(s) of vulnerable species of waterfowl; or,

2003.1–1.3 In the judgment of the EPA RRT member on a case-by-case basis, in consultation with appropriate State and Federal agencies, result in the least overall environmental damage, or interference with designated water uses.

2003.1–2 Minor discharge. The provisions of section 2003.1–1 shall apply.

2003.2 Special Restrictions on Dispersing Agent Use:

2003.3.2–1 Chemical agents shall not be considered for use as dispersing agents unless technical product data have been provided and accepted in accordance with 2003.3 except when the judgment of the OSC the hazards discussed in 2003.1–1.1 are so imminent that the time delay for obtaining a dispersant agent that is in compliance with 2003.3 would be excessive.

2003.2–2 Federal officials responsible for oil and hazardous substance spill response activities at all levels shall develop effective programs to insure that dispersants that are available for use in appropriate spill response actions are dispersants with adequate technical data on file with EPA. This effort will help preclude the avoidance of the EPA technical data program by manufacturers or suppliers who might wish to take advantage of the emergency conditions provision of 2003.2–1.

2003.2–3 For all situations where dispersants are used, accurate records shall be kept on dispersant types, brands, application rates and methods, effectiveness, environmental impacts, plus any other pertinent observations.

2003.3 Technical Product Data For Dispersing Agents

2003.3–1 Technical product data as outlined in 2003.3–4 on the physical, chemical and toxicity characteristics of a dispersing agent shall be submitted to the Oil and Special Materials Control Division (WH–548), Environmental Protection Agency, Washington, D.C. 20460, at least 60 days prior to the use of the agent. Within 60 days of receipt of the data, EPA will inform, in writing, the submitter on the adequacy of the data provided. If additional information is requested or EPA desires to perform tests, the dispersing agent may not be considered for use until the additional needs have been satisfied and the submitter so notified.

2003.3–2 Information furnished in accordance with 2003.3–4 shall be maintained on file by the Environmental Protection Agency, Oil and Special Materials Control Division, (WH–548) Washington, D.C. 20460, to provide technical guidance to OSCs on the acceptable circumstances of use and dosage rates for dispersing agents. Any changes in the composition or formulation of the dispersing agent that will affect any of the data being requested in 2003.3–4 shall be immediately brought to the attention of EPA and testing of the agent will be repeated prior to the use of the revised dispersing agent.

2003.3–3 The acceptance and maintenance of product data by EPA does not constitute approval of the dispersing agent nor does it imply compliance with any EPA criterial or minimum standards for such agents. The OSC will determine which dispersing agent may be used for a spill event on a case-by-case basis using all available information in making such a decision. To avoid possible misinterpretation and misrepresentation of the EPA's role in this technical product data program, the manufacturer's representatives may use only the EPA letter advising compliance with 2003.3–4 in any advertisements or technical literature on the dispersing agent. The EPA letter must be used in its entirety. Failure to comply with these restrictions or any other improper reference to EPA in attempting to demonstrate EPA approval of the dispersing agent for use on spills of oil or hazardous substances shall constitute grounds for removing the technical product data from EPA files, which would preclude use of the dispersing agent except as noted in 2003.2–3 for imminent hazards.

2003.3–4 Required Technical Product Data

2003.3–4.1 Name, brand, or trademark, if any, under which the chemical agent is sold.

2003.3–4.2 Name, address and telephone number of the manufacturer, importer or vendor.

2003.3–4.3 Name, address and telephone number of primary distributers or sales outlets.

2003.3–4.4 Special handling and worker precautions for storage and field application. Maximum and minimum storage temperatures to include optimum ranges as well as temperatures that will cause phase separations, chemical changes or otherwise damage effectiveness of the chemical agent.

2003.3–4.5 Shelf Life.

2003.3–4.6 Recommended application procedure(s), concentration(s) and conditions for use depending upon water salinity, water temperature and types and ages of the pollutants.

2003.3–4.7 Dispersant Toxicity—Use standard toxicity test methods described in EPA Report "Standard Dispersant Effectiveness and Toxicity Test" (EPA R2–73–201, May 1973) pages 22–34. This report may be obtained from the Oil and Special Materials Control Division (WH–548), EPA, Washington, D.C. 20460.

2003.3–4.8 Dispersant Effectiveness—Use standard effectiveness test methods in EPA R2–73–201, May 1973, pages 11–21.

2003.3–4.9 Flash Point—Select appropriate method from the following: ASTM—D 56–70; ASTM—D 92–72; ASTM—D 93–72; ASTM—D 1310–67.

2003.3–4.10 Pour Point—Use ASTM D 97–66

2003.3–4.11 Viscosity—Use ASTM D 445–72

2003.3–4.12 Specific Gravity—Use ASTM D 1298–67

2003.3–4.13 pH—Use ASTM D 1293–65

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2003.3–4.14 Ionic Activity—Use Weatherburn Test as described below:

Ionic activity tests (Weatherburn Test)

Reagents: 1. Dye solution: 0.03 grams methylene blue, 12 grams concentrated sulfuric acid, 50 grams anhydrous sodium sulfate dissolved in water to make a total of one liter solution.

2. Anionic surfactant solution—0.5% Aerosol OT (Sodium dioctyl sulfo succinate).

3. Chloroform.

Procedure: 1. Into a 25 ml. test tube, place 8 ml. of dye solution and 5 ml. chloroform. Add anionic surfactants solution drop by drop, shaking vigorously between drops and allowing phases to separate. Continue adding dropwise until the two layers are equal in color and intensity viewed in reflected light. Usually 10 to 12 drops of anionic solution are required.

2. Now add 2 ml. of 0.1% solution of the unknown and shake vigorously.

Results: 1. Chloroform phase (lower) is deeper in color and aqueous phase is mostly colorless—anionic is positive.

2. Water phase (upper) is deeper in color than the chloroform phase—cationic is positive.

3. Both phases are more or less the same color—probably a nonionic.

4. If the aqueous phase has become milky and hence slightly lighter in color, it may still be nonionic. Soaps do not react in this procedure. If both anionics and nonionics are present, the reaction of this test will be anionic positive.

2003.3–4.15 Miscibility—Use the test described below which is a modification of military specification MIL–C–22230 (ships):

One part of the dispersing agent is mixed with 100 parts of synthetic sea water. The solution is agitated for one hour and any visible separation of the dispersing agent should be noted after this period of agitation. The test is to be performed with water temperatures at both 20°C and 0°C. The synthetic sea water shall be formulated as follows:

Sodium Chloride (grams)	150.0
Magnesium Chloride, hexahydrate (grams)	66.0
Calcium Chloride dihydrate (grams)	9.8
Sodium Sulfate anhydrous (grams)	24.0
Distilled water to make a total of (liters)	6.0

2003.3–4.16 Dispersing Agent Components

Itemize by chemical name and percentage by weight of each component of the total formulation. The percentages will include maximum, minimum and average weights in order to reflect quality control variation in manufacture or formulations. At least the following major components shall be identified in complying with 2003.3–4.16.

(a) Surface active agents.

(b) Solvents.

(c) Additives.

If requested by the submitter, information from 2003.3–4.16 will be handled as trade secrets under provisions of P.L. 90–23, the Administrative Procedures Act.

2003.3–4.17 Heavy Metal and Chlorinated Hydrocarbons

Using reliable analytical chemistry techniques, state the concentrations or upper limits of the following materials:

Arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc, plus any other metals that may be reasonably expected to be in the sample. Atomic absorption methods should be used and the detailed analytical methods and sample preparation shall be fully described;

Cyanide using standard colorimetric procedures;

Chlorinated hydrocarbons. Gas chromatography should be used and the detailed analytical methods and sample preparation shall be fully described.

2003.3–5 Analytical Laboratory Requirements for Technical Product Data:

2003.3–5.1 The required tests shall be performed by a qualified laboratory.

2003.3–5.2 The technical product data submission shall include the identity of the laboratory, the qualifications of the laboratory staff including professional biographical information for individuals responsible for any tests, and laboratory experience with similar tests. Laboratories performing bioassay tests for dispersant or surface collecting agent toxicity must demonstrate previous bioassay experience in order for their results to be accepted. EPA will not approve the selection of laboratories by intended submitters of technical product data prior to submission of the data. It is the responsibility of the submitter to select competent analytical laboratories based on the guidelines contained herein.

2003.3–5.3 EPA reserves the right to refuse to accept a submission of technical product data because of lack of qualifications of analytical laboratory, significant variance between submitted data and any laboratory confirmation performed by EPA, or other circumstances that will result in inadequate or inaccurate environmental information on the dispersing agent.

2004 Surface Collecting Agent Program for Spills of Oil and Applicable Hazardous Substances

2004.1 Authorization for Use of Surface Collecting Agents: Major, Medium and Minor Discharges.

2004.1–1 The OSC may authorize use of surface collecting agents on a case-by-case basis when their use will:

2004.1–1.1 Result in the least overall environmental damage or interference with designated water uses, and

2004.1–1.2 Provide a key element in the most effective system for removing oil or hazardous substances discharge from the water environment.

2004.1–2 Mechanism for authorizing use. The OSC may authorize the use of a surface collecting agent verbally when on scene or by telephone prior to arriving on scene. In all cases, the OSC is obligated to comply with the provisions of 2004.2 prior to making such authorization. A review of the capabilities and expertise of the owner or operator or cleanup contractor prior to the occurence of the spill incident would be most beneficial in situations where telephone authorization is desired or contemplated.

2004.2 Restrictions on Surface Collecting Agent Use.

2004.2–1 The OSC may authorize the use of surface collecting agents only after being informed of the environmental conditions at the point of intended use. These environmental conditions include air and water temperatures, wind conditions, wave and current conditions, presence and relative density of debris and other floating matter on the water, type and condition of the oil or hazardous substance spilled, special biological factors such as waterfowl sanctuaries, wildlife refuges, spawning or nursery grounds, shellfish beds, swamp areas, etc., and the availability of removal equipment that could be employed to remove the collected material from the water. Information on environmental conditions should be evaluated by the OSC from the standpoint that conditions such as strong winds, choppy waters, low temperatures, debris, and aquatic vegetation can adversely affect the performance of collecting agents or complicate further removal operations. The performance can also vary with types of oils or hazardous substances. The agents can be effective with thin films of light oils but have little value with thick layers of heavy, viscous oils. The agents should not be used unless adequate removal equipment is available to remove the collected oil.

2004.2–2 A chemical agent shall not be used as a surface collecting agent unless the provisions of 2004.3 are complied with and EPA has informed the manufacturer's representative that the product is acceptable for use as a surface collecting agent.

2004.3 Technical Product Data for Surface Collecting Agents.

2004.3–1 Technical product data as specified in 2004.3–4 shall be provided to the Oil and Special Materials Control Division (WH–548), EPA, Washington, D.C. 20460, at least 60 days prior to the use of the agent. The use of existing surface collecting agents may be authorized by the OSC without complying with 2004.3 for 120 days from the effective date of this Annex. Within 60 days of receipt of the data, EPA will inform, in writing, the submitter on the adequacy of the data submitted. If additional data are requested or EPA desires to perform additional tests, the surface collecting agent may not be used until these additional needs have been satisfied and the submitter so notified.

2004.3–2 Information furnished in accordance with 2004.3–4 shall be maintained on file by the EPA, Oil and Special Materials Control Division (WH–548), Washington, D.C. 20460, to provide technical guidance to OSCs on the acceptable circumstances of use, dosage rates and special problems in the use of surface collecting agent. Any changes in the composition or formulation of the surface collecting agent that will affect any of the data requested in 2004.3 shall be immediately brought to the attention of EPA and testing of the agent will be repeated prior to the use of the revised formulation of the surface collecting agent.

2004.3–3 EPA will review technical product data for surface collecting agents and will issue approvals for agents meeting certain criteria. At present, the only minimum criterion established is for solubility which is described in 2004.13. This criterion classifies the substance as a surface collecting agent but is not an indication of the effectiveness or toxicity of the material. Other product data such as toxicity, chemical components, and physical characteristics will be reviewed and, if the combined effects of these data and other factors will result in excessive hazard to the aquatic life, work safety, or other elements of the environment in the judgment of EPA, the Agency may refuse to approve the use of the agent.

EPA may, from time to time, establish minimum criteria for the data being requested and may also require additional data to assist in arriving at a judgment on the environmental acceptability of collecting agent usage.

To avoid possible misinterpretation and misrepresentation of the EPA's role in the surface collecting agent technical product data program, the manufacturer's representatives may use only the EPA letter advising compliance with 2004.3–4 in any advertisements or technical literature on the collecting agent. The EPA letter must be used in its entirety. Failure to comply with these restrictions or any other improper reference to EPA in attempting to demonstrate EPA approval of the surface collecting agent beyond that stated in the letter for use on spills of oil or hazardous substances shall constitute grounds for removing the technical product data from EPA files which would preclude use of the surface collecting agent.

2004.3–4 Required Technical Product Data

2004.3–4.1 Name, brand, or trademark, if any, under which the surface collecting agent is sold.

2004.3–4.2 Name, address and telephone number of the manufacturer, importer or vendor.

2004.3–4.3 Name, address and telephone number of primary distributors or sales outlets.

2004.3–4.4 Special handling and worker precautions for storage and field application. Maximum and minimum storage temperature to include optimum ranges as well as temperatures that will cause phase separation, chemcial changes, or otherwise damage effectiveness of the surface collecting agent.

2004.3–4.5 Shelf Life.

2004.3–4.6 Recommended application procedure(s), concentration(s) and conditions for us depending upon water salinity, water temperature and types and ages of the pollutants.

2004.3–4.7 Surface Collecting Agent Toxicity—Use standard toxicity test methods described in EPA Report "Standard Dispersant Effectiveness and Toxicity Test" (EPA R2–73–201, May 1973) pages 22–34. This report may be obtained from the Oil and Special Materials Control Division (WH–548), EPA, Washington, D.C. 20460.

2004.3–4.8 Flash Point—Select appropriate method from the following: ASTM—D 56–70; ASTM—D 92–72; ASTM—D 93–72; ASTM—D 1310–67.

2004.3–4.9 Pour Point—Use ASTM D 97–66

2004.3–4.10 Viscosity—Use ASTM D 445–72

2004.3–4.11 Specific Gravity—Use ASTM D 1298—67

2004.3–4.12 pH—Use ASTM D 1293–65

2004.3–4.13 Interim Test to Distinguish Between Surface Collecting Agents and Other Spill Cleanup Chemicals.

In order to distinguish between surface collecting agents and other chemical materials, this interim test procedure was developed. This test procedure is not an efficiency test. It is to be used only to distinguish between surface collecting agents and dispersants.

Scope

1. Procedure to be used to determine the solubility in water under standard conditions of oil spill control chemicals.

Method Summary

2. Five (5) milliliters of the chemical under test are intimately mixed with ninety-five (95) milliliters of distilled water, allowed to stand undisturbed for one hour, and then the volume of the upper phase is determined to the nearest 1 milliliter.

Apparatus

3. (a) Mixing cylinder, 100 milliliter subdivisions and fitted with glass stoppers.

(b) Pipettes: Volumetric pipette, 5.0 millileter.

(c) Timers

Procedure

4. Add 95 milliliters of distilled water 22°C+/−3°C to a 100 milliliter mixing cylinder. To the surface of the water in the mixing cylinder, add 5.0 milliliters of the chemical under test. Insert the stopper and invert the cylinder 5 times in 10 seconds. Set upright for one (1) hour at 22°C+/−3°C and then measure the chemical layer at the surface of the water. The major portions of the chemical added (75%) should be at the water surface as a separate and easily distinguished layer.

2004.3–4.14 Surface Collecting Agent Components

Itemize by chemical name and percentage by weight each component of the total formulation. The percentages will include maximum, minimum and average weights in order to reflect quality control variations in manufacture or formulations. At least the following major components shall be identified.

(a) Surface active agents

(b) Solvents

(c) Additives

If requested by the submitter, information for 2004.3–4.14 will be handled as trade secrets under provisions of Pub. L. 90–23, the Administrative Procedures Act.

2004.3–4.15 Heavy Metals and Chlorinated Hydrocarbons

Using reliable analytical chemistry techniques, state the concentrations or upper limits of the following materials:

Arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc, plus any other metals that may be in the sample. Atomic absorption methods should be used and the detailed analytical methods and sample preparation shall be fully described;

Cyanide using standard colorimetric procedures;

Chlorinated hydrocarbons. Gas chromatography should be used and the detailed analytical methods and sample preparations shall be fully described.

2004.3–5 Analytical Laboratory Requirements for Technical Product Data:

Follow stipulations in 2003.3–5

2005 Biological Additive Program for Spills of Oil and Applicable Hazardous Substances

2005.1 Authorization for use of biological additives.

2005.1–1 All discharges, the OSC may authorize the use of biological additives on water or shorelines only after obtaining the approval of the EPA representative to RRT. The manufacturer or supplier of microbiological cultures or enzymes must obtain approval from State and local public health and pollution control officials and furnish evidence of such approval to the EPA RRT representative.

2005.2 Special Restrictions on Biological Additive Use

2005.2–1 Microbiological cultures and enzyme mixtures shall not be considered for use as biological additives unless technical product data have been provided and accepted in accordance with 2005.3.

2005.2–2 The OSC must be supplied with the chemical composition and ratios of primary nutrients or nutrient additives prior to seeking approval for their use.

2005.3 Technical Product Data for Biological Additives

2005.3–1 Technical product data as outlined in 2005.3–4 on the constituents of a biological additive shall be submitted to the Oil and Special Materials Control Division (WH–548), Environmental Protection Agency, Washington, D.C. 20460, at least 60 days prior to the use of the additive. Within 60 days of receipt of the data, EPA will inform in writing the submitter on the adequacy of the data provided.

If additional information is requested or EPA desires to perform tests, the biological additive may not be used until the additional needs have been satisfied and the submitter so notified.

2005.3–2 Information furnished in accordance with 2003.3–4 shall be maintained on file by EPA to provide technical guidance to OSCs on the acceptable circumstances of use and application rates for biological additives. Any changes in the composition of the biological additive that will affect any of the data being requested in 2005.3–4 shall be immediately brought to the attention of EPA, and testing of the additive will be repeated prior to the use of the revised biological additive.

2005.3–3 The acceptance and maintenance of product data by EPA does not constitute approval of the biological additive nor does it imply compliance with any EPA criteria or minimum standards for such additives. The OSC will determine which biological additive may be used for a spill event on a case-by-case basis using all available information in making such a decision. To avoid possible misinterpretation and misrepresentation of EPA's role in this technical product data program, the manufacturer's representatives may use only the EPA letter advising compliance with 2005.3–4 in any advertisements or technical literature on the biological additive. The EPA letter must be used in its entirety. Failure to comply with these restrictions or any other improper reference to EPA in attempting to demonstrate EPA approval of the biological

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additive for use on spills of oil or hazardous substances shall constitute grounds for removing the technical product data from EPA files which would preclude use of the biological additive.

2005.3–4 Required Technical Product Data

2005.3–4.1 Name, brand, or trademark, if any, under which the biological additive is sold.

2005.3–4.2 Name, address and telephone number of the manufacturer, importer or vendor.

2005.3–4.3 Name, address and telephone number of primary distributors or sales outlets.

2005.3–4.4 Special handling and worker precautions for storage and field application. Maximum and minimum storage temperatures.

2005.3–4.5 Shelf Life.

2005.3–4.6 Recommended application procedure(s), concentration(s) and conditions for use depending upon water salinity, water temperature and types and ages of the pollutants.

2005.3–4.7 Statements on the expected effectiveness of the additive including degradation rates and the test conditions and data on effectiveness.

2005.3–4.8 For microbiological cultures furnish the following information:

Listing of all microorganisms to species, [1]

Percentage of each species in the composition of the additive, [1]

Optimum pH and temperature range for use of the additive.

Special nutrient requirements, if any,

Separate listing of the following and test methods for such determinations: Salmonella, fecal coliform, Shigella, Staphylococcus Coagulase positive, and Beta Hemolytic Streptococci.

2005.3–4.9 For enzyme additives furnish the following information:

Enzyme name(s),

International Union of Biochemistry (I.U.B.) number(s),

Source of the enzyme,

Units,

Specific Activity,

Optimum pH and temperature range for the use of the additive.

2005.3–5 Laboratory Requirements for Technical Product Data: Follow stipulations in 2003.3–5.

2006 Burning Agent Program for Spills of Oil and Applicable Hazardous Substances

2006.1 Authorization for Use of Burning Agents

2006.1–1 All discharges. The OSC may authorize the use of burning agents only when they will:

2006.1–1.1 Prevent or substantially reduce imminent threats to human life, limb, or property;

2006.1–1.2 Result in the least environmental harm when compared to other removal or disposal methods.

2006.1–2 Prior to authorizing use under 2006.1–1.2, the OSC must obtain approval of the EPA RRT representative and all applicable State and local public health pollution control officials.

2006.2 Special Restrictions on Burning Agent Use

2006.2–1 The OSC will evaluate the suitability of burning agents on a case-by-case basis. Burning agents should be inert materials that will not, in themselves, be a water pollutant. The addition of oils (such as gasoline or solvents) as an igniter shall be avoided unless it is necessary under 2006.1–1.

2006.2–2 A technical data program for burning agents will not be established at this time.

2007 Sinking Agent Program for Spills of Oil and Applicable Hazardous Substances

2007.1 Authorization for Use of Sinking Agents

2007.1–1 All Discharges

Sinking agents shall not be applied to discharges of oil or hazardous substances on the navigable water of the United States or the contiguous zone.

2008 Mechanical Methods and Sorbents Program for Spills of Oil and Hazardous Substances

2008.1 Authorization for Use of Mechanical Methods and Sorbents

2008.1–1 All Discharges

2008.1–1.1 As stated in 2001.3, it is the policy of this Schedule to favor the use of mechanical methods and sorbents for removal of oil and hazardous substances spills. The OSC has the authority to use or prohibit specific mechanical methods and sorbents on a case-by-case basis. The OSC will select methods and materials that, in his judgment, will be most effective in expeditiously removing the spilled material and mitigating the related damages, and will minimize secondary pollution from the removal or mitigation operation. Prior to authorizing the use of sorbents, the OSC shall take into consideration hydrographic and meteorological conditions as well as the characteristics of the sorbent and the availability of adequate containment and removal equipment.

2008.1–1.2 A technical data program for mechanical methods and sorbents will not be established at this time.

[FR Doc. 80-8214 Filed 3-18-80; 8:45 am]

BILLING CODE 3125-01-M

[1] If requested by the submitter, these items will be handled as trade secrets under the provisions of the Administrative Procedures Act (Pub. L. 90-23).

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federal register

Wednesday
March 19, 1980

Part IV

Department of the Interior

Fish and Wildlife Service

Seizure and Forfeiture Procedures

V 45/55 MR 1980 UMI

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 12

Seizure and Forfeiture Procedures

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: Regulations are issued which revise 50 CFR Part 12, entitled, "Seizure and Forfeiture Procedures." A number of laws enforced by the Service provide for the seizure and forfeiture of wildlife and other property involved in violations. This revision of the Service's seizure and forfeiture regulations clarifies existing procedures and implements the provisions for administrative forefeiture proceedings contained in several statutes that adopt the customs forfeiture laws.

EFFECTIVE DATE: April 18, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald E. Swan, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. Telephone: 202–343–2172.

SUPPLEMENTARY INFORMATION:

Background

A number of laws administered by the Service provide for forfeiture to the United States of wildlife, plants, and other property involved in violation of the laws. In addition, several laws administered by the Service authorize the assessment of civil monetary penalties for violations of certain prohibitions. As part of the compromise or settlement of such civil penalty claims, property subject to forfeiture may be transferred to the United States in exchange for reduction or elimination of the penalty. These regulations establish procedures governing forfeiture of property, transfers of property in settlement of civil penalty claims, and related activities such as appraisement of seized property and petitions for remission of forfeitures.

A proposed rulemaking for these regulations was published in the **Federal Register** on April 4, 1979 (44 FR 20228–20232), and a number of comments were received in response.

Description of Regulations and Discussion of Comments

Sections 12.1 and 12.2 of the regulations set forth general provisions concerning their purpose and scope.

Section 12.3 defines a number of important terms. Several comments suggested that this section should also include definitions of "Director" and "conclusion of civil penalty assessment proceedings." However, definitions of these terms appear to be unnecessary. "Director" is already defined in 50 CFR 10.12, and the rules governing finality and effectiveness of civil penalty assessments are already set forth in 50 CFR 11.16, 11.24–11.25.

It was also pointed out that the definition and references to "domestic" with regard to the value of certain seized property are inappropriate for a number of wildlife items that may not lawfully be sold in the United States. In response to this comment, § 12.12, which provides for determinations of such value, has been amended to provide that if the seized property may not lawfully be sold in the United States, its value will be determined by reasonable means other than those provided in § 12.3 for determinations of domestic value.

Section 12.4 establishes time requirements for the filing of documents. Section 12.5 provides for delivery to the Service of property covered by these regulations which has been seized by other Federal agencies.

In certain instances, it may be appropriate to release seized property rather than hold such property for the duration of legal proceedings. Such release, in exchange for a bond or other security, is authorized by the Eagle Protection Act, Airborne Hunting Act, Marine Mammal Protection Act, Endangered Species Act, and Lacey Act. 16 U.S.C. 668b(c), 742j–1(f), 1376(a), 1377(e)(2), 1540 (e)(3), (f); 18 U.S.C. 43(c)(2); 19 U.S.C. 1614, 1623. Section 12.6 implements these statutory provisions by prescribing the terms and conditions for bonded release.

Several comments were received on § 12.6. One comment questioned why bonded release of seized property is allowed under § 12.6, when it is not allowed upon payment of the $250 bond specified in § 12.23. The answer is that bonded release under § 12.6 is authorized by statute, and may be necessary to insure the health or proper care of live wildlife, to prevent spoilage of perishable property, or to avoid unwarranted storage costs. The reason release is not allowed under § 12.23 is that the $250 bond provided by that section does not serve as security for the seized property. Its sole function is to provide security for the costs and expenses of obtaining forfeiture by means of an action in Federal district court.

Another comment objected to the financial burdens imposed by any bonding system that requires submission of a certified check in the amount of the value of the property to be released. Concern was expressed that such burdens could be increased by the provision in the regulations providing for appraisement by the Service to determine the value of seized items. As a result of this comment, the wording of § 12.6 has been revised somewhat to make clear that the Service may be flexible in determining the type of security necessary for any given release. If doing so is warranted by the circumstances, the Service may accept payment of less than the full value of the seized property.

It was also urged that a requirement for release on bond be a determination that release is necessary to insure the health or safety of seized wildlife. This requirement must be rejected as too restrictive. For example, it might be appropriate to release furs involved in a minor marking violation if the risks of deterioration and costs of storage were excessively high.

Section 12.11 of the final regulations provides for notifying the owner or consignee of wildlife or other property of any seizure thereof. This provision is required by statute in certain cases, 16 U.S.C. 1377(e)(1), 18 U.S.C. 43(c)(2), is contained in the current seizure and forfeiture regulations, 50 CFR 12.11 (1978), and was omitted from the proposed rulemaking due to an oversight.

Sections 12.21 and 12.22 set forth procedures relating to judicial forfeiture proceedings. Section 12.21 deals with criminal forfeiture and § 12.22 deals with civil in rem actions to obtain forfeiture. With regard to § 12.22, one comment expressed the fear that the section's references to the Solicitor and the Attorney General would preclude direct referral from the Regional and Field Solicitors to United States Attorneys of requests for forfeiture actions. This fear is groundless. Section 12.3 of the regulations defines "Solicitor" and "Attorney General" to include the "authorized representatives" of these persons. Thus, in accordance with Interior and Justice Department policies, requests for forfeiture actions may be directly referred to United States Attorneys by Regional and Field Solicitors.

The Eagle Protection Act, Airborne Hunting Act, Marine Mammal Protection Act (as it applies to the cargo of vessels employed in unlawful taking), and Endangered Species Act adopt the forfeiture provisions of the "customs laws." 16 U.S.C. 668b(c), 742j–1(f), 1311(a), 1540(e)(5). The customs laws referred to are certain provisions of the Tariff Act of 1930, 19 U.S.C. 1602–1624. Under the Tariff Act, property having an appraised domestic value not in excess

of $10,000 may be forfeited through administrative proceedings conducted by the Department. 19 U.S.C. 1606–1609. In connection with these proceedings, the Tariff Act also provides for the filing of petitions to remit forfeitures and petitions to restore the proceeds of forfeited property disposed of according to law. 19 U.S.C. 1613, 1618.

Sections 12.12, 12.23, 12.24, and 12.41 of the regulations govern the administrative forfeiture proceedings described above.

As mentioned previously, § 12.12 provides for the appraisement of seized property to determine its value. A comment on this section recommended that it specify in greater detail how and by whom appraisements will be made. It is presently contemplated that the Service's Special Agent in Charge for the state in which the seized property is located will be responsible for the appraisement, and that in carrying out his responsibilities the Special Agent in Charge may utilize the services and expertise of customs appraisers and other knowledgeable persons. However, such internal procedures on the details of appraisement should be spelled out in a Service manual rather than in general regulations guiding the conduct of the public.

Section 12.23 prescribes the notice and other procedural requirements applicable to administrative forfeiture proceedings. With regard to notice of the proceedings, one comment expressed the fear that the posting provision for proceedings against items not greater than $250 in value may refer to posting at the Service's office in Washington, D.C. This is not the case. The regulation states that posting must be at the Service's field enforcement office closest to the place of seizure.

It was also suggested that the regulations specify whether it is the Solicitor's Office or the Service that has responsibility for posting the notice or publishing it in a newspaper of general circulation. The responsibility for proper posting or newspaper publication lies with the Regional or Field Solicitor conducting the forfeiture proceeding, but in meeting that responsibility the Regional or Field Solicitor will be assisted by the Service's personnel.

Comments on § 12.23 also expressed concern about the meaning and effect of its provisions governing service of the notice of proposed forfeiture. The statute authorizing the regulation requires only that the notice be "* * * published for at least three successive weeks in such manner as the Secretary * * * may direct." 19 U.S.C. 1607. Accordingly, section 12.23 provides for service by newspaper publication or posting. However, the courts have indicated that depending on the circumstances, service by publication, without further efforts, may not be sufficient for claimants whose interests and locations are known or easily ascertainable. *Menkarell* v. *Bureau of Narcotics*, 463 F. 2d 88 (3rd Circ. 1972); *Jaekel* v. *United States*, 304 F. Supp. 993 (S.D.N.Y. 1969); *see also, Robinson* v. *Hanrahan*, 409 U.S. 38 (1972); *Mullane* v. *Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950). Thus, for such claimants, section 12.23 requires that in addition to service by publication, a reasonable effort must be made to serve the notice personally, or by registered or certified mail.

It was also recommended that paragraph (b)(2) of § 12.23 be clarified to indicate that claims in response to the notice of proposed forfeiture are to be filed with the Regional or Field Solicitor's office that issued the notice. Such clarifying language has been added. Also, in recognition of the fact that most claims will be filed by mail, the time period has been extended. Instead of a 20 day period, claims must be received by the office issuing the notice within 30 days after the date of first publication or posting of the notice.

In the same manner as § 12.22, paragraph (b)(3) of § 12.23 speaks of claims in response to the notice of proposed forfeiture being transmitted by the "Solicitor" to the "Attorney General," and concern was expressed that use of these terms would preclude Regional and Field Solicitors from referring the claims directly to United States Attorneys.

Again, however, because § 12.3 defines "Solicitor" and "Attorney General" to include "authorized representatives," claims may be referred directly to United States Attorneys by Regional or Field Solicitors in accordance with Interior and Justice Department policies.

Sections 12.24 and 12.41 set forth the rules governing petitions for remission of forfeiture and petitions for restoration of proceeds. Several comments were received on these sections. It was recommended that these petitions be handled by the Solicitor rather than the Director, since the Solicitor will be responsible for the forfeiture proceedings which cause the petitions to be filed. This change has been made.

With regard to § 12.24, questions were raised as to the scope of the forfeiture remission authority. The statute authorizing forfeiture remissions provides that if in response to a petition, the Secretary "* * * finds the existence of such mitigating circumstances as to justify the remission * * * of * * * [a] forfeiture, [he] may remit * * * the same upon such terms and conditions as he deems reasonable and just, or order discontinuance of any prosecution relating thereto." 19 U.S.C. 1618. Accordingly, § 12.24 provides that if the requisite finding is made in response to a petition, the Solicitor may order discontinuance of any administrative forfeiture proceeding initiated under § 12.23, or may remit any forfeiture declared by an office of the Solicitor as a result of such a proceeding. However, as the section makes clear, the solicitor's authority is limited to proceedings or declarations within the Department of the Interior. For forfeiture proceedings or declarations in District Court, petitions must be filed with the Attorney General.

As indicated previously, several statutes administered by the Service authorize the assessment of civil monetary penalties for violations, in addition to forfeiture of the property involved. These statutes are the Eagle Protection Act, Marine Mammal Protection Act, Endangered Species Act, and Lacey Act. 16 U.S.C. 668(b), 1375(a), 1377(e), 1540(a); 18 U.S.C. 43(c). As part of the compromise or settlement of civil penalty claims under these statutes, title to property subject to forfeiture may be voluntarily transferred to the United States in exchange for reduction or elimination of the penalty. Section 12.25 of the regulations prescribes the requirements for such transfers.

A comment on § 12.25 recommended that the section clarify whether it is the Service or the Solicitor's Office that may settle civil penalty claims in exchange for transfers of property. The regulation now makes clear that such settlements must be approved by the Solicitor's Office.

Section 12.42 of the regulations provides for the recovery of certain storage and handling costs. A comment suggested that § 12.42 be eliminated because the expenses of litigation to collect storage and handling costs would probably exceed the amount of such costs. This suggestion is rejected. Suffice it to say that the regulation is specifically authorized by the Endangered Species Act, 16 U.S.C. 1540(f), and that the costs incurred by the government in storing and caring for seized wildlife often run into thousands of dollars.

Finally, § 12.51 of the regulations establishes the procedures for returning seized property to owners or consignees.

In addition to the changes in the proposed regulations discussed above, a number of minor technical changes were made in the interests of clarity and efficient administration.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The principal author of these regulations is Ronald E. Swan, Office of the Solicitor, Department of the Interior. (202–343–2172).

Accordingly, Part 12 of Title 50, Code of Federal Regulations is hereby revised to read as set forth below.

Dated: March 13, 1980.

Lynn A. Greenwalt,
Director.

PART 12—SEIZURE AND FORFEITURE PROCEDURES

Subpart A—General Provisions

Sec.
12.1 Purpose.
12.2 Scope of regulations.
12.3 Definitions.
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12.5 Seizure by other agencies.
12.6 Bonded release.

Subpart B—Preliminary Requirements

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12.23 Administrative forfeiture proceedings.
12.24 Petition for remission of forfeiture.
12.25 Transfers in settlement of civil penalty claims.

Subpart D—Disposition of Forfeited or Transferred Property [Reserved]

Subpart E—Restoration of Proceeds and Recovery of Storage Costs

12.41 Petition for restoration of proceeds.
12.42 Recovery of certain storage costs.

Subpart F—Return of Property

12.51 Return procedure.

Authority: Act of September 6, 1966, 5 U.S.C. 301; Eagle Protection Act, 16 U.S.C. 668–668b; National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd(f); Migratory Bird Treaty Act, 16 U.S.C. 706–707, 712; Migratory Bird Hunting Stamp Act, 16 U.S.C. 718f; Airborne Hunting Act, 16 U.S.C. 742j–1(d)–(f); Black Bass Act, 16 U.S.C. 852d; Marine Mammal Protection Act, 16 U.S.C. 1375–1377, 1382; Endangered Species Act, 16 U.S.C. 1540; Lacey Act, 18 U.S.C. 43–44; Tariff Act of 1930, 19 U.S.C. 1602–1624.

Subpart A—General Provisions

§ 12.1 Purpose of regulations.

The regulations of this part establish procedures relating to property seized or subject to forfeiture under various laws enforced by the Service.

§ 12.2 Scope of regulations.

Except as hereinafter provided, the regulations of this part apply to all property seized or subject to forfeiture under any of the following laws:

(a) The Eagle Protection Act, 16 U.S.C. 668 *et seq.*;

(b) The National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd *et seq.*;

(c) The Migratory Bird Treaty Act, 16 U.S.C. 703 *et seq.*;

(d) The Migratory Bird Hunting Stamp Act, 16 U.S.C. 718 *et seq.*;

(e) The Airborne Hunting Act, 16 U.S.C. 742j–l;

(f) The Black Bass Act, 16 U.S.C. 851 *et seq.*;

(g) The Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.*;

(h) The Endangered Species Act, 16 U.S.C. 1531 *et seq.*; and

(i) The Lacey Act, 18 U.S.C. 43–44.

§ 12.3 Definitions.

(a) As used in this part:

(1) "Attorney General" means the Attorney General of the United States or an authorized representative;

(2) "Domestic value" means the price at which the seized property or similar property is freely offered for sale at the time and place of appraisement, in the same quantity or quantities as seized, and in the oridinary course of trade. If there is no market for the seized property at the place of appraisement, such value in the principal market nearest to the place of appraisement shall be reported.

(3) "Solicitor" means the Solicitor of the Department of the Interior or an authorized representative.

(b) The definitions of paragraph (a) of this section are in addition to, and not in lieu of, those contained in § 1.1–1.8 and § 10.12 of this title.

§ 12.4 Filing of documents.

(a) Whenever any document is required by this part to be filed or served within a certain period of time, such document will be considered filed or served as of the date of receipt by the party with or upon whom filing or service is required. The time periods established by this part shall begin to run on the day following the date of filing or service.

(b) If an oral or written application is made before the expiration of a time period established by this part, an extension of such period for a fixed number of days may be granted where there are reasonable grounds for the failure to file or serve the document within the period required. Any such extension shall be in writing. Except as provided in this paragraph, no other requests for an extension shall be granted.

§ 12.5 Seizure by other agencies.

Any authorized employee or officer of any other Federal agency who has seized any wildlife or other property under any of the laws listed in § 12.2 will, if so requested, deliver such seizure to the appropriate Special Agent in Charge designated in § 10.22 of this title, or to an authorized designee, who shall either hold such seized wildlife or other property or arrange for its proper handling and care.

§ 12.6 Bonded release.

(a) Subject to the conditions set forth in paragraphs (b) and (c) of this section, and to such additional conditions as may be appropriate, the Service, in its discretion, may accept an appearance bond or other security (including, but not limited to, payment of the value as determined under § 12.12) in place of any property seized under the Endangered Species Act, 16 U.S.C. 1531 *et seq.*, Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.*, Lacey Act, 18 U.S.C. 43, Airborne Hunting Act, 16 U.S.C. 742j–l, or Eagle Protection Act, 16 U.S.C. 668 *et seq.*

(b) Property may be released under this section only to the owner or consignee.

(c) Property may be released under this section only if possession thereof will not violate or frustrate the purpose or policy of any applicable law or regulation.

Subpart B—Preliminary Requirements

§ 12.11 Notification of seizure.

Except where the owner or consignee is personally notified or seizure is made pursuant to a search warrant, the Service shall, as soon as practicable following the seizure or other receipt of seized wildlife or other property, mail a notification of seizure by registered or certified mail, return receipt requested, to the owner or consignee, if known or easily ascertainable. Such notification shall describe the seized wildlife or other property, and shall state the time, place, and reason for the seizure.

§ 12.12 Appraisement.

The Service shall determine the value of any cargo, of a vessel or other conveyance employed in unlawful taking, seized under the Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.*, and the value of any property seized under the Endangered Species Act, 16 U.S.C. 1531 *et seq.*, Eagle Protection Act, 16 U.S.C. 668 *et seq.*, or Airborne Hunting Act, 16 U.S.C. 742j–1, *et seq.* If the seized property may lawfully be sold in the United States, its domestic value shall be determined in accordance with § 12.3. If the seized property may not lawfully be sold in the United States, its value shall be determined by other reasonable means.

Subpart C—Forfeiture Proceedings

§ 12.21 Criminal prosecutions.

If property is subject to criminal forfeiture, such forfeiture will be obtained in accordance with the *Federal Rules of Criminal Procedure.*

§ 12.22 Civil actions to obtain forfeiture.

The Solicitor may request the Attorney General to file a civil action to obtain forfeiture of any property subject to forfeiture under the Airborne Hunting Act, 16 U.S.C. 742j–1, Lacey Act, 18 U.S.C. 43–44, Black Bass Act, 16 U.S.C. 851 *et seq.*, Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.*, Migratory Bird Treaty Act, 16 U.S.C. 703 *et seq.*, Migratory Bird Hunting Stamp Act, 16 U.S.C. 718 *et seq.*, Eagle Protection Act, 16 U.S.C. 668 *et seq.*, or Endangered Species Act, 16 U.S.C. 1531 *et seq.* Before any such action is filed against property subject to forfeiture under the Lacey Act, 18 U.S.C. 43, or against property, other than the cargo of a vessel or other conveyance employed in unlawful taking, subject to forfeiture under the Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.*, a civil penalty must first be assessed in accordance with the statute and applicable regulations, and no such action may be filed more than 30 days after the conclusion of civil penalty assessment proceedings.

§ 12.23 Administrative forfeiture proceedings.

(a) *When authorized.* Whenever any property subject to forfeiture under the Eagle Protection Act, 16 U.S.C. 668 *et seq.*, or Airborne Hunting Act, 16 U.S.C. 742j–1, or any wildlife or plant subject to forfeiture under the Endangered Species Act, 16 U.S.C. 1531 *et seq.*, is determined under § 12.12 to have a value not greater than $10,000, the Solicitor may obtain forfeiture of such property in accordance with this section.

(b) *Procedure.*—(1) *Notice of proposed forfeiture.* As soon as practicable following seizure, the Solicitor shall issue a notice of proposed forfeiture.

(A) *Publication.* The notice shall be published once a week for at least three successive weeks in a newspaper of general circulation in the locality where the property was seized. If the value of the seized property as determined under § 12.12 does not exceed $250, the notice may be published by posting, instead of newspaper publication, for at least three successive weeks in a conspicuous place accessible to the public at the Service's enforcement office and the United States District Court nearest the place of seizure. In cases of posting, the date of initial posting shall be indicated on the notice. In addition to newspaper publication or posting, a reasonable effort shall be made to serve the notice personally or by registered or certified mail, return receipt requested, on each person whose whereabouts and interest in the seized property are known or easily ascertainable.

(B) *Contents.* The notice shall be in substantially the same form as a complaint for forfeiture filed in United States District Court. The notice shall describe the property, including, in the case of motor vehicles, the license, registration, motor, and serial numbers. The notice shall state the time and place of seizure, as well as the reason therefor, and shall specify the value of the property as determined under § 12.12. The notice shall contain a specific reference to the provisions of the laws or regulations allegedly violated and under which the property is subject to forfeiture. The notice shall state that any person desiring to claim the property must file a claim and a $250 bond in accordance with paragraph (b)(2) of this section, and shall state that if a proper claim and bond are not received by the proper office within the time prescribed by such paragraph, the property will be declared forfeited to the United States and disposed of according to law. The notice shall also advise interested persons of their right to file a petition for remission of forfeiture in accordance with § 12.24.

(2) *Filing a claim and bond.* Upon issuance of the notice of proposed forfeiture, any person claiming the seized property may file with the Solicitor's office indicated in the notice a claim to the property and a bond in the penal sum of $250. Any claim and bond must be received in such office within 30 days after the date of first publication or posting of the notice of proposed forfeiture. The claim shall state the claimant's interest in the property. The $250 bond filed with the claim shall be on a United States Customs Form 4615 or on a similar form provided by the Department. There shall be endorsed on the bond a list or schedule in substantially the following form which shall be signed by the claimant in the presence of the witnesses to the bond, and attested by the witnesses:

List or schedule containing a particular description of seized article, claim for which is covered by the within bond, to wit:

The foregoing list is correct.

Claimant

Attest:

The claim and bond referred to in this paragraph shall not entitle the claimant or any other person to possession of the property.

(3) *Transmittal to Attorney General.* As soon as practicable after timely receipt by the proper office of a proper claim and bond in accordance with paragraph (b)(2) of this section, the Solicitor shall transmit such claim and bond to the Attorney General for institution of forfeiture proceedings in United States District Court.

(c) *Summary forfeiture.* If a proper claim and bond are not received by the proper office within 30 days as specified in paragraph (b)(2) of this section, the Solicitor shall declare the property forfeited. The declaration of forfeiture shall be in writing, and shall be sent by registered or certified mail, return receipt requested, to the Service and to each person whose whereabouts and prior interest in the seized property are known or easily ascertainable. The declaration shall be in substantially the same form as a default judgment of forfeiture entered in United States District Court. The declaration shall describe the property and state the time, place, and reason for its seizure. The declaration shall identify the notice of proposed forfeiture, describing the dates and manner of publication of the notice and any efforts made to serve the notice personally or by mail. The declaration shall state that in response to the notice a proper claim and bond were not timely received by the proper office from any claimant, and that therefore all potential claimants are deemed to admit the truth of the allegations of the notice. The declaration shall conclude with an order of condemnation and forfeiture of the property to the United States for disposition according to law.

§ 12.24 Petition for remission of forfeiture.

(a) Any person who has an interest in cargo, of a vessel or other conveyance employed in unlawful taking, subject to forfeiture under the Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.*, or any person who has an interest in any property subject to forfeiture under the Endangered Species Act, 16 U.S.C. 1531 *et seq.*, Eagle Protection Act, 16 U.S.C. 668 *et seq.*, or Airborne Hunting Act, 16 U.S.C. 742j–1, or any person who has incurred or is alleged to have incurred a

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forfeiture of any such property, may file with the Solicitor or, when forfeiture proceedings have been bought in United States District Court, the Attorney General, a petition for remission of forfeiture.

(b) A petition filed with the Solicitor need not be in any particular form, but it must be received before disposition of the property and must contain the following:

(1) A description of the property;

(2) The time and place of seizure;

(3) Evidence of the petitioner's interest in the property, including contracts, bills of sale, invoices, security interests, certificates of title, and other satisfactory evidence; and

(4) A statement of all facts and circumstances relied upon by the petitioner to justify remission of the forfeiture.

(c) The petition shall be signed by the petitioner or the petitioner's attorney at law. If the petitioner is a corporation, the petition must be signed by an authorized officer, supervisory employee, or attorney at law, and the corporate seal shall be properly affixed to the signature.

(d) A false statement in the petition may subject the petitioner to prosecution under title 18, United States Code, section 1001.

(e) Upon receiving the petition, the Solicitor shall decide whether or not to grant relief. In making a decision, the Solicitor shall consider the information submitted by the petitioner, as well as any other available information relating to the matter.

(f) If the Solicitor finds the existence of such mitigating circumstances as to justify remission or mitigation of the forfeiture or alleged forfeiture, the Solicitor may remit or mitigate the same upon such terms and conditions as may be reasonable and just or may order discontinuance of any proceeding under § 12.23

(g) If the Solicitor decides that relief should not be granted, the Solicitor shall so notify the petitioner in writing, stating in the notification the reasons for denying relief. The petitioner may then file a supplemental petition, but no supplemental petition shall be considered unless it is received within 60 days from the date of the Solicitor's notification denying the original petition.

§ 12.25 Transfers in settlement of civil penalty claims.

In the discretion of the Solicitor, an owner of wildlife or plants who may be liable for a civil penalty under the Endangered Species Act, 16 U.S.C. 1531 *et seq.*, Lacey Act, 18 U.S.C. 43, Eagle Protection Act, 16 U.S.C. 668 *et seq.*, or Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.*, may be given an opportunity to completely or partially settle the civil penalty claim by transferring to the United States all right, title, and interest in any wildlife or plants that are subject to forfeiture. Such transfer may be accomplished by the owner's execution and return of a United States Customs Form 4607 or a similar compromise transfer of property instrument provided by the Department.

Subpart D—Disposition of Forfeited or Transferred Property [Reserved]

Subpart E—Restoration of Proceeds and Recovery of Storage Costs

§ 12.41 Petition for restoration of proceeds.

(a) Any person claiming any property or interest therein which has been forfeited under the Endangered Species Act, 16 U.S.C. 1531 *et seq.*, Eagle Protection Act, 16 U.S.C. 668 *et seq.*, or Airborne Hunting Act, 16 U.S.C. 742j–1, and sold according to law, or any person claiming cargo or an interest therein, of a vessel or other conveyance employed in unlawful taking, which has been forfeited under the Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.*, and sold according to law, may file with the Solicitor or, where forfeiture proceedings have been brought in United States District Court, the Attorney General, a petition for restoration of proceeds.

(b) A petition filed with the Solicitor need not be in any particular form, but it must be received within three months after the date of sale of the property and must contain the following:

(1) A description of the property;

(2) The time and place of seizure;

(3) Evidence of the petitioner's interest in the property, including contracts, bills of sale, invoices, security interests, certificates of title, and other satisfactory evidence;

(4) A request for restoration of the proceeds or such part thereof as is claimed by the petitioner; and

(5) A statement of all facts and circumstances relied upon by the petitioner to justify restoration of the proceeds, including proof that the petitioner did not know of the seizure before the declaration or order of forfeiture and was in such circumstances as prevented the petitioner from knowing of the same.

(c) The petition shall be signed by the petitioner or the petitioner's attorney at law. If the petitioner is a corporation, the petition must be signed by an authorized officer, supervisory employee, or attorney at law, and the corporate seal shall be properly affixed to the signature.

(d) A false statement in the petition may subject the petitioner to prosecution under title 18, United States Code, section 1001.

(e) Upon receiving the petition, the Solicitor shall decide whether or not to grant relief. In making a decision, the Solicitor shall consider the information submitted by the petitioner, as well as any other available information relating to the matter.

(f) If the Solicitor finds the existence of such mitigating circumstances as to justify restoration of the proceeds or any part thereof and that the petitioner did not know of the seizure before the declaration or order of forfeiture and was in such circumstances as prevented the petitioner from knowing of the same, the Solicitor may order the proceeds or any part thereof restored to the petitioner, after deducting from such proceeds the costs of seizure, storage, forfeiture and disposition, the duties, if any, accruing on the seized property, and any sum due on a lien for freight, charges, or contribution in general average, notice of which has been filed with the Solicitor according to law.

(g) If the Solicitor decides that relief should not be granted, the Solicitor shall so notify the petitioner in writing, stating in the notification the reasons for denying relief. The petitioner may then file a supplemental petition, but no supplemental petition shall be considered unless it is received within 60 days from the date of the Solicitor's notification denying the original petition.

§ 12.42 Recovery of certain storage costs.

If any wildlife, plant, or evidentiary item is seized and forfeited under the Endangered Species Act, 16 U.S.C. 1531 *et seq.*, any person whose act or omission was the basis for the seizure may be charged a reasonable fee for expenses to the United States connected with the transfer, board, handling, or storage of such property. Within a reasonable time after forfeiture, the Service shall send to such person by registered or certified mail, return receipt requested, a bill for such fee. The bill shall contain an itemized statement of the transfer, board, handling or storage costs, together with instructions on the time and manner of payment. Payment shall be made in accordance with the bill.

Subpart F—Return of Property

§ 12.51 Return procedure.

If, at the conclusion of the appropriate proceedings, seized property is to be returned to the owner or consignee, the Solicitor or Service shall issue a letter or other document authorizing its return. This letter or other document shall be delivered personally or sent by registered or certified mail, return receipt requested, and shall identify the owner or consignee, the seized property, and, if appropriate, the bailee of the seized property. It shall also provide that upon presentation of the letter or other document and proper identification, and the signing of a receipt provided by the Service, the seized property is authorized to be released, provided it is properly marked in accordance with applicable State or Federal requirements.

[FR Doc. 80-8264 Filed 3-18-80; 8:45 am]

BILLING CODE 4310-55-M

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federal register

Wednesday
March 19, 1980

Part V

Department of Health, Education, and Welfare

Office of the Secretary

HEW Day Care Regulations

V 45/55 MR 19 80 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

45 CFR Part 71

HEW Day Care Regulations

AGENCY: Office of the Secretary.

ACTION: Final rules.

SUMMARY: The Department of Health, Education, and Welfare is issuing final day care regulations. The regulations will replace the 1968 Federal Interagency Day Care Requirements (FIDCR) as the conditions that day care services provided to children outside of their own homes must meet in order to qualify for HEW funds.

The regulations include separate requirements for day care centers, day care homes, and State administering agencies. They do not cover care provided in a child's own home. The requirements will not apply at this time to day care programs within the jurisdiction of the new Department of Education.

EFFECTIVE DATE: All the requirements will take effect September 19, 1980, except for the training requirement and the requirements that day care homes inform parents about and refer them to health and social services which will be effective on April 1, 1981. See "Effective date" under "Supplementary Information" below.

FOR FURTHER INFORMATION CONTACT: Warren Master, Director, Office of Policy and Management Control, Office of Human Development Services, 200 Independence Avenue, S.W., Washington, D.C. 20201, Rm. 302–E (202) 472–2458.

SUPPLEMENTARY INFORMATION:

Background

Section 2002(a)(9)(B) of title XX of the Social Security Act, enacted in 1974, (Pub. L. 93–647) directed the Secretary of HEW to study the appropriateness of Federal Interagency Day Care Requirements (FIDCR) promulgated in 1968. That Social Security Act provision also authorized the Secretary to, "by regulation, make such modifications in the [day care requirements] * * * as [the Secretary] determines are appropriate."

On June 15, 1979, the Department published in the **Federal Register** proposed revisions to the FIDCR. 44 FR 34754 (June 15, 1979). The proposed rules took into account numerous comments and suggestions made by groups and individuals throughout the country concerned with day care services.

They were also based, in part, on information obtained from HEW sponsored studies on the critical elements of day care, including a five year National Day Care Study (NDCS) performed by Abt associates, and studies by HEW's Office of Human Development Services on child day care monitoring and State day care licensing.

The June 15 notice invited comment on all aspects of the proposed rules and posed several specific questions for public consideration. The Department received over 4,000 written comments in response to the June 15 notice. In addition, the Department heard testimony on the proposed rules from participants at 10 HEW sponsored regional meetings and at a national meeting held in Washington, D.C.

In developing the final regulations we have attempted to be responsive to the needs of the low income families whose children receive day care services paid for with HEW funds. The regulations are designed to provide day care services that will promote the safety, health and proper development of the children.

At the same time, the regulations reflect a concern that the supply of day care services available to HEW funded children not be reduced because of undue cost burdens imposed by the requirements.

Finally, in formulating the regulations we have taken into account the need for flexibility and for decisionmaking and the exercise of judgment by States, by day care providers and by parents of children in day care.

The June 15 notice included an appendix to the proposed requirements which contained examples of ways to meet the requirements and "good practice" recommendations for States and providers. No appendix accompanies our final rules. However, we are preparing and will soon make available a Regulations Guide containing an expanded version of the original appendix.

Discussion of Major Comments and Changes

The section which follows includes a summary of the major comments on each element of our day care regulations, our response to those comments, and a discussion of all significant changes that we have made to the proposed regulations.

Applicability

Proposed Rule

We proposed to apply the day care requirements to all HEW programs (with the exception of the Headstart program) that provide Federal financial assistance for the care of children outside of their own homes, including day care programs funded under title IV and title XX of the Social Security Act, and programs administered by HEW's Office of Education. We also proposed to allow the Commissioner of the Office of Education to waive the requirements for certain special day care programs within the Commissioner's jurisdiction.

Comment

Some commenters questioned why we did not propose to apply our requirements to Headstart programs, to day care arrangements made by parents whose out of pocket child care costs are taken into account by States as work related expenses under the title IV–A [AFDC] program, and to Federally funded day care programs outside of HEW.

Discussion

The final regulations will apply to day care services funded under title XX [social services], and title IV [WIN, Social Services to the Territories, and Child Welfare Services] of the Social Security Act and Developmental Disability day care programs.

After the publication of the proposed regulations, Congress created a new Department of Education. As a result of this reorganization, the Secretary of HEW will no longer have jurisdiction over the education programs identified in the proposed regulation. The decisions whether to adopt the day care regulations for these education programs and whether to allow for a waiver of the requirements for special programs will rest with the Secretary of Education. In the final version of the regulations, we have, therefore, eliminated both the waiver provision and the reference to education programs.

We will not apply these requirements to the Headstart program because that program operates under its own comprehensive performance standards, which are tailored to the particular Congressionally mandated goals of the Headstart program.

We have not applied the requirements to day care arrangements under the AFDC work related expense provision or to programs not within HEW's jurisdiction because, in both instances, the Department lacks the legal authority to do so.

Multilingual and Handicapped Children in Day Care

Comment

Commenters expressed concern that the proposed rules did not adequately address the needs of multilingual and handicapped children in day care. They urged that the needs of multilingual and handicapped children be referred to in the requirement for a daily program of activities. They suggested including the needs of handicapped children and multilingual children as required subject areas to be addressed in each State's day care training plan. Commenters also asked that the Department consider a different (more stringent) set of staffing requirements when these children are receiving day care services. They noted that more staff may be required to adequately provide day care which promotes the development of handicapped or multilingual children than to serve other children in a day care center. Many commenters asked if Section 504 of the Rehabilitation Act of 1973, which sets forth requirements regarding program accessibility and nondiscrimination for the handicapped in programs receiving Federal funds, would apply to day care programs.

Discussion

The Department has accepted suggestions that we specifically address the needs of multilingual and handicapped children in the requirements for a daily program of activities and training. The requirement that day care facilities establish a planned program of developmentally appropriate activities will include a specific reference to meeting the needs of handicapped and multilingual children. The training requirement will mandate that each State agency's training plan address meeting the needs of these handicapped children. We believe that these requirements are not overly burdensome to day care providers or State agencies and that they will ensure that caregivers learn about and plan for meeting the special needs of handicapped and multilingual children.

The number of handicapped or multilingual children receiving HEW assisted day care services varies from State to State and locality to locality. In addition, the needs of individual children vary considerably. Given this diversity, the Department has decided that specific staffing requirements for these children should not be Federally mandated but rather should be left to State determination.

Section 504 of the Rehabilitation Act of 1973 requires State agencies which receive HEW day care funds to assure that day care services are programmatically and physically accessible to handicapped children. Program accessibility would include establishing and maintaining special staffing standards for handicapped children when necessary.

Availability of Federal Financial Participation

Proposed Rule

We proposed to make Federal financial participation (FFP) available to States in the costs of day care services only if the care meets all HEW requirements. The proposed regulation specified that care would be considered to meet these requirements if it were provided by a day care center or day care home which meets applicable State and local standards for licensing, registration, certification, or approval, and which either (1) had been approved by the State agency as meeting HEW requirements or (2) had submitted a plan acceptable to the State agency for correcting any deficiencies in HEW requirements within a reasonable period of time. Moreover, the proposed rule provided that FFP in a State's day care costs would be conditioned on the State agency meeting its responsibilities under these regulations. HEW could approve a plan of correction submitted by a State agency for any requirement which it fails to meet. We proposed that the State agency plan of correction, like the plan for day care homes and centers, specify a reasonable period of time for meeting all HEW requirements.

Comment

Commenters generally supported the proposed FFP requirement. Commenters stated that the plan of correction mechanism provided an innovative and sound way of allowing State agencies and providers the opportunity to improve their programs without facing an immediate loss of Federal funds. Some commenters suggested, however, that the Department specify criteria for the plans of correction and set a definite limit on the amount of time a State agency or facility could have to make required corrections.

Discussion

We have adopted the proposed FFP rule without any modification. The requirement permits State agencies the discretion to accept plans of correction if they specify reasonable time periods within which HEW requirements would be met. The requirement thus allows FFP to continue for a reasonable period for facilities which do not fully meet HEW requirements, but which demonstrate a clear intent to meet all standards as promptly as possible, and under a fixed time schedule. We believe that the added flexibility left to the State agencies under the FFP requirement will work to the advantage of children and families in need of HEW assisted day care services. The requirement will provide State agencies with reasonable opportunities to work with facilities to improve their programs before HEW funds are withdrawn.

Day Care Center Requirements

Program of Activities

Proposed Rule

We proposed to require day care centers to establish a written program of age appropriate activities designed to promote children's social, intellectual, emotional and physical development. This requirement was intended to ensure that day care programs are not merely custodial, but that they contribute to all aspects of a child's development. Our proposed regulations required State agencies to make assistance available to centers on establishing a planned program of activities.

Comments

Some commenters urged us to mandate a specific educational program for all day care centers. Other commenters supported the proposed program of activities requirement and were in favor of allowing day care centers flexibility in the development of their activities programs. Some commenters suggested that we require activities to be "developmentally" appropriate rather than "age" appropriate because developmental levels and needs of children are not necessarily related to their chronological age.

Discussion

We have adopted the suggestions of commenters who recommended that we require centers to plan activities which are developmentally appropriate for children regardless of their chronological ages. We have not mandated a specific educational program for day care centers because we believe that it is important for day care centers caring for children in a variety of different communities to be free to design their programs to meet the individual needs and wishes of the children and families they serve.

Training

Proposed Rule

We proposed to require day care centers to provide to caregivers with no previous experience or training in child day care an on-site orientation on how to care for children in groups before the caregiver assumed any caregiving responsibilities. We also proposed to require that all caregivers regularly participate in specialized training related to child care. This specialized training was proposed to begin as early as possible, but in no case later than 6 months after the caregiver begins to work at the day care center.

We proposed two options for the State agency training requirement. First, we proposed that the State agency establish and implement a Statewide plan for providing or purchasing specialized training for day care center personnel. The second alternative proposed that this training plan address certain specified areas.

Comment

There was widespread support among commenters for a strong training requirement for day care center personnel. Commenters generally stressed that caregiver training is critical to high quality care.

Some commenters suggested that we mandate all caregivers to participate in a certain number of training hours per year whatever their educational background or experience.

Others argued that new caregivers should have at least some entry-level qualifications before they are permitted to care for children in groups.

Some commenters wanted more specificity and suggested that the final training requirement should establish different training requirements for each of three levels of day cae personnnel: aides, primary caregivers, and administrators. They suggested that aides receive at least a one-week, on-site, pre-service orientation at the center covering certain specified subjects immediately upon employment and before being given any caregiving responsibilities. They argued that without defining the orientation period in terms of its duration and subjects covered, there would be little or no assurance that the children being cared for by these new caregivers are adequately protected. They suggested that primary caregivers have a Child Development Associate (CDA) certificate or its equivalent. (A CDA certificate is a national professional credential awarded by the Child Development Associate Consortium to caregivers who have demonstrated competence in child care.) They suggested that directors and administrators participate in on-going, in-service training related to their responsibilities and that, if directors and administrators spend any part of their time in the direct care of children, they participate in specialized training as well.

Public comment was divided on the proposed alternatives for State agency training requirements. Some commenters favored mandating the areas to be covered by the State agency training plan. These commenters stressed that training is critical to quality care, and that the proposed areas to be covered by the training plan were the minimally necessary ingredients to an effective training program. Other commenters were against mandating the areas to be covered by the State training plan, stressing that States should be allowed the flexibility to fashion their own training programs according to their own needs and conditions.

Commenters expressed concern that the Department would mandate a strong training requirement at the same time the Administration was proposing to limit the amount of funds available to carry on training activities under the title XX Social Services program. Title XX funds are the major source of funding for HEW day care services and training.

Discussion

The Department agrees with the comments and research findings, particularly those in the National Day Care Study (NDCS), on the importance of specialized training for caregivers to quality day care. The Department has thus adopted a requirement in the final rule that all caregivers without a nationally recognized child development credential regularly participate in specialized training related to child care. One example of a nationally recognized credential is the Child Development Associate (CDA). The Regulation Guide will list others.

Although the Department is not requiring caregivers with a recognized child development credential to regularly participate in a specialized training program, these caregivers may wish to participate in such training voluntarily. Funds for child care training are limited. The Department believes that these funds would be best used for training those caregivers with the greatest need for training. (It should be noted that while it is true that there is a limitation on the amount of funds available to carry on training activities under the title XX program, that limitation takes into account the additional funds needed to carry out the training activities requested by the final rule.)

We have not mandated that caregivers participate in a prescribed minimum number of training hours per year. We do not believe that persuasive evidence exists which either suggests a need for any minimum hours requirements or indicates how many hours would be appropriate.

We have also adopted a requirement that State agencies establish and implement a statewide training plan for providing or purchasing specialized training for all caregivers. We have not mandated that State day care training programs address separately three levels of day care personnel—aides, primary caregivers and directors. We believe that such a requirement unnecessarily restricts the States' flexibility to fashion training programs according to their own particular needs and conditions. We have, however, specified the areas to be covered by the State training plan. We have not specified "entry level" qualifications for center caregivers in the final rule, nor have we required that center caregivers possess a Child Development Associate (CDA) credential. We do not want to reduce the supply of available caregivers by precluding the hiring of previously untrained or inexperienced individuals who can acquire needed skills by participating in on-going training provided under the Statewide training plan. Moreover, while we encourage caregivers to acquire the competence required for a CDA, we also recognized that this credential is not currently available to caregivers in all areas of the country. We do not wish to prevent experienced and competent individuals who lack a credential from being employed in day care centers.

However, the Department agrees with the commenters who argued that to ensure adequate protection of children in day care settings, new caregivers without previous experience or training need to have at least some training when they are first employed. Accordingly, we require a one week orientation session covering certain prescribed subjects for all newly hired caregivers. We have made the orientation period one week to ensure that it is adequate in scope. However, we do not require that it be carried out before the caregiver assumes caregiving duties, in recognition of the cost involved in such a requirement.

Nutrition

Proposed Rule

We proposed two options for a nutrition requirement for day care centers. Both options required centers to provide adequate and nutritious meals prepared in a safe and sanitary manner. One option specified when food was to be provided to children and included an option for breakfast at parent request. The proposed rule required State agencies to make available to day care facilities the services of a qualified nutrition specialist.

Comment

Some commenters argued that the requirements should specify the specific type and amount of food that must be provided to children in day care. Some commenters urged that we establish detailed requirements similar to those which govern the Child Care Food Program administered by the United States Department of Agriculture. Others suggested that we require meals and snacks to meet the Recommended Dietary Allowances developed by the National Research Council.

Some comments favored the option requiring that centers provide breakfast. However, other comments expressed concern over the added costs which a breakfast requirement would impose. In this regard, one commenter noted that proprietary centers, unlike non-profit facilities, do not qualify for assistance under the Department of Agriculture's Child Care Food Program and argued that it would be unfair and inconsistent to require proprietary centers to provide breakfast. Other commenters argued that parents, not day care centers should be responsible for providing breakfast to their children.

Discussion

We have chosen to adopt the option specifying when meals and snacks must be provided and requiring that breakfast be provided at parent request. Most centers providing care to HEW funded children currently provide breakfast with assistance from the Department of Agriculture Child Care Food Program. We believe that the benefits to be gained from ensuring that children receive an adequate breakfast outweigh the additional costs to providers which our requirement may impose. Medical research indicates that children who have not had an adequate breakfast are less able to participate in and benefit from normal daily activities. The need for a center provided breakfast is particularly important for low income children who might not otherwise receive an adequate morning meal. We have required breakfast only at parent request in order to relieve centers of cost burdens where a center supplied breakfast is not necessary.

We have not adopted the suggestions of some commenters that we mandate the specific type and amount of food provided to children in day care. Our requirement does not burden providers with a single detailed formula, but instead allows providers to exercise their own judgment about how best to plan meals and snacks which meet children's nutritional needs. HEW's Regulation Guide will suggest ways in which the requirement for adequate and nutritious meals and snacks may be met. Moreover, centers will have the services of a qualified food service specialist made available to them by the State agency.

Health and Safety

Proposed Rule

We proposed to require day care centers to have on record for each enrolled child in care, within 30 or within 60 days of enrollment, a statement from a licensed health practitioner that the child has received a health assessment and all immunizations appropriate to his or her age. The statement would indicate any special precautions for diet, medication, or activity; indicate that the immunizations are in accordance with recommendations of the U.S. Public Health Service or the Standards of the American Academy of Pediatrics (AAP); and indicate that the health assessment is in accordance with the Standards of the AAP or the National Recommended Health Assessment Plan under Medicaid's Early and Periodic Screening, Diagnosis, and Treatment Program (EPSDT). (A health assessment is the current medical term for a standard child health exam. It includes a physical exam, vision, dental and hearing screening and a health history.)

We proposed to require centers to have written plans to respond to illness and emergencies and to dispense medications to a child only upon the written consent of his or her parent and only in accordance with instructions from a parent or physician. We proposed to require centers to keep medications in labelled containers out of reach of children.

We also proposed to require centers to provide information to parents, as needed, concerning child health services available in the community, and to refer parents to the needed health services. In addition, we proposed to require centers to assist parents in obtaining needed health services and to follow-up on that assistance to ensure that the health services were secured.

We proposed two alternative State agency health requirements. Under one option, the State agency was required to provide information to day care centers about the availability of child health services in the community and about how the services may be obtained. Under the other, the State agency was also required to make arrangements which ensure that children in day care centers who are eligible for publicly funded health services receive those services when needed.

We also proposed to require State agencies to establish and maintain health standards for day care personnel.

Comment

Commenters generally supported the proposed requirement for immunization and health assessments.

Commenters were divided on the proposed 30 day—60 day options regarding the length of time between a child's enrollment in a center and when the center is required to have a statement on record indicating that the child has received his or her immunizations and health assessment. Those commenters preferring a 60 day period indicated that while they favor providing children with immunizations and health assessments as quickly as possible, as a practical matter it would be difficult for children to get immunizations and health assessments in 30 days. Other commenters argued that the health services could be obtained within 30 days of a child's enrollment in a day care center. Some commenters argued that children should have their immunizations before enrollment.

Some commenters asked that we spell out the standards for immunizations and health assessments, rather than incorporate those standards by reference. They also asked that a copy of a child's health records, rather than a statement from a physician indicating that the child has received his or her immunizations and health assessment, be kept at the day care facility. These commenters stressed that requiring a copy of the record is the best way to ensure that the children actually receive health services.

There was some controversy over provider and State agency responsibility for assisting parents in obtaining health services. Commenters disagreed on whether we should mandate day care centers to assist parents in obtaining health services and to follow-up on referrals to those services. Some stated that assistance and follow-up was not part of the day care service, was too

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difficult and costly for providers to undertake, and that State social services agencies were better equipped to perform these functions. Other commenters, however, took the position that assisting parents in locating needed health services and following up to assure that these services are secured is an important part of the day care service and is something providers currently do. These commenters stated that parents of children in HEW funded child care have particular need for assistance in obtaining health services for their children.

Some commenters were opposed to requiring State agencies to make arrangements which ensure that children eligible for publicly funded health services receive those services. These commenters argued that making such arrangements would be burdensome and would involve intensive coordination of the staffs of different agencies, referral mechanisms and follow-up information between these agencies. Other commenters, however, were in favor of this requirement, stating that it was a reasonable and minimal requirement, specifically noting the availability of the EPSDT program and the importance of linking EPSDT with eligible children in day care. (Approximately 70% of the HEW funded children are eligible for EPSDT health services.)

Finally, some commenters asked that the Department include as requirements in the final rule the recommendations to day care centers (which were set forth in an appendix to the proposed rules) on additional health and safety measures centers could adopt.

Discussion

The final rule requires day care centers to have on record for each enrolled child, within 60 days of enrollment, a statement from a licensed health practitioner that the child has received a health assessment and all appropriate immunizations. This statement is not required for children whose parents object to the receipt of immunizations and health assessments on religious grounds.

The Department recognizes that there is often serious risk of infectious disease for young children cared for in groups, and intends to minimize this risk. We believe that early preventive health care is important to the normal development of children and that these requirements will assure that the health needs of the young children served in HEW funded day care centers are detected and attended to. Finally, we believe that the center will be better able to care for each child and to operate an effective day care program if it is aware of any health problems that may affect a child's participation.

The Department is incorporating by reference the standards of Medicaid's EPSDT program because the majority of the children eligible for HEW funded day care are also eligible for this early childhood health program and should be receiving their health services under this program. The standards of the AAP, which are similar to the EPSDT standards, are being incorporated by reference for the immunization and health assessments provided to children who are not eligible for Medicaid. AAP standards are widely recognized nationally as appropriate standards to follow in providing health care to young children. In its program guidelines for the final day care rules, the Department will describe in detail what the AAP standards specifically entail. We require centers to have a health statement on record within 60 days of a child's enrollment, and not 30 days, because we recognize the practical difficulties for parents and providers of requiring the immunizations and health assessments in a shorter period of time.

We have not required centers to keep a copy of the child's health record at the facility because the Department believes that a statement from a licensed health practitioner which also contains any special precautions for diet, medication or activity will provide adequate assurance that the children in care have received their immunizations and health assessments and that special precautions are taken by day care facilities for children with special health problems (e.g., diabetes, epilepsy, etc.).

The final rule requires centers to provide information to parents, as needed, concerning child health services available in the community. Centers must also assist parents in obtaining the needed services. As noted above, the Department is sensitive to the importance of early childhood preventive health care to the later development of children. In requiring centers to inform parents about available community health services and to assist parents in obtaining these services, the Department is attempting to ensure that the health needs of the children served are met.

The final rule requires State agencies to provide information to each day care center about the availability of child health services in the community and about how the services may be obtained. State agencies are also required to make arrangements so that HEW funded children in day care centers who are eligible for publicly funded health services, such as those provided under Medicaid's EPSDT program or the Title V Maternal and Child Health Program, receive those services when needed.

The Department believes that any burdens associated with requiring State agencies to inform day care centers about the availability of community health services and to make arrangements for providing the services are outweighed by the health benefits of such a requirement.

We are not asking State agencies to create new health resources for day care children. Rather, we simply require State agencies to make use of already existing publicly funded child health programs for the children in HEW assisted care who are already eligible for the programs. This approach should significantly increase the receipt of EPSDT and Title V (Social Security Act) Maternal and Child Health services by children presently eligible for these programs but not presently enrolled in them.

We do not include as requirements in the final rule the recommendations to day care centers set forth in the appendix to the proposed rule. (See 44 FR 34773, June 15, 1979.) While the Department strongly encourages centers to carry out these recommended activities, it does not believe that it is necessary for the Federal government to require these practices.

Physical Environment

Proposed Rule

We proposed that day care centers meet State and local requirements for licensing or approval and applicable State and local code requirements relating to health, sanitation, and building and fire safety. We proposed to require that State agencies ensure that centers comply with these State and local requirements and that State agencies establish and maintain standards which specifically address transportation, swimming and equipment safety.

Comment

Commenters generally supported the proposed regulation under which State agencies have the responsibility for specifying physical environment standards. However, some commenters favored uniform, Federally specified physical environmental requirements. Some commenters expressed concern over the adequacy of some State and local sanitation standards relating to the control of infectious diseases and urged the Department to address this problem in the final regulation. Commenters requested that HEW provide leadership and assistance to the States in improving their present standards. Some suggested that HEW develop a model licensing code for day care facilities.

Discussion

We have adopted the suggestion that we address problems related to inadequate sanitation in child care facilities. The final requirement specifically directs State agencies in States without such standards to establish child care facility sanitation requirements and that day care centers caring for HEW funded children adhere to those standards.

We have not chosen to prescribe detailed Federal requirements for day care center sanitation, or for any other area relating to physical environment., Primary responsibility for regulating this area has been traditionally reserved for State and local communities. We believe that States and localities should retain responsibility for developing the specific content of day care licensing requirements. At the same time, the Department will assist States in developing and improving licensing requirements which adequately address health and safety in day care centers.

Social Services

Proposed Rule

We proposed to require centers to provide information to parents, as needed, concerning social services available in the community and to refer parents to needed social services. We also proposed that day care centers assist parents in obtaining the needed social service and follow-up to ensure that they were secured.

We proposed to require State agencies to provide information to each day care center about the availability of social services in the community and about how the services may be obtained. We proposed a further option requiring State agencies to make arrangements which ensure that children in day care centers who are eligible for Federal, State, or locally funded social services receive those services when needed.

Comment

There was little objection to requiring day care centers to inform parents about available community social services and to refer parents to these services when needed. Commenters were divided, however, on the additional proposed requirement that centers assist parents in obtaining needed services and follow-up to ensure that services were secured.

Commenters who were opposed to this additional requirement did not believe that assisting parents in obtaining needed social services should be part of the center's responsibility. These commenters stated that the responsibility to assist parents in obtaining social services and to follow-up to ensure that services are secured should be the responsibility of the State social services agency. They pointed out that requiring centers to take on this responsibility would be costly since they would have to hire more staff in order to carry this out.

Other commenters, however, argued strongly in favor of requiring centers to assist parents in obtaining needed social services. They argued that day care centers should not respond to destitute families or families in crisis with a simple referral These commenters stressed the importance of making a day care center a family support center—a place to resolve family problems that have an adverse affect on the child's development.

Still other commenters argued that centers should be required to actually provide social services to the families served. These commenters noted that many families of HEW funded children in day care, especially those from rural communities, have no place to go for needed social services other than to the day care center. Some commenters, however, stated that a Federal requirement for day care center delivery of social services would lead to duplication of services, to increased costs (in that it would become incumbent on the State to reimburse day care centers for social services staff), and to a Federal "backdoor" approach to mandating social services that the States had chosen not to provide themselves under their title XX social services program.

With regard to State agency responsibilities, there was little objection to requiring State agencies to inform day care centers about the availability of social services. However, commenters disagreed on the proposal to also require State agencies to make arrangements to ensure that eligible children receive publicly funded social services. Some commenters stated that this requirement was unnecessarily burdensome on the State agency and that State agencies should simply be required to provide information to centers about procedures for locating appropriate social services and procedures for utilization of these services. Other commenters, however, argued that, at a minimum, State agencies should have the responsibility to make arrangements to ensure that children who are eligible for publicly funded social services receive those services. They argued that this is especially true in light of the fact that the majority of HEW funded children in day care are eligible for social services under the title XX Social Services program, the same program that funds their day care services. Accordingly, these commenters argued that it makes sense for providers to refer eligible children and their families who have need for social services to the publicly funded social services agency in their State—the title XX agency—to ensure that arrangements are made to meet their needs.

Discussion

The final rule requires day care centers to provide information to parents, as needed, concerning social services available in the community and to refer parents to needed social services. The center is also required to assist parents in obtaining the needed services.

The final rule requires State agencies to provide information to each day care center about the availability of social services in the community and about how the services may be obtained. It also requires State agencies to make arrangements to ensure that HEW funded children in day care centers who are eligible for Federal, State and locally funded social services receive those services when needed.

The Department believes that State social services agencies should have the responsibility for ensuring that eligible children in day care and their families receive needed social services. State agencies have the resources and expertise to establish mechanisms to ensure that the social services needs of eligible families are met.

The Department also believes that centers should inform parents about and assist them in obtaining the needed services. The Department believes that is reasonable to require day care centers to assist parents in obtaining services, some of which may fall outside state agency purview (e.g., church-funded or privately supported services).

Parent Involvement

Proposed Rule

We proposed to require centers to inform parents about the day care program and to regularly offer parents opportunities to observe their children, meet with caregivers, and advise and comment on their children's needs. We also proposed to require centers to allow parents opportunities to see monitoring and evaluation reports made by Federal, State and local authorities,

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and applications for Federal, State or local funds.

We proposed to require State agencies to provide information and technical assistance to day care facilities on working with parents and to offer parents their choice of facility whenever administratively feasible.

Comment

The proposed requirement on parent involvement generated a significant amount of public comment. Commenters generally supported the proposed rule, but wanted the Department to expand the proposed requirement to require day care centers to provide parents with a meaningful opportunity to participate in general program policy making and to allow parents unrestricted access to the center to observe their children. These commenters noted that, in light of some of the other proposed requirements which relax Federal involvement in the day-to-day operations of the facility, the need for effective parental supervision of each center is imperative. Moreover, commenters argued that strong parent involvement at the center nearly always results in better care for children at home. There were some commenters, however, who favored the requirement as stated, stressing the difficulty of getting parents involved in the day care program.

Discussion

We have adopted the proposed rule and added the further requirements that centers inform parents about the day care program and its policies and that they give parents meaningful opportunities to participate in general program policy making.

The Department agrees with those commenters who stressed the important benefits of allowing parents the opportunity to have a voice in center decisions about their child's day care program.

The requirement to provide parents with a meaningful opportunity to participate in general program policy making should not be unduly burdensome for the centers. It can be carried out in a number of ways, such as:

- Establishing a parent advisory group;
- Holding monthly, bi-monthly or bi-yearly meetings, at which day care operators describe the day care program and policies and seek parent comment;
- Notifying parents and seeking parent comment when operators face policy decisions such as whether to start a special education program, or how to respond to a fiscal crisis; or
- Including parent representation on the day care center's board of directors.

Group Composition

Proposed Rule

The proposed rules contained options both for limits on the size of the groups in which children are cared for and for staffing requirements. We proposed the following options for requirements governing group size:

Age	Group size
Birth to 2½ years	(Option A) 8. (Option B) 10.
2½ to 4 years	(A) 14. (B) 16.
4 to 6 years	(A) 16. (B) 20.
6 to 10 years	(A) 16. (B) 18.
10 to 14 years	(A) 20. (B) State requirements.

Our proposed rule set forth the following options for staffing requirements:

Age	Staffing requirements
Birth to 2½ years	(A) 1 adult to every four children (1:4). (B) 1:5.
2½ to 4 years	(A) 1:7. (B) 1:8.
4 to 6 years	(A) 1:8. (B) 1:10.
6 to 10 years	(A) 1:16. (B) 1:18.
10 to 14 years	(A) 1:20. (B) State requirements.

The group size requirements and staffing ratios were stated in terms of scheduled enrollment, rather than actual attendance. According to research study findings, on any given day the absentee rate among day care center children is approximately 12%.

In addition, we set forth in the preamble to the proposed rule staffing ratios from the Child Fire Life Safety Code of the National Fire Protection Association as a third alternative. Those ratios are:

Age	Staffing requirements
Birth to 2 years	1:3
2 to 3 years	1:5
3 to 5 years	1:10
5 to 7 years	1:12
7 and older	1:15

We proposed that the group size requirements apply at all times of the day except during lunch, naptime, and special activities, such as field trips and playground activities.

We proposed two alternatives for a requirement relating to how the staffing requirements must be met. Under one option they would be met at all times of the day. Under the other option the staffing requirements would not have to be met at any given point during the day. Rather, a center meets the requirements if, on the average for the day, it schedules the correct amount of staff time. For example, a center could schedule less than the required number of staff hours during one part of the day, if it scheduled a correspondingly greater number of staff hours during another part of the day.

We also proposed that staffing requirements could be met by averaging the staff required for the 2½ to 4 and 4 to 6 year old age categories and for the 6 to 10 and 10 to 14 year old age categories. (This approach is referred to as assigning staff on a centerwide as opposed to a group by group basis.) The proposed rule did not allow this method to be used in assigning staff for children under 2½ years old.

To clarify what staff time could be counted in calculating staffing requirements, we proposed, as one alternative, to allow all staff hours spent providing direct care to children, including time spent by volunteers, and non-caregiving staff to be counted. We also included an option under which volunteer hours could be counted only if the volunteer regularly spends at least 10 hours per week working directly with children. Under either alternative, the time spent working directly with children by any volunteers or non-caregiver staff could not be counted unless they participated in specialized training in child care.

Finally, we included a proposal which addressed group size and staffing requirements for groups containing children of different ages. Under the proposal, where a center director placed a child with a group of older children (for example, a 2 year old with 3 and 4 year old children) the group size and staffing requirements of the youngest child (or 2 year old) apply if the youngest children make up more than 20 percent of the group. The requirements for the next older age group (or 3 year olds) would apply if the youngest children make up less than 20 percent of the group.

Comment

Commenters were divided on the proposed group composition requirements. Those commenters favoring the stricter (Option A) group size and staffing requirements stated

that numerous studies, including the NDCS, show that consistent and close interaction with adults is necessary in order to promote the proper development of young children. These commenters stressed that this interaction is particularly important for the HEW funded children in care, who often suffer from the well documented effects of poverty. Commenters also stressed the strong relationship, identified in research findings, between positive early childhood day care experiences and a child's successful progress in school.

Some commenters opposed a 1:4 ratio for infants and toddlers, arguing that the minimally acceptable staff-child ratio for this group is 1:3. Others stated that even a 1:3 ratio may not protect these children from harm and promote their normal development and urged that we require one adult for every two children. Commenters supporting a 1:3 ratio pointed out that the Child Fire Life Safety Code recommends this ratio for children under two years, and noted that the proposed HEW rules do not require adherence to the same exhaustive list of structural conditions in the fire safety code. They also argued for a 1:3 ratio based on developmental concerns. Citing the work of several child development experts, the commenters pointed out that babies need to be held, touched, fondled and fed in someone's arms, and that without such interaction, the child's cognitive, physical, social and emotional development will suffer.

Commenters favoring the stricter ratio and group size proposal for three to six year olds stated that they considered even the stricter proposals minimal in terms of meeting the developmental needs of the children in care. Some commenters urged that we adopt even stricter ratios for school age children than were proposed and suggested that we require that there be two caregivers with groups of school aged children at all times. They stated that children of this age need individualized care and supervision after spending a full day in a school classroom.

Other commenters supported the weaker group size and staffing requirements in option B for all age groups. These commenters stated that the stricter requirements are too costly, require more staff than are currently found in centers serving HEW funded children, and would reduce the available supply of care at a time when the country is experiencing a rapidly increasing demand for day care services. They stressed that the need for day care services is most acute for single parent, low income families who are the primary recipients of HEW funded care.

These commenters noted that many States already experience great difficulty in finding centers to serve HEW funded children, that there are long waiting lists, and that if more money is not forthcoming to pay for the stricter requirements these States would experience even greater difficulty. Some commenters noted that the increased costs of complying with the stricter ratios would prompt State agencies to refuse to provide services under HEW's major day care services program—the title XX Social Services program.

Commenters supporting the weaker ratios generally argued that adoption of the stricter ratios will cause costs to increase for the privately funded children in the non-complying facilities serving HEW funded children, and will thus also promote the segregation of HEW funded children from the private pay children whose parents will not be able to afford the increased costs.

Comments were also divided on the question whether the staffing requirements should apply at all times of day or be averaged over the course of the day, and on whether the staffing requirements could be averaged centerwide across different age categories or apply on a group by group basis. Those commenters who opposed allowing staffing requirements to be met by averaging the required number of staff over the course of the day and across different age categories stated that doing so would both negate the effectiveness of the requirements and expose children to potentially unsafe situations. They also stated that children would not have the consistent on going child-adult relationship that they need for normal development. Others stated that the flexibility to average staff over the course of the day and across different age groups is necessary to accommodate the constantly varying needs of centers.

Commenters disagreed over whether volunteers should be counted only if they spend at least 10 hours a week at the centers. Those that favored the 10 hour restriction stressed that children need consistent care. Other commenters argued for no restriction on volunteer hours, citing the need for flexibility in using volunteers.

Commenters generally supported the proposal concerning mixed age categories, though some felt the youngest child in the group should determine the appropriate group size.

Some commenters were particularly opposed to the proposed 1:4 ratio for infants and toddlers, arguing that it is unnecessarily stringent and costly. They argued that the demand for infant care is increasing at a faster rate than for all other care, and that the demand far exceeds the available supply. Commenters who favored weaker ratios for three to six year olds said that the stricter ratios would be too costly, and that adequate care could be provided to children of this age by fewer adults than we proposed. Supporters of the weaker ratios for school age children said that children are in larger groups with fewer adults each day in school and do not need more adult attention after school.

Finally, some commenters argued that specification of staffing requirements should be left to the discretion of State agencies. They argued that the States are more attuned to the needs of different local communities.

With respect to the group size requirements some commenters thought the requirements should apply at all times of the day. Most commenters favored applying them at all times of the day, except during lunch, naptime, and special activities, and suggested the addition of arrival and departure time to accommodate current center practices.

Comments were divided on the issue of determining compliance with the group size and staffing requirements on the basis of scheduled enrollment or actual attendance. Some comments stated preference for using actual attendance because many States reimburse on the basis of actual attendance. Some commenters pointed out that certain States reimburse on the basis of scheduled enrollment and suggested that method.

Discussion

The final rule requires the following group size limits and staff-child ratios.

Age of child	Group size based on enrollment*	Group size based on attendance
Birth to 2 years	6	6
2 years	12	12
3 to 6 years	16	16
6 to 10 years	16	14
10 to 14 years	20	18

Age of child	Staffing requirement enrollment*	Staffing requirement attendance
Birth to 2 years	1:3	1:3
2 years	1:4	1:4
3 to 6 years	1:8	1:8
6 to 10 years	1:16	1:14
10 to 14 years	1:20	1:18

*In each case the enrollment numbers are based on a 12% absentee rate and have been rounded off to the nearest whole number.

The final rule requires that group size and staffing requirements be met either on the basis of scheduled enrollment or actual attendance, as determined by each State agency. The rule requires

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that each State use the method that matches its reimbursement system.

The age categories in the final regulation are different from those in the proposed rule. The final age categories correspond to the groupings suggested by the National Day Care Study (NDCS) except that we have divided the under three year old category to make a separate requirement for infants and toddlers in recognition of their special needs. With respect to the 3 to 6 year old children, the NDCS concluded that the requirements should be the same for all children in this age group.

The Department has applied the staffing requirements suggested by many child development experts for children under two years old. We have adopted the stricter of the two options proposed in the Notice of Proposed Rulemaking for two year old children. The Department agrees with commenters who stressed the special needs of children under three years old in day care centers. We believe it is critical to ensure that these young children receive the close attention and nurturing necessary for their healthy development and to ensure that there are enough caregivers present to protect their physical safety. The Department recognizes that these ratios, particularly those for infants, will be costly, but in balancing these costs with the needs of this group, we believe that the strict ratios are justified.

We also believe that the 1:8 requirement for 3 to 6 year old children appropriately balances the competing concerns of cost and quality. The NDCS concluded that, for children between 3 and 6 years old, staffing requirements in the current Federal day care regulations could be relaxed without a reduction in the quality of care, if certain limits were placed on the size of the groups in which children were cared for. The NDCS recommended three alternative ratios based on actual attendance—1:7, 1:8, and 1:9. Each recommended ratio is less stringent than the current Federal requirement.

The NDCS found that the 1:8 ratio would provide for nearly the same level of positive effects on the development of the children in care as the 1:7 ratio, and would yield more of these positive effects than a ratio of 1:9.

We believe a ratio of 1:8 will have a smaller negative effect on the available supply of care than a ratio of 1:7. The NDCS indicates that on a nation-wide basis may centers currently comply with ratios which are at least as strict as the required 1:8 ratio.

However, the Department is aware that individual States and day care providers may have difficulties in complying with the requirements. Accordingly, we will allow the staffing requirements to be waived for centers that serve a small number of children whose care is paid for with HEW funds. We will also extend the effective date of the staffing requirements for States in which substantial numbers of providers do not currently meet the staffing requirements. (These provisions are discussed in greater detail below.)

The Department agrees with commenters who said that school aged children need individual attention after school. While we felt it would be unnecessarily restrictive to require that there be two caregivers with each group, we did adopt the stricter group size and ratio requirements. Although we are not required by law to adopt the stricter ratios, these ratios are consistent with those established by Congress in the title XX statute for children of this age.

Staff required under the rule must be present with children at all times of the day. We agree with commenters who point out that not requiring staff to be present at all times undercuts the effectiveness of staffing requirements.

We have included several provisions to allow centers as much flexibility as possible to meet the staffing requirements in cost effective ways. The regulation will allow a center to arrange its staff for children two years of age and older on a centerwide basis. This means, for example, that a director could assign a caregiver assigned to care for three year olds to the two year old group as needed. The regulation will also permit centers to reassign infant caregivers during naptime. The Department believes that these provisions accord day care centers needed flexibility to adjust their staffing patterns in accordance with varying needs of the children in care. Under the requirement, children will not be left unattended. However, a center will not be penalized if staff are arranged based on the individual daily needs of the children.

Noncaregiving staff may be counted when they are providing direct care to children, and not performing their noncaregiving duties, if they participate in specialized child care training. Volunteers may be counted towards meeting the staffing requirements if they work 10 hours a week or more and participate in specialized child care tarining. By requiring that volunteers work 10 hours a week or more, we encourage consistency of care for the children.

Day care centers are required to meet the group size requirements at all times of the day, except during arrival and departure times, meals, naptime and special activities—such as field trips and playground activities. Arrival and departure times were added to the list of exceptions, because we recognize that child attendance is often unpredictable at these times of the day and that day care centers could benefit from this added flexibility.

The final rule adopts the provision proposed for mixed age groups. When children are in mixed age groups, group size shall be based upon the age of the youngest child in the group. If children in the youngest age category make up less than twenty percent of the group, the group size for the next highest age category shall be required. In this way the rules accomodate day care programs which arrange children in mixed age groups, and, at the same time, protect and promote the development of the youngest children in the group.

We have also added a similar requirement for staffing for mixed age groups including children under two years of age.

Day Care Home Requirements

Proposed Rules

We proposed a set of requirements for day care homes which generally corresponded to those proposed for day care centers. (A day care home is a private residence in which care is provided to a small group of children.) They addressed: Program of Activities for Children, Training, Nutrition, Health and Safety of Children in Care, Physical Environment, Social Services, Parent Involvement and Group Composition.

Comment

Commenters were divided on the issue of regulating these facilities. Some commenters supported the rules we proposed for day care homes. Others suggested that not enough is known about home day care costs, and recommended that HEW reconsider the issue of regulating any aspect of home day care. Other commenters supported separate HEW requirements for day care homes, but stressed that they should be different from day care center regulations. Some commenters noted that home day care is different from center care and argued that the proposed home requirements were too "center oriented."

For example, they stated that it is inappropriate to require homes to have a written daily plan of activities because daily activities in a day care home are more spontaneous than in centers. They specifically asked that we minimize paperwork for day care homes, and said that if we overregulate, providers will refuse to serve HEW funded children.

Some commenters asked that we reconsider our proposed day care home staffing requirements and pointed out that in States which currently allow providers to care for more children than permitted by our proposals, we could reduce the supply of care. These commenters were particularly concerned about the available supply of care in day care homes for school aged children in need of care after school. Commenters generally favored our proposed training requirement and stressed the need for training at convenient times. Commenters generally supported the proposed nutrition, health, physical environment, social services and parent involvement requirements.

Discussion

The Department is issuing separate requirements for day care homes and has made some revisions to the proposed rules in order to be more responsive to the unique characteristics of home day care. We agree with those commenters who pointed out that home day care differs from center care in many respects. It is more informal than center care and is provided by individual women and men who take care of a few children in their own homes. (The average day care home cares for three or four children.) At the same time, we think that Federal requirements are needed to protect the health and safety of children receiving care in day care homes and to promote their normal development. We are currently conducting a study of home day care and if we find that revisions to the requirements are necessary we will make them.

The final rule requires day care home providers to establish a daily program of activities for children. However, the activities plan need not be in writing. We agree with commenters who pointed out that requiring a written plan would be burdensome to home day care providers. The State agency will, however, be required to provide assistance to day care homes in establishing an appropriate daily program of activities to ensure that the developmental needs of the children in home day care are met.

All home caregivers must comply with the same training requirements as are required for caregivers in centers (see discussion above) and the State agency is required to make training available to all home caregivers.

The final rules for day care homes in the areas of health, safety, physical environment, social services, and parental involvement will remain the same as the proposals in these areas published in the Notice of Proposed Rulemaking.

The final nutrition rule for day care homes is the same as the center nutrition requirement. That is, homes are required to provide adequate and nutritious meals. Homes must provide breakfast at parent request, a mid-morning snack, lunch, a mid-afternoon snack and dinner when children are in care during evening hours.

The group composition requirements will remain the same as proposed in the Notice of Proposed Rulemaking except that two additional school age children may be cared for in homes in which no infants are being cared for. This addition should allow for an expanded supply of after school day care for school age children, which was consistently supported by public comment.

The Department believes that these requirements will ensure quality care for children in day care homes. At the same time, they will allow homes greater flexibility in providing day care services and will not be unduly burdensome.

State Agency Administration

Monitoring

Proposed Rules

We proposed to require States to review each facility's compliance with Federal, State and local day care requirements at least annually. The proposed rule did not mandate that a State agency make an on-site visit to each facility in the course of its annual review, but left to each State agency the decision on when regular on-site visits would be scheduled as part of its monitoring effort. In addition, we proposed an option under which a State agency would be required to make an on-site visit to a facility whenever questions had been raised about the facility's compliance, for example, by a complaining parent.

Comment

Some commenters suggested that we require on-site monitoring visits to all day care facilities at least annually. Commenters stresed that on-site monitoring provides the most effective means of enforcing the requirements. Other comments argued that visiting all day care facilities once a year would be too costly and cumbersome. Some commenters recommended that we require States to visit a random sample of providers each year. Other commenters favored the option under which, in addition to regular compliance reviews, we mandated special visits to facilities whose compliance with the requirements was in doubt.

Discussion

The final regulation will require that States visit the day care facilities in the State at least once every three years. In adopting this requirement we do not mean to discourage a State agency from visiting all facilities either annually (or more frequently) if it chooses to do so. We strongly encourage States to include regular on-site visits to as many facilities as possible in their day care monitoring efforts. However, we do not wish to burden States with a more frequent requirement on the basis that States should be given as much flexibility as possible in using their monitoring resources. We have also adopted in our final regulations a requirement that State agencies make a special monitoring visit whenever there is reason to believe, based on information from parents or from any other source, that a facility is out of compliance with Federal, State or local day care requirements.

Rates of Payment

Proposed Rule

We proposed to require State agencies to take into account the costs to a day care facility of meeting HEW requirements in establishing payment rates for day care services which the facility provides to HEW funded children.

Comments

This requirement was supported by commenters. Commenters urged that we also require State agencies to make public their rate setting processes and to involve parents and providers in those processes. Other commenters requested that HEW develop model rate setting procedures and provide technical assistance to State agencies in this area.

Discussion

Like the proposed rule, the final regulation requires State agencies to take into account the costs associated with meeting HEW requirements in setting their day care payment rates. In addition, in the final regulation, we have adopted the suggestion that State agencies be required to make available to the public upon request the basis for their day care payment rates, and the procedures used in determining the rates. We have not required that State agencies involve providers and parents in the rate setting process, but have left the details of that process to the discretion of State agencies responsible for administering HEW day care funds.

We do not wish to intrude into an area traditionally within the domain of the States by dictating either the

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amounts which States must pay to providers or the specifics of the procedures which States employ in setting payment rates. However, we encourage State agencies to recognize the costs which facilities incur in providing care under HEW regulations in determining how much they will pay providers, and to set reasonable rates which are sufficient to cover those costs in an efficiently operated facility.

HEW's Regulation Guide will address rate setting issues and provide further suggestions for State agencies.

State Agency Advisory Council

Proposed Rule

We proposed to require that the State agency establish a Day Care Advisory Council to advise on the interpretation and implementation of the day care requirements.

Comment

There was widespread support for this proposal. Commenters recommended that HEW specify the membership for the councils and require that they include representation from parents, day care center and home providers and public agencies. Commenters asked that we also mandate the functions of the Advisory Councils. Some suggestions for appropriate Advisory Council functions included participation in developing the statewide training system, in the granting of waivers, in determining reasonable rates of reimbursement, and in setting appropriate time periods for plans of correction. Commenters said that the State Agency Advisory Councils could play a key role in assuring that the regulations are properly implemented. Commenters who opposed this proposal said that the Councils would merely become another layer of bureaucracy.

Discussion

The final rule requires that the State Agency establish a Day Care Advisory Council to advise on the implementation of the HEW day care requirements and that the Council include representation from parents of HEW funded children, day care center and home providers and relevant public agencies.

The Department agrees that it should assure a role for representatives of these groups in advising the State agency on the implementation of HEW requirements. However, the Department has chosen not to mandate the functions of the Councils. We leave State agencies and Day Care Advisory Councils free to determine their own priorities according to the conditions and needs of each State.

State Agency Waiver

Proposed Rule

We proposed to allow State agencies to waive staffing requirements for a day care center serving 10% or fewer HEW funded children, if the center meets all applicable State staffing requirements and all other HEW requirements including those governing group size.

Comment

Commenters favored allowing waivers of Federal staffing requirements in centers serving a small percentage of HEW assisted children as a means of maintaining or expanding the available supply of day care opportunities for HEW funded children by encouraging centers, which, because of the costs of the staffing requirements, might otherwise not be willing to enroll any of these children.

Some commenters urged the Department to increase the proposed 10% limit in the proposed waiver provision, suggesting that a 30–50% limit would be more appropriate.

Other commenters suggested that the Montessori Method of child care be specifically exempted from meeting the proposed ratio and group size requirements. These commenters stressed that the Montessori Method is a unique method of child care and early childhood education which, in practice, does not accept the traditional theory of early childhood development that preschoolers in day care need to be in small groups for their normal development.

Instead, these commenters argued that well established Montessori classrooms for children 2–6 years of age are normally able to serve between 25 to 35 children. Normally, one highly trained teacher and an aide are responsible for a single group. They say that additional, untrained adults in the classroom can be disruptive to the carefully prepared environment.

Discussion

We have decided to allow State agencies to waive the staffing requirements in centers in which not more than 20% or 10 (whichever is lower) are HEW funded children. The waiver provision will allow State agencies the flexibility to place some children in centers not meeting HEW staffing rules where day care services would otherwise not be available. We agree with commenters who suggested that a limit greater than 10% was needed to provide a useful mechanism for making day care services for HEW funded children more widely available.

We have not specifically exempted Montessori programs which serve HEW funded children from meeting the staffing requirements because we cannot justify singling out one specific system of care to the exclusion of others. We do not expect this to have an unduly adverse effect, however, because these programs serve only a relatively few HEW funded children nationwide and they can continue to qualify to serve these children under the general State waiver authority specified above.

Effective Date

Discussion

All the requirements will take effect six months from their publication date except for the training requirement and the requirements that day care homes inform parents about and refer them to health and social services which will be effective on April 1, 1981. We have allowed additional time for the new training requirement because we recognize that the States need extra time to develop their statewide training plans, and to make training opportunities available to caregivers. We have allowed additional time for day care homes to meet the information and referral requirements in the health and social services provisions to give these caregivers adequate time to learn about available resources and about how to provide effective referral for parents of children in their care.

The effective date of day care center group composition requirements may be extended on a State-by-State basis for a period of time not to exceed two years. Extensions will be granted by the Secretary based on State agency submissions, which must be made within six months of the date of publication of the rules. State agency showings must demonstrate that substantial numbers of HEW children within the State are cared for in day care centers meeting group composition requirements which are less stringent than HEW requirements and that more time is needed to avoid abrupt displacement of these children from day care programs. In States which can justify the need for a postponement of the effective date, we will allow a gradual phasing in of the requirements in the State's HEW funded center over a specific period which does not exceed two years.

We expect that during the phase-in period the percentage of HEW funded children in centers which meet the HEW group composition requirements would continue to increase according to a fixed time schedule approved by the Secretary. At the end of the phase-in period, every center serving HEW funded children within a State (which has not been granted a waiver by the State agency under § 71.64) will be subject to the new HEW group composition requirements.

Regulatory Analysis

In accordance with the requirements of Executive Order No. 12044, the Department has prepared a Regulatory Analysis of these final rules. This analysis is available from the Department.

Approved: March 12, 1980.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

The Department of Health, Education, and Welfare revises Part 71 of Title 45 of the Code of Federal Regulations, as set forth below:

PART 71—HEW DAY CARE REQUIREMENTS

Subpart A—General

Sec.

71.2 Basis and purpose.
71.4 Definitions.
71.6 Compliance with nondiscrimination requirements.
71.8 Availability of Federal financial participation.

Subpart B—Day Care Center

71.10 Program of activities for children.
71.12 Training.
71.14 Nutrition.
71.16 Health and safety.
71.18 Physical environment.
71.20 Social services.
71.22 Parent involvement.
71.24 Group composition.

Subpart C—Day Care Home

71.30 Program of activities for children.
71.32 Training.
71.34 Nutrition.
71.36 Health and safety.
71.38 Physical environment.
71.40 Social services.
71.42 Parent involvement.
71.44 Group composition.

Subpart D—State Agency Administration

71.56 Monitoring.
71.58 Rates of payment.
71.60 Future review of day care regulations.
71.62 State Agency Advisory Council.
71.64 State Agency waiver.
71.66 Effective date.

Authority: Title XX of the Social Security Act, Section 2002(a)(9)(B), 42 U.S.C. 1397a(a)(9)(B); and Title V of the Headstart, Economic Opportunity, and Community Partnership Act of 1974 (Headstart-Follow Through Act), Section 582(d), 42 U.S.C. 2932(d).

Subpart A—General

§ 71.2 Basis and purpose.

(a) This part sets forth the requirements that State agencies and day care facilities must meet as the conditions for the receipt by State agencies of Federal Financial Participation (FFP) in the costs of child day care services under the following HEW assisted programs:

(1) Social Security Act.

(i) Title IV–A (Social Services to Guam, Puerto Rico, the Virgin Islands, and the Northern Marianas; and the Work Incentive Program (WIN)).

(ii) Title IV–B (Child Welfare Services).

(iii) Title XX (Social Services);

(2) Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963;

(3) Developmental Disabilities Services and Facilities Construction Act of 1970;

(4) Developmentally Disabled Assistance and Bill of Rights Act of 1975 (Developmental Disabilities Special Projects).

(b) This part implements Title XX of the Social Security Act, Section 2002(a)(9)(B), 42 U.S.C. 1397a(a)(9)(B), and Title V of the Headstart, Economic Opportunity, and Community Partnership Act of 1974 (Headstart-Follow Through Act), Section 582(d), 42 U.S.C. 2932(d). These sections authorize the Secretary to prescribe requirements to govern the provision of day care services under HEW assisted programs.

§ 71.4 Definitions.

In these regulations, the term:

Attendance means the number of children present at the facility.

Caregiver means a person who provides direct care, supervision, and guidance to children in a day care facility.

Day care means the care, supervision, and guidance of a child, on a regular basis, for periods of less than 24 hours per day, in a place other than the child's own home.

Day care center means a place in which day care is provided to more than 12 children.

Day care home means a private residence in which day care is provided to 12 or fewer children.

Early and Periodic, Screening, diagnosis and Treatment (EPSDT) means a component of each State's medical assistance program mandated under title XIX of the Social Security Act (Medicaid) which provides preventive child health services to eligible low income children.

Group means a cluster of children assigned to one or more caregivers.

Group size means the total number of children assigned to one or more caregivers.

Scheduled Enrollment means the number of children expected to be in attendance for any day or for some period of time during the day.

State Agency means the agency that receives Federal funds for day care and that has ultimate responsibility for the conduct of the day care services program.

§ 71.6 Compliance with nondiscrimination requirements.

The following HEW regulations apply to services provided under this part:

45 CFR Part 80—Nondiscrimination Under Programs Receiving Federal Assistance through the Department of Health, Education, and Welfare's Implementation of Title VI of the Civil Rights Act of 1964.

45 CFR Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

§ 71.8 Availability of Federal financial participation (FFP).

(a) FFP is available in the costs of child day care services, only if the care meets the requirements of this part.

(b) The care is considered to meet the requirements of this part only if:

(1) It is provided by a facility which:

(i) Meets State standards for licensing, registration, certification, or approval; and

(ii) Has been approved by the State agency as meeting the requirements of this part, or has submitted to the State agency a plan of correction acceptable to the State agency for any requirement that the facility has been found not to meet. The State agency may accept a plan of correction only if the plan specifies a reasonable time period for meeting the requirements of this part. The facility must meet the requirements of this part within the time period specified in its plan of correction; and

(2) The State agency meets its requirements as provided in this part, or the State agency has submitted to the Secretary a plan of correction acceptable to the Secretary for any requirement that the State agency has been found not to meet. The Secretary accepts a plan of correction only if the plan specifies a reasonable time period for meeting the requirements of this part. The State agency must meet the requirements of this part within the time period specified in its plan of correction.

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Subpart B—Day Care Center

§ 71.10 Program of activities for children.

(a) *Day Care Center.* A day care center shall establish a planned program of developmentally appropriate activities which promotes the intellectual, social, emotional, and physical development of the children it serves. The planned program shall be in writing and shall be made available to parents. The plan shall contain a description of activities children engage in and how those activities meet their developmental needs, including the special needs of children in the center who are multilingual or handicapped.

(b) *State Agency.* The State Agency shall provide information and technical assistance to day care centers on establishing a planned program of developmentally appropriate activities.

§ 71.12 Training.

(a) *Day Care Center.* (1) A day care center shall provide to newly hired caregivers a one week on-site orientation to the day care program during the first week of employment. The orientation must address at a minimum—

(i) Emergency health and safety procedures at the center;

(ii) Any special health or nutrition problems of the children assigned to the caregiver;

(iii) Any special developmental needs of the children assigned to the caregiver;

(iv) The planned program of activities at the center; and

(v) Meal patterns at the center.

(2) Each caregiver without a nationally recognized child development credential appropriate for the age of the children cared for by the caregiver shall regularly participate in specialized training related to child care. Caregivers shall begin to participate in specialized training within a reasonable period of time after April 1, 1981. Caregivers hired after April 1, 1981 must begin to participate in training within six months of employment.

(b) *State Agency.* (1) The State Agency shall establish and implement a statewide plan for providing or purchasing training for all center caregivers. The plan must specify the nature and extent of the training required for caregivers and address the following subjects:

- Child Growth and Development.
- Child Care Programming and Activities.
- Health and Safety Practices.
- Nutrition and Good Eating Habits.
- Design and Use of Physical Space.
- Working with Parents.
- Community Health and Social Service Resources.
- Day Care for Multilingual Children.
- Day Care for Handicapped Children.
- Handling Behavior Problems.

(2) The State Agency shall periodically assess its statewide training program for center caregivers and report to the Secretary on the effectiveness of this program by March 30, 1984.

§ 71.14 Nutrition.

(a) *Day Care Center.* A day care center shall provide adequate and nutritious meals prepared on a safe and sanitary manner. Breakfast shall be provided at parent request. Lunch and mid-morning and mid-afternoon snacks shall be provided. When children are in care during evening and night hours, the center shall provide an evening meal.

(b) *State Agency.* The State agency shall make the consultative services of a qualified nutritionist or food service specialist available to day care centers.

§ 71.16 Health and safety.

(a) *Day Care Center.* (1) A day care center shall have on record for each enrolled child whose parents do not object on religious grounds, a statement from a licensed health practitioner that—

(i) Describes any special precautions for diet, medication, or activity;

(ii) States that the child has received immunizations in accordance with recommendations of the U.S. Public Health Service or the American Academy of Pediatrics; and

(iii) States that the child has received a health assessment in accordance with the standards of the American Academy of Pediatrics, or the EPSDT National Recommended Health Assessment Plan.

(2) The statement for each child must be on record within 60 days of enrollment, and must be updated according to the recommended schedule for routine health supervision of the American Academy of Pediatrics, or the EPSDT National Recommended Health Assessment Plan.

(3) A day care center shall have plans to respond to illness and to emergencies including fire, serious injury, and ingestion of poison. The plans must be in writing.

(4) A day care center shall not dispense medications to a child without the written consent of his or her parent. All medications shall be dispensed in accordance with instructions from a parent or physican. Medications shall be kept in labelled containers out of the reach of children.

(5) A day care center shall provide information to parents as needed concerning child health services available in the community, and shall assist parents in obtaining the health services.

(b) *State Agency.* (1) The State agency shall provide information to each day care center about the availability of child health services in the community and about how the services may be obtained.

(2) The State agency shall establish and maintain health standards for day care center personnel.

(3) The State agency shall make arrangements so that HEW funded children in day care centers who are eligible for Federal, State, or locally funded health services receive those services when needed.

§ 71.18 Physical environment.

(a) *Day Care Center.* A day care center shall meet:

(1) State and local requirements for licensing or approval;

(2) State and local codes relating to health, sanitation, and building and fire safety; and

(3) State day care center standards for transportation, swimming, and equipment safety.

(b) *State Agency.* The State agency shall ensure that standards for day care centers that specifically address sanitation, and transportation, swimming, and equipment safety exist in the State.

§ 71.20 Social services.

(a) *Day Care Center.* A day care center shall provide information to parents, as needed, concerning social services available in the community and shall assist parents in obtaining the social services.

(b) *State Agency.* (1) The State agency shall provide information to each day care center about the availability of social services in the community and about how the services may be obtained.

(2) The State agency shall make arrangements so that HEW funded children in day care centers who are eligible for Federal, State or locally funded social services receive those services when needed.

§ 71.22 Parent involvement.

(a) *Day Care Center.* A day care center shall—

(1) Provide parents with opportunities to observe the center and to discuss their children's needs before enrollment;

(2) Offer parents unlimited access to the day care center to observe their children;

(3) Regularly offer parents opportunities to meet with caregivers to discuss their children's needs;

(4) Regularly exchange information with parents about their children and the day care program;

(5) Offer parents, individually and as a group, meaningful opportunities to participate in general program policymaking; and

(6) Provide parents upon request any monitoring reports or evaluations of the center prepared by and received from Federal, State, or local authorities.

(b) *State Agency.* (1) The State agency shall provide information and technical assistance to day care centers on working with parents.

(2) The State agency shall offer parents their choice of day care facility whenever administratively feasible. The State agency shall make a copy of the HEW day care requirements available to parents of children in HEW-funded day care.

§ 71.24 Group composition.

(a) *Day Care Center.*—(1) *Group Size.* (i) A day care center shall meet the following group size requirements at all times of the day, except during arrival and departure times, meals, naptime and special activities such as field trips and playground activities:

Age of child	Maximum group size scheduled enrollment	Maximum group size attendance
Birth to 2 years	6	6
2 years	12	12
3 to 6 years	16	16
6 to 10 years	16	14
10 to 14 years	20	16

(ii) For mixed age groups, a day care center shall meet the group size requirements for the age of the youngest child in the group, if children in the youngest age category make up 20% or more of the group. If children in the youngest age category make up less than 20% of the group, the group size requirement for the next highest age category must be met.

(iii) If more than one group occupies a single room, each group must have its own clearly defined physical space.

(2) *Staffing Requirements.* (i) A day care center shall meet the following staffing requirements:

Age of child	Staffing requirement scheduled enrollment	Staffing requirement attendance
Birth to 2 years	1:3	1:3
2 years	1:4	1:4
3 to 6 years	1:9	1:8
6 to 10 years	1:16	1:14
10 to 14 years	1:20	1:18

(ii) A day care center shall calculate the required staff hours by dividing the total child hours for each age category served by the age appropriate staffing requirement.

(iii) A day care center shall ensure that required staff are present with children at all times, except for normal breaktimes.

(iv) Staffing requirements may be met for children aged two years and older on a centerwide basis. (For example, if a center determines that it needs 4 caregivers to meet the staffing requirement for its 2 year old children, and 10 caregivers for its 5 years old children, the center would meet the staffing requirement so long as it had 14 caregivers assigned to care for children in both categories. The center need not necessarily assign 4 caregivers to care for its 2 year old children, nor assign 10 caregivers to care for its 5 year old children.)

(v) A day care center shall meet the staffing ratio requirement for each group of children under two years of age at all times, except naptime.

(vi) For mixed age groups which include children under two years old, a day care center shall meet the staffing requirements for the age of the youngest child in the group, if children in the youngest age category make up 20% or more the group. If children in the youngest age category make up less than 20% of the group, the staffing requirement for the next highest age category must be met.

(vii) At least one caregiver shall be present with children at all times.

(viii) Hours spent providing direct care to children by a volunteer may be counted towards meeting the staffing requirements, if the volunteer works at least 10 hours a week and complies with the traning requirement at Section 71.12.

(ix) Hours spent providing direct care to children by a staff member who otherwise performs non-caregiving duties may be counted towards meeting the staffing requirements, if the staff member complies with the requirement at Section 71.12.

(x) A day care center shall obtain substitutes in the case of caregiver absences.

(b) *State Agency.* (1) The State agency shall determine compliance with the group size requirements on a group by group basis.

(2) The State agency shall determine compliance with the group size and staffing requirements on the basis of either actual attendance or scheduled enrollment.

(3) The State agency shall reimburse day care centers in accordance with the its method of determining compliance with the staffing and grouping requirements.

Subpart C—Day Care Home

§ 71.30 Program of activities for children.

(a) *Day Care Home.* A day care home shall establish a planned program of developmentally appropriate activities which promotes the social, intellectual, emotional, and physical development of the children it serves, including any multilingual or handicapped children in the home.

(b) *State Agency.* The State Agency shall provide information and technical assistance to day care homes on establishing a planned program of developmentally appropriate activities.

§ 71.32 Training.

(a) *Day Care Home.* Each caregiver without a nationally recognized child development credential appropriate for the age of the children served in the home shall regularly participate in specialized training related to child care. Caregivers shall begin to participate in specialized training within a reasonable period of time after April 1, 1981. Caregivers assuming caregiving duties after April 1, 1981 must begin to participate in training within six months of assuming caregiving duties.

(b) *State Agency.* (1) The State Agency shall establish and implement a statewide plan for providing or purchasing training for all day care home caregivers. The plan must specify the nature and extent of the training required for day care home caregivers and address the following areas:

- Child Growth and Development.
- Child Care Programming and Activities.
- Health and Safety Practices.
- Nutrition Practices and Good Eating Habits.
- Design and Use of Physical Space.
- Working with Parents.
- Community Health and Social Service Resources.
- Day Care for Multilingual Children.
- Day Care for Handicapped Children.
- Day Care Home Administration.
- Handling Behavior Problems.

(2) The State Agency shall periodically assess its statewide training program for home caregivers and report to the Secretary on the effectiveness of the program by March 30, 1984.

§ 71.34 Nutrition.

(a) *Day Care Home.* A day care home shall provide adequate and nutritious meals prepared in a safe and sanitary manner. Breakfast shall be provided at parent request. Lunch and mid-morning

and mid-afternoon snacks shall be provided. When children are in care during evening and night hours, the home shall provide an evening meal.

(b) *State Agency.* The State Agency shall make the consultative services of a qualified nutritionist or food service specialist available to day care homes.

§ 71.36 Health and safety.

(a) *Day Care Home.* (1) A day care home shall have on record for each child enrolled in a day care home whose parents do not object on religious grounds, a statement from a licensed health practitioner that—

(i) Describes any special precautions for diet, medication, or activity;

(ii) States that the child has received immunizations in accordance with recommendations of the U.S. Public Health Service or the American Academy of Pediatrics; and

(iii) States that the child has received a health assessment in accordance with the standards of the American Academy of Pediatrics, or the EPSDT National Recommended Health Assessment Plan.

(2) The statement for each child must be on record within 60 days of enrollment, and must be updated according to the recommended schedule for routine health supervision of the American Academy of Pediatrics, or the EPSDT National Recommended Health Assessment Plan.

(3) A day care home shall have plans to respond to illness and emergencies including fire, serious injury, and ingestion of poison.

(4) A day care home shall not dispense medications to a child without the written consent of his or her parent. All medications shall be dispensed in accordance with instructions from a parent or physician. Medications shall be kept in labelled containers out of the reach of children.

(5) A day care home shall provide information to parents, as needed, concerning child health services available in the community, and shall refer parents to appropriate health services agencies.

(b) *State Agency.* (1) The State agency shall provide information to each day care home about the availability of child health services in the community and about how the services may be obtained.

(2) The State agency shall establish and maintain health standards for day care home personnel.

(3) The State agency shall make arrangements so that HEW funded children in day care homes who are eligible for Federal, State, or locally funded health services receive those services when needed.

§ 71.38 Physical environment.

(a) *Day Care Home.* A day care home shall meet—

(1) State and local requirements for licensing, certification, registration, or approval;

(2) State and local codes relating to health, sanitation, and building and fire safety applicable to residential occupancy; and

(3) State day care home standards for transportation, swimming, and equipment safety.

(b) *State Agency.* The State agency shall ensure that standards for day care homes that specifically address sanitation and transportation, swimming, and equipment safety exist in the State.

§ 71.40 Social services.

(a) *Day Care Home.* A day care home shall provide information to parents, as needed, concerning social services available in the community, and shall refer parents to appropriate social services agencies.

(b) *State Agency.* (1) The State agency shall provide information to each day care home about the availability of social services in the community and about how the services may be obtained.

(2) The State agency shall make arrangements so that HEW funded children in day care homes who are eligible for Federal, State or locally funded social services receive those services when needed.

§ 71.42 Parent involvement.

(a) *Day Care Home.* A day care home must—

(1) Provide parents with opportunities to observe the home and to discuss their children's needs before enrollment;

(2) Inform parents about the day care program and its policies;

(3) Regularly offer parents opportunities to observe their children, and talk about their children's needs; and

(4) Regularly exchange information with parents about their children.

(b) *State Agency.* (1) The State agency shall provide information and technical assistance to day care homes on working with parents.

(2) The State agency shall offer parents their choice of day care facility whenever administratively feasible. The State agency shall make a copy of the HEW day care requirements available to parents using HEW-funded day care.

§ 71.44 Group composition.

(a) In a day care home in which one caregiver cares for children of all ages, including children under two years of age, the group size at any given time shall not exceed five. No more than two of these children may be under two years of age. The caregiver's own children younger than six and not yet in full day school shall count towards the group size requirement.

(b) In a day care home in which one caregiver cares for children who are all under two years of age, the group size at any given time shall not exceed three. There may be no other children in the home besides the caregiver's own children over the age of six years.

(c) In a day care home in which one caregiver cares for children who are all two years of age or older, the group size at any given time shall not exceed six, except that two additional school age children may be cared for before and after school hours. The caregiver's own children younger than six and not yet in full day school shall count towards the group size requirement.

(d) In a day care home in which two or more caregivers care for children of all ages, including children under two years of age, the group size at any given time shall not exceed ten. No more than two of these children may be under two years of age. The caregivers' own children younger than six and not yet in full day school shall count towards the group size requirement.

(e) In a day care home in which two or more caregivers care for children who are all two years of age or older, the group size at any given time shall not exceed 12, except that two additional school age children may be cared for before and after school hours. The caregivers' own children younger than six and not yet in full day school shall count towards the group size requirements.

Subpart D—State Agency Administration

§ 71.56 Monitoring.

(a) The State agency must determine each day care facility's compliance with these requirements at least annually.

(b) The State agency shall make an on-site visit to a day care facility at least every three years and whenever the State has reason to believe that the facility fails to meet the requirements of this part.

§ 71.58 Rates of payment.

(a) In establishing rates of payment for child day care services the State agency shall take into account the costs to the facility of meeting this part.

(b) The State agency shall make available upon request the basis for its day care reimbursement rates, and the procedures used to determine those rates.

§ 71.60 Future review of day care regulations.

The Secretary will review the effectiveness of these regulations 36 months after the April 1, 1981 effective date. As part of this review, the Secretary will publish a notice of opportunity for public comment on the effectiveness of the regulations. The Secretary will assess the comments and publish the results of the review and assessment in the **Federal Register.**

§ 71.62 State agency advisory council.

(a) The State agency shall have a Day Care Advisory Council to advise the State agency on the implementation of HEW day care requirements.

(b) Membership on the Day Care Advisory Council must include parents of HEW funded children in day care, operators of day care centers and day care homes, and representatives of appropriate public agencies.

§ 71.64 State agency waiver.

The State agency may waive the staffing requirements in § 71.24 for a day care center in which not more than 20% or 10 (whichever is lower) of the children in the center are children whose care is paid for wholly or in part with Federal funds, if the day care center meets State licensing standards.

§ 71.66 Effective date.

These regulations are effective on October 1, 1980 except that—

(a) The training requirements in § 71.12 and 71.32, and the requirements in § 71.36 and § 71.40 that day care homes inform parents about and refer them to health and social services, will become effective on April 1, 1981; and

(b) For any State, the October 1, 1980 effective date of the group composition requirements at § 71.24 may be extended for not more than two years upon a showing satisfactory to the Secretary that substantial numbers of HEW funded children are receiving care in centers that meet group composition requirements less stringent than the requirements in § 71.24, and that additional time is needed to meet those requirements within the State. The showing must—

(1) Be made to the Secretary by the State agency by October 1, 1980; and

(2) Include detailed information about the group composition requirements currently being met by the centers within the State;

(3) Indicate the number of HEW funded children who are receiving care in centers that do not comply with the group composition requirements in § 71.24;

(4) Estimate the time necessary to fully meet those requirements in centers caring for HEW funded children within the State; and

(5) Include a schedule for a gradual phase-in of the requirements.

[FR Doc. 80-8283 Filed 3-18-80; 8:45 am]
BILLING CODE 4110-12-M

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federal register

Wednesday
March 19, 1980

Part VI

Department of the Interior

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Proposed Critical Habitat for Four Species in Texas

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal of Critical Habitat for Four Species in Texas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes Critical Habitat for Texas wild rice (*Zizania texana*), San Marcos salamander (*Eurycea nana*), San Marcos gambusia (*Gambusia georgei*) and fountain darter (*Etheostoma fonticola*). Texas wild rice and fountain darter were listed as Endangered on April 26, 1978 (43 FR 17910–17916) and on October 13, 1970 (35 FR 16047), respectively. San Marcos gambusia and San Marcos salamader were proposed as Endangered and Threatened, respectively, with Critical Habitat on July 14, 1978 (43 FR 30316–30319). The Critical Habitat portions of the two latter proposals were withdrawn by the Service on March 6, 1979, because of procedural and substantive changes made by the Endangered Species Act Amendments of 1978. Critical Habitat for Texas wild rice and fountain darter are proposed for the first time. This proposed rule conforms to the requirements of the 1978 Amendments.

DATES: Comments from the public on this proposed rule must be submitted by May 19, 1980. Comments from the Governor of Texas must be submitted by June 17, 1980. A public meeting will be held April 8, 1980, and a public hearing will be held May 12, 1980, in San Marcos, Texas.

ADDRESSES: Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this rule are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia 22201. A public meeting and a pubic hearing will be held at the locations set out in the table below.

Public Meeting: San Marcos, Texas—Southwest Texas State University, Student Union Building, Chautauqua Room. 7:00 p.m. April 8, 1980.

Public Hearing: San Marcos, Texas—Southwest Texas State University, Student Union Building, Chautauqua Room. 7:00 p.m. May 12, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

Texas wild rice—Zizania texana was listed as an Endangered species without Critical Habitat on April 28, 1978 (43 FR 17910–17916). Critical Habitat is proposed for this species for the first time. Texas wild rice, once known from San Marcos Spring Lake and its outflow, the San Marcos River, has been reduced to an area measuring approximately 1,131 square meters (Emery, 1977) along a 1.5 mile (2.4 km) stretch of the river. Reports indicate that the population is stable at present (Beaty, pers. comm., 1980).

Elimination of *Zizania texana* from much of its former distribution along the San Marcos River and Spring Lake has been attributed to human activities. Past impacts, now largely abated, include cutting of *Zizania texana* and other aquatic vegetation, and streambed harrowing or plowing to eliminate aquatic plants from recreational areas. Plant debris resulting from cut vegetation entangles in the erect inflorescences of *Zizania texana* and forces them underwater, preventing sexual reproduction of the species. Although cutting practices have been modified recently and the size of plant debris reduced (Longley, pers. comm., 1980), *Zizania texana* flowering heads are still being forced underwater in this manner, and no native *Zizania texana* have been observed to produce significant amounts of seed in recent years (Emery, pers. comm., 1980). Two commercial aquatic plant enterprises have engaged in the removal of undesirable species from stream and lake bottoms and have replaced them with saleable species for the aquarium trade (Emery, 1967). Pollution from sewage leaks, storm drainage systems, and watershed runoff from streets, highways, railroads, and recreational areas have also had detrimental effects on the population (Beaty, 1975).

Although harrowing, pollution, and commercial activities have virtually stopped, threats to the survival of the species remain. Maintenance of certain recreational areas along the San Marcos River has destroyed colonies of *Zizania texana*, particularly in the vicinity of Spring Lake Dam and the U.S. Highway 82 bridge. Continued cutting of vegetation and intensive recreational activity in these areas makes reestablishment of the grass highly unlikely. Floating plant debris from vegetation cut in Spring Lake continues to interfere with seed production in the Texas wild rice, despite modifications in cutting practices. The species must therefore rely on vegetative reproduction to maintain and increase the population, which may have serious evolutionary consequences for the species. Possible hybridization of the species is another potentially serious threat to the gene pool of this population. *Zizania* hybrids, crosses between Texas wild rice and other wild rice species, are producing seeds in experiments conducted in the immediate vicinity of the San Marcos River (Longley, pers. comm., 1980). Should any of these seeds make their way into the San Marcos River, and hybrid plants cross with flowering native *Zizania texana*, a dilution of the *Zizania texana* gene pool could result.

In addition, threats to the springs feeding the San Marcos River or the Edwards Aquifer, such as ground water pollution or reduced flow, could threaten the Texas wild rice.

The area proposed as Critical Habitat satisfies all known criteria for the ecological and physiological requirements of *Zizania texana*. The inability of the native plants to reproduce sexually in this habitat is cause for concern regarding the evolutionary potential of the species, however. It is apparent that factors interfering with sexual reproduction of Texas wild rice must be alleviated if the species is to adapt to future changes in its environment. The area proposed as Critical Habitat includes the entire known present and historical range of the species and a small amount of habitat (approximately ½ mile) downstream from existing colonies for expansion of the population.

San Marcos salamander—On August 2, 1977, the U.S. Fish and Wildlife Service published a notice in the **Federal Register** (42 FR 39119–39120) to the effect that a review of the status of 10 amphibians was being conducted. The San Marcos salamander (*Eurycea nana*) was included as part of the review. As a result of the notice of review, responses were received from the State of Texas and professional biologists. The comments and supportive documents were reviewed and a summary was presented in the July 14, 1978, proposed rule to list this species as Threatened with special rules which would allow

taking under state law (see the **Federal Register**, 43 FR 30316–30319). On March 6, 1979, the Service withdrew all pending Critical Habitat proposals in compliance with the Endangered Species Act Amendments of 1978 (see the **Federal Register**, 44 FR 12382–12384).

The San Marcos salamander is presently known only from Spring Lake and approximately 50 meters downstream in the San Marcos River. While the population may be quite dense, this species is entirely aquatic and depends on a constant flow of spring water to maintain its environment. The threats to the environment were specified in the proposal of July 14, 1978 (43 FR 30316–30319), and are summarized later in this rulemaking.

With respect to the San Marcos salamander, the area proposed as Critical Habitat satisfies all known criteria for the evolutionary, ecological, behavioral, and physiological requirements of the species. Dense algal mats cover the substrate and it is within this vegetation that the salamander finds cover and protection from fish and other pedators. Tendiped fly larvae and amphipods are the main food items of the salamander and these prey are found abundantly within the bottom vegetation (Tupa and Davis, 1976). While courtship of the salamander has not been described and eggs have not been found, hatchlings have; coupled with the relatively large population size, successful reproduction is apparently occurring. The area proposed as Critical Habitat includes the entire known range of the species.

San Marcos gambusia—On July 14, 1978, the U.S. Fish and Wildlife Service published a proposal to list the San Marcos gambusia *(Gambusia georgei)* as Endangered with a segment of the San Marcos River as its Critical Habitat. On March 6, 1979, the Service published a notice (44 FR 12382–12384) withdrawing all pending Critical Habitat proposals in compliance with the Endangered Species Act Amendments of 1978.

The Sam Marcos gambusia is presently known only from one section (approximately 1.5 km) of the San Marcos River below Spring Lake in the community of San Marcos. In 1969, Drs. Clark Hubbs and Alex Peden estimated the population of San Marcos gambusia to be fewer than 1,000 individuals. A survey in 1974 revealed the present of one individual. The most recent survey (1979) found 19 individuals living in the area proposed as Critical Habitat. There are two other species of gambusia (*Gambusia affinis* and *Gambusia geiseri*) which occur in the same area and these are still abundant. The above information was taken from a 1976 contract report by Dr. B. G. Whiteside and a 1979 contract report by Dr. Clark Hubbs.

Fountain Darter—The fountain darter was listed as Endangered on October 13, 1970 (35 FR 16047). The fountain darter was known originally from the San Marcos and Comal Rivers in Hays and Comal Counties, Texas, respectively. The Comal River population was extirpated during the mid 1950's due to reduced flows form Comal Springs (Schenck and Whiteside, 1976). Efforts to reestablish this population have been made by introducing individuals from the San Marcos population. It is too early to determine the status of this population, therefore the Comal River, Comal County, Texas is not being proposed as Critical Habitat at this time.

In the San Marcos River drainage, the fountain darter was known downstream just below the junction of the Blanco River. Recent collectors have not found any individuals below the outfall of the new sewage treatment plant. The treatment plant is located approximately 1 mile (1.6 km) upstream from the confluence of the Blanco River. Absence of the fountain darter is this section of the San Marcos River is most likely due to the small impoundment (Cumming's Dam) built in the early 1900's which altered the habitat. The impoundment has increased the depth and restricted the growth of many types of vegetation utilized by the darter in the upper reaches of the San Marcos River (Schenck and Whiteside, 1976).

Fountain darter populations are presently known in Spring Lake, and in the San Marcos River downstream to just below the Interstate Highway 35 bridge.

With respect to the San Marcos gambusia and fountain darter, the area proposed as Critical Habitat satisfies all known criteria for the evolutionary, ecological, behavioral, and physiological requirements of these species. The area proposed as Critical Habitat is presently inhabited by these species. Additional Critical Habitat for the fountain darter along the Comal River may be proposed in the future.

Critical Habitat

The Act defines "critical habitat" as (i) the specific areas within the geographical areas occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (ii) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The Service believes that the entire known ranges of the species under consideration should be designated as Critical Habitat. Each of the species occupies an extremely restricted range and is therefore highly susceptible to changes in habitat. The areas proposed as Critical Habitat satisfy all known criteria for the evolutionary, ecological, behavioral, and physiological requirements of the species. If, during the comment period, new information is made available, these areas proposed as critical for the continued existence of these species may be modified to more accurately reflect their physiological, behavioral, ecological, and evolutionary requirements.

Texas Wild Rice—The most significant factors presently affecting the continued existence of the Texas wild rice are its extreme vulnerability due to limited range, its apparent inability to reproduce sexually in its native habitat, and the possibility of hybridization. Any action which would significantly alter the flow or water quality of the San Marcos River could adversely modify the Critical Habitat, since the species is adapted to conditions of clear water, uniform annual flow rate and constant year-round temperature (Beaty, 1975). *Zizania texana* does not survive in stagnant water (Beaty, pers. comm., 1980). In addition, any actions which would physically alter the Spring Lake-San Marcos River site, such as dredging, bulldozing, or bottom plowing; or physically disturb the Texas wild rice, such as harrowing, cutting, or intensive collecting, would adversely modify Critical Habitat. These disturbances have been identified as contributors to the decline of the existing Texas wild rice population.

San Marcos Salamander—Foremost among the factors contributing to this salamander's threatened status is its very limited range coupled with the threat of lowered water tables affecting Spring Lake (Longley, 1978).

The owner of Spring Lake, Aquareena Springs, has taken particular care to safeguard the animals in the lake and has cooperated closely with biologists in the Texas Parks and Wildlife Department to ensure that populations can be maintained. Hence, take is not seen as a threat to the continued survival of the species. The major threats to this species are: (1) lowering

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of water tables in the area such that Spring Lake could become either dry or intermittent, thus exposing algal mats, and leading to the destruction of this species' sole habitat; (2) the owners of Spring Lake expressed concern that skin divers could disrupt algal mats and the bottom of the lake. This could expose salamanders to predation by fish and other predatory species.

San Marcos gambusia—This species' absence from Spring Lake and its very restricted distribution in the San Marcos River is an indication of its sensitivity and habitat specificity. The areas inhabited by the San Marcos gambusia are open areas away from the stream banks with a minimum of aquatic vegetation over a mud bottom with little current. The habitat is also characterized by thermal constancy. Any actions which would result in an increase in vegetation, disrupt the mud bottom, or alter the temperature regime could easily eliminate the species.

Fountain Darter—Specific actions which would reduce or eliminate the fountain darter populations include the destruction or significant reduction of aquatic vegetation in Spring Lake and the San Marcos River. It has been demonstrated that the preferred habitat of adult and young fountain darters areas with rooted aquatic vegetation which grows close to the substrate with filamentous algae present (Schenck and Whiteside, 1976).

Other actions which could adversely impact the fountain darter include impoundments, excessive withdrawal of water, and pollution. An impoundment on the lower portion of the San Marcos River apparently eliminated the fountain darter in that section of the river. The Comal River population of fountain darters were extirpated when their habitat was reducted to isolated pools by excessive removal of water. The darter has recently been reintroduced into the Comal River in an attempt to reestablish that population (Schenck and Whiteside, 1976). Pollution in the form of silt, from improperly maintained construction activities could temporarily reduce the population in some areas.

Effect of This Proposal if Published as a Final Rule

Provisions of Interagency Cooperation which implement Section 7 of the Act are codified at 50 CFR Part 402. If published as a final rule this proposal would require Federal agencies not only to insure that activities they authorize, fund, or carry out, do not jeopardize the continued existence of the species, but also to insure that their actions do not result in the destruction or adverse modification of this Critical Habitat which has been determined by the Secretary to be critical.

Section 4(b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared a draft impact analysis, based on available data, and believes at this time that economic and other impacts of this action will be insignificant in the foreseeable future. The Service is notifying agencies that may have jurisdiction over the areas under consideration of this proposed action. These agencies and other interested persons or organizations are requested to provide input at the public meeting and submit additional information on economic or other impacts of this proposed action (see below).

The Service will prepare a final impact analysis prior to the time of final rulemaking, and will use this document as the basis for its decision as to whether or not to exclude any area from Critical Habitat for any of the four species.

Public Meeting and Public Hearing

The Service announces that a public meeting will be held on this proposed rule at San Marcos, Texas on April 8, 1980. The public is invited to attend this meeting and to present opinions and information on the proposal. To further accommodate comments regarding this proposed rule, a public hearing will be held in San Marcos, Texas on May 12, 1980.

Public Comments Solicited

The Director intends that the rules finally adopted be as accurate and effective as possible in the conservation of the Texas wild rice, San Marcos salamander, San Marcos gambusia, and fountain darter. Therefore, any comments or suggestions from the public, concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of this proposed rule are solicited. The Service particularly requests information on the following:

(1) Biological and other relevant data concerning any threat (or lack thereof) to these species;

(2) Additional information concerning the range and distribution of the species;

(3) Current or planned activities in the subject areas;

(4) The probable impacts of such activities on areas designated as critical habitat; and

(5) The foreseeable economic and other impacts of the critical habitat designation on Federal activities.

National Environmental Policy Act

A draft environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. Based on the draft assessment, this proposal is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969. The draft assessment and public comments will be analyzed to prepare a final determination prior to the issuance of any final rule regarding these species.

The primary authors of this rule are Ms. Irene M. Storks, Dr. James D. Williams, and Dr. C. Kenneth Dodd, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (703/235–1975).

Note.—The Department of the Interior has determined that this is not a significant proposal and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

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Tupa, D. D. and W. K. Davis. 1976. Population dynamics of the San Marcos salamander, *Eurycea nana* Bishop. Texas J. Sci. 27:179–195.

Whiteside, B. G. 1976. Contract Report to U.S. Fish and Wildlife Service on status of San Marcos gambusia.

Regulations Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

§ 17.96 [Amended]

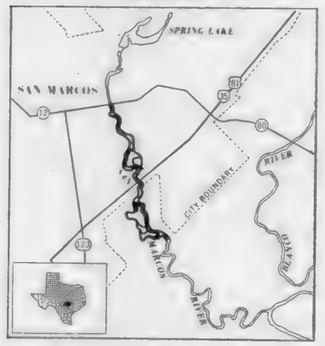
1. It is proposed that § 17.96(a), Plants, be amended by adding Critical Habitat of *Zizania texana* (Texas wild rice) after that of *Oenothera deltoides* ssp. *howellii* (Antioch Dunes evening-primrose) as follows:

Poaceae

Texas Wild Rice (Zizania texana)

Texas, Hays County: Spring Lake and its outflow, the San Marcos River, downstream to its confluence with the Blanco River.

TEXAS WILD RICE
Hays County TEXAS



§ 17.95 [Amended]

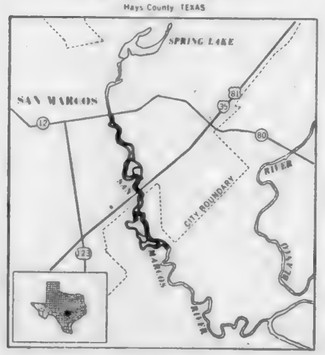
2. It is further proposed that § 17.95(d), Amphibians, be amended by adding Critical Habitat of the San Marcos salamander before that of the Houston Toad as follows:

San Marcos Salamander

(Eurycea nana)

Texas, Hays County: Spring Lake and its outflow, the San Marcos River, downstream approximately 50 meters from the Spring Lake Dam.

SAN MARCOS SALAMANDER
Hays County TEXAS



3. It is further proposed that § 17.95(e), Fishes, be amended by adding Critical Habitat of the San Marcos gambusia after that of the yellowfin madtom as follows:

San Marcos Gambusia

(Gambusia georgei)

Texas, Hays County; San Marcos River from Highway 12 bridge downstream to approximately 0.5 miles below Interstate Highway 35 bridge.

SAN MARCOS GAMBUSIA
Hays County TEXAS



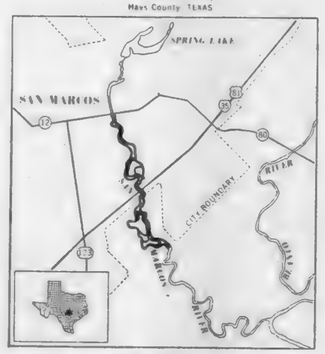
4. It is further proposed that § 17.95(e), Fishes, be amended by adding Critical Habitat of the Fountain darter after that of the slackwater darter as follows:

Fountain Darter

(Etheostoma fonticola)

Texas, Hays County; Spring Lake and its outflow, the San Marcos River, downstream approximately 0.5 miles below Interstate Highway 35 bridge.

FOUNTAIN DARTER
Hays County TEXAS



Dated: March 13, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-8308 Filed 3-18-80; 8:45 am]

BILLING CODE 4310-55-M

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federal register

Wednesday
March 19, 1980

Part VII

Department of Health, Education, and Welfare

Health Care Financing Administration

Medicare and Medicaid Programs; Annual Hospital Report

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

42 CFR Parts 400, 401, 402, 403, 404, 433

Medicare and Medicaid Programs; Annual Hospital Report

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Proposed rule.

SUMMARY: This proposal would implement certain provisions of section 19 of the Medicare-Medicaid Anti-Fraud and Abuse Amendments (Pub. L. 95–142) by establishing a uniform method for hospitals participating in the Medicare or Medicaid programs to report the cost and volume of services. The intent is to obtain comparable data on all participating hospitals for purposes of reimbursement, effective cost and policy analysis, assessment of alternative reimbursement mechanisms and health planning.

This is the second issuance of a notice of proposed rulemaking to implement these requirements. Originally we published an NPRM on January 23, 1979 entitled "System for Hospital Uniform Reporting (SHUR)". We are reissuing a proposed rule because we have substantially revised the reporting requirements based on the large number of comments received in response to the original proposal, the information we obtained from a cost impact study, and the results of a Regulatory Analysis conducted in accordance with Executive Order 12044 "Improving Government Regulations." The changes we have made significantly reduce the cost and burden of the original proposal.

Additionally, we have relocated the reporting filing requirement from Subpart J (dealing with conditions of participation) to Subpart F (dealing with provider agreements).

This proposal would establish an Annual Hospital Report. The Annual Hospital Report incorporates into a single report the Medicare cost report, the Public Health Service's Hospital Facilities Minimum Data Set, and new uniform reporting requirements needed to implement the law. The regulation would establish the basic reporting requirements and the provisions for public disclosure of the Annual Hospital Report information. The regulation does not set forth the details of the Annual Hospital Report which are contained in a manual of instructions.

DATES: Closing date for receipt of comments: May 28, 1980. A 70 day comment period allows sufficient time for commenters to request and receive a copy of the Annual Hospital Report forms and instructions.

ADDRESSES: Address comments in writing to:

Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 17073, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to:

Room 5220, Switzer Building, 330 C Street, SW., Washington, D.C., or

Room 789 East High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

Please refer to File Code RDS–1–P. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection in Room 5220 of the Department's offices at 330 C Street, SW., Washington, D.C. 20201 on Monday through Friday of each week from 8:30 to 5:00 p.m. (202–245–0365).

The manual of instructions which contains details of the Annual Hospital Report is available from:

Chief, Printing and Publications Branch, Division of Administrative Services, Health Care Financing Administration, 1710 Gwynn Oak Building, Baltimore, Maryland 21235, 301–594–5514.

FOR FURTHER INFORMATION CONTACT: William Damrosch, 301–597–1467.

SUPPLEMENTARY INFORMATION:

Statutory Basis

Section 19 of Pub. L. 95–142 (section 1121 of the Social Security Act; 42 U.S.C. 1320a) requires the Department of Health, Education, and Welfare to establish uniform methods which health care facilities and organizations participating in Medicare and Medicaid must use to report the costs and volume of services. Hospitals, skilled nursing and intermediate care facilities, home health agencies, health maintenance organizations, and other types of health services facilities and organizations are required by the law to use uniform reporting systems that provide detailed information on (1) cost and volume of services; (2) rates; (3) capital assets; (4) discharge data; and (5) billing data.

Section 19 requires the Department to: (1) Monitor uniform reporting systems; (2) assist with and support demonstrations and evaluations of the systems; (3) encourage States to adopt uniform systems for purposes other than Medicaid; (4) periodically revise the systems to make them more effective and less costly; and (5) provide information obtained from the reports to appropriate agencies and organizations, including health planners.

The law also requires the Department, in the development of the reporting systems, to:

1. Consider appropriate variations in applying the uniform systems to different classes of facilities; and

2. Make the systems, to the extent possible, consistent with the cooperative systems used to produce comparable and uniform health information and statistics as described under section 306(e)(1) of the Public Health Service Act.

General Background

The reporting requirements covered by this proposed rule apply only to hospital-health services complexes. Moreover, the requirements cover only data on costs and volume of services, rates and capital assets. The remainder of the reporting requirements mandated by section 19 that pertain to hospital discharge and billing data and to costs and volume of services for other institutional providers will be covered by subsequent Notices of Proposed Rulemaking.

Purpose

HCFA paid more than $25 billion to 7,000 hospitals participating in the Medicare and Medicaid programs in 1978. Hospital costs rose 12.5 percent per year in 1978 and are continuing to rise at a rapid rate. Our ability to manage these publicly funded health care programs has been impeded by the current cost reporting methods which make it difficult to judge the efficiency of hospitals and to compare accurately the costs of services furnished within a hospital or among hospitals.

In general, the purpose for developing uniform methods of reporting is to obtain comparable information on the costs and utilization of health care services delivered by all hospitals participating in the Medicare and Medicaid programs.

Uniform data will enable us to ensure that hospitals are reimbursed under the Medicare and Medicaid programs for what they are entitled to—no more and no less. Uniform data will also provide the data base needed by HCFA and the Department to: (1) Develop a more rational and equitable reimbursement system; (2) conduct year-to-year and interinstitutional comparisons of cost and utilization data to identify trends in the cost and use of health care services, and to conduct policy analyses; (3) develop new approaches to cost containment; and (4) improve the capacity to detect fraud, abuse and waste in the Medicare and Medicaid programs. The data also will be used by local, State and Federal agencies such as the Public Health Service to formulate health planning goals and decisions. The information will be helpful to hospitals that wish to compare the costs of delivering services for their own planning and management purposes.

Under the current reimbursement system, hospitals usually report their revenue and expenses according to the organizational units that produce the revenue and incur the expense (i.e., a "responsibility" reporting system). Each hospital is organized differently; therefore the costs are organized differently. Since each hospital has some flexibility in determining what costs form a particular cost center (a set of activities or functions for which costs are reported), cost centers cannot be accurately compared. Further, there are no uniform definitions of what costs can be included in a particular cost center. There is no adequate way to determine the cost per unit of services in a hospital or to compare the cost per unit of service across hospitals because the cost centers may include data which are not comparable. Finally, we cannot adequately measure productivity because there are no standard units of measure (e.g., the proposed unit of measure for end stage renal disease services is the number of treatments).

To ensure equitable reimbursement to hospitals and to establish a data base for future reimbursement policy changes, we need a reporting system with the following features: First, it must produce data organized on the basis of a standard set of functions (i.e., a "functional" reporting system). This means that hospitals would report their revenue and expense by a uniformly defined set of activities which generated the revenue or incurred the expense rather than by organizational units unique to a particular hospital. Second, there must be a standard definition for the types of costs that can be included in a particular cost center so that costs can be reported and reimbursed uniformly. Third, there must be a standard unit of measure for all revenue producing centers which is related to the services provided so that a cost or charge per unit of service can be determined that is comparable across hospitals. A system with these features would ensure that the data reported is comparable across hospitals furnishing similar services—a necessary basis for the development of rational and equitable reimbursement policy.

Early Development of Uniform Reporting Systems

Department efforts to design a system that would accomplish objectives began in 1974 when Congress passed Pub. L. 93–641, the National Health Planning and Resources Development Act. This Act set, as a national priority, the development of uniform cost accounting simplified reimbursement, and utilization reporting systems.

Since the 1974 legislation the Department has worked with five States which have developed uniform systems (Arizona, California, New York, Oregon and Washington). The proposed new system is based on experience gained in the States operating uniform reporting systems.

Section 19 of Pub. L. 95–142 enacted in 1977, mandated only a system of uniform reporting while making no specific requirement for uniform accounting.

We orginally published a Notice of Proposed Rulemaking (NPRM) on January 23, 1979 (44 FR 4741) to implement Section 19 of Pub. L. 95–142. In that NPRM we particularly invited specific comments on ways to reduce the costs and reporting burden of the new system. We have substantially revised the reporing requirement as a result of comments we received in response to the NPRM; the information we obtained from a cost impact study; and a regulatory analysis we conducted in accordance with Executive Order 12044 "Improving Government Regulations." That analysis is published as an appendix to this Notice and also is available on request.

The revisions significantly reduce cost and reporting burden. We have reduced the reporting burden by 20 percent from the orginal proposal and the number of forms and pages of manual material by 45 percent. We have also reduced the estimated annual operating costs by 34 percent.

Cost and Draft Regulatory Analysis

In assessing the need for changes to the initial proposal published on January 23, 1979, HCFA used the results of the cost study carried out under contract with Morris, Davis and Company and a formal regulatory analysis conducted in accordance with Executive Order 12044, "Improving Government Regulations."

In analyzing the effect of this proposed regulation on hospitals, we assessed the cost and burden of seven alternatives out of the hundreds of variations that could be devised. The alternatives range from total conversion of a hospital's day-to-day accounting system to retention of the current Medicare reporting system. Although the former cannot be required by HCFA and the latter is contrary to the mandate in Pub. L. 95–142, we included them since they represent both ends of the spectrum and thus indicate the entire range of marginal cost/burden of implementing uniform reporting from $–0– to $208 million for the first year.

Under the alternative we selected, the total start up costs for all hospitals would be $19 million and the annual operating costs $37 million, a total of $56 million in the first year. This total cost would be only .2 percent of the $25 billion we paid to hospitals in 1978 and only 0.079 percent of the $70.9 billion hospitals received from all sources in 1978. For the average hospital which billed Medicare and Medicaid $3,589,000 in 1978, this proposal would add only $5,300 yearly to its operating costs. Of that amount, Medicare and Medicaid would pay at least one third as their share of administrative overhead (The hospital's share would be $3,530).

The cost figures for the alternatives were extrapolated from a study which was conducted for HCFA by Morris, Davis and Company to provide a basis on which to estimate the nationwide implementation and operational costs and burden of the program. A random sample of fifty hospitals across the United States were used in the study. The cost figures are based upon the premise that 21 percent of the hospitals in the nation already report cost and revenue data on a uniform basis similar to the proposed requirements and would incur little or no additional cost in converting to the Annual Hospital Report.

The American Hospital Association and the Hospital Financial Management Association assisted us in developing the methodology for the study. They also reviewed the sample of hospitals before the study began.

In determining which of the seven options considered would be the most cost-beneficial alternative, we incorporated public comments and the results of the Morris, Davis and Company study. We believe the alternative selected will ease the reporting burden of the original proposal while still maintaining the quality of data and, in our judgment, it is the most cost-effective alternative. This alternative provides quality data while greatly reducing reporting burden from SHUR by:

- Retaining the requirement in SHUR to report hospital data using functional activity definitions;
- Eliminating 8 of the 12 uniform reporting forms in the original proposal. This action alone reduces reporting burden by 10 percent.
- Increasing the dollar level that must be reached in a cost center before the costs must be broken out and reported in separate centers. The level has been raised to the greater of $5,000 or 5 percent of the cost center. This is a five-fold increase over the level previously proposed;
- Reducing the number of standard units of measure that must be reported;
- Allowing standard units of measure to be reported based upon statistical sampling;
- Limiting the number of instances where direct recording of overhead costs is required to reduce the need for keeping detailed records; and
- Making several other technical changes to reduce the difficulty of reporting.

These changes reduce the burden of reporting proposed in SHUR by 20 percent and the pages of forms and manual material by 45 percent. Only 4 new forms would now be required to implement the uniform reporting requirements. A summary of the reduction in pages of forms and manual material follows. The estimated cost for start-up and operation in the first year has been reduced from $70 million to $56 million, a decrease of 20 percent. The annual operating cost for each year thereafter has been reduced from $56 million to $37 million, a decrease of 34 percent. A summary of the alternatives and their costs follows.

Reporting Burden Reduction

Manual Pages

SHUR:	
Medicare cost report	160
PHS/hospital facilities minimum data set	10
Uniform report	410
Total	600
Annual hospital report:	
Medicare cost report	122
PHS/hospital facilities minimum data set	5
Uniform reporting	136
Appendix	40
Total	305

Forms

SHUR:	
Medicare totally (or greater than 50 percent)	50
PHS/hospital facilities minimum data set	4
Uniform reporting	2
Total	600
Annual hospital report:	
Medicare—totally (or greater than 50 percent)	55
PHS/hospital facilities minimum data set	4
Uniform reporting	4
Total	63

Cost of Implementation Alternatives

[In millions of dollars]

	Total startup cost	Total annual cost	Total first year cost	Percent acute inpatient expenditures (all hospital costs)	Description of alternatives
Alternative A	$76	$132	$208	0.293	Uniform accounting (not required by law).
Less savings from allowing reclassification	57	45	102		
Alternative B	19	87	106	0.149	Only require year end reclassification of costs from hospital's responsibility accounting system to functional reporting.
Less savings from allowing sampling of SUM's	0	36	36		
Alternative C (Morris, Davis & Co. study)	19	51	70	0.099	Reclassification and allow sampling of SUM's rather than 100% data collection effort.
Less savings from limiting direct costing	0	8	8		
Alternative D	19	43	62	0.087	Reclassification, sampling of SUM's and limiting requirements for most direct costing.
Less savings from limiting the number of SUM's	0	4	4		
Alternative E	19	39	58	0.082	Reclassification, sampling of SUM's limited direct costing and reducing the number of SUM's to be reported.
Less savings from other miscellaneous changes	0	2	2		
Alternative F (HCFA recommendation)	19	37	56	0.079	Reclassification, sampling of SUM's, limited direct costing, limited reporting of SUM's and other miscellaneous changes.
Less savings from maintaining current reporting system	19	37	56		
Alternative G	0–60	0–60	0–60	[1]0.000–0.084	Continue only current medicare reporting requirements (does not meet Pub. L. 95–142 minimum requirements).

[1]This figure could range up to $60 million if HCFA did not implement the Annual Hospital Report since States would implement uniform reporting on their own initiative. Several States have already implemented such systems while others have indicated interest. Hospital chains doing business in several States will be particularly hard hit in coping with multiple reporting systems.

Public Comment

During the course of the 90-day comment period on the originally proposed rule, more than 10,000 copies of the proposed manual were distributed to interested organizations and individuals. We received 2,237 comments from 1,500 hospitals; 98 hospitals and professional associations; accounting and consulting firms, and individual members of Congress, State and local health planning agencies, rate setting agencies, insurance companies, professional groups and consumers.

The commenters expressed the following major concerns: (1) The proposal continues the trend toward increasing regulation of the health care industry (2) the proposal should not tie uniform reporting requirements to Medicare and Medicaid reimbursement; (3) the proposal imposed additional costs and burdens on providers and the government; (4) the proposal changes

reimbursement policies; and (5) the proposal effectively requires uniform accounting.

Although HCFA specifically requested suggestions on how to reduce the burden and costs of the proposal in a manner consistent with the legislative mandate and the needs of the Department, few comments addressed that issue. The majority of the comments were general in nature. Those individuals or organizations that did comment on individual sections of the manual did so in great detail.

Discussion of Major Comments

The main issues raised in the comments and our responses are discussed below:

General Issues

A. Continues Trends to Increasing Regulation of Health Care Industry

1. *Comment.* Increased regulation of the hospital industry is unnecessary and inconsistent with the current trend toward deregulation of other industries.

Response. Market forces that exist in other sectors to induce increased productivity and efficiency are largely absent in the health care industry. There is lack of competitive pressure and incentives for controlling health care costs. Pressures are frequently exerted for more services and increased technology and these objectives are not always compatible with cost containment.

The federal government spends more than $47 billion annually for health care. Our responsibilities to the public require that we design and implement systems which will permit us to account to the public for these expenditures and at the same time address concerns regarding availability and accessibility of health services. Many attribute the causes of health care cost inflation to inherent structural defects in the financing and delivery of health services. We believe that the uniform cost data provided will prove extremely valuable in eliminating these defects.

2. *Comment.* The system was developed without identifying user needs or the purpose for the information.

Response. The purpose of the data as specified in the legislation, reports of the Senate Finance and Human Resources Committees and House Commerce and Ways and Means Committees, and the preamble of both NPRMs are to obtain comparable cost and related data from all participating hospitals, and to use these data to:

a. Provide a more rational and equitable reimbursement system for Medicare and Medicaid.

The sytem identifies hospital costs for providing services by concisely defining areas in which costs must be reported (cost centers) and the units related to the services provided by which these costs can be compared (Standard Units of Measure). The Annual Hosptial Report will make accurate comparisons possible and thereby facilitate changes in reimbusement methodology.

b. Improve the capability to detect fraud, abuse and waste. Comparable cost data by functional category is important in identifying instances of fraud, abuse, and waste.

c. Provide year-to-year and inter-institutional comparisons and monitoring of hospital expenditures, productivity and utilization of services.

The comparisions will highlight hospitals whose costs, productivity or utilization of services are disproportionate to the services rendered.

d. Support cost containment objective.

The annual Hospital Report will provide an indispensible tool in establishing rational limits on hospital cost and in providing equitable reimbursement to hospitals regardless of the reimbursement methodology employed.

e. Reduce other data collection on hospitals.

The Annual Hospital Report incorporates the items of the Public Health Services' Hospital Facilities Minimum Data Set. The Annual Hospital Report alleviates the need for many of the current hospital surveys.

f. Assist private, local, State and Federal agencies and health planners to carry out their respective program objectives.

(1) State agencies will be able to measure health status of the population, recognize patterns of utilization and evaluate effectiveness of programs;

(2) Health planner will be able to gather inventory of health services, identify cost efficiencies, and evaluate financial feasibility of projects;

(3) Lending institutions and investors will be able to determine the financial viability of projects for debt financing;

g. Support policy decisions and reimbursement reform for the Federal programs.

h. Assist State regulators in carrying out program objectives, including:

(1) Providing the necessary data for policy and reimbursement decisions at the State level.

(2) Reducing data collection, processing and auditing costs at the State level.

(3) Obviating the need for development of similar systems by each State.

i. Provide hospitals with comparative information to facilitate more productive use of resources.

(1) Hospital administrators will be able to compare the performance of their own institutions against that of similar institutions in the State and nation. This information could result in improved management awareness and resulting cost savings.

(2) Hospital management will be able to better evaluate the competitive position of the institution, to measure departmental productivity and to develop charge schedules.

B. Links Reporting and Reimbursement

1. *Comment.* Uniform reporting should not be linked with Medicare and Medicaid reimbursement.

Response. The hospital industry would like uniform reporting to be separated from reimbursement. HCFA would collect uniform, comparable, cost data on one report, but reimburse hospitals on the basis of non-comparable cost data from another report.

HCFA opposes this on four grounds. First, we must use the most reliable data available to monitor the more than $25 billion dollars of taxpayer's funds we pay hospitals each year. To collect, but not use, comparable, more reliable cost data to manage our reimbursement responsibilities is indefensible. Second, we need to link reimbursement with uniform reporting to ensure that hospitals are reimbursed equitably. Third, the industry's proposal would require two separate reports. In order for each to be useable, it would be necessary for hospitals to report data twice, substantially increasing the reporting burden. Fourth, Congress clearly did not intend for uniform reporting and reimbursement to be separate, since Section 19 of Pub. L. 95–142 amended Section 1861(v)(1), the definition of reasonable cost under Medicare. Since hospitals generally are to be reimbursed their reasonable cost under Medicare, the inclusion of the uniform reporting requirement in this section is evidence of Congressional intent to link uniform reporting and reimbursement.

When the Medicare program began, the limited accounting capabilities of hospitals required flexibility in reporting cost data. However, hospital accounting has now become extremely sophisticated, a fact borne out by the variety of ways hospitals have been able to use accounting practices to maximize reimbursement quite legitimately under the current system. As the largest purchaser of hospital services in this country, we must

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upgrade our systems to coincide with changes in the state of the art.

2. *Comment.* A significant number of letters (647) indicated that detection of fraud and abuse is the primary purpose of section 19 and questioned whether the system will significantly contribute to minimizing fraud and abuse.

Response. Although section 19 of the law does not specifically mention fraud and abuse control as one of its purposes, the Senate Finance Committee Report (no. 95–453) does identify fraud and abuse control as only one of several reasons for correcting the deficiencies in the present Medicare and Medicaid cost reports.

Our ability to identify potential fraud and abuse will be enhanced by adopting standardized, and therefore comparable, cost data by functional categories. A major accounting firm, in its analysis of the proposed system, indicated that HEW would be able to compare unit costs among peer group institutions in total and by function in an effort to detect kickbacks, bribes, and other examples of excess costs. An official of the New York State Medicaid Fraud Control Unit stated in his comment that the proposed system "coupled with the fraud auditing techniques under development (by his office) should enhance the capability of enforcement agencies to flag potential instances of fraud."

C. Imposes Additional Costs and Burden on Providers and Government

1. *Comments.* Many commenters questioned the benefit/cost ratio of the system, and pointed out the burden and costs hospitals, HEW and other data users would incur with the start-up, on-going maintenance processing and analysis of SHUR.

Others commented that HCFA should conduct a "Regulaory Analysis" in accordance with Executive Order 12044. Several indicated that the additional cost of the system should be borne entirely by Medicare and Medicaid since it is being required by HCFA.

Response. We have been particularly sensitive to the costs and burden of implementing the proposed requirements, and have conducted a regulatory analysis described in the appendix. We used the results of this analysis to substantially revise the requirements to reduce cost and burden. We believe the cost of the system proposed in this NPRM is reasonable in comparison to the benefits to be obtained.

With respect to HCFA bearing the full cost of implemnting the system, we believe that the data obtained from the report will serve a broad range of users and purposes, including hospital internal management. The general public will benefit directly from any cost-saving initiatives that will result. Therefore, this is an administrative cost and should be shared by all payers.

2. *Comment.* Several commenters questioned whether HCFA can process and use the data base that will be accumulated from uniform reports, and whether the data can be condensed into reliable, timely information of value to those for whom it is intended.

Response. The use of a uniform cost report will be itself enhance the usefulness of data because it will permit meaningful aggregations and comparisons of cost data. Further, we plan to process the cost data with an automated system and will encourage hospitals to submit reports to the fiscal intermediaries on magnetic tape. HCFA is developing the necessary technical capability to enable fiscal intermediaries to enter and edit the data. Since the earliest data at which the reports could be furnished is 1982 there is ample time for this development. The processing system is being designed to generate user reports. This process will provide the necessary capability to produce reliable and timely data and reports to meet the needs of users at the local, State and Federal levels.

3. *Comment.* The proposed system should not be implemented at its present level of detail. Perhaps HCFA should require only aggregate-level reporting. A major accounting firm has suggested that HCFA implement a national uniform reporting system at the highest level of aggregated data; i.e., summary totals such as total salaries and wages, total supplies and expenses, and total revenue. Others suggested consolidation of cost centers, reduction of the number of natural expense classifications, elimination of the requirement to report revenue by functional center, and deletion of standard units of measure for the nonrevenue-producing (overhead) cost centers.

Response. Section 19 of Pub. L. 95–142 requires reporting of "(1) the aggregate cost of opeation and the aggregate volume of services" and "(2) the costs and volume of services for various *functional accounts and subaccounts*" (Emphasis added). In addition, the Senate Finance Committee Report states "For example, all hospitals should be required to report X-ray costs on the basis of costs per patient exposure to diagnostic X-ray." This demonstrates Congressional concern for specific as well as aggregate reporting. It is therefore clear that both the legislation and committee report require both.

More importantly, to report only summary details makes no improvement over the current situation. The AHA already publishes aggregate data which does not achieve the purposes of uniform reporting. We have, however, made a number of changes to reduce detail in other suggested areas. These changes are discussed later in this document.

4. *Comment.* The reporting requirements duplicate or overlap other HEW reporting requirements.

Response. The Annual Hospital Report consolidates reporting requirements for HCFA, and to the extent possible, for HEW. The integration of uniform reporting with Medicare and Medicaid reimbursement and the Hospital Facilities Minimum Data Set would eliminate collection of information through several separate reports.

By including the Hospital Facilities Minimum Data Set in the Annual Hospital Report, the health planning agencies will be provided information recommended in the National Guidelines for Health Planning.

Many States have already developed uniform reporting systems for their rate setting and cost control initiatives that are compatible with and go beyond the requirements of the Annual Hospital Report. Many others are beginning the development of uniform reporting systems. The Annual Hospital Report can be used by any State with only a minimum of supplemental information. The availability of the report will save States from the necessity of developing their own systems. We will actively encourage States to adopt AHR as their basic reporting system.

5. *Comment.* HCFA should liberalize the definition of "significance" for determining when reclassification of costs, revenues, and statistics is needed for reporting purposes.

Response. HCFA has liberalized the definition of "significance" by increasing both the dollar limit and the percentage of the direct costs of the functional cost centers.

Under the present system for reporting costs, hospitals have a great deal of flexibility in deciding which costs are to be included in any given cost center. The Annual Hospital Report would reduce that flexibility, but the hospitals may still use their "responsibility" accounting systems to allocate costs on a day-to-day basis. At the end of the year, when hospitals must report costs to HCFA using a "functional" reporting system, they may experience difficulty in reallocating certain costs out of the cost center in which the day-to-day accounting system placed them and into the cost center required for uniform reporting. This problem arises with costs that cannot easily be associated with a particular cost center either because they are small or because they could legitimately be placed in more than one center. These are called "misplaced costs."

The term "significance" relates to the amount of "misplaced costs" which can be included in a cost center. This means that a hospital does not have to reallocate "misplaced costs" (break out the costs and report them in separate centers) unless they reach a certain dollar limit (i.e., "significance"). A low "significance" can be burdensome to a hospital.

Under the original proposal, the required level of reclassification was the lesser of (1) one-third of one percent of the costs of the functional cost center or (2) one-quarter of one percent of the total annual operating expenses or (3) $1,000. Under the new proposal, the required level of reclassification is the greater of $5,000 or five percent of the costs of the functional cost center.

This means for example, that in a small hospital with a cost center involving $200,000 of expenses, misplaced costs would be allowed to be included in that center unless they exceeded $10,000 (five percent of the total expenses of the cost center). If the cost centers involved were under $100,000, up to $5,000 of misplaced costs could be retained in that cost center.

6. *Comment.* Small hospitals should be exempted or be allowed to report at some reduced level.

Response. We are very concerned about the impact that any reporting requirement can have on small hospitals. Small hospitals already report cost data at a reduced level of reporting because they generally do not provide the wide range of services that larger hospitals provide and, therefore, they have fewer cost centers to report. In a study in New York State, which has implemented a system similar to that described in the January 1979 NPRM, the 300 hospitals involved were asked to list which of 55 commonly used cost centers they had used in compiling their reports. Of the 55 centers reported by facilities having 100 beds or less, only 19 were used by most of the hospitals. The remaining 36 cost centers were reported by less than 25 percent of the hospitals surveyed.

In addition, the changes we have made to increase the dollar threshold ("significance") that must be met before costs must be reported separately in different cost centers should provide substantial relief to small hospitals. Finally, small hospitals, like other hospitals will still be able to obtain waivers of some of the cost reporting requirements if they submit an alternate plan that is approved by the fiscal intermediary. This waiver process should account for peculiar circumstances that justify a modification to the requirements.

7. *Comment.* The requirements should be consistent with Generally Accepted Accounting Principles (GAAP).

Response. The Annual Hospital Report is consistent with the GAAP, except in a few places where variations are needed to provide greater comparability or to reflect Medicare reimbursement policies. The revised report has been modified to delete most of the detail of Chapter I and replace it with references to GAAP, Statements by the Financial Accounting Standards Board, and the Hospital Audit Guide. The rules for the Annual Hospital Report are more restrictive than GAAP in the area of property, plant, and equipment.

Technical Issues

A. Reporting Requirements

1. *Comment.* This system should allow sampling for computing reclassification and accumulating statistics.

Response. The system allows such sampling. We have modified reporting requirements to clarify that time and cost studies are permitted to determine reclassification of costs and revenue for functional reporting. The revised reporting requirements also make it clear that statistical data about the hospital's operation, except those related to inpatient days of services, may be obtained through sampling.

2. *Comment.* The requirements for direct assignment of costs to the areas where they were incurred should be reduced because they necessitate keeping detailed records. The direct assignment areas most frequently addressed include depreciation and rental of movable equipment, non-capitalized non-routine maintenance, data processing, employee benefits, non-billable drugs and supplies, and central patient transportation.

Response. We agree that the requirements for direct assignment of costs may in some cases be unnecessary and have eliminated some requirements. We have not eliminated the requirements altogether, however, because we are convinced that direct assignment of certain expenses increases accuracy for measuring and comparing costs among different institutions. AHA recognizes that functional assignment of costs is essential for external reporting. With the publication of their manual, *Managerial Cost Accounting to Hospitals*, AHA will be encouraging greater use of direct assignment of costs for internal management reporting as well.

Based on the Morris, Davis and Company study and the NPRM comments, we have made a number of changes which will significantly reduce reporting burden. Specifically, the following provisions are now included in the Annual Hospital Report.

a. *Depreciation of Movable Equipment.* Depreciation and rental expense on movable equipment must be reported in an unassigned cost center entitled, Depreciation, Amortization, Lease and Rent-Movable Equipment.

b. *Salaries and Benefits.* Each employee's salary and related benefits must be assigned directly to the functional cost center in which the employee works. The expenses of personnel who work in more than one cost center on a "float" basis must be reported in the cost center in which they work.

c. *Drugs.* All pharmaceutical supplies and materials (including IV solutions, admixtures, blood derivatives, etc.) used in daily hospital, ambulatory, and ancillary service centers are to be reported as a cost of the Drugs Sold cost center.

The related revenues are to be reflected in the Drugs Sold revenue center. The overhead associated with the issuing of pharmaceutical supplies and materials must be reported in the Pharmacy cost center.

d. *Plant Maintenance.* Expenses of all repair and maintenance of buildings, fixed equipment, grounds and movable equipment, including employees' time, hospital materials, purchased services, and maintenance contracts, are to be reported in the Plant Operations and Maintenance cost center.

e. *Data Processing.* All direct costs incurred in operating an electronic data processing center or in purchasing data processing services shall be reported in the cost center receiving the data processing services. Costs shall reflect the direct costs of services to that cost center, or each hospital's own determination of a fair and equitable assignment or allocation concept that gives appropriate recognition to the types of data processing costs incurred in its data processing center, under contract, or from related organizations. This cost allocation must be approved by the fiscal intermediary.

f. *Patient Transportation.* If a hospital maintains a central patient transportation department, these costs must be reported in the appropriate ancillary services cost centers. The

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hospital must use a valid basis to reclassify such costs. If there is not an established central patient transportation center, we will not require functional treatment of patient transportation costs.

3. *Comment.* Not all of the statistics required in the January 23, 1979 proposal appear to be necessary and relevant.

Response. HCFA is aware that under SHUR many of the Standard Units of Measure (SUMs) were not adequate for certain cost centers and has encouraged appropriate professional associations to develop adequate ways to measure output. In order to reduce the reporting burden, SUMs will be required only for the revenue producing cost centers.

Changes in the cost center definitions and SUMs for Physical Therapy and Occupational Therapy recommended by the American Physical Therapy Association and the American Occupational Therapy Association have been adopted in the Annual Hospital Report. Certain suggestions of other national professional associations were incorporated in the functional definitions.

Because of the burden and costs associated with collecting two overlapping sets of cost allocation statistics, we have eliminated the rquirement to collect and report the statistics required in the original Worksheets E–4–1, E–4–2, E–4–3, and E–4–4. Deletion of these worksheets alone should reduce the reporting burden by over 10 percent.

4. *Comment.* HCFA should abridge or modify the reporting forms to reduce burden within the legislative mandate and the needs of the Department.

Response. Based on public comments and recommendations from, The American Hospital Association (AHA), the Hospital Financial Management Association (HFMA), the Federation of American Hospitals (FAH) and a number of State hospitals associations we have made numerous changes which reduce the forms burden. The following specific changes have been made in the revised reporting forms:

a. Certification Statement

We made significant changes in the Certification Statement. First, the statement need only be signed by an officer or the administrator of the hospital. Second, the description of the specific legal penalties was removed, and replaced by references to the sections of the Social Security Act where these penalties are described. Finally, the statement itself has been modified to allow the hospital to identify exceptions used in completing the reimbursement portion of the report.

b. A–1 General Hospital Information

Item No. 6 (Other Health Profession Education Programs) was moved to new Worksheet B–5 to capture the level of activity of "medical education programs" as suggested by AHA.

c. A–2–1 & A–2–2 Services Inventory

The purpose of the services inventory is to enable HCFA to more accurately group hospitals for comparative purposes. In addition, the hospital services inventory is a major component of the Hospital Facilities Minimum Data Set (HFMDS). The HFMDS is a component of the National Center for Health Statistics' Cooperative Health Statistics System.

d. B–1 Daily Hospital Services Statistics

Based on the recommendation of AHA and others, we have clarified the instructions for reporting the number of beds in States which have no licensing requirements and for reporting of patient days when patients are placed in a different area because of overflow conditions by combining columns "c", "f", and "g" on Worksheet B–1.

e. B–3 Limitations on Federal Participation for Captial Expenditures Questionnaire

This worksheet replaces Worksheet A–7 in the current Medicare cost report. Although no substantive comments were received, Worksheet B–3 has been revised based on internal review to provide additional information on unapproved and disapproved capital expenditures governed by certificate of need requirements mandated by Section 1523 of the Public Health Service Act and Section 1122 of the Social Security Act.

f. B–5 Interns, Residents, and Fellows Profilo

The AHA has pointed out that the "Intern" designation is no longer in use and that the requirement for hospitals to report this information as of the last day of their fiscal year fails to recognize possible rotational staff assignments during the year.

HCFA has eliminated the "intern" designation and retitled the worksheet Medical Education Programs. Part I will be a profile of Residents and Fellows and will ask for the average number of residents and fellows participating in medical education programs during the year rather than requesting the number as of the last day of the fiscal year.

Part II will collect information on other medical education programs. (This is item #6 on proposed Worksheet A–1 and will be transferred to this worksheet).

g. C–1 Balance Sheet

C–3 Statement of Changes in Fund Balance

C–4 Statement of Changes in Financial Position—Unrestricted Fund

The AHA suggested that these worksheets be eliminated, while the HFMA and several accounting firms suggested that HCFA accept a hospital's own audited financial statements.

The Annual Hospital Report collapses the balance sheet information except for the property, plant, and equipment section and the long term debt section. The Statement of Changes in Fund Balance and the Statement of Changes in Financial Position—Unrestricted Fund have been eliminated.

h. D–1 Statement of Patient Care Services Revenue

D–2 Statement of Other Operating and Non-Operating Revenue

Both AHA and HFMA have recommended that these worksheets be deleted because they questioned HCFA's authority to require reporting of revenue and has pointed out problems for hospitals that use all-inclusive rates.

All-inclusive rate hospitals will not be required to report revenue by revenue center, but they must report, as a minimum, total revenue separately for inpatients and outpatients. Those hospitals which have a quasi all-inclusive and no-charge structure will report all existing charges. No-charge structure hospitals are not required to complete these worksheets.

Section 19, Pub. L. 95–142, requires reporting of "Rates, by category of patient and class of purchaser." We believe that Congress was chiefly interested in comparing rates for Medicare and Medicaid to rates for all other patients. This requirement can be satisfied by the data on these worksheets plus information contained on other worksheets. This eliminates the need, at this time, of requiring total billed charges for Medicare and Medicaid patients and for all other patients.

i. E–1 Statement of Patient Care Services Expenses

E–2 Statement of Other Operating and Nonoperating Expenses

Most of the industry associations and major accounting firms, as well as a large number of providers, objected to the level of detail on these worksheets and recommended reporting at more aggregate levels.

For the daily hospital services cost centers, it is only necessary to report those services provided in a discrete

area. This effectively reduces the burden for many areas and is consistent with the concept of aggregate reporting. Liberalization of the definition and dollar threshold of significance for reclassification has also significantly reduced the reporting burden. We have combined the supply columns (e) and (f) and eliminated the depreciation and rent column (j) on these worksheets. We will not require costs of medical and non-medical supplies to be reported separately. Elimination of the requirement to directly assign depreciation and rent eliminates the need for column (j). These changes reduce the number of natural expense classifications from nine to seven.

We also have examined the number of cost centers on these two worksheets in terms of Medicare/Medicaid reimbursement, planning, materiality, and state-of-the-art hospital accounting and reporting. As a result we have: (1) Combined Premature Nursery with Newborn Nursery; (2) combined Skilled Nursing Care—Medicare Non-Certified with Other Sub-Acute Care Services; (3) eliminated one renal dialysis cost center; (4) eliminated Other Organ Acquisition which removed the need for Supplemental Worksheet H–8; and (5) combined Office and Other Rental Expenses and Retail Operations Expenses with Other Non-Operating Expenses.

In other instances, it has been necessary to add new reporting levels. Reduction in the assignment of direct costs required establishing cost centers for Employee Benefits—Non-Payroll Related and Depreciation, Amortization, Lease and Rental-Movable Equipment. This change was necessitated by the elimination of the requirement that hospitals record these expenses in the cost centers benefiting from the expenditure. Several additional cost centers are required for Medicare/Medicaid reimbursement. These include Intermediate Care—Mental Retardation; Home Health—Skilled Nursing Care; Home Health—Medical Social Services; Home Health Aide; Home Health—Other; Durable Medical Equipment—Sold; and Durable Medical Equipment—Leased/Rented.

j. E–3 Health Facility Manpower Statistics

AHA, FHA, and HFMA all expressed concern with the burden of reporting this information. This worksheet was developed to collect information on the hospital labor force. Similar information is needed by the PHS in order for planning agencies to fulfill their responsibilities as mandated by Pub. L. 93–641. It has been collected by them through the Cooperative Health Statistics Systems and related cooperative mechanisms with AHA. The manpower statistics are a component of the Hospital Facilities Minimum Data Set. By incorporating the HFMDS in the proposed reporting requirements, we have reduced duplicate reporting.

As originally proposed, the worksheet was optional for small hospitals. However, PHS has traditionally collected and requires the data from all hospitals. PHS also requested an additional column for dentists as a component of the Hospital facilities Minimum Data Set. The original form has been revised to accommodate this request.

1. E–4–1, E–4–2, E–4–2, and E–4–4 Cost Allocation Statistical Matrix

All of the major hospital industry associations, several accounting firms, and a number of hospitals expressed concern that these worksheets were burdensome and, in some instances, duplicated information on Worksheet G–1.

In order to reduce the reporting burden, these worksheets were deleted. Statistics for the non-revenue producing cost centers will be obtained by expanding slightly the information on Worksheet E–1 to include the applicable statistics for those cost centers that have been "closed."

D. Uses Uniform Reporting to Change Reimbursement Policies

1. *Comment.* Most of the industry associations and providers expressed concern that the proposed system combines changes in reimbursement principles under the guise of uniform functional reporting.

Response. This is not correct. Although the proposed system contained several changes in reimbursement procedures that are not required for uniform reporting, we did not intend to implement these changes solely through the regulation mandating the uniform reporting system. The changes not required for uniform reporting would be adopted through rulemaking or the program issuance procedure, as appropriate. We included them in the proposed system only to avoid the administrative cost to HCFA, and inconvenience to providers, that would result if the manual were revised almost immediately after its issuance. Since publication of the January 23, 1979 NPRM, several of these changes have been adopted through rulemaking. The following is a summary of those changes and some additional clarifying material.

Changes in Medicare and Medicaid Reimbursement and/or Procedure That Are Made Concurrently With the Annual Hospital Report

(1) *Use of functional cost centers for Medicare cost reporting and reimbursement.* Presently, providers have considerable flexibility in establishing and identifying cost centers for Medicare cost reporting purposes. For cost reporting periods beginning on or after the effective date for the implementation of the Annual Hospital Report the cost centers identified and defined in the Annual Hospital Report must be used for Medicare cost reporting and cost apportionment purposes. Certain Annual Hospital Report cost centers are combined on the trial balance worksheet for Medicare cost reporting and reimbursement purposes. These cost centers must remain combined and no others may be added.

(2) *Changes in Basis or Sequence of Allocation.* Intermediary approvals of changes in a provider's basis or a sequence of allocation of a cost center that were in effect before the implementation date of the Annual Hospital Report will not be effective for any cost reporting period beginning after that date of the Annual Hospital Report. After the effective implementation date of the Annual Hospital Report, a provider may make a change from the recommended sequence or basis in the Annual Hospital Report only under the following conditions: the provider must make a written request to its intermediary and submit reasonable justification for the change no later than 90 days before beginning of the cost reporting period for which the change is to apply. The intermediary's approval of a provider's request will be furnished to the hospital in writing. If approved, the effective date of any change will be the beginning of the first cost reporting period for which the request has been made.

In reviewing the hospital's request, the intermediary will apply the following criteria:

Basis of Allocation

(a) The provider must agree to maintain and report all statistics needed for the recommended basis as well as the alternative basis of allocation;

(b) No alternative basis of allocation expressed solely in terms of percentages will be acceptable;

(c) Any alternative basis of allocation must be supported by auditable statistics that are maintained on a regular basis;

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(d) The alternative basis of allocation must directly relate to the provision of services by the affected cost center;

(e) The alternative basis of allocation must produce a demonstrably more accurate allocation of cost than the recommended basis. For example, in the Annual Hospital Report cost reporting forms, the recommended basis of allocation for cafeteria costs is full-time equivalent employees. If the provider chooses to maintain an alternative basis of allocation of sales value of meals served to employees by functional cost center or of equivalent meals served to employees by functional cost centers, a more accurate allocation would result. Alternatively, the recommended basis of allocation for laundry is pounds of laundry. The use of the number of items issued would not result in a more accurate allocation of laundry costs; and

(f) Only one statistical basis of allocation may be used for each cost center.

Sequence of allocation

The sequence of allocation of step-down cost finding is based upon the assumption that a cost center furnishes more services to those that follow it in the sequence than it receives from those cost centers, and receives more services from the cost center that precede it than it furnishes to the preceding cost centers. In order to justify the use of an alternative sequence, a hospital must establish through auditable records that the dollar value of goods and services exchanged among cost centers is different from that contemplated by the sequence recommended in the cost reporting form.

For example, a provider may have four nonrevenue producing cost centers, A, B, C and D. The sequence of allocation in the cost reporting forms may indicate that they are allocated in the same order. This sequence is based on the assumption that cost center A furnishes more services to cost centers B, C and D than it receives from B, C or D. Similarly, cost center B furnishes more services to C or D than it receives from C or D and receives more services from cost center A than it furnishes to cost center A. However, if a provider is able to establish through auditable records that cost center B furnishes more services to cost center A than it receives from cost center A, then the sequence of allocation would be cost centers B, A, C and D.

It is necessary to address the issue of varying bases and sequences of allocation concurrently with the issuance of the Annual Hospital Report because the bases and sequences of allocation approved for previous reporting systems would not be applicable. The cost centers on the Annual Hospital Report are different from those appearing on the cost reporting forms that it will replace.

(3) *Adjustments to Cost.* On the Medicare cost reporting forms in use before the adoption of the Annual Hospital Report, certain adjustments to cost are made before the allocation of overhead costs to other cost centers.

These adjustments are: (1) Those needed to adjust expenses to reflect actual expenses incurred; (2) those items which constitute recovery of expenses through sales, charges, fees, grants, gifts, etc.; (3) those items needed to adjust expenses in accordance with the Medicare Principles of Reimbursement; and (4) those items for which separate provision is made in the cost apportionment process. These adjustments are currently made on the basis of cost, including applicable overhead costs, if costs can be determined, or for certain adjustments revenue received, if cost cannot be determined.

It is difficult to determine applicable overhead costs prior to cost finding. To address this problem, HCFA is providing new procedures for making the adjustments to cost. These new procedures could be adopted with or without the use of the Annual Hospital Report. However, for reasons of administrative convenience, HCFA proposes to implement these new procedures effective with the Annual Hospital Report. Under the new procedures, adjustments to certain overhead costs are made during the cost finding process.

That is, for an affected cost center, adjustment is made after the costs of the overhead cost centers that precede it in the sequence of allocation are allocated to the affected cost center, but before the costs in the affected cost center are allocated. Similarly, provision is made to adjust the costs of certain patient care cost centers after overhead costs have been allocated. We intend that the manner in which these cost adjustments are to be made will be mandatory for all cost reporting periods beginning on or after the effective date of the implementation of the Annual Hospital Report.

(4) *Apportionment of provider-based physician payment.* The current cost reports require hospitals to apportion to titles, V, XVIII and XIX the payment for professional services rendered by hospital-based physicians using combined billing. Where hospitals accept assignment of billing from provider-based physicians but do not use combined billing, fiscal intermediaries are currently required to perform a reconciliation between the amounts paid for professional services furnished by provider-based physicians and amounts received or receivable from the area carrier for such services. After computing the reconciliation, the fiscal intermediary is required to make settlement with the hospital for any difference.

For cost reporting periods beginning on or after the effective date for the implementation of the Annual Hospital Report, the settlement for any such difference will be part of the settlement in the provider's annual cost report. To accomplish this, hospitals will be required to compute the apportionment of payment for professional services of hospital-based physicians not using combined billing and to report amounts received or receivable from the area carrier.

The process of apportioning the payment of provider-based physicians not using combined billing is not new. As indicated above, this process is currently carried out by the fiscal intermediary at the time that the provider cost report is settled. Incorporating the apportionment in the provider cost report is merely a procedural change which could be done at any time. HCFA proposes to adopt this procedural change concurrently with the Annual Hospital Report as a matter of convenience.

(5) *Outpatient services for titles V and XIX.* The current cost reporting forms provide for the computation of cost only for inpatient services for titles V and XIX for those States that use Medicare's principles of reimbursement for cost reimbursement and use the Medicare forms to determine reimbursement.

For cost reporting periods beginning on or after the effective date for the implementation of the Annual Hospital Report we intend to provide for settlement for outpatient services for titles V and XIX in the Annual Hospital Report. This will apply to those States that reimburse for inpatient or outpatient services for titles V and XIX using Medicare's principles of reimbursement and elect to use the Medicare forms to determine cost reimbursement.

Changes to Medicare and Medicaid Reimbursement Policies or Procedures That Will Be Implemented Before the Effective Date of the Implementation of the Annual Hospital Report

These changes do not appear in the cost reporting forms currently in use (HCFA-2552). However, modification to cost reporting forms to incorporate these changes will be made before the implementation of the Annual Hospital Report.

(1) *Computation of inpatient routine service cost.* Provision is made for the application of cost limits as specified in the Schedule of Limits on Hospital Inpatient General Routine Operating Costs published annually in the **Federal Register.**

(2) *Apportionment of the cost of malpractice insurance.* Provisions is made for the apportionment of the costs of malpractice insurance in accordance with the revision to 42 CFR 405.452 published in the **Federal Register** on June 1, 1979 (44 FR 31642).

(3) *End Stage Renal Disease Provisions.* This draft of the Annual Hospital Report contains tentative provisions for reimbursement for reporting under various aspects of the end stage renal disease program contingent upon the issuance of final regulations.

(4) *Outpatient Physical Therapy purchased from oustide suppliers.* A worksheet is furnished for computing the limit on the cost of outpatient physical therapy services purchased from outside suppliers.

E. Requires Uniform Accounting

1. *Comment.* The proposed uniform report effectively requires uniform accounting.

Response. The Annual Hospital Report does not require uniform accounting. The proposed uniform report contains an accounting structure to be used for guidance only. This is essential for two reasons. Pub. L. 95-142 requires hospitals to report costs and volumes by functional cost center utilizing a prescribed chart of accounts, definitions, principles and statistics. However, the only requirement for this accounting structure is that it be used for making the necessary reconciliation for uniform reporting. this can be accomplished without disturbing a hospital's responsibility accounting system.

The second reason for an accounting structure is to have a basic accounting system available to meet the legislative requirement that the Secretary "encourage State adoption of such systems." This should assure uniformity in State-mandated accounting and reporting systems and prevent the use of a different system by each State.

Automated accounting systems can be designed to accumulate information in classifications most useful for management planning and control purposes and, at the same time, produce financial data according to functional definitions. The hospital's general ledgers can be arranged in different coding sequences to meet internal and external reporting needs. Hospitals that have this capability should have little difficulty in producing the functional trial balance required by the Annual Hospital Report.

To make clear that the Annual Hospital Report does not require uniform accounting, we have removed certain portions of the manual including all of the subaccounts in the Chart of Accounts and most of the Natural Classification of Expenses; the Account Distribution Index; Figures I, II, and III-Numerical Coding System; the examples of how certain transactions would be recorded; and portions of Chapter I by referencing, where appropriate, General Accepted Accounting Principles (GAAP), statements by the Financial Accounting Standards Board (FASB), and the AICPA Hospital Audit Guide. The subaccounts and distribution index, the numerical coding system and examples will be available upon request.

F. Other Comments

1. *Comment.* The proposed uniform report will not achieve an accurate or realistic comparison of hospital costs.

Response. Experience in States having uniform reporting systems similar to the proposed system demonstrates that year-to-year and hospital-to-hospital comparisons can be made by measuring productivity and costs as reported under those systems. In addition to functional definitions, the proposed uniform report prescribes Standard Units of Measure which provide a method of determining unit costs and revenue. The use of existing and anticipated data systems in conjunction with Annual Hospital Report data will make possible more sophisticated peer grouping of hospitals, and comparisons of their productivity and costs.

2. *Comment.* Uniform report information should not be disclosed.

Response. Information contained in the uniform reports will be made available to health systems agencies, State health planning agencies, and upon request, to any other agency, organization or individual. The decision to make this information available to any other agency or organization is predicated on the fact that section 1121(c) of the Social Security Act mandates that we make the information available to "appropriate agencies and organizations including * * * State health planning and development agencies (designated under Section 1521 of (Public Health Service) Act)". These agencies are already subject to a statutory requirement that they disclose their records and data to the public upon request. For this reason the information contained in the reports would eventually be available to the public. The information will be furnished in routine form specified by HCFA. If any agency or organization requests a further breakdown of this information, it will be required to pay for the additional cost.

The issue of whether cost report data should be made available to the public has been the subject of litigation under the Freedom of Information Act. Our regulations, at 20 CFR 422.435, currently make hospital Medicare cost reports available to the general public upon request. Several courts have enjoined the release of these reports, based upon the Freedom of Information Act while several other courts have upheld disclosure. However, these cases were decided before the implementation of section 1121(c). In our view, the implementation of section 1121(c) will form a basis for the Department to request that those courts which enjoined disclosure reconsider their orders and to successfully oppose future suits.

3. *Comment.* The comment period should be extended to allow more time for review of the manual.

Response. Although HCFA did not officially announce the availability of the draft manual until January 23, 1979, we began distributing the draft manual in October 1978. Many hospital-related publications announced the availability of a draft copy and recommended that hospitals write for copies. Over 10,000 copies were distributed.

The 90 days which were provided for public comments was longer than required or usually provided for proposed rules. In addition, this NPRM provides a new opportunity for public comment.

4. *Comment.* Implementation of uniform reporting should be delayed until it can be tested.

Response. Reporting systems that are very similar to the proposed system already have been tested extensively. A number of States have implemented functional reporting. Prototypes of the proposed system were implemented in California effective July 1, 1974, Washington effective October 1, 1974, and Arizona effective July 1, 1976. In addition, New York, under a HCFA grant, implemented a similar system effective January 1, 1979. Some of the results of that implementation were discussed earlier in this preamble. Maryland and Massachusetts have adopted early versions of the uniform report. Therefore, six States, encompassing approximately 21 percent of the nation's non-Federal hospitals, are now subject to reporting under uniform reporting systems similar to that

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originally proposed by HCFA. We have closely monitored the New York implementation and have made some revisions in our proposal based on their experience. We believe that further testing is not necessary.

42 CFR Chapter IV is amended as set forth below:

A. The Table of Contents of Subchapter A is amended to read as follows:

SUBCHAPTER A—GENERAL PROVISIONS

Part
400–401 [Reserved]
402 Uniform Reporting Systems
403–404 [Reserved]

B. A new Part 402 is added, to read as follows:

PART 402—UNIFORMED REPORTING SYSTEMS

Subpart A—Hospital Reporting

Sec.
402.1 Definitions.
402.2 Statutory provisions.
402.3 Applicability.
402.8 Reporting requirements.
402.10 Availability of information.

Authority: Secs. 1102, 1121, 1861(v)(1)(F), and 1902(a)(40) of the Social Security Act (42 U.S.C. 1302, 1320a, 1395x(v)(1)(F) and 1396a(a)(40)).

§ 402.1 Definitions.

"Act" means the Social Security Act.
"HCFA" means the Health Care Financing Administration.

§ 402.2 Statutory provisions.

(a) Section 1121(a) of the Act requires that the Secretary establish a uniform system for reporting of;

(1) Costs and volume of health care services;
(2) Rates charged for those services;
(3) Capital assets of health care facilities and organizations;
(4) Discharge data; and
(5) Billing data.

(b) Sections 1861(v)(1)(F) and 1902(a)(40) of the Act require Medicare and Medicaid providers to report in accordance with the system established under section 1121(a) of the Act.

§ 402.3 Applicability.

This subpart applies to all hospitals participating in the Medicare or Medicaid program.

§ 402.8 Reporting requirements.

Under the Annual Hospital Reporting System established by HCFA, hospitals must meet the following requirements:

(a) *Information to be reported.* Hospitals shall report: (1) Costs of operation and volume of services, both in aggregate and by functional accounts; and

(2) Capital assets.

(b) *Manner of reporting.* The hospital shall report in accordance with the forms and instructions prescribed by HCFA.

(c) *Timing and submission of reports.* (1) *Initial report.* The initial report under the system shall be for the hospital's first fiscal year that begins more than 6 months after the effective date of these regulations.

(2) *Submittal.* The hospital shall submit annual reports no later than the last day of the third month following the close of its fiscal year to;

(i) its Medicare intermediary (or the Medicare Division of Direct Reimbursement); or

(ii) if the hospital is participating only under Medicaid, to the Medicare intermediary designated by HCFA.

(3) *Extension.* The intermediary after obtaining HCFA's approval, may, for good cause shown by the hospital, grant a 30-day extension for submitting the report.

§ 402.10 Availability of information.

HCFA or its agents will, in a timely manner, provide information collected under this subpart to:

(a) health systems agencies and State health planning and development agencies that need it to carry out their functions; and

(b) upon request, to any other agency or organization.

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

C. Section 405.614 of Subchapter B is amended by revising paragraph (a)(3) to read as follows:

§ 405.614 Termination by the Secretary.

(a) *Cause for termination.* The Secretary may terminate an agreement (and in the case of a skilled nursing facility, prior to the end of the specified term of such agreement—see § 405.604) if the Secretary determines that the provider of services:

* * * * *

(3) Fails to furnish information as the Secretary finds to be necessary for a determination as to whether payments are due or were due under this Part 405 and the amounts thereof (including the filing of uniform reports prescribed by the Secretary); or

PART 433—STATE FISCAL ADMINISTRATION

D. Part 433 is amended by adding a new § 433.39 to read as follows:

§ 433.39 Uniform reporting: State plan requirements.

A State plan for medical assistance must provide that the State agency will require providers that are specified in Part 402 of this chapter to meet the applicable requirements of Part 402 with respect to uniform reporting.

(Sec. 1102, 1121, 1861(v)(1)(F) and 1902(a)(40) of the Social Security Act (42 U.S.C. 1302, 1320a, 1395x(v)(1)(F) and 1396a(A)(40)) (Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program; No. 13.773, Medicare-Hospital Insurance)

Dated: December 10, 1979.

Leonard D. Schaeffer,
Administrator, Health Care Financing Administration.

Approved: March 11, 1980.

Patricia Roberts Harris,
Secretary.

Draft, Regulatory Analysis, Proposed System for Hospital Uniform Reporting

Department of Health, Education, and Welfare, February 1980

This analysis should be read in conjunction with the preamble to the proposed regulations, which provides greater detail in the alternatives presented and presents background on the System for Hospital Uniform Reporting. This draft does not contain all of the details and calculations and supporting materials used by the Department. Requests for copies of the draft or explanations of specific items can be addressed to the Office of Research, Demonstrations and Statistics, Department of Health, Education, and Welfare, 200 Independence Avenue, SW, Washington, D.C. 20201, Attn: James M. Kaple, Acting Director.

Introduction

Executive Order 12044, "Improving Government Regulation", was issued by President Carter on March 23, 1978. The Order requires, among other things, that regulations be drafted to assure that compliance burdens be held to a reasonable minimum. The Order also requires that regulations with "major economic consequences" receive a "Regulatory Analysis." The threshold level for a Regulatory Analysis includes not only those regulations which impose annual costs of $100 million or more, but also those which meet discretionary thresholds set by the agency. Although hospital uniform reporting will not meet the $100 million threshold, it does meet two discretionary thresholds—a $100 million difference between high and low cost options, and exceptional controversy over costs—recently adopted by HEW (see Federal Register, Vol. 44, No. 201, October 16, 1979). Accordingly, this Regulatory Analysis was prepared to accompany the proposed regulations.

Summary of Draft Regulatory Analysis

In analyzing the effect of this proposed regulation on hospitals we compared seven alternatives for implementing a uniform reporting system out of the literally hundreds we could devise. They range from total conversion of a hospital's day-to-day accounting system to a uniform method to retention of the current Medicare reporting system. Although HCFA does not have the authority to require the first of these alternatives (total conversion of a hospital's accounting system) and the last is contrary to the mandate in Pub. L. 95–142, we included them since they represent both ends of the spectrum; thus, they indicate the entire range of marginal cost/burden from $0 to $208 million for the first year of implementation. These figures were extrapolated from a study conducted for HCFA by Morris, Davis and Company of a random sample of fifty hospitals across the United States. The study was commissioned to provide a basis on which to estimate the nationwide implementation and operational cost and burden of the System for Hospital Uniform Reporting (SHUR) published for comment January 23, 1979 in the Federal Register (44 FR 4741). We involved the American Hospital Association and the Hospital Financial Management Association in developing the methodology for the study. They also reviewed the sample of hospitals before the study was commenced.

In seeking the most cost beneficial alternative, we utilized public comments on the January 23, 1979 Notice of Proposed Rulemaking (NPRM) and the results of the Morris, Davis and Company study. We have arrived at an alternative which, in our judgment, is most cost effective because it substantially eases the reporting burden while maintaining the quality of data at a level to meet our needs. This alternative requires reclassification of hospital data to functional reporting definitions, but allows us to obtain quality data at low cost by:

1. Allowing sampling of statistics;
2. Requiring only limited direct costing to the cost center in which the costs occur;
3. Minimizing the number of standard units of measure which must be reported;
4. Increasing the dollar level or threshold that a set of functions must reach in a cost center before the costs must be broken out and reported in separate centers; and
5. Making several other changes from earlier proposals to reduce the difficulty of reporting.

A detailed discussion of these changes is found in the proposed rule which accompanies this document.

Using these approaches, we estimate that the proposed system will cost about $37 million annually, about one-fourth of the cost of total conversion of accounting systems to a uniform method. $37 million represents only about one twentieth of one percent of the $70.9 billion in total hospital costs in the United States. The one-time start-up cost will be about $19 million [1] less than one third of one percent of the annual increase in hospital costs. Put another way, the average hospital has annual costs of $10 million of which it bills Medicare and Medicaid approximately $3.6 million. The proposed system will add less than $2,700 in start-up costs and about $5,300 in annual costs to the budget of the average hospital. Offsetting benefits to hospitals themselves, though difficult to estimate, could easily exceed this amount. For example, a hospital would be able to identify services for which its costs were above those of comparable hospitals, and make management improvements. Management improvements of even 1 percent a year in efficiency would produce savings several times greater than the costs of uniform reporting. We do not expect a significant affect on reimbursement in the aggregate although uniform cost reporting will eliminate inequitable reimbursement. As a result, we have not estimated any savings to the Federal government arising from uniform cost reporting.

All of the alternatives we considered which could be implemented under the law, meet the purpose of uniform reporting. The purpose is to obtain comparable cost and related data from all hospitals participating in Medicare and Medicaid. The data will be used:

- To provide a more rational and equitable reimbursement system for HCFA;
- To improve the capacity to detect fraud, abuse and waste;
- To provide year-to-year and inter-institutional comparisons of hospital expenditures, productivity and utilization of services;
- To support cost containment objectives;
- To reduce burden of other data collection requirements on hospitals;
- To assist private, local, State and Federal agencies and health planners to carry out their respective program objectives;
- To support informed policy decisions and effect reimbursement reform for Federal programs;
- To assist State regulators in carrying out State program objectives; and
- To provide hospitals with comparative information to facilitate more productive use of resources.

Each of the alternatives we examined would substantially promote the achievement of these objectives. However, when the alternatives are contrasted it is clear that there is a steady decrease in cost and reporting burden without a comparable decrease in the number of reporting items, accuracy and reliability of the data obtained.

We cannot justify the substantially greater costs and reporting burden of the higher cost alternatives on the basis of a more modest increase in the degree of accuracy and the degree of opportunity to use data for more sophisticated analysis.

The Annual Hospital Report will provide, at a minimum cost, an accurate comparison of the efficiency and costs of hospitals under the Medicaid and Medicare programs.

Background

When the Medicaid and Medicare programs began, their expenditures for all hospital services, representing 20 percent of the total, were approximately $3 billion. In 1978, total Medicaid and Medicare hospital expenditures exceeded $25 billion—a staggering increase. The two Federal financing programs reimbursed over 35 percent of the almost $70.9 billion this country spent on hospital care.

The Annual Hospital Report has been developed in direct response to the legislative mandate contained in Section 19 of Pub. L. 95–142. The legislation to require improved financial and statistical data has grown from Federal, State and local government concern over the rising costs of health care. Attempts to control institutional costs through rate regulation and peer group limits on rates of increase (Section 223 of the 1972 Social Security amendments) led to the realization that current methods of reporting the costs and volume of services do not provide adequate data to make accurate, comparable, and equitable reimbursement decisions.

[1] The actual cost for individual hospitals could vary widely. Costs will be negligible in States that have already adopted uniform reporting systems. For others the costs could be higher.

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Congress recognized this and in 1974 passed the National Health Planning and Resources Development Act (Pub. L. 93-641). Section 1533(d) of this act set as a national priority of the Federal government, the development of uniform systems of cost accounting, reporting, classification, and rate setting for institutional health care providers. In October of 1977 Congress passed Pub. L. 95-142—generally known as the Medicare-Medicaid Anti-Fraud and Abuse Amendments. Section 19 of this law requires the Secretary to establish by regulation a uniform system for reporting cost and volume data for the various functional activities in health services facilities which receive payments under titles XVIII and XIX. Uniform reporting systems are also required for discharge and billing data.

Section 19 does not mandate uniform accounting. Rather, Section 19 requires a hospital to employ a chart of accounts, definitions, principles and statistics prescribed by the Secretary in order to reconcile (or reclassify) data from its own internal accounting system to specified functional cost centers in a uniform reporting system.

The Congress specifically defined a number of requirements. For example:

No day-to-day accounting system was to be required.

A functional chart of accounts was to be developed.

The chart of accounts, definitions, and principles specified by the Secretary were to be employed in reconciling a hospitals internal records to the reporting system.

The Committee Reports of the Senate Finance Committee, House Committee on Ways and Means, and House Committee on Interstate and Foreign Commerce on Section 19 of Pub. L. 95-142 illustrate the Congressional concern about existing reporting requirements. They include the following statements:

"A persistent problem under the Medicare and Medicaid programs, as currently structured, is the presence of variations in the information contained in the Medicare and Medicaid cost reports."

"The committee(s) believe it is necessary to correct the deficiencies in the present reporting system under these programs."

"The existence of comparable cost and related data is essential for:

Effective cost and policy analysis.

Assessment of alternative reimbursement mechanisms.

Identification and control of fraud and abuse."

"Each institution * * * performing a function * * * should be required to report on * * * functions in the same way, e.g., * * * x-ray costs."

Current Medicare reporting requirements allow great flexibility with regard to grouping and presentation of cost information. The new reporting requirements will limit some of those options. Under the proposed rule hospitals would be required to report cost and utilization data in accordance with the Annual Hospital Report.

The Annual Hospital Report will totally integrate functional reporting requirements with the Medicare cost report. This new report will continue to be submitted to the fiscal intermediaries.

We have taken great care in the development of this reporting system to alleviate unnecessary reporting burden and to coordinate and consolidate reporting for the HCFA programs with other Department reporting requirements to the extent possible. The AHR also incorporates the Health Facilities Minimum Data Set currently reported separately to the Public Health Service.

The NPRM would require that the uniform chart of accounts, definitions, principles and statistics specified be employed as a tool for hospitals to reconcile their internal books and records to meet the functional reporting requirements. This NPRM would *not* require institutions to implement the chart of accounts for their day-to-day accounting system. The reporting requirements include clear, concise specifications of what costs are to be included in each of the various functional cost centers for reporting purposes.

We chose the functional cost center approach because (a) it is the single available method of obtaining cross-hospital comparable data and (b) it is required in the legislation. The number of functional cost centers in the Annual Hospital Report approximate those in the American Hospital Association chart of accounts and the accounting systems operating in California, Washington and Arizona.

The report also contains specific statistical requirements for each cost center. These statistics are necessary in order to meet the legislative mandate to obtain data which can be used to make comparisons of productivity among hospitals. We have carefully selected these statistics after consultation with the industry over the past three years. We believe they are the best productivity statistics available today.

Section 19 requires the Secretary, in the development of uniform reporting systems, to consult with interested parties. We have consulted extensively over a period of more than two years with major industry associations, accounting firms, health planners, and other interested parties. We have held meetings with these organizations and have received their comments on draft versions of the proposed system.

We published a Notice of Proposed Rulemaking for these regulations on January 23, 1979, in the **Federal Register** (44 FR 4741). We provided 90 days for public comments. We distributed more than 10,000 copies of the draft manual to interested parties. During this period, we received approximately 2,237 communications in response to the proposed rule. Among those who wrote were 1,550 hospitals, 98 hospital and professional associations, and 46 accounting and consulting firms, as well as individual members of Congress, State and local health planning agencies, rate setting agencies, insurance companies, professional groups, and consumers.

We have avoided technical language in this analysis to the greatest possible extent (except where absolutely necessary to convey the meaning desired). To place this analysis in perspective for the public at large, we have attached a glossary of many of the terms used in this analysis.

Analysis of Alternatives

In preparing the AHR, HCFA sought to identify burden reducing alternatives, as required by E.O. 12044. Out of the literally hundreds of possible approaches which could be considered in developing alternative hospital cost reporting systems we have considered five basic alternatives which represent meaningful options. For comparison purposes, we have added two additional alternatives which we do not have the authority to implement under current law but which represent the highest and the lowest cost options.

The first alternative, Alternative A, provides the most comprehensive and highest quality data and entails the complete conversion of hospital accounting systems for both uniform accounting and uniform cost reporting purposes. It is the most costly alternative and is provided for comparison purposes only since we do not have the authority to implement a system of this scope. Alternative F provides less comprehensive and lesser quality data at significantly lower cost while meeting HCFA's basic needs as stated in the statute. Alternative G was included for comparison purposes only, since it does not meet the requirement of the law. Figure 1 attached identifies the projected average cost to hospitals of each alternative by start up (planning and other one-time costs) and annual operating costs. The actual cost to a hospital will be negligible for the 21 percent of the hospitals in States that have already adopted uniform reporting but will be higher than average for others. All of the alternatives assume that uniform reporting will be linked to reimbursement. Although the industry has suggested that they provide uniform data on one report and be reimbursed on the basis of a different report, we do not consider that a viable, nor legally defensible alternative. Therefore, we have not included it in this analysis. These changes and cost differences are more clearly articulated in the description of each alternative listed below:

It is important to note that the full effect of the reduced reporting burden reflected in Alternative F is not displayed in our charts. Probably the most important burden measure for the small hospital is the definition of "significance." Costs which had reached a "significant" dollar threshold must be reclassified to the proper cost center while smaller amounts which do not meet the threshold need not be broken out and reported in separate centers. The currently proposed alternative raises the level of "significance" from $1,000 or 1 percent of the direct costs of the center to the greater of $5,000 or 5 percent of the direct costs of the center. No costs which are below these amounts need be adjusted for reporting purposes. This greatly reduces the number of entries for smaller hospitals as compared to the earlier NPRM. The reduction in burden resulting cannot be specifically measured.

Raising the threshold to $5,000 in itself is an important amount to a small hospital. However, the five percent alternative could raise the amount easily to twice that figure. For example, a small hospital having total expenses of only $2 million (about 50 beds) could easily have $200,000 of its costs in a particular cost center. For that cost center no reclassification of a particular set of costs to a separate center would be required until it exceeds $10,000 (5 percent of the $200,000).

Listed below are the seven alternatives which we assessed and compared when developing and revising the manual. All of these alternatives except for Alternative G would have the following advantages and disadvantages in achieving the objectives of uniform reporting.

Advantages

1. Provide a more rational and equitable reimbursement system for HCFA.

The data format would accurately identify hospital costs for providing services without including extraneous factors which vary across institutions. It does so by concisely defining areas in which costs must be reported (cost centers) and the units related to the services provided by which these costs can be compared (Standard Units of Measure). The Annual Hospital Report will readily support and permit changes in reimbursement methodology—changes which are facilitated by the accurate comparisons it makes possible.

2. Improve the capacity to detect fraud and abuse.

Cost data by functional category could be compared as a tool in identifying instances of fraud, abuse and waste.

3. Provide year-to-year and inter-institutional comparisons and monitoring of hospital expenditures, productivity and utilization of services.

Comparable data would highlight hospitals whose costs, productivity or utilization of services are disproportionate to the services rendered.

4. Support cost containment objectives.

The data would provide an indispensible tool in establishing rational limits on hospital costs and in providing equitable reimbursement to hospitals regardless of the reimbursement methodology employed.

5. Reduce other data collection on hospitals.

The Annual Hospital Report meets the Hospital Facilities Minimum Data Set (HFMDS) needs of the National Center for Health Statistics. Incorporating the HFMDS items in the report, alleviates the need for many of the current hospital surveys. Total savings to hospitals cannot be estimated with precision but are probably in the millions of dollars annually.

In addition, as many as eight states are actively considering requiring uniform cost reporting (over and above the six States which already had one), so that AHR will provide a base data set that needs only those supplements a State wants for its unique circumstances. This would substantially avoid the need for States to develop their own separate systems and should reduce collection, processing and auditing costs at the State level.

- Assists private, local, State and Federal agencies and, health planners to carry out their respective program objectives.
- State agencies—measure health status of the population; recognize patterns of utilization; evaluate effectiveness of programs.
- Health planners—gather inventory of health services, measure utilization of services; find cost efficiencies; evaluate financial feasibility of projects.
- Lending institutions and investors—aid in deciding the financial viability of projects for debt financing.
- State regulators—reimbursement and other policy analysis.
- Hospital management—evaluate of the competitive position of the institution, help measure departmental productivity, help develop charge schedules.

Disadvantages

1. Hospitals would incur additional cost because of the collection and reporting of more data than previously gathered.

2. Other advantages and disadvantages specific to the various alternatives are listed with the alternative to which they apply.

Alternative A

Description

This alternative would require hospitals to report financial (revenue and expense) and statistical data using the System for Hospital Uniform Reporting (SHUR) as promulgated in the January 23, 1979 NPRM, but in addition, adopt and use on a day-to-day basis as their actual accounting system the functionally defined revenue/cost centers contained in the chart of accounts set forth in the SHUR manual. In addition, the required statistical data would be accumulated daily in the books and records of the hospital. No reclassification or sampling to collect the data would be necessary, for the data to complete the required uniform reporting portion of the SHUR report would come directly from the hospital's books and records.

The statute does not allow HCFA to require hospitals to use a uniform accounting system on a day-to-day basis but it is included here for comparison purposes. However, hospitals could elect to implement SHUR for accounting as well as for uniform reporting purposes, and HCFA would reimburse hospitals for a proportion of the expenses incurred as part of its share of administrative overhead.

Estimated Cost

Based on the study completed by Morris, Davis and Company, we estimate the first year cost for adoption of SHUR as an accounting system in 1978 dollars to be $208.3 million for hospitals nationwide, with a possible standard error of plus or minus $43.9 million. We estimate the annual cost for the second and subsequent years to be $132 million. The average first and second year cost per hospital is

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approximately $30,420 and $19,280, respectively.

In order to arrive at these estimates we used a sampling frame of the 1975 providers of services files of short term hospitals. This file contained 5,870 Medicare and Medicaid providers grouped into five bed size categories.. The 1978 providers of services file contains 6,167 short-term and 681 long-term providers. These were allocated to the bed size categories under the assumption that the distribution by bed size was the same in 1978 as it was in 1975.

The costs used in this extrapolation were developed in the following way for each hospital in the study:

1. Hospitals completed questionnaires to identify differences between current data capabilities and the reporting requirements.
2. Questionnaires were reviewed by hospital and project staff to list differences (called incompatibilities).
3. Staff determined whether incompatibilities could be resolved by simple reclassification.
4. Where a simple reclassification for an incompatibility was not possible, staff determined, in conjunction with hospital staff, a reasonable and acceptable estimation approach for obtaining data.
5. For each incompatibility, staff and hospital management determined:

Hospital person who would perform function
Related salary and fringe benefits
Extra staff required
Whether "new hires" were necessary
Cost of additional supplies and equipment
Incemental computer costs

6. Staff determined hospital system to be modified for each incompatibility.
7. Staff documented nature of each system: reports generated, input forms, method of processing, type of computer, and other relevant characteristics.
8. Staff and hospital personnel determined most likely approach to implement the changes.
9. Staff and hospital personnel determined incremental components of costs.
10. Staff summarized cost estimates and reviewed with hospital management.
11. Project managers reviewed findings and documentation.
12. Staff sorted and analyzed cost estimates and documentation.

Once these study costs were identified, the 1978 bed size frequencies were applied to the average first year cost determined for each bed size grouping reviewed by the study (see Figure 2).

This estimate is comparable with that of the $180 million figure mentioned by the American Hospital Association in testimony before the Subcommittee on Health of the House Committee on Ways and Means on the cost of implementing SHUR. This association has continually contended that hospitals would have to implement the uniform reporting system on a day-to-day basis, and has prepared its cost estimates on that basis, even though SHUR (and AHR) do not in fact impose such a requirement.

Additional Advantages of This Alternative

1. Once the system was implemented by the hospitals, reporting demands of HCFA and of virtually every pertinent regulatory body could be met easily and at minimum additional cost.
2. No reclassification of the recorded financial and statistical data would be needed to transcribe the data onto the prescribed reporting forms.
3. Hospitals would be able to keep accurate and up-to-the-minute account of the requirements for and consumption of their resources of goods, capital and labor and productive output of services rendered.
4. Hospitals would have an effective means of ascertaining their own efficiency when measured against other providers, since they could compare their cost data accurately on a local, regional or nationwide basis.
5. The report would provide the most comprehensive and highest quality information.

Additional Disadvantages of This Alternative

1. Hospitals would have to reorganize their internal organization and data systems to coincide with the functional definitions set forth in SHUR.
2. This is by far the most costly alternative (see Figure 1).

Alternative B

Description

This alternative would require hospitals to report financial (revenue and expense) and statistical data using the System for Hospital Uniform Reporting (SHUR) as promulgated in the January 23, 1979 NPRM. This alternative differs from Alternative A as follows:

1. Hospitals would not adopt SHUR as their actual accounting system or use the SHUR chart of accounts, definitions and principles on a day-to-day basis.
2. Hospitals would reclassify (adjust) their cost into the SHUR cost centers at the end of their fiscal year.

Hospitals would report financial data by reclassifying data from the hospital's books and records to meet the reporting system specifications. Cost studies would be allowed to determine the amounts to be reclassified. Direct assignment of costs as they are incurred to specified cost centers of the following expense items would be required:

1. Depreciation on movable equipment
2. Payroll-related employee benefits
3. Non-payroll-related employee benefits
4. Non-chargeable supplies
5. Non-chargeable drugs
6. Non-capitalizable non-routine maintenance and repairs
7. Data processing services
8. Central patient transportation

This alternative would require hospitals to accumulate actual counts of Standard Units of Measure and other statistical data. No sampling would be allowed to collect these data.

Estimated Cost

Based on the Morris, Davis and Company study, the first year cost of this alternative would be $106 million (approximately $15,480 per hospital) or approximately 49 percent less than Alternative A. This lower cost results primarily because hospitals can avoid revising their internal accounting system.

The annual cost for the second and subsequent years is estimated to be $87 million, or approximately $12,700 per hospital.

Additional Advantages of This Alternative

This alternative would allow hospitals to maintain their responsibility-oriented accounting system. Hospitals would meet the financial data reporting requirements by reclassifying such data from their books and records. Hospital strongly support the need for an organizationally oriented accounting system in order to effectively manage their operations; therefore, this alternative would be more favorable to them.

Additional Disadvantages of This Alternative

The disadvantage of this alternative compared to Alternative A is that any trends or comparisons could be made only on an annual basis when the data were aggregated and furnished in the required form. However, we believe that even on a yearly basis comparison would be invaluable to the providers and the authorities who regulate them.

Alternative C

Description

This alternative would require hospitals to report financial and statistical data using SHUR as promulgated in the January 23, 1979 NPRM and as outlined in Alternative B except that sampling of Standard Units of Measure and other statistical data would be permitted.

Estimated Cost

This alternative was the subject of option 1 of the Morris, Davis and Company study. The first year cost extrapolated by HCFA is estimated to be $70 million for all hospitals nationwide (approximately $10,220 per hospital), or a 66.4 percent savings over Alternative A. The second and subsequent years' annual cost is estimated to be $51 million, or approximately $7,450 per hospital.

Additional Advantages of This Alternative

Hospitals could maintain their responsibility-oriented accounting systems and meet the reporting requirements of SHUR through reclassification of data as necessary.

Additional Disadvantages of This Alternative

The disadvantages of this alternative are the same as for Alternative B. In addition, from a statistical viewpoint, there would be some decrease in the reliability of the data gathered. Statistics from data collected continuously should, in theory, be more reliable than those extrapolated from data collected only on a sample basis. However this alternative should provide a reasonable means of accurately comparing the efficiency of various providers while providing them with a tool to make more effective use of their resources.

Alternative D

Description

This alternative would require hospitals to report financial and statistical data using SHUR as promulgated in the January 23, 1979 NPRM except that sampling of statistical data would be allowed and the number of items to be direct costed to the cost centers in which the costs are incurred has been limited. Of the direct-assignment expenses (expenses placed directly in cost centers without apportionment) listed in Alternative B, only the following expense items would be retained:

1. Payroll-related employee benefits
2. Non-chargeable supplies
3. Data processing services

Estimated Cost

The first year cost of this alternative is estimated to be $62 million approximately $9,100 per hospital or about 70 percent less than Alternative A. The annual cost for the second and subsequent years is estimated to be $43 million or approximately $6,300 per hospital.

Additional Advantages of This Alternative

The additional advantage of this alternative is the reduction in costs.

Additional Disadvantages of This Alternative

There would be a further decrease in the accuracy of expense data reported because fewer specified expenses would be assigned to cost centers actually incurring the expense.

Alternative E

Description

This alternative would be the same as Alternative D except the number of Standard units of measure (SUMs) to be reported would be reduced from 94 to 59. (Those SUMs eliminated are related to the non-revenue producing overhead cost centers).

Estimated Cost

The estimated first year cost of this alternative is $58 million (approximately $8,470 per hospital), or 72 percent less than Alternative A. This results from the elimination of 35 data items. The estimated cost for the second and subsequent years is $39 million, or approximately $5,700 per hospital.

Additional Advantages of This Alternative

The reporting burden is further reduced by the elimination of the collection and reporting of 35 data items.

Additional Disadvantages of This Alternative

There would be a loss in some data analysis capability in the areas of cost per unit of service. For example, the cost of the Medical Records activity could not be compared from one hospital to another as no standard measurement unit would be reported and comparison of total expenses to total expenses would be meaningless.

Alternative F

Description

This alternative would be the same as Alternative E except that the reporting burden would be reduced by making other changes to the SHUR, such as not requiring hospitals to report separate cost allocation statistics.

Estimated Cost

The first year cost of this alternative is estimated to be $56 million (approximately $8,000 per hospital), or a reduction of approximately 73 percent over Alternative. The estimated second and subsequent year cost is $37 million, or approximately $5,300 per hospital. additionally, these estimated do not include projected savings resulting from the fivefold increase in the reclassification threshold.

Additional Advantages of This Alternative

In addition to the advantages mentioned in Alternative E, the reporting burden would be reduced even more by elimination of the uniform reporting cost allocation data items and other miscellaneous changes.

Additional Disadvantages of This Alternative

None of serious consequence when compared to the benefit.

Alternative G

Description

This alternative would maintain the current Medicare reporting requirements without adding uniform reporting requirements.

Estimated Costs

There is no new cost for this alternative as hospitals would continue to report as they do now. However, many States are likely to require SHUR-like systems for their own purposes; therefore, hospitals might actually spend *more* than under alternative F.

Advantages

1. Hospitals *might* incur no additional cost, depending on the State.
2. Hospital systems changes would not be necessary.
3. No new data items would have to be collected.

Disadvantages

The following disadvantages would result if this alternative was selected.

1. HCFA would not meet the statutory requirement of Section 19 of Pub. L. 95–142.
2. Hospitals would continue to be reimbursed differently for identical costs depending on the accounting method used.
3. HCFA's capacity to detect fraud and abuse would not be improved.
4. No nationally uniform year-to-year and inter-institutional comparisons of utilization of service by program beneficiaries and cost of providing

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services to beneficiaries would be prssible.

5. Data collected to support cost containment objectives, to support informed policy decisions, or to effect reimbursement reform for Federal programs would be considerably less useful.

6. No integration of the various HEW reporting systems would be possible, e.g., the Cooperative Health Statistics System would continue to exist as a separate reporting system.

7. Local, State and Federal agencies monitoring the health system would not have the benefit of comparable data.

8. A system to gather statistics to monitor health planning guidelines would have to be developed by each State.

9. Capability to monitor hospital expenditures, utilization and productivity would not be improved.

Alternatives Chosen

The General Accounting Office is its report to Congress on the System for Hospital Uniform Reporting stated that "For a number of reasons, we feel that HCFA's estimate of $70.2 could be overstated or understated." The report enumerated a number of reasons for this and went on to state "In our view, the biggest benefit of the Morris-Davis study was the identification of those SHUR requirements which impose the largest reporting burden for hospitals. This information has provided HCFA with some rational basis for modifying SHUR before it is issued in final form." We have used the Morris-Davis study and the public comments to identify the various alternatives which were listed above and to select a final alternative.

We chose Alternative F because it is the most cost-effective method of carrying out the mandate of the Congress for a uniform reporting system.

This alternative meets the purpose of uniform reporting which is to obtain comparable cost and related data form all participating hospitals. The specific objectives have been cited earlier.

The total first-year cost of this alternative is $56 million (one time cost of $19 million and annual cost of $37 million)* as contrasted with $208 million for Alternative A. This would be an average of $8,000 in the first year for each hospital ($2,700 for one-time start-up and $5,300 for operation) and an average of $5,300 for operation each following year. HCFA would pay approximately one-third of that cost as its share of administrative overhead. We cannot justify the immensely greater costs and reporting burden of the other alternatives on the basis of a substantially more modest degree of accuracy and a small increase in the data analysis opportunities.

This alternative will provide at a minimum cost of reasonably accurate comparison of the efficiency and costs of health care providers under the Medicare program.

Offsetting Benefits

We cannot estimate the benefits of implementing the proposed requirements. Nonetheless, we believe there is a significant possibility that hospitals could actually save money if the proposed requirements are adopted.

For example:

(1) Hospitals will be able to use the uniform data to make internal management improvements. Improvements of over 1 percent a year in efficiency would produce savings several times greater than the costs of uniform reporting.

(2) Overtime, hospitals should face less scrutiny and accompanying burden from the actual government which is caused currently by the inability to obtain comparably reliable data.

(3) Hospitals will report cost and health planning data on one report, rather than two, thus reducing reporting burden.

(4) Several states have already implemented uniform reporting. Over time, most States are expected to do so. Some of these systems do and can be expected to go beyond the AHR in the level of detail, therefore cost and burden. Others may not be as efficient or as effective. AHR will provide a basic data set that all States can use with a minimum amount of supplemental data to fulfill a variety of needs. By preventing the development of uncoordinated and duplicative reporting systems throughout the country, AHR will reduce significantly potential costs to States and hospitals.

*The actual cost range is between $44 million and $68 million given the size of the sampling error in the Morris, Davis and Company study.

Glossary

Accounting System—The principles, methods and procedures related to the incurrence, classification, recording and reporting of the financial transactions of an organization.

Chart of Accounts—A systematically arranged list of accounts identifying account names and numbers.

Functional Reporting—Reporting revenue and expense according to type of activity performed; i.e., Medical Surgical Acute, Radiology-Therapeutic.

General Accepted Accounting Principles (GAAP)—The body of doctrine recognized by the accounting profession as acceptable accounting conventions and procedures.

Natural Classification of Expense—Cost by object categories such as salaries and wages, employee benefits, supplies, utilities, etc.

Non-revenue Producing Cost Centers—Overhead units, such as dietary and patient accounting, that provide necessary support services but for which no charge is made to the patient.

Materiality/Significance—The relative importance of an item of cost when measured against a standard. Costs that exceed a defined standard (5% of cost center or $5,000, whichever is greater) must be broken out and reported in separate cost centers.

Reclassification—The realignment of financial data for specified activities, recorded in the hospital books and records to meet the reporting specifications.

Responsibility Reporting—Reporting revenue and expenses according to organizational units producing the revenue and responsible for incurring the expenses.

Revenue Producing Cost Centers—Hospital activities involving direct services to patients (such as daily hospital services, ancillary services and ambulatory services) and thereby generating revenue.

Standard Unit of Measure—A uniform statistic for measuring and comparing revenue, expense and productive output.

Uniform Reporting System—A system under which all parties report required data in the same way.

Cost of Implementation Alternatives

[In millions of dollars]

	Total startup cost	Total annual cost	Total first year cost	Percent acute inpatient expenditures (all hospital costs)	Description of alternatives
Alternative A	$76	$132	$208	0.293	Uniform accounting (not required by law).
Less savings from allowing reclassification	57	45	102	.....	
Alternative B	19	87	106	0.149	Only require year end reclassification of costs from hospital's responsibility accounting system to functional reporting
Less savings from allowing sampling of SUM's	0	36	36	.....	
Alternative C (Morris, Davis & Co. study)	19	51	70	0.099	Reclassification and allow sampling of SUM's rather than 100% data collection effort.
Less savings from limiting direct costing	0[1]	8	8	.....	
Alternative D	19	43	62	0.087	Reclassification, sampling of SUM's and limiting requirements for most direct costing.
Less savings from limiting the number of SUM's	0	4	4	.....	
Alternative E	19	39	58	0.082	Reclassification, sampling of SUM's, limited direct costing and reducing the number of SUM's to be reported.
Less savings from other miscellaneous changes	0	2	2	.....	
Alternative F (HCFA recommendation)	19	37	56	0.079	Reclassification, sampling of SUM's, limited direct costing, limited reporting of SUM's and other miscellaneous changes.
Less savings from maintaining current reporting system	19	37	56	.....	
Alternative G	0–60	0–60	0–60	[2]0.000–0.084	Continue only current medicare reporting requirements (does not meet Pub. L. 95–142 minimum requirements).

[1] This figure could range up to $60 million if HCFA did not implement the Annual Hospital Report since States would implement uniform reporting on their own initiative. Several States have already implemented such systems while others have indicated interest. Hospital chains doing business in several States will be particularly hard hit in coping with multiple reporting systems.

Preliminary Estimates of the Cost of Total Conversion of a Hospital's Accounting System

Stratum	Type of State	Hospitals in universe	Hospitals in sample	Mean cost of sample hospitals	Estimated total cost	
1	UR	371	1	$2,501	$927,871	
	O	2,110	9	22,309	47,071,990	
2	UR	326	5	3,257	1,061,782	
	O	1,353	4	14,050	19,009,650	
3	UR	305	3	15,063	4,600,315	
	O	871	6	52,716	45,915,636	
4	UR	235	2	7,817	1,836,995	
	O	616	5	82,907	51,236,526	
5	UR	148	3	5,833	863,284	
	O	511	6	69,978	35,758,758	
		6,848	44	.....	208,282,807	Standard error=$43,900,000.

UR=Uniform reporting State.
O=Other.

[FR Doc. 80-8370 Filed 3-18-80; 8:45 am]

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federal register

Wednesday
March 19, 1980

Part VIII

Environmental Protection Agency

Requests by Chrysler Corp. for Waiver of Effective Date for the 1981 Model Year Carbon Monoxide Emission Standard for Light-Duty Motor Vehicles

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[FRL 1438-8]

Revised Motor Vehicle Exhaust Standards for Carbon Monoxide (CO) for 1981 Model Year Light-Duty Vehicles for Certain Chrysler Corp. Engine Families

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This regulation establishes CO emission standards for 1981 model year light-duty vehicles belonging to certain Chrysler Corporation engine families for which I have granted waivers from the standard otherwise applicable under section 202(b)(5) of the Clean Air Act, 42 U.S.C. 7521(b)(5).

EFFECTIVE DATE: March 31, 1980.

ADDRESSES: Information relevant to this rule is contained in Public Docket En-79-19 at the Central Docket Section of the Environmental Protection Agency (EPA), Room 2903B, 401 M Street, S.W., Washington, D.C. 20460 and is available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Glenn Unterberger, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(A) of the Clean Air Act ("the Act"), 42 U.S.C. 7521(b)(1)(A), requires that regulations applicable to CO emission from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which require a reduction of at least 90 percent from CO emission levels allowable under the 1970 model year standards. Regulations implementing this requirement have established a CO standard, often referred to as the statutory standard for CO, of 3.4 grams per vehicle mile (gpm).

Section 202(b)(5) of the Act authorized the Administrator, on application of any manufacturer, to waive the statutory CO standard for the 1981 and 1982 model years for any light-duty vehicle model regarding which the Administrator can make certain findings. In these cases, the Act requires substitute CO standards for 1981 and 1982 model year light-duty vehicles as discussed below. Waiver requests considered here were submitted by Chrysler Corporation (Chrysler). The statutory criteria, my determinations regarding the criteria with respect to the vehicle models covered by the waiver applications, and my decisions to grant or deny the wavier applications appear in the consolidated decision published above. In that decision, I granted waivers covering the following vehicle models (engine families for purposes of that decision) for the 1981 model year only:

Manufacturer:	Engine family
Chrysler Corporation	2.2L 2.6L 5.2L/2V

One I have decided to grant waiver applications for these three 1981 model year vehicle models, the Act requires that I simultaneously promulgate regulations adopting emission standards not permitting CO emissions from 1981 model year vehicles of these Chrysler models to exceed 7.0 gpm. The Act further requires that I promulgate regulations establishing these standards no later than 60 days after I receive the waiver application in question. The public has received an opportunity to comment on the waiver applications at issue, and I have considered those comments in making the consolidated decision which requires the promulgation of this rule. For these reasons, I find that providing notice and opportunity to comment on this rulemaking before final promulgation is impracticable and unnecessary.

Note.—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an economic impact analysis under Executive Orders 11821 and 11944 and OMB Circular A-107.

In addition, because the decision accompanying this rulemaking already is based on a detailed analysis indicating that this rulemaking will have a negligible effect on air quality, the Environmental Protection Agency has not prepared an Environmental Impact Statement to accompany this rulemaking as well.

Dated: March 11, 1980.

Douglas M. Costle,

Administrator.

40 CFR Part 86 is amended as follows:

Subpart A—General Provisions for Emission Regulations for 1977 and Later Model Year New Light-Duty Vehicles, 1977 and Later Model Year New Light-Duty Trucks and 1977 and Later Model Year New Heavy-Duty Engines

1. 40 CFR 86.081-8(a)(1)(ii) is revised to read as follows:

§ 86.081-8 Emission standards for 1981 and later model year light-duty vehicles.

* * * * *

(a) * * *

(1) * * *

(ii) *Carbon monoxide.* 3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the following 1981 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer:	Engine family
American Motors Corporation	151 CID.
Chrysler Corporation	2.2 liter. 2.6 liter. 5.2 liter/2V.
General Motors Corporation	3.8 liter/231 CID-4V turbo-charged.
Lotus Cars, Ltd	2.0 liter.
Toyo Kogyo Company, Ltd	91 CID. 120 CID.

(Sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7601(a))

[FR Doc. 80-8402 Filed 3-18-80; 8:45 am]

BILLING CODE 6560-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1438-7]

Requests by Chrysler Corporation for Waiver of Effective Date of the 1981 Model Year Carbon Monoxide Emission Standard for Light-Duty Motor Vehicles—Fourth Consolidated Decision of the Administrator

I. Introduction

I am issuing this decision under section 202(b)(5) of the Clean Air Act, as amended (Act), 42 U.S.C. 7521(b)(5), in response to Chrysler Corporation's renewed requests for waiver of the effective date of the 3.4 grams per mile (gpm) carbon monoxide (CO) emission standard scheduled to apply to 1981 and 1982 model year light-duty motor vehicles and engines.

Section 202(b)(1)(A) of the amended Act establishes a schedule for implementing standards applicable to CO emissions for 1977 and later model year light-duty motor vehicles and engines.[1] The 1977 amendments to the Act, however, included a new provision authorizing the Administrator of the Environmental Protection Agency (EPA), under certain limited conditions, to delay for up to two model years implementation of the statutory 3.4 gpm CO standard scheduled to take effect for the 1981 model year.[2] These amendments require the Administrator to promulgate standards which do not permit emissions over 7.0 gpm for vehicle models receiving waivers.[3]

As part of my first consolidated decision on CO waiver applications, I considered requests from Chrysler for two-year waivers for eight 1981 model year engine families.[4] In that decision, I grnated two-year waivers for three of those families. I denied Chrysler's waiver requests for its 2.6 liter (L) and 5.2 L/2-Venturi (2V) engine families because I determined that effective control technology was available, even considering costs, driveability, and fuel economy, to enable these two families to meet the 0.4 gpm hydrocarbon (HC), 3.4 gpm CO, and 1.0 gpm oxides of nitrogen (NOx) emission standards by the 1981 model year.[5] I also denied waivers for Chrysler's 2.2L, 5.2L/Electronic Fuel Metering (EFM) and 5.9L engine families because Chrysler supplied insufficient emission test data on these families to establish that effective CO control technology was not available for them.

Chrysler has requested that I reconsider my decision to deny its waiver applications for the 2.2L, 2.6L, 5.2L/2V, and 5.2L/EFM engine families.[6] EPA held a hearing on Chrysler's request on November 5, 1979.[7] After considering the new information which Chrysler has submitted or which has otherwise become available to me, I have reexamined my determinations regarding Chrysler's waiver requests for the four engine families in question.

II. Summary of Decision

I have decided to grant waivers covering 1981 model year vehicles of Chrysler's 2.2L, 2.6L, and 5.2L/2V engine families. I am denying waivers covering 1982 model year vehicles of those engine families and 1981 and 1982 model year vehicles of Chrysler's 5.2L/EFM family.

I have reversed my earlier decisions to deny waivers for Chrysler's 2.2L, 2.6L, and 5.2L/2V engine families because of the risk which newly-available information indicates that Chrysler and the public will face of incurring severe adverse economic repercussions if I were to make an incorrect projection regarding the availability of effective control technology, considering costs, driveability, and fuel economy, to enable these three engine families to meet the 3.4 gpm CO standard. Specifically, the new information indicates that because of Chrysler's relatively unstable financial situation, incorrectly denying waivers for any of these Chrysler engine families is more likely to cause severe adverse economic repercussions to Chrysler and the public generally than an incorrect denial of a waiver request from any other manufacturer.

Moreover, the new information further indicates that 1981 model year vehicles of these three engine families face potential driveability problems. Given Chrysler's limited flexibility in applying alternative technology, these current driveability problems might prevent Chrysler from producing these engine

[1] Regulations have established a general CO standard of 3.4 gpm for 1981 and later model year vehicles. 40 CFR 86.081-8(a)(i)(ii), 43 FR 37972 (August 24, 1978).

[2] Section 202(b)(5)(c) of the Act provides, in part: The Administrator may grant such waiver if he finds that protection of the public health does not require attainment of such 90 percent reduction for carbon monoxide for the model years to which such waiver applies in the case of such vehicles and engines and if he determines that—

(i) Such waiver is essential to the public interest or the public health and welfare of the United States;

(ii) All good faith efforts have been made to meet the standards established by this subsection;

(iii) The applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy; and

(iv) Studies and investigations of the National Academy of Sciences conducted pursuant to subsection (c) and other information available to him has not indicated that technology, processes, or other alternatives are available (within the meaning of clause (iii)) to meet such standards.

For the sake of simplicity, this decision uses the term "technology" to encompass each of the items (i.e. "technology processes, operating methods, or other alternatives") listed in section 202(b)(5)(c)(iii) of the Act.

[3] Section 202(b)(5) requires the Administrator to reach a separate waiver decision for each vehicle model for which a manufacturer requests a waiver. Consistent with published guidelines for CO waiver applications (see 43 FR 47272 (October 13, 1978)), I have defined the term "vehicle model" to mean "engine family" as defined in 40 CFR 86.077-2 and 86.080-24(a)(2) through (a)(4)(1978). I have distinguished between engine families primarily on the basis of engine displacement.

[4] 44 FR 53376 (September 13, 1979). This consolidated decision also responded to waiver applications from five other manufacturers. I also have issued two other consolidated decisions on groups of waiver requests. See 44 FR 69417 (December 3, 1979) and 45 FR 7122 (January 31, 1980).

[5] These are the statutory standards which the Act has scheduled to take effect (absent a statutory waiver) in the 1981 model year. For the sake of simplicity, in discussing an engine family's ability to meet these standards, I will refer to this set of standards by citing merely the 3.4 gpm CO standard.

[6] Chrysler has not requested that I reconsider my decision to deny a waiver for its 5.9L engine family.

[7] The transcript of this hearing, the submissions from Chrysler supporting its renewed waiver request, and all other information considered as part of my fourth consolidated decision on CO waivers are included in EPA Public Docket EN-79-19. This docket includes the record for my third consolidated CO waiver decision and incorporates by reference the records for my first two consolidated decisions (EPA Public Dockets EN-79-4 and EN-79-17).

families under a 3.4 gpm CO standard in the 1981 model year in a manner that would be acceptable to consumers. Thus, a significant likelihood exists that a determination that effective control technology, considering costs, driveability, and fuel economy, is available to any of these three engine families for the 1981 model year may prove to be incorrect.

Because of the severe adverse economic consequences which Chrysler could experience, I have concluded that the potential driveability complications these three engine families might face, though perhaps avoidable, are likely enough to occur so that Chrysler has adequately established that effective control technology, considering costs, driveability, and fuel economy, is not available for these engine families for the 1981 model year.

I have determined that Chrysler's waiver requests for these three engine families meet each of the Act's requirements when the risks of an incorrect denial for the 1981 model year are considered; therefore, I am granting waivers to 1981 model year vehicles of Chrysler's 2.2L, 2.6L, and 5.2L/2V engine families. These risks arising from the possibility of an incorrect denial diminish considerably for 1982 model year vehicles of these engine families because Chrysler will have added time to deal with both the financial and driveability problems it will be facing in the 1981 model year. Accordingly, I have determined that Chrysler has failed to establish that effective control technology, considering costs, driveability, and fuel economy, will not be available to enable these engine families to meet a 3.4 gpm CO standard in the 1982 model year. As a result, I am denying waivers for 1982 model year vehicles of these engine families.

In addition, I am denying Chrysler's request for a waiver for its 5.2L/EFM engine family for both the 1981 and 1982 model years. I have concluded that the risk of an incorrect determination concerning the availability of effective control technology, considering costs, driveability, and fuel economy, is much less for these vehicles because Chrysler has failed to establish that the 5.2L/EFM engine family is at all likely to face cost, driveability, or fuel economy problems in meeting a 3.4 gpm CO standard. The record includes information demonstrating that this engine family is capable of meeting a 3.4 gpm CO standard with what Chrysler considers to be marketable driveability in the 1981 model year; thus risk considerations do not prevent me from determining that Chrysler's waiver request for this engine family does not meet the requirements of section 202(b)(5)(iii) of the Act and consequently from denying any waiver for this engine family.

III. Discussion

A. *New Information Relating to Chrysler's Waiver Requests*

Since I announced my first consolidated CO waiver decision, which in part denied waivers for the four Chrysler engine families at issue here, a considerable amount of new information has become available to me regarding Chrysler's relatively precarious financial situation. Specifically, the record I have considered in evaluating Chrysler's renewed requests for waivers covering these engine families includes new information regarding the severe losses Chrysler sustained during the latter part of 1979 and the heightened risks Chrysler is facing in maintaining a viable, competitive position in the U.S. automobile market.[8]

In addition, new information has become available regarding the capability of these four engine families to incorporate effective control technology to meet a 3.4 gpm CO standard by the 1981 model year, considering costs, driveability, and fuel economy. Specifically, Chrysler has virtually completed emissions testing on 1981 model year certification durability vehicles from these four engine families.[9] From these tests, Chrysler has developed deterioration factors applicable to each of these engine families.[10] Chrysler also has submitted driveability data on vehicles of these engine families, including composite driveability projections from pre-certification development vehicles from these engine familes.[11] Chrysler stated that these driveability projections are commensurate with the "calibrations" which Chrysler expects to use on production vehicles of these engine families to optimize their respective driveability and fuel economy capabilities while still providing assurance that they will meet Federal emission requirements in light of the deterioration factors applicable to these families.[12]

Chrysler also has advanced several challenges to the technological and legal bases of my earlier decisions to deny waivers for these engine families.[13] Although the new bases for my decisions here obviate the need for me to respond directly to many of these challenges, I have addressed those contentions which still might affect my new consolidated decision.

B. *Waiver Requests Granted*

1. *Assessing Chrysler's Risks.* In *International Harvester Co. v. Ruckelshaus,*[14] the United States Circuit Court of Appeals for the District of Columbia reviewed the decision of EPA's Administrator to deny a set of applications for a one-year suspension of the statutory 1975 model year light-duty motor vehicle emission standards, which included the 3.4 gpm CO standard. The statutory criteria for the decision at that time were substantially similar to the criteria now provided in section 202(b)(5)(C) of the Act.[15]

[8] See Section III.B.1.a. for a fuller discussion of this new information.

[9] EPA issues certificates of conformity to cover motor vehicles which have demonstrated the capability to meet the requirements of regulations prescribed under section 202 of the Act, including the Federal emission standards. See 40 CFR 86.079–30 (1978). In order to determine conformity with Federal emission standards, EPA requires emissions testing of a prototype "durability vehicle" while that vehicle accumulates 50,000 miles. 40 CFR 86.080–20(a)(4)(1978).

[10] Deterioration factors for an engine family project the rates at which emision levels of each pollutant will increase while a vehicle from that engine family initially accumulates 50,000 miles. See 40 CFR 86.079–28(a)(4)(i)(B)(1978).

[11] Chrysler's 2/11/80 submission.

[12] See Chrysler's 1/30/80 and 2/11/80 submissions and transcript from November 5, 1979 Hearings, pp. 179, 182. These "calibrations" must include engine parameter settings which enable the low-mileage "emission data" vehicles to achieve emission levels which, when multiplied by the applicable deterioration factor, still meet Federal emission standards in order for the engine family represented by these vehicles to receive a certificate of conformity. See 40 CFR 86.079–28 (1978).

[13] See Chrysler's 10/16/79 submission.

[14] 478 F. 2d 615 (D.C. Cir. 1974).

[15] The version of the Act in effect at that time did not explicitly require the Administrator to assess the effect of the suspension on public health or to take into consideration costs, driveability, and fuel economy in evaluating available technology.

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Among other things, the court stated that in deciding on a suspension request the Administrator should balance the risk associated with erroneously denying the suspension requests against the risks of erroneously denying a suspension request based on an erroneous conclusion that effective control technology is available. The court indicated that the risk balance should take into account the economic costs (such as the impacts on jobs and the economy) possibly associated with an erroenous denial [16] versus the possible environmental benefits lost through an erroneous grant (as addressed in section III.B.2. below).

Under the current section 202(b)(5) of the Act, the gravity of the economic risks which both a waiver applicant and the public face from the possibility of an erroneous denial depends on the following two factors: (1) The severity of the adverse economic consequences which could occur as the result of an erroneous denial and (2) the likelihood that the denial, in fact, will turn out to be ill-founded.[17] My first consolidated CO waiver decision assessed the risks associated with Chrysler's waiver requests. The information in the record for that decision did not give me a basis for concluding that the risk of an erroneous waiver denial for any of the engine families now at issue here was substantial enough to merit my granting the waiver to avoid that risk.[18]

a. *Potential Adverse Economic Consequences of Erroneously Determining That Effective Control Technology Is Available for Chrysler's Engine Families.* New information which has become available to me since my earlier decision to deny waivers to the four Chrysler engine families indicates that both Chrysler and the public could incur severe adverse economic consequences under this consolidated decision if I were to erroneously deny a waiver for any of these engine families, thereby effectively precluding Chrysler from marketing these vehicles. Chrysler reported a $460.6 million loss for the third quarter of 1979, and projected a total loss of $1.073 billion for 1979.[19] Indeed, Chrysler's economic problems have been so severe that Congress has enacted special legislation to provide Chrysler with near-term financial assistance in the form of loan guarantees.[20]

Chrysler will be able to benefit from this financial assistance and the advantages it has received relative to other major domestic manufacturers in renegotiating its contract with the United Auto Workers labor union.[21] Nevertheless, while an erroneous denial of any Chrysler waiver request would not automatically force Chrysler out of business, it still could pose an especially significant risk to Chrysler's continued viability. Chrysler's inability to market any engine family for which I erroneously denied a waiver could have a significant impact on Chrysler's cash-flow situation.[22] Indeed, the presence of this risk could impede Chrysler's efforts toward obtaining the private financing it needs to continue in operation.

The severe economic repercussions which Chrysler could incur in turn present significant ramifications for the general public. If Chrysler were unable to market one or more of its engine families as planned for the 1981 model year, Chrysler could experience a significant threat to its continued viability. In that event, the Federal government could be liable (for up to $1.5 billion) for any loan guarantees it issues on behalf of Chrysler. Overall, a Chrysler shutdown could cost the Federal government alone at least $2.75 billion in loss of revenues, unemployment claims, welfare costs, and other expenses.[23] Unemployment among Chrysler's employees, dealers, and suppliers could increase by 75,0000 to 100,000, and would have a particularly serious impact on specific regions of the country.[24] Competition in the domestic automobile industry could suffer significantly,[25] as could diversity in the domestic market.[26] Assuming that other domestic manufacturers are unable to assume the market share vacated by Chrysler,[27] the United States' balance of payments could incur an annual $3 billion penalty through increased automobile imports, particularly in the small car market.[28] Finally, Chrysler might be unable to cover up to $1.1 billion is unfunded pension liability which would have to be assumed by the Pension Benefit Guaranty Corporation.[29]

Of course, it is impossible to project with precision the extent to which any or all of these adverse effects are likely to occur as the result of an erroneous waiver denial for one or more of the Chrysler engine families at issue here. Nevertheless, on the basis of the foregoing information regarding Chrysler's tenuous financial position, I have concluded that there is a significant risk that an erroneous denial for any of these Chrysler families would in turn produce some adverse economic consequences for Chrysler and the public and that those consequences would be severe. No other information available to me indicates that the effect of an erroneous waiver denial for any other manufacturer is likely to be as sever either for the manufacturer involved or for the public generally.

b. *Likelihood of Erroneously Determining that Effective Control Technology Is Available for Chrysler's Engine Families.* By themselves, the sever adverse economic consequences for Chrysler, and ultimately for the public, which could result from a waiver denial based on an erroneous determination do no necessarily mean that I must find that the requisite technology is not available. Before I reach that finding for a given Chrysler engine family, I need to assess the likelihood that a determination that effective control technology is available, considering costs, driveability, and fuel economy, might be incorrect. The more severe the potential adverse economic consequences would be from an erroneous denial, the lower the

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Moreover, that version required the Administrator to make a separate suspension decision for each applicant manufacturer, rather than to make decisions on a model-by-model basis as the current section 202(b)(5) requires. See Clean Air Amendments of 1970, Pub. L. 91–604, section 6, 01 Stat. 499 (1970) (current version at 42 U.S.C. 7521).

[16] These impacts could arise under a denial based on an erroneous conclusion that effective control technology is available, because a manufacturer in fact would not be able to produce vehicles meeting Federal emission requirements and therefore could lose a substantial portion (if not all) of its sales.

[17] Cf. *Ethyl Corp. v. Environmental Protection Agency,* 541 F. 2d 1, 18 (D.C. Cir. 1976) (stating that the Administrator's finding under section 211 of the Act that lead particulates "will endanger the public health and welfare" is composed of reciprocal elements of probability and severity).

[18] See my discussion of *International Harvester* and the accompanying risk assessment at 44 FR 53388 (September 13, 1979).

[19] S. REP. NO. 463, 96th Cong., 1st Sess. 6–7 (1979). Chrysler recently reported a $1.1 billion loss for 1979. *Washington Post,* February 8, 1980, at E–1, col. 1.

[20] Chrysler Corporation Loan Guarantee Act of 1979, Pub. L. No. 96–185, 93 Stat. 1324 (1980).

[21] S. REP. NO. 463, 96th Cong., 1st. Sess. 7 (1979).

[22] See Transcript of 11/5/79 Hearings, at 184–185 (where Chrysler discussed the problems it could face because of an erroneous denial). See also *THE WASHINGTON POST,* February 8, 1980, at E–1, Col. 1; *THE WALL STREET JOURNAL,* September 4, 1979, TIME, July 16, 1979, at 55; *AUTOMOTIVE NEWS,* July 2, 1979, at 1, Col. 4.

[23] S. REP. No. 463, 96th Cong., 1st Sess. 8 (1979).

[24] *Id.* at 8–9.

[25] *Id.* at 8.

[26] Chrysler is one of only three manufacturers (besides General Motors and Ford) which markets a full line of automobiles. Chrysler vehicle sales constitute approximately 10% of the domestic automobile market. *Id.* at 6–7

[27] It is at best uncertain that other domestic manufacturers can fill the market share vacated by Chrysler, especially in the area of smaller cars. See *id.* at 9; 44 FR 53382, n.65 (September 13, 1979) (citing testimony from Ford Motor Company).

[28] S. REP. NO. 463, 96th Cong., 1st Sess. 9 (1979).

[29] H.R. REP. NO. 600, 96th Cong., 1st Sess. 10 (1979).

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likelihood needs to be that the denial might be erroneous in order for me to determine that such effective control technology is not available.[30] Because of the relative severity of the economic consequences which may occur as the result of an erroneous denial of a Chrysler waiver request, the less likely it has to be that a determination that such effective control technology is available for a given Chrysler engine family might be incorrect.

Each of the four Chrysler engine families for which waiver requests are pending have passed durability vehicle certification testing under the emission standards currently scheduled for the 1981 model year. The certification tests results for each engine family are included in Appendix A to this consolidated decision.

These test results clearly indicate that effective control technology is available to enable these engine families to certify to the 3.4 gpm CO standard.[31] Moreover, Chrysler has not raised any new facts or evidence establishing that these engine families will not be able to comply with other emission-related requirements should the 3.4 gpm CO standard still take effect in the 1981 model year.[32]

Section 202(b)(5)(C)(iii) of the Act requires that I consider costs, driveability, and fuel economy before reaching my ultimate determination on availability of effective control technology to meet a 3.4 gpm CO standard. Chrysler has submitted the following "composite" driveability data derived from development vehicles of the engine families in question commensurate with the calibrations Chrysler expects those engine families most likely will use in production to meet the 3.4 standard while optimizing fuel economy and driveability:

Table 1.—*Driveability Rating Projections for Chrysler's Engine Families* [33]

Engine family	Projected driveability [34] (cold/hot)	Typical deterioration factors HC	CO	NO_x	Chrysler's qualitative evaluation
5.2L–EFM	7/7	1.1	1.5	1.5	Acceptable.
5.2L–2V	6/6	1.3	1.6	1.0	Not acceptable.
2.6L	4.5/6	1.7	1.4	1.3	Not acceptable.
2.2L California	4.5/6	1.7	1.4	1.3	Not acceptable.
50 State	6/6	1.7	0.9	1.1	Not acceptable.

[33] This table is excerpted from Chrysler's 2/11/80 submission.

[34] Chrysler assigns driveability ratings to vehicles on a scale of one (unreliable) to ten (excellent). See Chrysler's 7/3/79 application, Vol. 1, Sec. V, page D–33. Chrysler considers a 7 rating to be desirable, a 6 to be commercial, and a 5 to be marginal. Transcript from 7/10/79 Hearings at 74–75.

These data indicate that Chrysler has not yet achieved driveability levels for production vehicles of its 2.2L, 2.6L, and 5.2L/2V engine families which it believes would be marketable in conjunction with a 3.4 gpm CO standard.

These data alone, however, do not conclusively establish the unavailability of technology, considering costs, driveability, and fuel economy, for these three Chrysler engine families. Chrysler still has several months before the beginning of the 1981 model year to develop calibrations for these families to improve driveability under a 3.4 gpm CO standard. Moreover, Chrysler could elect to begin 1981 model year production of these engine families and through the "running change" process [35] work on calibrations that possibly might improve driveability. In the past, Chrysler has gone into production on an engine family with calibrations producing driveability test results below the level which Chrysler considers commercial.[36]

Nevertheless, a risk does exist that Chrysler will not be able to improve the driveability of its 2.2L, 2.6L, and 5.2L/2V engine families to marketable levels under a 3.4 gpm CO standard by the 1981 model year. This risk of not achieving what Chrysler considers to be marketable driveability is particularly significant where Chrysler engine families are involved because the emission control designs which Chrysler employs are relatively unsophisticated compared to the "state of the art" control designs of many other manufacturers. This restricts the flexibility Chrysler has to deal with the driveability problems and yet still meet the 3.4 gpm CO standard.[37] Specifically, Chrysler's designs have advanced less than other manufacturers' in the development of areas such as ignition systems, carburetors, exhaust gas recirculation (EGR) systems, and catalysts. Chrysler's systems have particular problems employing combustion mixtures dilute enough to enable its vehicles to meet emission standards while achieving acceptable driveability.[38] This emission/driveability

[30] See n. 17, *supra*.

[31] Now that Chrysler has completed durability testing on certification vehicles for each of these engine families which have deomonstrated compliance with the 3.4 gpm CO standard, the only major testing requirement Chrysler needs to perform to obtain certificates of conformity for these families is to test "emission-data" vehicles of these families at low mileage. See 40 CFR 86.079–26 (1978). These emission data vehicles will employ the calibration a manufacturer plans to use on production vehicles of these engine families. After its vehicles pass durability certification testing, a manufacturer is virtually assured that calibrations exist to enable its emission data vehicles to complete the remaining position of certification testing. Chrysler's plans for completing certification are contained in Chrysler's plans for completing certification are contained in Chrysler's July 3, 1979, Application, Vol. I, Sec. 5, pp.E–3 and E–4.

[32] See the discussion on this point in my first consolidated waiver decision. 44 FR 53384 (September 13, 1979).

[35] A manufacturer may implement design changes on a certified engine family after it has begun producing that engine family through what is known as the "running change" process, which is set forth in 40 CFR 86.079–32 through –34 (1978).

[36] Chrysler marketed an engine family in California with a 5.5 driveability rating and worked on improving driveability through running changes. Transcript from 7/12/79 Hearings, p. 75. Cf. note 29, *supra*.

[37] Vehicles with poor driveability are more likely to be maladjusted, often resulting in higher in-use emission levels. Motor Vehicle Tampering Survey (1978), Mobile Source Enforcement Division, EPA, pp. 22 and 24, November, 1978. Indeed, were I to require attainment of the 3.4 gpm CO standard by vehicles which could attain that standard only by incurring a significant risk of poor driveability in use, maladjustments to these vehicles may very well result in higher in-use CO emissions than would have occurred had I granted a waiver of the 3.4 gpm CO standard for these vehicles.

[38] For example, General Motors and Ford utilize high energy ignition combustion systems which can tolerate higher combustion mixture dilution without incurring significant driveability problems. Use of the high-energy ignition system permits increased recirculation of exhaust gas into the engine's combustion chambers during warmed-up conditions, and thus permits greater control of NO_x emissions.

Data from Chrysler also show improved emission performance from the use of high energy ignition systems during the "hot-start" phase of the Federal Test Procedure (FTP) for measuring vehicle emissions. (See Chrysler's 7/3/79 Application, Appendix III, data on research development vehicle 536. The hot-start tests are conducted on a warmed-

Footnotes continued on next page

tradeoff problem assumes greater significance during the "cold-start" phase of the Federal Test Procedure (FTP).[39] Other manufacturers have been able to develop methods to reduce or eliminate these tradeoff problems.[40] Chrysler has accomplished some development on improvements for this problem, but it is not ready to implement them across-the-board in production at this time.[41] Under a less stringent CO standard, Chrysler could calibrate its carburetors for a richer air/fuel ratio to produce a less dilute combustion mixture and thereby achieve better driveability.

In addition, Chrysler typically cannot achieve as much control of its carburetors' air/fuel ratios as can other manufacturers.[42] Thus, Chrysler vehicles will sacrifice some HC and CO control at times and some NOx control at other times depending upon how its carburetors deviate from optimum operation.

To achieve required degrees of emissions reduction, Chrysler has chosen to employ very large catalysts relative to the sizes employed by other manufacturers rather than employ smaller catalysts with a higher rhodium content and/or increased substrate cell density.[43] Chrysler may not have the design, manufacturing, and vendor capabilities to optimize its catalyst packages quickly.

Chrysler could improve the driveability of vehicles using these systems at the expense of some CO emission control. For the three Chrysler engine families which might be unable to attain marketable driveability levels under a 3.4 gpm CO standards, waiving the 3.4 gpm CO standard would permit Chrysler greater design flexibility to develop calibrations producing better driveability, thereby reducing the risk that Chrysler would be unable to market competitvely those three families.

As a result of the driveability problems Chrysler has experienced in developing its 2.2L, 2.6L, and 5.2L/2V engines to meet the 3.4 gpm CO standard, and as a result of the limited technological flexibility Chrysler has to remedy its driveability problems while maintaining required emission levels, the potential exists that Chrysler will not be able to produce these families with both acceptable emissions and marketable driveability. This possibility alone does not provide a basis for my determining that Chrysler has established that effective control technology is not available, considering costs, driveability and fuel economy. Available information also indicates, however, that severe economic costs could arise as a result of an erroneous determination for any Chrysler engine family on the available technology criterion.[44] I have determined, therefore, that given the risks presented from the possibility of erroneous waiver denials for any of these three engine families, when weighed against the environmental benefits which waiver denials for any of those families would achieve,[45] Chrysler has met its burden of proof in establishing that effective control technology, considering costs, driveability, and fuel economy, is not available for these families in the 1981 model year.

2. *The Act's Remaining Waiver Criteria.* Chrysler's waiver requests for these three engine families also meet the other statutory criteria for receiving waivers for the 1981 model year. Review of studies and investigations of the National Academy of Sciences (NAS) and other information available to me does not give me a basis for altering my assessment of the risks requiring me to determine that Chrysler has sufficiently established the technological infeasibility of the 3.4 gpm CO standard in the 1981 model year for these three engine families.[46]

Protection of the public health does not require attainment of the 3.4 gpm CO standard in the 1981 model year by these three engine families.[47] Granting waivers for these three families for the 1981 model year raises the number of vehicles covered by CO waivers to approximately 20% of total projected light-duty vehicle U.S. sales. The sum of the incremental contributions to ambient CO levels from that portion of the vehicle population is still so small as to be insignificant in its effect on public health.

My assessment of the risks associated with erroneous waiver denials indicate the public interest considerations at stake in my waiver decisions on these three engine families. I have determined that the adverse economic consequences that could occur due to the real possibility that a denial of a waiver request for any of these three engine families might be incorrect make it essential to the public interest that I grant these waivers.

All information contained in the record which relates to the good faith criterion tends to support a finding confirming Chrysler's good faith efforts.[48] I have determined, therefore, that Chrysler also has satisfied the statutory good faith criterion with respect to these three engine families.

Because Chrysler's waiver requests for its 1081 model year 2.2L, 2.6L, and 5.2L/2V engine families meet each of the Act's requirements, I am granting one-year waivers of the 3.4 gpm CO standard for these three engine families.

C. *Waiver Requests Denied* 1. *Chrysler's 2.2L, 2.6L, and 5.2L/2V Engine Families in the 1982 Model Year.* Severe adverse economic consequences still could occur were I to deny waivers erroneously for these three engine families for the 1982 model year.[49] I have concluded, however, that the likelihood is minimal that a determination that the 3.4 gpm CO standard is technologically feasible for these three families for the 1982 model year, even considering driveability, would be incorrect.

For the 1982 model year, Chrysler will have an additional year of lead time to remedy any driveability problems which still might exist for these engine families, which already have

Footnotes continued from last page

up engine. See 40 CFR Part 86, Subpart B (1978).) These systems most likely could achieve even greater emissions reduction over the full FTP test. Chrysler has not developed this type of system yet, and is not likely to be able to develop it within available lead time.

[39] A portion of the FTP for measuring emissions calls for testing a vehicle which is started after standing under controlled conditions with the engine turned off for 12–36 hours. See 40 CFR Part 86, Subpart B (1978).

[40] Specifically, high energy ignition systems permit General Motors and Ford to employ more dilute cold-start combustion mixtures and thereby achieve reduced CO emissions levels without incurring significant driveability problems. General Motors also has developed early fuel evaporation (EFE) systems to reduce cold-start CO emissions without sacrificing driveability. Other manufacturers have developed throttle-body injection or multiple-point fuel injection to help improve fuel metering.

[41] See Chrysler's 7/3/79 Application, Vol. I, Sec. V, at C–1 to C–5.

[42] *See, e.g.*, Chrysler's 7/3/79 Application, Vol. I, Sec. V, at C–5 and C–6; Transcript of 7/10/79 Hearing at 76.

[43] Various submissions to the record from other manufacturers support this conclusion.

[44] The decision addresses this point in section III.B.1.a., *supra*.

[45] See Section III.b.1., *supra*, and n. 61, *infra* (discussing the effects on public health of granting one-year waivers for these engine families).

[46] The conclusions I reached regarding section 202(b)(5)(C)(iv) of the Act in cases where I granted waivers in the first consolidated CO waiver decision still apply in this decision for Chrysler's renewed waiver requests for 1981 model year vehicles of these three engine families. 44 FR 53381 (September 13, 1979).

[47] See discussions on public health for engine families receiving waivers in the three earlier consolidated CO waiver decisions. 45 FR 7126 (January 31, 1980), 44 FR 69423–69424 (December 3, 1979), and 44 FR 53381–53382 (September 13, 1979).

[48] The reasoning behind my determination on the good faith criterion for engine families receiving waivers is set forth in my earlier three CO waiver consolidated decisions. 45 FR 7127 (January 31, 1980), 44 FR 69424–69425 (December 3, 1979); 44 FR 53383 (September 13, 1979).

[49] See the earlier discussion in this decision on the adverse economic consequences Chrysler and the public might face as the result of an erroneous denial. Section III.B.1.a., *supra*.

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demonstrated their capability to certify to the 3.4 gpm CO standard. The recent technological exchange agreement between GM and Chrysler, which was intended in part to help Chrysler meet the emission standards scheduled for the 1981 model year, could provide Chrysler with the capability of overcoming any driveability problems these engine families might still be incurring, as could further development on the technology Chrysler already employs for these families.

No information in the record from Chrysler or any other source establishes that any driveability problems which might exist for these engine families in the 1981 model year under the 3.4 gpm CO standard necessarily will still prevent Chrysler from competitively marketing these families in the 1982 model year. In addition, no new information has become available to me which gives me a basis for altering my determinations that the costs associated with meeting the more stringent 3.4 gpm CO standard do not present a significnt risk that Chrysler will be unable to market these engine families in the 1982 model year.[50]

Chrysler has submitted information on its 2.2L engine family indicating that the 2.2L family was experiencing problems attaining fuel economy levels which Chrysler deems to be necessary to permit it to meet Federal fuel economy requirement.[51] Chrysler also stated that it "anticipated" a fuel economy penalty of 0.5–1.0 miles per gallon compared to its target values [52] for vehicles of these three engine families achieving the driveability levels listed in Table 1 under a 3.4 gpm CO standard.[53] As was the case with Chrysler's driveability problems, however, the record includes no information which establishes that these fuel economy concerns will prevent Chrysler from marketing this family in the 1982 model year.[54] Should Chrysler, after employing all good faith efforts to rectify the driveability risks it now faces under the 3.4 gpm CO standard and after attempting to improve its relatively precarious financial condition, still be unable to reduce these problems sufficiently within the lead time available for the 1982 model year, it will have time to reapply for waivers for these engine families.

As a result, I have determined that Chrysler has not met its burden or proof to establish that effective control technology, considering costs, driveability, and fuel economy, will not be available for these three families in model year 1982. On the basis of this determination, I am denying Chrysler the waivers it has requested for the 2.2L, 2.6L, 5.2L/2V engine families for the 1982 model year.

2. *Chrysler's 5.2L/EFM Engine Family.* Emission test results from Chrysler's durability certification vehicle for this engine family establish that this engine family is capable of certifying to the 3.4 gpm CO standard. Again, Chrysler has not provided any factual basis for a finding that this engine family will be unable to meet any other emission-related requirements.[55]

Moreover, the driveability data pertaining to Chrysler's 5.2L/EFM engine family demonstrates that this family can meet the 3.4 gpm CO standard while retaining the capability to meet Chrysler's own driveability level targets. For this engine family, the risk is minimal that Chrysler will not be able to produce vehicles for the 1981 model year which will not be capable of achieving marketable driveability levels. Nor has Chrysler established that it is at all likely to incur cost or fuel economy penalties in meeting the tighter 3.4 gpm CO standard.[56]

It may still be the case that an erroneous waiver denial for this engine family could result in severe adverse economic consequences. Because the evidence in the record shows that the likelihood of an erroneous denial for this engine family is minimal, however, I have concluded that Chrysler has not met its burden of proof to establish sufficiently that effective control technology, considering costs, driveability, and fuel economy, will not be available for the 5.2L/EFM engine family by the 1981 model year. As a result, I am denying Chrysler's waiver request for this engine family for both the 1981 and 1982 model years.

3. *Responses to Chrysler's Challenges to My First Consolidated Waiver Decision.* Chrysler's latest set of waiver submissions includes several challenges to my conclusions in my first consolidated CO waiver decision regarding availability of effective control technology for the 2.2L, 2.6L, 5.2L/2V and 5.2L/EFM engine families. Because I have based my determinations in this consolidated decision on new information which has become available since my first set of decisions, many of Chrysler's challenges no longer bear on the present bases for these determinations.

Specifically, many of Chrysler's contentions address the bases I used in my first consolidated decision to project whether or not effective control technology was available to enable these engine families to certify under the 3.4 gpm CO standard.[57] The determinations I have reached here no longer rely upon projections of capabilities to certify; rather, I am relying on actual certification test results which conclusively establish the certification capabilities of these engine families.

Chrysler also has asserted that were my waiver decision to prevent it from producing its 2.2L and 2.6L engines, its corporate average fuel economy (CAFE) levels would fall below the level required by Federal standards.[58] I have reached my decisions to deny waivers for these engine families for the 1982 model year only after determining that available information does not establish a significant risk that effective control technology, considering costs, driveability, and fuel economy, would not be available for either of these engine families for the 1982 model year. As a result, Chrysler has not met its burden of proof to establish a significant risk that a waiver denial would prevent it from producing either of these engine families and thus from meeting CAFE requirements.

Chrysler has asserted that I have not adequately considered the public health implications of my decisions to deny waivers for any of its engine families.[59] Specifically, Chrysler has contended that the 3.4 gpm CO standard in effect for any engine family not receiving a waiver is not in any way required for the protection of public health.

[50] In my first consolidated CO waiver decision, I addressed the cost considerations associated with the Chrysler waiver requests which I have denied. 44 FR 53385, 53400 (September 13, 1979).

[51] Chrysler's 11/19/79 submission, p. 1.

[52] Chrysler's target values are the fuel economy levels it feels its vehicles must achieve in order to avoid "serious" problems on meeting market demand. Chrysler's 1/30/80 submission.

[53] Chrysler's 1/30/80 submission.

[54] In my first consolidated CO waiver decision, I addressed the fuel economy considerations associated with the Chrysler waiver requests which I have denied. 44 FR 53386, 53402 (September 13, 1979). Chrysler provided no information explaining the basis for its projected fuel economy penalty, the probability that such a penalty would occur, or the reasons why the penalty would prevent Chrysler from attaining Federal fuel economy requirements or meeting market demand.

[55] See note 24, *supra*.

[56] See notes 50 and 54, *supra*, and accompanying text. Chrysler stated it also anticipated a 0.5–1.0 miles per gallon fuel economy penalty relative to its target levels for its 5.2L/EFM family at the driveability levels listed in Table 1 of Chrysler's 1/30/80 submission. Chrysler again provided no information explaining the basis for its projected fuel economy penalty, the probability that such a penalty would occur, or the reasons why the penalty would prevent Chrysler from attaining Federal fuel economy requirements.

[57] See Chrysler's 10/16/79 submission.

[58] *Id.* at p. A–11.

[59] Chrysler's 10/16/79 submission, p. C–1.

As my earlier CO waiver decisions explain, Congress did not intend that I reexamine the need for implementing the 3.4 gpm CO standard which Congress believed to be necessary to prevent ambient CO levels from presenting unacceptable public health risks.[60] Rather, the public health criterion contained in the Act only directs me to determine whether protection of the public health requires attainment of the 3.4 gpm CO standard by those families which I otherwise have determined should receive waivers. I have applied this approach in deciding which Chrysler engine families should receive waivers for which model years.

My earlier consolidated decisions have considered the risks which granting waivers to any or all engine families presents to public health.[61] Even were the Act to require me to consider the need for a 3.4 gpm CO standard to protect public health, I have determined that a two-year, industry-wide waiver does indeed present measurable risks to the public health.[62] The presence of these risks confirms the reasonableness of Congress' decision to require manufacturers generally to achieve the 3.4 gpm CO standard in order to protect public health.

Chrysler also has stated that my decision to deny waivers for any of its engine families do not adequately consider their implications regarding the public interest.[63] My assessment of the risks presented in reaching my decisions on Chrysler's waiver requests examines closely the public interest considerations at stake.[64]

As a result of this examination, I have determined that it is essential to the public interest to grant waivers for those engine families and those model years for which Chrysler has established a significant risk that effective control technology, considering costs, driveability, and fuel economy, might not be available. I have further determined that even if the Act otherwise authorized me to grant waivers for the engine families and model years for which Chrysler has failed to establish this risk, those waivers would not be essential to the public interest because Chrysler has failed to establish that it may not be able to market those families for the public in those model years.[65]

In summary, none of the contentions Chrysler has submitted for consideration in its renewed waiver requests gives me a basis for altering my decisions above to deny Chrysler's waiver requests for 1982 model year vehicles of its 2.2L, 2.6L, and 5.2L/2V engine families and for 1981 and 1982 model year vehicles of its 5.2L/EFM engine family.

IV. Interim CO Exhaust Emission Standards

As required by section 202(b)(5)(A) of the Act, I am simultaneously promulgating regulations prescribing an interim CO emission standard for 1981 families. For these three engine families, this action continues in effect for one additional model year the CO emission standard applicable to all 1980 model year light-duty vehicles.

Dated: March 11, 1980.

Douglas M. Costle,

Administrator.

Appendix A

Table I.—*1981 Federal Certification Vehicles*

Family 2.2L (BCR 2.2V2HU8). Vehicle DO 20

Miles	HC	CO	NO_x
4776	0.153	2.80	0.66
9773	0.127	2.01	0.61
14799	0.137	2.01	0.56
19778	0.155	2.64	0.55
24781	0.217	2.80	0.67
29844	0.221	3.61	0.71
29876	0.178	2.78	0.66
34773	0.164	3.02	0.65
39785	0.186	2.67	0.74
44918	0.187	2.78	0.74
49761	0.206	3.30	0.80
4000 (CALC) =	0.14	2.34	0.61
50000 (CALC) =	0.21	3.22	0.69
Deterioration factor =	1.4636	1.3775	1.1390

Table II.—*1981 Federal Certification Vehicles*

Family 2.6L (BCR 2.6VBJ2). Vehicle DO32R

Miles	HC	CO	NO_x
4765	0.119	1.14	0.60
9804	0.150	1.81	0.62
15152	0.164	2.08	0.75
15172	0.138	0.94	0.66
20160	0.221	0.81	0.67
24776	0.201	2.25	0.71
30029	0.246	1.77	0.95
30048	0.197	1.51	0.74

Table II.—*1981 Federal Certification Vehicles*—Continued

Family 2.6L (BCR 2.6VBJ2). Vehicle DO32R

Miles	HC	CO	NO_x
34783	0.256	1.97	0.79
39796	0.263	2.25	0.84
44777	0.244	1.81	0.87
44815	0.221	1.95	0.79
49777	0.223	1.79	0.81
4000 (CALC) =	0.14	1.34	0.62
50000 (CALC) =	0.26	2.00	0.87
Deterioration factor =	1.8615	1.4946	1.3961

Table III.—*1981 Federal Certification Vehicles*

Family 2.6L (BCR 2.6V2BG8). Vehicle DO34

Miles	HC	CO	NO_x
4776	0.098	0.52	0.59
9818	0.128	1.79	0.57
14791	0.171	2.98	0.58
14809	0.186	2.36	0.44
19872	0.190	1.73	0.59
25191	0.211	2.52	0.66
29857	0.231	3.12	0.66
29881	0.268	2.81	0.65
34829	0.197	2.28	0.70
39842	0.219	2.82	0.73
44787	0.261	3.07	0.75
44805	0.213	1.78	0.66
49792	0.274	2.36	0.76
4000 (CALC) =	0.13	1.76	0.52
50000 (CALC) =	0.27	2.64	0.75
Deterioration factor =	2.1004	1.6104	1.4372

Table IV.—*1981 Federal Certification Vehicles*

Family 2.6L (BCR 2.6V2BH0). Vehicle DO 35

Miles	HC	CO	NO_x
4856	0.162	1.18	0.54
9769	0.158	1.01	0.60
14870	0.263	2.82	0.62
14888	0.190	1.86	0.56
19769	0.279	2.48	0.62
24762	0.190	1.46	0.71
30128	0.206	1.72	0.76
30147	0.230	1.08	0.67
34786	0.255	3.06	0.65
39785	0.213	1.49	0.96
44782	0.225	2.34	0.89
44807	0.245	3.11	0.95
49847	0.212	1.07	0.82
4000 (CALC) =	0.205	1.60	0.51
50000 (CALC) =	0.235	2.15	0.91
Deterioration factor =	1.461	1.3371	1.7771

Table V.—*1981 Federal Certification Vehicles*

Family 2.2L (BCR 2.2V2HJS) Vehicle DO 95

Miles	HC	CO	NO_x
4751	0.118	1.50	0.55
10157	0.154	2.68	0.46
15059	0.219	2.98	0.48
19939	0.182	2.21	0.51
21242	0.180	3.97	0.51
24814	0.215	3.70	0.47
29873	0.166	2.53	0.55
29897	0.159	2.18	0.54
34784	0.182	1.84	0.62
40049	0.230	3.87	0.61
40069	0.228	3.00	0.57
44945	0.245	2.75	0.51
47099	0.226	3.00	0.64
4000 (CALC) =	0.144	2.29	0.48
50000 (CALC) =	0.236	3.20	0.60
Deterioration factor =	01.6572	1.3978	1.2622

[60] 45 FR 7127 (January 31, 1980). 44 FR 69429 (December 3, 1979). 44 FR 53387 (September 13, 1979).

[61] See 45 FR 7126 (January 31, 1980). 44 FR 69423, 69429, 69456–69462 (December 3, 1979). 44 FR 53381, 53386, 53402–53407 (September 13, 1979).

[62] 45 FR 7126 (January 31, 1980). 44 FR 69429 (December 3, 1979). 44 FR 53386–53387 (September 13, 1979).

[63] Chrysler's 10/16/79 submission, p. D–1.

[64] See the discussion in sections III. B. 1. and III. C. 1. and 2.

[65] I have based this determination on the same reasoning that I used in my earlier consolidated CO waiver decisions to determine that waivers were not essential to the public interest for engine families for which an applicant had failed to establish that effective control technology, considering costs, driveability, and fuel economy, was not available. See 45 FR 7126 (January 31, 1980); 44 FR 69430 (December 3, 1979); 44 FR 53387 (September 13, 1979).

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Table VI.—*1981 Federal Certification Vehicles*

Family 5.2L/2V (BCR 5.2V2HC6) Vehicle DO 60

Miles	HC	CO	NO_x
4769	0.171	2.03	0.62
9824	0.149	1.76	0.59
14810	0.170	2.12	0.67
14829	0.172	2.07	0.59
19819	0.166	2.75	0.61
24815	0.201	2.75	0.60
29795	0.216	3.15	0.69
29815	0.244	4.27	0.59
34795	0.236	3.71	0.63
39782	0.192	2.61	0.69
44778	0.192	2.01	0.66
44794	0.234	3.37	0.61
49791	0.211	3.19	0.68
4000 (CALC) =	0.166	2.11	0.59
50000 (CALC) =	0.228	3.35	0.65
Deterioration factor =	1.3724	1.5866	1.1016

Table VII.—*1981 Federal Certification Vehicles*

Family 5.2L/2VEFM (BCR 5.2 V8FBC) Vehicle DO 62

Miles	HC	CO	NO_x
4927	0.194	1.14	0.70
9792	0.152	1.14	0.67
14793	0.162	1.44	0.77
19799	0.173	1.34	0.75
25170	0.157	1.45	0.84
30171	0.166	1.42	0.86
30191	0.163	1.15	0.82
34810	0.162	1.82	0.93
39807	0.156	1.40	0.93
44809	0.197	2.21	0.92
49807	0.197	1.39	0.97
4000 (CALC) =	0.17	1.14	0.67
50000 (CALC) =	0.18	1.73	0.98
Deterioration factor =	1.0770	1.5164	1.4580

Table VIII.—*1981 Federal Certification Vehicles*

Family 2.2L (BCR 2.2V2 HE9) Vehicle DO 17

Miles	HC	CO	NO_x
4821	0.178	2.09	0.55
9810	0.081	1.48	0.53
14786	0.169	2.69	0.58
19809	0.131	1.78	0.57
24786	0.134	2.04	0.50
29809	0.106	1.33	0.60
29833	0.151	2.27	0.67
31052	0.176	2.68	0.65
35134	0.211	2.51	0.68
39832	0.257	2.67	0.81
45189	0.298	3.32	0.93
45187	0.286	3.09	0.92
4000 (CALC) =	0.091	1.63	0.44
50000 (CACL) =	0.268	3.04	0.88
Deterioration factor =	2.9258	1.8676	1.9853

Table IX.—*1981 Federal Certification Vehicles*

Family 2.2L (BCR 2.2V2HA5) Vehicle DO 16

Miles	HC	CO	NO_x
4790	0.122	1.80	1.13
9792	0.101	1.75	0.52
14804	0.133	2.20	0.55
19809	0.099	1.42	0.59
24784	0.104	1.58	0.53
29778	0.112	1.72	0.61
29798	0.125	1.95	0.51
34788	0.109	1.30	0.50
39794	0.131	1.65	0.64
40095	0.140	1.98	0.60
42124	0.198	2.98	0.59
45016	0.226	1.98	0.94
45974	0.231	2.32	0.91
4000 (CALC) =	0.082	1.62	0.68
50000 (CALC) =	0.188	2.12	0.88
Deterioration factor =	2.2857	1.3028	0.9069

Table X.—*1981 Federal Certification Vehicles*

Family 5.2L/2V (BCR 5.2V EU4) Vehicle DO 59

Miles	HC	CO	NO_x
4786	0.225	1.92	0.60
9772	0.303	2.43	0.36
15106	0.258	2.05	0.39
15126	0.219	2.06	0.45
19801	0.322	1.88	0.34
25132	0.484	2.42	0.42
29766	0.236	2.15	0.37
29787	0.303	1.99	0.36
34807	0.262	3.15	0.40
39786	0.375	3.12	0.41
44772	0.294	2.57	0.34
44790	0.296	3.01	0.44
49808	0.378	3.08	0.41
4000 (CALC) =	0.26	1.85	0.45
50000 (CALC) =	0.345	2.99	0.37
Deterioration factor =	1.3078	1.6166	0.8310

Table XI.—*1981 Federal Certification Vehicles*

Family 5.2L2V (BCR 5.2VHL6) Vehicle DO 57

Miles	HC	CO	NO_x
4864	0.198	0.93	0.52
9760	0.185	1.43	0.52
14790	0.208	1.89	0.57
14810	0.174	3.91	0.61
19774	0.217	3.24	0.56
25158	0.231	2.31	0.48
30133	0.216	2.12	0.62
30155	0.243	1.39	0.52
34789	0.211	2.19	0.60
39793	0.251	2.26	0.56
44773	0.245	2.32	0.60
44792	0.247	2.74	0.62
49823	0.201	2.06	0.63
4000 (CALC =	0.177	2.00	0.53
50000 (CALC) =	0.247	2.47	0.61
Deterioration factor =	1.3915	1.2164	1.596

[FR Doc. 80-8603 Filed 3-18-80; 8:45 am]

BILLING CODE 6560-01-M

federal register

Wednesday
March 19, 1980

Part IX

Federal Reserve System

Marginal Reserve Requirements; Interest on Deposits; and Credit Restraint

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FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Reg. D; Docket No. R-0278]

Reserves of Member Banks; Marginal Reserve Requirements

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: On October 6, 1979, the Board of Governors amended Regulation D to establish a marginal reserve requirement of 8 percent on the amount by which the total of certain managed liabilities of member banks (and Edge and Agreement Corporations) and United States branches and agencies of foreign banks exceeds the amount of an institution's base of managed liabilities. An institution's base was defined as the daily average total of managed liabilities outstanding during the period September 13–26, 1979, or $100 million, whichever is greater. The Board has amended Regulation D to increase the marginal reserve requirement ratio to 10 per cent. The Board also has amended Regulation D to reduce an institution's managed liabilities base by the greater of 7 per cent or the amount of decrease in an institution's daily average gross loans to non-United States residents and gross balances due from foreign offices of other institutions between the base period (September 13–26, 1979) and the statement week ending March 12, 1980. In the future, an institution's base will be reduced further after March 12, 1980, by the amount by which it decreases its daily average gross loans to non-U.S. residents and gross balances due from foreign offices of other institutions during a statement week. However, in no event will the base of an institution that was a net borrower of managed liabilities during the base period (September 13–26, 1979) be reduced below $100 million. The purpose of this action is to control further the availability of bank credit.

EFFECTIVE DATE: This action is effective for marginal reserves required to be maintained during the seven-day period beginning April 3, 1980, against total managed liabilities outstanding during the seven-day period beginning on March 20, 1980.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452–3625), Anthony P. Cole, Senior Attorney (202/452–3612), or Paul S. Pilecki, Attorney (202/452–3281), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On October 6, 1979, the Board of Governors amended Regulation D (12 CFR Part 204) to impose a marginal reserve requirement of 8 per cent on the amount by which the total managed liabilities of member banks (and Edge and Agreement Corporations) and United States branches and agencies of foreign banks with total worldwide consolidated bank assets in excess of $1 billion exceeds the amount of the institution's managed liabilities outstanding during the base period (September 13–26, 1979) or $100 million, whichever is greater (44 FR 60071). Managed liabilities include the total of (1) time deposits in denominations of $100,000 or more with original maturities of less than one year; (2) Federal funds borrowings with original maturities of less than one year from U.S. offices of depository institutions not required to maintain Federal reserves and from U.S. government agencies; (3) repurchase agreements with original maturities of less than one year on U.S. government and agency securities entered into with parties other than institutions required to maintain Federal reserves; and (4) Eurodollar borrowings from foreign banking offices, asset sales to related foreign offices and member bank foreign office loans to U.S. residents. The purpose of this action was to better control the expansion of bank credit, help curb speculative excesses in financial, foreign exchange and commodity markets and thereby serve to dampen inflationary forces.

Under the marginal reserve program, the amount of marginal reserves that a member bank, Edge or Agreement Corporation, or a U.S. branch or agency family of a foreign bank that is a net borrower of managed liabilities is required to maintain is determined by the amount by which the total of the institution's managed liabilities during a given seven-day reserve computation period exceeds the daily average amount of managed liabilities outstanding during the base period or $100 million, whichever is greater. For an institution that is a net lender of managed liabilities (that is, the sum of its managed liabilities is negative because its net Eurodollar loans to its foreign offices are greater than the total of its other managed liabilities), its managed liabilities base is the algebraic sum of its managed liabilities and $100 million.

The Board has determined to increase the marginal reserve requirement ratio to 10 percent and also has determined to adjust the base amount of managed liabilities for institutions subject to the marginal reserve requirement program. For reserve computation periods beginning March 20, 1980, if an institution was a net borrower of managed liabilities during the base period, its base amount will be reduced by an amount equal to the greater of 7 percent of its current base or an amount equal to the decrease in the sum of its daily average gross loans to non-United States residents and gross balances due from foreign offices of other institutions from the base period (September 13–26, 1979) to the seven-day statement week ending March 12, 1980. For example, if an institution has a borrowed managed liabilities base of $250 million, its base would be reduced by at least $17.5 million (7 percent x $250 million). However, if such institution's daily average of gross loans to non-United States residents and gross balances due from foreign offices of other institutions decreased between the base period (September 13–26, 1979) and the statement week ended March 12, 1980, by $25 million, then the new managed liabilities base for such institution would be $225 million, since the decrease in daily average of such loans and balances was greater than 7 percent. Consequently, the marginal reserve ratio of 10 percent would be applied to the institution's managed liabilities in excess of $225 million.

The managed liabilities base shall be further reduced in reserve computation periods beginning March 20, 1980, by the amount by which the institution's daily average of gross loans to non-United States residents and gross balances due from foreign offices of other institutions during the statement week is lower than the daily average amount of such loans and balances during the statement week ending on March 12, 1980. In order to minimize the reserve impact of small repayments or reductions in the daily average gross loans to non-United States residents and balances due from foreign offices of other institutions, a future reduction in such loans and balances below the daily average for the week ending March 12, 1980, will reduce the base only in increments of $2 million. For example, if an institution reduces such loans and balances by a daily average of $12.5 million during the statement week ending March 26, 1980, its base for that week and future weeks will be reduced by $12 million. This approach also will enable institutions to receive ordinary repayments of foreign loans without being required to relend such funds immediately to avoid increased marginal reserves. The base for an institution that was a net borrower of managed liabilities during the base period (September 13–26, 1979), will not be reduced below $100 million. The base will not change for an institution that was a net lender of managed liabilities during the base period. An institution's base will not be affected by an increase in daily average gross loans to non-United States residents. In addition, eligible bankers' acceptances not held in the issuer's own portfolio will not be regarded as loans for purposes of determining reductions in the managed liabilities base.

These actions are being taken to moderate expansion of bank credit, thereby dampening inflationary pressures. In order to achieve the above stated objectives as soon as possible, the Board for good cause finds that the notice, public procedure, and deferral of effective date provisions of 5 U.S.C. 553(b) with regard to these actions are impracticable and contrary to the public interest.

These actions are taken pursuant to the Board's authority under sections 19, 25 and 25(a) of the Federal Reserve Act (12 U.S.C. 461, 601 *et seq.*) and under section 7 of the International Banking Act of 1978 (12 U.S.C. 3105).

Effective April 3, 1980, § 204.5 of Regulation D (12 CFR 204.5) is amended by revising the introductory clauses of (f)(1) and (2) and by adding a new (f)(3) as follows:

§ 204.5 Reserve requirements.

* * * * * *

(f) *Marginal reserve requirements.*— (1) *Member banks.* A member bank shall maintain a daily average reserve balance against its time deposits equal to 10 per cent of the amount by which the daily average of its total managed liabilities during the seven-day computation period ending eight days prior to the beginning of the corresponding seven-day reserve maintenance period exceeds the member bank's managed liabilities base as determined in accordance with subparagraph (3) of this paragraph. A member bank's managed liabilities are the total of the following: * * *

(2) *United States branches and agencies of foreign banks.* A United States branch or agency of a foreign bank with total worldwide consolidated bank assets in excess of $1 billion shall maintain a daily average reserve balance against its liabilities equal to 10 per cent of the amount by which the daily average of its total managed liabilities during the seven-day computation period ending eight days prior to the beginning of the corresponding seven-day reserve maintenance period exceeds the institution's managed liabilities base as determined in accordance with subparagraph (3) of this paragraph. In determining managed liabilities of United States branches and agencies, the managed liabilities of all United States branches and agencies of the same foreign parent bank and of its majority-owned (greater than 50 per cent) foreign banking subsidiaries (the "family") shall be consolidated. Asset and liability amounts that represent intra-family transactions between United States branches and agencies of the same family shall not be included in computing the managed liabilities of the family. United States branches and agencies of the same family shall designate one U.S. office to be the reporting office for purposes of filing consolidated family reports required for determination of the family's marginal reserve requirements. The reporting office shall file reports and maintain marginal reserves required under this section for the family at the Federal Reserve Bank of the district in which the reporting office is located. The total managed liabilities of a family are the total of each branch's and agency's: * * *

(3) *Managed liabilities base.* During the seven-day reserve computation period beginning March 20, 1980, and during each seven-day reserve computation period thereafter, the managed liabilities base of a member bank or a family of United States branches and agencies of a foreign bank ("family") shall be determined as follows:

(i) For a member bank or family that, on a daily average basis, is a net borrower of total managed liabilities during the fourteen-day base period ending September 26, 1979, its managed liabilities base shall be the daily average of its total managed liabilities during the base period less the greater of

(A) 7 per cent of the daily average of its total managed liabilities during the base period; or

(B) the amount equal to the decrease in its daily average gross loans to non-United States residents [18] and gross balances due from foreign offices of other institutions [19] or institutions, the time deposits of which are exempt from the rate limitations of Regulation Q pursuant to § 217.3(g) thereof [20] between the fourteen-day base period ending September 26, 1979, and the computation period ending March 12, 1980.

For each computation period beginning after March 19, 1980, the managed liabilities base of a member bank or family shall be further reduced during the computation period by the amount by which its lowest daily average of gross loans to non-United States residents [18] and gross balances due from foreign offices of other institutions [19] or institutions, the time deposits of which are exempt from the rate limitations of Regulation Q pursuant to § 217.3(g) thereof [20] outstanding during any computation period beginning after March 19, 1980, is lower than the daily average amount of such loans and balances outstanding during the computation period ending on March 12, 1980. The amount representing such difference shall be rounded to the next lowest multiple of $2 million. In no event will the managed liabilities base for an institution that was a net borrower of managed liabilities during the fourteen-day base period ending September 26, 1979, be less than $100 million.

(ii) For a member bank or family that, on a daily average basis, is a net lender of total managed liabilities during the fourteen-day base period ending September 26, 1979, its managed liabilities base shall be the sum of its daily average negative total managed liabilities and $100 million.

[18] A United States resident is: (a) Any individual residing (at the time the credit is extended) in any State of the United States or the District of Columbia; (b) any corporation, partnership, association or other entity organized therein ("domestic corporation"); and (c) any branch or office located therein of any other entity wherever organized. Credit extended to a foreign branch, office, subsidiary, affiliate or other foreign establishment ("foreign affiliate") controlled by one or more such domestic corporations will not be deemed to be credit extended to a United States resident if the proceeds will be used in its foreign business or that of other foreign affiliates of the controlling domestic corporation(s).

[19] Any banking office located outside the States of the United States and the District of Columbia of a bank organized under domestic or foreign law.

[20] A foreign central bank, or any international organization of which the United States is a member, such as the International Bank for Reconstruction and Development (World Bank), International Monetary Fund, Inter-American Development Bank, and other foreign international, or supranational entities exempt from interest rate limitations under § 217.3(g)(3) of Regulation Q (12 CFR 217.3(g)(3)).

By order of the Board of Governors of the Federal Reserve System, March 14, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-8661 Filed 3-18-80; 12:21 pm]

BILLING CODE 6210-01-M

12 CFR Part 217

[Reg. Q; Docket No. R-0279]

Interest Rate Ceilings to Certain Obligations Issued By a Member Bank's Parent Bank Holding Company

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has amended Regulation Q (12 CFR Part 217) to impose interest rate limitations on certain obligations issued by a member bank's parent bank holding company. The amendment will apply to an obligation with a denomination of less than $100,000 issued or guaranteed by a bank holding company, regardless of the use of the proceeds, with an original maturity of 4 years or less, or redeemable by the holder in 4 years or less. Obligations with original maturities of 2½ years to 4 years, or redeemable in periods of 2½ years to 4 years, will be subject to the ceiling rate of interest payable on the 2½ year variable ceiling time deposit. Obligations in denominations of $10,000 or more with original maturities between 26 weeks and 2½ years, or redeemable in periods of 26 weeks to 2½ years, will be subject to the ceiling rate of interest payable by member banks on 26-week money market time deposits of less than $100,000. Obligations in denominations of less than $10,000 with original maturities of less than 2½ years, or redeemable in periods of less than 2½ years will be subject to the same interest rate limitations applicable to comparable obligations of member banks. The amendment does not apply to commercial paper issued by a member bank's parent bank holding company. This action is being taken in order to facilitate the orderly administration of currently prescribed interest rate limitations.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452-3625); Anthony F. Cole, Senior Attorney (202/452-3612) or Paul S. Pilecki, Attorney (202/452-3281), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Board of Governors has amended Regulation Q (12 CFR 217.1 and 217.7) to apply Regulation Q interest rate ceilings to certain obligations issued or guaranteed, in whole or in part, as to principal or interest by a member bank's parent bank holding company. The amendment applies to any obligation, regardless of the use of the proceeds, issued in a denomination of less than $100,000 that has an original maturity of 4 years or less, or that is redeemable by the holder in periods of 4 years or less. Obligations with original maturities of 2½ years to 4 years, or redeemable between 2½ years and 4 years, will be subject to the ceiling rate of interest payable on the 2½ year variable ceiling time deposit. Obligations in denominations of $10,000 or more with original maturities of 26 weeks to 2½ years, or redeemable in periods of 26 weeks to 2½ years, will be subject to the ceiling rate of interest payable by member banks on 26-week money market time deposits of less than $100,000. In addition, obligations in denominations of less than $10,000 with original maturities of less than 2½ years, or redeemable in periods of less than 2½ years, will be subject to the interest rate limitations applicable to comparable obligations of member banks.

With respect to obligations redeemable at specified intervals at the holder's option, the rate of interest payable on such obligations must be adjusted at the beginning of each such interval. The maximum rate of interest that may be paid for the period during the specified redemption intervals will be determined by applying the Regulation Q rules in effect at the time the obligation was issued. For example, on March 17, 1980, a parent bank holding company subject to this action issues an obligation with redemption intervals between 2½ to 4 years. The maximum rate of interest that may be paid during each redemption interval will be determined by the rule in effect as of March 17 for determining the ceiling rate of interest payable on the 2½ year variable ceiling time deposit. This rule provides that a member bank may pay interest at a rate of 11¾ per cent or 75 basis points below the yield on 2½ year Treasury securities, whichever is less. Consequently, the maximum rate that may be paid on the obligation during the first redemption interval is 11¾ per cent. The maximum rate that may be paid during subsequent redemption intervals will be 11¼ per cent or 75 basis points below the yield on 2½ year Treasury securities, whichever is less. This procedure for determining the maximum rate payable during each redemption interval will apply even if the rule relating to the determination of the ceiling rate of interest payable on the 2½ year variable ceiling time deposit is modified. If, however, the rule relating to the determination of the ceiling rate of interest payable on the 2½ year variable ceiling time deposit is modified, the new rule would apply to bank holding company obligations issued on or after the effective date of the new rule.

The amendment applies only to obligations required to be registered with the Securities and Exchange Commission under the Securities Act of 1933 and, consequently, the amendment does not apply to commercial paper issued by a member bank's parent bank holding company. The amendment applies to covered obligations regardless of the use of the proceeds—i.e., even if the proceeds are not being supplied to the parent bank holding company's member bank subsidiary or subsidiaries. However, if a bank holding company directly issues obligations subject to interest rate limitations imposed by the Federal Deposit Insurance Corporation or the Federal Home Loan Bank Board pursuant to P.L. 89-597, such obligations will not be subject to the interest rate limitations imposed by this action.

The Board has concluded that regulations pertaining to the rates that may be paid on obligations issued by bank holding companies in denominations of less than $100,000 with original maturities of 4 years or less are necessary at this time in view of the impact the issuance of such obligations is likely to have on deposit flows among depository institutions. Such obligations typically are issued at rates substantially in excess of the Regulation Q ceiling rates of interest payable by member banks on time deposits of comparable maturities and are competitive with consumer deposits issued by depository institutions. The Board believes that such obligations generally should be subject to the interest rate limitations imposed upon member banks.

The Board's action was taken after consultation with the Federal financial institution regulatory agencies. In order to facilitate the administration of currently prescribed deposit interest rate limitations, the Board finds that application of the notice and public participation provisions of 5 U.S.C. § 553 to this action would be contrary to the public interest and that good cause exists for making the amendment effective immediately.

Pursuant to its authority under sections 19(a) and (j) of the Federal Reserve Act (12 U.S.C. §§ 461 and 371b), the Board amends Regulation Q (12 CFR 217), effective March 14, 1980, as follows: 1. Section 217.1 of Regulation Q is amended by adding a new paragraph (h):

§ 217.1 Definitions.

* * * * *

(h) *Obligations issued by the parent bank holding company of a member bank.* For the purposes of this part, the "deposits" of a member bank also includes an obligation that is (1) issued in a denomination of less than $100,000; (2) required to be registered with the Securities and Exchange Commission under the Securities Act of 1933; (3) issued or guaranteed in whole or in part as to principal or interest by the member bank's parent which is a bank holding company under the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1841-1850), regardless of the use of the proceeds; and (4) issued with an original maturity of 4 years or less, or which is redeemable at intervals of 4 years or less at the option of the holder. The term "deposits" does not include those obligations of a bank holding company that are subject to interest rate limitations imposed pursuant to Pub. L. 89-597.

2. Section 217.7 of Regulation Q is amended by adding a new paragraph (h):

§ 217.7 Maximum rates of interest payable by member banks on time and savings deposits.

* * * * *

(h) *Obligations of the parent bank holding company of a member bank.* Notwithstanding the above, interest may be paid on a deposit as defined in § 217.1(h) at a rate not to exceed the following schedule:

Original Maturity or Redemption Period and Maximum Percent

2½ to 4 years—For an obligation that is not redeemable prior to maturity, interest may be paid at the rate established for 2½ year variable ceiling time deposits pursuant to the provisions of § 217.7(g) in effect at the time the obligation is issued. For an obligation that is redeemable prior to maturity, the maximum rate of interest that may be paid from the date of issuance until the first date on which the obligation may be redeemed shall not exceed the rate established for 2½ year variable ceiling time deposits pursuant to the provisions of § 217.7(g) in effect at the time the obligation is issued. For a successive period thereafter, interest may be paid during such period until the next date on which the obligation may be redeemed at a rate not to exceed the rate that would be in effect on the first day of such period for 2½ year variable ceiling time deposits established pursuant to the provisions of § 217.7(g) in effect at the time the obligation was issued.

26 weeks or more but less than 2½ years ($10,000 minimum denomination required)—For an obligation that is not redeemable prior to maturity, interest may be paid at the rate established for 26-week money market time deposits pursuant to the provisions of § 217.7(f) in effect at the time the obligation is issued. For an obligation that is redeemable prior to maturity, the maximum rate of interest that may be paid from the date of issuance until the first date on which the obligation may be redeemed shall not exceed the rate established for 26-week money market time deposits pursuant to the provisions of § 217.7(f) in effect at the time the obligation is issued. For a successive period thereafter interest may be paid during such period until the next date on which the obligation may be redeemed at a rate not to exceed the rate that would be in effect on the first day of such period for 26-week money market time deposits established pursuant to the provisions of § 217.7(f) in effect at the time the obligation was issued.

30 days or more but less than 2½ years (No minimum denomination required)—Interest may be paid at the ceilings established pursuant to the provisions of § 217.7(b) in effect at the time the obligation is issued.

Less than 30 days—No interest may be paid.

By order of the Board of Governors, effective March 14, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-8662 Filed 3-18-80; 12:21 pm]

BILLING CODE 6210-01-M

12 CFR Part 229

[Docket No. R-0280]

Consumer Credit

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: Pursuant to the Credit Control Act (12 U.S.C. 1901-1909) as implemented by Executive Order 12201, the Board has adopted provisions requiring creditors that extend certain types of consumer credit to maintain a special non-interest bearing deposit with the Federal Reserve equal to 15% of the amount by which certain types of the creditor's outstanding consumer credit exceeds the larger of $2 million or the amount of such credit outstanding on March 14, 1980 (or the last day or other period immediately prior to March 14, 1980 for which data are available). Members of the Federal Home Loan Banks and all other savings and loan associations shall maintain the special deposit with the Federal Home Loan Banks. Credit unions, whether or not members of the National Credit Union Administration's Central Liquidity Facility, shall maintain the special deposit with the Central Liquidity Facility. The types of consumer credit covered by this regulation include credit extended through the use of credit cards, unsecured consumer loans, and secured consumer credit where the proceeds are not being used to purchase the collateral. Credit extended for business and agricultural purposes and closed-end consumer credit secured by the collateral financed are not subject to the regulation. The purpose of this action is to help curb inflationary pressures in the economy.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Robert E. Mannion, Deputy General Counsel; Gilbert T. Schwartz, Assistant General Counsel; or Margaret L. Egginton, Attorney; Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452-3000).

SUPPLEMENTARY INFORMATION: In accordance with the Credit Control Act (12 U.S.C. 1901-1909) as implemented by Executive Order 12201, dated March 14, 1980, the Board has adopted this regulation to require certain creditors that extend certain types of consumer credit to hold a special deposit with the Federal Reserve Banks against increases in the amount of those types of credit outstanding. Creditors that have less than $2 million of consumer credit outstanding of the types covered by the regulation will not be required to maintain the special deposit. The amount of the special deposit that must be held will be equal to 15% of the amount by which certain types of consumer credit extended by the creditor exceeds the larger of $2 million or the amount of such credit outstanding as of the base date. For creditors that have daily credit data available, the base date is March 14, 1980 or the last day before March 14, 1980 for which such data are available. For creditors that do not have daily credit data available, the base date is the period immediately prior to March 14, 1980 for which credit data are available.

The regulation will apply to (1) all open-end consumer credit, whether secured or unsecured and (2) closed-end consumer credit that is either unsecured or secured by collateral that is not being purchased with the proceeds of the credit. Examples of open-end consumer credit are:

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Credit card plans, such as cards issued by financial institutions, retailers, and oil companies;

Overdraft and special check-type credit plans offered by financial institutions;

Other revolving credit plans.

Examples of closed-end consumer credit that is covered are:

Unsecured personal loans;

Loans for which the collateral provided is already owned by the borrower;

Open account and 30-day credit without regard to whether a finance charge is imposed, such as travel and entertainment card plans and retail merchant credit;

Credit secured by financial assets, other than savings deposits, when the collateral is not purchased with the loan proceeds.

Credit extended through the use of credit cards will be presumed to be consumer—that is, non-business—credit unless the creditor establishes otherwise. A creditor also will be required to treat as covered consumer credit any such credit that is sold or otherwise transferred to any non-U.S. office of the same or another entity and any such credit sold or otherwise transferred with recourse to another entity wherever located.

Examples of consumer credit that is not covered are:

Secured credit where the collateral is purchased with the proceeds of the loan, such as automobile, mobile home, and other chattel-secured loans (see Uniform Commercial Code § 9–107, including Official Comments 1 and 2);

Credit secured by financial assets when the collateral is purchased with the proceeds;

Credit secured by savings deposits held at the lending institution;

Mortgage loans where the proceeds are used to purchase the collateral or for home improvements or "bridge" loans;

Insurance company policy loans;

Credit extended by providers of utility, health and educational services;

Credit extended under state or federal government guaranteed consumer loan programs, such as student loans.

All creditors with $2 million or more of covered consumer credit outstanding as of the base date are required to file a base report on the amount of such credit outstanding with the Federal Reserve Banks by April 1, 1980. If daily data are available, a creditor shall report as its base the actual amount of covered credit outstanding on March 14, 1980 or the last day before March 14 for which such data are available; if daily data are not available, the creditor shall report as its base the amount of such credit outstanding during the last period immediately before March 14, 1980, for which such data are available. A base report may be also required of certain creditors with covered consumer credit of less than $2 million. All creditors with $2 million or more of covered consumer credit outstanding as of the base date or anytime thereafter on an average basis during any calendar month shall file monthly reports on the amount of covered consumer credit outstanding. The monthly report on the average amount of covered consumer credit outstanding during the calendar month shall be filed by the second Monday of the following month. For example, a report on the daily average amount of covered credit outstanding during May shall be filed by June 9, 1980. The initial monthly report, however, shall cover the period from March 15, 1980 through April 30, 1980 and shall be filed by May 12, 1980.

Based upon the monthly report, a covered creditor is required to maintain a special non-interest bearing deposit with the Federal Reserve (or with the Federal Home Loan Bank or Central Liquidity Facility) equal to 15% of the amount by which the average amount of its covered credit exceeds the reported base or $2 million, whichever is greater. The special deposit shall be maintained in collected funds, in the form of U.S. dollars, during the period beginning on the fourth Thursday of the month following the month for which the last report has been filed and ending on the day prior to the fourth Thursday of the next month. For example, the report covering the month of May shall be filed by June 9, 1980, and the special deposit based upon the May report shall be held beginning June 26, 1980, and continue through July 23, 1980, at which time a special deposit based upon June's report shall be required. The deposit based on the initial report, for March 15 through April 30, 1980, shall be maintained beginning May 22, 1980 and ending June 25, 1980. The amount of the special deposit may not vary during each maintenance period. Federal Reserve services, such as check collection, will not be made available based on maintenance of the special deposit.

Members of the Federal Home Loan Banks and all other savings and loan associations shall file reports and maintain the special deposit with the Federal Home Loan Banks. Credit unions, whether or not members of the National Credit Union Administration's Central Liquidity Facility, shall file reports and maintain the special deposit with the Central Liquidity Facility. Deposits maintained with the Federal Home Loan Banks and the Central Liquidity Facility shall be passed through by those entities to the Federal Reserve Banks. All other covered creditors, including commercial banks, U.S. branches and agencies of foreign banks, retailers, other credit card issuers, and finance companies, are required to file reports and maintain the special deposit with the Federal Reserve Bank for the District in which the reporting office of the creditor is located.

For purposes of reporting and determining whether the creditor's outstanding covered credit exceeds the $2 million threshold during the base period or thereafter, the covered credit of all U.S. offices of the same company and direct and indirect U.S. subsidiaries of the same parent company shall be combined, and only one base and monthly report shall be filed for the combined organization. For example, if a company has 100 offices throughout the United States, it should combine the required information from each office, and one designated reporting office should file one combined base or monthly report for the entire company. The covered credit of all U.S. offices (such as the branches, agencies and subsidiaries, including banks) of the same foreign parent company and all U.S. offices of that foreign parent's non-U.S. subsidiaries shall be combined and one office selected as the reporting office for such offices. A subsidiary is a company that is more than 50 per cent owned, directly or indirectly, by another.

These actions are being taken to curb inflationary pressures. Continuing growth of consumer credit has contributed to inflationary forces by helping to sustain consumer demand for goods and services. As a consequence of this sustained high level of demand, savings in the economy have fallen to the lowest level since the Korean War. Restraint on consumer credit will tend to encourage additional savings, which can be channeled to productive investment to increase the supply of goods. At the same time, consumer demands for the supply of goods available will be restrained. In both of these ways, restraint on consumer credit will contribute to dampening inflationary forces. The particular types of credit to which these restraints will apply are these generally showing undue strength in recent months. Thus, automobile credit, residential mortgage credit, and credit extended to purchase the collateral will not be affected by this action.

The Board believes that it is in the national interest to achieve the objective of curbing inflation as quickly as possible, and that publication of this rule for comment or any delay in its effective date would lead to rapid increases in extensions of consumer credit that would not be subject to the regulation and would frustrate its purpose. The Board, therefore, for good cause finds that further notice, public procedure, and deferral of effective date provisions of 5 U.S.C. 553(b) with regard to these actions are impracticable and contrary to the public interest.

Pursuant to its authority under the Credit Control Act (12 U.S.C. 1901–1909) as implemented by Executive Order 12201, the Board hereby amends title 12 CFR by adding a new Part 229 consisting of Subpart A to read as follows:

PART 229—CREDIT RESTRAINT

Subpart A—Consumer Credit

Sec.

229.1 Authority, purpose, and scope.
229.2 Definitions.
229.3 Reports.
229.4 Maintenance of special deposit.
229.5 Penalties.

Authority: Credit Control Act (12 U.S.C. 1901–1909) as implemented by E.O. 12201.

Subpart A—Consumer Credit

§ 229.1 Authority, purpose, and scope.

(a) *Authority.* This subpart is issued by the Board of Governors of the Federal Reserve System pursuant to the Credit Control Act (12 U.S.C. 1901–1909) as implemented by Executive Order 12201, dated March 14, 1980.

(b) *Purpose and Scope.* This subpart is intended to curb inflation generated by the extension of certain types of consumer credit in an excessive volume and governs extensions of such credit by all covered creditors.

§ 229.2 Definitions.

(a) For the purposes of this subpart, the terms, "Board," "credit," "creditor," "extension of credit" and "credit transaction," and "loan," shall have the meanings given them in the Credit Control Act. In addition, the following definitions apply.

(b) "Base" means the larger of $2 million or the amount of covered credit outstanding as of the close of business on the base date.

(c) "Base date" means: for a creditor that has daily credit data available, March 14, 1980 or the last day immediately before March 14, 1980 for which such data are available; for a creditor that does not have daily credit data available, the period immediately before March 14, 1980 for which credit data are available.

(d) "Closed-end credit" means all consumer credit except open-end credit.

(e) "Consumer credit" means credit extended in the U.S. primarily for personal, family, or household purposes and does not include credit for business or agricultural purposes.

(f) "Covered credit" means consumer credit that is (1) open-end credit and (2) closed-end credit which is unsecured or in which the proceeds of the credit are not being used to purchase the collateral. Covered credit that is sold or otherwise transferred after March 14, 1980 to any office located outside the U.S. of the same or another entity shall remain the covered credit of the transferor until such credit is repaid. Covered credit that is sold or otherwise transferred on a recourse basis to any U.S. office of the same or another entity shall remain the covered credit of the transferor; covered credit that is transferred on a non-recourse basis to any U.S. office of the same or another entity shall be treated as covered credit of the transferee. Covered credit does not include insurance company policy loans; credit extended by federal, state or local governments, or by providers of utility, health or education services; state or federal government guaranteed loans; or loans secured by savings deposits [1] held at the lending institution.

(g) "Covered creditor" means any creditor which extends covered credit. For purposes of determining the amount of a creditor's outstanding covered credit, the covered credit of all U.S. offices of (1) the same company, (2) U.S. subsidiaries of the same parent company, and (3) non-U.S. subsidiaries of the same parent company shall be combined. A subsidiary is a company that is more than 50 percent owned directly or indirectly by another company.

(h) "Open-end credit" means consumer credit extended on an account pursuant to a plan under which (1) the creditor may permit the customer to make purchases or obtain loans, from time to time, directly from the creditor or indirectly by use of a credit card, check, or other device, as the plan may provide; (2) the customer has the privilege of paying the balance in full or in instalments; and (3) a finance charge may be computed by the creditor from time to time on an outstanding unpaid balance.

(i) "U.S." means the fifty states of the United States and the District of Columbia.

[1] As defined in § 217.1(e) of this chapter (Regulation Q).

§ 229.3 Reports.

(a) Each covered creditor with $2 million or more of covered credit outstanding as of the base date, and certain covered creditors as may be required by the Board, shall file a base report by April 1, 1980. The base report shall state the amount of the covered creditor's base. A creditor with a base of $2 million or more as indicated on its base report, or with covered credit outstanding in excess of $2 million on an average basis during any calendar month, shall submit monthly reports. The initial monthly report shall be filed by May 12, 1980, for the period March 15 through April 30, 1980; thereafter, the monthly report shall be filed for each full calendar month by the second Monday of the following month. The monthly report shall include the average amount of covered credit outstanding during the month (on a daily average basis if such data are available) and the amount by which that number exceeds the creditor's base.

(b) One base and one monthly report shall be filed by a reporting office for all the offices of a covered creditor. A covered creditor may designate any of its offices as its reporting office.

(c) Members of the Federal Home Loan Banks and all other savings and loan associations shall file reports with the Federal Home Loan Banks. Credit unions, whether or not members of the National Credit Union Administration's Central Liquidity Facility, shall file reports with the Central Liquidity facility. All other creditors shall file reports with the Federal Reserve Bank in whose District their reporting office is located.

§ 229.4 Maintenance of special deposit.

(a) Each covered creditor shall hold a non-interest bearing special deposit equal to 15 percent of the amount by which the average amount of its covered credit outstanding during the calendar month exceeds its base. The corresponding period during which the special deposit shall be maintained begins on the fourth Thursday of the month following the calendar month for which the report was filed and continues through the Wednesday before the fourth Thursday of the next month. The special deposit shall be maintained in collected funds in the form of U.S. dollars.

(b) Members of the Federal Home Loan Banks and all other savings and loan associations shall maintain the special deposit with the Federal Home Loan Banks. Credit unions, whether or not members of the National Credit Union Administration's Central Liquidity Facility, shall maintain the

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special deposit with the Central Liquidity Facility. Deposits maintained with the Federal Home Loan Banks and the Central Liquidity Facility shall be placed with a Federal Reserve Bank. All other creditors shall maintain the special deposit with the Federal Reserve Bank to which the creditor reports.

§ 229.5 Penalties.

For each willful violation of this subpart, the Board may assess against any creditor, or officer, director or employee thereof who willfully participates in the violation, a maximum civil penalty of $1,000. In addition, a maximum criminal penalty of $1,000 and imprisonment of up to one year may be imposed for willful violation of this subpart.

By order of the Board of Governors of the Federal Reserve System, effective March 14, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-8053 Filed 3-18-80; 12:21 pm]

BILLING CODE 6210-01-M

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12 CFR Part 229

[Docket No. R-0261

Credit Restraint; Short Term Financial Intermediaries

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: Pursuant to the Credit Control Act (12 U.S.C. 1901–1909) as implemented by Executive Order 12201, the Board has adopted provisions requiring money market funds and other similar creditors to maintain a special non-interest bearing deposit with the Federal Reserve equal to 15 per cent of the amount by which the investment assets of these creditors exceeds their investment assets on March 14, 1980. Special non-interest bearing deposits shall be maintained at the Federal Reserve Bank of the district in which the creditor maintains its principal place of business. The purpose of this action is to control inflation by limiting the expansion of short-term credit offered by such financial intermediaries.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel, Lee S. Adams, Senior Attorney, C. Baird Brown, Attorney, or Daniel L. Rhoads, Attorney, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452–3000).

SUPPLEMENTARY INFORMATION: *In* accordance with the Credit Control Act (12 U.S.C. 1901–1909) as implemented by Executive Order 12201, the Board has adopted this Subpart of its Credit Restraint regulation to require creditors, consisting of investment companies commonly regarded as money market funds and certain common trust funds of banks that invest in short term assets (short term investment funds) to hold a non-interest bearing special deposit with the Federal Reserve against increases in their total assets. The amount of the special deposit that must be held shall be equal to 15 per cent of the amount by which the assets of the creditor exceed the amount of such assets in the creditor's portfolio on March 14, 1980. The special deposit must be made in collected funds in U.S. dollars.

A creditor will be covered if its investment portfolio primarily consists of short-term securities, deposits, or other instruments with original or remaining maturities of 13 months or less through which it extends credit to banks, federal, state or local governmental units or agencies thereof, any corporation, partnership or other business entity, or any person. Covered creditors include both open and closed-end management companies and unit investment trusts. A series of shares or units of a registered investment company is a covered creditor if the investment assets which are included in the valuation of the shares or units in the series primarily have maturities of less than 13 months. Common trust funds of banks and trust companies are also included unless all moneys contributed to them are held by the bank or trust company incidentally to the management of other trust assets. Collective investment funds consisting of funds of retirement, pension, or other tax exempt trusts are not covered.

A covered creditor, other than a unit investment trust or series of units of such a trust ("Non-unit Creditor"), that possesses assets on March 14, 1980, shall file a base report with a Federal Reserve Bank by April 1, 1980. A Non-unit Creditor that acquires or holds assets or trust moneys that cause it to become a covered creditor after March 14, 1980, shall file a base report, within two weeks after it becomes a covered creditor. The base report will state the amount of the Non-unit Creditor's covered credit, which is defined as the total amount of its investment assets and other deposits plus accrued interest, held as of March 14, 1980, whether or not it was a covered creditor at that time. If the covered creditor was not in existence on March 14, 1980, its base amount is zero.

Thereafter, each Non-unit Creditor shall file a report monthly stating the daily average amount of its net assets during each reporting period by the 21st day of the month in which the reporting period ends. The reporting periods will run from the 15th day of each month to the 14th day of the following month. For example, the first reporting period will run from March 15 to April 14, 1980, and the second from April 15 to May 14, 1980. The report for the first reporting period must be filed by April 21, 1980, and for the second by May 21, 1980. Based upon this report, a covered creditor is required to maintain a special non-interest bearing deposit with the Federal Reserve Bank in the District in which its principal place of business is located equal to 15 per cent of the amount by which the reported average of covered credit exceeds the reported base. The special deposit shall be maintained during the period beginning on the first Thursday of the first full calendar month following the period for which the report was filed and ending on the day prior to the first Thursday of the next month. For example, the special deposit based upon the first report shall be held beginning May 1, 1980 and continue through June 4, 1980, at which time a special deposit based upon the second report shall be required.

A unit investment trust or series of units of such a trust ("Unit Creditor") that holds investment assets on March 14, 1980, need not file reports or maintain special deposits, as their assets are fixed as of the date they are transferred to the trust and will not increase after March 14, 1980. A Unit Creditor that is established, by the transfer of investment assets to the trustee, after March 14, 1980, must file immediately upon acquisition of assets by the trust, a base report stating the amount of covered credit held by the trust. Each such Unit Creditor must maintain a special deposit equal to 15 per cent of the covered credit it holds. The special deposit must be maintained during the period beginning with the acquisition of assets by the Unit Creditor and ending on the day prior to termination of the trust pursuant to the terms of the trust agreement. A Unit Creditor is only required to file reports and maintain deposits if, at its inception, its assets primarily have original or remaining maturities of less than 13 months. A Unit Creditor whose assets at its inception had longer maturities, but whose asset maturities fall below 13 months as the termination of the trust

approaches is not required to report or to maintain a special deposit.

For a covered creditor that is a series of shares or units of a registered investment company, reports should be filed and deposits maintained by the registered investment company. If the entire investment company which issues such a series is a covered creditor, the entire company may file a single report and maintain a single deposit. Otherwise the investment company must file a separate report and maintain a separate deposit for each series that is a covered creditor. Maintenance of a special deposit at a Federal Reserve Bank does not entitle covered creditors to Federal Reserve services.

Recent strong demands for money and credit, generated in part by inflationary forces, have brought heavy pressure on credit and financial markets generally, with varying impacts on particular sectors of the economy. The creditors covered by this Subpart act as financial intermediaries, accepting funds from investors who desire a stable, liquid, high income investment, and extending credit primarily through the purchase of money market instruments. Rapid expansion of credit extended by these creditors has contributed to the pressures by facilitating borrowing in the markets for Eurodollars, commercial paper, bankers acceptances, and other short-term liquid instruments. Moreover, the rapid expansion of such creditors has tended to impede reasonable flows of credit to other sectors including housing, small businesses, and farmers. Restraint on the growth of money market funds and similar creditors will enable funds to flow in more usual measure to productive uses, and thus contribute to dampening inflationary forces.

These actions are being taken to curb inflationary pressures. The Board believes that it is in the national interest to achieve this objective as quickly as possible, and that publication of this rule for comment or any delay in its effective date would lead to rapid increases in extensions of credit that would not be subject to the regulation and would frustrate its purpose. The Board therefore finds for good cause that further notice, public procedure, and deferral of effective date provisions of 5 U.S.C. 553(b) with regard to these actions are impracticable and contrary to the public interest.

Pursuant to its authority under the Credit Control Act (12 U.S.C. 1901–1909) the Board hereby adds Subpart B to its Credit Restraint regulation (12 CFR Part 229) effective March 14, 1980, as follows:

PART 229—CREDIT RESTRAINT

* * * * *

Subpart B—Short Term Financial Intermediaries

Sec.
229.11 Authority, purpose, and scope.
229.12 Definitions.
229.13 Reports.
229.14 Maintenance of special deposit.
229.15 Penalties.

Authority: Credit Control Act (12 U.S.C. 1901–1909) as implemented by E.O. 12201.

Subpart B—Short Term Financial Intermediaries

§ 229.11 Authority, purpose, and scope.

(a) *Authority.* This Subpart is issued by the Board of Governors of the Federal Reserve System pursuant to the Credit Control Act (12 U.S.C. 1901–1909), as implemented by Executive Order 12201.

(b) *Purpose and scope.* This Subpart is intended to curb inflation generated by the extension of credit by certain of those financial intermediaries which are not subject to either the amendments of law effected by Pub. L. 89–597, as amended, or section 19 of the Federal Reserve Act, as amended (12 U.S.C. 461), and which are primarily engaged in the extension of short-term credit, specifically money market funds and other similar creditors.

§ 229.12 Definitions.

(a) For the purposes of this Subpart, the terms "credit," "creditor," and "extension of credit" shall have the meanings given them in the Credit Control Act. In addition, the following definitions apply.

(b) "Base" means the amount[1] of covered credit held by a covered creditor as of the close of business on March 14, 1980.

(c) "Covered credit" means any extension of credit originated through the acquisition of a security, deposit, or other instrument,[1] including but not limited to domestic and Eurodollar certificates of deposit, U.S. Treasury bills, repurchase agreements, commercial paper, bankers acceptances, and state and local government obligations, and any interest accrued thereon.

(d) "Covered creditor" means any creditor (1) that is (i) an investment company registered with the Securities and Exchange Commission under the Investment Company Act of 1940, (ii) any series of shares or units of such a company, or (iii) any common trust fund or similar fund maintained by a bank or trust company exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as a trustee, unless all moneys contributed thereto are held incidentally to the management of other trust assets; and (2) whose investment portfolio consists primarily of securities, deposits or other instruments, including but not limited to domestic and Eurodollar certificates of deposit, U.S. Treasury bills, repurchase agreements, commercial paper, and state and local obligations with maturities of 13 months or less.[2] However, a unit investment trust is only a covered creditor if its investment portfolio consists primarily of securities, deposits, or other instruments with maturities of 13 months or less [2] at the time the unit investment trust acquires those assets.

(e) "Security" means any security as defined in the Securities Act of 1933.

(f) "Unit investment trust" means any unit investment trust as defined in the Investment Company Act of 1940, or a series of units of such a trust.

§ 229.13 Reports.

(a) Each covered creditor except a unit investment trust shall file a base report and periodic reports. The base report shall state the amount of the covered creditor's base and shall be submitted no later than April 1, 1980, or in the case of a covered creditor that becomes a covered creditor after March 14, 1980, within two weeks of acquiring or holding assets or accepting trust moneys that cause it to become a covered creditor. Periodic reports shall be filed monthly for each period running from the 15th day of each calendar month to the 14th day of the following month, or in the case of a covered creditor that becomes a covered creditor after March 14, for each full period after it becomes a covered creditor. These reports shall be submitted by the 21st day of the month in which the reporting period ends, and shall state the amount by which the average of the daily amounts of covered credit outstanding during the reported period exceeds the base.

(b) a covered creditor that is a unit investment trust established after March

[1] Assets should be valued for purposes of this Subpart by the same procedure used by a registered investment company to value assets in calculating net share or unit value under the Investment Company Act of 1940 and rules promulgated thereunder.

[2] This includes variable rate securities, deposits or other instruments with longer nominal maturities but with interest rates subject to adjustment at intervals shorter than 13 months.

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14, 1980, shall file a base report stating the amount of covered credit it holds. This report shall be filed immediately upon acquisition of investment assets by the unit investment trust. Each such covered creditor shall also notify the appropriate Federal Reserve Bank two weeks before termination of the trust stating the projected date of termination of the trust.

(c) All reports shall be filed with the Federal Reserve Bank in the District where the covered creditor has its principal place of business.

§ 229.14 Maintenance of special deposit.

(a) Each covered creditor that is not a unit investment trust shall maintain a non-interest bearing special deposit equal to 15 per cent of the amount by which the average of the daily amounts of its covered credit outstanding during each reporting period exceeds its base. The corresponding period during which the special deposit shall be maintained begins on the first Thursday of the first full calendar month following the period for which the report was filed and ends on the day prior to the first Thursday of the following month. The special deposit shall be maintained at the Federal Reserve Bank to which the covered creditor reports.

(b) Each covered creditor that is a unit investment trust established after March 14, 1980, shall maintain a non-interest bearing special deposit equal to 15 per cent of the covered credit it holds as of the date it acquires investment assets. This special deposit shall be maintained during the period beginning with the day the covered creditor acquires assets consisting of covered credit and ending one day prior to final distribution of trust assets by the Trustee pursuant to the terms of the trust agreement. The special deposit shall be maintained at the Federal Reserve Bank to which the covered unit investment trust reports. Upon two weeks notice, the special deposit will be returned to the trustee one day prior to maturity or final distribution pursuant to the terms of the trust agreement.

(c) Special deposits shall be maintained in collected funds in the form of U.S. dollars.

§ 229.15 Penalties.

For each willful violation of this subpart, the Board may assess against any creditor, or officer, director or employee thereof who willfully participates in the violation, a maximum civil penalty of $1,000. In addition, a maximum criminal penalty of $1,000 and imprisonment of one year may be imposed for willful violation of this subpart.

Board of Governors of the Federal Reserve System, effective March 14, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-8664 Filed 3-18-80; 12:21 pm]

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12 CFR Part 229

[Docket No. R-0282]

Credit Restraint; Nonmember Commerical Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: Pursuant to the Credit Control Act (12 U.S.C. 1901–1909) as implemented by Executive Order 12201, the Board has adopted provisions requiring commercial banks that are not members of the Federal Reserve System to maintain a non-interest bearing special deposit with the Federal Reserve equal to 10 per cent of the amount by which the total of certain managed liabilities of those banks exceeds the amount of such managed liabilities outstanding during a base period. The purpose of this action is to better control the expansion of bank credit and thereby serve to dampen inflationary forces. The managed liabilities affected by this action include the total of (1) time deposits in denominations of $100,000 or more with original maturities of less than one year; (2) Federal funds borrowings with original maturities of less than one year from U.S. offices of certain depository institutions and from U.S. government agencies; (3) repurchase agreements with original maturities of less than one year on U.S. government and agency securities; and (4) Eurodollar borrowings from foreign banking offices, asset sales to related foreign offices, and foreign office loans to U.S. residents. The special deposit requirement will not apply to borrowings from the United States, principally in the form of Treasury tax and loan account note balances. The 10 per cent special deposit requirement will apply to the amount by which the daily average amount of an institutions's total managed liabilities during a deposit computation period exceeds a base amount calculated generally as either the daily average amount of such liabilities outstanding during the base period (February 28 to March 12, 1980) or $100 million, whichever is greater.

EFFECTIVE DATE: March 14, 1980. The special deposit requirement is effective on marginal total managed liabilities outstanding during the seven-day computation period beginning March 20, 1980, and each seven-day period thereafter. The non-interest bearing special deposit for the computation periods beginning March 20 and 27, and April 3, 1980, must be held during the deposit maintenance period beginning April 17, 1980. Thereafter the special deposit must be held during the seven day maintenance period beginning eight days after the end of the corresponding computation period.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel, C. Baird Brown, Attorney, Paul S. Pilecki, Attorney, or Daniel L. Rhoads, Attorney, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452–3000).

SUPPLEMENTARY INFORMATION: In accordance with the Credit Control Act (12 U.S.C. 1901–1909) as implemented by Executive Order 12201, the Board has adopted this Subpart to require certain borrowers consisting of all commercial banks that are not members of the Federal Reserve System to maintain a non-interest bearing special deposit with the Federal Reserve System. This Subpart does not apply to United States branches and agencies of foreign banks that are subject to the Board's marginal reserve requirements (12 CFR 204.5(f)). Other United States branches and agencies of foreign banks are covered. The amount of the special deposit to be held will be equal to 10 per cent of the amount by which the daily average total of an institution's managed liabilities during a deposit computation period exceeds a base amount. Generally, an institution's base is the daily average amount of the institution's total managed liabilities outstanding during the base period (February 28 to March 12, 1980) or $100 million, whichever is greater. The managed liabilities on which the special deposit requirement will apply include the total of (1) time deposits in denominations of $100,000 or more with original maturities of less of one year; (2) Federal funds borrowings with original maturities of less than one year from U.S. offices of certain depository institutions and from U.S. government agencies; (3) repurchase agreements with original maturities of less than one year on U.S. government and agency securities; and (4) Eurodollar borrowings from foreign banking offices of the same institution or of other banks, asset sales to related foreign offices, and non-member commercial bank foreign office loans to U.S. resident.

Time Deposits of $100,000 or More

Managed liabilities subject to the special deposit requirement include deposits of the following types:

(a) Time deposits of $100,000 or more with original maturities of less than one year; and

(b) Time deposits of $100,000 or more with original maturities of less than one year represented by promissory notes, acknowledgements of advance, due bills, or similar obligations (written or oral) as provided in § 204.1(f) of Regulation D; and

(c) Time deposits of any denomination with remaining maturities of less than one year represented by ineligible bankers' acceptances or obligations issued by a bank's affiliate to the extent that the proceeds are supplied to the bank as provided in § 204.1(f) of Regulation D.

Credit balances of $100,000 or more with original maturities of 30 days or more but less than one year will also be treated as managed liabilities subject to the special deposit requirement. Time deposits subject to the special deposit requirement do not include savings deposits and Christmas club-type deposits.

Federal Funds and Repurchase Agreements

Certain Federal funds borrowings and repurchase agreements of non-member commercial banks are treated as managed liabilities subject to the special deposit requirement. Under this approach, the amount of borrowings with original maturities of less than one year from agencies of the United States and other non-exempt entities (together with other managed liabilities) that exceeds the institution's base, will be subject to the 10 percent special deposit requirement. The Board believes that exempting Federal funds borrowings from institutions whose liabilities already are subject to Federal reserve requirements from the special deposit requirement is appropriate to facilitate the reserve adjustment process.

Borrowings from the United States government (principally in the form of Treasury tax and loan account note balances), however, will not be regarded as managed liabilities subject to the special deposit requirement. Borrowings with original maturities of less than one year from Federal agencies and instrumentalities such as the Federal Home Loan Bank Board and the Federal Home Loan Banks will be subject to the special deposit requirement.

In the past, the term "bank" has been defined by the Board to include commercial banks, savings banks, savings and loan associations, cooperative banks, credit unions, the Export-Import Bank, and Minbanc Capital Corporation (see 12 CFR 217.137). Borrowings from all such non-member institutions by non-member commercial banks will be regarded as managed liabilities subject to the special deposit requirement.

Borrowings from domestic offices of organizations that are required by the Board to maintain reserves will not be regarded as managed liabilities subject to the special deposit requirement. The institutions that currently are required to maintain reserves include member banks, Edge Corporations engaged in the banking business (12 U.S.C. 615), Agreement Corporations (12 U.S.C. 601–604a), operations subsidiaries of member banks (12 CFR 204.117), and U.S. branches and agencies of foreign banks with worldwide banking assets in excess of $1 billion (12 U.S.C. 3105).

Under the Board's action, borrowings in the form of repurchase agreements with original maturities of less than one year involving U.S. government and agency securities also would be regarded as managed liabilities subject to the special deposit requirement. Repurchase agreements entered into with U.S. offices of member banks or organizations that are required by the Board to maintain reserves with the Federal Reserve System would not be regarded as managed liabilities subject to the special deposit requirement. Repurchase agreements entered into by non-member commercial banks with nonexempt entities, such as nonmember banks and nonbank dealers, will not be subject to the special deposit requirement if such transactions are intended to provide collateral to nonexempt entities in order to engage in repurchase transactions with the Federal Reserve System Open Market Account.

In order to continue to facilitate the activities of bank dealers in the U.S. government and agency securities markets, and to provide competitive equality between bank and nonbank dealers, the amendment permits non-member commercial banks to deduct the amount of U.S. government and agency securities held by the institution in its trading account from the total amount of its repurchase agreements entered into in determining the amount of its repurchase agreements subject to the special deposit requirement. A trading account represents the U.S. government and agency securities that are held for dealer transactions—*i.e.*, securities purchased with the intention that they will be resold rather than held as an investment. The Board expects that institutions will not reclassify U.S. government and agency securities held in their investment or other accounts to their trading accounts for the purpose of avoiding special deposit requirements.

Managed liabilities subject to the 10 per cent special deposit requirement also will include any obligation that arises from a borrowing for one business day from a dealer in securities whose liabilities are not subject to the reserve requirements of the Federal Reserve Act of proceeds of a transfer of deposit credit in a Federal Reserve Bank (or other immediately available funds), received by such dealer on the date of the loan in connection with clearance of securities transactions.

Eurodollars

The Board also has included the Eurodollar borrowings of nonmember commercial banks as managed liabilities subject to the special deposit requirement. Consequently, the amount of Eurodollars (together with other managed liabilities) of a bank that exceeds the institution's base will be subject to the 10 per cent special deposit requirement. Such Eurodollars include the institution's daily average balance of (1) borrowings with original maturities of less than one year from foreign offices of other banks and institutions that are exempt from interest rate limitations pursuant to § 217.3(g) of Regulation Q; (2) net balances due from an institution's domestic offices to its foreign offices; (3) liabilities of an institution's foreign branches to the extent that the branches hold assets (including participations) acquired from its domestic offices or has credit outstanding from the bank's foreign offices to U.S. residents.

Computation and Maintenance of Non-Interest Bearing Special Deposits

The amount of special deposits that a bank will be required to maintain each week will be determined by the amount by which the total of the institution's managed liabilities during a corresponding seven-day computation period exceeds its base of managed liabilities. The base amount for a bank that is a net borrower of managed liabilities is $100 million, or the daily average amount of its managed liabilities during the fourteen-day base period ending March 12, 1980, reduced by an adjustment for the reduction in its foreign lending from domestic offices, whichever is greater. The adjustment for any given computation period is based on the difference between the sum of its gross loans to non-United States residents and gross balances due from

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foreign offices of other institutions, and the lowest gross total of such lending for any computation week beginning after March 19, 1980. That difference is then rounded down to the largest lower multiple of $2 million and subtracted from the daily average of managed liabilities for the base period. For example, if a bank has $125 million of average managed liabilities and $40 million in gross lending to foreign borrowers and institutions during the base period, and $35 million of gross lending to foreign borrowers and institutions during the week beginning March 20, 1980, its base for that computation week would be $125 million minus $4 million=$121 million (where $4 million is derived from $40 million minus $35 million=$5 million which is rounded to $4 million). If in a later week the gross lending to foreign borrowers and institutions rises to $45 million, the base remains at $121 million. If in a later week the gross lending to foreign borrowers and institutions falls to $10 million, the reduction would be $40 million minus $10 million=$30 million (no rounding needed), thus the calculated base would be $125 million minus $30 million=$95 million, but the reported base amount would be $100 million, which is a permanent floor for the base amount. The special deposit would be 10 per cent of the difference between its managed liabilities for the computation week and the $100 million base.

Rounding the reduction in the base will serve to minimize the impact of small repayments or reductions in the daily average gross loans to non-United States residents and balances due from foreign offices of other institutions. The reduction in such lending below the daily average for the base period ending March 12, 1980 will only reduce the base in increments of $2 million. This approach will enable institutions to receive ordinary repayments of foreign loans without being required to relend such funds immediately to avoid a reduction in the base.

For an institution that is a net lender of managed liabilities (that is, the sum of its managed liabilities is negative because its net Eurodollar loans to its foreign offices are greater than the total of its large time deposits, Federal funds purchased, repurchase agreements, and borrowed Eurodollars), its base will be the algebraic sum of its managed liabilities during the base period ending March 12, 1980, and $100 million. For example, if an institution has negative $150 million of managed liabilities during the base period, its base will be negative $50 million, and special deposit requirements will apply to the amount of its total managed liabilities above that amount. If such an institution maintained a daily average of total managed liabilities during a computation period of negative $30 million, it would be required to maintain the 10 percent special deposit requirement against $20 million of managed liabilities during the reserve maintenance period.

The special deposit must be maintained in collected funds in the form of U.S. dollars. Maintenance of a special deposit does not entitle a nonmember bank to Federal Reserve services.

Restraint on growth in money and credit must be a fundamental part of the process of subduing inflationary forces. Growth in bank credit in recent months has been excessive. Therefore, the Board has adopted this special deposit requirement based on managed liabilities issued by nonmember banks. This requirement will impose restraint on the sources of funds that banks typically have used to finance the expansion of bank credit. The nonmember bank special deposit requirement complements the additional restraint the Board has imposed on similar liabilities of member banks. In the absence of this constraint, nonmember banks could continue to extend credit with few limitations. Borrowers that could not be accommodated at a member bank could turn to a nonmember bank, thereby undermining restraint on bank credit. Containing the growth of bank credit financed in large part by managed liabilities at nonmember banks will thus contribute to dampening inflationary forces.

These actions are being taken to help curb the expansion of bank credit, thereby dampening inflationary pressures. The Board believes that it is in the national interest to achieve this objective as quickly as possible, and that publication of this rule for comment or any delay in its effective date would lead to rapid increases in extensions of credit that would not be subject to the regulation and would frustrate its purpose. The Board therefore finds for good cause that the notice, public procedure, and deferral of effective date provisions of 5 U.S.C. 553(b) with regard to these actions are impracticable and contrary to the public interest.

Pursuant to its authority under the Credit Control Act (12 U.S.C. 1901–1909) the Board hereby adds Subpart C to its regulation regarding Credit Restraint (12 CFR Part 229) effective March 14, 1980, as follows:

Subpart C—Nonmember Commercial Banks

Sec.
229.21 Authority, purpose, and scope.
229.22 Definitions.
229.23 Reports.
229.24 Maintenance of special deposit.
229.25 Penalties.

Authority: Credit Control Act (12 U.S.C. 1901–1909), as implemented by E.O. 12201.

Subpart C—Nonmember Commercial Banks

§ 229.21 Authority, purpose, and scope.

(a) *Authority.* This Subpart is issued by the Board of Governors of the Federal Reserve System pursuant to the Credit Control Act (12 U.S.C. §§ 1901–1909), as implemented by Executive Order 12201.

(b) *Purpose and Scope.* This Subpart is intended to curb inflation by controlling the expansion of credit extended by commercial banks that are not members of the Federal Reserve System that is supported by extensions of credit to those banks in the form of managed liabilities.

§ 229.22 Definitions.

(a) For the purposes of this Subpart, the terms "credit," and "extension of credit" shall have the meanings given them in the Credit Control Act. In addition, the following definitions apply.

(b) "Covered bank" means any commercial bank that is not a member of the Federal Reserve System, or required to maintain reserves under the Federal Reserve Act.

(c) "Member bank" means any bank that is a member of the Federal Reserve System.

§ 229.23 Reports.

Each covered bank shall file with the Federal Reserve Bank for the Federal Reserve district in which its head office is located such reports as shall be required in connection with the maintenance of a special deposit under this Subpart.

§ 229.24 Maintenance of special deposit.

(a) During the seven-day deposit maintenance period beginning April 17, 1980, each covered bank shall maintain a non-interest bearing special deposit equal to 10 per cent of the sum of the amounts by which the daily average of its total managed liabilities during each of the seven-day computation periods beginning March 20 and 27, and April 3, 1980, exceeds its managed liabilities base as determined in accordance with paragraph (b). During the seven-day deposit maintenance period beginning April 24, 1980, and each deposit maintenance period thereafter, each covered bank shall maintain a non-interest bearing special deposit equal to 10 per cent of the amount by which the daily average of its total managed liabilities during the seven-day computation period ending eight days prior to the beginning of the corresponding seven-day deposit maintenance period exceeds its managed liabilities base as determined in accordance with paragraph (b) of this section. A covered bank's managed liabilities are the total of the following:

(1)(i) Time deposits of $100,000 or more with original maturities of less than one year;

(ii) Time deposits of $100,000 or more with original maturities of less than one year representing borrowings in the form of promissory notes, acknowledgments of advance, due bills, or similar obligations as provided in § 204.1(f) of Regulation D; and

(iii) Time deposits with remaining maturities of less than one year represented by ineligible bankers' acceptances or obligations issued by a bank's affiliate, as provided in § 204.1(f) of Regulation D. However, managed liabilities do not include savings deposits, or time deposits, open account that constitute deposits of individuals, such as Christmas club accounts and vacation club accounts that are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than three months;

(2) Any obligation with an original maturity of less than one year that is issued or undertaken as a means of obtaining funds to be used in its banking business in the form of a promissory note, acknowledgment of advance, due bill, ineligible bankers' acceptance, repurchase agreement (except on a U.S. or agency security), or similar obligation (written or oral) issued to and held for the account of a domestic banking office or agency [1] of another commercial bank or trust company that is not required to maintain reserves pursuant to Regulation D, a savings bank (mutual or stock), a building or savings and loan association, a cooperative bank, a credit union, or an agency of the United States, the Export-Import Bank of the United States, Minbanc Capital Corporation and the Government Development Bank for Puerto Rico;

(3) Any obligation with an original maturity of less than one year that is issued or undertaken as a means of obtaining funds to be used in its banking business in the form of a repurchase agreement arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof that the institution is obligated to repurchase except repurchase agreements issued to a domestic banking office or agency of a member bank, or other organization that is required to maintain reserves under Regulation D pursuant to the Federal Reserve Act,[2] to the extent that the amount of such repurchase agreements exceeds the total amount of United States and agency securities held by the covered bank in its trading account;

(4) Any obligation that arises from a borrowing by a covered bank from a dealer in securities that is not a member bank or other organization that is required to maintain reserves pursuant to Regulation D,[2] for one business day, of proceeds of a transfer of deposit credit in a Federal Reserve Bank (or other immediately available funds), received by such dealer on the date of the loan in connection with clearance of securities transactions;

(5) Borrowings with an original maturity of less than one year from foreign offices of other banks and from institutions that are exempt from interest rate limitations pursuant to § 217.3(g) of Regulation Q;

(6) Net balances due from the covered bank's domestic offices to its foreign branches;

(7) Liabilities of a foreign branch of the covered bank to the extent that the foreign branch holds assets (including participations) acquired from the covered bank's domestic offices; and

(8) Liabilities of a foreign branch of the covered bank to the extent that it has credit outstanding from its foreign branches to U.S. residents [3] (other than assets acquired and net balances due from its domestic offices). *Provided,* That this paragraph does not apply to credit extended (i) in the aggregate amount of $100,000 or less to any United States resident, (ii) by a foreign branch which at no time during the computation period had credit outstanding to United States residents exceeding $1 million, (iii) under binding commitments entered into before May 17, 1973, or (iv) to an institution that will be maintaining reserves on such credit under paragraphs (c) or (f) of § 204.5 of Regulation D or under Regulation K.

(b) *Managed liabilities base.* During the seven-day deposit computation period beginning March 20, 1980, and during each seven-day deposit computation period thereafter, the managed liabilities base of a covered bank shall be determined as follows:

(1) For a covered bank that, on a daily average basis, is a net borrower of total managed liabilities during the fourteen-day base period ending March 12, 1980, its managed liabilities base shall be the daily average of its total managed liabilities during the base period reduced by the amount by which its lowest daily average of gross loans to non-United States residents [3] and gross balances due from foreign offices of other institutions [4] or institutions the time deposits of which are exempt from the rate limitations of Regulation Q pursuant to § 217.3(g) thereof [5] outstanding during any computation period after March 12, 1980, is lower than the daily average amount of such loans and balances outstanding during the base period. The amount of the reduction shall be rounded down to the largest lower multiple of $2 million.

However, in no event will the managed liabilities base for a covered bank that was a net borrower of managed liabilities during the fourteen-day base period ending March 12, 1980, be less than $100 million.

(2) For a covered bank that, on a daily average basis, is a net lender of total managed liabilities during the fourteen-day base period ending March 12, 1980, its managed liabilities base shall be the sum of its daily average negative total managed liabilities and $100 million.

(c) The special deposit shall be maintained at the Federal Reserve Bank to which the covered bank reports. The special deposit must be maintained in collected funds in the form of U.S. dollars.

[1] Any banking office or agency in any State of the United States or the District of Columbia of a bank organized under domestic or foreign law.

[2] Edge Corporations engaged in banking, Agreement Corporations, operations subsidiaries of member banks and U.S. branches and agencies of foreign banks with worldwide banking assets in excess of $1 billion.

[3] A United States resident is: (a) Any individual residing (at the time the credit is extended) in any State of the United States or the District of Columbia; (b) any corporation, partnership, association or other entity organized therein ("domestic corporation"); and (c) any branch or office located therein of any other entity wherever organized. Credit extended to a foreign branch, office, subsidiary, affiliate or other foreign establishment ("foreign affiliate") controlled by one or more such domestic corporations will not be deemed to be credit extended to a United States resident if the proceeds will be used in its foreign business or that of other foreign affiliates of the controlling domestic corporation(s).

[4] Any banking office located outside the States of the United States and the District of Columbia of a bank organized under domestic or foreign law.

[5] A foreign central bank, or any international organization, of which the United States is a member, such as the International Bank for Reconstruction and Development (World Bank), International Monetary Fund, Inter-American Development Bank, and other foreign international, or supranational entities exempt from interest rate limitations under § 217.3(g)(3) of Regulation Q (12 CFR 217.3(g)(3)).

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§ 229.25 Penalties.

For each willful violation of this part, the Board may assess against any creditor, or officer, director or employee thereof who willfully participates in the violation, a maximum civil penalty of $1,000. In addition, a maximum criminal penalty of $1,000 and imprisonment of one year may be imposed for willful violation of this part.

Board of Governors of the Federal Reserve System, effective March 14, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-8868 Filed 3-18-80, 12:21 pm]

BILLING CODE 6210-01-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of **Rules Going Into Effect Today.**

Deadlines for Comments on Proposed Rules for the Week of March 30, 1980 through April 5, 1980

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

15555 3–11–80 / Quantity of hops that may be freely marketed from the 1980 crop; comments by 3–26–80

Animal and Plant Health Inspection Service—

10752 2–19–80 / Re-entry and importation of pet birds, final rules; comments by 4–4–80

Farmers Home Administration—

6792 1–30–80 / Operating loan policies, procedures and authorizations; comments by 3–31–80

Food and Nutrition Service—

7227 2–1–80 / National School Lunch Program; School Breakfast Program, Summer Food Service Program for Children; submission of claims for reimbursement; comments by 3–31–80

CIVIL AERONAUTICS BOARD

7567 2–4–80 / Insurance requirements for U.S. and foreign air carriers; reply comments by 4–1–80

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14884 3–7–80 / Requirements for 1980 filing of claims to cable royalty fees; comments by 3–31–80

ENERGY DEPARTMENT

Economic Regulatory Administration—

6951 1–31–80 / Assignments and adjustments to firms; allocation level for mail hauling; comments by 4–4–80

Federal Energy Regulatory Commission—

12777 2–27–80 / Disclosed estimation methodology approach for determination of volumes of natural gas used for exempt purposes under the incremental pricing program; comments extended to 3–31–80

[Originally published at 45 FR 21, 1–2–80]

15556 3–11–80 / Exemption for small industrial boiler fuel facilities from incremental pricing provisions of the Natural Gas Policy Act of 1978; comments by 4–4–80

[*See also* 44 FR 57783, 10–5–79]

18563 3–11–80 / Permanent Rule Defining Agricultural uses exempt from incremental pricing under the Natural Gas Policy Act of 1978 and rule exempting agricultural uses from incremental pricing surcharges; comments by 4–4–80

15559 3–11–80 / Permanent Rule defining small existing industrial boiler fuel users exempt from incremental pricing under the Natural Gas Policy Act of 1978; comments from 4–4–80

15555 3–11–80 / Procedures to be used for the first ten months of the incremental pricing program by industrial users in calculating the volumes of natural gas subject to incremental pricing surcharges; comments by 4–4–80

[*See also* 45 FR 21, 1–2–80]

13122 2–28–80 / Treatment under incremental pricing program of natural gas used as boiler fuel to raise steam which forms a step in the manufacturing process for fertilizer; comments by 3–31–80

ENVIRONMENTAL PROTECTION AGENCY

7758 2–4–80 / Ammonium sulfate manufacture; standards of performance; comments by 4–5–80

13732 3–3–80 / Exclusion and exemption of motor vehicles and motor vehicle engines from certain prohibitions or requirements under the Clean Air Act; comments by 4–2–80

14232 3–5–80 / Hazardous waste and hazardous waste management, availability of information on hazardous waste testing procedures; comments by 4–4–80

16208 3–13–80 / Ink formulating point source category effluent guidelines, pretreatment standards, and new source performance standards; comments for proposed ink formulating industry by 3–31–80

14072 3–4–80 / Montana; designation of areas for air quality planning purposes; comments by 4–3–80

1252 1–4–80 / Noise emission standards for interstate rail carriers; comments by 4–4–80

14232 3–5–80 / Polychlorinated biphenyls (PCB's); request for information on PCB transformers; comments by 4–4–80

7582 2–4–80 / Virginia; attainment status designations; comments by 4–4–80

FEDERAL COMMUNICATIONS COMMISSION

19902 3–7–80 / Authorization of use of low power radio transmitters by police radio service licenses in the 30–50 mHz 150–174 mHz and 450–470 mHz bands; comments by 3–31–80

2857 1–15–80 / Cellular mobile communication systems; band use; inquiry; comments by 4–1–80

14075 3–4–80 / Domestic public land mobile radio service; air-ground assignment to Tallahassee, Fla.; comments by 4–4–80

7583 2–4–80 / Establishment of disaster radio response program in local government radio service for States, territories, and possessions; comments by 4–4–80

8673 2–8–80 / FM assignment to Big Rapids, Mich.; comments by 3–31–80

9755 2–13–80 / FM broadcast station in Los Osos—Baywood Park Calif.; proposed changes in table of assignments; comments by 3–31–80

17043 3–17–80 / FM broadcast station assignment to Malakoff, Tex.; reply comments period extended to 3–31–80

[*See also* 45 FR 1920, 1–9–80]

8674 2–8–70 / FM assignment to Olympia, Wash.; comments by 3–31–80

9023 3–11–80 / FM broadcast stations in Blue Ridge, Ga. and Murphy, N.C.; changes in table of assignments; comments by 4–4–80

9022 2–11–80 / FM broadcast station in Hudson Falls, N.Y.; changes in table of assignments; comments by 4–4–80

6419 1–28–80 / Operation of visual and aural transmitters of TV stations; comments by 3–31–80

3064 1–16–80 / Policy and rules on rates for competitive common carrier services and facilities authorizations; period for reply comments on Part XI extended to 4–4–80

[Originally published at 44 FR 67445, 11–28–79 and corrected at 44 FR 73130, 12–17–79]

14074 3–4–80 / Proposals received in cellular rulemaking; comments by 4–1–80

14074 3–4–80 / Public mobile radio services; revision and update of rules; comments by 3–31–80

12446 2–26–80 / Public mobile radio services; elimination of financial qualifications; comments by 4–4–80

9024 2–11–80 / Television broadcast station in Crossville, Tenn.; changes in table of assignments; comments by 4–4–80

FEDERAL ELECTION COMMISSION

13767 3–3–80 / Contributions to an expenditures by delegates to National Nominating Conventions; comments by 4–2–80

FEDERAL REGISTER ADMINISTRATIVE COMMITTEE

13715 2–29–80 / Identification of subjects in agency regulations; comments by 3–31–80

[*See also* 45 FR 2998, 1–15–80]

GENERAL SERVICES ADMINISTRATION

9267 2–12–80 / Commercial products; temporary regulations; comments by 3–31–80

National Archives and Records Service—

14073 3–4–80 / Fees for reproduction services and location of records and hours of use; comments by 4–3–80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Civil Rights Office—

14233 3–5–80 / Equal opportunity in employment provisions applicable to the Public Broadcasting Services, National Public Radio, and Telecommunications entities receiving Federal funds from the Corporation of Public Broadcasting; comments by 4–1–80

[*See also* 44 FR 75676, 12–21–79]

INTERIOR DEPARTMENT

Fish and Wildlife Service—

9028 2–11–80 / Migratory bird hunting; nontoxic shot zones for waterfowl hunting, for hunting seasons commencing in 1980; comments by 3–31–80

Land Management Bureau—

13968 3–3–80 / Exploration and mining wilderness review program; comments by 4–2–80

INTERSTATE COMMERCE COMMISSION

10386 2–15–80 / Administrative appeals in non-rail proceedings; comments by 3–31–80

13479 2–29–80 / Expansion of air terminal zones at specified major "air cargo centers"; comments by 3–31–80

14234 3–5–80 / Rail market dominance and related considerations; comments extended to 4–2–80

[*See also* 45 FR 3353, 1–17–80]

LABOR DEPARTMENT

Employment Standards Administration—

14070 3–4–80 / Farm labor contractor registration; documents acceptable as evidence of bona fide inquiry of employability status; comments by 4–3–80

NATIONAL CREDIT UNION ADMINISTRATION

15939 3–12–80 / Federal credit unions; loan interest rates; increase; comments by 3–31–80

6795 1–30–80 / Special share accounts and definition of gross income, risk assets and liquid assets; comments by 3–30–80

NUCLEAR REGULATORY COMMISSION

6793 1–30–80 / Domestic licensing of production and utilization facilities; operational data gathering; comments by 3–31–80

PERSONNEL MANAGEMENT OFFICE

7263 2–1–80 / Pay administration; back pay; clarification and simplification; comments by 4–1–80

POSTAL SERVICE

14605 3–6–80 / Solicitations in guise of bills, invoices, or statement of account; comments by 4–5–80

SECURITIES AND EXCHANGE COMMISSION

15941 3–12–80 / Requests for confidential treatment of records obtained by the Commission; comments by 4–4–80

TENNESSEE VALLEY AUTHORITY

11835 2–22–80 / Nondiscrimination with respect to aged; comments by 3–30–80

TRANSPORTATION DEPARTMENT

Coast Guard—

10814 2–19–80 / Cedar Point, Sandusky, Ohio; establishment of special anchorage area; comments by 4–1–80

10813 2–19–80 / Duluth-Superior Harbor, Duluth, Minn.; establishment of special anchorage area; comments by 4–1–80

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10813 2-19-80 / Manatee River, Bradenton, Fla.; establishment of special anchorage area; comments by 4-1-80

10815 2-19-80 / Muskegon Lake East, Muskegon, Mich.; establishment of special anchorage area; comments by 4-1-80

10810 2-19-80 / Niagara River, Youngstown, N.Y.; enlargement of special anchorage area; comments by 4-1-80

10811 2-19-80 / San Francisco Bay; expansion of anchorage No. 5; comments by 4-1-80

10812 2-19-80 / San Juan Harbor, P.R.; reduction of temporary anchorage E; comments by 4-1-80

Federal Aviation Administration—

7540 2-4-80 / Air taxi operators and commercial operators; communter pilot in command operating experience requirements; comments by 4-1-80

[*See also* 45 FR 7246, 2-1-80]

Federal Highway Administration—

69586 12-3-79 / Maximum weight of trucks on interstate highway system highways; comments by 3-30-80

National Highway Traffic Safety Administration—

77210 12-31-79 / Federal motor vehicle safety standards; improvement of seat belt assemblies; comments by 4-1-80

13785 3-3-80 / Federal motor vehicle safety standards; new pneumatic tires—passenger cars; loading schedules for certain tire sizes; increase of; comments by 4-2-80

77199 12-31-79 / Light truck average fuel economy standards for model years 1983-85; comments by 3-31-80

Research and Special Programs Administration—

8323 2-7-80 / Transportation of liquids by pipeline; addition of water to pipelines transporting anhydrous ammonia; comments by 4-1-80

72201 12-13-79 / Transportation of natural and other gas by pipeline; leakage surveys; comments by 3-31-80

TREASURY DEPARTMENT

Internal Revenue Service—

6800 1-30-80 / Income tax; election in certain liquidations for involuntary conversion; comments by 3-31-80

6800 1-30-80 / Option to capitalize or deduct intangible drilling and development costs in the case of wells drilled for any geothermal deposit; comments by 3-31-80

VETERANS ADMINISTRATION

14071 3-4-80 / Medical benefits; nursing home care in foreign countries; comments by 4-3-80

Deadlines for Comments on Proposed Rules for the Week of 3-23 through 3-29-80

AGRICULTURE DEPARTMENT

Agricultural Stabilization and Conservation Service—

6115 1-25-80 / Disclosure of foreign investment in U.S. agricultural land; comments by 3-25-80

Commodity Credit Corporation—

12826 2-27-80 / Proposed 1980 price support level, grade loan rates, and program procedures—flue-cured tobacco; comments by 3-28-80

Rural Electrification Administration—

4358 1-22-80 / Design manual for high voltage transmission lines; revision; comments by 3-24-80

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

9303 2-12-80 / Public input on the Draft Environmental Impact Statement/Fishery Management Plan for Coastal Migratory Pelagic Resources (Mackerel); Comments by 3-24-80

DEFENSE DEPARTMENT

Army Department—

6566 1-29-80 / Military absentee and deserter apprehension; comments by 3-28-80

Office of the Secretary—

76303 12-26-79 / Vinson-Trammel Act: Excess profits on contracts for naval vessels on military aircraft; comments by 3-25-80

ENERGY DEPARTMENT

Economic Regulatory Administration—

12444 2-26-80 / Resellers' and reseller-retailers' price rules for gasoline; comments by 3-23-80

[Originally published at 44 FR 69602, 12-3-79]

Federal Energy Regulatory Commission—

13414 2-28-80 / High-cost natural gas produced from tight formations; comments by 3-28-80

ENVIRONMENTAL PROTECTION AGENCY

9548 2-12-80 / Ocean discharge criteria; comments by 3-28-80

FEDERAL COMMUNICATIONS COMMISSION

3353 1-17-80 / American Telephone and Telegaph Co., private line rate structure and volume discount practices; comments by 3-24-80

3064 1-16-80 / Establishment of automated, interconnected maritime ship/shore communications system on Mississippi River system; comments by 3-24-80

[Corrected at 45 FR 13477, Feb. 29, 1980]

3941 1-21-80 / FM assignment to Paxton, Ill.; reply comments by 3-27-80

6970 1-31-80 / FM broadcast station in Boyce, La.; changes in table of assignments; comments by 3-24-80

6972 1-31-80 / FM broadcast station in Centralia, Mo.; changes in table of assignments; comments by 3-24-80

6633 1-29-80 / FM broadcast station in Commerce, Tex.; proposed changes in table of assignments; comments by 3-24-80

6968 1-31-80 / FM broadcast station in Mt. Vernon, Ohio; changes in table of assignments; comments by 3-24-80

6967 1-31-80 / FM broadcast station in Snowmass Village, Colo.; changes in table of assignments, comments by 3-24-80

12449 2-26-80 / FM table of assignments; Greenwood, Booneville, and Waldron, Ark.; reply comments by 3-27-80

[Originally published at 45 FR 1919, 12-19-80]

1924 1-9-80 / Granting of general exemption from certain radio-telegraph requirements of Part II to U.S. cargo vessels of 1600 gross tons and upwards navigated solely on domestic voyages along the east, west, or Gulf coasts of the U.S.; reply comments by 3-27-80

3941 1-21-80 / Noncommercial educational FM assignment to Lake Havasu City, Ariz.; reply comments by 3-27-80

3064 1-16-80 / Policy and rules on rates for competitive common carrier services and facilities authorizations; reply comments period extended to 3-28-80

[Originally published at 44 FR 67445, Nov. 28, 1979 and corrected at 44 FR 73130, Dec. 17, 1979]

3939 1-21-80 / TV assignment to La Grande, Oreg.; reply comments by 3-27-80

FEDERAL HOME LOAN BANK BOARD

4361 1-22-80 / Restrictions on preferential loans; comments by 3-24-80

FEDERAL MARITIME COMMISSION

11514 2-21-80 / Collective bargaining agreements between labor unions and maritime, multi-employer collective bargaining units, exemptions; comments by 3-24-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

6120 1-25-80 / Biological products; labeling standards; position and prominence of proper name; comments by 3-25-80

[Corrected at 45 FR 11854, Feb. 22, 1980]

11846 2-22-80 / Category II classification of sweet spirits of nitre for over-the-counter human use; comments by 3-24-80

12414 2-26-80 / Reduced acid frozen concentrated orange juice; establishment of identity standard; objections by 3-27-80

6117 1-25-80 / Sodium dithionite; proposed affirmation of GRAS status; comments by 3-25-80

[Corrected at 45 FR 11846, Feb. 22, 1980]

Museum Services Institute—

5648 1-23-80 / Museum Service Program provisions; comments by 3-24-80

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity—

12265 2-25-80 / Implementation of Title VIII, Civil Rights Act of 1968; comments by 3-25-80

Office of the Secretary—

76563 12-27-79 / Review of existing regulations; comments by 3-25-80

INTERIOR DEPARTMENT

Land Management Bureau—

6054 1-24-80 / Financial assistance, local governments payments in lieu of taxes; comments by 3-24-80

Surface Mining Reclamation and Enforcement Office—

6028 1-24-80 / Surface coal mining and reclamation operations permanent regulatory program; performance bonding; comments by 3-24-80

INTERNATIONAL TRADE COMMISSION

12835 2-27-80 / Imported steel wire rope, country-of-origin marking requirement; comments by 3-28-80

11512 2-21-80 / Postemployment employee responsibilities and conduct; comments by 3-24-80

12833 2-27-80 / Regulatory impact; comments by 3-28-80

LABOR DEPARTMENT

Employment Standards Administration—

10375 2-15-80 / Labor standards for federally financed and assisted construction; comments by 3-27-80

[*See also* 44 FR 77060, 12-28-79]

10375 2-15-80 / Labor standards for Federal service contracts; comments by 3-27-80

[*See also* 44 FR 77036, 12-28-79]

10374 2-15-80 / Wage rates; predetermination procedures; comments by 3-27-80

[*See also* 44 FR 7028, 12-28-79]

Employment and Training Administration—

4916 1-22-80 / Labor certification process for the permanent employment of aliens in the United States; comments by 3-24-80

Federal Contract Compliance Programs Office—

11856 2-22-80 / Government contractors' affirmative action requirements; comment period extended to 3-24-80

[Originally published at 44 FR 77006, Dec. 28, 1980]

4954 1-22-80 / Payment of membership fees and other expenses to private organizations; comments by 3-24-80

NATIONAL CREDIT UNION ADMINISTRATION

12211 2-25-80 / Statement of policy—National Environmental Policy Act; comments by 3-26-80

NUCLEAR REGULATORY COMMISSION

5308 1-23-80 / Change in rules of practice; comments by 3-24-80

11503 2-21-80 / Physical protection of in-transit special nuclear material of moderate strategic significance; comments by 3-24-80

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

12780 2-27-80 / Planning and design objectives, controls, and standards on the east section of Square 458; comments by 3-28-80

PERSONNEL MANAGEMENT OFFICE

6114 1-25-80 / Political participation by U.S. Government employees in Shrewsbury Township, N.J.; comments by 3-25-80

POSTAL SERVICE

9011 2-11-80 / Inclusion of electronic meters in postage meter specifications; comments by 3-27-80

TRANSPORTATION DEPARTMENT

Urban Mass Transportation Administration—

9244 2-11-80 / Bus rehabilitation program policy and procedures; comments by 3-27-80

TREASURY DEPARTMENT

Internal Revenue Service—

12851 2-27-80 / Income tax credit for the elderly; comments by 3-28-80

Next Week's Meetings

AGRICULTURE DEPARTMENT

Forest Service—

13166 2-28-80 / Gila National Forest Land and Resource Management Plan; intent to prepare an environmental impact statement (open), Silver City, New Mexico, 3-24; Reserve, New Mexico, 3-25; Truth or Consequences, New Mexico, 3-26; El Paso, Texas, 3-27; and Las Cruces, New Mexico, 3-28-80

ARTS AND HUMANITIES, NATIONAL FOUNDATION

10093 2-14-80 / Humanities Panel Advisory Committee, Washington, D.C. (closed), 3-27 and 3-28-80

11965 2-22-80 / Humanities Panel, Washington, D.C. (closed), 3-24 through 3-28-80

14167 3-4-80 / Humanities Panel, Washington, D.C. (closed), 3-24 and 3-25-80

14352 3-5-80 / Music Panel (Policy Section), Washington, D.C. (partially open), 3-25 and 3-26-80

14720 3-6-80 / Music Panel (Opera-Musical Theatre; Challenge Grants), Washington, D.C. (closed), 3-28-80

11966 2-22-80 / Partnership Coordination Advisory Panel to the National Council on the Arts, Washington, D.C. (open), 3-24-80

CIVIL RIGHTS COMMISSION

13790 3-3-80 / Maryland Advisory Committee, Annapolis, Md. (open), 3-25-80

13790 3-3-80 / Massachusetts Advisory Committee, Boston, Mass. (open), 3-25 and 3-26-80

15972 3-12-80 / Oklahoma Advisory Committee, Oklahoma City, Okla. (open), 3-27 and 3-28-80

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

15974 3-12-80 / Mid-Atlantic Fishery Management Council's Surf Clam Advisory Subpanel, Dover, Del. (open), 3-28-80

14242 3-5-80 / National Climate Program Advisory Committee, Washington, D.C. (open), 3-24 and 3-25-80

14909 3-7-80 / New England Fishery Management Council, Danvers, Mass. (open), 3-25-80

15248 3-10-80 / North Pacific Fishery Management Council and Scientific and Statistical Committee and Advisory Panel, Anchorage, Alaska (open) , 3-26 through 3-28-80

12863 2-27-80 / Operational land remote sensing satellite program, Albuquerque, N. Mex., 3-26-80

12863 2-27-80 / Operational land remote sensing satellite program, Washington, D.C., 3-25-80

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U.S. Travel Service—

8637 1–29–80 / Travel Advisory Board, Washington, D.C. (open), 3–27–80

DEFENSE DEPARTMENT

Army Department—

10839 2–19–80 / Army Science Board, Washington, D.C. (open), 3–25 and 3–26–80

12474 2–28–80 / Army Science Board, St. Louis, Mo. (partially closed), 3–24 and 3–25–80

14090 3–4–80 / U.S. Army Medical Research and Development Advisory Panel ad hoc Study Group on Viral and Rickettsial Diseases, Washington, D.C. (partially open), 3–26 and 3–27–80

Navy Department—

7279 2–1–80 / Secretary of the Navy's Advisory Committee on Naval History, Washington, D.C. (open), 3–27–80

Office of the Secretary—

14242 3–5–80 / Defense Science Board Task Force on Acquisition, Washington, D.C. (closed), 3–24 and 3–25–80

9763 2–13–80 / Defense Systems Management College, Board of Visitors, Fort Belvoir, Va. (open), 3–26–80

13795 3–3–80 / DOD Advisory Group on Electron Devices, Working Group A (mainly microwave devices), New York, N.Y. (closed), 3–27–80

ENERGY DEPARTMENT

14243 3–5–80 / Environmental Advisory Committee, Subcommittee on Synfuels, Washington, D.C. (open), 3–26–80

ENVIRONMENTAL PROTECTION AGENCY

15645 3–11–80 / FIFRA Scientific Advisory Panel, Arlington, Va. (open), 3–28–80

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

10408 2–15–80 / Meeting, Washington, D.C. (open), 3–27–80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

8359 2–7–80 / Board of Scientific Counselors, Bethesda, Md. (partially open), 3–27 and 3–28–80

15671 3–11–80 / Community Alcoholism Services Review Committee, Rockville, Md. (open), 3–26 through 3–29–80

10031 2–14–80 / Rape Prevention and Control Advisory Committee, Rockville, Md. (open), 3–27 and 3–28–80

Health Resources Administration—

11194 2–20–80 / Health Professions Education National Advisory Council, Hyattsville, Md. (partially open), 3–24 through 3–26–80

Human Development Services Office—

15266 3–10–80 / White House Conference on Aging, Washington, D.C. (open), 3–24 and 3–25–80

National Institutes of Health—

9121 2–11–80 / Biomedical Library Review Committee, Bethesda, Md. (partially open), 3–26 and 3–27–80

9118 2–11–80 / Cancer Treatment Division, Board of Scientific Counselors, Bethesda, Md. (partially closed), 3–24 and 3–25–80

3974 1–21–80 / Clinical Cancer Program Project and Cancer Center Support Review Committee, Bethesda, Md. (partially open), 3–24 through 3–26–80

[Originally published at 44 FR 73163, December 17, 1979]

9119 2–11–80 / Clinical Trials Committee, Bethesda, Md. (partially open), 3–26 and 3–27–80

15266 3–10–80 / Clinical Trials Review Committee, Bethesda, Md. (partially open), 3–27 and 3–28–80

6175 1–25–80 / General Research Support Review Committee, Chevy Chase, Md. (open), 3–26 through 3–28–80

9121 2–11–80 / National Institute of Neurological and Communicative Disorders and Stroke, Board of Scientific Counselors, Bethesda, Md. (partially open), 3–27 and 3–28–80

9119 2–11–80 / Tumor Immunology Committee, Bethesda, Md. (partially open), 3–28–80

HISTORIC PRESERVATION, ADVISORY COUNCIL

14611 3–6–80 / Wanamaker House Historic District, public information meeting, Philadelphia, Pa. (open), 3–24–80

[*See also* 45 FR 8668, 2–8–80]

IMMIGRATION AND REFUGEE POLICY SELECT COMMISSION

16387 3–13–80 / Immigrant and refugee issues, New Orleans, La., 3–24–80

INTERIOR DEPARTMENT

Land Management Bureau—

11916 2–22–80 / Carson City District Grazing Advisory Board, Fallon, Nev. (open), 3–25–80

[Corrected at 45 FR 13203, 2–28–80]

12303 2–25–80 / National Outer Continental Shelf Advisory Board; Pacific States Regional Technical Working Group Committee, Los Angeles, Calif. (open), 3–27 and 3–28–80

National Park Service—

13542 2–29–80 / Appalachian National Scenic Trail Advisory Council, Kent, Conn. (open), 3–28–80

16578 3–14–80 / Discussion of Supplement to Assessment of Alternatives for Development Concept Plan for Eastham area of Cape Cod National Seashore, Eastham, Mass. (open), 3–29–80

8479 1–28–80 / Gateway National Recreation Area, public discussion, Sandy Hook, N.J., 3–27–80

[Relocated at 45 FR 16359, 3–13–80]

8365 2–7–80 / Kalaupapa National Historical Park Advisory Commission, Honolulu, Hawaii (open), 3–24–80

16014 3–12–80 / Ozark National Scenic Riverways Advisory Committee, Van Buren, Mo. (open), 3–28–80

12305 2–25–80 / Upper Delaware Citizens Advisory Council, Narrowsburg, New York (open), 3–28–80

INTERNATIONAL COMMUNICATION COMMISSION

16359 3–13–80 / U.S. Advisory Commission on Public Diplomacy, Washington, D.C. (open), 3–28–80

LABOR DEPARTMENT

Occupational Safety and Health Administration—

14155 3–4–80 / Construction Safety and Health Advisory Committee, Washington, D.C. (open), 3–27 and 3–28–80

14155 3–4–80 / Construction Safety and Health Advisory Committee, Subgroup on Health Standards, Washington, D.C. (open), 3–25–80

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

12938 2–27–80 / NASA Advisory Council (NAC), Aeronautics Advisory Committee, Moffett Field, Calif. (open), 3–24 through 3–26–80

NUCLEAR REGULATORY COMMISSION

15735 3–11–80 / Advisory Committee on Reactor Safeguards, Subcommittee on Anticipated Transients Without Scram, Washington, D.C. (closed), 3–26–80

15735 3–11–80 / Advisory Committee on Reactor Safeguards, Subcommittee on Emergency Core Cooling Systems, Washington, D.C. (closed), 3–26–80

15346 3–10–80 / Reactor Safeguards Advisory Committee, Concrete and Concrete Structures Subcommittee, Washington, D.C. (open), 3–25 and 3–26–80

15347 3–10–80 / Reactor Safeguards Advisory Committee, Natural Circulation Heat Removal Ad Hoc Subcommittee, Washington, D.C. (open), 3–25–80

POSTAL RATE COMMISSION

15366 3–10–80 / Meeting; Washington, D.C. (closed), 3–27–80

STATE DEPARTMENT

Office of the Secretary—

16388 3–13–80 / Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Washington, D.C. (open), 3–26–80

15741 3–11–80 / Study Group B of the U.S. Organization for the International Telegraph & Telephone Consultative Committee (CCITT), Washington, D.C. (open), 3–27–80

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration—

15361 3–10–80 / Comfort and Convenience of Safety Belts, Washington, D.C. (open), 3–26–80

Office of the Secretary—

11495 2–21–80 / Non-discrimination on basis of handicap in federally assisted programs, scoping meeting on environmental impact statement, Washington, D.C. (open), 3–21–80

Next Week's Public Hearings

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

14047 3–4–80 / Milk in southern Michigan marketing area; amendments to tenative marketing agreement, Flint, Mich. 3–25–80

COMMERCE DEPARTMENT

Economic Analysis Bureau—

14063 3–4–80 / Direct investment surveys; mandatory reporting requirements, Washington, D.C., 3–26–80

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11279 2–20–80 / Report of the Register of Copyrights on the effects of 17 U.S.C. 108 on the rights of creators and the needs of users of works reproduced by certain libraries and archives, Houston, Tex., 3–26–80

DEFENSE DEPARTMENT

Navy Department—

7279 2–1–80 / Naval Discharge Review Board, Boston, Mass. and Albany, N.Y., 3–23 through 3–28–80

[*See also* 44 FR 65623, 11–14–79]

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

4359 1–22–80 / New buildings energy performance standards, hearings, Washington, D.C., 3–24 through 3–26–80

Federal Energy Regulatory Commission—

15556 3–11–80 / Exemption for small industrial boiler fuel facilities from incremental pricing provisions of the Natural Gas Policy Act of 1978, 3–26–80, Washington, D.C.

[*See also* 44 FR 57783, 10–5–79]

15559 3–11–80 / Permanent rule defining small existing industrial boiler fuel users exempt from incremental pricing under the Natural Gas Policy Act of 1978, 3–28–80, Washington, D.C.

15563 3–11–80 / Permanent rule defining agricultural uses exempt from incremental pricing under the Natural Gas Policy Act of 1978 and Rule exempting agricultural uses from incremental pricing surcharges, Washington, D.C., 3–27–80

15555 3–11–80 / Procedures to be used for the first ten months of the incremental pricing program by industrial users in calculating the volumes of natural gas subject to incremental pricing surcharges, Washington, D.C., 3–26–80

[*See also* 45 FR 21, 1–2–80]

INTERIOR DEPARTMENT

Fish and Wildlife Service—

15241 3–10–80 / Desert Tortoise; critical habitat for Beaver Dam slope population, St. George, Utah, 3–25–80

[*See also* 44 FR 70680, 12–7–79]

TENNESSEE VALLEY AUTHORITY

6225 1–25–80 / Consideration of ratemaking standards, Nashville, Tenn., 3–25–80

[*See also* 44 FR 70611, 12–27–79]

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration—

14609 3–6–80 / Highway routing of radioactive materials, Philadelphia, Pa., 3–26–80

TREASURY DEPARTMENT

Internal Revenue Service—

6415 1–28–80 / Income tax; application of conventions under class life asset depreciation range system, Washington, D.C., 3–27–80

List of Public Laws

Last Listing March 18, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 4337 / Pub. L. 96–209 To provide for the transfer of the Foreign Claims Settlement Commission of the United States to the United States Department of Justice as a separate agency in that Department; to provide for the authority and responsibility of the Department of Justice to supply to the Foreign Claims Settlement Commission certain administrative support services without altering the adjudicatory independence of the Commission; to change the terms of office and method of appointment of the members of the Commission; and for other purposes. (Mar. 14, 1980; 94 Stat. 96) Price $1.00.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

RULES GOING INTO EFFECT

16485 3–14–80 / EPA—municipal wastewater treatment works construction grant program; allotment to States of fiscal year 1980 appropriation; effective 3–14–80

16412 3–13–80 / HEW/OE—National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant programs; funding process

[*See* document for effective date information]

15927 3–12–80 / HUD/CPD—Community development block grants; small cities program; revision of regulations; effective 4–11–80

15171 3–10–80 / NCUA—Community Development Credit Union Program; effective 3–10–80

DEADLINES FOR COMMENTS ON PROPOSED RULES

16142 3–12–80 / HEW/OE—Commissioner's discretionary program; proposed grant regulations; comments by 5–12–80

APPLICATIONS DEADLINES

16338 3–13–80 / HEW/HSA—Sudden infant death syndrome program; competitive grant application closing date corrected to 6–20–80

[*See also* 45 FR 11535, 2–21–80]

16010 3–12–80 / HEW/HDSO—Rehabilitation long-term training; availability of fiscal year 1980 grant funds for training of interpreters for deaf individuals; apply by 4–30–80

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 3—

The President

Proclamation 4737 of March 18, 1980

National Defense Transportation Day and National Transportation Week, 1980

By the President of the United States of America

A Proclamation

Throughout the history of the United States, our progress as a Nation has been closely tied to our progress in transportation.

As the Nation grew, so did its need for mobility. In the last century this need was well served by expanding networks of railroads and canals. Today, the need is served by a broader range of systems, including motor vehicles and aircraft.

The generations of men and women who pioneered these systems stand high in the ranks of those who made America great.

But new demands are constantly being made on our capacity to move people and the goods they produce. Today's systems must change if they are to handle the demographic changes and the energy problems of tomorrow.

Once again we look to the people in our transportation industry to innovate—and to provide rapid, dependable, safe and efficient transportation to meet the needs of the future.

Acknowledging the importance of the U.S. transportation system, the Congress by joint resolution of May 16, 1957 (71 Stat. 30, 36 U.S.C. 160), requested the President to proclaim the third Friday in May of each year as National Defense Transportation Day, and, by joint resolution of May 14, 1962 (76 Stat. 69, 36 U.S.C. 166), requested the President to proclaim the week on which that Friday falls as National Transportation Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Friday, May 16, 1980, as National Defense Transportation Day, and the week beginning May 11, 1980, as National Transportation Week.

I urge all Governors, appropriate Federal officials, transportation organizations, and the people of the United States to join with the U.S. Department of Transportation in observing this day and week in honor of the vital role that the commercial transportation industry plays in our daily lives, in national defense, and in the future of an energy-secure America.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of March, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

Jimmy Carter

[FR Doc. 80-8807
Filed 3-19-80; 11:09 am]
Billing code 3195-01-M

V45/56 MR 20 80 UMI

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Presidential Documents

Executive Order 12202 of March 18, 1980

Nuclear Safety Oversight Committee

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), a committee to advise on the progress of Federal and State authorities and the nuclear power industry in improving the safety of nuclear power and in implementing the approved recommendations of the President's Commission on the Accident at Three Mile Island, it is hereby ordered as follows:

1-1. *Establishment of the Committee.*

1-101. There is established the Nuclear Safety Oversight Committee.

1-102. The membership of the Committee shall be composed of five persons appointed by the President from among citizens who do not receive a salary from the Federal government. The President shall designate a Chairman from among the members of the Committee.

1-2. *Functions of the Committee.*

1-201. The Committee shall periodically report to the President, the Secretary of Energy, and the Secretary of Health, Education, and Welfare the Committee's advice on the progress being made in improving nuclear safety. The Committee's report shall also advise on the progress being made in implementing those recommendations of the President's Commission on the Accident at Three Mile Island which were approved by the President (December 7, 1979).

1-202. The Committee shall advise on the extent of progress made by the Nuclear Regulatory Commission in effecting management, substantive, and procedural reforms to improve safety. The Committee shall evaluate the recommendations of the Chairman of the Nuclear Regulatory Commission concerning the possible modification of the responsibilities of the Advisory Committee for Reactor Safety.

1-203. The Committee shall advise as to whether or not the Nuclear Regulatory Commission and the nuclear power industry are fulfilling their responsibilities in upgrading the capabilities and training of utility operating and management personnel.

1-204. The Committee shall evaluate the progress being made in making or encouraging technical modifications to power reactors to improve safety, including improved control room design, and evaluate the Federal program in safety research.

1-205. The Committee shall advise on the success of developing a coordinated program to improve worker and public health safety.

1-206. The Committee shall advise on the progress of the Federal Emergency Management Agency in its review of State and local off-site emergency planning and preparedness, and evaluate the progress of State and local governments in establishing emergency response plans.

1–207. The Committee shall evaluate the progress being made in improving public information on nuclear safety and shall evaluate the progress of the Federal Emergency Management Agency in coordinating any Federal response to potential nuclear emergencies.

1–208. To the extent the Committee deems it necessary to carry out its other functions, the Committee shall monitor the activities of Federal and State agencies and the nuclear power industry.

1–209. The Committee shall enter into agreements with the Nuclear Regulatory Commission, the Department of Health, Education, and Welfare, the Department of Energy, the Federal Emergency Management Agency, and other Federal agencies, as well as State agencies and the nuclear power industry on procedures for obtaining the information necessary to monitor their activities and to carry out the Committee's advisory functions.

1–210. The Committee shall include in its reports the Committee's advice as to the adequacy of the information it has received from Federal and State agencies and from the nuclear power industry; and, its assessment of the cooperation it has received from them.

1–211. The Committee shall prepare and transmit to the President, as soon as possible, a report on the progress of the Nuclear Regulatory Commission and of the nuclear utilities in upgrading the selection criteria and the training of utility operating personnel. The Committee shall report to the President its other findings, evaluations, and recommendations from time to time as it deems appropriate, but in any event, at least once a year.

1–3. *Administrative Provisions.*

1–301. The Chairman of the Committee is authorized to appoint and fix the compensation of a staff of such persons as may be necessary to discharge the Committee's responsibilities, subject to the applicable provisions of law, including the Federal Advisory Committee Act, as amended, and Title 5 of the United States Code.

1–302. To the extent authorized by law and requested by the Chairman of the Committee, the General Services Administration shall provide the Committee with necessary administrative services, facilities, and support on a reimbursable basis.

1–303. The Department of Energy and the Department of Health, Education, and Welfare shall, to the extent permitted by law and subject to the availability of funds, provide the Committee with such facilities, support, funds and services, as may be necessary for the effective performance of the Committee's functions.

1–304. The Committee may request any Executive agency to furnish such information, advice or assistance it deems necessary to carry out its functions. Each agency shall, to the extent permitted by law and subject to the availability of funds, furnish the information, advice or assistance requested by the Chairman of the Committee.

1–305. Each member of the Committee may receive compensation at the maximum rate now or hereafter prescribed by law for each day such member is engaged in the work of the Committee (5 U.S.C. 3109 and rules pursuant to the Federal Advisory Committee Act, as amended). Each member may also receive travel expenses, including per diem in lieu of subsistence (5 U.S.C. 5702 and 5703).

1–4. *General Provisions.*

1–401. The functions of the President under the Federal Advisory Committee Act, as amended, which are applicable to the Committee, except that of reporting annually to the Congress, shall be performed by the Administrator of General Services.

1–402. The Committee shall terminate on September 30, 1980.

Jimmy Carter

THE WHITE HOUSE,
March 18, 1980.

[FR Doc. 80–8808
Filed 3–19–80; 11:10 am]
Billing code 3195–01–M

V 45/56 MR 20 80 UMI

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Rules and Regulations

Federal Register
Vol. 45, No. 56
Thursday, March 20, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 485; Navel Orange Reg. 484, Amdt. 1]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 21–27, 1980, and increases the quantity of such oranges that may be so shipped during the period March 14–20, 1980. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective March 21, 1980, and the amendment is effective for the period March 14–20, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on October 30, 1979. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on March 18, 1980 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges continues to be very active.

It is further found that there is insufficient time between the date when information became available upon which this regulation and amendment are based and when the actions must be taken to warrant a 60 day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.785 Navel Orange Regulation 485.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period March 21, 1980, through March 27, 1980, are established as follows:

(1) District 1: 1,501,000 cartons;
(2) District 2: 149,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

(b) As used in this section, "handle," "District 1," "District 2," "District 3," "District 4" and "carton" mean the same as defined in the marketing order.

Paragraph (a) in § 907.784 Navel Orange Regulation 484. (45 FR 16165), is hereby amended to read:

§ 907.784 Navel Orange Regulation 484.

(a) * * *
(1) District 1: 1,501,000 cartons;
(2) District 2: 149,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 19, 1980.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-8816 Filed 3-19-80; 11:46 am]
BILLING CODE 3410-02-M

7 CFR Part 908

[Valencia Orange Reg. 637]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period March 21—27, 1980. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: March 21, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Finding.* This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon

other available information. It is hereby found that the action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on January 22, 1980. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on March 18, 1980 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges continues to improve.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrent a 60-day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 533). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 908.937 Valencia Orange Regulation 637.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period through March 27, 1980, are established as follows:

(1) District 1: Unlimited;

(2) District 2: Unlimited;

(3) District 3: 170,000 cartons.

(b) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" mean the same as defined in the marketing order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 19, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-8815 Filed 3-19-80; 11:48 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 71-WE-28-AD; Amdt. 39-3716]

Airworthiness Directives; McDonnell Douglas Model DC-9 and C-9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes airworthiness directive (AD) 72-02-03. This amendment expands the applicability and modifies the instructions for inspections, rework, and replacement of the main landing gear attach fittings. This AD is necessary to detect and prevent fitting failure.

DATE: Effective April 24, 1980.

Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from:

McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director of Publications and Training C1–750 (54–60)

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20691, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Kyle L. Olsen, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536–6351.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rule Making was issued in the Federal Register of September 17, 1979 (44 FR 53754) which proposed to supersede AD 72-02-03 (Amendment 39-1378). Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all comments received.

One commenter indicated that if Service Bulletins 57-76, 57-86, 57-88, and 57-101 have been accomplished and no new cracks were detected, compliance with the proposed new rule should not be required. The FAA does not agree. The cracks have been detected in fitting locations and on airplanes, other than as specified in the bulletins, and further the FAA has determined that the existing dye penetrant inspection method is not adequate to detect small cracks in critical areas. This new rule provides for additional inspection methods; identifies the new crack locations, and additional airplane applicability; and permits terminating action only upon replacement of a 7079-T6 fitting with a fitting made from 7075-T73 heat treated material. Therefore, unless all fittings have been replaced with 7075-T73 fittings, compliance with this amendment is required.

One commenter noted that the magnitude of the problem does not warrant an initial inspection within 1,000 hours time in service or 125 calendar days, and recommended an initial inspection within 2,500 hours time in service to fit in with the major maintenance check. The FAA does not agree. Subsquent to the issuance of AD 72-02-03, there have been reports of other significant types of failures of the main landing gear attach fitting. In one recent case, an operator experienced complete failure of the fitting and local structural damage to the wing. The failure was attributed to a combination of high load during a rejected takeoff and an existing crack that was not detected during the previous inspection by the dye penetrant method currently required. Failure was found when wing sag was noticed during preparation for loading for the next flight. Therefore, based on the FAA comments put forth in response to the preceding commenter and since the FAA has determined that this type of failure could exist or develop on other DC-9 airplanes, the rule as adopted requires an initial inspection within 1,000 hours time in service or 125 calendar days.

One commenter noted that the proposed rule did not provide relief for previous inspections accomplished in accordance with AD-72-02-03 or equivalent inspections. Subsequent discussions with the operator indicated that paragraph (j) of the proposed rule gave relief for the "rework" only. The FAA agrees in part. The FAA did not intend to restrict credit to "rework" per se and the rule as adopted adds clarifying language which provides relief for those operators.

Three commenters expressed concern that the inspections per Option 2, Phase I, including Table I, figure 1, will require the removal of all bolts and recommended that the bolts be removed only upon a crack indication. During subsequent discussions with these commenters, the FAA advised that only a specific number of bolts should be removed. Consequently, the FAA has determined, based on these discussions, that the instructions for bolt removal needs further clarification and the rule as adopted identifies the specific bolts to be removed.

One commenter stated that the eddy current and ultrasonic inspections procedures outlined in Service Bulletin 57-125, Revision 2, are inadequate. The instructions "to scan" are too general and should be more specific in determining the location of the crack(s) to be inspected. The FAA does not agree. Although certain cracks are originating at bolt holes, they do not originate at the same point in the hole or counterbore, nor propagate in a specific pattern and direction. Therefore, the FAA considers the instructions in the service bulletin to adequately define the location of the crack(s) to be inspected.

One commenter offered no objections to the proposed rule.

Adoption of the Amendment

PART 39—AIRWORTHINESS DIRECTIVES

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

McDonnell Douglas: Applies to Model DC-9 and C-9 series airplanes, fuselage numbers (F/Ns) 1 through 742, inclusive, which correspond to the factory serial numbers listed in Douglas Service Bulletin No. 57-125, Revision 2, dated August 24, 1979. Hereinafter referred to as SB 57-125, Revision 2.

Compliance required as indicated.

To detect cracks and prevent failure on the main landing gear attach fittings, part numbers (P/Ns) 5911258, 5919289, and 5924841, accomplish the following:

(a) Within the next 1,000 hours' time in service or 125 calendar days, whichever comes first, after the effective date of this AD, for fittings on airplanes F/N 1 through 414 which have not been shotpeened and the spot faces have not been sealed, and unless already accomplished, inspect the fittings per Option 2, Phase I, Figure 1 of SB 57-125, Revision 2.

(b) Within the next 3,200 hours' time in service or 375 calendar days, whichever comes first, after the effective date of this AD, for airplanes F/N 415 through 655, and for airplanes F/N 1 through 414, which have been shotpeened per AD 72-02-03, but the spot faces have not been sealed, and for those which have existing approved treated crack or approved crack rework, inspect the fittings per Option 2, Phase I, Figure 1 of SB 57-125, Revision 2.

(c) Within the next 6,400 hours' time in service or 750 calendar days, whichever comes first, after the effective date of this AD, for airplanes F/N 656 through 742, and for airplanes F/N 1 through 655, with uncracked fittings which have been shotpeened per AD-72-02-03, and the spot face is sealed per McDonnell Douglas DC-9 Service Bulletin 57-101, inspect the fittings per Option 2, Phase I, Figure 1 of SB 57-125, Revision 2.

Note (1).—The Table and General Note 2 of the accomplishment instructions of SB 57-125, Revision 2, cover the schedules of paragraphs (a), (b), and (c).

Note (2).—The initial and repetitive inspections per Option 2, Phase I, require only five (5) bolts to be removed. (Ref: Crack Locations 2, 9, 11, and 18, View "G–G," page 26, SB 57-125, Revision 2.)

(d) If cracks are found during the inspections of paragraphs (a), (b) or (c) in areas identified as Crack Locations 1, 3, 4, 6, and 19, which do not extend beyond the limits given in General Note 11 of the accomplishment instructions of SB 57-125, Revision 2, before further flight:

(1) Replace the fittings per Option 1 of SB 57-125, Revision 2; or

(2) Treat the cracks per Phases IV through VII of the accomplishment instructions in SB 57-125, Revision 2, and reinspect the fittings per Option 2, Phase I, Figure 1 of SB 57-125, Revision 2, at intervals not to exceed 3,200 hours' time in service or 375 calendar days, whichever occurs first.

(e) If cracks are found during the inspections of paragraphs (a), (b) or (c) which meet any of conditions of General Note 12 of the accomplishment instructions of SB 57-125, Revision 2, before further flight, replace the fittings per Option 1 of the service bulletin.

(f) If cracks are found during the inspections of paragraphs (a), (b) or (c) in areas identified as Crack Locations 8, 11, 13, 14, and 15 which are less than 1½ inches long and can be removed per the instructions on General Note 12.B of SB 57-125, Revision 2, or cracks in areas identified as Crack Locations 5 and 12 which are less than 1½ inches, or cracks in Location 17 which are less than ½ inch long, which can be removed per the instructions of General Note 12.D of SB 57-125, Revision 2, before further flight:

(1) Replace the fitting per Option 1 of SB 57-125, Revision 2; or

(2) Rework cracks per General Notes 12.B or 12.D, as applicable, of accomplishment instructions of SB 57-125, Revision 2, and reinspect the fitting per Option 2, Phase I, Figure 1 of SB 57-125, Revision 2, at intervals not to exceed 3,200 hours' time in service or 375 calendar days, whichever comes first.

(g) For fittings which have been inspected per paragraphs (a), (b) or (c), and which have not been modified per SB 57-125, Revision 2, Phase II or Phase III, or by an equivalent modification:

(1) Replace the fitting per Option 1 of SB 57-125, Revision 2; or

(2) If no cracks are found, reinspect the fitting per Option 2, Phase I, Figure 1 of SB 57-125, Revision 2, at intervals not to exceed 3,200 hours' time in service or 375 calendar days, whichever comes first; or

(3) If no reworked cracks exist and/or no new cracks are found, and the preventative shotpeen and anti-corrosion rework of AD 72-02-03 has been accomplished, and the spot faces have been sealed in production or per SB 57-101, reinspect the fitting per Option 2, Phase I, Figure 1 of SB 57-125, Revision 2, at intervals not to exceed 6,400 hours' time in service or 750 calendar days, whichever comes first; or

(4) If no reworked cracks exist and/or no new cracks are found, accomplish the preventative modification per Option 2, Phase II of SB 57-125, Revision 2, and reinspect the fitting per Option 2, Phase I, Figure 1 of SB 57-125, Revision 2, at intervals not to exceed 6,400 hours' time in service or 750 calendar days, whichever comes first; or

(5) If no reworked cracks exist and/or no new cracks are found, accomplish the preventative modification per Option 2, Phase III of SB 57-125, Revision 2, and reinspect the fitting per Option 2, Phase I, Figure 1 of SB 57-125, Revision 2, at intervals not to exceed 9,600 hours' time in service or 1,125 calendar days, whichever comes first.

(h) If cracks are found in locations in the fitting other than those identified in SB 57-125, Revision 2, before further flight, replace the fitting per Option 1 of SB 57-125, Revision 2, or rework in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(i) The requirements of this AD may be discontinued upon replacement of the existing 7079-T6 fitting with a new 7075-T73 fitting per Option 1 of SB 57-125, Revision 2.

(j) Accomplishment of any portion of the inspections, treatments, rework or modifications authorized in McDonnell Douglas DC-9 Service Bulletins 57-76, 57-86, 57-88, and 57-101 required by AD 72-02-03, and which are also outlined in SB 57-125, may be considered as equivalent to that requirement of this AD.

(k) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

(l) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(m) Upon request of operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region may adjust the initial and repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This supersedes amendment 39-1378 as amended by amendments 39-1399, 39-1766 and 39-3126 (AD 72-02-03).

This amendment becomes effective April 24, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

V45/56 MR 20 80 UMI

Issued in Los Angeles, California on March 8, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-8533 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Doc. No. 80-CE-3-AD; Amdt. 39-3713]

Airworthiness Directives; Cessna Models 150M, A150M, 152, A152, 172N and R172K Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD) that requires modification of the wing flap position preselect follow-up system on certain Cessna Models 150M, A150M, 152, A152, 172N and R172K airplanes. This AD is needed to prevent a possible failure which can result in sudden unexpected retraction of one wing flap, thereby creating possible unsafe conditions.

EFFECTIVE DATE: April 21, 1980.

COMPLIANCE: Required as indicated in the body of the AD.

ADDRESSES: Cessna Single Engine Customer Care Service Information Letters SE79-16 and SE79-16 (Supplement #1) and Cessna Service Kit Instructions Number SK172-60A, dated May 3, 1979, applicable to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; Telephone (316) 685-9111. Copies of the service letters and the service kit instructions are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Douglas W. Haig, Aerospace Engineer, Engineering and Manufacturing District Office #43, Room 238, Mid-Continent Airport, Wichita, Kansas 67209, Telephone (316) 942-4219.

SUPPLEMENTARY INFORMATION: On February 4, 1980, the FAA proposed to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to certain Cessna Models 150M, A150M, 152, A152, 172N and R172K airplanes (45 FR 7557, 7558). The proposal would require modification of the wing flap position preselect follow-up system on the above noted airplanes. Interested persons were invited to participate in the proposed rule making by submitting written comments on the proposal to the FAA. No comments to the docket were received.

Seven reports showing broken direct flap cables and ten reports showing frayed direct flap cables on certain Cessna 150, 152 and 172 series airplanes have been received. Failure of the direct flap cable results in sudden unexpected retraction of the left wing flap while the right flap stays down. This condition has a sudden adverse effect on airplane controllability. It has been demonstrated by flight test that the affected models of airplanes can be flown with one wing flap retracted. However, the dynamic effect of sudden retraction of one wing flap has not been tested. In addition, the affected airplanes are often flown by student and low time pilots who may not be able to successfully cope with sudden retraction of one wing flap. Failure of the direct flap cable is due to fatigue caused by bending stresses introduced into the cable at the point where the flap position preselect follow-up cable is clamped to the direct flap cable. Cessna has now issued Cessna Single Engine Customer Care Service Information Letters Number SE79-16 and SE79-16 (Supplement #1) and Service Kit SK172-60A making available hardware and instructions for installation of a new improved wing flap position preselect follow-up cable clamp on the direct flap cable. The new preselect cable clamp is designed to perform its function without inducing fatigue type bending stresses into the flap direct cable. This will eliminate the unsafe condition resulting from fatigue failure of the direct flap cable caused by the original configuration preselect cable clamp. Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is being issued, as proposed in the Notice, requiring installation of the new flap position preselect follow-up cable clamp in accordance with instructions in Cessna Service Information Letters SE79-16 and SE79-16 (Supplement #1) and Cessna Service Kit SK172-60A on certain serial numbers of Cessna Models 150M, A150M, 152, A152, 172N and R172K airplanes.

Adoption of the Amendment

Accordingly, the FAA proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

CESSNA: Applies to the following models and serial number airplanes certificated in all categories:

Models and Serial Numbers

150M: 15078506 through 15079405.
A150M: A1500685 through A1500734.
152: 15279408 through 15283354.
A152: A1500433, A1520735 through A1520867.
172N: 17261445, 17267585 through 17272447.
R172K: R1722000 through R1723127.

Compliance: Required as indicated unless already accomplished. To assure continued structural integrity of the wing flap direct cable, thereby preventing possible sudden unexpected retraction of the left wing flap accomplished the following:

(A) Prior to or upon accumulation of 1000 hours time-in-service for airplanes with less than 900 hours time-in-service on the effective date of this AD or within the next 100 hours time-in-service after the effective date of this AD for airplanes having 900 hours or more time-in-service on the effective date of this AD:

Install a new Cessna Part Number 0560037-1 flap follow-up cable clamp and associated hardware in accordance with instructions in Cessna Single Engine Customer Care Service Information Letters SE79-16 and SE79-16 (Supplement #1) and Cessna Service Kit SK172-60A dated May 3, 1979.

(B) A special flight permit, in accordance with FAR 21.197, is permitted for the purpose of moving affected airplanes to a location where the modification required by this AD can be accomplished.

(C) Any equivalent means of compliance with this AD must be approved by the Chief, Engineering and Manufacturing District Office #43, Wichita, Kansas, Telephone (316) 942-4219.

This amendment becomes effective April 21, 1980.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to Federal Aviation Administration, Central Region, Office of the Regional Counsel, ACE-7, Attn: Rules Docket Clerk, Docket No. 80-CE-3-AD, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-5446.

Issued in Kansas City, Missouri on March 6, 1980.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 80-8295 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Doc. No. 80-NE-1; Amdt. 39-3717]

Airworthiness Directives; Sikorsky S-76A Helicopters, Serial Numbers 76005 Through 76007 and 760001 Through 760037

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) 39-3669 applicable to Sikorsky S-76A helicopters, serial numbers 76005 through 76007 and 760001 through 760037, by providing an alternate means of compliance. The amendment is needed in order to allow an alternate means of compliance.

DATES: Effective March 10, 1980. Compliance schedule—as prescribed in body of AD.

FOR FURTHER INFORMATION CONTACT: Edward W. Maila, Airframe Section, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7329.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3669 (45 FR 3252), AD 80-02-10, which currently requires reinforcement of the engine air inlet cowl doors and addition of safety straps over attachment latch handles on Sikorsky S-76 helicopters, serial numbers 76005 through 76007 and 760001 through 760037 engine air inlet cowl doors.

After issuing Amendment 39-3669, the FAA has determined that alternate means of compliance are possible. Therefore, the FAA is amending Amendment 39-3669 by providing for an alternate means of compliance.

Since this amendment provides for an alternate means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3669 (45 FR 3252), (AD 80-02-10) as follows:

Add the following paragraph after drawing and engineering order listing—

"Equivalent modifications may be approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region."

This amendment becomes effective immediately.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA had determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). As this amendment merely provides for an alternate means of accomplishing the requirements of AD 80-02-10, no additional regulatory evaluation other than that prepared for AD 80-02-10 is required.

Issued in Burlington, Massachusetts, on March 10, 1980.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 80-8296 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-RM-18]

Alteration of Federal Airways; Montana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns a segment of V-2 airway between Helena, Mont., and Livingston, Mont., to bypass Bozeman, Mont., and renumbers the present segment of this airway as a south alternate. This action reduces the distance between Helena and Livingston. Air traffic congestion at Bozeman is thereby reduced.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D. C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

History

On January 28, 1980, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign a segment of V-2 airway in Montana and renumber the present segment of this airway as an alternate airway (45 FR 6409). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. The comment received expressed no objection. Section 71.123 of Part 71 was republished in the Federal Register on January 2, 1980 (45 FR 307). This amendment is the same as that proposed in the notice.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) realigns a segment of V-2 airway from Helena to Livingston via the INT of Helena 119°T(100°M) and Livingston 322°T(304°M) radials and redesignates the present alignment of V-2 as V-2S for the segment from Helena to Livingston via Bozeman. This action contributes to the reduction in fuel consumption by reducing the congestion (rerouting, vectoring and holding) in the Bozeman area and by reducing the airway distance between Helena and Livingston.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 307) is amended, effective 0901 GMT, May 15, 1980, as follows:

Under V-2: "Helena, Mont.; INT Helena 119° and Bozeman, Mont., 336° radials; Bozeman; INT Bozeman 128° and Livingston, Mont., 261° radials; Livingston;" is deleted and "Helena, Mont.; INT Helena 119° and Livingston, Mont., 322° radials; Livingston, including a south alternate from Helena via the INT Helena 119° and Bozeman, Mont., 336° radials; Bozeman; INT Bozeman 128° and Livingston, 261° radials;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on March 12, 1980.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-8292 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-13-M

V 4 5 / 5 6 M R 2 0 8 0 UMI

V 4 5 / 5 6 M R 2 0 8 0 UMI

14 CFR Part 71

[Airspace Docket No. 79-ANW-6]

Alteration of Transition Area; McCall, Idaho

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the 9,500-foot transition area at McCall, Idaho, to provide controlled airspace for aircraft holding northwest of McCall, Idaho, VORTAC. Recent changes to holding procedures at McCall VORTAC lowered the holding pattern from 10,000 feet to 9,500 feet MSL, necessitating lowering the floor of controlled airspace by 300 feet.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Operations, Procedures and Airspace Branch, Air Traffic Division, ANW-530, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION:

History

On January 10, 1980, the FAA published for comment a Notice of proposed Rulemaking (NPRM) to alter the 9,500-foot transition area at McCall, Idaho (45 FR 3918). The sole responder interposed no objection to the proposal.

Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (FAR's) amends the 9,500-foot transition area at McCall, Idaho. This action is necessary to provide controlled airspace for aircraft holding northwest of the McCall, Idaho, VORTAC.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended effective 0901 G.M.T., May 15, 1980, as follows: § 71.181, McCall, Idaho is amended as follows:

Delete "* * * 9,500 feet MSL", on line one and replace with "* * * 1,200 feet above the surface".

(Sec. 307(A), Federal Aviation Act of 1958, (49 U.S.C. 1348(A)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and (14 CFR 11.69)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Seattle, Washington, March 11, 1980.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 80-8287 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 78-EA-60]

Alteration of Transition Areas and Revocation of Control Areas; New York

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters three transition areas and revokes four control areas in the New York, N.Y. Oceanic Area. The New York Ocean Modernization Plan was implemented in 1978 and resulted in some overlaps with dual designation of airspace. This amendment eliminates these dual designations.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION:

History

On November 1, 1979, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke Control Areas 1145, 1147, 1148 and 1169, and alter the Barnegat, N.J. Control Area, the Riverhead, N.Y., New Jersey and Nantucket Transition Areas (44 FR 62908). When the Ocean Modernization Plan was implemented, the FAA acknowledged there were several parcels of airspace that would be encompassed in other airspace designations. The plan has been in effect since May 18, 1978, and we now are deleting existing duplicated airspace. This amendment eliminates airspace areas now incorporated under other airspace designations. No adverse comments were received objecting to the proposal. However, minor geographical coordination adjustments to Nantucket Transition Area and the Barnegat Control Area boundaries have been made. This amendment is the same as that proposed in the notice. Sections 71.163 and 71.181 were republished in the **Federal Register** on January 2, 1980, (45 FR 349, 445).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the Barnegat, N.J., Control Area, the Riverhead, N.Y., New Jersey and Nantucket, Mass., Transition Areas. In addition, this amendment revokes Control Areas 1145, 1147, 1148 and 1169. This amendment eliminates duplication of airspace now incorporated under the Ocean Modernization Plan.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.163 and § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 349 and 445) is amended, effective 0901 GMT, May 15, 1980, as follows:

Under § 71.163:

Control 1145, title and text are revoked.
Control 1147, title and text are revoked.
Control 1148, title and text are revoked.
Control 1169, title and text are revoked.

Barnegat Control Area is amended to read as follows:

Barnegat, N.J. That airspace extending upward from 700 feet MSL beginning at Lat. 39°40'00"N., Long. 73°29'00"W.; to Lat. 39°40'00"N., Long. 72°50'00"W.; to Lat. 39°34'00"N., Long. 72°50'00"W.; to Lat. 39°34'00"N., Long. 72°33'00"W.; to Lat. 39°19'00"N., Long. 72°14'00"W.; to Lat. 38°33'00"N., Long. 73°08'00"W.; to Lat. 38°33'00"N., Long. 73°46'48"W.; to Lat. 38°35'00"N., Long. 73°50'00"W.; to Lat. 38°58'00"N., Long. 73°50'00"W.; to Lat. 38°58'00"N., Long. 73°13'00"W.; to Lat. 39°09'00"N., Long. 73°13'00"W.; to Lat. 39°09'00"N., Long. 73°29'00"W.; to point of beginning; and that airspace extending upward from 1,200 feet MSL beginning at Lat. 39°44'00"N., Long. 73°14'29"W.; to Lat. 38°47'01"N., Long. 72°19'41"W.; to Lat. 38°20'00"N., Long. 73°00'00"W.; to Lat. 38°00'33"N., Long. 73°00'00"W.; to Lat. 39°07'24"N., Long. 74°37'28"W.; thence along the east boundary of V-139 to Lat. 39°44'00"N.; thence to the point of beginning. The portion within the North Atlantic Control Area is excluded.

Under § 71.181:

In Riverhead, N.Y.: "excluding the portion below 3,000 feet MSL within W-106" is deleted. In New Jersey: All after "thence north along that line 3-NM east and parallel to the State of New Jersey shoreline to Lat. 40°17'30"N., Long. 73°54'45"W.," is deleted. Nantucket, Mass., Transition Area is amended to read as follows:

"Nantucket, Mass. That airspace extending upward from 700 feet above the surface within a 6-mile radius of Nantucket Memorial Airport, Mass., (Lat. 41°15'15"N., Long. 70°03'40"W.); within 2 miles each side of the Nantucket VORTAC 045° radial, extending from the 6-mile radius to 10 miles NE of the VOR."

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Issued in Washington, D.C., on March 12, 1980.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-8291 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-NE-7]

Alteration of VOR Federal Airways; Boston, Mass.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters several VOR Federal Airways in the vicinity of Boston, Mass. This action reduces controller workload by providing charted routes in areas where aircraft are normally vectored. Also, traffic flow in the Boston Airport terminal is improved because of additional airspace maneuvering flexibility.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION: On February 14, 1980, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter several VOR Federal Airways segments in the vicinity of Boston, Mass. These alterations were developed in order to implement special noise abatement arrival/departure procedures for Logan International Airport, Boston, Mass. The realignment provides charted routes in areas where aircraft are normally vectored thereby reducing controller workload (45 FR 9947). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.123 was republished in the **Federal Register** on January 2, 1980 (45 FR 307).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) extends V-2 from Gardner, Mass., to Lawrence, Mass.; extends V-99 from Hartford, Conn., to Boston, Mass.; realigns V-106 between Gardner, Mass., and Manchester, N.H.; and realigns V-292 between Putnam, Mass., and Boston. This action permits implementation of special noise abatement procedures for the Boston, Mass., area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 307) is amended, effective 0901 GMT, May 15, 1980, as follows:

Under V-2: "Gardner. The airspace within Canada is excluded." is deleted and "Gardner; to Lawrence, Mass. The airspace within Canada is excluded." is added.

Under V-99: V-99 is amended to read as follows: "From Bridgeport, Conn., via Hartford, Conn., INT Hartford 044° and Putnam, Conn., 011° radials; INT Putnam 011° and Gardner, Mass., 097° radials; INT Gardner 097° and Boston, Mass., 015° radials; to Boston."

Under V-106: "Gardner, Mass.; Manchester, N.H.; Kennebunk, Maine." is deleted and "Gardner, Mass.; INT Gardner 041° and Manchester, N.H., 249° radials; Manchester; to Kennebunk, Maine." is substituted therefor.

Under V-292: "INT Putnam 043° and Boston, Mass., 251° radials; Boston." is deleted and "INT Putnam 011° and Gardner, Mass., 097° radials; INT Gardner, Mass., 097° and Boston, Mass., 015° radials; Boston." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 69(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on March 13, 1980.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-8287 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-NW-3]

Amendment to Federal Airways; Juniper Military Operations Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Part 71 of the Federal Aviation Regulations, (14 CFR Part 71) to reduce the time during which portions of V-269 and V-357 are suspended within the Juniper Military Operations Area (MOA) and to change the reference distances and navigation aids that describe the affected portions of these airways. This amendment is a result of a reduction in the hours of operation of the Juniper MOA and a need to more suitably describe the affected portions of V-269 and V-357 by stating reference distances which are not beyond the changeover point of the navigational aid used to establish the route.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffc Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Part 71 of the Federal Aviation Regulations, (14 CFR Part 71) is to reduce the time that Federal Airways V-269 and V-357 are suspended within the Juniper MOA and to redescribe the suspended portions of the airways to indicate distance reference from the more appropriate navigational aid. The hours of operation of the Juniper MOA have been changed

from "0600–2400 hours local time" to "Intermittent by NOTAM." This amendment provides for the affected airways to be suspended within the MOA only when the MOA is activated by NOTAM. The current description of the portion of the airways to be suspended when the MOA is activated includes some distance references which are beyond the navigational aid changeover point. This amendment corrects that discrepancy by changing the distance reference to the more appropriate navigational aid. Because this amendment does not impose a burden or restriction on the public, I find that a notice of proposed rulemaking is unnecessary.

The rule

This amendment to Part 71 of the Federal Aviation Regulations, (14 CFR Part 71) changes the time that Federal Airways V–269 and V–357 are suspended within the Juniper MOA to be governed by issuance of a NOTAM and the description of the suspended portions of V–269 to "from 42 miles northwest of Wildhorse VOR to 41 miles southeast of Redmond VORTAC," and of V–357 to "from 32 miles southwest of Wildhorse VOR to 13 miles northeast of Lakeview VORTAC."

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations, (14 CFR Part 71) as republished (45 FR 307) is amended, effective 0901 GMT, May 15, 1980, as follows:

In § 71.123, under V–269, "The airspace 11,000 feet MSL and above is excluded from 42 miles to 68 miles northwest of Wildhorse from 0600 to 2400 hours local time, and other times that the Juniper Military Operations Area (MOA) is activated by NOTAM." is deleted and "That portion of the airway 11,000 feet MSL and above from 42 miles northwest of Wildhorse VOR to 41 miles southeast of Redmond VORTAC is suspended during the time that the Juniper MOA is activated by NOTAM." is substituted therefor.

In § 71.123, under V–357, "The airspace 11,000 feet MSL and above is excluded from 31 miles to 82 miles southwest of Wildhorse from 0600 to 2400 hours local time, and other times that the Juniper Military Operations Area (MOA) is activated by NOTAM." is deleted and "That portion of the airway 11,000 feet MSL and above from 32 miles southwest of Wildhorse VOR to 13 miles northeast of Lakeview VORTAC is suspended during the time that the Juniper MOA is activated by NOTAM." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on March 12, 1980.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-8280 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-SO-43]

Extension of Federal Airway; North Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends Victor Airway V–290 from Elizabeth City, N.C., to Hatteras Inlet, N.C., via Manteo, N.C. This action provides a positive IFR routing to the outer islands that avoids military special use airspace thereby increasing air safety.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis W. Still, Airspace Regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8525.

SUPPLEMENTARY INFORMATION: On July 26, 1979, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend VOR Federal Airway V–290 from Elizabeth City, N.C., to Hatteras Inlet, N.C., NDB, via Manteo, N.C., (44 FR 43742). Airway V–290 avoids all military special use airspace.

Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal. All comments were favorable except the Fish and Wildlife Service, U.S. Department of Interior. They were concerned that the airway extension would concentrate air traffic over Pea Island National Wildlife Refuge. FAA explained that this airway would attract aircraft presently operating in this area at lower altitudes with visual reference to the ground for navigation. This explanation resolved their objections. This amendment is the same as that proposed in the notice except the Manteo NDB has been replaced by the Manteo VOR. Section 71.123 was republished in the **Federal Register** on January 2, 1980, (45 FR 307).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations extends V–290 from Elizabeth City, N.C., to Hatteras Inlet, N.C., NDB, via Manteo, N.C. The airway avoids all military special use airspace. This action increases air safety, aids flight planning and reduces controller workload.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 307) is amended, effective 0901 GMT, May 15, 1980, as follows:

V–290 is amended to read as follows:

From Rainelle, W. Va., via Montebello, Va.; to Flat Rock, Va. From Franklin, Va., via Elizabeth City, N.C. From Manteo NDB via INT Mantio 139° bearing and Hatteras Inlet, N.C., NDB 029° bearing; to Hatteras NDB. That airspace 8,000 feet MSL and above is excluded between Manto and Hatteras Inlet during time of activation of the Pamlico A or B MOAs by NOTAM.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on March 13, 1980.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-8289 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 80-PC-3]

Rescission of Two Hawaiian Restricted Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment rescinds the Schofield-Makua, Oahu, Hawaii, restricted area R–3109C, and the Schofield-Makua, Oahu, Hawaii, restricted area R–3110C, at the request of the Department of Army. The using agency for these areas has stated that they are not being used at this time and that their continued designation as restricted airspace cannot be justified. The effect of this action is to return the designated airspace to the public domain.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Everett L. McKisson, Airspace Regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–3715.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to § 73.31 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to rescind two restricted areas that are not presently used for the purpose for which they were designated. This action returns airspace to public use and reduces a burden on the public. For this reason, notice and public procedure thereon are unnecessary. Section 73.31 of Part 73 was republished in the **Federal Register** on January 2, 1980 (45 FR 697).

Adoption of the amendment

Accordingly, pursuant to the authority delegated to me by the Administrator §73.31 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (45 FR 697) is amended, effective 0901 GMT, May 15, 1980, as follows:

R–3109C Schofield-Makua, Oahu, Hawaii, title and text is deleted.

R–3110C Schofield-Makua, Oahu, Hawaii, title and text is deleted.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on March 13, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-8296 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 79-SO-79]

Alteration of Jet Routes; Florida and Georgia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action realigns Jet Route J–89 from Lakeland, Fla., direct to Atlanta, Ga., and extends J–91 from Atlanta, Ga., via an intersection to Cross City, Fla. This action reduces congestion of air traffic to and from south Florida.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8525.

SUPPLEMENTARY INFORMATION:

History

On January 24, 1980, the FAA proposed to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to realign Jet Route J–89 from Lakeland, Fla., direct to Atlanta, Ga., and extend J–91 from Atlanta, Ga., via an intersection to Cross City, Fla., (45 FR 5746). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. The only comments received expressed no objections. Section 75.100 of Part 75 was republished January 2, 1980, (45 FR 732) in the **Federal Register**. This amendment is the same as proposed in the notice.

The Rule

This amendment to Part 75 of the Federal Aviation Regulations realigns Jet Route J–89 from Lakeland, Fla., direct to Atlanta, Ga., and extends J–91 from Atlanta via an intersection to Cross City, Fla. This action reduces congestion of air traffic to and from south Florida.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (45 FR 732) is amended, effective 0901 GMT, May 15, 1980, as follows:

Under Jet Route No. 89 "Cross City, Fla.; Atlanta, Ga.;" is deleted and "Atlanta, Ga.;" is substituted therefor.

Under Jet Route No. 91 "From Atlanta, Ga., via" is deleted and "From Cross City, Fla., via INT Cross City 338° and Atlanta, Ga., 169° radials; Atlanta;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on March 13, 1980.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-8288 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 20174; Amdt. No 1160]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight

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operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendant of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Gary W. Wirt, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR–VOR/DME SIAPs identified as follows:

** * * Effective May 1, 1980*

Akron, CO—Akron-Washington County, VOR Rwy 27, Amdt. 3
Eveleth, MN—Eveleth-Virginia Muni., VOR Rwy 27, Amdt. 8
Cassville, MO—Cassville Municipal, VOR Rwy 8, Amdt. 1
Beatrice, NE—Beatrice Muni., VOR Rwy 13, Amdt. 10
Roswell, NM—Roswell Industrial Air Center, VOR–A, Amdt. 4
Asheboro, NC—Asheboro Muni., VOR–A, Amdt. 1
Youngstown, OH—Youngstown Muni., VOR Rwy 18, Amdt. 14
Mayaguez, P.R.—Mayaguez Airfield, VOR Rwy 8, Amdt. 6
Corsicana, TX—Corsicana Muni., VOR/DME–A, Amdt. 3
Corsicana, TX—Corsicana Muni., VOR/DME–B, Original

** * * Effective April 17, 1980*

Chico, CA—Chico Muni., VOR Rwy 13L, Amdt. 5
Chico, CA—Chico Muni., VOR/DME Rwy 13L, Amdt. 2
Chico, CA—Chico Muni., VOR Rwy 31R, Amdt. 4
Gary, IN—Gary Muni., VOR/DME Rwy 2, Amdt. 2

** * * Effective February 29, 1980*

Binghamton, NY—Broome County, VOR Rwy 10, Amdt. 4

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

** * * Effective May 15, 1980*

Fairbanks, AK—Fairbanks Intl., LOC (BC) Rwy 1L, Amdt. 13, cancelled
Homer, AK—Homer, LOC/DME Rwy 3, Amdt. 5
Homer, AK—Homer, LOC/DME BC Rwy 21, Amdt. 1

** * * Effective May 1, 1980*

Roswell, NM—Roswell Industrial Air Center, LOC BC Rwy 3, Amdt. 2

** * * Effective April 17, 1980*

Gary, IN—Gary Muni., LOC Rwy 30, Amdt. 3, cancelled
Pittsfield, MA—Pittsfield Muni., SDF Rwy 26, Amdt. 1, cancelled
Pittsfield, MA—Pittsfield Muni., LOC Rwy 26, Original

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

** * * Effective May 15, 1980*

Fairbanks, AK—Fairbanks Muni., NDB Rwy 19R, Amdt. 16
Fairbanks, AK—Fairbanks Muni., NDB–A, Amdt. 1
Grenada, MS—Grenada Muni., NDB Rwy 13, Original
Nashville, TN—Nashville Metropolitan, NDB Rwy 2L, Amdt. 1
Nashville, TN—Nashville Metropolitan, NDB Rwy 2R, Amdt. 1
Nashville, TN—Nashville Metropolitan, NDB Rwy 20R, Amdt. 1

** * * Effective May 1, 1980*

Morrilton, AR—Petit Jean Park, NDB Rwy 2, Amdt. 2
McRae, GA—Telfair-Wheeler, NDB Rwy 20, Amdt. 6
Beatrice, NE— Beatrice Muni., NDB Rwy 13, Amdt. 3
Fairbury, NE— Fairbury Muni., NDB Rwy 17, Amdt. 1
Fairbury, NE— Fairbury Muni., NDB–A, Amdt. 1
Roswell, NM— Roswell Industrial Air Center, NDB Rwy 21, Amdt. 11
Youngstown, OH—Youngstown Muni., NDB Rwy 32, Amdt. 15
Rawlins, WY—Rawlins Muni., NDB–A, Amdt. 6

** * * Effective April 17, 1980*

Chico, CA—Chico Muni., NDB Rwy 13L, Amdt. 1
Gary, IN—Gary Municipal, NDB Rwy 30, Amdt. 3
Pittsfield, MA—Pittsfield Muni., NDB Rwy 26, Original
Pittsfield, MA—Pittsfield Muni., NDB Rwy 26, Amdt. 2, cancelled

** * * Effective March 12, 1980*

Rockford, IL—Greater Rockford, NDB Rwy 36, Amdt. 21

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

** * * Effective May 15, 1980*

Fairbanks, AK—Fairbanks Intl., ILS Rwy 1L, Amdt. 2
Fairbanks, AK—Fairbanks Intl., ILS Rwy 19R, Amdt. 19
Nashville, TN—Nashville Metropolitan, ILS Rwy 2L, Amdt. 1

** * * Effective May 1, 1980*

Orlando, FL—Orlando International, ILS Rwy 36L, Amdt. 6, cancelled
Roswell, NM—Roswell Industrial Air Center, ILS Rwy 21, Amdt. 10
Youngstown, OH—Youngstown Muni., ILS Rwy 14, Amdt. 1
Youngstown, OH—Youngstown Muni., ILS Rwy 32, Amdt. 20

** * * Effective April 17, 1980*

Chico, CA—Chico Muni., ILS Rwy 13L, Amdt. 3
Gary, IN—Gary Muni., ILS Rwy 30, Original
Salt Lake City, UT—Salt Lake City Intl., ILS/DME Rwy 16R, Original

** * * Effective March 12, 1980*

Rockford, IL—Greater Rockford, ILS Rwy 36, Amdt. 24

5. By amending § 97.31 RADAR SIAPs identified as follows:

** * * Effective May 15, 1980*

Nashville, TN—Nashville Metropolitan, RADAR–1, Amdt. 17

** * * Effective May 1, 1980*

Youngstown, OH—Youngstown Muni., RADAR–1, Amdt. 6

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.49(b)(3).)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on March 14, 1980.

John S. Kern,
Acting Chief, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[FR Doc. 80-8536 Filed 3-19-80; 8:45 am]
BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-3011]

AMF Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violation of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, among other things, requires a White Plains, N.Y. manufacturer and seller of bicycles, tricycles and other two or three-wheeled non-motorized vehicles, to cease, in connection with the advertising and sale of its products, from representing young children or others riding or operating such vehicles in an improper, unsafe or unlawful manner. The firm is also prohibited from representing any person riding a mini-bike in traffic unless such operation is permitted by applicable traffic laws and regulations. The order further requires the firm to timely produce two or more versions of a bicycle safety message with the advice, assistance and approval of three independent individuals experienced or knowledgeable in bicycle safety, children's television programming and children's advertising; provide a film of such message to specified television broadcasting stations throughout the country; and monitor the message for four months to ensure that it reaches a designated number of children. Should the message fail to reach the specified audience level, the firm is required to distribute the film for airing by a second group of T.V. stations.

DATES: Complaint and order issued Feb. 21, 1980.[1]

FOR FURTHER INFORMATION CONTACT: FTC/P, Albert H. Kramer, Washington, D.C. 20580. (202) 523–3727.

SUPPLEMENTARY INFORMATION: On Tuesday, July 10, 1979, there was published in the **Federal Register**, 44 FR 40333, a proposed consent agreement with analysis In the Matter of AMF Incorporated, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Disseminating Advertisements, Etc.: § 13.1043 Disseminating advertisements, etc. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1890 Safety.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,
Secretary.

[FR Doc. 80-8538 Filed 3-19-80; 8:45 am]
BILLING CODE 6750-01-M

16 CFR Part 13

[Docket C-3010]

Texas Association of Professional Sureties, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires an Odessa, Tex. unincorporated trade association of bail bondsmen and its Houston, Tex. affiliate to cease establishing, fixing or maintaining uniform non-competitive prices for the sale of bail bonds; requiring adherence to such prices through coercion or otherwise; and attempting by any means

[1] Copies of the Complaint and Decision and Order filed with the original document.

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to eliminate competition between or among bail bondsmen. The associations are prohibited from discussing prices and recalcitrant members at meetings, and required to timely amend any rule, by-law or code of ethics so as to conform with the terms of the order. Additionally, the associations are required to terminate the membership of any member who fails to comply with those terms.

DATES: Complaint and order issued February 13, 1980.[1]

FOR FURTHER INFORMATION CONTACT: Juereta P. Smith, Director, 5R, Dallas Regional Office, Federal Trade Commission, 2001 Bryan St., Suite 2665, Dallas, Texas 75201, (214) 767–0032.

SUPPLEMENTARY INFORMATION: On Friday, December 7, 1979, there was published in the **Federal Register**, 44 FR 70484, a proposed consent agreement with analysis In the Matter of Texas Association of Professional Sureties and Association of Professional Sureties of Houston, unincorporated associations, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments have been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows:

Subpart—Coercing and Intimidating: § 13.367 Members. Subpart—Combining or Conspiring: § 13.395 To control marketing practices and conditions; § 13.410 To eliminate competition in conspirators' goods; § 13.430 To enhance, maintain or unify prices; § 13.475 To restrain competition in buying. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–60 Release of general, specific, or contractual constrictions, requirements, or restraints.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 80-8540 Filed 3-19-80; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order filed with the original document.

16 CFR Part 13

[Docket No. 9127]

The Southland Corp., Et Al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires The Southland Corporation (Southland), a Dallas, Texas dairy processor, to refrain for seven years from acquiring, without prior Commission approval: 1) any fluid milk processing plant, distribution facility or route within a 150–mile radius of a Southland fluid milk processing plant or distribution facility; 2) any such company or plant located within a 150 to 500 mile radius of a Southland fluid milk processing plant or distribution facility, which processed more than 26 million pounds of Class I milk within any of the three years prior to the acquisition; or 3) any fluid milk processing company that processes 300 million pounds of Class I milk annually.

DATES: Complaint issued April 26, 1979; Decision issued Feb. 25, 1980.[4]

FOR FURTHER INFORMATION CONTACT: Juereta P. Smith, Director, 5R, Dallas Regional Office, Federal Trade Commission, 2001 Bryan St., Suite 2665, Dallas, Texas 75201, (214) 767–0032.

SUPPLEMENTARY INFORMATION: On Wednesday, November 7, 1979, there was published in the **Federal Register**, 44 FR 64432, a proposed consent agreement with analysis In the Matter of The Southland Corporation a corporation, and Knowlton's, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stock Or Assets: § 13.5 Acquiring corporate stock or assets; 13.5–20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Carol M. Thomas,

Secretary.

[FR Doc. 80-8539 Filed 3-19-80 8:45 am]

BILLING CODE 6750-01-M

[4] Copies of the Complaint and the Decision and Order filed with the original document.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231 and 271

[Release No. 33-6200 and IC-11088]

Effect of Credit Controls on the Operations of Certain Registered Investment Companies Including Money Market Funds

AGENCY: Securities and Exchange Commission.

ACTION: General Statement of Policy.

SUMMARY: The Securities and Exchange Commission announces a general statement of policy concerning the implications under the federal securities laws of credit control regulations applicable to certain registered investment companies, including "money market" funds, which were recently adopted by the Board of Governors of the Federal Reserve System pursuant to the Credit Control Act of 1969, as implemented by Executive Order of the President. The statement expresses the views of the Commission respecting certain disclosure requirements under the Securities Act of 1933 and certain regulatory requirements under the Investment Company Act of 1940 which should be considered by registered investment companies and the boards of directors or sponsors (in the case of unit investment trusts) of such companies in complying with the Board's regulations.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Kenneth S. Gerstein, Special Counsel (202–272–3023), or Anthony A. Vertuno, Senior Legal Adviser for Disclosure (202–272–2107), with respect to legal questions, or Gene A. Gohlke, Senior Financial Analyst (202–272–2813), with respect to accounting and financial questions, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Pursuant to the Credit Control Act of 1969 [12 U.S.C. 1901 *et seq.*], as implemented by Executive Order 12201 of the President of the United States, the Board of Governors of the Federal Reserve System ("Board") has adopted regulations requiring certain registered investment companies, including "money market" funds and short-term unit investment trusts, to maintain special non-interest bearing deposits ("special deposits") with Federal Reserve Banks. The Board's regulations are generally applicable to any investment company registered with the Commission under the Investment Company Act of 1940 (the "Act") [15 U.S.C. 80a–1 *et seq.*], or any series of shares or units of such registered company, whose investment portfolio consists primarily of securities, deposits or other instruments having maturities of 13 months or less.

As specified in the Board's regulations [12 CFR 229.11–.15], and as described in its release announcing the adoption of the regulations, regulated investment companies subject thereto will henceforth each be required (1) to maintain a non-interest bearing special deposit with the Federal Reserve Bank in the district where such company has its principal place of business and (2) to file a "base report" and, except with respect to unit investment trusts, certain periodic reports with such bank. In the case of companies other than unit investment trusts, the amount of a company's special deposit will be determined monthly and will be equal to 15 percent of the amount by which the average of the daily amounts of its "covered credit" outstanding during each reporting period exceeds a specified "base" amount.[1]

[1] Under the regulations: (1) "covered credit" is defined to mean any extension of credit originated through the acquisition of a security, deposit or other instrument, including but not limited to domestic and Eurodollar certificates of deposit, U.S. Treasury bills, repurchase agreements, commercial paper, bankers acceptances, and state and local obligations and, except with respect to unit investment trusts, any interest accrued thereon, and (2) "base" is defined to mean the amount of covered credit held by a covered creditor as of the close of business on March 14, 1980 [12 CFR 229.12 (b) and (c)].

The first special deposits pursuant to the Board's regulation generally will be for the reporting period ending April 14, 1980, based on a report filed on April 21, 1980, and will be required to be made on May 1, 1980 [12 CFR 229.14]. Generally, the period for which each special deposit must be maintained begins on the first Thursday of the first calendar month following the reporting period and ends on the day prior to the first Thursday of the following calendar month. Unit investment trusts which acquire their assets after March 14, 1980, will each be required to maintain special deposits equal to 15 percent of their covered credit beginning on the date the trust acquires assets consisting of covered credit and ending on the day prior to the final distribution of trust assets pursuant to the terms of the trust agreement [12 CFR 229.14(b)]. Unit investment trusts holding assets as of March 14, 1980, need not file reports or maintain special deposits.

Impact of Credit Controls

The major potential effect of the Board's regulations on the operations of companies covered by the regulations will be a negative effect on the dividends, or yields, of such companies. Because of this effect, many investment companies may find it appropriate to make changes in their policies relating to the sale of their securities, portfolio management, or other matters. Thus, as discussed in more detail below, the Commission believes that it is essential that companies subject to the regulations take steps immediately to make appropriate disclosure to shareholders and prospective investors.

This general statement of policy is designed to apprise registered investment companies (including those companies which are not now, but may in the future, be subject to the requirements of the Board's regulations), and their directors and sponsors (in the case of unit investment trusts), of the Commission's views regarding some of the disclosure and compliance responsibilities under the federal securities laws which may arise from the Board's regulations. The Commission is concerned not only that prompt and adequate disclosure be made by those registered investment companies which must maintain special deposits,[2] but also that the directors, investment advisers, and sponsors of such companies promptly consider, and if appropriate adopt, procedures to enable compliance with credit controls without disruption of operations or inequitable effects upon shareholders or unitholders.

This general statement of policy is not intended to address all of the issues which may arise from the Board's regulations, but rather is intended to provide general guidance respecting various disclosure obligations under the Securities Act of 1933 [15 U.S.C. 77a *et seq.*] ("1933 Act") and various regulatory matters under the 1940 Act, which the Commission believes should carefully be considered by registered investment companies. This approach should help to insure that compliance with the Board's regulations can be achieved without sacrificing important investor protections afforded by the operation of the federal securities laws.[3]

[2] In view of the fact that all shareholders of "money market" funds might ultimately be affected by the special deposit requirement, the Commission would expect that any disclosures made as a result of the requirement will be furnished as promptly as possible to existing shareholders.

[3] The issues discussed herein are, for the most part, addressed from the perspective of their applicability to registered, open-end, management investment companies investing in short-term debt securities which are often referred to herein as "money market" funds. However, certain unit investment trusts and closed-end management investment companies may also be subject to the Board's regulations. This general statement of policy should be considered also by such companies to the extent relevant.

Investment Policies

The requirement to make the special deposit may appear to be inconsistent with the objectives and policies of some investment companies that are now selling securities pursuant to an effective 1933 Act registration statement. However, the Commission will not consider the making of the special deposit to be prohibited by the stated objectives and policies of such companies. On the other hand, issuers whose registration statements have not yet become effective or who may hereafter file registration statements should frame their policies and objectives so as to be consistent with the regulations.

The Commission anticipates that in some cases the boards of directors of "money market" funds may decide to modify certain investment policies or restrictions for the purpose of adapting such companies' operations: (1) to compensate for or otherwise take account of the requirement to make special deposits,[4] or (2) to avoid the requirement to make special deposits.[5] Before implementing any new policies, boards of directors should consider whether the adoption of any such revised policies are permissible without shareholder vote.

The Commission believes that, whether or not revised policies or the maintenance of the special deposit itself conflict with previously disclosed and established policies and objectives, prospectus disclosure of the special deposit requirements and any response thereto is imperative for those companies subject to the requirement.[6]

[4] For example, a company might wish to broaden its permissible investments to enable the purchase of higher yielding types of securities in order to offset the effect of the special deposit on its net investment income.

[5] For example, directors of a company not now subject to the regulations because of the long-term maturities of its portfolio securities, but whose current policies permit a large enough "defensive" investment in short-term securities to bring it within the requirement, might choose to limit investment in such "defensive" securities. In this connection, it should be noted that should an existing investment company which is not now subject to the special deposit requirement become subject to it in the future, its base amount for purposes of the Board's regulations will be based on its covered credit as of March 14, 1980 [12 CFR 229.13].

[6] The Commission would expect that any company which is subject to the special deposit requirement and fails to comply therewith, will disclose such facts in its prospectus and disclose the possible penalties associated with non-compliance with the Board's regulations.

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In reviewing existing policies in light of the Board's regulations, companies should also consider the Commission's previously articulated position that it is essential for open-end companies to maintain a high degree of liquidity to enable them to fulfill their obligations to meet redemptions.[7] In this regard, the necessity for a high degree of liquidity might be of particular importance in the case of "money market" funds, which typically undertake to satisfy redemption requests on the date of receipt.

Possible Sources of Funds For Special Deposits

In evaluating alternative means and arrangements to generate the funds necessary to make special deposits, boards of directors should consider fully: (1) the limitations of Section 18 of the 1940 Act (15 U.S.C. 80a–18) on borrowing by registered investment companies and on the issuance of "Senior securities" by such companies;[8] (2) any applicable investment restrictions upon the company's activities; and (3) the prohibitions of Section 17(d) of the 1940 Act (15 U.S.C. 80a–17(d)) and Rule 17d–1 thereunder (17 CFR 270.17d–1), which, among other things, prohibit any affiliated person of a registered investment company from participating with the company in any arrangement to fund, directly or indirectly, the company's special deposit, unless on order of the Commission permitting the arrangement is granted.[9] Of course, the method of funding the special deposit should be disclosed to shareholders and prospective investors.

Sale of Fund Shares

Because the special deposit is required only with respect to covered credit in excess of the base,[10] sales of additional shares of a "money market" fund having the effect of increasing the amount of outstanding covered credit above the base will dilute the dividends payable to holders of previously issued shares. The extent of such dilution depends upon the relative growth of the company subsequent to March 14, 1980, the date prescribed for determination of the company's base. Nonetheless, continued growth of the company might benefit the company's investment adviser (or administrator-distributor), to the extent that such growth would generally increase the fees payable by the company to the investment adviser (or its administrator-distributor). Accordingly, the Commission believes that it is essential that the investment adviser (and administrator-distributor, if any) and directors, particularly the directors who are not interested persons of the company,[11] of each "money market" fund, consistent with their fiduciary duties under the 1940 Act, consider immediately: (1) the appropriateness of new sales of fund shares which would increase covered credit above the base, and (2) the appropriateness of implementing various arrangements designed to protect the interests of shareholders.[12]

Pricing of Shares and Portfolio Valuation

Many "money market" funds seek to maintain stable net asset values per share by utilizing various pricing and valuation methods. Two of these methods, amortized cost valuation and "penny rounding" pricing, may be utilized only by companies that have obtained orders of exemption from the Commission, pursuant to certain conditions.[13] In effecting transitions to enable compliance with the Board's regulations, boards of directors of these companies should scrupulously fulfill their undertakings imposed as conditions in their orders to insure: (1) in the case of companies utilizing amortized cost valuation, that such companies' net asset values per share determined on a market basis do not deviate materially from such companies' $1.00 per share prices, and (2) in the case of companies utilizing "penny rounding" pricing, that such companies' prices per share not deviate from $1.00.[14]

Another condition imposed by the orders of exemption is that companies operating pursuant to such orders not maintain dollar weighted average portfolio maturities in excess of 120 days. In calculating their average portfolio maturities for purposes of compliance with the 120 day condition, companies should treat special deposits as a cash item with zero days remaining to maturity. This approach might also be utilized by other companies in calculating average portfolio maturity and disseminating such information.[15]

The Commission is also concerned that companies subject to the special deposit requirement might be tempted to engage in particular investment strategies to increase their net investment income in order to overcome the effect of the special deposit upon such companies' yields, and that companies might also seek to utilize various devices and valuation techniques to insulate the values of their assets from the additional volatility which might otherwise be associated with such investment strategies. The Commission and its staff intend to monitor closely the use of any such devices and valuation techniques, and will consider appropriate action against companies utilizing artificial or mechanical arrangements to stabilize net asset values. Such improper devices might include the use of prepayment or buy-back arrangements.

Disclosure Responsibilities

Because implementation of the Board's regulations will have a significant impact on the operations of any registered investment company that is or becomes within the purview of the regulations, the Commission believes that it would be materially misleading for the securities of any investment company to be offered for sale by a prospectus, including a Rule 434d (17 CFR 230.434d) prospectus, which does not disclose:

(1) The requirement of the Board's regulations to make the special deposit;

(2) Either:

(a) The short and long-term effect of the special deposits on yield, assuming the existence of conditions requiring such deposits, or

(b) a statement that the investment company will not be required to make the special deposit;

(3) In the case of an open-end management company, the investment company's policy with respect to the maintenance of a continuous offering of its securities and the potential effect of future sales on the yield to investors in view of the special deposits required by the Board's regulations; and

(4) Any other material inconsistencies with policies or operations as disclosed in the current prospectus.

The Commission believes that affected investment companies should amend their prospectuses as soon as practicable, and would not object to amendment of the prospectus by the use of a Rule 424(c) [17 CFR 120.424(c)] "sticker." In addition, the Commission will not object to use of the current prospectus to sell securities during the time required to amend the prospectus as herein discussed provided that such time is no longer than necessary.

The Commission also will consider it to be materially misleading for any prospectus, or any sales literature containing yield information, to omit disclosure of the effect, if any, of the special deposit requirement on a company's yield (*e.g.*, the effect that new sales of shares or accrued interest income may have upon future yield to investors).

Investment Advisory Fees

To the extent a "money market" fund's assets are held by a Federal Reserve Bank as a special deposit, such assets need not be subject to investment supervision by the company's investment adviser to the same degree required with respect to other assets of the company. Although the percentage of a company's assets subject to the special deposit requirement may be relatively small, the dollar amount of the investment advisory fee attributable to such assets may be significant. While the Commission recognizes that investment advisory fees may often compensate an investment adviser for services other than investment advice, it nevertheless believes that the investment advisers and the boards of directors of "money market" funds, consistent with their fiduciary responsibilities under the Act, should consider the appropriateness of adjusting investment advisory fee schedules in recognition of the existence of the special deposit requirement. In this regard, the implications of the special deposit will be most significant to a new "money market" fund with a zero base. The necessity, in the Commission's view, for adjusting fee schedules will depend upon a consideration of all relevant facts and circumstances. However, at a minimum, the boards of directors of "money market" funds should give careful consideration to this matter.

Conclusion

The Commission has instructed its staff to monitor the manner in which companies subject to the special deposit requirement address the matters discussed herein, and to advise the Commission with respect to its findings.

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

March 14, 1980.

[FR Doc. 80–8660 Filed 3–19–80; 8:45 am]

BILLING CODE 8010–01–M

[7] *See* Investment Company Act Release Nos. 5847 (October 21, 1969), 7220 (June 9, 1972), and 7221 (June 9, 1972).

[8] Consideration should be given to the views expressed by the Commission in Investment Company Act Release No. 10666 (April 18, 1979), respecting the use of "reverse" repurchase agreements.

[9] Thus, any form of borrowing from an affiliated person of the registered investment company would generally be prohibited absent an order of the Commission.

[10] See n. 1, *supra.*

[11] *See* Section 2(a)(19) of the 1940 Act (15 U.S.C. 80a–2(a)(19)) which specifies those persons who are interested persons of registered investment companies.

[12] For example, the management of a fund might take steps to establish a secondary market in the fund's shares. This might make it feasible to suspend sales of new shares, while avoiding the possibility that redemptions without offsetting sales would cause the fund to become so reduced in size that it is no longer viable. Any such arrangements, if implemented by the fund or if operated by any other company or person, should be fully disclosed to all shareholders and prospective investors.

[13] *See, e.g.*, Investment Company Act Release Nos. 9786 (May 31, 1977), 10451 (October 20, 1978), and 10824 (August 8, 1979).

[14] One of the Commission's concerns is that the sale of shorter-term securities to fund the special deposit might magnify the impact of the unrealized depreciation of longer term securities in a portfolio upon a company's market based net asset value per share. In view of the facts that the first special deposit will not be required until May 1, 1980, and that existing "money market" funds will be required to maintain a special deposit only on covered credit in excess of their bases, the Commission does not anticipate that such companies will experience difficulties in satisfying the special deposit requirement in a manner consistent with their exemptive orders.

[15] Any disclosure of average portfolio maturity calculated in this manner should include a reference to the fact that the special deposit is being treated as a cash item with a maturity of zero days.

17 CFR Parts 270 and 274

[Release No. IC–11086]

Periodic Payment Plan Certificate Holders of Right of Withdrawal

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission today is adopting a technical amendment to the form which provides the notice to periodic plan certificate holders of their right of withdrawal with respect to periodic payment plan certificates. The revised notice permits clearer disclosure of the various charges which have been deducted prior to the sending of the notice when the certificate holder has made a number of monthly payments or their equivalent as an initial investment.

EFFECTIVE DATE: April 23, 1980.

FOR FURTHER INFORMATION CONTACT: Mark Mackey, Esq., Marsha Gilman, Investment Company Act Study Group, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 272–3036.

SUPPLEMENTARY INFORMATION: The Commission today adopted a technical amendment to form N–27F–1 [17 CFR 274.127f–1] contained in rule 27f–1 [17 CFR 270.27f–1] under the Investment Company Act of 1940 [15 U.S.C. 80a–1 et seq.] ("Act"), which is the notice required to be sent to periodic payment plan certificate holders informing them of their right to withdraw from such plan within 45 days from the date of such notice. The amendment clarifies the charges which have been deducted prior to the sending of the notice when the certificate holder has made a number of payments as an initial investment. This amendment was developed by the Division of Investment Management's Investment Company Act Study Group in the context of its re-examination of the regulation of investment companies.

Discussion

Contractual plans are periodic payment plans for accumulating particular securities in which purchasers agree to invest a specific sum of money, usually monthly, for a period of years.[1] Generally, one-half of these certificate holders' first 12 monthly payments or their equivalent are deducted as a "front-end" sales load.

In 1970, Congress—having found that "over half of all contractual plan investors fail to complete their payments on schedule and thus usually pay excessive sales charges"[2]—adopted section 27(f) [15 U.S.C. 80a–27(f)], in part, to establish a period of 45 days in which a certificate holder may surrender his certificate and receive a specified refund. Section 27(f), in part, requires that notice of this right of withdrawal and a statement of charges to be deducted from the projected payments on the certificate must be mailed to each certificate holder by the custodian bank for such plan within 60 days of the certificate's issuance. That section, in part, also authorizes the Commission to make rules specifying the method, form, and contents of such notice.

Accordingly, in 1971 the Commission promulgated form N–27F–1 under the Act, the notice to periodic payment plan certificate holders of the 45-day withdrawal right with respect to periodic payment plan certificates.[3] Having reviewed the form, the Commission has determined to make a technical modification of its text.

The Commission recognizes that the form's existing language may be confusing to a certificate holder who has made the equivalent of more than one monthly payment as an initial investment in the plan. Accordingly, it hereby amends the second paragraph of the form and certain related instructions thereto. The Commission believes that no other modifications of form N–27F–1

[1] The term "periodic payment plan certificate" is defined in section 2(a)(27) [15 U.S.C. 80a–2(a)(27)].

[2] Sen. Rep. No. 184, 91st Cong., 1st Sess. 9 (1969).

[3] Investment Company Act Release No. 6600 (Jul. 2, 1971). 36 FR 13134 (Jul. 15, 1971), which was technically amended in Investment Company Act Release No. 7152 (May 2, 1972). 37 FR 9990 (May 18, 1972).

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are necessary or appropriate at this time.[4]

Authority, Effective Date

The Commission amends form N–27F–1 pursuant to sections 6(c) and 38(a) of the Act [15 U.S.C. 80a–6(c) and 80a–37(a)] and section 27(f) of the Act. The Commission considers this amendment to be a technical, rather than a substantive, modification. Accordingly, it finds that notice and procedures specified under 5 U.S.C. 553 are unnecessary.

The amendment shall be effective April 23, 1980.

Text of Amended Rule

The Commission hereby amends 17 CFR Chapter II as follows:

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

1. By revising Form N–27F–1 in paragraph (d) of § 270.27f–1 to read as follows:

§ 270.27f–1 Notice of right of withdrawal required to be mailed to periodic payment plan certificate holders and exemption from section 27(f) for certain periodic payment plan certificates.

* * * * *

(d) * * *

Form N–27F–1 Notice to Periodic Payment Plan Certificate Holders of 45-Day Withdrawal Right With Respect to Periodic Payment Plan Certificates

Important

(Date of mailing)
Re: —— (1) ——

Dear —— (2) ——: This notice is required to be sent to all purchasers of plan certificates pursuant to laws administered by the U.S. Securities and Exchange Commission. You should read it carefully and retain it with your financial records.

Of the $—— (3) —— you have paid on your —— (4) —— plan, representing —— (5) —— regular montly payments, $—— (6) —— or —— (7) —— percent has been deducted for various charges.

[The following sentence is to be included when any periodic payment remains outstanding in which the sales load charges exceed 9 percent of such payment.]

A total of $—— (8) —— or —— (9) —— percent of your first —— (10) —— monthly payments will be deducted from those payments for similar charges.

Charges of $—— (11) or —— (12) —— percent will be deducted from each subsequent payment. You have until —— (13) —— to surrender your certificate for any reason and receive a refund of all of the charges which have been deducted from your payments, and, in addition, the value of your account on the date your certificate is received.

In determining whether or not to exercise your right you should consider, among other things, the projected cost of your investment and your ability to make the scheduled payments over the life of your plan as they become due. Your plan provides for —(14) —— payments of $—— (15) —— per —— (16) ——, or total payments of $—— (17) ——. If you made all of the scheduled payments over the full term of your plan, the total deductions would be $—— (18) —— or an effective charge of —— (19) —— percent of your total payments. However, if you do not complete your program, the deduction of various charges from your initial payments will result in your paying effective charges in excess of that rate. For a more complete description of the charges deducted under your plan, carefully review your prospectus.

If you wish to exercise your right of withdrawal, return your plan certificate to —— (20) —— by —— (21) —— in accordance with the enclosed instructions.

Very truly yours,
—— (22) ——.

Instructions for Use of Form N–27F–1

General instructions. A. The notice shall be legible and shall be printed or typed on letter-size paper. It shall be in modern type at least as large as 10-point modern type. All type shall be leaded at least 2 points. Parenthetical references should be completed in accordance with the Itemized Instructions below and need not be underlined or boldfaced.

B. The notice shall bear the letterhead of the sender and the mailing date. An inconspicuous reference to the form number may appear on the notice.

Itemized Instructions. Insert the following in the corresponding numbered spaces on Form N–27F–1.

(1) The name of the plan and the account number of the certificate holder. An additional internal record keeping reference may also be included at the option of the sender.

(2) The name of certificate holder or an identification such as "Investor" or "Planholder."

(3) The total amount paid by the certificate holder as of the date of the mailing.

(4) The name of the plan.

(5) The number of regular monthly payments or their equivalent made by the certificate holder as of the date of mailing.

(6) The total amount deducted for all charges from the amount paid by the certificate holder as of the date of the mailing.

(7) The percentage that the total charges set forth in Item (6) are of the total payments included under Item (3) above.

(8) The total dollar amount of all charges scheduled to be deducted from the payments made by the certificate holder before the first regular payment upon which there would be a reduction in the rate of the applicable sales charge below 9 percent of the certificate holder's gross payment.

(9) The percentage that the total charges set forth in Item 8 are of the total payments included under Instruction 8 above.

(10) The number of regular monthly payments required to be made before the rate of the sales charges deducted from such regular payment is reduced to less than 9 percent of the certificate holder's gross payment.

(11) The dollar amount of the charges to be deducted from each payment made by the certificate holder after the first regular payment upon which there would be a reduction in the rate of the applicable sales charge below 9 percent of the certificate holder's gross payment. If a portion of the payments is used for the purchase of completion insurance, the amount attributable thereto shall not be included as a charge and the following phrase shall be added: "Apart from insurance premiums based upon the amount of coverage in effect at the time of payment."

(12) The percentage that the amount of the charges set forth in Item 11 are of the amount of the payment included under Instruction 11 above.

(13) The date which is 45 days from the date on which the notice will be mailed.

(14) The number of monthly or quarterly payments provided for under the plan.

(15) The dollar amount of each scheduled periodic payment to be made by the certificate holder.

(16) The period (e.g., month, quarter) for which payments are scheduled to be made under the plan.

(17) The dollar amount of total payments scheduled to be made over the full term of the plan by the certificate holder.

(18) The total dollar amount of all charges scheduled to be deducted over the full term of the plan.

(19) The percentage that the total charges as set forth in Item 18 are of the total payments scheduled to be made by the certificate holder over the full term of the plan.

(20) The name and address of the custodian bank or other person authorized to accept surrendered certificates.

(21) The date which is 45 days from the date on which the notice will be mailed.

(22) The name of a responsible officer of the sender with his title.

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

2. By amending § 274.127f–1 to read as follows:

§ 274.127f–1 Form N–27F–1, notice to periodic payment plan certificate holders of 45-day withdrawal right with respect to periodic payment plan certificates.

This form is to be reproduced by the issuer or any depositor of or underwriter for such issuer and will not be available at the Securities and Exchange Commission. For required text of the form see paragraph (d) of § 270.27f–1 of this chapter.

[4] In view of the obvious significance of an investor's decision of whether to withdraw from a plan, and the lack of any express anti-fraud provisions in section 27(f) of the Act, the Commission will consider any deviation from the exact text mandated by amended form N–27F–1 as a very serious matter warranting appropriate enforcement action.

By the Commission.
George A. Fitzsimmons,
Secretary.
March 14, 1980.

[FR Doc. 80–8524 Filed 3–19–80; 8:45 am]
BILLING CODE 8010–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 292

[Docket No. RM79–54]

Small Power Production and Cogeneration Facilities—Qualifying Status

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission hereby adopts regulations that implement section 201 of the Public Utility Regulatory Policies Act of 1978. These rules set forth criteria and procedures by which small power producers and cogeneration facilities can obtain qualifying status to receive the rate benefits and exemptions set forth in the Commission's rules implementing section 210 of PURPA, which were issued on February 19, 1980 (45 FR 12214, February 25, 1980).

EFFECTIVE DATE: March 13, 1980.

FOR FURTHER INFORMATION CONTACT:

Ross Ain, Office of the General Counsel, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8446.
Bernard Chew, Office of Electric Power Regulation, 400 First Street, NE., Washington, D.C., (202) 376–9264.
James Liles, Office of Regulatory Analysis, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8158.
Adam Wenner, Office of the General Counsel, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–9338.

SUPPLEMENTARY INFORMATION:

March 13, 1980.

Section 201 of the Public Utility Regulatory Policies Act of 1978 (PURPA) mandates that the Federal Energy Regulatory Commission (Commission) prescribe rules under which small power production facilities and cogeneration facilities can obtain "qualifying" status, and thus become eligible for the rates and exemptions set forth in the Commission's rules implementing section 210 of PURPA.

Section 201 of PURPA[1] defines a "small power production facility" as a facility which:

(1) Produces electric energy solely by the use, as a primary energy source, of biomass, waste, renewable resources, or any combination thereof; and

(2) Has a power production capacity which, together with any other facilities located at the same site (as determined by the Commission), is not greater than 80 megawatts.

A cogeneration facility is defined as a facility which produces electric energy and steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating, or cooling purposes.[2]

Thus, cogeneration facilities simultaneously produce two forms of useful energy, namely electric power and heat. Cogeneration facilities can use significantly less fuel to produce electricity and steam (or other forms of energy) than would be needed to produce the two separately. By using fuels more efficiently, cogeneration facilities can make a significant contribution to the Nation's effort to conserve its energy resources.

Small power production facilities as defined in the Act use biomass, waste, or renewable resources, including wind, solar energy and water, to produce electric power. Reliance on these sources of energy can reduce the need to consume fossil fuels to generate electric power.

Prior to the enactment of PURPA, a cogenerator or small power producer seeking to establish interconnected operation with a utility faced three major obstacles. First, a utility was not generally willing to purchase the electric output or was not willing to pay an appropriate rate. Secondly, some utilities charged discriminatorily high rates for back-up service to cogenerators and small power producers. Thirdly, a cogenerator or small power producer which provided electricity to a utility's grid ran the risk of being considered an electric utility and thus being subjected to extensive State and Federal regulation.

Sections 201 and 210 of PURPA are designed to remove these obstacles. Each electric utility is required under section 210 to offer to purchase available electric energy from cogeneration and small power production facilities which obtain qualifying status under section 201 of PURPA, and to provide back-up power and other services to such facilities on a non-discriminatory basis. For such purchases, electric utilities are required to pay rates which are just and reasonable to the ratepayers of the utility, which are in the public interest, and which do not discriminate against cogenerators and small power producers. Section 210(e) of PURPA provides that the Commission can exempt qualifying facilities from State regulation regarding utility rates and financial organization, from Federal regulation under the Federal Power Act (other than licensing under Part I), and from the Public Utility Holding Company Act. Finally, under section 206(c)(3) of the Natural Gas Policy Act of 1978 (NGPA), the Commission may exempt qualifying cogeneration facilities from the incremental pricing program under Title II of the NGPA.

In this rulemaking, the Commission sets forth requirements for qualifying cogeneration and small power production facilities and procedures by which such facilities may obtain qualification. Rules implementing section 210 of PURPA have been prescribed in Docket No. RM79–55.[3]

Any qualifying facility is eligible for the exemptions set forth in Subpart F of this part of the Commission's regulations immediately upon issuance of these rules. With regard to the rate benefits for qualifying facilities found in Subpart C of this part, however, the statute provides that the State regulatory authorities and nonregulated electric utilities will have up to one year to implement the Commission's rules. Therefore, the latest date by which qualifying facilities will be eligible to receive these PURPA-derived rate benefits is February 19, 1981.

I. Procedural History

On June 27, 1979, the Commission issued proposed rules in this docket [4] to determine which cogeneration and small power production facilities may become "qualifying" cogeneration or small power production facilities under section 201 of PURPA.

Public hearings on RM79–54 were held in San Francisco on July 23, 1979, Chicago on July 27, 1979, and Washington, D.C. on July 30, 1979. Written comments were also received.

On October 18, 1979, the Commission issued a Notice of Proposed Rulemaking Under Section 210 of PURPA in Docket No. RM79–55.[5] On October 19, 1979, the Commission made available its preliminary Environmental Assessment (EA) of the proposed rules in Docket Nos. RM79–54 and RM79–55.

In a Request for Further Comments,[6] the Commission requested further public

[1] Section 3(17)(A) of the Federal Power Act.

[2] Section 3(18)(A) of the Federal Power Act.

[3] 18 C.F.R. Part 292, Subparts A, C, D and F; 45 FR 12214 (Feb. 25, 1980).
[4] 44 FR 38872 (July 3, 1979).
[5] 44 FR 61190 (Oct. 24, 1979).
[6] 44 FR 61977 (Oct. 29, 1979).

comment on both proposed rules, and on the findings set forth in the preliminary EA. In order to obtain the data, views, and arguments of interested persons, the Commission Staff held public hearings in Seattle on November 19, 1979, in New York City on November 28, 1979, in Denver on November 30, 1979, and in Washington, D.C. on December 4 and 5, 1979. The Commission also received written comment. All of the comments were considered in the formulation of this final rule.

II. Summary

These rules set forth criteria and procedures by which cogeneration and small power production facilities can obtain qualifying status to receive the rate benefits and exemptions set forth in the Commission's rules implementing section 210 of PURPA.

The rules in this docket permit qualification without a need for specific Commission action. They also make available an optional procedure under which, should it prove desirable, a facility can gain certification as a "qualifying facility." For qualifying small power production facilities, the efficiency standards contained in the proposed rule have been eliminated, and the permitted level of oil, natural gas and coal use for startup, testing, flame stabilization, and operation during outages of the primary energy supply system has been increased and the form of that requirement has been simplified. For qualifying cogeneration facilities, efficiency standards still must be met by certain new facilities using oil or gas. In addition, certain operating standards have been adopted for purposes of assuring that a qualifying cogenerator is a *bona fide* cogenerator.

III. Section-by-Section Analysis

§ 292.201 *Scope*

Section 292.201 describes the scope of Subpart B of the Commission's rules. Subpart B provides the criteria for and manner of qualification of small power production and cogeneration facilities.

§ 292.202 *Definitions*

This section contains definitions applicable to this subpart of the Commission's rules.

Paragraph (a) defines "biomass" as any organic material not derived from fossil fuels. The proposed rule defined "biomass" as plant materials which are obtained from cultivation, or harvested from naturally occurring vegetation without significant depletion of the resource. Commenters recommended that the Commission expand the definition to include any organic material not derived from fossil fuels. The commenters stated that most studies dealing with energy recovery from organic material other than fossil fuels have included municipal (and most industrial) solid waste within the more general category of biomass.

The Commission agrees with the commenters who urged the Commission to expand the scope of this definition. The Commission observes that applying a narrow definition of biomass might hinder development of small power production facilities between 30 megawatts and 80 megawatts in capacity. Use of a definition of biomass which includes by-products of the manufacturing, harvesting, and growing of agricultural products, including wood, will enable a greater number of small power producers between 30 and 80 megawatts to take advantage of the exemption from State law and regulation regarding rates and financial organization of electric utilities and from the Public Utility Holding Company Act, as provided in subpart F of this part of the Commission's rules.

One commenter questioned whether the Commission meant to include peat within the definition of biomass. The Commission wishes to clarify this point by stating that peat is included in the definition of biomass for purposes of this subpart.

Paragraph (b) defines "waste" as any by-product materials other than biomass. In most instances, waste is a by-product of fossil fuels. Examples of waste include petroleum coke, refinery gas, and plastics.

Paragraph (c) defines "cogeneration facility" as equipment used to produce electric energy and forms of useful thermal energy (such as heat or steam), used for industrial, commercial, heating, or cooling purposes, through the sequential use of energy.

Several commenters requested clarification of the applicability of the Commission's rules to cogeneration in the residential sector. The issue arises because of the absence of any explicit mention of residential energy use in the statutory language. The Commission's definition of cogeneration facility tracks the statutory language in that residential use is not specifically identified.

The Commission intends that residential sector cogeneration be included. The Commission believes that the phrase "heating, or cooling purposes" applies to any industrial, commercial, or residential heating or cooling purpose. The Commission has not found anything in the legislative history of PURPA which suggests that the terms "industrial" and "commercial" were intended to modify "heating, or cooling". Separate mention of "residential" use is unnecessary because heating and cooling adequately encompass the residential use of thermal energy. In the industrial sector, thermal energy in the form of process steam is used as an input to many industrial processes. The separate identification of industrial and heating uses is necessary since not all industrial uses of thermal energy are for heating or cooling purposes. In addition, in many instances, commercial heating purposes include heating of residential apartment buildings, so that the exclusion of residential heating and cooling from this program would be difficult to accomplish even if such purpose were within the realm of statutory construction.

Sequential Use

Several commenters recommended that the Commission define cogeneration as the "combined" or "joint" production of heat and power. However, the terms "combined" or "joint" production of heat and power do not fully describe the cogeneration process. The final rules contain an explicit requirement for the sequential use of energy in cogeneration facilities. This means that rejected heat from a power production or heating process is used in another power production or heating process. It is precisely this "cascading" use of energy in sequential processes that gives rise to the energy conserving characteristic of cogeneration.

By adding the phrase "through the sequential use of energy" to the definition of cogeneration facility, the Commission makes explicit what was intended in the proposed rule. The discussions in the proposed rule relating to topping and bottoming-cycle cogeneration and the efficiency standards were expressed in the context of sequential use. Many commenters apparently recognized this fact and, in their discussions of alternative efficiency standards, compared hypothetical cogeneration systems to reference cases of noncogeneration, separate production of heat and power. Additionally the explanation of supplementary firing in the proposed rules implied that energy inputs other than supplementary firing would have to flow through both a thermal and a power production process. The explicit mention of sequential use is therefore not a new requirement; it is a clarification of intent.

Several comments filed in this rulemaking in response to the Commission's November 9, 1979 Interim Rule [7] raised questions about how the sequential use concept would apply in certain situations. One commenter noted that many industries commonly route steam directly from their boilers to processes without expansion in a turbine. This practice is simply the raising of process steam; it is not cogeneration. The fact that some other steam from the same boiler is routed to cogeneration equipment does not mean that all steam from the boiler is used for cogeneration. The coincident raising of process steam relates to the cogeneration rules in two ways. First, any energy expended in raising such steam should not be entered into any efficiency calculations. Secondly, natural gas used for raising process steam is not rendered exempt from incremental pricing solely because the boiler may also supply steam for cogeneration.

A commenter also questioned the applicability of the sequential use test to a combustion turbine coupled with a waste heat recovery boiler. The commenter noted that the boiler could not capture all of the heat in the turbine exhaust and thus not all of the turbine's power could be said to be sequential. The Commission does not adopt this interpretation. The high efficiency of combustion turbine/waste heat recovery boilers derives from the fact that a substantial quantity of waste heat is recovered. The Commission does not require that all heat be recovered. Strictly speaking, some of the available thermal energy in a steam turbine cogeneration system is lost (due to pressure drop in piping along with convective and radiative heat losses) before the steam is delivered to a useful process. As long as any applicable efficiency and operating standards are met, the Commission is not concerned with energy losses within the system.

A final issue concerning the definition of a cogeneration facility involves combined-cycle electric generation plants. Such plants burn gaseous or liquid fuels in a combustion turbine and use the turbine exhaust to raise steam. The steam is directed through a fully condensing steam turbine. Only electricity is produced, albeit through the sequential use of energy. The Commission is of the opinion that combined-cycle electric generation plants are not cogeneration facilities, since only one form of energy is produced.

[7] Interim Rule for Qualification of Gas-fired Cogeneration Facilities for Purposes of the Incremental Pricing Program, 44 FR 65744 (Nov. 15, 1979).

In paragraph (d), the Commission has added the definition of "topping-cycle cogeneration facility" which is a cogeneration facility in which the energy input to the facility is first used to produce power, and the reject heat from power production is then used to provide useful heat.

Paragraph (e) has been added to define a "bottoming-cycle cogeneration facility" as a cogeneration facility in which the energy input to the system is first applied to a useful heating process, and the residual heat emerging from the process is then used for power production.

The Commission has added paragraph (f), which defines "supplementary firing" as an energy input to the cogeneration facility used only in the thermal process of a topping-cycle cogeneration facility, or only in the electric generating process of a bottoming-cycle cogeneration facility.

The distinguishing characteristic of supplementary firing as defined here is that none of the energy is used sequentially. In topping cycles, supplementary firing is commonly practiced by introducing natural gas or oil into the hot exhaust of a combustion turbine. The turbine exhaust will typically have sufficient oxygen to support combustion of the added fuel. The resulting heat can either be used directly in a high-temperature direct heat application or used to raise process steam. Supplementary firing is also possible in steam turbine cogeneration facilities, through reheat of steam which exists from a turbine. In all cases, the added energy is not used to produce power as well as useful thermal energy.

In a bottoming-cycle cogeneration facility, supplementary firing can be used to increase the output of the power production equipment by firing additional fuel in the thermal process exhaust. Again, the added energy is not used sequentially for both power production and a thermal process.

Commission recognizes that there will be questions as to the application of the standards of this subpart to complex facilities which may contain combinations of topping and bottoming-cycle cogeneration equipment. The optional procedure for qualification under § 292.207 is available specifically to help any cogenerator who wishes clarification as to whether his facility would qualify.

Paragraph (g) adds the definition of "useful power output" of a cogeneration facility as the electrical or mechanical energy made available for use, exclusive of any such energy used in the power production process. Although electric power output is required of a qualifying facility, any additional mechanical power may be taken into account in determining "useful power output".

Paragraph (h) has been added to define "useful thermal energy output" of a topping-cycle cogeneration facility as the thermal energy made available for use in any industrial or commercial process, or used in any heating or cooling application.

The proposed rules contained a definition of the "useful energy output of a thermal process." The term was intended to reflect the heat actually used in a thermal process rather than heat made available for use. The proposed term found application in proposed efficiency standards for both topping and bottoming cycles. Only a few commenters mentioned the proposed term, but they did raise serious questions about the feasibility (and desirability) of performing the necessary calculations. It was argued that computation of the "useful energy output of a thermal process" in accordance with the proposed definition would be difficult and would yield unintended results—particularly in the case of bottoming cycles.

The Commission notes that in its final rules the efficiency of bottoming-cycle facilities is evaluated only with respect to supplementary firing. No evaluation of efficiency is now required for the thermal process of a bottoming cycle.

For new topping-cycle facilities burning natural gas or oil, however, the degree to which heat is recovered and put to use remains a concern. The final rules contain a definition of "useful thermal energy output" which eliminates the problems of the proposed terminology. Under the new definition, in the case of industrial or commercial process use of thermal energy, the thermal energy made available for use in the process may be considered useful thermal energy output of a cogeneration facility. Thus an industrial process which uses steam or heat need not be analyzed for the purpose of determining what fraction of the energy delivered to the process is actually put to use.

In the case of space heating and cooling, water heating, and related heating and cooling applications, a cogeneration facility's useful thermal energy output is the energy actually used in the application. For example, a cogeneration facility may consist of a combustion turbine with exhaust heat recovery used for space heating. In this example, the useful thermal energy output would be the heat recovered from the exhaust and actually used for space heating, not all of the heat available in the exhaust.

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Paragraph (i) defines "total energy output" of a topping-cycle cogeneration facility as the sum of the useful power output and useful thermal energy output.

Paragraph (j) defines the term "total energy input" as the total energy of all forms supplied from external sources, other than supplementary firing, to the facility.

The total energy input to a cogeneration facility includes all fuels and renewable resources used in the facility. Energy taken from one part of the facility and used in another part of the cogeneration process does not meet the test of being supplied from an external source. For example, boiler feedwater pumping, heating, and de-aerating are energy uses internal to the cogeneration facility and are not to be considered as either energy inputs or energy outputs.

The Commission has added the definition of natural gas in paragraph (k) as it is defined in the Natural Gas Act, which is natural gas unmixed, or any mixture of natural gas and artificial gas. This is intended to cover natural gas supplied by any natural gas company as defined in the Natural Gas Act or any distribution company selling natural gas. As a result, the efficiency standards under § 292.205 only apply with respect to the natural gas so defined and do not apply with regard to any synthetic gas which is unmixed in the pipeline, or mixed by the end-user, such as coke oven gas, blast furnace gas, or gas derived from coal or shale oil.

The definition of "oil" has been added in paragraph (l) to mean crude oil, residual fuel oil, natural gas liquids, or any refined petroleum products. This definition does not include refinery-off gas, petroleum coke, or other waste products of the refinery process.

Finally, the Commission has provided in paragraph (m) that, for purposes of this subpart, in the case of energy in the form of natural gas or oil, energy input is to be measured by the lower heating value of such fuel.

In the proposed rules, energy inputs in the form of fossil fuels were to be evaluated in terms of the lower heating value of such fuels. A few commenters took issue with the use of lower heating values and recommended that higher heating values be specified in the final rule.

Lower heating values were specified in the proposed rules in recognition of the fact that practical cogeneration systems cannot recover and use the latent heat of water vapor formed in the combustion of hydrocarbon fuels. By specifying that energy input to a facility excludes energy that could not be recovered, the Commission hoped that the proposed energy efficiency standards would be easier to understand and apply. The Commission also wished to a apply a standard that would be more uniform in the treatment of natural gas and oil. Owing to the difference in chemical composition, more latent, unrecoverable heat is lost in the combustion of gas as compared to oil. The Commission did not wish indirectly to make qualification more difficult for natural gas-fired cogeneration facilities by requiring a higher level of sensible heat recovery.

The commenters opposing the use of lower heating values generally argued that customary practice is to use higher heating values. The Commission does not find this argument compelling. Both heating values of fuels can easily be found in handbooks. Moreover, if a cogenerator wishes to use the higher heating value of fossil fuel inputs for computing efficiency, the Commission has no objection. Any facility qualifying with efficiency so computed would certainly qualify under the more lenient rules set forth. As a result, the Commission does not believe it appropriate to change this aspect of the proposed rule in this final rule.

§ 292.203 General requirements for qualification.

The proposed rule provided that any person seeking qualifying status for a facility had to initiate discussions with the utility with which it wishes to interconnect and file an application with this Commission. The proposed rule set forth the contents of an application for certification which included technical information describing the facility, a summary of discussions required to be held between the applicant and the affected electric utility, and a description of the equity ownership of the facility. In addition, a small power producer was required to provide information about its primary energy source and its location. A cogenerator was required to submit information describing the energy input and output of the facility in both the heat engines and thermal processes.

The majority of comments favored eliminating the filing requirement either for all qualifying facilities or for specific classes of qualifying facilities. Several commenters suggested that the complexity, delays, and uncertainties created by a case-by-case qualification procedure would act as signficant economic disincentive to owners of smaller facilities. Other commenters recommended exempting smaller facilities, such as facilities with an aggregate electrical capacity of up to 250 or 500 kW, from formal filing requirements. A utility [8] stated that the application procedure does not serve any party or the public's interest. This commenter preferred to see regulations on an "exception" basis where the utility, State regulatory authority or other interested party could object to the granting of qualifying status.

The Commission finds substantial merit in these comments. The Commission believes the initiation of purchase and sale arrangements, pursuant to Subpart C of this part of the Commission's rules, will necessitate the flow of information between potential qualifying facilities and affected electric utilities. The Commission therefore notes that the requirements contained in the proposed rule both for discussions between a potential qualifying facility and the utility with which it wishes to interconnect and for the filing of substantial information with this Commission are not necessary.

For example, one commenter [9] suggested modifying the pre-application negotiation requirements to require that an applicant initiate discussions with the utility prior to filing if the cogenerator or small power producer is intending to negotiate an individual contract. However, if the applicant merely wants to establish his eligibility for an already-published rate schedule for qualifying facilities, this commenter claims that there would be nothing to negotiate, and thus no reason to require that discussions be held. It was asserted that notification to the utility at the time of application would suffice in such cases. The Commission believes that this is what would and should happen without any requirement from the Commission. In addition, the Commission believes that, as a practical matter, an electric utility, which is notified by a qualifying facility that it wishes to interconnect with the utility in order that the utility may purchase the power produced by the facility, will need to know the nature of the qualifying facility's expected purchases and sales so as to be able to arrange safe and reliable interconnected operation at appropriate rates.

As a result, the requirement for case-by-case qualification has been eliminated. Section 292.207(a) of this rule provides that any small power production or cogeneration facility which meets the requirements for qualification set forth in that section is a qualifying facility.

However, the Commission has provided an optional procedure in § 292.207(b) of this rule whereby an application for Commission certification of qualifying status may be filed at the discretion of the owner or operator of the facility.

[8] Pacific Gas and Electric Company.
[9] U.S. Department of Energy.

There was some confusion in the comments as to who actually qualifies under this program. The facility qualifies and that entitles the owners and operators of the facility to receive the benefits of qualification under this part. The benefits of qualification under this part, however, are only with respect to the qualifying facility. For example, the owner or operator of a qualifying cogeneration facility is entitled to require the utility to sell power to his qualifying facility in compliance with the terms of § 292.305 as implemented by the State regulatory authority. The owner or operator has no entitlement to require such rate treatment for the utility's sales to other facilities he may own or operate which are not qualifying facilities. Similarly, his sales to the utility will be exempt under Subpart F of this part from certain Federal and State regulation only to the extent the sales are from a qualifying facility.

§ 292.203(a) Small power production facilities.

Section 292.203(a) provides that a small power production facility is a qualifying facility if it meets three criteria.

The first requirement is that the power production capacity of the facility, together with the capacity of any other facilities that use the same energy resource and are owned by the same person and are located at the same site, may not exceed 80 megawatts. The method by which the capacity is determined is described in this preamble under § 292.204.

The second requirement is that the primary energy source of the facility must be biomass, waste, renewable resources, or any combination thereof. This means that more than 50 percent of the total energy input must be in these categories. In addition, the aggregate use of oil, natural gas, and coal by the facility may not exceed 25 percent of its total energy input during any calendar year. These fuel use criteria are discussed further in § 292.204(b).

Thirdly, a small power production facility will not be eligible for qualifying status if more than 50 percent of the equity interest in the facility is held by an electric utility or public utility holding company or any person owned by either. Section 292.206 describes this ownership test in greater detail.

One commenter raised the question as to whether a facility is included within the definition of a small power production facility in the statute, and hence the Commission's regulations, if the facility is only part of the process of producing electric energy; namely, raising steam. This commenter produces steam using municipal solid waste, which steam is then sold through an adjoining wall to an electric utility to run through a turbine and produce electricity. In a sense, this facility indirectly produces electric energy. It is unclear to the Commission how this steam-raising facility would benefit from the regulations under section 210. It is not selling electric energy to the utility; it may be buying some electric energy from the utility; and it seems unlikely that it would be subject to electric utility regulation. Therefore, the Commission does not, at this time, see the need to allow qualification for these kinds of facilities, without judging as to whether the Commission could allow such qualification under the statute.

§ 292.203(b) Cogeneration facilities.

Section 292.203(b) provides that, with the exception of new diesel cogeneration facilities, a cogeneration facility may be a qualifying facility if it satisfies two requirements. First, it must meet the same ownership test as that required for a small power production facility. Secondly, it must meet any operating and efficiency standards described in § 292.205(a) and (b).

In addition, cogeneration facilities which wish to qualify for the incremental pricing exemption permitted under Title II of the Natural Gas Policy Act of 1978 (NGPA) and Part 282 of the Commission's rules must meet the requirements stated in § 292.205(c).

Section 201 of PURPA provides that "a 'qualifying cogeneration facility' means a facility which—(i) the Commission determines, by rule, meets such requirements (including requirements respecting minimum size, fuel use, and fuel efficiency) as the Commission may, by rule, prescribe * * *". Several comments contended that the statutory language *requires* the Commission to establish standards relating to all of the mentioned criteria. The legislative history of this section indicates that the phrase "as the Commission may * * *" was added in conference; it did not appear in either the House or Senate bill.[10] The plain meaning of the provision, as adopted by the Conferees, is that a qualifying cogeneration facility must meet requirements that the Commission, in its discretion, establishes. These may, but need not, include requirements respecting minimum size, fuel use, and fuel efficiency.

The Commission received numerous comments from utilities recommending that oil- and natural gas-fired cogeneration facilities not be considered eligible for qualifying status. These commenters generally argued that encouragement of such facilities would be contrary to Congressional intent and national energy policy. Comments were also received expressing strong support for the policy presented in the proposed rule, which did not impose a restriction on oil and natural gas use.

The Commission believes the policy expressed in the proposed rules is consistent with Congressional intent and national energy policy. Had Congress not intended that the benefits of qualifying status be extended to oil- and natural gas-fired cogeneration facilities, the statute or Joint Explanatory Statement of the Committee on Conference (Conference Report) would have contained a restriction on fuel use similar to that which is provided for small power producers. The Congress knew that cogeneration facilities typically use natural gas and oil. In addition, the Natural Gas Policy Act of 1978 contains an express exemption from the incremental pricing program for natural gas used in qualifying cogeneration facilities, which further indicates Congressional recognition that cogeneration facilities use natural gas.

Thirdly, the Congress enacted the Powerplant and Industrial Fuel Use Act (PIFUA) at the same time as PURPA. PIFUA provides authority to the Secretary of Energy to restrict the use of oil and gas in cogeneration facilities. Therefore, the Commission does not believe it necessary or appropriate to require an additional layer of fuel use regulation on technologies which the Commission is charged with encouraging and for which another agency has authority to restrict fuel use.

The Commission also notes that the findings in section 2 of PURPA specifically require "a program providing for * * * increased efficiency in the use of facilities and resources * * *". To the extent that oil- and natural gas-fired cogeneration facilities provide for more efficient use of these resources, the Commission believes that the benefits of qualifying status should be extended to them.

Some of the comments stated that permitting qualifying cogeneration facilities to use oil, especially in diesel engines, will use up available air quality increments, thereby preventing the conversion of large utility oil-fired

[10] See Comparative Print to H.R. 4018, Public Utility Regulatory Policies Act, 72, 95th Cong., 2d Sess. (1978).

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boilers to coal. As noted above, the Commission believes it is not proper to address this fuel use issue within the context of this program. However, the Commission has not made a final determination regarding the environmental effects of new diesel cogeneration facilities, and is therefore including in these regulations an interim exclusion from qualification of this technology until work on an environmental impact statement has been completed.

§ 292.203(c) Interim exclusion.

Section 292.203(c) provides that, pending further Commission action, any cogeneration facility which is a new diesel cogeneration facility may not be a qualifying facility. A new diesel cogeneration facility is described as a cogeneration facility which derives its useful power output from a diesel engine, the installation of which began on or after March 13, 1980.

Through the issuance of these rules and the rules implementing section 210 of PURPA, the Commission intends to carry out the legislative mandate to provide encouragement to the energy technologies included within the program. The Commission is required under the National Environmental Policy Act of 1969 (NEPA) to take the environmental effects of this encouragement into account. The Commission has circulated and received public comment on a preliminary Environmental Assessment (EA) of these rules which was issued on October 19, 1979.

(See Appendix I)

Environmental Findings

The identification of the environmental effects associated with a "major Federal action" [11] is not ordinarily a difficult task. These effects typically are those associated with the construction and operation of a particular project in which the Federal government is playing a major role, such as by funding or licensing. In contrast, these rules and the rules implementing section 210 of PURPA do not authorize or fund any particular projects; moreover, they do not authorize or forbid the use of certain fuels. Instead, they provide certain economic incentives to, and remove other disincentives (*i.e.*, assurance of a market for electrical production and exemption from utility regulation) from certain classes of technologies. It is important to note that, even without these rules, these technologies have been, and would continue to be, utilized. The environmental effects associated with this "base-case" level of development cannot be ascribed to these rules. Instead, the proper way to isolate and identify the effects of these rules is to predict the "base-case" (no PURPA) level of development, and determine the environmental effects of that level of development, and compare it to the effects of the projected development with these rules in place. Under this approach, any changes from the base-case review are properly classified as effects of these rules.

The first step used in determining the environmental effects of these rules was to compare, by region, representative electric utility rates with the cost of generating electricity by use of a qualifying facility. This comparison established which technologies would be economically viable. Next, the costs of generating electricity by the facility were compared to an estimate of utilities' avoided costs on a regional basis. If, by receiving the avoided cost for its output, a facility would operate economically, it was considered to have been "PURPA-induced." Avoided cost is the maximum price inducement under this program.

For technologies which would, as a result of PURPA, be economic, regional levels of market penetration were established on the basis of site availability and manufacturing capability. Finally, the environmental effects associated with the predicted level of development were calculated.

The Environmental Assessment accompanying this order describes the environmental effects associated with all of the types of technologies encompassed in section 201 of PURPA. The quantitative effects associated with the predicted market penetration of each technology were then estimated.

The Environmental Assessment includes an extensive market-penetration analysis of each technology eligible for qualification under the Commission's proposed rules and of the aggregate of all of these technologies. Since the proposed rules took the broadest view of which technologies would be eligible for qualification, the analysis covers all technologies, which, under the statute, may be eligible for qualification. On the basis of this analysis, the Commission has estimated the amount of capacity expected to be induced on a regional and national basis through January 1, 1995, assuming the broadest implementation of this program.

This analysis shows that this program may result in the construction of 12,000 MW of new capacity by qualifying facilities by 1995, and the reduction in utility construction of 10,000 MW of new capacity. It also indicates a possible fuel savings in 1995 of 40,000-bbl/day of oil, 40,000 bbl/day equivalent of natural gas, and 120,000 bbl/day equivalent of coal, as the use of renewable resources increases, and more efficient use is made of both renewable and non-renewable resources.

The Environmental Assessment finds that there will be both adverse and beneficial environmental effects associated with this program. Some of the technologies produce certain air emissions, water effluents, and other environmental effects. However, material and thermal by-products of industrial, commercial, agricultural and other activities that would otherwise contribute to environmental degradation will be consumed or otherwise utilized in the production of useful energy under this program.

In addition, the Environmental Assessment indicates that utilities will be able to defer or cancel construction of certain facilities, originally scheduled for construction between 1980–1995. These deferrals or cancellations are expected to include some eleven 500 MW coal-fired steam plants, one 1,000 MW nuclear plant, a number of 75 MW gas turbines, and certain large scale hydropower and combined cycle installations. The environmental impacts associated with the construction and operation of these facilities would be avoided.

Finally, the market-penetration analysis in the Environmental Assessment indicates that the incentives provided by this program will not significantly affect the development of some technologies while they will significantly encourage others. For example, it appears that this program will significantly encourage small hydroelectric power development. Water power project impacts are usually site-specific and localized, with no cumulative impact on a national basis, and few impacts of regional significance. The Commission notes that hydroelectric projects in almost all cases must be licensed by the Commission. License applications are evaluated on a case-by-case basis to determine the significance of the environmental impacts and the need for a site-specific EIS. In addition, impacts of individual projects on a waterway may be cumulative, and the Commission reviews each project in relation to others on the waterway under the "comprehensive development" standard of section 10(a) of the Federal Power Act. Therefore, even though only the general nature of the kinds of environmental effects can be evaluated in this programmatic environmental assessment of national scope, requirements of the National Environmental Policy Act of 1969 (NEPA) will be met as each application is filed.

For certain other technologies, the level of environmental effects associated with the PURPA-induced market penetration of these technologies will not approach a significant level in the near term.[12] The Commission will monitor the PURPA-induced market penetration of these technologies carefully.

In the public comments, evidence was presented indicating that the environmental consequences of qualifying new diesel cogeneration may be significant in the near term, in certain geographic areas, even with a moderate level of market penetration. Therefore, the Commission believes that it is appropriate to delay action on qualification of new diesel cogeneration until completion of an EIS. The Commission will circulate a draft EIS within the next month and conclude its analysis within 90 days of circulation.

The Commission acknowledges the difficulties in identifying the levels of the environmental effects associated with the programmatic encouragement and deregulation of various types of technologies as are present under this program. There are, of course, a great number of uncertainties in any such analysis. However, the Commission is required under NEPA to assess these effects to the fullest extent possible.

On the basis of its environmental review, the Commission has made the following findings in its Environmental Assessment:

—The program, taken as a whole, will not have a significant impact on the quality of the human environment within the meaning of section 102 of NEPA. The Commission also has noted certain beneficial environmental impacts that may result from this program.

—Where the expected market penetration of technologies which could qualify under this program is not expected to cause any significant environmental effects in the near term, the Commission will allow qualification of these technologies without delay.

—Where a technology is expected to cause significant environmental effects in the near term, an EIS covering the technology will be prepared and considered before the Commission acts on qualification.

—The Commission is establishing a monitoring program to alert the Commission to the likelihood or extent of market penetration by technologies which qualify under this program. This is designed to produce information that may be relevant to taking appropriate environmental protection action in the future before the program reaches a stage of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives.

§ 292.204(a) Criteria for qualifying small power production facilities.

Section 292.204 sets forth qualification requirements for small power production facilities. Paragraph (a) implements the statutory requirement that the power production capacity of a small power production facility not exceed 80 megawatts at any site. In order to implement this limitation, the proposed rules provided that the capacity of all facilities which use the same energy resource, are owned by the same person, and are located within one mile of each other be added together. Commenters recommended eliminating the site criterion because the important criterion is not siting but that facilities use alternate energy resources. The Commission recognizes the difficulty in prescribing site criteria for purposes of calculation of the size of the facility. However, the Commission is obligated under the statute to limit qualifying status for small power production facilities to those facilities which have "a power production capacity which, together with any other facilities located at the same site (as determined by the Commission), is not greater than 80 megawatts." [13]

In subparagraph (2)(i), the Commission defines "facilities located at the same site" as facilities located within one mile of the facility for which qualification is sought. Hydroelectric facilities (within this distance) are considered to be located at the same site only if the facilities use water from the same impoundment for power generation. The Commission views this additional provision for hydroelectric facilities as necessary because use of the one-mile rule alone might discourage the development of facilities on separate waterways which are within one mile of each other or of closely-spaced impoundments on an individual stream.

The Commission also notes that in some instances hydropower resources may be developed without an impoundment. In this case, the one-mile rule would be the only factor in determining the size of a facility.

In response to comments, the Commission has added subparagraph (2)(ii) which requires, for purposes of determining the distance between facilities, that any measurement shall be made from the electrical generating equipment of a facility. The comments noted that some facilities may include equipment for gathering energy to be used in the facility which may extend up to a number of miles from the generating facility. The Commission believes that the one-mile limit should be measured from the generating facilities.

The proposed rule enabled an applicant to rebut the presumption that facilities located within one mile of the facility for which qualification is sought, using the same energy resource and owned by the same person, should be considered to be located at the same site. The Commission believes that the requirement to rebut the presumption was burdensome and confusing. Therefore, the final rule has been revised to enable a small power producer or cogenerator to apply to the Commission for a waiver for good cause.

The proposed rule also contained a minimum size limit of 10 kW for qualification of small power production facilities. This proposal was based on the Commission's view that facilities smaller than 10 kW were unlikely to be economically viable, and that the administrative burden of arranging interconnected operation with them would be greater than the benefits they would provide to the system at this time. This proposal attracted considerable comment, both at the public hearings and in written recommendations. The majority of the comments objected to the minimum size provision and indicated that a number of facilities smaller than 10 kW are being built and that some units are presently commercially available. Commenters also stated that these facilities can be equipped with electrical protection equipment which permits safe interconnected operation.

Several utilities, on the other hand, suggested raising the minimum size limit, arguing that small facilities are not cost-effective. The Commission notes that the rules implementing section 210 of PURPA (Subpart C of this part) require that standard rates be provided for facilities up to 100 kW. Those rules together with the self-qualification provisions of these rules greatly ease the administrative burdens on all parties. The Commission also notes that the rules implementing section 210 of PURPA require that a qualifying facility is obligated to pay any interconnection costs assessed against it by the State regulatory authority or nonregulated electric utility. Since under these rules the utility is not obligated to incur any additional costs by reason of interconnected operation with these facilities, the minimum size limitation

[11] Section 102(2)(c) of the National Environmental Policy Act of 1969, Pub. L. 91–190.

[12] See Figures 3 through 7 in the Environmental Assessment.

[13] Section 3(17)(A)(i) of the Federal Power Act.

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has been eliminated to allow individual decisions to govern whether or not to install these very small facilities.

§ 292.204(b) Fuel Use.

Paragraph (b) sets forth fuel use requirements for qualifying small power production facilities. In the proposed rule, the term "primary energy source" was not defined. Several commenters noted this fact and asked that the final rules specify a definition for the term. Subparagraph (1) provides that the primary energy source of the facility must be biomass, waste, renewable resources, or any combination thereof, and more than 50 percent of the total energy input must be from these sources. The Commission notes that this requirement is not intended to force small power producers to continually monitor the energy input, but rather that reasonable estimates based on sampling methods are sufficient.

Qualifying small power production facilities using biomass as a primary energy source are treated differently than are facilities using other resources for purposes of exemption from the Public Utility Holding Company Act and certain State law and regulation under section 210(e) of PURPA and under § 292.602 of the Commission's regulations. A further concern in determining a facility's primary energy source is the treatment of mixtures of biomass and waste or renewable resources. Therefore, in subparagraph (1), the Commission specifies that any primary energy source which, on the basis of its energy content, is more than 50 percent biomass shall be considered biomass. In other words, a qualifying facility may be considered biomass-fired if, on an estimated annual basis, at least half the energy input, exclusive of fossil fuel use, is biomass.

The Commission expects that this rule will extend the benefits of the biomass exemption provisions to a broad range of facilities. For example, evidence presented in this rulemaking indicated that much more than half of the energy content in municipal solid waste is due to "organic material not derived from fossil fuels," or "biomass" under the Commission's definitions. Thus, a small power production facility fired with municipal solid waste may be considered a biomass facility. The same treatment applies to facilities fired with forest-industry residues, sewage sludge, or peat.

Another aspect of what constitutes "primary energy source" is a specification of what fuels may be used in addition to the primary energy source for purposes of ignition, startup, testing, flame stabilization and control, and during equipment outages and emergencies.

Section 3(17)[B] of the Federal Power Act, as amended by section 201 of PURPA, provides that:

> " 'Primary energy source' means the fuel or fuels used for the generation of electric energy except that such term does not include, as determined under rules prescribed by the Commission, in consultation with the Secretary of Energy—
> "(i) The minimum amounts of fuel required for ignition, startup, testing, flame stabilization, and control uses, and
> "(ii) The minimum amounts of fuel required to alleviate or prevent—
> "(I) Unanticipated equipment outages, and
> "(II) Emergencies, directly affecting the public health, safety, or welfare, which would result from electric power outages."

The proposed rule set forth limits for the allowable use of fossil fuels. Three separate standards were proposed: One for ignition, startup and testing; another for flame stabilization and control; and a third for fuel use during outages of the primary energy supply system. All of the proposed standards were set in terms of barrels of oil per year per megawatt of rated capacity.

The comments filed on this section generally favored less restrictive fossil fuel limitations. Several commenters noted that standards written in terms of barrels of oil were imprecise, since the energy content of a barrel of oil is not constant. Other commenters argued that separate standards for startup, flame stabilization and outages were unnecessarily burdensome. Commenters claimed that some small power production technologies would be severely constrained by one of the standards, while requiring little or no fossil fuel for other purposes. Additionally, to the extent oil and natural gas remain more expensive than other energy sources available to small power producers, there is an economic disincentive to use oil and natural gas. Thus it was argued that a single standard for allowable fossil fuel use would be more equitable and workable when dealing with a number of types of facilities. The Commission has decided to adopt this recommendation.

Many other commenters recommended that the Commission adopt alternative amounts of fossil fuel for use during outages and for other purposes. For the purpose of specifying the minimum amounts of fuel under clauses (i) and (ii) of section 3(17)(B) of the Federal Power Act, the Commission adopts in this rulemaking the standard, recommended by several commenters, that no more than 25 percent of the total energy input during any calendar year may consist of fossil fuels—namely oil, natural gas, and coal.

With this simple rule, a qualifying facility can use up to the allowed quantity of fossil fuel for purposes specified in the statute. No question remains concerning what sort of primary fuel system supply outages are within the scope of the rule. The standard does require that a small power producer be able to estimate the energy content of the primary energy source. The Commission recognizes that for some energy sources, municipal solid waste in particular, energy content is not constant. As has been stated earlier, the Commission believes that reasonable estimates will suffice for purposes of this rule. Finally, it should be noted that the fossil fuel limitation applies only to small power production facilities. Some commenters apparently regarded the limitations as equally applicable to cogeneration facilities. This is not the case.

Another issue raised by the proposed rule was the limitation of renewable resources to water used at existing dams. Commenters urged the Commission to expand the definition of renewable resources to include water used at new hydroelectric facilities. The Commission has reviewed the Conference Report and has determined that the conferees did not intend to restrict the term renewable resources to water used only at existing dams. The Commission believes that such an interpretation conflicts with the conventional use of the term "renewable resources" as including all hydroelectric sources, not just those using existing dams. Therefore, the Commission intends that the term renewable resources applies to water used at existing and new hydroelectric facilities of less than 80 megawatts.

§ 292.205 Criteria for qualifying cogeneration facilities.

§ 292.205(a)(1) Operating standards for topping-cycle cogeneration facilities.

In its Notice of Proposed Rulemaking, the Commission recognized the problem of distinguishing cogeneration facilities which achieve meaningful energy conservation from those which are merely "token" facilities, producing trivial amounts of either useful heat or power. In the proposed rules, the *bona fide* character of a facility was to be determined by minimum amounts of useful heat and power output.

The need for operating standards as a means of identifying *bona fide* cogeneration facilities drew considerable comment. Some comments indicated that this formulation had the effect of imposing energy efficiency requirements which are not appropriate for some technologies. Commenters stated that a much simpler test than the proposed standards would be adequate for the task. Two commenters suggested a simple test regarding the portion of energy developed in the form of useful heat or steam. One potential qualifying facility [14] suggested that:

> for geothermal energy cogeneration facilities, the energy utilization by the non-electric processes must average on an annual basis at least 5 percent of the energy consumption of the heat engine.

Another commenter suggested "a minimum of 10% of the total steam generation must be used as steam send-out." [15]

Generally, commenters did not oppose a requirement for distinguishing a *bona fide* cogeneration facility from essentially single purpose facilities, even while taking exception to the form and substance of the proposed efficiency standards. One commenter [16] stated:

> A significant portion of the steam, heat or energy available from the cogeneration unit should be used in an industrial, commercial, heating or cooling applications. The concept of an operator of a large thermal generating station applying condensing techniques taking a tiny side stream out to heat a tool shed so that cogeneration could be claimed should be prohibited.

The Department of Energy [17] recommended the inclusion of a requirement that some minimal fractions of useful heat and power be produced.

Consequently, the Commission has decided that a simple means of identifying *bona fide* cogeneration facilities is appropriate. The *bona fide* test has been modified to specify only that a minimum proportion of the useful energy output be useful thermal energy output without regard to the energy input. The standard requires that at least 5 percent of a qualifying cogeneration facility's total energy output be in the form of useful thermal energy output. Compliance with this standard is to be based on estimated annual energy output.

Further, this basic *bona fide* test is applicable only to topping-cycle facilities. "Tokenism" is of concern for bottoming-cycle facilities chiefly with regard to the opportunity for qualifying facilities to obtain exemption from incremental pricing under the Natural Gas Policy Act. Natural gas used by bottoming-cycle facilities (other than in supplementary firing), will, as a general matter, be exempt from incremental pricing only to the extent that reject heat is utilized in power production. In view of these provisions, no separate *bona fide* test is necessary.

§ 292.205(a)(2)(i) Efficiency standards for topping-cycle facilities.

The proposed rules set forth efficiency standards for oil- and gas-fired topping-cycle cogeneration facilities. The efficiency standards were composed of three separate criteria. The first criterion required, in effect, that no less than 20 percent of the energy input to the facility be converted to mechanical or electrical power. The second criterion specified that 45 percent of the heat rejected from the heat engine (a term used in the proposed rule to describe the power production process) be put to use in a thermal process. The final criterion required at least 60 percent of the energy input to the facility be used either as power or useful heat.

Comments on the proposed efficiency standards criticized both their form and substance. Many commenters stated that the 20 percent efficiency criterion for heat engines was overly restrictive. These commenters pointed out that most steam turbines would not be able to meet the standard with conventional steam inlet and exhaust pressures. Many such steam turbine cogeneration systems would represent energy efficient systems when compared to the standard practice of separate steam and electricity production.

Fewer comments were directed toward the efficiency tests concerning heat recovery and overall efficiency. The comments that were made, however, indicated a need for revision. One commenter indicated that the heat recovery standard would exclude diesel-powered cogeneration facilities even though many such facilities would be highly energy efficient. Comments on the overall efficiency standards were mixed. One commenter suggested that the standard was too lenient. Another commenter recommended that the proposed 60 percent test be reduced to 50 percent, although this commenter appeared to be principally concerned with the application of efficiency standards to the use of renewable resources and not to the use of scarce fuels.

Five commenters addressed the question of efficiency standards for oil- and natural gas-fired cogeneration in a comprehensive manner by proposing a complete set of alternative standards. Four of these five commenters advanced proposals based on energy balance criteria, similar in theory to the proposed standards. A proposal by the New York State Energy Office closely resembled the proposed rule. Under this plan, individual tests for heat engine efficiency, heat recovery, and overall efficiency would still be required. The overall efficiency test would remain at 60 percent, but the heat engine and heat recovery tests would be reduced to 10 percent. This was the only comment in favor of maintaining separate efficiency standards for power production and heat recovery. The criticism of that scheme has caused the Commission to adopt an alternative efficiency standard which better takes into account the variety of technologies which qualify under this rule. The essential issue concerns the proper level of the overall efficiency standard which should be applied in individual cases.

Three commenters proposed efficiency standards relating solely to overall efficiency. A utility [18] recommended a single standard of 50 percent overall efficiency, which was the most lenient standard suggested. This proposal, furthermore, would be related to design efficiency and not actual or estimated operating efficiency. Another commenter [19] recommended a single standard of 65 percent overall efficiency. This standard would be slightly stricter than the first proposal discussed for all facilities except those producing predominantly either electricity or heat. Finally, the Commonwealth of Massachusetts Office of Energy Resources proposed a standard which would weigh thermal energy with only half the value of electricity.

The latter two comments are both supported by well-reasoned examples of cogeneration engineering practice. The Massachusetts proposal is relatively more stringent for facilities producing more heat than electricity, and more lenient for facilities producing much of their output as electricity. The basis for this proposal is a comparison of cogeneration systems based on steam turbine, combustion turbine, and diesel engine prime movers with oil-burning non-cogeneration technology. Essentially, it is argued that any cogeneration facility meeting the proposed efficiency standard will be more efficient than any combination of separately generated electricity and steam using efficient, state-of-the-art technology. By requiring that the sum of useful power output and one-half the

[14] Republic Geothermal, Inc.
[15] Raytheon Corporation.
[16] This commenter, Potlatch Corporation, proposed as a test that at least 25 percent of the steam, or useful energy, available be applied on an annual basis in industrial, commercial, heating or cooling uses.
[17] The Economic Regulatory Administration.
[18] Brooklyn Union Gas Company.
[19] Mechanial Technology Incorporated.

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useful thermal output be greater than 45 percent of the facility's energy consumption, this proposal would ensure that qualifying facilities produce heat and power more efficiently than a 8500 Btu/kWh combined cycle generating station and a 90 percent efficient process steam boiler.

Moreover, this proposal appears to impact the various cogeneration technologies more equitably than the other proposed standards. The other proposals for required overall efficiency, by simply summing heat and power on an equal basis, make qualification relatively easy for steam turbine systems which produce little electricity. Cogeneration systems which produce high ratios of electricity to heat would be penalized with difficult heat recovery requirements. Yet the systems with high electricity to heat ratios have the highest "second law" energy efficiencies. Futhermore, a standard which is relatively lenient towards oil- and natural gas-fired steam cogeneration would encourage boiler fuel use of distillate oil and natural gas.

The proposal of another commenter, although considered in detail, would impact different cogeneration technologies differently and would not give assurance of energy conservation.[20]

In light of the foregoing considerations, the Commission has decided to adopt a standard in paragraph (a)(2)(i) similar to that proposed by the Massachusetts Office of Energy Resources as its standard for efficiency of new oil- and natural gas-fired topping-cycle cogeneration systems. This standard requires that for any topping-cycle cogeneration facility for which any of the energy input is natural gas or oil and the installation of which began on or after March 13, 1980,[21] the useful power output plus one-half the useful thermal energy output of the facility must be, during any calendar year, no less than 42.5 percent of the energy input of natural gas and oil to the facility. The Commission adopted a value of 42.5 percent, rather than the 45 percent recommended by the Massachusetts comments because, in the Commission's view, the 45 percent requirement appears overly restrictive for steam turbine cogeneration facilities in that very high boiler efficiencies would have been required. However, if the useful thermal energy output of any such facility is less than 15 percent of its total energy output, the useful power output plus one-half the useful thermal energy output of the facility must be no less than 45 percent of the total energy input of natural gas and oil to the facility.

Existing Versus New Cogeneration Facilities

Although the Commission has found a compelling reason to impose efficiency standards on new oil and gas burning cogeneration facilities, the situation with respect to existing facilities is different. Existing facilities are those for which the installation of the cogeneration equipment began before the Commission actions encouraging cogeneration under this program were finalized. Presumably, such facilities would continue to be installed or operated using whatever fuels they are equipped to burn, with or without the incentives of PURPA.

Allowing existing facilities to qualify will provide for more flexible operation of the facilities. Optimum efficiency of a cogeneration facility may be more easily approached through interconnected operation with an electric utility. Because of the foregoing considerations, denial of qualifying status would serve no useful purpose.

Existing cogeneration facilities burning oil or natural gas were, in large measure, installed in an environment of lower fuel prices. Such facilities may not be able to meet the higher standards now reasonable for use of scarce fuels. Yet failure to meet standards intended for new facilities should not preclude entitlement to sell power to the utility and to receive the other rate benefits, as provided under Subpart C of these rules. In addition, the denial of exemption from regulation as an electric utility may discourage cogeneration at existing facilities.

The Commission has decided against imposing any efficiency standards on existing facilities, regardless of energy source. There is no assurance that imposing standards would result in fuel savings. The opposite result is more likely, if operating cogeneration facilities are denied the benefits of interconnected operation with an electric utility. Therefore, for any cogeneration facility, the installation of which began before the date the Commission's final rules in this docket were issued, March 13, 1980, no efficiency standards are required for qualification, regardless of energy source or whether it is a topping or bottoming-cycle facility.

Efficiency To Be Based Upon Projected Annual Operation

Several commenters raised the issue of whether efficiency calculations should be based on rated performance characteristics or on expected performance over a period of time. Only half of the commenters that mentioned the issue took a position in favor of one means of computation or another. The balance of the commenters merely asked for clarification.

The Commission is persuaded that the efficiency of a cogeneration facility operating at peak production of power and heat may not necessarily correlate with the efficiency which can be practically realized. A cogeneration facility which serves a highly variable heating load may seldom be operated at peak efficiency. The efficiency standards required for new oil or natural gas cogeneration facilities are intended to assure efficient use of these premium fuels. Use of optimum or design basis circumstances for determining efficiency would not satisfy the Commission's concern. A computation based upon projected or estimated annual operations will more closely reflect the facility's actual energy conservation potential.

The Commission realizes that estimates will be required in order to determine the efficiency of a facility not yet constructed. The Commission believes, however, that such estimates would routinely be performed prior to any decision to invest in cogeneration equipment. No significant burden is therefore expected in determining a cogeneration facility's qualifying status.

Why the Efficiency Standard Based on "Effective Heat Rates" Was Not Adopted

Evaluating the performance of a cogeneration facility in terms of the quantity of additional fuel used per kilowatt hour of electricity generated, above that needed for heating purposes alone, results in a standard known as the "effective heat rate".[22] This form of efficiency evaluation has been widely used to compare cogeneration of electricity to conventional utility generation. For a typical backpressure steam turbine cogeneration facility the effective heat rate of electricity generation may be as low as 4500 BTU/kWh—twice the efficiency of central station utility generation.

The effective heat rate test has some serious drawbacks, however. The test looks only to the efficiency of electricity generation and ignores the balance of the cogeneration facility. While the effective heat rate of a topping turbine may be high, if only a small fraction of the energy produced is in the form of electricity, the overall system is essentially a boiler facility, and the aggregate energy conserved is minimal. Indeed, effective heat rates are most favorable for systems which produce little electricity and a large amount of steam. The effective heat rate is lower for combustion turbine and internal combustion cogeneration, as compared to steam, but such systems produce more electricity per unit of fuel used. When the efficiency of the entire system is computed in such a manner as to credit the quality as well as quantity of energy produced,[23] combustion turbine or internal combustion cogeneration systems consistently score higher than steam systems. Thus the effective heat rate test does not truly measure overall system efficiency, and is not an adequate measure of whether, in the aggregate, energy is conserved through cogeneration.

§ 292.205(a)(2)(ii) Topping-cycle facilities using energy sources other than oil or natural gas.

In the final rule, the Commission has decided not to impose efficiency standards for qualification of topping-cycle cogeneration facilities using energy sources other than oil or natural gas. The proposed rules contained standards for topping-cycle cogeneration facilities using energy sources other than coal or coal-derived fuels. The efficiency standards were proposed in response to two concerns. First, some energy sources may be viewed as limited in access. Use of such resources by one cogenerator deprives another, possibly more efficient cogeneration facility, of the opportunity to use the resource. Efficiency standards were proposed in order to ensure that the first cogenerator, to gain access to the resource, would build an efficient facility in the absence of an effective market for the resource.

The second concern dealt with a means of distinguishing a *bona fide* cogeneration facility from a small power production facility with incidental recovery and use of steam or heat. The Commission believed that some means was necessary to prevent small power production facilities from evading the statutory size limits. A standard setting forth minimum production of power and minimum recovery of heat was seen as a means of avoiding the qualification of "token" cogeneration facilities.

Neither concern is, however, relevant to the use of coal as a primary fuel. Coal is not characterized by limited access and it cannot be used as a primary fuel by small power production facilities. Therefore, the proposed rule contained no efficiency standards for facilities fueled by coal.

Most commenters addressing this question stated that the proposed standards were impossible to meet in many instances. More importantly, commenters questioned the basic rationale of applying efficiency standards. The limited access concept is complex, and some commenters missed the point, arguing that such resources are renewable or available in large quantity.

EPA pointed out that the degree to which limited access may affect the sort of facility constructed is unknown. The effects of limited access, if any, are likely to be site specific, and will vary with time. Even if these effects could be spelled out with certainty, the specification of appropriate efficiency criteria would be a difficult task at best. If a standard of thermal efficiency were set without detailed knowledge of both the technologies and patterns of resource development, the probable effect would simply be to stifle development of the resource.

The Commission concludes that the proposed cure is far worse than the suspected ailment. In addition, as was stated in the discussion addressing the operating standards, the 5 percent minimum amount of useful thermal output standard will assure that these facilities are *bona fide* cogenerators under these rules.

§ 292.205(b) Efficiency standards for bottoming-cycle facilities.

The proposed rule contained a two-part efficiency standard for bottoming-cycle cogeneration facilities. All facilities, except those using coal or coal-derived fuels, would have been required to meet the standards. The first part of the efficiency standard dealt with the heat engine. In order to qualify, a facility had to either convert 15 percent of the reject heat from the thermal process to mechanical energy, or in the alternative, achieve 40 percent of the ideal Carnot efficiency with the working fluid temperatures experienced. The second part of the standard simply required an overall energy efficiency of 60 percent for the entire facility.

Numerous commenters were critical of the proposed standards. Although a number of issues were addressed, a common concern was the counter-productive nature of efficiency standards for bottoming-cycle cogeneration facilities relying on reject heat. It was argued that because the heat would otherwise be wasted, efficiency standards would serve no fuel conservation purpose. The only effect of efficiency standards would be a limitation on the number of bottoming-cycle facilities which would be constructed.

Moreover, many commenters noted that the overall energy efficiency standard of 60 percent was overly restrictive, and in fact meaningless in many instances. The overall energy efficiency, as defined in the proposed rule, would be determined by the efficiency of the bottoming-cycle heat engine and the efficiency of the industrial thermal process. Typically the latter efficiency is predetermined by the nature of the process and the design of the industrial plant. When bottoming-cycle cogeneration equipment is added to an existing plant, the efficiency of that plant's energy utilization is irrelevant to the effectiveness of the bottoming cycle. Furthermore, the measurement of overall energy efficiency required under the proposed rules would be difficult, since such efficiency measurements are not a conventional practice.

The Commission recognizes the validity of these comments, and has therefore eliminated efficiency standards for most bottoming-cycle cogeneration facilities. The final rule contains an efficiency standard for only those facilities with oil or natural gas

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[20] The efficiency standard proposed by this commenter, the American Paper Institute, differed from all others fundamentally in that an effective heat rate test was required. A qualifying cogeneration facility was defined as:

A cogeneration facility that for the electric energy produced incrementally to steam or useful energy production:

1. Uses less that 9,000 BTU of additional fuel per kilowatt hour and

2. Produces more electric energy than it consumes

And that at least twenty-five percent of the steam, or useful energy, available is applied on an annual basis in industrial, commercial, heating or cooling uses.

[21] The preamble discusses new versus existing facilities. This is expressed in the regulations as "facilities, the installation of which began on or after March 13, 1980," or before that date. The Commission views the beginning of installation as the beginning of physical modification of the site or of pre-existing facilities. Of course, any sharp line will create its own inequities and raise its own questions. The waiver provision of § 292.205(d) is available to redress those inequities, and the optional procedure for qualification under § 292.207(b) is available to answer those questions.

[22] To compute a cogeneration facility's effective heat rate, an assumption is made that the thermal output of the facility would have to be supplied in any event. A certain quantity of fuel would be needed to satisfy the thermal load in the absence of cogeneration. For example, if a steam turbine topping-cycle cogeneration facility were not installed, a conventional steam boiler would raise the steam. With the topping-cycle system, slightly more fuel is burned to raise steam at a higher pressure than is needed for the thermal process. The steam is expanded in a turbine, generating electricity and exhausting steam at the proper pressure for the thermal process. Effective heat rate is computed by dividing the extra energy supplied to the facility by the electricity generated.

[23] A Btu of electricity, for example, is worth more than a Btu of low pressure steam. The steam may be used for heat, but it is not useful for lighting or operating a television set. The "Second Law Efficiency" concept accurately reflects the usefulness of various forms of energy.

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supplementary firing. The need for standards in this case was acknowledged by several commenters.

When supplementary firing is used in a bottoming-cycle cogeneration facility, more than reject heat is used to generate electricity. Scarce fossil fuels can be introduced without the inherent efficiency advantages of sequential use. In order to restrict the potential for abuse, the Commission has adopted a simple efficiency test similar to that suggested by one of the commenters. The standard relates only to facilities installation [24] of which began on or after March 13, 1980, and for which any of the energy input as supplementary firing is oil or natural gas. Paragraph (b)(1) specifies that the useful power output of the bottoming cycle must, during any calendar year, be no less than 45 percent of the energy input of natural gas and oil for supplementary firing. The Commission notes that the fuels used in the thermal process "upstream" from the bottoming-cycle facility's power production system are not considered in this efficiency test. The use of the lower heating value, consistent with the proposed rules, is advantageous to cogenerators in that the latent heat of combustion water cannot be effectively recovered by any practical bottoming-cycle technology currently foreseeable.

§ 292.205(c) Exemption from incremental pricing.

One of the incentives for cogeneration is found not in PURPA but in the Natural Gas Policy Act of 1978 (NGPA). In section 206(c), the Commission is given the discretion to exempt qualifying cogeneration facilities from its incremental pricing program developed under Title II of the NGPA.

On September 28, 1979, the Commission issued final rules implementing the incremental pricing provisions of the Natural Gas Policy Act of 1978.[25] These rules provide, among other things, that natural gas used by "a qualifying cogeneration facility" shall be exempt from the incremental pricing provisions of the NGPA.[26] A qualifying cogeneration facility is defined in the regulations as a cogeneration facility which meets the requirements prescribed by the Commission pursuant to section 201 of the Public Utility Regulatory Policies Act of 1978 (PURPA).[27]

In this paragraph, the Commission has set forth the requirements for exemption from incremental pricing. Paragraph (c)(1) allows that any topping-cycle cogeneration facility which is a qualifying facility under § 292.203(b), and, if not already required to do so, meets the operating and efficiency standards under paragraphs (a)(1) and (2)(i) of this section, or is a qualifying facility under Subpart E of this part, may obtain an exemption from incremental pricing for its natural gas use.

Paragraph (c)(2) enables natural gas used in bottoming-cycle cogeneration facilities and which is not exempt from incremental pricing under Subpart E of this part to obtain exemption under this subpart to the extent that reject heat emerging from the useful thermal energy process is made available for use for power production. The Commission feels that these requirements adequately reflect the goal of PURPA to encourage the efficient use of energy by cogeneration facilities. To the extent that a facility makes available its reject thermal energy to produce power, the Commission believes it should obtain the benefit of exemption from incremental pricing.

The Commission does not intend for this subpart to interfere with any exemptions provided under Subpart E. Therefore, paragraph (c)(3) provides that any person who obtained an exemption under Subpart E is not affected by this provision.

Paragraph (c)(4) provides that natural gas used for supplementary firing in any cogeneration facility is not eligible for exemption from incremental pricing under this subpart. However, natural gas used for supplementary firing of a bottoming-cycle facility would be exempted under the Commission's Order No. 49–A, to the extent that the facility generates electricity which is sold to a utility.[28]

When the final regulations under Phase II of incremental pricing take effect and the Commission can then better assess their implications, the Commission may wish to revise the exemptions from incremental pricing to cogeneration facilities, including the exemption provided in the Interim Rule under Subpart E.

§ 292.205(d) Waiver.

This paragraph provides that the Commission will consider waiving any of the standards described above upon a showing that the facility will produce significant energy savings.

§ 292.206 Ownership criteria.

Section 292.206 is designed to implement the statutory requirement that a qualifying small power production facility or cogeneration facility must be owned by a person not primarily engaged in the generation or sale of electric power (other than electric power solely from cogeneration facilities or small power production facilities). Regarding this provision, the Commission notes that the Conference Report states that:

> [e]lectric utilities may participate in an entity which owns such (qualifying small power production or cogeneration) facilities with other persons, and such entity could qualify under these definitions.
>
> The test of this case is whether the entity which owns the facility is primarily engaged in the generation or sale of electric power other than in connection with its ownership of the cogeneration facilities or small power production facilities.[29]

Thus, either directly or through a subsidiary company, an electric utility could participate in the ownership of a qualifying cogeneration or small power production facility.

Several commenters noted that under a literal interpretation of the Conference Report's statement, several electric utilities could form a subsidiary which owned small power production or cogeneration facilities. Such a subsidiary would constitute an entity which is not primarily engaged in the generation or sale of electric power other than in connection with its ownership of cogeneration or small power production facilities. Under such an interpretation, the subject facilities would be eligible to receive qualifying status.

The Commission believes, however, that the thrust of section 201 of PURPA is to limit the advantages of qualifying status to cogeneration and small power production facilities which are not owned primarily by electric utilities or their subsidiaries. The proposed rule provided that if, based on the proportion of ownership by electric utilities, public utility holding companies, or subsidiaries of either, more than 50 percent of the entity which owns the cogeneration or small power production facility is comprised of these electric utility interests, then the facilities are not qualifying facilities. This language has been incorporated into these final rules; the comments on this section provided no sufficient reasons in the Commission's judgment for changing the percentage.

[24] In the case of bottoming-cycle cogeneration in which electric generating equipment is retrofitted to existing sources of industrial reject heat, the date at which installation begins is the date on which the retrofit is begun.

[25] 18 CFR Part 282, 44 FR 57226 (Oct. 5, 1979).

[26] 18 CFR 282.201(a).

[27] 18 CFR 282.202(e).

[28] See Order No. 49–A, issued December 27, 1979, in Docket No. RM79–14, 45 FR 21 (Jan. 2, 1980).

[29] Conference Report on H.R. 4018, Public Utility Regulatory Policies Act of 1978, H. Rep. No. 1750, 89, 95th Cong., 2d Sess. (1978).

The Commission emphasizes the fact that nothing in this program limits the extent of utility ownership or operation of cogeneration or small power production facilities. The Commission notes the statement in the Conference Report that:

> . . . it is also the intention of the conferees that the definition of "qualifying cogeneration facility" and "qualifying small power production facility" will not be construed as prohibiting or discouraging electric utilities from cogenerating.[30]

Utilities may not, however, qualify for the benefits under this program if their ownership interests exceed the limits set forth in this rule.

Both the provisions in section 3(17)(C)(ii) and 3(18)(B)(ii) of the Federal Power Act, as amended by section 201 of PURPA, use the term person in describing who may own a qualifying cogeneration facility and qualifying small power production facility. The Commission has incorporated the ownership criteria under this section of the regulations and has used the term—person—found in the statute.

A few commenters questioned whether a municipality (or any other agency or instrumentality of State or Federal government) falls within the definition of the term "person" as used in definitions (17) and (18) in section 3 of the Federal Power Act. It is the Commission's view that the term "person," for purposes of qualifying under this program, does include municipalities (or any other agency or instrumentality of State or Federal government). This view is supported by case law in which the courts have treated municipalities and other units of State and Federal government as persons under other sections of the Federal Power Act. *See, e.g., United States v. Public Utilities Commission of California*, 345 U.S. 295 (1953); and *New England Power Co. v. FPC*, 349 F.2d 258 (1st Cir. 1965). The cases touching on the issue of these agencies as persons are very expansive (see the *California Public Utility Commission* decision cited above which was decided by the Supreme Court in 1953). Therefore, under past practice, the Commission and the courts have not interpreted "person" to exclude a municipality or other unit of State and Federal government from the benefits of any action of the Federal Power Act.

In addition, in that there is no indication that the Congress meant to deny qualification to these agencies or instrumentalities, the Commission finds no policy grounds for denying these agencies or instrumentalities qualifying status. Therefore, both as a matter of law and as a matter of policy, the term "person" as used in section 3(17)(C)(ii) and 3(18)(B)(ii) includes these agencies or instrumentalities. The effect of this is to allow these agencies or instrumentalities the opportunity to participate in this program if they otherwise meet the standards for qualification set out in this subpart.

§ 292.207 Procedures for obtaining qualifying status.

This section sets forth the procedures for obtaining qualifying status. Paragraph (a)(1) provides that a small power production facility which meets the criteria for qualification set forth in § 292.203 is a qualifying facility. As discussed above, the Commission has eliminated the mandatory case-by-case qualification procedure contained in the proposed rule.

Paragraph (a)(2) requires any owner or operator of a facility qualifying under paragraph (a)(1) to furnish notice to the Commission. The contents of the notice shall contain the information required of an applicant for qualifying status in paragraph (b)(2)(i) through (b)(2)(iv) described below. The Commission is requiring such notice for purposes of monitoring the market penetration of qualifying facilities, in compliance with its responsibilities under the National Environmental Policy Act of 1969, as previously discussed in this preamble.

Paragraph (b) provides an optional procedure whereby the owner or operator of a small power production facility may, should it prove desirable, file an application with this Commission for certification that the facility or cogeneration facility is a qualifying facility. The application must contain enough information to enable the Commission to make an accurate finding that the facility should or should not be certified.

Specifically, paragraph (b)(i) through (v) provides that each application must contain the name and address of the applicant and the location of the facility, a brief description of the facility including a statement indicating whether such facility is a small power production facility or a cogeneration facility, the primary energy source used or to be used by the facility, the rated power production capacity of the facility, and the percentage of ownership by electric utilities, or public utility holding companies, or by any person owned by either.

Applications by owners or operators of small power production facilities must also contain the location of the facility in relation to any other small power production facilities within one mile of the facility owned by the applicant which use the same energy resources, and information identifying any planned usage of natural gas, oil or coal.

An application by a cogenerator must contain the date installation facility commenced, a description of the cogeneration of the facility, including whether the facility is a topping or bottoming cycle, and sufficient information to determine that any applicable efficiency or operating requirements have been met.

Paragraph (b)(5) sets forth the procedures to be used by the Commission to determine whether a facility is to be granted qualifying status. It provides that, within 90 days of the filing of a complete application, the Commission shall issue an order granting or denying the application, extending the time for issuance of an order, or setting the matter for hearing. If no order is issued within 90 days of the filing of the application, it shall be deemed to have been granted.

The Commission will rely on its existing procedures for any person to file a petition for reconsideration of any Commission action instead of employing the protest procedure contained in the proposed rule.

Several commenters, while offering support for the elimination of filing and notice requirements for smaller facilities, acknowledged the useful purpose that would be served by a requirement that a larger facility give notice to the affected utility of its qualifying status and its intention that such utility purchase its power. Accordingly, the Commission has provided a requirement in paragraph (c) that an electric utility is not required to purchase electric energy from a facility with a design capacity of 500 kilowatts or more until 90 days after the facility notifies the utility that it is a qualifying facility, or 90 days after the facility has applied to the Commission under paragraph (b).

Paragraph (d)(1) provides that the Commission may revoke the qualifying status of a facility if it ceases to comply with any of the statements contained in its application for Commission certification. The Commission may do so on its own motion, or upon a motion to reconsider any certification previously granted. In either case, the Commission will act only after providing an opportunity for a hearing. Paragraph (d)(2) provides that, prior to undertaking any substantial alteration of a qualifying facility, a small power producer or cogenerator may, should it prove

[30] Conference Report on H.R. 4018, Public Utility Regulatory Policies Act of 1978, H. Rep. No. 1750, 89–90, 95th Cong., 2d Sess. (1978).

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desirable, apply to the Commission for a determination that the facility, as modified, will retain its qualifying status.

IV. Effective Date

The Conference Report indicates that rules respecting criteria for qualifying facilities be prescribed "as soon as practicable" in order that persons may ascertain in advance of construction or operation of any facility whether or not such facility will meet the criteria established. The Commission believes, therefore, that good cause exists under 5 U.S.C. 553(d) to make the rules promulgated in this order effective immediately.

These rules have been promulgated under the Federal Power Act, as amended by PURPA, and, therefore, a right to rehearing exists under section 313 of the Federal Power Act.

(Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601, *et seq.*, Energy Supply and Environmental Coordination Act, (15 U.S.C. 791 *et seq.*), Federal Power Act, as amended, 16 U.S.C. 792 *et seq.*, Department of Energy Organization Act, (42 U.S.C. 7101 *et seq.*), E.O. 12009, 42 FR 46267, Natural Gas Policy Act of 1978, (15 U.S.C. 3301, *et seq.*))

In consideration of the foregoing, the Commission amends Part 292 of Chapter I, Title 18, Code of Federal Regulations, as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. Part 292 of Subchapter K is amended by adding a new Subpart B to read as follows:

Subpart B—Qualifying Cogeneration and Small Power Production Facilities

Sec.

292.201 Scope.
292.202 Definitions.
292.203 General requirements for qualification.
292.204 Criteria for qualifying small power production facilities.
292.205 Criteria for qualifying cogeneration facilities.
292.206 Ownership criteria.
292.207 Procedures for obtaining qualifying status.

Authority: Public Utility Regulatory Policies Act of 1978, (16 U.S.C. 2601, *et seq.*), Energy Supply and Environmental Coordination Act, (15 U.S.C. 791 *et seq.*), Federal Power Act, as amended, (16 U.S.C. 792, *et seq.*), Department of Energy Organization Act, (42 U.S.C 7101 *et seq.*), E.O. 12009, 42 FR 46267, Natural Gas Policy Act of 1978, (15 U.S.C. 3301, *et seq.*))

Subpart B—Qualifying Cogeneration and Small Power Production Facilities

§ 292.201 Scope.

This subpart applies to the criteria for and manner of becoming a qualifying small power production facility and a qualifying cogeneration facility under sections 3(17)(C) and 3(18)(B), respectively, of the Federal Power Act, as amended by section 201 of the Public Utility Regulatory Policies Act of 1978 (PURPA).

§ 292.202 Definitions.

For purposes of this subpart:

(a) "Biomass" means any organic material not derived from fossil fuels;

(b) "Waste" means by-product materials other than biomass;

(c) "Cogeneration facility" means equipment used to produce electric energy and forms of useful thermal energy (such as heat or steam), used for industrial, commercial, heating, or cooling purposes, through the sequential use of energy;

(d) "Topping-cycle cogeneration facility" means a cogeneration facility in which the energy input to the facility is first used to produce useful power output, and the reject heat from power production is then used to provide useful thermal energy;

(e) "Bottoming-cycle cogeneration facility" means a cogeneration facility in which the energy input to the system is first applied to a useful thermal energy process, and the reject heat emerging from the process is then used for power production;

(f) "Supplementary firing" means an energy input to the cogeneration facility used only in the thermal process of a topping-cycle cogeneration facility, or only in the electric generating process of a bottoming-cycle cogeneration facility;

(g) "Useful power output" of a cogeneration facility means the electric or mechanical energy made available for use, exclusive of any such energy used in the power production process;

(h) "Useful thermal energy output" of a topping-cycle cogeneration facility means the thermal energy made available for use in any industrial or commercial process, or used in any heating or cooling application;

(i) "Total energy output" of a topping-cycle cogeneration facility is the sum of the useful power output and useful thermal energy output;

(j) "Total energy input" means the total energy of all forms supplied from external sources other than supplementary firing to the facility;

(k) "Natural gas" means either natural gas unmixed, or any mixture of natural gas and artificial gas;

(l) "Oil" means crude oil, residual fuel oil, natural gas liquids, or any refined petroleum products; and

(m) Energy input in the case of energy in the form of natural gas or oil is to be measured by the lower heating value of the natural gas or oil.

§ 292.203 General requirements for qualification.

(a) *Small power production facilities.* A small power production facility is a qualifying facility if it:

(1) Meets the maximum size criteria specified in § 292.204(a);

(2) Meets the fuel use criteria specified in § 292.204(b); and

(3) Meets the ownership criteria specified in § 292.206.

(b) *Cogeneration facilities.* (1) Unless excluded under paragraph (c), a cogeneration facility is a qualifying facility if it:

(i) Meets any applicable operating and efficiency standards specified in § 292.205 (a) and (b); and

(ii) Meets the ownership criteria specified in § 292.206.

(2) For purposes of qualification of a cogeneration facility for exemption from incremental pricing, a cogeneration facility must qualify under § 292.205(c).

(c) *Interim exclusion.* (1) Pending further Commission action, any cogeneration facility which is a new diesel cogeneration facility may not be a qualifying facility.

(2) A new diesel cogeneration facility is a cogeneration facility:

(i) Which derives its useful power output from a diesel engine, and

(ii) The installation of which began on or after March 13, 1980.

§ 292.204 Criteria for qualifying small power production facilities.

(a) *Size of the facility*—(1) *Maximum size.* The power production capacity of the facility for which qualification is sought, together with the capacity of any other facilities which use the same energy resource, are owned by the same person, and are located at the same site, may not exceed 80 megawatts.

(2) *Method of calculation.* (i) For purposes of this paragraph, facilities are considered to be located at the same site as the facility for which qualification is sought if they are located within one mile of the facility for which qualification is sought and, for hydroelectric facilities, if they use water from the same impoundment for power generation.

(ii) For purposes of making the determination in clause (i), the distance between facilities shall be measured from the electrical generating equipment of a facility.

(3) *Waiver.* The Commission may modify the application of subparagraph (2) for good cause.

(b) *Fuel use.* (1)(i) The primary energy source of the facility must be biomass, waste, renewable resources, or any combination thereof, and more than 50 percent of the total energy input must be from these sources.

(ii) Any primary energy source which, on the basis of its energy content, is 50 percent or more biomass shall be considered biomass.

(2) Use of oil, natural gas, and coal by a facility may not, in the aggregate, exceed 25 percent of the total energy input of the facility during any calendar year period.

§ 292.205 Criteria for qualifying cogeneration facilities.

(a) *Operating and efficiency standards for topping-cycle facilities*—(1) *Operating standard.* For any topping-cycle cogeneration facility, the useful thermal energy output of the facility must, during any calendar year period, be no less than 5 percent of the total energy output.

(2) *Efficiency standard.* (i) For any topping-cycle cogeneration facility for which any of the energy input is natural gas or oil, and the installation of which began on or after March 13, 1980, the useful power output of the facility plus one-half the useful thermal energy output, during any calendar year period, must:

(A) Subject to paragraph (a)(2)(i)(B) of this section be no less than 42.5 percent of the total energy input of natural gas and oil to the facility; or

(B) If the useful thermal energy output is less than 15 percent of the total energy output of the facility, be no less than 45 percent of the total energy input of natural gas and oil to the facility.

(ii) For any topping-cycle cogeneration facility not subject to paragraph (a)(2)(i) of this section there is no efficiency standard.

(b) *Efficiency standards for bottoming-cycle facilities.* (1) For any bottoming-cycle cogeneration facility for which any of the energy input as supplementary firing is natural gas or oil, and the installation of which began on or after March 13, 1980, the useful power output of the facility must, during any calendar year period, be no less than 45 percent of the energy input of natural gas and oil for supplementary firing.

(2) For any bottoming-cycle cogeneration facility not covered by subparagraph (1) of this paragraph, there is no efficiency standard.

(c) *Exemption from incremental pricing.* (1) Natural gas used in any topping-cycle cogeneration facility is eligible for an exemption from incremental pricing under Title II of the Natural Gas Policy Act of 1978 (NGPA) and Part 282 of the Commission's rules if:

(i) The facility meets the operating and efficiency standards under paragraphs (a)(1) and (2)(i) of this section and is a qualifying facility under § 292.203(b)(1); or

(ii) The facility is a qualifying facility under Subpart E of this part.

(2) Natural gas used in any bottoming-cycle cogeneration facility, not subject to an exemption from incremental pricing under Subpart E of this part, is eligible for an exemption under Title II of the NGPA and Part 282 of the Commission's rules to the extent that reject heat emerging from the useful thermal energy process is made available for use for power production.

(3) Nothing in this subpart affects any exemption provided under Subpart E of this part.

(4) Natural gas used for supplementary firing in any cogeneration facility is not eligible under this part for exemption from incremental pricing.

(d) *Waiver.* The Commission may waive any of the requirements of paragraphs (a), (b) and (c) of this section upon a showing that the facility will produce significant energy savings.

§ 292.206 Ownership criteria.

(a) *General rule.* A cogeneration facility or small power production facility may not be owned by a person primarily engaged in the generation or sale of electric power (other than electric power solely from cogeneration facilities or small power production facilities).

(b) *Ownership test.* For purposes of this section, a cogeneration or small power production facility shall be considered to be owned by a person primarily engaged in the generation or sale of electric power, if more than 50 percent of the equity interest in the facility is held by an electric utility or utilities, or by a public utility holding company, or companies, or any combination thereof. If a wholly or partially owned subsidiary of an electric utility or public utility holding company has an ownership interest of a facility, the subsidiary's ownership interest shall be considered as ownership by an electric utility or public utility holding company.

§ 292.207 Procedures for obtaining qualifying status.

(a) *Qualification.* (1) A small power production facility or cogeneration facility which meets the criteria for qualification set forth in § 292.203 is a qualifying facility.

(2) The owner or operator of any facility qualifying under this paragraph shall furnish notice to the Commission providing the information set forth in paragraph (b)(2)(i) through (iv) of this section.

(b) *Optional procedure*—(1) *Application for Commission certification.* Pursuant to the provisions of this paragraph, the owner or operator of the facility may file with this Commission an application for Commission certification that the facility is a qualifying facility.

(2) *General contents of application.* The application shall contain the following information:

(i) The name and address of the applicant and location of the facility;

(ii) A brief description of the facility, including a statement indicating whether such facility is a small power production facility or a cogeneration facility;

(iii) The primary energy source used or to be used by the facility;

(iv) The power production capacity of the facility; and

(v) The percentage of ownership by any electric utility or by any public utility holding company, or by any person owned by either.

(3) *Additional application requirements for small power production facilities.* An application by a small power producer for Commission certification shall contain the following additional information:

(i) The location of the facility in relation to any other small power production facilities located within one mile of the facility, owned by the applicant which use the same energy source; and

(ii) Information identifying any planned usage of natural gas, oil or coal.

(4) *Additional application requirements for cogeneration facilities.* An application by a cogenerator for Commission certification shall contain the following additional information:

(i) A description of the cogeneration system, including whether the facility is a topping or bottoming cycle and sufficient information to determine that any applicable requirements under § 292.205 will be met; and

(ii) The date installation of the facility began or will begin.

(5) *Commission action.* Within 90 days of the filing of an application, the Commission shall issue an order granting or denying the application, tolling the time for issuance of an order, or setting the matter for hearing. Any order denying certification shall identify

the specific requirements which were not met. If no order is issued within 90 days of the filing of the complete application, it shall be deemed to have been granted.

(c) *Notice requirements for facilities of 500 kW or more.* An electric utility is not required to purchase electric energy from a facility with a design capacity of 500 kW or more until 90 days after the facility notifies the utility that it is a qualifying facility, or 90 days after the facility has applied to the Commission under paragraph (b) of this section.

(d) *Revocation of qualifying status.* (1) The Commission may revoke the qualifying status of a qualifying facility which has been certified under this section if such facility fails to comply with any of the statements contained in its application for Commission certification.

(2) Prior to undertaking any substantial alteration or modification of a qualifying facility which has been certified under this section, a small power producer or cogenerator may apply to the Commission for a determination that the proposed alteration or modification will not result in a revocation of qualifying status.

Appendix I

Note.—This Appendix should not be included in the text of the regulations in the Code of Federal Regulations.

Summary of Comments on Preliminary Environmental Assessment

General. Numerous comments addressed the Environmental Assessment in general and discuss the need for a programmatic environmental impact statement (EIS).

Some of the comments favored an environmental impact statement. The New England Chapter of the Sierra Club stated that it is in accord with the general thrust of the Environmental Assessment. However, it is concerned with the encouragement of those technologies which utilize non-renewable energy resources and with those technologies which, if uncontrolled, tend to produce large quantities of pollutants. Therefore, the commenter stated that a generic EIS is needed to examine the absolute environmental effects of the rulemaking in encouraging all the assumed "benign" technologies.

This commenter also concurred with the suggestion that, pending issuance of a generic environmental impact statement, the Commission should proceed with the implementation of rules and regulations under sections 201 and 210 of PURPA, except for technologies which may result in significant impacts as a result of the rules. For these technologies, the comments recommended that the Commission should proceed promptly to produce a comprehensive generic environmental impact statement.

Southern Company Services suggested that while the requirement to file an environmental impact statement may temporarily discourage cogeneration or small power production, it appears to be the only procedure for determining the environmental acceptability of a qualifying facility.

The Solar Lobby endorsed preparation of an EIS only where the environmental consequences of a qualifying facility are clearly negative. This commenter recommended that the more benign technologies should be encouraged even while appropriate generic environmental impact studies are performed.

Arthur D. Nadler Associates added that the environmental impact statement requirements should be kept to a minimum and be consistent with the small size of the facilities generally associated with those technologies.

Other commenters are opposed to the idea of a generic EIS. The California Energy Commission argued that the Commission's Environmental Assessment is adequate and that an EIS should not be required, particularly since any individual qualifying facility will receive State and Federal environmental scrutiny before it is constructed.

The California Energy Commission also suggested that the delay in adopting these regulations while an EIS is prepared and issued would itself cause adverse environmental and socioeconomic effects. Arizona Public Service Company and Brooklyn Union Gas Company concurred with the thrust of California's comment that, "Qualifying facilities will be delayed or not developed if the regulations are not adopted immediately. The failure to develop these qualifying facilities in a timely fashion will result in increased air pollution and adverse socioeconomic impacts from the increased consumption of imported oil and other fossil fuels during the period until the regulations are issued."

The Missouri Public Service Commission stated that for residential cogenerators or small power production facilities, an environmental impact statement will work as a disincentive, hindering consumer efforts at alleviating the energy problem. This commenter noted that while section 201 and 210 rules do have an effect on the quality of the human environment, it is a very beneficial one in that this program offers some viable alternatives for easing the energy problem. "As little interference by government with its agencies should be the goal so that American ingenuity and know-how can flourish."

Pan Tech Management stated that the PURPA rules will not constitute an action that will significantly affect the environment. This commenter recommended that the Commission promulgate the proposed rule with appropriate modifications based on public comment, but that it should not withhold promulgation of any part of the rules pending preparation of an EIS. The Commission should, in this commenter's view, review case-by-case, certain locations where environmental quality may already be below the standard (i.e. non-attainment areas with regard to air quality criteria), thus precluding the implementation of certain technologies.

The Colorado Office of Energy Conservation suggested that a much more critical need than an EIS for small power producers is a social and economic impact analysis.

Cogeneration technologies and their environmental impacts.

With regard to cogeneration, the commenters generally suggested that diesel cogeneration in congested urban areas may have adverse air quality effects.

Consolidated Edison, Boston Edison and Union Electric and separate comments by Southern Company Services stated that the proliferation of relatively small diesel cogeneration units installed in residential and commercial buildings would significantly affect the environment. The joint comments noted that each individual unit would likely escape any meaningful environmental review by State and Federal environmental authorities under current regulations, and yet the cumulative impact could well be serious. It was asserted that the problem will be particularly acute in areas where the attainment of national ambient air standards already is marginal (most congested urban areas), and where increases in pollutant concentrations would restrict opportunity for urban development and economic recovery. It was further asserted that most of the cogeneration is likely to be diesel engines, which these commenters stated emit larger amounts of some critical pollutants, per unit of energy produced, than do properly designed central power station plants. The joint comments stressed that cogeneration facilities discharge pollutants in non-buoyant plumes at roof-top levels which it was claimed will cause far greater pollution concentrations at street levels where people live and breathe, than do the buoyant plumes from the high, free-standing stacks of powerplants.

One of the commenters, Consolidated Edison, stated that on-site electric generation using diesel engines with waste heat recovery systems is already an economic alternative to its electric service or, in some cases, a combination of its electric and steam services, for some 395 customers representing a combined peak load of more than 1,000 MW. As additional incentives are added to the already favorable tax and regulatory climate for cogeneration installations in its service area, the utility claimed that the potential for conversions from central station to on-site generation could increase.

Consolidated Edison cited several studies prepared at its request which indicated that nitrogen dioxide (NO_2) standards in Manhattan could be contravened with the addition of as little as 240 MW of diesel cogeneration facilities in that borough. Consolidated Edison also stated that the studies indicated that the primary annual air quality standard for sulfur dioxide (SO_2) will be exceeded after several hundred more megawatts of diesel cogeneration capacity are installed.

Thomas Casten, speaking on behalf of The Cogeneration Society of New York, criticized several assumptions used in the Consolidated Edison studies. First he stated that several of the cogeneration facilities which the studies assumed would be installed in New York City violate existing environmental laws, and, therefore would not be installed. Secondly, he stated that these studies assume that 75 percent of the cogeneration plants would be installed in Manhattan, where environmental impacts would be most severe. He noted that eighteen of nineteen existing cogeneration plants in New York city are located outside of Manhattan.

This commenter next criticized the assumption that more than one thousand megawatts of diesel cogeneration will be installed in the New York City area, on the basis that this figure seems to exaggerate greatly the likely amount of cogeneration capacity. In addition, he contended that the standards used for measuring the emissions were those used for truck and bus-type engines which operate at varying speeds. He stated that a typical diesel cogeneration facility would operate at a fairly constant speed; and that, at constant speeds, emissions are about one-fourth of those produced at varying speeds.

Finally, the commenter noted that these studies assumed that there would be no improvements in the environment resulting from other factors during the time that the one thousand megawatts of diesel cogeneration were projected to be installed in New York City.

Commonwealth Edison and Consolidated Edison suggested that noise produced by diesel engines is a very serious environmental impact, and that the impact in any specific area is independent of the total number of units in any region. These commenters recommended that an environmental noise impact assessment be prepared and the appropriate noise abatement measures be included in the on-site diesel-engine installations. This could be done, they asserted, by requiring potential cogeneration facilities to prepare a noise emission analysis showing that the emissions would not contravene local or State requirements.

Consolidated Edison, Boston Edison, Union Electric and Southern Company Services, Inc. recommended that in light of the serious environmental consequences which are likely to flow from these rules, it is incumbent upon the Commission to accompany its proposed rules with a draft environmental impact statement.

Furthermore, Consolidated Edison, Boston Edison, and Union Electric suggested that an environmental impact statement should be required with respect to each new cogeneration facility having the potential for a significant adverse impact on the environment. The comments stated that any proposed facility having a generating capacity of 500 kW or more would have such an impact and should require an EIS.

Brooklyn Union Gas Company surveyed eight companies with cogeneration facilities and concluded that no environmental problems have been associated with the operation of the facilities. The facilities obtained the required air emissions permits and have been operating in compliance with applicable air quality regulations.

Penti Aalto, a consultant, suggested that all types of cogeneration facilities be permitted without an EIS, subject to periodic review of the system as a whole. If problem areas appear, then appropriate action could be taken.

The New York State Public Service Commission proposed limiting qualifying status to suitable locations or limiting the density of qualifying facilities in any given area.

The New York State Energy Office stated that an EIS is not necessary at this time. It proposed as an alternative that the Commission consider imposing a direct limitation upon the density of diesel cogeneration in large populated urban areas since the preliminary EA concludes that the number and density of urban diesel cogenerators determines the environmental risk.

Small Power Production Facilities.

Solar Energy. The Colorado Solar Energy Association stated that nearly all solar electric options are far less damaging to the environment than fossil-fueled or nuclear electric generation. He noted that implementation of PURPA must not be delayed by requiring the preparation of lengthy and time consuming environmental impact statements for renewable energy based qualifying facilities.

Geothermal Energy. The New England Chapter of the Sierra Club suggested that geothermal power production using hot brine sources is acknowledged to pose problems of air and water pollution and a potential toxic waste disposal problem. This commenter recommended that since there are no immediate plans for small power plant construction using hot geothermal brine (it is their understanding that such power production is currently uneconomic), it seems unnecessary to promulgate rules to encourage its use prior to preparation of the generic EIS.

Small-Scale Hydropower. The State of Vermont—Agency of Environmental Conservation stated that the small hydro summary in the preliminary EA was incorrect in stating that instances are rare where there is significant impact from facilities being added to an existing dam. It was stated that as in the Bolton Falls project, or at Ball Mountain, the impact of development could be significant in terms of water quality, fishery habitat and production, recreation, and possibly aesthetics.

The New England Chapter of the Sierra Club suggested that run-of-river hydro installations suffer from the same siltation, turbidity, and biological oxygen demand problems as do generating capacity additions at existing dams. Because almost all new non-Federal hydroelectric projects must be licensed by the Commission and environmentally evaluated on a case-by-case basis, this commenter concurred with the promulgation of rules allowing qualification of small hydroelectric projects at existing dams. It was asserted that run-of-river hydroelectric projects, however, pose an additional problem: the potential for diversion of water from existing channels. Unless all run-of-river hydro projects are to be environmentally evaluated on case-by-case basis, this commenter recommended that qualifying status be withheld until after completion of the generic EIS.

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Municipal Waste. Wheelabrator-Frye, Inc. stated that the encouragement of small power production and cogeneration fueled by municipal solid waste does not constitute a "major federal action significantly affecting the quality of the human environment." This commenter stated that small power production facilities which use such a feedstock produce a significant net *positive* impact on the overall environment since they reduce dependence upon highly polluting "open dumping" practices and encourage more efficient community solid waste management practices. He cited as an example one of the projects sponsored by his firm which has achieved waste volume reduction of more than 90 percent through currently available mass combustion technologies. He suggested that the quantity of waste requiring land disposal sites, as a result of processing through such facilities, is greatly reduced and more readily controlled and contained.

This commenter also suggested that since current EPA standards governing State implementation plans and new source performance procedures assure the conformance of such projects with the attainment of national air quality standards, no environmental impact statement need be filed by these facilities.

However, the New England Chapter of the Sierra Club stated that incineration of municipal wastes for power production purposes presents a potential problem in the emission of toxic substances, especially the more volatile heavy metals like mercury, cadmium and lead. With the eventual issuance of EPA regulations implementing the Toxic Substances Control Act, these emissions will be regulated; at this time they are not. This commenter does not propose an exception for municipal waste, but is concerned that any Commission regulations which encourage the incineration of municipal waste should insist on appropriate control technology.

Biomass. The New York State Energy Office and the Hawaiian Sugar Planter's Association stated that a detailed Environmental Assessment is not warranted for any of the biomass fuels already in use at small power production facilities.

The Hawaiian Sugar Planter's Association suggested that, in large part, the PURPA incentives should operate to encourage sugar factories to make more efficient use of the biomass already being burned and more efficient use of the steam being produced.

The New England Chapter of the Sierra Club stated that emission, soil tilth, fertility, and land use questions are present for biomass fuel. This commenter is concerned with the social effects of industrialization of agricultural areas induced by new biomass cogeneration facilities. "Biomass generally will provide relatively small amounts of net energy per unit mass or volume. As a result, encouragement of new biomass cogeneration facilities will tend to increase rural industrialization because high transportation costs will attract industrial cogenerators to the source of the biomass."

This commenter stated that it is not necessary to require an environmental impact statement for existing facilities or biomass cogeneration which use on-site produced waste—such as sawdust. However, it was suggested that an impact statement for new biomass-based cogeneration facilities which import off-site produced forest or agricultural products for the purpose of cogeneration should be required. "Cogeneration based on the use of stockyard wastes, kelp or similar sources need not be excepted if a thorough generic EIS is planned."

The Solar Energy Research Institute suggested that it is a mistake to group all types of "biomass" generating facilities together for environmental scrutiny. Many biomass systems use biogas in a combustion turbine and have minimal environmental impacts. This commenter recommended that several different classes of "biomass" facilities be identified and that each be considered separately.

The American Paper Institute stated that it was concerned that the Commission staff may not have taken into account many of the environmental benefits of burning wood and other biomass fuels.

Potlatch Corporation suggested that the definition of biomass in the preliminary environmental assessment is unusual and narrow. "Well-recognized concepts of biomass include all plant material including by-products of manufacturing, harvesting, and growing."

Wind. Two commenters suggested that the environmental effects of large wind energy conversion systems (WECS) can be significant. The State of Vermont—Agency of Environmental Conservation raised several problem areas. The first is that electromagnetic interference (as with radio or telecommunications) is an unknown quantity at the moment, with disagreement as to the extent of disruption that will actually be caused by a large WECS.

The second problem discussed was road construction and site preparation, especially on the fragile areas such as sites above 2500 feet in elevation. The wind energy resource appears to exist predominately at these higher elevations, yet sites which may be desirable from a power point of view are fragile and easily disrupted. Loss of vegetation cover and erosion of soil are two of the main concerns.

A third problem raised by this commenter was that the noise pollution and visual impact of the WECS were not mentioned in the summary of the preliminary Environmental Assessment.

The Solar Energy Research Institute recommended that the environmental impacts of large wind machines may need more careful scrutiny than the preliminary EA acknowledged. It was asserted that difficulties with low frequency sound and land use impacts need careful attention.

[FR Doc. 80-8565 Filed 3-19-80; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 146

[T.D. 80-87]

Foreign-Trade Zones; Customs Regulations

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Customs Service includes the cost of processing "nonprivileged" merchandise in a foreign-trade zone, and profit realized, in the dutiable value of that merchandise when it enters the customs territory of the United States. The present policy results in Customs assessing duty on the costs of American labor, overhead, facilities, and profit. This document changes Customs appraisement practice so as to exclude the cost of processing and profit realized in a foreign-trade zone when determining the dutiable value of articles produced entirely from nonprivileged merchandise (foreign or domestic), or from a combination of nonprivileged and privileged merchandise (foreign or domestic).

This change results from a Customs review of the existing policy and consideration of the numerous favorable comments received in response to an advance notice and a notice of proposed rulemaking proposing to change the policy. The change is considered to be significant.

EFFECTIVE DATE: April 21, 1980.

FOR FURTHER INFORMATION CONTACT:
Thomas Lobred, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-2938).

SUPPLEMENTARY INFORMATION:

Background

A foreign-trade zone ("zone") is established under the Foreign-Trade Zones Act (19 U.S.C. 81a–81u) and the general regulations and rules of procedure of the Foreign-Trade Zones Board contained in 15 CFR Part 400. Part 146 of the Customs Regulations (19 CFR Part 146) governs the admission of merchandise into a zone; manipulation, manufacture, or exhibition of merchandise in a zone; exportation of merchandse from a zone; and transfer of merchandise from a zone into the customs territory of the United States ("customs territory").

On October 4, 1978, an advance notice of proposed rulemaking inviting comments on the advisability of changing current Customs appraisement practice to exclude the cost of American labor, overhead, facilities, and profit when determining the dutiable value of articles produced in a zone entirely or in part from nonprivileged merchandise (foreign or domestic) or from a combination of nonprivileged and privileged merchandise (foreign or domestic), was published in the Federal Register (43 FR 45885). The vast majority of the comments received favored the change proposed in the advance notice.

A notice of proposed rulemaking requesting the public to comment on a specific proposal to change the current appraisement practice and discussing the possible economic effects of the proposed change was published in the Federal Register on May 21, 1979 (44 FR 29489).

Discussion of Comments

A total of 293 comments were received. Of these, 286 favored the proposal.

In response to Customs discussion of, and request for, comments on the possible economic effects of the proposal, both those who supported and those who opposed the proposal offered principally economic arguments to bolster their position—essentially, that the proposal would be "good" or "bad" for business and the economy. However, legal and other arguments also were made by both sides.

The comments received are discussed below:

Favorable/Economic

The proposal would:

—Help both the national economy and the United States role in international trade by creating greater investment and higher employment in the United States, i.e., United States industry would not have to go abroad.
—Be anti-inflationary.
—Provide an added tax base.
—Increase United States exports because various products are exported from a zone.
—Allow operations presently performed elsewhere to be conducted in the United States; that, in turn, would help the United States balance of payments.
—Remove the unfair burden of double taxation imposed on labor in a zone, especially because local, state, and Federal taxes are imposed upon the investments made in the zone and income generated from the zone.
—Aid local economies through encouragement of investment and creation of new jobs. The use of local zones, as well as the general concept of greater zone use, would be enhanced.
—Result in substantial savings of Customs duties for zone users. Under the present system, it may cost more in duty to use a zone than not to use it.
—Not affect significantly the competitive position of the United States manufacturers of finished products.
—Eliminate, or at least minimize, the disadvantage to zones located in high cost areas in that no duty would be collected on high costs of real estate and labor. Discrimination against zones in high cost areas would end.
—Result in cash flow savings to companies that would deposit duties at the time goods leave the zone, rather than pay duty on finished goods when imported.

Favorable/Legal

—The proposal is expressive of the Congressional intent behind the Foreign-Trade Zones Act: to encourage the development of American industry and labor.
—There is no authority under current law to appraise merchandise as Customs presently is doing.
—The Secretary of the Treasury has the authority under the Foreign-Trade Zones Act and section 1624, title 19, United States Code, to fix the basis of duty as set forth in the proposal.

Favorable/Miscellaneous

—Approval of the proposal is recommended because to do otherwise would be unfair and illogical.
—The proposal would encourage the upgrading of port, marine, and terminal facilities, thereby strengthening the American shipping industry and the various ports.
—The proposal would eliminate red tape for importers who now must rely on drawback, the use of bonded warehouses, and temporary importation bonds in connection with zone merchandise.
—The proposal would aid Customs in that the calculation of duty would be less complex.
—The Tariff Schedules of the United States (TSUS) (section 1202, title 19, United States Code) are structured in a manner to encourage, in many instances, the importation of finished products rather than parts to be further processed and combined with United States-origin parts. This built-in disincentive in the tariff schedules can be overcome only by use of a zone.

Opposed/Economic

The proposal would:

—Result in injury to United States manufacturers of components.
—Result in injury to United States manufacturers of end-products.
—Reduce demand for domestic raw materials with the resultant loss of jobs.
—Not spur United States exports.
—Not result in any significant increase in United States investment.

Opposed/Legal

The proposal is contrary to Congressional intent in that value would be added to the product "outside United States commerce", thus in foreign territory, and the added value therefore should be subject to duty.

Opposed/Miscellaneous

The proposal would encourage circumvention of existing import restrictions.

All seven commenters who opposed the proposal did so based on one or more of the economic arguments listed above. Two commenters also stated that the proposal would encourage circumvention of existing import quotas.

In some cases, the reduction of the dutiable value of products manufactured in a foreign-trade zone by manufacturers already located in the United States may encourage the use of foreign parts and components. This might be the case if the FTZ manufacturer concluded that the reduction in dutiable value resulting from the rule change made the use of foreign-made parts and components less costly than domestic parts and components, and other factors typically

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favoring U.S. suppliers, such as delivery time, reliability of source, and quality control, were not important. A much more likely consequence of the change, however, is that it will tend to encourage foreign manufacturers who now assemble their products entirely outside of the United States to transfer some or all of that assembly to foreign-trade zones in the United States.

Customs finds no merit to the contention that the proposal would encourage the circumvention of existing import quotas. The change in appraisement does not in any way change the existing treatment of quota merchandise processed in a zone. With respect to such merchandise, Customs has held that articles manufactured in zones are products of the zones rather than of the countries from which the component materials were obtained. Whether or not a particular quota limitation applies to products entering the customs territory of the United States from a zone depends on the language of the particular quota provision. In situations where a quota limitation does not apply to merchandise manufactured in a zone, the Foreign-Trade Zones Board has the authority to exclude from zones any goods or manufacturing operation that in its judgement is "detrimental to the public interest". 19 U.S.C. 81o(c).

. In sum, it is Customs opinion that the proposal, on balance, will be beneficial to United States industries, employment, and the general United States economy by attracting increased assembly and manufacturing operations. Customs is sympathetic to industry concerns regarding zone activity that might affect domestic production adversely. However, as mentioned above, adequate safeguards against domestic injury exist under the regulations of the Foreign-Trade Zone Board.

Two commenters opposed the proposal as contrary to the intent of Congress when the Foreign-Trade Zones Act was enacted. They contend that a zone is "outside United States commerce" and that any value added to merchandise through processing occurs in a "foreign territory" and thus is fully dutiable. Moreover, they contend that neither the Foreign-Trade Zones Act nor the Tariff Act of 1930, as amended, authorizes Customs to adjust the valuation base of merchandise entering from a zone by deducting the value of processing which occurs in a zone.

It is Customs position that those statutes do not address how merchandise which leaves a zone is to be appraised. Certainly, as provided in the Foreign-Trade Zones Act, such merchandise is subject "to the laws and regulations of the United States affecting imported merchandise". However, the laws and regulations regarding appraisement of merchandise ordinarily are concerned with prices and costs in the country of exportation. Thus, for years an anomaly has existed which results in a zone being treated as the "country of exportation" for appraisement purposes. Customs does not believe this was the intent of Congress. As neither the Foreign-Trade Zones Act nor the Tariff Act of 1930, as amended, is explicit on this issue, Customs is not precluded from adopting the proposal for the reasons advanced by these commenters.

In light of the overwhelming public support for the proposal and Customs conclusion that there is no legal impediment to its adoption, section 146.48(e), Customs Regulations, is being amended as set forth in the May 21, 1979, notice of proposed rulemaking, subject to the clarification described below.

Clarification of Proposed Amendment

One of the commenters in favor of the proposal expressed his understanding that the words "labor cost" were not excluded intentionally from proposed section 146.48(e), but were omitted because the words "processing costs" were thought to be more inclusive and to parallel the language in section 402(d), Tariff Act of 1930, as amended (19 U.S.C. 1401a(d)), pertaining to constructed value. The commenter's understanding is correct. Labor costs are an element of processing costs.

Because of another comment, the proposal has been clarified to specify that the cost of fabrication or other processing includes general expenses and all other expenses incident to placing the merchandise in condition, packed ready for transfer into the customs territory. This clarification is designed to prevent any confusion regarding the limitation of "processing" to exclude those general and other expenses described above from the scope of the amendment.

The same commenter noted that it would be appropriate to apply the amendment to all affected entries on which "appraisement" (liquidation) had not become final on the effective date of the amendment. Customs agrees, finding that suggestion to be consistent with the intent of the proposal and sound Customs administration.

Merchandise Subject To Amendment

This amendment will apply to merchandise as to which liquidation has not become final on the effective date of the amendment.

Inapplicability of E.O. 12044

This document is not subject to the Treasury Department directive implementing Executive Order 12044, "Improving Government Regulations", because the regulation was in process before May 22, 1978, the effective date of the directive.

Drafting Information

The principal author of this document was Todd J. Schneider, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendment to the Regulations

Section 146.48(e), Customs Regulations (19 CFR 146.48(e)), is amended as set forth below:

PART 146—FOREIGN-TRADE ZONES

Section 146.48(e) is amended to read as follows:

§ 146.48 Treatment of merchandise not elsewhere provided for in this subpart.

* * * * *

(e) *Appraisement and tariff classification.* (1) Merchandise subject to the provisions of this section, upon transfer from a zone and entry for consumption or for warehousing, either immediately or after transportation in bond, shall be subject to appraisement and tariff classification in accordance with its character and condition at the time of its constructive transfer to the customs territory and, except for any different rates applicable to any privileged foreign merchandise therein, to the rate or rates of duty and tax in force at the time entry for consumption or withdrawal from warehouse for consumption is made (see sections 141.68 and 141.69 of this chapter).

(2) The value of the merchandise described in paragraph (e)(1) shall be determined in accordance with sections 402, 402a, and 500, Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402, 1500), and the related provisions of law. However, the cost of fabrication or other processing, and the general expenses and profit, related to zone operations shall be excluded when determining the dutiable value of an article produced entirely from nonprivileged merchandise (foreign or domestic), or from a combination of privileged and nonprivileged merchandise (foreign or domestic). All other expenses incurred in the zone incidental to placing the article in condition, packed ready for transfer, and freight, insurance, and similar costs incurred after the article is packed ready for transfer into the customs territory also shall be excluded in determining dutiable value.

William T. Archey,

Acting Commissioner of Customs.

Approved: February 4, 1980.

Richard J. Davis,

Assistant Secretary of the Treasury.

[FR Doc. 80-8513 Filed 3-19-80; 8:45 am]

BILLING CODE 4810-22-M

RAILROAD RETIREMENT BOARD

20 CFR Part 397

Milwaukee Railroad Restructuring Act Regulations

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: A new Subchapter I, Part 397 (previously reserved), is established for 20 CFR, Chapter II.

On November 4, 1979, the Milwaukee Railroad Restructuring Act, Pub. L. 96-101, 93 Stat. 736, was signed into law. The Act is intended to provide for the orderly restructuring of the Milwaukee Railroad and for the protection of the employees of that railroad.

The Milwaukee Railroad Restructuring Act authorizes the Railroad Retirement Board to administer certain provisions of that Act, including section 11 which provides for the establishment by the Board of lists of railroad employment opportunities and railroad employees available for railroad employment. These regulations set forth the procedures to be followed in establishing the lists and describe the information that will be required in order to compile the lists.

EFFECTIVE DATE: March 20, 1980.

FOR FURTHER INFORMATION CONTACT: Sally Marn, Milwaukee Road Administrator, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312-751-4528.

SUPPLEMENTARY INFORMATION: In accordance with the Board's report under Executive Order 12044, a proposal to develop regulations to implement the Board's responsibilities under the Milwaukee Railroad Restructuring Act was submitted to the Chief Executive Officer for a determination as to whether such regulations would be significant. The Chief Executive Officer determined that, while the proposed regulations would not be significant under the criteria established in the Board's report, the regulations should, nevertheless, be considered as significant and handled accordingly. The proposal was then submitted to the three-member Board and the Board determined that no regulatory analysis would be required. Section 397.8 set out below is one section of Part 397, which Part will encompass the regulations necessary for implementation of the Milwaukee Railroad Restructuring Act.

The Board has been notified that some employees who would be covered by these regulations have been separated from their employment with the Milwaukee Railroad. Accordingly, these regulations must be published as Final Rules, rather than Proposed Rules. The Board will, however, accept comments from the public concerning these regulations. Interested persons may submit written comments, suggestions, data, or arguments to Ms. Marn. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, 20 CFR 397.8 shall remain in effect, thus permitting the public business to proceed more expeditiously.

Title 20, Chapter II is amended by adding a new Subchapter I consisting of Part 397 to read as follows:

Title 20—Employees' Benefits

CHAPTER II—RAILROAD RETIREMENT BOARD

SUBCHAPTER I—MILWAUKEE RAILROAD RESTRUCTURING ACT REGULATIONS

PART 397—MILWAUKEE RAILROAD RESTRUCTURING ACT REGULATIONS

Sec.
397.1 [Reserved]
397.2 [Reserved]
397.3 [Reserved]
397.4 [Reserved]
397.5 [Reserved]
397.6 [Reserved]
397.7 [Reserved]
397.8 Employment of Milwaukee Road Employees.

Authority: Sec. 20, Pub. L. 96-101, 93 Stat. 746 (45 U.S.C. 918).

§§ 397.1—397.7 [Reserved]

§ 397.8 Employment of Milwaukee Road Employees.

(a) The Railroad Retirement Board shall prepare and maintain the following lists:

(1) A current list of individuals who are separated from employment with the Milwaukee Railroad, and who notify the Board that they wish to have their names included on a list to be available to rail carriers, and who have not yet obtained employment with another rail carrier;

(2) A current list of employment opportunities, by class and by craft, provided by rail carriers.

(b) The Board shall maintain the lists referred to in paragraphs (a)(1) and (a)(2) of this section through December 31, 1984.

(c) The Board shall furnish copies of the list referred to in paragraph (a)(1) of this section to any rail carrier upon request.

(d) Rail carriers shall report available job openings to the Board for purposes of inclusion in the list referred to in paragraph (a)(2) of this section. The report for each available job opening may be made either by telephone or by mail to any office of the Board. Available job openings should be listed with the Board as soon as possible but, in any event, at least concurrently with the use of any other recruitment source or effort.

(e) Each report required to be made under paragraph (d) of this section shall include the following information:

(1) The number of employees to be hired;

(2) The location of the jobs;

(3) The class or craft of the jobs or a description of the work to be performed in those jobs; and

(4) The name, address, and telephone number of the individual with authority to hire employees for each of the job openings.

(f) In order to ensure that the list of employment opportunities remains current and accurate, rail carriers shall notify the Board promptly when previously reported job openings are closed for any reason. The report of any such vacancy closure can be made either by telephone or by mail to the office of the Board with which the vacancy was originally listed. The report should identify the vacancy notice, give the number of employees hired, and give the names and social security account numbers of those hired who are former Milwaukee Road employees.

PARTS 398-399 [RESERVED]

Dated: March 13, 1980.

By authority of the Board.

R. F. Butler,

Secretary of the Board.

[FR Doc. 80-8561 Filed 3-19-80; 8:45 am]

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ENVIRONMENTAL PROTECTON AGENCY

21 CFR Part 193

[FRL 1440-7; FAP 9H5211/R53A]

Proposed Tolerance for the Pesticide Chemical N-(mercaptomethyl)phthalimide S-(O,O-dimethyl phosphorodithioate); Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This document establishes an effective date for a final rule on *N*-(mercaptomethyl)phthalimide *S*-(*O,O*-dimethyl phosphorodithioate) in the **Federal Register** of Monday, February 11, 1980 (FR Doc. 80-4308).

EFFECTIVE DATE: February 11, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. George T. LaRocca, Product Manager (PM-21), Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 (202-426-9490).

SUPPLEMENTARY INFORMATION: In FR Doc. 80-4308 appearing at page 8979 in the issue of Monday, February 11, 1980, the word "Proposed" is deleted in the heading and "DATE: Comments must be received on or before March 12, 1980" is corrected in the first column to read "EFFECTIVE DATE: February 11, 1980."

Dated: March 11, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-8708 Filed 3-19-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 841

[Docket No. N-80-987]

Public Housing Program, Development Phase; Prototype Cost Limits for Low-Income Public Housing

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of Prototype Cost Determination under 24 CFR Part 841, Appendix A.

SUMMARY: On June 6, 1979, the Department published a revised schedule of "Prototype Cost Limits for Low-Income Public Housing." After consideration of additional factual data, revisions are necessary to consolidate five existing prototype areas in Rhode Island into one area, and to increase per unit prototype cost limits for the remaining one area in the State of Rhode Island.

EFFECTIVE DATE: March 20, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Jack R. VanNess, Director, Technical Support Division, Office of Public Housing—Room 6248, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-4956 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The United States Housing Act of 1937 requires determination by HUD of the costs in different areas for construction and equipment (prototype costs) of new dwelling units suitable for occupancy by low-income families.

The prototype costs constitute a limit on development cost for construction and equipment of new public housing projects.

The prototype cost schedules published by HUD establish per unit limits on prototype costs (dwelling construction and equipment) for development of low-income public housing under the United States Housing Act of 1937. Section 6(b) of the Act provides that the prototype costs shall be effective upon the date of publication in the **Federal Register**, and this Notice is, therefore, made effective upon publication.

Timely written comments will be considered and additional amendments will be published if the Department determines that acceptance of the comments is appropriate. Comments with respect to cost limits for given location should be sent to the address indicated above.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969, has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410.

Accordingly, the per unit cost schedules setting Prototype Cost Limits for Low-Income Housing are amended as follows:

1. At 44 FR 32521 and 32522, delete the prototype per unit cost schedules for detached and semi-detached, row, walk-up and elevator dwellings, Region I, Newport, Westerly, Pawtucket, and Woonsocket, Rhode Island. Prototype per unit cost schedules for Region I, Providence, Rhode Island, will apply to the affected areas.

2. At 44 FR 32521, revise the per unit cost schedule for detached and semi-detached, row, walk-up and elevator dwellings, Region I, Providence, Rhode Island, in accordance with the following schedule.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Sec. 6(b) U.S. Housing Act of 1937, 42 U.S.C. 1437(d))

Issued at Washington, D.C. on March 12, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

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REGION I

Providence, Rhode Island	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	27,200	32,500	35,750	42,900	51,600	57,450	60,100
Row Dwellings	25,750	30,650	34,300	40,700	48,850	54,500	57,100
Walk-Up	22,150	27,400	30,900	36,900	42,450	46,750	49,050
Elevator-Structure	28,350	32,900	41,750				

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

[FR Doc. 80-8553 Filed 3-19-80; 8:45 am]

BILLING CODE 4210-01-C

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 221

Wind River Irrigation Project, Wyo.; Operation and Maintenance Charges on Trust Land; Deletion of Unnecessary Regulations

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Final rule.

SUMMARY: This document removes provisions related to the operation and maintenance charges on trust land of the Wind River Irrigation Project, Fort Washakie, Wyoming. This action is necessary to reflect Code of Federal Regulation amendments providing the Officer-in-Charge with greater flexibility in the day-to-day operation of the Project.

EFFECTIVE DATE: This action shall become effective on March 20, 1980.

FOR FURTHER INFORMATION CONTACT: Sidney J. Spiegel, Telephone (202) 343–2245.

SUPPLEMENTARY INFORMATION: In the June 14, 1977, **Federal Register** (42 FR 30361) there was published a notice of final rule on new general regulations governing the operation and maintenance of Indian Irrigation Projects. The revision consolidated the regulations for all Indian Irrigation Projects in a new Part 191 of Title 25 of the Code of Federal Regulations. The updated provisions provided for the Area Director to publish the annual operation and maintenance rates and related information by general notice document in the **Federal Register**, and as new rates are announced the corresponding sections in Part 221 of Title 25 of the Code of Federal Regulations would be deleted. The latest notice of water charges and related information on the Wind River Irrigation Project shall be published as a general notice in the **Federal Register** on the same date as this final rule. Therefore, 25 CFR Part 221 is amended by deleting the following sections:

Wind River Irrigation Project, Wyo.

§§ 221.95 and 221.96 [Deleted]

Dated: March 11, 1980.

Alonzo T. Spang, Sr.,

Superintendent, Wind River Agency.

[FR Doc. 80-8563 Filed 3-19-80; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7655]

Income Tax; Taxable Years Beginning After December 31, 1953; Collapsible Corporations; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final rule.

SUMMARY: This document contains a correction to the **Federal Register** publication at 44 FR 68460 of the full text of the regulations which were the subject of Treasury Decision 7655, relating to collapsible corporations.

EFFECTIVE DATE: In general, the regulations are effective for transactions occurring after August 22, 1964.

FOR FURTHER INFORMATION CONTACT: Lawrence M. Axelrod of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3458 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On July 6, 1977, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 341(f) of the Internal Revenue Code of 1954 (42 FR 34523). The amendments were proposed to conform the regulations to section 1(a) and 2 of the Act of August 22, 1964 (Pub. L. 88–484, 78 Stat. 596). On November 29, 1979, the **Federal Register** published Treasury Decision 7655 (FR Doc. 79–36793) at 44 FR 68458, which adopted the proposed amendments subject to specified changes.

Need for Correction

As published, the full text of the regulations which were the subject of Treasury Decision 7655 inaccurately omitted several provisions that were contained in the notice of proposed rulemaking and which were adopted by the Treasury decision document.

Drafting Information

The principal author of these corrections is Lawrence M. Axelrod of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service.

Correction of Publication

Accordingly, the publication of the full text of the regulations which were the subject of FR Doc. 79–36793 is amended by the following correction:

Section 1.341–7 (26 CFR Part 1), as published at 44 FR 68460, is corrected by inserting the following material immediately after § 1.341–7(b)(3) in the third column of that page:

§ 1.341–7 [Amended]

* * * * *

(c) *Consenting corporation.*—(1) A consenting corporation at the time that it files a consent under section 341(f)(1) shall notify its shareholders that such consent is being filed. In addition, the consenting corporation shall, at the request of any shareholder, promptly supply the shareholder with a copy of the consent.

(2) A consenting corporation shall maintain records adequate to permit identification of its subsection (F) assets.

(d) *Shareholders of consenting corporation.*—(1) A shareholder who sells stock in a consenting corporation within the 6-month period beginning on the date on which the consent is filed shall—

(i) Notify the corporation, within 5 days after such sale, of the date on which such sale is made, and

(ii) Attach a copy of the corporation's consent to the shareholder's income tax return for the taxable year in which the sale is made.

(2) If the sale of stock in a consenting corporation is treated under section 341(f)(6) as the sale of stock in any other corporation, the consenting corporation shall notify such other corporation, within 5 days after receiving notification of a sale of its stock, of the date on which such sale was made.

(e) *Recognition of gain under section 341(f)(2).*—(1) Under section 341(f)(2), if a subsection (f) asset (as defined in paragraph (g) of this section) is disposed of at any time by a consenting corporation, then, except as provided in section 341(f)(3) and paragraph (f) of this section, the amount by which—

(i) The amount realized (in the case of a sale, exchange, or involuntary conversion), or

(ii) The fair market value of such asset (in the case of any other disposition) exceeds the adjusted basis of such asset is treated as gain from the sale or exchange of such asset. Such gain is recognized notwithstanding any contrary non-recognition provision of subtitle A of the Code, but only to the extent such gain is not recognized under any other provision of subtitle A of the Code (for example, section 1245(a)(1) or 1250(a)). Gain recognized under section 341(f)(2) with respect to a disposition of a subsection (f) asset has the same character *(i.e.,* ordinary income or capital gain) that such gain would have if it arose from a sale of such asset.

Dated: March 17, 1980.

Robert A. Bley,

Director, Legislation and Regulations Division.

[FR Doc. 80-8714 Filed 3-19-80; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 23

[T.D. 7687]

Temporary Estate Tax Regulations Under the Revenue Act of 1978; Procedure for Election To Treat an Interest in Certain Joint Tenancies as a Qualified Joint Interest

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations for a husband and wife who elect to treat their interest in certain jointly held property as a "qualified joint interest" for Federal estate tax purposes. The regulations reflect changes made in the applicable tax law by the Revenue Act of 1978 and provide instructions on the manner and effect of making the election.

DATE: The regulations apply to certain property held jointly on December 31, 1976.

FOR FURTHER INFORMATION CONTACT: Stephen J. Small of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3287 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations providing instructions for taxpayers who elect to treat as a qualified joint interest their interest in property placed in joint tenancy before January 1, 1977. The election is available under section 2040(d) of the Internal Revenue Code of 1954, as added by section 702(k) of the Revenue Act of 1978 (Pub. L. 95–600, 92 Stat. 2932).

The temporary regulations provided by this document will remain in effect through December 31, 1981.

Provisions of the Regulations

In general, on the death of a joint tenant, the entire value of property owned in joint tenancy is included in the decedent's gross estate except for the portion of the value of the property attributable to the consideration furnished by the survivor. Section 2040(b) of the Code, added by the Tax Reform Act of 1976, provides that in the case of a "qualified joint interest" created after December 31, 1976, only one half of the value of the property will be included in the gross estate of the first joint tenant to die.

Under section 2040(d) of the Code, added by the Revenue Act of 1978, a husband and wife may elect to treat an interest in certain property placed in joint tenancy before January 1, 1977 as a "qualified joint interest" without going through a formal severance and re-creation of the joint tenancy. This election must be made for a calendar quarter ending on or before December 31, 1979.

The regulation provides that the spouse who furnished more than one-half of the consideration for the property must make the election by including the amount of the gift in a timely filed gift tax return and by paying any gift tax due as a result. The regulation provides deadlines for filing the return as well as a formula for computing the amount of the gift.

The regulation also provides that in the case of real property an election under section 2040 will have the same effect as a post-1976 election under section 2515, and that in the case of personal property, an election under section 2040 will have the same effect as the creation of a post-1976 joint interest under section 2515A. Therefore, once the election is made to treat an interest in property as a qualified joint interest, additions to the value of the property made by one spouse must be included in any gift tax returns required to be filed for any taxable period in which total gifts to the donee spouse exceed the $3,000 annual exclusion. For these purposes, additions in value include mortgage payments on indebtedness secured by the property as well as improvements made to the property.

Waiver of Certain Procedural Requirements of Treasury Directive

A determination has been made by Jerome Kurtz, Commissioner of Internal Revenue, that there is an immediate need for regulations under section 2040(d) because the election thereunder will not be available after the due date (including extensions thereof) for Federal gift tax returns for the last quarter of 1979. Compliance with the procedural requirements of paragraphs 8 through 14 of the Treasury directive relating to improved regulations (43 FR 52120) would therefore be impractical and, accordingly, the requirements have been waived.

Drafting Information

The principal author of this regulation was Stephen J. Small of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service.

However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both in matters of substance and style.

Adoption of amendments to the regulations: Accordingly, a new Part 23, Temporary Estate Tax Regulations under the Revenue Act of 1978, is added to Title 26 of the Code of Federal Regulations, and the following temporary regulations are adopted:

PART 23—TEMPORARY ESTATE TAX REGULATIONS UNDER THE REVENUE ACT OF 1978

Authority: Sec. 7805 Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

§ 23.1 Election and eligibility to treat interests in property held jointly on December 31, 1976, as qualified joint interests.

(a) *Election as a qualified joint interest*—(1) *In general.* If a taxpayer has elected to have an interest in property held jointly by a husband and wife on December 31, 1976, treated as a "qualified joint interest," the effect, from the deemed date of such election, shall be

(i) In the case of real property, as if an election under section 2515, as applicable to post-1976 transfers, had been made, and

(ii) In the case of personal property, as if a post-1976 joint interest described in section 2515A had been created.

For estate tax purposes, one-half of the value of the property is includible in the estate of the first joint tenant to die; and, for gift tax purposes, any subsequent additions to the value of a joint tenancy in real property must be treated as transfers at the time the additions occur.

(2) *Eligibility.* Any husband and wife who before January 1, 1977, created an interest in property as joint tenants with right of survivorship or as tenants by the entirety and who continue to hold such interest may elect to treat their interest as a qualified joint interest if:

(i) Such joint interest was created by either spouse, or both (for rules involving the creation of a joint tenancy by husband and wife, see § 25.2515–1(b)) and

(ii) In the case of a joint tenancy with right of survivorship, only the husband and the wife are joint tenants.

An interest in property received as an inter vivos or testamentary gift by a

husband and wife as joint tenants or tenants by the entirety is not an interest created by either spouse. See paragraph (c)(1)(ii) of § 25.2515–1.

(3) *Time and manner of making election.*

In order to elect under this section, the spouse who furnished more than one-half of the consideration for the property must include the amount of the gift in a timely filed Federal gift tax return for any calendar quarter in 1977, 1978 or 1979, pay any gift tax due as a result, and attach to the gift tax return a statement of consent. The statement of consent must be signed by the donee spouse and must indicate that the donee spouse consents to the election to treat the interest as a qualified joint interest as of the date of the deemed making of the gift. The election and gift are deemed made on the last day of the calendar quarter for which the return is filed. See section 6075(b) for the time for filing the gift tax return and section 6081 for extensions of time for filing the return. The return required by this section must be filed even though the amount involved does not exceed the exclusion provided by section 2503(b). No election may be made under this section after the death of the donor.

(b) *Determination of amount of gift*—(1) *Amount of gift.* Except as provided in subparagraph (5), the amount of any gift is one-half of the amount which bears the same ratio to the excess of the value of the property on the date of the deemed making of the gift over the value of such property on the date of the creation of the joint interest, as

(i) the excess of the consideration furnished by the donor over the consideration furnished by the donor's spouse, bears to

(ii) the total consideration furnished by both spouses. Under no circumstances can the amount of the gift be less than zero.

(2) *Value of the property.* For purposes of subparagraph (1), the value of the property on the date of the creation of the interest shall be the fair market value of the property on that date minus the amount of any original acquisition indebtedness. The value of the property on the date of the deemed making of the gift shall be the fair market value of the property on that date reduced by any outstanding indebtedness that is secured by the property.

(3) *Consideration furnished.* For purposes of subparagraph (1), the consideration furnished by each spouse shall be the total of the consideration furnished by that spouse at or prior to the time of the creation of the interest plus any subsequent payments by that spouse of mortgage principal on the original acquisition indebtedness. See paragraph (c)(1) of § 25.2515–1 for a discussion of what constitutes consideration and the value thereof. The phrase "original acquisition indebtedness" means indebtedness incurred (and secured by the property) upon the original acquisition of the property by either or both spouses and any refinancing of the original acquisition indebtedness to the extent of the unamortized balance of such original acquisition indebtedness. Repayments of mortgage principal on any such subsequent indebtedness shall be deemed to be reductions of the original acquisition indebtedness until the total principal amount of the original acquisition indebtedness has been paid. Payments by either spouse that are a further reduction of any such subsequent indebtedness or are a reduction of other indebtedness secured by the property shall not be included as consideration furnished under this section.

(4) *Subsequent payments.* In order to elect under this section, a taxpayer must be able to substantiate the amount and origin of the consideration furnished at the time of the creation of the interest. Any subsequent payments of mortgage principal the amount and origin of which cannot be substantiated will be deemed to be furnished in the same proportion as the consideration furnished at the time of the creation of the interest. Where a payment reducing the acquisition indebtedness is attributable to the income from the property the payment shall be deemed to have been made by each spouse in the same proportion that each spouse's prior consideration bears to the total consideration furnished to that time.

(5) *Creation that was not treated as a gift.* For purposes of subparagraph (2), the value of the property on the date of the creation of the joint interest shall be treated as zero, if—

(i) in the case of real property, the creation was not treated as a gift under section 2515, or

(ii) in the case of personal property, the transfer was required to be included on a gift tax return when created but was not so included, and the period of limitations on assessment under section 6501 has expired with respect to such gift.

(c) *Substantial improvements*—(1) *In general.* A substantial improvement of any property shall, for purposes of this section, be treated as the creation of a separate joint interest. An election under this section to treat an interest in underlying property as a qualified joint interest shall operate to treat any substantial improvement on such property made prior to January 1, 1977, as a separate qualified joint interest. An improvement shall be deemed to be a substantial improvement if—

(i) the cost of the improvement exceeded $10,000, or

(ii) the initial value of the improvement increased the fair market value of the property immediately before the improvement by more than 10 percent.

(2) *Value of the improvement.* The initial value of a substantial improvement shall be equal to the fair market value of the property immediately after the improvement less the fair market value of the property immediately before the improvement. In the absence of appraisals immediately before and immediately after the improvement, the cost of the improvement will be acceptable as proof of its initial value. For purposes of computing the amount of gift of both the substantial improvement and the original property, the ratio represented by the initial value of the substantial improvement over the fair market value of the property immediately after the improvement shall remain constant.

(For an illustration of a substantial improvement for which consideration was furnished as a result of refinancing the original property, see example 6 of this section.)

(3) *Absence of consideration.* If the creation of the joint interest was not treated as a gift under section 2515 and if all of the consideration for a substantial improvement is furnished by increasing the amount of indebtedness secured by the property, such consideration shall be deemed to be furnished in the same proportion as the total consideration furnished by both spouses for the property to that time as determined under § 23.1 (b).

(d) *Severance and re-creation of joint interest.* If, before January 1, 1977, a husband and wife had a joint interest in property with right of survivorship, and after December 31, 1976, (but prior to January 1, 1980) they sever and re-create the joint interest in such property (or in property the basis of which in whole or in part reflects the basis of such property), treatment as a qualified joint interest will be available only if the requirements of paragraphs (a) and (b) are met. If a timely gift tax return was filed as a result of such severance and re-creation but the amount of the gift was improperly computed or the required consent was not attached, treatment of the interest as a qualified joint interest from the date of the original filing will be permitted, if the gift tax return is corrected by the donor so that it is in compliance with the requirements of this section and any resulting deficiency (with interest) is paid.

(e) *Examples.* This section may be illustrated by the following examples.

Example 1. In 1962, Mr. A paid $20,000, the full amount of the down payment for a house having a fair market value of $65,000. Mr. and Mrs. A took title as joint tenants with right of survivorship and assumed a mortgage for $45,000. No gift tax return was filed. Over the years, Mr. A made all the mortgage payments with his own funds. Principal payments totaled $41,000. Mr. and Mrs. A would like to have their interest in the house treated as a qualified joint interest for Federal estate tax purposes. On December 31, 1979, the fair market value of the house is $117,000, and the balance due on the mortgage is $4,000.

Mr. and Mrs. A make the election by timely filing a gift tax return on April 15, 1980, along with the statment of consent. The amount of the gift is computed as follows:

The amount of the gift is ½ of X in the formula

$$\frac{x}{V_1-V_2} = \frac{D.C. - S.C.}{D.C. + S.C.}$$

where V_1 is the value of the property on the date of the deemed making of the gift; V_2 is the value of the property on the date of the creation of the interest (which is deemed to be zero if the creation of the joint interest was not treated as a gift at that time); D.C. is the consideration furnished by the donor; and S.C. is the consideration by the donor's spouse.

Here, the value of the property on the date of the creation of the interest, for purposes of this section, is 0 and the value of the property at the date of the gift is $113,000 ($117,000—$4,000). Accordingly, the formula becomes

$$\frac{x}{(\$117,000 - \$4,000)-0} = \frac{[\$20,000 + \$41,000] - 0}{[\$20,000 + \$41,000] + 0}$$

$$x = \$113,000$$

$$\text{gift} = \$56,500$$

Example 2. Assume the same facts as in example 1, except that Mr. A contributed $15,000 of the down payment and Mrs. A contributed $5,000. The amount of the gift is now $47,238, computed in the following manner:

$$\frac{x}{(\$117,000 - \$4,000) - 0} = \frac{[\$15,000 + \$41,000] - \$5,000}{[\$15,000 + \$41,000] + \$5,000}$$

$$\frac{x}{\$113,000} = \frac{\$51,000}{\$61,000}$$

$$x = \$94,476$$

$$\text{gift} = \$47,238$$

Example 3. Assume the same facts as in example 1, except that from 1962 to 1970 Mr. A made all the mortgage payments ($10,000) with his own funds and from 1970 through 1979 Mrs. A contributed half of each mortgage payment ($31,000÷2=$15,500). Mr. A's contribution to the mortgage, then, has been $25,500, and Mrs. A's contribution has been $15,500.

The amount of the gift is now $27,787, computed in the following manner'

$$\frac{x}{(\$117,000 - \$4,000) - 0} = \frac{[\$20,000 + \$25,500] - \$15,500}{[\$20,000 + \$25,500] + \$15,500}$$

$$\frac{x}{\$113,000} = \frac{\$30,000}{\$61,000}$$

$$x = \$55,574$$

$$\text{gift} = \$27,787$$

Example 4. Assume the same facts as in example 1, except that in 1965, when the house was worth $70,000, Mr. A had a garage built on the property for $6,000. Mr. A paid the entire $6,000 and filed a gift tax return for the gift he made at that time. Since the garage neither cost $10,000 nor increased the value of the property immediately before the improvement by more than 10 percent, the garage is not considered to be a substantial improvement.

For purposes of § 23.1(b), even though a gift tax return was filed in 1965 with respect to the $6,000, the creation of the interest in 1962 was not treated as a gift and the value of the property on that date (V_2 in the formula) is treated as zero.

Example 5. In 1968, Mr. and Mrs. B purchased a farm for $50,000, and took title jointly. The farm included farmland, a home, and a barn. Mr. B made the full $10,000 down payment. In 1974, when the property was worth $100,000 and the balance on the mortgage was $30,000, Mr. B arranged to refinance his mortgage, increasing it to $80,000. He invested the additional $50,000 he received in securities. Mr. B has made all the principal payments on the mortgage since the purchase (a total of $18,000). At no time has Mr. B filed a gift tax return.

On December 31, 1979, the fair market value of the entire property is $150,000 and the balance on the new mortgage is $72,000. Mr. and Mrs. B elect at that time to have their interest in the property treated as a qualified joint interest. The amount of the gift is computed as follows:

$$\frac{x}{(\$150,000 - \$72,000)-0} = \frac{[\$10,000 + \$18,000] - 0}{[\$10,000 + \$18,000] + 0}$$

$$\frac{x}{\$78,000} = \frac{\$28,000}{\$28,000}$$

$$\text{gift} = \$39,000$$

Example 6. Assume the same facts as in example 4, except that with the additional $50,000 he received, Mr. B added another barn on his property costing $20,000 and invested the balance in securities. Immediately after the construction of the barn, the fair market value of the entire property was $120,000, and today the fair market value of the entire property is $180,000.

The second barn was a substantial improvement because it increased the fair market value of the property immediately before the improvement by 20 percent. Under paragraph (c)(2) of this section the fair market value of the barn today is deemed to be $30,000 (⅙×$180,000). Further, under paragraph (c)(3) of this section, when all the consideration for the substantial improvement is attributable to increasing the amount of the indebtedness secured by the property, the consideration for the substantial improvement is deemed to be furnished in the same proportion as the total consideration furnished by both spouses for the property to that time, as determined under § 23.1(b).

To compute the amount of each gift it is necessary to separate the original property from the substantial improvement for purposes of determining the amount of the consideration furnished for each. Mr. A furnished $10,000 at the time of the creation of the joint interest and $10,000 (in mortgage payments) between 1968 and 1974. After 1974, since the substantial improvement represented ⅙ of the fair market value of the

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entire property. ⅝ of the mortgage payments from 1974 to 1978 are attributable to the underlying property (⅝ of $8,000) and ⅛ of the mortgage payments are attributable to the substantial improvement (⅛ of $8,000). The same allocation is necessary for the

$$\frac{x}{[5/6\ (\$180,000)-5/6\ (\$72,000)]-0} = \frac{[\$10,000+\$10,000+5/6\ (\$8,000)]-0}{[\$10,000+\$10,000+5/6\ (\$8,000)]+0}$$

$$\frac{x}{\$90,000} = \frac{\$26,667}{\$26,667}$$

gift = $45,000

For the second barn, the formula becomes

$$\frac{x}{[1/6\ (\$180,000)-1/6\ (\$72,000)]-0} = \frac{[\$20,000+1/6\ (\$8,000)]-0}{[\$20,000+1/6\ (\$8,000)]+0}$$

$$\frac{x}{\$18,000} = \frac{\$21,334}{\$21,334}$$

gift = $9,000

Example (7). Mr. and Mrs. C. purchased a home for $150,000 in 1970, with Mr. C. contributing all the consideration and Mr. and Mrs. C taking title as joint tenants. In 1977, Mr. and Mrs. C severed the joint tenancy and re-created it in order to treat the property as a qualified joint interest under section 2040(b) of the Code. No gift tax return was filed at either time. Under paragraph (d) above, treatment as a qualified joint interest is available only if the requirements of paragraphs (a) and (b) are met. If Mr. and Mrs. C still want to treat their interest in the property as a qualified joint interest, he must timely file a gift tax return and pay any tax due based on the value of the property on the last day of the reporting period in which the election is made.

Example (8). Assume the same facts as in example 7, except that Mr. C filed a gift tax return in 1977. Under paragraph (d) above, for certain joint interests in property created after December 31, 1976, and prior to January 1, 1980, treatment as a qualified joint interest is available only if the requirements of paragraphs (a) and (b) are met. If, for example, Mr. C failed to compute the amount of the gift in accordance with the formula in paragraph (b) or failed to attach a statement of consent, treatment of the interest as a qualified joint interest from the date of the original filing will be permitted only if a corrected gift tax return is filed that is in compliance with the requirements of this section.

Example (9). In 1960, Mr. and Mrs. D purchased a home for $24,000. Mr. D made the down payment of $5,000, and they took title jointly. In 1974, when the balance on the mortgage was $1,000 and the house was worth $65,000, Mr. and Mrs. D refinanced their mortgage, increasing it to $50,000. Today the house is worth $85,000 and the balance on the new mortgage is $46,000. Mr. D has made all the mortgage payments and has not at any time filed a gift tax return. If Mr. and Mrs. D elect to have their interest treated as a qualified joint interest, the consideration furnished by Mr. D, in addition to the amount of the down payment, will be limited to the amount of the original acquisition indebtedness ($19,000) under § 23.1(b).

Example (10). In 1970, Mr. and Mrs. E purchased a home for $25,000. In 1977, when the home was worth $80,000, Mr. and Mrs. E added a new wing, with a bedroom, bathroom, and family room. The addition cost $20,000 and is a substantial improvement. No gift tax return was filed at any time.

Mr. and Mrs. E may elect to treat their original interest in the home as a qualified joint interest by complying with the requirements of this section. However, since the substantial improvement was a separate interest and was not created before January 1, 1977, it is not eligible for the special election provided under this section. Treatment of their interest in the substantial improvement as a qualified joint interest is available only by severing and re-creating the interest.

(f) *Effective date.* This section is effective for elections made for calendar quarters beginning after December 31, 1976, and before January 1, 1980.

This Treasury decision adds temporary regulations to enable taxpayers to comply with the new law on the election to treat an interest in property as a qualified joint interest. Because the election will be available only through 1979, it is impractical to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: March 7, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 80-8567 Filed 3-19-80; 8:45 am]

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26 CFR Part 31

[T.D. 7660]

Employment Taxes With Respect to Employees of Related Corporations; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final rule.

SUMMARY: This document contains a technical correction to the **Federal Register** publication at 44 FR 75141 of the full text of the regulations that were the subject of Treasury Decision 7660, relating to employment taxes with respect to employees of related corporations.

EFFECTIVE DATE: The regulations apply with respect to wages paid after December 31, 1978.

FOR FURTHER INFORMATION CONTACT: Eileen Murphy of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. Attention: CC:LR:T, 202–566–3297 (not a toll-free call).

Background

On December 13, 1978, the **Federal Register** published proposed amendments to the Employment Tax Regulations (26 CFR Part 31) under sections 3121(s) and 3306(p) of the Internal Revenue Code of 1954. The amendments were proposed to conform the regulations to section 314 of the Social Security Amendments of 1977 (19 Stat. 1536). On December 19, 1979, the **Federal Register** published Treasury Decision 7660 (FR Doc. 79–38889) at 44 FR 75137, which adopted the proposed amendments subject to specified changes.

Need for Correction

As published, an example in the full text of the regulations that were the subject of T.D. 7660 which appears in the first and second columns of 44 FP 75141 omits a phrase and includes certain surplus language.

Drafting Information

The principal author of this correction was Eileen Murphy of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service.

Correction of Publication

Accordingly, the publication of the full text of the regulations which were the subject of FR Doc. 79–38889 is amended by the following correction:

§ 31.3121 [Corrected]

Example (2) of § 31.3121(s)–1(b)(3) beginning in the first column at 44 FR 75141 is corrected to read as follows:

Example (2). P, Q, and R are related corporations whose geographical zones of business activity do not overlap. P, Q, and R have a common pension plan and arrange for Q to be a common paymaster for managers and executives. All three corporations maintain cafeterias for the use of their employees. B is a cafeteria manager who has worked at P's headquarters for 3 years. On June 1, 1980, B is transferred from P to the position of cafeteria manager of R. There are no plans for B's return to P. B's accrued pension benefits, vacation and sick pay, do not change as a result of the transfer. The decision to transfer B was made by Q, the parent corporation. Under these facts, B is not concurrently employed by P and R, because B's employment relationship with P was completely nonexistent during B's employment with R. Furthermore, section 3121(s) is inapplicable since B also was not employed by Q, the common paymaster, because B never contracted to perform services for remuneration from Q, and Q did not have the right to control the day-to-day duties of B's work.

Dated: March 17, 1980.

Robert A. Bley,

Director, Legislation and Regulations Division.

[FR Doc. 80-8712 Filed 3-19-80; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 870, 872, 874, 877, 879, 882, 884, 886, and 888

[INT FES 80–11]

Abandoned Mine Lands Reclamation Program; Availability of Final Environmental Impact Statement

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Notice of availability of the final environmental impact statement (FES) addressing implementation of program policies for abandoned mine lands reclamation.

SUMMARY: OSM has prepared an FES addressing implementation of program policies for abandoned mine land (AML) reclamation under title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1231–1243. Copies of the FES are being made available today.

DATES: Agency review period ends 30 days from publication by the Environmental Protection Agency (EPA) of the filing of this impact statement.

ADDRESSES: Copies of the FES are available for inspection or may be obtained at the following OSM offices:

Office of Surface Mining, Administrative Record, Room 135, Interior South Building, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240.

Office of Surface Mining—Region I, U.S. Department of the Interior, 1st Floor, Thomas Hill Building, 950 Kanawha Boulevard East, Charleston, WV 25301.

Office of Surface Mining—Region II, U.S. Department of the Interior, 530 Gay Street, Suite 500, Knoxville, TN 37902.

Office of Surface Mining—Region III, U.S. Department of the Interior, Federal Building and Court House, Room 520, 45 East Ohio Street, Indianapolis, IN 46204.

Office of Surface Mining—Region IV, U.S. Department of the Interior, 818 Grand Avenue, Kansas City, MO 64106.

Office of Surface Mining—Region V, U.S. Department of the Interior, Brooks Towers, 1020 15th Street, Denver, CO 80202.

FOR FURTHER INFORMATION CONTACT: Frank Anderson, Chief, Branch of Environmental Analysis, Office of Surface Mining, U.S. Department of the Interior, Washington, DC 20240 (telephone 202–343–5287).

SUPPLEMENTARY INFORMATION: Pursuant to the National Environmental Policy Act of 1969 and title IV of SMCRA, OSM has prepared a programmatic FES. The FES addresses alternatives for two elements of the abandoned mine lands program as follows:

A. Allocation of the Federal Share of the Abandoned Mine Reclamation Fund.

(1) No action,

(2) Allocation based on percentage of national fee collection,

(3) Allocation based on percentage of national historic coal production,

(4) Allocation based on percentage of national AML problem, or

(5) Allocation based on goal-oriented composite approach.

B. Abandoned Mine Land Reclamation Guidelines or Regulations.

(1) No reclamation guidelines,

(2) Detailed reclamation guidelines,

(3) Detailed reclamation regulations, or

(4) Goal-oriented reclamation guidelines.

A notice of availability of the draft environmental impact statement (DES) was published in the **Federal Register** on November 5, 1979 (44 FR 63737).

Public hearings on the DES were held on November 27, 28, and 29, 1979, in Austin, Tex.; Alcoa, Tenn.; Indianapolis, Ind.; Denver, Colo.; and Charleston, W. Va.

Comments received during the public comment period and public hearings were considered in preparation of the FES. Copies of written comments and OSM's responses are included in the FES as appendix IV.

Pursuant to the CEQ regulations (40 CFR 1506.10), the Department's decision on adoption of a policy for allocation of the Federal share and on the AML guidelines or regulations will not be made until 30 days after publication by EPA of a notice that the FES has been filed.

Dated: March 17, 1980.

James H. Rathlesberger,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 80-8739 Filed 3-19-80; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 157

[DOD Instruction 5200.21] [1]

Dissemination of DOD Technical Information

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule provides policy and assigns responsibilities for the dissemination of Department of Defense technical information and establishes certification procedures for access to such information. The procedures established by this rule will be used by technical information dissemination activities to control access to DoD technical information.

EFFECTIVE DATE: September 27, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew Ainea, Research and Advanced Technology, Office of Deputy Under Secretary for Research and Engineering, The Pentagon, Washington, D.C. 20301, Telephone: 202–695–8139.

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

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SUPPLEMENTARY INFORMATION: In FR Doc. 65-10837, appearing in the **Federal Register** (30 FR 13008) on October 13, 1965, the Office of the Secretary of Defense published Part 157, effective September 1, 1965. The source document [DoD Directive 5200.21] was revised effective December 10, 1968. This document further revises substantially Part 157.

Accordingly, 32 CFR Chapter I, is amended by revising PART 157, reading as follows:

PART 157—DISSEMINATION OF DOD TECHNICAL INFORMATION

Sec.

157.1 Purpose.
157.2 Applicability and scope.
157.3 Policy.
157.4 Responsibilities.
157.5 Definitions.
157.6 Certification for access to technical information.

Authority: The provisions of this Part 157 issued under R.S. 161, 5 U.S.C. 22.

PART 157—DISSEMINATION OF DOD TECHNICAL INFORMATION

§ 157.1 Purpose.

This Part:

(a) Consolidates into one document this Part and parts of DoD Instruction 5100.38, "Defense Documentation Center for Scientific and Technical Information," March 29, 1965;

(b) Supplements DoD Directive 5100.36, "Department of Defense Technical Information," December 31, 1962, and DoD Instruction 5129.43, "Assignment of Functions for the Defense Scientific and Technical Information Program," January 22, 1963;

(c) Provides policy and assigns responsibilities for the dissemination of DoD technical information;

(d) Establishes certification procedures for access to DoD technical information.

§ 157.2 Applicability and scope.

(a) The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to as "DoD Components"), and other U.S. Government agencies disseminating or requesting access to DoD technical information.

(b) The procedures established by this Part shall be used by technical Information Dissemination Activities to control access to DoD technical information. The access afforded through use of these procedures does not override special consideration or approvals that affect the flow of controlled information.

(c) This Part does not apply to primary distribution of technical information or to interlibrary loan within Department of Defense.

§ 157.3 Policy.

The purpose of the DoD Technical Information Program is to ensure the complete and timely exchange among DoD technical activities, including both the in-house and DoD contractor communities, of all technical information generated by or relevant to the pursuit of DoD technical programs with due consideration of security requirements and access restrictions. All DoD Components responsible for dissemination of technical information shall make a positive effort to provide users accurate and timely technical information, utilizing the most effective media, including symposia, newsletters, technical reports, inquiry responses, online data networks, consultation and other media, and making optimum use of computer technology to store, sort, select, and package data and information.

§ 157.4 Responsibilities.

(a) The *Under Secretary of Defense for Research and Engineering* (USDRE), or designee, the *Deputy Under Secretary of Defense for Research and Engineering (Research and Advanced Technology)* shall:

(1) Manage and disseminate DoD technical information, as provided in DoD Directive 5100.36, "Department of Defense Technical Information," December 31, 1962.

(2) Approve service charges collected by Information Dissemination Activities to provide partial reimbursement and to prevent excessive, unwarranted use of these services.

(b) The *Heads of DoD Components* shall:

(1) Pursue organized, coordinated, and comprehensive programs for technical information dissemination. These programs shall provide for the interchange of technical information within Department of Defense; between Department of Defense and other Federal agencies and their contractors; among Department of Defense, NATO governments and other allies; and between Department of Defense and the national and international scientific and technical community in accordance with DoD 5200.1-R, "Information Security Program Regulation," December 1978, and Parts 286 and 286a of this title.

(2) Within the limits of security and access restrictions necessary to ensure adequate intra-DoD technical information exchange, (i) vigorously pursue a policy that ensures that technical information generated within activities under their cognizance is provided for public use through appropriate Federal agencies and technology transfer programs according to approved DoD clearance procedures; and (ii) wherever possible, provide unclassified technical documents and other information to expedite the information transfer procedures. However, all critical technology to which the Department of Defense has title or proprietary interest shall be classified at the appropriate level.

(3) Certify access for DoD technical information users as described in § 157.6.

(4) Introduce an active technology transfer program aimed at transferring to the public as much DoD-developed technology as is consistent with the DoD mission. Active participation by DoD laboratories, centers, and other organizations in Federal and local government technology transfer organizations, such as the Federal Laboratory Consortium, is encouraged.

(5) Support a program for the domestic dissemination of DoD-developed technology that, because of its commercial significance, should be made available as early as possible, *but only by means that will ensure the continued applicability of the International Traffic in Arms Regulations, the Export Administration Act of 1969, Export Administration Amendments of 1977, and the Export Administration Regulations of the Department of Commerce* as to when the technology should not be exported.

(6) Make planning and technical requirements information available through Industry Information Centers so that industry can plan and apply its resources effectively.

(7) Make technical information on selected technologies available through Information Analysis Centers to support the DoD mission.

(8) Sponsor or support technical symposia, conferences and meetings for disseminating technical information in accordance with DoD Directive 5200.12,[1] "Security Sponsorship and Procedures for Scientific and Technical Meetings Involving Disclosure of Classified Military Information," June 15, 1979, when the requirement exists to disseminate the information more rapidly than normal publishing procedures permit. In accordance with DoD Instruction 5129.43,[1] "Assignment of Functions for the Defense Scientific and Technical Information Program," January 22, 1963, certain data concerning DoD-sponsored technical symposia will be transmitted to the USDR&E.

(9) Ensure compliance with provisions of DoD Directive 5000.11,[1] which prescribes policy and procedures for the "Data Elements and Data Codes Standardization Program," where applicable, to assigned functions for disseminating DoD technical information.

(c) The *Defense Technical Information Center (DTIC)* shall operate and maintain certification and registration procedures as described in § 157.6 and shall provide appropriate forms and instructions.

(d) *Technical Information Dissemination Activities* shall collect service charges, as approved by the USDRE, to prevent excessive, unwarranted use of their services and to provide partial reimbursement of costs.

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA. 19120. Attention: Code 301

§ 157.5 Definitions.

(a) *Technical Information.* Information, including scientific information, which relates to research, development, engineering, test, evaluation, production, operation, use, and maintenance of munitions and other military supplies and equipment.

(b) *Technical Information Dissemination Activity.* Any activity, such as DTIC, that operates to assist individuals and organizations within the Department of Defense to effect adequate and timely dissemination of technical information describing planned or ongoing RDT&E effort and the documented results of such efforts and to provide systems and services to assist eligible users to identify, access, acquire, and use DoD technical information.

(c) *Primary Distribution.* The initial distribution of a technical document after completion of the original manuscript or its equivalent.

(d) *Critical Technology.* Technical data, whose acquisition by a potential adversary would prove detrimental to the national security of the United States. Control of critical technology requires the control of associated critical end products (defined as "keystone") that embody extractable critical technology or that consist of equipment which completes a process line, allowing the line to be fully utilized.

(e) *Technology Transfer.* The process through which Government research and technology are transformed into processes, products, or services that can be applied to actual or potential public or private needs. It includes the application of technology that has been developed for a particular mission and, after modification and diversification, fills a different need in another environment.

(f) *Eligible User.* Any DoD office, contractor, subcontractor, DoD potential contractor, or other U.S. Government office or its contractor whose eligibility and need to receive DoD technical information has been certified.

(g) *Contractor.* An individual or organization outside the U.S. Government that has accepted any type of agreement or order for providing research, supplies, or services to a U.S. Government agency. The term specifically includes both prime contractors and subcontractors.

(h) *DoD Potential Contractor.* An individual or organization outside Department of Defense declared eligible for documentation services by a sponsoring DoD activity on the basis of registration and active participation in a program specifically designed to exchange information concerning Defense support capability.

(i) *Industry Information Centers.* Centers established by DoD Components to inform the Defense industrial community of DoD acquisition, research and development requirements, plans, and future needs. They serve as DoD access points to Defense planning and requirements documents for representatives of industry, small business, university and nonprofit institutions registered for access to DoD information services.

(j) *Technical Information Dissemination.* A fundamental and integral part of each RDT&E effort (contractual or in-house) that ensures, within procedures established for security and other specific access restrictions, maximum utility of and access to technical information about and technical documents generated from Defense-supported RDT&E.

§ 157.6 Certification for access to technical information.

(a) *Policy.* (1) The Department of Defense shall disseminate technical information in support of its technical programs and in support of similar programs within other U.S. Government agencies. This dissemination shall be made to organizations whose official U.S. Government affiliations are certified. Classified information dissemination will be within the scope of its certified field of interest requirements and facility clearances. However, requests from foreign organizations for and transmittal of classified and controlled information products shall be made only through appropriate DoD foreign release offices under established release procedures.

(2) A uniform certification procedure shall be used for the effective control of the flow of technical information and shall utilize the DD Form 1540, "Registration for Scientific and Technical Information Services," cited in DoD 5220.22-R, "Industrial Security Regulation," January 1979.

(3) Certification shall be according to subject fields and groups of interest and recorded on DD Form 1540. Such certification is a warranty that the user's oficial responsibilities require access to technical information that can be described by one or another of the prescribed DoD categories of science and technology.

(b) *Responsibilities.* (1) The Defense Technical Information Center (DTIC) and the Defense Contract Administration Services (DCAS) shall operate and maintain the certification procedures and DD Forms 1540 and 1541, "Facility Clearance Register."

(i) DTIC shall:

(A) Develop and distribute such instructions and procedural guidance as necessary for use by DoD Components, U.S. Government contractors and subcontractors, DoD potential contractors, and other U.S. Government offices to maintain the most effective use of the certification procedures within the terms of this Instruction and existing security regulations.

(B) Maintain at DTIC the central authority file of eligible users and notify affected dissemination activities of each new eligible user, along with conditions and scope of coverage, and of any subsequent changes thereto.

(C) Provide information products from DTIC to eligible users as follows:

(a) Unclassified technical information, subject to any approvals that may be required for controlled information.

(b) Classified technical information in only those subject fields of interest and at the security level authorized on DD Form 1540 and in accordance with any approvals that may be required for controlled information.

(D) Recommend changes to DoD 5220.22-M,[1] "Industrial Security Manual for Safeguarding Classified Information," October 1977, and related security procedures in conformance with this Part.

(ii) DCAS shall certify the DD Form 1541 and report any change affecting a facility clearance through submission of

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

a revised DD Form 1541 to the central authority file.

(2) Each DoD Component conducting, administering, or sponsoring research, development, test and evaluation and other technical work shall:

(i) Require in-house activities to complete all parts of the DD Form 1540 and submit it to the DTIC before requesting reports or information from dissemination activities. The commanding officer, the technical director, or their authorized designee shall review, approve, modify, or disapprove the registration for technical information services on DD Form 1540 submitted by their personnel.

(ii) Review, approve, modify, or disapprove DD Form 1540 submitted by non-DoD activities or organizations under its cognizance. Personnel selected to authorize DD Form 1540 shall have the technical competence and familiarity with contractor or grantee programs necessary to judge the subject fields of interest of the applicant.

(iii) Instruct and assist its sponsored activities in filling out and submitting DD Form 1540.

(iv) Recommend changes to DoD 5220.22–M and related security procedures in conformance with this Part.

(v) Promptly report to the DTIC any changes of certification status, such as change in mission of the DoD Component, contract termination, and contract or grant revision.

(vi) Designate an office at each appropriate level of the organization with responsibility for:

(A) Providing and maintaining procedures that are responsive to this Instruction and with applicable security regulations.

(B) Reviewing special cases, such as referral of questions on DD Form 1540 from the DTIC.

(3) Each dissemination activity, within the scope of its mission, shall make its technical information available to eligible users in accordance with the certification terms and the applicable security and distribution controls.

(c) *Agencies outside the Department of Defense.* (1) Components of non-DoD executive branch agencies who participate in the DoD Industrial Security Program shall follow the procedures prescribed for DoD Components in § 157.6(b)(2) when DoD technical information is required.

(2) Components of non-DoD executive branch agencies who do not participate in the DoD Industrial Security Program shall make specific arrangements with the DTIC for certification of DD Form 1540 and facility clearance authorization when DoD technical information is required.

(3) Components of the legislative and judicial branches, their contractors, and their grantees who are in need of unclassified information shall make specific arrangements with DTIC for certification of DD Form 1540. Certification for classified information, if needed, must be approved by the Office of the Deputy Under Secretary of Defense for Research and Engineering (Research and Advanced Technology). In these cases, submission of the completed DD Form 1540 by contractors and grantees must be accompanied by adequate facility clearance authorization.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 17, 1980.

[FR Doc. 80-8578 Filed 3-19-80; 8:45 am]

BILLING CODE 3810-70-M

Department of the Army

32 CFR Part 581

Personnel Review Boards; Procedures of the Army Board for Correction of Military Records

AGENCY: Army Board for Correction of Military Records.

ACTION: Final rule.

SUMMARY: Pursuant to the November 27, 1979 order of the United District Court for the District of Columbia in *Giles v. Secretary of the Army*, (Civil Action No. 77–0904), the procedures for the Army Board for Correction of Military Records are amended to set forth the standards and procedures to be used in the review of less than honorable discharges that were issued in an administrative proceeding in which the Army introduced evidence obtained as a result of compelled urinalysis testing.

This final rule was not published for comment as a proposed rule because that would have been impracticable. The District Court ordered the Army to publish the rule, and it did not permit the Army latitude as to the substance of the rule.

EFFECTIVE DATE: The amendment is effective March 19, 1980 and will apply to all applications pending before the Army Board for Correction of Military Records on that date, as well as to new applications.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond J. Williams, Executive Secretary, Army Board for Correction of Military Records, Room 1E512, Pentagon, Washington, D.C. 20310 (202) 697–4254.

Raymond J. Williams,

Executive Secretary, Army Board for Correction of Military Records.

PART 581—PERSONNEL REVIEW BOARDS

Accordingly, 32 CFR 581.3 is amended by adding a new paragraph (h)(5) reading as follows:

§ 581.3 Army Board for Correction of Military Records.

* * * * *

(h) * * *

(5) *Special standards.* (i) Pursuant to the November 27, 1979 order of the United States District Court for the District of Columbia in *Giles v. Secretary of the Army* (Civil Action No. 77–0904), a former Army servicemember is entitled to an honorable discharge if a less than honorable discharge was issued to the servicemember in an administrative proceeding in which the Army introduced evidence developed by or as a direct or indirect result of compelled urinalysis testing administered for the purpose of identifying drug abusers (either for the purposes of entry into a treatment program or to monitor progress through rehabilitation or follow-up).

(ii) Applicants who believe that they fall within the scope of paragraph i. should place the word Category "G" in block (11), DD Form 149, Application for Correction of Military or Naval Record. Such applications shall be reviewed expeditiously by a designated official who will either send the individual an honorable discharge certificate if the individual falls within the scope of subparagraph i above, or forward the application to the Discharge Review Board if the individual does not fall within the scope of subparagraph i above. The action of the designated official shall not constitute an action or decision by the Board for the Correction of Military Records.

(iii) The Department of the Army is presently seeking to appeal the District Court order that requires promulgation of subparagraphs i and ii above. If, as a result of the appeal, the District Court order is stayed, modified or vacated, subparagraphs i and ii above may be revised or revoked and actions taken on applications submitted pursuant thereto may be modified or reversed.

[FR Doc. 80-8407 Filed 3-19-80; 8:45 am]

BILLING CODE 3710-08-M

32 CFR Part 581

Personnel Review Boards; Procedures and Standards of the Army Discharge Review Board

AGENCY: Army Discharge Review Board.

ACTION: Final rule.

SUMMARY: Pursuant to the November 27, 1979 order of the United District Court for the District of Columbia in *Giles v. Secretary of the Army*, (Civil Action No. 77–0904), the procedures for the Army Discharge Review Board are amended to set forth the standards and procedures to be used in the review of less than honorable discharges that were issued in an administrative proceeding in which the Army introduced evidence obtained as a result of compelled urinalysis testing.

This final rule was not published for comment as a proposed rule because that would have been impracticable. The District Court ordered the Army to publish the rule, and it did not permit the Army latitude as to the substance of the rule.

EFFECTIVE DATE: The amendment is effective March 19, 1980 and will apply to all applications pending before the Army Discharge Review Board on that date, as well as the new applications.

FOR FURTHER INFORMATION CONTACT: LTC Albert A. Covington, Legal Advisor, Army Discharge Review Board, Room 1E478, Pentagon, Washington, D.C. 20310 (202) 697–3166.

William E. Weber

Colonel, Infantry President, Army Discharge Review Board.

PART 581—PERSONNEL REVIEW BOARD

Accordingly, Appendix C of 32 CFR 581.2 is amended by adding a new paragraph 4, reading as follows:

Appendix C.—Discharge Review Standards

* * * * *

"4. Special Standards. a. Pursuant to the November 27, 1979 order of the United States District Court for the District of Columbia in *Giles v. Secretary of the Army* (Civil Action No. 77–0904), a former Army servicemember is entitled to an honorable discharge if a less than honorable discharge was issued to the servicemember in an administrative proceeding in which the Army introduced evidence developed by or as a direct or indirect result of compelled urinalysis testing administered for the purpose of identifying drug abusers (either for the purposes of entry into a treatment program or to monitor progress through rehabilitation or follow-up).

b. Applicants who believe that they fall within the scope of paragraph a. should place the word CATEGORY "G" in block (8), DD Form 293, Application for Review of Discharge or Dismissal from the Armed Forces of the United States. Such applications shall be reviewed expeditiously by a designated official who will either send the individual an honorable discharge certificate if the individual falls within the scope of subparagraph a. above, or forward the application to the Discharge Review Board if the individual does not fall within the scope of subparagraph a. above. The action of the designated official shall not constitute an action or decision by the Discharge Review Board.

c. The Department of the Army is presently seeking to appeal the District Court order that requires promulgation of subparagraphs a. and b. above. If, as a result of the appeal, the District Court order is stayed, modified or vacated, subparagraphs a. and b. above may be revised or revoked and actions taken on applications submitted pursuant thereto may be modified or reversed.

[FR Doc. 80-8408 Filed 3-19-80; 8:45 am]

BILLING CODE 3710-08-M

Department of the Air Force

32 CFR Part 811

Sales or Release of Audiovisual Documentation

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is revising Part 811 of Chapter VII, Title 32 of the Code of Federal Regulations. This revision states the policy on sale, use, and release of audiovisual documentation and provides a new table and schedule of fees. It implements DOD Instructions 7230.7, June 12, 1979, and 7730.53, July 15, 1970.

EFFECTIVE DATE: February 11, 1980.

FOR FURTHER INFORMATION CONTACT: Major D. C. Anderson, telephone (202) 695–9610.

SUPPLEMENTARY INFORMATION: Part 811 of Subchapter B, Chapter VII, Title 32, of the Code of Federal Regulations has been revised. This revision incorporates the revised DOD Instruction 7230.7, updates the schedule of fees and rates to reflect prior increases and improves readability.

Accordingly, Title 32 of the Code of Federal Regulations is amended by revising Part 811 to read as follow:

PART 811—SALE OR RELEASE OF AUDIOVISUAL DOCUMENTATION

Sec.

811.0 Purpose.
811.1 Exclusions.
811.2 Authority for using or releasing audiovisual materials.
811.3 Policy on the sale, use, and release of audiovisual products.
811.4 Procedures for requesting audiovisual materials.
811.5 Schedule of fees.
811.6 Motion picture or TV materials—requests for.
811.7 Still photographic materials—requests for.

Authority: 10 U.S.C. 8012, 31 U.S.C. 483a.

Note.—This part is derived from Air Force Regulation 95–5, February 11, 1980.

Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 811.0 Purpose.

This part sets the policy on the sale, use, and release of unclassified Air Force audiovisual documents, and the dissemination of classified documentary material. It explains when reproductions may be sold or released without charge; includes a schedule of fees; and tells how to collect and control fees. This part applies to all members and employees of the Department of the Air Force. It implements Department of Defense (DOD) Instructions 7230.7, June 12, 1979, and 7730.53, July 15, 1970. It should be used with Parts 806, 812 and 813 of this chapter.

§ 811.1 Exclusions.

This part does not apply to: (a) The sale of aerial reconnaissance or cartographic-type photography. Send each request for such photography to the Assistant Secretary of Defense (Public Affairs), Washington, D.C. 20301 (see AFR 95–8).

(b) The sale of completed productions. Requests for Air Force completed productions should be sent to the National Audiovisual Center, Washington, D.C. 20409.

(c) Audiovisual records made for the Air Force Office of Special Investigations, for use in an investigation or a counterintelligence report. Parts 806 and 952 of this chapter show who may use this photography.

(d) Audiovisual records made for aircraft and missile mishap investigators, for their investigations of Air Force aircraft and missile mishaps, per AFR 127–4. Parts 806 and 952 of this chapter show who may use this photography.

§ 811.2 Authority for using or releasing audiovisual material.

(a) Part 811a of this chapter tells who may and who may not use official Air Force photography.

(b) Part 806 of this chapter tells who may and who may not have Air Force audiovisual materials.

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(c) DOD 5200.1–R/AFR 205–1 tells how classified material must be handled. Copies of classified Air Force photography can be used for official needs, if the military unit that classified it approves its use. How classified material is downgraded is shown in DOD 5200.1–R/AFR 205–1.

(d) AFR 400–3 tells how a foreign government may get an Air Force film.

(e) The following agencies may clear audiovisual products for release:

(1) The Secretary of the Air Force, Office of Public Affairs (SAF/PA), may release audiovisual materials (per AFR 190–12, Parts 837 and 822 of this chapter, and this part) to:

(i) Newsprint, magazine, or electronic media.

(ii) Film companies.

(iii) Industries.

(iv) Nonprofit organizations.

(v) Agencies outside of the federal government.

(vi) The general public (not from the news media).

(2) The Secretary of the Air Force, Office of Legislative Liaison (SAF/LL), releases audiovisual material upon request from members of Congress.

(3) The International Affairs Division (HQ USAF/CVAI(S)), or major commands (MAJCOM), or separate operating agencies (SOA) that hold a delegation of disclosure authority letter (DDL), is the releasing authority of classified and unclassified materials for use by foreign governments, international organizations, or their representatives, per AFR 200–9.

(4) Requests for audiovisual material from foreign nationals or foreign industries (except representatives of foreign governments or international organizations) should be sent to SAF/PA for handling, per AFR 190–22.

(5) The servicing casualty assistance office is the releasing authority for audiovisual materials, to be used by the Armed Forces in casualty status, by their next of kin, or by authorized representatives.

§ 811.3 Policy on the sale, use, and release of audiovisual products.

(a) Sale of Audiovisual Material. Air Force audiovisual products may be sold. It is Air Force policy not to compete with commercial services. When audiovisual materials are sold to persons or organizations outside the federal government, charges and fees must be assessed according to Part 812 of this chapter.

(b) Release of Audiovisual Material to State and Local Governments. Audiovisual materials or services that meet the requirements of this part may be sold to State and local governments, under Title III of the 1968 Intergovernmental Cooperation Act. The requestor must certify that such services are not available from commercial sources.

(c) Sale of Original Aduiovisual Material. Original audiovisual materials are not for sale. Reproductions of the original may be sold. HQ USAF/XOOTV may authorize the release of original materials for federal government use. SAF/PA may loan original material to agencies outside the federal government and to the public. Material is released only to approved laboratories for reproduction and at no cost to the Air Force.

(1) Air Force depositories use only Air Force-owned materials in servicing approved requirements. Exceptions for access to other materials must be with the written permission of the owner.

(2) Production of materials for sale must not stop or slow down official Air Force work or be used to get more personnel or equipment.

(d) Restrictions on the Use of Records. Activities that send materials to the depositories must be sure that any limitation on its use is noted on the material. Also, the following restrictions must be observed:

(1) Materials are not used to promote or indorse a commercial service or product, per Part 837 of this chapter.

(2) Rights of official Air Force audiovisual material may not be claimed by any other agency or person.

(3) The waiver of proprietary and privacy rights cannot be granted with the sale or release of audiovisual materials, unless these rights and the rights of transfer are owned by the Air Force.

(4) Audiovisual material received from Air Force contractors must not be released or sold to competitive contractors. Such material may be released if it is part of an Air Force contract requirement or is not of a proprietary nature. Also, if the Air Force contracting officer, having jurisdiction over the contract, determines that it is in the best interest of the Air Force, such material may be released.

(5) Air Force activities creating research and development record photography and depositing it according to AFR 95–4, may get the film on loan from the depository having custody.

(6) Formal agreements between the Air Force and other government agencies provide for photographic and related services. When the provisions in such an agreement differ from this part, regarding release of materials to government agencies, the provisions of the formal agreement apply.

(e) Request and Services Exempt From Fees. Requests received from the below listed sources are exempt from the payment of fees, according to Part 813 of this chapter, if funds are available for producing the material, the service does not hurt the mission of the furnishing agency, all clearances and releases specified by this part have been obtained, and work can be done during normal work hours. When the funds for such use are not on hand, the request may be filled when fees are paid by the requester.

(1) DOD and other government agencies, requesting audiovisual materials for official activities.

(2) Members of Congress, requesting audiovisual materials for use in official activities.

(3) Audiovisual depository materials or services that are furnished according to law or executive orders.

(4) Federal, State, territorial, county, or municipal governments or their agencies, carrying on a function related to or furthering an Air Force or other DOD objective.

(5) Nonprofit organizations, carrying on a function related to, or in the interest of public health and welfare.

(6) Members of the Armed Forces in a casualty status, or his or her next of kin or authorized representative, when the requested audiovisual material relates to the member.

(7) The general public, to further the Armed Forces recruiting program or public understanding of the Armed Forces, when such photography or service is determined by SAF/PAM to be in the best interest of the Air Force.

(8) Incidental or occasional requests for audiovisual depository materials or services (including requests from residents of foreign countries), when it is determined that fees would be inappropriate. (For the distribution of motion picture or still photography to foreign nationals, see AFR 190–22.)

§ 811.4 Procedures for requesting audiovisual materials.

(a) First, inquiries may be made to the depository to find out what audiovisual materials are available in broad subject areas. Such inquiries are not formal requests. No screening or access to materials is provided without the submission of a formal request and prior telephone or written approval of the request. A request for motion picture or television materials should be sent to the USAF Central Audiovisual Depository. A request for still photo materials should be sent to the USAF Central Still Photographic Depository.

(b) Submit formal requests according to 811.6 and 811.7. When told that the request has been approved, the requester may communicate directly with the depository about the selection of materials.

§ 811.5 Schedule of fees.

Fees are established by the Department of Defense and are listed as follows:

Note.—All prices are subject to change without notice.

1. Still Pictorial or Documentary Photographic Reproduction, Black and White. No more than three prints may be sold from any single negative.

	Each
a. 4 by 5 inch single weight glossy finish:	
1st print	$.75
2nd and 3rd prints from same negative	.50
b. 5 by 7 inch single weight glossy finish:	
1st print	1.00
2nd and 3rd prints from same negative	.75
c. 8 by 10 inch single weight glossy finish:	
1st print	1.25
2nd and 3rd prints from same negative	1.00
d. 8 by 10 inch double weight matte finish:	
1st print	2.00
2nd and 3rd prints from same negative	1.80
e. 11 by 14 inch double weight matte finish	4.20
f. 16 by 20 inch double weight matte finish	5.50
g. 20 by 24 inch double weight matte finish	7.75

2. Color Transparencies (not to exceed three copies of any one view):

a. 35mm duplicate slide from color slide	.60
b. 35mm transparency (not 1:1) from color negative, photo print, or transparency.	3.50
c. 4 by 5 inch color transparency or color negative	8.00
d. 8 by 10 inch color transparency or color negative	16.75

3. Color Prints (not to exceed three copies of any one view):

a. 4 by 5 inch color print:	
1st print	2.25
2nd and 3rd prints from same negative	1.50
b. 8 by 10 inch color print:	
1st print	4.50
2nd and 3rd prints from same negative	2.00
c. 11 by 14 inch color print:	
1st print	9.60
2nd and 3rd prints from same negative	6.00
d. 16 by 20 inch color print	17.50
e. 16 by 10 inch color print mounted on 20 by 24 inch cardboard.	23.00
f. Searching and researching per hour, $13.00; Minimum charge, $10.00	

4. Motion Picture and Sound Track Stock Footage, Printed and Processed:

	Price per foot	
	Contact	Reduction
a. Color:		
16mm work print (negative or positive)	$.17	$.24
16mm reversal work print	.17	.24
16mm master positive	.37	.64
16mm dup negative (from master positive	.40	.44
16mm reversal dup negative	.40	.44
16mm internegative (from reversal original)	.85	
16mm short rolls (under 200 feet), add	[1].06	
16mm tab-to-tab printing, add	[1].15	
35mm work print (negative or positive)	.22	
35mm master positive	.60	
35mm dup negative	.60	
35mm reversal dup negative	1.20	
35mm short rolls (under 400 feet) add	[1].06	
35mm tab-to-tab printing, add	[1].18	
b. Black and White:		
16mm work print (negative or positive)	.10	.16
16mm master positive (fine grain)	.13	.17
16mm dup negative	.20	.26
16mm short rolls (under 200 feet), add	[1].06	
16mm tab-to-tab printing, add	[1].07	
35mm work print	.11	
35mm master positive	.14	
35mm dup negative	.24	
35mm short rolls (under 400 feet), add	[1].06	
35mm tab-to-tab printing, add	[1].08	
c. Magnetic Tape:		
Dup (16mm, 35mm, ¼ inch) per hour	[2]55.00	
d. Miscellaneous Services:		
Searching, each hour or fraction thereof		$13.00
Minimum charge per order (including stock search)		25.00
16mm film to 2-inch videotape transfer (does not include tape)—per hour		225.00
Minimum charge for 16mm film to 2-inch videotape transfer (des not include tape)		125.00

5. General. Charges for any additional services not specified above:

a. Minimum charge for office copy reproduction (minimum up to 6 images)	$2.40
b. Each additional image	.06
c. Each typewritten page	2.40

[1] To basic price.

[2] Plus raw stock.

Carol M. Rose,

Air Force Federal Register, Liaison Officer.

BILLING CODE 3910–01–M

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§ 811.6 Motion picture or TV materials—requests for.

RULE	A	B	C	D	E
	If the requestor is	and material requested is unclassified	and material requested is classified	then furnish in writing the	and send the request to
1	the public media (news, entertainment, documentary, advertisers, industrial media producers, editors & writers)	X	--	film sequence outline of script; intended use of the film; type of film stock needed (neg, interneg, print); approx number or screen feet	SAF/PA, Wash DC 20330, for national release; servicing OI, for local release.
2	the general public (non-news media)	X	—		SAF/PA, Wash DC 20330.
3	an Air Force or other federal government agency	X	—	intended use of the film; type of film stock needed (neg, interneg, print); approx number of screen feet	AAVS/LGHD, Norton AFB CA 92409.
4	A federal government contractor (to meet AV reqmts specified in Federal contract)	X	—		AF plant representative.
5	an Air Force contractor (to meet AV reqmts specified in an USAF contract)	—	X	intended use of the material; type of material needed (print, neg, interneg); required number of prints, slides, negs, etc.; a full justification for access to classified material	
6	a federal government contractor (to provide material for public release)	X	—		
7	AF plant representative (to provide material to federal government contractor that is specified in federal contract)	X	—		AAVS/LGHD, Norton AFB CA 92409.
8	AF plant representative (to provide material to federal government contractor for release to public)	X	—		SAF/PA, AAVS/LGHD, *IN TURN*
9	AF plant representative (to provide material to an Air Force contractor that was specified in USAF contract)	—	X		MAJCOM or SOA (CC), AAVS/LGHD, *IN TURN*
10	a non-federal government agency (state, county, territorial municipal)	X	—	intended use of the film; type of film stock needed (neg, interneg, print), approx number of screen feet; a certification that requested material cannot be procured reasonably and expeditiously through normal business channels	SAF/PA, Wash DC 20330.
11	members of Congress	X	X	intended use of film; type of film stock needed (neg, interneg, print); approx number of screen feet; full justification for access to classified material	SAF/LL, Wash DC 20330.
12	Foreign governments, international organizations of their representatives	X	X		HQ USAF/CVAI(S), or MAJCOM or SOA (IN) holding DDL.
13	foreign nationals or foreign industries (other than representatives of foreign governments or international organizations	X	—		ICA office serving the foreign country. (see note)
14		—	X		HQ USAF/CVAI(S), Wash DC 20330, or MAJCOM or SOA (IN) holding DDL
15	an Air Force activity	—	X		MAJCOM or SOA (CC AAVS/LGHD *IN TURN*
16	a non-Air Force activity	—	X	intended use of film; type of film stock needed (neg, interneg, print); approx number of screen feet; full justification for access to classified material; a statement describing the measures to be taken, at least equal to those in DOD 5200.1-R/AFR 205-1, to safeguard and protect the material against unauthorized disclosure	HQ USAF/XOOTV, Wash DC 20330.

NOTE: Requests originating within the United States may be sent to SAF/PA, Wash DC 20330, for coordination with HQ USAF/CVAI(S) and ICA clearance.

§ 811.7 Still photographic materials—requests for.

RULE	A	B	C	D	E
	If the requester is	and material requested is unclassified	and material requested is classified	then furnish in writing the	request to
1	the public media (news, entertainment, documentary, advertisers, industrial media producers, editors & writers)	X		story outline or ad copy; intended use of the material; type of material needed (neg, print, interneg); required number of prints, slides, negs, etc.	SAF/PA, Wash DC 20330, for national release; servicing OI, for local release.
2	the general public (non-news media)	X	—	intended use of the material; type of material needed (neg, print, interneg); required number of prints, slides, negs, etc.	USAF Central Still Photo Depository, 1221 S Fern St, Arlington VA 22202.
3	an Air Force or other federal government agency	X	—		
4	a federal government contractor (to meet AV reqmts specified in federal contract)	X	-		AF plant representative
5	an Air Force plant representative (to meet a federal government contractors needs specified in Federal contract)	X	—		SAF/PA, Wash DC 20330
6	an Air Force contractor (to meet AV reqmts specified in an USAF contract)	—	X	intended use of the material; type of material needed (print, neg, interneg); required number of prints, slides, negs, etc.; a full justification for access to classified material	AF plant representative
7	an Air Force plant representative (to meet an Air Force contractor's needs specified in an USAF contract).	—	X		MAJCOM or SOA (CC, USAF Central Still Photo Depository, *IN TURN*
8	a non-federal government agency (state, county, territorial, municipal)	X	—	intended use of the material; type of material needed (neg, print, interneg); required number of prints, slides, negs, etc.; a certification that the requested material cannot be procured reasonably and expeditiously through ordinary business channels	SAF/PA, Wash DC 20330
9	members of Congress	X	X		SAF/LL, Wash DC 20330.
10	foreign governments, international organizations or their representatives	X	X	intended use of the material; type of material needed (print, neg, interneg); required number of prints, slides, negs, etc.; a full justification for access to classified material	HQ USAF/CVAI(S), or MAJCOM or SOA (IN) holding DDL.
11	foreign nationals or foreign industries other than representatives foreign governments or international organizations)	X	-		USAF Central Still Photo Depository
12		—	X		HQ UASF/CVAI(S), Wash DC 20330, or MAJCOM or SOA (IN), holding DDL
13	an Air Force activity	--	X	intended use of the material; type of material needed (neg, print, interneg); required number of prints, slides, negs, etc.; a full justification for access to classified material	MAJCOM or SOA (CC), USAF Central Still Photo Depository, *IN TURN*
14	a non-Air Force activity	—	X	intended use of the material; type of material needed (neg, print, interneg); required number of prints, slides, negs, etc., a full justification for access to classified material; a statement describing the measures to be taken, at least equal to those in DOD 5200.1-R/AFR 205-1, to safeguard and protect the material against unauthorized disclosure	HQ USAF/XOOTV, Wash DC 20330

NOTE: Requests originating within the United States may be sent to SAF/PA, Wash DC 20330, for coordination with HQ USAF/CVAI(S) and ICA clearance.

[FR Doc. 80-8079 Filed 3-19-80; 8:45 am]
BILLING CODE 3910-01-C

V 45 / 56 MR 20 80 UMI

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans' Education; Education Loans

AGENCY: Veterans' Administration.

ACTION: Final regulation.

SUMMARY: These regulations implement those provisions of the Veterans' Housing Benefits Act of 1978 which pertain to the education loan program. They set a minimum level of tuition and fees which certain veterans and eligible persons must pay before they can be eligible for an education loan. They also shorten the time period for repayment of small loans.

EFFECTIVE DATE: March 7, 1980.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans' Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202–389–2092.

SUPPLEMENTARY INFORMATION: On pages 65083 and 65084 of the **Federal Register** of November 9, 1979 there was published a notice of intent to amend part 21 to implement those provisions of the Veterans' Housing Benefits Act of 1978 which pertain to the education loan program. Interested persons were given 30 days in which to submit comments, suggestions or objections regarding the proposal. The Veterans' Administration received one letter containing comments.

The commenter stated that he did not think that a minimum tuition which is based upon $700 per academic year was realistic. However, he had reviewed the legislative and academic history of the education loan program and agreed that the regulations conformed to the intent of Congress.

He also suggested that § 21.4501(b)(3) was too cumbersome, and should be rewritten. After careful consideration the Veterans' Administration has decided not to accept this suggestion. Section 21.4503 states the periods for which a loan can be authorized. Unnecessary ambiguity can be avoided by providing a method for calculating the minimum tuition for each of them. This is done in § 21.4501(b).

The proposed changes §§ 21.4501 and 21.4504 are deemed proper and are hereby approved:

Approved: March 7, 1980.

By direction of the Administrator:

Rufus H. Wilson,

Deputy Administrator.

1. In § 21.4501, paragraphs (a) and (b) are revised to read as follows:

§ 21.4501 Eligibility.

(a) *General.* The criteria for determining a veteran's or other eligible person's eligibility for an education loan depend upon whether or not the veteran's or eligible person's delimiting period as determined by § 21.1042, § 21.1043, § 21.3041 or § 21.3046 has expired. Any veteran or eligible person shall be entitled to an education loan if he or she meets the criteria of this paragraph as well as the criteria of either paragraph (b) or (c) of this section as appropriate. The veteran or eligible person must:

(1) Have financial resources that may be reasonably expected to be expended for education needs and which are insufficient to meet the expected actual cost of attendance; and

(2) Execute a promissory note payable to the Veterans Administration, as provided by § 21.4504.

(b) *Additional criteria for veterans and eligible persons eligible to receive educational assistance allowance.* An education loan shall be granted to a veteran or eligible person whose delimiting period as determined by § 21.1042, § 21.1043, § 21.3041 or § 21.3046 has not expired if the veteran or eligible person meets the eligibility requirements found in paragraph (a) of this section and if the veteran or eligible person:

(1) At the time the loan is authorized, is in attendance at an educational institution on at least a half-time basis, and

(i) Is enrolled in a course leading to a standard college degree, or

(ii) Is enrolled in a course, the completion of which requires 6 months or longer, leading to an identified and predetermined professional or vocational objective; unless the Director of the VA field station of jurisdiction waives these requirements, in whole or in part, upon determination that to do so is in the interest of the veteran or eligible person and the Federal Government as prescribed in § 21.4500; and

(2) Is in receipt of educational assistance allowance under section 1661 or subchapter II of chapter 35, title 38, United States Code; and

(3) Must be required to pay to the educational institution for tuition and fees an amount equal to or greater than an amount to be determined as follows:

(i) If the veteran or eligible person is enrolled in a course organized on a term basis, the amount shall be determined by multiplying $700 by ⅔ if the proposed loan period is 2 consecutive quarters, by multiplying $700 by ½ if the proposed loan period is one semester, or by multiplying $700 by ⅓ if the proposed loan period is either 1 quarter or is a term of 8 weeks or more, not part of the ordinary school year. The resulting figure is multiplied by 1 if the veteran or eligible person is a full-time student on the day the loan is authorized, by ¾ if the veteran or eligible person is a three-quarter time student on the day the loan is authorized or by ½ if the veteran or eligible person is a half-time student on the day the loan is authorized.

(ii) If the veteran or eligible person is not enrolled in a course organized on a term basis and the proposed loan period is 6 months in length, the amount shall be determined in the same manner as for a veteran or eligible person whose proposed loan period is 2 quarters.

(iii) If the veteran or eligible person is not enrolled in a course organized on a term basis and the proposed loan period is less than 6 months in length, the amount shall be:

(*a*) An average of $77 per month of the proposed loan period if the veteran is a full-time student on the day that the loan is authorized,

(*b*) An average of $57 per month of the proposed loan period if the veteran is a three-quarter time student on the day that the loan is authorized, or

(*c*) An average of $38 per month of the proposed loan period if the veteran is a half-time student on the day that the loan is authorized.

(38 U.S.C. 1798(g); Pub. L. 95–476; 92 Stat. 1497)

2. In § 21.4504, paragraph (a)(3) is revised to read as follows:

§ 21.4504 Promissory note.

(a) *General.* The agreement by the Veterans Administration to loan money pursuant to section 1798, title 38, United States Code, to any eligible veteran or eligible person shall be in the form of a promissory note which shall include:

* * * * *

(3) A note or other written obligation providing for repayment of the principal amount, and interest on the loan in annual installments over a period beginning 9 months after the date on which the borrower first ceases to be at least a half-time student and ending:

(i) For loans of $600 or more, 10 years and 9 months after such date, or

(ii) For loans of less than $600, 1 year and 7 months after such date for the first $50 of the loan plus 1 additional month for each additional $5 of the loan.

(38 U.S.C. 1798, Pub. L. 95–476; 92 Stat. 1497)

* * * * *

[FR Doc. 80-8525 Filed 3-19-80; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1439–8]

Approval and Promulgation of State Implementation Plan Revision for Michigan; Correction

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking; corrections.

SUMMARY: On December 21, 1979 (44 FR 75635) and May 3, 1979 (44 FR 25840) the U.S. Environmental Protection Agency (USEPA) published notices of final rulemaking which approved revisions to the Michigan State Implementation Plan (SIP). These revisions extended the compliance dates for the Monroe County Plant of the Detroit Edison Company and the Cobb, Karn and Weadock Plants of the Consumers Power Company. On page 75637 of the December 21, 1979 **Federal Register** publication and on page 25840 of the May 3, 1979 publication, the last paragraphs, amending Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations, failed to contain an identification of the plans. This document corrects those omissions.

FOR FURTHER INFORMATION CONTACT: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6029.

SUPPLEMENTARY INFORMATION:

On page 25840 the May 3, 1979 publication should have included, in addition to the chart indicating the final compliance dates, the following information under Subpart X-Michigan:

Subpart X-Michigan

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(14) Order extending the final compliance dates for meeting the sulfur dioxide emission limitation was submitted by the Michigan Department of Natural Resources for the Karn, Weadock and Cobb Plant Units of the Consumers Power Co.

* * * * *

§ 52.1175 Compliance schedules.

* * * * *

The December 21, 1979 **Federal Register** publication should have included the following information on page 75637 in the paragraph amending Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations:

Subpart X—Michigan

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(15) Order extending compliance date for meeting the sulfur dioxide emission limitation was submitted by the State of Michigan Department of Natural Resources for the Detroit Edison Company, Monroe County Plant on December 12, 1977.

* * * * *

§ 52.1175 Compliance schedules.

* * * * *

(e) * * *

* * * * *

Dated: March 11, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-8573 Filed 3-19-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Parts 122 and 125

[FRL 1440–8]

National Pollutant Discharge Elimination System (NPDES); NPDES Best Management Practices Guidance Document and Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Continuation of Deferral of Effective Date and Notice of Availability of Technical Information.

SUMMARY: This notice announces the availability of the draft NPDES Best Management Practices (BMP) Guidance Document. At this same time EPA is providing a review and comment period on the Guidance Document and is continuing the deferral of the effective date of the BMP requirements.

DATES: Comments on the draft NPDES Best Management Practices Guidance Document must be received on or before [45 days from the date of publication of this notice].

The effective date of the BMP requirements continues to be deferred until EPA completes the review of comments submitted in response to this notice and announces the new effective date in the **Federal Register.**

ADDRESSES: Interested persons may obtain copies of the draft Guidance Document by written request addressed to the contact person listed below. Comments on the Document should be submitted to the same address.

FOR FURTHER INFORMATION CONTACT: Harry M. Thron, Office of Water Enforcement (EN–336), Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, (202) 426–7010.

SUPPLEMENTARY INFORMATION: EPA published major revisions to its NPDES regulations on June 7, 1979. 44 FR 32854–32956. In the June 7 **Federal Register,** EPA announced that most provisions of the new regulations would become effective on August 13, 1979. 44 FR 32854, 32856. One of the requirements scheduled to become effective on August 12 was Subpart K of 40 CFR Part 125—"Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act." Subpart K requires that applications for NPDES permits include a "BMP program" for the control of certain toxic and hazardous pollutants.

EPA stated in the June 7 regulations that technical guidance on the development of BMP programs would be provided in a publication entitled "NPDES Best Management Practices Guidance Document." See comment following 40 CFR 125.104 (b) (44 FR 32955). However, publication of the Guidance Document was delayed beyond the August 13 effective date. Therefore, on August 10, 1979, EPA deferred applicability of the BMP portions of the NPDES regulations until 60 days after publication in the **Federal Register** of a notice of availability of the BMP Guidance Document. 44 FR 47063. EPA today announces the availability of the draft report "NPDES Best Management Practices Guidance Document" (EPA–600/9–79–045, December 1979), and provides a 45-day comment period on the Guidance Document. Comments should address only the technical aspects of the Guidance Document since EPA previously has solicited and received comments on the BMP regulation itself.

After reviewing comments, EPA will finalize the Guidance Document and publish a notice in the **Federal** Register announcing the effective date of the BMP regulations, 40 CFR Part 125 Subpart K.

Dated: March 12, 1980.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 80-8577 Filed 3-19-80; 8:45 am]

BILLING CODE 6560-01-M

V 45/56 MR 20 80 UMI

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40 CFR Part 180

[FRL 1440-6; PP 9F2188/R227A]

Proposed Food Additive Regulation for the Pesticide Chemical "N"-(Mercaptomethyl)Phthalimide "S"-("O,O" Dimethyl; Phosphorodithioate); Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This document establishes an effective date for a final rule on *N*-(mercaptomethyl)phthalimide *S*-(*O,O*-dimethyl phosphorodithioate) in the **Federal Register** of Monday, February 11, 1980 (FR Doc. 80-4309).

EFFECTIVE DATE: February 11, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. George T. LaRocca, Product Manager (PM-15), Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 (202-426-0490).

SUPPLEMENTARY INFORMATION: In FR Doc. 80-4309 appearing at page 8980 in the issue of Monday, February 11, 1980, the word "Proposed" is deleted in the heading and "DATE: Comments must be received on or before March 12, 1980" is corrected in the middle column to read "EFFECTIVE DATE: February 11, 1980."

Dated: March 11, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Program.

[FR Doc. 80-8765 Filed 3-19-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 5792]

Communities With No Special Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by the 100-year flood. Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of **List of Communities with No Special Flood Hazards.**

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line 800-424-8872, Room 5150, 451 Seventh St., SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: In these communities, there is no reason not to make full limits of coverage available. The entire community is now classified as zone C. In a zone C, insurance coverage is available on a voluntary basis at low actuarial nonsubsidized rates. For example, under the Emergency Program in which your community has been participating the rate for a one-story 1-4 family dwelling is $.25 per $100 of coverage. Under the Regular Program, to which your community has been converted, the equivalent rate is $.01 per $100 of coverage. Contents insurance is also available under the Regular Program at low actuarial rates. For example, when all contents are located on the first floor of a residential structure, the premium rate is $.05 per $100 of coverage.

In addition to the less expensive rates, the maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program. For example, a single family residential dwelling now can be insured up to a maximum of $185,000 coverage for the structure and $60,000 coverage for contents.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program.

The effective date of conversion of the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

The entry reads as follows:

§ 65.6 List of communities with no special flood hazard areas.

State	County	Community name	Date of conversion to regular program
Colorado	Weld	Town of Platteville	Feb. 29, 1980.
Illinois	Cook	Village of Harwood Heights	Feb. 29, 1980.
North Dakota	Logan	City of Gackle	Feb. 29, 1980.
Michigan	Oakland	City of Berkley	Feb. 29, 1980.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended: 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 9367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: March 4, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-8529 Filed 3-19-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA 5791]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line 800-424-8872, Room 5150, 451 Seventh St. S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone

designation of the particular area of the community.

Flood Insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

The entry reads as follows:

§ 65.7 List of communities with minimal flood hazard areas.

State	County	Community name	Date of conversion to regular program
Idaho	Kootenai	City of Worley	Apr. 8, 1980.
Utah	Cache	City of Hyrum	Apr. 8, 1980.
Missouri	Platte	City of Lake Waukomis	Apr. 15, 1980.
California	Colusa	City of Williams	Apr. 22, 1980.
North Dakota	LaMoure	City of Marion	Apr. 22, 1980.
North Dakota	Williams	City of Ray	Apr. 29, 1980.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: March 4, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-8581 Filed 3-19-80; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 31 and 35

[CGD 73-243]

Editorial Amendments and Withdrawal of Proposed Requirement for Cargo Information Cards for Flammable and Combustible Cargoes

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment corrects Title 46 by deleting references 46 CFR 35.01-55, a section that was removed from the Code of Federal Regulations several years ago. After consideration of comments received on the proposal, the requirements concerning cargo information cards for flammable and combustible cargoes is withdrawn.

EFFECTIVE DATE: This amendment is effective on March 17, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Query, Office of Merchant Marine Safety (G-MHM), Room 1405, U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, D.C. 20593, (202) 426-1217.

SUPPLEMENTARY INFORMATION:

In the March 29, 1979 **Federal Register** (44 FR 18709) the Coast Guard proposed to delete references to 46 CFR 35.01-55 since this section was no longer in effect. The Coast Guard also proposed to add a new § 35.30-3 that would have required barges and towing vessels to carry cargo information cards when transporting bulk flammable or combustible liquids. Interested persons were given until May 11, 1979 to comment on the proposal. On June 7, 1979 a supplemental notice was published in the **Federal Register** (44 FR 32720) reopening the comment period until June 29, 1979. A total of 17 written comments were received on the proposal.

With the withdrawal of the proposed requirement for cargo information cards this rule contains amendments purely editorial in nature. Accordingly, the rule may be made effectively immediately.

Drafting Information

The principal persons involved in drafting this document are Mr. Robert M. Query, Project Manager, Office of Merchant Marine Safety; and LT John Salter, Project Attorney, Office of Chief Counsel.

Discussion of Comments

Of the 17 comments received, two supported the proposal as published, three generally supported it but recommended specific changes and twelve commenters opposed the proposal or recommended major revisions. The favorable comments generally came from the shippers and the unfavorable comments from vessel operators. All comments dealt only with the proposal to require cargo information cards.

The favorable comments indicated that the cards would be desirable to assist the vessel crews when handling cargo spills, leaks, and small fires. Furthermore, the information from the card could be relayed when making a call for help, so that those responding to the call would have better background information than they might otherwise.

The unfavorable comments were numerous and are summarized in the following list:

1. There is but one commercial source for the cards.

2. The Coast Guard would, as a practical matter, require that the cargo information cards offered by the Manufacturing Chemist's Association be used.

3. The card would not contribute to safety, and could detract if the wrong card were posted.

4. The cards would be a continual maintenance problem.

5. The primary costs would be in personnel time necessary to maintain the cards, and this could be substantial.

6. The emergency response information on all the cards is essentially the same.

7. The cards have too little information to be of use to the crew; those people to whom the cards would be of use are not normally on the vessel.

8. Additional cost from pilfering and from delays while getting the proper cards in place would be substantial.

9. The long history of handling cargoes governed by 46 CFR parts 30-35 doesn't support requiring the cards.

10. The cards would not hold up in service on ocean going barges.

11. Tankermen are required to be with the barge in most circumstances, and tankermen are required to know the information on the cards.

12. The card is too small to be readable from a distance, and a person should not come close enough to the card to read it if, for example, the cargo were spilling from the vessel.

13. Cards on unattended barges in fleeting areas might encourage theft if the barge carried gasoline, for example. This would likely increase the hazard when compared with an unlabeled barge.

14. A towboat operator pushing different barges on each trip might have to supply cards for each barge. This

could get expensive over a period of time.

Many of these objections are valid. Several commenters suggested that a more effective way to identify the hazards of a cargo in an unattended barge would be to revise the wording of the warning sign presently required under § 35.30–1(b). The Coast Guard is reviewing § 35.30–1(b) toward that end. Upon completion of the review, a revised format for the warning sign will be proposed if found necessary.

After considering the comments and the various suggestions to modify the proposal, the Coast Guard has decided to withdraw that part of the proposal that would require cargo information cards for flammable and combustible bulk liquids.

The final rule deletes the outdated references to § 35.01–55 noted in the proposal. In a rulemaking that partly reorganized the regulations treating unusually hazardous cargoes, § 35.01–55 was removed from Part 35. Among the deletions are § 31.15–6 and the last sentence in § 35.35–1(b). These sections contained outdated requirements pertaining to crewmembers handling cargoes formerly covered by § 35.01–55. A separate notice of proposed rulemaking concerning tankerman requirements (Docket No. CGD 79–116) is being prepared that will redefine and establish qualifying criteria for certifying individuals engaged in the carriage and transfer of various categories of dangerous cargoes in bulk.

The Coast Guard has determined in accordance with the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034) that this amendment is not significant. With the withdrawal of the proposed cargo information card requirement no economic impact is contemplated and therefore no final evaluation has been prepared.

In consideration of the foregoing, Title 46 of the Code of Federal Regulations is amended as follows:

PART 31—INSPECTION AND CERTIFICATION

§ 31.15–5 [Amended]

1. In § 31.15–5, by deleting paragraph (b).

§ 31.15–6 [Deleted]

2. By deleting § 31.15–6.

PART 35—OPERATIONS

§ 35.01–50 [Amended]

3. In § 35.01–50, by deleting the last sentence of paragraph (f)(2), and by deleting the words "and information cards as required by § 35.01–55" in paragraph (g).

§ 35.30–1 [Amended]

4. In § 35.30–1, by deleting and reserving paragraph (d).

§ 35.35–1 [Amended]

5. In § 35.35–1, by deleting the last sentence of paragraph (b).

(46 U.S.C. 170; 46 U.S.C. 391a; 49 U.S.C. 1655(b)(1); 49 CFR 1.46 (b) and (n)(4))

Dated: March 11, 1980.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 80–8457 Filed 3–19–80; 8:45 am]

BILLING CODE 4910–14–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. No. 1429]

Car Service; Illinois Central Gulf Railroad Co. Authorized To Operate Over Tracks Embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1429.

SUMMARY: Authorizes the Illinois Central Gulf Railroad Company to operate over tracks and lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Between Cedar Rapids and Louisa, Iowa, including Marion, Iowa; and between Mendota and Trek, Illinois, providing for the continuation of service to shippers which would otherwise be deprived of essential railroad services. The order is revised to provide service between Mendota and Trek.

EFFECTIVE DATE: 12:01 a.m., March 11, 1980, and continuing in effect until 11:59 p.m., March 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided: February 29, 1980.

By Order No. 290 A, dated February 25, 1980, The United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "Core System" as identified by the court.

The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980.

The MILW placed Embargo No. 10–80, as directed by the court, effective on the dates shown.

The Illinois Central Gulf Railroad Company (ICG), in agreement with the trustee of the MILW, has filed a request for temporary authority to operate over certain tracks and lines of the MILW not included in the court identified "Core System."

It is the opinion of the Commission that an emergency exists requiring the operation by ICG over tracks embargoed by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

§ 1033.1429 Service Order No. 1429.

(a) *Illinois Central Gulf Railroad Company authorized to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* The Illinois Central Gulf Railroad Company (ICG) is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at the following named points in the States of Iowa and Illinois:

Between Cedar Rapids and Louisa, Iowa, including Marion, Iowa
At Mendota, Illinois.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) *Rate applicable.* Inasmuch as this operation by ICG over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via ICG become effective.

(d) In transporting traffic over these lines, ICG and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *Employees.* In performing the authorized operations the four articles contained in the draft agreement entitled *"Labor Protection Agreement between Railroad Parties Hereto Involved in Midwest Rail Restructuring and Employees Such Railroads Represented by the Rail Labor Organizations Operating Through the Rail Labor Executives' Association"* (sometimes referred to as the Miami Accords and/or the 13 Principles) presently being circulated to the interested parties for ratification will apply. If the Agreement, when ratified, contains modifications, such modifications will apply.

(f) *Effective date.* This order shall become effective at 12:01 a.m., March 1, 1980.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–8569 Filed 3–19–80; 8:45 am]

BILLING CODE 7035–01–M

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49 CFR Part 1033

[Rev. S.O. No. 1429]

Car Service; Illinois Central Gulf Railroad Co. Authorized To Operate Over Tracks Embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1429.

SUMMARY: Authorizes the Illinois Central Gulf Railroad Company to operate over tracks and lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Between Cedar Rapids and Louisa, Iowa, including Marion, Iowa; At Mendota, Illinois, providing for the continuation of service to shippers which would otherwise be deprived of essential railroad services.

EFFECTIVE DATE: 12:01 a.m., March 1, 1980, and continuing in effect until 11:59 p.m., March 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided: March 7, 1980.

By Order No. 290 A, dated February 25, 1980, The United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "Core System" as identified by the court.

The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980.

The MILW placed Embargo No. 10–80, as directed by the court, effective on the dates shown.

The Illinois Central Gulf Railroad Company (ICG), in agreement with the trustee of the MILW, has filed a request for temporary authority to operate over certain tracks and lines of the MILW not included in the court identified "Core System."

It is the opinion of the Commission that an emergency exists requiring the operation by ICG over tracks embargoed by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

§ 1033.1429 Revised Service Order No. 1429.

(a) *Illinois Central Gulf Railroad Company authorized to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* The Illinois Central Gulf Railroad Company (ICG) is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at the following named points in the States of Iowa and Illinois:

Between Cedar Rapids and Louisa, Iowa; including Marion, Iowa; and between Mendota, Illinois, and Trek, Illinois.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) *Rate applicable.* Inasmuch as this operation by ICG over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via ICG become effective.

(d) In transporting traffic over these lines, ICG and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (sometimes referred to as the Miami Accords and/or the 13 Principles). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if ICG chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(f) *Effective date.* This order shall become effective at 12:01 a.m., March 11, 1980.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C.,

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and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8589 Filed 3-19-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[S. O. No. 1432]

Car Service; Chicago and North Western Transportation Co. Authorized To Operate Over Tracks Embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1432

SUMMARY: Authorizes the Chicago and North Western Transportation Company (CNW) to operate over embargoed lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at Lake Preston, Mitchell and Sioux Falls, South Dakota; Miloma and Montgomery, Minnesota; and between Jefferson and Marathon, Iowa, in order to continue essential railroad service to these locations.

EFFECTIVE DATE: 12:01 a.m., March 1, 1980, and continuing in effect until 11:59 p.m., March 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: February 29, 1980.

By Order No. 290A, dated February 25, 1980, the United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "core system" as identified by the Court. The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980. The MILW placed Embargo No. 10-80 as directed by the Court, effective on these dates.

The Chicago and North Western Transportation Company (CNW) intersects MILW lines at various locations in Iowa, South Dakota and Minnesota, and has applied to the Commission seeking authority to operate over embargoed MILW lines at Lake Preston, Mitchell and Sioux Falls, South Dakota; Miloma and Montgomery, Minnesota; and at Tama and between Jefferson and Marathon, Iowa.

It is the opinion of the Commission that an emergency exists requiring the operation by CNW over tracks embargoed by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days notice.

It is ordered,

§ 1033.1432 Service Order No. 1432.

(a) *Chicago and North Western Transportation Company authorized to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* The Chicago and North Western Transportation Company (CNW) is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at Lake Preston, Mitchell and Sioux Falls, South Dakota; Miloma and Montgomery, Minnesota; and at Tama and between Jefferson and Marathon, Iowa.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by CNW over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed, to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via CNW become effective.

(d) In transporting traffic over these lines, CNW and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *Employees.* In performing the authorized operations the four Articles contained in the draft agreement entitled *"Labor Protection Agreement between Railroad Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads represented by the Rail Labor Organizations operating through the Rail Labor Executives' Association"* (sometimes referred to as the Miami Accords and/or the 13 Principles) presently being circulated to the interested parties for ratification will apply. If the agreement, when ratified, contains modifications, such modifications will apply.

(f) *Effective date.* This order shall become effective at 12:01 a.m., March 1, 1980.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. (10304-10305 and 11121-11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8584 Filed 3-19-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[S. O. No. 1433]

Car Service; Escanaba and Lake Superior Railroad Co. Authorized To Operate Over Tracks Embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1433.

SUMMARY: Authorizes the Escanaba and Lake Superior Railroad Company to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company between Iron Mountain, Michigan, and Green Bay, Wisconsin. This provides for the continuation of service to shippers which would otherwise be deprived of essential railroad services.

EFFECTIVE DATE: 12:01 a.m., March 8, 1980, and continuing in effect until 11:59 p.m., March 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: March 6, 1980.

The line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) between Ontonagon, Michigan, and Green Bay, Wisconsin, will be embargoed by the MILW on March 8, 1980. The Escanaba and Lake Superior Railroad Company (ELS) operates a line of railroad between Wells and Channing, Michigan. The ELS has signed a purchase agreement with MILW for the purchase of the trackage from Ontonagon, Michigan, to Iron Mountain, Michigan, and the United States District Court for the Northern District of Illinois, Eastern Division, (Reorganization Court), has notified the ELS that it will issue an interim service order under Section 5(b)(3) of the Milwaukee Road Restructuring Act when ELS files an appropriate application with the Interstate Commerce Commission.

The ELS has signed an agreement for Options and Right of First Refusal for the MILW line from Iron Mountain, Michigan, to Green Bay, Wisconsin.

The MILW had previously filed an abandonment application with the Commission with respect to the Ontonagon to Green Bay line, which is pending before the Commission in Docket AB-7 (Sub.-No. 85F).

The ELS requests an emergency service order from the Commission so that it may continue to serve shippers between Iron Mountain, Michigan, and Green Bay, Wisconsin.

It is the opinion of the Commission that an emergency exists requiring the operation by ELS over tracks embargoed by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1433 Service Order No. 1433.

(a) *Escanaba and Lake Superior Railroad Company authorized to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* The Escanaba and Lake Superior Railroad Company (ELS) is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) between Iron Mountain, Michigan, and Green Bay, Wisconsin.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Nothing herein shall be considered as a prejudgement of the application of ELS seeking authority to operate over these tracks.

(d) *Rates applicable.* Inasmuch as this operation by ELS over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via ELS become effective.

(e) In transporting traffic over these lines, ELS and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protection Agreement between Railroad Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (sometimes referred to as the Miami Accords and/or the 13 Principles). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if ELS chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(g) *Effective date.* This order shall become effective at 12:01 a.m., March 8, 1980.

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. (10304-10305 and 11121-11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8586 Filed 3-19-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[S. O. No. 1434]

Car Service; Consolidated Rail Corp. Authorized To Operate Over Tracks Embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1434.

SUMMARY: Authorizes the Consolidated Rail Corporation (CR) to operate over embargoed lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at Momence, Illinois, in order to continue essential railroad service to this location.

EFFECTIVE DATE: 12:01 a.m., March 8, 1980, and continuing in effect until 11:59 p.m., March 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275-7840

SUPPLEMENTARY INFORMATION:

Decided: March 6, 1980.

By Order No. 290A, dated February 25, 1980, the United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "core system" as identified by the Court. The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980. The MILW placed Embargo No. 10-80 as directed by the Court, effective on these dates.

The Consolidated Rail Corporation (CR) presently serves industries located on its own line at Momence, Illinois, and has applied to the Commission seeking authority to operate over embargoed MILW lines at Momence, Illinois.

It is the opinion of the Commission that an emergency exists requiring the operation by CR over tracks embargoed by MILW in the interests of the public; that notice and public procedure are

impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days notice.

It is ordered,

§ 1033.1434 Service Order No. 1434.

(a) *Consolidated Rail Corporation authorized to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* The Consolidated Rail Corporation (CR) is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at Momence, Illinois.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by CR over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed, to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via CR become effective.

(d) In transporting traffic over these lines, CR and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled "*Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association*" (sometimes referred to as the Miami Accords and/or the 13 Principles). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if CR chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(f) *Effective date.* This order shall become effective at 12:01 a.m., March 8, 1980.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8567 Filed 3-19-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[S.O. No. 1435]

Car Service; Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1435.

SUMMARY: Certain properties of the Chicago, Rock Island and Pacific Railroad Company (RI) have been operated by the Kansas City Terminal Company (KCT) under the authority of Directed Service Order No. 1398 and Supplements thereto. The directed service authorized under this order will expire at 11:59 p.m., March 23, 1980.

Throughout the RI rail network, there are numerous locations where the RI and other railroads conduct joint operations by the use of RI owned tracks and/or facilities. The use of these tracks and/or facilities is essential to the continued operations of the other railroads.

Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI) as listed in Appendix A to this order.

DATES:

Effective date: 12:01 a.m., March 24, 1980.
Expiration date: 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT:

J. Kenneth Carter (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided: March 6, 1980.

Certain properties of the Chicago, Rock Island and Pacific Railroad Company (RI) have been operated by the Kansas City Terminal Company (KCT) under the authority of Directed Service Order No. 1398 and Supplements thereto. The directed service authorized under this order will expire at 11:59 p.m., March 23, 1980.

Throughout the RI rail network there are numerous locations where the RI and other railroads conduct joint operations by the use of RI owned tracks and/or facilities. The use of these tracks and/or facilities is essential to the continued operations of the other railroads.

It appears that contract negotiations between the RI Trustee and the other affected railroads for the joint use of these RI tracks and/or facilities may not be consummated before directed service under Directed Service Order No. 1398 ends.

Without the use of these RI tracks and/or facilities, which heretofore had been jointly operated, the continued operations of other railroads will be interrupted or seriously impeded, with adverse effect on shippers and the interstate commerce over a large area of the United States.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendix be authorized to conduct the operations, also identified in the attachment, using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days notice.

It is ordered,

§ 1033.1435 Service Order No. 1435.

(a) Various Railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee). *Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI) as listed in Appendix A to this order.*

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service essential to their continued operations.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(d) In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers, as may be agreed to among themselves.

(e) It is recognized that there may be other carrier(s) and/or locations(s), in addition to those listed in the Appendix, where the use of RI tracks and/or facilities is necessary. If such be the case, the affected railroad(s) should apply to the Railroad Service Board and furnish information setting out the applicant carrier's corporate name, trackage and/or facility involved, location, and all pertinent data relating to the necessity of the use of such track or facility. The Railroad Service Board will consider such applications for addition to Appendix A.

(f) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protection Agreement between Railroad Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (sometimes referred to as the Miami Accords and/or the 13 Principles). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if the carrier(s) chooses to exercise the authority granted by this decision, it/they shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(g) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

Appendix A.—*Service Order No. 1435*

Line No. and location to be operated	Railroads using	Rock Island functions to be performed
1—Rock Island Jct., IL, switches	C&O/B&O, CWP&S, CR, CSL	Track maintenance.
2—To ICG connection Cottage Grove Ave., Chicago, IL	CWP&S	Track maintenance.
3—Irondale Branch, Chicago, IL	CWP&S, CR	Track maintenance.
4—Chicago, IL Region Port District	ICG	Track maintenance.
5—Chicago (LaSalle St., Station)—Joliet, IL	Regional Transportation Authority	Dispatching performed at Des Moines, IA (Surburban train operation).
6—Moline-East Moline, IL crossing signal	BN, DRI&NW	Highway crossing signal maintenance.
7—Rock Island, IL—26th St.	BN	Switchtender handles crossing & BN switches.
8—West Davenport-Muscatine, IA	MILW	Track and signal maintenance, dispatching performed at Des Moines, IA, which controls entry switch at West Davenport (Automatic Block Signal).
9—Burlington-Mediapolis, IA	BN	Track maintenance; dispatching performed at Des Moines. Highway crossing signals maintenance on BN trackage.
10—Eddyville-Beacon, IA	CNW	Track maintenance.
11—Cedar Rapids, IA—4th St. trackage	ICG	Track maintenance.
12—Cedar Rapids, IA—9th Ave. crossing	CNW	Control of CNW–RI crossing and highway crossing signal maintenance.
13—Waterloo, IA—McKinley St. crossing signals	CNW	Highway crossing signal maintenance.
14—Iowa Jct.—Hollis, IL (Peoria Terminal Co.)	TP&W	Track maintenance; dispatching performed by Peoria yardmaster.
15—Des Moines (Easton Blvd.) West Des Moines, IA	CNW	Track and signal maintenance; operate and maintain RI and CNW tracks; signals—switches controlled at Short Line Tower (Automatic Block Signal).
16—Almena Jct.-CB&Q Jct., KS (Oronoque)	BN	Track maintenance; dispatching performed at Des Moines, IA; hand thrown switches; (Automatic Block Signal).
17—Colorado Springs—Roswell Industrial District, CO	ATSF	Track maintenance.
18—Council Bluffs, IA—6th, 7th, 8th Sts. crossing signals	BN	Highway crossing signal maintenance.
19—Albert Lea-Glenville, MN	CNW–ICG	Track and signal maintenance; dispatching performed at Des Moines, IA which controls CTC.
20—Glenville, MN—Manly, IA	CNW	Operator at Manly.
21—Inver Grove-South St. Paul, MN	CNW, SOO	Track and signal maintenance; dispatching performed at Des Moines, IA, which controls CTC.
22—Limon, CO	UP	Operator.
23—Polo-Airline Jct., MO	MILW	Track and signal maintenance; dispatching performed at Des Moines, IA, which controls CTC from Polo to Birmingham. (Birmingham to Airline Jct. CTC controlled by MILW at Truman Bridge under RI dispatcher's direction).
24—Atchison, KS—St. Joseph, MO	ATSF	Track and signal maintenance; dispatching performed at El Reno, OK.
25—Wathena-Troy, KS	UP	Track and signal maintenance; dispatching at El Reno, OK.
26—Herington, KS—MP crossing interlocking	MP	Interlocking controlled by RI operator (cannot be lined for MP and left unattended—signalling on MP cleared directionally).
27—Dodge City, KS	ATSF	Between Dodge City and ATSF Jct, over Arkansas River bridge track and bridge maintenance only (Line not in service at present).
28—Marion-Peabody, KS	ATSF	Track and signal maintenance; dispatching performed at El Reno, OK, which controls CTC.
29—McAlester-Shawnee, OK	MKT	Track and signal maintenance; dispatching performed at El Reno.
30—Shawnee-Oklahoma City, OK	ATSF–MKT	Track and signal maintenance; dispatching performed at El Reno.
31—Oklahoma City "North Lines" Industrial Tracks	ATSF	Track maintenance.
32—Malvern-Hot Spring, AR	MP	Dispatching performed at El Reno, OK.
33—Fort Worth-Irving, TX	FWD, SLSF	Track and signal maintenance dispatching performed at El Reno, OK, which controls CTC.
34—Irving-Dallas, TX	FWD	Track and signal maintenance dispatching performed at El Reno, OK, which controls CTC.
35—Dallas, TX Right of Way District (formerly Dallas Union Terminal).	MP, MKT, FWD, ATSF, SP, SSW, SLSF	Track and signal maintenance; maintain and control operation from towers.

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Appendix A.—*Service Order No. 1435*—Continued

Line No. and location to be operated	Railroads using	Rock Island functions to be performed
36—Dallas, TX—Cadiz St. Yard	L&A	Track maintenance.
37—Saginaw, TX	FWD, ATSF	Track and signal maintenance; interlocking controls, switches, and signals.
38—Memphis, TN, Section "A" trackage (1,460 feet) owned by L&N.	ICG, L&N, SOU	Track maintenance.
39—Briant-West Memphis, AR	SSW-MP	Track and signal maintenance; dispatching performed at El Reno, OK; CTC controlled from Kentucky St.
40—West Memphis-Brinkley, AR	SSW	Track and signal maintenance; dispatching performed at El Reno, OK ABS—Block signals operator at Brinkley.
41—Irving-Carrollton, TX	SLSF	Maintenance, dispatching (all functions performed by SLSF at present).

[FR Doc. 80-8886 Filed 3-19-80; 8:45 am]

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49 CFR Part 1121

[Ex Parte No. 274 (Sub-Nos. 2A, 2B, 2D)]

Identification and Handling of Related Rail Abandonment Applications; Increased Public Participation in Rail Abandonment Proceedings; Abandonment of Railroad Lines and Discontinuance of Service-System Diagram Map Revisions

Decided: February 26, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Discontinuance of proceedings and regulations revised.

SUMMARY: The Commission has decided not to adopt a policy statement containing procedures for handling related rail abandonment applications because: (1) there is no mechanism to procure information from railroads necessary for an adequate regional analysis; (2) recent legislative events eliminated the need for the proposal; and (3) it is likely to confuse and prolong railroad abandonment application proceedings. The Commission has changed the service requirements of the Notice of intent to abandon or discontinue rail service. The Notice will be served on a broader range of government and private parties who may be interested in an abandonment.

The date for filing System Diagram Maps has been changed to June 30.

The Commission will notify interested persons when it institutes an investigation into an abandonment on its own motion.

On its own motion, the Commission clarified the definition of base year in the calculation of available costs and revenues attributable and for financial assistance calculation.

EFFECTIVE DATE: April 21, 1980.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, (202) 275-7245.

SUPPLEMENTARY INFORMATION: We served and published notices in the **Federal Register** on April 14, 1978 (43 FR 15754) to institute Ex Parte No. 274 (Sub-No. 2A) and on July 25, 1978 (43 FR 33775) to institute Ex Parte No. 274 (Sub-No. 2B). A petition filed on October 10, 1978 requested institution of the proceedings in Ex Parte No. 274 (Sub-No. 2D). On our own motion we are clarifying section 1121.11(c) of the ICC *Abandonment of Railroad Lines and Discontinuance of Service*, regulations 49 CFR Part 1121 (1978) (Abandonment Regulations). We have considered these proceedings concurrently because the issues are interrelated.

Parties

Written comments in Ex Parte No. 274 (Sub-No. 2A) were received from: (1) the United States Department of Transportation (DOT); (2) Office of Rail Public Counsel (RPC); (3) Kansas Department of Transportation (KS-DOT); (4) Kentucky Department of Transportation (KY-DOT); (5) Minnesota Department of Tranportation (MN-DOT); (6) Oklahoma Department of Transportation (OK-DOT); (7) Oregon Department of Transportation (OR-DOT); (8) Virginia Department of Highways & Transportation (VA-DH&T); (9) National Conference of State Railway Officials (NCSRO); (10) Dane County Regional Planning Commission, WI (Dane County); (11) Association of American Railroads (AAR); (12) Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Milwaukee Road); (13) Union Pacific Railroad Company (UP); (14) John W. McGinnis, Illinois Legislative Director of United Transportation Union (UTU); (15) CF Industries, Inc. (CF); (16) Kimberly-Clark Corporation (Kimberly-Clark); and (17) Janet L. Martin (Martin).

Written comments in Ex Parte No. 274 (Sub-No. 2B) were received from: (1) DOT; (2) RPC; (3) the United States of America Railroad Retirement Board (RRB); (4) the Colorado State Department of Highways (CO-SDH); (5) KS-DOT; (6) VA-DH&T; (7) the National Association of Regulatory Utility Commissioners (NARUC); (8) the Champaign County Regional Planning Commission, IL (Champaign County); (9) AAR; (10) the National Railroad Passenger Corporation (Amtrak); (11) Milwaukee Road; (12) the Railway Labor Executives' Association (RLEA); and (13) the Plantation Pipe Line Company (PPLC).

MN-DOT filed a petition seeking to institute Ex Parte No. 274 (Sub-No. 2D).

The Need For a Policy Statement

We have determined not to adopt the proposed policy statement. Accordingly, our discussion shall be limited to our reasons for not adopting the statement.

The proposed policy statement addressed situations where a community or territory is served by more than one rail line which is a candidate [1] or potential candidate [2] for abandonment. The lines were not required to serve the same points, but to draw traffic from the same or overlapping territories.

AAR and Milwaukee Road opposed adoption of the policy statement.

AAR believes we are usurping States' planning roles, in addition to straying from our traditional role of determining the public convenience and necessity. Milwaukee Road argues that the procedures will not help us fulfill our duties in a speedy and just manner.

Effect on other railroads. The policy statement would require other railroads to participate in developing the record in a case on a voluntary or involuntary basis.

If railroads desire to present information on their lines with respect to abandonment candidates, they are free to do so now, without adoption of the proposed policy statement.

Under the proposed policy statement, railroads with lines that were candidates or potential candidates for abandonment within the territory of the pending abandonment applicant, were required to become respondents in the proceeding, to apprise us of their intentions with respect to such candidates, and to supply us any additional information they desired. We do not believe that a railroad's failure to supply additional information can legally be held against it.

Because railroads can voluntarily participate in the abandonment of another line's track today, and because of the limited role they tend to play when they respond, we see no benefit to requiring participation of other railroads as outlined in the policy statement.

Legislative events. Two recent laws have altered the atmosphere from that in which this policy statement was developed.

The Local Rail Service Assistance Act of 1978 (LRSA Act) makes it possible for a State to subsidize a line of railroad prior to abandonment. Hence, States have the ability to choose the line of railroad in the territory which they believe is the most beneficial to that territory. Under the LRSA Act this can be done without any Commission action, but in response to a system diagram map filing. The proposed policy statement is only an additional regulatory layer which may delay the necessary rationalization of redundant rail facilities.

Additionally, the prospective planning role as contemplated in the proposed policy statement has shifted even more heavily to the States and the United States Department of Transportation by the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210 (4R Act). The legislative history on the 4R Act provides:

A paramount concern to the Committee is the impact of rail abandonment on local communities mostly rural in character. The local Rail Assistance Program (administered by DOT) offers these communities an opportunity to keep their rail service. It rightfully places the responsibility for the decisions on essentiality of local rail service with State and local officials. *See* S. Rep. No. 94-499 page 44 (November 26, 1975).

The option of choosing "the best line" for continuance in service is a function which we believe would best be performed by the States and DOT. Congress has seen fit to provide funding for this purpose both before or after abandonment.

Complexity and length of proceeding. The proposed policy statement would complicate current proceedings by greatly extending the record to include some material which would, no doubt, be irrelevant.

In abandonments where no petitions to investigate are filed, the Commission is required to issue a final decision within 60 days of the date of filing. *See* 49 U.S.C. § 10904. Where an abandonment is investigated, the Commission is required to complete the evidentiary proceeding within 180 days and issue a decision 120 days after the close of evidence. *See* 49 U.S.C. § 10327(b). Requiring other railroads to become respondents in an abandonment proceeding could well extend the length of time required for an investigation beyond 180 days. Such additional evidence would complicate the decisional process and require consideration of issues beyond those relevant to the issue of abandonment. This profusion of issues may well extend the time for the decision process.

We have reevaluated the concept of considering regional abandonments when only one application is on file with the Commission. Based on the planning capabilities of the States and DOT, which can be used concurrently with the system diagram maps which must be filed with us, we do not believe implementation of the proposed policy statement for handling abandonments on a territory-wide basis is warranted.

Since we have determined that adoption of the policy statement and its procedures is not warranted, we will discontinue the proceeding in Ex Parte No. 274 (Sub-No. 2A).

Notice of Intent To Abandon or Discontinue Service

Service. In Ex Parte No. 274 (Sub-No. 2B), we proposed to amend section 1121.30(a) of the Abandonment Regulations to require service of the Notice on Federal agencies and other parties that may have an interest in the proposed abandonment.

AAR, supported by Milwaukee Road, opposes additional service of the Notice. It believes these interests are selective, and do not apply to every case. It suggests that we serve copies of the Notice on these parties or publish the Notice in the **Federal Register.**

Expanded service of a copy of the Notice may involve irrelevant proceedings for the recipients in some instances, but we believe they should decide which proceedings are relevant to them. Service of the Notice by the carrier is the most expeditious means of making the railroad's intentions known. Service or publication in the **Federal Register** by the Commission is not as timely and is more expensive.

We will amend § 1121.30(a) of the Abandonment Regulations to require service of the Notice on the Department of Transportation (Federal Railroad Administration), the Department of Defense (Military Traffic Management Command), the Department of Interior (Bureau of Outdoor Recreation), the ICC's Office of the Special Counsel, the National Railroad Passenger Corporation (where a line it operates over is proposed for abandonment), the headquarters of the Railway Labor Executives' Association, and the State Cooperative Extension Service of each State in which any part of the line to be abandoned is located.

Investigation. In Ex Parte No. 274 (Sub-No. 2B), we proposed to amend section 1121.37(a)(3) of the Abandonment Regulations to require applicant to serve notice of an investigation instituted on our own motion on the same parties receiving Notice under section 1121.30(a). This proposal was supported by CO-SDH, NARUC, RPC, KY-DOT, and RLEA.

However, substantial opposition to this requirement was also expressed. DOT and KS-DOT believe it is our duty, and no hardship on us, to notify parties when we institute an investigation on our motion. AAR and Milwaukee Road believe the expense to the applicant far outweighs any benefit. They state that the notice expense is at least $425 for newspaper publication, plus the cost of posting and service. AAR and Milwaukee Road contend that our process of preparing an Environmental Assessment (EA) will uncover other parties.

We recognize a responsibility to notify the public when we institute an investigation on our own motion. We can serve our decision to investigate on our own motion more economically and expeditiously than applicants. Service will be on significant users, and

[1] Candidates for abandonment are those lines of railroad in category 3, lines or portions of lines for which an abandonment or discontinuance application is pending before the Commission. Section 1121.20(b)(3) of the Abandonment Regulations.

[2] Categories 1, 2, and 4 constitute potential candidates for abandonment. Category 1 includes all lines or portions of lines which the carrier anticipates will be the subject of an abandonment or discontinuance application to be filed within the 3-year period following the date upon which the system diagram map is filed with the Commission. Section 1121.20(b)(1) of the Abandonment Regulations. Category 2 includes all lines or portions of lines potentially subject to abandonment which the carrier has under study and believes may be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs, as compared to potential revenues. Section 1121.20(b)(2) of the Abandonment Regulations. Category 4 includes all lines or portions of lines which are being operated under the rail service continuation provisions of 49 U.S.C. § 10905 or section 304(c)(2) of the Regional Rail Reorganization Act of 1973, as amended, on the date upon which the system diagram map is filed with the Commission. Section 1121.20(b)(4) of the Abandonment Regulations.

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newspapers in which the Notice was published (as a news item instead of requesting formal publication), in addition to those parties served under section 1121.37(a)(3) (the carrier owning or operating the line involved and parties filing petitions to investigation or written comments).

System Diagram Map

Filing Date. In Ex Parte No. 274 (Sub-No. 2B) we proposed to change the filing date of the SDM from March 31 to June 30. This permits carriers to use the branch line accounting data for the prior full year, which must be filed with the Commission by June 30 of each year, when changing line categorizations on the SDM.[2]

The commenting parties generally support this proposal. VA-DH&T sees a problem in coordinating the SDM filing with the filing of a State Rail Plan with the Federal Railroad Administration (FRA). The State Rail Plan must be filed with FRA by August 1 of each year. See 49 CFR 226.15g. VA-DH&T does not believe one month is enough time to use the SDM in preparing a timely and professional State Rail Plan.

We believe FRA and the States will take appropriate steps if a problem exists. We will adopt the proposed amendment to § 1121.23(c). If these problems are not resolved, we can re-evaluate our experiment and amend these regulations.

Category 5 map amendments. In Ex Parte No. 274 (Sub-No. 2D), MN-DOT requests section 1121.21 and section 1121.23(b) of the Abandonment Regulations be amended specifically to call attention to a change in status from category 1 or 2 to category 5. This change is unnecessary. Since an SDM is filed annually, MN-DOT need only compare the previous SDM to discover any changes.

Clarification of Base Year on Our Own Motion

Base Year Definition. Section 1121.11(c) of the Abandonment Regulations defines "base year" as "the latest 12-month period ending no later than six months prior to the filing of the abandonment or discontinuance application, for which data has been collected at the branch level as prescribed in § 1121.40(b)." The proper interpretation of this definition is that the base year must end no earlier than 6 months before the filing date, *Abandonment of R. Lines & Discontinuance of Serv.* 354 I.C.C. 129, 134–135 (1978). In the Abandonment Regulations, we use the term "no later than" to mean no more distant in time than. In order to clarify this, we will replace the term "no later than" with "no earlier than."

The modifications to the regulations are set out in the Appendix.

This action will not significantly affect either the quality of the human environment or energy consumption.

It is ordered: 1. Part 1121 of Title 49 of the *Code of Federal Regulations is amended as set forth in the Appendix to this decision.*

2. The proceeding in Ex Parte No. 274 (Sub-No. 2A) and Ex Parte No. 274 (Sub-No. 2B) are discontinued.

3. Notice of this decision shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioner Trantum dissented with a separate expression.

Agatha L. Mergenovich,
Secretary.

Commissioner Trantum (dissenting).

I would reject the proposed amendment of § 1121.30(a).

Appendix

This decision has amended certain sections of the ICC *Abandonment of Railroad and Discontinuance of Service,* 49 CFR Part 1121 (1978). The sections are amended as follows:

1. Section 1121.11(c) is revised to read as follows:

§ 1121.11 Definitions.

* * * * *

"Base Year" means the latest 12-month period, ending no earlier than 6 months prior to the filing of the abandonment or discontinuance application, for which data has been collected at the branch level as prescribed in section 1121.40(b).

2. The introductory text of § 1121.23(c) is revised to read as follows:

§ 1121.23 Amendment of the system diagram map.

* * * * *

By June 30 of each year, each carrier shall file with the Commission: (1) * * *

3. Section 1121.30(a) (1) and (2) are revised to read as follows:

§ 1121.30 Notice of intent to abandon line or discontinue service.

The applicant shall give notice of its intent to file an abandonment or discontinuance application by (1) serving notice on the Commission by certified letter concurrently with newspaper publication of the Notice or service upon those shippers who are significant users (as defined in § 1121.11(m)) on the line proposed to be abandoned or discontinued, whichever first occurs, (2) and serving notice by first class mail (unless otherwise noted) on (i) the Governor (by certified mail), (ii) Public Service Commission (or equivalent agency), (iii) designated State agency, and (iv) State Cooperative Extension Service, of each State in which all or part of the line of railroad sought to abandoned, or over which service is proposed to be discontinued, is situated; (v) the Department of Transportation (Federal Railroad Administration), (vi) the Department of Defense (Military Traffic Management Command), (vii) the Department of Interior (Bureau of Outdoor Recreation), (viii) the Railroad Retirement Board, (ix) the Office of the Special Counsel, (x) the National Railroad Passenger Corporation (where a line it operates over is proposed for abandonment), and (xi) the headquarters of the Railroad Labor Executives' Association; at the time the notice is served on the Commission, (3) * * *

4. Section 1121.37(a)(3) is revised to read as follows:

§ 1121.37 Commission determination and certification under section 1a(3) of the Act.

(a) * * *

* * * * * *

A copy of the decision instituting an investigation of an abandonment or discontinuance application shall be served by the Commission on the carrier which owns or operates the line of railroad involved or its representative not later than 55 days after the date upon which the application was filed with the Commission. Copies of such decision shall also be mailed by the Commission to all parties which filed petitions to investigate or written comments, and to all persons upon which copies of the application are required to be served under section 1121.34(c). In the event the Commission institutes an investigation on its own motion, the decision shall also be served on all parties receiving notice in section 1121.30(a)(1), the newspapers publishing the notice as defined in section 1121.30(a)(3), and additional interested persons, including those discovered during the environmental review.

(49 U.S.C. 10903–10906 and 5 U.S.C. 552, 559)

[FR Doc. 80-8474 Filed 3-19-80; 8:45 am]

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[2] See 43 FR 1732 (to be codified in 49 CFR 201.900).

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Listing With Endangered Status for Five Species of Foreign Reptiles

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines that five species of foreign reptiles be listed as endangered species. This action is being taken because these species have been subject, at least impart, to malicious killing, overcollection, competition and habitat destruction by introduced feral animals, and habitat destruction through human activities. The species included in this rule are as follows: Fiji Island banded iguana (*Brachylophus faciatus*), Fiji crested iguana (*Brachylophus* sp.), San Esteban Island chuckwalla (*Sauromalus varius*), and two Round Island boas (*Bolyeria multocarinata* and *Casarea dussumieri*).

With the exception of the San Esteban Island chuckwalla, all are strictly protected in the county of origin. This rule provides additional protection to wild populations of these Endangered reptiles.

DATES: This rule becomes effective on April 19, 1980.

ADDRESSES: Comments and materials relating to this rule are available for public inspection during normal business hours at the Service's Office of Endangered Species, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

San Esteban Island chuckwalla. In the **Federal Register** of February 26, 1979, (44 FR 12391), the Fish and Wildlife Service published a Notice of Review on the status of the San Esteban Island chuckwalla based on a petition to list this species by Dr. Ted Case. Information contained in the notice summarized existing knowledge concerning its status and the reasons for conducting the review. Persons who desire to review these data should consult this document or the *Endangered Species Technical Bulletin* of March, 1979; these documents are available from the Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

On November 2, 1979, the Fish and Wildlife Service proposed that the San Esteban Island chuckwalla, Fiji banded iguana Fiji crested iguana, and two Round Island boas be listed as Endangered species (see the **Federal Register** of November 2, 1979 [44 FR 63474–63476] and the December 1979 *Endangered Species Technical Bulletin* for details of this proposal). Included in the proposal was a summary of comments from the notice of review on the chuckwalla as well as complete summaries of the status of these species.

The proposal summarized the factors thought to be contributing to the likelihood that these species could become extinct within the foreseeable future, specified the prohibitions which would be applicable if such a determination were made, and solicited comments, suggestions, objections and factual information from any interested person.

Those factors affecting the status of these reptiles were published in the proposal to list them and are reprinted below (the numbers refer to the five factors specified in Section 4(a) of the Act. See the proposal of November 2, 1979, for details.)

San Esteban Island chuckwalla. (1) This large lizard occurs only on 43 km^2 San Esteban Island in the Gulf of California where its main habitat is a single arroyo that runs along the southeast corner of the island. Although there are no permanent human settlements on the island, there has been some destruction of chuckwalla habitat, apparently in attempts to obtain specimens. Because of the limited extent of chuckwalla habitat, this area is extremely vulnerable to modification. (2) This is a major concern for the continued survival of this species. Commercial operations have visited the island and reportedly removed large numbers of individuals for the pet trade. Because of the life history characteristics of this species (as summarized in the March 6 Notice of Review), it is unlikely that the population can sustain such harvest. The removal of individuals to serve as exotic pets could clearly jeopardize this species. (3) Individuals are occasionally eaten by Mexicans and Seri Indians. (4) This species is currently not protected by international trade agreements although a collecting permit is required by Mexico. This requirement is difficult to enforce and may be circumvented by zealous collectors.

Fiji Island banded iguana and *Fiji crested iguana.* These iguanas are found only in the Pacific, the Fiji Island banded iguana on several islands in Fiji and Tonga and the recently discovered but as yet undescribed Fiji crested iguana only on a little (1 km^2) remote island in the Fiji group. Both species face the same threats and are discussed together. (1) The felling of trees and forest for human purposes and habitat destruction caused by introduced goats are likely to eliminate the habitat of these species and thus lead to their extinction. (2) Because of the unique distribution, attractive coloration and limited range of these species, the threat of commercial exploitation is high. Indeed, specimens of the Fiji Island banded iguana were involved in a major reptile smuggling case as late as August 1977. Dr. John Gibbons, who discovered the new iguana, believes exploitation to be a threat to the species. (3) Predation by feral cats is believed to be a problem. (5) Killing by native Fijians is also a problem facing these species.

Round Island boas. These species are the sole surviving members of the subfamily Bolyerinae, a group of primitive boas. The numbers of *Bolyeria multocarinata* are unknown as there have been only six sightings since 1935, the last in 1975. The total population of *Casarea dussumieri* is estimated to be around 75 animals. (1) Rabbits and goats were introduced onto Round Island in 1840 and these animals have destroyed the island's vegetation so that severe erosion has occurred. The resulting deterioration of the palm forest is the main threat to these snakes.

Summary of Comments

Section of 4(b)(1)(C) of the Act indicates that a summary of all comments and recommendations received should be published in the **Federal Register** prior to adding any species to the List of Endangered and Threatened Wildlife.

In the November 2, 1979, **Federal Register** proposed rule (44 FR 63474–63476), all interested parties were invited to submit factual reports or information which might contribute to the formulation of a final rule.

All public comments received during the period of November 2, 1979, to February 6, 1980, were considered.

A total of 4 comments were received. All favored protection as proposed.

The Fiji Department of Foreign Affairs "supported and appreciated" the Service's proposal to list the two Fijian iguanas as Endangered (information supplied by U.S. Embassy in Suva).

Dr. John Gibbons (University of the South Pacific, Suva, Fiji) provided additional comments on the status of the Fiji banded iguana. He states:

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This species occurs widley on many Fijian islands (estimated no. 40–100) though little is yet known of its occurrence in Tonga. Specimens are still occasionally reported in Suva, the capital city of Fiji. A significant number of these are brought into homes, or observed being harrassed, by domestic cats. It is undoubtedly true that the populations of this species have been reduced to a tiny fraction of their former abundance during the past 150 years, particularly the last 30. Causes have been mainly the destruction of habitat and killing by feral cats. Killing by Fijians and reptile smuggling have been responsible for declines in some populations. For example, near the village of Bureta on the island of Ovalau there is a swamp containing a number of ivi trees (*Inocarpus* sp.). In March 1977 some Americans posing as scientists paid the villagers $15 for each animal captured, and were successful in obtaining 20–30 specimens (reports from the villagers vary). When I offered the villagers the same fee for catching the animals (for my research at U.S.P.) the same ivi trees were searched, but not a single iguana was seen.

The former abundance of *Brachylophus fasciatus* can be verified by examination of old historical records. In both Tonga and many islands in Fiji the animal was once a common food item, though today it is probably true to say that only a small minority of the population have even set eyes on the animal.

However, this gloomy picture is offset by the fact that *B. fasciatus* is now commonly observed in the *introduced* mango tree *Mangifera* sp. and may hold out, albeit in low numbers, for many years to come on many islands. The animal is extremely well camouflaged and elusive.

With regard to the Fiji crested iguana, Dr. Gibbons states:

The situation regarding this animal is totally different from that of the banded iguana. Referred to locally as the 'Fijian crested iguana' this animal is known only from a single tiny island 1 km² in area.

The animal has apparently had little or no contact with man, and therefore fails to recognize him as a perdator. The animal will actually pursue a person when aroused and encountered on the ground. It is therefore easily captured.

Dr. Gibbons further describes the problems faced by this newly discovered iguana, particularly habitat destruction. He supports listing of both species as Endangered.

Rene E. Honegger (I.U.C.N.-Zurich) noted that the specific epithet "*multicarinata*" should be spelled "*multocarinata*" and provided I.U.C.N. Red Data Books drafts on *B. multocarinata* and the Fiji crested iguana. Jane Risk (Animal Protection Institute of America) supported the listing for the five reptiles for the reasons provided in the original proposal.

After a thorough review and consideration of all the information available, the Director has determined that (1) the five species of reptiles are Endangered throughout all or a significant portion of their ranges due to one or more of the factors described in Section 4(a) of the Act, as specified in the proposal of November 2, 1979 and discussed above, and (2) listing these species as Endangered will provide them with protection to ensure their survival.

Effects of the rule

Endangered species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. The regulations referred to aboe, which pertain to Endangered species, are found at § 17.21 of Title 50, and are summarized below.

With respect to the San Esteban Island chuckwalla, Fiji banded iguana, Fiji crested iguana and two Round Island boas, all prohibitions of Section 9(a)(1) of the Act, as implemented by 50 CFR 17.21, will apply. These prohibitions, in part, will make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale these species in interstate or foreign commerce. It also will be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions will apply to agents of the Service and State conservation agencies.

Regulations published in the **Federal Register** of September 26, 1975 (40 FR 44412), codified at 50 CFR 17.22 and 17.23, provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. Such permits involving Endangered species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

National Environmental Policy Act

An environmental assessment has been prepared pursuant to Executive Order 12114 and is on file in the Service's Washington Office of Endangered Species, Suite 500, 1000 N. Glebe Road, Arlington, Virginia. It addresses this action as it involves the five reptiles.

The primary author of this rule is Dr. C. Kenneth Dodd, Jr., Office of Endangered Species (703/235–1975).

Regulations Promulgation

Accordingly, Part 17, Subchapter B Chapter I, Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. By adding the San Esteban Island chuckwalla, Fiji banded iguana, Fiji crested iguana, and two Round Island boas to the list, alphabetically, under "Reptiles" as indicated below:

§ 17.11 Endangered and threatened wildlife.

Species		Historic range	Population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Iguana, Fiji banded	*Brachylophus fasciatus*	Fiji, Tonga	Entire	E		NA	NA
Iguana, Fiji crested	*Brachylophus sp*	Fiji	Entire	E		NA	NA
Chuckwalla, San Esteban Islands	*Sauromalus varus*	Mexico	Entire	E		NA	NA
Boa, Round Islands	*Casarea dussumieri*	Mauritius	Entire	E		NA	NA
Boa, Round Islands	*Bolyeria multocarinata*	Mauritius	Entire	E		NA	NA

Note.—The Department of the Interior has determined that this rule is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR 14.

Dated: March 17, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80-8994 Filed 3-19-80; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 33

Sport Fishing; National Wildlife Refuges in North Dakota

AGENCY: Fish and Wildlife Service.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to sport fishing of certain National Wildlife Refuges is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which sport fishing will be permitted on portions of certain National Wildlife Refuges in North Dakota.

DATES: Effective on March 20, 1980 through March 29, 1981.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the address or telephone number listed below:

Gilbert E. Key, Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501, Telephone: (701) 255–4011, X–401.

John R. Foster, Refuge Manager, Arrowwood & Long Lake National Wildlife Refuges, Rural Route 1, Pingree, North Dakota 58476, Telephone: (701) 285–3341.

Ronald D. Shupe, Refuge Manager, Audubon National Wildlife Refuge, Rural Route 1, Coleharbor, North Dakota 58531, Telephone: (701) 442–5474.

John L. Venegoni, Refuge Manager, Des Lacs and Lake Ilo National Wildlife Refuges, P.O. Box 578, Kenmare, North Dakota 58746, Telephone: (701) 385–4046.

Darold T. Walls, Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, North Dakota 58789, Telephone: (701) 768–2548.

David G. Potter, Refuge Manager, Tewaukon National Wildlife Refuge, Rural Route 1, Cayuga, North Dakota 58013, Telephone: (701) 724–3598.

Maurice B. Wright, Refuge Manager, Upper Souris National Wildlife Refuge, Rural Route 1, Foxholm, North Dakota 58738, Telephone: (701) 468–5468.

SUPPLEMENTARY INFORMATION: Merle O. Bennett (701) 255–4011, ext. 417 is the primary author of these special regulations.

General Conditions

Sport fishing on portions of the following refuges shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to sport fishing are designated by signs and/or delineated on maps. Special conditions applying to individual refuges and maps are available at refuge headquarters or from the Office of the Area Manager (addresses listed above).

The Refuge Recreation Act of 1962 (16 U.S.C. 460K) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires that before any area of the refuge system is used for forms of recreation not directly related to the primary purposes and functions of the area, the Secretary must find that: (1) such recreational use will not interfere with the primary purposes for which the area was established, and (2) funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 33.5 Special regulations: Sport fishing for individual wildlife refuge areas

North Dakota

Arrowwood National Wildlife Refuge

Sport fishing is permitted on all waters (4,500 acres) of the Arrowwood National Wildlife Refuge. The sport fishing season is open from May 3, 1980 through September 15, 1980, and from the end of the firearm deer season through March 29, 1981. Boats without motors are permitted.

Long Lake National Wildlife Refuge

Sport fishing is permitted on three areas of the Long Lake National Wildlife Refuge. These areas, comprising about 4 miles of shoreline, are delineated on maps available at refuge headquarters. The sport fishing season is open from May 3, 1980, through September 26, 1980, and from December 6, 1980, through March 29, 1981. Bank or ice fishing only—no boats permitted. Fishing is permitted during daylight hours only.

Audubon National Wildlife Refuge

Sport fishing is permitted on all (10,500 acres) of the Audubon National Wildlife Refuge. The sport fishing season is open from December 6, 1980, through March 29, 1981. Only winter (ice) fishing is permitted. Snowmobiles are not permitted.

Des Lacs National Wildlife Refuge

Sport fishing (winter ice fishing only) on the Des Lacs National Wildlife Refuge is permitted on one area. This open area, comprising 700 acres, is delineated on maps available at refuge headquarters. The sport fishing season is open by public notice when ice is safe and through March 29, 1981. No fishing or parking of vehicles is permitted on County Road #2 or on the bridge over Des Lacs Lake.

Lake Ilo National Wildlife Refuge

Sport fishing is permitted on the Lake Ilo National Wildlife Refuge only on the areas designated by signs as open to fishing. This area, comprising 1,050 acres, is delineated on maps available at refuge headquarters.

The sport fishing season is open from May 3, 1980, through September 26, 1980, and from December 6, 1980, through March 29, 1981. Fishing is permitted during daylight hours only. Boats with motors of 10 horsepower or less are permitted.

J. Clark Salyer National Wildlife Refuge

Sport fishing is permitted on the J. Clark Salyer National Wildlife Refuge only on areas designated by signs as open to fishing, and delineated on maps available at refuge headquarters. The sport fishing season is open from May 3, 1980, through December 6, 1980. Boat fishing is permitted only on areas as designated from May 3, 1980, through September 26, 1980. Winter ice fishing is permitted on all refuge waters from December 6, 1980, through March 29, 1981. Fishing is permitted during daylight hours only.

Tewaukon National Wildlife Refuge

Sport fishing is permitted on two lakes of the Tewaukon National Wildlife Refuge. These lakes, Lake Tewaukon and Sprague Lake, comprise about 1,125 acres and are delineated on maps available at refuge headquarters. The sport fishing season is open from May 3, 1980, through March 29, 1981. Boat fishing is permitted only during the period May 3, 1980, through September 26, 1980. Boats with motors not

exceeding 10 horsepower are permitted. Fishing is permitted during daylight hours only. Snowmobiles are not permitted.

Upper Souris National Wildlife Refuge

Sport fishing is permitted on approximately 12,000 acres of the Upper Souris National Wildlife Refuge. The open areas are delineated by signs and on maps available at refuge headquarters. The sport fishing season is open from May 3, 1980, through March 29, 1981. Boat fishing is permitted on areas designated only from May 3, 1980, through September 26, 1980. Any boat motor or combination of motors may be attached to boats, but only those motors or combinations of motors capable of developing 10 horsepower or less may be used. Fishing is permitted from 5:00 a.m. through 10:00 p.m. daily. Winter ice fishing is permitted in designated areas from Dam #41 south to Baker Bridge and from Mouse River Park north to the refuge boundary. Bank or ice fishing is permitted at Dam #41 south of the dam, from November 1, 1980, through March 29, 1981. Fish houses and vehicles are not permitted on the river south of Lake Darling Dam nor north of Dam #41. Fish houses must be removed from the refuge by March 15, 1981. No cutting of trees or open fires are permitted. The taking of minnows and frogs or the digging of worms is not permitted. Operation of snowmobiles is not permitted.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Dated: March 11, 1980.

David A. Allardyce,

Acting Area Manager.

[FR Doc. 80-8562 Filed 3-19-80; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register

Vol. 45, No. 56

Thursday, March 20, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR PART 1036

[Docket No. AO-179-A44]

Milk in the Eastern Ohio-Western Pennsylvania Marketing Area; Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and To Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends changes in the present order provisions based on industry proposals which were considered at a public hearing held August 14–16, 1979. The recommended amendments provide for changing the funding rate for the advertising and promotion program from a fixed 5 cents per hundredweight to 0.75 percent of the producers' pay price in the market. Producers who do not want to participate in the program would submit one refund request per year instead of one for each calendar quarter. Refunds would be made on a monthly basis rather than quarterly. Another amendment would eliminate the channeling of a handler's payments to individual producers through the market administrator's office if the handler is not delinquent with respect to any payment obligation under the order. Also, the late payment charge on any overdue payment obligation of a handler would be due to the administrative expense fund. The amendments are necessary to reflect current marketing conditions and to insure orderly marketing in the area.

DATE: Comments are due on or before April 4, 1980.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250 (202) 447-6273.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing: issued July 20, 1979; published July 26, 1979 (44 FR 43735).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, DC 20250, by the 15th day after publication of this decision in the **Federal Register.** Four copies of the exceptions should be filed. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing conducted at Coraopolis, Pennsylvania, on August 14–16, 1979. Notice of such hearing was issued July 20, 1979 (44 FR 43735).

The material issues on the record of the hearing relate to:

1. Funding rate for the advertising and promotion program.
2. Revision of administrative provisions of the advertising and promotion program.
3. Payments to producers and cooperative associations.
4. Charges on overdue accounts.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Funding rate for the advertising and promotion program.* The funding rate for the advertising and promotion program should be modified by changing the present 5-cent rate to a rate determined yearly by multiplying the simple average of the monthly uniform prices for the 12-month period ending April 30 by three-quarters of one percent. The resulting figure would be the funding rate for the 12-month period beginning in July of that year.

Under the revised funding formula, a simple average of the uniform prices for the 12-month period ending April 30 would be computed by the market administrator as soon as possible after April 30. The average price would be multiplied by .0075 and rounded to the nearest whole cent to determine the actual rate of assessment for the 12-month period beginning in July. As soon as possible after the rate of withholding is computed, the market administrator would notify in writing all producers currently on the market and any new producer that subsequently enters the market of the new withholding rate. This notification would be repeated annually thereafter only if there was any change in the rate from the previous period.

The advertising and promotion program was established under the Eastern Ohio-Western Pennsylvania order effective July 1, 1973. The program has been funded since its inception through a monthly 5-cent per hundredweight assessment on milk delivered during the month by participating producers. The money is deducted by the market administrator in the computation of the uniform price and is turned over to an agency composed of producers' representatives who are chosen each year. Certain reserves are withheld by the market administrator to cover refunds to producers and administrative costs.

The advertising and promotion program agency is responsible for the development and implementation of programs and projects approved by the Secretary and designed to carry out the purposes of the Act. The scope of the agency's activities may include the establishment of research and development projects, advertising on a non-brand basis, sales promotion, education and other programs designed to improve or promote the domestic marketing and consumption of milk and

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its products. The advertising and promotion program is a voluntary program. Accordingly, each producer, on a quarterly basis, has the option of requesting a refund of the assessment on his marketings of milk.

An increase in the funding rate was requested by three cooperative associations. All three associations want a rate that is determined yearly by multiplying the average of the monthly uniform prices for a 12-month period by three-quarters of one percent and rounding to the nearest whole cent. The cooperatives differ, however, as to which period should be used and over what period it should apply. Two of the cooperatives, whose members supply most of the milk regulated under Order 36, want the rate based on the uniform prices for the 12-month period ending April 30. This rate would then apply for a 12-month period beginning in July of that year. In their testimony, a member of the Order 36 advertising and promotion agency and a representative of the United Dairy Industry Association (UDIA) both endorsed the position of these two cooperatives. The third cooperative wanted a rate based on the uniform prices for the 12-month period ending September 30. This rate would apply for the following calendar year.

Supporters of an increase in the funding rate testified that since the advertising and promotion program was initiated advertising costs have increased substantially and revenue to support the program has not kept pace. The cooperatives proposed that the revenue for funding the program be fixed as a percentage of the producers' uniform prices in order to keep pace with the rising cost of advertising.

In 1973, the year the advertising and promotion program began in this market, the uniform price averaged $7.19 and and the 5-cent withholding rate represented 0.7 percent of the uniform price. For 1978, the 5-cent withholding rate represented less than 0.5 percent of the uniform price while a withholding rate based on 0.75 percent of the uniform price would have amounted to 7 cents per hundredweight. For the 12-month period ending April 30, 1979, the uniform price averaged $11.03 and a 0.75 percent withholding rate would have amounted to 8 cents. It can be expected that for the 12-month period ending April 30, 1980 the uniform price will average about $12.00. A 0.75 percent withholding rate on a $12.00 uniform price would amount to 9 cents per hundredweight.

A representative of UDIA presented data in support of the cooperatives' position that additional funds are needed by the agency. These data indicated that from 1972 to 1979 inflation has been rapid, with the Consumer Price Index increasing 72 percent. the cost of advertising by various media has increased markedly since the 1972 hearing on which the present 5-cent rate of advertising and promotion program deduction was based. On a national basis selected media cost increases from 1972 to 1979 were as follows: Nighttime network TV, 78 percent; daytime network TV, 119 percent; network radio, 58 percent; and daily newspapers, 57 percent. In the Cleveland, Pittsburgh, and Youngstown areas the cost of television advertising has increased much more than the national average while radio advertising costs have increased less than the national average. In terms of a dollar's worth of advertising in 1974, television advertising costs were $2.35 in 1979. One dollar's worth of radio time in 1974 cost $1.35 in 1979. By comparison, media costs in general have increased faster than milk prices to producers. The expected $12.00 average uniform price for the 12-month period ending April 30, 1980, is 66 percent more than the $7.19 average uniform price for 1973 when the advertising and promotion program began under the order. Therefore, it would take a higher percentage of the milk price to have the same advertising program, particularly if it included a significant amount of television advertising. An increase in the funding rate is warranted considering the increased costs for advertising that have occurred since the program was established under the Eastern Ohio-Western Pennsylvania order.

The funding rate for the advertising and promotion program should be based on the uniform prices for the 12-month May through April period and should apply for the following July through June period as proposed by representatives of most of the Order 36 producers. Although one cooperative did propose that different time periods be utilized no persuasive reason was given to support this minority position. A spokesman for this cooperative stated that basing the funding rate on the uniform prices for the 12-month period ending September 30 and applying this rate for the following calendar year, as proposed by his cooperative, would permit the market administrator to provide dairy farmers with two months' advance notice of any change in the assessment rate. This witness noted that the herein adopted dates would only permit one month's advance notice. He did not, however, demonstrate that one month's advance notice was insufficient. He also contended that a calendar year would be easier to understand than the herein adopted July through June funding period. No evidence was presented, however, to demonstrate that producers would have difficulty understanding a July through June funding period. The witness also stated that the dates proposed in his cooperative's funding formula would provide a somewhat slower escalation of assessment rates during inflationary times. As previously noted, this witness as well as many others supported an increase in the assessment rate for the advertising and promotion program. He did not provide any persuasive reason as to why a rate of escalation of assessment rates somewhat slower than the herein adopted one is more desirable. In view of the substantial producer support in the market for the herein adopted funding formula, and in light of the voluntary nature of the program, it is reasonable that the formula adopted herein be incorporated into Order 36.

Conforming changes have been made in the order to recognize that the current references in some sections to "uniform price plus 5 cents" will no longer be appropriate. In implementing the revised funding rate for the advertising and promotion program, the order has been modified so that the uniform price would be computed without deducting the amount of money to be withheld for such program. Thus, the current references to "uniform price plus 5 cents" are changed to read "uniform price".

2. *Revision of administrative provisions of the advertising and promotion program.* A dairy farmer who does not want to participate in the Order 36 advertising and promotion program should have to submit to the market administrator one request within the first 15 days of June to obtain a refund for the twelve-month period beginning with the following July. A refund request submitted within the first 15 days of September, December or March would apply from the beginning of the next calendar quarter until June 30. Also, the producer's deductions for advertising and promotion should be refunded by the market administrator on a monthly basis.

Under the current provisions of the order, the advertising and promotion agency conducts its operations on a quarterly basis. Producers who participate in the program fund it for a calendar quarter. Those producers who do not want to participate in the program during a calendar quarter must submit a refund request to the market administrator during the first 15 days of the month preceding such quarter. The nonparticipating producers receive their refunds from the market administrator shortly after the quarter during which such deductions are made.

An Order 36 cooperative association proposed amendments that would allow a producer not wishing to participate in the advertising and promotion program to obtain a refund by filing a request with the market administrator during the first 15 days of any month. Unless rescinded by the producer, the refund request would apply from the first day of the month in which filed to the end of that calendar year. However, if a dairy farmer acquired producer status for the first time under Order 36 after the 15th day of the month, he would not be subject to the 15-day filing limit during the month. The cooperative also proposed that refunds be made by the market administrator on or before the 20th day of the second month after the milk is delivered. At the hearing and in its brief, another Order 36 cooperative association endorsed these procedures.

The proponent cooperative's witness stated that it was Congress' intention that producers not wishing to participate in the promotion program could get their money refunded without unnecessary impediments. He contended that the order's quarterly ask-out system was unnecessarily rigid and burdensome. The witness also stated that presently producers must wait up to three months beyond the order's specified payment dates for producer milk to receive their refund of advertising and promotion deductions. It was the proponent cooperative's position that the refund procedures should be made more prompt.

Two Order 36 cooperative associations and an independent producer opposed any change in the order's procedure for requesting refunds. A spokesman for one of these cooperatives contended that the experience over the last six years with the order's ask-out and refund procedures does not indicate that these procedures have placed any undue hardship on producers who want a refund. He favored the present quarterly ask-out system because it requires producers to make a value decision at least once every three months on whether they should support a program that a large majority of the producers in the market are supporting and funding. The witness noted that the order's provisions require the advertising and promotion agency to prepare and submit to the Secretary for approval, prior to each quarterly period, a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the agency. The witness contended that the proposed amendments would make it more difficult for the agency to predict the level of funding and thus make budgeting harder.

Proponent, on the other hand, maintained that its amendments would not significantly increase budgeting problems. In fact, the cooperative claimed that over time these amendments would make participation in the program more stable and would therefore make it easier to estimate funding and plan a budget. It also contended that monthly refunds would not generate any undue administrative costs because producers who do not want to participate in the progam should not have their funds withheld any longer than necessary.

The order should be amended to allow a producer to request a refund during the first 15 days of June for the twelve-month period beginning with the following July. A refund request submitted within the first 15 days of September, December or March would apply from the beginning of the next calendar quarter until June 30. This order modification would simplify the procedure for requesting refund and decrease administrative costs. Producers would only have to submit and the market administrator would only have to process approximately one-fourth as many refund requests as is presently the case.

Producers should not, as proposed by an Order 36 cooperative association, be allowed to obtain a refund for the remainder of the calendar year by filing a request with the market administrator during the first 15 days of any month. A refund request should apply for a July through June 12-month period rather than a calendar year so that it will be coordinated with the herein adopted assessment rate formula. In this way a producer could be assured that the assessment rate would not change during the period for which he was deciding whether or not to participate in the program.

The refund request periods also should be limited to the first 15 days of the month preceding each calendar quarter, as is presently the case. Allowing producers to request refunds during any month for the rest of the calendar year would make it harder for the advertising and promotion agency to forecast its funding and plan its budgets, because producer participation could fluctuate after the budget had to be submitted to the Secretary for approval.

A minor change should be made in the refund procedure with respect to new Order 36 producers. Presently, a dairy farmer who first acquires producer status under Order 36 after the 15th of December, March, June, or September and prior to the start of the next refund notification period may, upon application filed with the market administrator, be eligible for a refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This should be changed to allow a new producer who submits a request by the end of the month after producer status is first acquired to be eligible for a refund on all marketings against which an assessment is withheld until the following June 30. If producer status is first acquired in June such producer should be eligible for a refund on all marketings during June and the following 12-month period. These changes will coordinate the procedure through which new Order 36 producers may request refunds with the refund procedure adopted herein for producers already on the Eastern Ohio-Western Pennsylvania market.

Compared to the present quarterly refunds, monthly refunds would increase administrative mailing costs. When the Order 36 advertising and promotion program was initiated, the cost of monthly refunds was high relative to its value to nonparticipating producers. Since then, however, monthly production per producer [1] and interest rates have increased significantly. Changing the rate of deduction to three-quarters of one percent of the producer pay price, as herein adopted, will substantially increase the amount of money to be refunded. For these reasons, monthly refunds are more valuable to non-participating producers than ever before and should be provided.

3. *Payments to producers and cooperative associations.* The order should be amended to discontinue the channeling of handlers' payments to individual producers through the market administrator in the case of those handlers who pay on time. Handlers who are delinquent with respect to any payment obligation under the order should continue to be required to channel payments to individual producers through the market administrator. Handlers' payments for milk received from a cooperative association in its capacity as a handler, or for milk received from producers for whom a cooperative association is collecting payment, should continue to

[1] Official notice is taken of Federal Order Market Statistics, Annual Summary for 1974, issued June 1975, by the Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture.

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be channeled through the market administrator. Also, the order should provide that payments due the market administrator from a cooperative association as a handler may be offset by payments determined by the market administrator to be due the cooperative association.

Under the present payment plan, handlers are subject to paying all order obligations for milk to the market administrator who, in turn, distributes such money, in terms of the uniform price, to producers, cooperative associations and handlers who are eligible to pay producers individually.

The Greater Pittsburgh Dairy Industry Association and an Erie, Pennsylvania, handler proposed to eliminate the channeling of handler payments to producers and cooperatives through the market administrator unless the handler has been delinquent in making payments three times within a calendar year. A handler would be considered delinquent when he has not made in full any of the payments due to a producer, a cooperative association or the producer settlement fund by the dates specified in the order, except when the delinquency occurs inadvertently or unintentionally. A delinquent handler would channel his payments through the market administrator until the handler has met all prescribed payment obligations for three consecutive months or for a shorter period if the market administrator is satisfied that the handler is in compliance.

The proposal would also set back the payment dates for both the partial and final payments to producers. For milk delivered to a handler by a producer during the first 15 days of the month, a partial payment would be made by the first day of the following month instead of on or before the last day of each month as presently provided in the order. The final payment for milk would be due by the 20th day after the end of each month instead of the present due date of the 18th day after the end of the month.

In support of their proposed changes in the channeling of payments and the payment dates, proponent witnesses stated that the present payment plan, which has been in effect since October 1, 1978, has resulted in cash flow problems for handlers because they are required to make payments for milk to the market administrator by earlier dates than the dates they were paying producers under the terms of the order prior to October 1978. The October 1, 1978, amendments provided that handlers channel their payments to producers through the market administrator two days in advance of the time producers were to be paid.

Proponents contend that handlers who pay for milk by the dates specified in the order should not be burdened with the adverse impact on their cash flow that results from channeling their payments through the market administrator. Moreover, they state that their cash flow situation has been adversely affected since inflation and sharply higher interest rates have increased their costs of carrying accounts receivable. They state that their accounts receivable have tended to be outstanding for a longer average timespan than their accounts payable for milk. Thus, they contend that the payment dates for milk received from producers should be set back two days in addition to the elimination of channeling payments through the market administrator, to improve their cash flow situation.

A handler who operates a regulated distributing plant located in Youngstown, Ohio, also proposed to eliminate the channeling of handler payments to producers and cooperatives through the market administrator, except that a handler who does not meet the payment dates specified in the order within six days would be required to channel his payments through the market administrator.

The witness for this handler stated that the present order has built into it two to three days' delay in the time from payment by handlers until payment is made to producers or cooperative associations. He contended the order should be changed to eliminate this delay by providing direct payments from handlers to producers and cooperative associations. The handler also proposed that in the case of a handler who was more than six days late in making a required payment or up to six days late three times in a year, the handler would be considered delinquent and be required to channel his payments through the market administrator one day in advance of the date producers and cooperatives are to be paid for a three-month period.

In support of its proposals this handler, like the other proponent handlers, pointed out that the amendments adopted October 1, 1978, have adversely impacted on handlers' cash flow situation by imposing earlier dates by which handlers have had to make payment for milk receipts. The handler pointed out that such earlier payment dates were in part due to changing from a mail date basis to a receipt date basis with respect to payments to the market administrator.

A handler who operates a regulated distributing plant located in Uniontown, Pennsylvania, filed a brief in support of the proposals by the Youngstown, Ohio, handler. This handler contends that the amendments made effective October 1, 1978, are more burdensome to handlers than necessary to insure prompt payment for milk receipts.

A number of interested parties in the market opposed the proposed changes in the channeling of payments for milk. At the hearing, a witness for the State of Ohio contended that the October 1, 1978, amendments to the order were effective in correcting a serious late-payment problem in the market and urged that the amendments be retained in the order. A handler who operates a regulated distributing plant located in Canton, Ohio, filed a brief in opposition to the adoption of any change in the method of channeling payments to producers and cooperative associations. This handler contends that the proposed changes in the order would not be compatible with the neighboring Ohio Valley order, which has a payment arrangement that is similar to the present payment plan under the Eastern Ohio-Western Pennsylvania order.

Cooperative associations in the market opposed the proposed amendment of the present payment plan, except that they support a provision that would provide that payments due the market administrator from a cooperative association in its capacity as a handler be offset by payments that are due to be paid the cooperative from the market administrator.

Witnesses for two cooperative associations contended that the October 1, 1978, amendments corrected widespread delinquencies in payments by handlers to cooperatives in the market. They pointed out also that it would be much more difficult and burdensome on the cooperatives and the market administrator to provide verification of the date of payment if handlers were to revert back to paying cooperatives directly compared to channeling the payments through the market administrator. The cooperatives' spokesmen stated that the cooperatives prefer that they be paid by the market administrator.

The cooperative association witnesses were also opposed to setting payment dates back as proposed by handler proponents. They pointed out that producers have cash flow problems as well as handlers and argued that handlers' cash flow problems should not be shifted to producers. A cooperative witness stated that for the most part milk is sold to consumers on a cash-and-carry basis within about a week from the time milk is delivered to handlers from producers. Thus, he maintained that there is no valid reason for producers to have to wait any longer than they now do to get paid for their milk.

Two cooperative associations proposed, however, that the payment plan be modified to eliminate the channeling of certain cooperative association funds through the market administrator. The cooperative association witnesses stated that some cooperatives in the market are handlers with respect to milk diverted to nonpool plants. The cooperatives have a pool obligation at class prices for such milk and a pool credit due on such milk at the uniform price. They contended that in such situations, it serves no useful purpose to channel funds to the market administrator to the extent of the amount of funds due the cooperative associations from the market administrator. Thus, they propose that payments due the market administrator from a cooperative association handler be offset by payments determined by the market administrator to be due the cooperative association.

There was no opposition as such to this proposal. One handler representative, however, urged at the hearing and in his brief that any such treatment of cooperative associations as handlers should also be given to proprietary handlers.

The record evidence indicates that the incidence of late payments by pool handlers to cooperative associations was a serious problem in this market prior to the October 1, 1978, amendments to the order. Since the amendments became effective, the incidence of late payments has virtually disappeared. Data submitted into evidence by the market administrator's office demonstrate the change. For the 33 months prior to October 1978, an average of only 23.8 percent of the amounts handlers owed to cooperatives were paid on time; and an average of 35.5 percent of the amounts due were received more than five days late. For the nine months of October 1978 through June 1979, an average of 98.9 percent of the amount of handlers' payments for milk received from cooperatives were paid to the market administrator on time, and an average of only 0.5 percent of the amounts due were over five days late.

The record evidence indicates that nonmember producers are generally being paid on time. Data submitted into evidence by the market administrator's office indicates that for the nine months, October 1978 through June 1979, an average of 28 handlers per month received milk from nonmember producers and an average of 26 handlers per month paid for their receipts of producer milk on time. During the nine month period, however, certain of the handlers who were delinquent in their payments went out of business. As of June 1979, there were only 26 handlers who received milk from nonmember producers and all but one paid for its producer milk on time.

The present order provisions permit a nondelinquent handler who wishes to pay his nonmember producers directly to elect to have the market administrator return such money to the handler prior to the date producers are to be paid. To accommodate this, it was necessary to require that handlers make their payments to the market administrator two days ahead of the producer payment date. Very few handlers in the market have availed themselves of this payment practice.

Under the terms of the order, handlers are permitted to advance money to nonmember producers on or before the date when payments for milk are to be channeled through the market administrator. Most of the handlers who receive milk from nonmember producers have made it a practice to pay the full amount of the payment due their individual producer suppliers directly to such producers on or before such payments would otherwise be due to be paid to the market administrator. For example, in June 1979, 23 of the 26 handlers that received milk from nonmember producers paid such producers directly for the full value of their milk at the uniform price payable to producers.

This payment practice has been followed by all of the handlers in the Pennsylvania segment of the market who are proponents of the proposal to eliminate the channeling of payments to individual producers through the market administrator, except for those handlers who are delinquent in making payments for milk. Such proponent handlers, by following this practice, have been paying their producers two days earlier than they were prior to the October 1, 1978, amendments. Although such amendments did not change the dates that producers were to be paid, if the payments were channeled through the market administrator, they did require that handlers make such payments (except for any advance payments to producers) to the market administrator two days before the date producers were to be paid.

In view of the above considerations, the proposals to eliminate the channeling of payments to nonmember producers through the market administrator, except for delinquent handlers, has merit, particularly if the date by which producers receive payment is not delayed. The record demonstrates that handlers prefer to pay their nonmember producers directly and have been making such payments on time. Adoption of the proposal without a change in the producer payment dates would eliminate the adverse impact on handlers' cash flow that the handler attributed to the October 1978 change in the method of making payments to nonmember producers, because it would no longer require payments in advance of the producer payment dates through the market administrator or directly to producers.

The final payments directly to individual producers would be made on the 18th day after the end of the month. Partial payments for milk delivered the first fifteen days of the month would be made on the last day of the month. These are the same dates that were applicable prior to October 1, 1978 and are also the payment dates under the present payment plan with respect to those payments channeled through the market administrator.

The proposals with respect to delinquent handlers would provide essentially the same payment procedure that is required under the present terms of the order. Presently, a handler who the market administrator determines is or was delinquent in making any payment obligation under the order is required to channel his payments for producer milk through the market administrator and the market administrator is to pay such producers directly. One proposed modification would not require the channeling of payments through the market administrator until the handler was more than six days late in making a payment or up to six days late in making payments on three occasions in a calendar year. Another modification would permit three delinquencies in making payments per calendar year exclusive of any inadvertent or unintentional late payments. Proponents of such modifications contend that the present provision may be too burdensome on some handlers.

The record does not demonstrate, however, that there has been any problem with the application of the present payment procedure for delinquent handlers. Both proponent witnesses testified, for example, that they had not paid late on any occasion during the nine-month period beginning with the adoption of the present provision in the order. Several

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witnesses, moreover, opposed any change in this provision of the order. Such witnesses pointed out that there would be no practical way of determining whether a late payment was inadvertent or unintentional and contended that such terminology in the order could possibly result in arbitrary application of the late-payment provision of the order. In these circumstances, it is concluded that the provision should not be modified.

The channeling of handlers' payments through the market administrator for milk received from cooperative associations should not be changed under the order. The record demonstrates that the primary reason for adopting the present payment plan was because of a chronic problem of late payment for milk received from cooperative associations. The potential for such problem to recur still exists and would be more likely to happen if the channeling of payments to cooperatives through the market administrator were to be eliminated. Further, the record clearly demonstrates the effectiveness of the payment provisions in achieving on-time payments to cooperatives.

Cooperative associations are handlers with respect to much of their member producer milk. As handlers, the cooperatives must meet the pooling standards provided in the order with respect to such milk. To meet the pooling standards, the cooperatives must obtain pool distributing plant outlets for certain proportions of the milk supplies of their member producers. Proprietary handlers operate most of the distributing plants in the market. In these circumstances, cooperatives are placed in a position of having to deliver milk to proprietary handlers as a condition of sharing in the market's higher-valued Class I milk proceeds. In turn, distributing plant operators are placed in a position of having an incentive to bargain with cooperatives for concessions with respect to the receipt of milk from the cooperatives. Without adequate safeguards in the order, experience in the market has demonstrated that handlers can gain concessions in the form of paying late for milk received from cooperatives. The October 1978 amendments corrected this situation.

It would be administratively difficult and burdensome on both cooperatives and the market administrator to verify that payments to cooperatives were made on time if handlers were to pay cooperatives directly rather than through the market administrator. Proponents recognized this problem and, accordingly, proposed that additional reporting burdens be placed on cooperatives in the event their proposals to pay cooperatives directly were adopted. By having payments channeled through the market administrator, it eliminates any problem for the market administrator or cooperatives with respect to verification of the date and amount of payments to cooperatives, including any problem with respect to the timely deposit of payments by cooperative associations.

The payment procedure adopted October 1, 1978, with respect to milk receipts from cooperatives did not impact adversely on the cash flow situation for handlers as was the case for milk received from nonmember producers. Prior to October 1978, handlers were required to pay cooperatives for producer milk of members of a cooperative two days in advance of the date for making payments to nonmember producers. With respect to milk purchased from a cooperative that operated a pool plant, handlers were required to pay the cooperative the class use value of the milk on the 15th day after the end of the month, or one day in advance of the final payment for milk under the present terms of the order.

Cooperative association witnesses stated that their associations prefer that they continue to receive payments through the market administrator. The witness for the Pittsburgh area proponents stated at the hearing that he would not object to channeling payments to cooperatives through the market administrator if the cooperatives preferred to be paid in such fashion. The Youngstown, Ohio, proponent indicated at the hearing that his primary concern was the improvement on the cash flow situation for his company that could result from paying cooperatives directly rather than through the market administrator.

The schedule of payment dates can be modified to help alleviate handlers' cash flow problems without setting later payment dates to producers, including producers who are members of cooperative associations. Under the present payment plan, the market administrator has been following the practice of making payments to cooperatives and handlers by electronic transfer of funds from the market administrator's bank account to the cooperative's or handler's bank account. Such transfer of funds takes only a few minutes, since only a telephone call is required. In practice, however, the bank holding the market administrator's account requires that checks deposited to the account not be electronically transferred until the following day.

In this circumstance, it is feasible to set a schedule of payment dates under the order whereby payments to the market administrator are to be made the day before payments from the market administrator are to be made. The date for payments to the market administrator can be the 17th day after the end of the month, rather than the 16th day as now, with respect to final payments for milk. This would enable the market administrator to make equalization payments to handlers, payments to cooperatives, and payments to producers (in the case of delinquent handlers) on the 18th, which is the present date for final payments to producers. With respect to partial payments for milk delivered during first 15 days of the month, payments directly to producers are due on or before the last day of the month. Thus, partial payments made through the market administrator could be on the day before the last day of the month.

If such a payment schedule were adopted in conjunction with the elimination of channeling payments to nonmember producers through the market administrator, the order impact on the cash flow situation for handlers would revert back to what it was prior to the October 1978 amendments to the payment plan. Payments to nonmember producers would be made on the same dates and any equalization payments due the market administrator would be a day later than was the case prior to the amendments adopting the present payment plan. With respect to payments for milk received from cooperatives, handler payments at the class use value of such milk would be made to the market administrator on the 17th day after the end of the month as compared to being paid to the cooperative before the 1978 amendments on the 15th day after the end of the month. This two-day difference should adequately make up for the difference in use of the receipt date in the case of the payment to the market administrator compared to a mailing date of the 15th for payment to the cooperative before the present payment plan was adopted. Partial payments for producer milk received from members of cooperative associations would be due to be made by handlers one day later (on a receipt basis to the market administrator) than prior to the present plan (to the cooperative on a mail date basis).

In light of the above considerations, it is concluded that the payment schedule, as outlined, should be adopted. It will adequately relieve handlers of any adverse impact on their cash flow situation that may be attributable to the adoption of the present payment plan.

In this regard, the proposal to set back the payment dates to producers, either by changing the due date or by changing to the mail date in the case of payments to the market administrator, should not be adopted. With respect to proponents' contention that later payment dates to producers and cooperatives should be made because of recent inflation and increased borrowing costs, this is not warranted. Producers and cooperatives are faced with cash flow problems as well as handlers. The record does not reveal any comparison between handler and producer cash flow situations. Thus, there is no basis on this record to make a finding that it would be appropriate to shift more of a cash flow burden on to producers as compared to handlers.

The proposal to permit offsetting of payments from a cooperative to the market administrator with payments due the cooperative from the market administrator should be adopted. When the present payment plan was adopted, the cooperatives proposing this plan urged that cooperative association handlers be treated the same as proprietary handlers with respect to the channeling of payments through the market administrator. The order provisions now require that a cooperative association handler pay the market administrator the class use value of milk for which the cooperative is the handler (except for milk transferred to another pool handler). The market administrator, in turn, pays the cooperative an amount equal to the value of such milk at the uniform price payable to producers.

Cooperative associations in the market are handlers with respect to member producer milk processed in their own pool plants or diverted to nonpool plants. The record reflects, for example, that one cooperative association operates a pool distributing plant, while another cooperative association diverts a large proportion of its member producer milk supplies to nonpool manufacturing plants. Such cooperative associations are entitled to receive the uniform price value of milk so handled and are obligated to the pool at the class use value of such milk. In this circumstance, it serves no useful purpose in the context of assuring timely payments for milk for the cooperative to pay the market administrator money that it is entitled to receive from the market administrator for payment to its member producers.

4. *Charges on overdue accounts.* The order should provide that the late-payment charge on handler obligations that are overdue be extended in applicability to cover payments to individual producers and payments for marketing services that arise under the new payment procedure. Also, the order should provide that all late-payment charges shall be due to the administrative expense fund maintained by the market administrator.

The order now provides that any overdue obligation of a handler to the market administrator be increased 1 percent beginning on the first day after the due date of such obligation and on the same day of each succeeding month until such obligation is paid. Under the present payment plan in the order handler obligations for milk are channeled through the market administrator. Thus, in effect, there is a late-payment charge with respect to all handler obligations under the order.

In conjunction with their proposals to eliminate the channeling of payments to producers and cooperative associations through the market administrator, proponent handlers proposed modification of the late-payment charge provisions of the order. Such proposals pertain to the method of calculating the late-payment charge, the accounts to be covered, and the accounts to which the charge is to accrue.

The Greater Pittsburgh Dairy Industry Association and an Erie, Pennsylvania, handler proposed that a late-payment charge be made applicable to handler obligations directly to producers and cooperative associations in addition to obligations payable to the market administrator. Such proponents proposed that late-payment charges should accrue to the producers and cooperatives who were not paid on time. Additionally, at the hearing they proposed that the late-payment charge be prorated on a daily basis according to the number of days in the month that the payment was late. Such proponents also proposed that payment delinquencies that occur inadvertently or unintentionally should not be assessed a late-payment charge.

A Youngstown, Ohio, handler proposed that any unpaid obligation of a handler be assessed a charge of .033 percent per day during the first six days the obligation is overdue but not less than $100 nor more than $500 for the first day. On the 7th day after the due date a charge of 1.5 percent of the unpaid balance would be applicable and each month thereafter the charge would be 1.5 percent per month. This handler proposed also that the late-payment charge should accrue to the administrative expense fund maintained by the market administrator.

Additional modifications of the present computation of the late-payment charge were suggested by two proprietary handlers in their written briefs on the record. Such handlers suggest a two-day grace period before a late-payment charge is applied. One handler urged that the charge be at the rate of .05 percent per day until 1 percent is reached if the handler is not delinquent more than 3 times in a year, otherwise no grace period would apply. The other handler favored a minimum charge of $100 or the prime interest rate, whichever is greater.

In support of their proposed changes in the computation of the charge on overdue accounts, proponents contended that the present provision is too severe and that recognition should be given to the relative lateness of an unpaid obligation. Proponents argued that under the present provision a handler who is one day overdue in meeting a payment obligation would have an incentive to wait 29 more days before paying such obligations, since no additional charge would be assessed in the interim.

At the hearing cooperative associations generally opposed any changes in the payment provisions as proposed by handlers. One cooperative in its brief opposed changing the present provision on the basis that it has worked and no great amounts of late-payment charges have been applicable. The cooperative also expressed concern that any fixed amount of late-payment charge, such as $100 or $500, would discriminate against small-volume handlers.

As previously indicated, evidence placed in the record by the market administrator's office shows that the incidence of late payments by handlers in the market has essentially disappeared under the present payment plan. It should be recognized that under such plan handlers are obligated to the market administrator for the full value of their milk receipts from producers and cooperatives and are subject to the late-payment charge on such obligations.

Under the amendments adopted herein, a handler that receives milk from nonmember producers will no longer be obligated to channel payments to producers through the market administrator, unless he is delinquent in meeting a payment obligation. Thus, it is appropriate to consider whether the application of the late-payment charge should be extended to payments made directly to producers. Similarly, the present payment plan provides that the market administrator withhold marketing service payments before

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returning to handlers any payments to be made to nonmember producers. Under the payment plan adopted herein, handlers will be required to deduct marketing service charges in paying producers and remit such funds to the market administrator. Thus, it is also appropriate to consider the application of the late-payment charge to marketing service payment obligations of handlers.

Application of late-payment charges on payments directly to producers and marketing service deductions owed to the market administrator will better effect uniform application of the order between those handlers receiving milk from individual producers and those receiving milk from cooperative associations. A handler who receives milk from a cooperative will continue to be subject to a late-payment charge on the full value of such milk. Thus, it will better effect uniform prices or "costs" of milk among handlers if the late-payment charge is made applicable to payments directly to producers and to the value of the marketing service deductions from producers.

The present order terms with respect to delinquent handlers do not provide for any grace period nor any terminology as to whether a delinquency was unintentional or inadvertent. The record, moreover, does not demonstrate any problem in this regard. If a grace period or other type of relaxation of the present terms of the order in this regard were adopted, it would obviously tend to detract from the effectiveness of the order in encouraging handlers to meet payment obligations by the dates specified in the order. Proponents' witnesses indicated on the record that they have been able to meet their payment obligations on time for many consecutive months. Terminology such as unintentional and inadvertent in the order would be very difficult to administer since it would require the market administrator to determine handlers' intentions. Several witnesses opposed the adoption of such terminology on the basis that it would not be administerable. Under these circumstances such proposed modifications should not be adopted.

The proposals to apply the late-payment charge on a daily rate basis should not be adopted. If late-payment charges were treated on a money market basis, the order would merely represent a banking service for handlers who desire to use order obligations as a source of borrowed funds.

This is not the intended purpose of the late-payment charge. Rather, it is a charge on the overdue account which is sufficiently large that it will induce handlers to pay their obligations under the order on time. Experience under the order has not demonstrated that a handler who is late in meeting a payment would tend to wait nearly until the next morning charge is to be assessed. On the contrary, handlers who have missed payment obligations have tended to pay within 5 days. Moreover, proponent witnesses contended that producers and cooperatives should, and probably would, discontinue delivering milk to a handler who was more than a few days delinquent in making payments for milk.

If late-payment charges were to include fixed minimum amounts, such as $100, or fixed maximum amounts, such as $500, for the first day as proposed by certain handlers, it would tend to discriminate against small-volume handlers. Accordingly, such type of provisions should not be adopted.

The proposal to provide that the late-payment charges accrue to the administrative expense fund maintained by the market administrator should be adopted. Proponent supported this proposal on the basis that handlers that are prompt in meeting payment obligations are, in effect, being assessed for expenses incurred by the market administrator in getting compliance on the part of delinquent handlers. In addition, proponent contended that in the case of late-payments to a producer there would be an incentive on the part of the producer to continue delivery of milk to the delinquent handlers because of a belief that he would be reimbursed for the delay.

In the case of delinquent handlers, money is spent by the market administrator in determining the amount of the late-payment charges and in collecting such payments or inducing noncomplying handlers to pay on time. The money for expenditures of this type, of course, comes from the administrative assessment fund. Thus, the competitors of the noncomplying handlers who pay assessments to this fund are bearing the administrative costs of dealing with the delinquent handlers. Therefore, it is reasonable that the late-payment charges assessed on noncomplying handlers be used to help defray these administrative costs.

As an inducement to make payments to producers on time, it is appropriate that the charge on overdue accounts payable to producers accrue to the administrative assessment fund. As stated by proponent, if the late-payment charge were to be added to the amount owed by handlers to producers, it would likely result in such producers being less concerned whether they are paid on time. Thus, it could be counterproductive to the purpose sought to be achieved by the late-payment charge. Moreover, if a charge of 1 percent were made with respect to a payment that was only a few days late, it would represent a significantly higher value than the cost of money borrowed from commercial sources for such short time span. Thus, producers would be placed in a position where they would prefer to be paid several days late and get the late-payment charge. Further, the late-payment charge is to be an inducement to meet the payment date in the order. As such the charge should accrue to the market administrator who is charged with the responsibility of administering the payment transaction.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In § 1036.31 the introductory text of paragraph (a) is revised to read as follows:

§ 1036.31 Payroll reports.

(a) On or before the 18th day after the end of each month, each handler who pays producers pursuant to § 1036.73(a) shall report to the market administrator the following information with respect to the handler's partial and final payments for producer milk received during such month:

* * * * *

2. In § 1036.32 the introductory text of paragraph (a) and the introductory text of paragraph (c) are revised to read as follows:

§ 1036.32 Other reports.

(a) On or before the 22nd day of each month each delinquent handler pursuant to § 1036.73(c) shall report to the market administrator the following information with respect to its receipts of milk during the first 15 days of the month:

* * * * *

(c) On or before the 8th day after the end of each month, each delinquent handler (pursuant to § 1036.73(c)), shall report to the market administrator the following information with respect to receipts of milk during such month.

* * * * *

3. Section 1036.61 is revised to read as follows:

§ 1036.61 Computation of uniform price (including weighted average price).

For each month the market administrator shall compute a uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1036.60 for all handlers who filed the reports prescribed by § 1036.30 for the month and who were not in default of payments to the market administrator pursuant to § 1036.71 for the preceding month;

(b) Deduct the amount of the plus location adjustments and add the amount of the minus location adjustments which are applicable pursuant to § 1036.75;

(c) Add an amount equal to one-half of the unobligated balance in the producer settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1036.60(e);

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price".

(f) For the months of January through March and August, subtract from the weighted average price computed in paragraph (e) of this section the withholding rate for the Advertising and Promotion program as computed in § 1036.121(e). The result shall be the "uniform price" for the applicable month.

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (c) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (d)(2) of this section by the weighted average price;

(h) From the remaining amount in paragraph (g) of this section subtract for each of the months of April through July the amount obtained by multiplying the hundredweight of producer milk specified in paragraph (d)(1) of this section by a rate that is equal to 6 percent of the average basic formula price (computed to the nearest cent) for the preceding calendar year but not to exceed 25 cents;

(i) From the remaining amount in paragraph (g) of this section add for each of the months of September, October and November one-fourth of the total amount subtracted pursuant to paragraph (h) of this section and add for the month of December the remainder of such total amount plus any interest earned on such total amount;

(j) Divide the resulting sum by the hundredweight of producer milk included in these computations;

(k) Subtract the withholding rate for the Advertising and Promotion program as computed in § 1036.121(e); and

(l) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers for the applicable month.

4. In § 1036.70 paragraph (a) is revised to read as follows:

§ 1036.70 Producer-settlement fund.

(a) The market administrator shall establish and maintain a separate fund known as the "Producer-settlement fund," into which he shall deposit the payments made by handlers pursuant §§ 1036.71, 1036.76 and 1036.77 and from which he shall make all payments pursuant to §§ 1036.72, 1036.73 and 1036.77.

* * * * *

5. In § 1036.71 paragraphs (a), (b), (c), and (d) are revised to read as follows:

§ 1036.71 Payments to the market administrator.

(a) Subject to paragraph (d) of this section, each handler operating a pool plant shall pay to the market administrator on or before the day prior to the last day of each month an amount determined by multiplying the Class III price for the preceding month (adjusted by the butterfat differential, if the handler so elects) by the following receipts during the first 15 days of such month:

(1) Producer milk from producers whose payments are authorized to be collected by a cooperative association;

(2) Bulk fluid milk products by transfer or diversion from a pool plant operated by a cooperative association, and

(3) Milk from a cooperative association in its capacity as a handler pursuant to § 1036.9(c) that also operates a pool plant.

(b) Subject to paragraph (d) of this section, each handler shall pay to the market administrator on or before the 17th day after the end of each month an amount equal to such handler's value of milk for such month determined pursuant to § 1036.60(a) as adjusted by the butterfat differential specified in § 1036.74 and pursuant to § 1036.60(b) through (e), less:

(1) Payments made by the handler pursuant to paragraph (a) of this section for such month;

(2) Payments to be made pursuant to § 1036.73(a) and (c) for producer milk received during such month; and

(3) The value at the weighted average price applicable at the location of the plants from which received with respect

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to other source milk for which a value is computed pursuant to § 1036.60(e).

(c) Subject to paragraph (d) of this section, each handler operating a pool plant who receives bulk fluid milk products by transfer or diversion from a pool plant operated by a cooperative asssociation, or who receives milk from a cooperative association in its capacity as a handler pursuant to § 1036.9(c) that also operates a pool plant, shall pay to the market administrator, on or before the 17th day after the end of each month, an amount determined by multiplying the quantity of such receipts during the month that was classified in each class pursuant to § 1036.42 by the applicable class price, as adjusted by the butterfat differential specified in § 1036.74, less any payment made by the handler pursuant to paragraph (a)(2) and (3) of this section for such month. For the purpose of such computation, the applicable Class I price shall be the Class I price applicable at the transferee-plant.

(d) The following conditions shall apply with respect to the payments prescribed in paragraphs (a), (b) and (c) of this section.

(1) Payments to the market administrator shall be deemed not to have been made until such payments have been received by the market administrator;

(2) If the date by which payments must be received by the market administrator falls on a Saturday or Sunday or any day that is a national holiday, payments shall not be due until the next day on which the market administrator's office is open for public business; and

(3) Payments due the market administrator from a cooperative association handler may be offset by payments determined by the market administrator to be due the cooperative association pursuant to § 1036.73(b).

* * * * *

6. Add a new § 1036.72 to read as follows:

§ 1036.72 Payments from the producer-settlement fund.

Subject to § 1036.73(c), on or before the 18th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the net pool obligation pursuant to § 1036.60 for such handler is less than the value at the uniform price, as adjusted pursuant to § 1036.75 of such handler's receipts of producer milk.

7. In § 1036.73 paragraphs (a) through (d) and revised to read as follows:

§ 1036.73 Payments to producers and to cooperative associations.

(a) Subject to paragraphs (c) through (f) of this section, each handler shall make payment to each producer (whose payments are not authorized to be collected by a cooperative association) as follows:

(1) On or before the last day of the month, to each producer who has not discontinued delivery of milk to such handler, not less than the amount determined by multiplying the pounds of producer milk received from such producer during the first 15 days of the month by the Class III price for the preceding month, less proper deductions authorized by the producer; and

(2) On or before the 18th day after the end of the month, to each producer not less than the amount determined by multiplying the pounds of producer milk received from such producer during the month by the uniform price as adjusted pursuant to §§ 1036.74 and 1036.75, less the following amounts:

(i) The payment made pursuant to paragraph (a) (1) of this section for such month;

(ii) Proper deductions authorized by the producer;

(iii) Any marketing service deduction pursuant to § 1036.86; and

(iv) If before such date the handler has not received full payment from the market administrator pursuant to § 1036.72 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this section following the date on which the remaining payment is received from the market administrator.

(b) Subject to paragraph (e) and (f) of this section, the market administrator shall pay to each cooperative association:

(1) On or before the last day of each month for milk for which payment pursuant to § 1036.71(a) has been received by the market administrator; and

(2) On or before the 18th day after the end of each month for milk for which payment is received by the market administrator pursuant to § 1036.71. Such payment shall be at the applicable uniform price for the month, subject to the following adjustments:

(i) Any applicable adjustments pursuant to §§ 1036.74 and 1036.75; and

(ii) Less the payments made pursuant to paragraph (b) (1) of this section.

(c) Any handler who the market administrator determines is or was delinquent with respect to any payment obligation under this order shall not be eligible to make payments directly to producers for its receipts of producer milk pursuant to paragraph (a) of this section. Any such payments due producers (except any amount due pursuant to § 1036.72) shall be made to the market administrator on or before the day prior to the dates specified in paragraph (a) of this section. The market administrator shall, in turn, pay such producers the amounts so received from the handler plus any amounts due such producers pursuant to § 1036.72. This payment arrangement shall be followed until the handler has met all prescribed payment obligations for three consecutive months.

(d) In making payments to producers pursuant to paragraphs (a) and (c) of this section each producer shall be furnished the following information.

(1) The identity of the handler and the producer and the month to which the payment applies.

(2) The total pounds and, with respect to final payments, the average butterfat content of the milk for which payment is being made;

(3) The minimum rate of payment required by the order and the rate of payment used if such rate is other than the applicable minimum rate;

(4) The amount and nature of any deductions from the amount otherwise due the producer; and

(5) The net amount of payment to the producer.

* * * * *

§ 1036.76 [Amended]

8. In § 1036.76(b)(4) the words "plus 5 cents" are deleted.

9. Section 1036.78 is revised to read as follows:

§ 1036.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1036.71, 1086.73, 1036.76, 1036.77, 1036.85, and 1036.86 shall be increased 1 percent beginning on the first day after the due date of such obligation and on the same day of each succeeding month until such obligation is paid. All such charges on overdue accounts shall be paid to the administrative assessment fund maintained by the market administrator.

§ 1036.85 [Amended]

10. In the introductory text of § 1036.85 the term "16th" is changed to "17th".

11. Section 1036.86 is revised to read as follows:

§ 1036.86 Deductions for marketing services.

(a) Except as set forth in paragraphs (b) and (c) of this section, each handler

or the market administrator in making payments to producers pursuant to § 1036.73 (a) and (c) shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to milk of such producer (except a handler's own-farm production) and shall pay such deductions to the market administrator not later than the 17th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. The services shall be performed by the market administrator or an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section and for whom the cooperative is not authorized to collect payment for milk, each handler shall make in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers, and, on or before the 18th day after the end of each month, pay over such deductions to the association rendering such services.

(c) In the case of producers for whom a cooperative association is not performing the services set forth in paragraph (a) but for whom the cooperative association is collecting payment for milk pursuant to § 1036.73(b) the market administrator shall make the deduction and perform the services specified in paragraph (a) of this section.

12. In § 1036.120 paragraphs (b), (c) and (d) are revised to read as follows:

§ 1036.120 Procedure for requesting refunds.

* * * * *

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of June, September, December, or March for milk to be marketed from the first of the immediately following month through the following June 30th.

(c) A dairy farmer who first acquires producer status under this part may, upon application filed with the market administrator pursuant to paragraph (a) of this section by the end of the month immediately following the month in which producer status is acquired, be eligible for refund on all marketings against which an assessment is withheld for the period through the following June 30th and if producer status is first acquired in June such producer shall be eligible for a refund on all marketings during June and the following 12 month period. Eligibility for refund under this paragraph shall not apply to a person who was a producer under a Federal order under which the same refund notification period applied and such person did not appropriately submit a refund application during such period.

(d) A producer who has appropriately filed request for refund of advertising and promotion program assessments on his marketings of milk under another Federal order shall be eligible (on the basis of his request filed under the other order) for refund with respect to his producer milk under this order against which an assessment is withheld until the opportunity exists for such producer to request a refund pursuant to paragraph (b) of this section.

13. In § 1036.121 the introductory text of paragraph (b) and paragraph (b)(2) and (3) are revised and new paragraphs (e) and (f) are added to read as follows:

§ 1036.121 Duties of the market administrator.

* * * * *

(b) Set aside into an advertising and promotion fund, separately accounted for, an amount equal to the withholding rate for the month as set forth in paragraph (e) of this section times the amount of producer milk included in the uniform price computation for such month. The amount set aside shall be disbursed as follows:

* * * * *

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed the rate per hundredweight determined pursuant to paragraph (e) of this section on the volume of milk pooled by any such producer for which deductions were made pursuant to this paragraph.

(3) After the end of each month, make a refund to each producer who made application for such refund pursuant to § 1036.120. Such refund shall be computed by multiplying the rate specified in paragraph (e) of this section times the hundredweight of such producer's milk pooled for which deductions were made pursuant to this paragraph for such month, less the amount of any refund otherwise made to the producer pursuant to paragraph (b)(2) of this section.

* * * * *

(e) As soon as possible after April of each year, compute the rate of withholding by multiplying the simple average of the uniform prices for the 12-month period ending April 30 by 0.0075 and rounding to the nearest whole cent. This rate shall apply during the 12-month period beginning with July of the current year.

(f) As soon as possible after the rate of withholding is computed, notify in writing each producer currently on the market and any new producer that subsequently enters the market of the withholding rate. This notification shall be repeated annually thereafter only if there is any change in the rate from the previous period.

Note.—This recommended decision has been reviewed under USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this decision should not be classified "significant" under those criteria. This decision constitutes the Department's Draft Impact Analysis Statement for this proceeding.

Signed at Washington, D.C., on March 14, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-8531 Filed 3-19-80; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

Standards for Protection Against Radiation; Advance Notice of Proposed Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Advance Notice of Proposed Rulemaking; Request for Public Comment.

SUMMARY: The Nuclear Regulatory Commission. (NRC) is considering a major revision to 10 CFR Part 20 of its regulations. The primary purpose of the revision is to bring NRC radiation protection standards into accord with developments in radiation protection that have occurred since promulgation of Part 20 in its present form in the late 1950's. In a preliminary review of this matter, the NRC staff has identified a number of areas in which Part 20 might be improved. Before proceeding further with specific structural and substantive proposed changes, the NRC is seeking public comment. Of particular interest are public views on the areas so far identified by the staff as well as suggestions for further improvements and suggestions for alternative approaches for effecting needed improvements.

DATES: Comment period expires June 18, 1980.

ADDRESSES: Written comments or suggestions should be submitted to the

Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Robert A. Purple, Assistant Director, Radiological Health & Safeguards Standards, Office of Standards Development, Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone—(301) 443–5855).

SUPPLEMENTARY INFORMATION: The NRC radiation protection standards were developed in the late 1950's. Since that time there have been a substantial number of revisions, some of them to bring the regulation into accord with recommendations of various scientific advisory organizations, but none of them affecting the basic structure or fundamental approach to radiation protection embodied in the original publication. With the passage of time there has been an increase in the sophistication of the general approach to radiation protection, there have been several legislative actions that affect the federal approach to radiation protection, and there have been additional information and recommendations on radiation protection from national and international bodies (e.g., United Nations Scientific Committee on the Effects of Atomic Radiation, National Council on Radiation Protection and Measurements and the International Commission on Radiological Protection). In addition, there has been a growing public interest in and concern about the potential health effects of low-level ionizing radiation. In August 1979, the Secretary of Health, Education and Welfare sent to the President a report of an Interagency Task Force on the Health Effects of Ionizing Radiation. This report, among other things, made recommendations for reducing radiation exposures and recommended the establishment of a Federal Radiation Policy Council responsible for formulating broad radiation protection policy. The President has approved these recommendations. As part of its participation in this Task Force effort, the NRC recognized the desirability of reexamining the adequacy of its existing radiation protection standards.

For these reasons, the NRC is initiating a rulemaking proceeding for the purpose of modernizing its radiation protection standards. It is expected that this rulemaking proceeding will be complex and controversial. To provide for the earliest possible public participation in the development of proposed revisions, the NRC is seeking public comment and suggestions at this early stage in the process. In requesting public comments, the NRC recognizes that the EPA has responsibility for establishing Federal Radiation Guidance and generally applicable standards for the protection of the environment from radiation and radioactive materials, and is aware that EPA is actively developing new guidance and standards that would affect the provisions on NRC's radiation protection regulations which are derived from EPA guidance and standards. During the consideration of revisions to its radiation protection standards, NRC plans to work closely with the EPA to help ensure compatibility with forthcoming EPA guidance. One of the goals in revising the NRC radiation protection standards is to structure them in a way that will facilitate compliance with future radiation protection guidance issued by the EPA.

As a separate matter, the Commission is considering petitions that have recommended the lowering of numerical limits for individual doses. As part of the consideration of those petitions, it is anticipated that public hearings on the new EPA federal guidance for occupational exposures will be conducted jointly by EPA, NRC and OSHA in the near future (see 44 FR 53785, September 17, 1979) and numerical occupational dose limiting standards will be an issue covered at those hearings. If, as a result of the EPA guidance, revised numerical standards for NRC licensees are indicated, they will be promulgated.

In the above context, public comments on the absolute numerical limits that should be established in the radiation protection standards for nuclear workers and the public are not solicited as part of this notice. However, public comments are requested on the appropriateness of the specific items listed for individual doses and on the completeness of areas identified for further improvement by the NRC staff.

Function of Radiation Protection Standards

To aid in developing the framework on which to structure the new radiation protection regulations, it is helpful to have a general statement of the desirable characteristics of or objectives to be met by the new standards. To that end, the NRC staff has developed the following statement of purpose for NRC radiation protection standards:

Purpose: The NRC standards for protection against radiation should identify specific quantifiable and procedural requirements, and their bases, that will provide adequate protection of the health and safety of workers, individual members of the public, and the population in general. NRC standards should be consistent with the applicable Federal radiation protection guidance and include consideration of the work of recognized National and International advisory organizations. The standards should be structured in a manner that is easily understood and can be readily revised to accommodate legislative and technical changes as necessary. To ensure compliance, implementation of the standards should be amenable to verification by the Commission's inspection programs. The regulation should be readily inspectable and enforceable so that timely and effective enforcement actions can be taken whenever the standards are violated.

The list of essential elements of the radiation protection standards which follows was developed with these objectives in mind.

Essential Elements of the Radiation Protection Standards

The NRC staff has tentatively identified what it considers to be the essential elements that should be contained in the NRC radiation protection regulations. The list of items follows:

a. Radiological Protection Principles.

These should include:

Identification of basic assumptions used for radiation protection purposes, such as: (1) there is within the range of exposure conditions usually encountered in radiation work, a linear relationship without threshold between dose and probability of stochastic effect; and (2) the severity of each type of stochastic effect is independent of dose.

Identifications of the basic radiation protection principles which are derived from the assumptions, such as:

(1) No practice or operation involving exposures to radiation should be adopted unless its introduction produces a positive net benefit;

(2) All exposures shall be kept as low as reasonable achievable, economic and social factors being taken into account, and

(3) The dose equivalent to individuals shall not exceed the limits selected for the appropriate circumstances.

(4) Persons occupationally exposed to radiation should be informed of the potential risk of that exposure.

b. Standards for Individual Occupational Exposures.

These should include:

(1) Numerical dose limits (internal, external, and in combination) for specific time periods.

(2) Consideration of special provisions for limiting exposures of susceptible groups (e.g., embryo/fetus, women in general, fertile women and minors),

applicable laws being taken into account.

(3) Controls for transient workers, contract workers, and "moonlighters".

(4) Derived standards, e.g., maximum permissible concentration (MPC), surface contamination in restricted areas, annual limits of intakes (ALI).

(5) Provisions for planned special exposures and overexposure situations.

(6) Provisions for emergency exposures.

c. Standards for Exposures of the General Public

These should include:

(1) Numerical dose limits (internal, external, and in combination) for specific time periods including consideration of special population groups.

(2) Effluent release limits including ALARA (as low as reasonably achievable) numerical guides and consideration of special population groups.

(3) Derived standards, taking into account major exposure modes and pathways, e.g., MPC air, MPC water, milk chain, ALI, etc.

(4) Siting considerations, including special population groups for licensed facilities and activities other than LWR power stations.

(5) Emergency dose limits reflecting Federal guidelines.

(6) Limits of contamination for the release of material for unrestricted use.

(7) Limits for burial of radioactive waste in other than licensed burial grounds (i.e., 10 CFR Part 20, 20.304).

(8) Limits of contamination, in terms of concentration and total activity, for disposal of material as non-radioactive waste.

d. Requirements for a Radiation Protection Program

These should include:

(1) Training requirements

(2) Management audits and controls

(3) Designation and marking of radiation areas

(4) ALARA program requirements including guidance on lifetime accumulative doses

(5) Access controls, including alarms

(6) Personnel dosimetry requirements, (for both internal and external exposures) including performance standards for health physics measurements

(7) On-site radiation and contamination measurements (instruments, performance standards, etc.)

(8) Environmental radiation monitoring (off-site)

(9) Procedures for transportation of radioactive material

(10) Procedures for responding to emergency situations

(11) Procedures for radiation protection

(12) Procedures for managing overexposures

(13) Procedures for radioactive waste disposal.

e. Record Keeping Requirements

These should include:

(1) Individual doses (internal and external) and bases for estimates

(2) Identity and quantity of radioactive materials released to the environment

(3) Survey and monitoring results

(4) Disposal of licensed material

(5) Receipt, transfer, and inventory of radioactive material

f. Reporting Requirements

These should include:

(1) Routine reports of occupational doses (including both internal and external exposures)

(2) Overexposure reports

(3) Reports of effluents released to the environment

(4) Reports of theft or loss of radioactive material

(5) Notification of incidents.

Areas In Part 20 That Need Improvement

Based partly on the NRC staff's views on the necessary elements of a revised Part 20 as presented above, and also on a critical examination of the present Part 20, the following list of areas where Part 20 could be improved has been identified. It would be the intent of the staff to ensure that these areas are resolved in a proposed revision to Part 20.

a. Radiological Protection Principles

(1) The underlying radiation protection principles adopted by NRC should be presented in terms understandable to laymen.

(2) The ALARA principle and requirements for both effluents and occupational exposures should be strengthened. Quantitative occupational ALARA guidelines should be established wherever possible for NRC licensed facilities. Collective doses should be addressed.

b. Standards for Individual Occupational Exposure

(1) Consideration should be given to adopting the ICRP recommendations on the use of "effective dose equivalents" and dose limitations for combined internal and external exposures. Present part 20 does not preclude radiation exposure as high as a total of 17 rem of combined internal and external dose to the whole body in a single year, i.e., 5 rem internal plus (3 rem per qtr. × 4 qtr. =) 12 rem external doses.

(2) Derived limits for concentrations in air and water should be "updated" or replaced by annual limits for intake.

(3) Standards applicable to emergency or overexposure situations should be presented.

(4) Special provisions to limit collective doses should be considered.

(5) Special provisions for limiting exposures of susceptible groups (e.g. embryo/fetus, women in general, fertile women and minors) should be considered, under applicable law.

(6) Controls for "moonlighters", contract workers, and transient workers should be strengthened.

c. Standards for Exposure of the General Public

(1) Additional consideration should be given to exposure pathways to man other than by air and water intake.

(2) Derived limits for concentrations in air and water should be "updated" or replaced by annual limits for intake.

(3) Special provisions for limiting exposures of susceptible groups (e.g. embryo/fetus, women in general, fertile women and minors) should be considered, under applicable laws.

(4) Standards for licensee action applicable to emergency or overexposure situations should be presented.

(5) Standards for environmental monitoring for either routine or accident conditions should be presented.

d. Requirements for a Radiation Protection Program

(1) The basic elements of an acceptable radiation protection program should be presented.

e. Reporting Requirements

(1) Reporting of routine internal exposures should be required.

(2) Reporting of the rupture or failure of sealed radiation sources.

f. Miscellaneous

(1) The adoption of SI (Systeme Internationale) units with related conversion formulas should be considered (for example, radiation doses in units of grays and sieverts and activity in units of becquerels).

(2) Performance standards (accuracy and reliability) for health physics measurements should be presented.

(3) The technical bases for numerical limits should be readily identifiable.

It must be emphasized that the items listed above do not represent decisions or commitments. Rather, as stated previously, they are the result of a preliminary review by the NRC staff and are published at this time to solicit views of interested persons not only on the appropriateness of the specific items listed but also to facilitate identification of further improvements or revisions to Part 20 not yet identified by the staff.

V 45 / 56 MR 20 80 UMI

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[Sec. 161b, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201(b)); Sec. 201 as amended, Pub. L. 93–438, 88 Stat. 1242 as amended by Pub. L. 94–79, 89 Stat. 413 (42 U.S.C. 5841)].

Dated at Bethesda, Maryland, this 7th day of March 1980.

For the Nuclear Regulatory Commission,
William J. Dircks,
Acting Executive Director for Operations.

[FR Doc. 80-8381 Filed 3-19-80; 8:45 am]
BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Revision to Method Establishing Size Standards and Definitions of Small Business; Correction

AGENCY: Small Business Administration.

ACTION: Advance Notice of Proposed Rulemaking—Correction.

SUMMARY: On March 10, 1980, there appeared in the **Federal Register** (Vol. 45, No. 48) a proposal to amend the SBA size standards. In § 121.2, on page 15450, middle column, under the heading Major Group 78—Motion Pictures, the proposed size standard for SIC–7819, *Services Allied to Motion Picture Production,* was erroneously printed as 5 employees. The proposal is corrected to read 50 employees.

FOR FURTHER INFORMATION CONTACT:
Kaleel C. Skeirik, (202) 653–6373.

Dated: March 11, 1980.

Oleta F. Waugh,
Federal Register Liaison Officer.

[FR Doc. 80-8376 Filed 3-19-80; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80–WE–8–AD]

Airworthiness Directives; McDonnell Douglas Model DC–10 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require modification of the ramp assembly on certain Air Cruisers Company evacuation systems installed on McDonnell Douglas Model DC–10 Series Airplanes. The AD is prompted by reports of three instances of overwing slide/raft improper deployment which could result in unavailability of that element of the evacuation system.

DATES: Comments must be received on or before May 26, 1980.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The applicable service information may be obtained from: Air Cruisers Company, Post Office Box 180, Belmar, New Jersey 07719.

FOR FURTHER INFORMATION CONTACT:
Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California, 90009. (213) 536–6351.

SUPPLEMENTARY INFORMATION:
Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

During production test deployments of Air Cruisers Company slide/raft evacuation systems installed at the No. 3 door on the McDonnell Douglas Model DC–10 aircraft, three units deployed improperly over the leading edge of the wing between the engine nacelle and the fuselage, rendering the escape device unusable. Upon investigation it was determined that the mistracking was due to a delay in the separation of the velcro tracking restraint device which is designed to provide proper tracking of the ramp along the wing surface. It was further determined that the force required to disengage the velcro can vary depending upon the degree of engagement between the mating hook and pile panels of the device. To establish a consistent breakaway force for the tracking device and thus assure proper tracking of the ramp during deployment of the evacuation system, a new tracking device has been developed which utilizes a frangible link assembly which separates consistently at a predetermined force within a tighter tolerance range than the velcro configuration.

Since this condition is likely to exist or develop on other aircraft of the same type design the proposed AD would require modification of the tracking restraint device on the affected evacuation systems on McDonnell Douglas DC–10 Series Airplanes.

Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 3913) by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC–10–10, –10F, –30, –30F and –40 Series Airplanes certificated in all categories utilizing Air Cruisers Part No. 24D30051 series passenger evacuation systems with the following serial numbers:

Left Hand Door: Air Cruisers Company P/N 24D30051 series, all serial numbers prior to S/N 1531, except 1508, 1510, 1511, 1515, 1519, 1521, 1523 and 1525.

Right Hand Door: Air Cruisers Company P/N 24D3005 series, all serial numbers prior to S/N 1630, except 1605, 1611, 1613, 1615, 1619, 1621, and 1623.

Compliance required within next eighteen (18) calendar months after the effective date of this AD, unless already accomplished.

To prevent improper deployment of the Air Cruisers Company emergency evacuation system due to delay in separation of the velcro tracking restraint device, accomplish the following:

a. Modify the affected evacuation system assemblies in accordance with Part 2, Accomplishment Instructions, of Air Cruisers Company Service Bulletin No. 25–75 dated January 30, 1980.

b. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of modifications required by this AD.

c. Alternative modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655 (c)); 14 CFR 11.85)

Note.—The Federal Aviation Administration has determined that this document involves the proposed regulation which is not considered to be significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, the impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Los Angeles, Calif., on March 8, 1980.

W. R. Frehse,
Acting Director, FAA Western Region.

[FR Doc. 80-8551 Filed 3-19-80; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80–WA–5]

Alteration to Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Part 71 of the Federal Aviation Regulation (14 CFR Part 71) to suspend Federal Airway V–83 within the Talon Military Operations Area (MOA) during the time that the MOA is activated by NOTAM. Suspension of airways within MOAs facilitates military training which is not compatible with the existence of an airway and permits more efficient joint military and civil use of the navigable airspace.

DATES: Comments must be received on or before April 4, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southwestern Region, Attention: Chief, Air Traffic Division, Docket No. 80–WA–5, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:
George O. Hussey, Airspace Regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–3715.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before April 4, 1980 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would amend V–83 to suspend that portion of the airway 12,000 feet MSL and above from 7 miles northwest of Carlsbad VORTAC to 19 miles southeast of Roswell VORTAC during the time that the Talon MOA is activated by NOTAM. Time of operation for the Talon MOA is normally from sunrise to sunset, Monday through Friday, and intermittent at other times. Military training within an MOA is not compatible with the existence of an airway. Suspension of airways within MOAs does not prevent direct or radar vector routing through the area and permits efficient joint military and civil use of the affected airspace. Section 71.123 of Part 71 was republished in the **Federal Register** on January 2, 1980 (45 FR 307).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 307) as follows:

In Section 71.123, under V–83; add "That portion of the airway 12,000 feet MSL and above from 7 miles (Lat. 32°22'08"N., Long. 104°15'57"W.) northwest of Carlsbad VORTAC to 19 miles (Lat. 33°02'04"N., Long. 104°30'32"W.) southeast of Roswell VORTAC is suspended during the time that the Talon MOA is activated by NOTAM."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on March 14, 1980.

B. Keith Potts,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-8534 Filed 3-19-80; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80–CE–5]

Transition Area; Imperial, Nebr., Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Imperial, Nebraska, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Imperial, Nebraska Municipal Airport, which is based on a Non-directional Radio Beacon (NDB) being installed on the airport by the State of Nebraska.

DATES: Comments must be received on or before April 26, 1980.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Benny J. Kirk, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before April 28, 1980 will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR Section 71.181) by designating a 700-foot transition area at Imperial, Nebraska. To enhance airport usage by providing instrument approach capability to the Imperial, Nebraska Municipal Airport, the State of Nebraska is installing an NDB on the airport. This radio facility provides new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Imperial, Nebraska, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1980 (45 FR 445) by adding the following new transition area:

Imperial, Nebraska

That airspace extending upward from 700 feet above the surface within a seven (7) mile radius of the Imperial Municipal Airport, Imperial, Nebraska (latitude 40°30'35"N, longitude 101°37'11"W); within three (3) miles each side of the 133° bearing from the Imperial NDB (latitude 40°30'32"N, longitude 101°37'43"W) extending from the seven (7) mile radius area to eight (8) miles southeast of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so mimimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on March 11, 1980.

Paul J. Baker,

Director, Central Region.

[FR Doc. 80-8532 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-NE-8]

Alteration of VOR Federal Airways; Boston, Mass.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter several VOR federal airways in the vicinity of Boston, Mass. This action would reduce aircraft noise associated with arrival and departure traffic for Logan International Airport. These airway alterations would also reduce controller workload.

DATES: Comments must be received on or before April 21, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA New England Region, Attention: Chief, Air Traffic Division, Docket No. 80-NE-8, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. The official docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received on or before April 21, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would alter VOR federal airways V-167, V-205 and V-431 in the vicinity of Boston, Mass. These airway alterations are a result of special noise abatement arrival/departure routes for Logan International Airport, Boston, Mass. The route changes would reduce controller workload by designating airways in areas where aircraft are normally vectored and would also improve flight planning.

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with the adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 307) as follows:

Under V-167: "Hyannis. The airspace below 2,000 feet MSL outside the United States is excluded." is deleted, and "Hyannis; INT 360°T(015°M) and Kennebunk, Maine, 161°T(178°M) radials; to Kennebunk. The airspace outside the United States below 2,000 feet MSL, including the portion within Warning Area W-103, is excluded." is substituted therefor.

Under V-205: "to Boston." is deleted and "Boston; INT Boston 086°T(061°M) and Pease, N.H., 137°T(153) radials; to Pease. The airspace outside the United States below 2,000 feet MSL, including the portion within Warning Area W-103, is excluded." is substituted therefor.

Under V-431: is rewritten to read as follows: "From Hyannis, Mass., via INT Hyannis 343° and Boston, Mass., 086° radials; Boston; INT Boston 015° and Gardner, Mass., 097° radials; Gardner; Keene, N. H.; Glens Falls, N.Y.; to INT Glens Falls 286° and Albany, N.Y., 350° radials. The airspace outside the United States below 2,000 feet MSL is excluded."

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on March 12, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-8233 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-6]

Proposed Alteration of Transition Area; Ponca City, Okla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of the action being taken is to propose alteration of the transition area at Ponca City, Oklahoma. The intended effect of the proposed action is to provide additional controlled airspace for aircraft departing the Ponca City Municipal Airport. The circumstance which created a need for the action is that a review of the current transition area revealed the controlled airspace is not properly described and inadequate for the protection of aircraft departing the airport. Airspace for the protection of aircraft executing two new proposed instrument approaches is currently adequate.

DATES: Comments must be received on or before April 21, 1980.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Manuel R. Hugonnett, Airspace and Procedures Branch, ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (45 FR 445) of FAR part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting Instrument Flight Rules (IFR) activity. Alteration of the transition area at Ponca City, Oklahoma, will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received within 30 days after publication of this notice in the **Federal Register** will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for

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consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624–4911, extension 302. Communications must identify the notice number of this NPRM. Persons interest in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to subpart G of part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Ponca City, Oklahoma. The FAA believes this action will enhance IFR operations at the Ponca City Municipal Airport by providing controlled airspace for aircraft executing instrument approach procedures to and departing from the airport. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1980 (45 FR 445).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR part 71) as republished (45 FR 445) by altering the Ponca City, Oklahoma, transition area by deleting:

"• • • Within a 6-mile radius of the Ponca City Municipal Airport (Latitude 36°43'41"N., Longitude 97°05'57"W.), and 2 miles each side of the Pioneer, Oklahoma, VORTAC 297° radial, extending from the 6-mile radius area to 8 miles NW of the VORTAC, and within 1.5 miles each side of the 180° bearing from the Ponca City LOM, extending from the 6-mile radius area to the LOM • • •"

and substituting therefor:

"• • • Within a 6.5-mile radius of the Ponca City Municipal Airport (Latitude 36°43'50"N., Longitude 97°05'50"W.), and within 2 miles each side of the Pioneer, Oklahoma, VORTAC 297° radial, extending from the 6.5-mile radius area to 8 miles NW of the VORTAC, and within 1.5 miles each side of the 180° bearing from the Ponca City LOM, extending from the 6.5-mile radius area to the LOM • • •"

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on March 7, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80-8294 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 510

[Docket No. R-80-781]

Rehabilitation Loan Program

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of proposed rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the **Federal Register.** This notice lists and summarizes for public information a proposed rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street SW., Washington, D.C. 20410 (202) 755–6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairman and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following proposed rulemaking document:

24 CFR Part 510, Section 312 Rehabilitation Loan Program

This proposed rule would set forth the existing Section 312 Rehabilitation Loan Program. The program would continue to be a below market interest rate loan program for the rehabilitation and revitalization of property which is primarily for the benefit of lower and middle income persons.

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Section 324 of the Housing and Community Development Amendments of 1978.)

Issued at Washington, D.C., March 14, 1980.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 80-8562 Filed 3-19-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-272-76]

Special Rule for the Deduction of Certain Charitable Contributions of Inventory and Other Property

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to a special rule for the deduction of certain charitable contributions of inventory and other property as added by the Tax Reform Act of 1976. The regulations would provide corporate donors and charitable organizations with the guidance needed to comply with the new law.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 19, 1980. The amendments are proposed to be effective with respect to qualified contributions made after October 4, 1976.

ADDRESS: Send comments and written requests for a public hearing to: Commissioner of Internal Revenue, Attn: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Eileen Murphy, (202) 566–3297.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 170 (e) (3) of the Internal Revenue Code of 1954. In addition, certain minor changes are proposed to §§ 1.170A–4 (b) (4) and 1.170A–11 (a), in conformity with sections 205 (c) (1) and 1052 (c) (2), respectively, of the Tax Reform Act of 1976. These amendments are proposed to conform the regulations to section 2135 of the Tax Reform Act of 1976 (90 Stat. 1928) and are to be issued

under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Qualified Contributions

Section 2135 of the Tax Reform Act of 1976 added a new paragraph (3) to section 170 (e) of the Internal Revenue Code to provide a special rule for deductions of certain qualified contributions of certain property. The regulations provide rules which set forth the requirements for a qualified contribution. Only certain corporations may make a contribution under this section, only certain charitable organizations may receive the contribution, and only certain property may be contributed (principally inventory and depreciable property). The property must be used for a purpose related to the grounds for the exemption of the organization to which the contribution is made and must be used for the care of the ill, needy, or infants. In addition, the organization may not charge for the transfer (or use) of the property and must provide the corporate-donor with a written statement representing that the organization intends to comply with these restrictions on use and transfer of the property. The donor is not entitled to the deduction under this section if the organization does not comply with these restrictions. Finally, the contributed property must conform to any applicable provisions of the Federal Food, Drug, and Cosmetic Act (as amended), and the regulations thereunder, at the date of contribution and for the immediately preceding 180 days.

Amount of Reduction

The new provisions require reduction of the amount of the allowable deduction for a qualified charitable contribution by an amount equal to one-half of the amount of gain (other than gain subject to certain ordinary income recapture provisions) which would not have been long-term capital gain if the property had been sold by the taxpayer at fair market value at the date of contribution. A further, second reduction is made if the amount of the allowable deduction which remains after the first reduction is more than twice the basis of the contributed property.

The proposed regulations also provide rules for determining the basis of contributed property which is inventory. The basis of such contributed property must be determined under the donor's method of accounting for inventory for purposes of United States income tax. The donor must decrease cost of goods sold for the year of contribution by the amount of this basis.

Recapture Excluded

The proposed regulations do not allow a deduction for amounts which would have been subject to certain ordinary income recapture provisions if the property had been sold.

Comments and Request for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Drafting Information

The principal author of these proposed regulations is Eileen Murphy of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

Proposed amendments to the regulations

The proposed amendments to 26 CFR Part 1 are as follows:

Paragraph 1. Section 1.170A–1 is amended by revising the seventh sentence of paragraph (a) (1) and by revising paragraph (c) (1). These revised provisions read as follows:

§ 1.170A–1 Charitable, etc., contributions and gifts; allowance of deduction.

(a) *In general*—(1) *Allowance of deduction.* • • • For special rules relating to computation of the amount of the deduction with respect to a charitable contribution of certain ordinary income or capital gain property, see section 170 (e) and §§ 1.170A–4 and 1.170A–4A. • • •

* * * * *

(c) *Value of a contribution in property.*

(1) If a charitable contribution is made in property other than money, the amount of the contribution is the fair market value of the property at the time of the contribution reduced as provided in section 170 (e) (1) and paragraph (a) of § 1.170A–4, or section 170 (e) (3) and paragraph (c) of § 1.170A–4A.

§ 1.170A–4 [Amended]

Par. 2. Section 1.170A–4 is amended by deleting from paragraph (b) (4) the phrase "or 1252 (a)" and inserting in lieu thereof "1252 (a), or 1254 (a)".

Par. 3. There is added immediately after § 1.170A–4 the following new section:

§ 1.170A–4A Special rule for the deduction of certain charitable contributions of inventory and other property.

(a) *Introduction.* Section 170 (e) (3) provides a special rule for the deduction of certain qualified contributions of inventory and certain other property. To be treated as a "qualified contribution", a contribution must meet the restrictions and requirements of section 170 (e) (3) (a) and paragraph (b) of this section. Paragraph (b) (1) of this section describes the corporations whose contributions may be subject to this section, the exempt organizations to which these contributions may be made, and the kinds of property which may be contributed. Under paragraph (b) (2) of this section, the use of the property must be related to the purpose or function constituting the ground for the exemption of the organization to which the contribution is made. Also, the property must be used for the care of the ill, needy, or infants. Under paragraph (b) (3) of this section, the recipient organization may not require or receive in exchange money, property, or services for the transfer or use of property contributed under section 170 (e) (3). Under paragraph (b) (4) of this section, the recipient organization must provide the contributing taxpayer with a written statement representing that the organization intends to comply with the restrictions set forth in paragraph (b) (2) and (3) of this section on the use and transfer of the property. Under paragraph (b)(5) of this section, the contributed property must conform to any applicable provisions of the Federal Food, Drug, and Cosmetic Act (as amended), and the regulations thereunder, at the date of contribution and for the immediately preceding 180 days. Paragraph (c) of this section provides the rules for determining the amount of reduction of the charitable contribution under section 170 (e) (3). In general, the amount of the reduction is equal to one-half of the amount of gain (other than gain described in paragraph (d) of this section) which would not have been long-term capital gain if the property had been sold by the donor-taxpayer at fair market value at the date of contribution. If, after this reduction, the amount of the deduction would be more than twice the basis of the contributed property, the amount of the deduction is accordingly further reduced under paragraph (c) (1) of this section.

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The basis of contributed property which is inventory is determined under paragraph (c) (2) of this section, and the donor's cost of goods sold for the year of contribution must be adjusted under paragraph (c) (3) of this section. Under paragraph (d) of this section, a deduction is not allowed for any amount which, if the property had been sold by the donor-taxpayer, would have been gain to which the recapture provisions of section 617, 1245, 1250, 1251, or 1252 would have applied. For purposes of section 170 (e) (3), in addition to this section, the rules of § 1.170A–4 apply where not inconsistent with the rules of this section.

(b) *Qualified contributions*—(1) *In general.* A contribution of property qualifies under section 170(e)(3) of this section only if it is a charitable contribution—

(i) By a corporation, other than a corporation which is an electing small business corporation within the meaning of section 1371(b);

(ii) To an organization described in section 501(c)(3) and exempt under section 501(a), other than a private foundation, as defined in section 509(a), which is not an operating foundation, as defined in section 4942(j)(e);

(iii) Of property described in section 1221 (1) or (2);

(iv) Which contribution meets the restrictions and requirements of paragraph (b) (2) through (5) of this section.

(2) *Restrictions on use of contributed property.* In order for the contribution to qualify under this section, the contributed property is subject to the following restrictions in use for the period beginning with its contribution and ending on the date when adjustment to the donor-taxpayer's return on which a deduction is claimed with respect to the contribution is first barred by the applicable statute of limitations. If, during that period, the transferred property is used or transferred by the donee organization (or by any subsequent transferee that furnished to the donee organization the written statement described in paragraph (b)(4)(ii) of this section) in a manner inconsistent with the requirements of subdivision (i) or (ii) of this paragraph (b)(2) or the requirements of paragraph (b)(3) of this section, the donor's deduction is reduced to the amount allowable under section 170 of the regulations thereunder, determined without regard to section 170(e)(3) of this section.

(i) *Requirement of use for exempt purpose.* The use of the property must be related to the purpose or function constituting the ground for exemption under section 501(c)(3) of the organization to which the contribution is made. The property may not be used in connection with any activity which gives rise to unrelated trade or business income, as defined in sections 512 and 513 and the regulations thereunder.

(ii) *Requirement of use for care of the ill, needy, or infants*—(A) *In general.* The property must be used for the care of the ill, needy, or infants, as defined in this subdivision (ii). The organization may satisfy the requirement of this subdivision by transferring the property to a relative, custodian, parent or guardian of the ill or needy individual, infant, or to any other individual if it makes a reasonable effort to ascertain that the property will ultimately be used primarily for the care of the ill or needy individual, or infant, and not for the benefit (other than incidental benefit) of any other person. The recipient organization may transfer the property to another similarly exempt organization within the jurisdiction of the United States which meets the description contained in paragraphs (b)(1)(ii) and (b)(2)(i) of this section, or to an organization not within the jurisdiction of the United States that, but for the fact that it is not within the jurisdiction of the United States, would be described in paragraphs (b)(1)(ii) and (b)(2)(i) of this section. If an organization transfers the property to another organization, the transferring organization must obtain a written statement from the transferee organization as set forth in paragraph (b)(4) of this section. If the property is ultimately transferred to, or used for the benefit of, ill or needy persons, or infants, not within the jurisdiction of the United States, the organization which so transfers the property outside the jurisdiction of the United States must necessarily be a corporation. See section 170(c)(2) and § 1.170A–11(a). For purposes of this subdivision, if the donee-organization makes any charge for its transfer of contributed property, the requirement of this subdivision is not met. See also paragraph (b)(3) of this section. The property itself must ultimately either be transferred to (or for the use of) the ill, needy, or infants for their care or be retained for their care. No other person may use the contributed property except as incidental to primary use in the care of the ill, needy, or infants.

(B) *Definition of the ill.* An ill person is a person who requires medical care within the meaning of § 1.213–1(e). Examples of ill persons include a person suffering from physical injury, a person with a significant impairment of a bodily organ, a person with an existing handicap, whether from birth or later injury, a person suffering from malnutrition, a person with a disease, sickness, or infection which significantly impairs physical health, a person partially or totally incapable of self-care (including incapacity due to old age). A person suffering from mental illness is included if the person is hospitalized or institutionalized for the mental disorder, or, although the person is nonhospitalized or noninstitutionalized, if the person's mental illness constitutes a significant health impairment.

(C) *Definition of care of the ill.* Care of the ill means alleviation or cure of an existing illness and includes care of the emotional needs of the ill.

(D) *Definition of the needy.* A needy person is a person who lacks the necessities of life as a result of poverty or temporary distress. Examples of needy persons include a person who is financially impoverished as a result of low income and lack of financial resources, a person who temporarily lacks food or shelter (and the means to provide for it), a person who is the victim of a natural disaster (such as fire or flood), a person who is the victim of a civil disaster (such as a civil disturbance), a person who is temporarily not self-sufficient as a result of a sudden and severe personal or family crisis (such as a person who is the victim of a crime of violence or who has been physically abused), a person who is a refugee or immigrant and who is experiencing language, cultural, or financial difficulties, a minor child who is not self-sufficient and who is not cared for by a parent or guardian, and a person who is not self-sufficient as a result of previous institutionalization (such as a former prisoner or a former patient in a mental institution).

(E) *Definition of care of the needy.* Care of the needy means alleviation or satisfaction of an existing need. Since a person may be needy in some respects and not needy in other respects, care of the needy must relate to the particular need which causes the person to be needy. For example, a person whose temporary need arises from a natural disaster may need temporary shelter and food but not recreational facilities.

(F) *Definition of infant.* An infant is a child under six years of age.

(G) *Definition of care of an infant.* Care of an infant means performance of parental functions and provision for the physical and emotional needs of the infant.

(3) *Restrictions on Transfer of contributed property.* In order for the contribution to qualify under this section, neither the donee-organization nor any transferee of the donee-organization may require or receive in exchange any money, property, or services for the transfer or use of property contributed under section 170(e)(3). For example, if an organization provides temporary shelter for a fee, and also provides free meals using food contributed under this section to ill or needy persons or infants, the contribution of food is subject to this section (if the other requirements of this section are met).

(4) *Requirement of a written statement*—(i) *Furnished to taxpayer.* In the case of any contribution made on or after [Date which is 30 days after the issuance of these regulations by Treasury decision], the donee-organization must furnish to the taxpayer a written statement describing the contributed property, stating the date of its receipt, representing that the property will be used in compliance with section 170(e)(3) and paragraphs (b) (2) and (3) of this section, and representing that adequate books and records will be maintained, and made available to the Internal Revenue Service upon request, to show the identity of the donor, the use of the property, and the nature of any disposition of the property. The statement must also represent that the donee-organization meets the requirements of paragraphs (b)(1)(ii) and (b)(2)(i) of this section. The written statement must be furnished within a reasonable period after the contribution, but not later than the date (including extensions) by which the donor is required to file a United States corporate income tax return for the year in which the contribution was made.

(ii) *Furnished to transferring organization.* If an organization that received a contribution under this section transfers the contributed property to another organization on or after [Date which is 30 days after the issuance of these regulations by Treasury decision], the transferee organization must furnish to the tranferring organization a written statement describing the contributed property, stating the date of its receipt, representing that the property will be used in compliance with section 170(e)(3) and paragraphs (b) (2) and (3) of this section, and representing that adequate books and records will be maintained, and made available to the Internal Revenue Service upon request, to show the identities of the donor and the transferring organization, the use of the property, and the nature of any disposition of the property. The statement must also represent that the transferee organization meets the requirements of paragraph (b)(1)(ii) and (b)(2)(i) of this section (or, in the case of a transferee organization which is a foreign organization not within the jurisdiction of the United States, that, but for such fact, the organization would meet the requirements of paragraph (b)(1)(ii) and (b)(2)(i) of this section). The written statement must be furnished within a reasonable period after the transfer.

(5) *Requirement of compliance with the Federal Food, Drug, and Cosmetic Act*—(i) *In general.* With respect to property contributed under this section which is subject to the Federal Food, Drug, and Cosmetic Act (as amended), and regulations thereunder, the contributed property must comply with the applicable provisions of that Act and regulations thereunder at the date of the contribution and for the immediately preceding 180 days. In the case of specific items of contributed property not in existence for the entire period of 180 days immediately preceding the date of contribution, the requirement of this paragraph (b)(5) is considered met if the contributed property complied with that Act and the regulations thereunder during the period of its existence and at the date of contribution and if, for the 180 day period prior to contribution other property (if any) held by the taxpayer at any time during that period, which property was fungible with the contributed property, complied with that Act and the regulations thereunder during the period held by the taxpayer.

(ii) *Example.* The rule of this paragraph (b)(5) may be illustrated by the following example.

Example. Corporation X, a grocery store, contributes 12 crates of navel oranges. The oranges were picked and place in the grocery store's stock two weeks prior to the date of contribution. The contribution satisfies the requirements of this paragraph (b)(5) if X complied with the Act and regulations thereunder for 180 days prior to the date of contribution with respect to all navel oranges in stock during that period.

(c) *Amount of reduction*—(1) *In general.* Section 170 (e)(3)(B) requires that the amount of the charitable contribution subject to this section which would be taken into account under section 170 (a), without regard to section 170 (e), must be reduced before applying the percentage limitations under section 170 (b). The amount of the first reduction is equal to one-half of the amount of gain which would not have been long-term capital gain if the property had been sold by the donor-taxpayer at its fair market value on the date of its contribution, excluding, however, any amount described in paragraph (d) of this section. If the amount of the charitable contribution which remains after this reduction exceeds twice the basis of the contributed property, then the amount of the charitable contribution is further reduced (a second time) to an amount which is equal to twice the amount of the basis of the property.

(2) *Basis of contributed property which is inventory.* For the purposes of this section, notwithstanding the rules of § 1.170A–1 (c) (4), the basis of contributed property which is inventory must be determined under the donor's method of accounting for inventory for purposes of United States income tax. The donor must use as the basis of the contributed item the inventoriable carrying cost assigned to any similar item not included in closing inventory. For example, under the LIFO dollar value method of accounting for inventory, where there has been an invasion of a prior year's layer, the donor may choose to treat the item contributed as having a basis of the unit's cost with reference to the layer(s) of prior year(s) cost or with reference to the current year cost.

(3) *Adjustment to cost of goods sold.* The donor of property which is inventory contributed under this section must make a corresponding adjustment to cost of goods sold by decreasing the cost of goods sold by the amount of basis determined under paragraph (c) (2) of this section.

(4) *Examples.* The rules of this paragraph (c) may be illustrated by the following examples:

Example (1). During 1978 corporation X, a calendar year taxpayer, makes a qualified contribution of women's coats which were section 1221 (1) property. The fair market value of the property at the date of contribution is $1,000, and the basis of the property is $200. The amount of the charitable contribution which would be taken into account under section 170 (a) is the fair market value (1,000). The amount of gain which would not have been long-term capital gain if the property had been sold is $800 ($1,000—$200). The amount of the contribution is reduced by one-half the amount which would not have been capital gain if the property had been sold (800/2=$400).

After this reduction, the amount of the contribution which may be taken into account is $600 ($1,000—$400). A further second reduction is made in the amount of the charitable contribution because this amount (as first reduced to $600) is more than $400 which is an amount equal to twice the basis of the property. The amount of the further reduction is $200 [$600—(2×$200)], and the amount of the contribution as finally reduced is $400 [$1,000—($400+$200)]. X would also have to decrease its cost of goods sold for the year of contribution by $200.

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Example (2). Assume the same facts as set forth in example (1) except that the basis of the property is $600. The amount of the first reduction is $200 ($1,000—$600/2).

As reduced, the amount of the contribution which may be taken into account is $800 ($1,000—$200). There is no further second reduction because $800 is less than $1,200 which is twice the basis of the property. However, X would have to decrease its cost of goods sold for the year of contribution by $800.

(d) *Recapture excluded.* A deduction is not allowed under section 170 (e) (3) or this section for any amount which, if the property had been sold by the donor-taxpayer on the date of its contribution for an amount equal to its fair market value, would have been treated as ordinary income under section 617, 1245, 1250, 1251, or 1252. Thus, before making either reduction required by section 170 (e) (3) (B) and paragraph (c) of this section, the fair market value of the contributed property must be reduced by the amount of gain that would have been recognized (if the property had been sold) as ordinary income under section 617, 1245, 1250, 1251, or 1252.

(e) *Effective date.* This section applies to qualified contributions made after October 4, 1976.

§ 1.170A-11 [Amended]

Par. 4. Section 1.170A-11 is amended by adding the word ", and" to the end of paragraph (a) (3), by deleting paragraph (a) (4), and by redesignating paragraph (a) (5) as paragraph (a) (4).

Jerome Kurtz,
Commissioner of Internal Revenue.

[FR Doc. 80-8849 Filed 3-19-80; 8:45 am]
BILLING CODE 4830-01-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2702

Regulations Implementing the Freedom of Information Act; Proposed Rulemaking

AGENCY: Federal Mine Safety and Health Review Commission

ACTION: Proposed Rule.

SUMMARY: The Federal Mine Safety and Health Review Commission proposes to adopt rules and procedures for the guidance of those wishing to obtain information from the Commission under the Freedom of Information Act, 5 U.S.C. 552. The rules will supersede the interim implementation procedures published in the Federal Register on May 22, 1979 (44 FR 29666).

The Commission is an independent agency with authority to adjudicate contests arising under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 *et seq.* It is the intent of the Commission members promptly to comply with the Freedom of Information Act and by these rules and procedures to make all designated information readily available to the public.

DATES: Interested persons may comment in writing on the proposed rules until April 21, 1980.

ADDRESS: All comments should be addressed to: Dan R. DeLacy, Federal Mine Safety and Health Review Commission, Suite 602, 1730 K Street, N.W., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Dan R. DeLacy, (202) 653-5658.

Dated: March 17, 1980.

Frank F. Jestrab,
Commissioner/Acting Chairman, Federal Mine Safety & Health Review Commission.

Under the authority of section 113 of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-165 (30 U.S.C. 801 *et seq.*), the Federal Mine Safety and Health Review Commission proposes to amend Title 29 of the Code of Federal Regulations by revoking and deleting existing Part 2702—"Interim Implementation Procedures", and adding as a new Part 2702 formal rules and procedures for implementing the Freedom of Information Act as follows:

PART 2702—REGULATIONS IMPLEMENTING THE FREEDOM OF INFORMATION ACT

Sec.
2702.1 Purpose and scope
2702.2 Location of offices
2702.3 Requests for information
2702.4 Materials available
2702.5 Fees for production of material

Authority: Sec. 113, Federal Mine Safety and Health Act of 1977, Pub. L. 95-165 (30 U.S.C. 801 *et seq.*).

§ 2702.1 Purpose and scope.

The Federal Mine Safety and Health Review Commission is an independent agency with authority to adjudicate contests between the Mine Safety and Health Administration of the U.S. Department of Labor and private parties, as well as certain disputes solely between private parties, arising under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 *et seq.* The purpose of these rules is to establish procedures for emplementing the Freedom of Information Act, 5 U.S.C. 552; to provide guidance for those seeking to obtain information from the Commission; and to make all designated information readily available to the public.

The scope of these rules may be limited to requests for information that is not presently the subject of litigation before the Commission and that is not otherwise governed by the Commission's Procedural Rules at 29 C.F.R. 2700.

§ 2702.2 Location of offices.

The Federal Mine Safety and Health Review Commission maintains its central office at Suite 600, 1730 K Street, N.W., Washington, D.C. 20006. It has two regional offices for Administrative Law Judges, one at Skyline Towers No. 2, Tenth Floor, 5203 Leesburg Pike, Falls Church, Virginia 22041, and the other at Suite 320, 333 West Colfax, Denver, Colorado 80204.

§ 2702.3 Requests for information.

All requests for information should be in writing and should be mailed or delivered to Executive Director, Federal Mine Safety and Health Review Commission, 6th Floor, 1730 K Street, N.W., Washington, D.C. 20006. The words "Freedom of Information Act Request" should be printed on the face of the envelope. A determination whether to comply with the request will be made by the Executive Director, with the consent of a majority of the Commissioners. Except in unusual circumstances, the determination will be made within 10 working days of receipt. Appeals of adverse decisions may be made to the Chairman of the Commission, at the same address, within 10 working days. Determination of appeals will be made by the Chairman within 20 working days of receipt.

§ 2702.4 Materials available.

Materials which may be made promptly available from the Commission include, but are not limited to:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Quarterly indices providing identifying information as to the opinions described in the preceding paragraph which may be relied upon, used, or cited as precedent;

(c) Any statements of policy and intepretations which have been adopted by the agency and are not published in the Federal Register.

§ 2702.5 Fees for production of material.

The usual fee for production of materials requested under the FOIA shall be the cost of duplication, not to exceed 10 cents per page. In appropriate circumstances, a reasonable standard charge for document search, not to exceed the direct cost of such search, may be imposed.

Documents may be furnished without charge or at a reduced charge where the Commission determines that waiver or reduction of the fee is in the public interest.

[FR Doc. 80-8536 Filed 3-19-80; 8:45 am]
BILLING CODE 6820-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1440-2]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision: North Coast Air Basin

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Revisions to the Del Norte, Humboldt, Mendocino, Northern Sonoma and Trinty County Air Pollution Control Districts (APCD) rules and regulations have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board (ARB) for the purpose of revising the California State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted on or before May 19, 1980.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Technical Branch, Regulatory Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

Del Norte County Air Pollution Control District, Courthouse, Crescent City, CA 95531.
Humboldt County Air Pollution Control District, 5600 S. Broadway, Eureka, CA 95501.
Mendocino County Air Pollution Control District, Courthouse Square, Ukiah, CA 95842.
Northern Sonoma County Air Pollution Control District, 141 North Street, Healdsburg, CA 95448.
Trinity County Air Pollution Control District, 5600 S. Broadway, Eureka, CA 95501.
California Air Resources Board, 1709 11th Street, Sacramento, CA 95814.
Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, Regulatory Section, Air Technical Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, (415) 556-2938.

SUPPLEMENTARY INFORMATION: The California Air Resources Board submitted the following rules and regulations on May 7 and 23, 1979:

Date	District	Proposed rule changes
May 7, 1979....	Del Norte, Humboldt Mendocino, Trinity and Northern Sonoma Counties.	Rule 240 Permit to Operate. Rule 410 Visible Emissions. Rule 515 Emergency Variances.
May 7, 1979....	Northern Sonoma County.	Rule 300 Permit Fees. Rule 310 Permit Fee Schedules. Rule 320 Hearing Board Fees. Rule 420 Particulate Matter. Rule 540 Equipment Breakdown.
May 23, 1979.	Del Norte, Humboldt Mendocino, and Trinity Counties.	Rule 130 Definitions. Rule 300 Permit Fees. Rule 310 Permit Fee Schedule. Rule 320 Hearing Board Fees. Rule 420 Particulate Matter. Rule 540 Equipment Breakdown.
May 23, 1979.	Del Norte, Humboldt Mendocino, and Trinity Counties.	Regulation 1, Appendix D Continuous Monitoring.

Under Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove these regulations as State Implementation Plan revisions. All rules submitted have been evaluated in accordance with EPA policy and 40 CFR Part 51.

It is the purpose of this notice to propose to approve all changes contained in the May 7 and 23, 1979 submittals and to incorporate them into the California SIP, with the exception of the rules discussed below.

Rule 410(c)(2), *Visible Emissions*, submitted May 7, 1979, allows exceptions to the provisions of Rule 410(a) which could result in increased emissions.

It is proposed that this Rule be disapproved for Del Norte, Humboldt, Mendocino, Northern Sonoma and Trinity Counties because an adequate control strategy analysis has not been submitted to show that these exceptions would not interfere with attainment or maintenance of the National Ambient Air Quality Standards.

Rule 410(b), submitted May 7, 1979, which is applicable only in Mendocino County, sets an opacity limit of Ringelmann #1 or 20 percent opacity. It is proposed to approve this rule in Mendocino County and to take no action on the rule with respect to Del Norte, Humboldt, Northern Sonoma and Trinity Counties.

For Del Norte, Humboldt, Mendocino, Northern Sonoma and Trinity Counties, Rule 240, *Compliance Verification*, and Appendix D to Regulation I (except Northern Sonoma County) are proposed to be approved.

Since these rules contain requirements equivalent to those in 40 CFR Part 52, EPA is also proposing to rescind 40 CFR 52.224(a)(2)(iii) and 40 CFR 52.234(e)(9).

The Regional Administrator hereby issues this notice setting forth these revisions, including rule deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before 60 days after publication of this notice will be considered. Comments received will be available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "Specialized". EPA has reviewed the revision being acted upon in this notice and has determined that it is a specialized revision not subject to the procedural requirements of Executive Order 12044.

(Sections 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. §§ 7410 and 7601(a)))

Dated: March 7, 1980.

Sheila M. Prindiville,
Acting Regional Administrator.

[FR Doc. 80-8574 Filed 3-19-80; 8:45 am]
BILLING CODE 6560-01-M

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5702]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations for the City of Ellington, Reynolds County, Mo.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Ellington, Reynolds County, Missouri.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Reynolds County Courier* on March 27, 1980 and April 3, 1980, and in 44 FR 5745 published on October 5, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood base (100-year) elevations are available for review at the City Hall, P.O. Box 7, Ellington, Missouri.

SEND COMMENTS TO: Honorable Euel Polk, Mayor, City of Ellington, City Hall, P.O. Box 7, Ellington, Missouri 63638.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Ellington, Missouri, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Missouri	(C) Ellington, Reynolds County	Logan Creek	Approximately ½ mile downstream of State Highway 21	*651
			Just upstream of State Highway 21	*657
			Just downstream from Main Street	*661
			Approximately 300 feet downstream of confluence of Unnamed Tributary.	*668
			Approximately ½ mile upstream of confluence of Unnamed Tributary	*676
		Dickson Creek	At downstream corporate limits	*651
			Just downstream of State Highway 21	*658
			Just downstream of Second Street	*666
			About 100 feet downstream of Main Street	*670
			About 475 feet upstream of Main Street	*672
			Just downstream of South Road	*680
			Just downstream of Cherry Street	*709
			At upstream corporate limits	*726

Maps available at the City Hall, P.O. Box 7, Ellington, Missouri.

Send comments to Honorable Euel Polk, Mayor, City of Ellington, City Hall, P.O. Box 7, Ellington, Missouri 63638.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: March 7, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-8523 Filed 3-19-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FI-5552]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations for the City of Flint, Genesee County, Mich.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Flint, Genesee County, Michigan.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the Flint Journal on June 18, 1979 and June 25, 1979, and in 44 FR 34164 published on June 14, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the flood base (100 year) elevations are available for review at the City Hall, Department of Community Development, 1101 South Saginaw Street, Flint, Michigan.

Send comments to:

The Honorable James W. Rutorford, Mayor, City of Flint, City Hall, 1101 South Saginaw Street, Flint, Michigan 48502.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Flint, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Michigan	(C) Flint, Genesee County	Flint River	Downstream corporate limit	*702
			About 1,000 feet upstream from Stephenson Street	*706
			Just downstream of Hamilton Dam	*708
			About 300 feet upstream of Stevens Street	*710
			Just above Utah Dam	*716
			Upstream corporate limit	*719
		Swartz Creek	Mouth at Flint River	*706
			Just upstream of Second Street	*708
			Just upstream of Court Street	*710
			Just upstream of Lower Circle Road	*718
			Just upstream of Circle Road	*725
			Just downstream of Ballenger Road	*737
			Just upstream of Bristol Road	*753
			Just upstream of private road located 1,100 feet upstream of Bristol Road	*756
		Gilkey Creek	At upstream corporate limits	*769
			Mouth at Flint River	*713
			Just upstream of Interstate 475	*717
			Just downstream of Kearsley Park Boulevard	*717
			Just upstream of Longway Boulevard	*727
			About 1,150 feet upstream of Longway Boulevard	*729
			About 1,800 feet upstream of Longway Boulevard	*735
			Just upstream of Vernon Drive	*744
			Just upstream of Kelso Street	*750
			Just upstream of Chessie System	*752
			Upstream corporate limits	*754
		Kearsley Creek	Mouth at Flint River	*717
			Just downstream of Kearsley Reservoir Dam	*718
			Just above Kearsley Reservoir Dam	*736
			Upstream corporate limits	*737
		Thread Creek	Mouth at Swartz Creek	*711
			Just upstream of Fenton Street	*715
			About 600 feet upstream of Chessie System	*723
			Just downstream of Twelfth Street	*726
			Just upstream of Grand Traverse Street	*732
			Just upstream of Barton Street	*743
			Just downstream of Thread Lake Dam	*747
			Just above Thread Lake Dam	*751
			Just upstream of Dort Highway	*756
			Just upstream of Chambers Road	*760
			Upstream corporate limit	*761
		Crampton Drain	Confluence with Kearsley Reservoir	*736
			Upstream corporate limits	*739
		Robinson Drain	Mouth at Gilkey Creek	*740
			Just upstream of Golf Course Bridge	*745
			Approximately 2,700 feet upstream of Golf Course Bridge	*750
		West Branch Swartz Creek	Downstream corporate limits	*752
			Upstream corporate limits	*753
		Carman Creek	Confluence with Swartz Creek	*726
			Just downstream of State Highway 21	*730
			Just upstream of Grand Trunk Western Railroad	*736
			Just downstream of Crestbrook Lane	*742
			Just upstream of Crestbrook Lane	*747
			Just upstream of Hammerberg Road	*751
			Upstream corporate limits	*753

Maps available at City Hall, Department of Community Development, 1101 South Saginaw Street, Flint, Michigan.

Send comments to The Honorable James W. Rutorford, Mayor, City of Flint, City Hall, 1101 South Saginaw Street, Flint, Michigan 48502.

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(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: March 7, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-8518 Filed 3-19-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5702]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations for the City of La Porte City, Black Hawk County, Iowa

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of La Porte City, Black Hawk County, Iowa.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *La Porte City Progress Review* on September 19, 1979 and September 26, 1979, and in 44 FR 57440 published on October 5, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood base (100 year) elevations are available for review at the City Hall, La Porte City, Iowa.

SEND COMMENTS TO: Honorable Keith K. Kullmer, Mayor, City of La Porte City, City Hall, La Porte City, Iowa 50651.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (in Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of La Porte City, Black Hawk County, Iowa, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Iowa	(C) La Porte City, Black Hawk County	Wolf Creek	At downstream corporate limit	*815
			Just downstream of Waterloo Railroad	*819
			Just upstream of abandoned Chicago, Rock Island, and Pacific Railroad.	*823
			Just upstream of U.S. Route 218	*824
			300 feet upstream of U.S. Highway 218	*826
			At upstream of corporate limit	*826
		Shallow flooding from Wolf Creek bypass flow.	At Eight Street and eastern corporate limit	*816
			About 150 feet northeast of abandoned railroad	*820
			About 350 feet southwest of Main Street	*821
			Just east of Commercial Street	*823

Maps available at City Hall, La Porte City, Iowa. Send comments to Honorable Keith K. Kullmer, Mayor, City of La Porte City, City Hall, La Porte City, Iowa 50651.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: March 7, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-8521 Filed 3-19-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5688]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction to proposed rule for the Town of Middleton, Essex County, Massachusetts.

SUMMARY: In order for the following locations to be more easily identified with the corresponding Flood Insurance map and profile for Boston Brook, the descriptions should be clarified to read as follows. The elevations were correct as cited.

Source of flooding	Location	*Elevation in feet (NGVD)
Boston Brook	Mouth of Brook	*44
	Dam (downstream side, 500' below Mill Street).	*45
	Dam (upstream side, just below Mill Street).	*53
	Dam (upstream, 1,600' below Liberty Street).	*57
	100' upstream of Liberty Street.	*59
	1,900' upstream of Liberty Street.	*69
	5,150' upstream of Liberty Street.	*78
	2,600' downstream of Corporate Boundary.	*83
	1,800' downstream of Corporate Boundary.	*83

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–8080), Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

EFFECTIVE DATE: March 20, 1980.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of proposed determinations of base (100-year) flood elevations for selected locations in the Town of Middleton, Essex County, Massachusetts, previously published at 44 FR 51247 on August 31, 1979, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4(a)).

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: March 11, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-8519 Filed 3-19-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5702]

National Flood Insurance Program; Proposed Flood Elevation Determinations for the Village of Lake Barrington, Lake County, Ill.; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 44 FR 57436 of the **Federal Register** of October 5, 1979.

EFFECTIVE DATE: October 5, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Room 5150, 451 Seventh Street, SW. Washington, D.C. 20410

SUPPLEMENTARY INFORMATION: The notice, of proposed flood elevation determination for the Village of Lake Barrington, Lake County, Illinois published on October 5, 1979 at 44 FR 57436 in the **Federal Register**, showing the flood elevation in the Village of Lake Barrington, Illinois, along the Flint Creek, just upstream of private footbridge (about 0.37 mile downstream from Kelsey Road bridge) 747* (NGVD), should be corrected to read Just upstream of private footbridge (about 0.37 mile downstream of Kelsey Road bridge) 741* (NGVD).

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).)

Issued: March 7, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-8522 Filed 3-19-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5688]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations for the Village of Waterville, Lucas County, Ohio

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Waterville, Lucas County, Ohio.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Anthony Wayne Herald* on September 5, 1979 and September 12, 1980, and in 44 FR 51253 published on August 31, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood base (100 year) elevations are available for review at the City Hall, Waterville, Ohio.

SEND COMMENTS TO: Mr. Clayton Chandler, City Administrator, Village of Waterville, P.O. Box 250, Waterville, Ohio 43566.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Village of Waterville, Ohio, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

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These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(V) Waterville, Lucas County	Maumee River	Downstream corporate limits	*606
			Just downstream from State Route 64	*612
			Approximately 400 feet upstream from State Route 64	*613
			Just downstream from abandoned Forst Road bridge	*619
			Approximately 400 feet upstream from abandoned Forst Road bridge	*620
			Upstream corporate limits	*622

Maps available at City Hall, Waterville, Ohio.

Send comments to Mr. Clayton Chandler, City Administrator, Village of Waterville, P.O. Box 250, Waterville, Ohio 43566.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: March 7, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-8520 Filed 3-19-80; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 35

[CGD 73-243]

Withdrawal of Proposed Requirement for Cargo Information Cards for Flammable and Combustible Cargoes

Cross Reference: For a document withdrawing a Coast Guard proposal concerning cargo information cards for flammable and combustible cargoes, *see* FR Doc. 80-8487 in the Rules section of this issue. Refer to the table of contents for the correct page number.

BILLING CODE 4910-14-M

Notices

Federal Register

Vol. 45, No. 56

Thursday, March 20, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Rulemaking and Public Information; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information for the Administrative Conference of the United States, to be held at 10:00 a.m., April 4, 1980 in the Library of the Conference, 2120 L Street, N.W., Suite 500, Washington, D.C.

The Committee will meet to consider further the Conference's project on trade regulation rulemaking by the Federal Trade Commission.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting, contact Michael W. Bowers (202-254-7020). Minutes of the meeting will be available on request.

Richard K. Berg,

Executive Secretary.

March 14, 1980.

[FR Doc. 80-8423 Filed 3-19-80; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Pennahatchee Creek Watershed, Ga.

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Deauthorization of Federal Funding.

FOR FURTHER INFORMATION CONTACT:

James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202-447-3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Pennahatchee Creek Watershed project, Dooly County, Georgia, effective on February 13, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Pub. L. 83-566, 16 U.S.C. 1001-1008.)

Dated: March 10, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80-8417 Filed 3-19-80; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Dockets 37868, 33640, and 37822; Order 80-3-88]

Boston-London Exemption; Braniff Airways, Inc. and American Airlines, Inc.; Order Inviting Exemption Applications

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of March, 1980.

In the matter of Applications of Braniff Airways, Inc. American Airlines, Inc. for an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended.

The July 23, 1977 Air Services Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland (Bermuda 2) was highly restrictive, specifying both the gateways that may be used for U.S.-London service, and the number of carriers each country may designate to serve each gateway. By effectively precluding new entry, competition under Bermuda 2 only existed among the limited number of U.S.-London incumbents in specific city-pair markets.

Negotiations were held in recent months in an attempt to liberalize Bermuda 2 and strengthen the forces of competition in U.S.-London markets. The new *ad referendum* agreement initialed on March 5, 1980 insures that the traveling public on both sides of the ocean will have within the next few years a much broader choice of carrier and gateway options.

One result of the *ad referendum* agreement is that the United States has obtained the right to designate a second carrier for the Boston-London route after April 14, 1980, and to make additional designations later for other routes. While this will not promote competition as effectively as free entry, it represents a major expansion of trans-atlantic air routes between the United States and the United Kingdom, and we intend to implement these new rights as quickly as possible.

The purpose of this order is to invite applications for temporary exemption authority to serve Boston-London pending a certification proceeding which is instituted concurrently.

Boston enjoyed service to London by two U.S. carriers until 1978, at which time Pan American's designation for this route was withdrawn. This was a result of the Bermuda 2 agreement, which allowed the United States to make dual designations at only two U.S. cities. At the President's request, the Board investigated the service needs at the points that were candidates for dual designation. The Board recommended to the President that New York and Los Angeles be selected, and that only Trans World Airlines be allowed to continue nonstop Boston-London service.[1] This was a difficult choice for the Board, as we found that both Los Angeles and Boston could support nonstop service by two U.S. carriers, and that we "would infinitely have preferred" not to have had to make such a recommendation. We therefore expressed support for a proposal that was made by President Carter to the British Prime Minister that the United States be permitted to designate three cities—Boston, Los Angeles, and New York—from nonstop service to London by two U.S. carriers, in return for making available comparable competitive opportunities to U.K. carriers.[2] After extensive negotiations, these rights have been

[1] Order 78-5-146, May 24, 1978.

[2] *Id.* at 10-11.

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obtained, and the Board is now in a position to restore competitive U.S.-flag service to the Boston-London market.

Since immediate implementation of the United States' new designation right is essential to our policy of promoting competition in the U.S.-London market, we have decided to issue a *pendente lite* exemption for Boston-London service.[3] Even the most expeditious certification proceeding would take several months, effectively precluding inauguration of new service during the upcoming peak season unless authority is granted immediately, new services might not be instituted in 1980 at all, and the agreed upon plan for phasing in new U.S.-London routes will be frustrated. The Government of the United Kingdom will face no institutional obstacles to immediate utilization of its corresponding designation rights in 1980. On the other hand, the Board can only effectuate the terms of the agreement with the U.K., and grasp the carefully-balanced rights accorded U.S.-flag carriers, by using its exemption power to grant a U.S. carrier operating authority. We find that overriding transportation and foreign aviation policy considerations require that we grant interim route authority under our section 416 exemption power, in lieu of section 401 certification. Concurrently, a certificate proceeding will be conducted that should result in an award by January 31, 1981.

Since the Board's primary goal in granting an exemption is to ensure that service is implemented as soon as possible and reliably maintained until a certificate award is implemented, we will entertain exemption applications only from carriers that can show that they are capable of inaugurating service no later than June 1, 1980, with a minimum of five round-trips per week.[4] In accordance with the *Kodiak doctrine*,[5] we will be careful in granting exemption authority to avoid actions which prejudice the Board's decision in the certification case.

We will carefully examine the irretrievable expenditures of capital and resources that any applicant would incur such as the cost of opening new stations, and of obtaining suitable aircraft and ground support facilities. In addition, we will review the applicants' qualifications and experience in long haul, large aircraft operations.

The time available for decision will not allow extensive investigation into fitness issues. Therefore, we intend to rely primarily upon officially noticeable data and prior determinations of a carrier's qualifications in reviewing applications. If a carrier cannot establish its qualifications on this basis, we will take this factor into consideration in making our decision.

If more than one application is received that meets these criteria, the Board will select the carrier most likely to offer the best service with low point-to-point, unrestricted fares. Because the most important reason for granting an exemption is to insure that service is instituted quickly and maintained over the short-term, the Board will place relatively less weight on fare proposals than it would in a certificate case, where long-term consumer benefits predominate in the decisional process. We recognize that short-term authority may require a different pricing philosophy, inasmuch as there is no guarantee that startup and developmental costs can be recouped over the long run.

The exemption authority will be marked to expire 60 days after the newly certificated carrier's authority becomes effective. We emphasize that an exempted carrier can expect absolutely no preference in the certificate proceeding. A carrier that would suffer unacceptable capital losses if it must relinquish the route should not apply for an exemption.

The standards for selection in the certificate case will be significantly different from those for an exemption award. The Board will weigh long-term consumer benefits in the certificate case, and the ability to mount a scheduled service on short notice will carry little weight. Importantly, a carrier proposing superior services and lower fares will not be given less consideration simply for a lack of experience in long haul, large aircraft service. By the same token, a carrier operation under the exemption may well propose a different level of fares and services in the certificate case, for the reasons stated above.

The Board's tentative schedule for granting exemption authority is as follows:

Applications with supporting data, March 24; answers and rebuttal date, April 7.

Due to time constraints, no replies to answers will be accepted.

We intend to issue instructions to the staff shortly thereafter at an open meeting. A final order will be issued well before the June 1 start-up date.

Accordingly,

1. Carriers interested in obtaining Boston-London exemption authority should submit applications, including the information described in the Appendices to this order, by March 24, 1980; [6]

2. Answers to applications and rebuttal information should be submitted by April 7, 1980;

3. The board delegates authority to the Director, Bureau of International Aviation, to issue procedural orders and grant waivers of filing dates. This authority may be redelegated;

4. We consolidate the exemption applications of Braniff Airways, Inc., Docket 33640, and American Airlines, Inc., Docket 37822, into this docket; and

5. Pursuant to the Board's regulations (§ 312.6), we hereby waive the requirement that applicants for Boston-London exemption authority file environmental evaluations with their applications.

This order will be published in the **Federal Register.**

By the Civil Aeronautics Board.[7]

Phyliss T. Kaylor,

Secretary

[FR Doc. 80-8548 filed 3-19-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37867; Order 80-3-87]

Boston-London Service Case; Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of March, 1980.

Until 1978, service from Boston was provided by two U.S. carriers—Trans World Airlines (TWA) and Pan American World Airways (Pan Am). However, the United States-United Kingdom bilaterial agreement was amended to provide for only one U.S. carrier to operate over the Boston-London route. Pam Am's designation was withdrawn as a result of that agreement.[1] On March 5, 1980, representatives of the United States and the United Kingdom initialed an *ad referendum* amendment to the agreement which allows the U.S. to again designate a second carrier to serve this route.

For many years, there has been a steady liberalization of U.S. policy in international aviation. As a part of that liberalization, the United States has negotiated more procompetitive bilateral agreements in an attempt to create a foreign air transportation system that is responsive to the needs of the travelling and shipping public. It has invested considerable resources and traded valuable economic rights in order to achieve this goal. The new Boston-London right has been acquired only after extensive and difficult negotiations. While it will not produce the same high level of competition that results from multiple entry, it will introduce a measure of U.S.-carrier competition into this market. Therefore we find that it is consistent with the public convenience and necessity that we designate a second U.S.-flag carrier to serve the Boston-London market.

We have decided to institute the *Boston-London Service Case*, Docket 37867, and to set it for oral evidentiary hearing before an administrative law judge.[2] We expect this proceeding to consider which carriers should be selected for primary and back-up authority to implement this additional right under the *ad referendum* agreement and what conditions, terms or limitations, if any, should be attached to that authority. In selecting carriers for this route, we will consider the fares and services that the applicants can provide as the primary measure of consumer benefit. Because of the absence of competitive incentives in limited-entry routes, we decided to issue three-year, experimental certificates under section 401(d)(8) of the Act in the *Wild Card Route Case*, Docket 35752.[3] We found that temporary, experimental awards were necessary to insure that the selected carrier reasonably adhered to the fare and service proposals which formed the basis for its selection. For the same reasons, we have decided that primary and back-up authority for the Boston-London route will also be limited to temporary experimental certificates. The duration of those certificates will be considered in the case.

We also wish to reduce the delay and costs of the evidentiary burdens typically associated with traditional carrier selection cases. Specifically, we expect the judge and the parties to make a concerted effort to reduce the quantity of required exhibit material, eliminate duplication and excessive detail, standardize methodology and focus on significant facts and assumptions. Resolution of these matters will, of course, remain with the administrative law judge. We are setting a January 31, 1981 target date for Board decision.

In Order 80-3-88 we explained our decision to make an exception to our deferral on environmental grounds of Boston route awards. That explanation does not warrant repetition here. For purposes of this investigation, we have also decided to waive the requirement that all applicants submit environmental evaluations with their applications.

In PR-218 we adopted revisions to Part 312 of the Board's Regulations which, among other things, eliminate the requirement that environmental evaluations be filed by applicants for route awards. While these amendments are not currently effective, they will be applicable by the time this proceeding reaches us for decision.[4] Therefore, we see no useful purpose to their submission.

Accordingly,

1. We institute the *Boston-London Service Case*, Docket 37867, and set it for oral hearing before an administrative law judge of the Board at a time and place to be designated;

2. The proceeding instituted in paragraph 1 shall include consideration of the following issues:

(a) which additional carrier should be authorized to engage in foreign air transportation of persons, property and mail between Boston, Massachusetts and London, England (Gatwick);

(b) which carrier should be granted back-up authority between Boston, Massachusetts and London, England (Gatwick); and

(c) for the carrier or carriers authorized to engage in this service, what terms, conditions or limitations, if any, should be attached to that authority;

3. Applications, motions to consolidate applications conforming to the scope of this proceeding, petitions from interested parties and petitions for reconsideration of this order shall be filed within 20 days of the service date of this order (*i.e.*, no later than April 7, 1980); responsive answers shall be filed within 10 days thereafter (*i.e.*, no later than April 17, 1980); and

4. Pursuant to the Board's Regulations (§ 312.6), we hereby waive the requirement that applicants for Boston-London authority file environmental evaluations with their applications.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

All Members concurred.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-8547 Filed 3-19-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37866; Order 80-3-86]

Denver-London Exemption; Order Inviting Exemption Applications

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of March, 1980.

The July 23, 1977 Air Services Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland (Bermuda 2) was highly restrictive, specifying both the gateways that may be used for U.S.-London service, and the number of carriers each country may designate to serve each gateway. By effectively precluding new entry, competition under Bermuda 2 only existed among the limited number of U.S.-London incumbents in specific city-pair markets.

Negotiations were held in recent months in an attempt to liberalize Bermuda 2 and strengthen the forces of competition in U.S.-London markets. The new *ad referendum* agreement initialed on March 5, 1980 insures that the traveling public on both sides of the ocean will have within the next few years a much broader choice of carrier and gateway options.

One result of the *ad referendum* agreement is that the United States has obtained the right to designate a carrier for the Denver-London route after April 14, 1980, and to make additional designations later for other routes. While this will not promote competition as effectively as free entry, it represents a major expansion of transatlantic air routes between the United States and the United Kingdom, and we intend to implement these new rights as quickly as possible.

The purpose of this order is to invite applications for temporary exemption

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[3] In Order 79-10-133, October 22, 1979, the Board deferred action on all current applications to serve Boston pending an environmental assessment. However, we indicated that in "unusual circumstances" we would consider new route applications for Boston authority, and the need to take advantage of the newly acquired Boston-London rights is sufficiently unusual to justify Board action. We have also decided to waive the requirement that all applicants submit environmental evaluations with their applications. In PR-218, February 28, 1980, we adopted revisions to Part 312 which eliminate that requirement except in specified circumstances not applicable here. While these amendments are not yet effective, we see no useful purpose to the Submissions and we will therefore grant a waiver pursuant to § 312.6.

[4] Applications for Boston-London exemptions have been filed by Braniff Airways Inc., (Docket 33640) and American Airlines, Inc., (Docket 37822). We will consolidate these applications into this docket. To the extent that they have not already done so, Braniff and American should file the information requested in the Appendices to this order.

[5] *Kodiak Airways, Inc.* v. *CAB*, 447 F.2d 341 (D.C. Cir. 1971).

[6] All Boston-London exemption applications will be consolidated by the Board into Docket 37866.

[7] All Members concurred.

[1] Order 78-5-146, May 24, 1978.

[2] Since the immediate exercise of this right is essential to the Board's policy of promoting competition in the U.S.-London market and to the phased implementation of the *ad referendum* agreement, we have issued concurrently with this order a request that carriers submit applications for *pendente lite* exemption authority to serve the Boston-London route. Order 80-3-88, March 14, 1980.

[3] The Board's decision in that case was submitted to the President on February 28, 1980.

[4] The Board adopted PR-218 on February 28, 1980. It will become effective on April 28, 1980.

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authority to serve Denver-London pending a certification proceeding which is instituted concurrently.

In our decision in the *Wild Card Route Case*, Docket 35752, we noted the merits of a Denver-London nonstop service, and Denver was our second choice for gateway designation.[1] Denver has never received direct service to London other than occasional change-of-gauge operations by TWA. Passengers have been forced to travel circuitous, time-consuming routings to get to London. This inconvenience should be somewhat reduced by our recommendation of Minneapolis/St. Paul as the *Wild Card* city. That gateway will provide a relatively noncircuitous routing for Denver's London-bound traffic. However, this fact does not lessen Denver's need for nonstop service.

Since immediate implementation of the United States' new designation right is essential to our policy of promoting competition in the U.S.-London market, we have decided to issue a *pendente lite* exemption for Denver-London service.[2] Even the most expeditious certification proceeding would take several months, effectively precluding inauguration of new service during the upcoming peak season. Unless authority is granted immediately, new services might not be instituted in 1980 at all, and the agreed upon plan for phasing in new U.S.-London routes will be frustrated. The Government of the United Kingdom will face no institutional obstacles to immediate utilization of its corresponding designation rights in 1980. On the other hand, the Board can only effectuate the terms of the agreement with the U.K., and grasp the carefully-balanced rights accorded U.S.-flag carriers, by using its exemption power to grant a U.S. carrier operating authority. We find that overriding transportation and foreign aviation policy considerations require that we grant interim route authority under our section 416 exemption power, pending section 401 certification. Concurrently, a certificate proceeding will be conducted that should result in an award by the end of January 31, 1981.

Since the Board's primary goal in granting an exemption is to ensure that service is implemented as soon as possible and reliably maintained until a certificate award is implemented, we will entertain exemption applications only from carriers that can show that they are capable of inaugurating service no later than June 1, 1980, with a minimum of five round-trips per week. In accordance with the *Kodiak* doctrine, we will be careful in granting exemption authority to avoid actions which prejudice the Board's decision in the certification case.[3] We will carefully examine the irretrievable expenditures of capital and resources that any applicant would incur such as the cost of opening new stations, and of obtaining suitable aircraft and ground support facilities. In addition, we will examine closely an applicant's qualifications and experience in long haul, large aircraft operations.

The time available for decision will not allow extensive investigation into fitness issues. Therefore, we intend to rely primarily upon officially noticeable data and prior determinations of a carrier's qualifications in reviewing applications. If a carrier cannot establish its qualifications on this basis, we will take this factor into consideration in making our decision.

If more than one application is received that meets these criteria, the Board will select the carrier most likely to offer the best service with low point-to-point, unrestricted fares. Because the most important reason for granting an exemption is to insure that service is instituted quickly and maintained over the short-term, the Board will place relatively less weight on fare proposals than it would in a certificate case, where long-term consumer benefits predominate in the decisional process. We recognize that short-term authority may require a different pricing philosophy, inasmuch as there is no guarantee that startup and developmental costs can be recouped over the long run.

The exemption authority will be marked to expire 60 days after the newly certificated carrier's authority becomes effective. We emphasize that an exempted carrier can expect absolutely no preference in the certificate proceeding. A carrier that would suffer unacceptable capital losses if it must relinquish the route should not apply for an exemption.

The standards for selection in the certificate case will be significantly different from those for an exemption award. The Board will weigh long-term consumer benefits in the certificate case, and the ability to mount a scheduled service on short notice will carry little weight. Importantly, a carrier proposing superior services and lower fares will not be given less consideration simply for a lack of experience in long haul, large aircraft service. By the same token, a carrier operating under the exemption may well propose a different level of fares and services in the certificate case, for the reasons stated above.

The Board's tentative schedule for granting exemption authority is as follows:

Applications with supporting data, March 24.

Answers and rebuttal data, April 7.

Due to time constraints no replies to answers will be accepted.

We intend to issue instructions to the staff shortly thereafter at an open meeting. A final order will be issued well before the June 1 start-up date.

Accordingly:

1. Carriers interested in obtaining Denver-London exemption authority should submit applications, including the information described in the Appendices to this order, by March 24, 1980; [4]

2. Answers to applications and rebuttal information should be submitted by April 7, 1980;

3. The Board delegates authority to the Director, Bureau of International Aviation, to issue procedural orders and grant waivers of filing dates; this authority may be redelegated; and

4. Pursuant to the Board's Regulations (§ 312.6), we hereby waive the requirement that applicants for Denver-London exemption authority file environmental evaluations with their applications.

This order will be published in the **Federal Register.**

By the Civil Aeronautics Board: [5]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-8446 Filed 3-19-80; 8:45 am]

BILLING CODE 6320-01-M

[1] The Board's decision in that case was submitted to the President on February 28, 1980.

[2] We have decided to waive the requirement that all applicants submit environmental evaluations with their applications. In PR-218, February 28, 1980, we adopted revisions to Part 312 which eliminate that requirement except in specified circumstances not applicable here. While these amendments are not yet effective, we see no useful purpose to the submissions and we will therefore grant a waiver pursuant to § 312.6.

[3] *Kodiak Airways Inc. v. C.A.B.*, 447 F.2d 341 (D.C. Cir. 1971).

[4] All Denver-London exemptions applications will be consolidated by the Board's into Docket 37866.

[5] All Members concurred.

[Docket 37430]

Richard Lawrence Garwin and Pan American World Airways, Inc.; Enforcement Proceeding; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Henry M. Switkay. Future communications should be addressed to Judge Switkay.

Dated at Washington, D.C., March 14, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-8544 Filed 3-19-80; 8:45 am]

BILLING CODE 6320-01-M

Golden West Airlines; Fitness Investigation and Show-Cause Proceeding.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 80-3-90, Fitness Investigation and Show-Cause Proceeding of Golden West Airlines (Dockets 37276 and 37873).

SUMMARY: The Board is issuing an order in which it tentatively finds and concludes that it is consistent with the public convenience and necessity to grant the application of Golden West Airlines, Inc., for a certificate authorizing the air transportation of persons, property and mail between the terminal point Santa Barbara, the intermediate points Oxnard, Palmdale, Burbank, Los Angeles and Ontario, and the terminal point San Diego. The Board is deferring action on the portion of Golden West's application which requests authority at Orange County (Docket 37276). Certification is subject to a favorable determination of the applicant's fitness in the *Golden West Airlines, Inc., Fitness Investigation* (Docket 37873), instituted concurrently.

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file by April 11, 1980, a statement of objections together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings shall be served upon all parties listed below.

ADDRESSES: Objections to issuance of a final order should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 37276, application of Golden West Airlines for a certificate of public convenience and necessity.

In addition, copies of such filings should be served on Golden West Airlines, the Public Utilities Commission of California, the Mayors of Santa Barbara, Oxnard, Palmdale, Burbank, Los Angeles, Ontario, Santa Ana and San Diego, the Airport Managers of Santa Barbara Airport, Los Angeles International Airport, Ontario International Airport, San Diego International Airport, Orange County Airport, Ventura County Airport, Palmdale Air Terminal and Burbank Airport and the President of the Burbank-Glendale-Pasadena Airport Authority.

FOR FURTHER INFORMATION CONTACT: Philip J. Reinke, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5105.

SUPPLEMENTARY INFORMATION: The complete text of Order 80-3-90 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 80-3-90 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 14, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-8549 Filed 3-19-80; 8:45 am]

BILLING CODE 6320-01-M

[Order 80-3-84]

Trinidad and Tobago (BWIA International) Airways Corp. d.b.a. BWIA International—Trinidad and Tobago Airways

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 80-3-84.

SUMMARY: The Board proposes to approve the following application:

Docket: 37360.

Applicant: Trinidad and Tobago (BWIA International) Airways Corporation d/b/a BWIA International—Trinidad and Tobago Airways.

Application Date: January 2, 1980.

Authority Sought: Transfer of the foreign air carrier permit of British West Indian Airways Limited to Trinidad & Tobago (BWIA International) Airways Corporation d/b/a BWIA International—Trinidad and Tobago Airways.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, NO LATER THAN April 10, 1980, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Trinidad and Tobago. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other supprting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

ADDRESSES FOR OBJECTIONS:

Docket 37360, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Trinidad and Tobago (BWIA International) Airways Corporation, c/o Verner, Liipfert, Bernhard and McPherson, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036.

TO GET A COPY OF THE COMPLETE ORDER: Request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Bruce W. Solow, Legal Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5203.

By the Civil Aeronautics Board: March 14, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-8545 Filed 3-19-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 1-80]

Proposed Foreign-Trade Zone in Panama City, Fla.

As a result of a request made by the American Iron and Steel Institute, the deadline for the submission of comments on this proposal (45 FR 2077, January 10, 1980) has been extended from March 13, 1980, to April 18, 1980.

Dated: March 14, 1980.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 80-8508 Filed 3-19-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

[PD/NSC-54]

Operational Land Remote Sensing Satellite Program; Planning Conference Notice

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Workshop on Private Sector Involvement in Civil Land Remote Sensing Satellite Program.

SUMMARY: Presidential Directive NSC-54 has assigned the National Oceanic and Atmospheric Administration (NOAA) the responsibility for managing the operational civil land remote sensing satellite program and stated the goal of eventual operation of these activities by the private sector. Accordingly, NOAA is developing a time-phased transition plan which includes ways to encourage private sector participation. NOAA has engaged Operations Research Incorporated (ORI) to conduct a 2-day workshop to seek private sector views and to assist in the development of methods for private sector participation during the planning and implementation phases of the program.

DATES: This workshop will be conducted on April 21 and 22, 1980, at the Howard Johnson Convention Center in Plainview, Long Island, New York. Individuals wishing to attend this workshop are requested to respond in writing on or before April 4, 1980, indicating their names, addresses, telephone numbers and affiliations.

ADDRESS: Mr. Howard Lefkowitz, ORI, 1400 Spring Street, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Mr. Howard Lefkowitz; telephone (301) 588–6180.

SUPPLEMENTARY INFORMATION: The workshop will begin at 9 a.m. on Monday, April 21, 1980 and will conclude at approximately 3 p.m. on April 22, 1980. Subjects to be discussed at the workshop include, but are not limited to, the following:

- Private sector ownership and operation of remote sensing systems or portions thereof
- Joint Government-private sector activities
- Financing, investment and incentives
- Institutional arrangements
- Legal and regulatory considerations
- Mechanisms for evaluation of alternative approaches
- Market development

Briefings will be conducted on the status of the related Landsat program, current planning for the operational program and methods under consideration for enhancing private sector participation during the planning phase and throughout the transition period. Three working groups dealing with (1) financial, (2) legislative and regulatory, and (3) technical management issues will be convened. Attendees will be encouraged to express their views and to contribute to developing solutions to problems and resolving issues related to achieving the President's goal. Companies, consortia, and institutions having an interest in financing, management, ownership, development or operation of the system are invited to attend.

A block of rooms has been set aside for attendees. All costs of travel, lodgings, meals, and reservations are the responsibility of the attendees. Meeting rooms, secretarial support, and supplies will be provided by the Government.

Dated: March 12, 1980.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 80-8439 Filed 3-19-80; 8:45 am]

BILLING CODE 3510-12-M

COMMUNITY SERVICES ADMINISTRATION

Waiver of Non-Federal Share Requirement for Small Town Emphasis Program (STEP) Program

AGENCY: Community Services Administration.

ACTION: Notice of Non-Federal Share Waiver.

SUMMARY: The Community Services Administration is filing a notice of waiver of non-Federal share requirement for the Small Town Emphasis Program (STEP) conducted in Region III with FY '79 funds. The waiver is granted based on the nature of the program which supports program development and since implemented has proven not capable of generating substantial non-Federal share. The effect of the waiver will be to further the program and relieve approximately four grantees of the requirement to match federal funds for this program.

FOR FURTHER INFORMATION CONTACT: Charles Friou, Telephone (215) 597–6116.

(Sec. 602, 78 Stat. 530; (42 U.S.C. 2942))

Graciela (Grace) Olivarez,

Director.

Notice of Waiver of Non-Federal Share Requirements

1. *Purpose.* This notice is issued to inform the public of a waiver of the non-Federal share requirement for the Small Town Emphasis Program (STEP) conducted in Region III of CSA, and the criteria on which that waiver is based.

2. *Background.* The STEP undertaking complements and expands, in Region III of CSA, the rural capacity for assistance and planning project (RCAP) announced in the **Federal Register** August 3, 1978 (Vol. 43, No. 150, page 34183). It is a support program to provide CAAs and community based organizations (CBOs) in areas without CAAs, assistance in serving rural communities (including towns of less than 10,000 population). In accordance with the Rural Development Initiatives announced by the President, the focus of STEP is on assisting such communities to develop the infrastructure required to solve water and sewer, housing, health, transportation, energy and related problems adversely affecting low-income residents.

3. *Waiver Criteria.* Under the authority provided in Section 225(c) of the Economic Opportunity Act of 1964, as amended, the Director is waiving the non-Federal share requirement since the STEP program (1) provides training and technical assistance in support of local capacity development; (2) is not the type of project that can generate non-Federal share as it is process-oriented and not designed for direct delivery of services to low-income clients; and (30 is intended to generate substantial local investment but such product will be too remote both in time and causation to serve as non-Federal share.

[FR Doc. 80-8550 Filed 3-19-80; 8:45 am]

BILLING CODE 6315-01-M

COMMISSION OF FINE ARTS

Various Projects Affecting Appearance of Washington, D.C.; Meeting

The Commision of Fine Arts will next meet in open session on Tuesday, April 8, 1980, at 10:00 a.m. in the Commission's offices at 708 Jackson Place, N.W., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C., March 13, 1980.

Charles H. Atherton,

Secretary.

[FR Doc. 80-8566 Filed 3-19-80; 8:45 am]

BILLING CODE 6330-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 7, 1980.

The USAF Scientific Advisory Board Planning Meeting for the Summer Study on the Long Range Combat Aircraft will be held at the Pentagon, Washington, D.C. on April 10 and 11, 1980. The meeting will convene at 8:30 a.m. and adjourn at 4:30 p.m. each day.

The Study Group will hold classified discussions and receive classified background briefings that will be needed to carry out this task. The meeting will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1).

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–8845.

Carol M. Rose,

Air Force Federal Register, Liaison Officer.

[FR Doc. 80-8414 Filed 3-19-80; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

March 10, 1980.

The USAF Scientific Advisory Board Tactical Cross-Matrix Panel will meet April 22 and 23, 1980 from 8:00 a.m. to 5:00 p.m. at HQ Tactical Air Command, Langley, AFB, Virginia.

The Panel will review concepts of operation and munitions options for suppression of air defenses. The meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1).

For further information contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Carol M. Rose,

Air Force Federal Register, Liaison Officer.

[FR Doc. 80-8415 Filed 3-19-80; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

March 6, 1980.

The USAF Scientific Advisory Board Ad Hoc Committee on Automatic Test Equipment (ATE) will meet on April 23 and 24, 1980 in the Pentagon, Washington, D.C. The meeting will begin at 1:00 p.m. and adjourn at 5:00 p.m. on April 23 and will begin at 8:30 a.m. and adjourn at 5:00 p.m. on April 24. The purpose of the meeting is to review and study the status of automatic test equipment and related components.

The meeting will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (4).

For further information contact the Scientific Advisory Board Secretariat at (202) 697–8404.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80-8418 Filed 3-19-80; 8:45 am]

BILLING CODE 3910-01-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS), for a Proposed Flood Control Project on the Flint River, at Flint Township, Genesee County, Mich.

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY:

Proposed Actions

A non-structural flood control project is proposed for the Flint River in Flint Township, Genesee County, Michigan, providing for relief in the affected area to the 100-year flood-level. The project area lies along the north branch of the Flint River, immediately downstream of the City of Flint. Flood damges involve residential property along Gray Avenue and Mitson, Kissmer, and Walton Streets. About twenty frame houses are within the 100–year flood plain.

The tentatively selected plan proposes permanent evacuation of most of the affected structures, floodplain regulation, and recreational development. The plan calls for acquisition by fee purchase of about 20 parcels in the flood hazard area, demolition or removal of all existing structures on those parcels, enforcement of building codes and land use control measures, and development of recreational facilities.

Alternatives

Four alternatives to the recommended plan have been proposed and will be addressed in the Draft Environmental Impact Statement:

(1) Construction of 3,000 feet of dike along the river at an estimated cost of $1,300,000;

(2) Channelization of the Flint River through Flint Township;

(3) A combination of dike construction and channelization;

(4) Taking no Federal action.

Scoping Process

a. Public Involvement.—To encourage public participation in the proposed flood control project one public meeting has been held and another is planned before the release of the FEIS. The first meeting, a public workshop, was held on July 24, 1979 at the Flint Township Hall, Genesse County, Michigan. A second public meeting will be scheduled in the project area after public review of the Draft EIS. All affected Federal, State and local agencies or other interested parties will be invited.

b. Significant issues to be addressed in the EIS are:

(1) The impacts of structural and non-structural alternatives on the aquatic and terrestrial habitat in the project area;

(2) Flood-proofing;

(3) The advantages of demolition versus house relocation;

(4) Recreational facilities to be included in the proposed township park, their social and environmental impacts;

c. Other Environmental Review and Consultation Requirements—This project will be reviewed for compliance with the following: The Fish and Wildlife Act of 1956; Fish and Wildlife Coordination Act of 1958; National Historic Preservation Act of 1968; National Environmental Policy Act of 1969; Endangered Species Act of 1973; Water Resources Development Act of 1976; Excutive Order 11990, Wetlands Protection, May 1977; Executive Order 11988, Floodplain Management, May 1977; Clean Air Act of 1977; Clean Water Act of 1977; Corps of Engineers, Department of the Army, 33 CFR, Part 230, Environmental Quality; Corps of Engineers, Department of the Army, Policy and Procedure for Implementing NEPA (ER 200–2–2).

ESTIMATED DATE OF DEIS RELEASE: It is anticipated that the DEIS will be available to the public in March 1980.

ADDRESS: Questions about the proposed action and DEIS can be answered by Mr. Don Williams, Environmental Resources Branch, U.S. Army Corps of

V 45/56 MR 20 80 UMI

Engineers, Box 1027, Detroit, Michigan 48231.

Dated: February 1, 1980.

Robert V. Vermillion,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 80-8667 Filed 3-19-80; 8:45 am]

BILLING CODE 3710-GA-M

Draft Environmental Impact Statement (DEIS) for a Regulatory Permit Action involving a proposed Riverport and Industrial Park by the Northern Kentucky Port Authority in Campbell County, KY.

AGENCY: U.S. Army Corps of Engineers, Louisville District.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: The Northern Kentucky Port Authority proposes to construct a Riverport and Industrial Park along the Licking River in Campbell County, Kentucky. The permit request is pursuant to Section 10 of the Rivers and Harbors Act of 1899 and a portion of the proposal may become subject to Section 404 of the Clean Water Act.

Notice is hereby given of the assumption of lead agency responsibility for Federal action for the proposed facility by the U.S. Army Corps of Engineers, Louisville District. The DEIS will address a variety of issues, including but not limited to, air quality, water quality, terrestrial and aquatic flora and fauna, cultural resources, land use, transportation, and socioeconomics as they would relate to the construction and operation of the proposed facility.

No public scoping meeting is currently planned. Various Federal, State, and local agencies and interested organizations and individuals will be contacted to identify significant issues that should be discussed in the DEIS. The Louisville District estimates that the DEIS will be completed and available for public review on or before December 1, 1980.

ADDRESS: Questions regarding the proposed action and the DEIS should be directed to Colonel Thomas P. Nack, District Engineer, 600 Federal Place, P.O. Box 59, Louisville, Kentucky 40201. Phone: (502) 582-5601.

By authority of the Secretary of the Army

Dated: March 12, 1980.

Thomas P. Nack,

Colonel, CE, District Engineer.

[FR Doc. 80-8413 Filed 3-19-80; 8:45 am]

BILLING CODE 3710-JB-M

Department of the Navy

Naval Discharge Review Board; Hearing Locations

In November 1975, the Naval Discharge Review Board commenced to convene and conduct prescheduled discharge review hearings for a number of days each quarter in locations outside of the Washington, D.C., area. The cities in which these hearings are scheduled are determined in part by the concentration of applicants in a geographical area.

The following Naval Discharge Review Board itinerary for March through August 1980 has been approved, but remains subject to modification if required:

March 3 through 14, 1980—Memphis, TN; Dallas, TX; St. Louis, MO
March 17 through 28, 1980—Boston, MA; Albany, NY
April 21 through May 2, 1980—Chicago, IL; Minneapolis, MN
May 4 through 16, 1980—San Diego, CA; San Francisco, CA; Albuquerque, NM
May 12 through 23, 1980—Denver, CO; Salt Lake City, UT; Portland, OR
June 16 through 27, 1980—Atlanta, GA; New Orleans, LA; Tampa, FL
July 7 through 18, 1980—Chicago, IL; San Francisco, CA
July 27 through 8 August, 1980—San Diego, CA; San Francisco, CA
August 18 through 29, 1980—Boston, MA; Albany, NY

Any former member of the Navy or Marine Corps who desires a discharge review, either in Washington, D.C., or in a city nearer to his or her residence, should file an application with the Naval Discharge Review Board, using DD Form 293. If a personal appearance is requested, the petitioner should enter on the application which location is preferred. Application forms (DD 293) may be obtained from, and the completed application should be mailed to, the following address:

Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203.

Notice is hereby given that, since the foregoing itinerary is subject to modification and since, following receipt of a new application, the Naval Discharge Review Board must obtain the applicant's military records before a hearing may be scheduled, the submission of an application to the Naval Discharge Review Board is not tantamount to scheduling a hearing. Applicants and/or their representatives will be notified by mail of the date and place of their hearing when personal appearance has been requested.

For further information concerning the Naval Discharge Review Board, contact: Captain James C. Price, U.S. Naval Reserve, Executive Secretary, Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203, telephone no. (202) 696-4881.

Dated: March 12, 1980.

P. B. Walker,

Captain, JAGC, U.S. Navy Deputy Assistant, Judge Advocate General (Administrative Law).

[FR Doc. 80-8411 Filed 3-19-80; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF ENERGY

Office of Special Counsel for Compliance

Proposed Remedial Order to Phillips Petroleum Co.

AGENCY: Department of Energy.

ACTION: Notice of proposed remedial order to Phillips Petroleum Company and opportunity for objection.

Pursuant to 10 CFR 205.192(c) the Office of Special Counsel for Compliance of the Economic Regulatory Administration (ERA), Department of Energy, hereby gives notice that a Proposed Remedial Order was issued on January 15, 1980 to the Phillips Petroleum Company, Bartlesville, Oklahoma 74004 (Phillips).

By this Proposed Remedial Order, the Office of Special Counsel sets forth findings of fact and conclusions of law concerning Phillips failure to supply Campbell Oil Company (Campbell) with Campbell's entire base period entitlements of motor gasoline. According to the Order, Campbell, an East Texas distributor with offices in Newton, Texas properly and timely designated Phillips to be sole base period supplier pursuant to 10 CFR 211.105(d) of the Mandatory Petroleum Allocation Regulations. That provision permits a wholesale purchaser-reseller which is a branded independent marketer and which had multiple base period suppliers to designate as its sole base period supplier that firm which was supplying it on February 28, 1979 and under whose brand it was selling on that date, thereby requiring the designated supplier to assume the supply obligations of the reseller's other base period suppliers.

Phillips' refusal to accept Cambell's designation, and its subsequent failure to assume the supply obligations of Campbell's other three base period suppliers constitutes a violation of 10 CFR 211.105(d). The Order requires Phillips to assume this additional supply obligation to Campbell beginning with the month of November, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained by written request from: Milton Jordan, Director, Division of Freedom of Information, and Privacy Act Activities, Forrestal Building, Room GB-145, 1000 Independence Avenue S.W., Washington, D.C. 20585. Attention: George W. Young, Jr.

In accordance with the provisions of 10 CFR 205.193 any aggrieved person may file a Notice of Objection to the Proposed Remedial Order on or before April 4, 1980. Such Notice shall be filed with: Office of Hearings and Appeals, Department of Energy, Room 8114, 2000 M Street NW., Washington, D.C. 20461.

Copies of the Proposed Remedial Order may be obtained in person from: Office of Freedom of Information, Reading Room, Forrestal Building, Room GA-152, 1000 Independence Avenue S.W., Washington, D.C. 20585.

Issued in Washington, D.C. on the 10th day of March, 1980.

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc. 80-8404 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-01-M

Office of the Special Counsel for Compliance

Action on Consent Order with Standard Oil Co. of Ohio

AGENCY: Department of Energy (DOE).

ACTION: Adoption of Proposed Consent Order as Final.

SUMMARY: The Office of the Special Counsel for Compliance (OSC) hereby gives the notice required by 10 CFR 205.199J that it has adopted the consent order with Standard Oil Company of Ohio (SOHIO), executed on January 15, 1980 and published for comment in 45 FR 6425 on January 28, 1980. The consent order resolves all issues of compliance with the DOE Mandatory Petroleum Price Regulations, at §§ 212.83(b) and 212.84, concerning the pricing of imported crude oil between affiliates in the period August 1973 through May 1975. The consent order, Sohio agrees to a $251,744.00 reduction in increased costs of crude oil allocated to gasoline.

As required by regulation OSC received comments on the consent order for a period of not less than 30 days following publication of the notice of the consent order. One comment was received. OSC considered that comment and determined that the consent order should be made final without modification. The consent order is effective as an order of the Department of Energy (DOE) on the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Marcell R. Anthony, Assistant Solicitor to the Special Counsel for Compliance, Department of Energy, 1200 Pennsylvania Avenue, N.W., Room 3109, Washington, D.C. 20461, 202-633-8292

Copies of the consent order may be received free of charge by written request to:

Sohio Consent Order Request, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Rm. 3109, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., Room GB-145.

SUPPLEMENTARY INFORMATION:

The Consent Order

On January 28, 1980, OSC published notice in the **Federal Register** at page 6425, announcing the execution of a consent order between Sohio and OSC. In compliance with DOE regulations, that notice, and a press release issued on January 17, 1980, briefly summarized the consent order and the facts behind it. The notice and press release also gave instructions for obtaining copies of the consent order.

The consent order can be summarized as follows:

1. The consent order resolves a Notice of Proposed Disallowance issued to SOHIO by the Federal Energy Administration.

2. The rasied issues in the Notice were resolved by a reduction of Sohio's increased costs of crude oil allocated to gasoline by $251,744.00.

3. The provisions of 10 CFR § 205.199J are applicable to the Consent Order.

Comment Received

One comment was received. This comment was submitted by a trade association representing wholesale-consumer interests in a product which is not currently covered. It states that the consent order fails to bring relief on a volumes-purchased basis directly to consumers of that product, jet fuel, who have been overcharged during the period in question.

The comment recognizes that the amount in question is relatively small to permit any partition or allocation. Thus, any allocation of the remedy over all products would result in negligible impact upon the prices of those products. Moreover, the amount represents a crude *cost* contested as excessive, rather than an alleged overcharge, as advanced in the comment. Clearly, there is no overcharge to be allocated. Given this fact, the reduction in crude oil costs allocated to gasoline provides a tangible benefit whereas the allocation of costs among all products would have virtually no effect in this case.

OSC has considered the comment submitted, and as a result has found no reason to modify or reject the consent order. Accordingly OSC has determined that the proposed consent order with Sohio should be made final, effective March 20, 1980.

Issued in Washington, D.C., March 10, 1980.

Paul L. Bloom,

Special Counsel For Compliance.

[FR Doc. 80-8405 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP79-473]

Alabama-Tennessee Natural Gas Co.; Informal Conference

March 13, 1980.

Take notice that an informal conference has been scheduled in Docket No. CP79-473 to discuss the application of Alabama-Tennessee Natural Gas Company for a certificate of public convenience and necessity authorizing the construction and operation of 10.7 miles of pipeline designed to provide an additional 16,300 Mcf of daily system delivery capacity to render increased service to new and existing customers and for a temporary certificate authorizing the delivery of additional gas service to existing customers and the construction and operation of metering and regulating facilities necessary to render service to a new customer.

The conference will be held in Room 8402 of the Federal Regulatory Commission, 825 N. Capitol St., N.E., Washington, D.C. 20426, on March 19, 1980, at 2:00 p.m. All interested persons will be permitted to attend, but attendance at the conference will not be deemed to authorize intervention as a party in these proceedings.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8454 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

V 45 / 56 MAR 20 80 UMI

[Docket No. ER80-267]

Arizona Public Service Co.; Notice of Filing

March 12, 1980.

The filing Company submits the following:

Take notice that on March 6, 1980, Arizona Public Service Company (APS) tendered for filing a Supplemental Agreement dated January 8, 1980, to its Wholesale Power Supply Agreement with Wellton-Mohawk Irrigation and Drainage District (Wellton), FPC Rate Schedule No. 58. APS states that this Supplement provides for certain technical changes, along with changes in delivery points.

Wellton & APS request that the effective date of this Supplement be January 1, 1980, and therefore request waiver of the Commission's notice requirements.

According to APS, copies of this filing were served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 31, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8455 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-271]

Arizona Public Service Co.; Notice of Filing

March 13, 1980.

The filing Company submits the following:

Take notice that on March 10, 1980, Arizona Public Service Company (APS) tendered for filing as an initial rate schedule an Agreement for sale of Energy Interchange between San Diego Gas & Electric Company (San Diego) and Arizona Public Service Company (Company) dated December 6, 1979.

The Parties request waiver under the provisions of § 35.11 so that service could be commenced on .

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 7, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8456 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-273]

Arizona Public Service Co.; Notice of Filing

March 13, 1980

The filing Company submits the following:

Take notice that Arizona Public Service Company on March 10, 1980, tendered for filing a Letter Supplement dated January 28, 1980 to the Agreement between the Navajo Tribal Utility Authority (NTUA) and Arizona Public Service Company (APS) which Agreement has been designated FPC Rate Schedule No. 6. APS states that this Supplement provides for a change in delivery point due to the City of Farmington's emergency situation.

NTUA requests an effective date of January 18, 1980; therefore, APS requests waiver of the Commission's notice requirements.

A copy of this filing was served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 7, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8457 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-265]

Blue Dolphin Pipe Line Co.; Notice of Application

March 13, 1980.

Take notice that on March 3, 1980, Blue Dolphin Pipe Line Company (Applicant), P.O. Box 2099, Two Shell Plaza, Houston, Texas 77001, filed in Docket No. CP80-265 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)), for a certificate of public convenience and necessity authorizing the construction, for a twelve-month period commencing with the date of the requested authorization, and operation of facilities, to make miscellaneous rearrangements on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the transportation and sales service presently rendered by Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $20,000. Applicant further states that the cost of the proposed facilities would be financed with funds generated from internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 4, 1980 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8458 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2230]

City and Borough of Sitka; Application for Amendment of License

March 12, 1980.

Take notice that on July 5, 1979, as revised December 20, 1979, the City and Borough of Sitka, Alaska filed an application under the Federal Power Act, 16 U.S.C. §§ 791a–825r, for amendment of its license for the Blue Lake Project, FERC No. 2230, to permit the upgrading of the existing 34.5-kV transmission line to 69-kV. The project is located near the City of Sitka, Alaska.

The new wood-pole, 69-kV transmission line would extend approximately five miles from the Blue Lake Substation to the Marine Street Substation in Sitka, along the route of the existing 34.5-kV transmission line. The higher capacity line would be used to transmit to Sitka the combined output of the existing Blue Lake Powerhouse and the New Green Lake Powerhouse, now under construction. Approximately 1.8 miles of the rebuilt transmission line would be located on U.S. lands within the Tongass National Forest.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, Section 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before April 25, 1980. The Commission's address is 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8459 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-512]

Clay Basin Storage Co.; Amendment to Application

March 13, 1980.

Take notice that on February 29, 1980, Clay Basin Strorage Company (Applicant), 100 Broadway, New York, New York 10005, filed in Docket No. CP77-512 an amendment to its pending application so as to reflect the extension of the Clay Basin interim storage arrangements (Clay Basin arrangements), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that El Paso Natural Gas Company (El Paso) projects that periodically through April 30, 1981, it will continue to have certain gas volumes available for storage in the Clay Basin Field. It is stated that, therefore, Applicant, El Paso, certain of El Paso's east-of-California (EOC) customers, Northwest Pipeline Corporation (Northwest), and Mountain Fuel Resources, Inc. (Mountain Fuel), have agreed to an extension of the Clay Basin arrangements whereby protection can be afforded to the Priority 1 and 2 requirements of El Paso's EOC customers and, further, whereby the volumes of Opinion No. 800-B payback gas may continue to be preserved for Southwest Gas Corporation (Southwest) through September 30, 1981. Accordingly, it is stated that Applicant amended its original application filed at Docket No. CP77-512 so as to permit extended limited term authorization for Applicant to sell natural gas to certain EOC distributors (Arizona Public Service Company, Southern Union Company, and Southwest) and to El Paso and, to the extent required, to exchange natural gas with Northwest, for a term ending September 30, 1981, as necessary to permit Applicant to implement its part of the proposed extension of the Clay Basin arrangements.

It is stated Northwest would charge Applicant a currently effective transportation rate of 21.08 cents per Mcf for all volumes received from El Paso and delivered to Mountain Fuel under the extended arrangements. Further under the arrangement for each Mcf of gas sold by El Paso to Applicant and delivered to Northwest for Applicant's account Applicant would continue to pay a rate equivalent to the rate in effect at the time of sale under Rate Schedule G to El Paso's FERC Gas Tariff, Original Volume No. 1. All charges applicable to the services rendered by Northwest and Resources for Applicant and, in addition, all other charges incurred by Applicant as a result of its participation in the extended Clay Basin arrangement except for the cost of gas purchased by Applicant from El Paso, would continue to be billed to El Paso each month in accordance with the appropriate provisions of the interim storage agreement, as amended.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will

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be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8460 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-256]

Consolidated Gas Supply Corp.; Notice of Application

March 13, 1980.

Take notice that on March 3, 1980, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP80-268 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.221 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport natural gas for other interstate pipeline companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to transport gas for other interstate pipeline companies for periods of up to two years. It states that it would comply with Section 284.221(d) of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8461 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-61]

Consolidated Gas Supply Corp.; Proposed Changes in Rates and Charges

March 11, 1980.

Take notice that Consolidated Gas Supply Corporation (consolidated), tendered for filing on February 19, 1980, proposed changes to its FERC Gas Tariff, Third Revised Volume No. 1 to become effective on February 1, 1980 in lieu of the rates originally filed on December 28, 1979.

Consolidated proposes to amend its rate filing in this proceeding to further decrease its revenues from jurisdictional sales and services by $35.8 million.

Consolidated states that the amended rates are necessary to eliminate purchased gas costs associated with requirements for certain sales quantities which were eliminated in its original filing of December 28, 1979.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8462 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-260]

Consolidated Gas Supply Corp.; Notice of Application

March 13, 1980.

Take notice that on February 28, 1980, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP80-260 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a long-term storage service for Bay State Gas Company, The Berkshire Gas Company, Boston Gas Company, Commonwealth Gas Company, Connecticut Natural Gas Corporation, Fitchberg Gas and Electric Light Company, Haverhill Gas Company, Manchester Gas Company, and Valley Gas Company (Storage Service Customers), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to render storage services for each of the Storage Service Customers, on a firm basis, beginning in 1980 and terminating on March 31, 2000, as follows:

Customer	Dt equivalent	
	Storage capacity quantity	Storage demand quantity
Bay State Gas Co	1,822,660	14,752
The Berkshire Gas Co	143,780	1,308
Boston Gas Co	102,700	934
Commonwealth Gas Co	929,435	8,449
Connecticut Natural Gas Corp	66,755	607
Fitchburg Gas and Electric Light Co	51,350	466
Haverhill Gas Co	359,450	3,268
Manchester Gas Co	102,700	934
Valley Gas Co	154,050	1,401

Such services are to be rendered by Applicant under its Rate Schedule GSS, contained in its effective FERC Gas Tariff or any effective superseding rate schedule.

Applicant states that the proposed storage service would be, in effect, a continuation of the short-term storage service which Applicant was authorized to render to Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), and which Tennessee was authorized to resell, in turn, to the Storage Service Customers in Docket Nos. CP77-444 and CP77-419. It is stated that the structure of the proposed storage service program differs from that of the previously authorized short-term program only in that Applicant now proposes to render storage services for the Storage Service Customers directly, rather than indirectly. It is further stated that Tennessee has agreed to transport and deliver gas to and from storage on behalf of the Storage Service Customers, and has filed its application for the necessary certificate authorization to do so in Docket No. CP80-65.

Applicant states that no additional facilities would be required in connection with the proposed storage services, and that all deliveries of gas would occur at existing points of interconnection between the facilities of Applicant and Tennessee.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8463 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-74]

Crutcher-Tufts Corp.; Petition for Declaratory Order

March 12, 1980.

Take notice that on February 8, 1980, Crutcher-Tufts Corporation (Crutcher-Tufts), 200 Saratoga Building, New Orleans, Louisiana 70112, filed a petition for a declaratory order pursuant to § 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR § 1.7(c)) in Docket No GP80-74. Petitioner requests that the Commission issue a declaratory order confirming the contract rate for the intrastate sale by Crutcher-Tufts to Continental Oil Company (Conoco) gas produced from the Wilcox Sand Unit "D" under contract dated April 24, 1972, as amended.

Specifically, Crutcher-Tufts states that it produces gas from the Wilcox Sand Units A, B and D in Reddell Field, Evangeline Parish, Louisiana. Gas from these three units is delivered either to Conoco or to Louisiana Intrastate Gas Corporation ("LIG") both for resale in intrastate commerce.

Pursuant to a contract dated April 24, 1972, Crutcher-Tufts states it sold gas produced from Unit D to Conoco. On April 1, 1976, Crutcher-Tufts ceased deliveries of the United D gas to Conoco and commenced deliveries of that gas to LIG. By agreement dated November 6, 1978, Crutcher-Tufts and Conoco amended their April 1972 contract to provide for the recommencement of deliveries for Unit D gas to Conoco as of January 1, 1979. This agreement amended the April 1972 contract to provide for an increase in price if the following event occurred:

"If at any time J. D. Tufts II, Albert Crutcher and/or Crutcher-Tufts Corporation offer to Buyer additional working interest gas reserves for delivery to Buyer and if Buyer agrees to purchase such additional working interest gas reserves, then the price to be paid to Sellers under this paragraph, effective as of the date of the contract for the purchase of such additional working interest reserves, shall be the same as those provided in Subparagraph (b) hereof."

Crutcher-Tufts petitions the Commission to issue a declaratory order finding that the above-cited pricing provision of the November 6, 1978, agreement has been triggered effective July 1, 1979, by Conoco's receipt and payment for Unit A gas after June 30, 1979.

On February 28, 1980, Conoco Inc. filed a petition to intervene and a response to Crutcher-Tuft's petition for declaratory order.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 27, 1980, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR §§ 1.8, 1.10). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing herein must file a petition to intervene in accordance with the Commission's rules; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8464 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-68]

Delvan Development Corp., CIBA-Giegy Corp.; Further Petitions for Declaratory Order

Issued: March 12, 1980.

On January 17, 1980 Delvan Development Corporation (Delvan) and Ciba-Geigy Corporation (Ciba) filed a joint petition for a declaratory order in the above captioned docket. Notice of the filing was issued on February 8, 1980, with protests and petitions to intervene due 15 days after publication in the **Federal Register**. The notice was published in the **Federal Register** on February 14, 1980, 45 FR 9971.

In their January 17, 1980, petition Delvan and Ciba requested the Commission to issue a Declaratory Order to the effect that, (1) Delvan is an intrastate pipeline within the purview of the Natural Gas Policy Act of 1978 (NGPA); (2) that all sales of natural gas made by Delvan and Ciba from Delvan's pipeline system are not first sales under § 2(21)(B) of the NGPA; and (3) that such sales do not result in a circumvention of maximum lawful prices established under the NGPA.

Take notice that on February 29, 1980, several petitioners filed, in addition to petitions to intervene and protests,

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counterpetitions for declaratory order in Docket No. GP80–68.

Conecuh-Monroe Counties Gas District (Conecuh-Monroe), P.O. Box 310 evergreen, Alabama 36401 filed a protest to the January 17 petition filed by Ciba and Delvan and a petition for declaratory order requesting that, (1) as of December 1, 1978, all of the sales made by Ciba and Delvan are "first sales" under § 2(21)(A)(v) of the NGPA "in order to prevent circumvention of [the] maximum lawful price established under [Section 105(b)] of this Act", (2) that as first sales, they are to be priced at the appropriate maximum lawful price under § 105(b)(1); and (3) that refunds shall be paid with interest for the period December 1, 1978 through the date of disbursement by the Ciba entities.

Mobile Gas Service Corporation, P.O. Box 2248, Mobile, Alabama 36601, also filed a protest and a counterpetition for declaratory order requesting that Ciba's and Delvan's sales be declared "first sales" under § 2(21) of the NGPA subject to a maximum lawful price under § 105 as of the November 9, 1978 enactment of the NGPA and that appropriate refunds be ordered.

Similarly, Clarke-Mobile Counties Gas District, P.O. Box 608, Jackson, Alabama 36545, and Scotch Plywood Company of Alabama, P.O. Box 38, Fulton, Alabama 36446, filed a joint protest and counterpetition for declaratory order requesting the same relief as requested by Mobile Gas Service Corporation.

Any person desiring to be heard or to make any protest with reference to said petitions should on or before April 4, 1980, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, a petition to intervene or a protest in accordance with section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8465 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1697]

Herman M. Dieckamp; Notice of Application

March 13, 1980.

The Applicant submits the following:

Take notice that on January 23, 1980, Herman M. Dieckamp filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Jersey Central Power and Light Company—Public Utility
Acting President and Director, Metropolitan Edison Company—Public Utility
Director, Pennsylvania Electirc Company—Public Utility

Any person desiring to be heard or the protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 4, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8466 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-264]

East Tennessee Natural Gas Co.; Notice of Application

March 13, 1980.

Take notice that on March 3, 1980, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP80-284 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction and/or acquisition, during the calendar year 1980, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas supplies, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system and the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant and supplies of natural gas from Applicant's own production or acquired for system supply under Sections 311 or 312 of the Natural Gas Policy Act of 1978.

Applicant states that the total cost of the proposed facilities would not exceed $700,000, with no single project to exceed a cost of $175,000. The cost of the proposed facilities would be financed from general company funds, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8467 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-289]

El Paso Natural Gas Co.; Amendment to Application

March 13, 1980.

Take notice that on February 29, 1980, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP77-289 an amendment to the pending application, as amended and supplemented, filed in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect the extension of the Clay Basin interim storage arrangements (Clay Basin arrangement), until the earlier of the date of final disposition of the instant proceeding or September 30, 1981, all as more fully set forth in the amended application which is on file with the Commission and open to public inspection.

It is stated that Applicant, Clay Basin Storage Company (Storage Company), Northwest Pipeline Corporation (Northwest), Mountain Fuel Resources, Inc. (Resources), and certain of Applicant's east-of-California customers (EOC) have entered into various agreements providing for the extension of the existing arrangements whereby protection can be afforded to the Priority 1 and 2 requirements of the EOC customers and, further, whereby the quantities of Opinion No. 800-B payback gas may continue to be preserved for Southwest Gas Corporation through the utilization of the Clay Basin arrangements, all for a further period extending through September 30, 1981.

Applicant states that no additional facilities would be required by any party for the continued operation of the Clay Basin arrangements for the period extending through September 30, 1981.

It is asserted that through the proposed extension of the Clay Basin arrangement, a maximum working gas inventory in the Clay Basin Field of 18,000,000 to 20,000,000 Mcf can be made available for Applicant's use during the 1980–81 winter season.

According to Applicant, as compensation for the extended storage service under the proposed extended Clay Basin arrangements, Resources would charge Storage Company a monthly rate comprised of: (i) a commodity charge of $0.0025 for each Mcf of natural gas delivered to Resources by Northwest for Storage Company's account for injection and storage during each billing month and $0.0100 for each Mcf of natural gas withdrawn from storage by Resources and delivered to Northwest for the account of Storage Company during each billing month; (ii) a demand charge equal to Storage Company's proportionate share of Resources' monthly cost of service to be calculated in accordance with paragraph V-2(b) of the Clay Basin Interim Storage Service Rate Schedule S-2, as amended; (iii) a passthrough charge equal to Storage Company's proportionate share of Northwest's carrying costs applicable to the cushion gas owned by Northwest and used by Storage Company to support its working gas volumes in the Clay Basin Field, to be calculated in accordance with paragraph V-2(c) thereof, and (iv) a passthrough credit equal to Storage Company's proportionate share of Applicant's cost of service related to its currently installed compression and of Northwest's required fuel usage to be calculated in accordance with paragraph V-2(d) thereof.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 3 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8468 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP74-122]

Energy Terminal Services Corp.; Amendment to Application

March 13, 1980.

Take notice that on February 22, 1980, Energy Terminal Services Corporation (Applicant), 80 Park Place, Newark, New Jersey 07101, filed in Docket No. CP74-122 an amendment to the application filed in the instant docket, pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity so as to reflect a revision in the construction proposed to include construction and operation of a peak-shaving facility at Rossville, Staten Island, New York, utilizing both the existing LNG storage tanks and appurtenant facilities, all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

Applicant states that it has existing facilities in conjunction with the proposed importation of LNG by Eascogas LNG, Inc. in Docket No. CP73-47, *et al.* It is further stated that Applicant also sought authorization to operate a peak-shaving facility using one of its existing 900,000 barrel (3,100,000 dekatherm equivalent) storage tanks and appurtenant facilities.

Applicant proposes herein to operate a peak-shaving facility at its existing facilities in Rossville, using both of its hereinbefore stated storage tanks, for a total nominal storage capacity of 6,200,000 dt equivalent of natural gas and appurtenant facilities, including vaporization (nominal 360,000 dt equivalent per day) and compression equipment. Applicant further requests authorization herein to construct and operate a liquefaction unit with a new nominal 30,000 dt equivalent per day capacity and additional vaporization capacity (nominal 360,000 dt equivalent per day).

It is stated that the existing facilities which would be used in the peaking service have cost $127,158,000, which cost does not include the dock facilities and piping within the plant and other facilities not needed for use in this proposal. Applicant states that the total additional capital cost for the peaking plant including the liquefaction unit and additional vaporization capacity, but excluding allowance for funds used during construction, would be $89,239,000 in current dollars, $45,455,000 of the direct costs being attributable to the cost of the liquefaction unit and additional vaporization.

Applicant states that construction of the liquefaction facilities would commence as early as January 1981, in which case the operation of the facility for peak-shaving would begin on July 1, 1983, with the liquefaction of natural gas for redelivery to begin during the winter of 1983–1984.

Applicant has proposed the following service: (1) the receipt and liquefaction of customers' own supplies of natural gas, which customers would arrange to

have delivered to the facility by means of pipeline during the spring, summer and fall months; (2) the storage of the LNG throughout the year; and (3) the vaporization of LNG and the delivery of natural gas after vaporization to customers, or to transporting pipelines for delivery. It is stated that the customers of the proposed peaking service would be Public Service Electric and Gas Company, Texas Eastern Transmission Corporation, and The Brooklyn Union Gas Company.

It is asserted the cost of the proposed facilities would be financed through long-term financing.

Applicant proposes a four-part rate with a demand charge of $1.693 per month per dekatherm of daily delivery capacity, a capacity charge of 42.1 cents per month per dt equivalent of storage capacity, a handling charge for receipt of gas of 3.2 cents per dt equivalent and a delivery charge of 5.2 cents per dt equivalent.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8439 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-258]

Equitable Gas Co.; Notice of Application

March 13, 1980.

Take notice that on February 27, 1980, Equitable Gas Company (Applicant), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CP-258 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of one main-line tap and the transportation of natural gas to one new residential customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to provide residential service to John D. Hymes, Jr., in Glenville, Gilmer County, West Virginia, for the purpose of residential space heating and hot water heating. The proposed service would require the transportation of approximately 200 Mcf of gas per year, it is stated.

Applicant states that the estimated cost of installation of the tap would be $500.00 which cost would be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8439 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER79-88]

Georgia Power Co.; Notice of Filing

March 13, 1980.

The filing party submits the following:

Take notice that on March 4, 1980, Georgia Power Company (GPC) submitted for filing a settlement agreement which resolves all issues in the above-styled proceeding.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before April 4, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8440 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-266]

Iowa-Illinois Gas and Electric Co.; Filing of Interconnection Agreement

March 12, 1980.

The filing Company submits the following:

Take notice that Iowa-Illinois Gas and Electric Company, Davenport, Iowa (Company) on March 5, 1980, tendered for filing an Interconnection Agreement with Central Iowa Power Cooperative, Cedar Rapids, Iowa, dated December 31, 1979.

Relating to the proposed utilization of a 161-kV transmission line, following proposed consummation of a sale from Company to Cooperative of a portion of existing facilities between Fort Dodge and Des Moines, Iowa, Company states the purpose of the Agreement is to facilitate area reliability and development of the respective systems of the Parties which will, on consummation of the sale, be interconnected at a point in Webster County, near Fort Dodge, Iowa. The proposed effective date is requested to coincide with the consummation of the proposed sale.

Company states the Agreement provides the interconnection between the Parties may be utilized for any purpose provided for by the Mid-Continent Area Power Pool (MAPP) Agreement, by this Agreement, or by amendment to this Agreement, and pursuant to which the interconnection is established for that purpose; provides for notice and coordination of plans associated with the development of taps or substations which may be constructed by either Party on its respective line segment; and provides for utilization of unused capacity in the line. Company states no charges, rates or classes of energy are established in the Agreement inasmuch as each Party is a signatory to the MAPP Agreement.

Company states copies of the filing have been mailed to Cooperative, to the Iowa State Commerce Commission, and to the Illinois Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 31, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8441 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-270]

Northern States Power Co.; Notice of Filing

March 13, 1980.

Take notice that Northern States Power Company (NSP) on March 7, 1980, tendered for filing an Interconnection and Interchange Agreement dated February 22, 1980, between NSP and Cooperative Power Association and United Power Association.

NSP states that the Agreement provides for the interconnection of the systems of NSP and the Cooperatives at the Coon Creek, Wilmarth, Maple Grove Junction, and Dickinson Interconnections. NSP further states that the Agreement specifies the use of the transmission facilities of the parties to the Agreement.

NSP requests an effective date of February 22, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 7, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8442 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-38, (PGA80-2)]

Oklahoma Natural Gas Gathering Corp.; Filing of Revised Tariff Sheets

March 12, 1980.

Take notice that on March 3, 1980, Oklahoma Natural Gas Gathering Corporation (Gathering Corporation) tendered for filing Twentieth Revised Sheet PGA-1. Gathering Corporation states that Twentieth Revised Sheet PGA-1 will become effective on April 1, 1980, and revise its Base Tariff Rate to flow through the increase in the system cost of purchased gas and recover the balance accumulated in its unrecovered purchased gas cost account.

Gathering Corporation further states that the projected cost of purchased gas, as computed in said filing, is based on the applicable NGPA rates for April, 1980. The PGA rate is a reduced PGA that excludes amounts subject to incremental pricing surcharges.

Gathering Corporation states that copies of this filing were served upon all its jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 24, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8443 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 1962]

Pacific Gas and Electric Co.; Application for a New Major License

March 12, 1980.

Take notice that on September 28, 1979, the Pacific Gas and Electric Company (PG&E) of San Francisco, California (Applicant), filed an application with the Federal Energy Regulatory Commission, under the Federal Power Act, 16 U.S.C. 791a–825r, for new major license for the constructed Rock Creek-Cresta Project No. 1962, located on the North Fork Feather River, in the Counties of Plumas, Butte, Yuba and Sutter, California. The existing license for this project will expire on September 30, 1982. Correspondence concerning the application should be sent to: Mr. W. M. Gallavan, Vice President, Rates and Valuation, 77 Beale Street, San Francisco, California 94106. The project affects lands of the United States within the Plumas and Lassen National Forests.

The Rock Creek-Cresta project, with a total installed capacity of 180,800 kW, consists of:

A. Rock Creek Development comprising: (1) The Rock Creek reservoir with a gross storage capacity of 4,400 acre-feet and a surface area of 118 acres at elevation 2216.2 feet; (2) The Rock Creek Dam, a concrete gravity overflow structure, 128-feet high (from stream bed to the top of spillway gates), with a crest elevation of 2,230.2 feet and crest length of 567 feet; (3) A main spillway at elevation 2188.2 feet containing two 124-foot-wise bays, controlled by hydraulically operated drum gates; (4) A 22.5-foot-wide supplementary spillway at elevation 2201.2 feet, located to the west of the drum gates, controlled by a radial gate; (5) An intake structure within the reservoir about 100 feet upstream of the dam near the western abutment; (6) a 25/19-foot-diameter, 34,110-foot-long tunnel; (7) A surge chamber; (8) Two 12/9.75-foot-diameter penstocks, 906 and 938 feet long; (9) A powerhouse containing two generating units with total installed capacity of 113,400 kW; and (10) A switchyard, adjacent to the powerhouse, containing two 13.8/230-kV transformer units.

B. Cresta Development comprising: (1) The Cresta Reservoir with a gross storage capacity of 4,140 acre-feet and a

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surface area of 95 acres at elevation 1,681.2 feet; (2) The Cresta Dam, a concrete gravity overflow structure, 114 feet high (from stream bed to the top of spillway gates), with a crest elevation of 1,690.2 feet and crest length of 377.5 feet; (3) A main spillway at elevation 1,653.2 feet containing two 124-foot-wide bays, controlled by hydraulically operated drum gates; (4) A 22.5-foot-wide supplementary spillway at elevation 1,666.2 feet, located to the east of the drum gates, controlled by a radial gate; (5) An intake structure within the reservoir, about 100 feet upstream of the dam near the eastern abutment; (6) A 28/19 foot-diameter, 21,080-foot-long tunnel; (7) A surge chamber; (8) Two 12-foot-diameter penstocks, 800 and 775 feet long; (9) A powerhouse containing two generating units with total installed capacity of 67,400 kW; and (10) a switchyard adjacent to the powerhouse, containing two 11.5/230-kV transformer units.

C. Two 230-kV transmission lines, Rock Creek—Rio Oso Nos. 1 and 2, each about 72 miles long, extending from Rock Creek Switchyard to Rio Oso Substation, with Line No. 2 making a 1.40 mile-loop into and out of Cresta Switchyard.

Existing recreational facilities within the project boundary consist of one highway rest stop. Applicant proposes to construct two fishing access areas on the shores of Rock Creek Reservoir and two traveller information sites along Highway 70.

Applicant estimated the net investment for this project at $43,252,000 as of December 31, 1978, which is less than its estimate of fair value. The applicant has yet to provide an estimate of severance damages. An estimated $1,014,000 in annual taxes is paid to the state and local governments according to the Applicant.

Project power is integrated into Applicant's interconnected transmission and distribution system.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 19, 1980, either the competing application itself or a notice of intent to file competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 16, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended*, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10, for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intevene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before May 19, 1980. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8444 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-261]

Panhandle Eastern Pipe Line Co.; Notice of Application

March 13, 1980.

Take notice that on February 29, 1980, Panhandle Eastern Pipe Line Company (Applicant), P. O. Box 1642, Houston, Texas 77001, filed in Docket No. CP80-261 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate facilities required to establish seven new delivery points to two of its existing resale customers, Town Gas Company (Town Gas) and Indiana Gas Company (Indiana Gas), and facilities necessary to institute 38 direct sales of natural gas to right-of-way grantors, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following:

(1) To construct and operate facilities required to make 38 direct sales of natural gas to right-of-way grantors or their successors in interest in the states of Texas, Oklahoma, Kansas, and Missouri for domestic, grain drying or irrigation fuel end-use.

(2) To construct and operate three new delivery points to Town Gas, an existing distribution company customer of Applicant, in Illinois in order that Town Gas may provide natural gas service to right-of-way grantors.

(3) To construct and operate four new delivery points to Indiana Gas, an existing distribution company customer of Applicant, in Indiana in order that Indiana Gas may provide natural gas service to right-of-way grantors.

It is stated that on the portion of Applicant's system west of the Mississippi River, it would make a direct sale of natural gas to each right-of-way grantor. It is further stated that, east of the Mississippi River, Applicant would deliver natural gas to one of its existing resale customers, which in turn would provide service to the right-of-way grantors.

Applicant states that the cost associated with the new delivery points and the facilities for the direct sales to end-users would be $81,850, which cost would be financed from cash on hand.

Applicant states that it would not increase its currently authorized level of sales.

Applicant proposes the following direct sales of natural gas to right-of-way grantors:

Location	Name	End use
Hansford County, Texas.	Joseph F. Chase	Irrigation
Ochiltree County, Texas.	Wendel Peckenpaugh	Irrigation
Beaver County, Oklahoma.	Ernest Isaacs	Irrigation
Beaver County, Oklahoma.	Olen Foster	Irrigation
Beaver County, Oklahoma.	Donald Heitschmidt	Domestic
Beaver County, Oklahoma.	Hugh B. Williams	Irrigation & Domestic
Dewey County, Oklahoma.	Robert L. Clem	Domestic
Major County, Oklahoma.	Elsie Cravens	Domestic
Major County, Oklahoma.	Don Strecker	Domestic
Major County, Oklahoma.	Virgil E. Louthan	Domestic
Texas County, Oklahoma.	Hitch Enterprises #1	Irrigation & Domestic
Texas County, Oklahoma.	Hitch Enterprises #2	Irrigation & Domestic
Texas County, Oklahoma.	Carlton M. Kinzer	Irrigation
Texas County, Oklahoma.	Margaret I. Miller	Irrigation
Franklin County, Kansas.	Olive Needham	Domestic
Grant County, Kansas.	Vivien Nadene Ladner.	Irrigation
Kearny County, Kansas.	Ray Sonderegger	Irrigation
Lyon County, Kansas.	Samuel R. Madden Estate.	Domestic
Meade County, Kansas.	Warran Angell	Irrigation
Meade County, Kansas.	Richard W. Unruh	Domestic
Seward County, Kansas.	Walter Ross	Domestic
Seward County, Kansas.	Brice Sherar	Irrigation
Seward County, Kansas.	Phillip Dreitz	Irrigation
Seward County, Kansas.	Neil Hays	Domestic
Stevens County, Kansas.	A. E. Kramer	Irrigation

Location	Name	End use
Stevens County, Kansas.	Hitch Land & Cattle Co. #1.	Irrigation
Stevens County, Kansas.	Hitch Land & Cattle Co. #2.	Irrigation
Stevens County, Kansas.	Hitch Land & Cattle Co. #3.	Irrigation
Stevens County, Kansas.	M. E. Spikse, Inc.	Irrigation
Stevens County, Kansas.	Roy W. Perry #1	Irrigation
Stevens County, Kansas.	Roy W. Perry #2	Irrigation
Stevens County, Kansas.	Gregory W. Morris	Irrigation
Audrain County, Missouri.	Otis Luckett	Domestic
Boone County, Missouri.	Odell Nichols	Domestic
Cooper County, Missouri.	Paul Hegerfield	Domestic
Cooper County, Missouri.	Goldie Mayo	Domestic
Howard County, Missouri.	Don A. McKee	Domestic
Randolph County, Missouri.	Charles D. Enbree	Domestic

Applicant proposes to sell gas to Town Gas for resale to the following right-of-way grantors in Illinois:

Location	Name	End use
Adams County, Illinois	Robert G. Webster	Domestic
Edgar County, Illinois	Robert J. Hoult	Domestic
Peoria County, Illinois	Kenneth L. Thompson.	Domestic

Applicant to sell gas to Indiana Gas for resale to the following right-of-way grantors in Indiana:

Location	Name	End use
Delaware County, Indiana.	Lloyd A. Shroyer	Domestic
Delaware County, Indiana.	Robert L. Barber	Domestic
Grant County, Indiana.	J. Phillip Soultz	Domestic
Hendricks, Indiana	Joe R. Wyeth	Domestic & Grain Drying

Applicant estimates that each of the proposed irrigation sales would involve an average of 3,750 Mcf of gas per year and that the domestic and grain drying sales would average 150 Mcf per year.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 4, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8445 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2814]

City of Paterson; Application for Major License

March 12, 1980.

Take notice that an application for a major federal license was filed by the City of Paterson, New Jersey (Applicant). Correspondence with Applicant should be addressed to: Mr. John Topalian, Community Development Department, 100 Hamilton Plaza, Paterson, New Jersey 07505. Applicant seeks a major license for FERC Project No. 2814 (Great Falls Hydro Project) located on the Passaic River in Passaic County, New Jersey.

Applicant proposes to rehabilitate the existing Society for Establishing Useful Manufactures (S.U.M.) Dam and hydroelectric project by installing four new turbine generators with a total capacity of 7,500 kW at 70 feet of head. The proposed Great Falls Hydro Project would consist of: (1) The existing S.U.M. dam, an overflow granite stone gravity structure about 315 feet long, with a maximum height of 15 feet and having a crest elevation of 114.6 feet (m.s.l.); (2) An existing forebay inlet structure; (3) An existing forebay with negligible storage; (4) An existing headgate control structure containing for trashracks and four steel gates each approximately 10 × 10 feet; (5) Four existing steel-lined penstocks each 8.5 feet in diameter and approximately 55 feet long; (6) An existing concrete powerhouse which would contain the above mentioned four new turbine generators; (7) An existing 50-foot long 5-kV step-up transformer which in turn is connected to the City of Paterson Substation via a 1,500-foot long 26-kV aerial and underground cable; (8) And appurtenant facilities.

Applicant proposes to use the power developed at Great Falls Hydro Project for public utility purposes.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comment does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comment, protest or petition to intervene must be filed on or before May 19, 1980.

This is a second notice of this application. It is not necessary for those persons who have, in response to the previous notice, filed comments, protests, or petitions to intervene to file duplicate comments, protests, or petitions to intervene.

Anyone desiring to file a competing application must submit to the Commission, on or before May 19, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 16, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended*, 44 FR 61328, Oct. 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (*as amended*, 44 FR 61328, Oct. 25, 1979). The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The Application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8446 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. RA80-10]

Pinecrest Texaco; Filing of Petition for Review

March 11, 1980.

Take notice that Pinecrest Texaco on January 15, 1980, as amended on March 4, 1980, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before March 31, 1980, file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20428, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through Gaynell C. Methvin, Deputy General Counsel for Enforcement and Litigation, Department of Energy, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20428.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8447 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-272]

Public Service Co. of Colorado; Proposed Tariff Change

March 13, 1980.

The filing Company submits the following:

Take notice that Public Service Company of Colorado (PSCo) on March 10, 1980, tendered for filing proposed changes in its FERC Electric Service Tariff. PSCo states that the proposed change is an amendment to a Power Purchase and Transmission Service Agreement with Colorado-Ute Electric Association, Inc. (Colorado-Ute) on file with the Commission under PSCo's FERC Rate Schedule No. 12.

The amendment provides for Colorado-Ute to schdule purchased power on a monthly basis instead of the present annual basis, beginning with 1980.

PSCo states that copies of the filing were served upon all parties to the Agreement and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20428, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before April 7, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8448 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA 80-2-40, (PGA80-1)]

Raton Natural Gas Co.; Change in Rates

March 12, 1980.

Take notice that Raton Natural Gas Company (Raton), on March 6, 1980, tendered for filing proposed changes in its FERC Gas Tariff, Volume No. 1, consisting of Twenty-first Revised Sheet No. 3a. The change in rates is for jurisdictional gas service. The proposed effective date is April 1, 1980.

Raton states that the instant notice of change in rates is occasioned solely by increase in the cost of gas purchased from Colorado Interstate Gas Company (CIG). The tracking of CIG Gas Cost increase results in decrease in Demand rate from $1.97 to $1.93 and increase in Commodity rate from 206.77¢ to 224.20¢ per MCF. The annual revenue increase, by reason of the tracking, amounts to $170,714.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC, 20426, in accordance with §§ 1.9 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.9, 1.10). All such petitions or protests should be filed on or before March 24, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8449 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-257]

Southern Natural Gas Co. and Florida Gas Transmission Co.; Notice of Application

March 13, 1980.

Take notice that on February 27, 1980, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, and Florida Gas Transmission Company (FGT), P.O. Box 44, Winter Park, Florida 32789, filed in Docket No. CP80-257 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern and FGT state that they have entered into gas purchase contracts with Shell Oil Company (Shell), dated July 1, 1979, and August 1, 1979, respectively, to purchase 100 percent of Shell's interest in the natural gas to be produced from certain reservoirs beneath Mississippi Canyon Block 311, offshore Louisiana. It is stated that Southern has also entered into two gas purchase contracts with Exxon Corporation (Exxon) dated August 16, 1979, to purchase 100 percent of the natural gas produced from Exxon's leases in Mississippi Canyon Blocks 267, 268, and 312, offshore Louisiana. It is stated that the total proven reserves dedicated to Applicants under the aforementioned contracts are estimated to be 52,300,000 Mcf. It is further stated the Mississippi Canyon Blocks covered by the Shell and Exxon gas purchase contracts contain an estimated 24,700,000 Mcf of probable reserves. It is stated that initial daily production from the proven reserves is estimated to be 71,500 Mcf commencing on March 1, 1981, and the probable reserves would have an additional initial deliverability of approximately 15,000 Mcf per day.

In order to connect these reserves to their pipeline systems, Applicants, jointly, and Southern, individually, proposed to construct and operate the following facilities:

By Applicants

1. Approximately 22,46 miles of 16-inch pipeline:
2. A 4,000 horsepower compressor; and
3. A receiving station consisting of measuring facilities and certain related and appurtenant facilities.

By Southern

1. Approximately 0.46 mile of 16-inch pipeline; and
2. A receiving station consisting of measuring facilities and certain related and appurtenant facilities.

Applicants state that the proposed 22.46-mile pipeline would extend from Shell's platform in Mississippi Canyon Block 311 to a point of interconnection at an existing tap on Southern's 18-inch pipeline in West Delta Block 89, offshore Louisiana. It is stated that the proposed 0.46-mile pipeline would extend from Exxon's platform in Mississippi Canyon Block 268 to a point of interconnection with the proposed 22.46-mile pipeline in Mississippi Canyon Block 268. Applicants state that the proposed 4,000 horsepower compressor and one of the proposed receiving stations would be installed on Shell's platform in Block 311. It is stated that the other proposed receiving station would be installed on Exxon's platform in Block 268.

Applicants state that the cost of the facilities proposed herein is $23,759,170, which cost would be apportioned between the Applicants according to their respective interests in the gas reserves associated with each facility.

Southern states it would finance such construction initially by short-term financing and/or cash from current operations, and ultimately from permanent financing. FGT states its share of the cost of the proposed facilities would be financed initially from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 4, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, of if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8450 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL80-16]

State of North Carolina, Public Staff of the North Carolina Utilities Commission v. Virginia Electric & Power Co.; Filing of Applicant

March 12, 1980.

The filing parties submit the following:

Take notice that on February 20, 1980, the State of North Carolina and the Public Staff of the North Carolina Utilities Commission (Complainants) filed a complaint against Virginia Electric and Power Company (VEPCO).

Complainants request that the Commission establish a formal hearing in accordance with 18 CFR 1.20 (1979) to investigate VEPCO's management practices and to investigate the rates that VEPCO is charging its wholesale customers in North Carolina.

Complainants further request that this proceeding be consolidated with *Operation Overcharge* v. *Virginia Electric and Power Company*, Docket No. EL80-9 (filed December 3, 1979).

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 7, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8451 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP73-113, RP75-13, RP75-113, RP76-137, & RP77-62, (not consolidated)]

Tennessee Gas Pipe Line Co.; Informal Settlement Conference

March 11, 1980.

Take notice that on March 19, 1980, and if necessary March 20, 1980, at 10:00 A.M. on each day there will be an informal conference of all interested persons for the purpose of continued settlement discussions of the above-captioned dockets.

The meeting places for these conferences will be as follows:

March 19, 1980—10:00 a.m., Forrestal Building, 1000 Independence Ave. SW., Room 8E069, Washington, D.C.
March 19, 1980—10:00 a.m., Securities & Exchange Commission, 500 No. Capitol St. NW., Room 776, Washington, D.C.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as a party in these proceedings.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in these proceedings and to make commitments with respect to such issues and to any offers of settlement or stipulation discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8452 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-14562, et al.]

Tennessee Gas Pipeline Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

March 12, 1980.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed

refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before March 26, 1980. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
Feb. 29, 1980.	Tennessee Gas Pipeline Co.	G-14562	Plan and report.
Mar. 3, 1980.	Texas Eastern Transmission Corp.	G-12706	Report.
Mar. 4, 1980.	Transcontinental Gas Pipe Line Corp.	RP75-76	Report.
Mar. 4, 1980.	Texas Gas Transmission Corp.	RP78-84	Report.

[FR Doc. 80-8438 Filed 3-19-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP80-249]

Tennesee Gas Pipeline Co., a Division of Tenneco Inc.; Application

March 13, 1980.

Take notice that on February 20, 1980, Air Products and Chemicals, Inc., (Air Products) filed on behalf of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, in Docket No. CP80-249, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 8,000 Mcf of natural gas per day produced by Tenneco Oil Company (Tenneco) and Shell Oil Company (Shell) and sold to Air Products for use in the ammonia reformer at Air Products' New Orleans, Louisiana, facility, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Air Products states that, under certificates issued in Opinion No. 789 issued March 7, 1977, in Docket Nos. CP75-23 and CP75-119, Tennessee is presently transporting volumes of natural gas averaging about 7,500 Mcf per day produced by Tenneco and Shell for process use (*i.e.*, reformer heating requiring precise temperature controls and flame characteristics, as opposed to either boiler heating or feedstock usage) by Air Products in its ammonia reformer, which certificates authorize Tennessee to transport volumes produced by Shell and Tenneco to meet Air Products' feedstock and process requirements.

By petition dated October 24, 1979, it is stated, Tennessee has requested the Commission to rule upon whether Air Products' ammonia reformer usage meets the "process gas" definition as contained in the Opinion No. 789 transportation certificates, to which Air Products has responded these requirements do properly fall within the "process gas" definition, as held in Opinion No. 789.

Additionally, it is stated, on October 25, 1979, Air Products moved that the Commission eliminate the end-use restrictions in the existing authorizations with respect to the ammonia reformer requirements.

By the instant application, authorization is sought for Tennessee to transport the gas produced by Shell and Tenneco for use as reformer fuel in Air Products' ammonia plant. Grant of the application, like grant of Air Products' October 25 motion, would, it is stated, render Tennessee's petition for declaratory ruling in Docket Nos. CP75-23 and CP75-119 moot by removing any possible doubt that Tennessee is authorized to transport gas to meet the ammonia reformer requirements.

Air Products states that as the transaction was structured under contracts entered into in 1964 and 1965, Tenneco and Shell sell (as a matter of form) the volumes intended for Air Products to Creole Gas Pipeline Corporation (Creole), a wholly-intrastate Hinshaw line that connects Tennessee's Delta-Portland line with Air Products' New Orleans facility; Creole then resells those volumes to Air Products. Air Products states that the Commission has held, however, that, this formal structuring notwithstanding, the sales by Shell and Tenneco are "in substance direct sales" for the purposes of Section 7(c) of the Natural Gas Act, and thus "not subject to regulation as sales for resale." Accordingly, and to the extent that Order No. 27 applies only to direct sales by producers to users, Air Products asserts that the transactions in question properly fall within the purview of that order.

Air Products states further that § 157.105(a) of the Regulations specifies a term of five years for certificates issued under Order No. 27. Air Products states that the contracts under which Tenneco and Shell sell the gas covered by the instant application extend until 1989, however, and may be extended and the Certificates issued in Docket Nos. CP75-23 and CP75-119, moreover, are of unlimited duration. In light of the fact that the authorization sought here is for the same transaction and operation covered in the aforesaid contracts and certificates, and in the absence of any purpose that would be served by imposing a five-year term, waiver of § 157.105(a) is respectfully requested.

The specific information called for in 18 CFR 157.103 is stated to be as follows:

(a) The estimated volumes to be transported under this authorization are 8,000 Mcf on a peak day, 7,520 Mcf on an average day, and 2,745,000 Mcf annually.

(b) Because Tennessee is presently transporting the volumes in question pursuant to its authorization in Docket Nos. CP75-23 and CP75-119, it appears plain that such transportation can be performed without detriment to Tennessee's existing general supply customers. To the extent that under 18 CFR 157.103 the foregoing sentence requires confirmation from Tennessee, the Commission is respectively requested (i) to waive such requirement, or (ii) to request such confirmation directly from Tennessee.

(c) Because Tennessee is presently transporting the volumes in question without detriment to its ability to serve residential or small commercial requirements, it is believed that the authorization sought here will have no impact upon its ability to provide systemwide deliveries for requirements defined in 18 CFR 2.78(a)(1)(i).

(d) Under agreements dated August 13, 1964, and September 14, 1964, as amended, Tennessee is currently transporting gas for Shell and Tenneco to meet Air Products' ammonia-reformer requirements. Those agreements are on file as Rate Schedules T-45 and T-43 of Tennessee's FERC Tariff.

(e) Since, as noted, Creole is presently performing the service in question, it may be presumed to have the capacity to continue to transport and redeliver the gas in question without detriment to its other customers.

(f) No further facilities are required to be constructed in connection with the proposed service since the gas in question is already being transported under authorization in Docket Nos. CP75-23 and CP75-119.

(g) The proposed end-use, as indicated above, is a process heat source in the ammonia reformer at Air Products' New Orleans facility. The output of the ammonia reformer is used in the manufacture of chemical fertilizer and

Code 287 has been certified as an "essential agricultural use" by the Secretary of Agriculture. See 7 CFR 2900.3. Accordingly, it is an "eligible use" under 18 CFR 157.102(a)(1).

(h) As noted above, Air Products' New Orleans facility manufactures liquid hydrogen as well as ammonia. The average daily requirements at the facility during a recent month may be broken down as follows:

	Mcf
Ammonia Plant:	
Feedstock gas	14,920
Process gas	7,212
Boiler fuel	4,183
Liquid Hydrogen Plants:	
Feedstock gas	8,186
Process fuel	1,828

(i) For copies of the pertinent gas-purchase contracts with Shell and Tenneco, the Commission is respectfully referred to the applications in *Shell Oil Co.*, Docket No. CI75-684 and *Tenneco Oil Co.*, Docket No. CI75-45.

(j) To the best of Air Products' knowledge, the wells providing gas produced by Shell have been the subject of determinations by Louisiana and the FERC under Section 503 of the Natural Gas Policy Act of 1978. Air Products has no knowledge of any such determinations with respect to the gas sold by Tenneco.

(k) To the best of Air Products' knowledge, none of the gas to be transported under the instant application would be produced in the offshore federal domain or is otherwise "committed or dedicated to interstate commerce" as defined in Section 2(18) of the NGPA.

(l) With the possible exception of Creole, no other intermediary is participating in the transaction between the producers and Air Products. As indicated above, Creole holds formal title to the gas transported on Creole's line between Tennessee and Air Products. Creole is not affiliated with Air Products, Tenneco, Shell, or Tennessee.

(m) No new facilities are required since the service in question is already being performed under the certificates issued in Docket Nos. CP75-23 and CP75-119.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 4, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petiton to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Tennessee to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-8427 Filed 3-19-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP80-262]

Texas Gas Transmission Corp.; Application

March 13, 1980.

Take notice that on February 29, 1980, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP 80-262 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the transportation service rendered to South Jersey Gas Company (South Jersey), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that by Commission orders issued December 29, 1977, and April 12, 1978, in Docket No. CP77-528, it was authorized to transport on an interruptible basis up to 300 Mcf of natural gas per day for the account of South Jersey. It is stated that Applicant has not transported gas for South Jersey since November 17, 1978, and pursuant to a letter dated January 7, 1980, Applicant and South Jersey have since agreed to terminate the agreement under which the transportation service was performed. Applicant states that the proposed abandonment of service would not adversely affect it or its customers.

Applicant states that the well in North Jefferson Island Field, Iberia Parish, Louisiana, which supplied the natural gas transported for the account of South Jersey was plugged and abandoned.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-8428 Filed 3-19-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. GP79-90]

Texas Pacific Oil Co., Inc.; Redesignating Former Docket and Severing Proceedings From Docket No. GP80-6

March 12, 1980.

By order issued October 10, 1979, the Commission consolidated and set for

hearing Texas Pacific Oil Company's Blanket Affidavit Filing of December 6, 1978 (which was docketed as Docket No. GP79–90) and its FERC Gas Rate Schedule Nos. 10 and 95. By notice issued November 7, 1979, the consolidated proceedings were redocketed under Arkansas Louisiana Gas Company, Docket No. GP80–6.

Staff Counsel and the Chief Administrative Law Judge have requested redesignation of the above-mentioned Texas Pacific proceedings and separation of them from the other protests to Arkla contracts in Docket No. GP80–6 because the Texas Pacific proceedings concern a limited contractural dispute between Texas Pacific and Arkla. Accordingly, the Texas Pacific proceedings shall be redesignated as GP79–90 and severed from the remaining proceedings in GP80–6.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8429 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID–1729]

Elwin W. Thurlow; Application

March 13, 1980.

The applicant submits the following:

Take notice that on January 17, 1980, Elwin W. Thurlow filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

President, Central Maine Power Company, Public Utility
Director, Yankee Atomic Electric Company, Public Utility

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 4, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8430 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80–263]

Transcontinental Gas Pipe Line Corp. and Columbia Gulf Transmission Co.; Application

March 13, 1980.

Take notice that on February 29, 1980, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP80–263 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and appurtenant facilities in the offshore Texas area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state they have rights to purchase certain percentages of natural gas in the High Island area, Blocks A–446, A–447, A–448, and A–471. In order to attach these new gas supply sources, Applicants propose to construct, as co-owners, a natural gas gathering system consisting of approximately 12.53 miles of 16-inch pipeline and 2.89 miles of 12-inch pipeline to connect production platforms in the above blocks to the existing High island Offshore System (HIOS) facilities. Applicants also propose to constrtuct appurtenant metering, regulating and connecting facilities at the four production platforms. Applicants state the proposed facilities, Project HI448, would connect to an underwater tap on HIOS' 30-inch western leg pipeline in High Island block A–470 where gas would be delivered for further transportation to onshore points. It is stated that up to 125,000 Mcf of gas per day would be transported from the four blocks.

Applicants state that the estimated cost of construction of such facilities would be $16,610,000, which cost would be financed initially through revolving credit arrangements, short-term loans, or available funds. It is stated that permanent financing would be undertaken as part of Applicants' respective overall long-term financing programs at later dates.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8431 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79–281]

Transcontinental Gas Pipe Line Corp.; Petition To Amend

March 13, 1980.

Take notice that on March 3, 1980, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79–281 a petition to amend the order issued August 9, 1979, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an increase in the daily contract demand quantity transported for Natural Gas Pipeline Company of America (Natural) from 20,000 Mcf of gas to 30,000 Mcf, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued August 9, 1979, it was authorized to receive and transport for Natural, on a firm basis, a daily contract demand quantity of up to 20,000 Mcf of gas from Block 289, Ship Shoal area, offshore Louisiana, and to delivery thermally equivalent quantities to various points of delivery located in Texas and Louisiana. It is stated that for this service, Petitioner is paid by Natural an intitial monthly demand charge of $92,800 and retains an intital 1.2 percent of the gas received.

Petitioner now requests authorization to increase the daily contract demand quantity from 20,000 Mcf to 30,000 Mcf of gas pursuant to an amendment to the April 11, 1979, transportation agreement between Petitioner and Natural dated January 15, 1980, which provides for the increase, it is stated. It is further stated that the initial monthly charge for the increased quantity would be $139,200.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 4, 1980, file with the Federal energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8432 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80–2–42 (AP80–1)]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

March 12, 1980.

Take notice that Transwestern Pipeline Company (Transwestern) on March 6, 1980, tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets:

Substitute Revised Fifteenth Revised Sheet No. 5
Substitute Fifteenth Revised Sheet No. 6

These sheets are issued pursuant to Article VI, Advance Payment Tracking, of Transwestern's Stipulation and Agreement in Docket No. RP77–19 approved by Commission Order issued July 9, 1979, in order to reduce Transwestern's rates to reflect the repayment of advance payments. This rate reduction of 0.15¢/dth is being applied to rates filed by Transwestern on March 3, 1980, Transwestern's semiannual tracking adjustments effective April 1, 1980. Pursuant to Article VI, paragraph (2), of the RP77–19 Stipulation and Agreement Transwestern proposes that this rate reduction become effective coincident with its semiannual tracking adjustments.

The proposed effective date of the above tariff sheets is April 1, 1980. Transwestern requests that the Commission waive any of its regulations necessary to permit this rate reduction to become effective on April 1, 1980.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 24, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8433 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80–265]

Tucson Electric Power Co.; Filing San Diego-Tucson Interconnection Agreement

March 12, 1980.

The filing Company submits the following:

Take notice that Tucson Electric Power Company ("Tucson") on March 5, 1980, tendered for filing "Interconnection Agreement between San Diego Gas & Electric Company and Tucson Electric Power Company." The primary purpose of this Agreement is to establish the terms and conditions relative to the exchange of capacity and energy through interconnection of the systems of Tucson and San Diego Gas & Electric Company ("San Diego"), either directly or through the systems of other parties.

Any person desiring to be heard or to make any application with reference to said Agreement should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 31, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8434 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80–269]

Tucson Electric Power Co.; Filing Amendment No. 2 to the Tucson-San Diego 10-Year Power Sale and Interconnection Agreement

March 13, 1980.

The filing Company submits the following:

Take notice that Tucson Electric Power Company ("Tucson") on March 7, 1980, tendered for filing Amendment No. 2 to the Tucson-San Diego Ten Year Power Sale and Interconnection Agreement between Tucson and San Diego Gas & Electric Company ("San Diego"). The primary purpose of this Amendment No. 2 is to increase the Contract Demand during the Phase Two period of the Agreement from 100 MW to 150 MW. Tucson states that copies of the filing were served upon San Diego.

Any person desiring to be heard or to make any application with reference to said Amendment should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 31, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Amendment are on file with the

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Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8435 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-247]

Virginia Electric and Power Co.; Filing

March 13, 1980.

The filing company submits the following:

Take notice that on February 25, 1980, Virginia Electric and Power Company (VEPCO) filed a Letter Agreement, dated January 21, 1980, with Prince William Electric Cooperative (PWEC).

The agreement provides that VEPCO will install, own, and maintain certain excess facilities in order to provide PWEC with data pulses to its equipment at eleven delivery points, as requested by PWEC.

VEPCO requests that the Commission allow the Letter Agreement to become effective on the date of connection of equipment which is expected to be in March, 1980. VEPCO further submits that it will notify the Commission of the date of connection when the equipment has been installed.

Copies of this filing have been served upon the Virginia State Corporation Commission, Prince William Electric Cooperative and Southeastern Power Administration.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 4, 1980.

Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8436 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-274]

Virginia Electric and Power Co.; Filing

March 13, 1980.

The filing Company submits the following:

Take notice that on March 10, 1980, Virginia Electric Power Company (Vepco) tendered for filing a revised Supplement No. 1-a for the City of Washington, North Carolina to Vepco's FERC Electric Tariff, Revised Volume No. 1. Vepco states that the revised Supplement No. 1-a reflects corrections to certain items due to changes made in the past at the city of Washington Delivery Point by Vepco and the City of Washington.

Vepco states that the revised Supplement No. 1-a is intended to supersede the Supplement No. 1-a presently on file with the Commission and requests that the revised Supplement No. 1-a be allowed to become effective on February 15, 1980.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 7, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8437 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-275]

Virginia Electric and Power Co.; Filing

March 13, 1980.

The filing Company submits the following:

Take notice that on March 10, 1980, Virginia Electric and Power Company (VEPCO) tendered for filing a Contract Supplement dated November 16, 1979 to the Rate Contract between VEPCO and the Town of Robersonville, North Carolina.

Said Supplement requests the Commission's authorization for connection of a new delivery point designated as Town of Robersonville, Delivery Point No. 2.

VEPCO requests that the Supplement No. 2 for the new delivery point become effective on the date of connection of the new facilities which is expected to occur sometime in April, 1980. The Company will notify the Commission of the date of connection.

Any person desiring to be heard or to make protest with reference to said application should on or before April 7, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8438 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL79-20]

Buckeye Power, Inc.; Intent To Act

March 13, 1980.

On January 22, 1980, the Presiding Judge issued and certified to the Commission a Disqualification Order in this proceeding which disqualified Mr. Drexel Journey and the firm Schiff Hardin & Waite from further participation in the above referenced proceeding. On February 11, 1980, Mr. Journey and Schiff Hardin & Waite filed a Motion to Vacate the Disqualification Order, and a request for oral argument.[1] The Commission intends to act on these matters in the near future. No matter relating to this proceeding shall be deemed granted or denied by reason of the expiration of time prescribed for Commission action in its Rules of Practice and Procedure. The Commission reserves the right to act on any issue relating to these matters.

[1] On February 11, 1980, Mr. Journey and Schiff Hardin & Waite also filed a Notice of Voluntary Withdrawal of Appearance. This notice does not require Commission action.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

FR Doc. 80-8439 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 2965 and 3040]

East Coast Energy Technology, Inc., and New Hampshire Water Resources Board; Applications for Preliminary Permit

March 14, 1980.

Take notice that East Coast Energy Technology, Inc. and the New Hampshire Water Resources Board filed, on August 31, 1979, and on February 11, 1980, respectively, competing applications [pursuant to the Federal Power Act, 16 U.S.C. Sections 791(a)–825(r)] for preliminary permits for proposed hydroelectric power projects, each to be known as the Sewall's Falls Project, FERC Projects Nos. 2965 and 3040, respectively, that would be located on the Merrimack River in the City of Concord, Merrimack County, New Hampshire. The former owner of the Sewall's Falls Dam and power facilities, Concord Electric Company, surrendered the license to operate the facilities in 1966. Ownership of the project was subsequently transferred to the New Hampshire Water Resources Board. Correspondence with the East Coast Energy Technology, Inc. should be directed to: Mr. Max Isacoff, 30 Indigo Hill Road, Somersworth, New Hampshire 03878. Correspondence with the New Hampshire Water Resources Board should be directed to: Mr. George M. McGee, Sr., New Hampshire Water Resources Board, 37 Pleasant Street, Concord, New Hampshire 03301.

Purpose of Project.—Project energy developed from Project No. 2965 would be sold to either the Public Service Company of New Hampshire or the Concord Electric Company. Project energy developed from Project No. 3040 would be sold to the Concord Electric Company for distribution to its customers in the project area.

Proposed Scope and Cost of Studies under Permit.—Each Applicant seeks issuance of a preliminary permit for a period of three years, during which time each Applicant proposes that it would perform surveys and geologic investigations, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. The East Coast Energy Technology, Inc. and the New Hampshire Water Resources Board estimate the costs of studies under the permit would be approximately $15,000 and $150,000, respectively.

Project Description.—Each Applicant would utilize: (1) the existing Sewall's Falls Dam, a timber crib diversion dam, 497 feet long and 23 feet high; (2) the existing power canal 1,280 feet long; and (3) the existing reservoir with a surface area of 350 acres and a storage capacity of 1,630 acre-feet at a normal maximum surface elevation of 240.86 feet m.s.l.

The East Coast Energy Technology, Inc. intends to construct a 68 by 95-foot powerhouse, deepen and widen the tailrace, install tube type turbine-generator units with a total installed capacity of 4,275 kW, construct a transformer station and a switching station, and erect 33 and 2.4-kV transmission lines. It is estimated that annual generation would average 24.6 million kWh.

The New Hampshire Water Resources Board also intends to construct a new powerhouse and install two tube-type turbine-generator units with a total capacity of 2,850-kW. It is estimated that annual generation would average 20.5 million kWh.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for a preliminary permit. (A copy of the applications may be obtained directly from the respective Applicants). Comments should be confined to substantive issues relevant to the issuance of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before May 15, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 14, 1980. A notice of intent must conform with the requirements of 18 C.F.R. 4.33 (b) and (c), (*as amended*, 44 *Fed. Reg.* 61328, October 25, 1979). A competing application must conform with the requirements of 18 C.F.R., 4.33 (a) and (d), (*as amended*, 44 *Fed. Reg.* 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comment, protest, or petition to intervene must be filed on or before May 15, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The applications are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8613 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-80-M

[Docket No. RP79-76]

Cities Service Gas Co.; Informal Settlement Conference

March 17, 1980.

Take notice that on April 2, 1980, and if necessary April 3, 1980, at 10:00 A.M. on each day there will be an informal conference of all interested persons for the purpose of continued settlement discussions in these proceedings. The meeting places for the conference will be at the offices of the Federal Energy Regulatory Commission, 941 North Capitol Street, N.E., Room 3401, Washington, DC 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as a party in these proceedings.

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All parties will be expected to come fully prepared to discuss the merits of the issues arising in these proceedings and to make commitments with respect to such issues and to any offers of settlement or stipulation discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8610 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 768]

City of Colorado Springs, Colo.; Application for Exemption for Small Conduit Hydroelectric Facility

March 14, 1980.

Take notice that on January 11, 1980, the City of Colorado Springs, Colorado filed an application, under Section 30 of the Federal Power Act (Act) [16 U.S.C. § 823(a)] for exemption of a constructed project from the requirements of Part I of the Act. The Ruxton Park and Manitou Springs Hydroelectric Project (FERC No. 768) is currently under annual license. The project powerhouses are located on lands owned by the Applicant, near the City of Colorado Springs, in El Paso County, Colorado. Correspondence with the Applicant should be directed to Mr. James D. Phillips, Director, Department of Public Utilities, City of Colorado Springs, 18 South Nevada Avenue, Colorado Springs, Colorado 80947.

Purpose of Project.—The complex system of 10 storage reservoirs and miles of water conveyance conduits, to which the project powerhouses and their appurtenant facilities are connected, are used primarily to supply domestic water to the City. The energy generated by the small conduit hydroelectric facility is incidental to the water supply function of the system. Water is discharged back into the conveyance conduits after being used for power generation. Project power is used in the Applicant's utility grid.

Project Description.—The constructed project consists of two separate developments. The Ruxton Park powerhouse contains a horizontal impulse Pelton turbine/generator with an installed capacity of 1,000 kW. The facility utilizes an average head of 1,114 feet and has a hydraulic capacity of 15 cubic feet per second. The Manitou Springs development contains two horizontal impulse Pelton turbine/generators having a total installed capacity of 5,000 kW, and a substation adjacent to the powerhouse containing a 6.9/13.8-kV transformer. The project's annual energy production is approximately 18,000 MWh.

Agency Comments.—The U.S. Fish and Wildlife Service and the Colorado Division of Wildlife are requested, pursuant to Section 30 of the Federal Power Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before April 28, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8611 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1780]

Charles A. Heller, Jr., Filing

March 14, 1980.

Take notice that on March 10, 1980, Charles A. Heller, Jr. (Applicant), filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

President and Director, Ohio Power Company, Electric Utility.
Vice President, Beech Bottom Power Company, Inc., Electric Utility.
Vice President and Director, Cardinal Operating Company, Electric Utility.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8614 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA80-87]

Highland Resources, Inc.; Application for Adjustment

March 14, 1980.

On February 29, 1980, Highland Resources, Inc., 800 San Jacinto Building, Houston, Texas 77002 (Applicant), filed with the Federal Energy Regulatory Commission (Commision) an application for an adjustment under § 1.41 of the Commission's Rules of Practice and Procedure.

Applicant requests that: (1) the Commission accept Applicant's amendment to its December 29, 1978 Blanket Affidavit filing, which would have the effect of including Applicant's Rate Schedule No. 13 wells within the original Blanket Affidavit as of December 29, 1978 notwithstanding FERC Order Nos. 15 and 15-A; and (2) that the Commission waive its thirty-day filing requirement under § 154.94(h)(iii) of its Regulations (FERC Order No. 25). The requested waiver would allow Applicant to collect the section 102(d) NGPA ceiling price on and after November 26, 1979 rather than beginning February 20, 1980 with regard to the initial section 102(d) wells under Applicant's Rate Schedule Nos. 13 and 7. The requested waiver would also allow Applicant to collect the section 102(d) NGPA ceiling price with regard to the initial section 102(d) well under applicant's Rate Schedule No. 14 beginning on July 16, 1979 rather than on February 20, 1980.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before April 4, 1980.

Kenneth F. Plumb,

Secretary.

FR Doc. 80-8615 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3003]

Town of Huntington, Mass.; Application for Preliminary Permit

March 14, 1980.

Take notice that an application was filed on November 20, 1979, under the Federal Power Act, 16 U.S.C. Section 791(a)—Section 825(r) by the Town of Huntington, Massachusetts, for a preliminary permit for a proposed water power project to be known as the Littleville Lake Dam Project, FERC No. 3003. The project would be located on the Westfield River in Hampshire County, Massachusetts. The proposed project would utilize Federal lands and a Federal dam under the jurisdiction of the U.S. Army Corps of Engineers. Correspondence with the Applicant should be directed to: Mr. William C. Gaitenby, Chairman, Board of Selectment, Town Hall, Park Street, Huntington, Massachusetts 01050.

Purpose of Project.—Applicant would use project power for municipal purposes, with any excess power being sold to local public utilities.

Proposed Scope and Cost of Studies Under Permit.—Applicant seeks a preliminary permit for a period of three years, during which time the Applicant would prepare surveys, maps, current and projected estimates of water withdrawals, foundation explorations, design alternatives, and economic feasibility studies. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for license. Applicant estimates the cost of studies under the permit would be between $20,000 and $30,000.

Project Description.—The proposed project would utilize the U.S. Army Corps of Engineers' existing Littleville Lake Dam and Reservoir, a facility of the Connecticut River Basin Flood Control Project, and would consist of: (1) a powerhouse to be constructed at the end of an existing outlet tunnel; and (2) appurtenant facilities. The installed capacity would be between 500 and 1,200 kW, depending on the results of future studies. It is estimated that the average annual energy output would be between 2.7 and 6.2 megawatt-hours.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before May 15, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 14, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended*, 44 *Fed. Reg.* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (*as amended*, 44 *Fed. Reg.* 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene, in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before May 15, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8616 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC80-6]

Iowa-Illinois Gas and Electric Co.; Application for Authority To Sell Certain Electric Facilities

March 17, 1980.

The filing company submits the following:

Take notice that on March 10, 1980, Iowa-Illinois Gas and Electric Company (Company), an Illinois corporation with its principal office at 206 East Second Street, P.O. Box 4350, Davenport, Iowa 52808, filed, pursuant to Section 203 of the Federal Power Act and Part 33 of the Commission's Regulations thereunder, an application for authority to sell approximately 67.82 miles of 161-kV electric transmission line in the Iowa counties of Polk, Story, Boone and Webster. The purchaser of the facilities will be Central Iowa Power Cooperative (Cooperative), Cedar Rapids, Iowa.

The Company states it is engaged primarily in the generation, transmission, distribution and sale at retail of electric energy, and in the purchase, distribution and sale at retail of natural gas in various communities and places in Iowa and Illinois. Among its electric transmission facilities which it owns and operates is an 81.54 mile 161-kV electric transmission line from Des Moines to Fort Dodge, Iowa, which has formed a portion of its scheduling path to its Fort Dodge area loads. The Company states it has made additions and improvements in its interconnected electric transmission facilities enabling it to serve its Fort Dodge area electric loads from its generation sources in western Iowa. Company states Cooperative, serving electric loads in central Iowa through which a portion of Company's 161-kV line traverses, desires to utilize approximately 67.82 miles of the transmission line, proposed to be sold, as a transmission path, and as a part of its electric system development, to serve its loads from its generation sources in western Iowa and elsewhere.

V45/56 MR 20 80 UMI

The Company states the proposed sale, coupled with a proposed and related interconnecton agreement between the parties, will facilitate the development of their respective systems, and enhance the reliability of the overall transmission systems of the parties, consistent with the public interest.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 4, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8617 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL80-19]

Massachusetts Municipal Wholesale Electric Co. v. Power Authority of the State of New York; Filing

March 14, 1980.

The filing party submits the following:

Take notice that on March 4, 1980, the Massachusetts Municipal Wholesale Electric Company (MMWEC) filed a formal complaint against the Power Authority of the state of New York (PASNY).

MMWEC requests that this Commission modify the allocation of Niagara Project power that was recently implemented by PASNY.

MMWEC further seeks partial summary judgement as stated in its complaint.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8619 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI77-42, et al.]

Mobil Oil Exploration & Producing Southeast, Inc., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

March 13, 1980.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 21, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearings.

Kenneth F. Plumb,

Secretary.

Docket No. and dates filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI77-42, C, Dec. 3, 1979	Mobil Oil Exploration and Producing Southeast, Inc. Nine Greenway Plaza—Suite 2700, Houston, Tex. 77046.	Sea Robin Pipeline Co., South Marsh Island Blocks 125, 127, 128 and 141, Federal Offshore Louisiana.	(1)	14.73
CI80-219, E, Mar. 4, 1980	Placid Oil Co. (successor to Bodcaw Co.) 1600 First Natl. Bank Bldg., Dallas, Tex. 75202.	Texas Gas Transmission Corp., Shongaloo North-Red Rock Area, Webster Parish, La.	(2)	15.025
CI80-220, E, Mar. 4, 1980	do	Texas Gas Transmission Corp., East Carterville Area, Webster and Bossier Parishes, LA.	(2)	15.025
CI80-221, E, Mar. 4, 1980	do	Texas Gas Transmission Corp., Welcome Field, Columbia County, Ark.	(2)	14.65
CI80-222, E, Mar. 4, 1980	do	Texas Gas Transmission Corp., Walker Creek Field, Lafayette and Columbia Counties, Ark.	(2)	14.65
CI80-223, E, Mar. 4, 1980	do	United Gas Pipe Line Co., Red Rock Field, Columbia County, Ark.	(2)	14.65
CI80-224, A, Mar. 4, 1980	Quintana Offshore, Inc., P.O. Box 3331, Houston, Tex. 77001.	United Gas Pipe Line Co., Block A-312, High Island Area, Offshore Texas.	(2)	14.73
CI80-225, A, Mar. 4, 1980	Quintana Oil and Gas Corp., P.O. Box 3331, Houston, Tex. 77001.	United Gas Pipe Line Co., Block A-312, High Island Area, Offshore Texas.	(2)	14.73
CI80-226, B, Mar. 4, 1980	Prenalta Corp., P.O. Box 2514, Casper, Wyo. 82602	Colorado Interstate Gas Co., North Baxter Basin Field, Sweetwater County, Wyo.	The well is depleted.	

Docket No. and dates filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI80-227, A, Mar. 6, 1980	Case-Pomeroy Oil Corp., P.O. Box 1511, Midland, Tex. 79702.	Northern Natural Gas Co., Block A-157 Galveston Area, Offshore Texas.	(4)	14.65
CI80-228, A, Mar. 6, 1980	do	Northern Natural Gas Co., Block A-131 Galveston Area, Offshore Texas.	(4)	14.65
CI80-229, A, Mar. 6, 1980	Fairmont Oil Corp., P.O. Box 2266, Midland, Tex. 79702.	Northern Natural Gas Co., Block A-157 Galveston Area, Offshore Texas.	(4)	14.65
CI80-230, A, Mar. 6, 1980	do	Northern Natural Gas Co., Block A-131 Galveston Area, Offshore Texas.	(4)	14.65
CI80-231 (CI75-33) B, Mar. 6, 1980.	General American Oil Co. of Texas, Meadows Building, Dallas, Tex. 75206.	United Gas Pipe Line Co., Hawkins Field, Wood County, Tex.	(5)	
CI80-232 (C-6086) B, Mar. 5, 1980.	MAPCO Production Co. (successor to MAPCO Inc.), 1800 South Baltimore Ave., Tulsa, Okla. 74119.	Northern Natural Gas Corp., Hugoton Field, Stevens County, Kansas and Texas County, Okla.	Royalty gas for irrigation usage.	
CI80-234, A, Mar. 10, 1980	Mobil Oil Exploration and Producing Southwest, Inc., Nine Greenway Plaza—Suite 2700, Houston, Tex. 77046.	Northern Natural Gas Co., Grand Isle Area, Block 39 Field, Federal Offshore Louisiana.	(6)	14.73
CI80-235, A, Mar. 10, 1980	Freeport Oil Co., P.O. Box 3036, Midland, Tex. 79702.	Transcontinental Gas Pipe Line Corp., Vermilion Block 310, Offshore Louisiana.	(7)	15.025

[1] Applicant is filing under Gas Sales Contract, as amended, dated Sept. 20, 1976, further amended by amendment dated Aug. 30, 1979 but made effective May 1, 1978 which adds additional acreage to the contract.

[2] On Oct. 11, 1979, the new Bodcaw Company sold and conveyed to Placid all the mineral properties and oil and gas production owned by Company. Applicant respectfully requests: (1) that the Commission issue a Certificate of Public Convenience and Necessity, effective Oct. 11, 1979, authorizing Placid Oil Company to succeed to the sale formerly made by Bodcaw under its small producer certificate issued Sept. 1, 1971 in Docket No. CS71-304 under the terms and conditions set forth in the Gas Sales Contract, and (2) that said small producer certificate issued to Bodcaw Company on Sept. 1, 1971 in Docket No. CS71-304 be cancelled.

[3] Applicant is willing to accept certification conditioned to an initial rate equal to the applicable maximum lawful price prescribed in the NGPA and the Commission's regulations implementing the NGPA, including any increases in such prices, provided that Applicant shall be entitled to file increases to any higher contractually authorized prices in accordance with the Natural Gas Act and the NGPA.

[4] Applicant is willing to accept the Certificate being applied for herein if such Certificate authorizes the initial sale of gas thereunder at the applicable maximum rate prescribed by the Commission at the time of initial deliveries thereunder; provided, however, Applicant reserves the right to reject such Certificate if it contains other conditions that are unacceptable, in Applicant's judgment.

[5] The contract committed only excess volumes of oil well gas from the J. A. Snider Lease and was executed because the purchaser under an existing contract covering both gas well gas and oil well gas from the lease was unable to take the excess volumes at that time.

[6] Applicant is willing to accept an initial rate determined in accordance with the NGPA of 1978, Part 271, Subpart B, Section 102(d).

[7] Applicant is willing to accept a certificate conditioned upon the applicable ceiling price as established by the NGPA of 1978 and permitted by the terms of the Gas Purchase Contract dated Mar. 4, 1980.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 80-8620 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-276]

Otter Tail Power Co.; Proposed Tariff Change

March 17, 1980.

The filing Company submits the following:

Take notice, That Otter Tail Power Company (Otter Tail) on March 12, 1980, tendered an Agreement for Distribution Substation (Local Transformation Service) with the City of Stephen, Minnesota. The agreement provides for charges of 2 mills/kWh for use of Otter Tail's distribution substation facilities (local transformation service).

The new agreement was made necessary by the termination of prior arrangements upon the expiration and termination of a contract between Otter Tail and the Bureau of Reclamation of the United States Department of the Interior, now Western Area Power Administration (WAPA), of the Department of Energy (DOE), which agreement expired by its terms on December 31, 1976, but the termination of which was suspended for five months until May 31, 1977, and by the termination of a prior agreement between Otter Tail and the City of Stephen which ended contemporaneously therewith.

Copies of the filing were served upon the City of Stephen, Minnesota, and the Minnesota Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions for protests should be filed on or before April 7, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8622 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1692]

John W. Vaughan; Filing

March 14, 1980.

Take notice that on March 11, 1980 John W. Vaughan, (Applicant), filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

President and Director, Appalachian Power Company, Electric Utility.

Vice President and Director, Kanawha Valley Power Company, Electric Utility.

Director, Ohio Valley Electric Corporation, Electric Utility.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 80-8608 filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

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[No. 159]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

March 13, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Ohio Department of Natural Resources Division of Oil and Gas

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-15615/01487
2. 34-119-23071-0014
3. 108 000 000
4. The Clinton Oil Co
5. H Kenneth McDonald #1
6.
7. Muskingum OH
8. 20.0 million cubic feet
9. February 12, 1980
10. Columbia Gas Transmission Corp

1. 80-15616/01489
2. 34-031-22067-0014
3. 108 000 000
4. The Clinton Oil Co
5. James Siegrist #1
6.
7. Coshocton OH
8. 1.2 million cubic feet
9. February 12, 1980
10. Columbia Gas Transmission Corp

1. 80-15617/01493
2. 34-031-22896-0014
3. 108 000 000
4. The Clinton Oil Co
5. John Anderson #1
6.
7. Coshocton OH
8. 18.0 million cubic feet
9. February 12, 1980
10. Columbia Gas Transmission Corp

1. 80-15618/01495
2. 34-119-22926-0014
3. 108 000 000
4. The Clinton Oil Co
5. Ada B Showers & Shattuck #1
6.
7. Muskingum OH
8. 2.2 million cubic feet
9. February 12, 1980
10. Columbia Gas Transmission Corp

1. 80-15619/01592
2. 34-119-23903-0014
3. 108 000 000
4. American Exploration Co
5. P Collins #1
6.
7. Muskingum County OH
8. 4.5 million cubic feet
9. February 12, 1980
10. Clinton/Newzane Gas Co

1. 80-15620/04561
2. 34-167-24049-0014
3. 108 000 000
4. Cline Oil & Gas Co
5. Morris #1
6.
7. Washington OH
8. 10.0 million cubic feet
9. February 12, 1980
10. Columbia Gas Transmission Corp

1. 80-15621/04594
2. 34-075-01749-0014
3. 108 000 000
4. William N Tipka
5. Lester McCullough #1
6.
7. Holmes OH
8. 4.0 million cubic feet
9. February 12, 1980
10. Columbia Gas Trans Corp

1. 80-15622/04595
2. 34-690-18150-0140
3. 108 000 000
4. William N Tipka
5. J Swartzentruber #1
6.
7. Wayne OH
8. 3.0 million cubic feet
9. February 12, 1980
10. Columbia Gas Trans Corp

1. 80-15623/07018
2. 34-169-22024-0014
3. 103 000 000
4. King Drilling Co
5. Robert Steiner #1
6.
7. Wayne OH
8. 10.0 million cubic feet
9. February 12, 1980
10. Columbia Gas Transmission Corp

1. 80-15624/07019
2. 34-169-22050-0014
3. 103 000 000
4. King Drilling Co
5. John Liechty 1
6.
7. Wayne OH
8. 10.0 million cubic feet
9. February 12, 1980
10. Columbia Gas Transmission Corp

1. 80-15625/07020
2. 34-169-22002-0014
3. 103 000 000
4. King Drilling Co
5. Guy Burkholder 1
6.
7. Wayne OH
8. 10.0 million cubic feet
9. February 12, 1980
10. Columbia Gas Transmission Corp

1. 80-15626/07021
2. 34-169-21983-0014
3. 103 000 000
4. King Drilling Co
5. James Perret 1
6.
7. Wayne OH
8. 10.0 million cubic feet
9. February 12, 1980
10. Columbia Gas Transmission Corp

1. 80-15627/07022
2. 34-169-21985-0014
3. 103 000 000
4. King Drilling Co
5. Harry Blough 1
6.
7. Wayne OH
8. 10.0 million cubic feet
9. February 12, 1980
10. Columbia Gas Transmission Corp

1. 80-15628/07617
2. 34-089-22665-0014
3. 108 000 000
4. Dal-Ken Corp
5. Aberegg #1
6.
7. Licking OH
8. .7 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15629/07618
2. 34-127-23455-0014
3. 108 000 000
4. Dal-Ken Corp
5. Beachy #1
6.
7. Perry OH
8. .5 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15630/07620
2. 34-127-23339-0014
3. 108 000 000
4. Dal-Ken Corp
5. Curry #1
6.
7. Perry OH
8. .7 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15631/07621
2. 34-127-23320-0014
3. 108 000 000
4. Dal-Ken Corp
5. Curry #2
6.
7. Perry OH
8. .7 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15632/07622
2. 34-119-23873-0014
3. 108 000 000
4. Dal-Ken Corp
5. Ellis #1
6.
7. Muskingum OH
8. 2.4 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15633/07623
2. 34-089-22760-0014
3. 108 000 000
4. Dal-Ken Corp
5. Kinser #1
6.
7. Licking OH
8. .3 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15634/07624
2. 34-089-22833-0014
3. 108 000 000
4. Dal-Ken Corp
5. Kinser #2
6.
7. Licking OH

8. .7 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15635/07625
2. 34-127-23269-0014
3. 108 000 000
4. Dal-Ken Corp
5. Kish #1
6.
7. Perry OH
8. .6 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15636/07626
2. 34-127-23564-0014
3. 108 000 000
4. Dal-Ken Corp
5. Kish-Buck #1
6.
7. Perry OH
8. 6.3 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15637/07627
2. 34-127-23074-0014
3. 108 000 000
4. Dal-Ken Corp
5. Krofft #1
6.
7. Perry OH
8. 3.0 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15638/07628
2. 34-089-22761-0014
3. 108 000 000
4. Dal-Ken Corp
5. McComb #1
6.
7. Licking OH
8. .8 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15639/07629
2. 34-127-23276-0014
3. 108 000 000
4. Dal-Ken Corp
5. Melick #2
6.
7. Perry OH
8. .8 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15640/07630
2. 34-127-23565-0014
3. 108 000 000
4. Dal-Ken Corp
5. Melick #6
6.
7. Perry OH
8. 1.5 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15641/07631
2. 34-127-23112-0014
3. 108 000 000
4. Dal-Ken Corp
5. C Miller #1
6.
7. Perry OH
8. .5 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15642/07632
2. 34-127-23633-0014
3. 108 000 000
4. Dal-Ken Corp
5. J Miller #3
6.
7. Perry OH
8. 1.1 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15643/07634
2. 34-127-22969-0014
3. 108 000 000
4. Dal-Ken Corp
5. T Rhodes #1
6.
7. Perry OH
8. .5 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15644/07635
2. 34-127-23321-0014
3. 108 000 000
4. Dal-Ken Corp
5. T Rhodes #2
6.
7. Perry OH
8. .5 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15645/07636
2. 34-127-23114-0014
3. 108 000 000
4. Dal-Ken Corp
5. C Rockwell #1
6.
7. Perry OH
8. .5 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15646/07637
2. 34-127-23271-0014
3. 108 000 000
4. Dal-Ken Corp
5. C Rockwell #2
6.
7. Perry OH
8. .5 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15647/07638
2. 34-119-23320-0014
3. 108 000 000
4. Dal-Ken Corp
5. Rusnak #1
6.
7. Muskingum OH
8. 1.6 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15648/07639
2. 34-119-23317-0014
3. 108 000 000
4. Dal-Ken Corp
5. Rusnak #2
6.
7. Muskingum OH
8. 1.6 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15649/07640
2. 34-127-23105-0014
3. 108 000 000
4. Dal-Ken Corp
5. Singleton #1
6.
7. Perry OH
8. .9 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15650/07641
2. 34-127-23189-0014
3. 108 000 000
4. Dal-Ken Corp
5. Smith #2
6.
7. Perry OH
8. 1.3 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15651/07642
2. 34-127-23282-0014
3. 108 000 000
4. Dal-Ken Corp
5. Smith #3
6.
7. Perry OH
8. 1.7 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15652/07643
2. 34-089-22835-0014
3. 108 000 000
4. Dal-Ken Corp
5. Thompson #3
6.
7. Licking OH
8. .3 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15653/07644
2. 34-127-23337-0014
3. 108 000 000
4. Dal-Ken Corp
5. Toler #1
6.
7. Perry OH
8. .3 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15654/07645
2. 34-127-23726-0014
3. 108 000 000
4. Dal-Ken Corp
5. Wilkens #2
6.
7. Perry OH
8. .2 million cubic feet
9. February 12, 1980
10. Dal-Ken Corp

1. 80-15655/07785
2. 34-119-24568-0014
3. 103 000 000
4. Southern Ohio Energy Co
5. Robert & Margaret McBride 1-A
6.
7. Muskingum OH
8. 10.3 million cubic feet
9. February 12, 1980
10. International Harvester Co

1. 80-15656
2. 34-007-21175-0014
3. 103 000 000
4. Jud Noble and Associates Inc
5. Hubbard #2
6.
7. Ashtabula OH
8. 20.0 million cubic feet
9. February 12, 1980
10. East Ohio Gas Co

1. 80-15657

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2. 34-031-23562-0014
3. 103 000 000
4. Jonsu Corp
5. Bussey #1
6.
7. Coshocton OH
8. 15.0 million cubic feet
9. February 12, 1980
10.

1. 80-15658
2. 34-031-23609-0014
3. 103 000 000
4. The Oxford Oil Co
5. Five Springs Farms #2
6.
7. Coshocton OH
8. 10.0 million cubic feet
9. February 12, 1980
10.

1. 80-15659
2. 34-031-23617-0014
3. 103 000 000
4. The Oxford Oil Co
5. Maston Fowler #5
6.
7. Coshocton OH
8. 11.0 million cubic feet
9. February 12, 1980
10.

1. 80-15660
2. 34-031-23755-0014
3. 103 000 000
4. Edco Drilling & Producing Inc
5. 1G Jones
6.
7. Coshocton OH
8. 18.0 million cubic feet
9. February 12, 1980
10.

1. 80-15661
2. 34-073-22217-0014
3. 103 000 000
4. Reliance Management Co
5. Sunday Creek Coal #49R
6.
7. Hocking OH
8. 10.0 million cubic feet
9. February 12, 1980
10. Columbia Gas Transmission Corp

1. 80-15662
2. 34-075-22100-0014
3. 103 000 000
4. Buckeye Oil Producing Co
5. Melvin Miller #1
6.
7. Holmes OH
8. 15.0 million cubic feet
9. February 12, 1980
10. Columbia Gas Transmission Corp

1. 80-15663
2. 34-075-22277-0014
3. 103 000 000
4. William F Hill
5. John M Hershberger #1
6.
7. Holmes OH
8. 7.0 million cubic feet
9. February 12, 1980
10.

1. 80-15664
2. 34-075-22294-0014
3. 103 000 000
4. H I Smith Oil & Gas Inc
5. Susie B Yoder #1
6.
7. Holmes OH
8. 16.0 million cubic feet
9. February 12, 1980
10. Columbia Gas Trans Corp

1. 80-15665
2. 34-075-22308-0014
3. 103 000 000
4. Rowley & Brown Petroleum Corp
5. Bolek #1
6.
7. Holmes OH
8. 47.0 million cubic feet
9. February 12, 1980
10. Columbia Gas Transmission

1. 80-15666
2. 34-099-21179-0014
3. 103 000 000
4. Integrated Petroleum Co Inc
5. Fisher #1
6.
7. Mahoning OH
8. 60.0 million cubic feet
9. February 12, 1980
10. American Energy Service Inc

1. 80-15667
2. 34-099-21204-0014
3. 103 000 000
4. Cameron Associates
5. Bayless #1
6.
7. Mahoning OH
8. 28.0 million cubic feet
9. February 12, 1980
10.

1. 80-15668
2. 34-103-22180-0014
3. 103 000 000
4. Leslie Oil and Gas Co Inc
5. Barge Unit #1
6.
7. Medina OH
8. 3.0 million cubic feet
9. February 12, 1980
10. Columbia Gas Transmission

1. 80-15669
2. 34-103-22204-0014
3. 103 000 000
4. Waterco Inc
5. Papik #1
6.
7. Medina OH
8. 20.0 million cubic feet
9. February 12, 1980
10.

1. 80-15670
2. 34-115-21853-0014
3. 103 000 000
4. Fortune Gas and Oil Inc
5. Francis Richardson et al #7
6.
7. Morgan County OH
8. 30.0 million cubic feet
9. February 12, 1980
10. East Ohio Gas Co

1. 80-15671
2. 34-119-24875-0014
3. 103 000 000
4. The Oxford Oil Co
5. Loren Reed #1
6.
7. Muskingum OH
8. 10.0 million cubic feet
9. February 12, 1980
10.

1. 80-15672
2. 34-119-24966-0014
3. 103 000 000
4. Tiger Oil Inc
5. Winters #3
6.
7. Muskingum OH
8. 10.0 million cubic feet
9. February 12, 1980
10. National Gas & Oil

1. 80-15673
2. 34-127-24447-0014
3. 103 000 000
4. Tiger Oil Inc
5. Marvin Lindamood #1
6.
7. Perry OH
8. 20.0 million cubic feet
9. February 12, 1980
10. National Gas and Oil

1. 80-15674
2. 34-133-21563-0014
3. 103 000 000
4. Nucorp Energy Co
5. Harland & Edyth Bell Unit #1
6.
7. Portage OH
8. 10.0 million cubic feet
9. February 12, 1980
10. East Ohio Gas Co

1. 80-15675
2. 34-133-22089-0014
3. 103 000 000
4. Viking Resources Corp
5. Biltz-Myers Unit #1
6.
7. Portage OH
8. 30.0 million cubic feet
9. February 12, 1980
10.

1. 80-15676
2. 34-133-22090-0014
3. 103 000 000
4. Viking Resources Corp
5. Biltz-Myers Unit #2
6.
7. Portage OH
8. 30.0 million cubic feet
9. February 12, 1980
10.

1. 80-15677
2. 34-151-23075-0014
3. 103 000 000
4. Viking Resources Corp
5. Cope Unit #1
6.
7. Stark OH
8. 30.0 million cubic feet
9. February 12, 1980
10.

1. 80-15678
2. 34-151-23116-0014
3. 103 000 000
4. Belden & Blake and Co LP No 73
5. R & B Wisselgren Comm #1-937
6.
7. Stark OH
8. 36.5 million cubic feet
9. February 12, 1980
10.

1. 80-15679
2. 34-153-20727-0014
3. 103 000 000
4. K S T Oil & Gas Co Inc
5. Tamsin Park #2
6.

7. Summit OH
8. 36.0 million cubic feet
9. February 12, 1980
10.

1. 80-15680
2. 34-155-21298-0014
3. 103 000 000
4. Berea Oil and Gas Corp
5. Thomas Unit #4
6.
7. Trumbull OH
8. 18.0 million cubic feet
9. February 12, 1980
10. East Ohio Gas Co

1. 80-15681
2. 34-155-21312-0014
3. 103 000 000
4. Berea Oil and Gas Corp
5. Gonez #2
6.
7. Trumbull OH
8. 18.0 million cubic feet
9. February 12, 1980
10. East Ohio Gas Co

1. 80-15682
2. 34-155-21338-0014
3. 103 000 000
4. Berea Oil and Gas Corp
5. Wasilchak #1
6.
7. Trumbull OH
8. 18.0 million cubic feet
9. February 12, 1980
10. Columbia Gas Transmission Corp

1. 80-15683
2. 34-155-21360-0014
3. 103 000 000
4. Berea Oil and Gas Corp
5. Flint #1A
6.
7. Trumbull OH
8. 24.0 million cubic feet
9. February 12, 1980
10. East Ohio Gas Co

1. 80-15684
2. 34-155-21368-0014
3. 103 000 000
4. Gasearch Inc
5. Seaborn #1
6.
7. Trumbull OH
8. 100.0 million cubic feet
9. February 12, 1980
10. East Ohio Gas Co

1. 80-15685
2. 34-167-24152-0014
3. 103 000 000
4. James O Biehl Oil Co
5. Derker #1
6. Reno Field
7. Washington OH
8. 5.5 million cubic feet
9. February 12, 1980
10.

1. 80-15686
2. 34-167-24186-0014
3. 103 000 000
4. C W Riggs Inc
5. H Schramm #3
6. Reno Field
7. Washington OH
8. 4.0 million cubic feet
9. February 12, 1980
10.

1. 80-15687
2. 34-167-24204-0014
3. 103 000 000
4. James O Biehl Oil Co
5. F North #1
6. Reno Field
7. Washington OH
8. 5.5 million cubic feet
9. February 12, 1980
10.

1. 80-15688
2. 34-167-24205-0014
3. 103 000 000
4. James O Biehl Oil Co
5. Allen #1
6. Reno Field
7. Washington OH
8. 14.0 million cubic feet
9. February 12, 1980
10.

1. 80-15689
2. 34-167-24216-0014
3. 103 000 000
4. James O Biehl Oil Co
5. Lankford #1
6. Reno Field
7. Washington OH
8. 7.0 million cubic feet
9. February 12, 1980
10.

1. 80-15690
2. 34-167-24236-0014
3. 103 000 000
4. C W Riggs Inc
5. R Beebe #1
6. Reno Field
7. Washington OH
8. 5.4 million cubic feet
9. February 12, 1980
10.

1. 80-15691
2. 34-167-24247-0014
3. 103 000 000
4. C W Riggs Inc
5. R Boswell #1
6. Reno Field
7. Washington OH
8. 6.0 million cubic feet
9. February 12, 1980
10.

1. 80-15692
2. 34-167-24250-0014
3. 103 000 000
4. C W Riggs Inc
5. C Cline #1
6. Reno Field
7. Washington OH
8. 2.7 million cubic feet
9. February 12, 1980
10.

1. 80-15693
2. 34-167-24250-0014
3. 103 000 000
4. C W Riggs Inc
5. R Johnson #1
6. Reno Field
7. Washington OH
8. 3.0 million cubic feet
9. February 12, 1980
10.

1. 80-15694
2. 34-167-24260-0014
3. 103 000 000
4. C W Riggs Inc
5. R Boswell #2
6. Reno Field
7. Washington OH
8. 22.0 million cubic feet
9. February 12, 1980
10.

1. 80-15695
2. 34-167-24272-0014
3. 103 000 000
4. C W Riggs Inc
5. R Cline #1
6. Reno Field
7. Washington OH
8. 5.5 million cubic feet
9. February 12, 1980
10.

1. 80-15696
2. 34-167-24706-0014
3. 103 000 000
4. C W Riggs Inc
5. T Jones #3
6. Reno Field
7. Washington OH
8. 12.8 million cubic feet
9. February 12, 1980
10.

1. 80-15697
2. 34-167-24748-0014
3. 103 000 000
4. C W Riggs Inc
5. T Jones #7
6. Reno Field
7. Washington OH
8. 11.0 million cubic feet
9. February 12, 1980
10.

1. 80-15698
2. 34-167-24759-0014
3. 103 000 000
4. C W Riggs Inc
5. T Jones #8
6. Reno Field
7. Washington OH
8. 11.7 million cubic feet
9. February 12, 1980
10.

1. 80-15699
2. 34-167-24774-0014
3. 103 000 000
4. C W Riggs Inc
5. Clift-Bleakley #1
6. Reno Field
7. Washington OH
8. 29.2 million cubic feet
9. February 12, 1980
10.

1. 80-15700
2. 34-167-24901-0014
3. 103 000 000
4. Quadrant Exploration Corp
5. Elmer & Dorothy Taylor #2
6. Reno Field
7. Washington OH
8. 60.0 million cubic feet
9. February 12, 1980
10.

1. 80-15701
2. 34-167-24936-0014
3. 103 000 000
4. James O Biehl Oil Co
5. L Morgenstern #1
6. Reno Field
7. Washington OH
8. 5.0 million cubic feet
9. February 12, 1980
10.

1. 80-15702

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2. 34–167–24937–0014
3. 103 000 000
4. James O Biehl Oil Co
5. Broedel Unit #2
6. Reno Field
7. Washington OH
8. 44.0 million cubic feet
9. February 12, 1980
10.

1. 80–15703
2. 34–167–24938–0014
3. 103 000 000
4. James O Biehl Oil Co
5. Butterfield #2 (Unit)
6. Reno Field
7. Washington OH
8. 30.0 million cubic feet
9. February 12, 1980
10.

1. 80–15704
2. 34–167–24992–0014
3. 103 000 000
4. C W Riggs Inc
5. R Miller #1
6. Reno Field
7. Washington OH
8. 8.4 million cubic feet
9. February 12, 1980
10.

1. 80–15705
2. 34–167–24299–0014
3. 103 000 000
4. C W Riggs Inc
5. Brom #1
6. Reno Field
7. Washington OH
8. 6.4 million cubic feet
9. February 12, 1980
10.

1. 80–15706
2. 34–167–24324–0014
3. 103 000 000
4. C W Riggs Inc
5. R Elkins #2
6. Reno Field
7. Washington OH
8. 4.0 million cubic feet
9. February 12, 1980
10.

1. 80–15707
2. 34–167–24325–0014
3. 103 000 000
4. C W Riggs Inc
5. R Elkins #1
6. Reno Field
7. Washington OH
8. 4.0 million cubic feet
9. February 12, 1980
10.

1. 80–15708
2. 34–167–24347–0014
3. 103 000 000
4. C W Riggs Inc
5. P Theobald #1
6. Reno Field
7. Washington OH
8. 18.0 million cubic feet
9. February 12, 1980
10.

1. 80–15709
2. 34–167–24349–0014
3. 103 000 000
4. C W Riggs Inc
5. L Van Fossen #1
6. Reno Field
7. Washington OH
8. 25.5 million cubic feet
9. February 12, 1980
10.

1. 80–15710
2. 34–167–24359–0014
3. 103 000 000
4. C W Riggs Inc
5. T Jones #1
6. Reno Field
7. Washington OH
8. 5.5 million cubic feet
9. February 12, 1980
10.

1. 80–15711
2. 34–167–24367–0014
3. 103 000 000
4. C W Riggs Inc
5. C Thorniley #5–B
6. Reno Field
7. Washington OH
8. 18.0 million cubic feet
9. February 12, 1980
10.

1. 80–15712
2. 34–167–24368–0014
3. 103 000 000
4. C W Riggs Inc
5. C Thorniley #4–B
6. Reno Field
7. Washington OH
8. 29.0 million cubic feet
9. February 12, 1980
10.

1. 80–15713
2. 34–167–24369–0014
3. 103 000 000
4. C W Riggs Inc
5. C Thorniley #3–B
6. Reno Field
7. Washington OH
8. 17.0 million cubic feet
9. February 12, 1980
10.

1. 80–15714
2. 34–167–24370–0014
3. 103 000 000
4. C W Riggs Inc
5. C Thorniley #6–B
6. Reno Field
7. Washington OH
8. 22.0 million cubic feet
9. February 12, 1980
10.

1. 80–15715
2. 34–167–24387–0014
3. 103 000 000
4. James O Biehl Oil Co
5. Hensler #1
6. Reno Field
7. Washington OH
8. 3.5 million cubic feet
9. February 12, 1980
10.

1. 80–15716
2. 34–167–24401–0014
3. 103 000 000
4. C W Riggs Inc
5. H Schramm #5
6. Reno Field
7. Washington OH
8. 9.5 million cubic feet
9. February 12, 1980
10.

1. 80–15717
2. 34–167–24402–0014
3. 103 000 000
4. C W Riggs Inc
5. H Schramm #4
6. Reno Field
7. Washington OH
8. 7.0 million cubic feet
9. February 12, 1980
10.

1. 80–15718
2. 34–167–24403–0014
3. 103 000 000
4. C W Riggs Inc
5. H Schramm #6
6. Reno Field
7. Washington OH
8. 6.0 million cubic feet
9. February 12, 1980
10.

1. 80–15719
2. 34–167–24404–0014
3. 103 000 000
4. C W Riggs Inc
5. H Schramm #7
6. Reno Field
7. Washington OH
8. 10.0 million cubic feet
9. February 12, 1980
10.

1. 80–15720
2. 34–167–24424–0014
3. 103 000 000
4. James O Biehl Oil Co
5. Butterfield #1
6. Reno Field
7. Washington OH
8. 3.5 million cubic feet
9. February 12, 1980
10.

1. 80–15721
2. 34–167–24427–0014
3. 103 000 000
4. C W Riggs Inc
5. H Schramm #8
6. Reno Field
7. Washington OH
8. 14.0 million cubic feet
9. February 12, 1980
10.

1. 80–15722
2. 34–167–24430–0014
3. 103 000 000
4. C W Riggs Inc
5. H Schramm #9
6. Reno Field
7. Washington OH
8. 12.0 million cubic feet
9. February 12, 1980
10.

1. 80–15723
2. 34–167–24494–0014
3. 103 000 000
4. C W Riggs Inc
5. L Pape #1
6. Reno Field
7. Washington OH
8. 9.0 million cubic feet
9. February 12, 1980
10.

1. 80–15724
2. 34–167–24533–0014
3. 103 000 000
4. C W Riggs Inc
5. R Beebe Unit #2
6. Reno Field

7. Washington OH
8. 7.0 million cubic feet
9. February 12, 1980
10.

1. 80–15725
2. 34–167–24548–0014
3. 103 000 000
4. C W Riggs Inc
5. D Mckay #2
6. Reno Field
7. Washington OH
8. 11.3 million cubic feet
9. February 12, 1980
10.

1. 80–15726
2. 34–167–24707–0014
3. 103 000 000
4. C W Riggs Inc
5. T Jones #2
6. Reno Field
7. Washington OH
8. 9.0 million cubic feet
9. February 12, 1980
10.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 4, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–8621 Filed 3–19–80; 8:45 am]

BILLING CODE 6450–85–M

[No. 157]

Determinations By Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

March 13, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kansas Corporation Commission

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)

1. 80–15183/K–79–1193
2. 15–127–20297–0000
3. 103 000 000
4. Benson Mineral Group Inc
5. Landon 1–29
6. Wilde
7. Morris KS
8. 170.0 million cubic feet
9. February 7, 1980
10. Mapco Production Co (OK)

1. 80–15184/K–79–1210
2. 15–125–00000–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Dalsing Robertson #1
6. Jefferson-Sycamore
7. Montgomery KS
8. 5.0 million cubic feet
9. February 7, 1980
10. Union Gas Systems Inc

1. 80–15185/K–79–1206
2. 15–035–22003–0000
3. 103 000 000
4. Pres-Lo Inc
5. Booten #1-A
6. Gibson
7. Cowley KS
8. 36.5 million cubic feet
9. February 7, 1980
10. Eufaula Enterprises Inc

1. 80–15186/K–79–1013
2. 15–127–20149–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Koger 1–32–0
6. Wilde
7. Morris KS
8. 23.0 million cubic feet
9. February 7, 1980
10. Mapco Production Co (OK)

1. 80–15187/K–79–1012
2. 15–127–20220–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Koger 1–33–0
6. Wilde
7. Morris KS
8. 23.0 million cubic feet
9. February 7, 1980
10. Mapco Production Co (OK)

1. 80–15188/K–79–1011
2. 15–127–00000–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Koger 3–4–0
6. Wilde
7. Morris KS
8. 23.0 million cubic feet
9. February 7, 1980
10. Mapco Production Co (OK)

1. 80–15189/K–79–1010
2. 15–127–00000–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Koger 1–32–Twin
6. Wilde
7. Morris KS
8. 23.0 million cubic feet
9. February 7, 1980
10. Mapco Production Co (OK)

1. 80–15190/K–79–1009
2. 15–127–00000–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Koger 1–5–0
6. Wilde
7. Morris KS
8. 23.0 million cubic feet
9. February 7, 1980
10. Mapco Production Co (OK)

1. 80–15191/K–79–1008
2. 15–127–00000–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Koger 3–32–0
6. Wilde
7. Morris KS
8. 23.0 million cubic feet
9. February 7, 1980
10. Mapco Production Co (OK)

1. 80–15192/K–79–1006
2. 15–127–00000–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Koger 2–33–0
6. Wilde
7. Morris KS
8. 23.0 million cubic feet
9. February 7, 1980
10. Mapco Production Co (OK)

1. 80–15193/K–79–1005
2. 15–127–00000–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Titus 4–17–X
6. Wilde
7. Morris KS
8. 7.0 million cubic feet
9. February 7, 1980
10. Mapco Production Co (OK)

1. 80–15194/K–79–1004
2. 15–127–00000–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Titus 2–20–X
6. Wilde
7. Morris KS
8. 17.0 million cubic feet
9. February 7, 1980
10. Mapco Production Co (OK)

1. 80–15195/K–79–1003
2. 15–127–20095–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Titus 2–20
6. Wilde
7. Morris KS
8. 18.0 million cubic feet
9. February 7, 1980
10. Mapco Production Co (OK)

1. 80–15196/K–79–0999
2. 15–127–00000–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Rindt 3–16–X
6. Wilde
7. Morris KS
8. 11.0 million cubic feet
9. February 7, 1980
10. Mapco Production Co (OK)

1. 80–15197/K–79–0998
2. 15–009–21317–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Bird B–1
6. Otis-Albert

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7. Barton KS
8. 4.0 million cubic feet
9. February 7, 1980
10. Northern Gas Products Co
1. 80–15198/K–79–0997
2. 15–127–20143–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Vanier 2–24
6. Wilde
7. Morris KS
8. 14.0 million cubic feet
9. February 7, 1980
10. Mapco Production Co (OK)
1. 80–15199/K–79–0996
2. 15–127–20199–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Fuson 4–20–X
6. Wilde
7. Morris KS
8. 17.0 million cubic feet
9. February 7, 1980
10. Mapco Production Co (OK)
1. 80–15200/K–79–0995
2. 15–009–21286–0000
3. 102 000 000
4. Benson Mineral Group Inc
5. Bird A #2
6. Olmitz
7. Barton KS
8. 54.0 million cubic feet
9. February 7, 1980
10. Northern Gas Products
1. 80–15201/K–79–1145
2. 15–113–20371–0000
3. 108 000 000
4. Barnett Oil Inc
5. Waltner #1
6. Harmac S E
7. McPherson KS
8. .0 million cubic feet
9. February 7, 1980
10. Northern Nat Gas
1. 80–15202/K–79–1107
2. 15–115–20437–0000
3. 103 000 000
4. Robert F White
5. Lindau #2
6. East Antelope Field
7. Marion KS
8. 24.0 million cubic feet
9. February 7, 1980
10. Cities Service Gas Co

Michigan Department of Natural Resources

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)
1. 80–15181
2. 21–055–32274–0000
3. 102 000 000
4. Amoco Production Co
5. Law Unit 1–31
6. Union 31–28N–9W
7. Grand Traverse MI
8. 365.0 million cubic feet
9. February 6, 1980
10. Consumers Power Co, Michigan Consolidated Gas Co
1. 80–15182
2. 21–055–32515–0000
3. 102 000 000
4. Amoco Production Co
5. State Whitewater J 1–20
6. Whitewater 20–27N–9W
7. Grand Traverse MI
8. 94.2 million cubic feet
9. February 6, 1980
10. Consumers Power Co

Montana Board of Oil and Gas Conservation

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State of block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–15203/12–79–320
2. 25–083–21239–0000
3. 102 000 000
4. Brownlie Wallace Armstrong & Bander
5. Peterson #20–13
6. Sidney
7. Richland MT
8. 7.5 million cubic feet
9. February 7, 1980
10. Montana Dakota Utilities Co
1. 80–15204/12–79–322
2. 25–101–21748–0000
3. 108 000 000
4. Croft Petroleum Co
5. W F Shaffer #1
6. Willow Ridge Gas Field
7. Toole MT
8. 16.1 million cubic feet
9. February 7, 1980
10. Montana Power Co
1. 80–15205/12–79–326
2. 25–071–21685–0000
3. 103 000 000
4. Southland Royalty Co
5. 1–36–79NE State
6. Bowdoin Loring
7. Phillips MT
8. 36.0 million cubic feet
9. February 7, 1980
10. Kansas Nebraska Natural Gas Co
1. 80–15206/12–79–327
2. 25–071–21695–0000
3. 103 000 000
4. Southland Royalty Co
5. 1–6–25NE
6. Bowdoin-Swanson Creek
7. Phillips MT
8. 36.0 million cubic feet
9. February 7, 1980
10. Montana-Dakota Utilities Co
1. 80–15207/12–79–328
2. 25–083–21308–0000
3. 103 000 000
4. Tenneco Oil Co
5. Cundiff 1–28
6. Wildcat
7. Richland MT
8. 160.3 million cubic feet
9. February 7, 1980
10. Crystal Oil Co

New Mexico Department of Energy and Minerals Oil Conservation Division

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–15208
2. 30–045–21787–0000
3. 103 000 000
4. Southland Royalty Co
5. Koch State Com #1 A
6. Aztec Pictured Cliffs
7. San Juan NM
8. 55.0 million cubic feet
9. February 7, 1980
10. El Paso Natural Gas Co
1. 79–00242 (Revised)
2. 30–015–22630
3. 102
4. Robert N Enfield
5. No. 1 North Lake McMillan Unit
6. Wildcat
7. Eddy NM
8. 365.0 million cubic feet
9. February 16, 1979
10.

Oklahoma Corporation Commission

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–15215/01528
2. 35–017–20978–0000
3. 103 000 000
4. Gulf Oil Corp
5. Canon No 1–15
6. Yukon
7. Canadian OK
8. 184.0 million cubic feet
9. February 8, 1980
10. Phillips Pipeline Co
1. 80–15216/00365
2. 35–043–20919–0000
3. 102 000 000
4. Monsanto Co
5. Gore #1
6. Wildcat (Putnam)
7. Dewey OK
8. 500.0 million cubic feet
9. February 8, 1980
10. Panhandle Eastern Pipeline Co
1. 80–15217/00388
2. 35–139–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Gater #2
6. South Guymon Morrow
7. Texas OK
8. 18.0 million cubic feet
9. February 8, 1980
10. Panhandle Eastern Pipeline Co
1. 80–15218/00086

2. 35–035–20213–0000
3. 108 000 000
4. Verdigris Gathering Systems Inc
5. Harold E Layton #1
6.
7. Craig OK
8. 15.5 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co
1. 80–15219/01016
2. 35–007–21436–0000
3. 103 000 000
4. Anadarko Production Co
5. Davis Trust A No 1
6. Greenough
7. Beaver OK
8. 12.0 million cubic feet
9. February 8, 1980
10. Panhandle Eastern Pipeline Co
1. 80–15220/01150
2. 35–093–21270–0000
3. 103 000 000
4. Texaco Inc
5. F W Nightengale No 1A
6. Ringwood
7. Major OK
8. 90.0 million cubic feet
9. February 8, 1980
10. Oklahoma Natural Gas Gathering Corp
1. 80–15221/01250
2. 35–019–00000–0000
3. 108 000 000
4. Conoco Inc
5. Velma Camp Deese Unit No 109
6. S E Velma
7. Carter OK
8. .5 million cubic feet
9. February 8, 1980
10. Aminoil USA Inc
1. 80–15222/00312
2. 35–139–00000–0000
3. 108 000 000
4. Phillips Petroleum Company
5. Berry B No 1
6. Guymon Hugoton
7. Texas OK
8. 16.9 million cubic feet
9. February 8, 1980
10. Michigan Wisconsin Pipeline Co
1. 80–15223/04467
2. 35–147–21279–0000
3. 102 000 000
4. Panoak Exploration Co
5. Adcock #3
6. Hogshooter
7. Washington OK
8. 365.0 million cubic feet
9. February 8, 1980
10. Panoak Pipeline Co
1. 80–15224/04466
2. 35–147–21280–0000
3. 102 000 000
4. Panoak Exploration Co
5. Musgrave #2
6. Hogshooter
7. Washington OK
8. 365.0 million cubic feet
9. February 8, 1980
10. Panoak Pipeline Co
1. 80–15225/04465
2. 35–147–21277–0000
3. 102 000 000
4. Panoak Exploration Co
5. Rosson #1
6. Hogshooter
7. Washington OK
8. 365.0 million cubic feet
9. February 8, 1980
10. Panoak Pipeline Co
1. 80–15226/04463
2. 35–147–21047–0000
3. 102 000 000
4. Panoak Exploration Co
5. Adcock #2
6. Hogshooter
7. Washington OK
8. 365.0 million cubic feet
9. February 8, 1980
10. Panoak Pipeline Co
1. 80–15227/00370
2. 35–153–20868–0000
3. 103 000 000
4. Hamilton Brothers Oil Co
5. Logan 1–14
6. North Sharon
7. Woodward OK
8. 365.0 million cubic feet
9. February 8, 1980
10. Northern Natural Gas Co, Panhandle Eastern Pipeline Co
1. 80–15228/01530
2. 35–017–21208–0000
3. 103 000 000
4. Gulf Oil Corp
5. J C Kastl No 1–15
6. Yukon
7. Canadian OK
8. 102.0 million cubic feet
9. February 8, 1980
10. Phillips Pipeline Co
1. 80–15229/01387
2. 35–119–20769–0000
3. 103 000 000
4. Service Drilling Co
5. Jerry #1–9
6. South Perkins
7. Payne OK
8. 4.0 million cubic feet
9. February 8, 1980
10. Cities Service Gas Co
1. 80–15230/01531
2. 35–017–21102–0000
3. 103 000 000
4. Samedan Oil Corp
5. Warr #1
6.
7. Canadian OK
8. 153.0 million cubic feet
9. February 8, 1980
10. Delhi Gas Pipeline Corp
1. 80–15231/01532
2. 35–017–21020–0000
3. 103 000 000
4. Samedan Oil Corporation
5. Husmann #1
6.
7. Canadian OK
8. 273.0 million cubic feet
9. February 8, 1980
10. Phillips Petroleum Co
1. 80–15232/00162
2. 35–071–20312–0000
3. 108 000 000
4. Vern C Shimp
5. #9A N Shimp OTC #071–15318
6. North Vernon
7. Kay OK
8. 3.3 million cubic feet
9. February 8, 1980
10.
1. 80–15233/03716
2. 35–007–21660–0000
3. 102 000 000
4. Natural Gas Anadarko Inc
5. Pattin #1–4
6.
7. Beaver OK
8. 250.0 million cubic feet
9. February 8, 1980
10. Northern Natural Gas Co

Texas Railroad Commission, Oil and Gas Division

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–15298/02098
2. 42–233–30340–0000
3. 103 000 000
4. J M Huber Corp
5. Magnolia Herring No. 13
6. Panhandle
7. Hutchinson TX
8. 36.0 million cubic feet
9. February 8, 1980
10. Colorado Interstate Gas Co
1. 80–15299/01594
2. 42–357–30770–0000
3. 103 000 000
4. Diamond Shamrock Corp
5. John Luthi No. 3
6. Dutcher
7. Ochiltree TX
8. 12.0 million cubic feet
9. February 8, 1980
10. Natural Gas Pipeline Co. of America
1. 80–15300/00323
2. 42–357–30420–0000
3. 103 000 000
4. Horizon Oil & Gas Co of Texas
5. Swink a 1–119 04193
6. Horizon Cleveland
7. Ochiltree TX
8. 15.0 million cubic feet
9. February 8, 1980
10. Diamond Shambrock Corp
1. 80–15301/02099
2. 42–233–30342–0000
3. 103 000 000
4. J M Huber Corp
5. Magnolia Herring No. 15
6. Panhandle
7. Hutchinson TX
8. 36.0 million cubic feet
9. February 8, 1980
10. Colorado Interstate Gas Co
1. 80–15302/02104
2. 42–233–30338–0000
3. 103 000 000
4. J M Huber Corp
5. South Herring #139
6. Panhandle
7. Hutchinson TX
8. 36.0 million cubic feet
9. February 8, 1980
10. Colorado Interstate Gas Co
1. 80–15303/02105
2. 42–233–30337–0000

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3. 103 000 000
4. J M Huber Corp
5. South Herring #140
6. Panhandle
7. Hutchinson TX
8. 36.0 million cubic feet
9. February 8, 1980
10. Colorado Interstate Gas Co
1. 80–15304/02106
2. 42–233–30336–0000
3. 103 000 000
4. J M Huber Corp
5. South Herring #141
6. Panhandle
7. Hutchinson TX
8. 36.0 million cubic feet
9. February 8, 1980
10. Colorado Interstate Gas Co
1. 80–15305/02107
2. 42–233–30341–0000
3. 103 000 000
4. J M Huber Corp
5. South Herring #142
6. Panhandle
7. Hutchinson TX
8. 36.0 million cubic feet
9. February 8, 1980
10. Colorado Interstate Gas Co
1. 80–15306/03617
2. 42–413–30725–0000
3. 103 000 000
4. Cabot Corp
5. Whitten 1–C
6. El Dorado (6000)
7. Schleicher TX
8. 270.0 million cubic feet
9. February 8, 1980
10. Northern Natural Gas Co
1. 80–15307/04579
2. 42–323–31175–0000
3. 103 000 000
4. Conoco Inc
5. N J Chittim No. 7019 02082
6. Sacatosa (San Miguel #1 Sand)
7. Maverick TX
8. 6.8 million cubic feet
9. February 8, 1980
10. Lovaca Gathering Co
1. 80–15308/04791
2. 42–495–30531–0000
3. 103 000 000
4. Hilliard Oil & Gas Inc
5. Sealy-Smith F No. 3
6. Arenoso (Strawn Detritus)
7. Winkler TX
8. 56.3 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co
1. 80–15309/04792
2. 42–495–30893–0000
3. 103 000 000
4. Hilliard Oil & Gas Inc
5. Sealy-Smith F No. 4
6. Arenoso (Strawn Detritus)
7. Winkler TX
8. 114.1 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co
1. 80–15310/04803
2. 42–109–31354–0000
3. 103 000 000
4. Gulf Oil Corp
5. TXL CX (NCT–A) No. 7
6. Geraldine (Ford)
7. Culberson TX
8. 15.0 million cubic feet
9. February 8, 1980
10. Continental Oil & Gas Co
1. 80–15311/04888
2. 42–219–32470–0000
3. 103 000 000
4. Amoco Production Co
5. Northwest Mallet Unit No. 153
6. Slaughter
7. Hockley TX
8. 12.8 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co
1. 80–15312/04942
2. 42–371–32484–0000
3. 103 000 000
4. Amoco Production Co
5. Edward Dickinson II A No. 9
6. Pecos Valley/Devonian 5400
7. Pecos TX
8. 28.0 million cubic feet
9. February 8, 1980
10. PGP Gas Products Inc
1. 80–15313/05834
2. 42–475–31674–0000
3. 103 000 000
4. Conoco Inc
5. Ned Wilson—133 (24900) #3
6. Rhoda Walker/5900 Canyon
7. Ward TX
8. 254.0 million cubic feet
9. February 8, 1980
10. Clajon Gas Co
1. 80–15314/05836
2. 42–501–31209–0000
3. 103 000 000
4. Conoco Inc
5. M T Fitzgerald 61923 No. 1
6. Ownby (Wichita-Albany)
7. Yoakum TX
8. 2.2 million cubic feet
9. February 8, 1980
10. Amoco Production Co
1. 80–15315/05846
2. 42–135–32717–0000
3. 103 000 000
4. Conoco Inc
5. Wight Unit 20661 No. 95
6. Cowden North
7. Ector TX
8. 8.8 million cubic feet
9. February 8, 1980
10. Amoco Production Co
1. 80–15316/05859
2. 42–115–30620–0000
3. 103 000 000
4. Conoco Inc
5. East Ackerly Dean Unit (60887) #64
6. Ackerly Dean Sand
7. Dawson TX
8. 22.6 million cubic feet
9. February 8, 1980
10. Texaco Inc
1. 80–15317/05860
2. 42–433–30783–0000
3. 103 000 000
4. Conoco Inc
5. Scoggins Unit (14005) #1
6. Aspermont Lake/Canyon Sandl
7. Stonewall TX
8. 13.1 million cubic feet
9. February 8, 1980
10. Cities Service Co
1. 80–15318/05981
2. 42–065–00000–0000
3. 108 000 000
4. Conoco Inc
5. C S Seiber No. 1
6. W Panhandle
7. Carson TX
8. 12.9 million cubic feet
9. February 8, 1980
10. Cities Service Gas Co
1. 80–15319/05982
2. 42–179–00000–0000
3. 108 000 000
4. Conoco Inc
5. B E Finley No. 20
6. Gray-Wheeler
7. Gray TX
8. 15.8 million cubic feet
9. February 8, 1980
10. Phillips Petroleum Co
1. 80–15320/06030
2. 42–065–00000–0000
3. 108 000 000
4. Conoco Inc
5. H T Deahl No. 2
6. W Panhandle
7. Carson TX
8. 12.8 million cubic feet
9. February 8, 1980
10. Cities Service Gas Co
1. 80–15321/06122
2. 42–317–32023–0000
3. 103 000 000
4. Maguire Oil Co
5. Anderson 1–8
6. Ackerly (Dean Sand)
7. Martin TX
8. 20.0 million cubic feet
9. February 8, 1980
10. Getty Oil Co
1. 80–15322/06123
2. 42–317–32009–0000
3. 103 000 000
4. Maguire Oil Co
5. Barber 1–19
6. Ackerly (Dean Sand)
7. Martin TX
8. 40.0 million cubic feet
9. February 8, 1980
10. Getty Oil Co
1. 80–15323/06124
2. 42–317–32016–0000
3. 103 000 000
4. Maguire Oil Co
5. Bond 1–23
6. Ackerly (Dean Sand)
7. Martin TX
8. 30.0 million cubic feet
9. February 8, 1980
10. Getty Oil Co
1. 80–15324/06125
2. 42–317–32033–0000
3. 103 000 000
4. Maguire Oil Co
5. Burns 1–30
6. Ackerly (Dean Sand)
7. Martin TX
8. 30.0 million cubic feet
9. February 8, 1980
10. Getty Oil Co
1. 80–15325/06126
2. 42–317–32017–0000
3. 103 000 000
4. Maguire Oil Co
5. Brown 1–9
6. Ackerly (Dean Sand)

7. Martin TX
8. 20.0 million cubic feet
9. February 8, 1980
10. Getty Oil Co
1. 80–15326/06127
2. 42–115–31235–0000
3. 103 000 000
4. Maguire Oil Co
5. Davenport 1–11
6. Ackerly (Dean Sand)
7. Dawson TX
8. 25.0 million cubic feet
9. February 8, 1980
10. Getty Oil Co
1. 80–15327/06128
2. 42–317–32006–0000
3. 103 000 000
4. Maguire Oil Co
5. Jeffcoat 1–23
6. Ackerly (Dean Sand)
7. Martin TX
8. 35.0 million cubic feet
9. February 8, 1980
10. Getty Oil Co
1. 80–15328/06203
2. 42–317–32024–0000
3. 103 000 000
4. Maguire Oil Co
5. Langham 1–24
6. Ackerly (Dean Sand)
7. Martin TX
8. 15.0 million cubic feet
9. February 8, 1980
10. Getty Oil Co
1. 80–15329/06204
2. 42–317–32026–0000
3. 103 000 000
4. Maguire Oil Co
5. Nichols 1–19
6. Ackerly (Dean Sand)
7. Martin TX
8. 40.0 million cubic feet
9. February 8, 1980
10. Getty Oil Co
1. 80–15330/06205
2. 42–317–32027–0000
3. 103 000 000
4. Maguire Oil Co
5. Wiggins 1–30
6. Ackerly (Dean Sand)
7. Martin TX
8. 40.0 million cubic feet
9. February 8, 1980
10. Getty Oil Co
1. 80–15331/06206
2. 42–317–32028–0000
3. 103 000 000
4. Maguire Oil Co
5. Davenport A 1–16
6. Ackerly (Dean Sand)
7. Martin TX
8. 20.0 million cubic feet
9. February 8, 1980
10. Getty Oil Co
1. 80–15332/06261
2. 42–003–31593–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. Emma Cowden (24739) No. 53
6. Emma
7. Andrews TX
8. 8.0 million cubic feet
9. February 8, 1980
10. El Paso Natural GasCo
1. 80–15333/06262
2. 42–003–31576–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. Emma Cowden #52
6. Emma
7. Andrews TX
8. 2.0 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co
1. 80–15334/06264
2. 42–079–30918–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. F O Masten #16
6. Levelland (San Andres)
7. Cochran TX
8. 11.0 million cubic feet
9. February 8, 1980
10. Cities Service Co
1. 80–15335/06265
2. 42–079–30908–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. F O Masten No. 12
6. Levelland (San Andres)
7. Cochran TX
8. 1.0 million cubic feet
9. February 8, 1980
10. Cities Service Co
1. 80–15336/06280
2. 42–079–30788–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. F O Masten 20 Well No. 1
6. Levelland (San Andres)
7. Cochran TX
8. 9.0 million cubic feet
9. February 8, 1980
10. Cities Service Co
1. 80–15337/06288
2. 42–079–30848–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. F O Masten well #8
6. Levelland (San Andres)
7. Cochran TX
8. 7.0 million cubic feet
9. February 8, 1980
10. Cities Service Co
1. 80–15338/06287
2. 42–079–30849–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. F O Masten well #9
6. Levelland (San Andres)
7. Cochran TX
8. 3.0 million cubic feet
9. February 8, 1980
10. Cities Service Co
1. 80–15339/06288
2. 42–079–30863–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. F O Masten #11
6. Levelland (San Andres)
7. Cochran TX
8. 10.0 million cubic feet
9. February 8, 1980
10. Cities Service Co
1. 80–15340/06295
2. 42–003–31579–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. McFarland Queen Univ Unit #24
6. McFarland (Queen)
7. Andrews TX
8. 1.4 million cubic feet
9. February 8, 1980
10. Phillips Petroleum Co
1. 80–15341/06296
2. 42–079–30833–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. F O Masten well #7
6. Levelland (San Andres)
7. Cochran TX
8. 15.0 million cubic feet
9. February 8, 1980
10. Cities Service Co
1. 80–15342/06297
2. 42–079–30831–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. F O Masten #6
6. Levelland (San Andres)
7. Cochran TX
8. 7.0 million cubic feet
9. February 8, 1980
10. Cities Service Co
1. 80–15343/06299
2. 42–079–30823–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. F O Masten #5
6. Levelland (San Andres)
7. Cochran TX
8. 9.0 million cubic feet
9. February 8, 1980
10. Cities Service Co
1. 80–15344/06300
2. 42–079–30783–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. F O Masten well #2
6. Levelland (San Andres)
7. Cochran TX
8. 15.0 million cubic feet
9. February 8, 1980
10. Cities Service Co
1. 80–15345/06301
2. 42–079–30816–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. F O Masten No 4
6. Levelland (San Andres)
7. Cochran TX
8. 55.0 million cubic feet
9. February 8, 1980
10. Cities Service Co
1. 80–15346/06302
2. 42–079–30781–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. F O Masten well #1
6. Levelland (San Andres)
7. Cochran TX
8. 7.0 million cubic feet
9. February 8, 1980
10. Cities Service Co
1. 80–15347/06304
2. 42–079–30828–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. F O Masten 20 well No 3
6. Levelland (San Andres)
7. Cochran TX
8. 7.0 million cubic feet
9. February 8, 1980
10. Cities Service Co
1. 80–15348/06305

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2. 42–079–30817–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. F O Masten 20 No 2
6. Levelland (San Andres)
7. Cochran TX
8. 11.0 million cubic feet
9. February 8, 1980
10. Cities Service Co

1. 80–15349/06879
2. 42–501–31541–0000
3. 103 000 000
4. Shell Oil Co
5. Mitchell unit 105–1
6. JM (Ellenburger)
7. Crockett TX
8. 7.3 million cubic feet
9. February 8, 1980
10. El Paso National Gas Co

1. 80–15350/07339
2. 42–365–00000–0000
3. 103 000 000
4. Getty Oil Co
5. Vera Harrison #1
6. Carthage (Cotton Valley)
7. Panola TX
8. 365.0 million cubic feet
9. February 8, 1980
10. United Gas Pipeline Co

1. 80–15351/07506
2. 42–003–00000–0000
3. 108 000 000
4. Amarillo Oil Co
5. University R #5–A 41988
6. Shafter Lake
7. Andrews TX
8. 1.1 million cubic feet
9. February 8, 1980
10. Pioneer Natural Gas Co

1. 80–15352/07683
2. 42–357–00000–0000
3. 103 000 000
4. Kennedy & Mitchell Inc
5. Cole #15–157
6. Farnsworth (U Morrow)
7. Ochiltree County TX
8. 35.0 million cubic feet
9. February 8, 1980
10. Phillips Petroleum Co

1. 80–15353/08313
2. 42–039–30611–0000
3. 103 000 000
4. Exxon Corp
5. Pledger Gas Field Unit Well 42
6. Pledger (Frio 6500–6800)
7. Brazoria TX
8. 10353.0 million cubic feet
9. February 8, 1980
10. United Texas Transmission Corp

1. 80–15354/08314
2. 42–039–30809–0000
3. 103 000 000
4. Exxon Corporation
5. Pledger Gas Field Unit Well 43
6. Pledger (Frio 6500–6800)
7. Brazoria TX
8. 10599.0 million cubic feet
9. February 8, 1980
10. United Texas Transmission Corp

1. 80–15355/08315
2. 42–039–30782–0000
3. 103 000 000
4. Exxon Corporation
5. Pledger Gas Field Unit Well 40
6. Pledger (Frio 6500–6800)
7. Brazoria TX
8. 5400.0 million cubic feet
9. February 8, 1980
10. United Texas Transmission Corp

1. 80–15356/08372
2. 42–295–30543–0000
3. 103 000 000
4. Jack G Jones
5. No 1 Larkey 78177
6. Follett (Morrow)
7. Lipscomb TX
8. 425.0 million cubic feet
9. February 8, 1980
10. Michigan Wisconsin Pipeline Co

1. 80–15357/08418
2. 42–015–00000–0000
3. 103 000 000
4. Prairie Producting Co
5. Fred Plam et al unit well No 1
6. Milheim (10600 W)
7. Austin County TX
8. 182.0 million cubic feet
9. February 8, 1980
10. Tennessee Gas Pipeline Co

1. 80–15358/09244
2. 42–253–31090–0000
3. 103 000 000
4. Hill Production Co
5. Ryan Murfee south well #1
6. Noodle NW (Canyon SD 4000)
7. Jones TX
8. .0 million cubic feet
9. February 8, 1980
10.

1. 80–15359/09259
2. 42–215–30879–0000
3. 103 000 000
4. Shell Oil Co
5. Woods-Christian No 18
6. McAllen Ranch (Vicksburg N)
7. Hidalgo TX
8. 210.0 million cubic feet
9. February 8, 1980
10. South Texas Natural Gas Gathering Co

1. 80–15360/09271
2. 42–103–32009–0000
3. 103 000 000
4. Exxon Corp
5. J B Tubb B #19–U
6. Sand Hills (Judkins)
7. Crane TX
8. 70.0 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15361/09296
2. 42–389–30902–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. Beckham Agnes "26" 2–U
6. Chapman Deep (Atoka)
7. Reeves TX
8. 584.0 million cubic feet
9. February 8, 1980
10. United Texas Transmission Company

1. 80–15362/09298
2. 42–253–31036–0000
3. 103 000 000
4. Big Country Exploration Inc
5. Cunningham Well #2
6. Huddleston (Strawn Sand)
7. Jones TX
8. 23.3 million cubic feet
9. February 8, 1980
10. Palo Duro Pipeline Co

1. 80–15363/09337
2. 42–165–31450–0000
3. 103 000 000
4. Exxon Corporation
5. Exxon Fee Eubanks BA #8
6. Robertson
7. Gaines TX
8. 3.0 million cubic feet
9. February 8, 1980
10. Phillips Petroleum Company

1. 80–15364/09338
2. 42–227–31722–0000
3. 103 000 000
4. Exxon Corporation
5. Douthit Unit #520
6. Howard—Glasscock
7. Howard TX
8. 1.0 million cubic feet
9. February 8, 1980
10. Phillips Petroleum Company

1. 80–15365/09344
2. 42–103–31982–0000
3. 103 000 000
4. Warren Pet Co Div/Gulf Oil Corp
5. J B Tubb A #40
6. Sand Hills (Tubb)
7. Crane TX
8. 5.0 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15366/09345
2. 42–103–31962–0000
3. 103 000 000
4. Warren Pet Co Div/Gulf Oil Corp
5. J B Tubb A #40
6. Sand Hills (McKnight)
7. Crane TX
8. 28.0 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15367/09396
2. 42–495–31034–0000
3. 103 000 000
4. Gulf Oil Corp
5. Keystone Cattle Co well No 344
6. Keystone (Colby)
7. Winkler TX
8. 32.0 million cubic feet
9. February 8, 1980
10. Cabot Corp

1. 80–15368/09681
2. 42–003–31797–0000
3. 103 000 000
4. Arco Oil and Gas Company
5. Emma Cowden No 58
6. Emma
7. Andrews TX
8. 2.4 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Company

1. 80–15369/09684
2. 42–103–31984–0000
3. 103 000 000
4. Warren Pet Co Div/Gulf Oil Corp
5. J B Tubb A #37
6. Sand Hills (Wolfcamp)
7. Crane TX
8. 70.0 million cubic feet
9. February 8, 1980
10. H–T Gathering Co

1. 80–15370/09867
2. 42–065–30645–0000
3. 103 000 000
4. Armour Properties
5. Burnett lease #2–98
6. Panhandle-Carson County
7. Carson TX
8. 180.7 million cubic feet
9. February 8, 1980
10. Panhandle Eastern Pipe Line

1. 80–15371/09872
2. 42–427–31236–0000
3. 103 000 000
4. Tenneco Oil Company
5. T B Slick Estate No 66
6. Hinde (Vicksburg)
7. Starr TX
8. 164.0 million cubic feet
9. February 8, 1980
10. Tennessee Gas Pipeline Company

1. 80–15372/09874
2. 42–475–31567–0000
3. 103 000 000
4. Getty Oil Co
5. University 22–18 B No 1
6. South Warwink (Wolfcamp)
7. Ward TX
8. 75.0 million cubic feet
9. February 8, 1980
10. Lone Star Gas Co

1. 80–15373/09878
2. 42–475–31680–0000
3. 103 000 000
4. Getty Oil Co
5. University 10–18 No 4
6. South Warwink (Penn)
7. Ward TX
8. 200.0 million cubic feet
9. February 8, 1980
10. Lone Star Gas Co

1. 80–15374/10311
2. 42–227–31721–0000
3. 103 000 000
4. Exxon Corp
5. Douthit Unit 133
6. Howard—Glasscock
7. Howard TX
8. 1.0 million cubic feet
9. February 8, 1980
10. Phillips Petroleum Co

1. 80–15375/10313
2. 42–321–30888–0000
3. 103 000 000
4. Exxon Corp
5. Bouldin-Taylor Gas Unit 1 #2
6. Sugar Valley South (Frio 11000)
7. Matagorda TX
8. 220.0 million cubic feet
9. February 8, 1980
10. National Gas Pipeline Co of Amer

1. 80–15376/10314
2. 42–039–31265–0000
3. 103 000 000
4. Exxon Corp
5. Pledger Gas Filed Unit #44
6. Pledger (Frio 6500–6800)
7. Brazoria TX
8. 73.0 million cubic feet
9. February 8, 1980
10. United Texas Transmission Corp

1. 80–15377/10315
2. 42–339–30417–0000
3. 103 000 000
4. Exxon Corp
5. Conroe field unit well 1930
6. Conroe
7. Montgomery TX
8. 275.0 million cubic feet
9. February 8, 1980
10. Moran Utilities Company

1. 80–15378/10375
2. 42–003–31691–0000
3. 103 000 000
4. Maralo Inc
5. Southland Royalty B 4
6. Deep Rock (Devonian)
7. Andrews TX
8. 27.0 million cubic feet
9. February 4, 1980
10. Phillips Petroleum Co

1. 80–15379/10400
2. 42–335–31415–0000
3. 103 000 000
4. Sun Oil Co
5. V T McCabe A No 12
6. Jameson North (Strawn)
7. Mitchell TX
8. 53.0 million cubic feet
9. February 8, 1980
10. Lone Star Gas Co

1. 80–15380/10573
2. 42–371–32490–0000
3. 103 000 000
4. Gulf Oil Corp
5. USM–Hillin A No 1
6. U S M (Queen)
7. Pecos TX
8. 18.0 million cubic feet
9. February 8, 1980
10.

1. 80–15381/10575
2. 42–371–32408–0000
3. 103 000 000
4. Gulf Oil Corp
5. Geo M Shelton Jr et al No 4
6. U S M (Queen)
7. Pecos TX
8. 25.0 million cubic feet
9. February 8, 1980
10.

1. 80–15382/10576
2. 42–371–32343–0000
3. 103 000 000
4. Gulf Oil Corp
5. George M Shelton Jr et al No 3
6. U S M (Queen)
7. Pecos TX
8. 12.7 million cubic feet
9. February 8, 1980
10.

1. 80–15383/10578
2. 42–371–32472–0000
3. 103 000 000
4. Gulf Oil Corp
5. T S Taylor et al No 1
6. U S M (Queen)
7. Pecos TX
8. 2.0 million cubic feet
9. February 8, 1980
10.

1. 80–15384/10579
2. 42–371–32429–0000
3. 103 000 000
4. Gulf Oil Corp
5. Nora Boatman et al No 1
6. U S M (Queen)
7. Pecos TX
8. 2.3 million cubic feet
9. February 8, 1980
10.

1. 80–15385/10580
2. 42–371–32512–0000
3. 103 000 000
4. Gulf Oil Corp
5. Nora Boatman et al B No 1
6. U S M (Queen)
7. Pecos TX
8. 7.4 million cubic feet
9. February 8, 1980
10.

1. 80–15386/10581
2. 42–371–32491–0000
3. 103 000 000
4. Gulf Oil Corp
5. USM–Hillin No 1
6. U S M (Queen)
7. Pecos TX
8. 4.0 million cubic feet
9. February 8, 1980
10.

1. 80–15387/10796
2. 42–475–31585–0000
3. 103 000 000
4. HNG Oil Co
5. Middleton 124 #C–4 ID #20729
6. Rhoda Walker (Canyon 5900)
7. Ward TX
8. 13.0 million cubic feet
9. February 8, 1980
10. Delhi Gas Pipeline Corp

1. 80–15388/10815
2. 42–355–31337–0000
3. 103 000 000
4. Pennzoil Producing Co
5. Clara Driscoll No A–16–D
6. Agua Dulce
7. Nueces TX
8. 145.0 million cubic feet
9. February 8, 1980
10. United Gas Pipe Line Co

1. 80–15389/10816
2. 42–355–31376–0000
3. 103 000 000
4. Pennzoil Producing Co
5. Minnie Brown No 5
6. Agua Dulce
7. Nueces TX
8. 135.0 million cubic feet
9. February 8, 1980
10. United Gas Pipeline Co

1. 80–153390/10822
2. 42–329–30816–0000
3. 103 000 000
4. Parker & Parsley Inc
5. Hutt Lease well No 1
6. Spraberry (Trend Area)
7. Midland TX
8. 20.0 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15391/10857
2. 42–357–30885–0000
3. 103 000 000
4. Falcon Petroleum Co
5. Barlow No 1 04395
6. Crest (Des Moines)
7. Ochiltree TX
8. 55.0 million cubic feet
9. February 8, 1980
10. Phillips Petroleum Co

West Virginia Department of Mines, Oil and Gas Division

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume

V 45/56 MR 20 80 UMI

9. Date received at FERC
10. Purchaser(s)
1. 80–15262
2. 47–021–01436–0000
3. 108 000 000
4. Waco Oil & Gas Co Inc
5. Clifford B Burk #1
6. Copen
7. Gilmer WV
8. 2.0 million cubic feet
9. February 8, 1980
10. Equitable Gas Co
1. 80–15263
2. 47–021–01472–0000
3. 108 000 000
4. Waco Oil & Gas Co Inc
5. A B Campbell #1
6. Ellis
7. Gilmer WV
8. 3.0 million cubic feet
9. February 8, 1980
10. Equitable Gas Co
1. 80–15264
2. 47–021–01822–0000
3. 108 000 000
4. Waco Oil & Gas Co Inc
5. Laura Goff #1
6.
7. Gilmer WV
8. 4.0 million cubic feet
9. February 8, 1980
10. Equitable Gas Co
1. 80–15265
2. 47–021–01885–0000
3. 108 000 000
4. Waco Oil & Gas Co Inc
5. Laura Goff #3
6.
7. Gilmer WV
8. 4.0 million cubic feet
9. February 8, 1980
10. Equitable Gas Co
1. 80–15266
2. 47–021–01886–0000
3. 108 000 000
4. Waco Oil & Gas Co Inc
5. Laura Goff #4
6.
7. Gilmer WV
8. 5.0 million cubic feet
9. February 8, 1980
10. Equitable Gas Co
1. 80–15267
2. 47–021–02160–0000
3. 108 000 000
4. Waco Oil & Gas Co Inc
5. Clifford Burke #1A
6. Copen
7. Gilmer WV
8. .0 million cubic feet
9. February 8, 1980
10. Equitable Gas Co
1. 80–15268
2. 47–021–02190–0000
3. 108 000 000
4. Waco Oil & Gas Co Inc
5. Laura Goff #5
6.
7. Gilmer WV
8. .0 million cubic feet
9. February 8, 1980
10. Equitable Gas Co
1. 80–15269
2. 47–021–02210–0000
3. 108 000 000
4. Waco Oil & Gas Co Inc
5. Laura Goff #6
6.
7. Gilmer WV
8. .0 million cubic feet
9. February 8, 1980
10. Equitable Gas Co
1. 80–15270
2. 47–021–02269–0000
3. 108 000 000
4. Waco Oil & Gas Co Inc
5. Laura Goff #7
6.
7. Gilmer WV
8. .0 million cubic feet
9. February 8, 1980
10. Equitable Gas Co
1. 80–15271
2. 47–021–02769–0000
3. 108 000 000
4. United Petro Ltd
5. M B Morris #3–UPL
6. Glenville field
7. Gilmer WV
8. 14.2 million cubic feet
9. February 8, 1980
10. Carnegie Natural Gas Co
1. 80–15272
2. 47–021–02793–0000
3. 108 000 000
4. United Petro Ltd
5. M B Morris #1–UPL
6. Glenville field
7. Gilmer WV
8. 14.2 million cubic feet
9. February 8, 1980
10. Carnegie Natural Gas Co
1. 80–15273
2. 47–021–02791–0000
3. 108 000 000
4. United Petro Ltd
5. M B Morris #2–UPL
6. Glenville field
7. Gilmer WV
8. 14.2 million cubic feet
9. February 8, 1980
10. Carnegie Natural Gas Co
1. 80–15274
2. 47–021–02819–0000
3. 108 000 000
4. United Petro Ltd
5. M B Morris #4–UPL
6. Glenville field
7. Gilmer WV
8. 14.2 million cubic feet
9. February 8, 1980
10. Carnegie Natural Gas Co
1. 80–15275
2. 47–021–02821–0000
3. 108 000 000
4. United Petro Ltd
5. M B Morris #5–UPL
6. Glenville field
7. Gilmer WV
8. 14.2 million cubic feet
9. February 8, 1980
10. Carnegie Natural Gas Co
1. 80–15276
2. 47–021–02822–0000
3. 108 000 000
4. United Petro Ltd
5. M B Morris #6–UPL
6. Glenville field
7. Gilmer WV
8. 14.2 million cubic feet
9. February 8, 1980
10. Carnegie Natural Gas Co
1. 80–15277
2. 47–013–02587–0000
3. 108 000 000
4. United Petro Ltd
5. Enoch Leach #2–UPL
6. Sycamore-Millstone
7. Calhoun WV
8. 4.0 million cubic feet
9. February 8, 1980
10. Consolidated Gas Supply Corp
1. 80–15278
2. 47–013–02586–0000
3. 108 000 000
4. United Petro Ltd
5. Enoch Leach #1—UPL
6. Sycamore-Millstone
7. Calhoun WV
8. 4.0 million cubic feet
9. February 8, 1980
10. Consolidated Gas Supply Corp
1. 80–15279
2. 47–013–02588–0000
3. 108 000 000
4. United Petro Ltd
5. Enoch Leach #3—UPL
6. Sycamore-Millstone
7. Calhoun WV
8. 4.0 million cubic feet
9. February 8, 1980
10. Consolidated Gas Supply Corp
1. 80–15280
2. 47–007–00539–0000
3. 108 000 000
4. Waco Oil and Gas Co Inc
5. W H Campbell #1
6.
7. Braxton WV
8. 3.0 million cubic feet
9. February 8, 1980
10. Equitable Gas Co
1. 80–15281
2. 47–013–01163–0000
3. 108 000 000
4. United Petro Ltd
5. Phillip Ferrell #1–UPL
6. Russett
7. Calhoun WV
8. 3.7 million cubic feet
9. February 8, 1980
10. Consolidated Gas Supply Corp
1. 80–15282
2. 47–021–02940–0000
3. 108 000 000
4. United Petro Ltd
5. A C Nutter #1–UPL
6. Stumptown-Normantown gas field
7. Gilmer WV
8. 13.5 million cubic feet
9. February 8, 1980
10. Carnegie Natural Gas Co
1. 80–15283
2. 47–013–02808–0000
3. 108 000 000
4. United Petro Ltd
5. M L Burrows #4–UPL
6. Russett field
7. Calhoun WV
8. 11.7 million cubic feet
9. February 8, 1980
10. Consolidated Gas Supply Corp
1. 80–15284

2. 47–013–02801–0000
3. 108 000 000
4. United Petro Ltd
5. M L Burrows #3–UPL
6. Russett field
7. Calhoun WV
8. 11.7 million cubic feet
9. February 8, 1980
10. Consolidated Gas Supply Corp
1. 80–15285
2. 47–013–02599–0000
3. 108 000 000
4. United Petro Ltd
5. M L Burrows #1–UPL
6. Russett Field
7. Calhoun WV
8. 11.7 million cubic feet
9. February 8, 1980
10. Consolidated Gas Supply Corp
1. 80–15286
2. 47–013–02800–0000
3. 108 000 000
4. United Petro Ltd
5. M L Burrows #2–UPL
6. Russett Field
7. Calhoun WV
8. 11.7 million cubic feet
9. February 8, 1980
10. Consolidated Gas Supply Corp
1. 80–15287
2. 47–085–01196–0000
3. 108 000 000
4. M R Osbourn Oil & Gas Co
5. M R Osbourn #2
6. Murphy District
7. Ritchie WV
8. 1.4 million cubic feet
9. February 8, 1980
10. Hope Gas Supply Corp
1. 80–15288
2. 47–085–21183–0000
3. 108 000 000
4. M R Osbourn Oil & Gas Co
5. M R Osbourn #1
6. Murphy District
7. Ritchie WV
8. 1.4 million cubic feet
9. February 8, 1980
10. Hope Natural Gas Co
1. 80–15289
2. 47–085–03833–0000
3. 108 000 000
4. United Petro Ltd
5. A O Wilson #1–UPL
6. Cairo-Ritchie Mines-Hartley Oil Field
7. Ritchie WV
8. 7.7 million cubic feet
9. February 8, 1980
10. Consolidated Gas Supply Corp
1. 80–15290
2. 47–013–01329–0000
3. 108 000 000
4. United Petro Ltd
5. Clara Kerby #2–UPL
6. Russett
7. Calhoun WV
8. 3.7 million cubic feet
9. February 8, 1980
10. Consolidated Gas Supply Corp
1. 80–15291
2. 47–085–03829–0000
3. 108 000 000
4. United Petro Ltd
5. S C Parks #1–UPL
6. Cairo-Ritchie Mines-Hartley Oil
7. Ritchie WV
8. 7.7 million cubic feet
9. February 8, 1980
10. Consolidated Gas Supply Corp
1. 80–15292
2. 47–021–03225–0000
3. 108 000 000
4. United Petro Ltd
5. C L James #2–UPL
6. Stumptown-Normantown gas field
7. Gilmer WV
8. 13.5 million cubic feet
9. February 8, 1980
10. Carnegie Natural Gas Co
1. 80–15293
2. 47–021–03224–0000
3. 108 000 000
4. United Petro Ltd
5. C L James #1–UPL
6. Stumptown-Normantown gas field
7. Gilmer WV
8. 13.5 million cubic feet
9. February 8, 1980
10. Carnegie Natural Gas Co
1. 80–15294
2. 47–021–03223–0000
3. 108 000 000
4. United Petro Ltd
5. J F James #1–UPL
6. Stumptown-Normantown gas field
7. Gilmer WV
8. 13.5 million cubic feet
9. February 8, 1980
10. Carnegie Natural Gas Co
1. 80–15295
2. 47–013–02955–0000
3. 108 000 000
4. United Petro Ltd
5. Tell McDonald #2–UPL
6. Sycamore Millstone
7. Calhoun WV
8. 5.1 million cubic feet
9. February 8, 1980
10. Consolidated Gas Supply Corp
1. 80–15296
2. 47–013–02954–0000
3. 108 000 000
4. United Petro Ltd
5. Clara Kerby #1–UPL
6. Russett
7. Calhoun WV
8. 3.7 million cubic feet
9. February 8, 1980
10. Consolidated Gas Supply Corp
1. 80–15297
2. 47–021–02941–0000
3. 108 000 000
4. United Petro Ltd
5. A C Nutter #2–UPL
6. Stumptown-Normantown gas field
7. Gilmer WV
8. 13.5 million cubic feet
9. February 8, 1980
10. Carnegie Natural Gas Co

United States Geological Survey, Metairie, Louisiana

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–15209/G9–993
2. 17–709–4–276–00S1–0
3. 102 000 000
4. Pennzoil Company
5. Pennzoil Company No A–2
6. Eugene Island
7. 261
8. 956.0 million cubic feet
9. February 7, 1980
10. Sea Robin Pipeline Company, United Gas Pipeline Co., Southern Natural Gas Co., Transcontinental P/L; Northern Natural
1. 80–15210/G9–996
2. 17–709–40299–00D1–0
3. 102 000 000
4. Pennzoil Company
5. Pennzoil Company Well No A–7
6. Eugene Island
7. 261
8. 1990.0 million cubic feet
9. February 7, 1980
10. Sea Robin Pipeline Company, United Gas Pipeline Co., Southern Natural Gas Co., Transcontinental P/L; Northern Natural
1. 80–15211/G9–1011
2. 17–706–40328–00D2–0
3. 102 000 000
4. CNG Producing Co
5. B–5D2
6. Vermilion
7. 313
8. 234.0 million cubic feet
9. February 7, 1980
10. Consolidated Gas Supply Corp Columbia Gas Transmission Corp
1. 80–15212/G9–1020
2. 17–706–40328–00D1–0
3. 102 000 000
4. CNG Producing Co
5. B–5D1
6. Vermilion
7. 313
8. 1460.0 million cubic feet
9. February 7, 1980
10. Consolidated Gas Supply Corp Columbia Gas Transmission Corp
1. 80–15213/G9–1021
2. 17–706–40328–00D3–0
3. 102 000 000
4. CNG Producing Co
5. B–5D3 ALT
6. Vermilion
7. 313
8. 1168.0 million cubic feet
9. February 7, 1980
10. Consolidated Gas Supply Corp Columbia Gas Transmission Corp
1. 80–15214/G9–1023
2. 17–706–40362–00D1–0
3. 102 000 000
4. CNG Producing Co
5. B–12D1
6. Vermilion
7. 313
8. 1168.0 million cubic feet
9. February 7, 1980
10. Consolidated Gas Supply Corp Columbia Gas Transmission Corp

United States Geological Survey, Albuquerque, New Mexico

1. Control number (F.E.R.C./State)
2. API well number

V 45 / 56 MR 20 80 UMI

3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–15234/NM–4532–79
2. 30–015–22891–0000–0
3. 108 000 000
4. Mesa Petroleum Co
5. Berry Federal Com 1
6. Undesignated-Cisco
7. Eddy NM
8. 250.0 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15235/NM–4533–79–A
2. 30–015–70397–0000–0
3. 108 000 000
4. Mesa Petroleum Co
5. Yates Federal Com 1Y (Morrow)
6. Wildcat
7. Eddy NM
8. 1000.0 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15236/NM–4533–79–B
2. 30–015–70397–0000–0
3. 108 000 000
4. Mesa Petroleum Co
5. Yates Federal Com 1Y (Cisco)
6. Undesignated-Cisco
7. Eddy NM
8. 200.0 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15237/NM–4534–79
2. 30–045–06788–0000–0
3. 108 000 000
4. Energy Reserves Group Inc
5. E H Pipkin #8X
6. Basin Dakota
7. San Juan NM
8. 14.0 million cubic feet
9. February 8, 1980
10. Southern Union Gathering Co

1. 80–15238/NM–4535–79
2. 30–045–06455–0000–0
3. 108 000 000
4. Petroleum Corporation of Texas
5. Gentle B No 1 NM–011806
6. South Blanco Pictured Cliffs Filed
7. San Juan County NM
8. 9.1 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15239/COA–4536–79A
2. 05–067–06113–0000–0
3. 103 000 000
4. Mesa Petroleum Co
5. Ute Indian #4A PC
6. Ignacio Pictured Cliffs
7. Laplata CO
8. 36.0 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15240/COA–4536–79B
2. 05–067–06113–0000–0
3. 103 000 000
4. Mesa Petroleum Co
5. Ute Indian #4A
6. Ignacio Blanco Mesaverde
7. Laplata CO
8. 116.0 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15241/NM–4538–79
2. 30–039–21994–0000–0
3. 103 000 000
4. Amoco Production Co
5. Jicarilla Gas Com 35D #1
6. Basin Dakota
7. Rio Arriba NM
8. 80.1 million cubic feet
9. February 8, 1980
10. Northwest Pipeline Corp

1. 80–15242/NM–4539–79
2. 30–039–21992–0000–0
3. 103 000 000
4. Amoco Production Co
5. Jicarilla Apache Tribal 35–1
6. Basin Dakota
7. San Juan NM
8. 195.0 million cubic feet
9. February 8, 1980
10. Northwest Pipeline Corp

1. 80–15243/NM–4540–79
2. 30–039–21993–0000–0
3. 103 000 000
4. Amoco Production Co
5. Jicarilla Apache Tribal 35 #2
6. Basin Dakota
7. Rio Arriba NM
8. 336.0 million cubic feet
9. February 8, 1980
10. Northwest Pipeline Corp

1. 80–15244/NM–4542–79–103
2. 30–005–60530–0000–0
3. 103 000 000
4. McClellan Oil Corp
5. McClellan Federal No 2 NM–2581
6. Sams Ranch (Grayburg)
7. Chaves NM
8. 73.0 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15245/NM–4744–79
2. 30–039–21978–000–0
3. 103 000 000
4. Mobil Oil Corp
5. Jicarilla Otero Com #1
6. Basin Dakota
7. Rio Arriba NM
8. 73.0 million cubic feet
9. February 8, 1980
10. Northwest Pipeline Corp

1. 80–15246/NM–4749–79
2. 30–039–21257–000–0
3. 103 000 000
4. Dave M Thomas Jr
5. Chacon Jicarilla Apache D–8
6. Chacon Dakota
7. Rio Arriba NM
8. .0 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15247/NM–4740–79
2. 30–043–20373–0000–0
3. 103 000 000
4. Dave M Thomas Jr
5. Chacon Jicarilla Apache D–102
6. Chacon Dakota
7. Sandoval NM
8. 123.4 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15248/NM–4751–79
2. 30–043–20428–0000–0
3. 103 000 000
4. Dave M Thomas Jr
5. Cacon Jicarilla Apache D–106
6. Chacon Dakota
7. Sandoval NM
8. 152.6 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15249/NM–4752–79
2. 30–043–20426–0000–0
3. 103 000 000
4. Dave M Thomas Jr
5. Chacon Jicarilla Apache D–107
6. Chacon Dakota
7. Sandoval NM
8. 17.3 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15250/NM–4753–79
2. 30–043–20427–0000–0
3. 103 000 000
4. Dave M Thomas Jr
5. Chacon Jicarilla Apache D–105
6. Chacon Dakota
7. Sandoval NM
8. 90.2 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15251/NM–4754–79
2. 30–039–21990–0000–0
3. 103 000 000
4. Dave M Thomas Jr
5. Chacon Jicarilla Apache D–7
6. Chacon Dakota
7. Rio Arriba NM
8. 148.8 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15252/NM–4755–79
2. 30–043–20423–0000–0
3. 103 000 000
4. Dave M Thomas Jr
5. Chacon Jicarilla Apache D–104
6. Chacon Dakota
7. Sandoval NM
8. 21.5 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15253/NM–4756–79
2. 30–043–20374–000–0
3. 103 000 000
4. Dave M Thomas Jr
5. Chacon Jicarilla Apache D–103
6. Chacon Dakota
7. Sandoval NM
8. 92.2 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15254/NM–4757–79
2. 30–045–23430–0000–0
3. 103 000 000
4. Tenneco Oil Co
5. Pritchard #6
6. Basin Dakota
7. San Juan NM
8. 500.0 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–15255/NM–4811–79
2. 30–039–60093–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Rincon Unit #107 MV & PC
6. Blanco-unit & Blanco S PC
7. Rio Arriba NM
8. 19.0 million cubic feet
9. February 8, 1980.
10. El Paso Natural Gas Co

1. 80–15256/NM–4812–79
2. 30–039–07037–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Rincon Unit #123
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 18.6 million cubic feet
9. February 8, 1980.
10. El Paso Natural Gas Co

1. 80–15257/NM–4813–79
2. 30–039–07017–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 28–7 unit #78
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 19.0 million cubic feet
9. February 8, 1980.
10. El Paso Natural Gas Co

1. 80–15258/NM–4814–79–
2. 30–045–20626–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Huerfano unit #206
6. Basin-Dakota Gas
7. San Juan NM
8. 19.3 million cubic feet
9. February 8, 1980.
10. El Paso Natural Gas Co., Northwest Pipeline Corp

1. 80–15259/NM–4815–79
2. 30–045–07339–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. White Kutz #2
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan NM
8. 17.5 million cubic feet
9. February 8, 1980.
10. El Paso Natural Gas Co

1. 80–15260/NM–4816–79
2. 30–039–05458–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Lindrith Unit #41
6. Blanco South—Pictured Cliffs Gas
7. Rio Arriba
8. 17.5 million cubic feet
9. February 8, 1980.
10. El Paso Natural Gas Co

1. 80–15261/NM–4817–79
2. 30–0045–21442–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Kelly #3
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 18.6 million cubic feet
9. February 8, 1980.
10. El Paso Natural Gas Co

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, filed a protest with the Commission on or before April 4, 1980.

Please reference the FERC Control Number in all correspondence related to these determinations.

Kenneth F. Plum,

Secretary.

[FR Doc. 80-8618 Filed 3-19-80; 8:45 am]

BILLING CODE 6450-85-M

[No. 158]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

March 13, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Colorado Oil and Gas Conservation Commission

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–14654
2. 05–123–08421–0000
3. 108 000 000
4. Amoco Production Company
5. Lela F Thomason Gas Unit #1
6. Wattenberg
7. Weld CO
8. 18.6 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Company

Kentucky Department of Mines and Minerals, Oil and Gas Division

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–15392/ERC–384
2. 16–071–00000–0000
3. 108 000 000
4. Cities Service Co
5. Rock Castle RR Co A–1
6. Canada 50
7. Floyd KY
8. 7.1 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

Louisiana Office of Conservation

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–15468/79–2211
2. 17–055–20158–0000
3. 102 000 000
4. Stone Oil Corp
5. A G Mauboules #1
6. Perry Point
7. Lafayette LA
8. 2729.0 million cubic feet
9. February 8, 1980
10. Continental Oil Co

1. 80–15469/79–2918
2. 17–017–22983–0000
3. 102 000 000
4. Pride Exploration Inc
5. Pride Exploration—Gayle #1
6. Greenwood-Waskom
7. Caddo Parish LA
8. 275.0 million cubic feet
9. February 8, 1980
10. United Gas Pipe Line Co

1. 80–15470/79–2920
2. 17–027–20574–0000
3. 102 000 000
4. Sutton-Gerard-Sawyer
5. Henry Baker #1
6. Athens
7. Claiborne LA
8. 400.0 million cubic feet
9. February 8, 1980
10. Arkansas Louisiana Gas Co

1. 80–15471/79–3006
2. 17–023–21389–0000
3. 102 000 000
4. Matzinger & Bell Inc
5. S L 7768 No 1
6. Grand Lake
7. Cameron LA
8. 1360.7 million cubic feet
9. February 8, 1980
10. Louisiana Intrastate Gas Co

Michigan Department of Natural Resources

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC

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10. Purchaser(s)
1. 80–15472
2. 21–035–32991–0000
3. 103 000 000
4. Sun Oil Company
5. D L Thayer No 9
6. Winterfield
7. Clare MI
8. 1.0 million cubic feet
9. February 8, 1980
10. Consumers Power Co
1. 80–15473
2. 21–045–32458–0000
3. 103 000 000
4. Consumers Power Co
5. CP Co Hanks 1–32
6. Eaton Rapids 32(B)
7. Eaton MI
8. 300.0 million cubic feet
9. February 8, 1980
10. Consumers Power Co
1. 80–15474
2. 21–079–33088–0000
3. 103 000 000
4. Amoco Production Co
5. State Kalkaska R 3–12
6. Kalkaska 12–27N–8W
7. Kalkaska MI
8. 73.0 million cubic feet
9. February 8, 1980
10. Consumers Power Co

Montana Board of Oil and Gas Conservation

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–15516/3–79–99
2. 25–083–21181–0000
3. 102 000 000
4. Pennzoil Co
5. Pennzoil—Coon #1
6. East Putnam
7. Richland MT
8. 10.0 million cubic feet
9. February 11, 1980
10. Montana-Dakota Utilities Co
1. 80–15517/3–79–108
2. 25–041–21313–0000
3. 108 000 000
4. Bolin Oil Co
5. Bolin-Frost-Paulsen #1
6. Tiger Ridge
7. Hill MT
8. 25.3 million cubic feet
9. February 11, 1980
10. Northern Natural Gas Co
1. 80–15518/1–80–1
2. 25–071–21681–0000
3. 102 000 000
4. Falcon-Colorado Exploration Inc
5. 1–27 Bell
6. Swanson Creek
7. Phillips MT
8. 16.5 million cubic feet
9. February 11, 1980
10. Montana-Dakota Utilities Co
1. 80–15519/1–80–2
2. 25–071–21679–0000
3. 102 000 000
4. Falcon-Colorado Exploration Inc
5. 1–27 Kern
6. Swanson Creek
7. Phillips MT
8. 19.8 million cubic feet
9. February 11, 1980
10. Montana-Dakota Utilities Co
1. 80–15520/1–80–3
2. 25–005–22111–0000
3. 103 000 000
4. J Burns Brown
5. S–B Ranch 4–30–19
6. Tiger Ridge
7. Blaine MT
8. 72.0 million cubic feet
9. February 11, 1980
10. Northern Natural Gas Co

New Mexico Department of Energy and Minerals Oil Conservation Division

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–15440
2. 30–015–22746–0000
3. 102 000 000
4. Yates Petroleum Corp
5. Irish Hills Je State Com #1
6. Boyd Morrow
7. Eddy NM
8. .0 million cubic feet
9. February 11, 1980
10. Transwestern Pipeline Co
1. 80–15521
2. 30–025–25647–0000
3. 103 000 000
4. Supron Energy Corp
5. State Snm 33–16–22 No 1
6. Wolfcamp
7. Lea NM
8. 32.0 million cubic feet
9. February 11, 1980
10. Continental Oil Co
1. 80–15522
2. 30–015–22826–0000
3. 103 000 000
4. Southland Royalty Co
5. State 32 Com #1
6. Winchester
7. Eddy NM
8. 55.0 million cubic feet
9. February 11, 1980
10. El Paso Natural Gas Co
1. 80–15523
2. 30–015–22955–0000
3. 103 000 000
4. Southland Royalty Co
5. State G Com #1
6. Angell Ranch
7. Eddy NM
8. 50.0 million cubic feet
9. February 11, 1980
10. El Paso Natural Gas Co
1. 80–15524
2. 30–025–26474–0000
3. 103 000 000
4. Warren Petroleum Co Div Gulf Oil
5. R E Cole (NCT–A) #21
6. Drinkard
7. Lea NM
8. .0 million cubic feet
9. February 11, 1980
10. El Paso Natural Gas Co
1. 80–15525
2. 30–005–60577–0000
3. 103 000 000
4. Mewbourne Oil Co
5. Mewbourne State 25 Com #1
6. Bufflao Valley (Pennsylvanian)
7. Chaves NM
8. 250.0 million cubic feet
9. February 11, 1980
10. El Paso Natural Gas Co
1. 80–15526
2. 30–005–00000–0000
3. 103 000 000
4. Stevens Oil Co
5. O'Brien F No 3
6. Twin Lakes-San Andres Assoc
7. Chaves NM
8. 66.0 million cubic feet
9. February 11, 1980
10. Transwestern Pipeline Co
1. 80–15527
2. 30–025–26421–0000
3. 103 000 000
4. Phillips Petroleum Co
5. Leamex No 20
6. Maljamar Grayburg/San Andres
7. Lea NM
8. 5.0 million cubic feet
9. February 11, 1980
10. El Paso Natural Gas Co
1. 80–15528
2. 30–045–23385–0000
3. 103 000 000
4. El Paso Natural Gas Co
5. Randelmon #1A
6. Blanco Mesaverde
7. San Juan NM
8. 180.0 million cubic feet
9. February 11, 1980
10. El Paso Natural Gas Co
1. 80–15529
2. 30–025–25767–0000
3. 103 000 000
4. Supron Energy Corp
5. State Snm 33–16–33 No 2
6. Sanmal-Penn
7. Lea NM
8. 67.0 million cubic feet
9. February 11, 1980
10. Continental Oil Co
1. 80–15530
2. 30–025–00000–0000
3. 108 000 000 denied
4. Amerada Hess Corp
5. W A Weir #8
6. Monument
7. Lea NM
8. 1.6 million cubic feet
9. February 11, 1980
10. Warren Petroleum Co

North Dakota Geological Survey

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.

8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–15531/199
2. 33–053–00835–0000
3. 102 000 000
4. Kerr-McGee Corp
5. Burns No 1–20
6. Mondak
7. McKenzie ND
8. 20.0 million cubic feet
9. February 13, 1980
10.
1. 80–15532/200
2. 33–053–00909–0000
3. 102 000 000
4. Kerr-McGee Corp
5. Burns No 1–28
6. Mondak
7. McKenzie ND
8. 9.0 million cubic feet
9. February 13, 1980
10.
1. 80–15533/201
2. 33–053–00866–0000
3. 102 000 000
4. Kerr-McGee Corp
5. Burns No 1–29
6. Mondak
7. McKenzie ND
8. 25.0 million cubic feet
9. February 13, 1980
10.
1. 80–15614/205
2. 33–105–00803–0000
3. 102 000 000
4. Mosbacher Production Co
5. Earl Hefflefinger 3–1
6.
7. Williams ND
8. 110.0 million cubic feet
9. February 12, 1980
10. Montana-Dakota Utilities Co

Oklahoma Corporation Commission

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–15475/01605
2. 35–083–20816–0000
3. 103 000 000
4. Jet Oil Co
5. State L–4
6. S E Russell
7. Logan OK
8. 1.0 million cubic feet
9. February 12, 1980
10. Service Drilling Co
1. 80–15476/00742
2. 35–007–21412–0000
3. 102 000 000
4. Natural Gas Anadarko Inc
5. Hanshu #1–28
6. Mocane Morrow
7. Beaver OK
8. 250.0 million cubic feet
9. February 12, 1980
10. Northern Natural Gas Co
1. 80–15477/01653
2. 35–073–21949–0000
3. 103 000 000
4. Seneca Oil Co
5. Gracey #2
6. Sooner Trend
7. Kingfisher OK
8. 8.8 million cubic feet
9. February 12, 1980
10. Exxon Corp
1. 80–15478/01537
2. 35–017–20737–0000
3. 103 000 000
4. Jones & Pellow Oil Co
5. Kruger 15–2
6. N Richland
7. Canadian OK
8. 198.0 million cubic feet
9. February 12, 1980
10. Public Service Co of Oklahoma
1. 80–15479/01534
2. 35–017–20744–0000
3. 103 000 000
4. Jones & Pellow Oil Co
5. Lafollette 26–1
6. S Ft. Reno
7. Canadian OK
8. 97.5 million cubic feet
9. February 12, 1980
10. Oklahoma Gas and Electric
1. 80–15480/01533
2. 35–017–20781–0000
3. 103 000 000
4. Jones & Pellow Oil Co
5. Meyer 35–1
6. South Ft Reno
7. Canadian OK
8. 24.0 million cubic feet
9. February 12, 1980
10. Oklahoma Gas and Electric Co
1. 80–15481/01061
2. 35–049–00000–0000
3. 108 000 000
4. Texaco Inc
5. R S Rosier No 1
6. Golden Trend
7. Garvin OK
8. 8.0 million cubic feet
9. February 12, 1980
10. Lone Star Gas Co
1. 80–15482/01301
2. 35–007–20910–0000
3. 108 000 000
4. Singer-Fleischaker Oil Opr Co
5. Barby #1–12
6. Mocane–Laverne
7. Beaver OK
8. 3.0 million cubic feet
9. February 12, 1980
10. Michigan Wisconsin Pipe Line Co
1. 80–15483/01310
2. 35–007–21126–0000
3. 108 000 000
4. Kaiser Francis Oil Co
5. Albert #3
6. Mocane–Laverne
7. Beaver OK
8. 17.0 million cubic feet
9. February 12, 1980
10. Colorado Interstate Gas Co
1. 80–15484/02300
2. 35–051–20681–0000
3. 107 000 000
4. American Natural Gas Production Co
5. Angpc Brown #1
6. Chitwood
7. Grady OK
8. 290.0 million cubic feet
9. February 12, 1980
10. Public Service Co of Oklahoma
1. 80–15485/01164
2. 35–045–20171–0000
3. 108 000 000
4. Nielson Enterprises Inc
5. Kennedy #1
6. N E Gage (Morrow)
7. Ellis OK
8. 17.0 million cubic feet
9. February 12, 1980
10. Panhandle Eastern Pipe Line Co
1. 80–15486/03452
2. 35–007–21587–0000
3. 103 000 000
4. Cities Service Co
5. Shadden B #2
6. Mocane–Lavern
7. Beaver OK
8. 64.9 million cubic feet
9. February 12, 1980
10. Colorado Interstate Gas Co
1. 80–15487/01508
2. 35–027–00000–0000
3. 103 000 000
4. L O Ward
5. Oklahoma C–16 OTC #54454
6. Southwest Moore
7. Cleveland OK
8. 60.0 million cubic feet
9. February 12, 1980
10. Sun Gas Co
1. 80–15488/01522
2. 35–051–20696–0000
3. 103 000 000
4. Sun Oil Co (Delaware)
5. W G Stevens No 1
6. Binger East
7. Caddo OK
8. 45.0 million cubic feet
9. February 12, 1980
10. Phillips Petroleum Co
1. 80–15489/01672
2. 35–011–00000–0000
3. 103 000 000
4. L O Ward
5. Demoss #1
6. W Southard
7. Blaine OK
8. 350.0 million cubic feet
9. February 12, 1980
10. Delhi Gas Pipe Line
1. 80–15490/01684
2. 35–083–21020–0000
3. 103 000 000
4. Jet Oil Co
5. Haken #1
6. N Elkhorn
7. Logan OK
8. 10.0 million cubic feet
9. February 12, 1980
10. Eason Oil Co
1. 80–15491/01681
2. 35–083–20999–0000
3. 103 000 000
4. Jet Oil Co
5. Moore #1
6. N Elkhorn
7. Logan OK
8. .0 million cubic feet
9. February 12, 1980
10. Eason Oil Co

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1. 80–15492/01728
2. 35–047–00042–0000
3. 103 000 000
4. Jet Oil Co
5. Anthony #1
6. N Elkhorn
7. Garfield OK
8. 18.0 million cubic feet
9. February 12, 1980
10. Aminoil USA Inc

1. 80–15493/01340
2. 35–077–20172–0000
3. 102 000 000
4. Cheyenne Petroleum Co
5. Rudy #1–27
6.
7. Latimer OK
8. 456.3 million cubic feet
9. February 12, 1980
10.

1. 80–15494/01396
2. 35–081–20748–0000
3. 103 000 000
4. Ketal Oil Producing Co
5. Tarver L #3
6. NW Agra
7. Lincoln OK
8. 30.0 million cubic feet
9. February 12, 1980
10. Colorado Gas Compression Inc

1. 80–15495/01690
2. 35–073–00000–0000
3. 108 000 000 Denied
4. Brown & Borelli Inc
5. Taggart #1
6. Sooner Trend
7. Kingfisher OK
8. 7.7 million cubic feet
9. February 12, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–15496/01641
2. 35–073–20236–0000
3. 108 000 000 Denied
4. Harper Oil Co
5. A B Cain 1
6. Sooner Trend
7. Kingfisher OK
8. 7.0 million cubic feet
9. February 12, 1980
10. Exxon Co USA

1. 80–15497/01858
2. 35–093–20708–0000
3. 108 000 000 Denied
4. Harper Oil Co
5. Williams 1–30
6. Cheyenne Valley
7. Major OK
8. 5.0 million cubic feet
9. February 12, 1980
10. Phillips Petroleum Co

1. 80–15498/01414
2. 35–119–00000–0000
3. 102 000 000 Denied
4. Big Four Petroleum Co
5. Ballard #1
6. Ingalls
7. Payne OK
8. 15.0 million cubic feet
9. February 12, 1980
10. Colorado Gas Compression Inc

1. 80–15499/03455
2. 35–061–20275–0000
3. 103 000 000
4. Samson Resources Co
5. Rex Unit No 1
6. Northeast Lequire
7. Haskell OK
8. 650.0 million cubic feet
9. February 12, 1980
10. Arkansas Louisiana Gas Co

1. 80–15500/01690
2. 35–073–00000–0000
3. 108 000 000 Denied
4. Brown & Borelli Inc
5. Taggart #1
6. Sooner Trend
7. Kingfisher OK
8. 7.7 million cubic feet
9. February 12, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–15501/01617
2. 35–073–00000–0000
3. 108 000 000
4. Brown & Borelli Inc
5. Gilbert #3
6. Sooner Trend
7. Kingfisher OK
8. 1.0 million cubic feet
9. February 12, 1980
10. Exxon Company USA

1. 80–15502/01674
2. 35–043–00000–0000
3. 103 000 000
4. Carl E Gungoll
5. Nelson #2
6. North Oakwood
7. Dewey OK
8. 600.0 million cubic feet
9. February 12, 1980
10. Mustang Fuel Corp

1. 80–15503/01673
2. 35–043–00000–0000
3. 103 000 000
4. Carl E Gungoll
5. Silva–Wilburg
6. N Oakwood
7. Dewey OK
8. 5.0 million cubic feet
9. February 12, 1980
10. Mustang Fuel Corp

1. 80–15504/01560
2. 35–129–20256–0000
3. 103 000 000
4. Apache Corp
5. Clay #1–25
6. West Reydon
7. Roger Mills OK
8. 3102.5 million cubic feet
9. February 12, 1980
10. El Paso Natural Gas Co

1. 80–15505/01595
2. 35–083–20930–0000
3. 103 000 000
4. Jet Oil Co
5. Howland 3–A
6. S E Russell
7. Logan OK
8. 12.0 million cubic feet
9. February 12, 1980
10. Service Drilling Co

1. 80–15506/01594
2. 35–083–20795–0000
3. 103 000 000
4. Service Drilling Co
5. Harman-Thomas #1–6
6. NE Russell
7. Logan OK
8. 36.0 million cubic feet
9. February 12, 1980
10. Cities Service Gas Co

1. 80–15507/01525
2. 35–017–20779–0000
3. 103 000 000
4. Sabine Corp
5. Crowley #1–3
6. S W El Reno
7. Canadian OK
8. .0 million cubic feet
9. February 12, 1980
10. Michigan Wisconsin Pipe Line Co

1. 80–15508/01671
2. 35–073–22100–0000
3. 103 000 000
4. Geodyne Resources Inc
5. Caldwell No 1
6. Sooner Trend
7. Kingfisher OK
8. 28.1 million cubic feet
9. February 12, 1980
10. Phillips Petroleum Co

1. 80–15509/01675
2. 35–043–00000–0000
3. 103 000 000
4. L O Ward
5. Mullins #1
6. SE Hucmac
7. Dewey OK
8. 100.0 million cubic feet
9. February 12, 1980
10. Transok Pipe Line Co

1. 80–15510/01616
2. 35–073–20333–0000
3. 108 000 000
4. Kirkpatrick Oil Co
5. Brame A No 1
6. Sooner Trend
7. Kingfisher OK
8. 2.0 million cubic feet
9. February 12, 1980
10. Exxon Corp

1. 80–15511/01618
2. 35–073–00000–0000
3. 108 000 000
4. Kirkpatrick Oil Co
5. State No 1
6. Lincoln
7. Kingfisher OK
8. 4.9 million cubic feet
9. February 12, 1980
10. Exxon Corp

1. 80–15512/01620
2. 35–073–20336–0000
3. 108 000 000
4. Kirkpatrick Oil Co
5. Meier Taylor No 1
6. Sooner Trend
7. Kingfisher OK
8. 13.5 million cubic feet
9. February 12, 1980
10. Exxon Corp

1. 80–15513/01623
2. 35–073–02076–0000
3. 108 000 000
4. Brown & Borelli Inc
5. Francis #1
6. Sooner Trend
7. Kingfisher OK
8. 5.0 million cubic feet
9. February 12, 1980
10. Exxon Company USA

1. 80–15514/01621
2. 35–073–20568–0000
3. 108 000 000 Denied
4. Brown & Borelli Inc
5. Bullis #1

6. Sooner Trend
7. Kingfisher OK
8. 13.6 million cubic feet
9. February 12, 1980
10. Exxon Company USA

1. 80–15515/01619
2. 35–073–20229–0000
3. 108 000 000
4. Brown & Borelli Inc
5. Gilbert #1
6. Sooner Trend
7. Kingfisher OK
8. 9.3 million cubic feet
9. February 12, 1980
10. Exxon Company, USA

1. 80–15594/01630
2. 35–043–20450–0000
3. 108 000 000
4. Sabine Corporation
5. Howell No 3–20
6. Putnam
7. Dewey OK
8. 4.1 million cubic feet
9. February 13, 1980
10. Pandhandle Eastern Pipe Line Co

1. 80–15595/01638
2. 35–073–00000–0000
3. 108 000 000
4. Henry H. Gungoll Associates
5. Mitchell #1
6. Northwest Columbia
7. Kingfisher OK
8. 6.0 million cubic feet
9. February 13, 1980
10. Exxon Company USA

1. 80–15596/01635
2. 35–045–00000–0000
3. 108 000 000
4. Kaiser Francis Oil Co
5. Jerome Berryman et al #1
6. So Peek
7. Ellis OK
8. 10.0 million cubic feet
9. February 13, 1980
10. Panhandle Eastern Pipeline Co

1. 80–15597/01636
2. 35–045–00000–0000
3. 108 000 000
4. Kaiser Francis Oil Co
5. Jerome Berryman Unit A #1
6. So Peek
7. Ellis OK
8. 8.0 million cubic feet
9. February 13, 1980
10. Panhandle Eastern Pipeline Co

1. 80–15598/00497
2. 35–059–00000–0000
3. 108 000 000
4. W T Fail
5. Holmes #1
6. Laverne-Mocane
7. Harper OK
8. 6.3 million cubic feet
9. February 13, 1980
10. Michigan Wisconsin Pipeline Co

1. 80–15599/00496
2. 35–059–00000–0000
3. 108 000 000
4. W T Fail
5. Carlisle–B #1
6. Laverne-Mocane
7. Harper OK
8. 9.2 million cubic feet
9. February 13, 1980
10. Michigan Wisconsin Pipeline Co Colorado Interstate Gas Co

1. 80–15600/01541
2. 35–129–20294–0000
3. 102 000 000
4. Apache Corp
5. Vick #1–31
6. South Strong City
7. Roger Mills OK
8. 876.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Company

1. 80–15601/01334
2. 35–077–20163–0000
3. 102 000 000
4. Samson Resources Co
5. Hall Unit No 1
6. Red Oak
7. Latimer OK
8. 144.0 million cubic feet
9. February 13, 1980
10. Arkansas Louisiana Gas Co

1. 80–15602/01598
2. 35–083–20965–0000
3. 103 000 000
4. Jet Oil Co
5. Howland #4
6. S E Russell
7. Logan OK
8. 20.0 million cubic feet
9. February 13, 1980
10. Service Drilling Co

1. 80–15603/01597
2. 35–083–20682–0000
3. 103 000 000
4. Service Drilling Co
5. Nivens #3–5
6. NE Russell
7. Logan OK
8. 48.0 million cubic feet
9. February 13, 1980
10. Cities Service Gas Co

1. 80–15604/00253
2. 35–0121–20548–0000
3. 102 000 000
4. Samson Resources Co
5. Lash Unit No 1—Spiro
6. South Kinta
7. Pittsburg OK
8. 370.0 million cubic feet
9. February 13, 1980
10. Arkansas Louisiana Gas Co

1. 80–15605/01289
2. 35–007–00000–0000
3. 108 000 000
4. Cactus Oil Co
5. Reddick #1
6. S W Elmwood
7. Beaver OK
8. .0 million cubic feet
9. February 13, 1980
10. Phillips Petroleum Co

1. 80–15606/01604
2. 35–083–20802–0000
3. 103 000 000
4. Jet Oil Co
5. State L–3
6. S E Russell
7. Logan OK
8. 1.0 million cubic feet
9. February 13, 1980
10. Service Drilling Co

1. 80–15607/01602
2. 35–083–20929–0000
3. 103 000 000
4. Jet Oil Co
5. Howland #3
6. S E Russell
7. Logan OK
8. 20.0 million cubic feet
9. February 13, 1980
10. Service Drilling Co

1. 80–15608/01601
2. 35–083–20840–0000
3. 103 000 000
4. Jet Oil Co
5. State L–5
6. S E Russell
7. Logan OK
8. 1.0 million cubic feet
9. February 13, 1980
10. Service Drilling Co

1. 80–15609/01600
2. 35–083–20752–0000
3. 103 000 000
4. Jet Oil Co
5. State L–2
6. S E Russell
7. Logan OK
8. 1.0 million cubic feet
9. February 13, 1980
10. Service Drilling Co

1. 80–15610/01599
2. 35–083–20610–0000
3. 103 000 000
4. Jet Oil Co
5. Howland #1
6. S E Russell
7. Logan OK
8. 20.0 million cubic feet
9. February 13, 1980
10. Service Drilling Co

1. 80–15611/01608
2. 35–083–20764–0000
3. 103 000 000
4. Jet Oil Co
5. Howland #2
6. S E Russell
7. Logan OK
8. 20.0 million cubic feet
9. February 13, 1980
10. Service Drilling Co

1. 80–15612/01590
2. 35–083–20935–0000
3. 103 000 000
4. Jet Oil Co
5. State L–6
6. S E Russell
7. Logan OK
8. 1.0 million cubic feet
9. February 13, 1980
10. Service Drilling Co

1. 80–15613/01596
2. 35–083–20761–0000
3. 103 000 000
4. Jet Oil Co
5. Freudenberger #1
6. S E Russell
7. Logan OK
8. 5.0 million cubic feet
9. February 13, 1980
10. Service Drilling Co

West Virginia Department of Mines Oil and Gas Division

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator

V 45 / 56 MR 20 80 UMI

5. Well name
6. Field or OCS area name
7. County, State or block no.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–15393
2. 47–041–20831–0000
3. 108 000 000
4. Hugh Spencer
5. Thomas G Kraus #3
6. Freemans Creek
7. Lewis WV
8. 3.5 million cubic feet
9. February 11, 1980
10. Carnegie Natural Gas Co

1. 80–15394
2. 47–043–01763–0000
3. 108 000 000
4. Petroleum Technology Corp
5. PTC #1
6. Sulphur Spring Branch
7. Lincoln WV
8. 12.4 million cubic feet
9. February 11, 1980
10. Columbia Gas Transmission Corp

1. 80–15395
2. 47–041–02154–0000
3. 108 000 000
4. Norwes Industries Inc
5. W H Cox Heirs #1–NII
6. Copley Field
7. Lewis WV
8. 8.0 million cubic feet
9. February 11, 1980
10. Consolidated Gas Supply Corp

1. 80–15396
2. 47–041–02155–0000
3. 108 000 000
4. Norwes Industries Inc
5. Martin McLaughlin #1–NII
6. Copley Field
7. Lewis WV
8. 11.3 million cubic feet
9. February 11, 1980
10. Consolidated Gas Supply Corp

1. 80–15397
2. 47–043–01829–0000
3. 108 000 000
4. Petroleum Technology Corp
5. PTC #2
6. Sulphur Spring Branch
7. Lincoln WV
8. 12.4 million cubic feet
9. February 11, 1980
10. Columbia Gas Transmission Corp

1. 80–15398
2. 47–043–01830–0000
3. 108 000 000
4. Petroleum Technology Corp
5. PTC #3
6. Sulphur Spring Branch
7. Lincoln WV
8. 12.4 million cubic feet
9. February 11, 1980
10. Columbia gas Transmission Corp

1. 80–15399
2. 47–021–01718–0000
3. 108 000 000
4. Yale Oil Association Inc
5. Ida Shiflett #1
6. Glenville South
7. Gilmer WV
8. 3.0 million cubic feet
9. February 11, 1980
10. Consolidated Gas Supply Corp

1. 80–15400
2. 47–085–01137–0000
3. 108 000 000
4. Carder Oil & Gas Co
5. Carder Oil & Gas #1234 #2
6. Murphy District
7. Ritchie WV
8. 4.7 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15401
2. 47–085–22191–0000
3. 108 000 000
4. C H Coalgate Gas Co
5. C H Coalgate Gas #2241 #1
6. Murphy District
7. Ritchie WV
8. 3.5 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15402
2. 47–085–22535–0000
3. 108 000 000
4. C H Coalgate Gas Co
5. C H Coalgate #2241 #2
6. Murphy District
7. Ritchie WV
8. 3.5 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15403
2. 47–085–22714–0000
3. 108 000 000
4. C H Coalgate Gas Co
5. C H Coalgate #2241 #3
6. Murphy District
7. Ritchie WV
8. 3.5 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15404
2. 47–085–22225–0000
3. 108 000 000
4. Mitchell Oil & Gas Co
5. Mitchell Oil & Gas #2273 #1
6. Murphy District
7. Ritchie WV
8. 1.4 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15405
2. 47–085–22932–0000
3. 108 000 000
4. Mitchell Oil & Gas Co
5. Mitchell Oil & Gas #2273 #2
6. Murphy District
7. Ritchie WV
8. 1.4 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15406
2. 47–085–23247–0000
3. 108 000 000
4. N D Wright Gas Co
5. N D Wright Gas #3316 #1
6. Murphy District
7. Ritchie WV
8. 1.1 million cubic feet
9. February 11, 1980
10. Consolidated Gas Supply Corp

1. 80–15407
2. 47–085–21271–0000
3. 108 000 000
4. Bollinger Oil & Gas Company
5. Bollinger Oil & Gas #1234 #1
6. Murphy District
7. Ritchie WV
8. 1.8 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15408
2. 47–085–21323–0000
3. 108 000 000
4. Evans Oil & Gas Co
5. Evans Oil & Gas #1344 #1
6. Murphy District
7. Ritchie WV
8. 2.0 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15409
2. 47–085–21337–0000
3. 108 000 000
4. Evans Oil & Gas Co
5. Evans Oil & Gas #1344 #2
6. Murphy District
7. Ritchie WV
8. 2.0 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15410
2. 47–085–21186–0000
3. 108 000 000
4. C H Drake Gas Co
5. C H Drake Gas #1218 #1
6. Murphy District
7. Ritchie WV
8. 1.8 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15411
2. 47–085–21206–0000
3. 108 000 000
4. Cox Heirs Oil & Gas Co
5. Cox Heirs Oil & Gas #1234 No 1
6. Murphy District
7. Ritchie WV
8. 1.1 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15412
2. 47–085–21224–0000
3. 108 000 000
4. Cox Heirs Oil & Gas Co
5. Cox Heirs Oil & Gas #1234 #2
6. Murphy District
7. Ritchie WV
8. 1.1 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15413
2. 47–085–21296–0000
3. 108 000 000
4. Cox Heirs Oil & Gas Co
5. Cox Heirs Oil & Gas #1234 #3
6. Murphy District
7. Ritchie WV
8. 1.1 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15414
2. 47–085–21251–0000
3. 108 000 000
4. Gregg Heirs Oil & Gas Co
5. Gregg Heirs Oil & Gas #1234 #1
6. Murphy District
7. Ritchie WV
8. 3.0 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15415
2. 47–085–22697–0000
3. 108 000 000
4. Mathers Oil & Gas Co
5. Mathers Oil & Gas #2803 #1
6. Murphy District
7. Ritchie WV
8. 3.5 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15416
2. 47–085–23264–0000
3. 108 000 000
4. N D Wright Gas Co
5. N D Wright Gas #3316 #2
6. Murphy District
7. Ritchie WV
8. 1.1 million cubic feet
9. February 11, 1980
10. Consolidated Gas Supply Corp

1. 80–15417
2. 47–085–21885–0000
3. 108 000 000
4. J C Cunningham Gas Co
5. J C Cunningham Gas #1914 #1
6. Murphy District
7. Ritchie WV
8. 2.5 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15418
2. 47–017–21621–0000
3. 108 000 000
4. Hugh Spencer
5. J A Polan #1
6. New Milton
7. Doddridge WV
8. 2.0 million cubic feet
9. February 11, 1980
10. Carnegie Natural Gas Co

1. 80–15419
2. 47–085–22162–0000
3. 108 000 000
4. J C Cunningham Gas Co
5. J C Cunningham Gas #1914 #2
6. Murphy District
7. Ritchie WV
8. 2.4 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15420
2. 47–085–21122–0000
3. 108 000 000
4. Carder Oil & Gas Co
5. Carder Oil & Gas #1234 #1
6. Murphy District
7. Ritchie WV
8. 4.7 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15421
2. 47–021–22951–0000
3. 108 000 000
4. Franklin Adkins
5. Gainer #2
6. Dekalb
7. Gilmer WV
8. 12.5 million cubic feet
9. February 11, 1980
10. Consolidated Gas Supply Corp

1. 80–15422
2. 47–021–22367–0000
3. 108 000 000
4. Franklin Adkins
5. Boylen #1
6. Dekalb
7. Gilmer WV
8. 9.1 million cubic feet
9. February 11, 1980
10. Consolidated Gas Supply Corp

1. 80–15423
2. 47–013–22492–0000
3. 108 000 000
4. Franklin Adkins
5. Bennett #3
6. Washington
7. Calhoun WV
8. 4.5 million cubic feet
9. February 11, 1980
10. Consolidated Gas Supply Corp

1. 80–15424
2. 47–013–22488–0000
3. 108 000 000
4. Franklin Adkins
5. Bennett 1–A
6. Washington
7. Calhoun WV
8. 9.8 million cubic feet
9. February 11, 1980
10. Consolidated Gas Supply Corp

1. 80–15425
2. 47–085–02987–0000
3. 108 000 000
4. Mathers Oil & Gas Co
5. Mathers Oil & Gas #2803 #2
6. Murphy District
7. Ritchie WV
8. 3.5 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15426
2. 47–172–01473–0000
3. 108 000 000
4. W H Mossor
5. Gaskins #1
6. Bernard Gaskins
7. Doddridge WV
8. 4.0 million cubic feet
9. February 11, 1980
10. Equitable Gas Co

1. 80–15427
2. 47–021–21095–0000
3. 108 000 000
4. W H Mossor
5. Beall #1
6. Beall Gas Co
7. Gilmer WV
8. 2.2 million cubic feet
9. February 11, 1980
10. Equitable Gas Co

1. 80–15428
2. 47–021–21102–0000
3. 108 000 000
4. W H Mossor
5. Beall #2
6. Beall Gas Co
7. Gilmer WV
8. 2.2 million cubic feet
9. February 11, 1980
10. Equitable Gas Co

1. 80–15429
2. 47–021–21460–0000
3. 108 000 000
4. W H Mossor
5. Boilon #1
6. Boilon Gas Co
7. Gilmer WV
8. .4 million cubic feet
9. February 11, 1980
10. Equitable Gas Co

1. 80–15430
2. 47–085–22039–0000
3. 108 000 000
4. W H Mossor
5. Brannon
6. Brannon Gas Co
7. Ritchie WV
8. 2.5 million cubic feet
9. February 11, 1980
10. Equitable Gas Co

1. 80–15431
2. 47–085–22091–0000
3. 108 000 000
4. W H Mossor
5. Brannon #2
6. Brannon Gas Co
7. Ritchie WV
8. 2.5 million cubic feet
9. February 11, 1980
10. Equitable Gas Co

1. 80–15432
2. 47–085–22241–0000
3. 108 000 000
4. W H Mossor
5. Joe Goff #1
6. Joe Goff
7. Ritchie WV
8. 1.5 million cubic feet
9. February 11, 1980
10. Equitable Gas Co

1. 80–15433
2. 47–085–22974–0000
3. 108 000 000
4. W H Mossor
5. Berdine #2
6. Berdine Gas Co
7. Ritchie WV
8. 1.8 million cubic feet
9. February 11, 1980
10. Equitable Gas Co

1. 80–15434
2. 47–039–01794–0000
3. 108 000 000
4. P & S Oil & Gas Corp
5. A Boyd Pritchard #2
6. Kelley Creek Dist
7. Kanawha WV
8. 4.9 million cubic feet
9. February 11, 1980
10. Industrial Gas Corp

1. 80–15435
2. 47–085–21393–0000
3. 108 000 000
4. Johnston Oil & Gas Co
5. Johnston Oil & Gas #1437 #1
6. Murphy District
7. Ritchie WV
8. .2 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15436
2. 47–085–21931–0000
3. 108 000 000
4. B F Hildreth Gas Co
5. B F Hildreth Gas #1914 #1
6. Murphy District
7. Ritchie WV
8. .9 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15437

V 45/56 MR 20 80 UMI

2. 47–085–21363–0000
3. 108 000 000
4. Harrison Evans Gas Co
5. Harrison Evans Gas #1416 #1
6. Murphy District
7. Ritchie WV
8. 1.8 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15438
2. 47–085–21374–0000
3. 108 000 000
4. Harrison Evans Gas Co
5. Harrison Evans Gas #1416 #2
6. Murphy District
7. Ritchie WV
8. 1.8 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15439
2. 47–085–21632–0000
3. 108 000 000
4. Harrison Evans Gas Co
5. Harrison Evans Gas #1416 #3
6. Murphy District
7. Ritchie WV
8. 1.8 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15440
2. 47–085–23267–0000
3. 108 000 000
4. Frank McGill Gas Co
5. Frank McGill Gas #3431 #1
6. Murphy District
7. Ritchie WV
8. .8 million cubic feet
9. February 11, 1980
10. Consolidated Gas Supply Corp

1. 80–15441
2. 47–085–23268–0000
3. 108 000 000
4. Frank McGill Gas Co
5. Frank McGill Gas #3431 #2
6. Murphy District
7. Ritchie WV
8. .8 million cubic feet
9. February 11, 1980
10. Consolidated Gas Supply Corp

1. 80–15442
2. 47–085–22707–0000
3. 108 000 000
4. McIntyre Oil & Gas Co
5. McIntyre Oil & Gas #2803 #1
6. Murphy District
7. Ritchie WV
8. 4.0 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Company

1. 80–15443
2. 47–085–21315–0000
3. 108 000 000
4. McCormick Oil & Gas Co
5. McCormick Oil & Gas #1340 #1
6. Murphy District
7. Ritchie WV
8. .4 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Company

1. 80–15444
2. 47–085–23059–0000
3. 108 000 000
4. S S Gill Gas Co
5. S S Gill Gas #3149 #1
6. Murphy District
7. Ritchie WV
8. 3.8 million cubic feet
9. February 11, 1980
10. Consolidated Gas Supply Corp

1. 80–15445
2. 47–085–23085–0000
3. 108 000 000
4. S S Gill Gas Co
5. S S Gill Gas #3149 #2
6. Murphy District
7. Ritchie WV
8. 3.8 million cubic feet
9. February 11, 1980
10. Consolidated Gas Supply Corp

1. 80–15446
2. 47–085–23292–0000
3. 108 000 000
4. R B Gill Gas Co
5. R B Gill Gas #3414 #1
6. Murphy District
7. Ritchie WV
8. 7.3 million cubic feet
9. February 11, 1980
10. Consolidated Gas Supply Corp

1. 80–15447
2. 47–085–22702–0000
3. 108 000 000
4. C A Gill Gas Co
5. C A Gill Gas #2803 #1
6. Murphy District
7. Ritchie WV
8. 2.3 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15448
2. 47–085–23881–0000
3. 108 000 000
4. C A Gill Gas Co
5. C A Gill Gas #2803 #2
6. Murphy District
7. Ritchie WV
8. 2.3 million cubic feet
9. February 11, 1980
10. Hope Natural Gas Co

1. 80–15534
2. 47–107–00659–0000
3. 108 000 000 denied
4. Big B Drilling Co Inc
5. Letha Bungard #3
6. Clay District
7. Wood WV
8. .0 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp Quaker State Oil Refining Corp

1. 80–15535
2. 47–107–00655–0000
3. 108 000 000 denied
4. Big B Drilling Co Inc
5. William Marks #1
6. Clay District
7. Wood WV
8. .0 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15536
2. 47–107–00651–0000
3. 108 000 000 denied
4. Big B Drilling Co Inc
5. C J Yoho #2
6. Clay District
7. Wood WV
8. .0 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15537
2. 47–107–00850–0000
3. 108 000 000 denied
4. Big B Drilling Co Inc
5. C J Yoho #1
6. Clay District
7. Wood WV
8. .0 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15538
2. 47–083–00164–0000
3. 103 000 000 denied
4. Allegheny Land & Mineral Co
5. A–506
6. Roaring Creek District
7. Randolph WV
8. 35.7 million cubic feet
9. February 13, 1980
10. Columbia Gas Transmission Corp

1. 80–15539
2. 47–107–00610–0000
3. 108 000 000 denied
4. Big B Drilling Co Inc
5. Letha Bungard #1
6. Clay District
7. Wood WV
8. .0 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp Quaker State Oil Refining Corp

1. 80–15540
2. 47–083–00168–0000
3. 103 000 000 denied
4. Allegheny Land & Mineral Co
5. A–510
6. Middle Fork District
7. Randolph WV
8. 30.0 million cubic feet
9. February 13, 1980
10. Columbia Gas Transmission Corp

1. 80–15541
2. 47–017–21518–0000
3. 108 000 000
4. Hugh Spencer
5. Donald Grimm #1
6. Southwest District
7. Doddridge WV
8. 2.8 million cubic feet
9. February 13, 1980
10. Equitable Gas Co

1. 80–15542
2. 47–017–21211–0000
3. 108 000 000
4. Hugh Spencer
5. W R Smith #5
6. Central District
7. Doddridge WV
8. .7 million cubic feet
9. February 13, 1980
10. Equitable Gas Co

1. 80–15543
2. 47–017–21435–0000
3. 108 000 000
4. Hugh Spencer
5. W R Smith #7
6. Central District
7. Doddridge WV
8. .7 million cubic feet
9. February 13, 1980
10. Equitable Gas Co

1. 80–15544
2. 47–017–21459–0000
3. 108 000 000
4. Hugh Spencer

5. Sophia Hileman #1
6. Southwest District
7. Doddridge WV
8. 2.0 million cubic feet
9. February 13, 1980
10. Equitable Gas Co

1. 80–15545
2. 47–013–00776–0000
3. 108 000 000
4. George Jackson
5. S R Cook #1
6. Sherman District
7. Calhoun WV
8. 2.0 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15546
2. 47–013–00852–0000
3. 108 000 000
4. George Jackson
5. Scott-Bennett #1
6. Sherman District
7. Calhoun WV
8. 2.0 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15547
2. 47–017–00227–0000
3. 108 000 000
4. George Jackson
5. Frank Maxwell HRS #1
6. New Milton District
7. Doddridge WV
8. 8.0 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15548
2. 47–017–00228–0000
3. 108 000 000
4. George Jackson
5. J H Lowther #1
6. New Milton District
7. Doddridge WV
8. 2.0 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15549
2. 47–017–00240–0000
3. 108 000 000
4. George Jackson
5. Iva Windon #1
6. New Milton District
7. Doddridge WV
8. .1 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15550
2. 47–017–00281–0000
3. 108 000 000
4. George Jackson
5. G P Bartlett HRS #2
6. New Milton District
7. Doddridge WV
8. 2.0 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15551
2. 47–017–00592–0000
3. 108 000 000
4. George Jackson
5. Denver Cox #1
6. New Milton District
7. Doddridge WV
8. 1.0 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15552
2. 47–017–00863–0000
3. 108 000 000
4. George Jackson
5. Denver Cox #2
6. New Milton District
7. Doddridge WV
8. 1.0 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15553
2. 47–017–00751–0000
3. 108 000 000
4. George Jackson
5. Denver Cox #3
6. New Milton District
7. Doddridge WV
8. .2 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15554
2. 47–017–00844–0000
3. 108 000 000
4. George Jackson
5. James A. Hoskinson #1
6. Grant District
7. Doddridge WV
8. 3.0 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15555
2. 47–017–00971–0000
3. 108 000 000
4. George Jackson
5. Bonita Fling #2
6. New Milton District
7. Doddridge WV
8. 1.0 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15556
2. 47–017–00876–0000
3. 108 000 000
4. George Jackson
5. Bonita Fling #1
6. New Milton District
7. Doddridge WV
8. 1.0 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15557
2. 47–013–02861–0000
3. 103 000 000
4. United Petro Ltd
5. Tell McDonald #1–UPL
6. Sycamore-Millstone
7. Calhoun WV
8. 5.7 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15558
2. 47–017–00898–0000
3. 108 000 000
4. George Jackson
5. J H Lowther HRS #2
6. New Milton District
7. Doddridge WV
8. 1.0 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15559
2. 47–017–00899–0000
3. 108 000 000
4. George Jackson
5. V B Lowther HRS #3
6. New Milton District
7. Doddridge WV
8. 1.0 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15560
2. 47–017–00952–0000
3. 108 000 000
4. George Jackson
5. J H Lowther HRS #4
6. New Milton District
7. Doddridge WV
8. 1.0 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15561
2. 47–017–01000–0000
3. 108 000 000
4. George Jackson
5. J H Lowther HRS #5
6. New Milton District
7. Doddridge WV
8. 1.0 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15562
2. 47–085–23670–0000
3. 108 000 000
4. Delaware Valley Oil & Gas Assoc
5. A F Mullenax #1
6. Adds Run
7. Ritchie WV
8. 2.6 million cubic feet
9. February 13, 1980
10. Carnegie Natural Gas Co

1. 80–15563
2. 47–085–23768–0000
3. 108 000 000
4. Red Oak Oil & Gas Assoc
5. R Sweet #1
6. Wolf Penn Run
7. Ritchie WV
8. 1.3 million cubic feet
9. February 13, 1980
10. Carnegie Natural Gas Co

1. 80–15564
2. 47–017–21734–0000
3. 108 000 000
4. Penn Jersey Oil & Gas Assoc
5. Virgil Thorn #1
6. Pike Fork
7. Doddridge WV
8. 6.8 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15565
2. 47–085–21581–0000
3. 108 000 000
4. Penn Jersey Oil & Gas Assoc
5. Harry A Simon #2
6. Wolf Pen Run
7. Ritchie WV
8. .3 million cubic feet
9. February 13, 1980
10. Carnegie Natural Gas Co

1. 80–15566
2. 47–017–21754–0000
3. 108 000 000
4. Penn Jersey Oil & Gas Assoc
5. C F Coffman #2
6. Pike Fork
7. Doddridge WV
8. 6.1 million cubic feet

V 45/56 MR 20 80 UMI

9. February 13, 1980
10. Carnegie Natural Gas Co

1. 80–15567
2. 47–085–23536–0000
3. 108 000 000
4. Penn Jersey Oil & Gas Assoc
5. G Exline #1
6. Walnut Run-Wolf Penn
7. Ritchie, WV
8. 1.1 million cubic feet
9. February 13, 1980
10. Carnegie Natural Gas Co

1. 80–15568
2. 47–085–23653–0000
3. 108 000 000
4. Joemar Oil & Gas Assoc
5. James Mitchell #1
6. Wolf Pen Run
7. Ritchie, WV
8. 1.1 million cubic feet
9. February 13, 1980
10. Carnegie Natural Gas Co

1. 80–15569
2. 47–085–23545–0000
3. 108 000 000
4. Penn Jersey Oil & Gas Assoc
5. G Mitchell #1
6. Hardbarger Run
7. Ritchie, WV
8. 1.3 million cubic feet
9. February 13, 1980
10. Carnegie Natural Gas Co

1. 80–15570
2. 47–017–21749–0000
3. 108 000 000
4. Penn Jersey Oil & Gas Assoc
5. O E Coffman #2
6. Pike Fork
7. Doddridge, WV
8. 6.1 million cubic feet
9. February 13, 1980
10. Carnegie Natural Gas Co

1. 80–15571
2. 47–045–00051–0000
3. 108 000 000
4. Southeastern Gas Co
5. Winifred Covey #782
6. Logan
7. Logan, WV
8. 1.3 million cubic feet
9. February 13, 1980
10. Pennzoil Co

1. 80–15572
2. 47–041–02129–0000
3. 108 000 000
4. Braxton Oil & Gas Corp
5. Allman No 1
6. Lorentz
7. Lewis, WV
8. .0 million cubic feet
9. February 13, 1980
10. Equitable Gas Co

1. 80–15573
2. 47–017–01510–0000
3. 108 000 000
4. Robert Weeks
5. Czigans Well #3
6. Auburn
7. Doddridge, WV
8. 1.3 million cubic feet
9. February 13, 1980
10. Consolidated Gas Supply Corp

1. 80–15574
2. 47–013–20329–0000
3. 108 000 000
4. Southeastern Gas Co
5. J R Roberts #771
6. Lee
7. Calhoun, WV
8. 1.0 million cubic feet
9. February 13, 1980
10. Columbia Gas Trans Corp

1. 80–15575
2. 47–099–20110–0000
3. 108 000 000
4. Southeastern Gas Co
5. Frank Marcum #780
6. Lincoln
7. Wayne, WV
8. 4.0 million cubic feet
9. February 13, 1980
10. Columbia Gas Trans Corp

1. 80–15576
2. 47–099–20263–0000
3. 108 000 000
4. Southeastern Gas Co
5. S E Fuller #795
6. Lincoln
7. Wayne, WV
8. 6.9 million cubic feet
9. February 13, 1980
10. Columbia Gas Trans Corp

1. 80–15577
2. 47–015–20410–0000
3. 108 000 000
4. Southeastern Gas Co
5. Mark C King #T–68
6. Buffalo
7. Clay, WV
8. 1.9 million cubic feet
9. February 13, 1980
10. Equitable Gas Co

1. 80–15578
2. 47–015–20413–0000
3. 108 000 000
4. Southeastern Gas Co
5. Mark C King #T–70
6. Buffalo
7. Clay, WV
8. 1.9 million cubic feet
9. February 13, 1980
10. Equitable Gas Co

1. 80–15579
2. 47–039–02734–0000
3. 108 000 000
4. Ray Resources Corp
5. Queen Land Co #575
6. Elk District
7. Kanawba, WV
8. .5 million cubic feet
9. February 13, 1980
10. Columbia Gas Trans Corp

1. 80–15580
2. 47–039–02737–0000
3. 108 000 000
4. Ray Resources Corp
5. Louisa Updegraft #583
6. Big Sandy
7. Kanawba, WV
8. 4.3 million cubic feet
9. February 13, 1980
10. Columbia Gas Trans Corp

1. 80–15581
2. 47–039–02741–0000
3. 108 000 000
4. Ray Resources Corp
5. Sparr-Kennedy #580
6. Elk Dist
7. Kanawba, WV
8. 15.5 million cubic feet
9. February 13, 1980
10. Columbia Gas Trans Corp

1. 80–15582
2. 47–039–02738–0000
3. 108 000 000
4. Ray Resources Corp
5. Louisa Updegraft #592
6. Elk Dist
7. Kanawba, WV
8. 4.3 million cubic feet
9. February 13, 1980
10. Columbia Gas Trans Corp

1. 80–15583
2. 47–039–02740–0000
3. 108 000 000
4. Ray Resources Corp
5. Sparr-Kennedy #579
6. Elk District
7. Kanawba, WV
8. 15.5 million cubic feet
9. February 13, 1980
10. Columbia Gas Trans Corp

1. 80–15584
2. 47–013–20143–0000
3. 108 000 000
4. Okmar Oil Co
5. Ellen B Yoak #2
6. Sheridan District
7. Calhoun, WV
8. 1.6 million cubic feet
9. February 13, 1980
10. Cabot Corp

1. 80–15585
2. 47–039–02731–0000
3. 108 000 000
4. Ray Resources Corp
5. Union Carbide #572
6. Elk Dist
7. Kanawba, WV
8. 6.3 million cubic feet
9. February 13, 1980
10. Columbia Gas Trans Corp

1. 80–15586
2. 47–105–00722–0000
3. 108 000 000
4. Ray Resources Corp
5. McConaughy-Roberts #770
6. Burning Springs
7. Wirt, WV
8. 15.0 million cubic feet
9. February 13, 1980
10. Columbia Gas Trans Corp

1. 80–15587
2. 47–105–00724–0000
3. 108 000 000
4. Ray Resources Corp
5. McConaughy-Roberts #773
6. Burning Springs
7. Wirt, WV
8. 15.0 million cubic feet
9. February 13, 1980
10. Columbia Gas Trans Corp

1. 80–15588
2. 47–105–00726–0000
3. 108 000 000
4. Ray Resources Corp
5. McConaughy-Roberts #776
6. Burning Springs
7. Wirt, WV
8. 15.0 million cubic feet
9. February 13, 1980
10. Columbia Gas Trans Corp

1. 80–15589

2. 47–105–00729–0000
3. 108 000 000
4. Ray Resources Corp
5. McConaughy-Roberts #777
6. Burning Springs
7. Wirt, WV
8. 15.0 million cubic feet
9. February 13, 1980
10. Columbia Gas Trans Corp

1. 80–15590
2. 47–013–20124–0000
3. 108 000 000
4. Okmar Oil Co
5. W A Moore #1
6. Sheridan District
7. Calhoun, WV
8. 1.1 million cubic feet
9. February 13, 1980
10. Cabot Corp

1. 80–15591
2. 47–013–20128–0000
3. 108 000 000
4. Okmar Oil Co
5. Ellen B Yoak #1
6. Sheridan District
7. Calhoun, WV
8. 1.6 million cubic feet
9. February 13, 1980
10. Cabot Corp

1. 80–15592
2. 47–085–23702–0000
3. 108 000 000
4. Blue Star Oil & Gas Assoc
5. W A Crane #1
6. Wolf Pen Run
7. Ritchie, WV
8. 3.3 million cubic feet
9. February 13, 1980
10. Carnegie Natural Gas Co

1. 80–15593
2. 47–085–23570–0000
3. 108 000 000
4. Garden State Oil & Gas Assoc
5. C O Dennison #1
6. Slab Creek
7. Ritchie, WV
8. 4.8 million cubic feet
9. February 13, 1980
10. Carnegie Natural Gas Co

United States Geological Survey, Metairie, Louisiana

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–15453/G9–983
2. 17–709–40311–00D1–1
3. 102 000 000
4. Pennzoil Co
5. Pennzoil Co No A–9
6. Eugene Island
7. 261
8. 2737.0 million cubic feet
9. February 11, 1980
10. Sea Robin Pipeline Co, Southern Natural Gas Co, Transcontinental Gas Pipeline Co, United Gas P/L; Northern Natural

1. 80–15454/G9–984
2. 17–709–40311–00D2–2
3. 102 000 000
4. Pennzoil Co
5. Pennzoil Co No A–9D
6. Eugene Island
7. 261
8. 2190.0 million cubic feet
9. February 11, 1980
10. Sea Robin Pipeline Co, Southern Natural Gas Co, Transcontinental Gas Pipeline Co, United Gas P/L; Northern Natural

1. 80–15455/G9–985
2. 17–709–40306–00D1–0
3. 102 000 000
4. Pennzoil Co
5. Pennzoil Co No A–8
6. Eugene Island
7. 261
8. 2053.0 million cubic feet
9. February 11, 1980
10. Sea Robin Pipeline Co, Southern Natural Gas Co, Transcontinental Gas Pipeline Co, United Gas P/L; Northern Natural

1. 80–15456/G9–986
2. 17–709–40334–00D1–1
3. 102 000 000
4. Pennzoil Co
5. Pennzoil Co No A–13
6. Eugene Island
7. 261
8. 2320.0 million cubic feet
9. February 11, 1980
10. Sea Robin Pipeline Co, Southern Natural Gas Co, Transcontinental Gas Pipeline Co, United Gas P/L; Northern Natural

1. 80–15457/G9–987
2. 17–709–40334–00D2–2
3. 102 000 000
4. Pennzoil Co
5. Pennzoil Co No A–13D
6. Eugene Island
7. 261
8. 1740.0 million cubic feet
9. February 11, 1980
10. Sea Robin Pipeline Co, Southern Natural Gas Co, Transcontinental Gas Pipeline Co, United Gas P/L; Northern Natural

1. 80–15458/G9–990
2. 17–709–40322–00D3–3
3. 102 000 000
4. Pennzoil Co
5. Pennzoil Co No A–10A
6. Eugene Island
7. 261
8. 1450.0 million cubic feet
9. February 11, 1980
10. Sea Robin Pipeline Co, Southern Natural Gas Co, Transcontinental Gas Pipeline Co, United Gas P/L; Northern Natural

1. 80–15459/G9–991
2. 17–709–40322–00D1–1
3. 102 000 000
4. Pennzoil Co
5. Pennzoil Co No A–10
6. Eugene Island
7. 261
8. 1095.0 million cubic feet
9. February 11, 1980
10. Sea Robin Pipeline Co, Southern Natural Gas Co, Transcontinental Gas Pipeline Co, United Gas P/L; Northern Natural

1. 80–15460/G9–992
2. 17–709–403222–00D2–2
3. 102 000 000
4. Pennzoil Co
5. Pennzoil Co No A–10D
6. Eugene Island
7. 261
8. 2400.0 million cubic feet
9. February 11, 1980
10. Sea Robin Pipeline Co Southern Natural Gas Co Transcontinental Gas Pipeline Co United Gas P/L; Northern Natural

1. 80–15461/G9–994
2. 17–709–40289–00D1–0
3. 102 000 000
4. Pennzoil Co
5. Pennzoil Co A–4
6. Eugene Island
7. 261
8. 821.0 million cubic feet
9. February 11, 1980
10. Sea Robin Pipeline Co Southern Natural Gas Co Transcontinental Gas Pipeline Co United Gas P/L; Northern Natural

1. 80–15462/G9–995
2. 17–709–40299–00D2–0
3. 102 000 000
4. Pennzoil Co
5. Pennzoil Co No A–7D
6. Eugene Island
7. 261
8. 1090.0 million cubic feet
9. February 11, 1980
10. Sea Robin Pipeline Co Southern Natural Gas Co Transcontinental Gas Pipeline Co United Gas P/L; Northern Natural

1. 80–15463/G9–1024
2. 17–706–40362–00D2–2
3. 102 000 000
4. Cng Producing Co
5. B–12D2
6. Vermilion
7. 313
8. 1168.0 million cubic feet
9. February 11, 1980
10. Consolidated Gas Supply Corp Columbia Gas Transmission Corp

1. 80–15464/G9–1025
2. 17–706–40362–00D3–3
3. 102 000 000
4. Cng Producing Co
5. B–13D3 Alt
6. Vermilion
7. 313
8. 234.0 million cubic feet
9. February 11, 1980
10. Consolidated Gas Supply Corp Columbia Gas Transmission Corp

1. 80–15465/G9–1031
2. 17–706–40281–00D1–1
3. 102 000 000
4. Cng Producing Co
5. B–1D1
6. Vermilion
7. 313
8. 1752.0 million cubic feet
9. February 11, 1980
10. Consolidated Gas Supply Corp Columbia Gas Transmission Corp

1. 80–15466/G9–1032
2. 17–706–40281–00D2–2
3. 102 000 000
4. Cng Producing Co
5. B–1D2
6. Vermilion
7. 313
8. 48.0 million cubic feet
9. February 11, 1980
10. Consolidated Gas Supply Corp Columbia Gas Transmission Corp

V 45 / 56 MAR 20 80 UMI

1. 80–15467/G9–1033
2. 17–706–40281–00D3–3
3. 102 000 000
4. Cng Producing Co
5. B–1D3 (Alt)
6. Vermilion
7. 313
8. 1168.0 million cubic feet
9. February 11, 1980
10. Consolidated Gas Supply Corp Columbia Gas Transmission Corp
1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, state or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–15450/G9–927
2. 42–709–40242–0000–0
3. 102 000 000
4. Mobil Oil Corp
5. C–16
6. High Island South addition
7. A–572
8. 584.0 million cubic feet
9. February 11, 1980
10. Natural Gas Pipeline Co of America Transcontinental Gas Pipeline Texas Gas Transmission Michigan-Wisconsin Pipeline Co
1. 80–15451/G9–929
2. 42–709–40193–0000–0
3. 102 000 000
4. Mobil Oil Corp
5. C–8
6. High Island South addition
7. A–572
8. 949.0 million cubic feet
9. February 11, 1980
10. Natural Gas Pipeline Co of America Transcontinental Gas Pipeline Texas Gas Transmission Corp Michigan-Wisconsin Pipeline Co
1. 80–15452/G9–930
2. 42–709–40217–0100–0
3. 102 000 000
4. Mobil Oil Corp
5. C–14
6. High Island South addition
7. A–572
8. 5475.0 million cubic feet
9. February 11, 1980
10. Natural Gas Pipeline Co of America Transcontinental Gas Pipeline Texas Gas Transmission Corp Michigan-Wisconsin Pipeline Co

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission April 4, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–8612 Filed 3–19–80; 8:45 am]

BILLING CODE 6450–85–M

[No. 162]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

March 13, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Texas Railroad Commission, Oil and Gas Division

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–16365/03762
2. 42–135–05828–0000
3. 108 000 000
4. Phillips Petroleum Co
5. GS Adobe Unit 3806 (18713)
6. Goldsmith (5600)
7. Ector TX
8. .3 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16366/03761
2. 42–135–03671–0000
3. 108 000 000
4. Phillips Petroleum Co
5. GS Adobe Unit NO 1203 (18713)
6. Goldsmith (5600)
7. Ector TX
8. 1.0 million cubic feet
9. February 25, 1980
10. Shell Oil Co
1. 80–16367/03760
2. 42–135–30824–0000
3. 108 000 000
4. Phillips Petroleum Co
5. GS Adobe Unit 1709 (18713)
6. Goldsmith (5600)
7. Ector TX
8. .5 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16368/03758
2. 42–371–00000–0000
3. 103 000 000
4. C & K Petroleum Inc
5. Jasper County School Land A NO 1
6. BMH (Devonian)
7. Pecos TX
8. 60.0 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co
1. 80–16369/03726
2. 42–135–02723–0000
3. 108 000 000
4. Phillips Petroleum Co
5. G S Andector Unit U–15 (21193)
6. Goldsmith (Clearfork)
7. Ector TX
8. 7.2 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16370/03706
2. 42–135–02668–0000
3. 108 000 000
4. Phillips Petroleum Co
5. G S Andector Unit T–11 (21193)
6. Goldsmith (Clearfork)
7. Ector TX
8. 8.8 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16371/03689
2. 42–135–03168–0000
3. 108 000 000
4. Phillips Petroleum Co
5. GS Andector Unit F–1 (21193)
6. Goldsmith (Clearfork)
7. Ector TX
8. 9.3 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16372/03688
2. 42–135–03197–0000
3. 108 000 000
4. Phillips Petroleum Co
5. GS Andector Unit B–5 (21193)
6. Goldsmith (Clearfork)
7. Ector TX
8. 7.7 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16373/03684
2. 42–003–04505–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Embar-B NO 6 (19710)
6. Goldsmith North (San Andres-Con)
7. Andrews TX
8. 16.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16374/03667
2. 42–135–05758–0000
3. 108 000 000
4. Phillips Petroleum Co
5. GS Adobe Unit 4102 (18713)
6. Goldsmith (5600)
7. Ector TX
8. 2.4 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16375/03664
2. 42–135–03122–0000
3. 108 000 000
4. Phillips Petroleum Co
5. G S Andector Unit P–7 (21193)
6. Goldsmith (Clearfork)
7. Ector TX
8. 7.0 million cubic feet
9. February 25, 1980

10. El Paso Natural Gas Co
1. 80–16376/03659
2. 42–285–31228–0000
3. 103 000 000
4. Highland Resources Inc
5. Brushy Creek Gas Unit #6
6. Brushy Creek (4800)
7. Lavaca TX
8. 300.0 million cubic feet
9. February 25, 1980
10. Texas Eastern Transmission Corp
1. 80–16377/03657
2. 42–285–31309–0000
3. 103 000 000
4. Highland Resources Inc
5. Brushy Creek Gas Unit #7
6. Brushy Creek (Yegua 4700)
7. Lavaca TX
8. 300.0 million cubic feet
9. February 25, 1980
10. Texas Eastern Transmission Corp
1. 80–16378/03647
2. 42–135–00392–0000
3. 108 000 000
4. Phillips Petroleum Co
5. GS Andector Unit E–13 (21193)
6. Goldsmith (Clearfork)
7. Ector TX
8. 12.8 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16379/03645
2. 42–003–04524–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Embar-B NO 26 (08769)
6. Goldsmith (5600)
7. Andrews TX
8. 13.5 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16380/03642
2. 42–135–02629–0000
3. 108 000 000
4. Phillips Petroleum Co
5. GS Andector Unit F–4 (21193)
6. Goldsmith (Clearfork)
7. Ector TX
8. 5.8 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16381/03640
2. 42–003–10500–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Embar-B NO 35 (19710)
6. Goldsmith North (San Andres-Cons)
7. Andrews TX
8. 15.7 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16382/03639
2. 42–003–04522–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Embar-B NO 24 (08769)
6. Goldsmith (5600)
7. Andrews TX
8. 11.7 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16383/03586
2. 42–103–31873–0000
3. 103 000 000
4. General American Oil Co of Texas
5. Central Dune Unit #1020
6. Dune
7. Crane TX
8. 41.0 million cubic feet
9. February 25, 1980
10. Warren Petroleum Co Phillips Petroleum Co
1. 80–16384/03585
2. 42–103–31924–0000
3. 103 000 000
4. General American Oil Co of Texas
5. Central Dune Unit #1023
6. Dune
7. Crane TX
8. 37.0 million cubic feet
9. February 25, 1980
10. Warren Petroleum Co Phillips Petroleum Co
1. 80–16385/03368
2. 42–357–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Rogers-D NO 2
6. S E Share
7. Ochiltree TX
8. 2.8 million cubic feet
9. February 25, 1980
10. Panhandle Eastern Pipeline Co
1. 80–16386/03365
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Ranch E NO 11
6. Panhandle Hutchinson
7. Hutchinson TX
8. 2.9 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16387/03197
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Thompson F NO 2
6. Panhandle-Hutchinson
7. Hutchinson TX
8. .3 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16388/03142
2. 42–065–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Ell NO 1
6. Panhandle West
7. Carson TX
8. 4.5 million cubic feet
9. February 25, 1980
10. Getty Oil Co
1. 80–16389/03118
2. 42–435–31003–0026
3. 108 000 000
4. El Paso Natural Gas Co
5. Halbert #3
6. Sonora (Canyon upper)
7. Sutton TX
8. 24.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16390/03083
2. 42–087–26158–0000
3. 108 000 000
4. El Paso Natural Gas Co
5. Magnolia 1
6. Panhandle East
7. Collingsworth TX
8. 23.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16391/03364
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Ranch E NO 10
6. Panhandle Hutchinson
7. Hutchinson TX
8. .2 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16392/03058
2. 42–195–30630–0000
3. 103 000 000
4. Yucca Petroleum Co
5. A R Henderson NO 3–82 TRC #76661
6. Hansford N (Morrow low pressure)
7. Hansford TX
8. 84.0 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co
1. 80–16393/03005
2. 42–335–00757–0000
3. 108 000 000
4. Energy Reserves Group Inc
5. J A Thompson #7
6. East Riverside
7. Nueces County TX
8. 3.0 million cubic feet
9. February 25, 1980
10. Tennessee Gas Pipeline Co
1. 80–16394/02910
2. 42–105–32183–0000
3. 103 000 000
4. Wendell W Iverson
5. J Bean 1–47 (80512)
6. Donham (Grayburg)
7. Crockett TX
8. 50.0 million cubic feet
9. February 25, 1980
10. Permian Corp
1. 80–16395/02906
2. 42–105–00000–0000
3. 103 000 000
4. Wagner & Brown
5. Miller-Hoover B Unit #1–6
6. Ozona (Canyon Sand)
7. Crockett TX
8. 375.0 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co
1. 80–16396/02892
2. 42–335–00781–0000
3. 108 000 000
4. Energy Reserves Group Inc
5. J A Thompson #8
6. East Riverside
7. Nueces TX
8. 9.0 million cubic feet
9. February 25, 1980
10. Tennessee Gas Pipeline Co
1. 80–16397/02297
2. 42–079–30562–0000
3. 103 000 000
4. Union Oil Co of California
5. Masten D #3
6. Levelland (San Andres)
7. Cochran TX
8. 8.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16398/02264

V 45/56 MR 20 80 UMI

2. 42–341–30520–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Thompson 2–3 RO
6. West Panhandle Red Cave
7. Moore TX
8. 2.0 million cubic feet
9. February 25, 1980
10. Colorado Interstate Gas Co

1. 80–16399/02263
2. 42–341–30507–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Thompson 2–2 RO
6. West Panhandle Red Cave
7. Moore TX
8. 1.0 million cubic feet
9. February 25, 1980
10. Colorado Interstate Gas Co

Texas Railroad Commission, Oil and Gas Division

1. 80–16400/02233
2. 42–195–00000–0000
3. 108 000 000
4. Patrick & Vaughn
5. L N Nollner No 184–ID #22137
6. Hansford North (Tonkawa)
7. Hansford TX
8. 20.0 million cubic feet
9. February 25, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–16401/01951
2. 42–401–30671–0000
3. 103 000 000
4. Mewbourne Oil Co
5. Crim #1 RRC ID #120050
6. Henderson E (Travis Peak)
7. Rusk TX
8. 70.0 million cubic feet
9. February 25, 1980
10. United Gas Pipe Line Co

1. 80–16402/01949
2. 42–401–3067–0000
3. 103 000 000
4. Mewbourne Oil Co
5. Roper #2 RRC ID #10016
6. Henderson E (Travis Peak)
7. Rusk TX
8. 10.0 million cubic feet
9. February 25, 1980
10. United Gas Pipe Line Co

1. 80–16403/01940
2. 42–357–30811–0000
3. 103 000 000
4. Mewbourne Oil Co
5. Peckenpauch #1
6. Share S E (Morrow Lower)
7. Ochiltree TX
8. 400.0 million cubic feet
9. February 25, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–16404/01937
2. 42–357–30790–0000
3. 103 000 000
4. Mewbourne Oil Co
5. Shannon #1 RRC ID #75155
6. Northrup (Cleveland)
7. Ochiltree TX
8. 35.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16405/01824
2. 42–335–31292–0000
3. 103 000 000
4. Sun Oil Co (Delaware)
5. V T McCabe B No 28
6. Jameson North (Strawn)
7. Mitchell TX
8. 70.0 million cubic feet
9. February 25, 1980
10. Lone Star Gas Co

1. 80–16406/01769
2. 42–123–30836–0000
3. 103 000 000
4. William Herbert Hunt Trust Estate
5. Harold Heyer No 2–C (05522)
6. Arneckeville (Yegua 4870 E)
7. Dewitt TX
8. 22.0 million cubic feet
9. February 25, 1980
10. Texas Eastern Transmission Corp

1. 80–16407/01758
2. 42–389–30986–0000
3. 103 000 000
4. Gulf Oil Corp
5. L Horry et al No 8
6. Worsham (Cherry Canyon)
7. Reeves TX
8. 180.0 million cubic feet
9. February 25, 1980
10. Transwestern Pipeline Co

1. 80–16408/02263
2. 42–469–31281–0000
3. 103 000 000
4. John R Thompson Operating Inc
5. Patterson-Paul Unit #1
6. Weber (3720)
7. Victoria TX
8. 128.0 million cubic feet
9. February 25, 1980
10. C B Gathering Inc

1. 80–16409/03906
2. 42–135–06445–0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit 139 (21556)
6. Penwell
7. Ector TX
8. .7 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16410/03842
2. 42–079–30956–0000
3. 103 000 000
4. Union Oil Co of California
5. Masten C #3
6. Levelland (San Andres)
7. Cochran TX
8. 80.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16411/03841
2. 42–079–30985–0000
3. 103 000 000
4. Union Oil Co of California
5. Masten A #15
6. Levelland (San Andres)
7. Cochran TX
8. 18.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16412/03806
2. 42–079–30986–0000
3. 103 000 000
4. Union Oil Co of California
5. Masten A #16
6. Levelland (San Andres)
7. Cochran TX
8. 80.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16413/03805
2. 42–079–30987–0000
3. 103 000 000
4. Union Oil Co of California
5. Masten A #17
6. Levelland (San Andres)
7. Cochran TX
8. 73.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16414/03804
2. 42–079–30957–0000
3. 103 000 000
4. Union Oil Co of California
5. Masten D #3
6. Levelland (San Andres)
7. Cochran TX
8. 58.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16415/03766
2. 42–135–05832–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Goldsmith Adobe Unit #1402 (1871)
6. Goldsmith (5699)
7. Ector TX
8. 1.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16416/03764
2. 42–135–03719–0000
3. 108 000 000
4. Phillips Petroleum Co
5. GS Adobe Unit 4001 (18713)
6. Goldsmith (5600)
7. Ector TX
8. 2.2 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16417/03763
2. 42–135–03749–0000
3. 108 000 000
4. Phillips Petroleum Co
5. GS Adobe Unit 2002 (18713)
6. Goldsmith (5600)
7. Ector TX
8. .3 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16418/03920
2. 42–123–30874–0000
3. 103 000 000
4. Tenneco Oil Co
5. Annie Schellpepper No 2
6. South Cottonwood Creek
7. Dewitt TX
8. .0 million cubic feet
9. February 25, 1980
10.

1. 80–16419/03914
2. 42–461–03644–0000
3. 108 000 000
4. Phillips Petroleum Co
5. N Pembrook S UN 303 (03913)
6. Spraberry (Trend Area)
7. Upton TX
8. 1.4 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co

1. 80–16420/03913
2. 42–135–20300–0000

3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit 109 (21556)
6. Penwell
7. Ector TX
8. 2.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16421/03912
2. 42–135–05892–0000
3. 108 000 000
4. Phillips Petroleum Co
5. GS Adobe Unit 4303 (18713)
6. Goldsmith (5600)
7. Ector TX
8. 1.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16422/03910
2. 42–135–05757–0000
3. 108 000 000
4. Phillips Petroleum Co
5. GS Adobe Unit 4103 (18713)
6. Goldsmith (5600)
7. Ector TX
8. 1.1 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16423/03909
2. 42–135–06417–0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit 129 (21556)
6. Penwell
7. Ector TX
8. 4.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16424/03993
2. 42–135–06439–0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit 95 (21556)
6. Penwell
7. Ector TX
8. 2.4 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16425/03990
2. 42–135–07276–0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit
6. Penwell
7. Ector TX
8. .5 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16426/03967
2. 42–083–00000–0000
3. 103 000 000
4. Reserve Oil Inc
5. Gay #2 RRC #72472
6. Santa Anna Marble Falls
7. Coleman TX
8. 31.7 million cubic feet
9. February 25, 1980
10. Lone Star Gas Co

1. 80–16427/03951
2. 42–135–06421–0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit 104 (21556)
6. Penwell
7. Ector TX
8. 4.7 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16428/03949
2. 42–135–02423–0000
3. 108 000 000
4. Phillips Petroleum Co
5. GS Adobe Unit 3910 (18713)
6. Goldsmith (5600)
7. Ector TX
8. .2 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16429/03948
2. 42–135–06694–0000
3. 108 000 000
4. Phillips Petroleum Co
5. GS Adobe Unit 41–4 (18713)
6. Goldsmith (5600)
7. Ector TX
8. 1.3 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16430/03921
2. 42–135–05827–0000
3. 108 000 000
4. Phillips Petroleum Co
5. GS Adobe Unit 3805 (18713)
6. Goldsmith (5600)
7. Ector TX
8. .3 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16431/04012
2. 42–461–01690–0000
3. 108 000 000
4. Phillips Petroleum Co
5. N Pembrook S UN 5902 (03913)
6. Spraberry (Trend Area)
7. Upton TX
8. 2.0 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co

1. 80–16432/04011
2. 42–003–04537–0000
3. 108 000 000
4. Phillips Petroleum Co
5. McKinney-A No 2 (12290)
6. Bakke (Wolfcamp)
7. Andrews TX
8. 3.5 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co

1. 80–16433/04008
2. 42–135–06446–0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit 120 (21556)
6. Penwell
7. Ector TX
8. 1.3 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16434/03994
2. 42–135–20151–0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit 99 (21556)
6. Penwell
7. Ector TX
8. 6.4 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16435/04031
2. 42–451–51009–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Griffith-A No 5 (04094)
6. Atrice (Strawn 5020)
7. Tom Green TX
8. 8.3 million cubic feet
9. February 25, 1980
10. Atlantic Richfield Co

1. 80–16436/04029
2. 42–235–31243–0000
3. 103 000 000
4. Simpson-Mann Oil Producers
5. Brooks 1–21
6. Brooks (Canyon)
7. Irion TX
8. 187.5 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co

1. 80–16437/04027
2. 42–135–05819–0000
3. 108 000 000
4. Phillips Petroleum Co
5. GS Adobe Unit 2403 (18713)
6. Goldsmith (5600)
7. Ector TX
8. .4 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16438/04024
2. 42–135–31480–0000
3. 108 000 000
4. Phillips Petroleum Co
5. S Cowden Unit 08–16 (19297)
6. Cowden South
7. Ector TX
8. 1.6 million cubic feet
9. February 25, 1980
10. Odessa Natural Corp

1. 80–16439/04023
2. 42–135–05695–0000
3. 108 000 000
4. Phillips Petroleum Co
5. S Cowden Unit 09–02 (19297)
6. Cowden South
7. Ector TX
8. 4.2 million cubic feet
9. February 25, 1980
10. Odessa Natural Corp

1. 80–16440/04021
2. 42–235–31275–0000
3. 103 000 000
4. Simpson-Mann Oil Producers
5. M D Bryant Estate #1
6. Brooks (Canyon) Field
7. Irion TX
8. 180.0 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co

1. 80–16441/04020
2. 42–495–03426–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Jenkins No 3 (03335)
6. Keystone (Devonian)
7. Winkler TX
8. 12.6 million cubic feet
9. February 25, 1980
10. Sid Richardson Gasoline Co

1. 80–16442/04019
2. 42–135–20805–0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit 156 (21556)
6. Penwell

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7. Ector TX
8. 10.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16443/04015
2. 42-461-01396-0000
3. 108 000 000
4. Phillips Petroleum Co
5. N Pembrook S UN 517(03913)
6. Spraberry (Trend Area)
7. Upton TX
8. 3.8 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co
1. 80-16444/04438
2. 42-135-20487-0000
3. 108 000 000
4. Phillips Petroleum Co
5. TXL-B No 4 (18856)
6. TXL (San Andres)
7. Ector TX
8. 2.7 million cubic feet
9. February 25, 1980
10. Shell Oil Co
1. 80-16445/04432
2. 42-165-31419-0000
3. 103 000 000
4. Belco Petroleum Corp
5. Sessau 92 62077
6. Seminole SE (San Andres)
7. Gaines TX
8. 11.0 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co
1. 80-16446/04416
2. 42-341-00000-0000
3. 108 000 000
4. W L Bruce
5. Guleke #6 RRC 03432
6. Panhandle
7. Moore TX
8. 10.9 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co
1. 80-16447/04399
2. 42-165-31410-0000
3. 103 000 000
4. Belco Petroleum Corp
5. Sessau 94 62077
6. Seminole SE (San Andres)
7. Gaines TX
8. .0 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co
1. 80-16448/04398
2. 42-135-06535-0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit 29 (21556)
6. Penwell
7. Ector TX
8. 8.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16449/04390
2. 42-003-04690-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Texas University-EE No 8 (15362)
6. Block 12 (Devonian)
7. Andrews TX
8. 3.9 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16450/04034
2. 42-135-07249-0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit 84 (21556)
6. Penwell
7. Ector TX
8. 2.1 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16451/04032
2. 42-135-06447-0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit 158 (21556)
6. Penwell
7. Ector TX
8. 1.1 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16452/04466
2. 42-003-04740-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Tex Univ-EE No 3 (15362)
6. Blk 12 (Devonian)
7. Andrews TX
8. 7.8 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16453/04464
2. 42-003-10055-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Texas Univ-W No 1 (17581)
6. Ember (5600)
7. Andrews TX
8. 8.8 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16454/04462
2. 42-165-31409-0000
3. 103 000 000
4. Belco Petroleum Corp
5. Sessau 32 62077
6. Seminole S E (San Andres)
7. Gaines TX
8. .0 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co
1. 80-16455/04455
2. 42-135-07274-0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit 70 (21556)
6. Penwell
7. Ector TX
8. .4 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16456/04453
2. 42-227-01921-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Bellam No 1 (02898)
6. Iatan East (Howard)
7. Howard TX
8. .3 million cubic feet
9. February 25, 1980
10. Getty Oil Co
1. 80-16457/04442
2. 42-135-05782-0000
3. 108 000 000
4. Phillips Petroleum Co
5. TXL-S No 3 (16670)
6. Spraberry Trend
7. Ector TX
8. .3 million cubic feet
9. February 25, 1980
10. Shell Oil Co
1. 80-16458/04441
2. 42-135-20917-0000
3. 108 000 000
4. Phillips Petroleum Co
5. TXL-B No 5 (18856)
6. TXL (San Andres)
7. Ector TX
8. 1.0 million cubic feet
9. February 25, 1980
10. Shell Oil Co
1. 80-16459/04440
2. 42-135-20488-0000
3. 108 000 000
4. Phillips Petroleum Co
5. TXL-B No 6 (18856)
6. TXL (San Andres)
7. Ector TX
8. 1.0 million cubic feet
9. February 25, 1980
10. Shell Oil Co
1. 80-16460/04439
2. 42-135-07272-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Millard-D No 6 (04869)
6. Penwell (Ellenburger)
7. Ector TX
8. .1 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16461/04634
2. 42-135-20797-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Karp No 4 (19388)
6. Lawson (San Andres)
7. Ector TX
8. 1.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16462/04632
2. 42-003-04495-0000
3. 108 000 000
4. Phillips Petroleum Co
5. BUM-A No 4 (08387)
6. Goldsmith (5600)
7. Andrews TX
8. 7.6 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16463/04602
2. 42-003-04729-0000
3. 108 000 000
4. Phillips Petroleum Co
5. TEX Univ-EE No 6 (15362)
6. Blk 12 (Devonian)
7. Andrews TX
8. 16.4 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16464/04595
2. 42-135-05782-0000
3. 108 000 000
4. Phillips Petroleum Co
5. TXL-P No 3 (15854)
6. Goldsmith West (San Andres)
7. Ector TX
8. 3.6 million cubic feet
9. February 25, 1980
10. Shell Oil Co
1. 80-16465/04548

2. 42-003-10499-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Bitler No 61 (17015)
6. Fullerton
7. Andrews TX
8. .2 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16466/04545
2. 42-003-04494-0000
3. 108 000 000
4. Phillips Petroleum Co
5. BUM-A No 3 (08387)
6. Goldsmith (5600)
7. Andrews TX
8. 12.3 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16467/04544
2. 42-003-04493-0000
3. 108 000 000
4. Phillips Petroleum Co
5. BUM-A No 3 (08387)
6. Goldsmith (5600)
7. Andrews TX
8. 8.7 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16468/04542
2. 42-495-03395-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Bash No 1 (16091)
6. Keystone (Colby)
7. Winkler TX
8. 13.8 million cubic feet
9. February 25, 1980
10. Sid Richardson Gasoline Co
1. 80-16469/04540
2. 42-003-04750-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Univ Andrews No 4 (01270)
6. Embar (Permian)
7. Andrews TX
8. 10.3 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16470/04533
2. 42-135-05778-0000
3. 108 000 000
4. Phillips Petroleum Co
5. TXL-O No 3 (20046)
6. TXL (San Andres)
7. Ector TX
8. 1.7 million cubic feet
9. February 25, 1980
10. Shell Oil Co
1. 80-16471/04532
2. 42-135-06143-0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit 39 (21556)
6. Penwell
7. Ector TX
8. 5.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16472/04531
2. 42-135-20278-0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit 10 (21556)
6. Penwell
7. Ector TX
8. 3.3 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16473/04530
2. 42-135-20485-0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit 18 (21556)
6. Penwell
7. Ector TX
8. 5.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16474/04529
2. 42-135-20223-0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit 33 (21556)
6. Penwell
7. Ector TX
8. 5.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16475/04526
2. 42-135-07288-0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit 34 (21556)
6. Penwell
7. Ector TX
8. 1.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16476/04499
2. 42-135-07565-0000
3. 108 000 000
4. Phillips Petroleum Co
5. KLOHA-B No 2 (17341)
6. Cowden North
7. Ector TX
8. 7.2 million cubic feet
9. February 25, 1980
10. Amoco Production Co
1. 80-16477/04498
2. 42-135-20796-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Karp No 3 (19388)
6. Lawson (San Andres)
7. Ector TX
8. 2.9 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16478/04484
2. 42-135-07922-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Mooers No 3 (02134)
6. Goldsmith (Clearfork)
7. Ector TX
8. 5.4 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16479/04480
2. 42-003-04496-0000
3. 108 000 000
4. Phillips Petroleum Co
5. BUM-A No 5 (08387)
6. Goldsmith (5600)
7. Andrews TX
8. 6.1 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16480/05810
2. 42-195-00000-0000
3. 108 000 000
4. Danden Petroleum Inc
5. Dozier #1 TX RR Com #67480
6. Texas Hugoton
7. Hansford TX
8. 12.3 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co
1. 80-16481/05742
2. 42-339-00000-0000
3. 108 000 000
4. W L Bruce
5. J E Pritchard #5 RRC 01352
6. Panhandle
7. Moore TX
8. 11.3 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co
1. 80-16482/05732
2. 42-339-00000-0000
3. 108 000 000
4. W L Bruce Operator
5. J E Pritchard #7 RRC 01352
6. Panhandle Field
7. Moore TX
8. 11.3 cubic feet
9. February 25, 1980
10. Phillips Petroleum Co
1. 80-16483/05688
2. 42-339-00000-0000
3. 108 000 000
4. W L Bruce
5. J E Pritchard #8 RRC 01352
6. Panhandle
7. Moore TX
8. 11.3 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co
1. 80-16484/05687
2. 42-339-00000-0000
3. 108 000 000
4. W L Bruce
5. J E Pritchard #10 RRC 01352
6. Panhandle
7. Moore TX
8. 11.3 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co
1. 80-16485/05686
2. 42-233-00000-0000
3. 108 000 000
4. W L Bruce
5. Dunaway #2 RRC 01145
6. Panhandle
7. Hutchinson TX
8. 4.6 million cubic feet
9. February 25, 1980
10. Diamond Shamrock Corp
1. 80-16486/05524
2. 42-365-30746-0000
3. 102 000 000
4. Napeco Inc
5. Roquemore #1 80202
6. Fairplay (Cotton Valley)
7. Panola TX
8. 165.0 million cubic feet
9. February 25, 1980
10. Natural Gas Pipeline Co of America
1. 80-16487/05490
2. 42-421-00000-0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Barrack A No 1
6. Texas Hugoton

V45/56 MR 20 80 UMI

7. Sherman TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co

1. 80–16488/05486
2. 42–393–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. J B Waterfield E No 1–115
6. Parsell South
7. Roberts TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Southwestern Public Service Co

1. 80–16489/05479
2. 42–295–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. I A Akers B No 1
6. Lipscomb
7. Lipscomb TX
8. .0 million cubic feet
9. February 25, 1980
10. Southwestern Public Service Co

1. 80–16490/05474
2. 42–295–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Mandalek 866 No 1
6. Bradford
7. Lipscomb TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Southwestern Public Service Co

1. 80–16491/05469
2. 42–295–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Hanshu et al No 1
6. Bradford
7. Lipscomb TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Southwestern Public Service Co

1. 80–16492/05467
2. 42–295–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Trosper No 1
6. Trosper
7. Lipscomb TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Southwestern Public Service Co

1. 80–16493/05465
2. 42–295–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Alice Vivian Akers No 1–513
6. Lipscomb
7. Lipscomb TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Southwestern Public Service Co

1. 80–16494/05462
2. 42–295–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. C C Duke D No 1
6. Bradford
7. Lipscomb TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Southwestern Public Service Co

1. 80–16495/05461
2. 42–295–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Citizens Natl Bank TR G #8–A
6. Trosper
7. Lipscomb TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Southwestern Public Service Co

1. 80–16496/05451
2. 42–295–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Carl Hanshu No 1
6. Bradford
7. Lipscomb TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Natural Gas Pipeline Co of America

1. 80–16497/05449
2. 42–421–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Gunzelman No 1
6. Texas Hugoton
7. Sherman TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co

1. 80–16498/05435
2. 42–233–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Logan A No 20
6. Panhandle West
7. Hutchinson TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co

1. 80–16499/05366
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. Payne Herring No 4
6. Panhandle
7. Hutchinson TX
8. 3.2 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co

1. 80–16500/05361
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. Payne Herring No 7
6. Panhandle
7. Hutchinson TX
8. 3.2 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co

1. 80–16501/05356
2. 42–357–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. O D C No 2–53
6. Hansford
7. Ochiltree TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Southwestern Public Service Co

1. 80–16502/05355
2. 42–357–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. O D C No 1–53
6. Hansford
7. Ochiltree TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Southwestern Public Service Co

1. 80–16503/05351
2. 42–211–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Dale Nix K #2–91
6. Canadian Northwest
7. Hemphill TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co

1. 80–16504/05307
2. 42–295–30301–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Ola O Piper No 4–690
6. Bradford
7. Lipscomb TX
8. 10.0 million cubic feet
9. February 25, 1980
10. Transwestern Pipeline Co

1. 80–16505/05283
2. 42–295–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Ola O Piper No 1–691
6. Bradford
7. Lipscomb TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Transwestern Gas Pipe Line Co

1. 80–16506/05282
2. 42–295–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Crist Peil et al No 1
6. Mammoth Creek
7. Lipscomb TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Southwestern Public Service Co

1. 80–16507/05269
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State AC No 49
6. Panhandle
7. Hutchinson TX
8. 1.7 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co

1. 80–16508/05253
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State AC No 52
6. Panhandle
7. Hutchinson TX
8. 1.7 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co

1. 80–16509/05252
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State AC No 48
6. Panhandle
7. Hutchinson TX
8. 1.7 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co

1. 80–16510/05248

2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. State AC No 46
6. Panhandle
7. Hutchinson TX
8. 1.7 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co

1. 80–16511/05245
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. State AC No 44
6. Panhandle
7. Hutchinson TX
8. 1.7 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co

1. 80–16512/05243
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. State AC No 42
6. Panhandle
7. Hutchinson TX
8. 1.7 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co

1. 80–16513/05242
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Stevenson A No 6
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co

1. 80–16514/05241
2. 42–433–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Stevenson A No 8
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co

1. 80–16515/05240
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corporation
5. Stevenson A No 17
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co

1. 80–16516/05192
2. 42–341–00000–0000
3. 108 000 000
4. W L Bruce
5. J E Pritchard #6 RRC 01352
6. Panhandle
7. Moore TX
8. 11.3 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co

1. 80–16517/05178
2. 42–295–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Loraine G Husler No 1–366
6. Lipscomb
7. Lipscomb TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Southwestern Public Service Co

1. 80–16518/05030
2. 42–295–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Elna Blackmore No 1–367
6. Lipscomb
7. Lipscomb TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Southwestern Public Service Co

1. 80–16519/05028
2. 42–295–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Alex Born F No 1
6. Bradford
7. Lipscomb TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Southwestern Public Service Co

1. 80–16520/05026
2. 42–357–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Ellis Ranch No 1–845T
6. Ellis Ranch
7. Ochiltree TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Natural Gas Pipeline Co of America

1. 80–16521/05024
2. 42–295–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Gibbs Est No 1
6. Mammoth Creek North
7. Lipscomb TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Southwestern Public Service Co

1. 80–16522/05023
2. 42–295–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Leroy Becker A No 1–635
6. Bradford
7. Lipscomb TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Southwestern Public Service Co

1. 80–16523/05018
2. 42–211–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. E S F Brainard N No 1–T
6. Canadian
7. Hemphill TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co

1. 80–16524/04993
2. 42–357–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Lewis R Frantz No 1–L
6. Share S E
7. Ochiltree TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Southwestern Public Service Co

1. 80–16525/04985
2. 42–295–00000–0000
3. 108 000 000
4. Diamond Shamrock Corp
5. Eloda Freeman et al No 1–333
6. Lipscomb SW
7. Lipscomb TX
8. 8.0 million cubic feet
9. February 25, 1980
10. Southwestern Public Service Co

1. 80–16526/10634
2. 42–135–33060–0000
3. 103 000 000
4. Continental Oil Co
5. Gist Unit #116 (19373)
6. Foster
7. Ector TX
8. .4 million cubic feet
9. February 25, 1980
10. Odessa Natural Gaso Co

1. 80–16527/10633
2. 42–135–33093–0000
3. 103 000 000
4. Continental Oil Co
5. Gist Unit #119 (19373)
6. Foster
7. Ector TX
8. .7 million cubic feet
9. February 25, 1980
10. Odessa Natural Gaso Co

1. 80–16528/10632
2. 42–135–33025–0000
3. 103 000 000
4. Continental Oil Co
5. Gist Unit #114 (19373)
6. Foster
7. Ector TX
8. 5.1 million cubic feet
9. February 25, 1980
10. Odessa Natural Gaso Co

1. 80–16529/10756
2. 42–475–31775–0000
3. 103 000 000
4. Hng Oil Co
5. Feldman 113 # ID #25231
6. Rhoda Walker (Canyon 5900)
7. Ward TX
8. 44.0 million cubic feet
9. February 25, 1980
10. Clajon Gas Company

1. 80–16530/10727
2. 42–087–00000–0000
3. 108 000 000
4. Wildcat Cement Co
5. Hill #1 26747
6. East Panhandle
7. Collingsworth TX
8. 18.9 million cubic feet
9. February 25, 1980
10. Ashland Exploration Inc

1. 80–16531/19726
2. 42–087–00000–0000
3. 108 000 000
4. Wildcat Cement Co
5. Tinsley #1 26746
6. East Panhandle
7. Collingsworth TX
8. 4.8 million cubic feet
9. February 25, 1980
10. Ashland Exploration Inc

1. 80–16532/10704
2. 42–087–00000–0000
3. 108 000 000
4. Vernon Davenport Prod Co
5. John D Coleman #2 40340
6. East Panhandle

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7. Collingsworth TX
8. .7 million cubic feet
9. February 25, 1980
10. Warren Petroleum Co
1. 80–16533/10599
2. 42–065–00000–0000
3. 108 000 000
4. J M Huber Corp
5. Burnett R No 9
6. Panhandle West
7. Carson TX
8. 3.7 million cubic feet
9. February 25, 1980
10. Getty Oil Co
1. 80–16534/10598
2. 42–065–00000–0000
3. 108 000 000
4. J M Huber Corp
5. Burnett R No 4
6. Panhandle West
7. Carson TX
8. .8 million cubic feet
9. February 25, 1980
10. Getty Oil Co
1. 80–16535/10597
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 61 RC
6. Panhandle West
7. Hutchinson TX
8. 15.4 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co
1. 80–16536/10595
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. Johnson Unit I No 4 RC
6. Panhandle West
7. Hutchinson TX
8. 13.4 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co
1. 80–16537/10594
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 62 RC
6. Panhandle West
7. Hutchinson TX
8. 16.7 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Company
1. 80–16538/10571
2. 42–025–00000–0000
3. 108 000 000
4. Getty Oil Co
5. Murphy Bradford GU #3 (64486)
6. Tuleta South (1175)
7. Bee TX
8. 19.0 million cubic feet
9. February 25, 1980
10. Houston Pipeline Co
1. 80–16539/10502
2. 42–483–00000–0000
3. 108 000 000
4. E F Troxell
5. Hall #3 02390
6. Panhandle
7. Wheeler TX
8. 1.8 million cubic feet
9. February 25, 1980
10. Rael Gas Co
1. 80–16540/08789
2. 42–497–00000–0000
3. 108 000 000
4. La Junta Enterprises Inc
5. Joe George 29221
6. Boonsville (Bend Congl Gas)
7. Wise TX
8. 6.0 million cubic feet
9. February 25, 1980
10. Natural Gas Pipeline Co of America
1. 80–16541/08393
2. 42–103–00000–0000
3. 108 000 000
4. Mobil Oil Corp
5. Texas Univ Sec 15 & 16 #1503
6. Dune
7. Crane TX
8. .8 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co
1. 80–16542/07973
2. 42–215–30843–0000
3. 103 000 000
4. Amoco Production Co
5. South Weslaco Gas Unit No 21
6. Weslaco South (8400)
7. Hidalgo TX
8. 751.0 million cubic feet
9. February 25, 1980
10. Celanese Chemical Co
1. 80–16543/07512
2. 42–003–00000–0000
3. 108 000 000
4. Amarillo Oil Co
5. University #8 20782
6. Shafter Lake
7. Andrews TX
8. 2.2 million cubic feet
9. February 25, 1980
10. Pioneer Natural Gas Co
1. 80–16544/07469
2. 42–179–00000–0000
3. 108 000 000
4. Amarillo Oil Co
5. McConnell #1 25399
6. West Panhandle
7. Gray TX
8. 15.3 million cubic feet
9. February 25, 1980
10. Pioneer Natural Gas Co
1. 80–16545/10501
2. 42–483–00000–0000
3. 108 000 000
4. E F Troxell
5. Hall #4 02390
6. Panhandle
7. Wheeler TX
8. 1.8 million cubic feet
9. February 25, 1980
10. Rael Gas Co
1. 80–16546/10455
2. 42–065–00000–0000
3. 108 000 000
4. Donald W Jackson
5. V B Armstrong No 1 (25766)
6. West Panhandle
7. Carson TX
8. 18.0 million cubic feet
9. February 25, 1980
10. Getty Oil Co
1. 80–16547/09871
2. 42–355–31339–0000
3. 103 000 000
4. Tenneco Oil Co
5. East Side Block Unit No 11
6. Agua Dulce (6100)
7. Nueces TX
8. 50.0 million cubic feet
9. February 25, 1980
10. Channel Industries Gas Co
1. 80–16548/09866
2. 42–065–30615–0000
3. 103 000 000
4. Armour Properties
5. Burnett Lease #1–88
6. Panhandle-Carson County
7. Carson TX
8. 177.0 million cubic feet
9. February 25, 1980
10. Panhandle Eastern Pipe Line
1. 80–16549/09865
2. 42–365–30830–0000
3. 103 000 000
4. Pennzoil Producing Co
5. Hull No A–19
6. Carthage-Cotton Valley
7. Panola TX
8. 400.0 million cubic feet
9. February 25, 1980
10. United Gas Pipe Line Company
1. 80–16550/09725
2. 42–469–31384–0000
3. 103 000 000
4. L & L Petroleum Corp
5. C K McCan Jr et al #4–C
6. Salem
7. Victoria TX
8. 91.0 million cubic feet
9. February 25, 1980
10. Texas Eastern Transmission Corp
1. 80–16551/09718
2. 42–227–31729–0000
3. 103 000 000
4. Exxon Corp
5. Douthit Unit #131
6. Howard-Glasscock
7. Howard TX
8. 1.0 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co
1. 80–16552/09716
2. 42–227–31730–0000
3. 103 000 000
4. Exxon Corp
5. Douthit Unit #130
6. Howard-Glasscock
7. Howard TX
8. 1.0 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co
1. 80–16553/09715
2. 42–227–31727–0000
3. 103 000 000
4. Exxon Corp
5. Douthit Unit #206
6. Howard-Glasscock
7. Howard TX
8. 1.0 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co
1. 80–16554/09343
2. 42–421–00000–0000
3. 108 000 000
4. Gulf Oil Corporation
5. Blake-Trust #1
6. Texas Hugoton
7. Sherman TX
8. 7.0 million cubic feet
9. February 25, 1980
10. Diamond Shamrock Corp
1. 80–16555/03285

2. 42–103–31999–0000
3. 103 000 000
4. Warren Pet Co Div/Gulf Oil Corp
5. M B McKnight #118
6. Running W No (Holt)
7. Crane TX
8. 16.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16556/09278
2. 42–475–31780–0000
3. 103 000 000
4. Gulf Oil Corp
5. Crawar Field Unit #9
6. Crawar (Tubb)
7. Ward TX
8. 158.0 million cubic feet
9. February 25, 1980
10. Transwestern Pipeline Co
1. 80–16557/09275
2. 42–103–31985–0000
3. 103 000 000
4. Exxon Corp
5. J B Tubbs A/C 1 #177–L
6. Sand Hills (Tubb)
7. Crane TX
8. 4.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16558/09273
2. 42–103–31985–0000
3. 103 000 000
4. Exxon Corp
5. J B Tubb A/C 1 #177–U
6. Sand Hills (Judkins)
7. Crane TX
8. 20.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80–16559/09272
2. 42–103–32009–0000
3. 103 000 000
4. Exxon Corporation
5. J B Tubb B #19–L
6. Sand Hills (Tubb)
7. Crane TX
8. 9.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Company
1. 80–16560/09168
2. 42–365–00000–0000
3. 108 000 000
4. Nemours Corp
5. H A Davis #1 29415
6. Bethany (Pettit)
7. Panola TX
8. 1.5 million cubic feet
9. February 25, 1980
10. Tennessee Gas Pipe Line Co
1. 80–16561/07061
2. 42–409–30629–0000
3. 102 000 000
4. Aminoil USA Inc
5. Evans S Butler Jr #1
6. Evans Butler (7050) Field
7. San Patricio TX
8. 183.0 million cubic feet
9. February 25, 1980
10. United Gas Pipeline Co
1. 80–16562/06055
2. 42–233–00000–0000
3. 108 000 000
4. Continental Oil Co
5. S B Burnett–C No 5
6. Carson-Hutchinson
7. Hutchinson TX
8. 1.0 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co
1. 80–16563/06054
2. 42–179–00000–0000
3. 108 000 000
4. Continental Oil Co
5. B O Brown No 1
6. W Panhandle
7. Gray TX
8. 12.3 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co (4911)
1. 80–16564/06052
2. 42–065–00000–0000
3. 108 000 000
4. Continental Oil Co
5. Burnett 17A
6. W Panhandle
7. Carson TX
8. 21.5 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80–16565/06051
2. 42–179–00000–0000
3. 108 000 000
4. Continental Oil Co
5. Carrie Wright No 14
6. Gray Wheeler
7. Gray TX
8. 1.0 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co
1. 80–16566/06029
2. 42–065–00000–0000
3. 108 000 000
4. Continental Oil Co
5. L A Cunningham No 1
6. W Panhandle
7. Carson TX
8. 13.2 million cubic feet
9. February 25, 1980
10. Cities Service Gas Company (4911)
1. 80–16567/06027
2. 42–151–30828–0000
3. 103 000 000
4. Continental Oil Co
5. J B Terrell A #8 (13657)
6. Round Top/Canyon Sand
7. Fisher TX
8. 6.6 million cubic feet
9. February 25, 1980
10. Lone Star Gas Co
1. 80–16568/06025
2. 42–065–00000–0000
3. 108 000 000
4. Continental Oil Co
5. Burnett 110A
6. W Panhandle
7. Carson TX
8. 10.8 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80–16569/06019
2. 42–135–32938–0000
3. 103 000 000
4. Continental Oil Company
5. Wight Unit #128 (20661)
6. Cowden North
7. Ector TX
8. 5.5 million cubic feet
9. February 25, 1980
10. Amoco Production Co
1. 80–16570/06018
2. 42–065–00000–0000
3. 108 000 000
4. Continental Oil Co
5. Burnett 107A
6. W Panhandle
7. Carson TX
8. 8.2 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80–16571/06015
2. 42–065–00000–0000
3. 108 000 000
4. Continental Oil Co
5. C E Deahl No 1
6. W Panhandle
7. Carson TX
8. 20.2 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80–16572/06012
2. 42–079–30802–0000
3. 103 000 000
4. Continental Oil Co
5. Conoco-Dean Unit #119 (60106)
6. Slaughter/San Andres
7. Cochran TX
8. 2.9 million cubic feet
9. February 25, 1980
10. Amoco Production Co
1. 80–16573/06009
2. 42–065–00000–0000
3. 108 000 000
4. Continental Oil Co
5. Burnett 89A
6. W Panhandle
7. Carson TX
8. 16.9 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co (4911)
1. 80–16574/05999
2. 42–233–00000–0000
3. 108 000 000
4. Continental Oil Co
5. S B Burnett-C No 10
6. Carson-Hutchinson
7. Hutchinson TX
8. 4.3 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co
1. 80–16575/05994
2. 42–065–00000–0000
3. 108 000 000
4. Continental Oil Co
5. Burnett 25A
6. W Panhandle
7. Carson TX
8. 17.5 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80–16576/05993
2. 42–233–00000–0000
3. 108 000 000
4. Continental Oil Co
5. C C Whittenburg No 38–A
6. Carson-Hutchinson
7. Hutchinson TX
8. 13.0 million cubic feet
9. February 25, 1980
10. Diamond Shamrock Corp
1. 80–16577/05992
2. 42–179–00000–0000
3. 108 000 000
4. Continental Oil Co
5. J F Meers 1–B
6. W Panhandle

V 45/56 MR20 80 UMI

7. Gray TX
8. 13.0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co

1. 80–16578/05964
2. 42–233–00000–0000
3. 108 000 000
4. Continental Oil Co
5. S B Burnett-A No 6
6. Carson-Hutchinson
7. Hutchinson TX
8. 1.0 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co

1. 80–16579/05953
2. 42–065–00000–0000
3. 108 000 000
4. Continental Oil Co
5. Dauer 1–B
6. W Panhandle
7. Carson TX
8. 2.2 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co

1. 80–16580/05946
2. 42–065–00000–0000
3. 108 000 000
4. Continental Oil Co
5. J G Noel No 1
6. W Panhandle
7. Carson TX
8. 14.0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 100, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission April 4, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–8607 Filed 3–19–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER 80–277]

Otter Tail Power Co.; Proposed Tariff Change

March 17, 1980.

The filing Company submits the following:

Take notice, That Otter Tail Power Company (Otter Tail) on March 12, 1980, tendered an Agreement for Connection and Distribution Facilities (Local Transformation Service) with the City of Nielsville, Minnesota. The agreement provides for charges of 3 mills/kWh for use of Otter Tail's connection and distribution facilities (local transformation service).

The new agreement was made necessary by the termination of prior arrangements upon the expiration and termination of a contract between Otter Tail and the Bureau of Reclamation of the United States Department of the Interior, now Western Area Power Administration (WAPA), of the Department of Energy (DOE), which agreement expired by its terms on December 31, 1976, but the termination of which was suspended for five months until May 31, 1977, and by the termination of a prior agreement between Otter Tail and the City of Nielsville which ended contemporaneously therewith.

Copies of the filing were served upon the City of Nielsville, Minnesota, and the Minnesota Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions for protests should be filed on or before April 7, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–8602 Filed 3–19–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER80–278]

Otter Tail Power Co.; Proposed Tariff Change

March 17, 1980.

The filing Company submits the following:

Take notice, That Otter Tail Power Company (Otter Tail) on March 12, 1980, tendered an Agreement for Distribution substation (Local Transformation Service) with the City of Newfolden, Minnesota. The agreement provides for charges of 3 mills/kWh for use of Otter Tail's distribution substation facilities (local transformation service).

The new agreement was made necessary by the termination of prior arrangements upon the expiration and termination of a contract between Otter Tail and the Bureau of Reclamation of the United States Department of the Interior, now Western Area Power Administration (WAPA), of the Department of Energy (DOE), which agreement expired by its terms on December 31, 1976, but the termination of which was suspended for five months until May 31, 1977, and by the termination of a prior agreement between Otter Tail and the City of Newfolden which ended contemporaneously therewith.

Copies of the filing were served upon the City of Newfolden, Minnesota, and the Minnesota Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions for protests should be filed on or before April 7, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–8603 Filed 3–19–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER80–279]

Otter Tail Power Co.; Proposed Tariff Change

March 17, 1980.

The filing Company submits the following:

Take notice, That Otter Tail Power Company (Otter Tail) on March 12, 1980, tendered an Agreement for Connection and Distribution Facilities (Local Transformation Service) with the City of Shelly, Minnesota. The agreement provides for charges of 3 mills/kWh for use of Otter Tail's connection and distribution facilities (local transformation service).

The new agreement was made necessary by the termination of prior arrangements upon the expiration and termination of a contract between Otter Tail and the Bureau of Reclamation of the United States Department of the Interior, now Western Area Power Administration (WAPA), of the Department of Energy (DOE), which agreement expired by its terms on December 31, 1976, but the termination of which was suspended for five months until May 31, 1977 and by the termination of a prior agreement between Otter Tail and the City of Shelly which ended contemporaneously therewith.

Copies of the filing were served upon the City of Shelly, Minnesota, and the Minnesota Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions for protests should be filed on or before April 7, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–8604 Filed 3–19–80; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 1988]

Pacific Gas and Electric Co.; Expiration of License

March 17, 1980.

Take notice that the license for the North Fork of Kings River Project No. 1988 will expire March 31, 1985. The project is located on the North Fork of Kings River in Fresno County, California and is licensed to Pacific Gas and Electric Company.

The principal project works, presently licensed for Project No. 1988, consists of two developments, Haas and Kings River. The Haas Development includes two dams, four auxiliary dams, tunnels, penstocks, a powerhouse and related transmission facilities. The Kings River Development includes penstocks, a powerhouse, and related transmission facilities. The project has an installed capacity of 179,100 KW.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1979). The Commission licenses non-federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 791a–825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to intervene, or recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–8606 Filed 3–19–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. SA80–89]

Pennzoil Co., Pennzoil Producing Co.; Application for Adjustment and Request for Interim Relief

March 17, 1980.

Take notice that on March 4, 1980, Pennzoil Company and Pennzoil Producing Company (applicants), P.O. Box 2967, Houston, Texas 77001, filed with the Commission an application for an adjustment from § 273.202(e) of the Commission's regulations (18 CFR § 273.202(e)) and a request for interim relief with respect to this adjustment application.

Section 273.202 provides for interim collection authority pending a jurisdictional agency well category determination. Paragraph (e) of that section stipulates that upon termination of such authority, further interim collection filings may not be made for any sale from the same well. Applicants state that they plan to submit revised applications for determinations to the jurisdictional agency regarding certain wells for which interim collection authority has terminated, and that they seek a waiver of § 273.202(e) in order that they may file to make interim collections for sales from those wells.

More specifically, applicants state that they seek interim collection authority with respect to two categories of wells for which revised stripper well determination applications are being filed: (1) wells which were affected by the Commission's interim regulation defening the term "produced" under § 271.803; and (2) wells for which no interim collections were actually made due to an absence of sales volumes, despite the fact that interim collections filings were tendered to the Commission.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure (44 FR 18961, March 30, 1979).

Any person desiring to participate in this proceeding shall file a petition to intervene in accordance with the provisions of 18 CFR § 1.41(e). All petitions to intervene must be filed April 4, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–8608 Filed 3–19–80; 8:45 am]

BILLING CODE 6450–85–M

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95–621), signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the surcharge placed on the ultimate cost of gas to the industrial facility does not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA of 1978, Section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) alternative fuel price ceilings and a high cost gas incremental pricing threshold. These data are effective April 1, 1980, and are to be used by natural gas suppliers to determine the maximum surcharges applicable to the passthrough of certain portions of natural gas acquisition costs.[1]

For further information contact: Kenneth M. Levine, Energy Information Administration, Federal Building, 12th & Pa. Ave., NW., Rm. 4121, Washington, D.C. 20461, (202) 633–8710.

[1] FERC Order No. 49, September 28, 1979; Docket No. RM79–14.

V45/56 MR20 80 UMI

Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, prices are shown for the 48 contiguous states. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State:	Dollar per million Btu's
Alabama	2.68
Arizona	2.95
Arkansas	3.31
California	3.15
Colorado	3.06
Connecticut	3.69
Delaware	3.80
Florida	3.06
Georgia	3.06
Idaho	3.06
Illinois	3.62
Indiana	3.35
Iowa	3.01
Kansas	2.82
Kentucky	3.48
Louisiana	3.12
Maine	3.67
Maryland	3.64
Massachusetts	3.48
Michigan	3.80
Minnesota	3.50
Mississippi	2.35
Missouri	3.29
Montana	2.49
Nebraska	3.49
Nevada	3.10
New Hampshire	3.67
New Jersey	3.58
New Mexico	2.57
New York	3.21
North Carolina	3.45
North Dakota	3.52
Ohio	3.68
Oklahoma	2.80
Oregon	3.45
Pennsylvania	3.39
Rhode Island	3.77
South Carolina	3.30
South Dakota	3.98
Tennessee	3.10
Texas	3.04
Utah	3.42
Vermont	3.80
Virginia	3.23
Washington	2.84
West Virginia	3.44
Wisconsin	3.46
Wyoming	2.63

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during January 1980 was $31.74 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective April 1, 1980, is $7.11 per million BTU's.

Section III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 28, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 51, issued in the same docket on the same date, established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings until November 1, 1980.

The EIA has now had several months experience with the data collected to carry out this program. It has become apparent that a number of difficulties arise as a consequence of the method used to compute price ceilings and the small number of transactions taking place in a single month. The difficulties result in considerable instability in computed price ceilings. As a consequence, EIA is, this month, initiating a revised method of computing price ceilings which uses the same principles as before, but applies them to data from 3 months (adjusted for price changes) rather than for a single month.

In addition, EIA is introducing an adjustment to compensate for the time between data collection and use.

A. Data Collected

Data similar to that collected for November and December 1979 was required for January 1980; that is, the following data was required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1% sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users.[1] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used to Determine Alternative Price Ceilings

(1) *Calculation of Weighted-Average Price.* The prices which will become effective April 1, 1980, (shown in Section I) are based on the volume weighted-average price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, November 1979, December 1979, and January 1980. Reported prices for sales in November 1979 were adjusted by the percent change in the nation-wide volume-weighted average price from November to January. Prices for December 1979, were similarly adjusted by the percent change in the nation-wide volume-weighted average price from December to January. The volume-weighted 3 month average price was then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.) Using the adjusted prices and associated volumes reported in a region during the 3 month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3 month average price for each State was adjusted downward by two times this standard deviation for the region to form the adjusted-weighted average price for the State.

(3) *Calculation of Ceiling Prices.* The lowest selling price within the State was determined for each month of the 3 month period and adjusted up or down by the percent change in oil prices at the national level. The adjusted weighted-average price was compared to the adjusted lowest price for each month, and the highest of the values was selected as the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3 month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling. The appropriate lag adjustment factor (as discussed in Section III.B.4. was then applied. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides the most timely and geographically diverse information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 20 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate four regional lag adjustment factors. These are: one for FERC regions A and B combined; one for FERC region C; one for FERC regions D, E, and G combined; and one for FERC regions F and H combined. Each lag adjustment factor was obtained by calculating a weighted-average regional price for No. 6 high sulfur residual fuel oil for the 10 trading days ending March 7, 1980, and dividing that price by the corresponding weighted average regional price published by Platt's for the month of January 1980. The lag adjustment factor was then applied to the alternative fuel price ceiling for each State as calculated in Section III.B.3.

C. *Listing of States by Region.* States were grouped by the FERC to form eight distinct regions as follows:

Region A	*Region B*
Connecticut	Delaware
Maine	Maryland
Massachusetts	New Jersey
New Hampshire	New York
Rhode Island	Pennsylvania
Vermont	
Region C	*Region D*
Alabama	Illinois
Florida	Indiana
Georgia	Kentucky
Mississippia	Michigan
North Carolina	Ohio
South Carolina	West Virginia
Tennessee	Wisconsin
Virginia	
Region E	*Region F*
Iowa	Arkansas
Kansas	Louisiana
Missouri	New Mexico
Minnesota	Oklahoma
Nebraska	Texas
North Dakota	
South Dakota	
Region G	*Region H*
Colorado	Arizona
Idaho	California
Montana	Nevada
Utah	Oregon
Wyoming	Washington

Issued in Washington, D.C., on March 18, 1980.

Albert H. Linden, Jr.,

Deputy Administrator, Energy Information Administration.

[FR Doc. 80-8791 Filed 3-19-80; 10:29 am]

BILLING CODE 6450-01-M

[1] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or Local) and the military are excluded.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1440-3; 80T-129]

Alkoxylated Substituted Benzylamine Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register.** This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes on the chemical substance alkoxylated substituted benzylamine and requests comments on the appropriateness of granting the exemption.

DATES: The Agency must either approve or deny this application by April 14, 1980. Persons should submit written comments on the application no later than April 4, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460. 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Ann Radosevich, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460, 202-426-2601.

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA, any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** on May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN. Section 5(b)(1) contains additional reporting requirements for chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies, and briefly describes, the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register.**

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Registers** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to promulgation of the rules and notice forms.

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the Test Marketing Exemption is issued below.

TM 80-19.

Close of Review Period. April 14, 1980.

Manufacturer's Identity. Texaco Inc., 4800 Fournace Place, PO Box 430, Bellaire, TX 77401.

V 45/56 MR20 80 UMI

V 4 5 / 5 6 M R 2 0 8 0 UMI

Specific Chemical Identity. Claimed confidential. Generic name provided: Alkoxylated substituted benzylamine.

Date. The following summary is taken from data submitted by the manufacturer in support of claims made in the Test Marketing Exemption application.

Use. Claimed confidential. Generic use of the substance is as a component in the manufacture of polyurethane foam. Approximately 9,000 pounds will be manufactured for test marketing purposes.

Physical Properties

Appearance: Light yellow, clear, viscous liquid.
Flash point: 305°F (Pensky-Martens closed cup).
Specific gravity: 1.0960, 4/20°C.
Vapor pressure: Very low, probably less than 0.001 mm of mercury at 25°C.
Viscosity: 17,500 centipoises at 25°C.
Solubility: Methanol, acetone, glycol ether.

Toxicity

The following tests have been requested, results of which are expected to be available for use in the PMN: Acute oral LD_{50} (rat), acute dermal LD_{50} (rabbit), primary skin irritation (rabbit), and eye irritation (rabbit).

A closely related analogue of the substance, which is the subject of this request, has been tested for acute toxicological properties with the following results:

Oral LD_{50} (rat)=1.76 g/kg: Moderately toxic.
Acute dermal LD_{50} (rabbit)>3 g/kg: Practically non-toxic.
Primary skin irritation (rabbit). Draize score=3–5 out of a maximum of 8.0: Moderately irritating.
Eye irritation (rabbit). Draize score=25–50 out of a maximum of 110: Moderately irritating.

Exposure

During Manufacture. Because of the physical and chemical properties and the expected low toxicity of this product, and because of the enclosed manner of manufacture, the potential for exposre to this product is very low. The most likely route of exposure would be an accidential splashing on the skin. It is not expected that such an accident would present any significant hazard.

During Use. This substance is provided to the user in a diluted form with other low hazard components. No health problems are expected due to exposure to this substance.

Disposal. This substance would be chemically converted to an integral part of the polyurethane foam. Disposal would become a consideration only for waste material, small quantities of unused product, off-specification product, and the like. This material would be disposed of by drumming and shipping to an approved land burial site. It might also be mixed with waste solvent and incinerated by use as an auxiliary fuel.

Interested persons may, on or before April 4, 1980, submit to the Document Control Officer (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, 401 M St., SW., Washington, D.C. 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[80T–129]". Comments received may be seen in the above office between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 11, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

[FR Doc. 80-8626 Filed 3-19-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1440–5; 80P–113]

Mobay Chemical Corp.; 3,5-Dimethyl-4-(Methylthio)Phenyl Methylcarbamate; Renewal of Temporary Tolerances; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: This document corrects a notice that appeared on 3,5-dimethyl-4-(methylthio)phenylmethylcarbamate in the **Federal Register** of Tuesday, July 3, 1979 (FR Doc. 79–20548).

EFFECTIVE DATE: Effective on March 20, 1980.

FOR FURTHER INFORMATION CONTACT: William Miller, Product Manager (PM) 16, Registration Division, (TS–767), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460, (202–426–9458).

SUPPLEMENTARY INFORMATION: In FR Doc. 79–20548 appearing at page 39025 in the issue of Tuesday, July 3, 1979, the expiration date of "June 30, 1980" in the sixth paragraph, second line, is incorrect and is hereby changed to read "December 31, 1980."

Dated: March 12, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-8527 Filed 3-19-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 144–6; 80T–65]

Aliphatic Carbamate Ester; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register.** This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes on the chemical substance aliphatic carbamate ester and requests comments on the appropriateness of granting the exemption.

DATES: The Agency must either approve or deny this application by March 29, 1980. Persons should submit written comments on the application no later than April 4, 1980.

ADDRESS: Written comments to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460. 202–755–8050.

FOR FURTHER INFORMATION CONTACT: Ms. Paige Beville, Premanufacturing Review Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460, 202–426–8815.

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA, any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** on May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN. Section 5(b)(1) contains additional reporting requirements for chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies, and briefly describes, the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register.**

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2288) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to promulgation of the rules and notice forms.

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the test marketing exemption application is described below.

TM 80–15.

Close of Review Period. March 29, 1980.

Manufacturer's Identity. Sherwin-Williams Co., 10902 South Cottage Grove Ave., Chicago, IL 60628.

Specific Chemical Identity. Claimed confidential. Generic name provided by Sherwin-Williams Co.: Aliphatic carbamate ester.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the test marketing exemption application.

Use. Claimed confidential. However, the substance will be used as a component in a coating material. Four hundred gallons of solution containing this substance will be manufactured for test marketing purposes.

Health and Environmental Effects. The manufacturer stated that there are no known data on environmental or health effects of this polymer. Toxicological tests are being conducted and will be included in a premanufacturing notice, if filed.

Exposure/Disposal. Exposure of workers during the manufacture of this polymer and subsequent manufacture of the coating will be negligible since at no time will the polymer be isolated.

Customer exposure will also be negligible since customers will be exposed only to the coating of which the aliphatic carbamate ester is a part.

The manufacturer stated that all safe industrial hygiene handling practices will be observed.

Four customers will be provided samples of coating based on this material for purposes of evaluation.

There will be no effluent from the manufacture of the polymer. The reaction vessel in which this polymer is prepared will be rinsed with organic solvent and/or water. The solvent will be reclaimed by distillation. Any residues will be placed in appropriate containers and disposed at an acceptable dumping site.

Test marketing will be conducted during the first and second quarters of 1980.

Physical/Chemical Properties. This polymer is a solid at room temperature and is, for handling purposes, dissolved in an appropriate exygenated solvent depending upon application.

Interested persons may, on or before April 4, 1980, submit to the Document Control Officer (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[80T–65]". Comments received may be seen in the above office between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)).

Dated: March 17, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

[FR Doc. 80-8753 Filed 3-19-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1441–5; 80T–64]

Amine Modified Epoxy Resin; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register.** This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes on the chemical substance amine modified epoxy resin and requests comments on the appropriateness of granting the exemption.

DATES: The Agency must either approve or deny this application by March 29, 1980. Persons should submit written comments on the application no later than April 4, 1980.

ADDRESS: Written comments to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, 202–755–8050.

FOR FURTHER INFORMATION CONTACT: Ms. Paige Beville, Premanufacturing Review Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, 202–426–8815.

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA, any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** on May 15, 1979 (44 FR 28558). The requirement to submit PMN's for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN. Section 5(b)(1) contains additional reporting requirements for chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies, and briefly describes, the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register**.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Registers** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to promulgation of the rules and notice forms.

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the test marketing exemption application is described below.

TM 80–12.

Close of Review Period. March 29, 1980.

Manufacturer's Identity. Sherwin-Williams Co., 10909 South Cottage Grove Ave., Chicago, IL 60628.

Specific Chemical Identity. Claimed confidential. Generic name provided by Sherwin-Williams: Amine modified epoxy resin.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the test marketing exemption application.

Use. Specific use was claimed confidential. However, the substance will be incorporated into a coating material. Eight hundred gallons of solution containing the amine modified epoxy resin will be manufactured for test marketing purposes.

Health and Environmental Effects. There are no known data on environmental or health effects of this polymer. Toxicological tests are being conducted, and will be included in a premanufacture notice, if filed.

Exposure/Disposal.

Exposure of workers during the manufacture of the polymer and subsequent manufacture of the coating will be negligible since at no time will the polymer be isolated per se.

Customer exposure will also be negligible since they will be exposed only to the coating.

Four customers will be provided samples of the coating material, of which the polymer is a part, for purposes of evaluation during test marketing.

There will be no effluent from the manufacture of the polymer. The reaction vessel in which the polymer is prepared will be rinsed with organic solvent after discharge of the polymer. This organic solvent will be reclaimed by distillation. The residues therefrom will be placed in containers and disposed of at an acceptable disposal site.

Test marketing will be conducted during the first and second quarters of 1980.

Physical/Chemical Properties. This polymer is a solid at room temperature and is, for handling purposes, dissolved in ethanol 2-methoxy acetate during preparation.

Interested persons may, on or before April 4, 1980, submit to the Document Control Officer (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[80T–64]". Comments received may be seen in the above office between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 17, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

[FR Doc. 80-8752 Filed 3-19-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1441–4; 80T–63]

Starch Propionate Succinate Ester; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register**. This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes on the chemical substance starch propionate succinate ester and requests comments on the appropriateness of granting the exemption.

DATES: The Agency must either approve or deny this application by March 29, 1980. Persons should submit written comments on the application no later than April 4, 1980.

ADDRESS: Written comments to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, 202–755–8050.

FOR FURTHER INFORMATION CONTACT: Ms. Paige Beville, Premanufacturing Review Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, 202–426–8815.

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA, any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** on May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN. Section 5(b)(1) contains additional reporting requirements for chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies, and briefly describes, the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register**.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Registers** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to promulgation of the rules and notice forms.

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the test marketing exemption application is described below.

TM 80–13.

Close of Review Period. March 29, 1980.

Manufacturer's Identity. Sherwin-Williams Co., 10902 South Cottage Grove Ave., Chicago, IL 60628.

Specific Chemical identity. Starch propionate succinate ester.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the test marketing exemption application.

Use. The substance will be used as a polymeric binder in the formulation of protective and decorative coating. Three hundred pounds of this substance will be manufactured for test marketing purposes.

Health and Environmental Effects. There are no known data on environmental or health effects of this polymer. The polymer is prepared using materials that are of low or no adverse toxicological properties. Toxicological tests will be conducted and will be included in a premanufacturing notice if filed.

Exposure/Disposal.

Exposure of workers during the manufacture of this polymer will be negligible and four workers will be exposed to the dry powder during drying and packaging operations. During the preparation of the coating, two workers will be exposed to the dry powder during the solubilization step.

During subsequent pigmentation, packaging, application, and evaluation of the coatings, no workers will be exposed to the polymer perse.

Proper industrial hygiene will be observed during the handling of all materials for the solubilization of the polymer and for the preparation of the coatings.

Customer exposure will be limited to exposure to the final coating.

There will be no effluent from the manufacture of the polymer. During the manufacture of this polymer there will be an organic solvent present for various esterification processes. Following the separation of polymer from the organic solvent, the solvent is dumped into 55-gallon drums and disposed at an acceptable disposal site. There will be no solvent or effluent from

V45/56 MAR 20 80 UMI

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the reaction that is expected to be detrimental to navigable water ways or the environment.

Test marketing will be conducted during the first and second quarters of 1980.

Physical/Chemical Properties. This polymer is a dry granular powder at ambient temperatures. It has a melting point of 115°C.

Interested persons may, on or before April 4, 1980, submit to the Document Control Officer (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[80T–63]". Comments received may be seen in the above office between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 17, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

[FR Doc. 80-8751 Filed 3-19-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Farmers Bank of the State of Delaware, Dover, Del.; Suspension of Trading

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Order.

DATES: Effective 9:00 a.m. (E.S.T.) March 17, 1980 through Midnight March 19, 1980.

FOR FURTHER INFORMATION CONTACT: Mulford H. Smith, Financial Analyst, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, (202) 389–4651.

SUMMARY: It appearing to the Federal Deposit Insurance Corporation that the summary suspension of trading in the common stock of the Farmers Bank of the State of Delaware, Dover, Delaware being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

Therefore, pursuant to Sections 12(i) and 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended for the period beginning at 9:00 a.m. (E.S.T.) on March 17, 1980 through Midnight March 19, 1980, unless earlier terminated.

* * * * *

By order of the Board of Directors, March 14, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 80-8494 Filed 3-19-80; 8:45 am]

BILLING CODE 6714-01-M

Revised Statement of Policy Concerning Interest Rate Futures Contracts, Forward Contracts and Standby Contracts

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Revised Policy Statement Concerning Interest Rate Futures Contracts, Forward Contracts and Standby Contracts.

SUMMARY: On November 13, 1979, the Board of Directors of the Federal Deposit Insurance Corporation approved a policy statement outlining policies and procedures governing participation by State nonmember banks in interest rate futures, forward and standby contracts on U.S. Government and agency securities. The policy statement was developed jointly with the Board of Governors of the Federal Reserve System and the Comptroller of the Currency and became effective January 1, 1980 for contracts outstanding at that time and for those entered into subsequently. Interested parties were invited to submit comments on the statement by December 15, 1979. The Federal Deposit Insurance Corporation has considered the comments received and has determined that the statement will not apply to those contracts outstanding as of January 1, 1980. The Corporation is also revising certain guidelines of the policy statement. The revisions provide for an exception to the mark to market requirements for futures and forward contracts that relate to mortgage banking activities and also give banks the option of carrying futures and mandatory forward contracts at either market of lower of costs or market.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT: Ms. Sally Y. King, Chief, Securities Analysis Section, or Mr. Paul L. Sachtleben, Projects and Planning Specialist, Projects and Planning Branch, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429 (202–389–4606 or 202–389–4141).

SUPPLEMENTARY INFORMATION: Following are the revisions to the policy statement concerning futures, forward and standby contracts along with discussions of those revisions:

Revised Statement re Applicability of the Policy Statement:

These policies and procedures will apply to contracts entered into after January 1, 1980.

Discussion

The policies and procedures included in the original policy statement applied to contracts outstanding as of January 1, 1980 as well as to those entered into thereafter. Commentators from savings banks objected very strongly to the application of the statement to open contracts as of January 1, 1980. They stated that the retroactive feature was unfair and that they had relied upon what they believed to be appropriate accounting for such contracts. In view of these objections and the complexity of the accounting issues involved, the policy statement will be prospective from the effective date of the original statement.

Revised Guideline 3

3. The board of directors should establish limitations applicable to futures, forward and standby contract positions; and the board of directors, a duly authorized committee thereof, or the bank's internal auditors should review periodically (at least monthly) contract positions to ascertain conformance with such limits.

Discussion

Several commentators objected to original guideline 3 which requires the bank's board of directors to establish limitations on contract positions and review monthly the conformance with such limits. They stated that these requirements were inappropriate because they require the board to become directly involved in a management function. The Federal Deposit Insurance Corporation feels that it is extremely important that the bank's board of directors establish the position limitations and will continue that requirement. However, we would agree that the review function could be delegated to a duly authorized committee of the board of directors or the bank's internal auditors, and accordingly have revised guideline 3.

Revised Guideline 5

5. With the exception of contracts described in guideline 6, all open positions should be reviewed and market values determined at least monthly (or more often, depending on volume and magnitude of positions), regardless of whether the bank is required to deposit margin in connection with a given contract.[4] All futures and forward contracts should be valued on the basis of either market or the lower of cost or market, at the option of the bank.[5] Standby contracts should be valued on the basis of the lower of cost or market.[6] Market basis for forward and standby contracts should be based on the market value of the underlying security, except where publicly quoted forward contract price quotations are available. All losses resulting from monthly contract valuation should be recognized as a current expense item; those banks that value contracts on a market basis would recognize gains as current income items. In the event the above described futures and forward contracts result in the acquisition of securities, such securities should be recorded on a basis consistent with that applied to the contracts (market or lower of cost or market). Acquisition of securities arising from standby contracts should be recorded on the basis of lower of adjusted cost (see item 7(c)) or market.

Discussion

The policy statement, as originally adopted, requires futures contracts to be valued at market and forward contracts to be valued at lower of cost or market. Several of the written comments received by the agencies stated that the different methods of reflecting market risk for futures contracts and forward contracts were inconsistent. Revised guideline 5 removes this inconsistency by giving the bank the option of valuing all futures and forward contracts (other than those relating to mortgage banking activity) at either market or lower of cost or market.

Revised Guideline 6

6. Futures or forward contracts associated with bona fide hedging of mortgage banking operations, i.e., the origination and purchase of mortgage loans for resale to investors or the issuance of mortgage-backed securities, may be accounted for in accordance with generally accepted accounting principles applicable to such activity.

Discussion

This issue was not addressed previously in the policy statement. Revised guideline 6 exempts those futures or forward contracts from the mark to market requirements that are specifically identified with mortgage banking operations. Generally accepted accounting principles specifically address mortgage banking activities by requiring that mortgages held in inventory (for resale) be revalued on the basis of lower of cost or market. The futures or forward contract associated with this mortgage banking activity is a commitment to sell the inventory of mortgages. As the inventory of mortgage loans is already required to be marked to the lower of cost or market, it is inappropriate to also require that the related futures and forward contracts be similarly marked.

Certain Language Changes

The Federal Deposit Insurance Corporation has made certain language changes to improve the clarity and readability of the policy statement. These changes do not significantly alter the intent of the original statement.

Revised Policy Statement

Revised Statement of Policy Concerning Interest Rate Futures Contracts, Forward Contracts and Standby Contracts

The following is a Board of Directors policy statement relating to insured State nonmember bank participation in the futures and forward contract markets to purchase and sell U.S. government and agency securities. Information contained below is applicable specifically to activities of commercial and mutual savings banks. An additional statement of policy applicable to trust department activities of State nonmember banks may be issued at a later time.

The staff of the Treasury Department and the Board of Governors of the Federal Reserve System recently completed a study of the markets for Treasury futures. In part, the study notes that there is evidence that financial futures can be used by banks effectively to hedge portions of their portfolios against interest rate risk. However, the study also cautions that improper use of interest rate futures contracts will increase rather than decrease interest rate risk. In addition, various participants have advised that certain salespersons are attempting to suggest inappropriate futures transactions for banks, such as taking futures positions to speculate on futures interest rate movements. Furthermore, some banks and other financial institutions have recently issued standby contracts (giving the contra party the option to deliver securities to the bank at a predetermined price) that were extremely large given their ability to absorb interest rate risk. In so doing, these institutions have been exposed to potentially large losses that could (and sometimes did) significantly affect their financial condition.

Banks that engage in futures,[1] forward[2] and standby[3] contracts should only do so in accordance with safe and sound banking practices. Levels of activity should be reasonably related to the bank's business needs and capacity to fulfill its obligations under these contracts. In managing their investment portfolios, banks should evaluate the interest rate risk exposure resulting from their overall activities to ensure that the positions they take in futures, forward and standby contract markets will reduce their risk exposure and policy objectives should be formulated in light of the bank's entire asset and liability mix. The following are minimal guidelines to be followed by banks eligible under State law to participate in these markets.

1. Prior to engaging in these transactions, a bank should consult its State banking authority or obtain an opinion of bank counsel concerning the legality of these activities under State law.

2. The board of directors should consider any plan to engage in these activities and should endorse specific

[4] Underlying security commitments relating to open futures and forward contracts should not be reported on the balance sheet. Margin deposits and any unrealized losses (and in certain instances, unrealized gains) are usually the only entries to be recorded on the books. See "General Instructions" to the Reports of Condition and Income for additional details.

[5] Futures and forward contracts executed for trading account purposes should be valued on a basis consistent with other trading positions.

[6] Losses on standby contracts need be computed only in the case of the party committed to purchase under the contract, and only where the market value of the security is below the contract price adjusted for deferred fee income.

[1] *Futures Contracts:* These are standardized contracts traded on organized exchanges to purchase or sell a specified security on a future date at a specified price. Futures contracts on GNMA mortgage-backed securities and Treasury bills were the first interest rate futures contracts. Several other interest rate futures contracts have been developed, and it is anticipated that new and similar interest rate futures contracts will continue to be proposed and adopted for trading on various exchanges.

[2] *Forward Contracts:* These are over-the-counter contracts for forward placement or delayed delivery of securities in which one party agrees to purchase and another to sell a specified security at a specified price for future delivery. Contracts specifying settlement in excess of 30 days following trade date shall be deemed to be forward contracts. Forward contracts are not traded on organized exchanges, generally have no required margin payments, and can only be terminated by agreement of both parties to the transaction.

[3] *Standby Contracts:* These are optional delivery forward contracts on U.S. government and agency securities arranged between securities dealers and customers and do not currently involve trading on organized exchanges. The buyer of a standby contract (put option) acquires, upon paying a fee, the right to sell securities to the other party at a stated price at a future time. The seller of a standby (the issuer) receives the fee, and must stand ready to buy the securities at the other party's option.

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written policies in authorizing these activities. Policy objectives must be specific enough to outline permissible contract strategies and their relationship to other banking activities. Record keeping systems must be sufficiently detailed to permit internal auditors and examiners to determine whether operating personnel have acted in accordance with authorized objectives. Bank personnel are expected to be able to describe and document in detail how the positions they have taken in futures, forward and standby contracts contribute to the attainment of the bank's stated objectives.

3. The board of directors should establish limitations applicable to futures, forward and standby contract positions; and the board of directors, a duly authorized committee thereof, or the bank's internal auditors should review periodically (at least monthly) contract positions to ascertain conformance with such limits.

4. The bank should maintain general ledger memorandum accounts or commitment registers to adequately identify and control all commitments to make or take delivery of securities. Such registers and supporting journals should at a minimum include:

(a) The type, nature of position (long or short) and amount of each contract,

(b) The maturity date of each contract,

(c) The current market price and cost of each contract, and

(d) The amount of money held in margin accounts.

5. With the exception of contracts described in guideline 6, all open positions should be reviewed and market values determined at least monthly (or more often, depending on volume and magnitude of positions), regardless of whether the bank is required to deposit margin in connection with a given contract.[4] All futures and forward contracts should be valued on the basis of either market or the lower of cost or market, at the option of the bank.[5] Standby contracts should be valued on the basis of the lower of cost or market.[6] Market basis for forward and standby contracts should be based on the market value of the underlying security, except where publicly quoted forward contract price quotations are available. All losses resulting from monthly contract valuation should be recognized as a current expense item; those banks that value contracts on a market basis would recognize gains as current income items. In the event the above described futures and forward contracts result in the acquisition of securities, such securities should be recorded on a basis consistent with that applied to the contracts (market or lower of cost or market). Acquisition of securities arising from standby contracts should be recorded on the basis of lower of adjusted cost (see item 7(c)) or market.

6. Futures or forward contracts associated with bonafide hedging of mortgage banking operations, i.e., the origination and purchase of mortgage loans for resale to investors or the issuance of mortgage-backed securities, may be accounted for in accordance with generally accepted accounting principles applicable to such activity.

7. Fee income received by a bank in connection with a standby contract should be deferred at initiation of the contract and accounted for as follows:

(a) Upon expiration of an unexercised contract, the deferred amount should be reported as income;

(b) Upon a negotiated settlement of the contract prior to maturity, the deferred amount should be accounted for as an adjustment to the expense of such settlement, and the net amount should be transferred to the income account; or

(c) Upon exercise of the contract, the deferred amount should be accounted for as an adjustment to the basis of the acquired securities. Such adjusted cost basis should be compared to market value of securities acquired. See guideline 5.

8. Bank financial reports should disclose in an explanatory note any futures, forward and standby contract activity that materially affects the bank's financial condition.

9. To ensure that banks minimize credit risk associated with forward and standby contract activity, banks should implement a system for monitoring credit risk exposure associated with the customers and dealers with whom operating personnel are authorized to transact business.

10. To assure adherence to bank policy and prevent unauthorized trading and other abuses, banks should establish other internal controls including periodic reports to management, segregation of duties, and internal audit programs.

The issuance of long-term standby contracts, i.e., those in excess of 150 days, which give the other party to the contract the option to deliver securities to the bank will ordinarily be viewed as an inappropriate practice. In almost all instances where standby contracts specified settlement in excess of 150 days, regulatory authorities have found that such contracts were related not to the investment or business needs of the institution, but primarily to the earning of fee income or to speculating on future interest rate movements. Accordingly, the Board of Directors concludes that insured State nonmember banks should not issue standby contracts specifying delivery in excess of 150 days, unless special circumstances warrant.

The Board of Director intends to monitor closely insured State nonmember bank transactions in futures, forward and standby contracts to ensure that any such activity is conducted in accordance with safe and sound banking practices. In light of that continuing review, it may be found desirable to establish position limits applicable to insured State nonmember banks. This policy statement is issued pursuant to the Financial Institutions Supervisory Act, 12 U.S.C. 1818, and the supervisory authority of the Federal Deposit Insurance Corporation with respect to nonmember insured banks.

By order of the Board of Directors, March 12, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 80-8495 Filed 3-19-80; 8:45 am]

BILLING CODE 6714-01-M

[4] Underlying security commitments relating to open futures and forward contracts should not be reported on the balance sheet. Margin deposits and any unrealized losses (and in certain instances, unrealized gains) are usually the only entries to be recorded on the books. See "General Instructions" to the Reports of Condition and Income for additional details.

[5] Futures and forward contracts executed for trading account purposes should be valued on a basis consistent with other trading positions.

[6] Losses on standby contracts need be computed only in the case of the party committed to purchase under the contract, and only where the market value of the security is below the contract price adjusted for deferred fee income.

FEDERAL MARITIME COMMISSION

Inactive Tariffs—Bureau of Ocean Commerce Regulation; Cancellation

By Notice published in the Federal Register on September 14, 1979, the Commission notified the carriers named therein of its intent to cancel certain tariffs in the absence of a showing of good cause why such tariffs should not be cancelled. The Order gave the carriers until October 15, 1979, to respond to the Notice of Intent to Cancel.

The following carrier has failed to respond to the Order:

Door to Door International, Inc. FMC-F No. 2, C. Byron Schenk, President, 7109 Woodlawn Ave., NE., Seattle, Washington 98115.

Accordingly, pursuant to authority delegated by section 4.08 of Commission Order No. 201.1 (Revised) dated June 30, 1975, the tariff publication of the above named carrier is hereby cancelled.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80-8496 Filed 3-19-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Fidelity Ban Corp.; Formation of Bank Holding Company

Fidelity Ban Corporation, Independence, Iowa, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 96.65 per cent of the voting shares of Farmers State Savings Bank, Independence, Iowa. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 14, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-8556 Filed 3-19-80; 8:45 am]

BILLING CODE 6210-01-M

Banking Holding Companies; Proposed De Novo Nonbank Activities

The Bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 14, 1980.

A. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

1. BANKAMERICA CORPORATION, San Francisco, California (industrial bank, financing, insurance, servicing, travelers check, and data processing and management activities; nationwide): To engage through its proposed direct subsidiary, FinanceAmerica Industrial Bank ("the Bank"), a proposed Colorado corporation, in the activities of an industrial bank under the Colorado Industrial Bank Act. The Bank also proposes to service loans and other extensions of credit, to offer credit related life insurance and credit related accident and health insurance and to engage in the sale of travelers checks. Such activities will include but not be limited to issuing investment certificates and accepting savings accounts both intrastate and interstate; making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small businesses; making loans secured by real and personal property; and offering life and accident and health insurance directly related to extensions of credit made or acquired by the Bank. These activities would be conducted nationwide from an office in Denver, Colorado.

Further, its direct subsidiary, FinanceAmerica Corporation, a Pennsylvania corporation ("FinanceAmerica"), proposes to engage in the activities of providing bookkeeping and data processing services for the Bank, including storing and processing banking, financial, or related economic data for the Bank. These activities will be conducted from an office in Allentown, Pennsylvania.

2. BANKAMERICA CORPORATION, San Francisco, California, (financing, industrial loan, and insurance activities; California): To engage through its subsidiary, FinanceAmerica Thrift Corporation ("Thrift"), a California corporation, in the activities of an industrial loan company pursuant to Division 7 of the Financial Code of California and the offering of credit related life, credit related accident and health and credit related property insurance. Thrift also proposes to engage in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company. Such activities will include but not be limited to making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small businesses; making loans secured by real and personal property; and offering life, accident and health and property insurance directly related to extensions of credit made or acquired by Thrift. The proposed activities will be conducted in the cities of Cupertino, El Cajon, Escondido, San Diego-Kearney Mesa and San Diego-Mission Valley, California, serving the state of California.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 12, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-8555 Filed 3-19-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843 (c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh

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possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 7, 1980.

This notice is a republication of a previous **Federal Register** document (FR Doc. 80–7416) published on page 15668 of the issue for March 11, 1980.

A. *Federal Reserve Bank of Boston* (Richard E. Randall, Vice President) 30 Pearl Street, Boston, Massachusetts 02106:

DEUTSCHE BANK AG, Frankfurt, West Germany (insurance activities; continental United States): To act, through its 50% owned indirect subsidiary, Fiat Credit Corporation (which is presently engaged in the business of dealer inventory financing for dealers of affiliates of Fiat S.p.A. in the United States and retail financing for purchasers and lessees of products from such dealers), as an agent or broker for the sale of physical damage insurance directly related to extensions of credit by Fiat Credit Corporation. This activity would be conducted from the principal office of Fiat Credit Corporation in Bannockburn, Illinois, serving the continental United States.

E. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 11, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-8557 Filed 3-19-80; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-0261]

Policy Statement Concerning Forward Placement or Delayed Delivery Contracts and Interest Rate Futures Contracts

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Policy Statement (Revised).

SUMMARY: The Board of Governors has revised a previously published policy statement (44 FR 68033, November 28, 1979) which contains policies and procedures that the Board of Governors believes should be instituted by State member banks that engage in interest rate futures contracts,[1] forward contracts,[2] or standby contracts.[3] On U.S. government and agency securities to insure that such activities are conducted in accordance with safe and sound banking practices. The policies and procedures apply to outstanding contracts as of January 1, 1980 as well as those entered into subsequent to that date. However, the accounting procedures contained in numbered paragraph 5 of the policy statement apply only to those futures and forward contracts entered into, renewed or extended after January 1, 1980.

In response to comments received, the previously published policy statement has been revised (1) to give banks the option to carry futures and forward positions on a market or lower of cost or market basis, (2) to exempt futures and forward contract activities associated with *bona fide* hedging of a mortgage banking operation from the otherwise prescribed accounting treatment with respect to such contracts, and (3) to exempt those futures and forward contracts executed prior to January 1, 1980 from the accounting procedures contained herein. Other technical amendments, including a relaxation of the requirement that a bank's board of directors review contract positions at least monthly, have also been made.

[1] *Futures Contracts:* These are standardized contracts traded on organized exchanges to purchase or sell a specified security on a future date at a specified price. Futures contracts on GNMA mortgage-backed securities and Treasury bills were the first interest rate futures contracts. Several other interest rate futures contracts have been developed, and it is anticipated that new and similar interest rate futures contracts will continue to be proposed and adopted for trading on various exchanges.

[2] *Forward Contracts:* These are over-the-counter contracts for forward placement or delayed delivery of securities in which one party agrees to purchase and another to sell a specified security at a specified price for future delivery. Contracts specifying settlement in excess of 30 days following trade date shall be deemed to be forward contracts. Forward contracts are not traded on organized exchanges, generally have not required margin payments, and can only be terminated by agreement of both parties to the transaction.

[3] *Standby Contracts:* These are optional delivery forward contracts on U.S. government and agency securities arranged between securities dealers and customers and do not currently involve trading on organized exchanges. The buyer of a standby contract (put option) acquires, upon paying a fee, the right to sell securities to the other party at a stated price at a future time. The seller of a standby (the issuer) receives the fee, and must stand ready to buy the securities at the other party's option.

DATE: The original policy statement became effective January 1, 1980. The revised policy statement is effective immediately.

FOR FURTHER INFORMATION CONTACT: Robert S. Plotkin, Assistant Director, or Michael J. Schoenfeld, Senior Securities Regulation Analyst ((202) 452–2782), Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: In November 1979 the Board of Governors adopted, effective January 1, 1980, a policy statement concerning forward placement or delayed delivery contracts and interest rate futures contracts. At the time of publication, public comment on the policy statement was invited and approximately 55 letters of comment were received. The majority of comments concerned the accounting provisions contained in the policy statement. Other less controversial issues were also raised.

Several of the comments questioned the appropriateness of the bank regulatory agencies establishing accounting procedures and suggested that the determination of such procedures should be left to the accounting industry. A letter from the American Institute of Certified Public Accountants stated that it had recently convened a task force to examine the issue of accounting for futures and forward contracts and after the task force completes its deliberations it will submit its advisory conclusions to the Financial Accounting Standards Board for its conclusions and resolution. The letters of comment reveal, however, that there is at present no accepted industry practice and, indeed, there is a difference of opinion in the accounting profession as to what accounting standards should be adopted. As noted previously, the guidelines prescribed in the policy statement are necessary, in the Board's judgment, to prevent unsafe and unsound banking practices. Accordingly, although the Board stands ready to confer with representatives of the accounting profession and to modify, or even eliminate, the prescribed accounting procedures upon adoption of acceptable accounting standards by the accounting industry, the Board believes that the prescription of accounting standards at this time is within its statutory responsibility to prevent unsafe and unsound banking practices.

A number of commenters noted that the requirement to carry futures contracts at market conflicted with the requirement to enter securities acquired pursuant to futures contracts on the

bank's books on the basis of the lower of contract price or market price on settlement date. The revised policy statement specifies that securities acquired pursuant to contracts be recorded on a basis consistent with that applied to contracts. In addition, some commenters stated that it is unfair to make banks recognize forward contract losses but preclude them from recognizing gains. The revised policy statement gives banks the option of carrying forward contracts, as well as futures contracts, at market providing that trading account contracts be carried in a manner consistent with other positions in a trading account.

The revised policy statement also gives banks the option to carry futures positions at the lower of cost or market. This option will permit banks to defer gains resulting from a futures activity but will preclude them from delaying recognition of losses on such activity.

Other comments suggested that the prescribed accounting treatment would be inconsistent with accounting standards that have been prescribed with respect to mortgage banking activities (AICPA Position No. 74–12) and that the new procedures are neither necessary nor appropriate where a bank has a mortgage banking department or conducts mortgage banking activity. Since there were already accounting industry standards for this activity, which the Board believes are appropriate, the revised policy statement excludes futures and forward contract activities associated with *bona fide* hedging of mortgage banking operations from the accounting standards prescribed in the policy statement.

A number of commenters faulted the effective date of the accounting procedures contained in the policy statement. They argued that it is inequitable to change the accounting procedures during the period a contract is held, especially since the decision to enter into a contract was made without knowledge of the subsequent accounting guidelines. Upon reconsideration, the Board has agreed that the accounting procedures contained in numbered paragraph 5 of the policy statement are not required to be applied to futures and forward contracts entered into prior to January 1, 1980. Accordingly, these accounting procedures apply only to futures and forward contracts entered into, renewed or extended after January 1, 1980. No change has been made concerning the effective date of the policy statement with respect to standby contracts.

Finally, many commenters noted that the requirement in the original policy statement that the bank's board of directors review contract positions at least monthly to ascertain conformance with limits previously established by the Board is unduly burdensome and, in some cases, impractical. Accordingly, the revised policy statement provides that the position review may be carried out by the board, a duly authorized committee of the board or the bank's internal auditors.

Acting pursuant to its supervisory authority over State member banks contained in Section 9 (12 U.S.C. 321 *et seq.*) and Section 11 (12 U.S.C. 248) of the Federal Reserve Act and the Financial Institutions Supervisory Act of 1966 (12 U.S.C. 1818(b)) and related provisions of law, the Board of Governors has amended its previously published policy statement which, as revised, is hereinafter set forth in its entirety.

Statement of Policy Concerning Forward Contracts and Futures Contracts

The following is a Board policy statement relating to State member bank participation in the futures and forward contract markets to purchase and sell U.S. government and agency securities. Information contained below is applicable specifically to commercial banking activities. An additional statement of policy applicable to trust department activities of State member banks may be issued at a later time.

The staff of the Treasury Department and the Board of Governors of the Federal Reserve System recently completed a study of the markets for Treasury futures. In part, the study notes that there is evidence that financial futures can be used by banks effectively to hedge portions of their portfolios against interest rate risk. However, the study also cautions that improper use of interest rate futures contracts will increase interest rate risk—rather than decrease such risk. In addition, various participants have advised that certain salespersons are attempting to suggest inappropriate futures transactions for banks, such as taking futures positions to speculate on future interest rate movements. Furthermore, some banks and other financial institutions have recently issued standby contracts (giving the contra party the option to deliver securities to the bank at a predetermined price) that were extremely large given their ability to absorb interest rate risk. In so doing, these institutions have been exposed to potentially large losses that could (and sometimes did) significantly affect their financial condition.

Banks that engage in futures, forward and standby contract activities should only do so in accordance with safe and sound banking practices with levels of activity reasonably related to the bank's business needs and capacity to fulfill its obligations under these contracts. In managing their assets and liabilities, banks should evaluate the interest rate risk exposure resulting from their overall activities to insure that the positions they take in futures, forward and standby contract markets will reduce their risk exposure; and policy objectives should be formulated in light of the bank's entire asset and liability mix. The following are minimal guidelines to be followed by banks authorized under State law to participate in these markets.

1. Prior to engaging in these transactions, a bank should obtain an opinion of counsel or its State banking authority concerning the legality of its activities under State law.

2. The board of directors should consider any plan to engage in these activities and should endorse specific written policies in authorizing these activities. Policy objectives must be specific enough to outline permissible contract strategies and their relationship to other banking activities, and record keeping systems must be sufficiently detailed to permit internal auditors and examiners to determine whether operating personnel have acted in accordance with authorized objectives. Bank personnel are expected to be able to describe and document in detail how the positions they have taken in futures, forward and standby contracts contribute to the attainment of the bank's stated objectives.

3. The board of directors should establish limitations applicable to futures, forward and standby contract positions; and the board of directors, a duly authorized committee thereof, or the bank's internal auditors should review periodically (at least monthly) contract positions to ascertain conformance with such limits.

4. The bank should maintain general ledger memorandum accounts or commitment registers to adequately identify and control all commitments to make or take delivery of securities. Such registers and supporting journals should at a minimum include:

(a) the type and amount of each contract,

(b) the maturity date of each contract,

(c) the current market price and cost of each contract, and

(d) the amount of money held in margin accounts.

5. With the exception of contracts described in item 6, all open positions should be reviewed and market values determined at least monthly (or more

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often, depending on volume and magnitude of positions), regardless of whether the bank is required to deposit margin in connection with a given contract.[4] All futures and forward contracts should be valued on the basis of either market or the lower of cost or market, at the option of the bank.[5] Standby contracts should be valued on the basis of lower of cost or market.[6] Market basis for forward and standby contracts should be based on the market value of the underlying security, except where publicly quoted forward contract price quotations are availale. All losses resulting from monthly contract value determination should be recognized as a current expense item; those banks that value contracts on a market basis would recognize gains as a current income item. In the event the above described futures and forward contracts result in the acquisition of securities, such securities should be recorded on a basis consistent with that applied to the contracts (either market or lower of cost or market). Acquisition of securities arising from standby contracts should be recorded on the basis of lower of adjusted cost (see Item 7(c)) or market.

6. Futures or forward contracts associated with *bona fide* hedging of mortgage banking operations, i.e., the origination and purchase of mortgage loans for resale to investors or the issuance of mortgage-backed securities, may be accounted for in accordance with generally accepted accounting principles applicable to such activity.

7. Fee income received by a bank in connection with a standby contract should be deferred at initiation of the contract and accounted for as follows:

a. upon expiration of an unexercised contract the deferred amount should be reported as income;

b. upon a negotiated settlement of the contract prior to maturity, the deferred amount should be accounted for as an adjustment to the expense of such settlement, and the net amount should be transferred to the income account; or

c. upon exercise of the contract, the deferred amount should be accounted for as an adjustment to the basis of the acquired securities. Such adjusted cost basis should be compared to market value of securities acquired. See item 5.

8. Bank financial reports should disclose in an explanatory note any futures, forward and standby contract activity that materially affects the bank's financial condition.

9. To insure that banks minimize credit risk associated with forward and standby contract activity, banks should implement a system for monitoring credit risk exposure associated with various customers and dealers with whom operating personnel are authorized to transact business.

10. To assure adherence to bank policy and prevent unauthorized trading and other abuses, banks should establish other internal controls including periodic reports to management, segregation of duties, and internal audit programs.

The issuance of long-term standby contracts, i.e., those for 150 days or more which give the other party to the contract the option to deliver securities to the bank will ordinarily be viewed as an inappropriate practice. In almost all instances where standby contracts specified settlement in excess of 150 days, supervisory authorities have found that such contracts were related not to the investment or business needs of the institution, but primarily to the earning of fee income or to speculating on future interest rate movements. Accordingly, the Board concludes that State member banks should not issue standby contracts specifying delivery in excess of 150 days, unless special circumstances warrant.

The Board intends to monitor closely State member bank transactions in futures, forward and standby contracts to ensure that any such activity is conducted in accordance with safe and sound banking practices. In light of that continuing review, it may be found desirable to establish position limits applicable to State member banks. Supervisory action in individual cases under the Financial Institutions Supervisory Act (12 U.S.C. 1818(b)) may also be instituted if necessary.

By order of the Board of Governors of the Federal Reserve System, March 12, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-8559 Filed 3-19-80; 8:45 am]

BILLING CODE 6210-01-M

[4] Underlying security commitments relating to open futures and forward contracts should not be reported on the balance sheet. Margin deposits and any unrealized losses (and in certain instances, unrealized gains) are usually the only entries to be recorded on the books. See "General Instructions" to the Reports of Condition and Income for additional details.

[5] Futures and forward contracts executed for trading account purposes should be valued on a basis consistent with other trading positions.

[6] Losses on standby contracts need be computed only in the case of the party committed to purchase under the contract, and only where the market value of the security is below the contract price adjusted for deferred fee income.

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR 42]

Federal Procurement; GSA Handbook, Use and Specifications of Remote Terminal Emulation in ADP System Acquisitions

February 29, 1980.

1. *Purpose.* This bulletin announces the availability of the GSA Handbook, Use and Specifications of Remote Terminal Emulation in ADP System Acquisitions, dated August 1979, (see Subpart 1-4.11 of the Federal Procurement Regulations (FPR)).

2. *Expiration date.* This bulletin will remain in effect until canceled or superseded.

3. *General.* The referenced handbook provides guidance to Federal agencies in designing and conducting benchmark tests. Tests performed during ADP system acquisitions should reflect the current technology and should be practical, fair, and equitable for both the Government and vendors of ADP equipment and services.

4. *Availability.* Copies of the handbook are available to all Federal agencies without charge. Requests for copies should be submitted in writing to the General Services Administration (CCD), Washington, DC 20405.

Herman W. Barth,

Acting Assistant Administrator for Acquisition Policy.

[FR Doc. 80-8420 Filed 3-19-80; 8:45 am]

BILLING CODE 6820-61-M

GREAT LAKES BASIN COMMISSION

Intent To Prepare Draft Environmental Impact Statements (DEIS's) for Four Elements of the Great Lakes Basin Plan

AGENCY: Great Lakes Basin Commission.

ACTION: Notice of Intent to Prepare Draft Environmental Impact Statements (DEIS's).

SUMMARY: 1. The proposed elements are policy plans of the joint state-federal commission that are regional in scope, and consist of policy guidance for federal, state, local and private sectors in the Great Lakes Basin. The four elements of the plan are (a) Hazardous Waste Management/Groundwater Protection; (b) Analysis of Wetland Policies and Values; (c) Energy Policy Assessment; and (d) Coastal Hazards Assessment.

2. Alternatives will be considered including a no action plan.

3. (a) Scoping will be done with special Task Groups for each of four plan elements. These task groups consist of member agencies of the Basin Commission and members of the Commission's Public Involvement Work Group. Additional public involvement measures used during the planning process include: 1) further coordination with appropriate federal, state, and local agencies; 2) distribution of DEIS's to the public and agencies for their review and comment.

(b) Significant issues requiring in-depth analysis: none.

(c) Environmental review and consultation will be in accordance with the National Environmental Policy Act of 1969. The DEIS's will be circulated for review and all comments will be considered in preparing the final environmental impact statements.

4. A scoping meeting will not be held, however activities as addressed in 3a will be considered.

5. The estimated date when the DEIS's will be available is August 1980.

ADDRESS: Requests for additional information or questions concerning this notice should be directed to the Great Lakes Basin Commission, Attn: C. A. Job, Great Lakes Basin Plan Manager, Post Office Box 999, Ann Arbor, Michigan 48106, 313/668-2300.

Dated: March 14, 1980.

Lee Botts,

Chairman, Great Lakes Basin Commission.

[FR Doc. 80-8568 Filed 3-19-80; 8:45 am]

BILLING CODE 8415-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

Graduate Medical Education National Advisory Committee; Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, (5 U.S.C. Appendix I), the Health Resources Administration announces the renewal by the Secretary, HEW, on March, 6, 1980, with the concurrence by the General Services Administration, of the following advisory committee:

Committee and Termination Date

Graduate Medical Education, National Advisory Committee, September 30, 1980.

Authority for this committee will expire on the date indicated, unless the Secretary formally determines that continuance is in the public interest.

Dated: March 13, 1980.

James A. Walsh,

Associate Administrator for Operations and Management.

[FR Doc. 80-8422 Filed 3-19-80; 8:45 am]

BILLING CODE 4110-83-M

Office of Human Development Services

Administration for Children, Youth, and Families; Child Welfare Research and Demonstration Grants Program, Announcement No. 13608-801

AGENCY: Office of Human Development Services, DHEW.

SUBJECT: Announcement of Availability of Grant Funds for Child Welfare Research Grants Program.

SUMMARY: The Children's Bureau, Administration for Children, Youth and Families, announces the availability of Fiscal Year 1980 funds for special research grants and cooperative agreements under the Child Welfare Research Program, as authorized by Section 426 of the Social Security Act, as amended.

DATES: Applications must be received by May 19, 1980.

Scope of This Program Announcement

This announcement is in support of a continuing effort to improve the delivery of child welfare services through research projects in four areas: component or sub-system development, secondary prevention, specialized resource programs for Native Americans, projects addressing divorce custody problems, and newly developing issues that are in need of study and action.

Within the overall child welfare service delivery system design, further component or subsystem development will include projects dealing with specific components of client service delivery, secondary preventive services for children and their families, and assistance to American Indian Tribes and Indian organizations as they implement the Indian Child Welfare Act of 1978.

Additional studies will identify or develop and test, planning models which can be used at local and state agency levels for the preparation of long range and short range plans for the provision of services and their accountability measures.

There will be additional analyses of data initially developed from the National Surveys and supplementary data relating to social services for children and their families. These studies should lead to the preparation of publishable reports on issues of national significance.

Another area of emphasis is upon issues of increasing concern because of their impact on the well-being of children and families, which currently are outside the immediate scope of state social service agencies. These are:

a. Promotion of public awareness of the need to implement in all states a strong legal framework protecting children from the harmful effects of custody battles during and after their parents' divorces.

b. Identification and evaluation of nonadversarial methods and processes, such as divorce mediation and counseling services, which assist families in resolving conflict sufficiently to allow for rational self-determination of their children's custody and other associated settlement issues so profoundly affecting the lives of their children.

This announcement also encourages the development of field-initiated econometric, sociological and psychological research studies that relate directly to child welfare services or the high risk population they serve.

Related Research Announcements

Section 426 funds are used to support research efforts by the following Administration for Children, Youth and Families organizations: Research and Evaluation Division, Day Care Division, Youth Development Bureau, and the Training and Technical Assistance Division of the Children's Bureau. This announcement is issued by the Program Development and Innovation Division of the Children's Bureau.

Program Purpose

The purpose of the child welfare research grants program is to support special research in the field of child welfare on issues which are of regional or national significance. Funding is available to public or other nonprofit institutions of higher learning, and to public or other nonprofit agencies and organizations engaged in research.

Program Goals

The goal of this announcement is to support research to increase our knowledge of social services to children and their families in the following areas:

1. Reducing the need for the separation of children from their birth parents,

2. Improving the timeliness and execution of permanent placement plans for children who must be removed from their own homes, and

3. Improving the quality and appropriateness of services to those children.

Grants and Cooperative Agreements

Grants are awards for research studies to eligible institutions in which the government Project Officer primarily monitors the project and provides consultation as necessary.

Cooperative Agreements are awards for studies to eligible institutions in which the government works jointly with the investigators in realizing the project objectives.

Under Pub. L. 95–224, dated February 3, 1977, "The Federal Grant and Cooperative Agreement Act of 1977", states that a cooperative agreement shall be used as the legal instrument reflecting a relationship between Federal Government and a state or local government or other recipient whenever:

1. The principal purpose of the relationship is the transfer of money, property, services or anything of value to the State or local government or other recipient to accomplish a public purpose of support or stimulation authorized by Federal statute *rather than* acquisition by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal Government; and

2. Substantial involvement is anticipated between the executive agency acting for the Federal Government, and the State or local government or other recipient during performance of the contemplated activity.

Number of Awards

The Children's Bureau, Administration for Children, Youth and Families announces the availability of Fiscal year 1980 funds for research grants and for specific cooperative agreement efforts under the Child Welfare Research and Demonstration Program, as authorized by Section 426 of the Social Security Act, as amended. *A separate grant(s) or cooperative agreement(s) will be awarded for each of the following objectives.*

• *Objective One* (Three Grants)

The purpose of this effort is to identify and assess existing secondary prevention projects to alleviate the need for intensive social services such as foster care for children. Measures will be required to show which projects are practical, effective, economical and replicable. Specifically, grantees shall:

(1) Describe and document the existing prevention program, including population served, services provided, role in community network, length of time in operation, and financial and staff resources.

(2) Prepare a research design for assessing the effectiveness, costs and other resource requirements of the program.

Secondary prevention relates to early intervention through the identification of incipient problems which may have serious impact for the child and family. The approach involves the selection of target groups and the provision of habilitative, supportive, educational, and neighborhood programs which enable families to form and maintain a nurturing environment for the child.

• *Objective Two* (One Cooperative Agreement)

Service Provision and Assessment

The purpose of this cooperative agreement is to develop a system design which describes in detail the process of service provision and assessment specifically including:

(1) Alternative approaches to implementation of written case service plans in an effective manner.

(2) Resource management and coordination of services either directly, through purchase contracts, or supplementing services by use of collateral community resources.

(3) Workload management involving allocation of cases to workers, and caseload handling by individual workers.

(4) Delineation of the processes and intervals for review and assessment of the appropriateness of services being provided and progress of child or family toward case plan objectives.

(5) Identification of the skills, qualifications and training needed for staff to deliver effective services.

(6) Development of guidelines for determining when services should cease and the case closed.

Cooperative Role of Recipient and Children's Bureau

The recipient shall develop a detailed system design for the service provision and assessment component of a local social service agency, and at prescribed stages in the development of the design provide the Children's Bureau with project documentation. The documentation may include information flow diagrams, decision criteria, and other system specifications.

The Children's Bureau will react to this documentation, and where appropriate provide professional guidance in the development of crucial elements to insure they are complementary to other components of the system design already completed.

The Bureau will make available to the recipient all materials from previously funded system design efforts, and all pertinent training materials, performance standards, and other resources which might prove useful in the development of this system design component.

• *Objective Three* (Two Cooperative Agreements)

The goal of this cooperative agreement is to provide opportunities for technology transfer, to provide information and to employ those resources to support American Indian tribes and Indian organizations as they implement the provisions of the Indian Child Welfare Act of 1978 (Pub. L. 95–608). Assistance and materials may also be provided to States and local county agencies as they respond to the new responsibilities assigned to them in Title I of the Act.

Work will be apportioned into the following cooperative agreements:

(1) The first agreement will:

a. Collect, assess, and disseminate existing materials which may assist tribes, Indian organizations and States (including child welfare agencies and courts) to meet their new responsibilities resulting from the passage of the Indian Child Welfare Act.

The Children's Bureau will assist the investigator in the identification of programs, tools and technologies as known to the Children's Bureau from previous projects and work in the area of Indian child welfare.

b. Provide assistance to tribes and Indian organizations who wish to implement the Indian Child Welfare Act, based on the experiences and technical knowledge gained by the eight APS/ANA demonstration projects, the 30 Children's Bureau Regional Resource Centers, and national contractors.

c. Work cooperatively with the Children's Bureau Regional Resource Centers, national contractors and grantee of the second cooperative agreement, described below, to assure that there is no duplication of effort, and to maximize the goals and intent of each. Applicant proposals should contain a plan for accomplishing this.

The Children's Bureau will provide, on a continuous basis, current information regarding forthcoming grant announcements, contract solicitations, and general information regarding the agency's program directions and planning.

(2) The second agreement will:

a. Develop an advisory board consisting of American Indians and their selected representatives experienced in child welfare and social services.

The Children's Bureau will assist and cooperate by participating in the identification of leadership to be invited to serve on the advisory board and will participate in advisory board meetings.

b. Utilize the advisory board to administer a sub-cooperative agreement program to states, tribes, and Indian organizations. The task of these sub-cooperative agreement programs will be to develop and disseminate new materials and guides to assist Indian tribes, Indian organizations, and states (including child welfare agencies and courts) in meeting their new responsibilities resulting from the passage of the Indian Child Welfare Act.

The Children's Bureau will assist in the conceptualization and identification of specific materials and their contents; and in the development of a dissemination plan for the widest possible use of the material.

c. Utilize the board to administer technical assistance, or technology transfer to states, tribes and Indian organizations.

The Children's Bureau will assist in the development of the technical assistance and technology transfer strategies. The Children's Bureau will provide and reinforce linkages between the project and the activities of the 30 Regional Resource Centers and national contractors operating in the program areas of foster care and adoption; child abuse and neglect prevention; and child welfare training and technical assistance.

d. Work cooperatively with the Children's Bureau Regional Resource Centers, national contractors, and grantee of the first cooperative agreement, described above, to assure that there is no duplication of effort, and to maximize the goals and intent of each. Applicant proposals should contain a plan for accomplishing this.

• *Objective Four* (One Grant)

The goal of this research solicitation is the improvement of policy formulation and program performance by developing planning models. It is expected that such models will enable state and local administrators to assess immediate and potential need, client demand and service provision, with resulting benefits to client children and their families. The design and conduct of research will necessarily reflect applicant understanding of 1) the process of planning; 2) the impact of systematic planning on management functions; and 3) the impact upon the ultimate scope and quality of services delivered to the clients.

The grantee will be expected to:

(1) Review the professional literature on corporate planning and government planning for authoritative studies on the process, structure and components of strategic planning.

(2) Examine the differences between business and government goals and needs, then determine what a government social services planning model might apply from business models.

(3) Investigate the forecasting and operational problems commonly encountered in child welfare services which could be analyzed with the help of strategic planning.

(4) Adopt or develop new planning models for state administered and state supervised child welfare services.

(5) Include a formative evaluation in the research plan and show how this will be applied in participating locations.

(6) Develop a research utilization strategy to aid in the dissemination of planning techniques.

This objective assumes that both management and good practice will benefit from the application of systematic planning.

• *Objective Five* (One to Five Grants)

The objective of this grant program is to provide for additional analyses of data resulting from the two national surveys based upon a probability sample of public social service agencies providing social services to children and their families and other supplementary data sources, and the preparation of scholarly reports which will make substantial contributions to the knowledge and understanding of social services for children and their families. The grants will be awarded for the further analyses of data utilizing the surveys' public use tape data files and whatever collateral or supplementary data the investigator considers necessary for the study. Studies of social issues which impact policy issues and program development will be of particular interest.

Currently, analyses of the data are underway in areas relating to school age parents; ethnic and racial minorities; purchase of services; client and caseworker characteristics and their relationship to provision of services; services to adolescents; factors influencing placement decisions; and services to the birth families for children in foster care.

In addition, special studies are underway examining the intake systems and decision function of public social service agencies. Also, there is currently underway in the Office of Civil Rights a national survey relating to the racial and ethnic distribution of children in foster care by public county agencies. The data tape from this survey will also be available for analysis.

These small grants provide an opportunity to use data collected from the National Survey of Social Services; the National Survey of Intake Processes; and the National Civil Rights Survey in conjunction with other primary and secondary data sources.

• *Objective Six* (One Cooperative Agreement)

The purpose of this objective is to study divorce mediation programs which are intended to prevent or alleviate harmful effects of custody disputes on the children involved. These programs assist families in pursuing a non-adversarial approach and self-determination of child custody arrangements which will be in best interests of their children. Recipients shall:

(1) Identify for evaluation at least three model divorce mediation programs which have been in operation for two or more years.

The Children's Bureau will assist the investigator in the selection of program models to be evaluated and will host briefings with program operators to secure understanding and commitment to participate.

(2) Develop a three-year research plan based on successful service outcomes measured in terms of reduction of conflict and its impact on child adjustment, avoidance of post-divorce custody litigation, and maintenance of custody and visitation rights; impact on judicial custody decisions; and cost effectiveness as compared with traditional court intervention to determine custody and resolve disputes.

The Children's Bureau will participate in the research plan development, contributing advice and assistance in the decision-making process.

(3) Analyze the characteristics and components of successful mediation processes with respect to the role of therapy, counseling techniques, staff composition, both within the court systems and community-based programs independent of the court system. The Children's Bureau will participate in the research plan implementation with suggestions as to the use of experts in the fields of law and psychology and will participate in discussion forums.

(4) Identify skills and training needed by mediators and describe the role and relationship between the mediator and the attorney in the mediation process.

The Children's Bureau will assist through promotion of agreement among attorneys, psychologists and counselors on roles and relationships and on their practical application in building a mediation process.

(5) Develop recommendations for implementing a model divorce mediation network for families of all income levels, and of all cultural/ethnic backgrounds.

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The Children's Bureau will assist in the development of the recommendations and will, with the recipient, implement a dissemination plan.

• *Objective Seven* (One Cooperative Agreement)

The purpose of this objective is to develop and implement a public education effort to promote full adoption by all states of provisions of the Uniform Child Custody Jurisdiction Act, which protects children from the harmful effects of child snatching and easy modifiability by one state of another state's custody decree by providing deterrents and prohibitions of these dubious practices. Recipients will:

(1) Establish a National Task Force to provide leadership in examining data on implementation of Uniform Act statutes by the states, and to advise and participate in the planning and implementation of public education strategies to encourage passage of the Act in the 13 non-enacting states and better implementation of the Act's provisions by states already subscribing to the Act. The Children's Bureau will assist and cooperate by participating in the identification and selection of leadership to be invited to form a National Task Force, and will meet with the Task Force, at appropriate stages of project planning.

(2) Conduct a two-year program of public education to transfer knowledge on the purpose and benefits of the Act through meetings and seminars for state policy makers, legislators, members of the judiciary and the legal profession.

The Children's Bureau's national and regional offices will cooperate by hosting the meetings, either in Washington or the field, by identifying speakers for the agenda and by assisting in the evaluation of the meetings.

(3) Publish and disseminate a final report, containing an analysis and comparison of state custody statutes, an interpretation of provisions of the Uniform Act, and guidance for the use of states in achieving passage of the Act and in improving implementation of state statutes which are in accordance with the Act's philosophy and intent.

The Children's Bureau will cooperate in the development of the report and will cooperatively design and implement a dissemination plan for wide public consumption, including news media and professional journal materials.

• *Objective Eight* (One to Four Grants)

Proposed self-defined research projects which are directly related to advancing the understanding of child welfare issues or contributing to the improvement of current programs.

These projects are expected to address significant issues related to child welfare through the application of rigorous scientific methodology to research. Projects may deal with specific components of the delivery system such as preventive/supportive services, foster care, etc. Or they may deal with functional aspects of the delivery system such as reception, intake, assessment, etc. Projects may address other basic issues affecting the well being of high risk children and their families including econometric, sociological and psychological studies.

The project work plan should include the following:

(1) Objectives and results or benefits expected: this portion of the proposal should briefly and clearly summarize the broad issues and problems addressed by the research project in terms of its goals and objectives. It should also briefly summarize the results or benefits expected in terms of the knowledge to be generated and particularly its utility;

(2) Background summary: prepare a synthesis of the critical literature relating to the research issue with appropriate citation of references;

(3) Problem foundation and rationale: a formulation of the specific problem to be studied and the rationale for studying it;

(4) Data acquisition: the nature of the data to be collected, the procedures for collecting data and the methods of analyses. Assurance should be provided that the data will be obtained and that the sampled children and families will participate;

(5) A narrative explanation of scheduling for project start-up and other major activities, plus a timetable;

(6) Time and effort chart: the specific tasks required to implement, conduct and complete the project with references to beginning and ending dates, milestones and persons-days of effort for the key staff should be described.

Eligible Applicants

Applicant eligibility for Objectives I, II, III, IV, V, and VIII noted above are limited to public or other nonprofit institutions of higher learning; and to American Indian Tribes and organizations, and public and other non-profit organizations and agencies engaged in research, including state public agencies. For Objectives VI and VII, eligible applicants must be engaged in the research and study of family law and social issues related to the family, and/or of passage of uniform divorce and custody laws, including family court agencies, legal advocacy service programs, schools of law, institutions of higher learning, and non-profit agencies and commissions.

Available Funds

Of the total Child Welfare Research and Demonstration grant appropriation of $14,700,000 in Fiscal Year 1980, the Program Development and Innovation Division of the Children's Bureau expect to award, *based upon the availability of funds*, about $1,074,000 for the eight program efforts as follows:

Grants and Cooperative Agreements

Objective I: *Child Welfare Secondary Prevention Projects Assessment*

Three grants will be supported, if approved for a two year period at an annual Federal amount of $75,000 each year per grant.

Objective II: *Development of a Detailed Design for Service Provision and Assessment*

One cooperative agreement will be supported by this project for a two year period at $75,000 the first year and $100,000 for the second year.

Objective III: *Technology Transfer to Assist in the Implementation of the Indian Child Welfare Act of 1978*

Two cooperative agreements will be awarded by this project.

One cooperative agreement for a three year period at $50,000 per year.

One cooperative agreement for a three year period at $150,000 the first year of which $80,000 will be administered in ten subcooperative agreements to states, tribes, and Indian organizations.

And $200,000 for years two and three of which $120,000 will be administered in twelve subcooperative agreements to state, tribes, and Indian organizations each year.

Objective IV: *Identify or Develop and Test Child Welfare Planning Models*

One grant will be awarded for this project for a period of two years with $75,000 in the first year and up to $100,000 for year two.

Objective V: *Analysis of Selected Child Welfare Issues Using Data from National Surveys and from Secondary and Primary Sources*

One to five grants for this project will be awarded for a period of 12 months at an average of $13,000 per grant.

Objective VI: *Assessment of Divorce Mediation Service Programs as Alternatives to Adversarial Methods of Determining and Settling Custody Issues*

One cooperative agreement will be supported by this project for a three year period at $200,000 per year.

Objective VII: *Develop and Implement Public Education Measures to Facilitate Adoption by All States of the Uniform Child Custody Jurisdiction Act*

One cooperative agreement will be awarded by this project for a two year period at $75,000 per year.

Objective VIII: *Field-Initiated Research Relating to Child Welfare Issues*

One to four grants will be awarded for this project for a period of 12 to 36 months with an initial annual funding of a combined total of $159,000.

Grantee Share of Research Project

Grantees must share in the cost of the research grants. It is generally expected that the grantees will provide at least five percent of total project costs, except in the case of the small grants, where the share is expected to be much greater. Grantee contributions must be project related and may be in cash or in kind and allowable under the Department's regulation under Subpart G and Q in 45 CFR Part 74 (43 FR 34076, August 2, 1978).

Availability of Funds

If funds are not available in FY 1980, approved applications will be deferred for funding in FY 1981.

The Application Process

• *Availability of Application Forms*

In order to be considered for a grant under the Child Welfare Research Grants Program, an application must be submitted on forms supplied and in the manner prescribed by the Administration for Children, Youth and Families. Application kits which contain the prescribed application forms and information for the applicant may be obtained from: Children's Bureau, Administration for Children, Youth and Families, Program Development and Innovation Division, P.O. Box 1182, Washington, D.C. 20013, Attention: Charles P. Gershenson, Telephone: (202) 755-7447, Number: 13608-801.

• *Application Submission*

The prescribed application forms must be executed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms and conditions of the financial assistance award. One signed original and two copies of the application, including all attachments, are required. Five additional copies are requested to expedite the review process. The original and the additional copies may be mailed or hand-delivered to: Department of Health, Education, and Welfare, Office of Human Development Services, Hubert H. Humphrey Building, Grants Management Branch, Room 345-F, 200 Independence Avenue, S.W., Washington, D.C. 20201, (Attention: Mary White).

Hand-delivered applications are accepted during normal working hours of 9:00 a.m. to 5:30 p.m. (EDT), Monday through Friday.

• *A-95 Notification Process*

This grant program is exempt from the requirements of A-95 Notification Process.

• *Application Consideration*

The Commissioner for Children, Youth and Families determines the final action to be taken with respect to each application. Applications which do not conform to this announcement, or are not complete, or do not meet the deadline will not be accepted for consideration and will be returned to the applicant without review. Otherwise, all applications will be considered for funding. All accepted applications will be subjected to a competitive review and evaluation by persons independent of the program office who are experts in the area of child welfare research and services to children and their families, psychology, and in other professional fields directly related to this effort. The review results in a list of recommendations which supplement and assist the Commissioner's consideration of the competing applications. The Commissioner also takes into account the comments of the HEW Regional and headquarters program offices. Comments on the applications may also be requested from appropriate specialists and consultants both within and outside the government.

After the Commissioner has decided either to disapprove or not fund a competing grant application, the unsuccessful applicant will be notified by letter of that decision. The letter will include an explanation of the reasons for disapproval or nonfunding or will indicate that an explanation may be obtained upon request.

The Commissioner for Children, Youth and Families makes financial assistance awards consistent with the purposes of the legislation and program announcements within the limits of Federal funds available for the purpose of supporting research projects. The official grant award document is the Notice of Financial Assistance Awarded (NFAA). The NFAA sets forth in writing to the recipient the amount of funds awarded, the purpose of the grant or cooperative agreement, the terms and conditions of the award, the effective date of the award, the budget period for which support is given, and the total recipient share expected. The initial award also specifies the total project period for which support is contemplated, although support beyond the first year is dependent upon the grantee's satisfactory progress and the availability of funds.

Criteria for Review and Evaluation of Applications

Objective One: Child Welfare Secondary Prevention Projects Assessment—Grants

• Identification and description of secondary prevention program including program objectives, target population, services provided, and number of years program has been in existence—*25 points.*

• Scientific merit and feasibility of research design including study problems or hypotheses, sample size, use of control or comparative groups, design framework, process and outcome measures to be used, methods for obtaining necessary data, and analytical approach—*30 points.*

• Applicant organization has adequate facilities and resources. Project personnel are well qualified with respect to education and experience to carry out assigned responsibilities and there is an identified project director who has made a commitment to provide at least 50% of his or her time to this project. Grantee organization must have the experience, knowledge, and resources to accomplish the project objectives.—*25 points.*

• Written statements from participating agencies, institutions and consultants are included which attest to their agreement and availability—*10 points.*

• The estimated cost to the government is reasonable considering the anticipated results—*10 points*

Objective Two: Development of a Detailed Design for Service Provision and Assessment—Cooperative Agreement

• The proposed procedures or work program are capable of achieving the stated project objectives—*40 points.*

The project personnel are well qualified and applicant organization has adequate facilities and resources—*30 points.*

Participating agencies, institutions and consultants shall have presented written statements which attest to their agreement and availability—*20 points.*

The estimated cost to the government is reasonable considering the anticipated results, with documentation of costs presented in a detailed budget for each phase of the effort—*10 points.*

Objective Three: Technology Transfer to Assist in the Implementation of the Indian Child Welfare Act of 1978—Cooperative Agreements

• Project framework is capable of achieving the specific program

objectives defined in the program announcement.

Evidence of understanding:

Indian culture and mores; relationship to public agencies and Indian tribes; good child welfare practice; technical assistance; child welfare delivery systems; traning methodologies; Indian Child Welfare Act of 1978—*20 points.*

• Proposed procedures, if well executed, are capable of attaining project objectives. Technical content of proposal includes:

Plan for involvement of Indians in operation of project; training methodologies; good child welfare practices; identification of effective child welfare programs; dissemination and utilization principles—*35 points.*

• Project personnel are well qualified and the applicant organization has adequate facilities and resources.

Personnel have knowledge of:

Child welfare operations at state and local levels; good child welfare practices; negotiation skills; system development and linkages; technical assistance; training seminars.

Organizational experience:

Familiarity with Indian cultures and mores; familiarity with good child welfare practices and programs; familiarity with concepts of technology transfers; familiarity with training methodologies—*35 points.*

• Estimated cost to the Government of the project is reasonable considering the anticipated results—*10 points.*

Objective Four: Identify or Develop and Test Child Welfare Planning Models—Grant

• Clear exposition of the issues to be examined. Project framework and objectives are capable of achieving the specific program objectives defined in the Program Announcement—*30 points.*

• Methodology for developing planning models suited to social service planning. Proposed procedures, if well executed are capable of attaining project objectives—*35 points.*

• Availability of skills and experience of project staff, including Project Director, in technology of management and in social service administration. Project personnel are well qualified and the applicant organization has or will have adequate facilities and resources—*25 points.*

• Estimated cost to the Government of the project is reasonable considering the anticipated results—*10 points.*

Objective Five: Analysis of Selected Child Welfare Issues Using Data from National Surveys and from Secondary and Primary Sources—Grants

• Clarity of conceptual framework and project objectives which are capable of achieving the specific program objectives defined in the Program Announcement—*20 points.*

• Description of data elements to be used in the study including those available from the National Surveys and other secondary sources, and those specific data elements which will be generated by the investigator—*30 points.*

• Analytic procedures to be used and identification of anticipated problems in use of data sources and plans to resolve these problems—*25 points.*

• Applicant organization has adequate facilities and resources. The identified project director is qualified. A doctoral candidate who has completed all requisite course work may be the project director. Assurance is provided that the study will be completed within 12 months after the grant award. No application will be accepted without this assurance—*15 points.*

• The estimated cost to the Government is reasonable considering the anticipated results—*10 points.*

Objective Six: Assessment of Divorce Mediation Service Programs as Alternatives to Adversarial Methods of Determining and Settling Custody Issues—Cooperative Agreement

All competing cooperative agreement applications will be reviewed and evaluated against the following criteria:

• The proposed procedures or work program are capable of achieving the specific cooperative agreement objective as defined in this announcement and in the Program Guidance contained in the Application Kit—*45 points.*

• Applicant organization has adequate facilities and resources. Project personnel are well qualified with respect to education and experience to carry out assigned responsibilities and there is an identified Project Director who has made a commitment to provide at least 50% of his or her time to this project; and there should be an identified plan for participation of specialists in fields related to this issue, such as public education, law and media specialists—*35 points.*

• Written statements from participating agencies and individuals attesting to their interest and availability—*10 points.*

• The estimated cost to the government is reasonable considering the anticipated results with documentation of costs presented in a detailed budget for each phase of the effort—*10 points.*

Objective Seven: Develop and Implement Public Education Measures to Facilitate Adoption by All States of the Uniform Child Custody Jurisdiction Act—Cooperative Agreement

• The proposed procedures or work program are capable of achieving the specific cooperative agreement program objectives as defined in this announcement and in the Program Guidance contained in the Application Kit—*45 points.*

• Applicant organization has adequate facilities and resources. Project personnel are well qualified with respect to education and experience to carry out assigned responsibilities; and there is an identified Project Director who has made a commitment to provide at least 50% of his or her time to this project. In addition there should be a full-time staff person assigned administrative responsibility and a plan for participation of specialists in fields related to this project, such as psychology, mental health, law, child welfare, and child development.

a. Resumes for each staff member and consultant proposed.

b. Written job descriptions of each salaried staff member—*35 points.*

• Written statements from participating agencies, institutions and consultants shall be included which attest to their agreement and availability—*10 points.*

• The estimated cost to the government is reasonable considering the anticipated results, with documentation of costs presented in a detailed budget for each phase of the effort—*10 points.*

Objective Eight: Field Initiated Research Relating to Child Welfare Issues—Grants

All competing grant applications will be reviewed and evaluated against the following criteria:

• The proposed procedures or work program are capable of achieving the stated objectives of the research project. The stated objectives must be related to the broad goal of improving the child welfare services delivery system or to understanding a significant child welfare issue—*45 points.*

• Applicant organization has adequate facilities and resources. Project personnel are well qualified with respect to education and experience to carry out assigned responsibilities; and there is an identified project director who has made a commitment to provide at least 50% of his or her time to this project—*35 points.*

• Written statements from participating agencies, institutions or consultants are included which attest to their agreement and availability—*10 points.*

• The estimated cost to the government is reasonable considering the anticipated results—*10 points.*

Closing Date for Receipt of Application

The closing date for receipt of applications under this program announcement is May 19, 1980. An application will be considered to have arrived by this closing date if:

1. The application was sent by registered mail by not later than May 19, 1980 as evidenced by the U.S. Postal Service postmark, unless the mailed application arrives too late to be considered by the independent review panel.

2. The application is hand-delivered and received by the Office of Human Development Services receiving office on or before May 19, 1980. Normal working hours are 9:00 a.m. to 5:30 p.m. (EDT), Monday through Friday. Hand-delivered applications received after this deadline will not be considered and will be returned to the applicant.

(Catalog of Federal Domestic Assistance Program Number: 13.608—Child Welfare Research and Demonstration Grants Program)

Dated: March 14, 1980.

John A. Calhoun,

Commissioner for Children, Youth and Families.

Approved: March 14, 1980.

Warren Master,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 80-8570 Filed 3-19-80; 8:45 am]

BILLING CODE 4110-92-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Secretary

[Docket No. N-80-986]

Privacy Act of 1974; New System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notification of new system of records.

SUMMARY: The Department is giving notice of a new system of records it intends to maintain which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: The system shall become effective without further notice on April 19, 1980, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Department Privacy Act Officer, Telephone 202-557-0605. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The system is the Secretary's Correspondence Control System (HUD/DEPT-63) which will contain information (correspondent's name, title, return address, date and subject of letter, and response status) on individuals who have corresponded with the Secretary or Under Secretary, and individuals whose correspondence has been referred by the White House, other Executive agencies, or members of Congress to the Secretary or Under Secretary for response. A new system report was filed with the Speaker of the House, the President of the Senate and the Office of Management and Budget on February 15, 1980. The prefatory statement containing General Routine Uses applicable to all of the Department's systems of records was published at 44 FR 72288 (December 13, 1979). Appendix A, which lists the addresses of HUD's field offices was published at 44 FR 72307 (December 13, 1979) and supplemented at 45 FR 6479 (January 28, 1980).

HUD/Dept.-63

SYSTEM NAME:

Secretary's Correspondence Control System.

SYSTEM LOCATION:

Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals who correspond with the Secretary or the Under Secretary. (b) Individuals whose correspondence has been referred by the White House, other Executive agencies, or Members of Congress to the Secretary or Under Secretary for response.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence identification (correspondent's name, address, organization, title, control number, date of letter, subject); status or response within the Department (office assigned, date due, current disposition); may include original correspondence, Department's response, referral letters, name and identification of person referring the correspondence, and copies of any enclosures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 7(d) of the Department of Housing and Urban Development Act of 1965, Pub. L. 89-174.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Uses paragraphs or prefatory statement. Other routine uses: None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders, on microfiche and on magnetic disc/tape.

RETRIEVABILITY:

Name, control number, name of person referring correspondence, return address on letters, organization name, title, date of letter, subject of letter, office assigned, date due, current disposition.

SAFEGUARDS:

Manual files and microfiche are kept in folders and accessed only by authorized personnel, computer records are maintained in a secure area with access restricted to authorized personnel.

RETENTION AND DISPOSAL:

All files are maintained in the Executive Secretariat for three years and then are retained/disposed of in accordance with HUD Handbook 225.6, Schedule 62, dated March, 1976. All computerized information is maintained on magnetic disc for one year, then is copied to magnetic tape and stored in a secure location.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Headquarters location. This location is given in Appendix A.

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CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A, (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject, referral source, Department employees involved in processing the correspondence.

(5 U.S.C. 552a, 88 Stat. 1896; sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., March 14, 1980.

William A. Medina,

Assistant Secretary for Administration.

[FR Doc. 80-8560 Filed 3-19-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Irrigation Operation and Maintenance Charges; Water Charges and Related Information; Wind River Irrigation Project, Wyo.

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in 230 DMI and redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 191.1(e).

Pursuant to final rule published on June 14, 1977, in 42 FR 30361, this notice sets forth changes to the operation and maintenance charges and related information applicable on trust land, LeClair Irrigation District Wind River Irrigation Project, Wyoming. These charges were proposed pursuant to the authority contained in the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 25 U.S.C. 385; 45 Stat. 210, 25 U.S.C. 387).

Interested persons were given 30 days in which to submit written comments, views or arguments regarding the proposed rates and related provisions. Only one written comment was received during the 30-day comment period. This comment did not present any substantive information which would lead to the revision of the proposed change.

In compliance with the above, the operation and maintenance charges for the lands under Wind River Irrigation, Wyoming for the calendar year 1979 and subsequent years until further notice, are hereby fixed at $5.60 per acre for the assessable area under the constructed works on the diminished Wind River Project and at $9.50 per acre for all irrigable trust patent Indian land which lies within the Ceded Wind River Irrigation Project (LeClair Irrigation District).

Alonzo T. Spang, Sr.,

Superintendent, Wind River Agency.

[FR Doc. 80-8564 Filed 3-19-80; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

District Grazing Advisory Board, Susanville, Calif.; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Susanville District Grazing Advisory Board will be held on April 22, 1980.

The meeting will begin at 10:00 a.m. in the California Pines Lodge, County Road 71, Alturas, California.

The agenda for the meeting will include:

1. Comments to the board by BLM California State Director, Jim Ruch.
2. Explanation of District Policy on Project Maintenance and Contributions.
3. How and when advisory board funds will be used for predator control.
4. Status of Wilderness Study Area Program.
5. Status of Surprise/Warner Stewardship Program.
6. Status of Wild Horse Program.
7. Potential projects for use of advisory board funds.

The meeting is open to the public. Interested persons may make oral statements to the Board between 3:30 and 4:30 p.m. or file a written statement for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1090, Susanville, California 96130, by April 16, 1980. Depending on the number of persons wishing to make oral statements, a per person list limit may be established.

Summary minutes of the Board Meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Herman Kast,

Acting District Manager.

[FR Doc. 80-8558 Filed 3-19-80; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board North Atlantic Technical Working Group; Meeting

Notice of this meeting is issued in accordance with the Federal Advisory Committee Act (Pub. L. 92-463).

Name: North Atlantic Technical Working Group

Date: April 15, 1980

Place: The Venetian Room, The Copley Plaza Hotel, Boston, Mass.

Time: 9:30 a.m. to 3:30 p.m.

Committee membership consists of representatives from federal agencies, the coastal states from Maine through New Jersey, the petroleum industry, and other interests.

Agenda: Discussion of OCS oil and gas transportation planning; recommendations for OCS Lease Sale #52 tentative tract selection; public comment period (2:30 to 3:30).

The meeting will be open to the public. Public attendance may be limited by the space available. Persons wishing to make oral presentations to the Committee regarding matters on the agenda should contact Dick Wildermann of the New York OCS Office (212-264-1061) by April 8. Written statements should be submitted by April 22 to the New York OCS Office, Bureau of Land Management, 26 Federal Plaza, Suite 32-120, New York, New York 10007.

Minutes of the meeting will be available for public inspection and copying by June 10, 1980 at the above address.

Frank Basile,

Manager New York OCS Office.

[FR Doc. 80-8517 Filed 3-19-80; 8:45 am]

BILLING CODE 4310-84-M

[U-910]

Utah; Final Wilderness Decisions in Effect on Units in the Overthrust Belt

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the wilderness inventory decisions on units within the Overthrust Belt became effective March 7, 1980 as published in the February 6, 1980 **Federal Register** Notice, Volume 45, No. 26, page 8165.

Formal protests were not filed during the protest period, therefore, the decision is now in effect on those units. The decisions are as follows: UT-040-136, approximately 9,900 acres; UT-040-269, approximately 916 acres; UT-040-270, approximately 523 acres; UT-040-271, approximately 147 acres; UT-040-272, approximately 598 acres; UT-040-273, approximately 1,354 acres; and UT-040-124, an interstate unit with Nevada, approximately 21,083 acres are dropped from further wilderness consideration. Management restrictions imposed by Section 603 of FLPMA will no longer apply. Unit UT-040-123, an interstate unit with Nevada of approximately 10,568 acres in Utah, is identified as a Wilderness Study Area. Management restrictions imposed by Section 603 of FLPMA will be in effect.

FOR FURTHER INFORMATION CONTACT:
Kent Biddulph, BLM Utah State Office (801) 524-5326.

Dated: March 10, 1980.

Gary J. Wicks,

State Director.

[FR Doc. 8412 Filed 3-19-80; 8:45 am]

BILLING CODE 4310-84-M

[ORE 04759]

Oregon; Order Providing for Opening of Public Land

1. Pursuant to the Act of June 14, 1926 (44 Stat. 741), as amended and supplemented (43 U.S.C. 869 et sec.), the following land has been voluntarily reconveyed to the United States:

Willamette Meridian

T. 17 S., R. 13 E.,
Sec. 17, NE¼NW¼.

The area described contains 40 acres in Deschutes County, Oregon.

2. The subject land is located approximately seven miles northeast of the City of Bend. Elevation averages 3,600 feet above sea level, and the topography varies from generally flat to moderately rolling. Vegetation consists primarily of sagebrush, juniper, and native grasses. In the past, the land has been used for solid waste disposal purposes, and it will be managed, together with adjoining public lands, for multiple use management.

3. At 10:00 a.m. on April 18, 1980, the land will be open to operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All applications received at or prior to 10:00 a.m. on April 18, 1980, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10:00 a.m. on April 18, 1980, the land will be open to location under the United States mining laws. The land has been and continues to be open to applications and offers under the mineral leasing laws.

5. Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

March 13, 1980.

[FR Doc. 80-8591 Filed 3-19-80; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Chattahoochee River National Recreation Area; General Management Plan—Georgia; Notice of Intent

This announcement is to provide public information that the National Park Service will prepare a draft environmental statement on the proposed general management plan for Chattahoochee River National Recreation Area, Georgia.

The general management plan is the parkwide plan for meeting the management objectives for the park. It charts a long-range strategy for resource management, visitor use, and development at a level of detail that will facilitate implementation of proposed actions.

If you or your organization need additional information or wish to provide information for consideration during preparation of the statement, please advise the Regional Director, Southeast Region, National Park Service, 75 Spring Street, S.W., Atlanta, Georgia 30303.

Dated: March 7, 1980.

Neal G. Guse, Jr.,

Acting Regional Director.

[FR Doc. 80-8543 Filed 3-19-80; 8:45 am]

BILLING CODE 4310-70-M

Availability of Final General Management Plan; Grant-Kohrs Ranch National Historic Site

Notice is hereby given that a General Management Plan for Grant-Kohrs Ranch National Historic Site has been approved and is available for distribution.

Congress established Grant-Kohrs Ranch National Historic Site on August 25, 1972 (Public Law 92-406), "to provide an understanding of the frontier cattle era of the Nation's history, to preserve the Grant-Kohrs Ranch, and to interpret the nationally significant values thereof for the benefit and inspiration of future generations."

The General Management Plan identifies and evaluates objectives of management to achieve these purposes and relates these basic concepts to the management and development of the historic site for visitor use.

Anyone wishing additional information and/or copies of the General Management Plan should contact the Superintendent, Grant-Kohrs Ranch National Historic Site, P.O. Box 799, Deer Lodge, Montana 59722.

Copies of the plan may also be obtained from the Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colorado 80225.

Dated: March 7, 1980.

James B. Thompson,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 80-8542 Filed 3-19-80; 8:45 am]

BILLING CODE 4310-70-M

Land Acquisition of Highway Right-of-Way for U.S. 101 Redwood National Park, California; Intent To Prepare Environmental Impact Statement

Notice is hereby given that, in accordance with the National Environmental Policy Act of 1969, the U.S. Department of Interior, National Park Service is preparing an environmental impact statement jointly with the California Department of Transportation and Federal Highway Administration to analyze impacts regarding the development of a bypass for U.S. 101 required by Public Law 95-250, Section 101(a)(5).

The statement will assess potential environmental impacts associated with the designated bypass from a point south of Prairie Creek Redwood State Park through the drainage of May Creek and Boyes Creek extending along the eastern boundary of Prairie Creek Redwood State Park within Humboldt and Del Norte Counties.

Scoping has been underway since April, 1979, as a result of public meetings, workshops, field trips and other public participation. Consolidation with California Department of Parks and Recreation is also ongoing. Coordination will continue to be pursued with all interested parties and agencies concerned with resources and recreation.

All interested agencies, organizations, or individuals are invited to submit comments or suggestions for

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consideration in the preparation of the draft environmental statement. The availability of the completed document will be announced in the **Federal Register** and additional public comments will be solicited. Those who desire to submit comments or suggestions should direct them to Mr. John A. Sacklin, Environmental Specialist, Redwood National Park, P.O. Box SS, Arcata, California 95521, or Mr. David Eyres, District Engineer, FHWA, P.O. Box 1915, Sacramento, California 95805, by July, 1980.

Dated: March 11, 1980.

Howard H. Chapman,

Regional Director, Western Region.

[FR Doc. 80-8541 Filed 3-19-80; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL BOUNDARY AND WATER COMMISSION UNITED STATES AND MEXICO

Microwave Communications System Between Amistad Dam and Pearsall, Tex.; Intent Not to Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Parts 1500–1508) and the United States Section's Proposed Procedures (44 FR 61665, October 26, 1979); the United States Section gives notice that an environmental impact statement will not be prepared for the Microwave Communications System Between Amistad Dam and Pearsall, Texas.

The United States hydroelectric generating plant at Amistad Dam on Rio Grande in Val Verde County, Texas is under construction. The final EIS for the Amistad Hydroelectric Plant, November 1976 covers all the major features of the Project. Subsequently, during design of the facilities, consideration has been given to the remote operation of the Amistad Power Plant from Pearsall, Texas, the primary generating station and control center for the Medina Electric Cooperative.

The proposed action includes construction of three new microwave stations with free standing towers at Amistad Dam, near Brackettville, and near Frio Town. Existing towers at Del Rio, Brackettville, Uvalde and Pearsall will be used. Appropriate Federal and State agencies and conservation associations were contacted concerning the proposed action and requested to provide suggestions and information. An environmental assessment was prepared, which concluded that there would be no significant impact to the human environment. A copy of the Environmental Assessment, of this Notice and of the Negative Declaration has been forwarded to the Environmental Protection Agency. A copy of these documents are on file and may be reviewed by contacting Mr. Frank P. Fullerton, Legal Adviser, United States Section, International Boundary and Water Commission, 4110 Rio Bravo, 200 IBWC Building, El Paso, Texas 79902, telephone FTS 572–7393 or commercial 915–543–7393. A limited number of copies of the environmental assessment are available to fill single copy requests at the above address.

No administrative action on implementation of proposal will be taken until April 30, 1980.

Dated: March 17, 1980.

Frank P. Fullerton,

Legal Adviser, International Boundary and Water Commission, United States Section, United States and Mexico.

[FR Doc. 80-8690 Filed 3-19-80; 8:45 am]

BILLING CODE 4710-03-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-No. 51F)]

Burlington Northern Inc., Abandonment and Discontinuance of Service in Mineral County, Mont., and Shoshone County, Idaho; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided June 15, 1979, which is administratively final, was made by the Commission, Review Board Number 5, stating that the present and future public convenience and necessity permit the abandonment by the Burlington Northern Inc. of its line of railroad extending from milepost 19.57 near Haugan, MT, to milepost 49.07 near Mullan, ID, and discontinuance of service over its line extending from milepost 49.07 near Mullan to milepost 58.61 near Wallace, ID, a total distance of 39.04 miles, subject (1) to the same conditions for protection of employees as set forth in *Oregon Short Line R. Co.—Abandonment Goshen,* 360 I.C.C. 91 (1979): *Provided,* (a) That the Oregon-Washington Railroad & Navigation Company (OW) acquire and Union Pacific Railroad Company (UP) operate that portion of the line extending between Mullan and Wallace, ID, as authorized in Finance Docket No. 28759, and (b) that BN shall not sell, lease, exchange, or otherwise dispose of the right-of-way underlying the track, nor remove any of the railroad structure, except rails and ties, between Haugan and Mullan for a period of 120 days from this publication to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. A certificate of abandonment will be issued to the Burlington Northern Inc. based on the above-described finding of abandonment, on or before April 21, 1980, unless on or before April 21, 1980, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8479 Filed 3-19-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29202 (Sub-No.1)]

Missouri Pacific Railroad Co.—Directed Service—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) Between Haskell, Hot Springs, Malvern, and Butterfield, Ark.

AGENCY: Interstate Commerce Commission.

ACTION: Denial of Directed Service Request.

SUMMARY: Applicant Missouri Pacific Railroad Company (Mo-Pac) has requested emergency authority to operate temporarily the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (RI) line between Haskell, Hot Springs, Malvern, and Butterfield, AR. Mo-Pac's offer would be without any government subsidy. This proceeding is directly related to DSO No. 1398, *Kansas City Term. Ry. Co.—Operate-Chicago, R.I. & P.,* 360 I.C.C. 289 (1979) and 44 FR 56343 (October 1, 1979), and DSO No. 1398 (Sub-No. 1), *Kansas City Term. Ry. Co.—Operate—Chicago, R.I. & P.,* 360 I.C.C. 478 (November 30, 1979) and 44 FR 70733 (December 10, 1979) in which we found RI "cashless" within the meaning of 49 U.S.C. § 11125(a)(1) and directed service by the Kansas City Terminal Railway Company (KCT) over the RI lines pursuant to 40 U.S.C. 11125 and subject to government reimbursement under 49 U.S.C. 11125(b)(5).

Mo-Pac presently operates over these same lines for which emergency temporary authority is sought pursuant to a trackage rights and lease agreement with RI. In Finance Docket No. 29202/Service Order No. 1415 we are granting St. Louis Southwestern Railway Company (SSW) authority to operate over the RI lines from Memphis, TN, to Alexandria, LA, including certain contiguous branch lines. This authority encompasses the line over which Mo-Pac seeks unsubsidized directed service. SSW will operate these lines in place of KCT under Service Order No. 1415. Because Mo-Pac now operates over the line between Haskell, AR, and Malvern, AR, pursuant to its trackage rights and lease agreement with RI, and will continue to so operate, the instant request for emergency temporary authority is denied.

DATED: This decision will be effective on March 20, 1980.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, (202) 275–7245.

SUPPLEMENTARY INFORMATION:

Decision of the Commission

Background

On September 28, 1979, we directed KCT to provide service as a subsidized "Directed Rail Carrier" (DRC) under 49 U.S.C. 11125 over all of the lines of RI. This action was found necessary to prevent the severe transportation and economic dislocations which would have resulted from RI's inability to meet its common carrier obligation because it was cashless. *See* DSO No. 1398, *supra.* On November 30, 1979, we extended our initial order for another 90 days, finding such an extension essential. *See* DSO No. 1398 (Sub-No. 1), *supra.*

In both directed service orders, we solicited interested parties to seek temporary authority to operate portions of the RI system on an unsubsidized basis under either 49 U.S.C. 11123 or 11125. In Finance Docket No. 29202/Service Order No. 1415, *St. Louis Southwestern Railway Company—Temporary Authority—Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) Between Memphis, TN, and Alexandria, LA,* we are granting SSW emergency temporary authority to operate over the RI main line from Memphis, TN, to Alexandria, LA, along with certain contiguous branch lines including the line Mo-Pac seeks to operate.

By application filed January 11, 1980, Mo-Pac seeks an unsubsidized directed service order under 49 U.S.C. 11125, to operate the portion of the RI line between Haskell and Malvern, AR by way of Hot Springs, AR.

Our order dated January 31, 1964, in Finance Docket Nos. 22678, 22679 and 22680, authorized Mo-Pac to operate over portions of the RI under a trackage rights agreement. This agreement covers the very same track between Malvern and Haskell, AR, by way of Hot Springs, AR. In Finance Docket No. 22680 (Sub-No. 1), *Missouri Pacific Railroad Co.—Trackage Rights in Saline, Hot Springs and Garland Counties, AR—Chicago, Rock Island & Pacific Railroad Co.* (not printed), decided March 23, 1978, we authorized modification and a 50 year extension of an agreement covering Mo-Pac operation over the RI line between Hot Springs and Malvern, AR. Mo-Pac was limited by this decision, as before, to providing bridge service on the leased line. RI would have the sole right to provide local service on the line to be leased.

We see no benefit to granting Mo-Pac's request. Mo-Pac is presently operating over the line pursuant to a trackage rights and lease agreement with RI that were approved by this Commission. Under this authority Mo-Pac will continue to operate over the line even though emergency authority was granted to SSW in Finance Docket No. 29202.

SSW will operate as a substitute for the Federally subsidized KCT pursuant to Finance Docket No. 29202. KCT was operating in place of RI, which could not operate due to cashlessness. *See* DSO No. 1398 and DSO No. 1398 (Sub-No. 1), *supra.*

While SSW operates over the line, Mo-Pac will continue to operate over the Haskell/Malvern branch line pursuant to its agreements with RI. There will be competition between two financially healthy railroads for bridge traffic over the Hot Springs to Malvern, AR portion of the line. If Mo-Pac were given sole authority to operate over the line, to the exclusion of SSW, there would be no competition. This type of monopoly situation is not a result we see as beneficial.

Alternately, were both Mo-Pac and SSW permitted to operate the line under emergency temporary operating authority, Mo-Pac may act to avoid using its trackage rights and lease agreement with RI. In this situation, the RI estate would be deprived of payments for the use of its property, while Mo-Pac made the same use of RI's property under the emergency as it would under its contractual arrangements with RI. This would be an unfair and unjust depletion of RI's estate.

Neither of these results would benefit either the shipping public or the RI estate.

We also note that SSW will operate much of the adjoining RI track consistent with its proposal in Finance Docket No. 29202. The logical interrelation between that line, SSW's own system, and its parent's, Southern Pacific Transportation Company, system makes it apparent that Mo-Pac's proposal gives us no valid reason not to grant the SSW application. However, the decision here and in Finance Docket No. 29202, should not raise the belief that we have prejudged consideration for the permanent acquisition and operation of the subject lines.

Conclusion

For the foregoing reasons, we conclude that Mo-Pac should not be authorized under 49 U.S.C. 11125 to perform emergency operations over RI's Haskell, Hot Springs, Malvern and Butterfield, AR, line. This will not adversely affect any rights that Mo-Pac has to operate over this line by way of

trackage rights and lease agreements with RI. Nor does it indicate any preference by this Commission on the permanent disposition of this line.

This action will not significantly affect either the quality of the human environment or energy consumption.

Decided: February 5, 1980.

It is ordered:

1. The application by the Missouri Pacific Railroad Company to operate temporarily under emergency authorization RI's lines between Haskell, Hot Springs, Malvern, and Butterfield, AR, is denied.[1]

2. This decision shall be effective on the date of service.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioner Clapp dissenting.

Agatha L. Mergenovich,

Secretary.

Commissioner Clapp, dissenting:

It is possible that the majority reached the correct result here, but its decision seems based more on administrative inertia than on any sound rationale.

Throughout the period in which directed service has been considered, we have been concerned with continuation of service. Now, a majority of the Commission is favoring one carrier over another on the grounds that (a) this would preserve competition, and (b) the alternative would be unfair to the Rock Island estate. I am certainly in favor of preserving and fostering competition wherever possible and I have no desire to undercut contracts entered into by the Rock Island, but I do not see those as the determining factors here. Even if competition were to be considered, the majority's resolution would not provide for competition on local traffic because Mo-Pac's present operations over this line are restricted against serving local traffic.

If we must select one of two competing carriers, I believe we should have a better explanation for it. One the face of it, it seeks to make more sense to select Mo-Pac because (1) it is already operating over the line and (2) it is leasing the line under an arrangement which permits Mo-Pac to make the necessary repairs (although it is not clear what, if any, repairs have been made). In an emergency situation, as we have here, it would be reasonable to allow a carrier already providing overhead service to handle local traffic as well.

No matter which carrier is selected to serve the Haskel-Hot Springs-Malvern Branch, I believe a better rationale is needed. The parties deserve that much.

[FR Doc. 80-8475 Filed 3-19-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29202[1]]

St. Louis Southwestern Railway Co.—Temporary Authority—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) Between Memphis, Tenn., and Alexandria, La.

Decided: March 5, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1415.

SUMMARY: Applicant St. Louis Southwestern Railway Company (SSW) is granted emergency authority under 49 U.S.C. 11123 to operate temporarily over the Rock Island line between Memphis, TN, and Alexandria, LA (via Little Rock, AR), including certain branch lines (jointly referred to as the Memphis–Alexandria line). The line will be temporarily operated by SSW without government subsidization.

This proceeding is directly related to Directed Service Order No. 1398, *Kansas City Term. Ry. Co.—Operate—Chicago, R.I. & P.*, 360 I.C.C. 289 (1979), 44 F.R. 56343 (October 1, 1979); and Directed Service Order No. 1398 (Sub-No. 1), *Kansas City Term. Ry. Co.—Operate—Chicago, R.I. & P.*, 360 I.C.C. 478 (1979), 44 F.R. 70733 (December 10, 1979). In those cases, the Commission found the Rock Island "cashless" within the meaning of 49 U.S.C. 11123(a)(1) and found an emergency on the Rock Island system. Accordingly, the Commission directed service by the Kansas City Terminal Railway Company (KCT) over Rock Island lines—pursuant to 49 U.S.C. 11125 and subject to government subsidization under section 11125(b)(5)—in order to mitigate the Rock Island emergency.

To enable Rock Island shippers to continue receiving essential services after directed service ends and before the implementation of long-term solutions for the Rock Island, SSW is being authorized to commence emergency operations over the Rock Island's Memphis-Alexandria line upon cessation of directed service by KCT.

DATES:

Effective date.—Service Order No. 1415 shall be effective at 12:01 a.m. (central time) on the day after directed service under Directed Service Order No. 1398 (and subs thereunder) expires.

Entry.—If SSW elects to exercise the authority granted by Service Order No. 1415, SSW shall enter upon and operate the involved Rock Island lines as soon as practicable after the effective date.

Notification.—SSW shall immediately notify this Commission and the parties to this proceeding, in writing, of the date it intends to commence operations over the involved Rock Island lines.

Failure to commence operations.—If SSW fails to commence operations under Service Order No. 1415 within 10 days of this order's effective date, we shall consider granting competing requests for service orders over the involved Rock Island lines.

Expiration date.—Service Order No. 1415 will expire either: (a) upon the issuance of an appropriate Commission order; or (b) when the Rock Island's bankruptcy court grants SSW or any other person temporary authority to operate over these lines after a permanent acquisition application is filed under section 17(b) of the "Milwaukee Railroad Restructuring Act" (MRRA), Pub. L. 96–101, section 17(b), 93 Stat. 736 (November 4, 1979).

FOR FURTHER INFORMATION CONTACT:

Richard J. Schiefelbein (202) 275–0826, or Joel E. Burns (202) 275–7849.

SUPPLEMENTARY INFORMATION:

Decision of the Commission

Background

On September 26, 1979, we directed the KCT to provide service as a subsidized "Directed Rail Carrier" (DRC) under 49 U.S.C. 11125 over the lines of the Chicago, Rock Island & Pacific Railroad Company, debtor (William M. Gibbons, trustee) (Rock Island or RI). This action was necessary to prevent the severe transportation and economic dislocations which would have resulted from RI's inability to meet its common carrier obligations. See Direct Service Order No. 1398, *Kansas City Term. Ry. Co.—Operate—Chicago, R. I. & P.*, 360 I.C.C. 289 (1979), 44 F.R. 56343 (October 1, 1979). On November 30, 1979, we extended our initial directed service order for an additional 90 days, finding such an extension to be essential in view of RI's continued fiscal crisis. See Direct Service Order No. 1398 (Sub-No. 1), *Kansas City Term. Ry. Co.—Operate—Chicago, R. I. & P.*, 360 I.C.C. 478 (1979), 44 F.R. 70733 (December 10, 1979).

In both directed service orders, we invited interested persons to seek temporary emergency authority from us to operate portions of the RI system on an unsubsidized basis under 49 U.S.C. 11123 and 11125. In view of our mandate to continue service over essential RI lines while minimizing the cost of directed service to the taxpayers, we recently granted the petition of the

[1] This decision embraces Service Order No. 1415, St. Louis Southwestern Railway Company—Authority to Operate Over—Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) between Memphis, TN, and Alexandria, LA.

SSW—and its corporate parent Southern Pacific Transportation Company (SPT)—for emergency temporary authority (TA) to operate RI's 965-mile "Tucumcari line" without government subsidization. See Finance Docket No. 29144/Service Order No. 1411, *St. Louis S. W. Ry. Co.—Temp. Authority—Chicago*, 360 I.C.C. 539 (1979), 44 F.R. 72261 (December 13, 1979) (*Tucumcari TA*). This grant is designed to ensure continued service to RI shippers once directed service ends.

The instant proceeding reflects a request by SSW to operate another portion of the RI rail system without government subsidy. For the reasons discussed below, we have decided to grant SSW authority to operate RI's line between Memphis, TN, and Alexandria, LA (via Little Rock, AR) and related branch lines on an unsubsidized basis under 49 U.S.C. 11123.

SSW's Request

To determine which RI lines could be operated by interested carriers without the government subsidization provided by 49 U.S.C. 11125, we sent a series of telegrams to numerous carriers. In SSW's reply telegrams (dated November 9 and 21, 1979), SSW expressed a willingness to operate RI's line between Memphis, TN, and Fordyce, AR (via Little Rock, AR) "without government compensation under either 49 U.S.C. 11123 or 11125." No other carriers expressed a willingness to operate any substantial portion of RI's system on an unsubsidized basis.

Because we felt public comment was important in the interests of basic fairness, we issued a "show cause" order inquiring into why we should "grant, conditionally grant, or deny" SSW's request. See Finance Docket No. 29202, *St. Louis Southwestern Railway Company—Temporary Authority—Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) Between Memphis, TN and Fordyce, AR* (show cause order) (decided and served December 14, 1979).

In its reply to the show cause order, SSW increased the RI trackage it would be interested in operating. SSW offered to operate, without any compensation, the RI lines between: (1) Memphis, TN, and Fordyce, AR (via Little Rock, AR); and (2) Haskell, Malvern, and Hot Springs, AR. Additionally, SSW offered to operate the following RI lines on a cost-compensation basis under 49 U.S.C. 11125(b)(5), but waiving its 6-percent profit option under 49 CFR 1126 (1978): (1) Fordyce, AR, to Alexandria, LA; and (2) Tinsman to Crossett, AR. SSW also indicated it did not wish to operate certain branch line segments adjacent to the Memphis-Alexandria main line due to lack of shipper need and revenue potential.[2]

Before addressing SSW's service requests on their merits, we shall first discuss the other responses to our show cause order.

Responses to the Show Cause Order

Briefly, the positions of the other parties who responded to our show cause order are as follows:

Missouri Pacific Railroad Company (MoPac) and Southern Railway Company (Southern) both sought extensions of time for replying to our show cause order. In view of the urgent nature of the Rock Island situation, the extensions were not granted.

MoPac further expressed its willingness to operate RI's line between Haskell, Hot Springs, Butterfield, and Malvern, AR, if the Commission should grant SSW's request for emergency authority over RI's Memphis-Alexandria line and related branch lines. More specifically, MoPac sought to be designated an unsubsidized "directed rail carrier" under 49 U.S.C. 11125 over this RI branch line. In view of the complex, though related, issues raised by MoPac's request, we have decided to address this matter separately in Finance Docket No. 29202 (Sub-No. 1), *Missouri Pac. R. Co—Directed Service—Chicago*, 360 I.C.C. 713 (1980) (to be served concurrently with Finance Docket No. 29202).

In his initial response, the RI trustee neither supported nor opposed the grant of SSW's requested emergency temporary authority.[3] The trustee indicates that there has been expressions of interest to buy the RI line between Memphis, TN, and Amarillo, TX. According to the trustee, exclusive operation by SSW over a portion of that line could adversely affect the trustee's ability to negotiate the disposition of the Memphis-Amarillo line. The trustee also asks that SSW's service order contain provisions requiring the trustee and SSW to negotiate for use of RI's lines and facilities pursuant to 49 U.S.C. 11123(a). If no agreement on compensation is reached, the Commission is requested to establish terms of compensation pursuant to 49 U.S.C. 11123(b)(2).

The Atchison, Topeka & Santa Fe Railway Company (Santa Fe) seeks denial of SSW's request, contending that the Commission lacks authority to grant temporary emergency authority to SSW.

The Railway Labor Executives' Association (RLEA) also contends that the Commission lacks authority to grant SSW's request. However, it further argues that if a service order is granted to SSW, then SSW should be required to: (1) Operate all lines currently being operated by KCT between Memphis and Alexandria; and (2) provide a fair arrangement for employees at least as protective of employees' interests as that required by 49 U.S.C. 11347.

The U.S. Department of Transportation (DOT) states that it is conducting conferences regarding post-liquidation operation of RI lines pursuant to section 401 of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act) (49 U.S.C. 1654). DOT indicates that—while no permanent acquisition applications regarding RI's Memphis-Alexandria line have yet resulted from the section 401 planning process—bids for portions of this line may soon materialize. Therefore, DOT urges us to condition any SSW service order to allow for later modification in the event of subsequent section 401 bids to operate and permanently acquire the involved lines.

Riceland Foods (Riceland), a farmers' processing and marketing cooperative located at Stuttgart, AR, argues that rail competition will be eliminated in eastern Arkansas and greatly reduced over the Memphis gateway, if SSW receives temporary authority to operate between Memphis, Little Rock, and beyond. Riceland claims it would face a monopoly situation at its Stuttgart milling and processing facilities if SSW's request is granted. Accordingly, Riceland asks that KCT continue to operate this portion of RI trackage until it is decided which carrier will own the complete route from Memphis to Amarillo, TX.

[2] These branch lines are as follows: (1) Between Mesa, Des Arc, and Stuttgart, AR; and (2) between Malvern and Sparkman, AR.

[3] On January 23, 1980, the RI trustee attempted to file a supplemental response to the show cause order of December 14, 1979. However, in a decision dated January 30, 1980, the supplemental response was rejected as late-filed under rule 102 of the Commission's General Rules of Practice, 49 CFR 1100.102 (1978).

In the supplemental response, the trustee opposed SSW's request on the grounds that it would interfere with the development of long-term solutions to RI's problems, entail an overreaching of Commission jurisdiction, and comprise an unconstitutional taking of property. However, as these issues were already before us and the trustee's supplemental response raised no new matters, the trustee failed to present extraordinary circumstances warranting the acceptance of his supplemental response. His pleading as thus appropriately rejected under rule 102.

As noted in our decision, the instant service order will help, not hinder, the development of ultimate solutions to the RI problem by bridging the gap between directed service and permanent acquistion proposals. Further, as discussed below, we believe the issuance of a service order here is well within our jurisdiction and would not—by virtue of its compensation provisions—comprise an unconstitutional taking of property without due process.

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Discussion and Conclusions

For the reasons discussed below, we have decided to grant SSW authority to operate the entire Memphis-Alexandria line without subsidization under 49 U.S.C. 11123. As detailed below, our service order is permissive in view of SSW's stated reluctance to operate certain portions of the line without government compensation under 49 U.S.C. 11125(b)(5). In the event SSW fails to operate all or part of the Memphis-Alexandria line within 10 days of this decision's effective date, we shall entertain competing requests from other carriers to operate those line segments.

(A) *Reasons for granting SSW's request.* There are several persuasive reasons for granting SSW's request to operate RI's Memphis-Alexandria line and related branch lines.

Jurisdiction.—As we have fully discussed in recent cases,[4] there is ample authority for us to issue emergency service orders under 49 U.S.C. 11123. Section 11121(a)(2) authorized the Commission—upon finding a transportation emergency in a section of the United States—to "take action during the emergency to promote service * * * regardless of the ownership (as between carriers) of locomotives, cars, or other vehicles" on such terms of compensation as the carriers agree upon or, failing agreement, upon such terms of compensation as the Commission finds reasonable. Section 11123(a)(4) authorizes the Commission, in emergency situations, to direct the movement of rail traffic under appropriate permits (*e.g.*, service orders). As the Supreme Court long ago stated in *Peoria Ry. Co.* v. *United States*, 263 U.S. 528 (1923), regarding section 1(15) the predecessor of 49 U.S.C. 11123:

> Cars and locomotives, like tracks and terminals, are the instrumentalities. To make these instrumentalities available in emergencies to a carrier other than the owner was the purpose of subparagraphs a, b, and c [to section 1(15)]* * *. [*Id.* at 533–35.]

While the Commission may not order an unwilling carrier to perform "transportation services" (such as switching) for another under section 11123, the Commission clearly has the power to order the "use" of one carrier's transportation instrumentalities by another in an emergency. This was made clear in *United States* v. *Mich. Cement Co.*, 270 U.S. 521, 527 (1928) where, interpreting *Peoria*, the Court stated:

> It was held (in *Peoria*) that the exercise of the the emergency power of the Commission in transferring car equipment from one carrier to the use of another under paragraph 15 * * * did not authorize the Commission to impose upon the terminal carrier, without a hearing, the affirmative duty *not only* of turning over its cars and equipment to another carrier, *as contemplated* in paragraph 15, but also that of itself doing the work of the transportation of and for another carrier.
>
> It was in *this* connection that this Court used the expression that car service connotes the *use* to which vehicles of transportation are put, but not the *transportation service* rendered by means of them.
>
> The opinion expressly affirms the authority of the Commission under paragraph 15 to give regulatory directions for preference or priority in transportation (*ID.* at 527, emphasis added.)

Clearly, a transportation emergency exists here. As we found in Directed Service Order No. 1398 (and subs thereunder), RI suffers from the type of cashlessness described in 49 U.S.C. 11125(a)(1). See 360 I.C.C. at 290–92. Since the issuance of our directed service orders, RI's cash position has not materially improved. While directed service has reduced much of the drain on RI's fiscal resources, it is not designed to bring new capital into RI or to solve the basic fiscal problems underlying RI's financial plight, and at the end of directed service the trustee indicates RI will not be able to resume service on the involved lines. Therefore, an emergency warranting a section 11123 service order exists, and we have jurisdiction to authorize SSW to operate the involved RI lines without government subsidy after directed service ends.

Benefits of an SSW service order.—By authorizing SSW to operate RI's Memphis-Alexandria line after directed service ends, essential rail service over the line can be maintained at no government expense by a viable carrier economically motivated to run the line efficiently.

At best, directed service is merely a "brief respite" from a severe rail crisis, not a long-term solution. See Direct Service Order No. 1398, 360 I.C.C. at 293–94. Further, Congress has indicated its reluctance to expend additional funds for governementally funded directed service and has recently instructed the Commission to use such funds sparing only to provide service which is truly essential. See 125 Cong. Rec. H. 10548 (November 9, 1979) (Conference Report on H.R. 4440 making appropriations for DOT and related agencies). Therefore, a private sector solution to the RI emergency is imperative.

SSW's offer to provide service over the involved RI lines between the end of directed service and implementation of a long-term solution is an ideal vehicle for providing important rail service to RI shippers without government subsidy. SSW is thoroughly familiar with the service territory and asserts it can provide quality service over the subject route. SSW has a genuine interest in RI's Memphis-Alexandria line. Not only does SSW's parent (SPT) connect with the line at Alexandria, but SSW presently operates over RI track between Brinkley and Briark, AR (near Memphis) pursuant to trackage rights agreements and has advanced funds to RI to rehabilitate the line, which provides SSW its only access to the Memphis gateway. Accordingly, the issuance of a section 11123 service order to SSW would be a sound temporary solution to the present Rock Island emergency after directed service ends.

In addition, such a service order would in no way interfere with KCT–DRC's present directed service operations over the involved lines, since SSW will not be authorized to operate the Memphis-Alexandria line until after directed service ends. There will thus be no need to provide trackage rights over the line for KCT–DRC. SSW will be authorized to assume service responsibility for all the RI line segments between Memphis and Alexandria.

(B) *Responses to protestants.* Several of the respondents to our show cause order of December 14, 1979, protested the issuance of a service to order to SSW. For the following reasons, we reject protestants' objections.

Certain protestants urge us to delay a decision on SSW's request until we have a proposal before us asking for permanent authority to acquire the involved lines. Issuance of a termporary service order to SSW would alledgedly deprive other carriers of an opportunity to acquire the involved RI lines and impair regional competition. We cannot agree.

Issuance of a service order to SSW would not prejudge the final disposition of the subject lines or impair the ability of competing carriers to seek authority to operate and permanently acquire the involved lines. The criteria in deciding permanent and temporary authority applications are entirely different. In a permanent application, consideration must be given to all the pertinent statutory criteria of 49 U.S.C. 11343–47. However, here, the only major issue is the transportation emergency resulting from RI's financial dilemma, and the need for extraordinary measures to meet the emergency. See 49 U.S.C. 11123(a).

[4] See, *e.g.*, *Tucumcari TA*, *supra*, 360 I.C.C. 539 (1979) and Service Order No. 1399, *Pend Oreille Valley R., Inc.—Chicago*, 360 I.C.C. 636 (1980).

Furthermore, delaying a decision on SSW's request until a final solution is implemented would obviate the need for an emergency service order. The requested service order is designed to be a vehicle for "bridging the gap" between the end of directed service and the implementation of long-term plans for the involved RI lines. Once the final disposition of the lines is resolved, there would no longer be any need for the emergency service order. Thus, on this ground as well, we must reject protestants' request.

As earlier noted, the RI trustee notes that exclusive operation by SSW over the Memphis-Alexandria line could adversely affect the trustee's ability to negotiate the disposition of RI's Memphis-Amarillo line. Since SSW's authority over the Memphis-Alexandria line is only temporary and nonexclusive, we believe this issue to be moot. However, should it become apparent that SSW's operations over the Memphis-Alexandria line interfere with service over RI's line west of Little Rock, appropriate service orders will be issued.

The RI trustee also requests that SSW be directed to negotiate with the trustee regarding compensation for use of RI lines and facilities, and that the Commission set appropriate compensation terms if the parties cannot agree. Since this is the statutory scheme established by 49 U.S.C. 11123, it shall be so ordered.

DOT urges us to condition any SSW service order to allow for later modifications in the event of subsequent section 401 "bids" to operate and permanently acquire the involved lines. Since SSW's service order is merely designed to bridge the gap between directed service and a final solution for the involved lines, we shall reserve jurisdiction to modify or cancel SSW's service order in the event a long-term solution becomes imminent.

(C) *Employee Protection.* Certain parties request that affected RI employees be afforded appropriate protection. Rather than impose our own estimate of what constitutes appropriate protection, we have decided to condition our approval upon the requirement that SSW afford affected employees the protection negotiated by the parties themselves.

On March 4, 1980, a number of rail carriers and labor unions, including those involved here, reached an agreement regarding the proper level of employee protection in RI sales and transfers. See "Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations Operating Through the Railway Labor Executives' Association" (hereafter "negotiated labor protection agreement") (appendix A to this decision). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees. We commend the parties for negotiating a mutually acceptable private solution to the RI labor situation and encourage the development of similar negotiated settlements whenever possible in the future. Accordingly, we shall incorporate by reference the negotiated labor protection agreement—and any subsequent amendments to it—as the approporiate level of employee protection in this proceeding.

RLEA's initial pleading requested that we impose the level of employee protection required in rail consolidations by 49 U.S.C. 11347. However, we conclude that the negotiated labor protection agreement provides the proper level of protection in this case. The protection afforded in that agreement is similar to that established by us in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C 60 (1979) *(New York Dock II)*, in which we delineated the employee protective conditions appropriate under 49 U.S.C. 1347 in rail acquisition proceedings (except trackage rights and lease situations). Indeed, the protection contemplated by the negotiated labor protection agreement may be superior to that afforded by *New York Dock II*, since it is specifically tailored to the current RI situation.

Accordingly, if SSW chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(D) *SSW's authority under Service Order No. 1415.* While the precise scope of SSW's authority under Service Order No. 1415 is described more fully in the ordering paragraphs below, we shall take this opportunity to emphasize certain salient points.

SSW's authority under the service order is designed to "bridge the gap" between directed service and the implementation of long-term solutions for the involved RI lines. Accordingly, the effective and expiration dates of Service Order No. 1415 have been fashioned to reflect this intent. This service order will become effective upon the expiration of KCT's directed service, and SSW is to enter upon the involved lines as soon as possible thereafter, after notifying all parties of the date it intends to commence operations. If SSW fails to commerce operations within 10 days of the effective date, we shall consider granting competing requests for service orders over the involved RI lines. The service order will expire either: (1) Upon the issuance of an appropriate Commission order; or (2) when the RI bankruptcy court grants SSW or any other person temporary authority to operate over these lines after a permanent purchase application is filed under section 17(b) of the MRRA, Pub. L. 96–101, section 17(b), 93 Stat. 736 (November 4, 1979).

We recognize that SSW has not expressed a willingness to operate RI's Fordyce-Alexandria line or RI's Tinsman-Crossett, AR, Branch line without government compensation pursuant to 49 U.S.C. 11125(b)(5). While SSW would be willing to waive its 6-percent profit option under 49 CFR Part 1126, we are not now inclined to grant SSW authority to operate these RI lines on any compensated basis, due to present funding constraints and related considerations. However, in the interest of promoting efficient and economic service over RI's entire Memphis-Alexandria line, we are authorizing SSW to operate the Fordyce-Alexandria and Tinsman-Crossett line—in addition to RI's Memphis-Fordyce line and Haskell-Malvern-Hot Springs branch line—on a *non*compensated basis under 49 U.S.C. 11123 if it so elects. If SSW does not elect to operate any of these lines within 10 days of this service order's effective date, we shall solicit and consider granting competing service order requests.

In view of the particular circumstances surrounding this order, this emergency service order shall not be mandatory, but merely permissive. That is, SSW is free to commence the authorized operations or not, as it chooses. This approach is warranted by several factors. Since there was insufficient time to hold advance public hearings on this matter, we believe SSW should have an opportunity to review the conditions contained in this order before commencing operations. Moreover, since this service order is without compensations, SSW should have an opportunity to weigh the costs and benefits of operating RI's Memphis-Alexandria line before beginning such operations. Finally, by making this order permissive rather than mandatory, we ensure that due process of law has been afforded and that SSW has not been compelled to provide services which could impair its financial or operational viability. However, as noted above, if SSW does not commence operations

under this service order within 10 days of its effective date, competing service order requests will be entertained.

The remaining details of Service Order No. 1415 are outlined in the ordering paragraphs below:

Conclusion

For the foregoing reasons, we conclude that an emergency exists on the RI lines involved in this proceeding, and that the emergency can best be met by authorizing SSW to provide temporary service over RI's Memphis-Alexandria line pursuant to 49 U.S.C. 11123.

We find:

(1) RI cannot transport the traffic offered to it, and will not be able to so transport traffic after directed service ends. Accordingly, we find that a rail transportation emergency exists within the meaning of 49 U.S.C. 11123(a).

(2) In order to prevent severe transportation and economic disruptions, it is necessary for the Commission to authorize SSW under 49 U.S.C. 11123(a) to provide emergency temporary service over RI's Memphis-Alexandria line after directed service under Directed Service Order No. 1398 (and subs thereunder) ends.

(3) This action will not significantly affect either the quality of the human environment or conservation of energy resources. See 49 CFR Parts 1106, 1108 (1978).

(4) Any findings made elsewhere in this decision but not specifically enumerated here are expressly adopted.

Commissioner Stafford, concurring in part, dissenting in part:

I agree with the ultimate conclusion to grant SSW temporary authority to operate between Memphis, TN and Alexandria, LA. Any other conclusion would result in a cessation of service over this line on March 23, 1980 (assuming no further extension of directed service is granted).

However, I still question our jurisdiction under 49 U.S.C. 11123 to grant temporary authority in rail acquisition cases (see *St. Louis S.W. Ry. Co.—Temp. Authority—Chicago*, 360 I.C.C. (see my dissenting opinion)). Consequently, I would prefer reliance on 49 U.S.C. 11125 with voluntary waiver of compensation.

My disagreement with the majority concerns the failure to discuss in-transit privileges. I can only conclude that the majority, by its silence, is tacitly freeing SSW from the obligation of protecting intransit privileges. This is grossly unfair to shippers who in good faith shipped on reliance of in-transit privileges. To now force these shippers to pay the much higher flat rates is "changing the rules in the middle of the game," at considerable economic loss to the shippers.

49 CFR 1033.1415: St. Louis Southwestern Railway Co.—Authority To Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) Between Memphis, TN, and Alexandria, LA

It is ordered:

Operations Under 49 U.S.C. 11123

(1) *Effective date.*—Service Order No. 1415 shall be effective at 12:01 a.m. (central time) on the day after directed service under Directed Service Order No. 1398 (and subs thereunder) expires.

(2) *Entry.*—If SSW elects to exercise the authority granted by Service Order No. 1415, SSW shall enter upon and operate the involved RI lines as soon as practicable after the effective date.

(3) *Notification.*—SSW shall immediately notify this Commission and the parties to this proceeding, in writing, of the date it intends to commence operations over the involved RI lines.

(4) *Failure to commence operations.*—If SSW fails to commence operations under Service Order No. 1415 within 10 days of this order's effective date, we shall consider granting competing requests for service orders over the involved RI lines.

(5) *Expiration date.*—Service Order No. 1415 will expire either: (a) upon the issuance of an appropriate Commission order; or (b) when the RI bankruptcy court grants SSW or any other person temporary authority to operate over these lines after a permanent purchase application is filed under section 17(b) of the MRRA.

(6) *Ancillary rerouting.*—As a necessary concomitant to our service order, we shall authorize SSW to route RI traffic over its own or other lines under 49 U.S.C. 11124, when such rerouting is the only feasible way RI traffic can be transported by SSW.

(7) *Employees.*—In performing the authorized operations, SSW shall protect affected employees in the manner described above.

(8) *Rates.*—We authorize SSW to seek changes in existing RI rates and charges involving the Memphis-Alexandria line and related branch lines in accordance with 49 U.S.C. 10762. All such rates and charges shall accrue to SSW's account during the period of SSW's operations under Service Order No. 1415, and shall not constitute assets of the RI estate. SSW is authorized to act on behalf of RI in all matters pertaining to the establishment of rates, routes, and divisions applicable to RI's Memphis-Alexandria line and related branch lines.

(9) *SSW's liability for expenses.*—Any rehabilitation, operational, or other costs related to these authorized operations shall be the sole liability of SSW, and shall not in any way be deemed a liability of the United States Government.

(10) *Operational difficulties.*—Any operational difficulties encountered in performing the authorized operations shall be resolved by SSW and any other affected party through negotiated agreement, or failing agreement, by the Commission's Railroad Service Board.

(11) *Preservation of RI estate.*—During the period of its operation of RI's Memphis-Alexandria line, SSW shall be fully responsible for preserving the value of that line, which is part of the RI estate. Accordingly, SSW shall have an affirmative duty to perform that degree of maintenance and upkeep necessary to avoid deterioration to the involved lines and related facilities.

(12) *RI lines west of Little Rock.*—Should SSW's operations over the Memphis-Alexandria line interfere with the disposition of, or service over, RI's lines west of Little Rock, AR, appropriate service orders will be issued.

(13) *Compensation negotiations.*—Pursuant to 49 U.S.C. 11123(a), SSW shall negotiate with the RI trustee regarding compensation for its use of RI lines and facilities under this service order. Operations by SSW under this service order should commence as soon as possible after this order's effective date, regardless of whether SSW and the trustee have concluded their compensation negotiations. Should these parties be unable to resolve the compensation matter, we shall prescribe appropriate compensation under 49 U.S.C. 11123(b)(2).

(14) *Permissive nature of order.*—In view of the particular circumstances surrounding this order, this emergency service order shall be mandatory, but merely permissive. That is SSW is free to commence the authorized or not, as it chooses.

(a) However, if SSW fails to commence operations under this service order within 10 days of its effective date, we shall consider granting competing requests for service orders over the involved RI lines.

General Provisions

(15) *Commission filings*—All documents filed in this proceeding should refere to "FD–29202/SO–1415" and shall be sent to the following Commission offices in the Commission's headquarters at 12th Street and Constitution Avenue, NW., Washington, DC 20423: Office of the Secretary (Room 2215), (original); Section of Finance (Room 5417), Office of Proceedings (3 copies); Section of Rail Services Planning (Room 7375), Office of Policy and Analysis; Railroad Service Board (Room 7115), Bureau of Operations (3 copies); Bureau of Accounts (Room 6133), (3 copies).

(16) *Applicability.*—The provisions of this decision and service order shall apply to intrastate, interstate, and foreign traffic.

(17) *Enumeration.*—All requirements specified in this decision but not specifically enumerated in these ordering paragraphs shall be following as though specifically enumerated.

(18) *Modifications.*—The Commission retains jurisdiction to modify, supplement or reconsider this order at any time.

(19) *Service on parties.*—This decision shall be served on all parties in: (a) This proceeding; and (b) Directed Service Order No. 1398.

(20) *Notice to general public.*—Notice of this decision shall be given to the general public by: (a) Depositing a copy of the Office of the Secretary, Interstate Commerce Commission, Washington, DC: and (b) filing a copy with the Director, Office of the Federal Register.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioner Stafford concurring in part and dissenting in part with a separate expression.

Agatha L. Mergenovich,

Secretary.

Appendix A

Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations Operating Through the Railway Labor Executives' Association

The scope and purpose of this agreement are to provide, pursuant to the Milwaukee Railroad Restructuring Act 45 U.S.C. 901, *et seq.*) and the Interstate Commerce Act (49 U.S.C. 10101, *et seq.*), a fair, equitable and complete arrangement for protection of Milwaukee and Rock Island employees taken into the employ of interim service operators and purchasing carriers signatory hereto and to enable the interim service operator or purchasing carrier to be operated in the most efficient manner, as set forth herein, immediately upon authorization for such operation.

Article I. General Provisions

1. *Definitions.*—Whenever used in this agreement, unless its context requires otherwise:

(a) "Purchasing carrier" means a signatory party to this agreement who is either the interim service operator (pursuant to Commission or court order) or the eventual purchaser of a line of railroad of the Rock Island or the Milwaukee, or who is a remaining operating carrier under an existing joint trackage agreement with the Rock Island or Milwaukee.

(b) "Rock Island" means the Chicago, Rock Island and Pacific Railroad Company,

(c) "Milwaukee" means the Chicago, Milwaukee, St. Paul and Pacific Railroad Company,

(d) "Bankrupt carrier employee" means any person with an employment relationship with the Rock Island, or with the Milwaukee as of the date of this agreement.

(e) "Transaction" means restructuring of the Rock Island and/or the Milwaukee by sales or transfers of railroad lines to a purchasing carrier, or interim operator.

2. *Labor protection obligations.*—

(a) The provisions of this agreement shall consititute the complete labor protection obligation of a purchasing carrier to the bankrupt carrier employees who are taken into its employ because of a transaction. A purchasing carrier will have no labor protection obligation to any other bankrupt carrier employees.

(b) The labor protection obligation, if any, for employees of the Rock Island who are not taken into the employ of a purchasing carrier because of a transaction, and for moving expenses of those employees of the Rock Island who are taken into the employ of a purchasing carrier because of a transaction, will not be the responsibility of the purchasing carrier.

3. *Notice and negotiation.*—A purchasing carrier will notify interested employee representatives, including those on the Rock Island or Milwaukee, of each transaction as soon as it has been authorized to become an interim service operator or finalizes arrangements to be a purchaser. Thereafter, except as specifically provided in article II the purchasing carrier shall be relieved of any requirements to notify its employees or to reach implementing agreements concerning that transaction.

Article II. Hiring and Work Rules

1. *Eligibility for hiring.*—All employees of the Rock Island or Milwaukee who held seniority on the effective date of this agreement in a craft represented by one of the labor organizations signatory hereto shall be eligible for participation in the hiring procedures described in this article.

2. *Determination of need for additional employees.*—A purchasing carrier shall determine its necessary additional manpower requirements by craft due to its taking over those Rock Island and Milwuakee lines. Each of the determinations shall be discussed with representatives of the crafts on purchasing carrier and on the Rock Island or Milwaukee with detailed explanation to them of the basis for each determination prior to serving notice under paragraph 4 hereof, but there shall be no delay in hiring employees or in commencement of operations. If a purchasing carrier has employees on furlough they will not be subject to recall as a result of the additional manpower requirements resulting from a transaction.

3. *Preferential hiring.*—As carrier determines its need for additional employees under this article, it shall allow eligible employees in seniority order of the Rock Island or Milwaukee the first right of hire respectively, dependent on whose trackage is involved, and consistent with the purpose of section 8 of the Milwaukee Railroad Restructuring Act. Each carrier, whether acquiring lines or operating lines on an interim basis, shall independently make such determination of its needs for additional employees irrespective of any determination of this nature made by other carriers. In carrying out the purposes of this section, the purchasing carriers shall first utilize existing seniority rosters applicable to the appropriate craft and seniority district for the lines and territories involved in fulfilling employment needs in connection therewith.

4. *Notification of hiring.*—When a carrier determines that it needs additional employees under this article, such carrier shall notify the labor organizations representing employees of the Rock Island or Milwaukee of its specific needs and advise them exactly where and how eligible employees of the craft needed from the Rock Island or Milwaukee should apply for such vacancies. Eligible employees of the Rock Island or Milwaukee interested in such vacancies shall have the responsibility of applying to the carrier for vacancies in the manner described by the carrier. To the extent that the carrier has determined a need for additional employees under this article, applicants will be required to meet those physical and rules standards which the carrier applies to its own employees on reexaminaiton. The applicant's seniority in the appropriate craft and seniority district on the bankrupt carrier will prevail if the number of qualified applicants exceeds the carrier's determined need for additional employees. Bankrupt carrier employees who are in service with a bankrupt carrier at the time of interim operation or purchase and who are hired on the commencement of operations by a purchasing carrier pursuant to this agreement will be presumed qualified physically and purchasing carrier will have the burden of proof if it wishes to challenge such qualifications.

Those employees who are subject to examination on purchasing carrier's operating book of rules may be required to pass a reexamination on those rules.

5. *Duration of preferential hiring.*—The procedures established in this article shall continue in full force and effect for not less than 1 year from the effective date from the commencement of operations or as otherwise provided for by law, but in no event beyond April 1, 1984.

6. *Employee election.*—An eligible employee of the Rock Island or Milwaukee afforded the first right of hire pursuant to this article by more than one carrier signatory hereto shall have the option to elect on which carrier the employee will exercise such right.

7. *Termination of seniority.*—When final agreement has been reached pursuant to paragraph 9 of this article dealing with seniority, those Rock Island and Milwaukee employees who are hired by a purchasing carrier will be considered as having severed their employment relationship with their former employer.

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8. *Application of work rules.*—

(a) A purchasing carrier shall not take over or assume any of the contracts, schedules or agreements in effect between the Rock Island or Milwaukee and its employees concerning rates of pay, rules, working conditions or fringe benefits, and shall not be bound by the terms and provisions thereof.

(b) An employee of the Rock Island or Milwaukee hired by a purchasing carrier shall come under the coverage of all contracts, schedules and agreements in effect between such carrier and its employees concerning rates of pay, rules, working conditions and fringe benefits, and shall be bound by the terms and provisions thereof in the same manner and to the same extent as other employees of the purchasing carrier working in the same craft.

(c) The purchasing carrier shall have the option:

(1) To commingle, under the purchasing carrier's work rules, work in connection with lines acquired from the Rock Island and/or the Milwaukee with work in its existing seniority districts, including expansion of those seniority districts to encompass the acquired lines; and where there are agreed-upon switching limits for yards at a common point, switching limits of the purchasing carrier will be extended to include the switching limits of the acquired property; or

(2) To operate the acquired property as a separate seniority district or districts under the purchasing carrier's work rules.

9. *Implementing agreement.*—

(a) In accordance with the option selected under paragraph 8 of this article, agreements will be reached on each purchasing carrier concerning the manner in which seniority will be allocated in filling additional job assignments, between the purchasing carrier's employees and the bankrupt carrier employees hired by the purchasing carrier. In the absence of an agreement, in order to avoid delay in operations, the purchasing carrier may, on a temporary basis, hire qualified and available bankrupt carrier employees to the extent needed where additional jobs are established at the outset. Such employees will be placed at the bottom of the current list of active employees, and they will remain in such status until an agreement is reached respecting seniority in accordance with the provisions of this paragraph. Where no additional jobs are established, the purchasing carrier's present employees' jobs may be expanded to include work on or in connection with the acquired property. If, as a result of the agreement on allocation of seniority, bankrupt carrier employees used on such a temporary basis do not secure jobs with the purchasing carrier, their employment with the purchasing carrier will be terminated without any preservation of rights or benefits with the purchasing carrier.

(b) If an agreement is not reached within ten (10) days from the date of the notification given under article I, paragraph 3 hereof, either party to the dispute may utilize the following procedures for determining the allocation of seniority referred to above:

(1) Within five (5) days after notice in writing from one party to another that it desires to arbitrate the dispute, the parties shall select a neutral referee and in the event they are unable to agree upon the selection of said referee, then the National Mediation Board shall immediately appoint a referee.

(2) No later than twenty (20) days after a referee has been designated a hearing on the dispute shall commence.

(3) The decision of the referee shall be final, binding, and conclusive and shall be rendered within thirty (30) days from the commencement of the hearing of the dispute.

(4) The salary and expenses of the referee shall be borne in accordance with the Railway Labor Act.

Nothwithstanding any of the foregoing provisions of this section, the purchasing carrier may proceed with the transaction: *Provided,* That all hired bankrupt carrier employees shall be provided with all of the rights and benefits of this agreement.

(c) An employee hired by a purchasing carrier in one craft but who also has seniority in another craft with Rock Island or Milwaukee, such as a yardmaster who also has seniority as a yardman, will be given seniority in both crafts on the purchasing carrier. This issue will be handled in the negotiations under paragraph (a) hereof.

(d) The issue of seniority date and service date where an employee transferred from one roster or craft to another on the bankrupt carrier will be handled in the negotiations under paragraph (a) hereof.

(e) Special projects.—Protection, seniority and contracting (pursuant to existing agreements) in special rehabilitation projects will be subject to negotiations between individual purchasing carriers and interested employee representatives.

Article III. Monthly Compensation Guarantee

1. *Coverage.*—A purchasing carrier will provide a monthly compensation guarantee, as hereafter provided, only to bankrupt carrier employees hired by the purchasing carrier pursuant to this agreement and to its own employees who are (1) working in the same seniority district in the zone or working district of the acquired property and (2) are in active service on the date that interim operation is begun or purchase completed, whichever first occurs.

2. *Duration.*—Each employee described in paragraph 1 of this article shall be entitled to receive a monthly compensation guarantee payment for a total of not more than 36 months from the date employee makes a claim for it, except that:

(a) The period of entitlement to a guarantee payment shall not exceed the employee's total months of service prior to date interim operation is begun or purchase completed, whichever first occurs, with the bankrupt or the purchasing carrier, as the case may be; and

(b) Payments of this type received from a bankrupt carrier, or any interim service operator, or a purchasing carrier or under supplementary unemployment insurance (such as section 10 of Milwaukee Railroad Restructuring Act) all count toward the limit on the total number of months as set forth above; and

(c) No compensation shall be provided under this section after April 1, 1984, unless it is necessary in order to provide an employee with at least eight (8) months of the payments, but after such date, that employee shall receive the 6-month minimum only if that employee is not employed continuously after that date.

3. *Guarantee.*—The monthly compensation guarantee shall be an amount equal to:

(a) Eighty percent of an employee's average monthly straight-time compensation (including all general wage increases negotiated nationally for railroad employees) earned from the Milwaukee during the period beginning June 1, 1977 and ending October 31, 1979, or from the Rock Island during the period June 1, 1977 and ending on May 31, 1979.

(b) In the case of an employee who served as an agent or a representative of a class or craft of employees on either a full- or part-time basis during the period set forth in subsection (a) above, 80 percent of the average monthly straight-time compensation (including all general wage increases negotiated nationally for railroad employees) of the employees actively employed in his class or craft involved immediately above and below him on the same seniority roster or 80 percent of his own average monthly straight-time compensation as computed in subsection (a) above, whichever is greater. This subsection (b) shall also be applicable to railroad officials, supervisory or fuly exempt personnel who return to their respective crafts.

4. *Payments and offsets.*—

(a) Each employee described in paragraph 1 of this article shall be eligible to receive a monthly compensation guarantee payment for any month in which such employee's monthly compensation guarantee exceeds such employee's actual compensation for that month with an offset for any losses due to absences from service on account of injury, sickness, disability, or discipline for cause in accordance with existing agreements. In computing such offset the guarantee will be reduced proportionately on the basis of working days in the month. Claims for guarantee shall be paid within 30 days after date claim is filed, except in the case of the initial claim it will be paid within 90 days of filing.

(b) Notwithstanding other provisions of this agreement, the carrier may reduce the "monthly compensation guarantee" for each day lost under emergency conditions such as flood, snowstorm, tornado, cyclone, hurriance, earthquake, fire or strike: *Provided,* That operations are suspended in whole or in part and provided further that because of such emergencies the work which would be performed by the incumbents of the positions to be abolished or the work which would be performed by the employees involved cannot be performed. The reduction in monthly compensation gurantee will be reduced proportionately on basis of working days in the month.

(c) The sum of (A) the amount of any benefits paybable to such employee for such month under the Railroad Unemployment Insurance Act or under any State unemployment insurance program, and (B) the amount of any earnings of such employee for such month from employment or self-employment which is first engaged in after the employee is adversely affected, may be used as an offset.

(d) The monthly compensation guarantee payment shall cease prior to the expiration of the period as set forth in paragraph 2 of this article in the event of the employee's resignation, death, retirement, dismissal for jsutifiable cause under existing agreements, failure to exercise seniority on an available position less than 125 railroad route miles from his or her residence, and for failure without good cause to accept a reasonably comparable position which does not require a change of residence, for which he is physically and mentally qualified, if his return does not infringe upon employment rights of other employees under a working agreement. "A change of residence" as used herein means a transfer to a work location which is located either (A) outside a radius of 30 miles of the employee's former work location and further from his residence than was his former work location or (B) is located more than 30 normal highway route miles from his residence and also further from his residence than was his former work location.

(e) If, for any reason, an interim service operator is denied Commission approval or court authorization for final sale or transfer of a line of a bankrupt carrier, or ceases to be an interim operator, or if a successor carrier agrees, or is ordered to, perform the functions formerly performed by the Rock Island or Milwaukee under an existing joint trackage agreement, the employment of bankrupt carrier employees who may be employed to fill the positions necessary for the operation of such service on such line may be terminated simultaneously with the cessation of that service, without preservation of rights or benefits with that purchasing carrier.

5. *Initiation.*—The monthly compensation guarantee payment will be the responsibility of an interim service operator from the date of the start-up of interim operations until its proposed acquisition is allowed, denied or withdrawn, or until the employee's eligibility terminates, whichever occurs first. The successful purchaser will have responsibility for monthly compensation guarantee once the proposed transaction is consummated, until the employee's eligibility terminates.

6. *Elections.*—Nothing in this agreement shall be construed as depriving any employee of the purchasing carrier who is in service prior to the effective date of this agreement of any rights or benefits or eliminating any obligations which such employee may have under any existing job security or other protective conditions or arrangements: *Provided, however,* That if a protected employee otherwise is eligible for protection under both this agreement and some other job security or other protective conditions or arrangements, he shall elect between protection under this agreement and, for so long as he continues to be protected under the arrangement which he so elects, he shall not be entitled to any protection or benefit (regardless of whether or not such benefit is duplicative) under the arrangement which he does not so elect: *And, provided further,* That after expiration of the period for which such employee is entitled to protection under the arrangement which he so elects, he may then be entitled to protection under the other arrangement for the remainder, if any, of his protective period under the arrangement.

7. *Seasonal work.*—In computing the monthly compensation guarantee for employees, who, during the period beginning June 1, 1978 and ending on May 31, 1979, did not hold a job on a year-round basis due to seasonal requirements, their monthly compensation guarantee will be computed using the actual number of full months worked in such period. Such guarantee as thus computed will apply to the same number of full months each year after commencing work with a purchasing carrier.

Article IV. Miscellaneous

1. *Effect of severance payment.*—This agreement shall not apply to any bankrupt carrier employee who has elected to receive a severance payment under any other protective conditions or agreement.

2. *Health and welfare coverage.*—The purchasing carrier will pay a premium under the national health and welfare, dental and supplemental sickness plans, for the first month of employment of bankrupt carrier employees accepting employment pursuant to this agreement with the purchasing carrier.

3. Milwaukee or Rock Island employees accepting employment with a purchasing carrier pursuant to this agreement will be given credit for service with the former employer in computing vacation qualification, entry rates and sick leave.

4. This agreement shall be construed as a separate agreement by and on behalf and each of the carriers signatory hereto and its employees represented by each of the organizations signatory hereto.

Signed at Washington, DC, this 4th day of March, 1980.

For the Carriers	For the employees
Burlington Northern, Inc.	American Train Dispatchers Association
Fort Worth & Denver Railway Company.	American Railway Supervisors Association
Davenport, Rock Island & North Western Railway Company.	Brotherhood of Locomotive Engineers
Union Pacific Railroad Company.	Brotherhood of Maintenance of Way Employees
Chicago, Milwaukee, St. Paul & Pacific Railroad Company.	Brotherhood of Railroad Signalmen
Kansas City Southern Railway Company.	Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees
Louisiana & Arkansas Railway Company.	Brotherhood Railway Carmen of the United States and Canada
Illinois Central Gulf Railroad Company.	International Association of Machinists and Aerospace Workers
Toledo, Peoria & Western Railroad Company.	International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers
Southern Pacific Transportation Company.	International Brotherhood of Electrical Workers
St. Louis Southwestern Railway Company.	International Brotherhood of Firemen and Oilers
Des Moines Union Railway Company.	Railroad Yardmasters of America
Peoria & Pekin Union Railway Company.	Railway Employee's Department, AFL-CIO
Missouri Pacific Railroad Company.	Sheet Metal Workers' International Association
St. Louis-San Francisco Railway Company.	United Transportation Union
Missouri-Kansas-Texas Railroad Company.	
Chicago & North Western Transportation Company.	
360 I.C.C.	

[FR Doc. 80-8476 Filed 3-19-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-No. 18)]

Seaboard Coast Line Railroad Co.; Abandonment Between Landrum and Lake Stafford in Citrus and Hernando Counties, Fla.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided October 16, 1979, which is administratively final, was made by the Commission, Review Board Number 5, stating that the present and future public convenience and necessity permit the abandonment by the Seaboard Coast Line Railroad Company of a portion of a line of railroad known as the Brooksville Subdivision, extending from railroad milepost SR-783 near Landrum, FL, to milepost SR-791.72 near Lake Stafford, FL, a distance of 8.72 miles, and 3.54 miles of sidings in Citrus and Hernando Counties, FL, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line Railroad Co.-Abandonment Goshen,* 360 I.C.C. 91 (1979); *Provided, however,* That applicant shall keep intact all of the right-of-way underlying the tract, including all of the bridges and culverts for a period of 120 days from February 29, 1980, to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. A certificate of abandonment will be issued to the Seaboard Coast Line Railroad Company based on the above-described finding of abandonment, on or before April 21, 1980, unless on or before April 21, 1980, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of

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rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8476 Filed 3-19-80; 8:45 am]

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[Finance Docket No. 29265]

Southeastern Wisconsin Transportation Corp. d.b.a. Wisconsin Central Railroad Co. To Lease and Operate a Line of Railroad in the State of Wisconsin

Southeastern Wisconsin Transportation Corp. d.b.a. Wisconsin Central Railroad Co., represented by John A. Zerbel, President, 4040 North Calhoun Road, Brookfield, WI, hereby gives notice that on the 3rd day of March, 1980, it filed with the Interstate Commerce Commission at Washington, DC, an application pursuant to 49 U.S.C. 10901 for authority to lease and operate as a common carrier a line of railroad approximately 41 miles running from Waukesha, WI to Milton Junction, WI.

The line has been the recent subject of an abandonment action by the Milwaukee Road and a purchase by the Wisconsin Department of Transportation. The Wisconsin Department of Transportation has, under other arrangements, transferred the track and structures to the City of Whitewater, Wisconsin, who in turn have entered into a lease arrangement whereby the Southeastern Wisconsin Transportation Corp. will operate the same as lessor under the name of Wisconsin Central Railroad Co.

In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra*, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after the date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8477 Filed 3-19-80; 8:45 am]

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Petition To Stay Service Order No. 1430

Decided: March 6, 1980.

Upon consideration of the petition filed by the Railway Labor Executives' Association on February 29, 1980, seeking a stay of Service Order No. 1430 which authorizes the Seattle and North Coast Railroad Company (SNC) to operate over tracks of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) between Port Angeles, Washington, and Port Townsend, Washington, including Pier 27 and associated track in Seattle.

The Seattle and North Coast Railroad Company has entered into a preliminary agreement with the MILW to purchase this line. The SNC is ready to commence operations under the emergency authority granted by this Service Order.

If the SNC is not permitted to perform rail service under this order, shippers will loose valuable rail transportation which is essential to the operation of their business. Emergency Service Order No. 1430 authorizes the SNC to commence operations immediately so that shippers will have uninterrupted rail service.

This emergency is similar to that covered by Service Order No. 1399, *Pend Oreille Valley Railroad, Inc. authorized to Operate over tracks of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company*. In a decision served January 25, 1980, the entire Commission affirmed the action of the Railroad Service Board in issuing this order.

The petitioner argues that 49 U.S.C. Section 10327(e)(1) mandates that an employee board order be stayed if an interested party files an appeal. Section 10327(f)(2) rather than Section 10327(e)(1) would require a stay of the order. Our action was taken pursuant to Section 11123 which reads in paragraph (b)(1), "Except as provided in paragraph (2) of this subsection, the Commission may act under this section on its own initiative or on application without regard to subchapter II of chapter 103 of this title and subchapter II of chapter 5 of title 5." Therefore, a stay of the order is not mandated.

We do not see any harm that might occur during the appeal period because of the labor protection provided in Paragraph (f) of the order. Any minor harm which might occur during the appeal period is outweighed by the harm to the public from a hiatus in service. Moreover, we believe it is not in the public interest to grant a stay.

The period of time to respond to the appeal expires on March 19, 1980.

It is the opinion of the Commission that the facts considered fully support the finding of an emergency, and labor protection has been covered in the service order.

It is ordered, that the petition to stay is denied.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8585 Filed 3-19-80; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected*. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed on or before April 21, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices on or before April 21, 1980, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 10

Decided: Feb. 4, 1980.

By the Commission, Review Board Number 3, Members: Parker, Fortier and Hill.

MC 200 (Sub-389F), filed September 1, 1979. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 2809, Kansas City, MO 64142. Representative: H. Lynn Davis (same address as applicant). Transporting *foodstuffs* from the facilities of Standard Brands, Inc., at or near Dallas, Denison, Sherman, and Ft. Worth, TX, to points in IA and NE, restricted to the transportation of traffic originating at the origin facilities and destined to the named destination states. (Hearing site: Kansas City, MO.)

MC 200 (Sub-403F), filed September 4, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis (same address as applicant). Transporting (1) *iron, steel, zinc, and lead, and iron, steel, zinc, and lead articles* (except in bulk), (2) *springs and construction materials, supplies and equipment* (except in bulk) and (3) *materials, supplies, and equipment (except in bulk), used in the manufacture and distribution of the commodities named in (1) and (2) above, serving Kokomo, IN, as an off-route point in connection with applicant's existing regular route authority. (Hearing site: Kansas City, MO.)*

MC 200 (Sub-437F), filed May 7, 1979, and previously noticed in **Federal Register** issue of October 2, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). Transporting *iron and steel articles*, from Midland, PA, to points in MO, IL, IN, WI, MI, KS, and IA.

Note.—This publication shows correct Sub Number which was previously published as 351F. (Hearing site: Kansas City, MO.)

MC 531 (Sub-424F), filed August 31, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road (P.O. Box 14048), Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting

organic ammonia compounds and animal and vegetable fatty acids, in bulk, in tank vehicles, from McCook, IL and points in Grundy County, IL, to AZ, CA, ID, MT, NV, OR, UT, WA and WY. (Hearing site: Chicago, IL.)

MC 730 (Sub-473), filed September 25, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 No. Via Monte, Walnut Creek, CA 94595. Representative: E. E. Reddick (same address as applicant). Transporting *lumber and lumber* between the facilities of D. G. Shelter Products Co., at, or near, Marion, VA on the one hand, and, on the other, points in Washington and Oregon. (Hearing site: Norfolk, VA or San Francisco, CA.)

Note.—Common control may be involved.

MC 730 (Sub-474), filed September 25, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 No. Via Monte, Walnut Creek, CA 94595. Representative: E. E. Reddick (same address as applicant). Transporting *plastic pipe and fittings and accessories* for such commodities between the facilities of Plexco at, or near, Fairfield, IA, on the one hand, and, on the other, points in the United States (excluding Hawaii and Alaska). (Hearing site: Des Moines, IA or San Francisco, CA.)

Note.—Common control may be involved.

MC 5470 (Sub-205F), filed September 28, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 700 World Center Building, 918—16th St., NW., Washington, D.C. 20006. Transporting *magnetite and ilmenite ores*, in dump vehicles, from North Creek, NY, to Fort Lauderdale, FL and points in PA, VA, and WV. (Hearing site: Washington, DC or New York, NY.)

MC 38481 (Sub-19F), filed August 31, 1979. Applicant: FARRUGGIO'S BRISTOL AND PHILADELPHIA AUTO EXPRESS, INC., 1419 Radcliffe Street, Bristol, PA 19007. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Trenton, NJ, Philadelphia, PA, and points in Bucks County, PA, on the one hand, and, on the other, points in DE, DC, MD, NJ, NY, PA, and those in Fairfield County, CT. (Hearing site: Philadelphia, PA.)

MC 38481 (Sub-20F), filed September 19, 1979. Applicant: FARRUGGIO'S BRISTOL AND PHILADELPHIA AUTO EXPRESS, INC., 1419 Radcliffe St., Bristol, PA 19007. Representative: Alan Kahn, Esquire, 1920 Two Penn Center Plaza, Philadelphia, PA. Transporting *containers, container ends and closures, and commodities* manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers; *and materials, equipment and supplies* used in the manufacture and distribution of containers, container ends and closures (except commodities in bulk), between the facilities of Boise Cascade Corporation at points in NJ and PA, on the one hand, and, on the other, points in DE, MD, NJ, NY, and PA. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 42011 (Sub-59F), filed August 30, 1979. Applicant: D. Q. WISE & CO., INC., P.O. Drawer L, Tulsa, OK 74112. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, #301, Dallas, TX 75237. Transporting (1) *electrical cable, switch boards, transformers, motors, pumps, motor and pump parts* and *accessories* for the foregoing commodities, and (2) *equipment, materials*, and *supplies* used in or in connection with the transportation, installation, operation, removal, repair, manufacture, and maintenance of the commodities described in (1) above (except commodities in bulk, in tank vehicles), between the facilities of Oil Dynamics, Inc., at or near Red Springs and Snyder, TX, Casper, WY, Rangely, CO, and Tulsa and Wilson, OK, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the above-named points. (Hearing site: Tulsa, OK or Dallas, TX.)

MC 47171 (Sub-144F), filed September 4, 1979. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *cans, containers, bottle caps* and *can ends* from Winchester, VA, to points in GA, NC, and SC. (Hearing site: Washington, DC.)

MC 47171 (Sub-741F), filed August 30, 1979. Applicant: COOPER MOTOR LINES. INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *floor coverings* and *equipment, materials* and *supplies* used in the installation, manufacture and sale of floor coverings, (except in bulk), between the facilities of Bigelow-Sanford, Inc., at or near Belton, Calhoun Falls, Greenville, and Landrum, SC; Lyerly and Summerville, GA. (Hearing site: Columbia, SC.)

MC 52861 (Sub-82F), filed September 5, 1979. Applicant: WILLS TRUCKING, INC., 3185 Columbia Road, Richfield, OH 44286. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Transporting *iron and steel*, and *iron and steel articles*, and *equipment, materials and supplies* used in the manufacture of iron and steel and iron and steel articles between Midland, PA, on the one hand, and, on the other, points in IL, IN, OH and WI. (Hearing site: Columbus, OH.)

MC 57311 (Sub-13F), filed September 24, 1979. Applicant: PUTNAM TRANSFER & STORAGE CO., 1705 Moxahala Ave, Zanesville, OH 43701. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *general commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in KY within the Cincinnati Commercial Zone on the one hand, and, on the other, points in OH. (Hearing site: Columbus, OH or Washington, DC.)

MC 61231 (Sub-146F), filed May 18, 1979, and previously noticed in FR issue of October 25, 1979. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *tires, tire tubes, wheels, wheel weights, and tire valves*, from Des Moines, IA, to points in AZ, CO, IL, IN, KS, MI, MO, MN, MT, ND, NE, OK, SD, TN, TX, and WI. (Hearing site: Des Moines, IA, or Omaha, NE.)

Note.—This republication shows MN as a destination State previously omitted from publication.

MC 61401 (Sub-18F), filed August 31, 1979. Applicant: MARX TRUCK LINE, INC., 220 Lewis St., Sioux City, IA 51102. Representative: Robert A. Wichser, P.O. Box 417, Sioux City, IA 51102. Transporting *glass jars* from Mundelein and Plainfield, IL to Sioux City, IA, under continuing contract(s) with Sioux Honey Association of Sioux City, IA. (Hearing site: Omaha, NE or Chicago, IL.)

MC 67450 (Sub-97F), filed September 4, 1979. Applicant: PETERLINE CARTAGE CO., a corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Transporting (1) *food and food products, and (2) materials, equipment and supplies used in the manufacture, sale or distribution of food and food products*, between Chester and Steeleville, IL, and Perryville, MO, on the one hand, and, on the other, points

in AL, CO, FL, GA, IL, IN, IA, KY, LA, MI, MN, MO, MS, OH, TN, TX, and WI. (Hearing site: Chicago, IL or St. Louis, MO.)

MC 68100 (Sub-38F), filed September 24, 1979. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Drawer G, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison St., Topeka, KS 66603. Transporting *machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products; and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof between Houston, TX, on the one hand, and, on the other, points in LA. (Hearing site: Houston, TX.)

MC 75320 (Sub-219F), filed September 24, 1979. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the facilities of Wal-Mart Stores, Inc. at or near Palestine, TX, as an off-route point in connection with carrier's regular-route operations. (Hearing site: Dallas, TX.)

MC 87511 (Sub-26F), filed September 4, 1979. Applicant: SAIA MOTOR FREIGHT LINE, INC., P.O. Box 10157, Station One, Houma, LA 70360. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which because of size or weight require the use of special equipment), (1) between Lake Charles, LA, and Shreveport, LA, over LA Hwy 171, (2) between Alexandria, LA, and Shreveport, LA, over LA Hwy 1, (3) between Alexandria, LA, and Leesville, LA, over LA Hwy 28, (4) between Clarence, LA and Many, LA, over LA Hwy 6, (5) between Boyce, LA and the Junction of U.S. Hwy 71 and LA Hwy 8, over LA Hwy 8, and (6) between Alexandria, LA and Monroe, LA, over U.S. Hwy 165, serving all points in Caddo, Bossier, Desoto, Red River, Natchitoches, Savine, Vernon, Rapides, Beauregard, Allen, Calcausieu, Jefferson Davis and Cameron Parishes as off-route points in connection with carrier's regular-route operations. (Hearing site: Houston, TX, or Shreveport, LA.)

Note.—Serving all intermediate points on Routes (1) through (5) In Route (6) serving no intermediate points, serving Monroe and Alexandria as points of joinder only as an alternate route for operating convenience only. Applicant intends to tack or join the proposed authority with its present regular-route authority at common points of joinder in LA.

MC 94201 (Sub-181F), filed September 4, 1979. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, Esq., 601-09 Frank Nelson Building, Birmingham, AL 35203. Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, Tennessee and Brownsville, TX: (1) From Memphis over Interstate Hwy 40 to Little Rock, AR, then over Interstate Hwy 30 to Dallas, TX then over Interstate Hwy 35E to junction of Interstate Hwy 35 at or near Hillsboro, TX, then over Interstate Hwy 35 to Laredo, TX, then over U.S. Hwy 83 to Brownsville, and return over the same route. (2) From Memphis over U.S. Hwy 79 to junction Interstate Hwy 20 at or near Minden, LA, then over Interstate Hwy 20 to Ft. Worth, TX, then over Interstate Hwy 35W to junction Interstate Hwy 35 at or near Hillsboro, TX, then over Interstate Hwy 35 to Laredo, TX, then over U.S. Hwy 83 to Brownsville, and return over same route. (3) From Memphis over Interstate Hwy 40 to Little Rock, AR, then over Interstate Hwy 30 to Texarkana, then over U.S. Hwy 59 to Victoria, TX, then over U.S. Hwy 77 to Brownsville and return over same route. (4) From Memphis to Houston, TX, via routes specified in Route 3, then over Interstate Hwy 10 to San Antonio, TX, then over Interstate Hwy 35 to Laredo TX, then over U.S. Hwy 83 to Brownsville, and return over same route. (5) From Memphis, to Houston, TX, over routes specified in Route 3, then over Interstate Hwy 10 to junction TX Hwy 71 at or near Columbus, TX, then over TX Hwy 71 to Austin, TX, then over Interstate Hwy 35 to Laredo, TX, then over U.S. Hwy 83 to Brownsville, and return over same route. Service in connection with the above routes in authorized to and from the intermediate and off-route points of Tyler, Dallas, Ft. Worth, Waco and Temple, TX, and those points on and within the area of TX bounded by a line beginning at Galveston and extending North along Interstate Hwy 45 to Houston, then along Interstate Hwy 10 to Columbus, then along TX Hwy 71 to Austin, then along U.S. Hwy 290 to Fredricksburg, TX, then along U.S. Hwy 87 to San Antonio, then along U.S. Hwy 81 to Laredo, then along the Rio Grande River to the Gulf of Mexico.

Applicant seeks (a) to serve all places in the commercial zone of each authorized point, (b) to tack this authority with that issued in MC-94201 and subs thereto and (c) to interline. Applicant proposes to tack the authority herein sought with its present authority at the service points of Memphis, TN, Dallas, Ft. Worth and Houston, TX; Texarkana, TX/AR; Shreveport, LA, and Little Rock, AR, to provide direct service between the points and area here sought, on the one hand, and, on the other, applicant's authorized regular and irregular routes under Certificate MC-94201 and subs in the States of AL, AR, CT, DE, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MS, MO, NJ, NY, NC, OH, PA, RI, SC, TN, TX and VA. Restricted against traffic moving between points in TX. (Hearing site: Memphis, TN, with continued hearing at Houston, TX.)

MC 94201 (Sub-183F), filed September 24, 1979. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, AL 35203. Transporting *iron and steel* and *iron and steel articles* from the facilities of United States Steel Corporation at or near Gary, IN and South Chicago, IL to Louisville, KY. (Hearing site: Chicago, IL or Washington, DC.)

MC 94201 (Sub-184F), filed September 24, 1979. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, AL 35203. Transporting *such commodities* as are dealt in by wholesale, retail and chain grocery and food business houses (except frozen commodities and commodities in bulk) from the facilities of The Clorox Company at or near Houston, TX to points in AR, LA, MS, and OK. (Hearing site: Houston, TX or Atlanta, GA.)

MC 103490 (Sub-77F), filed September 24, 1979. Applicant: PROVAN TRANSPORT CORP., 210 Mill St., Newburgh, NY 12550. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048.

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Transporting *chemicals,* in bulk in tank vehicles, between facilities of Kay-Fries Chemicals, Inc., at or near Theodore, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New York, NY.)

Note.—Dual Operations may be involved.

MC 106001 (Sub-13F), filed September 4, 1979. Applicant: DENNIS TRUCKING COMPANY, INC., 6951 Norwitch Drive, Philadelphia, PA 19153. Representative: James W. Patterson, Esquire, 1200 Western Savings Bank Building, Philadelphia, PA 19107. Transporting (1) *refractories, refractory products* and *commodities used or useful* in the installation of refractories and refractory products, and (2) *materials, equipment* and *supplies* used in the production and distribution of the commodities named in (1), between the facilities, of A. P. Green Refractories Co., at or near Philadelphia, Tarentum, and Porter Township (Clarion County), PA, Woodbridge, NJ, and Jackson (Jackson County), Oak Hill and East Greenville, OH, on the one hand, and, on the other, points in CT, DC, DE, MA, MD, ME, NC, NH, NJ, NY, OH, PA, RI, SC, VA, VT and WV. (Hearing site: Philadelphia, PA.)

MC 106400 (Sub-118F), filed September 25, 1979. Applicant: KAW TRANSPORT COMPANY, P.O. Box 8510, Sugar Creek, MO 64054. Representative: Robert L. Hawkins, Jr., P.O. Box 456, Jefferson City, MO 65102. Transporting *chemicals,* in bulk, in tank vehicles from Kansas City, MO-Kansas City, KS, to Houston and Galveston, TX. (Hearing site: Kansas City, MO.)

MC 106400 (Sub-119F), filed September 25, 1979. Applicant: KAW TRANSPORT COMPANY, P.O. Box 8510, Sugar Creek, MO 64054. Representative: Robert L. Hawkins, Jr., P.O. Box 456, Jefferson City, MO 65102. Transporting *chemicals,* in bulk, in tank vehicles from Kansas City, MO-Kansas City, KS, on the one hand, to points within FL, NJ, NY, PA and WV, on the other hand.(Hearing site: Kansas City, MO.)

MC 111401 (Sub-590F), filed September 5, 1979. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). Transporting *nitrogen fertilizer solutions,* in bulk, in tank vehicles, from Plainview, TX to points in CO, KS, NM, OK and TX. (Hearing site: Amarillo, TX or Oklahoma City, OK.)

MC 112750 (Sub-353F), filed September 5, 1979. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Rd. New Hyde Park, NY 11042. Representative: Elizabeth L. Henoch (same address as applicant). Contract carrier transporting *commercial papers, documents and written instruments* (except currency and negotiable securities), as are used in the business of banks and banking institutions, between Louisville, KY, on the one hand, and, on the other, points in IN on and North of US Interstate Hwy 40. (Hearing site: Louisville, KY.)

MC 13271 (Sub-65F), filed September 24, 1979. Applicant: CHEMICAL TRANSPORT, P.O. Box 2844, Great Falls, MT 59403. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. Transporting *sulfuric acid,* in bulk, from points in Shoshone County, ID to the facilities of Western Nuclear, Inc., at or near Wellpinit, WA. (Hearing site: Spokane, WA.)

MC 113271 (Sub-66F), filed September 24, 1979. Applicant: CHEMICAL TRANSPORT, P.O. Box 2844, Great Falls, MT 59403. Representative: Patrick W. Rice, P.O. Box 2844, Great Falls, MT 59403. Transporting *lime and limestone products,* in bulk, from ports of entry on the international boundary line between the United States and Canada in WA to points in ID, OR and WA. (Hearing site: Great Falls, MT.)

MC 113651 (Sub-311F), filed September 6, 1979. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Rd., Muncie, IN 47305. Representative: Glen L. Gissing (same address as applicant). Transporting *foodstuffs,* from Hillsdale and Jonesville, MI, to points in AL, FL, GA, IA, KS, LA, MN, NO, MS, and NE. (Hearing site: New York, NY or Washington, DC.)

MC 115311 (Sub-375F), filed August 29, 1979. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Ralph B. Matthews, P.O. Box 56387, Atlanta, GA 30343. Transporting (1) *cement and lime* from Ragland, AL, to points in GA (except points in Gwinnett, Dekalb, Fulton, Clayton and Cobb counties); and (2) *lime, cement,* and *mortar mix* from Roberta, AL, to points in GA. (Hearing site: Atlanta, GA, or Birmingham, AL.)

MC 115311 (Sub-376F), filed September 6, 1979. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: K. Edward Wolcott, P.O. Box 56387, Atlanta, GA 30343. Transporting (1) *roofing and building materials,* and (2) *material, equipment and supplies* used or useful in the manufacture, installation and distribution of roofing and building materials between the facilities of Georgia-Pacific Corporation, Gypsum Division, at or near Hampton (Henry County), GA, on the one hand, and, on the other, points in the United States, in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Atlanta, GA.)

MC 115841 (Sub-737F), filed September 24, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler, 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Transporting *paper trays, corrugated post, clay and clay products* (except in bulk), from the plantsites and facilities utilized by Lowe's, Inc. at or near Paris, TN, to points in IL, IN, KY, MD, MI, NY, OH, PA, VA, WI, and WV. (Hearing site: Chicago, IL or Washington, DC.)

MC 116280 (Sub-22F), filed September 25, 1979. Applicant: W. C. MCQUAIDE, INC., 153 Macridge Ave, Johnstown, PA 15904. Representative: Christian V. Graf, 407 North Front St, Harrisburg, PA 17101. Transporting *paper and paper products, paper forms, tickets,* and *materials and supplies* used in the manufacture and production of said items, between the facilities used by Moore Business Forms, Inc. in OH, PA, WV, MD, NY, NJ, DE and VA. (Hearing site: Washington, DC or Harrisburg, PA.)

MC 117730 (Sub-70F), filed September 4, 1979. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 No. LaSalle St, Chicago, IL 60602. Transporting *such commodities as are used in the manufacture and distribution of motor vehicles* from points in IN, MI, OH, PA, and WI to the facilities of Chrysler Corporation at Belvidere, IL. (Hearing site: Chicago, IL.)

MC 117730 (Sub-72F), filed September 26, 1979. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle St, Chicago, IL 60602. Transporting *such commodities as are dealt in by wholesale and retail food and drug outlets* (except commodities in bulk) from the facilities of Procter & Gamble Distributing Co., at Chicago, IL, to points in IA, NE, Baltimore, MD, and those points in OH on and north of U.S. Highway 30 and on and east of OH Highway 4. (Hearing site: Cincinnati, OH, Chicago, IL.)

MC 117820 (Sub-37F), filed September 25, 1979. Applicant: AURELIA TRUCKING CO., 2121 Petit Ave., Port Huron, MI 48060. Representative: Robert D. Schuler, 100 W. Long Lake Road, Ste. 102, Bloomfield Hills, MI 48013.

Transporting (1) *meat, meat products, and meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides),* in vehicles equipped with mechanical refrigeration, from the facilities of Murco, Inc. in Michigan to points in and east of ND, SD, NE, CO, OK and TX; (2) *materials, supplies and equipment used in the production and distribution of the commodities named in (1) above,* from the destination points in (1) above to the origins in (1) above; restricted in (1) and (2) to traffic originating at the named origins and destined to the named destinations. (Hearing site: Chicago, IL, or Washington, D.C.)

MC 117940 (Sub-354), filed September 4, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting (1) *small arms ammunition and related components, electrical switch* boxes) *conduit outlet boxes, juction boxes and covers, related electrical apparatus* (except electrical appliances); *advertising materials;* and (2) *materials, equipment and supplies used in the manufacture of the commodities in (1) above,* between the facilities of Federal Cartridge Corporation and Hoffman Engineering Company at or near Minneapolis-St. Paul, MN, on the one hand, and, on the other, points in the US (except Alaska and Hawaii). (Hearing site: Minneapolis or St. Paul, MN.)

MC 118831 (Sub-183F), filed September 7, 1979. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, NC 27264. Representative: Ben H. Keller, III, P.O. Box 7007, High Point, NC 27264. Transporting *liquid chemicals* in bulk, from Joliet and Wood River, IL to points in AL, GA, FL, TN, SC, NC, KY, VA, DC, MD, DE, PA, NJ, and NY. (Hearing site: Washington, DC.)

MC 119531 (Sub-174F), filed September 25, 1979. Applicant: SUN EXPRESS, INC., P.O. Box 1031, Warren, OH 44482. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting *such commodities as are manufactured or dealt in by manufacturers of containers, and equipment, materials and supplies used in the manufacture of the above described commodities (except in bulk)* between points in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Columbus, OH.)

MC 119670 (Sub-670), filed September 26, 1979. Applicant: THE VICTOR TRANSIT CORPORATION, 5250 Este Ave., Cincinnati, OH 45232. Representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, KY 40602. Transporting *such commodities as are used or dealt in by manufacturers of glass, plastic, Chinaware and metal products* (except commodities in bulk), between points in IL, IN, KY, MI, MO, OH, WV, WI, and points on and west of U.S. Highway 219 in PA, restricted to traffic originating at or destined to the facilities used by Anchor Hocking Corporation, (Hearing site: Cincinnati, OH.)

MC 119741 (Sub-235F), filed September 24, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting: *petroleum products* and *lubricating oils* in containers, from the facilities of Mobil Oil Corporation at or near Omaha, NE, to points in IA. (Hearing site: Omaha, NE.)

MC 119991 (Sub-35F), filed August 30, 1979. Applicant: YOUNG TRANSPORT, INC., P.O. Box 3, Logansport, IN 46947. Representative: Warren C. Moberly, 777 Chamber of Commerce Building, 320 North Meridian Street, Indianapolis, IN 46204. Transporting: *iron and steel articles,* from Alton, Kankakee, and Joliet, IL, to points in IA, IN, KS, KY, MI, MO, NE, OH, PA, WI, and WV. (Hearing site: Indianapolis, IN, or Washington, DC)

MC 124111 (Sub-81F), filed August 30, 1979. Applicant: OHIO EASTERN EXPRESS, INC., 300 West Perkins Ave., Sandusky, OH 44870. Representative: David A. Turano, Suite 1800, 100 East Broad St., Columbus, OH 43215. Transporting: (a) *frozen bread* from Bedford Heights, OH, to points in CT, DE, MD, MA, NJ, NY, PA, RI and VA and (b) *salad dressings, croutons* and *popcorn* from Columbus, OH, to points in CT, DE, MD, MA, NJ, NY, PA, RI and VA. (Hearing site: Columbus, OH.)

MC 124170 (Sub-139F), filed September 24, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Dr., Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Transporting: *Such commodities* as are used by and dealt in by manufacturers of health care and safety care products (except commodities in bulk in tank vehicles), between the facilities of and those utilized by Becton, Dickinson and Company, at or near Niobrara, Broken Bow, Columbus and Holdrege, NE; North Canaan, CT; Sumter, SC; Chicago and Itasca, IL; Shipshewana, IN; Atlanta, GA; New York City, and Hancock, NY; Parsippany, Fairfield and Jersey City, NJ; Coshocton, Mount Vernon and Canton, OH; Los Gatos, Cerritos, Oxnard, and Benicia, CA; Dallas and Irving, TX; Haynesville, LA; Ocala, FL and Cockeysville, MD, on the one hand, and, on the other hand, points in the United States (except AK and HI). (Restriction: The above authority is restricted to the transportation of traffic originating at and/or destined to the above-named facilities of and those utilized by Becton, Dickinson and Company.) (Hearing site: New York, NY or Washington, DC.)

MC 124821 (Sub-64F), filed September 24, 1979. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, ICC Practitioner, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting: *cleaning compounds, bleach, mops and brooms, and mop parts,* from Chicago, IL, to Syracuse, NY, Elizabeth, NJ, Hanover, PA, Philadelphia, PA, Pittsburgh, PA, and E. Stroudsburg, PA; Richmond, VA; Saylesville, RI; and Wilmington, MA. (Hearing site: Harrisburg, PA.)

MC 125951 (Sub-53F), filed September 24, 1979. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, NE 68106. Representative: Robert M. Cimino, 7000 West Center Road, Suite 325, Omaha, NE 68106. Transporting: *Preserved fruits and flavoring,* from Macedon, NY, to Bonner Springs, KS and Chicago, IL; restricted to the transportation of traffic orginating at the named orgin and destined to the designated destinations. (Hearing site: Rochester, NY.)

MC 126461 (Sub-6F), filed September 4, 1979. Applicant: PACIFIC FREIGHTWAYS, LTD., 8020 Enterprise St., Burnaby, British Columbia, Canada V5A 1V7. Representative: George Kargianis, 2120 Pacific Bldg., Seattle, WA 98104. Transporting: *lime,* between ports of entry on the international boundary line between the United States and Canada located in WA, on the one hand, and, on the other, points in WA, OR, and ID. (Hearing site: Seattle, WA.)

MC 126930 (Sub-26F), filed September 19, 1979. Applicant: BRAZOS TRANSPORT CO., P.O. Box 2746, Lubbock, TX 79408. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting: *Petroleum products* and *lubricating oils,* except in bulk, from the facilities of Mobil Oil Corporation at or near

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Omaha, NB, to points in IA and WY. (Hearing site: Lubbock, TX, or Dallas, TX.)

MC 128220 (Sub-29F), filed August 28, 1979. Applicant: RALPH LATHAM, d.b.a. LATHAM TRUCKING COMPANY, P.O. Box 596, Burnside, KY 42519. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602. Transporting: *Coal*, in packages and *ice melting compound*, in packages, and *materials, equipment and supplies* used in the manufacture and distribution of the foregoing commodities, between Louisville, KY, on the one hand, and, on the other, points in the United States in and east of KS, NE, ND, OK, SD, and TX. (Hearing site: Louisville, KY.)

MC 133630 (Sub-8F), filed August 30, 1979. Applicant: KING BROS. TRUCKING, INC. OF ASHKUM, ILLINOIS, Rural Route 2, Ashkum, IL 60911. Representative: Edward D. McNamara, Jr., 907 South Fourth St., Springfield, IL 62703. Transporting: *feed phosphate*, from the facilities of Hooker Chemical Company, at or near Montpelier, IA, to Ashkum, IL. (Hearing site: Springfield, IL, or St. Louis, MO.)

MC 135070 (Sub-96F), filed September 4, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting: *Plastic containers* and *materials, supplies and equipment* used in the manufacture and distribution of plastic containers (except in bulk), (1) Between the facilities of The Continental Group, at or near Baltimore, MD, on the one hand, and, on the other, points in AR, CA, IL, IA, KS, LA, MO, NE, OH, OK, and TX; (2) Between the facilities of The Continental Group, at or near Springdale, OH, on the one hand, and, on the other, points in AL, AR, CA, GA, IL, KS, LA, MS, MO, NE, NJ, OK, TN, and TX; (3) Between the facilities of The Continental Group, at or near New Market and Milltown, NJ, on the one hand, and, on the other, points in AR, CA, IL, IA, KS, LA, MO, NE, OH, OK, TN, and TX; (4) Between the facilities of The Continental Group, at or near Lenexa and Kansas City, KS, on the one hand, and, on the other, points in AL, AR, CA, GA, IL, IN, IA, KY, LA, MS, MO, NE, OH, OK, TN, TX, and WI; (5) Between the facilities of The Continental Group, at or near Houston, TX, on the one hand, and, on the other, points in AL, AR, CA, GA, IL, IA, KS, LA, MS, MO, NE, OK, and TN; (6) Between the facilities of The Continental Group, at or near Elk Grove Village and W. Chicago, IL, on the one hand, and, on the other, points in AL, AR, CA, DE, GA, IA, KS, KY, LA, MD, MS, MO, NE, NJ, OK, PA, TN, and TX; (7) Between the facilities of The Continental Group, at or near Cleveland, OH, on the one hand, and, on the other, points in AL, AR, CA, DE, GA, IL, IN, IA, KS, KY, LA, MD, MS, MO, NE, NJ, OK, PA, TN, TX, and WV; and (8) Between the facilities of The Continental Group, at or near Burlington, WI, on the one hand, and, on the other, points in AL, AR, CA, DE, GA, IN, IA, KS, KY, LA, MD, MS, MO, NE, NJ, OH, OK, PA, TN, TX, and WV. (Hearing site: Stamford, CT, or Dallas, TX.)

Note.—Dual Operations may be involved.

MC 135070 (Sub-101F), filed September 4, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting: *empty drums* used in the transportation of petroleum products, from points in CA and CO to Houston, TX, and the facilities of Evans Drum Company, at or near Dayton, TX. (Hearing site: Houston or Dallas, TX.)

Note.—Dual Operations may be involved.

MC 135070 (Sub-108F), filed September 25, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting: (1) *Rubber articles, plastic articles*, and *rubber materials*, and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities named in (1), above, Between the facilities of Entek Corporation of America, at or near Irving, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Lincoln, NE.)

Note.—Dual Operations and common control may be at issue.

MC 135410 (Sub-92F), filed September 25, 1979. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING CO., P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting: *meat*, from Wilmington, DE; Chicago, IL; Boston, MA; Mt. Airy, MD; Mullica, NJ; Buffalo and New York, NY; and Philadelphia and Punxsutawney, PA to the facilities of A & W Foods at Cleveland, OH, restricted to the transportation of traffic originating at the named origins and destined to the named destination. (Hearing site: Cleveland, OH or Columbus, OH.)

MC 135410 (Sub-93F), filed September 26, 1979. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *canned goods*, from the facilities of Morgan Packing Company, Inc. at or near Austin, Brownstown, Converse and Franklin, IN, to IL, IA, KS, MI, MN, MO, NE, OH, and WI, restricted to the transportation of shipments originating at the named origins and destined to the named destinations. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 136100 (Sub-7F), filed September 25, 1979. Applicant: K & K TRANSPORTATION CORP., 4515 North 24th St., Omaha, NE 68110. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *plastic film, commodities used in the manufacture of plastic film (except commodities in bulk), flooring, and empty pallets*, between the facilities utilized by The Goodyear Tire & Rubber Company at Merced, CA; Buena Park, CA; Akron, OH; Calhoun, GA; Atlanta, GA; Dallas, TX; Chicago, IL; and Milltown, NJ. (Hearing site: Cleveland OH or Omaha, NE.)

MC 136161 (Sub-25F), filed September 24, 1979. Applicant: ORBIT TRANSPORT, INC., P.O. Box 163, Spring Valley, IL 61362. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting (1) *glass products, metal products, plastic products, clay and clay products, feldspar, and talc* (except commodities in bulk), (2) *molds and machinery used in the manufacture of glass products* (except commodities in bulk), (3) *bottle coating systems* (except commodities in bulk), (4) *parts and accessories for the commodities in (2) and (3) above* (except commodities in bulk), and (5) *materials, equipment, and supplies*, used in the manufacture and distribution of the commodities in (1), (2), (3) and (4) above (except commodities in bulk), between the facilities of Flat River Glass Co., at or near Flat River, MO, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 136291 (Sub-17F), filed August 30, 1979. Applicant: CUSTOMIZED PARTS DISTRIBUTION, INC., 3600 N.W. 82nd Ave., Miami, FL 33166. Representative: Thomas N. Willess, 1000 Sixteenth St., NW., Suite 502, Solar Bldg., Washington, DC 20036. Transporting *liquid argon, liquid nitrogen* and *liquid oxygen*, in shipper owned vehicles, from Essington, PA, Keasbey, NJ, New Hanover, NC, and Camden, SC, to points in DE, MD, NJ, PA, VA, NC, WV, and DC, under continuing contract(s) with Union Carbide Corporation of New York, NY. (Hearing site: Washington, DC.)

Note.—Any certificate issued in this proceeding will be subject to a 5-year term limitation.

MC 136511 (Sub-75F), filed September 25, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 23502. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting (1) *foodstuffs*, and (2) *materials, equipment and supplies* used in the manufacture thereof, between the facilities of Anderson Clayton Foods, Division of Anderson Clayton and Company at or near Sherman, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 136511 (Sub-76F), filed September 24, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 23502. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting (1) *foodstuffs*, and (2) *materials, equipment and supplies* used in the manufacture thereof, between the facilities of Anderson Clayton Foods, Division of Anderson Clayton and Company at or near Jacksonville, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 138741 (Sub-92F), filed September 4, 1979. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *iron and steel articles* from the facilities of Nucor Steel at or near Norfolk, NE, to points in AR, KS, KY, MO, OK and TN. (Hearing site: Omaha, NE.)

MC 139340 (Sub-6F), filed September 4, 1979. Applicant: YELVINGTON TRANSPORT, INC., 800 Big Tree Road, Daytona Beach, FL 32015. Representative: Ralph B. Matthews, P.O. Box 56387, Atlanta, GA 30343. Transporting *clay* and *clay products* and *jointing materials* and materials, *equipment*, and supplies (except in bulk) used in the installation of the foregoing commodities from the facilities of Dickey Company at or near Bradenton, FL to Bessemer, AL, and from the facilities of Dickey Company at Bessemer, AL, to points in FL under continuing contract(s) with Dickey Company of Pittsburgh, KS. (Hearing site: Daytona Beach, FL or Atlanta, GA.)

MC 139571 (Sub-5F), filed September 24, 1979. Applicant: A. S. MASON, INC., 3110 Gibson St., Bakersfield, CA 93308. Representative: Micheal S. Rubin, 256 Montgomery St., Fifth Floor, San Francisco, CA 94104. Transporting (1) *oil well drilling rigs*, and *oil well drilling machinery*, and (2) *equipment, materials and supplies* used in the drilling and development of oil wells, between points in CA, NV, OR, and ID. (Hearing site: Bakersfield or Los Angeles, CA.)

MC 142310 (Sub-26F), filed September 6, 1979. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting: *(1) doors, millwork, and vents, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities described in Part (1)* between the facilities of Weyerhaeuser Company at or near Marshfield, WI, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Madison, WI, or Chicago, IL.)

MC 143341 (Sub-1F), filed September 24, 1979. Applicant: ABBLEY TRANSPORT, INC., P.O. Box 2204, Oakland, CA 94621. Representative: Philip G. Skofstad, 1525 N.E. Weidler St., Portland, OR 97232. Transporting *materials and supplies* used in the manufacture of containers, between points in OR, WA, ID and CA. (Hearing site: Portland, OR.)

MC 144041 (Sub-39F), filed September 6, 1979. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle, NE., Atlanta, GA 30345. Representative: K. Edward Wolcott, P.O. Box 56387, Atlanta, GA 30343. Transporting *lumber, shakes* and *shingles* from points in WA, OR, CA, MT, and ID to points in FL. (Hearing site: Portland, OR or Seattle, WA.)

MC 144041 (Sub-43F), filed September 6, 1979. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle, NE., Atlanta, GA 30345. Representative: K. Edward Wolcott, P.O. Box 56387, Atlanta, GA 30343. Transporting *plastic articles* (except in bulk) between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Amoco Chemicals Corporation, Amoco Foam Products and Amoco Container Co. (Hearing site: Atlanta, GA or Chicago, IL.)

MC 144041 (Sub-44F), filed September 24, 1979. Applicant: DOWNS TRANSPORTATION CO., INC., P.O. Box 465, Conyers, GA 30207. Representative: K. Edward Wolcott, P.O. Box 56387, Atlanta, GA 30343. Transporting (1) *such commodities* as are utilized or dealt in by automotive parts distributors and (2) *materials and supplies* dealt in or utilized by battery manufacturers (except commodities in bulk) between the facilities of C & D Batteries, Division of ELTRA in Rockdale County, GA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta, GA.)

MC 144190 (Sub-8F), filed September 4, 1979. Applicant: STORY, INC., Route #1, Box 122, Henager, AL 35978. Representative: George M. Boles, 727 Frank Nelson Building, Birmingham, AL 35203. Transporting *synthetic yarn* from points in AL, GA and SC to facilities of Coronet Western, Inc., a division of Coronet Industries, in Orange and Los Angeles Counties, CA. (Hearing site: Birmingham, AL, or Nashville, TN.)

MC 144630 (Sub-28F), filed August 31, 1979. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *flour and corn meal* (except in bulk), from the facilities of Shawnee Milling Co. at Shawnee, OK, to points in AL, FL, GA, LA, MS, NC, SC, TN, and KY. (Hearing site: Oklahoma City, OK.)

MC 144630 (Sub-29F), filed September 4, 1979. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *paper and paper products* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the foregoing commodities and (3) *plastic articles*, expanded, between the facilities of Scott Paper Company east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada and points in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 144870 (Sub-2F), filed September 24, 1979. Applicant: MERRILL TRANSPORT, INC., P.O. Box 2288, Salisbury, NC 28144. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting *malt beverages*, in containers, from Detroit, MI, to Charlotte, NC, under continuing contract(s) with Cunningham Wholesale

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Company, Inc., of Charlotte, NC. (Hearing site: Charlotte, NC.)

MC 145441 (Sub-55F), filed September 20, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury, P.O. Box 5130, North Little Rock, AR 72119. Transporting *plastic foam articles and foam lined bags* from Biola, CA to points in AR, FL, GA, IL, IN, KS, KY, LA, MD, MI, MO, NC, OH, OK, SC, TN, TX, VA, WV, and WI. (Hearing site: Little Rock, AR or Los Angeles, CA.)

MC 145441 (Sub-61F), filed September 25, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey, P.O. Box 5130, North Little Rock, AR 72119. Transporting *such merchandise as is dealt in* by wholesale and retail chain stores from Compton, CA to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Little Rock, AR; Los Angeles, CA.)

MC 145541 (Sub-4F), filed August 30, 1979. Applicant: SUNWAY CORPORATION, 118 W. Main Street, Thomasville, NC 27360. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. Transporting *new furniture* and *furniture parts* and *materials* used in the manufacturing of new furniture, from points in Burke, Cleveland and Davie Counties, NC, on the one hand, and, on the other, points in AZ, CA and TX. (Hearing site: Charlotte or Thomasville, NC.)

MC 145950 (Sub-50F), filed September 25, 1979. Applicant: BAYWOOD TRANSPORT, INC., Route 6, P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting (1) *foodstuffs*, and (2) *materials, equipment and supplies* used in the manufacture thereof, between the facilities of Anderson Clayton Foods, Division of Anderson Clayton and Company at or near Sherman, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 145950 (Sub-51F), filed September 24, 1979. Applicant: BAYWOOD TRANSPORT, INC., Route 6, P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting (1) *foodstuffs*, and (2) *materials, equipment and supplies* used in the manufacture thereof, between the facilities of Anderson Clayton Foods, Division of Anderson Clayton and Company at or near Jacksonville, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 145981 (Sub-13F), filed August 31, 1979. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *wall coverings and wall paper*, and (2) *materials, equipment, and supplies* used in the manufacture of wall coverings and wall paper (except commodities in bulk), between Hatfield and Chelsea, MA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Boston, MA or Washington, DC.)

MC 145981 (Sub-15F), filed September 5, 1979. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *wall coverings and cloth other than with surfaces coated with plastic*, and *materials, equipment, and supplies* used in the manufacture and sale of wall coverings and cloth other than with surfaces coated with plastic (except commodities in bulk), between Paterson, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New York, NY or Washington, DC.)

MC 146451 (Sub-3F), filed August 30, 1979. Applicant: WHATLEY–WHITE, INC., 230 Ross Clark Circle NE., Dothan, AL 36302. Representative: William K. Martin, P.O. Box 2069, Montgomery, AL 36103. Transporting (1) *nonferrous metals*, from the facilities of American Brass, Inc., at Headland, AL, to points in the United States (except AL (other than Mobile, AL), AK, and HI, and (2) *materials, equipment and supplies* used in smelting and refining of nonferrous metals, from points in the United States (except AL (other than Mobile, AL), AK, and HI), to the facilities of American Brass, Inc., at Headland, AL, restricted against the transportation of commodities in bulk and commodities the transportation of which because of size or weight require the use of special equipment and to the transportation of shipments originating at or destined to the described facilities at Headland, AL. (Hearing site: Dothan or Montgomery, AL.)

MC 146451 (Sub-4F), filed August 30, 1979. Applicant: WHATLEY–WHITE, INC., 230 Ross Clark Circle NE., Dothan, AL 36302. Representative: William X. Martin, Montgomery, AL 36103. Transporting (1) *tobacco, tobacco products and tobacco display materials*, from the facilities of Bayuk Cigars, Inc., at or near Dothan, AL, to points in VA, MD, NJ, PA, NY, RI, MA, OH, IL, MO, MI, IN, TN, UT, AZ, CA, DC and AL (except in AL only to Mobile), (2) *tobacco, tobacco products and tobacco display materials*, from the facilities of Bayuk Cigars, Inc., at or near Selma, AL, to points in VA, MD, NJ, PA, NY, RI, MA, OH, IL, MO, MI, IN, TN, UT, AZ, CA, DC, and AL (except in Al only to Mobile and the Bayuk Cigars, Inc., facilities at or near Dothan), (3)(a) *materials, equipment and supplies* used in the manufacture of tobacco and tobacco products and in the assembling of tobacco display materials from points in the United States in and east of ND, SD, NE, KS, OK, and TX, to the facilities of Bayuk Cigars, Inc., at or near Dothan and Selma, AL, (b) *damaged, rejected or unsaleable tobacco and tobacco products*, from all points in VA, MD, NJ, PA, NY, RI, MA, OH, IL, MO, MI, IN, TN, UT, AZ, CA, DC, and AL (except in AL only from Mobile) to the facilities of Bayuk Cigars, Inc., at or near Dothan and Selma, AL, and (c) *materials and supplies* used in packaging and distributing tobacco products, from points in the United States in and east of ND, SD, NE, KS, OK, and TX to the facilities of Bayuk Cigars, Inc., at or near Dothan and Selma, AL. (Hearing site: Dothan or Montgomery, AL.)

MC 146451 (Sub-6F), filed September 25, 1979. Applicant: WHATLEY–WHITE, INC., 230 Ross Clark Circle NE., Dothan, AL 36302. Representative: William K. Martin, Post Office Box 2069, Montgomery, AL 36103. Transporting *plumbing goods, fixtures and supplies*, from the facilities utilized by Price Pfister, at or near Pacoima, CA, to points in FL, GA, IL, IN, LA, MS, NJ and TX. (Hearing site: Dothan or Montgomery, AL.)

MC 146560 (Sub-2F), filed September 4, 1979. Applicant: FATHER & SON AGENCY, INC., 5000 Wyoming Ave., Dearborn, MI 48126. Representative: Edwin M. Snyder, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. Transporting *tractors* (except truck tractors) from the facilities of Ford Motor Company at Romeo, MI, to points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MN, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI, and DC, restricted to the transportation of traffic (1) originating at the above-named origin point and (2) destined to points in the named destination States, except that restriction (2) above shall not apply to traffic moving in foreign commerce. (Hearing site: Detroit, MI or Chicago.)

MC 146561 (Sub-2F), filed August 30, 1979. Applicant: L.M.T., INC., 1610 IBM

Bldg., P.O. Box 3623, Seattle, WA 98124. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting (1) *foodstuffs*, not frozen, from Selah and Wenatchee, WA, to points in AZ, CA, NV, and OR, and (2) *foodstuffs*, from Cashmere, WA, to points in AZ, CA, NV, and OR. (Hearing site: Seattle, WA.)

MC 146771 (Sub-1F), filed September 24, 1979. Applicant: TRANS WEST CARRIERS, INC., 14416 Slover Ave., Fontana, CA 92335. Representative: Richard C. Celio, 1415 West Garvey Ave., Suite 102, W. Covina, CA 91790. Transporting (1) *such merchandise* as is dealt in by wholesale, retail, chain grocery and food business houses and agricultural feed business houses; soy products; paste flour products; dairy based products; and (2) *materials, equipment, and supplies* used in the manufacture, distribution and sales of the products in (1) above (except commodities in bulk), between points in the United States in and west of MT, WY, CO, OK, and TX (restricted to the transportation of traffic moving to or from the facilities of Ralston Purina Company). (Hearing site: St. Louis, MO or Los Angeles, CA.)

MC 146880 (Sub-2F), filed September 24, 1979. Applicant: LOWELL DENTON, d.b.a. DENTON CARTAGE COMPANY, 7322 West 90th St., Bridgeview, IL 60455. Representative: Anthony E. Young, 29 South LaSalle St., Chicago, IL 60603. Transporting (a) *general commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk) having a prior or subsequent movement by rail or water and; (b) empty containers or trailers chassis, between Chicago, IL, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MI, MN MO, NE, OH, WI, and New York, NY, Baltimore, MD and Norfolk, VA. (Hearing site: Chicago, IL.)

MC 146890 (Sub-13F), filed August 29, 1979. Applicant: C & E TRANSPORT, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting *plastic articles and burlap articles*, from the facilities of PPD Corporation at or near Newark, NJ, to points in the United States (except AK and HI). (Hearing site: New York, NY, Washington, DC.)

MC 146890 (Sub-16F), filed September 6, 1979. Applicant: C & E TRANSPORT, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting (1) *wall ties* (except commodities in bulk) from Miamisburg, OH, and Birmingham, AL, to points in the United States (except AK and HI), and (2) *materials, equipment and supplies* used in the manufacture and distribution of wall ties (except commodities in bulk), from points in the United States in and east of MN, IA, MO, AR, and LA to Miamisburg, OH and Birmingham, AL. (Hearing site: Cincinnati, OH.)

MC 147231 (Sub-1F), filed September 25, 1979. Applicant: MARCH TRANSPORT CO., 3401 West Pershing Rd., Chicago, IL 60632. Representative: Charles A. Webb, Suite 800 S, 1800 M St. NW., Washington, DC 20036. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted to traffic moving on freight forwarder bills of lading or having a prior or subsequent move by a freight forwarder, (1) between Los Angeles, CA, on the one hand, and, on the other, points in CA, within 100 miles of Los Angeles, CA; (2) between Oakland, CA, on the one hand, and, on the other, points in CA, within 100 miles of Oakland, CA; (3) between Chicago, IL, on the one hand, and, on the other, points in IL, on and north of United States Hwy 136 and east of United States Hwy 51, and (4) between New York, NY, on the one hand, and, on the other, points in New York on and south of New York Hwy 7 and 7A, including points on Long Island and Staten Island. (Hearing site: Chicago, IL.)

MC 147371 (Sub-2F), filed September 24, 1979. Applicant: G & L TRANSPORT, INC., 8 East Race St., Yakima, WA 98902. Representative: Earle V. White, 2400 S.W. Fourth Ave., Portland, OR 97201. Transporting *fruit juice* and *fruit juice concentrates* (except in bulk), from points in Yakima and Chelan Counties, WA to points in AZ, CA, and OR: under continuing contract(s) with Tree Top, Incorporated. (Hearing site: Portland, OR.)

MC 147561 (Sub-2F), filed August 31, 1979. Applicant: J. M. JONES COMPANY, a division of SUPER VALU STORES, INC., a MN Corp., 101 Jefferson Ave. South, Hopkins, MN 55343. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *frozen foods* from Bettendorf, IA, to points in that part of IL on and south of a line extending west from the IL–IN State line along U.S. Hwy 24 to junction U.S. Hwy 51, then south along U.S. Hwy 51 to junction with Interstate Hwy 70, then east along Interstate Hwy 70 to the IL–IN State line. (Hearing site: Minneapolis, MN.)

MC 147630 (Sub-2F), filed September 4, 1979. Applicant: WILLIAM C. REAK, SR., d.b.a. NORTHWEST FLORIDA DRIVEAWAY, P.O. Box 777, Gulf Breeze, FL 32561. Representative: James M. Barton, II, Seville Tower, 226 S. Palafox St., Pensacola, FL 32501. Transporting *motor vehicles* between points in FL on and west of U.S. Hwy 231 and points in AL on and west of U.S. Hwy 231 between the FL–AL State LIne and Dothan, AL, points an and south of U.S. Hwy 84, between Dathan, AL, and the AL–MS State Line, on the one hand, and, on the other, points in the United States (except HI). (Hearing site: Pensacola or Tallahassee, FL.)

MC 148231 (Sub-1F), filed August 29, 1979. Applicant: SIKORA & WILSON, INC. d.b.a. EAST–WEST EXPRESS, 7900 N. Frontage Rd., Hinsdale, IL 60521. Representative: Robert J. Gill, 29 South LaSalle St., Suite 740, Chicago, IL 60603. Transporting *chemicals, paint and paint products, textile fibers, film, plastic granules, and plastic articles* in vehicles equipped with mechanical refrigeration (except commodities in bulk), between the facilities of E. I. du Pont de Nemours and Company, Inc., at or near Des Plaines, IL, and Parkersburg, WV, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 148251F, filed September 6, 1979. Applicant: A and B SARDINA MOVING & STORAGE, INC., 807 74th St., North Bergen, NJ 07047. Representative: Jose M. Espinosa, 3600 Bergeline Ave., Union City, NJ 07087. Transporting *household goods* as defined by the Commission between New York, NY on the one hand, and, on the other, points in CT, FL, NJ, and NY.) (Hearing site: Newark, NJ or New York, NY.)

MC 148281F, filed September 25, 1979. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Road, Whittier, CA 90601. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Transporting *automobile supplies* (except in bulk), (1) from points in Contra Costa, Los Angeles, Orange and San Bernardino Counties, CA, to Dallas, TX and (2) from the facilities of American Formed Plastics, Inc. and Mid-America Sales in Elkhart, IN, to Dallas, TX. Restricted to traffic originating at or destined to the facilities of Sigman-Pittman Distributing, Inc. or Quality Manufacturing Company, Inc. (Hearing site: Dallas, TX, or Los Angeles, CA.)

MC 148280F, filed August 31, 1979. Applicant: INTERNATIONAL TRUCKERS, INC., P.O. Box 306, Laurel St., Anguilla, MS 38721. Representative: Bob Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities which because of size or weight require the use of special equipment), between the facilities of Gibson Metalux, Inc., at Eufaula, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 148281 (Sub-1F), filed September 24, 1979. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Road, Whittier, CA 90601. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Transporting *ceramic tile and materials, equipment and supplies* used to install ceramic tile (except in bulk) from Bell, Lodi, Long Beach and Torrance, CA to the facilities of Dallas Ceramic Company in Milwaukee, (Portland) and Eugene, OR and Seattle, WA. (Hearing site: Los Angeles, CA.)

MC 148281 (Sub-2F), filed September 25, 1979. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Road, Whittier, CA 90601. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Transporting *chemicals* (except in bulk), from Lake Charles, LA, Barberton, Akron and Cleveland, OH, Beaumont and La Porte, TX and Natrium, WV to points in AZ, CA, CO, ID, MT, NM, OR, UT and WY, restricted to the transportation of traffic originating at the facilities of PPG Industries, Inc. (Hearing site: Pittsburgh, PA.)

MC 148330 (Sub-2F), filed September 25, 1979. Applicant: HOPKINS TRANSPORTS, INC., 500 South Second St., Stilwell, OK 74960. Representative: Tom Harper, Jr., P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. Transporting *petroleum and petroleum products, in bulk, in tank vehicles,* between points in OK, and those parts of AR, MO and KS bounded by a line beginning at Fort Smith, AR and extending along Hwy I–40 to Little Rock, AR, then north along U.S. Hwy 65 to its intersection in MO with I–70, then west along I–70 to its intersection with I–35 then south along I–35 to its intersection with the OK border. (Hearing sites: Tulsa, OK or Fort Smith, AR.)

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Decided: February 20, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 2934 (Sub-57F), filed December 6, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 N. Michigan Rd., Carmel, IN 46032. Representative: James L. Beattey, 130 E. Washington, St., Suite One Thousand, Indianapolis, IN 46204. Transporting *new furniture and accessories,* from the facilities of Duralite Company, at or near Passaic, NJ, to points in AL, AR, IA, KS, KY, LA, MI, MN, MO, OH, OK, PA, IN, TX, and WI. (Hearing site: Indianapolis, IN.)

MC 2934 (Sub-58F), filed December 6, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 N. Michigan Rd., Carmel, IN 46032. Representative: James L. Beattey, 130 E. Washington St., Suite One Thousand, Indianapolis, IN 46204. Transporting *store fixtures, cabinets, display racks, and parts,* from the facilities of Hercules Plastics, at or near Flushing, NY, and the facilities of Columbia Woodworking, at or near Brooklyn, NY, to those points in the United States east of ND, SD, WY, CO, and NM. (Hearing site: Indianapolis, IN.)

MC 14215 (Sub-78F), filed December 3, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: James R. Stiverson, 1396 West Fifth Ave., Columbus, OH 43212. Transporting *mine roof bolts, and materials and supplies used in the installation of mine roof bolts; and materials, equipment and supplies used in the manufacture of mine roof bolts,* between Mingo Junction, OH, Tazewell, VA, and Luzerne, PA, on the one hand, and, on the other, points in AL, GA, IN, IL, KY, MI, NC, NY, OH, PA, SC, TN, VA, and WV. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 30844 (Sub-668F), filed November 30, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). Transporting *crude and synthetic rubber,* from Houston, TX, to Rock Island, IL, restricted to the transportation of traffic destined to the facilities of Servus Rubber Division. (Hearing site: Chicago, IL.)

MC 30844 (Sub-669F), filed November 27, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). Transporting *such commodities as are dealt in or used by retail stores* (except foodstuffs and commodities in bulk), between points in the United States (except AK and HI), restricted to shipments originating at or destined to the facilities of Ardan Wholesale, Inc. (Hearing site: Chicago, IL.)

MC 30844 (Sub-671F), filed December 3, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). Transporting *such commodities as are dealt in by retail and discount department stores* (except foodstuffs, commodities in bulk, new furniture, new commercial and institutional fixtures, new household fixtures and appliances, and new household and office furnishings), and (2) *new furniture, new commercial and institutional fixtures, new household fixtures and appliances, and new household and office furnishings,* when moving with the commodities described in (1) above, between points in the United States (except AK and HI), restricted to shipments originating at or destined to the facilities of Target Stores. (Hearing site: St. Paul, MN.)

MC 44735 (Sub-48F), filed December 3, 1979. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th St., Kansas City, MO 64126. Representative: John E. Jandera, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting *iron and steel articles,* (1) from the facilities of United States Steel Corporation, at or near Gary, IN to points in IL, and (2) from the facilities named in (1) above, at or near Gary, IN, South Chicago, Joliet and Waukegan, IL, to points in IA, KS, and MO, restricted to shipments originating at the above named facilities. (Hearing site: Chicago, IL.)

MC 53965 (Sub-171F), filed December 5, 1979. Applicant: GRAVES TRUCK LINE, INC., P.O. Drawer 1387, Salina, KS 67401. Representative: Bruce A. Bullock (same address as applicant). Transporting (1) *Pizza and pizza ingredients,* and (2) *Material and supplies used in the manufacture and distribution of pizza and pizza ingredients,* (except commodities in bulk), between Salina, KS, on the one hand, and, on the other, points in CT, DE, FL, ME, MA, NH, NJ, NY, RI, VT, VA, and WV. (Hearing site: Salina, KS, or Marshall, MN.)

MC 105045 (Sub-134F), filed December 4, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington, Bldg., Washington, DC 20005. Transporting (1)(a) *steel buildings,* (complete, knocked-down, or in sections), (b) *building sections* and *building panels,* and (c) *parts and accessories,* for commodities named above, in (1)(a) (b) and (c), from the facilities of Star Manufacturing Company, at Cedartown, GA, to points in AL, AR, FL, GA, IA, IL, IN, KS, KY, LA, MN, MO, MS, NE, NC, OK, SC, TN, TX, WI, and VA, and (2) *materials, equipment* and *supplies* used in the manufacture of the commodities named in (1) above, from the foregoing destination territory to the specified shipper facilities. (Hearing site: Atlanta, GA.)

MC 106194 (Sub-39F), filed November 30, 1979. Applicant: HORN TRANSPORTATION, INC., 3008 East 4th Street, P.O. Box 1172, Pueblo, CO 81001. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. Transporting (1) *metal articles, steel buildings, scrap metal, building materials, railroad building materials, Barite, refractories, trailer flooring and decking, expanded plastic articles and machinery,* between those points in the United States in and east of ID, UT and AZ, on the one hand, and, on the other those points in the United States in and west of WI, IL, MO, AR, and LA, (2) *iron and steel articles, and machinery, materials and supplies used in the production, manufacturing, and processing of iron and steel articles,* from PA and OH, to Pueblo, CO; (3) *energy related machinery, equipment, materials and supplies used in the manufacture of energy related articles* between Colby, KS, on the one hand, and, on the other, points in the United States (except AK, and HI); (4) *steel building and components parts* from TX and CA, to points in CO, KS, NE, WY and NM; and (5) *lumber, lumber mill products, wood products, particle board and plywood,* from ND, SD, MT, NE, WY, CO, NM, AZ, UT, ID, OR, and WA, to MT, ID, UT, NM, WY, CO, NM, SD, NE, KS, OK, TX, IA, MO, AR, LA, IL, IN, and KY. (Hearing site: Denver, CO, or Dallas, TX.)

MC 107295 (Sub-949F), filed December 3, 1979. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Todd A. Peterman (same address as above). Transporting *Materials, equipment and supplies* used in the manufacture and distribution of buildings, building panels, building parts and accessories, from points in the United States (except AK, and HI), to Galesburg, IL, Kansas City and Grandview, MO, Birmingham, AL, Laurinburg, NC, Annville, PA, San Marcos, TX, and Visalia, CA, restricted to traffic destined to the facilities of Butler Manufacturing Company. (Hearing site: Chicago, IL.)

MC 107295 (Sub-950F), filed December 3, 1979. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Dale L. Cox (same address as above). Transporting *Pipe and tubing,* from Pine Bluff, AR, to points in AL, AR, CT, DE, WI, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and DC. (Hearing site: Little Rock, AR, or Dallas, TX.)

MC 107295 (Sub-951F), filed December 3, 1979. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Todd A. Peterman (same address as above). Transporting *Bentonite and soapstone* (except in bulk), from Gonzales, TX, to points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 107295 (Sub-952F), filed December 4, 1979. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Todd A. Peterman (same address as applicant). Transporting *glassware,* between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Riekes Crisa Company. (Hearing site: Omaha, NE.)

MC 110525 (Sub-1320F), filed December 3, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting (1) *Petroleum products,* (in bulk, in tank vehicles), Between the facilities of Wheeling-Pittsburgh Steel Corporation, at Canfield, Martins Ferry, Mingo Junction, Steubenville, and Yorkville, OH, Allenport and Monessen, PA, Beech Bottom, Benwood, Follansbee and Wheeling, WV, on the one hand, and, on the other, points in OH, WV, and PA, (2) *Liquid and dry chemicals, chemical compounds,* and *plastics,* (in bulk, in tank vehicles), Between the facilities of Borg-Warner Chemicals, Borg-Warner Corporation, at or near Ottawa, IL, on the one hand, and, on the other, points in the United States (except AK and HI), (3) *Petroleum lubricating oil and hydraulic systems fluid,* (in bulk, in tank vehicles), Between Fogelsville, PA, to points in CT, DE, MD, MA, ME, NH, NJ, NY, RI, VA, and VT, and (4) *Chemicals,* (in bulk, in tank vehicles), From Jonesboro, GA, to points in IL, IN, KS, MO, and OK. (Hearing site: Washington, DC.)

MC 112304 (Sub-232F), filed November 30, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John G. Banner (same address as applicant). Transporting (1) *iron and steel articles,* from Owensville, MO, to those points in the United States in and east of ID, UT, and AZ, and (2) *equipment, materials and supplies* (except in bulk), used in the manufacture and processing of the commodities in (1) above, in the reverse direction. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 114284 (Sub-87F), filed December 4, 1979. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, 1700 S. Portland, P.O. Box 82307, Oklahoma City, OK 73108. Representative: John E. Jandera, 641 Harrison St., Topeka, KS 66603. Transporting *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and skins and commodities in bulk), from the facilities of John Morrell & Co., at or near East St. Louis, IL, to points in AR, and TX, restricted to traffic originating at the facilities of John Morrell & Co. (Hearing site: Kansas City, MO.)

MC 114284 (Sub-88F), filed December 5, 1979. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, 1700 S. Portland, P.O. Box 82307, Oklahoma City, OK 73108. Representative: John E. Jandera, 641 Harrison St., Topeka, KS 66603. Transporting *Meats, Meat Products, Meat by-products and articles distributed by meat packinghouses (except hides and commodities in bulk),* as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation, at Cedar Rapids, IA, to points in NM, OK, and TX, restricted to the transportation of traffic originating at the above named origin and destined to the named destinations. (Hearing site: Oklahoma City, OK.)

MC 115724 (Sub-9F), filed December 3, 1979. Applicant: J. W. PHILLIPS, INC., P.O. Box 18493, Oklahoma City, OK 73154. Representative: Donald L. Walker (same address as applicant). *Contract carrier,* transporting (1) *Machinery, machinery parts, bearings, oil seals* and *motor mounts* used in or on automobiles, trucks, farm and industrial equipment, rubber products, environmental control equipment, air condition units, air-cooling, heating, and purifying systems, and (2) *materials, equipment, and supplies* used in the manufacture, distribution of the commodities in (1)

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above, (except commodities in bulk), between the facilities of LSB Industries, Inc., and its subsidiaries at or near Oklahoma City, OK, on the one hand, and, on the other, points in the United States (except AK, and HI), under continuing contract(s) with LSB Industries, Inc., of Oklahoma City, OK. (Hearing site: Oklahoma City, OK, or Dallas, TX.)

MC 115724 (Sub-10F), filed December 6, 1979. Applicant: J. W. PHILLIPS, INC., P.O. Box 18493, Oklahoma City, OK 73154. Representative: Donald L. Walker, P.O. Box 18493, Oklahoma City, OK. *Contract carrier* transporting (1) *air-conditioning* and *refrigeration units*, which because of their size or weight require the use of special equipment, and (2) *such units* not requiring special equipment when moving in mixed loads with commodities in (1) above, from Oklahoma City, OK, to points in IA, ID, KS, ME, MN, NE, ND, NH, OR, SD, WA, WI, and VT, under a continuing contract(s) with Governair Corporation, Oklahoma City, OK. (Hearing site: Oklahoma City, OK, or Dallas, TX.)

MC 117765 (Sub-280F), filed December 3, 1979. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). Transporting (1) *flour, corn meal, bird seed, popcorn, feed and feed ingredients* (except in bulk), from Shawnee, OK, to points in AR, MO, and TX, (2) *flour*, in containers (except in bulk), from Alton, IL, to Shawnee, OK, and (3) *Pitch*, ligin, (in bags), from Appleton, WI, to points in LA and TX. (Hearing site: Oklahoma City, OK.)

MC 121525 (Sub-8F), filed December 6, 1979. Applicant: SNIDER TRUCKING SERVICE, INC., 110 E. 5th Street, Ritzville, WA 99169. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98004. Transporting *fertilizer* (dry in bulk) from points in Kootenai and Shoshone Counties, ID, to points in WA in and east of Okanogan, Chalan, Kittitas, Yakima and Klickitat Counties, WA. (Hearing site: Spokane, or Seattle, WA.)

MC 124174 (Sub-163F), filed August 30, 1979. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). Transporting *electric copper wire and cable* from the facilities of The Okonite Company, at Ashton and Phillipsdale, RI, and Worcester, MA, to points in AR, CO, IL, IN, IA, KY, MI, MN, MO, MT, NE, NV, ND, OH, OK, PA, SD, TN, TX, WI, and WY. (Hearing site: Boston, MA, or Hartford, CT.)

MC 126555 (sub-76F), filed December 4, 1979. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, SD 57701. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. Transporting *gasoline and diesel fuel*, from Denver, CO, to points in Chase, Dundy, Hayes, and Hitchcock Counties, NE. (Hearing site: Denver, CO.)

MC 127115 (Sub-14F), filed December 4, 1979. Applicant: MILLER'S TRANSPORT, INC., 510 West 4th North, Hyrum, UT 84319. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. *Contract carrier* transporting, (1) *over-snow tracked vehicles*, and *parts*, from Logan, UT, to Baltimore, MD, and points in CA, CO, IL, ME, NH, NV, NY, OR, PA, VT, WA, WI, MD, and (2) *used over-snow tracked vehicles*, and *materials, equipment and supplies* used in the manufacture and distribution of over-snow tracked vehicles, from Pollock Pines, CA, Grand Junction, CO, Harvey, IL, Lafayette, IN, Coffeeville, KS, Dearborn, MI, Stroudsburg, PA, Lynwood, WA, and Stevens Point, WI, to Logan, UT, under continuing contract(s) with DeLorean Manufacturing Co., of Logan, UT. (Hearing site: Salt Lake City, UT.)

MC 127625 (Sub-37F), filed December 5, 1979. Applicant: SANTEE CEMENT CARRIERS, INC., P.O. Box 638, Holly Hill, SC 29059. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. Transporting *materials and supplies* used in the manufacture and distribution of cement, from points in FL, GA, IN, NC, OH, and PA, to points in Orangeburg and Dorchester Counties, SC. (Hearing site: Columbia, SC, or Washington, DC.)

MC 128235 (Sub-26F), filed December 5, 1979. Applicant: AL JOHNSON TRUCKING, INC., 1516 Marshall N.E., Minneapolis, MN 55413. Representative: Earl Hacking, 1700 New Brighton Blvd., Minneapolis, MN 55413. Transporting *malt beverages*, (in containers), from St. Paul, MN, to points in IA. (Hearing site: Minneapolis or St. Paul, MN.)

MC 129974 (Sub-18F), filed December 4, 1979. Applicant: THOMPSON BROS., INC., 3604 Hovland Dr., Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract carrier* transporting (1) *spices, flavorings, mustard* and *mustard products*, and (2) *materials, equipment and supplies* (except commodities in bulk, in tank vehicles), used in the manufacture of the commodities in (1) above, between the facilities of Baltimore Spice Co., at Grand Forks, ND, on the one hand, and, on the other, points in the United States (except AK, and HI), under continuing contract(s) with Baltimore Spice Co., of Grand Forks, ND. (Hearing site: Washington, DC.)

MC 134604 (Sub-5), filed December 6, 1979. Applicant: HOWARD DULLUM, Gardner, ND 58036. Representative: Todd Foss, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *vegetable oils, vegetable meals*, and *blends* thereof, from Riverside, ND, to points in the United States (except AK, and HI). (Hearing site: Minneapolis, MN.)

MC 135524 (Sub-90F), filed December 3, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Transporting *lumber, lumber mill products, and building materials*, between points in FL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Columbus, OH, or Jacksonville, FL.)

MC 135524 (Sub-91F), filed December 3, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting (1) *accoustical tile, panels, noise control products, and accessories, and (2) materials, equipment, and supplies used in the manufacture and distribution of commodities in (1) above* between Hagerstown, MD, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Columbus, OH, or Baltimore, MD.)

MC 135895 (Sub-76F), filed December 3, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting (1) *glass containers* and (2) *equipment, materials and supplies* used in the manufacture, sale and distribution of glass containers, (except commodities in bulk or those requiring special equipment), between the facilities of Midland Glass Co., at Cliffwood, NJ, Warner Robbins, GA, Henryetta, OK, Terre Haute, IN, and Shakopee, MN, on the one hand, and, on the other, points in the United States (except AR and HI). (Hearing site: Jackson, MS, or Washington, DC.)

MC 136315 (Sub-99F), filed December 6, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting (1) *Wooden and wire box and crate*

materials, from the facilities of Great Southern Wirebound Box Co., Inc., at or near Magnolia, MS, to those points in the United States in and east of TX, OK, KS, NE, SD, and ND, and (2) *materials, equipment and supplies* used in the manufacturing and distribution of the commodities named in (1) above, in the reverse direction, restricted to the transportation of traffic originating at or destined to the facilities of Great Southern Wirebound Box Co., Inc. (Hearing site: New Orleans, LA, or Jackson, MS.)

MC 138054 (Sub-36F), filed December 4, 1979. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster St., Lodi, OH, 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier* transporting *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in the United States (except AK, and HI), under a continuing contract(s) with Emerson Electric Co., of St. Louis, MO. (Hearing site: St. Louis, MO.)

Note.—Dual operations may be involved.

MC 138824 (Sub-34F), filed December 4, 1979. Applicant: REDWAY CARRIERS, INC., P.O. Box 104, Waukegan, IL 60085. Representative: Paul J. Maton, 10 South LaSalle St., Suite 1620, Chicago, IL 60603. *Contract carrier*, transporting (1) *food products*, in containers, (2) *materials and supplies* used in the processing, canning and bottling of food products, between the facilities of Oconomowoc Canning Corp., at or near Poynette, DeForest, Waunakee, Sun Prarie, Cobb, Merrill and Oconomowoc, WI, on the one hand, and, on the other, points in AL, GA, IN, KY, LA, MI, MS, OH, MD, TN, IA, KS, PA, IL, NY, and AR, under a continuing contract(s) with Oconomowoc Canning Corp., of Oconomowoc, WI. (Hearing site: Chicago, IL.)

MC 138824 (Sub-35F), filed December 4, 1979. Applicant: REDWAY CARRIERS, INC., P.O. Box 104, Waukegan, IL 60085. Representative: Paul J. Maton, 10 S. LaSalle St., Suite 1620, Chicago, IL 60603 *Contract carrier*, transporting *food products*, in containers, and (2) *materials and supplies* used in processing, canning and bottling of food products, (except commodities in bulk), between the facilities of Ocean Spray Cranberries, Inc., at Kenosha, WI, N. Chicago, IL, Montgomery, AL, Northeast, PA, Sulphur Springs, TX, Grawn, MI, Bordentown, NJ, Middleboro, MA and Lake Wales, FL, on the one hand, and, on the other, points in MO, WI, OH, IL, TN, AL, MS, OK, KS, NE, CO, NC, IN, KY, AR, MN, GA, FL, SC, PA, LA, MI, ND, SD, IA, and TX, under continuing contract(s) with Ocean Spray Cranberries, Inc., of Kenosha, WI. (Hearing site: Chicago, IL.)

MC 138875 (Sub-255F), filed December 4, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83709. Representative: F. L. Sigloh (same address as above). Transporting (1) *foodstuffs* (moving in vehicles equipped with mechanical refrigeration), between points in AZ, CA, ID, NV, OR, UT, WA, and WY, (2) *Alcoholic beverages, and (3) empty containers for (2) above, when returning to point of origin*, between points in AZ, CA, OR, and WA, on the one hand, and, on the other points in ID, restricted in (1), (2) and (3) above, against the transportation of commodities in bulk and further restricted to the transportation of traffic originating at and destined to named origins and destinations. (Hearing site: Boise, ID, or Washington, DC.)

MC 139495 (Sub-501F), filed December 3, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting (1) *Foodstuffs* (except in bulk, in tank vehicles), from the facilities of Fearn International, Inc., at or near Franklin Park, IL, and Los Angeles, CA, to points in the United States (except AK, and HI), and (2) *materials and supplies* used in the manufacture of foodstuffs (except in bulk, in tank vehicles), in the reverse directions. (Hearing site: Washington, DC.)

MC 139495 (Sub-505F), filed December 4, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *Tires, tubes, and rims*, from Ft. Worth, and Dallas, TX, to points in KS, and OK. (Hearing site: Washington, DC.)

MC 140484 (Sub-72F), filed December 4, 1979. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, 2671 E. Edison Ave., Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). Transporting *electric motors, electric welders*, and *parts and accessories for electric motors and electric welders, welding supplies and hand truck parts* (except commodities because of their size and weight requiring the use of special equipment), from the facilities of Lincoln Electric Company, in Cuyahoga and Lake Counties, OH, to points in IA, IL, IN, KS, MI, MN, MO, PA, and WI. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 141264 (Sub-4F), filed December 3, 1979. Applicant: GATEWAY TRUCKING CO., INC., 2030 East Beaver St., Jacksonville, FL 32202. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting (1) *General Commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission), having an immediately prior or subsequent movement by water, and (2) *Empty containers, trailers* and *trailer chassis*, between Jacksonville, FL, on the one hand, and, on the other, points in FL, GA, AL, and SC. (Hearing site: Jacksonville, FL.)

MC 141804 (Sub-307F), filed December 4, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting (1) *building equipment materials* and *supplies*, and (2) *lumber, plywood, particleboard, moulding, cutstock and wood products*, between points in AZ, CA, OR, WA, NM, TX, and UT, on the one hand, and on the other, those points in the United States in and east of MN, IA, MS, AR, and LA. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-308F), filed December 4, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *such commodities dealt in and used by manufacturers of electrical products*, between points in the United States (except AK, and HI), restricted to the transportation of traffic originating at the facilities used by General Electric Corporation. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-309F), filed December 4, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *Staples, nails, pneumatic staple and nailing machines, parts and accessories*, from Vasalia and El Cajon, CA, to Atlanta, GA, East Greenwich, CT, Indianapolis, IN, and Memphis, TN. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-322F), filed December 6, 1979. Applicant: WESTERN EXPRESS,

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DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *Electronic equipment, parts and accessories used in the manufacture and operation thereof,* between Sunnyvale, CA, Wheeling, IL, Edison, NJ, and El Paso, TX, on the one hand, and on the other, points in the United States (except AK, and HI). (Hearing site: Los Angeles, CA.)

MC 142114 (Sub-10F), filed November 30, 1979. Applicant: RETAIL EXPRESS, INC., 9 Stuart Rd., Chelmsford, MA 01824. Representative: Frank M. Cushman, 36 South Main St., Sharon, MA 02067. *Contract carrier,* transporting *Petroleum and petroleum products* (except in bulk), from points in PA, to points in NY, NJ, CT, ME, MA, NH, RI, and VT, under a continuing contract(s) with Pennzoil Company, of Oil City, PA. (Hearing site: Washington, DC.)

MC 145064 (Sub-12F), filed December 4, 1979. Applicant: HUNTER TRUCKING, INC., 805 32nd Ave., Council Bluffs, IA 51501. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier, lumber,* from Valley City, ND, to Chester, NY, under a continuing contract(s) with McGuffin Lumber, Inc., of Evanston, IL. Note: Dual operations may be involved. CONDITION: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under § 49 U.S.C. 11343(a), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Chicago, IL.)

MC 146154 (Sub-2F), filed December 6, 1979. Applicant: LLOYD G. SEATON, d.b.a. S&S CARTAGE COMPANY, 723 Parkwood Ave., Rockford, IL 61107. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. West, Suite 406, Bradenton, FL 33507. Transporting *silica sand and fertilizer,* in dump vehicles, between points in IL, IA, IN, MI, MO, OH, and WI. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 148445 (Sub-2F), filed December 4, 1979. Applicant: WLD TRUCKING COMPANY, a Corporation, 4527 N. 16th St., Phoenix, AZ 85064. Representative: Phil B. Hammon, 3003 N. Central, Suite 1705, Phoenix, AZ 85003. *Contract carrier* transporting (1) *Materials, equipment and supplies* used in the manufacture of wooden flush doors, and wooden flush doors and component parts thereof, from points in the United States (except AK, and HI), to the facilities of Walled Lake Door Company, at Tupelo, MS, Cameron, TX, Mobile, AL, and Gila Bend, AZ, (2) between the facilities of Walled Lake Door Company, at Tupelo, MS, Cameron TX, Mobile, AL, and Gila Bend, AZ, and (3) Wooden flush doors and component parts thereof, from the facilities of Walled Lake Door Company, at Tupelo, MS, Cameron, TX, Mobile AL, and Gila Bend, AZ, to points in the United States (except AK, and HI). (Hearing site: Phoenix, AZ.)

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Decided: Feb. 7, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 2934 (Sub-51F), filed October 3, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 N. Michigan Rd., Carmel, IN 46032. Representative: James L. Beattey, 130 East Washington St., Suite 1000, Indianapolis, IN 46204. Transporting *new furniture,* from Bronx, NY, to points in AL, AR, IA, KS, KY, LA, MI, MN, MO, OH, OK, TN, VA, and WI. (Hearing site: Indianapolis, IN.)

MC 31024 (Sub-39F), filed September 28, 1979. Applicant: NEPTUNE WORLD-WIDE MOVING, INC., 55 Weyman Ave., New Rochelle, NY 10850. Representative: S. S. EISEN, 370 Lexington Ave., New York, NY 10017. Transporting (1) *commodities used in the manufacture of computers and computer equipment,* (2) *household goods,* moving in mixed loads with the commodities in (1) above, between points in AL, AR, CT, FL, GA, LA, ME, MA, MS, NJ, NC, RI, SC, TN, TX, VT, and VA. (Hearing site: New York, NY.)

MC 52704 (Sub-251F), filed October 4, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Box Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *paper and paper products and woodpulp* (except commodities in bulk), and (2) *materials, equipment and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk), between points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to a Scott Paper Company facility. (Hearing site: Atlanta, GA.)

MC 60014 (Sub-159F), filed October 4, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *building materials and components therefor,* from the facilities of Moncrief-Lenoir Manufacturing Company, at Houston, TX, to points in the United States (except AK, and HI). (Hearing site: Washington, DC.)

MC 102764 (Sub-11F), filed October 2, 1979. Applicant: A.B.C., INC., 24 Plymouth Rd., North Providence, RI 02940. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *passengers and their baggage,* and *express and newspapers, in the same vehicle with passengers,* between Providence, RI, and Boston, MA, serving all intermediate points, (1) from Providence, RI, over U.S. Hwy 1 to the RI–MA State line, then over U.S. Hwy 1 to Boston, MA, and return over the same route; (2) from Providence, RI over U.S. Hwy 1 to the RI–MA State line, then over U.S. Hwy 1 to Attleboro, MA to the junction of U.S. Hwy 1A, then over U.S. Hwy 1A to Dedham, MA to the junction of U.S. Hwy 1A and U.S. Hwy 1, then over U.S. Hwy 1 to Boston, MA and return over the same route, (3) from Providence, RI over U.S. Hwy 1 to the RI–MA State line, then over U.S. Hwy 1 to Dedham, MA to junction of Hwy 128, then over Hwy 128 to junction of the Southeast Expressway to Boston, MA and return over the same route, (4) from Providence, RI over U.S. Hwy 1 to the RI–MA State line, then over U.S. Hwy 1 to Attleboro, MA to the junction of the Southeast Expressway, then over the Southeast Expressway to Boston, MA and return over the same route. Applicant requests authority to interline at Providence, RI and Boston, MA. (Hearing site: Providence, RI, or Boston, MA.)

MC 106074 (Sub-137F), filed October 5, 1979. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221 South, Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting (1) *foodstuffs, pet foods, and animal feeds,* (2) *such commodities that are used in the processing, milling, packaging, manufacturing or sale of foodstuffs, pet foods, and animal feeds (except commodities in bulk, in tank vehicles);* between points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Carnation Company. (Hearing site: Los Angeles, CA, or Washington, DC.)

MC 110325 (Sub-113F), filed October 2, 1979. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105. Transporting *general commodities,* (except Classes A and B explosives, those of unusual value, household goods as defined by

the Commission, commodities in bulk, and those requiring special equipment), between the junction of Interstate Hwy 40 and U.S. Hwy 77 and the junction of Interstate Hwys 70 and 25, from the junction of Interstate Hwy 40 and U.S. Hwy 77 over Interstate Hwy 40 to the junction of U.S. Hwy 270, then over U.S. Hwy 270 to the junction of OK Hwy 3, then over OK Hwy 3 to the junction of U.S. Hwy 83, then over U.S. Hwy 83 to the junction of Interstate Hwy 25, and return over the same route, as an alternate route, serving no intermediate points. (Hearing site: Los Angeles, CA.)

MC 110325 (Sub-118F), filed October 3, 1979. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Building, 1221 Baltimore Ave., Kansas City, MO 64105. Over regular routes, transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the junction of Interstate Hwy 20 and U.S. Hwy 81 and the junction of Interstate Hwys 25 and 70, serving no intermediate points, but serving the junction of Interstate Hwy 40 and U.S. Hwy 287 for purposes of joinder only, from the junction on Interstate Hwy 20 and U.S. Hwy 81 over combined U.S. Hwys 81 and 287 to the junction of U.S. Hwy 287, then over U.S. Hwy 287 to the junction of combined U.S. Hwys 287 and 87, then over combined U.S. Hwys 287 and 87 to the junction of U.S. Hwy 87, then over U.S. Hwy 87 to the junction of Interstate Hwy 25, then over U.S. Hwy 25 to the junction of Interstate Hwy 70, and return over the same route, as an alternate route. (Hearing site: Los Angeles, CA.)

MC 110525 (Sub-1315F), filed October 5, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting *stone dust,* in bulk, in tank vehicles, from the plantsite of GAF Corporation, at Gladhill, PA, to the facilities of GAF Corporation in Baltimore, MD, and Limekiln, MD. (Hearing site: Baltimore, MD.)

MC 112304 (Sub-217F), filed September 28, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). Transporting *iron and steel articles,* from the facilities of All State Steel Corp. and Pioneer Steel Services, at or near Houston, TX, to points in AL, AZ, AR, CO, LA, MS, NM, OK, and TN. (Hearing site: Houston, TX, or Washington, DC.)

MC 112304 (Sub-218F), filed September 30, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). Transporting *cast iron valves and hydrants, and parts,* from the facilities of American Darling Valve Co. or American Valve & Hydrant Mfg. Co., at or near Beaumont, TX, to points in U.S. (except AK, and HI). (Hearing site: Houston, TX, or Washington, DC.)

MC 112304 (Sub-219F), filed September 30, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). Transporting (1) *storage or warehouse pallet racks, bins and shelving,* between the facilities of Speedrack, Inc., at or near Quincy, IL, on the one hand, and, on the other, points in the United States (except AK, and HI), and, from the facilities of Joslyn Empire Galvanizing, at Franklin Park, IL, from the facilities of Reliable Galvanizing, at Chicago, IL, and from the facilities of J & E Fabricators, at Abingdon, IL, to points in the United States (except AK, and HI), and (2) *equipment, materials and supplies* (except in bulk), used in the manufacture of items in (1) above, from points in the United States (except AK and HI) to the facilities of Speedrack, Inc., at Quincy, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 116254 (Sub-296F), filed September 14, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence AL 35630. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. Transporting *clay* and *clay products* (except commodities in bulk, in tank vehicles), from the facilities of International Minerals & Chemical Corporation; in Tippah County, MS, to points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Nashville, TN, or Washington, DC.)

MC 116915 (Sub-104F), filed October 3, 1979. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. #1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *aluminum and aluminum articles,* between the facilities of Taber Metal, Inc., at or near Russellville, AR, on the one hand, and, on the other, points in U.S. (except AK, and HI). (Hearing site: Chicago. IL.)

MC 119654 (Sub-78F), filed October 3, 1979. Applicant: HI-WAY DISPATCH, INC., 1401 W. 26th St., P.O. Box 509, Marion, IN 46952. Representative: Norman R. Gavin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *glass containers,* from Terre Haute, IN, to Milwaukee, WI. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119654 (Sub-79F), filed October 3, 1979. Applicant: HI–WAY DISPATCH, INC., 1401 W. 26th St., P.O. Box 509, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *glass containers,* from Lincoln, IL to points in MI, and KY. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 120784 (Sub-2F), filed February 15, 1979. Applicant: GOPHER FREIGHT LINES, INC., 2888 East El Presidio, Long Beach, CA 90810. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in CA. (Hearing site: Los Angeles, CA.)

MC 124154 (Sub-93F), filed October 3, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. Transporting *agricultural chemicals, animal and poultry feed and feed supplements and materials, equipment and supplies* used in the manufacture thereof, (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of American Cyanamid Company. (Hearing site: Atlanta, GA.)

MC 124154 (Sub-94F), filed October 3, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. Transporting *chemicals,* (except in bulk), between points in LA, on the one hand, and, on the other, points in the United States (except HI and AK), restricted to the transportation of traffic originating at or destined to the facilities of ATCO Chemical Co. (Hearing site: Atlanta, GA, or Albany, GA.)

MC 124154 (Sub-95F), filed October 3, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. Transporting *chemicals or chemical materials* (except in bulk), between points in the United States

(except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Thompson-Hayward Chemical Company. (Hearing site: Atlanta, GA.)

MC 124154 (Sub-96F), filed October 3, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. Transporting *paper and paper products and materials, equipment and supplies used in the manufacture of paper and paper products,* (except commodities in bulk), between the facilities of International Paper Company, at or near Ticonderoga, NY, on the one hand, and, on the other, points in PA, NJ, MD, DE, DC, VA, and WV. (Hearing site: Washington, DC.)

MC 127705 (Sub-100F), filed October 4, 1979. Applicant: KREVDA BROS. EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *general commodities,* (except commodities in bulk, household goods, as defined by the Commission, and Classes A and B explosives), between points in the United States (except AK, and HI), restricted to the transportation of traffic originating at or destined to the facilities of Union Camp Corporation. (Hearing site: Washington, DC.)

MC 127834 (Sub-122F), filed October 4, 1979. Applicant: CHEROKEE HAULING & RIGGING, INC., Highway 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *parts, attachments and accessories* used in connection with lift trucks, forklifts, and material handling equipment (except in bulk), from points in the United States (except AK, and HI) to Memphis, TN. (Hearing site: Memphis, TN, or Nashville, TN.)

MC 128685 (Sub-32F), filed October 5, 1979. Applicant: DIXON BROS., INC., P.O. Drawer 8, Newcastle, WY 82701. Representative: Jerome Anderson, 100 Transwestern Bldg., Billings, MT 59101. Transporting *iron and steel articles,* from (1) Norfolk, NE, and points within 10 miles thereof, to points in SD, WY and MT; (2) Sioux Falls, SD, to points in MT; and (3) Chicago, IL, to Newcastle, WY. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Rapid City, or Sioux Falls, SD.)

MC 128865 (Sub-33F), filed October 5, 1979. Applicant: DIXON BROS., INC., P.O. Drawer 8, Newcastle, WY 82701. Representative: Jerome Anderson, 100 Transwestern Bldg., Billings, MT 59101. Transporting *cement,* from Rapid City, SD, to points in CO, MT, NE, and ND. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Rapid City, or Sioux Falls, SD.)

MC 133805 (Sub-34F), filed October 4, 1979. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Transporting (1) *containers and container lids,* from Oil City, PA, to the facilities utilized by Power Service Products, Inc., at or near Weatherford, TX, and (2) *such merchandise* as is dealt in by automotive supply stores, (except commodities in bulk, in tank vehicles), from the facilities utilized by Power Service Products, Inc., at or near Weatherford, TX, to points in the United States (except AK, and HI, and TX), restricted to shipments originating at said facility and destined to points in the destination States. (Hearing site: Dallas, or Fort Worth, TX.)

MC 133965 (Sub-14F), filed September 28, 1979. Applicant: CALZONA TRANSPORTATION, INC., P.O. Box 6558, Phoenix, AZ 85005. Representative: William J. Lippman, Suite 330 Steele Park, 50 South Steele St., Denver, CO 80209. Transporting *tallow,* in bulk, in tank vehicles, (1) from San Angelo, TX, to Los Angeles, CA, (2) from Tucson, AZ, to points in CA (except Long Beach, Los Angeles, and San Diego) and points in NV, and (3) from Clovis, NM, to points in CA (except Los Angeles County). (Hearing site: Phoenix, AZ.)

MC 134064 (Sub-31F), filed October 3, 1979 Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *such commodities as are dealt in by manufacturers and distributors of bakery products* (except in bulk), from Jackson, MI, to points in LA, MS, AL, TN, GA, FL, NC, and SC. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C § 11343(a), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Jackson, MI, or Atlanta, GA.)

MC 134405 (Sub-89F), filed October 3, 1979. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *tallow,* in bulk, from the facilities of Iowa Beef Processors, Inc., at or near Amarillo, TX, Dakota City and West Point, NE, Denison and Ft. Dodge, IA, Emporia, KS, and Luverne, MN, to points in AR, CO, IA, LA, MO, OK, TX, and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations (except export traffic). (Hearing site: Omaha, NE, or Sioux City, IA.)

MC 134755 (Sub-215F), filed November 27, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Raymond P. Keigher, 1400 Gerard St., Rockville, MD 20850. Transporting *foodstuffs* (except commodities in bulk), from Palestine, TX, to points in the United States (except AK, and HI). (Hearing site: Kansas City, MO.)

MC 134775 (Sub-15F), filed September 21, 1979. Applicant: GUNTER BROTHERS, INC., 19060 Frager Rd., Kent, WA 98031. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Contract carrier,* transporting *building materials and supplies,* from points in CA, to points in ID, OR, and WA, under continuing contract(s) with T&A Supply Company, of Seattle, WA. (Hearing site: Seattle, WA.)

Note.—Dual operations may be involved.

MC 135524 (Sub-72F), filed October 5, 1979. Applicant: G. F. TRUCKING CO., A Corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting (1) *iron and steel articles, and pipe* from Conroe, TX, to points in the United States, (except AK, and HI), and (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Columbus, OH, Or Fort Worth, TX.)*

MC 135524 (Sub-77F), filed October 4, 1979. Applicant: G.F. TRUCKING CO., A Corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH

44509. Transporting *magnesium,* from the facilities of American Magnesium Company at, or near Snyder, TX, to points in IL, IN, IA, KY, NE, NJ, OH, PA, and WV. (Hearing site: Columbus, OH, or Amarillo, TX.)

MC 135524 (Sub-79F), filed October 4, 1979. Applicant: G. F. TRUCKING CO., A Corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *lumber, and lumber products,* from the facilities of Deltic Farms and Timber Company, Inc., at or near Ola and Waldo, AR, to points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Columbus, OH, or Little Rock, AR.)

MC 135684 (Sub-97F), filed September 28, 1979. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Rd., Flemington, NJ 08822. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *chemicals, starch, and materials, equipment and supplies used in the manufacture, sale and distribution of chemicals and starch* (except in bulk), between the facilities of National Starch & Chemical Corp., at or near (1) Meredosia, IL, on the one hand, and, on the other, points in CT, CO, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, OH, PA, RI, VA, and VT, (2) Indianapolis, IN, on the one hand, and, on the other, points in CT, MA, ME, MD, NJ, NY, PA, RI, and VA. (Hearing site: Washington, DC, or Newark, NJ.)

MC 135854 (Sub-2F), filed September 28, 1979. Applicant: G. P. DEFENT, INC., 63 Catharine St., Ingersoll, Ontario, Canada N5C 1L5. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K Street, N.W., Washington, DC 20005. Transporting *passengers* and their *baggage,* in the same vehicle with passengers, in round trip charter and special operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada and extending to points in the United States, (including AK, but excluding HI), restricted to the transportation in foreign commerce. (Hearing site: Buffalo, NY.)

MC 136605 (Sub-135F), filed October 4, 1979. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59807. Representative: Allen P. Felton, P.O. Box 8058, Missoula, MT 59807. Transporting *lumber, lumber products, wood and wood products,* between points in WA, OR, and ID. (Hearing site: Portland, OR.)

MC 139254 (Sub-21F), filed October 4, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad St., Columbus, OH 43215. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting (1) *commodities manufactured and distributed by manufacturers of rubber and plastic materials and products;* (2) *such commodities as are used in the manufacture and distribution of the commodities in (1) above;* and (3) *materials, equipment, and supplies used in the production and distribution of (1) and (2) above,* restricted as to (1), (2) and (3) above against the transportation of commodities in bulk, between points in the United States (except AK, and HI), under continuing contract(s) with B. F. Goodrich Company, of Cleveland, OH. (Hearing site: Columbus, OH.)

MC 139284 (Sub-4F), filed October 5, 1979. Applicant: TRUCKER'S, INC., 4316 South Main Street, Stafford, TX 77477. Representative: Damon R. Capps, Suite 1230, Capital National Bank Bldg., 1300 Main Street, Houston, TX 77002. Transporting *coal and lignite,* in bulk, (1) between New Orleans, Lake Charles, Baton Rouge, and Morgan City, LA, on the one hand, and, on the other, points in TX, (2) between Houston, Port Arthur, Corpus Christi, Brownsville, Freeport, and Beaumont, TX, on the one hand, and, on the other, points in TX, restricted to the transportation of traffic having a prior or subsequent movement in interstate or foreign commerce. (Hearing site: Houston, TX.)

MC 141205 (Sub-37F), filed October 5, 1979. Applicant: HUSKY OIL TRANSPORTATION COMPANY, 600 South Cherry St., Denver, CO 80222. Representative: F. Robert Reeder, P.O. Box 11898, Salt Lake City, UT 84147. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *crude oil, scrubber oil and condensate,* from points in Ness County, KS, to the Husky Oil Company pipeline injection station near Anton, CO, under continuing contract(s) with Husky Oil Company, of Denver, Co. (Hearing site: Denver, CO.)

MC 141914 (Sub-63F), filed September 9, 1979. Applicant: FRANKS & SONS, INC., Route 1, Box 108–A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). Transporting *fruit juice concentrates* and *fruit juices,* (except in bulk), in vehicles equipped with mechanical refrigeration, from Ontario, CA, to points in OH, MN, IA, MO, MI, GA, AL, MA, MD, VA, NC, LA, and TX. (Hearing site: Los Angeles, CA.)

MC 143775 (Sub-116F), filed October 4, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke, 6601 West Orangewood, Glendale, AZ 85301. Transporting (1) *malt beverages,* and (2) *empty beverage containers,* (1) from points in Jefferson County, CO, to points in AZ, and (2) from points in AZ to points in Jefferson County, CO. (Hearing site: Denver, CO, or Washington, DC.)

Note.—Dual operations may be involved.

MC 143775 (Sub-120F), filed October 4, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke, 6601 West Orangewood, Glendale, AZ 85301. Transporting (1) *animal feed* and (2) *feed ingredients, additives, supplements, materials and supplies used in the manufacture and sale of animal feed,* between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of or used by Kal Kan, Inc. (Hearing site: Los Angeles, CA, or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 143975 (Sub-2F), filed October 5, 1979. Applicant: J & J BUS SERVICE, INC., 10 Regina Drive, Brandywine, MD 20613. Representative: Lawrence E. Lindeman, 425 13th Street, N.W., Suite 1032, Washington, DC 20004. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage,* in the same vehicle with passengers, between points in Anne Arundel and Baltimore Counties, points in Howard County east of U.S. Highway 29, and the city of Baltimore, MD, on the one hand, and, on the other, Washington, DC, under continuing contract(s) with the Greater Baltimore Commuter Association, of Washington, DC. (Hearing site: Washington, DC.)

MC 144524 (Sub-4F), filed October 5, 1979. Applicant: GK TRUCKING CORP., 411 West Putnam Ave., Greenwich, CT 06830. Representative: Morton E. Kiel, 2 World Trade Center, Suite 1832, New York, NY 10048. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by a manufacturer of hose, flexible tubing and ductwork, and *materials, supplies and equipment* used in the conduct of such business (except in bulk), between the facilities of Automation Industries, Inc., Flexible Tubing Division at or near La Mirada, CA and Abbeville, SC, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Automation Industries, Inc. of Los

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Angeles, CA. (Hearing site: New York, NY.)

MC 145125 (Sub-10F), filed October 3, 1979. Applicant: LAUREL MOUNTAIN OVERLAND EXPRESS, INC., 109 Electric Ave., Lewistown, PA 17044. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *brass, bronze, and copper, and brass, bronze, and copper products*, from the facilities of Revere Copper & Brass, Inc., at or near Rome, NY, to points in AZ, CA, CO, NV, OR, UT, and WA. (Hearing site: New York, NY.)

MC 145175 (Sub-3F), filed October 3, 1979. Applicant: FRED M. CHARLES, SR., Rural Route 2, Mitchell, NE 69357. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting (1) *mobile homes and modular homes*, and (2) *sections for commodities named in (1) above*, (1) from points in NE in and west of Cherry, Thomas, Logan, Lincoln, Frontier and Red Willow Counties, NE, to points in CO, SD, and WY; and (2) from points in CO, SD, and WY, to points in NE, restricted in parts (1) and (2) to movements originating in the named origin territory and destined to points in the named destination states. (Hearing site: Scottsbluff, NE, or Cheyenne, WY.)

MC 145384 (Sub-43F), filed October 5, 1979. Applicant: ROSE–WAY, INC., 1914 E. Euclid Ave., Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *construction forms and parts and accessories for construction forms, and materials, equipment and supplies used in the manufacture of construction forms, and parts for construction forms*, (1) between the facilities of Economy Forms Corporation at Des Moines, IA, on the one hand, and, on the other, points in the United States (except AK, CT, HI, IA, IL, IN, KS, MA, ME, MI, MN, MO, NE, ND, NH, OK, RI, SD, VT, and WI) (2) between the facilities of Economy Forms Corporation at Columbus, OH, Metuchen, NJ, Atlanta, GA, Dallas, TX, Fresno, CA, and Kent, WA, on the one hand, and on the other, points in the United States (except AK, and HI). (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 146964 (Sub-2F), filed September 28, 1979. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Ave., York, PA 17403. Representative: Michael Valencik, 1451 Spahn Ave., York, PA 17403. Transporting *such merchandise as is dealt in by retail stores*, from the facilities of McCrory Corp., York, PA to points in FL, restricted to the traffic originating at the above origin and destined to the above destination. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 147844 (Sub-2F), filed October 4, 1979. Applicant: RALPH L. BURRESS, P.O. Box 294, Dale, IN 47523. Representative: David V. Purcell, 111 East Wisconsin Ave., Milwaukee, WI 53202. Transporting *plumbing fixtures, and fittings*, from the facilities of Kohler Co., in Sheboygan County, WI, to points in AL, FL and GA. (Hearing site: Milwaukee, WI.)

MC 147954 (Sub-3F), filed October 5, 1979. Applicant: CARRIERS CARTAGE COMPANY, INC., P.O. Box 1021, Sebring, FL 33870. Representative: Jacob P. Billing, 2033 K Street N.W., Washington, DC 20006. Transporting *fruit, fruit juice, fruit juice concentrate, canned fruit, fruit product beverages, and beverage preparations, and fruit products*, between points in Brevard, Broward, Dade, Duval, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lake, Manatee, Marion, Martin, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Polk, St. Lucie and Seminole Counties, FL. (Hearing site: Orlando, FL.)

MC 147984 (Sub-2F), filed October 4, 1979. Applicant: SUTCLIFFE TRANSFER CO., INC., 301 Ward, Raymore, MO 64083. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *air entraining agents, steel reinforcing bars, concrete curing compound, joint sealing compound, epoxy compound, aluminum forms and accessories, steel and wooden guard rails and materials and supplies necessary for their installation, iron and steel articles, asphalt expansion joints, packaged petroleum products, sonotubes, steel rebar and wire mesh*, (1) between Kansas City, MO, and points in KS, under continuing contract(s) with the Carter-Waters Corp. of Kansas City, MO. (Hearing site: Kansas City, MO.)

MC 148304 (Sub-2F), filed October 5, 1979. Applicant: LUDWIG TRUCK LINE, Route 1, Florence KS 66851. Representative: Eugene W. Hiatt, 207 Casson Bldg., 603 Topeka Blvd., Topeka, KS 66603. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *meats, meat products, meat by-products and articles distributed by meat packing houses* as described in Sections A and C of Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, moving in vehicles with mechanical refrigeration equipment (except commodities in bulk, hides, animal feed and animal feed ingredients), between points in KS, NE, OK, and IA, under continuing contract(s) with Val's Distributing Company, of Tulsa, OK. (Hearing site: Tulsa, OK, or Wichita, KS.)

MC 148365 (Sub-1F), filed October 2, 1979. Applicant: STARLITE BUS SERVICE, INC., 808 Kippley, Memphis, TN 38111. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Ave., Memphis, TN 38103. Transporting *passengers, and their baggage* in the same vehicle with passengers, in round trip charter service, beginning and ending at Memphis, TN, and extending to points in AL, AR, DC, FL, GA, IL, IA, KY, LA, MS, MO, NY, NC, OH, OK, SC, TN, TX, and WV. (Hearing site: Memphis, TN.)

The following three (3) applications are supported solely by North Star Steel Company.

MC 18459 (Sub-12F), filed August 17, 1979. Applicant: BRITTON MOTOR SERVICE, INC., 740 Westminster St., St. Paul, MN 55101. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. Transporting (1) *iron and steel articles*, from the facilities of North Star Steel Company, at or near Monroe, MI, to points in the United States (except AK, and HI), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Minneapolis, MN.)

MC 141108 (Sub-7F), filed July 23, 1979. Applicant: D & C EXPRESS, INC., P.O. Box 746, Wilton, IA 52778. Representative: Kenneth F. Dudley, 1501 East Main, P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *iron and steel articles*, from the facilities of North Star Steel, at or near Monroe, MI, to points in IL, IA, IN, NE, CO, WY, KS, MO, OK, PA, and OH; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 142059 (Sub-89F), filed July 22, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Rd., Joliet, IL 60436. Representative: Jack Riley (same address as applicant). Transporting (1) *iron and steel articles*, from the facilities of North Star Steel Company, at or near Monroe, MI, to points in the United States (except AK, and HI); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles (except commodities in bulk, in tank vehicles), in the reverse direction,

restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: St. Paul, MN, or Chicago, IL.)

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Decided: Feb. 7, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 76 (Sub-21F), filed October 1, 1979. Applicant: MAWSON & MAWSON, INC., P.O. Box 248, Langhorne, PA 19047. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting (1)(a) *automotive and truck frames*, (b) *railway car parts*, and (c) *iron and steel articles*, from the facilities of The Budd Company, at Philadelphia, PA, to points in OH, WV, IL, IN, and those in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, and Bay Counties; and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Philadelphia, PA.)

MC 37898 (Sub-34F), filed October 1, 1979. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave., N.W., Washington, DC 20036. Transporting (1) *cans and can ends*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between Arden and Fletcher, NC, on the one hand, and, on the other, points in NY, PA, VA, WV, SC, GA, AL, MS, LA, and MI, restricted to the transportation of traffic originating at or destined to the facilities of Gerber Containers, Division of Gerber Products Company. (Hearing site: Washington, DC, or Asheville, NC.)

Note.—Dual operations may be involved.

MC 41406 (Sub-127F), filed March 19, 1979, and previously noticed in the FR issue of July 27, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, IN 46323. Representive: Wade H. Bourdon (same address as applicant). Transporting *aluminum and aluminum ingots, and zinc alloy ingots*, from Maple Heights, OH, to points in AL, CT, GA, IL, IN, IA, KY, MI, MN, MO, NC, NJ, NY, PA, SC, TN, and WI. (Hearing site: Cleveland, OH, or Chicago, IL.)

Note.—This republication is to correctly reflect the commodity description.

MC 41406 (Sub-147F), filed June 6, 1979, and previously noticed in the FR issue of January 10, 1980. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Drive, Merrillville, IN 46410. Representative: Wade H. Bourdon (same address as applicant). Transporting *iron and steel artcles*, from Beaumont, TX, to points in IL, OH, IN, KY, MI, MO, TN and WI. (Hearing site: Houston, TX, or Chicago, IL.)

Note.—This republication is to include OH in the destination territory.

MC 67646 (Sub-89F), filed October 4, 1979. Applicant: HALL'S MOTOR TRANSIT COMPANY (a Corporation), 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101. Transporting *paper and paper products* (except commodities in bulk), from Dover, DE, to points in IL, IN, MD, MI, MN, NY, OH, PA, VA, WV, and WI. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 69116 (Sub-252F), filed October 1, 1979. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60126. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Transporting *general commodities* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Hiram Walker & Sons, Inc., at or near Cox's Creek, Clermont, and Bardstown, KY, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chicago, IL.)

Note.—Applicant proposes to tack the requested authority with its existing authority.

MC 91306 (Sub-21F), filed October 4, 1979. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Ave. N.E., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. Transporting: *metal cans*, from Fairport, NY to Winston-Salem, NC. (Hearing site: Washington, DC.)

MC 105007 (Sub-63F), filed October 1, 1979. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Ave., Albert Lea, MN 56007. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *frozen foods*, from Plover, WI, to points in AZ, AR, CO, CT, DE, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NM, NY, ND, OH, OK, PA, RI, SD, TN, TX, UT, VT, VA, WV, WY, and DC. (Hearing site: Minneapolis, MN.)

MC 106707 (Sub-21F), filed March 14, 1979. Applicant: ADAMS TRUCKING, INC., 1711 West Second St., Webster City, IA 50595. Representative: Ronald D. Adams (same address as applicant). Transporting *such commodities* as are dealt in agricultural equipment, industrial equipment and lawn and leisure products manufacturers and dealers (except commodities in bulk), between the facilities of International Harvester Company, at Canton, East Moline, Moline, and Rock Island, IL, on the one hand, and, on the other, points in MN, ND, OH, SD and WI. (Hearing site: Chicago, IL, or Washington, DC.)

MC 107496 (Sub-1247F), filed October 4, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *chemicals*, in bulk, from Blackwell, OK, Memphis, TN, Sparta, NJ, and Joliet and Chicago, IL, to points in CT, GA, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NY, OH, PA, RI, TN, VA, and WI. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 107496 (Sub-1248F), filed October 4, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *liquid core compounds, and chemicals*, in bulk, from Milwaukee, WI, to points in IL, IN, IA, MI, MN, MO, NY, OH, PA, and WV. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 108207 (Sub-533F), filed October 4, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). Transporting *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in WI, IL, IN, MI, and St. Louis, MO, to points in NV and UT. (Hearing site: Chicago, IL, or Dallas, TX.)

MC 113106 (Sub-82F), filed October 5, 1979. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, DC 20005. Transporting *(1) containers and container closures, (2) such commodities* as are dealt in or used by manufacturers and distributors of containers when moving in mixed loads with containers, and *(3) materials, equipment, and supplies* (except commodities in bulk), used in the manufacture and distribution of the commodities in (1) above, between those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at and destined to the facilities of

Midland Glass Company. (Hearing site: Washington, DC.)

MC 113666 (Sub-176F), filed June 7, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, PA 16229. Representative: R. Scott Mahood (same address). Transporting *prefabricated buildings*, and (2) *materials, equipment, supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, from Brewer, ME, Bolton and Leverett, MA, to points in PA on and west of U.S. Hwy 15. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 114457 (Sub-550F), filed October 3, 1979. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting *sugar* (except in bulk), from St. Paul, MN to Royce, NJ. (Hearing site: Chicago, IL, or St. Paul, MN.)

MC 119777 (Sub-398F), filed August 6, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *forms* (except paper), from Leavenworth, KS, to points in the United States (except AK and HI). (Hearing site: Kansas City, MO.)

MC 123407 (Sub-604F), filed August 13, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *iron and steel articles*, from the facilities of National Wire Products Corporation, at (a) Atlanta, GA, to points in AL, MS, LA, and KY, (b) Savannah, GA, to points in NC, SC, GA, and AL, (c) Baltimore, MD, to points in WV, PA, NY, CT, and MA, and (d) Toledo, OH, to points in MI, WI, and IN. (Hearing site: Washington, DC.)

MC 123407 (Sub-617F), filed November 15, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *glass*, between the facilities of Guardian Industries Corp., at or near Corsicana, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 123407 (Sub-618F), filed November 5, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *composition board*, from Adrian and Constantine, MI, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 126276 (Sub-209F), filed November 6, 1979. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, IL 60513. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by manufacturers of paper and plastic articles (except commodities in bulk, and those which because of size or weight require the use of special equipment), from Chicago, IL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with the Bondware Division of Continental Plastic Industries of the Continental Group, Inc., of Palatine, IL. (Hearing site: Chicago, IL.)

MC 129026 (Sub-10F), filed October 1, 1979. Applicant: J.C.D. TRANSPORTATION CORP., P.O. Box 487, 5950 Fisher Rd., East Syracuse, NY 13057. Representative: Martin Werner, 888 7th Ave., New York, NY 10019. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in or used by grocery, food, drug, and liquor business houses, and department stores, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between points in the United States (except AK and HI), under continuing contract(s) in (1) and (2) above with (a) The Great Atlantic & Pacific Tea Company, Inc., (b) Compass Foods, Inc., (c) Super Market Service Corp., and (d) Plus Discount Foods, Inc., all of Montvale, NJ. (Hearing site: New York, NY.)

MC 135846 (Sub-5F), filed October 1, 1979. Applicant: M. S. MOLITOR, d.b.a. MOLITOR TRUCKING, Box 252, Boulder, MT 59632. Representative: John R. Davidson, 805 Miland Bank Bldg., Billings, MT 59101. Transporting *malt beverages*, in containers, from Portland, OR to points in MT. (Hearing site: Billings or Helena, MT.)

MC 138157 (Sub-197F), filed November 6, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of U S C Shippers Association, at or near Los Angeles, CA, to points in WA, OR, ID, NV, UT, and AZ, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138627 (Sub-82F), filed October 4, 1979. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting (1) (a) *gypsum and gypsum products*, and (b) *building materials* (except those in (a) above) and (2) *materials, equipment and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Georgia-Pacific Corporation. (Hearing site: Chicago, IL, or Omaha, NE.)

MC 138627 (Sub-84F), filed November 7, 1979. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting *wood shavings*, from Lincoln, NE to Fort Dodge, IA. (Hearing site: Omaha, NE, or Des Moines, IA.)

MC 139906 (Sub-72F), filed October 1, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting *bakery products*, (1) from the facilities of Nabisco, Inc., at or near Buena Park, CA, to Chicago, IL, and Columbus, OH, and (2) from the facilities of Nabisco, Inc., at or near Portland, OR, to Chicago, IL, Philadelphia, PA, Minneapolis, MN, and Colorado Springs and Denver, CO, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Salt Lake City, UT, or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 139906 (Sub-73F), filed October 1, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting *such commodities* as are dealt in or used by manufacturers of chemicals, pharmaceuticals, plastic materials and articles, agricultural insecticides and herbicides, dye stuffs, activated carbon, petroleum products and chlorinated products, from the facilities of ICI Americas, Inc., at (a) Bayonne, Linden, Edison, and West Deptfort, NJ, (b) Atlas Point and Neward, DE, (c) Bermuda Hundred, VA, (d) Marshall and Bayport, TX, (e) Memphis, TN, (f) Pasadena, Commerce, Vernon and Signal Hill, CA, (g) Baton Rouge, LA, (h) Chicago and Rockford, IL, (i) W. Helena, AR, (j) Charlotte, NC, (k) West Chester, PA, and (l) Dighton, MA, to points in the United States (except AK and HI). (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 140166 (Sub-11F), June 8, 1979. Applicant: JOHN B. McNABB, d.b.a. McNABB FARMS, P.O. Box 4366 (Hwy 30 W.), Pocatello, ID 83201. Representative: Mark K. Boyle, 10 W. Broadway, #400, Salt Lake City, UT 84101. Transporting *lumber and lumber products*, from points in CA, OR, WA, ID, MT, NV, and WY, to points in UT, ID, WY, CO, NV, IA, MO, KS, ND, SD, TX, MN, OK, WI, IL, MT, CA, NE, OR, AZ, and WA. (Hearing site: Salt Lake City, UT, or Portland, OR.)

MC 143616 (Sub-18F), filed November 2, 1979. Applicant: M & S TRANSPORT LINES, INC., P.O. Box 417, Sultana, CA 93666. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by retail department stores, from the facilities of Lear Siegler, Inc., at Seymour, IN, to points in NV, WA, OR, CA, AZ, ID, UT, and CO, under continuing contract(s) with the Lear Siegler, Inc., of Seymour, IN. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 145956 (Sub-3F), filed July 5, 1979. Applicant: TRANSMEDIC CARRIERS, INC., 1340 Indian Rocks Rd., Belleair, FL 33516. Representative: Paul Meilleur (same address as applicant). Transporting (1) *blood, derivatives of blood, and plasma*, (2) *medical and dental products*, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Cutter Laboratories, Armour Pharmaceutical Co., and Alpha Therapeutic. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 146167 (Sub-2F), filed August 3, 1979. Applicant: ALL FREIGHT EXXPRESS, INC., 7200 S. Ferdinand Ave., Bridgeview, IL 60455. Representative: Eugene L. Cohn, One North La Salle St., Chicago, IL 60602. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *molten aluminum*, from Chicago, IL, to points in Allen, Blackford, Benton, Boone, Cass, Clinton, DeKalb, Elkhart, Fountain, Fulton, Grant, Hamilton, Hendricks, Howard, Huntington, Jasper, Kosciusko, Lagrange, Lake, La Porte, Madison, Marion, Marshall, Miami, Montgomery, Newton, Noble, Parke, Porter, Pulaski, Putnam, Starke, St. Joseph, Steuben, Tippecanoe, Tipton, Vigo, Wabash, Warren, Wells, White, and Whiteley Counties, IN, and Calumet, Columbia, Dane, Dodge, Fon du Lac, Green, Green Lake, Iowa, Jefferson, Kenosha, Lafayette, Manitowoc, Marquette, Milwaukee, Ozaukee, Racine, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, and Winnebago Counties, WI, under continuing contract(s) with R. Lavin & Sons, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 146646 (Sub-33F), filed October 1, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting *construction materials* (except in bulk), from the facilities of the Celotex Corporation, at Perth Amboy, NJ, to points in NC, SC, GA, FL, AL, MS, TN, KY, IL, IN, OH, MI, and WV. (Hearing site: Tampa, FL, or Birmingham, AL.)

Note.—The person or persons who appear to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 146646 (Sub-34F), filed October 1, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting *construction materials* (except in bulk), from the facilities of the Celotex Corporation, at Lockland, OH, to those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Tampa, FL, or Birmingham, AL.)

Note.—The person or persons who appear to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 146646 (Sub-42F), filed October 1, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting *construction materials* (except in bulk), from the facilities of the Celotex Corporation, at Dubuque, IA, to points in IL, IN, MI, KY, OH, and MO. (Hearing site: Tampa, FL, or Birmingham, AL.)

Note.—The person or persons who appear to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 146646 (Sub-43F), filed October 1, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting *construction materials* (except in bulk), from the facilities of the Celotex Corporation, at Sunbury, PA, to points in OH, WV, IN, IL, MI, KY, TN, VA, NC, SC, GA, FL, AL, and MS. (Hearing site: Tampa, FL, or Birmingham, AL.)

Note.—The person or persons who appear to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 146646 (Sub-44F), filed October 1, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting *roofing and roofing materials*, from the facilities of the Celotex Corporation, at Houston and San Antonio, TX, to points in CA, OR, WA, NV, UT, and ID. (Hearing site: Tampa, FL, or Birmingham, AL.)

Note.—The person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 147137 (Sub-1F), filed November 6, 1979. Applicant: BARNETS MILL ELEVATOR, INC., 1619 Barnets Mill Rd., Camden, OH 45311. Representative: Stephen J. Habash, 100 East Broad St., Columbus, OH 43215. Transporting *fertilizer* (except in bulk in tank vehicles), from the facilities of W. R. Grace Company, (1) at or near Findlay, Greenville, Columbus, and Alliance, OH, to points in IN and MI, (2) at or near Lansing, MI, to points in OH and IN, and

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(c) at or near New Alany and Remington, IN, to points in OH and MI. (Hearing site: Columbus, OH, or Washington, DC.)

MC 147536 (Sub-14F), filed October 3, 1979. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as applicant). Transporting (1) *furniture and furniture parts*, (2) *aluminum products*, (3) *iron and steel articles*, and (4) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), (2), and (3) above (except commodities in bulk in tank vehicles), between points in the United States (except AK, CT, HI, ME, MA, NH, NY, RI, and VT), restricted to the transportation of traffic originating at or destined to the facilities of Leggett & Platt, Incorporated. (Hearing site: Kansas City or St. Louis, MO.)

MC 148157 (Sub-1F), filed October 1, 1979. Applicant: BLAZER EXPRESS, INC., Rt. 2, Pelham Rd., Greenville, SC 29607. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *urethane insulating wallboard*, from the facilities of R. Max, Inc., at or near Greer, SC, to points in AL, FL, GA, and NC. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 148287 (Sub-1F), filed October 1, 1979. Applicant: ALL-AMERICAN TRANSPORT CORP., 5770 N. Military Trail, West Palm Beach, FL 33407. Representative: John P. Bond, 2766 Douglas Rd., Miami, FL 33133. Transporting *frozen citrus concentrate*, from Indiantown, FL, to points in CA, AZ, CO, OR, WA, and NV. (Hearing site: Miami, FL.)

MC 148417 (Sub-1F), filed October 1, 1979. Applicant: FLOYD E. PHILLIPS d.b.a. FUTURE TRUCKING CO., 8125 E. Slauson Ave., Montebello, CA 90640. Representative: R. Y. Schureman, 1515 Wilshire Blvd., Los Angeles, CA 90017. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *non-ferrous metal pipe, valves*, and *fittings*, from the facilities of Mueller Brass, Co., Inc., at City of Commerce, CA, to points in AZ and those in Clark County, NV, under continuing contract(s) with Mueller Brass Co., Inc., of City of Commerce, CA. (Hearing site: Los Angeles, CA.)

MC 148536F, filed October 1, 1979. Applicant: ANTHONY W. CATRONE d.b.a. CATRONE TRUCKING, 848 Lee Drive, Orrville, OH 44667. Representative: David A Turano, 100 E. Board St., Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sand*, in bulk, in dump vehicles, from Rockwood, MI, to Orrville, OH, under continuing contract(s) with Quality Casting Company, of Orrville, OH. (Hearing site: Columbus, OH.)

MC 148547F, filed October 1, 1979. Applicant: ELM ENTERPRISES, INC., Bldg. D–12, Freeport Center, Clearfield, UT 84016. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *televison sets*, and (2) *tape recorders, wire recorders, tape players, wire players*, and *stands*, from the facilities of General Electric Company, at Clearfield, UT, to points in OR, WA, CA, ID, MT, NV, AZ, NM, CO, and WY, under continuing contract(s) with General Electric Company, of Portsmouth, VA. (Hearing site: Salt Lake City, UT, or Washington, DC.)

MC 148567F, filed October 3, 1979. Applicant: HI-BALL TRUCKING & WAREHOUSING, LTD., 8020 Enterprise St., Burnaby, British Columbia, Canada V5A 1V7. Representative: George Kargianis, 2120 Pacific Bldg., Seattle, WA 98104. Transporting *rope, wire rope, and scrap lead*, between ports of entry on the international boundary line between the United States and Canada at Blaine, Lynden, and Sumas, WA, on the one hand, and, on the other, points in WA, restricted to the transportation of traffic moving in foreign commerce. (Hearing site: Seattle, WA.)

MC 148626F, filed November 6, 1979. Applicant: JACK A. CLOSE d.b.a. CLOSE TRUCKING, Route #3, Millersburg, OH 44654. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Transporting (1) *paper and paper products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products, between points in Coshocton County, OH, on the one hand, and, on the other, points in IN, MI, PA, and WV. (Hearing site: Columbus, OH.)

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Decided: February 21, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman, and Jensen.

MC 531 (Sub-431F), filed November 16, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *calcium bromide*, in bulk, in tank vehicles, from the facilities of Velsicol Chemical Corp., at or near Beaumont, TX, to points in LA. (Hearing site: Houston, TX.)

MC 531 (Sub-433F), filed November 28, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road (P.O. Box 14048), Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting (1) *wine*, in bulk, in tank vehicles, from points in CA, to points in AL, AR (except Altus), DE, FL, GA (except Atlanta), KS, KY, LA, MD (except Baltimore), Michigan (except Berrien and Van Buren Counties), NE (except Omaha), NH, NC, PA, SC, TN (except Memphis), TX and VT, (2) *brandy*, in bulk, in tank vehicles, from points in CA, to points in AL, AR (except Altus), DE, FL, GA (except Atlanta), IL, IN, IA, KS, KY, LA, MD (except Baltimore), MI (except Berrien and Van Buren Counties), MN, MO, NE, NH, NC, PA, SC, TN (except Memphis), TX and VT, (3) *distilled spirits, neutral spirits, and high proof alcohol*, in bulk, in tank vehicles, from points in CA, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MA, MD, MI, MN, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, and WI, (4) *grape products, wine products, and fruit juice concentrates*, in bulk, in tank vehicles, from points in CA, to points in AL, AR, CT, DE, FL (except Lakeland), GA, IL, IN, IA, KS, KY, LA, MA, MD, MI, MN, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA and WI. (Hearing site: San Francisco, CA.)

MC 1380 (Sub-24F), filed June 14, 1979, and previously noticed in **Federal Register** issue of January 29, 1980. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., P.O. Box 7027, High Point, NC 27264. Representative: Max H. Towery (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in AL, GA, MD, NC, SC, TN, VA, and DC. (Hearing site: High Point, NC, or Washington, DC.)

Note.—This republication adds VA as an origin or destination State.

MC 2960 (Sub-38F), filed November 9, 1979. Applicant: ENGLAND TRANSPORTATION COMPANY OF TEXAS, 2301 McKinney St., Houston, TX 77023. Representative: E. Larry Wells, P.O. Box 45538, Dallas, TX 75245. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *glass and glass products*, and *materials, equipment, and supplies* used in the manufacture and distribution of glass and glass products, between the facilities of PPG Industries, Inc., at or near Wichita Falls, TX, on the one hand, and, on the other, Houston, TX, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Dallas or Houston, TX.)

MC 15770 (Sub-5F), filed November 16, 1979. Applicant: CALORE FREIGHT SYSTEM, INC., Second St., High Spire, PA 17034. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and automobiles, trucks, and buses as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 232, and 766) which at the time are moving on bills of lading of freight forwarders as defined in 49 U.S.C. 10102(8), between points in ME, NH, VT, MA, CT, RI, NY, PA, NJ, OH, WV, MD, DE, and DC. (Hearing site: Harrisburg or Philadelphia, PA.)

MC 22311 (Sub-26F), filed November 26, 1979. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46325. Representative: Marvin Mickow (same address as applicant). Transporting (1) *iron and steel articles*, and (2) *equipment, materials and supplies* used in the manufacture or distribution of pre-fabricated buildings (except commodities in bulk), between the facilities of Inryco, Inc., at Milwaukee, WI, on the one hand, and, on the other those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Chicago, IL or Washington, DC.)

MC 29751 (Sub-1F), filed October 15, 1979. Applicant: TERMINAL DELIVERY, INC., P.O. Box E, Lincoln, RI 02865. Representative: William F. Poole, 41 Bea Drive, North Kingstown, RI 02852. Transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, those requiring special equipment, and automobiles), between Brockton, Fall River, and New Bedford, MA, and the facilities used by William H. Watt & Son Terminal, at or near Lincoln and Providence, RI. (Hearing site: Boston, MA, or Providence, RI.)

MC 29910 (Sub-244F), filed November 3, 1979. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th St., Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Over regular routes transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Caterpillar Tractor Co., at or near Delavan, IL, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 35320 (Sub-362F), filed November 26, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Polson Rubber Co., at or near Warrenton, GA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Atlanta, GA or Washington, DC.)

Note.—Applicant intends to tack the sought rights with its existing authority.

MC 35320 (Sub-363F), filed November 26, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Douglas Products, Inc., at or near Walnut Ridge, AR, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Memphis, TN or Washington, DC.)

Note.—Applicant intends to tack the above rights with its existing authority.

MC 35320 (Sub-364F), filed November 19, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Heywood-Wakefield Company, at or near Newport, TN, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Knoxville, TN, or Washington, DC.)

Note.—Applicant intends to tack the above rights with its existing authority.

MC 35320 (Sub-365F), filed November 19, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of NIBCO, Blytheville Division, at or near Blytheville, AR, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Memphis, TN, or Washington, DC.)

Note.—Applicant intends to tack the sought rights with its existing authority.

MC 35320 (Sub-372F), filed November 19, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of ACCO, Industries, at or near Blytheville, AR, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Memphis, TN, or Washington, DC.)

Note.—Applicant intends to tack the above rights to its existing authority.

MC 35320 (Sub-373F), filed November 26, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Magnetronics, Division of MAC at or near Blytheville, AR, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Memphis, TN, or Washington, DC.)

Note.—Applicant intends to tack the above rights with its existing authority.

MC 35320 (Sub-374F), filed November 26, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes

transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Hollingsworth and Vose, at or near Clarks Mill and Greenwich, NY, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Syracuse, NY, or Washington, DC.)

Note.—Applicant intends to tack the above rights with its existing authority.

MC 35320 (Sub-375F), filed November 26, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Sun Chemical Corp., at or near Kankakee, IL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Applicant intends to tack the sought rights with its existing authority.

MC 35320 (Sub-377F), filed November 19, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of SKW Alloys, Inc., at or near Calvert City, KY, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Memphis, TN, or Washington, DC.)

Note.—Applicant intends to tack the sought rights with its existing authority.

MC 35320 (Sub-378F), filed November 9, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of N & L Enterprises, Inc., at or near Huntsville, AL, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-379F), filed November 9, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Martin Industries, Inc., at or near (a) Athens, Florence, Huntsville and Sheffield, AL, and (b) Americus, GA, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Atlanta, GA, or Washington, DC.)

Note.—Applicant intends to tack its existing authority.

MC 35320 (Sub-380F), filed November 9, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Auto Seal Company at or near Tuscumbia, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—Applicant intends to tack its existing authority.

MC 35320 (Sub-381F), filed November 9, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th St. P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Conagra, at or near Decatur, AL, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-382F), filed November 9, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th St. P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Cerro Wire & Cable Co., at or near Hartselle, AL, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-383F), filed November 9, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th St. P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of McGriff Tire Industries, Inc., at or near Birmingham, Cullman, Haleyville, and Montgomery, AL, as off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-384F), filed November 9, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th St. P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of S.C.I. Electronics, Inc., at or near Huntsville, AL, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-385F), filed November 9, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th St. P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of

Electrode Corporation, at or near Tuscumbia, AL, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-399F), filed November 28, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Yukon Industries, at or near McGregor, MN, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Minneapolis or St. Paul, MN.)

Note.—Applicant intends to tack the above rights with its existing authority.

MC 35320 (Sub-402F), filed November 28, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Elkhart Products Corp., at or near Fayetteville, AR, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Little Rock, AR or Tulsa, OK.)

Note.—Applicant intends to tack the above rights with its existing authority.

MC 35320 (Sub-404F), filed November 29, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Wood and Hyde Leather Company, at or near Gloversville, NY, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Syracuse, NY or Washington, DC.)

Note.—Applicant intends to tack the sought rights with its existing authority.

MC 35320 (Sub-405F), filed November 29, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of The Carnation Company, at or near Oconomowoc, WI, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—Applicant intends to tack the sought rights with its existing authority.

MC 35320 (Sub-406F), filed November 29, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Arkla Industries, Inc., at or near Paragould, AR, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Memphis, TN, or Washington, DC.)

Note.—Applicant intends to tack the sought rights with its existing authority.

MC 35320 (Sub-407F), filed November 26, 1979 Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Wall Tube and Metal Products Co., at or near Newport, TN, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Knoxville, TN, or Washington, DC.)

Note.—Applicant intends to tack the above rights with its existing authority.

MC 35320 (Sub-408F), filed November 26, 1979 Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Rockwell International, at or near Tupelo, MS, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Memphis, TN, or Washington, DC.)

Note.—Applicant intends to tack the sought rights with its existing authority.

MC 35320 (Sub-409F), filed November 26, 1979 Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Flo Con Systems, Inc., at or near Champaign and Fisher, IL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Applicant intends to tack the sought rights with its existing authority.

MC 35320 (Sub-410F), filed November 26, 1979 Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of A. J. Bayer Company, at or near Shepherdsville, KY, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Louisville, KY, or Washington, DC.)

Note.—Applicant intends to tack the sought rights with its existing authority.

MC 35320 (Sub-411F), filed November 26, 1979 Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Midwest Packaging Materials Co., at or near (a) Ft. Madison, IA, and (b) West Point, MS, as an off-route point in connection with carrier's otherwise

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authorized regular-route operations. (Hearing site: St. Louis, MO, and Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-412F), filed November 29, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Sterling Drug, Inc., at or near Gulfport, MS, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Gulfport, MS or Washington, DC.)

Note.—Applicant intends to tack the sought rights with its existing authority.

MC 35320 (Sub-413F), filed November 29, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant.) Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Bobrick Washroom Equipment, Inc., at or near Clifton Park, NY, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: New York, NY or Washington, DC.)

Note.—Applicant intends to tack the sought rights with its existing authority.

MC 47171 (Sub-149F), filed November 7, 1979. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Francis W. McInerny, 1000 16th St., NW., Washington, DC 20036. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Clayton, Cobb, Coweta, DeKalb, Fayette, Fulton, Gwinnett, Henry, and Rockdale Counties, GA, on the one hand, and, on the other, points in Cumberland, Salem, Warren and Sussex Counties, NJ, those in NJ and NY within 25 miles of New York, NY, those in CT west of the Connecticut River and those in PA east of the Susquehanna River. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 47171 (Sub-151F), filed November 19, 1979. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting (1) *lighting fixtures* and (2) *equipment, materials and supplies* used in the manufacture of lighting fixtures, between Cochran, GA and points in CT, DE, MD, MA, NJ, NY, PA, RI, and DC (Hearing site: Atlanta, GA.)

MC 52861 (Sub-83F), filed November 29, 1979. Applicant: WILLS TRUCKING, INC., 3185 Columbia Rd., Richfield, OH 44286. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. Transporting (1) *iron and steel articles* and (2) *equipment, materials and supplies* used in the manufacture of iron and steel articles, between Brackenridge, Bagdad and Leechburgh, PA, on the one hand, and, on the other points in OH, IN, IL, MI, and WI. (Hearing site: Columbus, OH.)

MC 64600 (Sub-52F), filed September 10, 1979. Applicant: WILSON TRUCKING CORPORATION, P.O. Drawer 2, Fishersville, VA 22939. Representative: William J. Jones (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Winchester, VA and Hagerstown, MD, (a) over U.S. Hwy 11, and (b) over Interstate Hwy 81, (2) between Winchester, and Frederick, MD, from Winchester over VA Hwy 7 to junction U.S. Hwy 340, then over U.S. Hwy 340 to Frederick, and return over the same route, (3) between Hagerstown and Baltimore, MD, over U.S. Hwy 40, (4) between junction U.S. Hwy 40 and Interstate Hwy 70N and Baltimore, MD, over Interstate Hwy 70N, (5) between Frederick, MD and Washington, DC, (a) from Frederick over MD Hwy 355 to junction U.S. Hwy 240, then over U.S. Hwy 240 to Washington, and return over the same route, and (b) from Frederick over Interstate Hwy 270 to junction U.S. Hwy 240, then over U.S. Hwy 240 to Washington, and return over the same route, serving all intermediate points in connection with the routes described in (1) through (5) above. (Hearing site: Washington, DC, or Richmond, VA.)

MC 67450 (Sub-100F), filed November 19, 1979. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Transporting *bakery goods*, from Morton Grove and Niles, IL, to those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Chicago, IL.)

MC 68100 (Sub-41F), filed November 23, 1979. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Drawer G, Bartlesville, OK 74003. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting *coal tar pitch, coal tar pitch products, and coal tar pitch by-products*, between the facilities of Reilley Tar & Chemical, at or near Lone Star, TX, on the one hand, and, on the other, points in the United States (excluding AK and HI). (Hearing site: Oklahoma City, OK.)

MC 68860 (Sub-44F), filed November 15, 1979. Applicant: RUSSELL TRANSFER, INCORPORATED, 5259 Aviation Drive, NW., Roanoke, VA 24012. Representative: Liniel G. Gregory, Jr. (same address as applicant). Transporting *materials, equipment, and supplies* used in the manufacture and distribution of malt beverages (except commodities in bulk and those requiring special equipment), from points in NC to Eden, NC. (Hearing site: Washington, DC, or Roanoke, VA.)

MC 82841 (Sub-273F), filed November 16, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Road, Suite 610, Omaha, NE 68106. Transporting (1) *iron and steel articles*, from the facilities of Northwestern Steel and Wire Company, at Rock Falls and Sterling, IL, to points in CO, IA, KS, MO, NE, OH, PA, WV, and WY, and (2) *materials, equipment, and supplies*, used in the manufacture and distribution of iron and steel articles, in the reverse direction. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 82841 (Sub-274F), filed November 19, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Rd., Suite 610, Omaha, NE 68106. Transporting *plastic pipe* and *plastic pipe fittings*, from the facilities of CertainTeed Products Corporation, at or near Waco, TX, to points in CO, ID, IA, MN, MO, MT, NV, OR, UT, and WA. (Hearing site: Philadelphia, PA.)

MC 82841 (Sub-275F), filed November 23, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Rd., Suite 610, Omaha, NE 68106. Transporting *steel pipe and tubing* from Springfield, IL, to points in CO, IA, KS, MI, MO, MT, NE, OH, and WY. (Hearing site: St. Louis, MO, or Omaha, NE.)

MC 82841 (Sub-279F), filed November 13, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Road, Suite 610, Omaha, NE 68106. Transporting *plywood, plywood wall paneling, and composition board*, from Norfolk, VA, to points in PA, WV, OH, IN, MI, IL, WI, IA, and MN. (Hearing site: Norfolk, VA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 108341 (Sub-175F), filed November 19, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). Transporting *flat glass and glass glazing units*, from the facilities of (a) General Glass International Corp., at or near Jeannette, PA, and (b) ASG Industries, at or near (i) Jerry Run, WV, and (ii) Kingsport, TN, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: New York, NY, or Washington, DC.)

MC 108341 (Sub-176F), filed November 23, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). Transporting (1) *compressors, turbines, power generating and transmission equipment, industrial furnaces, transformers, and control systems*, and (2) *parts and accessories* for the commodities in (1) above (except commodities in bulk), between those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at or destined to the facilities used by Brown Boveri Corporation. (Hearing site: New York, NY, or Washington, DC.)

MC 108341 (Sub-177F), filed November 26, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 21625, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). Transporting (1) *irrigation equipment*, (2) *parts, accessories and attachments* for the commodities in (1) above, and (3) *materials, supplies and equipment* used in the distribution maintenance and manufacture of the commodities in (1) and (2) above (except commodities in bulk), between Charlotte, NC, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Charlotte, NC or Washington, DC.)

MC 110541 (Sub-17F), filed November 23, 1979. Applicant: MARK E. YODER, INC., P.O. Box 346, Schuylkill Haven, PA 17972. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Transporting *petroleum coke*, in dump vehicles, from the facilities of Mobil Oil Refinery, at or near Paulsboro, NJ, to the Pennsylvania Power and Light Company, at Holtwood (Lancaster County), PA. (Hearing site: Washington, DC or Harrisburg, PA.)

MC 113751 (Sub-34F), filed November 20, 1979. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia Streets, Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. Transporting (1) *frozen foodstuffs*, and (2) *frozen meat and meat by-products*, unfit for human consumption, from the facilities of Wiscold, Inc., at or near Beaver Dam and Milwaukee, WI, to points in AR, CO, KS, LA, MS, OK, and TX. (Hearing site: Madison or Milwaukee, WI.)

MC 114211 (Sub-423F), filed November 15, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of (a) agricultural equipment, (b) accessories for self-propelled articles, and (c) snow and ice removal equipment, between Glenwood, MN, and Fargo, ND, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Minneapolis or St. Paul, MN.)

MC 114211 (Sub-425F), filed November 26, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Transporting *such commodities* as are dealt in, or used, by agricultural and industrial equipment manufacturers (except commodities in bulk), between points in the United States (including AK, but excluding HI). (Hearing site: Wichita, KS.)

MC 114781 (Sub-7F), filed November 29, 1979. Applicant: HAROLD H. WARFEL, R.D. #2, Peach Bottom, PA 17563. Representative: John W. Metzger, 49 North Duke Street, Lancaster, PA 17602. Transporting *chemicals, and empty water carrier containers*, between the facilities of Koppers Company, Inc. at or near Petrolia, PA, and Baltimore, MD. (Hearing site: Philadelphia, PA, or Baltimore, MD.)

MC 119641 (Sub-179F), filed November 26, 1979. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *machinery*, from the facilities of Hydra Tool Corporation, at (a) Greenwood, MS and (b) Topeka, KS, to points in the United States (except AK and HI). (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 117940 (Sub-360F), filed November 13, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and foodstuffs), from the facilities of Empire State Shipper's Association, Inc., in NY, to points in AL, AR, AZ, CA, CO, FL, ID, IL, IA, GA, KS, KY, LA, MN, MS, MO, MT, NE, NM, NV, NC, ND, OK, OR, SC, SD, TN, TX, UT, VA, WA, WI, and WY. (Hearing site: Buffalo, NY.)

MC 119741 (Sub-243F), filed November 15, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *corn products* (except in bulk, in tank vehicles), from the facilities of Lincoln Grain, Inc., at or near Atchison, KS, to points in AL, AR, CO, GA, IL, IN, IA, KY, LA, MI, MN, MS, MO, NE, NM, ND, OH, OK, SD, TN, TX, WI, and WY. (Hearing site: Atchison or Kansas City, KS.)

MC 119741 (Sub-246F), filed November 26, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *foodstuffs* (except in bulk, in tank vehicles), from the facilities of Newark Freezer Center, at Newark, DE, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Wilmington, DE.)

MC 119750 (Sub-2F), filed November 26, 1979. Applicant: D. B. FORD, INC., P.O. Box 218, Savage, MN 55378. Representative: K. L. Mehlhaff (same address as applicant). Transporting (1) *carbon black*, from points in LA, OK, and TX, to Eau Claire, WI, and (2) *empty containers* in the reverse direction, restricted to the transportation of traffic originating at or destined to the facilities of Uniroyal, Inc., at Eau Claire, WI. (Hearing site: Minneapolis or St. Paul, MN.)

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MC 120910 (Sub-29F), filed November 5, 1979. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Richard Davis (same address as applicant). Transporting *pipe, pipe fittings, valves, and hydrants,* from the facilities of Clow Corporation, at or near Coshocton, OH, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL, or Birmingham, AL.)

MC 120910 (Sub-30F), filed November 16, 1979. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Richard Davis (same address as applicant). Transporting *pipe, pipe fittings, valves, and hydrants,* from the facilities of Clow Corporation, at or near Buckhannon, WV, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL, or Birmingham, AL.)

MC 120910 (Sub-31F), filed November 16, 1979. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Richard Davis (same address as applicant). Transporting (1) *pipe, pipe fittings, valves, hydrants,* and (2) *materials, equipment, and supplies* used in the installation of the commodities in (1) above, (except commodities in bulk), between the facilities of Clow Corporation, at or near Lincoln, AL, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL, or Birmingham, AL.)

MC 120910 (Sub-35F), filed November 26, 1979. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Richard Davis (same address as applicant). Transporting (1) *liquid bleach, dish detergents,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of liquid bleach and dish detergents (except commodities in bulk), between the facilities of National Marketing Associates, Inc., at or near New Orleans, LA, and points in MS, AL, GA, TN, and FL. (Hearing site: New Orleans, LA, or Birmingham, AL.)

MC 120910 (Sub-36F), filed November 26, 1979. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Richard Davis (same address as applicant). Transporting *such commodities* as are dealt in or used by chain stores and grocery houses (except commodities in bulk), between the facilities of Hudson Industries, Inc., at or near Brundidge and Troy, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site; Montgomery or Birmingham, AL).

MC 120910 (Sub-37F), filed November 26, 1979. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Richard Davis (same address as applicant). Transporting (1) *lead,* and (2) *materials, equipment and supplies* used in the processing of lead (except commodities in bulk), between the facilities of Master Metals, Inc., at Cleveland, OH, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at and destined to the named points. (Hearing site: Cleveland, OH, or Birmingham, AL.)

MC 120910 (Sub-40F), filed November 26, 1979. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Richard Davis (same address as applicant). Transporting (1) *pipe, pipe fittings, valves, and hydrants,* (2) *parts and accessories* for the commodities in (1) above from Birmingham, AL, to those points in the United States in and east of ND, SD, NE, KS, OK, and NM and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above (except commodities in bulk), in the reverse direction. (Hearing site; Chicago, IL, or Birmingham, AL.)

MC 120910 (Sub-41F), filed November 26, 1979. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Richard Davis (same address as applicant). Transporting (1) *construction materials,* from the facilities of The Celotex Corporation, at or near Fairfield, AL, to points in ME, NH, VT, MA, CT, RI, NY, PA, NJ, DE, MD, VA, WV, NC, SC, GA, FL, AL, MS, LA, TX, AR, TN, KY, OH, IN, IL, MI, and DC, and (2) *materials, equipment and supplies* used in the manufacture or distribution of construction materials in the reverse direction. (Hearing site: Tampa, FL, or Tuscaloosa, AL.)

MC 120910 (Sub-42F), filed November 26, 1979. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Richard Davis (same address as applicant). Transporting (1) *pipe, fittings, valves, and hydrants,* and (2) *materials and supplies* used in the installation of the commodities in (1) above (except commodities in bulk), between the facilities of Clow Corporation, at or near Columbia, MO, and those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL, or Birmingham, AL.)

MC 121060 (Sub-113F), filed June 25, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Transporting *iron and steel articles,* from the facilities of Connors Steels Co., Inc., at Huntington, WV, to those points in the United States in and east of WI, IL, MO, OK, and TX. (Hearing site: Huntington, WV, or Washington, DC.)

MC 121060 (Sub-120F), filed November 9, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting (1) *contruction materials,* and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of The Celotex Corporation. (Hearing site: Tampa, FL, or Washington, DC.)

MC 121060 (Sub-121F), filed November 9, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting *iron and steel articles,* from Baytown, TX, to points in OK, LA, AR, MS, AL, GA, TN, and FL. (Hearing site: Washington, DC.)

MC 124711 (Sub-100F), filed November 19, 1979. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: Red Parker (same address as applicant). Transporting *crude oil,* in bulk, from points in Richardson County, NE, to El Dorado, KS. (Hearing site: Wichita or Kansas City, KS.)

MC 124711 (Sub-101F), filed November 19, 1979. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: Rod Parker (same address as applicant). Transporting *liquid paint and liquid paint thinner,* from the facilities of Ameron Industrial Coating Divison, at Wichita, KS, to Norfolk, NE, St. Joseph, IN, Grapeland, TX, Guymon, OK, and Little Rock, AR. (Hearing site: Wichita or Kansas City, KS.)

MC 127811 (Sub-21F), filed November 8, 1979. Applicant: BRYNWOOD TRANSFER, INC., 175 Eighth Ave. SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *television filming and recording trailers,* between the facilities of Northwest Teleproductions, Inc., at Minneapolis, MN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Paul, MN.)

MC 127840 (Sub-148F), filed November 16, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. Transporting *vegetable oils and vegetable oil products,* in bulk, in tank vehicles, from Minneapolis, MN, to points in AL, AR, CA, CO, CT, DE, FL, GA, IA, ID, IL, IN, KS, KY, LA, MA, MD, ME, MI, MO, MS, NE, NC, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VA, VT, WV, WA, and WI. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 133101 (Sub-6F), filed November 16, 1979. Applicant: PENINSULA AIR DELIVERY, P.O. Box 668, Mountain View, CA 94042. Representative: Thomas Donahue (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in CA and WA. Condition: The person or persons which appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: San Francisco, CA, or Seattle, WA.)

MC 113841 (Sub-17F), filed October 19, 1979. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *water and waste treatment equipment,* and (2) *materials, equipment and supplies* used in the manufacture, installation, and sale of water and waste treatment equipment (except commodities in bulk), between Lancaster, PA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 134391 (Sub-8F), filed November 16, 1979. Applicant: P & B TRUCKING COMPANY, a corporation, P.O. Box 28, Olive Branch, MS 38654. Representative: Jack Perry (same address as applicant). *Contract carrier,* transporting *brewers pressed grains and brewers wet grains,* in bulk, in dump vehicles, from St. Louis and points in St. Louis County, MO, to Olive Branch, MS, under continuing contract(s) with Murphy Products Company, Inc., of Burlington, WI. (Hearing site: Memphis, TN.)

MC 135231 (Sub-31F), filed May 4, 1979, and previously noticed in **Federal Register** issue of October 4, 1979. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Highway 1 and 59 East, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *wallboard, fibreboard, pulpboard, and strawboard,* from International Falls, MN, to points in IA, IL, IN, KS, MI, NE, NY, OH, and PA. (Hearing site: St. Paul, MN.)

Note:— This republication shows NE as a destination State in lieu of MN. Dual operations may be involved.

MC 138701 (Sub-5F), filed November 8, 1979. Applicant: G. D. & K., INC., 500 W. Main St., Wyckoff, NJ 07481. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. *Contract carrier,* transporting *disposable medical devices, health care products, and radioactive materials,* between Chicago, IL, Columbus, MS, Kansas City, MO, Parsippany, NJ, and Spartanburg, SC, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Isomedix, Inc., of Whippany, NJ. CONDITION: To the extent any permit issued in this proceeding authorizes the transportation of radioactive materials, it shall be limited in point of time, to a period expiring 5 years from its date of issue. (Hearing site: Newark, NJ.)

MC 138741 (Sub-102F), filed November 16, 1979. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 N. Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *lumber and lumber products,* between Evanville, IN, on the one hand, and, on the other, points in AR, IA, KS, KY, MO, NE, OK, TN, TX, WI, and IL. (Hearing site: St Louis, MO.)

MC 142811 (Sub-7F), filed November 9, 1979. Applicant: S. R. R. TRUCKING CO., a corporation, 1000 North Cindy Lane, P.O. Box 925, Carpinteria, CA 93013. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Contract carrier,* transporting *foodstuffs,* from Tacoma, WA, to points in CA, under continuing contract(s) with Nalley's Fine Foods Division of Curtice-Burnes, Inc., of Tacoma, WA. (Hearing site: Los Angeles, CA, or Seattle, WA.)

MC 143121 (Sub-9F), filed November 9, 1979. Applicant: TILLAMOOK CARRIERS, INC., 11600 Paramount Blvd., Office "C", Downey, CA 90241. Representative: Miles L. Kavaller, 315 So. Beverly Drive, Suite 315, Beverly Hills, CA 90212. *Contract carrier,* transporting *television cable,* from the facilities of Cerro Communication Products, at Freehold, NJ, to Atlanta, GA, and points in AZ, CA, CO, KS, MO, NV, NM, OK, OR, TX, and WA, under continuing contract(s) with Cerro Communication Products, of Freehold, NJ. (Hearing site: New York, NY.)

MC 143730 (Sub-4F), filed May 11, 1979, and previously noticed in **Federal Register** issue of October 4, 1979. Applicant: PENINSULA TRUCKING COMPANY, INC., 705 Morehouse Drive, New Castle, DE 19720. Representative: Richard M. Ochroch, 316 S. 16th St., Philadelphia, PA 19103. *Contract carrier,* transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, between Philadelphia, PA, on the one hand, and, on the other, points in GA, FL, NC, SC, TN, WV, and VA, under continuing contract(s) with Hygrade Food Products Corporation, of Detroit, MI. (Hearing site: Philadelphia, PA.)

Note.—This republication shows VA as an origin or destination State in lieu of WA.

MC 144140 (Sub-43F), filed November 15, 1979. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant). Transporting (1) *petroleum and petroleum products, vehicle body sealer and sound deadner compounds* (except commodities in bulk), and *filters,* from Buffalo and N. Tonawanda, NY, N. Warren, New Kensington, Emlenton, and Farmers Valley, PA, Congo and St. Marys, WV, and Garland, TX, to points in AL, FL, GA, MS, NC, SC, and TN, and (2) *petroleum and petroleum products* (except commodities in bulk), from points in LA and NJ to points in FL. (Hearing site: Orlando, FL, or Washington, DC.)

MC 144330 (Sub-84F), filed November 14, 1979. Applicant: UTAH CARRIERS, INCORPORATED, P.O. Box 1218, Freeport Center, Clearfield, UT 84016. Representative: Charles D. Midkiff (same address as applicant). Transporting *pipe,* from the facilities of National Pipe and Tube Co., at or near Liberty, TX, to those points in the United States in and west of MN, IA, IL, MO, AR, and LA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Houston, TX.)

Note.—Dual operations may be involved.

MC 144841 (Sub-2F), filed November 15, 1979. Applicant: GOLDEN EAGLE

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TRANSPORT COMPANY, a Texas corporation, 505 West Allen Ave., San Dimas, CA 91773. Representative: Greg P. Stefflre, 700 S. Flower St., Suite 1724, Los Angeles, CA 90017. *Contract carrier,* transporting *boat and utility trailers,* and *materials, equipment and supplies* used in the manufacture and sale of boat and utility trailers, (1) between the facilities of Roadrunner Trailers, Inc., and Roadrunner Trailers of Texas, Inc., at or near San Dimas, CA, on the one hand, and, on the other, Dallas, TX, and (2) from the facilities of Roadrunner Trailers, Inc., and Roadrunner Trailers of Texas, Inc., at or near (a) San Dimas, CA, and (b) Dallas, Tx, to points in the United States (except AK and HI), under continuing contract(s) with Roadrunner Trailers, Inc., and Roadrunner Trailers of Texas, Inc. (Hearing site: Los Angeles, CA.)

MC 145360 (Sub-10F), filed November 15, 1979. Applicant: THOM'S TRANSPORT COMPANY, INC., Box 405, Blackshear, GA 31516. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *lumber,* from points in FL to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Jacksonville, FL, or Atlanta, GA.)

MC 145441 (Sub-77F), filed November 14, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey (same address as applicant). Transporting *alcoholic beverages* (except in bulk), (1) from Union City, CA, to points in KS, OK, TX, IL, and LA, and (2) from Pekin, IL, to points in CA. (Hearing site: San Francisco, CA or Little Rock, AR.)

Note.—Dual operations may be involved.

MC 145481 (Sub-15F), filed November 9, 1979. Applicant: COYOTE TRUCK LINE, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: Steven K. Kuhlmann, 2600 Energy Center One, 717 17th St., Denver, CO 80202. Transporting (1) *playground and park buildings* and *equipment,* (2) *furniture* (except household furniture), and (3) *recreation equipment,* from the facilities of Game Time, Inc., at or near Fort Payne, AL, to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, WY, ND, SD, IA, OK, NE, and KS. (Hearing site: Indianapolis, IN.)

Note.—Dual operations may be involved.

MC 145950 (Sub-61F), filed November 8, 1979. Applicant: BAYWOOD TRANSPORT, INC., Route 6, P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting (1) *such commodities* as are dealt in by manufacturers and processors of paper and paper products, and (2) *materials and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), between the plantsites of Bosie Cascade Corporation, at or near De Ridder and Elizabeth, LA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Boise, IA.)

Note.—Dual operations may be involved.

MC 146001 (Sub-6F), filed November 9, 1979. Applicant: BOB MARGOSIAN, d.b.a. BOB MARGOSIAN TRUCKING, 6885 Avenue 416, P.O. Box 395, Dinuba, CA 93618. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *chemicals* (except in bulk), from points in CA to points in AZ. (Hearing site: Los Angeles, CA.)

MC 146451 (Sub-9F), filed November 8, 1979. Applicant: WHATLEY-WHITE, INC., 230 Ross Clark Circle, N.E., Dothan, AL 36302. Representative: William K. Martin, P.O. Box 2609, Montgomery, AL 36103. Transporting (1) *furniture and furniture components,* from the facilities used by Rebwood, Inc., at or near Headland, AL, to points in FL, GA, LA, MS, AR, TX, TN, and SC, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, from points in GA, FL, SC, NC, TN, VA, MS, and AR, to the facilities used by Rebwood, Inc., at or near Headland, AL. (Hearing site: Montgomery or Dothan, AL.)

MC 146841 (Sub-4F), filed November 9, 1979. Applicant: DESERT FREIGHT LINES, INC., 1200 Valencia Ave., Tustin, CA 92680. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *drilling tools, parts* for drilling tools, and *knocked down boxes,* from Irvine, CA, to Denver, CO, and Dallas, TX. (Hearing site: Los Angeles, CA.)

MC 147681 (Sub-3F), filed November 15, 1979. Applicant: HOYA EXPRESS, INC., P.O. Box 543, R. D. #2, West Middlesex, PA 16159. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *petroleum and petroleum products,* (except commodities in bulk), from Cleveland, OH, to those points in PA on and east of U.S. Hwy 15 and those in NJ on and south of NJ Hwy 33. (Hearing site: New York, NY, or Washington, DC.)

MC 148190 (Sub-2F), filed November 15, 1979. Applicant: RAMSEY TRUCKING, INC., 604 Hudson Drive, Chattanooga, TN 37405. Representative: H. Owen Maddux, 808 Maclellan Bldg., Chattanooga, TN 37402. *Contract carrier,* transporting (1) *broken glass,* in dump vehicles, from the facilities of Chattanooga Glass Co., at Chattanooga, TN, to the facilities of Chattanooga Glass Co., at or near Mineral Wells, MS, and (2) sand, in bulk, in dump vehicles, from points in Benton County, TN, to the facilities of Chattanooga Glass Co., at Chattanooga, TN, under continuing contract(s) in (1) and (2) above with Chattanooga Glass Co., of Chattanooga, TN. (Hearing site: Chattanooga, TN.)

MC 148270 (Sub-8F), filed August 3, 1979. Applicant: BRELAR, INC., P.O. Box 798, Greenville, MS 38701. Representative: K. Larry Stivers, 1553 Sunridge Cove, Greenville, MS 38701. Transporting (1) *such commodities* as are dealt in by grocery and food business houses and agricultural feed business houses, soy products, paste, and flour products, and dairy based products, and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above (except commodities in bulk), between the facilities used by Ralston Purina Company, at or near Oklahoma City, OK, and points in AR, LA, MS, TN, and TX. (Hearing site: St. Louis, MO.)

MC 148360 (Sub-2F), filed November 15, 1979. Applicant: PDR TRUCKING, INC., 6048 South York Road, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K St., N.W., Washington, DC 20005. *Contract carrier,* transporting *ornaments and decorations,* and *materials and supplies* used in the manufacture and sale of ornaments and decorations, between the facilities of Rauch Industries, Inc., at or near Gastonia, NC, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Rauch Industries, Inc., of Gastonia, NC. (Hearing site: Charlotte, NC.)

MC 148510 (Sub-2F), filed November 1, 1979. Applicant: THOMPSON TRUCK SERVICE, INC., 4714 Primm St., St. Louis, MO 63116. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. *Contract carrier,* transporting *such commodities* as are dealt in by retail department stores, between Vandalia, IL, on the one hand, and, on the other, St. Louis and points in St. Louis County, MO, under continuing contract(s) with P. N. Hirsch & Co. Stores, Inc., of St. Louis, MO. (Hearing site: St. Louis, MO, or Springfield, IL.)

MC 148630F, filed November 2, 1979. Applicant: WINFRED RAY SCOTT, d.b.a. RAY SCOTT TRUCKING, 4107 East 52nd St., Maywood, CA 90270.

Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. *Contract carrier,* transporting *food and food products,* between points in Los Angeles County, CA, on the one hand, and, on the other, points in OR and WA, under continuing contract(s) with Vienna Sausage Mfg. Co., California Coast Beef Processors, Salem Packing, and David V. Meat Co., all of Los Angeles, CA. (Hearing site: Los Angeles, Ca.)

MC 148711 (Sub-1F), filed November 8, 1979. Applicant: EDDIE E. KITCHENS, d.b.a. KITCHENS TRUCKING COMPANY, P.O. Box 1365, Cedartown, GA 30125. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, N.E., Atlanta, GA 30326. *Contract carrier,* transporting *textiles and textile products, and materials, equipment, and supplies* used in the manufacture and distribution of textiles and textile products, between the facilities of The Hale Manufacturing Company, at or near Cedartown, GA, on the one hand, and, on the other, points in NC, SC, FL, and AL, under continuing contract(s) with The Hale Manufacturing Company, of Cedartown, GA.

MC 148861F, filed November 15, 1979. Applicant: REICHERT ENTERPRISES, INC., Route 3, Box 313, Brainerd, MN 56401. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *passengers and their baggage,* in charter and special operations, beginning and ending at points in Aitkin, Cass, Crow Wing, Hubbard, Kanabec, Morrison, Pine, Todd, and Wadena Counties, MN, and extending to points in the United States (including AK, but excluding HI). (Hearing site: St. Paul, MN.)

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Decided: Feb. 14, 1980.

By the Commission, Review Board Numbers, Members Parker, Forties and Hill.

MC 200 (Sub-422F), filed November 23, 1979. Applicant: RISS INTERNATIONAL CORPORATION. 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis, (same address as applicant). Transporting *plastic bottles,* between Franklin, IN, and Cedar Rapids, IA. (Hearing site: Kansas City, MO.)

MC 200 (Sub-423F), filed November 23, 1979. Applicant: RISS INTERNATIONAL CORPORATION. 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis, (same address as applicant). Over regular routes, transporting *tread rubber,* serving Muscatine, IA, as an off-route point in connection with applicant's regular route authority. (Hearing site: Kansas City, MO.)

MC 531 (Sub-436F), filed November 27, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road (P.O. Box 14048), Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting (1) *petroleum oil,* in bulk in tank vehicles, from San Deigo, CA, to Stoughton, WI; Houston TX; Atlanta, GA; and Piscataway, NJ; and (2) *liquid chemicals, in bulk, in tank vehicles, from points in CA, to points in AZ, NM and TX. (Hearing site: Los Angeles, CA.)*

MC 720 (Sub-73F), filed November 28, 1979. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, WI 53963. Representative: Tom Westerman (same address as applicant). Transporting *foodstuffs, and equipment, materials, and supplies* used in the sale and distribution of foodstuffs, from Brownsville, WI to points in WI restricted to shipments originating at the facilities of California Canners and Growers at or near Brownsville, WI, and having a subsequent movement in interstate or foreign commerce. (Hearing site: Fond du Lac or Madison, WI.)

MC 2860 (Sub-190F), filed November 21, 1979. Applicant: NATIONAL FREIGHT, INC., 71 W. Park Ave., Vineland, NJ 08360. Representative: Peter J. Nickles, 888 Sixteenth St., N.W., Washington, DC 20006. *Contract carrier* transporting *general commodities* between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities utilized by E. E. duPont de Nemours. Condition: Limited in point of time, to the extent the grant embraces explosives or other dangerous commodities, to a period of 5 years from the date of issuance of the permit. (Hearing site: Washington, DC.)

MC 4941 (Sub-90F), filed November 27, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 N. Montello St., Brockton, MA 02403. Representative: Russell S. Callahan (same address as applicant). Transporting *paper and paper products, plastic materials, furniture, and materials, equipment and supplies* used in the manufacture and distribution thereof, (except commodities in bulk), from the facilities of Scott Paper Company at points in DE, ME, NJ, NY, OH, PA, and VA, to points in CT, DE, MA, MD, ME, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC. (Hearing site: Boston, MA or Washington, DC.)

MC 4941 (Sub-91F), filed November 27, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 N. Montello St., Brockton, MA 02403. Representative: Russell S. Callahan (same address as applicant). Transporting *household appliances and household appliance parts* from the facilities of White-Westinghouse Appliance Co., Division of White Consolidated Industries at Mansfield, OH to points in CT, DE, ME, MA, NH, NJ, NY, PA, RI and VT. (Hearing site: Boston, MA or Pittsburgh, PA.)

MC 5881 (Sub-2F), filed November 27, 1979. Applicant: UNDERFANGER MOVING & STORAGE, INC., White Oaks Business Park, 3601 West Mayflower Boulevard, R. R. #4, Springfield, IL 62707. Representative: Douglas G. Brown, P. C., The INB Center—Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. Transporting *used household goods* from points in IL, on the one hand, and, on the other, points in IN, IA, MO, NJ, NY and WI. (Hearing site: St. Louis, MO.)

MC 8771 (Sub-63F), filed November 20, 1979. Applicant: S M TRANSPORT INC., Hemlock Bldg., 5000 Linker St., Mechanicsburg, PA 17055. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. Transporting *metal cutting machinery,* from Belvidere, IL, to points in United States (except Alaska and Hawaii). (Hearing site: Washington, DC.)

MC 48441 (Sub-55F), filed November 28, 1979. Applicant: R. M. E. INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting (1) *glasscontainers and materials* used in the transportation of glass containers (except in bulk), from the facilities of Thatcher Glass Manufacturing Co., Division of Dart Industries (a) at Streator, IL, to points in IA, MN, OH, and WI; and (b) at Lawrenceburg, IN to points in IA, IL, KY, MI, MN, MO, OH, and WI; and (2) *materials and supplies* used in packaging and distribution of glass containers (except in bulk), from the destination territories designated in (a) and (b) above to the origin points in (a) and (b) above, except the transportation of traffic moving from Milwaukee, WI, to Streator, IL. (Hearing site: New York, NY.)

MC 63020 (Sub-3F), filed November 28, 1979. Applicant: JOHN HENRY MC LAUGHLIN, D.b.a., J. W. MC LAUGHLIN COMPANY, 20 Progress Ave., Nashua, NH 03060. Representative: Robert J. Gallagher, 1000 Connecticut, Ave., N.W., Suite 1200, Washington, D.C. 20036. Transporting *household goods,* as defined by the Commission, (1) between points in ME, NH, VT, MA, RI, CT, and

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NY and (2) between points in the states named in (1) above, on the one hand, and, on the other, points in AL, DE, FL, GA, KY, MD, NC, OH, PA, SC, TN, VA, WV, NJ and DC. (Hearing site: Concord, NH.)

MC 77061 (Sub-27F), filed November 23, 1979. Applicant: SHERMAN BROS., INC., 29534 Airport Rd., P.O. Box 706, Eugene, OR 97402. Representative: Keith Sherman (same address as applicant). Transporting *iron and steel articles*, between points in Multnomah County, OR, on the one hand, and, on the other, points in WA. (Hearing site: Portland or Eugene, OR.)

MC 85530 (Sub-7F), filed November 27, 1979. Applicant: BLALOCK TRUCK LINE, INC., P.O. Box 734, Charleston, SC 29402. Representative: WILMER B. HILL, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting (1) *general commodities* (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring the use of special equipment), restricted to the transportation of traffic having a prior or subsequent movement by water, and (2) *empty intermodal cargo containers, trailers and trailer chassis*, between Charleston, SC, Jacksonville, FL, Savannah, GA, and Wilmington, NC. (Hearing site: Charleston, SC, Savannah, GA.)

MC 95540 (Sub-1142F), filed November 23, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 W. Griffin Rd., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting *(1) foodstuffs, and (2) plastic and rubber articles* (except commodities in bulk, in tank vehicles) from the facilities of Ross Laboratories at or near Columbus, OH to points in AL, FL, GA, LA, MS, NC, SC, TN and TX. (Hearing site: Columbus, OH or Washington, DC.)

MC 95540 (Sub-1143F), filed November 23, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 W. Griffin RD, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting *anti freeze and lubricants* between points in MN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Paul, MN or Washington, DC.)

MC 105461 (Sub-115F), filed November 21, 1979. Applicant: HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, PA 17566. Representative: Robert R. Herr (same address as applicant). Transporting *(1) paper and paper products (2) plastic and plastic products and (3) chemicals, and (4) materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1), (2) and (3) above (except commodities in bulk), between the facilities of Union Camp Corporation, on the one hand, and, on the other, points in PA, NY, NJ, DE, MD, ME, NH, VT, CT, MA, RI, OH, VA, WV, and DC. (Hearing site: Washington, DC or Philadelphia, PA.)

MC 114211 (Sub-426F), filed November 28, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). Transporting *wooden and plastic articles*, from Middlebury, IN, to points in the United States (except AK and HI). (Hearing site: South Bend or Elkhart, IN.)

MC 117730 (Sub-41F), filed November 23, 1979. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, WI 53122. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *spent brewer's grains* from the facilities of G. Heilman Brewing Company at LaCrosse, WI, to points in IL, IA, and MN. (Hearing site: Milwaukee, WI or Minneapolis, MN.)

MC 117940 (Sub-359F), filed November 27, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting *Foodstuffs* (1) from the facilities of United Shippers Association, Inc., at St. Louis, MO, to points in AL, CA, CO, CT, FL, GA, KS, LA, MD, MA, MN, MJ, NY, NC, OR, PA, TX, UT, VA, WA and DC; and (2) from points in CA, NJ, and NY to the facilities of United Shippers Association, Inc., at St. Louis, MO. (Hearing site: St. Louis, MO.)

MC 118831 (Sub-189F), filed November 23, 1979. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, NC 27264. Representative: Ben H. Keller, III (same address as applicant). Transporting *liquid chemicals* (in bulk, in tank vehicles) from the facilities of Monsanto Co. at or near Chocolate Bayou, Texas City, and Houston, TX, to points in the United States in and east of LA, AK, MO, IA and MN. (Hearing site: Washington, DC or St. Louis, MO.)

MC 119741 (Sub-244F), filed November 20, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *foodstuffs*, from Terre Haute, IN, and Reading, PA, to the facilities of Bachman Foods, Inc., at or near Omaha, NE. (Hearing site: Omaha, NE.)

MC 120910 (Sub-39F), filed November 27, 1979. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Richard Davis (same address as applicant). Transporting *construction materials and oil and chemical absorbent materials*, between the facilities of I.D.T. Corporation at or near Summerville, SC, on the one hand, and, on the other, points in the United States in and east of WI, IL, MO, AR, and LA. (Hearing site: Charleston, SC or Birmingham, AL.)

MC 128030 (Sub-130F), filed November 28, 1979. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 98, Urbana, IL 61801. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting (1) *brooms*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of brooms (except in bulk), between Arcola, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 128951 (Sub-33F), filed November 23, 1979. Applicant: ROBERT H. DITTRICH, d.b.a. BOB DITTRICH TRUCKING, 1000 N. Front St., New Ulm, MN 56073. Representative: Rodney H. Jeffery (same address as applicant). Transporting *vegetable meals and blends*, from Riverside, ND to points in the United States (except AK and HI). (Hearing site: Minneapolis, MN or St. Paul, MN.)

MC 133420 (Sub-3F), filed November 20, 1979. Applicant: TRI-STATE TRANSPORT, INC., P.O. Box 2168, Long Beach, CA 90408. Representative: William J. Lippman, Suite 330, Steele Park, 50 South Steele St., Denver, CO 80209. Transporting (1) *non-flammable gas and freon, in cylinders* and (2) *empty cylinders;* (1) from Philadelphia, PA, to Ogden, UT, Irvine and Los Angeles, CA, and (2) from Los Angeles, CA, to Philadelphia, PA. (Hearing site: Los Angeles, CA.)

MC 134501 (Sub-71F), filed November 23, 1979. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting (1) *new furniture*, from Auburn, AL, to points in MO, MI, IL, IN, OH, PA, NJ, NY, CT, RI, MA, VT, NH, ME, DE, DC, MD, WV, VA, KY, TN (except Shelby County), NC, SC, GA, FL, MS, LA, and TX (except points on, north, and west of a line beginning at the AR-TX State Line and extending along U.S. Hwy 67 to Dallas, TX, then along Interstate Hwy 35E to Waco, TX, then along U.S. Hwy 81 to junction U.S.

Hwy 84, then along U.S. Hwy 84, to junction U.S. Hwy 67, then along U.S. Hwy 67 to junction U.S. Hwy 290, then along U.S. 290 to junction U.S. Hwy 80, then along U.S. Hwy 80 to junction with the TX/NM State Line); and (2) Fixtures, from Auburn, AL, to points in the United States (except AK and HI). (Hearing site: Montgomery, AL or Dallas, TX.)

MC 135070 (Sub-124F), filed November 23, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting: (1) *Plastic film*, (2) *plastic sheeting*, (3) *plastic articles*, and (4) *chemicals*, and (5) *equipment, materials and supplies* used in the manufacture and distribution of commodities named in (1), (2), (3), (4) and (5) above, thereof, between points in CA, CO, FL, GA, IL, LA, MD, MA, MN, MS, NJ, NY, NC, OH, PA, TX, VA, and WA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Borden Chemical Co., Division of Borden, Inc. (Hearing site: Boston, MA, or Dallas, TX.)

Note.—Dual Operations may be involved.

MC 135070 (Sub-125F), filed November 20, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting: (1) *Chemicals*, (2) *plastic materials*, (3) *plastic products*, and (4) *equipment materials, and supplies* used in the manufacture and distribution of commodities named in (1), (2), (3) and (4) above, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Amoco Chemicals Corporation. (Hearing site: Chicago, IL or Dallas, TX.)

Note.—Dual Operations may be involved.

MC 135070 (Sub-126F), filed November 20, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *meats, meat products and meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Farmland Foods, Inc., at (a) Carroll, Denison, Iowa Falls, Sioux City, Des Moines and Ft. Dodge, IA, and (b) Crete, Lincoln and Omaha, NE, to points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Omaha, NE, or Dallas, TX.)

Note.—Dual Operations may be involved.

MC 136511 (Sub-90F), filed November 27, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake R, Lynchburg, VA 23502. Representative: E. STEPHEN HEISLEY, 805 McLachlen Bank Blodg., 666 Eleventh Street NW., Washington, DC 20001. Transporting (1) *foodstuffs* and (2) *materials and supplies* used in the production or distribution of foodstuffs, between Turkey, NC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 138420 (Sub-44F), filed November 23, 1979. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., Route 1, P.O. Box 147, Cleveland, WI 53063. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting *canned goods and prepared foodstuffs* from the facilities of Lakeside Packing Company at or near Plainview, MN to points in IL and MO. (Hearing site: Madison, WI or Manitowoc, WI.)

MC 138471 (Sub-10F), filed November 27, 1979. Applicant: LEONARD TRUCKING, INC., 707 Colorado Street, Kelso, WA 98626. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201. Transporting *canned goods*, from points in CA, to Vancouver, WA. (Hearing site: Vancouver, WA.)

MC 141061 (Sub-2F), filed November 28, 1979. Applicant: J. B. DAVENPORT, d.b.a. Davenport Wrecking Service, 190 Eastman Road, Memphis, TN 38109. Representative: William R. Swain, Jr., 208 Poplar Avenue, Memphis, TN 38103. Transporting (1) *wrecked or disabled motor vehicles and trailers (except trailers designed to be drawn by passenger automobiles) and (2) replacment vehicles*, between points in Shelby County, TN, on the one hand, and, on the other, points in AL, AR, KY, LA, MO, MS, TX and TN. (Hearing site: Memphis, TN.)

MC 142971 (Sub-3F), filed November 23, 1979. Applicant: F & W TRANSPORT CO., INC., P.O. Box 389, Camden NJ 08101. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Contract carrier transporting *wooden and plastic cabinets, and materials and supplies* used in the manufacture, sale and installation thereof (except in bulk) between Lakewood, NJ, on the one hand, and, on the other, points in VA, and WV, under a continuing contract(s) with Excel Wood Products Co., Inc., of Lakewood, NJ. (Hearing site: Philadelphia, PA.)

MC 143351 (Sub-3F), filed November 21, 1979. Applicant: DANTRAC, INC., P.O. Box 5163, Station B, Greenville, SC 29606. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *Contract carrier* transporting *synthetic chips, fiber, non-woven fabrics, pellets and yarn*, (except commodities in bulk), from the facilities of Phillips Fibers Corporation at or near Seneca, Spartanburg and Startex, SC, to points in AZ, CA, NM, and TX, under a continuing contract(s) with Phillips Fibers Corporation. (Hearing site: Greenville, SC.)

MC 143471 (Sub-20F), filed November 27, 1979. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 308 West Blvd., Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701. Contract carrier transporting *lumber, lumber products and millwork*, from the facilities of Midwestern Forest Products at Rapid City, SD, to points in CO, IL, IA, KS, MN, MO, NE, ND, WI, and WY, under a continuing contract(s) with Midwestern Forest Products. (Hearing site: Rapid City, SD.)

MC 143651 (Sub-13F), filed November 20, 1979. Applicant: BLACKHAWK EXPRESS, INC., P.O. Box 1, Wall Lake, IA 51466. Representative: Kenneth F. Dudley, 1501 East Main Street, P.O. Box 279, Ottumwa, IA 52501. Transporting *clay*, (except in bulk), from Ochlocknee, GA, and Ripley, MS, to points in IA, IL, IN, KS, MN, MO, NE, OK and WI. (Hearing site: Chicago, IL.)

MC 144821 (Sub-3F), filed November 20, 1979. Applicant: FREEDOM FREIGHTWAYS, INC., P.O. Box 5850, St. Louis, MO 63134. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *petroleum and petroleum products, vehicle body sealer, sound deadening compounds* (except in bulk), and *filters*, from Buffalo and North Tonawanda, NY, North Warren, Kimberton, New Kensington, Emlenton, Farmers Valley and Bakerstown, PA, Kansas City, KS, Congo and St. Marys, WV, Vicksburg, MS, Garland, TX, Portland, OR, and Los Angeles, CA, to points in the United States (except AK and HI). (Hearing site: St. Louis, MO.)

MC 144931 (Sub-2F), filed November 20, 1979. Applicant: MID-FLA HAULING, INC., State Road 121, P.O. Box 367, Worthington Springs, FL 32697. Representative: Dan R. Schwartz, 1729 Gulf Life Tower, Jacksonville, FL 32207. Transporting *road building and construction aggregates* from points in FL to points in GA. (Hearing site: Tallahassee or Jacksonville, FL.)

MC 145031 (Sub-2F), filed November 20, 1979. Applicant: DANNY COCKERELL, D & M Trucking, P.O. Box

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341, Clay City, IL 62824. Representative: Danny Cockerell (same as applicant). Transporting *confectionery products* (except commodities in bulk) from Bryan, OH to points in the United States (except AK and HI) under continuing contract(s) with Spangler Candy Company. (Hearing site: Toledo, OH.)

MC 145950 (Sub-64F), filed November 28, 1979. Applicant: BAYWOOD TRANSPORT, INC., Route 6, P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW, Washington, DC 20001. Transporting (1) *bakery ingredients, bread base material, and bread flours* (except in bulk), and (2) *materials and supplies* used in the manufacture, and distribution of the commodities in (1) above (except in bulk), between the facilities of Feuer Food Products, Inc., at or near Oak Creek, WI, on the one hand, and, on the other, points in TX. (Hearing site: Chicago, IL.)

MC 146111 (Sub-2F), filed November 20, 1979. Applicant: INDUSTRIAL TRANSPORT, INC., 11910 Harvard Ave., Cleveland, OH 44105. Representative: Brian S. Stern, 2425 Wilson Boulevard, Suite 367, Arlington, VA 22201. Transporting: (1) *foodstuffs* (except in bulk), and (2) *animal foods*, in containers, from the facilities of Campbell Soup Company at or near Napoleon, OH, to points in IL, IN, KY, MI, MD, NC, NJ, NY, PA, SC, VA, WV, and DC, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Toledo, OH; Cleveland, OH.)

MC 147831 (Sub-8F), filed November 29, 1979. Applicant: CENTRAL STATES EXPRESS, INC., P.O. Box 2464, Jackson, TN 38301. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603. Transporting (1) *Electrical apparatus;* and (2) *Materials, equipment, and supplies used in the manufacture and distribution of the commodities named in (1)*, between the facilities of Switches, a Division of Dura Corporation, at or near Humboldt, TN., on the one hand, and, on the other, points in IL, IN, CA, FL, and TX. (Hearing site: Jackson, TN.)

MC 148030 (Sub-2F), filed November 23, 1979. Applicant: RAYMOND LUMBER AND SUPPLY COMPANY, INC., P.O. Box 426, Raymond, MS 39154. Representative: Donald B. Morrison, P.O. Box 22828, Jackson, MS 39205. Contract carrier transporting (1) *Kitchen cabinets, picture and mirror frames and moldings* from North Carrollton, MS to points in AL, AR, FL, GA, KS, KY, LA, MO, NC, OK, SC, TN, and TX; and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk), in the reverse direction, under a continuing contract(s) with Carrollton Manufacturing Co., Inc. (Hearing site: Jackson, MS or Washington, D.C.)

MC 149031 (Sub-3F), filed November 21, 1979. Applicant: G. W. CONTRACT TRUCK HAULERS, INC., 1271 Tacoma Dr., Atlanta, GA 30318. Representative: Mark S. Gray, P.O. Box 56387, Atlanta, GA 30343. Contract carrier transporting *(1) charcoal, charcoal briquettes and (2) materials, equipment and supplies* used in the manufacture and distribution of such commodities (except commodities in bulk, in tank vehicles) between points in the United States in and east of TX, AR, MO, IL, and WI, restricted to traffic originating at or destined to the facilities utilized by Husky Industries, Inc., under continuing contract(s) with Husky Industries, Inc. (Hearing site: Atlanta, GA.)

MC 148160 (Sub-2F), filed August 30, 1979. Applicant: SATELLITE TRANSPORT, INC., P.O. Box 207, Flora, Indiana 46929. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., Indianapolis, Indiana 46204. Transporting *feed and feed ingredients, animal health aids and sanitation products* (except liquid bulk commodities in tank vehicles), between points in IL, IN, KY, MI, OH, IA, WI, MI and TN. (Hearing site: Indianapolis, IN or Chicago, IL.)

Note.—Dual operations may be involved.

MC 148361 (Sub-5F), filed November 27, 1979. Applicant: PETER HOLMAN TRUCKING, INCORPORATED, 3504 S. Federal Highway, Fort Pierce, FL 33450. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, D.C. 20001. *Contract carrier*, transporting (1)*such commodities* as are dealt in or used by the auto body repair industry, (2) *materials and supplies* used in the production of the commodities listed in (1) above (except commodities in bulk), between the facilities of Dynatron/Bondo Corporation, at or near Atlanta, GA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Miami, Florida.)

MC 148581 (Sub-1F), filed October 9, 1979. Applicant: JOSEPH RUFFIN d.b.a. RUFFIN'S MOTOR FREIGHT, 3033 South 63rd St., Philadelphia, PA 19153. Representative: Brian S. Stern, 2425 Wilson Blvd. #327, Arlington, VA 22201. Transporting *aluminum and aluminum articles* from the facilities of Kaiser Aluminum & Chemical Corporation at or near Ravenswood, WV, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC. (Hearing site: Parkersburg, WV or Washington, DC.)

MC 148730 (Sub-2F), filed November 27, 1979. Applicant: THE CANDY EXPRESS, INC., 1600 East Gregory, N. Little Rock, AR 72114. Representative: Harry E. McDermott, Jr., 700 Union Life Bldg., Little Rock, AR 72201. Transporting *general commodities* (except classes A and B explosives) moving in vehicles equipped with mechanical refrigeration, from Little Rock, AR to points in AR, restricted to the transportation of traffic having a prior movement in interstate or foreign commerce. (Hearing site: Little Rock, AR.)

MC 148751 (Sub-1F), filed November 23, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 426, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *printed matter and material, and equipment and supplies*, used in the manufacture and sale of printed matter (except commodities in bulk), between the facilities of Rand McNally & Company at or near Chicago, IL; Hammond and Indianapolis, IN; Lexington and Versailles, KY; Nashville, TN; Ossining, NY; and Taunton, MA; and points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Rand McNally & Company. (Hearing site: Indianapolis, IN or Chicago, IL.)

Note.—Dual operations may be involved.

MC 148960F, filed November 23, 1979. Applicant: ROBERT C. STOKES, d.b.a. STOKES TRUCKING, 35 W 160 Butterfield Rd, Batavia, IL 60510. Representative: Albert A. Andrin, 180 North La Salle St, Chicago, IL 60601. Transporting (1) *wooden crating*, from the facilities of Aurora Container Corp. at Aurora, IL, to points in WI, MI and IN; and (2) *dairy milking equipment and parts and accessories thereof*, from the facilities of Dairy Equipment Company at Madison, WI to points in IL, MI and IN. (Hearing site: Chicago, IL.)

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Decided: February 14, 1980

By the Commission, Review Board Number 3, members Parker, Fortier and Hill.

MC 200 (Sub-412F), filed November 14, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis (same address as applicant). Transporting *books*, between

Crawfordsville, IN and Houston, TX. (Hearing site: Kansas City, MO.)

MC 200 (Sub-413F), filed November 14, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis (same address as applicant). Transporting *meats, meat products, meat byproducts* and *articles distributed by meat-packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Wilson Foods Corp. at Logansport, IN to points in TX, restricted to traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Kansas City, MO.)

MC 200 (Sub-414F), filed November 14, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis (same address as applicant). Transporting (1) *lumber* and (2) *building materials* (except lumber) between points in TX and points in AL, AR, IL, KS, LA, MO, NC, NM, OK, and TN. (Hearing site: Kansas City, MO.)

MC 730 (Sub-481F), filed November 13, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation. 25 North Via Monte, Walnut Creek, CA 94598. Representative: R. N. Cooledge (same address as applicant) Transporting *liquid chemicals*, in bulk, in tank vehicles from the facilities of Monsanto Co. at or near Houston, Texas City, and Chocolate Bayou, TX to those points in the United States in and east of LA, AR, MO, IA and MN. (Hearing site: Dallas or Houston, TX.)

MC 730 (Sub-482F), filed November 16, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, P.O. Box 8004, Walnut Creek, CA 94598. Representative: R. N. Cooledge, P.O. Box 8004, Walnut Creek, CA 94596. Transporting *petroleum products*, in bulk, in tank vehicles, (1) from Portland, Linnton, and Willbridge, OR, to points in Washington, (2) from Edmonds, Richmond Beach, and Tacoma, WA to points in Oregon, and (3) from Seattle, Tacoma, Edmonds, and Richmond Beach, WA to points in Idaho north of the southern boundary of Idaho County. (Hearing site: Portland, OR or San Francisco, CA.)

MC 4941 (Sub-79F), filed November 5, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Representative: Russell S. Callahan (same as applicant). Transporting *paper and paper product* from the facilities of Lincoln Pulp & Paper Co., Inc. at Lincoln, ME to points in FL, GA, IL, IN, KY, MI, MO, NC, OH, VA and WI. (Hearing site: Boston, MA or Washington, DC.)

MC 4941 (Sub-80F), filed November 5, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Representative: Russell S. Callahan (same as applicant). Transporting *iron and steel articles* (1) from the facilities of Elwin G. Smith Div., Cyclops Corporation at Heidelberg, PA to points in IL, IN, MI, NC, NY, OH, SC, VA and WV, (2) from points in OH to the facilities of Elwin G. Smith Div., Cyclops Corporation, Heidelberg, PA. (Hearing site: Boston, MA or Pittsburgh, PA.)

MC 4941 (Sub-81F), filed November 5, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Representative: Russell S. Callahan (same as applicant). Transporting *(1) electrical equipment, machinery and hand truck parts, (2) accessories and parts for the commodities in (1) above, and (3) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) and (2) above*, from the facilities of The Lincoln Electric Company at Cleveland and Mentor, OH to points in CT, ME, MD, MA, NJ, NY, PA and RI. (Hearing site: Boston, MA or Washington, DC.)

MC 4941 (Sub-89F), filed November 9, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Representative: Russell S. Callahan (same as applicant). Transporting *(1) brass articles* from the facilities of Century Brass Products, Inc., at New Milford and Waterbury, CT to points in IL, IN, MI, NY, OH, PA, VA and WV; and *(2) Scrap Brass* in the reverse direction. (Hearing site: Boston, MA or Washington, DC.)

MC 5470 (Sub-206F), filed November 2, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918–16th Street, N.W., Washington, D.C. 20006. Transporting (1) *Alloys, ores, and metals*, in dump vehicles, (a) from Niagara Falls, NY to points in DE, ME, NC, SC, VA and those points in the U.S. in and west of MN, IA, NE, KS, OK, and TX (except AK and HI), (b) from Calvert City, KY to points in AZ, CA, CO, ID, IA, MN, MT, NE, NV, NM, ND, OR, SD, UT, VA, WA, WI, and WY and (2) *materials and supplies* used in the manufacture of alloys and metals, in dump vehicles, in the reverse direction of the respective authority in parts (1) (a) and (b) above. (Hearing site: Washington, DC or Buffalo, NY.)

MC 5470 (Sub-208F), filed November 2, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th Street, N.W., Washington, D.C. 20006. Transporting *decorative stone and landscaping materials*, in dump vehicles, between points in the U.S. (except AK and HI). (Hearing site: Washington, DC or Chicago, IL.)

MC 5470 (Sub-209F), filed November 1, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th Street, N.W., Washington, D.C. 20006. Transporting *gypsum, gypsum products, and building materials; and materials equipment and supplies used in the manufacture, installation, and distribution of gypsum, gypsum products and building materials*, between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Georgia-Pacific Corporation-Gypsum Division. (Hearing site: Washington, D.C. or Philadelphia, PA.)

MC 11220 (Sub-181F) filed November 1, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Over regular routes, transporting: *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving Corinth, MS as an intermediate point in connection with carrier's authorized regular route operations between Memphis, TN and Huntsville, AL as authorized under MC–11220, Sub-67. Restriction: Service at Corinth, MS is restricted against the transportation of shipments originating at, destined to, or interlined with other carriers at Memphis, TN and Athens, AL. (Hearing site: Washington, DC.)

MC 16831 (Sub-32F), filed November 13, 1979. Applicant: MID SEVEN TRANSPORTATION COMPANY, a corporation, 2323 Delaware Ave., Des Moines, IA 50317. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. (1) *irrigation systems and agricultural equipment*, and (2) *parts, materials*, and *supplies* used in the manufacture thereof, between the facilities of Olson Bros. Manufacturing Company, Inc., at or near Atkinson, NE, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, OH, and WI, restricted to traffic originating at or destined to the named origins. (Hearing site: Omaha, NE.)

MC 18121 (Sub-30F), filed November 6, 1979. Applicant: ADVANCE TRANSPORTATION COMPANY, P.O.

Box 719, Milwaukee, WI 53201. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Transporting over *regular* routes, *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Rockford, IL and Portage, WI, over U.S. Hwy 51, serving the intermediate points of Beloit, Janesville, Edgerton, Madison, Arlington and Poynette; (2) between Beloit and Milwaukee, WI, over U.S. Hwy 15, serving all intermediate points; (3) between Harvard and Janesville, WI, over U.S. Hwy 14, serving all intermediate points; (4) between Richmond and Madison, WI, over U.S. Hwy 12, serving all intermediate points; (5) between Janesville and Racine, WI, over U.S. Hwy 11, serving all intermediate points; (6) between Lake Geneva and Milwaukee, WI, over WI Hwy 36, serving all intermediate points; (7) between North Chicago, IL and Milwaukee, WI, from North Chicago over IL Hwy 131 to Jct IL Hwy 173 to the WI–IL state line, then over WI Hwy 32 from the WI–IL state line to Milwaukee and return over the same route, serving all intermediate points; (8) between Racine and Whitewater, WI, over WI Hwy 20, serving all intermediate points; (9) between Milwaukee and Madison, WI, over U.S. Hwy 18, serving all intermediate points; (10) between Madison and Milwaukee, WI, over Interstate Hwy 94 serving all intermediate points; (11) between Shorewood and Portage, WI, from Shorewood over WI Hwy 190 to Pewaukee, WI, then over U.S. Hwy 16 to Portage, WI and return over the same route serving all intermediate points; (12) between Watertown and Madison, WI, over WI Hwy 19, serving all intermediate points; (13) between Grafton and Arlington, WI, over WI Hwy 60, serving all intermediate points; (14) between Port Washington and Beaver Dam, WI, over WI Hwy 33, serving all intermediate points; (15) between Milwaukee and Manitowoc, WI, over I–43, serving all intermediate points; (16) between Green Bay and Milwaukee, WI, over WI Hwy 57, serving all intermediate points, (17) between Sheboygan and Plymouth, WI, over WI Hwy 23, serving all intermediate points; (18) between Oconomowoc and Mayville, WI, over WI Hwy 67, serving all intermediate points; (19) between Fort Atkinson, WI and Jct. WI Hwy 33 and WI Hwy 26, serving all intermediate points; (20) between Kenosha and Burlington, WI, from Kenosha over WI Hwy 50 to Jct. WI Hwy 83, then over WI 83 to Burlington and return over the same route, serving all intermediate points. Service in connection with Route (1) through (20) is authorized to all points in Kenosha, Racine, Walworth, Jefferson, Waukesha, Dodge, Washington and Ozaukee Counties in connection with carrier's regular route operations. (Hearing site: Milwaukee, WI).

Note.—Applicant intends to tack.

MC 19260 (Sub-4F), filed November 17, 1979. Applicant: SHALLCROSS EXPRESS, INC., Springfield Road, Kenilworth, NJ 07003. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *general commodities*, (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the terminal of Shallcross Express, Inc., at Kenilworth, NJ, on the one hand, and, on the other, points in NJ. (Hearing site: Newark, NJ.)

Note.—Applicant proposes to tack its present regular route and irregular route authority at Kenilworth (Union County), NJ with the authority sought herein to serve points in Hudson, Somerset, Essex, Union, Middlesex Morris, Bergen, Passaic, Monmouth, Ocean and Mercer Counties, NJ, and points in NY, NJ, and CT within 25 miles of New York, NY, on the one hand, and, on the other, points in NJ.

MC 29790(Sub-12F), filed November 1, 1979. Applicant: HILL BROTHERS TRUCKING CO., INC., State St. and River Rd., Camden, NJ 08105. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *gypsum products and roofing and building materials*, and *materials, equipment and supplies* used in or incidental to the manufacture, installation and distribution of Gypsum products and roofing and building materials (except commodities in bulk), between the facilities of Georgia-Pacific Corporation at or near (1) Akron and Buchanan, NY, (2) Milford, VA, (3) Quakertown, PA, and (4) Wilmington, DE, on the one hand, and, on the other, points in the United States east of the western borders of OH, KY, TN, and AL, except FL. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 29910 (Sub-242F), filed November 6, 1979. Applicant: ARKANSAS–BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Representative: Don A. Smith, Post Office Box 43, Fort Smith, AR 72902. Over regular routes transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of National Starch Company at or near Meredosia, IL, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 35320 (Sub-355F), filed November 6, 1979. Applicant: T.I.M.E.–DC, INC., P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Shamrock Industries, Inc. and their Global Chemical Division at or near Huntsville, AL, without restriction as off-route points in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chattanooga, TN or Washington, DC.).

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-356F), filed November 6, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Addison Products, Division of Borg-Warner, at or near Jonesville, MI as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Detroit, MI or Chicago, IL.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-357F), filed November 6, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Sweet Sue Kitchens, Inc. at or near Athens, AL, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chattanooga TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-358F), filed November 5, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Community Gas and Appliance Co. at or near Huntsville, AL, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-366F), filed November 16, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Parkway Furniture Corporation at or near Clinton, TN as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Knoxville, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-367F), filed November 16, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Marvel Schebler/Tillotson Division of Borg-Warner Corporation at or near Blytheville, AR at or near Blytheville, AR as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Memphis, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-368F), filed November 16, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Superior Ball Division, Lydall at or near Washington, IN as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Evansville, IN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-369F), filed November 16, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Feldkircher Wire Fabricating Co. at or near Hartsville, TN as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Nashville, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-370F), filed November 16, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of IXL Manufacturing Co., Inc. and La Pierre Sawyer Handle Co. at or near Bernie, Dexter and Jackson, MO as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Memphis, TN or St. Louis, MO.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-371F), filed November 16, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Gates Rubber Company at or near Iola, KS, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Kansas City, MO or Chicago, IL.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-376F), filed November 16, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Reynolds Metals Co. at or near Listerhill and Sheffield, AL, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Atlanta, GA or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-387F), filed November 6, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of The Keebler Co., at or near Indianapolis, IN as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing Site: Indianapolis, IN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-388F), filed November 6, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Dunlop Tire Co. or near Huntsville, AL, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing Site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-389F), filed November 6, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the

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Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Richard's Lighting Center at or near Huntsville, AL, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing Site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-390F), filed November 6, 1979. Applicant: T.I.M.E.–DC, INC., P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Goodyear Tire & Rubber Co. at or near Decatur, AL, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing Site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-391F), filed November 6, 1979. Applicant: T.I.M.E.–DC, INC., P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Engelhard Industries at or near Huntsville, AL, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing Site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 42011 (Sub-60F), filed November 2, 1979. Applicant: D.Q. WISE & CO., INC., P.O. Drawer L, Tulsa, OK 74112. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *cranes* and *equipment, materials, and supplies* used in connection with the installation, operation, maintenance, and manufacture of cranes, between Conroe and Houston, TX, and Tulsa, OK, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to shipments originating at or destined to the facilities of Gaffey, Inc., at Conroe, TX, and Tulsa, OK, Kranco, Inc., at Houston, TX, or Kadas Company, Inc., at Tulsa, OK. (Hearing site: Tulsa, OK.)

MC 47171 (Sub-148F), filed November 6, 1979. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same as above). Transporting *wire,* and articles used in the manufacture and distribution of wire between points in Benton County, AK, on the one hand, and, on the other, points in Buncombe County, NC. (Hearing site: Columbia, SC.)

MC 47171 (Sub-150F), filed November 13, 1979. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same as above address). Transporting *clay* (except in bulk) from the facilities of Waverly Mineral Products Co. at Meigs and Quality (Thomas County) GA to points in CT, MD, MA, ME, NH, NJ, NY, NC, PA, RI, SC, VT, VA, and DC. (Hearing site: Columbia, SC.)

MC 48441 (Sub-53F), filed November 5, 1979. Applicant: R.M.E. INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Transporting *malt beverages,* from the facilities of Miller Brewing Company at Milwaukee, WI, to points in IA, KY, MN, MO (except points in the St. Louis commercial zone), NE, ND, SD, and those in the Upper Peninsula of Michigan. (Hearing site: Milwaukee, WI.)

MC 52460 (Sub-270F), filed November 14, 1979. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting: *meat, meat products, meat byproducts and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions on Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc. at or near Emporia and Wichita, KS to points in AL, AR, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN and TX. (Hearing site: Kansas City, MO.)

MC 52460 (Sub-271F), filed November 16, 1979. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W 35th St., Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 615–East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *foodstuffs,* from the facilities of Ashley's of Texas at or near El Paso, TX to points in AL, AR, FL, GA, IL, IA, KS, LA, MS, MO, NC, OK, SC and TN. (Hearing site: Dallas, TX.)

MC 59150 (Sub-169F), filed November 6, 1979. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Transporting (1) *reflective traffic control products* (except electric) an (2) *equipment, materials and supplies* used in the manufacture, distribution and installation of the commodities in (1) above (except in bulk, in tank vehicles), between Smyrna, GA, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, TX, and VA. (Hearing site: Jacksonville, FL.)

MC 59640 (Sub-78F), filed November 14, 1979. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Dr., Cranford, NJ 07106. Representative: Charles J. Williams, 1815 Front St., Scotch Plains, NJ 07076. *Contract carrier* transporting (1) *snow blowers* and *Power lawn mowers* and (2) *equipment, materials, supplies,* and *parts* used in the manufacture and sale of the commodities named in (1) above, (except commodities in bulk), between Selma, AL, on the one hand, and, on the other, points in CA, FL, GA, IL, IN, KY, MA, MD, MI, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, and WI, under a continuing contract(s) with Southland Mower Company, Inc., of Selma, AL. (Hearing site: Selma, AL or New York, NY.)

MC 61231 (Sub-164F), filed November 2, 1979. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *paper and pulpboard cores and tubes,* and *materials* and *supplies* used in the manufacture of paper cores and tubes between Boone, IA, on the one hand, and, on the other, points in IL, KS, MN, MO, NE, ND, SD and WI, restricted to traffic originating at or destined to the facilities of Sonoco Products Co., at Boone, IA. (Hearing site: Chicago, IL; St. Paul, MN.)

MC 61440 (Sub-178F), filed November 12, 1979. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 NW 63rd St., Oklahoma City, OK 73157. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. Transporting *general commodities* (except commodities of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the facilities of Holley Carburetor, Division of Colt Industries, Inc., located at Bowling Green, KY, as an off-route point in connection with carrier's otherwise authorized regular route opearations. (Hearing site: Oklahoma City, OK.)

Note.—Applicant intends to tack.

MC 62841 (Sub-272F), filed November 7, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 I St., Omaha, NE 68127. Representative: Donald L. Stern, 610 Xerox Bldg., 7171 Mercy Road, Omaha, NE 68106. Transporting *such commodities* as are dealt in by dealers and manufacturers of agricultural equipment, industrial equipment, and lawn and leisure products (except commodities in bulk, and automobiles, trucks, buses, as described in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 61 M.C.C. 760), from Columbus, NE, to points in Illinois, Iowa, Kansas, Missouri and Nebraska, restricted to the transportation of shipments originating at the facilities of the Sperry New Holland Division, Sperry Corp. at or near Columbus, NE and destined to the above named destinations. (Hearing site: Washington, DC.)

MC 62841 (Sub-276F), filed November 13, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Rd., Suite 610, Omaha, NE 68106. Transporting *general commodities* (except in bulk) between points in the United States (except HI and AK), restricted to traffic originating at or destined to the facilities of Union Camp Corporation. Note: Any certificate issued herein, to the extent it authorizes the transportation of classes A and B explosives, shall be limited to a period of 5 years from its date of issue. (Hearing site: New York, NY, or Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 62841 (Sub-277F), filed November 13, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Rd., Suite 610, Omaha, NE 68106. Transporting *steel culverts, guardrails, retaining walls, sound barrier systems, highway signs and safety products, rolling mill shapes, feed lot mats, and accessories* for such commodities, from the facilities of Syro Steel Company at Girard, OH, to points in IA, MN, ND, SD, NE, CO, WY, MT, UT, ID, NV, OR, and WA. (Hearing site: Pittsburgh, PA, or Cincinnati, OH.)

Note.—Dual operations may be involved.

MC 93840 (Sub-54F), filed November 6, 1979. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *salt,* from the facilities of International Salt Company at Chicago, IL, to points in IA. (Hearing site: Cleveland, OH.)

Note.—Applicant intends to tack.

MC 93980 (Sub-85F), filed November 13, 1979. Applicant: VANCE TRUCKING COMPANY, INC., P.O. Box 1119, Henderson, NC 27536. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. Transporting *lumber* and *building materials* from Henniker, NH, to points in GA, FL, and AL. (Hearing site: Boston, MA, or Washington, DC.)

MC 93980 (Sub-86F), filed November 13, 1979. Applicant: VANCE TRUCKING CO., INC., P.O. Box 1119, Henderson, NC 27536. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Transporting *lumber* and *lumber products* from the facilities used by L. R. McCoy Company, Inc., in VA to points in NJ, MD, PA, NY, OH, DE, CT, MA, RI, NH, VT, ME, and DC. (Hearing site: Boston, MA, or Washington, DC.)

MC 94350 (Sub-430F), filed November 13, 1979. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, 29602 Representative: Mitchell King, Jr. (same address as applicant). Transporting *buildings,* in sections, mounted on wheeled undercarriages, from points in Perry County, AR, to points in LA, OK, and TX. (Hearing site: Little Rock, AR.)

MC 94430 (Sub-48F), filed November 1, 1979. Applicant: WEISS TRUCKING COMPANY, INC., P.O. Box 7, Mongo, IN 46771. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. Transporting *cement,* in bulk, in tank vehicles, from the ports of entry on the international boundary line between the United States and Canada at or near Queenston, Niagara Falls, and Buffalo, NY, to points in Bradford, Erie, McKean, Potter, Susquehanna, Tioga, Warren, and Wayne Counties, PA, restricted to traffic moving in foreign commerce. (Hearing site: Chicago, IL, or Washington, DC.)

MC 95540 (Sub-114F), filed Novermber 6, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Florida 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting: (1) *foodstuffs,* (2) *such commodities* as are dealt in by wholesale, retail and chain grocery and food business houses, and (3) *equipment, materials* and *supplies* used in the manufacture, and distribution of commodities named in (1) and (2) above; between points in the United States. (Hearing site: Tampa, FL or Philadelphia, PA.)

MC 95920 (Sub-62F), filed November 12, 1979. Applicant: SANTRY TRUCKING CO., 10505 NE. 2nd Ave., Portland, OR 97211. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. To operate as a contract carrier transporting (1) *such merchandise* as is dealt in by wholesale and retail grocery establishments, food business houses, and agricultural feed houses and (2) *equipment materials, ingredients and supplies* used in the development or manufacture, distribution or sale of the above products (except commodities in bulk), between points in WA, OR, CA, ID, MT, NV, AZ, WY, NM, TX, CO, UT, KS, and OK, restricted to a service performed under continuing contract(s) with the Ralston Purina Company of St. Louis, MO. (Hearing site: St. Louis, MO.)

MC 96451 (Sub-1F), filed November 13, 1979. Applicant: AFFTON MOVING & STORAGE CO., INC., 345 South Hw. 141, Fenton, MO 63026. Representative: Noel T. Dodge (same address as applicant). Transporting *household goods,* as defined by the Commission, between points in AR, CO, IL, IN, IA, KS, KY, MI, MN, NE, OH, OK, TN, TX, and WI. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 96881 (Sub-26F), filed November 8, 1979. Applicant: FINE TRUCK LINE, INC., 801 West Dodson Ave., Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Transporting *glass containers and container accessories* between the facilities of Kerr Glass Manufacturing Corporation, at or near Sand Springs, OK, and points in AR. (Hearing site: Fort Smith, AR or Tulsa, OK.)

MC 106401 (Sub-75F), filed November 14, 1979. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 31577, Charlotte, NC 28231. Representative: Roger W. Rash (same address as applicant). Transporting *iron and steel articles,* (except in bulk) from the facilities of Crucible Inc., Division of Colt Industries at or near Midland, PA, to points in AL, FL, LA, MS, NC, TN, TX, and VA. (Hearing site: Charlotte, NC or Pittsburgh, PA.)

MC 107460 (Sub-49F), filed August 3, 1979. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, P.O. Box 566, Lancaster, PA 17604. Representative: Christian V. Graf, 407 North Front St., Harrisburg, PA 17101. Transporting *metal roofing and siding, and fabricated metal products,* from the facilities of Fabral-Alcan Building Products at or near Idabel, OK, to the facilities of Sears, Roebuck & Company at or near Los Angeles, CA, and Seattle,

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WA, under continuing contract(s) with Fabral-Alcon Building Products, Division of Alcan Aluminum Corporation, of Lancaster, PA. (Hearing site: Washington, DC or Harrisburg, PA.)

MC 108341 (Sub-174F), filed November 1, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts, P.O. Box 26125, Charlotte, NC 28213. Transporting *(1) rotary fans, machinery, and fabricated steel, and (2) parts, attachments, and accessories* for the commodities in (1) above, between the facilities of the Green Fan Co., Division of Ecolaire Incorporated, at or near Beacon, NY on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 111201 (Sub.-45 F), filed November 16, 1979. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, Post Office Box 91247, East Point, GA 30364. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *metal cans*, from Tampa, FL, to the facilities of Shasta Beverage Co. at or near Birmingham, AL. (Hearing site: Atlanta, GA.)

MC 111201 (Sub-48F), filed November 16, 1979. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, Post Office Box 91247, East Point, GA 30364. Representative: Archie B. Culbreath, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *alcoholic liquors*, from the facilities of Jack Daniel Distillery at or near Lynchburg, TN, to Montgomery, AL. (Hearing site: Atlanta, GA.)

MC 111401 (Sub-595F), November 8, 1979. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). Transporting *petroleum products*, in containers, from Tulsa, OK, to points in KS and TX. (Hearing Site: Dallas, TX, or Kansas City, KS.)

MC 111740 (Sub-33F), filed November 6, 1979. Applicant: OIL TRANSPORT COMPANY, a Corporation, P.O. Box Drawer 2679, Abilene, TX 79604. Representative: Mike Cotton, P.O. Box 1148, Austin, TX 78767. Transporting *gasoline* and *jet fuel*, in bulk, in tank vehicles, from Dallas and Forth Worth, TX to points in AR and LA. (Hearing site: Dallas, TX.)

MC 112520 (Sub-379F), filed November 2, 1979. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Representative: Thomas F. Panebianco (same address as applicant). Transporting *chemicals*, in bulk, in tank vehicle, between points in AL, FL, GA, AR, MS, LA, TX, OK, MO, TN, SC, NC, IL, IN, KY, and OH. (Hearing Site: Atlanta, GA.)

MC 112520 (Sub-380F), filed November 8, 1979. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *jet fuel*, in bulk, in tank vehicles, from points in Excambia County, FL, to Greenville, TX. (Hearing site: Jacksonville, FL, or Washington, DC.)

MC 112801 (Sub-248F), filed November 5, 1979. Applicant: TRANSPORT SERVICE CO., a corporation, 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting *liquid chemicals*, in bulk, in tank vehicles, from the facilities of Monsanto Co. at or near Chocolate Bayou, Texas City, and Houston, TX to those points in the United States in and east of LA, AR, MO, IA, and MN. (Hearing site: St. Louis, MO.)

MC 113651 (Sub-316F), filed November 13, 1979. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Rd., Muncie, IN 47305. Representative: Glen L. Gissing (same address as applicant). Transporting *margarine*, from Indianapolis, IN to points in AL, TN, GA, FL and KY. (Hearing site: Chicago, IL or Washington, DC.)

MC 113651 (Sub-317F), filed November 7, 1979. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, IN 47305. Representative: Glen L. Gissing (same address as applicant). Transporting *foodstuffs*, (1) from Hamlin and Williamson, NY, and (2) Aspers, PA, to points in AL, FL, GA, LA, and MS. (Hearing site: New York City, NY, or Washington, DC.)

MC 113861 (Sub-80F), filed November 2, 1979. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Ave., Memphis, TN 38106. Representative: James N. Clay, III, 2700 Sterick Building, Memphis, TN 38103. Transporting, *cement*, from Memphis, TN, to points in MS, AL, AR, IL, MO, KY, LA, and TN. (Hearing site: Memphis, TN.)

MC 114211 (Sub-422F), filed November 8, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same adress as applicant). Transporting *such commodities* as are dealt in or used by, dealers and manufacturers of agricultural equipment, industrial equipment, and lawn and leisure products (except commodities in bulk, and automobiles, trucks, buses, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 61 M.C.C. 760), (1) from Columbus, NE, to points in the United States (except AK and HI) and (2) from points in the United States (except AK, HI, MT, WY, CO, NM, AZ, UT, ID, WA, OR, NV, and CA) to Columbus, NE, restricted in (1) to traffic originating at the facilities of Sperry New Holland Division, Sperry Corporation at or near Columbus, NE and in (2) to traffic destined to the named facilities (except on traffic moving in foreign commerce). (Hearing site: Lancaster or Reading, PA.)

MC 114290 (Sub-94F), filed November 13, 1979. Applicant: EXLEY EXPRESS, INC., 2610 S.E. 8th Avenue, Portland, OR 97202. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. Transporting *malt beverages* from the facilities of Blitz Weinhard Company at Portland, OR to points in CA and WA. (Hearing site: Portland, OR or Seattle, WA.)

MC 114781 (Sub-6F), filed November 1, 1979. Applicant: HAROLD H. WARFEL, R.D. #2, Peach Bottom, PA 17563. Representative: John W. Metzger, 49 North Duke St., Lancaster, PA 17602. Transporting (1) *metal scrap, zinc, zinc oxide, zinc dust, zinc dross, zinc residue and zinc skimmings*, in containers, having a prior or subsequent movement by water, *and* (2) *empty containers and zinc, zinc oxide, zinc dust, zinc dross, zinc residue and zinc skimmings*, between the facilities of Phillip's Brothers and St. Joe Zinc Company at or near Pittsburgh, PA, on the one hand, and on the other, Baltimore, MD, and Philadelphia, PA. (Hearing site: Philadelphia, PA, or Baltimore, MD.)

MC 115570 (Sub-27F), filed November 19, 1979. Applicant: WALTER A. JUNGE, INC., 3818 S.W. 84th St., Tacoma, WA 98491. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. *Contract carrier*, transporting *paper and paper products*, from Sheldon, TX and Kansas City, MO to points in CA, ID, NV, OR, WA, AZ, UT, and CO, under continuing contract(s) with St. Regis Paper Company, of Tacoma, WA. (Hearing site: Seattle, WA.)

MC 115651 (Sub-68F), filed November 13, 1979. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, P.O. Box 39, Rockford, IL 61105. Representative: E. Stephen Heisley, Ames, Hill, & Ames, P.C., 666 11th Street, NW., Washington, D.C. 20001. Transporting *liquified petroleum gas*, in bulk, in tank vehicles, from Janesville, WI to points in IL. (Hearing site: Chicago, Milwaukee.)

Note.—The certificate to be issued in this proceeding shall be limited in point of time to a period of 5 years from the date of issuance.

MC 115730 (Sub-79F), filed November 8, 1979. Applicant: THE MICKOW CORP. P.O. Box 1774, 531 S.W. Sixth St., Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. Transporting *steel tubing*, from Hamlet, IN, to points in CO, IL, IN, IA, KS, MN, MO, NE, ND, SD, and WI. (Hearing site: Columbus, OH, or Chicago, IL.)

MC 115841 (Sub-743F), filed November 16, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Dr., Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). Transporting (1) *adhesives, glues, pastes, cleaning, preserving and sealing products, solvents, and stains, and (2) installation supplies and equipment* for the commodities in (3) above from the facilities of Roberts Consolidated Industries, located at or near (a) Kalamazoo, MI (b) Dayton, OH and (c) Asheville, NC, to points in AL, AR, DE, FL, GA, IL, KS, KY, LA, MD, MO, MS, NC, NJ, NY, OK, PA, SC, TN, TX, VA, and WV. (Hearing site: Los Angeles, CA or Washington, DC.)

MC 117730 (Sub-73F), filed November 6, 1979. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 No. LaSalle St., Chicago, IL 60602. Transporting *bananas and agricultural commodities otherwise exempt from regulation under 49 U.S.C. section 1056 (A) (6) when transported in mixed loads with bananas*, (1) from New York, NY, Baltimore, MD, and Philadelphia, PA, to points in IL, IN, KY, MI, NY, OH, PA, WV, and WI and (2) from Buffalo, NY, Newark, NJ, Wilmington, DE, Charleston, SC, and Mobile, AL, to points in IL, IN, KY, MI, OH, PA, and WI. (Hearing site: Washington, DC.)

MC 117820 (Sub-40F), filed November 2, 1979. Applicant: AURELIA TRUCKING CO., a corporation, 2121 Petit Ave., Port Huron, MI 48060. Representative: Robert D. Schuler, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013. Transporting (1) *lubricants* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Acheson Colloids Company at Port Huron, MI, to those points in the United States in and east of ND, SD, NE, CO, OK, and TX, and (2) *materials, supplies and equipment* used in the production and distribution of lubricants (except in bulk), between the facilities of Acheson Colloids Company at Port Huron, MI, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted in (1) and (2) above to traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 117940 (Sub-358F), filed November 2, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting *such commodities* as are dealt in by retail and wholesale stores and outlets (except in bulk) from the facilities of the Hopkins Freight Association at Chicago, IL, to Minneapolis, MN. (Hearing site: Minneapolis or St. Paul, MN.)

MC 118831 (Sub-188F), filed November 13, 1979. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 7007, High Point, NC 27264. Representative: Ben H. Keller, III (same address as applicant). Transporting *dry sugar*, in bulk, in hopper type vehicles from Atlanta, GA, to points in AL, FL, SC, NC, TN, and VA. (Hearing site: Washington, DC, or Denver, CO.)

MC 119531 (Sub-180F), filed November 9, 1979. Applicant: SUN EXPRESS, INC., P.O. Box 1031, Warren, OH 44482. Representative: Andrew Jay Burkholder, 275 East State Street, Columbus, OH 43215. Transporting (1) *such commodities as dealt in by manufacturers of containers and (2) equipment, materials and supplies used in the manufacturer of the above described commodities (except in bulk)* between points in DE, IL, IN, MD, MI, MO, NJ, NY, OH, PA and WI, restricted to the transportation of traffic originating at or destined to the facilities of or used by Thatcher Glass Manufacturing Company. Condition: The person or persons engaged in common control of applicant and another regulated carrier must file an application for approval under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Columbus, OH.)

MC 119531 (Sub-181F), filed November 1, 1979. Applicant: SUN EXPRESS, INC., P.O. Box 1031, Warren, OH 44482. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting (1) *such commodities as are dealt in by manufacturers of containers, and* (2) *equipment, materials and supplies used in the manufacture of the above-described commodities (except in bulk)*, between points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Weston Paper & Manufacturing Co. Condition: The person or persons engaged in common control of applicant and another regulated carrier must file an application for approval under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Columbus, OH.)

MC 119641 (Sub-177F), filed November 6, 1979. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *glass*, from the facilities of LOF Glass Inc. at or near Laurinburg, NC to points in IL, IN, IA, MO, MN, ND, SD, KS, NE and WI. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 119641 (Sub-178F), filed November 14, 1979. Applicant: RINGLE EXPRESS, INC., 450 E. Ninth St., Fowler, IN 47944. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting: *such commodities* as are dealt in or used by manufacturers and dealers of agricultural equipment, industrial equipment, lawn products, and leisure products (except commodities in bulk), from the facilities of Sperry New Holland Division of Sperry Corporation, at or near Columbus, NE, to points in IL, IN, and MI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations (except those moving in foreign commerce). (Hearing site: Washington, DC.)

MC 119741 (Sub-241F), filed November 14, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *petroleum and petroleum products* (except in bulk, in tank vehicles), from Toledo, OH, to Kansas City, MO, and points in IA and NE. (Hearing site: Omaha, NE.)

MC 119741 (Sub-242F), filed November 7, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *scrap metal*, between points in GA, IL, IN, IA, KS, KY, MN, MO, NE, NY, OH, OK, PA, TN TX, and WI. (Hearing site: Omaha, NE.)

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MC 120451 (Sub-3F), filed November 5, 1979. Applicant: HUBBARD MOVERS, INC., 199 E. Broadway, Gardner, MA 01440. Representative: Kenneth E. Miller, 838 West Broadway, Gardner, MA 01440. Transporting *new furniture and furniture parts* between points in ME, MA, NH, and VT. (Hearing site: Springfield or Boston, MA.)

MC 120910 (Sub-33F), filed November 2, 1979. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Mr. Richard Davis (same address as applicant). Transporting (1) *canned and bottled foodstuffs* and (2) *pepper pulp*, in drums, between the facilities of Bruce Foods Corporation at Cade and Lozes, LA, and (b) Wilson, NC, and points in AL, FL, GA, NC, SC, TN, LA, and MS. (Hearing site: LaFayette, LA or, Tuscaloosa, AL.)

MC 120910 (Sub-34F), filed November 6, 1979. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Richard Davis, P.O. Box 1009, Tuscaloosa, AL 35401. Transporting (1) *plastic pipe, fittings, valves, irrigation systems, pollution control equipment, steel and concerte tanks, pumping stations*, (2) *materials, equipment*, and *supplies* used in the manufacturing, sale, or construction of (1) above between the facilities of Davis Waste & Water Industries located at Thomasville, GA, on the one hand and on the other, points in the U.S. (except AK and HI), restricted against commodities in bulk and to traffic originating at and destined to the above named points. (Hearing site: Jacksonville, FL or Birmingham, AL.)

MC 121470 (Sub-42F), filed November 5, 1979. Applicant: TANKSLEY TRANSFER COMPANY, a corporation, 801 Cowan St., Nashville, TN 37207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting *iron and steel articles*, from the facilities of National Steel Service Center, Inc., at or near Atlanta and Norcross, GA, to points in TN. (Hearing site: Atlanta, GA or Nashville, TN.)

MC 123061 (Sub-133F), filed November 6, 1979. Applicant: LEATHAM BROTHERS, INC., 46 Orange St., Salt Lake City, UT. Representative: Harry D. Pugsley, 1283 E. South Temple, #501, Salt Lake City, UT 84102. Transporting *such commodities* as are dealt in by chemical companies (except commodities in bulk, in tank vehicles), from points in Contra Costa, Alameda, Santa Clara, San Mateo, and San Francisco counties, CA, to points in ID, OR, UT, and WA. (Hearing site: Portland, OR, or Salt Lake City, UT.)

MC 123640 (Sub-33F), filed November 7, 1979. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Ave., Ft. Wayne, IN 46803. Representative: Irving Klein, 371—7th Ave., New York, NY 10001. Transporting *such commodities* as are dealt in by wholesale hardware houses, beween Cape Girardeau, MO, on the one hand, and, on the other, points in VA; under continuing contract(s) with Hardware Wholesalers, Inc., of Fort Wayne, IN. (Hearing site: Chicago, IL or Washington, DC.)

MC 124251 (Sub-74F), filed November 6, 1979. Applicant: JACK JORDAN, INC., P.O. Box 689, Dalton, GA 30720. Representative: Archie B. Culbreath, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *ground limestone* from points in Cumberland County, TN to points in AR, IL, IN, KS, KY, LA, MD, MO, MS, OH, OK, PA, TX, VA and WV. (Hearing site: Atlanta, GA.)

MC 128030 (Sub-129F), filed November 14, 1979. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 98, Urbana, IL 61801. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting *beverages;* (1) from Columbus, OH to Addison and Arlington Heights, IL, (2) from Milwaukee, WI, Detroit, MI, St. Louis, MO to Bloomington, IN, (3) from St. Louis, MO and Detroit, MI, to Galesburg, IL, (4) from Milwaukee, WI, Detroit, MI, Ft. Wayne, IN and Pittsburgh, PA to Granite City, Centralia, and Mt. Vernon, IL, (5) from Evansville, IN and Milwaukee, WI to Jacksonville, IL and (6) from Detroit, MI and Ft. Wayne, IN to Benald, IL. (Hearing site: Chicago, IL.)

MC 129321 (Sub-1F), filed November 13, 1979. Applicant: HERLIHY MOVING & STORAGE, INC., P.O. Box 96, 747 Marietta Road, Chillicothe, OH 45601. Representative: J. Michael Fischer, 1000 Mercantile Library Building, Cincinnati, OH 45202. Transporting *household goods as defined by the Commission*, between points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, MI, MS, MO, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, WV, WI and DC. (Hearing site: Chillicothe or Dayton, OH.)

MC 129480 (Sub-46F), filed November 7, 1979. Applicant: TRI-LINE EXPRESSWAYS LTD., 550 71st Ave., S.E., Calgary, Alberta, Canada T2H 0S6. Representative: Richard S. Mandelson, 1600 Lincoln Center, 1600 Lincoln St., Denver, CO 80264. Transporting *ground clay*, in bags, from points in OR, to points of entry on the International Boundary Line between the United States and Canada. (Hearing site: Portland or Eugene, OR.)

MC 133591 (Sub-81F), filed November 4, 1979. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Charles A. Daniel (same address as applicant). Transporting *foodstuffs*, from the facilities of Standard Brands, Incorporated, at or near Fort Smith, AR to points in CA and OR. (Hearing site: New York, NY, or Washington, DC.)

MC 133591 (Sub-84F), filed November 6, 1979. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Charles A. Daniel (same address as applicant). Transporting *such commodities* as are dealt in by wholesale, retail and food business houses (except commodities in bulk in tank vehicles), from the facilities of Lever Brothers Company located at or near St. Louis, MO to Dallas and Houston, TX, Los Angeles and Richmond, CA, and Portland, OR. (Hearing site: St. Louis, MO, or New York, NY.)

MC 136511 (Sub-86F), filed November 14, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 23502. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, DC 20001. Transporting *foodstuffs and materials and supplies* used in the production or distribution of foodstuffs, between the facilities of Joan of Arc Company, at or near Mayville, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Chicago, IL.)

MC 136511 (Sub-87F), filed November 14, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 23502. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001. Transporting *foodstuffs and materials and supplies* used in the production or distribution of foodstuffs, between Belledeau and St. Francisville, LA, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Chicago, IL.)

MC 136511 (Sub-88F), filed November 14, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 23502. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001. Transporting *foodstuffs and materials and supplies* used in the production or distribution of foodstuffs, between Princeville, IL, on the one hand, and, on the other, points

in the US (except AK and HI). (Hearing site: Chicago, IL.)

MC 136511 (Sub-89F), filed November 14, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 23502. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001. Transporting *foodstuffs and materials and supplies* used in the production or distribution of foodstuffs, between Hoopeston, IL, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Chicago, IL.)

MC 136650 (Sub-7F), filed November 1, 1979. Applicant: FOOTE & DAVIES TRANSPORT CO., a corporation, 3101 McCall Drive, Doraville, GA 30340. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. Transporting *bakery products (except frozen), and materials, equipment and supplies used or dealt in by bakeries*, (1) between the facilities of Nabisco, Inc., at points in the United States (except AK and HI), and (2) between the facilities of Nabisco, Inc., on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Nabisco, Inc., of East Hanover, NJ. (Hearing site: Atlanta, GA.)

MC 138000 (Sub-56F), filed November 16, 1979. Applicant: ARTHUR H. FULTON, INC., Post Office Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting *malt beverages*, from Newport, KY and Evansville, IN to points in NC, SC, VA, WV, MD, PA and DC. (Hearing site: Newport, KY; Washington, D.C.)

Note.—Dual operations may be involved.

MC 138960 (Sub-9F), filed October 9, 1979. Applicant: ROKO EXPRESS, INC., P.O. Box 169, 819 West Fifth Ave., Columbus, OH 43212. Representative: Thomas M. O'Brien, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *paper and paper products*, between points in AL, FL, GA, OH, IN, IL, MI, and NC, restricted to traffic originating at or destined to the facilities of Scott Paper Company. (Hearing site: Columbus, OH, or Chicago, IL.)

MC 140000 (Sub-4F), filed November 16, 1979. Applicant: FIELD VIEW FARM TRANSPORTATION, INC., 707 Derby Ave., Orange, CT 06477. Representative: William J. Meuser, 86 Cherry Street, P.O. Box 507, Milford, CT 06460. Transporting *printed matter, groceries*, and *malt beverages*, between New Haven, Hartford, Bridgeport, and Windsor Locks, CT, Concord, and Merrimack, NH, on the one hand, and, on the other, points in MA, RI, NH, VT, ME, NY, NJ, PA, MD, DE, IL, IN, OH, VA, under continuing contract(s) with (1) Advo-Systems, Inc. of Hartford, CT, (2) Trumbull Printing Co. of Trumbull, CT, (3) Allied Grocers Co-op, Inc. of Windsor Locks, CT, (4) Precision Finishing Inc. of Concord, NH, (5) Northeast Finishing Inc. of West Haven, CT, (6) Dichello, Inc. of Wallingford, CT and (7) Dichello Distributors, Inc. of West Haven, CT. (Hearing site: Hartford, CT or New York City, NY.)

MC 140800 (Sub-4F), filed November 2, 1979. Applicant: COLONIAL TRANSPORTATION, INC., P.O. Box 448, McMinnville, TN 37110. Representative: Robert L. Baker, 618 United American Bank Building, Nashville, TN 37219. Transporting (1) *electric motors* and *generators, brake drums, disc brakes*, and *parts* thereto, and (2) *parts, materials, equipment* and *supplies* used in the manufacture of the above commodities (except in bulk), between Watertown, NY, and points in TN, on the one hand, and, on the other, points in CT, DE, FL, KS, KY, MD, MA, MS, NE, OK, and VT, under continuing contract(s) with Gould, Inc. of St. Louis, MO. (Hearing site: Washington, DC.)

MC 141940 (Sub-4F), filed July 23, 1979. Applicant: R. B. BATOR TRUCKING, INC., Route 116, Cheshire, MA 01225. Representative: Richard B. Bator (same address as applicant). Transporting *lime, limestone products, and limestone byproducts*, from Adams, MA, to points in DE, ME, MD, NH, NJ, NY, PA, RI, VT, and DC. (Hearing site: Pittsfield or Springfield, MA.)

MC 142941 (Sub-59F), filed November 9, 1979. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 N. 25th Ave., P.O. Box 6716, Phoenix, AZ 85005. Representative: Lewis P. Ames, 111 West Monroe, 10th Floor, Phoenix, AZ 85003. Transporting *toilet preparations* from the facilities of Roux Laboratories, Inc., at Duval County, FL, to points in AZ, CA, CO, ID, KS, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Phoenix, AZ.)

MC 143331 (Sub-11F), filed November 5, 1979. Applicant: FREIGHT TRAIN TRUCKING, INC., 4906 E. Compton Blvd., P.O. Box 817, Paramount, CA 90723. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *plastic articles* from Fort Worth, TX, to points in CA, under continuing contract(s) with Loma/Rubber Queen Corp., of Fort Worth, TX. (Hearing site: Los Angeles, CA.)

MC 143570 (Sub-16F), filed November 16, 1979. Applicant: D & G TRUCKING, INC., 4420 E. Overland Rd., Meridian, ID 83642. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Transporting *meats, meat products, meat byproducts and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions on Motor Carrier Certificates*, 61 MCC 209 and 766, from the facilities of Iowa Beef Processors, Inc., at or near Wallula, WA to points in CA, OR, WA, ID, MT, UT, NV and AZ. (Hearing site: Omaha, NE, or Kansas City, MO.)

MC 143621 (Sub-39F), filed November 13, 1979. Applicant: TENNESSEE STEEL HAULERS, INC., 901 5th Ave. North, P.O. Box 5748, Nashville, TN 37208. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *cement* from the facilities of The Marquette Company, a subsidiary of Gulf and Western at (1) Cowan, TN, to points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OH, SC, TN, and VA, and (2) Nashville, TN, to points in AL, GA, IL, IN, KY, MS, MO, NC, SC, TN, and VA. (Hearing site: Nashville, TN, or Washington, DC.)

MC 143701 (Sub-16F), filed November 14, 1979. Applicant: HODGES FREIGHT LINES, INC., 213 Phlox St., Suite K, P.O. Box 73–I, Metairie, LA 70033. Representative: Brad T. Murphree, 614 Century Plaza Bldg., Wichita, KS 67202. Transporting (1) *such chemicals* used in the curing and processing of cement and concrete (except commodities in bulk), and (2) *materials, equipment and supplies* used in the manufacture, distribution and application of the commodities in (1) above (except commodities in bulk), from Baton Rouge, LA, to points in AL, AR, CA, FL, GA, KY, LA, MS, NC, OK, SC, TN, and TX. (Hearing site: New Orleans, LA, or Omaha, NE.)

MC 143760 (Sub-5F), filed November 5, 1979. Applicant: POINTS WEST TRUCKING, INC., 20727 Santa Clara Street, Canyon Country, CA 91351. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Transporting (1) *cosmetics, toiletries, and costume jewelry*, and (2) *printed matter and promotional articles used in connection with the sale and distribution of (1) above*, from the facilities of Avon Products, Inc., at Suffern, NY, and the facilities of Regional Consolidators at Hoboken, NJ, to the facilities of Avon Products, Inc., at Pasadena, CA, under continuing contract(s) with Avon Products, Inc., of New York, NY. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

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MC 144011 (Sub-1F), filed November 2, 1979. Applicant: HALL SYSTEMS, INC., 212 South 10th St., Birmingham, AL 35233. Representative: George M. Boles, 727 Frank Nelson B, Birmingham, AL 35203. Transporting (a) *iron and steel articles, aluminum articles, pipe and pipe fittings, hydrants, valves,* and *accessories,* and (b) *building materials* between points in AL, GA, TN, MS, FL and LA. (Hearing site: Birmingham or Montgomery, AL.)

MC 144821 (Sub-14F), filed November 16, 1979. Applicant: CENTURY MOTOR LINES, INC., P.O. Box 15246, 1720 Garry Ave., Santa Ana, CA 92705. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *frozen foodstuffs,* from the facilities of Tandem Associates, at or near Santa Maria, CA, to those points in the US in and east of MN, IA, MO, AR, LA and TX. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 144740 (Sub-19F), filed November 5, 1979. Applicant: L. G. DeWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K Street, N.W., Suite 300, Washington, D.C. 20006. Transporting *confectionery products and bakery products,* in vehicles equipped with mechanical refrigeration, (1) from Brooklyn, NY, and Philadelphia, PA, to Atlanta, GA, Chicago, IL, Cleveland, OH, Dallas, TX, Detroit, MI, Hayward, CA, Jacksonville, FL, New Orleans, LA, Pennsauken, NJ, and Vernon, CA, and (2) from Chicago, IL, to Atlanta, GA, Brooklyn, NY, Cleveland, OH, Dallas, TX, Detroit, MI, Hayward, CA, Jacksonville, FL, New Orleans, LA, Pennsauken, NJ, Philadelphia, PA, and Vernon, CA, under continuing contract(s) with Ward Johnston, Inc., of New York, NY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 144910 (Sub-9F), filed November 1, 1979. Applicant: TYREE D. PRUITT, d.b.a. TY PRUITT TRUCKING, 811 Landay Ave., Baltimore, MD 21237. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, D.C. 20005. Transporting *paper and paper products (except in bulk),* from the facilities of International Paper Co. at or near Corinth and Ticonderoga, NY, to points in NJ, PA, OH, DE, MD, VA, SC, GA, FL, and DC. (Hearing site: Washington, DC.)

MC 144910 (Sub-10F), filed November 1, 1979. Applicant: TYREE D. PRUITT, d.b.a. TY PRUITT TRUCKING, 811 Landay Ave., Baltimore, MD 21237. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St, N.W., Washington, DC 20005. Transporting (1) *such commodities* as are dealt in or distributed by grocery, food, and department and food busines houses, and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above (except in bulk), between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Lever Brothers Company. (Hearing site: Washington, DC.)

MC 145441 (Sub-78F), filed November 13, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130 No. Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *canned or preserved foodstuffs* from the facilities of Heinz USA at or near Holland, MI to points in CA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Little Rock, AR or Detroit, MI.)

MC 145441 (Sub-79F), filed November 7, 1979. Applicant: A.C.B. TRUCKING INC., P.O. Box 5130, No. Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *juice* (except in bulk), from Bradenton, FL, to the facilities of Coleman Dairy, Inc., at Little Rock, AR. (Hearing site: Little Rock, AR, or Dallas, TX.)

MC 145441 (Sub-81F), filed November 13, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *such commodities* as are dealt in or used by department stores between the facilities of Venture Stores in IL, IN, IA, KS, and MO and those points in the U.S. in and east of CO, IA, MN, NE, OK, and TX. (Hearing site: Little Rock, AR or St. Louis, MO.)

Note.—Dual operation may be involved.

MC 145441 (Sub-82F), filed November 6, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, No. Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting (1) *such commodities as are dealt in by retail and wholesale department stores,* and (2) *materials, equipment* and *supplies* used in their manufacture between Caldwell County, on the one hand, and on the other, points in the United States (except AK and HI). (Hearing site: Little Rock, AR, or Indianapolis, IN.)

MC 145540 (Sub-3F), filed October 26, 1979. Applicant: VILLAGE MOTORS OF CATTARAUGUS COUNTY, INC., 730 East State St. Olean, NY 14760. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. Transporting (1) *foodstuffs and animal feed,* and (2) *materials, supplies* and *equipment* used in the production, packaging, sale and distribution of the above commodities, (except in bulk) between Friendship NY on the on hand, and, on the other, New York, NY, and points in MA, PA, and NJ, under continuing contract(s) with Friendship Dairies, Inc., of New York, NY. (Hearing site: Buffalo, NY or Rochester, NY).

MC 145560 (Sub-10F), filed November 13, 1979. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting: *such commodities* as are dealt in or used by manufacturers and distributors of candy (except in bulk), (1) between the facilities of American Candy Manufacturing Company, Inc., at or near Selma, AL, on the one hand, and, on the other, points in the U.S. (except AK, AR, CA, CO, HI, ID, OR, UT, WA); and (2) from points in AZ, CA, CO, ID, OR, UT, and WA, to the facilities of American Candy Manufacturing Company, Inc., at or near Selma, AL, under a continuing contract(s) with American Candy Manufacturing Company, Inc., of Selma, AL. (Hearing site: Birmingham, AL.)

Note.—Dual operations may be involved.

MC 145641 (Sub-2F), filed November 14, 1979. Applicant: DILIDO TRANSPORTATION CO., INC., 501–551 West 30th Street, New York, NY 10001. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, DC 20001. Transporting (1) *iron and steel articles, aluminum and aluminum articles;* and (2) *materials, equipment and supplies* used in the manufacture, sale, distribution, or transportation of the commodities in (1) above (except commodities in bulk), between points in the U.S. (except AK and HI), under a continuing contract(s) with Metal Purchasing Company, Inc., of New York, NY. (Hearing site: New York, NY.)

Note.—Applicant is a wholly owned subsidiary of Metal Purchasing Company, Inc., and seeks to provide contract carrier services for its parent.

MC 145760 (Sub-13F), filed November 6, 1979. Applicant: JOHNSON TRANSPORTATION CO., a corporation, 1327 Highway 13 North, Columbia, MS 39429. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting (1) *cast iron valves* and *fire hydrants* and (2) *parts and attachments* for the commodities in (1) above, from the facilities of American Valve & Hydrant Manufacturing Company located at or near Beaumont, TX, to points in AL, AR, CO, DE, FL, GA, IL, IN, KS, KY, LA, MI, MS, MO, NJ, NM, NC, OH, OK, PA, SC, TN, TX, VA, and WV. (Hearing site: Houston, TX, or Jackson, MS.)

MC 145701 (Sub-8F), filed November 13, 1979. Applicant: D. C. TRANSPORT, INC., 916 South Riverside Avenue, St. Clair, MI 48079. Representative: James J. Sheehan (same address as applicant). Transporting (1) *such commodities* as are dealt in by wholesale and retail chain, grocery, drug and food business houses, and (2) *materials, equipment* and *supplies* used in their manufacture, sale and distribution (except in bulk), between the facilities of Colgate-Palmolive Company, Inc., at Jeffersonville, IN, on the one hand, and, on the other, points in IL, KY, MI, and OH, restricted to traffic originating at and destined to the described points. (Hearing site: Detroit, MI or Chicago, IL.)

MC 145701 (Sub-9F), filed November 13, 1979. Applicant: D. C. TRANSPORT, INC., 916 South Riverside Avenue, St. Clair, MI 48079. Representative: James J. Sheehan (same address as applicant). Transporting (1) *padding, insulation, carpeting, fabrics, sound deadening materials, plastics* and (2) *materials, equipment* and *supplies* used in their manufacture, sale, or distribution, between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Indian Head Corporation. (Hearing site: Detroit, MI or Chicago, IL.)

MC 145870 (Sub-19F), filed November 13, 1979. Applicant: L–J–R HAULING, INCORPORATED, P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW, Washington, DC 20001. Transporting (1) *cast iron pressure pipe, pressure pipe fittings,* and *materials and accessories* used in their installation and maintenance, and (2) *castings,* from the facilities of Lynchburg Foundry Company at or near Radford, VA, to points in IL, IN, KY, MD, MI, OH, TN, WV, and WI. (Hearing site: Washington, DC.)

MC 145930 (Sub-7F), filed November 16, 1979. Applicant: William E. Morog, d/b/a JONICK & CO., 2815 E. Liberty Ave., Toledo, OH 44089. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. Transporting *such commodities as are dealt in or used by manufacturers of glass, plastic, chinaware and metal products* between the facilities of Anchor-Hocking Corp., and its subsidiaries Amerock, Inc., Phoenix Glass, Inc., Moldkraft, Inc., Chenango China Company, and Plastics, Inc. in FL, IL, IN, MN, NJ, OH, PA, TX and WY on the one hand, and, on the other, those points in the US in and east of ND, SD, WY, CO and TX. (Hearing site: Toledo, OH or Washington, DC.)

Note.—Dual operations may be involved.

MC 146360 (Sub-17F), filed November 8, 1979. Applicant: FLOYD SMITH, JR. TRUCKING, INC., P.O. Box 816, Meridian, ID 83642. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting *crushed limestone,* in bags, from (1) ports of entry on the international boundary line between the United States and Canada in ID and WA, and (2) the facilities of Chemical Distributors at or near (a) Seattle, WA, and (b) Portland, OR, to points in ID, OR, and WA. (Hearing site: Boise, ID or Portland OR.)

MC 146451 (Sub-12F), filed November 2, 1979. Applicant: WHATLEY–WHITE, INC., 230 Ross Clark Circle, N.E., Dothan, AL 36302. Representative: William K. Martin, Post Office Box 2069, Montgomery, AL 36103. Transporting *rubber tires and tubes, and automotive wheels and accessories,* from those points in the United States in and east of ND, SD, NE, KS, OK, and TX to the facilities of Wall Tire Distributors, Inc., at or near (a) Dothan, AL, and (b) Warner Robins, GA. (Hearing site: Montgomery or Dothan, AL.)

MC 146550 (Sub-2F), filed November 16, 1979. Applicant: PETERSEN NORTHWEST CORP., 21841 Pacific Hwy. South, Midway, WA 98188. Representative: Ronald P. Erickson, 2120 Pacific Bldg., Seattle, WA 98104. Transporting *modular mobile* office units from points Boise, and Nampa, ID, Salem, OR, and Woodland, CA, to points in Bellingham, Everett, Seattle, Spokane, Tacoma, Wenatchee, Richland, Aberdeen, Hoquiam and Vancouver, WA, under a continuing contract(s) with Design Space International, of Midway, WA. (Hearing site: Seattle, WA.)

MC 146601 (Sub-6F), filed November 14, 1979. Applicant: POTEAT MOTOR LINES, INC., 522 12th Avenue, S.W., Hickory, NC 28601. Representative: Robert D. Hoagland, 1204 Cameron Brown Bldg., 301 S. McDowell St., Charlotte, NC 28204. Transporting *pulpboard and fibreboard,* from the facilities of Chesapeake Paperboard Company at Baltimore, MD to points in NC on and west of U.S. Hwy. 1. (Hearing site: Baltimore, MD or Washington, DC.)

MC 146891 (Sub-2F), filed November 5, 1979. Applicant: A & G EXPRESS, INC., 4807 Millbrooke Road, Albany, GA 31701. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL. Transporting (1) *Paper, paper products, cellulose products* and (2) *materials, equipment* and *supplies* used in the manufacture thereof (except in bulk), between the facilities of the Procter & Gamble Paper Products Company at or near Albany, GA, on the one hand, and, on the other, points in FL under continuing contract(s) with The Procter & Gamble Paper Products Company, of Cincinnati, OH. (Hearing site: Jacksonville, FL or Atlanta, GA.)

MC 147030 (Sub-2F), filed November 5, 1979. Applicant: GEORGE C. GUY, an individual d.b.a. GUY, TRUCKING Avenue, MD 20609. Representative: Edward N. Button, 580 Northern Avenue, Hagerstown, MD 21740. Transporting *malt beverages,* from Newark, NJ, and Williamsburg, VA, to points in St. Marys County, MD, under continuing contract(s) with Guy Distributing Company, Inc., of Leonardtown, MD. (Hearing site: Leonardtown, MD.)

MC 147050, (Sub-9F), filed November 14, 1979. Applicant: PETER HOLMAN TRUCKING, INCORPORATED, 3504 South Federal Highway, Fort Pierce, FL 33450. Representative: Dwight L. Koierber, Jr., 805 McLachlen Bank Building., 666 Eleventh St., N.W., Washington, D.C. 20001. Transporting (1) *pegboard hooks and display units* from Hialeah, FL to points in the U.S. (except AK and HI) and, (2) *materials, equipment and supplies* (except commodities in bulk) used in the production of pegboard hooks and display units in the reverse direction. (Hearing site: Miami, Florida.)

Note.—Dual operations may be involved.

MC 147051 (Sub-2), filed November 8, 1979. Applicant: PALMER FARMS, INC., Rt. 1, Box 317, Cambridge, MD 21613. Representative: David A. Sutherlund, 1150 Connecticut Ave., NW, Suite 400, Washington, DC 20036. Transporting: *feed and feed ingredients* between points in DE, MD, NJ, NC, PA, VA and WV, on the one hand, and, on the other, points in DE, IL, IN, IA, KY, MD, MI, ME, NM, NE, NJ, NY, NC, OH, PA, VA, WV, WI and DC, under a continuing contract(s) with Wilbur Ellis Co. of Salisbury, MD; Perdue, Inc. of Salisbury, MD; Zapata-Haynie Corp. of Houston, TX; Haynie, Inc. of Salisbury, MD; and Byproducts, Inc. of Wilimgton, DE. (Hearing site: Washington, DC.)

MC 147681 (Sub-4F), filed November 16, 1979. Applicant: HOYA EXPRESS, INC. P.O. Box 543, R. D. #2, West Middlesex, PA 16159. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Transporting (1) *glassware, electric lamps, electric*

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lighting fixtures, ballast, and batteries, and (2) *materials and supplies* used in the manufacture of the commodities described in (1) above, (A) between Lexington, KY on the one hand, and, on the other, Newark, NJ, Bellevue, Cleveland, Warren, and Youngstown, OH, and Winchester, VA and (2) between Logan, OH and Pickaway County, OH on the one hand, and, on the other, points in CT, MD, MA, NJ, NY, PA, RI, VA, and WV. (Hearing site: Washington, D.C. or Pittsburgh, PA.).

MC 147831 (Sub-7F), filed November 8, 1979. Applicant: CENTRAL STATES EXPRESS, INC., P.O. Box 2464, Jackson, TN 38301. Representative: Abraham A. Diamond, 29 South LaSalle, St., Chicago, IL 60603. Transporting *hot melt adhesives* from Jackson, TN, to points in IL, IN, and OH. Condition: The person or persons engaged in common control of applicant and another regulated carrier must file an application for approval under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Jackson, TN.).

MC 148131 (Sub-1F), filed November 2, 1979. Applicant: JAMTRAN, INC. P.O. Box 57 St. Hilaire, MD 56754. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting *prestressed concrete products* from the facilities of Concrete, Inc., at Grand Forks, ND, to points in MN, SD, WI, and the Upper Peninsula of MI. Condition: The person or persons engaged in common control of applicant and another regulated carrier must file an application for approval under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Fargo, ND, or Minneapolis, MN.).

MC 148181 (Sub-2F), filed November 19, 1979. Applicant: SALEM TRUCKING CO., Rd. #1, Franklin, ME 14634. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting (1) *Pipe, pipe fittings, conduit couplings,* and (2) *building materials,* and (3) *materials and supplies* used in the manufacture, distribution and installation of the commodities named in (1) above (except commodities in bulk), between the facilities of CertainTeed Corporation in Ambler and York, PA, and Williamsport, MD, on the one hand, and, on the other, points in MA, ME, NH and VT, under a continuing contract(s) with CertainTeed Corporation of Blue Bell, PA. (Hearing site: Philadelphia, PA or Washington, DC.).

MC 148280 (Sub-F), filed September 10, 1979. Applicant: LA GRANDE MOVING & SHIPPING, INC., 536 East 134th Street, Bronx, NY 10455. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. Transporting *household goods* as defined by the Commission between New York, NY, on the one hand, and, on the other, points in CT, NJ, and NY, restricted to traffic moving in foreign commerce. (Hearing site: New York, NY.).

MC 148271F, filed September 17, 1979. Applicant: ENTERPRISE SERVICE COMPANY, INC., 2210 S. Olden Ave., Trenton, NJ 08610. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. Transporting *such commodities* as are dealt in or used by manufacturers of home products, between the facilities of Amway Corporation at Somerville and Dayton, NJ, on the one hand, and, on the other points in NY, MA, RI, and VT, under continuing contract(s) with Amway Corporation, of Dayton, NJ. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 148400 (Sub-4F), filed November 2, 1979. Applicant: ORVILLE E. VAUGHAN AND KATHLEEN V. VAUGHAN d.b.a. SUN VALLEY TANK LINES, 64 Laporte Drive, Route 3, Mars, PA 16046. Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. Transporting *animal fats, tallow, grease, vegetable oils, and fatty acids, in bulk, in tank vehicles,* (1) between Philadelphia, PA, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR and LA, and between Linville, VA, on the one hand, and, on the other, points in IN and IL, under continuing contract(s) with Jacob Stern & Sons, Inc. of Jenkintown, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 148631 (Sub-1F), filed November 9, 1979. Applicant: JOSE A. ROMAN, (an individual), 810 N. Maplewood Ave., Chicago, IL. 60622. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL, 60603. Transporting *such commodities* as are used or dealt in by manufacturers and dealers of lawn and garden machinery, equipment and supplies, (a) from Brillion, WI to Chicago, IL; and (b) from Chicago, IL to points in Indiana on and north of US Hwy. 74. (Hearing site: Chicago, IL.)

MC 148640F, filed November 6, 1979. Applicant: M & M TRANSPORT, a Division of MICH MARINE DIST. CO., INC., 4020 West River Dr., Comstock Park, MI 49321. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract carrier,* transporting *boats and boating materials,* between points in MI, MO, AR, LA, OK, TX, NM, AZ, CA, NV, UT, and CO, under continuing contract(s) with Century Boat Company, of Manistee, MI, and Four Winns, of Cadillac, MI. (Hearing site: Lansing, MI or Chicago, IL.)

MC 148641F, filed November 6, 1979. Applicant: GEORGE WILLIAM NEAL, Star Route, Conner, MT, 59827. Representative: Gail Hafner Goheen, PO Box 389, Hamilton, MT 59840. Transporting *precut log buildings,* and *materials, components, equipment, and supplies* used in the construction, installation, and erection of precut log buildings, (1) from the facilities of Montana Sundown, Inc., d/b/a/ Rocky Mountain Log Homes located at or near Ravalli County, MT, to points in the United States (except AK and HI) and (2) from the facilities of Timber Utilization, Inc., located at or near Mineral County, MT, to points in the United States (except AK and HI). (Hearing site: Missoula, MT.)

Motor Carrier of Passengers

MC 541 (Sub-10F), filed November 2, 1979. Applicant: THE NEW BRITAIN TRANSPORTATION COMPANY, 257 Woodlawn Road, Berlin, CT 06037. Representative: Jeffery A. Vogelman, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. Transporting (1) *Passengers and their baggage,* in special operations, beginning and ending at Berlin, Bristol, New Britain, Plainville, and Southington, CT and extending to points in the United States in and east of the western borders of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, and (2) *Passengers and their baggage,* in charter operations, beginning and ending at Berlin, CT and extending to points in the United States (except Alaska and Hawaii). (Hearing site: Hartford, CT or Waterbury, CT.)

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Decided: Feb. 21, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 200 (Sub-411F), filed October 31, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64106. Representative: H. Lynn Davis (same address as applicant). Transporting (1) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, motor vehicles, commodities which because of size and weight require special equipment, and commodities in bulk), in containers, or in trailers, and (2) *empty containers* and *trailers,* between points in the United States (including AK and HI), restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Kansas City, MO.)

MC 200 (Sub-420F), filed December 3, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis (same address as applicant). Transporting *ferrous sulphate* (except in bulk), from the facilities of Quality Chemicals Limited at or near Baltimore, MD, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Kansas City, MO.)

MC 200 (Sub-421F), filed December 3, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis (same address as applicant). Transporting *plastic caps,* between Leominster, MA, and Danville, IL. (Hearing site: Kansas City, MO.)

MC 200 (Sub-424F), filed December 19, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis (same address as applicant). Transporting *pet foods,* between Clinton, IA, and Terre Haute, IN. (Hearing site: Kansas City, MO.)

MC 200 (Sub-425F), filed December 10, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis (same address as applicant). Transporting *plastic pipe* and *fittings,* from the facilities of Can-Tex, Ind. at or near Rolla, MO, to points in AL, AR, AZ, CA, CO, FL, GA, ID, IL, IN, KS, KY, LA, MI, MN, MS, MT, NC, ND, NE, NM, NY, OH, OK, OR, PA, SC, SD, TN, TX, WA, WI, and WY, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Kansas City, MO.)

MC 531 (Sub-434F), filed December 4, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road (P.O. Box 14048), Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *liquid chemicals,* in bulk, in tank vehicles, from the facilities of Monsanto Co., at or near Chocolate Bayou, Texas City, and Houston, TX, to those points in the United States in and east of LA, AR, MO, IA, and MN. (Hearing site: Houston, TX.)

MC 531 (Sub-435F), filed December 4, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road (P.O. Box 14048), Houston, TX 77021. Representative: Wray E. Huges (same address as applicant). Transporting *vegetable oils and vegetable oil products,* in bulk, in tank vehicles, between the facilities of Hunt Wesson Oil Co., at Harvey and Gretna, LA, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: New Orleans, LA.)

MC 531 (Sub-440F), filed December 26, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road (P.O. Box 14048), Houston, TX 77021. Representative: Wray E. Huges (same address as applicant). Transporting *dry chemicals,* in bulk, in tank vehicles, from Baton Rouge, LA, to points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WV, and WI. (Hearing site: Houston, TX, or New Orleans, LA.)

MC 720 (Sub-75F), filed December 26, 1979. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, WI 53963. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. Transporting (a) *foodstuffs,* and (b) *materials, equipment,* and *supplies* used in the manufacture and distribution of foodstuffs (except commodities in bulk), between Battle Creek, MI, on the one hand, and, on the other hand, points in IL, IN, and WI, restricted to transportation performed to and from the facilities of Kellogg Company, Battle Creek, MI. (Hearing site: Madison, WI.)

MC 730 (Sub-483F), filed December 3, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS, CO., a corporation, 25 North Via Monte, Walnut Creek, CA 94598. Representative: R. N. Cooledge (same address as applicant). Transporting *petroleum lubricating oil,* in bulk, in tank vehicles, from San Diego, CA, to Atlanta, GA, Piscataway, NJ, Houston, TX, and Stoughton, WI. (Hearing site: Los Angeles or San Diego, CA.)

MC 2860 (Sub-193F), filed December 7, 1979. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Peter J. Nickles, 888 Sixteenth Street, NW., Washington, D.C. 20006. Transporting (1) *containers, container closures, container components, glassware,* and *packaging* products, (2) *scrap materials,* and (3) *materials, equipment and supplies* used in the manufacture, and distributing of the described in (1) above commodities (except commodities in bulk, in tank vehicles, and those which because of size or weight, require the use of special equipment), between points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 2900 (Sub-409F), filed December 3, 1979. Aplicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, those requiring special equipment, and household goods as defined by the Commission) (1) Between Duluth, MN, and St. Louis, MO, over US Hwy 61; (2) Between St. Cloud, MN, and Ottumwa, IA, from St. Cloud over US Hwy 52 to Rochester, MN, then over US Hwy 63 to Ottumwa, and return over the same route; (3) Between Minneapolis, MN, and Kansas City, MO, from Minneapolis over US Hwy 65 to Princeton, MO, then over US Hwy 136 to junction US Hwy 69 then over US Hwy 69 to Kansas City, (also from Albert Lea, MN over US Hwy 69 to Kansas City, MO), and return over the same route; (4) Between Minneapolis, MN, and Milwaukee, WI, (a) from Minneapolis over US Hwy 12 to junction WI Hwy 29, then over WI Hwy 29 to junction US Hwy 141, then over US Hwy 141 to Milwaukee, and return over the same route, and (b) over Interstate Hwy 94; (5) Between Albert Lea, MN, and Toledo, OH, over Interstate Hwy 90; (6) Between Wausaw, WI, and Bloomington, IL, over US Hwy 51; (7) Between Wittenberg, WI, and Fond du Lac, WI, over US Hwy 45; (8) Between Green Bay, WI, and Milwaukee, WI, over US Hwy 41; (9) Between Owatonna, MN, and Madison, WI, over US Hwy 14; (10) Between Waterloos, IA, and Iowa City, IA, over US Hwy 218; (11) Between Cedar Rapids, IA, and Madison, WI, over US Hwy 151; (12) Between Des Moines, IA, and Oskaloosa, IA, over IA Hwy 163; (13) Between Osceola, IA, and Galesburg, IL, over US Hwy 34; (14) Between Omaha, NE, and Peoria, IL, from Omaha over US Hwy 6 to Davenport, IA, then over US Hwy 150 to Peoria, and return over the same route; (15) Between Milwaukee, WI, and Beloit, WI, over WI Hwy 15; (16) Between Dubuque, IA, and Davenport, IA, from Dubuque over US Hwy 52 to Clinton, IA, then over US Hwy 67 to Davenport, and return over the same route; (17) Between Ludington, MI, and Detroit, MI, from Ludington over US Hwy 10 to Flint, MI, then over MI Hwy 21 to Port Huron, MI, then over US Hwy 25 to Detroit, and return over the same route; (18) Between South Bend, IN, and Ludington, MI, over US Hwy 31; (19) Between Clare, MI, and Ft. Wayne,

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IN, over US Hwy 27; (20) Between Lansing, MI, and junction US Hwys 127 and 20, over US Hwy 127; (21) Between Muskegon, MI, and Lansing, MI, over Interstate Hwy 96; (22) Between Holland, MI, and Grand Rapids, MI, over Interstate Hwy 196; and (23) Between Jackson, MI, and junction Interstate Hwys 90 and 131, from Jackson over Interstate Hwy 94 to Kalamazoo, MI, then over US Hwy 131 to junction Interstate Hwy 90, and return over the same route. (Hearing site: Chisago, IL, Detroit, MI, or Kansas City, MO.)

Note.—Service over routes (1) through (23) is authorized at all intermediate points and at all off-route points in (a) IA, in Cerro Gordo and Pottawattamie Counties and in and east of Dubuque, Delaware, Buchanan, Black Hawk, Grundy, Hardin, Hamilton, Webster, Boone, Dallas, Warren, Marion, Mahaska, Wapello, Jefferson, Henry and Lee Counties; (b) MI in and south of Mason, Lake, Osceola, Clare, Midland, Bay, Tuscola, Lapeer and St. Clair Counties; (c) MN in and east of Chicago, Isanti, Sherburne, Benton, Stearns, Kandiyohi, Renville, Brown, Blue Earth, and Faribault Counties; and (d) WI in and south of St. Croix, Dunn, Chippewa, Clark, Marathon, Shawano, Brown and Manitowoc Counties. Applicant intends to tack with its existing authorities.

MC 11220 (Sub-184F), filed December 3, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Babcock and Wilcox Co., at or near West Point, MS, on the one hand and, on the other, points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, OH, OK, PA, TN, TX, WI, and WV, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Memphis, TN.)

MC 11220 (Sub-186F), filed December 5, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Pell City, AL, as an off-route point in connection with carrier's authorized regular-route operations from and to Birmingham, AL. (Hearing site: Birmingham, AL.)

MC 11220 (Sub-190F), filed December 17, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 W. McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of CIBA-GEIGY Corporation at (1) Birmingham and Mobile, AL, (2) Baton Rouge, Port Allen and St. Gabriel, LA, (3) Jackson, MS, and (4) Memphis, TN, on the one hand, and, on the other, Louisville, KY and points in IL, IN, IA, MN, OH, WI, those in Lancaster, Cass, Sarpy, Douglas, Saunders, Dodge and Washington Counties, NE, and those in Shelby County, TN, restricted to the transportation of shipments originating at or destined to the facilities of CIBA-GEIGY Corporation. Condition: If this application is granted, applicant requests coincidental cancellation of its Sub-163 certificate. (Hearing site: Washington, DC.)

MC 11220 (Sub-192F), filed December 27, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 W. McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Wayne, IN and Warsaw, IN, over U.S. Hwy 30, serving all intermediate points. (Hearing site: Indianapolis, IN.)

Note.—Applicant intends to join the requested route with existing regular routes at Fort Wayne, IN.

MC 13700 (Sub-11F), filed December 3, 1979. Applicant: ROOKS TRANSFER LINES, INC., 650 East 16th St., Holland, MI 49423. Representative: Neil R. Wimbush (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Chicago, IL, and Milwaukee, WI, over Interstate Hwy. 94, serving all intermediate points and points in Kenosha and Racine Counties, WI, as off-route points in connection with carriers regular-route operations, restricted against the transportation of traffic originating at Chicago, and destined to Milwaukee, and vice versa. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—Applicant intends to tack and interline.

MC 16121 (Sub-29F), filed June 21, 1979. Applicant: ADVANCE TRANSPORTATION COMPANY, a corporation, P.O. Box 719, Milwaukee, WI 53201. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting *such commodities* as are dealt in or used by manufacturers of grading and road making equipment and tractors (except commodities in bulk) between Milwaukee, WI, Joliet, Aurora, Morton, Mossville, Mapleton, Peoria, Decatur, and Rock Island, IL, and points in Scott County, IA. (Hearing site: Milwaukee or Madison, WI.)

Note.—Dual operations may be involved.

MC 35320 (Sub-414F), filed December 5, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box No. 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Burndy Corporation at or near Lincoln, NH, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Boston, MA or Washington, DC.)

Note.—Applicant intends to tack with its existing authority.

MC 35320 (Sub-415F), filed December 5, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the U.S. Chemical Corp. of Wisconsin at or near Watertown, WI, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing Site: Milwaukee, WI or Chicago, IL.)

Note.—Applicant intends to tack with its existing authority.

MC 35320 (Sub-416F), filed December 5, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of AAA Coffee Service at or near Ralls, TX, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing Site: Lubbock, TX or Dallas, TX.)

Note.—Applicant intends to tack with its existing authority.

MC 35320 (Sub-417F), filed December 5, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of AAA Coffee Service at or near Ralls, TX, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing Site: Lubbock, TX or Dallas, TX.)

Note.—Applicant intends to tack with its existing authority.

MC 35320 (Sub-418F), filed December 5, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Hubbard Muffler at or near East Prairie, MO, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing Site: Memphis, TN, or Washington, DC.)

Note.—Applicant intends to tack with its existing authority.

MC 35320 (Sub-420F), filed December 7, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Stanley Muffler, at or near East Prairie, MO, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing Site: Memphis, TN, or Washington, DC.)

Note.—Applicant intends to tack with its existing authority.

MC 35320 (Sub-421F), filed December 7, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box No. 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Essex Franke Company, at or near New Madrid, MO, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Memphis, TN and Washington, DC.)

Note.—Applicant intends to tack with existing authority.

MC 35320 (Sub-422F), filed December 7, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box No. 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the E. R. Moore Co., at or near Osceola, AR, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Memphis, TN, or Washington, DC.)

Note.—Applicant intends to tack with existing authority.

MC 35320 (Sub-423F), filed December 7, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box No. 2550. Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Burkart Randall Div. of Textron, Inc. at or near Blytheville, AR as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Memphis, TN, or Washington, DC.)

Note.—Applicant intends to tack with existing authority.

MC 35320 (Sub-424F), filed December 7, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box No. 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Vernco Corp., Division of Emerson Electric at or near Newport, TN as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Knoxville, TN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-425F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box No. 2550, Lubbock, TX 79408, Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Vermont Structural Slate Co., Inc. at or near Fair Haven, VT, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Syracuse, NY or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-445F), filed December 17, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Sheaffer Eaton Textron, at or near Ft. Madison, IA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Louis, MO, or Washington, DC.)

MC 35320 (Sub-448F), filed December 17, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Parker Kalon Corporation, an Emhart Unit, at or near Campbellsville, KY, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Louisville, KY, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-455F), filed December 17, 1979. Applicant: T.I.M.E.-DC, INC.,

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IN, over US Hwy 27; (20) Between Lansing, MI, and junction US Hwys 127 and 20, over US Hwy 127; (21) Between Muskegon, MI, and Lansing, MI, over Interstate Hwy 96; (22) Between Holland, MI, and Grand Rapids, MI, over Interstate Hwy 196; and (23) Between Jackson, MI, and junction Interstate Hwys 90 and 131, from Jackson over Interstate Hwy 94 to Kalamazoo, MI, then over US Hwy 131 to junction Interstate Hwy 90, and return over the same route. (Hearing site: Chisago, IL, Detroit, MI, or Kansas City, MO.)

Note.—Service over routes (1) through (23) is authorized at all intermediate points and at all off-route points in (a) IA, in Cerro Gordo and Pottawattamie Counties and in and east of Dubuque, Delaware, Buchanan, Black Hawk, Grundy, Hardin, Hamilton, Webster, Boone, Dallas, Warren, Marion, Mahaska, Wapello, Jefferson, Henry and Lee Counties; (b) MI in and south of Mason, Lake, Osceola, Clare, Midland, Bay, Tuscola, Lapeer and St. Clair Counties; (c) MN in and east of Chicago, Isanti, Sherburne, Benton, Stearns, Kandiyohi, Renville, Brown, Blue Earth, and Faribault Counties; and (d) WI in and south of St. Croix, Dunn, Chippewa, Clark, Marathon, Shawano, Brown and Manitowoc Counties. Applicant intends to tack with its existing authorities.

MC 11220 (Sub-184F), filed December 3, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Babcock and Wilcox Co., at or near West Point, MS, on the one hand and, on the other, points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, OH, OK, PA, TN, TX, WI, and WV, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Memphis, TN.)

MC 11220 (Sub-186F), filed December 6, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Pell City, AL, as an off-route point in connection with carrier's authorized regular-route operations from and to Birmingham, AL. (Hearing site: Birmingham, AL.)

MC 11220 (Sub-190F), filed December 17, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 W. McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Transporting *general commodities* (except those of unusual values, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of CIBA-GEIGY Corporation at (1) Birmingham and Mobile, AL, (2) Baton Rouge, Port Allen and St. Gabriel, LA, (3) Jackson, MS, and (4) Memphis, TN, on the one hand, and, on the other, Louisville, KY and points in IL, IN, IA, MN, OH, WI, those in Lancaster, Cass, Sarpy, Douglas, Saunders, Dodge and Washington Counties, NE, and those in Shelby County, TN, restricted to the transportation of shipments originating at or destined to the facilities of CIBA-GEIGY Corporation. Condition: If this application is granted, applicant requests coincidental cancellation of its Sub-163 certificate. (Hearing site: Washington, DC.)

MC 11220 (Sub-192F), filed December 27, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 W. McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Wayne, IN and Warsaw, IN, over U.S. Hwy 30, serving all intermediate points. (Hearing site: Indianapolis, IN.)

Note.—Applicant intends to join the requested route with existing regular routes at Fort Wayne, IN.

MC 13700 (Sub-11F), filed December 3, 1979. Applicant: ROOKS TRANSFER LINES, INC., 650 East 16th St., Holland, MI 49423. Representative: Neil R. Wimbush (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Chicago, IL, and Milwaukee, WI, over Interstate Hwy. 94, serving all intermediate points and points in Kenosha and Racine Counties, WI, as off-route points in connection with carriers regular-route operations, restricted against the transportation of traffic originating at Chicago, and destined to Milwaukee, and vice versa. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—Applicant intends to tack and interline.

MC 18121 (Sub-29F), filed June 21, 1979. Applicant: ADVANCE TRANSPORTATION COMPANY, a corporation, P.O. Box 719, Milwaukee, WI 53201. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting *such commodities* as are dealt in or used by manufacturers of grading and road making equipment and tractors (except commodities in bulk) between Milwaukee, WI, Joliet, Aurora, Morton, Mossville, Mapleton, Peoria, Decatur, and Rock Island, IL, and points in Scott County, IA. (Hearing site: Milwaukee or Madison, WI.)

Note.—Dual operations may be involved.

MC 35320 (Sub-414F), filed December 5, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box No. 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Burndy Corporation at or near Lincoln, NH, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Boston, MA or Washington, DC.)

Note.—Applicant intends to tack with its existing authority.

MC 35320 (Sub-415F), filed December 5, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Phelps Doge Corp. at or near Starkville, MS, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing Site: Memphis, TN, or Washington, DC.)

Note.—Applicant intends to tack with its existing authority.

MC 35320 (Sub-416F), filed December 5, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the

Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the U.S. Chemical Corp. of Wisconsin at or near Watertown, WI, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing Site: Milwaukee, WI or Chicago, IL.)

Note.—Applicant intends to tack with its existing authority.

MC 35320 (Sub-417F), filed December 5, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of AAA Coffee Service at or near Ralls, TX, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing Site: Lubbock, TX or Dallas, TX.)

Note.—Applicant intends to tack with its existing authority.

MC 35320 (Sub-418F), filed December 5, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Hubbard Muffler at or near East Prairie, MO, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing Site: Memphis, TN, or Washington, DC.)

Note.—Applicant intends to tack with its existing authority.

MC 35320 (Sub-420F), filed December 7, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Stanley Muffler, at or near East Prairie, MO, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing Site: Memphis, TN, or Washington, DC.)

Note.—Applicant intends to tack with its existing authority.

MC 35320 (Sub-421F), filed December 7, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box No. 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Essex-Franke Company, at or near New Madrid, MO, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Memphis, TN and Washington, DC.)

Note.—Applicant intends to tack with existing authority.

MC 35320 (Sub-422F), filed December 7, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box No. 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the E. R. Moore Co., at or near Osceola, AR, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Memphis, TN, or Washington, DC.)

Note.—Applicant intends to tack with existing authority.

MC 35320 (Sub-423F), filed December 7, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box No. 2550. Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Burkart Randall Div. of Textron, Inc. at or near Blytheville, AR as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Memphis, TN, or Washington, DC.)

Note.—Applicant intends to tack with existing authority.

MC 35320 (Sub-424F), filed December 7, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box No. 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Vernco Corp., Division of Emerson Electric at or near Newport, TN as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Knoxville, TN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-425F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box No. 2550, Lubbock, TX 79408, Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Vermont Structural Slate Co., Inc. at or near Fair Haven, VT, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Syracuse, NY or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-445F), filed December 17, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Sheaffer Eaton-Textron, at or near Ft. Madison, IA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Louis, MO, or Washington, DC.)

MC 35320 (Sub-448F), filed December 17, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Parker Kalon Corporation, an Emhart Unit, at or near Campbellsville, KY, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Louisville, KY, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-455F), filed December 17, 1979. Applicant: T.I.M.E.-DC, INC.,

2598 74th St., P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Glidden Paint Co. at or near Decatur, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-456F), filed December 17, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of General Hydraulics Corp. at or near Huntsville, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-457F), filed December 17, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box #2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Wright Products Inc. at or near Rice Lake, WI, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Minneapolis, MN, or Chicago, IL.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-458F), filed December 21, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of D.A.B. Industries, Inc. at or near Athens, AL, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-459F), filed December 21, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Intervinyls, Inc., at or near Muscle Shoals, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-460F), filed December 21, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of GTE Automatic Electric Co., at or near Huntsville, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-461F), filed December 21, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Sterling Tire and Rubber Co., at or near Tuscumbia, AL, and the Yale Industrial Tire Center, Division of Sterling Tire and Rubber Co., at or near Muscle Shoals, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-462F), filed December 21, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the General Electric Company, at or near Portland, ME, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Boston, MA, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-502F), filed December 27, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Hereford Construction Co., at or near Huntsville, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-503F), filed December 27, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Delta Automotive, Inc., at or near Sheffield, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-506F), filed December 27, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Northstar Steel, Inc., at or near Manchester, NH, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Boston, MA, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-510F), filed December 26, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Pipeing & Equipment Co., Inc. at or near Pelham, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-511F), filed December 26, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Wahl Supply, Inc. and Precision Plastics Industries, Inc. at or near Decatur, AL, as off-route points in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-515F), filed December 26, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Allied Foundry & Machine Co. at or near Brewton, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-516F), filed December 26, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Howe Richardson Scale Co. at or near Rutland, VT, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Boston, MA, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-517F), filed December 26, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Hardwick Co., Inc. at or near Bessemer and Birmingham, AL, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-518F), filed December 26, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Baumann Coating, Inc. at or near Bessemer, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-521F), filed December 26, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Howe Richardson Scale Co. at or near Rutland, VT, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Boston, MA, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 42261 (Sub-151F), filed December 4, 1979. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, NJ 07303. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017. Transporting *liquid wax,* in bulk, in tank vehicles, from points in Beaver, Butler, Crawford, McKean and Venango Counties, PA, to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, and DC. (Hearing site: New York, NY.)

MC 47171 (Sub-153F), filed December 3, 1979. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same as above address). Transporting *iron and steel articles,* from the facilities of Raritan River Steel Company at Perth Amboy, NJ, to points in GA (except those in Clayton, Cobb, Coweta, De Kalb, Fayette, Fulton, Gwinnett, Henry and Rockdale Counties), KY, NC (east of U.S. Hwy 77), and TN. (Hearing site: Washington, DC.)

MC 47171 (Sub-154F), filed December 10, 1979. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same as above address). Transporting *iron and steel articles,* between Florence (Burlington County), NJ, on the one hand, and, on the other, points in AL, FL, GA, (except Clayton, Cobb, Coweta, De Kalb, Fayette, Fulton, Gwinnett, Henry and Rockdale Counties), KY, TN, VA, WV, and those in NC east of U.S. Hwy 77. (Hearing site: Washington, DC.)

MC 47171 (Sub-155F), filed December 17, 1979. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *anti-freeze and plastic foam insulation,* (except commodities in bulk), from Carteret, NJ, to those points in NC east of U.S. Hwy 77. (Hearing site: Washington, DC.)

MC 47171 (Sub-156F), filed December 27, 1979. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *chemicals, cleaning compounds, dyes and colors, plastics* and *textile softeners* (except in bulk) from Toms River, NJ, to Atlanta and Dalton, GA, and Martin, SC. (Hearing site: Washington, DC.)

MC 56270 (Sub-35F), filed December 27, 1979. Applicant: LEICHT TRANSFER & STORAGE CO., 1401–55 State St., P.O.

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Box 2385, Green Bay, WI 54306. Representative: Dennis L. Sedlacek (same address as above). Transporting *such commodities* as are dealt in by a manufacturer or distributor of tires (except commodities in bulk) from Topeka, KS to points in IL, MI, MN, and WI. (Hearing site: Madison or Milwaukee, WI.)

MC 59150 (Sub-170F), filed December 3, 1979. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Transporting *lumber* and *lumber products*, from points in TN to points in AL. (Hearing site: Nashville, TN, or Jacksonville, FL.)

MC 59720 (Sub-10F), filed December 6, 1979. Applicant: KENMORE TRANSPORTATION COMPANY, a Corporation, 22 Eskow Road, Worcester, MA 01604. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers (except commodities in bulk), between points in MA, CT, RI, NY, NJ, DE, PA, OH, VA, WV, MD, NC, SC, GA, FL, IL, IN, KY, ME, MI, MO, NH, TN, VT, and WI, restricted to the transportation of traffic originating at or destined to the facilities of (1) American Can Company, (2) Crown Cork & Seal Company, Inc., (3) Reynolds Metals Company, and (4) National Can Corporation. (Hearing site: Washington, DC.)

MC 61620 (Sub-18F), filed December 10, 1979. Applicant: M & G TRANSPORTATION CO., INC., Route 3, Box 234, Gloucester, VA. 23061. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting *paper and paper products, and woodpulp*, from West Point, VA, to points in WV, DE, MD, NJ, NY, PA, VA, and DC. (Hearing site: Richmond, VA, or Wash, DC.)

MC 75320 (Sub-221F), filed December 26, 1979. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the facilities of Stevens Sportswear Company, Inc., at or near Taylorsville, MS, as an off-route point in connection with carrier's authorized regular-route operations. (Hearing site: Jackson, MS.)

Note.—Applicant intends to tack.

MC 75320 (Sub-222F), filed December 28, 1979. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Arvin Industries, Inc., at or near Okolona, MS, as an off-route point in connection with carrier's authorized regular-route operations. (Hearing site: Jackson, MS.)

Note.—Applicant intends to tack with existing regular-route authority.

MC 75840 (Sub-132F), filed December 26, 1979. Applicant: MALONE FREIGHT LINES, INC., 3400 Third Avenue, South, Birmingham, AL 35202. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. Transporting: *chemicals, plastic and plastic materials (except in bulk)*, from the facilities of Diamond Shamrock Corporation, at or near Houston, TX, to points in AR, AL, FL, GA, KY, LA, MS, MA, NY, NJ, NC, OH, PA, SC, TN, and VA. (Hearing site: Houston, TX.)

MC 78400 (Sub-79F), filed December 3, 1979. Applicant: BEAUFORT TRANSFER COMPANY, a Corporation, P.O. Box 151, Gerald, MO 63037. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting: (1) *tents, tent frames, canvas articles, welded aluminum tubing, plastic articles, and such commodities* as are dealt in by department and retain discount stores, from the facilities of Kellwood Co. at New Haven, Bland, Washington, Glasgow and Hannibal, MO, to points in the United States (except MO, AK and HI), and, (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), in the reverse direction. (Hearing site: St. Louis, MO.)

MC 90870 (Sub-36F), filed December 26, 1979. Applicant: RIECHMANN ENTERPRISES, INC., Route 2, P.O. Box 137, Alhambra, IL 62001. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. Transporting (1) *snow removal equipment and fabricated steel products*, from points in Bremer County, IA, to points in IL, IN, KY, MI, MO, OH, WI, and WV, and (2) *snow plows, rotary cutters, blades, and municpal equipment and supplies*, from points in IN, IA, MI, MO, OH, PA, MN, and WI, to points in Madison County, IL, restricted in (1) and (2) above to the transportation of traffic originating at the named origins. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 90870 (Sub-37F), filed December 27, 1979. Applicant: RIECHMANN ENTERPRISES, INC., Route 2, P.O. Box 137, Alhambra, IL 62001. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. Transporting *railway car parts, locomotive wheels, parts, accessories, and materials, equipment and supplies therefor (except commodities in bulk)* between Keokuk, IA, Bessemer, AL, Kansas City, KS, Alliance, OH, Granite City and Bensenville, IL, and E. Chicago and Hammond, IN, on the one hand, and, on the other, points in AL, AR, IA, IL, IN, LA, MO, MS, OH, OK, TN, and TX, restricted to traffic originating at or destined to the facilities of AMSTED Industries. (Hearing site: Chicago, IL, or Washington, DC.)

MC 92950 (Sub-2F), filed December 26, 1979. Applicant: WOLVERTON DRAY LINE, INC., P.O. Box 36, Foxhome, MN 56543. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting *vegetable oils, vegetable meal and byproducts thereof*, between Riverside, ND, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Fargo, ND or Minneapolis, MN.)

MC 94201 (Sub-186F), filed December 3, 1979. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 601–09 Frank Nelson Building, Birmingham, AL 35203. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Allied Chemical Corporation at or near Bermuda Hundred, VA, as an off-route point in connection with regular-route authority between Winston-Salem, NC and Baltimore, MD. (Hearing site: Washington, DC.)

MC 94350 (Sub-431F), filed December 3, 1979. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, SC 29602. Representative: Mitchell King, Jr. (same address as applicant). Transporting (1) *trailers designed to be drawn by passenger automobiles*, in initial movements, and (2) *buildings in sections, mounted on wheeled undercarriages*, from points in Middlesex County, NJ, to points in the United States (including AK, but excluding HI). (Hearing site: Charlotte, NC.)

MC 95540 (Sub-1118F), filed June 25, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in TX, on the one hand, and, on the other points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Haber Textiles, Montgomery Ward, Norco Manufacturing and Distribution Company, White Stores or Gibson Coop Warehouse. (Hearing site: Dallas, TX, or Washington, DC.)

MC 95540 (Sub-1148F), filed December 10, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting *such commodities* as are dealt in by department stores (except commodities in bulk) between points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Ardan's Wholesale, Inc. (Hearing site: Chicago, IL, or Washington, DC.)

MC 95540 (Sub-1151F), filed December 27, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same as above). Transporting *wooden windows, sliding glass doors, wood folding doors* and *partitions, parts* and *accessories* between the facilities of Rolscreen Company located at or near Pella, IA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Des Moines, IA, or Washington, DC.)

MC 95540 (Sub-1152F), filed December 27, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same as applicant). Transporting (1) *such commoditis as are dealt in by discount, variety, department stores and mail order catalog houses*, and (2) *furniture* in mixed loads with commodities in (1) above, (a) from points in NC and SC to Chicago, IL, and (b) from Chicago, IL to Charlotte, NC. (Hearing site: Chicago, IL, or Washington, DC).

MC 97251 (Sub-10F), filed December 12, 1979. Applicant: TURNER TRUCKING COMPANY, INC., 1215 West Main Street, Lebanon, IN 46052. Representative: Jack R. Province, 1215 West Main Street, Lebanon, IN 46052. Transporting *aluminum extrusions, aluminum ingots, aluminum pipe* and *aluminum tubing*, between the plantsite of Aluminum Company of America at or near Lafayette, IN, on the one hand, and on the other, those points in the United States east of ND, SD, WY, CO, and NM. (Hearing site: Indianapolis, IN, or Pittsburg, PA).

MC 105461 (Sub-116F), filed December 3, 1979. Applicant: HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, PA 17566. Representative: Robert R. Herr (same address as applicant). Transporting (1) *plumbing fixtures and fittings and bathroom accessories*, and (2) *equipment, materials, and supplies* used in their manufacture and distribution (except commodities in bulk), between New Castle, PA, on the one hand, and, on the other, points in NJ and NY. (Hearing site: Washington, DC, or New Castle, PA.)

MC 106401 (Sub-76F), filed December 4, 1979. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 31577, Charlotte, NC 28231. Representative: Roger W. Rash (same address as applicant). Transporting *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the facilities of Monsanto Company at or near Chocolate Bayou, TX, as an off-route point in connection with carrier's regular-route operations, restricted to traffic moving from, to, or through Gulfport, MS. (Hearing site: Houston, TX or Charlotte, NC.)

MC 106451 (Sub-19F), filed December 3, 1979. Applicant: COOK MOTOR LINES, INC., 1016 Triplett Boulevard, P.O. Box 370, Akron, OH 44309. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Over *regular* routes, transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Charleston, WV, and Bluefield, VA, over Interstate Hwy 77, (2) between Huntington, WV, and Bluefield, VA, over U.S. Hwy 52; and (3) between Elkins, WV, and Princeton, WV, over U.S. Hwy 219, serving all intermediate points on the above-described routes and all points in Bland and Tazewell Counties, VA, as off-route points in connection with applicant's authorized operations. (Hearing site: Columbus, OH.)

Note.—Applicant intends to tack with its existing authority.

MC 106920 (Sub-88F), filed December 11, 1979. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe St., P.O. Box 26, New Bremen, OH, 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh St. NW., Washington, DC 20001. Transporting *foodstuffs* (except in bulk), from the facilities of Beatrice Foods Company, at or near Archbold and Napoleon, OH, to points in AL, FL, GA, MS, NC, SC, and TN, restricted to shipments moving from above named origins. (Hearing site: Columbus, OH, or Chicago, IL.)

MC 106920 (Sub-89F), filed December 10, 1979. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe St., P.O. Box 26, New Bremen, OH, 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, DC 20001. Transporting (1) *such commodities* as are dealt in by grocery and food business houses and (2) *materials, supplies and equipment* used in the manufacture and distribution of the commodities, in (1) above, between points in KY, TN, AL, GA, FL, NC, SC, MO, and KS, restricted to the transportation of traffic originating at or destined to the facilities of Banquet Foods Corporation. (Hearing site: St. Louis, MO.)

MC 106920 (Sub-90F), filed December 10, 1979. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe Street, P.O. Box 26, New Bremen, OH, 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, DC 20001. Transporting (1) *such commodities* as are dealt in by wholesale, retail and chain grocery and food business houses and (2) *materials, supplies and equipment* used in the manufacture and distribution of the commodities in (1) above, between points in CT, DE, IN, KS, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic destined to the facilities of Banquet Foods Corporation. (Hearing site: St. Louis, MO.)

MC 107460 (Sub-51F), filed December 26, 1979. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, P.O. Box 4124, Lancaster, PA 17604. Representative: Christian V. Graf, 407 North Front St., Harrisburg, PA 17101. Transporting *agricultural, industrial and construction machinery*, and *parts and attachments* therefor (except tractors with vehicle beds, bed frames and fifth wheels), *trailers*, and *parts and attachments* therefor (except those designed to be drawn by passenger automobiles); and *accessories*,

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parts and supplies (except commodities in bulk), used in the manufacture and repair of the commodities named above, between the plantsite of Sperry Corporation, Sperry New Holland Division, at or near Columbus, NE, on the one hand, and, on the other, the plantsites of Sperry Corporation, Sperry New Holland Division, at or near Fowler, CA, Belleville, Mountville, and New Holland, PA, and points in CT, DE, FL, GA, IL, IN, IA, KS, KY, ME, MA, MD, MI, MN, MO, NC, NH, NJ, NY, ND, OH, PA, RI, SC, VT, VA, WV and WI, under continuing contract(s) with Sperry Corporation, Sperry New Holland Division, of New Holland, PA. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 107760 (Sub-5F), filed December 4, 1979. Applicant: MOHAWK TRUCKING AND SALVAGE CO., a corporation, P.O. Box 7226, 89 Celia St., Johnston, RI 02919. Representative: Russell B. Curnett, P.O. Box 366, 828 Orleans Road, Harwich, MA 02645. Transporting *sodium chloride*, in bulk, in dump vehicles, (1) from Boston, MA, to points in CT, MA, and RI, and (2) from Providence, RI, (a) to those points in CT, and MA west of Interstate Hwy 91, and (b) those points in MA east of Interstate Hwy 91 and north of Interstate Hwy 90. (Hearing site: Providence, RI or Boston, MA.)

MC 110191 (Sub-36F), filed December 10, 1979. Applicant: TURNER'S EXPRESS INCORPORATED, 1300 Shelton Ave., Norfolk, VA 23502. Representative: D. L. Turner (same address as applicant). Transporting *empty beverage containers*, in packages, (1) from Havre de Grace, MD, to Norfolk and Richmond, VA, and (2) from Henderson, NC to Norfolk, VA. (Hearing site: Norfolk, VA.)

MC 110420 (Sub-844F), filed December 7, 1979. Applicant: QUALITY CARRIERS, INC., 100 Waukegan Rd., P.O. Box 1000, Lake Bluff, IL 60044. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004. Transporting *liquid chemicals*, in bulk, in tank vehicles, from Whitehall, MI, to Philadelphia, PA. (Hearing site: Chicago, IL, or Washington, DC.)

MC 111231 (Sub-292F), filed December 4, 1979. Applicant: JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, Prairie Grove, AR 72753. *Over regular routes*, transporting *general commodities* (except those of unusual value, commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and those requiring the use of special equipment) between the junction of LA Hwy 1 and U.S. Hwy 71 and Lamar, CO, from the junction of LA Hwy 1 and U.S. Hwy 71 over LA Hwy 1 to Interstate Hwy 20, then over Interstate Hwy 20 to the junction of U.S. Hwy 287, then over U.S. Hwy 287 to Lamar CO., and return over the same route and serving the junction of Interstate Hwy 20 and U.S. Hwy 287 as an intermediate point. (Hearing site: Springdale, AR, or Little Rock, AR.)

MC 111231 (Sub-293F), filed December 27, 1979. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. Transporting *general commodities* (except commodities in bulk, those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), (1) between Little Rock and Hoxie, AR, over U.S. Hwy 67, serving all intermediate points, and (2) between Cash and Newport, AR, from Cash over AR Hwy 18 to junction U.S. Hwy 67, then over U.S. Hwy 67 to Newport, and return over the same route, serving all intermediate points. (Hearing site: Little Rock, AR.)

Note.—Applicant intends to tack with existing regular-route operations.

MC 112801 (Sub-250F), filed December 6, 1979. Applicant: TRANSPORT SERVICE CO., a corporation, 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting *spent muriatic acid*, in bulk, in tank vehicles, from Hennepin, IL, to Calvert City, KY. (Hearing Site: Pittsburgh, PA.)

MC 113651 (Sub-320F), filed December 4, 1979. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Representative: Henry Higgs (same address as applicant). Transporting *such commodities* as are dealt in by wholesale and retail food and drug outlets (except in bulk), from Chicago, IL to points in IA, NE, and KS. (Hearing site: Cincinnati, OH or Washington, DC.)

MC 113651 (Sub-324F), filed December 17, 1979. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Representative: Henry Higgs (same address as applicant). Transporting *such commodities* as are dealt in by manufacturers of foodstuffs, chain groceries, and food business houses (except commodities in bulk), between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to traffic originating at or destined to the facilities of Heinz U.S.A. (Hearing Site: Pittsburgh, PA, or Washington, DC.)

MC 114211 (Sub-424F), filed December 4, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same as applicant). Transporting (1) *self-propelled vehicles* and *equipment* designed for use in conjunction with self-propelled vehicles, and (2) *parts and attachments* therefor between points in Multnomah County, OR, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing Site: Portland, OR.)

MC 114211 (Sub-427F), filed December 4, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers, dealers and distributors of agricultural and industrial machinery between Watertown, SD, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing Site: Watertown or Brookings, SD.)

MC 114211 (Sub-432F), filed December 10, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant.) Transporting *such commodities* as are dealt in or used by manufacturers and dealers of agricultural and industrial equipment, and lawn leisure products, from points in Calumet County, WI, to points in the United States (except AK and HI). (Hearing site; Green Bay or Manitowoc, WI.)

MC 114211 (Sub-433F), filed December 10, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant.) Transporting *such commodities* as are dealt in or used by manufuacturers and dealers, agricultural and industrial equipment, between points in Thurston County, NE on the one hand, and, on the other, points in the United States, (except AK and HI). (Hearing site; Norfolk or Omaha, NE.)

MC 114211 (Sub-434F), filed December 27, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant.) Transporting *such commodities* as are dealt in by manufuacturers, distributors, and dealers of heating and cooling machinery and equipment, air

compressors, power generating machinery and equipment, and contractors' equipment and supplies, (1) between Michigan City, IN, equipment and supplies, (1) between Michigan City, IN, on the one hand, and, on the other, points in IL, WI, IA, MN, MO, KS, NE, and SD, and (2) between points in IL, WI, IA, MN, MO, NE, and SD. (Hearing site; Minneapolis or St. Paul, MN.)

MC 114290 (Sub-97F), filed December 10, 1979. Applicant: EXLEY EXPRESS, INC., 2610 S.E. 8th Avenue, Portland, OR 97202. Representative: James T. Johnson, 1610 IBM Building. Seattle , WA 98101. Transporting: *cans, can ends and materials and supplies used in the manufacture of cans*, from the facilities used by Continental Can Co., U.S.A. at Portland, OR, to Walla Walla, Moses Lake, Yakima, Kennewick and Grandview, WA. (Hearing site: Portland, OR, or Seattle MA.

MC 115651 (Sub-70F), filed December 7, 1979. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, P.O. Box 39, Rockford, IL 61105. Representative: E. Stephen Heisley, 666 11th Street, Washington, DC 2001). Transporting *asphalt and asphalt products*, in bulk, in tank vechicles, from Janesville, WI to points in IL. (Hearing site: Chicago, WI.)

MC 115841 (Sub-746F), filed December 3, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Dr., Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). Transporting *foodstuffs, and equipment, materials and supplies* used in the processing, manufacturing or distribution of foodstuffs, (1) between Sherman, TX, on the one hand, and, on the other, (a) those points in the United States in and east of LA, AR, MO, IA, and MN, and (b) points in NE, KS, NM, CO, AZ, CA, WA, and OR, (2) between Jacksonville, IL, on the one hand, and, on the other, points in NC, SC, GA, FL, AL, MS, LA, TN, KY, AR, TX, OK, NM, AZ, CO, WA and OR, and (3) between Humboldt, TN, to the one hand, and, on the other, (a) those points in the United States in and east of NM, CO, NE, IA, and MN, and (b) points in AZ, CA, WA, and OR, restricted in (1), (2), and (3) above to the transportation of traffic originating at or destined to the facilities utilized by Anderson-Clayton Foods. (Hearing site: Dallas, TX or Washington, DC.)

MC 115841 (Sub-747F), filed December 4, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Dr., Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). Transporting *meat, meat products, meat by-products*, and *articles distributed by meat-packing houses* except hides and commodities in bulk), from Palestine, TX, to points in the United States (except AK and HI). (Hearing site: Dallas, TX or Washington, DC.)

MC 116300 (Sub-69F), filed December 10, 1979. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting *animal and poultry feed*, from the facilities of Allied Mills, Inc., at or near Memphis, TN to points in AL, LA and MS. (Hearing site: Memphis, TN.)

MC 117730 (Sub-74F), filed December 10, 1979. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 No. LaSalle St., Chicago, IL 60602. Transporting (1) *castings*, (a) from Minneapolis, MN to points in IL and Davenport, IA, (b) from Moline, IL and Davenport, IA to points in IN and MI (c) from Muncie, IN, to points in IA and IL, (d) from Pigeon, MI to points in IL, IN, MO, OH and WI; (2) *steel forgings*, from the facilities of Wyman-Gordon Company at Danville and Harvey, IL to points in OH, MI and MD; and (3) *materials and supplies used in the manufacture and distribution of steel forgings*, in the reverse direction of (2) above. (Hearing site: Chicago, IL.)

MC 117820 (Sub-41F), filed December 3, 1979. Applicant: AURELIA TRUCKING CO., a Corporation, 2121 Petit Ave., Port Huron, MI 48060. Representative: Robert D. Schuler, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013. Transporting (1) *auto body parts or trim*, and (2) *materials, supplies and equipment* used in the manufacture or processing of the commodities in (1) above (except in bulk), from the facilities of Riverside Metal Products, Inc., at Port Huron, MI, to those points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted in (1) and (2) above to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 119531 (Sub-182F), filed December 26, 1979. Applicant: SUN EXPRESS, INC., P.O. Box 1031, Warren, OH 44482. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting *such commodities* as are dealt in by manufacturers of containers and related accessories and *equipment, materials and supplies* used in the manufacture of the above described commodities (except in bulk) between Obetz, OH, and LaPorte, IN, on the one hand, and, on the other, points in MD, MI, IL, IN, MO, TN and KY, restricted to the transportation of traffic originating at or destined to the facilities of National Can Corporation. (Hearing site: Columbus, OH.)

MC 119631 (Sub-35F), filed December 27, 1979. Applicant: DEIOMA TRUCKING COMPANY, a corporation, P.O. Box 3315, Mount Union Station, Alliance, OH 44601. Representative: Lawrence E. Lindeman, Suite 1032 Pennsylvania Building, 425 13th Street, N.W., Washington, DC 20004. Transporting *iron and steel articles*, from the facilities of Republic Steel Corporation, at or near Canton, Cleveland, Massillon, Warren, and Youngstown, OH, to points in MI, IL, IN, PA, NJ, and NY. (Hearing site: Cleveland, OH.)

MC 119641 (Sub-180F), filed December 10, 1979. Applicant: RINGLE EXPRESS, INC., 450 E. Ninth St., Fowler, IN 47944. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *composition board* and *wood fiber products*, from the facilities of the United States Gypsum Company at (a) Lisbon Falls and Auburn, ME and (b) Danville, VA, to points in AR, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, SD, TN and WI. (Hearing site: Chicago, IL.)

MC 119741 (Sub-248F), filed December 6, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *meats, meat products, meat byproducts, dairy products, and articles distributed by meat-packing houses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Swift & Company at (1) Cactus, Fort Worth, and Brownwood, TX, (2) Clovis, NM, (3) Guymon, OK, (4) Green Bay, WI, (5) Kansas City, KS, (6) Marshalltown, Sioux City, and Glenwood, IA, (7) Omaha, NE, and (8) St. Charles, Rochelle, Bradley, and East St. Louis, IL, to points in AR, CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, ND, OH, OK, PA, RI, SD, VT, VA, WV, WI, TX, and DC. (Hearing site: Chicago, IL.)

MC 120910 (Sub-39F), filed November 20, 1979. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Mr. Richard

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Davis (same as applicant). Transporting *construction materials* (except in bulk) from the facilities of The Celotex Corporation at or near Texarkana, AR, to those points in the United States in an east of ND, SD, NE, KS, OK, and TX. (Hearing site: Tampa, FL or Birmingham, AL.)

MC 124141 (Sub-21F), filed June 21, 1979. Applicant: JULIAN MARTIN, INC., P.O. Box 3348 (Highway 25 W), Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Transporting: *plastic materials,* (except in bulk), from Houston, TX to Chicago, IL. (Hearing site: Houston, TX, or Washington, DC.)

Note.—Dual operations may be involved.

MC 124141 (Sub-24F), filed August 17, 1979. Applicant: JULIAN MARTIN, INC., P.O. Box 3348 (Highway 25West), Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Transporting: *foodstuffs,* (except in bulk), in vehicles equipped with mechanical refrigeration, from Hershey, Lancaster and Mechanicsburg, PA, to points in AL, LA and MS. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 124141 (Sub-29F), filed October 23, 1979. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Transporting: *confectionery and confectionery products,* from Bethlemen, PA, to those points in the U.S. In and west of WI, IL, KY, TN, and MS (except AK and HI). (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 124141 (Sub-34F), filed November 13, 1979. Applicant: JULIAN MARTIN, INC., Highway 25 West, P.O. Box 3348, Batesville, AR 72501. Representative: Theodore Polydoroff, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting: *margarine and margarine products,* (except in bulk), from Osceola, AR, to points in AL, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NE, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV and WI. (Hearing site: Little Rock, AR, or Washington, DC.)

Note.—Dual operations may be involved.

MC 124251 (Sub-75F), filed December 6, 1979. Applicant: JACK JORDAN, INC., P.O. Box 689, Dalton, GA 30720. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (A) *liquid chemicals,* in bulk, in tank vehicles, (1) between points in GA, on the one hand, and on the other, those points in the U.S. in an east of AZ, CO, NE, SD, and ND; (2) between points in TN, on the one hand, and, on the other, points, in AL, AR, CA, CT, FL, GA, IL, MI, MS, MO, NC, OH, and SC; and (3) from points in AR, CT, IL, MI, MO and OH to points in AL, FL, GA, NC, SC, and TN, and (B) *liquid latex,* in bulk, in tank vehicles, between points in OH, on the one hand, and, on the other, points in AL, GA, NC, SC, and TN. (Hearing site: Atlanta, GA.)

MC 125551 (Sub-17F), filed December 10, 1979. Applicant: K & W TRUCKING CO., INC., 101 Cooper Avenue North, P.O. Box 1415, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), from points in the Minneapolis, MN, to Seattle, WA. (Hearing site: Minneapolis, MN.)

MC 126930 (Sub-30F), filed December 3, 1979. Applicant: BRAZOS TRANSPORT CO., a corporation, P.O. Box 2746, Lubbock, TX 79408. Representative: Mr. Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *plastic pipe,* from Rolla, MO, to points in OK, AR, LA, KS, TX, and IA. Condition: The person or persons engaged in common control of applicant and another regulated carrier must file an application for approval under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Fort Worth or Dallas, TX.)

MC 129291 (Sub-14F), filed December 3, 1979. Applicant: McDANIEL MOTOR EXPRESS, INC., 1115 Winchester Rd., Lexington, KY 40505. Representative: William L. Willis, Attorney at Law, 708 McClure Building, Frankfort, KY 40601. Over *regular* routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) between Lexington, KY, and Olive Hill, KY, from Lexington, KY over Interstate Hwy 64 to junction with KY Hwy 2, then over KY Hwy 2 to Olive Hill, and return oiver the same route, serving all intermediate points east of Owingsville, KY, and (2) between the junction of Interstate Hwy 64 and KY Hwy 32 and Morehead, KY, over KY Hwy 32, serving all intermediate points. (Hearing site: Lexington or Morehead, KY.)

MC 129301 (Sub-17F), filed December 4, 1979. Applicant: ENGLISH AND SONS CORPORATION, 412 Kingshighway, Thorofare, NJ 08086. Representative: James H. Sweeney, 468 Kentucky Avenue, R.D. 5, Williamstown, NJ 08094. *Contract carrier,* transporting *plastic containers,* from Dover, NH, and Pawtucket, RI, to Cinnaminson, NJ, under continuing contract(s) with Certified Chemicals, Inc., of Cinnaminson, NJ. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 129480 (Sub-48F), filed December 26, 1979. Applicant: TRI-LINE EXPRESSWAYS LTD., P.O. Bag 1212, Stn. T, Calgary, Alberta, Canada T2H 2J1. Representative: Richard S. Mandelson, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Transporting *air conditioning units and parts,* from Fort Worth, TX, Stuttgart, AR, and Columbus, OH, to ports of entry on the International Boundary line between the United States and Canada. (Hearing site: Dallas, TX.)

MC 133591 (Sub-85F), filed December 3, 1979. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main St., Winchester, KY 40391. Transporting *such commodities* as are dealt in or used by retail variety and discount stores between Seattle, WA, and points in CA, on the one hand, and, on the other, Junction City, KS, and Dallas, TX. (Hearing site: San Francisco, CA or Washington, DC.)

Note.—Dual operations may be involved.

MC 133591 (Sub-86F), filed December 4, 1979. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Charles A. Daniel (same address as applicant). Transporting *foodstuffs,* from Springfield, MO, to points in LA, AR, TX, OK, KS, NE, CO, NM, AZ, UT, IA, and IL. (Hearing site: St. Louis or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 134501 (Sub-74F), filed December 3, 1979. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting *new furniture,* from Sanford, NC, to points in ND, SD, NE, MN, IA, MO, WI, MI, IL, IN, OH, KY, TN (except Shelby County), LA, MS, AL, GA, FL, SC, NC, VA, WV, MD, DE, PA, NJ, NY, CT, RI, MA, VT, NH, ME, and DC. (Hearing site: Raleigh, NC or Dallas, TX.)

MC 135070 (Sub-129F), filed December 4, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting (1) *kitchen and storage cabinets,* (2) *new furniture, knocked down,* and (3) parts and accessories thereof, from Portland, OR, to those points in the United States in and east of NM, CO, NE, SD, and ND. (Hearing site: Portland, OR, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-131F), filed December 10, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *feed, and feed supplements* (except in bulk), between Hamlin, TX, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Dallas, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-132F), filed December 10, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *paper products,* from the facilities of Fonda/Royal Lace Group, at or near St. Albans, VT to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NC, ND, OH, OK, SC, SD, TN, TX, WV, and WI. (Hearing site: Newark, NJ, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135410 (Sub-96F), filed December 3, 1979. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities as are dealt in by retail department stores* (except foodstuffs and commodities in bulk), from points in CT, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and WI to the facilities of Gamble Skogmo, Inc., at (a) Chicago and Monmouth, IL, (b) Coldwater, MI, and (c) Fremont, NE. (Hearing site: St. Paul, MN, or Chicago, IL.)

MC 136161 (Sub-27F), filed December 7, 1979. Applicant: ORBIT TRANSPORT, INC., P.O. Box 163, Spring Valley, IL 61362. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Transporting *chemicals, and materials and supplies used in the manufacture and packaging of chemicals,* between Henry, IL, on the one hand, and, on the other, points in MN, IA, MO, WI, KY, TN, IN, OH, WV, and MI. (Hearing site: Chicago, IL.)

MC 136161 (Sub-28F), filed December 6, 1979. Applicant: ORBIT TRANSPORT, INC., P.O. Box 163, Spring Valley, IL 61362. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Transporting *paper and paper products and woodpulp* (except in bulk) from the facilities of Bowater Southern Paper Corporation at or near Calhoun, TN to points in CT, IA, IL, IN, KS, MA, MI, MN, MO, NE, NH, NJ, NY, OH, PA, RI, VT, WI, and WV. (Hearing site: Memphis, TN.)

MC 138000 (Sub-60F), filed December 3, 1979. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting *rayon staple fibers and synthetic yarns,* from the facilities of Avtex Fibers, Inc., at or near Front Royal, VA, to points in OH, IL, NC, SC, and GA. (Hearing site: Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 140690 (Sub-5F), filed December 27, 1979. Applicant: SIMMONS TRUCKING, INC., P.O. Box 71, Glenwood, MO 63541. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *Contract carrier,* transporting *dry groceries,* between the facilities of Aldi, Inc., at or near Wright City, MO, on the one hand, and, on the other, points in MO, IA, IL, IN , KY, TN, AR, and continuing contract(s) with Aldi, Inc., of Aurora, IL. (Hearing site: St. Louis, MO.)

MC 141160 (Sub-5F), filed December 10, 1979, Applicant: NEWTON TRANSPORTATION, INC., R.D. #1, Orwingsburg, PA 17961. Representative: Joseph E. Hoary, 121 South Main Street, Taylor, PA 18517. Transporting *cleaning and scouring compounds,* from North Hollywood, CA, to points that part of the United States east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN to the international boundary line between the United States and Canada, under a continuing contract(s) with Blue Cross Laboratories, North Hollywood, CA 91605. (Hearing site: Washington, DC.)

MC 142181 (Sub-9F), filed June 21, 1979. Applicant: LIBERTY CONTRACT CARRIER, INC., P.O. Box 1104, Nashville, TN 37202. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. *Contract carrier,* transporting *such commodities* as are dealt in or used by manufacturers of cosmetics between Atlantic, GA, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NC, SC, and TN, under continuing contract(s) with Avon Products, Inc., of Atlanta, GA. (Hearing site: Washington, DC or Atlanta, GA.)

MC 142181 (Sub-16F), filed November 13, 1979. Applicant: LIBERTY CONTRACT CARRIER, INC., 214 Hermitage Avenue, Nashville, TN 37202. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *metal containers,* from Chicago, IL, to Nashville, TN under continuing contract(s) with Bix Manufacturing Co., Inc., of Hickory, TN. (Hearing site: Nashville, TN, or Washington, DC.)

MC 142461 (Sub-7F), filed December 27, 1979. Applicant: H&W TRUCKING CO., INC., P.O. Box 1545, Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K St. NW., Washington, DC 20005. *Contract carrier,* transporting *furniture and furniture parts and materials and supplies used in the manufacture thereof* between points in NC, GA, and VA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Bassett Furniture Industries, Inc., and Bassett Furniture Industries of NC, Inc. under continuing contract(s) with Bassett Furniture Industries, Inc., and Bassett Furniture Industries of NC, Inc. both of Bassett, VA. (Hearing site: Greensboro, NC.)

MC 142920 (Sub-12F), filed December 27, 1979. Applicant: OLIVER TRUCKING CORP., 2203 W. Oliver St., Indianapolis, IN 46221. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carriers,* transporting *such commodities as are printed, manufactured, or sold by a printer or converter of paper and paper products,* and *materials, supplies,* and *equipment* used in the conduct of such business (except in bulk), (1) between points in CT, NY, NJ, PA, VA, TN and CA, on the one hand, and, on the other, points in IN and IL, and (2) between points in IN, on the one hand, and, on the other, points in IL, under a continuing contract(s) with Ivy Hill Packaging Co., of Terre Haute, IN. (Hearing site: Indianapolis, IN.)

MC 143851 (Sub-2F), filed December 6, 1979. Applicant: WESTCO TRUCKING, INC., 5206 Dixie Highway, Louisville, Ky 40216. Representative: Norbert B. Flick, 715 Executive Building, Cincinnati, OH 45202. Transporting *salt and salt products,* from Clarksville, IN to points in IL. (Hearing site: Louisville, KY.)

MC 144140 (Sub-47F), filed December 6, 1979. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158,

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Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant). Transporting (1) *foodstuffs* and (2) *materials, supplies, and equipment* used in the manufacturing and distribution of foodstuffs (except commodities in bulk) between those points in the US in and east of IA, KS, MN, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Douglas Foods, Inc. (Hearing site: Orlando, FL or Washington, DC.)

MC 144190 (Sub-12F), filed December 26, 1979. Applicant: STORY, INC., Route #1, Box 122, Henager, AL 35978. Representative: George M. Boles, 727 Frank Nelson Building, Birmingham, AL 35203. Transporting *carpet* and *floor coverings*, from Calhoun, Cartersville and Chatsworth, GA, and points in Catoosa and Whitfield Counties to points in NV. (Hearing site: Birmingham, AL, or Chattanooga, TN.)

MC 144330 (Sub-86F), filed December 7, 1979. Applicant: UTAH CARRIERS, INC., P.O. Box 1218, Freeport Center, Clearfield, UT 84016. Representative: Charles D. Midkiff (same address as applicant). Transporting *roofing and roofing materials*, from the facilities of GAF Corp., at or near (a) Dallas, TX and (b) Kansas City, KS, to points in CO, UT and NE, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX.)

MC 144330 (Sub-87F), filed December 7, 1979. Applicant: UTAH CARRIERS, INC., P.O. Box 1218, Freeport Center, Clearfield, UT 84016. Representative: Charles K. Midkiff (same address as applicant). Transporting *wallboard*, from Rosairo, NM, to Denver, CO and Phoenix, AZ, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Denver, CO.)

MC 144630 (Sub-39F), filed December 28, 1979. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *clay* (except in bulk), from Quality, GA, to points in DC, DE, IL, IN, KY, MD, NJ, NY, OH, and PA. (Hearing site: Atlanta, GA.)

MC 145441 (Sub-83F), filed December 4, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, N. Little Rock, AR 72219. Representative: Ralph E. Bradbury (same address as applicant). Transporting (1) *power chain saws, two-cycle engines, lightweight industrial gas engines, portable generators*, and (2) *equipment, parts and supplies* therefor, between Los Angeles, CA, and Lake Havasu City, AZ, on the one hand, and, on the other, points in KS, OK, TX, LA, AR, MO, MI, WI, IL, MS, AL, TN, KY, IN, OH, GA, SC, NC, VA, MD, DE, PA, RI, NJ, CT, NY, and DC. (Hearing site: Little Rock, AR, or Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 145441 (Sub-86F), filed December 6, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, N. Little Rock, AR 72219. Representative: Ralph E. Bradbury (same address as applicant). Transporting *canned seafood and animal food*, from Salem and Astoria, OR, to those points in the U.S. in and east of TX, OK, SK, NE, SD, and ND. (Hearing site: Little Rock, AR, or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 145441 (Sub-89F), filed December 6, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, N. Little Rock, AR 72219. Representative: Ralph E. Bradbury (same address as applicant). Transporting *foodstuffs* (except in bulk), food, Oakland, CA, to those points in the U.S. in and east of TX, OK, KS, NE, SD, and ND. (Hearing site: Little Rock, AR, or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 146071 (Sub-24F), filed December 6, 1979. Applicant: DEETZ TRUCKING, INC., P.O. Box 2, Strum, WI 54770. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Transporting (1) *clay products*, and (2) *refractory products* (except clay products), and (3) *materials and supplies* used in the manufacture and installation of the commodities named in (1) and (2) above, from the facilities of Clow Corp., Clay Products Division, at or near Carol Stream, IL, to points in IA, MN and WI. (Hearing site: Chicago, IL.)

MC 147830 (Sub-2F), filed December 5, 1979. Applicant: IOWA–NEBRASKA STEEL TRANSPORTATION CO., a corporation, 5092 N.E. 46th Avenue, Altoona, IA 50009. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *iron and steel articles* and (2) *nonferrous metals* from the facilities of Central Steel & Wire Co. at Chicago, IL, to points in IA and NE, restricted to traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 147831 (Sub-10F), filed December 3, 1979. Applicant: CENTRAL STATES EXPRESS, INC., P.O. Box 2464, Jackson, TN 38301 Representative: Abraham A. Diamond, 29 South LaSalle St., Chicago, IL 60603. Transporting (1) *Plastic auto parts and* (2) *materials, equipment and supplies used in their manufacture and distribution* between the facilities of Douglas & Lomason Co. at or near Milan, TN, on the one hand, and, on the other, points in IL, IN, MI, and OH. (Hearing site: Jackson, TN.)

MC 147831 (Sub-11F), filed December 5, 1979. Applicant: CENTRAL STATES EXPRESS, INC., P.O. Box 2464, Jackson, TN 38301. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60606. Transporting (1) *foodstuffs* (except in bulk), and (2) *Materials, equipment* and *supplies* used in their manufacture, and distribution between the facilities of Kelly Foods, Inc., at or near Jackson, TN, on the one hand, and, on the other, Jacksonville, Orlando, Tampa and Miami, FL, Atlanta, GA, Chicago and Plainfield, IL, Louisville, KY, New Orleans, LA, Preston, MD, Trenton, Kansas City and St. Louis, MO, Woodridge, NJ, Charlotte, Pineville and Raleigh, NC, Greenville, SC, Columbus, OH, Ft. Worth, Dallas, Houston and San Antonio, TX and Kansas City, KS. (Hearing site: Jackson, TN.)

MC 147951 (Sub-3F), filed December 26, 1979. Applicant: YOURLINE, INC., 3540 E. 26th St., Los Angeles, CA 90023. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Transporting (1) *such commodities as are dealt in by retail furniture stores*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities in (1) above (except commodities in bulk and those which because of size or weight require special equipment), between points in AZ, CA, NV, NM and TX, under continuing contract(s) with (a) R. B. Furniture, Inc., of Irvine, CA, (b) R. B. Industries, Inc., of Irvine, CA, and (c) R. B. Creative Systems, Inc., of Irvine, CA. (Hearing site: Los Angeles, CA.)

MC 147991 (Sub-2F), filed December 3, 1979. Applicant: HAMMOND TRUCKING, INC., 1131 South Dunlop, Forest Park, IL 60130. Representative: Dwight Harris, 7310 S. Constance Ave., Chicago, IL 60649. *Contract carrier*, transporting *meats, meat products and meat byproducts*, and *articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Swift & Company at Rochelle, St. Charles, and Bradley, IL, to points in AL, FL, GA, MS, NC, SC, and TN, under continuing contract(s) with Swift & Company, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 148391 (Sub-1F), filed December 4, 1979. Applicant: THE CONOVER EXCHANGE, INC., 7783 Bollinger Road, Conover, OH 45317. Representative: John L. Alden 1396 West Fifth Ave., P.O. Box 12241, Columbus, OH 43212. *Contract carrier, transporting welding wire and materials, equipment and supplies used in the manufacture and packaging of welding wire* (except commodities in bulk) between the facilities of Tri-Mark, Incorporated, at or near Piqua, OH, on the one hand, and, on the other, points in the United States (except Ak and HI) under continuing contract(s) with Tri-Mark, Incorporated, of Piqua, OH. (Hearing site: Columbus, OH and Washington, D.C.)

MC 148781 (Sub-1F), filed December 5, 1979. Applicant: MIKE WELCHEL d.b.a MARIETTA WRECKER SERVICE, 2778 Cobb Parkway, Atlanta, GA 30328. Representative: John J. Capo. 5299 Rosewell Rd., N.E., Atlanta, GA 30342. Transporting (1) *disabled trucks, tractors, and trailers* from points in FL, AL, MS, LA, KY, AR, TN, NC, SC, OH, IL, TX, PA, and VA to Atlanta, GA, and (2) *replacement vehicles* in the reverse direction. (Hearing site: Atlanta, GA.)

MC 148961F, filed December 4, 1979. Applicant: TORONTO CORPORATION, 301 Genet Street, Scranton, PA 18505. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. *Contract carrier*, transporting *confectionery and chewing gum* (except in bulk), between Duryea and Scranton, PA, on the one hand, and, on the other, points in AL, DE, FL, GA, MD, NC, SC, TN, VA, WV, and DC, under continuing contract(s) with Topps Chewing Gum Incorporated, of Duryea, PA. (Hearing site: Scranton, PA.)

MC 148970F, filed December 3, 1979. Applicant: BEACH PARK FREIGHT LINES, INC., 3721 Hocoridge Ave., Waukegan, IL 60085. Representative: Billie Jean Holm, 2848 Forest Lanes, Waukegan, IL 60085. *Contract carrier*, transporting (1) *building and insulating materials (except in bulk) from the facilities of Johns-Manville Sales Corp. at or near Waukegan, IL, to points in IN, IA, MI, OH, and WI, and (2) Insulation Board*, from the facilities of Johns-Manville Perlite Corp. at or near Rockdale, IL, to points in IN, IA, MI, OH and WI, and (3) *Materials and supplies used in the manufacture and distribution of the commodities named in* (1) and (2) (except commodities in bulk) from points in IN, IA, MI, OH, and WI, to Waukegan and Rockdale, IL, under continuing contract(s) with Johns-Manville Sales Corporation, of Oak Brook, IL. (Hearing site: Chicago, IL.)

MC 149111F, filed December 4, 1979. Applicant: GENERAL COMMODITIES WAREHOUSE & DISTRIBUTING CO., INC., 39th Street, Pittsburgh, PA 15201. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Transporting *general commodities*, (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment) from Pittsburgh, PA, to points in OH, WV, and MD. (Hearing site: Pittsburgh, PA or Washington, DC.)

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Decided: Feb. 19, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen. Member Jensen not participating.

MC 4941 (Sub-92F), filed November 30, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello St., Brockton, MA 02403. Representative: Russell S. Callahan (same address as applicant). Transporting *steel, box strapping, and steel strapping*, between the facilities of The Stanley Works at New Britain, CT, on the one hand, and, on the other, points in NY, OH, PA, VA, and WV. (Hearing site: Boston, MA, or Washington, DC.)

MC 11220 (Sub-185F), filed November 28, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Transporting (1) *foodstuffs* and (2) *materials and supplies* used in the manufacture and distribution of foodstuffs, (a) between Humboldt, TN, on the one hand, and, on the other, Atlanta, GA, Jacksonville, IL, and Dallas and Sherman, TX, and (b) between Jacksonville, IL, on the one hand, and, on the other, Atlanta, GA, Memphis, TN, and Dallas and Sherman, TX, restricted in (a) and (b) above to the transportation of traffic originating at or destined to the facilities used by Anderson Clayton Foods. (Hearing site: Dallas, TX.)

Note.—The authority sought could be joined with applicant's regular-route general commodities authority at the common points of Atlanta, GA, Memphis, TN, and Dallas and Sherman, TX.

MC 35320 (Sub-392F), filed November 29, 1979. Applicant: T.I.M.E., DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Jenn Air Corp., at or near Indianapolis, IN, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Indianapolis, IN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 35320 (Sub-393F), filed November 29, 1979. Applicant: T.I.M.E., DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Tidewater Publishing Company at or near Centerville, MD as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Baltimore, MD or Washington, DC.)

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 35320 (Sub-394F), filed November 30, 1979. Applicant: T.I.M.E., DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the PAECO, Inc., at or near Toms River, NJ, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: New York, NY or Washington, DC.)

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 35320 (Sub-395F), filed November 30, 1979. Applicant: T.I.M.E., DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Screw Conveyor Co., Inc., at or near Winona, MS, as an off-route point in connection with carrier's otherwise authorized regular-route operations.

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(Hearing site: Memphis, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 35320 (Sub-396F), filed November 30, 1979. Applicant: T.I.M.E., DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Emil Rivers Co., at or near Rockland, ME, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Boston, MA or Washington, DC.)

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 35320 (Sub-397F), filed November 30, 1979. Applicant: T.I.M.E., DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Chamberlain Manufacturing Corporation at or near Nogales, AZ, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Phoenix, AZ or Chicago, IL.)

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 35320 (Sub-398F), filed November 30, 1979. Applicant: T.I.M.E., DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Fond du Lac Manufacturing at or near Cloquet, MN, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Minneapolis or St. Paul, MN.)

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 35320 (Sub-400F), filed November 29, 1979. Applicant: T.I.M.E., DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Adirondack Wood Products Company at or near Amsterdam and Gloversville, NY, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Buffalo, NY or Washington, DC.)

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 35320 (Sub-401F), filed November 29, 1979. Applicant: T.I.M.E., DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of G C M Mills, Inc., at or near Gloversville, NY as an off-route point in connection with carrier's otherwise authorized regular-route Operations. (Hearing site: Buffalo, NY or Washington, DC.)

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 35320 (Sub-403F), filed November 29, 1979. Applicant: T.I.M.E., DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of TACO/Jerrold Corp., at or near Sherburne, NY, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Syracuse, NY or Washington, DC.)

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 42281 (Sub-150F), filed November 29, 1979. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, NJ 07303. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017. Transporting (1) *containers, container ends, and container closures,* and (2) *accessories, materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in CT, DE, FL, GA, KY, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of National Can Corporation in the above described territory. (Hearing site: Washington, DC.)

Condition.—The issuance of a certificate in this proceeding is conditioned upon the coincidental cancellation of Certificates MC-42281 Sub 124, and MC-42281 Sub 142, already requested by applicant.

MC 47171 (Sub-152F), filed November 30, 1979. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers, converters, and distributors of (1) paper and paper products, and (2) cellulose and synthetic materials, (except commodities in bulk), from the facilities of Kimberly-Clark Corporation at New Milford, CT, to points in MD and DC. (Hearing site: Washington, DC.)

MC 90870 (Sub-35F), filed November 29, 1979. Applicant: RIECHMANN ENTERPRISES, INC., Route 2, Box 137, Alhambra, IL 62001. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50309. Over regular routes transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New Douglas, IL, and St. Louis, MO, from New Douglas over unnumbered Hwy to junction Interstate Hwy 55, then over Interstate hwy 55 to St. Louis, and return over the same route, serving the intermediate and off-route points of Livingston and Williamson, IL. (Hearing site: St Louis, MO and Washington, DC.)

Note.—Applicant intends to tack with its other authority.

MC 95540 (Sub-1146F), filed November 27, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting *wearing apparel,* between points in TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX or Washington, DC.)

MC 95540 (Sub-1147F), filed November 27, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Rd., P.O. Box 1636, Lakeland, Florida 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting *plumbing goods,* from Pomona, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA or Washington, DC.)

MC 104421 (Sub-32F), filed November 30, 1979. Applicant: ECONOLINES, INC., P.O. Box 623, D.T.S., Omaha, NE 68101. Representative: Roger W. Norris (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, foodstuffs, hides, contractors equipment, lumber, and commodities in bulk), between points in Burt County, NE, on the one hand, and, on the other, points in AL, FL, GA, OR, SD, TX, and WA. (Hearing site: Lincoln, NE.)

MC 129301 (Sub-16F), filed November 20, 1979. Applicant: ENGLISH AND SONS CORPORATION, 412 Kingshighway, Thorofare, NJ 08086. Representative: James H. Sweeney, 468 Kentucky Ave., R.D. 5, Williamstown, NJ 08094. Contract carrier transporting (1) *household cleaning products,* (except commodities in bulk), from Bristol and Cornwells Heights, PA, to points in CT, DE, MA, MD, ME, NH, NJ, NY, RI, VT, and DC, and (2) *materials and supplies* used in the manufacture or distribution of household cleaning products, (except commodities in bulk), in the reverse direction, under continuing contract(s) with the Purex Corporation of Bristol, PA. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 135070 (Sub-123F), filed November 20, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *household care products; cleaning, scouring, and washing compounds; beverage preparations; food products, noncarbonated water; hair care products; drugs; soap;* and *toilet articles,* from Dallas, TX, to points in AR, CO, KS, LA, MO, NM, and OK. (Hearing site: Dallas, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-128F), filed November 20, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from San Antonio, TX, to points in AL, CA, GA, FL, IL, LA, MD, MS, MO, NJ, NC, OR, PA, SC, VA, and WA. (Hearing site: San Antonio or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135461 (Sub-4F), filed November 26, 1979. Applicant: TELFER TANK LINES, INC., P.O. Box 709, Martinez, CA 94553. Representative: Daniel W. Baker, 100 Pine St., Suite 2550, San Francisco, CA 94111. Transporting (1) *liquid coal tar, coal tar emulsions, asphalt emulsions, coal tar pipe enamel, and coal tar cut backs,* in bulk, in tank vehicles, from points in San Bernardino County, CA, to points in NV, AZ, NM, UT, and CO, (2) *residual fuel oils,* in bulk, in tank vehicles, from points in Contra Costa County, CA, to points in OR and NV, and (3) *lignosulfonates,* in bulk, in tank vehicles, from points in CA, to points in NV. (Hearing site: San Francisco, CA.)

MC 142941 (Sub-57F), filed November 19, 1979. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 N. 25th Ave., P.O. Box 6716, Phoenix, AZ 85005. Representative: Lewis P. Ames, 111 West Monroe, 10th Floor, Phoenix, AZ 85003. Transporting *toilet preparations,* from the facilities of Roux Laboratories, Inc., in Duval County, FL, to points in AL, LA, MS, OK, TX, and Covington, KY. (Hearing site: Phoenix, AZ or Jacksonville, FL.)

MC 144140 (Sub-45F), filed November 26, 1979. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant). Transporting (1) *beverages, beverage preparations, and citrus products,* and (2) *foodstuffs,* in mixed shipments with the commodities in (1) above, (except commodities in bulk), from points in FL, to points in AL, GA, KY, LA, MS, NC, SC, and TN. (Hearing site: Orlando, FL or Washington, DC.)

MC 144621 (Sub-15F), filed November 26, 1979. Applicant: CENTURY MOTOR LINES, INC., P.O. Box 15246, 1720 East Garry Ave., Santa Ana, CA 92705. Representative: James P. Beck, 717 17th St., Suite 2600, Denver, CO 80202. Transporting *wine* (except in bulk), from points in CA, to points in TX, and those points in the United States in and east of WI, IA, IL, KY, TN, and MS. Condition: The person or persons which appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 144760 (Sub-4F), filed November 30, 1979. Applicant: HITTMAN TRANSPORT SERVICES, INC., 2700 Keslinger Rd., Geneva, IL 60134. Representative: Anthony C. Vance, 1307 Dolly Madison Blvd., McLean, VA 22101. Contract carrier transporting *radioactive waste,* from the facilities of (a) Vermont Yankee Nuclear Power Corp., at or near Vernon, VT, (b) Boston Edison Pilgrim Nuclear Station, at or near Plymouth, MA, (c) Maine Yankee Atomic Power Plant Co., at or near Wiscasset, ME, (d) Baltimore Gas & Electric Calvert Cliffs Nuclear Station, at or near Lusby, MD, (e) The Power Authority of the State of NY Indian Point Nuclear Station, at or near Buchanan, NY, and (f) Oyster Creek Nuclear Station, at or near Forked River, NJ, to Burnwell, SC, Richland, WA, and Beatty, NV, under continuing contract(s) with Hittman Nuclear & Development Corp. Condition: Any permit issued in this proceeding shall be limited in point of time to a period expiring 5 years from its date of issue. (Hearing site: Washington, DC, or Chicago, IL.)

MC 144821 (Sub-4F), filed November 20, 1979. Applicant: FREEDOM FREIGHTWAYS, INC., P.O. Box 5850, St. Louis, MO 63134. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *such commodities* as are dealt in or used by automotive supply and household appliance stores, between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Western Auto Supply Company and its franchise stores. (Hearing site: St. Louis, MO.)

MC 144981 (Sub-3F), filed November 30, 1979. Applicant: JOHN DAY-PORTLAND AUTO FREIGHT, INC., P.O. Box 5, John Day, OR 97845. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Portland, OR on the one hand, and, on the other, points in Harney County, OR. (Hearing site: Portland, OR.)

MC 145230 (Sub-3F), filed November 30, 1979. Applicant: H & S TRUCKING, INC., P.O. Box 127, Wesson, MS 39191. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Contract carrier transporting *foodstuffs and specialty gift items,* from the facilities of The Wisconsin Cheeseman, Inc., at or near Sun Prairie, WI, to Phoenix, AZ, Los Angeles and Oakland, CA, Jacksonville and Miami, FL, Shreveport,

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LA, Albuquerque, NM, Portland, OR, Salt Lake City, UT, and Seattle, WA, under continuing contract(s) with The Wisconsin Cheeseman, Inc., of Madison, WI. (Hearing site: Madison, WI, or Washington, DC.)

MC 145240 (Sub-4F), filed November 26, 1979. Applicant: L. D. BRINKMAN TRUCKING CORP., 520 N. Wildwood, Irving, TX 75060. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. Contract carrier transporting *sugar,* in packages, from Mathews, LA, to points in TX, under continuing contract(s) with The South Coast Sugars, Inc., of Houma, LA. (Hearing site: Dallas, TX or New Orleans, LA.)

MC 145240 (Sub-5F), filed November 27, 1979. Applicant: L. D. BRINKMAN TRUCKING CORP., 520 N. Wildwood, Irving, TX 75060. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. Contract carrier transporting *such commodities* as are used by restaurant or institutional businesses, from Kansas City, KS, to Dallas, TX, under continuing contract(s) with John Sexton & Co., Div. Beatrice Foods, of Chicago, IL. (Hearing site: Dallas, TX.)

MC 145301 (Sub-4F), filed November 29, 1979. Applicant: R.E.M. TRANSPORT CO., INC., Building No. 431, Raritan Center, Edison, NJ 08817 Representative: Brian S. Stern, 2425 Wilson Blvd., Suite 367, Arlington, VA 22201. Transporting (1) *acids and chemicals,* in packages, from the facilities of Allied Chemical Corporation at or near Marcus Hook, PA, to points in TX, and (2) *plastic materials* (except commodities in bulk), from the facilities of Allied Chemical Corporation at or near Orange, TX, to points in CA. (Hearing site: Newark, NJ or Washington, DC.)

Note.—Dual operations may be involved.

MC 145441 (Sub-80F), filed November 23, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, No. Little Rock, AR. Representative: Ralph E. Bradbury (same address as applicant). Transporting (1) *materials and supplies* used in the manufacture and distribution of liquid plastics and urethane coating, from those points in the United States on and east of U.S. Hwy 85 to St. Louis, MO, and Riverside, CA, and (2) *urethane coating and liquid plastics* in the reverse direction. (Hearing site: Little Rock, AR or Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 145481 (Sub-12F), filed November 26, 1979. Applicant: COYOTE TRUCK LINE, INC., 501 Sam Ralston Rd., Lebanon, IN 46052. Representative: John T. Wirth, 717—17th St., Suite 2600, Denver, CO 80202. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Los Angeles, CA, on the one hand, and, on the other, those points in the United States in and east of MN, IA, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA or Chicago, IL.)

Note.—Dual operations may be involved.

MC 145950 (Sub-62F), filed November 19, 1979. Applicant: BAYWOOD TRANSPORT, INC., Route 6, P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *tires,* from the facilities of General Tire and Rubber Company at or near Waco, TX, to points in AZ and CA. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 145950 (Sub-63F), filed November 28, 1979. Applicant: BAYWOOD TRANSPORT, INC., Route 6, P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *petroleum and petroleum products,* in packages, from the facilities of Witco Chemical Corporation, at or near Houston, TX, to AL, AR, CO, FL, GA, LA, MO, MS, NC, SC, and TN. (Hearing site: New Orleans, LA.)

Note.—Dual operations may be involved.

MC 146601 (Sub-5F), filed November 23, 1979. Applicant: POTEAT MOTOR LINES, INC., 522 12th Ave., SW., Hickory, NC 28601. Representative: Robert D. Hoagland, 1204 Cameron Brown Bldg., 301 S. McDowell St., Charlotte, NC 28204. Transporting *iron and steel articles,* from Baltimore, MD, and Philadelphia, PA, to points in Catawba and Yancey Counties, NC. Condition: The person or persons who appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Charlotte, NC.)

MC 146810 (Sub-2F), filed November 26, 1979. Applicant: JOHN WILLEGALLA, d.b.a. WILLEGALLA TRUCKING, 1295 Elsnore Circle, Long Lake, MN 55356. Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. Contract carrier transporting *malt beverages,* from St. Louis, MO, and LaCrosse, WI, to Long Lake, MN, under continuing contract(s) with Thorpe Distributing Co. (Hearing site: Minneapolis-St. Paul, MN.)

MC 147491 (Sub-2F), filed November 26, 1979. Applicant: TAB TRUCKING, INC., 4342 Janitrol Road, Columbus, OH 43228. Representative: Brian S. Stern, 2425 Wilson Boulevard, Suite 367, Arlington, VA 22201. Transporting *foodstuffs* (except in bulk), and *animal foods,* in containers, from the facilities of Campbell Soup Company at or near Napoleon, OH, to points in IN, KY, and MI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Toledo or Cleveland, OH.)

MC 147811 (Sub-5F), filed November 29, 1979. Applicant: FLO-JO CONTRACTING, INC., P.O. Box 283, Belgrade Lakes, ME 04918. Representative: Karl A. Johnson (same address as applicant). Contract carrier transporting *salt, chemicals, pipe products,* and *horticultural and agricultural supplies,* (1) from points in NY, NJ, PA, MD, DE, MA, CT, RI, NH and VT, to points in ME, NH, VT, MA, CT and RI, and (2) from points in ME, to points in NH, VT, MA, CT, RI, NY, NJ and PA, under continuing contract(s) with W. H. Shurtleff Co., of Portland, ME. (Hearing site: Portland or Augusta, ME.)

MC 147831 (Sub-9F), filed November 29, 1979. Applicant: CENTRAL STATES EXPRESS, INC., P.O. Box 2464, Jackson, TN 38301. Representative: Abraham A. Diamond, 29 South LaSalle St., Chicago, IL 60603. Transporting (1) *wood doors, door fronts, wood flooring, and lumber,* and (2) *materials* used in the manufacture and distribution of the commodities in (1) above, from the facilities of Bruce Hardwood Floors, Division of Triangle Pacific Company, at or near Jackson, TN, to Lodi, CA, Lakeland, FL, Atlanta, GA, Union City, IN, Auburn, NE, Nashua, NH, Carbondale and Thompsontown, PA, and McKinney, TX. Condition: The person or persons who appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Jackson, TN.)

MC 148131 (Sub-2F), filed November 27, 1979. Applicant: JAMTRAN, INC., P.O. Box 57, St. Hilaire, MN 56754. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting *dry fertilizer,* between Grand Forks, ND, on the one hand, and, on the other, points in MN. Condition: The person or persons who appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Fargo, ND, or Minneapolis, MN.)

MC 148320 (Sub-2F), filed November 23, 1979. Applicant: MHB, INC., P.O. Box 10505, Goldsboro, NC 27530. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting (1) *canned goods* (except frozen), (a) from the facilities of Joan of Arc Company in Sampson County, NC, to those points in the United States in and east of MI, IN, KY, TN, MS, and LA, and (b) from the facilities of Joan of Arc Company at or near Belladeau and St. Francisville, LA, to the facilities of Joan of Arc Company in Sampson County, NC (2) *materials and supplies* used in the manufacture and distribution of canned goods, from Baltimore, Fruitland, and Hurlock, MD, Spartanburg, SC, and Winchester, VA, to the facilities of Joan of Arc Company in Sampson County, NC, (3) *malt beverages,* from Fogelsville, PA, Pabst, GA, Norfolk, VA, and Trenton, NJ, to Goldsboro, NC, and (4) *root beer,* from Scranton, PA, to Goldsboro, NC. (Hearing site: Washington, DC or Raleigh, NC.)

MC 148350 (Sub-2F), filed November 27, 1979. Applicant: IMPERIAL FREIGHT LINES, a corporation, 1075 North Tenth St., San Jose, CA 95113. Representative: Walter H. Walker III, 100 Pine St., Suite 2550, San Francisco, CA 94111. Contract carrier transporting (1) *such commodities* as are dealt in by health food stores, and (2) *cosmetics, soaps,* and *cleaning compounds,* between the facilities of Evergreen Enterprises, Inc., at Sparks, NC, and points in CA, under continuing contract(s) with Neo-Life Company of America of Hayward, CA. (Hearing site: San Francisco, CA.)

MC 148360 (Sub-5F), filed November 30, 1979. Applicant: PDR TRUCKING, INC., 6048 South York Rd., Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. Contract carrier transporting *new furniture,* from Hickory, NC, to Cleveland, Akron, Youngstown, and West Austintown, OH, under continuing contract(s) with Strouss Department Store of Youngstown, OH. (Hearing site: Youngstown, OH.)

MC 148670F, filed November 19, 1979. Applicant: STOKLEY TRANSPORTATION CORP., P.O. Box 159, Glassboro, NJ 08028. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Contract carrier transporting (1) *canned foods,* and (2) *materials, supplies, and equipment* used in the manufacture and distribution of canned foods, between Glassboro and Swedesboro, NJ, and Avondale, PA, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NH, NJ, NY, OH, PA, VA, and VT, under continuing contract(s) with Ron Son Mushroom Products, Inc., and Ron Son Foods, Inc., both of Glassboro, NJ. (Hearing site: Philadelphia, PA.)

MC 148671F, filed November 19, 1979. Applicant: HARLAND QUACKENBUSH, d.b.a. H & D TRUCKING, 500 Dew Drop Cove, Casselberry, FL 32707. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701. Contract carrier transporting *paper and paper products* (except commodities in bulk), between points in ME, NH, VT, NY, MA, CT, NJ, PA, MD, WV, DE, VA, NC, SC, GA, FL, IN, OH, and DC, under continuing contract(s) with Anderson Box Company of Indianapolis, IN. (Hearing site: Indianapolis, IN, or Staunton, VA.)

MC 148710 (Sub-1F), filed November 21, 1979. Applicant: SEABOARD EXPRESS, INC., 5724 New Peachtree Rd., Atlanta, GA 30341. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Contract carrier transporting *such commodities* as are dealt in or used by chemical manufacturers and distributors (except commodities in bulk), between the facilities used by Oxford Chemicals, Inc., at or near Chamblee, GA, on the one hand, and, on the other, Brisbane, CA, Denver, CO, Miami, FL, Indianapolis, IN, New Orleans, LA, Charlotte, NC, Keene, NH, Harrisburg, PA, Memphis, TN, and Houston, TX, under continuing contract(s) with Oxford Chemicals, Inc., of Chamblee, GA. (Hearing site: Atlanta, GA.)

MC 148820F, filed November 29, 1979. Applicant: ENTERPRISE TRANSPORTATION, INC., 1191 South Wheeling Rd., Wheeling, IL 60090. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. Contract carrier transporting (1) *paint, varnish, solvents, cleaning compounds, wax, detergents, and chemicals,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles), between the facilities of The Enterprise Companies, a Division of Insilco Corporation, at Chicago and Wheeling, IL, on the one hand, and, on the other, points in the United States (except AK and HI) under continuing contract(s) with The Enterprise Companies, a Division of Insilco Corporation of Wheeling, IL. (Hearing site: Chicago, IL.)

MC 143501 (Sub-4F), filed November 28, 1979. Applicant: R.G.C. CARGO CARRIERS, INC., P.O. Box 523, South Holland, IL 60473. Representative: James E. Savitz, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Contract carrier transporting *foodstuffs* (except frozen), from the facilities of Michigan Fruit Canners at or near Coloma, MI, to points in AZ, CA, OR, UT, and WA, under continuing contract(s) with Michigan Fruit Canners, of Coloma, MI. (Hearing site: Chicago, IL.)

MC 2890 (Sub-57F), filed November 27, 1979. Applicant: AMERICAN BUSLINES, INC., 1501 South Central Ave., Los Angeles, CA 90021. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201. Over regular routes transporting *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Ft. Wayne, IN, and Toledo, OH, (1) from Ft. Wayne over IN Hwy 37 to the IN–OH State line, then over OH Hwy 2 to Toledo, and return over the same route, serving all intermediate points, and (2) over U.S. Hwy 24, serving no intermediate points, as an alternate route for operating convenience only. (Hearing site: Ft. Wayne, IN, or Toledo, OH.)

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-8473 Filed 3-19-80; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants by Republic Steel Corp.

In accordance with Department policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on March 4, 1980, a proposed consent decree in *United States of America* v. *Republic Steel Corporation,* N.D. Ill. Civ. No. 80 C 5087, was lodged with the United States District Court for the Northern District of Illinois, Eastern Division. Republic Steel Corporation owns and operates a steel plant known as the Chicago District Plant in Chicago, Illinois.

The decree requires Republic to cease operation of its coke battery no later than June 30, 1982 or 120 days after coal is charged in a new coke oven battery now under construction at the Chicago District plant whichever occurs first. In the interim, Republic is to implement a series of comprehensive operational and maintenance procedures to reduce

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emissions and shall at no time allow visible emissions from more than 13% of the coke oven battery doors.

In addition, particulate emissions from Republic's blast furnace will be captured by a hooding system vented to a baghouse which must maintain a level of control of 0.03gr/dscf. Periodic performance testing is required.

The proposed consent decree may be examined at the office of the United States Attorney for the Northern District of Illinois, Room 1500 South, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois 60604; at the Region V office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604; and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2645, 10th and Constitution Avenue NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed consent decree until April 21, 1980. Comments should be addressed to the Deputy Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *Republic Steel Corporation*, N.D. Illinois, Civil Action No. 80 C 5087, D.J. 90–5–1–938.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-8509 Filed 3-19-80; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action In Which the United States Seeks To Enjoin the Emission of Air Pollutants by the Public Service Co. of Colorado

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on February 14, 1980, a proposed consent decree in *United States of America* v. *Public Service Company of Colorado*, was lodged with the United States District of Colorado. The proposed consent decree is in settlement of an action against the Public Service Company of Colorado under the Clean Air Act, 33 U.S.C. 7413(b), for violations of the Colorado State Implementation Plan. The proposed decree requires the installation of pollution control equipment for the reduction of particulate emissions from fossil-fuel fired steam generating units known as Cherokee Units 1, 2, 3, and 4. The decree further provides for the payment costs of engineering studies incurred by the United States Environmental Protection Agency, and for the payment of penalties to the United States and the State of Colorado (an intervenor in the case) for failure to meet the compliance schedules set by the proposed decree or violation of federal or state emission requirements.

The proposed decree may be examined at the office of the United States Attorney, United States Courthouse, Denver, Colorado 80294; the Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295; and the Pollution Control Section, Land and Natural Resources Division, Department of Justice, 9th and Pennsylvania Avenue, NW, Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division, Department of Justice, 9th and Pennsylvania Avenue, NW, Washington, D.C. 20530. The Department of Justice will receive written comments relating to the proposed consent decree until April 21, 1980. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, 9th and Pennsylvania Avenue, Washington, D.C. 20530 and should refer to *United States of America* v. *Public Service Company of Colorado*, D.J. No. 90–5–2–3–1115.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-8510 Filed 3-19-80; 8:45 am]

BILLING CODE 4410-01-M

Proposed Modification of Consent Decree In Action To Enforce Federal Auto Emissions Inspection Maintenance Program In Pennsylvania

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on March 5, 1980, a proposed Modification of Consent Decree in *United States* v. *Commonwealth of Pennsylvania* (E. D. Pa. 77–619) was lodged with the United States District Court for the Eastern District of Pennsylvania. The proposed Modification of Consent Decree extends the deadlines in the existing Consent Decree, dated August 30, 1978, for implementation of an auto emissions inspection-maintenance program in the State of Pennsylvania so that the commencement date for a mandatory inspection/voluntary maintenence program becomes May 1, 1981 and the commencement date for a mandatory inspection/ mandatory maintenence program becomes November 1, 1981. The Consent Decree is further modified to provide for more frequent inspections of garages by state inspectors and is modified in other respect.

The proposed modification of consent decree may be examined in the office of Ann Mallon, courtroom deputy to Judge Louis C. Bechtle, Room 17613, U.S. Courthouse, 601 Market Street, Philadelphia, Pennsylvania and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2629, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed modification of Consent Decree may be obtained in person or by mail form Kenneth A. Reich, Attorney. Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed Modification of Consent Decree until April 21, 1980. Comments should be addressed to the Deputy Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Commonwealth of Pennsylvania*, (E. D. Pa. 77–619), D.J. Ref. 90–5–2–4–29.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-8511 filed 3-19-80; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree In Action To Enjoin Discharge of Air Pollutants by Rollins Environmental Services (N.J.), Inc. at its Bridgeport, N.J. Facility

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on March 6, 1980, a proposed consent decree in *United States* v. *Rollins Environmental Services (NJ), Inc.* (D.N.J., Civ. No. 80–679), was lodged with the United States District Court for the District of New Jersey. The proposed consent decree covers an incinerator in Bridgeport, New Jersey, and it requires the corporation to bring its incinerator into compliance with requirements of the Clean Air Act by installation of control equipment and provides for payment of a civil penalty in the amount of $65,000.

The proposed consent decree may be examined at the office of the United States Attorney, Federal Building 970 Broad Street, Newark, New Jersey, and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2629, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from Kenneth Reich, Attorney with the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed consent decree until April 21, 1980. Comments should be addressed to the Deputy Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Rollins Environmental Services (NJ), Inc.*, (D.N.J., Civ. No. 80–679), D.J. Ref. 90–5–2–1–306.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-8512 Filed 3-19-80; 8:45 am]

BILLING CODE 4410-01-M

National Institute of Justice

Solicitation Regarding Competitive Research Cooperative Agreement Program To Conduct Assessment of the Law Enforcement Equipment Standards Program

The National Institute of Justice announces a competitive research cooperative agreement program to conduct an asessment of the Law Enforcement Equipment Standards Program of the National Institute. The evaluation will be a comparative assessment of the impact of the planning, development, testing, and dissemination of the program on operating agencies.

The solicitation asks for the submission of preliminary proposals. A formal application will be requested following a peer review process in accordance with the criteria set forth in the solicitation. In order to be considered, all papers must be postmarked no later than May 15, 1980.

The cooperative agreement award is planned for August 31, 1980 with funding support not to exceed $170,000 or 18 months duration. To maximize competition for this award, both proit-making and non-profit making organizations are eligible to apply, but no fee can be charged. Organizations which have actively participated in this program as primary contractor, sub-contractor or grantee are ineligible to bid on this solicitation.

Further information and copies of the solicitation can be obtained by contacting Richard Rau or Joyce Cason, Office of Program Evaluation, NIJ, 633 Indiana Avenue, NW, Washington, D.C., 20531, or by phone (301) 492–9085. Copies can also be obtained from the National Criminal Justice Service by calling 202/862–2900.

Dated: March 11, 1980.

Harry M. Bratt,

Primary and Principal Assistant to the Acting Director, National Institute of Justice.

[FR Doc. 80-8419 Filed 3-19-80; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Advisory Committee; Change in Meeting

March 13, 1980.

This is to announce a change in the Humanities Panel meeting to be held March 27 and 28, 1980, at the National Endowment for the Humanities, 806 15th Street, NW., Washington, D.C. 20506, notice of which was published in the **Federal Register** on February 22, 1980. The purpose of the meeting is to review applications for the History Program submitted to the National Endowment for the Humanities for projects beginning after June 1, 1980. The Panel will convene as follows: March 28, 1980, from 9:00 a.m. to 5:30 p.m. in Room 1134.

The dates have been changed from the original dates of March 27 and 28, 1980. These Panel meetings are closed to the public.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 80-8498 Filed 3-19-80; 8:45 am]

BILLING CODE 7536-01-M

Humanities Panel Advisory Committee; Meeting

March 6, 1980.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 Fifteenth Street, NW., Washington, D.C. from 9:00 a.m. to 5:30 p.m.:

(1) Date: April 2–3, 1980; Room: 1023–1025.

(2) Date: April 9–10, 1980; Room: 1130.

(3) Date: April 28–29, 1980; Room: 1023–1025.

The purpose of the meeting is to review Challenge Grant applications submitted to the National Endowment for the Humanities for projects beginning after October 1, 1979.

Because the proposed meeting will consider financial information and disclosure information of a personal nature the disclose of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 Fifteenth Street, NW., Washington, D.C. 20506, or call area code 202–724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 80-8499 Filed 3-19-80; 8:45 am]

BILLING CODE 7536-01-M

Humanities Panel Advisory Committee; Meeting

March 4, 1980.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 1134 from 9:00 a.m. to 5:30 p.m. on April 11, 1980.

The purpose of the meeting is to review applications in Challenge Grants that have been submitted to the Research Resources Program of the National Endowment for the Humanities, for projects beginning after Fall 1980.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806

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15th Street, NW., Washington, D.C. 20506, or call area code 202–724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 80-8600 Filed 3-19-80; 8:45 am]

BILLING CODE 7536-01-M

Humanities Panel Advisory Committee; Meeting

March 4, 1980.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at 806 15th Street, NW., Washington, D.C. 20506, in room 1134, from 9:00 a.m. to 5:30 p.m. on April 15 and 16, 1980.

The purpose of the meeting is to review applications in the Conferences that have been submitted to the General Research Program of the National Endowment for the Humanities, for projects beginning after June 1, 1980.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 80-8601 Filed 3-19-80; 8:45 am]

BILLING CODE 7536-01-M

Humanities Panel Advisory Committee; Meeting

March 13, 1980.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at 806 15th Street, NW., Washington, D.C. 20506, in room 1134, from 9:00 a.m. to 5:30 p.m. on April 25, 1980.

The purpose of the meeting is to review applications in the State, Local and Regional studies that have been submitted to the General Research Program of the National Endowment for the Humanities, for projects beginning after September 1, 1980.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 80-8602 Filed 3-19-80; 8:45 am]

BILLING CODE 7536-01-M

Annual Comprehensive Review of Advisory Committees

AGENCY: Federal Council on the Arts and the Humanities.

ACTION: Notice.

SUMMARY: In accordance with section 7(b) of the Federal Advisory Committee Act (Pub. L. 92–463), the Federal Council on the Arts and the Humanities is currently reviewing each of its advisory committees to determine:

(a) Whether the panel is carrying out its purpose;

(b) Whether consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;

(c) Whether it should be merged with other advisory committees; or

(d) Whether it should be abolished.

Any interested party may submit written comments and recommendations concerning the advisory committees.

DATES: To be considered, written comments must be received on or before April 1, 1980.

ADDRESSES: Address comments to: Mr. Stephen J. McCleary, Advisory Committee Management Officer, Federal Council on the Arts and the Humanities, 806 15th Street, NW., Washington, D.C. 20506, 202–724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 80-8603 Filed 3-19-80; 8:45 am]

BILLING CODE 7536-01-M

Media Arts Panel (Challenge); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Media Arts Panel (Challenge) to the National Council on the Arts will be held April 7, 1980 from 9:00 a.m.–5:30 p.m., Room 1422, Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9 (b) of section 552b of Title United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

Dated: March 12, 1980.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 80-8605 Filed 3-19-80; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Panel (Building Arts); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Building Arts) to the National Council on the Arts will be held April 9, 1980 from 9:00 a.m.–5:30 p.m.; April 10, 1980 from 9:00 a.m.–5:30 p.m.; and April 11, 1980 from 9:00 a.m.–5:30 p.m., in Room 1340, Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on application for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

Dated: March 12, 1980.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 80-8592 Filed 3-19-80; 8:45 am]

BILLING CODE 7537-01-M

Annual Comprehensive Review of Advisory Committees

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: In accordance with section 7(b) of the Federal Advisory Committee Act (Pub. L. 92–463), the National Endowment for the Humanities is currently reviewing each of its advisory committees to determine:

(a) Whether the panel is carrying out its purpose;

(b) Whether consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;

(c) Whether it should be merged with other advisory committees; or

(d) Whether it should be abolished.

Any interested party may submit written comments and recommendations concerning the advisory committees.

DATES: To be considered, written comments must be received on or before April 1, 1980.

ADDRESS: Address comments to: Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, 806 15th Street, NW., Washington, D.C. 20506, 202–724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 80-8497 Filed 3-19-80; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 80-12]

Reports, Safety Recommendations, and Responses; Availability

Aircraft Accident Reports in Brief Format

U.S. Civil Aviation Accidents, Issue No. 3 of 1979 Accidents (NTSB–BA–79–7).—A crash in the California mountain has been cited by the National Transportation Safety Board as a tragic example of the toll which bad weather accidents takes among general aviation pilots. This is one of 299 non-airline accidents for which probable cause is published in the Safety Board's third issue of briefs of 1979 civil aviation accidents. The brief format employed in these reports includes in a computer printout the Board's determinations of probable cause and contributing factors, and the basic circumstances of an accident.

As indicated in Press Release SB 80–19 accompanying Issue No. 3, the California accident involved a Cessna 172 which struck the 7,300-foot level of an 8,700-foot mountain near Mount Baldy. Visibility at the scene was under two miles in snow and fog. The pilot and one passenger died in the crash. Another passenger died of injuries suffered in a fall while attempting to descend the mountain. The only survivor was the 11-year-old son of one of the passengers.

The Safety Board held that the accident was caused by inadequate preflight preparation and/or planning and continued VFR flight into adverse weather conditions. Snow was cited as a contributing factor. The Board stresses that the only way for a pilot to fly safely in bad weather, if he is not instrument rated and current, or his aircraft is not equipped to cope with it, is to avoid it entirely.

Note.—The brief reports in this volume contain essential information; more detailed data may be obtained from the original factural reports on file in the Washington office of the Safety Board. Upon request, factual reports will be reproduced commercially at an average cost of 7 cents per page for printed matter, $1 per page for black-and-white photographs, and $1.50 per page for color photographs, plus postage. Requests concerning aircraft accident report briefs should include (1) date and place of occurrence, (2) type of aircraft and registration number, and (3) name of pilot. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Annual Report to Congress, 1979

As required by the Independent Safety Board Act of 1974, the Safety Board on February 27 forwarded to Members of Congress copies of its 13th annual report. The report details the Board's accomplishments in improving aviation, rail, highway, marine, pipeline, and hazardous materials safety. The Board completed 62 major accident investigations in FY 79. Field investigations numbered 1,540. In addition, the Board completed 29 foreign investigations and reviewed 3,404 accident investigations conducted by other agencies. The Board also issued 378 safety recommendations, 8 special studies and evaluations, and 1,866 statistical reports.

Note.—Single copies of the 1979 annual report may be obtained free of charge, as long as limited supplies last, by writing to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Safety Recommendation Letters

Highway

H–80–21 through –23; H–80–24.—As part of its continuing safety objective to seek nationwide improvements in roadway skid resistance standards, the Safety Board has recently concluded a special study, "Fatal Highway Accidents on Wet Pavement—The Magnitude, Location, and Characteristics," which revealed that during 1976 and 1977, 13.5 percent of all fatal accidents occurred on wet pavement, while precipitation occurred only about 3.0 to 3.5 percent of the time nationwide. This indicates that fatal accidents on wet pavement occur 3.9 to 4.5 times more often than might be expected. In 1976 and 1977, the National Safety Council projected that about 18 percent of all accidents in 22 States occurred on wet pavement. These data indicate that perhaps six time more accidents may occur on wet pavement than might be expected.

The study data also identified States which had a significantly higher than expected percentage of fatal accidents on wet pavement compared to the percentage of time the pavement was wet. The Safety Board believes that those States with a significantly higher rate of fatal accidents on wet pavement than might be expected should adopt more progressive programs to reduce the number of wet-pavement accidents.

Also, the soon-to-be-released study suggests that wet-pavement accidents may increase where low void ratio designs are used in mixing the roadway surface materials, and illustrates that wet-pavement accidents occur more often than expected within a particular

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belt of the country. The aggregates available for roadway surface materials in this region are within one geological formation that is known to have inferior aggregates. the statistics also noted that more accidents occur on wet pavement at night where artificial light is used.

As a result of these findings, the Safety Board on March 12 recommended that the Federal Highway Administration:

In conjunction with the National Oceanic and Atmospheric Administration, provide weather data to Federal, State, and local agencies, and promote and use these data to reduce accidents on wet-pavement. (Class II, Priority Action) (H–80–21)

Promote further research into the relationship of wet-pavement accidents (1) to low void ratios in pavement surface mixes, (2) to highway construction materials, and (3) to artificial light conditions. (Class III, Longer Term Action) (H–80–22)

Test the use of the Wet Fatal Accident Index (WFAI) as an aid to identify and evaluate State programs aimed at reducing accidents on wet-pavement. (Class III, Longer Term Action) (H–80–23)

In a companion letter, also forwarded on March 12, to the National Highway Traffic Safety Administration, the Safety Board states that based on the magnitude of the wet-pavement accident problem, the statistical findings, and other independent studies, there appears to be a need for a public awareness program similar to "Operation Lifesaver" for railroad crossings that would alert the public to the need for extra caution on wet-pavement. Accordingly, the Board recommend that NHTSA:

Develop a program to alert the public to the component factors and magnitude of the wet-pavement accident problem. (Class II, Priority Action) (H–80–24)

H–80–25 and –26.—On October 17, 1978, a passenger car vaulted a guardrail near Clarkston, Ga. The driver was driving in excess of 55 mph when he lost control, struck the transition section of a guardrail at a bridge overpass, and vaulted the guardrail and bridge parapet. The vehicle slid along the bridge rail and became airborne before it impacted the earth adjacent to the roadway below. All three occupants were killed.

On June 8, 1979, a passenger car with eight occupants was westbound on the Grand Central Parkway in New York City. During a high-speed passing maneuver, the vehicle veered out of control, vaulted the median guardrail, and collided with three eastbound passenger cars. Four persons were killed, and 10 persons were injured.

The Safety Board concluded that these two accidents involved ineffective transition sections and metal post-type roadside/median barriers due, respectively, to design deficiencies and the cumulative effect of variations from standard design and construction details. The Board finds that in 1978, 2,890 fatalities resulted from 2,573 accidents in which a vehicle struck a guardrail. Only fixed object accidents involving collision with trees and utility poles resulted in more fatalities that collisions involving guardrails.

The American Association of State Highway and Transportation Officials (AASHTO) "Guide for Selecting, Locating, and Designing Traffic Barriers" states, "It has been shown that small variations in design details should correspond to the as-tested details unless adequate justification exists for changing the design." Unfortunately, the Board states, there has been only limited research in crash testing of barrier designs which correlates or attempts to quantify the effect of deviations from the guidelines. The Safety Board believes that the research should either quantify, or at least establish by subjective evaluation (extreme, severe, major, marginal, minimal, or satisfactory), the effects of variations in the strength, shape, offset, and anchorage of the posts and guardrail. Similarly, the effect of reduced guardrail height above grade because of the accumulation of debris and vegetation should be evaluated. The research should identify the cumulative and offsetting effects of variations in these factors individually and collectively. Finally, the research should incorporate tests of vehicles braked at impact, as well as free-rolling vehicles, to take into account the changed crash dynamics resulting from the application of brakes which lowers the front end and stiffens the suspension of the vehicle.

Although it is a clear source of variations from design or construction details, the AASHTO Guide allows the use of a curb in conjunction with a roadside barrier. A recent Safety Board review of the design specifications for highways in several States also found deviations from the AASHTO Guide design specifications that could reduce the effectiveness of barriers when used in conjunction with curbs.

Also, the Board noted in the Clarkston, Ga., accident the need for a safe transition section from W-beam guardrail to bridge structure was highlighted. A staff review which examined the only transition section fully acceptable to AASHTO revealed that the severity of impacts with this design would approach the tolerances of occupants even if they were restrained with seatbelts and shoulder harnesses. The Board believes additional research and development should be undertaken to develop a compatible transition for joining the widely used "W-beam" to a rigid structure.

Therefore, the Safety Board on March 12 recommended that the Federal Highway Administration:

Assure that current and future research examines the variations in designs or construction details which can affect adversely impact performance of roadside barriers. (Class III, Longer Term Action) (H–80–25)

Develop and prescribe design criteria for transition sections between W-beam guardrail sections and rigid structures that will safely retain and redirect vehicles. (Class II, Priority Action) (H–80–26)

Pipeline

P–80–8 and –9.—Last October 24, an explosion and fire destroyed the county clerk's office building and the adjoining courthouse building, gutted a connecting building which was under construction, and damaged the adjacent house in Standardsville, Va. Thirteen persons were injured and property in the area was damaged extensively.

Safety Board investigation revealed that natural gas had leaked from a break in a 1¼-inch coated steel service line that had been snagged by a backhoe which was being used to dig a footing for an addition to the county clerk's office building. The contractor, owner of the backhoe, was working for Greene County, Va. The backhoe bucket hit the service line and pulled it out of the building wall approximately 3 inches. The tension on the pipe at the gas meter caused the pipe to crack at an elbow which connected the gas meter to a valve located inside the wall.

The service line, owned by Columbia Gas of Virginia, Inc. (Columbia), was approximately 48½ feet long, and was operated at 15 psig pressure and buried under approximately 24 inches of cover. The line was connected to the gas main with a weld-on tapping tee and extended from the main, located under the street pavement, to the inlet side of a valve at the curb, and from there to the inlet side of the customer's meter. The service line was not marked by Columbia before the excavation began because the contractor did not ask the gas company to do so.

The investigation disclosed that the Greene County authorities did not invite Columbia to preconstruction meetings or to meet onsite with them to specify which service lines might be subject to damage. At the time of the accident, the "one-call" system was not in operation in Greene County, but it is in use in the adjacent counties of Madison and Culpeper and other counties of Virginia. The Board notes that approximately 44 of the 90 Virginia counties are now using the "one-call" notification system.

The Safety Board states that the most effective method of preventing excavation-caused damage to underground facilities is to notify the operators of utility companies in advance of the proposed excavation work to allow the operators to mark the location of their facilities before excavation begins. The most efficient and convenient method for excavators to make this notification is through a "one-call" system. A "one-call" system establishes a center to which an excavator can make one telephone call to effect notification to all the participating underground facility operators of the date and location of a proposed excavation project. The center then alerts each operator so that each of their underground facilities near the work area can be located and marked.

As a result of its investigation of this accident, the Safety Board on March 10 recommended that the Board of Supervisors of Greene County, Va.:

Pending the establishment of a "one-call" system, adopt an ordinance to require contractors, utilities, the public, and other excavators to make notification of planned excavation to gas companies whose facilities might be affected by such work. (P–80–8)

Cooperate with the utility companies service the State of Virginia to expand the Central Virginia "one-call" excavation notification system to include Greene County. (P–80–9)

In a similar recommendation letter forwarded also on March 10 to Columbia Gas of Virginia, Inc., the Safety Board noted that the original service line had been replaced in 1962, and the segment from the curb valve to the indoor meter, approximately 20 feet, was considered by Columbia for purposes of operation, maintenance and inspection, to be a customer's line and not a company-owned facility. The Board states that this policy is not in compliance with the Federal regulations (49 CFR Part 192) for transporting natural gas and other gas by pipeline. These regulations establish standards for the design, construction testing, operation, and maintenance of gas distribution and transmission lines. As defined in § 192.3, a "service line" is "a distribution line that transports gas from a common source of supply to (a) customer's meter or the connection to a customer's piping, whichever is farther downstream, or (b) the connection to a customer's piping if there is no customer meter." (A customer meter is the meter that measures the transfer of gas from an operator to a consumer.)

As a result of its investigation of an explosion that destroyed a one story brick house in Arlington, Texas, on May 29, 1978, the Safety Board issued the following "Class II, Priority Action" recommendations:

—to the Lone Star Gas Company:

Change its operating and maintenance plan to include specific procedures to cover the part of the service lines identified under company policy as yard lines to be the same as for company-owned service lines. (P–79–32)

—to the Materials Transportation Bureau of the U.S. Department of Transportation:

Instruct its regional offices and State agencies to immediately direct operators who distinguish yard lines from service lines to incorporate the same inspection, operation, and maintenance of these lines in their operation and maintenance plan as for the company-owned service lines. (P–79–33)

The safety recommendation letters transmitting these 1979 recommendations identified a "yard line" as the piping from the outlet side of a curb valve to the inlet side of the customer's meter.

The Safety Board notes that Columbia was approached by the Secretary of the American Public Works Assocation, Utility Location and Coordination Council, in the spring of 1978, again in the spring of 1979, and again after the accident, and asked if it would be willing to cooperate in the expansion of the "one-call" notification system into Greene County, but it has declined to do so. Since the Safety Board believes that similar accidents can be prevented if the parties involved in an excavation project communicate effectively, the Board recommends that Columbia:

Change its operating maintenance plan to include specific procedures to cover the part of the service lines identified under company policy as "customer's service lines" in the same manner as company-owned service lines. (P–80–10)

In conjunction with other operators of underground facilities in its service area, extend the established "one-call" notification system to Greene County and other areas of Central Virginia not now covered in the system. (P–80–11)

Each of recommendations P–80–8 through –11 is designated "Class II, Priority Action."

Railroad

R–80–10 through –16.—In its continuing effort to ensure the safe transportation of hazardous materials, the Safety Board has recently completed a special investigation of a train accident to determine if the shelf couplers, head shields, and thermal protection required by 49 CFR 179.105 to be on certain tank cars do, in fact, provide the added protection they were intended to provide. The Board's special investigation report, "The Accident Performance of Tank Car Safeguards," will be available to the public in the very near future.

The derailment last September 8 of Southern Pacific Transportation Company freight train (chemical) Extra 1291 East SRASK near Paxton, Texas, provided the opportunity to observe the behavior of tank cars that were equipped with shelf couplers designed to resist vertical separation, with head shields designed to prevent the likelihood of an end puncture, and with thermal protection intended to reduce the potential for violent tank rupture in a fire. The train also included cars without such protection and, therefore, the Safety Board had the opportunity to compare equipped and nonequipped cars.

The Safety Board's analysis is based on the reconstruction of the events and actions that occurred during the derailment of 2 locomotive units and 33 cars of the 53-car, 3-locomotive train. The Safety Board was assisted in the reconstruction of the events by the Federal Railroad Administration, the Association of American Railroads, and the Southern Pacific Transportation Company.

By comparing the coupler performance of the cars which were equipped with protective couplers with those which were not so equipped, it was determined that all of the car ends with protective couplers stayed together during the initial run-in. There were no punctures or dents attributable to overriding coupler strikes on tank heads on these cars. In contrast, 96 percent of the car ends connected with couplers that would be expected to separate vertically did uncouple and resulted in four punctured heads and nine dented heads. Clearly, protective couplers provided significant protection against end penetration during initial run-in.

The Board notes that the intention of the requirements of 49 CFR 179.105 for thermal protection is to prevent the release of any of the car's contents (except release through the safety valve) when subjected to (1) a pool fire for 100 minutes, and (2) a torch fire for 30 minutes. Six cars in this accident were in a fire environment that permitted an evaluation of the survivability of these cars. Although the evidence is not conclusive, it indicates that thermal protection and insulation delayed violent ruptures.

Segregation of hazardous materials stockpiles is a well-known principle currently used to prevent a chain of

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undesired events. A "dam" in a chemical freight train derailment can have either beneficial results, as was observed in this accident in that certain cars were not exposed to some hazards, or nonbeneficial results. The placement of cars in a train should be studied to determine if the severity of collision damage can be reduced.

The investigation showed that (1) 18, or 82 percent, of the breaches resulted from collisions that occurred after the cars left the tracks; (2) 78 percent of the breaches resulted from damage to the top fittings or bottom outlets (a condition that can be corrected by existing design modifications); and (3) large tears in the sides of tank cars resulted from collisions with box cars or other tank cars.

Aslo, the investigation indicated that FRA is not now collecting and reporting information to guide it in assessing the safety benefits or liabilities of the regulations for tank car modification, and it is apparent that the causes of breaches during accidents need to be fully documented.

Therefore, to improve tank car safety, the Safety Board on March 12 recommended that the Department of Transportation:

Extend the requirements for top-and-bottom shelf couplers to all tank cars used to transport hazardous materials. (R–80–10)

Extend the requirements of 49 CFR 170.105, including those for head shields and thermal protection, to include new and rebuilt specification 105 tank cars. (R–80–11)

Examine speciality products and Class A poisons which are shipped in Type 111 tank cars to determine if the toxicity hazard is sufficient to justify the protection afforded by 49 CFR 179.105. (R–80–12)

To take immediate steps to cause the modification of both new and existing tank cars so that damage to the top fittings and bottom outlet valves is minimized in train accidents. (R–80–13)

Cause data to be collected on tank car derailment behavior to identify breach mechanisms, analyze these mechanisms, identify control methods, and incorporate findings in new car construction. (R–80–14)

Conduct tests of tank cars in freight train derailments to determine if the severity of collision damage can be reduced by tank car placement in trains. Identify and test countermeasures. (R–80–15)

Require crashworthiness testing of new hazardous materials tank car designs to resist breaching in the derailment environment. (R–80–16)

Class I recommendations R–80–10, –11, –13, and –16, above, are designated for "Urgent Action." The remaining three recommendations are designated "Class II, Priority Action."

Responses to Safety Recommendations

Aviation

A–79–89 and –90.—The Federal Aviation Administration on March 3 responded to recommendations issued last December 4 concerning engine malfunctions and failures related to fuel line vapor problems in Cessna 200-series aircraft. (See 44 FR 72246, December 13, 1979.)

In response to A–79–89, which recommended that FAA require redesign of Cessna 200-series aircraft fuel system to incorporate a separate means to route fuel vapor from the pump or reservoir to the fuel tanks and require retrofit of the new system on existing Cessna 200-series aircraft, FAA reports that its service records document a vapor return problem on the 1976 through 1979 model year 200-series airplanes but do not indicate a similar condition on the same models manufactured from 1964 through 1975 having the same vapor return provisions as the later airplanes. This forces FAA to conclude that the system design concept is not the dominant or pivotal factor in the vapor return problem.

FAA states that results of Cessna's flight tests of airplanes with temperature instrumented fuel systems verified by FAA engineers and flight test pilots, establish that, compare to 1964 through 1975 airplanes, there is an increase in the temperature of fuel/vapor returned to the reservoir tanks in the 1976 and subsequent airplanes. This increase is 9 to 11 degrees Fahrenheit and is sufficient to result in a significantly greater volume of vapor being returned from the engine to the fuel reservior in these airplanes. This additional vapor, under other conditions conducive to vapor formation, exceeds the vapor handling capability of the system.

According to FAA, the manufacturer established, by a design review and comparison procedure, the design differences contributing to the returned fuel/vapor temperature increase and then developed design changes to reduce this excessive heat transfer to the supply fuel and return fuel/vapor while it is in the engine compartment. The effectiveness of these changes was verified by flight testing. Basically, the changes add insulation to engine compartment fuel system components and make some some related line rerouting and support changes, FAA states. Incorporation of these changes on the 1976–1979 airplanes lowers the fuel/vapor return temperature 15° F. and makes the fuel/vapor return system on these airplanes, from a vapor formation and handling standpoint, equivalent to the pre-1976 model year airplanes.

FAA reports that these modifications have already been incorporated in 1980 model year T210N and P210N airplanes. Cessna Service Kit SK–210–93, covered by Cessna Service Letters SE79–60, dated December 3, 1979 (copy provided) makes these modifications available for in-service airplanes. On February 8, 1980, FAA issued Airworthiness Directive 80–04–09 requiring these modifications on 1976 through 1979 Cessna Model T210M, T210N, and P210N airplanes.

Recommendation A–79–90 asked FAA, as an interim measure, to issue an airworthiness directive to require the inspection of: (1) the forward fuel supply line for proper bend radius and tube diameter in the bend; and (2) the fuel lines inside the engine compartment for proper separation from exhaust system components or other heat sources of all Cessna 200-series airplanes and the correction of all deficiencies found in those installations.

FAA reports that test results and service reports of which it is aware are inconclusive in establishing that minor system restrictions and tube diameter or bend radii discrepancies of the magnitude believe to exist in airplanes in service are significant factors in the vapor return problem. FAA's conclusion parallels the Board's statement in its transmittal letter that the findings from a test, accomplished with a full-scale fuel system mockup constructed by Cessna, determined that an undersize fitting was not the reason for the fuel problems address in Cessna Service Letter SE77–38, dated October 4, 1977. FAA concludes that at this time insufficient data or facts exist to credibly support a finding per 14 CFR 21.99 that the bend radii and tube diameter in the bend are unsafe conditions on in-service airplanes.

FAA states that additional fuel line support and increased clearance between engine compartment fuel lines and exhaust system components are provided by an additional bracket in 1980 model year and subsequent airplanes. The bracket is part of Cessna Service Kit SK–210–93 and is required with the installation of the insulation components by Airworthiness Directive 80–04–09.

Highway

H–79–32.—The Federal Highway Administration on February 27 responded to the Safety Board's comments of February 11 on FHWA's previous response of last August 8. (See 44 FR 65829, November 15, 1979.) The recommendation was issued as a result of the Board's investigation of a tire fire on a semitrailer loaded with 8,000 gallons of gasoline. The accident occurred on November 30, 1978, on the Woodrow Wilson Memorial Bridge over the Potomac River near Washington, D.C.

The recommendation asked FHWA and the National Highway Traffic Safety Administration to cooperate in promulgating vehicle safety regulations to require, over the wheels of trailers transporting hazardous materials subject to adverse actions of heat or fire, fenders or other devices that are fabricated of fire-resistant materials and that are designed in such a way as to resist any wheel or tire fire. FHWA indicated earlier that it was assuming the role of lead agency in responding to H–79–32, and its August 8 response represented the formal response for both FHWA and NHTSA. The Board's February 11 letter notes that the response is essentially directed at the retrofit problemns and does not cover the possibility of a designed-in countermeasure for newly manufactured vehicles.

The Board also noted that the figures which FHWA provided do indicate that the problem of tire and wheel fires on tank vehicles is of a low order of magnitude, but the Board states that the potential for a catastrophic accident is extremely high for both tank vehicles and for trucks carrying "dry" or packaged flammable materials, and the latter type vehicle was not included in FHWA's statistical report. The Board asked to be provided with another report which would include both types of vehicles mentioned and which would, further, include more than 2 years of data. The Board suggested the addition of 1979 and 1980 data when they became available to give a truer view of the trend.

Also, the Safety Board stated that the accident described in the Bureau of Motor Carrier Safety's "On Guard" bulletin dated April 1970 is an example of the potential for destruction at a tire fire incident. The Board appreciates the solution proposed in the bulletin-removal of the overheated tire when discovered—but is greatly concerned about the containment of heat from an overheated tire that is not discovered in time to remove it from the vehicle.

FHWA's February 27 response reports that any mention of new vehicles was inadvertently left out; however, the cost to provide fire resistant fenders on new trailers would be similar to retrofit. FHWA does not agree that there is sufficient evidence to justify regulations requiring fire resistant fenders on trailers transporting hazardous materials. FHWA will continue to monitor the current trends in accidents and states that the 1979 truck accident data files should be completed in the next 3 months. Similarly, the 1980 files will be available by mid-1981, and the Safety Board will be informed of FHWA's findings concerning both tank vehicles and those carrying packaged flammable material.

Marine

M–79–99.—The United States Coast Guard responded on March 4 to a recommendation issued last September 12 following investigation of the engineroom fire aboard the Military Sealift Command tanker USNS NECHES which occurred north of Curacao, Netherlands Antilles, May 10, 1978. The recommendation asked the Coast Guard to conduct a design study to determine the adequacy of packing gland fittings on pressurized diesel engine fuel systems and promulgate regulations as necessary. (See 44 FR 54561, September 20, 1979.)

Coast Guard does not concur with this safety recommendation. In the case of the packing gland fittings on the Colt-Pielstick PC–2 engine, which are regarded as the most probable cause of the engineroom fire, the engine manufacturer has discontinued the use of these fittings in engine construction, Coast Guard states. Also, the engine manufacturer has provided a kit to retrofit existing engines originally supplied with the suspect fittings. Coast Guard has notified the owners of the 19 U.S. vessels which utilize the Colt-Pielstick PC–2 engine and provided them with a copy of Coast Guard's casualty report concerning the engineroom fire aboard the USNS NECHES. In view of these measures taken to correct the problems of the fittings on Colt-Pielstick PC–2 engine, Coast Guard does not feel that a design study of packing gland fittings is appropriate.

Pipeline

P–80–1.—The Interstate Natural Gas Association of America (INGAA) has provided the Safety Board with a copy of its memorandum dated February 28 which was forwarded to its member companies as recommended. The recommendation, addressed on February 26 jointly to INGAA, the American Gas Association, and the American Petroleum Institute, resulted from investigation of an accident that occurred last August 20 in Orange County, Texas, when a bulldozer, engaged in cleaning a farm drainage ditch, ruptured a propane line. Propane at 350 psig escaped and was ignited within seconds, killing one person, injuring another, and causing considerable property damage. (See 45 FR 14721, March 6, 1980.)

INGAA's memorandum of February 28 to the members indicates that a copy of the Safety Board's recommendation letter was enclosed. The recommendation asked INGAA and the other addresses to advise their member companies of the circumstances of this accident and urge them to determine if the original burial depths of their pipelines are adequate and to take appropriate corrective action.

Note.—Copies of Safety Board recommendation letters, responses and related correspondence are available free of charge. All requests for copies must be in writing, identified by recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

March 17, 1980.

[FR Doc. 80–8637 Filed 3–19–80; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 27–47]

Chem-Nuclear Systems, Inc.; Availability of Applicant's License Application, Environmental Assessment, and Opportunity To Request a Hearing

Please take notice that Chem-Nuclear Systems, Inc., P.O. Box 1866, Bellevue, Washington 98009, has filed a renewal application for the handling and disposal of special nuclear material as defined in 10 CFR 20.3 by land burial at its facility located at Osborne Road in Barnwell, South Carolina. Activities are currently conducted under License No. 46–13536–01, Docket No. 27–47.

The Atomic Energy Commission (AEC) first issued a license for disposal of special nuclear material (SNM) at the Barnwell, South Carolina site in February of 1973. The AEC deleted approval for disposal of SNM from the license in December of 1974. On January 21, 1976 the AEC (now NRC) license was renewed and reinstituted AEC licensed burial of SNM at the site. A negative declaration was filed for this license renewal on December 12, 1975. Burial of SNM at the site continued under state authority (subject to the limits set out in 10 CFR 150) whenever the AEC did not license the burial. Burial of wastes containing plutonium in concentrations greater than 10 nanocuries/gram has never been authorized by the State or AEC (now NRC). The renewal

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application would continue this exclusion.

A copy of the application is being made available for public inspection in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C. 20555, and at the Barnwell County Library, Hagood Avenue, Barnwell, South Carolina 29812.

Pursuant to 10 CFR 2.105, by April 21, 1980, the licensee may file a request for a hearing with respect to the issuance of the license renewal, and any person whose interest may be affected by this application may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with provisions of 10 CFR 2.714. As required in 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. A copy of the petition and/or request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Louis E. Reynolds, Director, Regulatory Affairs of Chem-Nuclear Systems, Inc., the applicant.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

Dated at Silver Spring, Maryland, this 13th day of March 1980.

For the Nuclear Regulatory Commission.

Kitty S. Dragonetta,

Section Leader, Project Management & Operations Section, Low-Level Waste Licensing Branch, Division of Waste Management.

[FR Doc. 80-8349 Filed 3-19-80; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-329, 50-330]

Consumers Power Co., Midland Nuclear Power Plant, Units 1 and 2; Hearing

Consumers Power Company (CPCo) is currently constructing the Midland Nuclear Power Plant, Units 1 and 2, under Construction Permits No. CPPR-81 and No. CPPR-82 issued by the Nuclear Regulatory Commission. On December 6, 1979, the Acting Director of the Office of Nuclear Reactor Regulation (NRR) and the Director of the Office of Inspection and Enforcement (I&E) jointly served on CPCo an Order Modifying Construction Permits (Order) which would prohibit CPCo from performing certain soil-related activities pending approval of amendments to the construction permits. The Directors based their Order on several investigations which revealed a breakdown in quality assurance related to soil construction activities under and around safety-related structures and systems, and CPCo's failure to respond to Staff's formal requests under 10 CFR 50.54(f) for acceptance criteria necessary for the evaluation of technical adequacy and proper implementation of proposed remedial actions. Consequently, the Directors determined that they cannot conclude, on the basis of the information provided by CPCo, that safety issues associated with remedial actions related to soil deficiencies will be resolved; and found that they do not have reasonable assurance that the affected safety-related portions of the Midland facility will be constructed and operated without undue risk to the public health and safety.

On December 28, 1979, CPCo filed a Request for Hearing pursuant to Part V of the Order. *See,* 10 CFR 2.204. In that Request, CPCo referred to other pending NRC proceedings which it believes involve issues substantially identical to those addressed by the Order of December 10. CPCo also stated its intention to move, pursuant to 10 CFR 2.716, to consolidate all the proceedings which are considering these issues.

10 CFR 2.204 provides that if a licensee demands a hearing, the license amendment will become effective on the date specified in an order made following the hearing. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and 10 CFR Part 2 of the Commission's regulations, notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board composed of Ivan W. Smith, Esq., Chairman, Dr. Frederick P. Cowan, and Mr. Gustave A. Linnenberger. The Atomic Safety and Licensing Board shall consider and decide the following issues:

1. Whether the facts set forth in Part II of the Directors' Order of December 6, 1979, are correct; and
2. Whether that Order should be sustained.

In addition, if CPCo moves to consolidate this proceeding with other NRC proceedings which involve substantially identical issues, the Board shall consider whether such consolidation would adversely affect the expeditious resolution of the issues stated above.

A prehearing conference shall be held by the Atomic Safety and Licensing Board at a date and place to be set by the Board to consider pertinent matters in accordance with the Commission's Rules of Practice. The date and place of the hearing will be set at or after the prehearing conference and will be noticed in the **Federal Register.**

Pursuant to CFR 2.705, an answer to this Notice may be filed by the Licensee not later than April 9, 1980.

The Commission authorizes an Atomic Safety and Licensing Appeal Board pursuant to 10 CFR 2.785 to exercise the authority to perform the review functions which would otherwise be exercised and performed by the Commission, subject to Commission review, as appropriate, under 10 CFR 2.786. The Appeal Board will be designated pursuant to 10 CFR 2.787 and notice as to membership will be published in the **Federal Register.**

Note.—Section 201 of the Energy Reorganization Act, 42 U.S.C. 5841 provides that action of the Commission shall be determined by a "majority vote of the members present." Had Commissioners Hendrie and Bradford been present at the meeting they would have voted with the majority. Accordingly, the formal vote of the Commission was 3–0 in favor of the decision.

Dated at Washington, D.C., this 14th day of March 1980.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-8554 Filed 3-19-80; 8:45 am]

BILLING CODE 7590-01-M

Financial Protection Requirements and Indemnity Agreements; Determination of Extraordinary Nuclear Occurrence

The Commission hereby extends the time in which to determine whether the accident at Three Mile Island constitutes an "extraordinary nuclear occurrence" until March 28, 1980.

Dated this 14th day of March 1980, at Washington, D.C.

For the Commission,

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-8595 Filed 3-19-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

March 17, 1980.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
An estimate of the number of forms that will be filled out;
An estimate of the total number of hours needed to fill out the form; and
The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201

New Forms

Economics, Statistics, and Cooperatives Service
Baled Burley Tobacco Experiment, 1979/80
Single time
Burley Tobacco Buyers, 30 responses; 8 hours
Office of Federal Statistical Policy and Standard, 673-7974.

Revisions

Farmer's Home Administration
Application for Rural Housing Loan
FMHA 410-4
On occasion
Individuals applying for FMHA loans, 315,000 responses; 315,000 hours
Charles A. Ellett, 395-5080.

Reinstatements

Farmer's Home Administration
Business-Analysis-Nongricultural Enterprises (FHA Borrowers)
FHA 431-4
On occasion
Rural nonfarm businesses, 2,500 responses; 833 hours
Charles A. Ellett, 395-5080.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377-3627

New Forms

Bureau of the Census
May 1980 Multiple Job Holding, Premium Pay, and Work Schedule Supplement
CPS-1
Annually
Interviewed households in May 1980 CPS, 68,000 responses; 5,100 hours
Office of Federal Statistical Policy and Standard, 673-7974
Industry and Trade Administration
Survey of Wastepaper Suppliers and Users in Four Southeast Atlantic States
BIE-1
Single time
Wastepaper dealers and consumers, 55 responses; 83 hours
William T. Adams, 395-4814

Extensions

National Oceanic and Atmospheric Administration, Flood Damage Report
WSE-7

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Monthly
General public as necessary, 1,500 responses, 4,500 hours
William T. Adams, 395–4814.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Joseph J. Strnad—245–6511

New Forms

Health Care Financing Administration (Departmental)
Job Data Sheet for PSRO Administrative, Technical and Professional Positions
HCFA–625T and L–625T
Single time
PSRO executive and medical directors, 66 responses, 33 hours
Richard Eisinger, 395–3214.

Office of Human Development
Study of Manpower and Training Issues That Cut Across the Office of Human Development Programs
Single time
State program director, Sub-State program director, service providers, 9,419 responses, 6,335 hours
Barbara F. Young, 395–6132.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—William L. Carpenter—343–6716

Revisions

Bureau of Reclamation
Recreation and Wildlife Summary 7–1643
Annually
Government agencies with recreation management agreements, 281 responses, 2,248 hours
Charles A. Ellett, 395–5080.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—633–3526

Revisions

Law Enforcement Assistance Administration
National Criminal Justice Reference Service/User Registration Forms
NIJ 1431/2, 3, and 4
On occasion
Users of NCJRS, 59,000 responses, 7,670 hours
Andrew R. Uscher, 395–4814.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—523–6341

New Forms

Bureau of Labor Statistics
1979 Survey of Operating Expenditures for NYC Apartment Houses Rent Stabilization Law
BLS 3047
Single time
Stabilized NYC apartment house operator, 30 responses, 60 hours
Office of Federal Statistical Policy and Standard, 673–7974.

Employment Standards Administration
Policies and Practices of Insurance Carriers Affecting Applicants for Group Insurance
ESA–80(T)
Single time
Group Health and Life Manager Insurance Carriers, 150 responses, 50 hours
Arnold Strasser, 395–5080.

Revisions

Labor Management and Service Administration Annual Report
Labor 5,500, 5,500–C, Treasury 5,500–K and R
Annually
All Pension Plans and Selected Welfare Plans, 600,000 responses, 3,700,000 hours
Arnold Strasser, 395–5080.

DEPARTMENT OF STATE (EXC. AID)

Agency Clearance Officer—Gail J. Cook—632–3538

Revisions

Retail Price Schedule
OF–173 and DSP 23
Annually
Primarily retail outlets outside U.S., 572 responses, 18,733 hours
Phillip T. Balazs, 395–4814.

NATIONAL ENDOWMENT FOR THE ARTS

Agency Clearance Officer—Paul G. Zarbock—634–6160

New Forms

Pension Building Museum Funding Survey
Single time
Construction-related business, 50 responses, 50 hours
Laverne V. Collins, 395–3214.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

Revisions

Record of Employee's Prior Service
AA–2P(R)
On occasion
Railroad employers, 500 responses, 667 hours
Barbara F. Young, 395–6132.

Statement of Marital Relationship; Statement Regarding Marriage
G–124 and G–124A
On occasion
Applicants; dependents, 800 responses, 217 hours
Barbara F. Young, 395–6132.

Reinstatements

Certification in Support of Employer Service
G–86
On occasion
Individuals who have knowledge of service performed by applicant, 250 responses, 83 hours
Barbara F. Young, 395–6132.

TENNESSEE VALLEY AUTHORITY

Agency Clearance Officer—Eugene E. Mynatt—854–2596

Reinstatements

Electric Load Survey Guide
TVA 6233, TVA 6233A, TVA 6233B
Semi-annually
Retail customers of the distributors of TVA power, 3,000 responses, 1,500 hours
Charles A. Ellett, 395–5080.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389–2282

Revisions

Enrollment Certification (Under Chapters 32, 34 or 35, 38 U.S.C.)
22–1999
On occasion
Schools, 1,200,000 responses, 240,000 hours
Laverne V. Collins, 395–3214.

C. Louis Kincannon,

Acting Deputy Assistant Director for Reports Management.

[FR Doc. 80–8572 Filed 3–19–80; 8:45 am]

BILLING CODE 3110–01–M

OFFICE OF THE U.S. TRADE REPRESENTATIVE

Nonrubber Footwear; Adjusted Restraint Levels Under the Orderly Marketing Agreement With Taiwan

Below is a letter to the Commissioner of Customs adjusting the restraint levels for the third year restraint period (July 1, 1979 through June 30, 1980) as authorized by Presidential Proclamation 4510 of June 22, 1977.

C. Michael Hathaway,

Assistant General Counsel.

Hon. Robert Chasen,
Commissioner, U.S. Customs Service, Department of the Treasury, Washington, D.C. 20229

Dear Mr. Chasen: A request has been received from Taiwan concerning the swing provision in paragraph 5(a) of the orderly marketing agreement between the United States and Taiwan on nonrubber footwear.

Accordingly, pursuant to paragraph (6) of Proclamation 4510 of June 22, 1977, you are requested to increase the third year restraint levels applicable to nonrubber footwear imports from Taiwan entering under TSUS Item 923.90 by 10 percent, and TSUS Item 923.92 by 15 percent and to decrease the restraint level for nonrubber footwear imports entering under TSUS Item 923.91 by the same absolute amount.

The adjusted restraint levels, therefore, will be: 923.90—11,264,000 pairs, 923.92—9,131,000 pairs.

Taking into account the adjustment of November 29, 1979 (44 FR 70017), the adjusted restraint level for item 923.91, TSUS will be: 923.91—107,900,857 pairs.

This letter will be published in the Federal Register.

Sincerely,

Reubin O'D. Askew.

[FR Doc. 80–8784 Filed 3–19–80; 8:45 am]

BILLING CODE 3190–01–M

Trade Policy Staff Committee; Public Hearing; the Fifth International Tin Agreement and Negotiations for a Sixth International Tin Agreement

Date: April 10, 1980.
Place: Room 730, 1800 G Street, N.W., Washington, D.C. 20506.
Time: 9:30 am—12:00 noon, 1:30 pm—4:30 pm.
Contact: Hiram Lawrence—(202) 395–7203.
Subject: Review of the Fifth International Tin Agreement and Provisions for a Sixth International Tin Agreement; Effect on U.S. Consuming Industries.

The Fifth International Tin Agreement of which the United States is a member, which entered into force on July 1, 1976, will expire on June 30, 1981. A negotiating conference, in which the U.S. Government will participate, for a Sixth International Tin Agreement will be held under the auspices of the United Nations at Geneva, Switzerland, from April 14, to May 16, 1980.

In order to assist in formulating the Government's position for the negotiating conference, the Trade Policy Staff Committee will hold a hearing to obtain views and comments from the U.S. public, particularly industrial consumers, on the provisions for a Sixth Agreement in terms of U.S. industry and consumer interests.

Views on buffer stock operations, price range determination procedures, supply assurance provisions, and the use of export controls under a Sixth Agreement would be particularly useful.

Any member of the U.S. public may file a written statement in 20 copies with the Office of the United States Trade Representative in accordance with Chapter 20, § 2003.2 of Title 15 of the Code of Federal Regulations.

To the extent that time permits, the Hearing Chairman will allow public presentation of oral statements at the hearing summarizing the points made in the written submission mentioned above. Those wishing to present an oral summary of their statement should submit a written request along with their statement no later than April 4 to Carolyn Frank, Secretary, Trade Policy Staff Committee, Room 735, 1800 G Street, N.W., Washington, D.C. 20506.

Ann Hughes,

Acting Chairman, Trade Policy Staff Committee.

[FR Doc. 80–8508 Filed 3–19–80; 8:45 am]

BILLING CODE 3190–01–M

PRESIDENTIAL COMMISSION ON WORLD HUNGER

Meeting

The twelfth meeting of the Presidential Commission on World Hunger will be held on Monday, March 31, 1980 in Room 2010 of the New Executive Office Building, 728 Jackson Place, N.W., Washington, D.C. The meeting will begin at 9:30 a.m. and conclude at approximately 4:30 p.m.

The meeting will be open to observation by the public to the extent space is available. Reservations are required and requests should be addressed to the Presidential Commission on World Hunger, 734 Jackson Place, N.W., Washington, D.C., 20006. Reservations will be honored on the basis of the earliest postmarks of requests.

Donald B. Harper,

Administrative Officer, Presidential Commission on World Hunger.

[FR Doc. 80–8528 Filed 3–19–80; 8:45 am]

BILLING CODE 6820–87–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 11087; 812–4578]

D. L. Babson Money Market Fund, Inc.; Application of the Act for Order of Exemption

March 14, 1980.

Notice is hereby given that D. L. Babson Money Market Fund ("Applicant"), 2440 Pershing Road, Kansas City, Missouri 64108, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on December 5, 1979, and an amendment thereto on February 14, 1980, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to compute its net asset value per share for the purposes of sales, redemptions and repurchases of its shares to the nearest one cent on a share value of one dollar. Applicant represents that in all other respects its portfolio securities will be valued in accordance with the views of the Commission set forth in Investment Company Act Release No. 9786 (May 31, 1977)("IC–9786"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is a corporation incorporated under the laws of the State of Maryland on October 19, 1979. Applicant states that its investment objective is to invest in high quality short term debt instruments for the purpose of maximizing income to the extent consistent with the safety of principal and the maintenance of liquidity. Applicant intends to invest exclusively in marketable securities issued or guaranteed by the United States Government or its agencies or instrumentalities, certificates of deposit, bankers' acceptances and other commercial bank short-term obligations, commercial paper, including variable rate master demand notes, short-term corporate debt securities, savings and loan association obligations, and repurchase agreements. Applicant is permitted to invest in a diversified portfolio of money market securities, 90% of which will have a stated maturity of not more than one year from the date of settlement for the security.

Applicant states that, except as provided in the application, its portfolio securities will be valued in accordance with the views of the Commission as set forth in IC–9786. In calculating its total net assets to determine the offering price of its shares each day, Applicant indicates that it intends to value all of its portfolio securities which, on the date of valuation, have sixty days or less to maturity, on the basis of the amortized cost valuation technique. Applicant further states that portfolio securities which on the date of valuation have remaining maturities in excess of sixty days and for which market quotations are readily available are valued at the mean between the most recent bid and asked prices as obtained from one or more major market makers for such securities. If market quotations are not readily available, Applicant will value such securities at their value as determined in good faith in accordance with consistently applied procedures established by and under the general supervision of Applicant's Board of Directors.

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Rule 22c-1 under the Act provides, in part, that no registered investment company issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a-4 under the Act provides, as here relevant, that "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be determined with reference to (1) current market value for portfolio securities with respect to which market quotations are readily available and (2) for other securities and assets, fair market value as determined in good faith by the board of directors of the registered company. In IC-9786 the Commission expressed its view that it is inconsistent with Rule 2a-4 for certain money market funds to "round-off" calculations of their net asset value per share to the nearest one cent on a share value of $1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" its portfolio valuation as required by Rule 2a-4.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, exempt any person, security, or transaction or any class or classes of persons, securities or transactions from any provision or provisions of the Act and the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that it wishes to attract individual and institutional investors. Applicant alleges that it understands that many of these investors require a money market fund which maintains a constant net asset value per share and pays dividends which do not fluctuate on account of daily changes in the values of its portfolio securities. Applicant states that computing the net asset value per share to the nearest one cent on a share value of $1.00 will eliminate the periodic fluctuation in Applicant's net asset value per share which may occur and which may well cause Applicant's shareholders at the appropriate time to realize unwanted nominal capital gains and losses upon redemption of their shares. Applicant further provides that its Board of Directors have determined in good faith that this method of calculating the net asset value per share under such circumstances is appropriate and will be in the best interests of Applicant's shareholders.

Applicant represents that, to the extent necessary, Applicant's Board of Directors will consider the advisability of temporarily suspending payment of dividends, or making a capital gains or other distribution, to maintain a $1.00 price per share, if the net asset value per share declines to a value below $.996 or rises to a value of above $1.004, respectively. In addition, Applicant states that to maintain the stability of its price per share Applicant will adhere to the following conditions:

1. The Board of Directors of Applicant, in supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, undertake—as a particular responsibility within the overall duty of care owed to Applicant's shareholders—to assure to the extent reasonably practicable taking into account current market conditions affecting Applicant's investment objective, that the price per share of Applicant's shares as computed for purposes of distribution, redemption and repurchase, rounded to the nearest one cent, will not deviate from $1.00;

2. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objectives of maintaining a stable price per share, and Applicant will not (i) purchase an instrument with a remaining maturity of greater than one year or (ii) maintain a dollar-weighted averge portfolio maturity in excess of 120 days; and

3. Applicant will limit its portfolio investments, including repurchase agreements, to those U.S. dollar denominated instruments which the Board of Directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Directors.

Notice is further given that any interested person may, not later than April 7, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0.5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 80-8480 Filed 3-19-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11085; 812-4597]

InterCapital Tax-Exempt Securities Inc. and InterCapital Industry-Valued Securities Inc.; Application of the Act for Exemption

March 13, 1980.

Notice is hereby given that InterCapital Tax-Exempt Securities Inc. and InterCapital Industry-Valued Securities Inc. ("Applicants"), One Battery Park Plaza, New York, New York 10004, registered under the Investment Company Act of 1940 ("Act") as open-end, diversified management companies, filed an application on January 22, 1980, for an order of the Commission pursuant to Section 6(c) of the Act declaring that Dr. Irwin Friend, a director of both Applicants, shall not be deemed an interested person of either Applicant within the meaning of Section 2(a)(19) of the Act solely by reason of his position as director of PMI Securities Co. ("PMI"), which is registered as a broker-dealer under the Securities Exchange Act of 1934 ("Exchange Act"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

PMI was originally organized in 1972 to be a holding company of two mortgage insurance companies ("insurance companies"). In 1973 PMI and the insurance companies were acquired by Allstate Insurance Company ("Allstate") and PMI commenced doing business as a "matchmaker," that is, bringing together buyers and sellers of whole mortgages and participations on residential properties without compensation. In 1976 PMI was sold by Allstate to the newly-formed PMI Mortgage Corporation, a company which is a wholly-owned subsidiary of Allstate Enterprises, Inc., which is, in turn, a wholly-owned subsidiary of Sears, Roebuck & Co.

Applicants state that PMI is not now and since its registration as a broker-dealer under the Exchange Act has not been engaged in the business of buying or selling any securities either as broker or dealer. However, PMI contemplates acting as a broker-dealer in the distribution of mortgage pass-through securities issued by its parent, PMI Mortgage Corporation. These securities may be registered pursuant to the Securities Act of 1933. Applicants state that non-registered private placements of securities are also contemplated. Dr. Friend is Edward J. Hopkinson Professor of Finance and Economics at The Wharton School of the University of Pennsylvania, and is also Director of the Rodney L. White Center for Financial Research at the University of Pennsylvania. Applicants state that Dr. Friend has no past employment, consulting, contractual, financial, or other relationship with PMI or any affiliated person of PMI, other than as a director of PMI, the insurance companies and PMI Mortgage Corporation.

InterCapital Tax-Exempt Securities Inc. represents that its investment policy requires it to invest all its assets in fixed-income securities, primarily tax-exempt securities or other short-term, fixed-income securities. InterCapital Industry-Valued Securities Inc. represents that its investment policy requires it to invest primarily in common stocks, with a portion of its assets invested, at times, in corporate debt securities or money market instruments. Applicants both represent that they are precluded from purchasing interests in real estate, except that they may, among other things, purchase securities which are secured by real estate or interests therein. Applicants state that they believe the mortgage pass-through securities proposed to be the subject of PMI's broker-dealer business are not securities which would generally be appropriate for investment by either Applicant. In any event, Applicants undertake that they will not, under any circumstances, do any business, directly or indirectly, with PMI in any capacity, whether as broker, dealer, or otherwise so long as Dr. Friend is a director of Applicant and a director of PMI.

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company to include any broker or dealer registered under the Exchange Act or any affiliated person of such broker or dealer. The term "affiliated person" of another person is defined by Section 2(a)(3)(D) of the Act to include a director of such other person. Dr. Friend is a director of PMI and is, therefore, an affiliated person of PMI. Applicants do not view Dr. Friend to be an interested person of either of the Applicants but seek to have Dr. Friend determined by order to be a disinterested director, notwithstanding his status as a director of PMI.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that it would be misleading to stockholders and unfair to Dr. Friend to identify him as an interested director of Applicant since such a label, they contend, implies the existence of a question of actual or potential conflict of interest which, Applicants claim, does not in fact exist. Applicants assert that because of Dr. Friend's personal stature and the removal of any possibility that Applicants will do business with PMI, Dr. Friend will be in a position to act independently on behalf of Applicants and their respective shareholders without any possible impairment arising out of his affiliation with PMI.

Accordingly, Applicants believe that it would be in their best interests to have Dr. Friend's status as a disinterested director clearly acknowledged and that the requested exemption is therefore appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 9, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-8481 Filed 3-19-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11091; 812-4403]

Investors Mutual, Inc., et al.; Filing of an Application for an Order Amending a Previous Order Granting Exemption and Permitting Offers of Exchange

March 14, 1980.

In the matter of Investors Mutual, Inc.; Investors Stock Fund, Inc.; Investors Selective Fund, Inc.; Investors Variable Payment Fund, Inc.; IDS New Dimensions Fund, Inc.; IDS Progressive Fund, Inc.; IDS Bond Fund, Inc.; IDS Cash Management Fund, Inc.; IDS Tax-Exempt Bond Fund, Inc.; IDS High Yield Tax-Exempt Fund, Inc.; IDS Growth Fund, Inc.; 1000 Roanoke Building, Minneapolis, Minnesota 55402; and Investors Diversified Services, Inc., IDS Tower, Minneapolis, Minnesota 55402 (812-4403).

Notice is hereby given that Investors Mutual, Inc. ("Mutual"), Investors Stock Fund, Inc. ("Stock"), Investors Selective Fund, Inc. ("Selective"), Investors Variable Payment Fund, Inc. ("Variable"), IDS New Dimensions Fund, Inc. ("New Dimensions"), IDS Progressive Fund, Inc. ("Progressive"), IDS Bond Fund, Inc. ("Bond"), IDS Cash Management Fund, Inc. ("Cash Management"), IDS Tax-Exempt Bond Fund, Inc. ("Tax-Exempt"), IDS High Yield Tax-Exempt Fund, Inc. ("High

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Yield"), and IDS Growth Fund, Inc. ("Growth"), (collectively referred to as "the Funds"), open-end, management investment companies registered under the Investment Company Act of 1940 ("Act"), and Investors Diversified Services, Inc. ("IDS"), each Fund's investment adviser and principal underwriter (collectively referred to with the Funds as "Applicants"), filed an application on February 11, 1980, and an amendment thereto on March 3, 1980, requesting an order of the Commission amending in the manner described below an earlier order of the Commission dated November 27, 1979 (Investment Company Act Release No. 10954). This earlier amended order, pursuant to Section 11(a) of the Act, permitted certain transfers among the Funds on a basis other than their relative net asset value per share at the time of transfer and, pursuant to Section 6(c) of the Act, exempted such transfers from the provisions of Section 22(d) of the Act and Rule 22d–1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

IDS, as principal underwriter for the Funds, maintains a continuous public offering of shares of each of the Funds at their respective net asset value plus a sales charge. On purchases of less than $15,000, the sales charge is 3½% for Bond, 7% for Selective, and 8% for Mutual, Stock, Variable, New Dimensions, Progressive and Growth. Tax-Exempt and High Yield have a 4% sales charges on purchases of less than $50,000. For each of the Funds, the sales charge is reduced on larger purchases, except Bond which has a level 3½% sales charge. There is no sales charge for purchases of Cash Management. All of the Funds, except Bond, permit reinvestment of dividends and capital gains distributions without payment of a sales charge.

Applicants state that on June 20, 1979, and November 27, 1979, the Commission entered orders pursuant to Section 11(a) of the Act permitting transfers among the Funds on a basis other than their relative net asset values and, pursuant to Section 6(c) of the Act, exempting such transfers from the provisions of Section 22(d) of the Act and Rule 22d–1 thereunder (Investment Company Act Release Nos. 10742 and 10954, respectively). According to the application, the shareholders of Mutual, Stock, Variable, Progressive, New Dimensions and Growth currently have the privilege of transferring their shares into shares of each of the Funds, except Bond, at net asset value without paying a sales charge. Applicants further state that the shareholders of Selective, Bond, Tax-Exempt and High Yield who have held their shares for eight months or more have the same transfer privilege described above, except that shareholders of High Yield, Selective and Tax-Exempt may transfer their shares at net asset value into Tax-Exempt or High Yield at any time.

Applicants further represent that the shareholders of each of the Funds, except Cash Management, who have held their shares for less than eight months may transfer into Bond upon paying an additional sales charge. Shareholders of Bond, Tax-Exempt and High Yield who have held their shares for less than eight months have the privilege of transferring into Mutual, Stock, Variable, Progressive, New Dimensions, Tax-Exempt, Selective and High Yield upon paying an additional sales charge. Applicants further state that shareholders of Selective who have held their shares for less than eight months may transfer into Mutual, Stock, Variable, Progressive and New Dimensions upon paying an additional sales charge. In each instance the additional sales charge, if any, assessed on these transfers will be equal to the difference between the sales charge actually paid and the sales charge that would have been paid had the original investment been in the Fund into which the subsequent transfer was made. No transfers are presently permitted into Cash Management and Growth by shareholders of Selective, Bond, Tax Exempt and High Yield who have held their shares less than eight months.

Shareholders of Cash Management who acquire their shares with redemption proceeds from one of the other Funds may transfer their shares into shares of each of the Funds at net asset value without paying a sales charge. Applicant further states, however, that those shareholders of Cash Management seeking to transfer into Bond who acquired their shares: (1) With proceeds redeemed from one of the other Funds where the sales charge assessed by the other Fund is less than the charge that would have been assessed had the investment been in Bond originally; and (2) with proceeds redeemed from one of the other Funds where the time span invested in Cash Management plus the time span of any prior investment in such Fund is less than eight months must pay an additional sales charge upon transferring into Bond. Applicants represent that in all instances, the additional sales charge assessed by Bond on these transfers will be equal to the difference between the sales charge actually paid and the sales charge that would have been paid had the investment been made in Bond originally. Shares of Cash Management that were purchased directly may be redeemed and the redemption proceeds invested in shares of each of the Funds by paying the applicable sales charge. Shares of Cash Management that were acquired with the redemption proceeds from one of the other Funds will be transferred first.

Applicants now propose to permit shareholders of Selective, Tax-Exempt, High Yield and Bond who have held their shares for less than eight months to transfer into Growth upon paying an additional sales charge. Applicants state that the purpose of the transfer privileges and the eight-month holding restriction, where applicable, is to discourage attempts to circumvent the higher sales charges that could occur were an investor to purchase shares of Selective, Tax-Exempt, High Yield, and Bond, which have a lower sales charge and, subsequently, transfer such shares at net asset value for shares in Growth, which imposes a higher sales charge than the Fund originally purchased. Applicants represent that in all instances, the additional sales charge, if any, assessed by Growth on these transfers will be equal to the difference between the sales charge actually paid and the sales charge that would have been paid had the investment been made in Growth originally. Appropriate disclosure of the terms of the proposed transfer privileges will be made in the prospectuses of each of the Funds.

Applicants further represent that pursuant to the distribution agreements between IDS and each of the Funds, except Cash Management, IDS receives a sales charge equal to the difference between the total amount received upon each sale of shares and the net asset value of such shares at the time of sale, a portion of which is paid to IDS sales representatives as commissions. With respect to those transfers described above which involve the payment of any additional sales charge, Applicants state that IDS will pay to the applicable sales representative that portion of the additional sales charge which he would have received if the sale of shares of the higher load Fund had been made initially. Applicants further note that Bond imposes a sales charge for reinvested dividends by shareholders of Bond, which could result in the payment of an additional commission to the IDS sales representative who helped with the transfer. Applicants assert, however, that since the dividend reinvestment is a new sale which, technically, is not included in the original transfer, and that in many cases the customer calls the IDS sales representative to help with such dividend reinvestment, it is appropriate to reimburse such sales representative for his effort. Applicants further state that they believe that there is not sufficient financial incentive for an IDS sales representative to initiate such transfers for his own benefit. Applicants represent that IDS has established sufficient internal monitoring and review procedures to ensure that such transfers are made at the request of the customer and not for the IDS sales representative's personal gain (including monitoring the frequency of transfers handled by individual representatives).

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such company to make, or cause to be made, an offer to the shareholder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset value of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current public offering price described in the prospectus. The sales charge described in the prospectus of each of the Funds is normally greater than the sales charge which would be applicable to a proposed transfer. Rule 22d–1 permits certain variations in sales load, none of which it is alleged are applicable to the proposed transfer privileges.

Section 6(c) provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

On the basis of the foregoing, Applicants submit that the proposed exemption is appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policies and provisions of the Act.

Notice is further given that any interested person may, not later than April 7, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 80–8482 Filed 3–19–80; 8:45 am]

BILLING CODE 8010–01–M

[File No. 500–1]

McDowell Enterprises, Inc.; Order of Suspension of Trading

March 11, 1980.

It appearing to the Securities and Exchange Commission that there has been an undisclosed accumulation of a significant block of the outstanding common stock of McDowell Enterprises, Inc. and unexplained market activity in the company's common stock, the Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of McDowell Enterprises, Inc.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:30 a.m. (EST) on March 11, 1980 and terminating at midnight (EST) on March 20, 1980.

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 80–8483 Filed 3–19–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 16650; SR–MSE–79–21]

Midwest Stock Exchange, Inc.; Order Approving Proposed Rule Change

March 13, 1980.

On November 16, 1979,[1] the Midwest Stock Exchange, Incorporated ("MSE"), 120 South LaSalle Street, Chicago, Illinois 60603, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change which would delete from the Rules and Practices for Trading on the MSE the requirement that specialists match at least one side of the primary market quotation for each stock in which they are registered as specialists. In addition, the proposal would delete from the MSE Rules current Article XX, Rule 34, pertaining to the MSE Agency Execution System ("MAX"), and would substitute a new Rule 34 governing the MSE Guaranteed Execution System ("BEST System"). The BEST System would require MSE specialists to guarantee execution, according to a prescribed formula, of all agency market and limit orders of between 100 and 399 shares for dually traded securities in which they are registered. Specifically, market orders entered into the system would be filled at the best consolidated quote system bid on a sell order, or the best consolidated quote system offer on a buy order.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 16657, February 5, 1980) and by publication in the **Federal Register** (45 FR 9425, February 12, 1980). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder

[1] This rule filing was amended by Amendment No. 1 to SR–MSE–79–21 Filed with the Commission on January 24, 1980

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applicable to national securities exchanges, and in particular, the requirements of Section 6, specifically subsection (b)(5) thereof relating to the facilitation of transactions in securities and the removal of impediments to a national market system, and the rules and regulations thereunder.[2]

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-8485 Filed 3-19-80; 8:45 am]

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[2] Approval of the proposed rule change would not alter the responsibility of the MSE and its specialists to comply with Rule 11Ac1-3 (17 CFR 240.11Ac1-1) under the Act. the Commission's "Quote Rule." Specifically, the Commission has previously stated that if a market maker continuously communicates quotations which do not reflect its actual market, that activity would constitute a violation of Rule 11Ac1-1 and the issuance of fictitious quotations within the meaning of Section 15(c)(2) of the Act. *See* Securities Exchange Act Release No. 14415 (January 26, 1978) 43 FR 4342, 4347.

SNG & Oil Energy Co. and Olympic Gas & Oil, Inc.; Order of Suspension of Trading

March 10, 1980.

It appearing to the Securities and Exchange Commission that there are questions concerning the recent unusual and unexplained market activity in the above-named companies' securities and that there is a lack of adequate and accurate public information about the companies' operations and financial condition with respect to their methods of recognizing revenues and expenses and valuation of assets, the Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of SNG & Oil Energy Company and Olympic Gas & Oil, Inc.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:30 a.m. on March 10, 1980 through midnight on March 19, 1980.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-8484 Filed 3-19-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Navigational Aids Proposed for Torrance, Calif., Municipal Airport

Notice is hereby given that the Federal Aviation Administration (FAA) will prepare an Environmental Impact Statement for the installation of navigational aids at Torrance Municipal Airport, Torrance, California. The proposal consists of three electronic aids (glide slope and middle marker for runway 29R, and distance measuring equipment at the existing localizer), and five visual aids (medium intensity approach lights with runway alignment indicators for runway 29R, visual approach slope indicators for runways 29R, 29L and 11L and runway end identifiers for runway 29L).

Two public meetings will be held for the purpose of scoping (determining the scope of issues to be addressed, and for identifying the significant issues related to a proposed action) the environmental statement.

The meetings will be held on April 2, 1980, at the Torrance Recreation Center, 3341 Torrance Boulevard, Torrance, California, at 7:00 p.m., and on April 3, 1980, at the Lomita City Hall, 24300 Narbonne Avenue, Lomita, California, at 7:00 p.m. Interested parties may attend either meeting or submit comments in writing to the address below.

FOR FURTHER INFORMATION CONCERNING THE PROPOSED ACTION OR THE ENVIRONMENTAL IMPACT STATEMENT CONTACT: Stan Walsh, General Engineer, Federal Aviation Administration, P.O. Box 92007, World Way Postal Center, Los Angeles, CA 90009, Telephone: 213-536-6420.

Issued in Los Angeles, California; on March 6, 1980.

W. R. Frehse,

Acting Director, Western Region.

[FR Doc. 80-8507 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Expenditure of Federal-Aid Interstate Funds on Completed Sections of the Interstate System.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The FHWA issues a statement of policy and procedures concerning the use of Federal-aid Interstate funds for financing work on completed sections of the Interstate Highway System.

FOR FURTHER INFORMATION CONTACT: Robert Kreklau, Special Procedures Branch, Office of Engineering, 202-426-0334, or Thomas P. Holian, Office of the Chief Counsel, 202-426-0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: A statement of FHWA policy and procedures concerning the use of Federal-aid Interstate funds for financing work on completed sections of the Interstate Highway System has been issued as Volume 6, Chapter 3, Section 2, Subsection 4, of the Federal-Aid Highway Program Manual. The text of this statement is self-explanatory and is as follows:

Expenditure of Federal-Aid Interstate Fund on Completed Sections of the Interstate System

1. *Purpose.* To prescribe Federal Highway Administration (FHWA) policy and procedures on the use of Federal-aid Interstate (FAI) funds for financing work on completed sections of the Interstate System.

2. *Authority.* a. 23 U.S.C. 101, 103, 104, and 315.

b. 49 CFR 1.48.

c. 23 CFR 1.32.

3. *Applicability.* This directive applies to all completed sections of the Interstate System which were designated in accordance with 23 U.S.C 103.

4. *Policy.* a. Historically, FHWA has viewed the Interstate program as a "one-shot" program with regard to FAI funding for construction of any one highway section. Except as noted in paragraph 4.b. below, it has been and remains FHWA policy that highway sections constructed initially with FAI funds, or highway sections where major improvements have been accomplished with FAI funds, are not eligible for further improvement with FAI funds.

b. Based on FHWA's understanding of the intent of Congress, FHWA policy provides that FAI funded projects may be approved for the construction of specific features on Interstate sections previously considered to be completed to Interstate standards. Projects to provide selective safety improvements, priority treatment for high occupancy vehicles, traffice operations improvements, certain pavement and bridge overlays, certain improvements relative to social, economic, and environmental considerations, etc., may be eligible for FAI funds under conditions which are explained in the Federal-Aid Highway Program Manual and other FHWA directives.

5. *Federal participation.* a. *Major Upgrading.* (1) A number of existing routes were accepted into the Interstate System on the basis that they met the then applicable Interstate standards (not additions pursuant to 23 U.S.C. 139). Where a section of such an incorporated toll free route is clearly found to be structurally or geometrically inadequate to serve current traffic, and where there has been no regular FAI participation in major upgrading, FAI funds may participate in upgrading the section under the concept of initial construction.

(2) Proposals for such major upgrading with FAI funds must be forwarded to the Washington Headquarters for approval on a case-by-case basis prior to authorization of any phase of work. The design year for the additional work shall be established by special study of the project conditions, but not be greater than 20 years later than the predicted date of authorization of the improvement project. In establishing the design year and the minimum standards for a project, consideration will be given to the cost effectiveness of the project, to the traffic service provided on adjacent sections, and to the environmental consequence and economic feasibility of the project.

b. *Reconstruction, Upgrading, or Expansion.* Since the Interstate System roadways are, by statute, a part of the Federal-aid primary (FAP) system, funds that are apportioned for the FAP system may be used for reconstructing, upgrading, or expanding sections of the Interstate System. Projects to provide for the rehabilitation, restoration, and resurfacing of certain completed sections may also be financed with Interstate 3R funds.

Issued on: March 12, 1980.

L. P. Lamm,

Executive Director.

[FR Doc. 80-8410 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

Signal System Modifications; Public Hearing

AGENCY: Federal Railroad Administration (FRA) Department of Transportation (DOT).

ACTION: Notice of initiation of safety hearing.

SUMMARY: The Railroad Safety Board (Board) of the FRA is initiating a special safety hearing to obtain information and assist in evaluating the need for immediate modifications of the signal systems currently installed on portions of trackage presently owned by the Chicago, Rock Island and Pacific Railroad (Rock Island) as well as on trackage owned by the Chicago, Milwaukee, St. Paul and Pacific Railroad (Milwaukee).

DATES: The public hearing will begin at 10 a.m. on March 24, 1980.

ADDRESS: Hearing location. The public hearing will be held in Room 638 of the Federal Building located at 536 South Clark Street, Chicago, Illinois 60605.

FOR FURTHER INFORMATION CONTACT: Principal Program Person: S. H. Stotts, Office of Safety (RRS-22), FRA, Room 7315, 400 Seventh Street, SW, Washington, DC 20590, phone 202-426-0912. Principal Attorney: Lawrence I. Wagner, Office of Chief Counsel (RCC-30), FRA Room 8209, 400 Seventh Street, SW, Washington, DC 20590, phone 202-426-8836.

SUPPLEMENTARY INFORMATION: Pursuant to the Signal Inspection Act (49 U.S.C. 26), FRA has adopted regulations (49 CFR Part 235) which prescribe the requirements and procedures for obtaining FRA approval prior to the actual discontinuance or material modification of a signal or train control system. Responsibility for determining whether to grant the requested approvals has been delegated by the Administrator of the FRA to the Railroad Safety Board.

In view of its responsibilities, the Railroad Safety Board has been reviewing the available information on prospective changes in the rail operations conducted over signaled trackage currently owned by the Chicago, Milwaukee, St. Paul and Pacific Railroad (Milwaukee) as well as that owned by the Chicago, Rock Island and Pacific Railroad (Rock Island). A preliminary assessment of that available information indicates that extensive changes in rail operations can be anticipated and that these changes may include large scale discontinuances of existing signal systems as well as significant material modifications of existing systems. The Railroad Safety Board's assessment of the magnitude of the potential changes is tentative since the facts of this matter are both complicated and hard to establish as illustrated by the number of railroads and other parties who are involved in the process of change and by the fact that even determination of a precise date for when the proposed changes will occur has been difficult to establish.

Given such circumstances, the Railroad Safety Board concluded that the existing regulatory and procedural approach, for obtaining FRA's approval prior to making changes in the signal systems on either the Milwaukee or Rock Island trackage, would prove to be inadequate to meet the demands of this unique situation. One simple indication of this potential inadequacy is the time currently needed to respond to approval requests. A railroad typically encounters a time lapse of approximately three months measuring from the date on which approval is requested to the date on which the Railroad Safety Board acts on that request. In order to avoid the potential inadequacies of the existing regulatory and procedural approaches, the Railroad Safety Board has decided to hold a public hearing in Chicago, Illinois starting on March 24, 1980, at 10 a.m. The hearing will commence in Room 638 of the Federal Building located at 536 South Clark Street in Chicago, Illinois.

The Railroad Safety Board's purpose in instituting this public hearing is to obtain sufficient information concerning potential signal safety issues and desired modifications or discontinuances to enable the Board to devise and implement effective solutions as soon as possible. Consequently, the Railroad Safety Board is seeking all available information about plans by other railroads for operations over currently signalized trackage of either the Milwaukee or the Rock Island as well as operations at interlockings involving either railroad. The information being sought by the Railroad Safety Board includes any available data on any needed authority to discontinue or materially modify the existing signal system as well as any anticipated problems in complying with the provisions of Part 236 (49 CFR Part 236) during initial operations. The Railroad Safety Board has requested that a number of individual railroads, railroad employee organizations and other interested parties participate in this hearing.

The hearing will be an informal one and will be conducted in accordance with the provisions of section 211.25 of the Federal Railroad Administration, Rules of Practice (49 CFR Part 211). A representative designated by the Railroad Safety Board will conduct this hearing.

The hearing will not be an adversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The representative of the Railroad Safety Board will make an opening statement outlining the scope of the hearing and will provide interested persons with an opportunity to make statements or rebuttal statements. Additional procedures, if necessary, for the conduct

of the hearing will be announced at the start of the hearing.

This notice is issued under authority of Section 25 of the Interstate Commerce Act 49 U.S.C. 26; and § 1.49(g) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(g).

Issued in Washington, DC on March 18, 1980.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 80-8716 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. IP80-2; Notice 1]

Ford Motor Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

Ford Motor Co. of Dearborn, Michigan has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.120, Motor Vehicle Safety Standard No. 120, *Tire Selection and Rims for Vehicles Other Than Passenger Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the Act (15 U.S.C. 1417) and does not represent any agency decision or exercise of judgment concerning the merits of the petition.

Petitioner is a truck manufacturer, dependent upon an outside supplier (the Budd Company) for its wheels. Paragraph S5.2 of Standard No. 120 requires each rim of a truck wheel to be marked with five discrete items of information. Ford has learned that certain 16×6K single piece wheels provided by Budd were not marked in accordance with S5.2. There are two types of nonconformities. In the first, the 16×6K is mistakenly labelled "16×16K". In the second, no information has been applied to the rims. The trucks potentially affected are the F-250 (all 1979 models, and all 1980 models built before August 28, 1979) and F-350 regular cab and Supercab 4×4 single rear wheel models (manufactured between March 6, 1979, and August 28, 1979).

The precise number of noncomplying vehicles is not known, though 38,164 trucks were manufactured with the wheels at issue. Ford's own examination of 8,300 wheels led it to conclude that 2.2% of all wheels supplied by Budd during the manufacturing period in question may have contained one or the other nonconformity. As 183,014 wheels were supplied, this means that slightly over 4,000 wheels may have failed to comply, according to Ford's calculation.

Petitioner argues that the incorrect rim size designation has an inconsequential relationship to safety because no tire is available for installation on a 16 inch wide rim, and in the unlikely event one were obtained, it could not be successfully mounted or inflated on a 6 inch rim. Both noncompliances are also said to be unimportant because the rim information would be contained on the vehicles other rims (assuming that not all were noncompliant) and certification label, as well as the operator's manual. The other missing information (source of rims published nominal dimensions, DOT symbol, rim manufacturer's designation, manufacture date) in Ford's opinion, "is to facilitate NHTSA enforcement" and to provide a means of certification and not intended to provide information relating to rim and size matching.

Interested persons are invited to submit written data, views, and arguments on the petition of Ford Motor Co. described above. Comments should refer to the Docket number and be submitted to Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested to but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: April 21, 1980.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on March 12, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80-8301 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-59-M

Solicitation for Information on Auto Recalls

The NHTSA is attempting to determine whether quarterly publication of a compilation of detailed reports of safety defect recall campaigns received from manufacturers would be a useful service to the public. This Notice is a solicitation of indications of interest in subscribing to such a publication. It would be necessary to charge for this publication to cover the cost of printing. The per copy cost would depend on the number of subscribers. It is estimated that a single issue would cost $20, if there were approximately 400 subscribers.

Persons and organizations interested in receiving the compilation quarterly are requested to indicate how much they would be willing to pay per annum for the subscription (4 issues).

Indications of interest should be mailed to the:

Office of Public Affairs and Consumer Participation (NOA-40), National Highway Traffic Safety Administration, Department of Transportation, Washington, D.C. 20590

within thirty days of the date of this Notice.

Issued in Washington, D.C. on March 12, 1980.

Joan Claybrook,

Administrator.

[FR Doc. 80-8310 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration
Materials Transportation Bureau

Notice of Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulations of the Materials Transportation Bureau has received the applications described herein.

DATES: Comment period closes April 21, 1980.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the application are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 Seventh Street, S.W., Washington, D.C.

Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

New Applications

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8374-N	TSUJI Heavy Industries Co. Ltd., Sasebo City, Nagasaki Pref., Japan.	49 CFR 173.118a, 173.119, 173.245, 173.346, 173.500.	To authorize shipment of various hazardous materials (liquid) in non-DOT Specification IMCO Type II Portable Tanks. (Modes 1, 2, 3.)
8377-N	Teledyne McCormick, SELPH, Hollister, CA	49 CFR 173.113	To authorize shipment of detonating fuzes, Class C explosive, individually packaged in fiberboard boxes then over packed 5 per outside wooden box with total package weight of 300 pounds. (Modes 1, 4.)
8378-N	Millipore Corp., Bedford, MA	49 CFR 173.268	To authorize shipment of nitric acid (1.6% concentration in water) in DOT Specification 2E polyethylene containers not over 1 gallon capacity overpacked in DOT Specification 12B fiberboard boxes containing not more than four one gallon containers. (Modes 1, 2, 4.)
8379-N	3M Co., St. Paul, MN	49 CFR 173.154, 178.251	To authorize shipment of a flammable solid, n.o.s., in steel portable tanks similar to DOT Specifications 57 except for certain bottom outlet and safety relief device variations. (Mode 1.)
8380-N	Sherwin-Williams Co., Cleveland, OH	49 CFR 173.1200(a)(8)(ii)(E)	To authorize shipment of a compressed gas, n.o.s., as an ORM-D, packaged in a DOT Specification 2Q container which will not be exposed to the required 130° F. water bath. (Mode 1.)
8381-N	Mobay Chemical Corp., Kansas City, MO	49 CFR 177.854(c)(2)	To authorize use of a DOT Specification 44P bag as an overpack for the containment of and return shipment of DOT 44D packages of certain class 8 poisonous solids damaged in transit. (Mode 1.)
8382-N	Walter Kidde & Co., Inc., Belleville, NJ	49 CFR 173.302, 175.3	To authorize shipment of nonflammable and nonliquefied gas in a non-DOT specification stainless steel welded cylinder. (Modes 1, 2, 3, 4, 5.)
8383-N	D&R Instruments & Manufacturing, Inc., Tulsa, OK	49 CFR 173.119(b), 175.3	To authorize shipment of crude oil, classed as a flammable liquid, in non-DOT specification stainless steel cylinders. (Mode 4.)
8384-N	Oakite Products, Inc., Berkeley Heights, NJ	49 CFR 173.256	To authorize shipment of a cleaning compound containing hydrofluoric acid solution in DOT Specification 57 portable tanks with a polyethylene liner. (Mode 1.)
8385-N	Hercules, Inc., Wilmington, DE	49 CFR 173.93(a)(10)	To authorize shipment of a propellant explosive (solid) class B in a DOT Specification 21C-400 fiber drum with a net weight of 250 pounds. (Mode 1.)
8386-N	J. J. Mauget Co., Burbank, CA	49 CFR 172.101, 172.400, 172.504.	To authorize shipment of organic peroxide compound mixture, liquid, class B poison packages complying with 173.350(b)(11) excepted from labeling and placarding requirements. (Modes 1.)
8387-N	FMC Corp., Philadelphia, PA	49 CFR 173.266	To authorize shipment of hyrodgen peroxide in DOT Specification MC-312 cargo tanks constructed of type 316 stainless steel. (Mode 3.)
8388-N	B. W. Norton Manufacturing Co., Inc., Oakland, CA	49 CFR Part 173.Subpart D and F.	To manufacture, mark and sell a 5 gallon open head polyethylene container comparable to a DOT Specification 35 for shipment of various corrosive and flammable liquids. (Modes 1, 2, 3.)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued at Washington, D.C., on March 11, 1980.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulations, Materials Transportation Bureau.

[FR Doc. 80-8311 Filed 3-19-80; 8:45 a.m.]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application to Become a Party to an Exemption

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes April 4, 1980.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, D.C.

V 45/56 MR 20 80 UMI

Application No.	Applicant	Renewal of exemptions
2981–X	Hercules Inc., Wilmington, DE	2981
3549–X	Department of Energy, Washington, DC.	3549
3992–X	Union Carbide Corp., Bound Brook, NJ.	3992
3992–X	Stauffer Chemical Co., Westport, CT.	3992
4108–X	Liquid Air Corp., Chicago, IL [1]	4108
4291–X	Pacific Engineering & Production Co. of Nevada, Henderson, NV.	4291
4398–X	Union Carbide Corp., Tarrytown, NY [2].	4398
4453–X	Monsanto Co., St. Louis, MO	4453
4453–X	Meynes Explosives Co., Lee's Summit, MO.	4453
4460–X	Ethyl Corp., Baton Rouge, LA	4460
4554–X	BF Goodrich Co., Cleveland, OH	4554
4790–X	Smith & Wesson/General Ordnance Equipment Co., Pittsburgh, PA.	4790
5122–X	E. I. Dupont de Nemours & Co., Wilmington, DE.	5122
5200–X	E. I. Dupont de Nemours & Co., Wilmington, DE [3].	5200
5243–X	International Minerals & Chemical Corporation, Allentown, PA.	5243
5372–X	Stauffer Chemical Co., Westport, CT.	5372
5736–X	Phillips Petroleum Co., Bartlesville, OK.	5736
5749–X	E. I. Dupont de Nemours & Co., Wilmington, DE.	5749
5948–X	Department of Energy, Washington, DC.	5948
5951–X	Ashland Chemical Co., Dublin, OH	5951
5972–X	E. I. Dupont de Nemours & Co., Wilmington, DE.	5972
6113–X	Northwest Natural Gas Co., Salem, OR.	6113
6113–X	Utility Propane Co., Elizabeth, NJ	6113
6113–X	Philadelphia Gas Works, Philadelphia, PA.	6113
6122–X	Pennwalt Corp., Buffalo, NY [4]	6122
6197–X	New Jersey Natural Gas Co., Asbury Park, NJ.	6197
6225–X	Great Lakes Chemical Corporation, El Dorado, AR.	6225
6325–X	E. I. Dupont de Nemours & Co., Wilmington, DE [5].	6325
6397–X	Pennwalt Corp., Philadelphia, PA	6397
6397–X	Allied Chemical Co., Morristown, NJ	6397
6589–X	Robertshaw Controls Co., Anaheim, CA.	6589
6614–X	All Pure Chemical Co., Inc., Tracy, CA.	6614
6614–X	Hase Chemicals, Inc., Saugus, CA	6614
6637–X	Advanced Chemical Technology, City of Industry, CA.	6637
6704–X	Dow Chemical Co., Midland, MI	6704
6755–X	Lincoln Welding Supply Co., Lincoln, NE.	6755
6787–X	Advanced Chemical Technology, City of Industry, CA.	6787
6825–X	Lox Equipment Co., Livermore, CA	6825
6828–X	Boyle-Midway Division of the American Home Products Corp., New York, NY.	6828
6861–X	Teledyne McCormick Selph, Hollister, CA [6].	6861
6895–X	Westinghouse Electric Corp., Bloomfield, NJ.	6895
6898–X	Ashland Chemical Co., Dublin, OH	6898
6919–X	Minnesota Gas Co., Minneapolis, MN.	6919
6921–X	Cities Service Co., Tulsa, OK	6921
6985–X	Department of Energy, Washington, DC.	6985
7015–X	Cities Service Co., Tulsa, OK	7015
7023–X	Ashland Chemical Co., Dublin, OH	7023
7024–X	Burlington Industries, Inc., Burlington, NC.	7024
7438–X	Ethyl Corp., Baton Rouge, LA	7438
7455–X	E. I. Dupont de Nemours & Co., Wilmington, DE [7].	7455
7607–X	E. I. Dupont de Nemours & Co., Wilmington, DE.	7607
7621–X	Great Lakes Chemical Corporation, El Dorado, AR.	7621
7633–X	Sea Containers, Inc., New York, NY	7633
7638–X	Minnesota Valley Engineering, New Prague, MN.	7638
7641–X	American President Lines, Ltd., Seattle, WA.	7641
7654–X	Fisher Scientific Co., Fair Lawn, NJ	7654
7654–X	Texas Eastman Co., Longview, TX	7654
7671–X	Sea Containers, Inc., New York, NY	7671
7674–X	Department of the Army, Washington, DC.	7674
7720–X	Williams, Diamond & Co., San Francisco, CA.	7720
7767–X	Hydraulic Research, Inc., Pacoima, CA.	7767
7769–X	Brunswick Corp., Lincoln, NE [8]	7769
7770–X	Ugine Kuhlmann of America, Inc., Paramus, NJ.	7770
7772–X	Ugine Kuhlmann of America, Inc., Paramus, NJ.	7772
7774–X	Weatherford/DMC, Inc., Houston, TX [9].	7774
7919–X	Alaska Hydro-Train Corp., Seattle, WA.	7919
7972–X	E. I. Dupont de Nemours & Co., Wilmington, DE.	7972
7998–X	Dow Chemical Co., Midland, MI	7998
8136–X	Eastman Kodak Co., Rochester, NY [10].	8136
8192–X	Greif Bros. Corp., Union, NJ [11]	8192
8214–X	Thiokol Corp., Brigham City, UT [12]	8214
8254–X	Applied Environments Corp., Van Nuys, CA [13].	8254
4760–P	Air Products and Chemicals, Inc., Allentown, PA.	4760
5604–P	Air Products and Chemicals, Inc., Allentown, PA.	5604
5486–P	Air Products and Chemicals, Inc., Allentown, PA.	5486
5736–P	Northern Petrochemical Co., Des Planes, IL.	5736
6526–P	Southern Agricultural Insecticides, Inc., Palmetto, FL.	6526
6614–P	Chem-Bright Industries, Inc., West Bloomfield, MI.	6614
6614–P	Olsen Chemical Co., Los Angeles, CA.	6614
6765–P	Kansas Refined Helium Co., Otis, KS.	6765
7005–P	Sea Containers Pacific Limited, Central, Hong Kong.	7005
7015–P	Air Products and Chemicals, Inc., Allentown, PA.	7015
7605–P	Department of the Army, Washington, DC.	7605
7835–P	Union Carbide Corp., Tarrytown, NY [14].	7835
8184–P	International Minerals & Chemical Corporation, Allentown, PA.	8184
8246–P	Monsanto Research Corp., Miamisburg, OH.	8246
8253–P	Queen City Barrel Co., Cincinnati, OH.	8253
8374–P	Sea Containers Atlantic Limited, Hamilton, Bermuda.	8374

[1] To renew and to authorize new construction of aluminum tanks and delete tank holding time requirement and one-way travel time requirements.

[2] To provide for liquefied ethylene and ethane as additional commodities.

[3] To renew and consolidate DOT E-3193 with 5200 authorizing the shipment of various flammable & non-flammable compressed gases & refrigerants in DOT Specification 105A400W and 114A340W tank car tanks.

[4] To authorize an additional style fiberboard box 350 pound single-wall double-faced, die-cut with full overlapping bottom outer flaps for shipments of organic peroxides.

[5] To renew and to add blasting agents, n.o.s. as an authorized commodity.

[6] To renew and to authorize a maximum net weight of the drum to 215 pounds.

[7] Request amendment authorizing 12,000 blasting caps in the stowage unit; request authorization for three EE Type fork-lifts one for each deck; request authorization to use nitro carbon nitrate as proper shipping name.

[8] Request modification of burst pressure requirements and add carbon dioxide, nitrogen or helium to paragraph 3 and 4.

[9] To authorize rail freight and cargo-only aircraft as additional modes of transportation and to authorize packaging six cylinders of bromine trifluoride per box instead of one.

[10] To authorize shipment of sodium hypochlorite solution as additional commodity.

[11] To authorize rail freight and cargo vessel as an additional mode of transportation.

[12] To authorize cargo vessel as an additional mode and to provide for use of a fiberboard box as additional packaging.

[13] Request change in sphere burst pressure requirements.

[14] Request party status and to authorize an additional trailer design to paragraph 8(c).

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on March 11, 1980.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 80-8312 Filed 3-19-80; 8:45 am]

BILLING CODE 4910-60-M

COUNCIL ON WAGE AND PRICE STABILITY

Price Advisory Committee; Meeting

Authority of Committee: The Price Advisory Committee was established by the Council on Wage and Price Stability pursuant to Executive Order 12161 (44 FR 56663).

Time and Place of Meeting: The Price Advisory Committee will meet on March 26, 1980, at 10:00 a.m. The meeting will take place in Room 2008 of the New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20506. More advance notice of this meeting was not possible because the second program year pay standard was accepted by the Council on March 13, 1980; however, additional notice of this meeting is being given through a Council release to the general and trade press.

Purpose of the Meeting: The purpose of the meeting will be to consider the relationship between the existing price standard and the newly promulgated pay standard for the second program year.

Public Participation: The meeting of the Price Advisory Committee will be open to the public. Public attendance will, however, be limited by available space; persons will be seated on a first-come, first-served basis. Persons attending the meeting will not be permitted to speak or participate in the Committee's deliberations. Interested persons will be permited to file written statements with the Committee by mail or personal delivery to the Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, N.W., Washington, D.C. 20506.

Additional Information: For additional information, please telephone the Office of Public Affairs at (202) 456–6756.

Dated: March 17, 1980.

Sally Katzen,

Advisory Committee Management Officer.

[FR Doc. 80-8695 Filed 3-19-80; 8:45 am]

BILLING CODE 3175-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 56
Thursday, March 20, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:30 a.m., March 25, 1980.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matter—offer of settlement.
Third Quarter Budget Categories, Plans, Programs, and Priorities.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-555-80 Filed 3-17-80; 4:50 pm]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., March 25, 1980.

PLACE: 2033 K Street, NW., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Study of Comex Switch Session/Staff recommendation for Commission consideration.

Delegation of registration approval authority to the Director of Trading and Markets.

Status Report on Kansas City Board of Trade Stock Index Futures Contract application for designation.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[FR Doc. S-556-80 Filed 3-17-80; 4:50 pm]

BILLING CODE 6351-01-M

3

March 17, 1980.

COUNCIL ON ENVIRONMENTAL QUALITY.

TIME AND DATE: 11:30 a.m., Thursday, March 27, 1980.

PLACE: Conference Room, 722 Jackson Place NW., Washington, D.C. 20006.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Old Business.
2. Status of Study on Commercial Fisheries in U.S. Conservation Zone.
3. Briefing on Status of Agencies' NEPA Procedures.

CONTACT PERSON FOR MORE INFORMATION: John F. Shea III, (202) 395–4616.

[S-553-80 Filed 3-17-80; 4:09 pm]

BILLING CODE 3125-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 5:30 p.m. on Friday, March 14, 1980, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a memorandum and resolution regarding the suspension of trading in the securities of Farmers Bank of the State of Delaware, Dover, Delaware.

In calling the meeting, the Board determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), the Corporation business required its consideration of the matter on less than seven days' notice to the public, that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsection (c)(9)(A)(i) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(A)(i)).

Dated: March 17, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. S-558-80 Filed 3-18-80; 11:11 am]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, March 17, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of a recommendation regarding the liquidation of assets acquired by the Corporation from American Bank & Trust Company, New York, New York.

The Board further determined, by that same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Application of General Bank of Commerce, a proposed new bank, to be located at 649 North Broadway, Los Angeles, California, for Federal deposit insurance.

The Board further determined, by that same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter added to the agenda in a meeting open to public observation; and that the matter added to the agenda could be considered in a closed meeting by authority of subsections (c)(6) and (c)(8) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6) and (c)(8)).

Dated: March 17, 1980.

V45/56 MR20 80 UMI

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-559-80 Filed 3-18-80; 11:11 am]
BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Change in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, March 17, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum and resolution amending sections 329.1 and 329.6 of Part 329 of the Corporation's rules and regulations entitled "Interest on Deposits."

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: March 17, 1980.
Federal Deposit Insurance Corporation,
Hoyle L. Robinson,
Executive Secretary.
[S-560-80 Filed 3-18-80; 11:11 am]
BILLING CODE 6714-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, March 24, 1980, to consider the following matters:

Disposition of minutes of previous meetings.

Memorandum and Resolution re: Semiannual Agenda of Regulations for March.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Controller on the termination of the liquidation of First National Bank of Eldora, Eldora, Iowa.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: March 17, 1980.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-561-80 Filed 3-18-80; 11:11 am]
BILLING CODE 6714-01-M

8

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, March 24, 1980, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance (proposed new banks):

First Citizens Bank, a proposed new bank, to be located at the northwest corner of the intersection of Third Streeet and LeGrande Avenue, Luverne, Alabama, for Federal deposit insurance.

Peoples State Bank, a proposed new bank, to be located at 6606 Abrams Road, Dallas, Texas, for Federal deposit insurance.

Application for Federal deposit insurance (operating noninsured mutual savings bank): Lynn Five Cents Savings Bank, Lynn, Massachusetts.

Legal Division memorandum in connection with an appeal from an initial partial denial of a request for records under the Freedom of Information Act.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: March 17, 1980.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-562-80 Filed 3-18-80; 11:11 am]
BILLING CODE 6714-01-M

9

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 17111, March 17, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 19, 1980.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

P-1, Project No. 2114, et al., Public Utility District No. 2 of Grant County, Washington, et al.
M-2, RM79-35, Exemptions of Small Conduit Hydroelectric Facilities from Part I of the Federal Power Act.
M-9, RM80-10, Phase II Incremental Pricing Program.

Kenneth F. Plumb,
Secretary.
[S-563-80 Filed 3-18-80; 11:35 am]
BILLING CODE 6450-85-M

10

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 44, FR Page 17112, March 17, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., March 20, 1980.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The following item has been withdrawn from the agenda for the open meeting: Regulation on Monitoring Fair Lending Practices.

Announcement is being made at the earliest practicable time.

No. 326, March 18, 1980.
[S-566-80 Filed 3-18-80; 3:10 pm]
BILLING CODE 6720-01-M

11

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

March 14, 1980.

TIME AND DATE: 10 a.m., Friday, March 21, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Sewell Coal Company, Docket No. HOPE 78-744-P (Petition for Discretionary Review; issues include impossibility of performance defense to violations of safety standards).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.
[S-557-80 Filed 3-18-80; 11:11 am]
BILLING CODE 6820-12-M

12

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

March 14, 1980.

The meeting originally scheduled for March 21, 1980, will be held on March 18, 1980.

TIME AND DATE: 10 a.m., Tuesday, March 18, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: In addition to the previously announced matters, the Commission will also consider and act upon:

3. Sewell Coal Company, Docket No. HOPE 78-744-P (Petition for Discretionary Review; issues include impossibility of performance defense to violations of safety standards.)

It was determined by a unanimous vote of Commissioners that Commission business required that this item be included in the meeting and that no earlier announcement was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.
[S-565-80 Filed 3-18-80; 2:19 pm]
BILLING CODE 6820-12-M

13

INTERNATIONAL TRADE COMMISSION.
Executive Resources Board (ERB).

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 16665, March 14, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Monday, March 24, 1980.

CHANGES IN THE MEETING: By recorded vote, taken on March 17, 1980, Commissioners Alberger, Moore, and Stern, as members of the Executive Resources Board (ERB), determined that Commission business requires the rescheduling of the meeting of March 24, 1980, to 2 p.m., on Tuesday, March 25, 1980, and affirmed that no earlier announcement of the change in schedule was possible and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.
[S-554-80 Filed 3-17-80; 4:18 pm]
BILLING CODE 7020-02-M

14

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, March 25, 1980.

PLACE: Hearing Room A, Interstate Commerce Commission Building, 12th and Constitution Ave NW., Washington, D.C. 20423.

STATUS: Open special conference.

MATTER TO BE DISCUSSED: Fuel surcharge.

CONTACT PERSON FOR MORE INFORMATION: Douglas Baldwin, Director, Office of Communications, telephone: (202) 275-7252.
[S-564-80 Filed 3-18-80; 12:58 pm]
BILLING CODE 7035-01-M

15

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Friday, March 28, 1980. (NM-80-13)

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Safety Effectiveness Evaluation of NHTSA's Rulemaking Process: Volume 4—Analysis, Conclusions, and Recommendations.

2. Recommendation to the Federal Aviation Administration re upper age limit for pilots in Part 135 operations.

3. Aircraft Accident Report: Puerto Rico International Airlines, Inc., deHavilland Heron, DH-114, N575PR, Alexander Hamilton Airport, Christiansted, St. Croix, Virgin Islands, July 24, 1979.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202-472-6022.

March 17, 1980.
[S-548-80 Filed 3-17-80; 3:20 pm]
BILLING CODE 4910-58-M

16

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 10 a.m., Monday, March 31, 1980. (NM-80-14).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

STATUS: Closed under exemption 2 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. Discussion of internal procedures for calendaring of adjudications in air safety proceedings.
2. Discussion of Board workload.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202-472-6022.

March 17, 1980.
[S-549-80 Filed 3-17-80; 3:20 pm]
BILLING CODE 4910-58-M

17

SECURITIES AND EXCHANGE COMMISSION.

STATUS: Closed meeting.

DATE AND TIME: March 13, 1980, 10 a.m., March 14, 1980, 11:30 a.m., March 19, 1980, 3:30 p.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

The following additional item was considered at a closed meeting held on Thursday, March 13, 1980, at 10 a.m.:

Access to investigative files by Federal, State, or Self-Regulatory Authorities.

The following item was considered at a closed meeting held on Friday, March 14, 1980, at 11:30 a.m.:

Regulatory matter regarding financial institutions.

The following item will be considered at an open meeting scheduled for Wednesday, March 19, 1980, at 3:30 p.m.:

Consideration of whether to issue a notice of the filing of an application by Beneficial National Life Insurance Company, the Dreyfus Rainbow Annuity Variable Account A (the "Separate Account"), Dreyfus Liquid Assets, Inc., and Dreyfus A Bonds Plus, Inc. (collectively referred to as "Applicants") for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") exempting Applicants from Sections 26(a)(2)(C) and 27(c)(2) of the Act to permit the Separate Account indirectly to bear distribution expenses, and granting

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other exemptive relief. For further information, please contact Mary A. Cole at (202) 272–2057.

The following items will be considered at a closed meeting scheduled for Wednesday, March 19, 1980, immediately following the 3:30 p.m. open meeting:

Freedom of Information Act appeals.
Formal order of investigation.
Settlement of injunctive action.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Commissioners Loomis, Evans, and Pollack determined to hold the aforesaid meetings in closed session.

At times changes in commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted, or postponed, please contact: George Yearsich at (202) 272–2178.

March 17, 1980.

[S–567–80 Filed 3–18–80; 3:45 pm]

BILLING CODE 8010–01–M

18

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published March 19, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:45 a.m., Friday, March 21, 1980.

CHANGES IN THE MEETING: The time of the meetings have been changed to 10:00 a.m. for the Judicial Matter and 11:30 a.m. for the Enforcement Matter.

Add: 10:30 a.m. for legislative matters.

[S–568–80 Filed 3–19–80; 4:12 pm]

BILLING CODE 6351–01–M

19

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: March 13, 1980; 45 FR 16664.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., March 19, 1980.

CHANGE IN THE MEETING: Addition of the following item to the open session:

12. Docket No. 80–4: Matson Navigation Company—Proposed 5.67 Percent Bunker Surcharge in the Hawaii Trade—Petition of Hearing Counsel to amend the Order of Investigation and Petitions of the State of Hawaii and Oscar Mayer & Co., Inc. for Leave to Intervene.

[S–569–80 Filed 3–19–80; 4:12 pm]

BILLING CODE 6730–01–M

20

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 15366, March 10, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE: 8 a.m., 17 March, 1980.

PLACE: Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20014.

CHANGES IN THE MEETING:

(1) Faculty appointments: Item (1) was changed from an open to a closed portion of the meeting of the Educational Affairs Committee.

(2) Policy on memorials was added to the open meeting of the Board of Regents.

PERSON TO CONTACT: Frank M. Reynolds, Executive Secretary, Board of Regents, (202) 295–3025.

SUPPLEMENTARY INFORMATION: Consideration of faculty appointments at the Educational Affairs Committee was changed from an open to a closed portion of the meeting because the discussion would disclose information of a personal nature; disclosure would constitute a clearly unwarranted invasion of personal privacy.

Accordingly, all of the members of the committee, except General Paul W. Myers, Dr. Julius B. Richmond, and Dr. Francis Moore, who were absent, voted to close this portion of the meeting, that no earlier announcement of this change was possible, and that the University's business required this action.

Public disclosure is not in the public interest in that it would prematurely disclose the Committee's evaluation of candidates, and would make recruiting difficult.

The Policy on Memorials was added to the Board of Regents agenda because it was announced at the January 14, 1980 meeting that it would be considered at this meeting, but the matter was inadvertently omitted from the agenda.

Accordingly, all of the members of the Board, except Dr. H. Ashton Thomas, General Paul W. Myers, and Dr. Julius B. Richmond, who were absent, voted to add this item, that no earlier announcement was possible, and that University business requires the addition.

GENERAL COUNSEL CERTIFICATION: I certify that the portion of this meeting for discussion of faculty appointments may be closed to the public under 5 U.S.C. 552b(c)(6) and 32 CFR Section 242a.4(f), and that the meeting may be closed to public observation.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 18, 1980.

[S–570–80 Filed 3–18–80; 4:12 pm]

BILLING CODE 3810–70–M

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federal register

Thursday
March 20, 1980

Part II

Department of Health, Education, and Welfare

Office of Human Development Services

Administration for Public Services; Cooperative Research and Demonstration Grant Priorities—Fiscal Year(s) 1980 and/or 1981

V 45/56 MR 20 80 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

Administration for Public Services; Cooperative Research and Demonstration Grant Priorities—Fiscal Year(s) 1980 and/or 1981

AGENCY: Human Development Services, DHEW.

SUBJECT: Notice of proposed Fiscal Year(s) 1980 and/or 1981 Administration for Public Services (APS), Research, Demonstration, and Evaluation (RD&E) priorities.

SUMMARY: This notice presents the tentative research, demonstration and evaluation (RD&E) priorities that the Administration for Public Services proposes to initiate in Fiscal Year 1980 and/or 1981 depending on the availability of funds for carrying out Sections 1110 and 1115 of the Social Security Act as amended. This notice is being published with some estimated project funding levels in excess of available funds in order that the final RD&E priorities may be modified to incorporate and reflect the expertise of individuals knowledgeable in the field.

DATES: In order to be considered, comments must be *received* no later than May 5, 1980. Comments on these proposed priorities or suggestions for other priorities are invited. *No proposals, concept papers or other forms of application should be submitted at this time.*

ADDRESS: Comments must be sent to: Dr. David W. Fairweather, Director, Division of Research, Demonstration, and Evaluation, 330 C Street, S.W., Room 2412, Washington, DC 20201.

For further information, call Dr. David W. Fairweather at (202) 245–9200.

PROGRAM PURPOSE

Grants and cooperative agreements funded by APS are for research or demonstration projects which will add to existing knowledge and improvement of new methods and techniques for the planning, evaluation, management, delivery, and coordination of social services programs. Cooperative agreements are discussed in the **Federal Register** (44 FR 36350, published June 21, 1979).

PROGRAM GOALS AND OBJECTIVES

The thrust of the APS research and demonstration program is to support improvements of State and local governments' capability to furnish services directed at the following goals:

1. Achieving economic self-support and preventing, reducing, and eliminating dependency.
2. Achieving/maintaining self-sufficiency, including reduction of dependency.
3. Preventing/remedying neglect, abuse, or exploitation and preserving/rehabilitating/reuniting families.
4. Reducing inappropriate institutionalization.
5. Securing appropriate institutionalation.

In order to achieve these goals, public knowledge is needed on several critical service issues. The following research and demonstration program objectives are intended to assist in obtaining this information:

1. To provide a sound basis for effective program operation by improving and promoting innovative policy development, management, information/reporting, service delivery and accountability of the title XX program.
2. To promote quality service by improving the capability of State title XX and provider agency staff.

Proposed Priority Projects

In June 1979, the APS Commissioner invited suggestions and comments from Regional staff, State and local agencies, and organizations interested in the title XX program regarding the nature of RD&E projects that should be undertaken during FY 1980 and FY 1981. The following table indicates the response which was received:

TABLE 1

Respondents	Number of suggested project areas
Federal agencies	26
State and local government agencies	66
Other organizations	14

These responses have been incorporated in the APS proposed project priorities as appropriate. The criteria used to judge whether these suggestions should be included were as follows:

That the projects (a) did not duplicate existing research, demonstration or evaluation efforts; (b) would contribute to the state-of-the-art in the proposed subject area; and (c) would facilitate APS policy, program and legislative decision making by providing information which would otherwise be unavailable.

The priority projects are identified by a number in parenthesis after each project. *The appropriate number must be used on all comments and correspondence which relate to the project.*

Title XX Waiver Demonstration Projects of National Significance (APS–80/81–1)

Purpose

The purpose of this project area is to encourage State agencies to utilize the Section 1115 waiver authority of the Social Security Act to undertake demonstrations where potential findings/outcomes could have national significance (that is, be significant enough to warrant replication or transfer among States or local agencies, or result in a regulation or statutory change).

These demonstrations may involve waivers of the requirements of Section 2002, 2003, and 2004 of Title XX of the Social Security Act as amended, or incur costs not otherwise allowable as expenditures under Section 2002, in order that innovative approaches to planning, eligibility determination, service delivery, fiscal accountability, training, and management and related Federal policy decisions can be considered and made regarding regulation changes and new legislation. These demonstrations could include:

1. Allowing title XX training costs for provider staff not directly related to the provision of services or determination of eligibility (e.g., bookkeepers and accountants);
2. Allowing emergency shelter as a protective service to a child for periods in excess of thirty days in any six month period; and
3. Allowing for changes in eligibility determination and redetermination time frames.

However, States must focus on, and convincingly discuss, specific changes in the law or regulations which would enhance State or local title XX program development and operations.

Approach

The approach to be employed will involve (by statute) a State agency demonstration of the impact of title XX waivers on State, county or local programs and clients. This will involve pre-demonstration and post-demonstration comparisons and a mandatory evaluation component. The evaluations are expected to show what outcomes are achieved in relation to State's title XX programs and their clients. A rationale will be required of the State applicant(s) as to why the project outcomes could be of national significance. The APS review of State applications will include analysis from the programmatic and RD&E perspectives as to the potential contribution to the title XX program and acceptability of the demonstration design.

Expected Findings

Defined improvements in State programs and in the services provided to clients which are achieved through Section 1115 waiver demonstration projects.

Number, Cost and Duration

Approximately two projects will be funded for total project periods of three years each. The initial award will be funded at a level of up to $200,000 each. The second and third year continuation awards will each be funded at a level of up to $150,000 and $100,000, respectively.

Initiatives With Substantial Regional Office Involvement and Priority (APS–80/81–3)

Purpose

The purpose of this project is to encourage State and local agencies to focus on local issues that impact geographical segments of the country rather than the nation. These issues may overlap State boundaries and, perhaps, even the APS Regional Office boundaries. These projects may relate to policy, service delivery, management issues, or technology transfer. This poject will provide funding for important project with less than nationwide interest.

Approach

The approach is to be developed by the applicants depending on the nature of the project.

Expected Findings

These projects are intended to provide useful approaches to important local issues. To the extent that issues can be first addressed on a regional basis, we expect to be able to avoid national problems.

Number, Cost and Duration

Approximately four projects will be funded for total project periods of 12 months each. The awards will be funded at a level up to $50,000 each.

Policy Research and Evaluation of Title XX Regulations (APS–80/81–4)

Purpose

The purpose of this project is to identify, through the systematic analysis of the title XX regulations, areas which lend themselves to study via the R&D process. During the course of a program year various policy issues arise throught the passage of legislation or the writing of regulations. As a result, gaps are created between what is currently being done via the R&D process and what needs to be done.

An efficient R&D program must have some mechanism that will enable it to respond to the knowledge gaps created by such factors as the passage of new legislation or the writing of new regulations. For example, the passage of new legislation may create an unintended barrier to the provision of services to a particular population. Through a combination of policy analysis and evaluation of the regulations, such occurrences cannot only be identified but can be illustrated (and solutions tested) via the R&D process.

Approach

Public comment is invited on regulatory provisions which should be studied and appropriate methods of study. The approach to be employed should explore the policy and programmatic impacts of selected issues identified. Using the information gathered from this announcement, APS will plan and conduct in-depth research, demonstration, or evaluation studies.

Development and Evaluation of Performance Standards in Relation to Program Goals (APS–80/81–5)

Purpose

The purpose of this project is to stimulate States and local governments in the development and evaluation of performance standards for their own title XX service programs. This includes the identification of the essential elements of the given service, the relative priority/importance of these components, and a mechanism for identifying the appropriate intensity of the respective elements. Also, this project is meant to stimulate the collection of data to monitor performance, identify problems, address resource (re)allocation issues in terms of fixed budgets, and suggest policy changes that measurably improve performance.

Approach

The project will develop realistic, measurable program objectives and performance indicators for a minimum of five title XX service areas. For a given service area, the project will be expected to identify a minimum of ten essential components and related standards for the delivery of an effective, efficient, quality service of reasonable cost. A method for ranking the relative importance of each component will also be developed. The project will develop a data collection system to document achievement or failure of the delivery system to meet minimum standards in each component of the service area. This data system will be rquired to serve both management and direct service delivery staff with respect to feedback on performance. The project will suggest approaches to corrective action strategies in situations where performance is unacceptable.

Each phase of the project will be field tested with volunteer title XX government and provider agencies.

Expected findings

It is expected that this project will identify model measurable objectives and performance indicators which States can use ot improve their title XX programs.

Number, Cost and Duration

Approximately two awards will be made for total project periods of 18 months each. The awards will be funded at a level of up to $150,000 each.

Improving Adult Protective Services Programs (APS–81–2)

Purpose

The purpose of this project is to develop model adult protective services programs which identify the needs of eligible clients; identify characteristics of clients in need of receiving care, or likely to be in need of receiving care; which develop mechanisms for carrying out guardianship responsibilities with respect to clients and their property; and which develop monitoring and review procedures to identify or recertify the appropriateness of a guardianship role.

Approach

One of the assumptions most frequently advanced by service providers in both the public and private sector is that we are seeing significantly increased numbers of adults with mental impairments which make it impossible for them to remain in the community without close supervision. Phase one of this project will be a study which will take a comprehensive look at the legal aspects of protective services for the elderly and will identify which of the legal approaches are utilized most frequently, e.g., guardianship including guardianship of the persons and guardianship of the estate; conservatorship; and commitment to an institution. Under what circumstances are each of these methods used, and which appears to be most beneficial to

the individual, his family, and the agency offering these services.

Phase two would involve the development and implementation of demonstrations in two or more localities to demonstrate:

1. How a County Welfare Department can make practical use of any one of the above methods, and to test the effectiveness (relative impact and effectiveness) of the approaches used; and

2. What is involved for a private, voluntary family service agency serving as a provider of title XX services, in utilizing any or all of the above methods (and testing their relative impact and effectiveness).

Expected Findings

The model developed within this project should be transferrable to both State and local human service agencies that deal with this population.

Number, Cost and Duration

Approximately one project will be awarded for a total project period of three years. The initial award and subsequent continuation awards will be funded at a level of up to $300,000.

Improving Management Practices and Technologies in Title XX Agencies (APS–81–4)

In 1976 the National Conference on Social Welfare's Task Force on Expanding Management Technology and Professional Accountability in Local Services Programs reaffirmed the very basic principle that "management is a vital and necessary function in the growing field of social welfare." The Task Force went on to state that given the continued growth of the field of social welfare and the need to deliver effective and efficient services to clients, innovative management practices and technologies need to be adopted. Interest in this area has continued at a high level, as evidenced by the concerns expressed in the Title XX—National Policy Symposium which took place in October 1978. Included in the Symposium's published report were a series of recommendations for action on management improvement.

The Federal Government was charged with the responsibility to:

- Encourage States to build management capacity in the areas of comprehensive social services planning, systematic program evaluation, and services information recording, retrieval, and analysis by setting aside from the existing title XX ceiling new Federal funds for these purposes.
- Assure at the Federal level that high-quality technical assistance, guidance, and activities designed to promote management technology transfer are available on an on-going basis, in order to build management capacity at State and local levels in the areas of planning, needs assessment, data analysis, program and financial reporting, performance standards development, service effectiveness measures, service impact and cost, service delivery standards, purchases of service contracting, and program monitoring and evaluation procedures.

This project is an attempt to deal with the concerns expressed above, as well as the recommendations on APS/HDS Regional Staff.

The purpose of this project is to continue to provide an opportunity for a State agency, or a non-profit organization by itself or in cooperation with a State agency, to: (a) identify critical areas for management (including, but not limited to, those identified in the Symposium's recommendations); (b) develop and demonstrate innovative approaches for bringing about improvements in selected areas; and (c) transfer the technology to other interested States.

Approach

As a first step, prospective applicants will be required to identify critical areas for management improvement and their rationale for selecting these areas. The areas selected for study and demonstration should be areas which have potential national significance such as model accounting systems, model procurement manuals, model personnel systems, and model agency audit guides. This project can be conducted in three major phases, as follows:

Phase I. Comprehensive State of the Art and Design of the Demonstration Project

The first phase of the project will include a comprehensive state-of-the-art, including but not limited to: (a) a description of the ways in which the selected technologies would improve the management of title XX agencies; (b) the appropriateness of the management methodologies used; and (c) the potential transferability of the technologies.

During this phase the recipient will also utilize the information gained from the state-of-the-art in designing a methodology for the demonstration phase of the project. The design will cover:

- The management objective to be achieved
- The approach/methodology to be employed
- The criteria for site selection
- The site(s) recommended for the demonstration (e.g., State office, district or regional office(s), county or city office)
- The plan for technical assistance if deemed necessary by the recipient (from what sources)
- The plan for data collection and analysis
- The products anticipated, including identification of intended users
- The plan for evaluation of the products of the project

Phase II. The Demonstration Phase

The recipient will carry out a demonstration in the selected site(s). The recipient will be expected to document: (1) the methods and procedures employed in implementing this demonstration; (2) any barriers or impediments encountered; and (3) cost avoidance data that result from project implementation.

Phase III. Technology Transfer Phase

The recipient will be expected to participate in the transfer of new management techniques to other sites outside the demonstration, including, but not limited to other States title XX agencies.

Expected Findings

It is expected that the project will produce innovative management technologies in selected areas that will result in increased program effectiveness, and efficiency, quality service, and improved client outcomes.

Number, Cost and Duration

Approximately one project will be funded for a total project period of three years. The initial award and subsequent continuation awards will be funded at a level of up to $200,000 each.

Building State Evaluation Capacity (APS–81–5)

Purpose

There is a clear-cut need to raise the skills and know-how of the staffs of State evaluation units, in order to raise the quality of evaluations being accomplished (in those States where evaluations are being undertaken) and to enable those States not currently undertaking evaluations to do so. In many States evaluative capabilities are still very rudimentary for technical as well as financial reasons. States perceive the inability to evaluate their programs as one of the major stumbling blocks to better programs and a barrier to effective planning for human services programs.

This project will provide Federal funds for several States to improve their capabilities to conduct evaluation studies. Title XX now provides no separate funds for this purpose. State evaluations of title XX have been funded out of regular State allotments for services. Thus, States will be enabled to achieve greater accountability; efficiency and effectiveness of services will be enhanced; and States will be better able to allocate limited funds to the most effective services.

States will be given an opportunity to submit proposals for projects to develop and implement evaluations of the service process and/or service products. Technical assistance will be provided to the recipients in developing and carrying out their evaluations.

Approach

These projects will build on the work conducted in Illinois, Maine, and Arizona, and will set in place, by the end of the project period, an evaluation capability which can be maintained without continued project assistance. The applicants will submit proposals identifying: (1) the purposes of the evaluation activity; (2) the strategy to be used to achieve these purposes; (3) description of how the State's evaluation capability and the capability of the States will be improved by the project; (4) the type of evaluation study or studies to be conducted, and (5) potential utilization of the results. An independent evaluation of the project will be required.

Expected Findings

This undertaking is expected to produce evaluation methods and studies directly relevant to State title XX programs. Recipients will produce documentation, including utilization strategy for transfer of knowledge gained and procedures employed to other State agencies.

Number, Cost and Duration

Approximately five projects will be funded for a total project period of three years. The initial awards will be funded at a level of up to $200,000 each. The subsequent second year continuation awards will be funded at a level of up to $150,000 each. The third year continuation awards will be funded at a level of up to $100,000 each.

State Evaluations of Client Outcome (APS–81–6)

Purpose

This project is designed to improve the flow of systematic information to managers on what happens to the recipients of social services. Information on outcomes is an essential component of the data that should be avilable to program and policy decision makers. Service activity and cost data alone cannot provide sufficient information. They need to be examined in conjuction with outcome data in order to help identify problem areas where additional investment of resources or improvement of procedures is needed, to help identify effective programs and procedures, and to monitor outcome following program and policy changes. Due to the inherent difficulties in measuring social service outcomes, the state-of-the-art of outcome measurement has lagged behind that of cost and activity measurement. To help fill the gap, a small number of efforts have begun in recent years to test a number of different approaches aimed at the development of practical procedures that agencies could use to obtain feedback regularly about clients' condition after receiving services. Such procedures are aimed at providing social service agency managers and officials with regular (at least annual) client outcome information to aid them in making program and policy choices.

Currently we have a contractor identifying different approaches to client outcome monitoring (for potential use by State and local agencies), and to provide a preliminary discussion of the advantages and disadvantages of each. A training manual is being developed on client outcome monitoring procedures covering the major procedures being used, and recommendations on future dissemination and research needs are being developed. Incentives will be provided to those States implementing the client outcome monitoring procedures. These incentives will be in the form of funds to aid in the implementation process.

Independent, third party evaluations will be conducted in those agencies utilizing the alternative approaches currently being developed to: (1) identify problem areas where additional investment or resources or improvement of technology is needed; (2) identify effective programs and procedures; (3) monitor outcomes following program and policy changes; and (4) reduce cost.

Approach

During the past several years the Administration for Public Services (APS) and the Office of the Assistant Secretary for Planning and Evaluation (ASPE) have funded several RD&E projects which have been directed to the area of outcome monitoring. The following are representative of these efforts:

a. *Monitoring the Outcomes of Social Services*—This work focuses on the outcomes (or end results) of services to be monitored by a State or local agency on a regular basis and on the procedures for collecting data on these outcomes. Such data, collected over a period of time, can indicate trends, progress and problems. Consequently, outcome information is an important aid to public officials and concerned citizens for finding out just what is being accomplished and for identifying areas that need more intensive examination.

b. *Measuring the Impact of Title XX on Clients*—It is the intent of this study to develop workable alternatives for State and local title XX agencies to use to measure the impact of social services on clients.

Title XX emphasizes State and local determination of the service needs of the various populations and how best to meet those needs. It is the basic hypothesis of this study that State and local managers and administrators will utilize and implement procedures and methodologies to measure impact when these procedures and methodologies are designed and developed in the context of what they perceive and identify as useful and relevant information. It is the hypothesis of APS that the evaluative data States will collect through the use of these methodologies will be more useful for Federal needs than information collected by States to meet Federally mandated requirements.

c. *Client Outcome Monitoring Procedures for State and Local Social Services Agencies*—This project will identify different approaches to client outcome monitoring (for potential use by State and local agencies), and provide a preliminary discussion of the advantages and disadvantages of each. A training manual is being developed on client outcome monitoring procedures covering the major approaches, a series of regional workshops on client outcome monitoring procedures will be conducted and recommendations for future dissemination and research needs are being developed. This project will improve the flow of systematic information to managers on what happens to the clients of social services.

d. *Region V Evaluation Project*—This project was to develop a strategy for evaluating the effectiveness of the social services funded under title XX and to assist States in expanding their evaluation capacities. The project recommended the following:

1. Focus on the impact of services on the lives of clients.

2. Use reliable and valid client functioning scales (the scale items to be

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based on observable behavior, to the extent possible).

3. Apply measurement techniques before and after services are provided.

4. Collect data gathered by caseworkers or trained interviewers.

5. Obtain data collected from a representative sample of clients.

6. Cover the five legislative goals to title XX.

7. Apply generic scales, making them broad enough to be used across service categories.

8. Include client satisfaction measurement.

Approach

The approach to be employed is to encourage State and local agencies to implement one or more of the approaches to client-outcome monitoring. This will involved pre-implementation and post-implementation comparisons, indicating the changes and improvements in the flow of systematic information to managers on what happens to the clients of social services.

Expected Findings

This project is designed to produce evaluations for the States detailing the improvements of management and service delivery resulting from implementing client outcome monitoring procedures.

Number, Cost, and Duration

Approximately two projects will be awarded for a total project period of 18 months. The awards will be funded at a level of up to $150,000 each.

Common Evaluation of Title XX Waiver Projects of National Significance (APS–81–8)

Purpose

The purpose of this project is to analyze previous title XX waiver projects as well as those currently being done to determine whether selected title XX regulations hamper agencies in providing quality services to clients in need and in carrying out efficient programs. Many of the problems, it is felt, are in the area of planning, eligibility determination, service delivery, fiscal accountability, training, management, and related Federal policy areas. This project will measure the impact of the waivers; evaluating the 1115 projects in terms of achievement of objectives of the project and client outcomes, and in terms of changes in services, operations, regulations, and statutes. Technical assistance will be made available to assist the State grantee(s) in overcoming problems identified in the evaluation and also assist the grantee(s) in implementing the project(s).

Approach

Public comment is invited on the appropriateness of examining the impact (policy and programmatic) of the title XX waivers on State programs and clients. This could involve pre-demonstration and post-demonstration comparisons and analysis of problems encountered by the demonstrations during the implementation process. These evaluations are expected to show what outcomes are achieved in relation to States' title XX programs and their clients and what process modifications are indicated. The project could also assist the recipient(s) to find acceptable solutions to problems identified in the evaluation, assist the recipient(s) to implement the project(s) and document the methods of providing TA, the problems and resolutions identified for dissemination to other potential recipient(s) and interested parties.

(Catalog of Federal Domestic Assistance Program No. 13.647)

Dated: March 14, 1980.

Michio Suzuki,

Acting Commissioner for Public Services.

Approved: March 14, 1980.

Warren Master,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 80-8560 Filed 3-19-80; 8:45 am]
BILLING CODE 4110-92-M

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federal register

Thursday
March 20, 1980

Part III

Department of Transportation

Federal Aviation Administration

Establishment of Group II Terminal Control Area, San Diego, California

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 18605/79-AWE-17]

Establishment of Group II Terminal Control Area, San Diego, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule and denial of petition for rulemaking.

SUMMARY: This amendment establishes a Group II Terminal Control Area (TCA) at San Diego, California. The adoption of a TCA at San Diego was initially proposed as part of a comprehensive FAA program announced by the Administrator on December 27, 1978, for enhanced safety of flight operations in the national airspace system. This action will increase the capability of the Air Traffic Control (ATC) system to separate all aircraft in the terminal airspace around San Diego International Airport (Lindbergh Field) while providing sufficient flexibility to permit aircraft operating under visual flight rules (VFR) to operate within or outside the TCA. The TCA adopted by this amendment is the product of discussion with a broad representation of the aviation community. In conjunction with this action, the FAA will work cooperatively with local user groups to ensure the TCA is effective for all users by identifying any adjustments or modifications that appear necessary. Through joint FAA and user cooperation, any problems that arise can then be identified and corrective action taken when necessary.

This amendment also announces the decision to deny a petition for rulemaking from the Aircraft Owners and Pilots Association (AOPA) which requested, as an alternative to the proposed TCA, the designation of "safety corridors" for operations to and from San Diego International Airport. The reasons for this action are set forth at length in this preamble; however, the FAA would like to recognize the extensive amount of general aviation input that has gone into the construction of the final rule from the San Diego community.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. William E. Broadwater, Airspace and Air Traffic Rules Division (AAT-200), Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-3731.

SUPPLEMENTARY INFORMATION:

Background

On December 27, 1978, the Administrator of the Federal Aviation Administration announced his Plan for Enhanced Safety of Flight Operations in the National Airspace System. As part of this comprehensive program, the FAA proposed to establish a Group II Terminal Control Area (TCA) at San Diego, California, with operations in the proposed TCA subject to the operating and equipment rules for Group II TCAs specified in § 91.90(b) of Part 91 of the Federal Aviation Regulations. This includes, among other rules, the requirement to have an operable VOR/TACAN receiver, two-way radio, and a transponder to operate in the TCA. An altitude encoder would not be required.

User Group Participation

The TCA configuration adopted here has been developed through substantial public participation. Initially, numerous meetings were held with known local groups and individuals representing both the VFR and IFR aviation community to receive and discuss their needs and views for a preliminary TCA configuration. After those initial meetings, a tentative TCA configuration was prepared for further public discussion at subsequent local informal airspace meetings. An extensive publicity effort was undertaken through press, radio, and TV coverage to invite all interested persons to participate in those meetings. In addition to published notices, the FAA made a bulk mailing to hundreds of persons believed to have an interest in the proposal. As a result of those efforts, further adjustments to the TCA configuration were made and were reflected in the FAA's modified corridor configuration proposed formally for adoption. An additional opportunity for public participation was provided by a notice of proposed rulemaking (Airspace Docket No. 18605/79-AWE-17) published in the **Federal Register** on December 6, 1979 (44 FR 70181). Approximately 2,000 comments were received in response to the notice. Due consideration has been given to these comments as well as the comments received at the various meetings.

Changes To Accommodate VFR Traffic

Since the original development of a preliminary TCA configuration for discussion with airspace users, numerous changes in the configuration have been made to accommodate VFR activity. Initially, the proposed San Diego TCA design was configured as an expanded version of the San Diego TRSA with a southern boundary along the U.S./Mexican border and extending out past 40 nautical miles in all other directions. It did not include a VFR corridor. Based on user input and careful analysis of IFR and known VFR traffic flows, a multi-tiered design was developed and large blocks of airspace north and northeast of Lindbergh Field which were not essential to contain the existing traffic flow within the TCA were eliminated.

Further, in response to suggestions at the local airspace meetings, the FAA incorporated several other changes into the proposed TCA configuration, including a north-south VFR corridor over San Diego International Airport (Area A) from 3,300 feet to and including 4,700 feet. This corridor through Areas A and I allows free transit of VFR aircarft through the approximate center of the TCA.

Another change was made in the Mission Valley area (Area J) based on comments concerning possible compression of VFR traffic beneath the TCA floor. It was agreed that raising the floor to 4,800 feet would not derogate safety or ATC service within that area. Also, Area G was developed from Area C and D after it was determined that parachute and glider operators in the Lower Otay Reservoir Area would be unduly penalized if the floors remained at 3,500 and 4,800 feet, respectively. The floor was raised to 7,800 feet to permit continued use and was incorporated in the proposal.

Further, in response to concerns about the effects the TCA would have on VFR operations, the FAA will develop and disseminate materials depicting the TCA, together with VFR routes to facilitate VFR operation in the San Diego terminal area. Those materials will also include appropriate communication frequencies and other pertinent and helpful information.

Future Airspace User Input

In conjunction with the implementation of this rule, the FAA's Western Regional Office will invite interested persons to participate in joint FAA/user working groups to assist in evaluation of the effectiveness and workability of the San Diego TCA. This is in addition to the on-going airspace review responsibilities of the region. All comments and recommendations made by the group will be given full consideration by the region and could be the basis for subsequent changes necessary to eliminate any problems that may develop.

The AOPA Petition for Rulemaking

The FAA received a petition for rulemaking from the Aircraft Owners and Pilots Association (AOPA), on behalf of its members, to initiate rulemaking proceedings leading to an amendment to Part 93 of the Federal Aviation Regulations to establish a special air traffic rule for San Diego International Airport (Lindbergh Field). That petition, which was published for public comment in the **Federal Register** (44 FR 78177; December 6, 1979), requested the FAA to establish specified "designated safety corridors" for arrivals and departures of aircraft to and from San Diego International Airport. At the time the petition was published, the FAA indicated the petition was not itself proposing amendment to the rules, but was being considered apart from the notice proposing this amendment and that disposition would be made only after due consideration of the petition on its merits in accordance with the applicable provisions of Part 11 of the Federal Aviation Regulations.

After a thorough review of the docketed responses to the petition and the responses to the notice which proposed this amendment, it became clear that the two were so related that they should be discussed and acted on together.

The Need for Increased Positive Control in Terminal Airspace

The departure and arrival phases of flight result in a high concentration of aircraft in a relatively limited volume of airspace surrounding an airport. Aircraft density is a function of the number of aircraft using that airport and its proximity to one or more adjacent airports that share or abut that airspace. As air traffic activity at an airport increases, the need for increasingly precise control of aircraft and protection of airspace from unknown aircraft becomes essential for continued safe operations. The FAA has developed a spectrum of air traffic procedures which, when coupled with precision navigational aids, airport surveillance radar facilities, automated radar data processing capability, and a highly skilled work force, forms a comprehensive system to provide safe and efficient flight operations at all controlled airports. The scope of services range from simple, recommended airport traffic flows at lowest density airports, to TCAs at the busiest airports.

This action extends and enhances the application of these proven control techniques and subsystems to airports in the San Diego area and assures greater protection of VFR and IFR air traffic in the airspace surrounding this area.

An analysis of the overall need for extending the ability of ATC to separate visual flight rules (VFR) aircraft and instrument flight rules (IFR) aircraft in terminal airspace is contained in the Administrator's Plan for Enhanced Safety. A copy of the plan and other documents referred to in this amendment have been filed in the Rules Docket.

The "Highest Degree" of Air Transportation Safety

Near midair collision statistics indicate that, for all classes of users of terminal airspace, ATC separation services, in addition to the duty of pilots to see and avoid each other, results in a higher level of air traffic safety. For the millions of air carrier passengers who enter and leave the major air terminals each year, Congress has directed that the highest feasible degree of safety be achieved. The FAA has determined that a continued "mix" of ATC controlled aircraft and uncontrolled VFR aircraft can interfere unnecessarily with this high safety objective. While that position applies generally, it is particularly pertinent to the San Diego terminal area.

The Congressional mandate is clear with respect to the high level of safety intended for passengers in air transportation. Section 601 of the Federal Aviation Act of 1958 requires that the FAA give full consideration to the duty resting on air carriers to perform their services with the "highest possible degree of safety in the public interest * * *"

This Congressional concern for air transportation, as a distinct class to be protected, was restated in the Airline Deregulation Act of 1978 (Pub. L. 95-504, October 24, 1978) which amended § 102 of the Federal Aviation Act of 1958 to emphasize the "dedication of the Congress to the furtherance of the highest degree of safety in air transportation and air commerce, and the maintenance of the safety vigilance that has evolved within air transportation and air commerce and has come to be expected by the traveling and shipping public" (49 U.S.C. § 1302(a)). The Airline Deregulation Act of 1978 also directed the Secretary of Transportation ("Secretary") to complete a thorough review of the safety regulations applicable to air carriers in order to ensure that "all classes of air carriers are providing the highest level of safe, reliable air transportation to all the communities served by those air carriers." The Administrator is directed to respond to the Secretary's review by promulgating regulations that may be needed to "maintain the highest standard of safe, reliable air transportation in the United States." The orderly and extensive expansion of positive controlled airspace, including the amendments adopted by this action ensure that the local and system-wide capability of the FAA to ensure separation protection for air carrier passengers remains commensurate with the growth of a vigorous, safe, and efficient air transportation system under the new Act. By this action, the FAA is also increasing the degree of safety available to the general aviation community, many of whom are fully qualified to operate within the parameters of a TCA.

Building on Existing Programs

The FAA's experience since the establishment of mandatory TCAs and voluntary Terminal Radar Service Areas (TRSAs) indicates that, in terminal airspace, ATC control of VFR aircraft reduces the potential for hazardous traffic conflicts. For the year 1968 (which preceded the establishment of TCAs), the "Near Midair Collision Report of 1968," July 1969, concluded that, for the airports now served by TCAs, there were 271 incidents reported as "hazardous" to flight. For the fiscal years 1975, 1976, and 1977, there were a total of 64 reported near midair collisions (NMACs) in the 21 existing TCAs. For comparison purposes, this translates into an average of approximately 20 reported incidents per year, under TCA requirements, in contrast with 271 incidents for the year 1968. These figures are not conclusive indicators of the absolute numbers of incidents, but are viewed as meaningful evidence of the critical relationship between the absence of control of all aircraft and the likelihood of hazardous traffic conflicts in congested terminal airspace.

As a result of public comments in response to Notice No. 78-19 (44 FR 1322, January 4, 1979), questioning the adequacy of FAA's near midair collision information, a comprehensive review of that information has been undertaken. The results of this review are discussed under the "Discussion of Comments—Safety."

The San Diego TCA adopted by this amendment is a logical extension of programs that first gained momentum in 1962. In addition to the earlier nonregulatory programs, the 1970 National Radar Program initiated the regulatory development of TCAs, also in response to the 1968 Near Midair

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Collision Report. the TCA concept was added to the Federal Aviation Regulations in Amendments 71–6 and 91–78, which were published in the **Federal Register** (35 FR 7782) on May 21, 1970, to be effective on June 25 of that year. Those amendments followed extensive public comment in response to Notice No. 60–41, issued on September 30, 1969 (34 FR 15252); 22 public meetings; and a supplemental notice of proposed rulemaking (Notice No. 69–41B) issued on March 11, 1970 (35 FR 4519). That regulatory history led to the issuance of § 71.12 of Part 71 of the Federal Aviation Regulations, under which individual TCAs are established, and § 91.90 of Part 91 of the Federal Aviation Regulations, which describes the equipment and operating rules for participating in a TCA. While the safety enhancement plan identified 44 new potential locations for Group II TCAs, the regulatory basis for, and description of, the TCA concept was established under these 1970 amendments to Parts 71 and 91. It should be noted that the 44 additional locations were only proposals. Each site is being evaluated on its own merits. In fact, to date the FAA's analysis has led to dropping seven terminal areas from the original list. The evaluation is continuing with the very real possibility that other sites may be dropped even before the issuance of a notice of proposed rulemaking.

The establishment of a Group II TCA at San Diego is an important and timely step forward and represents a meaningful contribution to the local and system-wide increase in safety because it responds specifically to the conditions that exist in the San Diego area. The design will safely accommodate the present traffic flow of all user groups in the TCA and the overall traffic flows of adjacent areas that interface with San Diego while minimizing the impact on operation of aircraft not operating in the TCA. This TCA design is based on existing traffic flows, airport locations, and navigation aid locations. It is part of an evolutionary growth process and is workable immediately. Other plans offered in response to the notice of proposed rulemaking and AOPA's petition for rulemaking, while having some attractive features or advantages for some airspace users, would have less attractive aspects and disadvantages for other airspace users. Some would require major modification to airspace route structure or procedures and, in some cases, relocation of navigation aids. Consequently, a prohibitive amount of time would be required to implement them with little or no appreciable gain in safety having been shown. However, as experience is gained with this TCA, the FAA will work with the local aviation interests to ascertain whether future changes should be considered to better accommodate all of the airspace users.

Discussion of Comments

In response to the TCA proposal and the AOPA petition, the FAA has received almost 3,000 written comments from individuals, citizens groups, local and Federal governmental officials and agencies, pilots and owners of aircraft, and aviation trade/industry associations. In addition, the FAA has had the benefit of considerable dialogue at user group meetings. The FAA appreciates the thoughtful and meaningful contributions and the interest expressed by all of those who took time to participate in the several steps of this rulemaking proceedings.

In responding to the issues involved in the FAA's proposal, many commenters made suggestions for achieving flight safety in the San Diego terminal area that were either alternative, or supplementary, to those proposed in the notice. Many of those suggestions have some attractiveness but go beyond the scope of the notice and thus could not be adopted at this time. Those comments are under study by the FAA's Western Region for consideration in future rulemaking action.

A somewhat contradictory pattern of comments emerged. Certain commenters argued that no additional regulatory action is needed either because the underlying problem is the failure of the current system to perform as effectively as it should or because the flight of aircraft is already overregulated.

Another line of comments stated that the FAA's proposal did not go far enough or move fast enough toward banning all small airplanes from operating in the San Diego terminal area. Other commenters recommended establishing a Group I rather than Group II TCA. The divergence of opinion is illustrated by the general positions of several of the aviation trade/industry associations, other airspace user groups, and the National Transportation Safety Board.

The Aircraft Owners and Pilots Association (AOPA) opposed the establishment of a Group II TCA at San Diego and supported its own "counter proposal," for special air traffic rules to establish "safety corridors" to and from Lindbergh Field. The Air Transport Association of America (ATA), on behalf of its member air carriers, urged immediate action to establish a TCA at San Diego and strongly argued that it should be a Group I TCA rather that the Group II TCA proposed by the FAA. The Professional Air Traffic Controllers Organization (PATCO) and the Air Line Pilots Association (ALPA) also supported a Group I TCA in San Diego with some suggested modifications in the configuration. Recommendations from the National Transportation Safety Board (NTSB) called for immediate implementation of a "mandatory terminal radar service area" pending establishment of the proposed Group II TCA (which it supported) but further recommended that aircraft operating in the San Diego TCA should be required to have an altitude reporting encoder. The National Business Aircraft Association (NBAA) reservedly supported the FAA's proposal expressing its concerns and suggestions about several aspects of the action. The Experimental Aircraft Association (EAA) contributed its suggestions on how best to achieve the enhanced safety objectives and recognized that special considerations apply to the establishment of a TCA for San Diego terminal area. The U.S. Navy agreed with the need for a TCA, which includes NAS Miramar, and the general configuration; however, they objected strongly to the VFR corridor over the North Island Control Zone and suggested requiring altitude encoders and deleting the VFR corridor.

The great majority of the commenters simply opposed establishing a Group II TCA in San Diego and favored the AOPA petition. The basis offered by the great majority of commenters presented strikingly similar reasons and little, if any, elaboration or analysis to assist the FAA's evaluation of the matters presented. Most of the comments received came from pilots and owners of general aviation airplanes who stated their general objections to the TCA concept and its application in San Diego and their equally general support for the AOPA alternatives.

As in most proceedings of this kind, the public beneficiary of safety regulation does not have an organizational basis to participate and they do not traditionally present their views in significant numbers to counterbalance the advocacy of the more institutionalized commenters. This does not, however, reduce the viability of the public benefits that may be achieved if an otherwise beneficial proposal is adopted.

In reviewing the comments on both the FAA proposal and the AOPA petition, substantial common elements were noted. Moreover, many of the comments to the TCA referenced the AOPA petition and vice-versa. Accordingly, the comments from both proceedings are being discussed together to reflect that the issues common to each were fully and efficiently considered.

A. Safety

The primary concern in any proposed TCA action is providing the highest degree of safety while preserving the most efficient use of the available terminal airspace. The TCA designates areas where air carrier aircraft are required to operate. This airspace is also available for use by properly equipped general aviation and military aircraft under an ATC clearance for operating in the airspace. This airspace, with its positive control of all aircraft, reduces the probability of near midair collisions. The inclusion of NAS Miramar within the San Diego TCA substantively contributes to safety and efficiency within the terminal area.

In the San Diego terminal area, the mix of aircraft is substantial. Within 15 nautical miles of San Diego International Airport, there are three general aviation airports (Montgomery, Brown, and Gillespie) and three military airports (NAS Miramar, NAS North Island, and NAS Imperial Beach). In calendar year 1978, for example, the seven airports generated in excess of 1.2 million aircraft operations. The proximity of these airports contribute to the collision potential between controlled and uncontrolled aircraft in the San Diego terminal airspace. To date in 1980, there have been several purported near midair collisions reported in the San Diego terminal area. In all but one instance, uncontrolled VFR general aviation aircraft were involved. The mix of various types of aircraft using the airspace in and around San Diego International Airport also make it highly desirable to add the assurance that the flight paths of air carrier and other transponder equipped aircraft using this airport are contained within airspace free of uncontrolled aircraft.

Many commenters referred to the near midair collision draft report originated by the National Aeronautics and Space Administration (NASA) as support for the proposition that TCAs do not enhance safety. These commenters frequently stated that the NASA report was based on more recent information and indicated that more near midair collisions occur within the confines of a TCA than in other terminal airspace areas.

The FAA has reviewed that draft report and the underlying data on which it is based. The data used to originate the NASA Draft Report was produced under the Aviation Safety Reporting System (ASRS). The ASRS is a voluntary reporting system and the commentaries received are not investigated to verify the specific information they contain. Consequently, incomplete, inaccurate, and multiple reports have been filed on the same incident and counted as individual incidents. In its findings, NASA reminds the reader of the limitations of the program. The FAA obtained copies from NASA of all data base incidents (July 1, 1976, to November 30, 1978). These 2,965 nation-wide reports were analyzed using the near midair collision criteria as defined by both the FAA and NASA. Of those, 1,303 clearly did not meet the criteria and 301 were duplicate reports.

The remaining 1,361 near midair collision reports were analyzed in light of the conclusions offered in the NASA Draft Report. The NASA Draft Report presented a comparison of terminal airspace at all locations covered by reports (low density to high density) and concluded that most hazardous incidents occur in high density areas. That is a primary reason why the FAA embarked upon the program to establish TCAs and TRSAs in those high density areas. Contrary to the impression of many commenters, the NASA Draft Report did not address the effectiveness of TCAs after they were established compared to the number of incidents reported before they were created. As noted previously, the FAA's data that shows that after establishing a TCA there have been fewer hazardous incidents in that airspace than there were before it was established.

B. Efficiency

There were numerous comments that the proposed TCA configuration is an inefficient use of airspace and would benefit only a fraction of the airspace users.

To design a safe and efficient positive control environment in a terminal area, it is necessary to tailor the airspace configuration to the spacific needs of that area. The various types of aircraft that operate within the system and the basic requirements of all airports within the terminal area must be considered, along with the constraints imposed by terrain, weather conditions, and optimum traffic flows. In the case of the San Diego area, additional consideration must be given to the presence of an international border, the Pacific Ocean, and areas set aside for national defense purposes. The San Diego TCA was designed with all these considerations in mind. These considerations also underpin the seemingly complex design of the TCA, and are discussed under the heading "Discussion of Comments—Complexity."

The routes and procedures currently used in the San Diego area have evolved through a carefully planned system of navigational aids and airways dictated by the factors mentioned, plus airport locations and the needs of the users. A description and graphic of the current traffic flows, airways, and navigational aids were prepared for evaluating the proposed TCA and are filed in the docket. The TCA configuration adopted by this rule has in turn been developed to accommodate the present traffic flow and procedures in the San Diego area as well as the traffic flow to and from the high volume areas that interface with San Diego Approach Control. If current traffic flow and procedures were to be changed, it would mean significant delays in establishing the TCA

The San Diego air traffic control system has been operating with a terminal radar service area (TRSA) since April 19, 1979. The ATC service provided in a TCA is nearly identical to the service provided in a Stage III TRSA environment, the main difference being that participation within the TCA airspace is not voluntary. The controller workforce at the San Diego ATC facilities have been able to handle the additional workload created by the TRSA with very little impact on the user. There is no reason to anticipate that controller workload will increase to the extent that system efficiency would suffer. Moreover, it is conceivable that present efficiency could increase somewhat because controllers will be dealing primarily with airspace that contains only identified and known aircraft. This will greatly reduce the need to issue traffic advisories to known traffic concerning unidentified or unknown traffic in the area. Controllers may then devote more time to providing vectoring, spacing, and monitoring of flights, thus achieving a more efficient traffic flow as well an enhanced levels of safety. However, incident to adopting this amendment, the FAA is initiating a pilot education program to enhance their awareness of the presence of the TCA and to assist them in developing the operational knowledge to fly in and around the TCA airspace in the most efficient manner.

C. Complexity

About half of the commenters expressed a general criticism of the proposed TCA because of its complex design. An even higher percentage of the comments on AOPA's petition favored the AOPA corridor design because of its relatively simple configuration. The

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FAA is likewise desirous of simplicity in design; however, the AOPA's corridors are not compatible with the specific needs of the San Diego area or existing conditions, including navigation aids and traffic flow of both VFR and IFR aircraft.

In large measure, the complex TCA configuration is the result of an existing complicated airspace usage involving arrival and departure profiles to and from the numerous airports in the area and of the need to provide the desired level of safety without imposing unnecessary burdens on the users. It is necessary to use a multi-tiered configuration. A simpler configuration would not fully achieve the objectives of containing air traffic arrival and departure procedures within TCA airspace and would necessarily result in reduced safety margins or inefficient use of the airspace.

In addition to the airspace needs for aircraft serving Lindbergh Field, TCA complexity flows from the interrelated air traffic requirements and types of civil and military aircraft operating to and from other airports in the San Diego area, geographic constraints of terrain, prevailing winds, air traffic flows, an international border, and military offshore warning area. The TCA size and shape evolved from a review of, and experience with, the airspace usage needs. Sufficient area is provided to allow for vectoring and sequencing of aircraft to and from Lindbergh Field in order to promote timely movement of airplanes from or to any of the six other local airports. Airspace is provided for VFR access through the area and to accommodate glider operations, parachutists, and hang gliders.

The AOPA commented that the proposed TCA with its 17 sectors with varying "floors" is far too complicated for pilots to comprehend and apply in flight. They stated that pilots who wish to remain clear of the TCA would have extreme difficulty and would be required to refer to a terminal area chart and would become preoccupied and not free to look for traffic. They further stated that the traffic flows should be designed to fit sensible configurations. The AOPA also questioned how pilots can determine positions that are described by latitude and longitude or by surface highway numbering systems not visible from the air.

The pilot is not expected to use the written regulatory airspace descriptions for navigation purposes. VFR charts are provided for VFR navigation and IFR charts for IFR operations. The VFR charts have a substantial number of visual landmarks, including highly visible roadways, supplemented with navigation information to provide guidance in and around the TCA. A pilot must be able to use these aeronautical materials, particularly while flying in or near busy terminal areas. Pilots have been using those charts for years to successfully navigate in and around the existing TCAs. As previously indicated, the FAA will work with users to develop more effective VFR charts and materials to include available VFR routes and altitudes.

D. Cost

There were many comments received concerning added costs that would be incurred by the implementation of a TCA. These include (1) the cost to acquire and install the avionics equipment necessary to operate in the TCA, if the aircraft is not already so equipped, and (2) the operating costs to fly within the TCA environment or to avoid it. The TCA will immediately provide the basis for service to all aircraft that are properly equipped.

When considering the distribution of costs to the user, much has been said about it being the general aviation operators who are the most likely to incur the greater cost impact. To operate within the confines of the TCA, aircraft must be equipped with a transponder. From available data, it is estimated that 53% of the single-engine aircraft and 89% of the multi-engine aircraft based in the Southern California area are already equipped with a transponder. The operators of the remaining aircraft will have to elect to incur the cost of a transponder in order to achieve the enhanced level of safety and ATC services or to operate outside the TCA airspace. Nevertheless, the FAA has made a concerted effort to design the TCA to accommodate those who wish to avoid the TCA airspace and to minimize the potential risks of operating on the periphery of the TCA. However, the options are clearly posed for the election of each operator to pursue whichever is appropriate to that operator's situation.

The operating costs incurred by the transponder equipped operators who operate within the TCA airspace, as explained in the Airspace User Cost Impact Study, will be minimal. The FAA estimates that these costs can be equated in terms of a one-minute average ATC procedural delay during peak traffic periods. This delay is attributable, in part, to ATC procedures which include the time required to radar identify any VFR traffic and integrate that traffic into established IFR traffic flows.

Some commenters stated that additional costs will be incurred by aircraft attempting to avoid the TCA. The TCA has been configured to provide north-south, point to point VFR cross country flying with a minimal amount of additional flight time or fuel being expended. For example, aircraft using the VFR corridor would in many cases use no more fuel than at present, and aircraft choosing to avoid the TCA by diverting eastward under Areas C and J and over Area P would add about three miles to their flight paths. The distance between Tijuana (south of the TCA) and Palomar Airports (north of the TCA) is 41 miles direct and 44 miles via the flight path just described to avoid the TCA. The resulting increase in fuel is considered insignificant. In addition, if requested, ATC may clear aircraft without a transponder through the TCA when such operations can be handled without undue risk to other operations in the TCA. In instances, where circumnavigation of the TCA becomes necessary, the areas avoided are locations where several reported near midair collisions and hazardous encounters with uncontrolled aircraft have occurred.

Some flight training operations will incur additional costs since some current practice areas are within the TCA and may have to be relocated to more distant areas. The specific cost of these relocations cannot be determined without particular information about any new areas selected for training by those operators.

Several commenters stated that the implementation of a TCA would create additional costs for the ATC system because it requires a larger work force and the purchase of additional ATC equipment by the FAA. The controller work force levels are not adjusted for the day-to-day fluctuation of traffic. Currently, the daily traffic volume at San Diego Approach Control varies from 800 to 1600 operations. It is estimated that the average increase in number of aircraft handled would be no more than 10%. At the present time, the additional traffic would not necessitate adding controllers or ATC equipment. If future demands on the TCA facilities do occur, of course, the FAA will not hesitate to make appropriate additions necessary to alleviate any problems that actually develop.

E. Airspace Use Distribution

Many commenters stated that most of the airspace in the FAA proposal was reserved for use by only 10% of the traffic (in terms of the total number of operations). The FAA recognizes the competing interests for use of the affected airspace and has fully considered those interests in adopting

this configuration. The 10% figure cited by many commenters fails to reflect the ability of many general aviation aircraft and military aircraft to operate in the TCA. As previously discussed, available data indicates that 53% of the single-engine and 89% of the multi-engine aircraft based in Southern California are already equipped with a transponder. While the total number of operations is one factor to be considered, the number of enplaned passengers within the terminal area is also an important aspect of assessing the need for, and benefits of, establishing a TCA at a particular location. The number of enplaned passengers is a key factor in fulfilling FAA's responsibilities of providing the highest level of air transportation safety. Airplane operations do not necessarily reflect that concern without identifying the nature of those operations. In evaluating the establishment of the TCA at San Diego, both factors have been fully considered.

The FAA, for example, has incorporated into the TCA configuration a north-south VFR corridor over San Diego International Airport (through Area A) from 3,300 to and including 4,700 feet. This corridor has been designed to allow transit of VFR aircraft through the approximate center of Area A without the need for ATC clearance. Under TCA rules, those airplanes may also be permitted to fly through the TCA when ATC can accommodate a request to do so safely and without adversely impacting on the ATC system.

In response to comments concerning possible compression of VFR traffic in the area of Mission Valley (Area J), the floor was proposed at 4,800 feet after it was determined that this change would not derogate safety or ATC service within that area and would provide additional airspace outside the TCA for VFR traffic and other aircraft not equipped to operate within a TCA.

Similarly, Area G was developed from previous portions of Areas C and D after it was determined that parachute and glider operators in the Lower Otay Reservoir Area would be unduly penalized if the floors remained at the original 3,500 and 4,800 feet, respectively. The floor was accordingly proposed at 7,800 feet in this limited area so that these activities could continue outside of the TCA.

F. Controller Workload

A significant number of commenters felt that because of the increased control of VFR traffic, the TCA would impose an additional controller workload to the detriment of safety and providing ATC services. Conversely, there were many comments supporting the AOPA petition on the assumption that adoption of its recommendations would lessen controller workload. It is noted that neither of these arguments was made in the comments of the Professional Air Traffic Controllers Organization (PATCO) which urged immediate implementation of a TCA in the San Diego area, preferably a Group I TCA.

While it is anticipated that there will be a slight increase in the number of aircraft under positive control in the San Diego area, this increase has been estimated by the San Diego Approach Control facility to be less than 10%. This potential increase, however, is a necessary consequence of selecting the most effective overall airspace designation for safety and efficiency in the terminal area.

Notwithstanding the possible increase in the number of aircraft under positive control in the San Diego terminal area, the workload of the controllers servicing this area may actually decrease rather than increase. There is presently a mix of controlled and uncontrolled traffic in the San Diego area; the TCA will place all traffic under positive ATC control. This will result in VFR traffic operating at assigned altitudes and on assigned headings. The controllers will know the intent of all aircraft within the TCA which will obviate much of the need for traffic advisories presently issued in the TRSA.

Contrary to many of the comments, the AOPA recommendation would likely increase, rather than decrease, controller workload. For example, because of the narrowness of the particular corridors recommended, an aircraft on a missed approach could not be vectored back into approach sequence, but would have to be handled as a departure. Only after the aircraft has climbed to 12,500 feet, could it then be routed to, and sequenced back into, the arrival corridor.

The AOPA "safety corridors" would require all turbojet aircraft using Lindbergh Field to use the approach and departure corridors. This increases the controller's workload and difficulty of accomplishing his task and would not provide protection to passengers in nonturbojet airplanes.

During busy periods, because of their narrow lateral limits, sequencing within the corridors would become increasingly difficult. There is virtually no buffer space in which to vector aircraft for spacing. Additionally, because speed reductions frequently require an aircraft to level off or decrease the rate of descent, increased controller vigilance would be required to keep a decelerating aircraft from exiting the corridor and entering uncontrolled airspace where it could be exposed to the higher risks of hazardous flight conflict with aircraft not under ATC positive control.

The San Diego TCA is being adopted to provide airspace in which Air Traffic Control can better separate all aircraft operating within this congested terminal airspace. The primary consideration in its adoption is safety, even if there were some of the increased controller workload suggested by some commenters. The overriding safety advantages more than outweigh the nominal manpower factors involved. If controller workload does increase beyond FAA expectations, the FAA will commit additional resources to ensure that desired safety objective is achieved.

G. Compression of VFR Traffic Under the Terminal Control Area

Many commenters felt that the proposed configuration would create an undue compression of VFR traffic at dangerously low altitudes under the floors of the TCA. The compression effect, it was urged, would force uncontrolled aircraft to operate at relatively low altitudes in limited airspace over water or adjacent to mountainous terrain.

It is true that in some areas, aircraft operators who elect not to operate within the TCA airspace, will be also electing to conduct their operations over the same area at lower altitudes than they may presently operate. Every attempt, however, has been made to establish the floors of the TCA as high as possible. In most areas, adequate altitudes are provided for continued operations under normal conditions and in other cases the pilot must determine whether, under the existing conditions, the operation can be conducted safely. It is noted that most of the areas affected are those in which there is presently a higher risk of hazardous traffic conflict than that posed by the effects of the lower operating altitudes under visual flight conditions.

The elimination of certain VFR flights along flyways within the TCA results in a reduced collision potential in those areas where those airplanes operated before establishing the TCA because all airplanes in those areas would be separated by ATC. However, it can be assumed that operations might increase the traffic on flyways in those areas under and around the periphery of the TCA. The magnitude of that increase would relate to the level of increased activity in those areas and would depend on the elections of pilots to use those areas instead of the areas within

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the TCA where the risks would be reduced. Conversely, it may also be assumed that operations on these flyways would not increase because of the natural dispersal of traffic by the configuration of the TCA. In the absence of specific data concerning the level of activity in those areas before establishing the TCA and the inability to anticipate the use of particular flyways by pilots electing to avoid the TCA, no specific factor of the relative collision risks can be projected. However, compared to the substantial collision risk reductions within the TCA, unless the risk increases dramatically outside the TCA, the overall effect of establishing the TCA would be positive for all airspace users. While no such increase is anticipated, or can be documented, the FAA will take any action necessary to ensure all operations are conducted safely.

The "compression" issue was also raised at the various informal airspace meetings which were held in the San Diego area to obtain public participation in the development of an airspace description. In response to the many helpful comments, the FAA had already incorporated several changes in the proposed TCA configuration and has adjusted the airspace, where possible, to offer the least adverse impact to satellite airports, potential terrain hazards, and specific types of operation. This was accomplished by adding a VFR corridor, raising the floor in the area of Mission Valley (Area J), and subdividing Areas C and D to create Area G with a higher floor. Those changes were recognized by the FAA to be beneficial to the users of the airspace and would also assist in relieving any unnecessary effects of compression beneath the TCA.

The intent of the FAA in proposing this TCA was to provide maximum freedom for all aircraft consistent with providing positive control and separation for those aircraft in the TCA. The configuration adopted by this amendment substantially achieves that goal.

H. Alternative Proposals

1. *AOPA Petition.* The AOPA's "safety corridors" have the virtue of simplicity in design, but, unlike the FAA's, modified corridor concept, do not permit the flexibility necessary for efficient application of ATC services and, thus, result in hidden complexity in ensuring safety and providing ATC services. Unfortunately, the AOPA's step-down, step-up ceilings along the corridors is neither viable nor workable in the San Diego area. This airport is basically a one runway, singled flow airport, with the direction of operations dependent upon local weather conditions that dictate which of the different traffic flows is used (west, east, and in certain conditions landing to the east and departing to the west). The configuration the procedures recommended by AOPA do not provide adequate airspace and procedural flexibility to allow vectoring and routing of all traffic to efficiently accommodate these flows while containing traffic within corridor airspace. Because the FAA recognizes the interest and work that went into the AOPA petition, it is useful to explain in considerable detail the difficulties implementation of that proposal would invoke:

a. Adoption of AOPA's corridors would require redesigning virtually all present arrival/departure routes that are in use in the San Diego area. As discussed under "Analysis of Comments—Efficiency," these routes are part of a carefully planned, evolving system. Any changes to the system, would cause far reaching impacts. For example, AOPA's Area "F" lies within the jurisdiction of three ATC facilities (San Diego Approach Control, Coast Approach Control, and Los Angeles Center). To reallocate the airspace in Area "F" would impact operations at all three facilities and require significant changes in their working relationships, including realignment of sector jurisdictions, communication links, radio frequency assignments, and possible staff reassignments. Further, Area "F" does not have the required lateral separation from Restricted Area R–2503. This restricted area is operated by the military continuously to 15,000 feet. To change or reallocate this restricted area would also require changes to be made in the three facilities mentioned above and could adversely impact the conduct of the national defense mission.

Further, recommended Area "J" lies within the airspace of two facilities (San Diego Approach Control and Los Angeles Center). In conjunction with Area "F," this change would adversely affect the overall traffic flows both into and out of San Diego Approach Control, Ontario Approach Control, and Los Angeles Center sectors, as well as their working relationships.

b. The AOPA's corridor's would create unacceptable delays for virtually all users because turbojets would not be able to maneuver for spacing and remain within the corridors. For example, recommended Areas "E" and "D" are extremely narrow for air traffic purposes. There is insufficient airspace for vectoring in these areas to achieve spacing and metering of inbound or outbound traffic. Arrival traffic into San Diego is handled by two facilities (Los Angeles Center and Coast Approach Control); this traffic is received with altitude separation but not always with in-trail, lateral spacing. The approach controller at San Diego could not accomplish the spacing function in that limited amount of airspace allowed by the corridor. Thus, holding at an outer fix frequently would be necessary. Conversely, departing traffic to the northwest is handed off to two different facilities. Again, adequate airspace is not available to achieve an in-trail flow of at least five nautical miles before transferring control. In this case, a delay on the ground would be necessary.

AOPA's Areas "C," "B," and "G" are also extremely narrow and would not provide room for vectoring to establish separation and normal flow of traffic. In other words, without the ability to vector for spacing, particularly with a mix of slow and fast aircraft, numerous delays would be encountered because the only alternative would be to hold aircraft at outer fixes or on the ground, until spacing can be achieved.

c. The AOPA's corridors would add about a 50% penalty in the distance and a proportionate increase in operating costs for aircraft, including general aviation aircraft, operating between San Diego and Los Angeles. Normally, arrivals would have to fly from Oceanside to Julian VORTAC rather than a relatively direct route from Oceanside to San Diego. When San Diego traffic is departing, flights with eastern destinations would be required to proceed northwest to Oceanside before proceeding east.

d. In the event of a runway change, if an aircraft were in the corridor inbound, the recommended corridors would make it impossible for the aircraft to remain in positively controlled airspace where hazardous traffic conflicts are minimized and yet execute an approach to the new runway.

e. The AOPA's corridors would present air traffic controllers with extreme handicaps in attempting to provide services within the narrow, positively controlled airspace. That would significantly increase controller workload, as previously discussed. This would also decrease the controllers ability to provide timely other services to aircraft, including general aviation aircraft.

f. AOPA's Area "A" lies within the Montgomery Airport traffic area with a ceiling of 3,000 feet. This would require coordination with Montgomery before any flight could proceed into Area "A." This area would further reduce a control zone that is already compressed between the control zones of the Miramar NAS and Lindbergh Field. Aircraft movements in the southern half of the Montgomery Airport traffic area would require ATC clearance and extensive control coordination between San Diego Approach Control and the Montgomery Air Traffic Control tower. This could adversely affect VFR operations at Montgomery Airport. The 3,000 feet ceiling would overly restrict departures using that area. For example, normal performance rates have shown that turbojets would have to level off at 3,000 feet for several miles in order to stay within the "safety corridor."

g. APOA's Area "H" is also very narrow for ATC purposes and the base altitude is below the minimum vectoring altitude. This means that radar would not be effective in portions of Area "H" and would preclude the use of some ATC radar procedures. This area also crosses the Gillespie and Montgomery final approach courses, presently a potentially dangerous situation and it also lies within the Gillespie Airport traffic area. This area would require each VFR flight from Montgomery or Gillespie Airports flying via airway V–66 to the east to get an ATC clearance to transit the airport traffic area through Area "H."

h. The AOPA's areas do not offer any protection to, or consideration of, the high volume of Navy jet fighter operations to and from NAS Miramar or NAS North Island. Those operations in terminal areas must be reflected in any resulting configuration of positive control airspace because of the demonstrated effect those operations have on the safe and efficient use of the San Diego terminal area by civilian aircraft.

i. The AOPA, in their counter proposal, offered several recommended route changes. For the following reasons, the FAA is not able to adopt those changes:

(1) They do not conform to, and would be imcompatible with, established traffic flows of the adjacent ATC facilities—Los Angeles Center and Coast Approach Control.

(2) The routes depicted for arrivals from the east landing on Runway 9 all penetrate existing restricted areas; e.g., AOPA arrival from Imperial penetrates R–2510, which is designated to 20,000 feet continuously (sunrise to sunset, Monday through Friday, up to 50,000 feet). In addition, this routing would take air carrier aircraft into areas where military jets are climbing on approved departure routes from Miramar Naval Air Station, March Air Force Base, and El Toro Marine Corps Air Station.

(3) The route depicted for arrivals from the Twenty-nine Palms VORTAC and Parker VORTAC penetrates or passes dangerously close to Restricted Area R–2503 which is in use continuously to 15,000 feet. This route is not compatible with established traffic flows used by Los Angeles Center and Coast Approach Control.

(4) The arrival routes suggested from the northwest to Runway 27 at Lindbergh Field are longer and more time and fuel costly. Utilizing these routes would conflict with established military traffic flows creating serious safety hazards due to head-on and crossing traffic situations between air carriers and high performance military jets.

j. Other. The AOPA's recommendation does not provide airspace to contain aircraft executing missed approach procedures for ILS Runway 9. There is no provision made for arriving and departing aircraft to and from Mexico.

To summarize, the AOPA recommendations do not conform to existing traffic flows. They would have the effect of funneling aircraft into a much smaller geographic area, therefore requiring more control of traffic flow, and causing more fuel consumption, and additional rerouting for traffic around the San Diego area. They would require a major redesign of airspace use in several areas of the West and Southwestern United States. They do not consider the high volume of Navy aircraft operations to and from NAS Miramar, NAS North Island, or NAS Imperial Beach.

2. *Proposal of the Mayor of San Diego.* The Mayor of the City of San Diego submitted comments and an alternative proposal resulting from his efforts to reconcile the differences between the FAA proposal and the recommendations in the AOPA petition. The Mayor convened a meeting of airspace users that precipitated the several suggestions which have certain favorable aspects, such as simplicity, reduced amounts of airspace being dedicated to the TCA, and accommodations for use of the natural, VFR flyways without the need for ATC clearances. The following summarizes the major points of that recommendation and provides the reasons they are not acceptable at this time:

a. Reconfigure Area N so that its eastern boundary would be offshore in the proximity of a 320° radial of the Mission Bay VORTAC. The Mayor felt this would provide a VFR flyway for general aviation along the coastline.

The FAA design accommodates the specific need for a flyway in that area. For example, a northwest bound flight at 4,500 feet can proceed through the VFR corridor (through Areas "J," "O," and "N") out of the TCA airspace. A southbound flight can fly the reverse of that route at 3,500 feet. Further, with the exception of a 4.5-mile stretch along the coastline in Area O, the coastal area from the Mission Bay VORTAC to a point 4.5 miles Southeast of the Oceanside VORTAC is not TCA airspace and is an adequate flyway along the coastline for non-TCA aircraft. Area N, as defined in the FAA design, is necessary for efficient and safe operations when the Lindbergh departures are utilizing Runway 9. The base of Area N is 6,800 feet which provides room for VFR activity along airway V–23.

b. Amend the TCA proposal in Areas A, B, C, D, E, F, K, L, M, and possibly N, so that a one-way traffic flow to and from Lindbergh Field would be possible. The Mayor suggested this would reduce the risk of midair collisions over the Mission Valley approach to Areas J and A east of the field, by eliminating the downwind approaches to Runway 27. While it is not clear from the suggestion specifically what is contemplated, it appears that it would involve different TCA configurations depending on which direction takeoffs and landings are being made.

Lindbergh operations require flexibility allowing utilization of all runway directions and a changing TCA configuration would not ensure that all pilots would know which configuration was in effect or when it was changed from one to another. Depending upon weather factors an east flow or west flow of traffic is required. Each proposed TCA area was designed for the safe, and efficient operations that could be dictated in large measure by weather conditions. A changing TCA configuration would introduce unacceptable and unnecessary risk factors for operations in attempting to provide flexibility and reduce the amount of terminal airspace affected.

c. Provide a navigational aid east of Area C, so that a new flyway could be used to channel traffic to and from the northwest and Los Angeles. The Mayor suggested that the combination of this new flyway and the two suggestions previously discussed would "imaginatively change" the TCA to afford the "straight in and the straight out" objectives presented by AOPA.

A navigational aid to serve this area is currently budgeted for and should be installed by the Fall of this year. Adjustments in route structure and, thus, the TCA may result from the additional navigational aid at that time.

d. Retain the altitudes proposed by FAA in areas such as D, E, F, L, and M

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to provide the "highest degree" of air transportation safety for air carrier service. The Mayor suggested this would be a distinct advancement over the level of protection in other TCAs. Absent the positive controlled airspace between the top of the TCA and the Continental Control Area, many near midair collision situations can develop. By adopting a modification of the AOPA concept which he called a "channel," as distinguished from a "corridor," it would appear feasible to have multiple (nonchannel) areas with the TCA top at 7,000 feet.

The flow of traffic in the San Diego area is unique with respect to the number of airports and the geographical location. For example, IFR flights into the Mexico airspace are generally required to cross the border at 13,000 feet. Jet traffic IFR into Miramar Naval Air Station proceeds through the TCA at 10,000 to 12,000 feet. The FAA's evaluation of traffic flows and complexity factors indicate that the 12,500-foot ceiling, as specified in the FAA design is required for conducting the safe and efficient operations in the San Diego area. If appropriate, based on sufficient operational experience with the TCA, the Area A and adjacent ceilings may be adjusted in the future.

3. *A Group I TCA should be installed instead of a Group II TCA, as proposed.* Numerous commenters recommended establishing a Group I TCA, rather than the Group II TCA proposed in Airspace Docket 18605/79–AWE–17, because it would provide an additional degree of control over aircraft operating in the TCA airspace.

The basic differences between Group I and II TCAs are that in a Group I TCA an altitude encoding transponder, and a private pilot rating or better are required. Those are in addition to the basic requirements for operating in a Group II TCA where a two-way radio, VOR or TACAN, and radar beacon transponder are required. Most commenters who recommended establishing a Group I TCA in San Diego focused on the need for the altitude encoder to provide an additional measure of safety.

Consideration of a requirement for an altitude encoder necessarily includes considering the particular circumstances presented in the terminal area that may tend to indicate that the flight information provided by an encoder would significantly enhance ATC's ability to control aircraft safely and efficiently. It is noted, however, that the level of ATC sevices provided is not different in a Group I TCA where an encoder is required.

Since the existing San Diego TCA proposal was to establish a Group II TCA, without supplementary notice and proceedings the additional requirements incident to a Group I TCA, including the requirement for an altitude encoder, could not be adopted without a compelling public interest basis. Whether carriage of an altitude encoder should be required in Group II TCAs generally or redesignate any particular Group II as a Group I TCA are issues whose importance transcends this rulemaking proceeding. An examination of them will be made under separate review. The FAA will monitor the effectiveness of the Group II TCA in San Diego and consider making whatever changes are necessary to provide an improvement, including implementing a Group I TCA or requiring an altitude encoder if operational experience proves it is warranted.

4. *Dodds' Recommendation to Modify the TCA.* The commenter submitted a "compromise" TCA design unofficially offered by the AOPA without withdrawing the proposal contained in their petition for rulemaking. It recommended an airspace configuration somewhat similar to the FAA's basic design but simplifies the specific areas covered and would limit certain areas ceilings at 6,000 or 7,000 feet. However, it also poses the need to modify some of the air traffic flow patterns currently being used and would adversely affect the efficiency of traffic flow in the entire San Diego terminal area. More importantly, it would also significantly reduce the TCA's ability to provide an adequate basis for positive control of all aircraft in the areas needing the enhanced degree of air transportation safety. The following discussion summarizes the Dodds proposal and provides the reasons the recommendations are not acceptable at this time:

a. Area A should not include a VFR corridor and only go up to 6,000 feet to permit overflight. The proposed VFR corridor is far too restrictive to be safe. Also, the tops of Areas B, J, and I should be at 6,000 feet and Area K at 7,000 feet, for overflight of the TCA. A primary benefit of this recommendation is to provide additional, non-TCA airspace for flights between the areas north of the TCA and Mexico.

The proposed VFR corridor allows northbound VFR flights from the south of the TCA, including departures from Brown Field to climb on course. The recommended change would require the same departure to turn and climb east or west (avoiding the Mexican Border) to sufficient altitude to be above 6,000 feet before proceeding north over Areas A, B, or I and 7,000 feet before continuing flight along the coastline on airway V–23. Other northbound flights also would have to climb above the 6,000- or 7,000-foot TCA ceiling. Flights from the north into Brown Field would have to reverse the flight path and descend within the narrow band of airspace between the TCA and the Mexican Border. Flights into Mexico would be required to fly over the TCA and then descend rapidly into Tijuana airport for the Mexican customs clearance before proceeding south. The primary impact of this would be borne by general aviation and other aircraft that are not transponder equipped.

The published holding patterns airspace areas for the east flow and west flow would be affected by those areas where the ceiling would be reduced to 6,000 or 7,000 feet (A, B, C, I, J, K, AND O). "Holding" of aircraft is normally accomplished at 5,000 to 12,000 feet. If this recommendation were adopted, aircraft would have to be held above the TCA airspace or at new holding fixes that would have to be established in outer areas or beyond. Holding at the outer fixes would be costly in fuel and time because of the distance, speed and low altitude operating requirements. Holding at the current published fixes would reduce the ability to separate all aircraft by eliminating the mix of controlled and uncontrolled traffic.

b. Raise the Area C floor from 3,500 feet to 3,800 feet to be consistent with the other floors and simplify the areas for pilots. The ceiling would remain at 12,500 feet.

The floors of "C" are based on the require outer fix crossing at 3,700 feet for the back course ILS approach for Runway 27. The 200-foot buffer provides the necessary measure of safety between VFR aircraft and those making an instrument approach. The recommended 3,800-foot crossing would require aircraft executing that instrument approach to temporarily exit the TCA airspace, thereby reducing the effectiveness of the TCA for separating controlled and uncontrolled aircraft in that area.

c. Eliminate Area H as a separate area and expand Area I into the Area H airspace to accommodate current procedures that have jets arriving from the east on a right downwind and radar vectored for the ILS to Runway 9.

While this suggestion provides the latitude necessary to ensure that Area I (as modified) would extend adequately to the west and south to accommodate arrivals to Runway 9 under current procedures and traffic flow, it would still adversely affect other operations at Lindbergh field and NAS North Island. Because of traffic considerations, eastbound departures from Runway 27 normally must be vectored in this area before reaching an altitude at which they may be turned east. Both arrivals and departures from the NAS North Island are based on utilizing Area "H" as part of the TCA.

In weighing the benefits to be achieved in this corner of the TCA, consideration was given to the need for operational flexibility weighed against any burden of aircraft not using the TCA. The area involved is about ten miles from the coast-line over open waters not frequently used by general aviation aircraft or other aircraft not equipped for over-water flights. Since a significant contribution to the purposes of the TCA is achieved by including Area H within the TCA, the nominal burden on other aircraft is not a compelling reason for eliminating it as recommended.

d. Eliminate Area N as a separate area and expand Areas L and M into portions of Area N airspace; the floors of Area L (as modified) should be 2,800 feet and Area M (as modified) should be 4,800 feet. The ceiling of each would remain at 12,500 feet.

Area "N," in conjunction with Areas "L" and "M," is required for vectoring, sequencing, and separating departures and arrivals to and from the north. Further, these areas were designed to accommodate traffic flows to and from areas under the jurisdiction of adjacent ATC facilities. Arrivals and departure routes (civil and military) proceed through these areas. To change the design as suggested would impact traffic flows not only in the San Diego area but also in Coast Approach Control and the Los Angeles Center.

e. Eliminate Areas P and Q. TCAs aren't supposed to be for military aviation. A military operations area (MOA) should be chartered for NAS Miramar.

Areas P and Q are required to allow room for separating high performance military jets from other users of the terminal area. The concept of TCA does not automatically exclude military airports, particularly when including them within the positive control environment contributes significantly to providing the enhanced degree of air transportation safety, such as in the San Diego terminal area. During calendar year 1979, military pilots filed more than 20 reports of required evasive action involving uncontrolled VFR aircraft in or along the final approach of NAS Miramar. The Navy requested to be included in the TCA airspace. The request was reflected in the proposed TCA to ensure that potentially hazardous traffic conflicts involving military aircraft and civil aircraft could be reduced in the positive control environment.

The MOA concept recommended by the commenter would allow uncontrolled VFR flights to continue to transit these high density traffic areas, thereby permitting the existing hazard to continue without resolution. It also would fail to provide the enhanced degree of safety for passenger carrying civil aircraft.

f. Eliminate Area O and substitute a smaller, new area between 4,800 feet and 7,000 feet to accommodate arrivals from Los Angeles landing on Runway 27.

The commenter did not clearly specify where the new area would be located; the graphic provided depicts an area generally fitting the description but which is doubly labeled—one showing the altitudes 4,800 and 7,000 feet, the other indicating it would be part of the recommended MOA just discussed. If the latter is the suggestion, the previous discussion applies to it. If the suggestion is the former, the FAA proposed 6,800 to 12,500 feet area would be significantly reduced. That reduction would adversely affect both arrivals and departures, specifically Runway 9 departures turning north would have to remain below 7,000 feet for approximately 20 miles in order to stay within the TCA where separation from uncontrolled aircraft is provided. Arrivals for Runway 27 would have to descend prematurely to 7,000 feet at least 20 miles from the airport to enter the TCA from the north through the new area.

5. *Other Recommendations to Modify the TCA.* Some of the other commenters recommended modifications to the proposed TCA, which, while they differed in specific details, raise issues similar in material respects to those previously discussed. Those recommendations have similar attractive features and present the same alternatives to be weighed in evaluating their advantages and disadvantages. As attractive as many of those features are, as previously discussed, they would require significant tradeoffs with the other objectives of this rulemaking action, including deferral of an appropriate and timely response to the recognized need to provide safety enhancement in the San Diego terminal area.

Many of the comments recommending alternate configurations and procedures neglected to submit sufficient information of the anticipated impacts necessary for a more thorough evaluation of the recommendations. Detailed evaluations are needed before such recommendations could be implemented with any assurance they are responsive to local needs and consistent with the objective of providing the highest level of aviation safety in the area. In light of the existing air traffic situation in San Diego, it would not be appropriate to delay or withhold taking immediate, available action that has been subjected to thorough review and public participation while conducting evaluations of yet further alternatives that are recommended but not subjected to the public notice and comment procedures of rulemaking. However, based on future operational experience with this San Diego TCA, some of these suggestions may provide the basis for subsequent changes that are shown to be appropriate.

Economic Impacts

The FAA has thoroughly assessed the costs of establishing the San Diego TCA. A comprehensive economic assessment, covering the entire program as described in the Plan for Enhanced Safety was made available to attendees at informal airspace meetings held in San Diego on March 20–22, 1979, and was placed in the Regional and Washington dockets for public comment. The assessment includes system-wide assumptions concerning the impact of all 44 originally proposed new TCAs, including the San Diego, California, TCA proposal. Since seven of the original sites are no longer under current consideration, the cost impact system-wide is even less but the underlying assumptions are still applied to the remaining candidate sites. In addition, to determine whether these general assumptions are valid for the particular TCA airspace description proposed for San Diego, California, the FAA Western Regional Office prepared a detailed draft addition to the broad national study. This Regional economic assessment was appended to the national assessment and was also in the Regional and Washington dockets. The Regional assessment has been up-dated on the basis of comments received and information available to the FAA before adopting this amendment.

Environmental Assessments

In a manner similar to that described above for the national and local economic assessments, an environmental assessment was prepared, which addresses the overall national environmental effect of the 44 proposed TCAs. That assessment addresses the aircraft noise, aircraft emissions, and fuel consumption

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impacts of the program as a whole, and concludes that these impacts would not significantly affect the quality of the human environment. That national assessment is in the Regional and Washington dockets. In addition, as with the economic study, the program-wide assessment has been supplemented with an environmental assessment prepared by the Regional Office, responding to the site-specific impacts of the San Diego, California, TCA proposal. This local assessment was likewise in both dockets for public comments and has been up-dated to reflect the proposed action of adopting this amendment.

Airspace Outside the United States

As part of this rule relates to the navigable airspace outside the United States, the notice announcing this rule was submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States, is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promote safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting State, derived from ICAO, wherein air traffic services are provided and also whenever a contracting State accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting State accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, State aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting State, the United States agreed by Article 3(d) that its State aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Immediate Implementation and Pilot Awareness

The purpose of this amendment in establishing a Group II TCA in the San Diego, California, terminal area, is to provide the highest degree of aviation safety as soon as practicable. It adopts an immediately available course of action based on the proposals contained in Airspace Docket 18605/79–AWE–17 to require positive air traffic control of all aircraft in the terminal airspace and thereby achieve enhanced safety and efficiency by reducing the potential for hazardous traffic conflicts. While publishing this amendment achieves legal notice of the existence of the regulatory requirements, effective implementation dictates that each pilot of an aircraft operating in the San Diego area become familiar with those requirements and that compliance be achieved in a timely manner. Pilot education is an important aspect of achieving the enhanced safety objectives.

In that connection, the FAA recognizes that pilots rely extensively on aeronautical charts for air navigation, as well as other aeronautical materials for familiarizing themselves with all available information concerning a particular operation. The FAA has worked with the National Oceanic and Atmospheric Administration, National Ocean Survey, in expediting production and distribution of a special VFR Terminal Area chart as soon as possible to fill the need for such a chart in conjunction with this amendment. Further, the San Diego TCA must also be depicted on other air navigation charts to ensure broader pilot awareness of the existence of the TCA. Revised enroute aeronautical charts are scheduled to be effective on May 15, 1980. In order to ensure timely and widespread communication of the existence of a Group II TCA in San Diego, the FAA has expedited chart production and distribution to have the necessary charts available to the operators and pilots affected as part of that charting cycle. Otherwise, the safety benefits of this amendment either would have to be delayed until the next regular visual series charting date (August 7, 1980) or to depend on a special issuance of charts during the effective period of the regular edition. While the FAA concludes that the safety benefits of this amendment should not be delayed until August for reasons of charting, it also recognizes the problems involved in providing new charts during the normal use period, that is before the expiration of the current Los Angeles sectional chart. However, the special VFR Terminal Area Chart coincides with the May 15 enroute charting cycle. The availability of the new charts will be given widespread publicity and announcement to aeronautical interests affected by this amendment.

Adoption of the Amendment and Denial of the AOPA Petition for Rulemaking

In consideration of the foregoing, the Federal Aviation Administration hereby takes the following actions:

(1) Notice is hereby given in accordance with Part 11 of the Federal Aviation Regulations (14 CFR Part 11) that the petition of the Aircraft Owners and Pilots Association, dated November 29, 1979, requesting the FAA to commence rulemaking proceedings to provide a special air traffic rule for the San Diego, California, terminal area is hereby denied.

(2) Section 71.401(b) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71 as republished at 45 FR 669; January 2, 1980); is amended, effective May 15, 1980, by adding a new Group II Terminal Control Area to read as follows:

Subpart K—Terminal Control Areas

§ 71.401 Designation.

* * * * *

(b) Group II, Terminal Control Areas:

* * * * *

San Diego, Calif., Control Area

Primary Airports

1. San Diego, Calif. (Lindbergh Field), (Lat. 32°43'58" N., Long. 117°11'14" W.).

2. Miramar NAS, Miramar, Calif., (Lat. 32°52'30" N., Long. 117°08'15" W.).

Boundaries. Based on the Mission Bay VORTAC ("Mission Bay":MZB) (Lat. 32°46'57" N., Long. 117°13'29" W.) arcs, DME distances, and radials and the Miramar NAS TACAN (Lat. 32°52'11" N., Long. 117°09'14" W.).

Southern boundary of the San Diego TCA is 3 nautical miles north of the United States/Mexico border beginning at Lat. 32°33'00" W., Long. 117°31'00" W., and extending to Lat. 32°36'30" N., Long. 116°29'00" W.; the United States/Mexico border is referred to as "the border."

Area A. That airspace extending upward from the surface to and including 12,500 feet MSL within an area bounded on the west by a 5 statute-mile radius arc of Mission Bay, on the east by a 10-mile radius arc of Mission Bay, on the north by the Mission Bay 325° and 099° radials and on the south by an extension of the Lindbergh Field/NAS North Island Control Zone line, excluding that airspace from 3,300 feet to 4,700 feet MSL in an area beginning at the Mission Bay 099° radial and bounded on the west by Interstate 5 south to Interstate 8 thence direct to Lat. 32°44'15" N., Long. 117°12'30" W., direct to Lat. 32°41'00" N., Long. 117°10'45" W., to intercept and proceed along the Silver Strand Highway to the Mission Bay 10-mile radius arc, and on the east via Highway 163 south to Interstate 5 thence south via Interstate 5 to the Mission Bay 10-mile radius arc.

Area B. That airspace extending upward from 1,800 feet MSL to and including 12,500 feet MSL between the Mission Bay 10-mile and 15-mile radii arcs bounded on the north by the Mission Bay 099° radial and on the south by an extension of the Lindbergh Field/NAS North Island Control Zone line.

Area C. That airspace extending upward from 3,500 feet MSL to and including 12,500 feet MSL between the Mission Bay 15-mile and 20-mile radii arcs bounded on the north by a line between the Mission Bay 099° and 090° radials and on the south by the Lindbergh Field/NAS North Island Control Zone line extension to 3 miles north of the border thence via the Mission Bay 17.8-mile radius arc to the Mission Bay 120° radial thence east to the Mission Bay 115° radial and the 20-mile radius arc intersection.

Area D. That airspace extending upward from 4,800 feet MSL to and including 12,500 feet MSL between the Mission Bay 20-mile and 23-mile radii arcs bounded on the north by a line between the Mission Bay 090° and 067° radials and on the south from the 23-mile radius arc intersection at 3 miles north of the border, to the Mission Bay 115° radial at the 20-mile radius arc intersection.

Area E. That airspace extending upward from 5,800 feet MSL to and including 12,500 feet MSL between the Mission Bay 23-mile and 28-mile radii arcs bounded on the north by a line between the Mission Bay 081° and 084° radials and on the south by the line 3 miles north of the border.

Area F. That airspace extending upward from 7,800 feet MSL to and including 12,500 feet MSL between the Mission Bay 28-mile radius arcs and by a line 3 miles north of the border to Long. 116°29'00" W., then along Long. 116°29'00" W., to Lat. 32°58'00" N., bounded on the north by a line between the Mission Bay 084° radial and the Mission Bay 068° radial/36.5 DME fix and by a line between the Mission Bay 068° radial/36.5 DME fix and Lat. 32°58'00" N.

Area G. That airspace extending upward from 7,800 feet MSL to and including 12,500 feet MSL bounded on the west by a line from the Mission Bay 17.8-mile radius arc between Lindbergh Field/NAS North island Control Zone line extension intersecting 3 miles north of the border and the Mission Bay 120° radial, on the north by a line between the Mission Bay 120° radial/17.8 DME fix and the Mission Bay 115° radial/20 DME fix, on the east by a line between the Mission Bay 115° radial/20 DME fix and Mission Bay 23-mile radius arc at the 3-mile line north of the border and on the south by the 3-mile line north of the border.

Area H. That airspace extending upward from 5,800 feet MSL to and including 12,500 feet MSL bounded on the west by a line between Lat. 32°33'00" N., Long. 117°30'45" W., and Lat. 32°43'33" N., Long 117°36'32" W., to an extension of the Lindbergh Field/NAS North Island Control Zone line at the Mission Bay 10-mile radius arc thence counterclockwise to the eastern extension of the Lindbergh Field/NAS North Island Control Zone line thence via that extension to the line 3 miles north of the border thence via that line to the point of beginning.

Area I. That airspace extending upward from 2,800 feet MSL to and including 12,500 feet MSL bounded on the north and east by an extension of the Lindbergh Field/NAS North Island Control Zone line and on the south by the 10-mile radius arc of Mission Bay, excluding that airspace from 3,300 feet to 4,700 feet MSL in the corridor excluded under the description in Area A.

Area J. That airspace extending upward from 4,800 feet MSL to and including 12,500 feet MSL bounded on the south beginning at the Mission Bay VORTAC thence via the Mission Bay 079° radial to the 15-mile DME fix thence via a line to the Mission Bay 087° radial/23 DME fix thence counterclockwise on the 23-mile arc to the Mission Bay 081° radial thence via a line to the Mission Bay 065° radial/10 DME fix extending to the NAS Miramar Control Zone clockwise to the south and along an extension of the NAS Miramar Control Zone line westward to the Mission Bay 325° radial and along the 325° radial to the point of beginning.

Area K. That airspace extending upward from 1,800 feet MSL to and including 12,500 feet MSL between the Mission Bay 5-mile and 13-mile radii arcs bounded on the northwest by the Mission Bay 325° radial and on the south by the Lindbergh Field/NAS North Island Control Zone west extension.

Area L. That airspace extending upward from 2,800 feet MSL to and including 12,500 feet MSL between the Mission Bay 13-mile and 21-mile radii arcs bounded on the northwest by the Mission Bay 325° radial, on the south by the Lindbergh Field/NAS North Island Control Zone west extension to Lat. 32°43'33" N., Long. 117°36'32" W., and on the west to Lat. 32°46'45" N., Long 117°38'22" W., at the intersection of the 21-mile radius arc of Mission Bay.

Area M. That airspace extending upward from 4,800 feet MSL to and including 12,500 feet MSL from the Mission Bay 21-mile radius arc beginning at Lat. 32°46'45" N., Long. 117°38'22" W., thence via a line to Lat. 32°53'00" N., Long. 117°41'40" W., thence via a line to Lat. 33°05'00" N., Long. 117°51'55" W., thence via a line to Mission Bay 325° radial/31.5 DME fix thence via 325° radial to the Mission Bay 21-mile DME fix thence via the 21-mile radius arc counterclockwise to point of beginning.

Area N. That airspace extending upward from 6,800 feet MSL to and including 12,500 feet MSL beginning at the Mission Bay 325° radial/16-mile DME fix thence via the Mission Bay 325° radial to the Mission Bay 31.5 DME fix thence direct to the Mission 357° radial/22.5 DME fix thence direct to the Mission Bay 047° radial/10.5 DME fix thence counterclockwise via the Miramar NAS Control Zone to the Miramar TACAN 300° radial thence direct to point of beginning.

Area O. That airspace extending upward from 1,500 feet MSL to and including 2,500 feet MSL and that airspace extending upward from 6,800 feet MSL to and including 12,500 feet MSL beginning at the Mission Bay 325° radial and a line extended from the NAS Miramar Control Zone thence via the Mission Bay 325° radial to the Mission Bay 16-mile DME fix thence direct to the intersection of the Miramar TACAN 300° radial and the Miramar NAS Control Zone thence south via Interstate 805 to the southern edge of the Miramar NAS Control Zone thence westward via an extension of the Miramar NAS Control Zone line to the point of beginning.

Area P. That airspace extending upward from the surface to and including 3,000 feet MSL and that airspace from 6,800 feet MSL to and including 12,500 feet MSL within a 5 statute-mile radius arc of NAS Miramar, excluding that area south of the NAS Miramar Control Zone and that area west of Interstate 805.

Area Q. That airspace extending upward from the surface to and including 6,000 feet MSL within 2 statute miles on each side of the NAS Miramar TACAN 078° radial extending from the 5 statute-mile radius zone to 10 miles east of the TACAN.

(Secs. 307, 313(a), and 1110, of the Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). However, establishment of this terminal control area in concert with the proposed establishment or alteration of many other terminal control areas has been determined to be significant. Therefore, this action is included in the final evaluation prepared in conjunction with that comprehensive action. Copies of the evaluation are in the Washington and Regional dockets, and may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT * * *"

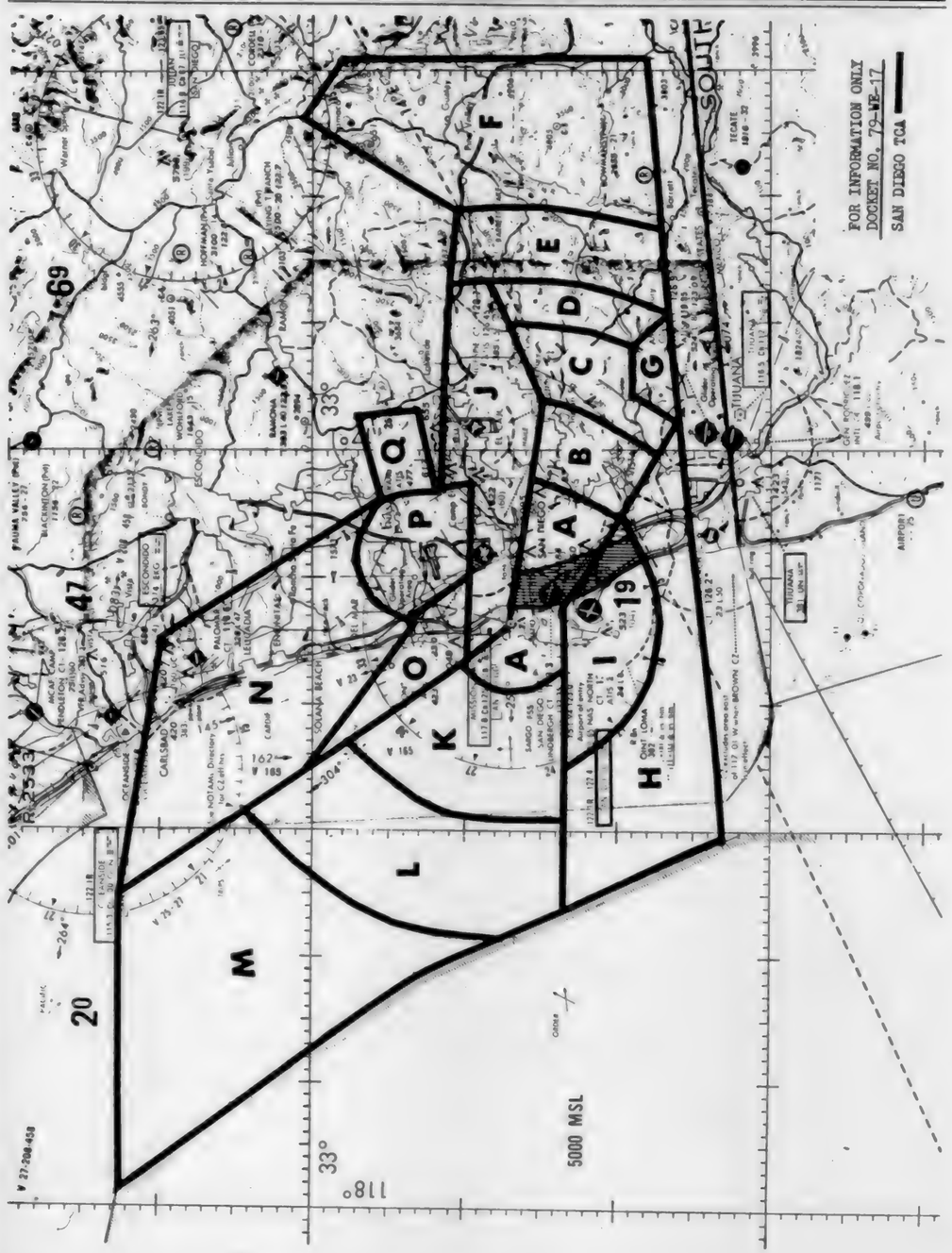
Issued in Washington, D.C. on March 15, 1980.

Langhorne Bond,

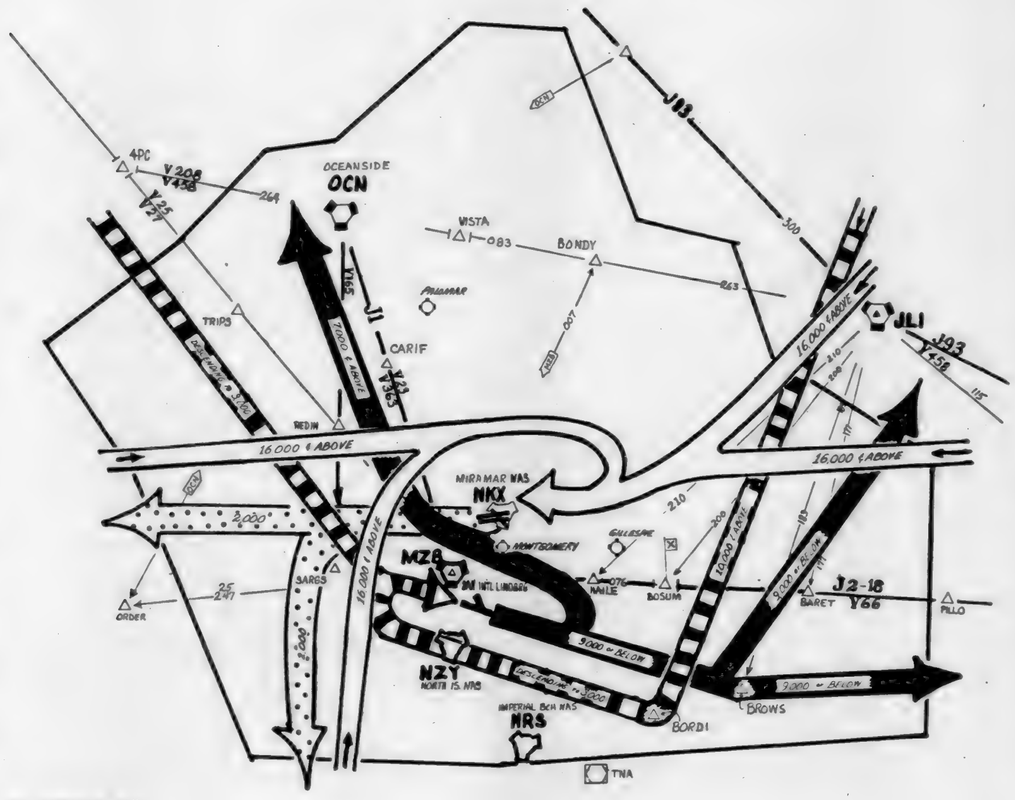
Administrator.

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SAN DIEGO TRACON
EAST TRAFFIC

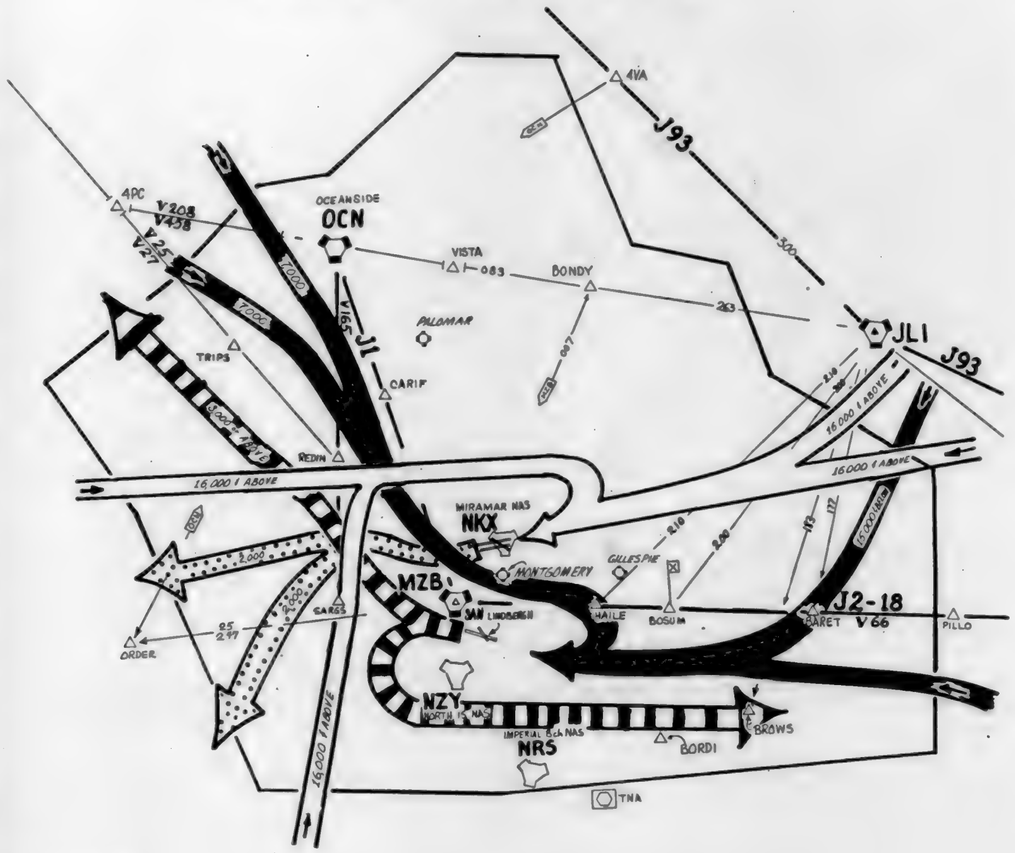


FOR INFORMATION ONLY
DOCKET NO. 79-WE-17.
SAN DIEGO TCA

Rny 9/27-9400ft
Rny 13/31-34394ft
ARRIVALS DEPARTURES
LINDBERGH

ARRIVALS DEPARTURES
MIRAMAR NAS (NKX)
Rny 26R/6L-12000 ft
Rny 24L/6R-8000 ft
Rny 10/28-6000 ft

SAN DIEGO TRACON
WEST TRAFFIC



FOR INFORMATION ONLY
DOCKET NO. 79-AE-17.
SAN DIEGO TCA

Rny 9/27 9400 ft.
Rny 13/31 3439 ft.

ARRIVALS DEPARTURES
LINDBERGH

ARRIVALS DEPARTURES
MIRAMAR NAS (NKX)

Rny 24R/6L - 12,000 ft.
Rny 24L/6R - 8000 ft.
Rny 10/28 6000 ft.

[FR Doc. 80-8823 Filed 3-19-80; 8:45 am]
BILLING CODE 4910-13-C

federal register

Thursday
March 20, 1980

Part IV

Department of Health, Education, and Welfare

Office of Human Development Services

National Institute of Handicapped Research; Rehabilitation Research and Demonstration Program

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

National Institute of Handicapped Research; Rehabilitation Research and Demonstration Program

AGENCY: National Institute of Handicapped Research (NIHR), Office of Human Development Services, Department of Health, Education, and Welfare.

ACTION: Solicitation of Scientific Peer Review Committee Members to Review NIHR Grant Applications During Fiscal Year 1980.

SUMMARY: The NIHR, in conjunction with its competitive grant review process and scientific peer review of grant applications, requests that persons willing to serve as members of NIHR scientific peer review committees and review the scientific/technical merit of grant applications assigned to the committees during Fiscal Year 1980 should submit a current curriculum vitae to the following address:

Department of Health, Education, and Welfare, National Institute of Handicapped Research, 3418 Switzer Building, 330 C Street, SW., Washington, D.C. 20201. Attn: Peer Review Unit.

DATES: Open.

Reviewer Qualifications

NIHR is seeking persons with a scientific/professional background in the following fields:

Rehabilitation Medicine (including specialties, such as spinal cord injury, end-stage renal disease, and pediatrics).
Rehabilitation Engineering.
Vocational Counseling, Job Placement, VR Management, and Other Related VR Professions.
Allied Health Fields relating to Rehabilitation (including rehabilitation of handicapped children) such as Physical Therapy, Occupational Therapy, Recreational Therapy, Nursing, Speech Therapy, etc.
Mental Retardation.
Deafness and Communicative Disorders.
Blindness.
Psychology relating to Rehabilitation.
Social Work relating to Rehabilitation.
Fields relating to Rehabilitation of Preschool Age Handicapped Children, such as early intervention, parent counseling, infant stimulation, early identification, diagnosis.
Fields relating to Rehabilitation of Handicapped Persons in Rural Areas.
Fields relating to Rehabilitation of Persons Aged Sixty or Older.
Telecommunication Fields relating to Service Delivery and Programming for Handicapped Individuals.
International Rehabilitation.
Rehabilitation Utilization.
Economics relating to Rehabilitation.

Reviewer Selection

Reviewers will be selected based upon their training and experience in relevant scientific or technical fields, taking into account:

(1) The level of formal scientific or technical education completed or experience acquired.
(2) The extent to which the individual has engaged in relevant research, the capacities (e.g., principal investigator, assistant) in which the individual has done so, and the quality of such research.
(3) Recognition, as reflected by awards and other honors received from scientific and professional organizations.
(4) No member of a peer review committee may be an officer or employee of the United States.
(5) Handicapped persons and members of minority groups are encouraged to apply.

Since NIHR cannot anticipate the precise number of reviewers needed during the year, all persons selected as reviewers will be placed on a reviewer roster from which they will be randomly selected to serve as needs dictate.

Reviewers selected from the reviewer roster will be notified approximately 45 days in advance with respect to the time and place of the peer review committee meeting which they are asked to attend. If unable to attend, they will be placed back on the reviewer roster for future consideration.

Reviewer Duties

Reviewers will be expected to do the following:

(1) Travel to the review meeting.
(2) Read approximately 15–20 grant applications.
(3) Complete a scientific/technical evaluation of each application, based on scientific/technical evaluation criteria established by NIHR in its implementing regulations and program announcements.
(4) Spend up to five days at the review site during a review meeting.

Reviewer Reimbursement

Reviewers will be reimbursed for travel expenses and receive a consultant fee of $150 per day for each day or part of a day spent reviewing applications at the meeting site.

Governing Regulations

The conduct of peer review meetings and selection of reviewers are governed to the extent applicable by 45 CFR Part 11; Pub. L. 95–602; Implementing Program Regulations; Chapter 9 of the DHEW General Administration Manual; 45 CFR Part 100; 45 CFR Part 73; Title 18 USC; Executive Order 11222, as amended; and 45 CFR Parts 5 and 5b. In addition to the conditions imposed above, no person shall serve on a peer review committee who has a conflict of interest with respect to any pending grant application competing under the same program as any of the grant applications to be reviewed by that panel.

A person has a conflict of interest with respect to an application if any of the following has a financial interest, within the meaning of 18 USC 208, in that application:

(a) He, his spouse, minor child, or partner;
(b) A profit or nonprofit organization in which the person is serving as an officer, director, trustee, partner, or employee;
(c) Any person or organization with whom the person is negotiating or has any arrangement concerning prospective employment.

Dated: March 4, 1980.

Margaret J. Giannini, M.D.,
Director, National Institute of Handicapped Research.

Approved: March 14, 1980.

Warren Master,
Acting Assistant Secretary for Human Development Services.

[FR Doc. 80-8511 Filed 3-19-80; 8:45 am]
BILLING CODE 4110-62-M

V 45 / 56 MR 20 80 UMI

federal register

Thursday
March 20, 1980

Part V

Commodity Futures Trading Commission

Futures Commission Merchants, Floor Brokers, Associated Persons, Commodity Trading Advisors, and Commodity Pool Operators; Registration Regulations

V 45/56 MR 20 80 UMI

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Revision of Registration Regulations; Proposed Rules

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission is proposing to revise certain of its regulations which relate to the registration of futures commission merchants, floor brokers, associated persons, commodity trading advisors, and commodity pool operators. The proposed regulations would require that each applicant for registration as an associated person ("AP") be "sponsored" by a futures commission merchant ("FCM") which must screen that person's application and certify that it is accurate and complete to the best of the FCM's knowledge, information, and belief. The proposal would generally make AP registration coextensive with, and conditioned upon, the registrant's association with the sponsoring FCM. The new regulations would also require fingerprinting for all categories of registrants with the Commission.

The new sponsorship requirements are necessary to establish a uniform industry-wide minimum standard for pre-employment evaluation of associated persons, to insure that all FCMs develop programs that will result in the overall upgrading of APs registered with the Commission, to implement fully the provisions of the Commodity Exchange Act that require an individual to be registered as an associated person of a particular FCM, and to reduce a regulatory burden by eliminating the present biennial renewal requirements for all APs and by substituting therefor registration for as long as the person remains associated with a specified registered FCM or its agent. The fingerprinting requirements are necessary to permit improvements in the Commission's background checking of applicants for registration, to permit positive identification of certain individuals with common names, to reduce the number of applications filed by individuals who are unfit for registration, and to facilitate fitness reviews of registrants on a spot and periodic basis.

DATES: Comments on the proposed rules should be submitted by May 20, 1980.

ADDRESS: Send comments to: Commodity Futures Trading Commission, 2033 K Street NW, Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Robert P. Shiner, Assistant Director for Registration, or Kenneth M. Rosenzweig, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW, Washington, D.C. 20581. Telephone: (202) 254–9703 or 254–8955.

SUPPLEMENTARY INFORMATION:

A. Introduction

The new sponsorship procedures would include the requirement that an FCM[1] confirm the educational background and employment history of each applicant for registration as an associated person[2] and certify that, to the best of its knowledge, information and belief, the publicly available information contained in the application is accurate and complete.

Registration of an associated person would be "with a futures commission merchant."[3] Thus, for such registration to be granted, the applicant would have to be hired or otherwise employed as an AP by the sponsoring FCM or its agent, and the registration would thus automatically end when this association ended. A separate registration would be required for each FCM with which the person is associated, but based upon the Commission's past experience, it appears that very few APs will have more than one sponsor at a time.[4]

The new regulation would provide a streamlined registration procedure for individuals who are registered as APs or who have been so registered within the preceding thirty days or whose AP registration has been granted within the preceding year. This procedure would facilitate the movement of such persons to a new FCM or the addition of another sponsoring firm in the multiple sponsorship situations described in the preceding paragraph.

During the Commission's reauthorization hearings prior to the adoption of the 1978 amendments to the Act, several witnesses testified as to the need to fingerprint industry personnel,[5] and Section 8a(1) of the Act was subsequently amended to empower the Commission to adopt regulations to require fingerprinting.[6] Further, based upon the Commission's experience with registration, it appears that fingerprinting is necessary to insure positive identification of applicants, both for the sake of a surer fitness check and for the elimination of confusion which frequently arises involving applicants with the same name or an applicant whose name is the same as the name of another person about whom the Commission has obtained derogatory information. The Commission believes that a fingerprinting program would bring about a substantial reduction in the number of applications received from unfit persons. A fingerprinting requirement is also necessary to facilitate the proposed periodic and spot checking of the fitness of registrants.

In view of these considerations, the proposed regulations would require, subject to certain exceptions, fingerprinting and the filing of a revised Form 8–R [7] by all APs, floor brokers,[8] and "principals" [9] of FCMs, commodity pool operators ("CPOs"),[10] and commodity trading advisors ("CTAs").[11] Fingerprint cards will be incorporated into the revised Form 8–R and will be returned with the Form 8–R to the Commission. The Commission will, in turn, forward the fingerprint cards to the Federal Bureau of Investigation. Finally, to implement the Commission's anticipated use of fingerprints in connection with periodic or spot fitness checks, the Commission is proposing to require the submission of a new set of fingerprints upon request at any time.[12]

B. Impact of Proposed Changes

For several reasons, the Commission does not expect the sponsorship program to increase significantly the regulatory burdens for many of the sponsoring FCMs.[13] Background screening is already required by the Chicago Board of Trade and is a customary business practice among those FCM/securities broker-dealers who are members of the New York Stock Exchange, Inc. or the National Association of Securities Dealers, Inc. Moreover, the Commission believes that the proposed sponsorship requirements do no more than make uniform what should be the ordinary and customary practice for any responsible FCM. In addition, while no precise estimate in terms of dollars can be made, it is logical to asume that the cost of AP sponsorship would largely be offset by the elimination of the current requirement of biennial renewal of registration [14] and by the previously described streamlined AP registration procedure. Further, the Commission expects that the new sponsorship and fingerprinting requirements would substantially reduce the number of applications for registration submitted by persons who are unfit for registration and that this would reduce the processing costs to the Commission. Finally, the Commission believes that the anticipated upgrading of quality overall among registrants will ultimately lower costs by reducing turnover of personnel, lost business due to customer dissatisfaction, and litigation arising from the acts of employees.

Fingerprinting would also be new to many participants in the futures industry but, as with pre-screening, the fingerprinting of registrants and other personnel is already required in the securities industry. Also, based upon information which has been obtained by its staff, the Commission believes that the cost of fingerprinting per applicant would not be great.[15] Therefore, the objectives and related potential cost savings mentioned above appear to outweigh the possible burdens of fingerprinting.

C. Notice of Further Proposed Rulemaking

In addition to the proposed rules described herein, the Commission is actively considering, pursuant to its authority under the Act and particularly under Section 4p thereof,[16] the development and implementation of a standardized proficiency examination which would be administered to applicants for registration with the CFTC. The Commission will provide further separate notice of proposed regulations to establish such an examination program. The Commission, however, invites interested persons to submit comments which will assist in the development of this program, and in particular, invites comments as to which persons should be so tested, possible costs and benefits, and who should develop and administer the tests.[17]

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[1] A futures commission merchant is an individual, association, partnership, corporation, or trust engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market and that, in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom. Section 2(a)(1) of the Commodity Exchange Act ("Act"), 7 U.S.C. 2.

[2] An associated person is any natural person who is associated with a futures commission merchant or with an agent of a futures commission merchant as a partner, officer, or employee (or a natural person occupying a similar status or performing similar functions), in any capacity which involves (i) the solicitation or acceptance of customers' orders (other than in a clerical capacity) or (ii) the supervision of any person or persons so engaged. Proposed § 1.3(aa); *see* Section 4k of the Act, 7 U.S.C. 6k, *as amended by* Futures Trading Act of 1978, Pub. L. 95–405, § 7, 92 Stat. 869–70.

[3] Section 4k of the Act makes it unlawful for a person to be *associated with* a futures commission merchant or with an agent thereof in any capacity which involves either the solicitation or acceptance of customers' orders (other than in a clerical capacity) or the supervision of any person or persons so engaged, unless such person is registered with the Commission. An AP associated with an agent of an FCM would have to be sponsored, and his application certified, by the futures commission merchant. Nothing contained in the proposed regulations, however, would or should be interpreted as in any way intended to limit the liability of the futures commission merchant or its agent for the conduct of an AP associated with the agent. *See* Section 2(a)(1) of the Act, 7 U.S.C. 4; 17 CFR 1.2.

[4] In connection with this proposed rulemaking, the Commission is considering whether it would be appropriate to prohibit an associated person from having more than one sponsor at a time. The Commission wishes to give notice that it may adopt this position in the final regulations and specifically invites comments on whether the proposed regulations should preclude "multiple sponsorships."

[5] *See, e.g., Reauthorization of the Commodity Futures Trading Commission: Hearings Before the Subcomm. on Agricultural Research and Gen. Legislation of the Senate Comm. on Agriculture, Nutrition, and Forestry*, 95th Cong., 2d Sess. (1978), Part I at 8 (testimony of Elmer B. Staats, Comptroller General of the United States); *id.* Part II at 26–27 (testimony of Chairman Bagley); *id.* Part II at 27 (testimony of Vice Chairman Rainbolt); *Hearings Before the Subcomm. on Conservation and Credit of the House Comm. on Agriculture on H.R. 10285*, 95th Cong., 2d Sess. (1978) 61 (statement of Vice Chairman Rainbolt); *id.* at 371 (testimony of Henry Eschwege, Director, Community and Economic Development Division, General Accounting Office); *id.* at 379 (statement of Paul Guzzi, Secretary of State, Commonwealth of Massachusetts); *id.* at 427 (statement of Leonard R. Goldstein, General Counsel, National Association of Commodity Options Dealers).

[6] 7 U.S.C. 12a(1), *as amended by* Futures Trading Act of 1978, Pub. L. 94–405, § 17(1), 92 Stat. 874.

[7] The revised Form 8–R will be published for public comment at a later date. The Commission will address certain issues relating to the Privacy Act, 5 U.S.C. 552a, in the context of publishing the new Form 8–R, including among others, adequate notice to APs of the disclosures of certain personal information to sponsoring FCMs which would be required and appropriate safeguards to insure that such information is handled properly.

[8] A floor broker is any person who, in or surrounding any "pit," "ring," "post," or other place provided by a contract market for the meeting of persons similarly engaged, shall purchase or sell for any other person any commodity for future delivery on or subject to the rules of any contract market. Section 2(a)(1) of the Act, 7 U.S.C. 2.

[9] Proposed § 1.3(v).

[10] A commodity pool operator is any person engaged in a business which is of the nature of an investment trust, syndicate, or similar form of enterprise, and who, in connection therewith, solicits, accepts, or receives from others, funds, securities, or property, either directly or through capital contributions, the sale or stock or other forms of securities, or otherwise, for the purpose of trading in any commodity for future delivery on or subject to the rules of any contract market, but does not include such persons not within the intent of this definition as the Commission may specify by rule or regulation or by order. Section 2(a)(1) of the Act, 7 U.S.C. 2. *See also* 17 CFR 4.12, 4.13(a).

[11] A commodity trading advisor is any person who, for compensation or profit, engages in the business of advising others, either directly or through publications or writings, as to the value of commodities or as to the advisability of trading in any commodity for future delivery on or subject to the rules of any contract market, or who for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning commodities; but does not include (i) any bank or trust company, (ii) any newspaper reporter, newspaper columnist, newspaper editor, lawyer, accountant, or teacher, (iii) any floor broker or futures commission merchant, (iv) the publisher of any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation including their employees, (v) any contract market, and (vi) such other persons not within the intent of this definition as the Commission may specify by rule, regulation, or order: *Provided*, That the furnishing of such services by the foregoing persons is solely incidental to the conduct of their business or profession. Section 2(a)(1) of the Act, 7 U.S.C. 2. *See also* Section 4m of the Act, 7 U.S.C. 6m, *as amended by* Futures Trading Act of 1978, Pub. L. 95–405, § 8, 92 Stat. 870; 7 CFR 4.12, 4.13(b).

[12] *See* proposed § 1.10f.

[13] Nor does the Commission believe that the program will involve any undue privacy burdens for the APs being sponsored. *See* note 7, *supra*.

[14] In this context, the Commission wishes to emphasize that nothing contained in these proposed regulations alters the Commission's position and its practice in light of that position that, for those categories of registrants who will still be required to renew their registrations, applications for renewal of registration which are not completed and filed with (received by) the CFTC by the expiration date of the current registration constitute applications for *initial* registration subject, in appropriate cases, to the provisions of Sections 4n(5) and 8a(2) of the Act, 7 U.S.C. 6n(5), *as amended by* Futures Trading Act of 1978, Pub. L. 95–405, § 9(1), 92 Stat. 870, 12(a)(2). This same position and practice would, of course, be equally applicable to persons filing applications in accordance with the regulations proposed herein. The Commission further notes that if there is no derogatory information concerning the applicant or, as appropriate, the applicant's principals, a minimum of 8–10 weeks is required to process a properly completed application for initial registration. Most of this time is necessary to permit the Federal Bureau of Investigation to check its records to assist the CFTC in this agency's evaluation of the applicant's fitness for registration.

[15] The added cost to firms which already have an "in-house" fingerprinting capability would be negligible. The Commission is also informed that even for persons who would have to utilize a local police station to obtain their fingerprints, the cost would range from approximately five to ten dollars. The Commission wishes to give notice in this **Federal Register** release that, based upon comments received and its own further evaluation of the proposed fingerprinting program, it may include provisions to add security to that program as part of any final regulations which may be adopted. Thus, for example, when an applicant used a local police station to obtain his fingerprints, a representative of the FCM might be required to accompany the applicant and witness the process so that the firm could thereafter certify that the fingerprints submitted are in fact those of the applicant. The Commission specifically invites suggestions regarding possible further security measures and invites comments as to the need for, appropriateness of, and possible added costs of such additional measures.

[16] 7 U.S.C. 6p.

[17] Section 4p authorizes the Commission to prescribe by regulation that floor brokers, FCMs, and persons associated with either of them be subject to a proficiency examination. Section 4p further authorizes the Commission to specify exemptions to any such examination where such exemptions are in the public interest and where the exempted individuals have demonstrated, through training and experience, the degree of proficiency and skill necessary to protect the interests of the customers of FCMs and floor brokers.

D. Section-by-Section Analysis

1. *Use of "Natural Person."* Section 2(a)(1) of the Act broadly defines the term "person" to include individuals, associations, partnerships, corporations and trusts.[18] There are instances, however, in which the context of a particular section of the Act, given its expressed objective and other relevant considerations dictates that the meaning of person should not include all the categories of entities set forth in Section 2(a)(1). For example, as has been discussed, Section 8a(1) of the Act [19] authorizes the Commission to require fingerprinting of applicants and persons associated with applicants. Since only natural persons can be fingerprinted, it is clear that the term person, as used in the context of fingerprinting, does not include all the categories in Section 2(a)(1). Accordingly, the proposed regulations refer only to natural persons in provisions relating to fingerprinting.

Similarly, Section 4k of the Act [20] sets forth the requirement that persons associated with FCMs and agents of FCMs be registered with the Commission. While not conclusive as to the intended meaning of "person" in this section, the legislative history of the Act supports the view that Congress expected that only natural persons would be registered as APs.[21] Furthermore, in its history, the Commission has accepted applications from and has registered only individuals as APs.[22] Moreover, in view of the need for close, direct supervision and control of APs by FCMs and the necessity that APs be accountable directly for their actions with respect to customers, the public interest requires that only natural persons should be registered as associated persons. In view of these considerations, the Commission's proposed definition of associated person in § 1.3(aa) includes only natural persons.[23]

2. § 1.3(v): *Principal.* The proposed definition of the term "principal" essentially codifies, with minor changes, the Commission's existing practice with respect to those persons who must file the Form 8–R to apply for registration [24] or who must be identified as a principal by FCMs, CTAs and CPOs on the Form 7–R.[25] The new definition is not intended to alter the definition of principal contained in Part 4 of the regulations [26] and, if adopted, would render that separate definition unnecessary and make possible its deletion from the regulations.

3. §§ 1.10, 1.10c, 1.10d: *Registration and Financial Reports of Futures Commission Merchants; Registration of Commodity Trading Advisors; Registration of Commodity Pool Operators.* These proposed regulations retain the current requirement that applications for initial registration and renewals of registration be filed on Form 7–R,[27] and that a Form 8–R be filed for every principal of the applicant with the initial Form 7–R.[28] Similarly, a person who becomes a principal of the applicant or the registrant after the filing of the Form 7–R would still be required to execute the Form 8–R; however, the applicant or registrant would be responsible for filing the Form 8–R and a specified time period of twenty days for filing would be substituted for the existing requirement that the Form 8–R for a new principal be filed promptly.[29] The language of those sections would be revised to reflect that, in the case of FCMs, CTAs, and CPOs, only principals who are natural persons would be required to complete a Form 8–R.

Each existing registrant will be required to file a revised Form 8–R with fingerprints for each of its principals not more than ninety days after the registrant's first renewal of registration subsequent to the effective date of the proposed regulations.[30] Where, however, the revised Form 8–R and fingerprints have already been filed by [31] or for a principal, the registrant will not be required to refile either of them to comply with §§ 1.10(a), 1.10c, or 1.10d [32] except in response to a request by the Commission or certain designated members of its staff.[33]

4. § 1.10a: *Registration of Floor Brokers.* Under this section, initial applications for, and applications for renewal of, floor broker registration would continue to be filed on the Form 8–R which would be revised to reflect the new regulations. An applicant's fingerprints would be filed as part of the revised Form 8–R, but registered floor brokers who are applying for renewal could submit their fingerprints up to thirty days after the effective date of their first renewal of registration after the new regulations have become effective.[34]

5. § 1.10b: *Registration of Associated Persons.* The Commission's practices with respect to this category of registrants would be altered significantly. To be registered, an individual would have to be an associated person of a particular, sponsoring futures commission merchant or its agent, and he would remain registered, with the exceptions specified in proposed § 1.10b(b), until this relationship terminated. Except as specified in proposed § 1.10b(d), each application for registration would be deemed to be an initial application, subject to denial or withdrawal under Section 8a(2) of the Act [35] and § 1.10e of the Commission's regulations.[36]

Certification by sponsoring FCM. Paragraph (c)(1)(i) of proposed § 1.10b would require that Form 8–R, as revised, contain a certification by the futures commission merchant that the applicant is either currently associated with the firm or its agent, or will be so associated within thirty days after the receipt of notification provided for in proposed § 1.10b(c)(3). Proposed § 1.10b(c)(1)(i) further requires the sponsoring FCM to certify that the applicant will not be permitted to act as an AP (as defined in proposed § 1.3(aa)) until registered in accordance with § 1.10b. [37]

Proposed § 1.10b(c)(1)(ii) requires the sponsoring FCM to make whatever inquiries are necessary to certify that it has investigated and verified the applicant's education and employment history and that they are accurately represented in the Form 8–R. This "screening" requirement would not apply, however, in the case of existing APs.

While the proposed regulations do not delineate the exact procedures that an FCM must follow in checking the applicant's education and employment, the application form will be redesigned to incorporate screening into the application process by specifying which items of information supplied by the applicant must be verified by the FCM.[38] Thus, even though a detailed screening procedure would not be specified in the regulations, the sponsor, in order to make the required verifications on the Form 8–R, would have to employ methods comparable to those customarily employed by the financial community for sensitive positions. For example, in order to verify the applicant's educational background, a firm would have to make whatever inquiries were necessary to verify such information as the applicant's post-secondary degrees and duration of attendance.[39]

In addition to performing employment and educational background checks, proposed § 1.10b(c)(1)(iii) requires sponsors to make such additional inquiries and investigations of an applicant's background as are necessary to be reasonably satisfied that the application is accurate and complete. This would include investigations into, and documentation of, any adverse information—*e.g.*, a conviction—that is reflected in the application and which is publicly available. To insure that this latter step is carried out, the sponsoring FCM must review all of the publicly available information contained in the application and must certify that the information in question has been checked and that it is accurate and complete to the best of the sponsors knowledge, information, and belief.[40]

Some firms may follow the practice commonly used for registration screening in the securities industry, which is to hire investigative agencies to perform some or all of the screening functions. Although the Commission does not object to such a practice, the proposed regulations make clear that, ultimately, it is the FCM's responsibility to assure itself of the accuracy of the representations that are made to the Commission.

Finally, proposed § 1.10b(c)(1)(iv) requires the sponsoring futures commission merchant to retain records necessary to document the certifications required by § 1.10b(c)(1)(i)–(iii) and § 1.10b(d)(1), which is discussed separately below.

Fingerprints. Proposed § 1.10b(c)(2) requires each application for registration (Form 8–R) to be accompanied by the applicant's fingerprints. Any person registered as an AP on the effective date of this section, however, will be permitted to file his fingerprints up to thirty days after his first registration under the new regulations if such person utilizes the expedited registration procedures provided in proposed § 1.10b(d), discussed below.

Expedited registration. Proposed § 1.10b(d) provides a special procedure designed to facilitate moves within the industry and to prevent delays attributable solely to the processing of paperwork. The procedure would be available to an individual who is registered with the Commission as an AP or whose registration has terminated within the preceding thirty days.[41] It could also be used by an individual whose AP registration may have terminated more than thirty days before but who was granted AP registration within the preceding twelve months. Finally, this expedited registration procedure would also "grandfather" any existing AP who, at the time of the first expiration of his AP registration subsequent to the effective date of proposed § 1.10b, is associated with the certifying FCM or its agent. Individuals covered under § 1.10b(d) would be registered upon the mailing to the Commission of a certification by the sponsoring FCM that the individual has been hired by the firm as an AP and that the firm has determined that the applicant is eligible for this expedited treatment and that, in all cases except those involving initial registrations under the new regulations for existing APs, the firm has made certain checks with the Commission concerning the applicant.[42] These latter checks are principally intended to insure that no individual is permitted to utilize the privilege of expedited registration to evade the fitness standards for registrants imposed by the Act and the Commission's regulations and interpretations of those standards. The Commission wishes to make clear that, in any event, the granting of registration under this expedited procedure does not, and in fact, could not constitute a finding of fitness. FCMs using this procedure must file a completed Form 8–R and fingerprints for the individual within thirty days of the individual's having become an associated person of the FCM or its agent.[43]

Duration of AP registration. Each association with an FCM or its agent would require a new registration. That registration, however,would not be required to be renewed every two years as is the case under the current system. Instead, the AP would remain registered as being associated with the sponsoring FCM or its agent until either that assocation is terminated,[44] the AP's registration is suspended or revoked, or the sponsoring FCM's registration is revoked, suspended, lapsed, or withdrawn.[45]

Petitions for exemption from requirements of proposed § 1.10b. Proposed § 1.10b(e) allows any person who is adversely affected by the requirements of proposed § 1.10b to petition the Commission for an exemption therefrom. While it is not possible for the Commission to anticipate with certainty all specific circumstances in which an exemption from § 1.10b might be appropriate, it may nonetheless be useful to indicate generally some standard which might apply. Thus, for example, the Commission believes that relief should

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[18] 7 U.S.C. 2. Except where the context provides otherwise, § 1.3(u) of the regulations defines "person" in identical terms. 17 CFR 1.3(u).

[19] 7 U.S.C. 12a(1), *As amended by* Futures Trading Act of 1978, Pub. L. 95–405, § 17(1), 92 Stat. 874.

[20] 7 U.S.C. 6k, *as amended by* Futures Trading Act of 1978, Pub. L. 95–405, §7, 92 Stat. 869–70.

[21] *See* H.R. REP. 93–975, 93d Cong., 2d Sess. 78 (1974) (registration of "associated persons" necessary because "customers' men" were mishandling customers' accounts).

[22] The regulatory scheme established pursuant to the Securities Exchange Act of 1934 ("SEA"), 15 U.S.C. 78a *et seq.*, provides that registration of associated persons in the securities industry be done for their members by self-regulatory organizations. The Commission has determined that the practice of such organizations is consistent with the above-described interpretation, and notes in this regard that the definition of associated person in the SEA is virtually identical to the language in Section 4k of the Act. *See* SEA Section 3(a)(18), 15 U.S.C. 78c(a)(18).

[23] Proposed § 1.3(aa) would also make it clear that APs must be associated with a particular FCM or its agent.

[24] 42 FR 23988, 23992, 24005 (1977).

[25] 42 FR 23988, 23991, 23998, 24005 (1977).

[26] 17 CFR 4.10(e).

[27] Proposed §§ 1.10(a)(1)(i), (ii) (futures commission merchants); 1.10c(a),(b) (commodity trading advisors); 1.10d(a),(b) (commodity pool operators).

[28] Proposed §§ 1.10(a)(1)(i), (ii) (futures commission merchants); 1.10c(a) (commodity trading advisors); 1.10d(a),(b) (commodity pool operators).

[29] Proposed §§ 1.10(a)(1)(iii), (ii) (futures commission merchants); 1.10c(c) (commodity trading advisors); 1.10d(c) (commodity pool operators).

[30] Proposed §§ 1.10(a)(1)(iv) (futures commission merchants); 1.10c(d) (commodity trading advisors); 1.10d(d) (commodity pool operators).

[31] The definition of "principal" includes, for example, sole proprietors. *See* proposed § 1.3(v)(1).

[32] The Commission specifically requests comments on whether it should retain the proposed exemptions which allow certain persons (other than applicants for AP registration) who are applying for registration with the Commission or who are principals of an applicant or registrant not to refile their fingerprints and the Form 8–R if they have already filed those materials with the Commission. *See* proposed §§ 1.10(a)(1) (i), (iii), (iv) (futures commission merchants); 1.10a(c) (floor brokers); 1.10c (a), (c), (d) (commodity trading advisors); 1.10d (a), (c), (d) (commodity pool operators). Based upon the record in this proceeding, the Commission may find it necessary to delete the proposed exemptions.

[33] Proposed § 1.10f.

[34] Proposed § 1.10a(a),(c).

[35] 7 U.S.C. 12a(2).

[36] 17 CFR 1.10e.

[37] If, after the filing of the Form 8–R, the applicant either fails to become an associated person of the FCM or its agent or if that relationship is terminated, the sponsoring FCM must promptly report the fact to the Commission. Proposed § 1.14(d).

[38] The information which the sponsoring FCM must certify will be set forth in the instructions to the revised Form 8–R which will be published by the Commission for public comment at a later date. Again, the Commission intends to address issues arising under the Privacy Act in the course of revising the Form 8–R. *See* note 7, *supra*. The Commission specifically invites comments on the extent to which FCMs should be required to verify information on the Form 8–R, given practical and privacy-related concerns.

[39] The Commission specifically requests comments concerning the appropriateness and desirability of retaining the current requirement that persons completing the Form 8–R provide information relating to their educational background. *See generally* 42 FR 23988, 23990 (1977).

[40] *See* note 38, *supra*.

[41] The Commission requests comments as to the appropriateness of this thirty-day grace period. Specifically, the Commission is interested in receiving comments on whether any such period should be of lesser of greater duration.

[42] Proposed § 1.10b(d)(1).

[43] Proposed § 1.10b(d)(3).

[44] The sponsoring FCM would, in that case, be required to promptly notify the Commission of that fact. Proposed § 1.14(d)(2).

[45] Proposed § 1.10b(b).

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be granted in certain cases involving hardship created by the regulation. Such hardship might result from situations involving the termination of an AP's registration because of the merger of a sponsoring FCM or the revocation or suspension of such a firm's registration. In such circumstances, the formerly registered AP might seek an exemption under § 1.10b(e) if he had become ineligible for the expedited registration procedures under § 1.10b(d).

In this context, the Commission wishes to emphaize that its refusal to register an applicant based upon the absence of a sponsor would not constitute a denial of the type contemplated by section 8a(2) of the Act—*i.e.*, it would *not* constitute a finding of unfitness which could be a ground for denial of any future application submitted by the applicant.[46] The absence of a sponsor would, instead, mean that the application was incomplete and therefore could not be considered.

Foreign associated persons. In revising § 1.10b, the existing provision respecting registration of foreign associated persons would be eliminated.[47] The Commission believes that, given this agency's limited resources, it is appropriate at this time to focus its customer protection activities upon domestic firms and upon firms soliciting or accepting orders from domestic users of the futures markets and that the protection of foreign customers of firms confining their activities to areas outside this country, its territories, and possessions may best be for local authorities in such areas. Any person who solicits or accepts orders from within, or from any person residing within, the United States, its territories, or possessions, or who supervises any person or persons so engaged, however, would be required to register as an associated person in accordance with § 1.10b. A conforming amendment to § 1.11 is being proposed which would eliminate reference to foreign APs.

6. § 1.10f: *Supplemental Filings:* This section restates the Commission's authority to obtain a new Form 8–R and fingerprints in circumstances where the Commission has reason to question the fitness of a registrant or applicant for registration.[48] It also explicitly provides for routine or periodic Commission reviews of a registrant's fitness.[49] The Commission believes that with this provision, it can institute "permanent" registration which coincides with an AP's period of employment. Further, the Commission believes that this provision makes it unnecessary to require scheduled, periodic filings of the Form 8–R and fingerprints by other registrants and their principals.

As proposed, § 1.10f expands the existing requirements in §§ 1.10(a)(1), 1.10c, and 1.10d [50] which specify that any person who has filed a Form 8–R in connection with the registration of an FCM, CTA, or CPO shall file a current Form 8–R upon request by the Commission. Section § 1.10f would also apply to APs and floor brokers and would require the submission of a new Form 8–R with fingerprints.

In consideration of the foregoing, the Commission, pursuant to the authority contained in Sections 2, 4d, 4e, 4f, 4g, 4k, 4m, 4n, 4p, 6, and 8a of the Act, 7 U.S.C. 2, 4, 6d, 6e, 6f, 6g, 6k, 6m, 6n, 6p, 9, and 12a, as amended, 92 Stat. 865 *et seq.*, hereby proposes to revise Chapter 1 of Title 17 of the Code of Federal Regulations by revising § 1.3(v), by amending § 1.3(aa), by revising §§ 1.10, 1.10a, 1.10b, 1.10c, 1.10d, by adding § 1.10f, and by amending §§ 1.11 and 1.14(d) as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. Section 1.3(v) is revised to read as follows:

§ 1.3 Definition.

* * * * *

(v) *Principal.* This term means any person having the power, directly or indirectly, through agreement or otherwise, to exercise a controlling influence over a registrant or a person required to be registered under the Act or these regulations, including, but not limited to: (1) any sole proprietor, general partner, officer, director, branch office manager, or any person occupying a similar status or performing similar functions; (2) any holder of more than ten percent of the outstanding shares of any class of stock; or (3) any person who has contributed more than ten percent of the capital.

2. Section 1.3(aa) is amended to read as follows:

§ 1.3 Definitions.

* * * * *

(aa) *Associated person.* This term means any natural person who (as provided in section 4k of the Act) is associated with a futures commission merchant or with an agent of a futures commission merchant, as a partner, officer, or employee (or any natural person occupying a similar status or performing similar functions), in any capacity which involves (1) the solicitation or acceptance of customers' orders (other than in a clerical capacity) or (2) the supervision of any person or persons so engaged.

3. Paragraph (a) of § 1.10 is revised to read as follows:

§ 1.10 Registration and Financial Reports of Futures Commission Merchants

(a) *Application for registration.* (1)(i) *Initial Registration.* Application for initial registration as a futures commission merchant must be on Form 5–R, completed and filed with the Commission in accordance with the instructions thereto. Each Form 7–R must be accompanied by a Form 8–R, completed in accordance with the instructions thereto and executed by each natural person who is a principal of the applicant. Each such principal must file his fingerprints with the Form 8–R on fingerprint cards provided by the Commission for that purpose, except that any such principal who has previously filed his fingerprints and a Form 8–R with the Commission in accordance with the requirements of §§ 1.10, 1.10a, 1.10b, 1.10c, or 1.10d and who is not himself applying for registration as a futures commission merchant is not required to refile his fingerprints or a Form 8–R to comply with this paragraph (a)(1)(i).

(ii) *Renewal of registration.* Except as otherwise provided in paragraph (a)(1)(iv) of this section, application for renewal of registration as a futures commission merchant must be on Form 7–R, completed and filed with the Commission in accordance with the instructions thereto.

(iii) *Addition of principals subsequent to filing of Form 7–R.* Notwithstanding the provisions of § 1.14, within twenty days after any natural person becomes a principal of the applicant or registrant subsequent to the filing of a Form 7–R in accordance with the requirements of paragraphs (a)(1)(i) or (a)(1)(ii) of this section, the applicant or registrant must file with the Commission a Form 8–R, in accordance with the instructions thereto. The Form 8–R must be completed by such principal in accordance with the instructions thereto and must be accompanied by that person's fingerprints on fingerprint cards provided by the Commission for that purpose. This filing need not be made for any such principal who has previously filed his fingerprints and a Form 8–R in accordance with the requirements of §§ 1.10, 1.10a, 1.10b, 1.10c, or 1.10d: *Provided,* that the futures commission merchant must notify the Commission within twenty days of the name of such added principal on Form 3–R.

(iv) *Filing of Form 8–R with fingerprints for existing principals.* The first Form 7–R filed subsequent to the effective date of this section by a registered futures commission merchant in accordance with paragraph (a)(1)(ii) of this section must be accompanied by a Form 8–R completed and executed in accordance with the instructions thereto and a completed fingerprint card, provided by the Commission for that purpose, for each natural person required to be listed on that Form 7–R as a principal of that futures commission merchant. In the alternative, the Form 8–R and fingerprint card may be filed by the futures commission merchant up to ninety days after the effective date of the renewal of its registration. This filing need not be made for any such principal who has previously filed his fingerprints and a Form 8–R in accordance with the requirements of §§ 1.10, 1.10a, 1.10b, 1.10c, or 1.10d.

* * * * *

4. Section 1.10a is revised to read as follows:

§ 1.10a Registration of floor brokers.

(a) *Initial Registration.* Application for initial registration as a floor broker must be on Form 8–R, completed and filed with the Commission in accordance with the instructions thereto. Each applicant for initial registration as a floor broker must file his fingerprints with the Form 8–R on fingerprint cards provided by the Commission for that purpose.

(b) *Renewal of Registration.* Except as otherwise provided in paragraph (c) of this section, application for newal of registration as a floor broker must be on Form 8–R, completed and filed with the Commission in accordance with the instructions thereto. A registrant applying for renewal of registration as a floor broker may incorporate by reference information furnished to the Commission by the registrant on a Form 8–R or supplement thereto previously filed with the Commission if such information remains accurate and unchanged.

(c) *Fingerprints Required From Existing Floor Brokers Upon First Renewal.* Each person who is registered as a floor broker as of the effective date of this section must file his fingerprints with the Commission on fingerprint cards provided by the Commission for that purpose. The fingerprint cards must either be filed with the first Form 8–R filed in accordance with paragraph (b) of this section, or, if not so filed, within thirty days after the effective date of the renewal of that person's registration as a floor broker. Any person who has previously filed his fingerprints in accordance with the requirements of §§ 1.10, 1.10a, 1.10b, 1.10c, or 1.10d is not required to refile his fingerprints to comply with this paragraph (c).

5. Section 1.10b is revised to read as follows:

§ 1.10b Registration of Associated Persons.

(a) *Registration Required.* It is unlawful for any person to act as an associated person unless registered as such in accordance with the procedures in paragraphs (c) or (d) of this section, except that this section does not preclude any registered associated person who was so registered on the effective date of this section from continuing to act as such until such person's current registration expires.

(b) *Duration of registration.* A person registered in accordance with paragraphs (c) or (d) of this section and whose registration has neither been suspended nor revoked in accordance with section 8a(3) of the Act will continue to be so registered until: (1) the cessation of the association of the registrant with the futures commission merchant or its agent; or (2) the revocation, suspension, lapse, or withdrawal of the registration of the futures commission merchant with which the registrant is associated.

(c) *Application for registration.* Except as otherwise provided in paragraph (d) of this section, application for registration as an associated person must be on Form 8–R, completed and filed with the Commission in accordance with the instructions thereto.

(1) No Form 8–R will be deemed acceptable for filing under this section unless an officer, if the registered futures commission merchant is a corporation, a general partner, if a partnership, or the sole proprietor, if a sole proprietorship, of such futures commission merchant has signed and dated a certification in writing thereon, stating that:

(i) It is the intention of the futures commission merchant or its agent to hire or otherwise employ the applicant as an associated person and that it will do so within thirty days after the receipt of the notification provided in accordance with paragraph (c)(3) of this section and that the applicant will not be permitted to solicit or accept customers' orders (other than in a clerical capacity) or to supervise any person or persons so engaged until the applicant is registered as an associated person in accordance with this section;

(ii) The futures commission merchant has verified the information supplied by the applicant in response to the questions on Form 8–R which relate to the applicant's education and employment history, except that this paragraph (c)(1)(ii) does not apply to any person who, at the time of the first expiration of that person's registration as an associated person subsequent to the effective date of this section, is associated with the certifying futures commission merchant or its agent;

(iii) To the best of the futures commission merchant's knowledge, information, and belief, all of the publicly available information supplied by the applicant on Form 8–R is accurate and complete: *Provided,* that it is unlawful for the futures commission merchant to make the certification required by this paragraph (c)(1)(iii) if the futures commission merchant knew or should have known that any of that information is not accurate and complete; and

(iv) The futures commission merchant will retain in accordance with §1.31 such records as are necessary to support the certifications required by paragraphs (c)(1)(i) through (c)(1)(iii) of this section and, where applicable, paragraph (d)(1) of this section.

(2) Each Form 8–R filed in accordance with the requirements of this § 1.10b must be accompanied by the fingerprints of the applicant on fingerprint cards provided by the Commission for that purpose.

(3) When the Commission determines that an applicant for registration as an associated person is not unfit for such registration, it will provide notification in writing to the futures commission merchant which has made the certifications required by paragraph (c)(1) of this section that the applicant's registration as an associated person is granted contingent upon the futures commission merchant or its agent hiring or otherwise employing the applicant as such within thirty days.

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[46] *Cf.* Section 8a(2) of the Act, 7 U.S.C. 12a(2); 17 CFR 1.10e(e).

[47] The requirement of registration for foreign APs became effective on September 9, 1975. 40 FR 30108, 30107 (1975).

[48] If, in light of the Commission's information and the fitness check based upon the Form 8–R and the fingerprints received pursuant to proposed § 1.10f, the applicant or registrant appears to the Commission to be unfit, a formal proceeding may be instituted in accordance with Sections 4n(6), 6(b), and 8a(2) or (3) of the Act. 7 U.S.C. 6n(6), *as amended by* Futures Trading Act of 1978, Pub. L. 95–405, § 9(1), 92 Stat 870, 9, 12a(2), (3), to determine whether the registration should be denied, suspended, or revoked.

[49] The United States General Accounting Office has recommended that the Commission implement the necessary procedures to conduct such periodic reviews. Comptroller General of the United States, *Regulation of the Commodity Futures Markets—What Needs to be Done* 81, 84–85, 91–92 (1978).

[50] 17 CFR 1.10(a)(1), 1.10c, 1.10d.

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(d) *Special registration procedures for certain persons.* Any person who is registered in accordance with paragraphs (c) or (d) of this section, whose registration in accordance with paragraphs (c) or (d) of this section has terminated within the preceding thirty days, whose registration in accordance with this section has been granted within the preceding twelve months or who, at the time of the first expiration of that person's registration as an associated person subsequent to the effective date of this section, is associated with the futures commission merchant making the certification required by paragraph (d)(1) of this section or its agent:

(1) Will be registered as an associated person of a registered futures commission merchant or its agent upon the mailing to the Commission of a written certification by that futures commission merchant stating:

(i) That such person is eligible to be registered in accordance with this paragraph (d);

(ii) That such person has been hired or is otherwise employed by such futures commission merchant or its agent; and

(iii) That the futures commission merchant has determined from the Commission that such person's registration as an associated person is not suspended or revoked, that there is not pending a proceeding under sections 4n(5), 4n(6), 8a(2) or 8a(3) of the Act or § 1.10e to deny, suspend or revoke such person's registration in any capacity and that the Commission has not within the preceding twelve months permitted the withdrawal of such person's application for registration in any capacity after instituting the procedures provided in § 1.10e, except that this paragraph (d)(1)(iii) does not apply to any person who, at the time of the first expiration of that person's registration as an associated person subsequent to the effective date of this section, is associated with the certifying futures commission merchant or its agent.

(2) The certification permitted by paragraph (d)(1) of this section must be signed and dated by an officer, if the futures commission merchant is a corporation, a general partner, if a partnership, or the sole proprietor, if a sole proprietorship.

(3) Within thirty days of mailing the certification permitted by paragraph (d)(1) of this section, the futures commission merchant must complete and file with the Commission a Form 8–R in accordance with the instructions thereto. The Form 8–R must contain the certifications required by paragraphs (b)(1)(ii)–(iv) of this section and must be accompanied by the fingerprints of the applicant on fingerprint cards provided by the Commission for that purpose.

(e) *Petitions for exemption.* Any person adversely affected by the operation of this § 1.10b may file a sworn petition with the Secretary of the Commission, which petition must set forth with particularity the reasons why that person believes that an applicant should be exempted from the requirements of this section. The petition will be granted or denied by the Commission on the basis of the papers filed by the applicant. The Commission hereby grants to the Director of the Division of Trading and Markets or his designee the authority to grant or deny petitions filed pursuant to this paragraph (e).

6. Section 1.10c is revised to read as follows:

§ 1.10c Registration of Commodity Trading Advisors.

(a) *Application for Registration.* Application for initial registration as a commodity trading advisor must be on Form 7–R, completed and filed with the Commission in accordance with the instructions thereto. Each Form 7–R must be accompanied by a Form 8–R, completed in accordance with the instructions thereto and executed by each natural person who is a principal of the applicant. Each such principal must file his fingerprints with the Form 8–R on fingerprint cards provided by the Commission for that purpose, except that any such principal who has previously filed his fingerprints and a Form 8–R with the Commission in accordance with the requirements of §§ 1.10, 1.10a, 1.10b, 1.10c, or 1.10d and who is not himself applying for registration as a commodity trading advisor is not required to refile his fingerprints or a Form 8–R to comply with this paragraph (a).

(b) *Renewal of registration.* Except as otherwise provided in paragraph (d) of this section, application for renewal of registration as a commodity trading advisor must be on Form 7–R, completed and filed with the Commission in accordance with the instructions thereto.

(c) *Addition of principals subsequent to filing of Form 7–R.* Notwithstanding the provisions of § 1.14, within twenty days after any natural person becomes a principal of the applicant or registrant subsequent to the filing of a Form 7–R in accordance with the requirements of paragraphs (a) or (b) of this section, the applicant or registrant must file with the Commission a Form 8–R, in accordance with the instructions thereto. The Form 8–R must be completed by such principal in accordance with the instructions thereto and must be accompanied by that person's fingerprints on fingerprint cards provided by the Commission for that purpose. This filing need not be made for any such principal who has previously filed his fingerprints and a Form 8–R in accordance with the requirements of §§ 1.10, 1.10a, 1.10b, 1.10c, or 1.10d: *Provided,* that the commodity trading advisor must notify the Commission within twenty days of the name of such added principal on Form 3–R.

(d) *Filing of Form 8–R with fingerprints for existing principals.* The first Form 7–R filed subsequent to the effective date of this section by a registered commodity trading advisor in accordance with paragraph (b) of this section must be accompanied by a Form 8–R completed and executed in accordance with the instructions thereto and a completed fingerprint card, provided by the Commission for that purpose, for each natural person required to be listed on that Form 7–R as a principal of that commodity trading advisor. In the alternative, the Form 8–R and fingerprint card may be filed by the commodity trading advisor up to ninety days after the effective date of the renewal of its registration. This filing need not be made for any such principal who has previously filed his fingerprints and a Form 8–R in accordance with the requirements of §§ 1.10, 1.10a, 1.10b, 1.10c, or 1.10d.

7. Section 1.10d is revised to read as follows:

§ 1.10d Registration of Commodity Pool Operators.

(a) *Application for registration.* Application for initial registration as a commodity pool operator must be on Form 7–R, completed and filed with the Commission in accordance with the instructions thereto. Each Form 7–R must be accompanied by a Form 8–R, completed in accordance with the instructions thereto and executed by each natural person who is a principal of the applicant. Each such principal must file his fingerprints with the Form 8–R on fingerprint cards provided by the Commission for that purpose except that any such principal who has previously filed his fingerprints and a Form 8–R with the Commission in accordance with the requirements of §§ 1.10, 1.10a, 1.10b, 1.10c, or 1.10d and who is not himself applying for registration as a commodity pool operator is not required to refile his fingerprints or a Form 8–R to comply with this paragraph (a).

(b) *Renewal of registration.* Except as otherwise provided in paragraph (d) of this section, application for renewal of registration as a commodity pool operator must be on Form 7–R, completed and filed with the Commission in accordance with the instructions thereto.

(c) *Addition of principals subsequent to filing of Form 7–R.* Notwithstanding the provisions of § 1.14, within twenty days after any natural person becomes a principal of the applicant or registrant subsequent to the filing of a Form 7–R in accordance with the requirements of paragraphs (a) or (b) of this section, the applicant or registrant must file with the Commission a Form 8–R, in accordance with the instructions thereto. The Form 8–R must be completed by such principal in accordance with the instructions thereto and must be accompanied by that person's fingerprints on fingerprint cards provided by the Commission for that purpose. This filing need not be made for any such principal who has previously filed his fingerprints and a Form 8–R in accordance with the requirements of §§ 1.10, 1.10a, 1.10b, 1.10c, or 1.10d: *Provided,* that the commodity pool operator must notify the Commission within twenty days of the name of such added principal on Form 3–R.

(d) *Filing of Form 8–R with fingerprints for existing principals.* The first Form 7–R filed subsequent to the effective date of this section by a registered commodity pool operator in accordance with paragraph (b) of this section must be accompanied by a Form 8–R completed and executed in accordance with the instructions thereto and a completed fingerprint card, provided by the Commission for that purpose, for each natural person required to be listed on that Form 7–R as a principal of that commodity pool operator. In the alternative, the Form 8–R and fingerprint card may be filed by the commodity pool operator up to ninety days after the effective date of the renewal of its registration. This filing need not be made for any such principal who has previously filed his fingerprints and a Form 8–R in accordance with the requirements of §§ 1.10, 1.10a, 1.10b, 1.10c, or 1.10d.

8. Section 1.10f is added, and will read as follows:

§ 1.10f Supplemental Filings.

Notwithstanding any other provision of this chapter, the Commission or the Director of the Division of Trading and Markets or his designee, may, at any time, give written notice to any registrant, applicant for registration, or person required to be registered:

(a) That information has come to the attention of the Commission staff which, if true, could constitute grounds upon which to base a determination that the person is unfit to become, or to remain, registered in accordance with the Act or the regulations thereunder and setting forth such information in the notice, or that the Commission has undertaken a routine or periodic review of the registrant's fitness to remain so registered; and

(b) That the person, or any individual who, based upon his relationship with that person is required to file a Form 8–R in accordance with this part, as applicable, must, within five days of receipt thereof, or such shorter period of time as the Commission may specify, complete and file with the Commission a current Form 8–R, in accordance with the instructions thereto, which must be accompanied by that individual's fingerprints on fingerprint cards provided by the Commission for that purpose.

(c) Failure to provide the requested information is a violation of the Commission's regulations which itself constitutes grounds upon which to base a determination that the registrant is unfit to become or to remain so registered.

9. Section 1.11 is amended to read as follows:

§ 1.11 Registration Fees; Form of Remittance.

Each application for registration, or renewal thereof, as a futures commission merchant shall be accompanied by a fee of $200, plus a fee of $6 for each domestic branch office and for each correspondent or agent, operating within the United States, authorized to solicit or accept orders for the purchase or sale of any commodity for future delivery on behalf of the applicant. Each application for registration, or renewal thereof, as a floor broker or an associated person shall be accompanied by a fee of $20. Each application for registration, or renewal thereof, as a commodity trading advisor or commodity pool operator shall be accompanied by a fee of $50. Fees shall be remitted by money order, bank draft, or check, payable to the Commodity Futures Trading Commission.

10. Section 1.14(d) is amended to read as follows:

§ 1.14 Deficiencies, Inaccuracies, and Changes, to be Reported.

* * * * *

(d) After the filing of a Form 8–R by or on behalf of any person for the purpose of permitting that person to be an associated person of a futures commission merchant or its agent, that futures commission merchant must, within ten days after the occurrence of either of the following, file a report with the Commission indicating: (1) the failure of that person to become associated with the futures commission merchant or its agent and the reasons therefor; or (2) the termination of the association of that person with the futures commission merchant or its agent and the reasons therefor.

Issued in Washington, D.C., on March 14, 1980, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 80–8580 Filed 3–19–80; 8:45 am]

BILLING CODE 6351–01–M

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
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REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going into Effect Today

COMMUNITY SERVICES ADMINISTRATION

10794 2–19–80 / Summer Youth Recreation Program; funding and application process

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

12214 2–25–80 / Small power production and cogeneration facilities

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration—

10798 2–19–80 / New pneumatic tires for passenger cars; safety standards

10796 2–19–80 / Standards enforcement and defects investigation procedures

List of Public Laws

Last Listing March 19, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 5913 / Pub. L. 96–210 To amend section 502(a) of the Merchant Marine Act, 1936. (Mar. 17, 1980; 94 Stat. 100) Price $1.00.

S. 1792 / Pub. L. 96–211 To authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to Simon Wiesenthal. (Mar. 17, 1980; 94 Stat. 101) Price $1.00.

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Highlights

18884 Crosscutting Research and Demonstration HEW/HDSO announces availability of grantor cooperative agreement funds; apply by 5–20–80 (Part VIII of this issue)

18880 Juvenile Justice Justice/LEAA announces program designed to increase capacity of State and local governments and public and private youth serving agencies; comments by 4–21–80 (Part VII of this issue)

18372 Interest Rates FDIC amends regulations covering payment of interest on certain obligations; effective 3–17–80

18370 Nuclear Material NRC simplifies licensing requirements for export of minor quantaties; effective 4–21–80

18410 1980 Rice Program USDA/ASCS announces there will be no set aside program or land diversion payments

18876 CETA Labor/ETA announces list of prime sponsors from whom funds will be reallocated; effective 3–21–80 (Part VI of this issue)

18482 Food Additives HEW/FDA announces availability of a survey of industry on their use

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Highlights

18480 **Bureau of Foods Research Plan** HEW/FDA solicits information about food- and cosmetic-related research needs; comments by 5–20–80

18490 **Population** HEW/PHS provides state figures to be used in determining amounts of grants for State Agencies

18493 **Oil and Gas Information** Interior/GS announces the availability of Mid-Atlantic Summary Report and Outer Continental Shelf Directory; effective 3–3–80

18890 **Voting Rights** Justice proposes to revise procedures for administration of the 1965 Act; comments by 5–20–80 (Part IX of this issue)

18367 **Extra Long Staple Cotton** USDA/ASCS increases national marketing quota and national acreage allotment for 1980 crop; effective 3–20–80

18406 **National Cemeteries** VA proposes to revise regulations concerning disinterment; comments by 5–20–80

18487 **Privacy Act** HEW/Sec'y publishes a document affecting the systems of records

18485 **Privacy Act** HEW/ASPE issues a notification of a new system of records

18660 **Privacy Act** Treasury/Sec'y issues annual publication of systems of records (Part V of this issue)

18416 **Antidumping** Commerce/ITA issues a determination on portable electric typewriters from Japan; effective 3–21–80

18415 **Antidumping** Commerce/ITA issues a decision on melamine in crystal form from Italy; effective 3–21–80

18414 **Corn Starch Derivatives** Commerce/ITA imposes final countervailing duty determination on dextrines and soluble or chemically treated starches from Europe; effective 3–21–80

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18614 **Part III, USDA/APHIS**
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Rules and Regulations

Federal Register
Vol. 45, No. 57
Friday, March 21, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 337 and 410

Examining System; Training

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Civil Service Reform Act of 1978 contained certain grade and pay retention provisions. The legislation authorized the Office of Personnel Management to prescribe regulations to require agencies to take several remedial actions, including steps to assure that affected employees can acquire qualifications for selection to other positions. This document implements these statutory provisions.

EFFECTIVE DATE: April 21, 1980.

FOR FURTHER INFORMATION CONTACT: Richard Brown, Agency Compliance and Evaluation, Agency Relations, Office of Personnel Management, 1900 E Street, NW., Room 5460, Washington, D.C. 20415 (202) 632–4467.

SUPPLEMENTARY INFORMATION: On September 7, 1979, the Office of Personnel Management published proposed regulations to implement this section of the Civil Service Reform Act (44 FR 52217) and invited comments from the public. Comments were received from one labor organization. Those comments suggested clarification of regulations pertaining to crediting experience for employees entitled to retained grade and modification of regulations on training of retained grade employees to allow preparation for positions with higher career ladders than the employees' original positions.

The change clarifying regulations pertaining to crediting experience was made as suggested. The suggested modification on training was not adopted because it would have authorized training beyond that intended by the Civil Service Reform Act (Pub. L. 95–454).

OPM has determined that this is a significant regulation for the purposes of E.O. 12044.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management is amending Title 5, Code of Federal Regulations, as follows:

PART 337—EXAMINING SYSTEM

(1) Section 337.102 is added to read as follows:

§ 337.102 Evaluating qualifications for employees who are in a retained grade.

(a) Employees who are in a retained grade must have the experience they gain subsequent to the downgrading action that placed them in a retained grade considered in the following manner. For placements during the period the employee is in a retained grade, agencies must consider the experience subsequent to the downgrading action to be either:

(1) At the level of the retained grade and in the series of the position which he or she occupied at the time of the downgrading; or

(2) At the grade and in the series of the position to which the employee is downgraded.

(b) Agencies must determine which experience to consider on the basis of which will most likely result in placement. For placements or promotions after the retained grade period, the experience is considered only at the grade level and in the series of the position to which the employee was downgraded.

PART 410—TRAINING

(2) Part 410, Subpart E is amended by revising § 410.503 to read as follows:

§ 410.503 General prohibitions, training through non-Government facilities.

(a) An agency may not authorize the training of an employee through a non-Government facility for the purpose of making a promotion if another employee within the agency is:

(1) Equal in ability and suitability;

(2) Fully qualified to fill the position; and

(3) Available within a reasonable distance from the position location.

(b) To assure adherence to the constraint of paragraph (a) of this section, the agency head shall establish policies and procedures he or she considers reasonable and necessary relating to areas of consideration and to determinations concerning:

(1) Ability;
(2) Suitability;
(3) Availability;
(4) Qualifications; and
(5) Geographic location.

(c) An exception to the constraint of paragraph (a) is granted for training an employee under the authority of 5 U.S.C. 5364.

(d) An exception to 5 U.S.C. 4107(c)(1) is provided to employees trained under the authority of 5 U.S.C. 5364 if:

(1) The career ladder of the new occupation does not provide a greater potential for promotion than the occupation from which the employee was downgraded; and

(2) The new position is at or below the employee's retained grade.

(5 U.S.C. 5364)

[FR Doc. 80–8665 Filed 3–20–80; 8:45 am]
BILLING CODE 6325–01–M

COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Part 706

Amendments to Procedural Rules, Questions and Answers

AGENCY: Council on Wage and Price Stability.

ACTION: Interim final rule, with request for comments.

SUMMARY: To implement the decision of the President to expand the number of companies that periodically report price-change information, the Council is amending several sections of its procedural rules to lower the dollar threshold for formal reporting from $250 million to $100 million in annual net sales or revenues. The Council is also amending its rules to provide that compliance units that had, or are part of companies that had net sales or revenues of $100 million or more should request approval for exceptions under Section 706.31. The Council is also issuing a Question and Answer regarding self-administration of

exceptions by companies in the $100 million–$250 million range before the effective date of these changes.

DATES: The effective date is March 14, 1980; comments may be submitted by April 21, 1980.

ADDRESS: Written comments should be sent to Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Office of Price Monitoring

Energy, Chemicals, and Rubber—Larry Forest: 456–7747.
Health, Insurance, Regulated Industries, and Services—Arthur Corazzini: 456–7730.
Construction & Construction Materials—Joseph Lackey: 456–7158.
Food, Agriculture, and Trade—Stephen Hiemstra: 456–7740.
Metals, Machinery and Equipment—Eugene Roberts: 456–7784.
Exceptions—Walter Leibowitz/David Wagner: 456–7733.

Office of General Counsel

Alfred M. Wurglitz: 456–6286.
George R. Johnson, Jr.: 456–6286.
Charles A. Samuels: 456–6286.

SUPPLEMENTARY INFORMATION: On March 14, 1980, the President announced several wage and price actions as part of his anti-inflation program. One of these actions was to reduce the threshold for regular, formal reporting of data for evaluating compliance information from $250 million to $100 million in annual net sales or revenues. These changes to Part 706 implement the President's decision.

Compliance units meeting the new dollar reporting thresholds are asked to submit Form CO–1 (Price) by May 1, 1980, and Form PM–1 (Second Program Year) by May 15, 1980.

In addition, the Questions and Answers III–C–13 issued today makes clear that, notwithstanding the provision lowering the threshold for advance approval of exceptions from $250 million to $100 million, the Council is not requesting companies in the $100 million–$250 million range to seek ratification of any exceptions that were self-administered before March 14, 1980. Other Q's & A's are amended to conform with these changes.

The Council is publishing these materials on an interim final basis since compliance units with net sales or revenues of $100 million to $250 million have a need to know what actions to take under the standards and the procedural rules. The Council has provided a 30-day comment period rather than the customary 60-day period, since it is important to receive any public comments as soon as possible so that any changes may be made rapidly. Companies may rely fully on these interim provisions unless and until they are modified. Since companies in the $100 million to $250 million range were already within the purview of the anti-inflation program and all that is now requested is the filing of periodic reports, these changes are not significant regulations which are expected to have major economic consequences for the general economy within the meaning of Executive Order 12044.

(Council on Wage and Price Stability Act, Pub. L. 93–387 (August 24, 1974), as amended by Pub. L. 94–78 (August 9, 1975) and Pub. L. 95–121 (October 5, 1977), 12 U.S.C. 1904 note; as last amended by Pub. L. 96–10 (May 10, 1979); E.O. 12092 (November 1, 1978); E.O. 12161 (September 28, 1979).)

Issued in Washington, D.C., March 18, 1980.

R. Robert Russell,

Director, Council on Wage and Price Stability.

Accordingly, Part 706 of Title 6 CFR is amended as set forth below:

1. Section 706.21 is amended by changing the reporting threshold in paragraph (b) from "$250 million" to "$100 million" so as to read as follows:

§ 706.21 Submission on company organization for purposes of compliance.

* * * * *

(b) Company Organization for Price Compliance. A compliance unit that had, or that is part of a company that had, net sales or revenues of $100 million or more in its last complete fiscal year before October 2, 1979, and any other company designated by the Council, should furnish the council by a date to be announced by the Council with the information specified in § 707.1(a).

* * * * *

2. Section 706.22 is amended by changing the report threshold in paragraph (a) from "$250 million" to "$100 million" so as to read as follows:

§ 706.22 Periodic data submissions.

(a) Form PM–1. A compliance unit that had, or is part of a company that had, net sales or revenues of $100 million or more in its last complete fiscal year before October 2, 1979, and any other compliance unit designated by the Council, should furnish the Council with the data specified on Form PM–1. These submissions should be made not more than 45 calendar days after the end of each of the first three quarters and 60 calendar days after the end of the second program year.

* * * * *

3. Section 706.31 is amended by changing "$250 million" to "$100 million" in paragraph (a) so as to read as follows:

§ 706.31 Who should request approval.

(a) Any compliance unit or employee unit that intends to apply one or more of the exceptions specified in § 706.32 other than the tandem exception under Section 705B–9 should request a determination from the Council that the exception is warranted, if:

(1) The request relates to the price standard and the compliance unit had, or is part of a company that had net sales or revenues of $100 million or more in its last complete fiscal year prior to October 2, 1979; or

(2) The request relates to the pay standard, and (i) the affected employee unit consists of 100 or more employees in a compliance unit with (or that is part of a company with) 1,000 or more employees, or (ii) the affected collective-bargaining agreement covers 1,000 or more employees, regardless of the number of employees in an individual company's employee units.

The Council is also issuing the following Question and Answer III–C–13 to read as follows:

Q13. Notwithstanding Q & A III–C–7, if a company self-administered a hardship exception when it was not required to obtain advance approval, and it is now requested to obtain approval under amended § 706.31(a), should it seek ratification of the exception?

A. No. However, the company should notify the Council that it has self-administered an exception and maintain supporting documentation to be made available to the Council on request.

The Council is also amending the following Q's & A's (III–B–7; III–B–8; III–B–11; III–B–15; III–B–16; and III–C–1) which were published on November 21, 1979 (44 FR 67060) changing "$250 million" to "$100 million" in each case.

Finally, the Council is amending the Second-Year Price Standards Implementation Guide published January 16, 1980, (45 FR 3217) by changing "$250 million" to "$100 million" at 45 FR 3232, column 1.

[FR Doc. 80-8843 Filed 3-19-80; 12:58 pm]

BILLING CODE 3175-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 354

Overtime Services Relating to Imports and Exports; Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. These amendments establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of the Plant Protection and Quarantine Programs performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: March 21, 1980.

FOR FURTHER INFORMATION CONTACT:

E. E. Crooks, Regulatory Support Staff, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs, U.S. Department of Agriculture, Hyattsville, MD 20782 (301–436–8249).

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, as amended, January 5, September 28, and December 18, 1979, (44 FR 1364, 55791, and 74791) prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding (in appropriate alphabetical sequence) or deleting the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

Commuted Traveltime Allowances

[In Hours]

Location covered	Served from	Metropolitan area: Within	Metropolitan area: Outside
Delete:			
* * * * *			
Hawaii:			
Lihue, Kauai		2	
Undesignated Ports...	Hilo, Honolulu, or Keahole.		3
* * * * *			
Montana:			
Butte International Airport.	Butte (or vicinity temporarily detailed in excess of 12 hours).	2	
* * * * *			
Add:			
* * * * *			
Florida:			
Apalachicola	Panama City		3
Eglin Air Force Base	Panama City		3
Panama City		1	
Do	Pensacola		5
Pensacola	Panama City		5
Port St. Joe	Panama City		2
Undesignated Ports...	Panama City or Pensacola.		3
* * * * *			
Hawaii:			
Kapahi	Lihue		2
Kapaa	Lihue		2
Lihue, Kauai		1	
Undesignated Ports...	Hilo, Honolulu, Keahole, or Lihue.		3
* * * * *			
Missouri:			
Kansas City		1	
Richards-Gebaur AFB.	Kansas City	2	
* * * * *			
Oklahoma:			
Port of Catoosa	Oklahoma City		6
Port of Muskogee	Oklahoma City		6
Port of Verdigres	Oklahoma City		6
Tulsa International Airport.	Oklahoma City		6
Undesignated Ports...	Oklahoma City		3
* * * * *			
West Virginia:			
Kanawha Airport	Charleston	3	
Do	Clarksburg		6
* * * * *			
Wisconsin:			
Madison	Milwaukee		4
* * * * *			

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Harvey L. Ford, Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, that the emergency nature of this final rule warrants publication without opportunity for public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 354. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 14th day of March 1980.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine Programs Animal and Plant Health Inspection Service.

[FR Doc. 80-8377 Filed 3-20-80; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Stabilization and Conservation Service

7 CFR Part 722

Cotton, 1980 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to (1) determine and proclaim an increase in the national marketing quota and the national acreage allotment for the 1980-crop of extra long staple cotton (hereafter referred to as "ELS"cotton) and (2) apportion the revised national acreage allotment to the States. An investigation conducted pursuant to section 371(b) of the Agricultural Adjustment Act of 1938, as amended (hereafter referred to as the "Act") established that an increase in the national marketing quota and national acreage allotment is needed because of a material increase in export demand for ELS cotton.

EFFECTIVE DATE: March 20, 1980.

ADDRESS: Production Adjustment Division, ASCS, USDA, 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

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FOR FURTHER INFORMATION CONTACT: Charles V. Cunningham (ASCS) 202–447–7873.

SUPPLEMENTARY INFORMATION: On October 15, 1979, the Department announced a national marketing quota of 137,000 bales and a national acreage allotment of 112,027 acres for the 1980-crop of ELS cotton (44 FR 60255). On February 22, 1980, the Department announced that an investigation was being conducted pursuant to section 371(b) of the Act to determine whether, because of a material increase in export demand, an increase in the announced national marketing quota and the national acreage allotment is needed and, if so, the amount of the increase (45 FR 11858).

Exports of ELS cotton have materially increased in recent years. Exports averaged only 9,000 bales per year during the 5 marketing years 1972–73 through 1976–77. Exports increased to 25,000 bales during 1977–78, to 30,000 bales in 1978–79 and are projected to increase to 40,000 bales in 1979–80.

The investigation established that supplies, even under normal growing conditions, would not meet material increases in export demand and, in fact, the level of exports would not even be maintained at the projected 1979–80 level during the 1980–81 season unless the marketing quota and acreage allotment are increased by 24,000 bales and 20,000 acres, respectively.

The carryover of ELS cotton on August 1, 1980, is projected at 41,000 bales—a level below that generally considered desirable. (Given the higher export volume of recent years, the desirable carryover level is 50,000 to 60,000 bales).

If the yield per acre is about average for 1980, and the national allotment is not increased, both exports and domestic consumption would likely decline by around 5,000 bales each and imports would increase by about 5,000 bales, leaving an ending stock on July 31, 1981, of 39,000 bales. Below normal yields would result in even further reduction in exports and domestic use and larger imports.

A marketing quota of 161,000 bales (converted to an acreage allotment of 131,652 acres based on the average yield per planted acre during the 4-years 1975 through 1978) is needed to sustain exports at 40,000 bales and still provide minimum stock levels of about 40,000 bales.

Two comments were received as a result of the investigation. Both respondents recommended that the national acreage allotment be increased 20,000 acres.

After considering the comments and the results of the investigation, it is determined that pursuant to Section 371(b) of the Act, the national marketing quota for the 1980-crop of ELS cotton should be increased to 161,000 bales and that the national acreage allotment should be increased to 131,652 acres, because of a material increase in export demand. Accordingly, as provided for in section 371(c) of the Act, each farm marketing quota or acreage allotment for ELS cotton shall be increased in the same ratio.

It is essential that these provisions be made effective as soon as possible since ELS producers are now making their production and marketing plans for the 1980 season. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 and Executive Order 12044 is impracticable and contrary to the public interest. Therefore, this revision to the regulations at 7 CFR 722.558 to 722.560 shall become effective upon the filing of this document with the Director, Office of the Federal Register, with respect to the 1980 crop of ELS cotton.

Final Rule

PART 722—COTTON

Accordingly, the provisions of 7 CFR 722.558 through 722.560 are revised to read as follows:

§ 722.558 National marketing quota for the 1980 crop of ELS cotton.

The marketing quota for the 1980 crop of ELS cotton is hereby proclaimed to be an amount of 161,000 standard bales determined in accordance with Section 347(b) of the Agricultural Adjustment Act of 1938, as amended (hereafter referred to as the "Act"). The quota is based on the following data:

(a) Estimated domestic consumption, 1980–81	65,000
(b) Plus estimated exports, 1980–81	+40,000
(c) Plus adjustment to assure adequate stocks	+61,000
(d) Minus estimated imports 1980–81	−5,000
Total	161,000

§ 722.559 National acreage allotment for the 1980 crop of ELS cotton.

It is hereby determined and proclaimed that a national acreage allotment shall be in effect for the 1980 crop of ELS cotton. The amount of such national allotment is 131,652 acres calculated by multiplying the national marketing quota in bales by 480 pounds (net weight of a standard bale) and dividing the result by the national average yield of 587 pounds per planted acre of ELS cotton for the four calendar years 1975, 1976, 1977 and 1978.

§ 722.560 Apportionment of national acreage allotment to the States.

The national acreage allotment of 131,652 acres is apportioned to the States in accordance with section 344(b) of the Act as follows:

State	State allotment
Arizona	57,063
California	574
Florida	156
Georgia	172
New Mexico	26,557
Texas	47,127

(Secs. 301, 343, 344, 347, 375; 52 Stat. 38, as amended; 63 Stat. 670, as amended; 63 Stat. 675, as amended; 52 Stat. 66, as amended; (7 U.S.C. 1301, 1343, 1344, 1347, 1375))

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Charles V. Cunningham, ASCS, 202–447–7873.

Signed at Washington, D.C., on March 14, 1980.

Bob Bergland,

Secretary of Agriculture.

[FR Doc. 80-8341 Filed 3-20-80; 8:45 am]

BILLING CODE 3410-05-M

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7 CFR Part 730

1980 Crop Rice Marketing Quotas and Acreage Allotments

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This action is being taken in accordance with the provisions of Section 352 of the Agricultural Adjustment Act of 1938, as amended, which requires the Secretary of Agriculture to do the following: (1) Determine and proclaim a national rice acreage allotment; (2) apportion the national rice acreage allotment to administrative areas for farms and producers; and (3) establish the rice allotment for the farm (or in producer administrative areas, the producer allotments allocated to the farm) which will be used to determine loan eligibility and to compute deficiency payments if necessary.

DATES: This regulation shall be effective for the 1980 crop of rice on March 20, 1980.

FOR FURTHER INFORMATION CONTACT: George H. Schaefer, (ASCS) (202) 447–8480, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: The need for this rule is to satisfy the statutory requirements as provided for in Section 352 of the Agricultural Adjustment Act of 1938, as amended (referred to as the "Act").

Section 352 of the Act requires that the Secretary establish for each of the 1978 through 1981 crops of rice a national acreage allotment in the amount of 1,800,000 acres for each year. Section 352 also provides that the Secretary shall apportion the 1,800,000 acres to farmers and producers on the basis of allotments established for the 1975 crop of rice. State committees may reserve up to one percent of the State allotment for new farmers and for adjustments and corrections.

Since farmers make plans for their rice crops well in advance of actual plantings, and since these determinations and proclamations are prescribed in the statute, it is of the utmost importance that farmers be notified of their 1980 producer and farm rice acreage allotments as soon as possible. Therefore, it is determined that compliance with the public rulemaking requirements of 5 U.S.C. 553 and Executive Order 12044 is impracticable and contrary to the public interest.

Final Rule

Accordingly, the regulations at 7 CFR 730.1502 through 730.1504, the table of contents, and the title of the subpart, are amended to read as follows: (1) The table of contents is revised to read as follows:

Subpart—1980–81 Marketing Year

Proclamations and Determinations with respect to Marketing Quota and National Acreage Allotment for 1980 Crop Rice, and Apportionment of 1980 National Acreage Allotment of Rice Among the Several States

Sec.

730.1502 National acreage allotment of rice for 1980.

730.1503 Apportionment of 1980 national acreage allotment of rice to farms and producers.

730.1504 State reserve acreages.

(Sec. 352, 375, 52 Stat. 60, 66 as amended; (7 U.S.C. 1352, 1375); sec. 101, 701, 91 Stat. 940).

(2) The regulations at 7 CFR 730.1502 to 730.1504 and the title of the subpart are hereby amended with respect to the 1980 crop of rice to read as follows:

Subpart—1980–81 Marketing Year

§ 730.1502 National acreage allotment for the 1980 crop of rice.

It is hereby determined and proclaimed that a national acreage allotment of 1,800,000 acres shall be in effect for the 1980 crop of rice.

§ 730.1503 Apportionment of the 1980 national acreage allotment of rice to farms and producers.

The national acreage allotment of 1,800,000 acres for the 1980 crop of rice is apportioned to farms and producers on the basis of the rice allotments established for the 1975 crop of rice, with any adjustments made pursuant to Section 352(c) of the Agricultural Act of 1938, as amended (referred to as the "Act"). The allotment so apportioned within each of the several rice producing States is as follows:

State	Acres
Arkansas	435,391.2
California	326,612.7
Florida	960.8
Louisiana:	
Farm Administrative Area	499,337.1
Producer Administrative Area	18,247.2
State Total	517,584.3
Mississippi	50,812.2
Missouri	4,967.0
North Carolina	41.0
Oklahoma	163.2
South Carolina	2,722.9
Tennessee	288.2
Texas	450,256.5
U.S. Total	1,800,000.0

§ 730.1504 State reserve acreages.

The State reserve acreages set forth in the table in this section were established by the State committees in accordance with section 352 of the Act.

State	Reserve[1]
Arkansas	0
California	0
Florida	9.5
Louisiana	0
Farm Administrative Area	0
Producer Administrative Area	0
Mississippi	0
Missouri	0
North Carolina	0
Oklahoma	0
South Carolina	0
Tennessee	0
Texas	50.0

[1] State reserve for new growers, corrections and adjustments.

Note.—This regulation has been reviewed under the USDA criteria established to implement Executive Order 12044 "Improving Government Regulations" and has been classified "significant". An Approved Final Impact Statement is available from George H. Schaefer (ASCS), (202) 447–8480.

Signed at Washington, D.C., on March 17, 1980.

Bob Bergland,

Secretary.

[FR Doc. 80-8691 Filed 3-20-80; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 244]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period March 23–29, 1980. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: March 23, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on July 31, 1979. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on March 18, 1980, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is easier.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60

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day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.544 Lemon Regulation 244.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period March 23, 1980, through March 29, 1980, is established at 250,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 20, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 80-8953 Filed 3-20-80; 11:40 am]

BILLING CODE 3410-02-M

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7 CFR Part 928

[Papaya Reg. 10, Amdt. 1]

Papayas Grown in Hawaii; Suspension of Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment suspends grade and size requirements for papayas handled to destinations within the production area during the period March 17 through April 1, 1980. This action is necessary to allow marketing of all suitable papayas due to a shortage of supply.

EFFECTIVE DATE: March 17, 1980

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This amendment is issued under the marketing agreement and Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Papaya Administrative Committee, and upon other information. This action would tend to effectuate the declared policy of the act.

The committee reports recent heavy rains and gale force winds in the production area have reduced available supplies of papayas. Therefore, the committee has recommended suspension of grade and size requirements of papayas handled to destinations within the production area during the period March 17 through April 1, 1980. This action would increase supplies available to meet strong demand and would permit growers to market a larger proportion of the crop. Increased supplies of papayas are anticipated at the end of the period of suspension. Quality requirements currently in effect April 2 through December 31, 1980, would remain unchanged.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this amendment until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of papayas grown in Hawaii.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this amendment warrants publication without opportunity for further public comment. The amendment has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

§ 928.310 [Amended]

In § 928.310 (Papaya Regulation 10; 44 FR 77134) subparagraph (1) of paragraph (a) is amended by changing "January 1" to "April 2".

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: March 17, 1980, to become effective March 17, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-8893 Filed 3-20-80; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 110

Export and Import of Nuclear Equipment and Material; Export of Certain Minor Quantities of Nuclear Material

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations by simplifying its licensing requirements for the export of certain quantities of nuclear material which do not have significance from a nuclear proliferation perspective. The amendments establish or expand general licensing provisions for gram quantities of special nuclear material (SNM) and certain kinds of source and byproduct material. The amendments, which reflect public comments, are the result of an extensive review by the Commission and the Executive Branch aimed at updating and streamlining NRC regulations to permit the expedited export of nuclear material where no significant nuclear proliferation risks are involved. This final rule leaves unchanged the general license for the export of americium–241. Revisions to that general license will be proposed in a separate rulemaking proceeding.

EFFECTIVE DATE: April 21, 1980.

FOR FURTHER INFORMATION CONTACT: Joanna M. Becker, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301/492–7630 or Marvin R. Peterson, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301/492–8155.

SUPPLEMENTARY INFORMATION: On May 9, 1978, NRC published in the **Federal Register** (43 FR 19861) a proposal to amend 10 CFR Part 110. The proposed amendments would simplify licensing requirements for the export of certain minor quantities of nuclear material. The proposed amendments would establish a new general license for the export of up to 3 grams of SNM when contained in sensing components installed in instruments, and for the export of plutonium–238 when contained in cardiac pacemakers.

In addition, it was proposed that authority be provided for the issuance of specific licenses to export plutonium–238, up to 3 grams of any other SNM and 100 grams or less of SNM diluted so as to be unusable for any nuclear activity relevant from the point of view of

safeguards and practicably irrecoverable, other than under the terms of an agreement for cooperation with another nation.

The existing general licenses for source material would be revised to eliminate, where possible, the more restrictive application of general licenses with respect to exports to communist countries.

Because of the national security concern over the possible use of americium–241 and polonium–210 as neutron sources, the existing general licenses for these materials would be revoked.

The existing general license for byproduct material having an atomic number between 3 and 83 would be broadened to encompass exports to most communist countries. The existing licensing exemptions for commodities containing byproduct material would be eliminated, since these exemptions would no longer be needed to permit exports to those communist countries not allowed to receive exports under the existing general license. Elimination of the byproduct material exemption would also preclude the export of any material to countries against which the United States then had a comprehensive trade embargo (Cambodia, Cuba, North Korea, Southern Rhodesia and Vietnam).

Finally, the cumulative limits on the export under general license of certain forms of tritium and polonium–210 would be eliminated.

Twenty letters of comments from the public were received in response to the proposed rule. Copies of these comments have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Except for the proposed deletion of the general license for americium–241, the comments were generally in support of the proposed amendments. Of the 20 commenters, 14 objected to the proposed deletion of the americium–241 general license and requested retention of at least a portion of that license. Several recommendations were also made to revise NRC's export regulations to provide general licenses for additional items.

In addition to the public comments, the Executive Branch requested that the proposed general license for SNM contained in instruments be revised to restrict the amount of plutonium and uranium–233 in each instrument to .1 gram because of the possible national security concerns over the use of these materials.

In view of these comments, the Commission has decided on a two-stage approach. First, it has adopted those portions of the proposed amendments which were not the subject of significant criticism. Second, it will address the issue of the americium–241 general license in a revised proposed amendment to be published at a later date. The requests for additional general licenses will also be considered in this separate rule making proceeding.

With respect to the amendments which follow, the resolution of the comments received is as follows:

1. Section 110.22 Export of special nuclear material. The quantity of plutonium and uranium–233 permitted to be exported has been limited to .1 gram per instrument. This general license has also been clarified to specify that (a) the 3 gram and .1 gram limitations apply to the quantity of SNM contained in each instrument, and not to individual shipments; and (b) that there is no quantity limitations for plutonium–238 contained in cardiac pacemakers.

2. Section 110.24 Export of byproduct material (formerly numbered § 110.21). As noted above, the general license for americium–241 has not been revoked (§ 110.24(e)).

3. The general license for tritium in luminous safety devices installed in aircraft has been retained. The proposed amendments inadvertently would have required a specific license for 100 curies or more of tritium in such devices on a single aircraft.

4. One commenter requested clarification as to whether an export license could be issued authorizing several shipments over a period of a year or more. Section 110.30(d) of Part 110 speaks clearly to this matter.

5. Pursuant to Executive Order 12183 of December 16, 1979, the embargo of exports to Zimbabwe-Rhodesia has been deleted.

6. In addition, editorial amendments or corrections have been made in §§ 110.22 through 110.28 and § 110.44. It should also be noted that § 110.13 is deleted. This deletion was discussed in the statement of considerations accompanying the proposed rule but was inadvertently not included in the text of the proposed amendments. Also, in § 110.24, the general license to export tritium contained in labeled organic compounds has been changed to include tritium in inorganic compounds as well.

The paragraph concerning reporting requirements (included in the proposed rule as § 110.26) has also been deleted. These requirements were necessary because of international export-control procedures subscribed to by the United States. However, due to a recent change in these procedures, reporting is no longer required.

The Commission has concluded that the amendments, including the exemption in § 110.44(a)(1), are not inimical to the common defense and security, do not constitute an unreasonable risk to the public health and safety, and will not result in any activity that adversely affects the environment. Furthermore, the amendments are consistent with the provisions of the Atomic Energy Act of 1954, as amended by the Nuclear Nonproliferation Act of 1978, and do not conflict with the safeguards criteria of the International Atomic Energy Agency.

The amendments are not inconsistent with the obligations of the United States under any treaty or international arrangement, including the Treaty on the Non-Proliferation of Nuclear Weapons.

Commissioner Bradford non-concurred in the proposed amendments exempting minor quantities from the Atomic Energy Act's Agreement for Cooperation requirement. He believes that the amendments are probably illegal under the Atomic Energy Act and would not approve them without Congressional action. Commissioner Bradford also non-concurred in the staff conclusion that general licenses could be exempted from the requirement of Section 128.

Since the amendments will not result in any increased requirements or expense to the public, the Commission has not prepared a separate value-impact analysis. Based on past licensing actions, the amendments should reduce the number of specific export licenses issued by the Commission by approximately 5 to 10 percent.

Accordingly, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 110, are published as a document subject to codification.

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

§ 110.13 [Deleted and reserved]

1. Section 110.13 is deleted and reserved.

(Secs. 81, 82, Pub. L. 83–703, 68 Stat. 935 (42 U.S.C. 2111, 2112))

2. A new § 110.22 is added to read as follows:

§ 110.22 Export of special nuclear material.

General licenses are hereby issued authorizing any person to export to any country, except those listed in § 110.28, the following:

(a) Special nuclear material contained in sensing components installed in instruments, if no more than 3 grams of enriched uranium or .1 gram of

plutonium or uranium–233 are contained in each instrument.

(b) Plutonium-containing 80 percent or more by weight of plutonium–238 in cardiac pacemakers.

(Sec. 5, Pub. L. 88–489, 78 Stat. 602; secs. 2, 3, Pub. L. 93–377, 88 Stat. 473, 475 (42 U.S. 2073, 2074(c), 2077(d)).

3. Section 110.23 is revised to read as follows:

§ 110.23 Export of source material.

(a) General licenses are hereby issued authorizing any person to export to any country, except those listed in § 110.28, the following:

(1) 1 kilogram or less per shipment of unirradiated thorium or uranium other than special nuclear material, except that no person may export more than 100 kilograms per year to any one country;

(2) Thorium in incandescent gas mantles; and

(3) Depleted uranium in the form of shielding contained in radiographic exposure or teletheraphy devices, or radioactive thermoelectric generators, if individual shipments do not exceed 1,000 kilograms.

(b) General licenses are hereby issued authorizing any person to export to any country, except those listed in §§ 110.27 and 110.28, the following:

(1) Depleted uranium in the form of counterweights installed in aircraft, rockets, projectiles, or missiles, if the counterweights have been manufactured in accordance with a specific license issued under Part 40 of this chapter.

(2) Thorium in finished aircraft engine parts, if the thorium is dispersed, in concentrations of 4 percent or less by weight, in nickle-thoria alloy and is in the form of finely divided thoria (thorium dioxide); and

(3) Depleted uranium in the form of shielding contained in X-ray units or in packaging for the transportation of radioactive materials.

(Secs. 63 and 64, Pub. L. 83–703, 68 Stat. 933 (42 U.S.C. 2093, 2094))

4. Section 110.24 is revised to read as follows:

§ 110.24 Export of byproduct material.

General licenses are hereby issued authorizing any person to export to any country, except those listed in § 110.28, the following:

(a) Byproduct material having an atomic number from 3 to 83.

(b) Tritium contained in luminous safety devices installed in aircraft as generally licensed items under § 31.7 of this chapter.

(c) Tritium and polonium–210 in individual shipments of 100 curies or less, contained in:

(1) Tritium activated luminous paint;
(2) Tritium labeled compounds;
(3) Tritiated accelerator targets;
(4) Polonium–210 static eliminators;
(5) Calibration standards;
(6) Luminescent light sources;
(7) Tritium sources for chromatography instruments;
(8) Electron tubes;
(9) Gas and aerosol detectors; or
(10) Tritium in helium–3 in a concentration of 2.5 millicuries or less per liter of helium–3.

(d) Americium–241.

(Secs. 81, 82, Pub. L. 83–703, 68 Stat. 935 (42 U.S.C. 2111, 2112))

5. Section 110.25 is revised to read as follows:

§ 110.25 Export of deuterium.

A general license is hereby issued authorizing any person to export 100 liters or less per shipment of deuterium at standard temperature and pressure (90 grams of heavy water) to any country except those listed in § 110.28.

6. Section 110.26 is revised to read as follows:

§ 110.26 Export of nuclear grade graphite.

A general license is hereby issued authorizing any person to export 100 kilograms or less per shipment of nuclear grade graphite to any country except those listed in § 110.28: *Provided*, that no person shall, pursuant to this general license, export more than 2,000 kilograms per year to any one country.

(Sec. 309, Pub. L. 95–242, 92 Stat. 141 (42 U.S.C. 2139))

7. Section 110.27 is revised and new § 110.28 is added to read as follows:

§ 110.27 Restricted destinations.

(a) Albania, (b) Bulgaria, (c) Czechoslavakia, (d) German Democratic Republic (including East Berlin), (e) Hungary, (f) Mongolia, (g) Poland, (h) Romania, (i) Peoples Republic of China, and (j) Union of Soviet Socialist Republics.

§ 110.28 Embargoed destinations.

(a) Cuba, (b) Kampuchea, (c) North Korea, (d) Vietnam.

(Sec. 161i, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201(i)))

8. In §110.44, paragraph (a)(1)(iii) is revised to read as follows:

§110.44 Issuance or denial of licenses.

(a) * * *
(1) * * *
(iii) The proposed export of a production or utilization facility or of more than 3 grams of special nuclear material would be under the terms of an agreement for cooperation, except for proposed exports of plutonium containing 80 percent or more by weight of plutonium–238, or 100 grams or less of special nuclear material which is diluted so that it is no longer usable for any nuclear activity relevant from the point of view of safeguards and is practicably irrecoverable.

(Secs. 2, 3, Pub. L. 93–377, 88 Stat. 473, 475 (42 U.S.C. 2074(c), 2077(d)))

(Sec. 161i, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201(i); Sec. 201, Pub. L. 93–438, 88 Stat. 1243 (42 U.S.C. 5841)))

Dated at Washington, D.C., this 14th day of March 1980.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-8696 Filed 3-20-80; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 329

Interest on Deposits; Rate Limitations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Board of Directors of the Federal Deposit Insurance Corporation ("Board", "FDIC") has amended its regulations covering payment of interest on deposits to impose interest rate limitations on certain obligations issued by a nonmember bank's parent bank holding company. The amendment does not apply to commercial paper issued by a bank's parent bank holding company. This action is being taken in order to facilitate the orderly administration of currently prescribed interest rate limitations.

EFFECTIVE DATE: March 17, 1980.

FOR FURTHER INFORMATION CONTACT: F. Douglas Birdzell, Senior Attorney, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, (202) 389–4324.

SUPPLEMENTARY INFORMATION: The Board has amended Part 329 (12 CFR Part 329) to apply Part 329 interest rate ceilings to certain obligations issued or guaranteed, in whole or in part, as to principal or interest by a nonmember bank's parent bank holding company. The amendment applies to any obligation, regardless of the use of the proceeds, issued in a denomination of less than $100,000 that has an original maturity of 4 years or less or that is redeemable by the holder in periods of 4 years or less. Obligations with original maturities of 2½ years to 4 years or redeemable between 2½ years and 4 years will be subject to the ceiling rate of interest payable on the 2½ year variable ceiling time deposit. Obligations issued in denominations of $10,000 or more with original maturities of 26 weeks to 2½ years, or redeemable in periods of 26 weeks to 2½ years, will be subject to the ceiling rate of interest payable by nonmember banks on 26-week money market time deposits of less than $100,000. In addition, obligations issued in denominations of less than $10,000 with original maturities of less than 2½ years, or redeemable in periods of less than 2½ years, will be subject to the interest rate limitations applicable to comparable obligations of nonmember banks.

With respect to obligations redeemable at specified intervals at the holder's option, the rate of interest payable on such obligations must be adjusted at the beginning of each such interval. The maximum rate of interest that may be paid for the period during the specified redemption intervals will be determined by applying the Part 329 rules in effect at the time the obligation was issued. For example, on March 17, 1980, a parent bank holding company subject to this action issues an obligation with redemption intervals between 2½ to 4 years.

The maximum rate of interest that may be paid during each redemption interval will be determined by the rule in effect as of March 17 for determining the ceiling rate of interest payable on the 2½ year variable ceiling time deposit. This rule, in the case of commercial banks, provides that a nonmember bank may pay interest at a rate of 11¾ percent or 75 basis points below the yield on 2½ year Treasury securities, whichever is less. Consequently, the maximum rate that may be paid on the obligation during the first redemption interval is 11¾ percent. The maximum rate that may be paid during subsequent redemption intervals will be 11¾ percent or 75 basis points below the yield on 2½ year Treasury securities, whichever is less.

This procedure for determining the maximum rate payable during each redemption interval will apply even if the rule relating to the determination of the ceiling rate of interest payable on the 2½ year variable ceiling time deposit is modified. If, however, the rule relating to the determination of the ceiling rate of interest payable on the 2½ year variable ceiling time deposit is modified, the new rule would apply to bank holding company obligations issued on or after the effective date of the new rule.

The amendment applies only to obligations required to be registered with the Securities and Exchange Commission under the Securities Act of 1933. The amendment applies to covered obligations regardless of the use of the proceeds—i.e., even if the proceeds are not being supplied to the parent bank holding company's nonmember bank subsidiary or subsidiaries. However, if the obligation issued is subject to interest rate limitations imposed by the Federal Deposit Insurance Corporation or the Federal Home Loan Bank Board pursuant to Pub. L. 89–597, such obligations will not be subject to the interest rate limitations imposed by this action.

The Board has concluded that regulations pertaining to the rates that may be paid on obligations issued by bank holding companies in denominations of less than $100,000 with original maturities of 4 years or less are necessary at this time in view of the impact the issuance of such obligations is likely to have on deposit flows among depository institutions. Such obligations typically are issued at rates substantially in excess of the Part 329 ceiling rates of interest payable by nonmember banks on time deposits of comparable maturities and are competitive with consumer deposits issued by depository institutions. The Board believes that such obligations generally should be subject to the interest rate limitations imposed upon nonmember banks.

The Board's action was taken after consultation with the other Federal financial institution regulatory agencies and parallels similar action taken on March 14, 1980 by the Board of Governors of the Federal Reserve System. In order to facilitate the administration of currently prescribed deposit interest rate limitations, the Board finds that application of the notice and public participation provisions of 5 U.S.C. 553 to this action would be contrary to the public interest and that good cause exists for making the amendment effective immediately.

PART 329—INTEREST ON DEPOSITS

1. Section 329.1 of Part 329 is amended by adding a new paragraph (g) thereto as follows:

§ 329.1 Definitions.

* * * * *

(g) *Obligations issued by the parent bank holding company of a nonmember bank.* For the purposes of this Part, the "deposits" of a nonmember bank other than a mutual savings bank also include an obligation that is (1) issued in a denomination of less than $100,000; (2) required to be registered with the Securities and Exchange Commission under the Securities Act of 1933; (3) issued or guaranteed in whole or in part as to principal or interest by the nonmember bank's parent which is a bank holding company within the meaning of 12 U.S.C. 221a(b) regardless of the use of the proceeds; and (4) issued with an original maturity of 4 years or less, or which is redeemable at intervals of 4 years or less at the option of the holder. The term "deposits" does not include those obligations of a bank holding company that are subject to interest rate limitations imposed pursuant to Pub. L. 89–597.

2. Section 329.6 of Part 329 is amended by adding a new subparagraph (7) to paragraph (b) thereof.

§ 329.6 Maximum rates of interest payable on time and savings deposits of insured nonmember banks other than mutual savings banks [13]

* * * * *

(b) Deposits of less than $100,000.

* * * * *

(7) *Obligations of the parent bank holding company of a nonmember bank.* Notwithstanding the above, interest may be paid on a deposit as defined in § 329.1(g) at a rate not to exceed the following schedule:

Original Maturity or Redemption Period and Maximum Percent

2½ to 4 years—For an obligation that is not redeemable prior to maturity, interest may be paid at the rate established for 2½ year variable ceiling deposits pursuant to the provisions of § 329.6(b)(6) in effect at the time the obligation is issued. For an obligation that is redeemable prior to maturity, the maximum rate of interest that may be paid from the date of issuance until the first redemption date shall not exceed the rate established for 2½ year variable ceiling time deposits pursuant to the provisions of § 329.6(b)(6) in effect at the time the obligation is issued. Interest may be paid during successive redemption periods at a rate not to exceed the rate that would be in effect on the first day of each such redemption period for 2½ year variable ceiling time deposits established pursuant to the provisions of § 329.6(b)(6) in effect at the time the obligation was issued.

26 weeks or more but less than 2½ years ($10,000 minimum denomination required)—For an obligation that is not redeemable prior to maturity, interest may be paid at the rate established for 26-week money market time deposits pursuant to

[13] * * *

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the provisions of § 329.6(b)(5) in effect at the time the obligation is issued. For an obligation that is redeemable prior to maturity, the maximum rate of interest that may be paid from the date of issuance until the first redemption date shall not exceed the rate established for 26-week money market time deposits pursuant to the provisions of § 329.6(b)(5) in effect at the time the obligation is issued. Interest may be paid during successive redemption periods at a rate not to exceed the rate that would be in effect on the first day of each such redemption period for 26-week money market time deposits established pursuant to the provisions of § 329.6(b)(5) in effect at the time the obligation was issued.

30 days or more but less than 2½ years—Interest may be paid at the ceilings established pursuant to the provisions of § 329.6(b)(1) in effect at the time the obligation is issued.

Less than 30 days—No interest may be paid.

(Secs. 9 and 18, Pub. L. 81–797, 64 Stat. 881, 891, as amended (12 U.S.C. 1819 and 1828))

By Order of the Board of Directors, March 17, 1980.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 80-8786 Filed 3-20-80; 8:45 am]

BILLING CODE 6714-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Parts 193 and 561

[80P–114; FRL 1440–4]

Tolerances for Pesticides, 3,5-Dimethyl-4-(Methylthio)Phenyl Methylcarbamate; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule that appeared on 3,5-dimethyl-4-(methylthio)phenyl methylcarbamate at page 38841 in the **Federal Register** of July 3, 1979 (FR Doc. 79–20564).

EFFECTIVE DATE: Effective on March 21, 1980.

FOR FURTHER INFORMATION CONTACT: William Miller, Product Manager (PM) 16, Registration Division (TS–767), Office of Pesticide programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202–426–9458).

SUPPLEMENTARY INFORMATION: In FR Doc. 79–20564 appearing at page 38841 in the issue of Tuesday, July 3, 1979, the expiration date of "June 30, 1980" at the end of § 193.145 [Amended] is corrected to read "December 31, 1980" and the expiration date of "June 30, 1980" at the end of § 561.175 [Amended] is corrected to read "December 31, 1980."

Dated: March 12, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-8785 Filed 3-20-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 820

Air Force Bands; Deletion of Regulations

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending Title 32, Chapter VII of the CFR by deleting Part 820, Air Force Bands. This rule is deleted because of limited applicability to the general public. The intended effect is to insure that only regulations which substantially affect the public be maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: March 17, 1980.

FOR FURTHER INFORMATION CONTACT: Mrs. Carol M. Rose, phone (202) 697–1861.

SUPPLEMENTARY INFORMATION: Accordingly, 32 CFR, Chapter VII, is amended by deleting Part 820.

PART 820—AIR FORCE BANDS [DELETED]

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80-8666 Filed 3-20-80; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 710

[FRL 1430–6; OTS–80006]

Toxic Substances Control Act; Amendment to Inventory Reporting Requirements

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule amends the inventory reporting requirements under the Toxic Substances Control Act to specify January 1, 1983, as the date after which records required to be kept to document information reported for the inventory need not be retained. Those manufacturers of chemical substances who reported for the initial inventory will be affected by this rule. The original regulation failed to specify a retention date. This amendment corrects this omission in the original regulation.

DATES: This rule will be effective on April 21, 1980.

FOR FURTHER INFORMATION CONTACT: Industry Assistance Office, Office of Pesticides and Toxic Substances (TS–799), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; or call 800–424–9065 or, in Washington, call 554–1404.

SUPPLEMENTARY INFORMATION:

Authority and General Purpose

On December 23, 1977, EPA published the Inventory Reporting Requirements (40 CFR Part 710, 42 FR 64572), under section 8(a) of the Toxic Substances Control Act, (15 U.S.C. Section 2601 *et seq.).* Persons who report under these regulations must maintain records that document information reported for the inventory. However, the regulations fail to specify the length of time for which the required records must be kept. This omission has been the subject of some concern in the regulated community. This amendment clarifies this issue by specifying January 1, 1983, as the final date after which these records need not be kept.

The purpose of the recordkeeping requirement is to aid the Agency in monitoring compliance with the Inventory reporting requirements. The effect of the January 1, 1983, deadline is to provide a five-year retention period for those persons who reported for the initial inventory beginning on January 1, 1978, and a shorter retention period for those processors and importers who report additional substances for the revised inventory. The January 1, 1983, date was selected because the resulting retention periods were found by the Office of Enforcement to represent an adequate time for pursuing both affirmative and responsive enforcement of the Inventory Reporting Requirements. The date is also consistent with the intent expressed in the March 6, 1978, **Federal Register** (43 FR 9254) to provide for such a retention period.

On October 22, 1979, EPA published the proposed amendment to the Inventory Reporting Requirements. The public comment period ended on December 21, 1979, and no comments were received.

Public Record

EPA has established a public record for this rulemaking as defined in Section 19(a)(3) of TSCA (docket number OTS–080006). The public record, along with a complete index, is available for inspection in the OPTS reading room from 9:00 a.m. to 5:00 p.m. on working days (401 M Street, SW., Washington, D.C. 20460). This record contains the basic information that the Agency considered in developing this rule. This record includes the following:

1. This final rule.

2. The proposed rule, published on October 22, 1979, (40 FR 60763).

3. The "supplemental clarification" of the Inventory Reporting Regulations, published on March 6, 1978, (43 FR 9254).

4. The "Inventory Reporting Requirements" published on December 23, 1977 (42 FR 64572).

Specialized Regulation Notice

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order, or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". I have reviewed this regulation and have determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

The above classification is based upon a determination that the regulation is a minor amendment to an existing regulation.

. The amendment to 40 CFR 710.1(c) will read as set forth below.

Dated: March 13, 1980.

Douglas M. Costle,

Administrator.

Section 710.1(c) is amended to read as follows:

§ 710.1 Scope and compliance.

* * * * *

(c) Each person who reports under these regulations shall maintain records that document information reported under these regulations and, in accordance with the Act, permit access to, and the copying of, such records by EPA officials. Records required to be maintained under these regulations must be kept until January 1, 1983. (Sec. 8(a), Pub. L. 94–469, 90 Stat. 2027 (15 U.S.C. 2607(a))).

[FR Doc. 80-8664 Filed 3-20-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3100

Oil and Gas Leasing; Suspensions of Operations and Production

AGENCY: Bureau of Land Management, U.S. Department of the Interior.

ACTION: Final rule.

SUMMARY: This amended rule authorizes the Director, Geological Survey, to grant suspensions of operations and production for oil and gas leases when there is no well capable of production on a leasehold. By eliminating the requirement for transmitting such applications to the Secretary of the Interior for action, it simplifies the procedure for granting suspensions of operations and production in such situations.

EFFECTIVE DATE: March 21, 1980.

FOR FURTHER INFORMATION CONTACT: Andrew F. DeVito, Conservation Division, U.S. Geological Survey, National Center (Mail Stop 600), Reston, Virginia 22092 (703/860–7521).

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. 553(b)(A), it has been determined that it is in the public interest for these regulations to become final on publication. This determination is based on the fact that the revision simplifies the procedures for granting a suspension of operations and production on leases where there is no oil or gas well capable of production. The revision authorizes the Director, Geological Survey, to grant suspensions in such situations. Previously, these suspensions required the direction or assent of the Secretary of the Interior. In addition, the revision deletes reference to the Area Mining Supervisor since rules governing suspensions requiring action by the Area Mining Supervisors are contained in 43 CFR 3503.3–2(e).

The Department of the Interior has determined that the publication of this document is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required. The Department of the Interior has also determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The principal author of this document is Andrew DeVito, Conservation Division, U.S. Geological Survey, Reston, Virginia 22092 (703–860–7521).

Dated: March 11, 1980.

James A. Joseph,

Acting Secretary of the Interior.

43 CFR 3103.3–8 is revised to read:

§ 3103.3–8 Suspension of operations and production.

(a) Applications by lessees for relief from the producing requirements or from all operating and producing requirements of oil and gas leases shall be filed in triplicate in the office of the Area Oil and Gas Supervisors. The Area Oil and Gas Supervisors are authorized to act on applications for suspension of operations or production or both filed pursuant to this section and to terminate suspensions of this kind which have been or may be granted. However, no suspension of operations and production will be granted for any oil and gas lease in the absence of a well capable of production on the leasehold, except where the Director, Geological Survey, directs or assents to a suspension in the interest of conservation. Complete information must be furnished showing the necessity of such relief.

(b) The term of any lease will be extended by adding thereto any period of suspension of all operations and production during such term pursuant to the direction or assent of the Area Oil and Gas Supervisor or the Director, Geological Survey.

(c) A suspension shall take effect on the date specified in the direction or assent of the Area Oil and Gas Supervisor or the Director, Geological Survey. Rental and minimum royalty payments will be suspended during any period of suspension of all operations and production directed or assented to by the Area Oil and Gas Supervisor or the Director, Geological Survey, beginning with the first day of the lease month on which the suspension of operations and production becomes effective. If the suspension of operations and production becomes effective on any date other than the first day of a lease month, then rental and minimum royalty payments will be suspended beginning with the first day of the lease month next following such effective date. The suspension of rental and minimum royalty payments shall end on the first day of the lease month in which operations or production is resumed. Where rentals are creditable against royalties and have been paid in advance, proper credit will be allowed on the next rental or royalty due under the lease.

(d) No lease shall be deemed to expire by reason of a suspension of either

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operations or production only, pursuant to any directions or assent of the Area Oil and Gas Supervisor or the Director, Geological Survey.

(e) If there is a well capable of producing on the leased premises and all operations and production are suspended pursuant to any direction or assent of the Area Oil and Gas Supervisor or the Director, Geological Survey, the commencement of drilling operations only will be regarded as terminating the suspension as to operations but not as to production, and as terminating the period of suspension to be added to the term of the lease as provided in paragraph (b) of this section and the period of suspension of rental and minimum royalty payments as provided in paragraph (c) of this section. However, as provided in paragraph (d) of this section, the term of the lease will not be deemed to expire so long as the suspension of operations or production remains in effect.

(f) The relief authorized under this section may also be obtained for any oil and gas leases included within an approved unit or cooperative plan of development and operation.

[FR Doc. 80-8812 Filed 3-20-80; 8:45 am]

BILLING CODE 4310-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 5784]

Changes in Special Flood Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate becaue of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table. Send comments to that address also.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-5581 or Toll Free Line (800) 424-8872.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations of the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection. Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L 90-448), 42 U.S.C. 4001-4128, and 44 CFR 65.4 (Presently appearing at its former Section 24 CFR Part 1915)).

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain managmenet measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations, together with the flood plain management measures required by § 60.3 (presently appearing at its former § 1910.3) of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4. (Presently appearing at its former Section 24 CFR 1915.4):

State	County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Illinois	Cook	Village of Franklin Park	*The Chicago Tribune*, May 31 and June 7, 1979.	Mr. Jack B. Williams, President, Village of Franklin Park, 9545 Belmont Ave., Franklin Park, Ill. 60131.	Jan. 18, 1980	170094C
Minnesota		Goodhue County	*Redwing Republican Eagle*, May 28 and June 5, 1979.	Mr. R. L. Tanner, Goodhue County Auditor, P.O. Box 407, Redwing, Minn. 55066.	Jan. 18, 1980	270140B
Pennsylvania	Indiana	Borough of Homer City	*Indiana Evening Gazette*, Jan. 18 and Jan. 25, 1980.	Hon. Paul Poole, Mayor, Borough of Homer City, 30 East Wiley St., Homer City, Pa. 15748.	Jan. 25, 1980	270140B
Do	Schuylkill	Borough of Schuylkill Haven	*The Pottsville Republican*, Jan. 7 and Jan. 11, 1980.	Mr. Charles R. Faindler, Borough Manager, Schuylkill Haven, 39 Dock St., Schuylkill Haven, Pa.	Jan. 11, 1980	420787B
Virginia	Pulaski	Town of Brookneal	*The Union Star*, May 31 and June 6, 1979.	Hon. V. J. Lusardi, Municipal Building, Brookneal, Va. 24528.	Jan. 18, 1980	510030C

State	County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Nebraska	Lancaster	City of Lincoln	*Lincoln Journal, The Lincoln Star*, Feb. 4 and Feb. 5, 1980.	Hon. Helen G. Boosalis, Mayor, City of Lincoln, 555 South 10th St., Lincoln, Nebr. 68508.	Jan. 17, 1980, 19168	315273A
North Dakota	Grand Forks	City of Grand Forks	*The Grand Forks Herald*, Jan. 18 and Jan. 25, 1980.	Hon. C. P. O'Neill, Mayor, City of Grand Forks, P.O. Box 1518, Grand Forks, N. Dak. 58201.	Jan. 25, 1980	385365-0005C, 0010C, 0015C, 0020C

(National Flood Insurance Act of 1968 (Title XIII of Housing Urban Development Act 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: February 12, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-8530 Filed 3-20-80; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

Correction of Sport Fishing Regulations for Crab Orchard National Wildlife Refuge, Ill.

AGENCY: Fish and Wildlife Service.

ACTION: Correction of special regulations.

SUMMARY: This notice corrects the sport fishing regulations for Crab Orchard National Wildlife Refuge. The hours for jug fishing in Crab Orchard Lake west of the closed area buoy line were incorrectly stated in regulations published in **Federal Register** Volume 45, Number 41 (February 28, 1980). This correction modifies the incorrect statement only; all other regulations remain as published.

DATES: Effective March 21, 1980 for the duration of calendar year 1980.

FOR FURTHER INFORMATION CONTACT:

Wayne D. Adams, Project Manager, Crab Orchard National Wildlife Refuge, P.O. Box J, Carterville, IL 62918 Telephone: (618) 997-3344

George G. P. Bekeris, Area Manager, U.S. Fish and Wildlife Service, 530 Federal Building and U.S. Court House, 316 North Robert Street, St. Paul, MN 55101 Telephone: (612) 725-7641

SUPPLEMENTARY INFORMATION: On page 13093 in the third column, the last sentence of the last full paragraph is corrected to read as follows:

§ 32.32 Special regulations; sport fishing; for individual wildlife refuge areas.

Jug fishing in Crab Orchard Lake west of the closed area buoy line is permitted from January 1, 1980, through December 31, 1980; between May 25, 1980 and September 1, 1980, jug fishing in this area is permitted only between sunset and sunrise.

George G. P. Bekeris,
Area Manager.

March 14, 1980

[FR Doc. 80-8715 Filed 3-20-80; 8:45 am]

BILLING CODE 4310-55-M

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Proposed Rules

Federal Register
Vol. 45, No. 57
Friday, March 21, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 982

Handling of Filberts Grown in Oregon and Washington; Administrative Rules and Regulations; Extension of Time for Filing Comments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing comments.

SUMMARY: At the request of the Filbert Control Board, the time for filing comments regarding proposed changes under the filbert marketing order is extended from March 13 to March 31.

DATES: Written comments must be received by March 31, 1980.

ADDRESS: Written comments should be submitted in duplicate to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:
J. S. Miller, (202) 447–5053.

SUPPLEMENTARY INFORMATION: Notice was given in the February 25, 1980 **Federal Register** (45 FR 1259) to amend Subpart—Administrative Rules and Regulations (7 CFR 982.432–982.471) by adding § 982.417 and revising §§ 982.466 and 982.468. This subpart is issued under the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are collectively referred to as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601—674). This action is based on a request of the Filbert Control Board to give it additional time to review the February 25 proposal.

Dated: March 18, 1980.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division.

[FR Doc. 80-8882 Filed 3-20-80; 8:45 am]
BILLING CODE 3410-02-M

Food Safety and Quality Service

7 CFR Part 2852

United States Standards for Grades of Major Canned Fruits [1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to revise the standards for: canned sweet cherries, canned fruit cocktail, canned pears, canned apricots, and canned grapes; all major canned fruits packed in California. Also included is a proposal for the United States Standards for Grades of Canned Fruit Mix. These proposals are submitted at the request of the Canners League of California. Its effect would be to improve the five standards and add a new standard, i.e., canned fruit mix.

DATE: Comments must be received on or before December 12, 1980.

ADDRESSES: Written comments to: Executive Secretariat, Attn: Annie Johnson, Room 3807 South Agriculture Building, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250. (See also comments under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT:
Leon R. Cary, Processed Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–6193.

SUPPLEMENTARY INFORMATION:

Comments

Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to the Executive Secretariat. Comments should bear a reference to the date and page number of this issue of the **Federal Register**. All comments made pursuant to this notice will be made available for pubic inspection in the office of the Executive Secretariat during regular hours of business. All interested persons are encouraged to submit suggestions, comments, or views during the field trials of these proposed standards during the 1980 processing season.

Background

Under the U.S. standards for canned fruits, other than clingstone peaches, a procedure for grading is currently used known as variables sampling. This basic procedure consists of random sampling of the canned/frozen or dehydrated product. This procedure has been used in the processed fruit and vegetable standards since 1928 and was designed for the inspection of foods stored in public warehouses as compared with the present-day focus of grading products on processing lines in factories.

The U.S. Standards for Grades of Canned Clingstone Peaches, the largest volume canned fruit in the United States, were revised June 1, 1978. These new peach standards provide for on-line grading (Grading as the peaches are canned) or lot grading (grading after the peaches are canned). Under the peach standards, a statistical procedure for grading is used called attributes sampling. This new procedure consists of random sampling of the canned/frozen or dehydrated product while it is being processed and does not usually result in destruction of the sampled product. This offers an advantage over the old system in that it is an objective step-by-step procedure of reporting product quality continuously without waiting until the end of the production shift to determine lot acceptance based on average values.

Following initial use of the new peach standards, the Canners League of California requested that standards for all major fruit products, packed in its members' plants, be converted to the same grading procedure as clingstone peaches to avoid a dual grading system.

During 1978, several study drafts of the major fruit product standards were published for public comment. Formal and informal suggestions were received to this solicitation. Based on suggestions from interested persons, field trials of the study drafts, and the procedure used for canned clingstone peaches, the standards published in this proposed rule reflect, as nearly as practicable, the conditions found in present-day harvesting, processing, and marketing of the major California canned fruits.

Also included in this proposed rule is a new standard for canned fruit mix, a product which has recently entered consumer markets. It is similar to canned fruit cocktail, except the expensive or artificially colored fruit ingredients which contribute to eye appeal are usually ommitted.

The proposed standards for canned fruit mix would permit the following:

1. The use of natural seedless, dark-skinned grapes which are not normally used in the more expensive fruit mixtures.

2. The use of more of the surplus fruit.

3. The use of various forms (slices, dice, quarters, segments, etc.) of fruit ingredients in a mix, thereby providing a marketing outlet for these forms without additional processing.

4. A possible savings by processors to consumers, while maintaining the same nutritional value as the more expensive fruit mixtures.

5. A uniform acceptance procedure for Government agencies which have been purchasing this type of fruit mix in recent years.

6. The marketing of canned fruit mix, without the more expensive ingredients, under a generic label which has become commonplace in most of our Nation's food markets.

Accordingly, the standards for various canned fruits would be amended as follows:

1. Sections 2852.821–2852.825 and 2852.830–2852.836 of Subpart—United States Standards for Grades of Canned Sweet Cherries would be amended, and the Table of Contents would be amended accordingly, to read as follows:

Subpart—United States Standards for Grades of Canned Sweet Cherries

Sec.

2852.821 Product description.
2852.822 Types.
2852.823 Styles.
2852.824 Definitions of terms.
2852.825 Recommended sample unit size.
* * * * *
2852.830 Grades.
2852.831 Factors of quality.
2852.832 Classification of defects.
2852.833 Tolerances for defects.
2852.834 Sample size.
2852.835 Compliance with quality requirements.
2852.836 [Reserved]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Subpart—United States Standards For Grades of Canned Sweet Cherries

§ 2852.821 Product description.

Canned sweet cherries is the product represented as defined in the Standards of Identity for canned cherries (21 CFR 145.125) and canned artificially sweetened cherries (21 CFR 145.125) and canned artificially sweetened cherries (21 CFR 145.126), issued under the Federal Food, Drug, and Cosmetic Act.

§ 2852.822 Types.

(a) "Light" type are of the light sweet varietal group which includes, but is not limited to, such varieties known as Royal Anne, Corum, and Rainier.

(b) "Dark" type are of the dark sweet varietal group which includes, but is not limited to, such varieties known as Bing, Black Republican, Schmidt, and Lambert.

§ 2852.823 Styles.

(a) *"Unpitted"* sweet cherries are stemmed cherries without the pits removed.

"Pitted" sweet cherries are stemmed cherries with the pits removed.

§ 2852.824 Definitions of terms.

(a) *Acceptable Quality Level (AQL)* means the maximum percent of defective units or the maximum number of defects per hundred units of product that, for the purpose of acceptance sampling, can be considered satisfactory as a process average.

(b) *Blemished* means any unit that is affected by scab, hail injury, or discoloration to the extent that the appearance or eating quality is affected:

(1) *Slightly*—surface blemishes having an aggregate area exceeding a circle, 7 mm (0.28 in.) in diameter, and not extending into the fruit tissue.

(2) *Materially*—blemishes having an aggregate area equal to or less than a circle, 7 mm (0.28 in.) in diameter, and extending into the fruit tissue so that the flesh is materially discolored.

(3) *Seriously*—blemishes having an aggregate area exceeding a circle, 7 mm (0.28 in.) in diameter, and extending into the fruit tissue such that the appearance or edibility is seriously affected.

(c) *Brightness* means the extent that the overall appearance of the sample unit as a mass is affected by dullness:

(1) Grade A—not affected.
(2) Grade B—slightly affected.
(3) Grade C—materially affected.
(4) Substandard—fails Grade C.

(d) *Character* refers to the fleshiness and to the tenderness and texture in relation to maturity, and to the presence of serious processing cracks (see § 2852.824(l)) in unpitted style as follows:

(1) *Good Character* means the units have a texture typical of properly prepared and processed well-matured cherries that are thick-fleshed and tender, and may be slightly flabby, but not soft.

(2) *Reasonably good character* means the untis have a texture typical of properly prepared and processed reasonably well-matured cherries that are reasonably thick-fleshed and tender, and may be slightly soft, but not excesively flabby.

(3) *Fairly good character* means the units may be slightly immature or slightly over-mature, may be lacking in thickness of flesh, and may be variable in tenderness and texture ranging from very firm to very soft.

(4) *Poor character* means the units fail the requirements for fairly good character. They may be excessively thin-fleshed, excessively hard, or excessively soft.

(e) *Color of individual units* refers to the color typical of the varietal group—either light sweet or dark sweet as follows:

(1) *Good color* means the units of light sweet cherries have a basic background color, exclusive of blush, that is a pinkish-yellow to amber color, and the blush appears as a surface color ranging from tan to tannish brown; and the units of dark sweet cherries have a basic background color that is a deep red to purple-red or purple-black.

(2) *Fairly good color* means the units of light sweet cherries have a basic background color and blush that may be variable, but not off-color; and the units of dark sweet cherries have a deep red to purple-red or purple black color that may have a grayish cast and may be variable, but not off-color.

(3) *Poor color* means the units fail to meet the requirements for fairly good color.

(f) *Damaged*—(1) *Circular cracks* or "rain checks" mean discolored splits in the skin of the unit that affect the appearance of the unit slightly, materially, or seriously.

(2) *Mutilated unit.* In unpitted syle, is a unit that is torn at the stem end, and the torn area exceds that of a circle 6 mm (0.24 in.) in diameter; or, in pitted style, is a unit that is torn to the extent the entire pit cavity is exposed.

(g) *Defect* Means any nonconformance of a unit(s) of product from a specified requirement of a single quality characteristic.

(h) *Extraneous vegetable material (EVM)*—(1) *Small pieces* mean long stems, pieces of twig not more than 25 mm (1.0 in.) in length, or leaf material, or portions thereof.

(2) *Short stem* means a portion of the stem, that attaches the cherry to the tree, which is 13 mm (0.50 in.) or less in length.

(i) *Flavor and odor.* "Normal flavor and odor" means that the canned cherries are free from objectionable flavors and odors of any kind.

(j) *Misshapen cherry* means a unit which is deformed so that the appearance is materially affected and includes, but is not limited to, a "double" cherry in unpitted style and a unit that has a cleavage (or deep furrow) with the skin unbroken at the suture and extending more than one-half of the distance from the stem cavity to the apex in both styles.

(k) *Sample unit size* means the amount of product specified to be used for inspection. It may be:

(1) the entire contents of a container;

(2) a portion of the contents of a container;

(3) a combination of the contents of 2 or more containers;

(4) a portion of unpacked product.

(l) *Serious processing crack* means a cherry that has a crack without any discoloration that is so deep as to expose the pit.

(m) *Unit* means one whole cherry, whether or not pitted, or portions which in the aggregate approximate the average size of a cherry.

§ 2852.825 Recommended sample unit size.

Compliance with requirements for factors of quality is based on the recommended sample unit size of 100 units.

§ 2852.830 Grades.

(a) "U.S. Grade A" is the quality of canned sweet cherries that:

(1) Meets the following prerequisites in which the cherries:

(i) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Have an overall brightness of the sample unit as a mass that is not affected by dullness;

(iv) Are practically free from pit material in pitted style;

(v) Are practically free from decay;

(vi) Are practically uniform in size; and

(vii) Have a character such that the number of units which have reasonably good character and fairly good character does not exceed the following:

(A) Reasonably good character:		Fairly good Character
10 cherries	and	0 cherries.
7 cherries	and	3 cherries.

(B) Serious processing cracks (unpitted style only)—5 units.

(viii) Have a color such that the following AQL's are not exceeded: fairly good (2.5), poor (1.0) and total (4.0).

(2) Is within the limits for defects as classified in Table V and specified in Table VI of this subpart.

(b) "U.S. Grade B" is the quality of canned sweet cherries that:

(1) Meets the following prerequisites in which the cherries:

(i) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Have an overall brightness of the sample unit as a mass that may be slightly affected by dullness;

(iv) Are reasonably free from pit material in pitted style;

(v) Are practically free from decay;

(vi) Are practically uniform in size; and

(vii) Have a character such that the number of units that have fairly good character and poor character does not exceed the following:

(A) Fairly good character:		Poor character
10 cherries	and	0 cherries.
7 cherries	and	3 cherries.

(B) Serious processing cracks (unpitted style only)—10 units.

(viii) Have a color such that the following AQL's are not exceeded: fairly good (2.5), poor (1.0) and total (4.0).

(2) Is within the limits for defects as classified in Table V and specified in Table VI of this Subpart.

(c) "U.S. Grade C" is the quality of canned sweet cherries that:

(1) Meets the following prerequisites in which the cherries:

(i) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Have an overall brightness of the sample unit as a mass that is not more than materially affected by dullness.

(iv) Are fairly free from pit material in pitted style;

(v) Are practically free from decay;

(vi) May be variable in size;

(vii) Have a character such that the number of units that have poor character does not exceed the following:

(A) Poor—10 units;

(B) Serious processing cracks (unpitted style only)—no limit.

(viii) Have a color such that the following AQL is not exceeded: poor (5.0).

(2) Is within the limits for defects as classified in Table V and specified in Table VI of this subpart.

(d) "Substandard" is the quality of canned sweet cherries that fails to meet the requirements for U.S. Grade C.

§ 2852.831 Factors of quality.

The grade of a lot of canned sweet cherries is based on compliance with requirements for the following quality factors:

(a) *Prerequisite quality factors.* (1) Varietal characteristics;

(2) Flavor and odor;

(3) Brightness;

(4) Freedom from pit material;

(5) Freedom from decay;

(6) Uniformity of size; and

(7) Character; and

(8) Color;

(b) *Classified quality factors.* (1) Blemished;

(2) Damaged;

(3) Misshapen units; and

(4) Extraneous vegetable material.

§ 2852.832 Classification of defects.

Defects are classified as minor, major, severe, or critical. Each "X" mark in Table V represents "one (1) defect."

Table V.—*Classification of Defects*

Quality factor	Defect	Classification			
		Minor	Major	Severe	Critical
Blemished	Slightly	X			
	Materially		X		
	Seriously			X	
Damaged	Circular cracks or rain checks:				
	Slightly	X			
	Materially		X		
	Seriously			X	
	Mutilated:				
	(Each unit)	X			
Misshapen	(Each unit)		X		
Extraneous vegetable material	Short stem (each stem)		X		
	Small piece (each piece)				X

§ 2852.833 Tolerances for defects.

Table VI.—*Pitted and Unpitted*

	Total [2]	Major	Severe	Critical
	Grade A			
AQL [1]	6.5	2.5	0.65	0.25
	Grade B			
AQL [1]	12.5	6.5	2.5	0.65
	Grade C			
AQL [1]	25.0	12.5	6.5	1.5

[1] AQL expressed as defects per hundred units.
[2] Total = Minor + Major + Severe + Critical.

§ 2852.834 Sample size.

The sample size to determine compliance with requirements of these standards shall be as specified in the sampling plans and procedures in the subpart, "Regulations Governing Inspection and Certification" of this Part 2852, "Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 2852.1–2852.83) for lot inspection and on-line inspection, as applicable.

§ 2852.835 Compliance with quality requirements.

(a) *Lot inspection.* A lot of canned sweet cherries is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.830 are met; and

(2) The Acceptable Quality Levels (AQL) in Table VI of this subpart are not exceeded.

(b) *On-line inspection.* A portion of production is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.830 are met; and

(2) The Acceptable Quality Levels (AQL) in Table VI of this Subpart are not exceeded.

(c) *Single sample unit.* Each unofficial sample unit submitted for quality evaluation will be treated individually and is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.830 are met; and

(2) The Acceptable Quality Levels (AQL) in Table VI of this Subpart are not exceeded.

§ 2852.836 [Reserved]

2. Sections 2852.1051–2852.1053 and §§ 2852.1057–2852.1065 of Subpart—United States Standards for Grades of Canned Fruit Cocktail would be amended, and the Table of Contents would be amended accordingly, to read as follows:

Subpart—United States Standards for Grades of Canned Fruit Cocktail

Sec.
2852.1051 Product description.
2852.1052 Definitions of terms.
2852.1053 Recommended sample unit size.
* * * * *
2852.1057 Proportion of fruit ingredients.
2852.1058 Grades.
2852.1059 Factors of quality.
2852.1060 Classification of defects.
2852.1061 Tolerances for defects.
2852.1062 Sample size.
2852.1063 Compliance with quality requirements
2852.1064 [Reserved]
2852.1065 [Reserved]

Subpart—United States Standards For Grades of Canned Fruit Cocktail

§ 2852.1051 Product description.

Canned fruit cocktail is the product represented as defined in the Standards of Identity for canned fruit cocktail (21 CFR 145.135) and canned artificially sweetened fruit cocktail (21 CFR 145.136) issued under the Federal Food, Drug, and Cosmetic Act.

§ 2852.1052 Definitions of terms.

(a) *Acceptable Quality Level (AQL)* means the maximum percent of defective units or the maximum number of defects per hundred units of product that, for the purpose of acceptance sampling, can be considered satisfactory as a process average.

(b) *Appearance* means the extent that the overall sample unit as a mass is affected by oxidation, pigmentation, staining, or other causes.

(1) Grade A—slightly affected.

(2) Grade B—materially affected.

(3) Substandard—fails Grade B.

(c) *Blemished* means any peach, pear, or grape unit which is affected by scab, hail injury, corky or hard spots, scar tissue, or discoloration to the extent that the appearance or eating quality is affected slightly, materially, or seriously.

(d) *Broken cherry* means any portion of a cherry that is definitely less than an apparent half, or a definitely mutilated unit.

(e) *Broken grape* means a grape that is split, spread open or crushed (without discoloration) such that the appearance is seriously affected.

(f) *Calyx unit* means any pear calyx or the equivalent in pieces of one calyx.

(g) *Capstem* means the small woody stem which attaches the grape to the main cluster.

(h) *Character* refers to the degree of ripeness, the texture, and the tenderness of the peach and pear units in the fruit cocktail as follows:

(1) *Good character* consists of peach and pear units that are pliable and may be slightly soft or firm. The pear units have at least a reasonably tender texture and may have a slight graininess and the peach units may be slightly frayed.

(2) *Fairly good character* consists of peach and pear units that are fairly tender and may be substantially firm or soft but not excessively hard, excessively soft, or mushy. The pear units may have a substantial graininess and the peach units may be frayed.

(3) *Poor character* consists of peach and pear units that fail the requirements for fairly good character.

(i) *Cherries* mean approximate halves or whole pitted styles of cherries as defined in the Standards of Identity (21 CFR 145.135) for canned fruit cocktail.

(j) *Color*—(1) *General.* Color refers to the predominant and characteristic surface color of the peach, pear, and grape units.

(2) *Individual unit color classification.*—(i) *Good color* means:

(A) *The peach units* are equal to or better than light orangish yellow.

(B) *The pear units* have a typical yellow-white to beige-white translucent color and may have a slight pink to light tan tint.

(C) *The grapes* have a bright, uniform yellowish-green to greenish-yellow color typical of well-developed light seedless grapes.

(ii) *Faily good color* means:

(A) *The peach units* fail to meet minimum color requirements for "good color" but are equal to or better than greenish-yellow.

(B) *The pear units* may have a visual chalkiness and may have a slight pink or brown cast but not a definite pink or brown color.

(C) *The grapes* have a reasonably bright uniform light green to yellowish-green color typical of reasonably well-developed light seedless grapes, and may have a slight dull color or a light brownish cast.

(iii) *Poor color* means the peach, pear, or grape units fail to meet the requirements for fairly good color.

(k) *Defect* means any nonconformance of a unit(s) of product from a specified requirement of a single quality characteristic.

(l) *Extraneous vegetable material* (EVM) means, but is not limited to, detached or attached external stems, pieces of grape vine material, pieces of twigs not more than 51 mm (2.0 in) in length, or leaf material. (Grape capstems are not considered as EVM.)

(m) *Flabby grape* means the grape skin is intact and not broken, but the interior portion of the grape is missing to the extent that the grape has a deflated or sunken appearance.

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(n) *Flavor and odor.* "Normal flavor and odor" means that the canned fruit cocktail is free from objectionable flavors and odors of any kind.

(o) *Grapes* mean stemmed grapes which are prepared from seedless varietal types as defined in the Standards of Identity (21 CFR 145.135) for canned fruit cocktail.

(p) *Interior stem* means an interior pear stem or portion of an interior stem of any length that is definitely fibrous, tough, or woody and affects the eating quality of the unit.

(q) *Loose seed* means any pear seed, or the equivalent in pieces of one seed, not included in core material.

(r) *Peaches* mean peaches prepared from yellow varieties which are pitted, peeled, and diced as defined in the Standards of Identity (21 CFR 145.135) for canned fruit cocktail.

(s) *Pears* mean pears which are peeled, cored, and diced as defined in the Standards of Identity (21 CFR 145.135) for canned fruit cocktail.

(t) *Peel* means all of the outer layer of a peach or pear that is normally removed during processing.

(u) *Pineapple* means sectors or dice of peeled, and cored pineapples as defined in the Standards of Identity (21 CFR 145.135) for canned fruit cocktail.

(v) *Sample unit size* means the amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container;

(2) A portion of the contents of a container;

(3) A combination of the contents of 2 or more containers; or

(4) A portion of unpacked product.

(w) *Serious processing crack* means a grape that is split to or beyond its approximate center, but is not mutilated or discolored.

(x) *Unit* means one peach dice, one pear dice, or one whole grape, or the equivalent thereof.

§ 2852.1053 Recommended sample unit size.

(a) *Factors of quality.* Compliance with requirements for factors of quality is based on the recommended sample unit size of 300 g (10.56 oz).

(b) *Proportion of fruit ingredients.* Compliance with requirements for portion of fruit ingredients is based on the recommended sample unit size of 300 g (10.56 oz).

§ 2852.1057 Proportion of fruit ingredients.

Canned fruit cocktail shall contain the fruit ingredients in the proportions indicated in Table V.

Table V

Fruit ingredient	Style	Proportion	
		Not less than	Not more than
Peaches	Diced	90 g (3.17 oz) of drained fruit	150 g (5.28 oz) of drained fruit.
Pears	Diced	75 g (2.64 oz) of drained fruit	135 g (4.75 oz) of drained fruit.
Grapes	Whole	18 g (0.63 oz) of drained fruit	60 g (2.11 oz) of drained fruit.
Pineapple	Diced or sectors	18 g (0.63 oz) of drained fruit; but not less than 2 sectors or 3 dice for each 128 g (4.5 oz) of product.	48 g (1.69 oz) of drained fruit.
Cherries	Approximate halves or whole.	6 g (0.21 oz) of drained fruit; but not less than 1 approximate half for each 128 g (4.5 oz) of product.	18 g (0.63 oz) of drained fruit.

§ 2852.1058 Grades.

(a) "U.S. Grade A" is the quality of canned fruit cocktail that:

(1) Meets the following prerequisites in which the fruit cocktail:

(i) Has a normal flavor and odor;

(ii) Has an overall appearance that is reasonably bright and is not more than slightly affected by staining, variation, or dullness;

(iii) Has pears with a color such that the weight of units that have fairly good color or poor color does not exceed the following limits:

Fairly good color		Poor color
12 grams	And	0 grams.
or		
8 grams	And	4 grams.

(iv) Is practically free from loose pear seeds;

(v) Is practically free from peach pit material;

(vi) May have an aggregate area of peel not exceeding 2.5 cm^2 (0.38 in^2 or 1 × 0.38);

(vii) Has a liquid medium that is not off-color for any reason;

(viii) Has cherries that are practically free of defects singly or in combination such that the following limits are not exceeded:

Total number of cherry units in sample unit	Uneven colored units and/or blemished units	Broken units
1 to 6	1	1
7 to 12	2	1
13 to 18	3	2
19 to 24	4	2
25 to 30	5	3
31 to 36	6	3

(ix) Has pineapple sectors or dice that meet the quality requirements of U.S. Grade B or better for canned pineapple;

(x) Has peaches and pears with a character such that the following limits are not exceeded:

Fairly good character		Poor character
22 grams	And	0 grams.
or		
19 grams	And	3 grams.

(xi) Has grapes with no more than two (2) flabby units or serious processing cracks, singly or in combination; and

(xii) Has grapes that are at least reasonably uniform in size.

(2) Is within the limits for defects as classified in Table VI and specified in Tables VII and VIII of this subpart.

(b) "U.S. Grade B" is the quality of canned fruit cocktail that:

(1) Meets the following prerequisites in which the fruit cocktail:

(i) Has a normal flavor and odor;

(ii) Has an overall appearance that is reasonably bright and is not more than slightly affected by staining, variation, or dullness;

(iii) Has pears with a color such that the weight of units that have poor color does not exceed 12 grams.

(iv) Is reasonably free from loose pear seeds;

(v) Is practically free from peach pit material;

(vi) May have an aggregate area of peel not exceeding 5.0 cm^2 (0.77 in^2 or 1 × 0.77);

(vii) Has a liquid medium that is not off-color for any reason;

(viii) Has cherries that are practically free of defects singly or in combination such that the following limits are not exceeded:

Total number of cherry units in sample unit	Uneven colored units and/or blemished units	Broken units
1 to 6	2	1
7 to 12	4	2
13 to 18	5	3
19 to 24	8	4
25 to 30	10	5
31 to 36	12	6

(ix) Has pineapple sectors or dice that meet the quality requirements of U.S. Grade C or better for canned pineapple;

(x) Has peaches and pears which contain not more than a total of 22 grams of poor character;

(xi) Has grapes with no more than four (4) flabby units or serious processing cracks, singly or in combination; and

(xii) Has grapes that may be variable in size.

(2) Is within the limits for defects as classified in table VI and specified in Tables VII and VIII of this Subpart.

(c) *"Substandard"* is the quality of canned fruit cocktail that fails to meet the requirements for U.S. Grade B.

§ 2852.1059 Factors of quality.

The grade of a lot of canned fruit cocktail is based on compliance with requirements for the following quality factors:

(a) *Prerequisite quality factors.* (1) Flavor and odor;

(2) Appearance;

(3) Individual pear unit color;

(4) Loose seeds;

(5) Pit material;

(6) Peel;

(7) Liquid medium;

(8) Quality requirements for cherry ingredients;

(9) Quality requirements for pineapple ingredients;

(10) Character of peaches and pears;

(11) Flabby grapes and/or serious processing cracks; and

(12) Uniformity of size for grapes.

(b) *Classified quality factors.* (1) Individual peach and grape unit color;

(2) Blemished;

(3) Workmanship;

(4) Broken units;

(5) Capstems; and

(6) Extraneous vegetable material.

§ 2852.1060 Classification of defects.

Defects are classified as minor, major, severe, or critical. Each "X" mark in Table VI represents "one (1) defect."

Table VI.—*Classification of Defects*

Quality factor	Defect	Classification			
		Minor	Major	Severe	Critical
PEACHES AND PEARS					
Individual unit color (peaches only).	Fairly good (in grade A—each 3 g)	X			
	Poor (in grades A and B—each 3 g)			X	
Blemished	Slightly (each 3 g)	X			
	Materially (each 3 g)		X		
	Seriously (each 3 g)			X	
Workmanship	More than 20 mm (0.79 in) on one edge plus the units that pass through the meshes of a 5/16 in [8 mm] sieve [1] (each 3 g).	X			
	Core material (each unit)				X
	Units containing interior stem (each unit)				X
	Calyx material (each unit)				X
Extraneous vegetable material.	Each piece				X
GRAPES					
Individual unit color	Fairly good (in Grade A only—each 3 g)		X		
	Poor (in grades A and B only—each 3 g)				X
Blemished	Slightly (each 3 g)	X			
	Materially (each 3 g)		X		
	Seriously (each 3 g)			X	
Broken unit	Seriously (each 3 g)			X	
Capstems	Attached or detached (each capstem)		X		
Extraneous vegetable material.	Each piece				X

[1] Sieve to be used is a five-sixteenths inch (5/16 in) sieve as listed in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L.C. 584 of the National Bureau of Standards, U.S. Department of Commerce.

§ 2852.1061 Tolerances for defects.

Table VII.—*Peaches and Pears*

	Total [2]	Major	Severe	Critical
	Grade A			
AQL [1]	10.0	4.0	0.65	0.15
	Grade B			
AQL [1]	15.0	6.5	2.5	0.25

Table VIII.—*Grapes*

	Total [2]	Major	Severe	Critical
	Grade A			
AQL [1]	2.5	1.0	0.25	0.1
	Grade B			
AQL [1]	4.0	1.5	0.65	0.15

[1] AQL expressed as defects per hundred units.
[2] Total = Minor + Major + Severe + Critical.

§ 2852.1062 Sample size.

The sample size to determine compliance with requirements of these standards shall be as specified in the sampling plans and procedures in the subpart, "Regulations Governing Inspection Certification" of Part 2852, "Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 2852.1–2852.83) for lot inspection and on-line inspection, as applicable.

§ 2852.1063 Compliance with quality requirements.

(a) *Lot inspection.* A lot of canned fruit cocktail is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.1058 are met: and

(2) The Acceptable Quality Levels (AQL) in Tables VII and VIII are not exceeded.

(b) *On-line inspection.* A portion of production is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.1058 are met; and

(2) The Acceptable Quality Levels (AQL) in Tables VII and VIII are not exceeded.

(c) *Single sample unit.* Each unofficial sample unit submitted for quality evaluation will be treated individually and is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.1058 are met; and

(2) The Acceptable Quality Levels (AQL) in Tables VII and VIII are not exceeded.

§ 2852.1064 [Reserved]

§ 2852.1065 [Reserved]

3. Sections 2852.1611–2852.1614 and §§ 2852.1619–2852.1625 of Subpart—United States Standards for Grades of Canned Pears would be amended, and the Table of Contents would be amended accordingly, to read as follows:

Subpart—United States Standards for Grades of Canned Pears

Sec.

2852.1611 Product description.
2852.1612 Styles.
2852.1613 Definitions of terms.
2852.1614 Recommended sample unit size.
* * * * * *
2852.1619 Grades.
2852.1620 Factors of quality.
2852.1621 Classification of defects.
2852.1622 Tolerances for defects.
2852.1623 Sample size.
2852.1624 Compliance with quality requirements.
2852.1625 [Reserved].

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Subpart—United States Standards for Grades of Canned Pears

§ 2852.1611 Product description.

Canned pears is the product represented as defined in the Standards of Identity for canned pears (21 CFR 145.175 and 145.176) issued under the Federal Food Drug and Cosmetic Act. For the purposes of the standards in this Subpart, and unless the text indicates otherwise, the term "canned pears" includes " canned pears," "canned spices pears," and "canned artifically sweetened pears" as defined in the Standards of Identity.

(a) "Whole" are peeled, cored, or uncored, whole pears with or without stems removed.

(b) "Halves" or "Halved" are peeled, cored, and stemmed pears cut longitudinally from stem to calyx into approximate halves.

(c) "Quarters" or Quartered" are peeled, cored, and stemmed pears cut longitudinally from stem to calyx into approximate quarters.

(d) "Slices" or "Sliced" are peeled, cored, and stemmed pears cut longitudinally from stem to calyx into approximate equal wedgeshaped sectors.

(e) "Dice" or "Diced" are peeled, cored, and stemmed pears cut into approximate cubes.

(f) "Pieces or irregular pieces" are peeled, cored, and stemmed pears that are irregular in shape or size or that do not conform to any of the foregoing styles.

§ 2852.1613 Definitions of terms.

(a) *Acceptable Quality Level (AQL)* means the maximum percent of defective units or the maximum number of defects per hundred units of product that, for the purpose of acceptance sampling, can be considered satisfactory as a process average.

(b) *Appearance* means the extent that the overall uniformity of the sample unit, as a mass, is affected by slight tinting of pink or tan and by variation in translucency.

(1) Grades A and B—may be materially affected.

(2) Grade C—may be seriously affected.

(3) Substandard—fails Grade C.

(c) *Blemished* means any unit which is affected by scab, hail injury, corky or hard spots on the outer surface, or discoloration to the extent that the appearance or eating quality is affected slightly, materially, or seriously.

(d) *Calyx unit* means any whole calyx or the equivalent in pieces of one calyx.

(e) *Character* refers to the degree of ripeness, the texture, and the tenderness of the pears as follows:

(1) *Good character*—(i) *Halves; Quarters; Slices; Pieces or irregular pieces.* The units possess a tender, fleshy texture typical of properly ripened and processed pears. The units are pliable but firm enough to possess well defined edges.

(ii) *Whole.* The units possess a tender, fleshy texture typical of properly ripened and processed pears. The units are pliable but firm enough to show no visible breakdown of the flesh.

(iii) *Dice.* The units possess a tender texture typical of properly ripened and processed pears and not more than 10 grams of the product may be disintegrated or mushy.

(2) *Reasonably good character*—(i) *Whole; Halves; Quarters; Slices; Pieces or irregular pieces.* The units possess a reasonably tender, fleshy texture typical of properly ripened and processed pears. The units may possess slight graininess and may be slightly firm or soft but not mushy. Tenderness may be variable within the unit.

(ii) *Dice.* The units possess a reasonably tender texture typical of properly ripened and processed pears and not more than 20 grams of the product may be disintegrated or mushy.

(3) *Fairly good character*—(1) *Whole; Halves; Quarters; Slices; Pieces or irregular pieces.* The units possess a fairly tender texture typical of properly processed pears which may be variable. The units may possess substantial graininess and may be substantially firm or soft but not mushy.

(ii) *Dice.* The units possess a fairly tender texture typical of properly processed pears and not more than 30 grams of the product may be disintegrated or mushy.

(4) *Poor character—All styles.* The units are excessively soft or mushy or are excessively hard.

(f) *Color*—(1) *General.* The color of canned pears, other than "spiced pears," refers to the color typical of the variety and its uniformity in each unit. All surfaces of the units are to be considered.

(2) *Individual unit color classification*—(i) *Good color* means that the pear unit has a typical yellow-white to beige-white translucent color and may have a very slight pink tint to light tan tint.

(ii) *Fairly good color* means that the pear unit may have a visual chalkiness and may have a slight pink cast or brown cast but not a definite pink or brown color.

(iii) *Poor color* means a pear unit that fails to meet the requirements for fairly good color.

(g) *Core material*—(1) *Small piece* means any piece of loose core material, with or without seeds, that is less than one-half of an apparent pear core.

(2) *Large piece* means any piece of loose core material, with or without seeds, that is equal to or more than one-half of an apparent pear core.

(h) *Crushed or broken* in the styles of whole, halves, and quarters means:

(1) A unit is "crushed" if it has definitely lost its normal shape and is crushed not due to ripeness.

(2) A unit is "broken" if severed into definite parts. Any unit in halves style that is split from the edge to the core cavity is not considered broken.

(i) *Defect* means any nonconformance of a unit(s) of product from a specified requirement of a single quality characteristic.

(j) *Extraneous vegetable material* means any detached or attached external stem that attaches the pear to the twig of the pear tree, pieces of twigs not more than 51 mm (2.0 in) in length, or leaf material or portions thereof.

(k) *Flavor and odor.* "Normal flavor and odor" means that the canned pears are free from objectionable flavors and odors of any kind.

(l) *Interior stem* means an interior stem or portion of an interior stem of any length that is definitely fibrous, tough, or woody and affects the eating quality of the unit.

(m) *Loose seed* means any pear seed, or the equivalent in pieces of one seed, not included in core material.

(n) *Mechanical damage.*—(1) *Partial slice* in the style of slices is a unit that has had a semblance of a slice with respect to thickness and shape but is less than three-fourths of an apparent full slice and that does not bear marks of crushing. Pieces are reassembled to equal an average full size slice and counted as one unit.

(2) *Trim* means a unit in the styles of whole, halves, or quarters that is trimmed to the extent that its shape is affected moderately or seriously.

(o) *Partially cored unit* means a whole, half, quarter, slice, or piece of pear with only part of the core material removed.

(p) *Peel* means all of the outer layer of the pear that is normally removed during processing.

(q) *Sample unit size* means the amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container;

(2) A portion of the contents of a container;

(3) A combination of the contents of 2 or more containers; or

(4) A portion of unpacked product.

(r) *Slab,* in the style of slices, means an irregularly shaped unit resulting from the slicing operation that materially deviates from the normal shape of a wedge shaped sector.

(s) *Uncored unit* means a whole, half, quarter, slice or piece of pear with none of the core material removed.

(t) *Unit* means one whole, half, quarter, slice dice, or piece of pear as applicable for the style.

§ 2852.1614 Recommended sample unit size.

Compliance with requirements for factors of quality is based on the following sample unit sizes for the respective style.

(a) Whole—25 units.

(b) Halves; Quarters—25 units.

(c) Slices—50 units or 100 units.

(d) Dice—200 grams (7 ounces).

(e) Pieces or irregular pieces—1,000 grams (35.3 ounces).

§ 2852.1619 Grades.

(a) "U.S. Grade A" is the quality of canned pears that:

(1) Meets the following prerequisites in which the pears:

(i) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Have an overall appearance of the sample unit as a mass that is not more than materially affected by slight tinting or variation;

(iv) Have a color such that the number or weight of units that have fairly good color or poor color does not exceed the following limits:

Style	Fairly good color		Poor color
Whole	3 pears	and	0 pears.
Halves	3 halves	and	0 halves.
Quarters	3 quarters	and	0 quarters.
Slices (100 units)	10 slices	and	0 slices.
Slices (50 units)	5 slices	and	0 slices.
Dice	20 grams	and	0 grams.
Pieces or irregular pieces.	100 grams	and	0 grams.

(v) Are practically free from loose seeds;

(vi) Are practically free from crushed and broken units in the styles of whole, halves, and quarters;

(vii) Do not exceed the aggregate area of peel specified for the style as follows:

(A) Whole peeled—10.5 cm^2 (1.68 in^2 or 1 x 1.68);

(B) Halves—8.0 cm^2 (1.28 in^2 or 1 x 1.28);

(C) Quarters—4.0 cm^2 (0.64 in^2 or 1 x .64);

(D) Slices—50 count—4.0 cm^2 (0.64 in^2 or 1 x .64); 100 count—8.0 cm^2 (1.28 in^2 or 1 x 1.28);

(E) Dice—1.0 cm^2 (0.16 in^2 or 1 x .16);

(F) Pieces or irregular pieces—5.0 cm^2 (0.8 in^2 or 1 x .8);

(viii) Have a character such that the number or weight of units that have reasonably good or fairly good character does not exceed the following limits:

Style	Reasonably good character		Fairly good character
Whole	3 pears	and	0 pears.
	or		
	2 pears	and	1 pear.
Halves	3 halves	and	0 halves.
	or		
	2 halves	and	1 half.
Quarters	3 quarters	and	0 quarters.
	or		
	2 quarters	and	1 quarter.
Slices (100 units)	10 slices	and	0 slices.
	or		
	7 slices	and	3 slices.
Slices (50 units)	5 slices	and	0 slices.
	or		
	3 slices	and	2 slices.
Dice	20 grams	and	0 grams.
	or		
Pieces or irregular pieces.	13 grams	and	7 grams.
	100 grams	and	0 grams.
	or		
	66 grams	and	34 grams.

(2) Is within the limits for defects as classified in Table VIII and specified in Tables IX, X, XI, XII, XIII, XIV, or XV.

(b) "U.S. Grade B" is the quality of canned pears that:

(1) Meets the following prerequisites in which the pears:

(i) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Have an overall appearance of the sample unit as a mass that is not more than materially affected by slight tinting or variation;

(iv) Have a color such that the number or weight of units that have fairly good color or poor color does not exceed the following limits:

Style	Fairly good color		Poor color
Whole	3 pears	and	0 pears.
	or		
	2 pears	and	1 pear.
Halves	3 halves	and	0 halves.
	or		
	2 halves	and	1 half.
Quarters	3 quarters	and	0 quarters.
	or		
	2 quarters	and	1 quarter.
Slices (100 units)	10 slices	and	0 slices.
	or		
	7 slices	and	3 slices.
Slices (50 units)	5 slices	and	0 slices.
	or		
	3 slices	and	2 slices.
Dice	20 grams	and	0 grams.
	or		
Pieces or irregular pieces.	13 grams	and	7 grams.
	100 grams	and	0 grams.
	or		
	66 grams	and	34 grams.

(v) Are reasonably free from loose seeds;

(vi) Are practically free from crushed and broken units in the styles of whole, halves, and quarters;

(vii) Do not exceed the aggregate area of peel specified for the style as follows:

(A) Whole peeled—21.0 cm^2 (3.36 in^2 or x 3.36);

(B) Halves—16.0 cm^2 (2.56 in^2 or 1 x 2.56);

(C) Quarters—8.0 cm^2 (1.28 in^2 or 1 x 1.28);

(D) Slices—50 count-8.0 cm^2 (1.28 in^2 or 1 x 1.28); 100 count-16.0 cm^2 (2.56 in^2 or 1 x 2.56);

(E) Dice—2.0 cm^2 (0.32 in^2 or 1 x 0.32);

(F) Pieces or irregular pieces—10.0 cm^2 (1.6 in^2 or 1 x 1.6);

(viii) Have a character such that the number or weight of units that have fairly good or poor character does ot exceed the following limits:

Style	Fairly good character		Poor character
Whole	3 pears	and	0 pears.
	or		
	2 pears	and	1 pear.
Halves	3 halves	and	0 halves.
	or		
	2 halves	and	1 half.
Quarters	3 quarters	and	0 quarters.
	or		
	2 quarters	and	1 quarter.
Slices (100 units)	10 slices	and	0 slices.
	or		
	7 slices	and	3 slices.
Slices (50 units)	5 slices	and	0 slices.
	or		
	3 slices	and	2 slices.
Dice	20 grams	and	0 grams.
	or		
Pieces or irregular pieces.	13 grams	and	7 grams.
	100 grams	and	0 grams.
	or		
	66 grams	and	34 grams.

(2) Is within the limits for defects as classified in Table VIII and specified in Tables IX, X, XI, XII, XIII, XIV, or XV.

(c) "U.S. Grade C" is the quality of canned pears that:

(1) Meets the following prerequisites in which the pears:

(i) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Have an overall appearance of the sample unit as a mass that is not more than seriously affected by slight tinting and variation;

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(iv) Have a color such that the number or weight of units that have poor color does not exceed the following limits:

Style:	Poor color
Whole	3 pears.
Halves	3 halves.
Quarters	3 quarters.
Slices (100 units)	10 slices.
Slices (50 units)	5 slices.
Dice	20 grams.
Pieces or irregular pieces	100 grams.

(v) Are fairly free from loose seeds;

(vi) Are practically free from crushed and broken units in the styles of whole, halves, and quarters;

(vii) Do not exceed the aggregate area of peel specified for the style as follows:

(A) Whole peeled—42.0 cm^2 (6.72 in^2 or 1 x 6.72);

(B) Halves—32.0 cm^2 (5.12 in^2 or 1 x 5.12);

(C) Quarters—16.0 cm^2 (2.56 in^2 or 1 x 2.56);

(D) Slices—50 count—16.0 cm^2 (2.56 in^2 or 1 x 2.56); 100 count—32.0 cm^2 (5.12 in^2 or 1 x 5.12);

(E) Dice—4.0 cm^2 (0.64 in^2 or 1 x .64);

(F) Pieces or irregular pieces—20.0 cm^2 (3.2 in^2 or 1 x 3.2);

(viii) Have a character such that the number or weight of units that have poor character does not exceed the following limits:

Style:	Poor character
Whole	3 pears.
Halves	3 halves.
Quarters	3 quarters.
Slices (100 units)	10 slices.
Slices (50 units)	5 slices.
Dice	20 grams.
Pieces or irregular pieces	100 grams.

(2) Is within the limits for defects as classified in Table VIII and specified in Tables IX, X, XI, XII, XIII, XIV, or XV.

(d) "Substandard" is the quality of canned pears that fails to meet the requirements for U.S. Grade C.

§ 2852.1620 Factors of quality.

The grade of a lot of canned pears is based on compliance with requirements for the following quality factors:

(a) *Prerequisite quality factors.* (1) Varietal characteristics;
(2) Flavor and odor;
(3) Appearance;
(4) Individual unit color;
(5) Loose seeds;
(6) Crushed or broken units;
(7) Peel;
(8) Character.

(b) *Classified quality factors.* (1) Workmanship;
(2) Blemished;
(3) Uniformity of size;
(4) Mechanical damage;
(5) Extraneous vegetable material.

§ 2852.1621 Classification of defects.

Defects are classified as minor, major, severe, or critical. Each "X" mark in Table VIII represents "one (1) defect."

Table VIII.—*Classification of Defects*

Quality factor	Defect	Minor	Major	Severe	Critical
	WHOLE, UNCORED				
Blemished	Slightly	X			
	Materially		X		
	Seriously			X	
Uniformity of size	Excessive variation (each unit)	X			
Mechanical damage	Moderate trim (grades A and B only)	X			
Extraneous [1] vegetable material	Each piece				X
	HALVES, QUARTERS, AND WHOLE CORED				
Blemished	Slightly	X			
	Materially		X		
	Seriously			X	
Uniformity of size	Excessive variation (each unit)	X			
Mechanical damage	Moderate trim (grades A and B only)	X			
Workmanship	Uncored units (with or without seeds)			X	
	Partially cored units (with or without seeds)	X			
	Loose core material (with or without seeds):				
	Each small piece	X			
	Each large piece		X		
	Interior stem		X		
	Calyx material (each unit)				X
Extraneous vegetable material	Each piece				X
	SLICES				
Blemished	Slightly	X			
	Materially		X		
	Seriously			X	
Mechanical damage	Partial Slice	X			
Workmanship	Uncored units (with or without seeds)			X	
	Partially cored units (with or without seeds)	X			
	Loose core material (with or without seeds):				
	Each small piece		X		
	Each large piece			X	
	Interior stem		X		
	Slabs			X	
	Calyx material (each unit)				X
Extraneous vegetable material	Each piece				X
	DICE				
Blemished	Materially (each 8 g)		X		
	Seriously (each 8 g)			X	
Workmanship	Units more than 20 mm (0.79 in) on one edge plus the units that pass through the meshes of a 5/16 in (8mm) sieve [2] (each 8 g).	X			
	Loose core material (any size—each unit)			X	
	Units containing interior stem (each unit)			X	
	Uncored units (each unit)			X	
	Calyx material (each unit)				X
Extraneous vegetable material	Each piece				X
	PIECES OR IRREGULAR PIECES				
Blemished	Slightly (each 40 g)	X			
	Materially (each 40 g)		X		
	Seriously (each 40 g)			X	
Workmanship	Uncored units—with or without seeds (each unit)			X	
	Partially cored units—with or without seeds (each unit).	X			
	Loose core material (with or without seeds):				
	Each small piece	X			
	Each large piece		X		
	Interior stem (each unit)		X		
	Calyx material (each unit)				X
Extraneous vegetable material	Each piece				X

[1] Stems are not counted as EVM in the style of Whole, Uncored with stems.

[2] Sieve to be used is a five-sixteenths inch (5/16 in) sieve as listed in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L.C. 584 of the National Bureau of Standards, U.S. Department of Commerce.

§ 2852.1622 Tolerances for defects.

Table IX.—*Serious Trim: Whole, Halves, Quarters*

	Grade A	Grade B	Grade C
AQL [1]	0.40	0.65	6.5

Table X.—*Loose Seeds*

	Grade A	Grade B	Grade C
	Whole, Halves, Quarters		
AQL [2]	8.5	20.0	33.0
	Slices		
AQL [2]	2.5	5.0	8.5
	Dice		
AQL [2]	1.0	1.5	2.5
	Pieces or Irregular Pieces		
AQL [2]	2.5	8.5	15.0

[1] AQL expressed as percent defective.
[2] AQL expressed as defects per hundred units.

Table XI.—*Whole, Uncored*

	Total [3]	Major	Severe	Critical
	Grade A			
AQL [1]	10.0	2.5	1.0	0.40
	Grade B			
AQL [1]	20.0	6.5	2.5	0.65
	Grade C			
AQL [1]	25.0	12.5	6.5	1.0

Table XII.—*Whole Cored; Halves; Quarters*

	Total [3]	Major	Severe	Critical
	Grade A			
AQL [1]	15.0	6.5	2.5	0.65
	Grade B			
AQL [1]	25.0	12.5	5.0	1.0
	Grade C			
AQL [1]	40.0	20.0	8.5	2.5

Table XIII.—*Sliced*

	Total [3]	Major	Severe	Critical
	Grade A			
AQL [1]	12.5	5.0	2.5	0.15
	Grade B			
AQL [1]	25.0	12.5	5.0	0.25
	Grade C			
AQL [1]	40.0	20.0	12.5	0.65

Table XIV.—*Dice*

	Total [3]	Major	Severe	Critical
	Grade A			
AQL [1]	12.5	6.5	2.5	0.40
	Grade B			
AQL [1]	20.0	12.5	6.5	0.65
	Grade C			
AQL [1]	25.0	15.0	12.5	1.0

Table XV.—*Pieces or Irregular Pieces*

	Total [3]	Major	Severe	Critical
	Grade A			
AQL [1]	10.0	6.5	2.5	0.65
	Grade B			
AQL [1]	25.0	10.0	6.5	1.0
	Grade C			
AQL [1]	40.0	25.0	10.0	2.5

[1] AQL expressed as defects per hundred units.
[2] Total = Minor + Major + Severe + Critical.

§ 2852.1623 Sample size.

General. The sample size to determine compliance with the requirements of these standards shall be as specified in the sampling plans and procedures in the subpart, "Regulations Governing Inspection and Certification" of this Part 2852, "Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 2852.1–2852.83) for lot inspection and on-line inspection, as applicable.

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§ 2852.1624 Compliance with quality requirements.

(a) *Lot inspection.* A lot of canned pears is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.1619 are met;

(2) The Acceptable Quality Levels (AQL) in Tables IX through XV, as applicable for the style, are not exceeded.

(b) *On-line inspection.* A portion of production is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.1619 are met;

(2) The Acceptable Quality Levels (AQL) in Tables IX through XV, as applicable for the style, are not exceeded.

(c) *Single sample unit.* Each unofficial sample unit submitted for quality evaluation will be treated individually and is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.1619 are met;

(2) The Acceptable Quality Levels (AQL) in Tables IX through XV, as applicable for the style, are not exceeded.

§ 2852.1625 [Reserved]

4. Sections 2852.2641–2852.2644 and §§ 2852.2649–2852.2657 of Subpart—United States Standards for Grades of Canned Apricots would be amended, and the Table of Contents would be amended accordingly, to read as follows:

Subpart—United States Standards for Grades of Canned Apricots

Sec.

2852.2641 Product description.
2852.2642 Styles.
2852.2643 Definitions of terms.
2852.2644 Recommended sample unit size.
* * * * *
2852.2649 Grades.
2852.2650 Factors of quality.
2852.2651 Classification of defects.
2852.2652 Tolerances for defects.
2852.2653 Sample size.
2852.2654 Compliance with quality requirements.
2852.2655 [Reserved]
2852.2656 [Reserved]
2852.2657 [Reserved]

Subpart—United States Standards for Grades of Canned Apricots

§ 2852.2641 Product description.

Canned apricots is the product represented as defined in the Standards of Identity for canned apricots (21 CFR 145.115 and 145.116) issued under the Federal Food, Drug, and Cosmetic Act. For the purposes of the standards in this Subpart, and unless the text indicates otherwise, the term "canned apricots" includes "canned spiced apricots" and "artificially sweetened canned apricots" as defined in the Standards of Identity.

§ 2852.2642 Styles.

(a) "Whole" are unpitted whole apricots with stems removed.

(b) "Halved" or "Halves" are pitted apricots cut approximately in half along the suture from stem to apex.

(c) "Quartered" or "Quarters" are halved apricots cut into two approximately equal parts.

(d) "Sliced" or "Slices" are apricots cut into thin sectors or strips.

(e) "Pieces or irregular pieces" are cut apricot units that are predominantly irregular in size and shape which do not conform to a single style, or which are a mixture of two or more of such styles.

(f) When apricots are "peeled" or "unpeeled," the name of the style is preceded or followed by the applicable word "peeled" or "unpeeled."

§ 2852.2643 Definitions of terms.

(a) *Acceptable Quality Level (AQL)* means the maximum percent of defective units or the maximum number of defects per hundred units of product that, for the purpose of acceptance sampling, can be considered satisfactory as a process average.

(b) *Blemished* means any unit which is affected by scab, hail injury, or discoloration to the extent that the appearance or eating quality is affected slightly, materially, or seriously.

(c) *Brightness* means the extent that the overall appearance of the sample unit as a mass is dulled by oxidation or other causes.

(1) Grades A and B—not affected.

(2) Grade C—materially affected.

(3) Substandard—fails Grade C.

(d) *Character* refers to the texture and tenderness of the apricots as follows:

(1) *Good character* means the units have at least a reasonably uniform, tender, and fleshy texture typical of properly ripened and processed apricots and may be soft to slightly firm but not mushy. The units are not more than slightly ragged.

(2) *Fairly good character* means the units have a texture typical of properly processed apricots; the units may be fairly fleshy and fairly tender and may lack uniformity of tenderness. The units may be very soft and ragged with frayed edges or may be very firm.

(3) *Poor character* means the units are excessively soft or mushy, or are excessively firm and may be lacking in fleshiness and tenderness.

(e) *Color*—(1) *General.* The color of canned apricots other than canned "spiced" apricots refers to the predominant and characteristic color on the surface of whole units and the outer uncut surfaces of other units. In canned spiced apricots the color shall be normal.

(2) *Individual unit color classification*—(i) *Good color* means the units have a typical apricot yellow to orange color characteristic of well-matured apricots. The units may have insignificant pale yellow areas but are free from any off-color.

(ii) *Reasonably good color* means the units have a typical color characteristic of reasonably well-matured apricots, and are not more than materially affected by pale yellow or light greenish yellow areas.

(iii) *Fairly good color* means that the units have a typical color characteristic of fairly well-matured apricots and may be pale yellow and have a brownish cast due to oxidation or other causes. The units may be not more than seriously affected by greenish-yellow or light green areas.

(iv) *Poor color* means the units fail to meet the requirements for fairly good color.

(f) *Crushed or broken* in the style of whole, halves, and quarters means:

(1) A unit is "crushed" if it has definitely lost its normal shape and is crushed not due to ripeness;

(2) A unit is "broken" if severed into definite parts. Any unit in halves style that is split or mashed from the edge to the pit cavity is not considered broken. Any unit of whole, peeled apricots that is mashed or very soft due to ripeness to the extent that the pit cavity is exposed or the pit is missing is not considered as being crushed or broken. Two or more portions of broken units are reassembled to approximate one full size unit and counted as one unit.

(g) *Defect* means any nonconformance of a unit(s) of product from a specified requirement of a single quality characteristic.

(h) *Extraneous vegetable material.*—(1) *Small pieces* mean long stems, pieces of twigs not more than 51 mm (2.0 in) in length, or leaf material or portions thereof.

(2) *Short stem* means the woody stem which attaches the apricot to the twig of the tree and is 3 mm (0.12 in) to 10 mm (0.39 in) in length. Dark brown stems less than 3 mm (0.12 in) in length are also considered as short stems.

(i) *Flavor and odor.* "Normal flavor and odor" means that the canned apricots are free from objectionable flavors and odors of any kind.

(j) *Mechanical damage.*—(1) *Detached piece* in the styles of halves and quarters is a piece which has the appearance of a slice resulting from an off-suture cut or other improper cutting.

(2) *Off-suture cut* in the styles of halves and quarters is a unit which has been cut at a distance from the suture greater than 7 mm (0.28 in) at the widest measurement and the appearance is affected:

(i) Not more than slightly;

(ii) Materially; or

(iii) Seriously.

(3) *Partially detached piece* in the styles of halves and quarters is a piece which has the appearance of a slice resulting from an off-suture cut or other improper cutting. The defect is attached to the half or quarter from which cut, but must be detached more than one-third of the length of the half or quarter along the suture approximately paralled with the suture.

(k) *Peel* means all of the outer layer of the apricot that may or may not be removed during processing.

(l) *Sample unit size* means the amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container;

(2) A portion of the contents of a container;

(3) A combination of the contents of 2 or more containers; or

(4) A portion of unpacked product.

(m) *Unit* means one whole, half, quarter, slice, or piece of apricot as applicable for the style.

§ 2852.2644 Recommended sample unit size.

Compliance with requirements for factors of quality is based on the following sample unit sizes for the respective style.

(a) Whole—25 units.

(b) Halves—50 units.

(c) Quarters—50 units.

(d) Slices—100 units.

(e) Pieces or irregular pieces—1,000 grams (35.3 ounces).

§ 2852.2649 Grades.

(a) *"U.S. Grade A"* is the quality of canned apricots that:

(1) Meets the following prerequisites in which the apricots:

(i) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Have an overall brightness of the sample unit as a mass that is not affected by dullness;

(iv) Are practically free from pit material except for whole style;

(v) Are reasonably free from loose pits for whole style;

(vi) Are practically free from crushed and broken units in the styles of whole, halves, and quarters;

(vii) Are practically free from extraneous vegetable material;

(viii) Do not exceed the aggregate area of peel specified for the peeled styles as follows:

(A) Whole; halves; and pieces or irregular pieces—3.0 cm^2 (0.5 in^2 or 1 x 0.5);

(B) Quarters—1.5 cm^2 (0.25 in^2 or 1 x 0.25);

(C) Slices—1.5 cm^2 (0.25 in^2 or 1 x 0.25);

(ix) Have a character such that the number or weight of units that have fairly good character does not exceed the following;

(A) Whole—1 unit;

(B) Halves—3 units;

(C) Quarters—3 units;

(D) Slices—5 units;

(E) Pieces or irregular pieces—50 grams.

(2) Is within the limits for defects as classified in Table IV and specified in Tables V, VI, or VII.

(b) *"U.S. Grade B"* is the quality of canned apricots that:

(1) Meets the following prerequisites in which the apricots:

(i) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Have an overall brightness of the sample unit as a mass that is not affected by dullness;

(iv) Are practically free from pit material except for whole style;

(v) Are reasonably free from loose pits for whole style;

(vi) Are practically free from crushed and broken units in the styles of whole, halves, and quarters;

(vii) Are practically free from extraneous vegetable material;

(viii) Do not exceed the aggregate area of peel specified for the peeled styles as follows:

(A) Whole; halves; and pieces or irregular pieces—3.0 cm^2 (0.5 in^2 or 1 x 0.5);

(B) Quarters—1.5 cm^2 (0.25 in^2 or 1 x 0.25);

(C) Slices—1.5 cm^2 (0.25 in^2 or 1 x 0.25);

(ix) Have a character such that the number or weight of units that have fairly good character does not exceed the following;

(A) Whole—1 unit;

(B) Halves—3 units;

(C) Quarters—3 units;

(D) Slices—5 units;

(E) Pieces or irregular pieces—50 grams.

(2) Is within the limits for defects as classified in Table IV and specified in Tables V, VI, or VII.

(c) *"U.S. Grade C"* is the quality of canned apricots that:

(1) Meets the following prerequisites in which the apricots:

(i) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Have an overall brightness of the sample unit as a mass that is not more than materially affected by dullness;

(iv) Are practically free from pit material except in whole style;

(v) Are reasonably free from loose pits in whole style;

(vi) Are practically free from crushed and broken units in the styles of whole, halves, and quarters;

(vii) Are fairly free from extraneous vegetable material;

(viii) Do not exceed the aggregate area of peel specified for the peeled styles as follows:

(A) Whole; halves; and pieces or irregular pieces—9.0 cm^2 (1.5 in^2 or 1x1.5);

(B) Quarters—4.5 cm^2 (0.75 in^2 or 1x0.75);

(C) Slices—4.5 cm^2 (0.75 in^2 or 1x0.75);

(ix) Have a character such that the number or weight of units that have poor character does not exceed the following:

(A) Whole—3 units;

(B) Halves—5 units;

(C) Quarters—5 units;

(D) Slices—10 units;

(E) Pieces or irregular pieces—100 grams.

(2) Is within the limits for defects as classified in Table IV and specified in Tables V, VI, or VII.

(d) *"Substandard"* is the quality of canned apricots that fails to meet the requirements for U.S. Grade C.

§ 2852.2650 Factors of quality.

The grade of a lot of canned apricots is based on compliance with requirements for the following quality factors:

(a) *Prerequisite quality factors.*

(1) Varietal characteristics;

(2) Flavor and odor;

(3) Brightness;

(4) Pit material (all styles except whole);

(5) Loose pits (whole style only);

(6) Crushed or broken units;

(7) Extraneous vegetable material;

(8) Peel;

(9) Character.

(b) *Classified quality factors.* (1) Individual unit color;

(2) Uniformity of size;

(3) Blemished;

(4) Mechanical damage.

§ 2852.2651 Classification of defects.

Defects are classified as minor, major, severe, or critical. Each "X" mark in Table IV represents "one (1) defect."

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Table IV.—*Classification of Defects*

Quality factor	Defect	Classification			
		Minor	Major	Severe	Critical
WHOLE					
Individual unit color	Reasonably good color (grade A only)	X			
	Fairly good color (grades A and B only)			X	
	Poor (grades A, B, and C)				X
Uniformity of size	Excessive variation	X			
Blemished	Slightly	X			
	Materially		X		
	Seriously			X	
HALVES, QUARTERS					
Individual unit color	Reasonably good color (grade A only)	X			
	Fairly good color (grades A and B only)			X	
	Poor (grades A, B, and C)				X
Uniformity of size	Excessive variation	X			
Blemished	Slightly	X			
	Materially		X		
	Seriously			X	
Mechanical damage	Off-suture:				
	Slightly	X			
	Materially		X		
	Seriously			X	
	Partially detached piece	X			
	Detached piece		X		
SLICES					
Individual unit color	Reasonably good color (grade A only)	X			
	Fairly good color (grades A and B only)			X	
	Poor (grades A, B, and C)				X
Blemished	Slightly	X			
	Materially		X		
	Seriously			X	
PIECES OR IRREGULAR PIECES					
Individual unit color	Reasonably good color (grade A only—each 40 g)	X			
	Fairly good color (grades A and B—each 40 g)			X	
	Poor (grades A, B, and C—each 40 g)				X
Blemished	Slightly (each 40 g)	X			
	Materially (each 40 g)		X		
	Seriously (each 40 g)			X	

§ 2852.2652 Tolerances for defects.

Table V.—*Whole, Pieces, or Irregular Pieces*

	Total [1]	Major	Severe	Critical
Grade A				
AQL [2]	15.0	6.5	2.5	0.65
Grade B				
AQL [2]	25.0	12.5	10.0	2.5
Grade C				
AQL [2]	50.0	25.0	15.0	10.0

Table VI.—*Halves, Quarters*

	Total [1]	Major	Severe	Critical
Grade A				
AQL [2]	12.5	6.5	2.5	0.40
Grade B				
AQL [2]	25.0	12.5	6.5	1.5
Grade C				
AQL [2]	50.0	25.0	12.5	6.5

Table VII.—*Slices*

	Total [1]	Major	Severe	Critical
Grade A				
AQL [2]	8.5	4.0	2.5	0.40
Grade B				
AQL [2]	20.0	8.5	6.5	1.5
Grade C				
AQL [2]	25.0	12.5	8.5	6.5

[1] Total = Minor + Major + Severe + Critical.
[2] AQL expressed as defects per hundred units.

§ 2852.2653 Sample size.

The sample size to determine compliance with requirements of these standards shall be as specified in the sampling plans and procedures in the subpart, "Regulations Governing Inspection and Certification" of this Part 2852, "Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 2852.1–2852.83) for lot inspection and on-line inspection, as applicable.

§ 2852.2654 Compliance with quality requirements.

(a) *Lot inspection.* A lot of canned apricots is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.2649 are met;

(2) The Acceptable Quality Levels (AQL) in Tables V, VI, and VII, as applicable for the style, are not exceeded.

(b) *On-line inspection.* A portion of production is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.2649 are met;

(2) The Acceptable Quality Levels (AQL) in Tables V, VI, and VII, as applicable for the style, are not exceeded.

(c) *Single sample unit.* Each unofficial sample unit submitted for quality evaluation will be treated individually and is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.2649 are met;

(2) The Acceptable Quality Levels (AQL) in Tables V, VI, and VII, as applicable for the style, are not exceeded.

§ 2852.2655 [Reserved]

§ 2852.2656 [Reserved]

§ 2852.2657 [Reserved]

5. Sections 2852.4021–2852.4023 and §§ 2852.4028–2852.4034 of Subpart—United States Standards for Grades of Canned Grapes would be amended, and the Table of Contents would be amended accordingly, to read as follows:

Subpart—United States Standards for Grades of Canned Grapes

Sec.
2852.4021 Product description.
2852.022 Definitions of terms.
2852.4023 Recommended sample unit size.
2852.4028 Grades.
2852.4029 Factors of quality.
2852.4030 Classification of defects.
2852.4031 Tolerances for defects.
2852.4032 Sample size.
2852.4033 Compliance with quality requirements.
2852.4034 [Reserved]

Subpart—United States Standards for Grades of Canned Grapes

§ 2852.4021 Product description.

Canned grapes is the product represented as defined in the Standards of Identity for canned grapes (21 CFR 145.140) issued under the Federal Food, Drug, and Cosmetic Act. For the purposes of the standards in this subpart, canned grapes are prepared from the light seedless varietal type and are stemmed.

§ 2852.4022 Definition of terms.

(a) *Acceptable Quality Level (AQL)* means the maximum percent of defective units or the maximum number of defects per hundred units of product that, for the purpose of acceptance sampling, can be considered satisfactory as a process average.

(b) *Blemished* means any unit which is affected by scab, scar tissue, or discoloration on or in the grape unit to the extent that the appearance or eating quality is affected slightly, materially, or seriously.

(c) *Brightness* means the extent that the overall appearance of the sample unit as a mass is dulled by oxidation or other causes.

(1) Grade A—may be slightly affected.

(2) Grade B—may be materially affected.

(3) Substandard—fails Grade B.

(d) *Broken* means any unit that is split, spread open, or crushed (without discoloration) such that the appearance or eating quality is seriously affected.

(e) *Capstem* means the small woody stem which attaches the grape to the main cluster.

(f) *Color.*—(1) *General.* The color of canned grapes other than spiced or artificially colored grapes refers to the predominant and characteristic color of the outer surface of the individual units. The color of canned spiced or artificially colored grapes shall be typical of the respective type of pack.

(2) *Individual unit color classification.—(i) Good color* means the grapes have a bright, uniform, yellowish-green to greenish-yellow color typical of well-developed light seedless grapes.

(ii) *Fairly good color* means the grapes have a fairly bright uniform light green to yellowish-green color typical of fairly well-developed light seedless grapes, and may have a slightly dull color or a light brownish cast.

(iii) *Poor color* means the grapes fail to meet the requirements for fairly good color.

(g) *Defect* means any nonconformance of a unit(s) of product from a specified requirement of a single quality characteristic.

(h) *Extraneous vegetable material (EVM)* means any vegetable substance (other than capstems) common to the grape vine that is harmless.

(i) Flabby means the grape skin is intact and not broken, but the interior portion of the grape is missing to the extent that the grape has a deflated or sunken appearance.

(j) *Flavor and odor.* "Normal flavor and odor" means that the canned grapes are free from objectionable flavors and odors of any kind.

(k) *Sample unit size* means the amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container;

(2) A portion of the contents of a container;

(3) A combination of the contents of 2 or more containers; or

(4) A portion of unpacked product.

(l) *Serious processing crack* means a grape that is split to or beyond its approximate center but is not mutilated or discolored.

(m) *Unit* means one whole grape or portions which in the aggregate approximate the average size of a grape.

§ 2852.4023 Recommended sample unit size.

Compliance with requirements for factors of quality is based on the recommended sample unit size of 100 units.

§ 2852.4028 Grades.

(a) "U.S. Grade A" is the quality of canned grapes that:

(1) Meets the following prerequisites in which the grapes:

(i) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Have an overall brightness of the sample unit as a mass that may be slightly affected by dullness due to improper processing;

(iv) Are at least fairly uniform in size;

(v) Have no more than six (6) flabby units or serious processing cracks, singly or in combination.

(2) Is within the limits for defects as classified in Table IV and specified in Table V.

(b) "U.S. Grade B" is the quality of canned grapes that:

(1) Meets the following prerequisites in which the grapes:

(i) Have similar varietal charactistics;

(ii) Have a normal flavor and odor;

(iii) Have an overall brightness of the sample unit as a mass that may be materially affected by dullness due to improper processing;

(iv) May be variable in size;

(v) Have no more than 14 flabby units or serious processing cracks, singly or in combination.

(2) Is within the limits for defects as classified in Table IV and specified in Table V.

(c) "Substandard" is the quality of canned grapes that fails to meet the requirements for U.S. Grade B.

§ 2852.4029 Factors of quality.

The grade of a lot of canned grapes is based on compliance with requirements for the following quality factors:

(a) *Prerequisite quality factors.* (1) Varietal characteristics;

(2) Flavor and odor;

(3) Brightness;

(4) Uniformity of size;

(5) Flabby units and serious processing cracks.

(b) Classified quality factors. (1) Individual unit color;

(2) Blemished;

(3) Broken units;

(4) Capstems;

(5) Extraneous vegetable material.

§ 2852.4030 Classification of defects.

Defects are classified as minor, major, severe, or critical. Each "X" mark in Table IV represents "one (1) defect."

Table IV.—*Classification of Defects*

Quality factor	Defect	Classification			
		Minor	Major	Severe	Critical
Individual unit color	Fairly good (grade A only)	X			
	Poor (grades A or B)				X
Blemished	Slightly	X			
	Materially		X		
	Seriously			X	
Capstems	Attached or detached (each capstem)		X		
Broken units	(Each unit)			X	
Extraneous vegetable material	Each piece				X

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§ 2852.4031 Tolerances for defects.

Table V

	Total [1]	Major	Severe	Critical
	Grade A			
AQL [2]	12.5	4.0	1.5	0.15
	Grade B			
AQL [2]	20.0	10.0	5.0	1.5

[1] Total = Minor + Major + Severe + Critical.
[2] AQL expressed as defects per hundred units.

§ 2852.4032 Sample size.

The sample size to determine compliance with requirements of these standards shall be as specified in the sampling plans and procedures in the subpart "Regulations Governing Inspection and Certification" of this Part 2852, "Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 2852.12852.83) for lot inspection and on-line inspection, as applicable.

§ 2852.4033 Compliance with quality requirements.

(a) *Lot inspection.* A lot of canned grapes is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.4028 are met;

(2) The Acceptable Quality Levels (AQL) in Table V are not exceeded.

(b) *On-line inspection.* A portion of production is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.4028 are met;

(2) The acceptable Quality Levels (AQL) in Table II are not exceeded.

(c) *Single sample unit.* Each unofficial sample unit submitted for quality evaluation will be treated individually and is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.4028 are met;

(2) The Acceptable Quality Levels (AQL) in Table V are not exceeded.

§ 2852.4034 [Reserved]

6. A new Subpart—United States Standards for Grades of Canned Fruit Mix, §§ 2852.6491 through 2852.6503, would be added, and the Table of Contents would be amended accordingly, to read as follows:

Subpart—United States Standards for Grades of Canned Fruit Mix

Sec.
2852.6491 Product description.
2852.6492 Definitions of terms.
2852.6493 Recommended sample unit size.
2852.6494 [Reserved]
2852.6495 [Reserved]
2852.6496 [Reserved]
2852.6497 Proportion of fruit ingredients.
2852.6498 Grades.
2852.6499 Factors of quality.
2852.6500 Classification of defects.
2852.6501 Tolerances for defects.
2852.6502 Sample size.
2852.6503 Compliance with quality requirements.

Subpart—United States Standards for Grades of Canned Fruit Mix

§ 2852.6491 Product description.

Canned fruit mix is the product commonly prepared from, but is not limited to, two or more of the following fruit ingredients: Peaches, pears, and grapes. It does not meet the requirements of any other standardized product, such as, but not limited to, canned fruit cocktail or canned fruits for salad. The mixture may be packed with any safe and suitable ingredients permissible unde the Federal Food, Drug, and Cosmetic Act.

§ 2852.6492 Definitions of terms.

(a) *Acceptable Quality Level (AQL)* means the maximum percent of defective units or the maximum number of defects per hundred units of product that, for the purpose of acceptance sampling, can be considered satisfactory as a process average.

(b) *Appearance* means the extent that the overall samply unit as a mass is affected by oxidation, pigmentation, staining, or other causes.

(1) Grade A—slightly affected;
(2) Grade B—materially affected;
(3) Substandard—fails Grade B.

(c) *Blemished* means any fruit unit which is affected by scab, hail injury, corky or hard spots, scar tissue, or discoloration to the extent that the appearance or eating quality is affected slightly, materially, or seriously.

(d) *Broken unit* means a fruit unit that is split, spread open, crushed, or mutilated (without discoloration) such that the appearance is seriously affected.

(e) *Calyx unit* means a fruit calyx that is whole or an aggregate of calyx pieces that would collectively equal one whole calyx.

(f) *Capstem* means the small woody stem that attaches the grape or berry to the main cluster.

(g) *Character.*—(1) *General.* Character refers to the degree of ripeness, the texture, and the tenderness of the fruit units.

(2) *Individual unit character classification.*—(i) *Good character* means that the fruit units meet the definition of good character for the individual ingredients except pears, which may have reasonably good character.

(ii) *Fairly good character* means that the fruit units at least meet the definition of fairly good character for the individual ingredients.

(iii) *Poor character* means that the fruit units fail the requirements for fairly good character.

(h) *Color.*—(1) *General.* Color refers to the predominant and characteristic color of the fruit units.

(2) *Individual unit color classification.*—(i) *Good color* means that the fruit units meet the definition of good color for the individual ingredients.

(ii) *Fairly good color* means that the fruit units at least meet the definition of fairly good color for the individual ingredients.

(iii) *Poor color* means that the fruit units fail the requirements for fairly good color.

(i) *Defect* means any nonconformance for a unit(s) of product from a specified requirement of a single quality characteristic.

(j) *Extraneous vegetable material* means, but is not limited to, pieces of vine, detached or attached external stems (grape capstems are not considered as extraneous vegetable material), pieces of twig not more than 51 mm (2.0 in) in length, or leaf material.

(k) *Flabby grape* means the grape skin in intact and not broken, but the interior portion of the grape is missing to the extent that the grape has a deflated or sunken appearance.

(l) *Flavor and odor.* "Normal flavor and odor" means that the canned fruit mix is free from objectionable flavors and odors of any kind.

(m) *Grapes* means stemmed grapes that are prepared from light or dark seedless varietal types.

(n) *Interior stem* means an interior fruit stem or portion of an interior stem of any length that is definitely fibrous, tough, or woody and that affects the eating quality of the fruit unit.

(o) *Loose seed* means any fruit seed, or the equivalent in pieces of one seed, not included in core material.

(p) *Peaches* means peach units prepared from yellow varieties that have been peeled and pitted. These units may be halves, quarters, slices, dice, or irregular pieces.

(q) *Pears* mean pear units which have been peeled and cored. These units may be halves, quarters, slices, dice, or irregular pieces.

(r) *Peel* means the outer layer of a fruit that is normally removed during processing.

(s) *Sample unit size* means the amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container;

(2) A portion of the contents of a container;

(3) A combination of the contents of 2 or more containers; or

(4) A portion of unpacked product.

(t) *Serious processing crack* means a whole fruit unit that is split to or beyond its approximate center, but is not mutilated or discolored.

(u) *Unit* means one whole, half, quarter, slice, dice, piece, or sector of any applicable fruit ingredient.

§ 2852.6493 Recommended sample unit size.

Compliance with the requirements for factors of quality and proportion of fruit ingredients is based on the recommended sample unit size of 300 g (10.56 oz).

§§ 2852.6494 through 2852.6496 [Reserved]

§ 2852.6497 Proportion of fruit ingredients.

Canned fruit mix ingredients may consist of a combination of two or more suitable fruits of any proportion: *Provided,* That no single fruit ingredient in a 300 g (10.56 oz) sample unit exceeds 180 g (6.34 oz).

§ 2852.6498 Grades.

(a) *"U.S. Grade A"* is the quality of canned fruit mix that:

(1) Meets the following prerequisites in which the fruit mix:

(i) Has a normal flavor and odor;

(ii) Has an overall appearance that is reasonably bright and is not more than slightly affected by staining or dullness;

(iii) Has a color such that the weight of units that have fairly good color or poor color does not exceed the following limits:

Fairly good color	Poor color
15 grams	0 grams.
or	
12 grams	3 grams.

(iv) Is practically free from loose seeds;

(v) Is practically free from pit material;

(vi) May have an aggregate area of peel not exceeding 2.5 cm^2 (0.38 in^2 or 1 x 0.38);

(vii) Has a liquid medium that is not off-color for any reason;

(viii) Has fruit units with a character such that the following limits are not exceeded:

Fairly good character	Poor character
30 grams	0 grams.
or	
26 grams	4 grams.

(ix) Has grapes, if present, with no more than three flabby units or serious processing cracks, singly or in combination.

(2) Is within the limits for defects as classified in Table IV and specified in Table V.

(b) *"U.S. Grade B"* is the quality of canned fruit mix that:

(1) Meets the following prerequisites in which the fruit mix:

(i) Has a normal flavor and odor;

(ii) Has an overall appearance that is reasonably bright and is not seriously affected by staining or dullness;

(iii) Has pears, if present, with a color such that the weight of units that have poor color does not exceed 15 grams;

(iv) Is reasonably free from loose seeds;

(v) Is practically free from pit material;

(vi) May have an aggregate area of peel not exceeding 5.0 cm^2 (0.77 in^2 or 1 x 0.77);

(vii) Has a liquid medium that is not off-color for any reason;

(viii) Has a character such that the fruit does not contain more than 30 grams of poor character;

(ix) Has grapes, if present, with no more than six flabby units or serious processing cracks, singly or in combination.

(2) Is within the limits for defects as classifed in Table IV and specified in Table V.

(c) "Substandard" is the quality of canned fruit mix that fails to meet the requirements for U.S. Grade B.

§ 2852.6499 Factors of quality.

The grade of a lot of canned fruit mix is based on compliance with requirements for the following quality factors:

(a) *Prerequisite quality factors.* (1) Flavor and odor;
(2) Appearance;
(3) Individual pear unit color;
(4) Loose seeds;
(5) Pit material;
(6) Peel;
(7) Liquid medium;
(8) Character;
(9) Flabby grapes and/or serious processing cracks.

(b) *Classified quality factors.* (1) Individual fruit unit color (other than pear units);
(2) Blemished;
(3) Workmanship;
(4) Broken units;
(5) Capstems;
(6) Extraneous vegetable material.

§ 2852.6500 Classification of defects.

Defects are classified as minor, major, severe, or critical. Each "X" mark in Table IV represents "one (1) defect."

Table IV.—*Classification of Defects*

Quality factor	Defect	Classification			
		Minor	Major	Severe	Critical
Individual unit color (all fruits except pears).	Fairly good (in grade A only—each 3 g)		X		
	Poor (in grades A and B—each 3 g)			X	
Blemished	Slightly (each 3 g)	X			
	Materially (each 3 g)		X		
	Seriously (each 3 g)			X	
Broken units	(Each 3 g)	X			
Workmanship	Core material—with or without seeds (each unit)				X
	Units containing interior stem (each unit)				X
	Calyx material (each unit)				X
	Capstem—attached or detached (each stem)			X	
Extraneous vegetable material.	Each piece				X

§ 2852.6501 Tolerances for defects.

Table V

	Total [2]	Major	Severe	Critical
	Grade A			
AQL [1]	12.5	6.5	1.5	0.25
	Grade B			
AQL [1]	20.0	8.5	5.0	0.65

[1] AGL expressed as defects per hundred units.
[2] Total = Minor + Major + Severe + Critical.

§ 2852.6502 Sample size.

The sample size to determine compliance with requirements of these standards shall be as specified in the sampling plans and procedures in the subpart, "Regulations Governing Inspection and Certification" of Part 2852, "Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 2852.1–2852.83) for lot inspection and on-line inspection, as applicable.

§ 2852.6503 Compliance with quality requirements.

(a) *Lot inspection.* A lot of canned fruit mix is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.6498 are met;

(2) The Acceptable Quality Levels (AQL) in Table V are not exceeded.

(b) *On line inspection.* A portion of production is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.6498 are met;

(2) The Acceptable Quality Levels (AQL) in Table V are not exceeded.

(c) *Single sample unit.* Each unofficial sample unit submitted for quality evaluation will be treated individually and is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.6498 are met;

(2) The Acceptable Quality Levels (AQL) in Table V are not exceeded.

(Secs. 203 and 205, 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622, 1624))

This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been classified "significant." An Approved Draft Impact Analysis is available from Mr. Leon R. Cary, Processed Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, D.C. on March 12, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-8173 Filed 3-20-80; 8:45 am]

BILLING CODE 3410-DM-M

Animal and Plant Health Inspection Service

9 CFR Part 51

Brucellosis Indemnity

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes amendments to the regulations governing the payment of indemnities for cattle destroyed because of brucellosis. This proposal would allow Federal indemnities for cattle destroyed because of brucellosis to move with the market. This action is necessary to encourage closer cooperation between livestock owners and the brucellosis eradication program officials.

DATE: Comments on or before April 21, 1980.

ADDRESS: Comments to Deputy Administrator, USDA, APHIS, VS, Federal Building, Room 805, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. A. D. Robb, USDA, APHIS, VS, Federal Building, Room 805, Hyattsville, MD 20782, 301-436-8713.

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the provisions of Secs. 3, 4, 5, 11, and 13, 23 Stat. 32 as amended; Secs. 1 and 2, 32 Stat. 791-792, as amended; Sec. 3, 33 Stat. 1265, as amended; Sec. 3, 76 Stat. 130 (21 U.S.C. 111-113, 114, 114a, 114a-1, 120, 121, 125, 134b; 37 FR 28464, 28477; 38 FR 19141) the Animal and Plant Health Inspection Service is considering amending Part 51, Title 9, Code of Federal Regulations.

Brucellosis is a contagious, infectious, and communicable disease which affects animals and man and is caused by bacteria of the genus *Brucella.* A Cooperative State-Federal Brucellosis Eradication Program to eliminate brucellosis from cattle and swine of the United States is being carried out in each of the various states. Among the tools being used to eradicate brucellosis in the various states is the testing of cattle and swine herds for brucellosis with identification and destruction of affected animals.

The Secretary of Agriculture has authority (21 U.S.C. 114a) to indemnify owners of animals for losses caused by the destruction of brucellosis affected or exposed animals. Presently, an indemnity payment of $50 for nonregistered beef cattle, $150 for nonregistered dairy cattle, $250 for registered cattle, and $25 for exposed female calves is the maximum which may be paid under the applicable regulations (9 CFR Part 51), except that indemnity payments for all nonregistered cattle in Alaska, Hawaii, Puerto Rico, and the Virgin Islands may not exceed $150.

With inflation and other causes of market fluctuations, flat rate indemnities may fail to provide the necessary incentive to producers to cooperate in management practices proven necessary to eliminate brucellosis from a herd or from areas.

This proposal would amend the regulations to permit indemnity payments for cattle with the exception of exposed female calves, to move with fair market values and would eliminate the system presently in effect for cattle. Under present § 51.3, the Deputy Administrator may authorize the Department to pay indemnity to owners whose cattle are destroyed because of brucellosis. However, the Deputy Administrator's authorization is limited by top dollar amounts per head which may be paid for different categories of cattle. The present regulations are not as effective as they could be because inflation periodically requires that the Department amend the regulations to raise the top dollar amount. Also, there is no established procedure for factoring in regional differences in market value and other indemnity payments given to owners by States. Propose § 51.3(a) (1) and (2) would base Federal indemnity payments on average fair market replacement value rather than upon maximum dollar amounts per animal. Publications of the Agricultural Marketing Service, United States Department of Agriculture, would be the source for determining average fair market replacement value for all nonregistered cattle. The fair market replacement value for registered cattle would be the average price reported by registered breed associations.

Federal indemnity for brucellosis reactor cattle in proposed § 51.3(a)(1) would not exceed the difference between 90 percent of the average fair market replacement value of cattle destroyed because of brucellosis and the average fair market slaughter value plus any State indemnity. The Department believes that an indemnity payment calculated to return 90 percent of the average fair market replacement value of such cattle is sufficient to insure the cooperation of livestock owners with the brucellosis eradication program.

Proposed § 51.3(a)(2) would vary the percentage of the average fair market replacement value which would be returned for cattle destroyed because of brucellosis in whole herd depopulation situations. The percentage would vary depending upon the program status achieved by the state as published in title 9, Code of Federal Regulations, Part 78. For those states listed in § 78.20(a) as entirely Certified Brucellosis-Free Areas, the indemnity would be calculated to not exceed a return of 95 percent; for other areas listed in § 78.20(b) as Certified Brucellosis-Free Areas and areas listed in § 78.21 as Modified Certified Brucellosis Areas, the indemnity would be calculated to not exceed a return of 90 percent; and for areas listed in § 78.22 as noncertified areas, the indemnity would be calculated to not exceed a return of 80 percent. The varying percentages should offer greater inducement to owners of infected herds in Certified Brucellosis-Free Areas and Modified Certified Brucellosis Areas to eliminate the few sources of the disease which may exist in such areas.

Exposed female calves are not required by state authority to be destroyed. Such destruction is voluntary

but does contribute to eradication of brucellosis, since it is known that a small percentage of these animals infected at birth or an early age do remain infected for life. There is not an established market for these calves by which a fair market value can be determined precisely. Therefore, based on information received from knowledgeable persons, it appears that the maximum flat rates of $50 for nonregistered calves and $250 for registered calves under present market conditions, would serve as an incentive to owners to destroy these calves of questionable health status. Proposed § 51.3(a)(3) would, therefore, increase the indemnity for such female exposed calves from $25 per head to $50 per head for nonregistered calves and $250 per head for registered calves.

Proposed § 51.3(a) would contain proposed footnote 4 which would set forth the criteria which the Deputy Administrator uses to determine whether to authorize Federal indemnity payments at maximum rates. The Deputy Administrator would authorize payment of Federal indemnity by the Department at maximum rates: (a) As long as sufficient funds appropriated by Congress appear to be available for this purpose for the remainder of the fiscal year; (b) in states or areas not under Federal quarantine; (c) in states requesting payment of Federal indemnity; and (d) in states not requesting a lower rate.

Naturally, the Deputy Administrator cannot authorize payment of Federal indemnity or indemnity at maximum rates unless Congress has appropriated adequate funds for this purpose. Also, if such funds are not available, the Department wishes to retain the option of reducing the rate of indemnity in order to be able to continue the program for the entire year. States or areas which are under Federal quarantine are no longer considered to be in the cooperative brucellosis program under which payment of Federal indemnity is authorized pursuant to 21 U.S.C. 114a. Further, under the brucellosis eradication cooperative program, states in some instances have requested that there be no payment or a lower payment of Federal indemnity to owners of animals destroyed because of brucellosis in the state. The Deputy Administrator would honor such requests. Foremost among the reasons such requests may be made would be the need for states to pay the indemnity to maintain their part of the congressional requirement for them to contribute at least 40 percent of the funds expended on the brucellosis program.

Proposed § 51.3(a) would contain proposed footnote 5 which would set forth a list of documents which would be accepted as proof of destruction of an animal by a Veterinarian in Charge. Such proof must be furnished to the Veterinarian in Charge prior to payment of indemnity. The Department has found that the following documents constitute reasonably reliable evidence that an animal has been or will be destroyed: (a) Post-mortem reports; (b) meat inspection certifications of slaughter; (c) written statement by a state representative, Veterinary Services representative, or accredited veterinarian attesting to the destruction of the animal; (d) a written sworn statement by the owner or caretaker of the animal attesting to the destruction of the animal, and (e) a permit (VS Form 1-27) consigning the animal from a farm or livestock market directly to a recognized slaughtering establishment as defined in § 78.1(dd) of this chapter. The Veterinarian in Charge may, in unique situations where the documents listed above are not available, accept other similarly reliable forms of proof of destruction.

Proposed § 51.3(a) would contain proposed footnote 6 which would set forth the factors which the Deputy Administrator will consider when determining whether total herd depopulation under proposed § 51.3(a)(2) would be appropriate. Total herd depopulation is voluntary and will only be considered after the owner of a herd requests that his brucellosis infected or exposed herd be depopulated. Such a request will only be approved by the Deputy Administrator if he determines that such herd depopulation will contribute to the advancement of the total brucellosis eradication program. The primary factors which the Deputy Administrator would consider in determining whether herd depopulation will advance the total brucellosis eradication program are the following:

(a) The risk of exposure of disease to other herds. The Deputy Administrator will consider the risk of spread of brucellosis from the herd considered for depopulation to clean herds. The higher the risk of the spread of brucellosis to such herds, the greater the necessity for herd depopulation. In this regard, the Deputy Administrator will consider the proximity of other herds and the density of brucellosis infection in the area.

(b) Amount of infection in the herd revealed on the initial test. The higher the rate of brucellosis infection in the herd, the greater the necessity for total herd depopulation. The Department believes that if a high percentage of animals are found to be brucellosis reactors in the initial test, a removal of reactors will not necessarily eliminate the disease in the herd because these reactors probably have infected other animals. Further, if the infection rate is extremely high, the difference in cost between total herd depopulation and removal of brucellosis reactors and retesting later may be minimal.

(c) The percentage of recent abortions within the herd. A high percentage of abortions within a herd would indicate that there is a high rate of brucellosis infection. In these instances, herd depopulation is a more effective method of removing the disease from the area than is removal of brucellosis reactors.

(d) The number of tests conducted revealing brucellosis reactors. If a herd is tested several times and brucellosis reactors are revealed on each test and removed after each test, this would indicate that there is a high rate of infection in the herd and that continued testing and removal of brucellosis reactors may not eliminate the disease from the herd. In these situations, herd depopulation would be considered by the Deputy Administrator.

The above-listed factors are the primary factors which will be considered by the Deputy Administrator in determining whether herd depopulation will contribute to the advancement of the total brucellosis eradication program. Unique situations may arise in which other factors would be considered.

Other alternatives were considered. (A) Make no revision. The Department believes that this would not be responsive to the problem. (B) Annually revise the rate of indemnity. The Department believes that this alternative would result in indemnity rates which are too low or too high, in some instances, and would result in a program which is less effective than one in which indemnity rates are responsive to market trends. Further, periodically amending the regulations to revise the rates would be time consuming and may not be responsive to market trends. (C) Also considered was essentially the same proposal as presented but with one extremely important difference. In this alternative, actual indemnity would have been determined by an appraisal of each animal, by determining state indemnity or other compensation received for each animal and then calculating Federal indemnity to give the owner 90 percent of the appraisal value. This appraisal procedure was not selected for these reasons: (1) Experience has shown consistent over

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appraisals which result in the affected herd owner receiving 100 percent or more of the actual value of the animal. This destroys much of the incentive for the herd owner to cooperate in eradication of brucellosis. (2) Experience has also shown that the Federal Government spent in excess of $6 for each animal just to process claims under the appraisal system. This $6 is nonproductive in eradicating brucellosis. (3) Under the appraisal system, claims are delayed a minimum of 2 weeks over flat rate claims with most being closer to 4 weeks. This also destroys incentive for the herd owner to cooperate in eradicating brucellosis. (4) Collection of salvage information places burdens on market operators and slaughtering establishments for which there is no compensation. The cooperation of these members of the livestock industry in other facets of the program is of paramount importance to the eradication of brucellosis. Continued requesting of uncompensated services destroys the essential cooperativeness of these members of the livestock industry.

Also considered as a part of the alternative selected were various percentages of return. The percentage rates selected were considered high enough to permit affected herd owners to remain in business and have an incentive to eradicate brucellosis from the herd. Lower percentages considered, which, while saving Federal indemnity money, would make owners reluctant to follow effective program standards. Higher percentages considered would be expected to create indifference on the part of the owner to eradicating brucellosis, since his losses would be small, and the expense and inconvenience of cooperation greater than the expected benefits of brucellosis eradication.

With the proposal presented here, the cost of obtaining market data from USDA's Market News Service publications and from registered breed associations will be minimal. Data on state indemnity payments is kept current by reports available. Computing data for each state with modern equipment already in use can be figured in hours if not minutes for any time period desired. Notification of each state by administrative letter of the indemnity rates also takes only a few minutes. One calculation estimates the proposed method may cost only .2 of a cent per animal indemnified in comparison to the known cost of an appraisal system in excess of $6 per animal indemnified.

It is anticipated that by reducing the financial losses incurred by livestock owners whose animals are destroyed, cooperation as well as herd management practices will be greatly improved and eradication efforts will be expedited. It is further anticipated that herd owners will be more confident that participation in the program will not cause financial ruin since the indemnity will be keyed to move with the market and with changes in state funding.

Present § 51.3(a)(3) provides that except as provided in present § 51.3(a)(4) the Deputy Administrator may authorize the payment of Federal indemnity by the Department to any owner whose cattle are destroyed because of exposure to brucellosis. This proposal would delete present § 51.3(a)(3). This section has rarely been used and has never been considered an integral part of the brucellosis indemnity program.

Proposed § 51.1(cc) would define the term "average fair market replacement value." This term would be used in the formulas for payment of Federal indemnity which may be found in proposed § 51.3(a) (1) and (2). The average fair market replacement value is broken down between nonregistered and registered cattle because of the different sources from which prices and weights are received by the Department.

Proposed § 51.1(cc)(1) would define the average fair market replacement value for nonregistered cattle in a state as the arithmetic average price and weight as determined from publications of the Agricultural Marketing Service (AMS), United States Department of Agriculture for the State for beef breeds and dairy breeds during the previous calendar year quarter. Therefore, if during the first calendar year quarter AMS publishes replacement prices of beef cattle in Florida three times as 45, 50, and 55 dollars per hundred weight then the arithmetic average price would be 50 dollars per hundred weight. If during the first calendar year quarter, AMS publishes the average weight of beef cattle sold in Florida twice as 898 and 902 pounds, then the arithmetic average weight would be 900 pounds. The average fair market replacement value would then be 450 dollars for beef cattle in Florida. This average fair market replacement value would be used for Florida beef cattle during the second calendar year quarter.

Proposed § 51.1(cc)(2) would define the average fair market replacement value for registered cattle as the arithmetic average price of such cattle during the previous calendar year as reported by the registered breed association. These values would be arrived at in the same manner as described above for nonregistered animals except that there would be no breakdown by State or by beef versus dairy breed or by weight. Further, the average fair market replacement value which would be used would be for the previous calendar year rather than the previous calendar year quarter. The Department believes these differences are necessary because registered breed associations often do not have members scattered throughout the country sufficient to provide state-by-state prices. Further, small registered breed associations would not be able to report price more than on a yearly basis.

Proposed § 51.1(dd) would define the term "average fair market slaughter value." This term would be used in the formulas for payment of Federal indemnity which may be found in proposed § 51.3(a) (1) and (2). The average fair market slaughter value would be defined as the arithmetic average price and weight of cattle slaughtered within a state as determined from publications of and for the state during the previous calender year quarter. These values would be arrived at in the same manner as described above for the average fair market replacement value of nonregistered animals. There would, however, be no breakdown between beef and dairy breeds since slaughter value for these two breeds is generally the same.

Proposed § 51.1(ee) would define the term "registered breed association." This term would be used in the definition of average fair market replacement value which may be found in proposed § 51.1(cc)(2). Registered breed associations would be defined as those associations formed and perpetuated for the maintenance of records of purebreeding of animal species for a specific breed whose characteristics are set forth in Constitutions, By-Laws, or other Rules. Presently, breeders submit applications for animals of pure breeding to such associations. The association determines eligibility of such animals for registration or recordation in the association. If an animal meets the requirements set forth in an association's Constitution, By-Laws, or other rules, such animal is registered in the Official Herd Book or other recordkeeping format and a certificate of registration or recordation which individually identifies that animal is issued. Proposed § 51.1(ee) would also list purebred breed associations in the United States as are found in the definitve three volume works of John E. Rouse entitled "World Cattle."

Accordingly, Part 51, Title 9, Code of Federal Regulations, would be amended in the following respects:

1. Section 51.1 would be amended to add new definitions and footnotes to read as follows:

§ 51.1 Definitions.

* * * * *

(cc) *Average fair market replacement value.*—(1) Nonregistered cattle—The average arithmetic price and weight as determined from publications of the Agricultural Marketing Service (AMS), United States Department of Agriculture for the state for beef breeds and dairy breeds during the previous calendar year quarter.[3]

(2) Registered cattle—The arithmetic average price of such cattle during the previous calendar year as reported by the registered breed association.

(dd) *Average fair market slaughter value.* The arithmetic average price and weight of cattle slaughtered within a state as determined from publications of the Agricultural Marketing Service (AMS), United States Department of Agriculture for the state during the previous calendar year quarter.[3]

(ee) *Registered breed association.* An association formed and perpetuated for the maintenance of records of purebreeding of animal species for a specific breed whose characteristics are set forth in Constitutions, By-Laws, and other rules of the association. The records maintained by such an association shall include an Official Herd Book or other recordkeeping format and Certificates of Registration or Recordation which identify an animal as a registered animal of that Registered Breed Association. Known registered breed associations are: American Angus Association, American Brahman Breeders Association, American Chianina Association, American Hereford Association, American International Charolais Association, American Maine-Anjou Association, American Polled Hereford Association, American Red Poll Association, American Murray Grey Association, American Scotch Highland Breeders Association, American Shorthorn Association, Beefmasters Breeders Universal, Devon Cattle Association, Inc., International Brangus Breeders Association, Inc., Red Angus Association of America, Santa Gertrudis Breeders International, Texas Longhorn Breeders Association of America, American Guernsey Cattle Club, American Jersey Cattle Club, American Milking Shorthorn Society, Ayreshire Breeders Association, Brown Swiss Cattle Breeders Association of USA, Dutch Belted Cattle Association of America, Inc., Holstein-Freisian Association of America, Galloway Cattle Society of America, American Galloway Breeders Association, Galloway Performance International, The Belted Galloway Society, The Sussex Cattle Association of American, North American Limousin Foundation, and American Simmental Association.

2. In § 51.3, paragraph (a) would be amended to read as follows:

§ 51.3 Payment to owners for animals destroyed.

(a) *Cattle*—(1) *Brucellosis reactor cattle.* The Deputy Administrator may authorize[4] the payment of Federal indemnity by the Department to owners whose cattle are destroyed as brucellosis reactors. Federal indemnity for such cattle shall not exceed the difference between 90 percent[4] of the average fair market replacement value and the average fair market slaughter value plus State indemnity. Prior to payment of indemnity, proof of destruction[5] shall be furnished to the Veterinarian in Charge.

(2) *Herd depopulations.* The Deputy Administrator may authorize[4] the payment of Federal indemnity by the Department to any owner whose herd of cattle is depopulated[6] because of infection with or exposure to brucellosis. Federal indemnity for such cattle from areas in States which are entirely Certified Brucellosis Free (as listed in § 78.20(a)) shall not exceed the difference between 95 percent[4] of the average fair market replacement value and the average fair market slaughter value plus State indemnity. Federal indemnity for such cattle from areas other than whole States which are Certified Brucellosis Free Areas (as listed in § 78.20(b)) and Modified Certified Brucellosis Areas (as listed in § 78.21) shall not exceed the difference between 90 percent[4] of the average fair market replacement value and the average fair market slaughter value plus State indemnity. Federal indemnity for such cattle from noncertified areas (as listed in § 78.22) shall not exceed the difference between 80 percent[4] of the average fair market replacement value and the average fair market slaughter value plus State indemnity. Prior to payment of indemnity, proof of destruction[5] shall be furnished to the Veterinarian in Charge.

(3) *Exposed female calves.* The Deputy Administrator may authorize[4] the payment of Federal indemnity by the Department to any owner whose exposed female calf or calves are destroyed because of brucellosis. The indemnity for such animals shall not exceed $50 per head[4] for nonregistered calves and $250[4] for registered calves. Prior to payment of indemnity, proof of destruction[5] shall be furnished to the Veterinarian in Charge.

§ 51.6 [Amended]

3. In § 51.6, footnotes 3 and 4 would be renumbered 7 and 8 respectively.

* * * * *

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the Federal Register.

This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been classified "significant." An Approved Draft Impact Analysis is

[3] These values are available upon request from Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Federal Building, Room 805, Hyattsville, MD 20782

[4] The Deputy Administrator shall authorize payment of Federal indemnity by the Department at the maximum rates: (a) As long as sufficient funds appropriated by Congress appear to be available for this purpose for the remainder of the fiscal year; (b) in States or areas not under Federal quarantine; (c) In States requesting payment of Federal indemnity; (d) in States not requesting a lower rate.

[5] The Veterinarian in Charge shall accept the following documents as "proof of destruction": (a) A postmortem report; (b) A meat inspection certification of slaughter; (c) A written statement by a State representative, Veterinary Services representative, or accredited veterinarian attesting to the destruction of the animal; (d) A written sworn statement by the owner or caretaker of the animal attesting to the destruction of the animal; (e) A permit (VS Form 1–27) consigning the animal from a farm or livestock market directly to a recognized slaughtering establishment as defined in § 78.1(dd) of this chapter; (f) In unique situations where the documents listed above are not available, other similar reliable forms of proof of destruction.

[6] Herd depopulation may be initiated after the owner requests that his brucellosis infected or exposed herd be depopulated. The Deputy Administrator shall approve such requests only when he has determined that such herd depopulation is necessary to prevent the spread of brucellosis or is necessary to eliminate brucellosis on a particular premise. This determination shall be made through an epidemiological analysis including, but not limited to, the following factors: (a) Risk of exposure to herds not infected with or exposed to brucellosis (density of area infection); (b) Amount of infection revealed in the herd on the initial test; (c) Percentage of recent abortions within the herd; and (d) Number of tests conducted revealing brucellosis reactors (chronicity of the disease.).

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available from the Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, (301) 436–8695. Executive Order 12044 also requires that all regulations be reviewed for continuing relevance every fire years.

This proposal has been classified "significant" and is being published under emergency procedures as authorized by Executive Order 12044 and the Secretary's Memorandum No. 1955, without a full 60-day comment period. It has been determined by Dr. Paul Becton, Director, National Brucellosis Eradication Program, that an emergency situation exists which warrants less than a full 60-day comment period on this proposal because the present limits on indemnity payments are not sufficient to provide producer cooperation with the brucellosis eradication program.

Done at Washington, D.C., this 17th day of March 1980.

P. R. "Bobby" Smith,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 80-8069 Filed 3-20-80; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 333

[Docket No. 75N–0183]

Topical Antimicrobial Drug Products for Over-the-Counter Human Use

AGENCY: Food and Drug Administration.

ACTION: Acceptance of data and information into the administrative record.

SUMMARY: This notice advises that the Food and Drug Administration (FDA) reopened the administrative record for over-the-counter (OTC) topical antimicrobial drug products to allow for consideration of data and information that had been filed with the Hearing Clerk, Food and Drug Administration, after the date that the administrative record officially closed.

ADDRESS: Data and information are on public file in the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD–510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration has on numerous occasions received new data and information bearing on OTC drug panel reports and proposed monographs after the closing of the administrative record. Under § 330.10(a)(10)(i) (21 CFR 330.10(a)(10)(i)) the administrative record closes with respect to the submission of new data and information at the end of the comment period following publication of the panel report in the **Federal Register**. The comment period for OTC topical antimicrobial drug products closed on November 12, 1974, and the reply comment period closed on December 12, 1974. The administrative record was reopened following publication of the tentative final monograph on January 6, 1978 for the submission of objections and requests for a hearing, and closed on February 6, 1978. On March 9, 1979, the administrative record was reopened until June 7, 1979 to grant six petitions that requested reopening of the administrative record, and to accept new or additional data, information, and comments on the data contained in the six submissions. Interested persons could submit reply comments until July 9, 1979. That notice also provided that other data, information, and comments filed in response to the September 13, 1974 and January 6, 1978 publications need not be resubmitted. Those data were also accepted into the record.

In conjunction with FDA's notice of intent to revise the procedural regulations governing the OTC drug review to conform to a recent court decision and order, the agency again reopened the administrative record for OTC topical antimicrobial drug products on October 26, 1979 (44 FR 61609). This action was taken to permit manufacturers to submit the results of testing to FDA as expeditiously as possible prior to establishment of a final monograph.

Subsequent to the June 7, 1979 closing date for the submission of new data, and prior to the October 26, 1979 reopening of the administrative record, some persons submitted data and information to the Hearing Clerk. These data and information were not accompanied by a petition to reopen the administrative record as required by § 330.10(a)(10)(ii) (21 CFR 330.10(a)(10)(ii)). In the interest of expediting the OTC drug review and because FDA wishes to consider all pertinent data and information that have been submitted to the Hearing Clerk, Food and Drug Administration, prior to the date of publication of this notice, the agency has concluded that the new data and information, whether or not properly filed, should be available to the agency in developing a second tentative final order. By this notice, FDA announces that it is treating these submissions, received after the administrative record had closed, as petitions to reopen the administrative record, and is granting the petitions by allowing new data and information contained therein to be included in the administrative record for OTC topical antimicrobial drug products. This notice serves to inform interested persons of the existence of these data and information and their availability for review at the office of the Hearing Clerk, Food and Drug Administration. Comments of these data and information will not be accepted at this time. However, interested persons will have an opportunity to submit comments and additional new data and information at times to be specified in future **Federal Register** notices.

This action does not preempt or supersede the reopening of the administrative record for an additional period as specified in the **Federal Register** of October 26, 1979 (44 FR 61609).

Dated: March 12, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8068 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 336

[Docket No. 78N–0036]

Laxative, Antidiarrheal, Emetic, and Antiemetic Drug Products for Over-the-Counter Human Use

AGENCY: Food and Drug Administration.

ACTION: Acceptance of data and information into the administrative record.

SUMMARY: This notice advises that the Food and Drug Administration (FDA) reopened the administrative record for over-the-counter (OTC) laxative, antidiarrheal, emetic and antiemetic drug products to allow for consideration of data and information that had been filed with the Hearing Clerk, Food and Drug Administration, after the date that the administrative record officially closed.

ADDRESS: Data and information are on public file in the office of the Hearing Clerk (HFA–305), Food and Drug Administration, rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD–510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration has on numerous occasions received new data and information bearing on OTC drug panel reports and proposed monographs after the closing of the administrative record. Under § 330.10(a)(10)(i) (21 CFR 330.10(a)(10)(i)) the administrative record closes with respect to the submission of new data and information at the end of the comment period following publication of the panel report in the **Federal Register**. The comment period for OTC laxative, antidiarrheal, emetic and antiemetic drug products closed on June 19, 1975. The procedural regulations for OTC drugs, § 330.10(a)(10)(ii) (21 CFR 330.10(a)(10)(ii)), provide that after the closing of the comment period following publication of the panel report, new data and information may be submitted for inclusion into the administrative record only through a petition to reopen the administrative record. In some cases, persons have not submitted such petitions; rather, they have submitted new data and information to the Hearing Clerk as comments on the panel report. In the interest of expediting the OTC drug review and because FDA wishes to consider all pertinent data and information that have been submitted to the Hearing Clerk, Food and Drug Administration, prior to the date of publication of this notice, the agency has concluded that the new data and information, whether or not properly filed, should be available to the agency in developing applicable tentative final and final orders. By this notice, FDA announces that it is treating these submissions, received after the administrative record has closed, as petitions to reopen the administrative record, and is granting the petitions by allowing new data and information contained therein to be included in the administrative record for OTC laxative, antidiarrheal, emetic and antiemetic drug products. This notice serves to inform interested persons of the existence of these data and information and their availability for review at the office of the Hearing Clerk, Food and Drug Administration. Comments on these data and information will not be accepted at this time. However, interested persons will have an opportunity to submit comments and additional new data and information at times to be specified in future **Federal Register** notices.

This action does not preempt or supersede the reopening of the administrative record for antiemetic drug products for an additional period as specified in the **Federal Register** of October 26, 1979 (44 FR 61610). That notice provided an additional period of 5 months, ending on May 27, 1980, during which new data demonstrating the safety and effectiveness of those conditions not classified in Category I may be submitted.

Dated: March 12, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8401 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Parts 338, 340

[Docket No. 75N–0244]

Nighttime Sleep-Aid and Stimulant Drug Products for Over-the-Counter Human Use

AGENCY: Food and Drug Administration.

ACTION: Acceptance of data and information into the administrative record.

SUMMARY: This notice advises that the Food and Drug Administration (FDA) reopened the administrative record for over-the-counter (OTC) nighttime sleep-aid and stimulant drug products to allow for consideration of data and information that had been filed with the Hearing Clerk, Food and Drug Administration, after the date that the administrative record officially closed.

ADDRESS: Data and information are on public file in the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD–510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration has on numerous occasions received new data and information bearing on OTC drug panel reports and proposed monographs after the closing of the administrative record. Under § 330.10(a)(10)(i) (21 CFR 330.10(a)(10)(i)) the administrative record closes with respect to the submission of new data and information at the end of the comment period following publication of the panel report in the **Federal Register**. The comment period for OTC nighttime sleep-aid and stimulant drug products closed on March 8, 1976 and the reply comment period closed on April 8, 1976. The procedural regulations for OTC drugs, § 330.10(a)(10)(ii) (21 CFR 330.10(a)(10)(ii)), provide that after the closing of the comment period following publication of the panel report, new data and information may be submitted for inclusion into the administrative record only through a petition to reopen the administrative record. In some cases, persons have not submitted such petitions; rather, they have submitted new data and information to the Hearing Clerk as comments on the panel report. In the interest of expediting the OTC drug review and because FDA wishes to consider all pertinent data and information that have been submitted to the Hearing Clerk, Food and Drug Administration, prior to the date of publication of this notice, the agency has concluded that the new data and information, whether or not properly filed, should be available to the agency in developing a final order. By this notice, FDA announces that it is treating these submissions, received after the administrative record has closed, as petitions to reopen the administrative record, and is granting the petitions by allowing new data and information contained therein to be included in the administrative record for OTC nighttime sleep-aid and stimulant drug products. This notice serves to inform interested persons of the existence of these data and information and their availability for review at the office of the Hearing Clerk, Food and Drug Administration. Comments on these data and information will not be accepted at this time. However, interested persons will have an opportunity to submit comments and additional new data and information at times to be specified in future **Federal Register** notices.

This action does not preempt or supersede the reopening of the administrative record for an additional period as specified in the **Federal Register** of October 26, 1979 (44 FR 61610). That notice provided an additional period of 5 months, ending on May 27, 1980, during which new data demonstrating the safety and effectiveness of those conditions not classified in Category I may be submitted.

V 45/57 MR 21 80 UMI

Dated: March 12, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8504 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 341

[Docket No. 76N-0052]

Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use

AGENCY: Food and Drug Administration.

ACTION: Acceptance of data and information into the administrative record.

SUMMARY: This notice advises that the Food and Drug Administration (FDA) reopened the administrative record for over-the-counter (OTC) cold, cough, allergy, bronchodilator, and antiasthmatic drug products to allow for consideration of data and information that had been filed with the Hearing Clerk, Food and Drug Administration, after the date that the administrative record officially closed.

ADDRESS: Data and information are on public file in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drugs Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration has on numerous occasions received new data and information bearing on OTC drug panel reports and proposed monographs after the closing of the administrative record. Under § 330.10(a)(10)(i) (21 CFR 330.10(a)(10)(i)) the administrative record closes with respect to the submission of new data and information at the end of the comment period following publication of the panel report in the **Federal Register.** The comment period for OTC cold, cough, allergy, bronchodilator, and antiasthmatic drug products closed on December 8, 1976, and the reply comment period closed January 7, 1977. The procedural regulations for OTC drugs, § 330.10(a)(10)(ii) (21 CFR 330.10(a)(10)(ii)), provide that after the closing of the comment period following publication of the panel report, new data and information may be submitted for inclusion into the administrative record only through a petition to reopen the administrative record. In some cases, persons have not submitted such petitions; rather, they have submitted new data and information to the Hearing Clerk as comments on the panel report. In the interest of expediting the OTC drug review and because FDA wishes to consider all pertinent data and information that have been submitted to the Hearing Clerk, Food and Drug Administration, prior to the date of publication of this notice, the agency has concluded that the new data and information, whether or not properly filed, should be available to the agency in developing a tentative final order. By this notice, FDA announces that it is treating these submissions, received after the administrative record has closed, as petitions to reopen the administrative record, and is granting the petitions by allowing new data and information contained therein to be included in the administrative record for OTC cold, cough, allergy, bronchodilator, and antiasthmatic drug products. This notice serves to inform interested persons of the existence of these data and information and their availability for review at the office of the Hearing Clerk, Food and Drug Administration. Comments on these data and information will not be accepted at this time. However, interested persons will have an opportunity to submit comments and additional new data and information at times to be specified in future **Federal Register** notices.

Dated: March 12, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8472 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 342

[Docket No. 76N-0482]

Topical Antibiotic Drug Products for Over-the-Counter Human Use

AGENCY: Food and Drug Administration.

ACTION: Acceptance of data and information into the administrative record.

SUMMARY: This notice advises that the Food and Drug Administration (FDA) reopened the administrative record for over-the-counter (OTC) topical antibiotic drug products to allow for consideration of data and information that had been filed with the Hearing Clerk, Food and Drug Administration, after the date that the administrative record officially closed.

ADDRESS: Data and information are on public file in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration has on numerous occasions received new data and information bearing on OTC drug panel reports and proposed monographs after the closing of the administrative record. Under § 330.10(a)(10)(i) (21 CFR 330.10(a)(10)(i)) the administrative record closes with respect to the submission of new data and information at the end of the comment period following publication of the panel report in the **Federal Register.** The comment period for OTC topical antibiotic drug products closed on June 30, 1977, and the reply comment period closed on August 1, 1977. The procedural regulations for OTC drugs, § 330.10(a)(10)(ii) (21 CFR 330.10(a)(10)(ii)), provide that after the closing of the comment period following publication of the panel report, new data and information may be submitted for inclusion into the administrative record only through a petition to reopen the administrative record. In some cases, persons have not submitted such petitions; rather, they have submitted new data and information to the Hearing Clerk as comments on the panel report. In the interest of expediting the OTC drug review and because FDA wishes to consider all pertinent data and information that have been submitted to the Hearing Clerk, Food and Drug Administration, prior to the date of publication of this notice, the agency has concluded that the new data and information, whether or not properly filed, should be available to the agency in developing a tentative final order. By this notice, FDA announces that it is treating these submissions, received after the administrative record has closed, as petitions to reopen the administrative record, and is granting the petitions by allowing new data and information contained therein to be included in the administrative record for OTC topical antibiotic drug products. This notice serves to inform interested persons of the existence of these data and information and their availability

for review at the office of the Hearing Clerk, Food and Drug Administration. Comments on these data and information will not be accepted at this time. However, interested persons will have an opportunity to submit comments and additional new data and information at times to be specified in future **Federal Register** notices.

Dated: March 12, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8471 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 343

[Docket No. 77N-0094]

Internal Analgesic, Antipyretic, and Antirheumatic Drug Products for Over-the-Counter Human Use

AGENCY: Food and Drug Administration.

ACTION: Acceptance of data and information into the administrative record.

SUMMARY: This notice advises that the Food and Drug Administration (FDA) reopened the administrative record for over-the-counter (OTC) internal analgesic, antipyretic, and antirheumatic drug products to allow for consideration of data and information that had been filed with the Hearing Clerk, Food and Drug Administration, after the date that the administrative record officially closed.

ADDRESS: Data and information are on public file in the office of the Hearing Clerk (HFA-305), Food and Drug Administation Rm. 4-62. 5600 Fishers Land, Rockville, MD 20857, and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration has on numerous occasions received new data and information bearing on OTC drug panel reports and proposed monographs after the closing of the administrative record. Under § 330.10(a)(10)(i) (21 CFR 330.10(a)(10)(i)) the administrative record closes with respect to the submission of new data and information at the end of the comment period following publication of the panel report in the **Federal Register.** The comment period for OTC internal analgesic, antipyretic, and antirheumatic drug products closed on December 5, 1977, and the reply comment period closed on February 6, 1978. The procedural regulations for OTC drugs, § 330.10(a)(10)(ii) (21 CFR 330.10(a)(10)(ii)), provide that after the closing of the comment perod following publication of the panel report, new data and information may be submitted for inclusion into the administrative record only through a petition to reopen the administrative record. In some cases, persons have not submitted such petitions; rather, they have submitted new data and information to the Hearing Clerk as comments on the panel report. In the interest of expediting the OTC drug review and because FDA wishes to consider all pertinent data and information that have been submitted to the Hearing Clerk, Food and Drug Administation, prior to the date of publication of this notice, the agency has concluded that the new data and information, whether or not properly filed, should be available to the agency in developing a tentative final order. By this notice, FDA announces that it is treating these submissions, received after the administrative record has closed, as petitions to reopen the administrative record, and is granting the petitions by allowing new data and information contained therein to be included in the administrative record for OTC internal analgesic, antipyretic, and antirheumatic drug products. This notice serves to inform interested persons of the existence of these data and information and their availability for review at the office of the Hearing Clerk, Food and Drug Administration. Comments on these data and information will not be accepted at this time. However, interested persons will have an opportunity to submit comments and additional new data and information at times to be specified in future **Federal Register** notices.

Dated: March 12, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8425 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 344

[Docket No. 77N-0334]

Topical Otic Drug Products for Over-the-Counter Human Use

AGENCY: Food and Drug Administration.

ACTION: Acceptance of data and information into the administrative record.

SUMMARY: This notice advises that the Food and Drug Administration (FDA) reopened the administrative record for over-the-counter (OTC) topical otic drug products to allow for consideration of data and information that had been filed with the Hearing Clerk, Food and Drug Administration, after the date that the administrative record officially closed.

ADDRESS: Data and information are on public file in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration has on numerous occasions received new data and information bearing on OTC drug panel reports and proposed monographs after the closing of the administrative record. Under § 330.10(a)(10)(i) (21 CFR 330.10(a)(10)(i)) the administrative record closes with respect to the submission of new data and information at the end of the comment period following publication of the panel report in the **Federal Register.** The comment period for OTC topical otic drug products closed on March 16, 1978, and the reply comment period closed on April 14, 1978. The procedural regulations for OTC drugs, § 330.10(a)(10)(ii) (21 CFR 330.10(a)(10) (ii)), provide that after the closing of the comment period following publication of the panel report, new data and information may be submitted for inclusion into the administrative record only through a petition to reopen the administrative record. In some cases, persons have not submitted such petitions; rather, they have submitted new data and information to the Hearing Clerk as comments on the panel report. In the interest of expediting the OTC drug review and because FDA wishes to consider all pertinent data and information that have been submitted to the Hearing Clerk, Food and Drug Administration, prior to the date of publication of this notice, the agency has concluded that the new data and information, whether or not properly filed, should be available to the agency in developing a tentative final order. By this notice, FDA announces that it is treating these submissions, received after the administrative record has closed, as petitions to reopen the administrative record and is granting the

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petitions by allowing new data and information contained therein to be included in the administrative record for OTC topical otic drug products. This notice serves to inform interested persons of the existence of these data and information and their availability for review at the office of the Hearing Clerk, Food and Drug Administration. Comments on these data and information will not be accepted at this time. However, interested persons will have an opportunity to submit comments and additional new data and information, at times to be specified in future **Federal Register** notices.

Dated: March 12, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8503 filed 3-20-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 345

[Docket No. 78N-0024]

Vitamin and Mineral Drug Products for Over-The-Counter Human Use

AGENCY: Food and Drug Administration.

ACTION: Acceptance of data and information into the Administrative Record.

SUMMARY: This notice advises that the Food and Drug Administration (FDA) reopened the administrative record for over-the-counter (OTC) vitamin and mineral drug products to allow for consideration of data and information that had been filed with the Hearing Clerk, Food and Drug Administration, after the date that the administrative record officially closed.

ADDRESS: Data and information are on public file in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration has on numerous occasions received new data and information bearing on OTC drug panel reports and proposed monographs after the closing of the administrative record. Under § 330.10(a)(10)(i) (21 CFR 330.10(a)(10)(i)) the administrative record closes with respect to the submission of new data and information at the end of the comment period following publication of the panel report in the **Federal Register**. The comment period for OTC vitamin and mineral drug products closed on July 16, 1979, and the reply comment period closed on September 14, 1979. The procedural regulations for OTC drugs, § 330.10(a)(10)(ii) (21 CFR 330.10(a)(10)(ii)), provide that after the closing of the comment period following publication of the panel report, new data and information may be submitted for inclusion into the administrative record only through a petition to reopen the administrative record. In some cases persons have not submitted such petitions; rather, they have submitted new data and information to the Hearing Clerk as comments on the panel report. In the interest of expediting the OTC drug review and because FDA wishes to consider all pertinent data and information that have been submitted to the Hearing Clerk, Food and Drug Administration, prior to the date of publication of this notice, the agency has concluded that the new data and information, whether or not properly filed, should be available to the agency in developing a tentative final order. By this notice, FDA announces that it is treating these submissions, received after the administrative record has closed, as petitions to reopen the administrative record, and is granting the petitions by allowing new data and information contained therein to be included in the administrative record for OTC vitamin and mineral drug products. This notice serves to inform interested persons of the existence of these data and information and their availability for review at the office of the Hearing Clerk, Food and Drug Administration. Comments on these data and information will not be accepted at this time. However, interested persons will have an opportunity to submit comments and additional new data and information at times to be specified in future **Federal Register** notices.

Dated: March 12, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8502 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 347

[Docket No. 78N-0021]

Skin Protectant Drug Products for Over-the-Counter Human Use

AGENCY: Food and Drug Administration.

ACTION: Acceptance of data and information into the administrative record.

SUMMARY: This notice advises that the Food and Drug Administration (FDA) reopened the administrative record for over-the-counter (OTC) skin protectant drug products to allow for consideration of data and information that had been filed with the Hearing Clerk, Food and Drug Administration, after the date that the administrative record officially closed.

ADDRESS: Data and information are on public file in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration has on numerous occasions received new data and information bearing on OTC drug panel reports and proposed monographs after the closing of the administrative record. Under § 330.10(a)(10)(i) (21 CFR 330.10(a)(10)(i)) the administrative record closes with respect to the submission of new data and information at the end of the comment period following publication of the panel report in the **Federal Register**. The comment period for OTC skin protectant drug products closed on November 2, 1978, and the reply comment period closed on December 4, 1978. The procedural regulations for OTC drugs, § 330.10(a)(10)(ii) (21 CFR 330.10(a)(10)(ii)), provide that after the closing of the comment period following publication of the panel report, new data and information may be submitted for inclusion into the administrative record only through a petition to reopen the administrative record. In some cases persons have not submitted such petitions: rather, they have submitted new data and information to the Hearing Clerk as comments on the panel report. In the interest of expediting the OTC drug review and because FDA wishes to consider all pertinent data and information that have been submitted to the Hearing Clerk, Food and Drug Administration, prior to the date of publication of this notice, the agency has concluded that the new data and information, whether or not properly filed, should be available to the agency in developing a tentative final order. By this notice, FDA announces that it is treating these submissions, received after the administrative record has closed, as petitions to reopen the administrative record, and is granting the petitions by allowing new data and information contained therein to be included in the administrative record for OTC skin protectant drug products. This notice serves to inform interested persons of the existence of these data and information and their availability for review at the office of the Hearing Clerk, Food and Drug Administration. Comments on these data and information will not be accepted at this time. However, interested persons will have an opportunity to submit comments and additional new data and information at times to be specified in future **Federal Register** notices.

Dated: March 12, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8488 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 350

[Docket No. 78N-0064]

Antiperspirant Drug Products for Over-the-Counter Human Use

AGENCY: Food and Drug Administration.

ACTION: Acceptance of data and information into the administrative record.

SUMMARY: This notice advises that the Food and Drug Administration (FDA) reopened the administrative record for over-the counter (OTC) antiperspirant drug products to allow for consideration of data and information that had been filed with the Hearing Clerk, Food and Drug Administration, after the date that the administrative record officially closed.

ADDRESS: Data and information are on public file in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen between 9 a.m. and 4 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration has on numerous occasions received new data and information bearing on OTC drug panel reports and proposed monographs after the closing of the administrative record. Under § 330.10(a)(10)(i) (21 CFR 330.10(a)(10)(i)) the administrative record closes with respect to the submission of new data and information at the end of the comment period following publication of the panel report in the **Federal Register**. The comment period for OTC antiperspirant drug products closed on January 8, 1979, and the reply comment period closed on February 7, 1979. The procedural regulations for OTC drugs, § 330.10(a)(10)(ii) (21 CFR 330.10(a)(10)(ii)), provide that after the closing of the comment period following publication of the panel report, new data and information may be submitted for inclusion into the administrative record only through a petition to reopen the administrative record. In some cases, persons have not submitted such petitions; rather, they have submitted new data and information to the Hearing Clerk as comments on the panel report. In the interest of expediting the OTC drug review and because FDA wishes to consider all pertinent data and information that have been submitted to the Hearing Clerk, Food and Drug Administration, prior to the date of publication of this notice, the agency has concluded that the new data and information, whether or not properly filed, should be available to the agency in developing a tentative final order. By this notice, FDA announces that it is treating these submissions, received after the administrative record has closed, as petitions to reopen the administrative record, and is granting the petitions by allowing new data and information contained therein to be included in the Administrative record for OTC antiperspirant drug products. This notice serves to inform interested persons of the existence of these data and information and their availability for review at the office of the Hearing Clerk, Food and Drug Administration. Comments on these data and information will not be accepted at this time. However, interested persons will have an opportunity to submit comments and additional new data and information at times to be specified in future **Federal Register** notices.

Dated: March 12, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8470 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 352

[Docket No. 78N-0038]

Sunscreen Drug Products for Over-the-Counter Human Use

AGENCY: Food and Drug Administration.

ACTION: Acceptance of data and information into the administrative record.

SUMMARY: This notice advises that the Food and Drug Administration (FDA) reopened the administrative record for over-the-counter (OTC) sunscreen drug products to allow for consideration of data and information that had been filed with the Hearing Clerk, Food and Drug Administration, after the date that the administrative record officially closed.

ADDRESS: Data and information are on public file in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration has on numerous occasions received new data and information bearing on OTC drug panel reports and proposed monographs after the closing of the administrative record. Under § 330.10(a)(10)(i) (21 CFR 330.10(a)(10)(i)) the administrative record closes with respect to the submission of new data and information at the end of the comment period following publication of the panel report in the **Federal Register**. The comment period for OTC sunscreen drug products closed on November 24, 1978, and the reply comment period closed on December 26, 1978. The procedural regulations for OTC drugs, § 330.10(a)(10)(ii) (21 CFR 330.10(a)(10)(ii)), provide that after the closing of the comment period following publication of the panel report, new data and information may be submitted for inclusion into the administrative record only through a petition to reopen the administrative record. In some cases, persons have not submitted such petitions; rather, they have submitted new data and information to the Hearing Clerk as comments on the panel report. In the interest of expediting the OTC drug review and because FDA wishes to consider all pertinent data and information that have been

submitted to the Hearing Clerk, Food and Durg Administration, prior to the date of publication of this notice, the agency has concluded that the new data and information, whether or not properly filed, should be available to the agency in developing a tentative final order. By this notice, FDA announces that it is treating these submissions, received after the administrative record has closed, as petitions to reopen the administrative record, and is granting the petitions by allowing new data and information contained therein to be included in the administrative record for OTC sunscreen drug products. This notice serves to inform interested persons of the existence of these data and information and their availability for review at the office of the Hearing Clerk, Food and Drug Administration. Comments on these data and information will not be accepted at this time. However, interested persons will have an opportunity to submit comments and additional new data and information at times to be specified in future **Federal Register** notices.

Dated: March 12, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8489 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 358

[Docket No. 78N-0065]

Skin Bleaching Drug Products for Over-the-Counter Human Use

AGENCY: Food and Drug Administration.

ACTION: Acceptance of data and information into the administrative record.

SUMMARY: This notice advises that the Food and Drug Administration (FDA) reopened the administrative record for over-the-counter (OTC) skin bleaching drug products to allow for consideration of data and information that had been filed with the Hearing Clerk, Food and Drug Administration, after the date that the administrative record officially closed.

ADDRESS: Data and information are on public file in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration has on numerous occasions received new data and information bearing on OTC drug panel reports and proposed monographs after the closing of the administrative record. Under § 330.10(a)(10)(i) (21 CFR 330.10(a)(10)(i)) the administrative record closes with respect to the submission of new data and information at the end of the comment period following publication of the panel report in the **Federal Register**. The comment period for OTC skin bleaching drug products closed on February 1, 1979, and the reply comment period closed on March 5, 1979. The procedural regulations for OTC drugs, § 330.10(a)(10)(ii) (21 CFR 330.10(a)(10)(ii)), provide that after the closing of the comment period following publication of the panel report, new data and information may be submitted for inclusion into the administrative record only through a petition to reopen the administrative record. In some cases, persons have not submitted such petitions; rather they have submitted new data and information to the Hearing Clerk as comments on the panel report. In the interest of expediting the OTC drug review and because FDA wishes to consider all pertinent data and information that have been submitted to the Hearing Clerk, Food and Drug Administration, prior to the date of publication of this notice, the agency has concluded that the new data and information, whether or not properly filed, should be available to the agency in developing a tentative final order. By this notice, FDA announces that it is treating these submissions, received after the administrative record has closed, as petitions to reopen the administrative record, and is granting the petitions by allowing new data and information contained therein to be included in the administrative record for OTC skin bleaching drug products. This notice serves to inform interested persons of the existence of these data and information and their availability for review at the office of the Hearing Clerk, Food and Drug Administration. Comments on these data and information will not be accepted at this time. However, interested persons will have an opportunity to submit comments and additional new data and information at times to be specified in future **Federal Register** notices.

Dated: March 12, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8505 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 570

[Docket No. R-80-782]

Community Development Block Grants; Small Cities Program; Transmittal of Proposed Rule to Congress

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of proposed rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the **Federal Register**. This Notice lists and summarizes for public information a proposed rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street SW., Washington, D.C. 20410, (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following proposed rulemaking document:

24 CFR Part 570, Subpart F—Community Development Block Grants—Small Cities Program (FY 1981)

This proposed rule would revise the regulations for the Small Cities Program for Community Development Block Grants. Most of the changes would clarify existing policies and procedures, but some substantive changes with respect to procedures and program standard are proposed. The important changes are:

1. Elimination of the housing needs factors as part of the selection system;
2. A new method of computing the poverty needs factors;
3. Replacing criteria dealing with State policies and a community's position as a regional center with points awarded at a State's recommendation;
4. Adding impact criteria dealing with economic development and energy conservation; and
5. A new standard of awarding points for participation in an Areawide Housing Opportunity Plan.

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Section 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., March 14, 1980.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 80-8717 Filed 3-20-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 892

Part-Time Career Employment Program

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Proposed rule.

SUMMARY: The Department of the Air Force proposes to add a new Part 892 to Subchapter J of 32 CFR, consisting of § 892.0 through 892.8. This new part would establish a continuing program to provide permanent part-time employment opportunities within the Department of the Air Force. It implements the Federal Employees Part-Time Career Employment Act of 1978, Pub. L. 95-437, which requires agencies to publish their regulations in proposed format to give the public an opportunity to comment. Interested persons are invited to participate in the rulemaking by submitting comments to the contact person listed below.

DATE: Comments must be received by May 20, 1980.

ADDRESS: Mr. Edwin V. Wells, HQ USAF/MPKS, Room 5C-260, The Pentagon, Washington, DC 20330.

FOR FURTHER INFORMATION CONTACT: Mr. Edwin V. Wells or Mr. A. Joseph Giarrusso, telephone (202) 694-2630.

The legal authority for this part is 5 U.S.C. 3401. The new part is proposed to read as follows:

SUBCHAPTER J—CIVILIAN PERSONNEL

PART 892—PART-TIME CAREER EMPLOYMENT PROGRAM

Sec.

892.0 Purpose.
892.1 Policy and objectives.
892.2 Definitions.
892.3 Coverage.
892.4 Exceptions.
892.5 Restrictions.
892.6 Responsibilities.
892.7 Employment ceiling.
892.8 Fringe benefits.

Authority: 5 U.S.C. 3401.

§ 892.0 Purpose.

This part states the basic policy and key principles of the Air Force Part-Time Career Employment Program, and assigns responsibilities to management officials, supervisors, and civilian personnel officers. It implements the Federal Employees Part-Time Career Employment Act of 1978, Pub. L. 95-437, by establishing a continuing program in the Department of the Air Force to provide permanent part-time employment opportunities.

§ 892.1 Policy and objectives

It is the policy of the Air Force to provide part-time career employment opportunities.

(a) To the maximum extent, consistent with agency resources and mission requirements for positions GS-1 through GS-15 (or equivalent).

(b) To expand the number and scope of permanent part-time employment opportunities to include professional, administrative, technical, clerical, crafts, trades, and other occupations.

(c) To provide an additional management device to support the achievement of equal employment objectives.

(d) To encourage managers at all levels to eliminate any artificial constraints which inhibit expansion of part-time employment.

§ 892.2 Definitions.

(a) "Part-time career employment" means regularly scheduled work of 16 to 32 hours per week performed by an employee who has an appointment in tenure groups I or II and who becomes employed on such part-time basis on or after April 8, 1979.

(b) "Tenure group I" applies to employees in the competitive service under career appointments who are not serving probation and permanent employees in the excepted service whose appointments carry no restrictions or conditions.

(c) "Tenure group II" applies to career employees in the competitive service serving probation and to career-conditional employees. It also includes employees in the excepted service serving trial periods, or whose tenure is equivalent to career-conditional in the competitive service.

(d) Temporary employment. For the purpose of this program, temporary employment means employment that is time-limited.

(e) Intermittent Employment. Employment on an irregular basis without a prescheduled tour of duty.

§ 892.3 Coverage.

(a) The provisions of this part apply to all civilian occupations and authorized positions in grades GS-15 or below and equivalent grades in other pay systems, and to part-time career employees in tenure groups I and II, unless excluded under one of the following:

(1) Positions requiring a mixed tour of duty. A mixed tour of duty consists of annually recurring periods of full-time, part-time, or intermittent service.

(2) Temporary or intermittent employees. Employees who are in a temporary or intermittent appointment status as defined in § 892.2 are specifically excluded from coverage under this part. The exclusion from this program should not be interpreted as a prohibition on the employment of intermittent or temporary part-time employees.

(3) Permanent part-time employees who have continuous service on such a schedule beginning prior to April 8, 1979 are not affected by these provisions.

(b) A negotiated agreement which establishes the number of hours of employment a week takes precedence over this part until such agreement is renogotiated.

§ 892.4 Exceptions to schedule hours of work.

(a) Part-time positions may be established with a scheduled tour of duty of less than 16 hours a week, if necessary to carry out the mission. No exception may be made to employ part-time workers regularly for more than 32 hours per week.

(b) Temporary increase of hours above 32 hours is permitted for a limited time to meet workload or training needs; however, the employees schedule must remain at 16-32 hours per week.

§ 892.5 Restrictions.

No positions occupied by a full-time employee will be abolished in order to make the duties of such positions available to be performed on a part-time basis, nor will any full-time employee be required to accept part-time employment as a condition of continued employment. This does not preclude offering part-time employment in lieu of separation during reduction-in-force (RIF) when no better offer exists.

§ 892.6 Responsibilities.

(a) *Headquarters USAF/MPK* has overall responsibility for administration of the part-time career employment

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program through the Office of Civilian Personnel Operations (OCPO). OCPO's responsibilities are to:

(1) Establish and publish annual goals for expansion of part-time opportunities in coordination with manpower and EEO program officials, and in consideration of MAJCOM projections.

(2) Review goals and time tables for part-time employment developed by the MAJCOM within the Air Force.

(3) Prepare semi-annual Air Force-wide reports on the part-time employment program for transmittal to the Office of Personnel management.

(4) Review activity programs during regular civilian personnel management surveys.

(5) Provide advice and assistance, as necessary or requested, on program development.

(6) Designate a member of the OCPO staff to serve as the Air Force part-time program coordinator.

(b) *Major Command Responsibilities.* (1) Establish and publish goals consistent with mission needs and occupational mix.

(2) Provide consolidated semi-annual reports to the OCPO on program accomplishments.

(3) Identify and eliminate command imposed procedures or policies which impede expansion of part-time career opportunities.

(4) Designate a part-time coordinator who will serve as a focal point within the command headquarters on this program.

(c) *Installations.* (1) Commanders with assigned Central Civilian Personnel Offices, through their Directors of Personnel and Civilian Personnel Officers, develop local part-time programs which implement MAJCOM goals.

(2) Review position vacancies as they arise to determine feasibility of filling on a career part-time basis. Criteria to be used when making determinations may include: Mission requirements; work load fluctuations; employment ceilings and budgetary considerations; applicant and current employee interests; and other factors based on current needs and circumstances.

§ 892.7 Employment ceiling.

Effective October 1, 1980, for all employment ceilings, *permanent* part-time employees (regardless of the length of scheduled work week) will be counted as a fraction. This is determined by dividing 40 hours into the number of hours of the part-time employees regularly scheduled work week during the last pay period of the reporting period.

§ 892.8 Fringe benefits.

Permanent part-time employees are eligible for retirement, health, and life insurance.

(a) *Retirement.* Retirement benefits are computed in the same way for all employees. Annuities are based on an employee's length of service and the highest average annual pay received for any three consecutive years.

(b) *Life Insurance.* Permanent part-time employees are eligible for the federal employees group life insurance program. The actual amount of insurance for which an employee is eligible is based on annual salary, but in any case not less than $10,000. A part-timer's annual salary is the amount of hours scheduled to work during a leave year times hourly pay rate.

(c) *Health Benefits.* Permanent part-time employees are eligible to participate in the federal employees health benefit program. The coverage is the same as that provided for full-time employees, but the employee cost for the premiums is greater for people who became part-time employees on or after April 8, 1979. For these employees the government contribution is prorated according to the number of hours the part-timer is scheduled to work. For example, a part-time employee scheduled for 20 hours a week will pay the employee share of the premiums *plus* one-half the government's share. Part-time employees on-board before April 8, 1979 can continue to receive the same government contributions as full-time employees for as long as they remain part-time without a break in service.

(d) Annual leave is earned on a prorated basis depending upon the leave category the employee is in:

(1) Leave Category 4–1 hour for each 20 hours of work.

(2) Leave Category 6–1 hour for each 13 hours of work.

(3) Leave Category 8–1 hour for each 10 hours of work.

Note.—Part-time employment status does not affect the 240 hour maximum amount of annual leave which may be carried over into the next leave year.

(e) Sick leave is earned at the rate of 1 hour for every 20 hours in pay status.

(f) Leave-without-pay (LWOP) is charged in the same way for full-time employees.

(g) Court leave is charged in the same way as for full-time employees.

(h) A part-time employee is not eligible for military leave.

(i) Part-time employees observe holidays, if the holidays fall on regularly scheduled work days.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80-8690 Filed 3-20-80; 8:45 am]

BILLING CODE 3910-01-M

VETERANS' ADMINISTRATION

38 CFR Part 1

National Cemetery System; Disinterments From National Cemeteries

AGENCY: Veterans' Administration.

ACTION: Proposed regulation.

SUMMARY: The Veterans' Administration proposes to revise the regulation concerning disinterment of remains from national cemeteries. The signed affidavit of all living close relatives consenting to the proposed disinterment will no longer be required. In lieu thereof a notarized statement of one person certifying that all living close relatives of the decedent consent to the proposed disinterment will be accepted. Simplifying the process of requesting authority to disinter remains will reduce paperwork and inconvenience to living close relatives of the deceased.

DATES: Comments must be received on or before May 20, 1980. It is recommended that this amendment be effective the date of final approval.

ADDRESSES: Send written comments to: Administrator of Veterans' Affairs (271A), Veterans' Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until May 30, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Earl W. Zieg (202–389–5235).

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans' Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until May 30, 1980. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the address and the above room number.

Approved: March 12, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

Section 1.621 is revised to read as follows:

§ 1.621 Disinterments from national cemeteries.

(a) Interments of eligible decedents in national cemetery activities are considered permanent and final. Disinterments will be permitted only for cogent reasons and then only with the prior written authorization of the Chief Memorial Affairs Director. Disinterments and removal of remains from a national cemetery activity will be approved only when all living close relatives of the decedent give their consent or in recognition of a court order directing the disinterment.

(b) All request for authority to disinter remains will be submitted on VA Form 40–4970, Request for Disinterment, and will include the following information:

(1) A full statement of reasons for the proposed disinterment.

(2) A notarized statement certifying that all close living relatives of the decedent consent to the proposed disinterment. "Close relatives" are defined as surviving spouse, parents, adult brothers and sisters, and adult children of the decedent. Copies of VA Form 40–4970 will be furnished by the Department of Memorial Affairs.

(c) In lieu of the document required in paragraph (b) of this section, an order of a court of competent jurisdiction will be considered. The Veterans Administration or officials of the cemetery should not be made a party to the court action since this is a matter among the family members involved.

(d) Disinterment of the remains of the dependent of a veteran which were interred in a national cemetery, based on completion of VA Form 40–4969, Agreement for Burial (Dependent), an agreement by the veteran to be buried in the same or adjoining grave, may be authorized by the Chief Memorial Affairs Director upon receipt of a written request on VA Form 40–4983, Request for Disinterment (Dependent), from the veteran.

(e) Any disinterment that may be authorized under this section must be accomplished without expense to the Government.

(38 U.S.C. 1004(a))

[FR Doc. 80-8687 Filed 3-20-80; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1442–4]

Missouri Proposed Revision to Air Quality Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rulemaking.

SUMMARY: The Clean Air Act, as amended in 1977, requires states to revise their State Implementation Plans (SIPs) for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). On October 25, 1979, the EPA published a proposed rulemaking in the **Federal Register** (44 FR 61384) proposing action on various portions of the Missouri State Implementation Plan (SIP) revision submitted to the EPA on July 2, 1979. The SIP revision did not contain regulations to satisfy requirements for the review and permitting of sources of air pollutant emissions in nonattainment areas. EPA proposed to defer action on this requirement.

The purpose of the notice is to advise the public of regulations to correct these deficiencies which were adopted on March 7, 1980, by the MACC, and to solicit comments on them. The EPA has reviewed these regulations and is proposing to conditionally approve them as meeting the requirements of Section 172(b)(6), Section 173, and Section 172(b)(11)(A) of the Act.

DATES: Comments must be received no later than April 21, 1980.

ADDRESSES: Comments should be sent to William A. Spratlin, Jr., Chief, Air Support Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106. Copies of the state submittal and the EPA prepared evaluation document are available during normal business hours at the above address. Copies are also available at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65102.

FOR FURTHER INFORMATION: Contact Wayne G. Leidwanger at 816–374–3791 (FTS 758–3791).

SUPPLEMENTARY INFORMATION: Part D of the Clean Air Act Amendments of 1977 requires states to revise their SIPs for all areas that have not attained the NAAQS. The requirements for an approvable SIP are described in a General Preamble published in the **Federal Register** on April 4, 1979 (44 FR 20372), supplemented on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 20372), September 17, 1979 (44 FR 43761), and November 23, 1979 (44 FR 67182). The discussion of requirements will not be repeated in this notice.

On October 25, 1979, the EPA published a proposed rulemaking in the **Federal Register** (44 FR 61384) proposing action on various portions of the SIP revision submitted to the EPA on July 2, 1979. In the APPROVABILITY portion of that notice, the EPA noted that the Missouri SIP revision demonstrated that the MACC has statutory authority to issue permits to construct and operate and that the plan contains a commitment to requiring the lowest achievable emission rate where necessary. EPA further noted that legislation had been adopted granting the MACC the necessary enabling authority to comply with the requirements of the Clean Air Act. However, at the time of the proposed rulemaking, no regulations had been adopted which would meet the requirements of Section 173 of the Act.

The EPA discussed four options that were being considered concerning action on the Missouri plan with respect to the requirements of Section 172(b)(6) and Section 173. The options discussed were disapproval, conditional approval, delayed approval, and EPA promulgation. The EPA solicited comments on the issue and suggestions for other possible alternatives. No specific action was proposed on the permit requirements of Sections 172(b)(6) and 173.

During the comment period, the EPA received three comments on the suggested options, but no suggested alternatives. One commentor supported EPA promulgation at the national level, the State of Missouri recommended conditional approval, and another commentor favored any of the options *except* conditional approval.

National promulgation of regulations satisfying Section 173 was dropped as a consideration, because the state indicated it would adopt regulations to satisfy this requirement.

The EPA considered conditional approval as an alternative, but as stated in the general preamble, conditional approvals are to be granted for minor deficiencies. The absence of new source permit regulations required by the Act is not a minor deficiency. Therefore, the EPA has not been able previously to

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conditionally approve the plan with regard to the requirements of Sections 172(b)(6) and 173.

The EPA does not believe that a disapproval would have been appropriate. The enabling legislation needed by the MACC was adopted just prior to the state's SIP submittal, thus, there was inadequate time to adopt permit regulations required by the Act prior to the plan submittal. In addition, the State of Missouri drafted new regulations for the purpose of complying with the requirements of Sections 172(b)(6), 173, and 172(b)(11)(A). The draft regulations were published in the *Missouri Register* and a public hearing was held on February 27, 1980. The MACC adopted the regulations on March 7 and the state submitted them to the EPA. These new regulations are contained in Title 10, Division 10, Chapter 6 of the Code of State Regulations. The restrictions on new construction in the Missouri nonattainment areas imposed by Section 110(a)(2)(I) of the Act will remain in effect until an EPA approval of the state's new source review procedures required by Part D of the Act.

In reviewing the regulations, the EPA has found two deficiencies relating to the definition of potential emissions and the review of modification of "Class C" sources as discussed in detail below. The EPA proposes to conditionally approve the regulations as meeting the requirements of Part D of the Clean Air Act because the state has provided assurances that it will submit corrections by a specified deadline. This notice solicits comment on whether the deficiency is a minor one which can be conditionally approved, whether other items should be conditionally approved, and on what deadlines should apply for meeting the conditions. A conditional approval will mean that the restrictions on new major source construction will not apply unless the state fails to submit the necessary SIP revisions by the scheduled dates, or unless the revisions are not approved by the EPA.

The adopted regulations require the alternate site analysis prescribed in Section 172(b)(11)(A) of the Act for stationary VOC and/or carbon monoxide (CO) sources seeking to locate in CO or ozone nonattainment areas for which an attainment date extension to not later than December 31, 1987, has been proposed. The permit program contained in the new regulations generally track the requirements found in Section 173 of the Act, including requirements for offset or accommodation of new emissions, application of the lowest achievable emission rate, and a demonstration that all other souces owned, operated, or controlled by the applicant comply with the SIP. The state has also agreed to submit as necessary, certain offsets as SIP revisions. However, the EPA believes the regulations are deficient in defining the term "potential emissions."

On September 5, 1979, the EPA published proposed changes to its regulations affecting new source review in nonattainment areas (44 FR 51924) including a proposed definition of "potential to emit" (44 FR 51958) (proposed amendment to 40 CFR 51.18). The proposal included a definition of annual potential emissions of a source in response to a court decision interpreting relevant portions of the Clean Air Act (Alabama Power vs. Costle). A full discussion of the proposed regulations is given in the September 5 **Federal Register** notice and will not be repeated here.

In the adopted Missouri regulations (Section 10-6.020(2)(P)(10), the term potential emissions is defined generally in accordance with the definitions included in the EPA's proposed rulemaking of September 5, except that the state definition allows sources to calculate enforceable permit conditions on operating rates and hours of operation in determining annual emissions. Existing EPA regulations allow the inclusion of such permit conditions but do not allow the consideration of air pollution controls in determining potential annual emissions. The state regulation allows the inclusion of air pollution controls in making such calculations. Therefore, the state definition is less stringent than either existing federal requirements or proposed new requirements.

The EPA has received numerous comments on its proposed regulations and has not yet issued final rules. Until such action, it is EPA's policy that state regulations must be consistent with either existing EPA regulations or the proposal of September 5. The state definition of potential emissions does not comply with this policy and therefore, the EPA considers the Missouri regulations to be deficient. The EPA believes the deficiency is a minor one because the air quality impact of those sources which would escape the Missouri new source review requirements would be minimal because the actual emissions from such sources would be below the thresholds established in the September 5 proposal. The state has agreed to change its regulations in this regard so that they are consistent with either proposed or final EPA regulations. If the state adopts EPA's proposed definition of September 5 and the EPA changes the regulations in final promulgation, the state will have nine months in which to make the necessary SIP revisions to make state regulations consistent with EPA's final regulations.

To correct the second deficiency, related to the review of modifications to major stationary sources in nonattainment areas (Class C sources), the regulation must apply to both a modification to a single source operation and to two or more source operations which results in an increase in potential emissions greater than the de minimus levels specified in the regulation. Missouri's new regulation does not require a permit for the modification of two or more source operations within a Class C source if each modification results in an increase in potential emissions less than the de minimus levels but the cumulative increase is greater than such levels. The EPA believes this deficiency is minor because the resulting adverse air quality impact will be small. It would be unusual for a source to modify more than one source operation without at least one of these modifications exceeding the de minimus levels. Therefore, few modifications would escape the permitting requirements; and the increase in emissions will be small. The state has agreed to change its regulations to correct this deficiency.

The draft regulations also contain provisions not directly related to Part D of the Act, but rather generally relating to prevention of significant deterioration of air quality in areas where the air quality standards are not being violated. These latter regulations were not required as part of the Part D plan revision and EPA is proposing no action on them at this time.

Proposed Action: The EPA proposes to conditionally approve the Missouri regulations contained in Title 10, Division 10, Chapter 6 of the Code of State Regulations that establish new permit requirements for new or modified sources to be located in nonattainment areas as meeting the requirements of Sections 172(b)(6), 172(b)(11)(A), and 173 of the Act with the following two conditions:

1. By March 1, 1981, the state changes the definition of potential emissions to be consistent with the EPA's proposed regulations of September 5, 1979. If in the interim prior to March 1, 1981, the EPA adopts a final definition, the state may fulfill this condition by adopting a definition consistent with EPA's final regulation; and

2. By March 1, 1981, the state changes the requirements for permitting modifications to Class C sources to be applicable to both a modification to a single source operation and to two or more source operations which results in an increase in potential emissions greater than the de minimus levels specified in the regulation.

Conclusion: The public is invited to submit comments on whether these regulations should be approved as part of the Missouri SIP. The EPA also solicits comments on whether a final action based upon this proposal is appropriate.

The EPA is allowing 30 days for public comment on this proposed rulemaking. The availability of draft regulations was announced in the **Federal Register** on February 15, 1980. At that time, EPA stated the comment period would close 30 days after the publication of the proposed rulemaking. The EPA believes the State of Missouri has adopted regulations which are substantially similar to the draft regulations. With the publication of the notice of availability and the 30-day comment period allowed on this proposed rulemaking, 60 days will have been allowed for public inspection and comment on this Missouri SIP revision. By acting expeditiously upon these regulations when submitted as a SIP revision, the EPA can reduce the length of time that the Section 110(a)(2)(I) growth restrictions will be applicable in an affected area.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order, or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized."

I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: March 7, 1980.

Kathleen Q. Camin,

Regional Administrator.

[FR Doc. 80-8723 Filed 3-20-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Pacific Fishery Management Council and Scientific and Statistical Committee, Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of meetings.

SUMMARY: The Pacific Fishery Management Council and its Scientific and Statistical Committee (SSC) will conduct special meetings on the fishery management measures adopted by the Council for the 1980 salmon fisheries. When a Council adopts fishery management measures, they are sent to the Department of Commerce for approval or disapproval. If approved, these measures become the basis for a proposed rule.

DATES: March 26–28, 1980.

ADDRESS: The Council meeting will take place at the Auditorium, Bonneville Power Administration Building, 1002 N.E. Holladay, Portland, Oregon 97208. The SSC meeting will take place at the Sheraton Portland Hotel, 1000 N.E. Multnomah, Portland, Oregon 97208.

FOR FURTHER INFORMATION CONTACT: Lorry Nakatsu, Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 332–6352.

SUPPLEMENTARY INFORMATION: The Pacific Fishery Management Council was established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94–265), and the Council has established a Scientific and Statistical Committee (SSC) to assist in carrying out its responsibilities. Pursuant to Department of Commerce Administrative Order DAO 201–2, Appendix II–C, Section 8.b(3), the normal 20-day advance notice of a meeting has been reduced because these special meetings are being held in addition to the regularly scheduled meetings for developing the Fishery Management Plan and because further delay in completing the plan and submitting it to the Secretary of Commerce would result in a failure to conserve and manage the resource, contrary to the purposes of the Fishery Conservation and Management Act of 1976, as amended. The Council has advertised these special meetings in local newspapers and mailed notices to interested persons.

Meeting Agendas follow

Council

Agenda: March 27–28, 1980 (convening at 1 p.m. on March 27, 1980, reconvening at 8 a.m. on March 28, 1980; adjourning at 5 p.m. on both days)—major action will be the consideration of the Salmon Plan Development Team's latest analysis of the fishery management measures the Council adopted at its meeting on March 11–12, 1980, for the 1980 commercial and recreational salmon fisheries off the coasts of Washington, Oregon, and California. The analysis examines the impact of the adopted regulations on the resulting catches and spawning escapements.

Scientific and Statistical Committee

Agenda: March 26–27, 1980 (convening at 1 p.m. on March 26, 1980, reconvening at 8 a.m. on March 27, 1980; adjourning at 5 p.m. on both days)—discuss the Salmon Plan Development Team's recent analysis of the regulations the Council adopted on March 11–12, 1980, for the 1980 salmon fisheries, and advise the Council. The meetings are open to the public.

Dated: March 19, 1980.

Winfred H. Meibohn,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-8808 Filed 3-20-80; 9:48 am]

BILLING CODE 3510-22-M

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Notices

Federal Register
Vol. 45, No. 57
Friday, March 21, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

1980 Rice Program; Determinations Regarding 1980-Crop Rice Set-Aside Program and Land Diversion Payments

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of final determination.

SUMMARY: The purpose of this notice is to announce with respect to the 1980-crop of rice that there will be no set-aside program and no land diversion payments. These determinations are required to be made by the Secretary in accordance with provisions of Section 101(h) of the Agricultural Act of 1949, as amended.

DATE: March 20, 1980.

ADDRESSES: Production Adjustment Division, ASCS, USDA, 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: George H. Schaefer, (ASCS) (202) 447–8480.

SUPPLEMENTARY INFORMATION: A notice that the Secretary was preparing to make determinations with respect to a set-aside program and land diversion payments for 1980 crop rice was published in the **Federal Register** on October 23, 1979, (44 FR 61047) in accordance with 5 U.S.C. 553 and Executive Order 12044. The notice also provided that the Secretary was preparing to make determinations with respect to the loan and purchase level, the established (target) price level, and program operation provisions for the 1980 rice crop. In response to the notice, 41 responses were received. Of these 36 commented on the set-aside option, with 34 opposed to the program. Two respondents favored a set-aside program with one suggesting a 10 to 20 percent set-aside. Fourteen of the fifteen respondents commenting on land diversion were opposed to the program.

Comments were also received regarding the other determinations proposed to be made by the Secretary. Final determinations on these items are still being considered and will be issued in the near future.

Accordingly, the Secretary has made the following determinations:

Determinations

1. *Set-aside requirement.* It is hereby determined that there will be no set-aside requirement for the 1980-crop rice program. Without a set-aside program, it is expected that rice acreage in 1980 will be about 2.96 million acres. Production would likely be about 134 million hundredweights. Total supply is estimated at about 169 million hundredweights. Domestic consumption and exports are estimated at 139 million hundredweights, which would result in carryover stocks of about 30 million hundredweights. The 1980 estimated total supply reflects only a slight increase compared to the 1979 total supply of 168 million hundredweights. The estimated carryover of 30 million hundredweights reflects a decline compared to the 1979 carryover of 35 million hundredweights. Neither the 1980 estimated total supply nor the carryover stocks are considered excessive.

Should adverse weather conditions prevail, the 1980 estimated total supply and carryover stocks could be substantially reduced. For these reasons, it has been determined that a rice set-aside program is not needed in 1980.

2. *Land diversion payments:* It is hereby determined that there will be no land diversion payments under the 1980-crop rice program in view of the fact that such payments are not necessary to assist in adjusting the total national acreage of rice to desirable goals.

These determinations have been reviewed under the USDA criteria established to implement Executive Order 12044. "Improving Government Regulations" and have been classified "significant". An Approved Final Impact is available from George H. Schaefer (ASCS), (202) 447–8460.

Signed at Washington, D.C., on March 17, 1980.

Bob Bergland,
Secretary.

[FR Doc. 80-8552 Filed 3-20-80; 8:45 am]
BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

Distribution of Rabies Vaccine, Brucella Abortus Vaccine, Burcella Abortus Antigen, and Tuberculin–PPD Bovis—New Restrictions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice regarding addition of restrictions.

SUMMARY: This document will serve to give notice that under the provisions of Title 9, § 102.5(e) of the Code of Federal Regulations, the Department has added the following conditions to all U.S. Veterinary Biological Product Licenses for Rabies Vaccine, Brucella Abortus Vaccine, Brucella Abortus Antigen, and Tuberculin-PPD Bovis.

"Distribution in each State shall be limited to authorized recipients designated by proper State officials—under such additional conditions as these authorities may require."

These conditions will provide additional controls on the distribution of those products that are considered essential to strengthen the present programs for the control and eradication of certain animal diseases, i.e., rabies, bovine brucellosis, and bovine tuberculosis.

FOR FURTHER INFORMATION CONTACT: Dr. R. J. Price, Biologics Licensing and Standards Staff, USDA, APHIS, VS, Room 827, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8245.

SUPPLEMENTARY INFORMATION: On September 21, 1979, a notice was published in the **Federal Register** at 44 FR 54737 requesting comments on the Department's proposal to add conditions to all U.S. Veterinary Biological Product Licenses for Rabies Vaccine, Brucella Abortus Vaccine, Brucella Abortus Antigen, and Tuberculin-PPD Bovis. This notice stated that such vaccines and antigens would be required to have restrictive statements on their labels limiting them to use by or under the direction of a veterinarian and that distribution of these products by licensees would be made subject ot State restrictions.

One hundred and fifty comments were received regarding the notice. Sixty-six responses supported the proposed action without change. Four responses supported the need for further controls on the distribution of these products, but objected to licensees being held responsible for distribution by second and third parties. Seventy-two responses objected to limiting Rabies Vaccines to distribution by or under the direction of a veterinarian only. Eight responses objected to any further restriction on the distribution of veterinary biological products.

From review of the responses received, it was evident that there was a lack of agreement concerning the need and justification for the proposed restrictions on the distribution of Rabies Vaccine. Objections coming from some of the rural areas of the United States indicated a need for flexibility to meet local needs. The limiting of Rabies Vaccine to use by or under the direction of a veterinarian was, therefore, not imposed on a nationwide basis as done with Brucella Abortus Vaccine, Brucella Abortus Antigen, and Tuberculin-PPD Bovis, but was left to the discretion of each State.

United States Veterinary Biological Product Licenses for Rabies Vaccine, Brucella Abortus Vaccine, Brucella Abortus Antigen, and Tuberculin-PPD Bovis have, therefore, been amended by the addition of the following condition:

Distribution in each State shall be limited to authorized recipients designated by proper State officials—under such additional conditions as these authorities may require.

This action will require licensees for these products to contact the proper officials of each State to determine how the products may be distributed. Each State has the authority to restrict the distribution of these products in accordance with local needs, including the authority to restrict Rabies Vaccines to use by a veterinarian only or to use by or under the direction of a veterinarian only.

The above condition has been added to United States Veterinary Biological Product Licenses for the following products:

Code	Product and form	License numbers of producers
1251.00	Brucella abortus vaccine, strain 19, live culture	52, 107, 188
1251.01	Brucella abortus vaccine, strain 19, live culture	188
1575.80	Feline panleukopenia-rabies vaccine, killed virus, cell line and murine origin	266
1901.03	Rabies vaccine, modified live virus, tissue culture origin, high cell passage, SAD strain	107, 124, 264
1901.05	Rabies vaccine, modified live virus, tissue culture origin, high cell passage, SAD strain	124
1901.22	Rabies vaccine, modified live virus, cell line origin, high egg passage, flury strain	189
1901.23	Rabies vaccine, modified live virus, cell line origin, high cell passage, SAD strain	107
1905.00	Rabies vaccine, killed virus, tissue culture origin	107
1905.20	Rabies vaccine, killed virus, cell line origin	225, 227
1905.51	Rabies vaccine, killed virus, murine origin	266
1905.55	Rabies vaccine, killed virus, murine origin	266
5011.00	Brucella abortus antigen, stained antigen	107
5302.00	Tuberculin, PPD bovis, intradermic	107

Done at Washington, D.C., this 17th day of March 1980.

J. K. Atwell,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-8629 Filed 3-20-80; 8:45 am]
BILLING CODE 3410-34-M

Federal Grain Inspection Service

Termination of Official Services; Replacement Agency Will Not Be Designated for the State of West Virginia

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces that at this time, a replacement agency will not be designated to provide official services in the State of West Virginia. The West Virginia Department of Agriculture, the agency formerly designated to provide official inspection services in West Virginia, chose not to pursue meeting requirements for designation under the United States Grain Standards Act, as amended, and accordingly the State's designation to provide official grain inspection services within the State, terminated November 19, 1978.

EFFECTIVE DATE: March 21, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division. Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: In accordance with provisions of the United States Grain Standards Act, and as announced in the August 29, 1979, issue of the **Federal Register** (44 FR 50621), the West Virginia Department of Agriculture's (State of West Virginia) designation of authority to provide official inspection services was terminated, effective midnight, November 19, 1978.

Interested persons were given until October 27, 1979, to submit comments regarding the need for continuing to provide official inspection services in West Virginia through designation of a replacement agency. No comments were received regarding this matter, however, one comment was received regarding inspection services in general in West Virginia.

After due consideration of all relevant matters and information available to the U.S. Department of Agriculture, the Administrator of the Federal Grain Inspection Service (FGIS), has determined that there is insufficient interest concerning designation of a replacement agency and at this time a replacement agency will not be designated to provide official services in West Virginia.

This action does not preclude any interested party from making future application for designation as an official agency in West Virginia, should need for such action be demonstrated.

In accordance with Section 7(h) and 7A(c)(2) of the Act, the FGIS, where requested, has been and will be providing official services on an interim basis, until such time as the service can be provided on a regular basis by an official agency 7 U.S.C. 79(h), 79a(c)(2). Persons desiring official inspection services should contact Mr. Harry F. Schadlich, Field Office Supervisor, United States Department of Agriculture, Federal Grain Inspection Service, 200 Granby Mall, Room 425, Norfolk, Virginia 23510, (804) 441–3120.

(Secs. 8, 9, Pub. L. 94–582, 90 Stat. 2873, 2875 (7 U.S.C. 79, and 79a))

Done in Washington, D.C., on March 14, 1980.

L. E. Bartelt,
Administrator.

[FR Doc. 80-8673 Filed 3-20-80; 8:45 am]
BILLING CODE 3410-02-M

Food and Nutrition Service

Advisory Council on Maternal, Infant, and Fetal Nutrition; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Council meeting:

Name: National Advisory Council on Maternal, Infant and Fetal Nutrition.
Date and time: 9:00 a.m., April 21–23, 1980.

V45/57 MR 21 80 UMI

Place: Holiday Inn, 250 South First Avenue East Duluth, Minnesota 55802.
Purpose of meeting: The Council will continue its study of the Special Supplemental Food Program for Women, Infants and Children (WIC) and the Commodity Supplemental Food Program (CSFP), and will discuss a wide range of matters concerning the operations of these two programs.
Proposed agenda: The agenda will include discussion time for the following issues: WIC Program proposed income eligibility requirements; the WIC Program food packages; and CSFP regulations. The Council will also discuss its 1980 report to the President and the Congress.

This meeting will be open to the public. As time permits, members of the public may participate in the meeting.

Persons wishing additional information about this meeting should contact Lindy Dahnk, Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–8421.

Carol Tucker Foreman,
Assistant Secretary for Food and Consumer Services.
March 13, 1980.
[FR Doc. 80-8327 Filed 3-20-80; 8:45 am]
BILLING CODE 3410-30-M

Soil Conservation Service

Elm Creek (1250) Watershed, Texas; Intent To Prepare Environmental Impact Statement

AGENCY: Soil Conservation Service; U.S. Department of Agriculture.
ACTION: Notice of Intent to Prepare an Environmental Impact Statement

FOR FURTHER INFORMATION CONTACT:
Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main Street, Temple, Texas 76501, 817–773–1711 ext. 331.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); The Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Elm Creek (1250) Watershed, Runnels and Taylor Counties, Texas.

The environmental evaluation of this federally-assisted action indicates that the project may cause local, regional or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement consist of acceleration of technical assistance to land users in the application of land treatment practices which will protect the land resource base, sustain production, and improve the fish and wildlife habitat, and a system of seven floodwater retarding structures designed to reduce floodwater damage.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main Street, Temple, Texas 76501; 817–773–1711 ext. 331.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83–566, (16 U.S.C. 1001–1008))

Joseph W. Haas,
Assistant Administrator for Water Resources, Soil Conservation Service.
[FR Doc. 80-8339 Filed 3-20-80; 8:45 am]
BILLING CODE 3410-16-M

Upper Crooked Creek Watershed, Arkansas; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.
ACTION: Notice of Deauthorization of Federal Funding.

FOR FURTHER INFORMATION CONTACT:
James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202–447–3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Upper Crooked Creek Watershed project, Boone and Newton Counties, Arkansas, effective on February 13, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Pub. L. 83–566, (16 U.S.C. 1001–1008))

Dated: March 11, 1980.
Joseph W. Haas,
Assistant Administrator for Water Resources, Soil Conservation Service.
[FR Doc. 80-8337 Filed 3-20-80; 8:45 am]
BILLING CODE 3410-16-M

Upper Culotches Bay Watershed, Arkansas; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.
ACTION: Notice of Deauthorization of Federal Funding.

FOR FURTHER INFORMATION CONTACT:
James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202–447–3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Upper Culotches Bay Watershed project, Woodruff and Prairie Counties, Arkansas, effective on February 13, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Pub. L. 83–566 (16 U.S.C. 1001–1008))

Dated: March 11, 1980.
Joseph W. Haas,
Assistant Administrator for Water Resources, Soil Conservation Service.
[FR Doc. 80-8337 Filed 3-20-80; 8:45 am]
BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket 37278]

American Airlines, Inc., New York-San Juan Cargo Service, Enforcement Proceeding; Further Prehearing Conference and Notice of Hearing

By notice dated January 21, 1980 (45 FR 5785, dated January 24, 1980) a prehearing conference in the above-entitled proceeding was held before me on February 13, 1980. Notice is given that the prehearing conference will be resumed on April 8, 1980 at 9:30 a.m. (local time), in Hearing Room 1003 D, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

Notice is also given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on April 23, 1980, at 9:30 a.m. (local time), in Hearing Room 1003 B, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C. 20428, before me.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 18, 1980.
Marvin H. Morse,
Administrative Law Judge.
[Doc. 80-8755 Filed 3-20-80; 8:45 am]
BILLING CODE 6320-01-M

[Docket 37867]

Boston-London Service Case; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Pope II. Future communications should be addressed to Judge Pope.

Dated at Washington, D.C., March 17, 1980.
Joseph J. Saunders,
Chief Administrative Law Judge.
[FR Doc. 80-8754 Filed 3-20-80; 8:45 am]
BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Notice is hereby given that, during the week ended March 14, 1980 CAB has received the applications listed below, which request the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due within 14 days of the filing of the application. Answers to conforming applications in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other than restriction removals) are due 28 days after the filing of the application. Answers to conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after the original application was filed. If you are in doubt as to the type of application which has been filed, contact the applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overseas cases) or the Bureau of International Aviation (in foreign air transportation cases).

Subpart Q Applications

Date filed	Docket No	Description
Mar. 11, 1980	37834	Montana Austria Flugbetrieb Gesellschaft, m.b.H., c/o Gary B. Garofalo, Borce & Garofalo, P.C., 1120 Connecticut Avenue, N.W., Suite 460, Washington, D.C. 20036. Application of Montana Austria Flugbetrieb Gesellschaft, m.b.H., pursuant to Section 402 of the Act and Subpart Q of the Board's Regulations requests a foreign air carrier permit to engage in schedule service between Vienna and New York. Answers may be filed by April 8, 1980.
Mar. 12, 1980	37835	Lone Star Airways, Inc., c/o Harry A. Bowen, 234 Georgetown Building, 2233 Wisconsin Avenue, N.W., Washington, D.C. 20007. Application of Lone Star Airways, Inc. pursuant to Part 201 and Subpart Q of the Board's Regulations and Section 401 of the Act, requests a certificate to engage in scheduled air transportation of passengers, property and mail as follows: Between the terminal point Houston, Texas and the terminal point Anchorage, Alaska. Conforming Applications and Answers are due April 9, 1980.
Mar. 10, 1980	37839	Air Florida, Inc., c/o Robert P. Silverberg, Suite 435, 2020 K Street, N.W., Washington, D.C. 20006. Application of Air Florida, Inc. pursuant to Section 401(b) of the Act, Parts 201 and 302 of the Board's Regulations requests a certificate of public convenience and necessity authorizing it to engage in foreign air transportation with respect to passengers, property and mail, as follows: Between the terminal point Miami, Florida and coterminal points in Belgium, The Netherlands and Switzerland. Conforming Applications and Answers are due April 8, 1980.
Mar. 13, 1980	37854	Travel-GO-Round Airlines, Inc., c/o James M. Burger, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036. Application of Travel-GO-Round Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity authorizing TGRA to engage in transatlantic charter air transportation of cargo. Conforming Applications and Answers are due April 10, 1980.
Mar. 14, 1980	37855	British Caledonian Airways Limited, c/o Martin, Whitfield, Smith & Bebchick, 1701 Pennsylvania Avenue, N.W., Suite 1102, Washington, D.C. 20006. Application of British Caledonian Airways Limited pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests amendment of its foreign air carrier permit so as to add St. Louis, Missouri as an additional U.S. coterminal point to its existing segment 1 authorization, B.cal intends to operate both scheduled and charter services over the St. Louis route. It plans to inaugurate St. Louis/London scheduled service on April 30, 1980. Answers may be filed by April 11, 1980.
Mar. 14, 1980	37862	Continental Air Lines, Inc., Los Angeles International Airport, Los Angeles, California 90009. Application of Continental Air Lines, Inc. pursuant to Section 401 of the Act, and Subpart Q of the Board Regulations requests the Board to amend its certificate of public convenience and necessity for Route 29 so as to authorize it to perform round trip nonstop air transportation between Palm Springs, CA on the one hand, and Los Angeles and San Francisco, CA, Portland, OR and Seattle, WA, on the other. Conforming Applications and Answers may be filed by April 11, 1980.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 80-8756 Filed 3-20-80; 8:45 am]
BILLING CODE 6320-01-M

[Order 80-3-66; Docket 37496]

Dallas (Love Field)-Oklahoma City/ Albuquerque Nonstop Authority Proceeding

AGENCY: Civil Aeronautics Board.
ACTION: Notice of Order 80–3–66, Dallas (Love Field)-Oklahoma City/ Albuquerque Subpart Q Proceeding (Docket 37496).

SUMMARY: The Board is proposing to grant Dallas (Love Field)-Oklahoma City/Albuquerque nonstop authority to Southwest Airlines. The complete text of this order is available as noted below.

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by April 21, 1980, a statement of objections together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings shall be served upon parties listed below.

ADDRESSES: Objections to issuance of a final order should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 37496, which we have entitled the *Dallas (Love Field)-Oklahoma City/ Albuquerque Subpart Q Proceeding.*

FOR FURTHER INFORMATION CONTACT:
Donna M. Stright, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5380.

SUPPLEMENTARY INFORMATION:
Objections should be served upon: the Dallas-Fort Worth Parties, the Tulsa Parties, the Oklahoma Aeronautics

V 45/57 MR 21 80 UMI

Commission, the Texas Aeronautics Commission, the New Mexico Department of Transportation, the mayors of Oklahoma City, Tulsa, Dallas, and Albuquerque, and the airport managers of Will Rogers World Airport, Tulsa International Airport, Love Field, and Albuquerque International Airport.

The complete text of Order 80-3-66 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W. Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 80-3-66 to the Distribution Section, Civil Aeronautics Board, Washington, D.C., 20428.

By the Bureau of Domestic Aviation: March 13, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-8737 Filed 3-20-80; 8:45 am]

BILLING CODE 6320-01-M

[Order 80-3-101; Dockets 37281 and 37880]

Order To Show Cause and Fitness Investigation of Green Mountain Airlines, Ltd.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 80-3-101. To Show Cause and Fitness Investigation of Green Mountain Airlines, Ltd., Dockets 37281 and 37880.

SUMMARY: The Board is issuing an order in which it tentatively finds and concludes that it is consistent with the public convenience and necessity to grant the application of Green Mountain Airlines, Ltd., for a certificate authorizing the air transportation of persons, property and mail between the terminal point Montpelier, Vermont and the terminal point Boston, Massachusetts. Certification is subject to a favorable determination of the applicant's fitness in the *Green Mountain Airlines, Ltd., Fitness Investigation* (Docket 37880), instituted concurrently. In addition, the Board tentatively concludes to deny Green Mountain Airlines' request for removal of Air New England's subsidy for the Montpelier-Boston market.

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file by April 21, 1980, a statement of objections together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings shall be served upon all parties listed below.

ADDRESSES: Objections to issuance of a final order should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 37281, application of Green Mountain Airlines for a certificate of public convenience and necessity.

In addition, copies of such filings should be served on Green Mountain Airlines, Air New England, the Agency of Transportation of the State of Vermont, the Mayors of Montpelier and Barre, Vermont and Boston, Massachusetts, the Managers of Logan International Airport and Barre-Montpelier Airport and the Governors of Massachusetts and Vermont.

FOR FURTHER INFORMATION CONTACT: Janet A. Davis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5369.

SUPPLEMENTARY INFORMATION: The complete text of order 80-3-101 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 80-3-101 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 14, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-8756 Filed 3-20-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Dextrines and Soluble or Chemically Treated Starches Derived From Corn Starch From the European Community; Final Countervailing Duty Determination

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Final Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a final determination that the European Community has given benefits which constitute subsidies within the meaning of the countervailing duty law on the manufacture, production, or exportation of dextrines and soluble or chemically treated starches derived from corn starch. A cash deposit, bond or other security in the amount of these benefits is being required at the time of entry in addition to duties normally collected on dutiable shipments of this merchandise.

EFFECTIVE DATE: March 21.

FOR FURTHER INFORMATION CONTACT: John J. Kenkel, International Trade Administration, Office of Investigation, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 566-5492.

SUPPLEMENTARY INFORMATION: On January 2, 1980, a notice of "Preliminary Countervailing Duty Determination" was published in the **Federal Register** (45 FR 121). The notice stated that it had been preliminarily determined that benefits bestowed by the European Community (EC) and the Government of the Netherlands upon the manufacture, production, or exportation of dextrines and soluble or chemically treated starches derived from corn starch constitute the payment of bounties or grants within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to as "the Act"). In a notice published in the **Federal Register** on February 27, 1980 (45 FR 12860), the Department informed the public that under the terms of section 102(a) of the Trade Agreements Act of 1979 (93 Stat. 189, 19 U.S.C. 1671 note) (the Act) investigations under section 303 of the Act (19 U.S.C. 1303) which were pending when Title I of the Trade Agreements Act became effective on January 1, 1980 terminated. Furthermore, in investigations, such as corn starch, where a preliminary, but not a final, determination had been made by January 1, the matter was to be treated as if a preliminary determination under section 703 of the Act (93 Stat. 152, 19 U.S.C. 1671(b)) had been made on January 1, 1980. In accordance with section 703(d) of the Act (93 Stat. 153, 19 U.S.C. 1671(d)), the net amount of the subsidies provided, directly or undirectly, upon the manufacture, production or exportation of this merchandise was estimated to be 34.4% *ad valorem*, liquidation of entries was suspended effective January 1, 1980, and from January 1, until further notice a cash deposit, bond or other security in an amount equal to the net subsidy was required on all entries, or withdrawals from warehouse, for consumption. The EC comprises Belgium, Denmark, The Federal Republic of Germany, France, Ireland, Italy, Luxembourg, the Netherlands, and the United Kingdom. Imports covered by this investigation are classified under item 493.30, Tariff Schedules of the United States Annotated (TSUSA) and include only those dextrines and soluble or chemically treated starches derived from corn starch. The EC benefits in question are in the form of two types of payments made under the EC's Common Agricultural Policy (CAP): "Production refund payments" and "export restitution payments". A minimum price for corn has been established under the CAP in order to support the price level of corn. Production refund payments (equal to $45.82 per ton) are made to processors of the subject merchandise who purchase corn at the support price. The full value of these payments is considered a subsidy to those processors.

Exporters of the subject merchandise receive export restitution payments based on an established formula for each unit of eligible merchandise exported from the EC. These payments also constitute a subsidy because they confer a direct benefit on the exported merchandise.

Accordingly, it is hereby determined, pursuant to section 705(a)(1) of the Act (93 Stat. 159, 19 U.S.C. 1671d(a)(1)), that a subsidy is being provided by the EC with respect to dextrines and soluble or chemically treated starches derived form corn starch.

The preliminary determination stated a subsidy of 34.4 percent *ad valorem*. Since the average price of the product differs in all the countries concerned, it would be inequitable to assess an *ad valorem* duty in this case. Instead, it has been determined to assess the duty on a volume basis.

Therefore, in accordance with § 355.33(e) of the Commerce Regulations (19 CFR 355.33(e), 45 FR 4946) and until further notice, the net amount of the subsidies bestowed on the merchandise subject to this investigation has been estimated to be $183.17 per metric ton for imports of the subject merchandise from all countries of the EC.

The preliminary determination also stated that the Government of the Netherlands provides financial assistance to some of the corn starch producers in that country. This assistance is given under the authority of the Wet Investeringsrekening (WIR) law. This law operates via an Investment Account whose purpose is to stimulate and guide investments in the Netherlands particularly in the interest of employment. It aims at promoting small-scale enterprise, regional economic development, town and country planning, and major projects.

It has been determined that the sole Dutch exporter of corn starch and/or derivatives, Cooperatieve Verkoop-en Produktievereniging van Aardappelmeel en Derivaten AVEBE G.A., (AVEBE), is a recipient of financial assistance under the WIR. This assistance is given under a general government program for regional economic development. Because it confers a direct grant upon the company it is deemed a subsidy under the Act. AVEBE received approximately $4.12 million in 1979, the latest year for which data is available. When this figure is divided by the volume of all of AVEBE's production for the same year, the average benefit per ton can be established. Using this methodology, it is determined that average benefit of the Government's subsidy for all of AVEBE's production in 1979 was $7.49 per metric ton. This subsidy is determined to be countervailable since it is a direct grant to AVEBE from the Government.

In addition to investment support, the Government of the Netherlands provides guarantees for AVEBE and loans extended by private banks. No measurable countervailable subsidy exists, because the loans were made at commercially available rates.

Therefore, since AVEBE is the sole Dutch exporter of corn starch and/or derivatives, the countervailable rate of duty to be paid for imports from the Netherlands due to subsidies given by its Government is determined to be $7.49 per metric ton. This is in addition to the rate of $183.17 per metric ton to be paid for imports of corn starch and its derivatives from all EC countries.

Pursuant to section 776 of the Tariff Act of 1930, as amended (93 Stat. 186, 19 U.S.C. 1677e), the accuracy of the information was verified. The information concerning the EC subsidy was verified in a published statement of the subsidy in the "Official Journal of the European Communities," and certified by its U.S. office. The verification of the Dutch subsidy was performed by a Department of Commerce official who examined the books and records of the sole exporter of this product. This exporter received the subsidy under the authority of the Wet Investeringsrekening (WIR) law. Verification was made of the amount of the subsidy received and the total export sales of the company. The verification confirmed that the amount of the grant was countervailable under U.S. law.

In order to allow Customs officials to distinguish the merchandise not subject to it, those officials may take whatever administrative actions are necessary, such as, but not limited to, requiring manufacturer's certification of the material origin if shipments and/or a detailed invoice description of the merchandise.

Effective on or after March 21, 1980 and until further notice, upon the entry, or withdrawal from warehouse, for consumption of such dextrines and soluble or chemically treated starches derived from corn strarch which benefits from these subsides and which are imported directly or indirectly from the EC, there shall be collected, in addition to any other duties estimated or determined to be due, estimated countervailing duties in the form of a cash deposit, bond or other security in the amount ascertained in accordance with the above declaration.

The suspension of liquidation ordered in the notice published in the **Federal Register** of February 27, 1980 (45 FR 12860), remains in effect until further notice. However, the cash deposit, bond or other secuirty required for entries made subsequent to the date of publication of this final determination shall be in an amount equal to the estimated net subsidy declared herein. To the extent that it can be established to the satisfaction of the Assistant Secretary for Trade Administration that imports of the subject merchandise from the EC are benefiting from a subsidy smaller than the amount which otherwise would be applicable under the above declaration, the smaller amount so established shall be assessed and collected.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a subsidy if such subsidy has been or will be credited or bestowed, directly or indirectly, upon the manufacture, production or exportation of dextrines and slouble or chemically treated starches derived from corn starch from the EC. This final determination is published pursuant to section 705(d) of the Act (93 Stat. 160, 19 U.S.C. 1671d(d)).

Stanley J. Marcuss,

Acting Assistant Secretary for International Trade.

March 18, 1980

[FR Doc. 80-8738 Filed 3-20-80; 8:45 am]

BILLING CODE 3510-22-M

Melamine in Crystal Form From Italy; Antidumping: Determination of Sales at Less than Fair Value

AGENCY: U.S. Department of Commerce.

ACTION: Final Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that it has been determined that melamine in crystal form from Italy has been sold to the United States at less than fair value within the meaning of section 735 of the Tariff Act of 1930, as amended. Sales at less than fair value generally occur when merchandise exported to the United States is sold in the United States at a price which is less than (a) the price of such or similar merchandise sold in the home market,

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(b) in the absence of a viable home market, the price at which it is sold in a third country, or (c) a constructed value.

EFFECTIVE DATE: March 21, 1980.

FOR FURTHER INFORMATION CONTACT: Stuart Keitz, Office of Investigations, International Trade Administration, U.S. Department of Commerce, NW., Washington, D.C. 20230 (202–566–5492).

SUPPLEMENTARY INFORMATION: On March 23, 1979, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of Melamine Chemicals, Inc. (MCI), Donaldsonville, Louisiana, alleging that imports of melamine in crystal form from Italy are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*). An "Antidumping Proceeding Notice" indicating that there was evidence on record concerning injury to, or likelihood of injury to, an industry in the United States was published in the **Federal Register** of May 1, 1979 (44 FR 25555). A "Witholding of Appraisement Notice" was published in the **Federal Register** on November 13, 1979 (44 FR 65515).

The merchandise under consideration is described as "melamine in crystal form" provided for in item 425.1020 of the Tariff Schedules of the United States Annotated (TSUSA). In accordance with section 102(b)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 1671 note), this matter is being treated as if a preliminary determination under section 733 of the Tariff Act of 1930, as amended (93 Stat. 163, 19 U.S.C. 1673b) had been made on January 1, 1980. Accordingly, liquidation has been suspended on all entries, or withdrawals from warehouse, for consumption of the subject merchandise from Italy on or after the date of publication of the "Withholding of Appraisement Notice" in the **Federal Register**.

Final Determination of Sales at Less Than Fair Value

On the basis of the information developed in the investigation and for the reasons stated below, pursuant to section 735 of the Tariff Act of 1930, as amended (93 Stat. 169, 19 U.S.C. 1673d), I hereby determine that melamine in crystal form from Italy is being, or is likely to be, sold in the United States at less than its fair value.

Statement of Reasons for this Determination

a. *Scope of the Investigation.* Virtually all the subject merchandise from Italy sold for export to the United States during the investigatory period (November 1, 1978, through April 30, 1979) was sold by Montedison, S.p.A. The investigation, therefore, was limited to this company.

b. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between the purchase price and the home market price of such merchandise. Purchase price, as defined in section 772 of the Tariff Act of 1930, as amended (93 Stat. 181, 19 U.S.C. 1677a), was used since all United States sales were made to unrelated customers prior to the importation of the merchandise. Home market price, as defined in § 353.3, Commerce Regulations (19 CFR 353.3, 45 FR 8191), was used since such merchandise was sold in sufficient quantities in the home market to provide an adequate basis of comparison for fair value purposes.

In accordance with § 353.38(a), Commerce Regulations (19 CFR 353.38(a), 45 FR 8200), pricing information was gathered concerning sales to the United States and home market sales during the period November 1, 1978, through April 30, 1979.

c. *Purchase Price.* For purposes of this determination, purchase price has been calculated on the basis of the CIF, duty-paid price to the unrelated United States customer. Deductions have been made for ocean freight, brokerage fees, duty, and foreign inland freight, where applicable.

d. *Home Market Prices.* For the purposes of this determination, fair value has been calculated on the basis of the weighted-average price in the home market to unrelated purchasers. A deduction was made for inland freight and an adjustment was made for a packing differential. Adjustments claimed for year-end discounts and discounts for cash payment or payment in advance were not allowed because they could not be adequately quantified nor could they be directly related to the sales under consideration, as required by §353.15, Commerce Regulations (39 CFR 353.15, 45 FR 8194). A claimed adjustment for technical services was not allowed since this was not directly attributable to sales under consideration as required by section 353.15 but rather was more in the nature of an expense for general research and development. Claimed adjustments for salesmen's salaries, administrative expenses, and inventory warehousing costs were not allowed since these were not directly related to the sales under consideration as required by § 353.15.

e. *Result of Fair Value Comparisons.* Using the above criteria, purchase price is lower than the home market price of such merchandise. Comparisons were made on 100 percent of the sales to the United States during the period of investigation. Margins were found on 100 percent of the sales examined. The margins range from 15.2 to 34.4 percent, and the weighted average margin is 31.05 percent.

Verification of submitted data was accomplished by random selection of response information and subsequent examination of related financial ledgers, records and commercial documents at the respondent's premises.

Interested persons have been provided an opportunity to present views in accordance with § 353.44(e), Commerce Regulations (19 CFR 353.44(e), 45 FR 8203).

This notice is published pursuant to § 353.44(f), Commerce Regulations (19 CFR 353.44(f) 45 FR 8203).

Stanley J. Marcuss,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 80-8735 Filed 3-20-80; 8:45 am]

BILLING CODE 3510-22-M

Portable Electric Typewriters From Japan; Antidumping: Determination of Sales at Less Than Fair Value

AGENCY: U.S. Department of Commerce.

ACTION: Final Determination of Sales at Less than Fair Value.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a determination that portable electric typewriters from Japan have been sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended by the Trade Agreements Act of 1979 (Pub. L. 96–39, July 26, 1979; 93 Stat. 162). Sales at less than fair value generally occur when merchandise exported to the United States is sold in the U.S. at a price which is less than (a) the price of such or similar merchandise sold in the home market (b) in the absence of a viable home market, the price at which it is sold to a third country, or (c) a constructed value. This case is being referred to the United States International Trade Commission for a determination concerning possible injury to an industry in the United States.

EFFECTIVE DATE: March 21, 1980.

FOR FURTHER INFORMATION CONTACT: Steven S. Lim, Office of Investigations, Import Administration, U.S. Department of Commerce, Room 3850, NW., Washington, D.C. 20230, telephone (202) 566–8235.

SUPPLEMENTARY INFORMATION: On April 9, 1979, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of the Smith-Corona Group, Consumer Products Division, SCM Corporation, New Canaan, Connecticut, alleging that portable electric typewriters from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended (19 U.S.C. 160 *et seq.*). An "Antidumping Proceeding Notice" indicating that there was evidence on record concerning injury, or likelihood of injury, to an industry in the United States was published in the **Federal Register** of May 18, 1979 (44 FR 29191). A notice of "Extension of Antidumping Investigatory Period" was published in the **Federal Register** on November 15, 1979 (44 FR 68853). A tentative determination of sales at less than fair value and a notice of "Withholding of Appraisement" was published in the **Federal Register** on January 2, 1980 (45 FR 1220). For purposes of this notice, portable electric typewriters are provided for in item 676.0510, Tariff Schedules of the United States Annotated.

Determination of Sales at Less than Fair Value

On the basis of information developed during investigations conducted by Customs and the Department of Commerce and for the reasons noted below, pursuant to section 735 of the Tariff Act of 1930, as amended (93 Stat. 169, 19 U.S.C. 1673d), I hereby determine that the United States price of portable electric typewriters from Japan is less than the fair value, and thereby the foreign market value, of such or similar merchandise.

Statement of Reasons on Which This Determination is Based

a. *Scope of the Investigation.* Virtually all the imports of the subject merchandise from Japan were manufactured by Nakajima All Co., Ltd., Silver Seiko Co. Ltd., and Brother Industries, Ltd. Therefore, the investigation was limited to these three manufacturers.

b. *Basis of Comparison.* For purposes of this determination, the basis of comparison was between purchase price and the adjusted home market price of such or similar merchandise on all shipments by Nakajima All Company. On shipments by Silver Seiko Co. and Brother Industries, Ltd., the basis of comparison was purchase price or exporter's sales price, as appropriate, and the adjusted home market price of such or similar merchandise.

Purchase price, as defined in section 772(b) of the Tariff Act of 1930, as amended (93 Stat. 181, 19 U.S.C. 1677a(G)), was used for those shipments to the U.S. where the sales were made to unrelated U.S. customers. Exporter's sales price, as defined in section 772(c) of the Act (93 Stat. 181, 19 U.S.C. 1677a(C)), was used for those sales by Silver Seiko and Brother Industries which were made to U.S. firms related to those manufacturers within the meaning of section 771(13) of the Act (93 Stat. 180, 19 U.S.C. 1677(13)).

Silver Seiko and Brother contended that home market price should not be used as a basis for comparison on the ground that the quantity of sales of the subject merchandise in the home market was insufficient to provide an adequate basis for comparison. However, since sales in the home market by both manufacturers were greater than 5 percent of the total sales to countries other than the United States, in accordance with § 353.4(a), Commerce Regulations (19 CFR 353.4(a), 45 FR 8191), it has been determined that there were sales in sufficient quantities in the home market to provide a basis of comparison for fair value purposes.

In accordance with § 353.38(a), Commerce Regulations (19 CFR 353.38(a), 45 FR 8200), pricing information was gathered concerning sales to the United States and home market sales during the period November 1, 1978, through April 30, 1979.

c. *Purchase Price.* For purposes of this determination, purchase price was calculated on the basis of the f.o.b. packed price to the United States, with deductions, where applicable, for inland freight, handling, commissions, shipping, and loading charges. Silver Seiko's selling price to one of its U.S. purchasers was subject to an exchange rate agreement. Generally, this agreement provides for an adjustment to the selling price of the merchandise to account for fluctuations in the exchange rate. The net selling price, after adjustment for exchange rate fluctuations in accordance with the agreement, was used for sales involving this U.S. purchaser. Subsequent to the tentative determination, Brother provided information which indicated that certain U.S. customers paid higher prices to the U.S. subsidiary for the subject merchandise. This higher price was used as the starting price instead of the transfer price (between the parent and subsidiary company) when arriving at the net selling price, resulting in a small decrease in the dumping margin.

d. *Exporter's Sales Price.* For the purpose of this determination, exporter's sales price was calculated on the basis of the selling price to unrelated U.S. dealers, with deductions, where applicable, for Japanese inland freight, shipping, ocean freight, brokerage, U.S. inland freight, insurance, commissions, freight-out (transportation), co-op advertising, overbilling, warranty costs, financing expenses, accrual advertising, bad debt allowances, handling, selling expenses, and direct and indirect advertising, as appropriate. With respect to the determination of exporter's sales price for Brother, supplemental information revealed that the commission paid to independent sales representative selling each model in the U.S. was less than originally calculated in the tentative determination. Further adjustment has been made for this factor.

e. *Home Market Price.* For the purposes of this determination, home market price was calculated on the basis of the weighted-average price to unrelated purchasers. Adjustments were made, where applicable, for inland freight, rebates, promotional discounts, give-away, warranty costs, service costs, selling expenses, commissions, direct advertising, interest costs, and differences in merchandise sold in the two markets, as appropriate. Claims were made for certain adjustments by one or more of the manufacturers. These claims, which were allowed, involved selling commissions and selling expenses and certain advertising costs. The claim for adjustment to fair value for salesmen's commissions incurred in the United States and not in the home market was allowed in the case of Silver Seiko. Pursuant to § 353.15(c) of the Commerce Regulations (19 CFR 353.15(c), 45 FR 8194), additional adjustment has been made to the home market price for general administrative and selling expense up to the amount deducted from the exporter's sales price for salesmen's commissions paid in the United States. Brother's claim that adjustment to fair value should be made for advertising expenses was allowed where it was shown that the advertising expenses were directly related to the sales under consideration or were attributable to a later sale of the merchandise by a purchaser.

Certain claims made for adjustments by one or more of the manufacturers were disallowed. These claims involved such or similar merchandise, differences in quantities, level of trade, salesmen's salaries, differences in merchandise

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selling expenses, certain advertising expenses, certain transportation expenses and unanticipated fluctuations in the exchange rates.

Nakajima contended that the physical differences between U.S. model 7500 and home market model 8800 R were so extensive as to preclude a finding of the two models as "such or similar."

However, since both models under consideration are of the same class or kind produced by the same person in the same country of exportation, all the criteria laid down in Section 771(16)(C) of the Tariff Act of 1930, as amended (93 Stat. 180, 19 U.S.C. 1677(16)(C)) are satisfied. Therefore, Nakajima's claim that the home market model 8800 R is not "such or similar" merchandise has been denied.

A claim by Nakajima for adjustment to the price of similar merchandise for differences in overhead and profit has been denied. The overhead expenses have not been shown to be directly related factory overhead expenses, and claims for differences in profit are not permitted under § 353.16 of the Commerce Regulations (19 CFR 353.16, 45 FR 8194).

Nakajima also claimed that Customs failed to take into account the differences between the quarterly and daily rate of exchange during the period of investigation. Nakajima further contends that the dumping margin was solely the result of exchange rate fluctuations.

Pursuant to § 353.56 of the Commerce Regulations (19 CFR 353.36, 44 FR 8206), any necessary conversion of foreign currency into its equivalent U.S. currency shall be made in accordance with provisions of Section 522 of the Tariff Act of 1930, as amended. Section 522 of the Tariff Act of 1930 as amended, provides that the Secretary of the Treasury shall proclaim official exchange rates on a quarterly basis. The quarterly conversion figures for the last quarter of 1978 were given in T.D. 78–382, and the conversion figures for the first half of 1979 were given in T.D.'s 79–16 and 79–113.

Section 522(c)(1) of the Tariff Act of 1930, as amended (31 U.S.C. 372(c)(1)), provides that if the daily rate of exchange and the value proclaimed by the Secretary of the Treasury vary by 5 percent or more, the daily rate of exchange should be used for conversion purposes for transactions occuring on the day of the 5 percent or more variation.

For purposes of both the tentative determination and the final determination, foreign currency conversions were calculated in accordance with section 522(c)(1) of the Tariff act of 1930, as amended. Calculations for both determinations revealed dumping margins. Therefore, Nakajima's contention that dumping margins result solely from exchange rate fluctuations is denied.

Silver Seiko contended that in determining fair value, the sales price of the merchandise in the home market must be based upon the discounted sales price to its highest volume domestic customer. Information furnished by Silver Seiko indicated that sales in the U.S. and Japan were not made in comparable quantities. Therefore, the weighted-average prices of the merchandise sold to customers in the home market must be determined in accordance with § 353.20 of the Commerce Regulations (19 CFR 353.20). Consequently, Silver Seiko's claim that fair value be determined by the discounted price to one purchaser has been denied.

Silver Seiko also contended that an adjustment for differences in the level of trade must be made to determine fair value. It is Seiko's contention that sales to the United States are made at a different point in the distribution process than the sales under consideration in the home market. Specifically, Seiko alleges that sales to the U.S. are made to original equipment manufacturers while sales in the home market are made to large retailers. Fair value was determined by comparing the selling price of the subject merchandise to large wholesale quantity customers in U.S. and home market sales to large wholesale quantity customers. Since the price comparison was made in both markets using sales to customers who bought in large wholesale quantities, no adjustment for differences in level of trade is warranted.

Silver Seiko claimed that adjustment to fair value should be made for certain costs of transporting merchandise from the factory to the distribution warehouse. This claim was disallowed, because it was not shown to be an expense directly related to the sale under consideration.

Silver Seiko made additional claims for adjustments to the home market price for differences in circumstances of sale, salesman's salaries and certain advertising expenses. Each of the disallowed claims are discussed below.

Silver Seiko claimed that an adjustment should be made for salesmen's salaries in Japan. Salesmen's salaries appear to be of a general overhead nature and would be incurred whether or not specific sales were made. Treasury had maintained a long-standing practice of disallowing claims for adjustment to home market prices for salesmen's salaries since such costs could not be shown to be directly related to the sales under consideration as required by Customs Regulations and now required by § 353.15(a) of the Commerce Regulations. On this basis, the claim has been rejected.

A claim has been made for certain advertising expenses (e.g. photo film for typewriters) which include art work, type setting, photo filming, plating, and other preparatory work for the printing of the brochures. In addition, a claim has been made for other promotional items. No evidence has been presented to indicate that the advertising materials were directed to the later sales of the merchandise by the purchasers as required by § 353.15(a) of the Commerce Regulations (19 CFR 353.15(a), 45 FR 8194). Based on the foregoing, it has been determined that no adjustment is appropriate at this time.

Subsequent to the tentative determination, Brother furnished a breakdown of advertising expenses (e.g. newspaper, radio commercial, calendar, magazine, catalogues, trade circle newspaper I and II). It is claimed that adjustment should be made for these expenses in the calculated fair value.

Based on the breakdown provided by Brother, appropriate adjustments were made to the home market price for differences in circumstances of sales for expenses incurred for advertising (e.g. newspaper, radio commercial, calendar) regarded as general media advertising directed to later sales by the purchasers. With respect to claims for other advertising expenses, no allowances were made due to the lack of evidence that they were directly related to purchasers in later sales, as required by Commerce Regulations section 353.15(a).

f. *Results of Fair Value Comparisons.* Using the above criteria, purchase price or the exporter's sales price, as the case may be, were found to be lower than the home market price of such or similar merchandise. Comparisons were made on virtually all the portable electric typewriters which were shipped or sold to the United States by Nakajima All, Silver Seiko, and Brother Industries during the period of investigation.

Margins were found on 93 percent of sales compared. The weighted-average margin on the basis of all sales compared is 37.12 percent. Weighted-average margins found with respect to the companies under investigation, computed over all sales compared, were 4.36 percent for Nakajima All; 36.53 percent for Silver Seiko; and 48.70 percent for Brother Industries.

Verification of submitted data was accomplished by random selection of response information and subsequent examination of related financial ledgers, records and commercial documents at the respondent's premises.

A public hearing notice was published in the **Federal Register** of February 1, 1980 (45 FR 7272). Interested persons have been provided an opportunity to present written and oral views in accordance with § 353.44(e), Commerce Regulations (19 CFR 353.44(e), 45 FR 8202).

This determination is published pursuant to § 353.44(f), Commerce Regulations (19 CFR 353.44(f), 45 FR 8202).

Stanley J. Marcuss,

Acting Assistant Secretary for Trade Administration.

March 18, 1980.

[FR Doc. 80-8736 Filed 3-20-80; 8:45 am]

BILLING CODE 3510-22-M

Wool Top From Australia; Final Countervailing Duty Determination

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Final Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a final determination that the Government of Australia has not given benefits that constitute bounties or grants on the manufacture, production or exportation of wool top.

EFFECTIVE DATE: March 21, 1980.

FOR FURTHER INFORMATION CONTACT: Stephen Nyschot, Office of Investigations, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202) 566–5492.

SUPPLEMENTARY INFORMATION: On January 4, 1980, a notice of "Preliminary Countervailing Duty Determination" was published in the **Federal Register** (45 FR 1219). The notice stated that it had been preliminarily determined that no bounties or grants are being paid or bestowed within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), upon the manufacture, production, or exportation of wool top from Australia. The notice invited interested persons to comment on the action. No comments were received.

For purposes of this notice, the product concerned is wool top, classifiable under item 307.50, Tariff Schedules of the United States. This product consists of wool fibers processed beyond the washed, scoured, or carbonized conditions but not spun. Wool top constitutes the first stage in the manufacture of worsted type wools.

Two programs were investigated to determined whether they bestowed significant benefits upon manufacturers, producers, or exporters of wool top. These programs are:

(1) The Export Expansion Grants Act of 1978.

Under this program, qualified exporters of certain types of products receive a cash grant based upon the increase in value of their exports in the current year as compared to their export performance in the previous 3 years. No exporters of wool top to the U.S. have received grants under this program.

(2) The Export Market Development Grants Act of 1978. This program gives exporters cash rebates for certain expenditures incurred in the research and development of new markets for Australian products. One company which exports wool top to the U.S. received a grant. The benefit from this payment (0.1 percent *ad valorem*) is within the range of *de minimis* and, therefore, not countervailable.

Pursuant to section 776 of the Tariff Act of 1930, as amended (93 Stat. 186, 19 U.S.C. 1677e), the accuracy of the information was verified. The verification was performed by a U.S. Government official who examined the books and records of the only company which received a grant under the Export Market Development Grants Act of 1978. Verification was made of the amount of grant recieved and the total export sales of the company. The verification confirmed that the amount of the grant was less than 0.1 percent of total export sales for the company.

The Department of Commerce will obtain the annual reports of the boards which administer these programs. The reports, which list the companies receiving grants under these programs, will be included in the library of publicly available information relating to foreign subsidy practices and countervailing measures, as provided for in section 777(a)(1) of the Tariff Act of 1930, as amended (93 Stat. 187, 19 U.S.C. 1677f(a)(1)).

Accordingly, it is determined that no bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (93 Stat. 190, 19 U.S.C. 1303), are being paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of wool top from Australia.

This final determination is published pursuant to section 705(d) of the Tariff Act of 1930, as amended (93 Stat. 160, 19 U.S.C. 1671d(d)).

Stanley J. Marcuss,

Acting Assistant Secretary for Trade Administration.

March 18, 1980.

[FR Doc. 80-8737 Filed 3-20-80; 8:45 am]

BILLING CODE 3510-22-M

Maritime Administration

[S–665]

American Heavy Lift Shipping Co.; Application for ODS by Operator With Interest in Vessels Engaged in Domestic Service

Notice is hereby given that American Heavy Lift Shipping Company (AHL) has filed application under the Merchant Marine Act, 1936, as amended (the Act), for operating-differential subsidy to aid in the operation of its two heavy-lift vessels, the MV's JOHN HENRY and PAUL BUNYAN. Inasmuch as AHL, and/or related persons or firms, employ or may employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Act will be required if the application for operating-differential subsidy is to be approved.

AHL is 75 percent owned by Gulf Oil Corporation (Gulf). Gulf has owned and operated a fleet of U.S.-flag oil tankers in the coastal and intercoastal trades since 1902 and has continuously owned such vessels to the present time. Ordinarily these vessels are operated for Gulf's own account as industrial carriers. Other than portfolio-type holdings of the stock of Gulf by certain individuals with business connections with Gulf, namely, by Messrs. Goodman, Wyman, Hoskins, Ash, Sugarman, Patterson, Winget, Boyce, Weyranch, and Pfautz, no director or officer of AHL has an interest in any entity operating vessels in the domestic intercoastal or coastwise service within the meaning of section 805(a) of the Act.

Any person, firm, or corporation having any interest in such application (within the meaning of section 805(a)) and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, by close of business on April 4, 1980 together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time, or if it is determined that petitions filed

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do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS))

By order of the Assistant Secretary for Maritime Affairs.

Dated: March 18, 1980.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80-8775 Filed 3-20-80; 8:45 am]

BILLING CODE 3510-15-M

Approval of Request for Removal, Without Disapproval, From Roster of Approved Trustees

On February 5, 1980, there was published in the **Federal Register** (FR Vol. 45, No. 25) pursuant to 46 CFR 221.28, a Notice of Request for Removal, Without Disapproval, from Roster of Approved Trustees pursuant to the request of the Alaska National Bank of the North, with offices at College Office and Administrative Center, P.O. Box 60730, Fairbanks, Alaska.

Therefore, pursuant to Pub. L. 89–346 and 46 CFR 221.21–221.30, the Alaska National Bank of the North is removed from the Roster of Approved Trustees.

This notice shall become effective March 21, 1980.

Dated: March 18, 1980.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80-8773 Filed 3-20-80; 8:45 am]

BILLING CODE 3510-15-M

Approval of Request for Removal, Without Disapproval, From Roster of Approved Trustees

On February 5, 1980, there was published in the **Federal Register** (FR Vol. 45, No. 25) pursuant to 46 CFR 221.28, a Notice of Request for Removal, Without Disapproval, from Roster of Approved Trustees pursuant to the request of the Bank of Oklahoma, with offices at P.O. Box 2300, Tulsa, Oklahoma.

Therefore, pursuant to Pub. L. 89–346 and 46 CFR 221.21–221.30, the Bank of Oklahoma is removed from the Roster of Approved Trustees.

This notice shall become effective March 21, 1980.

Dated: March 18, 1980.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80-8774 Filed 3-20-80; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), will meet to discuss a work plan for Amendments to the Squid, Mackerel, Butterfish, and Shark Fishery Management Plans (FMPs) and status of FMPs; foreign fishing applications; and other fishery management and administrative matters.

DATES: The meeting will convene on Wednesday, April 9, 1980, at 1 p.m. and will adjourn on Friday, April 11, 1980, at approximately 1 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Sheraton-Fontainebleau Inn, 10100 Coastal Highway, Ocean City, Maryland 21842.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: March 18, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-8781 Filed 3-20-80; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Modification of Permit

Notice is hereby given that, pursuant to the provisions of Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Permit No. 194 issued to Alaska Department of Fish and Game, Subport Building, Juneau, Alaska 99801 on July 26, 1977 (42 FR 40961) is modified in the following manner: Section B–7 has been changed to read, "This Permit is valid with respect to the taking authorized herein, until December 31, 1980."

This modification will become effective March 21, 1980.

The Permit as modified, and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, Northwest, Washington, D.C.; and

Regional Director, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: March 13, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-8783 Filed 3-20-80; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council's Groundfish Advisory Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), has established a Groundfish Advisory Subpanel (AP) which will meet to discuss proposed changes in the Draft Groundfish Fishery Management Plan.

DATES: The meeting will convene on Tuesday, April 15, 1980, at 9 a.m.; reconvene on April 16, 1980, at 8 a.m.; adjourning both days at 5 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Oregon Department of Fish and Wildlife Building, S.W. 6th and Mill Streets, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221–6352.

Dated: March 18, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-8780 Filed 3-20-80; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Western Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), has established a Scientific and Statistical Committee (SSC), which will meet to review fishery management plans (FMPs) for Billfish and Spiny-Lobster, and conduct other Committee business.

DATES: The meeting will convene on Wednesday, April 2, 1980, and reconvene on Thursday, April 3, 1980, at 9 a.m. adjourning at 4:30 p.m. on both days. The meeting is open to the public.

ADDRESS: The meeting will take place at the Honolulu Laboratory, South West Fisheries Center, 2570 Dole Street, Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management Council, Room 1608, 1164 Bishop Street, Honolulu, Hawaii 96813, Telephone: (808) 523–1368.

Dated: March 18, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-8782 Filed 3-20-80; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Presentation Before Interagency Committee on Standards Policy on Consumer Contributions to Voluntary Standards-Setting Activities; and on Differing National Requirements and Testing Procedures Which Motor Vehicles Must Meet and Current Activities To Achieve International Harmonization; Open Meeting

The Department of Commerce functions as the Federal Government focal point in the development, coordination, and strengthening of U.S. national and international standards policy in the public interest. In this regard, the Department has become cognizant of (1) efforts to improve the quality of consumer participation in voluntary standards activities, and (2) non-tariff trade barriers created by conflicting motor vehicle safety and emission standards and test methods in the international marketplace.

The Interagency Committee on Standards Policy (ICSP) is chartered and chaired by the U.S. Department of Commerce. The purpose of the ICSP is to facilitate the effective participation by the Federal Government in domestic and international standards activities, and to promote the development of uniform policies among agencies participating in these activities. In this regard, the ICSP has accepted the requests of: Mr. William Cavanaugh of the American Society for Testing and Materials (ASTM) and Mr. David Swankin of National Consumers League (NCL) to make a joint presentation before the ICSP regarding the ASTM/NCL joint effort to improve the quality of consumer participation in voluntary standards activities; and Mr. Paul F. Allmendinger of the Motor Vehicle Manufacturers Association to make a presentation before the ICSP regarding trade barrier effects of differing national motor vehicle safety and emission standards.

Both presentations will take place on April 9, 1980, in room 6802 of the U.S. Department of Commerce, 14th Street, N.W. (between E Street and Constitution Avenue), Washington, D.C. The presentation of Messrs. Cavanaugh and Swankin will be from 9:30 a.m., to 11 a.m. Mr. Allmendinger's presentation will be from 11 a.m. to 12:30 p.m. The public is invited to attend both of these presentations.

It is anticipated that each of the two formal presentations will consume about 40 (forty) minutes. The first twenty-five minutes following each formal presentation will be devoted entirely to comments and questions which members of the ICSP or other Federal Government personnel in attendance as observers may wish to present. It is recognized that other interested persons may wish to express their views on the subjects of the presentations. Accordingly, the ICSP chairman has determined in the public interest that approximately 25 (twenty-five) minutes will be set aside for such views to be expressed. Each of these two public participation periods will begin immediately after the comments and questions from the ICSP representatives.

Any interested person wishing to be called upon to express his or her views on the subject of either (or both) presentation(s) at the April 9 meeting should contact Dr. Howard I. Forman, ICSP Chairman and Deputy Assistant Secretary for Product Standards Policy no later than April 2, 1980, either by telephone or by letter. Dr. Forman is located at the main Commerce Department Building, room 3876, on 14th Street, N.W. (between E Street and Constitution Avenue), Washington, D.C., telephone 202/377–3221. Time for the expressions of such views will be allocated as equitably as possible, depending upon the number of such requests and consistent with the plan to conclude the meeting at 12:30 p.m.

Dated: March 13, 1980.

Jordan J. Baruch,

Assistant Secretary, Office of Productivity, Technology and Innovation.

[FR Doc. 80-8767 Filed 3-20-80; 8:45 am]

BILLING CODE 3510-13-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1980; Additions

AGENCY: Committee for Purchase from the Blind and Other Severly Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1980 a commodity to be produced by and services to be provided by workshops for the blind and other severly handicapped.

EFFECTIVE DATE: March 21, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On January 18, 1980 and January 25, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (45 FR 3630 and 45 FR 6152) of proposed additions to Procurement List 1980, November 27, 1979 (44 FR 67925).

After consideration of the relevant matter presented, the Committee has determined that the commodity and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodity and services are hereby added to Procurement List 1980:

Class 8115

Box, Wood, 8115–00–935–6531

SIC 0782

Grounds Maintenance, Area 10 (Parkway Gate 18 and surrounding area), Naval Weapons Station, Yorktown, Virginia

SIC 7349

Janitorial Service, Federal Center, 25th and Dover Streets, Moses Lake, Washington

V45/57 MR21 80 UMI

SIC 7399

Assembly, Food Packet, In-Flight, Individual, 8970-01-060-2899.

C. W. Fletcher,

Executive Director.

[FR Doc. 80-8709 Filed 3-20-80; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1980, Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Deletions from Procurement List.

SUMMARY: This action deletes from Procurement List 1980 commodities produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: March 21, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On January 25, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published notice (45 FR 6125) of proposed deletions to Procurement List 1980, November 27, 1979 (44 FR 67925).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodities are hereby deleted from Procurement List 1980:

Class 3990

Pallet, Wood, 3990-00-366-6821
Skid, Wood
3990-00-366-6810
3990-00-366-6814
3990-00-366-6815
3990-00-366-6816
3990-00-366-6817
3990-00-366-6819
3990-00-366-6820

C. W. Fletcher,

Executive Director.

[FR Doc. 80-8710 Filed 3-20-80; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1980; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1980 commodities to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 23, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47 (a)(2), 85 Stat. 77. Its purpose is to provide interested parties an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities to Procurement List 1980, November 27, 1979 (44 FR 67925):

Class 6230

Light, Desk, Incandescent, 6230-00-643-2078

Class 7910

Pad, Floor Polishing Machine
7910-00-820-7991
7910-00-820-7989
7910-00-820-7990
7910-00-820-9926
7910-00-820-9925
7910-00-820-9924
7910-00-820-9998
7910-00-820-7997
7910-00-820-7996
(GSA Regions 6, 7, 8, 9, 10)

C. W. Fletcher,

Executive Director.

[FR Doc. 80-8711 Filed 3-20-80; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Revision to the Notice of Intent To Prepare a Draft Supplement to the Final Environmental Impact Statement for the Proposed Roseau River Flood Control Project in Roseau and Kittson Counties, Minn.

AGENCY: St. Paul District, Corps of Engineers.

ACTION: Revision of availability date for the Draft Supplement to the Final Environmental Impact Statement (EIS).

SUMMARY: The following revision applies to the Notice of Intent published in the Friday, July 6, 1979 issue of the **Federal Register** (Vol. 44, No. 131, pp. 39575-39576):

"We estimate that the Draft Supplement to the Final EIS will be available to the public during the third quarter (April-June 1980) of fiscal year 1980."

Dated: March 13, 1980.

William W. Badger,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 80-8707 Filed 3-20-80; 8:45 am]

BILLING CODE 3710-CY-M

Office of the Secretary

DOD Advisory Group on Electron Devices; Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session April 15-16, 1980, at 201 Varick Street, 9th Floor, New York, New York 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with 5 U.S.C. App. 1 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 52b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.

March 17, 1980.

[FR Doc. 80-8667 Filed 3-20-80; 8:45 am]

BILLING CODE 3810-70-M

DOD Advisory Group on Electron Devices; Meeting

The DOD Advisory Group on Electron Devices (AGED) will meet in closed session on April 10, 1980 at the Naval Air Systems Command, Room 9W67, Jefferson Plaza #2, 1421-1423 Jefferson Davis Highway, Arlington, VA 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with 5 U.S.C. App. 1 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

O. J. Williford,

Director, Correspondence and Directives, Washington, Headquarters Services, Department of Defense.

March 17, 1980.

[FR Doc. 80-8666 Filed 3-20-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Receipt of Petitions for Temporary Public Interest Exemptions for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978 and Proposed Order Granting the Temporary Exemptions

AGENCY: Economic Regulatory Administration, Department of Energy

ACTION: Notice of Petitions and Proposed Order.

SUMMARY: A number of petitions have been received and filed with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for temporary public interest exemptions for the use of natural gas as a primary energy source. Such exemptions are authorized by Section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act). The owners/operators of the powerplants have provided the following information:

Petitioner (generating station)	Unit identification	Maximum quantity of oil displaced (barrels per day)	Type of oil displaced	Coal displaced
City of Chanute, Kansas (Municipal)	No. 3	110.2	Residual	No.
	No. 4	110.2	Residual	No.
City of Colorado Springs (Birdsall)	No. 1	7.4	Residual	No.
	No. 2	4.5	Residual	No.
	No. 3	11.4	Residual	No.
(Drake)	No. 1	4.4	Residual	No.
	No. 2	0.7	Residual	No.
	No. 4	0.2	Residual	No.
City of Austin (Decker)	No. 1	98.6	Distillate	No.
(Holly)	No. 1	8.2	Residual	No.
	No. 2	8.2	Residual	No.
	No. 3	46.6	Residual	No.
	No. 4	21.9	Distillate	No.
(Seaholm)	No. 5	2.0	Residual	No.
	No. 6	2.1	Residual	No.
	No. 7	1.8	Residual	No.
	No. 8	1.5	Residual	No.
	No. 9	1.0	Residual	No.
Arkansas Electric Cooperative(Fitzhugh)	No. 1	1,041.1	Residual	No.
City of Dover (McKee Run)	No. 1	38.2	Residual	No.
	No. 2	38.2	Residual	No.
	No. 3	882.6	Residual	No.
Consumers Power Company (B. E. Morrow)	No. 1	137.0	Residual	No.
	No. 2	137.0	Residual	No.
	No. 3	575.3	Residual	No.
	No. 4	575.3	Residual	No.
El Paso Electric Company (Copper)	No. CT 1	50.1	Distillate	No.
Florida Power and Light Company (Putnam)	No. CC 1	3,287.7	Residual	No.
	No. CC 2	3,287.7	Residual	No.
City of Holyoke (Electric Station)	No. 6	95.7	Residual	No.
	No. 8	95.7	Residual	No.
	No. 9	46.1	Residual	No.
Gulf Power Company (Crist)	No. 1	419.1	Residual	No.
	No. 2	419.1	Residual	No.
	No. 3	556.2	Residual	No.
City of Independence (Blue Valley)	No. GT 1	83.2	Distillate	No.
(Station H)	No. GT 1	10.8	Distillate	No.
Imperial Irrigation District (El Centro)	No. 1	71.2	Residual	No.
	No. 2	323.3	Residual	No.
	No. 3	1,013.7	Residual	No.
	No. 4	2,811.0	Residual	No.
(Coachella)	No. GT 1	75.0	Distillate	No.
	No. GT 2	75.0	Distillate	No.
	No. GT 3	75.0	Distillate	No.
	No. GT 4	76.3	Distillate	No.
Kansas Gas and Electric Company (Neosho)	No. 3	275.7	Residual	No.
(Gordan Evans)	No. 1	479.1	Residual	No.
	No. 2	325.9	Residual	No.
(Wichita)	No. 3	0.2	Distillate	No.
	No. 4	0.2	Distillate	No.
(Ripley)	No. 1	67.7	Residual	No.
	No. 2	67.7	Residual	No.
	No. 3	56.9	Residual	No.
Kansas Gas and Electric Company (Murray Gill)	No. 1	878.1	Residual	No.
	No. 2		Residual	No.
	No. 3		Residual	No.
	No. 4		Residual	No.
City of Kansas City, Kansas (Quindaro)	No. GT 2	186.3	Distillate	No.
	No. GT 3	186.3	Distillate	No.
City of Larned, Kansas (Municipal)	No. 3	211.0	Residual	No.
Lincoln Electric System (8th and J Street)	No. CT 1	58.2	Distillate	No.
Louisiana Power and Light (Waterford)	No. 2	4,187.9	Residual	No.
(Ninemile Point)	No. 2	174.0	Residual	No.
	No. 3	1,311.8	Residual	No.
City of Los Angeles Department of Water and Power (Harbor)	No. 1	144.1	Residual	No.
	No. 2	134.1	Residual	No.
	No. 3	172.2	Residual	No.
	No. 4	172.2	Residual	No.
	No. 5	174.2	Residual	No.
	CT 6	5.8	Distillate	No.
	CT 7	5.8	Distillate	No.
	CT 8	5.8	Distillate	No.
	CT 9	5.8	Distillate	No.
(Valley)	No. 1	338.3	Residual	No.
	No. 2	383.5	Residual	No.
	No. 3	615.5	Residual	No.
	No. 4	575.9	Residual	No.
Mississippi Power Company (Eaton)	No. 1	313.4	Residual	No.
	No. 2	313.4	Residual	No.
	No. 3	313.4	Residual	No.
(Sweatt)	No. 1	468.5	Residual	No.
	No. 2	471.6	Residual	No.

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Petitioner (generating station)	Unit identification	Maximum quantity of oil displaced (barrels per day)	Type of oil displaced	Coal displaced
Public Service Company of Oklahoma (Weleetka)	CT 4	172.1	Distillate	No.
	CT 5	172.1	Distillate	No.
	CT 6	172.1	Distillate	No.
Nebraska Public Power District (Bluffs)	No. 3	3.6	Residual	No.
	No. 4	172.6	Residual	No.
Pacific Gas and Electric Company (Morro Bay)	No. 2	1,506.3	Residual	No.
(Hunter's Point)	No. 4	585.2	Residual	No.
(Humboldt Bay)	No. 1	452.1	Residual	No.
	No. 2	454.8	Residual	No.
(Potrero)	No. 1	246.7	Residual	No.
	No. 2	246.7	Residual	No.
	No. 3.	722.7		
			Residual	No.
(Moss Landing)	No. 1	939.2	Residual	No.
	No. 2	939.2	Residual	No.
	No. 3	939.2	Residual	No.
	No. 4	1,427.4	Residual	No.
	No. 6	7,537.0	Residual	No.
(Contra Costa)	No. 1	835.6	Residual	No.
	No. 2	835.6	Residual	No.
	No. 3	835.6	Residual	No.
	No. 4	780.8	Residual	No.
	No. 5	780.8	Residual	No.
	No. 6	1,857.5	Residual	No.
	No. 7	1,857.5	Residual	No.
St. Joseph Power and Light Company (Lake Road)	No. 4	98.9	Residual	No.
(Edmond Street)	No. 20	2.2	Residual	No.
San Diego Gas and Electric Company (North Island)	GT 1	52.3	Distillate	No.
(South Bay)	GT 1	12.1	Distillate	No.
(Division Street)	GT 1	11.2	Distillate	No.
Southern Indiana Gas and Electric Company (Broadway)	GT 1	19.2	Distillate	No.
Virginia Electric and Power Company (Yorktown)	No. 3	1,518.0	Residual	No.
(Portsmouth)	CT 1	183.2	Distillate	No.
Wisconsin Power and Light Company (Sheepskin)	CT 1	24.0	Distillate	No.
(Rock River)	CT 5	14.0	Distillate	No.
	CT 6	29.3	Distillate	No.
Jacksonville Electric Authority (Northside)	No. 1	3,889.5	Residual	No.
	No. 2	7,457.6	Residual	No.
	No. 3	1,692.6	Residual	No.
	CT 3	51.1	Distillate	No.
	CT 4	83.6	Distillate	No.
	CT 5	146.7	Distillate	No.
	CT 6	38.6	Distillate	No.
Atlantic City Electric Company (Mickleton)	CT 1	356.2	Distillate	No.
Commonwealth Edison (Ridgeland)	No. 5	1,372.8	Residual	No.
	No. 6	1,372.8	Residual	No.
Niagara Mohawk Power Corporation (Albany)	No. 1	822.1	Residual	No.
	No. 2	822.1	Residual	No.
	No. 3	822.1	Residual	No.
	No. 4	822.1	Residual	No.
City of Hastings, Nebraska, Utilities (North Denver)	No. 4	238.2	Residual	No.
	No. 5			No.
Gulf States Utilities Company (Sabine)	No. 2	77.0	Distillate	No.
	No. 5	14,327.1	Residual	No.
(Neches)	No. 7	142.2	Distillate	No.
	No. 8	136.4	Distillate	No.
(Lewis Creek)	No. 1	56.8	Distillate	No.
	No. 2	3.2	Distillate	No.
(Willow Glen)	No. 2	289.1	Distillate	No.
	No. 3	1,856.3	Residual	No.
	No. 4	4,932.6	Residual	No.
	No. 6	11,497.5	Residual	No.
(Louisiana)	No. 7	99.1	Residual	No.
	No. 8	74.1	Residual	No.
	No. 9	40.4	Residual	No.
Gulf States Utilities Company (Nelson)	No. 1	906.9	Distillate	No.
	No. 2	822.1	Distillate	No.
	No. 3	845.4	Distillate	No.
	No. 4	466.0	Residual	No.
Lower Colorado River Authority (Ferguson)	No. 1	9.0	Distillate	No.
(Gideon)	No. 1	0.9	Distillate	No.
	No. 2	7.5	Distillate	No.
	No. 3	46.7	Distillate	No.
University of Illinois (Abbott)	No. 5	215.4	Distillate	No.
	No. 6	215.4	Distillate	No.
	No. 7	287.2	Distillate	No.
City of Ruston, Louisiana (Ruston)	No. 1	292.3	Distillate	No.
City of Coffeyville, Kansas (Coffeyville)	No. 1	45.2	Residual	No.
Montana Power Company (Frank Bird)	No. 1	1,384.0	Distillate	No.
Hutchinson Utilities Commission (Plant No. 1)	No. 8	67.7	Distillate	No.
(Plant No. 2)	No. 9	319.9	Distillate	No.
City of Lakeland, Florida (Larsen)	No. 4	11.8	Residual	No.
	No. 5	95.9	Residual	No.
	No. 6	127.8	Residual	No.
	No. 7	831.4	Residual	No.
	GT 2	7.5	Distillate	No.
	GT 3	7.5	Distillate	No.

FUA became effective on May 8, 1979. The Act prohibits the use of natural gas as a primary energy source in certain existing powerplants and also authorizes an exemptions procedure in regard to that and other prohibitions.

ERA is proposing to issue orders which would grant temporary public interest exemptions to all of the petitioners enumerated above, pursuant to the authority of Section 311(e) of FUA and 10 CFR Part 508, published by ERA on April 9, 1979 (44 FR 21230). These proposed orders, when finalized, would grant a temporary exemption to the subject powerplants from the prohibition against natural gas use, contained in Section 301(a(2) and (3) of FUA.

ERA is publishing this notice of petitions filed and its proposed order to grant these exemptions, to invite interested persons to submit written comments pursuant to the requirements of FUA. In addition, any interested person may request that a public hearing be convened in regard to these petitions under the provisions of Section 701(d) of FUA.

DATES: Written comments relating to these petitions and the proposed order are due on or before May 5, 1980. Requests for a public hearing are also due on or before May 5, 1980.

ADDRESSES: Requests for a public hearing and/or 10 copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M Street, NW, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information) Economic Regulatory Administration, Department of Energy, Room B–110, 2000 M Street, NW, Washington, D.C. 20461, (202) 634–2170.
Robert L. Davies (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, Room 3128, 2000 M Street, NW, Washington D.C. 20461, (202) 254–7442.
G. Randolph Comstock (Office of General Counsel), Department of Energy, Room 6G–067, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 252–2987.

SUPPLEMENTARY INFORMATION: On April 9, 1979, ERA issued a final rule implementing the authority granted to DOE by Section 311(e) of FUA. This final rule, set forth in 10 CFR Part 508, establishes the policy ERA has adopted in implementing its authority under Section 311(e) of FUA and the eligibility criteria, which petitioners for the temporary exemption must demonstrate. This temporary exemption will allow certain existing electric powerplants to use natural gas as a primary energy source in excess of the amounts which are mandated by Section 301(a) (2) and (3) of FUA.

The use of natural gas, permitted under these temporary exemptions, will allow existing electric powerplants to displace distillate and residual fuel oils as their primary energy source.

This expanded use of natural gas in these powerplants will be a significant step toward reducing our short term oil consumption and will help the United States in meeting its goals to reduce its demand for imported oil, protect the Nation from the effects of any oil shortages, and will serve to cushion the impact of increasing world oil prices.

The above listed owners/operators have filed petitions with ERA to request a temporary public interest exemption for their existing electric powerplants. ERA has reviewed their petitions and has found that the powerplants meet the eligibility criteria established in § 508.2 of the final rule (44 FR 21230).

ERA intends, in its proposed order, to grant temporary public interest exemptions for the above listed powerplants.

This is not the final notice of petitions and proposed orders under the final rule. ERA will continue to comply with the requirements of Section 701(c) of FUA and will publish further notices as petitions are received.

Issued in Washington, D.C., on March 14, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–8641 Filed 3–20–80; 8:45 am]
BILLING CODE 6450–01–M

Proposed Order Granting Special Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby sets forth its Order proposing to grant a special temporary public interest exemption from the prohibitions of Section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.*, pursuant to Section 311(e) of FUA, 10 CFR 501.68, and 10 CFR Part 508, to the following powerplants:

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Case control No.	Petitioner	Generating station	Unit identification	Location
50514-1267-03-41	City of Chanute	Municipal	No. 3	Chanute, Kansas
50514-1267-04-41			No. 4 and 6.	
50622-0493-01-41	City of Colorado Springs	Birdsall	No. 1	Colorado Springs, Colorado
50622-0493-02-41			No. 2	
50622-0493-03-41			No. 3	
50622-0492-01-41		Drake	No. 1	Colorado Springs, Colorado
50622-0492-02-41			No. 2	
50622-0492-04-41			No. 4	
50135-3548-01-41	City of Austin	Decker	No. 1	Austin, Texas
50135-3549-01-41		Holly	No. 1	Austin, Texas
50135-3549-02-41			No. 2	
50135-3549-03-41			No. 3	
50135-3549-04-41			No. 4	
50135-3550-05-41		Seaholm	No. 5	Austin, Texas
50135-3550-06-41			No. 6	
50135-3550-07-41			No. 7	
50135-3550-08-41			No. 8	
50135-3550-09-41			No. 9	
50103-0201-01-41	Arkansas Electric Cooperative	Fitzhugh	No. 1	Ozark, Arkansas
50807-0599-01-41	City of Dover	McKee Run	No. 1	Dover, Delaware
50807-0599-02-41			No. 2	
50807-0599-03-41			No. 3	
50656-1696-01-41	Consumers Power Company	B. E. Morrow	No. 1	Comstock, Michigan
50656-1696-02-41			No. 2	
50656-1696-03-41			No. 3	
50656-1696-04-41			No. 4	
50866-9005-21-41	El Paso Electric Company	Copper	CT 1	El Paso, Texas
51006-6246-51-41	Florida Power and Light Company	Putnam	CC 1	East Palatka, Florida
51006-6246-52-47			CC 2	
50514-9059-08-41	City of Holyoke	Electric Station	No. 8	Holyoke, Massachusetts
50514-9059-08-41			No. 8	
50514-9059-09-41			No. 9	
51208-0641-01-41	Gulf Power Company	Crist	No. 1	Pensacola, Florida
51208-0641-02-41			No. 2	
51208-0641-03-41			No. 3	
51362-2132-21-41	City of Independence	Blue Valley	CT 1	Independence, Missouri
51362-2135-22-41		Station H	CT 2	Independence, Missouri
51368-9054-01-41	Imperial Irrigation District	El Centro	No. 1	El Centro, California
51368-9054-02-41			No. 2	
51368-9054-03-41			No. 3	
51368-9054-04-41			No. 4	
51368-9060-21-41		Coachella	CT 1	Coachella, California
51368-9060-22-41			CT 2	
51368-9060-23-41			CT 3	
51368-9060-24-41			CT 4	
51478-1243-03-41	Kansas Gas and Electric Company	Neosho	No. 3	Parsons, Kansas
51478-1240-01-41		Gordon Evans	No. 1	Colwich, Kansas
51478-1240-02-41			No. 2	
51478-1245-03-41		Wichita	No. 3	Wichita, Kansas
51478-1245-04-41			No. 4	
51478-1244-01-41		Ripley	No. 1	Wichita, Kansas

Case control No.	Petitioner	Generating station	Unit identification	Location
51478-1244-02-41			No. 2	
51478-1244-03-41			No. 3	
51478-1242-01-41		Murray Gill	No. 1	Wichita, Kansas
51478-1242-02-41			No. 2	
51478-1242-03-41			No. 3	
51478-1242-04-41			No. 4	
51478-1295-22-41	City of Kansas City	Quindaro	GT 2	Kansas City, Kansas
51478-1295-23-41			GT 3	
51596-1299-03-41	City of Larned	Municipal	No. 3	Larned, Kansas
51649-9151-21-41	Lincoln Electric System	8th and J Street	CT 1	Lincoln, Nebraska
51694-9036-02-41	Louisiana Power and Light	Waterford	No. 2	Taft, Louisiana
51694-1403-02-41		Ninemile Point	No. 2	Westwego, Louisiana
51694-1403-03-41			No. 3	
51691-0399-01-41	City of Los Angeles Department of Water and Power.	Harbor	No. 1	Wilmington, California
51691-0399-02-41			No. 2	
51691-0399-03-41			No. 3	
51691-0399-04-41			No. 4	
51691-0399-05-41			No. 5	
51691-0399-26-41			CT 6	
51691-0399-27-41			CT 7	
51691-0399-28-41			CT 8	
51691-0399-29-41			CT 9	
51691-0408-01-41		Valley	No. 1	Sun Valley, California
51691-0408-02-41			No. 2	
51691-0408-03-41			No. 3	
51691-0408-04-41			No. 4	
51868-2046-01-41	Mississippi Power Company	Eaton	No. 1	Petal, Mississippi
51868-2046-02-41			No. 2	
51868-2046-03-41			No. 3	
51868-2048-01-41		Sweatt	No. 1	Meridian, Mississippi
51868-2048-02-41			No. 2	
52413-2966-24-41	Public Service Company of Oklahoma	Weleetka	CT 4	Weleetka, Oklahoma
52413-2966-25-41			CT 5	
52413-2966-26-41			CT 6	
51968-2276-03-41	Nebraska Public Power District	Bluffs	No. 3	Scotts<bluff, Nebraska
51968-2276-04-41			No. 4	
52224-0259-02-41	Pacific Gas and Electric Company	Morro Bay	No. 2	Morro Bay, California
52224-0247-04-41		Hunter's Point	No. 4	San Francisco, California
52224-0246-01-41		Humboldt Bay	No. 1	Eureka, California
52224-0246-02-41			No. 2	
52224-0273-01-41	Pacific Gas and Electric Company	Potrero	No. 1	San Francisco, California
52224-0273-02-41			No. 2	
52224-0273-03-41			No. 3	
52224-0260-01-41		Moss Landing	No. 1	Moss Landing, California
52224-0260-02-41			No. 2	
52224-0260-03-41			No. 3	
52224-0260-04-41			No. 4	
52224-0260-06-41			No. 6	
52224-0226-01-41		Contra Costa	No. 1	Antioch, California
52224-0226-02-41			No. 2	
52224-0226-03-41			No. 3	
52224-0226-04-41			No. 4	

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Case control No.	Petitioner	Generating station	Unit identification	Location
52224-0228-05-41			No. 5	
52224-0228-06-41			No. 6	
52224-0228-07-41			No. 7	
52798-2098-04-41	St. Joseph Light and Power Company	Lake Road	No. 4	St. Joseph, Missouri
52798-2097-20-41		Edmond Street	No. 20	St. Joseph, Missouri
52570-0307-21-41	San Diego Gas and Electric Company	North Island	GT 1	Coronado, California
52570-0310-21-41		South Bay	GT 1	Chula Vista, California
52570-0300-21-41		Division Street	GT 1	San Diego, California
52727-1011-21-41	Southern Indiana Gas and Electric Company.	Broadway	GT 1	Evansville, Indiana
53146-3809-03-41	Virginia Electric and Power Company	Yorktown	No. 3	Yorktown, Virginia
53146-3803-21-41	Virginia Electric and Power Company	Portsmouth	CT 1	Norfolk, Virginia
53332-4059-21-41	Wisconsin Power and Light Company	Sheepskin	CT 1	Edgerton, Wisconsin
53332-4057-25-41		Rock River	CT 5	Beloit, Wisconsin
53332-4057-26-41			CT 6	
51434-0667-01-41	Jacksonville Electric Authority	Northside	No. 1	Jacksonville, Florida
51434-0667-02-41			No. 2	
51434-0667-03-41			No. 3	
51434-0667-23-41			CT 3	
51434-0667-24-41			CT 4	
51434-0667-25-41			CT 5	
51434-0667-26-41			CT 6	
50126-8008-21-41	Atlantic City Electric Company	Mickleton	CT 1	East Greenwich Township, New Jersey
50643-0661-05-41	Commonwealth	Ridgeland	No. 5	Stickney, Illinois
50643-0661-06-41	Edison		No. 6	
52053-2539-01-41	Niagara	Albany	No. 1	Glenmont, New York
52053-2539-02-41	Mohawk		No. 2	
52053-2539-03-41	Power		No. 3	
52053-2539-04-41	Corporation		No. 4	
51259-2244-04-41	City of Hastings	North Denver	No. 4	Hastings, Nebraska
51259-2244-05-41			No. 5	
51209-3459-02-41	Gulf States Utilities Company	Sabine	No. 2	Bridge City, Texas
51209-3459-05-41			No. 5	
51209-3459-07-41		Neches	No. 7	Beaumont, Texas
51209-3459-08-41			No. 8	
51209-3457-01-41	Gulf States Utilities Company	Lewis Creek	No. 1	Willis, Texas
51209-3457-02-41			No. 2	
51209-1391-07-41		Louisiana	No. 7	Baton Rouge, Louisiana
51209-1391-08-41			No. 8	
51209-1391-09-41			No. 9	
51209-1394-02-41		Willow Glen	No. 2	St. Gabriel, Louisiana
51209-1394-03-41			No. 3	
51209-1394-04-41			No. 4	
51209-1394-05-41			No. 5	
51209-1393-01-41		Nelson	No. 1	Lake Charles (Westlake), Louisiana

Case control No.	Petitioner	Generating station	Unit identification	Location
51209-1393-02-41			No. 2	
51209-1393-03-41			No. 3	
51209-1393-04-41			No. 4	
51702-4937-01-41	Lower Colorado River Authority	Ferguson	No. 1	Marble Falls, Texas
51702-3601-01-41		Gideon	No. 1	Bastrop, Texas
51702-3601-02-41			No. 2	
51702-3601-03-41			No. 3	
53010-0970-05-41	University of Illinois	Abbott	No. 5	Champaign, Illinois
53010-0970-06-41			No. 6	
53010-0970-07-41			No. 7	
52542-1458-01-41	City of Ruston	Ruston	No. 1	Ruston, Louisiana
50610-1271-01-41	City of Coffeyville	Coffeyville	No. 1	Coffeyville, Kansas
51915-2184-01-41	Montana Power Company	Frank Bird	No. 1	Billings, Montana
63001-9067-58-41	Hutchinson Utilities Commission	Plant No. 1	CC 8	Hutchinson, Minnesota
63001-9103-29-41		Plant No. 2	CT 9	
51575-0676-04-41	City of Lakeland	Larsen	No. 4	Lakeland, Florida
51575-0676-05-41			No. 5	
51575-0676-06-41			No. 6	
51575-0676-07-41			No. 7	
51575-0676-22-41			GT 2	
51575-0676-23-41			GT 3	

I. Statutory Prohibitions

The above listed powerplants are prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source, or are prohibited from using natural gas as a primary energy source in excess of the average base year proportions allowed in Section 301(a)(3) of the Act.

II. Eligibility for Exemption

The existing powerplants listed above have submitted petitions to ERA for a Special Temporary Public Interest Exemption and have asserted that:

a. Each existing powerplant is:

1. Prohibited on May 8, 1979 from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or

2. Prohibited from using natural gas in excess of the average base year proportions allowed in Section 301(a)(3) of FUA.

b. The proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a) (2) or (3) of FUA:

1. Will displace consumption of middle distillate or residual fuel oil; and

2. Will not displace the use of coal or any other alternate fuel in any facility of the owner/operator utility system, including the powerplant for which the exemption was submitted.

III. Rationale

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The expanded use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption. This increased use of natural gas will help the United States meet its commitment to reduce its demand for imported petroleum products, protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have had a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that this increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency. This is in keeping with purposes of FUA and is in the public interest.

Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioners have demonstrated that they have met the eligibility criteria established in Section 508.2 of the Special Rule (April 9, 1979, 44 FR 21230), ERA proposes to grant the exemptions.

IV. Duration

ERA proposes to grant these temporary public interest exemptions generally as follows:

1. For a period of five years to those facilities that will displace middle distillate fuel oil;

2. For an initial period of two years, with an automatic extension of three

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years upon the written acceptance by ERA of a conservation plan, to those facilities that will displace residual oil with a sulfur content of 0.5 percent or less;

3. For an initial period of 18 months, with the provision for extension, at the option of ERA, up to an additional 42 months, upon the request of the petitioner, to those facilities that will displace oil with a sulfur content of greater than 0.5 percent.

4. For petitioners that will displace residual oil with a sulfur content of greater than 0.5 percent, in Petroleum Administration for Defense District 2, no final orders will be granted pending further study by ERA.

These proposed temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

V. Terms and Conditions

Pursuant to the authority of Section 314 of FUA and 10 CFR 508.6, ERA will require the order recipient upon issuance of a final order to: (1) Report the actual monthly volumes of natural gas used in each exempted powerplant and the estimated number of barrels of each type of fuel oil displaced during the exemption period, (2) submit a system-wide fuel conservation plan to include the period covered by the temporary exemption, and (3) submit annually to ERA a report on progress achieved in implementing the system-wide fuel conservation plan.

Issued in Washington, D.C., on March 14, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-8642 Filed 3-20-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Adminstration

Excel Corp.; Proposed Remedial Order

Pursuant to 10 CFR Section 205.192(c), The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Excel Corporation, a Division of Allied Materials Corporation, P.O. Box 12340, Oklahoma City, Oklahoma 73112.

This Proposed Remedial Order charges Excel with pricing violations in the amount of $1,336,730.83 relative to Excel's sale of certain domestic petroleum products at prices exceeding their maximum legal selling prices during the period November 1, 1973 through December 31, 1975.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager, Southwest District Enforcement, Department of Energy, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767–7745. On or before April 7, 1980, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Dallas, Texas, on the 11th day of March, 1980.

Wayne I. Tucker

District Manager, Southwest District Enforecement, Economic Regulatory Administration.

I, Thomas A. Fry, III, Chief Enforcement Attorney, Southwest Enforcement District, concur in the issuance of the Proposed Remedial Order (PRO) to Excel Corporation, and in the Notice prepared for publication in the **Federal Register.**

Dated: March 11, 1980.

Thomas A. Fry III,

Chief Enforcement Counsel.

[FR Doc. 80-8739 Filed 3-20-80; 8:45 am]

BILLING CODE 6450-01-M

Worldwide Energy Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: February 26, 1980. Comments by April 21, 1980.

ADDRESS: Sent comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 85235 (phone) 214/767–7745.

SUPPLEMENTARY INFORMATION: On February 26, 1980, the Office of Enforcement of the ERA executed a Consent Order with Worldwide Energy Corporation of Denver, Colorado. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Worlwide Energy Corporation wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Worldwide Energy Corporation effective as of the date of its execution by the DOE and Worldwide Energy Corporation.

I. The Consent Order

Worldwide Energy Corporation, with its home office located in Denver, Colorado, is a firm which engaged in the process of natural gas liquids (NGL's) and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Worldwide, the Office of Enforcement, ERA, and Worldwide entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was April 1, 1975 through April 30, 1977, and it included all sales of NGL's made by Central States Gas Company (Central), as predecessor to Worlwide.

2. These sales were due to Worldwide's predecessor Central not applying the provisions of 10 CFR Part 212 subpart K, in a manner acceptable to the DOE.

3. The Consent Order does not constitute an admission by Worldwide that ERA regulations have been violated.

4. The Consent Order is a settlement of the alleged overcharges which were the subject of the Notice of Probable Violation issued to Worldwide on November 26, 1979.

5. Worldwide agrees to refund to the DOE $49,400 on or before March 26, 1980.

6. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Worldwide agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $49,400 on or before March 26, 1980. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refuned overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as a higher price to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interests.

B. *Other comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Worldwide Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on April 21, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 12th day of March, 1980.

Herbert F. Buchanan,

Deputy Dist. Mgr. Southwest District Enforcement Economic Regulatory Administration.

I, Thomas A. Fry III, Chief Enforcement Attorney, Southwest District, concur in the issuance of the Consent Order to Worldwide Energy Corporation and in the Notice prepared for the **Federal Register.**

Dated: March 11, 1980.

Thomas A. Fry III,

Chief, Enforcement Attorney Southwest District Department of Energy.

[FR Doc. 80-8760 Filed 3-20-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Action Taken on Consent Order

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of January 1980. These Consent Orders concern prices charged by retail motor gasoline dealers in excess of the maximum lawful selling price for motor gasoline since August 1, 1979, failure to properly post the maximum lawful selling price or certification, and engaging in business practices which are either discriminatory with respect to purchasers of motor gasoline, resulting in a higher price than permitted, or tied the sale of gasoline to the purchaser of another service. The purpose and effect of these Consent Orders is to bring the consenting firms into compliance with the Mandatory Petroleum Allocation and Pricing Regulations from August 1, 1979, and they do not address or limit any liability with respect to consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions:

A. With respect to selling prices:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Roll back prices to achieve refund of overcharges;

3. Properly maintain records required under the aforementioned regulations.

B. With respect to business practices:

1. Cease and desist from employing any form of discriminatory practices;

2. Cease and desist from employing any practice designed to obtain a price higher than is permitted by the regulations;

3. Cease and desist from employing any practice making the sale of gasoline contingent upon the purchase of another service, charging for services by means of a fee computed on a cents per gallon basis, or charging a fee to dispense gasoline.

C. With respect to posting requirements:

1. Properly post the maximum lawful selling price or certification;

2. Roll back the maximum lawful selling price for failure to post.

For further information regarding these Consent Orders, please contact Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, telephone number 214/767–7745.

Firm's Name, Address, and Date of Consent Order

Edwardo Salazar, Jr., d.b.a. Salazar Exxon, P.O. Box 2, La Pryor, TX 78872—Jan. 3, 1980

The Sigmor Corporation, 3643 East Commerce, San Antonio, TX 78220—Dec. 28, 1979

Weston Fisher, d.b.a. Fisher Gulf, I–10 & Highway 83, Junction, TX 76849—Jan. 14, 1980

Eagle Park Gulf, 620 N. Dal Paso, Hobbs, NM 88240—Jan. 23, 1980

Emil A. Radosevich, d.b.a. Emil's Texaco, 901 Eubank Blvd., NE., Albuquerque, NM 87112—Dec. 26, 1979

Charles Catgenova, d.b.a. Rio Grande Texaco, 924 Rio Grande Blvd., NW., Albuquerque, NM 87103—Jan. 8, 1980

Standard Truck Plaza, 1915 Menaul, NE., Albuquerque, NM 87107—Dec. 20, 1979

Reynold's Cattle Co., Inc., d.b.a. Kent Cattle Co., Inc., Box 7, Kent, TX 79855—Jan. 8, 1980

Jones Exxon, Highway 87, Eden, TX 76837—Dec. 27, 1979

Jones Texaco, Highway 87, Eden, TX 76837—Dec. 28, 1979

Don Eudy, d.b.a. Don's Gulf, 1400 South Main, Perryton, TX 79070—Jan. 15, 1980

Bill Dorman, d.b.a. Dorman's Texaco, 2156 50th, Lubbock, TX—Jan. 16, 1980
Richard Holder, d.b.a. Rick's Texaco, 5323 S. 2nd Drive, Lubbock, TX 79412—Jan. 17, 1980
Holbert Texaco, 1415 University, Lubbock, TX 79401—Jan. 17, 1980
College Mobil, 401 University, Lubbock, TX 79401—Jan. 15, 1980
Family Park Exxon, 3402 Avenue H, Lubbock, TX 79404—Jan. 16, 1980
Broadway & Q Exxon, 1656 Broadway, Lubbock, TX 79401—Jan. 15, 1980
Statler Bros. Texaco, 6602 Avenue H, Lubbock, TX 79484—Jan. 21, 1980
Douglas Browning d.b.a. Browning Standard, 3684 50th, Lubbock, TX 79413—Jan. 16, 1980
LeRoy Butler, d.b.a. Car Clean Gulf, 2024 Clovis Road, Lubbock, TX 79415—Jan. 23, 1980
Northgate Chevron, 9428 Dyer St., El Paso, TX 79924—Jan. 11, 1980
Jones Hondo Service, 9100 Dyer St., El Paso, TX 79924—Jan. 11, 1980
Sunland Park Exxon, 950 Sunland Park Road, El Paso, TX 79920—Jan. 10, 1980
Country Club Gulf, 5124 Mace, El Paso, TX 79932—Jan. 9, 1980
Johnny's Chevron, 10101 Montana, El Paso, TX 79925—Jan. 9, 1980
Velasco Exxon, 6200 Gateway East, El Paso, TX 79905—Jan. 8, 1980
Fred R. Binka Texaco, 6669 Gateway West, El Paso, TX 79925—Jan. 7, 1980
Freeway Chevron, 7500 Gateway East, El Paso, TX 79915—Jan. 9, 1980
Nelson's Eastwood Chevron, 1001 McRae, El Paso, TX 79925—Jan. 9, 1980
Dale Blue Chevron, 10555 Gateway West, El Paso, TX 79925—Jan. 9, 1980
Adam's Chevron, 1272 Lomaland St., El Paso, TX 79907—Jan. 9, 1980
H & H Car Wash, 8630 Dyer, El Paso, TX 79904—Jan. 10, 1980
Dub Johnson Mobil, 6451 N. Freeway, Houston, TX 77076—Jan. 7, 1980
Van Automotive, Inc., 5301 Bellaire Blvd., Bellaire, TX 77401—Jan. 29, 1980
Vasilios G. Koulianos Shell, 402 Uvalde, Houston, TX 77015—Jan. 30, 1980
Nottington Texaco, 14403 Memorial Drive, Houston, TX—Jan. 30, 1980
Charles & Marion Myers, d.b.a. Myers Northwest Shell, 10404 N.W. Freeway, Houston, TX—Jan. 30, 1980
John Henry Roberts Gulf, 5230 Bennington, Houston, TX—Jan. 31, 1980
Caldwell's Shell, 5435 Bissonnett St., Houston, TX 77061—Jan. 31, 1980
Joubert's Service, 5203 Griggs Road, Houston, TX 77021—Jan. 7, 1980
Gus Varcados Shell Station, 12226 Hillcroft, Houston, TX 77035—Jan. 25, 1980
Cook's Texaco, 4703 Telephone Road, Houston, TX 77017—Jan. 14, 1980
John Sneed, d.b.a. Freeway Texaco, P.O. Box 252L, Baytown, TX 77520—Jan. 10, 1980
Arvill Bankston, d.b.a. Eastway Texaco, 9201 N. Loop East, Houston, TX—Jan. 10, 1980
H. F. Vannatter, Inc., d.b.a. Van's Gulf, 3801 Little York, Houston, TX—Jan. 8, 1980
S. Jarman Texaco, 3730 Eastex Freeway, Houston, TX 77026—Jan. 14, 1980
David Copenland Exxon, 1902 N. Richmond, Wharton, TX—Sept. 25, 1979
O. C. Rich, d.b.a. Pete's Gulf, 8430 Fulton, Houston, TX 77002—Jan. 15, 1980
Adventure Investment Corp., d.b.a. Anchorage Marina, Rt. 1, Box 699M, Willis, TX 77378—Dec. 12, 1979
Price Texaco, 6410 South Park, Houston, TX 77021—Dec. 17, 1979
Grant Texaco, 4902 South Park, Houston, TX—Dec. 17, 1979
Don's Gulf, 2218 N. Loop West, Houston, TX 77018—Dec. 27, 1979
C. A. Popp Service Station, 8017 Homestead, Houston, TX 77028—Dec. 20, 1979
Villarrell Texaco, 3401 Canal, Houston, TX—Nov. 30, 1979
Snider's Texaco, 6400 N.W. 39th Expressway, Bethany, OK 73008—Jan. 16, 1980
Vandermeer's Texaco, Rt. 2, Box 14B, Blackwell, OK 74631—Jan. 16, 1980
Conway Mobil Service, 921 Walnut Street, Duncan, OK—Jan. 16, 1980
Ray P. Smith DX Station, 906 North 16th, Duncan, OK 73533—Jan. 16, 1980
George's Mobil, Route 2, Purcell, OK 73080—Jan. 21, 1980
Jamison Texaco, 7501 S. Shields, Oklahoma City, OK 73149—Jan. 29, 1980
Holiday Inn Gulf, 2616 W. Broadway, Ardmore, OK 73401—Jan. 29, 1980
Al's Truck Stop, Highway 65 & 82, Lake Village, AR—Jan. 29, 1980
Jason M. Bergeron, d.b.a. Lakeside Exxon, Highway 90 E & Roderick Ave., Morgan City, LA 70380—Jan. 14, 1980
Guy Aloisio, d.b.a. Guy's Exxon, P.O. Box 276, Patterson, LA 70392—Jan. 24, 1980
Andre Dragna, d.b.a. Dragna's Shell Service, P.O. Box 2056, Morgan City, LA 70380—Jan. 29, 1980
Charles & Jules Hebert, d.b.a. Avoca Road Gulf Service 1708 U.S. Highway 90, Morgan City, LA 70380—Jan. 30, 1980
Fournet's Winnwood Gulf, Lafayette, LA 70501
Sterling Calligan, d.b.a. Sterling's Exxon, 1500 W. Park Ave., Houma, LA 70360—Jan. 31, 1980
Adolph A. LaCoste, d.b.a. H & L 66 Service, 247 W. Harrison Ave., New Orleans, LA 70124—Jan. 23, 1980
Robert D'Hemecourt & Frank Udolo, d.b.a. West Esplanade Texaco, 6305 Elysian Fields Ave., New Orleans, LA 70124—Jan. 23, 1980
Harold Rambin, d.b.a. Ram Bros. Market, P.O. Box 35, Blanchard, LA 71109—Dec. 13, 1979
Allen's Texaco, 411 W. Wise, Bowie, TX 76230—Jan. 3, 1980
New & Garner Exxon, 6202 Belt Line, Garland, TX 75040—Jan. 10, 1980
Ted Pearce Exxon, 312 W. Coriscana, Athens, TX 75761—Jan. 14, 1980
R. A. Herriage Texaco, 226 S. Palestine, Athens, TX 75751—Jan. 14, 1980
Bob Burrough's Gulf, East Spring & Granberry, Palestine, TX 75801—Jan. 15, 1980
Holton Shell, 2000 S. First St., Lufkin, TX 75901—Jan. 16, 1980
Scrub-A-Dub Car Wash, 412 W. Randal Mill Road, Arlington, TX 76012—Jan. 31, 1980
Lucky's Texaco, 3330 Oak Lawn, Dallas, TX 79219—Jan. 14, 1980
Sid's Exxon, 1424 W. Davis St., Dallas, TX 75208—Jan. 24, 1980
Enloe's Texaco, P.O. Box 300, Ross, TX 76684—Jan. 22, 1980

Issued in Dallas, Texas, this 11th day of March 1980.

Herbert F. Buchanan,

Deputy Dist. Mgr., Southwest District Enforcement, Economic Regulatory Administration.

I, Thomas A. Fry, III, Chief Enforcement Attorney, Southwest District Enforcement, concur in the attached FR Notice regarding Consent Orders issued in the Retail Gasoline Survey.

Dated: March 11, 1980.

Thomas A. Fry III,

Chief, Enforcement Attorney, Southwest District Enforcement.

[FR Doc. 80-8761 Filed 3-20-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 80-CERT-012]

Mississippi Power and Light Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Take notice that on February 19, 1980, Mississippi Power and Light Company (MP&L), P.O. Box 1640, Jackson, Mississippi 39205, filed an application for certification of an eligible use of natural gas to displace fuel oil at its Baxter Wilson Steam Electric Station Unit #1 (BWSES #1) and Baxter Wilson Steam Electric Station Unit #2 (BWSES #2) located in Vicksburg, Mississippi, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file with the Economic Regulatory Administration (ERA) and available to public inspection at the ERA, Docket Room 4126-A, 2000 M Street, N.W., Washington, D.C., 20461, from 8:30 a.m.-4:30 p.m. Monday through Friday, except Federal holidays.

In its application, MP&L states that the volume of natural gas for which it requests certification is up to 200,000 Mcf per day which is estiamted to displace the combined use of approximately 32,000 barrels of No. 6 residual fuel oil (2.5 per cent sulfur) per day at BWSES #1 and BWSES #2.

The eligible seller and transporter is the Michigan Consolidated Gas Company, One Woodward Avenue, Detroit, Michigan 48226.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 4126-A, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen, on or before March 31, 1980.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing by March 31, 1980. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines an oral presentation is necessary, further notice will be given to MP&L and any persons filing comments, and will be published in the **Federal Register.**

Issued in Washington, D.C., on March 14, 1980.

Paul T. Burke,

Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-8762 Filed 3-20-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-119]

Department of Water and Power of the City of Los Angeles; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

The Department of Water and Power of the City of Los Angeles (City of Los Angeles), P.O. Box 111, Los Angeles, California 90051, filed an application for certification of an eligible use of natural gas to displace fuel oil at four of its steam-electric generating stations in California with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 on December 18, 1979. Notice of that application was published in the **Federal Register** (45 FR 9056, February 11, 1980) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed the City of Los Angeles' application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that the City of Los Angeles' application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C., on March 14, 1980.

Paul T. Burke,

Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Mr. Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Re: ERA Certification of Eligible Use, ERA Docket NO. 79-CERT-119, Department of Water and Power of the City of Los Angeles.

Dear Mr. Plumb:

Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting to the Commission the enclosed certification of an eligible use of natural gas to displace fuel oil. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F. As noted in the certificate, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the **Federal Register** and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street N.W., Room 4128, Washington, D.C. 20461, telephone (202) 653-3859. All correspondence and inquiries regarding this certification should reference ERA Docket No. 79-CERT-119.

Sincerely,

Paul T. Burke,

Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Department of Water and Power of the City of Los Angeles

Application for Certification

Pursuant to 10 CFR Part 595, the Department of Water and Power of the City of Los Angeles (City of Los Angeles) filed an application for certification of an eligible use of up to 100 MMcf of natural gas per day at its Haynes Generating Station in Long Beach, California; Scattergood Generating Station in Playa Del Rey, California; Valley Generating Station in Sun Valley, California; and Harbor Generating Station in Wilmington, California, with the Administrator of the Economic Regulatory Administration (ERA) on December 18, 1979. The application states that the eligible seller of the gas is Consumers Power Company (Consumers) and that the gas will be transported by the El Paso Natural Gas Company and the Southern California Gas Company. The application and supplemental information indicate that the use of this natural gas is estimated to displace up to 6,000,000 gallons of fuel oil (0.25 percent sulfur) per year. The application also indicates that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the ERA hereby certifies, pursuant to 10 CFR Part 595, that the use of up to 100 MMcf of natural gas per day at the City of Los Angeles' Haynes Generating Station Scattergood Generating Station, Valley Generating Station, and Harbor Generating Station purchased from Consumers is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volume of natural gas at the same facilities purchased from the same eligible seller.

Issued in Washington, D.C., on March 14, 1980.

Paul T. Burke,

Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-8763 Filed 3-20-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 2336]

Georgia Power Co.; Extension of time

March 17, 1980.

On March 11, 1980, Georgia Power Company filed a request for an extension of time to file an appeal or a petition for rehearing of an Order Approving Revised Exhibit R. issued February 26, 1980, by the Director, Office of Electric Power Regulation, in the above-docketed proceeding. The order may be appealed to the Commission under 18 CFR 1.7(d). The motion states that additional time is needed for the company to assess its legal position in this proceeding and to discuss this matter with all parties concerned.

V 45 / 57 MR 21 80 UMI

V 45/57 MR 21 80 UMI

Upon consideration, notice is hereby given that an extension is granted to and including April 24, 1980, for the filing of an appeal in this proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8736 Filed 3-20-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER76-739]

Public Service Co., of Indiana, Inc.; Order Accepting Staff Investigative Report and Terminating Proceeding

March 17, 1980.

Before the Commission for review is a Staff report which investigates the reasons for termination of the planning functions of the Kentucky-Indiana Power Pool (KIP) and assesses the possible cost consequences of this termination for the ratepayers of pool members. KIP members are Public Service Company of Indiana, Inc. (PSI), Kentucky Utilities Company (KU), Indianapolis Power and Light Company (IP&L) and East Kentucky Rural Power Cooperative (EK). PSI filed a notice of termination on June 7, 1976.[1]

As explained by the participants in this proceeding, the primary objective of the pool was to plan generation and transmission capacity additions on a one-system basis. Planning commitments were made each year for construction and installation to occur in the sixth year into the future. Although the members are disparately sized (with PSI the largest), each system had one planning vote and the dissent of one participant vetoed any proposal. As part of the planning function, reserve requirements were allocated among the participants. The member with the lowest installed reserve level was designated to build the next pool-planned unit, which was sized to exploit scale economies. To equalize reserves, capacity in excess of the needs of the member constructing a given unit was sold to the other pool participants by means of unit contracts which extended three years past the unit in-service date. The KIP agreement also commits the participants to provide back-up power in the event of a unit outage on a member's system.

The pool members do engage in day-to-day coordination to a limited extent; there are schedules on file with the Commission for the emergency, economy, diversity and short-term power. However, the pool is not centrally dispatched and the participants claim that this was never their intention.

KIP planning functions were terminated for several reasons. First, PSI came to view itself as a disproportionate contributor of scale economy benefits to other pool members. By the mid-1970's PSI had grown to a size where, to its corporate way of thinking, it no longer needed to stagger generation additons with other utilities to exploit scale economies. PSI claims that it tried for two years to reach an agreement on some reallocation of pool benefits without success. However, it is established that the equitable distribution of burdens (costs) is the Federal Power Act standard for pools,[2] and we do not accept PSI's relative size as a sufficient reason for terminating any pool provision. Second, PSI's decision to meet its base-load capacity expansion objectives with two 1130 MW nuclear units (the Marble Hill Station) was not endorsed by the other members which chose coal-fired units instead. Officials of the coal producing State of Kentucky actively opposed issuance of a construction license for these units by the Nuclear Regulatory Commission. There were disputes among the members concerning (1) the relative reliabilities of coal-fired and nuclear units, (2) the derivative question of PSI's future reserve requirement, and (3) the design of pool rate schedules which recognized the disparity in fixed and variable costs between fossil-fired and nuclear units.[3]

As noted earlier, KIP had a planning horizon of six years. The members made planning decisions in 1976 which committed them until March 31, 1982. In 1976 PSI anticipated that the first Marble Hill unit would come on line late in 1982, with the second unit scheduled for 1984. Since the pool-planned status of these units could not be negotiated, PSI exercised its right under the agreement to terminate pool planning functions as of July 1, 1976, by notice filed with the FPC on June 7, 1976.

Although PSI's fellow pool members were not enthusiastic about the notice of termination, they appear to have concluded that they could not induce PSI to plan jointly. They will revert to earlier bilateral interconnection agreements that had been in abeyance while the KIP agreement was in effect.

On August 1, 1977, the FPC issued an order which accepted the notice of termination for filing, made it effective as of July 1, 1976 (as requested by PSI), and ordered an investigation under sections 202, 206, 307 and 311 of the Federal Power Act to determine "if such termination is consistent with the public interest."

The investigation which followed did not include a formal hearing. Instead, Staff undertook an informal study to identify the savings foregone as the result of pool termination. Staff made the following determination of the effects of terminating KIP as a joint-planning pool:

> While the FERC possible can void termination of the KIP Pool Agreement, it is highly unlikely that it could effectively force the member systems to either conduct or implement the results of joint planning studies. And, as stated, since the Pool agreement did not provide for central dispatch it is questionable that the Pool ratepayers will suffer and actual loss through savings foregone due to pool termination. Staff thus, recommends that the Pool agreement be allowed to terminate.

The Staff investigative report criticizes PSI for terminating the KIP agreement without first having studied the reliability and production cost consequences of this decision. However, the Staff does not suggest that PSI would have found reasons to maintain the pool if these studies had been performed.

Staff also describes the possible benefits of a more sophisticated pool in which all member systems would be centrally dispatched. Two computerized production cost studies were performed by the Staff which compared the operating costs of the four pool members as their systems were coordinated under the KIP agreement against the costs of a centrally-dispatched pool operating as a single system. Planning data, compiled by pool members in 1975 and 1976, covering 1976–1985 were used by the Staff in studies which found aggregate 10-year production cost savings ranging from $124.2 million to $224.5 million (2.2% to 3.4% of total production expenses). The low estimate assumes the existing transmission configuration of members which imposes capacity transfer limits on pool transactions; the high estimate assumes that additional transmission capacity is constructed to permit optimal transfers.

Staff chides PSI for having terminated the agreement without first having studied the possible benefits of more sophisticated pooling arrangements. The report's concluding paragraph notes that this raises a management prudence question which could be considered in future PSI wholesale rate cases.

After comments were received from the parties, the Staff report was certified to the Commission by the presiding judge who summarized Staff's findings and reiterated the Staff recommendation that the docket be terminated. We conclude from the foregoing discussion that termination of KIP planning functions has not been shown to seriously affect the ratepayers of pool members and that this docket should be closed.

Electric utilities have the obligation to act prudently on behalf of their customers. This duty of prudence carries with it the obligation to minimize and avoid unnecessary costs. Coordination is one opportunity for cost control. KIP members appear to recognize this and assert they will exploit such Coordination benefits through alternative bilateral agreements. The Commission encourages the KIP members to pursue these endeavors. In this respect, we are bound to caution that the adequacy of these efforts may be tested in future rate cases.

The Commission orders:

This investigation docket is hereby terminated.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8730 Filed 3-20-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-238]

Public Service Co. of Oklahoma; Extension of Time

March 14, 1980.

On March 11, 1980, the Grand River Dam Authority of Oklahoma (GRDA) filed a request for extension of time to file a petition to intervene in the above-docketed proceeding. The motion states that additional time is needed for GRDA to evaluate the underlying data in this case and to allow the governing Board of GRDA to meet and consider these issues.

Upon consideration, notice is hereby given that an extension is granted to and including April 4, 1980, for the filing of a petition to intervene in this proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8731 Filed 3-20-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. IN80-14]

Virginia Electric & Power Co.; Investigation

March 14, 1980.

On March 14, 1980, the Commission ordered a formal private investigation of allegations made against the Virginia Electric & Power Company [VEPCO]. The investigation will be conducted under Section 307 of the Federal Power Act, and the Commission's Rules Relating to Investigation, 18 CFR Part 1b, by the Office of Enforcement, which upon conclusion of the investigation will report its findings and recommendations to the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8732 Filed 3-20-80; 8:45 am]

BILLING CODE 6450-85-M

[No. 163]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

March 18, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Alabama Oil and Gas Board

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-16788/2-8-801 PDA
2. 01-057-20174-0000
3. 102 000 000
4. Grace Petroleum Corp
5. Jones 8-15
6. Bluff
7. Fayette AL
8. 180.0 million cubic feet
9. February 22, 1980
10. Southern Natural Gas Co

1. 80-16789/2-8-802 PDA
2. 01-057-20179-0000
3. 103 000 000
4. Grace Petroleum Corp
5. Grinsley Et Al 34-15
6. Davis Chapel
7. Fayette AL
8. 180.0 million cubic feet
9. February 22, 1980
10.

1. 80-16790/2-8-803 PDA
2. 01-057-20182-0000
3. 102 000 000
4. Grace Petroleum Corp
5. Smith 32-14
6. Musgrove Creek
7. Fayette AL
8. 180.0 million cubic feet
9. February 22, 1980
10.

1. 80-16791/2-8-804 PD-A
2. 01-097-20160-0000
3. 107 000 000
4. Getty Oil Co
5. Creola Minerals 34-10 #1
6. Hatters Pond
7. Mobile AL
8. 195.0 million cubic feet
9. February 22, 1980
10. Phillips Petroleum Co, United Gas Pipe Line Co

1. 80-16792/2-8-805 PDA
2. 01-097-20136-0000
3. 107 000 000
4. Getty Oil Co
5. Mcbsc 16-7 No 1
6. Hatters Pond
7. Mobile AL
8. 219.0 million cubic feet
9. February 22, 1980
10. Phillips Petroleum Co, United Gas Pipe Line Co

1. 80-16793/2-8-806 PDA
2. 01-097-20150-0000
3. 107 000 000
4. Getty Oil Co
5. E L Hatter 4-10 No 2
6. Hatters Pond
7. Mobile AL
8. 220.0 million cubic feet
9. February 22, 1980
10. Phillips Petroleum Co, United Gas Pipeline Co

1. 80-16794/2-8-807 PDA
2. 01-057-20177-0000
3. 102 000 000
4. Grace Petroleum Corp
5. Fowler 22-14
6. Musgrove Creek
7. Fayette AL
8. 180.0 million cubic feet
9. February 22, 1980
10.

1. 80-16795/2-8-808 PDA
2. 01-075-20212-0000
3. 102 000 000
4. Grace Petroleum Corp
5. Wheeler-Boyette 25-7
6. Hells Creek
7. Lamar AL
8. 180.0 million cubic feet
9. February 22, 1980
10.

1. 80-16796/2-8-809 PDA
2. 01-057-20186-0000
3. 103 000 000
4. Grace Petroleum Corp
5. Fowler 11-4
6. Davis Chapel
7. Fayette AL

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[1] Article 6.01 of the agreement provides for termination by written notice from any member, which immediately ends all joint planning. All other pool schedules, except for back-up power, are unaffected until terminated separately. Back-up power is phased out over an eight-year period after installation of the last pool-planned unit. KU's 500 MW coal-fired Ghent No. 3 which will go on line in 1981.

[2] *Gainesville Utilities Dept.*, 40 FPC 1248 (1968), *aff'd., Gainesville Utilities Dept.* v. *Florida Power Corp.*, 402 U.S. 515 (1971).

[3] This appears to be the most significant reason for pool termination. This dissension over base-load capacity planning should be contrasted to the consensus among members of the New England Power Pool (NEPOOL) to reply on nuclear units for regional base-load capacity. NEPOOL, a centrally-dispatched operating and planning pool, is an outgrowth of several agreements among New England utilities to jointly construct and own nuclear units.

8. 144.0 million cubic feet
9. February 22, 1980
10.
1. 80–16797/2–8–8010 PDA
2. 01–057–20163–0000
3. 102 000 000
4. Grace Petroleum Corp
5. Perry 13–5
6. Hubbertville
7. Fayette AL
8. 180.0 million cubic feet
9. February 22, 1980
10.
1. 80–16798/2–8–8011 PDA
2. 01–075–20223–0000
3. 102 000 000
4. Grace Petroleum Corp
5. Pennington-Hollis 32–11
6. Watson Creek
7. Lamar AL
8. 180.0 million cubic feet
9. February 22, 1980
10.
1. 80–16799/2–8–8012 PDA
2. 01–075–20219–0000
3. 102 000 000
4. Grace Petroleum Corp
5. Ogden 19–1
6. Military Grove
7. Lamar AL
8. 180.0 million cubic feet
9. February 22, 1980
10.
1. 80–16800/2–8–8013 PDA
2. 01–075–20208–0000
3. 102 000 000
4. Grace Petroleum Corp
5. Norton 6–2
6. Watson Creek
7. Lamar AL
8. 205.0 million cubic feet
9. February 22, 1980
10.
1. 80–16801/2–8–8014 PDA
2. 01–075–20194–0000
3. 102 000 000
4. Pruet Production Co
5. Jones 28–3 No 1
6. Blowhorn Creek
7. Lamar AL
8. 49.0 million cubic feet
9. February 22, 1980
10. Southern Natural Gas Co
1. 80–16802/2–8–8015 PDA
2. 01–075–20177–0000
3. 102 000 000
4. Pruet Production Co
5. Frances W Thomas 7–15 #1
6. Star
7. Lamar AL
8. 256.0 million cubic feet
9. February 22, 1980
10. Tennessee Gas Pipeline Co
1. 80–16803/2–8–8016 PDA
2. 01–075–20204–0000
3. 102 000 000
4. Pruet Production Co
5. Arline Manuf Co 23–3 #1
6. Blowhorn Creek
7. Lamar AL
8. 274.0 million cubic feet
9. February 22, 1980
10. Southern Natural Gas Co
1. 80–16804/2–8–8017 PDA
2. 01–075–20234–0000
3. 102 000 000
4. Pruet Production Co
5. Thomas 15–15 No 1
6. Blowhorn Creek
7. Lamar AL
8. 433.0 million cubic feet
9. February 22, 1980
10. Southern Natural Gas Co
1. 80–16805/2–8–8018 PDA
2. 01–075–20237–0000
3. 102 000 000
4. Pruet Production Co
5. Weyerhaeuser 26–6 No 1
6. Blowhorn Creek
7. Lamar AL
8. 27.0 million cubic feet
9. February 22, 1980
10. Southern Natural Gas Co
1. 80–16806/2–8–8019 PDA
2. 01–075–20125–0000
3. 102 000 000
4. Pruet Production Co
5. C C Day Et Al No 3
6. Star
7. Lamar AL
8. 310.0 million cubic feet
9. February 22, 1980
10. Tennessee Gas Pipeline Co
1. 80–16807/2–8–8020 PDA
2. 01–075–20175–0000
3. 102 000 000
4. Pruet Production Co
5. Thomas Gas Unit No 1
6. Star
7. Lamar AL
8. 365.0 million cubic feet
9. February 22, 1980
10. Tennessee Gas Pipeline Co

Louisiana Office of Conservation

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–16808/79–2302
2. 17–101–21021–0000
3. 102 000 000
4. WWF Oil Corp
5. SL 4801 #1
6. Atchafalaya Bay Field
7. St Mary LA
8. 510.0 million cubic feet
9. February 22, 1980
10. Tennessee Gas Pipeline Co
1. 80–16809/79–2303
2. 17–101–21096–0000
3. 102 103 000
4. WWF Oil Corp
5. SL 1595 #4
6. Atchafalaya Bay
7. St Mary LA
8. 365.0 million cubic feet
9. February 22, 1980
10. Tennessee Gas Pipeline Co
1. 80–16810/79–2304
2. 17–101–21040–0000
3. 102 000 000
4. WWF Oil Corp
5. SL 1595 #3D
6. Atchafalaya Bay Field
7. St Mary LA
8. 475.0 million cubic feet
9. February 22, 1980
10. Tennessee Gas Pipeline Co
1. 80–16811/80–27
2. 17–075–22482–0000
3. 102 103 000
4. Texaco Inc
5. SL 4901 7
6. Balize Bayou
7. Plaquemines LA
8. 416.0 million cubic feet
9. February 22, 1980
10. Tennessee Gas Pipeline Co

Michigan Department of Natural Resources

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–16812
2. 21–079–32980–0000
3. 102 000 000
4. Amoco Production Co
5. St Blue Lake F 2–13
6. Blue Lake 13A–28N–5W
7. Kalkaska MI
8. 110.0 million cubic feet
9. February 22, 1980
10. Consumers Power Co
1. 80–16813
2. 21–045–50000–0000
3. 102 000 000
4. Kulka & Schmidt Inc
5. Roger Sederlund Unit #1–2
6. Brookfield 2
7. Eaton MI
8. 73.0 million cubic feet
9. February 22, 1980
10. Consumers Power Co
1. 80–16814
2. 21–035–00000–0000
3. 102 000 000
4. Hunt Energy Corp
5. Benchley A #4–31 33011
6. Winterfield
7. Clare MI
8. .0 million cubic feet
9. February 22, 1980
10. Consumers Power Co
1. 80–16815
2. 21–035–00000–0000
3. 102 000 000
4. Hunt Energy Corp
5. Benchley No 3–31 32992
6. Winterfield Field
7. Clare MI
8. 14.0 million cubic feet
9. February 22, 1980
10. Consumers Power Co

Oklahoma Corporation Commission

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC

10. Purchaser(s)
1. 80–16581/01901
2. 35–003–20655–0000
3. 103 000 000
4. Maguire Oil Co
5. Nightengale #2
6. Chaney Dell E Miss
7. Alfalfa OK
8. 40.0 million cubic feet
9. February 25, 1980
10. Panhandle Eastern Pipe Line Co
1. 80–16582/01859
2. 35–093–20481–0000
3. 108 000 000
4. Kaiser Francis Oil Co
5. Gard A #1–16
6. Cheyenne Valley
7. Major OK
8. 9.5 million cubic feet
9. February 25, 1980
10. Michigan Wisconsin Pipeline Co
1. 80–16583/01652
2. 35–073–00000–0000
3. 108 000 000
4. J M Huber Corp
5. Gammon No 1
6. Columbia
7. Kingfisher OK
8. 2.6 million cubic feet
9. February 25, 1980
10. Exxon Company USA
1. 80–16584/00802
2. 35–107–00000–0000
3. 108 000 000
4. VAB Inc
5. Dwiggins No 1B
6. Section 7–10–12E
7. Okfuskee OK
8. 6.0 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co
1. 80–16585/02132
2. 35–087–00288–0000
3. 108 000 000
4. Tenneco Oil Co
5. Theodore F Dukes #1
6. Payne NW
7. McClain OK
8. .8 million cubic feet
9. February 25, 1980
10. Warren Petroleum Corp
1. 80–16586/02125
2. 35–105–00000–0000
3. 103 000 000
4. James B Urban Petroleum
5. Hendricks #1
6. Nowata-Claggett
7. Nowata OK
8. 70.0 million cubic feet
9. February 25, 1980
10. Band M Pipeline
1. 80–16587/02032
2. 35–007–00000–0000
3. 103 000 000
4. Swala Oil & Gas Corp
5. #1 Dixon
6. Mocane Council Grove
7. Beaver County OK
8. 91.3 million cubic feet
9. February 25, 1980
10. Panhandle Eastern Pipe Line Company
1. 80–16588/01569
2. 35–011–20729–0000
3. 108 000 000
4. Texas Oil & Gas Corp
5. Bichenen #1
6. Watonga
7. Blaine OK
8. 18.0 million cubic feet
9. February 25, 1980
10. Delhi Gas Pipeline Corp
1. 80–16589/01421
2. 35–131–20618–0000
3. 103 000 000
4. Ketal Oil Producing Co
5. Mendell #1
6. W Oologah
7. Rogers OK
8. 293.0 million cubic feet
9. February 25, 1980
10. Diamond S Gas Systems Inc
1. 80–16590/01937
2. 35–151–20913–0000
3. 103–000–000
4. Wm J O'Connor
5. Murray #1
6. Oakdale
7. Woods OK
8. 180.0 million cubic feet
9. February 25, 1980
10.
1. 80–16591/01933
2. 35–151–20803–0000
3. 103–000–000
4. Wm J O'Connor
5. Copenhaver #1
6. Oakdale
7. Woods OK
8. 185.0 million cubic feet
9. February 25, 1980
10.
1. 80–16592/01758
2. 35–093–21295–0000
3. 103–000–000
4. Seneca Oil Co
5. Cain #1
6. Dane
7. Major OK
8. 181.0 million cubic feet
9. February 25, 1980
10.
1. 80–16593/01930
2. 35–003–20660–0000
3. 103–000–000
4. Wm J O'Connor
5. Goodno #1
6. Oakdale
7. Alfalfa OK
8. 180.0 million cubic feet
9. February 25, 1980
10.
1. 80–16594/01360
2. 35–061–20195–0000
3. 102–000–000
4. Service Drilling Co
5. Whitefield #1–13
6. West Stigler
7. Haskell OK
8. 547.0 million cubic feet
9. February 25, 1980
10. Tennessee Gas Pipeline Co Delhi Gas P/L Co Columbia Gas Transmission Corp
1. 80–16595/01906
2. 35–003–20661–0000
3. 103–000–000
4. Wm J O'Connor
5. Bernard #1
6. Oakdale
7. Alfalfa OK
8. 180.0 million cubic feet
9. February 25, 1980
10.
1. 80–16596/01942
2. 35–151–20903–0000
3. 103–000–000
4. WM J O'Connor
5. Spencer Unit #1
6. Oakdale
7. Woods OK
8. 180.0 million cubic feet
9. February 25, 1980
10.
1. 80–16597/02015
2. 35–007–00000–0000
3. 108–000–000
4. John P Castleman Jr
5. Castleman-Bell No 1
6. Camrick
7. Beaver OK
8. 21.0 million cubic feet
9. February 25, 1980
10. Natural Gas Pipeline Company of AME
1. 80–16598/01909
2. 35–003–20648–0000
3. 103–000–000
4. Wm J O'Connor
5. Maddox #1
6. Oakdale
7. Alfalfa OK
8. 180.0 million cubic feet
9. February 25, 1980
10.
1. 80–16599/02059
2. 35–007–00000–0000
3. 108–000–000
4. Pioneer Production Corp
5. Jackson #1 OTC 007 09662
6. Mocane
7. Beaver OK
8. 13.1 million cubic feet
9. February 25, 1980
10. Panhandle Eastern Pipeline Co
1. 80–16600/01911
2. 35–003–20652–0000
3. 103–000–000
4. Wm J O'Connor
5. Elliott #1
6. Oakdale
7. Alfalfa OK
8. 180.0 million cubic feet
9. February 25, 1980
10.
1. 80–16601/01913
2. 35–093–21342–0000
3. 103–000–000
4. Wm J O'Connor
5. G Sacket #1
6. Oakdale
7. Major OK
8. .0 million cubic feet
9. February 25, 1980
10.
1. 80–16602/01916
2. 35–093–21406–0000
3. 103–000–000
4. Wm J O'Connor
5. Bennett #1
6. Oakdale
7. Major OK
8. 180.0 million cubic feet
9. February 25, 1980
10.
1. 80–16603/04102

V 45 / 57 MR 21 80 UMI

2. 35–007–21682–0000
3. 102–000–000
4. P F Beeler
5. P F Beeler—Barby #116
6. Unnamed Sec 16–4N–28ECM
7. Beaver OK
8. 120.0 million cubic feet
9. February 25, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–16604/01739
2. 35–047–21729–0000
3. 103–000–000
4. Geodyne Resources Inc
5. Goodpasture No 6–1
6. Sooner Trend
7. Garfield OK
8. 51.4 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co

1. 80–16605/01626
2. 35–073–00000–0000
3. 103–000–000
4. Geodyne Resources Inc
5. Vieth 25–1
6. Sooner Trend
7. Kingfisher OK
8. 69.3 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Company

1. 80–16606/01622
2. 35–073–21940–0000
3. 103–000–000
4. Brown & Borelli Inc
5. Jech #1
6. Sooner Trend
7. Kingfisher OK
8. 22.8 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co

1. 80–16607/01949
2. 35–045–35294–0000
3. 108–000–000
4. Kaiser Francis Oil Co
5. McClung #1
6. Mocane Laverne
7. Ellis OK
8. 10.0 million cubic feet
9. February 25, 1980
10. Michigan Wisconsin Pipeline Co

1. 80–16608/02004
2. 35–043–00000–0000
3. 108–000–000
4. Kaiser Francis Oil Co
5. Ottie B Fuqua Unit #1
6. N E Seiling
7. Dewey OK
8. 13.0 million cubic feet
9. February 25, 1980
10. Panhandle Eastern Pipeline Co

1. 80–16609/01950
2. 35–003–20503–0000
3. 108–000–000
4. Texas Oil & Gas Corp
5. Cross #1
6. N Jet
7. Alfalfa OK
8. 10.3 million cubic feet
9. February 25, 1980
10. Pioneer Gas Products Co

1. 80–16610/01908
2. 35–003–20653–0000
3. 103–000–000
4. Wm J O'Connor
5. Lee #1
6. Oakdale
7. Alfalfa OK
8. 180.0 million cubic feet
9. February 25, 1980
10.

1. 80–16611/01905
2. 35–003–20658–0000
3. 103–000–000
4. Wm J O'Connor
5. Louise #1
6. Oakdale
7. Alfalfa OK
8. 180.0 million cubic feet
9. February 25, 1980
10.

1. 80–16612/01572
2. 35–011–20783–0000
3. 108–000–000
4. Harper Oil Co
5. Christensen #1
6. S E Fay
7. Blaine OK
8. 1.0 million cubic feet
9. February 25, 1980
10. Oklahoma Gas & Electric Co

1. 80–16613/01445
2. 35–035–20097–0000
3. 108–000–000
4. Maylon Energy
5. Metzen #1 OTC No 03553781
6. NW Welch
7. Craig OK
8. .0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Company

1. 80–16614/02135
2. 35–009–00000–0000
3. 108–000–000
4. Miller & Stanley Operating Co
5. Chick #1
6. South Erick
7. Beckham OK
8. 16.4 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co

1. 80–16615/01371
2. 35–133–00017–0000
3. 108–000–000
4. Continental Oil Co
5. R Arhalokoche No 1
6. S Cromwell
7. Seminole OK
8. 10.0 million cubic feet
9. February 25, 1980
10. Arapaho Petroleum Inc

1. 80–16616/01727
2. 35–047–21341–0000
3. 103–000–000
4. Ketal Oil Producing Co
5. Hallie #1
6. NE Elkhorn
7. Garfield OK
8. 114.0 million cubic feet
9. February 25, 1980
10. Aminoil USA Inc

1. 80–16617/01903
2. 35–093–00000–0000
3. 108–000–000
4. Harper Oil Co
5. May #1
6. Ringwood
7. Major OK
8. 9.0 million cubic feet
9. February 25, 1980
10. Oklahoma Gas & Electric Co

1. 80–16618/02187
2. 35–073–21319–0000
3. 108–000–000
4. Ricks Exploration Co
5. State #16–A
6. Sooner Trend
7. Kingfisher OK
8. 45.0 million cubic feet
9. February 25, 1980
10. Oklahoma Gas & Electric Co

1. 80–16619/02181
2. 35–073–00000–0000
3. 108–000–000
4. Buck Exploration
5. Schroeder No 1
6.
7. Kingfisher OK
8. 1.8 million cubic feet
9. February 25, 1980
10. Exxon Company USA

1. 80–16620/02179
2. 35–083–00000–0000
3. 108 000 000
4. J T Hoke Jr
5. Emily #2
6. Lovell
7. Logan OK
8. 19.0 million cubic feet
9. February 25, 1980
10. Eason Oil Company

1. 80–16621/01587
2. 35–045–20670–0000
3. 103 000 000
4. Natomas North American Inc
5. Wittkopp No 1
6. NW Crawford
7. Ellis OK
8. 115.0 million cubic feet
9. February 25, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–16622/01591
2. 35–083–20644–0000
3. 103 000 000
4. Jet Oil Co
5. Orndorff #1
6. SE Russell
7. Logan OK
8. 90.0 million cubic feet
9. February 25, 1980
10. Service Drilling Co

1. 80–16623/01592
2. 35–083–20677–0000
3. 103 000 000
4. Jet Oil Co
5. Orndorff #2
6. SE Russell
7. Logan OK
8. 90.0 million cubic feet
9. February 25, 1980
10. Service Drilling Co

1. 80–16624/10593
2. 35–083–20800–0000
3. 103 000 000
4. Jet Oil Co
5. Howland 2–A
6. SE Russell
7. Logan OK
8. 20.0 million cubic feet
9. February 25, 1980
10. Service Drilling Co

1. 80–16625/01607
2. 35–083–20636–0000
3. 103 000 000
4. Jet Oil Co
5. Howland 1–A
6. SE Russell

7. Logan OK
8. 20.0 million cubic feet
9. February 25, 1980
10. Service Drilling Co

1. 80–16626/02017
2. 35–007–20144–0000
3. 108 000 000
4. Sovereign Exploration Co
5. Sovereign No 1 Alexander
6. Laverne
7. Beaver OK
8. 19.0 million cubic feet
9. February 25, 1980
10. Michigan-Wisconsin

1. 80–16627/01551
2. 35–109–00000–0000
3. 108 000 000
4. Batco Oil Co
5. Griflin #2
6. West Edmond
7. Okla OK
8. 2.4 million cubic feet
9. February 25, 1980
10. Continental Oil Co

1. 80–16628/02010
2. 35–025–20344–0000
3. 102 000 000
4. John P Castleman Jr
5. Castleman-Cox No 38–1
6. Sampsel
7. Cimarron OK
8. 140.0 million cubic feet
9. February 25, 1980
10. Panhandle Eastern Pipeline Co

1. 80–16629/01768
2. 35–045–20729–0000
3. 103 000 000
4. Jordan Oil & Gas Co
5. Mason No 1
6. Gage S W
7. Ellis OK
8. 182.0 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co

1. 80–16630/01419
2. 35–117–20521–0000
3. 103 000 000
4. Ketal Oil Producing Co
5. Trinkle #2
6.
7. Pawnee OK
8. 117.0 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co

1. 80–16631/01566
2. 35–073–21950–0000
3. 103 000 000
4. LPCX Corp
5. Cronkite No 1
6. Sooner Trend
7. Kingfisher OK
8. .0 million cubic feet
9. February 25, 1980
10. Oklahoma Gas & Electric

1. 80–16632/01157
2. 35–153–20835–0000
3. 103 000 000
4. Barnell Ltd
5. Roberts #1–06
6. Unnamed
7. Woodward OK
8. .0 million cubic feet
9. February 25, 1980
10.

1. 80–16633/00506
2. 35–071–20841–0000
3. 103 000 000
4. Chase Exploration Corp
5. Miller #2–24 (CS #1)
6.
7. Kay OK
8. 11.0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co

1. 80–16634/02065
2. 35–063–00000–0000
3. 103 000 000
4. Global Gas Corp
5. Monroe #1–9
6. Dustin
7. Hughes OK
8. 40.6 million cubic feet
9. February 25, 1980
10. Public Service Company of Oklahoma

1. 80–16635/01678
2. 35–043–20513–0000
3. 108 000 000
4. Texas Oil & Gas Corp
5. Zieber B #1
6. S E Taloga
7. Dewey OK
8. 15.0 million cubic feet
9. February 25, 1980
10. Delhi Gas Pipeline Corp

1. 80–16636/04880
2. 35–121–20636–0000
3. 102 000 000
4. Hamilton Brothers Oil Co
5. Sherrill-Daniels No 1–25
6. Kiowa
7. Pittsburg OK
8. 365.0 million cubic feet
9. February 25, 1980
10. Arkansas-Louisiana Gas Co

1. 80–16637/01726
2. 35–047–21320–0000
3. 103 000 000
4. Ketal Oil Producing Co
5. Alice #2
6. N E Elkhorn
7. Garfield OK
8. 143.0 million cubic feet
9. February 25, 1980
10. Aminoil USA Inc

1. 80–16638/01927
2. 35–047–21714–0000
3. 103 000 000
4. Geodyne Resources Inc
5. Sawyer 20–1
6. Hunter South
7. Garfield OK
8. 58.4 million cubic feet
9. February 25, 1980
10. Atlantic Richfield Co

1. 80–16639/01964
2. 35–003–20487–0000
3. 108 000 000
4. Texas Oil & Gas Corp
5. Ford A #1
6. S Jet
7. Alfalfa OK
8. 18.0 million cubic feet
9. February 25, 1980
10. Pioneer Gas

1. 80–16640/01969
2. 35–151–20794–0000
3. 103 000 000
4. Shenandoah Oil Corp
5. London B No 1
6. Freedom S E (Red Fork)
7. Woods OK
8. 289.0 million cubic feet
9. February 25, 1980
10. Panhandle Eastern P L Co

1. 80–16641/01920
2. 35–153–20809–0000
3. 103 000 000
4. Champlin Exploration Inc
5. Edna Henderson No 1
6. N W Cedardale
7. Woodward OK
8. 81.0 million cubic feet
9. February 25, 1980
10. Michigan Wisconsin Pipe Line Co

1. 80–16642/01625
2. 35–073–22025–0000
3. 103 000 000
4. Brown & Borelli Inc
5. King-Vieth #1
6. Sooner Trend
7. Kingfisher OK
8. 40.4 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Company

1. 80–16643/10668
2. 35–073–00000–0000
3. 108 000 000
4. Harper Oil Co
5. Newton 1
6. Sooner Trend
7. Kingfisher OK
8. 5.0 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co

1. 80–16644/01669
2. 35–073–20965–0000
3. 108 000 000
4. Harper Oil Co
5. Donald 1
6. Sooner Trend
7. Kingfisher OK
8. 15.0 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Co

1. 80–16645/02079
2. 35–091–20212–0000
3. 102 000 000
4. Global Gas Corp
5. Van Tuyl #1–20
6. Hitchita
7. McIntosh OK
8. .0 million cubic feet
9. February 25, 1980
10.

1. 80–16646/02078
2. 35–091–20206–0000
3. 102 000 000
4. Global Gas Corp
5. Welch #1–22
6. Hitchita
7. McIntosh OK
8. .0 million cubic feet
9. February 25, 1980
10.

1. 80–16647/01420
2. 35–117–20549–0000
3. 103 000 000
4. Ketal Oil Producing Co
5. Trinkle #3
6. E Crescent Star
7. Pawnee OK
8. 44.0 million cubic feet
9. February 25, 1980
10. Phillips Petroleum Company

1. 80–16648/01603

V 45/57 MR 21 80 UMI

2. 35-083-20738-0000
3. 103 000 000
4. Service Drilling Co
5. Barker #1-5
6. N E Russell
7. Logan OK
8. 24.0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80-16649/01606
2. 35-083-20981-0000
3. 103 000 000
4. Service Drilling Co
5. Barker #2-5
6. N E Russell
7. Logan OK
8. 24.0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80-16650/01918
2. 35-083-21441-0000
3. 103 000 000
4. Clifford Resources Inc
5. Newton #1A
6. North Campbell
7. Major OK
8. 200.0 million cubic feet
9. February 25, 1980
10. Panhandle Eastern Pipe Line Co
1. 80-16651/01924
2. 35-045-20648-0000
3. 103 000 000
4. Jones & Pellow Oil Co
5. Drake 10-1
6.
7. Ellis OK
8. 33.6 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co
1. 80-16652/02084
2. 35-091-20190-0000
3. 102 000 000
4. Global Gas Corp
5. Ralph Barnett #1-21
6. Hitchita
7. McIntosh OK
8. 174.0 million cubic feet
9. February 25, 1980
10.
1. 80-16653/02061
2. 35-091-20192-0000
3. 102 000 000
4. Global Gas Corp
5. Berryhill #1-22
6. Hitchita
7. McIntosh OK
8. 453.0 million cubic feet
9. February 25, 1980
10.
1. 80-16654/02080
2. 35-091-20205-0000
3. 102 000 000
4. Global Gas Corp
5. Johnston #1-15
6. Hitchita
7. McIntosh OK
8. 488.0 million cubic feet
9. February 25, 1980
10.
1. 80-16655/01654
2. 35-073-20153-0000
3. 108 000 000
4. Kirkpatrick Oil Co
5. McNulty B #1
6. Sooner Trend
7. Kingfisher OK
8. 6.5 million cubic feet
9. February 25, 1980
10. Exxon Corp
1. 80-16656/01665
2. 35-073-50332-0000
3. 108 000 000
4. Phoenix Resources Co
5. Hobbs Unit #25-1
6. Hennessey West
7. Kingfisher OK
8. 2.0 million cubic feet
9. February 25, 1980
10. Oklahoma Natural Gas Co
1. 80-16657/01283
2. 35-139-20850-0000
3. 108 000 000
4. Ferguson Oil & Gas Co Inc
5. State No 1-36
6. N Hitchland
7. Texas OK
8. 22.0 million cubic feet
9. February 25, 1980
10. Panhandle Eastern Pipeline Co
1. 80-16658/02071
2. 35-091-20216-0000
3. 102 000 000
4. Global Gas Corp
5. Johnson #1-25
6. Stidham
7. McIntosh OK
8. 183.0 million cubic feet
9. February 25, 1980
10.
1. 80-16659/01697
2. 35-083-00000-0000
3. 108 000 000
4. Kaiser Francis Oil Co
5. J W Jeffries #1-6
6. Ringwood
7. Major OK
8. 7.0 million cubic feet
9. February 25, 1980
10. Union Texas Petroleum
1. 80-16660/01282
2. 35-007-00000-0000
3. 108 000 000
4. Harper Oil Co
5. Marvin Jones 1
6. Mocane Laverne
7. Beaver OK
8. 15.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16661/01559
2. 35-129-20303-0000
3. 103 000 000
4. Apache Corp
5. Clay #1-30
6. West Reydon
7. Roger Mills OK
8. 2372.5 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16662/01521
2. 35-051-20645-0000
3. 103 000 000
4. Trigg Drilling Co
5. Turkey #1
6. Cogar
7. Grady OK
8. 471.0 million cubic feet
9. February 25, 1980
10. Oklahoma Gas & Electric Co
1. 80-16663/02082
2. 35-091-20220-0000
3. 102 000 000
4. Global Gas Corp
5. Lackey #1-17
6. Hitchita
7. McIntosh, OK
8. .0 million cubic feet
9. February 25, 1980
10.

Pennsylvania Department of Environmental Resources, Division of Oil and Gas

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)
1. 80-16664/104
2. 37-059-00000-0000
3. 108 000 000
4. Tri-County Oil & Gas Inc
5. J F McCracken #1
6. Richhill Township
7. Greene County PA
8. 5.5 million cubic feet
9. February 26, 1980
10. Carnegie Natural Gas Co
1. 80-16665/105A
2. 37-059-00000-0000
3. 108 000 000
4. Tri-County Oil & Gas Inc
5. J M Phillips #1
6.
7. Greene (Marshall WVAPA)
8. 7.6 million cubic feet
9. February 26, 1980
10. Peoples Natural Gas Co
1. 80-16666/105
2. 37-059-00000-0000
3. 108 000 000
4. Tri-County Oil & Gas Inc
5. King & T H Houston #1
6. Aleppo
7. Greene PA
8. 7.7 million cubic feet
9. February 26, 1980
10. Peoples Natural Gas Co
1. 80-16667/106
2. 37-059-00000-0000
3. 108 000 000
4. Tri-County Oil & Gas Inc
5. Ellen J Behanna #1
6. Somerset
7. Washington PA
8. 10.0 million cubic feet
9. February 26, 1980
10. Equitable Gas Co
1. 80-16668/108
2. 37-059-00000-0000
3. 108 000 000
4. Tri-County Oil & Gas Inc
5. McCracken & Briggs #1
6. Aleppo
7. Greene PA
8. 2.2 million cubic feet
9. February 26, 1980
10. Columbia Gas Transmission Corp
1. 80-16669/110
2. 37-059-00000-0000
3. 108 000 000

4. Tri-County Oil & Gas Inc
5. Levi Tharp #1
6. Aleppo
7. Greene PA
8. 2.0 million cubic feet
9. February 26, 1980
10. Columbia Gas Transmission Corp
1. 80-16670/111
2. 37-059-00000-0000
3. 108 000 000
4. Tri-County Oil & Gas Inc
5. Jasper Jackson #1
6. Aleppo
7. Greene PA
8. 2.0 million cubic feet
9. February 26, 1980
10. Columbia Gas Transmission Corp
1. 80-16671/112
2. 37-059-00000-0000
3. 108 000 000
4. Tri-County Oil & Gas Inc
5. C J Behm #1
6. Aleppo
7. Greene PA
8. 2.0 million cubic feet
9. February 26, 1980
10. Columbia Gas Transmission Corp
1. 80-16672/472
2. 37-065-00000-0000
3. 108 000 000
4. Glenbrook Oil & Gas Co
5. Lewis No 12
6. Brookville
7. Jefferson PA
8. .9 million cubic feet
9. February 26, 1980
10. National Fuel Gas Supply Corp
1. 80-16673/473
2. 37-065-00000-0000
3. 108 000 000
4. Glenbrook Oil & Gas Co
5. Lewis No 20
6. Brookville
7. Jefferson PA
8. .9 million cubic feet
9. February 26, 1980
10. National Fuel Gas Supply Corp
1. 80-16674/474
2. 37-065-00000-0000
3. 108 000 000
4. Glenbrook Oil & Gas Co
5. Lewis No 22
6. Brookville
7. Jefferson PA
8. .9 million cubic feet
9. February 26, 1980
10. National Fuel Gas Supply Corp
1. 80-16675/475
2. 37-065-00000-0000
3. 108 000 000
4. Glenbrook Oil & Gas Co
5. Lewis No 25
6. Brookville
7. Jefferson PA
8. .9 million cubic feet
9. February 26, 1980
10. National Fuel Gas Supply Corp
1. 80-16676/476
2. 37-065-00000-0000
3. 108 000 000
4. Glenbrook Oil & Gas Co
5. Lewis No 26
6. Brookville
7. Jefferson PA
8. .9 million cubic feet
9. February 26, 1980
10. National Fuel Gas Supply Corp
1. 80-16677/477
2. 37-065-00000-0000
3. 108 000 000
4. Glenbrook Oil & Gas Co
5. Lewis No 27
6. Brookville
7. Jefferson PA
8. .9 million cubic feet
9. February 26, 1980
10. National Fuel Gas Supply Corp
1. 80-16678/478
2. 37-065-00000-0000
3. 108 000 000
4. Glenbrook Oil & Gas Co
5. Lewis No 28
6. Brookville
7. Jefferson PA
8. .9 million cubic feet
9. February 26, 1980
10. National Fuel Gas Supply Corp
1. 80-16679/479
2. 37-065-00000-0000
3. 108 000 000
4. Glenbrook Oil & Gas Co
5. Lewis No 29
6. Brookville
7. Jefferson PA
8. .9 million cubic feet
9. February 26, 1980
10. National Fuel Gas Supply Corp
1. 80-16680/480
2. 37-065-00000-0000
3. 108 000 000
4. Glenbrook Oil & Gas Co
5. Lewis No 30
6. Brookville
7. Jefferson PA
8. .9 million cubic feet
9. February 26, 1980
10. National Fuel Gas Supply Corp
1. 80-16681/481
2. 37-065-00000-0000
3. 108 000 000
4. Glenbrook Oil & Gas Co
5. Lewis No 31
6. Brookville
7. Jefferson PA
8. .9 million cubic feet
9. February 26, 1980
10. National Fuel Gas Supply Corp
1. 80-16682/482
2. 37-065-00000-0000
3. 108 000 000
4. Glenbrook Oil & Gas Co
5. Lewis No 32
6. Brookville
7. Jefferson PA
8. .9 million cubic feet
9. February 26, 1980
10. National Fuel Gas Supply Corp
1. 80-16683/483
2. 37-065-00000-0000
3. 108 000 000
4. Glenbrook Oil & Gas Co
5. Lewis No 33
6. Brookville
7. Jefferson PA
8. .9 million cubic feet
9. February 26, 1980
10. National Fuel Gas Supply Corp
1. 80-16684/484
2. 37-065-00000-0000
3. 108 000 000
4. Glenbrook Oil & Gas Co
5. Lewis No 34
6. Brookville
7. Jefferson PA
8. .9 million cubic feet
9. February 26, 1980
10. National Fuel Gas Supply Corp
1. 80-16685/485
2. 37-065-00000-0000
3. 108 000 000
4. Glenbrook Oil & Gas Co
5. Lewis No 35
6. Brookville
7. Jefferson PA
8. .9 million cubic feet
9. February 26, 1980
10. National Fuel Gas Supply Corp
1. 80-16686/1039
2. 37-065-21520-0003
3. 103 000 000
4. Consolidated Gas Supply Corp
5. Charles H Miller WN-1652
6. Trade City 715052
7. Jefferson PA
8. 84.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80-16687/1044
2. 37-063-23886-0003
3. 103 000 000
4. Consolidated Gas Supply Corp
5. Layaro Gaston WN-1651
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 135.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80-16688/1045
2. 37-063-23761-0003
3. 103 000 000
4. Consolidated Gas Supply Corp
5. Geno J Crivelli WN-1607
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 56.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80-16689/1046
2. 37-033-20864-0003
3. 103 000 000
4. Consolidated Gas Supply Corp
5. L E Smith WN-1656
6. Big Run-Rochester Mills 063423
7. Clearfield PA
8. 23.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80-16690/1047
2. 37-065-21560-0003
3. 103 000 000
4. Consolidated Gas Supply Corp
5. Kurt Robbins WN-1674
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 79.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80-16691/1048
2. 37-063-23805-0003
3. 103 000 000
4. Consolidated Gas Supply Corp
5. W C McFarland WN-1636
6. Big Run-Rochester Mills 063423
7. Indiana PA

V 45/57 MR 21 80 UMI

V 45/57 MR 21 80 UMI

8. 47.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16692/1049
2. 37–063–23955–0003
3. 103 000 000
4. Consolidated Gas Supply Corp
5. C E Carr WN–1658
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 75.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16693/1051
2. 37–065–21543–0003
3. 103 000 000
4. Consolidated Gas Supply Corp
5. Eugene Catalano WN–1648
6. Oliveburg 523959
7. Jefferson PA
8. 30.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16694/1073
2. 37–065–21170–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R E Fye B–1419
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 18.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16695/1075
2. 37–063–22842–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Opal Federoff N–1351
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 19.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16696/1077
2. 37–063–22868–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Lindsey Coal Co N–1358
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 20.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16697/1079
2. 37–033–20571–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J Mitchell EST N–1413
6. Anderson Creek 017412
7. Clearfield PA
8. 7.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16698/1081
2. 37–063–22703–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. C H Miller N–1385
6. Trade City 715052
7. Indiana PA
8. 13.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16699/1082
2. 37–033–20607–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. M M Harris N–1517
6. Irish Run 348275
7. Clearfield PA
8. 3.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16700/1084
2. 37–033–20521–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Geo Mitchell N–1294
6. Irish Run 348275
7. Clearfield PA
8. 22.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16701/1085
2. 37–033–20581–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. F Gilmore N–1415
6. La Borde 390759
7. Clearfield PA
8. 4.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16702/1086
2. 37–033–20600–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. W A Nelson N–1520
6. La Borde 390759
7. Clearfield PA
8. 6.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16703/1088
2. 37–033–20520–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J F Wingert N–1290
6. La Borde 390759
7. Clearfield PA
8. 2.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16704/1092
2. 37–033–20511–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. A L Haag N–1257
6. Salem 625030
7. Clearfield PA
8. 8.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16705/1094
2. 37–065–21290–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Carl McGee N–1519
6. Oliveburg 523959
7. Jefferson PA
8. 6.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16706/1095
2. 37–065–21136–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. W G Doughenbaugh N–1401
6. Oliveburg 523959
7. Jefferson PA
8. 3.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16707/1097
2. 37–065–21026–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. C N Dickey N–1317
6. Soldiers Run 664915
7. Jefferson PA
8. 1.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16708/1098
2. 37–065–21291–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R & P Coal N–1514
6. Soldiers Run 664915
7. Jefferson PA
8. 14.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16709/1099
2. 37–065–21285–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R & P Coal N–1518
6. Soldiers Run 664915
7. Jefferson PA
8. 7.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16710/1101
2. 37–065–21289–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R & P Coal N–1509
6. Soldiers Run 664915
7. Jefferson PA
8. 20.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16711/1102
2. 37–065–21286–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R & P Coal N–1512
6. Soldiers Run 664915
7. Jefferson PA
8. .5 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16712/1103
2. 37–065–21287–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R & P Coal Co N–1513
6. Soldiers Run 664915
7. Jefferson PA
8. 3.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16713/1105
2. 37–065–21028–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R & P Coal Co N–1318
6. Soldiers Run 664915
7. Jefferson PA
8. 11.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16714/1108

2. 37–033–20544–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. D E Knarr N–1343
6. Salem 625030
7. Clearfield PA
8. 6.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16715/1109
2. 37–033–20561–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Wm Barr N–1360
6. Salem 625030
7. Clearfield PA
8. 9.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16716/1110
2. 37–033–20560–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R J Smith N–1364
6. Salem 625030
7. Clearfield PA
8. 1.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16717/1112
2. 37–033–20577–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Effie Grape N–1430
6. Salem 625030
7. Clearfield PA
8. 4.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16718/1120
2. 37–033–20598–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. D E Knarr N–1515
6. Salem 625030
7. Clearfield PA
8. 12.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16719/1121
2. 37–033–20579–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. H L Delp N–1438
6. Salem 625030
7. Clearfield PA
8. 19.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16720/1122
2. 37–033–20553–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Du Bois Dep Nat BK N–1323
6. Salem 625030
7. Clearfield PA
8. 12.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16721/1123
2. 37–033–20539–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. N C Utzinger N–1312
6. Salem 625030
7. Clearfield PA
8. 16.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16722/1124
2. 37–033–20527–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J R Potter N–1306
6. Salem 625030
7. Clearfield PA
8. 13.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16723/1125
2. 37–033–20523–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. E B Shettler N–1303
6. Salem 625030
7. Clearfield PA
8. 5.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16724/1126
2. 37–033–20522–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J I Zartman N–1296
6. Salem 625030
7. Clearfield PA
8. 19.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16725/1132
2. 37–063–23456–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. B S Wineburg N–1550
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 20.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16726/1133
2. 37–063–23095–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. V M Wachob N–1434
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 13.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16727/1139
2. 37–063–22908–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J L Stuchell N–1404
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 15.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16728/1140
2. 37–065–21198–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J M Tyson N–1405
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 15.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–1629/1141
2. 37–065–21149–003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J C Neal N–1408
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 18.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16730/1142
2. 37–065–21169–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J L. Kuntz N–1417
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 7.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16731/1143
2. 37–063–23052–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. P & N Coal Co N–1431
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 19.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16732/1144
2. 37–063–23226–003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Adam Wasicki N–1433
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 15.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16733/1146
2. 37–063–23145–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. E M Smith N–1442
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 16.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16734/1147
2. 37–065–21192–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. A T Adamczyk N–1435
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 6.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16735/1149
2. 37–065–21075–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J Malone N–1367
6. Soldiers Run 664915
7. Jefferson PA
8. 5.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

1. 80–16736/1151
2. 37–065–21174–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R J Norris N–1409
6. Soldiers Run 664915

7. Jefferson PA
8. 13.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16737/1152
2. 37–065–23119–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dawn Hunt & Fish-Club N–1445
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 10.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16738/1154
2. 37–033–20556–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J C Kann N–1352
6. Big Run-Rochester Mills 063423
7. Clearfield PA
8. 14.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16739/1155
2. 37–063–22641–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J L Taraskiewicz N–1359
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 8.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16740/1156
2. 37–065–21137–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R S McGee N–1398
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 9.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16741/1158
2. 37–063–22891–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R D Himes N–1377
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 19.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16742/1159
2. 37–065–21072–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. M B Sawyer N–1361
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 4.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16743/1163
2. 37–063–22265–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Clearfield Bit Coal N–1301
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 10.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16744/1165
2. 37–063–21989–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. B S Wineberg N–1251
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 11.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16745/1167
2. 37–063–22986–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. T Dymond N–1399
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 12.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16746/1168
2. 37–065–20986–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Max Williams N–1250
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 1.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16747/1169
2. 37–063–22708–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. E E Elbel N–1348
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. .5 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16748/1170
2. 37–065–21065–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. P E Greenwalt N–1344
6. Big Run-Rochester Mills 063423
7. Clearfield PA
8. 9.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16749/1176
2. 37–033–20510–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J C Kann N–1255
6. Big Run-Rochester Mills 063423
7. Clearfield PA
8. 19.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16750/1177
2. 37–033–20509–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Paul Duff N–1254
6. Big Run-Rochester Mills 063423
7. Clearfield PA
8. 17.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16751/1179
2. 37–063–21983–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Farmers & Miners Trust N–1256
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 19.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16752/1672
2. 37–063–20171–0003
3. 103 000 000
4. Doran & Associates Inc
5. David M Neeley #2 K–A–7
6. Upper Devonian Sand
7. Indiana PA
8. 30.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16753/1694
2. 37–033–20783–0003
3. 103 000 000
4. Doran & Associates Inc
5. Philip Chura #1 K–A–13
6. Upper Devonian Sand
7. Clearfield PA
8. 30.0 million cubic feet
9. February 26, 1980
10. T W Phillips Gas & Oil Co
1. 80–16754/1696
2. 37–063–24230–0003
3. 103 000 000
4. Doran & Associates Inc
5. Loy Gromley #1 K–A–11
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. February 26, 1980
10. Consolidated Gas Supply Corp
1. 80–16755/2033
2. 37–059–00000–0000
3. 108 000 000
4. Charles R Baily
5. Charles R Taily Agree #22301
6. Majorsville Field
7. Greene PA
8. 9.0 million cubic feet
9. February 26, 1980
10. Columbia Gas Transmission Corp
1. 80–16756/2287
2. 37–063–23638–0003
3. 103 000 000
4. Consolidated Gas Supply Corporation
5. Fenella Hatch EST WN–1604
6. Pineton 557380
7. Indiana PA
8. 500.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16757/3240
2. 37–005–00000–0000
3. 108 000 000
4. Norman A Gillingham
5. Young Well No 1
6. Distant
7. Armstrong PA
8. 3.0 million cubic feet
9. February 26, 1980
10. Columbia Gas Transmission Corp
1. 80–16758/3241
2. 37–005–00000–0000
3. 108 000 000
4. Norman A Gillingham
5. Stewart Well No 1
6. New Bethlehem
7. Clarion PA
8. 3.0 million cubic feet
9. February 26, 1980
10. Columbia Gas Transmission Corp
1. 80–16759/3615

2. 37–063–23985–0003
3. 103 000 000
4. Consolidated Gas Supply Corporation
5. Ralph N Bloom WN–1624
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 130.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16760
2. 37–063–24032–0003
3. 103 000 000
4. Consolidated Gas Supply Corp
5. Loy R Vite WN–1675
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 100.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16761/3617
2. 37–065–21581–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Clair G London WN–1634
6. Oliveburg 523959
7. Jefferson PA
8. 7.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16762/3618
2. 37–065–21547–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Eugene Catalano WN–1563
6. Oliveburg 523959
7. Jefferson PA
8. 12.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

Pennsylvania Department of Environmental Resources, Division of Oil and Gas

1. 80–16763/3643
2. 37–065–21265–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. S L Hanzely WN–1508
6. Soldier Run 664915
7. Jefferson PA
8. 15.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16764/3645
2. 37–065–21401–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R & P Coal Co WN–1565
6. Soldier Run 664915
7. Jefferson PA
8. 12.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16765/3646
2. 37–033–20593–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. W E Burghart WN–1341
6. Salem 625030
7. Clearfield PA
8. 17.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16766/3647
2. 37–065–21402–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Joyce L Redding WN–1605
6. Big Run-Rochester Mills-063423
7. Jefferson PA
8. 1.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16767/3655
2. 37–065–21444–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R & P Coal WN–1567
6. Soldiers Run 664915
7. Jefferson PA
8. 17.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16768/3703
2. 37–065–21439–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Brooks Gould WN–1637
6. Big Run-Rochester Mills-063423
7. Jefferson PA
8. 100.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16770/3705
2. 37–033–20580–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Chester A Beam WN–1436
6. Big Run-Rochester Mills-063423
7. Clearfield PA
8. 14.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16771/3706
2. 37–033–20597–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dubois Dep Nat Bk WN–1504
6. Salem 625030
7. Clearfield PA
8. 14.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16772/3707
2. 37–065–21293–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Ollie Morris WN–1521
6. Oliveburg 523959
7. Jefferson PA
8. 18.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16773/3708
2. 37–065–21268–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Burl S Schuckers WN–1510
6. Soldier Run 664915
7. Jefferson PA
8. 18.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16774/3709
2. 37–065–21555–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Francis J Koeller WN–1642
6. Soldier Run 664915
7. Jefferson PA
8. 1.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16775/3710
2. 37–033–21663–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R & P Coal Co WN–1693
6. Soldier Run 664915
7. Jefferson PA
8. 8.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16776/3713
2. 37–049–20583–0003
3. 108 000 000
4. James A Bernet/Jab Enterprises Inc
5. James A Bernet #1–1
6. Lakeshore—Medina
7. Erie PA
8. 6.4 million cubic feet
9. February 26, 1980
10. National Fuel Gas Dist Co
1. 80–16777/3714
2. 37–049–20585–0003
3. 108 000 000
4. James A Bernet/Jab Enterprises Inc
5. James A Bernet #1–2
6. Lakeshore—Medina
7. Erie PA
8. 5.3 million cubic feet
9. February 26, 1980
10. National Fuel Gas Dist Co
1. 80–16778/3815
2. 37–065–21266–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Leroy Mowrey N–1528
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 15.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16779/3816
2. 37–065–21507–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J F Lorelli N–1586
6. Soldiers Run 664915
7. Jefferson PA
8. 2.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16780/3817
2. 37–065–21554–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. G G Sprague N–1660
6. Soldiers Run 664915
7. Jefferson PA
8. 16.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16781/4002
2. 37–033–20655–0003
3. 103 000 000
4. Consolidated Gas Supply Corp
5. James A Bonante WN–1638
6. Salem 625030
7. Clearfield PA
8. 22.0 million cubic feet
9. February 26, 1980
10. General System Purchasers
1. 80–16782/4037
2. 37–063–24710–0003

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3. 103 000 000
4. Consolidated Gas Supply Corp
5. M L Laney WN–1745
6. Pineton 557380
7. Indiana PA
8. 75.0 million cubic feet
9. February 28, 1980
10. General System Purchasers
1. 80–16783/4131
2. 37–125–21212–0003
3. 103 000 000
4. Petroleum Development Corp
5. K Heirendt #2
6. Canonsburg
7. Washington PA
8. 15.0 million cubic feet
9. February 26, 1980
10. Columbia Gas Transmission Corp
1. 80–16784/4132
2. 37–125–21188–0000
3. 103 000 000
4. Petroleum Development Corp
5. A Heirendt #1
6. Canonsburg
7. Washington PA
8. 20.0 million cubic feet
9. February 26, 1980
10. Columbia Gas Transmission Corp
1. 80–16785/4133
2. 37–125–21185–0000
3. 103 000 000
4. Petroleum Development Corp
5. C Murray #1
6. Canonsburg
7. Washington PA
8. 25.0 million cubic feet
9. February 26, 1980
10. Columbia Gas Transmission Corp
1. 80–16786/4134
2. 37–125–21241–0003
3. 103 000 000
4. Petroleum Development Corp
5. A Zupancic #1
6. Canonsburg
7. Washington PA
8. 40.0 million cubic feet
9. February 26, 1980
10. Columbia Gas Transmission Corp
1. 80–16787/4135
2. 37–125–21137–0003
3. 103 000 000
4. Petroleum Development Corp
5. K Heirendt #1
6. Canonsburg
7. Washington PA
8. 14.0 million cubic feet
9. February 26, 1980
10. Columbia Gas Transmission Corp
1. 80–16769/3704
2. 37–063–23934–0003
3. 103 000 000
4. Consolidated Gas Supply Corp
5. Carlton Dummire WN–1659
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 30.0 million cubic feet
9. February 26, 1980
10. General System Purchasers

Osage Agency, Bureau of Indian Affairs, Osage County, Okla.

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–16816
2. 35–113–00000–0000–0
3. 103 000 000
4. International Exploration Co
5. Culver well No 1
6. Culver
7. Osage OK
8. 3.1 million cubic feet
9. February 25, 1980
10. Union Gas System Inc
1. 80–16817
2. 35–113–00000–0000–0
3. 103 000 000
4. International Exploration Co
5. Culver well No 2
6. Culver
7. Osage OK
8. 3.1 million cubic feet
9. February 25, 1980
10. Union Gas System Inc
1. 80–16818
2. 35–113–00000–0000–0
3. 103 000 000
4. International Exploration Co
5. Culver well No 3
6. Culver
7. Osage OK
8. 3.1 million cubic feet
9. February 25, 1980
10. Union Gas System Inc
1. 80–16819
2. 35–113–00000–0000–0
3. 108 000 000
4. Harold M Root
5. Mary Helen well #1–A
6. Pond Creek Dome
7. Osage OK
8. .0 million cubic feet
9. February 25, 1980
10. Ajax Oil & Gas Corp Inc
1. 80–16820
2. 35–113–00000–0000–0
3. 103 000 000
4. Reserve Energy Corp
5. R Cox No 2
6. Woolaroc
7. Osage OK
8. 30.0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80–16821
2. 35–113–00000–0000–0
3. 103 000 000
4. Reserve Energy Corp
5. Woolaroc No 4
6. Woolaroc
7. Osage OK
8. 33.0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80–16822
2. 35–113–00000–0000–0
3. 103 000 000
4. Reserve Energy Corp
5. Yount No 9
6. Almeda
7. Osage OK
8. 30.0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80–16823
2. 35–113–00000–0000–0
3. 103 000 000
4. Reserve Energy Corp
5. Kuykendall No 1
6. Almeda
7. Osage OK
8. 51.0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80–16824
2. 35–113–00000–0000–0
3. 103 000 000
4. Reserve Energy Corp
5. McClintock No 1
6. Almeda
7. Osage OK
8. 20.0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80–16825
2. 35–113–00000–0000–0
3. 103 000 000
4. Reserve Energy Corp
5. Ballew No 2
6. Almeda
7. Osage OK
8. 47.0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80–16826
2. 35–113–00000–0000–0
3. 103 000 000
4. Reserve Energy Corp
5. Ballew No 2A
6. Almeda
7. Osage OK
8. 20.0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80–16827
2. 35–113–00000–0000–0
3. 103 000 000
4. Reserve Energy Corp
5. Moore No 2
6. Almeda
7. Osage OK
8. 28.0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80–16828
2. 35–113–00000–0000–0
3. 103 000 000
4. Reserve Energy Corp
5. Sweedon No 3
6. Okesa
7. Osage OK
8. 25.0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80–16829
2. 35–113–00000–0000–0
3. 103 000 000
4. Reserve Energy Corp
5. Green No 3
6. Woolaroc
7. Osage OK
8. 29.0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80–16830
2. 35–113–00000–0000–0
3. 103 000 000
4. Reserve Energy Corp
5. Hughes No 9
6. Almeda
7. Osage OK
8. 30.0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80–16831
2. 35–113–00000–0000–0
3. 103 000 000
4. Reserve Energy Corp
5. Ness No 1–30
6. NE Bighorse
7. Osage OK
8. 30.0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80–16832
2. 35–113–00000–0000–0
3. 103 000 000
4. Reserve Energy Corp
5. Ness No 2
6. NE Bighorse
7. Osage OK
8. 18.0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co
1. 80–16833
2. 35–113–00000–0000–0
3. 103 000 000
4. Reserve Energy Corp
5. Porter No 1
6. NE Bighorse
7. Osage OK
8. 35.0 million cubic feet
9. February 25, 1980
10. Cities Service Gas Co

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection. Except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 1000, 825 North Capitol Street, N.E, Washington. D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the **Federal Register.**

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–8727 Filed 3–20–80; 8:45 am]

BILLING CODE 6450–85–M

[No. 161]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

March 18, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Indiana Department of Natural Resources, Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–16074
2. 13–119–20013–0000
3. 102 000 000
4. Collins Brothers Oil Company
5. Floyd Stahl #1
6. Arney North
7. Owen IN
8. 21.0 million cubic feet
9. February 20, 1980
10. Citizens Gas and Coke Utility
1. 80–16075
2. 13–119–20015–0000
3. 102 000 000
4. Collins Brothers Oil Company
5. Stahl Community #1
6. Arney North
7. Owen IN
8. 14.0 million cubic feet
9. February 20, 1980
10. Citizens Gas and Coke Utility
1. 80–16076
2. 13–051–21561–0000
3. 102 000 000
4. Ram Oil Co
5. Maruel-Braselton 1R (unit #2)
6. North Owensville
7. Gibson IN
8. 11.0 million cubic feet
9. February 20, 1980
10. Crystal Oil Co
1. 80–16077
2. 13–051–21622–0000
3. 102 000 000
4. Ram Oil Co
5. Mabel-Marvel 4R (unit #2)
6. North Owensville
7. Gibson IN
8. 1.8 million cubic feet
9. February 20, 1980
10. Crystal Oil Co
1. 80–16078
2. 13–051–21621–0000
3. 102 000 000
4. Ram Oil Co
5. Mabel-Maruel 5R (unit #2)
6. North Owensville
7. Gibson IN
8. 11.0 million cubic feet
9. February 20, 1980
10. Crystal Oil Co

Montana Board of Oil and Gas Conservation

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–16359/1–80–12
2. 25–073–21362–0000
3. 102 000 000
4. Century Oil & Gas Corp
5. Habets 11–1
6. Williams
7. Pondera MT
8. 73.0 million cubic feet
9. February 20, 1980
10. Montana Power Co

North Dakota Geological Survey

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–16360/202
2. 33–053–00900–0000
3. 102 000 000
4. Texaco Inc
5. Silurian Unit 5 No 1
6. Charlson
7. McKenzie ND
8. 1095.0 million cubic feet
9. February 20, 1980
10. Montana Dakota Utilities Co
1. 80–16361/204
2. 33–007–00394–0000
3. 102 000 000
4. William Herbert Hunt Trust Est
5. Anheluk-State No 1 7130
6. Tree Top
7. Billings ND
8. 100.0 million cubic feet
9. February 20, 1980
10. Koch Hydrocarbon Co
1. 80–16362/206
2. 33–105–00798–0000
3. 103 000 000
4. Amerada Hess Corp
5. Udland 41–24
6. Capa Deep
7. Williams ND
8. 2.0 million cubic feet
9. February 20, 1980
10. Montana Dakota Utilities Co
1. 80–16363/208
2. 33–007–00351–0000
3. 102 000 000
4. William Herbert Hunt Trust Est
5. Osadchuk No 1 (Duperow) 7000
6. Tree Top
7. Billings ND
8. 387.0 million cubic feet
9. February 20, 1980
10. Koch Hydrocarbon Co Western Gas Processors Ltd
1. 80–16364/209
2. 33–007–00351–0000
3. 102 000 000
4. William Herbert Hunt Trust Est
5. Osadchuk No 1 (Madison) 7000
6. Tree Top
7. Billings ND
8. 126.0 million cubic feet
9. February 20, 1980
10. Koch Hydrocarbon Co Western Gas Processors Ltd

Oklahoma Corporation Commission

1. Control Number (FERC/State)

V 45/57 MR 21 80 UMI

2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80–16079/01627
2. 35–073–00000–0000–
3. 108 000 000
4. Harper Oil Company
5. Lonigan 1
6. Sooner Trend
7. Kingfisher OK
8. 11.0 million cubic feet
9. February 20, 1980
10. Phillips Petroleum Company

1. 80–16080/01373
2. 35–111–21011–0000–
3. 108 000 000
4. W P Lerblance Jr
5. Homer Chancey 2#A
6. Lions/Quinn
7. Okmulgee OK
8. 6.0 million cubic feet
9. February 20, 1980
10. Phillips Petroleum Co

1. 80–16081/01552
2. 35–109–00000–0000–
3. 108 000 000
4. Batco Oil
5. Harrison
6. West Edmond
7. Oklahoma OK
8. 40.3 million cubic feet
9. February 20, 1980
10. Phillips & Petroleum Continental Oil Co

1. 80–16082/01658
2. 35–073–20456–0000–
3. 108 000 000
4. Harper Oil Company
5. Firestone (M) 1 & (H)
6. Sooner Trend
7. Kingfisher OK
8. 1.0 million cubic feet
9. February 20, 1980
10. Phillips Petroleum Company

1. 80–16083/01837
2. 35–153–20185–0000–
3. 108 000 000
4. Leben Oil Corp
5. Phillips #1–7
6. N W Sharon
7. Woodward OK
8. 19.0 million cubic feet
9. February 20, 1980
10. Northern Natural Gas Co

1. 80–16084/01580
2. 35–073–22064–0000–
3. 103 000 000
4. Brown & Borelli Inc
5. Helen Copeland #2
6. Sooner Trend
7. Kingfisher OK
8. 152.1 million cubic feet
9. February 20, 1980
10. Phillips Petroleum Company

1. 80–16085/01708
2. 35–073–22011–0000–
3. 103 000 000
4. Tower Oil and Gas Company Inc
5. Henley #1
6. Sooner Trend
7. Kingfisher OK
8. 7.7 million cubic feet
9. February 20, 1980
10. Cities Service Gas Company Partnership Properties Co

1. 80–16086/01729
2. 35–047–21674–0000–
3. 103 000 000
4. Viersen & Cochran
5. Wehling 1–19
6. Sooner Trend
7. Garfield OK
8. 85.0 million cubic feet
9. February 20, 1980
10. Union Texas Petroluem

1. 80–16087/01731
2. 35–047–21700–0000–
3. 103 000 000
4. Viersen & Cochran
5. Houston 1–30
6. Sooner Trend
7. Garfield OK
8. 85.0 million cubic feet
9. February 20, 1980
10. Union Texas Petroleum

1. 80–16088/1631
2. 35–043–00000–0000–
3. 103 000 000
4. Montgomery Exploration Company
5. Collier #2
6. Section 22–17N–18W
7. Dewey OK
8. 82.0 million cubic feet
9. February 20, 1980
10. Panhandle Eastern Pipe Line Company

1. 80–16089/01724
2. 35–047–20864–0000–
3. 103 000 000
4. Jet Oil Company
5. Knopfel #1
6. N Elkhorn
7. Garfield OK
8. 12.0 million cubic feet
9. February 20, 1980
10. Aminoil USA Inc

1. 80–16090/01555
2. 35–011–20860–0000–
3. 103 000 000
4. Trigg Drilling Company Inc
5. Bornemann No 1
6. Squaw Creek
7. Blaine OK
8. 3076.0 million cubic feet
9. February 20, 1980
10. Michigan Wisconsin Pipe Line Co

1. 80–160091
2. 35–147–21046–0000–
3. 102 000 000
4. Panoak Exploration Company
5. Musgrave #1
6. Hogshooter
7. Washington OK
8. 365.0 million cubic feet
9. February 20, 1980
10. Panak Pipeline Company.

1. 80–16092/01582
2. 35–073–21905–0000–
3. 103 000 000
4. Brown & Borelli Inc
5. Helen Copeland #1
6. Sooner Trend
7. Kingfisher OK
8. 332.0 million cubic feet
9. February 20, 1980
10. Phillips Petroleum Company

1. 80–16093/03440
2. 35–139–00000–0000–
3. 108 000 000
4. Phillips Petroleum Company
5. Wacker No 1
6. Guymon Hugoton
7. Texas OK
8. 13.0 million cubic feet
9. February 20, 1980
10. Panhandle Eastern Pipeline Co

1. 80–16094/01624
2. 35–073–20293–0000–
3. 108 000 000
4. Brown & Borelli Inc
5. Gilbert #2
6. Sooner Trend
7. Kingfisher OK
8. 2.0 million cubic feet
9. February 20, 1980
10. Exxon Company USA

Pennsylvania Department of Environmental Resources, Division of Oil and Gas

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80–16095/425
2. 37–065–21482–0000–
3. 108 000 000
4. Reel energy drilling program
5. K E Uplinger Farm No 1
6. Pinecreek Township
7. Jefferson PA
8. 3.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp

1. 80–16096/426
2. 37–065–21483–0000–
3. 108 000 000
4. reel energy program
5. Everett N Chamberlin Farm #1
6. Pinecreek Township
7. Jefferson PA
8. 6.0 million cubic feet
9. February 20, 1980
10. National Fuel Gas Supply Corp

1. 80–16097/429
2. 37–033–20588–0000–
3. 108 000 000
4. Pennergy 1975 Drilling Program
5. Daniel E Miller Farm #1
6. Brady Township
7. Clearfield PA
8. 4.0 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80–16098/430
2. 37–033–20589–0000–
3. 108 000 000
4. Pennergy 1975 Drilling Program
5. Andrew Morris Farm #1
6. Brady Township
7. Clearfield PA
8. 12.0 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80–16099/431
2. 37–033–20572–0000–

3. 108 000 000
4. Pennergy 1975 Drilling Program
5. William P Mills Farm #1
6. Brady Township
7. Clearfield PA
8. 6.0 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80–16100/432
2. 37–065–21191–0000–
3. 108 000 000
4. Pennergy 1975 Drilling Program
5. William P Mills Farm #2
6. Henderson Township
7. Jefferson PA
8. 6.0 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80–16101/434
2. 37–065–21187–0000–
3. 108 000 000
4. Pennergy 1975 Drilling Program
5. Orville Pifer Farm No 1
6. Winslow Township
7. Jefferson PA
8. 5.0 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80–16102/466
2. 37–065–21333–0000–
3. 108 000 000
4. Reeves Lewenthal
5. Leonard D Shobert Farm #1
6. Pine Creek Township
7. Jefferson PA
8. .0 million cubic feet
9. February 20, 1980
10. National Fuel Gas Supply Corp

1. 80–16103/467
2. 37–065–21361–0000–
3. 108 000 000
4. Reeves Lewenthal
5. Francis L Clark Farm #2
6. Warsaw Township
7. Jefferson PA
8. .0 million cubic feet
9. February 20, 1980
10. National Fuel Gas Supply Corp

1. 80–16104/468
2. 37–065–21300–0000
3. 108 000 000
4. Reeves Lewenthal
5. Francis L Clark Farm #1
6. Warsaw Township
7. Fefferson, Pa
8. .0 million cubic feet
9. February 20, 1980
10. National Fuel Gas Supply Corp

1. 80–16105/537
2. 37–065–20475–0000
3. 108 000 000
4. J & J Enterprises Inc
5. Donald Croasman #5 Jef–475R
6. Perry
7. Jefferson, Pa
8. 3.0 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80–16106/3987
2. 37–063–24869–0000
3. 103 000 000
4. P & G Exploration Inc
5. Fred Rapach Ind–24869
6. Cherryhill
7. Indiana, Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp

1. 80–16107/3988
2. 37–063–24698–0000
3. 103 000 000
4. P & G Exploration Inc
5. Fred Rapach Inc–24696
6. Cherryhill
7. Indiana, Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp

1. 80–16108/4079
2. 37–065–21858–0000
3. 103 000 000
4. Watson & Swanson Inc/Doran & Assoc
5. Richard Shaffner #1 K–B–43
6. Polk
7. Jefferson, Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. National Fuel Gas Co

1. 80–16109/4077
2. 37–065–21823–0000
3. 103 000 000
4. Doran & Associates Inc
5. J A Organ #1 K–L–197
6. Bell
7. Jefferson, Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. T W Phillips Gas & Oil Co.

1. 80–16110/3621
2. 37–049–20758–0000
3. 103 000 000
4. Envirogas Inc
5. Harry Bowser #1
6. North East
7. Erie, Pa
8. 18.0 million cubic feet
9. February 20, 1980
10. National Fuel Gas Supply Corp

1. 80–16111/3623
2. 37–049–20734–0000
3. 103 000 000
4. Envirogas Inc
5. A Elmer Allen #1
6. North East
7. Erie, Pa
8. 18.0 million cubic feet
9. February 20, 1980
10. National Fuel Gas Supply Corp

1. 80–16112/3653
2. 37–049–20715–0000
3. 103 000 000
4. Envirogas Inc
5. Robert Anderson #1–B
6. North East Field
7. Erie, Pa
8. 18.0 million cubic feet
9. February 20, 1980
10. National Fuel Gas Distribution Corp

1. 80–16113/3665
2. 37–063–24396–0000
3. 103 000 000
4. P & G Exploration Inc
5. Thomas Budner Ind–24396
6. Brush Valley
7. Indiana Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp

1. 80–16114/4054
2. 37–049–20766–0000
3. 103 000 000
4. Envirogas Inc
5. Lloyd Bashaw #1
6. North East
7. Erie, Pa
8. 18.0 million cubic feet
9. February 20, 1980
10. National Fuel Gas Supply Corp

1. 80–16115/4055
2. 37–049–20676–0000
3. 103 000 000
4. Envirogas Inc
5. Lloyd Bashaw #2
6. North East
7. Erie, Pa
8. 18.0 million cubic feet
9. February 20, 1980
10. National Fuel Gas Supply Corp

1. 80–16116/4056
2. 37–049–20757–0000
3. 103 000 000
4. Envirogas Inc
5. X Meehl #2
6. North East
7. Erie, Pa
8. 18.0 million cubic feet
9. February 20, 1980
10. National Fuel Gas Supply Corp

1. 80–16117/4057
2. 37–049–20758–0000
3. 103 000 000
4. Envirogas Inc
5. X Meehl #3
6. North East
7. Erie Pa
8. 18.0 million cubic feet
9. February 20, 1980
10. National Fuel Gas Supply Corp

1. 80–16118/4058
2. 37–063–25075–0000
3. 103 000 000
4. Phillips Production Co
5. Lisle H Walker #3
6.
7. Indiana, Pa
8. 35.0 million cubic feet
9. February 20, 1980
10.

1. 80–16119/4059
2. 37–063–25068–0000
3. 103 000 000
4. Phillips Production Co
5. William E Anderson #2
6.
7. Indiana, Pa
8. 25.0 million cubic feet
9. February 20, 1980
10.

1. 80–16120/4060
2. 37–063–25088–0000
3. 103 000 000
4. Phillips Production Co
5. William E. Anderson #3
6.
7. Indiana, Pa
8. 70.0 million cubic feet
9. February 20, 1980
10.

1. 80–16121/4061
2. 37–063–25085–0000
3. 103 000 000

V45/57 MR 21 80 UMI

4. Phillips Production Co
5. Bernard B Buterbaugh Et Ux #1
6.
7. Indiana, Pa
8. 40.0 million cubic feet
9. February 20, 1980
10.

1. 80-16122/4062
2. 37-063-24388-0000
3. 103 000 000
4. Doran & Associates Inc
5. R E Schlabach #2 K-L-141
6. West Mahoning
7. Indiana, Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. T W Phillips Gas & Oil Co

1. 80-16123/4063
2. 37-129-21484-0000
3. 103 000 000
4. Doran & Associates Inc
5. M Stahlman #2 (86A) K-R-2
6. Loyalhanna
7. Westmoreland, Pa
8. 30.0 on cubic feet
9. February 20, 1980
10. T W Phillips Gas & Oil Co

1. 80-16124/4064
2. 37-129-21395-0000
3. 103 000 000
4. Doran & Associates Inc
5. C Seanor #3 K-L-213
6. Loyalhanna
7. Westmoreland, Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. T W Phillips Gas & Oil Co

1. 80-16125/4065
2. 37-129-21482-0000
3. 103 000 000
4. Doran & Associates Inc
5. M Stahlman #1 (19.9A) K-R-3
6. Loyalhanna
7. Westmoreland, Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. T W Phillips Gas & Oil Co

1. 80-16126/4066
2. 37-065-21780-0000
3. 103 000 000
4. Doran & Associates Inc
5. E R Kuntz #2 K-L-164
6. Henderson
7. Jefferson, Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80-16127/4067
2. 37-129-21478-0000
3. 103 000 000
4. Doran & Associates Inc
5. M Levine #1 K-L-248
6. Loyalhanna
7. Westmoreland, Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. Peoples Natural Gas Co

1. 80-16128/4068
2. 37-065-21822-0000
3. 103 000 000
4. Doran & Associates Inc
5. J Raczka #2 K-L-203
6. Bell
7. Jefferson, Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80-16129/4069
2. 37-129-21529-0000
3. 103 000 000
4. Doran & Associates Inc
5. Lenora H Beatty #1 K-R-6
6. Loyalhanna
7. Westmoreland, Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. T W Phillips Gas & Oil Co

1. 80-16130/4070
2. 37-129-21522-0000
3. 103 000 000
4. Doran & Associates Inc
5. J T Compton #1 K-R-5
6. Loyalhanna
7. Westmoreland, Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. T W Phillips Gas & Oil Company

1. 80-16131/4071
2. 37-129-21534-0000
3. 103 000 000
4. Doran & Associates Inc
5. R N Obradovich #1 K-L-189
6. Bell
7. Westmoreland, Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. T W Phillips Gas & Oil Co

1. 80-16132/4072
2. 37-005-22197-0000
3. 103 000 000
4. Doran & Associates Inc
5. L Baker #2 K-L-177
6. Kiskiminetas
7. Armstrong, Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. Peoples Natural Gas Co

1. 80-16133/4073
2. 37-005-22239-0000
3. 103 000 000
4. Doran & Associates Inc
5. E Samosky #2 K-L-174
6. Cowanshannock
7. Armstrong, Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. Peoples Natural Gas Corp

1. 80-16134/4074
2. 37-065-21783-0000
3. 103 000 000
4. Doran & Associates Inc
5. D Grube #1 K-L-204
6. Bell
7. Jefferson Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. T W Phillips Gas & Oil Co

1. 80-16135/4075
2. 37-063-24477-0000
3. 103 000 000
4. Doran & Associates Inc
5. R P Ginter #2 K-L-177
6. Center
7. Indiana Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. Peoples Natural Gas Co

1. 80-16136/4076
2. 37-063-24505-0000
3. 103 000 000
4. Doran & Associates Inc
5. G Mack #1 K-L-199
6. Center
7. Indiana Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. Peoples Natural Gas Company

1. 80-16137/4078
2. 37-065-21834-0000
3. 103 000 000
4. Doran & Associates Inc
5. Dale Whelpley #1 K-B-20
6. Snyder
7. Jefferson Pa
8. .0 million cubic feet
9. February 20, 1980
10. National Fuel Gas Co

1. 80-16138/4080
2. 37-065-21880-0000
3. 103 000 000
4. Doran & Associates Inc
5. George J Weisner #1 K-B-37
6. Snyder
7. Jefferson Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. National Fuel Gas Co

1. 80-16139/4081
2. 37-065-21890-0000
3. 103 000 000
4. Doran & Associates Inc
5. Louis Notto #1 K-C-38
6. Winslow
7. Jefferson Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. National Fuel Gas Co

1. 80-16140/4082
2. 37-063-24824-0000
3. 103 000 000
4. J & J Enterprises Inc
5. Fred A Musser #3-61
6. Montgomery
7. Indiana Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80-16141/4083
2. 37-063-24792-0000
3. 103 000 000
4. J & J Enterprises Inc
5. Fred A Musser #1-120A
6. Montgomery
7. Indiana Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80-16142/4084
2. 37-063-24823-0000
3. 103 000 000
4. J & J Enterprises Inc
5. Fred A Musser #2-61
6. Montgomery
7. Indiana Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80-16143/4085
2. 37-063-25014-0000
3. 103 000 000
4. Phillips Production Co
5. Jack E. Mock et ux #1
6.
7. Indiana Pa

8. 55.0 million cubic feet
9. February 20, 1980
10.

1. 80-16144/4092
2. 37-063-25015-0000
3. 103 000 000
4. Phillips Production Co
5. Jack E Mock Et Ux #2
6.
7. Indiana Pa
8. 30.0 million cubic feet
9. February 20, 1980
10.

1. 80-16145/4117
2. 37-063-24707-0000
3. 103 000 000
4. P & G Exploration Inc
5. Fred Rapach Ind-24707
6. Rayne Twp
7. Indiana Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp

1. 80-16146/4118
2. 37-063-24697-0000
3. 103 000 000
4. P & G Exploration Inc
5. Fred Rapach Ind-24697
6. Cherryhill
7. Indiana Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp

1. 80-16147/177
2. 37-065-21778-0000
3. 108 000 000
4. Bur Man Oil and Gas
5.
6. Knoxdale
7. Jefferson Pa
8. 1.5 million cubic feet
9. February 20, 1980
10. National Fuel Gas Supply Corp

1. 80-16148/435
2. 37-033-20295-0000
3. 108 000 000
4. J & J Enterprises Inc
5. Country Club Pool No 2 CLE-20295
6. Boone Mountain (Clear Run)
7. Clearfield Pa
8. 9.2 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80-16149/436
2. 37-033-20294-0000
3. 108 000 000
4. J & J Enterprises Inc
5. Country Club Pool No 1 CLE-20294
6. Boone Mountain (Clear Run)
7. Clearfield Pa
8. 2.8 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80-16150/437
2. 37-033-20312-0000
3. 108 000 000
4. J & J Enterprises Inc
5. Country Club Pool No 3 CLE-20312
6. Boone Mountain (Clear Run)
7. Clearfield Pa
8. 4.1 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80-16151/438
2. 37-033-20272-0000
3. 108 000 000
4. J & J Enterprises Inc
5. Green Glen Sandy #1 CLE-20272
6. Boone Mountain (Clear Run)
7. Clearfield Pa
8. .4 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80-16152/439
2. 37-033-20302-0000
3. 108 000 000
4. J & J Enterprises
5. Green Glen Sandy #4 CLE-20302
6. Boone Mountain (Clear Run)
7. Clearfield Pa
8. 4.1 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80-16153/440
2. 37-033-20275-0000
3. 108 000 000
4. J & J Enterprises Inc
5. Green Glen Sandy #2 CLE-20275
6. Boone Mountain (Clear Run)
7. Clearfield Pa
8. 7.8 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80-16154/441
2. 37-033-20281-0000
3. 108 000 000
4. J & J Enterprises Inc
5. Green Glen Sandy #3 CLE-20281
6. Boone Mountain (Clear Run)
7. Clearfield Pa
8. 6.6 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80-16155/700
2. 37-065-21368-0000
3. 108 000 000
4. J & J Enterprises Inc
5. R & P Coal Co #20 JEF-21368
6. Henderson
7. Jefferson Pa
8. 3.0 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80-16156/701
2. 37-065-21376-0000
3. 108 000 000
4. J & J Enterprises Inc
5. R&P #13 JEF-21376
6. McCalmont
7. Jefferson Pa
8. 18.0 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80-16157/702
2. 37-065-21366-0000
3. 108 000 000
4. J & J Enterprises Inc
5. R&P #25 JEF-21366
6. McCalmont
7. Jefferson Pa
8. 18.0 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp

1. 80-16158/1037
2. 37-033-20625-0000
3. 103 000 000
4. Consolidated Gas Supply Corp
5. James Mitchell EST WN-1561
6. Irish Run 348275
7. Clearfield Pa
8. 96.0 million cubic feet
9. February 20, 1980
10. General System Purchasers

1. 80-16159/1038
2. 37-065-21532-0000
3. 103 000 000
4. Consolidated Gas Supply Corp
5. Gourley S Bair WN-1570
6. Big Run-Rochester Mills 063423
7. Jefferson Pa
8. 34.0 million cubic feet
9. February 20, 1980
10. General System Purchasers

1. 80-16160/1040
2. 37-065-21414-0000
3. 103 000 000
4. Consolidated Gas Supply Corp
5. M B Sawyer WN-1571
6. Big Run-Rochester Mills 063423
7. Jefferson Pa
8. 79.0 million cubic feet
9. February 20, 1980
10. General System Purchasers

1. 80-16161/1041
2. 37-063-23963-0000
3. 103 000 000
4. Consolidated Gas Supply Corp
5. J L Winebark WN-1443
6. Big Run-Rochester Mills 063423
7. Indiana Pa
8. 71.0 million cubic feet
9. February 20, 1980
10. General System Purchasers

1. 80-16162/1042
2. 37-063-23746-0000
3. 103 000 000
4. Consolidated Gas Supply Corp
5. 1st Natl Bank of Indiana WN-1575
6. Big Run-Rochester Mills 063423
7. Indiana Pa
8. 85.0 million cubic feet
9. February 20, 1980
10. General System Purchasers

1. 80-16163/1043
2. 37-063-23673-0000
3. 103 000 000
4. Consolidated Gas Supply Corp
5. V M Wachob WN-1568
6. Big Run-Rochester Mills 063423
7. Indiana Pa
8. 42.0 million cubic feet
9. February 20, 1980
10. General System Purchasers

1. 80-16164/1050
2. 37-033-20648-0000
3. 103 000 000
4. Consolidated Gas Supply Corp
5. H Hartzfeld WN-1574
6. Salem 625030
7. Clearfield Pa
8. 25.0 million cubic feet
9. February 20, 1980
10. General System Purchasers

1. 80-16165/1052
2. 37-065-21533-0000
3. 103 000 000
4. Consolidated Gas Supply Corp
5. Bruce W Poole WN-1621
6. Oliveburg 523959
7. Jefferson Pa
8. 40.0 million cubic feet
9. February 20, 1980
10. General System Purchasers

1. 80-16166/1053

V 45/57 MR 21 80 UMI

V 45/57 MR21 80 UMI

2. 37–065–21535–0000
3. 103 000 000
4. Consolidated Gas Supply Corp
5. Harry E McGee WN–1612
6. Oliveburg 523959
7. Jefferson Pa
8. 60.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16167/1054
2. 37–065–21444–0000
3. 103 000 000
4. Consolidated Gas Supply Corp
5. R & P Coal Co WN–1567
6. Soldiers Run 664915
7. Jefferson Pa
8. 26.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16168/1055
2. 37–065–21401–0000
3. 103 000 000
4. Consolidated Gas Supply Corp
5. Roch & Pgh Coal Co WN–1565
6. Soldiers Run 664915
7. Jefferson Pa
8. 33.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16169/1056
2. 37–065–21432–0000
3. 103 000 000
4. Consolidated Gas Supply Corp
5. John C Miller WN–1619
6. Soldiers Run 664915
7. Jefferson Pa
8. 53.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16170/1057
2. 37–065–21436–0000
3. 103 000 000
4. Consolidated Gas Supply Corp
5. Joseph Malone WN–1599
6. Soldiers Run 664915
7. Jefferson Pa
8. 59.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16171/1059
2. 37–033–20631–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Lois G Squires WN–1585
6. Grampian 284115
7. Clearfield Pa
8. 1.3 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16172/1060
2. 37–065–21292–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Ward B Kougher WN–1523
6. Soldiers Run 664915
7. Jefferson Pa
8. 8.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16173/1061
2. 37–033–20630–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Pirl Dush WN–1609
6. Laborde 390759
7. Clearfield Pa
8. 15.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16174/1062
2. 37–033–20662–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. A J Palumbo WN–1647
6. Tyler 724454
7. Clearfield Pa
8. 3.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16175/1063
2. 37–033–20626–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dubois Dep Nat Bank WN–1573
6. Salem 625030
7. Clearfield Pa
8. 7.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16176/1065
2. 37–065–21443–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. G W Phillips WN–1611
6. Soldiers Run 664915
7. Jefferson Pa
8. 6.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16177/1066
2. 37–065–21445–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Roch & Pitts Coal Co WN–1566
6. Soldiers Run 664915
7. Jefferson Pa
8. 19.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16178/1068
2. 37–065–21525–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. John Maslowski WN–1670
6. Soldiers Run 664915
7. Jefferson Pa
8. 3.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16179/1069
2. 37–065–21392–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Walter G Daughenbaugh WN–1562
6. Oliveburg 523959
7. Jefferson Pa
8. .6 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16180/1071
2. 37–065–21514–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Joe B London WN–1654
6. Oliveburg 523959
7. Jefferson Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16181/1072
2. 37–063–24058–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Floyd E Schrock WN–1685
6. Big Run-Rochester Mills 063423
7. Indiana Pa
8. 3.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16182/1074
2. 37–063–23194–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. W R Grayson N–1457
6. Big Run-Rochester Mills 063423
7. Indiana Pa
8. 13.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16183/1076
2. 37–063–22026–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Lindsey Coal Co N–1258
6. Big Run-Rochester Mills 063423
7. Indiana Pa
8. 16.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16184/1080
2. 37–065–21299–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. C H Miller N–1543
6. Trade City 715052
7. Clearfield Pa
8. 18.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16185/1083
2. 37–033–20587–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Kewanee Oil Co N–1477
6. Irish Run 346275
7. Clearfield Pa
8. 12.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16186/1089
2. 37–033–20545–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. A L Haag N–1336
6. Salem 625030
7. Clearfield Pa
8. 10.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16187/1090
2. 37–033–20543–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. W E Burghart N–1340
6. Salem 625030
7. Clearfield Pa
8. 1.5 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16188/1091
2. 37–033–20514–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. A C Bonsall N–1274
6. Salem 625030

7. Clearfield Pa
8. 3.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16189/1093
2. 37–065–20990–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Carl McGee N–1287
6. Oliveburg 523959
7. Jefferson Pa
8. 9.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16190/1096
2. 37–065–21279–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. H G McMillen N–1534
6. Oliveburg 523959
7. Jefferson Pa
8. 15.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16191/1100
2. 37–065–21294–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R & P Coal N–1522
6. Soldiers Run 664915
7. Jefferson Pa
8. 2.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16192/1104
2. 37–065–21301–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. G A Potras N–1544
6. Soldiers Run 664915
7. Jefferson Pa
8. 10.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16193/1106
2. 37–033–20609–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Guy Ross N–1548
6. Moshannon 487192
7. Clearfield Pa
8. 13.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16194/1107
2. 37–033–20002–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. W F Moore N–485
6. Salem 625030
7. Clearfield, Pa
8. 5.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16195/113
2. 37–033–20602–0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. L C Knarr N–1525
6. Salem 625030
7. Clearfield, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16196/1114
2. 37–065–21186–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. W B Drummond N–1432
6. Elk Run 219601
7. Jefferson, Pa
8. 1.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16197/1115
2. 37–063–21998–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R Krede N–1247
6. Big Run-Rochester Mills 063423
7. Indiana, Pa
8. 8.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16198/1116
2. 37–063–21994–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. L B Bender N–1248
6. Big Run-Rochester Mills 063423
7. Indiana, Pa
8. 9.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16199/1117
2. 37–033–20582–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Green Glen Corp N–1455
6. Sabula 623294
7. Clearfield, Pa
8. 18.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16200/1118
2. 37–033–20603–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R Nelson N–1541
6. Salem 625030
7. Clearfield, Pa
8. 14.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16201/1119
2. 37–033–20608–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. C E London N–1524
6. Salem 625030
7. Clearfield, Pa
8. 4.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16202/1127
2. 37–033–20503–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. H Chernesky N–1277
6. Salem 625030
7. Clearfield, Pa
8. 3.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16203/1128
2. 37–033–20515–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. E B Shettler N–1276
6. Salem 625030
7. Clearfield, Pa
8. 5.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16204/1129
2. 37–033–20003–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. N G Smolukas N–486
6. Salem 625030
7. Clearfield, Pa
8. 17.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16205/1131
2. 37–065–21256–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. W J McQuown N–1502
6. Big Run-Rochester Mills 063423
7. Jefferson, Pa
8. 10.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16206/1134
2. 37–065–21251–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J C Neal N–1472
6. Big Run-Rochester Mills 063423
7. Jefferson, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16207/1135
2. 37–065–21288–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R C Reiter N–1526
6. Big Run-Rochester Mills 063423
7. Jefferson, Pa
8. 11.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16208/1136
2. 37–063–23237–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R J Calhoun N–1461
6. Big Run-Rochester Mills 063423
7. Indiana, Pa
8. 9.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16209/1137
2. 37–063–23188–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. W H Jones N–1460
6. Big Run-Rochester Mills 063423
7. Indiana, Pa
8. 12.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16210/1138
2. 37–063–23251–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. A Pollock Hrs N–1475
6. Big Run-Rochester Mills 063423
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16211/1145

2. 37–033–20583–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. F W Antes N–1453
6. Big Run-Rochester Mills 063423
7. Clearfield, Pa
8. 21.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16212/1153
2. 37–065–21201–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Enoch Yohe N–1449
6. Soldiers Run 664915
7. Jefferson, Pa
8. 4.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16213/1160
2. 37–063–22028–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. W H Fleming N–1286
6. Big Run-Rochester Mills 063423
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16214/1161
2. 37–063–22031–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. W H Jones N–1270
6. Big Run-Rochester Mills 063423
7. Indiana, Pa
8. 11.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16215/1162
2. 37–065–20992–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. C H Walls N–1286
6. Big Run-Rochester Mills 063423
7. Jefferson, Pa
8. 2.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16216/1164
2. 37–063–22472–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Farmers & Miners Tr Co N–1330
6. Big Run-Rochester Mills 063423
7. Indiana, Pa
8. 17.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16217/1166
2. 37–065–21206–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J H Shepler N–1456
6. Big Run-Rochester Mills 063423
7. Jefferson, Pa
8. 3.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16218/1171
2. 37–065–01031–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R Reiter N–1337
6. Big Run-Rochester Mills 063423
7. Jefferson, Pa
8. 10.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16219/1172
2. 37–063–22017–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. T Dymond N–1284
6. Big Run-Rochester Mills 063423
7. Indiana, Pa
8. 7.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16220/1173
2. 37–063–22011–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Clearfield Bit Coal N–1259
6. Big Run-Rochester Mills 063423
7. Indiana, Pa
8. 9.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16221/1174
2. 37–063–22013–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. G M Neal N–1282
6. Big Run-Rochester Mills 063423
7. Indiana, Pa
8. 6.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16222/1175
2. 37–063–22021–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. E A Dunmire N–1280
6. Big Run-Rochester Mills 063423
7. Indiana, Pa
8. 14.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16223/1176
2. 37–065–21043–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. A L Keaton N–1334
6. Big Run-Rochester Mills 063423
7. Jefferson, Pa
8. 12.0 million cubic feet
9. February 20, 1980
10. General System Purchasers
1. 80–16224/1799
2. 37–125–21151–0000
3. 103 000 000
4. Scott and Hussing
5. Jones & Laughlin Steel Corp #105
6. California
7. Washington, Pa
8. 45.0 million cubic feet
9. February 20, 1980
10. Columbia Gas of Pennsylvania Inc.
1. 80–16225/3894
2. 37–063–24076–0000
3. 103 000 000
4. C & N Co
5. Russell A Spanard #2–Ind–24076
6. Young
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16226/3895
2. 37–063–24075–0000
3. 103 000 000
4. C & N Co
5. Russell A Spanard #3–Ind–24075
6. Young
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16227/3896
2. 37–063–24863–0000
3. 103 000 000
4. C & N Co
5. Indiana Country Club #1–Ind–24863
6. White
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16228/3897
2. 37–063–24864–0000
3. 103 000 000
4. C & N Co
5. Indiana Country Club #2–Ind–24864
6. White
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16229/3898
2. 37–063–24865–0000
3. 103 000 000
4. C & N Co
5. Indiana Country Club #3–Ind–24865
6. White
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16230/3899
2. 37–063–24866–0000
3. 103 000 000
4. C & N Co
5. Indiana Country Club #4–Ind–24866
6. White
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16231/3900
2. 37–063–24812–0000
3. 103 000 000
4. C & N Co
5. Colonial Land Co #1–Ind–24812
6. White
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16232/3901
2. 37–063–24813–0000
3. 103 000 000
4. C & N Co
5. Colonial Land Co #2–Ind–24813
6. White
7. Indiana, Pa
8. 2.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16233/3902
2. 37–063–24814–0000
3. 103 000 000
4. C & N Company
5. Colonial Land Co #3–Ind–24814
6. White

7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16234/3903
2. 37–063–24815–0000
3. 103 000 000
4. C & N Co
5. Colonial Land Co #4–Ind–24815
6. White
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16235/3904
2. 37–063–24726–0000
3. 103 000 000
4. C & N Company
5. R & P Coal Co #4–Ind–24726
6. Washington
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16236/3905
2. 37–063–24727–0000
3. 103 000 000
4. C & N Company
5. R & P Coal Co #5–Ind–24727
6. Washington
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16237/3906
2. 37–063–24728–0000
3. 103 000 000
4. C & N Co
5. R & P Coal Co #6–Ind–24728
6. Washington
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16238/3907
2. 37–063–24729–0000
3. 103 000 000
4. C & N Co
5. R & P Coal Co #7–Ind–24729
6. Washington
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16239/3908
2. 37–063–24730–0000
3. 103 000 000
4. C & N Co
5. R & P Coal Co #8–Ind–24730
6. Washington
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16240/3909
2. 37–063–24731–0000
3. 103 000 000
4. C & N Co
5. R & P Coal Co #9–Ind–24731
6. White
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16241/3910
2. 37–063–24732–0000
3. 103 000 000
4. C & N Co
5. R & P Coal Co #10–Ind–24732
6. Washington
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16242/3911
2. 37–063–24733–0000
3. 103 000 000
4. C & N Co
5. R & P Coal Co #11–Ind–24733
6. Washington
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16243/3912
2. 37–063–24734–0000
3. 103 000 000
4. C & N Co
5. R & P Coal Co #12–Ind–24734
6. Washington
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16244/3913
2. 37–063–24735–0000
3. 103 000 000
4. C & N Co
5. R & P Coal Co #13–Ind–24735
6. Washington
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16245/3914
2. 37–063–24736–0000
3. 103 000 000
4. C & N Co
5. R & P Coal Co #14–Ind–24736
6. Washington
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16246/3931
2. 37–063–24324–0000
3. 103 000 000
4. J & J Enterprises Inc
5. Student Coop Assoc Inc #3–Ind–24324
6. White
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16247/3967
2. 37–063–24892–0000
3. 103 000 000
4. C & N Co
5. Richard F Jubie–Ind–24892
6. White
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16248/3968
2. 37–063–24891–0000
3. 103 000 000
4. C & N Co
5. William C Moretti #1–Ind–24891
6. White
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16249/3969
2. 37–063–24893–0000
3. 103 000 000
4. C & N Co
5. Dennis K Foster–Ind–24893
6. White
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16250/4001
2. 37–019–00000–0000
3. 108 000 000
4. Herman J & Jeanne M Emanuele
5. G Troutman #1
6. Butler Quarrangle I–10 N79 E36
7. Butler, Pa
8. 7.0 million cubic feet
9. February 20, 1980
10. Phillips Gas Co
1. 80–16251
2. 37–005–22366–0000
3. 103 000 000
4. J & J Enterprises Inc
5. L E George Arm–22366
6. Plum Creek
7. Armstrong, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Consolidated Gas Supply Corp
1. 80–16252/4033
2. 37–063–24540–0000
3. 103 000 000
4. C & N Co
5. Ind–24540–Russell Hoover
6. White
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16253/4034
2. 37–063–25031–0000
3. 103 000 000
4. C & N Co
5. Frank Scerbo–Ind–25031
6. White
7. Indiana, Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16254/4116
2. 37–063–24938–0000
3. 103 000 000
4. P & G Exploration Inc
5. Fred Rapach Ind–24938
6. Cherryhill
7. Indiana Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16255/4120
2. 37–063–24900–0000
3. 103 000 000
4. Union Drilling Inc
5. Kenneth G Jobe Et Ux #1 0656
6. Rayne Township
7. Indiana Pa
8. .0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp
1. 80–16256/4121

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2. 37–063–24997–0000
3. 103 000 000
4. Union Drilling Inc
5. Mabel Wissinger #1 0657
6. Rayne Township
7. Indiana Pa
8. .0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp

1. 80–16257/4122
2. 37–063–25006–0000
3. 103 000 000
4. Union Drilling Inc
5. PP & V Corp # 0658
6. Cherryhill Township
7. Indiana Pa
8. .0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp

1. 80–16258/4123
2. 37–063–24899–0000
3. 103 000 000
4. Union Drilling Inc
5. Ord Houck #1 0655
6. Rayne Township
7. Indiana Pa
8. .0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp

1. 80–16259/4124
2. 37–125–41273–0000
3. 103 000 000
4. Scott and Hussing
5. Jones & Laughlin Steel Co #129
6. Belle Vernon
7. Washington Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Columbia of Pa

1. 80–16260/4125
2. 37–125–41285–0000
3. 103 000 000
4. Scott and Hussing
5. Ray Smallwood #132
6. Belle Vernon
7. Washington Pa
8. 30.0 million cubic feet
9. February 20, 1980
10. Columbia Gas Transmission Corp

1. 80–16261/4126
2. 37–063–44830–0000
3. 103 000 000
4. Scott and Hussing
5. Roy A Orr #2 #126
6. Plum Creek
7. Indiana Pa
8. 20.0 million cubic feet
9. February 20, 1980
10. Bethlehem Steel Corp

1. 80–16262/4127
2. 37–063–25074–0000
3. 103 000 000
4. Phillips Production Co
5. William V. Spurlin et ux #2
6.
7. Indiana Pa
8. 45.0 million cubic feet
9. February 20, 1980
10.

1. 80–16263/4128
2. 37–063–25100–0000
3. 103 000 000
4. Phillips Production Co
5. William A George et al #2
6.
7. Indiana Pa
8. 30.0 million cubic feet
9. February 20, 1980
10.

1. 80–16264/4129
2. 37–063–25130–0000
3. 103 000 000
4. Phillips Production Co
5. Robert L Parrish et ox #2
6.
7. Indiana Pa
8. 75.0 million cubic feet
9. February 20, 1980
10.

1. 80–16265/4130
2. 37–063–25129–0000
3. 103 000 000
4. Phillips Production Co
5. Robert L Parrish et ux #1
6.
7. Indiana Pa
8. 60.0 million cubic feet
9. February 20, 1980
10.

West Virginia Department of Mines; Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–16025
2. 47–059–20934–0000
3. 108 000 000
4. Boyd O & G Inc
5. Boyd O & G Inc #10
6. Harvey
7. Mingo WV
8. .8 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corp

1. 80–16026
2. 47–079–20313–0000
3. 108 000 000
4. Boyd O & G Inc
5. Boyd O & G Inc #X–40–7270
6. Poca
7. Putnam WV
8. 4.0 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corp

1. 80–16027
2. 47–007–00305–D000
3. 108 000 000
4. Chrisman Drilling Co
5. J M Hosey #1
6. Otter District
7. Braxton WV
8. 6.5 million cubic feet
9. February 19, 1980
10. George Jackson

1. 80–16028
2. 47–007–00307–0000
3. 108 000 000
4. Chrisman Drilling Co
5. D J Moyers #1 235 A
6. Otter District
7. Braxton WV
8. 4.0 million cubic feet
9. February 19, 1980
10. George Jackson

1. 80–16029
2. 47–007–00309–0000
3. 108 000 000
4. Chrisman Drilling Co
5. D J Moyers #2—235 A
6. Otter District
7. Braxton WV
8. 5.0 million cubic feet
9. February 19, 1980
10. George Jackson

1. 80–16030
2. 47–007–01101–0000
3. 108 000 000
4. Chrisman Drilling Co
5. D J Moyers #4
6. Otter District
7. Braxton WV
8. 5.0 million cubic feet
9. February 19, 1980
10. George Jackson

1. 80–16031
2. 47–007–00269–0000
3. 108 000 000
4. George Jackson
5. Arlan W Berry et al #1
6. Otter District
7. Braxton WV
8. 6.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Co

1. 80–16032
2. 47–007–00284–0000
3. 108 000 000
4. George Jackson
5. Howell #2
6. Otter District
7. Braxton WV
8. 5.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Co

1. 80–16033
2. 47–007–00285–0000
3. 108 000 000
4. George Jackson
5. Howell #3
6. Otter District
7. Braxton WV
8. 1.5 million cubic feet
9. February 19, 1980
10. Equitable Gas Co

1. 80–16034
2. 47–007–00320–0000
3. 108 000 000
4. George Jackson
5. Bosley #1
6. Otter District
7. Braxton WV
8. 2.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Co.

1. 80–16035
2. 47–007–00688–0000
3. 108 000 000
4. George Jackson
5. W B Moyers #3
6. Otter District
7. Braxton WV
8. 2.5 million cubic feet
9. February 19, 1980
10. Equitable Gas Co.

1. 80–16036
2. 47–007–00692–0000
3. 108 000 000
4. George Jackson
5. W B Moyers #4
6. Otter District
7. Braxton WV
8. 3.5 million cubic feet
9. February 19, 1980
10. Equitable Gas Co.

1. 80–16037
2. 47–007–00991–0000
3. 108 000 000
4. George Jackson
5. W C Gerwig #1
6. Otter District
7. Braxton WV
8. 9.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Co.

1. 80–16038
2. 47–015–00500–0000
3. 108 000 000
4. George Jackson
5. Elk River Coal & Lumber Co #1
6. Buffalo District
7. Clay WV
8. 1.5 million cubic feet
9. February 19, 1980
10. Equitable Gas Co.

1. 80–16039
2. 47–017–01147–0000
3. 108 000 000
4. George Jackson
5. Harman Smith ET AL #2–1
6. Central District
7. Doddridge WV
8. 1.5 million cubic feet
9. February 19, 1980
10. Equitable Gas Co.

1. 80–16040
2. 47–017–01287–0000
3. 108 000 000
4. George Jackson
5. Harman Smith ET AL #4–3
6. Central District
7. Doddridge WV
8. 1.5 million cubic feet
9. February 19, 1980
10. Equitable Gas Co.

1. 80–16041
2. 47–017–01422–0000
3. 108 000 000
4. George Jackson
5. Harman Smith ET AL #3–2
6. Central District
7. Doddridge WV
8. 1.5 million cubic feet
9. February 19, 1980
10. Equitable Gas Co.

1. 80–16042
2. 47–021–00809–0000
3. 108 000 000
4. George Jackson
5. M E Gainer #1
6. Dekalb District
7. Gilmer WV
8. 3.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Co.

1. 80–16043
2. 47–041–00301–0000
3. 108 000 000
4. George Jackson
5. E C Francis #1
6. Skin Creek District
7. Lewis WV
8. 5.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Co.

1. 80–16044
2. 47–041–00310–0000
3. 108 000 000
4. George Jackson
5. Wm E Bott #1
6. Skin Creek District
7. Lewis WV
8. 2.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Co.

1. 80–16045
2. 47–041–00307–0000
3. 108 000 000
4. George Jackson
5. J Ralph Jones Hrs #1
6. Skin Creek District
7. Lewis WV
8. 4.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Co.

1. 80–16046
2. 47–085–01614–0000
3. 108 000 000
4. George Jackson
5. J M Boyce #1
6. Union District
7. Ritchie WV
8. 2.5 million cubic feet
9. February 19, 1980
10. Equitable Gas Co.

1. 80–16047
2. 47–097–00418–0000
3. 108 000 000
4. George Jackson
5. Edward Hinzman #1
6. Buckhannon District
7. Upshur WV
8. 1.2 million cubic feet
9. February 19, 1980
10. Equitable Gas Co.

1. 80–16048
2. 47–097–00422–0000
3. 108 000 000
4. George Jackson
5. Lillian L Taylor #1
6. Buckhannon District
7. Upshur WV
8. 5.5 million cubic feet
9. February 19, 1980
10. Equitable Gas Co.

1. 80–16049
2. 47–097–00440–0000
3. 108 000 000
4. George Jackson
5. Madge Smith #1
6. Buckhannon District
7. Upshur WV
8. 5.5 million cubic feet
9. February 19, 1980
10. Equitable Gas Co.

1. 80–16050
2. 47–097–00455–0000
3. 108 000 000
4. George Jackson
5. J L Krise #1
6. Buckhannon District
7. Upshur WV
8. 3.4 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–16051
2. 47–017–01490–0000
3. 108 000 000
4. Robert Weeks
5. Cox Well #5
6. Auburn WV
7. Doddridge WV
8. 1.9 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–16052
2. 47–017–01494–0000
3. 108 000 000
4. Robert Weeks
5. Czigans Well #1
6. Auburn
7. Doddridge WV
8. .0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–16053
2. 47–017–01503–0000
3. 108 000 000
4. Robert Weeks
5. Czigans Well #2
6. Auburn
7. Dodderidge WV
8. .0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–16054
2. 47–017–01510–0000
3. 108 000 000
4. Robert Weeks
5. Czigans Well #3
6. Auburn
7. Doddridge WV
8. 1.3 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–16055
2. 47–017–01511–0000
3. 108 000 000
4. Robert Weeks
5. Leeson Well
6. Auburn
7. Doddridge WV
8. .0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–16056
2. 47–021–01314–0000
3. 108 000 000
4. Robert Weeks
5. H M Furr Well #1
6. Taney Field
7. Eilmon WV
8. 2.6 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–16057
2. 47–085–03152–0000
3. 108 000 000
4. Robert Weeks
5. Taylor Well #3
6. Auburn
7. Ritchie WV
8. 8.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–16058
2. 47–085–03162–0000
3. 108 000 000
4. Robert Weeks
5. Taylor Well #2
6. Auburn

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7. Ritchie WV
8. 8.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–16059
2. 47–085–03168–0000
3. 108 000 000
4. Robert Weeks
5. Taylor Well #1
6. Auburn
7. Ritchie WV
8. 8.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–16060
2. 47–085–03203–0000
3. 108 000 000
4. Robert Weeks
5. W H Lipscomb Heirs #1
6. Auburn
7. Ritchie WV
8. 3.3 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Co

1. 80–16061
2. 47–017–20277–0000
3. 108 000 000
4. Hugh Spencer
5. George E Blanc #1
6. New Milton District
7. Doddridge WV
8. 2.3 million cubic feet
9. February 19, 1980
10. Cities Service Oil Co

1. 80–16062
2. 47–017–20611–0000
3. 108 000 000
4. Hugh Spencer
5. Frank Ash #3 Well
6. West Union District
7. Doddridge WV
8. .5 million cubic feet
9. February 19, 1980
10. Equitable Gas Co

1. 80–16063
2. 47–017–20287–0000
3. 108 000 000
4. Hugh Spencer
5. George Bland #2
6. New Milton District
7. Doddridge WV
8. 1.0 million cubic feet
9. February 19, 1980
10. Cities Service Oil Co

1. 80–16064
2. 47–033–00243–0000
3. 108 000 000
4. Hugh Spencer
5. A J Reynolds
6. Eagle District
7. Harrison WV
8. 1.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–16065
2. 47–041–01950–0000
3. 108 000 000
4. Hugh Spencer
5. Ralph B Smith #1
6. Court House District
7. Lewis WV
8. 10.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–16066
2. 47–017–00397–0000
3. 108 000 000
4. Hugh Spencer
5. J M McKinney #1
6.
7. Doddridge WV
8. .6 million cubic feet
9. February 19, 1980
10. Equitable Gas Co

1. 80–16067
2. 47–017–00886–0000
3. 108 000 000
4. Hugh Spencer
5. Frank Ash #4 Well
6. West Union District
7. Doddridge WV
8. 2.5 million cubic feet
9. February 19, 1980
10. Equitable Gas Co

1. 80–16068
2. 47–017–01051–0000
3. 108 000 000
4. Hugh Spencer
5. W R Smith #3
6. Central District
7. Doddridge WV
8. .7 million cubic feet
9. February 19, 1980
10. Equitable Gas Co

1. 80–16069
2. 47–017–01100–0000
3. 108 000 000
4. Hugh Spencer
5. W R Smith #2
6. Central District
7. Doddridge WV
8. .7 million cubic feet
9. February 19, 1980
10. Equitable Gas Co

1. 80–16070
2. 47–017–01191–0000
3. 108 000 000
4. Hugh Spencer
5. W R Smith #4
6. Central District
7. Doddridge WV
8. .7 million cubic feet
9. February 19, 1980
10. Equitable Gas Co

1. 80–16071
2. 47–041–00329–0000
3. 108 000 000
4. Hugh Spencer
5. Thomas G Kraus #1
6. Freemans Creek District
7. Lewis WV
8. 14.0 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Co

1. 80–16072
2. 47–041–00371–0000
3. 108 000 000
4. Hugh Spencer
5. N G Lamb #1
6. Freemans Creek District
7. Lewis WV
8. 3.0 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Co

1. 80–16073
2. 47–041–0407–0000
3. 108 000 000
4. Hugh Spencer
5. O C Mick #1
6.
7. Lewis WV
8. 1.8 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Co

1. 80–16266
2. 47–005–00442–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Coal Co Farm #15–52
6.
7. Boone WV
8. 5.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16267
2. 47–005–00704–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. R P Chem Farm #3–70
6.
7. Boone WV
8. .5 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16268
2. 47–005–00730–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Coal Co Farm #27–73
6.
7. Boone WV
8. 3.3 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16269
2. 47–005–00761–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Coal Co Farm #29–78
6.
7. Boone WV
8. 6.7 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16270
2. 47–005–00773–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Kelly Kerns Farm #1–80
6.
7. Boone WV
8. 3.5 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16271
2. 47–005–00797–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Coal Co Farm #30–83
6.
7. Boone WV
8. 5.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16272
2. 47–005–00804–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. George Byrnsides Farm #2–84
6.
7. Boone WV
8. 1.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16273

2. 47–005–00445–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Oil & Gas Farm #5–53
6.
7. Boone WV
8. 1.9 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16274
2. 47–005–00456–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Coal Co Farm #16–54
6.
7. Boone WV
8. 8.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16275
2. 47–005–00465–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Oil & Gas Farm #6–55
6.
7. Boone WV
8. 6.2 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16276
2. 47–005–00466–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Coal Co Farm #17–56
6.
7. Boone WV
8. 8.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16277
2. 47–005–00480–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Oil & Gas Farm #7–57
6.
7. Boone WV
8. 1.6 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16278
2. 47–005–00488–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Coal Co Farm #18–58
6.
7. Boone WV
8. 4.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16279
2. 47–005–00502–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Oil & Gas Farm #8–59
6.
7. Boone WV
8. 3.2 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16280
2. 47–005–00525–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Coal Co Farm #19–60
6.
7. Boone WV
8. 3.5 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16281
2. 47–005–00533–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Oil & Gas Farm #9–61
6.
7. Boone WV
8. 1.6 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16282
2. 47–005–00667–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. R P Chem Farm #1–68
6.
7. Boone WV
8. 6.2 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16283
2. 47–005–00435–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Oil & Gas Farm #4–51
6.
7. Boone WV
8. 4.2 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16284
2. 47–005–00430–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Coal Co Farm #14–50
6.
7. Boone WV
8. 6.5 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16285
2. 47–005–00411–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Oil & Gas Farm #2–33
6.
7. Boone WV
8. 3.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16286
2. 47–005–00424–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Oil & Gas Farm #3–34
6.
7. Boone WV
8. 7.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16287
2. 47–085–23002–0000
3. 108 000 000
4. L E Mossor
5. Ford Snodgrass #1
6. Ford Snodgrass Gas Co
7. Ritchie WV
8. .2 million cubic feet
9. February 21, 1980
10. Southern Development Co

1. 80–16288
2. 47–005–00581–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Coal Co Farm #22–64
6.
7. Boone WV
8. 2.7 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16289
2. 47–005–00600–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Coal Co Farm #23–65
6.
7. Boone WV
8. 4.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16290
2. 47–005–00898–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Skinner & Zerkles Earl Ward No 1
6.
7. Boone WV
8. 4.0 million cubic feet
9. February 21, 1980
10. Columbia Gas Transmission Corp

1. 80–16291
2. 47–005–00159–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Cole & Crane Real Est Trust #10
6.
7. Boone WV
8. 2.4 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16292
2. 47–005–00177–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Cole & Crane Real Est Trust #11
6.
7. Boone WV
8. 4.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16293
2. 47–005–00198–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Cole & Crane Farm #17
6.
7. Boone WV
8. 1.5 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16294
2. 47–005–00208–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Cole & Crane Real Est Trust #23
6.
7. Boone WV
8. 5.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp

1. 80–16295
2. 47–005–00223–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Cole & Crane Farm #15
6.

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7. Boone WV
8. 1.5 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp
1. 80–16296
2. 47–005–00245–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Cole & Crane Real Est Trust #18
6.
7. Boone WV
8. 3.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp
1. 80–16297
2. 47–005–00258–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Cole & Crane Real Est Trust #19
6.
7. Boone WV
8. 2.5 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp
1. 80–16298
2. 47–005–00354–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Cole & Crane Real Est Trust #26
6.
7. Boone WV
8. 3.5 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp
1. 80–16299
2. 47–005–00365–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Cole & Crane Farm #27
6.
7. Boone WV
8. 3.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp
1. 80–16300
2. 47–005–00404–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Oil & Gas Co Farm #1–32
6.
7. Boone WV
8. 2.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp
1. 80–16301
2. 47–085–21828–0000
3. 108 000 000
4. L E Mossor
5. Mullenax #1
6. A F Mullenax
7. Ritchie WV
8. 2.0 million cubic feet
9. February 21, 1980
10. Carnegia Gas Company
1. 80–16302
2. 47–085–21627–0000
3. 108 000 000
4. L E Mossor
5. Alva Davis #1
6. Alva Davis
7. Ritchie WV
8. 1.5 million cubic feet
9. February 21, 1980
10. Carnegia Gas Company
1. 80–16303
2. 47–085–22817–0000
3. 108 000 000
4. L E Mossor
5. King #4
6. Hazel Hardbarger
7. Ritchie WV
8. 1.9 million cubic feet
9. February 21, 1980
10. Carnegia Gas Company
1. 80–16304
2. 47–085–23019–0000
3. 108 000 000
4. L E Mossor
5. Mitchell #3
6. Mitchell #3
7. Ritchie WV
8. 4.5 million cubic feet
9. February 21, 1980
10. Carnegia Gas Company
1. 80–16305
2. 47–085–23020–0000
3. 108 000 000
4. L E Mossor
5. Mitchell #4
6. Mitchell #4
7. Ritchie WV
8. 4.5 million cubic feet
9. February 21, 1980
10. Carnegia Gas Company
1. 80–16306
2. 47–085–22489–0000
3. 108 000 000
4. L E Mossor
5. Cisco Gas Company
6. Cisco Gas Company
7. Ritchie WV
8. 2.5 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp
1. 80–16307
2. 47–085–22635–0000
3. 108 000 000
4. L E Mossor
5. Cisco Gas Company
6. Cisco Gas Company
7. Ritchie WV
8. 1.3 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp
1. 80–16308
2. 47–085–23220–0000
3. 108 000 000
4. L E Mossor
5. Gregg #3
6. Della Gregg #3
7. Ritchie WV
8. 2.2 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp
1. 80–16309
2. 47–007–20245–0000
3. 108 000 000
4. L E Mossor
5. Bourne #1
6. Bourne Gas Company
7. Braxton WV
8. 2.2 million cubic feet
9. February 21, 1980
10. Equitable Gas Company
1. 80–16310
2. 47–007–20255–0000
3. 108 000 000
4. L E Mossor
5. McElwee #1
6. McElwee Gas Company
7. Braxton WV
8. .1 million cubic feet
9. February 21, 1980
10. Equitable Gas Company
1. 80–16311
2. 47–007–20278–0000
3. 108 000 000
4. L E Mossor
5. Wade #1
6. Wade Gas Co
7. Braxton WV
8. 1.5 million cubic feet
9. February 21, 1980
10. Equitable Gas Company
1. 80–16312
2. 47–007–20279–0000
3. 108 000 000
4. L E Mossor
5. Moyers #1
6. Moyers Gas Co
7. Braxton WV
8. 1.0 million cubic feet
9. February 21, 1980
10. Equitable Gas Company
1. 80–16313
2. 47–085–22883–0000
3. 108 000 000
4. L E Mossor
5. Primm #3
6. C A Primm Gas Company
7. Ritchie WV
8. 2.1 million cubic feet
9. February 21, 1980
10. Equitable Gas Company
1. 80–16314
2. 47–085–22894–0000
3. 108 000 000
4. L E Mossor
5. Primm #4
6. C A Primm Gas Company
7. Ritchie WV
8. 2.1 million cubic feet
9. February 21, 1980
10. Equitable Gas Company
1. 80–16315
2. 47–085–22801–0000
3. 108 000 000
4. L E Mossor
5. Wilson #1
6. Wilson Gas Company
7. Ritchie WV
8. 2.5 million cubic feet
9. February 21, 1980
10. Equitable Gas Company
1. 80–16316
2. 47–085–22831–0000–
3. 108 000 000
4. L E Mossor
5. Williams #1
6. Williams Gas Company
7. Ritchie WV
8. 2.0 million cubic feet
9. February 21, 1980
10. Equitable Gas Company
1. 80–16317
2. 47–085–22946–0000–
3. 108 000 000
4. L E Mossor
5. Pierce #3
6. Earl Pierce
7. Ritchie WV
8. 2.2 million cubic feet
9. February 21, 1980
10. Equitable Gas Company
1. 80–16318

2. 47–085–03404–0000–
3. 108 000 000
4. Troy A Brady Jr
5. Cora Dent #2
6. Bone Creek
7. Ritchie WV
8. 1.2 million cubic feet
9. February 21, 1980
10. Carnegie Natl Gas Co
1. 80–16319
2. 47–085–01657–0000–
3. 108 000 000
4. Troy A Brady Jr
5. T H Hall #1
6. Bone Creek
7. Ritchie WV
8. 3.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply
1. 80–16320
2. 47–085–01709–0000–
3. 108 000 000
4. Troy A Brady Jr
5. W B Sheets #1
6. Bone Creek
7. Ritchie WV
8. .5 million cubic feet
9. February 21, 1980
10. Consolidated Gas Co
1. 80–16321
2. 47–085–01733–0000–
3. 108 000 000
4. Troy A Brady Jr
5. E B Sheets #1
6. Bone Creek
7. Ritchie WV
8. 1.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Co
1. 80–16322
2. 47–085–01746–0000–
3. 108 000 000
4. Troy A Brady Jr
5. E B Sheets #2
6. Fork Bone Creek
7. Ritchie WV
8. 1.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Co
1. 80–16323
2. 47–085–01938–0000–
3. 108 000 000
4. Troy A Brady Jr
5. O R Sommerville #1
6. Bone Creek
7. Ritchie WV
8. 2.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Co
1. 80–16324
2. 47–085–01973–0000–
3. 108 000 000
4. Troy A Brady Jr
5. W B Sheets #2
6. Bone Creek
7. Ritchie WV
8. 5.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Co
1. 80–16325
2. 47–085–02187–0000–
3. 108 000 000
4. Troy A Brady Jr
5. James L Sheets #2
6. Bone Creek
7. Ritchie WV
8. .1 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply
1. 80–16326
2. 47–007–01034–0000–
3. 108 000 000
4. Braxton Oil and Gas Corp
5. Earl Barker No 1
6. Chapel-German
7. Braxton WV
8. .0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp
1. 80–16327
2. 47–007–01078–0000–
3. 108 000 000
4. Braxton Oil and Gas Corp
5. Rachel Barker No 1
6. Chapel-German
7. Braxton WV
8. 21.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp
1. 80–16328
2. 47–007–01115–0000–
3. 108 000 000
4. Braxton Oil and Gas Corp
5. Baptist Home No 1
6. Aspinall-Finster
7. Braxton WV
8. .0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp
1. 80–16329
2. 47–007–01129–0000–
3. 108 000 000
4. Braxton Oil and Gas Corp
5. Amos No 1
6. Heaters
7. Braxton WV
8. 13.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply Corp
1. 80–16630
2. 47–085–03400–0000–
3. 108 000 000
4. Troy A Brady Jr
5. Cora Dent #1
6. Bone Creek
7. Ritchie WV
8. 1.2 million cubic feet
9. February 21, 1980
10. Carnegie Natural Gas Co
1. 80–16331
2. 47–085–03697–0000–
3. 108 000 000
4. Troy A Brady Jr
5. Shirley & Forrest Pribble #5
6. Patton Run
7. Ritchie WV
8. 3.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply
1. 80–16332
2. 47–085–03623–0000–
3. 108 000 000
4. Troy A Brady Jr
5. Shirley & Forrest Pribble #4
6. Patton Run
7. Ritchie WV
8. 1.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply
1. 80–16333
2. 47–085–03472–0000–
3. 108 000 000
4. Troy A Brady Jr
5. E B Sheets #6
6. Bone Creek
7. Ritchie WV
8. 4.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply
1. 80–16334
2. 47–085–03600–0000–
3. 108 000 000
4. Troy A Brady Jr
5. Shirley & Forrest Pribble #2
6. Patton Run
7. Ritchie WV
8. 1.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply
1. 80–16335
2. 47–085–03607–0000–
3. 108 000 000
4. Troy A Brady Jr
5. Shirley & Forrest Pribble #3
6. Patton Run
7. Ritchie WV
8. 1.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply
1. 80–16336
2. 47–085–03409–0000–
3. 108 000 000
4. Troy A Brady Jr
5. O R Sommerville #2
6. Bone Creek
7. Ritchie WV
8. 2.0 million cubic feet
9. February 21, 1980
10. Consolidated Gas Co
1. 80–16337
2. 47–085–03414–0000–
3. 108 000 000
4. Troy A Brady Jr
5. W B Sheets #3
6. Bone Creek
7. Ritchie WV
8. 5.1 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply
1. 80–16338
2. 47–085–00319–0000–
3. 108 000 000
4. Troy A Brady Jr
5. E B Sheets #3
6. Bone Creek
7. Ritchie WV
8. 2.5 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply
1. 80–16339
2. 47–085–03439–0000–
3. 108 000 000
4. Troy A Brady Jr
5. E B Sheets #4
6. Bone Creek
7. Ritchie WV
8. 2.5 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply
1. 80–16340
2. 47–085–03464–0000–
3. 108 000 000
4. Troy A Brady Jr
5. E B Sheets #5
6. Bone Creek

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7. Ritchie WV
8. 67.8 million cubic feet
9. February 21, 1980
10. Consolidated Gas Supply
1. 80–16358
2. 47–021–02605–0000–
3. 108 000 000
4. Cooperative Oil Investments Inc
5. Samuel Kelley (M–1)
6. Spruce Run (Center District)
7. Gilmer WV
8. 16.4 million cubic feet
9. February 21, 1980
10. Carnegie Natural Gas Co

Wyoming Oil and Gas Conservation Commission

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block no.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–16341/NG 25–79
2. 49–005–25110–0000
3. 102 000 000
4. Cities Service Company
5. Scott Jordan B #1
6. Hartzog Draw
7. Campbell WY
8. 12.0 million cubic feet
9. February 20, 1980
10. Phillips Petroleum Company
1. 80–16342/NG 26–79
2. 49–005–24568–000
3. 102 000 0000
4. Cities Service Company
5. Scott Jordan A #1
6. Hartzog Draw
7. Campbell WY
8. 24.0 million cubic feet
9. February 20, 1980
10. Phillips Petroleum Company
1. 80–16343/NG 27–79
2. 49–005–24845–0000
3. 102 000 000
4. Cities Service Company
5. Christensen E #1
6. Hartzog Draw
7. Campbell WY
8. 12.0 million cubic feet
9. February 20, 1980
10. Phillips Petroleum Company
1. 80–16344/NG 28–79
2. 49–005–24767–0000
3. 103 000 000
4. Cities Service Co
5. Christensen C #1
6. Hartzog Draw
7. Campbell WY
8. .0 million cubic feet
9. February 20, 1980
10. Panhandle Eastern Pipeline Co
1. 80–16345/NG 29–79
2. 49–005–24696–0000
3. 103 000 000
4. Cities Service Company
5. Christensen D #1
6. Hartzog Draw
7. Campbell WY
8. 30.0 million cubic feet
9. February 20, 1980
10. Panhandle Eastern Pipe Line Co
1. 80–16346/NG 30–79
2. 49–005–24382–0000
3. 103 000 000
4. Cities Service Company
5. Christensen B #1
6. Hartzog Draw
7. Campbell WY
8. 12.0 million cubic feet
9. February 20, 1980
10. Panhandle Eastern Pipe Line Co
1. 80–16347/NG 31–79
2. 49–009–23273–0000
3. 103 000 000
4. Inexco Oil Company
5. J P Williams 1–34X
6. Well Draw-Teapot
7. Converse WY
8. 246.0 million cubic feet
9. February 20, 1980
10. Inexco Gasoline Plant Panhandle Eastern Pipeline Co Phillips Petroleum Co
1. 80–16348/NG 32–79
2. 49–009–21244–0000
3. 103 000 000
4. Inexco Oil Company
5. Steffen 1–33
6. Well Draw-Teapot
7. Converse WY
8. 11.0 million cubic feet
9. February 20, 1980
10. Inexco Gasoline Plant Panhandle Eastern Pipeline Co Phillips Petroleum Co
1. 80–16349/NG 33–79
2. 49–009–21245–0000
3. 103 000 000
4. Inexco Oil Company
5. Edmund 1–28
6. Well Draw-Teapot
7. Converse WY
8. 6.0 million cubic feet
9. February 20, 1980
10. Inexco Gasoline Plant Panhandle Eastern Pipeline Co Phillips Petroleum Co
1. 80–16350/NG 34–79
2. 49–009–14907–0000
3. 103 000 000
4. Inexco Oil Company
5. Williiams-Theis No 1–27
6. Well Draw-Teapot
7. Converse WY
8. 82.0 million cubic feet
9. February 20, 1980
10. Inexco Gasoline Plant, Panhandle Eastern Pipeline Co., Phillips Petroleum Co
1. 80–16351/NG 35–79
2. 49–005–24551–0000
3. 103 000 000
4. Inexco Oil Company
5. State #1–16
6. Hartzog Draw-Shannon
7. Campbell WY
8. 6.3 million cubic feet
9. February 20, 1980
10. Phillips Petroleum Co
1. 80–16352/NG 36–79
2. 49–005–24688–0000
3. 102 000 000
4. Inexco Oil Company
5. Farman No 3
6. Hartzog Draw-Shannon
7. Campbell WY
8. 8.8 million cubic feet
9. February 20, 1980
10. Phillips Petroleum Co
1. 80–16353/NG 37–79
2. 49–005–24571–0000
3. 102 000 000
4. Inexco Oil Company
5. Markland 2–25
6. Hartzog Draw-Shannon
7. Campbell WY
8. 18.7 million cubic feet
9. February 20, 1980
10. Phillips Petroleum Co
1. 80–16354/NG 38–79
2. 49–005–24610–0000
3. 102 000 000
4. Inexco Oil Company
5. Fields 1–6
6. Hartzog Draw-Shannon
7. Campbell WY
8. 11.8 million cubic feet
9. February 20, 1980
10. Phillips Petroleum Co
1. 80–16355/NG 39–79
2. 49–005–24562–0000
3. 102 000 000
4. Inexco Oil Company
5. Markland 1–30X
6. Hartzog Draw-Shannon
7. Campbell WY
8. 8.4 million cubic feet
9. February 20, 1980
10. Phillips Petroleum Co
1. 80–16356/NG 40–79
2. 49–005–24638–0000
3. 102 000 000
4. Inexco Oil Company
5. Markland 3–25
6. Hartzog Draw-Shannon
7. Campbell WY
8. 18.9 million cubic feet
9. February 20, 1980
10. Phillips Petroleum Co
1. 80–16357/NG 41–79
2. 49–005–24679–0000
3. 102 000 000
4. Inexco Oil Company
5. Farman 1–5
6. Hartzog Draw-Shannon
7. Campbell WY
8. 9.3 million cubic feet
9. February 20, 1980
10. Phillips Petroleum Co

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the **Federal Register**.

Please reference the FERC Control Number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8729 Filed 3-20-80; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Cases Filed; Week of November 23, 1979 through November 30, 1979

Notice is hereby given that during the week of November 23, 1979 through November 30, 1979, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in this case may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice (March 21, 1980) or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

March 12, 1980.

List of Cases Received by the Office of Hearings and Appeals

[Week of Nov. 23 through Nov. 30, 1979]

Date	Name and location of applicant	Case No.	Type of submission
Nov. 23, 1979	New Jersey Highway Authority/New Jersey Department of Energy, Woodbridge, New Jersey; Newark, New Jersey.	BEX–0010	Supplemental Order. If granted: A hearing would be convened in connection with the DOE's October 18, 1979 Proposed Decision and Order (Case No. DXE–8279) issued to the New Jersey Highway Authority.
Nov. 23, 1979	Roberts Oil Company, New Roads, Louisiana	BEE–0428	Allocation Exception. If granted: Roberts Oil Company would receive an exception from the provisions of 10 CFR Part 211 that would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Nov. 26, 1979	Ayers Oil Company, Canton, Missouri	BEE–0402	Allocation Exception. If granted: Ayers Oil Company would receive an exception from the provisions of 10 CFR Part 211 that would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Nov. 26, 1979	C & C Oil Company, Inc., Huntington, Indiana	BEE–0401	Allocation Exception. If granted: C & C Oil Company, Inc., would receive an exception from the provisions of 10 CFR Part 211 that would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Nov. 26, 1979	Champlin Petroleum Company, Washington, D.C.	BFA–0074	Appeal of Information Request Denial. If granted: Champlin Petroleum Company would receive access to certain DOE documents.
Nov. 26, 1979	Coggin Oil Company, Caraway, Arkansas	BEE–0400	Allocation Exception. If granted: Coggin Oil Company would receive an exception from the provisions of 10 CFR Part 211 that would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Nov. 26, 1979	Geib Oil Company, Martin, Michigan	BEE–0397	Allocation Exception. If granted: Geib Oil Company would receive an exception from the provisions of 10 CFR Part 211 that would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Nov. 26, 1979	Huntway Refining Company, Wilmington, California	BEE–0392	Allocation Exception. If granted: Huntway Refining Company would receive an exception from the provisions of 10 CFR 211.67 modifying its entitlements purchase obligations.
Nov. 27, 1979	Ashland Oil, Inc., Washington, D.C.	BEJ–0004 through BEJ–0006.	Protective Order. If granted: A Protective Order would be issued by the DOE enabling the firms involved to exchange with Ashland Oil, Inc., under certain conditions, confidential data submitted with respect to Case Nos. BEE–0373, BEL–0373, BSG–0007.
Nov. 27, 1979	Hendel's, Inc., Old Greenwich, Connecticut	BEA–0076	Appeal of Assignment Order. If granted: The September 26, 1979 Assignment Order (Case No. 01–007215) issued by the Economic Regulatory Administration, Region I, to Hendel's Inc. regarding the assignment of motor gasoline to the firm would be rescinded.
Nov. 27, 1979	Okmar Oil Company, Kansas City, Missouri	BRD–0119	Motion for Discovery. If granted: Discovery would be granted to Okmar Oil Company in connection with its Statement of Objections to the Septemberr 28, 1979 Proposed Remedial Order that was issued to it.
Nov. 27, 1979	Raymer Oil Company, Statesville, North Carolina	BEE–0404	Allocation Exception. If granted: Raymer Oil Company would receive an exception from the provisions of 10 CFR Part 211 that would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Nov. 27, 1979	Region Oil Company, Bryn Mawr, Pennsylvania	BEE–0405	Allocation Exception. If granted: Region Oil Company would receive an exception from the provisions of 10 CFR Part 211 that would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Nov. 27, 1979	White Water Petroleum Terminals, Inc., Chicago, Illinois.	BEE–0403	Allocation Exception. If granted: White Water Petroleum Terminals, Inc. would receive an exception from the provisions of 10 CFR Part 211 that would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Nov. 28, 1979	Ashland Oil, Inc., Ashland, Kentucky	BEX–0013	Supplemental Order. If granted: The formulae and factors used to calculate the supply obligations of specific firms designated to provide Ashland Oil, Inc. with crude oil pursuant to temporary exception relief granted to Ashland on November 27, 1979 would be explicitly set forth.
Nov. 28, 1979	Award Petroleum, Garden City, New York	BEA–0077	Appeal of a Mutual Termination Order. If granted: The October 24, 1979, Mutual Termination Order issued to Alfred T. Pellicane by the Economic Regulatory Administration, Region II would be modified with respect to the assignment of Cooper Oil Company as the base period supplier of Alfred T. Pellicane to replace Award Petroleum.
Nov. 28, 1979	D. Gilliam Production Company, Union County, Arkansas.	BEE–0412	Price Exception (Section 212.73). If granted: D. Gilliam Production Company would be permitted to sell the crude oil produced from the Cook-Gilliam Lease, located in Union County, Arkansas, at upper tier ceiling prices.
Nov. 28, 1979	Fanning Oil Company, Jackson, Illinois	BEE–0416	Allocation Exception. If granted: Fanning Oil Company would receive an exception from the provisions of 10 CFR Part 211 that would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Nov. 28, 1979	Hartley Company, Cambridge, Ohio	BEE–0417	Allocation Exception. If granted: Hartley Company would receive an exception from the provisions of 10 CFR Part 211 that would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Nov. 28, 1979	Huntway Refining Company, Los Angeles, California.	BES–0022	Request for Stay. If Granted: Huntway Refining Company would receive a stay of the provisions of 10 CFR 211.67 pending a final determination on its Application for Exception (Case No. BEE–0392).
Nov. 28, 1979	Raritan Oil Company, Inc., Edison, New Jersey	BEE–0411	Allocation Exception. If Granted: Raritan Oil Company, Inc. would receive an exception from the provisions of 10 CFR Part 211 that would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Nov. 29, 1979	California Energy Commission, Sacramento, California.	BFA–0079	Appeal of Information Request Denial. If Granted: The October 17, 1979, Information Request Denial issued by the Director of Petroleum Price Regulations would be rescinded, and the California Energy Commission would receive access to certain documents pertaining to amendments of the retailer price rules for motor gasoline.

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List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Nov. 23 through Nov. 30, 1979]

Date	Name and location of applicant	Case No.	Type of submission
Nov. 29, 1979	General Machine Corporation, Emmaus, Pennsylvania.	BEE–0422	Energy Conservation Program Exception. If Granted: General Machine Corporation would not be required to perform energy efficiency tests of its Coal Fired Residential Hot Water Heating Boiler as required under 10 CFR Part 430.
Nov. 29, 1979	Mechanical Technology, Inc., Washington, D.C.	Bee–0421	Price Exception. If Granted: Any refiner that participates with Mechanical Technology, Inc. in a demonstration waste heat recovery project would be excepted from the provisions of 10 CFR 212.83 (refiner's price rule) to the extent that that regulation requires that utility cost reductions experienced during the refining process be passed on to the refiner's customers.
Nov. 29, 1979	Missouri Terminal Oil Co., Inc., St. Louis, Missouri	BEE–0420	Allocation Exception. If Granted: Missouri Terminal Oil Co., Inc. would receive an exception from the provisions of 10 CFR Part 211 that would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Nov. 29, 1979	Office of Enforcement (Alkek), Washington, D.C.	BEZ–0013	Interlocutory Order. If Granted: The Office of Hearings and Appeals will accept jurisdiction over the Petition to Implement Special Refund Procedures filed by the Office of Enforcement in connection with the Consent Order it entered into with Albert B. Alkek.
Nov. 29, 1979	Office of Enforcement (Vickers), Washington, D.C.	BEZ–0014	Interlocutory Order. If Granted: The Office of Hearings and Appeals will accept jurisdiction over the Petition to Implement Special Refund Procedures filed by the Office of Enforcement in connection with the Consent Order entered into with Vickers Energy Corporation.
Nov. 30, 1979	Lawrence H. Bakken, Livermore, California	BFA–0082	Appeal of Information Request Denial. If granted: The October 24, 1979, Information Request Denial issued by the Acting Director of Personnel would be rescinded and Lawrence H. Bakken would receive access to memorandums, letters, and reports concerning the receipt of his application for Vacancy Announcement No. 79–1176.
Nov. 30, 1979	Bell Brothers Oil Co., Lebanon, Kentucky	BEE–0430	Allocation Exception. If granted: Bell Brothers Oil Company would receive an exception from the provisions of 10 CFR Part 211 that would permit the firm to receive an increased allocation of motor gasoline for the purpose of blending gasohol.
Nov. 30, 1979	Cities Service Company, Tulsa, Oklahome	BEA–0081	Appeal of Entitlements Notice. If granted: The August 1979 Entitlements Notice would be modified with respect to Cities Service Company's entitlements purchase obligations.
Nov. 30, 1979	J & B Car Wash, York, Pennsylvania	BEH–0002	Motion for an Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Notice of Objection submitted by J & B Car Wash in response to the September 10, 1979, Proposed Decision & Order (Case No. DEE–03–1054) it was issued.
Nov. 30, 1979	Kean Brothers, Inc., Evergreen Park, Illinois	BEE–0431	Allocation Exception. If granted: Kean Brothers, Inc. would receive an exception from the provisions of 10 CFR Part 211 that would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Nov. 30, 1979	Leonard E. Belcher, Inc., Washington, D.C.	BES–0023	Request for Stay. If granted: Leonard E. Belcher, Inc. would receive a stay of the requirements of an August 17, 1977 Decision and Order (Case No. FRS–1414) pending a final determination on its Application for Modification (Case No. BMR–0003).
Nov. 30, 1979	Lohr Petroleum Company, Inc., Columbus, Nebraska.	BEE–0432	Allocation Exception. If granted: Lohr Petroleum Company, Inc. would receive an exception from the provisions of 10 CFR Part 211 that would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Nov. 30, 1979	Office of Enforcement, Washington, D.C.	BFF–0002	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205 in connection with the June 29, 1979, Consent Decree issued to PVM Oil Associates, Inc., *et. al.*
Nov. 30, 1979	Raymond International Builders, Inc., Houston, Texas.	BFA–0080	Appeal of Information Request Denial. If granted: The November 1979 Information Request Denial issued by the DOE's Strategic Petroleum Reserve, Region IV, would be rescinded, and Raymond International Builders, Inc. would receive access to the correspondence between the DOE and Parsons-Gilbane regarding a negotiated additional fee between Parsons-Gilbane and Raymond International Builders, Inc.
Nov. 30, 1979	Tropicana Petroleum Limited, Paramount, California	BEE–0426	Allocation Exception. If granted: Tropicana Petroleum Limited would receive an exception from the provisions of 10 CFR Part 211 that would permit the firm to receive an increased allocation of motor gasoline for the purpose of blending gasohol.
Nov. 30, 1979	Tucson Fuel Company, Inc., San Francisco, California.	BEN–0005	Request for Interim Order. If granted: An Interim Decision and Order would be issued permitting Tucson Fuel Company, Inc. to receive an increased allocation of gasoline pending final determination of the firm's Application for Exception (Case No. BEE–0378).

Notices of Objection Received

[Week of Nov. 23, to Nov. 30, 1979]

Date	Name and Location of Applicant	Case No.
11/26/79	Jet Oil Company, Pinellas, Park, Fla	BEO–0196
11/26/79	Moore, Howard, Wertzville, Mo	BEO–0197
11/26/79	Washington University, St. Louis, Mo.	BEO–0198
11/26/79	County of Henrico, Henrico County, Va.	BEO–0199
11/26/79	Edon Service Corporation, San Francisco, Calif.	BEO–0201
11/26/79	Northeast Amoco, Kansas City, Mo	BEO–0202
11/26/79	Whitehead Oil Company, Lincoln, Nebr.	DEE–7965
11/26/79	Fulton Industrial Shell, Atlanta, Ga	DEE–8876
11/26/79	Frank Pure Food Company, Franksville, Wis.	BEO–0210
11/26/79	Smitty's Arco Mini-Mart, Lemon Grove, Calif.	BEO–0205
11/26/79	Baker's, Blytheville, Ark	BEO–0206
11/26/79	Gary Thompson Oil Company, Ames, Iowa.	BEO–0207
11/26/79	X-Size Ladies Fashions, Inc. Clear Lake, Iowa.	BEO–0209
11/26/79	Bennett's Ashland, Burgin, Ky	BEO–0208

Notices of Objection Received—Continued

[Week of Nov. 23, to Nov. 30, 1979]

Date	Name and Location of Applicant	Case No.
11/26/79	MJ's Queen Size Fashions, Janesville, Wis.	BEO–0238
11/26/79	GAMMA Furnace Division, Arlington, Va.	DEE–8028
11/26/79	Gold Oil Co., Belleville, Ill	DEE–4344
11/26/79	Elk Store, Axtell, Tex	BEO–0203
11/26/79	Gulf Oil Corp., Shreveport, La	BEO–0204
11/26/79	Waterbury Petroleum Products, Inc., Waterbury, Conn.	BEE–3037
11/26/79	American Auto Salvage, Riverview, Fla.	BEO–0180
11/26/79	Larry's Standard, Waterman, Ill	BEO–0211
11/27/79	Coca-Cola Bottling Company, New London, Conn.	DEE–5405
11/27/79	Dwyer's Motors, Inc., New Orleans, La.	DEE–7617
11/27/79	F & P Market, Jackson, Tenn	DEE–8314
11/27/79	Earl McCarley Service Station, Bradenton, Fla.	BEO–0212
11/26/79	Studebill Shael Service, Americus, Ga.	BEO–0213
11/27/79	Leigh's Rockville Sunoco, Inc., Rockville, Md.	BEO–0214

Notices of Objection Received—Continued

[Week of Nov. 23, to Nov. 30, 1979]

Date	Name and Location of Applicant	Case No.
11/27/79	Illinois Central College, East Peoria, Ill.	BEO–0215
11/27/79	Lou Emma Exxon, Van Buren, Ark	BEO–0216
11/27/79	Holiday Gulf, Garyville, Tenn	BEO–0217
11/28/79	Weatherlite, Los Angeles, Calif	BEO–0228
11/28/79	Universal Atlas Cement, Hannibal, Mo.	BEO–0227
11/28/79	Universal Atlas Cement, Gary, Ind	BEO–0226
11/28/79	Westwood Car Wash, San Antonio, Tex.	BEO–0225
11/28/79	University Gulf, Huntsville, Ala	BEO–0224
11/28/79	Economy Oil Company, Springdale, Ark.	DEE–3745
11/28/79	Spencer's Quick Six, Chicago, Ill	BEO–0223
11/28/79	Happy Day Shoppe, Ypsilanti, Mich.	BEO–0222
11/28/79	Route Messengers of Pennsylvania, Los Angeles, Calif.	BOE–0229
11/28/79	Farm Fuel Products, Inc., Philadelphia, Pa.	DEE–7059
11/28/79	Borg, James M., Rohnert Park, Calif	DEE–4240

Notices of Objection Received—Continued

[Week of Nov. 23, to Nov. 30, 1979]

Date	Name and Location of Applicant	Case No.
11/26/79	V & Y Garage, Inc., Watertown, Maine.	DEE–7262
11/26/79	Valley Oil Company, Scottsbluff, Nebr.	DEE–4038
11/26/79	Chromalloy City of Industry, Calif	DEE–4245
11/26/79	Finch Oil Co., Houston, Tex	DEE–7195
11/26/79	610 South Fulton Corporation, Mount Vernon, N.Y.	DEE–4662
11/28/79	South Bradenton Amoco, Bradenton, Fla.	BEO–0221
11/26/79	Akis Saridakis Shell Service Station, Hollywood, Fla.	BEO–0220
11/26/79	Utotem, Houston, Tex	BEO–0218
11/26/79	Highland Heights Mobil, Highland Heights, Ohio.	BEO–0219
11/26/79	Burns, James P., Virginia Beach, Va	DEE–3841
11/26/79	Leesburg Road Exxon, Columbia, S.C.	BEO–0046
11/29/79	Pinehurst Citgo, Baltimore, Md	DEE–3524
11/29/79	Lone Star Gas Co., Dallas, Tex	DEE–8285
11/29/79	Cornell, Woodsboro, Md	DEE–6373
11/29/79	Tibbetts, Burleigh, and Indianapolis, Ind.	BEO–0095
11/29/79	Smith Shell Mart, Redington Beach, Fla.	BEO–0096
11/29/79	Long Creek Exxon, Monroe, NC	DEE–7182
11/30/79	Combes Action Marathon, Indianapolis, Ind.	BEO–0237
11/30/79	Universal Atlas Cement, Independence, Kans.	BEO–0240
11/30/79	Mat Hurwitz & Sons, Newton Lower Falls, Mass.	DEE–7482
11/30/79	Coastal Center "66", Ladeon South, S.C.	BEO–0041
11/30/79	Assembly of God, Ecorge, Mich	BEO–0193
11/30/79	Gulf Oil Company, Chattanooga, Tenn.	BEO–0086
11/30/79	Lily Flagg Exxon, Huntsville, Ala	BEO–0040
11/30/79	Kay's Korner, Chipley, Fla	BEO–0230
11/30/79	Beene's Exxon, Melbourne, Ark	BEO–0231
11/30/79	Ashmore Distributors, Madisonville, Ky.	BEO–0232
11/30/79	Quigley Bus Service, Bally, Pa	BEO–0233
11/30/79	Spruce Creek Golf and Country Club, Daytona Beach, Fla.	DEE–3606

Notices of Objection Received—Continued

[Week of Nov. 23, to Nov. 30, 1979]

Date	Name and Location of Applicant	Case No.
11/30/79	Ted's Rent-A-Car, Inc., Burbank, Calif.	DEE–6105
11/30/79	Katz-Davis Oil Company, Battle Creek, Mich.	BEO–0234 through BEO–0236
11/30/79	Bond, Gordon, Waukesha, Wis	BEO–BEO–0237

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of November 23 through November 30, 1979

If granted: the following firms would receive an exception which would increase their base period allocation of motor gasoline.

Nov. 23, 1979

Curcio's Mini-Market, Pennsylvania; BEE–0391

Nov. 26, 1979

Cleves Marathon, Ohio; BEE–0398
Huntington Car Wash, California; BEE–0419
Marine Oil Company, Kentucky; BEE–0396
Parkside Plaza, Indiana; BEE–0399
Pennsylvania Turnpike Commiss., Pennsylvania; BEE–0394

Nov. 27, 1979

Get It and Go Shell, Alabama; BEE–0395
Hughes Grocery Station, Texas; BEE–0406
J & W Oil Company, Kentucky; BEE–0407

Nov. 28, 1979

Brandywine Exxon Service, Delaware; BEE–0418
Occidental Chemical Co., Delaware; BEE–0415
Revere Racing Assoc., Inc., Massachusetts; BEE–0414
Texas Instruments, Inc., Massachusetts; BEE–0413
Weaver Oil Co., Florida; BEE–0410

Nov. 29, 1979

Brace's Service Station, Missouri; BEE–0393
Howard & Darells Shell Service, Michigan; BEE–0425
Town of Ramseur, North Carolina; BEE–0423

Nov. 30, 1979

Boudoin & Richard, Louisiana; BEE–0433
Economy TV Appliance Centers, Florida; BEE–0427
McCulloch Chainsaw Company, Arizona; BEE–0429
Twin State Oil Co. of Tabor City, North Carolina; BEE–0435
Items Retrieved 21

[FR Doc. 80–8644 Filed 3–3–80; 8:45 am]

BILLING CODE 6450–01–M

Cases Filed; Week of December 28, 1979 Through January 4, 1980

Notice is hereby given that during the week of December 28, 1979 through January 4, 1980, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of publication of this Notice (March 21, 1980) or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

March 12, 1980.

List of Cases Received by the Office of Hearings and Appeals

[Week of Dec. 28 1979, through Jan. 4, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 28, 1979	Apollo Oil Company, Peoria, Illinois	BEN–0011	Request for Interim Order. If granted: Apollo Oil Company would receive an exception from the mandatory petroleum allocation regulations, 10 CFR 211, on an interim basis pending a final determination on its application for exception (Case No. DEE–2427).
Dec. 28, 1979	Bragg Service Center, Inc., New York, New York	BEE–0575	Price Exception. If granted: Bragg Service Center, Inc. would receive an exception which would permit the firm to sell motor gasoline at a price above the applicable ceiling price.
Dec. 28, 1979	Chevron USA, Inc., San Francisco, California	BEE–0576	Price Exception (Section 212.83) If granted: Chevron USA, Inc. would be granted an exception from the provisions of 10 CFR 212.83 regarding adjustment to base period marketing costs.
Dec. 28, 1979	Demetriou, Del Guercio, & Lovejoy, Los Angeles, California.	BFA–0112	Appeal of an Information Request Denial. If granted: The December 13, 1979 Information Request Denial issued by the Department of Energy would be rescinded and Demetriou, Del Guercio & Lovejoy would receive access to certain DOE information.
Dec. 28, 1979	Husky Oil Company, Denver, Colorado	BEA–0120	Appeal of an Assignment Order. If granted: The October 19, 1979 Assignment Order issued to Husky Oil Company by the Economic Regulatory Administration, Region VIII, regarding Husky Oil Company's supply obligations to American Petrofina would be rescinded.
Dec. 28, 1979	Koch Industries, Inc., Washington, D.C.	BEA, BES, BST–0115 and BEA, BES, BST–0116.	Appeal of Assignment Orders; Request for stay and temporary stay. If granted: The December 17, 1979 and December 18, 1979 Assignment Orders issued to Koch Industries, Inc. by the Economic Regulatory Administration, Region V, regarding the firm's supply obligations to Monarch Oil Company and Prairie State Petroleum would be rescinded. Koch Oil Company would also receive a stay and temporary stay of the Assignment Orders pending a final determination on its Appeals.
Dec. 28, 1979	Lake Charles Refining Company, Washington, D.C.	BEA–0113	Appeal of the Entitlements Notice. If granted: The September 1979 Entitlements Notice would be modified with respect to Lake Charles Refining Company's entitlements purchase obligations.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Dec. 28 1979, through Jan. 4, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 28, 1979	Shell Oil Company, Houston, Texas	BEH-0008	Request for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted by Shell Oil Company in response to the Proposed Decision and Order issued to Commonwealth Oil Refining Co., Inc. on November 30, 1979.
Dec. 28, 1979	Stiers Chevron Station, San Jose, California	BRW-0003	Proposed Remedial Order finalization. If granted: A Proposed Remedial Order issued to Stiers Chevron Station would be issued as a final Remedial Order.
Dec. 28, 1979	Total Petroleum, Inc., Detroit, Michigan	BEL-0024	Request for Temporary Exception (Gasohol Prices). If granted: Total Petroleum, Inc. would receive a temporary exception from the provisions of 10 CFR 212.83 which would allow the firm to pass through incremental expenses relating to the blending, storage, distribution and marketing of gasohol.
Dec. 28, 1979	Union Oil Company of California, Los Angeles, California.	BEX-0022	Supplemental Order. If granted: The December 21, 1979 Proposed Decision and Order (Case No. DEE-5748) issued to Union Oil Company of California would be modified.
Dec. 28, 1979	Atlantic Richfield Company, Los Angeles, California	BEJ-0013	Protective Order. If granted: A Protective Order signed by Atlantic Richfield Company and Merit Oil Company would be issued as an Order by the DOE.
Dec. 31, 1979	Exxon Company, USA, Houston, Texas	BRH, BRD-0177.	Request for Evidentiary Hearing, Motion for Discovery. If granted: Discovery would be granted to Exxon Company, USA and an Evidentiary Hearing would be convened in connection with the Statement of Objections submitted in response to the November 5, 1979 Proposed Remedial Order (Case No. BRO-0177) issued to Exxon Company, USA.
Dec. 31, 1979	Laketon Asphalt Refining, Inc., Evansville, Indiana	BEE-0563	Exception from the Entitlements Program. If granted: Laketon Asphalt Refining, Inc. would receive an exception from the provisions of 10 CFR 211.67 which would modify the firm's entitlements purchase obligations.
Dec. 31, 1979	Marathon Oil Company, Findlay, Ohio	BEA-0121, BEA-0122, BEA-0123.	Appeal of Assignment Orders. If granted: The November 27 and 28, 1979 Assignment Orders issued to Marathon Oil Company by the Economic Regulatory Administration, Office of Fuels Regulation, Region IV, regarding Marathon Oil Company's supply obligations to B. W. Simpkins Oil, Inc., Palm Beach Oil, Inc. and Treasure Coast Oil, Inc. would be rescinded.
Dec. 31, 1979	Mobil Oil Corporation, New York, New York	BEJ-0012	Protective Order. If granted: The November 20, 1979 Protective Order (Case No. BEJ-0001) would be supplemented regarding the confidentiality of certain information provided to Mobil Oil Corporation, Koch Refining Co. and Ashland Oil, Inc. by the Williams Pipeline Co., the ERA, and the State of Minnesota.
Jan. 2, 1980	Air Conditioning and Refrigeration Institute, Arlington, Virginia.	BEE-0618, BES-0618, BST-0618.	Exception from the Energy Conservation Program, for Consumer Products. If granted: Air Conditioning and Refrigeration Institute would not be required to perform energy efficiency tests of its terminal air-conditioners as required under 10 CFR Part 430. The firm would receive a stay and temporary stay pending a final determination on its application for exception.
Jan. 2, 1980	Amoco Oil Company, Chicago, Illinois	BEA-0118	Appeal of an Assignment Order. If granted: The November 21, 1979 Assignment Order issued to Amoco Oil Company by the Economic Regulatory Administration, Region V, regarding Amoco's supply obligations to U.S. Oil would be rescinded.
Jan. 2, 1980	Cities Service Company, Tulsa, Oklahoma	BEL-0012	Request for Temporary Exception (Gasohol Prices). If granted: Cities Service Company would receive a temporary exception which would permit the firm to pass through incremental expenses relating to the blending, storage, distribution and marketing of gasohol. *See* 10 CFR 212.83.
Jan. 2, 1980	Cities Service Company, Tulsa, Oklahoma	BEA-0117	Appeal of an Assignment Order. If granted: The November 21, 1979 Assignment Order issued to Cities Service Company by the Economic Regulatory Administration, Region V, regarding Cities Service Company's supply obligations to U.S. Oil would be <rescinded.
Jan. 2, 1980	Clark Oil Refining Corporation Milwaukee, Wisconsin.	BEA-0119	Appeal of an Assignment Order. If granted: The November 21, 1979 Assignment Order issued to Clark Oil Refining Corp. by the Economic Regulatory Administration, Region V, regarding Clark Oil Refining Corporation's supply obligations to U.S. Oil would be rescinded.
Jan. 2, 1980	Clark, Garner C., Dallas, Texas	BRH-0050	Request for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with Case No. BRO-0050, which is a proceeding concerning a Proposed Remedial Order.
Jan. 2, 1980	Lloyd J. Engeran, Hammond, Louisiana	BEE-0676	Temperature Exception. If granted: Lloyd J. Engeran would receive an exception from the provisions of 10 CFR Part 490, the Emergency Building Temperature Restrictions.
Jan. 2, 1980	Natural Gas Utility District of Hawkins County Tennessee, Rogersville, Tennessee.	BEE-0602	Exception to the Reporting Requirements. If granted: Natural Gas Utility District of Hawkins County Tennessee would not be required to file Form EIA-143, "Natural Gas Supply Requirements and Usage"
Jan. 2, 1980	Sage Creek Refining Co., Cowley, Wyoming	BEE-0604	Exception from the Entitlements Program. If granted: Sage Creek Refining Company would receive an exception which would modify its entitlements purchase obligations. See 10 CFR 211.67.
Jan. 2, 1980	Standard Oil Company (Ohio), Cleveland, Ohio	BRD-0022	Motion for Discovery. If granted: Discovery would be granted to Standard Oil Company (Ohio) in Case No. DRO-0187, which is a proceeding concerning a Proposed Remedial Order.
Jan. 2, 1980	Sun Oil Company of Pennsylvania, Philadelphia, Pennsylvania.	BES, BST-0041; BES, BST-0042.	Request for Stay, Temporary Stay. If granted: Sun Oil Company (Sun) of Pennsylvania would receive a stay and a temporary stay of an order issued to it by the Office of Hearings and Appeals on August 28, 1979, pending a final determination on its Application for Modification or Rescission (Case No. SMR-0017). Sun also would receive a stay and a temporary stay of the October 11, 1979 Assignment Order issued to it by the Economic Regulatory Administration, Region VII, pending a final determination on its Appeal of an Assignment Order (Case No. BEA-0071).
Jan. 3, 1980	BYS, Inc., Duval County, Texas	BXE-617	Extension of crude oil price relief. If granted: BYS, Inc. would be permitted to continue to sell the crude oil produced from the Numble-Dowdy Fee Lease, located in Duval County, Texas, at upper tier ceiling prices. *See Universal Mineral Corporation*, 4 DOE Par. —— (September 28, 1979).
Jan. 3, 1980	Chevron U.S.A., Inc., San Francisco, California	BEE-0614; BEL-0614.	Temporary Exception (Gasohol Prices). If granted: Chevron U.S.A., Inc. would receive an exception which would permit the firm to pass through incremental expenses relating to the blending, storage, distribution and marketing of gasohol. *See* 10 CFR 211.83. The firm would receive a temporary exception pending a final determination on its application for exception.
Jan. 3, 1980	Mobil Oil Corporation, AMF O'Hare, Illinois	BES-0110	Request for Stay. If granted: Mobil Oil Corporation would receive a stay of the November 21, 1979, Assignment Order issued to the firm by the Economic Regulatory Administration, Office of Petroleum Operations, Region V, with respect to Mobil Oil Corporation's supply obligations to U.S. Oil Company.
Jan. 3, 1980	Public Oil Company, Washington, D.C.	BEJ-0014	Protective Order. If granted: A Protective Order would be issued to ensure the confidentiality of information supplied by Public Oil Company to Gulf Oil Corporation in connection with an October 5, 1979 Proposed Decision and Order (Case No. DEL-8115) and a November 30, 1979 Proposed Decision and Order (Case No. DEE-8115).
Jan. 3, 1980	Silver Eagle Refining Company, Inc., Salt Lake City, Utah.	BES-0043	Request for Stay. If granted: Silver Eagle Refining Company, Inc. would receive a stay from the provisions of 10 CFR 211.67 with respect to the firm's entitlements purchase obligations for December 1979.
Jan. 4, 1980	Apex Oil Company, Washington, D.C.	BFA-0125	Appeal of Information Request Denial. If granted: The December 5, 1979 Information Request Denial issued by the Central Enforcement District of the Department of Energy would be rescinded, and Apex Oil Company would receive access to certain DOE information.

Uncontested Remedial Orders—Week of December 28, 1979 to January 4, 1980

The Economic Regulatory Administration has petitioned pursuant to 10 CFR, Subpart O, for the following Proposed Remedial Orders to be issued in final form on the ground that there has been no Statement of Objection filed:

Date of Proposed Remedial Order, Recipient of Order, Location, and Case No.

October 16, 1979; William Pinkoske; Blasdell, New York—BRW–0010
October 30, 1979; Rich's Shell Service; Manteca, California—BRW–0007
October 9, 1979; Price Wagon Auto Service, Inc.; Aliquippa, Pennsylvania—BRW–0008
September 13, 1979; Monts Texaco; Columbia, South Carolina—BRW–0012
September 27, 1979; Long Point Marina; Bemus Point, New York—BRW–0013
July 17, 1979; JW Oil Company; Casper, Wyoming—BRW–0006
September 27, 1979; Gugino's Exxon; Niagara Falls, New York—BRW–0009
October 12, 1979; Edward Pace; Buffalo, New York—BRW–0011
September 24, 1979; Airport Texaco; Miami, Florida—BRW–0005
September 27, 1979; Al Sellers Union 76; Milpitas, California—BRW–0004

Gasohol Exception Applications—Week of December 28, 1979 thru January 4, 1980

The following firms have requested exception relief from the provisions of 10 CFR Part 211 so that they can obtain allocations of gasoline for the purpose of blending and marketing gasohol:

Firm, Case No. and Location

Gasohol of Wisconsin, Inc.; BEE–0574—Elm Grove, Wisconsin
Holland Oil Company; BEE–0567—Hayward, California
J. T. Collier & Sons Oil Company; BEE–0566—Jesup, Georgia
Putnam Fuels, Inc.; BEE–0569—North Bergen, New Jersey
Russell Steward Oil Company; BEE–0570—Urbana, Illinois
Uselton Oil Co., Inc.; BEE–0580—Pekin, Illinois
Werner Oil Company; BEE–0572—Higginsville, Missouri
Como Oil Company; BEE–0584—Duluth, Minnesota
Dickerson Petroleum, Inc.; BEE–0588—Belleville, Illinois
Knodle Oil Company; BEE–0586—Leaf River, Illinois
Valpo Oil Company; BEE–0591—Valparaiso, Indiana
Hoffman Corner Oil Company, Inc.; BEE–0610—White Bear Lake, Minnesota
Cray Energy; BEE–0616—Bellows Falls, Vermont

Motor Gasoline Allocation Cases Received During the Week of December 28, 1979 thru January 4, 1980

The following firms have applied for an exception from 10 CFR Part 211 so that they may be assigned an increased allocation of motor gasoline.

Date Received; Name; Case No. and State

12/28/79; Baker Oil Company; BEE–0600—Tennessee
12/28/79; County Beverage Corp.; BEE–0577—Maryland
12/28/79; Friendly Oil Company; BEE–0571—California
12/28/79; Hugh T. Wilder; BEE–0578—Virginia
12/28/79; Lakeview Exxon; BEE–0568—California
12/28/79; Petrol Enterprises; BEE–0573—Florida
12/28/79; Urbano Service Station; BEL, BEE–0613—California
12/28/79; Whiddon Road Exxon; BEE–0601—Georgia
12/28/79; White Water General Store; BEE–0579—Colorado
12/30/79; Doc's Country Deli; BEE–0563—Pennsylvania
12/31/79; Billy's Pinentel; BEE–0587—California
12/31/79; Coastland Chevron; BEE–0590—Florida
12/31/79; F. L. Roberts & Company; BEE–0585—Washington, D.C.
12/31/79; Torrance Unified School District; BEE–0586—California
1/2/80; Air France; BEE–0608—Texas
1/2/80; Aldo Gas; BEE–0609—Iowa
1/2/80; Colonial Shell; BXE–0603—Connecticut
1/2/80; Ed's Garage; BEE–0632—Connecticut
1/2/80; Kenilworth Car Wash; BXE–0605—Maryland
1/2/80; Phifer's Union 76; BEE–0606—North Carolina
1/2/80; Republican Supply Co. of California; BEE–0611—California
1/3/80; M. B. & G. American Accessory; BEE–0615—West Virginia
1/3/80; Miller Brothers, Inc.; BEE–0644—Oklahoma

Notices of Objection Received—Week of December 28, 1979 to January 4, 1980

Date, Name and Location of Applicant, and Case No.

12/28/79; D & J Poultry, Dover, Florida—BEO–0628
12/28/79; Jim's Amoco, Ashtabula, Ohio—BEO–0610
12/28/79; Johnson Service Station, Jacksonville, Florida—BEO–0611
12/28/79; Knickerbocker Car Wash, Inc., Marion, Texas—BEO–0612
12/28/79; Krantz Shell Service, New Philadelphia, Ohio—BEO–0613
12/28/79; Lincoln Land Oil Company, Springfield, Illinois—BEO–0614
12/28/79; Mayo D–4 Service Station, Dresden, Tennessee—BEO–0615
12/28/79; Mitchell's Exxon, Reading, Pennsylvania—BEO–0616
12/28/79; Pellum's Amoco, Waterboro, South Carolina—BEO–0617
12/28/79; Stateline Texaco, South Lake Tahoe, California—BEO–0618
12/28/79; Stockbridge Motors, Stockbridge, Massachusetts—BEO–0619
12/28/79; Amoco Oil Company, Madison, Wisconsin—BEO–0625
12/28/79; Four Corners Standard, Villa Park, Illinois—BEO–0626
12/28/79; D & D Gulf Service, Fitchburg, Massachusetts—DEE–7179
12/28/79; Craft's Superette, Chandler, Texas—BEO–0600
12/28/79; Bolling & Macklins's Shell, Chicago, Illinois—BEO–0601
12/28/79; Charles Vass ARCO Station, Antioch, California—BEO–0602
12/28/79; College Service Chevron, Anaheim, California—BEO–0603
12/28/79; Onyx Corporation, New York, New York—BEE–0013
12/28/79; Lawrence & Sons Oil Company Inc., Washington, D.C.—BEE–0237
12/28/79; Cleland's Oil Company, Wagoner, Oklahoma—DEE–4124
12/28/79; Union Oil Company of California, Washington, D.C.—DEE–5748
12/31/79; Northwest Land Company, Denver, Colorado—BEO–0641
12/31/79; Oakwood Mid State Truck, Oakwood, Illinois—BEO–0531
12/31/79; Occidental Chemical Co., White Spring, Florida—BEO–0642
12/31/79; Wallace, R. D., Bumpus Mills, Tennessee—BEO–0643
12/31/79; Silver Spray Car Wash, Mequon, Wisconsin—BEO–0644
12/31/79; Steve's Car Wash, Topeka, Kansas—BEO–0546
12/31/79; United Sanitation Co., El Monte, California—BEO–0646
12/31/79; Indian Rocks "66", Largo, Florida—DEE–5935
12/31/79; Marshall Oil Co., Inc., Wake Forest, North Carolina—DEE–7869
12/31/79; B & B Oil Company, Washington, D.C.—DEE–5854
12/31/79; Budget Rent A Car of Louisville, Louisville, Kentucky—DEE–6992
12/28/79; Dana Fritz Ashland Oil Station, Greenup, Kentucky—BEO–0559
12/28/79; Freedom Car Wash, Watsonville, California—BEO–0585
12/28/79; D & J Marathon, Bremen, Indiana—BEO–0604

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12/28/79; Foley's Chevron & Drive In Dairy, Orange, California—BEO–0605
12/28/79; Gordon's Marathon, Stevensville, Michigan—BEO–0606
12/28/79; H.M.H. Supply Inc., Bear Creek, Alabama—BEO–0607
12/28/79; Gary Hammond, Maryland Heights, Missouri—BEO–0608
12/28/79; Higgins, Virginia, Bellaire, Ohio—BEO–0609
12/28/79; The Tanner Companies, Etiwanda, California—BEO–0620
12/28/79; Tony's Lighthouse Chevron, San Francisco, California—BEO–0621
12/28/79; Wharfside Marina, Del Ray Beach, Florida—BEO–0622
12/28/79; Wooldridge Organization, Walnut Creek, California—BEO–0623
12/28/79; Jack Hardi Exxon Service, Anaheim, California—BEO–0624
12/28/79; Milner Super Gas, Inc., Washington, D.C.—BEE–0252
1/2/80; Wilson's Friendly Service, Davenport, Iowa—BEO–0148
1/2/80; Greenhaven Auto Center, Sacramento, California—BEO–0528
1/2/80; Peterson Mobil Service, Two River, Wisconsin—BEO–0595
1/2/80; O'Halloran Oil Corporation, Perry, Oklahoma—BEO–0647
1/2/80; Wetherington & Houser Service Co., Arkadelphia, Arkansas—BEO–0648
1/2/80; Don's Texaco & Tire Service, Puyallup, Washington—BEO–0649
1/2/80; Driftwood Dairy, El Monte, California—BEO–0650
1/2/80; Ed Mareusz ARCO, Vallejo, California—BEO–0651
1/2/80; Hullings, Seattle, Washington—BEO–0652
1/2/80; I. D. Johnson & Company, Hood River, Oregon—BEO–0653
1/2/80; Juanita Shell, Kirkland, Washington—BEO–0654
1/2/80; Wimmers Grocery & Texaco Service, Shawsville, Virginia—BEO–0666
1/2/80; Village Standard, Brooklyn, Michigan—BEO–0665
1/2/80; Bailey, Lonnie, St. Louis, Mississippi—BEO–0664
1/2/80; Al's Super Shell, Bruce, Wisconsin—BEO–0663
12/31/79; Don's Arco, Portland, Oregon—BEO–0634
12/31/79; Ben-Al Oil Co., Springfield, Illinois—BEO–0631
12/31/79; Baggs Million Item Store, Lakeview, Ohio—BEO–0630
12/31/79; Al's Texaco, Hollywood, Florida—BEO–0629
12/31/79; Swartz, J. L., High Spring, Florida—BEO–0639
12/31/79; Mounts Exxon, Belfry, Kentucky—BEO–0640
1/2/80; Advanced Sale Corp., Washington, D.C.—DEE–8251
1/3/80; Saffari Mobil Service, Supulveda, California—DEE–7478
12/31/79; Horeshoe Exxon, Jarreau, Louisiana—BEO–0638
12/31/79; Hermosa Car Wash, Hermosas Beach, California—BEO–0637
12/31/79; J.R.'s Servicenter, Arona, Pennsylvania—BEO–0636
12/31/79; Gas Unlimited, Cornelius, Oregon—BEO–0635
12/31/79; Eighth & Beech Sunoco, Detroit, Michigan—BEO–0633
12/31/79; Bob Lee's, St. Petersburg, Florida—BEO–0632
1/2/80; Nichelini Plastering, Inc., San Rafael, California—BEO–0655
1/2/80; Olsen, Robert L., Lynnwood, Washington—BEO–0656
1/2/80; Sammy's Mini Mart, Mackay, Idaho—BEO–0658
1/2/80; Sandy Oil Company, Sandy, Oregon—BEO–0659
1/2/80; Sorenson's Graham Garage, Graham, Washington—BEO–0660
1/2/80; Wilhelm Garage & Auto, Peoria, Arizona—BEO–0661
1/2/80; Valley Center Supply, Shelton, Washington—BEO–0662
1/2/80; Flower Exxon Service Center, Takoma Park, Maryland—DEE–5536
1/3/80; Bev's Beauty Salon, Concord, New Hampshire—BEO–0667
1/3/80; Middlebrook Exxon, Bound Brook, New Jersey—BEO–0668
1/3/80; Mayo's Service Station, Dresden, Tennessee—BEO–0670
1/3/80; Valley West Amoco, West Des Moines, Iowa—BEO–0671
1/3/80; Greenfield-Six Mile Shell, Detroit, Michigan—BEO–0672
1/3/80; Les Frances Auto Rental Leasing & Investment Corp., Bridgeton, Missouri—BEO–0673
12/31/79; McMillen, Dennis, Omaha, Nebraska—BEO–0674
1/3/80; Morton Servicenter, Morton, Illinois—BEO–0675
1/3/80; Rick's Green Trails Texaco, Chester, Missouri—BEO–0676
1/3/80; West Center, Inc., Omaha, Nebraska—BEO–0677
1/3/80; Continental Car Wash, Los Angeles, California—BEO–0678
1/3/80; Midway Oil Company, Milwaukee, Wisconsin—DEE–4152
1/3/80; Prospect Auto Repair, Cambridge, Massachusetts—DEE–6383
1/4/80; City of Long Beach, Long Beach, California—BXE–0341
1/4/80; Lake Oil Company, Washington, D.C.—BEE–0150
1/3/80; Copeland Grocery, Woodland, Washington—BEO–0679
1/3/80; D. U. Exxon, Denver, Colorado—BEO–0680
1/2/80; Food & Gas Company, Renton, Washington—BEO–0681
1/3/80; Glazier Garth, Kanab, Utah—BEO–0683
1/3/80; Harris Farms, Watsonville, California—BEO–0684
1/2/80; Oakland Tribune, Oakland, California—BEO–0685
1/2/80; Parkway Grocery & Gasoline, Port Angeles, Washington—BEO–0686
12/28/79; Stockbridge Motors, Stockbridge, Massachusetts—DEE–6765
12/28/79; Union Oil Co. of Pennsylvania, Washington, D.C.—DEE–5748
1/2/80; Maetex Supply Co., Provo, Texas—BEO–0736

[FR Doc. 80-8645 Filed 3-20-80; 8:45 am]

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Issuance of Decisions and Orders; Week of January 28 through February 1, 1980

Notice is hereby given that during the week of January 28 through February 1, 1980 the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Apex Oil Co., Clayton, Mo.; BFA–0125, freedom of information

Apex Oil filed an Appeal from a partial denial by the DOE District Manager of the Central Enforcement District of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In denying the Appeal, the DOE found that the District Manager properly withheld portions of the requested intra-agency memoranda pursuant to Exemption 5. The DOE also rejected the appellant's position that the FOIA required disclosure of any document that could conceivably be disclosed in litigation.

Graber, Stetler & Townsend, Alexandria, Va.; BFA–0078 freedom of information

Graber, Stetler & Townsend filed an Appeal from a denial by the Director of the DOE Office of Classification of a Request for Information which the firm has submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that portions of the two documents which were initially withheld under Exemption 3 were inadvertently withheld and should be released to the public.

Hartford Electric Light Co.; Connecticut Light & Power Co., Hartford, Conn.; DEA–0446, DEA–0447, DED–0446, coal

The Hartford Electric Light Company and the Connecticut Light and Power Company filed an Appeal from the rescission by the Economic Regulatory Administration of two Prohibition Orders issued to the firms on June 30, 1977. The Prohibition Orders, if made effective, would have prohibited the firms from using oil on natural gas at the firms' five power generating plants. In considering the firms' Appeal from the Rescission Orders, the DOE found that the ERA acted properly under the provisions of the Energy Supply and Environmental Coordination Act of 1974 and the applicable DOE regulations, and that the possibility for further coal conversion proceedings under the superseding Fuel Use Act legislation does not render the Rescission Orders invalid. Accordingly, the Appeal was denied. With respect to a Motion for Discovery filed by the firms, the DOE found that the firms had failed to establish a basis for deposing certain DOE officials who participated in the issuance of the Rescission Orders that were the subject of the Appeal.

Koch Industries, Inc., Wichita, Kans., DEA–0633 through DEA–0637, motor gasoline

Koch Industries, Inc. filed five Appeals from order issued to the firm in July 1979 by the Region II Office of Petroleum Operations of the Economic Regulatory Administration. Those orders directed the firm to supply motor gasoline to five firms located in the State of New Jersey. In considering the Appeals, the DOE found that the orders had not been issued in accordance with DOE procedural regulations. Accordingly, the Appeals were granted, and the matter remanded for selection of new suppliers in accordance with the provisions of the Decision and Order.

Mobil Oil Corp.; Total Petroleum, Inc., New York, N.Y.; Detroit, Mich.; BEA–0083, BEA–0101, crude oil

Mobil Oil Corporation and Total Petroleum, Inc. filed Appeals from Supplemental Allocation Notices that the Economic Regulatory Administration issued under the Canadian Crude Oil Allocation Program for the October 1 through December 31, 1979 allocation period. In support of their positions, the firms maintained that the ERA could not accept amended nominations from other companies after the time period set forth in 10 CFR 214.31(h). In considering the Appeals the DOE held that the provisions contained in the Preamble to the Final Rule which amended the Canadian Crude Oil Allocation Program (42 Fed. Reg. 29295 (June 8, 1977)) indicated that the ERA was required to permit Murphy Oil Corporation and Ashland Oil, Inc. to submit amended nominations after the deadline established in 10 CFR 214.31(h) because of the cutoff of Canadian light crude oil exports. The DOE therefore determined that Mobil's and Total's Appeals should be denied.

Williams and Connolly, Washington, D.C.; BFA–0128, freedom of information

Williams & Connolly filed an Appeal from a denial by the DOE Deputy General Counsel for Enforcement and Litigation of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). Williams & Connolly sought information pertaining to the application of federal criminal sanctions to violations of DOE regulations. In considering the Appeal, the DOE found that, although portions of all the documents in question were properly withheld under either Exemption 5 or Exemption 7(A) of the FOIA, many of the documents contained segregable non-exempt factual material which should be released to the public. The Appeal was accordingly granted.

Remedial Orders

George Alexiades, Elizabeth, N.J.; DRO–0290, motor gasoline

George Alexiades objected to an Interim Remedial Order for Immediate Compliance (IROIC) issued to him d/b/a George's Shell, Inc. by the State of New Jersey Department of Energy (New Jersey) on July 5, 1979. In the IROIC, New Jersey found that George's (i) failed to post and maintain the maximum lawful selling price for each grade of motor gasoline on the face of each of its pumps, (ii) failed to keep and maintain required records necessary to support the lawfulness of the selling price being charged and (iii) charged prices for motor gasoline which exceeded the maximum allowable price the firm was permitted to charge under the provisions of 10 CFR Part 212. The firm failed to file a Statement of Objections in a timely manner. The DOE therefore concluded that George's Shell, Inc. no longer wished to object to the IROIC and accordingly issued the IROIC as a final order of the Department of Energy.

Harrison Gas & Oil, Inc., Los Angeles, Calif., BRW–0015, motor gasoline

The Economic Regulatory Administration (ERA) filed a Motion to Issue a Remedial Order on January 7, 1979. In its Motion, the ERA stated that Harrison Gas & Oil, Inc. had failed to file a timely Notice of Objection and therefore was deemed to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. The DOE found that Harrison had received an extension of time within which Harrison could file its Statement of Objections to the Proposed Remedial Order. The DOE therefore concluded that the Motion should be dismissed.

Perez's Amoco, Elizabeth, N.J.; DRO–0289, motor gasoline

Perez's Amoco, Inc. objected to an Interim Remedial Order for Immediate Compliance (IROIC) issued to the firm by the State of New Jersey Department of Energy (New Jersey) on July 5, 1979. In the IROIC, New Jersey found that Perez's (i) failed to post and maintain the maximum lawful selling price for each grade of motor gasoline on the face of each of its pumps, (ii) failed to keep and maintain required records necessary to support the lawfulness of the selling price being charged, and the (iii) charged prices for motor gasoline which exceeded the maximum allowable price the firm was permitted to charge under the provisions of 10 CFR Part 212. The firm failed to file a Statement of Objections within the time limits prescribed by DOE regulations. The DOE therefore concluded that Perez's Amoco, Inc. no longer wished to object to the IROIC and accordingly issued the IROIC as a final order of the Department of Energy.

Triangle J Oil Co., Denver, Colo.; DRO–0206, Crude Oil

Triangle J Oil Company (Triangle J) filed a Statement of Objections to a Proposed Remedial Order (PRO) that the Rocky Mountain District Office of the DOE's Economic Regulatory Administration (District Office) issued to the firm on March 13, 1979. In that PRO, the District Office determined that during the audit period September 1, 1973 through February 29, 1976, Triangle J had sold certain amounts of crude oil produced on the State Lease in Washington County, Colorado at prices exceeding the maximum lawful selling prices. Specifically, the PRO charged that Triangle J had sold the crude oil produced from a second well drilled on the lease at upper tier ceiling prices without first eliminating the current cumulative deficiency for the State Lease. In response, Triangle J argued that the State Lease had not incurred a current cumulative deficiency and that the second well constituted a new property with a Base Production Control Level of zero barrels.

In considering the firm's Statment, the DOE rejected Triangle J's contention that its technically deficient certification of production of "new" crude oil from the State Lease in November 1973 could not trigger the operation of the current cumulative deficiency provisions. The DOE also rejected Triangle J's argument that Colorado's well-spacing regulations required treatment of the second well as a separate property, since those requirements were not a part of the lease agreement or fee interest. In addition, the DOE held that it was proper to serve the PRO on the operator of a crude oil producing property. However, the DOE modified the Proposed Remedial Order to require restitution by a specified price reduction until the repayment is completed and to require a lump sum repayment of any balance outstanding at the end of twelve months. Accordingly, Triangle J's objections were denied and the PRO as modified was issued as a final Remedial Order.

Kirkwood Oil & Gas Co., Washington, D.C.; DRA–0276, crude oil

The Kirkwood Oil and Gas Company filed an Appeal of a Revised Remedial Order that was issued to the firm on December 8, 1978. In the Appeal the firm sought the rescission of the Revised Remedial Order and a finding that the firm's Ruduik lease qualified as a stripper well property during 1973. In considering the Appeal, the DOE found that the firm had not demonstrated that the Revised Remedial Order was erroneous in fact or law or was arbitrary and capricious. Accordingly, Kirkwood's Appeal was denied.

Requests for Exception

Ball Shell Service, Asheville, NC.; BEE–6156, motor gasoline

Ball Shell Service filed an Application for Exception from the provisions of 10 CFR 211.102, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm would not experience any serious financial difficulty as a result of denial of exception relief. The DOE further determined that the residents of the market area served by Ball were not subject to a gross inequity or unfair distribution of burdens as a result of an unusual shortage of motor gasoline in the community served by the firm. Accordingly, exception relief was denied.

Chevron U.S.A., Inc., San Francisco, Calif.; DEE–5917, refined petroleum products

Chevron U.S.A., Inc. filed an Application for Exception from the provisions of 10 CFR 212.83(c)(2) in which the firm sought permission to exclude the carbon dioxide which it produces in the apportionment of costs between uncontrolled and price-controlled refined petroleum products. In considering the request, the DOE found that exception relief was necessary to prevent the firm from suffering a gross inequity. Accordingly, exception relief was granted.

City of Pleasant Grove, Pleasant Grove, Ala.; BEE–0211, reporting requirements

The City of Pleasant Grove, Alabama filed an Application for Exception from the reporting requirements of Form EIA–149

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("Natural Gas, Supply, Requirements, and Usage"). Pleasant Grove requested that it be relieved of the requirement to file the form with the Energy Information Administration. In considering the request, the DOE found that the illness of the City's only employee qualified to complete the form prevented Pleasant Grove from complying with the reporting deadlines. Accordingly, exception relief was granted which permitted Pleasant Grove to file its data in simplified form, ninety days after the return to work of the employee or the appointment of a replacement for the employee.

City of Reno, Reno, Nev.; BEO–0485, motor gasoline

The City of Reno, Nevada filed an Application for Exception in which it requested an increase in its base period allocation of motor gasoline. The DOE found that the City had failed to show that the burdens its employees were encountering in purchasing gasoline directly at retail outlets were any different from the burdens which millions of other individuals are currently experiencing. As a result, the City's exception request was denied.

Gas Marketing, Inc., Stafford Kans., DEE–7646, Crude Oil

Gas Marketing, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Gas Marketing to sell at market prices 100 percent of the crude oil produced from the Bayou Boullion 3–D Lease located in St. Martin Parish, Louisiana.

James R. Drummond, Inc., Alexandria, La., DEE–7679, Motor Gasoline

James R. Drummond, Inc. filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE noted that the firm sought to divert to two outlets in which it had made investments in 1979 the unused portion of the 1972 base period allocations of other stations it owned wholesales had declined in 1979 and 1978. The DOE found that no financial hardship existed with respect to the two stations in which the firm made investments and the firm was not experiencing a gross inequity as a result of the implementation of the new base period. Accordingly, exception relief was denied.

Kingsport Publishing Corp. d.b.a. Kingsport Times-News, Kingsport, Tn., DEE–4955, Motor Gasoline

Kingsport Publishing Corp. d.b.a. Kingsport Times-News filed an Application for Exception from the provisions of 10 CFR, Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that additional volumes of motor gasoline were required by the firm in order to continue its business operations. Accordingly, exception relief was denied.

Mason Valley Petroleum Dealers, Yerington, Nev., BXE–0873, Motor Gasoline

The Mason Valley Petroleum Dealers filed an Application for Exception from the provisions of 10 CFR, Part 211, which, if granted, would result in the extension of exception relief previously granted increasing the base period allocations of five retail service stations represented by Mason Valley. In its Application, Mason Valley stated that the increased allocations were necessary to meet increases in demand which resulted from the closings of other outlets during and after the base period. In considering the request the DOE determined that Mason Valley had met the criteria for exception relief specified in *James Tidwell Chevron*, 4 DOE Par. ——— (June 8, 1979). Accordingly, Mason Valley's Application for Exception was approved. The DOE determination was issued in final form pursuant to 10 CFR 205.60C(a).

Earl B. Plank, Pierce, Idaho, BEO–0083, Motor Gasoline

Earl B. Plank filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary because the base period constituted an anomolous period for purposes of measuring the present owner's full time operation. Accordingly, exception relief was granted.

Husky Oil Company, Denver, Colo., DXE–6327, Crude Oil

Husky Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Husky Oil Company to sell at upper tier prices 100 percent of the crude oil produced from the Victory lease located in Santa Barbara, California.

Priest Explorations, Inc., Oklahoma City, Okla., DEE–8068, Crude Oil

Priest Explorations, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Priest to sell 74.75 and 39.37 percent of crude oil produced for the benefit of the working interest owners from the Choate Well 3A and the Choate Well 4A, respectively, at market price levels not to exceed $30.94 per barrel.

Priest Explorations, Inc., Oklahoma City, Okla., DEE–8067, Crude Oil

Priest Explorations, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. In considering the exception request for the Barnes Well 3A, the DOE found that the applicant would be able to operate that well on a profitable basis if the crude oil is sold at the applicable ceiling price. Accordingly, the DOE determined that exception relief should be denied for the Barnes Well 3A. With respect to the remaining well, exception relief was granted to permit Priest to sell 9.11 percent of the crude oil produced for the benefit of the working interest owners from the Barnes Well 2A at market price levels not to exceed $30.94 per barrel.

R. W. Tyson Producing Co., Inc., Jackson, Miss., DEE–4500 through DEE–4505, Crude Oil

R. W. Tyson Producing Company, Inc. filed six Applications for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Tyson to sell at market prices a portion of the crude oil produced from each of the properties.

Saveway Super Service Stations, Inc., Las Vegas, Nev., DEE–3522, Motor Gasoline

Saveway Super Service Stations, Inc. (Saveway) filed an Application for Exception seeking an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the allocation fractions of the firm's suppliers were not significantly lower than the average national allocation fraction for the period in question. In addition, the DOE found that Saveway had not established that either residents or vacationers in Las Vegas, Nevada would bear a disproportionate share of the burdens of the nation's energy problems unless the firm received an increased allocation of motor gasoline. Accordingly, exception relief was denied.

Stan's Service, Murrieta, Calif., BEO–0384, Motor Gasoline

Stan's Service filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had made no significant alteration in its business practices since the end of the new base period. The DOE further found that the firm would not experience any serious financial difficulty as a result of denial of exception relief. Finally, the DOE determined that the residents of the market area served by Lavery were not subject to a gross inequity of unfair distribution of burdens as a result of an unusual shortage of motor gasoline in the community served by the firm. Accordingly, exception relief was denied.

Union Service Industries, Inc., Memphis, Tenn., BEO–0332, Motor Gasoline

Union Service Industries, Inc. filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had made a capital investment in 1976 to renovate its operations. However, the DOE determined that the intended benefits of that investment could have been realized prior to the updating of the base period. In view of the fact that Union's operations were unprofitable since 1973, the DOE concluded that any financial difficulties which the firm may be experiencing are not directly attributable to the new base period. Accordingly, exception relief was denied.

Requests for Stay

Kerr-McGee Corporation, Oklahoma City, Okla., BES–0045, Motor Gasoline

Kerr-McGee Corporation filed an Application for Stay from the requirement that it offer motor gasoline for sale to the Marathon Oil Company and Chevron U.S.A., Inc. pursuant to the terms of a Decision and Order issued to San-Ann Service, Inc. on December 5, 1979. *San-Ann Service, Inc.*, 5 DOE Par. ——— (December 5, 1979). In considering the Application, the DOE determined that Kerr-McGee would not be adversely affected if it were required to furnish the specified volumes of motor gasoline to Marathon and Chevron. The DOE also found that the firm had failed to satisfy any of the other stay requirements set forth in 10 CFR 205.125(b). The Kerr-McGee stay request was accordingly denied. However, Kerr-McGee's obligation to supply Marathon and Chevron with certain volumes of gasoline was stayed for a short period of time in order to allow the Federal Energy Regulatory Commission time to consider a similar stay request submitted by the firm.

Sun Oil Company of Pennsylvania; Atlantic Richfield Company; Texaco, Inc., Washington, D.C., BES–0100, BES–0104, BES–0105, Motor Gasoline

Sun Oil Company of Pennsylvania, Atlantic Richfield Company, and Texaco, Inc. filed Applications for Stay which, if granted, would stay the provisions of Assignment Orders issued to the firm by the Economic Regulatory Administration's Region V Office of Petroleum Operations on November 21, 1979. The November 21 Orders assigned the firms as base period suppliers of motor gasoline to U.S. Oil Company. Each firm was directed to provide U.S. Oil with approximately 3.8 million gallons of gasoline annually. In considering the firm's stay requests, the DOE concluded that the applicants had failed to demonstrate that the criteria for approval of a stay were met. The DOE also found that the public interest would best be served if the firms continue to provide U.S. Oil with motor gasoline pending a determination of their Appeals. However, the DOE also concluded that the Assignment Orders failed to address comments submitted by the applicants opposing their selection as new base period suppliers to U.S. Oil. Accordingly, the DOE directed the Office of Petroleum Operations, Region V to consider these comments and to issue Revised Assignment Orders to the firms involved.

Slant/Fin Corporation, Greenvale, N.Y., BST–0704, BES–0704, Test Procedures

Slant/Fin Corporation filed Applications for Stay and Temporary Stay of the provisions of 10 CFR, Part 430. In those Applications the firm requested that it not be required to perform energy efficiency test procedures on packaged terminal air conditioners that it manufactures. In considering the requests, the DOE determined that Slant/Fin might suffer significant financial injury in the absence of stay relief and that Slant/Fin had demonstrated a likelihood of success on the merits of its exception request. (Case No. BEE–0704). The Slant/Fin stay request was therefore granted.

Request for Temporary Stay

Economic Regulatory Administration, Washington, D.C., BST–0049, Crude Oil

The Economic Regulatory Administration of the Department of Energy (ERA) filed an Application for Temporary Stay of certain provisions of a Decision and Order issued to Industrial Fuel and Asphalt of Indiana, Inc. (IFAI) by the Office of Hearings and Appeals (OHA) on December 14, 1979. *Industrial Fuel and Asphalt of Indiana, Inc.*, 5 DOE Par. ——— (December 14, 1979). In that determination, the OHA remanded an ERA Decision and Order issued to IFAI on May 16, 1979, which had in substantial part denied IFAI's request for an emergency allocation of crude oil. The OHA determination was based in part on the finding that the regulations did not permit the ERA to calculate the amount of crude oil to be provided to IFAI on the basis of 95 percent of the national utilization rate times IFAI's base period runs to stills. In its Application for Temporary Stay, the ERA contended that the regulations did permit such a calculation. The ERA indicated that it intended to file a Petition for Reconsideration of the December 14, 1979 OHA determination. In considering the ERA temporary stay request, the OHA observed that a strong policy foundation appeared to exist for the ERA position and there might be considerable confusion on the part of other refiners should the present request be denied. The Temporary Stay was therefore granted.

Special Refund Procedures

Office of Enforcement, Washington, D.C., BFF–0004, Crude Oil

The Office of Enforcement of the ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a Consent Order executed by the ERA and Delta Refining Company. In its Petition, the Office of Enforcement requested that the Office of Hearings and Appeals adopt special procedures for administering an escrow fund established pursuant to the Consent Order. In considering the request, the DOE found that in view of the small size of the refund amount, the proceeding was not appropriate for the implementation of Subpart V procedures. Accordingly, the Office of Enforcement's Petition was denied.

Supplemental Order

Union Oil Company of California, Los Angeles, Calif., BEX–0029, Crude Oil

The DOE issued a Supplemental Order to the Union Oil Company of California in which it found that the exception relief previously approved for the firm should be extended through February 29, 1980. The determination was based on the DOE's finding that additional exception relief was necessary in order to alleviate the unfair distribution of burdens that Union had been found to be experiencing under the DOE Regulations.

Interim Orders

City of Long Beach, Calif., Long Beach, Calif., BEN–0341, crude oil

On January 11, 1980, the City of Long Beach, California requested that it be permitted to implement immediately the relief specified in an exception Decision that was issued to the City in proposed form on December 21, 1979. In considering the request, the DOE found that the level of exception relief granted the firm in the Proposed Decision will only be increased if its objections are sustained. The City's request was therefore granted.

The following firms were granted Interim Exception relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order:

Company Name, Case No., and Location

Groveland Sales & Service, DEN–5620, Abington, MA.
Payne's Oil Co., Inc., DEN–2431, Clearwater, FL.
Servando Enriquez, DEN–7475, Dos Palos, CA.
Twin State Oil Co., BEN–0016, Tabor City, NC.
FS Services, Inc., BEN–0274, Bloomington, IL.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Name, Case No., and Location

Energy Coop., Inc., BEJ–0017, Wash., DC.
Texaco, Inc., BED–0025, Stamford, CT.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied.

Company Name, Case No., and Location

Bar Harbour Service, DEO–0340, Massapequa, NY.
Bob's Autotorium, DEE–4668, Whitaker, PA.
Rudolph Sutton t/a Sutton's Gulf, DEO–0317, Lowellville, OH.

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Name and Case No.

A. C. Gas Co., DEE–6887.
Allan Automatic Sprinkler Corp., DEE–5578; DES–5578.
Campbell Oil Co., DEE–5127; DES–5127; DST–5127.
Crenshaw Oil Co., DEE–6635.
FS Services, Inc., BEL–0274.
McCart Gulf Tire Store, DEE–6712; DES–6712.
Yerby Oil Co., Inc., DEE–4575; DES–4575; DST–4575.
Bi-Rite Pet., Ltd., DEE–6675.
Globe Oil Co., DEE–4537.
Maurice L. Brown Co., DRO–0240.
Red Triangle Oil Co., DRO–0213.
Saddleback Self Service, DEE–4556.
Suffolk Oil Co., Inc., BEE–0542.
Tire World of Old Bridge, Inc., DEO–0327.
Yates Stores, Inc., DES–3091; DST–3091.
Arkansas Big A Truck Stop, DEE–7643.
Bridge St. Gulf, DEE–7022.
Central City Shell, DXE–6126.
Eugene Johnson, DEE–7677.
Texaco, Inc., DEA–0609.
U.S. Oil Co., BEL–0002.

V 45/57 MR 21 80 UMI

Ally's Texaco, DEE–6716; DEE–6717.
Bill & Mike's Amoco, DEE–7798.
Frank Bower Chevron, DES–5906.
Haines Gulf, BRO–0123.
Glass Oil Co., Inc., DEE–5128; DES–5128; DST–5128.
Joe Rayl, Inc., BEE–0327.
Exxon Pet. Products, DEE–6489.
Las Vegas Baggage Service, DEE–5039.
Norman E. Whitney, Inc., DEE–7428.
T. J. DuBose, DEE–2406.
Union Oil of Cal., DEH–0557.
Universal Atlas Cement, BEO–0277.
Womack Construction Co., inc., DEE–6049.
Mobil Oil Corp., BES–0083; BST–0083.
Total Pet., Inc., BES–0101; BST–0101.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

March 10, 1980.

[FR Doc. 80–8646 Filed 3–20–80; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Proposed Decisions and Orders; February 11 through February 15, 1980

Notice is hereby given that during the period February 11 through February 15, 1980, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice (March 21, 1980) or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m. e.s.t., except federal holidays.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

March 12, 1980.

Proposed Decision and Order

Asamera Oil (U.S.) Inc., Denver, Colo. DEE–0018–23, Crude Oil

Asamera Oil (U.S.) Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at market prices a certain portion of the crude oil produced for the benefit of the working interest owners from six properties located in Duchesne County, Utah. On February 19, 1979, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that exception relief should be granted in part.

Ashland Oil, Inc., Ashland, Kentucky, BEE–0373, BSG–0007, Crude Oil

Ashland Oil, Inc. filed an Application for Exception and a Petition for Special Redress from the provisions of the Mandatory Petroleum Allocation Regulations. The requests, if granted, would assign other suppliers to sell crude oil to Ashland to replace crude oil supplies previously obtained from Iran. On February 11, 1980, the DOE issued a Proposed Decision and Order in which it tentatively determined that the Ashland requests should be granted in part.

Biofuel, Inc., Washington, D.C., BEE–0077, Gasohol

Biofuel, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211, Subpart F. The exception requests, if granted, would permit Biofuel to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol. On February 12, 1980, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception requests should be denied.

Coggin Oil Co., Caraway, Ark., BEE–0400, Gasohol

Coggin Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211, Subpart F. The exception request, if granted, would permit Coggin to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol. On February 12, 1980, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception request should be denied.

Geib Oil Co., Martin, Mich., BEE–0397, Gasohol

Geib Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211, Subpart F. The exception request, if granted, would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol. On February 15, 1980, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception request should be granted in part.

Miles Farm Supply, Inc., Owensboro, Ky., BEE–0089, Gasohol

Miles Farm Supply, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211, Subpart F. The exception request, if granted, would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol. On February 13, 1980, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception request should be granted.

Tropicana Petroleum, Ltd., Paramount, Calif., BEE–0426, Gasohol

Tropicana Petroleum, Ltd. filed an Application for Exception from the provisions of 10 CFR, Part 211, Subpart F. The exception request, if granted, would permit the firm to receive an increased allocation of unleaded gasoline for the purpose of blending gasohol. On February 12, 1980, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception request should be denied.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name, Case No., and Location

Petroleum Products, DEE–2888, Wash., DC.
Stockman Oil Two, DEE–6101, DEE–7909, Greenwood, SC.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be denied.

Company Name, Case No., and Location

Aire Sheet Metal, Inc., DEE–5794, Redwood City, CA.
Anthony Alfano Serv., DEE–5228, Garden City Pk., NY.

CAF Industries, DEE–5235, Phoenix, AZ.
Crossroads Gulf, DEE–7619, Amherst, VA.
Cunningham Oil Co., DEE–3490, Columbus, GA.
Dick's Hilltio Arco, DEE–7069, Moses Lake, WA.
Ernie's Gen. Store, DEE–8330, Stockton, CA.
Hawthorne Lane Shell, DEE–7403, Charlotte, NC.
Haywood Oil Co., Inc., DEE–6842, Waynesville, NC.
Henderson Oil Co., DEE–4967, Henderson, KY.
Henkel's Arco, DEE–4203, Benicia, CA.
Highland Pk. Exxon, DEE–7583, Baton Rouge, LA.
Mim's Oil Co., DEE–6259, Paonia, CO.
Norwalk Currie Tire Co., Inc., DEE–7714, Norwalk, CT.
Palos Verdes Standard, DEE–8653, Denver, CO.
Plaza Car Wash, DEE–6095, Campbell, CA.
Slattery's Standard, DEE–3322, Elm Grove, WI.
Stevens Oil Co., DEE–5785, Las Vegas, NM.
Tripp Street Chevron, DEE–7199, Americus, GA.
Tuner Up of Boston, BEE–0055, Belmont, MA.
Wo Wo Wash, DEE–4573, San Fran., CA.

[FR Doc. 80–8647 Filed 3–20–80; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Proposed Decisions and Orders; February 18 through February 22, 1980

Notice is hereby given that during the period February 18, through February 22, 1980, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice (March 21, 1980) or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue or fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m. e.s.t., except Federal holidays.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

March 12, 1980.

Proposed Decision and Orders

Big D & W Refining & Solvents Co., Inc., Van Buren, Ark., DEE–7895, gasohol

Big D & W Refining and Solvents Company, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211, Subpart F. The exception request, if granted, would result in an Order assigning to the firm a supplier and base period volume of unleaded motor gasoline for the purpose of blending gasohol. On February 19, 1980, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception request should be granted.

Gulf Oil Corp., Liberty County, Tex., BEE–0695 crude oil

Gulf Oil Corporation filed an Application for Exception from the provisions of 10 CFR, part 212, Subpart D. The exception request, if granted, would permit the firm to sell at upper tier ceiling prices a certain portion of the crude oil produced for the benefit of the working interest owners from the Kirby Lease located in Liberty County, Texas. On February 20, 1980, the DOE issued a Proposed Decision and Order in which it tentatively determined that exception relief should be granted in part.

Laketon Asphalt Refining Co., Evansville, Ind., BEE–0583 crude oil

Laketon Asphalt Refining Company filed an Application for Exception from the provisions of the Entitlements Program, 10 CFR 211.67. The exception request, if granted, would relieve the firm of its entitlements purchase obligations during the period March 1980 through August 1980. On February 22, 1980, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception request should be granted in part.

Linn Co-Operative Oil Co., Marion, Iowa, DEE–6369, gasohol

Linn Co-operative Oil Company filed an Application for Exception from the provisions of 10 CFR 211.9. The exception request, if granted, would permit the firm to receive an increased allocation of both leaded and unleaded motor gasoline for the purpose of blending gasohol. On February 20, 1980, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception request should be granted in part.

Lohr Petroleum Co., Columbus, Nebr., BEE–0432, gasohol

Lohr Petroleum Company, Inc. filed an Application for Exception from the provisions of 10 CFR 211, Subpart F. The exception request, if granted, would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol. On February 20, 1980, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception request should be granted in part.

Thriftway Co., Farmington, New Mex., DEE–5535, crude oil

Thriftway Company filed an Application for Exception from the provisions of the Crude Oil Buy/Sell Program, 10 CFR 211.65. The exception request, if granted, would permit the firm to participate in the Crude Oil Buy/Sell Program as a refiner-buyer. On February 20, 1980, the Department of Energy issued a Proposed Decison and Order in which it tentatively determined that the exception request should be denied.

Western Refining Co., Salt Lake City, Utah, BEE–0263, crude oil

Western Refining Company filed an Application for Exception from the provisions of the Entitlements Program, 10 CFR 211.67. The exception request, if granted, would prospectively relieve the firm of a portion of its entitlements purchase obligations. On February 21, 1980, the Department of Energy issued a Proposed Decison and Order in which it tentatively determined that the exception request should be denied.

Petitions Involving the Motor Gasoline Allocations Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' based period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be denied.

Company Name, Case No., and Location

Bill Young's Park Avenue Service, DEE–5134, Redlands, CA.
Fischer's Service, DEE–7418, DES–7418, Cranston, RI.
Lally's Chevron, DEE–3756, Tuckerton, NJ.
Munford, Inc., DEE–4516, Atlanta, GA.
Ravenworth Texaco, DEE–6274, Annadale, VA.

[FR Doc. 80–8648 Filed 3–20–80; 8:45 am]

BILLING CODE 6450–01–M

Office of the Special Counsel for Compliance

Standard Oil Co. (Ohio); Action Taken on Consent Order

AGENCY: Department of Energy.

V 45/57 MR 21 80 UMI

ACTION: Action taken on Consent Order with Standard Oil Company (Ohio).

Pursuant to 10 CFR 205.199J(c) the Office of the Special Counsel (OSC) of the Department of Energy hereby gives notice of final action taken on a Consent Order.

On January 10, 1980 OSC published Notice of a Consent Order which was executed between Standard Oil Company (Ohio) [Sohio] and OSC. (45 FR 2081 (January 10, 1980)).

With that Notice, and in accordance with 10 CFR 205.199J(c), OSC invited interested persons to comment on the Consent Order by submission of written responses on or before 4:30 p.m. CST, February, 9, 1980.

At the expiration of the comment period, no comments had been received with respect to the Consent Order. Therefore, OSC has concluded that the Consent Order as executed between OSC and Sohio is an appropriate resolution of the compliance proceedings described in the Notice published on January 10, 1980, and hereby gives notice that the Consent Order shall become effective as proposed, without modification, March 21, 1980.

Issued in Washington, D.C., on the 10th day of March, 1980.

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc. 80-9043 Filed 3-20-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1441-8]

Ambient Air Monitoring Reference and Equivalent Methods; Amendment to Reference Method for Ozone

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7044, February 18, 1975), has approved an additional option (Ethylene/CO_2 blend reactant gas) to O_3 reference method number RFOA-0176-007 (41 FR 5145, February 4, 1976). While the designation number of the method remains the same, the method identification is amended to read as follows:

RFOA-0176-007 "Bendix Model 8002 Ozone Analyzer," operated on the 0-0.5 ppm range, with a 40 second time constant setting, and with or without any on the following options:

A—Rack mounting with chassis slides.

B—Rack mounting without chassis slides.

C—Zero and span timer.

D—Ethylene/CO_2 blend reactant gas.

This method is available from The Bendix Corporation, Process Instruments Division, Post Office Drawer 831, Lewisburg, West Virginia 24901.

This change is made in accordance with 40 CFR 53.14 and is based on additional information and test data submitted by the applicant subsequent to the original designation. The new information will be kept on file at the address shown below and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

Additional information concerning the use of this designated method may be obtained from the original Notice of Designation (41 FR 5145, February 4, 1976) or by writing to: Director, Environmental Monitoring Systems Laboratory, Department E (MD-77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Technical questions concerning the method should be directed to the manufacturer.

Stephen J. Gage,

Assistant Administrator for Research and Development.

March 14, 1980.

[FR Doc. 80-9080 Filed 3-20-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1442-3]

National Air Pollution Control Techniques Advisory Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held at 9:00 a.m. on April 16 and 17, 1980, at the Hotel Hilton, 1707 Hillsborough Street, Raleigh, North Carolina 27605. The commercial telephone number is (919) 828-0811.

The tentative agenda for the meeting is as follows:

April 16 (Wednesday)—9:00 a.m.

Volatile Organic Chemical Fugitive Emissions in the Synthetic Organic Chemical Manufacturing Industry, New Source Performance Standard; Benzene-Fugitive Emissions, National Emission Standard for Hazardous Air Pollutants.

April 17 (Thursday)—8:30 a.m.

Benzene-Fugitive Emissions (continued if necessary); Benzene Emissions from Benzene Storage Tanks, National Emission Standard for Hazardous Air Pollutants; Adjourn.

All meetings are open to the public. Anyone wishing to make a presentation should contact Mrs. Mary Jane Clark at the Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, by April 11, 1980. The commercial telephone number is (919) 541-5271, and the FTS number is 629-5271.

Dockets containing material relevant to the volatile organic chemical fugitive emissions in the synthetic organic chemical manufacturing industry (Docket Number A-79-32), benzene fugitive emissions (Docket Number A-79-27), and benzene emissions from benzene storage tanks (Docket Number A-80-14) rulemaking are located in the U.S. Environmental Protection Agency, Central Docket Section, Room 2903B, 401 M Street SW., Washington, D.C. 20460. The dockets may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays, and a reasonable fee may be charged for copying.

Dated: March 14, 1980.

David G. Hawkins,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 80-8079 Filed 3-20-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1441-3; 80T-90]

Polymer Formed From Phenol Formaldehyde Resin and Diazo Oxonaphthalene Sulfonyl Chloride; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register**. This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes on the chemical substance polymer formed from phenol formaldehyde resin and

resin oxonaphthalene sulfonyl chloride and requests comments on the appropriateness of granting the exemption.

DATES: The Agency must either approve or deny this application by April 5, 1980. Persons should submit written comments on the application no later than April 7, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, 202-428-2601.

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA, any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** on May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN. Section 5(b)(1) contains additional reporting requirements for chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies, and briefly describes, the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register**.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Registers** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to promulgation of the rules and notice forms.

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the Test Marketing Exemption is issued below.

TM 80-14.

Close of Review Period. April 5, 1980.

Manufacturer's Identity. Claimed confidential.

Specific Chemical Identity. Claimed confidential. Generic name provided: Polymer formed from phenol formaldehyde resin and diazo oxonaphthalene sulfonyl chloride.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the test marketing exemption application.

Use. Claimed confidential. Five kilograms will be manufactured for test marketing purposes. The test market will be conducted beginning in mid April through June, 1980.

Health Environmental Effects. The health hazards associated with the manufacture, processing, and end-use of the substance are expected to be minimal. The results of toxicological and environmental testing will be submitted with a premanufacture notice at a later date

Exposure.

During manufacturing. One employee will be exposed to the raw materials for up to ½ hour when introducing these materials into the reaction vessel. This same employee will be exposed to the dry solid for up to ½ hour when removing and handling the chemical prior to packaging.

During processing. One person will be exposed to the solid when it is dissolved in an appropriate solvent prior to addition to coating solutions. One employee will be exposed for up to one hour to the coating solution during the clean-up of the coating operation.

Customer/employee exposure will be minimal and is limited to handling a dry film containing about 25 milligrams of the chemical substance per square foot. The substance will be located between coatings of other material and will not result in direct exposure. Disposition of the residual portions of the product containing this chemical substance will be in accordance with local environmental standards for the industry. It is estimated that about 12 parts per million (ppm) of the chemical will be contained in the effluent.

Interested persons may, on or before April 7, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[80T-90]". Comments received may be seen in the above office between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 17, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

[FR Doc. 80-8082 Filed 3-20-80; 8:45 am]

BILLING CODE 6560-01-M

V45/57 MR21 80 UMI

[FRL 1441-2; 80T-91]

Salt of: Polymer of 4-Substituted Diphenylamine Formaldehyde and Polymer of 5-Substituted-1,3-Benzenedicarboxylate, 1,4-Cyclohexanedimethanol, Ethylene Glycol, ϵ-Caprolactone, Tolylene-2,4,Diioscyanate, and 2-Butenedioic Acid; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register**. This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes on the chemical substance salt of: Polymer of 4-substituted diphenylamine formaldehyde and polymer of 5-substituted-1,3-benzenedicarboxylate, 1,4-cyclohexanedimethanol, ethylene glycol, ϵ-caprolactone, tolylene-2,4-diioscyanate, and 2-butenedioic acid and requests comments on the appropriateness of granting the exemption.

DATES: The Agency must either approve or deny this application by April 5, 1980. Persons should submit written comments on the application no later than April 17, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460, 202-426-2601.

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA, any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** on May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN. Section 5(b)(1) contains additional reporting requirements for chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies, and briefly describes, the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register**.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Registers** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to promulgation of the rules and notice forms.

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the Test Marketing Exemption is issued below.

TM 80-16.

Close of Review Period. April 5, 1980.

Manufacturer's Identity. Claimed confidential.

Specific Chemical Identity. Claimed confidential. Generic name provided: Salt of: Polymer of 4-substituted diphenylene formaldehyde and polymer of 5-substituted-1,3-benzene-dicarboxylate, 1,4-cyclohexanedimethanol, ethylene glycol, ϵ-caprolactone, tolylene-2,4-diioscyanate and 2-butenedioic acid.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the test marketing exemption application.

Use. Claimed confidential. Use provided by manufacturer: resin.

Test Data.

Test and Result

Acute oral toxicity-rat: $1.25 < LD_{50} < 2.50$ g/Kg
Primary eye irritation-rabbit: Severe irritant.
Primary eye irritation-rabbit (washout): Mild to moderate irritant.
Primary skin irritation-rabbit: Non-irritating.
Contact dermal-guinea pig irritation/sensitization: Non-irritating/non-sensitizing.

The cationic portion of the chemical substance which is the subject of this application is only 8% by weight. It is expected that the adverse reactions due to this portion of the molecule would be less at a given dosage than in the substance tested, the zinc chloride salt.

Studies performed on the related chemical polymer of: Sodium 5-substituted-1,3-benezenedicarboxylic acid, 1,4-cyclohexanedimethanol, ethylene glycol, ϵ-caprolactone, tolylene-2,4-diisocyanate, and 2-butendioic acid.

Test and Result

Acute oral toxicity-rat: $LD_{50} > 5$ g/kg
Acute occular irritation-rabbit: Moderate irritant.
Primary skin irritation-rabbit: Slight irritant.
Mutagenicity-Ames-salmonella typhimurium: Negative.
Yeast recombination-saccharomyces cerevisiae: Negative.
Chemical oxygen demand: 1,700,000 mg/Kg
Biological oxygen demand:
5-day 34,000 mg/Kg
20-day 110,000 mg/Kg

The anionic portion of this chemical substance, which comprises 92% of it by weight, has shown low toxicity.

The distribution of this chemical substance in the test marketing activity does not constitute an unreasonable risk of injury to health or the environment because of: The low toxic effects of its parts, the limited human exposure, the small amount to be manufactured, the low release to the environment, and the small amount used in each finished article.

Exposure. Maximum number of persons to be exposed during test marketing: 250.

During manufacture. Employees will be exposed for up to 8 hours. Standard industrial hygiene practices, including the use of dust masks and gloves, will be followed.

During processing. One employee will be exposed for 1 hour. Two employees will be involved in manufacturing the article which contains the chemical substance for up to 12 hours. Standard industrial hygiene practices including the use of dust masks and gloves, will be followed. Two employees will be involved in the packaging operation for 12 hours.

In the test market. Worker exposure will be limited by the normal procedures used in handling the article which contains this chemical substance. The mode of exposure will be skin contact, which is kept to a minimum by the user in order to prevent damage to the article. Persons using the article containing this chemical substance will have been trained in the use of products of this type.

Interested persons may, on or before April 7, 1980, submit to the document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[80T-91]". Comments received may be seen in the above office between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 17, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

[FR Doc. 80-8983 Filed 3-20-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1441-7; 80T-60]

Zinc Salt of Dialkyl Dithiophosphate, Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import. Section 5(d)(2) requires EPA to publish in the **Federal Register** within 5 working days, after receipt, certain information about each PMN the Agency receives. This Notice announces receipt of a PMN on the chemical substance zinc salt of dialkyl dithiophosphate and provides a summary of certain information provided in the PMN.

DATE: Written comments by April 12, 1980.

ADDRESS: Written comments to: Documents Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Mr. Kirk Maconaughey, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, 202-426-2601.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for a commercial purpose became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5 (d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identify or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

Once received, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

V 45/57 MR 21 80 UMI

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, EPA is issuing the PMN set forth below.

PMN 80–32.

Close of Review Period. May 13, 1980.

Manufacturer's Identity. Edwin Cooper Division, Ethyl Corporation, Ethyl Tower, 451 Florida, Baton Rouge, LA 70801.

Chemical Identity. Claimed confidential. Generic name provided: Zinc salt of dialkyl dithiophosphate.

Product Volume. Claimed confidential.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the application.

Use. Lubricating oil additive.

Physical/Chemical Data.

CAS No.	26566–950	68908–93–3	(M–9211)
Ester groups	iso-butyl 2-ethyl hexyl.	iso-propyl 2-ethyl hexyl.	
Flash point, F. PM [1]	375	350	350
Specific gravity [1] 15.6/15.6 C.	1.12	1.13	1.13
Viscosity at 40 C., cSt.	229	227	210
pH none-queous [1].	6.2	6.2	6.2

[1] Product as commercially sold containing small amount of neutral petroleum oil (15–20%) to improve handleability.

Toxicology Data.

E–653

Oral LD_{50} (rat): 2.1 g/kg
Dermal LD_{50} (rabbit): 5.6–7.0 g/kg
Eye irritant (rabbit): Severe, Persistent 29/100
Skin irritant (rabbit): Moderate, persistent 3.66/8
Acute inhalation toxicity (rat): No deaths at 2 mg/l for 1 hour

E–655

Oral LD_{50} (rat): 3.6 g/kg
Dermal LD_{50} (rabbit): 20.0 g/kg
Eye irritant (rabbit): Corrosive 35/100
Skin irritant (rabbit): Moderate, persistent 2.83/8

E–656

Oral LD_{50} (rats): 3.6 g/kg
Dermal LD_{50} (rabbit): 13.8 g/kg
Eye irritant (rabbit): Corrosive 42/100
Skin irritant (rabbit): Moderate, persistent 3.00/8
Inhalation toxicity (rat): No deaths at 2 mg/l for 1 hour

E–661

Oral LD_{50} (rat): 2.8 ml/kg
Dermal LD_{50} (rabbit): >2.0 ml/kg
Eye irritant (rabbit): Severe
Skin irritant (rabbit): Moderate
Inhalation toxicity (rat): No deaths at 2 mg/l for 1 hour
Ames test: Negative

E–662

Oral LD_{50} (rat): 3.6 g/kg
Dermal LD_{50} (rabbit): 2.5–4.0 g/kg
Eye irritant (rabbit): Corrosive 110/110
Skin irritant (rabbit): Severe, persistent 5.0/8
Inhalation toxicity (rat): No deaths at saturation cond. for 6 hours
Ames test: Negative

Health Hazard Data. This material is expected to be slightly toxic by ingestion and partially nontoxic by skin contact.

Disposal. Chemical will be disposed of by incineration or in sanitary landfills in accordance with federal, state, and or local ordinances.

Interested persons may, on or before April 12, 1980, submit to the Document Control Officer (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, 401 M St., SW., Washington, DC 20460, written comments reguarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[80T–60]". Comments received may be seen in the above office between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 17, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

[FR Doc. 80–8661 Filed 3–20–80; 8:45 am]

BILLING CODE 6560–01–M

FEDERAL HOME LOAN BANK BOARD

[No. AC–78]

Builders Federal Savings & Loan Association; Final Action Approval of Conversion Application

March 17, 1980.

Notice is hereby given that on March 13, 1980, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 80–177, approved the application of Builders Federal Savings and Loan Association of Rocky Mount, Rocky Mount, North Carolina, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Coastal Building, 250 Peachtree Center, N.W., Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board,

J. J. Finn,

Secretary.

[FR Doc. 80–8719 Filed 3–20–80; 8:45 am]

BILLING CODE 6720–01–M

[No. AC–77]

Cecil Federal Savings and Loan Association; Final Action, Approval of Conversion Application

March 17, 1980.

Notice is hereby given that on March 13, 1980, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 80–176, approved the application of Cecil Federal Savings and Loan Association, Elkton, Maryland, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Coastal Building, 250 Peachtree Center NW., Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80–8720 Filed 3–20–80; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL MARITIME COMMISSION

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P–37 and Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C–1,034; Order of Revocation

In the matter of the Peninsular and Oriental Steam Navigation Company (P & O Lines), C/O P & O INC. 2029 Century Park East Los Angeles, California 90067.

Whereas, The Peninsular and Oriental Steam Navigation Company (P & O Lines) has ceased to operate the passenger vessel ARCADIA; and

Whereas, Certificate (Performance) No. P–37 and Certificate (Casualty) No. C–1,034 issued to The Peninsular and Oriental Steam Navigation Company (P & O Lines) applying to the ARCADIA have been returned for revocation.

It is ordered, that Certificate (Performance) No. P–37 and Certificate (Casualty) No. C–1,034 applying to the ARCADIA be and are hereby revoked effective March 14, 1980.

It is further ordered that a copy of this Order be published in the **Federal Register** and served on certificant.

By the Commission March 14, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80–8746 Filed 3–20–80; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Commerce Southwest, Inc.; Acquisition of Bank

Commerce Southwest, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of First Bank & Trust of Richardson, Richardson, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the officers of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 14, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 14, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80–8675 Filed 3–20–80; 8:45 am]

BILLING CODE 6210–01–M

GENERAL SERVICES ADMINISTRATION

[E–80–6]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Public Service Commission of Maryland involving electric utility rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Public Service Commission of Maryland involving the application of the Conowingo Power Company for an increase in its electric rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: March 5, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80–8636 Filed 3–20–80; 8:45 am]

BILLING CODE 6820–AM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

Armour Pharmaceutical Co.; Kymar Aqueous; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency withdraws approval of a new animal drug application (NADA) providing for instramuscular use of Kymar Aqueous, containing chymotrypsin, in dogs, cats, and horses as an anti-inflammatory agent. The sponsor, Armour Pharmaceutical Co., requested this action.

EFFECTIVE DATE: March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Andrew J. Beaulieu, Bureau of Veterinary Medicine (HFV–216), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4093.

SUPPLEMENTARY INFORMATION: Armour Pharmaceutical Co., Box 511, Kankakee, IL 60901, is the sponsor of NADA 12–330 which provides for use of Kymar Aqueous in dogs, cats, and horses to minimize inflammation and edema. The application was originally approved October 25, 1960. By letter of November 2, 1979, the firm requested that approval of the NADA be withdrawn because the product is no longer being marketed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 12–330 and all supplements for Kymar Aqueous is hereby withdrawn.

Effective date. March 31, 1980.

Dated: March 13, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80–8424 Filed 3–20–80; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 76G–0466]

Abbott Laboratories; Withdrawal of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the withdrawal without prejudice of the petition (GRASP 5G0050) proposing that *p*-(*N, N*-dichlorosulfamoyl) benzoic acid (Halazone) is generally recognized as safe (GRAS) for use in emergency situations only, as a microcidal chemical for the treatment of potable water of unknown biological quality and where other treatments are not feasible.

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF–335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202–472–4750.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 171.7 *Withdrawal of petition without prejudice* of the procedural food additive regulations (21 CFR 171.7), Abbott Laboratories, North Chicago, IL 60064, has withdrawn its petition (GRASP 5G0050), notice of which was published in the **Federal Register** of December 17, 1976 (41 FR 55240) proposing that Halazone (*p*-(*N, N*-dichlorosulfamoyl) benzoic acid) is

V 45/57 MR 21 80 UMI

GRAS for use in emergency situations only, as a microcidal chemical for the treatment of potable water of unknown biological quality and where other treatments are not feasible.

Dated: March 12, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-8676 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80F-0070]

Dow Chemical Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Dow Chemical Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 2-[(2-aminoethyl) amino] ethanol as a component of adhesives intended for food-contact use.

FOR FURTHER INFORMATION CONTACT: Gerard L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B3450) has been filed by the Dow Chemical Co., Box 1847, 2040 Dow Center, Midland, MI 48640, proposing that § 175.105 *Adhesives* (21 CFR 175.105) of the food additive regulations be amended to provide for the use of 2-[(2-aminoethyl) amino] ethanol as a component of adhesives intended for food-contact use.

The agency has determined that the proposed action falls under § 25.1(f)(1)(v) (21 CFR 25.1(f)(1)(v)) and is exempt from the need of an environmental impact analysis report, and that no environmental impact statement is necessary. A copy of all relevant environmental impact materials may be seen in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 13, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-8670 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 77G-0199]

ICI Americas, Inc.; Withdrawal of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the withdrawal without prejudice of the petition (GRASP 7G0087) proposing affirmation that the glucose isomerase enzyme derived from immobilized *Arthrobacter globiformis* used in the isomerization of dextrose-containing nutritive sweeteners and the resulting high fructose corn syrup is generally recognized as safe (GRAS).

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St., SW., Washington, DC 20204, 202-472-4750

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 171.7 *Withdrawal of petition without prejudice* (21 CFR 171.7) of the procedural food additive regulations, ICI Americas, Inc., Wilmington, DE 19897, has withdrawn its petition (GRASP 7G0087), notice of which was published in the **Federal Register** of August 30, 1977 (42 FR 43668) proposing that the glucose isomerase enzyme derived from immobilized *Arthrobacter globiformis* used in the isomerization of dextrose-containing nutritive sweeteners and the resulting high fructose corn syrup are GRAS.

Dated: March 13, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-8674 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80F-0073]

Takeda Chemical Industries, Ltd.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Takeda Chemical Industries, Ltd. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of bis(isocyanatomethyl) benzene and bis(isocyanatomethyl) cyclohexane in the production of polyurethane resins intended for use in contact with dry food.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B3473) has been filed by Takeda Chemical Industries, Ltd., Osaka, Japan, proposing that § 177.1680 *Polyurethane resins* (21 CFR 177.1680) of the food additive regulations be amended to provide for the safe use of bis(isocyanatomethyl) benzene and bis(isocyanatomethyl) cyclohexane in the production of polyurethane resins for dry food contact.

The potential environmental impact of this action is being reviewed. If this petition results in a regulation, and the agency concludes that an environmental impact statement is not required, the notice of availability of the environmental impact analysis report, statement of exemption, and environmental assessment report, as applicable, will be published in the **Federal Register** as permitted by 21 CFR 25.25(b).

Dated: March 12, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-8675 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80N-0028]

Draft Bureau of Foods Research Plan; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of the draft Bureau of Foods Research Plan. This notice solicits certain information from research institutions, universities, industry, and government agencies about food- and cosmetic-related research needs. Information received will enable FDA to prepare a final research plan incorporating research proposals that are not duplicative of work being done elsewhere and will provide FDA with valuable information about food- and cosmetic-related research that is ongoing outside of FDA.

DATE: Comments on or before May 20, 1980.

ADDRESS: Written comments, data, or information to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Patricia Thompson, Bureau of Foods (HFF-25), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1564.

SUPPLEMENTARY INFORMATION: The largest share of Federal responsibility for protection of the public from health hazards associated with foods and cosmetics rests with FD.\'s Bureau of Foods. Most of FDA's regulatory actions pertaining to foods and cosmetics require information generated by laboratory and nonlaboratory types of research, and by evaluations that can be made only by informed and well-trained Bureau of Foods scientists. Regulatory actions issuing from FDA reflect some of the most important public health decisions made in the Federal government. Many of these actions have a substantial impact on society, including economic impact on industry.

Scientific strength within the Bureau of Foods is, therefore, important both for the general improvement of FDA regulatory decisionmaking and as a key national resource when serious health problems require special attention. The conduct of programs for gathering new knowledge within the Bureau can do much to maintain this strength and to develop it further. The degree to which regulatory decisions gain credibility and merit the suport of the public and the scientific community depends on the extent to which they reflect the best available current scientific knowledge.

In recognition of the critical need for the development of new scientific knowledge to address the changing technology in the food and cosmetic industries and the changing expectations of the American people, FDA has initiated a major effort to improve its protection of the public from health hazards that may be associated with foods and cosmetics through the development of a Bureau of Foods research program that will be fully responsive to the food- and cosmetic-related public health problems the agency faces now and is likely to face in the future.

In his Foreword to the draft Bureau of Foods Research Plan, Jere Goyan, Commissioner of Food and Drugs, stated that:

> The mission of the Food and Drug Administration is to assure that food is safe and wholesome; that drugs, biological products, and medical devices are safe and effective; that cosmetics are safe, and that the use of radiological products does not result in unnecessary exposure to radiation.
>
> To meet our statutory mandate of protecting the public, we must employ the resources of science and technology. Indeed, the degree to which regulatory decisions gain credibility and merit the support of the public and scientific community depends on the extent to which they reflect the best available scientific knowledge.
>
> We cannot hope to regulate responsibly unless our scientists are intimately familiar with, and indeed contribute to, the latest advances in the biomedical physical sciences. For example, FDA has for many years provided leadership in the development of methods to detect and measure substances that may adulterate foods and drugs. We also conduct research on the underlying mechanisms of diseases resulting from human exposure to toxic substances or radiation, as well as on the carcinogenic, mutagenic, or teratogenic risks of chemicals.
>
> My experience, both as a scientist and as a Dean, has persuaded me that the pursuit of scientific excellence requires the strong support of management. As Commissioner of FDA, I intend to do more than just sustain the scientific climate that now exists. One of my priorities will be to foster mission-oriented research.
>
> At my direction FDA is embraking on an evaluation of current research activities to examine quality, relevance, and efficiency. This evaluation is a first step in any effort to improve the science base upon which regulation rests.
>
> We have begun this process in the Bureau of Foods, where a comprehensive research program was put together by Bureau staff. The Bureau's research plan sets out its objectives, describes the research currently conducted or supported by the Bureau, and outlines future needs in research.
>
> The Bureau's research plan, as developed by its director, Dr. Sanford Miller, and his staff will, when successfully implemented, provide FDA with an outstanding source of information so vitally necessary for a sound food supply. It should command the attention and support of the Congress, the scientific community, industry, and above all, the American people.

The draft Bureau of Foods Research Plan states why FDA requires a research program for foods and cosmetics, and identifies by scientific goal the broad research needs that must be met through the efforts of FDA, other government agencies, and other institutions to gain the scientific knowledge and information necessary for FDA to fulfill its regulatory and public health responsibilities regarding foods and cosmetics.

FDA cannot, with current resources, conduct all of the research identified in the draft plan. The goal has been to:

1. Identify what is needed;

2. Determine which of these needs are being worked on or supported by other groups within and outside of the Federal Government; and,

3. Initiate those studies not covered by other groups.

Certainly some of the knowledge that FDA needs with respect to food and cosmetics is being, and will continue to be, developed by certain institutes of the National Institutes of Health (NIH) and other government agencies and institutions. There is much to be gained by true collaboration with these agencies and institutions in planning and conducting research on food and cosmetics. To the extent that such research can be planned and carried out as a cooperative enterprise, there is better prospect of more efficient use of resources, and more effective and rapid transfer of information.

Therefore, FDA is making the draft Bureau of Foods Research Plan available to the public so that the agency can determine which of the proposed research needs are being investigated or will be investigated by other government agencies and research institutions and which needs it can most appropriately carry out itself. Because the identified research needs are necessarily broad, FDA requests that interested persons (including representatives from food and cosmetic industries, consumers, research institutions, the academic community, and other government agencies) commenting on the document identify the research needs by research need number and research need title, as identified in the draft plan. Also, comments should indicate with a reasonable level of detail what research they are doing within the research need.

Additionally, commentors should indicate any other research they are aware of that is being done by others whether or not they know details. Commentors also should provide their name, address, and telephone number (including area code) so that the agency may contact them for additional information.

The agency is not at this time soliciting proposals for specific research projects under contract or by grant.

Public comments will aid FDA in determining which of its research needs are being handled outside of the agency and which require direct FDA funding, and in determining the final priorities for research that requires Bureau of Foods support either through in-house research or through the contract or grants mechanism.

Although a copy of the Research Plan is on display in the office of the Hearing Clerk, Food and Drug Administration, persons wanting individual copies can obtain them from John Tisler, Industry Program Branch (HFF-326), Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, DC 20204.

Written comments on the draft Bureau of Foods Research Plan should be sent on before May 20, 1980 to the office of the Hearing Clerk (HFA-305), Food and

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Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

Dated: March 12, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-8273 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79P-0444/CP]

Tomato Juice Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces that a temporary permit has been issued to the Campbell Soup Co. to market test tomato juice from concentrate to which ascorbic acid is added to attain a vitamin C level of 3 milligrams per fluid ounce. The purpose of the temporary permit is to permit the applicant to measure consumer acceptance of the food.

EFFECTIVE DATE: This permit is effective for 15 months, beginning on the date the new food is introduced into or caused to be introduced into interstate commerce, but no later than June 19, 1980. However, the permit may terminate sooner, depending upon the final action on the Food and Drug Administration's proposal to amend the standard of identity for tomato juice published in the **Federal Register** of May 9, 1978 (43 FR 19864). If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after such negative ruling on the proposal.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: In accordance with § 130.17 (21 CFR 130.17) concerning temporary permits to facilitate market testing of foods varying from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that a temporary permit has been issued to the Campbell Soup Co., Camden, NJ 08101. This permit covers interstate marketing tests of tomato juice that deviates from the standard of identity prescribed in § 156.145 (21 CFR 156.145). The permit provides for the temporary marketing of 112,500 cases of twelve 46-ounce cans and 175,000 cases of forty-eight 6-ounce cans of the product to be distributed in the eastern half of the State of Washington; ten counties in western Montana; four counties in northeastern Oregon; three counties in northwestern Pennsylvania; the State of New York, excluding metropolitan New York City; and in the State of Arizona. The product is prepared from tomato paste that complies with the requirements of § 155.191(a)(1) (21 CFR 155.191 (a)(1)). The test product will be equivalent to a single-strength tomato juice normally found in the market place. The finished product will contain not less than 5.5-percent tomato soluble solids. In addition, ascorbic acid will be added to attain a level of 3 milligrams per fluid ounce of vitamin C in the finished product.

The principal display panel of the label will state the product name as "tomato juice from concentrate". Each of the ingredients used will be stated on the label as required by the applicable sections of 21 CFR Part 101, except that the tomato ingredient complying with the requirements of § 155.191(a)(1) will be declared as "tomato concentrate." This permit is effective for 15 months, beginning on the date the new food is introduced or caused to be introduced into interstate commerce, but no later than June 19, 1980. However, the permit may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identity for tomato juice published in the **Federal Register** of May 9, 1978 (43 FR 19864). If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after the negative ruling on the proposal.

Dated: March 12, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8274 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 77N-0130]

1977 Survey of Industry on the Use of Food Additives; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency announces the availability, through the National Technical Information Service (NTIS), of the final report of the 1977 survey of industry on the use of food additives. The survey was conducted by the National Academy of Sciences (NAS) under contract to the Food and Drug Administration (FDA).

FOR FURTHER INFORMATION CONTACT: F. Edward Scarbrough, Bureau of Foods (HFF–334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 17, 1977 (42 FR 30894), FDA announced the availability of a questionnaire and invited the participation of all interested parties in a comprehensive industry survey of the use of ingredients in food. The survey was administered by NAS under contract to FDA (Contract No. 223–77–2025). Items covered in the survey included the following: direct food additives, color additives used in food, certain flavors and spices not previously surveyed in the NAS 1971–1972 Phase II GRAS Survey, and miscellaneous ingredients comprised principally of GRAS and/or prior sanctioned substances for which more specific information was needed.

Information received in response to the questionnaire was analyzed by the Committee on the GRAS List Survey—Phase III, Food and Nutrition Board, National Research Council/National Academy of Sciences; and a summary report of aggregate data has been submitted to FDA. FDA now announces the availability of this final report. The report consists of three volumes, each presenting a discussion of, and data from, the 1977 survey. Volume 1 provides on overview of the entire survey: Background information, nature of the questionnaire and the rationale behind its development, and procedures for processing the data. The survey questionnaire document is reproduced as Appendix A to volume 1. Volume 2 contains aggregated food additive data from the survey including annual poundage, reported technical effects, and use levels in more than 200 food subcategories. Volume 3 contains estimates of consumer daily intake of substances reported in the survey. Both volumes 2 and 3 contain sections on methodology and discussions concerning limitations on the interpretation of the data.

Copies of the report may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22151. Ordering information is as follows:

Title	Order No.	Code	Price[1]
"The 1977 Survey of Industry on the Use of Food Additives" (paper).	PB 80-113418.	E19	$50.50
"The 1977 Survey of Industry on the Use of Food Additives" (microfiche).	PB 80-113418.	E05	12.50

[1] Price subject to change.

Dated: March 12, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8272 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-03-M

Office of Human Development Services

White House Conference on Aging National Advisory Committee; Meeting; Correction

AGENCY: Office of Human Development Services, DHEW.

ACTION: Correction.

SUMMARY: This document corrects the room number for the White House Conference on Aging National Advisory Committee meeting, published at 45 FR 15266, March 7, 1980.

FOR FURTHER INFORMATION: Jerome R. Waldie, White House Conference on Aging, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202–245–1914.

SUPPLEMENTARY INFORMATION: In FR Doc. 80–7292, appearing in the issue of Friday, March 10, 1980, on page 15266, make the following correction:

The room number for the White House Conference on Aging National Advisory Committee meetings on Monday, March 24, 1980, and Tuesday, March 25, 1980, should read 800F Hubert Humphrey Building, 330 Independence Avenue, S.W., Washington, D.C. and 131 Switzer Building, 330 C Street, S.W., Washington, D.C. respectively from 9:30 a.m. to 5:30 p.m.

Approved: March 18, 1980.

Arnold Sampson,

Human Development Services, Committee Management Officer.

[FR Doc. 80-8742 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-92-M

Office of the Assistant Secretary for Planning and Evaluation

Revised Notice of Intent To Initiate National Long-Term Care Channeling Demonstration Program

Introduction

On December 21, 1979, the Department of Health, Education and Welfare published a Notice in the **Federal Register** setting forth the intent of the Department to initiate the National Long-Term Care Channeling Demonstration Program. The principal purposes of the Program are:

1. To stimulate system level changes in the organization of the delivery system, the relationship among service providers, and in the way existing long-term care dollars are allocated;

2. To create at the community level the structures that are necessary to coordinate, manage and arrange for the provision of appropriate and efficient long-term care services on behalf of the clients who need such services; and

3. To collect comparable information across the demonstration projects that will assist HEW in the development of a comprehensive long-term care policy including the legislative and administrative specifications required to implement policy objectives.

In response to comments to the December 21st Notice of Intent as well as additional staff planning, the Department has further refined several of the specifications included in the original Notice. This Revised Notice of Intent does not supercede the originally published Notice. Rather, it outlines specific refinements in the areas of the procurement strategy, program design and solicitation schedule. It should be noted that The Following Information Relates Only to Demonstration Project Activities and Not to the Evaluation or Technical Assistance Aspects of the National Channeling Demonstration Program. No further specifications will be made available prior to the issuance of the official solicitation, now scheduled to be announced in April, 1980.

Procurement Strategy

The Department has developed a procurement strategy which acknowledges the significant role of state government in the financial, administrative and programmatic decisions about current and future long-term care services and mechanisms of service delivery. To reinforce this critical role and insure the active participation of state governments in the demonstration effort, the Department has determined that Proposals for Channeling Demonstration Awards Will Be Accepted Only From State Level Units or Agencies of State Government.

For purposes of the National Channeling Demonstration Program, all references to state government include the governing structures of the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa and the Trust Territory of the Pacific Islands.

In Fiscal Year 1980, HEW expects to make two types of awards to states:

1. Contracts will be awarded for channeling demonstration projects in response to a Request for Proposals (RFP), and

2. Grants will be awarded for state level long-term care system development projects in response to a Grants Announcement to be issued concurrently with the RFP.

A state may submit one proposal for each type of award. However, since channeling demonstration projects will be expected to incorporate tasks at the state level which are comparable to those to be performed under the system development grants, those states that will be awarded channeling demonstration project contracts will not receive a system development grant.

If a state chooses to respond to either or both solicitations with a proposal, the Governor of that state will be expected to designate a program agency or administrative unit of state government to assume lead responsibility for proposal preparation and, if successful, for administering the award. The Department expects that the agency/unit designated as the lead is knowledgeable about long-term care services in the state, including community-based as well as institutional long-term care concerns.

The designated lead agency/unit will be expected to establish a working group to provide active support to proposal efforts and if successful, to the planning, development and implementation of the award. The Department will require that members of the working group will include, at a minimum, the principal official or a senior staff person from the state units having responsibility for preparing and administering the State Plans for Medical Assistance (Title XIX/SSA), Social Services (Title XX/SSA) and Aging (Title III/OAA). If one of these agencies is designated as the lead, the remaining two will constitute the core of the working group. The Department also will require that the principal officials of at least these three units of state government will sign off on the proposal(s) being submitted.

A. Channeling Demonstration Project Awards

States receiving channeling demonstration project contracts will be expected to support the *development and implementation of projects at the community level* which place particular emphasis on case management as a method for organizing care to meet indivudual client needs. The term "channeling" is used to refer to organizational structures and operating systems to coordinate available long-term care resources and manage them effectively on behalf of clients.

Each state applicant will be expected to propose, in their proposal submission, no more than two community sites for locating the channeling project. In

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general, the catchment area(s) for the proposed site(s) should be of sufficent size to generate an active caseload of no fewer than 300 clients for case management services. In addition, each proposed site should have the capacity to provide a range of services that can be characterized as appropriate to respond to long-term care needs. Finally, the proposed site(s) should have the support of community political leadership, service providers and the community at large.

For each proposed channeling demonstration project site, offerors will be expected to identify an agency or organization to operate the project at the community level. The agency or organization proposed by the state shall be either a public entity (e.g., sub-state unit of state government, multi-county or county organization, general purpose local government, special purpose public authority), or a non-profit voluntary organization. It should be noted that at least one of the sites proposed for the channeling demonstration project must be operated by a public agency other than a state or sub-state unit of government or by a non-profit voluntary agency or organization.

Although two sites may be proposed, in FY 1980, contracts will be awarded to support only one site per state. The Department reserves the right to approve final selection of each state's channeling demonstration project site, including the agency/organization to operate the demonstration project at the site.

The Department is very interested in supporting channeling demonstration projects located in rural areas as well as more heavily populated and "service-rich" communities. Offerors proposing rural projects may suggest innovative means for providing long-term care services where the range of relevant formally organized services currently is limited or non-existent.

B. System Development Project Awards

In addition to the channeling demonstration projects described above, the Department is expecting to solicit proposals from state governments for long-term care system development grants. A Separate Grants Announcement Will Be Issued for This Purpose.

The intent of the Department in awarding long-term care system development grants is to *stimulate state level planning and development* of more effective systems for coordinating and delivering long-term care services. The activities to be performed under these grants include the preparation of a State-of-the-Art Assessment of the current characteristics and status of long-term care services in the state and the development of a State Plan for Long-Term Care, which can be used to guide long-range system changes at the state and sub-state levels.

It should be noted that the Department expects that state level activities supported by the system development grants will have significant impact on the extent to which and manner by which states plan for and develop their long-term services and systems of service delivery. Activities supported by system development grants also are expected to stimulate the development of channeling demonstration project proposals in FY 1981.

Program Design for Channeling Demonstration Projects

The Department has developed an overall design for the National Channeling Demonstration Program that will permit the evaluation of several approaches to organizing and managing long-term care resources within a community. The FY 1980 solicitation will focus on basic channeling functions, which include intake and client screening, comprehensive assessment, referral and case management (services planning, acquisition, coordination and monitoring). Demonstration funds will be used primarily to support these basic channeling functions, and associated administrative, review and data collection activities.

A sub-set of channeling demonstration projects funded in FY 1980 also will receive some additional resources to support the innovative provision of gap-filling services. Except for these discretionary service funds, however, each channeling demonstration project is expected to rely on resources which exist or can be generated within the state to support the provision of direct services to their clients. It should be noted that the basic channeling model does not include any alteration of existing federally-regulated benefit, eligibility or reimbursement requirements. Requests for waivers of such federal requirements to expand the basic channeling model will not be considered by the Department until a project has been fully operational and serving its maximum client caseload for at least one year.

In FY 1981, the Department expects to seek additional state contractors to implement other channeling design variations, some of which are expected to necessitate Social Security Act 1115 and/or 222 waivers. Waivers are expected to cover alterations in federal benefit and/or eligibility requirements and various reimbursement strategies. These channeling demonstration projects will be solicted by a separate Request for Proposals, expected to be issued by the end of the second quarter of FY 1981. States receiving either channeling demonstration project contracts or system development grants in FY 1980 will be eligible to compete for the FY 1981 channeling demonstration project solicitation.

Solicitation Schedule

The Department anticipates that the channeling demonstration project RFP and the system development Grant Announcement will be issued in April, 1980. Contract and grant awards in response to these two solicitations will be made no later than September 30, 1980.

FY 1980 contract awards for channeling demonstration projects will be made for a period of two years, with a three year option to renew. Consideration of renewal options will be based on performance, continuing evaluation requirements and the continued availability of federal funds. Grant awards for state level system development projects will be made for a period of one year. No continuation grants for system development projects beyond the one year period are contemplated.

The Department anticipates awarding up to ten Channeling Demonstration Project contract awards in FY 1980 and up to an additional ten Channeling Demonstration contracts for implementing other channeling approches in FY 1981, if sufficient funds are appropriated. Except for those states awarded Channeling Demonstration Project contracts in FY 1980, all states are eligible to receive system development project grants.

It should be noted that Fiscal Year 1980 contract awards are intended to support *new* projects. The Department expects that continuation requests for existing federally-funded (or waiver only) demonstration projects which have a channeling focus will be submitted to the agency currently supporting the project, and that continuation support will be negotiated directly with that agency. In Fiscal Year 1981, the Department may consider including such federally supported projects in the National Channeling Demonstration Program.

Requests for Fiscal Year 1980 Soliciations

As stated previously, both the channeling demonstration project FRP and the long-term care system development Grant Announcement are expected to be issued in April, 1980. It currently is anticipated that the RFP(s) relating to the national evaluation and technical assistance aspects of the Program also will be issued in April. Notices of the issuance of the RFPs and Grant Announcement will be placed in the *Commerce Business Daily* or the **Federal Register**, as appropriate.

Copies of this revised notice and of the Channeling Demonstration Project RFP are being sent automatically to all individuals and orgainzations that requested to be placed on the Department's mailing list as a result of the December 21st Notice. Copies of the Long-Term Care System Development Grant Announcement also will be sent automatically to Governor's Offices and other Relevant State Agencies. Other organizations or individuals wishing to receive the Grant Announcement and/or the Channeling Demonstration Project RFP may request a copy from the appropriate issuing agency *after notices of their issuance are published in the* **Federal Register** *or the Commerce Business Daily.*

John L. Palmer,

Assistant Secretary for Planning and Evaluation, Designate.

March 18, 1980.

[FR Doc. 80-8740 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-12-M

Privacy Act of 1974; New System of Records.

AGENCY: Office of the Assistant Secretary for Planning and Evaluation (ASPE), DHEW.

ACTION: Notification of New System of Records.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(4), we are issuing public notice of our intent to establish a new system of records: Michigan Longitudinal Study (also called the Panel Study of Income Dynamics), HEW/OS/ASPE, 09–90–0081. We are proposing also to include routine uses with the system in accordance with 5 U.S.C. 552a(e)(11). The proposed new system will permit the contination of the conduct of a longitudinal study of a nationally representative sample of households, the validation of data collected from respondents, the following from year-to-year of respondents. Non-individually identifiable data are used for analysis by the contractor for this study, any agency of government, and any member of the public who wishes to conduct statistical analysis of such data.

We will collect data on about 6300 families containing about 18000 individuals. Because we follow persons who leave home to establish households of their own, the number of families interviewed each year grows. This is the minimum number of families that are necessary in a study of this type to yield statistically reliable national estimates for cross-sectional and longitudinal analyses.

This system of records has existed since 1968 when the study it supports began. A legal opinion of the General Counsel of the Department of Health, Education, and Welfare determined that this system did not fall under the Privacy Act of 1974. Accordingly, we deleted the system of records for this study from the Department's inventory of systems of records by a notice in the **Federal Register** (41 FR 40707, September 20, 1976). A recent, legal opinion by the General Counsel of the Office of Management and Budget determined that this study did fall under the Privacy Act of 1974. We propose to issue a public notice of our intent to establish a new system of records in accordance with this legal opinion.

We invite public comments on these proposals, including the routine use disclosures described in the routine use section of the notice.

DATES: We filed a report of new system of records with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Management and Budget (OMB) on March 4, 1980. This system will become effective, except for the routine use disclosures, on March 21, 1980. The proposed routine uses unless we receive will become effective April 21, 1980, comments which would result in a contrary determination.

ADDRESS: Address comments to the ASPE Privacy Officer, Department of Health, Education, and Welfare, 200 Independence Ave., S.W., Washington, D.C. 20201. We will make comments received available for public inspection in Room 432E, Hubert Humphrey Building, at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Gordon P. Goodfellow, Project Monitor, Office of the Assistant Secretary for Planning and Evaluation, 200 Independence Ave., S.W., Washington, D.C. 20201, telephone (202) 245–7181.

SUPPLEMENTARY INFORMATION: We are proposing to establish this system to permit the continuation of a longitudinal data collection from a nationally representative sample of households. In order to conduct a study which returns year-after-year to the same individuals it is necessary to maintain a list of the names, current addresses and telephone numbers of respondents in the sample. Furthermore, because the study design calls for following persons who leave households to establish households of their own, it is necessary to add new names, addresses and telephone numbers to the list of names, addresses and telephone numbers, as well as updating the list from information provided by respondents. Also, it is necessary to link current data collected from respondents through interviews with data previously collected from the same respondent. This is made possible by unique identification numbers common to the list of names, addresses, and telephone numbers and to non-individually identifiable data that are collected from respondents through interviews. Thus, the file that contains the names of respondents also contains each of the yearly identification numbers assigned to individuals in the study. The link between this year's and previous years' non-individually identifiable data is through these identification numbers. Because we pay respondents for their participation, we maintain certain accounting information on the file that contains the names and addresses of respondents. Heretofore, access to this file by the name of a respondent is only to check a report by a respondent that he has not received payment. This system is neither designed nor intended to be used to measure the behavior of any specific individual with respect to any data that are collected as part of this study through the interviews.

The Privacy Act of 1974 allows us to disclose information without the consent of the individual for "routine uses", that is, disclosure for purposes which are compatible with the purposes for which the data are collected. Accordingly, we are establishing two routine uses of information in this system. These routine uses provide for disclosure in response to congressional inquires made at the request of any individual included in the system of records and to the Department of Justice to defend any employee or component of DHEW who may be involved in litigation that is likely to directly affect the operations of DHEW, provided the disclosures are compatible with the purposes for which we collected the information.

Individually identifiable data are maintained at the University of Michigan, the constractor for this study. The contractor safeguards the identifiable data according the Department's ADP *Systems Manual*, "Part 6, ADP System Security." Identifiable data on other than magnetic tape of disk are maintained by the contractor in locked cabinets in a

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limited access area. Access to identifiable data is obtained only with the specific permission of the contractor's project monitor and only for purposes consistant with the conduct of a longitudinal study. We further protect magnetic data with special account numbers and passwords.

Since we propose to establish this system in accordance with the requirements of the Privacy Act, we anticipate no untoward effect on the privacy or other personal rights of individuals.

Dated: March 4, 1980.

John L. Palmer,

Assistant Secretary for Planning and Evaluation, Designate.

09-90-0081

SYSTEM NAME:

Michigan Longitudinal Study (also called the Panel Study of Income Dynamics) HEW/OS/ASPE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Institute for Social Research, Survey Research Center, University of Michigan, Ann Arbor, Michigan 48106.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A national sample of approximately 6300 households containing about 18,000 individuals with information relating to all household members.

CATEGORIES OF RECORDS IN THE SYSTEM:

The contractor maintains two separate sets of files. One contains identifiable information necessary to conduct the study. The second contains the data the study was designed to collect.

The identifiable information is a list of names, addresses, and current telephone numbers of heads of household and the names of other family members. This file also contains unique identification numbers used to link this year's non-individually identified data with similar data from past years. In addition, because we pay respondents for their participation in the study, we keep certain accounting information on the file—a record of the issuance and cancellation of a check. Heretofore, access by the contractor to the identifiable data by name and address has been only to check a report by a respondent that he has not been paid.

Non-individually identifiable information includes demographic characteristics, sources and amounts of income, amount and kind of work, education of household head and other family members, changes in family composition through the years, residential mobility, attitudes toward self and work, and life style.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 232 of the Community Services Act of 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made:

1. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her official capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which such records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and disk, paper and card records.

RETRIEVABILITY:

The contractor performs linkage between the data sets through a number common to both the identified data and the non-individually identified statistical data for purposes of validating and matching the year-to-year data. Heretofore, except for checking on the payment to a respondent, linkage between data sets is always from the non-individually identified data to the identified data for purposes of validation of data and management of data collection.

SAFEGUARDS:

The contractor stores cover sheets containing individual identifiers separately from the questionnaires that contain other non-individually identifiable information. Magnetic tapes that contain individually identifiable information are stored in a locked safe, and the cover sheets are stored in locked file cabinets in a limited access area. Magnetic data are further protected by special account numbers and passwords.

The contractor conforms to the Department's ADP *Systems Manual*, "Part 6, ADP System Security." Access to the numbers associated with the identifiable data and the non-individually identified statistical data (which could be used to link the identifiable data—a list of names, addresses, and telephone numbers—with the data collected on the questionnaires) is subject to the specific approval of the Project Director at the Institute for Social Research.

Institute for Social Research: Non-individually identifiable data are used for statistical analysis of changes in economic status through time. Additional research topics include, but are not limited to, residential mobility, family breakup, labor supply, and the effects of government programs.

Information with individual identifiers is used to validate data and to locate respondents from year-to-year. These uses are performed only by persons employed by the Institute for Social Research and then only on a "need to know" basis. The data without personal identifiers is available to any member of the public or to any agency of government.

Assistant Secretary for Planning and Evaluation: The Office of the Assistant Secretary for Planning and Evaluation conducts analysis of non-individually identifiable data similar to those conducted by the Institute for Social Research.

The government project monitor may have access to the identifiable records only to monitor the contractor's performance of the study.

RETENTION AND DISPOSAL:

It is anticipated that the cover sheets and magnetic files that contain individually identifiable information will be destroyed by shredding or degaussing three years after field work on this study ceases or at such time as it is determined that no further validation of the data will be undertaken.

There are no plans for the destruction of the non-individually identifiable statistical data that have been collected on respondents over the life of this study.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary for Planning and Evaluation, U.S. Department of Health, Education, and Welfare, 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Dr. James N. Morgan, Institute for Social Research, University of Michigan, Ann Arbor, Michigan 48106.

An individual requesting notice as to whether the system of records contains information pertaining to him or her should write to the Institute for Social Research project director at the above address, indicating his or her full name, current address and other addresses used since December 31, 1967.

RECORD ACCESS PROCEDURES:

Individuals who, through the notification procedure set out above, have established that the system of records contains information pertaining to them may inspect and copy those portions of the records pertaining to them at the Institute for Social Research project officer's place of business, or the project officer will establish a date after which the record will be available at a place requested by the individual.

CONTESTING RECORD PROCEDURES:

Contact the project officer at the Institute for Social Research, reasonably identify the record, specify the information being contested, and supply the correct information.

RECORD SOURCE CATEGORIES:

Information is obtained either from telephone or face-to-face interviews each year since 1968.

[FR Doc. 80-7049 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-12-M

Office of Education

National Demonstration Projects, Upward Bound and Special Services for Disadvantaged Students

AGENCY: Office of Education, HEW.

ACTION: Notice of Dates and Location for Application Preparation Workshops.

SUMMARY: Two Application Preparation Workshops will be conducted to aid prospective applicants in developing applications for the National Demonstrations for the New Concept Special Services and the Special Emphasis Upward Bound projects.

DATES: Application Preparation Workshops will be conducted on April 14, 1980 and again on April 18, 1980.

ADDRESS: Auditorium, First Floor, Hubert H. Humphrey Building, 200 Independence Ave. SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Program Development Branch, Division of Student Services and Veterans Programs, Room 3514, ROB-3, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone: (202) 245-2511.

SUPPLEMENTARY INFORMATION: Each Application Preparation Workshop will be one day in length. Registration for each workshop will begin at 8:30 a.m. Presentations are scheduled from 9:00 a.m. to 5:00 p.m.

The presentations will include a review of the requirements for filing applications for grants under the Special Programs for Students from Disadvantaged Backgrounds and a review of the regulations and the concept papers for the New Concept Special Services and the Special Emphasis Upward Bound programs. Time will be provided throughout the day for questions and answers.

(Catalog of Federal Domestic Assistance Numbers: 13.482 Special Services for Disadvantaged Students; and 13.492 Upward Bound)

Dated: March 12, 1980.

William L. Smith,

U.S. Commissioner of Education.

[FR Doc. 80-8722 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-02-M

Office of the Secretary

New System of Records

AGENCY: Department of Health, Education, and Welfare, Immediate Office of the Secretary.

ACTION: Notification of a New System of Records.

SUMMARY: The Secretary's Advisory Committee Candidate File (#09-90-0080) supports the staffing and personnel requirements of the Department for encumbent, and vacant positions on Advisory Committees. We invite interested parties to submit comments on routine uses of the system on or before April 21, 1980.

DATES: The new system report was sent to OMB and the Congress on March 17, 1980. The new system will be operational sixty days after this date (May 16, 1980) unless we receive comments on the routine uses which would result in a contrary determination.

ADDRESS: Public comments should be sent to the Department of Health, Education, and Welfare, Special Assistant to the Secretary for Advisory Committees (HEW-OS-IOS), Room 633F, Hubert Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Contact Dr. Elizabeth Johns, Special Assistant to the Secretary, Room 633F, 200 Independence Avenue, S.W., Washington, D.C., (202) 245-6891.

SUPPLEMENTARY INFORMATION: The Secretary's Advisory Committee Candidate File system is used within the Department to catalogue those individuals who wish to be considered for vacancies on Advisory Committees.

Access to the computer files is controlled through a unique identification and password system, and these controls are only available to those individuals assigned to the Advisory Committee staff.

DHEW will modify the current system concept to add the capability to interactively create and maintain individual records on the computer file for each candidate wishing to be considered for a position on an Advisory Committee, plus the interactive capability to retrieve records from the file based on specific requirements of a position on an Advisory Committee.

For this new system report all entries reflect the addition of state-of-the-art computer technology under the management of the Immediate Office of the Secretary, i.e. the use of an interactive, on-line computer system for individual record creations and updates plus a flexible query capability.

Each candidate record will also contain an indicator of physical disability. All information in the system will be safeguarded with unique identification numbers and passwords. These procedures will deny access to unauthorized use of the system.

Dated: March 17, 1980.

Randolph S. Kinder,

Executive Secretary to the Department.

09-90-0080

SYSTEM NAME:

The Secretary's Advisory Committee Candidate Files HEW-IOS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Department of Health, Education, and Welfare, Immediate Office of the Secretary, Special Assistant to the Secretary for Advisory Committees, Room 633F Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

Computer site and location: ADP Network Services, Inc., 40 2nd Avenue, Waltham, Mass. 02154.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are being considered for membership on advisory committees

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within the jurisdiction of the Department of Health, Education, and Welfare.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information maintained on individuals recommended as members of Advisory Committees subject to this notice consists of one or more of the following: name, title, sex, physically disabled indicator, place and date of birth, home address, business address, organizational affiliation, ethnic background, resume, curriculum vitae, dates of term(s) on advisory committee, current status on advisory committee, reason for leaving advisory committee, previous or current membership on other advisory committees, special qualifications of the individual for the advisory committee membership, source who recommended the individual for membership on advisory committee and miscellaneous correspondence. Additionally, letters of recommendation are included in the file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In accordance with Appendix B, Departmental Regulations (45 CFR Part 5b) Items 01, 3.

In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in hard-copy stored in file cabinets, on index cards, on magnetic tape, or in computer storage.

RETRIEVABILITY:

For the most part records are maintained in an alphabetical index by name of the individual. Certain files are based on other factors, e.g., Advisory Committee name, with a cross index based on an alphabetical listing of individuals. Certain other records are retrievable by individually identifiable computer identification codes, last name, first name, sex, handicapped indicator, professional expertise and ethnic background. All fields within the individual computer record can be accessed by the computer system language, and are available for administrative purposes via on-line, interactive terminals either in hard-copy or electronic visual display devices for reports. Records of candidates for Advisory Committees will be created and maintained on the data base which is accessible by on-line, interactive computer technology. Uses include special administrative reports, quarterly alphabetical listings of past, present, and recommended members of Advisory Committees, computer lists of vacancies, acceptances, separations, active members, statistical reports by sex, youth, geographical location, etc.; documentation of nominations; and other administrative needs.

SAFEGUARDS:

Direct access to records is restricted to authorized personnel through locked files, rooms, and buildings as well as building pass and security guard sign-in systems. Certain facilities are also protected by closed circuit television systems. Computer systems are secured through locked magnetic tape libraries as well as lockword-password computer access systems.

RETENTION AND DISPOSAL:

Retention is variable from one year to permanent retention depending upon the type of record, e.g., names of former members of advisory committees are retained permanently. Records are disposed of as trash by the system manager or Office of Security depending on the confidentiality of the information contained on the record.

SYSTEM MANAGER(S) AND ADDRESS:

Dr. Elizabeth Johns, Room 633 F Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201

NOTIFICATION PROCEDURE:

Write to the Systems Manager at the above address.

Verification of identification of individuals inquiring as to information contained in this system of records will be required by the submission of full last name, first name, and address of residence.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with the Department Regulations (45 CFR, Section 5b.5(a)(2) **Federal Register**, October 8, 1975, page 47410).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR Section 5b.7) **Federal Register**, October 8, 1975, page 47411).

RECORD SOURCE CATEGORIES:

The vast majority of information contained in records on individuals is obtained directly from the individual. Other information in the form of references and recommendations is obtained from other private individuals, program personnel, biographical reference books, private organizations, former employers, regional offices of HEW, Members of Congress, and other government sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

[FR Doc. 80-8794 Filed 3-20-80; 8:45 am]
BILLING CODE 4110-12-M

Office of Public Affairs; Statement of Organization, Functions, and Delegations of Authority

Part A, Office of the Secretary, Chapter AP, Office of Public Affairs (43 FR 52062, November 8, 1978 as amended 44 FR 49310, August 22, 1979) is replaced. The following is inserted in its place reflecting a new statement of organization and functions.

Replace Chapter AP with the following:

AP.00 Mission
AP.10 Organization
AP.20 Functions

Section AP.00. Mission. The mission of the Office of Public Affairs is to serve as the Secretary's principal public affairs policy advisor; to provide centralized professional leadership, communications services, and continuous monitoring and evaluation of Departmentwide policies, procedures and operating practices regarding public affairs activities; and to administer the Freedom of Information and Privacy Acts.

Section AP.10. Organization. The Office of Public Affairs—headed by the Assistant Secretary for Public Affairs, who reports to the Secretary—consists of the following organizations:

The Office of the Assistant Secretary for Public Affairs
The Office of the Deputy Assistant Secretary for Operations Management, News Division, Regional Liaison Division, Freedom of Information/Privacy Division
The Office of the Deputy Assistant Secretary for Communication Planning, Communication Services Division, Management, Planning and Evaluation Division
The Office of the Deputy Assistant Secretary for Issue and Policy Analysis, Policy Analysis Division

Section AP.20. Functions.

A. *The Office of the Assistant Secretary for Public Affairs:*

Provides executive leadership, policy direction, and management strategy for the Department's public affairs programs and activities. Counsels and acts for the Secretary and the Department in carrying out responsibilities under statutes, Presidential directives, and Secretarial orders for informing the general public, specialized audiences, HEW employees, and other Federal employees about the programs, policies and services of the Department. Establishes and enforces policies and practices which produce an accurate, clear, efficient and consistent flow of information to the general public and other audiences about Departmental programs and activities.

Maintains channels and procedures for transmitting to the Departmental policy officials information on how the Department's programs and proposals are viewed by both the general and specialized publics.

Consults on the selection of key public affairs personnel in the Principal Operating Components (POCs) and the Regions. Coordinates and advises on various public affairs personnel matters throughout the Department. Concurs in all public affairs plans and budgets for the POCs and regional offices and otherwise exercises functional supervision over their public affairs activities.

Insures coordination among public affairs components. Manages public affairs issues and special activities that cut across POC lines.

Reviews and approves all news releases, publications and audiovisual materials produced with Departmental funds. Reviews and approves contracts for public affairs services.

B. *Office of the Deputy Assistant Secretary for Operations Management:*

Is responsible for policies and activities related to providing the public information about the Department's policies and programs through the news media, editorial services, field liaison, citizen participation and information access and privacy protection.

Is responsible for management oversight of OASPA administration.

Provides administrative and budgetary services for the Office of Public Affairs.

Provides advice and assistance on all public affairs matters to the Offices of Planning and Evaluation, Inspector General and Refugee Affairs in the Office of the Secretary.

B.1. News Division:

Plans, directs and coordinates the issuance of public information from HEW to the news media.

Prepares news releases and other news material for the Secretary and other top Department officials. Reviews all news releases and other news materials prepared by HEW components.

Coordinates and arranges news conferences, briefings, interviews and appearances by the Secretary and other key HEW officials with the press and broadcast media.

Directs the preparation of the *Green Sheet*, a daily compilation of news concerning HEW programs and activities.

B.2. Freedom of Information/Privacy Division:

Administers information access and privacy protection laws and HEW regulations implementing these laws to insure Department-wide consistency in information disclosure/confidentiality policies, practices and procedures. Such laws include the Freedom of Information Act and the Privacy Act, as well as the open meetings provisions of the Federal Advisory Committee Act, the Government in the Sunshine Act and the disclosure provisions of the Ethics in Government Act.

In concert with Office of General Counsel staff, assists in development of regulations implementing these statutes and develops policy interpretations and guidelines as well as procedural materials and training programs for all Department components.

Provides responses to requests made under the Freedom of Information Act and determines the availability of records and information under the law and HEW regulations.

Directs operation of the HEW Public Reading Room, and the visitors information and telephone locator services. Provides policy guidance on and maintains the index of materials required by FOIA.

B.3. Regional Liaison Division:

Serves as liaison between regional staff and headquarters agencies.

Coordinates public affairs activities among regions.

Provides technical assistance and general information to public affairs staff in the regions.

Advises the ASPA on all regional public affairs issues and procedures.

Provides briefing materials for Presidential and Secretarial travel to the regions.

Coordinates, assists and maintains liaison with all elements of the Department, including the regions in outreach activities.

Reviews, and approves or disapproves, proposals for citizen participation by all elements of the Department. Acts as the central resource within HEW for information on citizen participation techniques and procedures.

Insures that Spanish-speaking communities have access to information about the Department's programs and activities.

Conducts the HEW Speakers Bureau and coordinates the scheduling of speaking engagements of policy-level officials of the Department.

C. *Office of the Deputy Assistant Secretary for Communication Planning:*

Is responsible for policies and activities related to managing the process by which the Department communicates directly with the public through multi-media information campaigns. This includes communication planning, evaluation, review, approval and program support services.

C.1. Communication Services Division:

Exercises management oversight of all audiovisual activities in and for the Department.

Establishes Departmental policy and procedures for the procurement, design, production, distribution and quality control of audiovisual products and exhibits.

Reviews and approves all audiovisual products and exhibits.

Reviews audiovisual aspects of HEW components' public affairs plans to insure they are supportive of HEW policy.

Monitors, coordinates and provides technical assistance on the development of audiovisual products and exhibits.

Reviews and approves all HEW publications.

Establishes Departmental policy and procedures for the design, production,

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distribution and quality control of publications.

Reviews publication aspects of HEW components' public affairs plans to insure they are supportive of Departmental priorities and standards.

Monitors, coordinates and provides technical assistance on development of publications products.

Establishes and monitors graphic standards throughout the Department.

Develops policies and procedures for the review, evaluation and clearance of the public affairs aspects of all contracts and grant applications.

C.2. Management, Planning and Evaluation Division:

Develops policies and procedures and provides technical guidance, central review, coordination, evaluation and clearance for all communication, information and public affairs plans, projects and programs of the Department's operating components.

Establishes standards of performance; develops testing and evaluation systems standards; provides management overview and mechanisms for reporting evaluation findings; and coordinates centralized testing and evaluation activities for all communication activities within the Department.

Initiates, designs and conducts intermediary programs involving national and community organizations, minority and women's groups, and other organizations concerned with areas addressed by the Department policies, programs and issues.

Manages and coordinates a variety of communication services throughout the Department such as message testing, placement and distribution and surveys of message usage.

D. *Office of the Deputy Assistant Secretary for Issue and Policy Analysis:*

Analyzes significant policy issues including proposed legislation and regulations for their impact on the Department, the general public, special publics and constituent groups and advises the Assistant Secretary and the Deputy Assistant Secretaries.

Coordinates the public affairs review by the Principal Operating Components' public affairs offices of issues, proposed policies, legislation and regulations originating from or impacting on those components.

Reviews testimony and major policy speeches; prepares, reviews and edits various materials reflecting Departmental policy.

D.1. Policy Analysis Division:

Reviews program decision papers, proposed regulations and other issues for Secretarial decision and provides program policy recommendations.

Assures coordination and review by appropriate elements within OASPA on issues that have public participation and disclosure aspects.

Attends regulation panel meetings and coordinates public affairs involvement in regulations with public affairs directors throughout the Department.

Prepare publications with Departmentwide implications. Serves as a resource for preparing, reviewing, and editing written materials. Prepares statements, articles, and related material for the Secretary and other top Departmental officials.

Drafts other materials for non-Departmental publications.

Edits Congressional testimony of Departmental officials.

Dated: March 14, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-8741 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-12-M

Public Health Service

Office of Health Research, Statistics, and Technology, National Center for Health Care Technology; Notification of New Policy Notice

The National Center for Health Care Technology (Center) is responsible for providing, for the Public Health Service (PHS), medical and scientific advice to the Health Care Financing Administration (HCFA) regarding the appropriateness of coverage (reimbursement) of particular health care technologies under the Health Insurance for the Aged program (Medicare). The Center announces that it will be publishing in the **Federal Register**, on a trial basis, a notice regarding the evaluation of each technology for which the HCFA has requested PHS assistance in establishing Medicare coverage regulations. The notice will provide an opportunity for any person or group wishing to provide data or comment on the subject technology, 30 days to do so. These data and comments will be considered by the Center in its development of recommendations to the HCFA on the safety and efficacy of the subject technology, and the appropriateness of the technology's coverage under Medicare.

The Center requests that any information relevant to an evaluation be presented in writing, and that a written summary no longer than 10 pages accompany any literature references or analyses of clinical data that are submitted.

FOR FURTHER INFORMATION CONTACT:

O. B. Towery, M.D., Associate Director for Medical and Scientific Assessment, National Center for Health Care Technology, Room 17A–29 Parklawn Building, Rockville, Maryland 20857, (301) 443–4990.

Dated: March 12, 1980.

Seymour Perry,

Director, National Center for Health Care Technology.

[FR Doc. 80-8669 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-85-M

Health Resources Administration

Grants to State Health Planning and Development Agencies, Determination of Population of the States

This notice provides the population figures the Department will use when it determines the amount of grants to State Health Planning and Development Agencies (State Agencies).

Section 1525 of the Public Health Service Act authorizes the Secretary of Health, Education, and Welfare to make grants to State Agencies to assist them to meet their operating costs. The amount of each grant is determined by a formula which is based in part on a determination by the Secretary of the population of the States. This formula is provided in the regulations governing grants to State Agencies (42 CFR Part 123, Subpart C). Section 123.204(b) of these regulations provides that the Secretary will determine the population of each State based upon the latest available estimate from the Department of Commerce, and will publish annually in the **Federal Register** a list of all States and their populations.

Today's list is based primarily on the July 1, 1979 provisional estimates in the report of the Bureau of the Census, Series P–25, No. 868. However, the population figures for Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands and the Northern Mariana Islands are based on the July 1, 1976 estimates, the latest available for these jurisdictions.

The population figures for Hawaii, Rhode Island, and the District of Columbia in this listing vary slightly from those in our January 2 publication, "Determination of Population of Health Service Areas," (45 FR 93). Section 1536 of the Act precludes certain States and Territories from establishing health service areas and designating health systems agencies (HSAs) and authorizes these States to receive a grant to perform HSA functions. For purposes of computing this grant to these 1536 States their population must be determined on the same basis it is determined for a HSA (123.501(c)). Consequently, the population figures for Hawaii, Rhode Island and the District of Columbia that appear in this notice come from the July 1, 1979 provisional estimates while the figures for those States in the earlier notice came from the July 1, 1977 revenue-sharing estimates.

Accordingly, the Secretary has made the following determination of populations of the States.

Dated: March 17, 1980.

Henry A. Foley

Population of the States for Purposes of Determination of Planning and Development Grants, Fiscal Year 1980*

Alabama	3,769,000
Alaska	406,000
American Samoa (Sec. 1536)	30,000
Arizona	2,450,000
Arkansas	2,180,000
California	22,696,000
Colorado	2,772,000
Connecticut	3,115,000
Delaware	582,000
District of Columbia (Sec. 1536)	656,000
Florida	8,960,000
Georgia	5,118,000
Guam (Sec. 1536)	96,000
Hawaii (Sec. 1536)	915,000
Idaho	905,000
Illinois	11,230,000
Indiana	5,400,000
Iowa	2,903,000
Kansas	2,369,000
Kentucky	3,527,000
Louisiana	4,026,000
Maine	1,097,000
Maryland	4,149,000
Massachusetts	5,769,000
Michigan	9,208,000
Minnesota	4,060,000
Mississippi	2,406,000
Missouri	4,868,000
Montana	786,000
Nebraska	1,574,000
Nevada	702,000
New Hampshire	887,000
New Jersey	7,332,000
New Mexico	1,241,000
New York	17,649,000
North Carolina	5,606,000
North Dakota	657,000
Northern Mariana Islands (Sec. 1536)	16,000
Ohio	10,731,000
Oklahoma	2,892,000
Oregon	2,527,000
Pennsylvania	11,731,000
Puerto Rico (Sec. 1536)	3,205,000
Rhode Island (Sec. 1536)	929,000
South Carolina	2,932,000
South Dakota	689,000
Tennessee	4,360,000
Texas	13,365,000
Trust Territory (Sec. 1536)	110,000
Utah	1,367,000
Vermont	493,000
Virginia	5,197,000
Virgin Islands (Sec. 1536)	95,000
Washington	3,926,000
West Virginia	1,878,000
Wisconsin	4,720,000
Wyoming	450,000
Total	223,662,000

*Population based on Bureau of the Census provisional estimates for July 1, 1979, except for Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands and the Northern Mariana Islands. The latest available figures for these territories are the July 1, 1976 estimates.

[FR Doc. 80-8635 Filed 3-20-80; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Eastern Gulf of Alaska Outer Continental Shelf; Availability of Final Environmental Statement Regarding Proposed Eastern Gulf of Alaska OCS Oil and Gas Lease Sale No. 55

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a final environmental statement relating to a proposed Outer Continental Shelf (OCS) oil and gas lease sale of 350 tracts consisting of 792,085 hectares (1,952,242 acres) of submerged Federal lands off the coast of the eastern Gulf of Alaska (OCS Sale No. 55)

Single copies of the final environmental statement can be obtained from the Office of Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, 620 E. 10th Avenue, P.O. Box 1159, Anchorage, Alaska 99510, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the final environmental statement will also be made available for inspection in the following public libraries: Alaska Federation of Natives, 670 W. Fireweed Lane, Anchorage, Alaska 99501; Department of Interior, Alaska Resources Library, 733 W. 4th Avenue, Anchorage, Alaska 99501; Kenai Community Library, Box 157, Kenai, Alaska 99611; North Star Borough Library, Fairbanks, Alaska 99701; University of Alaska, Institute of Economics and Government Research Library, Fairbanks, Alaska 99081; Z. J. Loussac Public Library, 427 F Street, Anchorage, Alaska 99801; Alaska State Library, Juneau, Alaska 99811; Bureau of Indian Affairs School Library, Elim, Alaska 99739; Department of Defense, Army Corps of Engineers Library, Anchorage, Alaska 99510; Department of Interior Bureau of Mines Library, AF–F.O. Center, P.O. Box 550, Juneau, Alaska 99802; Ketchikan Community College, 7th and Madison, Ketchikan, Alaska 99901; Seldovia Public Library, Alaska 99663; University of Alaska—Juneau Library, P.O. Box 1447, Juneau, Alaska 99802; Anchor Point Public Library, Anchor Point, Alaska 99556; Cordova Public Library, Cordova, Alaska 99574; Elim Learning Center, Elim, Alaska 99739; Haines Public Library, Haines, Alaska 99827; Homer Public Library, Homer, Alaska 99603; Juneau Memorial Library, Douglas Public Library, 114 W. 4th Street, Juneau, Alaska 99824; Ketchikan Public Library, 629 Dock Street, Ketchikan, Alaska 99901; Kodiak Public Library Association, Inc., Kodiak, Alaska 99615; Metlakatla Extension Center, Metlakatla, Alaska 99926; Petersburg Extension Center, Petersburg, Alaska 99833; Seward Community Library, Seward, Alaska 99664; Sitka Community Library, Sitka, Alaska 99835; University of Alaska—Anchorage Library, 3211 Providence Drive, Anchorage, Alaska 99504; University of Alaska, Elmer E. Rasmusson Library, Fairbanks, Alaska 99701; Wrangell Extension Center, Wrangell, Alaska 99929.

Ed Hastey,

Associate Director, Bureau of Land Management.

Approved: March 18, 1980

James H. Rathlesberger,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 80-8659 Filed 3-20-80; 8:45 am]

BILLING CODE 4310-84

[Wyoming 01185]

Wyoming; Application

March 12, 1980.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Montana-Dakota Utilities Company of Bismarck, North Dakota filed an application to amend their right-of-way grant to construct a 12 inch loop line within the existing right-of-way for the purpose of transporting natural gas across the following described public lands in Big Horn County:

Sixth Principal Meridian, Wyoming

T. 49 N., R. 92 W.,
Sec. 30, lots 7, 8, 9, 13, 16, and 17;
T. 49 N., R. 93 W.,
Sec. 3, lot 4, S½NW¼, NE¼SW¼, W½E¼, and SE¼SE¼;
Sec. 4, lot 1;
Sec. 10, NE¼NE¼;
Sec. 11, W½NW¼, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 13, SW¼SW¼;
Sec. 14, W½NE¼, SE¼NE¼, and E½SE¼;
Sec. 24, NW¼, NE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 25, NE¼NE¼.
T. 50 N., R. 93 W.,
Sec. 5, lot 4, S½NW¼, and E½SW¼,
Sec. 8, W½NE¼, NE¼NW¼, W½SE¼, and SE¼SE¼;
Sec. 17, NE¼NE¼;
Sec. 21, W½NW¼, and SE¼SW¼;
Sec. 28, E½W¼, and SW¼SE¼;
Sec. 33, W½NE¼, NE¼NW¼, N½SE¼, and SE¼SE¼.
T. 51 N., R. 93 W.,
Sec. 18, lots 1 thru 4;
Sec. 19, lots 1, 2, SE¼NW¼, and E½SW¼;
Sec. 30, SW¼NE¼, E½NW¼, and W¼SE¼;
Sec. 31, N½NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 32, W½SW¼.

T. 51 N., R. 94 W.,
Sec. 1, lot 5, E½SW¼, and SW¼SE¼;
Sec. 12, W½NE¼, N½SE¼, and SE¼SE¼;
Sec. 13, E½NE¼.
T. 52 N., R. 94 W.,
Sec. 26, lot 3, NE¼SE¼.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting coments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 119, 1700 Robertson Avenue, Worland, Wyoming 82401.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-8640 Filed 3-20-80; 8:45 am]

BILLING CODE 4310-84-M

Minnesota; Final Initial Wilderness Inventory Decision and Commencement of Intensive Inventory

This notice announces the final initial wilderness inventory decision and the commencement of intensive inventory of public lands and islands (excluding Koochiching Bog Units 42 and 45) administered by the Bureau of Land Management (BLM) in Minnesota. The decision is announced under the authority of Section 603 of the Federal Land Policy and Management Act of 1976, the BLM *Wilderness Inventory Handbook,* and Organic Act Directive 78-61, Change 2.

The initial wilderness inventory proposals for Minnesota and a 90-day public review and comment period were announced in the **Federal Register** September 28, 1979. The comment period ended December 27, 1979. (As the result of a separate accelerated intensive inventory of Koochiching Bog Units 42 and 45, the final decision was announced in the February 22, 1980 **Federal Register** to drop those areas from further wilderness review. The decision becomes effective March 24, 1980 unless timely protests are received.) This notice relates to the initial wilderness inventory for all remaining public lands and islands by BLM in Minnesota.

Final Initial Inventory Decision

Intensive inventory will be conducted on 172 islands originally recommended for study in the report "Initial Inventory Proposals for Public Lands and Islands in Minnesota" (September 1979), plus two additional islands (Carlton #003 and #004) located in the Kettle River in Carlton County, Minnesota. The remaining pubic lands and islands administered by BLM are dropped from any further wilderness review because they do not meet the wilderness criteria as specified in the *Wilderness Inventory Handbook,* September 27, 1978. The restrictions imposed by Section 603 of the Federal Land Policy and Management Act no longer apply on those lands dropped from review.

Report of Public Response

During the public review and comment period, four public meetings were held; media coverage encouraged response; and reports, maps and inventory records were made available. All public comments, whether presented verbally or in writing, were equally considered.

For the units NOT RECOMMENDED for further study in the initial inventory proposals, one public comment identified possible outstanding opportunities for solitude or primitive recreation on two islands located in the Kettle River in Carlton County, T. 46N., R. 20W., Sec. 21 (#083) and Sec. 32 (#004).

Of the units RECOMMENDED for intensive inventory in the above report, no public comments identified outstanding opportunities for solitude or primitive and unconfined recreation for any of the units. Supplemental values were identified for some units, but no comments were received on other wilderness characteristics.

Commencement of Intensive Inventory

The intensive wilderness inventory is now underway in Minnesota on 174 islands, totalling 701.21 acres. Upon completion, inventory recommendations will be published and a 90-day public review and comment period will follow.

Additional Information

For additional information on the wilderness review process, or for copies of inventory reports, maps or public comments, contact:

Director, Eastern States, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, telephone (703) 235-2840; or

Manager, Lake States Office, Bureau of Land Management, 125 Federal Building, Duluth, Minnesota 55802, telephone (218) 727-6692, Ext. 376.

Pieter J. Van Zanden,

Acting Director, Eastern States.

[FR Doc. 80-8713 Filed 3-20-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered and Threatened Species Permit; Receipt of Application

Applicant: Cape Cod Museum of Natural History, R.R. 1, Route 6-A, Brewster, Massachusetts 02631.

The applicant requests a permit to salvage dead specimens of leatherback (*Dermochelys coriacea*), Atlantic ridley (*Lepidochelys kempi*), green (*Chelonia mydas*) and loggerhead (*Caretta caretta*) sea turtles for scientific purposes. No animals will be killed for this work.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-6390. Interested persons may comment on this application within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: March 12, 1980.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 80-8748 Filed 3-20-80; 8:45 am]

BILLING CODE 4310-55-M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take walrus as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and importing of Marine Mammals (50 CFR Part 18).

1. Applicant:
a. Name: Director, National Fish & Wildlife Laboratory.
b. Address: Smithsonian Institution, Washington, D.C. 20560.
2. Type of permit: Scientific Research.
3. Name and Number of Animals: Walrus (*Odobenus romarus*)—330.
4. Type of Activity: Taking, tagging and observation.
5. Location of Activity: Western Coast of Alaska and on pack ice in Bering and Chukchi Seas.
6. Period of Activity: April 1, 1980 through December 31, 1980.

The purpose of this application is to determine best marking techniques, study haul-out behavior, obtain behavioral and population characteristics, develop techniques to determine the condition of walrus.

Concurrent with the publication of this notice in the **Federal Register** the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2-6330. Written data or views, or requests for copies of the complete application or for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 534, 1717 H Street NW., Washington, D.C.

Dated: March 18, 1980.

Fred L. Bolwahnn,

Acting Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 80-8747 Filed 3-20-80; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Outer Continental Shelf (OCS); Oil and Gas Information Program; Availability of Mid-Atlantic Summary Report and OCS Directory

SUMMARY: The first in a series of reports that provide affected States with current planning information on OCS oil and gas activities has been published in accordance with Section 26 of the OCS Lands Act Amendments of 1978 and 30 CFR 252.4. The report, focusing on the Mid-Atlantic, provides summary information to States regarding: current oil and gas resource estimates, reserves, and production levels; the magnitude and timing of OCS exploration, development, and production; strategies for transporting oil and gas; and the location and nature of onshore facilities. Other Summary Reports are planned or currently underway for the South Atlantic, North Atlantic, Pacific (California), Gulf of Mexico, Gulf of Alaska (including Lower Cook Inlet), and Beaufort Sea.

Based on the needs and requests of numerous State and local officials, the OCS Information Program has also published a "Directory to Federal, State, and Local OCS-Related Activities and Contacts." The Directory reviews the Federal OCS process, lists agencies involved, explains agency responsibilities, and provides a listing (with addresses and telephone numbers) of major Federal agencies. The Directory also reviews major State OCS programs, provides information on State agency involvement in responding to Federal initiatives, describes the functions where States generally act autonomously, and provides a listing (with addresses and telephone numbers) of major State agencies. The Directory covers a total of 23 coastal States that are, or could be, involved in OCS-related activities.

EFFECTIVE DATE: March 3, 1980.

ADDRESSES: Copies of both documents may be obtained upon request from the Chief, RALI Program, U.S. Geological Survey, 750 National Center, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: David A. Nystrom, Manager, OCS Oil and Gas Information Program, U.S. Geological Survey, 750 National Center, Reston, Virginia 22092, (703) 860-7166.

Gene A. Thorley,

Acting Chief, Land Information and Analysis Office.

[FR Doc. 80-8702 Filed 3-20-80; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Boston National Historical Park; Public Meetings

Notice is hereby given that two Public Meetings concerning the Navy Yard portion of the Boston National Historical Park will be held April 1, 1980 in the Bunker Hill Museum, Monument Square, at 7:30 p.m. and the second on April 2, 1980 in the Hull Room of Building 5, Charlestown Navy Yard at 3:00 p.m.

Boston National Historical Park includes eight historic sites within the City of Boston: Faneuil Hall, Paul Revere House, Old North Church, Old South Meeting House, Old State House, Dorchester Heights Monument, Bunker Hill Monument, and a 30 acre portion of the Charlestown Navy Yard. At the public meetings the Draft General Management Plan, Part II (Charlestown Navy Yard), which addresses the general development, management zoning and the interpretation of the resource, will be discussed. The meetings will concern themselves primarily with the Navy Yard. Future meetings will deal with the other historic sites in the park.

All interested persons are invited to attend and participate in these discussions. They may also address their comments in writing to the Superintendent, Boston National Historical Park, 15 State Street, Boston, Massachusetts 02109.

Dated: March 5, 1980.

Richard L. Stanton,

Regional Director, North Atlantic Region.

[FR Doc. 80-8704 Filed 3-20-80; 8:45 am]

BILLING CODE 4310-70-M

Boston National Historical Park; Advisory Commission Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, Pub. L. 92-463, that a meeting of the Boston National Historical Park Advisory Commission will be held April 10, 1980 at Building 5, the former Officer's Club, Charlestown Navy Yard, Boston, Massachusetts, beginning at 11 a.m.

The Commission was established by Pub. L. 93-431 to advise the Secretary of the Interior on matters relating to the development of the Boston National Historical Park.

The members of the Advisory Commission are as follows:

Mr. Richard A. Berenson, Chairman, Brookline
Ms. Gail E. Seybold, Boston
Mr. Guy A. Beninati, Boston
Mr. Byron D. Rushing, Boston
Mr. Maurice F. O'Shea, Charlestown
Mrs. Katharine D. Kane, Boston
Mr. William B. Osgood, Boston
Mr. Richard A. Kendall, Boston

The matters to be discussed at this meeting include:

1. Review of General Management Plan for Charlestown Navy Yard
2. Report on General Management Plan for downtown historic sites and Bunker Hill
3. Transportation Plans and Concerns
4. Freedom Trail Maintenance and Improvement
5. Jubilee 350 plans
6. Reports on Water-Chelsea Connector and Gate 4 roadway projects at the Navy Yard
7. Dorchester Heights plans
8. Boston NHP Cooperating Association
9. Report on rehabilitation projects underway at Old South Meeting House, Bunker Hill Monument, and Navy Yard Piers and Bulkheads
10. Cooperative Agreements
11. Park Administration and Operations

The meeting will be open to the public. However, space and facilities are limited, and it is expected that not more than 50 persons will be able to attend the session. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information about this meeting, or who wish to

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submit written statements, may contact the Superintendent, Boston National Historical Park, at 617–242–5644.

Dated: March 12, 1980.

Duane Pearson,

Acting Regional Director, North Atlantic Region.

[FR Doc. 80-8708 Filed 3-20-80; 8:45 am]

BILLING CODE 4310-70-M

UPPER DELAWARE CITIZENS ADVISORY COUNCIL

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Upper Delaware Citizens Advisory Council will be held at 7:00 P.M., Friday, April 11, 1980, at the Arlington Hotel, Narrowsburg, New York. The Advisory Council was established by Pub. L. 95–625, Section 704(f) to encourage maximum public involvement in the development and implementation of plans and programs authorized by the Act and section noted above. The Council is to meet and report to the Delaware River Basin Commission, to the Secretary of the Interior and to the Governors of New York and Pennsylvania on the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region.

The matter to be discussed at this meeting is:

Adoption of the Upper Delaware Citizens Advisory Council's comments and recommendations on the Draft General Guidelines for Land and Water Use Control Measures.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first served basis. Any member of the public may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact David A. Kimball, Chief Planner, Mid-Atlantic Region, National Park Service, 143 South Third Street, Philadelphia, Pennsylvania 19106, area code 215–597–9655.

Minutes of the meeting will be available for inspection four weeks after the meeting at the Mid-Atlantic Regional Office.

Dated: March 10, 1980.

James W. Coleman, Jr.,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 80-8705 Filed 3-20-80; 8:45 am]

BILLING CODE 4310-70-M

LeConte Lodge, Inc.; Intention To Extend Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before April 21, 1980, the Department of the Interior, through the Regional Director, Southeast Region, National Park Service, proposes to extend the concession contract with LeConte Lodge, Inc., authorizing it to continue to provide concession facilities and services for the public at Great Smoky Mountains National Park for a period of two (2) years from January 1, 1980, through December 31, 1981.

It has been determined that the proposed extension of this contract does not have potential for causing significant environmental impact and therefore preparation of an environmental assessment is not required.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1979, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants LeConte Lodge, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive offers for the proposed new contract and a preference in the award of the contract, if, thereafter, the offer of LeConte Lodge, Inc., is substantially equal to others received. The Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before April 21, 1980.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303, for information as to the requirements of the proposed contract.

Dated: February 21, 1980.

Joe Brown,

Regional Director, Southeast Region, National Park Service.

[FR Doc. 80-8703 Filed 3-20-80; 8:45 am]

BILLING CODE 4310-70-M

Gateway National Recreation Area; Gateway Advisory Commission Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Gateway National Recreation Area Advisory Commission will be held commencing at 4 p.m., Wednesday, April 16, 1980 at Building No. 204, at Fort Wadsworth, Staten Island, New York.

The Commission was established by Pub. L. 92–592 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Gateway National Recreation Area.

The members of the Commission are:

1. Marian Heiskell, Chairman, New York, New York
2. Alexander J. D. Greely, New York, New York
3. Paul Larson, Lakewood, New Jersey
4. Robert C. Holmes, Newark, New Jersey
5. Orin Lehman, Albany, New York
6. Gordon Litwin, Newark, New Jersey
7. Sheldon Pollack, New York, New York
8. Jose A. Sanchez, Jersey City, New Jersey
9. Peter M. Rivera, Bronx, New York

The matters to be discussed at this meeting include:

1. Sandy Hook Decontamination
2. Floyd Bennett Field Development Concept Plan
3. Gateway Transportation Access
4. Fort Mason Foundation
5. Land Acquisition Plan
6. Superintendent's Report

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first served basis. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Herbert S. Cables, Jr., Superintendent, Gateway National Recreation Area, Headquarters, Building 69, Floyd Bennett Field, Brooklyn, New York 11234, Area Code (212) 630–0353.

Minutes of the meeting will be available for inspection four weeks after the meeting at the Gateway National Recreation Area Headquarters Building.

Dated: March 11, 1980.

Duane Pearson,

Acting Regional Director, North Atlantic Region.

[FR Doc. 80-8632 Filed 3-20-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Notice No. 174]

Assignment of Hearings

March 13, 1980.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearings dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 58549 (Sub-29F), General Motor Lines, Inc., now being assigned for hearing on April 21, 1980 (1 week) at Roanoke, VA location of hearing room will be designated later.

MC 145588 (Sub-9F), Gulf Midwestern, Inc., and MC 145588 (Sub-10F), Gulf Midwestern, Inc., now assigned for hearing on February 26, 1980 (2 days) at Denver, CO, application dismissed.

MC-F-12730, Pacific Transportation Lines, Inc—Purchase—Jackson Distribution Corp. and MC 142048 (Sub-7F), now assigned for hearing on March 6, 1980 at Buffalo, NY is postponed indefinitely.

MC 1083 (Sub-3F), Bower Transportation Services, Inc., now assigned for hearing on April 10, 1980 will be held in Room No. 300, National Labor Relations Board, 610 South West Broadway, Portland, OR.

MC 107912 (Sub-22F), Rebel Motor Freight, Inc., now assigned for hearing on April 2, 1980 will be held in the Petit Jury Room No. 536, U.S. Post Office-Corner of Capitol & South West, Jackson, MS.

MC 138174 (Sub-3F), JJ & JL Company, Inc., d.b.a. Jet Air Freight Service, now assigned for hearing March 25, 1980 will be held in Room No. 300, National Labor Relations Board, 610 South West Broadway, Portland, OR.

MC 140829 (Sub-217F), Cargo, Inc., now assigned for hearing June 18, 1980 at Boston, MA. is canceled and transferred to Modified Procedure.

MC 76677 (Sub-13F), Hallamore Motor Transportation, Inc., now being assigned for hearing on June 18, 1980 (1 Day), at Boston, MA. in a hearing room to be designated later.

MC 119777 (Sub-373F), Ligon Specialized Hauler, Inc., now being assigned for hearing on May 9, 1980 (1 Day), at Chicago, IL, in a hearing room to be designated later.

MC 14252 (Sub-61F), Commercial Lovelace Motor Freight, Inc., now being assigned for prehearing conference on April 23, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 124692 (Sub-269F), Sammons Trucking, now being assigned on March 18, 1980 (4 days) at Little Rock, AR, will be held at Camelot Hotel, Markham & Broadway.

MC 138108 (Sub-1F), Gulf States Trucking Service, Inc., now being assigned for hearing on March 24, 1980 (5 days) at Jackson, MS, in a hearing room to be later designated.

MC 146583 (Sub-2F), Terrain Tamers, Inc., now being assigned for hearing on April 7, 1980 at Portland, OR will be held in Room No. 103, Pionier Court House, 555 S.W. Yamhill Street.

MC 8457 (Sub-10F), Milwaukee Transfer & Fuel Co., & MC 123061 (Sub-124F), Leatham Brothers Inc., now being assigned for hearing on April 9, 1980 (3 days) at Portland, OR, will be held in Room No. 103, Pionier Court House, 555 S.W. Yamhill Street.

MC 141532 (Sub-37F), Pacific States Transport, Inc., now being assigned for hearing on April 14, 1980 (1 week) at Portland, OR will be held in Room No. 103, Pionier Court House, 555 S.W. Yamhill Street.

MC 136155 (Sub-7F), Gay Trucking Company, now assigned for hearing on March 18, 1980 (2 days) at Atlanta, GA, in Room No. 401—4th Floor, 1776 Peachtree Street, N.W.

MC 124692 (Sub-269F), Sammons Trucking, now assigned for hearing March 18, 1980 at the Camelot Hotel, Markham & Broadway, Little Rock, AR., is transferred to March 18, 1980, at the Convention Center, Room 202, Markham & Broadway, Little Rock, AR.

MC 41432 (Sub-160F), East Texas Motor Freight Lines, Inc. now assigned for hearing on April 8, 1980 will be held at the Dupont Plaza Hotel, 899 Stemmons Freeway, Dallas, TX., and continued to April 14, 1980 at the Holiday Inn West, Meridian Street and I–40, Oklahoma City, OK., and continued to April 29, 1980 (4 Days), at Atlanta, GA., continued to May 5, 1980 (5 Days), at Kansas City, MO., continued to June 3, 1980 (4 Days), at Minneapolis, MN., and continued to June 9, 1980 (5 Days), at San Francisco, CA. in a hearing room to be designated later.

MC 141804 (Sub-181F), Western Express, Division of Interstate Rental, Inc., now assigned for hearing on March 12, 1980 at San Francisco, CA. is canceled and transferred to Modified Procedure.

Ex Parte 365, In The Matter of James N. Clay, III., now assigned for prehearing conference in Washington, DC., is postponed to April 17, 1980 prehearing conference at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 143713 (Sub-7F), Agricultural Transportation Association of Illinois, A Corporation, transferred to Modified Procedure.

MC 139395 (Sub-3F), Bulk Transit Corporation, transferred to Modified Procedure.

MC 11207 (Sub-489F), Deaton, Inc., now assigned for hearing on March 19, 1980 at Birmingham, AL in the Social Security Administration, Southeastern Programs Service Center 2001—12th Avenue, North.

MC 121664 (Sub-69F), Hornady Truck Line, Inc., now assigned for hearing on March 20, 1980 at Birmingham, AL in the Social Security Administration, Southeastern Programs Service Center, 2001—12th Avenue, North.

MC 136828 (Sub-28F), Cook Transports, Inc., now assigned for hearing on March 21, 1980 at Birmingham, AL in the Social Security Administration, Southeastern Program Service Center, 2001—12th Avenue, North.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8696 Filed 3-20-80; 8:45 am]

BILLING CODE 7035-01-M

Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed on or before April 10, 1980. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applications must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

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By the Commission, Review Board Number 5. The Motor Carrier Board, Members Krock, Pohost, and Taylor.

Agatha L. Mergenovich,
Secretary.

Federal Register Summary for Certificate or Permit

MC–FC–78356 By decision of February 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. The Motor Carrier Board approved the transfer to Star Motor Freight, Inc. of Certificate No. MC–93518 issued July 2, 1973 to Abrams Hardware, Inc., acquired by Bruce M. Smith & Karen E. Smith, pursuant to MC–FC–77524, consummated May 30, 1978, authorizing the transportation of general commodities, except commodities of excessive value, those requiring refrigeration, petroleum products, in bulk, and articles which exceed the capacity of equipment, between Clarkston, Wash., and Kendrick, Idaho, serving all intermediate points; and those off-route points within 15 miles of Kendrick. From Clarkston over U.S. Highway 12 (formerly U.S. Highway 410) to junction U.S. Highway 95, thence over U.S. Highway 95 to junction Idaho Highway 3 (formerly Idaho Highway 42), and thence over Idaho Highway 3 to Kendrick, and return over the same route. Applicant's representative is: James A. Pingree, 1004 Idaho Street, Lewiston, ID 83501.

MC–FC–78361, MC–FC–78362, and MC–147784. By decision of February 21, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, The Motor Carrier Board approved the transfer to TRANS–WAY, INC., Avenel, NJ, in MC–FC–78361, of Certificates MC–58324 (Sub-Nos. 1, 2, and 3), issued May 19, 1954, April 8, 1957, and March 10, 1970, to New York-Mid Hudson Trans. Corp., New York, NY, and in MC–FC–78362, of Certificate No. MC–82091, issued January 30, 1970, to Agee Motor Freight, Inc., Aurora, IL, authorizing the transportation of General commodities (except those of unusual value, Classes A and B explosives, lumber and lumber products, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over specified regular routes between (1) Albany and Peekskill, NY, serving all intermediate points between Hudson and Peekskill, including Hudson and the off-route points of Millerton and Rhinecliff, NY, (2) between Beacon and Poughquag, NY, serving all intermediate points, (3) between East Fishkill and Poughkeepsie, NY, serving all intermediate points, (4) between Hopewell and Beacon, NY, serving all intermediate points, (5) between Albany, and Bro Corners, NY, serving all intermediate points, and (6) and between junction NY Hwys 23 and 9G and Poughkeepsie, NY, serving all intermediate points of Saugerties, Kingston and Highland, NY; *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over specified regular routes, (1) between New York, NY and Albany, NY, serving all intermediate points, and the off-route points of Englewood, North Bergen, West New York, Hoboken, Paterson, Passaic, Clifton, Bloomfield, East Orange, Newark, and Elizabeth, NJ, (2) between Peekskill and Poughkeepsie, NY, serving all intermediate points and the off-route points of Englewood, North Bergen, West New York, Hoboken, Paterson, Passaic, Clifton, Bloomfield, East Orange, Newark, and Elizabeth, NJ, and (3) between Rhindebook, NY and Kingston, NY, serving all intermediate points, and the off-route points of Englewood, North Bergen, West New York, Hoboken, Paterson, Passaic, Clifton, Bloomfield, East Orange, Newark, and Elizabeth, NJ. *General commodities,* (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment and those injurious or contaiminating to other lading), between points within the territory (inclusive of the points specified) bounded by a line beginning at New York, NY and extending in a westerly direction along NJ Hwy 4 to Paterson, NJ, then along U.S Hwy 46 to junction U.S. Hwy 202, then along U.S. Hwy 202 to junction U.S. Hwy 206 to Princeton, NJ, then in a southeasterly direction along an unnumbered highway to Hightstown, NJ, then along NJ Hwy 33 to junction U.S. Hwy 9, then along U.S. Hwy 9 to Perth Amboy, NJ and then in an easterly direction to New York, NY. *Floor covering,* and *materials supplies and equipment,* used or useful in the installation of floor covering, from Philadelphia, PA, to Camden, Harrison, and Kearny, NJ, New York, NY, Wilmington, DE, and Baltimore, MD; *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in Philadelphia, PA. In MC–147784, as a matter directly related to MC–FC–78361 and MC–FC–78362, the Board denied the application for elimination of the gateway at Trenton NJ. Applicant's representative is Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904.

By decision of February 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, The Motor Carrier Board approved the transfer to Ag Trucking, Inc., Goshen, IN, of Certificates MC 13367, and MC 13367 (Sub-Nos. 2, 4, 5, 6, 7, 8, 9, and 13), issued October 25, 1957, August 10, 1961, May 11, 1962, October 24, 1962, May 10, 1963, May 1, 1969, March 11, 1964, October 2, 1964, and October 7, 1969, respectively to Rober Merley, and transferred to Hoosier Haulers, Inc., Goshen, IN, pursuant to MC–FC–75147, effective September 17, 1974, authorizing the transportation of *meat scraps, tankage, and dried blood,* from points in IN and the lower peninsula of MI, to Milwaukee, WI; *Meat scraps, tankage, and dried blood,* not fit for human consumption, from Milwaukee, WI, to points in IL, IN, OH, and the lower peninsula of MI; *grain,* over a specified route, between Wakarusa, IN and Chicago, IL, serving intermediate and off-route points within 25 miles of Wakarusa, restricted to pick-up only; *fertilizer,* from Calumet City, IL, to points in IN on and north of U.S. Hwy 40; *dry manufactured fertilizer,* in bulk, from the plant site of Michiana Chemical Co., near Niles, MI, to points in Adams, Allen, Benton, Blackford, Boone, Carroll, Call, Clinton, DeKalb, Delaware, Elkhart, Fountain, Fulton, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jasper, Jay, Kosciusko, Lagrange, Lake, LaPorte, Madison, Marion, Marshall, Miami, Montgomery, Newton, Noble, Parke, Porter, Pulaski, Putnam, Randolph, Saint Joseph, Starke, Steuben, Tippecanoe, Tipton, Vermillion, Wabash, Warren, Wayne, Wells, Whilte, and Whitley Counties, IN; *Feed,* including *meat scraps and tankage,* From Riverdale and Chicago, IL to points in IN on and north of U.S. Hwy 40; *oats,* from points in IL on and east of a line beginning at Chicago and extending along U.S. Hwy 66 to junction IL Hwy 126, then along IL Highway 126 to Plainfield, then along IL Hwy 59, to junction U.S. Hwy 66, then along U.S. Hwy 66 to junction IL Hwy 129, then along IL Hwy 129 via Braidwood, to junction U.S. Hwy 66, then along U.S. Hwy 66 to Bloomington, then along U.S. Hwy 51 to Decatur, and on and north of U.S. Hwy 36 from Decatur to the IL–IN State line, to points in Elkhart, Lagrange, LaPorte, and St. Joseph Counties, IN; *meat scraps, tankage, and dried blood,* from points in IL and those parts of MO and IA on and east of a line beginning at Birds Point, MO and extending along U.S. Hwy 60 to junction MO Hwy 77, approximately two miles south of Diehlstadt, MO, then along MO Hwy 77 to junction U.S. Hwy 61, at Benton, MO, then along U.S. Hwy 61 to junction U.S. Hwy 67 at Davenport, IA, then along U.S. Hwy 67 to junction U.S. Hwy 52, at Dubuque, IA, and then along U.S. Hwy 52 to the IA–MN State line, to Milwaukee, WI; *fertilizer,* from points in the Chicago, IL Commercial zone as defined by the Commission, to Charlotte, MI and points in Kalamazoo, Branch, Van Buren, Berrien, Calhoun, Cass, and St. Joseph Counties, MI; *fruits, and vegetables,* from points in Berrien, Van Buren, and Cass Counties, MI, to Chicago, IL; *livestock,* from points in Berrien County, MI, to Chicago, IL; *frozen fruits, frozen berries, and frozen vegetables,* from parts of Berrien and Van Buren Counties, MI within 20 miles of Coloma, MI, to Clevaland, OH, Chicago, IL, and Milwaukee, WI, and from Cleveland, OH, to Milwaukee, WI; *dry fertilizer,* in bulk, in vehicles equipped with pneumatic unloading equipment, from the plant site of Swift and Company, At Calumet City, IL, to points in Allegan, Ottawa, Muskegon, Oceana, Newaygo, and Eaton (Except Charlotte, MI) Counties, MI; *fertilizer,* dry, in bulk, from Plymouth, IN, to points in Allegan, Berrien, Branch, Cass, Kalamazoo, St. Joseph, Van Buren, Kalkaska, Mecosta, Missaukee, Muskegon, Newaygo, Osceola, and Ottawa Counties, MI, resricted against the tracking of this authority with any other authority now held by carrier for the purpose of performing a through service; and *fertilizer and fertilizer materials* (except anhydrous ammonia, and fertilizer or fertilizer materials derived from petroleum products and except in dump vehicles), from Joliet, IL (except from the plant site of Blockson Chemical Division of Olin Mathieson Corporation), to points in IN, MI, and OH, restricted to the transportation of shipments having an immediately prior movement by water or rail. Applicant's representative: Gregory A. Hartzler, 130 N. Main St., Goshen, IN.

Note.—Transferee has leased transferors rights under authority in MC–FC–35478, effective December 7, 1978.

Federal Register Summary for Certificate of Registration

MC–FC–78398 By decision of January 28, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, The Motor Carrier Board approved the transfer to Harran Transportation Co., Inc., North Merrick, NY, of Certificate MC–141508, issued June 13, 1978, to Varied Transit, Inc., Pomona, NY, authorizing the transportation of Passengers and their baggage, restricted to traffic originating at the points indicated, in charter operations, from New York, NY, and points in Rockland County, NY, to points in PA, NY, NJ, CT, VT, NH, and DC, and return, subject to the condition that consummation of the transaction may not occur until consummation of the directly related transaction in MC–FC–78399 has occurred. Applicant's representative is: Samuel B. Zinder, 98 Cutter Mill Rd., Great Neck, NY 11021, for transferee, and Piken & Piken, 95–25 Queens Blvd., Rego Park, NY 11374, for transferor.

Federal Register Summary for Certificate or Permit

MC–FC–78399 By decision of January 28, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. The Motor Carrier Board approved the transfer to Blue Jay Bus Co., Inc., Mt. Vernon, NY, of Certificate No. MC–40815, issued November 5, 1976 to Harran Transportation Co., Inc., North Merrick, NY, authorizing the transportation of *Passengers and their baggage,* restricted to traffic originating at the point indicated, in charter operations, from New York, NY, to points in NY, NJ, CT, and PA, and return, subject to the condition that the transaction be consummated prior to consummation of the transaction in MC–FC–78398. Applicant's representative is: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, NY 11021.

Federal Register summary for certificate of registration

MC–FC–78440. By decision of February 4, 1980 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR Part 1132. The Motor Carrier Board approved the transfer to Bobby W. Ginn d/b/a Stub Line of Scottsbluff, Nebraska of Certificate of Registration No. MC–98711 (Sub-No. 1) issued November 7, 1963, to Chester Honey d/b/a Stub Line of Scottsbluff, Nebraska evidencing a right to engage in transportation in interstate commerce corresponding in scope to M–10241 dated May 6, 1953 issued by Nebraska State Railway Commission, authorizing commodities generally, except those requiring special equipment other than refrigeration. Route or territory authorized between Scottsbluff and Henry, via US–26, serving the intermediate points of Mitchell and Morrill, and the off-route points of Lyman, Steegal and Haig, over a regular route. Applicant's representative is: Bobby W. Guinn, 334½ West 19th Street, Scottsbluff, NB 69361.

[FR Doc. 80–8697 Filed 3–20–80; 8:45 am]
BILLING CODE 7035–01–M

Decision-Notice

Dated: March 13, 1980.

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's rules of practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularly the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Oppositon not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(c) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after March 21, 1980 except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

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We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed on or before April 21, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: March 7, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

Agatha Mergenovich

Secretary.

MC–F–14267F, filed December 14, 1979. (Correction) (Previously published in the **Federal Register** on February 28, 1980.) TROMBLY MOTOR COACH SERVICE, INC., (Trombly) (Route 125 By-Pass, North Andover, MA 08145)—PURCHASE (PORTION)—THE GRAY LINE, INC., (Gray) (620 Statler Office Bld., 20 Providence St., Boston, MA 02116). Representative: Daniel C. Sullivan, 10 S. LaSalle, Suite 1600, Chicago, IL 60603. Trombly seeks authority to purchase a portion of the interstate operating rights of Gray. Francis J. Trombly, Sr., James F. Trombly, Francis J. Trombly, Jr., and Michael J. Trombly, persons in control of Trombly, seek to acquire control of said rights through the transaction. Trombly is purchasing those portions of the interstate operating rights of Gray that are contained in MC–69394 and MC–69394 (Sub-No. 8) which authorize the transportation, over irregular routes, of (1) *passengers and their baggage,* in round-trip or one-way charter operations, with no seasonal restriction, beginning and ending at those points in Essex, Suffolk, and Middlesex Counties, MA, which are north of U.S. Hwy 20 and within 20 miles of the State House, Boston, MA (except Boston, Cambridge, Chelsea, and Winthrop), and extending to points in ME, NH, RI, CT, NY, and DC, and the ports of entry on the International Boundary line between the United States and Canada in VT; and (2) *passengers and their baggage,* restricted to traffic originating at the points indicated, in round trip or one-way charter operations, beginning and ending at those points in Essex, Suffolk, and Middlesex Counties, MA, which are north of U.S. Hwy 20 and within 20 miles of the city limits of Boston, MA (except Boston, Cambridge, Chelsea, and Winthrop), and extending to points in CT, NH, NY, PA, RI, and VT. Gray is retaining those portions of MC–69394 and MC–69394 (Sub-No. 8) which authorize the transportation, over irregular routes, of (1) *passengers and their baggage,* in round-trip or one-way charter operations, with no seasonal restriction, beginning and ending at Boston, Cambridge, Chelsea, and Winthrop, MA and extending to points in ME, NH, RI, CT, NY, and DC, and the ports of entry on the International Boundary line between the United States and Canada in VT; and (2) *passengers and their baggage,* restricted to traffic originating at the points indicated, in round trip or one-way charter operations, beginning and ending at Boston, Cambridge, Chelsea and Winthrop, MA, and extending to points in CT, NH, NY, PA, RI, and VT. Trombly is a motor common carrier of passengers and their baggage, over regular and irregular routes, pursuant to certificates in MC–116313 and sub-numbers thereunder. (Hearing site: Boston, MA, or Chicago, IL.)

Notes.—(1) Application for temporary authority has been filed. (2) The purpose of this republication is to delete Note (2) as it was published on February 28, 1980. This proceeding does not involve an illegal split of authority.

[FR Doc. 80–8780 Filed 3–20–80; 8:45 am]

BILLING CODE 7035–01–M

[Case No. 69825*]

General Increase Middlewest Motor Freight Bureau, April 1980

March 14, 1980.

To all parties of the record: The purpose of this letter is to alert all parties to these general rate increase proceedings that the Commission will consider, among other things, the profitability of the traffic at issue in evaluating the need for additional revenue. At present, return on equity (ROE) is used as one measure of issue traffic profitablity in the Commission's deliberations. In determining this ROE, equity is allocated to issue traffic on the basis of the percentage relationship of issue traffic expenses to system expenses on a composite basis for the study carriers.

The rate bureaus which are parties in these proceedings may elect to supplement their original filing with information they may deem relevant to the Commission's decision. The Commission, however, is not seeking any specific additional information. We believe that the record is sufficient to evaluate the proposed rate increases including our consideration of issue traffic profitability.

If the rate bureaus elect to submit additional information, it should be filed with the Commission on or before March 24, 1980 and should be served on all known parties of record. Any party may file a reply within the following three days.

This letter is being published in the **Federal Register** and served on all parties of record.

Sincerely,

Darius W. Gaskins, Jr.,

Chairman.

[FR Doc. 80–8701 Filed 3–20–80; 8:45 am]

BILLING CODE 7035–01–M

Transfer Proceedings

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications

* Also involves Case No. 69816—PITB, Case No. 69818—New England, Case No. 69820—Eastern Central, Case No. 69822—Rocky Mountain, Case No. 69824—Middle Atlantic, Case No. 69819—Southern Motor, Case No. 69823—Central & Southern, Case No. 69831—Central States.

filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission on or before April 21, 1980. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

By the Commission.

Agatha L. Mergenovich,

Secretary.

MC–FC–78115 filed April 16, 1979. Transferee: ROBERT G. SEXSMITH AND ROBERT G. SEXSMITH, JR. doing business as SEN-JUR SERVICE CO., 13459 Rose, Gibralter, MI 48173. Transferor: JACK L. SOWARDS doing business as GLOBE GUARD SERVICE, P.O. Box 1095, Southgate, MI 48195. Authority sought for purchase by Transferee of the operating rights of Transferor, as set forth in Permit No. MC 142243, Sub No. 1, issued March 28, 1977, as follows: *Passengers and their baggage,* in the same vehicle with passengers, between the terminals and railroad rights-of-way of the Detroit, Toledo & Ironton Railroad Company located in OH and MI, restricted to a transportation service to be performed under a continuing contract or contracts with the Detroit, Toledo & Ironton Railroad Company of Dearborn, MI. Transferee presently holds no authority from this Commission. Application has not been filed for Temporary Authority under Section 210a(b). Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080.

[FR Doc. 80–8696 Filed 3–20–80; 8:45 am]

BILLING CODE 7035–01–M

[Vol. No. 4]

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority; Notice

Dated: March 7, 1980.

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be *rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of these persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277.

Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), were not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 730 (Sub-272) (M2F) (notice of filing of petition to modify certicate), filed July 6, 1979. Petitioner: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, P.O. Box 8004, Walnut Creek, CA 94596. Representative: A. G. Krebs (same address as petitioner). Petitioner holds a motor *common carrier* certificate in MC 730 (Sub-272), issued October 27, 1966, authorizing transportation over irregular routes, as pertinent, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between all authorized points in OH located on the first five regular routes described in Part (A) under the second commodity description in Part (A), including off-route points, and on the one hand, and, on the other, all other points in OH located on or north of a line extending from Cincinnati, OH, along US Hwy 42 to junction US Hwy 40, then along US Hwy 40 to junction OH Hwy 440 at or near Kirkersville, OH, then along OH Hwy 440 to junction US Hwy 40 near Gratiot, OH, then along US Hwy 40 to junction US Hwy 22, then along US Hwy 22 via Norwich, OH to junction US Hwy 40, then along US Hwy 40 to the OH–WV State line, with service limited to the pickup of eastbound shipments and the delivery of westbound shipments moving over the five regular routes referred to above described in Part (A). By the instant petition, petitioner seeks to modify the above authority by deleting the language of "the pickup of eastbound shipments and the delivery of westbound".

MC 15401 (Sub-1) (MIF) (Notice of filing of petition to modify certificate), filed July 20, 1979. Petitioner: STORER TRANSPORTATION SERVICE, INC., 3519 McDonald ave., Modesto, CA 95351. Representative: Raymond A. Greene, Jr., 100 Pine St., Suite 2550, San Francisco, CA 94111. Petitioner holds a motor *common carrier* certificate in MC 15401 (Sub-1), issued June 30, 1977, authorizing transportation, over irregular routes, of (1) *passengers and their baggage,* in the same vehicle with passengers, in special and charter

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operations, in round-trip pleasure and sightseeing tours, beginning and ending at points in Mariposa and Tuolumne Counties, CA, and extending to points in the United States (except AK and HI), and (2) *passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip pleasure and sightseeing tours, beginning and ending at points in Stanislaus County, CA, and extending to points in the United States (except AK and HI). By the instant petition, petitioner seeks to modify the above authority by deleting the language "in round-trip pleasure and sightseeing tours" from the commodity description in (1) and (2) above.

MC 42011 (MIF) (Notice of filing of petition to modify certificate), filed June 22, 1979. Petitioner: D. Q. WISE & CO., INC., P.O. Drawer L, Tulsa, OK 74112. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Petitioner holds a motor *common carrier* certificate in MC 42011, issued April 1, 1965, authorizing transportation, over irregular routes, as pertinent, of *heavy machinery* and *parts thereof*, in truckload lots, (1) from Chicago, IL, Milwaukee, WI, and Indianapolis and Evansville, IN, to points in OK, and (2) between points in OK, on the one hand, and, on the other, points in AR and KS, those in that part of MO on and south of US Hwy 54, and those in that part of TX on and north of US Hwy 80. By the instant petition, petitioner seeks to modify the commodity description to authorize, within the same territory, the transportation of a *commodities*, the transportation of which because of size or weight requires the use of special equipment; (b) *related articles* and *supplies* when their transportation is incidental to the transportation of commodities which because of size or weight require special equipment; (c) *parts* of commodities which because of size or weight require special equipment; and (d) *self-prepelled articles* each weighing 15,000 lbs. or more restricted to commodities which are transported on trailers.

MC 66101 (M1F) (Notice of filing of petition to modify certificate), filed July 25, 1979. Petitioner: AFT SERVICES, INC., 303 South St., Newark, NJ 07114. Representative: George A. Olsen, 69 Tonnele Ave., Jersey City, NJ 07306. Petitioner holds a motor *common carrier* certificate in MC 66101, issued November 19, 1974, authorizing transportation, over irregular routes, of *general commodities*, (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring dump or tank trucks, between points in that part of the New York, NY Commercial Zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Act (the "exempt" zone), and those points in NJ within 5 miles of New York, NY, and all of any municipality in NJ any part of which is within 5 miles of New York, NY, on the one hand, and, on the other, points in NY, and NJ, within 35 miles of Columbus Circle, New York, NY. By the instant petition, petitioner seeks to broaden the territorial description to read "between New York, NY, on the one hand, and, on the other, points in NJ".

MC 85970 (Sub-8)(M1F) (notice of filing of petition to modify certificate), filed August 15, 1979. Petitioner: SARTAIN TRUCK LINE, INC., 1354 N. Second St., Memphis, TN 38107. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Petitioner holds motor *common carrier* certificate in MC 85970 (Sub-8), issued September 26, 1977, authorizing transportation, over regular routes, as pertinent, in summary, of *general commodities*, with the usual exceptions, between Memphis, TN and St. Louis, MO, serving numerouis intermediate points subject to the following restrictions: (A) Service at Memphis, TN is restricted to that portion of Memphis and its commercial zone as defined by the Commission lying wholly within TN. (B) Service at Memphis, TN and its commercial zone is restricted against the handling of traffic originating at, destined to, or interchanged at Dyersburg, TN and its commercial zone as defined by the Commission. (C) Service at the St. Louis, MO and East St. Louis, IL commercial zone is restricted against the handling of traffic originating at or destined to, but not against traffic interchanged at Dyersburg and/or Newbern, TN and their respective commercial zones as defined by the Commission. (D) Said operations are restricted against the transportation of traffic moving between points in the St. Louis, MO-East St. Louis, IL commercial zone, on the one hand, and, on the other, Memphis and Jackson, TN, and points in their commerical zones as defined by the Commission. By the instant petition, petitioner seeks to modify the above authority be deleting the above restrictions.

MC 95540 (Sub-1004F)(M1F) (notice of filing of petition to modify certificate), filed August 9, 1979. Petitioner: WATKINS MOTOR LINES, INC., 1144 West Griffin Rd., Lakeland, FL 33801. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Petitioner holds a motor *common carrier* certificate in MC 95540 (Sub-1004F), issued July 25, 1979, authorizing transportation, over irregular routes, of *frozen foods* (except in bulk), from the facilities utilized by Termicold Corporation, and the facilities utilized by Ida Foods, Inc., at or near Plover, WI, to points in AL, AR, FL, GA, LA, MS, NC, SC, TN, and TX, restricted to the transportation of traffic originating at the named origin facilities and destined to the named destinations. By the instant petition, petitioner seeks to modify the above authority by deleting the language "from the facilities utilized by Termicold Corporation," and "the facilities utilized by Ida Foods, Inc." from the territorial description.

MC 95540 (Sub-1025F)(M1F) (notice of filing of petition to modify certificate), filed August 14, 1979. Petitioner: WATKINS MOTOR LINES, INC., 1144 West Griffin Rd., Lakeland, FL 33801. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Petitioner holds a motor *common carrier* certificate in MC 95540 (Sub-1025F), issued July 2, 1979, authorizing transportation, over irregular routes, of *drugs, toilet preparations, health care products, magnesium hydroxide, and alumina calcined* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, (1)(a) from Philadelphia, PA, and (b) from Lakewood, NJ, and Lewes, DE, to points in the United States (except AK, CT, DE, HI, ME, MD, MA, NH, NJ, PA, RI, VA, VT, WV, and DC), (2) from Friendship, NC, to points in the United States (except AK, HI, NC, SC, and VA), (3) from Reno, NV, to points in PA, and (4) from San Leandro, CA, to points in GA, IN, and PA, restricted in (1) through (4) above to the transportation of traffic originating at the named origins and destined to the indicated destinations, and further restricted in (1)(a) above to traffic originating at the facilities of SmithKline Corp.; Merck, Sharpe & Dohme, Division of Merck & Co., Inc.; Wyeth Laboratories, Division of American Home Products Corporation; Vicks Health Care Division of Richardson-Merrell, Inc.; Wm. H. Rorer, Inc.; or McNeil Labs., Inc. By the instant petition, petitioner seeks to modify the authority by deleting the language "in vehicles equipped with mechanical refrigeration".

MC 108340 (Sub-28) (M1F) (Notice of filing of petition to modify certificate), filed August 6, 1979. Petitioner: HANEY TRUCK LINE, #1 Haney Lane, P.O. Box 485, Cornelius, OR 97113. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Petitioner holds a motor *common carrier* certificate in MC–108340 Sub 28, issued January 8, 1976, authorizing transportation, over irregular routes, of *dry urea and dry fertilizer*, in bags, from Portland, OR, to points in WA. By the instant petition, petitioner seeks to modify the above authority by deleting the language "in bags" from the commodity description.

MC 109821 (Sub-5) (M4F) (Notice of filing of petition to modify certificate), filed August 13, 1979. Petitioner: TAYNTON FREIGHT SYSTEM, INC., 40 Main St., Wellsboro, PA 16901. Representative: Dewey T. Whitford (same address as petitioner). Petitioner holds a motor *common carrier* certificate in MC–109821 Sub 5, issued March 3, 1978, authorizing transportation, over irregular routes, as pertinent, of *manufactured glass products* and *commodities* and *equipment* used in the manufacture, sale, and shipment of manufactured glass products, between Buffalo, Corning, Elmira, and Horseheads, NY, Boyertown, Bradford, Charleroi, Port Allegany, Wellsboro, and Dale Summit, PA, and Fairmont and Parkersburg, WV, on the one hand, and, on the other, points in CT, IN, KY, MA, NJ, NY, OH, PA, RI, and WV (except that no traffic shall be transported between Bradford and Port Allegany, PA, on the one hand, and, on the other, points in that part of NY on and west of a line beginning at Oswego, NY, and extending along NY Hwy 57 to Syracuse, NY, and then along US Hwy 11 to the NY-PA State line). By the instant petition, petitioner seeks to add Harrodsburg, KY, Greenville, OH, Greencastle, PA, and Martinsburg, WV, as base points to the territorial description.

MC 113313 (Sub-2)(M1F), (Notice of filing of petition to modify certificate), filed August 17, 1979. Petitioner: UNION TRUCKING CO., INC., P.O. Box 284, Kenilworth, NJ 07033. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Petitioner holds a motor *common carrier* certificate in MC–113313 Sub 2 issued November 21, 1975, authorizing transportation in interstate or foreign commerce, over irregular routes, *General commodities* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Hudson, Bergen, Essex, Passaic, Middlesex, and Union Counties, NJ, on the one hand, and, on the other points in that portion of the NY, NY Commercial Zone as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 (1951), within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Act (the "exempt" zone), points in NJ within the New York, NY Commercial Zone as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 and 496 (1951) and points in Nassau, Suffolk, Westchester, Rockland, and Orange Counties, NY. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted against the transportation of traffic originating at or destined to the facilities of MacMillan Bloedel Containers, Inc., at Union, NJ. The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act. By the instant petition, petitioners seek to modify the territorial description to read as follows: Between points in NJ on the one hand, and, on the other, points in that portion of the NY, NY Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 (1951) within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Act (the "exempt" zone), points in NJ within the NY, NY Commercial Zone as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 351 at 496 (1951) and points in Nassau, Suffolk, Westchester, Rockland, and Orange Counties, N.Y. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted against the transportation of traffic originating at or destined to the facilities of MacMillan Bloedel Containers, Inc., at Union, NJ. The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act.

MC 135335, M1 F, Notice of filing of petition to modify certificate, filed August 17, 1979. Petitioner: THE KINMAN WRECKER SERVICE, INC., 840 East Sumner Ave., Indianapolis, IN 46227. Representative: Roger L. Kinman (same address as petitioner). Petitioner holds *common carrier* authority, over irregular routes, in MC 135335, served August 8, 1973, transporting *wrecked, disabled, and repossessed motor vehicles, replacement vehicles* for wrecked or disabled motor vehciles, and *motor vehicle parts, materials and supplies* used in connection with wrecked or disabled vehicles, by the use of wrecker equipment only, between points in IN, on the one hand, and, on the other, points in AL, AR, DE, GA, IL, IA, KS, KY, MD, MI, MN, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC. By the instant petition, petitioner seeks to delete the restrictive phrase "by the use of wrecker equipment only".

MC 138425, M1 F, filed August 24, 1979, Notice of filing of petition to modify a certificate. Petitioner: HELMRICH TOWING SERVICE, 4450 Marlton Pike, Pennsauken, NJ 08110. Representative: H. Alfred King, Sr. (same address as petitioner). Petitioner holds *common carrier* authority in MC 138425, served January 11, 1974, over irregular routes, transporting *wrecked, disabled, and inoperative motor vehicles* and *trailers and replacement motor vehicles* and trailers in towaway service by wrecker equipment, between points in NJ, on the one hand, and, on the other, points in CT, DE, MD, NY, OH, PA, VA, and DC. By the instant petition, petitioner seeks to delete "in towaway service by wrecker equipment".

MC 143384 M1 F, filed August 13, 1979, Notice of filing of petition to add a contracting shipper. Petitioner: SENTER TRANSPORTATION CO., INC., 65 Hale St., Haverhill, MA 01830. Representative: David M. Marshall, 101 State St—Suite 304, Springfield, MA 01103. Petitioner holds a motor *contract carrier* Permit in MC 143384 issued May 17, 1978, authorizing transportation, over irregular routes, of *refined petroleum products*, in bulk, in tank vehicles, from Chelsea, Revere, and Boston, MA, to points in Rockingham, Hillsborough, Cheshire, Sullivan, Merrimack, Strafford and Belknap Counties, NH. RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract(s) with Northeast Petroleum Corp.; P.C. Petroleum, Inc., and Old Colony Petroleum Company, Inc., all located at Chelsea, MA. By the instant Petition, Petitioner seeks to add Mobil Oil Corporation, Fellows Oil Co. Inc. and Chevron U.S.A. Inc. as contracting shippers.

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Republications of Grants of Operating Rights Authority Prior to Certification Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before April 21, 1980. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 126118 (Sub-128F) (Republication), filed February 5, 1979, published in the **Federal Register** issue of March 27, 1979, and republished this issue. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). A Decision of the Commission, Review Board Number 3, decided January 18, 1980, and served February 13, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicle, over irregular routes, transporting *such commodities as are used by and dealt in by metal fabricators and manufacturers and distributors of containers and hoists* (except liquid commodities in bulk) (1) between Beatrice, NE, and Dyersburg, TN, on the one hand, and, on the other, points in the United States (except AK and HI), (2) from Lewisport, KY, Davenport, IA, Alcoa, TN, Louisville, KY, Sandow, TX, and Spokane, WA, to Kansas City, MO, and (3) from Massillon, OH, Detroit, MI, Midland, PA, and Chicago, IL, to Sedalia, MO, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

Permanent Authority Decisions, Decision-Notice, Substitution Applications: Single-Line Service for Existing Joint-Life Service

Decided: March 3, 1980.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in § 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission on or before April 21, 1980.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately proceeding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after March 21, 1980.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed on or before April 21, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 4, Members Fitzpatrick, Fisher, and Felder. Member Felder not participating.

MC 103373 (Sub-7F), filed July 19, 1979. Applicant: HOWARD MARTIN, INC., 4315 Meyer Rd., Fort Wayne, IN 46801. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities,* which, because of size or weight, require the use of special equipment or special handling, between points in OH, IN, MI, and those in Lake, Cook, and DuPage Counties, IL, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, ID, IL, IA, KY, LA, ME, MD, MA, MT, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY, and DC. (Hearing site: Chicago, IL.)

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

MC 119656 (Sub-61F), filed June 27, 1979. Applicant: NORTH EXPRESS, INC., 219 Main St., Winamac, IN 46996. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles,* from the facilities of Bethlehem Steel Corporation, at Lackawanna, NY, to points in CO, IA, KS, MN, MO, MT, NE, ND, and SD, restricted to the transportation of traffic originating at the named origin. (Hearing site: Pittsburgh, PA.)

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

MC 127042 (Sub-277F), filed September 10, 1979. Applicant: HAGEN, INC., P.O. Box 98—Leeds Station, Sioux City, IA 51108. Representative: Joseph B. Davis (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cleaning, scouring, washing, and buffing compounds* (2) *toilet preparations* and (3) *drugs, and sodium hypochlorite solutions,* (except commodities in bulk), from Chicago, IL, to Denver, CO, Kansas City, MO, Minneapolis, MN, and points in CA. (Hearing site: not specified.)

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

MC 138322 (Sub-12F), filed August 22, 1979. Applicant: BHY TRUCKING, INC., 9231 Whitmore St., El Monte, CA 91733. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (a) *oilfield machinery, materials, equipment, supplies* and (b) *mining and road building machinery and equipment, including structural steel, pipe and well casing* (excluding classes A and B explosives), and (c) *used construction camp equipment,* which because of size or weight require the use of special equipment, (1) between Gallup, NM and points in CO, on the one hand, and, on the other, Holbrook and Ehrenberg, AZ, and (2) between Holbrook, AZ, on the one hand, and, on the other, points in NM, and (3) between Pueblo, CO, on the one hand, and, on the other, Boise City, OK, and points in KS. (Hearing site: Los Angeles or San Francisco, CA.)

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

Motor Carrier Operating Rights Applications; Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications *will be rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 13300 (Sub-92F), filed February 28, 1979, under the provisions of the *Superhighway Rules—Motor Common Carriers of Passengers,* 49 CFR 1042.1. Applicant: CAROLINA COACH COMPANY, d.b.a. CAROLINA TRAILWAYS, a corporation, 1201 S. Blount St., P.O. Box 28086, Raleigh, NC 27611. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. Authority sought to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *passengers and their baggage,* and *express and newspapers* in the same vehicle with passengers, between junction Interstate Hwy 95 and Interstate Hwy 95 access route near Gold Rock, NC and junction U. S. Hwy 301 and Interstate Hwy 95 near Kenly, NC, over Interstate Hwy 95, serving all intermediate points. Conditions: (1) this grant of authority shall not be severable, except upon this Commission's authorization, by sale or otherwise, from the appurtenant underlying authorized service routes between termini set forth in the grant of authority herein, and (2) applicant is required to maintain reasonable and adequate service over the said appurtenant service routes.

MC 148091F, filed June 4, 1979, including Motion to Dismiss Application. Applicant: TRI-COUNTY ENTERPRISES, INC., 21262 Telegraph Road, Southfield, MI 48075. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular route, transporting *salt,* in bulk, in dump vehicles, from dock facilities located in MI to points in MI, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Detroit, MI, or Washington, DC.)

Permanent Authority Decisions; Decision-Notice

Decided: March 5, 1980.

The following broker, freight forwarder or water carrier applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the

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granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Failure to file a protest within 30 days will be considered as a waiver of opposition to the application. A protest under these rules shall comply with Rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, as specifically noted below, and specify with particularity the facts, matters, and things relied upon. The protest shall not include issues or allegations phrased generally. A protestant shall include a copy of the specific portion of its authority which it believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder interline, or other means—by which protestant would use this authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission. A copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

Brokers

MC 130610F, filed September 27, 1979. Applicant: ELIZABETH B. MOOREFIELD, d.b.a. ASHEVILLE TOURS, 164 Hillside St., Asheville, NC. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Bldg., Charlotte, NC 28204. To engage in operations, in interstate or foreign commerce, as a *broker,* at Asheville, NC, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in special or charter operations, beginning and ending at points in NC on and west of U.S. Hwy 301 and extending to points in the United States, (except AK and HI). (Hearing site: Asheville or Charlotte, NC.)

MC 130760F, filed January 8, 1980. Applicant: RICHARD JETT, d.b.a. RICHARD JETT TOURS, P.O. Box 67, Campton, KY 41301. Representative: William L. Willis, 708 McClure Bldg., Frankfort, KY 40601. To engage in operations, in interstate or foreign commerce, as a *broker,* at Campton, KY, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in special and charter operations, beginning and ending at points in Breathitt, Lee, Magoffin, Menifee, Morgan, Powell and Wolfe Counties, KY, and extending to points in the United States (except AK and HI). (Hearing site: Lexington or Campton, KY.)

MC 130768F, filed January 17, 1980. Applicant: MARTZ TRAVEL, INC., 239 Old River Rd., Wilkes-Barre, PA 18702. Representative: S. Berne Smith, P.O. Box 1166, (100 Pine St.), Harrisburg, PA 17108. To engage in operations, in interstate or foreign commerce, as a *broker,* at Wilkes-Barre, PA, to arrange for the transportation by motor vehicle, of *passengers and their baggage,* in special or charter operations, between points in the United States, including AK and HI. (Hearing site: Wilkes-Barre or Philadelphia, PA.)

MC 130788F, filed December 27, 1979. Applicant: WILLIAM NEWLAND AND RICHARD WASHINGTON, d.b.a. NEW HORIZON TOURS, 16 Moeller St., Binghamton, NY 13904. Representative: Jan L. Shephard, 29 Riverside Dr., P.O. Box 1116, Binghamton, NY 13902. To engage in operations in interstate or foreign commerce, as a *broker,* at Binghamton, NY, to arrange for the transportation by motor vehicle, of *passengers and their baggage,* in special or charter operations, beginning and ending at points in NY, and extending to points in NJ. (Hearing site: Washington, DC.)

MC 130790F, filed January 3, 1980. Applicant: COLLEGE EVALUATION TOURS, INC., 9 Koewing Place, West Orange, NJ 07052. Representative: Linda Warner (same address as applicant). To engage in operations, in interstate or foreign commerce, as a *broker,* at West Orange, NJ, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in special or charter operations, between points in ME, VT, NH, MA, RI, CT, NY, PA, NJ, DE, MD, VA, NC, and DC. (Hearing site: Newark, NJ.)

Permanent Property Broker Authority Decisions

Decision-Notice

Decided: March 5, 1980.

The following applications are governed by 49 CFR Part 1045A. Applicants seek to obtain authority to operate as brokers of motor carrier transportation of general commodities (except household goods) between all points in the United States. The full text and explanation of the rules are contained at 44 FR 53513.

The sole issue upon which these applications can be protested is the fitness of applicant (or business associates) to perform the service. Protests (an original and one copy) must be filed with the Commission within 30 days of the **Federal Register** publication. The protest must contain the *specific facts* being relied upon to challenge fitness, and must contain a certification that it has been served concurrently upon applicant's representative, or, if none is listed, upon the applicant. Applicant may file a reply statement to any protests. The filing of these statements will complete the record, unless it is later determined that more evidence must be supplied.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved fitness questions), we find, preliminarily, that each applicant has demonstrated that its proposed service is consistent with the public interest and the transportation policy of 49 U.S.C. 10101, and that each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this action will not significantly affect the quality of the human environment or conservation of energy resources.

In the absence of legally sufficient protests, filed on or before April 21, 1980. (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 130571F, filed December 14, 1979. Applicant's name and address are ROBERT J. McCABE—PAUL W. CURTINDALE, 2121 46th Ave., S.W., Seattle, WA 98116. The name under which operations will be performed is THE FREIGHT HOUSE. Applicant is represented by Paul W. Curtindale in this proceeding whose address is 2121 46th Ave., S.W., Seattle, WA 98116. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Robert J. McCabe, partner, 12515 S.E. 171st St., Renton, WA 98055, Paul W. Curtindale, partner, (same address as applicant). The daily operations will be managed by Paul W. Curtindale whose business address is 2121 46th S.W., Seattle, WA 98116. Applicant is affiliated with the following shipper or warehouse: None.

MC 130618F, filed October 22, 1979. Applicant's name and address are TRANSMART, 3700 W. 47th St., Chicago, IL 60632. The name under which operations will be performed is TRANSMART. Applicant is represented by Walter L. Weart in this proceeding whose address is 548 Anita St., Des Plaines, IL 60016. Following are the names and business addresses for all persons who are officer and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Buddy A. Logan, Partner (50%); Calvin Eisenberg, Trustee: Partner (50%); the above consisting of officers, directors. The daily operations will be managed by Buddy A. Logan whose business address is same as applicant. Applicant is affiliated with the following shipper or wharehouse: None.

MC 130650F, filed October 31, 1979. Applicant's name and address are COMMERCIAL FREIGHT BUREAU, P.O. Box 3518, El Paso, TX 79923. The name under which operations will be performed is COMMERCIAL FREIGHT BUREAU. Applicant is represented by themselves in this proceeding. Following are the names and business addresses for all persons who are officer and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Don Retynski, partner, Delmar A. Kirby, partner (same address as applicant). The daily operations will be managed by Don Retynski and Delmar A. Kirby whose business address is P.O. Box 3518, El Paso, TX 79923. Applicant is affiliated with the following shipper or warehouse: None.

MC 130711F, filed December 6, 1979. Applicant's name and address are TRANS–SAVE, INC., 6114 Bent Tree Court, Charlotte, NC 28212. The name under which operations will be performed in TRANS–SAVE, INC. Applicant is represented by Garland V. Moore in this proceeding whose address is 6114 Bent Tree Court, Charlotte, NC 28212. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Preston S. Anderson, President and shareholder, and Garland V. Moore, secretary, treasurer, and shareholder, (same address as applicant). The daily operations will be managed by Preston S. Anderson and Garland V. Moore, whose business address is 6114 Bent Tree Court, Charlotte, NC 28212. Applicant is affiliated with the following shipper or warehouse: None.

MC 130720F, filed December 16, 1979. Applicant's name and address are BOLLIGER, INC., One Bolliger Place, Stamford, CT 06907. The name under which operations will be performed is BOLLIGER, INC. Applicant is represented by Sidney L. Goldstein, 190 Church Street, New Haven, CT 06510. Following are the names and business addresses of all persons who are officer and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Stephen Gerard, President, Director and shareholder, Antonia Gerard, Secretary and Treasurer, William E. McCrain, Vice President, Director, and shareholder (same address as applicant). Arturo Zumstein, Director and shareholder, P.O. Box 500, Rome, Italy, Arturo Bolliger, Director and shareholder, P.O. Box 500, Rome, Italy, Ward F. Cleary, Jr., Director, 666 Summer Street, Stamford, CT 06907, Rudolph Bollinger, shareholder, P.O. Box 500, Rome, Italy. The daily operations will be managed by Stephen Gerard whose address is the same as applicant. Applicant is affiliated with the following shipper or warehouse: None.

MC 130721F, filed December 5, 1979. Applicant's name and address are NORTH AMERICAN DISTRIBUTION SYSTEMS, INC., P.O. Box 411, New Haven, IN 46774. The name under which operations will be performed is NORTH AMERICAN DISTRIBUTION SYSTEMS, INC., or NADS. Applicant is represented by Bruce W. Boyarko in this proceeding whose address is P.O. Box 988, Fort Wayne, IN 46801. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Kenneth W. Maxfield, Director, Martin A. Weissert, Director, B. Wade Monroe, Director and Treasurer, Kenneth W. Maxfield, President, Dennis Pressler, Vice President, Margaret S.

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Vegeler, Secretary. All business addresses are P.O. Box 988, Fort Wayne, IN 46801. The daily operations will be managed by Dennis Pressler whose business address is P.O. Box 411, New Haven, IN 46774. Applicant is affiliated with the following shipper or warehouse: None.

MC 130740F, filed December 17, 1979. Applicant's name and address are SHOLEN, INC., 10869 Drury Lane, Lynwood, CA 90262. The name under which operations will be performed is PACIFIC TRANSPORTATION. Applicant is represented by Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Following are the names and business address for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Donald R. Shores, Jr., President, Director, and shareholder, Margaret K. Shores, Secretary, Treasurer and Director, and shareholder (both same address as applicant). The daily operations will be managed by Donald R. Shores, Jr., whose business address is same as applicant. Applicant is affiliated with the following shipper or warehouse: None.

MC 130750F, filed December 21, 1979. Applicant's name and address are AMODIO MOVING, INC., 600 East St., New Britain, CT 06051. The name under which operations will be performed is AMODIO MOVING, INC. Applicant is represented by Robert J. Gallagher, in this proceeding whose address is Suite 1200, 1000 Connecticut Ave., N.W., Washington, DC 20036. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Frank E. Amodio, president, treasurer, and shareholder, 600 East St., New Britain, CT, Debra L. Norman, Vice President and shareholder, 111 Oakwood Drive, New Britain, CT, Jayne Amodio, Vice President and shareholder, 111 Oakwood Drive, New Britain, CT, Louis G. Amodio, Jr., Vice President and shareholder, 170 Barbour Road, New Britain, CT, and Lenore T. Amodio, secretary, Vice President, and shareholder, 170 Barbour Road, New Britain, CT. The daily operations will be managed by Frank E. Amodio whose business address is 600 East St., New Britain, CT 06051. Applicant is affiliated with the following shipper or warehouse: North American Warehouses.

MC 130770F, filed January 22, 1980. Applicant's name and address are THOMAS D. HYNES, 78 Caledonia Road, Pueblo, CO 81001. Applicant is represented by Charles J. Kimball, in this proceeding whose address is 350 Capitol Life Center, 1600 Sherman St., Denver, CO. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Thomas D. Hynes, sole owner. The daily operations will be managed by Thomas D. Hynes whose business address is 78 Caledonia Road, Pueblo, CO 81001. Applicant is affiliated with the following shippers and carriers: C F & I Steel, Johns-Manville Sales Corp., A. P. Green Refractories, Summit Brick, Pueblo Army Depot, Timberline Pipe, Western Pipe & Tube, Front Range Supply, Colorado Steel & Iron, and Speken Iron & Metal, all of Pueblo, CO, H & H Steel & Wire, Rocky Ford, CO, Mulock Welding, Colorado Springs, CO, Roadrunner Trucking, Albuquerque, NM, Newman Bros. Trucking, Ft. Worth, TX, Sammons Trucking, Missoula, MT, Glass Trucking, Newkirk, OK, Getter Trucking, Billings, MT, Belger Cartage, Kansas City, MO, Red Ball Motor Freight, Dallas, TX, Ringsby Truck Lines, Denver, CO, Edson Express, Longmont, MO, Mercer Transportation, Louisville, KY, T.I.M.E. DC, Jackson, MI, and E. L. Murphy Trucking, St. Paul, MN.

MC 130778F, filed January 22, 1980. Applicant's name and address are ACTION CENTER BROKERAGE, INC., Suite 811, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801. The name under which operations will be performed is ACTION CENTER BROKERAGE, INC. Applicant is represented by James E. Wharton in this proceeding whose address is Suite 811, Metcalf Bldg., 100 S. Orange Ave., Orlando, FL 32801. Following are the names and business addresses of all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: James E. Wharton, President, director, and sole shareholder, Suite 811, Metcalf Bldg., 100 S. Orange Ave., Orlando, FL 32801. The daily operations will be managed by James E. Wharton whose business address is Suite 811, Metcalf Bldg., 100 S. Orange Ave., Orlando, FL 32801. Applicant is affiliated with the following shipper or warehouse: None.

MC 130779F, filed January 22, 1980. Applicant's name and address are CALIFORNIA TERMINAL CO., INC., 3240 E. Bandini Blvd., Los Angeles, CA 90023. The name under which operations will be performed is CALIFORNIA TERMINAL CO., INC. Applicant is represented by Robert J. Gallagher, in this proceeding whose address is Suite 1200, 1000 Connecticut Ave., NW, Washington, DC 20036. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Lynda L. Wall, President and Director (shareholder), 3240 E. Bandini Blvd., Los Angeles, CA 90023; Sherri L. Wall, Vice President and Director (shareholder), 3240 E. Bandini Blvd., Los Angeles, CA 90023; and Judith A. Mylan, Secretary/Treasurer and Director (shareholder), 3240 E. Bandini Blvd., Los Angeles, CA 90023. The daily operations will be managed by Lynda L. Wall, whose business address is 3240 E. Bandini Blvd., Los Angeles, CA 90023. Applicant is affiliated with various shippers or warehouses in the area.

MC 130782F, filed February 11, 1980. Applicant's name and address are D. R. CURTIS COMPANY, P.O. Box 1208, Burley, ID 83318. The name under which operations will be performed is D. R. CURTIS COMPANY. Applicant is represented by William Parsons in this preceeding whose address is 137 West 13th St., Burley, ID 83318. Following are the names and business addresses of all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: D. R. Curtis is a wholly-owned subsidiary of The Amalgamated Sugar Company, who is the sole principal shareholder, whose business address if First Security Bank Bldg., Box 1520, Ogden, UT 84402. D. R. Curtis, President, David Martin, V. Pres., Robert S. Lehman, Asst. Secretary-Treasurer, Dennis R. Curtis, Director, whose business address is P.O. Box 1208, Burley, ID 83318, and Alan Lipman, Director, William Ludwig, Director, and Larry Corry, Director, whose business address is First Security Bank Bldg., Box 1520, Ogden, UT 84402. The daily operations will be managed by Randy Curtis whose business address is P.O. Box 1208, Burley, ID 83318. Applicant is affiliated with the following shipper or warehouse: None.

MC 130783F, filed December 11, 1979. Applicant's name and address are: LEANDER E. TUTTLE, Houlton Rd., P.O. Box 791, Presque Isle, ME 04769. The name under which operations will be performed is MAINE TRUCKER'S EXCHANGE, INC. Applicant is represented by himself in this proceeding whose address is Houlton Rd., P.O. Box 791, Presque Isle, ME 04769. Following are the names and business addresses of all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Leander E. Tuttle, President, principal stockholder, Brett P. Tuttle, V. Pres. & Director, Patricia C. Tuttle, Director, whose business address is P.O. Box 791, Presque Isle, ME 04769, and Walter S. Sage, Secretary, P.O. Box 207, Fort Fairfield, ME 04742. The daily operations will be managed by Leander E. Tuttle, whose business address is Houlton Rd., P.O. Box 791, Presque Isle, ME 04769. Applicant is affiliated with the following shipper or warehouse: None.

Motor Carrier Alternate Route Deviations Notice

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before April 21, 1980.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Property

MC 35320 (Deviation No. 27), T.I.M.E.-DC, INC., P.O. Box 2550 Lubbock, TX 79408, filed February 25, 1980. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From South Bend, IN, over US Hwy 33/31 to Benton Harbor, MI, and (2) From South Bend, IN, over US Hwy 31 to junction US Hwy 12 near Niles, MI, then over US Hwy 12 to junction Interstate Hwy 94 near New Buffalo, MI and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service route as follows: (1) From Chicago, IL over Interstate Hwy 94 (Formerly US Hwy 12) to Detroit, MI, and (2) From Chicago, IL over US Hwy 20 to junction US Hwy 31 at South Bend, IN.

MC 43421 (Deviation No. 39), DOHRN TRANSFER COMPANY, 4016 9th St., Rock Island, IL 61201, filed March 4, 1980. Carrier's representative Edward G. Bazelon, 39 S. LaSalle St., Chicago, IL 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Peoria, IL over US Hwy 24 to junction Interstate Hwy 475 (near Toledo, OH), then over Interstate Hwy 475 to junction US Hwy 20, then over US Hwy 20 to Toledo, OH and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service routes as follows: (1) From Chicago, IL over US Hwy 66 to junction US Hwy 66A, then over US Hwy 66A to junction US Hwy 66, then over US Hwy 66 to junction IL Hwy 116, then over IL Hwy 116 to Peoria, IL, and (2) From Toledo, OH over OH Hwy 51 to junction US Hwy 20, then over US Hwy 20 to Chicago, IL and return over the same routes.

MC 79085 (Deviation Route No. 2), filed February 27, 1980. Applicant: FAIRBANKS EXPRESS, INC., North Hoosick Road, Hoosick Falls, NY 12090. Applicant's Representative: David M. Marshall, Esq., Marshall and Marshall, 101 State Street—Suite 304, Springfield, MA 01103. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Albany, NY over US Hwy 9 to junction U.S. Highway 20, then over U.S. Highway 20 to Pittsfield, MA and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Albany, NY, over NY Highway 32 to Watervliet, NY, then over NY Highway 7 to junction NY Highway 22, then over NY Highway 22 to North Petersburg, NY, then over NY Highway 346 to the New York-Vermont State line, then over Vermont Highway 346 to Pownal, VT then over US Hwy 7 to Pittsfield, MA and return over the same route.

MC 110325 (Deviation Route No. 40), filed February 25, 1980. Applicant: TRANSCON LINES, P.O Box 92220, Los Angeles, CA 90009. Carrier proposes to operate as a *common carrier* by motor vehicle in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over a deviation route as follows: from Toledo, OH over OH Hwy 51 to junction Interstate Hwy 280, then over Interstate Hwy 280 to junction OH Hwy 420, then over OH Hwy 420 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction OH Hwy 18, then over OH Hwy 18 to junction Interstate Hwy 77, then over Interstate Hwy 77 to junction Interstate Hwy 76, then over Interstate Hwy 76 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction PA Hwy 970, then over PA Hwy 970 to junction U.S. Hwy 322, then over U.S. Hwy 322 to junction U.S. Hwy 22, then over U.S. Hwy 22 to Harrisburg, PA and return over the same route, for operating convenience only. The notice indicates the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Toledo, OH over U.S. Hwy 23 to junction OH Hwy 18, then over OH Hwy 18 to junction U.S. Hwy 224, then over U.S. Hwy 224 to junction U.S. Hwy 21, then over U.S. Hwy 21 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 22, then over U.S. Hwy 22 to Harrisburg, PA, and return over the same route.

Motor Carrier Intrastate Application(s) Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the Intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *general rules of practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T-3844, filed September 4, 1979. Applicant: FRANK ANICETO, d.b.a., COLONIAL HIGHWAY EXPRESS, 100 Elmhurst Place, Buffalo, NY 14216. Representative: William J. Hirsch, 43 Court Street, Buffalo, NY 14202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Iron and steel articles, between all points in the State, except the Counties of Columbia, Dutchess, Nassau, Orange,

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Putnam, Suffolk, Sullivan, Ulster and Westchester. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Ave., State Campus Bldg. #4, Room G–21, Albany, NY, 12232, and should not be directed to the Interstate Commerce Commission.

Permanent Ex-Water Authority Decision-Notices

Decided: March 5, 1980.

The following applications are governed by 49 CFR 1062.3. Applicants seek to obtain motor common carrier authority to perform service within the commercial zone of port cities where the shipment has a prior or subsequent movement by maritime carrier. The full text and explanation of the rules are contained at 44 FR 7965, as corrected at 44 FR 37230.

The sole issue upon which these applications can be protested is the applicant's fitness to perform the service. Protests (an original and one copy) must be filed with the Commission on or before April 21, 1980. The protest must contain the *specific facts* being relied upon to challenge fitness, and must contain a certification that it has been served concurrently upon applicant's representative, or, if none is listed, upon the applicant. Applicant may file a reply statement to any protest. The filing of these statements will complete the record, unless it is later determined that more evidence must be supplied.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity.

Each applicant is fit, willing, and able to properly perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930 (A) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 129420 (Sub-4F), filed November 9, 1979. Applicant: LILE INTERNATIONAL COMPANIES, a corporation, 15605 SW 72nd, Tigard, OR 97223. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting *general commodities* (except classes A and B explosives), between points in the commercial zones of (a) Seattle, WA, (b) Tacoma, WA, (c) Longview, WA, (d) Vancouver, WA, and (e) Portland, OR, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Portland, OR, or Seattle, WA).

MC 133350 (Sub-5F), filed September 20, 1979. Applicant: AQUA GULF CORPORATION, 1032 Julia St., Elizabeth, NJ 07201. Representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, NY 10528. Transporting *general commodities* (except classes A and B explosives), between points in the commercial zone of New York, NY, restricted to traffic having a prior or subsequent movement by water. (Hearing site: New York, NY.)

MC 138322 (Sub-20F), filed December 17, 1979. Applicant: BHY TRUCKING, INC., 9231 Whitmore, El Monte, CA 91733. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459. Transporting *general commodities* (except classes A and B explosives), between points in the commercial zones of (a) Houston, TX, (b) Galveston, TX, (c) Texas City, TX, (d) Baytown, TX, (e) Beaumont, TX, (f) Port Arthur, TX, (g) Orange, TX, (h) La Porte, TX, (i) Port Lavaca, TX, (j) Corpus Christi, TX, (k) Bay City, TX, (1) Port O'Connor, TX, (m) Brownsville, TX, (n) Port of Brownsville, TX, (o) New Orleans, LA, (p) Baton Rouge, LA, (q) Lake Charles, LA, (r) Los Angeles, CA, (s) San Diego, CA, (t) San Francisco, CA, (u) Oakland, CA, and (v) Port of Stockton, CA, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Houston, TX.)

MC 141140 (Sub-3F), filed November 16, 1979. Applicant: DIPIETRO TRUCKING CO., a corporation, 2201 Sixth Ave. South, Seattle, WA 98134. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Transporting *general commodities* (except classes A and B explosives) between points in the commercial zones of (a) Seattle, WA and (b) Tacoma, WA, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Seattle, WA.)

Note.—Dual operations may be involved.

MC 142359 (Sub-9F), filed November 14, 1979. Applicant: PORT EAST TRANSFER, INC., 1404 S. Clinton St., Baltimore, MD 21224. Representative: Mel P. Booker, Jr., 110 S. Columbus, St., Alexandria, VA 22314. Transporting *general commodities* (except classes A and B explosives), between points in the commercial zone of Norfolk, VA, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Norfolk, VA, or Washington, DC.)

MC 148329 (Sub-2F), filed January 14, 1980. Applicant: AOL EXPRESS, INC., 6441 C St., Anchorage, AK 99502. Representative: Michael B. Crutcher, 2000 IBM Bldg., Seattle, WA 98101. Transporting *general commodities* (except classes A and B explosives), between points in the commercial zone of Anchorage, AK, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Anchorage, AK, or Seattle, WA.)

MC 148971F, filed November 1, 1979. Applicant: YOUNG'S EXPRESS, INC., 1501 North Warwick Ave., Baltimore, MD 21216. Representative: Brian S. Stern, 2425 Wilson Blvd., Suite 367, Arlington, VA 22201. Transporting *general commodities* (except classes A and B explosives) between points in the commercial zone of Baltimore, MD, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Baltimore, MD, or Washington, DC.)

Note.—Dual operations may be involved.

Irregular-Route Motor Common Carriers of Property—Elimination of Gateway Letter Notices

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before March 31, 1980. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successfully filed letter-notices of the same carrier under these rules will be number consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 83539 (Sub-No. E390), filed May 31, 1977. Applicant C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Representative: H. N. Cunningham, III (same as above). *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *parts* thereof, when moving in connection with such commodities, between (A) points in FL in and west of Holmes, Washington, and Bay Counties, on the one hand, and, on the other, points in NY; and (B) points in FL, on the one hand, and, on the other, points in NY in, north and west of Chautauqua, Erie, Wyoming, Livingston, and Monroe Counties. (Gateway eliminated: points within a 50-mile radius of Nashville, TN, and points in KY and Philadelphia, PA.)

MC 83539 (Sub-No. E403), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Representative: H. N. Cunningham, III (same as above). *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *related machinery, parts, materials, and supplies* when moving in connection with such commodities, between (A) points in IL in, west and south of McHenry, Kane, Kendall, Grundy, Livingston, Ford and Vermillion Counties, on the one hand, and, on the other, points in TN in and east of Montgomery, Houston, Humphreys, Perry, and Wayne Counties; and (B) points in IL, on the one hand, and, on the other, points in TN in, east and south of Sumner, Davidson, Williamson, Hickman, Louis, and Lawrence Counties, and in, west and south of Macon, Jackson, Putnam, Cumberland, Morgan, Anderson, Knox, Jefferson, Hamblen, Greene, Washington and Cartier Counties. Restriction: The service authorized here is subject to the following restriction: no service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. (Gateway eliminated: points within a 50-mile radius of Nashville, TN, and points in KY.)

MC 83539 (Sub-No. E555), filed May 31, 1977. Applicant: C & H TRANSPORTATION, PO Box 5976, Dallas, TX 75222. Representative: H. N. Cunningham, III (same as above). (A) *Such self-propelled articles* (except in driveaway service) each weighing 15,000 pounds or more which may be included in heavy machinery, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in MO in and west of St. Charles, Warren, Gasconade, Phelps, Dent, Shannon, Carter, Butler, Dunklin, and Pemiscot Counties, on the one hand, and, on the other, points in PA in and east of Warren, Forest, Clarion, Armstrong, Indiana, Cambria and Somerset Counties, restricted to commodities which are transported on trailers, and (B) *self-propelled articles*, weighing 15,000 pounds or more (except in driveaway service) and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in MO in and west of St. Charles, Warren, Gasconade, Maries, Pulaskie, Texas, Shannon, Carter, Butler, Dunklin, and Pemiscot Counties, on the one hand, and, on the the other, points in PA. (Gateway eliminated: (A) points in AR and KY, and (B) points in IA, IL, IN.)

MC 104896 (Sub-E5), filed June 4, 1974. Applicant: WOMELDORF, INC., P.O. Box G, Knox, PA 16232. Representative: Robert L. Womeldorf (same as above). *Prepared food products*, (A) between points in NJ, on the one hand, and, on the other, Altoona, Clearfield, St. Marys, and Smethport, PA; and (B) from Baltimore, MD, to Altoona, Clearfield, St. Marys, and Smethport, PA; and (C) from Alleghany County, PA, to Baltimore, MD. (Gateways eliminated: (A) points in PA on US Hwy 219, and (B) and (C) Pittsburgh, PA.)

MC 113666 (Sub-E20), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St., NW., Washington, DC 20036. *Refractory products* (except in bulk), (a) from points in KY to points in NY (except points on or south of a line beginning at Hancock extending along NY Hwy 17 to junction NY Hwy 30, then along NY Hwy 30 to junction NY Hwy 23, then along NY Hwy 23 to junction NY Hwy 23A, then along NY Hwy 23A to junction NY Hwy 23, then along NY Hwy 23 to the NY–MA State line), and (b) from points in KY on and west of a line beginning at Covington extending along I Hwy 75 to junction KY Hwy 27, then along KY Hwy 27 to the KY–TN State line, to points in NY excluded under part (a). (Gateway eliminated: Buffalo, NY.)

MC 113666 (Sub-E21), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St., NW., Washington, DC 20036. *Refractory products* (except in bulk), from points in KY to points in MI on and north of a line beginning at Lake Michigan extending along US Hwy 33 to junction I Hwy 196, then along I Hwy 196 to junction I Hwy 94, then along I Hwy 94 to and including Wayne County. (Gateway eliminated: Detroit, MI.)

MC 113666 (Sub-E22), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St., NW., Washington, DC 20036. *Refractory products* (except in bulk), from points in KY, to points in Wayne, Susquehanna, Bradford, Tioga, Pike, Lackawanna, Wyoming and Sullivan Counties, PA, and points in Luzerne County, PA, on and north of I Hwy 80. (Gateway eliminated: Buffalo, NY.)

MC 113666 (Sub-E23), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road,

V45/57MR21800 UMI

Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St., NW., Washington, DC 20036. *Refractory products* (except in bulk), from points in MO (except points in Butler, Stoddard, Mississippi, New Madrid, Dunklin, and Pemiscot Counties), to points in MD. (Gateway eliminated: Detroit, MI.)

MC 113666 (Sub-E24), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St. NW., Washington, DC 20036. *Refractory products* (except in bulk), from points to MO to points in PA. (Gateway eliminated: Detroit, MI, and Buffalo, NY.)

MC 113666 (Sub-E25), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St. NW., Washington, DC 20036. *Refractory products* (except in bulk), from points to MO to points in NJ. (Gateway eliminated: Buffalo, NY.)

MC 113666 (Sub-E26), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St. NW., Washington, DC 20036. *Refractory products* (except in bulk), from points to MO to points in NY. (Gateway eliminated: Buffalo, NY.)

MC 113666 (Sub-E27), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St. NW., Washington, DC 20036. *Refractory products* (except in bulk), from points to MO, to points in MI on and east of a line beginning at the MO–OH State line extending along US Hwy 127 to junction US Hwy 27, then along US Hwy 27 (also known as I Hwy 75), ending at the Straits of Mackinac and points in Chippewa, Mackinac, and Luce Counties, MI, (Upper Peninsula). Restricted against the transportation of commodities from points in Marion, Shelby, Macon, Lewis, Knox, Adair, Sullivan, Putnam, Schuyler, Scotland, and Clark Counties, MO, to points in Ingham, Jackson, and Lenawee Counties, MI. (Gateway eliminated: Detroit, MI.)

MC 113666 (Sub-E28), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St. NW., Washington, DC 20036. *Refractory products* (except in bulk), from points to MO on and north of a line beginning at the MO–OK State line extending along US Hwy 60 to junction US Hwy 65, then along US Hwy 65 to junction MO Hwy 5, then along MO Hwy 5 to junction US Hwy 54, then along US Hwy 54 to junction US Hwy 40, then along US Hwy 40 to junction MO Hwy 161, then along MO Hwy 161 to junction US Hwy 61, then along US Hwy 61 to the MO–IA State line (including Springfield, Lebanon, Jefferson City), to points in OH on and north of a line beginning at the OH–MI State line extending along OH Hwy 109 to junction OH Hwy 2, then along OH Hwy 2 to junction I Hwy 475, then along I Hwy 475 to junction US Hwy 20, then along US Hwy 20 to junction OH Hwy 13, then along OH Hwy 13 to junction US Hwy 224, then along US Hwy 224 to junction OH Hwy 421, then along OH Hwy 421 to junction I Hwy 76, then along I Hwy 76 to junction US Hwy 244, then along US Hwy 244 to the OH–PA State line (including Fremont and Norwalk, and Akron). (Gateway eliminated: Detroit, MI.)

MC 113666 (Sub-E29), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St., NW., Washington, DC 20036. *Refractory products* (except in bulk), from points in Mineral, Hampshire, Morgan, Hardy, Berkeley, Jefferson, Tucker, Grant, Wetzel, Marion, Monogalia, and Preston Counties, WV, to points in Lake, Porter, Laporte, and St. Joseph Counties, IN. (Gateway eliminated: Detroit, MI.)

MC 113666 (Sub-E30), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St., NW., Washington, DC 20036. *Refractory products* (except in bulk), from points in PA on and east of a line beginning at Tuna extending along US Hwy 219 to junction US Hwy 119, then along US Hwy 119 to junction PA Hwy 56, then along PA Hwy 56 to junction US Hwy 220, then along US Hwy 220 to the PA–MD State line, to points in Lake, Porter, La Porte, St. Joseph, Elkhart, Marshall, and Starke Counties, IN. Restricted against the transportation of commodities from Clearfield, PA and points within 25 miles thereof, and from Clymer, Mt. Union, and Womelsdorf, PA.; and brick and structural title from Clearfield, PA, and points within 25 miles thereof. (Gateway eliminated: Detroit, MI.)

MC 113666 (Sub-E31), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St., NW., Washington, DC 20036. *Refractory products* (except in bulk), from points in WV to points in MI on and north of a line beginning at Grand Haven extending along US Hwy 31 to junction MI Hwy 40, then along MI Hwy 40 to junction MI Hwy 89, then along MI Hwy 89 to junction US Hwy 131, then along US Hwy 131 to junction I Hwy 94, then along I Hwy 94 to and including Wayne County. (Gateway eliminated: Detroit, MI.)

MC 113666 (Sub-E32), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St., NW., Washington, DC 20036. *Refractory products* (except in bulk), from points in PA to points in MI. Restricted against the transportation of commodities from Clearfield, PA and points within 25 miles thereof, and from Clymer, Mt. Union, and Womelsdorf, PA, and brick and structural title from Clearfield, PA, and points within 25 miles thereof. (Gateway eliminated: Detroit, MI.)

MC 113666 (Sub-E33), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St., NW., Washington, DC 20036. *Refractory products* (except in bulk), from points in Hancock, Brooke, Ohio, Marshall, Wetzel, Doddridge, Gilmer, Clahoun, Roane, Kanawha, Boone, Logan, and Mingo Counties, WV, to points in NY in or north of Erie, Wyoming, Livingston, Yates, Schuyler, Tompkins, Cortland, Broome, Delaware, Greene, and Columbia Counties and points in that part of Steuben County on and north of NY Hwy 17. (Gateway eliminated: Buffalo, NY.)

MC 113666 (Sub-E34), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St., NW., Washington, DC 20036. *Refractory products* (except in bulk), (A) from points in PA on and west of a line beginning at the PA–WV State line extending along PA Hwy 381 to junction US Hwy 30, then along US Hwy 30 to junction PA Hwy 711, then along PA Hwy 711 to junction PA Hwy 56, then along PA Hwy 56 to junction US Hwy 22, then along US hwy 22 to junction US Hwy 219 then along US Hwy 219 to the PA–NY State line (including Du Bois and Bradford), to points in NY on and north of US Hwy 20 (including Buffalo, Geneva, and Albany); (B) from points in PA on and south of a line beginning at the PA–MD State line extending along US Hwy 11 to junction US Hwy 22, then along US Hwy 22 to the PA–NJ State line (including Chambersburg, Harrisburg, and Allentown, Bethlehem and Easton), to points in NY on and west of a line beginning at Silver Creek extending along NY Hwy 428 to junction NY Hwy 39, then along NY Hwy 39 to junction NY Hwy 98, then along NY Hwy 98 to Point Breeze (including Silver Creek and Batavia). Restricted against the transportation of refractory products from Clearfield, PA, and points within 25 miles thereof, and from Clymer, Mt. Union, and Womelsdorf, PA, and brick and structural tile from Clearfield, PA and points within 25 miles thereof. (Gateway eliminated: Buffalo, NY.)

MC 113666 (Sub-E35), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St., NW., Washington, DC 20036. *Refractory products* (except in bulk), from points in WV on and north of US Hwy 33, to points in IL on and north of a line beginning at the IL–IA State line extending along IL Hwy 17 to junction US Hwy 34, then along US Hwy 34 to junction IL Hwy 78, then along IL Hwy 78 to junction IL Hwy 91, then along IL Hwy 91 to junction IL Hwy 93, then along IL Hwy 93 to junction IL Hwy 29, then along IL Hwy 29 to junction IL Hwy 71, then along IL Hwy 71 to junction US Hwy 52, then along US Hwy 52 to junction US Hwy 66, then along US Hwy 66 to junction I Hwy 294, then along I Hwy 294 to the IL–IN State line (including Chicago). (Gateway eliminated: Detroit, MI.)

MC 113666 (Sub-E36), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St., NW., Washington, DC 20036. *Refractory products* (except in bulk), from points in PA on and east of a line beginning at the PA–DE State line extending along PA Hwy 100 to junction US Hwy 22, then along US Hwy 22 to the PA–NJ State line (including Pottstown and Allentown, Bethlehem and Easton), to Toledo, OH; (B) from points in PA in and north of Pike, Lackawanna, Wayne, Wyoming, Bradford, and Tioga Counties, to Cleveland, OH. (Gateway eliminated: Detroit, MI in part (A) and Buffalo, NY in part (B))

MC 113666 (Sub-E37), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St., NW., Washington, DC 20036. *Refractory products* (except in bulk), from points in and north of Darke, Shelby, Logan-, Hardin, Hancock, Seneca, Huron, Lorain, Cuyahoga, Geauga, and Ashtabula Counties, OH, to points in NJ on and north of a line beginning at the PA–NJ Stateline extending along I Hwy 78 to junction I Hwy 287, then along I Hwy 287 to the NJ–NY State line. (Gateway eliminated: Buffalo, NY.)

MC 113666 (Sub-E38), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St., NW., Washington, DC 20036. *Refractory products* (except in bulk), (A) from points in OH, to points in and north of Cattaraugus, Allegany, Steuben, Chemung, Tioga, Broome, Delaware, Greene, and Columbia Counties, NY; (B) from points in Hamilton County, OH, and points in OH on and north a line beginning at the OH–IN State line extending along US Hwy 42 to junction US Hwy 68, then along US Hwy 68 to junction OH Hwy 235, then along OH Hwy 235 to junction US Hwy 36, then along US Hwy 36 to junction US Hwy 4, then along US Hwy 4 to junction US Hwy 36, then along US Hwy 36 to junction I Hwy 71, then along I Hwy 71 to junction I Hwy 271, then along I Hwy 271 to junction I Hwy 80, then along I Hwy 80 to junction OH Hwy 44, then along OH Hwy 44 to junction US Hwy 322, then along US Hwy 322 to the OH–PA State line, to points in NY. (Gateway eliminated: Buffalo, NY.)

MC 113666 (Sub-E39), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St., NW, Wasinington, DC 20036. *Refractory products* (except in bulk), from points in PA, to points in and north of Henderson, Warren, Knox, Stark, Bureau, Lee, De Kalb, Kendall, and Will Counties, IL, and points in LaSalle County, IL, north of the Illinois River (including LaSalle). Restricted against the transportation of refractory products from Clearfield, PA, and points within 25 miles thereof, and from Clymer, Mt. Union, and Womelsdorf, PA, and brick and structural tile from Clearfield, PA, and points within 25 miles thereof. (Gateway eliminated: Detroit, MI.)

MC 113666 (Sub-E40), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St., NW, Washington, DC 20036. *Refractory products* (except in bulk), (A) from points in OH, to points in Monroe and Wayne Counties, MI, and points in and north of St. Clair, Macomb, Oakland, Genesee, Saginaw, Midland, Isabella, Mecosta, Lake and Manistee Counties, MI; (B) from points in OH on and east of a line beginning at the OH–KY State line extending along US Hwy 62 to junction US Hwy 68, then along US Hwy 68 to junction US Hwy 25, then along US Hwy 25 to junction I Hwy 475, then along I Hwy 475 to the OH–MI State line (including Springfield, Bellefontaine, and Findlay and Toledo), to points in MI on and north of I Hwy 96 (including Lansing and Grand Rapids). (Gateway eliminated: Detroit, MI.)

MC 113666 (Sub-E41), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St., NW, Washington, DC 20036. *Refractory products* (except in bulk), (A) from Toledo, OH, to points in PA on and east of a line beginning at the PA–DE State line extending along PA Hwy 100 to junction US Hwy 22, then along US Hwy 22 to the PA–NJ State line (including Pottstown, Allentown, Bethlehem, and Easton); (B) from Cleveland, OH, to points in PA in and north of Wayne, Pike, Lackawanna, Wyoming, Bradford, and Tioga Counties. (Gateway eliminated: (A) Detroit, MI, (B) Buffalo, NY.)

MC 119531 (Sub-E127), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5319 Woster Road, Cincinnati, OH 45226. Representative: Paul F. Beery, 8 East Broad St., Columbus, OH 43215. *Machinery and supplies* used in the manufacture of pulpboard, from points in MI on, west and north of a line beginning at the IN–MI State line extending along US Hwy 131 to junction MI Hwy 55, then along MI Hwy 55 to Tawas City, to Cincinnati, OH. (Gateway eliminated: Noblesville, IN.)

MC 118831 (Sub-E89), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW, Washington, DC 20001. *Liquid petrochemicals* (except fertilizer and vegetable oils), in bulk from points in Richmond County, GA, to points in MS. (Gateways eliminated: Charlotte, NC and Lanett, AL commercial zone located in GA.)

MC 124174 (Sub-E44), filed June 4, 1974. Applicant: MOMSEN TRUCKING CO., P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same address as above). *Hides, skins, and pieces thereof, tannery products, tannery by-products, and supplies* (except commodities in bulk, in tank vehicles), from points in SC, to (a) points in TN on and west of a line beginning at

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the GA-TN State line extending along TN Hwy 3 to junction I Hwy 24, then along I Hwy 24 to junction US Hwy 127, then along US Hwy 127 to the TN-KY State line; (b) points in VA on and north of a line beginning at the TN-VA State line extending along US Hwy 23 to junction US Hwy 421/58, then along US Hwy 421/58 to junction I Hwy 81, then along I Hwy 81 to Staunton, then along I Hwy 64 to junction US Hwy 60, then along US Hwy 60 to the Atlantic Ocean; and (c) points in MO, NE, SD, MN, IA, WI, IL, IN, KY, MI, OH, WV, MD, PA, NJ, NY, MA, VT, NH, and ME. (Gateways eliminated: Chattanooga or Kingsport, TN, or Richmond or Norfolk, VA.)

Transportation of "Waste" Products for Reuse or Recycling

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR Part 1062) promulgated in *"Waste" Products*, Ex Parte No. MC-85, 124 M.C.C. 583 (1976). Requests are processed as seeking authority between all points in the United States.

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission on or before April 10, 1980. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence *within 30 days* of the date of its notice in the **Federal Register**, subject to its tariff publication effective date.

P-2-80 (SPECIAL CERTIFICATE—WASTE PRODUCTS), filed January 28, 1980. Applicant: COMMERCIAL CARTAGE CO., 343 Axminster Dr., Fanton, MO 63026. Representative: John D. Erwin, Traffic Mgr. (address same as applicant). Sponsor: International Metal Recycling Corporation, Casa Grande, AZ. Commodities: Waste Products (toxic chemical wastes).

P-3-80 (SPECIAL CERTIFICATE—WASTE PRODUCTS), filed February 11, 1980. Applicant: CHEM-FREIGHT, INC., 33 Industry Dr., Bedfor, OH 44146. Representative: E. H. Deusen, P.O. Box 97, 220 West Bridge St., Dublin, OH 43017. Sponsor: Erieway Pollution Control, Inc., of Bedford and Cleveland, OH. Commodities: Waste Products.

P-4-80 (SPECIAL CERTIFICATE—WASTE PRODUCTS), filed January 14, 1980. Applicant: N. L. & B. TRANSPORTATION CORP., 4 May Ave., Quaker Hill, CT 06375. Representative: Geral A. Joseloff, 80 State St., Hardford, CT 06103. Sponsor: Levine Distributing Company, Inc., Norwich, CT. Commodities: Waste Products.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8696 Filed 3-20-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; New Extended Benefit Period in the State of Oregon

This notice announces the beginning of a new Extended Benefit Period in the State of Oregon, effective on March 16, 1980.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State or the nation, to furnish up to 13 weeks of additional benefits to eligible individuals who have exhausted their rights to regular benefits under permanent State and Federal unemployment compensation laws. Part 615 of Title 20, Code of Federal Regulations, implements the statute (20 CFR Part 615).

In accordance with section 203(e) of the Act, the Oregon unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines, in accordance with 20 CFR 615.12(e), that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment under the State umemployment compensation law equalled or exceeded the State trigger rate. 20 CFR 615.12(b) or (c). The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of the State of Oregon has determined that, for the period consisting of the week ending on March 1, 1980, and the immediately preceding 12 weeks, the rate of insured unemployment in the State equalled or exceeded the State trigger rate.

Therefore, an Extended Benefit Period commenced in that State with the week beginning on March 16, 1980.

Information for Claimants

The duration of Extended Benefits payable in the Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to Extended Benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State umemployment compensation law during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to Extended Benefits in the State of Oregon, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State Employment Office of the Oregon Employment Division in their locality.

Signed at Washington, D.C., on March 14, 1980.

Ernest G. Green,

Assistant Secretary for Employment and Training.

[FR Doc. 80-8599 Filed 3-20-80; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-80-31-M]

Ideal Basic Industries, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Potash Company of America Division of Ideal Basic Industries, Inc., P.O. Box 31, Carlsbad, New Mexico 88220, has filed a petition to modify the application of 30 CFR 57.11-52(d) (Escapeways) to its Potash Company of America Mine located in Eddy County, New Mexico, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The mineral mined is sylvinite, a non-flammable mechanical mixture consisting principally of potassium and sodium chloride crystals. It is neither toxic nor corrosive, the petitioner states, and of itself is an excellent fire extinguisher. The ore does not emit any noxious gas into the mine.

2. The mine covers a seven by eight mile area. It is ventilated by 360,000 cubic feet per minute of air with separated air intake and return using five shafts. Four of the shafts are equipped with hoists.

3. The petitioner states that "all areas of the mine can be evacuated from the working place to the surface using the normal exit method to the shaft bottoms and either of the separate escapeways (shafts) to the surface within one hour."

4. A refuge chamber has been constructed but there are no compressed air lines and waterlines. Petitioner alleges that the presence of such lines would constitute a diminution of safety for the following reasons:

a. Fresh water will dissolve potash and salt, causing structural failures.

b. Compressed air may contain a high level of contaminants.

c. Fresh water and compressed air lines could create a variety of electrical hazards.

5. As an alternative to 30 CFR 57.22-52(d), the petitioner proposes to provide the following:

a. A refuge chamber with not less than 2,000 cubic feet volume per miner per day of maximum stay. If less than 2,000 cubic feet of air should be available in the refuge chamber, oxygen cylinders and carbon dioxide absorbent would be added.

b. Two quarts of water per man per day of maximum stay in sealed containers in the refuge area.

c. Suitable hand tools and stopping (sealing) materials in the refuge area.

d. A telephone circuit to the surface that is independent of the main power supply.

6. The petitioner alleges that the proposed alternative to application of 30 CFR 57.11-52(d) will result in no less than the same measure of safety as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 21, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 13, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8600 Filed 3-20-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-20-C]

Renee Energy, Ltd.; Petition for Modification of Application of Mandatory Safety Standard

Renee Energy, Limited, P.O. Box 1516, Bristol, Virginia 24201 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Mine No. 1 located in Buchanan County, Virginia. The petition is filed in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Petitioner is mining coal seams ranging from 26 to 34 inches in height.

2. Use of lighting fixtures on the sides of petitioner's self propelled mining equipment would cause temporary blindness to the operators and other miners affected by requiring them to constantly adjust to changes in illumination.

3. Installation of stationary lights would also create additional, debilitating heat in the confiningly small areas in which the miners must work.

4. Due to low seam conditions, lighting fixtures installed on the tops or sides of the equipment would be sheared off or the lamps frequently broken, diminishing the safety to the operator by increasing the prospect of more serious equipment failure, wedging, jamming or upset.

5. As lighting fixtures are sheared off, roof bolts, cross beams and straps will also be sheared off, thereby damaging or destroying roof support.

6. As an alternative method, petitioner proposes to use lighting fixtures on the front and rear of all equipment reasonably calculated to insure safety of the operator and others.

7. For these reasons, petitioner requests a modification of application of the standard for its mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 21, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 13, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-8601 Filed 3-20-80; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject

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matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 31, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 31, 1980.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 17th day of March 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Garment Makers, Inc. (workers)	Brooklyn, N.Y.	2/29/80	2/20/80	TA-W-7,341	Ladies' coats.
Cannelton Industries, Inc., Pocahontas Div. (UMWA).	Cannelton, W. Va	2/29/80	2/25/80	TA-W-7,342	Metallurgical coal.
Heidi Fashions (ILGWU)	New York, N.Y.	2/26/80	2/25/80	TA-W-7,343	Women's cloth coats and suits.
Frolic Footwear (Retail Clerks International Union).	Walnut Ridge, Ark.	2/20/80	2/13/80	TA-W-7,344	Ladies' cement constructed shoe.
Kauffel & Esser (workers)	Cape May Court House, N.J.	2/26/80	2/15/80	TA-W-7,345	Engineering tape measures.
Richard Sportswear Company, Inc. (ACTWU)	Allentown, Pa	2/25/80	2/20/80	TA-W-7,346	Men's rainwear.
Metal Forge Company (UAW)	Deshler, Ohio	2/25/80	2/18/80	TA-W-7,347	Cold formed U-bolts and struts.
Michigan Screw Procucts (workers)	Centerline, Mich	2/20/80	2/14/80	TA-W-7,348	Fasteners (screws and bolts).
Fedder Corporation (workers)	Edison, N.J	2/26/80	2/19/80	TA-W-7,349	Air conditioners.
International Silver De P.R., Inc. (company)	San Germen, P.R	2/22/80	2/21/80	TA-W-7,350	Sterling silver flatware.
General Electric Company, Engineering Secton of Minature Lamp Dept. (workers).	Cleveland, Ohio	2/26/80	2/25/80	TA-W-7,351	Lights for automobiles.
Harmony Mining Company (UMWA)	Johnstown, Pa	2/29/80	2/25/80	TA-W-7,352	Metallurgical coal.
Fairhaven Corp. (International Leather Goods, Plastic & Novelty Workers Union).	New Bedford, Mass	2/20/80	2/14/80	TA-W-7,353	Ladies' handbags.
E & R Creations, Inc. (workers)	New York, N.Y	2/14/80	2/11/80	TA-W-7,354	Cutting and sewing women's fake fur jackets and coats.
City Auto Stamping Company (UAW)	Toledo, Ohio	2/26/80	2/25/80	TA-W-7,355	Metal stamping of parts, heavy duty trucks, also sheet metal components for trucks and original equipment.
Microdot, Manufacturing, Inc., Detroit Diamond Div. (workers).	Wyndotte, Mich	2/22/80	2/19/80	TA-W-7,356	Specialty nuts.
LaSalle Steel Co. (Progressive Steelworkers of Hammond, Inc.).	Hammond, Ind	2/20/80	2/14/80	TA-W-7,357	Cold drawn and specialty drawn steel bars.
Wallace Murray Corp., Schwitze Engineered Components (UAW).	Rolla, Mo	2/25/80	2/19/80	TA-W-7,358	Fan blades
Alma Foundations, Inc. (ULGWU)	Oswego, N.Y	2/19/80	2/14/80	TA-W-7,359	Corsets and brassieres.
New Haven Foundry (UAW)	New Haven, Mich	2/26/80	2/21/80	TA-W-7,360	Cylinder heads, exhaust manifold, brake drums—castings for automobile producers.
Automotive Anodizing Company (workers)	Detroit, Mich	2/22/80	2/19/80	TA-W-7,361	Process—anodized aluminum "bright decorative trim" for automobile industry.
Singer Company (IUR)	Elizabeth, N.J	2/25/80	2/19/80	TA-W-7,362	Sewing machines, industrial and domestic.
Belmont Garment Company (company)	Cambridge, Mass	2/19/80	2/15/80	TA-W-7,363	Men's raincoats and topcoats.
Clinton Pattern (The Pattern, Mold & Model Makers).	Toledo, Ohio	2/25/80	2/18/80	TA-W-7,364	Patterns and models.
Maumee Pattern (The Pattern, Mold & Model Makers).	Toledo, Ohio	2/25/80	2/18/80	TA-W-7,365	Production and prototype pattern equipment (wood and metal).
Alaron Pattern (The Pattern, Mold & Model Makers).	Toledo, Ohio	2/25/80	2/18/80	TA-W-7,366	Patterns and molds.
Jeap Corporation (The Pattern, Mold & Model Makers).	Toledo, Ohio	2/25/80	2/18/80	TA-W-7,367	Patterns and molds.
Seaway Pattern Works (The Pattern, Mold & Model Makers).	Toledo, Ohio	2/25/80	2/18/80	TA-W-7,368	Wood and metal patterns and molds.
The Erler Corp. (The Pattern, Mold & Model Makers).	Toledo, Ohio	2/25/80	2/18/80	TA-W-7,369	Patterns (used in auto industry).
Chrysler Corp., Wyoming Export Plant (UAW)	Detroit, Mich	3/4/80	2/29/80	TA-W-7,370	Automotive parts, exports.
Ferro Manufacturing Corp., Mt. Pleasant Div. (UAW).	Mt. Pleasant, Mich	2/26/80	2/21/80	TA-W-7,371	Power seat mechanisms for Ford Motor cars.
Stevens Paper Mills, Inc. (UPIU)	Westfield, Mass	2/26/80	2/20/80	TA-W-7,372	Kraft capacitor tissues.
Riverside Manufacturing Industries, Inc., Cold-water Products Div..	Coldwater, Mich	2/26/80	2/21/80	TA-W-7,373	Automotive wire harnesses, also switches.
Firestone Tire & Rubber Co. (URW)	Pottstown, Pa	2/19/80	2/13/80	TA-W-7,374	Passenger car tires, some truck tires.
Eastland Woolen Mill, Inc. (workers)	Corinna, Maine	2/14/80	2/11/80	TA-W-7,375	Bolted woolen goods.
Invema-Carmel Originals, Inc. (workers)	New York, N.Y	2/13/80	2/13/80	TA-W-7,376	Ladies' better coats and suits.
Royal Park, Inc. (workers)	Coleman, Tex	2/18/80	2/9/80	TA-W-7,377	Ladies' jackets and blouses.
Pat Barne, Ltd. (ILGWU)	New York, N.Y	2/18/80	2/13/80	TA-W-7,378	Ladies' coats.
Northland Chrysler Plymouth (workers)	Oak Park, Mich	3/4/80	2/19/80	TA-W-7,379	Sale and servicing of Chrysler and Plymouth automobiles.
Questor Corp., (IBT)	Dayton, N.J	2/29/80	2/21/80	TA-W-7,380	Distribute auto exhaust systems, also shocks suspension parts, etc.
Allegro Shoe Corporation (Boot & Shoe Workers Independent Union).	Little Falls, N.Y	2/15/80	2/12/80	TA-W-7,381	Ladies' cement shoes and boots.
U.S. Steel Corp., Steel Supply Div. (Teamsters).	Indianapolis, Ind	2/29/80	2/22/80	TA-W-7,382	Distributes steel products produced by company's steel mills.
Capn Coat Corp. (workers)	New York, N.Y	2/15/80	3/13/80	TA-W-7,383	Raincoats, carcoats, etc.
Gateway Industries, Inc. (Teamsters)	Michigan City, Ind	2/19/80	2/14/80	TA-W-7,384	Seat belts.
Camel Manufacturing Co., Inc. (United Textile Workers of America).	Knoxville, Tenn	2/19/80	2/4/80	TA-W-7,385	Tents.
U.S. Pool Car, Inc. (workers)	Melvindale, Mich	2/21/80	2/19/80	TA-W-7,386	Supply Ford Motor auto parts (load and unload railroad cars).
U & I, Incorporated (American Federation of Grain Mill).	Garland, Utah	2/19/80	2/14/80	TA-W-7,387	Processed sugar beets.
Masontown Manufacturing Company (ILGWU)	Masontown, Pa	2/19/80	2/8/80	TA-W-7,388	Contractor of ladies' blouses.
Brown Shoe Company (ACTWU)	Pocahontas, Ark	2/19/80	2/12/80	TA-W-7,389	Ladies' dress shoes.
Bethlehem Mines Corp., Cambria Division, Mine No. 73 (UMWA).	Ebensburg Pa	2/29/80	2/19/80	TA-W-7,390	Metallurgical coals.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bethlehem Mines Corp., Cambria Division, Mine No. 77 (UMWA).	Ebensburg, Pa	2/29/80	2/19/80	TA-W-7,391	Metallurgical coal.
Meadowdale Coal Crop., Meadow Strip Mine (UMWA).	Greenbrier County, W. Va	2/29/80	2/26/80	TA-W-7,392	Metallurgical coal.
United Auto Workers Local 110 (workers)	Fenton, Mo	3/6/80	3/3/80	TA-W-7,393	Secretarial service.
United Auto Workers Local 136 (workers)	Fenton, Mo	3/6/80	3/3/80	TA-W-7,394	Secretarial service.
Eden National Steel Corp. (IBEW)	Oakland, Calif	2/19/80	2/13/80	TA-W-7,395	Slit and level steel.
Imperial Cartage Company (workers)	St. Louis, Mo	2/1/80	1/29/80	TA-W-7,396	Transport trailers into and away from the Chrysler assembly plant docks.
Armstrong Tire & Rubber Company, Jackson Distribution Center (workers).	Jackson, Miss	2/26/80	2/12/80	TA-W-7,397	Distributing tires.
Marc Slade Chrysler Plymouth (workers)	Sanford, Fla	3/10/80	3/4/80	TA-W-7,398	Sales and service of Chrysler and Plymouth automobiles.

[FR Doc. 80-8744 Filed 3-20-80; 8:45 am]

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Affirmative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of certifications of eligibility to apply for worker adjustment assistance issued during the period March 10–14, 1980.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

In the following cases it has been concluded that all of the criteria have been met.

TA–W–6742 Aretta Hall Manufacturing Co., New York, N.Y.

The investigation was initiated on January 10, 1980 in response to a petition which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers at Aretta Hall Manufacturing Company, Incorporated, New York, New York. The workers produce men's tailored coats.

U.S. imports of men's and boys tailored dress coats and sportcoats increased absolutely and relative to domestic production in 1978 compared to 1977. U.S. imports of men's and boys tailored suits are estimated to have increased relative to domestic production in 1979 compared to 1978.

A Department survey revealed that some manufacturers decreased purchases of men's tailored coats from Aretta Hall and increased their reliance on imported men's tailored coats in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that "All workers of Aretta Hall Manufacturing who became totally or partially separated from employment on or after December 11, 1978 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

TA–W–6767; Bennett Importing, Rumford, Maine; TA–W–6767A; Livermore Shoe Co., Livermore Falls, Maine

The investigation was initiated on January 14, 1980 in response to a worker petition which was filed on behalf of workers at the Rumford, Maine facility of Bennett Importing (TA–W–6767). The investigation was expanded to include Livermore Shoe Company (TA–W–6767A). The workers produce women's boots and shoes.

U.S. imports of women's nonrubber footwear, except athletic increased absolutely and relative to domestic production from 1977 to 1978, and in the first nine months of 1979 compared to the same period in 1978.

Company imports by Bennett Importing of women's boots and sandals increased from 1977 to 1978. Import purchases in 1979 were a significant proportion of the total company sales.

A Department survey revealed that surveyed customers increased purchases of imported women's boots and shoes, while decreasing purchases from Bennett Importing from 1978 to 1979.

In this case, therefore, the certifying officer has determined that:

"All workers at Bennett Importing, Rumford, Maine and Livermore Shoe Company, Livermore Falls, Maine who became totally or partially separated from employment on or after December 27, 1978 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

TA–W–6226; Brown Shoe Co., Leachville, Ark.

The investigation was initiated on October 18, 1979 in response to a petition which was filed by the Shoe Division of the Amalgamated Clothing Textile Workers on behalf of workers at the Leachville, Arkansas plant of Brown Shoe Company. The workers primarily produce children's shoes.

U.S. imports of children's nonrubber footwear, except athletic, increased in quantity both absolutely and relative to domestic production in January–September 1979 compared to January–September 1978.

The Leachville, Arkansas plant of Brown Shoe Company increased its purchases of imported children's shoes in 1978 from 1977 and in 1979 from 1978.

In this case, therefore, the certifying officer has determined that:

"All workers of the Leachville, Arkansas plant of Brown Shoe Company who became totally or partially separated from employment on or after March 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

TA–W–6855; CAR–FI International, Inc., Burbank, Calif.

The investigation was initiated on January 28, 1980 in response to a petition which was filed on behalf of workers at Car-Fi International, Incorporated, Burbank, California. The workers produce amplifiers, preamplifiers, graphic equalizers and miscellaneous accessories for car stereo systems.

Total U.S. imports of auto tape players, AM radios, AM/FM radios and tape player-radio combinations like or directly competive with products manufactured by Car-Fi International, Incorporated increased absolutely and relative to domestic production from 1977 to 1978. U.S. imports of these products remained stable in the first three quarters of 1979 compared to the same period of 1978.

In a survey conducted by the Department of Commerce, customers accounting for a significant proportion of Car-Fi International's sales declines indicated that they had decreased purchases from Car-Fi International

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while increasing purchases of like or directly competitive car stereo products from foreign sources. The Department of Commerce on December 28, 1979 certified Car-Fi International, Incorporated as eligible to apply for firm adjustment assistance.

In this case, therefore, the certifying officer has determined that:

"All workers of Car-Fi International, Incorporated, Burbank, California who became totally or partially separated from employment on or after July 28, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

TA–W–6850; Ford Motor Co., Pico Rivera, Calif.

The investigation was initiated on January 25, 1980 in response to a petition which was filed by the United Auto Workers of America on behalf of workers at the Pico Rivera, California plant of Ford Motor Company. The workers produced Ford LTD's and Thunderbirds.

The Ford LTD was classified as a standard automobile in model year (MY) 1978, MY 1979, and MY 1980. The Thunderbird was classified as an intermediate in MY 1978 and a standard in MY 1979. Because traditional distinctions between standard and intermediate automobiles were blurred by changes in the design of both classes in MY 1979, and because the effect of the changes was not reflected in the market until early 1979, imports of both standards and intermediates can be considered competitive with Thunderbirds during the entire 1979 model year.

U.S. imports of standard automobiles increased both absolutely and relative to domestic production in MY 1979, compared to MY 1978, and increased relative to domestic production in the first two months of MY 1980, compared with the first two months of MY 1979. U.S. imports of intermediate automobiles increased absolutely from MY 1978 to MY 1979. Imports of intermediates increased both absolutely and relative to domestic production in the last quarter of MY 1979, compared with the last quarter of MY 1978.

Company imports of Ford LTD automobiles increased as a percentage of total company sales of Ford LTD's in the first three months of MY 1980, compared with the first three months of MY 1979.

In this case, therefore the certifying officer has determined that:

"All workers at the Pico Rivera, California plant of Ford Motor Company, who became totally or partially separated from employment on or after January 11, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

TA–W–6836; Morris Levitz and Sons; New York, N.Y.

The investigation was initiated on January 22, 1980 in response to a petition which was filed by the International Ladies' Garment Workers Union on behalf of workers at Morris Levitz and Sons, New York, New York. The workers produce ladies' raincoats.

U.S. imports of women's, girls', and infants' raincoats increased absolutely and relative to domestic production in each year 1975 through 1978 compared to the preceding year.

The Office of Trade Adjustment Assistance conducted a survey of retail customers of Morris Levitz and Sons. The survey revealed that customers, representing a significant portion of Morris Levitz and Sons' sales, decreased purchases of ladies' raincoats from Morris Levitz and Sons in 1979 compared to 1978. These customers increased purchases of imported ladies' raincoats during the same time period.

In this case, therefore, the certifying officer has determined that:

"All workers of Morris Levitz and Sons, New York, New York who became totally or partially separated from employment on or after January 14, 1979 and before February 29, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

TA–W–7102; T & J Cedar, Inc., Raymond, Wash.

The investigation was initiated on February 12, 1980 in response to a worker petition which was filed on behalf of workers and former workers at T & J Cedar, Incorporated, Raymond, Washington. The workers produce red cedar shakes and shingles.

U.S. imports of red cedar shingles and shakes increased both absolutely and relative to domestic production in 1978 compared to 1977 and increased absolutely in the first nine months of 1979 compared to the first nine months of 1978.

A survey of customers who decreased purchases of cedar shingles and shakes from T & J Cedar, Incorporated in 1979 compared to 1978 indicated that several large customers increased purchases of imported cedar shakes and shingles over the same period. The survey further revealed that customers intend to increase their reliance on imported shakes and shingles in 1980 due to price considerations.

In this case, therefore, the certifying officer has determined that:

"All workers of T & J Cedar, Incorporated, Raymond, Washington who became totally or partially separated from employment on of after January 22, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

I hereby certify that determinations were issued with respect to all of the aforementioned cases during the week of March 10–14, 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-9625 Filed 3-20-80; 8:45 am]

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[TA-W-7237]

Allied Products Corp., South Bend Stamping Division, South Bend, Ind.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initated on March 3, 1980 in response to a worker petition received on February 12, 1980 which was filed by the International Union, United Automobile, Aerospace and Agricultural Workers of America (U.A.W.) on behalf of workers and former workers producing automobile stampings at Allied Products Corporation, South Bend Stamping Division, South Bend, Indiana.

On January 28, 1980, a petition was filed on behalf of the same group of workers (TA–W–6911).

Since the identical group of workers is the subject of the ongoing investigation TA–W–6911, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 13th day of March 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-9627 Filed 3-20-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-4184]

Avtex Fibers, Inc., Front Royal, Va.; Amended Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 12, 1979, applicable to all workers at the Front Royal, Virginia, plant of Avtex Fibers, Inc. The Notice of Certifications was published in the **Federal Register** on January 19, 1979, (44 FR 4036).

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the certification. Following this review, the Department removed the Research and Development and Technical Service personnel from the certification on the understanding they would be covered by an earlier certification, TA–W–2645. The Notice of Amended Certification was published in the **Federal Register** on March 7, 1980, (45 FR 14965).

It has now come to the Department's attention that these workers were already receiving trade adjustment assistance benefits under TA–W–4184. Under the circumstances and to avoid duplicate certification coverage of the Research and Development and Technical Service workers, certification TA–W–4184 is amended further to restore coverage to those workers. Consequently, Research and Development and Technical Service workers are only covered by TA–W–4184. They are not covered by TA–W–2645.

The certification applicable to TA–W–4184 as further amended is hereby issued as follows:

"All workers at the Front Royal, Virginia, plant of Avtex Fibers, Inc., who became totally or partially separated from employment on or after March 5, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 12th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-9628 Filed 3-20-80; 8:45 am]

BILLING CODE 4510-28-M

Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of negative determinations regarding eligibility to apply for worker adjustment assistance issued during the period March 10–14, 1980.

In order for an affirmative determination to be made and a certification of eligibility to apply for ajustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely,

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA–W–6789; Eaton Corp., Climate Control Division, Harrodsburg, Ky.

The investigatioin was initiated on January 14, 1980 in response to a petition which was filed on behalf of workers at the Climate Control Division of Eaton Corporation, Harrodsburg, Kentucky. the workers produce vehicle air conditioning systems and electric shift mechanisms for two-speed axles.

The investigation revealed that criterion (3) has not been met.

U.S. imports of mobile vehicle air conditioning systems are negligible.

Air conditioning systems for cars, trucks and off-highway vehicles account for the largest percentage of sales for the Climate Control Division, and for the total sales decline in 1979 compared with 1978.

Petitioners allege that increased imports of automobiles and trucks have caused decreases in production and employment at the Climate Control Division of Eaton Corporation. Although imported automobiles and trucks may incorporate air conditioning systems, imports of the whole product are not "like or directly competitive" with their component parts.

In this case, therefore, the certifying officer has determined that all workers of the Climate Control Division of Eaton Corporation, Harrodsburg, Kentucky are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6616; Inmont Corp., St. Louis, Mo.

The investigation was initiated on December 13, 1979 in response to a petition which was filed by the Teamsters on behalf of workers at the St. Louis, Missouri plant of the Inmont Corporation. Workers produce automotive and industrial sponge rubber and sealant products.

the investigation revealed that criterion (3) has not been met.

The St. Louis plant primarily produces automotive sealant products and industrial sponge rubber and sealant products.

A Department survey of the industrial customers of Inmont Corporation revealed that customers surveyed did not purchase imported industrial sponge rubber and sealant products in 1978 and 1979.

Industry sources indicate that U.S. imports of automotive seals were negligible in 1978 and in January–September 1979.

Peititoners allege that increased imports of automobiles have caused decreases in production and employment at Inmont Corporation. Although imported automobiles incorporate automotive seals, imports of the whole product are not "like or directly competitive" with their component parts. Imports of automotive seals must be considered in determining import injury to workers producing automotive seals at the St. Louis, Missouri Plant.

In this case, therefore, the certifying officer has determined that all workers of the St. Louis, Missouri plant of the Inmont Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6770; James R. Jarret, Inc., Kokomo, Ind.

The investigation was initiated on January 14, 1980, in response to a petition which was filed on behalf of workers at James R. Jarrett, Inc., Kokomo, Indiana. The workers at James R. Jarrett, Inc. are engaged in providing the service of transportation by truck.

The investigation revealed that workers of James R. Jarrett, Inc., do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to James R. Jarrett, Inc. by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

James R. Jarrett, Inc. and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in providing transportation services at James R. Jarrett, Inc. are employed by that firm. All personnel actions and payroll transactions are controlled by James R. Jarrett, Inc. All employee benefits are provided and maintained by James R. Jarrett, Inc. Workers are not, at any time, under employment or supervision by customers of James R. Jarrett, Inc. Thus, James R. Jarrett, Inc., and not any

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of its customers, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of James R. Jarrett, Inc., Kokomo, Indiana are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

(TA–W–6792) J & R Manufacturing Co., Inc., Newark, N.J.

The investigation was initiated on January 16, 1980 in response to a petition which was filed on behalf of workers at J and R Manufacturing Company, Incorporated, Newark, New Jersey. The workers at J and R Manufacturing Company, Incorporated produce women's coats and raincoats.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's and children's coats and raincoats decreased absolutely in 1979 compared to 1978.

A department survey of the subject firm's customers revealed that most customers either increased purchases or did not import.

In this case, therefore, the certifying officer has determined that all workers of J and R Manufacturing Company, Incorporated, Newark, New Jersey are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6903; J.C. Sportswear, West New York, N.J.

The investigation was initiated on February 1, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at J.C. Sportswear, West New York, New Jersey. The workers produce primarily ladies dresses.

The investigation revealed that criterion (3) has not been met.

A Departmental survey was conducted with the manufacturers from whom J.C. Sportswear received contract work for ladies' dresses during the 1977 through 1979 period. The survey revealed that the manufacturers do not import ladies' dresses nor do they use overseas contractors. A survey of the major customers of the manufacturers revealed that imports declined as a percentage of the customers' total purchases of dresses from 1977 to 1978 and in the first six months of 1979 compared to the same period of 1978.

A random sample of the manufacturers' customers was also conducted. This survey revealed that imported dresses represented a constant and small proportion of the customers' total dress demand during the first eight months of 1979 compared to the same period of 1978.

In this case, therefore, the certifying officer has determined that all workers of J.C. Sportswear, West New York, New Jersey are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7140, 7141, 7142, and 7143; Kanawha Coal Co., Madison Mine No. 1, Ashford, W. Va., Madison Mine No. 1A, Ashford, W. Va., Madison Mine No. 2, Ashford, W. Va., Preparation Plant, Ashford, W. Va.

The investigation was initiated on February 19, 1980 in response to a petition which was filed on behalf of workers at Kanawha Coal Company's Madison Mine #1 (TA–W–7140), Madison Mine #1A (TA–W–7141), Madison Mine #2 (TA–W–7142) and Preparation Plant (TA–W–7143). All four facilities are located in Ashford, West Virginia. The workers at Madison Mine #1, #1A and #2 and at the Preparation Plant mine and clean coal.

The investigation revealed that criterion (3) has not been met. The Kanawha Coal Company mines its coal solely for export.

In this case, therefore, the certifying officer has determined that all workers of the Kanawha Coal Company's Madison Mine #1, Madison Mine #1A, Madison Mine #2 and Preparation Plant, Ashford, West Virginia are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6894; P.D.A. Coat Corp.; Jersey City, N.J.

The investigation was initiated on January 30, 1980 in response to a petition which was filed by the Internatioanl Ladies' Garment Workers' Union on behalf of workers at P.D.A. Coat Corporation, Jersey City, New Jersey. The workers produce ladies' coats.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's, misses' and children's coats and jackets decreased on an absolute basis in January through September 1979 compared to the same 1978 period.

A Departmental survey of the coat manufacturers from whom P.D.A. Coat Corporation received contract work in 1978 and 1979 revealed that the manufacturers decreased their utilization of foreign sources in 1979 compared to 1978. During the same period, work with other domestic sources increased, as did the manufacturers' sales.

In this case, therefore, the certifying officer has determined that all workers of P.D.A. Coat Corporation, Jersey City, New Jersey are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

(TA–W–6797) R.J.F. Coal Co., Inc., Gilbert, W. Va.

The investigation was initiated on January 16, 1980 in response to a petition which was filed on behalf of workers producing metallurgical coal at R.J.F. Coal Company, Incorporated, Gilbert, West Virginia. R.J.F. Coal Company mined primarily metallurgical coal and a small quantity of steam coal.

The investigation revealed that criterion (3) has not been met.

The petition was filed on behalf of workers mining metallurgical-grade coal. In accordance with Section 222 of the Trade Act of 1974 and 29 CFR 90.2 a domestic article may be "directly competitive" with an imported article at a later stage of processing. Coke is metallurgical coal at a later stage of processing. Imports of both coke and imports of metallurgical coal should be considered in the determination of import injury to workers mining metallurgical coal.

U.S. imports of steam and metallurgical coal are negligible. U.S. imports of coke decreased absolutely and relative to domestic production in the first nine months of 1979 compared to the same period of 1978.

R.J.F. Coal Company, Incorporated mined steam and metallurgical coal on a contract basis at mines of two firms during 1978 and 1979. A survey of these firms revealed that one firm took over the operations of its mines from R.J.F. Coal Company in August 1979 and the sales and production of metallurgical coal at these mines increased after the takeover. The firm does not purchase imports of metallurgical coal or coke.

The second firm discontinued the contract mining of R.J.F. Coal Company in December 1978 due to the condition of the mine and the quality of coal. Coal from this mine, both steam and metallurgical grades, was sold to a power company to fire generators. The power company does not purchase imported coal.

In this case, therefore, the certifying officer has determined that all workers of R.J.F. Coal Company, Incorporated, Gilbert, West Virginia are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

(TA–W–6881) Specialty Cartage, Inc., Detroit, Mich.

The investigation was initiated on January 30, 1980 in response to a worker petition which was filed on behalf of workers of Specialty Cartage, Incorporated, Detroit, Michigan. The workers at Specialty Cartage, Incorporated are engaged in providing the service of transporting automotive parts.

The investigation revealed that workers of Specialty Cartage, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Specialty Cartage, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for service must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Specialty Cartage, Incorporated and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers of Specialty Cartage, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by Specialty Cartage, Incorporated. All employee benefits are provided and maintained by Specialty Cartage, Incorporated. Workers are not, at any time, under employment or supervision by customers of Specialty Cartage, Incorporated. Thus, Specialty Cartage, Incorporated and not any of its customers, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of the Specialty Cartage, Incorprated Detroit Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6827; The Standard Products Co., Inc., Lexington, Ky.

The investigation was initiated on January 21, 1980 in response to a petition which was filed on behalf of workers at the Lexington, Kentucky facility of The Standard Products Company, Incorporated. Workers at the Lexington facility produce extruded rubber weather strip, air deflectors, and rubber parts for window channels, all of which are rubber automotive products.

The investigation revealed that criterion (3) has not been met.

Surveyed major customers of the Lexington, Kentucky facility of The Standard Products Company, Incorporated indicated that they did not purchase any imported rubber weather stripping, air deflectors, or rubber parts for window channels during the period under investigation.

In this case, therefore, the certifying officer has determined that all workers of the Lexington, Kentucky facility of The Standard Products Company, Incorporated are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7164; United Trucking Service, Inc., Kokomo, Ind.

The investigation was initiated on February 19, 1980, in response to a petition which was filed by the Teamsters on behalf of workers at United Trucking Service, Incorporated, Kokomo, Indiana. The workers at United Trucking Service, Incorporated are engaged in providing the service of transporting auto parts and finished products.

The investigation revealed that workers of United Trucking Service, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to United Trucking Service, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

United Trucking Service, Incorporated and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in transporting auto parts and finished products at United Trucking Service, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by United Trucking Service, Incorporated. All employee benefits are provided and maintained by United Trucking Service, Incorporated. Workers are not, at any time, under employment or supervision by customers of United Trucking Service, Incorporated. Thus, United Trucking Service, Incorporated, and not any of its customers, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of United Trucking Service, Incorporated, Kokomo, Indiana are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6603; Youngstown Sheet & Tube Co., Brier Hill Works, Youngstown, Ohio

The investigation was initiated on December 11, 1979 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the Youngstown Sheet and Tube Company, Brier Hill Works, Youngstown, Ohio. Workers at the Brier Hill Works produce steel rounds and cold finished steel bars.

For workers producing steel rounds, the investigation revealed that criterion (3) has not been met.

Production of tube rounds at the Brier Hill Works was discontinued in December 1979. As a result of a merger which occurred in December 1978, Youngstown Sheet and Tube Company began operating under the management of the Jones and Laughlin Steel Corporation. Production of tube rounds previously done at the Brier Hill Works will be transferred to other Jones and Laughlin steel making facilities in the United States. Operating costs are expected to be lower as the facilities to which production is being transferred will use either basic oxygen or electric furnaces for raw steel production. The Brier Hill Works produces raw steel by the open hearth process, which is the least cost effective method of making steel.

All tube rounds produced at the Brier Hill Works were used in the production of tubular products at the Campbell Works of the Youngstown Sheet and Tube Company. Sales and production of tubular products at the Campbell Works increased in 1979 compared with 1978.

Imports of seamless steel pipe and tubing declined both absolutely and relative to domestic shipments in 1979 compared to 1978.

For workers producing cold finished steel bars, the investigation revealed that criterion (2) has not been met.

Sales and production of cold finished steel bars at the Brier Hill Works of the Youngstown Sheet and Tube Company increased in 1979 compared with 1978 and in each quarter of 1979 compared with the same quarter of 1978. Jones and Laughlin has announced that it does not plan to close the cold finishing department at the Brier Hill Works in the foreseeable future.

In this case, therefore, the certifying officer has determined that all workers of the Youngstown Sheet and Tube Company, Brier Hill Works, Youngstown, Ohio are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

I hereby certify that determinations were issued with respect to all of the

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aforementioned cases during the week of March 10–14, 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-8624 Filed 3-20-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6720 and TA-W-6730]

Success Leather, Inc., New York, N.Y.; and Shandora Fashions, New York, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 8, 1980 in response to a worker petition received on December 20, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing women's leather coats at Success Leather, Incorporated, New York, New York (TA–W–6720). Another investigation was initiated on January 8, 1980 in response to a worker petition received on December 27, 1979 which was filed on behalf of workers and former workers producing women's leather coats at Shandora Fashions, New York, New York (TA–W–6730). Sucess Leather and Shandora Fashions are jointly owned and operated. It is concluded that all of the requirements have been met.

U.S. imports of leather coats and jackets—men's, boys', women's, misses', juniors', and children's—increased absolutely and relative to domestic production in 1978 compared to 1977.

A Department survey revealed that customers decreased purchases from Shandora Fashions and increased purchases of imported women's leather coats during 1979 compared to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's leather coats produced at Success Leather, Incorporated, New York, New York, and Shandora Fashions, New York, New York, contributed importantly to the decline in sales or production and to the total or partial separation of workers of those firms. In accordance with the provisions of the Act, I make the following certification:

All workers of Success Leather, Incorporated, New York, New York (TA–W–6730) who became totally or partially separated from employment on or after December 11, 1978 and all workers of Shandora Fashions, New York, New York (TA–W–6730) who became totally or partially separated from employment on or after December 20, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day or March 1980.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 80-8628 Filed 3-20-80; 8:45 am]

BILLING CODE 4510-28-M

Pension and Welfare Benefit Programs

[Application No. D-1510]

Proposed Exemption for Certain Transactions Involving the Security National Corp. Retirement Plan Located in Sioux City, Iowa

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the cash sale of the Sioux Car Park by the Security National Corporation Retirement Plan (the Plan) to the Security National Bank of Sioux City, Iowa (the Employer), a party in interest. The proposed exemption, if granted, would affect participants and beneficiaries of the Plan, the Employer and other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before April 30, 1980.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective September 1, 1979.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application No. D–1510. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas, of the Department of Labor, telephone (202) 523–8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer in its capacity as Plan trustee, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. On July 20, 1956, the Plan purchased property for the erection of a parking facility, located at 619 Pierce Street, Sioux City, Iowa, for $100,000. Improvements were made by the Plan and it became commonly known as the Sioux Car Park (the Property), a four-story reinforced concrete and heavy steel frame ramp parking garage. Until August 31, 1979, the Plan leased the Property to Ronald W. Smith, an unrelated party. The Plan received 55% of the gross receipts derived from monthly storage rentals and 50% of all other gross receipts.

2. An appraisal by an independent appraiser, dated January 1, 1979, valued the Property at $430,000. As of December 31, 1978, the Property had a book value of $235,408.02. For the five year period ending December 31, 1978, the Property produced net income of $112,565 for the Plan and an average annual return on market value of approximately 7.4%

3. In the spring of 1979, it became apparent that a large area on several floors of the Property had loose concrete. These spots had been patched, as they occurred, for a number of years. At this time, the deterioration had gone so far that the steel reinforcement rods were exposed and rusting. In addition, a concrete slab on about the front ⅓ of the Property was in serious need of repair. A firm of architects examined the Property, stated that it was imperative that it be repaired or there would be serious damage to the building and recommended a very extensive repair job.

4. An independent contractor prepared a maximum cost estimate, dated August 10, 1979, of $143,000 for the repairs necessary to complete the renovation of the Property. At this time, the trust policy committee (the committee) for the Plan considered the long term potential of the Property as a Plan asset. The committee questioned the wisdom of financing the necessary repairs through the Plan because investment considerations might dictate the sale of the Property in the near future and the cost of the additional repairs might not enhance the selling price. A letter dated August 16, 1979 from the contractor states that in order to guarantee completion of the required repairs (due to weather), work on the Property must begin no later than September 15, 1979 and it is extremely urgent that the work be completed before the end of the year.

5. The Employer represents that the competitive position of the Property was eroding. When constructed, the Property was the only parking ramp in this section of Sioux City. Since 1970, the City of Sioux City has erected three parking ramps with a total capacity of 2,098 cars within a five block radius of the Property. As such, protected off-street parking has become a price-sensitive commodity, lessening the ability of the Property to recoup increasing expenses through rate increases.

6. On August 16, 1979, the Employer offered to purchase the Property from the Plan for its current appraised value of $430,000. The committee considered the offer and the possibility of selling the property to an unrelated party; however, due to the time constraints for completing the repairs on the Property and the nonexistent market for such a facility, the committee accepted the offer. On September 1, 1979, the Employer purchased the Property from the Plan for $430,000 in cash. This transaction date was set in order to allow the Employer adequate time to contract and coordinate the repair work.

7. The applicant believes that the sale of the Property by the Plan to the Employer was beneficial because it removed the bonus to the Plan of making the necessary repairs. The cost of the repairs exceeded the aggregate net income generated by the Property over the last five years and since the repairs would not increase the storage capacity of the Property, it could not be expected that the expenditure would have had a positive impact on either the future income of the facility or its market value.

8. As of January 1, 1979, the Plan had 230 participants and assets valued at $2,981,469.86 and the transaction represents approximately 14.42% of the Plan's assets.

9. In summary, the applicant represents that the sale of the Property meets the statutory criteria for an exemption under section 408(a) of the Act because (1) it is a one time transaction for cash; (2) the selling price for the Property was determined by an independent appraiser and will allow the Plan to receive a substantial profit over the Property's present book value; (3) the necessity of having to make substantial repairs on the Property will be removed from the Plan; and (4) the trustee has determined that the transaction was appropriate for the Plan and was in the best interests of the Plan's participants and beneficiaries.

Notice to Interested Persons

Notice of this request for an exemption shall be hand delivered to all interested persons at their place of employment within ten days after notice of the proposed exemption is published in the **Federal Register.** Non-employed interested persons will receive notice by first-class mail within ten days after publication in the **Federal Register.** The notice shall contain a copy of the proposed exemption as published in the **Federal Register** and shall inform the interested persons of their right to comment and request a hearing within the period set forth in the notice of proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a purdent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the

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exemption is granted, the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the cash sale by the Plan of the Property to the Employer, provided that the price was not less than the fair market value of the Property on the date of sale. The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of the proposed exemption.

Signed at Washington, D.C., this 14th day of March, 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-8734 Filed 3-20-80; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-856]

Proposed Exemption for a Certain Transaction Involving the S & C Profit-Sharing Retirement Plan Located in San Francisco, Calif.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the leasing of real property by the S&C Profit-Sharing Retirement Plan (the Plan) to S&C Motors, Inc. (the Employer). The lease was entered into before the effective date of the Act, but after July 1, 1974, the date specified in the transition rules contained in sections 414 and 2003 of the Act. The proposed exemption, if granted, would affect the Employer and participants and beneficiaries of Plan.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before May 2, 1980.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective from January 1, 1975 until January 25, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-856. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz, of the Department of Labor, telephone (202) 357-0040. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) 406(b)(1) and 406(b)(2) of the Act and from the taxes imposed by section 4975(a) and (b) of the code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the trustee for the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). The application was filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Employer is an automobile dealership maintaining extensive sales and repair facilities in San Francisco. The subject parcel of real property (the Property) is unimproved real property located at 158-162 Guerrero Street in San Francisco.

2. The Property was originally purchased by a third party, Mary's Help Hospital (the Hospital), for use as a parking lot. In 1968, the Employer began leasing the Property from the Hospital for the storage of cars left with the Employer's service department for repairs. On July 24, 1974, the Hospital sold the Property to the Plan for $90,000.

3. On July 22, 1974, the Employer and the Plan entered into a five-year lease of the Property beginning August 1, 1974, and ending July 31, 1979. The rent for the Property was $900 per month, payable in advance. The lease was a triple net lease, calling for all expenses, including annual property taxes, to be paid by the Employer.

4. The rental rate specified in the lease was designed to produce an annual return to the Plan equal to 12 percent of its cost for the Property. This twelve percent figure proved to be the highest return on any of the Plan's assets for the first three years of the lease. An independent appraisal prepared in 1976 by Gimmy and Hamilton, Associates, concluded that an 11 percent return on the current fair market value would be a fair rental value for the Property.

5. The original lease expired on July 31, 1979, and it was extended on a month-to-month basis at the same rental rate while the Plan attempted to find a third party purchaser for the Property. The Property was sold in a cash sale to a third party purchaser on January 25, 1980, and the lease between the Plan and the Employer terminated on that date. All lease payments were made in a timely manner.

6. In summary, the applicant represents that the statutory criteria contained in section 408(a) of the Act have been satisfied as follows: (1) the lease provided the Plan with a better rate of return than an independent appraiser would have estabilsed for the Property (2) all payments were made in full and on schedule in accordance with the terms of the lease; and (3) the lease was terminated on January 25, 1980.

Finally, the applicant represents that the lease was entered into prior to the effective date of the Act without knowledge that the transaction would become prohibited on January 1, 1975. As soon as the applicant realized that the lease had become a prohibited transaction, the applicant submitted a good faith request for an exemption instead of terminating the lease transaction.

Notice to Interested Persons

Notification of all interested persons shall be made on or before March 31, 1980, and shall include a copy of this proposed exemption. All interested persons will also be notified of their right to comment and request a hearing. The notification will be posted at the Employer's office, and any interested persons who are no longer employed by the Employer will be notified by first class mail.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualifed person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the leasing of the Property from the Plan to the Employer for the rental amount stated in the lease, for the period from January 1, 1975, until January 25, 1980.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this proposed exemption.

Signed at Washington, D.C., this 14th day of March, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-8733 Filed 3-20-80; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (80-19)]

Final Environmental Impact Statement; Public Notice of Availability

Notice is hereby given of the public availability of the final Environmental Impact Statement for the National Aeronautics and Space Administration (NASA) Kennedy Space Center. This document supersedes two previous final statements on the Kennedy Space Center published in 1971 and 1973.

Comments on the draft Environmental Impact Statement were previously solicited from Federal, state, and local agencies and members of the public through distribution of the draft and a notice in the **Federal Register** of April 18, 1979.

Copies of this final statement have been furnished to the Environmental Protection Agency; the Departments of Agriculture, Air Force, Army, Commerce, Defense, Energy, Health, Education, and Welfare, Housing and Urban Development, Interior, Navy, State, Transportation, and Treasury; the Advisory Council on Historic Preservation; the Advisory Council on Intergovernmental Relations; Agency for International Development; Council on Environmental Quality, Federal Aviation Administration; Federal Communications Commission; Federal Maritime Commission; Federal Power Commission; General Services Administration; National Academy of Sciences; National Science Foundation; Office of Management and Budget; Smithsonian Institution; to appropriate state and local agencies; and to numerous private organizations.

Copies of the final statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue, SW., Washington, D.C. 20546.
(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.
(c) Hugh L. Dryden Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, Calif. 93523
(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.
(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, Tex. 77058.
(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.
(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23365.
(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, Ohio 44135.
(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, Ala. 35812.
(j) National Space Technology Laboratories, NASA (Building, 1100, Room A-213), Bay Saint Louis, Miss. 39520.
(k) Jet Propulsion Laboratory, (Building 180, Room 600) 4800 Oak Grove Drive, Pasadena, Calif. 91103.
(l) Wallops Flight Center, NASA (Library Building, Room E-105), Wallops Island, Va. 23337.

Done at Washington, D.C., this 14th day of March 1980.

By the direction of Administrator.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

[FR Doc. 80-8630 Filed 3-20-80; 8:45 am]

BILLING CODE 7510-01-M

[Notice (80-20)]

NASA Advisory Council (NAC), Space and Terrestrial Applications Advisory Committee (STAAC); Meeting

The Ad Hoc Informal Advisory Subcommittee on Agriculture, Land

V 45/57 MR 21 80 UMI

Cover and Hydrology of the NAC–STAAC will meet on April 7, 1980, from 8:30 a.m. to 4:30 p.m. and from 8:30 a.m. to 3:00 p.m. on April 8, 1980, at NASA Headquarters, Room 226A, Federal Building 10B, 600 Independence Avenue, SW., Washington, D.C. 20546. The meeting is open to the public. Members of the public will be admitted to the meeting at 8:30 a.m. on both days on a first-come, first-served basis and will be required to sign a visitor's register. The seating capacity of the meeting room is for 35 persons.

This Subcommittee, chaired by Dr. Robert M. Ragan, is comprised of eleven members of the NAC–STAAC and will review and discuss the progress and status of research activities in the Renewable Resources Program. These activities will include the Fundamental Research Program, AgRISTARS Program, Radar Research Program Planning, and Soil Moisture Integrated Research Program Planning. In addition, the Subcommittee will discuss the use of remote sensing by agribusiness.

The approved agenda for the meeting is as follows:

April 7, 1980

Time and Topic

9:00 a.m.—Status of Subcommittee Recommendations
9:30 a.m.—Fundamental Research Program Planning Status
10:30 a.m.—Agriculture and Resources Inventory Surveys Through Aerospace Remote Sensing (AgRISTARS) Status
11:00 a.m.—AgRISTARS from the Department of Agriculture Perspective
1:30 p.m.—Radar Research Program

April 8, 1980

8:30 a.m.—Review of Integrated Soil Moisture Plan
10:00 a.m.—Use of Remote Sensing by Agribusiness
1:00 p.m.—Discussion
2:00 p.m.—Conclusions and Recommendations
3:00 p.m.—Adjourn.

For further information regarding this meeting, please contact Mr. Michael A. Calabrese, Resource Observation Division, Office of Space and Terrestrial Applications, National Aeronautics and Space Administration, Washington, D.C. at (202) 755–1201.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

March 14, 1980.

[FR Doc. 80–9031 Filed 3–20–80; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

(Docket Nos. STN 50–483A and STN 50–486A)

Union Electric Co.; Receipt of Information for Antitrust Review of Operating License Application

The Union Electric Company filed Information for Antitrust Review of Operating License Application on January 21, 1980. This information was filed pursuant to § 2.101 of the Commission's Rules and Regulations and is in connection with Union Electric Company's plans to operate two pressurized water reactors on a site located in Callaway County, Missouri. The two reactors have been designated as Callaway Plant, Units 1 and 2.

The portion of the application filed contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of staff antitrust review of the above-named application, the director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, request for reevaluation may be submitted for a period of 60 days after the date of the **Federal Register**. The results of any reevaluations that are requested will also be published in the **Federal Register** and copies sent to the Washington and local public document rooms.

A copy of the Information for Antitrust Review of Operating License Application is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC and at the local public document rooms in the Fulton City Library, 709 Market Street, Fulton, Missouri 65251 and in the Olin Library of Washington University, Skinker and Lindell Boulevard, St. Louis, Missouri 63130.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensee's activities since the construction permit antitrust reviews for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation, on or before May 6, 1980.

Dated at Bethesda, Md., this 26th day of February 1980.

For the Nuclear Regulatory Commission.

Olan D. Parr,

Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc. 80–6953 Filed 3–20–80; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Federal Employees Part-Time Career Employment Act of 1978; Proposed OPM Internal Implementation Rules

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Office of Personnel Management (OPM) is proposing internal rules to implement the Federal Employees Part-time Career Employment Act of 1978.

COMMENT DATE: Comments will be considered if received on or before May 20, 1980.

ADDRESS: Written comments should be addressed to the Director of Personnel, Office of Personnel Management, Room 1R54, 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Cynthia Simpson, 202–632–7484.

SUPPLEMENTARY INFORMATION: Pub. L. 95–437, the Federal Employees Part-time Career Employment Act of 1978, requires Federal agencies to publish proposed internal rules in the Federal Register for public comment. After comments are received, considered, and necessary changes are made, OPM will adopt these rules as Chapter 340 of the OPM Personnel Manual.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, OPM proposes to add OPM Personnel Manual Chapter 340 to read as follows:

Chapter 340—Part-Time Employment

Subchapter 1. General Provisions.
1–1. Introduction
1–2. Policy
1–3. Definition
1–4. Statutory Exceptions
1–5. Ceilings

Subchapter 2. Program Implementation.
2–1. Goals and Timetables
2–2. Establishment and Conversion of Part-time Positions
2–3. Review of Vacancies
2–4. Notifying the Public of Part-time Vacancies
2–5. Program Coordination
2–6. Expanding Existing Programs
2–7. Evaluation
2–8. Reporting

Subchapter 3. Changing From Full-time to Part-time Employment.
3–1. Purpose and Coverage
3–2. Procedures
3–3. Criteria
3–4. Increasing Hours of Part-time Tour of Duty/Converting Back to Full-time Work
3–5. Recordkeeping

Subchapter 4. Personnel Policies and Procedures Relating to Part-time Employment.
4–1. Introduction
4–2. Tenure
4–3. Earnings
4–4. Crediting Experience for Promotion
4–5. Overtime/Compensatory Time
4–6. Leave
4–7. Holidays
4–8. Training
4–9. Life Insurance Coverage
4–10. Health Insurance Coverage
4–11. Retirement Date Eligibility
4–12. Retirement Annuity
4–13. Returning to Full-time Duty
4–14. Work Schedule Change
4–15. Flexitime

Appendix A—Form: Report on Part-time Employment Goals and Timetables
Appendix B—Form: Employee Request for Change to Part-time Employment

Subchapter 1—General Provisions

1–1 Introduction

This subchapter contains regulations to implement Pub. L. 95–437, the "Federal Employees Part-time Career Employment Act of 1978", and establishes a continuing program to provide career part-time employment opportunities

1–2 Policy

The policy of OPM is to provide part-time employment opportunities to the maximum extent possible consistent with agency resources and mission requirements in positions through GS–15 or equivalent.

1–3 Definition

Part-time career employment is regularly scheduled work of from 16 to 32 hours per week performed by employees serving under competitive or excepted appointments in tenure groups I and II effected on or after April 8, 1979.

Excluded from this definition are Schedule C, intermittent, and temporary employees. Also excluded are career employees who were working part-time on April 7, 1979 for as long as they continue to work part-time.

1–4 Statutory Exceptions

These regulations do not apply to positions: (a) In the Senior Executive Service or others at GS–16 or above.

(b) Where a collective bargaining agreement establishes the number of hours of employment per week.

(c) For which a work schedule of from 1 to 15 hours per week is necessary for OPM mission accomplishment.

1–5 Ceilings

Effective October 1, 1980, an employee holding a part-time career position will be counted as a fraction of a person year. This is determined by dividing 40 hours into the average number of hours of the employee's regularly scheduled workweek.

Subchapter 2—Program Implementation

2–1 Goals and Timetables

Each major organization is required to set annual goals for establishing and converting positions for part-time employment based on considerations such as: (a) Agency mission (e.g., to administer various examinations) Part-time examiners used to administer examinations during peak periods.

(b) Workload fluctuations (e.g., cost-of-living increase) Part-time employees to process the large volume of retirement claims generated during a compressed period.

(c) Turnover rate (e.g., promotions, resignations, reassignments) Two part-time employees to fill a position vacated by one full-time employee.

(d) Affirmative action. Employing housewives, handicapped, and/or elderly people who may wish part-time work.

(e) Current employees interested in part-time employment. Provide a means which permits employees to request and receive consideration.

Regional Directors and Office Heads should submit part-time employment goals to the Director, Office of Personnel by the last workday of October using OPM Form 1424, Report on Part-Time Employment Goals and Timetables (Appendix A).

2–2 Establishment and Conversion of Part-Time Positions

(a) Office Heads and Regional Directors shall establish or convert a sufficient number of part-time career positions to meet their established goals. Positions occupied by full-time employees may not be abolished in order to create part-time positions; but, full-time positions may be converted to part-time when requested by employees or when positions are vacated.

(b) Office Heads and Regional Directors shall make sure that their employees are informed of the procedures for converting to part-time employment (Subchapter 3) as well as the rights and benefits of this kind of work schedule (Subchapter 4).

2–3 Review of Vacancies

Prior to filling any vacancy (subject to exceptions noted in 1–4), the immediate supervisor shall make a determination as to the suitability of filling the position on a part-time basis, keepting in mind the factors in 2–1.

2–4 Notifying the Public of Part-Time Vacancies

The public will be notified of part-time vacancies through normal distribution of vacancy announcements.

2–5 Program Coordination

OPM's Part-time Employment Coordinator is located in the Office of Personnel and will be responsible for:
(a) Overseeing development and implementation of part-time employment goals and timetables;

(b) Consulting with interested parties on part-time employment;

(c) Insuring that managers, supervisors, and employees are kept informed of the basic rules of part-time employment and position management and work assignment techniques which can lead to the most productive use of part-time employees;

(d) Monitoring organizational progress in expanding part-time employment opportunities; and

(e) Maintaining records and preparing reports on part-time employment.

Each organization and regional office is responsible for designating a part-time employment coordinator to be responsible for items (a) through (e) within the organization.

2–6 Expanding Existing Programs

Programs, such as those under FPM Chapters 306, 307 and part of 308 (Selective Placement, VRA, Student Employment) should be explored for possible use in expanding part-time employment opportunities.

2–7 Evaluation

The part-time employment program will be reviewed and evaluated through the internal personnel management evaluation process. Special attention will be focused on timely accomplishment of goals and the procedures for review of vacant positions.

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2–8 Reporting

Office Heads and Regional Directors will report twice annually to the Director, Office of Personnel using OPM Form Part-Time Employment Goals and Time Tables (Appendix A). Reports covering the period October through March should be submitted by the last work day of April. Reports covering April through September are due by the last work day of October. Reports should include: (a) Specific information on the organization's progress in meeting the part-time permanent employment goals established.

(b) An explanation of any impediments encountered in meeting such goals or in carrying out the provisions of Pub. L. 95–437 and a description of measures taken to overcome such impediments.

(c) Evidence that opportunities for part-time employment have been extended to older individuals, the handicapped, students and parents with family responsibilities.

(d) A copy of any internal issuance on part-time permanent employment.

(e) The number of new part-time permanent jobs established during the reporting period.

Subchapter 3—Changing from Full-time to Part-time Employment

3–1 Purpose and Coverage

This Guide provides OPM policy and procedures for processing employee requests to change from full-time to part-time employment.

3–2 Procedures

An employee's request for change from full-time to part-time employment should be processed in accordance with the procedures set forth below: (a) An employee desiring a change in employment from full-time to part-time should consult with the immediate supervisor to determine the effects such a change will have on his/her rights and benefits (Subchapter 4). If the employee desires to proceed, he/she should make a formal request by giving the immediate supervisor OPM form 1412. Employee Request for Change to Part-Time Employment (Appendix B).

(b) Upon receipt of a formal request, the supervisor should evaluate the request in terms of the criteria specified in 3–3. The supervisor should attach his/her recommendation to the form and forward it to the second line supervisor or selecting official for a decision.

(c) The second-line supervisor or selecting official should review the request and the recommendation and approve or disapprove the employee's request after evaluating it in terms of the criteria stated in 3–3 and after consulting with the administrative officer on how ceiling would be affected. A decision should be made within *5 workdays* from the time the employee files a formal request with the immediate supervisor.

3–3 Criteria

The employee's request and management's needs should be weighed against the following criteria: (a) Employment ceilings—this may be to the advantage of the organization when it is over its full-time permanent ceiling but has slots in the "all other" category;

(b) Workloads—regular and peak workloads which might lend themselves to part-time schedules;

(c) Special space and equipment requirements, if any; and

(d) Benefits to employee, e.g., would alleviate child care concerns for parents; would lessen pressure of full day's work on those with health problems; would allow those near retirement to discontinue work gradually.

(e) Retention of valuable employee—this employee working part-time would be more valuable to your office than having to train and develop a new employee.

3–4 Increasing Hours of Part-time Tour of Duty/Converting Back to Full-time Work

If it is necessary for the accomplishment of OPM's mission approving official can:

(1) Increase the hours of work of part-time employees to the maximum prescribed by law (32 hours), or

(2) Reassign part-time employees to their former full-time position.

When such a decision is made, an affected employee must be given written notice no less than 2 calendar weeks in advance.

3–5 Recordkeeping

(a) Statistical Record

The selecting official approving a request should forward copies of all decisions to the Part-time Employment Coordinator, OP, who will maintain a statistical record of the decisions.

(b) Retention of Records

(1) Approved Requests.—The employee's request, a SF–52, Request for Personnel Action, and any other documents (arising because of the request) used in reaching the decision are to be forwarded to the Part-time Employment Coordinator in the Office of Personnel. SF–50, Notification of Personnel Action, will be prepared from these forms.

(2) Denied Requests.—The employee's request and any other documents (arising because of the request) used in reaching the decision are to be forwarded to the Part-Time Employment Coordinator in the Office of Personnel. These records will be retained for 1 year.

Subchapter 4—Personnel Policies and Procedures Relating to Part-time Employment

4–1 Introduction

This subchapter contains information on the pay, schedules, benefits and rights associated with part-time permanent employment.

4–2 Tenure

Completion of probationary period and the period for conversion from career-conditional to career status are the same as for full-time employment. Service Computation Date (SCD) is undisturbed by part-time work. Since part-time employment constitutes a separate competitive level from full-time employment, competition is with other part-time employees during a reduction-in-force (RIF).

4–3 Earnings

Pay received is proportionate to the time scheduled to work. The hourly pay rate is the same for full-time and part-time employees. Waiting periods for within-grade increases are not affected; they are based on *calendar* weeks of creditable service.

4–4 Crediting Experience for Promotion

Part-time experience is credited on a pro-rated basis according to the relation it bears to a full workweek.

4–5 Overtime/Compensatory Time

Under Title 5 U.S.C., hours of work must be in excess of 40 hours in an administrative workweek or 8 hours in a day to be considered overtime. Under the Fair Labor Standards Act, overtime begins after the completion of 40 hours of work in a week, excluding holidays and paid leave.

Compensatory time may be earned at the discretion of the approving official.

4–6 Leave

(a) Annual leave is earned on a pro-rata basis at the rate determined by years of service. For example, a part-time employee with:

Less than 3 years—1 hour for each 20 hours worked
3 to 14 years—1 hour for each 13 hours worked
15 years or more—1 hour for each 10 hours worked.

Maximum carryover at the end of the leave year remains the same.

(b) Sick leave is earned at the rate of one hour for every 20 hours in pay status regardless of years of service.

(c) No leave (annual or sick) is earned for hours worked in excess of 80 in a pay period.

(d) Other leave categories (e.g. absence without leave, leave without pay, court leave, funeral leave, excused absences) are not affected.

4–7 Holidays

Holiday pay is received only for regularly scheduled work on the holiday, and *only* for those hours regularly scheduled.

4–8 Training

Part-time permanent employees should receive the same consideration as full-time employees for training, and developmental assignments. Procedures for nomination, selection, etc. apply to both full-time and part-time employees. At the discretion of the supervisor, part-time employees may temporarily increase their work schedules to attend training courses or adjust their work schedules as described in section 3–4.

4–9 Life Insurance Coverage

The amount of insurance carried will automatically decrease whenever annual salary is decreased by an amount sufficient to lower pay to a different $1000 bracket (except that it cannot be lower than a $10,000 minimum insurance amount).

4–10 Health Insurance Coverage

The employee's cost for premiums is greater because the Government's contribution is pro-rated according to the number of hours the part-time employee is scheduled to work.

4–11 Retirement Date Eligibility

No effect. Service is credited by calendar weeks.

4–12 Retirement Annuity

The computation is based on the highest average annual basic pay for any three consecutive years. Therefore, if years of part-time service are among the high three, the employee's annuity will be affected to the extent earnings were limited in those years.

4–13 Returning to Full-time Duty

If the position held immediately before converting to part-time or a position of equal or lower grade elsewhere is vacant, and the employee meets the basic requirements for the job, he/she can be placed in the position *non-competitively.*

If the position being sought requires a promotion or has promotion potential, there must be *competition* with other employees who meet the basic requirements for the position.

4–14 Work Schedule Change

To meet workload demands, supervisors may increase the number of hours worked by part-time permanent employees. Increases above 32 hours per week must be for a limited period unless the affected employee was part-time prior to the effective date of the law.

Temporary variations in the arrangement of days and/or hours of part-time permanent employees must be approved by the employee and his/her supervisor through a written request and response. An amended SF–50 should be issued when the variation will continue longer than *2 pay periods.*

4–15 Flexitime

Part-time employees may work flexitime depending on the need of the organization.

[FR Doc. 80-8666 Filed 3-20-80; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–16656; File No. SR–BSE–79–4]

Boston Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), ("Act") as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on February 13, 1980, the Boston Stock Exchange Inc. ("BSE" or "Exchange") filed with the Securities and Exchange Commission a proposed rule change. On February 25, 1980, the BSE filed Amendment No. 1 to the proposed rule change which, as amended, would add two paragraphs and supplementary material to Chapter XI, Section 1 of the BSE Rules as follows:

Text of the Proposed Rule Change

"No member who is not a regular dealer maintaining a primary specialist operation on the floor shall be eligible for appointment as an alternate specialist. There shall be two categories of alternates, Class A and Class B. Any dealer who is appointed to either category shall maintain, in addition to the minimum equity required in his primary specialist account, a minimum equity of $25,000 for activity as an alternate.

The Committee on Business Conduct may appoint a Class A Alternate in a number of issues not greater than are assigned to his primary account. Dealers appointed by the Committee as Class B Alternates must establish any position either long or short only on the floor of the Exchange, in order to promote greater depth and liquidity. The Committee may appoint more than one Class A Alternate in a particular issue.

Supplementary Material

Alternate specialists are required generally to engage in a course of dealings which is consistent with the maintenance, so far as reasonably practicable, of a fair and orderly market on the Exchange.

Purchases and sales by alternate specialists must constitute a course of dealings reasonably calculated to contribute toward the maintenance of price continuity with reasonable depth and to the minimization of the effects of any temporary disparity between supply and demand.

Alternate specialists have an obligation to make a bid or an offer at the request of a Floor broker holding an unexecuted public customer's order. Such bid or offer must be reasonably calculated to contribute to the maintenance of a fair and orderly market in the stock to which it relates.

Bids and offers by alternate specialists must either (a) improve the price or (b) the depth of an existing quote.

BSE's Statement of the Purpose of the Proposed Rule Change

The Exchange believes that an alternate specialist who initiates the purchase or sale of securities while on the Exchange Floor will be "acting in the capacity of a market-maker" within the meaning of Section 11(a)(1)(A) of the Act. The proposal justifies the Alternate Specialist's claim to the exemption from Section 11(a)(1) provided by Subparagraph (A) thereof because, overall, the course of dealings required of the Alternate Specialist by the rule will be beneficial to the market by increasing depth and liquidity and by enhancing competition within the market-making function. Thus, the proposed rule change is consistent with the purposes of Section 11(a) of the Act and the protection of investors.

BSE's Statement of the Basis Under the Act for the Proposed Rule Change

The proposed new rule relates to Sections 11(a) and 6(b)(1) of the Act in that it would assist the Exchange to carry out the purposes of the Act, and to comply and to enforce compliance by its members with the provisions of the Act and the rules thereunder. The proposed new rule also relates to Section 6(b)(c) of the Act in that it will aid in the protection of investors and the public interest by providing a course of dealings reasonably calculated to contribute toward the maintenance of price continuity with reasonable depth and liquidity.

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BSE's Statement on Comments Received From Members, Participants or Others on the Proposed Rule Change

No comments were received with respect to the proposed rule change.

BSE's Statement of Burden on Competition

No burden on competition is perceived by adoption of the proposed amendment. The Exchange believes the proposed rule would enhance competition in market making on the Floor of the Exchange.

On or before April 25, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 11, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

March 14, 1980.

[FR Doc. 80-8656 Filed 3-20-80; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-16654; File No. SR-BSPS-80-3]

Bradford Securities Processing Services, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 25, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change, as follows:

Statement of the Terms of Substance of the Proposed Rule

Bradford Securities Processing Services, Inc. (the "Corporation") proposes to amend its rules to add the following:

Balance Order Service

1. As used in this Rule the following terms shall have the following meanings:

(a) "BOS" shall mean the Corporations Balance Order Service;

(b) "Corporation", "Participant", "Designated Security", "BOS Eligible Transaction", "Comparison Interface", "Clearing Interface" and "Local Time" shall have the meanings provided in paragraph 1 and "Transaction Information" shall have the meaning provided in paragraph 4 of the Corporation's Trade Comparison and Reporting Service Rule;

(c) "TCRS" shall mean the Corporation's Trade Comparison and Reporting Service;

(d) "Electing Participant" shall mean a Participant which has submitted a BOS Eligible Transaction to the Corporation for clearance through BOS;

(e) "BOS Transaction" shall mean any BOS Eligible Transaction, submitted to the Corporation for Clearance through BOS, appearing as compared on a Participant's Initial or Final Report in TCRS or reported as compared by a registered clearing agency with a Comparison Interface or compared by a registered clearing agency;

(f) "Settlement Price" shall mean, with respect to any BOS Transaction, the price determined by the Corporation for the settlement of all transactions due to be settled on the same Business Day in the Designated Security which is the subject of the BOS Transaction;

(g) "Contract Price" shall mean, with respect to any BOS Transaction, the price at which the transaction was compared; and

(h) "Business Day" shall mean any day on which banks in the State of New York are open for business.

2. (a) The Corporation will offer BOS for the clearance of BOS Transactions. BOS will net by Designated Security all BOS Transactions submitted to BOS by or for Electing Participants and will allot the resulting netted deliver and receive obligations.

(b) On each Business Day preceding a Business Day on which a transaction submitted to BOS by an Electing Participant is to settle ("Settlement Day"), BOS will prepare and issue to the Electing Participant, as applicable: (i) A deliver security balance order ("DBO") for each delivery of each Designated Security to be delivered on the Settlement Day, showing the Settlement Price in respect thereof; (ii) a receive security balance order ("RBO") for each Designated Security to be received on the Settlement Day, showing the Settlement Price in respect thereof; and (iii) a clearing cash adjustment statement ("CCAS") of the total amount of money due to or from the Electing Participant on the Settlement Day, consisting of: (A) The difference between the aggregate of all Contract Prices and the aggregate of all Settlement Prices of the Electing Participant's BOS Transactions settling on the Settlement Day; and (B), if Settlement Day is also the day on which the Corporation bills Participants for services utilized, any other payments due to the Corporation from the Electing Participant ancillary to its BOS Transactions.

(c) On the morning of any Business Day on which BOS is holding for an Electing Participant a BOS Transaction not settling that day, the Corporation may, at its election, prepare and issue to the Electing Participant, a settlement cash statement ("SCS") of any mark-to-the-market payments due to or from the Participant with respect to any unsettled transactions in BOS and, if the Business Day is also a Settlement Day, the amount shown on any CCAS issued on the preceding Business Day.

(d) The obligations of Electing Participants to receive and pay for securities and to deliver securities pursuant to RBOs and DBOs and to pay the amounts shown on the CCASs and SCSs shall be fixed and determined at the time such DBOs, RBOs, CCASs and SCSs are made available to the Electing Participants, although such orders and statements may not in fact have been received by or delivered to such Electing Participants; provided the amount payable or receivable by an Electing Participant according to any CCAS shall be superseded by the amount payable or receivable according to any SCS issued to the Electing Participant on the morning of a Settlement Day to which the CCAS pertains.

3. (a) Any Participant, and any non-Participant which is otherwise qualified to be a Participant and executes a BOS Agreement, thereby becoming a Participant in BOS, may, pursuant to this Rule, submit BOS Transactions for clearance through BOS. Each Participant submitting BOS Transactions to BOS for clearance by so doing agrees to be bound by this Rule for each transaction submitted to BOS and to pay the fees therefor as set forth in the Fee Schedule for BOS (Section IX of the Corporation's Fee Schedule).

(b) If a Participant fails to comply with or fulfill its obligations under this or any other Rule of the Corporation, or if the Corporation believes the Participant is experiencing financial difficulties, the Corporation, in its sole discretion, may refuse the use of BOS to the Participant. Should transactions involving a Participant to whom the Corporation refuses use of BOS have already been submitted to BOS, the Corporation may delete from BOS information pertaining to any transaction to which that Participant is a party and for which no RBOs, DBOs and CCASs have been generated by BOS.

(c) The Corporation may require any Participant to make or receive mark-to-the-market or similar payments with respect to any potential losses or gains arising from changes between the Contract Price and the then current market value, as determined by the Corporation, of any unsettled BOS Transactions.

4. A BOS Transaction may be submitted to BOS through TCRS or pursuant to a Comparison Interface under TCRS, and shall be submitted to the Corporation by noon, Local Time, on the second Business Day preceding the Business Day on which the BOS Transaction is to be settled.

5. (a) The Corporation will make DBOs, RBOs and CCASs available to Electing Participants at the office of the Corporation which the Electing Participant has designated as its location for making settlements ("Settlement Office") by 12:00 noon Local Time on the Business Day preceding Settlement Day. The Corporation will make SCSs available to Electing Participants at the Participants' Settlement Office by 10:00 A.M. Local Time on the Business Day on which an SCS is issued.

(b) On each Settlement Day or on each Business Day on which an SCS is issued, each Electing Participant shall pay to or receive from the Corporation at the Electing Participant's Settlement Office, by 11:30 A.M. Local Time, the amounts, in cash, certified check or cashier's check, called for by the Participant's CCAS or SCS.

(c) The obligations of Electing Participants to receive, deliver and pay for Designated Securities in accordance with the RBOs and DBOs issued by the Corporation shall be discharged on Settlement Day in accordance with the procedures set forth in the rules of the Municipal Securities Rulemaking Board with respect to transactions in municipal securities and of the National Association of Securities Dealers, Inc. with respect to transactions in other Designated Securities.

6. A BOS Eligible Transaction as to which the contra party is a participant in a registered clearing agency which has a Clearing Interface with the Corporation may be submitted to BOS by an Electing Participant provided that, in addition to agreeing to be bound by this Rule, by submitting the transaction, the electing Participant: (A) Agrees to indemnify and hold the Corporation harmless for all costs, losses, liabilities or claims or threats thereof, except any of the foregoing directly caused by the negligence of the Corporation, that the Corporation may suffer or be exposed to by reason of or relating to the transaction, any assignment, transfer and set over thereof and any DBOs, RBOs, CCASs and SCSs resulting therefrom; (B) agrees, in connection with any transaction effected through the Clearing Interface, to pay to the Corporation promptly upon demand, any mark-to-the-market or other payments and to deliver promptly such securities as the Corporation may be required to make or deliver to the other registered clearing agency; and (C), to the extent necessary to implement the Clearing Interface, authorizes the Corporation to stand in the place of the contra side as regards the Electing Participant and assigns, transfers and sets over to the Corporation all of the Electing Participant's right, title and interest to and in the transaction.

Fee Schedule

IX. Balance Order Service. The maximum fees for this Service shall be.

(a) 12 cents per balance order generated.

(b) 25 cents per transaction entered.

(c) 50 cents per transaction entered on a when-issued basis.

Procedures of Self-Regulatory Organization

Adoption of this Rule has been approved by the Corporation's Chief Executive Officer.

Purpose of Proposed Rule Change

The proposed Rule, in conjunction with the Corporation's proposed Trade Comparison and Reporting Service ("TCRS"), will enable Participants to use the Corporation's facilities to compare, clear and settle transactions in municipal and government securities. Although transactions compared through TCRS need not be submitted to the proposed Balance Order Service ("BOS") for clearance and BOS can be used to clear transactions compared other than through TCRS, TCRS and BOS have been designed to operate as an integrated transaction completion system.

Historically, transactions in municipal and government securities have been compared by the parties to the transaction and cleared and settled on a trade-by-trade basis. The steady growth in the number and trading volume in these securities experienced in the last two decades, however, has impaired the effectiveness of traditional methods of transaction completion and suggested the need for an improved comparison capability and a mechanism for netting settlement obligations.

TCRS is designed to provide an accurate and efficient comparison mechanism both as a necessary service in its own right and as the front end of a transaction completion system permitting the netting of settlement obligations. TCRS has been amended from the form in which it was submitted originally in order to be operationally compatible with the BOS netting system.

The development of BOS reflects the Corporation's growing recognition that, while the availability of a netting mechanism is not critical in the case of all transactions in municipal bonds and government securities, there are a number of instances in which the availability of a netting system can provide significant benefits. In particular, it has become increasingly clear that a netting system is needed for "when-issued" trading and situations in which heavy trading in a particular issue has led to a proliferation of fails.

In the case of "when-issued" trading, compared transactions would be submitted to BOS and would be held in BOS until two days before the transactions in the when-issued security were to be settled. At that time, the when-issued trades would be netted and the DBOs, RBOs, and CCASs would be issued by the Corporation. In a failed-trade clearance, the Corporation, another self-regulatory organization or an industry association would identify a security in which there was an undue concentration of outstanding fails and would specify a date by which all transactions in the security had to be submitted to BOS. Immediately following that date, unless the date was extended by the Corporation, the Corporation would net all transactions submitted to BOS and, on the next day, issue DBOs, RBOs and CCASs. In both instances, settlement would occur in accordance with the provisions of the proposed rule on the day following the

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day on which the DBOs, RBOs and CCASs were made available to the participants.

Together, TCRS and BOS will relieve participants of much of the time and paperwork burden of comparing trades and preparing receive and deliver tickets. Additionally, by netting participants' delivery and receipt obligations, BOS will significantly decrease the number of deliveries and receipts of securities that participants are required to make and will both reduce fails and minimize the adverse net capital and other regulatory consequences of fails.

It is self-evident that the efficiencies provided by comparison and netting systems will be only partially realized if multiple comparison and clearing systems are permitted to come into existence without being required to interface with each other. For this reason the Corporation undertakes with the Commission to establish Comparison Interfaces and Clearing Interfaces on mutually acceptable terms with any registered clearing agency offering comparison and clearing services for transactions in municipal and government securities. Despite the Corporation's desire to implement this rule at the earliest possible date, the Corporation believes that the Commission should not approve this rule proposal or similar rule proposals unless the Commission has satisfactory assurances that Clearing Interfaces and Comparison Interfaces between all registered clearing agencies offering comparison or clearing services for transactions in those securities will become operational concurrently with the initiation of clearing operations under the rule proposals.

Basis Under the Act for Proposed Rule Change

The proposed Rule would simplify the clearance and settlement process for the Corporation's participants and would provide an efficient and inexpensive means for settling transactions in municipal and government securities, particularly when they are traded on a when-issued basis or when a Designated Security is subject to a high volume of trading and fails. Consequently, the proposed Rule contributes to the removal of impediments to, and the perfection of, a national system for the prompt and accurate clearance and settlement of transactions.

By contemplating the establishment of clearing level interfaces with other registered clearing agencies providing clearing services for municipal and government securities, the proposed Rule would promote the linking of all clearance and settlement facilities and secure the efficiencies and safety afforded by new data processing and communication techniques and would thereby reduce unnecessary costs and increase the protection of investors and persons facilitating transactions by and acting on behalf of investors.

Comments Received From Members, Participants, or Others on Proposed Rule Change

No formal comments were solicited or received from participants or others with respect to the proposed Rule. The Corporation has, however, received a number of written and oral requests to establish a netting system for transactions in municipal securities and to interface the system with any other registered clearing agencies which propose to offer a similar service. Copies of letters to this effect have been placed in the Commission's public file relating to this Rule.

Burden on Competition

The Corporation does not believe that the proposed Rule would impose any burden on competition among broker-dealers or registered clearing agencies. Rather, the Corporation believes that the implementation of TCRS and BOS, together with the establishment of appropriate interfaces between the Corporation and other registered clearing agencies offering comparable services for municipal and government securities, would provide broker-dealers with a meaningful choice of clearing facilities and, at the same time, would foster competition among registered clearing agencies in the clearance and settlement of transactions in these securities.

On or before April 25, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption and should be submitted on or before April 11, 1980.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 14, 1980.

[FR Doc. 80-8656 Filed 3-20-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16655; Amdt. File No. SR-BSPS-77-5; No. 1]

Bradford Securities Processing Services, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 25, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission an amendment to a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule

Bradford Securities Processing Services, Inc. (the "Corporation") proposes to amend proposed Rule SR-BSPS-77-5, relating to its Trade Comparison and Reporting Service, by restating the text as follows:

Trade Comparison and Reporting Service Rule

(1) As used in this Rule and in the Balance Order Service Rule the following terms shall have the following meanings:

(a) The "Corporation" shall mean Bradford Securities Processing Services, Inc.;

(b) "Participant" shall have the meaning provided in the Corporation's rule defining such term (SR-BSPS-79-2);

(c) A "Designated Security" shall mean securities which are direct obligations of, or obligations guaranteed as to principal or interest by, the United States; such securities issued or guaranteed by corporations in which the United Stated has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors and municipal securities, as defined in § 3(a)(29) of the Securities Exchange Act of 1934, and which appear in the Corporation's Book of Designated Securities.

(d) "BOS" shall mean the Corporation's Balance Order Service;

(e) "BOS Eligible Transaction" shall mean a transaction in a Designated Security between two Participants or between a Participant and a participant in a registered clearing agency which has established a Clearing Interface with the Corporation;

(f) "Comparison Interface" shall mean an interface with another registered clearing agency which shall be the means whereby the Corporation and the other clearing agency will exchange the information necessary to enable them to compare a transaction in a Designated Security between a Participant and a participant in the other clearing agency;

(g) "Clearing Interface" shall mean an interface with another registered clearing agency which shall be the means whereby the Corporation and the other clearing agency will exchange the information necessary to enable each of them to clear a compared transaction in a Designated Security between a Participant and a participant in the other registered clearing agency; and

(h) "Local Time" shall mean the time in effect at the office of the Corporation to which a Participant submits information or at which a Participant receives information or makes settlements.

(2) As used in this Rule, "Business Day" shall mean any day on which the New York Stock Exchange is open for trading.

(3) The Corporation shall offer its Participants a Trade Comparison and Reporting Service ("TCRS"), in accordance with this Rule, for transactions in all Designated Securities effected by or for that Participant. Each Participant may, to the extent it so desires, use TCRS by submitting data, as provided for herein, for transactions in any Designated Security effected by or for the participant, including transactions effected on an "as of" or delayed delivery basis, and by so doing agrees to be bound by this Rule for the transaction as to which information is submitted to TCRS and to pay the fees therefor as set forth in Section VI to the Corporation's Fee Schedule.

(4) For each transaction utilizing TCRS or utilizing both TCRS and BOS, a Participant shall submit, individually by trade, the information specified by the Corporation in the form or format specified therefor, which form or format shall include the indentification of the participant, the subject Designated Security, the contra side, the quantity, the unit price, the aggregate price, the trade date, the settlement date, and, if the transaction is a BOS Eligible Transaction and the Participant wishes to utilize BOS, an instruction for the transaction to be submitted to BOS (the "Transaction Information"). When the contra side to a transaction is a Participant which has submitted the transaction to TCRS or is a participant in another registered clearing agency with a Comparison Interface and has submitted the transaction to that other registered clearing agency the Corporation shall offer the TCRS to its Participant as set forth herein.

(5) A Participant shall submit the Transaction Information for any transaction for which the Participant utilizes TCRS or BOS, or both TCRS and BOS, to the Corporation by 12:00 noon Local Time of the first Business Day after a transaction at any office of the Corporation which the Participant wishes to use.

(6) By 12:00 noon Local Time on the Business Day following the Business Day on which a Participant has submitted Transaction Information to the Corporation, the Corporation shall make available to the Participant a report (the "Initial Report") setting forth: (a) The terms of each transaction submitted by the Participant which compares, including interest accumulated through the settlement date for the transaction; (b) the terms of each transaction (i) reported by the Participant and not reported by the contra side ("Uncompared Transaction"); or (ii) reported by the contra side and not reported by the Participant ("Advisory Transaction"). By 12:00 noon Local Time on the Business Day following the Business Day on which the Initial Report is made available to a Participant, the Participant shall submit to the Corporation, in such form or format as the Corporation shall specify, the Uncompared and Advisory Transactions which the Participant has resolved with the contra side (the "Corrected Transaction Information"). By 12:00 noon Local Time on the Second Business Day following the Business Day on which the Initial Report is made available to a Participant, the Corporation shall make available to the Participant a report setting forth Uncompared and Advisory Transactions contained in the Initial Report which have been compared by reason of the Corrected Transaction Information and Uncompared Transactions and Advisory Transactions which remain uncompared (the "Final Report"), together with receive or deliver tickets for all transactions compared on either the Initial or Final Report and not submitted to BOS. The Initial and Final Reports shall be made available to the Participant at the office of the Corporation to which the Participant submitted its Transactions Information.

(7)(a) Participants may delete transactions submitted to TCRS if both parties to the transaction submit deletion instructions, in the form or format specified by the Corporation, by 12:00 noon Local Time on the Business Day by which Corrected Transaction Information must be submitted.

(b) Transaction Information not submitted to the TCRS by the time specified in paragraph (5) of this Rule may be submitted, for a comparison cycle already in progress, by 12:00 noon Local Time on the Business Day on which Corrected Transaction Information for that cycle must be submitted, and will be included in the Final Report for that cycle.

(c) Transactions which remain Uncompared Transactions and Advisory Transactions in the Final Report will not be submitted to BOS, even though they may otherwise be BOS Eligible Transactions, and will not appear in the Initial or Final Reports of subsequent comparison cycles unless resubmitted pursuant to this Rule.

Fee Schedule

VI. Trade Comparison and Reporting Service

The maximum fees for this service shall be:

(a) *Basic TCRS Fee*—Monthly charge for any month in which a Participant utilizes TCRS—$40.00 per month.

(b) *Box Rental*—Monthly charge for rental of a box, where the participant may pick up his output—$5.00.

(c) *Comparison With Participants Or Through A Comparison Interface*—Any fees charged by the other registered clearing agency for the Comparison Interface with respect to the item, plus the following: (i) Fee for all transactions (regular, as/of, withholds, stamped advisories—buy or sell)—$0.25 per transaction; and (ii) Fee for receive or deliver tickets—$0.12 per ticket.

(d) *Non Machine Readable Input*—Charge for Key Entry (regular, as/of, withholds—buy or sell)—$0.10 per item.

(e) *Machine Readable Input*—No charge.

(f) *Machine Readable Output (Tape)*—Tape supplied by Participant. $0.0050 per item, with a maximum charge of $200.00 per month.

(g) *Machine Readable Output (Cards)*—$0.0150 per item, with a maximum charge of $600.00 per month.

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(h) *Stationery*—Forms usage charged back to the participant at 100 percent (100%) of cost.

(i) *Additional Expense*—Any additional expenses such as printing, forms, communications, etc., will be charged to the Participant at 100 percent (100%) of cost.

(j) *Master Book of Designated Securities*—First copy is *free*; additional copies are billed at 100 per cent (100%) of cost.

(k) *Research Charge*—$5.00 per request.

Procedures of Self-Regulatory Organization

The Chief Executive of the Corporation authorized the Corporation to establish and offer a Trade Comparison and Reporting Service and authorized the filing of SR-BSPS-77-5 and of this amendment to SR-BSPS-77-5.

Purposes of Proposed Rule Change and Amendment

The purpose of SR-BSPS-77-5 is to enable the Corporation to offer to its participants a Trade Comparison and Reporting Service ("TCRS"); the purposes of this amendment are to limit the transactions which may be submitted to TCRS to transactions in municipal and government securities, to provide for the establishment of a Comparison Interface with any registered clearing agency offering a comparison service in those securities, to permit transactions compared through TCRS to be submitted to the Corporation's Balance Order Service ("BOS") for clearance and to respond further to comments made by the Commission's staff.

At present no clearing agency offers its participants a full trade comparison and reporting service for municipal and government securities. TCRS will provide a comprehensive comparison and reporting service for the full range of municipal and government securities any time outstanding or trading on a "when-issued" basis and, at the same time, will enable Participants to compare transactions in those securities with other Participants and, to the extent comparison interfaces are established with other registered clearing agencies, with participants in those clearing agencies.

Basis under the Act for Proposed Rule Change

By providing participants a non-exclusive means through which they can compare transactions in municipal and government securities and thereby promptly reach agreement as to the exact terms of such transactions and expeditiously effect the consummation thereof, the proposed rule change relates to prompt and accurate clearance and settlement of securities transactions, fostering cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and removal of impediments to and perfection of the mechanisms of a national system for the prompt and accurate clearance and settlement of securities. The Corporation believes that the approval of TCRS concurrently with the establishment of comparison interfaces with all other registered clearing agencies offering comparison services for transactions in municipal and government securities, will facilitate the establishment of a national system for the clearance and settlement of those securities.

Comments Received From Members, Participants or Others on Proposed Rule Change

In the course of conversations with its Participants, the Corporation was advised of the need for a trade comparison and reporting service for transactions in municipal and government securities. Besides correspondence with the Commission's staff, the publication of SR-BSPS-77-5 by the Commission in the **Federal Register**, and communications from the Corporation in which Participants were invited to submit written comments to the Commission, no written comments were solicited or received from Participants or others on the proposed rule change.

Burden on Competition

TCRS is non-exclusive. A Participant is not compelled to use TCRS for any of its transactions, but may use it if the cost of doing so compares favorably with the cost of other comparison services or alternative methods of comparison. In addition, TCRS is available for transactions, both between Participants and between Participants and participants in other registered clearing agencies which have established a Comparison Interface with the Corporation. The Corporation is prepared to establish Comparison Interfaces with any registered clearing agency providing a trade comparison service for municipal and government securities.

The Corporation believes that the availability of TCRS will increase competition among entities trading in municipal and government securities by making an efficient, low-cost comparison capability available to large numbers of brokers, dealers and others located both within and outside major financial centers. The Corporation believes that if Comparison Interfaces with other registered clearing agencies are established concurrently with the Commission's approval of TCRS and, like the Corporation, the other registered clearing agencies offer their services on a non-exclusive basis, implementation of TCRS will enhance competition among registered clearing agencies in the provision of comparison services for transactions in municipal and government securities.

On or before April 25, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption and should be submitted on or before April 11, 1980.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 14, 1980.

[FR Doc. 80-8657 Filed 3-20-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16665; File No. SR-MSE-80-2]

Midwest Stock Exchange, Inc.; Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 5, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission the following proposed rule change:

Exchange's Statement of the Terms of Substance of the Proposed Rule Change

Article I, Rules 11, 14, 15, and 16; Article II, Rule 11; Article III, Rule 11; Article IV, Rules 1 and 9; Article V, Rule 2; Article VI, Rules 1, 2, and 9; Article VII, Rules 1, 2, and 4; Article XI, Rules 3 and 9; Article XII, Rules 1, 2, 3, 4, 5, and 7; Article XIV, Rules 10, 11, and 13; Article XVII, Rule 2; Article XXVIII, Rules 2, 3, and 4; Article XXX, Rules 1, 4, 7, and 8; and, Article XXXI, Rules 12 and 15 are hereby amended as follows:

All of the amendments merely substitute the word 'Chairman' for 'President' except two. Article IV, Rule 1 provides that the Vice Chairman, rather than the Chairman shall appoint committees and designate their Chairmen. Article XI, Rule 9 provides that, in the event that a member organization is unable to maintain operational capacity forcing the MSE Chairman to take action to correct the situation, the action must be reported to the Vice Chairman of the Board.

Exchange's Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

These amendments recognize the need for continuity of executive leadership to guide the Exchange as it moves into the national market system environment. It has become increasingly apparent in the last few years that the demands of administrating the Exchange, negotiating with regulatory bodies and providing testimony to the SEC and Congressional Committees, as well as leading the Exchange's transition to national market system trading require the continuity of a full-time Chairman. In addition, the operation of a clearing corporation, a depository and increasing complexity in data processing in all areas of the Exchange's operations require full-time efforts in leadership and communication with the membership. Similar conclusions have been reached by the other national exchanges which have responded by adopting structures similar to that proposed for the Exchange.

These rule amendments are consistent with Section 6(b)(1) of the Act since they relate to the organization of the Exchange and the capacity of the Exchange to be able to carry out the purposes of the Securities Exchange Act of 1934 as amended.

Comments have neither been solicited nor received from members or others on the proposed rule changes. The Midwest Stock Exchange, Incorporated does not believe that the proposed amendments impose any burden on competition.

On or before April 25, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 11, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 17, 1980.

[FR Doc. 80-8650 Filed 3-20-80; 8:45 am]

BILLING CODE 8010-01-M

[Released No. 34-16657; File No. SR-MSE-80-1]

Midwest Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 25, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Exchange's Statement of Terms of Substance

The interpretation which is the subject matter of this filing informs the membership and other interested parties about how the Committee on Specialist Assignment and Evaluation will make assignments and re-assignments of issues to specialists, co-specialists, relief specialists, and odd-lot dealers. The interpretation describes the events which may lead to assignment proceedings, assignment procedures, and guidelines for assignment of issues to co-specialists.

Exchange's Statement of Basis and Purpose

The basis under the act for the proposed rule change is Section 6(b)(5) since it is believed such rule change will work toward a more competitive national market system in the public interest enabling the Exchange to process assignments and re-assignments of issues to specialists, co-specialists, relief specialists, and odd-lot dealers in an efficient manner.

The Midwest Stock Exchange, Incorporated does not believe that the proposed rule change will impose any burden on competition.

The Midwest Stock Exchange, Incorporated does not consent to any extension of the time periods applicable under the Act.

The Midwest Stock Exchange has neither solicited nor received any comments.

At any time within sixty days of the date of filing of these proposed rule changes, the Commission summarily may abrogate the change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments covering the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal offices of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 11, 1980.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 14, 1980.

[FR Doc. 80-8652 Filed 3-20-80; 8:45 am]

BILLING CODE 8010-01-M

[Release 34-16659; File No. SR-NASD-77-8]

National Association of Securities Dealers, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on July 7, 1977[1], the above mentioned self-regulatory organization filed with the Securities and Exchange Commission (the "Commission") a proposed rule change relating to the matters set forth below and on March 14, 1980, filed an amended notice of proposed rule change as follows:

NASD's Statement of the Terms of Substance of the Proposed Rule Change

Text of Proposed Rule Change

The following is the full text of the proposed rule change. Article III, Section 35 of the Rules of Fair Practice of the National Association of Securities Dealers, Inc. (the "NASD" or "Association"). The proposed rule change is sometimes referred to hereinafter as "Section 35". Section 35 authorizes the Board of Governors of the Association to adopt certain rules as described below; each of those rules will be filed with the Commission and be subject to public notice. The text of Section 35 is as follows:

Article III, Section 35

(a) A member or a person associated with a member shall not underwrite or participate in any way in the distribution to the public of units of a direct participation program, or sponsor a direct participation program, the provisions of which are inconsistent with rules, regulations and procedures prescribing standards of fairness and reasonableness in respect thereto adopted by the Board of Governors pursuant to the authorization granted in subsection (b) hereof.

(b) The Board of Governors is authorized, for the purpose of preventing fraudulent and manipulative acts and practices, promoting just and equitable principles of trade, providing safeguards against unreasonable profits or unreasonable rates of commissions or other charges, and for the protection of investors and the public interest, to adopt rules, regulations and procedures prescribing standards of fairness and reasonableness for direct participation programs relating to:

(1) The underwriting or other terms and conditions concerning, directly or indirectly, the distribution of units of such programs to the public, including, but not limited to, all elements of compensation in connection therewith, among other factors;

(2) The terms and conditions concerning the operations, structure and management of such programs in which a member or an affiliate of a member is a sponsor including, but not limited to:

a. The rights of participants in such programs;

b. Conflicts or potential conflicts of interest of sponsors thereof, or others;

c. The financial condition of sponsors of such programs;

d. All elements of sponsor's compensation including but not limited to, working interests, net profit interests, promotional interests, program management fees, overriding royalty interests, sharing arrangements, interests in program revenues, and overriding interests of all other kinds, general and administrative expenses and organization and offering expenses;

e. The minimum unit value which may be offered and the minimum subscription amount per investor;

f. The retention and/or exchange of units of the program held by participants;

g. The assessments, mandatory, optional or otherwise, to be made on participants in a program in addition to the unit price;

h. The reinvestment of revenues derived from the operation of the program;

i. The duty of the program to render operational and financial reports to participants;

j. The liquidation of units in a program; and

k. Any other terms, conditions or arrangements relating to the operation of the program which the Board of Governors determines are required for the protection of investors and the public interest;

(3) The standards of suitability for investment in such programs by investors;

(4) The content and filing with the Association of advertising and sales literature to be used in connection with the distribution of direct participation programs; and

(5) The definitions of words commonly used in connection with such programs including words used in this section unless they are otherwise defined herein.

(c) The rules, regulations and procedures authorized by subsection (b) hereof shall be incorporated into Appendix F to be attached to and made a part of these Rules of Fair Practice. The Board of Governors shall have the power to adopt, alter, amend, supplement or modify the provisions of Appendix F from time to time without recourse to the membership for approval, as would otherwise be required by Article VII of the By-Laws, and Appendix F shall become effective as the Board of Governors may prescribe unless disapproved by the Securities and Exchange Commission.

(d) For the purposes of this section, the following terms shall have the stated meanings:

(1) AFFILIATE—when used with respect to a member or sponsor, shall mean any person which controls, is controlled by, or is under common control with, such member or sponsor, and includes:

a. Any partner, officer or director (or person performing similar functions) of (a) such member or sponsor or (b) a person which beneficially owns 50 percent or more of the equity interest in, or has the power to vote 50 percent or more of the voting interest in, such member or sponsor.

b. Any person which beneficially owns or has the right to acquire 10 percent or more of the equity interest in or has the power to vote 10 percent or more of the voting interest in (a) such member or sponsor, or (b) a person which beneficially owns 50 percent or more of the equity interest in, or has the power to vote 50 percent or more of the voting interest in, such member or sponsor.

c. Any person with respect to which such member or sponsor, the persons specified in subparagraph a. or b., and the immediate families of partners, officers or directors (or persons performing similar functions) specified in subparagraph a., or other persons specified in subparagraph b., in the aggregate beneficially own or have the right to acquire 10 percent or more of the equity interest or have the power to vote 10 percent or more of the voting interest.

d. Any person an officer of which is also a person specified in subparagraph a. or b. and any person a majority of the board of directors of which is comprised of persons specified in subparagraph a. or b.; or

e. Any person controlled by a person or persons specified in subparagraphs a., b., c. or d.

(2) DIRECT PARTICIPATION PROGRAM [PROGRAM]—a program which provides for flow-through tax consequences regardless of the structure of the legal entity or vehicle for distribution including, but not limited to, oil and gas programs, real estate programs, agricultural programs, cattle programs, condominium securities, Subchapter S corporate offerings and all other programs of a similar nature, regardless of the industry represented by the program, or any combination thereof. A program may be composed of one or more legal entities or programs but when used herein and in any rules or regulations adopted pursuant hereto the term shall mean each of the separate entities or programs making up the overall program and/or the overall program itself. Excluded from this definition are real estate investment trusts, tax qualified pension and profit sharing plans pursuant to Sections 401 and 403(a) of the Internal Revenue Code and individual retirement plans under Section 408 of that Code, tax sheltered annuities pursuant to the provisions of Section 403(b) of the Internal Revenue Code, and any company, including separate accounts, registered pursuant to the Investment Company Act of 1940.

(3) EQUITY INTEREST—when used with respect to a corporation, means common stock and any security convertible into, exchangeable or exercisable for common stock, and, when used with respect to a partnership, means an interest in the capital or profits or losses of the partnership.

(4) SPONSOR—a person who directly or indirectly provides management services for a direct participation program whether as general partner, pursuant to contract or otherise.

NASD's Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change are as follows:

Purpose of Proposed Rule Change

The purpose of the proposed rule change is to establish a system of regulation in connection with the distribution of direct participation programs by members of the Association and the sponsorship of such programs by members of their affiliates. Subsection (a) of proposed Section 35 would prohibit a member or person associated with a member from underwriting, participating in the distribution of, or sponsoring a direct participation program which does not comply with rules, regulations and procedures prescribing standards of fairness and reasonableness adopted by the Board of Governors of the Association (the "Board").

Subsection (b) would give the Board authority to adopt such rules, regulations and procedures. More specifically, subsection (b)(2) would give the Board authority to adopt rules, regulations and procedures regarding such matters as the management, structure and operation of direct participation programs in which a member or an affiliate of a member is a sponsor. Subsections (b)(1), (3) and (4) would give the Board authority in such areas as underwriting compensation, investment suitability and form and content of sales literature of programs distributed by a member of a person associated with a member. Subsection (b)(5) would give the Board authority to define words commonly used in connection with direct participation programs.

Subsection (c) would give the Board authority to adopt, alter, amend, supplement or modify the substantive rules, regulations and procedures authorized by Subsection (b) and contained in Appendix F thereto, without recourse to the membership for approval. While a vote of the membership would not be necessary to effect a change in Appendix F, any substantive changes would be made only after being sent to the membership for comment.

Subsection (d) would define the following terms that are used in Section 35: "Affiliate," "direct participation program" ("program"), "equity interest," and "sponsor."

More particularly, the purpose of the proposed rule change is to prevent abuses by members, persons associated with members, and affiliates of members in the distribution or sponsorship of direct participation programs. Subsections (b)(1), (3), (4) and (5) of Section 35 would apply to a member or person associated with a member participating in the public distribution of any direct participation program. Subsection (b)(2) of Section 35 would apply to a member or person associated with a member participating in the public distribution of a direct participation program sponsored by a member or an affiliate of a member.

Subsection (b)(2) would also apply to a member who sponsors a program and, in most instances, to an affiliate of a member who sponsors a program. Subsection (b)(2) would apply in all instances in which a program's securities are distributed by the member who is sponsoring the program or who is an affiliate of the sponsor. Subsection (b)(2) also would apply even though the member with whom the sponsor is affiliated may not be directly participating in the distribution, should that member have reason, *e.g.* a "selling purpose", to influence the creation or distribution of a program's securities in a manner contrary to just and equitable principles of trade, the protection of investors and the public interest generally.

The Association has concluded that the application of the proposed rule change described above is mandated by the statutory requirements imposed upon the Association under Section 15A(b)(6) of the Securities and Exchange Act of 1934 (the "Act"). This conclusion rests on the Association's experience in reviewing direct participation programs and its understanding of practices surrounding direct participation programs.

The Association concluded that it was necessary to apply subsection (b)(2) to members or affiliates sponsoring but not distributing programs because in most such cases there is a close identity of interest between the member's securities-related activity and the activity of the member or its affiliate in sponsoring a program. Often, the same personnel are engaged in both activities. It is particularly important to note the existence of affiliations between sponsors and members. A review of a significant sample of the public direct participation programs filed with the Association during the 1978 indicates that there was such an affiliation in 65.2 percent of the programs. It is common for a sponsor to employ one or more persons whose primary, if not exclusive, function is to "wholesale" interests in a series of programs. Given this pattern, sponsors soon become subject to the broker/dealer registration requirements of the Act. Membership in the Association often follows registration as a broker/dealer. Conversely, an existing member may create an affiliate to sponsor programs for distribution to existing and future customers.

In those situations in which an affiliation exists between a sponsor and a member, the affiliation may take a variety of forms. At one extreme, the member and the sponsor may be the same legal entity. In more common situations, however, the member is controlled by, in control of, or under common control with the sponsor. This was the form of affiliation in virtually all of the public programs where any affiliation was found in the study referred to above. In that study, the Association found that 65.2 percent of all public programs filed with the

[1] Notice of filing of the proposed rule change was orginally published on July 21, 1977. (42 FR 37461.)

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Association were affiliated. Of those, the member and sponsor had common personnel in 44.9 percent of the cases. This reflects the Association's experience which has been that the affiliated member is an integral part of an overall structure which includes numerours corporate or partnership entities.

Section 15A(b)(6) of the Act provides that Association rules shall not be designed to regulate "matters not related to the purposes of (the Act)." The Association will be mindful of this provision in interpreting and applying the proposed rule change. The Association believes, however, that in virtually all instances those activities subject to the proposed rule change, including the sponsorship of programs, are within the purview of the Act. The sponsoring of a direct participation program is itself a securities related activity in that the structuring and management of the program enterprise must affect its value. Sponsors are often in the continuing business of creating and selling partnership interests. This sales activity, whether accomplished by the sponsor registered as a broker/dealer, by a wholly-owned broker/dealer subsidiary, or by a broker/dealer controlling the sponsor, is a related activity subject to Association jurisdiction where a member is involved. The Association is of the view that subsection (b)(2) of Section 35 should be applied wherever a member or an affiliate of a member is in a position to affect the activities related to a program, particularly where such member or affiliate may have an incentive to encourage sales of program interests.

Thus, if a wholly-owned subsidiary of a member acts as sponsor of a program and is in a position to structure the program to make its interests readily salable but to conceal conflicts disadvantageous to investors, subsection (b)(2) should apply even though the member is not participating in the distribution. At the other extreme, if a member which never sells direct participation programs is controlled by a holding company which also controls a real estate appraisal firm, the work of that appraisal firm in appraising properties for a real estate program would not normally be seen as a related matter subject to Association jurisdiction.

The effect of the above-referenced statutory provision on the applicability of the terms "affiliate" and "sponsor" should be noted. The Association expects to interpret the term "affiliate" in such a manner that the proposed rule change will be applied only to situations in which the involvement of members or persons associated with members in related activities is such that the purposes of the Act dictate such application. The term "sponsor" will be interpreted to apply only where a member or its affiliate is performing some of the functions of a general partner or otherwise acting in a managerial capacity.

Basis Under the Act for Proposed Rule Change

Section 15A(b)(2) of the Act provides that an association of brokers and dealers such as the Association shall not be registered as a national securities association unless the Commission determines that the association's rules provide it with the capacity to carry out the purposes of the Act, to enforce compliance with the Act and the rules and regulations thereunder by its members and persons associated with its members, and to protect investors and the public interest. Further, Section 15A(b)(6) of the Act requires that the rules of the association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and in general to protect investors and the public interest. In addition, Section 15A(b)(7) of the Act requires that the rules of the association provide that its members and persons associated with its members shall be appropriately disciplined for violation of any provisions of the Act or the rules of the association, by imposition of appropriate penalties.

Section 35 has been adopted by the Association to further the purposes of the Act by prohibiting identified abuses in the distribution and sponsorship of direct participation programs. The factual basis for the Association's action is set forth above in the discussion of the purpose of the proposed rule change. The Association believes it is important to apply Section 35 so as to affect not only the distribution of direct participation programs by members or their associated persons but also the sponsorship of such programs by members or their affiliates.

The basis under the Act for the Association's exercise of jurisdiction in the case of members' affiliates rests largely on the finding that there is frequently an identity of interest between a member and its affiliate which is sponsoring a direct participation program.

In some instances, the proposed rule change could impose requirements on Association members, unaffiliated with a program's sponsor, who distribute interests in a program which has another member or affiliate as its sponsor. The Association has concluded that it is necessary to extend certain responsibilities to such a member to facilitate enforcement by assuring that there is a further check on potential conflicts of interest and excessive compensation. The responsibility on the unaffiliated member also assures an objective check on the degree of affiliation between any other member or an affiliate and the program sponsor.

NASD's Statement Concerning Comments Received From Members, Participants or Others on the Proposed Rule Change

Antecedents to the proposed rule change were published by the Association for comment by members and other interested parties in 1972 and 1973 and the proposed rule change was approved by a vote of the Association's members. A total of 177 comments were received and filed with the Commission. A detailed analysis of comments directed to the Association was also filed with the Commission. (*See* File No. SR–NASD–77–8, Exhibit 2.) A summary of that analysis is presented here.

The Association first published an earlier version of the proposed rule change for comments in a Notice to Members on May 9, 1972. The comments received may be categorized into those addressing two general policy questions and those suggesting changes to specific sections.

Several of the comments in the first category were addressed to the question of the delegation to the Association's Board of Governors of authority to amend, without a vote of Association members, the provisions of Appendix F of the Association's Rules of Fair Practice. The question was raised as to whether this practice was permissible under Article VII, Section 1 of the By-Laws of the Association, which requires membership approval for amendments to the Rules of Fair Practice. Section 3 of Article VII of the By-Laws delegates to the Board the power to make and issue interpretations in administration and enforcement of the Rules of Fair Practice. The Association was of the view that since the substantive provisions of the Appendix implement authority in proposed Section 35 which was to be approved by the membership, the Board held the power under Article VII, Section 3 to function in the manner indicated in proposed Section 35. Subsequent to this first publication, similar delegations of authority have been approved by the Commission with respect to other Association rules. (*See, e.g.* NASD Rules of Fair Practice, Article III, Sec. 31, 32(b), 33(c) (NASD Manual, (CCH) ¶2181, 2182, 2183).)

The other general policy issue addressed by the comments related to the Association's asserted attempt to regulate the issuers of offerings distributed by members. The proposal published in 1972 specified standards to be met by the issuers of any direct participation program distributed by an Association member including those sponsored by persons other than members or their affiliates. Several commentators questioned the Association's jurisdiction in seeking to regulate activities of program sponsors which were not affiliated with Association members.

In 1973, the Commission invited public comment on enumerated policy questions relating to the Association's authority to adopt rules affecting sponsors not affiliated with Association members. (*See* Sec. Exch. Act. Rel. No. 10260 (July 2, 1973).) Contemporaneously, the Association issued a revised version of the proposed rule change which left unchanged the earlier approach with respect to sponsors unaffiliated with Association members. *See* Notice to Members 73–50 (July 12, 1973.) Comments on that proposal were directed to the Commission.

As a result of correspondence received from the Commission in 1974, the Association revised the scope of those sections of the rule proposal which would directly affect the activities of program sponsors. As revised and subsequently filed with the Commission, those sections would apply only to programs "in which a member or an affiliate of a member is a sponsor." By limiting the scope of those sections, the Association was seeking to respond to those earlier comments which questioned the Association's jurisdiction over sponsors who are not affiliated with members. The Association was also seeking to protect investors from potential abuses that could be obscured in the structure of direct participation programs, and conflicts of interest that may be present, especially where a member distributes securities of a program sponsored by its affiliate.

The remaining comments received on the 1972 proposal were addressed to the scope of the definition of "tax shelter program," the applicability of other proposed definitions, and many of the specific details of the rule proposal. As noted above, a detailed analysis of these comments and actions taken by the Association in response thereto may be found in Exhibit 2 filed with the Commission.

The proposed rule change as submitted to the Association's membership for approval on January 21, 1977 (*see* Notice to Members 77–3) contained changes, as alluded to above, adopted in response to earlier comments received. No comments were solicited or received in connection with the 1977 submission to the membership.

The proposed rule change was filed with the Commission on July 7, 1977. The Commission published the proposal for comment on July 21, 1977 (*see* 42 F.R. 37461 (1977)). The Commission received one letter of comment, from Robert D. Strahota, an attorney in Washington, D.C. Mr. Strahota raised a procedural question, suggesting that the Association should republish Appendix F for comment. As explained below, that has now been accomplished.

Mr. Strahota also questioned the Association's authority to enact subsection (b)(2) of Section 35. He assumed that the subsection would be applied to any sponsor affiliated with an Association member. As explained above, the association intends that subsection (b)(2) not be applied solely on the basis of a technical affiliation but rather on other bases as dictated by the Act.

Subsequent to the filing of the proposed rule change with the Commission, the Association solicited comments from members on the substantive regulations, contained in proposed Appendix F to Section 35, which the Association would be authorized to adopt pursuant to subsection (b) of the proposed rule change. (*See* Notice to Members 78–12 (March 10, 1978).) The comments received in response to that notice have been analyzed and various changes to Appendix F are pending. The Association is awaiting Commission approval of the proposed rule change prior to adopting Appendix F. Appendix F must be filed with the Commission for approval before it becomes effective. To the extent that Appendix F may reflect the intended application of authority provided in the proposed rule change, interested persons may wish to study the Appendix in formulating comments on the proposed rule change. Copies of Appendix F may be obtained from the National Association of Securities Dealers, Inc., 1735 K Street, N.W., Washington, D.C. 20006.

On or before April 25, 1980 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room 1100 L Street, NW., Washington, D.C.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organaization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 11, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 17, 1980.

[FR Doc. 80–8655 Filed 3–20–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–16660; File No. SR–NASD–79–16, Amdts. No. 1 and 2]

National Association of Securities Dealers, Inc.; Self-Regulatory Organizations; Proposed Rule Changes

Proposed Rule Changes by: National Association of Securities Dealers, Inc., relating to: Responses to the Recommendations of the Special Study of the Options Markets as Promulgated by the Securities and Exchange Commission in Release No. 34–15575.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 6, 1980, the National Association of Securities Dealers, Inc. (NASD), filed with the Securities and Exchange Commission amendments to proposed rule change SR–NASD–79–16[1] as described in Items I, II and III below. The Commission is publishing this notice to solicit comments on the

[1] Notice of filing of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 16460, December 31, 1979) and by publication in the Federal Register (45 FR 1954, January 9, 1980).

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proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of Terms of Substance of the Proposed Rule Changes

The following is a summary of the rule changes proposed by the NASD. The text of the proposed rule changes is attached as Exhibit A to this notice, with brackets used to indicate words to be deleted and italics used for words to be added.

Article III, Section 33, Appendix E

Section 16. This section is proposed to be amended to require customer account statements to disclose any special account charges that are not itemized and disclosed on confirmations. The proposed revision would also require disclosure on margin account statements sent to options customers of the mark-to-market and market value of each security position in the account, the outstanding balance in the account and account equity. Under the proposed rule, these statements must also contain a legend indicating that further information concerning options commissions and similar execution charges will be provided on request. A description of how to calculate margin account equity is also provided.

Section 17. This Section is proposed to be amended to require customer account records to reflect whether the account has been approved for discretionary orders.

Section 18. This Section is proposed to be amended to require that copies of options-related complaints be maintained at the branch office which is the subject of such complaints.

Section 19. This Section is proposed to be amended to require that all discretionary options accounts be approved in writing by a Registered Options Principal.

Section 21. This Section is proposed to be amended to require members to develop and implement a written headquarters account review program under the direct supervision of the Senior Registered Options Principal.

This Section also is proposed to be amended to require each member firm to maintain, at the principal supervisory office having jurisdiction over the office servicing the customer's account, sufficient information to permit a timely review of each customer's options account to determine that options transactions are compatible with customer objectives and the terms of the account's approval, the size and frequency of options transactions, commission activity in the account, profit or loss in the account, undue concentration in any options class or classes, and compliance with the provisions of Regulation T of the Federal Reserve Board.

Article I, Section 2(d), Schedule C

VIII. *Disciplinary Actions*

This Section is proposed to be amended to require members to report any disciplinary actions taken against them or their associated persons to the Association.

II. Self-Regulatory Organization's Statement of Purpose and Statutory Basis of Proposed Rule Change

In its filing with the Commission, the NASD included the following statements concerning the purpose and basis of the proposed rule changes and discussed comments it received on the proposed rule changes. Such statements are reproduced in Sections (A), (B) and (C) below.

(A) *Self-Regulatory Organization's Statement of Purpose of and Statutory Basis for Proposed Rule Changes.* The purpose of this amendment is to propose additional rule changes in response to certain recommendations of the Special Study of the Options Markets which were not addressed in the original filing (SR–NASD–79–16).

The statutory basis for each of these proposed rule changes remains as stated in the original filing. The purpose of each of the substantive proposed rule changes included in this filing is as follows:

Appendix E, Section 16

Section 16 is proposed to be amended to expand the information which members must disclose on statements sent to customers having a general (margin) account. By limiting this requirement to margin accounts, the information will be furnished to most options customers without imposing undue burdens on member firms. The proposal will require that statements sent to such customers reflect the mark-to-market price and market value for all security positions in the account, the total market value of all positions in the account, the debit (or credit) balance, and account equity. We have defined general (margin) account equity as the difference between the total of long security values, including any credit balance, and the total of short security values, including any debit balance. We have also proposed that interest and any special charges assessed against an account be specifically delineated on the account statement only to the extent, however, that such charges have not already been itemized on transaction confirmations.

In addition, we propose to require a legend on account statements to the effect that information concerning commissions and other charges has been included in confirmations, and will be furnished to customers upon request.

Appendix E, Section 17

The minimum information that must be reflected in customers' account records has been expanded to include whether the account is approved for discretionary orders.

Appendix E, Section 18

This Section would require that in addition to maintaining a firm-wide file of all options-related complaints, copies of options-related complaints must also be maintained at the branch office which is the subject of such complaints.

Appendix E, Section 19

Each discretionary options account opened by a member would have to be approved, in writing, by a Registered Options Principal.

Appendix E, Section 21

Options Study recommendation I.A.2.e. calls for the adoption of rules requiring that the headquarters office of every options broker-dealer be in a position to timely review each customer's account to determine the extent of commissions and realized and unrealized losses relative to account equity, the existence of unusual credit extensions and unusual account risks or trading patterns.

Members also would be required to develop and implement a written headquarters account review program and place such a program under the direct supervisory control of the Senior Registered Options Principal.

In response to this recommendation, we propose to add a new subsection (d) to Section 21 of Appendix E which would require members to maintain, at the principal supervisory office having jurisdiction over customers' accounts, sufficient information to enable them to make a number of compliance-related determinations with respect to the options activity in each such account.

Schedule C (Disciplinary Actions)

Members would be required to inform the Association of any disciplinary actions taken by any national securities exchange or association, clearing corporation, commodity futures market or government regulatory body against them or their associated persons.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

The Association recognizes that certain of the proposed rule changes will increase the costs to members in handling customers' options transactions, which, in turn, may place smaller members at a competitive disadvantage. The Commission will have to determine whether the possible competitive burden of these rule changes is necessary or appropriate in furtherance of the Act in deciding whether to approve these rule changes.

(C) *Self-Regulatory Organization's Statement on Comments Received from Members, Participants, or Others on Proposed Rule Changes.* Comments on proposed rule changes presented herein for the first time were solicited in response to preliminary drafts of the proposals which were circulated to member firms in a joint notice dated August 17, 1979. The following is a summary of those comments that are relevant to the proposed rule changes in their present form.

Recommendation I.A.2.a. (Revisions to Customer Account Statements)

The proposals involving changes in customer account statements generated by far the greatest volume of member comment. However, most of the comments were directed toward the items which are not included in the proposal as filed (*e.g.*, disclosure regarding total commissions and aggregate account profit or loss). Most commentators opposed including information on the account statement that is already stated on confirmations. Members also criticized the mark-to-the-market requirement on the grounds that current prices may be unavailable in certain instances and, in any event, will be out of date by the time the statement is received. Small- and medium-sized firms criticized the cost involved with putting the proposed account statement requirements into effect.

Recommendation I.A.2.e. (Headquarters Review of Accounts)

The requirement that each principal supervisory office be in a position to make certain determinations with respect to options customer's accounts was generally supported in members' comments. Several commentators indicated that the proposal is consistent with existing review programs. However, certain commentators criticized its cost and sought more detailed standards for the inquiries required by the provision.

III. Date of Effectiveness of Proposed Rule Change and Timing for Commission Action

On or before April 25, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Association consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Copies of the submission, all subsequent amendments all written statements with respect to the proposed rule changes that are filed with the Commission, and of all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. Section 522, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, DC. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 11, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 17, 1980.

Exhibit A

Article III, Section 33, Appendix E

Sections 1 through 15—No change.

Section 16—Statements of Account (Recommendation I.A.2.a.)

Statements of account showing security and money positions [and], entries, *interest charges and any special charges that have been assessed against such account during the period covered by the statement* shall be sent no less frequently than once every month to each customer in whose account there has been an entry during the preceeding month with respect to an option contract and quarterly to all customers having an open option position or money balance. *Interest charges and any special charges assessed during the period covered by the statement need not be specifically delineated if they are otherwise accounted for on the statement and have been itemized on transaction confirmations. With respect to options customers having a general (margin) account, such statements shall also provide the mark-to-market price and market value of each option position and other security position in the general (margin) account, the total market value of all positions in the account, the outstanding debit or credit balance in the account, and the general (margin) account equity. The statements shall bear a legend stating that further information with respect to commissions and other charges related to the execution of option transactions has been included in confirmations of such transactions previously furnished to the customer, and that such information will be made available to the customer promptly upon request.* The statements shall *also* bear a legend requesting the customer promptly to advise the member of any material change in the customer's investment objectives or financial situation.

For purposes of this Section, general (margin) account equity shall be computed by subtracting the total of the "short" security values and any debit balance from the total of the "long" security values and any credit balance.

Section 17—Opening of Accounts

Subsections (a) through (d)—No change.

Interpretation of the Board of Governors

.01 In fulfilling their obligations pursuant to subsection (b) of this Section, with respect to options customers who are natural persons, members shall seek to obtain the following information at a minimum (information shall be obtained for all participants in a joint account):

1. Investment objectives (e.g., safety of principal, income, growth, trading profits, speculation);
2. Employment status (name of employer, self-employed or retired);
3. Estimated annual income from all sources;
4. Estimated net worth (exclusive of family residence);
5. Estimated liquid net worth (cash, securities, other);
6. Marital status; number of dependents;
7. Age; and,

8. Investment experience and knowledge (e.g., number of years, size, frequency and type of transactions) for options, stocks and bonds, commodities, others.

In addition, a customer's account records shall contain the following information, if applicable:

1. Source or sources of background and financial information (including estimates) concerning the customer;

2. Discretionary authorization agreement on file, name, relationship to customer and experience of person holding trading authority;

3. Date prospectus furnished to customer;

4. *Nature and* [T]*types* of transactions for which account is approved (e.g., buying, covered writing, uncovered writing, spreading, *discretionary transactions*);

5. Name of registered representative;

6. Name of ROP approving account; date of approval; and,

7. Dates of verification of currency of account information.

Members should consider utilizing a standard account approval form so as to ensure the receipt of all the required information.

.02 No change.

.03 No change.

Section 18—Maintenance of Records (Recommendations I.A.1.d. and I.A.1.f.)

(a) In addition to the requirements of Section 21 of the Rules of Fair Practice, every member shall maintain and keep current a separate central log, index or other file for all options-related complaints, through which these complaints can easily be identified and retrieved. The central file shall be located at the principal place of business of the member or such other principal office as shall be designated by the member. At a minimum, the central file shall include (i) identification of complainant; (ii) date complaint was received; (iii) identification of Registered Representative servicing the account; (iv) a general description of the matter complained of; and, (v) a record of what action, if any, has been taken by the member with respect to the complaint. For purposes of this Section, the term "options-related complaint" shall mean any written statement by a customer or person acting on behalf of a customer alleging a grievance arising out of or in connection with options. Each options-related complaint received by a branch office of a member shall be forwarded to the office in which the separate, central file is located not later than 30 days after receipt by the branch office that is the subject of the complaint. *A copy of every options-related complaint shall also be maintained at the branch office that is the subject of the complaint.*

(b) No change.

Section 19—Discretionary Accounts (Recommendations I.A.2.c. and d.)

(a) Authorization and Approval—No member and no person associated with a member shall exercise any discretionary power with respect to trading in option contracts in a customer's account, or accept orders for option contracts for an account from a person other than the customer, except in compliance with the provisions of Section 15 of the Rules of Fair Practice and unless:

1. The written authorization of the customer required by Section 15 shall specifically authorize options trading in the account; and,

2. The account shall have been accepted *in writing* by a Registered Options Principal.

The remainder of this Section is unchanged.

Section 20—No change.

Section 21—Supervision of Accounts (Recommendation I.A.2.e.)

(a) *Duty to Supervise;* Senior Registered Options Principal—Every member shall *develop and implement a written program* provid[e]*ing* for the diligent supervision of all its customer accounts, and all orders in such accounts, to the extent such accounts and orders relate to options contracts, by a general partner (in the case of a partnership) or officer (in the case of a corporation) of the member who is a Registered Options Principal and who has been specifically identified to the Corporation as the member's Senior Registered Options Principal. A Senior Registered Options Principal, in meeting his responsibilities for supervision of customer accounts and orders, may delegate to qualified employees (including other Registered Options Principals) responsibility and authority for supervision and control of each branch office handing transactions in option contracts, provided that the Senior Registered Options Principal shall have overall authority and responsibility for establishing appropriate procedures of supervision and control over such employees.

Subsections (b) through 9c)—No change.

(d) Headquarters Review of Accounts.—Each member shall maintain at the principal supervisory office having jurisdiction over the office servicing customer accounts, information to permit review of each customer's options account on a timely basis to determine (i) the compatibility of options transactions with investment objectives and with the types of transactions for which the account was approved; (ii) the size and frequency of options transactions; (iii) commission activity in the account; (iv) profit or loss in the account; (v) undue concentration in any options class or classes, and (vi) compliance with the provisions of Regulation T of the Federal Reserve Board.

Sections 22 through 24—No change.

Article I, Section 2(d), Schedule C

VIII.—Disciplinary Actions (Recommendation I.A.1.h.)

Every member shall promptly notify the Corporation in writing of any disciplinary action, including the basis therefor, taken by any national securities exchange or association, clearing corporation, commodity futures market or goverment regulatory body against *the member or* its associated persons, and shall similarly notify the Corporation of any disciplinary action taken by the member itself against any of its associated persons involving suspension, termination, the withholding of commissions or imposition of fines in excess of $2,500, or any other significant limitation on activities.

Uniform Practice Code

Section 63—No change.

Effectiveness Timetable[1]

NASD Rule and Number of Days Following SEC Approval

I. Appendix E

Section 16—180 days.

Section 17—30 days (60 days in the case of subsequent verification of suitability information required under Section 17(c))[2]

Section 18(a)—60 days.

Section 18(b)—90 days.

Section 19—60 days.

Section 20—30 days.

Section 21—90 days.

[1] On a case-by-case basis, where circumstances warrant, members may be granted an additional period of time to comply with these rule changes. Under no circumstances, however, will the additional time granted for compliance with any rule exceed a period of six months beyond its proposed effective date.

[2] *Within 60 days of the effectiveness of this Section, members shall be required to provide to existing options accounts a notice informing such accounts that they may request and receive a copy of all background and financial information currently on file with the member in order to review and update such information as deemed appropriate. (For purposes of this Section, an existing account is one which is qualified to purchase or write options without additional ROP approval).*

II. Schedule C

VIII (Disciplinary Action)—30 days.

III. Uniform Practice Code

Section 63(c)—60 days.

[FR Doc. 80-8851 Filed 3-20-80; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-16649; File No. SR-NYSE-80-9]

New York Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29 (June 4, 1975), notice is hereby given that on March 11, 1980 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

NYSE's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would implement operational procedures which the Exchange proposes to employ in connection with a new automated system to be known as the Opening Automated Report Service (OARS). The text of the propsoed rule change will be initially embodied within a circular to Exchange members during the pilot program for OARS. It is expected that, as the pilot progresses, amendments to existing rules of the Exchange will be developed and filed with the Commission for its approval. The operational characteristics of OARS are described under "Purpose of Proposed Rule Change", below.

NYSE's Statement of Basis and Purpose

The basis and purpose of the proposed amendment are as follows:

Purpose of Proposed Rule Change

The purpose of the proposed rule change is to facilitate the implementation and operation of OARS.

On Friday, March 14, 1980, the Exchange will begin a pilot phase introduction of the Opening Automated Report Service (OARS) in ten (10) stocks.

OARS is a new automated system specifically designed to facilitate more efficient and more accurate reporting of certain orders received by the Exchange prior to the opening of trading in an individual stock.

The Exchange believes OARS will provide three distinct benefits to the member firm community and the NYSE Floor:

1. Effective automation of several clerical tasks at the trading post for the critical period just prior to the opening of trading in a stock.

2. Immediate dissemination of execution reports on eligible orders upon the opening of trading.

3. Substantial reduction of potential "Questioned Trade (QT) problems on eligible pre-opening orders.

When a stock is assigned to OARS, the new system will apply to normal openings, delayed openings and re-openings in that stock.

Any member firm already using the Exchange's Designated Order Turnaround (DOT) system for the stocks assigned to OARS will participate in this pilot, since 100 to 299 share pre-opening market orders transmitted to the Exchange through the Common Message Switch will automatically be directed to OARS.

The pilot is designed to provide for the testing of OARS' five basic functions under actual trading conditions. These five basic functions are:

1. OARS will store—but not deliver to the trading post—individual preopening market orders of 100 to 299 shares.

2. OARS will continuously tabulate these orders; matching buy and sell interest and calculating any remaining imbalance.

3. OARS will inform the specialist of the tabulated buy/sell interest and imbalance; both at predetermined intervals and upon request.

4. OARS will electronically receive the opening price in a stock via a single mark-sense card from the specialist; at which point 100-299 share market orders transmitted to the Exchange through CMS will no longer be directed to OARS, but will be directed to the DOT printers on the Floor as usual.

5. OARS will automatically—upon receipt of the opening price—disburse machine-generated reports to member firms for each stored order in that stock.

Machine-generated execution reports are expected to reduce the incidence of erroneous and omitted reports. Furthermore, new universal contra party clearing names—OPN and OPG—will be used.

These universal contra party clearing names will be used as follows:

1. Execution reports sent to Exchange member firms by OARS will provide "OPN" as the contra-side of the trade.

2. The OARS log will indicate each order transmitted by, and each "OPN" report issued to, a member firm. Thus, if a firm that is on the log as a contra party to an OPN trade fails to submit the trade for comparison, or submits it incorrectly, the information on the log will be relied on to prepare a final contract sheet on T+2 (i.e. the second business day following the trade date).

3. If the specialist pairs off orders he is holding against a buy/sell imbalance in OARS, the members who left the orders with the specialist will receive "OPG" from the specialist as the contra-side of the trade.

4. During the day, the specialist will provide SIAC (the Securities Industry Automation Corporation) with the names of the clearing members that traded with "OPG".

5. If a clearing name that the specialist supplied to SIAC as the contra-side of an "OPG" trade does not submit the trade for comparison by T+2, the name of the specialist will be substituted automatically on T+2 as the contra-side of the trade. In such a case, the specialist should pursue the matter with the clearing firm that he knows as the contra-side of the trade.

NYSE's Statement of Basis Under the Act for Proposed Rule Change

Arranging the opening transaction in an Exchange listed stock is often the most difficult and sensitive process of the entire trading day, involving as it often does the matching of many pre-opening buy and sell orders and the need to absorb or supply any imbalance in either they buy or sell side that may exist. The Opening Automated Report Service is expected to introduce important new systems efficiencies in this process which will not only materially assist the specialist in arranging the opening transaction itself but will result in fewer "questioned trades" at the opening and will cause the comparison and settlement process to be conducted in a more efficient and accurate manner. OARS should better enable the Exchange to carry out the purposes of the Securities Exchange Act of 1934 (the "Act") which include the maintenance of fair and orderly markets, the fostering of cooperation and coordination with persons engaged in regulating, clearing, settling and processing information with respect to transactions in securities and facilitating transactions in securities (see Sections 6(b) and 11A(a) of the Act). OARS will also introduce new data processing and communications techniques which should result in a more efficient and effective market operation (see Section 11A(a)(1)(B) of the Act). Finally, OARS is consistent with and should advance the purpose of the Act set forth in Section 17A(a)(1), including the prompt and accurate clearance and settlement of securities transactions and the introduction of more efficient procedures for the clearance and settlement operation.

NYSE's Statement of Comments Received From Members, Participants or Others on Proposed Rule Change

The Exchange has not solicited comment on this proposed change and it has not received any.

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NYSE's Statement of Burden on Competition

The Exchange does not perceive any burden on competition that will be imposed by OARS.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 21, 1980.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 13, 1980.

[FR Doc. 80-8653 Filed 3-20-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16658; File No. SR-PSE-79-14]

Pacific Stock Exchange Inc., Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-24, 16 (June 4, 1975), notice is hereby given that on February 29, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a Proposed Rule Change as follows:

Exchange's Statement of the Terms of Substance of the Proposed Rule Change

Rule XX; DISCIPLINARY PROCEEDINGS, Disciplinary Jurisdiction

Sec. 1(a). A member, member organization or a person associated with such member or member organization who is alleged to have violated or aided and abetted a violation of any provision of the Securities Exchange Act of 1934, as amended, the rules and regulations promulgated thereunder, or any provision of the Exchange's Constitution or Rules or any commentary thereof or resolution of the Board of Governors of the Exchange regulating the conduct of business on the Exchange, or policy or procedure of the Exchange shall be subject to the disciplinary jurisdiction of the Exchange under this Rule, and after notice and opportunity for a hearing may be appropriately disciplined by expulsion, suspension, limitation of activities, functions, and operations, suspension or bar from association with a member, or member organization, fine, censure or any other fitting sanction, in accordance with the provisions of this Rule. A member organization, may be charged with any violation committed by its employees or a member or other person who is associated with such member organization, as though such violation were its own.

Sec. 1(b). Any member, member organization, or person associated with a member shall continue to be subject to the disciplinary jurisdiction of the Exchange following such person's termination of membership or association with a member with respect to matters that occurred prior to such termination; provided that written notice of the commencement of an inquiry into such matters is given by the Exchange to such former member, member organization or associated person within one year of receipt by the Exchange of written notice of the termination of such person's status as a member, member organization, or person associated with a member.

Investigations

Sec. 2. The Exchange shall investigate possible violations within the disciplinary jurisdiction of the Exchange upon order of the Board of Governors, the Executive Committee, or the Floor Trading Committee or upon receipt of a complaint alleging such violations filed by a member or by any other person. All such complaints should specify in reasonable detail the facts constituting the violation, including the specific statutes, Exchange Constitutional provisions, Rules, commentaries, resolutions, policies or procedures allegedly violated. No member or person associated with a member shall impede or delay an Exchange investigation with respect to possible violations within the disciplinary jurisdiction of the Exchange nor refuse to furnish testimony, documentary materials or other information requested by the Exchange during the course of its investigation.

A member or person associated with a member is entitled to be represented by counsel during any Exchange investigation.

Complaints and Answers

Sec. 3. Whenever it shall appear to the Board of Governors, the Executive Committee or any standing committee designated by the Board of Governors to review disciplinary proceedings that there is probable cause for finding a violation within the disciplinary jurisdiction of the Exchange and that further proceedings are warranted, the Exchange ("the Complainant") shall initiate a disciplinary action by preparing a statement of charges ("the Complaint") against the person or organization alleged to have committed a violation ("the Respondent") specifying the acts in which the Respondent is charged to have engaged in or which the Respondent is alleged to have omitted and setting forth the specific provisions of the Securities Exchange Act of 1934, as amended, rules and regulations promulgated thereunder, Exchange Constitutional provisions, Rules, commentaries, resolutions, policies or procedures, of which such acts or omissions are in violation. A copy of the charges shall be served upon the Respondent.

The Respondent shall have 15 business days after service of the charges to file a written answer thereto. The answer shall specifically admit or deny each allegation contained in the charges, and the Respondent shall be deemed to have admitted any allegation not specifically denied. The answer may also contain any defense which the Respondent wishes to submit and may be accompanied by documents in support of his answer or defense. In the event the Respondent fails to file an answer, the charges shall be considered to be admitted.

The time period to file any answer may be extended for such further periods as may be granted by the Exchange, if such request for extension of the filing period is received by the Exchange within five business days prior to the date on which the answer is due.

Hearing

Sec. 4. Upon Respondent's filing an answer, the Respondent may request a hearing. An appropriate Committee of the Exchange ("the Hearing Committee") shall appoint one or more members to hear the matter ("the Panel"). Parties shall be given at least 15 days notice of the time and place of the hearing and a statement of the matters to be considered therein.

At the hearing, both the Complainant and the Respondent shall be entitled to be heard in person and to present any relevant matter. Any witnesses, testimony or evidence offered by the Complainant or the Respondent shall be subject to cross-examination by the other party. The Panel shall determine all questions concerning the admissibility of evidence and shall otherwise regulate the conduct of the hearing. Formal rules of evidence shall not apply. The charges shall be presented by one or more representatives of the Exchange, who along with Respondent and any other party, may present evidence and produce witnesses who shall testify under oath and are subject to being questioned by the Panel and other parties. The Respondent and intervening parties are entitled to be represented by counsel who may participate fully in the hearing. A transcript of the hearing shall be made and shall become part of the record.

Any person not otherwise a party may intervene as a party to the hearing upon demonstrating to the satisfaction of the Panel that he has an interest in the subject of the hearing and that the disposition of the matter, may, as a practical matter, impair or impede his ability to protect that interest. Also, the Panel may in its discretion permit a person to intervene as a party to the hearing when the person's claim or defense and the main action have questions of law or fact in common. Any person wishing to intervene as a party to a hearing shall file with the Panel a notice requesting the right to intervene, stating the grounds therefor, and setting forth the claim or defense for which intervention is sought. The Panel, in exercising its discretion concerning intervention shall take into consideration whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

Except in writing, with copies to the other parties, neither the Complainant, the Respondent, nor any interested party may discuss with the Panel any matter concerning the facts or allegations in the complaint unless the other parties to the action are given sufficient notice and an opportunity to be heard.

Summary Proceedings

Sec. 5. Notwithstanding the provision of Section 4 of this Rule, the Hearing Committee may make a determination without a hearing and may impose a penalty as to such charges which the Respondent has admitted or has failed to answer or which otherwise do not appear to be in dispute. Notice of such summary determination, specifying the violations and penalty, shall be served upon the Respondent, who shall have 10 days from the date of service of such notice to notify the Hearing Committee that he desires a hearing upon all or a portion of any such charges or upon the penalty. Failure to so notify the Hearing Committee shall constitute admission of the violations and acceptance of the penalty as determined by such Committee and a waiver of all rights of review. If the Respondent requests a hearing, the matters which are the subject of the hearing shall be handled as if the summary determination had not been made.

Offers of Settlement

Sec. 6(a). At any time prior to decision by the Panel the Respondent may submit to the Hearing Committee a written offer of settlement which shall contain a proposed stipulation of facts and shall consent to a specified penalty. Where the Hearing Committee accepts an offer of settlement, it shall issue a decision, including findings and conclusions and impose a penalty, consistent with the terms of such offer. Where the Hearing Committee rejects an offer of settlement, it shall notify the Respondent and the matter shall proceed as if such offer had not been made, and the offer and all documents relating thereto shall not become part of the record. A decision of the Hearing Committee issued upon acceptance of an offer of settlement as well as the determination of the Committee whether to accept or reject such an offer shall be final, and the Respondent may not seek review thereof.

Sec. 6(b). If there is more than one Respondent in a proceeding and one or more of said Respondents submits an offer of settlement, the Hearing Committee may accept or reject such offers from any one or all of the Respondents submitting such offers. The proceedings shall be dismissed as to those Respondents whose offers have been accepted, and the proceedings shall continue as scheduled for the remaining Respondents.

Decision

Sec. 7. Within thirty days after the date of a hearing conducted pursuant to Section 4 of this Rule, the Panel shall prepare a decision in writing determining whether the Respondent has committed a violation and imposing the penalty, if any, therefor. The decision shall include a statement of findings and conclusions, with the reasons therefor upon all material issues presented on the record. Where a penalty is imposed, the decision shall include a statement specifying the acts or practices in which the Respondent has been found to have engaged, or which the Respondent has been found to have omitted, and setting forth the specific provisions of the Securities Exchange Act of 1934, as amended, rules and regulations promulgated thereunder, the Exchange Constitution, the Rules of the Board of Governors, commentaries, resolutions, policies or procedures which the act or omission to act are deemed to violate. The Respondent shall be promptly sent a copy of the decision. The determination of the Panel and any penalty imposed shall become final fifteen days after notifying the Respondent; provided, however, that if a request for review of such determination and penalty, or both, is filed as hereinafter provided, the penalty shall be stayed pending outcome of that review.

Review

Sec. 8(a). Either the Complainant or the Respondent may request a review of the decision by petitioning the Board of Governors for such review within 15 days after service of notice of a decision made pursuant to Section 7 of this Rule. Such petition shall be in writing and shall specify the findings and conclusions to which exceptions are taken together with reasons for such exceptions. Any objections to a decision not specified by written exception shall be considered to have been abandoned.

Sec. 8(b). The Board of Governors may appoint one or more Appeals Committees to conduct reviews of disciplinary proceedings. The Board of Governors may delegate authority to the Executive Committee to make such appointments or may decide to conduct review proceedings on its own. An Appeals Committee may be composed of persons who are members of the Board of Governors, or of persons who are not members of the Board of Governors, or partly of persons who are members of the Board of Governors and partly of persons who are not members

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of the Board of Governors. The Executive Committee shall determine the size of any Appeals Committee appointed by it, and an Appeals Committee may be composed of only one member. The body conducting the review, whether the Board of Governors itself or an Appeals Committee, is referred to herein as "the Review Board". Unless the Review Board shall decide to open the record for the introduction of new evidence or to hear argument, such review shall be based solely upon the record and the written exceptions filed by the parties. Based upon such review, the Review Board may affirm, reverse or modify in whole or in part, the decision of the Panel. Such modification may include an increase or decrease of the sanction. The decision of the Review Board shall be in writing and, except as set forth in Section 8(d) below, shall be final.

Each Review Board member shall be required to disclose to the Board of Governors any circumstances which might preclude such Review Board member from rendering an objective and impartial determination. Prior to the commencement of the first hearing session, the Board of Governors may remove a Review Board member who discloses such information. The Board of Governors shall also inform the parties of any information disclosed pursuant to this section, if the Review Board member who disclosed the information is not removed.

In the event that any Review Board member, after the commencement of the Review, but prior to the rendition of the decision should become disqualified, resign, die, refuse or be unable to perform or discharge his duties, the Board of Governors, upon such proof as they deem satisfactory, shall either (a) appoint a new member to the Review Board to replace such member; or (b) direct that the Review proceed without the substitution of a new member.

Sec. 8(c). Notwithstanding anything else contained in this Rule, the Board of Governors may, on its own initiative, order review of a decision made pursuant to Section 5 or 7 of this Rule within 30 days after notice of the decision has been served on the Respondent. If the Board of Governors does not order review of a decision made pursuant to Section 5 or 7 of this Rule within the period specified in this paragraph, the decision shall become final. Such review shall be conducted in accordance with the procedure set forth in Section 8(b) of this Rule.

Sec. 8(d). The Board of Governors may, on its own initiative order review of a decision made by an Appeals Committee pursuant to Section 8(b) of this Rule within 30 days after notice of the decision has been served on the Respondent. If such review is held, it shall be conducted in accordance with the procedure set forth in Section 8(b) of this Rule as if the Board of Governors had conducted the initial review, except that the record shall include the decision of the Appeals Committee and any exceptions filed by the parties to such decision. If the Board of Governors does not order review of a decision of an Appeals Committee within the period specified in this paragraph, the decision of the Appeals Committee shall become final. Nothing contained in this Rule affects any right which a Respondent may have to seek review of an Exchange decision by the Securities and Exchange Commission.

Judgment and Penalty

Sec. 9(a). A member, member organization or a person associated with such member or member organization shall be subject to appropriate discipline by the Exchange for violations under this Rule including expulsion, suspension, limitation of activities, functions and operations, suspension or bar from association with a member, or member organization, fine, censure, or any other fitting sanction.

Sec. 9(b). Penalties imposed under this Rule shall not become effective until the Exchange review process is completed or the decision otherwise becomes final.

Sec. 9(c). Notwithstanding anything contained in this Rule to the contrary, the Exchange may impose such conditions and/or restrictions on the activities of the Respondent as the Exchange considers reasonably necessary for the protection of investors and of the Exchange.

Miscellaneous Provisions

Sec. 10(a). Any charges, notices or other documents may be served upon the Respondent either personally or by leaving the same at his place of business or by deposit in the United States Post Office, postage prepaid via registered or certified mail addressed to the Respondent at his address as it appears on the books and records of the Exchange.

Sec. 10(b). Any time limits imposed under this Rule for the submission of answers, petitions or other materials may be extended only by prior written approval of the Exchange.

Commentaries:

.01 The Board of Governors may designate any Standing or Special Committee of the Exchange as the Hearing Committee in any given proceeding or type of proceeding.

.02 The procedures set forth in Sections 4 and 8(a)–8(d) of this Rule shall not apply in cases where Floor Citations are issued for violations of Rules, policies or procedures adopted by the Exchange and the fine or fines imposed are five hundred dollars ($500.00) or less. (Reference is made to Rule VI, Section 39 and 84 and to Equity Floor Procedure Advice 1–A for review procedures which apply to Floor Citations.)

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the adoption of Rule XX is to provide for a uniform and cohesive rule which applies to all disciplinary proceedings at the PSE applicable to members, member organizations, allied members and other associated persons.

The proposed rule will enable the PSE to carry out its responsibilities as a national securities exchange more effectively by providing a written procedure whereby the PSE can enforce compliance by its members and persons associated with its members, with the Securities Exchange Act of 1934, the rules and regulations thereunder, and the rules, policies, and procedures of the PSE. This rule has been adopted to further promote just and equitable principles of trade. The proposed rule relates, specifically, to Sections 6(b)(1) and 6(b)(5) of the Securities Exchange Act of 1934.

Comments have neither been solicited nor received from members, participants or others on the proposed rule change.

The proposed rule change imposes no burden on competition.

On or before April 25, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities & Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 11, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 14, 1980.

[FR Doc. 80-8654 Filed 3-20-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 07/07-0083]

A. G. Capital Corp.; Application for a License to Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to Section 107.102 of the Regulations governing small business investment companies (13 C.F.R. Section 107.102 (1979)), under the name of A. G. Capital Corporation, 701 S.E. Shurfine Drive, Ankeny, Iowa 50021, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and sole shareholder of the Applicant are as follows:

Robert W. Metge, president, director, 4005 Pommel Place, West Des Moines, Iowa 50265

Herbert J. Schares, vice president, director, 1155 8th Street, Jesup, Iowa 50648

Keith E. Jarman, secretary, treasurer, director, 718 N.W. Greenwood, Ankeny, Iowa 50021

Associated Grocers of Iowa Cooperative, Inc., sole shareholder.

There will be one class stock authorized: one hundred thousand shares of common stock. Initially only 50,500 shares will be issued with a resultant private capital of $505,000. Applicant proposes to conduct its operations principally in the State of Iowa.

Applicant intends to provide financing mostly to independent retail grocery stores in Iowa, southern Minnesota, and northern Missouri.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than (fifteen days from the date of publication of this notice), submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Ankeny, Iowa.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 14, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-8768 Filed 3-20-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1801; Amendment No. 1]

Arizona; Declaration of Disaster Loan Area

The above-numbered Declaration (See 45 F.R. 13243) is amended in accordance with the President's declaration of February 19, 1980, to include Mohave County and Fort Apache Indian Reservation and San Carlos Apache Indian Reservation in the State of Arizona. The Small Business Administration will accept applications for disaster relief loans from disaster victims in the above named county and the above named Indian Reservations within the State of Arizona. All other information remains the same, i.e., the termination dates for filing applications for physical damage is close of business on April 21, 1980, and for economic injury until the close of business on November 19, 1980.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: March 17, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-8770 Filed 3-20-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-5363]

Capital Investors & Management Corp.; Issuance of a License To Operate as a Small Business Investment Company

On October 12, 1979, a notice was published in the **Federal Register** (44 FR 59032), stating that Capital Investors & Management Corporation, located at 3 Pell Street, Suite 2, New York, New York 10013, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1979), for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

The period for comment expired on October 27, 1979, and no significant comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 02/02-5363 to Capital Investors & Management Corporation.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: March 14, 1980

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-8728 Filed 3-20-80; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 06/06-5232]

Diversified Investments, Inc.; Application for a License To Operate as a Section 301(d) Licensee

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing Section 301(d) Licensees (13 CFR 107.102(1979)), under the name of Diversified Investments, Inc., Suite 104, 1804 Staring Lane, Baton Rouge, Louisiana 70810, for a license to operate as a Section 301(d) Licensee under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

Willie Charles Edwards, D.C., president, director (10 percent), 1801 Staring Lane, Baton Rouge, Louisiana 70810.

Carl Ronald Stewart, vice president, director (3 percent), 12571 Sherbrook Avenue, Baton Rouge, Louisiana 70815.

Ralph Delano Beal, secretary, director (1.5 percent), 3367 Charlotte Drive, Baton Rouge, Louisiana 70814.

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Zach Henry Rougon, Jr., treasurer, director (20 percent), Box 205, Lakeland, Louisiana 70752.
Charles R. Bernhard, asst. secretary (20 percent shareholder), 690 Colonial Drive, Baton Rouge, Louisiana 70806.
Frances Myrle Arnold, asst. treasurer (1 percent shareholder), 2215 Hoyt Drive, Baton Rouge, Louisiana 70816.
Jacqueline Patterson Grogan, director (9.5 percent shareholder), 2080 N. Lobdell Avenue, Baton Rouge, Louisiana 70806.
Diversifed International, Inc. (30 percent shareholder), 1801 Staring Lane, Baton Rouge, Louisiana 70810.
David Charles Nicklas, manager, 14236 Woodland Ridge Avenue, Baton Rouge, Louisiana 70816.

Diversified International, Inc. is owned 50 percent each by Dr. W. C. Edwards and Mr. George Grogan, Stock Trustee, P.O. Box 2165, Houma, Louisiana 70360.

There will be two classes of stock authorized: one hundred thousand shares of no par common and a similar number of no par preferred. The preferred will be non-voting stock. Initially 80,000 shares of the common stock will be issued with a resultant private capital of $800,000. Applicant proposes to conduct its operations principally in the State of Louisiana.

As a Section 301(d) Licensee the investment policy of the Applicant will be limited to making investments solely in small concerns which will contribute to a well balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantage.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than (fifteen days from the date of publication of this notice), submit to SBA; in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Baton Rouge, Louisiana.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 14, 1980.

Peter F. McNeish,
Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-8799 Filed 3-20-80; 8:45 am]
BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1806]

Pennsylvania; Declaration of Disaster Loan Area

The area of 4th and Pine Street in the City of Williamsport, Lycoming County, Pennsylvania, constitutes a disaster area because of damage resulting from a fire which occurred on January 12, 1980. Eligible persons firms and organizations may file applications for loans for physical damage until the close of business on May 16, 1980, and for economic injury until the close of business on December 17, 1980, at: Small Business Administration, District Office, East Lobby—Suite 400, One Bala Cynwyd, Plaza, 231 St. Asaphs Road, Bala Cynwyd, Pennsylvania 19004 or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59006.)

Dated: March 17, 1980.

A. Vernon Weaver,
Administration.

[FR Doc. 80-8771 Filed 3-20-80; 8:45 am]
BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1808]

Washington; Declaration of Disaster Loan Area

Clark County and adjacent counties within the State of Washington constitute a disaster area as a result of damage caused by heavy snowfall, blizzard conditions and followed by heavy rainfall which occurred on January 11–12, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 16, 1980, and for economic injury until the close of business on December 17, 1980, at: Small Business Administration, District Office, Federal Building—Room 676, 1220 S.W. Third Avenue, Portland, Oregon 97204 or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: March 17, 1980.

A. Vernon Weaver,
Administrator.

[FR Doc. 80-8772 Filed 3-20-80; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 80-2; Reference: ATF O 1100.122]

Delegation Order—Delegation by the Director of Certain Authorities Relating to the Right to Financial Privacy Act of 1978

Delegation Order

1. *Purpose.* This order delegates certain authorities now vested in the Director by Treasury Department Directive TD 90-22.A to Regulatory Enforcement and administrative personnel.

2. *Scope.* This directive applies to the Office of Regulatory Enforcement and the Office of Administration.

3. *Background.* The Right to Financial Privacy Act of 1978, 12 U.S.C. 3401–3422, Title XI of the Financial Institutions Regulatory and Interest Rate Control Act of 1978, Public Law No. 95-630, 92 Stat. 3641, imposes new requirements on Government access to financial information from financial institutions and other Government agencies. At present, all functions under the Act are being performed by the Director. This order allows certain functions to be performed by those officials responsible for related action.

4. *Delegations.* Under the authority vested in the Director by Treasury Department Directive TD 90-22.A, dated March 28, 1979, the authority to take final action on the following matters is delegated to:

a. *Regional Regulatory Administrators.* The following acts should be carried out with the advice of regional counsel.

(1) To apply to the appropriate U.S. attorney who may petition in the United States district court for delay in notice to the customer and to issue post-notice to the customer that there has been a court-ordered delay under 12 U.S.C. 3409.

(2) To certify that delay in obtaining access to customer financial records as required by the special procedures provision in 12 U.S.C. 3414(b) would create imminent danger of (a) physical injury to any person, (b) serious property damage, or (c) flight to avoid prosecution, so that governmental access to customer account records may lawfully be provided by the financial institution.

(3) To issue administrative summonses, otherwise within the regional regulatory administrator's authority, and proper notice to the customer under 12 U.S.C. 3405.

(4) To issue formal written requests and proper notice to the customer under 12 U.S.C. 3408 and 31 CFR Part 14.

(5) To issue notice to the customer regarding judicial subpoenas as required by 12 U.S.C. 3407.

(6) To transfer customer record information to another agency or department and to issue proper notice to the customer concerning such matters under 12 U.S.C. 3412.

(7) To request account information under 12 U.S.C. 3413(g).

(8) To issue notice to the customer that no legal proceeding is contemplated as required in 12 U.S.C. 3410(d).

(9) To certify in writing to a financial institution that all applicable provisions of the Right to Financial Privacy Act of 1978 have been complied with under 12 U.S.C. 3403(b).

b. *Inspectors (Regulatory Enforcement).* To obtain customer authorizations given under 12 U.S.C. 3404(a) and to certify in writing under 12 U.S.C. 3403(b) that all applicable provisions of the Right to Financial Privacy Act of 1978 have been complied with regarding customer-authorized disclosures.

c. *Chief, Paperwork Management Branch.* To gather and submit to the Office of the Secretary, for inclusion in the annual report to Congress required by 12 U.S.C. 3421(b), information concerning the number of requests for records made during the preceding calendar year according to type, and other related information pertinent to the implementation of the Right to Financial Privacy Act of 1978.

5. *Redelegation.*

a. The authorities in paragraphs 4a(1), 4a(2), 4a(3), 4b, and 4c may not be redelegated.

b. The authorities in paragraphs 4a(4), 4a(5), 4a(6), 4a(7), 4a(8) and 4a(9) may be redelegated but not lower than the position of chief, technical services, or chief, field operations.

6. *Information.* Contact the Procedures Branch, 1200 Pennsylvania Avenue, NW., Washington, DC 20226, 202-566-7602.

7. *Effective date.* This order becomes effective on March 21, 1980.

8. *Approval.* March 4, 1980.

G. R. Dickerson,
Director.

[FR Doc. 80-8745 Filed 3-20-80; 8:45 am]
BILLING CODE 4810-31-M

OFFICE OF THE U.S. TRADE REPRESENTATIVE

Trade Policy Staff Committee

International Copper Market Stabilization Issues; Hearing

Date: April 11, 1980.
Place: Room 730, 1800 G Street N.W., Washington, D.C. 20506.
Time: 9:30 am–12:00 noon; 1:30 pm–4:30 pm.
Contact: Hiram Lawrence—(202) 395-7203.
Subject: The effect of Copper Price Stabilization Measures on U.S. Consumers and Industry.

Since 1976, the United States has participated in a series of international discussions on a price stabilization arrangement for copper conducted at Geneva, Switzerland, under the auspices of the United Nations. Proposals have been made by some national delegations that a conference be convened to negotiate an international agreement which would seek to stabilize the price of copper between agreed floor and ceiling prices. Some delegations present at the discussions have advocated price stabilization by means of a buffer stock alone, while others favor a buffer stock in conjunction with controls on production or exports. Other delegations have indicated that they do not believe a copper price stabilization agreement is desirable.

In order to assist in formulating the position of the United States Government on these issues, the Trade Policy Staff Committee will hold a hearing to obtain views and comments from the U.S. public, particularly consumers and industry, on the desirability and feasibility of international price stabilization measures for copper.

Any member of the public may file a written statement in 20 copies with the Office of the United States Trade Representative in accordance with Chapter 20, section 2003.2 of Title 15 of the Code of Federal Regulations. To the extent that time permits, the Hearing Chairman will allow public presentation of oral statements at the hearing, summarizing the points made in the written submission mentioned above. Those wishing to present an oral summary of their statement should submit a written request along with their statement no later than April 4, 1980, to Carolyn Frank, Secretary, Trade Policy Staff Committee, Room 735, 1800 G Street, N.W., Washington, D.C. 20506.

Ann Hughes,
Acting Chairman, Trade Policy Staff Committee.

[FR Doc. 80-8749 Filed 3-20-80; 8:45 am]
BILLING CODE 3190-01-M

Determination Regarding the Application of Certain International Agreements

This notice modifies the determination published in the **Federal Register** of January 4, 1980 (45 FR 1181)* to reflect additional signatories to the international agreements negotiated in the Tokyo Round of Multilateral Trade Negotiations.

Paragraph 3 of Presidential Determination Regarding the Acceptance and Application of Certain International Trade Agreements, signed December 14, 1979 (44 FR 74784), delegates the functions of the President under section 2(b) of the Trade Agreements Act of 1979 ("the Act") and 701(b) of the Tariff Act of 1930, as amended by section 101 of the Act, to the United States Trade Representative (so designated by section 1-105 of Executive Order 12188) who shall exercise such authority with the advice of the Trade Policy Committee.

Now, therefore, I, Reubin O'D. Askew, United States Trade Representative, in conformity with the provisions of section 2 of the Act (93 Stat. 147), section 701 of the Tariff Act of 1930, as amended effective January 1, 1980 (93 Stat. 151), and paragraph 3 of Presidential Determination Regarding the Acceptance and Application of Certain International Trade Agreements (44 FR 74781), do hereby determine, effective on March 17, 1980, that:

1. a. With respect to the Agreement on Interpretation and Application of Article VI, XVI and XXIII of the General Agreement on Tariffs and Trade (the "Subsidies Code"), the following countries have also accepted the obligations of the Agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement:

Uruguay
Norway

In accordance with section 701(b)(1) of the Tariff Act of 1930, as amended effective January 1, 1970 (93 Stat. 151), each of these countries will be considered a "country under the Agreement".

With regard to Norway, this determination supercedes the determination made with respect to Norway in paragraph 1(b) of the determination published in the **Federal Register** of January 4, 1980 (45 FR 1182).

b. In accordance with section 701(b)(2) of the tariff Act of 1930, as amended

*A complete list of signatories to the agreements negotiated in the Multilateral Trade Negotiations may be obtained from the Public Affairs Office, United States Trade Representative, 1800 G Street, NW., Washington, D.C. 20506.

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effective January 1, 1980 (93 Stat. 151), Pakistan has assumed obligations with respect to the United States which are substantially equivalent to obligations under the Agreement and will be considered a "country under the Agreement" in accordance with the provisions of that section.

2. With respect to the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, Brazil was previously determined to have accepted the Agreement with respect to the United States (45 FR 1181). However, Brazil's acceptance provided that it would be effective only after certain conditions were fulfilled. Because those conditions have not yet been fulfilled, the determination that Brazil has accepted the Agreement is hereby revoked.

3. With respect to the Agreement on technical Barriers to Trade, the following countries have also accepted the Agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement:

Denmark, except with respect to the Faroe Islands
Norway

4. With respect to the Agreement on import Licensing Procedures, the following countries have also accepted the Agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement:

Hungary
Norway
South Africa

5. With respect to the International Dairy Arrangement, the following countries have also accepted the Agreement and should not otherwise be denied the benefits of the Agreement:

Australia
Norway

6. With respect to the Arrangement Regarding Bovine Meat, the following countries also have accepted the Agreement and should not otherwise be denied the benefits of the Agreement:

Australia
Brazil
Norway

Reubin O'D. Askew,
United States Trade Representative.
March 17, 1980.

[FR Doc. 80-8688 Filed 3-20-80; 8:45 am]
BILLING CODE 3190-01-M

Public Hearings on Synthetic Fiber Quotas

On February 19, 1980 the European Communities gave notice that it was imposing quotas on imports of polyester filament yarn and polyamid (nylon) carpet yarns into the United Kingdom. Quotas of 9,053 tons on polyester filament yarn and 7,500 tons on polyamid carpet yarn were set to apply to imports from certain third countries during 1980. Exports from the United States into the United Kingdom that have traditionally accounted for a significant portion of such imports, will be subject to those quotas.

The United States has begun consultations with the European Communities as provided for under the General Agreement on Tariffs and Trade (GATT). These consultations are aimed at resolving differences and restoring the balance of concessions at the highest possible level. The United States requested that the European Communities reduce import duties on certain products of interest to the United States in order to maintain the balance of trade concessions. These consultations continue. If an appropriate resolution of the issues involved in the consultations is not forthcoming, the United States is authorized under the GATT to suspend, with respect to United Kingdom or European Community trade, substantially equivalent concessions or other obligatons under the GATT the suspension of which the Contracting Parties to the GATT do not disapprove.

Under Section 125 of the Trade Act of 1974 (19 U.S.C. 2135) the President is authorized whenever any foreign country or instrumentality withdraws, suspends, or modifies the application of trade agreement obligations of benefit to the United States without granting adequate compensation, to withdraw, suspend or modify the application of substantially equivalent trade agreement obligations of benefit to such foreign country or instrumentality and proclaim such increased duties or import restrictions as are appropriate to effect adequate compensation from such foreign country or instrumentality.

Before taking any such action to restore the balance of obligations the President is required to provide for public hearings at which time interested persons will be given a reasonable opportunity to be present, to produce evidence and to be heard, unless he determines that prior hearings will be contrary to the national interest because of the need for expeditious action.

The United States Trade Representative will conduct public hearings in satisfaction of Section 125 of the Trade Act of 1974 beginning at 10:00 a.m. on Thursday, April 3, 1980 in room 730, 1800 G Street, N.W., Washington, D.C. Actions which are under consideration to restore the balance of concessions and obligations should adequate compensation not be forthcoming and should such withdrawal be determined to be appropriate and necessary will be available from Mr. Peter Murphy, Office of the USTR, Room 712, 1800 G Street, N.W., Washington, D.C. 20506.

Interested persons are invited to submit views on the actions under consideration and other possible actions, bearing in mind that to the maximum extent feasible it is desired to consider actions that would restore the balance of concessions between the United Kingdom/European Communities and the United States within the sector affected by the subject quotas.

The heaings will be conducted in accordance with regulations codified at 15 CFR 2003.2–2003.6. Written briefs in 20 copies must be submitted no later than 12:00 noon, Tuesday, April 1, 1980 to: Carolyn Frank, Office of the United States Trade Representative, Room 735, 1800 G Street, N.W., Washington, D.C. 20506. Written requests to present optional oral testimony at the hearings must be submitted by or before the close of business Friday, March 28, 1980. Oral testimony will be limited to a summary of the written submission.

John E. Ray,
Assistant United States Trade Representative.

[FR Doc. 80-8685 Filed 3-20-80; 8:45 am]
BILLING CODE 3190-01-M

VETERANS ADMINISTRATION

National Memorial Cemetery of the Pacific; Availability of Revised Draft Environmental Impact Statement

Notice is hereby given that a document entitled "Revised Draft Environmental Impact Statement for the National Memorial Cemetery of the Pacific, Honolulu, Hawaii," dated March 1980, has been prepared as required by the National Environmental Policy Act of 1969.

The preferred course of action is to develop the existing National Cemetery as conceptually delineated in a revised master plan study. Elements of this revised conceptual master plan include: an administrative/visitor center; garden crypt/columbarium facilities; expanded service facility; and site improvements at the Punchbowl Overlook. There are several additional minor projects, but the above listing is the most significant.

The Veterans Administration is issuing this revised draft Environmental Impact Statement in response to comments received on the original draft EIS dated July 1979. As a result of serious public concern about the parking facility, this element of the master plan was deleted. The revised master plan also eliminates the mini-bus/train element.

The revised Draft Statement discussed the potential environmental impact of the revised master plan for the existing National Cemetery as identified above and the impact of the alternatives to this action. The document is being placed for public examination in the Veterans Administration office in Washington, D.C. Persons wishing to examine this report or to request a copy can do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: March 14, 1980.

By direction of the Administrator.

Maury S. Cralle, Jr.,
Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 80-8633 Filed 3-20-80; 8:45 am]
BILLING CODE 8320-01-M

Veterans Administration Medical Center, Bath, N.Y., 208-Bed Domiciliary; Proposed Action

The Veterans Administration proposed to construct a 208-bed domiciliary at the Veterans Administration Medical Center (VAMC), Bath, New York. The domiciliary will consist of two, two-story bedroom units and a one-story support unit with a total net square footage of 93,362.

The VA has determined that this project is a critical action as defined by E.O. 11988. As such, it should be outside the 500 year floodplain. However, the 500 year floodplain has not been established at the project location. The VA has consulted with the Corps of Engineers, Baltimore District and the Federal Emergency Management Agency, Regional Director for Federal Insurance and Hazard Mitigation in defining the known limits of the 500 year floodplain and determining the probable flood hazard and impact of the proposed project on the floodplain. Available information indicates that there is a possibility that the project site is near the limit of the 500 year floodplain. However, if the project does fall within the floodplain, it is estimated that it will not adversely affect the floodplain. As part of the floodplain management program of the facility, consideration has been given to protection of life and property during major floods. The potential for flooding will be considered in the design of the building. The proposed project is construction of the new domiciliary between the existing domiciliary (building 28) which is to be demolished, and Gettysburg Avenue. It is planned to have a first floor elevation of 1127 feet above mean sea level. Functionally, the building must be connected to the adjacent Recreation and Theater building no. 92 and the other existing domiciliary building no. 34. Since other locations are functionally impractical, it was decided to site the building in the proposed location and consider flood hazard mitigation in the design.

In view of the above mentioned planning actions and the remote location of the project from the river channel (400 + feet), it is the conclusion of the VA that there will be no significant increase in the elevation of flood waters due to this project.

The VA is soliciting comments from state and local levels. The comment period will be open until April 21, 1980. Thia Notice of Proposed Action is in compliance with the announcement requirements of Executive Order 11988, Floodplain Management Guidelines (February 1978).

Comments on this action should be addressed to:

Mr. William A. Salmond, Acting Assistant Administrator for Construction (08), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: March 11, 1980.

By direction of the Administrator.

Maury S. Cralle, Jr.,
Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 80-8634 Filed 3-20-80; 8:45 am]
BILLING CODE 8320-01-M

Medical Research Service Merit Review Boards; Meetings

The Veterans Administration gives notice pursuant to Public Law 92–463 of meetings of the following Merit Review Boards:

Merit review board	Date	Time	Location
Neurobiology	Apr. 3, 1980	7 p.m. to 11 p.m.	Presidential Room, Holiday Inn. [1]
Do	Apr. 4, 1980	8 a.m. to 5 p.m.	Do.
Alcoholism and drug dependence	Apr. 8, 1980	do	Room A-53, VA Central Office. [2]
Behavioral sciences	Apr. 9, 1980	do	Do.
Do	Apr. 10, 1980	do	Do.
Nephrology	Apr. 20, 1980	8:30 a.m. to 5 p.m.	International Hotel, New Orleans. [3]
Surgery	Apr. 22, 1980	8 a.m. to 5 p.m.	Room A-53, VA Central Office.
Basic sciences	Apr. 24, 1980	7 p.m. to 11 p.m.	Caucus Room, Holiday Inn.
Do	Apr. 25, 1980	8 a.m. to 5 p.m.	Do.
Do	Apr. 26, 1980	do	Do.
Immunology	Apr. 30, 1980	7 p.m. to 11 p.m.	Presidential Room, Holiday Inn.
Do	May 1, 1980	8 a.m. to 5 p.m.	Do.
Oncology	May 2, 1980	do	Room A-53, VA Central Office.
Gastroenterology	May 5, 1980	do	Do.
Endocrinology	May 8, 1980	do	Do.
Hermatology	May 9, 1980	do	Do.
Infectious diseases	May 10, 1980	12 noon to 7 p.m.	Room E-130, Shoreham Hotel. [4]
Cardiovascular studies	May 13, 1980	8 a.m. to 5 p.m.	Room A-35, VA Central Office.
Respiration	do	do	Room A-53, VA Central Office.

[1] Holiday Inn, Rhode Island Avenue NW, Washington, DC 20005.
[2] VA Central Office, 810 Vermont Avenue NW, Washington, DC 20420.
[3] International Hotel, 300 Canal Street, New Orleans, LA 70140.
[4] Shoreham Hotel, 2500 Calvert Street NW, Washington, DC 20008.

These meetings will be for the purpose of evaluating scientific merit of research conducted in each specialty by Veterans Administration investigators working in Veterans Administration hospitals and clinics.

The meetings will be open to the public up to the seating capacity of the rooms at the start of each meeting to discuss the general status of the program. All of the Merit Review Board meetings will be closed to the public after approximately one-half hour from the start, for the review, discussion and evaluation of intitial, and renewal research projects.

The closed portion of the meetings involve: discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of research protocols, and similar documents. During this portion of the meeting, discussion and recommendations will deal with qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action regarding such research projects. Closure of these meetings is in accordance with subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, and

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subsections 552b(c)(6) and (9)(B) of title 5, United States Code.

Because of the limited seating capacity of the rooms, those who plan to attend should contact Mr. Howard M. Berman, Acting Chief, Program Development and Review Division, Medical Research Service, Veterans Administration, Washington, DC, (202–389–5065) at least five days prior to each meeting. Minutes of the meeting and rosters of the members of the Boards may be obtained from this source.

Dated: March 12, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

[FR Doc. 80-8725 Filed 3-20-80; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 45, No. 57

Friday, March 21, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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[M–274, Amdt. 1, Mar. 18, 1980]

CIVIL AERONAUTICS BOARD.

Deletion of items from the March 20, 1980, Meeting agenda.

TIME AND DATE: 1 p.m., March 20, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

13. Docket 33789, Petition of Air Florida for reconsideration of Order 79–11–103. (BDA)

14. Docket 36357, Altair Airlines, Inc.; Docket 37424, Air New England, Inc.; Docket 37380, Big Sky Airlines; Docket 37401, New Haven Airways, Inc.; Docket 37618, Imperial Airlines; Docket 37667, Mid-South Aviation, Inc.; Docket 37287, Sky West Aviation, Inc.; Altair requests reconsideration of its exemption from Part 250 granted in Order 79–12–161. The other carriers request similar exemption from Part 250. (BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

SUPPLEMENTARY INFORMATION: Items 13 and 14 are being deleted because additional time is needed for staff preparation and for coordination with other Bureaus. Accordingly, the following Members have voted that Items 13 and 14 be deleted from the March 20, 1980 agenda and that no earlier announcement of these deletions was possible:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S–561–80 Filed 3–19–80; 2:52 pm]

BILLING CODE 6320–01–M

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[M–274; Amdt. 2, Apr. 18, 1980]

CIVIL AERONAUTICS BOARD.

Closure and addition of item to the March 20, 1980, meeting agenda.

TIME AND DATE: March 20, 1980.

PLACE: Room 1027 Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 25. Consultations with Ireland scheduled to begin March 25, 1980 in Washington.

STATUS: Open (items 1–24), Closed (item 25).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

SUPPLEMENTARY INFORMATION: There are upcoming consultations with Ireland and in order to formulate a coordinated U.S. Government position, the Board Members have voted that agency business requires that the Board meet on this item on less than seven days' notice because staff work was not completed at this time and that no earlier announcement of the meeting wa possible:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

This memo concerns strategy and positions that have been or may be taken by the United States in negotiations with Ireland. Public disclosures, particularly to foreign governments, of opinions, evaluations, and strategies relating to the issues could seriously compromise the ability of the United States Delegation to achieve agreements which would be in the best interest of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(b) and 14 CFR Section 3106.5(i)(2) and that any meeting on this item should be closed

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Elizabeth E. Bailey; and Member, George A. Dalley.
Assistants to Board Members.—Mr. David Kirstein, Mr. Vance Fort, and Mr. Stephen H. Lachter.
Managing Director.—Mr. Cresseworth Lander.
Executive Assistant to the Managing Director.—Mr. John R. Hancock.
Bureau of International Aviation.—Mr. Daniel M. Kasper, Mr. Douglas V. Leister, Mr. Joseph R. Chesen, Mr. Francis Murphy, Mr. Daniel Hedges, Mr. Herbert P. Aswall, and Mr. Keith Shangraw.
Office of the General Counsel.—Ms. Mary McInnis Schuman and Mr. Michael Schopf.
Bureau of Domestic Aviation.—Mr. Mark S. Kahan.
Office of Economic Analysis.—Mr. Robert H. Frank and Mr. David Sibley.
Bureau of Consumer Protection.—Mr. John T. Golden and Ms. Patricia J. Kennedy.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(b) and 14 CFR Section 3106.5(i)(2) and that the meeting may be closed to public observation:

Mary McInnis Schuman,

General Counsel.

[S–562–80 Filed 3–19–80; 2:52 pm]

BILLING CODE 6320–01–M

3

[M–274; Amdt. 3, Mar. 18, 1980]

CIVIL AERONAUTICS BOARD.

Deletion of item from the March 20, 1980, meeting agenda.

TIME AND DATE: 1 p.m., March 20, 1980.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 18. Docket 23080–2 and 37294, Priority and Nonpriority Domestic Service Mail Rates Investigation. (BDA)

STATUS: Open (items 1–24). Closed (item 25).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

SUPPLEMENTARY INFORMATION: Item 18 is being deleted in order to provide the Board members adequate time to consider the issues involved in this matter. Accordingly, the following Members have voted that Item 18 be deleted from the March 20, 1980 agenda and that no earlier announcement of this deletion was possible:

Chairman, Marvin S. Cohen

V 45/57 MR 21 80 UMI

Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-563-80 Filed 3-19-80; 2:52 pm]
BILLING CODE 6320-01-M

4

[M-274; Amdt. 4, Mar. 18, 1980]

CIVIL AERONAUTICS BOARD.

Deletion of item from the March 20, 1980, meeting agenda.

TIME AND DATE: 1 p.m., March 20, 1980.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 22. Docket 38916, Application of Redcoat Air Cargo Limited for Foreign charter air carrier permit to carry cargo between the United States and the United Kingdom. (BIA, OGC, BALJ)

STATUS: Open (items 1-24). Closed (item 25).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 22 is being deleted because of the necessity for additional review by the staff. Changes are required due to recent diplomatic negotiations with the United Kingdom. Accordingly, the following Members have voted that Item 22 be deleted from the March 20, 1980, agenda and that no earlier announcement of this deletion was possible:

Chairman Marvin S. Cohen,
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-564-80 Filed 3-19-80; 2:52 pm]
BILLING CODE 6320-01-M

5

[M-274; Amdt. 5, Mar. 19, 1980]

CIVIL AERONAUTICS BOARD.

Change of time* for the March 20, 1980, meeting.

TIME AND DATE: 12:30 p.m., March 20, 1980.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: See M-274 dated March 13, 1980.

STATUS: Open (items 1-24). Closed (item 25).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: *Closed Item (item 25) will be taken up first instead of last.

[S-565-80 Filed 3-19-80; 2:52 pm]
BILLING CODE 6320-01-M

6

[M-275; Mar. 18, 1980]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., March 25, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items adopted by notation.
2. Dockets 37336 and 37337, Applications of Texas International Airlines and Dockets 37455 and 37456, Continental Air Lines for certificate and exemption authority on certain San Antonio-Mexico routes. BIA, OGC, BALJ)
3. Dockets 36473 and 36175, Excess baggage charges filed by Qantas Airways, Ltd., for passenger baggage moving between San Francisco and Honolulu on international flights (BIA, BDA, OGC)
4. Docket 32660, IATA agreements readopting a piece-related baggage system for use between the U.S./Canada and South America and a weight related system for use in other world areas except to/from U.S. territories. (Memo #9546, BIA)
5. Docket 37288, Atitalia's petition for reconsideration of Order 79-12-206, December 18, 1979, suspending its Boston-Milan normal economy fare increases. (Memo #9360-B, BIA)
6. Transatlantic fare increases proposed by Aerlinte and British Airways. (BIA, BDA)
7. Docket 36632, Petition of Air Florida for Reconsideration of Order 79-12-117. (BIA, OGC)
8. Merger applications. (OGC)
9. Docket 31400, Colorado Ski Points Investigation. Order on review retaining Frontier Airlines' subsidy eligibility in the Denver-Gunnison and Denver-Hayden/Steamboat Springs markets. (OGC)
10. Docket 32747, *Application of Air North, Inc.* (OGC)
11. Docket EAS-631, Appeal of Essential Air Service Determination for Sheridan, Wyoming. (OGC, OCCR, BDA)
12. Dockets 35908 and 36204, Essential Air Service at Clearfield/Philipsburg, PA. (Memo #9105-A, BDA, OCCR, OGC, BCAA)
13. Docket EAS-436, Essential Air Service Determination at Presque Isle, Maine. (BDA)
14. Dockets 36930 and EAS 650—United Air Lines' notice of intent to suspend service in the Youngstown, Ohio—Pittsburgh, Pennsylvania market under section 401(j)(2) of the Act. (Memo #9310-A, BDA, OCCR)
15. Docket 37716, Scheduled Skyways' notice of intent to suspend service at Harrison, Arkansas. (BDA)
16. Dockets 36508 and EAS-341, Air Illinois' notice of intent to terminate service at El Dorado/Camden, Arkansas. (BDA)
17. Dockets 23080-2 and 37294, *Priority and Nonpriority Domestic Service Mail Rates Investigation.* (Memo No. 7673-I, BDA)
18. Dockets 37732 and 37734, Notice of Intent of Air New Mexico, Inc., to suspend air service and joint fares at Alamogordo and Silver City, New Mexico. (BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-566-80 Filed 3-19-80; 2:52 pm]
BILLING CODE 6320-01-M

7

COMMODITY CREDIT CORPORATION.

TIME AND DATE: 10 a.m., March 28, 1980.

PLACE: Room 218-A, Administration Building, U.S. Department of Agriculture.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Minutes of CCC board meeting on December 21, 1979.
2. Minutes of CCC board meeting on January 30, 1980.
3. Docket VCP 110a re: 1980-crop flaxseed purchase program.
4. Docket UCP 98a, Amendment 1 re: Milk price support program, 1979-80.
5. Docket CZ 161a, Revision 4, Amendment 2, re: Policies for collection, settlement, and adjustment of certain claims by or against Commodity Credit Corporation.
6. Resolution 17, Amendment 1, CZ 266 re: Commodities available for Public Law 480 during fiscal year 1980.

[S-573-80 Filed 3-19-80; 10:53 am]
BILLING CODE 3410-05-M

8

FEDERAL ELECTION COMMISSION.

"FEDERAL REGISTER" NO. 505.

PREVIOUSLY ANNOUNCED DATE AND TIME: Tuesday, March 18, 1980, at 10 a.m.

CHANGE IN MEETING: The Executive Session scheduled for the above date was cancelled due to a power failure throughout the building in which the meeting was to be held.

The meeting is rescheduled for Thursday, March 20, 1980 following the open meeting of that date.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, Telephone: 202-523-4065.

Marjorie W. Emmons,
Secretary to the Commission.

[S-576-80 Filed 3-19-80; 2:05 pm]
BILLING CODE 6715-01-M

9

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 17111, March 17, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 19, 1980.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

CAM-4 GP80-58, State of Ohio, Jerry Moore, Inc., Huber A. Brenley #1 Well, State File No. 06147, JD79-018408.

Kenneth F. Plumb,
Secretary.

[S-571-80 Filed 3-19-80; 10:23 am]
BILLING CODE 6450-85-M

10

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., March 26, 1980.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

MATTERS TO BE CONSIDERED:

Application for Branch Office.—Auburn Federal Savings and Loan Association, Auburn, Ind.
Application for Branch Office.—First Federal Savings and Loan Association of Broward County, Fort Lauderdale, Fla.
Application for Branch Office.—First Savings and Loan Association of Anderson, Anderson, S.C.
Concurrent Consideration of Branch Office Applications.—Home Federal Savings and Loan Association of San Diego, San Diego, California AND Glendale Federal Savings and Loan Association, Glendale Federal Savings and Loan Association, Glendale, Calif.
Concurrent Consideration Branch Office Applications.—Glendale Federal Savings and Loan Association, Glendale, California AND First Federal Savings and Loan Association of Santa Monica, Santa Monica, Calif.
Extension of Time to Open a Branch Office.—Ohio County Federal Savings and Loan Association, Hartford, Ky.
Merger.—The Akron Savings and Loan Company, Akron, Ohio and The United Savings Association, Cleveland, Ohio WITH The Union Savings Association, Cleveland, Ohio.
Merger.—First Farmington Savings and Loan Association, Farmington, Michigan INTO Detroit and Northern Savings and Loan Association. Hancock, Mich.
Office Building Investment Application.—Southern Federal Savings and Loan Association of Thomas County, Thomasville, Ga.
Bank Membership and Insurance of Accounts Applications.—Escondido Saving and Loan Association, Escondido, Calif.
Request for Commitment to Insure Accounts.—First Fidelity Savings and Loan Association, Winter Park, Fla.
Request for Commitment to Insure Accounts.—South Florida Savings and Loan Association, Unincorporated Dade County, Fla.
Request for Waiver of Regulation.—Investment Savings and Loan Association, Northridge, Calif.
Proposed Delegations of Authority to the Principal Supervisory Agents and to the Supervisory Agents for the Approval of Certain Applications.

[S-580-80 Filed 3-19-80; 2:37 pm]
BILLING CODE 6720-01-M

11

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: March 14, 1980, 45 FR 16664.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., March 20, 1980.

CHANGE IN THE MEETING:

Addition of the following item to open session:

12. Docket No. 79-92: Matson Navigation Company—Proposed 6.66 Percent Bunker Surcharge Increase in Tariffs FMC-F Nos. 164, 165, 166 and 167—Consideration of the record.

[S-579-80 Filed 3-19-80; 2:28 pm]
BILLING CODE 6730-01-M

12

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10:30 a.m., Wednesday, March 26, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed policy statement concerning financial factors in the formation of one-bank holding companies. (Proposed earlier for public comment; Docket No. R-0265)
2. Any agenda items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: March 18, 1980.

Griffith L. Garwood,
Deputy Secretary of the Board.

[S-572-80 Filed 3-19-80; 10:25 am]
BILLING CODE 6210-01-M

13

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Thursday, March 27, 1980.

PLACE: Room 532, (open); Room 540 (closed) Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the Public.

MATTERS TO BE CONSIDERED: Portions Open to Public:

(1) Oral Argument in Sears, Roebuck & Co., Docket 9104. Portions closed to the Public:
(2) Executive Session to discuss Oral Argument in Sears, Roebuck & Co., Docket 9104.

CONTACT PERSON FOR MORE INFORMATION: Ira J. Furman, Office of Public Information, (202) 523-3830; Record Message, (202) 523-3806.

[S-575-80 Filed 3-19-80; 12:48 pm]
BILLING CODE 6760-01-M

14

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Wednesday, March 26, 1980.

PLACE: 1776 G Street NW., Washington, D.C., 7th Floor, Board Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rates.
2. Request for extension of time to divest bank stock.
3. Report of actions taken under delegations of authority.
4. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:15 a.m.

TIME AND DATE: 10:30 a.m., Wednesday, March 26, 1980.

PLACE: 1776 G Street NW., Washington, D.C., 7th Floor, Board Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. State Credit Union Applications. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemption (8) and (9)(A)(ii).
3. NCUA participation in civil litigation. Closed pursuant to exemption 10.

CONTACT PERSON FOR MORE INFORMATION: Beatrix Fields, Acting Secretary of the Board, telephone (202) 357-1030.

[S-574-80 Filed 3-19-80; 11:31 am]
BILLING CODE 7535-01-M

15

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of March 17, 1980 (revised).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

V 45 / 57 MR 21 80 UMI

STATUS: Open.

MATTERS TO BE CONSIDERED:

Wednesday, March 19, 10 a.m.

1. Discussion of OIA Audit Program (approximately 1 hour—public meeting, as announced).

Wednesday, March 19, 2 p.m.

1. Discussion of NRC Enforcement Program (approximately 1 hour—public meeting, as announced).
2. Discussion of Proposed Interim Hydrogen Control Requirements for Small Containments (approximately ½ hours—public meeting). (Note: GE and others have been granted time in this Commission Meeting) (rescheduled from March 20).
3. Affirmation Session (approximately 10 minute—public meeting).
   a. NRC Rulemaking re EPA Rad. Protection Stds.
   b. Appointment of J. Gleason to ASLB Panel
   c. Appointment of L. Carter to ASLB Panel
   d. Class 9 Issue in ALAB 573
   e. Reporting of Misadministration of Byproduct Material (tentative).
   f. Fire Protection Actions (tentative).—rescheduled from March 20).

Thursday, March 20, 1:30 p.m.

1. Briefing on Work Plans of the Office of Analysis and Evaluation of Operating Data (approximately 1 hour—public meeting, as announced).

Friday, March 21, 11 a.m.

1. Meeting with Citizen's Group on TMI Cleanup (approximately 1 hour—public meeting, as announced).

ADDDITIONAL INFORMATION: The Briefing on Two Approaches to the Treatment of Inventory Differences and the Discussion of Management-Organization were postponed.

CONTRACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–1410.

Dated: March 18, 1980.

Walter Magee,

Office of the Secretary.

[S–577–80 Filed 3–19–80; 2:05 pm]

BILLING CODE 7590–01–M

16

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Monday, March 24, 1980.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Monday, March 24, 3 p.m.

1. Briefing on Assessment of Workshops on Emergency Planning (Approximately 1 hour—public meeting—rescheduled from March 5.)

2. Briefing on Interim Actions on Performance Testing for Personnel Dosimetry (approximately 1 hour—public meeting—rescheduled from March 5.)

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–1410.

Dated: March 18, 1980.

Roger M. Tweed,

Office of the Secretary.

[S–578–80 Filed 3–19–80; 2:05 pm]

BILLING CODE 7590–01–M

17

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of March 24, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, March 25, 1980, at 10 a.m. and on Wednesday, March 26, 1980, immediately following the 10 a.m. open meeting. An open meeting will be held on Wednesday, March 26, 1980, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402 (a)(4)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, and Pollack determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, March 25, 1980, at 10 a.m., will be:

Formal orders of investigation.
Order compelling testimony.
Settlement of injunctive actions.
Settlement of administrative proceedings of an enforcement nature.
Litigation matter.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Subpoena enforcement action.
Administrative proceeding of an enforcement nature.

The subject matter of the closed meeting scheduled for Wednesday, March 26, 1980, immediately following the 10 a.m. open meeting, will be:

Administrative proceedings of an enforcement nature.
Opinions.

The subject matter of the open meeting scheduled for Wednesday, March 26, 1980, at 10 a.m., will be:

1. Consideration of whether to affirm action, taken by the Duty Officer, authorizing issuance of a release inviting additional comments on a proposed rule concerning requests for confidential treatment of records and extending the comment period to and including April 4, 1980. For further information, please contact Harlan W. Penn at (202) 272–2454.
2. Consideration of whether to affirm action, taken by the Duty Officer, approving the sending of a letter, regarding H.R. 3263, the "Regulation Reform Act of 1979," dated March 10, 1980, to the Subcommittee on Administrative Law and Governmental Relations of the House Committee on the Judiciary, expressing the Commission's concerns about a proposed amendment of the Administrative Procedure Act. For further information, please contact Alan Rosenblat at (202) 272–2428.
3. Consideration of whether to grant the request of Weil, Gotshal & Manges for a waiver of imputed disqualification pursuant to 17 CFR 200.735–8(e). For further information, please contact Myrna Siegel at (202) 272–2430.
4. Consideration of whether to grant the request of Bracewell & Patterson for a waiver of imputed disqualification pursuant to 17 CFR 200.735–8(e). For further information, please contact Myrna Siegel at (202) 272–2430.
5. Consideration of whether to issue a release proposing amendments to various registration forms and Regulation S–K that would require registrants subject to the reporting requirements of FASB Statement No. 33, "Financial Reporting and Changing Prices," to include the specified supplementary information in filings with the Commission, and which would extend a safe harbor provision to disclosures of the effects of changing prices. For further information, please contact James L. Russell at (202) 272–2133 or Linda L. Griggs at (202) 272–2130.
6. Consideration of whether to terminate the options expansion moratorium in view of the responses to the Options Study recommendations by the self-regulatory organizations participating in the moratorium, and to announce the manner in which to permit expansion of the options markets if the moratorium is terminated. For further information, please contact Gene Carasick at (202) 272–2409.
7. Consideration of whether to support a legislative initiative to increase the dollar limitation of advances SIPC may make for cash claims of customers in proceedings under the Securities Investor Protection Act, as amended. For further information, please contact C. Eston Singletary at (202) 272–2902.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Granda at (202) 272–2091.

March 19, 1980.

[S–567–80 Filed 3–19–80; 3:42 pm]

BILLING CODE 8010–01–M

V 45/57 MR 21 80 UMI

federal register

Friday
March 21, 1980

Part II

Department of Agriculture

Animal and Plant Health Inspection Service

Animal Welfare; List of Registered Exhibitors

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Animal Welfare; List of Registered Exhibitors

Pursuant to the provisions of the Animal Welfare Act (7 U.S.C. 2131 *et seq.*), and the regulations thereunder (9 CFR Part 2), notice is hereby given that the exhibitors listed below are registered under said Act:

(Sec. 3, 80 Stat. 351, as amended (7 U.S.C. 2133).)

Done at Washington, D.C., this 10th day of March 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

BILLING CODE 3410-34-M

ALASKA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 961E	ALASKA CHILDREN'S ZOO		BOX 17305 STAR ROUTE	ANCHORAGE 99507
* 962E	BROWN, JR., LT		3001 MOUNTAINVIEW DR.	ANCHORAGE 99503
* 963E	CITY OF FAIRBANKS		POB 790	FAIRBANKS 99707

ARKANSAS

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 711002	WALLIF'S		PO BOX 303	CLINTON 72031

CALIFORNIA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 93C101a	COUNTY OF LOS ANGELES		DEPT. OF PARKS & RECREATIONS 155 N WASHINGTON BLVD.	LOS ANGELES 90015

COLORADO

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 841016	DRAKE, D	ANIMAL WORLD	333 6TH ST.	PENROSE 81240
* 841014	JUDISH, AL & LE	SANTA'S SUMMER HOME	3RD AVE & HOVER RD	LONGMONT 80501
* 841017	KROWN, JC	THE FORT	9P BOX 20AA	MORRISON 80465
* 841018	LA CHAUMTERE FRENCH RESTAURANT		PINEWOOD SPRINGS	LYONS 80540
* 841019	LA FRANCE RESTAURANT, INC		BOX 2217	DILLON 80435
* 841012	NATIONAL PARK VILLAGE		4600 FALL RIVER RD.	ESTES PARK 80517

FLORIDA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 5AFR00	CAMP KULAQUA		RT 2 BOX 244K	HIGH SPRINGS 32643
* 5AFR70	MILLER, PROFESSOR		2364 FRUITVILLE ROAD	SARASOTA 33577
* 5AFR5A	SARASOTA JUNGLE GARDENS		3701 BAYSHORE RD	SARASOTA 33580
* 5AFR62	SEMINOLE IND VIL & CRFTS FAT		6073 STERLING RD	HOLLYWOOD 33024
* 5AFR33	SWAMPARIUM		RT 5 BOX 39	CANTONMENT 32533

GEORGIA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 57EX000 5	CITY OF ATHENS	MEMORIAL PARK	RECREATION & PARKS DEPT	ATHENS 30601
* 57EX000 1	KETCHAM, LE		BOX 60A RT 3	WOODSTOCK 30188
* 57EX000 2	OKEFENOKEE ASSOCIATION, INC.	OKEFENOKEE SWAMP PACK		OKEFENOKEE 31501

V 45 / 57 MR 21 80 UMI

ILLINOIS

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 331034	FOREST PRES. DIST/DUPAGE CTY	WILLOWBROOK WILDLIFE HAVEN	881 W ST CHARLES RD	LOMBARD 60148
* 331012	ILLINOIS DEPARTMENT OF CONSERVATION		602 STATE OFFICE BUILDING	SPRINGFIELD 62706
* 331034	SOCIAL DYNAMICS, INC.		2 S. 661 RT 53	GLEN ELLYN 60137
* 331010	STONE, LP		BOX 349 ROUTE 1	EAST MOLINE 61244

INDIANA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 3250	TRANSCONTINENTAL CIRCUS		2220 N. EDMONDSON	INDIANAPOLIS 46218

IOWA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 4258	BOARD OF PARK COMMISSIONERS	FEJERVORY PARK CHLDNS. ZOO	236 W CENTRAL PARK AVE	DAVENPORT 52803
* 4251	BUFFALO RANCH MUSEUM		310 LOVERS LANE	FAYETTE 52142
* 4250	CITY OF CEDAR RAPIDS	BEVER PARK MUNICIPAL ZOO	PARK DEPARTMENT CITY HALL	CEDAR RAPIDS 52401
* 4253	CITY OF FORT DODGE		PARK DEPT. 1450 OLESON PK AVE	FORT DODGE 50501
* 4252	CITY OF MASON CITY		PARK DEPT. 19 S. DELAWARE AVE	MASON CITY 50401
* 4259	IOWA STATE CONSERVATION COMM		WILDLIFE EXHIBIT STATON	ADONE 50036
* 4261	OSBORNE CONSERVATION CENTER			ELKADER 52043
* 4255	POLK COUNTY CONSERVATION BOARD	JESTER PARK		GRANGER 50109

KANSAS

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 4A1006	BEAR HOUSE TRUCK STOP, INC.			BUNKER HILL 67626
* 4A1007	BOARD OF PARK COMMISSIONERS	CENTRAL RIVERSIDE PARK	503 CITY BLDG ANNEX,108 S MAIN	WICHITA 67202
* 4A1000	CITY OF ST. MARYS			ST. MARYS 66536
* 4A1001	DODGE CITY WRIGHT PARK ZOO			DODGE CITY 67801
* 4A1005	MARKLEY, JF			SENECA 66538
* 4A1010	OLD ABILENE TOWN, INC.		BOX 838	ABILENE 67410
* 4A1008	RUPP'S MINI ZOO		LEAVENWORTH 66048	LEAVENWORTH 66048
* 4A1011	STIMAX, M & M		PO BOX 442	ARKANSAS CITY 67005

KENTUCKY

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 4172	GARVIN, C.			BOWLING GREEN 42101
* 4174	ISSAC W. BERNHEIM FOUNDATION	BEECH BAND PARK	BERNHEIM FORREST	CLERMONT 40110
* 4175	MAMMOTH ONYX CAVE		BOX 527	HORSE CAVE 42749
* 410	MOREHEAD STATE UNIVERSITY			MOREHEAD 40351
* 4173	OTTER CREEK PARK			VINEGROVE 40175

LOUISIANA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 721004	ALFRED BONNABEL HIGH SCHOOL		8RUIN DR.	METAIRIE 70003
* 721003	SNAKE FARM		PO BOX 96	LA PLACE 70068

MAINE

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 11F1	MAINE DEPT INLAND FISH/WILDLIFE		284 STATE ST	ST AUGUSTA 04330

MARYLAND

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 51RE2	DYKES BROS. ATTRACTION		MERRITT MILL RD	SALISBURY 21801
* 51RE13	JACKSON, ML	TRADE LEE'S VILLAGE	RT.50	W OCEAN CITY 21842

MASSACHUSETTS

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 16F1	EASTOVER FARM		EAST STREET	LENOX 01240

MICHIGAN

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 3&RE87	BELLE ISLE NATURE CTR.		BELLE ISLE PARK	DETROIT 48207
* 3&RE72	BINDER PARK ZOOLOGICAL SOCIETY, INC.		7500 DIVISION DR	BATTLE CREEK 49017
* 3&RE59	BITELY, G	BIRCH SHORES RESORT	R 1	MCMILLAN 49853
* 3&RE28	CARL G. FENNER ARBORETUM		2020 E. MT. HOPE	LANSING 48910
* 3&RE8	CEDERBERG, FM	DEER ACRES, INC.	2093 COGGINS RD	PINCONNING 48650
* 3&RE19	CITY OF MIDLAND	CURRIE-WILSON ENTERPRISES, INC.	PO BOX 227	MIDLAND 48640
* 3&RE7	CITY OF MT. PLEASANT	NELSON PARK ZOO	120 S. UNIVERSITY	MT. PLEASANT 48858
* 3&RE32	CLAERHOUT, E. & SCHUSTER, M.	EMIL THE BUFFALO	8887 GRATIOT RD	RICHMOND 48062
* 3&RE16	CLINCH PARK ZOO		GRAND VIEW PKWY.	TRAVERSE CITY 49684
* 3&RE4	CLOUGH, LRJ	EVERGREEN RESORT	R 2,M-65	HALE 48736
* 3&RE13	DICKEY, DL	PINE RIDGE AMUSEMENT	7784 MAIN ST.	BIRCH RUN 48415
* 3&RE66	DRAYTON PLAINS NATURE CENTER, INC.		2125 DENBY DR	DRAYTON 48020
* 3&RE3A	ELM REST SERVICE		1507 S LAKE MITCHELL DR.	ADILLAC 49601
* 3&RE49	ERICKSON, S		R 2, BOX 2334	GRAYLING 49738
* 3&RE42	FINLEY, M	LONGHORN RANCH	7684-25 MILE ROAD	WASHINGTON 48094
* 3&RE52	FLATH, J	BELLS SUPPER CLUB		ESCANABA 49837
* 3&RE2	FOX, F & RESTIQUE, R		5810 NO M-30	GLADWIN 48624
* 3&RE71	GREENWOOD ACRES		2401 MILTON RD RT 2	JACKSON 49201
* 3&RE5A	HAFEMAN, R		R 2 BOX 75	WALLACE 49893
* 3&RE77	HARRINGTON, TN	DEER RANCH	238 N. STATE	ST. IGNACE 49781
* 3&RE75	HERSON, R		RT 1 BOX 139	WALLACE 49893
* 3&REA1	HILLIER,DW		11986 E. ARNOLD LAKE RD	GLADWIN 48624
* 3&REA8	HINES, I		RT 2,1781 COLDWATER RD	MT. PLEASANT 48858
* 3&RE45	HUMAN SOIETY OF MACOMB CO		11350-22 MILE RD	UTICA 48087

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MICHIGAN

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 38RE33	INDUSTRIAL MUTUAL ASSN	I.M.A. CHILDRENS FARM	901 E. SECOND ST	FLINT 48503
• 38RE51	IRON MOUNTAIN CITY PARK		AEB STS.	IRON MOUNTAIN 49801
• 38RE46	JOHN MENES PARK		202 MENES PARK DR	MENOMINEE 49858
• 38RE9	JOHNSON, RM	JOHNNY'S FISH & GAME PARK	5511 E. 46 1/2 RD	CADILLAC 49601
• 38RE84	JONKER, J		100 E 35TH ST	HOLLAND 49423
• 38RE3	KALAMAZOO NATURE CENTER		7000 N. WESTNEDGE	KALAMAZOO 49007
• 38RE30	KING ANIMALAND PARK, INC.		62000 GRATIOT AVE.	RICHMOND 48062
• 38RE31	MAY, M		394 CAMBRIA RD	MILLSDALE 49242
• 38RE18	MAYER, WG		7606 MIX RD	WESTLAND 48185
• 38RE64	MERCIER, FR	SANTA'S GIFT SHOP	BOX 75	MUNISING 49862
• 38RE24	MOTT FARM PROGRAM		66140 BRAY RD	FLINT 48505
• 38RE20	N.E. ISAACSON OF MICHIGAN , INC.		5477 SUGAR RIVER RD	GLADWIN 48624
• 38RE48	NANKIN MILLS NATURE CENTE R		33175 ANN ARBOR TRAIL	WESTLAND 48185
• 38RE40	NEWLIN, G		PO BOX 1	WALLACE 49893
• 38RE6	OGEMAW GAME REFUGE	TEN LAKES SPORTSMEN CLUB	5626 W. ROSE CITY RD.	WEST BRANCH 48661
• 38RE62	PALMER, R	PRESQUE ISLE PARK ZOO	PRESQUE ISLE PARK	MARQUETTE 49855
• 38RE12	PEEBLES, G		18810 CARDONI	DETROIT 48203
• 38RE57	PICLNEY, N	NORM'S BALD MOUNTAIN RIDING STABLE	3085 S. LAPEER RD.	PONTIAC 48057
• 38RE56	QUAS, G	BAMBI PARK	PO BOX 215	IRON MOUNTIAN 49801
• 38RE43	RICE, E		539 GOLF RD	LAPEER 48446
• 38RE15	SAGINAW CHILDREN'S ZOO		1898 S WASHINGTON	SAGINAW 48601
• 38RE1	SCIDMORE PARK			THREE RIVERS 49093
• 38RE40	SMITH, C		PO BOX 204	BALDWIN 49304
• 38RE67	SPICKERMAN, M		R 1	ROSE BUSH 48478
• 38RE34	STEPHENS, YR	YVONNE AND HER FRIENDS	BOX 37	WILLIAMSBURG 49690
• 38RE88	TESCH, M	LENAWEE INSTITUTE	3046 BUTTON RD	ADRIAN 49221
• 38RE65	WAFFLE, FJ		2816 ALDRICH RD	TEKONSHA 49092
• 38RE10	WALTZ, DR		625 LINWOOD ACM. RD.	LINWOOD 48634
• 38RE43	WEINKE, A & J	PAUL BUNYON LOOKOUT	6705 NO HURON RD	BRUCE 48762
• 38RE26	WILDER, D	WHOOPEE BOWL	9580 DIXIE HWY.	CLARKTON 48016

MINNESOTA

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 411001	ALEXANDRIA DEER PARK		RT 6	ALEXANDRIA 56308
• 411019	ANDERSON, AE	MINAY TRADING POST		HACKENSACK 56452
• 411039	BRAINERD BAXTER CORP.	PAUL BUNYAN AMUSEMENT CENTE R	BOX 563	BRAINERD 56401
• 411005	CITY OF MANKATO		202 E JACKSON	MANKATO 56001
• 411036	CITY PARK BOARD	RAMSEY PARK ZOO	207 E FOURTH	REDWOOD FALLS 56283
• 411009	DULUTH ZOO		7210 FREMONT ST.	DULUTH 55807
• 411043	FORT DETROIT		PO BOX 66	DETROIT LAKES 56501
• 411040	GOPHER CAMPFIRE CLUB		122 N MAIN ST.	HUTCHINSON 55350
• 411002	HANSEN MT	ANIMAL ACRES ZOO	RR 3 BOX 203	WADENA 56482
• 411028	JAEGERS, S=		RR #1	BUFFALO 55318
• 411038	NELSON, T		R #2	ST. PETER 56082
• 411042	OLMSTED COUNTY PARK & REC . DIVN.	OXBOW PARK WILDLIFE EXHIBIT	1421-380 AVE. S.E.	ROCHESTER 55901
• 411022	ST. PAUL'S COMO ZOO			ST. PAUL 55103
• 411044	THE FARM SUPPER CLUB, INC		RR 6	PRINCETON 55371
• 411023	VIRGINIA PARK COMMISSION		OLCOTT PARK	VIRGINIA 55792
• 411028	WALL DRUG,			COMFREY 56019

MISSISSIPPI

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 453	MCWILLIAMS, FC		ROUTE 1, BOX 108	PICAYUNE 39466

MISSOURI

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 4372	GOLD NUGGET JUNCTION			OSAGE BEACH 65065
• 4356	JONES, JW	BUENA VISTA'S EXOTIC ANIMAL PARADISE	R 1	STRAFFORD 65757
• 4352	MAX ALLEN'S ZOOLOGICAL GA RDENS		US 54 S	ELDON 65026
• 4353	OZARK DEER FARM		ROUTE 3	ELDON 65026
• 4378	SILVER DOLLAR CITY			SILVER DOLLAR CITY 65616
• 4376	ST. LOUIS CO. PARKS DEPT.	LONE ELK PARK	7900 FORSYTH	ST. LOUIS 63105
• 4365	SZASZ, AB		RT 1	GERALD 63037

MONTANA

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 81100a	SVELSTAD, NELS			WISE RIVER 59762

NEBRASKA

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 471001	MUNICIPAL ZOO		DEPT. OF PARKS & RECREAT ION,1300 S. 27TH ST.	LINCOLN 68502
• 471003	RYAN, KP			BLAIR 68008

NEW MEXICO

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 8517	CITY OF CLOVIS	HILLCREST & ZOO	PO BOX 760	CLOVIS 88101

NORTH CAROLINA

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 551012	CHARLOTTE NATURE MUSEUM, INC.		1658 STERLING RD.	CHARLOTTE 28209
• 551016	ENVIRONMENTAL ED., REC., & RES. CTR.		RT. 1, BOX 401	HIGH POINT 27260
• 551008	GRANDFATHER MOUNTAIN, INC .			LINVILLE 28646
• 551018	NATIONAL RECREATION SERVI CE, DIV. OF NATL. SERV. I ND., INC.	FRONTIERLAND	PO BOX 307	SILVER SPRINGS 32688
• 551003	NORTH CAROLINA MUSEUM OF LIFE & SCIENCE		PO BOX 8177	DURHAM 27704

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OHIO

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 31E176	CLARENCE FAFLIK SHOE STORE		26724S GREAT NORTHERN	N OLMSTEAD 44070
• 31F22	CLELAND, L	CLELAND'S DEER ACRES	ROUTE #1	BAINBRIDGE 45612
• 31E107	CLEVELAND MUSEUM OF NATURAL HISTORY		WADE OVAL, UNIVERSITY CIRCLE	CLEVELAND 44106
• 31F47	DAYTON MUSEUM OF NATURAL HIST		2629 RIDGE AVE	DAYTON 45414
• 31F110	ELYRIA PARKS & RECREATION DEPT.		1101 PROSPECT ST.	ELYRIA 44035
• 31F186	FANTASY FARM		RT. 1	MIDDLETOWN 45052
• 31F203	MINEY, AM		1034 HOME AVE.	AKRON 44310
• 31F117	KHOL, B	KHOL'S GAME FARM	30770 CANNON RD	SOLON 44139
• 31F33	LAKE ERIE JUNIOR NATURE & SCIENCE CENTER		28728 WOLF RD.	CLEVELAND 44140
• 31F201	MASINO, GA		13305 JAYNEVIEW AVE.	UNIONTOWN 44685
• 31F209	NAFZIGER, DL		ROUTE 1, BOX 18	ARCHBOLD 43502
• 31F107	SIEDEL'S FUN FARM, INC.		21897 WESTWOOD DR.	STRONGSVILLE 44136
• 31F8	SINK, R.		3R JASPER ST.	DAYTON 45409
• 31F58	THE CLEVELAND AQUARIUM		601 E. 72ND ST.	CLEVELAND 44103
• 31E173	TWIN SHOE STORE		RICHMOND HGTS. SHOPPING CTR	RICHMOND HEIGHTS 44103
• 31F156	UNIVERSAL PRINTING, INC.		1102 E. 80 ST.	CLEVELAND 44114
• 31F172	WOML SHOE CO.		8350 MARYLAND AVE.	LOUIS 63105
• 31F122	WORK, RM & IR	NELSON LEDGE PARK 44231	R 2, BOX 292	GARRETTSVILLE 44231

OKLAHOMA

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 73E5	SHEARER, WV		ROUTE 1	WOODLAND 73452
• 7377	THE FRANK PHILLIPS FOUNDATION, INC.	WOODWARD WILDLIFE REFUGE	402 PROFESSIONAL BLDG.	BARTLESVILLE 74003

SOUTH CAROLINA

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 561008	ANIMAL FOREST		CHARLES TOWNE LANDING 1500 OLD TOWNE LANDING	CHARLESTOWN 29407
• 561011	GREENVILLE ZOO		CLEVELAND PARK DR.	GREENVILLE 29601
• 561001	SMITH, WC	WILSON'S TRUCK STOP		WINNSBORO 29180
• 561015	WALL, JA		116 CHESTER ST.	SPARTANBURG 29301

TEXAS

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 74RE10	BAYLOR CHAMBER OF COMMERCE		BOX 225 UNION BLDG. BAYLOR UNIV.	WACO 76706
• 74RE2	CITY OF ANDREWS		MUNICIPAL ADM. BLDG	ANDREWS 79714
• 74RE5	CITY OF CHILDRESS		CITY HALL	CHILDRESS 79201
• 74RE7	CITY OF SINTON		PO BOX 1395	SINTON 78387
• 74RE20	DUDD, CE		5116 ROB DR.	FT. WORTH 76118
• 74CA22	ENGESSER, GG		RT. 3, BOX 179	SEAGOVILLE 75159
• 74RE9	FT. WORTH MUSEUM OF SCIENCE & HISTORY		1501 MONTGOMERY ST	FORT WORTH 76107
• 74CA15	GIBBS, B		RT. 8, BOX 550	MISSION 78572
• 74CA1	HALL, CA		RT. 1, BOX 762	MESQUITE 75149
• 74CA2	HALL, JK		RT. 1, BOX 762	MESQUITE 75149
• 74RE18	INNER SPACE		HWY IH35-SOUTH	GEORGETOWN 78626
• 74RE19	JONES, MP		232 N. LBJ DR.	SAN MARCUS 78666
• 74CA18	LEMKE, J		4005 EAST RYAN RD	OAK CREEK 53154
• 74CA13	LUCIA, T.		RT. 3 BOX 158	WEATHERFORD 76086
• 74RE14	RICE, B		PO BOX 260 COMBINE RD.	SEAGOVILLE 75159
• 74RE16	SAPP, MI		27150 O'KENT	SAN ANTONIO 78216
• 74CA9	SMITH, J.A.M.		1960 PEAVEY RD.	DALLAS 75228
• 74CAA	STEELE, RR		BOX 179 HAYMARKET RD	SEAGOVILLE 75159
• 74RE17	UNIVERSITY OF HOUSTON		BOX 240 UNIV. CTR.	HOUSTON 77004
• 74RE3	WONDER WORLD		PO BOX 1360	SAN MARCOS 78666

WASHINGTON

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 917E	INLAND EMPIRE ZOOLOGICAL SOCIETY		BOX 14254	OPPORTUNITY 99214

WEST VIRGINIA

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 541001	MEADOWS, ER		RT. 4, BOX 107	GRAFTON 26354

WISCONSIN

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 351026	CIRCUS WORLD MUSEUM			BARABOO 53913
• 351089	CONNOR FOREST INDUSTRIES		CAMP 5 FARM	LADNA 54541
• 351006	CORNFORD, MJ & AM		RR 1	RANDOLPH 53956
• 351010	GANNON'S BIRCHWOOD RESORT		R.R. 1	LODI 53555
• 351036	GE-CA-WA LODGE DEER FARM		BOX 117A	IRON RIVER 54847
• 351014	J.P. RANCH, INC.		RT. 1	HUDSON 54016
• 351069	JOHNSON, AR		C/O TONY SHOMA	BARABOO 53913
• 351040	JUEDS, A		RT. 1	MARION 54950
• 351038	LINK BROS. INC.			MINONG 54859
• 351106	MILLER, LM	THE OUTPOST	RT. 3	TOMAHAWK 54487
• 351122	NATTER, R.		3401 MILTON AVE.	JANESVILLE 53545
• 35101	NYGAARD, LA	KETTLES & ANIMAL FRIENDS	RT. 1, BOX 175A	WISCONSIN DELLS 53965
• 351088	P.-W. INC.			EAGLE RIVER 54521
• 351097	RADIES, RA		RT. 1	BIG FALLS 54950
• 35117	RANDALL, JV		C/O JOHN BATDORF, RT 1, BOX 73	RHINELANDER 54501
• 351045	SETCHELL, V			CHETEK 54728
• 351118	STORYBROOK GARDENS		RT 1 BOX 135A	WISCONSIN DELLS 53965
• 351093	VAN DYKE, RM		RT. 3	NEW LONDON 54961
• 351102	WALTERS, I			WHITELAKE 54491
• 351096	WEST, F		RT 3	WAUPACA 54981
• 351085	WHITLEY, FK		STAR ROUTE	MANITOWISH WATERS 54545
• 351083	WILDERNESS WALK			HAYWARD 54843
• 351061	WILLE, G		RR 2, BOX 293	WAUPUN 53963
• 351068	WISCONSIN DEPT. OF NATURAL RESOURCES		BOX 450	MADISON 53701
• 351053	WOODSIDE RANCH RESORT, INC.		RT. 3	MAUSTON 53948

WYOMING

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 831001	CITY OF CHEYENNE	LIONS PARK	CITY-COUNTY BLDG.	CHEYENNE 82001
• 831004	WIND RIVER RANCH			DUBOIS 82513

[FR Doc. 80-7773 Filed 3-20-80; 8:45 am]

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federal register

Friday
March 21, 1980

Part III

Department of Agriculture

Animal and Plant Health Inspection Service

Animal Welfare; List of Licensed Exhibitors

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Animal Welfare; List of Licensed Exhibitors

Pursuant to the provisions of the Animal Welfare Act (7 U.S.C. 2131 *et seq.*), and the regulations thereunder (9 CFR Part 2), notice is hereby given that the exhibitors listed below are licensed under said Act:

(Sec. 3, 80 Stat. 351, as amended (7 U.S.C. 2133))

Done at Washington, D.C., this 10th day of March 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

BILLING CODE 3410-34-M

ALABAMA

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 64C1	CITY OF BIRMINGHAM	BIRMINGHAM ZOO	400 GRAYMONT AVE, WEST	BIRMINGHAM 35204
• 64C3	MONTGOMERY ZOO		PO BOX 3313	MONTGOMERY 36109
• 64C6	UNIV OF NORTH ALABAMA			FLORENCE 35630

ALASKA

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 96C3	CRAIG, C		2905 TANGLEWOOD DR.	ANCHORAGE 99503
• 96C2	EDEN, P	ALASKA WILD BERRY PRODUCTS	PO BOX 370	HOMER 99603
• 96C1	FULBRUNCH INC.	THE MONKEY WHARF	529 C ST	ANCHORAGE 99501

ARIZONA

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• A6C1	ARIZONA ZOOLOGICAL SOCIETY	PHOENIX ZOO	PO BOX 5155	PHOENIX 85010
• A6C3	ARIZONA-SONORA DESERT MUSEUM		RT 9 BOX 900	TUCSON 85700
• A6C2	CITY OF TUCSON	GENE REID ZOOLOGICAL PK	900 SO RANDOLPH WAY	TUCSON 85716
• A6C10	COST, D		BOX 11	CAVE CREEK 85331
• A6C8	EL ZARIBAH-AL JONDI		RT 1 BOX 110-K	BUCKEYE 85326
• A6C6	WHITMAN, P & D	GRAND CANYON DEER FARM	100 DEER FARM RD.	WILLIAMS 86046
• A6C4	WYCKOFF, C & P	TROPIC GARDEN ZOO	6232 N 7TH ST	PHOENIX 85014

ARKANSAS

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 71C6	BRIDGES, J & E	ARKANSAS ALLIGATOR FARM	Rt7 WHITTINGTON AVE	HOT SPRINGS 71901
• 71C1	CITY OF LITTLE ROCK	ZOO OF ARKANSAS	01 JONESBORO ST	LITTLE ROCK 72205
• 71C5	DOGPATCH ANIMAL WORLD	DOGPATCH USA		DOGPATCH 72648
• 71C7	I.Q. ZOO, INC		4800 ALBERT PIKE	HOT SPRINGS 71901
• 71C10	MAGIC ANIMALS INC	MAGIC SPRINGS THEME PARK	4800 ALBERT PIKE	HOT SPRINGS 71901
• 71C9	SPA ATTRACTIONS, INC	ANIMAL WONDERLAND	4800 ALBERT PIKE	HOT SPRINGS 71901
• 71C2	TATUM, E	HOLIDAY ISLAND EXOTIC ANIMAL PARK		HOLIDAY ISLAND 72632
• 71C8	WILMOTH, BI	WILD WILDERNESS	RT 3 BOX 300	GENTRY 72730

CALIFORNIA

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 93C9	ALLEN'S PET ZOO INC		PO BOX 91	PIXLEY 93256
• 93C172	AMERICAN WILDLIFE RESCUE SERVICE INC.		1296 CONFERENCE DRIVE	SCOTTS VALLEY 95066
• 93CA1	ARLEN, D		20305 RIDER	PERRIS 92370
• 93C150	ATKINSON, JM	OAK TREE VILLAGE	34080 OAK GLEN RD.	YUCAIPA 92399
• 93C10	BARY ZOO, INC	SAN JOSE BARY ZOO	1300 SENTER RD	SAN JOSE 95112
• 93C113	BALDWIN, JR	BALDWINS CHARMING CHIMPS	2380 INGELOW CT.	THOUSAND OAKS 91360
• 93C109	BARTON, WM		14651 CAMINITO ESTE	SAN DIEGO 92129
• 93C116	BAUMAN, T		660 SAN FERNANDO RD	LOS ANGELES 90065
• 93C167	BENSLEY, J•	COUGAR MT GAME RESERVE	PO BOX 37	YUCAIPA 92399
• 93C61	BERWICK, R		UNIVERSAL STUDIO TOURS	UNIVERSAL CITY 91603
• 93C80	BIG BEAR VALLEY PARK DIST	MOONRIDGE ZOO	PO BOX 2832	BIG BEAR LAKE 92315
• 93C36	BIG JA STRONG & SON CIRCUS, INC.		275 OAKWOOD DR.	THOUSAND OAKS 91360
• 93C71	BUZUBICH, F		PO BOX 4370	TORRANCE 90503
• 93C168	BRINKLEY, G & A	ANGEL'S ACRES	75301 MESA DR BOX 458	TWENTYNINE PALMS 92277
• 93C171	BURNHAM, V & SEARS, L		1900 ASHBY RD, SP#61	MERCED 95340
• 93C127	CAMPOLONGO, J	ENCHANTED VILLAGE	2285 W BROADWAY L=206	ANAHEIM 92804
• 93C13	CHILD'S ESTATE FOUNDATION		PO BOX 4758	SANTA BARBARA 93103
• 93C165	CHILDRESS, J & ECHART, DJ		17880 STRICKLAND	LAKE ELSINORE 92330
• 93C57	CIRCUS VARGAS CORP		1308 OLD BAYSHORE HWY 200	BURLINGAME 94010
• 93C7	CITY OF EUREKA	SEQUOIA PARK ZOO	PO BOX 1018	EUREKA 95501
• 93C14	CITY OF FOLSOM	FOLSOM CITY ZOO	50 NATOMA STREET	FOLSOM 95630
• 93C60	CITY OF MERCED	APPLEGATE PARK ZOO	2525 O STREET	MERCED 95340

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CALIFORNIA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
93C124	CITY OF NATIONAL CITY		1243 NATIONAL CITY BLVD	NATIONAL CITY 92050
93C5	CITY OF OAKLAND	OAKLAND ZOO/KNOWLAND PARK	1520 LAKESIDE DR	OAKLAND 94612
93C27	CITY OF ROSEVILLE	ROSEVILLE CITY ZOO	316 VERNON ST	ROSEVILLE 95678
93C144	CITY OF WALNUT CREEK	ALEXANDER LINDSAY JR MUSEUM	1901 FIRST AVE.	WALNUT CREEK 94596
93C125	CITY OF WHITTIER	STORYBROOK ZOO	13230 E PENN ST	WHITTIER 90602
93C142	CULETTE, M	WILDLIFE WAYSTATION	14831 LITTLE TUJUNGA CANYON RD	SAN FERNANDO 91342
93C102	COUNTY OF ORANGE EMA/REVEL		PO BOX 1078	SANTA ANA 92702
93C107	COX, L	THE LION HI AN RENTALS	PO BOX 259	VENTURA 93001
93C54	DI RESSO, M		24233 OLD RD	NEWHALL 91321
93C173	DORRIS, C		17220 SCHRIER	ELSINORE 92330
93F82	DOWNEY, M		P.O. BOX 221 31A12 2ND ST.	ACTON 93510
93C160	DRAKE, D		PO BOX 685	TEHACHAPI 93561
93C118	DRAKE, E		P O BOX 685	TEHACHAPI 93561
93C48	EARNEST, FV	CALIFORNIA ALLIGATOR FARM	7671 LA PALMA AVE BOX 23	BUENA PARK 90620
93C156	EAST BAY ZOOLOGICAL SOCIETY	OAKLAND BABY ZOO	PO BOX 5238	OAKLAND 94605
93C141	EGAN, LM & BL	SCHOOL JUNGLE SAFARI	PO BOX 502	LAMONDA 94020
93C134	EGEDT, KM		1526 GRAND AVE	FILLMORE 93015
93C106	FANCETT, A		21719 BARTON RD	COLTON 92324
93C100	FISHER, F		BOX 1170 STAR RT	TEHACHAPI 93561
93C145	FOERDER, LJ		9000 BEACHY AVE	ARLETA 91331
93C47	FRANK INN, INC.		12265 BRANFORD	SUN VALLEY 91352
93C92	FRONTIER VILLAGE		6885 MONTEREY RD	SAN JOSE 95111
93C142	GALLO ZOOLOGICAL GARDENS		P.O. BOX 1230	MODESTO 95353
93C91	GATTI PRODUCTIONS, INC.		PO BOX 611	ORANGE 92666
93C76	GENTLE JUNGLE, INC		15840 CEDARFORT DR	BAUGA 91350
93C110	GROS, P	MARINE WORLD/AFRICA USA	MARINE WORLD PARKWAY	REDWOOD CITY 94065
93C157	HANFORD ELEM SCHOOL DIST	FORT ROOSEVELT	PO BOX G1067	HANFORD 93230
93C146	HANNA-BARBERA MARINELAND		P.O. BOX 937	RANCHO PALOS VERDES 90274
93C95	HENRY, INC	HENRY'S CHIMPS	19102 BECHARD AV	CERRITOS 90701
93C25	HOLTER, H&R	HOLTER'S MOVIELAND ANIMALS	10940 RIVERSIDE AV	BLOOMINGTON 92316
93C79	HORNOK, JR	AMERICAN ANIMAL ENTER.	BOX 337	LITTLEROCK 93543
93C98	HORTON, RB	HORTON'S WONDER BEARS	302 17TH STREET	SAN DIEGO 92101
93C109	HORTON, RBBOX		302-17TH ST	SAN DIEGO 92101
93C1	JETT, A	JETT'S PETTING ZOO	11025 CYPRESS	FONTANA 92335
93C66	JOHNSON, G	JOHNSON BROS ELEPHANTS	14331 CHESTNUT #3	WESTMINSTER 92683
93C78	JOHNSON, M		20725 WANDINA	PERRIS 92370
93C88	JONES, RH	HOLTER'S RANCH	PO BOX 586	BLOOMINGTON 92316
93C169	JOSEPHINE D. RANDALL JR. MUS		199 MUSEUM WAY	SAN FRANCISCO 94118
93C83	KAYE, PV	ENTERTAINMENT ENTERPRISES & KAYE CONT. CIR	1680 N VINE ST, SUITE 51 9	HOLLYWOOD 90028
93C20	KNOTT'S BERRY FARM		8039 BEACH BLVD	BUENA PARK 90620
93CA0	KUTCHELL, J		20725 WANDINA	PERRIS 92370
93C150	LAUREN, M		P.O. BOX 1946	CANYON COUNTRY 91351
93C120	LILLE, G & C		2608 READ AVENUE	BELMONT 94002
93C16	LION COUNTRY SAFARI, INC.		8800 IRVINE CENTER DR	LAGUNA HILLS 92653
93C168	LIVING DESERT ASSOCIATION	LIVING DESERT RESERVE	PO BOX 1775	PALM DESERT 92260
93CA8	LOS ANGELES COUNTY FAIR ASSOCIATION		BOX 2250	POMONA 91766
93C43	LOS ANGELES ZOO		5333 ZOO DR	LOS ANGELES 90027
93C5A	MADONNA, A	MADONNA INN	MADONNA RD & HIGHWAY 101	SAN LUIS OBISPO 93401
93C151	MADRIGA, M		13410 UTOPIA RD.	POWAY 92064
93C21	MARINE WORLD AFRICA USA	RESORTS INTL, INC	MARINE WORLD PARKWAY	REDWOOD CITY 94065
93C143	MARRIOTT'S GREAT AMERICA		PO BOX 1776	SANTA CLARA 95150
93C97	MARSHALL, N	LION'S ETC	6867 SOLEDAD CANYON RD	ACTON 93510
93C51	MARTIN, R	STEVE MARTIN'S WORKING WILDLIFE	PO BOX 65	ACTON 93510
93C87	MCDERMOTT, CD	THE COLD NOSE FIVE DOG ACT	4515 MARRISON AVE	REDDING 96001
93C121	MCMILLAN, R		A122 KNOTT AVE	BUENA PARK 90621
93C170	MENDES, T & D		31404 RD 132	VISALIA 93277
93C3A	MEREDITH, G	JUNGLE EXOTICS	STAR RT, BOX 9A	ORO GRANDE 92368
93C6	MICKE GROVE PARK & ZOO		11793 N MICKE GROVE RD	LODI 95240
93C94	MILHOUS BOYS RANCH		24077 STATE HWY 49	NEVADA CITY 95959
93C141	MILLER, K	ANIMAL ACTION	9125 CRANFORD AVE	ARLETA 91331
93C42	MOSLEY, C	DEWAYNE BROS CIRCUS	PO BOX 9621	N. HOLLYWOOD 91606
93C175	NETTLEMAN, B & A		15495 RELNAP DR	SARATOGA 95070
93C178	OLDER, M		STAR RT BOX 98	ORO GRANDE 92368
93C53	OXLEY, RL		7833 SOLEDAD CANYON RD	ACTON 93510
93C76	PAT DERBY ENTERPRISES, INC.		PO BOX 269	LEGGETT 94568
93C179	PETTER, D & F		3801 ROSECRANS APT 1	HAWTHORNE 92050
93C176	RENZO, R		AL TAHOE STATION	SO. LAKE TAHOE 95702
93C31	REYNOLDS, A		5423 E LAUREL	FRESNO 93727
93C155	RIPLEY, DF	KARLYLE	6305 ROSE LN	CONCORD 94541
93C115	RIVERS, R	ANIMAL SPECIALTY ACTS	10940 RIVERSIDE AVE	BLOOMINGTON 92316
93C4	ROEDING PARK ZOO		A94 W. BELMONT	FRESNO 93728
93C8	SACRAMENTO CITY ZOO		3930 W LAND PARK DR	SACRAMENTO 95822
93C136	SACRAMENTO SCIENCE CENTER & JR. MUSEUM		3615 AUBURN BLVD.	SACRAMENTO 95821
93C3	SAN FRANCISCO ZOOLOGICAL GARDENS		ZOO ROAD & SKYLINE BLVD	SAN FRANCISCO 94132
93C24	SAN LUIS OBISPO COUNTY	CHARLES PADDOCK ZOO	1009 MONTEREY ST	SAN LUIS OBISPO 93408
93C101	SANTA ANA ZOO		1700 E FIRST ST	SANTA ANA 92705

CALIFORNIA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
93C52	SCHUMACHER, LM	ANIMAL RENTALS	PO BOX 642	BALDWIN PARK 91706
93C141	SCOALE, DR AG		2367 MORRILL RD	MODESTO 95355
93C69	SEA WORLD INC		1720 S SHORES DR	SAN DIEGO 92109
93C166	SHAMBAUGH, V		1280 EDGAR AVE	BEAUMONT 92223
93C55	SHANVER, C		1221 GRANT ST	SANTA MONICA 90405
93C11	SIX FLAGS MAGIC MOUNTAIN		26101 MAGIC MOUNTAIN PWY	VALENCIA 91355
93C61	SKYFOREST PACF	SANTA'S VILLAGE	PO BOX 638	SKYFOREST 92385
93C65	SMIRYA-BLASZAK, A		1820 OLD TELEGRAPH RD.	FILLMORE 93015
93C35	SNYDER, F	YVETTES MINI CIRCUS REVUE	PO BOX 2058	CYN COUNTRY 91351
93C180	SONOMA WORLD OF BIRDS		23570 ARNOLD DRIVE	SONOMA 95476
93C133	STEPLES, F		864 CARLISLE RD	THOUSAND OAKS 91360
93C143	SWANSON, JF		8707 PROSPECT AVE	SANTEE 92071
93C108	THE BLAIR RANCH, INC.		7561 WOODMAN PL	VAN NUYS 91405
93C22	TOTH, GN	COUGAR HILL RANCH	P.O. BOX 132	LITTLEROCK 93543
93C153	TRANTHAM, C	FOOTHILL GAME FARM	PO BOX 577	OREGON HOUSE 95962
93C138	TREMALEY, F	MR CHRISTMAS TREE	349 WILSON APT 9	COSTA MESA 92627
93C19	TROMEY, DBJ	HAPPYTIME CIRCUS	PO BOX 269	WINDSOR 95492
93C24	UNIVERSAL STUDIOS TOUR		3900 LANKERSHIM BLVD	UNIVERSAL CITY 91608
93C96	WALLER PARK	ANIMAL CLINIC	600 GOODWIN RD	SANTA MARIA 93454
93C159	WARDEN, LE & D		32772 MOCCASIN ST	UNION CITY 94587
93C158	WERER, N	ROYAL LICHTENSTEIN CIRCUS	PO BOX 26308	SAN JOSE 95159
93C56	WELLS, HG	ANIMAL ACTORS OF HOLLYWOOD	864 CARLISLE RD	THOUSAND OAKS 91360
93C177	WELLS, R & S		17211 ROBERTO ST	CASTRO VALLEY 94546
93C105	WENDELL, E	RON OXLEY'S COMPOUND	PO BOX 356	ACTON 93510
93C111	WHITE, DBJ		8722 WINTER GDNS BLVD	LAKESIDE 92040
93C90	WHITFIELD, RW & RR		MARINE WORLD PARKWAY	REDWOOD CITY 94065
93C163	WIENER, M		PO BOX 395	ACTON 93510
93C167	WILSON, JA		10437 ESCADERA DR,	LAKESIDE 92040
93C180	WOLF, RAC		13555 E. LAKE VIEW RD	LAKESIDE 92040
93C170	YANKEE-PLUTO CIRCUS CORP		37093 OAK GLEN RD	YUCAIPA 92399
93C123	ZANGER JR,, HG, JA & EA	CASA DE FRUTA	6680 PACHECO PASS HWY	HOLLISTER 95123
93C142	ZOELLER, J		PO BOX 277	ALPINE 92001
93C48	ZOOLOGICAL SOCIETY OF SAN DIEGO		PO BOX 551	SAN DIEGO 92112

COLORADO

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
84C1	CHEYENNE MOUNTAIN ZOOLOGICAL PARK		BOX 158	COLORADO SPRINGS 80906
84C6	CITY OF ENGLEWOOD	ENGLEWOOD CHILDRENS ZOO	3400 S. ELATI	ENGLEWOOD 80110
84C7	CITY OF PUEBLO ZOO		CITY PARK OFFICE	PUEBLO 81005
84C2	DENVER ZOOL FDN	DENVER ZOOL. GARDENS	DENVER CITY PARK	DENVER 80205
84C3	FOSSECO, A	GRANEROS CANYON GASECURIO & HOP	PO BOX 29	COLORADO CITY 81019
84C5	SANTA'S WORKSHOP COLO, CORP			NORTH POLE 80809
84C8	WOLF COUNTRY FOUNDATION		1200 PEARL ST	BOULDER 80302

CONNECTICUT

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
16C7	CHILDREN'S MUSEUM OF HARTFORD		950 TROUT BROOK RD	W HARTFORD 06119
16C2	CITY OF BRIDGEPORT	BEARDSLEY ZOOLOGICAL GARDENS	NOBLE AVE	BRIDGEPORT 06610
16C15	CITY OF NEW HAVEN	WEST ROCK NATURE REC. CT	PO BOX 2069	NEW HAVEN 06515
16C17	CITY OF NEW LONDON	M. F. MORAN NATURE CTR & ZOO	MUNICIPAL BLDG	NEW LONDON 06320
16C16	CITY OF NORWICH	MOHEGAN PARK ZOO	CITY HALL ANNEX	NORWICH 06360
16C11	COPACO		335 COTTAGE GROVE RD	BLOOMFIELD 06002
16C21	DENISON PEQUOTSEPOS NAT CTR		PO BOX 122 PEQUOTSEPOS RD.	MYSTIC 06355
16C4	EMERSON, JR,, RL	EMERSONS CIRCUS & MENAGRIE EXHS	2545 BERLIN TNPK	NEWINGTON 06111
16C12	GOODWIN, R		BOX 524	ENFIELD 06082
16C19	NATURE CTR FOR ENVIR ACT INC.		10 WOODSIDE LN PO BOX 10 S	WESTPORT 06880
16C22	NEW BRITAIN YOUTH MUSEUM		30 HIGH ST. PO BOX 111	NEW BRITAIN 06051
16C6	P.W. COMMERFORD & SONS INC		RT 6	GOSHEN 06756
16C25	SEA RESEARCH FOUNDATION, INC			MYSTIC 06355

V 45 / 57 MR 21 80 UMI

CONNECTICUT

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 16C17	SHELDEN, DD & EM		33 PERRY DR.	MONROE 06468
* 16C1A	STAMFORD MUSEUM & NATURE CTR		39 SCOFIELDTOWN RD	STAMFORD 06903
* 16C9	STEMPIEN, AC	WILLINGTON WILD ANIMAL FARM	OLD FARMS RD	WILLINGTON 06279
* 16C20	THAMES SCIENCE CENTER		GALLOWS LANE	NEW LONDON 06320
* 16C10	THE BRUCE MUSEUM		MUSEUM DRIVE	GREENWICH 06830
* 16C5	WATERMAN, JR., HE	GRAND GAME FARM	193 NORTH GRAND ST	W SUFFIELD 06093

DELAWARE

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 50C9	NEW CASTLE CO. DEPT. OF P &RKS & REC.	BRANDYWINE ZOO	A01 MCKENNANS CHURCH RD	WILMINGTON 19808

FLORIDA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 5AFL70	ABC LEISURE ATTRACTIONS, INC.		PO BOX 370	SILVER SPRINGS 32688
* 5AFL132	ADAMS, JR., F			
* 5AFL6	ADAMS, SP, E		P.O. BOX 595	GIBSONTON 33534
* 5AFL111	ALEXANDER, R		PO BOX 595	GIBSONTON 33534
* 5AFL122	ALLIGATOR LAND SAFARI		P.O. BOX 1260	OKLAHAMA 32679
* 5AFL38	ANTALEK, P		P.O. BOX A10	KISSIMMEE 32741
* 5AFL162	ANTALEK, P		10906 CHURCH ST, PO BOX1	GIBSONTON 33534
* 5AFL117	ANTHONY, P		PO BOX 3185	DE LAND 32720
* 5AFL105	AQUARAMA WALTZING WATERS		BOX 19A RT 4	RIVERVIEW 33569
* 5AFL145	ARIA, MAJ		330 RIVERSIDE DR	FORT MYERS 33905
* 5AFL160	RAMIA SHRINE TEMPLE		PO BOX 716	HAINES CITY 33844
* 5AFL181	BAIN, S	RAMIA SHRINE CAMEL HERDERS	60 WEST GORE AVE	ORLANDO 32806
* 5AFL184	BALDWIN, MR	SUNSHINE RESEARCH LABS	6608 SW 188T	MIRAMAR 33023
* 5AFL119	BAUDY, RE	CAPT. HARRY BALDWIN RARE FELINE BREEDING COMPOU ND	PO BOX 27098	JACKSONVILLE 32205
* 5AFL92	BENGTSSON, K & LINARES, K		PO BOX 132	CENTER HILL 33514
* 5AFL164	BERMAN E	HELEN BERMAN UNLIMITED		
* 5AFL124	BERROSER, D		BOX 125 RT 3	SARASOTA 33580
* 5AFL42	BERTEJ, M		6603 S.W. 112 PL	MIAMI 33173
* 5AFL24	BLANCHARD, C & P		2075 RAMIA VISTA	SARASOTA 33579
* 5AFL150	BLOOM, MA	TROPICUARIUM, INC	RR 2 BOX 207A	SARASOTA 33577
* 5AFL17	BOWEN, JC	EVERGLADES GATORLAND	A5 ARAPAHO AVE	ST AUGUSTINE 32A8A
* 5AFL75	BROOKS, MR	GATOR JUNGLE	2000 NE 135 ST	NORTH MIAMI 33181
* 5AFL157	BUFFALO TRAD & WILD W EN INC	FERNWOOD GARDENS	BOX 270	SOUTH BAY 33493
			P.O. BOX 209	CHRISTMAS 32709
* 5AFL36	CENTRAL FLORIDA ZOOL. SOC IETY	CENTRAL FLORIDA ZOOL. PARK	7200 SW 117 AVE	MIAMI 33183
* 5AFL2	CITY OF JACKSONVILLE	JACKSONVILLE ZOOL. PARK	PO BOX 2078	SANFORD 32771
* 5AFL89	CITY OF TAMPA	LOWRY PARK ZOO	CITY HALL BAY ST,	JACKSONVILLE 32202
* 5AFL178	CLEMONS, C	GATORAMA	NORTH BLVD & SLIGH AVE	TAMPA 33606
* 5AFL80	CLYDE BEATTY-COLE BROS. C IRCUS		BOX 126	PALMDALE 33944
* 5AFL88	CRISTIANI ELEPHANTS, INC.		PO BOX 1570	WINTER PARK 32790
* 5AFL11	CRISTIANI, DR	CONSOLIDATED AMUSEMENT CO	RT. 1 BOX 29-A	MYAKKA CITY 33551
* 5AFL85	CRISTIANI, L		PO BOX 877	RIVERVIEW 33569
* 5AFL83	CRISTIANI, O		1020 STOFFER LANE	SARASOTA 33580
* 5AFL131	DAM, C		1747 RIVIERA CIRCLE	SARASOTA 33580
* 5AFL129	DISKEN, BM	KING KONG ZOO	P.O. BOX 567	GIBSONTON 33534
* 5AFL80	DOWSEY, M	GINA'S ROYAL PALACE LEOPARD S	RT 1 BOX 567220	MASARYKTOWN 33512
		JANOS & COMPANY	3110 47TH ST	SARASOTA 33580
* 5AFL30	DURSKY, J		6103 BRAZILNUT AV	SARASOTA 33580
* 5AFL102	EDWARDS, TR		3256 C-ROAD	LOXAHATCHEE 33470
* 5AFL118	ENGESSER, DER	ENGESSER'S EXOTIC FELINER	RT #2 BOX 500	TRENTON 32693
* 5AFL180	ESTEP, J	MONKEY JUNGLE	P.O. BOX 1552	GIBSONTON 33534
* 5AFL20	FEE, MR		BOX 803	GIBSONTON 33543
* 5AFL37	FOSSETT, A & I		637 CONRAD AVE	SARASOTA 33577
* 5AFL63	FRANCIS, FA		510 2ND AVE	MELBOURNE 32951
* 5AFL169	GAREY, V	GABEGON MONKEY SANCTUARY	C/O SANDY POINT RT 2 BOX 310	BRANFORD 32008
* 5AFL25	GARVIN, C	FLORIDA REPTILE LAND	RT 16	POWLING GREEN 82101

FLORIDA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 5AFL33	GATOR WORLD/FLAMINGO GAR INC		3782 FLAMINGO RD	DAVIE 33330
* 5AFL26	GATORLAND ALLIGATOR FARM		US 1 NORTH	ST. AUGUSTINE 32084
* 5AFL14	GORWIN'S GATORLAND, INC		HWY 441 NORTH	KISSIMMEE 32741
* 5AFL180	GOOD, L	SUGARLOAF LODGE	PO BOX 148	SUGAR LOAF SHORES 33044
* 5AFL35	HANNEFORD CIRCUS, INC.		BOX 52J	OSPREY 33559
* 5AFL126	HANNEFORD, G	HANNEFORD FAMILY CIRCUS	BOX 909	NOKOMIS 33555
* 5AFL85	HARDEE COUNTY	HARDEE COUNTY PIONEER PARK	PO DRAWER 1749	WAUCHULA 33873
* 5AFL138	HARRIS, S & INGGUERO, S	PET VILLAGE	809 VANDER KLOOT DR	OSPREY 33559
* 5AFL146	HARVELL, D & J	OCELOTS PLUS	6719-43RD AVE S	LAKE WORTH 33463
* 5AFL100	HERRIOTT, M	HERRIOTT'S PERFORMING ANIMA LS	RT 3 BOX 98	SARASOTA 33580
* 5AFL170	HOLLOWAY, D		811 EAST BUSH BLVD	TAMPA 33604
* 5AFL72	HOMOSASSA SPRINGS INC	NORIN CORP	P.O. BOX A	HOMOSASSA SPRINGS 32647
* 5AFL81	HOOVER, DC	D. HOOVER'S WILD ANIMALS	665 W 38TH ST	HIALEAH 33012
* 5AFL143	HORWITH, J		P.O. BOX 1551	GIBSONTON 33534
* 5AFL151	HOUGH, CA		RT 5 BOX 68A	ST AUGUSTINE 32084
* 5AFL10	HOUSER, F	HOUSER'S GROVES & ZOO	9230 NEW HAVEN AVE	MELBOURNE 32901
* 5AFL8	HOXIE BROS CIRCUS		PO BOX 561085	SO MIAMI 33156
* 5AFL103	INSTITUTE OF DELPHINID RE S.	FLIPPERS SEA SCHOOL	PO BOX DOLPHIN	MARATHON SHORES 33052
* 5AFL51	JOHNSON, RA		BOX 936 9A12 MASS AVE	GIBSONTON 33534
* 5AFL78	JOYCE, F	WONDERFUL WORLD OF DOGS	BOX 302	GIBSONTON 33534
* 5AFL79	JUNGLE LARRY'S SAFARI LAN D, INC	JUNGLE LARRY'S AFRICAN SAFA RI	P.O. BOX 7129	NAPLES 33940
* 5AFL113	JUNGLE QUEENS INC.	JUNGLE QUEEN VILLAGE	800 E BROWARD BLVD #301	FT. LAUDERDALE 33301
* 5AFL107	KRAUSE, J		PO BOX 2512	SARASOTA 33578
* 5AFL86	KRISTENSEN, S & L		PO BOX 726	BRANDON 33511
* 5AFL142	KROESEN, MJ		1091 SW 136 AVE.	DAVIE 33325
* 5AFL153	LA TORRES, JM		P.O. BOX 1721	GIBSONTON 33534
* 5AFL125	LEE, R & R	THE R-LEES	RT 1 BOX 330 C	MYAKKA CITY 33551
* 5AFL140	LENZ, R & S	RINGLING BROS CIRCUS	PO BOX 1528	VENICE 33595
* 5AFL156	LOPEZ, J		1224 SPOTTS WOOD RD	RIVERVIEW 33569
* 5AFL150	MAGANA, AR		8004 IOLA DR.	SARASOTA 33581
* 5AFL147	MARINE EXHIBITION CORPORA TION	MIAMI SEAQUARIUM	4400 RICKENBACKER CAUSEW AY	MIAMI 33149
* 5BFL73	MARINELAND, INC		RFD 1, BOX 122	ST. AUGUSTINE 32084
* 5AFL62	MASTERPIECE GARDENS, INC		PO BOX 1230	LAKE WALES 33853
* 5AFL175	MATHEWS, K		10516 NW 36 AVE	MIAMI 33147
* 5BFL56	MCCLOSKEY, RC & MJ	ZOOLAND	RT 1 BOX 305 US HWY 98	GULF BREEZE 32561
* 5AFL78	METRO-GOLDWYN-MAYER, INC	MGM'S BOUNTY EXHIBIT	10202 W. WASHINGTON BLVD	CULVER CITY 90230
* 5AFL6	METROPOLITAN DADE COUNTY	CRANDON PARK ZOO	4000 CRANDON BLVD	KEY BISCAYNE 33140
* 5AFL180	MICHAEL, DA		2436 CHANTILLY AVE	WINTER PARK 32789
* 5AFL165	MOGYOROSI, F		2805 BAY ST.	SARASOTA 33580
* 5AFL13	MONKEY JUNGLE, INC.		PO BOX 246	MIAMI 33170
* 5AFL161	MURGAN, MA		3200 HENRIETTA PL	SARASOTA 33580
* 5AFL123	MORRIS MG	NATIONAL AMUSEMENT	PO DRAWER 10	EDGEWATER 32032
* 5AFL165	NELSON, J & F		BOX 38E STAR ROUTE	OCHOPPEE 33943
* 5AFL112	NIED, BR		620 NE 2ND ST	POMPANO BEACH 33060
* 5AFL85	NOCK, K	KATINKA'S POODLES	PO BOX 968	SARASOTA 33578
* 5AFL176	OCEAN REEF CLUB		DRAWER AA	HOMESTEAD 33030
* 5AFL32	OCEAN WORLD INC		1701 SE 17TH ST	FT. LAUDERDALE 33316
* 5AFL43	PARNELL, G		PO BOX 998	GIBSONTON 33534
* 5AFL55	PARROT JUNGLE, INC.		11000 SW 57TH AVE	MIAMI 33156
* 5AFL121	PEDLEY, R	HOLIDAY ON ICE	2219 SW 60 CT	MIAMI 33155
* 5AFL69	PIPER, L & R	EVERGLADES WONDER GARDENS	PO BOX 292 US 41	BONITA SPRINGS 33923
* 5AFL58	POTTER, D		PO BOX 1092	GIBSONTON 33534
* 5AFL136	RICE, L		PO BOX 10171	SARASOTA 33582
* 5AFL135	RIEGEN, P		2750 NW 80 RIVER DR.	MIAMI 33125
* 5AFL179	RIGGS, C & L	AQUATIC MAMMAL ENTERPRISES	1025 GIBRALTAR RD	KEY LARGO 33037
* 5AFL106	RINGLING BROS BM & BLY CO MAINED SHOWS		1015-18TH ST NW	WASHINGTON 20036
* 5AFL53	ROBERTS, D	ROBERT'S GULF SERVICE	A22 N CHARLESTON	FT MEADE 33841
* 5AFL22	ROBINSON, PARS		BOX 1176	GIBSONTON 33534
* 5AFL118	ROSS ALLEN SOUTH INC.	ROSS ALLEN WILD LIFE PARK	2805 N TAMIAMI TRAIL	N. FT. MYERS 33903
* 5AFL3	SALISBURY, DL	ROYAL PANTHERS	1519 CAMBRIDGE DR	COCOA 32922
* 5AFL108	SANTA FE COMM COLL TEACH ZOO		3000 NW 83RD ST	GAINESVILLE 32601
* 5BFL1	SCHACHT, F & P		PO BOX 1333	BRANDON 33511
* 5AFL23	SCHILE, FRANJ	MUSEUM OF THE SEA & INDIAN	STAR ROUTE BOX 611	DESTIN 32541
* 5AFL81	SCHMITT, R		318 HOWELL PL	SARASOTA 33580
* 5AFL161	SCHMITT, R		318 HOWELL PLACE	SARASOTA 33580
* 5AFL4A	SCHREIBER, A	CAPT SCHREIBER'S CHIMPANZEE S	RT. 3 BOX 48-K	ST AUGUSTINE 32084
* 5AFL148	SCOTT, J & F		RT 2 BOX 14	OLD TOWN 32680
* 5AFL77	SEA WORLD OF FLORIDA		7007 SEA WORLD DR	ORLANDO 32809
* 5AFL12	SEBOLT, D	SNAKE-A-TORIUM	PO BOX 9253	PANAMA CITY BCH 32407
* 5AFL127	SEIDEN, MM	VCM ENTERPRISES	8425 SW 108TH ST	MIAMI 33156
* 5AFL128	SFIGLE, A		732 NW 29TH TERRACE	MIAMI 33127
* 5AFL137	SINN, M		PO BOX 10171	SARASOTA 33578
* 5AFL98	SIPEK, S		3384 C RD	LOXAHATCHEE 33470
* 5AFL15A	SKARBECKI, A		PO BOX 1660	VENICE 33595
* 5AFL17A	SOUTH FLORIDA MUSEUM/RISH OP PLANETARIUM		201 10TH ST W	BRADENTON 33505

V 45/57 MR 21 80 UMI

FLORIDA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
58EL167	SPRINGMYER, L	GREEN THUMB NURSERY	8975 SO. DIXIE HWY.	MIAMI 33156
58EL96	SPYKE, HM	SPYKE'S GROVE	7250 GRIFFIN RD	DAVIE 33314
58FL87	ST AUGUSTINE ALLIG. FARM INC		PO DRAWER E HWY. A1A	ST AUGUSTINE 32084
58EL97	STERRING ROYAL EUR. CIRCUS INC		PO BOX 249	SARASOTA 33578
58FL46	STEELE, B	BOB STEELE ANIMAL PROMOTION S	3256 C RD., BOX 336	LOXAHATCHEE 33470
58FL38	STRAZAN, M & E	ERNA'S CHIMPANZEES	725 N CONRAD AVE	SARASOTA 33577
58FL45	STUDIO ANIMAL RENTALS, INC.		70 WEST 6A STREET	HIALEAH 33012
58FL46	SUNKEN GARDENS, INC.		1825 4TH ST NO	ST PETERSBURG 33704
58FL91	SZYMONSKI, K		2022 RODGE AVE	SARASOTA 33580
58FL172	TABRAUE, MS		37350 SW 216 AVE	FLORIDA CITY 33033
58FL109	TALLAHASSEE JR MUSEUM		3945 MUSEUM DR	TALLAHASSEE 32304
58EL182	THEATER OF THE SEA, INC		PO BOX 407	ISLAMORADA 33036
58FL50	THOMAS, HO		PO BOX 201	RIVERVIEW 33569
58FL108	TIKI GARDENS INC		19601 GULF BLVD BOX 8	INDIAN SHORES 33535
58EL115	TOOLE, FM	KAROLY FAMILY	PO BOX 1AA	FORT WHITE 32038
58EL130	UPTON, SD		5626 BLOUNT AVE	SARASOTA 33581
58FL144	VAZQUEZ, R		PO BOX 1602 6146 ISABEL AVE	GIBBONTON 33534
58FL59	VIELE, CE	VIELE GROVES	6900 GRIFFIN RD	FORT LAUDERDALE 33314
58EL152	VON UHL, J		FT BENGALI HWY 16	ST AUGUSTINE 32084
58FL76	WALT DISNEY WORLD CO		P.O. BOX 40, ATTN: LEGAL DEPT	LAKE BUENA VISTA 32830
58EL42	WATSON, W		RT 14 BOX 232A	TAMPA 33624
58FL173	WATT, B		626 NW 179 ST,	N MIAMI 33169
58FL15	WEED, P		BOX 704	IMMOKALEE 33934
58EL67	WEEKI WACHEE SPRINGS INC	A R C LIFSURF ATTRACTIONS	BOX 97 HWY. 19 SO.	BROOKSVILLE 33512
58FL56	WELOF, J		PO BOX 547	GIBBONTON 33534
58FL177	WHITE, E		6350 62ND ST N	PINELLAS 33565
58FL116	WILLIAMS, TH		PO BOX 2039	DELAND 32720
58FL19	WILLIAMS, RAE		RT 1 BOX 556C	WYAKKA CITY 33551
58FL93	WILSON, F & A		861 OAK STREET	FT MYERS BEACH 33931
58FL5	WILSHIRE CORPORATION	LION COUNTRY SAFARI INC	PO BOX 16066	N PALM BEACH 33406
58FL21	WYNN, F		400 E ORANGE AVE	LONGWOOD 32750
58FL171	ZERMAN, M		10158 HERITAGE RD	LAKE WORTH 33463
58FL28	ZERAINI, T		RT 7 BOX 8	SARASOTA 33582
58FL130	ZOO, SOC. OF BROWARD CO., INC.	MARKHAM PARK ZOO	16001 W. STATE RD. 84	FORT LAUDERDALE 33326
58FL7	ZOOL SOC/PALM BEACHES, INC	DREHER PARK ZOOL. GARDENS	1301 SUMMIT BLVD	N PALM BEACH 33405
58FL156	ZOPPF, AG		3125 PEARL AVE	TAMPA 33611

GEORGIA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
57C6	ALVER, JF	MILLSIDE CHIMP FARM	PO BOX 66	CLERMONT 30527
57C7	BAUMANN, REL	LINNRICH ANIMAL CIR & PET'E M ZOO	RT 1 BOX 74	ELLERSLIE 31807
57C20	BUCKNER, G		RT 3 BOX 3184	JACKSON 30233
57C1	CHEHAW WILD ANIMAL PARK	CHEHAW WILD ANIMAL PK	RT 18 BOX 97	ALBANY 31701
57C4	CITY OF ATLANTA	ATLANTA ZOO, PARK	800 CHEROKEE AV. SE	ATLANTA 30315
57C11	EVANS, R	MONKEY PALACE	2222 PALMYRA RD	ALBANY 31702
57C15	FRED, G		R 1	JULIETTE 31046
57C10	HETCHAM, JL		PO BOX 847	WOODSTOCK 30188
57C17	HETCHAM, L		PO BOX 847	WOODSTOCK 30188
57C18	OATLAND ISLAND EDUCATION CT		208 BULL STREET	SAVANNAH 31401
57C13	RUMLEY, R	GEORGIA GAME PARK	BOX 85	RISING FAWN 30738
57C8	SEARS, R		131 SHUMAN RD.	ELLARELL 31308
57C9	SHIPLEY, CJ		P.O. BOX 887	WOODSTOCK 30188
57C12	SIX FLAGS OVER GEORGIA		PO BOX 43187	ATLANTA 30336
57C5	STONE MOUNTAIN GAME RANCH INC		1 ROBT. E. LEE BLVD	STONE MOUNTAIN 30086
57FL50	THOMAS, HORRM		PO BOX 281	RIVERVIEW 33569
57C18	THOMAS, T		PO BOX 326	CARNESVILLE 30521
57C16	WALKER, H		310 CREST DRIVE	CALHOUN 30701
57C19	WHITTEN, G		6539 BENT CREEK DR	REX 30273

HAWAII

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
95C1	CITY OF HONOLULU	HONOLULU ZOO	151 KAPAHULU AVE	HONOLULU 96815
95C2	COUNTY OF HAWAII	PANAEWA RAINFOREST ZOO	25 AUPUNI ST	HILO 96720
95C7	COUNTY OF MAUI	MAUI ZOOL & BOT GARDENS		WAILUKU 96793
95C3	ISLAND HOLIDAYS, LTD	COCO PALMS RESORT HOTEL	PO BOX 631	LIHUE 96766
95C9	KAHALA PETS, INC		45-1045 KAM HIGHWAY	KANEOHE 96744
95C5	MEADOW GOLD DAIRIES-HAWAII	MEADOW GOLD DAIRIES	RR 1 BOX 224	KAILUA 96712
95CA	MOLOKAI RANCH WILDLIFE PARK		PO BOX B	KAUNAKAKAI 96748
95C6	PEARL CITY TAVERN		PO BOX 246	PEARL CITY 96782
95C10	PIPER PRODUCTIONS		335 ELELUPE RD	HONOLULU 96821

IDAHO

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
A2C6	BOISE CITY ZOO		1104 ROYAL BLVD	BOISE 83706
A2C1	GOALE, EL	CONROY JOE & HIS ANIMAL SHO	PO BOX 303	NAMPA 83651
A2C10	KRAMER, C		STAR ROUTE	GARLES 83647
A2C3	ROSS PARK ZOO	ROSS PARK ZOO	BOX 4169	POCATELLO 83201
A2C5	TAUTPHAUS PARK ZOO		PO BOX 220	IDAHO FALLS 83401
A2C9	Y-J FOODS INC		BOX 357	COEUR D'ALENE 83814

ILLINOIS

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
33C13	ANIMAL KINGDOM, INC.	ANIMAL KINGDOM EXHIBITS	2020 N MILWAUKEE AVE	CHICAGO 60618
33C20	BUTKEMA, C & C	BUTKEMA ACE HARDWARE	1030 N. WASHINGTON ST.	NAPERVILLE 60540
33C37	CHAMPAIGN PK DISTRICT	CHILDREN'S PRAIRIE FARM	706 HOLIDAY PARK DR.	CHAMPAIGN 61820
33C6	CHICAGO PARK DISTRICT	LINCOLN ZOOL. PARK	2200 N CANNON DR.	CHICAGO 60614
33C3	CHICAGO ZOOLOGICAL PARK		3300 S GOLF RD	BROOKFIELD 60513
33C27	CITY OF AURORA	PHILLIPS PARK ZOO	44 EAST DOWNER PLACE	AURORA 60506
33C6	CITY OF BLOOMINGTON	MILLER PARK POO	PO BOX 3157	BLOOMINGTON 61701
33C33	CITY OF ELGIN	LORDS PARK	150 DEXTER CT	ELGIN 60120
33C60	DECATUR PARK DISTRICT		PO BOX 1136	DECATUR 62525
33C48	DEPT OF VETERANS AFFAIRS	ILLINOIS VETS HOME	126 W JEFFERSON ST	SPRINGFIELD 62705
33C51	DIETZ, HW		NORTH MAIN ST	MASON CITY 62666
33C32	DUNDEE TOWNSHIP PARK DIST RICT	RANDALL OAKS PARK & ZOO	21 N WASHINGTON ST	CARPENTERSVILLE 60110
33C28	EDLUND, L & R	WHITE PINES DEER PARK	R 3 BOX 259	OREGON 61061
33C29	FOREST PARK FOUNDATION	WILDLIFE PRAIRIE PARK	4801 N. PROSPECT RD.	PEORIA HEIGHTS 61616
33C26	FOREST PRESERVE DIST/COOK CO.		536 NO HARLEM AV	RIVER FOREST 60305
33C52	FOX VALLEY PARK DIST	PIONEER PARK	712 SOUTH RIVER ST	AURORA 60505
33C53	HAWTHORN CIRCUS CORP		RT 1 BOX 32H	GRAYSLAKE 60030
33C38	LAMAR, INC.		BOX 520	LIBERTYVILLE 60048
33C40	LASALLE COUNTY PARKS	ENVIRONMENTAL CENTER	RT 4	OTTAWA 61350
33C30	MARTINEZ, CA		1648 CENTRAL	NORTHBROOK 60062
33C1A	MATHENS M		26 N. 300-ARMY TRAIL RD.	BARTLETT 60130
33C50	NAGATE, M		1648 CENTRAL AVE.	NORTHBROOK 60062
33C20	OREM POLE CORP	SANTA'S VILLAGE	RT 72 & 25	E DUNDEE 60118
33C1	PEORIA PARK DISTRICT	GLEN OAK ZOO	2218 NO PROSPECT RD	PEORIA 61603
33CA	POTEM, G		439 BUCKEY DR	WHEELING 60090
33C45	REDING, M	FISHERMAN'S DUDE RANCH	9600 GOLF RD	DES PLAINES 60016
33C42	ROCK ISLAND CO FOREST PRES.	NTART ZOOL. PRESERVE	1504 3RD AVE	ROCK ISLAND 61201
33C30	ROCKPORT PARK DISTRICT	CHILDREN'S FARM	1401 N SECOND ST	ROCKFORD 61107
33C9	SCIENTIF SP AN LAB & EM INC	MUME'S EXOTIC WILDLIFE RANCH	401 W GOLF RD	ARLINGTON HEIGHTS 60005
33C31	SHAFTON, S	THE AMAZING MR. SHAFTON	616 WICKER AV	STREAMWOOD 60103
33C36	SHEPPARD, JA		RR 4	SPRINGFIELD 62707
33C35	SPRINGFIELD PARK DISTRICT	HENSON C. ROBINSON ZOO	PO BOX 5052	SPRINGFIELD 62705
33C58	STEFFEN, R		8214 TRYON GROVE RD	RICHMOND 60071
33C41	TALBOTT, G		RR2	MANITO 61546
33C10	VONDUN, WF	PINE HILL BIRD FARM & ZOO	2605 63RD ST	DOWNERS GROVE 60515
33C5	WATSON, L	PLAINSMEN ZOO	RT 4 BOX 151	ELGIN 60120
33C14	WHEATON PARK DIST.	CORLEY CHILDREN'S ANIMAL FA RM	606 SO MAIN ST	WHEATON 60187
33C46	WILHELM'S LANDING, INC		PO BOX 934	JOLIET 60434
33C2	WONDERFUL WORLD OF ANIMALS		RR 2 BOX 329	PEORIA 61614

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INDIANA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 32C47	AMISHVILLE U.S.A.		RR 2	GENEVA 46740
* 32C8	BIGGS, M		BOX 18	RUSSELLVILLE 46175
* 32C42	BOOKER, C	STORYBROOK VILLAGE		DUGGER 47848
* 32C45	BOYD, RD	SILVERMOON ROLLER RINK	RR 2, BOX 98	WATERLOO 46793
* 32C49	BRITTON,TT,JD		RR 15 BOX 31	BRAZIL 47834
* 32C40	CHILDREN'S MUSUEM, INC.		3000 N. MERIDIAN	INDIANAPOLIS 46208
* 32C11	CITY OF EVANSVILLE	MESKER PARK ZOO	CIVIC CENTER COMPLEX	EVANSVILLE 47737
* 32C10	CITY OF MICHIGAN CITY	WASHINGTON PARK ZOO GDNS	LAKE FRONT	MICHIGAN CITY 46360
* 32C3	CITY OF RICHMOND	GLEN MILLER PARK	PARK & REC DEPT	RICHMOND 47374
* 32C36	DEPT. OF NATURAL RESOURCE S	POKAGON STATE PARK	616 STATE OFFICE BLDG	INDIANAPOLIS 46204
* 32C16	DRAKE, RW&J	HILL HAVEN GAME FARM & ZOO	RR 51 BOX 699	TERRE HAUTE 47805
* 32C5	FT WAYNE CHILDRENS ZOOL. GDNS		3411 SHERMAN ST	FORT WAYNE 46808
* 32C50	GILBERT,P		RR 1 BOX 1308	GREENWOOD 46182
* 32C2	HARDING, WR & ME		382 W MAIN ST	PERU 46970
* 32C26	IND DEPT OF NATURAL RESOU RCES	JASPER-PULASKI FISH & WILD AREA	607 STATE OFFICE BLG	INDIANAPOLIS 46204
* 32C1	INDIANAPOLIS ZOOL. SOC., INC.		3120 E 30TH ST	INDIANAPOLIS 46218
* 32C38	KELLY, PR	KELLY WINTER CIRCUS	RR 5	PERU 46970
* 32C24	LAFAYETTE BOARD OF PARKS & REC	COLUMBIAN PARK ZOO	1915 SCOTT ST	LAFAYETTE 47904
* 32C19	LAKE COUNTY FAIRGROUNDS		880 S COURT ST	CROWN POINT 46307
* 32C6	N AM. WILDLIFE PARK FNDN, INC	WOLF PARK		BATTLE GROUND 47920
* 32C34	PARISH, R		RT 1	KINGMAN 47952
* 32C45	PICKETT, N		238 NORTH DEPOT ST	BRAZIL 47834
* 32C27	POTAWATOMI PARK ZOO		301 S ST. LOUIS BLVD	SOUTH BEND 46617
* 32C28	SANTA CLAUS LAND INC		BOX 36	SANTA CLAUS 47579
* 32C39	SCHAEFER, H		4512 W 131ST ST,	WESTFIELD 46074
* 32C12	SMITH, GT		RT. 1 BOX 138A	GALVESTON 46932
* 32C33	SMITH, K		RT 3 BOX 43	MUNCIE 47302
* 32C41	STRONG, DC	BEARCREEK FARMS	R 1	BRYANT 47326
* 32C48	TAYLOR, MJ	TAYLOR ENTERPRISES	RT 1 BOX 151	CARBON, 47837
* 32C38	TURNER, RH		RR 1 BOX 223	WALTON 46994
* 32C21	VOLZ, MC		RR 2 BOX 430	BATESVILLE 47006
* 32C14	WARNER, J	JEANIE'S CARAVAN	2015 MORRIS AVE	TERRE HAUTE 47805
* 32C46	WEATHERWAX, G		54311 CR 33	MIDDLEBURY 46540
* 32C20	WERFORTH, H		RT 3 BOX 117	BATESVILLE 47006
* 32C4A	WILDLIFE EDUCATIONAL SERV		5559 W MARKE ST	INDIANAPOLIS 46224
* 32C31	WISE, D		R 1 BOX 616	MUNCIE 47302
* 32C32	WOODARD, E & A	SPRUCE HILL FARMS	RR 7 BOX 206	MARTINSVILLE 46151
* 32C23	ZOPPF, SR., J & DE		RR 2 BOX 484C	ROCHESTER 46975

IOWA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 4263L	BLAIR, JT	DEERLAND ZOO		LAKE PARK 51347
* 4256L	CITY OF MUSCATINE	REED PARK ZOO		MUSCATINE 52761
* 4254L	DES MOINES CHILDREN'S ZOO		7401 SW 9TH ST	DES MOINES 50315
* 4265L	ELDORA CITY PARK		1702 15TH ST	ELDORA 50627
* 4264L	LYON COUNTRY CONSERVATION LEAGUE			ROCK RAPIDS 51246
* 4262L	SEABOLD, J	SEABOLD ANIMAL FARM	VALLEY RD RT 1	SIOUX 52032

KANSAS

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 48CA08	BRIT SPAUGH ZOO		BOX 215	GREAT BEND 67530
* 48CA15	CITY OF HUTCHINSON PK DPT	CAREY PARK	PO BOX 1567	HUTCHINSON 67501
* 48CA09	CITY OF INDEPENDENCE	RALPH MITCHELL ZOO	RT 4	INDEPENDENCE 67301
* 48CA12	CITY OF MANHATTAN	SUNSET ZOOLOGICAL PARK	11TH & POYNTZ PO BOX 748	MANHATTAN 66502
* 48CA10	DAVIS, GEK	HAPPY HOLLOW ZOO	101 HAPPY HOLLOW LANE	FORT SCOTT 66701
* 48CA18	EMPORIA PARK DEPT	EMPORIA ZOO	BOX 928	EMPORIA 66801
* 48CA07	FARMER, LR	PRAIRIE DOG TOWN	I-70 & HWY 83	OAKLEY 67748
* 48CA06	LEE RICHARDSON ZOO		P.O. BOX 499	GARDEN CITY 67846
* 48CA15	NOEL, F	NOEL'S SPECIALTY ACTS	RT 2 BOX 567	MULVANE 67110
* 48CA05	SEDGWICK COUNTY ZOOLOGICA L SOCIETY		5555 ZOO BLVD	WICHITA 67212
* 48CA11	SHARON, J	MID-AMERICAN ZOO,GDNS	6000 REEDS RD.	PRAIRIE VILLAGE 66210
* 48CA03	TOPEKA ZOOLOGICAL PARK	GAGE PARK ZOO	635 GAGE BLVD	TOPEKA 66606

KENTUCKY

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 61CA	LOUISVILLE ZOO, GARDEN		1100 TREVILIAN WAY	LOUISVILLE 40213

LOUISIANA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 72C1	ALEXANDRIA ZOOLOGICAL PAR K		PO BOX 71	ALEXANDRIA 71301
* 72C8	AUDUBON PARK COMMISSION	AUDUBON PARK & ZOOL. GARDEN S	PO BOX 6327	NEW ORLEANS 70118
* 72C2	CITY OF MONROE	LOUISIANA PURCHASE GARDENS & ZOO	PO BOX 123	MONROE 71201
* 72CA	FUN FAIR PARK		8075 FLORIDA BLVD.	BATON ROUGE 70806
* 72C3	GREATER BATON ROUGE ZOO		PO BOX 68	BAKER
* 72C5	LEBLANC, RJ	CRITTER CORNER PET SHOP	PO BOX 458	GWF OFF 70345
* 72C7	WHITE, B	GULF COAST SERPENTARIUM	RT 1 BOX 455	SLIDELL 70458

MAINE

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 11C6	ANIMAL FOREST PARK		BOX 608	YORK BEACH 03910
* 11C1	FRASER, CH	LUDLOW BEAR FARM	RFD #1 BOX 168	MOULTON 04730
* 11C8	GALLOP, V	GALLOP'S ANIMAL RANCH	RFD 2	MOULTON 04730
* 11C12	GATES, L	SEA WORLD	JFK MALL	WATERVILLE 04901
* 11C13	GOLDBERG, AD	SIMPSONS ANIMAL PARK	OLD BATH RD	BRUNSWICK 04011
* 11C10	LAMPRE, A	SIMPSON'S WILD ANIMAL PARK	OLD BATH ROAD	BRUNSWICK 04011
* 11C9	MCKENNA, E	RUMFORD WILD ANIMAL PARK	RT 2	RUMFORD POINT 04279
* 11C7	MERRILL, CRE	MERRILL WILDLIFE CT	RFD 2 PT 136	LISBON FALLS 04252
* 11C11	PRIME, E	ROSELEDGE FARM	RFD #5	AUGUSTA 04330
* 11C6	SEALAND OF CAPE COD INC.	AQUALAND WILDLIFE PARK	RT 6A	BREWSTER 02631
* 11C5	SKIRICKI, J		5 SAYWARD ST	KENNEBUNK 03043

MARYLAND

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
21A8	AMBROSE, EL		RT 2 BOX 1138	HAGERSTOWN 21740
21C6	BALTIMORE ZOO		DRUID HILL PARK	BALTIMORE 21217
21A8	DAVIS, C & J	TRIO-D-FARM SUPPLY	PO BOX 325 RB STATION	PASADENA 21122
21PE12	ENCHANTED FOREST		10040 BALTO NATL PIKE	ELLICOTT CITY 21043
21A8	WINKLE, J		1023 MD AVE	HAGERSTOWN 21740
21A0	LEWIS, JL	BIG VALLEY RANCH	BOX 1156 LAKE SHORE	PASADENA 21122
21PE5	SALISBURY ZOO		750 S. PARK DRIVE	SALISBURY 21801
21PE3	ZOOLOGICAL CONSORT OF MD. INC.	CATOCTIN MOUNTAIN ZOO	RT. 3 BOX 126	THURMONT 21788

MASSACHUSETTS

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
14C9	AQUARIUM OF CAPE COD, INC	AQUA CIRCUS	RT 28	WEST YARMOUTH 02673
14C7	BOSTON MUSEUM OF SCIENCE	LIVE ANIMAL CENTER	SCIENCE PARK	BOSTON 02114
14C5	CARRON PARK ZOO		COUNTY ST	ATTLEBORO 02703
14C11	CHILDREN'S MUSEUM	THE JAMAICAWAY	300 CONGRESS ST.	BOSTON 02210
14C17	CITY OF NEW BEDFORD	BUTTONWOOD PARK ZOO	133 WILLIAM ST.	NEW BEDFORD 02740
14C21	CITY OF PITTSFIELD	DEPT OF PARKS & RECREATION	870 NORTH ST	PITTSFIELD 01201
14C2A	CITY OF SPRINGFIELD	FOREST PARK ZOO		SPRINGFIELD 01108
14C16	CITY OF WORCESTER	GREEN HILL PARK	455 MAIN STREET	WORCESTER 01608
14C35	CLERMONT, M		BOX 1206	OAK BLUFFS 02557
14C10	EDAVILLE CORP		BOX 7 RTE 58	SOUTH CARVER 02366
14C30	ESTES, KL	MOHAWK TREE GIFT SHOP	RT 2 MOHAWK TRAIL	SHELBURNE FALLS 01370
14C4	FOREST PARK ZOOL. SOCIETY	J.D. HEADY MIDDLEFIELD ZOO	SOUTH GREETING RD	SPRINGFIELD 01108
14C19	FRANK NEWHALL LOOK MEM. PARK		300 N MAIN ST	FLORENCE 01060
14C22	H. K. WEBSTER CO., INC.		32 WEST ST	LAWRENCE 01842
14C35	LEGRANCOIS, P & D	IT'S AN ANIMAL'S WORLD	10 WHITCOMB ST	WEBSTER 07150
14C27	MASS AUDUBON SOC		80. GREAT RD	LINCOLN 01773
14C1	METROPOLITAN DIST COMM	FRANKLIN PARK ZOO		DORCHESTER 02121
14C19	MT. WACHUSETT ANIMAL FORE ST INC.		OLD PRINCETON RD BOX 51	HUBBARDSTON 01452
14C12	NEW ENGLAND AQUARIUM CORP		CENTRAL WHARF	BOSTON 02110
14C36	SMITHSON, GM		620 TUBMAN RD	BREWSTER 02631
14C34	SOUTHWICK BIRDS & ANIMALS INC	RASSETT WILD ANIMAL FARM	RFD	BLACKSTONE 01504
14C20	SPRINGFIELD SCI. MUSUEM		236 STATE ST	SPRINGFIELD 01103
14C31	TOWER, PE	TUDOR AQUARIUM	300 WEST BROADWAY	SOUTH BOSTON 02127
14C24	TOWN OF NORTH ATTLEBORO	WORLD WAR I MEMORIAL PARK	5A NO. WASHINGTON ST	NORTH ATTLEBORO 02760
14C18	WALTHAM PK & REC DEPT		314 TOTTEN POND RD	WALTHAM 02154
14C32	WATSON, R	EAST COAST CAMEL CO	POND STREET	ESSEX 01929
14C37	WILLIAMS, D	AUSTRALIAN PRODUCTIONS INC	C/O SOUTHWICK BIRDS & ANIMALS	MENDON 01756
14C3	WORCESTER SCIENCE CTR	WORCESTER NAT HIS SOC	222 HARRINGTON WAY	WORCESTER 01604

MICHIGAN

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
3ACEA	CITY OF DETROIT		BOX 39	ROYAL OAK 48068
3ACE10	CITY OF GRAND RAPIDS	JOHN BALL ZOOL. GARDENS	301 MARKET ST SE	GRAND RAPIDS 49502
3ACE15	CITY OF LANSING	POTTER PARK ZOO	1301 S PENN AVE	LANSING 48933
3ACE9	DEER FOREST PARK INC		BOX 817	COLOMA 49038
3ACE3	DEER PARK FUNLAND INC		4750 WHITEHALL RD	MUSKEGON 49445
3ACE1	HEIDE, H	GAME HAVEN	13750 SHIRE RD	WOLVERINE 49799
3ACE12	SCHUMACHER, R	SCHUMACHER'S CHIMPANZEES	7456 NORTHWAY	UNION LAKE 48085
3ACE13	SOULES, C	POODLES OF PARIS	7456 NORTHWAY	UNION LAKE 48085

MINNESOTA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
41C32	BLUE MOUND INN		NORTH HWY 75	LUVERNE 56156
41C17	CAMPBELL, D	MILLIKEN CREEK	RR 1 BOX 104	WEST CONCORD 55985
41C27	CITY OF LITTLE FALLS		100 NE SEVENTH AVE	LITTLE FALLS 56345
41C38	CITY OF WADENA		BOX 30	WADENA 56482
41C10	COLD SPRINGS, INC.	COLD SPRINGS 66		ORR 55771
41C18	EGGLESTON, URD		DEER VALLEY	WALKER 56484
41C31	GIVSTRAD, E	NEEDLEWOODS WILDLIFE RANCH	STAR ROUTE	DETROIT LAKES 56501
41C36	HIMES, D	TRAPPER HIMES WILD		RAY 56669
41C16	LAMARGE, LRR	SMOKEY HOLLOW ANIMAL HAVEN	RT 1 BOX 59	CHISHOLM 55719
41C25	LENZ, FC	DEER FOREST	PO BOX 134	NISSWA 56468
41C26	LENZ, W	WILLY LENZ CHIMPANZEE ACT	BOX 134	NISSWA 56468
41C35	LIFSTMAN, D & D	THE FARM SUPPER CLUB INC	RT 4	PRINCETON 55371
41C9	MARKKANEN, R	10,000 SFA SMELLS	RT 1 BOX 282	EVELETH 55734
41C22	MCGREGOR DAIRY QUEEN, INC		BOX 66	MCGREGOR 55760
41C2A	NEAL, MF	THE ARK PETSHOP INC	12887 CENTRAL AVE NE	BLAINE 55434
41C23	PARSONS, A	HIGH FALLS TRAD.POST		GRAND PORTAGE 55605
41C5	ROLLIE WESTMAN ENT INC	WILDWOOD	ROUTE 1	CENTER CITY 55012
41C33	SHEPPARD, DE	SPLIT ROCK TRADING POST	510 WILSON AVE NE	ST CLOUD 56301
41C28	SIMPSON, D & D	DEER TOWN	RT 2	PARK RAPIDS 56470
41C20	SMUDA, F & L		RT 3 BOX 248	LITTLE FALLS 56345
41C19	STATE OF MINNESOTA	MINN ZOOLOGICAL GARDEN	12101 JOHNNY CAKE RIDGE RD	APPLE VALLEY 55124
41C3	TANK, GA	DEERLAND ENT	RT 7 BOX 11	BRAINERD 56401
41C6	TRYON, P	HIGH TOWN DEER PARK	RT 3 BOX 160	REMIDJI 56601
41C11	VALLEYFAIR INC.		1 VALLEYFAIR DRIVE	SHAKOPEE 55379
41C1A	WALTERS, C	RIVERSIDE INN	PO BOX 96	SIDE LAKE 55781
41C30	WOLFE, B	RAINBOW VALLEY	RT #1 BOX 185	CROSSLAKE 56442

MISSISSIPPI

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
65C6	BRELAND, WA	THE CABIN STORE	HWY 29-NORTH	WIGGINS 39577
65C2	CITY OF HATTIESBURG	KAMPER PARK & ZOO	107-17TH AVE	HATTIESBURG 39401
65J2	CITY OF JACKSON	JACKSON ZOOLOGICAL PARK	2918 W CAPITOL ST	JACKSON 39209
65C1	CITY OF MERIDIAN	MERIDIAN ZOO	PO BOX 4153 W. STATION	MERIDIAN 39301
65C7	GRIZZARD, H R J	FANTASY LAND	RT 5 BOX A6	FLORENCE 39073
65C5	MARINE ANIMAL PRODUCTIONS INC		150 DEBUYS RD	BILOXI 39531
65C8	NESHOBA COUNTY PARK & REC	PHILADELPHIA PARK & ZOO	RT 6 BOX 5	PHILADELPHIA 39350

MISSOURI

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
43A2L				FORDLAND 65652
43A0L	ACTION ADVERTISING CO.		MURRAY HILL ENTERPRISES	POPLAR BLUFF 63901
4350L	ANHEUSER-BUSCH, INC.		2819 WILCOX RD.	ST. LOUIS 63118
4353L	CAMPBELL, D & B	ANIMAL WORLD	721 PESTALOZZI ST	ELDON 65026
4341L	CARDEN-JOHNSON CIRCUS CORP.		RT. 2 BOX 80	WILLARD 65781
4376L	HALE, D	5-M RANCH ZOO	RT 2	CAPE GIRARDEAU 63701
4368L	JACKSON CO. PARK DEPT.		BOX 126 RT 1	BLUE SPRINGS 64015
4377L	JONES, D & G	ROARING ACRES ZOO RANCH	PO BOX 127	CAPE GIRARDEAU 63701
4356L	JONES, J		R 1	STRAFFORD 65757
4362L	KANSAS CITY ZOO, GARDEN		SHOPE PARK	KANSAS CITY 64132
4379L	KRUSE, M	HOMESTEAD FARM	RT. 2 BOX 306	BLUE SPRINGS 64015
4352L	MAY ALLEN'S ZOOLOG. GARDENS			ELDON 65026
4350L	SIX FLAGS OVER MID-AMERICA INC		PO BOX 666	EUREKA 63025
4351L	SPRINGFIELD PARK BOARD	DICKERSON PARK ZOO	1923 NORTH WELLER	SPRINGFIELD 65803
4341L	ST. LOUIS ZOOLOGICAL PARK		FOREST PARK	ST. LOUIS 63110

MONTANA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
AIC6	GREBE, LR		BOX 187	MELSTONE 59054
AIC2	RED LODGE ZOO		523 N. HAUSER	RED LODGE 59068
AIC1	THE TRAP INC		5850 HWY 2 EAST	COLUMBIA FALLS 59912

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NEBRASKA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
47C02	AGER MEMORIAL ZOO	PIONEER PARK ZOO	1300 S 27TH ST	LINCOLN 68502
47C1	ARNOTT A. FOLSOM ZOOL. SO C.	FOLSOM CHILDREN'S ZOO	2800 A ST	LINCOLN 68502
47C06	ANDZOVSKY, L & A	A & A MONKEY HAVEN	309 BURLINGTON	YORK 68467
47C08	CITY OF NORTH PLATTE	CODY PARK ZOO	211 WEST 3RD ST	NORTH PLATTE 69101
47C03	HENRY DOORLY ZOO	RIVERVIEW PARK		OMAHA 68107

NEVADA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
AAF7	AURATH, CL		115 E MIGHAM AVE.	LAS VEGAS 89119
AAF5	AUGSBURG, C		6772 EASTERN AVE	LAS VEGAS 89119
AAF26	BECK, C		6206 MEADOWBROOK LANE	LAS VEGAS 89103
AAF25	BEROSINI, B	BORRY BEROSINI LTD	2716 E BEND AVE	LAS VEGAS 89120
AAF12	DETROY, G	MARQUIS CHIMPANZEES	2971 SANTA MARGARITA	LAS VEGAS 89102
AAF11	EVANS, K	CATS	PO 19657	LAS VEGAS 89119
AAF20	MANTIGOVA, O & D		4659 MONTEREY CIRCLE	LAS VEGAS 89109
AAF23	MINMAN, A & J		STAR RT BOX 7502	PAHRUMP 89041
AAF14	LEE, LB & PRATT, SR	STRAW HAT ANIMALS	1313 CHARMAST AVE.	LAS VEGAS 89102
AAF13	LEVINSON, A&R	BONNIE SPRINGS RANCH		OLD NEVADA 89004
AAF15	MEYER, L	PARADISE PET CLINIC	2115 MORGAN WAY	LAS VEGAS 89109
AAF10	POST, M		10490 CHESTNUT RD	RENO 89506
AAF16	RUBY, J & M	RANCHO LOS LOBOS	PO BOX 95	MOAPA 89025
AAF22	SCHERCK, K	THE ANDENTS POODLES	6026 SYRACUSE DR	LAS VEGAS 89121
AAF6	SIEGFRIED & ROY, ENT, INC		1630 NO VALLEY DR	LAS VEGAS 89108
AAF8	SPARKS NUGGET, INC.		PO BOX 797	SPARKS 89431
AAF17	VARGAS, J & P		192 ERIE AVE	LAS VEGAS 89119
AAF3	VINICKY, J		3131 S JONES BLVD	LAS VEGAS 89102
AAF21	WYNN, FF		PO BOX 1776	WINNEMUCCA 89445

NEW HAMPSHIRE

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
12C10	BALDT, L	ENCHANTED FOREST	87 SHORE DR.	LACONIA 03246
12C1	BENSON WILD ANIMAL FARM, INC.		RT 111	HUDSON 03051
12C6	BRADY, J	SIX GUN CITY	RT. 2 BOX 110	JEFFERSON 03583
12C3	CLARK'S TRADING POST		US ROUTE3	LINCOLN 03251
12C5	FOX, R	FRIENDLY FARM	BOX 76	DUBLIN 03444
12C2	LINWOOD INVESTORS, INC	FANTASY FARM-NATURELAND	RT 3	LINCOLN 03251
12C11	MORRELI CORP.	STORYLAND	BOX 1776 RTE 16	GLEN 03860
12C7	SANTA'S VILLAGE INC.		PO BOX A	JEFFERSON 03583
12C4	SQUAM LAKES SCIENCE CENTE R		PO BOX 186	HOLDERNESS 03245
12C9	WEIRS SPORTS CENTER, INC	STORYBOOK FOREST	RT 3	WEIRS BEACH 03246

NEW JERSEY

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
22C9	ANIMAL ACTORS INT INC		RD 3 BOX 221	WASHINGTON 07882
22C22	BERGEN CO. PARK COMM.		575 MAIN STREET	MACKENSACK 07601
22C15	BRIDGETON CITY PARK	COMANZICK ZOO	CITY PARK	BRIDGETON 08302
22C37	BROWN, D & SOUTHREY, WR	ANIMAL ATTRACTIONS UNLIMITE D	BOX 365 A-RD 6	PLEASANTVILLE 08232
22C35	BURGER, J & P		RD 1 BOX 431-A	BLACKWOOD 08012
22C36	CAPEMAY COUNTY PARK ZOO		RT 9	CAPE MAY COURT HOUSE 08210
22C25	CITY OF TRENTON	CADWALADER PARK	CITY HALL E STATE ST	TRENTON 08608
22C20	COLLINS, R		BOX 550 RT 23	OAK RIDGE 07438
22C16	DAWN ANIMAL AGENCY, INC	MEADOW GATE FARM	CROSS RD	COLTS NECK 07722
22C40	DIETCH, R		41-23 GIFGER PLACE	FAIR LAWN 07410
22C11	ESSEX COUNTY PARK COMM	TURTLE BACK ZOO	115 CLIFTON AVENUE	NEWARK 07104
22C20	GIORDANO, S&R		RD 1 BOX 109-F	FRANKLIN 07416
22C12	GREAT ADVENTURE INC.		P.O. BOX 120	JACKSON 08527
22C21	HUNTER CIRCUS, INC.		PO BOX 66	FLORENCE 08518
22C18	JONES, R		151 N ANNAPOLIS AVE	ATLANTIC CITY 08401
22C27	MARAREK, JR		PO BOX 12	CLARKSBURG 08510
22C28	MCMILLAN, D	GREAT ADVENTURE	RT 1 ORR RD	ALLENTOWN 08501
22C23	MIDDLESEX CO. PKS./REC. D EPT.		PO BOX 661	NEW BRUNSWICK 08903
22C38	POPCORN PARK ZOO		PO BOX 43	FORKED RIVER 08731
22C31	ROBINSON, R	ROUINK THE CLOWN	627 CAYUGA	PLEASANTVILLE 08232
22C6	ROSE, C & M	ROSE'S ANIMAL FARM	HOBSON AVENUE	TRENTON 08610
22C30	SILS, JR		PO BOX 123	ROBBINSTOWN 08505
22C2	SPACE WILD ANIMAL FARM IN C		RFD #6 BEEMERVILLE RD	SUSSEX 07461
22C17	TERRY, ETBEL	TERRY LOU ZOO	1451 RARITAN RD	SCOTCH PLAINS 07076
22C32	TOWN OF KEARNY		BERGEN AVENUE	KEARNY 07032
22C7	WHITCRAFT, JR	MONKEY BUSINESS	MAIN ST BOX 3	JULIUSTOWN 08042
22C13	WINTERS, R		66 COLUMBINE RD	PARAMUS 07652
22C30	YOUNG, PM	MISTY HOLLOW FARM	RD 1 BOX 275	FLEMINGTON 08822

NEW MEXICO

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
ASC3	CITY OF ALAMOGORDO	ALAMEDA PARK ZOO	511 TENTH ST.	ALMOGORDO 88310
ASCNM	CITY OF ALBUQUERQUE	RIO GRANDE ZOOL PK	PO BOX 1293	ALBUQUERQUE 87102
ASC4	LIVING DESERT STATE PARK		PO BOX 100	CARLSBAD 88220
ASC5	SPRING RIVER PARK & ZOO			ROSWELL 88201
ASC2	STARKEY, ER	FLYING W'S EXOTIC GAME FARM	3406 ENGLISH RD	FARMINGTON 87401

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NEW YORK

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 21JT	ALL-TAME ANIMALS, INC.		53 OLD MILL RD.	PURCHASE 10577
• 21CP	ANIMAL LAND INC		RT. 9 RD 2	GLENS FALLS 12801
• 21LW	BARRA, JE		1721 ST. PAUL ST	ROCHESTER 14621
• 21ME	BOARD OF TRUSTEES	WILDCLIFF MUSEUM	WILDCLIFF RD	NEW ROCHELLE 10805
• 21DM	BURNET PARK ZOO		P.O. BOX 146	LIVERPOOL 13088
• 21NS	CARPENTER, G	T.K. PETTING ZOO	5996 ERIE BLVD	ROME 13440
• 21CL	CATSKILL GAME FARM INC		RD 1 BOX 92	CATSKILL 12014
• 21KA	CHATEAU STABLES, INC.		608 W 48TH ST	NEW YORK 10036
• 21JA	CITY OF KINGSTON	FORSYTH PARK ZOO	467 BROADWAY	KINGSTON 12401
• 21FM	CITY OF NEW YORK	CENTRAL PARK ZOO	830 FIFTH AV	NEW YORK 10021
• 21CM	CITY OF UTICA & UTICA ZOO SOC.		STEELE HILL RD	UTICA 13501
• 21FA	CITY OF WATERTOWN	THOMPSON PARK ZOO	215 WASHINGTON ST.	WATERTOWN 13601
• 21RZ	COUNTY OF MONROE	SENECA PARK ZOO	30 MAIN ST. WEST	ROCHESTER 14614
• 21NL	CROSS, L & R	FORT RICKEY GAME FARM	RD #5	ROME 13440
• 21ND	FOWLER, I	TIPPY ENTERPRISES	639 GUY LOMBARDO AVE	FREEPORT 11520
• 21JC	FANTASY ISLAND, INC		2600 GRAND ISLAND BLVD	GRAND ISLAND 14072
• 21DX	FRONTIER TOWN PROD., INC			NO HUDSON 12855
• 21MT	GILLETTE, AR	MAGIC FOREST	RT. 9	LAKE GEORGE 12845
• 21NB	HERITAGE DEVELOPMENT GR., INC.		HERITAGE HILLS DR.	SOMERS 10589
• 21LA	HERMAN'S NURSERY, INC.		600 DUTCHESS TNPK	POUGHKEEPSIE 12603
• 21NA	LITTLE LION LAND, INC.		1134 UNION AVE.	NEWBURGH 12550
• 21NZ	LOLLYPOP FARM OF ROCHESTER INC.		99 VICTOR RD.	FAIRPORT 14450
• 21GZ	LONG ISLAND GAME FARM INC		CHAMPMAN BLVD	MANORVILLE 11949
• 21KX	MARMOSET BREEDING FARM, INC.	MARMOSET BREEDING FARM	342 MOSLEY RD	ROCHESTER 14610
• 21JB	MILLBROOK SCHOOL		MILLBROOK SCH RD	MILLBROOK 12545
• 21KS	MOREAU, PJ	JOY & THE MOREAU BOYS	1807 18TH ST	NIAGARA FALLS 14305
• 21DY	MUS. OF THE HUDSON HIGHLANDS		THE BOULEVARD	CORNWALL-ON-HUDSON 12520
• 21RW	NEW YORK ZOOLOGICAL SOC		185TH ST&SOUTHERN BLVD	BRONX 10460
• 21NZ	NEWMAN, G	BETTE & HER HOLLYWOOD PALS	32-76 36TH ST.	ASTORIA 11106
• 21KZ	OPPENHEIM ZOOLOGICAL SOC.		2497 NIAGARA FALLS BLVD	NIAGARA FALLS 14304
• 21DW	PALISADES INTERSTATE PARK COMM	BEAR MOUNTAIN TRAILSIDE MUS		BEAR MOUNTAIN 10911
• 21KR	POPOLIZIO, GR		RT 1	HOLMES 12531
• 21KY	RIX, A	RIX PERFORMING BEARS	R.D. 1 BOX 12	MIDDLETOWN 10940
• 21MU	ROSH, R	SPANISH HILL MORTL	BOX 3	WAVERLY 14892
• 21LE	SARO, D		RT 44 BOX 181	AMENIA 12501
• 21FM	SANTA'S WORKSHOP,INC			NORTH POLE 12946
• 21NU	SEA RESEARCH FOUND., INC	AQUARIUM OF NIAGARA FALLS NY	701 WHIRLPOOL ST	NIAGARA FALLS 14301
• 21LF	SERGENT, D		RT 44 BOX 181	AMENIA 12501
• 21FL	SNYDER DARIEN CORP		9993 ALLEGHENY RD	CORFU 14036
• 21FA	SOUTHERN TIER ZOOLOGICAL SOC.	ROSS PARK ZOO	185 PARK AVE.	BINGHAMTON 13903
• 21HY	STATEN ISLAND ZOOLOGICAL SOC.		614 BROADWAY	LONG ISLAND 10310
• 21KM	STEINMEYR, S		RR 1 BOX. 152	WINDHAM 12496

NEW YORK

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 21DA	STERLING AK FUR/GAME FARM INC		17 SARANAC AV	LAKE PLACID 12946
• 21FP	STORYTOWN FUN PARK		LAKE GEORGE RD.	GLENS FALLS 12801
• 21MI	TOWN OF HARRISON	WEST HARRISON MEMORIAL PARK	1 HILLSIDE AVE	HARRISON 10528
• 21ML	VEIT, JM	CANDY CANE VILLAGE	1945 EDEN EVANS RD	EDEN 14057
• 21KT	VIDREL, A&J		RR 1 BOX 251	WINDHAM 12496
• 21FJ	ZOOL. SOC. OF BUFFALO, INC.	BUFFALO ZOOL. GARDENS		BUFFALO 14214

NORTH CARULINA

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 55C25	BOWIE, F		862 SHAW MILL RD	FAYETTEVILLE 28301
• 55C1A	CARRADO, JR, N	CARRADO ENTERPRISES	PO BOX 894	CARTHAGE 28327
• 55C9	CITY OF ASHEVILLE	NATURE CENTER	GASHES CREEK ROAD	ASHEVILLE 28805
• 55C23	CITY OF GREENSBORO	NATURAL SCIENCE CTR OF GREENSBORO	4301 LAWNDALE	GREENSBORO 2708
• 55C22	FEICK, GT		RT #2 BOX 152 A	SYLVA 28779
• 55C19	GORE, J & BRITT, P		552 MILLIARD DR	FAYETTEVILLE 28301
• 55C24	HAMPTON, H & P & J	HAMPTON ENTERPRISES	RT 1	MT ULLA 28125
• 55C17	JOHNSON, RF & HH	FT CHEROKEE TRADING POST	5625 CAROLINA BEACH RD	WILMINGTON 28403
• 55C10	JOHNSON, SR, CH	JOHNSON'S ZOO & ANIMAL FARM	BUFFALO RD RT 3 BOX 464	SMITHFIELD 27577
• 55C15	LEE, N	RAINBOW TRAVELING SHOW	RT 2 BLEEPY CREEK	DUDLY 28333
• 55C16	LYONS, D	SANTA'S LAND ZOO	BOX 1304	CHEROKEE 28719
• 55C3	MILLER, JP	BOCO GARDENS ZOO	RT 1 BOX 355	MAGGIE VALLEY 28751
• 55C13	MOORE, V	VIC MOORE INTER. KARATE	120 DONALDSON ST	FAYETTEVILLE 28301
• 55C18	MORGAN, TM & LT	EXOTIC BIRDLAND	RT 1, BOX 156	LAURINBURG 28352
• 55C21	MURCHINSON, RH & SONS	STATE LINE ZOO	RT 1 BOX 72	STAR 27356
• 55C7	N. CAROLINA ZOOLOGICAL PARK		RT 4 BOX 73	ASHEBORO 27203
• 55C27	QUINLAN, R	QUINLAN MARINE ATTRACTIONS	RT 3 BOX 540	LINCOLNTON 28092
• 55C26	ROWAN COUNTY PARKS & REC	DAN NICHOLAS PARK NATURE CT	RT 10 BOX 832	SALISBURY 28144
• 55C20	THE MCADENVILLE FOUNDATION			MCADENVILLE 28101
• 55C5	TOMS, L	RUTHERFORD CO ZOO	RT 3 BOX 306	FOREST CITY 28043
• 55C6	TREGEMO, GREJ	TOTE-EM-IN-ZOO	5845 CAROLINA BCH RD	WILMINGTON 28401
• 55C8	TRUESDELL, T	SAUNOOKE BEAR LAND	P.O. BOX 795	CHEROKEE 28719
• 55C4	TWEETSIE RAILROAD INC.	THE DEER FARM	P.O. BOX 388	BLOWING ROCK 28605
• 55C11	UNDERWOOD, R & B		RT 2	VASS 28394
• 55C12	WILSON, F & M	PLAYTIME ANIMAL CIRCUS	P O BOX 1167	CONCORD 28025

NORTH DAKOTA

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 45C1	CHAMINKAPA ZOO ASSN,	CHAMINKAPA ZOO	BOX 101	HAMPTON 58075
• 45C3	DAKOTA ZOOLOGICAL SOC.,INC.	DAKOTA ZOO	PO BOX 711	BISMARCK 58501
• 45C2	GOLD SEAL CO.	MEDORA ZOO		MEDORA 58645
• 45C4	MINOT PARK DISTRICT	ROOSEVELT PARK ZOO	BOX 538	MINOT 58701
• 45C5	SPRING LAKE ZOO	SPRING LAKE ZOO	BOX 1306	WILLISTON 58801

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OHIO

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 31C346	BARR, L		1025 HALL STREET	MAUMEE 43537
* 31C6	CITY OF AKRON PARKS & REC BUREAU	AKRON CHILDRENS ZOO	1436 TRIPLETT BLVD BLG 1 A	AKRON 44306
* 31C350	CLARE-MAR-LAKES		RD #1 NEW LONDON EASTERN RD	NEW LONDON 44851
* 31C5	COLUMBUS ZOOLOG. GARDEN	COLUMBUS ZOO	9990 RIVERSIDE DR	POWELL 43065
* 31C360	CONLEY, CE	UNITED ZOOLOGICAL EXHIBIT	2635 NORTON RD	KENT 44240
* 31C219	CULLISON, K		1949 KIM DR	AKRON 44312
* 31C205	DIAMOND K DONKEY BALL CO		R 1	NAPAKONETA 45895
* 31C27	DIAMOND O RANCH, INC.	BUCKEYE CIRUS CORP.	1000 WARNER RD. SE	CANTON 44707
* 31C292	DODGE, G & M	GORDANS AMUSEMENTS	PO BOX 104	BURTON 44021
* 31C338	DORMAN, R	REX HILL KENNELS	4881 MANCHESTER RD.	AKRON 44319
* 31C361	DOWNIE, M	DONNIE & ASSOCIATES	151 BELL STREET	CHAGRIN FALLS 44022
* 31C352	ERENMACK, TE		28001 EBENMACK RD	CIRCLEVILLE 43113
* 31C79	EDGERTON CONSERVATION CLUB		BOX 3	EDGERTON 53534
* 31C311	EGGERS, DG	MOTHER NATURES MENAGERIE	695 WEBER AVENUE	AKRON 44303
* 31C340	FIKES, D		468 W STEELES CORNERS RD	CUYAMOGA FALLS 44223
* 31C321	FOLLIN, WJ	A-1 DONKEY BALL CO	BOX 159	UNIOPOLIS 45888
* 31C367	GOSHEN, T		3822 CANTERBURY RD	WESTLAKE 44145
* 31C357	HEIDELBERG, RF	BRUKNER NATURE CT	5995 HORSESHOE BEND RD	TROY 45373
* 31C184	HOSKINSON, SP	ANIMALS OF DISTINCTION	6 HOMESTEAD	SEVILLE 44273
* 31C340	HOWD, P	PETE AND POP	282 HIGHGROVE BLVD	AKRON 44312
* 31C363	HUMBARGER, L	GORILLA'S BARN SALE	133 NE KIM ST	BELLEVUE 44811
* 31C194	LAGOON DEER PARK INC		1502 MARTIN'S PT RD	SANDUSKY 44870
* 31C331	LEDUC, P		PO BOX 69	ATLANTA 43108
* 31C362	LOWE, JT		1192 EAST 40TH ST	CLEVELAND 44114
* 31C17	METROPARKS ZOOLOGICAL PARK	BROOKSIDE PARK	BOX 09040	CLEVELAND 44109
* 31C314	PICARD, J & B	PARKMAN ZOOLOGICAL GARDENS	16639 MAIN MARKET RD.	WEST FARMINGTON 44491
* 31C318	SAUDER MUSEUM		R 2	ARCHBOLD 43502
* 31C349	SEA WORLD OF OHIO		1100 SEA WORLD DRIVE	AURORA 44202
* 31C306	SEDIVY, P		252 SPRINGDALE LANE	MORELAND HILLS 44022
* 31C296	SEELEY, DV	LION WRECKING YARD	10139 SR 164	LISBON 44432
* 31C168	TAFT BROADCASTING CO.	KINGS ISLAND	1906 HIGHLAND AVE.	CINCINNATI 45219
* 31C158	THE MIRAM HOUSE		33775 MIRAM TRAIL	CHAGRIN FALLS 44022
* 31C7	TOLEDO ZOOLOGICAL SOCIETY		2700 BROADWAY	TOLEDO 43609
* 31C218	WILLIAMS, JE		955 N STATELINE RD	SHARON 16146
* 31C336	YOXALL, I	Y-BAR ENTERPRISES	11117 CLARIDON-TROY RD.	HUNTSBURG 44046
* 31C20	ZOO SOC OF CINCINNATI		3400 VINE ST	CINCINNATI 45220

OKLAHOMA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 73EZ11	ALARD, A	BUFFALO RANCH		AFTON 74331
* 73EZ10	BARREDA, J		PO BOX 381	EDMOND 73034
* 73EZ6	CARSON & BARNES CIRCUS, INC.		PO BOX J	HUGO 74743
* 73EZ16	CITY OF ADA	WINTERSMITH PARK	13TH & TOWNSEND	ADA 74820
* 73EZ6	CITY OF ALVA ZOO		615 6TH ST	ALVA 73717
* 73EZ2	CITY OF OKLAHOMA CITY	OKLAHOMA CITY ZOO TRUST	RT 1 BOX 1	OKLAHOMA CITY 73111
* 73EZ1	CITY OF TULSA	TULSA ZOOLOGICAL PARK	5701 E 36TH ST	TULSA 74115
* 73EZ12	WAGEE, J	ARBUCKLE WILDERNESS	RT 2 BOX 86	EDMOND 73034
* 73EZ13	THE FRANK PHILLIPS FOUND, INC.	WOOLAROC WILDLIFE REFUGE	BOX 1647	BARTLESVILLE 74003
* 73EZ7	WARD, R		RT 1 BOX 110	LOCUST GROVE 74352

OREGON

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 92C23	CHILDERS, J & F	ROGUE VALLEY WILDLIFE PARK	1765 BROWNS BORO-MERIDIAN RD	EAGLE POINT 97524
* 92C5	CITY OF KLAMATH FALLS	MOORE PARK	226 5STH ST.	KLAMATH FALLS 97601
* 92C26	CRAIG, MC		PO BOX 493	WINSTON 97496
* 92C12	FIERER, M	OREGON COAST SAFARI		SILETZ 97380
* 92C21	GILBERT, L & P	WOODLAND DEER PARK	27803 REDWOOD HWY	CAVE JUNCTION 97523
* 92C27	GROVER, F & P	STONE AGE PARK	PO BOX 107	PORT ORFORD 97465
* 92C6	HOLLAND, L & L	DEERLAND PARK	BOX 77	CHILOQUIN 97624
* 92C24	MURDY GURDY CIRCUS, INC.		1303 SW 16TH	PORTLAND 97201
* 92C9	INDIAN FOREST INC		88493 HWY 101	FLORENCE 97439
* 92C10	JACOBS, JR., T	CANDYLAND CIRCUS	RT 4, BOX 652	GRESHAM 97030
* 92C22	JOYNER, L		4401 ROCKYDALE RD.	CAVE JUNCTION 97523
* 92C2	KARAT, RG & MA	ANIMAL ACTORS RANCH	13260 HWY 238	JACKSONVILLE 97530
* 92C1	METROPOLITAN SERVICE DISTRICT	WASHINGTON PARK ZOO	1220 SW MORRISON	PORTLAND 97205
* 92C17	SCHROEDER DJ & HURD R	BISON-TEN-YEL ZOO	175 MT VIEW DRIVE	EUGENE 97401
* 92C28	TROUTMAN INVESTMENT CO	OPERATION SANTA CLAUS	BOX 5467	EUGENE 97405
* 92C25	W. DEER PK. & ARBORETUM LTD		RT 1 BOX 46	SHERIDAN 97378
* 92C13	WEST COAST DEER PARK INC		RT 1, BOX 1330	RANDON 97411
* 92C10	WILDLIFE SAFARI		PO BOX 600	WINSTON 97496
* 92C29	WILDS, J & R	WILDS ANIMALS	PO BOX 328	APPLEGATE 97530

PENNSYLVANIA

* LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* 23F66	ACDMY OF NAT SCIENCES		19TH & THE PARKWAY	PHILADELPHIA 19103
* 23E71	ALLEGHENY CY PK BE CN		345 COUNTY OFF BLDG	PITTSBURGH 15219
* 23F24	ANIMAL KINGDOM TALENT SERVICE		RD 2 BOX 61	TIOGA 16946
* 23FA6	BASS, JC & AC	THE LION'S DEN	PO BOX 182	RENOVO 17764
* 23F44	BLUBAUGH, CR	TWIN KISS DRIVE-IN	7321 ANTHONY HWY.	WAYNESBORO 17268
* 23E36	BODINE, SR., GS	ANIMALAND	RD 6 BOX 225	WELLSBORO 16901
* 23E12	BOROUGH OF NORRISTOWN	ELMWOOD PK ZOO	235 EAST AIRY ST	NORRISTOWN 19401
* 23F70	BREENMORE INTERNATIONAL LTD		RT 434	SHOMOLA 18458
* 23F19	BRUBAKER, RM		RT #5	MANHEIM 17545
* 23F83	BRUMBAUGH, S		RD 1 BOX 514	ROARING SPRING 16673
* 23FA1	BUTTON, DE	BUTTONS PRE XMAS S CLAUSE SER	RD 1	MILLERTON 16936
* 23F62	CANOUSE, R & V	MOON VALLEY PARK	RR 1 BOX 50	MILFORD 18337
* 23F32	CITY OF SCRANTON	NAY AUG PARK ZOO	CITY HALL	SCRANTON 18510
* 23F2	CLYDE PEELING'S REPTILAND LTDs		PO BOX 66	ALLENWOOD 17810
* 23F58	CORNWALL JR,,RA		20 RIVERSIDE DR	WARREN 16365
* 23E92	DUTCH WONDERLAND		2249 LINCOLN HWY EAST	LANCASTER 17602
* 23F3	ERIE ZOOLOGICAL SOCIETY		653 SHUNPIKE RD	ERIE 16508
* 23F50	EXHIBITS INC	DORNEY PARK ZOORAMA	4120-12TH AVE. e	ALLENTOWN 18104
* 23F46	FAIRYLAND FOREST		C/O ASSOCIATED GAMES	CONNEAUT LAKE PK 16316
* 23F72	FANTASYLAND, INC		PO BOX 339	GETTYSBURG 17325
* 23F25	FOREST ZOO INC		BOX 79 RD #1	ASHVILLE 16613
* 23E57	FORKER, T		BOX 125 STAR RT #3	TIONESTA 16353
* 23F54	FUNCH, RR		RT. 2 BOX 309	ANNVILLE 17003
* 23F60	GREGG, PC R J	KLONDIKE GIFT SHOP	KINZUA MTS	BRADFORD 16701
* 23F26	HALL, V	CLAWS & PAWS WILD ANIMAL FARM	R D 1	LAKE ARIEL 18436
* 23E51	HAVERSACK, MC			HYDE 16843
* 23F73	HEASLEY, JF & FM	HEASLEY'S TRADING POST	RD 1	LEWIS RUN 16738
* 23F42	HECK, T		400 KIDDER ST.	WILKES-BARRE 18702
* 23F59	HERCO, INC.	ANIMAL GDNS. & ZOOAMERICA	ONE CHOCOLATE AVE.	HERSHEY 17033
* 23F77	HILTS, LR		RD 2 MISTLETOE FARMS	MIDDLEBURY CENTER 16935
* 23F3A	HOCK, R	PEACOCK CNR GAME FARM	RD #8	BLOOMSBURG 17815
* 23F47	HOLLER, J	DEER STOP	RD 1	EASTON 18042
* 23F1	HOLMBERG, MC	FRONTIER ZOO	BOX C	LIGONIER 15658
* 23F94	INSULATION FOAM INC.	NOAH'S ARK CHILDREN'S ZOO	RD #1	CENTRAL CITY 15926
* 23F14	KIRACOFE, J & V	BOILING SPR ZOO PK & NAT CT	300 FRONT ST.	BOILING SPRINGS 17007
* 23F38	KISER, LL	KISER WILDLIFE RANCH	RD 1 BOX 117	CAIRNBROOK 15924
* 23F69	KISTLER, R	75 DAIRY DINE	RD 1	E WATERFORD 17021
* 23F43	LEHMAN, MR &EM	BLACK FOREST TRADING POST	RD 1 BOX 130	ULYSSES 16948
* 23FA9	LIPKO, COL. J	LIPKO'S CHIMPS	BOX 76	BARNESVILLE 18214
* 23EA5	MARTIN'S AQUARIUM, INC.		101 OLD YORK RD	JENKINTOWN 19046
* 23E61	MCDANIEL, JM	JIM MACK'S ICE CREAM	RD #2A BOX 86	YORK 17406
* 23F45	MCINTOSH, RT	GEORGE T MAYS DEER PARK	RD 1 BOX 326	COVINGTON 16917
* 23F70	MEALY, R & L	LAKE LUCY PARK	RD 1 BOX 121	TIONESTA 16353
* 23F13	MERCERBURG SPORTSMENS ASS N.,INC.		BOX 33	MERCERSBURG 17236
* 23FA8	MOHYER, R		206 S. WHITEHOUSE RD.	PHEONIXVILLE 19460
* 23F68	MONTGOMERY CO COMM	UPPER SCHUYLKILL VALLEY PARK	ONE MONTGOMERY PLAZA	NORRISTOWN 19404
* 23E93	MORRONE, J		1016 EARLINGTON RD	HAVERTOWN 19083
* 23F67	MOUNT AIRY LODGE			MT POCONO 18344
* 23F17	PITTSBURG ZOO		CITY-COUNTY BLDG	PITTSBURGH 15219
* 23F23	POCONO SNAKE COUNTRY INC		PO BOX 238	MARSHALLS CREEK 18335
* 23E9	POCONO WILD ANIMAL FARM, INC.		RD 1	STROUDSBURG 18360
* 23FA7	POCONOS MAGIC VALLEY INC.		WINONA FALLS RD RT 209	BUSHKILL 18324
* 23F55	PYMATUNING DEER PK		R.D.2	JAMESTOWN 16134
* 23E35	ROSATPE, SR., D & FAMILY		P.O. BOX 3612	SARASOTA 33578
* 23E91	SWURTZ, R		938 WYOMING ST	ALLENTOWN 18103
* 23F11	SIMPSON, RR		R 5 BOX 548	GETTYSBURG 17325
* 23F31	STORY BOOK FOREST, INC		BOX F	LIGONIER 15658
* 23FAB	THE AMISH FARM & HOUSE		2395 LINCOLN HY,E	LANCASTER 17602
* 23F16	TORIAS, DR & JR	LAKE TORIAS & ANIMAL HAVEN	RD #4	HALIFAX 17032
* 23F22	TREXLER LEHIGH CO GAME PRES		RT 1	SCHNECKSVILLE 18078
* 23F30	UNION CN. SPORTSMENS CLUB INC.		RD 1	MILLMONT 17845
* 23F21	WAMPLER, DD	WAMPLERS WILD ANIMALS	RD 2 BOX 356	ANNVILLE 17003
* 23F6	WAYNESBURG FISH & GAME PR ASSOC INC		PO BOX 368 RT 5	WAYNESBORO 17268
* 23F20	WEAVER, TS	CHUKAR HILL WILD AN. RANCH	RD 1 EAST BOX 443	EAST EARL 17519
* 23F40	YOUNG, L	STORYLAND		SCHELLSBURG 15559
* 23F2A	YOUNG, MC		RD 1 BOX A1	NICHOLSON 18446
* 23FA	ZIMMERMAN, RJ	GETTYSBURG GAME PK	RD 1	FAIRFIELD 17320
* 23F7	ZOOLOGICAL SOC OF PHILADELPHIA	PHILADELPHIA ZOOL. GARDENS	34TH ST & GIRARD AV	PHILADELPHIA 19104
* 23E90	ZUENDEL, RR & AL	ZUENDEL'S GROCERY	STAR RT 1	TIONESTA 16353

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RHODE ISLAND

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
15C1	CITY OF PAWTUCKET	SLATER MEMORIAL PARK ZOO	R. 1 NEWPORT AVE.	PAWTUCKET 02860
15C8	CITY OF PROVIDENCE	ROGER WILLIAMS PARK ZOO	ELMWOOD AVE.	PROVIDENCE 02905
15C5	ENCHANTED FOREST OF RI		RT. 3	HOPE VALLEY 02832
15C6	GRAY, A & GREENE, J	GRAY & GREENE ANIMAL SHOWS	RT. 3 NORTH BROAD	ASHAWAY 02804
15C2	RECORDS, LM		173 BOSTON NECK RD.	NO. KINGSTOWN 02852
15C3	ROCKY POINT AMUSEMENTS, I NC			WARWICK 02889

SOUTH CAROLINA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
56C7	RENDER, P & P	PET-A-PET FARM	130 PEACEFUL LANE	W COLUMBIA 29169
56C6	ROUNGREEN GARDENS			MURRELLS INLET 29576
56C2	COLLINS, BH	CIRCLE C ANIMAL FARM & ZOO	RT 3	CAMPOBELLO 29322
56C5	CROMER'S PEANUTS, INC		PO BOX 163	COLUMBIA 29201
56C3	MARVIN, F		PO BOX 82	HOLLYWOOD 29449
56C8	OAKNOLL	OAKNOLL INC	RT 2, BOX 60-A HWY 21	RIDGEWAY 29130
56C1	RIVERBANKS ZOOL. PARK		500 WILDLIFE PARKWAY	COLUMBIA 29210
56CA	HALL, J		116 CHESTER ST	SPARTANBURG 29301

SOUTH DAKOTA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
46C6	ABERDEEN PARKS & REC. DEPT.	WYLIE PARK ZOO	MUNICIPAL BLDG.	ABERDEEN 57401
46C5	BEAR COUNTRY USA		R 2 BOX 628	RAPID CITY 57701
46C1	CITY OF WATERTOWN	BRAMBLE PARK ZOO		WATERTOWN 57201
46C4	GREAT PLAINS ZOO		600 EAST 7TH	SIOUX FALLS 57102
46C2	HOEM, JC		615 E DAKOTA AVE	PIERRE 57501

TENNESSEE

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
63FL15	CHRISTIE, D & E		525 ONEAL ST	CHATTANOOGA 37403
63FL1	CITY OF KNOXVILLE	KNOXVILLE ZOOLOGICAL PARK	CITY HALL PARK	KNOXVILLE 37901
63FLA	CUMBERLAND MUS. & SCI., CENTER		800 RIDLEY AVE	NASHVILLE 37203
63FL5	LIBERTYLAND	ANIMAL PALS PETTING ZOO	PO BOX 18808	MEMPHIS 38118
63FL6	MEMPHIS ZOO, & AQUARIUM		2000 GALLOWAY AVE.	MEMPHIS 38112
63FL7	MILLS, H		RT 1	ROCKWOOD 37854
63FL13	OGLE, R.A.	RARY ANIMAL KINGDOM	P.O. BOX 7 HWY 441	PIGEON FORGE 37863
63FL9	OPRYLAND USA		PO BOX 2138	NASHVILLE 37210
63FL10	RUCKER, H	RUCKERS UNCAGED LEOPARD		WATERTOWN 37184
63FL11	SORELL, B	RUCK SORELL ENTERPR. FT AL	P.O. BOX 77	WHITE HOUSE 37188
63FL2	TYTLANDSVIK, L & PETERSON, L	TENNESSEE GAME FARM	RT. 2 BOX 192	JOELTON 37080

TEXAS

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
74A11	ABILENE ZOOLOGICAL SOCIETY		PO BOX 60	ABILENE 79604
74A12	AMARILLO PKS REC DIV	AMARILLO STORY ZOO	PO BOX 1971	AMARILLO 79105
74A6	AMUSMENTS INC.	MAGIC ISLES AMUSEMENT PARK	BOX 13130	CORPUS CHRISTI 78411
74LE13	BANK OF A&M	EXOTIC WILDLIFE UNLIMITED	BOX 2660	COLLEGE STATION 77840
74LE21	BARRETT, J & P	YESTERYEAR GHOST TOWN	RT 2 BOX 41A	MADISONVILLE 77864
74A1A	CALDWELL SCHOOLS INC	CALDWELL ZOO	PO BOX 428	TYLER 75701
74A16	CENTRAL TX ZOO & ROT SOC		RT 10 BX 173 E	WACO 76708
74A2	CITY OF DALLAS	DALLAS ZOO	621 E CLARENDON DR	DALLAS 75203
74A1G	CITY OF EL PASO	EL PASO ZOOL. PARK	CITY-COUNTY BLDG.	EL PASO 79905
74A17	CITY OF GAINESVILLE	FRANK BUCK MEMORIAL ZOO	PO BOX 338	GAINESVILLE 76240
74A4	CITY OF HOUSTON	HOUSTON ZOOL. GARDENS	PO BOX 1562	HOUSTON 77001
74A15	CITY OF LUFKIN	ELLEN TROUT ZOO	PO BOX 190	LUFKIN 75901
74LE18	CLARK, M		RT 5	MCKINNEY 75069
74A30	CRAWFORD, PC	SLATON ZOO	107 N 9TH	SLATON 79364
74LE14	CRUZ-AYALA, JL	ALDINE ANIMAL CLINIC	4202 ANICE ST	HOUSTON 77039
74LE9	FINLAY, GM		BOX 237	SAN MARCOS 78666
74A8	FT WORTH ZOOL PK		2727 ZOOL PK DR	FORT WORTH 76110
74A3	GLADYS PORTER ZOO		500 RINGGOLD ST	BROWNSVILLE 78520
74LF24	HALL, C		R 3 BOX 762	MESQUITE 75149
74LE2	HALL, J		RT. 3 BOX 762	MESQUITE 75149
74LE22	HARMON, P		405 C PINE CREST	MARSHALL 75670
74A35	HIX, RH & MORROW, EM	THE BELL COUNTY ZOO	RT 4 BOX 43P4T	BELTON 76513
74LE7	JOHANN, PM	DIXIANA CIRCUS	5380 WILSHIRE	BEAUMONT 77703
74LE11	JUNGLE WONDERS CIRCUS		PO BOX 988	ALAMO 78516
74LF23	KEITH, RD		22719 ALDINE WESTFIELD	HUSTON 77373
74LE6	MACDONALD, R & P		13645 IH 35 NORTH	SAN ANTONIO 78233
74A34	MANTZEL, T	WATERFALL RANCH	2500 FT WORTH NATIONAL BANK BLDG	FT WORTH 76102
74LE5	MONKEY WORLD INC		RT 1 BOX 26-AB	QUINLAN 75474
74ZA4	MORROW, JE		5405 EAST BELKNAP	HALTOM CITY 76117
74LF19	NEW WORLD PRIMATE		16703 HERMIT THRUSH	TOMBALL 77375
74LE15	PINSON, D & J		RT 1	GAINSVILLE 76240
74LE1	RAGEN, WR		17611 RAMWOOD	HOUSTON 77090
74LE8	RAY, G & BAKER, S	CHECKERS & PATCHES CIRCUS CLOWNS	PO BOX 6166	ARLINGTON 76010
74A41	SAN ANTONIO ZOOLOG SOC	SAN ANTONIO ZOO GARAG	3903 N ST MARY'S ST	SAN ANTONIO 78212
74ZA20	SEA ARAMA MARINEWORLD		PO BOX 3068	GALVESTON 77551
74A21	SOUTH TEXAS ZOOLOGICAL SOCIETY	TEXAS ZOO	110 MEMORIAL DR	VICTORIA 77901
74ZA9	SPRING LAKE PARK ZOO		PO BOX 1967	TEXARKANA 75501
74LE3	SPRINGDAY SIMIAN/AVIAN SNT INC		PO BOX 2830	TEXARKANA 75501
74LE16	STEELE, R		BOX 26	SEAGOVILLE 75159
74LE20	STOOGHILLS, T & F	STOOGHILLS RANCH	RT 2 HWY 34	QUINLAN 75474
74LEA	T.P.LEASE INTERNATIONAL, INC.	COUGARS UNLIMITED	PO BOX 13611	ARLINGTON 76013
74LE17	TATA, R		BOX 260	SEAGOVILLE 75157
74A31	TESKA, J R R	SNAKE FARM	RT 6 BOX 4A7	NEW BRAUNFELS 78130
74ZA19	TOWN OF PECOS CITY		PO BOX 929	PECOS 79772
74ZA33	WALKER, WE	ZOOLAND PETTING ZOO	PO BOX 3704	ODESSA 79760

UTAH

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
87C6	ADANAC FILM PROD LTD		BOX 240	OAKLEY 84055
87C7	CITY OF LOGAN	WILLOW PARK ZOO	61 WEST FIRST NORTH	LOGAN 84321
87C4	GLEDHILL, J	BIG ROCK CANDY MT RESORT		MARYSVALE 84750
87C1	HOGLE ZOOLOGICAL GARDEN		PO BOX 8475	SALT LAKE CITY 84108
87C2	LAGOON CORP	WILD KINGDOM TRAIN	PO BOX N	FARMINGTON 84025
87C5	SEUS, D & L	WASATCH WILDLIFE	RFD DANIELS	HEBER 84032
87C9	UTAH ZOOLOGICAL SOCIETY	TRACY AVIARY	PO BOX 8475	SALT LAKE CITY 84108
87C10	WEILENMANN, M	MARE HOLLOW RESTAURANT INC	6121 HIGHLAND DR	SALT LAKE CITY 84121

VERMONT

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
13C3	SANTA'S LAND INC.		RT 5	PUTNEY 05346
13C2	TRUSTEES, VT VETS HOME		325 NORTH ST	BENNINGTON 05201

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VIRGINIA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
52E5	CHILDRESS, FR	SNAKE & MONKEY FARM	ROUTE 1, BOX 210	NEW MARKET 22844
52E3	CITY OF HAMPTON	BLUE BIRD GAP FARM	DEPT. OF PARKS	HAMPTON 23669
52CE	CITY OF NORFOLK	LAFAYETTE ZOOLOGICAL PARK	3500 GRANBY ST	NORFOLK 23501
52F1	CITY OF STAUNTON		P.O. BOX 58	STAUNTON 24401
52C0	KINGS DOMINION		RFD 168	DOSWELL 23047
52C15	MARJEC INC, SHANNEE LAND		MTN FALLS PT BOX 56	WINCHESTER 22601
52F12	MARTIN, JR		8725 COMMODORE DR,	NORFOLK 23503
52CF	MAYFLOWER FOUNDATION		1700 HAMPTON ST	RICHMOND 23220
52C8	MILL MOUNTAIN ZOO, INC.	MILL MOUNTAIN PARK	PO BOX 13486	ROANOKE 24038
52CC	MITCHELL, SH	CIRCLE P ZOO	RT 2	MEADOWS OF DAN 24120
52C8	NATURAL BRIDGE ZOOL. PARK		BOX 580	NATURAL BRIDGE 24578
52E6	PENINSULA NATURE & SCI. CTR,		524 J CLYDE MORRIS BLVD.	NEWPORT NEWS 23601
52D0	PET-A-PET FARM PARK INC		1228 HUNTER MILL RD.	VIENNA 22180
52CH	WALTERMYER, RP	ALL STAR ANIMAL ATTRACTIONS	PO BOX 142	TROUTVILLE 24175
52CG	WILSON, R	WILSON'S PET FARM	RT 1 BOX 272-A	WINCHESTER 22601

WASHINGTON

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
91C11	R & I REALTY CO.		8012 SO TACOMA WAY	TACOMA 98409
91C9	BETTS, R	ENCHANTED VILLAGE	36201 KIT CORNER RD, S.	FEDERAL WAY 98003
91C10	DAILY, MR		N 7120 SMITH	SPOKANE 99207
91C15	HATCH, J		NB328 HAVANA	SPOKANE 99207
91C17	MITE, O & R			KETTLE FALLS 99141
91C16	MURRARD, R		16236 42ND AVE S	SEATTLE 98188
91C18	INLAND EMPIRE ZOOL. SOC		PO BOX 14259	SPOKANE 99214
91C2	LORD GOLF FOUNDATION	LORD LAND USA	RT 2 BOX 378	SEQUIM 98382
91C3	METRO PARK DIST TACOMA	POINT DEFIANCE ZOO	POINT DEFIANCE PK	TACOMA 98407
91C12	MORGAN, DR		PO BOX A98267	SEATTLE 98188
91C7	NIEMELA, A		RT. 3 BOX 903-A	SEQUIM 98382
91C6	NORTHWEST TREK		C/O ROGER THACKER	EATONVILLE 98328
91C5	PEDERSEN, D		PO BOX 40	GRAHAM 98338
91C1	WOODLAND PARK ZOOL. GARDENS		5500 PHINNEY AVE N	SEATTLE 98103

WEST VIRGINIA

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
5WEAA	CROSIER, JW	MANNS NEST ZOO	RT 1	ANSTEAD 25812
581002	RIDER, JR, JH	PONDEROSA ZOO	RT 2 BOX 168	RAINELLE 25962
5WEAR	WHEELING PARK COMMISSION	OGLEBAY'S GOOD ZOO	OGLEBAY Park	WHEELING 26003

WISCONSIN

LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
35C76	ACQUALAND OF DOOR CO, INC			EPHRAIM 54211
35C51	ARCADIA SPORTSMAN CLUB			ARCADIA 54612
35C33	ASHBECK, AR	MILLTOP SUPPER CLUB	RT 1	WARENO 54566
35C35	BAMRI-LAND INC.		RR 1 BOX 15	TREGO 54888
35C73	BAY BEACH WILDLIFE SANCTUARY			GREEN BAY 54302
35C69	BEHN, W	BEHN GAME FARM	RT 1	ANIWA 54408
35C9	BLOM, ME & VM	FINN'S INN DEER FARM	RT 2 BOX 273F	LADYSMITH 54848
35C53	BROWN CO. REFORESTRATION CAMP		RT 4	GREEN BAY 54301
35C60	BRUNETTE, LG		RT 1	RICE LAKE 54868
35C28	CARLINO, JR, CJ	CARLINO'S 82	RT 2	OXFORD 53952
35C29	CARSON INTERNATIONAL INC	HONEY BEAR FARM		POWERS LAKE 53159
35C8	CHEVRIER, JR., MJ	WALLY'S BAIT SHOP	RT BOX 78	CHIPPEWA FALLS 54729
35C46	CITY OF ASHLAND	PRENTICE PARK		ASHLAND 54806
35C13	CITY OF BARABOO	OCHSNER PARK	903 PARK ST	BARABOO 53913
35C48	CITY OF BLACK RIVER FALLS		PO BOX 220	BLACK RIVER 54615
35C50	CITY OF BLAIR		122 S URBERG AVE	BLAIR WI 54616
35C15	CITY OF CHIPPEWA FALLS	IRVINE PARK ZOO	JEFFERSON AVE	CHIPPEWA FALLS 54729
35C27	CITY OF FOND DU LAC	LAKESIDE PARK ZOO	76 EAST 2ND ST	FOND DU LAC 54935
35C43	CITY OF LACROSSE	MYRICK PARK		LACROSSE 54601
35C16	CITY OF MARSHFIELD	WILDWOOD PARK & ZOO	112 E 2ND ST	MARSHFIELD 54449
35C17	CITY OF OSHKOSH	MENOMINEE PARK ZOO	215 CHURCH AVE	OSHKOSH 54901
35C31	CITY OF RACINE	RACINE ZOOLOGICAL PARK	2131 N. MAIN STREET	RACINE 53401
35C39	CITY OF STANLEY		116 EAST THIRD AVE	STANLEY 54768
35C1A	CITY OF WI RAPIDS MUN, ZOO		211-12TH AVE SOUTH	WISCONSIN RAPIDS 54494
35C37	CLARK COUNTY HEALTH CARE CENTER		ROUTE #2, BOX X	OWEN 54460
35C81	CONKLIN, C & L	BLACKHAWK CAMP GROUNDS	CLEARLAKE RD	MILTON 53563
35C58	COTTON PATCH SUPPER CLUB		2003 LAKE DRIVE	SHAWANO 54166
35C72	DEER PARK ATHLETIC CLUB			DEER PARK 54007
35C2	FAWN-DOE-ROSA		BOX 328	ST. CROIX FALLS 54024
35C61	FOREST COUNTY DEER FARM		COUNT HOULE	CRANDON 54520
35C38	FOWLER, D & B			TOMAH 54660
35C7	FRANZEN M		RT 1, BOX 195	RIPON 54971
35C42	FRANZEN, M & M			AMHERST 54407
35C32	HAZEN, V	TUNDRA BD, WILDLIFE PARK	RT. 3 BOX 520	POYNETTE 53955
35C21	HENRY VILAS PARK ZOO		702 S. RANDALL AVE.	MADISON 53715
35C23	ISENRING, LAD	BLACKHAWK RIDGE	BOX 92	SAUK CITY 53583
35C80	JANESVILLE CONSERVATION CLUB		BOX 129	JANESVILLE 53545
35C14	JOHNSON FARMS INC		5907 NICHOLSON RD	FRANKSVILLE 53126
35C26	JOHNSON, LO	A & W RESTAURANT	823 MERTON AVE	MARTLAND 53029
35C62	KAMPS, M	BUCK & DOE FOREST	HWY 455	EAGLE RIVER 54521
35C45	KLING, D			MERRILLAN 54754
35C52	KRAMER, W		190 ORCHARD DRIVE	SISTER BAY 54234
35C36	KREMSREITER, N	MARRONNET ZOO & GIFT SHOP INC	STAR RT BOX 69	HAZELHURST 54531
35C63	LANGE, E		1623 SAEMAN AVE	SHEBOYGAN 53081
35C6	LAYMAN, S	BAMRI LAND	BOX 475	MERCER 54547
35C41	LINCOLN PARK ZOO			MANITOWAC 54220
35C82	LUDWIG BROS., INC		8107 W 16311 LOOMIS RD	HALES CORNUS 53130
35C40	MENOMONIE LIONS CLUB		BOX 44	MENOMONIE 54751
35C20	MILWAUKEE COUNTY ZOO		10001 WEST BLUEMOUND RD	MILWAUKEE 53226
35C83	NATTER, R		3401 MILTON AVE	JANESVILLE 53545
35C75	NELSON, J	RED ROSE BAR	RT 1	WABENO 54566
35C47	NICHOLS, L	WOODSIDE RANCH	RT 3	HAUSTON 53948
35C22	P.A.W.S.		PO BOX 121	NEW BERLIN 53151
35C55	PLISKA, L		RT 1	CUSTER 54423
35C56	PORTAGE COUNTY PARKS		1516 CHURCH ST.	STEVENS POINT 54481
35C4A	SETCHELL, V		RT 1	CHETEK 54728
35C49	SHAY, WL	LAUREL SUPPER CLUB	BOX 56	STAR PRAIRIE 54026
35C69	SIMPSON, M & M		RT 4	WAUPACA 54981
35C70	STURLOW, R	CIRCLE P CAMPGROUND	5703 KNAPP RT RD	OSHKOSA 54901
35C11	THE RANCH, INC.	RANCH PETTING ZOO	PO BOX 502	MENOMONEE FALLS 53051
35C34	TIMBERWOLF FARM'S FOUND, INC		6669 SOUTH 76TH ST	GREENDALE 53129
35C78	TOLLAKSEN, P		R 1 BOX 19	WISCONSIN DELLS 53965
35C65	VILLAGE OF SUPING PARK			SURING 54174
35C71	WERER, E	ELLEN WERER WILDLIFE FARM	BOX 37	SAYNER 54560
35C24	WEISER, A	WEISER'S BILL'S LANDING	RT 3	MAYWARD 54443
35C76	WELCH, F & A			PHILLIPS 54555
35C30	WEST SALEM ROD & GUN CLUB	LA CROSSE CO. FARM		WEST SALEM 54669
35C66	WHITE BIRCH FISHERIES INC		BOX 287	BOULDER JUNCTION 54512
35C12	WILKINSON GIFT SHOP INC		BOX 71	WASCOTT 54890
35C77	WILLE, G	WILLE'S GAME FARM	RT 1	BRANDON 53919

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WYOMING

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 83C1	CITY OF CHEYENNE PARKS/RE C DEPT	LIONS PARK NATIVE ANIMAL DI SPLAY	610 W 7TH ST	CHEYENNE 82001

PUERTO RICO

• LICENSE NUMBER	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
• 84ELA	AMADOR, FJ	EL AREA DE HOE	BOX 84	GUERRADILLAS 00782
• 84FL9	CONGREGACION MITA, INC		235 DUARTE ST	MATO REY 00917
• 84FL12	DIEZ, P	PARADISE CIRCUS	CALLE 6 #117	CAROLINA 00630
• 84FL11	ESTADO LIBRE ASOCIADO DE P. R.	JARDIA ZOOLOGICO DE P. R.	C/O COMPANIA DE FOMENTO REC.	MAYAGUEZ 00708
• 84C2	HERNANDEZ, JV	MINI-ZOO	C/O M. GOMEZ PO BOX 171	MOCA 00716
• 84FL6	LEONELLI, RD	KIMRA SHOW	905 ALONDRA ST	RIO PIEDRAS 00926
• 84FL3	MARCAN, CP		818 13TH AVE	GREEN BAY 54304
• 84FL7	SAFARI PARK INC		BOX 777	BAYAMON 00619
• 84FLA	TOMMY MUNIZ PROD.		FERNANDEZ JUNCOS 808	SANTURCE 00907

[FR Doc. 80-7774 Filed 3-20-80; 8:45 am]

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federal register

Friday
March 21, 1980

Part IV

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of Subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage & Hour Division, Office of Government Contract Wage Standards, Divisions of Construction Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

Maryland.—MD80–3014.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arkansas:
- AR79–4054 ..... Mar. 30, 1979.
- AR79–4055 ..... Mar. 30, 1979.
- AR79–4056 ..... Mar. 30, 1979.
- AR79–4057 ..... Aug. 3, 1979.

Connecticut:
- CT79–2011 ..... Apr. 6, 1979.

Florida:
- GA80–1056 ..... Feb. 8, 1980.

Georgia:
- GA80–1055 ..... Feb. 8, 1980.

Indiana:
- IN79–2058 ..... June 22, 1979.
- IN79–2059 ..... June 22, 1979.

Louisiana:
- LA80–4014 ..... Jan. 25, 1980.

Maryland:
- MD79–3035 ..... Oct. 12, 1979.

Massachusetts:
- MA79–2089 ..... Dec. 21, 1979.
- MA80–2001 ..... Mar. 7, 1980.

North Carolina:
- GA80–1055 ..... Feb. 8, 1980.

Pennsylvania:
- PA79–3020 ..... July 20, 1979.
- PA80–3011 ..... Feb. 22, 1980.

South Carolina:
- GA80–1055 ..... Feb. 8, 1980.

Texas:
- TX80–4003 ..... Jan. 4, 1980.
- TX80–4005 ..... Jan. 4, 1980.

Virginia:
- GA80–1055 ..... Feb. 8, 1980.

Washington, D.C.:
- GA80–1055 ..... Feb. 8, 1980.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Georgia:
- GA76–1122 (GA80–1062) ..... Oct. 22, 1976.

Indiana:
- IN77–2013 (IN80–2012) ..... Feb. 11, 1977.

Michigan:
- MI79–2061 (MI80–2017) ..... Sept. 14, 1979.

Ohio:
- OH77–2128 (OH80–2010) ..... Aug. 12, 1977.
- OH78–2029 (OH80–2011) ..... Feb. 27, 1978.

Oklahoma:
- OK79–4020 (OK80–4021) ..... Jan. 5, 1979.

Tennessee:
- TN79–1011 (TN80–1063) ..... Jan. 5, 1979.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C. this 14th day of March 1980.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

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MODIFICATION PAGE 1

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION #AR79-4054-Mod. #1 44 FR 19114-March 30, 1979 Sebastian, Crawford and Washington Counties, Arkansas					
CHANGE: CEMENT MASONS	$ 9.99	.33			.03
DECISION #AR79-4055-Mod. #1 44 FR 19114-March 30, 1979 Jefferson County, Arkansas					
CHANGE: CEMENT MASONS	9.99	.33			.03
DECISION #AR79-4056-Mod. #1 44 FR 19114-March 30, 1979 Garland, Hot Springs and Clark Counties, Arkansas					
CHANGE: CEMENT MASONS	9.99	.33			.03
PAINTERS: Painters & rollers	7.50				
Paperhanging	8.00				
Sheet rock (tape and float only)	8.00				
Stage and steel	9.00				
Spray & Sandblasting	9.25				
Painters operating any kind of taping or floating machine	10.75				
DECISION #AR79-4057-Mod. #2 44 FR 45354-August 1, 1979 Union & Ouachita Counties, Arkansas					
CHANGE: CEMENT MASONS	9.98	.11			.01

NEW DECISION

STATE: Maryland COUNTY: Kent

DECISION NO.: MD80-3014 DATE: Date of Publication

DESCRIPTION OF WORK: Building Construction (Does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr Tr
Bricklayers	$10.61	.70	.50		.07
Carpenters	9.80	.75	.60		.07
Cement Masons	10.00	.60	.55		.06
Elevator Constructors	10.71	.745	.15	4%+6%	.12
Electricians	10.90				
Ironworkers	11.95	.84	1.16		.05
Laborers:					
Common laborers	7.05	.30	.50		.07
Mason Tenders	7.35	.30	.50		.07
Plasterers Tenders	7.20	.30	.50		.07
Painters	9.20	.85	.50		.06
Plasterers	9.95	.60	.40		
Plumbers	10.30	.70	.83		.16
Pipefitters	10.98	.75	.60		.14
Roofers:					
Roofers, damp, and waterproof workers	8.40	.35	.40		
Asphalt and asbestos shingles	8.60	.35	.40		.07
Sheet Metal Workers	10.12	.75	.70		.06
Tile Setters	8.31	.70	.50		
Tile Finishers	6.65	.40	.20		
Power Equipment Operators:					
Front End Loader	9.42	.95	1.00		.12

Footnotes:

a. Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of the basic hourly rate for 6 months to 5 years of service as vacation pay credit.

c. Employee working Christmas Eve shall work 4 hours and receive 8 hours of pay

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MODIFICATION PAGE 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CT79-2011 - MOD. #10 (44 FR 20921 - April 6, 1979) Hartford, Middlesex, New Haven, New London and Tolland Cos., Connecticut					
Change:					
Electricians:					
Hartford, Co.: Remainder of Co.; Middlesex Co.: Cromwell, Middlefield, Middletown & Portland; New London Co.: Bozrah, Colchester, Franklin, Lisbon, Montville, N. Stonington, Norwich, Griswold, Lebanon, Ledyard, (except Submarine Base), Preston, Salem, Sprague, Stonington & Voluntown & Tolland Cos.	$ 12.05	1.50	3%+1.05		½ of 1%
Plumbers; Steamfitters:					
Middlesex Co.: Essex, Ivoryton, Old Saybrook, Saybrook, New London, Co.: Bozrah, Colchester, E. Lyme, Montville, New London, N. Stonington, Norwich, Old Lyme, Preston, Salem, Sprague, Stonington, Voluntown & Waterford	13.72	.80	.80	u	.10

MODIFICATION PAGE 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. GA80-1055 - MOD. #1 (44 FR 8855 - February 8, 1980) Georgia, North Carolina, South Carolina, Virginia, Washington, D. C., and in Florida, all counties on the Atlantic coast and the Gulf Coast West to the Aucilla River and all tributary Waterways					
Change:					
The pensions on all crafts on this Dredging Decision should now be changed to $.70 (seventy cents) per hour.					

MODIFICATION PAGE 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IN79-2058 - MOD. #3 (44 FR 36673 - June 22, 1979) Elkhart, Jasper, Kosciusko, LaGrange, Marshall, Newton, Pulaski, & Starke Counties, Indiana					
Change:					
Asbestos Workers:					
LaGrange Co.	13.80	.55	1.25		
Newton County	14.10	1.01	1.19		.05
Carpenters; Millwrights; Piledrivermen; & Soft Floor Layers:					
Jasper, Newton, & Starke Cos.:					
Carpenters; Soft Floor Layers	13.53	.75	.82		.15
Millwrights	13.63	.75	.82		.15
LaGrange Co.:					
Carpenters; Soft Floor Layers	11.29	.70	6%		.02
Millwrights; Piledrivermen	11.69	.70	6%		.02
Cement Masons:					
Jasper (Northern 1/3), Pulaski (Northern ½), & Starke Cos.	12.75	1.00	1.00		.06
Electricians:					
LaGrange Co.	13.05	.55	3%+.50		.06
Elevator Constructors:					
Elkhart, Jasper, Kosciusko (NW Portion), LaGrange (NW of City of LaGrange), Marshall, Pulaski, & Starke Cos.	12.37	.745	.56	b+c	.035
Kosciusko (SE part), & LaGrange (Remaining Portion) Cos.	12.33	.745	.56	b+c	.035
Newton County	14.01	.745	.56	b+c	.035
Glaziers:					
Kosciusko (Southern portion), & LaGrange Cos.	11.39		.25	.40+d	.04

MODIFICATION PAGE 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IN79-2058 Cont'd					
Ironworkers:					
Jasper (S½) Co.	12.24	1.00	1.65		.02
Pipefitters; Plumbers; & Steamfitters:					
Elkhart, Kosciusko, & LaGrange Cos.	13.75	.55	.90		.07
Jasper (N. Side of City of Renselaer, S.), Marshall, Pulaski, & Starke, Cos.	13.58	.75	.95		.10
Sheet Metal Workers:					
Elkhart, Kosciusko, & Marshall Cos.	12.88	.75	.615		.07
LaGrange County	13.06	.50+g	.60		.12
Sprinkler Fitters	13.33	.75	1.05		.08
Omit:					
Laborers' Schedule					
Add:					
Laborers' Schedule					

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MODIFICATION PAGE 6

DECISION NO. IN79-2058
Cont'd

LABORERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Elkhart, Kosciusko, LaGrange, & Marshall Counties					
Group I	$ 8.95	.70	.70		.09
Group II	9.15	.70	.70		.09
Group III	9.25	.70	.70		.09
Group IV	9.95	.70	.70		.09
Jasper & Newton Counties					
Group I	9.65	.70	.75		.09
Group II	9.85	.70	.75		.09
Group III	9.95	.70	.75		.09
Group IV	10.65	.70	.75		.09
Group V:					
A.	9.85	.70	.75		.09
B.	9.725	.70	.75		.09
C.	9.95	.70	.75		.09
D.	9.925	.70	.75		.09
Pulaski County					
Group I	8.40	.70	.70		.09
Group II	8.60	.70	.70		.09
Group III	8.70	.70	.70		.09
Group IV	9.40	.70	.70		.09
Starke County					
Group I	9.45	.70	.70		.09
Group II	9.65	.70	.70		.09
Group III	9.75	.70	.70		.09
Group IV	10.45	.70	.70		.09
Group V:					
A.	9.85	.70	.70		.09
B.	9.725	.70	.70		.09
C.	9.95	.70	.70		.09
D.	9.925	.70	.70		.09

MODIFICATION PAGE 7

DECISION NO. IN79-2058
Cont'd

LABORERS

GROUP I: Building & Construction Laborers; Scaffold Builders (other than for Masons or Plasterers); Ironworker Tenders; Mechanic Tenders; Civil Engineer Tenders & Surveyor Tenders; Rodmen & Chainmen; Window Washers & Cleaners; Roofer's Tenders; Railroad Workers; Masonry Wall Washers (interior & exterior); Cement Finisher Tenders; Carpenter Tenders; Tenders of All other Crafts not listed; Mason Tenders for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; All Portable Water Pumps With Discharge Up to 3 inches

GROUP II: Waterproofing; Handling of Creosote Lumber or Like Treated Material (excluding railroad material); Asphalt Rakers & Luteman; Kettlemen; Air Tool Operators, Vibrators, Chipping Hammer Operators and All Pneumatic Tool Operators; Earth Compactors; Jackmen & Sheetmen Working Ditches Deeper than 6 ft. in Depth; Laborers Working Ditches 6 ft. in Depth or Deeper; Assembly of Unicrete Pump; Chain Saw Operators; Tile Layers (sewer or field) & Sewer Pipe Layers (metallic or non-metallic); Motor Driven Wheelbarrows & Concrete Buggies; Hyster Operators; Pump Crete Assemblers; Conveyor Assemblers; Core Drill Operators; Cement, Lime or Silica Clay Handlers (bulk or bag); Handling of Toxic Materials Damaging to Clothing; Pneumatic Spikers; Deck Engine & Winch Operators; Water Main & Cable Ducking (metallic & non-metallic)

GROUP III: Plasterers' Tenders; Mason Tenders, except for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; Mortar Mixers; Welders (acetylene or electric); Cutting Torch or Burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold Builders when Working for Plasterers; Scaffold Builders when Working for Masons (except in Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley)

GROUP IV: Dynamite Men; Drillers - Air Track or Wagon Drilling for Explosives

GROUP V:
A. Boiler Setter Laborers (Fire Brick Tear Out with Air Tools)
B. Boiler Setter Laborers (Fire Brick)
C. Boiler Setter Laborers (Mortar Mixers)
D. Expeditor, Bottom Man & Bell Man

MODIFICATION PAGE 8

DECISION NO. IN79-2059 - MOD. #3
(44 FR 36677 - June 22, 1979)
Lake, LaPorte, Porter & St. Joseph Cos., Indiana

Change:

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers:					
Lake & Porter Counties	$14.10	1.01	1.19		.05
Carpenters; Millwrights; Piledrivermen & Soft Floor Layers:					
Lake, LaPorte, & Porter Counties:					
Carpenters; Soft Floor Layers	13.53	.75	.82		.15
Millwrights	13.63	.75	.82		.15
St. Joseph County:					
Heavy & Highway Construction:					
Carpenters	11.97	.90	.90		.05
Cement Masons:					
Building Construction:					
Lake Co. (Gary Area)	12.81	1.00	1.00		.03
Heavy & Highway Construction:					
St. Joseph County	11.81	.85	.80		.04
Elevator Constructors:					
Lake & Porter Cos.	13.20	.745	.56	b+c	.035
LaPorte & St. Joseph Cos.	11.44	.745	.56	b+c	.035
Lathers:					
Lake & Porter Counties	13.34		.50		.01
Painters:					
Lake County (Gary Area) & Porter County (North of Hwy #6):					
Commercial:					
Brush	11.35	1.01	.65		.06
Taper	11.55	1.01	.65		.06
Sandblasting; Spray; Steam cleaning; Machine Spray Striping	12.30	1.01	.65		.06
Paperhanging	11.60	1.01	.65		.06

MODIFICATION PAGE 9

DECISION NO. IN79-2059
Cont'd

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Industrial:					
Brush & taping	12.45	1.01	.65		.06
Sandblasting; Spray; Steam-cleaning; Machine Spray Striping	13.40	1.01	.65		.06
Plumbers & Steamfitters:					
LaPorte County (La-Porte City); St. Joseph County	13.58	.75	.95		.10
Sheet Metal Workers:					
St. Joseph County	11.88	.75	.615		.07
Sprinkler Fitters:					
Lake County (30-mile radius from Chicago, Illinois City Hall)	13.75	.95	1.05		.15
Lake County (Remainder of Co.), LaPorte, Porter & St. Joseph Cos.	13.33	.75	1.05		.08
Power Equipment Ops.:					
Heavy & Highway Construction:					
Class I	13.05	1.20	1.20		.05
Class II	12.60	1.20	1.20		.05
Class III	12.15	1.20	1.20		.05
Class IV	11.15	1.20	1.20		.05
Class V	10.10	1.20	1.20		.05
Line Construction:					
Exclusive of Calumet Area:					
Exclusive of Lake Co.:					
Linemen; Technicians	12.27	.45	3%		.5%
Equipment Operators	9.58	.45	3%		.5%
Powder and Equipment Mechanic	9.37	.45	3%		.5%
Groundman Truck Driver w/Winch	8.00	.45	3%		.5%
Groundman Truck Driver w/o Winch	6.75	.45	3%		.5%
Groundman	7.68	.45	3%		.5%

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MODIFICATION PAGE 10

DECISION NO. IN79-2059
Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Calumet Area:					
Linemen; Technicians	$12.88	.45	3%		.5%
Equipment Operators	10.06	.45	3%		.5%
Powderman and Equipment Mechanic	9.84	.45	3%		.5%
Groundman Truck Driver w/Winch	8.40	.45	3%		.5%
Groundman Truck Driver w/o Winch	7.09	.45	3%		.5%
Groundman	8.06	.45	3%		.5%
Lake County:					
Linemen	14.98	.45	3%		.5%

Omit:
Laborers' Schedules

Add:
Laborers' Schedules

MODIFICATION PAGE 11

DECISION NO. IN79-2059
Cont'd

LABORERS

BUILDING CONSTRUCTION

	AREA I	AREA IA	AREA IB
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$ 9.65	$ 9.45	$ 8.95
GROUP II	9.85	9.65	9.15
GROUP III	9.95	9.75	9.25
GROUP IV	10.65	10.45	9.95
GROUP V:			
A.	9.85	9.85	----
B.	9.725	9.725	----
C.	9.95	9.95	----
D.	9.925	9.925	----

	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA I	.70	.75		.09
ALL OTHER AREAS	.70	.70		.09

AREA I: Lake County; Porter County (North of U. S. Highway No. 20)
AREA IA: Porter County (South of U. S. Highway No. 20); LaPorte County
AREA IB: St. Joseph County

MODIFICATION PAGE 12

DECISION NO. IN79-2059
Cont'd

LABORERS

GROUP I: Building & Construction Laborers; Scaffold Builders (other than for Masons or Plasterers); Ironworker Tenders; Mechanic Tenders; Civil Engineer Tenders & Surveyor Tenders; Rodmen & Chainmen; Window Washers & Cleaners; Roofer's Tenders; Railroad Workers; Masonry Wall Washers (interior & exterior); Cement Finisher Tenders; Carpenter Tenders; Tenders of All other Crafts not listed; Mason Tenders for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; All Portable Water Pumps With Discharge Up to 3 inches

GROUP II: Waterproofing; Handling of Creosote Lumber or Like Treated Material (excluding railroad material); Asphalt Rakers & Luteman; Kettlemen; Air Tool Operators, Vibrators, Chipping Hammer Operators and All Pneumatic Tool Operators; Earth Compactors; Jackmen & Sheetmen Working Ditches Deeper than 6 ft. in Depth; Laborers Working Ditches 6 ft. in Depth or Deeper; Assembly of Unicrete Pump; Chain Saw Operators; Tile Layers (sewer or field) & Sewer Pipe Layers (metallic or non-metallic); Motor Driven Wheelbarrows & Concrete Buggies; Hyster Operators: Pump Crete Assemblers; Conveyor Assemblers; Core Drill Operators; Cement, Lime or Silica Clay Handlers (bulk or bag); Handling of Toxic Materials Damaging to Clothing; Pneumatic Spikers; Deck Engine & Winch Operators; Water Main & Cable Ducking (metallic & non-metallic)

GROUP III: Plasterers' Tenders; Mason Tenders, except for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; Mortar Mixers; Welders (acetylene or electric); Cutting Torch or Burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold Builders when Working for Plasterers; Scaffold Builders when Working for Masons (except in Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley)

GROUP IV: Dynamite Men; Drillers - Air Track or Wagon Drilling for Explosives

GROUP V:
A. Boiler Setter Laborers (Fire Brick Tear Out with Air Tools)
B. Boiler Setter Laborers (Fire Brick)
C. Boiler Setter Laborers (Mortar Mixers)
D. Expeditor, Bottom Man & Bell Man

MODIFICATION PAGE 13

DECISION NO. IN79-2059
Cont'd

LABORERS: HEAVY & HIGHWAY CONSTRUCTION

	Lake County	Remaining Counties				
			Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$9.70	$9.00	.85	.75		.09
GROUP 2	9.85	9.15	.85	.75		.09
GROUP 3	9.90	9.20	.85	.75		.09
GROUP 4	10.00	9.30	.85	.75		.09
GROUP 5	10.55	9.85	.85	.75		.09

LABORERS

GROUP 1 - Carpenter Tender; Chainman; Construction Laborers; Continuous Steel Rod or Mat Installer; Fence Erector; Grade Checker; Guard Rail Erector; Joint Man (Mortar, Mastic & all other Types); Lighting Installer; Lineman for Automatic Grade Maker or Paving Machine; Mortar Man; Multi-plate Erector; Rip-Rap Installer; Road Marking & Delineation Laborer; Rodman; Setting & Placing of All Precast Concrete Products; Spraying of Epoxy, Curing compound or Like Material; Survey Crew Man; Wire Mesh Layer; Sign Installation, Including Supporting Structures

GROUP 2 - Air Tool, Power Tool, & Power Equipment Operator; Asphalt Lute Man; Asphalt Raker Man; Batch Truck Dumper; Cement Handler (Bulk or Bag Cement); Chain Saw Man; Concrete Conveyor Assembly Man; Concrete Puddler; Concrete Rubber; Concrete Saw Operator; Core Drill Operator; Hand Blade Operator; Hydro Seeder Man; Motor Driven Georgia Buggy Operator; Power Driven Compactor or Tamper Operator; Eye Level; Power Saw Operator; Pumpcrete Assembly Man; Sealer Applicator for Asphalt, Toxic; Side Rail Setter - For Sidewalks, Side Ditches, Radii & Pavements; Spreader Box Tender; Straw Blower Man; Subsurface Drain & Culvert Pipe Layer; Transverse & Longitudinal Hand Bull Float Man; Bridge Hand Rail Erector; Laborers Instrument Man; Screed Man or Screw Man on Asphalt Paver; Rebar Installer; Sandblaster Man; Setting & Placing Prestressed or Precast Concrete Structural Members

GROUP 3 - Horizontal Boring & Jacking Man; Jackman & Sheetman; Pipe Grade Man; Winch & Windlass Operator

GROUP 4 - Conduit Installer; Cutting Torch Burner; Laser Beam Aligner; Welders (Electric or Oxy-Acetylene); Sewer Pipe Layer; Water Line Installer; Manhole Erector

GROUP 5 - Air Track & Wagon Drillman; Concrete Finisher; Dynamite & Powder Man

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MODIFICATION PAGE 14

DECISION NO. IN79-2059
Cont'd

LABORERS (Sewer, Tunnel, & Water Construction) St. Joseph County	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$9.20	.85	.75		.09
GROUP 2	9.35	.85	.75		.09
GROUP 3	9.40	.85	.75		.09
GROUP 4	9.50	.85	.75		.09
GROUP 5	10.05	.85	.75		.09
GROUP 6:					
A.	9.40	.85	.75		.09
B.	9.55	.85	.75		.09
C.	10.00	.85	.75		.09
D.	9.50	.85	.75		.09

GROUP 1 - Carpenter Tender; Chainman; Construction Laborers; Continuous Steel Rod or Mat Installer; Fence Erector; Grade Checker; Guard Rail Erector; Joint Man (Mortar, Mastic & all other Types); Lighting Installer; Lineman for Automatic Grade Maker or Paving Machine; Mortar Man; Multi-plate Erector; Rip-Rap Installer; Road Marking & Delineation Laborer; Rodman; Setting & Placing of All Precast Concrete Products; Spraying of Epoxy, Curing compound or Like Material; Survey Crew Man; Wire Mesh Layer; Sign Installation, Including Supporting Structures

GROUP 2 - Air Tool, Power Tool, & Power Equipment Operator; Asphalt Lute Man; Asphalt Raker Man; Batch Truck Dumper; Cement Handler (Bulk or Bag Cement); Chain Saw Man; Concrete Conveyor Assembly Man; Concrete Puddler; Concrete Rubber; Concrete Saw Operator; Core Drill Operator; Hand Blade Operator; Hydro Seeder Man; Motor Driven Georgia Buggy Operator; Power Driven Compactor or Tamper Operator; Eye Level; Power Saw Operator; Pumpcrete Assembly Man; Sealer Applicator for Asphalt, Toxic; Side Rail Setter - For Sidewalks, Side Ditches, Radii & Pavements; Spreader Box Tender; Straw Blower Man; Subsurface Drain & Culvert Pipe Layer; Transverse & Longitudinal Hand Bull Float Man; Bridge Hand Rail Erector; Laborers Instrument Man; Screed Man or Screw Man on Asphalt Paver; Rebar Installer; Sandblaster Man; Setting & Placing Prestressed or Precast Concrete Structural Members

GROUP 3 - Horizontal Boring & Jacking Man; Jackman & Sheetman; Pipe Grade Man; Winch & Windlass Operator

GROUP 4 - Conduit Installer; Cutting Torch Burner; Laser Beam Aligner; Welders (Electric or Oxy-Acetylene); Sewer Pipe Layer; Water Line Installer; Manhole Erector

GROUP 5 - Air Track & Wagon Drillman; Concrete Finisher; Dynamite & Powder Man

GROUP 6 - A. Bottom Man; Concrete Man
B. Concrete Headman
C. Miner or Header Man
D. Mucker & Tunnel Laborer

MODIFICATION PAGE 15

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. LA80-4014 - MOD. #4 (45 FR 6294 - January 25, 1980) Statewide Louisiana					
CHANGE: Glaziers listed in Mod. #2 in the FR of 2/29/80 on page 13595 should read: Glaziers - Zone 1	$11.65				.02
DECISION #MD79-3035 - Mod. #1 (44 FR-59060 - October 12, 1979) Caroline, Dorchester, Kent, Queen Anne's, and Talbot Counties, Maryland					
Change: Electricians	$7.87				
Ironworkers	8.17				
DECISION NO. MA79-2089 - MOD. #1 (44 FR 75883 - December 21, 1979) Suffmlk Co., Massachusetts					
Change: Electricians	$12.68	1.08	3%+.80		.07

MODIFICATION PAGE 16

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MA80-2001 - MOD. #1 (45 FR 15020 - March 7, 1980) Middlesex County, Massachusetts					
Change: Millwrights	$12.15	.95	1.00		.10
Piledirvermen	11.90	.85	1.00		
On Federal Register Page 15023 change Decision IL80-2001 (page 6 of Decision) to read MA80-2001					
Omit: Bricklayers; Stonemasons Veneer Plasterers All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use: Acton, Ashby, Ayer, Bedford, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Ft. Devens, Groton, Littleton, Lowell, North Acton, Pepperell, Shirley, South Acton, Tewksbury, Townsend, Tyngsboro, West Acton, Westford and Willmington	9.30	.90	.70		.11
	9.36	.90	.70		.09

MODIFICATION PAGE 17

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MA80-2001 Cont'd					
All work, including demolition, repair, and alteration of any existing structure which is intended for predominantly residential use: Bricklayers: Belmont, Burlington, Concord, Lexington, Lincoln, Stoneham, Sudbury, Waltham, Wayland, Weston, Winchester and Woburn	9.24	.75	1.00		.09
Carpenters & Soft Floor Layers: All work, including demolition, repair and alteration of any existing structure which is intended from predominantly residential use: Bedford, Concord, Dover, Lincoln, Natick, Newton, Sudbury, Waltham, Watertown, Wayland, Weston, Acton, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, and Westford	9.32	.95	1.00		.07

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MODIFICATION PAGE 18

DECISION NO. MA80-2001 Cont'd	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians: All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use: Electricians: Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, and Willmington	9.31	.85	3%+.30		.02
Painters: All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residentail use	8.50	.65	.55		.06
Plasterers: All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use: Bedford, Burlington, Lowell, Tyngsboro and Westford	9.36	.90	.70		.09

MODIFICATION PAGE 19

DECISION NO. PA79-3020 MOD. NO. 1 (44 FR 42880 - July 20, 1979) Carbon, Monroe County, including Tobyhanna Army Depot and Pike County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos Workers	$11.875	.80	.60		.01
Boilermakers	14.64	1.175	1.00		.02
Line Construction:					
Lineman, dynamite man, heavy equipment operator	12.37	.55	3%		3/8%
Winch truck operator	8.68	.55	3%		3/8%
Groundman	8.30	.55	3%		3/8%
Painters:					
Zone 3					
Brush	10.65	1.23	.75		.05
Spray	11.65	1.23	.75		.05
Steel	11.65	1.23	.75		.05
Sprinkler Fitters	13.55	.75	1.05		.08
OMIT:					
ELECTRICIANS					
Zone 1	11.05	.70	3%+.80		.02
Zone 2	11.87	.65	3%+.30	a	b
Zone 3	12.50	7%	3%+1.00		.02
Zone 4	11.85	.75	3%+.50	1.00	.10
Zone 5	11.85	.75	3%+.50	1.00	.10

AREA COVERED BY ELECTRICIANS ZONES

Zone 1 - Carbon, Towamensing, Lower Towamensing; E. Penn. Twps., the Borough of Perryville in their entirety
Zone 2 - Remainder of Carbon County
Zone 3 - Remainder of Monroe County
Zone 4 - Tobyhanna Army Depot in Monroe County
Zone 5 - Pike County

FOOTNOTES:

a. Paid Holidays: Independence Day and Labor Day.
b. .12 per day per employee.

MODIFICATION PAGE 20

DECISION NO. PA79-3020
MOD. NO. 1 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
ELECTRICIANS:					
Carbon County: Towamensing Lower Towamensing, East Penn Township and the Borough of Parryville in their entirety That portion of Kidder Twp., excluding Eastside Borough, north of State Highway 940 from that Borough to	11.75	.70	3%+.80		.02
Monroe County:					
Zone A- From 20 - 1/10 miles to 30 miles from Public Square	12.44	.65	3%+.95		.03
Zone B- All distance from 30- 1/10 miles & over Penn Forest, Lehigh, Lausane, Banks, Packer, Mauch Chunk, Franklin, Mahoning Townships and East Side Borough in their entirety and that portion of Kidder Township south of State Highway 940, but excluding Perryville Borough	12.74	.65	3%+.95		.03
	11.87	.65	3%+.30	a	b
FOOTNOTES:					
a. Paid Holidays: Independence Day and Labor Day.					
b. .12 per day per employee.					
Monroe County: That portion of Tobyhanna and Tunkhannock Townships west of State Highway 115.					
Zone A- From 20- 1/10 miles to 30 miles from Public Square	12.44	.65	3%+.95		.03
Zone B- All distance from 30- 1/10 miles & over Polk, Eldred, Chestnut Hill, Ross, Hamilton, Jackson, Pocono, Stroud, Smithfield and Middle Smithfield Townships	12.74	.65	3%+.95		.03
	12.50	7%	3%+1.00		.02

MODIFICATION PAGE 21

DECISION NO. PA79-3020
MOD. NO. 1 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Monroe County: Barrett, Coolbaugh, Pardise and Price Townships, and that portion of Tobyhanna and Tunkhannock Townships east of State Highway 115.					
Zone A- From 20 to 30 miles from Zero milestone marker	11.35	.75	3%+.50	1.00	.10
Zone B- All distance beyond 30 miles	11.85	.75	3%+.50	1.00	.10
Pike County: Porter, Delaware and Lehman Townships in their entirety;	12.50	7%	3%+1.00		.02
Remainder of County:					
Zone A- From 20 to 30 miles from Zero milestone marker	11.35	.75	3%+.50	1.00	.10
Zone B- All distances beyond 30 miles from Zero marker	11.85	.75	3%+.50	1.00	.10

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MODIFICATION PAGE 22

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA80-3011					
MOD. NO. 1					
(45 FR 12118 - February 22, 1980)					
Greene, Somerset & Potter Counties, Pennsylvania					
CHANGE:					
LINE CONSTRUCTION:					
Zone 1					
Lineman, dynamite man, heavy equipment operator	$12.37	.55	3%		3/8%
Winch truck operator	8.68	.55	3%		3/8%
Groundman	8.30	.55	3%		3/8%
Laborers:					
Zone II					
Class 1	10.00	9%	7%		
Class 2	10.25	9%	7%		
Class 3	10.80	9%	7%		
DECISION NO. TX80-4003 -					
MOD. #1					
(45 FR 1380 - January 4, 1980)					
Jefferson & Orange Cos., Texas					
CHANGE:					
Cement masons:					
North half of Jefferson Co. bounded on the south side by Nederland Ave. in Nederland, Texas	$11.88				
South half of Jefferson Co. & all of Orange Co.	11.82				

MODIFICATION PAGE 23

DECISION NO. TX80-4005 - Mod. #4
(45 FR 1385 - January 4, 1980)
Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Incidental Paving and Utilities:					
Air Tool Man	$3.55				
Asphalt Heaterman	4.25				
Asphalt Raker	5.00				
Asphalt Shoveler	4.25				
Batching Plant Scaleman	5.50				
Carpenter	5.60				
Carpenter Helper	4.10				
Concrete Finisher (Paving)	5.50				
Concrete Finisher Helper (Paving)	4.75				
Concrete Finisher (Structures)	6.00				
Concrete Finisher Helper (Structures)	4.00				
Concrete Rubber	4.00				
Electrician	8.90				
Electrician Helper	4.00				
Form Builder (Structures)	4.50				
Form Builder Helper (Structures)	4.00				
Form Setter (Paving & Curb)	4.65				
Form Setter Helper (Paving & Curb)	3.75				
Form Setter (Structures)	5.75				
Form Setter Helper (Structures)	4.00				
Laborer, Common	3.25				
Laborer, Utility Man	3.50				
Mechanic	5.25				
Mechanic Helper	4.10				
Oiler	4.50				
Serviceman	4.75				
Piledriverman	4.00				
Pipelayer:					
Bosque, Falls, Hill & McLennan Cos.	5.50				
Pipelayer (Concrete & Clay):					
Bell & Coryell Cos.	5.50				

MODIFICATION PAGE 24

DECISION NO. TX80-4005 - MOD. #4 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Pipelayer Helper:					
Bosque, Falls, Hill & McLennan Counties	$3.30				
Pipelayer Helper (Concrete & Clay):					
Bell & Coryell Cos.	3.30				
Plumbers (Bell & Coryell Cos.):					
Zone 1-35 miles from Waco including towns of Temple & Belton	10.17	.30	.40		.04
Zone 2-all area not included in Zone 1	10.88	.30	.40		.04
Powderman	5.50				
Reinforcing Steel Setter (Structures)	5.25				
Reinforcing Steel Setter Helper	3.75				
Sign Erector	4.65				
Sign Erector Helper	3.30				
Spreader Box Man	4.60				
Swamper	4.55				
Power Equipment Operators:					
Asphalt Distributor	4.65				
Asphalt Paving Machine	5.10				
Broom or Sweeper Operator	4.50				
Bulldozer, 150 HP & Less	4.75				
Bulldozer, over 150 HP	5.00				
Concrete Paving Curing Machine	5.00				
Concrete Paving Saw	4.75				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & over)	6.50				
Crusher or Screening Plant Operator	4.60				

MODIFICATION PAGE 25

DECISION NO. TX80-4005 - MOD. #4 (CONT'D)

Power Equipment Operator (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Foundation Drill Op. (Truck Mounted)	$4.50				
Foundation Drill Op. Helper	4.25				
Front End Loader (2½ CY & Less)	4.65				
Front End Loader (Over 2½ CY)	5.00				
Motor Grader Op., Fine Grade	6.55				
Motor Grader Operator	5.30				
Roller, Steel Wheel(Plant-Mix Pavements)	4.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.50				
Roller, Pneumatic (Self-Propelled)	3.85				
Scraners (17CY & Less)	4.50				
Scrapers (Over 17CY)	5.00				
Tractor (Crawler Type) 150 HP & Less	3.30				
Tractor (Crawler Type) over 150 HP	4.60				
Tractor (Pneumatic) 80 HP & Less	3.70				
Tractor (Pneumatic) over 80 HP	4.85				
Traveling Mixer	4.10				
Trenching Machine, Light	4.00				
Trenching Machine, Heavy	4.45				
Wagon Drill, Boring Machine or Post Hole Driller Operator	4.20				
Truck Drivers:					
Single Axle, Light	4.00				
Single Axle, Heavy	4.00				
Tandem Axle or Semitrailer	4.00				
Lowboy-Float	4.80				
Welder	5.25				
Welder Helper	3.60				

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SUPERSEDEAS DECISION

STATE: GEORGIA
DECISION NUMBER: GA80-1062
COUNTY: BIBB
DATE: DATE OF PUBLICATION
Supersedes Decision Number GA76-1122, dated October 22, 1976, in 41 FR 46803.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS - (does not include single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	$ 8.03				
BOILERMAKERS	10.70	1.05	1.10		.02
BRICKLAYERS	8.07				
CARPENTERS	7.25				
CARPET LAYERS	9.00				
CEMENT MASONS	8.70				
DRYWALL FINISHERS	6.00				
ELECTRICIANS	10.28	.60	3%+.30		½ of 1%
GLAZIERS	5.80				
IRONWORKERS	9.50				
LABORERS	3.70				
LATHERS	8.25				
PAINTERS	6.00				
PLASTERERS	8.00				
PLUMBERS & PIPEFITTERS	9.50				
ROOFERS:					
ROOFERS	6.10				
WATERPROOFERS	7.35				
SHEET METAL WORKERS	6.92				
SOFT FLOOR LAYERS	6.00				
TILE SETTERS	6.00				
TRUCK DRIVERS	3.70				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt spreader	4.00				
Backhoe	8.15				
Crane	9.50				
Front end loader	5.49				
Motor grader	4.45				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: INDIANA
DECISION NO.: IN80-2012
COUNTIES: *See Below
DATE: Date of Publication
Supersedes Decision Nos. IN77-2013 dated February 11, 1977 in 42 FR 8913 and IN77-2015 dated February 11, 1977 in 42 FR 8914
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and apartments up to and including 4 stories.

*Jefferson, Scott, & Washington Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	$ 5.50				
BRICKLAYERS	6.00				
CARPENTERS	6.00				
CEMENT MASONS	5.08				
DRYWALL HANGERS	4.60				
ELECTRICIANS	6.00				
INSULATION INSTALLERS	4.00				
LABORERS	4.00				
PAINTERS	4.67				
PLUMBERS	6.30				
ROOFERS	4.69				
SHEET METAL WORKERS	6.39				
TRUCK DRIVERS	4.00				
POWER EQUIPMENT OPERATORS:					
Backhoe Operators	6.00				
Front End Loaders	6.00				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the Labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Michigan
DECISION NUMBER: MI80-2017
COUNTY: Kent
DATE: Date of Publication
Supersedes Decision No. MI79-2081 dated September 14, 1979 in 44 FR 53657
DESCRIPTION OF WORK: Building Construction Projects (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 7.50				
BOILERMAKERS	11.07	1.10	1.20	1.50	.03
BRICKLAYERS & STONEMASONS	7.45				
CARPENTERS	5.96				
CEMENT MASONS	6.12				
ELECTRICIANS	11.85	.60	3%+.35		.02
ELEVATOR CONSTRUCTORS	9.90	.545	.35	4%+a&b	.02
IRONWORKERS:					
Structural & Ornamental	5.86				
Reinforcing	5.92				
LABORERS - UNSKILLED	4.89				
LABORERS - MASON TENDERS	5.15				
PAINTERS - BRUSH	9.55	.50	.25		.02
PAINTERS - TAPERS	9.55	.50	.25		.02
PLASTERERS	7.80				
PLUMBERS & STEAMFITTERS	13.44	.60+.15	1.05		
ROOFERS	5.55				
SHEET METAL WORKERS	11.40	.77+c	.95	.67	.02
TRUCK DRIVERS	5.62				
POWER EQUIPMENT OPERATORS:					
Backhoe Operator	7.15				
Bulldozer Operator	8.35				
Crane Operator	5.27				
Finishing Machine Operator	5.50				
Front End Loader	7.02				
Scraper	7.00				

FOOTNOTES:
a. 6 Paid Holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.
b. Employer contributes 4% or regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years & 2% for employee in business less than 5 years.
c. $5.00 per month - Life Insurance

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NO.: OH80-2010
COUNTIES: *SEE BELOW
DATE: Date of Publication
Supersedes Decision No. OH77-2128, dated August 12, 1977 in 42 FR 41055
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and apartments up to and including 4 stories.

*ALLEN, AUGLAIZE, HARDIN, MERCER, PAULDING, PUTNAM & VAN WERT

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 6.46				
BRICKLAYERS	7.82				
CARPENTERS	6.13				
CEMENT MASONS	6.72				
DRYWALL FINISHERS	5.75				
DRYWALL HANGERS	5.56				
ELECTRICIANS	6.18				
INSULATORS	5.50				
IRONWORKERS, Ornamental	4.75				
LABORERS	4.32				
PAINTERS	5.50				
PLUMBERS	7.00				
ROOFERS	5.00				
SHEET METAL WORKERS	5.72				
SOFT FLOOR LAYERS	5.50				
TILE SETTERS	5.50				
TRUCK DRIVERS	5.00				
POWER EQUIPMENT OPERATORS:					
Backhoes	6.77				
Bulldozers	7.65				
Front End Loaders	6.77				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the Labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

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SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: CLERMONT & HAMILTON
DECISION NO. OH80-2011 DATE: Date of Publication
Supersedes Decision No. OH76-2029 dated February 27, 1976 in 41 FR 8739
DESCRIPTION OF WORK: Residential construction consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 6.75				
BRICKLAYERS	8.61				
CARPENTERS	6.47				
CEMENT MASONS	8.06				
DRYWALL FINISHERS	7.19				
DRYWALL HANGERS	6.45				
ELECTRICIANS	6.98				
LABORERS:					
Common	5.18				
Mason Tenders	5.50				
PLUMBERS	7.92				
ROOFERS	7.03				
SHEET METAL WORKERS	6.59				
TRUCK DRIVERS	7.30				
POWER EQUIPMENT OPERATORS:					
Backhoe	8.17				
Bulldozer	10.07				
Front End Loader	10.00				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Statewide (except heavy construction within the city of Muskogee)
DECISION NO. OK80-4021 DATE: Date of Publication
SUPERSEDEAS DECISION #OK79-4020 dated January 5, 1979 in 44 FR 1665
DESCRIPTION OF WORK: Construction, alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities (but does not include building structures on highway rest areas).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	$7.00				
Carpenters helper	5.90				
Concrete finishers	7.15				
Concrete finishers helper	5.85				
Concrete rubber	6.05				
Electricians	11.85				
Electricians helper	8.25				
Form builder	6.60				
Form builder helper	5.70				
IRONWORKERS:					
Reinforcing steel setter paving and structures	5.90				
Reinforcing steel setter paving & structures helper	5.00				
Structural steel workers	6.70				
LABORERS:					
Air tool man	5.25				
Asphalt heaterman	5.90				
Asphalt raker	6.05				
Asphalt shoveler	5.10				
Form setter	6.60				
Form setter helper	5.70				
Laborer, common	4.60				
Pipelayer	6.60				
Powderman	6.20				
Powderman helper	5.35				
Vibrator (hand type)	5.00				
Manhole builder	6.45				
Mechanic	7.25				
Mechanic helper	5.90				
Painter	6.30				
Painter helper	5.25				
Piledriverman	5.90				
Traffic signal installer	6.70				
Weighman (truckscales)	4.75				
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	6.30				
Asphalt paving machine	7.25				
Bulldozer	7.25				
Cement unloading and machine operator	5.25				
Concrete paving machine	7.00				
Concrete finishing machine	6.60				

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (CONTD.)					
Concrete saw operator	$6.30				
Concrete batching plant	7.00				
Crane, clamshell, backhoe, derrick, dragline and shovel	7.25				
Crusher & screening plant operator	6.60				
Fireman	5.90				
FRONT END LOADERS:					
1 CY and less	6.30				
Over 1 CY	7.00				
Hoist	6.30				
Mixer (over 16 C.F.)	6.45				
Mixer (16 C.F. and less)	6.00				
Mixer (concrete paving)	6.60				
Motor grader operator	7.25				
Oiler	6.30				
Pavement profiler	7.25				
Power broom	5.85				
Pug mill operator	6.55				
Pumpcrete	5.90				
Roller (steel wheel)	6.60				
Roller (pneumatic)	6.10				
Scrapers	7.00				
Spreader boxman	5.25				
TRACTORS:					
Crawler, 80 HP & less	6.20				
Crawler, over 80 HP	6.60				
Pneumatic, 80 HP & less	5.25				
Pneumatic, over 80 HP	5.65				
Traveling plant	6.35				
Trenching machine	6.50				
Wagon drill	6.10				
TRUCK DRIVERS:					
Over 2 tons	5.65				
2 tons and under	5.10				
Tandem axel & semi-trailer	5.90				
Lowboy	6.05				
Transit mix	5.90				
Winch	5.90				

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: TENNESSEE
COUNTIES: CARTER, GREENE, HAWKINS, JOHNSON, SULLIVAN, UNICOI, & WASHINGTON.
DECISION NUMBER: TN80-1063 DATE: DATE OF PUBLICATION
Supersedes Decision Number TN79-1011, dated January 5, 1979, in 44 FR 1670.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS - (does not include single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 9.35				
CARPENTERS	7.10				.01
CEMENT MASONS	5.71				
ELECTRICIANS	6.94				
ELEVATOR CONSTRUCTOR MECHANICS	9.26	.895	.69	a + b	.03
GLAZIERS	5.74				
IRONWORKERS	7.96				
LABORERS:					
Unskilled	3.72				
Asphalt rakers	4.44				
LATHERS	6.17				
PAINTERS	5.00				
PLASTERERS	6.00				
PLUMBERS & PIPEFITTERS	5.99				
ROOFERS	5.46				
SHEET METAL WORKERS	10.93	.68	.84		.08
SOFT FLOOR LAYERS	7.20				
TILE SETTERS	6.00				
TRUCK DRIVERS	4.32				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.00				
Bulldozer	4.50				
Crane	9.50				
Fork lift	6.00				
Front end loader	6.55				
Motor grader	5.85				
Roller	5.30				
Scraper - Pan	4.50				

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.
b. Employer contributes 6% of the basic hourly rate of employees with with six months to five years of service, or 8% of the basic hourly rate of employees with five years or more of service as Vacation Pay Credit.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

[FR Doc. 80-8344 Filed 3-20-80; 8:45 am]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of /L10722736052800836Othe Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

COMMERCE DEPARTMENT
National Telecommunications and Information Administration—
7780 2-5-80 / Public Telecommunications Facilities Program; Filing amendments to FY 1980 grant applications; effective date extended

ENERGY DEPARTMENT
Federal Energy Regulatory Commission—
13414 2-28-80 / High-cost natural gas produced from tight formations

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Office of Assistant Secretary for Housing—Federal Housing Commission—
4332 1-21-80 / Condominium ownership mortgage insurance, insurance involving existing single family units and miscellaneous provision changes

JUSTICE DEPARTMENT
Immigration and Naturalization Service—
11113 2-20-80 / Voidance of nonresident alien border crossing cards

TREASURY DEPARTMENT
Comptroller of the Currency—
11115 2-20-80 / Securities offering disclosure rules

List of Public Laws

Last Listing March 20, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

S. 643 / Pub. L. 96-212 "Refugee Act of 1980". (Mar. 17, 1980; 94 Stat. 102) Price $1.50.

H.R. 3398 / Pub. L. 96-213 "Agricultural Adjustment Act of 1980". (Mar. 18, 1980; 94 Stat. 119) Price $1.00.

3-21-80
Vol. 45—No. 57
BOOK 2:
PAGES
18657-18900

federal register

Book 2 of 2 Books
Friday, March 21, 1980

18660 **Part V—Treasury:**
Privacy Act

18876 **Part VI—Labor/ETA:**
CETA: Intent To Reallocate Funds

18880 **Part VII—Justice/LEAA:**
Capacity Building; Request for Comments on Proposed Guideline

18884 **Part VIII—HEW/HDSO:**
Availability of Grant or Cooperative Agreement Funds for Crosscutting Research and Demonstration Program

18890 **Part IX—Justice/Attorney General:**
Voting Rights; Proposed Revisions to Guidelines

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federal register

Friday
March 21, 1980

Part V

Department of the Treasury

Office of the Secretary

Privacy Act of 1974; Annual Publication of Systems of Records

DEPARTMENT OF THE TREASURY

Office of the Secretary

Privacy Act of 1974; Systems of Records; Annual Publication

Pursuant to 5 U.S.C. 552(e)(4), the Department of the Treasury republishes notices of the systems of records maintained by the Department. All of the systems have been previously published and adopted as of December 31, 1979. There are no changes requiring public comment. Numerous minor changes have been made, consisting principally of address changes, revision of organizational titles, and corrections of grammatical or typographical errors. Some items have been modified to clarify the descriptions.

The Department has deleted 25 previously published systems of records:

Dated: March 14, 1980.

Walter J. McDonald,
Assistant Secretary (Administration).

DELETIONS

OFFICE OF THE SECRETARY (OS)
OS 001—Administrative Personnel System (Replaced by Reinstated Systems, see listing below)
OS 003—General Personnel System (Same as OS 001 above)
OS 033—OASIA Invitation Lists (Obsolete)
UNITED STATES CUSTOMS SERVICE (CS)
CS 003—Accident Reports (Duplicative)
CS 018—Aircraft Sanctioned List (Duplicative)
CS 034—Boarding Report (Obsolete)
CS 036—Boat Owners' Mailing List (Obsolete)
CS 068—Customhouse Brokers' Examination Records (Not Privacy Act System)
CS 074—Customs Licensing and Identification Program (Proposed) (Obsolete)
CS 082—Duty Assessment by Account (DABA) (Obsolete)
CS 107—Full Field Investigation—Active/Completed Log (Not Privacy System)
CS 126—Internal Security File (Obsolete)
CS 176—Patrol Information Data System (Duplicative)
CS 177—Patrol Officer Activity Listing (Duplicative)
CS 178—Payroll Administration/Problems (Duplicative)
CS 205—Reclassification Requests (Obsolete)
CS 256—Vessel Identification Report (Obsolete)
CS 265—Importer Name and Address Record System (Obsolete)
INTERNAL REVENUE SERVICE (IRS)
IRS 42.006—Expropriation of Property by Cuban Government (Obsolete)
IRS 42.009—Strike Force (Obsolete)
IRS 42.015—Open and Closed Narcotics Traffickers File (Obsolete)
IRS 42.024—Coordinated Examinations of Large Cases Program (Not Privacy Act System)
IRS 42.028—Identity of Taxpayers Using ADP Accounting Records and the Evaluation Thereof (Entrepreneurial)
COMPTROLLER OF THE CURRENCY (CC)
CC 090—Bank Organizers and Proposed Officer Files (Not Privacy Act System)
CC 139—Financial and Biographical Reports of Organizers of New National Banks (Not Privacy Act System)

CONSOLIDATIONS

OFFICE OF THE SECRETARY (OS)
OS 190—Automated Directory System (See OS 193)
BUREAU OF ENGRAVING AND PRINTING (BEP)
BEP 028—Personnel Progress and Achievement Record (See BEP 014)
BEP 039—Work Performance Records (See BEP 014)
INTERNAL REVENUE SERVICE (IRS)
IRS 34.015—Personnel ID Files System for Service Centers (See IRS 34.013)
IRS 34.017—Audit Trail File (See IRS 34.018)
COMPTROLLER OF THE CURRENCY (CC)
CC 044—Consumer Complaint Index (See CC 004)
CC 104—Consumer Complaint Index (See CC 004)
CC 115—Consumer Complaint Index (See CC 004)
CC 142—Public Files (See CC 320)
CC 149—Consumer Complaint Index (See CC 004)
CC 166—Consumer Complaint Index (See CC 004)
CC 208—Consumer Complaint Index (See CC 004)

ADDITIONS

OFFICE OF THE SECRETARY (OS)
OS 190—General Allegations and Investigative Records System (Note: This system identification number is a reassignment.)
UNITED STATES CUSTOMS SERVICE (OS)
CS 284—Personnel Verification System (PVS)
CS 285—Automated Index to Central Enforcement Files

REINSTATEMENTS

OFFICE OF THE SECRETARY (OS)
OS 036—Office of Debt, Home Addresses and Telephone Number File.
OS 037—OIDB Employee and Employee Candidate File.
OS 040—Confidential Statements of Employment and Financial Interests, Personnel Division, Office of the Secretary.
OS 041—Management Analysis Division (MAD) Personnel Working Files.
OS 042—OMD Management Consultants File.
OS 044—Personnel and Payroll Data: Transaction List; Employee Service Records Report; Leave Without Pay Report; Employee Information List; Comprehensive Payroll Listing and Alphabetical Locator List.
OS 048—Scheduled Annual Leave Records.
OS 052—Travel Records.
OS 053—Treasury Emergency Preparedness Information Program.
OS 055—EEO Counselor Complaint Files.
OS 060—Correspondence Files and Records on Employee Complaints and/or Dissatisfaction.
OS 061—Employee Grade Complaint File.
OS 062—Executive Inventory File.
OS 065—Appointment at Above the Minimum Rate of the Grade File.
OS 066—Combined Applicant/Applicant Correspondence File.
OS 067—Detailed Employee Files.
OS 068—Whitten Amendment Exception Files.
OS 070—Office of Computer Science, Work Assignment and Control Form.
OS 081—Centralized Automated System for Reporting Employment Statistics in the Department of the Treasury (REST).
OS 082—EEO Complaint Processing System.
OS 083—Spanish Speaking Informal Application File (S.F. 171).
OS 110—Foreign Assets Control Administrative Records.
OS 123—ORS Contractors File.
OS 128—ORS Personnel Records.
OS 129—ORS Public Affairs Personnel File.
OS 140—Annual Performance Rating and Annual Performance Analysis.
OS 141—Attorney Books.
OS 142—Attorneys Past and Present.
OS 143—Chief Counsel for Revenue Sharing Personnel.
OS 146—Employee Inventions.
OS 147—Employee Promotion Information.
OS 148—Employee Applications.
OS 152—General Counsel Personnel Files.
OS 153—Personnel: General Counsels, Deputy General Counsels, and Assistant Generals Counsels.
OS 157—Employee Records Cards.
OS 182—Special Personnel Working Files, Office of the Assistant Secretary for Tax Policy.
OS 183—Private Relief Tax Bill Files—Office of the Assistant Secretary for Tax Policy.
OS 190—Automated Directory System.
OS 191—Buildings Management Employee Folder.
OS 193—Employee Locator Record.
OS 195—Parking Permit Application
OS 240—Contracts and Research Proposal.

OS 243—Personnel: Personnel; Recruitment, Personnel Evaluations.
OS 244—Personnel Files.
OS 300—Personnel Files.
OS 400—Merit System Complaints.
OS 502—Reference Letters—Special Assignments Branch, Office of the Secretary of the Treasury.
OS 503—Roster of Office of the Secretary Employees.
OS 504—Summer Employees Listing.
OS 505—Upward Mobility Program; Counseling Application.

REVISIONS

OFFICE OF THE SECRETARY (OS)
OS 053—Treasury Emergency Preparedness Information Program
OS 194—Document Delivery Control System
BUREAU OF EMGRAVING AND PRINTING (BEP)
BEP 014—Employees' Production Record
BEP 019—Identification Files
BEP 027—Security Access Control System (SACS)
COMPTROLLER OF THE CURRENCY (CC)
CC 013—Enforcement and Compliance Information System

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OS 004—Personnel Security System
OS 010—Office of Domestic Finance, Actuarial Valuation System
OS 011—Office of Domestic Finance, General Correspondence
OS 020—Energy Policy Office Administrative Files
OS 032—OASIA Correspondence Files
OS 036—Office of Debt, Home Addresses and Telephone Number File.
OS 037—OIDB Employee and Employee Candidate File.
OS 040—Confidential Statements of Employment and Financial Interests, Personnel Division, Office of the Secretary.
OS 041—Management Analysis Division (MAD) Personnel Working Files.
OS 042—OMO Management Consultants File.
OS 044—Personnel and Payroll Data: Transaction List; Employee Service Records Report; Leave Without Pay Report; Employee Information List; Comprehensive Payroll Listing and Alphabetical Locator List.
OS 048—Scheduled Annual Leave Records.
OS 052—Travel Records.
OS 053—Treasury Emergency Preparedness Information Program.
OS 055—EEO Counselor Complaint Files.
OS 060—Correspondence Files and Records on Employee Complaints and/or Dissatisfaction.
OS 061—Employee Grade Complaint File.
OS 062—Executive Inventory File.
OS 065—Appointment at Above the Minimum Rate of the Grade File.
OS 066—Combined Applicant/Applicant Correspondence File.
OS 067—Detailed Employee Files.
OS 068—Whitten Amendment Exception Files.
OS 070—Office of Computer Science, Work Assignment and Control Form.
OS 081—Centralized Automated System for Reporting Employment Statistics in the Department of the Treasury (REST).
OS 082—EEO Complaint Processing System.
OS 083—Spanish Speaking Informal Application File (S.F. 171).
OS 090—EOTA FOI Request/Appeals Files
OS 101—International Criminal Police Organizations (INTERPOL) Criminal Investigative Records
OS 102—Treasury Enforcement Communications System (TECS)
OS 110—Foreign Assets Control Administrative Records.
OS 111—FAC 1950 Census of Blocked Chinese Assets
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OS 114—Foreign Assets Control Enforcement Records
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OS 117—Foreign Assets Control Mailing List
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OS 121—ORS Auditors' Address File
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OS 130—ORS Senate, House and Governors' Address File
OS 131—ORS State Attorneys General Records
OS 140—Annual Performance Rating and Annual Performance Analysis.
OS 141—Attorney Books.
OS 142—Attorneys Past and Present
OS 143—Chief Counsel for Revenue Sharing Personnel.
OS 144—Civil Litigation Records
OS 145—Claimants, Disbursing
OS 146—Employee Inventions.
OS 147—Employee Promotion Information.
OS 148—Employment Applications.
OS 149—Foreign Assets Control Legal Files
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OS 152—General Counsel Personnel Files.
OS 153—Personnel: General Counsels, Deputy General Counsels, and Assistant Generals Counsels.
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OS 183—Private Relief Tax Bill Files—Office of the Assistant Secretary for Tax Policy
OS 190—General Allegations and Investigative Records System
OS 191—Buildings Management Employee Folder.
OS 193—Employee Locator and Automated Directory System
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Mint 010—Examination Reports of Coins Forwarded to Mint from U.S. Secret Service
Mint 011—General Correspondence
Mint 012—Investigatory Files on Theft of Mint Property
Mint 013—Numismatic Coin Operations System
Mint 014—Purchases, Sales, Exchange and Assays of Precious Metal
Mint 015—Redemption of Uncurrent or Mutilated Coins
Mint 016—Grievances Union/Agency Negotiated
Mint 017—EEO Complaint Counseling Records

Bureau of the Public Debt

BPD 001—Personnel and Administrative Records
BPD 002—United States Savings Type Securities
BPD 003—US Securities (Other than Savings Type)

Federal Law Enforcement Training Center

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FLETC 002—Trainee & Instructor Records
FLETC 003—FLETC Confidential Financial Records
FLETC 004—FLETC Employee Records

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IRS 10.004—Subject Files, Public Affairs
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IRS 22.003—Annual Listing of Undelivered Refund Checks
IRS 22.005—Audit Underreporter Case File
IRS 22.011—File Erroneous Refunds
IRS 22.012—Collection Case File
IRS 22.026—Form 1042S Index by Name of Recipient
IRS 22.027—Forms Filed by U.S. Citizens/Residents Relating to Foreign Companies
IRS 22.032—Individual Microfilm Retention Register
IRS 22.034—Individual Returns Files, Adjustments and Miscellaneous Documents File
IRS 22.036—Interest Equalization Tax Forms File
IRS 22.043—Potential Refund Litigation Case Files
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IRS 22.054—Subsidiary Accounting Files
IRS 22.058—Tentative Carryback Allowance File
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IRS 22.060—Unit Ledger Cards
IRS 22.061—Wage and Information Returns Processing (IRP) File
IRS 24.013—Combined Account Number File
IRS 24.014—Discriminant Function File (DIF)
IRS 24.017—Employee Inquiry Look-Up for TDA Inquiries
IRS 24.029—Individual Account Number File (IANF)
IRS 24.030—Individual Master File (IMF)
IRS 24.046—Residual Master File (RMF)

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IRS 24.057—Taxpayer Delinquent Investigation Notice File
IRS 26.001—Acquired Property Record
IRS 26.005—File of Persons Making Threats of Force/Assaults
IRS 26.006—Form 2209 Courtesy Investigations
IRS 26.007—Form 2990—Miscellaneous Investigations
IRS 26.008—IRS and Treasury Employee Delinquency
IRS 26.009—Lien Files (Open and Closed)
IRS 26.010—Prospective Bidders at Sales of Seized Property
IRS 26.011—Litigation Case Files
IRS 26.012—Offer in Compromise (OIC) File
IRS 26.013—One Hundred Percent Penalty Cases
IRS 26.014—Record 21, Seizure and Sale of Real Property
IRS 26.016—Returns Compliance Program (RCP)
IRS 26.019—TDA (Taxpayer Delinquent Accounts)
IRS 26.020—TDI (Taxpayer Delinquency Investigations)
IRS 26.021—Transferee Files
IRS 26.022—Delinquency Prevention Programs
IRS 30.003—Requests for Printed Tax Materials Including Lists
IRS 30.004—Security Violations
IRS 30.005—Accident Investigation Files System
IRS 32.001—Travel Expense Record
IRS 32.002—Payroll/Personnel System
IRS 32.003—Schedules of Collections and Canceled Checks
IRS 32.004—Scholarship Program Cost Record
IRS 34.003—Employee Accountability for Personal Property and Miscellaneous Items
IRS 34.005—Parking Space Application and Assignment
IRS 34.006—Property Pass for Government Property
IRS 34.007—Record of Gov. Books of Transportation Requests
IRS 34.009—Accident Reporting Files System
IRS 34.010—Damage and Injury Claims Files System
IRS 34.011—Driver Licensing Files System
IRS 34.012—Emergency Preparedness Cadre Assign/Alert Rosters
IRS 34.013—Identification Media Files System for Employees and others issued IRS ID
IRS 34.014—Motor Vehicle Regis. and Entry Pass File
IRS 34.016—Security Clearance Files System
IRS 34.018—Integrated Data Retrieval System (IDRS) Security Files
IRS 36.001—Appeals, Grievances & Complaints Records
IRS 36.002—Employee Activity Records
IRS 36.003—General Personnel Records
IRS 36.005—Medical Records
IRS 36.008—Recruiting, Examining and Placement Records
IRS 36.009—Retirement Life Ins. and Health Benefits Records System
IRS 38.001—General Training Records
IRS 42.001—Examination Administrative File
IRS 42.008—Audit Infor. Management System (AIMS)
IRS 42.012—Tax Shelter Program Files
IRS 42.013—Project Files for the Uniform Application of Laws re: tech. determinations/court decisions
IRS 42.014—IRS Employees Returns Control Files
IRS 42.016—Classification & Examination Selection Files
IRS 42.017—International Enforcement Program Files
IRS 42.018—Married Taxpayers Filing Separately and Multiple Files
IRS 42.020—Highway Use Tax Examination Program
IRS 42.021—Compliance Programs and Projects Files
IRS 42.023—Request & Submittal File for Tech. Advice, Assistance, Determination or Coordination
IRS 42.025—Appraisal and Valuation Files
IRS 42.027—Data on Foreign Corporations
IRS 44.001—Appeals Case Files
IRS 44.002—Appeals Officer Inventory & Unit Time Report
IRS 44.003—Appeals Case Data
IRS 46.002—Case Management and Time Reporting System, Criminal Investigation
IRS 46.003—Confidential Informants
IRS 46.004—Controlled Accts.—Open & Closed
IRS 46.005—Electronic Surveillance File
IRS 46.007—Information Indexing System
IRS 46.008—Treas./IRS Criminal Investigation Div. Infor. & Corresp. Files
IRS 46.009—Information Items
IRS 46.011—Land Trust Files
IRS 46.013—Project Files
IRS 46.015—Relocated Witnesses
IRS 46.016—Secret Service Details
IRS 46.022—Treasury Enforcement Communications Sys: (TECS)
IRS 48.001—Disclosure Records
IRS 48.007—Economic Stabilization Program Files
IRS 48.008—Defunct Special Service Staff File
IRS 49.001—Collateral and Information Requests Sys.
IRS 49.002—Collateral Files, Competent Authority and Index Card Retrieval System
IRS 49.003—Financial Statements File
IRS 49.007—Overseas Compliance Projects System
IRS 49.008—Taxpayer Service Correspondence System
IRS—50.001—Employee Plans/Exempt Organizations Correspondence Control Record
IRS 50.002—Employee Plan/Exempt Organizations, Determination Letter Records
IRS 50.003—Employee Plan/Exempt Organizations Reports of Significant Matters in Technical (M-5945)
IRS 60.001—Assault and Threat Investigation Files.
IRS 60.002—Bribery Investigation Files
IRS 60.003—Conduct Investigation Files
IRS 60.004—Disclosure Investigation Files
IRS 60.005—Enrollee Applicant Investigation Files
IRS 60.006—Enrollee Charge Investigation Files
IRS 60.007—Miscellaneous Infor. File
IRS 60.008—Security, Background, and Character Investigation File
IRS 60.009—Special Inquiry (Complaint) Investigation Files
IRS 60.010—Tort Investigation Files
IRS 70.001—Individual Income Tax Returns, Statistics of Income
IRS 80.001—Artist File, Assistant Commissioner
IRS 80.002—Expert Witness and Fee Appraiser Files
IRS 80.003—Correspondence Control and Records
IRS 80.004—Reference Index Digest Cards
IRS 80.005—Reports of Significant Matters (Form M-5945)
IRS 90.001—Chief Counsel Criminal Tax Case Files
IRS 90.002—Chief Counsel Disclosure Litigation Div. Case Files
IRS 90.003—Chief Counsel General Admin. Systems
IRS 90.004—Chief Counsel General Legal Services Case Files
IRS 90.005—Chief Counsel General Litigation Case Files
IRS 90.006—Chief Counsel Interpretative Division Case Files
IRS 90.007—Chief Counsel Leg. & Regs. Div. Corresp. & Private Bill Files
IRS 90.009—Chief Counsel Tax Litigation Case Files
IRS 90.010—Digest Room Files Containing Briefs & Digests of Docs.
IRS 90.011—Employee Recruiting Files, Admin. Ser. Div.
IRS 90.012—Internal Control Records for Chief Counsel Legal Files
IRS 90.013—Legal Case Files of the Chief Counsel, Deputy Chief Counsel/Staffs
IRS 90.014—Management Files other than OPM, OPF
IRS 90.015—Reference Records of the Library, Chief Counsel
IRS 90.016—Reports and Infor. Retrieval Activity, Chief Counsel
IRS 00.002—Corresp. Files and Corresp. Control Files (including inquiries about Enforcement Activities)

Secret Service

USSS 001—Administrative Operations Information System
USSS 002—Treasury/USSS Criminal Investigation Information System
USSS 003—Treas/USSS Financial Mgt Information System
USSS 004—Freedom of Information Request System
USSS 005—Treasury USSS Legal Counsel Record System
USSS 006—Non-Criminal Investigation Information System
USSS 007—Protection Information System
USSS 008—Public Affairs Record System
USSS 009—Training Information System

Comptroller of the Currency

CC 004—Consumer Complaint Letter File
CC 010—FBI Report Card Index
CC 012—Freedom of Information Log
CC 013—Enforcement and Compliance Information System
CC 014—Investigation Files/Employee Reference File
CC 221—Professional Qualification Records for Municipal Securities Principles and Municipal Securities Representatives
CC 300—Administrative Personnel System
CC 310—Fiscal Personnel System
CC 320—General Personnel System

U.S. Savings Bond Division

USSBD 001—Savings Bonds Employee Records System
USSBD 002—SB Sales Promotion/Volunteer Record System
USSBD 003—Savings Bond Sales Record System

Systems Covered By This Notice

This notice covers all systems of records adopted up to the date of this publication

Treasury/OS 001

System name: Treasury Payroll/Personnel Information System—Treasury/OS.

System location: Main Treasury Building, Washington, DC 20220; Internal Revenue Service Data Center, Room 1100, Detroit, Michigan 48232; and U.S. Old Mint Data Center Division, 88 5th Street, San Francisco, California 94103.

Categories of individuals covered by the system: Personnel and payroll data on all Treasury Department employees.

Categories of records in the system: Year-to-date and historical data on all Treasury Department employees.

Authority for maintenance of the system: The Civil Service Personnel Manual, 50 U.S.C. App 1705-1707, 31 U.S.C. and departmental circulars 145 and 830. The Department of the Treasury, Fiscal Requirements Manual, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Treasury Payroll/Personnel Information System is used to furnish payroll and personnel data, information and statistics to the Civil Service Commission and other requesting agencies. It is also used to generate the necessary payroll information, deductions and allotments to pay the employees on a biweekly basis and to furnish the necessary payroll information to concerned agencies required by law. The basic payroll and personnel master file provides input to management information systems, as well as related accounting and budget systems.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, magnetic tape and reports. Disbursement records are stored at the Federal Records Center.

Retrievability: Records are retrieved primarily by name (filed alphabetically), secondary identifier are used to assure accuracy (date of birth, social security number, or employee identification number).

Retention and disposal: The Treasury Payroll/Personnel Information System master file is kept on disc and mag tape. Information concerning the employee is retrievable through the use of the individual's name and/or social security number. Information is reduced to hard copy in the form of reports and payroll information and documentation. Information is retained in automated form as long as the employee is active on the System. Reports are distributed to users and the master file is purged of inactive records on a yearly basis.

System manager(s) and address: Assistant Secretary (Administration), Room 3424, Main Treasury Building, Washington, DC 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought, and (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: Departmental Disclosure Officer, Room 1314, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: The information contained in these records were provided by or verified by the subject of the record, employers and co-workers.

Treasury/OS 004

System name: Personnel Security System.

System location: Main Treasury Building, Washington, DC 20220.

Categories of individuals covered by the system: Government employees (current or former) or applicants occupying or applying for sensitive positions in the Department of the Treasury.

Categories of records in the system: Full field or limited background investigations and FBI name checks; investigative information related to personnel investigations conducted by the Department of the Treasury and other Federal agencies and departments for the purpose of granting security clearances and making suitability determinations; TD Form 4027 (Notice of Security Clearance) reflecting identification data on incumbent and record type of E.O. 10450 investigation and degree and date of clearance.

Authority for maintenance of the system: Executive Order 10450, sections 2 and 3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Such information is made available to the appropriate employing officials who have a need to know, in order to make final determinations on hiring, continued employment or access to classified material. Files are also made available to official investigative or security personnel from other U.S. Government agencies, upon request, when the employee or former employee is being considered for employment by another agency for a sensitive position.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and index cards.

Retrievability: Records are retrieved by name.

Safeguards: Records are stored in locked metal containers, and in locked rooms. Records are limited to officials who have a need to know in the performance of their duties and who have been cleared by a full-field background investigation and have been granted appropriate security clearances.

Retention and disposal: Active files are retained during encumbent employee tenure and subject to update investigation. Files of employees who affect intra-agency transfers (to Treasury Bureaus) are automatically transferred to those Bureaus. If an employee transfers to another government agency or leaves the government, the files are retained, separate from the active files, for five years, except for background investigations completed by the CSC which are returned to that agency or returned to the Federal Records Center one year after the employee leaves Treasury. Cards are maintained indefinitely after being retired.

System manager(s) and address: Assistant Secretary (Administration), Room 3424, Main Treasury Building, Washington, DC 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a written, signed request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; and (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: Departmental Disclosure Officer, Room 1314, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: The information contained in these records were provided by or verified by the subject of the record, employers and co-workers, neighbors, acquaintances, educational records and police and credit checks.

Systems exempted from certain provisions of the act: Exempt under 5 U.S.C. 552a Subsection (K) and 31 CFR 1.36.

Treasury/OS 00.010

System name: Office of Domestic Finance, Actuarial Valuation System—Treasury/OS.

System location: Office of the Secretary of the Treasury, Office of Government Financing, Office of the Government Actuary, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Participants and beneficiaries of the following pension plans: District of Columbia: Teachers, Policemen, Firemen, Judges. U.S. Tax Court Judges, U.S. Foreign Service officers and staff personnel, U.S.I.A. officers and staff personnel, and Agency for International Development officers and staff personnel.

Categories of records in the system: Information in the system is as follows: Active Records: name; social security number; salary; category-grade; year of entry into system; service computation date; year of birth; year of resignation or year of death, & refund if any; indication of LWOP status (if any); Retired Records: same as actives; annuity; year of separation; cause of separation (optional, disability, deferred, etc.); years and months of service by type of service; single or married; spouse's year of birth; principal's year of death; number and ages of children on annuity roll; year of termination of survivors.

Authority for maintenance of the system: Statutes require the Secretary of the Treasury to certify the valuation of pension funds as follows: D.C. Teachers, 60 Stat. 881; D.C. Judges, 78 Stat. 1061; U.S. Tax Court Judges 26 U.S.C. 7448; U.S. Foreign Service officers and staff, USIA officers and staff, AID officers and staff 22 USC 1101. In addition, the House District Committee formally requested certification of the pension funds for D.C. police and firemen.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Government Actuary performs mathematical computations to assess expected income and outlays of pension funds listed in the "Category of Individual" section. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Data are on punched cards and

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computer print-outs. Individuals are listed alphabetically. Records are stored in the Actuary's office in the locked and guarded Treasury Building. The records are retained on a year-to-year basis. When agencies whose pension funds are valued forward new records for valuation, older records are discarded.

System manager(s) and address: The Government Actuary, Office of the Secretary of the Treasury, 15th and Pennsylvania Ave., N.W., Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Data for actuarial valuation are provided by organizations responsible for pension funds listed under "Category of Individual," namely the District of Columbia Government, the U.S. Tax court, the U.S. Foreign Service and the U.S. Information Agency.

Treasury/OS 00.011

System name: Office of Domestic Finance, General Correspondence—Treasury/OS.

System location: Records are stored in the Administrative Office, Domestic Finance Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. A card file with each writer's name, address and subject of inquiry is maintained as a quick reference in the Administrative Office, Office of Domestic Finance.

Categories of individuals covered by the system: General public, other executive agencies and the Congress.

Categories of records in the system: Control logs on letters from the general public, other executive agencies and the Congress regarding the national debt, the economy and monetary and fiscal policy, debt, management, market analysis and agency finance, capital markets policy, State and local finance, Government financing and revenue sharing.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Previous correspondence with the same writer is reviewed to enable us to provide complete, nonrepetitive replies to current inquiries. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: A log of incoming letters is kept alphabetically by the individual's name and by profile numbers. The alphabetical control logs are stored for a short period of time, depending on whether they are policy letters or from private individuals, and are classified as general correspondence in which case they are discarded.

System manager(s) and address: Assistant Secretary for Domestic Finance, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Letters are from the general public, other executive agencies and the Congress. They come directly to the Treasury or are referred to the Treasury by the White House, Congressional offices, or other executive agencies.

Treasury/OS 00.020

System name: Energy Policy Office Administrative File—Treasury/OS

System location: Room 4464, Treasury Building, 15th & Pennsylvania Avenue, Washington, D.C. 20220.

Categories of individuals covered by the system: Employee (presently in a position in this office). Applicant (one who will be hired).

Categories of records in the system: Employee: regular personnel papers, which are duplicates and this file is not complete. Applicant: S.F. 171.

Authority for maintenance of the system: Federal Personnel Manual 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Administrative Personnel File: for general reference. Applicant: used in interviews. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Located in Room 4464.

Safeguards: Filed by name. Usual Security.

Retention and disposal: Disposed when no longer needed for reference.

System manager(s) and address: Deputy Assistant Secretary for Investment and Energy Policy, Department of the Treasury, Room 3025, MT, Washington, D.C. 20220.

Notification procedure: Same as above.

Record access procedures: Written request to: Director, Regulatory and Legislative Policy, Room 4460, MT, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Administrative Personnel Folder: routine personnel actions. Applicant: SF 171.

Treasury/OS 00.032

System name: OASIA Correspondence Files—Treasury/OS.

System location: (1) Department of Treasury, 15th & Penn. Avenue, N.W., Washington, D.C. 20220. (2) Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

Categories of individuals covered by the system: (a) U.S. Foreign Service Officials (b) Officials of Municipalities and State Governments (c) Members of Congress and (d) the General Public.

Categories of records in the system: Incoming request for information concerning international financial, economic, and monetary matters, and reply to same by individuals in the Office of the Assistant Secretary for International Affairs, Department of the Treasury.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Routine Use. Routine correspondence file is maintained to provide record of response to initial inquiry in the event of future correspondence. (b) Category of Users. Officials of the Department to respond to queries. (c) Purpose. Respond to inquiries. (d) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Carbon (file) copy attached to incoming letter maintained in File Folders. Identification of individuals maintained on alphabetical 3 x 5 card.

Retrievability: Retrieval controlled by card systems. Card, filed by name, shows folder identification in which correspondence is held.

Safeguards: Maintained in electronically secured area and vaults. Disclosure limited to official personnel of the Department.

Retention and disposal: Correspondence containing no substantive information of permanent value is culled for destruction 3 years after the close of the calendar year in which the records were created. Destruction accomplished by burning. Substantive correspondence retained indefinitely.

System manager(s) and address: Chief, Records Management Branch, Office of Administrative Programs, Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: See categories of individuals and related responses from Treasury officials.

Treasury/OS 00.036

System name: Office of Debt, Home addresses and telephone number File—Treasury/OS.

System location: Department of Treasury, 15th & Penn. Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employees in Office of Debt, OASIA, U.S. Treasury.

Categories of records in the system: Telephone numbers and home addresses.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Routine Use. To provide record of home telephone numbers and addresses; (b) Category of Users. Professionals of OASIA; (c) Purpose. To contact after normal duty hours for urgent situations. (d) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3x5 card.

Retrievability: Indexed by name.

Safeguards: None required.

Retention and disposal: Disposed when employee terminates employment in office.

System manager(s) and address: Secretary to the Director, Office of Debt, OASIA, U.S. Treasury.

Notification procedure: Director, Office of Debt, OASIA, Department of the Treasury, Washington, D.C. 20220.

Record access procedures: Same address as above.

Contesting record procedures: See above.

Record source categories: Employees in Office of Debt.

Treasury/OS 00.037

System name: OIDB Employee and Employee Candidate Files—Treasury/OS.

System location: OIDB, 5th Floor, Department of Treasury, 15th & Penna. Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: OIDB staff members and the candidates for OIDB, including prospective candidates for ED or Alt. ED positions at the IFIs.

Categories of records in the system: Bio data and curriculum vitae.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For use by OIDB Director in making recommendations for promotions and other job classification changes and in interviewing job candidates. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folders in file cabinet.

Retrievability: By name.

Safeguards: Maintained in locked file cabinet. Disclosure limited to official personnel on need to know basis.

Retention and disposal: Records on OIDB employees kept while employee is in office. Job candidates for one year.

System manager(s) and address: Director, OIDB, OASIA, Department of the Treasury, Washington, D.C. 20220.

Notification procedure: (a) Address, OASIA Personnel Office, Room 2050 Main Treasury, 15th & Penna. Ave., N.W., Washington, D.C. 20220. (b) Identifying Information. Full name and address, under which you had contact with OASIA. Specify dates as nearly as possible.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Supplied by the persons themselves.

Treasury/OS 00.040

System name: Confidential Statements of Employment and Financial Interests, Personnel Division, Office of the Secretary—Treasury/OS.

System location: Room 1306, Main Treasury Building, Personnel Division, Security Branch, Office of the Secretary, Department of the Treasury.

Categories of individuals covered by the system: Statements are required from all Treasury employees under the categories listed under Section 0.735-70, Department of the Treasury Minimum Standards of Conduct as reprinted from the Federal Registers, December 16, 1970, and amendments dated April 9, 1971, and January 8, 1973.

Categories of records in the system: Forms TD 3086 and 3087 (Confidential Statement of Employment (1)) and Form TD 3086 (Statement of Employment and Financial Interests)—For Special Government Employees) and Form TD 3087 (Confidential Statement of Employment and Financial Interests) prepared by the incumbent or potential incumbent as prescribed.

Authority for maintenance of the system: In conformance with Sections 201 through 209 of Title 18 of the United States Code, Executive Order No. 11222 of May 8, 1965, OS:PD and Title 5, Chapter I, Part 735, of the Code of Federal Regulations as published in the Department of the Treasury Minimum Standards of Conduct reprinted from the Federal Registers dated December 16, 1970, and amendments dated April 9, 1971, and January 8, 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Statements are prepared by employees or applicants and are submitted through the Personnel Office to the agency reviewing officer. If there are no indications that a conflict of interest condition exists, the reviewing official signs and dates the form and returns it to the Personnel Office for retention. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: To meet the requirements of confidentiality set forth in Subchapter 4-10, Part 735, Federal Personnel Manual, each Statement of Employment and Financial Interests is filed alphabetically in three-ring binders which in turn are filed in metal containers designed for the storage of classified information and secured by government-approved three-position, combination locks.

Retrievability: Since these statements are filed alphabetically in three-ring binders, they are retrieved accordingly.

Safeguards: In addition to being stored in a secure, metal container with government-approved, combination locks, the metal container is situated in a room which, during normal work hours, is under the supervision of authorized employees, and during nonwork hours is locked. The files are in the custody of security specialists for secure storage and access is made only to personnel and administrative officials in the performance of their official functions or to the incumbents who executed the statements.

Retention and disposal: Statements of active employees are retained during incumbent employment tenure and subject to annual update as required by law. Records of personnel who depart are retired and maintained for two years, then destroyed as required by Item 26, Appendix B, General Records Schedule, Title 3.

System manager(s) and address: Personnel Officer, Personnel Division, Office of the Deputy Assistant Secretary (Administration), Office of the Secretary, Department of the Treasury, Room 1330, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Chief, Security Branch, Personnel Division, Office of the Deputy Assistant Secretary (Administration), Office of the Secretary, Department of the Treasury, Room 1306, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Record access procedures: Chief, Security Branch, Personnel Division, Office of the Deputy Assistant Secretary (Administration), Office of the Secretary, Department of the Treasury, Room 1306, 15th and Pennsylvania Avenue. N.W., Washington, D.C. 20220. Access on request of contributor.

Record access procedures: See Access above.

Record source categories: The information contained in these records is provided by the employee or applicant pursuant to the authority reflected above.

Treasury/OS 0.041

System name: Management Analysis Division (MAD) Personnel Working Files—TreasuryOMO.

System location: Office of Management and Organization, Management Analysis Division, Room 4418 MT, Washington, D.C. 20220.

Categories of individuals covered by the system: All prospective and current employees in MAD.

Categories of records in the system: Standard Forms: 52 (Personnel Action), 171 (Employment Application), 1012 (Travel Voucher), 1038 (Travel Advance). Office of the Secretary Forms: 3015 (Travel Authorization), 3016 (Training Authorization). Personnal Data Summary Sheet, Summary of Employee Training, Letters of Appreciation, Position Descriptions.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records used by the Chief, MAD, for planning and managing staff development; by his secretary; and by individual employee, as reference files to obtain information stated under CATEGORY OF RECORD. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Alphabetical order by employee's last name.

Safeguards: All material is unclassified, kept in a secured file cabinet.

Retention and disposal: Records are maintained as long as person is employed in MAD. Upon resignation, records are given to employee or discarded. Prospective employee files are held for twelve months then discarded.

System manager(s) and address: Chief, Management Analysis Division, Department of the Treasury, Room 4416 MT, Washington, D.C. 20220.

Notification procedure: Same as System Manager above.

Record access procedures: Employees have free access to their individual files. Inquiries should be written addressed to the System Manager.

Contesting record procedures: See System Manager above.

Record source categories: Copies of official forms; data prepared by each individual employee; and material from any official who deems it appropriate to submit a letter of appreciation for services rendered by employee.

Treasury/OS 00.042

System name: OMO Management Consultants File—TreasuryOS.

System location: Management Analysis Division, Room 4418 MT, Washington, D.C. 20220.

Categories of individuals covered by the system: Individual Consultant's or Management Consultant firms' brochures identifying individual firm officials.

Categories of records in the system: Published brochures of Management Consultant firms and resumes prepared by individual Consultants.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: When the Department is considering letting a contract for a Management Consultant, the file is used as a reference for submission of Request for Proposal. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder.

Retrievability: Alphabetical order by Management Consultant firm or individual Consultant name.

Safeguards: All material is unclassified. Kept in a file cabinet.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Chief, Management Analysis Division, Department of the Treasury, Room 4418 MT, Washington, D.C. 20220.

Notification procedure: Same as System Manager above.

Record access procedures: By request to System Manager.

Contesting record procedures: Same as Access above.

Record source categories: Information is submitted unsolicited by the individual Consultants or Management Consultant firms.

Treasury/OS 00.044

System name: Personnel and Payroll Data: Transaction Lists; Employee Service Record Report; Leave Without Pay Report; Employee Information List; Comprehensive Payroll Listing; and Alphabetical Locator List.—TreasuryOS.

System location: Room 1330, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Office of the Secretary employees.

Categories of records in the system: The types of information in the system are names, position titles, grades and salary.

Authority for maintenance of the system: IRS Computer system generates reports. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reports are used to answer inquires made by employees and to verify whether information submitted by this office has been updated by the IRS Data Center. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked room. File cabinets.

Retrievability: By name and social security number.

Safeguards: Locked cabinets.

Retention and disposal: Most reports are retained for at least 1 year after which they are destroyed.

System manager(s) and address: Personnel Officer, Room 1330, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Room 1330, Main Treasury Building. Employee should give name, office title and social security number.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: SF-50 and Time and Attendance cards.

Treasury/OS 00.048

System name: Schedule Annual Leave Records—TreasuryOS.

System location: Treasury Department, Office of the Secretary, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: All employees whose salary is paid from funds appropriated for the Office of the Secretary, the Exchange Stabilization Fund, the Working Capital Fund, and the Office of Revenue Sharing.

Categories of records in the system: Dates of scheduled annual leave for the calendar year TR-Form 4067 and Request for Restoration of Annual Leave TR-Form 4068.

Authority for maintenance of the system: Public Law 93-181.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are used as a basis for determinations on granting requests for restoration or forfeited annual leave. For additional routine use, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original documents in a file cabinet.

Retrievability: By name of individual.

Safeguards: Non-sensitive material; handled routinely in file cabinet.

Retention and disposal: Maintained until file updated.

System manager(s) and address: Chief Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Record access procedures: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The individual scheduled for annual leave.

Treasury/OS 00.052

System name: Travel Records—Treasury/OS.

System location: Tres. Dept. Office of the Secretary, Financial Management Division, Room 634, 1900 Pennsylvania Ave., NW, Washington, D.C. 20220.

Categories of individuals covered by the system: All individuals authorized to perform travel for the Office of the Secretary.

Categories of records in the system: Form OS-3015, Authorization to Perform Travel, with the SF 1012, Travel Voucher, which details travel performed and expenses incurred with necessary receipts to support the claim for reimbursement to the traveler. SF 1038. Request for Advance of Funds.

Authority for maintenance of the system: 5 USC 5701-5709.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The supporting documentation for entering a charge against, and disbursing funds from, the appropriation for salaries and expenses, Office of the Secretary of the Treasury and for the Exchange Stabilization Fund. For additional uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original document forms in file cabinet.

Retrievability: Filed by name on a fiscal year basis.

Safeguards: Non-sensitive material handled routinely in regular file cabinet.

Retention and disposal: Presently retained for ten years then burned or shredded.

System manager(s) and address: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Ave., Washington, D.C. 20220.

Notification procedure: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Ave., Washington, D.C. 20220.

Record access procedures: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Ave., Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Facts and figures are presented by the individual related to authorized travel.

Treasury/OS 00.053

System name: Treasury Emergency Preparedness Information Program—Treasury/OS.

System location: Preparedness and Physical Security Division (PPSD), Room 732 Washington Building, 1435 G Street, NW., c/o Main Treasury, Washington, D.C. 20220.

Categories of individuals covered by the system: (1) Treasury Emergency Executive Team Members (Teams Alpha, Bravo and Charlie), (2) Key Treasury Personnel.

Categories of records in the system: (1) Emergency Executive Team Member Lists (by Office of the Secretary and by Treasury Bureau listing); Name, Position Title, Office/Agency. (2) Key Treasury Personnel Alert Notification Lists; Name, Telephone Numbers (Office and Home), Office/Agency. (3) Information by individual application for Permanent Badge for FPA Special Facility; Name, Date of Birth, Physical Identification.

Authority for maintenance of the system: Treasury Emergency Planning Circular (EPC) No. 2 (Rev.) March 14, 1973; Office of Emergency Preparedness (OEP) Circular 9100.2, April 12, 1972; Executive Order 11490; Request for Permanent Badge for FPA Special Facility, General Services Administration (GSA) Form 9033 (Rev.) August 1975. Federal Preparedness Agency (WVOO) Order 604.1 dated August 15, 1975.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Emergency Executive Team Lists: Assigns key Treasury personnel (who are essential to the performance of essential emergency functions) to Teams Alpha, Bravo and Charlie. See EPC No. 2. Forms the basis for issuance of FPA Special Facility Badges. Forms the basis for the personnel on the Alert Notification Lists who are to be notified during an emergency situation and when Civil Readiness Levels are established or changed. See Department of the Treasury Directives Manual, Chapter 10-05. (2) Key Treasury Personnel Alert Notification Lists: Used by Treasury Telecommunications Center personnel and Emergency Planning officials in alerting key Treasury personnel and Emergency Executive Team Members during an emergency and the setting of Civil Readiness Levels. (3) FPA Special Facility Badge: Permits admission to Federal Preparedness Agency (FPA/GSA Special Facility, which is the emergency operating facility to which Team Bravo members are assigned. (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic tapes, punch cards and reports. Emergency Executive Team Lists and Alert Notification Lists: Master copies maintained in P&PSD office. Copies are prepositioned within the Office of the Secretary, Telecommunications Center, Treasury Emergency Operating Facilities (TARS and FPA/GSA/SF). (2) Request for permanent badge for FPA Special Facility: original filed within Federal Preparedness Agency (FPA/GSA). Copy filed in P&PSD office.

Retrievability: All mentioned records are indexed by name.

Safeguards: Treasury Master Records are stored in lockable cabinets or secure rooms; access is limited to officials who have a need for the information; employees are trained to make only authorized disclosures.

Retention and disposal: (1) Emergency Executive Team Member List, and (2) Key Treasury Personnel Alert Notification Lists are updated upon resignation, retirement or transfer of assigned employee. Obsolete, lists are destroyed by shredding or erasure. (3) Badges are retrieved and returned to FPA for accountability and destruction when employee no longer has official need for pass.

System manager(s) and address: Director, Preparedness and Physical Security Division, Room 732 Washington Building, 1435 G Street, NW., c/o Main Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought, and (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1322, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: The information in these records was provided by or verified by the subject of the record, employers, coworkers.

Treasury/OS 00.055

System name: EEO Counselor Complaint Files—Treasury/OS.

System location: U.S. Treasury Department, Office of the Secretary, 1500 Pennsylvania Avenue, N.W., Room 4313, 2438.

Categories of individuals covered by the system: Individuals alleging discrimination related to employment with the Office of the Secretary and who have been assigned to a counselor for informal counseling.

Categories of records in the system: The files contain the names of the complainants and information relative to their complaints. This may include: efforts made to settle the complaint; the settlement agreement; notification of extension of the counseling period; notification of final counseling session; and the counselor's report, if required.

Authority for maintenance of the system: Treasury Personnel Manual Chapter 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the counselors to maintain a record of cases and to prepare the counselor's report.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed by name.

Safeguards: Files are under supervision of each counselor and not released to unauthorized personnel.

Retention and disposal: Indefinite.

System manager(s) and address: Equal Employment Opportunity Officer, Office of the Secretary, U.S. Treasury, Main Treasury, Room 4406, Washington, D.C. 20220.

Notification procedure: Same as above. Include name and approximate date of counseling.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is developed from counseling sessions with persons alleging discrimination.

Treasury/OS 00.060

System name: Correspondence files and records on employee complaints and/or dissatisfaction—Treasury/OS.

System location: Office of Personnel, Room 2425, Main Treasury Bldg., Washington, D.C. 20220.

Categories of individuals covered by the system: Former or current Department employees.

Categories of records in the system: Correspondence dealing with employee complaints.

Authority for maintenance of the system: Departmental discretion on maintenance of correspondence files. 5 USC 301.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference purposes: evaluation of personnel management; responding to inquiries from Congressmen, the White House, and other government officials. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, file cabinets.

Retrievability: By employee name.

Safeguards: Filed in filing cabinet and released only to individuals with a legitimate right to review.

Retention and disposal: Records are maintained and disposed of in accordance with Treasury Department's Records Retention and Disposal Schedule for Administrative correspondence.

System manager(s) and address: The Director of Personnel, Department of the Treasury, Room 2426, Main Treasury Building, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel, Employee Relations and Services, Department of the Treasury, Room 2425, Main Treasury Building, Washington, D.C. 20220.

Record access procedures: The Director of Personnel, Department of the Treasury, Room 2426, Main Treasury Building, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Current and former employees, and/or representatives, employees' relatives, Congressmen, the White House, management officials.

Treasury/OS 00.061

System name: Employee Grade Complaint file—Treasury/OS.

System location: Office of Personnel, 15th & Pennsylvania Avenue, N.W., Washington, D.C., Room 2426.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Category IV (memorandums and letters about individuals involved in any kind of case action).

Authority for maintenance of the system: Title V grants agencies authority to adjudicate classification and pay appeals. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in comparing similar case appeals in connection with the job; not specifically in reference to the employee. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By bureau and alphabetically by name of individuals.

Safeguards: File in file cabinets and released only to individuals with a legitimate right to review.

Retention and disposal: Policy is to destroy after 3 years of completion of appeal cases.

System manager(s) and address: Deputy Director of Personnel, Department of the Treasury, 15th & Pennsylvania Avenue, Washington, D.C. 20220.

Notification procedure: Deputy Director of Personnel, Department of the Treasury, 15th & Pennsylvania Avenue, Washington, D.C. 20220.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Memos to and from appellant, including bureau, Treasury and Civil Service Commission memorandums and letters on the subject.

Treasury/OS 00.062

System name: Executive Inventory Files—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: All GS and GG-15, 16, 17, 18 employees of the Department of the Treasury.

Categories of records in the system: A brief description of identifying biographical data, work experience, education, professional activities, honors, special qualifications and references.

Authority for maintenance of the system: Executive Order 11315 which authorized the Executive Assignment System and subsequent Civil Service Commission procedures and regulations which established the Executive Inventory Files.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used in making personnel decisions and in processing personnel actions on executives in the Department of the Treasury. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in secured building.

Retrievability: The records are kept by organizational units and position grade level in alphabetical order.

Safeguards: Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal: The records are kept as long as the employee is assigned to a GS or GG-15, 16, 17, or 18 position, except for employees who retire. The records on retirees are kept for approximately one year from their date of retirement. The records are burned when we dispose of them.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual needs to provide his name, present organizational assignment, position title and grade.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: The SF-161 and SF-161-A are provided by the employees or their servicing personnel offices.

Treasury/OS 00.065

System name: Appointment at Above the Minimum Rate of the Grade Files—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Persons proposed for employment by the Department of the Treasury at a salary rate above the minimum rate of the grade and for which approval is sought by Treasury from the U.S. Civil Service Commission.

Categories of records in the system: A collection of documents required for requesting approval by the U.S. Civil Service Commission of appointments at a salary rate above the minimum rate of the grade, including: Request for Approval of Non-Competitive Action (SF-59); Personal Qualifications Statement (SF-171); Position Description (OF-8); and in some instances, Request for Personnel Action (SF-52); Certification Form (SF-39); letters of justification; and general correspondence requesting approval of the action.

Authority for maintenance of the system: The authority which authorizes the solicitation of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used to satisfy the minimum data requirements needed for consideration and approval of appointments at above the minimum rate of the grade by the U.S. Civil Service Commission. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in secured building.

Retrievability: System is indexed by name in a log and filed in chronological order as requests for approval are acted upon by the U.S. Civil Service Commission.

Safeguards: Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal: Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and date of most recent appointment above the minimum rate of the grade requested by the Department of the Treasury.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Systems exempted from certain provisions of the act: See Access above.

Purpose(s): The documents which constitute this system, and which are listed under Category of Record, came from the individual applicant, his servicing personnel office, the U.S. Civil Service Commission, and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.066

System name: Combined Applicant/Applicant Correspondence File—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Persons who have sent applications, or have asked questions about employment in the Department of the Treasury, or whose applications or questions have been referred to the Department of the Treasury by others for reply.

Categories of records in the system: Standard Applications for Federal Employment (SF-171).

Resumes providing a reflection of such personal or job related experience as the writer elected to furnish.

Correspondence from applicants and responses thereto, ranging from general inquiries to specific complaints about alleged practices, treatment, or requirements.

Authority for maintenance of the system: Most material is not solicited, though on occasion applications are sought for specific positions.

The material, generally, is related to Treasury's personnel operations carried out under various provisions of Title 5, U.S. Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Employment inquiries received from applicants are routed to specific bureau personnel offices (if requested) or to all bureau personnel offices (if not specified). Should bureaus have vacancies for which outside applications are being accepted, they will be included for referral. Applicants are advised that we have referred their applications. Occasionally, applications are solicited from the general public for hard-to-fill jobs. When solicited, applicants are advised to apply directly to the bureau having the vacancy if they desire consideration. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in secured building.

Retrievability: Records are maintained in a manual filing system, indexed alphabetically and retrievable by name of applicant. In addition, a written log is maintained on all applications circulated to bureau personnel offices. The log gives name of applicant, date received, and date circulated.

Safeguards: Physical security is provided by storage in file cabinets. Only authorized personnel officials have access to the files maintained in Room 2412. These files are not available to the general public or to persons outside the personnel office who have no "need to know."

Retention and disposal: Files are maintained for a period of two years at the end of which time they are burned.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. Since the system is filed alphabetically, only the applicant's name is required.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Applications (SF-171, resumes) from the general public, including correspondence initially addressed to the President, Congressmen, or Senators are transmitted to this office because they deal with Treasury matters, issues, or employment.

Treasury/OS 00.067

System name: Detailed Employee Files—Treasury/OS

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Department of the Treasury employees whose detail to other organizations and/or positions requires approval at the Departmental level.

Categories of records in the system: Correspondence requesting approval of details and Request for Personnel Action (SF-52) which documents the detail and reflects approval of it. In some instances there may also be a Personal Qualifications Statement, (SF-171), and attachments, Position Description (OF-8), and Request for Approval of Non-Competitive Action (SF-59).

Authority for maintenance of the system: The authority which authorizes the solicitations of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used to satisfy the minimum data requirements needed for consideration and approval of details of employees requiring approval at the Departmental level. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in secured building.

Retrievability: System is indexed by name in a log and filed in chronological order as details are approved.

Safeguards: Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal: Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and approximate date of the detail requested requiring approval at the Departmental level.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The documents which constitute this system, and which are listed under Category of Record, came from the employee's servicing personnel office, and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.068

System name: Whitten Amendment Exception Files—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Persons employed by, or proposed for employment by, the Department of the Treasury and in whose behalf an exception to the Whitten Amendment is sought by Treasury.

Categories of records in the system: A collection of documents required for requesting approval by the U.S. Civil Service Commission of exceptions to the Whitten Amendment, including: Request for Approval of Non-Competitive Action (SF-59); Personal Qualifications Statement (SF-171); Position Description (OF-8); and, in some instances, Request for Personnel Action (SF-52); letters of justification; and general correspondence requesting approval of the exception.

Authority for maintenance of the system: The authority which authorizes the solicitation of the information by the agency is Title 5

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U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used to satisfy the minimum data requirements needed for consideration and approval of exceptions to the Whitten Amendment by the U.S. Civil Service Commission. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinet in secured building.

Retrievability: System is indexed by name in a log and filed in chronological order as requests for exceptions are acted upon by the U.S. Civil Service Commission.

Safeguards: Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal: Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and approximate date of the Whitten Amendment exception requested by the Department of the Treasury.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The documents which constitute this system, and which are listed under Category of Record, came from the individual employee or applicant, his servicing personnel office, and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.070

System name: Office of Computer Science, Work Assignment and Control Form—Treasury/OS.

System location: 1625 I Street, N.W., Room 224, Washington, D.C. 20220.

Categories of individuals covered by the system: All personnel in Office of Computer Science.

Categories of records in the system: List of projects and time spent on each project. List of projected project milestone dates and actual dates completed.

Authority for maintenance of the system: Implied authoritiy of manager to maintain records of staff assignments and workload. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Assignment of work to individuals. (2) Record of manpower resources spent for each customer organization. (3) Performance evaluation. (4) Historical records used as examples for budget preparation. (5) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, mag. tape files.

Retrievability: Indexed by name.

Safeguards: Under supervision of responsible manager during working hours. Room locked at other times.

Retention and disposal: Retained one year, then erased or discarded.

System manager(s) and address: Director, Office of Computer Science, 1625 I Street, N.W., Room 224, Washington, D.C. 20220.

Notification procedure: Office of Computer Science, 1625 I Street, N.W., Room 224, Washington, D.C. 20220. Identifying information—name.

Record access procedures: Written request, to: Director, Office of Computer Science, 1625 I Street, N.W., Room 224, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Forms filled out by staff members.

Treasury/OS 00.081

System name: Centralized Automated System for Reporting Employment Statistics in the Department of the Treasury (REST)—Treasury/OS.

System location: Office of the Chief, Fiscal Division, Internal Revenue Service Data Center, Box 1100, Detroit, Michigan 48232. This is the location of data processing support for the REST System.

Categories of individuals covered by the system: Employment statistics on Treasury minority groups and female employees.

Categories of records in the system: The following information is contained in the system: (1) Submitting Office Number, (2) Bureau, (3) Region, (4) Office, (5) Social Security Number, (6) Minority Designation Code, (7) Geographical Location Code, (8) Series (Occupational), (9) Pay Plan Code, (10) Grade, (11) Sex, (12) Code for Full-time, Part-time, and Intermittent, (13) Code for Seasonal (WAE), (14) Citizenship Code, (15) Supervisory Code, (16) Birth Month, (17) Birth Year, (18) Nature of Action Code, (19) Effective Date of Action, (20) On-Off Roll Code, (21) Salary (for Employees Who Do Not Have a Grade, i.e. Wage Systems, Special Emphasis, etc.)

Authority for maintenance of the system: The Civil Service Commission in the Federal Personnel Manual (Chapter 713, Subchapter 3A), establishes the full control of an automated minority group identification system under the agency Director, Equal Employment Opportunity (EEO), or his designated EEO Official.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The centralized system for Reporting Employment Statistics in the Treasury is used to furnish statistics on employment distribution to Personnel Officers, EEO Officers and Departmental staff as needed. Also, a periodic report of employment statistics on distribution of minority groups and female employees is provided to all Personnel and EEO Offices. Data will be provided OMB, the White House and Congress upon request. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Centralized Automated System for Reporting Employment Statistics is kept on a mag-tape which is the master file for minority and female statistics. Information concerning the employee is retrievable through the use of the individual's social security number. The mag-tape is not kept more than a year and is reused normally for the same or similar data. Tape data is reduced to hard copy in the form of reports. The Director, Equal Opportunity Program (EOP), is the designated Treasury official responsible to insure that minority group identification of Department employees is maintained and used in such a manner that will guard against the invasion of privacy of employees as set forth in all regulations.

System manager(s) and address: Chief, Treasury Employee Data and Payroll Division, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Notification procedure: Office, Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220. An individual requesting information should state his or her name, social security number, bureau employed by, and geographical location of facility or duty station to which assigned.

Record access procedures: Written requests for information on the procedures for gaining access to and contesting information is to be made to: Director, Office of Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The Processing Clerk enters each new employee's minority group designation code, cost code or organization designation code, sex code, citizenship code and supervisory position code on one copy of the SF-50 and sends it to the IRS Data Center.

Treasury/OS 00.082

System name: EEO Complaint Processing System—Treasury-OS.

System location: Office, Equal Opportunity Program, Department of the Treasury, Room 1000, 1612 K Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Applicants for employment and aggrieved employees who have filed formal Equal Employment Opportunity complaints against the Department and its Bureaus.

Categories of records in the system: Each EEO investigative file contains: (a) a copy of each affidavit of the complainant, the alleged discriminatory official, and other witnesses; (b) a copy of each agency record obtained; and (c) a copy of the other information acquired in the investigation. When information concerning the agency's policies or procedures is essential to an understanding of matters covered by the investigation, a copy of, or an excerpt from this material will be included in the file. Files may include, depending on complainants exercising appeal rights, Hearing Transcripts and Decisions by Civil Service Commission Complaints Examiners, and Decisions by the Appeals Review Board.

Authority for maintenance of the system: Part 713.203(k) of the Civil Service Commission's Rules and Regulations, require agencies to "provide for the prompt, fair and impartial consideration and disposition of complaints involving issues of discrimination on grounds of race, color, religion, sex or national origin." Federal Personnel Manual Letter No. 713-25, provides "an agency will process complaints of discrimination on account of age."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The EEO investigative record is used to resolve complaints of discrimination between aggrieved employees or applicants for employment, and agency management. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The records are maintained in EEO complaint case file folders. The files are maintained by the name of the complaint in an alphabetical order. The Director, Equal Opportunity Program and his EEO staff, and the Civil Service Commission have access to these files. The Federal District Courts have access to the files in the event the complainant appeals to that level. Normally, the files are maintained in the Department of Treasury for a period of from two (2) to three (3) years before being forwarded to the Federal Records Center, Alexandria, Virginia.

System manager(s) and address: Director Office of Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220. The individual requesting the information must identify the date he or she filed a formal complaint, the Bureau against whom the complaint was filed, and if known, the date the complaint was closed.

Notification procedure: See System Manager above.

Record access procedures: To obtain information on the procedure for gaining access to and contesting records write to: Director, Office of Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The information came from Affidavits of the parties involved and witnesses. Information also comes from personnel records, as well as from other documents relating to personnel management.

Treasury/OS 00.083

System name: Spanish Speaking Informal Application File (S.F. 171)—Treasury/OS.

System location: Office of Equal Opportunity Program, Spanish Speaking Program, Department of the Treasury, 1612 K Street NW., Room 1000, Washington, D.C. 20220.

Categories of individuals covered by the system: Spanish Speaking citizens who are seeking employment and/or promotions with the Federal Government.

Categories of records in the system: CSC Standard Form 171 (Personal Qualifications Statement).

Authority for maintenance of the system: Civil Service Commission EPM Letter 713-18.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Standard Forms 171 are referred to the Bureaus by the Spanish Speaking Program Coordinator to the Bureau Spanish Speaking Program Coordinators to assure that Spanish Speaking are fairly considered for job openings and/or promotions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The applications are kept in a file by name. Safeguards are taken to prevent unauthorized disclosures of records. The office is locked and physical security is maintained at the entrance of the building when closed. The Standard Forms 171 are kept at least one year and/or disposed of after individual has been employed or promoted. If no action is taken within one year, the application is returned to the individual concerned.

System manager(s) and address: Spanish Speaking Program Coordinator, U.S. Treasury Department, 1612 K Street, N.W., Room 1000, Washington, D.C. 20220.

Notification procedure: Same as above. No identifying information of an individual is required except his/her name.

Record access procedures: An individual can gain access to his/her records by requesting them by letter, or visit to the Office of Equal Opportunity Program's Director, Equal Employment Oppurtunity's Deputy Director, or the Spanish Speaking Program Coordinator at: Mailing Address: Office of the Secretary, Office of Equal Opportunity Program, U.S. Treasury Department, Washington, D.C. 20220. Office Location: Same as Systems Manager.

Contesting record procedures: See Access above.

Record source categories: All Standard Forms 171 (Federal Government applications) were submitted by the individuals and/or other Spanish Speaking Program Coordinators.

Treasury/OS 00.090

System name: EOTA FOI Request/Appeals Files—Treasury/OS.

System location: Office of the Assistant Secretary (Enforcement and Operations), Main Treasury Building, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals submitting original requests for information or appeals of initial denials to this office under the Freedom of Information Act.

Categories of records in the system: Copies of the requests or appeals under FOIA submitted by individual; other correspondence on the FOI matter; copies of disclosed material.

Authority for maintenance of the system: 5 USC 301, 5 USC 552.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Consult and advise other offices and bureaus of Treasury and of other Federal Departments and agencies; advise Members and committees of Congress. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy paper files.

Retrievability: Manual, by name and/or number assigned.

Safeguards: Locked file cabinet or safe-cabinet storage; access to personnel with need to know.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Official prescribing policies and practices—Assistant Secretary (Enforcement and Operations) Officials maintaining the system—Assistant to the Director, Office of Enforcement and Director of Operations, Director of Tariff Affairs.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Individual making FOI request or appeal; offices, bureaus, agencies, departments and personnel of Federal Government who have relevant information or must be consulted for appropriate processing.

Treasury/OS 00.101

System name: International Criminal Police Organization (INTERPOL) Criminal Investigative Records—Treasury/OS

System location: Department of Justice, Room 6649, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20530.

Categories of individuals covered by the system: Individuals who have been convicted or are subjects of a criminal investigation with international aspects; specific missing persons; specific deceased persons in connection with death notices; certain weapons, motor vehicles, artifacts, etc., stolen and/or involved in crime which may or may not be associated with an individual. Certain victims of criminal violations in the U.S. or abroad.

Categories of records in the system: Information concerning an individual may be maintained in this system of records which includes but is not limited to records pertaining to fugitives, wanted persons, suspected persons, lookouts (temporary and permanent), spe-

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cific missing persons, deceased persons in connection with death notices. Information about individuals includes but is not limited to name, alias, date of birth, address, physical description, various identification numbers, reason for the record or lookout, details and circumstances surrounding the actual or suspected violator.

Authority for maintenance of the system: 22 USC 263a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use—Criminal investigations being conducted by law enforcement agencies in the U.S. or abroad. Users—Local, State and Federal Agents and employees of the U.S. National Central Bureau of INTERPOL who have a need for the records in the performance of their duties; law enforcement agencies and criminal justice agencies in the United States and abroad; INTERPOL General Secretariat and INTERPOL National Central Bureaus in member countries; disclosure required in administration of Freedom of Information Act (5 U.S.C. 552); referral to employees and officials of financial and commercial business firms and to private individuals of identifying information pertaining to actual or suspected criminal offenders where such referral is considered reasonably necessary for the purpose of furthering efforts to investigate the activities of and apprehend criminal offenders; translators of foreign languages as necessary; and for additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Stored in file folders at the U.S. National Central Bureau and certain limited data in Treasury Enforcement Communications System (TECS). Upon inactivity for five years the file is destroyed except for judicial cases involving personnel in this NCB, which is retained for 20 years from the date of the judicial action. Files on deceased persons are destroyed within one year of the person's death. Certain records, such as death notifications and missing persons records, are normally destroyed within the year after the matter is received and/or resolved. Records not of continuing interest may be destroyed at any time. Retrievability by name or file number and by weapons number and motor vehicle number. Access is limited to personnel of the U.S. NCB—INTERPOL except for certain fugitive/wanted records in TECS which are accessible to all TECS terminals. Disposal of records is by shredding or burning. Safeguards include need to know procedural and physical safeguards, such as accountability, restricted areas and alarm protection systems.

System manager(s) and address: Chief, U.S. National Central Bureau, INTERPOL, Department of Justice, Room 6649, 9th & Pennsylvania Ave., N.W., Washington, D.C. 20530.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Systems exempted from certain provisions of the act: Exempt under Subsections (J)(2) and (K), 31 C.F.R. 1.36.

Treasury/OS 00.102

System name: Treasury Enforcement Communications System (TECS)—Treasury/OS.

System location: International Criminal Police Organization (INTERPOL) Criminal Investigative Records, Department of Justice, Room 6649, 9th & Pennsylvania Avenue, N.W., Washington, D.C. 20530

Categories of individuals covered by the system: Individuals who have been convicted or are subjects of a criminal investigation with international aspects; specific missing persons; specific deceased persons in connection with death notices; certain weapons, motor vehicles, artifacts, etc., stolen and/or involved in crime which may or may not be associated with an individual. Certain victims of criminal violation in the U.S. or abroad.

Categories of records in the system: Information concerning an individual may be maintained in this system of records which includes but is not limited to records pertaining to fugitives, wanted persons, suspected persons, lookouts (temporary and permanent), specific missing persons, deceased persons in connection with death notices. Information about individuals includes but is not limited to name, alias, date of birth, address, physical description, various identification numbers, reason for the record or lookout, details and circumstances surrounding the actual or suspected violator.

Authority for maintenance of the system: 5 U.S.C. 301, Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use—Criminal investigations being conducted by law enforcement agencies in the U.S. or abroad. Users—Local, State and Federal Agents and employees of the U.S. National Central Bureau of INTERPOL who have a need for the records in the performance of their duties; law enforcement agencies and criminal justice agencies in the United States and abroad; INTERPOL General Secretariat and INTERPOL National Central Bureaus in member countries; disclosure required in administration of Freedom of Information Act (5 U.S.C. 552); referral to employees and officials of financial and commercial business firms and to private individuals of identifying information pertaining to actual or suspected criminal offenders where such referral is considered reasonably necessary for the purpose of furthering efforts to investigate the activities of and apprehend criminal offenders; translators of foreign languages as necessary; and for additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Magnetic tape and disc storage and hard copy. Files on deceased persons are destroyed within one year of the person's death. Certain records, such as death notifications and missing persons records, are normally destroyed within the year after the matter is received and/or resolved. Records not of continuing intereat may be destroyed at any time. Retrievability by name, file number, personal identification number, system identification number, weapons or motor vehicle number. Access safeguards include need to know, procedural and physical safeguards, such as accountability, restricted areas and alarm protection systems backed up by armed security force. Upon inactivity for five years the file is destroyed except for judicial cases involving personnel in this NCB, which are retained for 20 years from the date of judicial action. Disposal of records is by shredding or burning.

System manager(s) and address: Chief, U.S. National Central Bureau, INTERPOL, Department of Justice, Room 6649, 9th & Pennsylvania Ave., N.W., Washington, D.C. 20530

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Exempt System.

Systems exempted from certain provisions of the act: Exempt under Subsections (J)(2) and (K), 31 C.F.R. 1.36.

Treasury/OS 00.110

System name: Foreign Assets Control Administrative Records—Treasury/OS

System location: Office of Foreign Assets Control, 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Office of Foreign Assets Control employees. Treasury Department General Counsel employees assigned to FAC work. Former Office of Foreign Assets Control employees. Applicants for employment with Treasury Department, Office of Foreign Assets Control.

Categories of records in the system: Applications for employment with the Office of Foreign Assets Control, or with the Office of Chief Counsel, Foreign Assets Control; records of grade promotions of Foreign Assets Control employees; records of within grade salary step increases of Foreign Assets Controls employees; analysis of performance of legal professionals assigned to Foreign Assets Control Work; supervisory evaluation of Foreign Assets Control Employees; confidential financial statements.

Authority for maintenance of the system: 5 U.S.C. Sections 301 and 302, Treasury Department Order No. 128, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: As source of information in consideration of hiring of new Foreign Assets Control employees. To determine whether a grade promotion of an employee is indicated. To determine whether annual within grade salary step increase is warranted. To compile mailing list of employees for Foreign Assets Control uses and purposes. To determine what training of Foreign Assets Control employees is needed. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Foreign Assets Control administrative records are placed in folders which are kept in file cabinets, secured by approved detachable combination locks. FAC administrative records are retrieved from the administrative file by the name of the individual. Each FAC file cabinet containing administrative records is locked when not in use. Such files are located in an area which is manned during duty hours by FAC employees. No person other than the Director (Acting) is allowed access to such records, except as specifically designated by the Acting Director. During off-duty hours the file area is safe-guarded by appropriate electronic protective devices. FAC administrative records (other than application for employment) are kept indefinitely for so long as they are useful to the Office of Foreign Assets Control.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether Foreign Assets Control Administrative Records contain information relating to him should be (a) mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220, (b) presented in person: Office of Foreign Assets Control, 1331 G Street, N.W., Room 504, Washington, D.C.

Record access procedures: Requests for information on gaining access to or contesting of information contained in FAC Administrative Records should be mailed to: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: All information contained in the FAC administrative records is usually obtained from the individual, or from Treasury Department Personnel Office.

Treasury/OS 00.111

System name: FAC 1950 Census of Blocked Chinese Assets—Treasury/OS.

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Most of these records contain reports and correspondence regarding blocked accounts of persons or firms who are nationals of the Peoples Republic of China. However, there is a small class of cases where reports were received regarding the assets of an individual subject to U.S. jurisdiction when such individual is the trustee of a Chinese national, Administrator or Executor of the estate of a Chinese national, heir of the estate of a Chinese national, etc. Most of the persons filing these reports were American corporations. However, a small number of reporters were American individuals.

The principal category is individuals residing in China who had an interest in property in the U.S. on December 18, 1950. This category would include (a) U.S. citizens who left China after December 17, 1950; and (b) non-U.S. citizens who left China after December 17, 1950, and became U.S. citizens or permanent alien residents of the U.S.

In addition, this system includes individuals in the U.S. who had acted for or on behalf of the government of the Peoples Republic of China, or individuals who had an interest in property in which there was also an interest of a Chinese national on or since December 17, 1950, for example, trusts and estates, joint accounts and partnerships.

Categories of records in the system: (6) Reports containing a brief description, including location and value, of assets in the U.S. on December 18, 1950, in which, China or a Chinese "national" (as defined in the Regulations) had any interest. (2) Correspondence regarding such reports. (3) A computer print-out summarizing the information contained in the reports.

Authority for maintenance of the system: Section 5(b) of the Trading with the Enemy Act (50 U.S.C. App., Section 5(b)). Section 500.603 of the Foreign Assets Control Regulations (31 CFR 500.603).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system of records: (1) is used by staff to verify the accuracy of reports submitted under the 1970 Census of Blocked Chinese Assets; (2) is made available to the Chief of Enforcement, in connection with determining the present whereabouts of holders or custodians who cannot be located; (3) is made available to the Chief of Licensing for assistance in determining the propriety of the release of blocked property; (4) is made available to the Legal Section in connection with questions regarding the disposition of blocked property requiring a legal opinion; (5) is made available to the Acting Director in connection with questions regarding the property reported under the 1950 census; (6) is made available to the original holder or custodian of blocked Chinese property or his successor in interest to aid in preparation of the 1970 census report; (7) is made available to the legal representatives of persons listed in (1) to aid in preparation of the 1970 census report; (8) for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Reports and correspondence files.

Retrievability: Reports are indexed by name of holder or custodian of blocked property, by name of individual for whom blocked accounts are maintained, and by report number. Files are indexed by name of holder or custodian of blocked property or by name of individual.

Safeguards: The FAC 1950 Census of Blocked Chinese Assets records consist of documents in folders and a computer print out. Some of these files are stored in file cabinets secured by approved detachable combination locks. The room where these records are stored is manned by FAC personnel who are instructed not to admit unauthorized persons, nor to release any material from these records to persons other than FAC personnel. During off duty hours this room is locked and safeguarded by appropriate security measures. The remainder of these files are stored in a supply room which is always locked except when in use by FAC personnel.

Retention and disposal: None have been destroyed.

System manager(s) and address: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Custodians or other holders of blocked Chinese assets.

Treasury/OS 00.112

System name: FAC 1970 Census of Blocked Chinese Assets—Treasury/OS.

System location: 1331 G. Street N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Most of these records contain reports and correspondence regarding blocked accounts of persons or firms who are nationals of the Peoples Republic of China. However, there is a small class of cases where reports were received regarding the assets of an individual subject to U.S. jurisdiction when such individual is the trustee of a Chinese national, Administrator or Executor of the estate of a Chinese national, heir of the estate of a Chinese national, etc. Most of the persons filing these reports were American corporations. However, a small number of reporters were American individuals.

The principal category are Foreign nationals, namely Chinese who had interests in property in the U.S. on December 18, 1950, and on July 1, 1970. Also included are individuals in the U.S. who had been in China on or since December 17, 1950, or who had acted for or on behalf of the government of the Peoples Republic of China, or who had on either date an interest in property in which there was also an interest of a Chinese national on or since December 17, 1950, for example, trusts and estates, joint accounts and partnerships.

Categories of records in the system: (1) Reports containing a brief description including location and value, of assets in the U.S. on December 18, 1950, or on July 1, 1970, in which, on either date, China or a Chinese "national" (as defined in the Regulations) had any interest. (2) Correspondence regarding such reports. (3) A computer print-out summarizing the information contained in the reports.

Authority for maintenance of the system: Section 5(b) of the Trading with the Enemy Act (50 U.S.C. App., Section 5(b)). Section 500.610 of the Foreign Assets Control Regulations (31 CFR 500.610).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records: (1) is made available to the Director, Chief of Licensing,

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Chief of Enforcement, and the Legal Section for assistance with problems requiring their advice and expertise. (2) is made available to the Chief of Licensing in connection with applications to unblock property of Chinese nationals. (3) is used for statistical purposes. (4) for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: files and index cards.

Retrievability: Files and index cards indexed by name of holder or custodian of property with I.D. number and by name of individual for whom blocked accounts are held with I.D. number.

Safeguards: The Foreign Assets Control 1970 Census of Blocked Chinese Assets records consist of documents in folders and a bound computer print out which are stored in file cabinets secured by approved detachable combination locks. The room where these records are stored is manned by FAC personnel who are instructed not to admit unauthorized persons, nor to release any material from these records to persons other than FAC personnel. During off duty hours this room is locked and safeguarded by appropriate security measures.

Retention and disposal: None have been destroyed.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Custodians or other holders of blocked Chinese assets.

Treasury/OS 00.113

System name: FAC 1964 Census of Blocked Cuban Assets—Treasury/OS

System location: Federal Record Center, Suitland, Maryland

Categories of individuals covered by the system: Most of these records contain reports and correspondence regarding blocked accounts of persons or firms who are nationals of Cuba. However, there is a small class of cases where reports were received regarding the assets of an individual subject to U.S. jurisdiction when such individual is the trustee of a Cuban national, Administrator or Executor of the estate of a Cuban national, heir of the estate of a Cuban national, etc. Most of the persons filing these reports were American corporations. However, a small number of reporters were American individuals.

The principal category is residents of Cuba, who had an interest in property in the U.S. on July 8, 1963. This category would also include (a) U.S. citizens who left Cuba after July 8, 1963, and (b) non-U.S. citizens who left Cuba after 1963 and became U.S. citizens or permanent alien residents of the U.S. In addition, this system includes individuals in the U.S. who had acted for or on behalf of the government of Cuba, or individuals who had an interest in property in which there was also an interest of a Cuban national on or since July 8, 1963, for example, trusts and estates, joint accounts and partnerships.

Categories of records in the system: (1) Reports containing a brief description, including location and value of assets in the U.S. on July 8, 1963, in which Cuba or a Cuban "national" (as defined in the Regulations) had any interest. (2) Correspondence regarding such reports. (3) A computer print out summarizing the information contained in the reports.

Authority for maintenance of the system: Section 5(b) of the Trading with the Enemy Act (50 USC, App., Section 5(b). Section 620(a) of the Foreign Assistance Act of 1961 (22 USC Section 2370(a)). Cuban Assets Control Regulations 31 CFR Part 515.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system of records may be used in connection with a future census of blocked Cuban assets. The uses may be as follows: (1) by staff to determine persons to whom specific correspondence should be addressed advising them of the census requirements; (2) by staff to verify the accuracy of reports submitted under a new census; (3) by the Chief of Enforcement, in connection with determining the present where-abouts of holders or custodians who cannot be located; (4) by the Chief of Licensing for assistance in determining the propriety of the release of blocked property; (5) by the Legal Section in connection with questions regarding the disposition of blocked property requiring a legal opinion; (6) by the Director in connection with questions regarding the property reported under the 1964 census; (7) may be made available to the original holder or custodian of blocked Cuban property or his successor in interest to aid in preparation of a new census report; (8) may be available to the legal representatives of persons listed in (7) to aid in preparation of a new census report.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Reports and correspondence.

Retrievability: All of these records are located at the Federal Record Center, Suitland, Maryland. They are retrievable by name of individual.

Safeguards: GSA.

Retention and disposal: None have been destroyed.

System manager(s) and address: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Custodians or other holders of blocked Cuban property.

Treasury/OS 00.114

System name: Foreign Assets Control Enforcement Records—Treasury/OS

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have engaged in unlicensed financial, commercial or other transactions which are prohibited under regulations administered by the Office of Foreign Assets Control. Individuals who have made any unlicensed importation of prohibited merchandise from a foreign country which is a "designated country" under regulations administered by the Office of Foreign Assets Control. Individuals who have made an unlicensed remittance of funds or exportation of goods to a "designated country" or national thereof, or to a "specially designated national." Individuals who have otherwise violated any Treasury ruling, license or regulation issued under or pursuant to the Trading with the Enemy Act or the United Nations Participation Act. Individuals suspected of having engaged in activities or transactions which violated statutes or regulations administered by the controls. Individuals who have applied for Foreign Assets Control Licensing when there is reason to suspect the truth of statements contained in an individual's application. Individuals who have or are suspected of misuse or misappropriation of blocked property.

Categories of records in the system: Reports of investigations of suspected or actual violations by an individual of relevant statute and regulations administered by the Office of Foreign Assets Control; intelligence reports requested from other official sources regarding suspected or actual criminal or civil violations by an individual of the relevant statutes, or of the regulations administered by the Office of Foreign Assets Control; evidence obtained during investigation of suspected or actual violations by an individual of the relevant statutes and regulations administered by the Office of Foreign Assets Control.

Authority for maintenance of the system: Statutory: Section 5(b) of the Trading with the Enemy Act (50 USC, App. Section 5(b)); Section 5 of the United Nations Participation Act (22 USC Section 287(c)); Foreign Assistance Act of 1961, (22 USC Section 2370 (a)). Executive Orders: E.O; 8389 E.O. 9193; E.O. 11322; E.O. 11419; Proc. 3447. Regulations: Foreign Assets Control Regulations (31 CFR, Sections 500.601 and 500.602), Cuban Assets Control Regulations (31 CFR, Sections 515.601 and 515.602), Rhodesian Sanctions Control Regulations (31 CFR Sections 530.601 and 530.602), Foreign Funds Control Regulations (31 CFR, Sections 520.601 and 520.602).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Used as a source of reference in other FAC enforcement investigations. (2) As a source of information in consideration of applications for Foreign Assets Control specific licenses. (3) Referral of information to the Department of Justice in civil or criminal cases involving the individual. (4) Disclosure to U.S. Customs Service, Internal Revenue Service or Department of Commerce (Office of Export Administration), of information concerning possible violations of laws and/or regulations of such agencies. (5) Notice to the United States Customs Service (a) of importers who have made illegal commercial importations of prohibited publications, and, (b) of persons who are authorized to make commercial importations of prohibited publications (under regulations administered by the Office of Foreign Assets Control). (6) for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control Enforcement Records consist of documents, etc., in folders which are stored in locked file cabinets in secure file rooms. Enforcement records are retrieved by means of card-index file system containing the names of persons (individuals, corporations, etc.). The file rooms are manned by Foreign Assets Control personnel who are instructed not to admit unauthorized persons into the file areas, nor to release any material from the enforcement records to persons other than Foreign Assets Control personnel. During off duty hours the file rooms are secured by appropriate electronic protective devices. These Enforcement Records are maintained indefinitely, for so long as the assets and transactions involved are subject to regulation. Records are also stored at the Federal Record Center, Suitland, Maryland.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Systems exempted from certain provisions of the act: Exempt under Subsection (K)(2), 31 C.F.R. 1.36.

Treasury/OS 00.115

System name: Foreign Assets Control General Correspondence Files-Treasury/OS.

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Records are maintained of all correspondence from individuals seeking information from the Office of Foreign Assets Control regarding embargoed or blocked foreign countries (and assets and nationals thereof), which are affected by implementing Treasury Department Regulations. Current regulations, and corresponding blocked or embargoed countries, are: Foreign Assets Control Regulations (China, Vietnam, and North Korea); Cuban Assets Control Regulations (Cuba); and the Rhodesian Sanctions Regulations (Rhodesia) and the Foreign Funds Control Regulations (World War II). Records are also maintained of letters to individuals initiated by the Foreign Assets Control.

Categories of records in the system: General correspondence of every kind, e.g.: individuals seeking information about FAC regulations re some particular country; requests for advice on proposed or possible transaction involving a designated country or a national thereof; letters reporting possible violation of some FAC administered regulation; requests from law students and other researchers; requests for copies of regulations administered by FAC; requests for information regarding possible employment opportunities with the Office of Foreign Assets Control.

Authority for maintenance of the system: Statutory: Section 5(b) of the Trading with the Enemy Act (50 USC, App. Section 5(b)). Section 5 of the United Nations Participation Act (22 USC Section 287 c), Section 620 (a) of the Foreign Assistance Act of 1961 (22 USC Section 2370 (a)). Executive Orders: E.O. 9193; E.O. 9989; E.O. 11322; E.O. 11419; Proc. 3447. Regulations: Foreign Assets Control Regulations 31 CFR Part 500, Cuban Assets Control Regulations 31 CFR Part 515, Rhodesian Sanctions Regulations 31 CFR Part 530; Transaction Control Regulations 31 CFR Part 505; Foreign Funds Control Regulations 31 CFR Part 520.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (A) Intra-Agency—Used by the staff to effectuate the purposes of the Regulations which it is charged with administering: (1) Used by the Enforcement Section as background information in connection with investigations. (2) Used by the Licensing Section as background information in connection with the processing of license applications submitted by the individual. (3) Used by the Legal Section as background information in connection with preparation of briefs, etc. (4) Used by all staff as background information in connection with subsequent inquiries from an individual. (5) Used in connection with the formulation of or as examples of policy followed by the office. (6) Used by all staff to initiate correspondence with third parties mentioned in an individual letter regarding potential or apparent violations of the regulations. (7) Used by all staff to prepare statistics useful in implementing the Regulations. (8) Used by all staff to compile mailing lists for use by Foreign Assets Control to advise individuals interested in a particular aspect of the Regulations of changes relating to these aspects. (9) Used to detect an interest in a particular aspect of the Regulations which necessitate the publication of amendments to the Regulations regarding interpretations of the Regulations. (B) Inter-Agency: (1) Referred to the Department of State, Department of Commerce, Internal Revenue Service, Foreign Claims Settlement Commission, (and other agencies) where the individuals inquiry concerns matters under the jurisdiction of such agencies as well as under the jurisdiction of the Office of Foreign Assets Control. (2) Referred to the Department of Justice, where it appears likely that a crime or civil offense was committed. (3) Referred to other agencies where it appears that an individual has violated the laws, statutes or regulations of such agency. (C) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control General Correspondence Records consist of documents in folders which are stored in file cabinets secured by approved detachable combination locks. General Correspondence records are retrieved by means of card-index file system containing the names of persons (individuals, corporations, etc.). The file rooms are manned by FAC personnel who are instructed not to admit unauthorized persons into the file-areas, nor to release any material from the enforcement record to persons other than FAC personnel. During off-duty hours, the file rooms are safeguarded by appropriate electronic protective devices. The General Correspondence records are maintained indefinitely for so long as the assets or transactions involved are subject to regulation. Records are also stored at the Federal Record Center, Suitland, Maryland.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Individuals who initiated correspondence with Treasury Department's Office of Foreign Assets Control or who responded to correspondence from the Office of Foreign Assets Control; other governmental agencies (Federal, State and Local); foreign individuals and official sources.

Treasury/OS 00.116

System name: Foreign Assets Control Litigation files—Treasury/OS

System location: 1331 G Street, N.W., Room 504, Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have been criminally prosecuted, or involved in civil litigation (as plaintiff or defendant) with the United States, in matters which involve statutes and/or regulations which are administered by the Office of Foreign Assets Control (e.g.: criminal prosecution for violation of statutes and regulations; suits to enjoin the Office of Foreign Assets Control from holding bank accounts or other property in a blocked status; suits to compel the Office of Foreign Assets Control to issue licenses for import of merchandise from a designated country; suits seeking to have statutes and regulations administered by

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Foreign Assets Control held unconstitutional, in fact or as applied; etc.).

Categories of records in the system: Copies of the pleading and all other legal documents connected with civil litigation and criminal proceedings involving statutes and regulations administered by the Office of Foreign Assets Control, including memoranda of law, drafts of legal briefs, and other material prepared by the FAC legal staff for use in such litigation; material obtained pursuant to discovery under applicable court rules (depositions, written interrogatories, etc.); copies of final orders, decrees, and opinions of courts in such litigation, and copies of correspondence relating to activities of any party to such litigation (containing information relevant to the issues involved in the litigation).

Authority for maintenance of the system: Statutes: Section 5(b) of the Trading with the Enemy Act, (50 USC, App. Section 5(b)); Section 5 of the United Nations Participation Act, (22 USC, Section 287c); Section 620 (a) of the Foreign Assistance Act of 1961, (22 USC 2370 (a)). Executive Orders: E.O. 9193; E.O. 9989; E.O. 11322; E.O. 11419; Proc. 3447. Regulations: Foreign Funds Control Regulations (31 CFR, Part 520), Foreign Assets Control Regulations, (31 CFR, Part 500), Cuban Assets Control Regulations, (31 CFR, Part 515), Rhodesian Sanctions Regulations (31 CFR, Part 530), Transactions Control Regulations (31 CFR, Part 505).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Preparation and conduct of litigation in process by the Justice Department. (2) Research source for the FAC Enforcement section. (3) Source of information for the FAC Licensing section in consideration of applications for FAC license. (4) Source of legal precedents and for other legal research by the FAC Legal section. (5) Referral to Department of Justice in cases involving Statutes and Regulations administered by the Office of Foreign Assets Control. (6) Disclosure to U.S. Customs Service in cases which jointly involve similar matters, or which involve, jointly, both the FAC and the U.S. Customs Service. (7) Disclosure to the State Department in connection with foreign policy aspects of legal problems involved. (8) Disclosure to U.S. Department of Commerce where cases involve matters of interest to, or which are in the jurisdiction of that Department. (9) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control Litigation records consist of documents in folders which are stored in file cabinets secured by approved detachable combination locks. The files are retrieved by name of the individual. During normal working hours, the room where these records are kept is manned by persons who are instructed not to allow unauthorized persons into the file area, nor to disclose or release any material to persons other than FAC personnel. During off-duty hours, the room in which the records are kept is safe-guarded by appropriate electronic protective devices. The Litigation records are maintained indefinitely as research source and legal precedent.

System manager(s) and address: Director, Office of Foreign Assets Control, 1331 G Street, N.W., U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: PLEADINGS AND OTHER MATERIALS FILED DURING COURSE OF A LEGAL PROCEEDING; DISCOVERY OBTAINED PURSUANT TO APPLICABLE COURT RULES; Materials obtained from FAC Enforcement Section; material obtained pursuant to request made on other Federal agencies; Orders, opinions, decisions of courts.

Treasury/OS 00.117

System name: Foreign Assets Control Mailing List—Treasury/OS

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have asked to be advised of any amendments, announcements, etc., pertaining to the Regulations administered by this Office.

Categories of records in the system: Index cards and addressograph plates containing names and addresses of all persons to whom information regarding the Regulations is sent.

Authority for maintenance of the system: Statutory: Section 5(b) of the Trading with the Enemy Act (50 USC, App., Section 5(b). Section 5 of the United Nations Participation Act (22 USC Section 287c). Section 620(a) of the Foreign Assistance Act of 1961 (22 USC Section 2370(a). Executive Orders: Executive Order 9193; Executive Order 9989; Executive Order 11322; Executive Order 11419; Proc. 3447. Regulations: Foreign Assets Control Regulations, 31 CFR Part 500; Cuban Assets Control Regulations, 31 CFR Part 515; Rhodesian Sanctions Regulations, 31 CFR Part 530; Transaction Control Regulations, 31 CFR Part 505; Foreign Funds Control Regulations, 31 CFR Part 520.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information in this system of records is used by FAC to enable the Government Printing Office to send out information regarding our Regulations to all interested parties. (2) For additional routine uses see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Index cards and addressograph plates.

Retrievability: Indexed by name of individual or corporation.

Safeguards: The FAC mailing list records consist of index cards filed in index card boxes. The room where these records are stored is manned by FAC personnel who are instructed not to admit unauthorized persons, nor to release any material from these records to persons other than FAC personnel. During off duty hours this room is locked and safe-guarded by appropriate security measures. The addressograph plates are stored at the Government Printing Office.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: See Category of Individual.

Treasury/OS 00.118

System name: Foreign Assets Control Licensing Records—Treasury/OS

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Applicants for license to import prohibited goods from countries designated in Regulations administered by Office of Foreign Assets Control. Applicants for license to remit funds to countries designated in Regulations of the Office of Foreign Assets Control. Applicants for license authorizing engagement in other transactions and activities which are prohibited by Regulations of the Office of Foreign Assets Control.

Categories of records in the system: Applications for Treasury license; information in support of applications submitted by applicant; information from other sources regarding such applications; copies of agency action granting or denying applications; requests for amendment of license; requests for rehearing or appeal of denial actions; other information related to any of the foregoing.

Authority for maintenance of the system: Statutes: Section 5(b) of the Trading with the Enemy Act (50 USC, App. Section 5(b)). Section 5 of the United Nations Participation Act (22 USC 287 (1)(c)(1)). Section 620 (a) of the Foreign Assistance Act of 1961 (22 USC 2370 (a)). Executive Orders: E.O. 9193; E.O. 9989; E.O. 11322; E.O. 11419; Proc. 3447. Regulations: Foreign Assets Control Regulations 31 CFR, Part 500; Transaction Control Regulations 31 CFR, Part 505; Cuban Assets Control Regulations 31 CFR, Part 515; Foreign Funds Control Regulations 31 CFR, Part 520; Rhodesian Sanctions Regulations 31 CFR, Part 530.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Furnishing of information to the FAC Enforcement Section where it appears that some willful violation of Treasury regulation or requirement may have occurred. (2) Comparison with subsequent application from same applicant. (3) Consultation with State, Commerce and Defense, as appropriate concerning applicable policy and relevant facts. (4) Furnishing information to the U.S. Customs Service where it appears that a Customs requirement or regulation has not been complied with. (5) Furnishing information to Internal Revenue Service where it appears that a matter within the jurisdiction of that agency is involved. (6) Furnishing of information to the Department of Commerce where it appears that a requirement or regulation of that agency is involved. (7) Notice to the U.S. Customs Service (a) of importers who have made illegal importations or prohibited publications, and (b) of persons who are authorized to make commercial importations of prohibited publications (under regulations administered by the Office of Foreign Assets Control). (8) Furnishing of report to Justice Department where it appears that some civil or criminal violation by applicant of a Treasury regulation or other requirement has occurred. (9) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control Licensing records consist of documents in folders which are stored in file cabinets. Each such file cabinet is outfitted with a detachable combination lock.

The records are retrieved by license numbers, and may also be obtained by means of a card-index file. During normal working hours, the file room is manned by persons who are instructed not to allow unauthorized persons into the file area, nor to disclose or release any material to persons other than FAC personnel. During off-duty hours, the file rooms are safe-guarded by appropriate electronic protective devices. The FAC licensing records are maintained indefinitely for so long as the assets or transactions involved are subject to regulations. Records are also stored at the Federal Record Center, Suitland, Maryland.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: The majority of information concerning an individual applicant in a FAC License Record will typically have come from the applicant. On infrequent occasions some such information will have been obtained from other governmental agencies; or, during the course of an investigation by the FAC Enforcement Section.

Treasury/OS 00.121

System name: ORS Auditors' Address File—Treasury/OS

System location: Office of Computer Science, Department of the Treasury, 1435 G Street, N.W., Washington, D.C.

Categories of individuals covered by the system: All State Auditors

Categories of records in the system: Mailing Addresses & Phone Numbers.

Authority for maintenance of the system: PL 92-512 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Address File & Telephone Index. For additional routine uses see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Tape.

Retrievability: Indexed by state code & unique numeric suffix.

Safeguards: Secured computer room.

Retention and disposal: Maintained until file is updated by the Audit Division, Office of Revenue Sharing.

System manager(s) and address: Administrative Officer, Office of Revenue Sharing, 2401 E Street, N.W., Washington, D.C. 20226.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: State audit address lists.

Treasury/OS 00.123

System name: ORS Contractors File—Treasury/OS.

System location: 2401 'E' Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Contractors offering services.

Categories of records in the system: File containing individual contracts maintained in alphabetical sequence. Contents include: contract request, justification, source recommended, sole source when applicable, experience, references, bid for services.

Authority for maintenance of the system: For Administrative Officer in providing necessary services and Budget Analysis for payment of accounts. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For Manager in checking services required. For Administrative Officer in securing contract. For Budget Analysis in payment for services. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Records maintained in locked file cabinet. (2) Records filed in alphabetical sequence. (3) Director's office, Managers and persons assigned to project may review file along with Contract Officers from Administrative Services, Main Treasury.

System manager(s) and address: Administrative Officer: ORS, 2401 "E" Street, N.W., Washington, D.C. 20226.

Notification procedure: Office of Revenue Sharing, 2401 'E' Street, N.W., Washington, D.C. 20226.

Record access procedures: Written request mailed to: Administrative Officer, 2401 'E' Street, N.W., Room 1564, Washington, D.C. 20226.

Contesting record procedures: See Access above.

Record source categories: Information came from consultants giving services, contract officer for agreement, budget analysis for approval of funds and payment upon approved completion of the contract.

Treasury/OS 00.124

System name: ORS Governors' Address File—Treasury/OS

System location: Systems & Operations Division, Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226.

Categories of individuals covered by the system: All current governors.

Categories of records in the system: Mailing Addresses.

Authority for maintenance of the system: PL 92-512. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Address File. For additional routine uses see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: MCST Magnetic Cards.

Retrievability: Indexed by state code.

Safeguards: Secured computer room.

Retention and disposal: Maintained until file is updated.

System manager(s) and address: Administrative Officer, Office of Revenue Sharing, 2401 E Street N.W., Washington, D.C. 20226.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

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Record source categories: Congressional Directory, State submissions.

Treasury/OS 00.125

System name: ORS Governors & Governors' Authorized Representatives List—Treasury/OS.

System location: Systems & Operations Division, Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226.

Categories of individuals covered by the system: All current governors & their authorized representatives.

Categories of records in the system: Individual Names & Addresses.

Authority for maintenance of the system: PL 92-512. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Address File, for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notebook (Hardcopy).

Retrievability: Indexed by State name.

Safeguards: Secured computer room.

Retention and disposal: Maintained until file is updated.

System manager(s) and address: Administrative Officer, Office of Revenue Sharing, 2401 E Street NW, Washington, DC 20226.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: State official and address files.

Treasury/OS 00.126

System name: Office of Revenue Sharing, Intergovernmental Relations Division mailing list—Treasury/OS.

System location: Office of Revenue Sharing, 2401 E Street, N.W., Rm. 1407, Washington, D.C. 20226.

Categories of individuals covered by the system: Not all entries on the mailing list are by name of individual; many entries are identified only by agency or organization name. Names of individuals or organizations on the reveNews mailing list were placed there by personal request, designation of the State Governor or by the screening of mailing lists of local officials of national public interest groups.

Categories of records in the system: The system identifies name and address only and is arranged in such a way as to be sorted and retrieved by State. The system is further broken down into a sub-list of frequent liaison contacts which can be retrieved separately.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The reveNews mailing list is used to distribute copies of reveNews, the Office of Revenue Sharing newsletter. It also is used to mail program and technical assistance materials to service agencies of State and local government and to distribute ORS publications. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The system is stored on mag. tape.

Retrievability: The system is indexed by nine digit I.D. number; the first two digits represent the State of the address and are the only parts of the I.D. which are used for retrieving address information.

Safeguards: System listings can be authorized only by written request to the Systems and Operations Division, ORS.

Retention and disposal: The records are retained indefinitely; individual records can be amended or deleted at any time. Coding sheets for address changes and deletions are forwarded periodically to the Systems and Operations Division, ORS.

System manager(s) and address: Administrative Officer: ORS, Office of Revenue Sharing, 2401 E Street, N.W., Washington, D.C. 20226.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: See Category of Individual.

Treasury/OS 00.128

System name: ORS Personnel Records—Treasury/OS.

System location: 2401 'E' Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Employees.

Categories of records in the system: A current employees file, in alphabetical sequence, is maintained which includes: application, certification and appointment, promotional appraisals, performance appraisals, corrective action, absence and leave, training and development programs, recognition for outstanding performance.

A former employee's file, in alphabetical sequence, is maintained for six months at which time all material is sent to official file in Office of the Secretary, Main Treasury.

A recruitment file, in alphabetical sequence, is maintained for one year. Applicants submit forms and resumes for consideration.

Authority for maintenance of the system: Personnel records kept to furnish Office of the Secretary Personnel, Main Treasury, status and development of employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For Managers and individual employees use in checking personnel records. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Records maintained in locked file cabinet. (2) Records filed in alphabetical sequence. (3) Records maintained in locked file cabinet. Managers may request the files of their employees for review and approval. Individual employees may request files for update or review. Any other requests for personnel information is handled by Office of the Secretary Personnel Division at Main Treasury.

System manager(s) and address: Administrative Officer: ORS, 2401 'E' Street, N.W.—Room 1564, Washington, D.C. 20226.

Notification procedure: Same as above.

Record access procedures: Written request mailed to: Administrative Officer: ORS, 2401 'E' Street, N.W.—Room 1564, Washington, D.C. 20226.

Contesting record procedures: See Access above.

Record source categories: Information came from individual employees, supervisors, Personnel, Main Treasury.

Treasury/OS 00.129

System name: ORS Public Affairs Personnel file—Treasury/ORS.

System location: Office of Revenue Sharing, 2401 E Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Personnel, Public Affairs Division.

Categories of records in the system: Miscellaneous information relating to history of employee's activity at ORS.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Public Affairs staff maintain these files for their convenience. No access is provided to others. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in drawers.

Retrievability: Indexed by name and file number.

Safeguards: No confidential information is kept in these files.

Retention and disposal: Records are maintained until employees discard them.

System manager(s) and address: Administrative Officer, Office of Revenue Sharing, 2401 E Street, N.W., Washington, D.C. 20226.

Notification procedure: Administrative Officer, 2401 E St., N.W., Washington, D.C. 20226.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Memoranda from Treasury Personnel Office. Copies of form 171s and resumes prepared by Public Affairs personnel themselves. In-house memoranda, Miscellaneous correspondence.

Treasury/OS 00.130

System name: ORS Senate, House & Governors' Address File—Treasury/OS

System location: Office of Computer Science, Department of the Treasury, 1435 G Street, NW, Washington, DC.

Categories of individuals covered by the system: All current U.S. Senators, Congressmen, & Governors.

Categories of records in the system: Mailing Addresses.

Authority for maintenance of the system: PL 92-512, 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Address File. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Tape.

Retrievability: Indexed by state code & unique numeric suffix.

Safeguards: Secured computer room.

Retention and disposal: Maintained until file is updated by the Public Affairs Division, Office of Revenue Sharing.

System manager(s) and address: Administrative Officer, Office of Revenue Sharing, 2401 E Street N.W., Washington, D.C. 20226.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Congressional Directory, State submissions.

Treasury/OS 00.131

System name: ORS State Attorneys General Records—Treasury/OS

System location: Office of Revenue Sharing, 2401 "E" Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: State Attorneys General or Assistant Attorneys General.

Categories of records in the system: Correspondence with State offices of Attorney Generals concerning State laws as they affect the expenditure of funds under the Revenue Sharing Act.

Authority for maintenance of the system: State and Local Fiscal Assistance Act of 1972 (P.L. 92-512). 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are used by the Chief Counsel for Revenue Sharing. They are used for determining the applicability and effect of State laws on the expenditure of funds under the Revenue Sharing Act. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filing cabinet.

Retrievability: The system is alphabetically indexed by name of State.

Safeguards: Locked file room.

Retention and disposal: Records are updated periodically.

System manager(s) and address: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W., Room 1545, Washington, D.C. 20226.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Correspondence with State offices of Attorney Generals.

Treasury/OS 00.140

System name: Annual Performance Rating and Annual Performance Analysis—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Annual Performance Rating—Present and former employees of the Office of the General Counsel. Annual Performance Analysis—Present and former attorneys of the Legal Division.

Categories of records in the system: The information in this system takes the form of ratings and performance analyses prepared by the employee's supervisors.

Authority for maintenance of the system: In accordance with the Department of the Treasury Office of the General Counsel rules for promotion and Treasury Personnel Manual, Chapter 430, 8, D(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel in connection with promotions, wage increases, and review of employee's general work performance level. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By year, name of employee, and bureau.

Safeguards: The files are kept in cabinets with an extremely limited number of employees permitted access (such as the General Counsel, Deputy General Counsel, Assistant General Counsels, or Chief Counsels).

Retention and disposal: The records are maintained for five years.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Head of the office to which the employee is assigned.

Treasury/OS 00.141

System name: Attorney Books—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present attorneys of the Legal Division of the Treasury Department.

Categories of records in the system: The information in this system takes the form of brief personal and professional information on attorneys in the Legal Division. Includes date of birth, educational and professional data, and pay grade.

Authority for maintenance of the system: Title 5, U.S. Code. In accordance with the Department of the Treasury Office of the General Counsel rules for employment and promotion.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by General Counsel, Deputy General Counsel, and Administrative Officer for reference. For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Desk copies for three officials.

Retrievability: By name of individual and bureau or organization.

Safeguards: Copies kept in the office of the official to whom assigned.

Retention and disposal: The records are maintained only while the attorney is employed by the Office of the General Counsel.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

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Contesting record procedures: See System Manager above.

Record source categories: Personnel records.

Treasury/OS 00.142

System name: Attorneys Past and Present—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and former attorneys of the Office of the General Counsel.

Categories of records in the system: The information in this system consists of materials relating to the employee's application and employment with the Office of the General Counsel. It includes letters of recommendation, hiring recommendations, and other similar information concerning the employee.

Authority for maintenance of the system: Title 5, U.S. Code. In accordance with the Department of the Treasury Office of the General Counsel rules for promotion.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel in connection with promotions, wage increases, and reviewing employee's general work performance level. With respect to former employees, information used for reference purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in cabinets with a limited number of employees permitted access.

Retention and disposal: The records contain information on all present attorney-employees of the General Counsel's Office and on former attorney-employees for the past two years.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.c. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual on whom record is maintained, employee's supervisors, and applicant's interviewer.

Treasury/OS 00.143

System name: Chief Counsel for Revenue Sharing personnel—Treasury/OS.

System location: Chief Counsel for Revenue Sharing, 2401 'E' St., N.W., Room 1545, Washington, D.C. 20226.

Categories of individuals covered by the system: Personnel employed by the Chief Counsel for Revenue Sharing.

Categories of records in the system: The records are copies of the employee records kept for their convenience.

Authority for maintenance of the system: Employee copies of personnel records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are employee copies of official Treasury Department personnel actons. They are referred to by the employee for convenience concerning personnel matters affecting him or her. Personnel may take their own records with them when they terminate their employment with the Chief Counsel's Office. The file is maintained for the convenience of the employee who wishes to maintain official Treasury Department personnel actions in a convenient location. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: By name of individual.

Safeguards: The records may only be reviewed by the employees of the Chief Counsel's Office.

Retention and disposal: The records are maintained only while the individual is employed with the Chief Counsel's Office.

System manager(s) and address: Administrative Officer, 1500 Pennsylvania Ave., N.W., Main Treasury, Room 3006, Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: Call or write the Chief Council for Revenue Sharing at the following address: Chief Counsel for Revenue Sharing, 2401 'E' St., N.W., Room 1545, Washington, D.C. 20226, Telephone—(202) 634-5182, 634-5183.

Contesting record procedures: See Access above.

Record source categories: Official Treasury Department Personnel Records—employee copies only.

Treasury/OS 00.144

System name: Civil Litigation Records—Treasury/OS.

System location: U.S. Treasury Department, Office of the General Counsel, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Persons who are parties, plaintiff or defendant, in civil litigation (as described below) with the Treasury Department.

Categories of records in the system: This system of records contains information or documents related to litigation involving or concerning the Department or its officials. The records consist of pleadings, investigative reports, legal memoranda and related correspondence.

Authority for maintenance of the system: Title 31, U.S.C., Section 1009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used to prosecute or defend court cases related to certain general civil litigation. For additional routine uses see Appendix AA except for tax matters or matters litigated in the U.S. Customs Courts, and to provide cooperation to the U.S. Department of Justice in marshalling facts, correlating evidence, and preparing pleadings and briefs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders with index cards.

Retrievability: These records are indexed by the title of the case.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: The records are maintained during the pendency of the litigation and approximately one year thereafter are transferred to the Federal Records Center, Suitland, Maryland. They are destroyed by the Federal Records Center when the records are 7 years old.

System manager(s) and address: Administrative Officer, Room 3006, U.S. Treasury Department, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36.

Treasury/OS 00.145

System name: Claimants, Disbursing—Treasury/OS

System location: U.S. Treasury Department, Office of the General Counsel, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Claimants for Disbursements by the United States.

Categories of records in the system: Correspondence, memoranda, and related material.

Authority for maintenance of the system: 50 U.S.C. App. 1705-1707, Title 31, United States Code, Department Circulars No. 145 and 830.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To process disbursements in accordance with Departmental regulations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Boxes in Federal Records Center.

Retrievability: Name of claimant.

Safeguards: Files are in Records Center; access is limited to persons on official business.

Retention and disposal: Files kept for an indefinite period.

System manager(s) and address: Administrative Officer, Office of the General Counsel, U.S. Treasury Department, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Individuals and their representatives.

Treasury/OS 00.146

System name: Employee Inventions—Treasury/OS.

System location: U.S. Treasury Department, Office of the General Counsel, Opinion Section, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employee-Inventors.

Categories of records in the system: Information relating to inventions of employees.

Authority for maintenance of the system: 5 U.S.C., Section 301, 31 CFR Part 7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in connection with Government and employee rights in employee inventions, disclosure to U.S. Patent Office. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Legal file in file cabinet.

Retrievability: By name of inventor-employee.

Safeguards: File cabinet is in office of attorney, but unlocked.

Retention and disposal: Indefinite as precedent files.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Treasury Department, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager.

Record access procedures: See System Manager.

Contesting record procedures: See System Manager.

Record source categories: Employees involved.

Treasury/OS 00.147

System name: Employee Promotion Information—Treasury/OS.

System location: Room 2314, Main Treasury Building.

Categories of individuals covered by the system: Past and present employees of the Office of the Assistant General Counsel for International Affairs.

Categories of records in the system: The information in this system of records takes the form of recommendations for promotion of various past and present employees in the office.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal memoranda and accompanying forms circulated to Treasury Department officials authorized to grant promotions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Typed memoranda and required personnel forms.

Retrievability: The file is labeled "Personnel" and contains separate memoranda designating the employee's name after the heading "subject".

Safeguards: The file is kept in a locked file cabinet. A limited number of employees retain the combination to the file.

Retention and disposal: The records date back to 1969, the time of the first promotion arising under the last Assistant General Counsel for International Affairs.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Department of the Treasury, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: These records take the form of memoranda drafted by the Assistant General Counsel for International Affairs, recommending various members of his staff for grade and/or step increases.

Treasury/OS 00.148

Employment Applications—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Applicants for employment as attorneys within the Office of the General Counsel.

Categories of records in the system: Contains original or copy of Standard Form 171, resume, and any correspondence between the applicant and the General Counsel, Deputy General Counsel and Administrative Officer.

Authority for maintenance of the system: In accordance with the Department of the Treasury Office of the General Counsel rules relating to employment.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in making decisions on employment of attorneys by the Office of the General Counsel, reponding to inquiries from members of Congress regarding constituents, and for reference purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in cabinets with a limited number of employees permitted access.

Retention and disposal: The records are maintained for a period of two years unless the applicant is subsequently employed by the Department. These latter records are transfered to the Treasury Department/OS; Attorneys Past and Present system.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual on whom the record is maintained and other interested parties at the initiation of the individual concerned.

Treasury/OS 00.149

System name: Foreign Assets Control Legal Files—Treasury/OS

System location: 1331 G Street N.W., Room 504, Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have corresponded with (or been the subject of correspondence) regarding legal matters and regulations administered by the Office of Foreign Assets Control; and individuals who have been criminally prosecuted, or involved in civil litigation (as plaintiff or defendant) with the United States, in matters involving statutes and/or regulations administered by the Office of Foreign Assets Control (e.g.: criminal prosecutions for violation of statutes and regulations; suits to enjoin the Office of Foreign Assets Control from holding bank accounts or other property in a blocked status; suits to compel the Office of Foreign Assets Control to issue licenses for import of merchandise from a designated country; suits seeking to have statutes and regulations administered by Foreign Assets Control held unconstitutional, in fact or as applied; etc.).

Categories of records in the system: Copies of the pleading and all other legal documents connected with civil litigation and criminal proceedings involving statutes and regulations administered by the Office of Foreign Assets Control, including memoranda of law, drafts of legal briefs, and other material prepared by the FAC legal staff for use in such litigation; material obtained pursuant to discovery under applicable court rules (depositions, written interrogatories, etc.); copies of final orders, decrees, and opinions of courts in such litigation, and copies of correspondence relating to activities of any party to such litigation (containing information relevant to the issues involved in the litigation); or other general correspondence regarding the Office of Foreign Assets Control legal matters.

Authority for maintenance of the system: Statutes: Section 5(b) of the Trading with the Enemy Act (50 USC, App. Section 5(b)).

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Section 5 of the United Nations Participation Act (22 USC, Section 287c). Section 620 (a) of the Foreign Assistance Act of 1961 (22 USC 2370 (a)). Executive Orders: E.O. 9193; E.O. 9989; E.O. 11322; E.O. 11419: Proc. 3447. Regulations: Foreign Funds Control Regulations, (31 CFR, Part 520); Foreign Assets Control Regulations, (31 CFR, Part 500); Cuban Assets Control Regulations, (31 CFR, Part 515); Rhodesian Sanctions Regulations, (31 CFR, Part 530); Transactions Control Regulations, (31 CFR, Part 505).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Preparation and conduct of litigation in process by the Justice Department. (2) Research source for the FAC Enforcement section. (3) Source of information for the FAC Licensing section in consideration of applications for FAC license. (4) Source of legal precedents and for other legal research by the FAC Legal section. (5) Referral to Department of Justice in cases involving Statutes and Regulations administered by the Office of Foreign Assets Control. (6) Disclosure to U.S. Customs Service in cases which jointly involve similar matters, or which involve, jointly, both the FAC and the U.S. Customs Service. (7) Disclosure to the State Department in connection with foreign policy aspects of legal problems involved. (8) Disclosure to U.S. Department of Commerce where cases involve matters of interest to, or which are in the jurisdiction of that Department. (9) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control Litigation records consist of documents in folders which are stored in file cabinets secured by approved detachable combination locks. The files are retrieved by name of the individual. During normal working hours, the room where these records are kept is manned by persons who are instructed not to allow unauthorized persons into the file area, nor to disclose or release any material to persons other than FAC personnel. During off-duty hours, the room in which the records are kept is safe-guarded by appropriate electronic protective devices.

The Litigation records are maintained indefinitely as research source and legal precedent.

System manager(s) and address: Administrative Officer, Room 3006, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Pleadings and other materials filed during course of a legal proceeding; discovery obtained pursuant to applicable court rules; materials obtained from FAC Enforcement Section; material obtained pursuant to requests made on other Federal agencies; orders, opinions, decisions of courts.

Treasury/OS 00.151

System name: Gifts to the United States—Treasury/OS.

System location: U.S. Treasury Department, Office of the General Counsel, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Donors of inter vivos and testamentary gifts to the United States.

Categories of records in the system: Correspondence, copies of wills and court proceedings, and other material related to gifts to the United States.

Authority for maintenance of the system: 50 U.S.C. 1151-1156. Department Circular No. 865 (revised).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To process gifts to the United States and claims against such gifts in accordance with Departmental regulations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Boxes in Federal Records Centers.

Retrievability: Name of donor.

Safeguards: Files are in Records Center; access is limited to persons on official business.

Retention and disposal: Files kept for an indefinite period.

System manager(s) and address: Administrative Officer, Office of the General Counsel, U.S. Treasury Department, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Individuals, executors, administrators and other involved persons.

Treasury/OS 00.152

System name: General Counsel Personnel Files—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and former attorneys and applicants for positions within the Office of the General Counsel.

Categories of records in the system: The information in this system consists of applications, letters of recommendation and other information concerning the qualifications of the individuals within the category.

Authority for maintenance of the system: Title 5, U.S. Code. In accordance with statutory and Department of the Treasury Office of the General Counsel rules for Presidential appointments, hiring and promotions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the General Counsel and other senior Department officials in connection with promotions and hiring of senior attorneys within the General Counsel's office. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Filed alphabetically.

Safeguards: The files are kept in locked cabinets with a limited number of employees permitted access.

Retention and disposal: The records include individuals who are or have been employed or sought employment with the General Counsel's Office since 1956.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual concerned, letters of recommendation, and other data submitted pursuant to the General Counsel's and the individual's request.

Treasury/OS 00.153

System name: Personnel: General Counsel, Deputy General Counsels and Assistant General Counsels—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and past General Counsels, Deputy General Counsels, and Assistant General Counsels.

Categories of records in the system: Contains information on the individual's tenure in office: date of appointment and resignation.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for reference purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files in Office of the Administrative Officer, Office of the General Counsel.

Retrievability: By title of position and name of individual.

Safeguards: Administrative Officer controls access to the system.

Retention and disposal: Information retained on officials for indefinite periods.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Personnel records.

Treasury/OS 00.154

System name: Private relief bill system—Treasury/OS.

System location: Office of the General Counsel, Room 1417, Treasury Department, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have had private relief bills introduced in Congress on their behalf.

Categories of records in the system: Congressional committee or OMB request for Treasury views on proposed legislation plus comments on proposal from offices or bureaus of Treasury.

Authority for maintenance of the system: 5 U.S.C. 301. A function of the Office of the General Counsel is to handle and coordinate legislative work that concerns Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: System is used to furnish reports on proposed legislation to Congress or OMB. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Indexed on 5 by 8 card by bill number but cross-indexed to individual's name. Complete file is kept by bill number and Congress. Permanent file.

System manager(s) and address: Administrative Officer, Room 3006, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220.

Notification procedure: individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Sources of the request are usually Congressional committees or OMB. Other information comes from Treasury bureau or office concerned in matter and from the individual concerned.

Treasury/OS 00.156

System name: Tax Court Judge Applicants—Treasury/OS.

System location: Room 3000, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals requesting consideration for appointment to Tax Court judgeships.

Categories of records in the system: Information concerning the qualification of individuals for appointment to the Tax Court.

Authority for maintenance of the system: In accordance with the requirements for Presidential appointments, 26 U.S.C. 7443.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by senior Treasury Department officials in making recommendations to the President on appointments to the Tax Court. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in locked cabinets with a limited number of employees permitted access.

Retention and disposal: The records relating to individuals date from 1966.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Individual concerned and letters of recommendation from other individuals submitted at the request of the individual and/or the Department.

Treasury/OS 00.157

System name: Employee Records Cards—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and former employees of the Office of the General Counsel.

Categories of records in the system: The information in this system consists of dates of personnel actions, pay increases, promotions, reassignments, change of rolls, retirement, transfer and resignation.

Authority for maintenance of the system: Federal Personnel Manual, Chapter 295 (Standard Form 7-B).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel in connection with promotions, wage increases, and for verification of employment. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in cabinets with a limited number of employees permitted access.

Retention and disposal: The records are retained on all present and former employees of the Office of the General Counsel.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: See Access above.

Record source categories: Standard Form 171 and Standard Form 50.

Treasury/OS 00.160

System name: Abandoned Enrollment Applications—Treasury/OS.

System location: Washington National Record Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Individuals who applied for enrollment to practice before the Internal Revenue Service but subsequently abandoned their applications.

Categories of records in the system: Application for enrollment to practice before the Internal Revenue Service and, in some cases, information regarding individuals' fitness for enrollment.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law or regulations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original application form and information relating to it fastened to each other.

Retrievability: This system is indexed by name of applicant.

Safeguards: Those safeguards in effect at Federal Record Center.

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Retention and disposal: Permanent retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Information contained in this system may have been provided by: (1) Applicant, (2) Individuals, (3) Internal Revenue Service, (4) Other government agencies, (5) Professional organizations.

Treasury/OS 00.161

System name: Applicant Appeal Files—Treasury/OS.

System location: (1) U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220. (2) Washington National Record Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Individuals whose applications for enrollment to practice before the Internal Revenue Service have been denied and who have appealed such denial to the Director of Practice.

Categories of records in the system: Information relating to individuals' applications and eligibility for enrollment to practice before the Internal Revenue Service.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Decision on appeal by Director of Practice from denial of application by the Internal Revenue Service. (2) Decision by Secretary of Treasury on appeal from Director of Practice's sustaining of denial of application for enrollment. (3) For individuals, denial of whose applications for enrollment is reversed by the Director of Practice, for use in connection with subsequent determinations by the Director of Practice as to whether violation of the regulations governing practice before the Internal Revenue Service has occurred. (4) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law or regulations. (5) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36.

Treasury/OS 00.162

System name: Closed Files containing Derogatory Information about individuals' practice before the Internal Revenue Service and files of attorneys and certified public accountants formerly enrolled to practice—Treasury/OS.

System location: (1) U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220. (2) Washington National Records Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Individuals eligible to practice before the Internal Revenue Service (attorneys, certified public accountants and enrolled agents).

Categories of records in the system: Information relating to individuals' enrollments to practice before the Internal Revenue Service and, derogatory and other information regarding such practice.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations by the Director of Practice as to whether violations of the regulations governing practice before the Internal Revenue Service have occurred. (2) Transfer of information to Office of Chief Counsel, Internal Revenue Service so that that Office can represent the Director of Practice in hearings before administrative law judges held to determine whether violations of the regulations governing practice before the Internal Revenue Service have occurred and, if so, the appropriate disciplinary action. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding, or regulatory order with respect to apparent violations of Federal law or regulations. (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: The Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31, C.F.R. 1.36.

Treasury/OS 00.163

System name: Derogatory Information (No Action)—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220.

Categories of individuals covered by the system: Attorneys, certified public accountants, enrolled agents and others.

Categories of records in the system: Such files contain derogatory information concerning attorneys, certified public accountants, and enrolled agents and others over whom there is no current jurisdiction, where such information is subject to future development, or where such information is not sufficiently serious to be currently considered a case file.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations by the Director of Practice as to whether violations of the regulations governing practice before the Internal Revenue Service have occurred. (2) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law or regulations. (3) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose after 5 years by burning.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36

Treasury/OS 00.164

System name: Present Suspensions and Disbarments Resulting From Administrative Proceeding-Treasury/OS.

System location: (1) U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220. (2) Washington National Record Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Individuals formerly eligible to practice before the Internal Revenue Service but now either suspended or disbarred from such practice after being accorded due notice and opportunity for hearing.

Categories of records in the system: Information relating to individuals' enrollment to practice before the Internal Revenue Service, derogatory and other information regarding such practice, and record of proceedings.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Maintain record of those who have been suspended or disbarred from practice before the Internal Revenue Service and reasons for such action. (2) Determinations by the Director of Practice as to whether suspended or disbarred individuals' petition for reinstatement to practice before the Internal Revenue Service shall be granted. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law. (4) Transfer of information regarding suspension or disbarment of attorneys, certified public accountants and enrolled agents to professional organizations. (5) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31, C.F.R. 1.36.

Treasury/OS 00.165

System name: General Correspondence File—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220.

Categories of individuals covered by the system: General public.

Categories of records in the system: General inquiries and comments from the general public.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provide answers to inquiries or other information regarding the operation of this Office. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folder.

Retrievability: Correspondence is indexed alphabetically by writer.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. File cabinets in which correspondence is stored are locked during nonbusiness hours. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Destroyed after 3 years.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Inquiries should be addressed to: Office of Director of Practice, U.S. Department of the Treasury Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Information contained in records of this system has been provided by the writers of correspondence contained in the system.

Treasury/OS 00.166

System name: Inventory—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220.

Categories of individuals covered by the system: Attorneys, certified public accountants and enrolled agents about which alleged misconduct in their practice before the Internal Revenue Service is being reviewed and evaluated.

Categories of records in the system: Information relating to individuals' enrollment or eligibility to practice before the Internal Revenue Service, and information relating to their conduct in such practice.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations by the Director of Practice as to whether violations of the regulations governing practice before the Internal Revenue Service have occurred. (2) Use of information (ordinarily by Office of Chief Counsel,

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Internal Revenue Service, and the Department of Justice) at administrative hearings and court proceedings relating to individuals' eligibility to represent taxpayers before the Internal Revenue Service. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violations of Federal law or regulations. (4) Transfer of information to Internal Revenue Service for investigation with respect to apparent violation of the regulations governing practice before the Internal Revenue Service. (5) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. File cabinets in which this system is stored are locked during nonbusiness hours. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case is closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36.

Treasury/OS 00.167

System name: Register of Docketed Cases and Applicant Appeals—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals against whom complaints have been filed with the Office of Director of Practice pursuant to Title 31, CFR, Subpart C, Section 10.54, for alleged violation of the regulations governing practice before the Internal Revenue Service and individuals who have appealed to the Director of Practice the denials of their application for enrollment to practice before the Internal Revenue Service.

Categories of records in the system: Record of actions taken in cases docketed for hearings and record of actions taken on appeals from denials of applications for enrollment.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Office of Director of Practice administrative recordkeeping. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In loose-leaf binder.

Retrievability: This system is indexed by complaint number and by name of the individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Permanent retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Information contained in records in this system has been provided by: (1) this office, (2) administrative law judges, (3) Internal Revenue Service.

Treasury/OS 00.168

System name: Resigned Enrolled Agents (action pursuant to 31 CFR, Section 10.55(b))—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220.

Categories of individuals covered by the system: Those individuals who were formerly enrolled to practice before the Internal Revenue Service and who resigned from such enrollment.

Categories of records in the system: Information relating to individuals' applications for enrollment to practice before the Internal Revenue Service and derogatory and other information regarding such practice.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Use in connection with resigned enrollees' future applications for enrollment to practice before the Internal Revenue Service. (2) In cases where resigned enrollees are again enrolled to practice before the Internal Revenue Service, for use in connection with determinations as to whether violations of the regulations governing such practice have occurred. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding, or regulatory order with respect to apparent violation of Federal law or regulations. (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Records Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36.

Treasury/OS 00.169

System name: Roster of Former Enrollees—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220.

Categories of individuals covered by the system: Attorneys and certified public accountants who were enrolled to practice before the Internal Revenue Service prior to enactment of the Agency Practice Act, Title 5 U.S. Code, Section 500.

Categories of records in the system: This system contains individuals' names, addresses, professions, the dates of their enrollments and the expiration dates of such enrollments.

Authority for maintenance of the system: 31 U.S. Code 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations as to whether the Office of Director of Practice has jurisdiction over an individual's violation of the regulations governing practice before the Internal Revenue Service. (2) Use of information (ordinarily by Office of Chief Counsel, Internal Revenue Service, and the Department of Justice) at administrative and court proceedings relating to individuals' eligibility to represent taxpayers before the Internal Revenue Service. (3) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In loose-leaf binders.

Retrievability: This system is indexed by profession (i.e., attorney or certified public accountant) and by the individual's name.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Permanent retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Information contained in records in this system has been provided by: (1) Individuals, (2) Internal Revenue Service.

Treasury/OS 00.170

System name: Present suspensions from practice before the Internal Revenue Service.

System location: (1) U.S. Department of the Treasury, Office of Director of Practice, 1325 G Street, N.W., Suite 720, Washington, D.C. 20220. (2) Washington National Records Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Attorneys, certified public accountants and enrolled agents who have offered their consent to voluntary suspension from practice before the Internal Revenue Service.

Categories of records in the system: Information relating to individuals' enrollment or eligibility to practice before the Internal Revenue Service, derogatory and other information relating to their conduct in such practice.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations by the Director of Practice as to whether violations of the regulations governing practice before the Internal Revenue Service have occurred. (2) Determinations by the Director of Practice as to whether suspended practitioners' petitions for reinstatement to practice should be granted. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law or regulations. (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of Office files and are instructed to lock file cabinets containing these records during nonbusiness hours. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Records Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36

Treasury/OS 00.182

System name: Special Personnel Working Files, Office of the Assistant Secretary for Tax Policy—Treasury/OS.

System location: Rooms 3112, 3122, 3108, 4217, 4045, 3064, 4222, 4028, 4004, 4040, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W. Washington, D.C. 20220, and Room 1036, 1425 K Street, N.W., Washington, D.C. 20225.

Categories of individuals covered by the system: Past, present, and prospective employees and consultants of the Office of the Assistant Secretary and of certain other tax-related governmental institutions.

Categories of records in the system: Correspondence with and about past and prospective employees; memoranda of conversations; time, leave, pay, promotion records, evaluation records; et cetera.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory and administrative personnel of the Office of the Assistant Secretary as supplementary and complementary to official Departmental personnel files to record personnel actions regarding employees of the Office and as a reference tool in preparation for or review of anticipated or past personnel actions and for advising others, both within and without the Government, as to the qualifications and performance of past, present, and prospective employees of the Office of the Assistant Secretary. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on paper in writing.

Retrievability: The records are indexed by the name of the person with respect to whom the record is maintained.

Safeguards: Various.

Retention and disposal: Indefinite.

System manager(s) and address: Assistant Secretary for Tax Policy, Deputy Assistant Secretary for Tax Policy (Tax Legislation), Deputy Assistant Secretary for Tax Policy (Tax Analysis), Tax Legislative Counsel, Deputy Tax Legislative Counsel, Associate Tax Legislative Counsel, International Tax Counsel, Deputy International Tax Counsel, Associate Director Office of Tax Analysis, Director Office of Industrial Economics.

Notification procedure: Freedom of Information Officer, Office of the Assistant Secretary for Tax Policy, Room 3064, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220, with sufficient identification as to individual's identity and information sufficient to determine within which office the records would most likely be located and the probable age of the record.

Record access procedures: By application to Freedom of Information Officer.

Contesting record procedures: By application to Freedom of Information Officer.

Record source categories: The records are developed from correspondence, memoranda, and official Treasury Department personnel forms.

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Treasury/OS 00.183

System name: Private Relief Tax Bill Files—Office of the Assistant Secretary for Tax Policy—Treasury/OS.

System location: Room 4028, Main Treasury Building, 15th Street and Pennsylvania Avenue, Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have had private relief tax bills introduced in Congress on their behalf.

Categories of records in the system: Congressional Committee or OMB request for Treasury views on proposed legislation, plus comments on proposal from offices or bureaus of Treasury, plus the Internal Revenue Service data concerning the issues involved and that unit's recommendation, and the report of the Treasury on the Bill.

Authority for maintenance of the system: 5 U.S.C. 301. A function of the Office of the Assistant Secretary for Tax Policy and the Office of the Tax Legislative Counsel is to coordinate legislative work in the tax field that concerns Treasury and to advise the Secretary with respect thereto..

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: System is used to furnish reports and testimony to Congress or OMB. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: System manager(s) and address: Tax Legislative Counsel, Room 4028, Main Treasury Building, 15th Street and Pennsylvania Avenue, Washington, D.C. 20220.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: The Departmental Disclosure Office, Room 1314 Main Treasury Building, 15th and Pennsylvania Avenue, NW, Washington, DC 20220.

Contesting record procedures: Submit requests to the Departmental Disclosure Officer at the above address.

Record source categories: Principally the Congress and the Internal Revenue Service.

Billing Code 4810-25

TREASURY/OS 00.1901

System name: General Allegations and Investigative Records System—Treasury/OS.

System location: Office of the Inspector General, Main Treasury Building, Washington, D.C. 20220

Categories of individuals covered by the system: A) Current and former employees of the Department of Treasury and such other persons whose association with current and former employees relate to the alleged violations of the Department's rules of conduct, the Civil Service merit system, or any other criminal or civil misconduct, which affects the integrity or facilities of the Department of Treasury. The names of individuals and the files in their names may be:

1) received by referral; or

2) initiated at the discretion of the Office of the Inspector General in the conduct of assigned duties.

B) Individuals who are: witnesses; complainants; confidential or non-confidential informants; suspects; defendants; parties who have been identified by the Office of the Inspector General or by other agencies; constituent units of the Department of Treasury and members of the general public in connection with the authorized functions of the Inspector General.

C) Current and former senior Treasury and bureau officials who are the subject of investigations initiated and conducted by the Office of the Inspector General.

Categories of records in the system: Letters, memoranda, and other documents citing complaints of alleged criminal or administrative misconduct. Investigative files which include: reports of investigations to resolve allegations of misconduct or violations of law with related exhibits, statements, affidavits or records obtained during investigations; transcripts and documentation concerning requests and approval for consensual (telephone and consensual non-telephone) monitoring; reports from or to other law enforcement bodies; prior criminal or noncriminal records of individuals as it relates to the investigations; reports of actions taken by management personnel regarding misconduct and reports of legal actions resulting from violations of statutes referred to the Department of Justice for prosecution.

Authority for maintenance of the system: Reorganization Plan No. 26 of 1950 and Treasury Department Order No. 256, dated July 18, 1978.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system may be made to the Secretary and Deputy Secretary to the Treasury Department, to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and to the Office of the General Counsel in connection with requests for legal advice; and to authorized investigative offices of the Treasury Department, constituent units or other Federal Agencies. Disclosure may be made during judicial processes. Routine disclosure may be made to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to authorized investigative offices of other Federal Agencies in connection with security procedures. Disclosures to those officers and employees of the Department of Treasury who have a need for the records such as those disclosures required for the administration of the Freedom of Information Act (5 U.S.C. 552) as amended. For additional routine uses see the Appendix entitled "Department of the Treasury Appendix Additional Routine Uses".

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file jackets maintained in locked safes.

Retrievability: By name and case number. Access to the physical files containing records is by case number obtained from alphabetized card indices.

Safeguards: Records are maintained in locked safes and all access doors are locked when office is vacant. The records are available to personnel in the Office of the Inspector General on a need-to-know basis, each of whom have appropriate security clearances.

Retention and disposal: Investigative files are stored on-site for 3 years and indices to those files are stored on-site for 5 years. Upon expiration of their respective retention periods the investigative files and their indices are transferred to the Federal Records Center for retention and in most instances destroyed by burning, maceration, or pulping when 20 years old.

System manager(s) and address: Inspector General, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed under the Privacy Act for purposes of inspection or for the contest of content of records.

Contesting record procedures: See access above.

Record source categories: This system contains investigatory material whose sources need not be reported.

Treasury/OS 00.191

System name: Buildings Management Employee Folder—Treasury/OS.

System location: Office of Buildings Manager.

Categories of individuals covered by the system: All employees of Buildings Management—includes all shops as follows: Cabinet shop, Elevator shop, Electric shop, Engineer shop, Day and Night Maintenance, Paint shop, Locksmith.

Categories of records in the system: Each employee has individual folder containing items such as Letters of Counseling, suspensions, awards, step increases, evaluations as well as copies of official personnel actions such as SF-52's.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Normally a storage file for information purposes. Can be examined during periods of potential promotion, training needs, proposed advise actions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Normal 8 x 10 letter size paper.

Retrievability: By name.

Safeguards: Maintained in locked file cabinet utilizing Treasury "Open" "Closed" security program.

Retention and disposal: Maintained until employee leaves Treasury service—purged annually to remove adverse comments not followed through with formal actions.

System manager(s) and address: Buildings Manager, The Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: The Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220, Attn: Buildings Manager. Only personal identification required to review his own personal record.

Record access procedures: Simple presentation to the individual at the Buildings Management Office during normal work hours is sufficient to review personal record. Office is located in Main Treasury, Washington, D.C. 20220.

Contesting record procedures: See System Manager above.

Record source categories: Information received from official records such as time cards and SF-52's. Information also received through interviews and private counselings with the individual employee.

Treasury/OS 00.193

System name: Employee Locator and Automated Directory System.

System location: (1) Employee Locator: Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. (2) Automated Directory System: Main Computer—Bowne Timesharing, Church Street Station, New York, New York 10249; Terminal and Readout—Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: All Department of the Treasury employees located in the Washington, D.C., Metropolitan Area.

Categories of records in the system: (1) Employee Locator—name of individual, office address, office telephone extension, home address, home telephone, emergency notification data. (2) Automated Directory System—name of individual, office address, office telephone extension.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Used at the Treasury Switchboard Information Positions to assist callers in locating Treasury employees and to notify a designated emergency contact in the event of an emergency involving the employee. (2) Used to compile Departmental and Bureau Telephone Directories. For additional routine uses see Appendix AA. USERS: Subscribers to Treasury Telephone System and Telephone Information Operators.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Employee Locator—Card form TD F 73-50.1. (2) Automated Directory System—Magnetic tape.

Retrievability: Indexed by name and/or block code numbers.

Safeguards: (1) Employee Locator—24-hour switchboard operation with controlled access. (2)Automated Directory System—computer access codes.

Retention and disposal: Maintained until notice of change or employment is terminated. The card form is destroyed by burning and the information on the magnetic tape is erased.

System manager(s) and address: Assistant Director (Telecommunications Managment), Office of Administrative Programs, Office of the Secretary, Washington, D.C. 20220.

Notification procedure: Assistant Director (Telecommunications Management), Office of the Administrative Programs, see above.

Record access procedures: Assistant Director (Telecommunications Management), Office of Administrative Programs, see above.

Contesting record procedures: Assistant Director, (Telecommunications Management), Office of Administrative Programs, see above.

Record source categories: Information is provided by individual employees, who are given the option of non-release of the home address, telephone and emergency information.

Treasury/OS 00.194

System name: Document Delivery Control System

System location: Department of the Treasury, Office of Administrative Programs, Library Division, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Department employees who are library users.

Categories of records in the system: Employees who borrow library materials or receive current news publications or library material on distribution.

Authority for maintenance of the system: 5 U.S.C. 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used by the Library staff to locate materials withdrawn from the Library collection, to distribute library periodicals and current news publications, to conduct surveys of continuing user needs, and to complete pre-exit clearance procedures for employees leaving the Department. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records of publications borrowed from the Library are maintained in a computer disc file or in a card file. The computer files are maintained by name of the subscribers and by office locator information, room number and office billing location. The card file is maintained in the name of the individual borrower and title of publications.

Retrievability: Computer files are maintained by both individual name and office locator information, such as room number and billing location, and title of publication. The card file is maintained by individual name only.

Retention and disposal: Only current data is maintained in the computer and card files. Hard copy of the computer data is kept for one year. One year is defined as the current fiscal year and one fiscal year back.

Treasury/OS 00.195

System name: Parking Permit Application—Treasury/OS.

System location: The system of records is maintained at: (1) The Great Plaza Parking Lot, 14th & D Streets, N.W., Washington, D.C., in the custody of the Manager, and (2) Office of the Assistant Director (Environmental Programs), OAP, OS, Room 701, Washington Building.

Categories of individuals covered by the system: Treasury employees who meet specified requirements for application, and are working in locations within the zone of consideration for parking at the Great Plaza Parking Lot.

Categories of records in the system: The card (GSA Form R3-1615) includes the following information: (1) Name of applicant; (2) Permit No.; (3) Organization; (4) Office Phone No.; (5) Applicant's signature; (6) Agency Parking Representative's signature. In addition, the applicant's car pool members are listed on the card, along with their organization and office phone numbers. The system is set up by Permit Number.

Authority for maintenance of the system: See 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used only on an individual basis, by the holder of the Form R3-1615, on a monthly basis, in addition to a fee for parking. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records are maintained in a file cabinet and retained for six months, at which time GSA revises departmental quotas, eligibility requirements and card color, resulting in a new Treasury Department-wide survey and issuance of new parking permit applications.

System manager(s) and address: Assistant Director (Environmental Programs), Office of Administrative Programs, Room 701, Washington Building, c/o Main Treasury, Mailroom, Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: The information in this system came from individuals who are included in the system.

Treasury/OS 00.240

System name: Contracts and Research Proposals—Treasury/OS.

System location: OASIA Research, Office of the Secretary, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: (1) Contractors; and (2) Solicited and unsolicited research proposals by author.

Categories of records in the system: Contains information about technical and administrative aspects of external research contracts or proposals.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Routine administration

of contract matters; (2) Evaluation of performance of contracts and utility of research proposals; and (3) If joint contract sponsored with another Federal agency, share information necessary to carry out contract. (4) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files.

Retrievability: By name.

Safeguards: Bar lock filing cabinet.

Retention and disposal: Held a maximum of three (3) years.

System manager(s) and address: Privacy Act Coordinator, OASIA Research, Office of the Secretary, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: (1) Information submitted by researcher voluntarily or by request; (2) Office notations on the status of contracts; and (3) Evaluations by Treasury personnel of contract work.

Treasury/OS 00.243

System name: Personnel. Personnel; Recruitment. Personnel; Evaluations—Treasury/OS.

System location: Office of Statistical Reports, OASIA Research, Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employees, past employees, employee prospects.

Categories of records in the system: Files on personnel.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel recruitment and management. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notes in file folders.

Retrievability: Name.

Safeguards: Safe.

Retention and disposal: Until no longer useful.

System manager(s) and address: Director, Office of Statistical Reports, Deputy Director, Office of Statistical Reports. OASIA.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Individuals, personnel actions, etc. Evaluations.

Treasury/OS 00.244

System name: Personnel Files—Treasury/OS.

System location: OASIA Research Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: OASIA Research personnel and job applicants.

Categories of records in the system: Records on personnel and job applicants.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Evaluate job applicants; (2) Routine administrative use of records on OASIA Research personnel; and (3) At the request of the individual, to provide potential employees with information on past work experience. (4) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files.

Retrievability: By name.

Safeguards: Bar lock filing cabinet.

Retention and disposal: Held a maximum of three (3) years.

System manager(s) and address: Deputy Assistant Secretary for Research, OASIA Research, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: (1) Employment applications; (2) Description of current work in office; (3) Personnel Office of OASIA; (4) Supervisor's observations; and (5) Information submitted by individuals for their own file.

Treasury/OS 00.300

System name: Personnel Files—Treasury/OS.

System location: Department of the Treasury, Office of the Secretary, Office of the Special Assistant to the Secretary for Public Affairs, Room 2324, Washington, D.C. 20220.

Categories of individuals covered by the system: Employees in the Office of Public Affairs.

Categories of records in the system: SF-171s, Notification of within grade raises, Personnel action information, Letters of appreciation.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records used by timekeeper for leave purposes; by supervisor, when information is needed; by employees, when requesting information from their files. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Duplicates of original documents in file folders in safe.

Retrievability: Filed alphabetically by employee's last name.

Safeguards: Only the two persons authorized to use the safe have access to personnel files; Deputy Special Assistant to the Secretary for Public Affairs and his secretary.

Retention and disposal: Records are kept until employee is separated and then destroyed.

System manager(s) and address: Deputy Special Assistant to the Secretary for Public Affairs, Office of the Secretary, Room 2324, Main Treasury, Washington, D.C. 20220.

Notification procedure: Inquiries should be addressed to the Deputy Special Assistant to the Secretary for Public Affairs: Department of the Treasury, Room 2324, Washington, D.C. 20220 or if he is not available, his secretary, same address. The individual must be inquiring about his own records and clearly identify himself, if not known to the persons named above.

Record access procedures: To obtain information on procedures for gaining access to and contesting records, mail the request to the Systems Manager.

Contesting record procedures: See Access above.

Record source categories: Informatoin for the personnel records are obtained from: 1. Office of the Secretary Personnel Division; 2. Information provided by employees themselves; and 3. Copies of letters from officials congratulating employees for special achievements.

Treasury/OS 00.400

System name: Merit System Complaints—Treasury-OS.

System location: Office of the Director, Office of Audit, Room 902, 1025 Vermont Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employees who have a basis for believing that Civil Service personnel laws or rules are being violated, and the matter is not appropriate for the grievance or appeals procedure.

Categories of records in the system: Letters, personnel documents, memorandums, investigation reports, and extracts from investigation files.

Authority for maintenance of the system: Memorandum from the Secretary of the Treasury, dated November 21, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To furnish direction and suggestions to Treasury Personnel Office for follow-up action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked combination safe.

Retrievability: By name.

Safeguards: Locked safe, access by Director of office only.

Retention and disposal: One year after matter resolved, material is then shredded.

System manager(s) and address: Office of Audit, Director, Room 902, 1025 Vermont Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Complainant, official personnel files, investigation files and grievance files.

Treasury/OS 00.502

System name: Reference Letters—Special Assignments Branch, Office of the Secretary of the Treasury.

System location: Room 1312, Main Treasury Building, Personnel Division, Special Assignments Branch, Office of the Secretary, Department of the Treasury. Room 1330, Diebold File, after candidate is on board.

Categories of individuals covered by the system: Secretarial candidates applying for positions within the Office of the Secretary.

Categories of records in the system: Evaluation for placement of applicants.

Authority for maintenance of the system: Federal Personnel Manual Chapter 335.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in conjunction with other records to determine the relative qualifications of applicants for employment. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Completed letters are retained with SF-171 while an applicant.

Retrievability: After employment, letters are retrieved from SF-171 or OPF.

Safeguards: Letters are filed in an envelope marked "Confidential" in OPF.

Retention and disposal: Letters are retained in the OPF during tenure of employee and destroyed when incumbent terminates employment with the Department of the Treasury.

System manager(s) and address: Personnel Staffing Specialist, Personnel Division, Room 1312, Assistant Secretary of the Treasury (Administration), Office of the Secretary, Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The information reflected on the reference form was obtained from previous supervisors and personal references candidate fills in on employment application forms.

Treasury/OS 00.503

System name: Roster of Office of the Secretary Employees—Treasury/OS.

System location: Room 1330, Main Treasury Building.

Categories of individuals covered by the system: All Office of the Secretary employees.

Categories of records in the system: Position titles, grades and salary for Office of Secretary employees.

Authority for maintenance of the system: Assistant Secretary (Administration) request.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Position control, ceiling control and general information for a very limited number of high level officials. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file cabinet.

Retrievability: By name.

Safeguards: Strict control of distribution.

Retention and disposal: Rosters are maintained for at least 3 years and after that time are destroyed.

System manager(s) and address: Personnel Officer.

Notification procedure: Room 1330, Main Treasury Building. Employee must give his name and office.

Record access procedures: Personnel Officer.

Contesting record procedures: Personnel Officer.

Record source categories: Standard Form 50.

Treasury/OS 00.504

System name: Summer Employees Listing Treasury/OS.

System location: Office of the Secretary Personnel Division, Room 1330, Main Treasury Building.

Categories of individuals covered by the system: All Summer Employees within the Office of the Secretary, excluding OASIA.

Categories of records in the system: Summer Employees' names, college majors, academic level, grade, position title and office.

Authority for maintenance of the system: Chapter 410 of the Federal Personnel Manual, Subchapter 3, Section 3-1, paragraph (b), Section (5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to determine who is eligible for seminars offered by the Office of the Secretary and the Department. Used also in the preparation of the 113 D Statistical Report for the Office of the Secretary. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Names listed on bond paper with respective information and stored in a file cabinet.

Retrievability: Alphabetical listing by name.

Safeguards: This list is used only by the Youth Employment Coordinator or others authorized by Personnel Officer.

Retention and disposal: Records are kept for one year then are destroyed by burning.

System manager(s) and address: Office of the Secretary, Personnel Division, Room 1330, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information taken from Official Personnel Folder and SF-171.

Treasury/OS 00.505

System name: Upward Mobility Program; Counseling Application—Treasury/OS.

System location: Room 1330, Main Treasury Building, Personnel Division, Office of the Secretary, Department of the Treasury.

Categories of individuals covered by the system: Government employees occupying positions within the Office of the Secretary, occupying GS-7 and below or equivalent, and Wage Board employees below WP-9 and WG-7 positions.

Categories of records in the system: Application form reflecting identification of employees, type of position, degree of education and skill, etc.

Authority for maintenance of the system: Affirmative Action Plan.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Application will be used in conjunction with interviews on Upward Mobility Counseling, to give an idea of what type of training and/or experience the applicant has,

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and what career goals the applicant may have. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The alphabetized applications are presently kept with other Upward Mobility materials, but will be filed into the Official Personnel Files shortly.

Retrievability: The system is indexed by name.

Safeguards: The applications are kept in a locked file, and will ultimately be inserted into Official Personnel Files which are also kept in locked files.

Retention and disposal: Maintained on left hand side of personnel folder and are retained until employee leaves Treasury.

System manager(s) and address: Upward Mobility Counselor, Room 1325, Main Treasury Building, Office of the Secretary, Department of the Treasury, Washington, D.C.

Notification procedure: Office of the Secretary, Personnel Division, Room 1330, Main Treasury Building, 15th and Pennsylvania Avenue, N. W., Washington, D.C. 20220. The employee should submit name and social security number.

Record access procedures: Request for gaining access can be made orally. See access and notification above.

Record source categories: The information reflected on these applications was obtained from personal data provided by each applicant.

Treasury/GFO 00.001

System name: Administrative Records—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: Bureau personnel.

Categories of records in the system: (1) Civil Defense Cards, (2) Motor Vehicle Drivers Permits, (3) Distribution List of individuals requesting various Treasury publications, (4) Motor Vehicle Accident Reports, (5) Parking Permits, (6) Treasury Credentials.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide information on holders of Civil Defense Cards, drivers permits, parking permits, accident reports, credentials and for servicing public on Treasury publications. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hardcopy.

Retrievability: By name.

Safeguards: Locked containers.

Retention and disposal: (1) Destroy upon resignation, retirement or transfer; Hold—Individual no longer assigned relocation duties. (2) Destroy 3 years from date of separation or 3 years after rescission of authorization. (3) Destroy when superseded. (4) Indefinitely. (5) Destroy when superseded. (6) Destroy upon retirement, resignation or transfer.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Bureau personnel.

Treasury/GFO 00.002

System name: Payment issue records for regular recurring benefit payments—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: (1) Beneficiaries of Title II of the Social Security Act, (2) Beneficiaries of Title XVI of the Social Security Act, (3) Beneficiaries of the Civil Service Retirement System, (4) Beneficiaries of the Railroad Retirement System, (5) Beneficiaries of the Foreign Service Retirement System, (6) Holders of Series H Bonds (interest payment).

Categories of records in the system: Payment issue records for regular recurring benefit payments showing name, check number and symbol, or other identification, address, account number, payment amount, and date of issuance for each of the categories of individuals listed above.

Authority for maintenance of the system: 5 U.S.C. 301; E.O. 6166, June 10, 1933.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payment issue verification for banking industry, Federal investigative agencies, Division of Check Claims of this bureau, and Departments and agencies for whom payments are made, and payees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm-magnetic tape for categories of individuals 1 through 6.

Retrievability: By account number.

Safeguards: Held in secure buildings.

Retention and disposal: Indefinitely.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR, Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974. Telephone 202-566-8707.

Contesting record procedures: See Access above.

Record source categories: Vouchers certifications by departments and agencies for whom payments are made.

Treasury/GFO 00.003

System name: Claims and Inquiry Records on Treasury checks, U.S. currencies, and International claimants—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: (1) Payees and holders of Treasury checks, (2) Holders of mutilated currency, (3) Claimants awarded benefits under War Claims Act and International Claims Settlement Act of 1949.

Categories of records in the system: (1) Treasury check claim file: Treasury check, claim of payee with name and address, settlement action taken. (2) Mutilated currency claim file: Mutilated currency, name of bank assisting claim of individual, settlement action taken. (3) Awards for claims for losses sustained by individuals.

Authority for maintenance of the system: 5 U.S.C. 301; (1) For Treasury check claims—31 U.S.C. 71 with delegation of authority from Comptroller General of the U.S.; (2) Mutilated currency claims—31 CFR 100; (3) International claims—50 U.S.C. 2012; 22 U.S.C. 1627, 1641, 1642.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Check Claims—Information is used routinely by the Division of Check Claims and by indorsers on checks having liability, Federal agencies, State and Local Law enforcment agencies, General Accounting Office, Congressional offices and media assistance offices on behalf of payee claimants. (2) Mutilated Currency Claims—Information is furnished to the Internal Revenue Service for claims of 5000 dollars or more claimants, banks, state and local enforcement agencies. (3) International Claims—Information in files is used by employees of the Division of Financial Management, claimants (awardees) and their representatives; Foreign Claims Settlement Commission, and congressmen (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Claim file folders, Card checks, microfilm. (2) Correspondence files. (3) Claim file folders.

Retrievability: (1) Name of payee and check number and symbol. (2) Alpha cross-reference to case number. (3) Name of claimant or alpha reference to claim number.

Safeguards: (1) Secured building, (2) Secured building, (3) Secured files in secured building.

Retention and disposal: (1) Claim files and checks; six years seven months; Microfilm—indefinitely. (2) Seven years. (3) Indefinitely.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974. Telephone 202-566-8707.

Contesting record procedures: See Access above.

Record source categories: (1) Individual payees of Treasury checks, indorsers of Treasury checks, investigative agencies, disbursing officers issuing checks, contesting claimants. (2) Individual owners of mutilated currencies, commercial banks. (3) Awards certified to Treasury for payment by Foreign Claims Settlement Commission.

Treasury/GFO 00.004

System name: Freedom of Information Requests—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: Individuals requesting information.

Categories of records in the system: Correspondence pursuant to the Freedom of Information Act, internal processing documents and memoranda, referrals and copies of requested records.

Authority for maintenance of the system: Freedom of Information Act, 5 U.S.C. 552. 31 CFR Part 1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reporting requirements as required by the Act; to respond to other Department officials who request information regarding persons making a FOI request; evaluation purposes and determination of volume of requests received and the impact on the current workload; preparation of budget; disclosures in accordance with Freedom of Information Act, to other agencies when required for coordination of response or referral; to Department of Justice for defending law suits; to Congressional Committees; for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: By name of requester(s) and date of request.

Safeguards: Filed in filing cabinet and released only to individuals with legitimate right to review.

Retention and disposal: In accordance with the provisions of the Act and Departmental records management procedures.

System manager(s) and address: Special Assistant (F.O.I.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: See system manager.

Record access procedures: See system manager.

Contesting record procedures: See system manager.

Record source categories: Individuals who make Freedom of Information Act requests. Federal officials responding to Freedom of Information Act requests and documents from official records.

Treasury/GFO 00.005

System name: GFO Personnel Records—Treasury/GFO.

System location: Bureau of Government Financial Operations, Penn. Ave. and Madison Place, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: All Employees of Bureau (Separated employees—in certain cases) and applicants.

Categories of records in the system: (A) Official Personnel Folder, (B) Personnel Roster, (C) Logs of SF-52's, (D) Locator Cards, (E) Chronological Journal File, (F) Service Record Card (SF-7), (G) Correspondence File, (H) Written Verifications of Employment, (I) Roster of Retirement Eligibles, (J) Summary of Training (Card File), (K) Training Course Nominations, (L) Evaluation of Training Program, (M) Tuition Assistance Files, (N) GED Test Scores, (O) Executive Development File, (P) Position Listings, (Q) Position Descriptions with Evaluation Statements, (R) Personnel Management Evaluation Survey Reports, (S) Position Maintenance Reviews, (T) Applicant Supply File, (U) Suitability File, (V) Incentive Awards Record, (W) Request for Certification File, (X) Merit Promotion File, (Y) Exit Interview File, (Z) Skills and Appraisal File, (AA) Statistical Reports—(Which Show Names) (1) Personnel Status Report, (2) Monthly Retiree Report, (3) Monthly EEO report, (4) Direct Hire Authority Report, (BB) Registers Worked File, (CC) Statements of Employment and Financial Interest. (DD) Other similar files or registers.

Authority for maintenance of the system: Executive Order 10561 dated 9-13-54, Federal Personnel Manual, and Title 5 of US Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A—(1) Process Personnel Actions, (2) Verifying Service Computation Date, (3) Evaluating Qualifications for Promotion. B—(1) Compile Statistical Reports, (2) For Budget and Manpower Planning, (3) For Promotion Information, (4) Verification of Employment. C—(1) Control of Processing SF-52's, (2) Verify Receipt and Non Receipt of SF-52's. D—(1) Emergency Notifications, (2) Listing for Bureau Phone Directory, (3) Verification of Employment. E—(1) Regulatory Audits, (2) Personnel Management Evaluations, (3) Compilation of Data for Statistical Reports on Personnel Actions. F—(1) Tickler System, (2) A Comprehensive and Continuing Record of each Employee's Status, Skills, etc., (3) Control over budgeted positions both filled and vacant, (4) Cards on Separated Employees are used to verify prior employment. G—(1) Data for Statistical Reports, (2) Reference of prior actions. H—(1) Verify current or past employment. I—(1) Retirement Planning Program, (2) Projected Staffing Plans. J-K-L-M-N—(1) Record of all training—used for reference by Employment Development Specialist for planning future training as needed. O—(1) Reference by Appraisal Committee and Employee Development. P-Q—(1) Documented duties of employees for original allocated positions. R—(1) Audit and Evaluation of programs and specific positions. S—(1) Official Record of annual review of positions required by FPM. T—(1) Current Source of Recruitment. U—(1) Reconstruction of case if appealed or grieved, (2) Assure continuity in handling troubled employees, (3) Document positive efforts made to rehabilitate employees, (4) Serve as source documents for suspensions or reprimands as cases warrant. V—(1) Quarterly and Annual Reports, (2) Used as reference to assure approval of an award or amount of award consistent with regulations. W—(1) Used as statistical base for planning future recruitment activities and reports for Fiscal Year. X—(1) Reconstruction of actions if appeal is filed, (2) Assure compliance with FPM regulations. Y—(1) Annual statistical report of turnover rate and reasons for leaving, (2) Obtain feedback from supervisors on advisability of rehiring. Z—(1) To determine skills and employee performance. AA—(1) Maintenance of records for reporting and informational purposes. BB—(1) Maintain records of recruitment activities for staffing reports, (2) Used to assure compliance with CSC regulations. CC—(1) Used to determine conflict of interest or possible conflict of interest. DD—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy and Magnetic Storage.

Retrievability: Alphabetically by name—also in some instances by organization, then social security number.

Safeguards: Personnel Records are locked when unattended—Access is limited to Personnel Employees, Supervisors, Promotion Panels, Investigators from CSC, etc., Top Management, and members of Fair Employment Staff.

Retention and disposal: Records are maintained and disposed of in accordance with General Services Administration Schedule.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S.

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Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual. Telephone: 202-566-8707.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Applicant Personnel Action Forms (SF-50), SF-171 (Completed by applicant), Payroll Actions References, Educational Institutions, etc.

Treasury/GFO 00.006

System name: Identification files on individuals cashing Treasury checks—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: All individuals not employed by the Treasury Department cashing Treasury checks.

Categories of records in the system: (1) Identifying information by name, address, date of birth, social security number, and agency responsible for issuance of check. (2) Film records with picture and other identification.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Identification for check cashing purposes. (2) Identification for check cashing purposes and for apprehension of forgers. (3) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper file in individual's handwriting; Film.

Retrievability: By name; By identification number and date.

Safeguards: Locked files; By contractor in secured building.

Retention and disposal: Indefinite.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Government Departments and Agencies requiring services of Treasury Department for issuance and payment of Treasury checks.

Treasury/GFO 00.007

System name: Payroll & Pay Administration—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: All Employees of Bureau & Separated Employees.

Categories of records in the system: (A) Official Payroll Folder—(1) Levy & Garnishment Records; (2) SF-1192—Savings Bond Authorization; (3) SF-1198—Allotment of Pay to Saving Account; (4) SF-1189—Payment of Wages to Financial Organization; (5) Copies of SF-50—Notification of Personnel Action; (6) Withholding Tax Exemptions; (7) Copy of Health Benefit Designation; (8) Copy of Life Insurance Forms; (9) Payroll Change Slips; (10) Combined Federal Campaign Designations; (11) Copy of SF-1150. (B) Time & Attendance Reports (TUS-430)—(1) SF-71 Request for Leave; (2) Court Leave Documents; (3) Request for Advancement of Leave. (C) Payroll Comprehensive Listing—(1) Current Payment Information; (2) Record of Leave Earned and Used; (3) All Deductions from Pay; (4) Personnel Information such as Grade, Step, Salary, Title, Date of Birth, Social Security Number, Veterans Preference, Tenure, etc. (D) Payroll Control Registers.

Authority for maintenance of the system: Title 5—Pay, Leave & Allowances.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (A) Payroll Preparation; (B) Issuance of W-2 Forms for Tax Purposes; (C) For additional routine uses see Appendix AA. Disclosure permitted to Federal Agencies and to State and Local Agencies for tax purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records are stored, maintained and disposed of in accordance with General Services Administration Schedules.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974. Telephone 202-964-8707.

Contesting record procedures: See Access above.

Record source categories: From individual Bureau employees.

Treasury/GFO 00.008

System name: Personnel Security Records—Treasury/GFO.

System location: Bureau of Government Financial Operations, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Employees and applicants for position in the bureau.

Categories of records in the system: Results of full field investigations, national agency checks and written inquiries, and other limited investigations.

Authority for maintenance of the system: Title 5, U.S.C., Chap 73, Executive Order 10450 as amended, and Treasury Order 82.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are reviewed for purpose of granting clearances for employees to occupy nonsensitive and sensitive positions. Users—Federal Agencies, Federal, State and Local Law Enforcement Agencies. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The records are hard copy, filed alphabetically by name and stored in a safe cabinet secured with a combination lock. Access to the records is restricted to key personnel who have been granted clearances to occupy critical-sensitive positions. The records on employees are retained by the bureau during their employment. The records on applicants not selected and separated employees are returned to the investigating agency.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this

bureau maintains the record requested by the individual. Telephone 202-566-8707.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Sources are applicants, employers, former employers, references, fellow workers, neighbors, educational authorities, military records, police and criminal records, credit records and others as required.

Treasury/GFO 00.009

System name: Postal Savings Deposits—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: Postal Savings depositors.

Categories of records in the system: (1) Account cards of Open Deposits. (2) Paid cases from 1967. (c) Record of reissued certificates.

Authority for maintenance of the system: 39 U.S.C. 5225-5229; 31 CFR 257.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For payment by depositors, legal representatives, heirs; Internal Revenue Service Inspectors for tax purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filing system.

Retrievability: Name, account number, within Post Office, City, State, by Postal Data Center.

Safeguards: In secured filing system. Accessible only to office personnel.

Retention and disposal: Closed cases; disposed after payment (10 yrs). Open accounts; indefinitely.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974. Telephone 202-566-8707.

Contesting record procedures: See Access above.

Record source categories: Records received from the Post Office Department.

Treasury/GFO 00.010

System name: Records of Accountable Officers' authority with Treasury—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: (1) Disbursing Officers; (2) Certifying Officers; (3) Agent Cashiers; (4) Designated Agents.

Categories of records in the system: Records are maintained on the above listed accountable officers showing the designation or removal of the officer to act in the specified capacity pursuant to a proper authorization.

Authority for maintenance of the system: 5 U.S.C. 301; E.O. 6166, June 10, 1933.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Banking institutions, Federal Reserve Banks, Government agencies and other bureaus and offices of the Treasury Department for verification of information on authority of accountable officers to determine propriety of actions taken by such individuals. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Card files.

Retrievability: By name.

Safeguards: Held in secured buildings. Disbursing Officers file is locked.

Retention and disposal: Indefinitely.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Government Departments and Agencies requiring services of Treasury Department for issuance and payment of Treasury checks.

Treasury/GFO 00.011

System name: Individual Retirement Cards, SF2806—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: Employees of the Bureau.

Categories of records in the system: Individual retirement cards maintained to record annual contribution to the Retirement Fund of each employee.

Authority for maintenance of the system: 5 U.S.C. 8707; 5 CFR 831.102

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the Bureau to record annual contribution to the Retirement Fund. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Card.

Retrievability: By name.

Safeguards: All persons requesting information are screened.

Retention and disposal: Retained for tenure of employment then transferred to CSC or other Government agency.

System manager(s) and address: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above or telephone him at the following number 202-566-8707. All individuals are urged to examine the rules of the U.S. Department of the Treasury concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Bureau personnel office.

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Treasury/GFO 00.012

System name: Precomplaint Counseling and Complaint Activities—GFO.

System location: B/GFO—U.S. Treasury Department, Treasury Annex No. 1 Madison Place & Penna. Ave., N.W. Washington, D.C. 20226.

Categories of individuals covered by the system: Employees seeking services of EEO Counselors.

Categories of records in the system: Monthly precomplaint activity reports from twelve Disbursing Centers and Headquarters.

Authority for maintenance of the system: 5 U.S.C. 7154; 42 U.S.C. 200e-16; E.O. 11478; and 5 CFR 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to keep records on EEO Counseling activities for monthly submission to Treasury.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Filed by station and date of receipt.

Safeguards: Staff supervision during day. Records under lock and key.

Retention and disposal: Reports destroyed at the end of four years.

System manager(s) and address: Special Assistant (P.A.): Bureau of Government Financial Operations, Treasury Annex No. 1, Madison Place & Penna. Ave., N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the PRIVACY ACT of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Monthly submissions by Disbursing Centers and Headquarters.

Billing Code 4810-35

Treasury/ATF 00.001

System name: Administrative Record System-Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Components of this record system are geographically dispersed throughout the Bureau's field offices. For nearest office location, see addresses listed Appendix E-1.

Categories of individuals covered by the system: (1) Present employees of the Bureau of ATF. (2) Former employees of the Bureau of ATF. (3) Claimants against the Bureau of ATF.

Categories of records in the system: (1) Accident Report—non-vehicle (2) Accident Report—Vehicle (3) Accountability records for Government property (4) Credit card purchases (5) Disability reports (6) Fatality reports (7) Motor pool records (8) Injury reports (9) Motor vehicle operator's records. (10) Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: (1) Federal Claims Collection Act (2) Federal Employees Compensation Act (3) Federal Property and Administration Services Act of 1949 as amended. (4) Federal Tort Claims Act (5) Military Personnel and Federal Employees Claim Act (6) Occupational Safety and Health Act of 1970 (7) Small Claims Act. (8) 5 U.S.C. 1302, 3301, 3302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to provide administrative services for the Bureau; to maintain administrative records as required by law or regulation; and to be used in the adjudication of any claims for or against the Bureau. When required or authorized by statute, regulation, or executive order, information in the record system is made available to members of the public or employees of other government agencies.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information if necessary to obtain information relevant to an agency decision concerning the letting of a contract, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in response to its request, in connection with the letting of a contract, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record in this system may be disclosed as a routine use to Officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties; Local, state and Federal law enforcement agencies; Local, state and Federal regulatory agencies; Members of the public, employees of other Governmental agencies, or members of news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers.

Retrievability: Records are retrievable by name of individual.

Safeguards: Direct access restricted to personnel in Department of the Treasury in the performance of their duty. Transmitted to routine users on a need to know basis or where a right to access is established, and to others upon verification of the substance and propriety of the request. Stored in lockable metal file cabinets in rooms locked during non-duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules Numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms records control schedules numbers 101 and 201 and disposed of by shredding or burning.

System manager(s) and address: Chief, Administrative Services Division Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20226.

Notification procedure: Inquiries should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Requests may be delivered personally to Room 2232, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Record access procedures: Requests for access to records made by mail should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Requests may be delivered personally to Room 2232, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226

Appeals of determinations refusing amendment of records should be addressed to: Privacy Act Appeal, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226

Appeals may be delivered personally to Room 2232, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Contesting record procedures: See Access above.

Record source categories: (1) Administrative records.(2) Claimants.(3) Doctors.(4) Employee records.(5) Fiscal records.(6) Former employees of the Bureau of ATF.(7) Former employers. (8) General Services Administration.(9) Individuals who have information relevant to claims.(10) Inspections records.(11) Internal Investigation reports.(12) Police reports.(13) Present employees of the Bureau of ATF.(14) Supervisors.(15) Witnesses.

Treasury/ATF 00.002

System name: Correspondence Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.Components of this record system are geographically dispersed throughout the Bureau's field offices. For nearest office location, see address listed Appendix E-1.

Categories of individuals covered by the system: (1) Persons who correspond with the Bureau requesting information relating to Bureau personnel. (2) Persons who correspond with the Bureau requesting information relating to Bureau activities. (3) Persons who correspond with the Bureau requesting rulings, interpretations, or technical and scientific matters of a general nature. (4) Persons who correspond with others and whose correspondence is referred to ATF for response. (5) Persons referred to in correspondence with the Bureau. (6) Authors and publishers of technical and scientific matters relating to Bureau activities.

Categories of records in the system: Correspondence with individuals who contact the Bureau requesting information relating to Bureau personnel and/or activities, Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: 5 U.S.C. 301, E.O. 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of the system is to record the nature of reponses made to general public; to maintain a record of responses to individuals who correspond with the Bureau. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other Government agencies. A record in this system may be disclosed as a routine use to: officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties, members of the public, employees of other governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set out under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers.

Retrievability: Records are retrieved by name, subject matter and date of correspondence.

Safeguards: Transmitted to routine users on a need to know basis. Stored in lockable file cabinets in rooms locked during non-duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding or burning.

System manager(s) and address: Assistant to the Director (Public Affairs) Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Requests may be delivered personally to Room 2232, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Record access procedures: Requests for access to records made by mail should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Requests may be delivered personally to Room 2232, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Appeals of determinations refusing amendment of records should be addressed to: Privacy Act Appeal, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Appeals may be delivered personally to Room 2232, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Contesting record procedures: See Access above.

Record source categories: Persons who correspond with the Bureau on general, technical or scientific matters.

Treasury/ATF 00.003

System name: Criminal Investigation Report System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Components of this record system are geographically dispersed throughout Bureau of Alcohol, Tobacco and Firearms' field offices. For nearest location, see addresses listed Appendix E-1.

Categories of individuals covered by the system: (1) Criminal offenders or alleged criminal offenders acting alone or in concert with other individuals and suspects who have been or are under investigation for a violation or suspected violation of laws enforced by the Bureau. (2) Criminal offenders or alleged criminal offenders acting alone or in concert with individuals who have been referred to the Bureau of Alcohol, Tobacco and Firearms by other law enforcement agencies, governmental units and the general public. (3) Informants. (4) Persons who come to the attention of the Bureau in the conduct of criminal investigations. (5) Persons who have been convicted of a crime punishable by imprisonment for a term exceeding one year and who have applied for relief from disabilities under Federal law with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and explosives and whose disability was incurred by reason of such conviction. (6) Victims of crimes. (7) Witnesses.

Categories of records in the system: (a) Records containing information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrest, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (b) Records containing information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; (c) Records containing reports identifiable to an individual compiled at various stages of the process of enforcement of criminal laws from arrest or indictment through release from supervision; (d) Records compiled and maintained by the Bureau as generally described in (a), (b), and (c) above including the following: (1) Abandoned property reports. (2) ATF Criminal Investigation Reports (not resulting in formal prosecution reports). (3) ATF referrals to foreign, Federal, State, and local law enforcement agencies. (4) Chief and Regional Counsel opinions. (5) Contemporaneous investigative notes. (6) Criminal investigatory correspondence from and to foreign, Federal, State and local law enforcement agencies. (7) Criminal intelligence information on individuals suspected to be violating ATF laws and regulations. (8) Documentary proof of defendant's criminal record; identity; or lack or registration of N.F.A. (as amended) firearm(s). (9) FBI Criminal Record Reports. (10) Fingerprints and palmprints. (11) Fugitive arrest warrants. (12) Handwriting exemplars. (13) Index cards, violation and reputation. (14) Illicit liquor and raw material surveys. (15) Laboratory reports of evidence analysis. (16) Memoranda of expected testimony of witnesses. (17) Organized crime members violating or suspected of violating ATF laws. (18) Parole and pardon reports. (19) Personal histories (address, employment, social security number, financial background, physical descriptions, etc.). (20) Photographs. (21) Purchase of evidence records. (22) Records of electronic surveillance by ATF. (23) Records received in response to summons and subpoenas. (24) Reliefs from disability. (25) Reports of interview with witnesses. (26) Search warrants and affidavits for search warrants. (27) Seized property reports. (28) Significant criminals, armed and dangerous, firearms, explosives, liquor, and wagering. (29) Special agent's daily activity diary (accessible by date only). (30) State and local law enforcement criminal investigative reports. (31) Statements of defendants. (32) Statements of witnesses. (33) Summons and subpoenas issued pursuant to criminal investigations. (34) Voice prints. (35) Wagering tax suspected violators. (36) Warning and demand letters. (37) Criminal violation reports (a formal report compiling all or portions of the foregoing for prosecutive purposes).

Authority for maintenance of the system: (1) 26 U.S.C. Chapters 35 and 40. (2) 26 U.S.C. Chapters 51 and 52. (3) 26 U.S.C. Chapters 53, as amended. (4) 26 U.S.C. Chapters 61 through 80, as amended. (5) 27 U.S.C. Chapter 8, as amended, (Federal Alcohol Administration Act). (6) 18 U.S.C. Chapter 40. (7) 18 U.S.C. Chapter 44. (8) 18 U.S.C. Chapter 59 (9) 18 U.S.C. App. 1201-1203 (Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Title III of the Gun Control Act of 1968). (10) 22 U.S.C. section 414, (Mutual Security Act of 1954, as amended). (11) 5 U.S.C. sections 901 and 903, 5 U.S.C. App. (Reorganization Plan of 1950), Treasury Order 221, 5 U.S.C. section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to suppress traffic in illicit untaxpaid distilled spirits; to enforce the Federal laws relating to the illegal possession and use of firearms, destructive devices, explosives, explosive materials, and wagering activities; and to assist Federal, State, local and foreign law enforcement agencies in reducing crime and violence. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other Government agencies.

A record in this system may be disclosed as a routine use to: officers and employees of Department of the Treasury who have a need for the record in the performance of their duties; personnel of Department of Justice and other agencies, Federal, State, and local, foreign and domestic, having prosecutive and civil law enforcement functions; attorneys, magistrates, and judges; and parole and probation authorities for the purpose of prosecuting, sentencing and deter-

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mining the parole and probation status of criminal offenders or suspected criminal offenders; Personnel of other Federal, State and local law enforcement agencies, foreign and domestic, for the purpose of developing information on subjects involved in Bureau criminal investigations and for assisting law enforcement agencies in the investigation and prosecution of violations of the criminal laws those agencies are responsible for enforcing; Personnel of Federal, State, and local governmental agencies, where such referral is considered reasonably necessary for the purpose of furthering Bureau efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; Personnel of Federal, State and local governmental agencies, foreign and domestic, where there is a showing of reasonable necessity to obtain such information to accomplish a valid law enforcement purpose; Employees and officials of financial and commercial business firms and private individuals for identification purposes pertaining to actual or suspected criminal offenders where it is considered reasonably necessary for the purpose of furthering Bureau efforts to investigate the activities of, and when appropriate, to apprehend, criminal offenders and suspected criminal offenders; Defense attorneys under Discovery Procedures; Members of the public, employees of other governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set out under 28 C.F.R. Part 50.2; 5 U.S.C. 552, and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers. Records also stored on magnetic tape at ADP Division, Technical and Scientific Services Branch of Bureau Headquarters and at the IRS Data Center, Detroit, Michigan. Records are stored in on-line mass computer storage at San Diego, California. (Treasury Enforcement Communications System.)

Retrievability: Records are retrievable by name, date of birth, social security number, unique identifier, investigation number, serial number of firearm, or a combination of any of these; plus date and geographical location of incident giving rise to investigation.

Safeguards: Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a need to know basis and to others upon verification of the substance and propriety of the request. Stored in lockable file cabinets in rooms locked during non-duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding or burning. Records on tape or on-line mass storage are disposed of by degaussing.

System manager(s) and address: Assistant Director (Criminal Enforcement), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has exempted this system of records from compliance with the provisions of 5 U.S.C. 552a (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempted from compliance with the provisions of 5 U.S.C. 552a (e) (4) (H).

Contesting record procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempted from compliance with the provisions of 5 U.S.C. 552a (e)(4)(H).

Record source categories: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e)(4)(I).

Systems exempted from certain provisions of the act: Exempt under 5 USC 552a(j) and 31 CFR 1.36.

Treasury/ATF 00.004

System name: Fiscal Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvanina Avenue, N.W., Washington, D.C. 20226. Components of this record system are geographically dispersed throughout the Bureau's field offices. For nearest office location, see addresses listed Appendix E-1.

Categories of individuals covered by the system: (1) Present employees. (2) Former employees. (3) Recipients of rewards. (4) Vendors furnishing goods and services to the Bureau.

Categories of records in the system: (1) Advance of Funds. (2) Agreements. (3) Contracts. (4) Designated Agents or recommended Designated Agents. (5) Designated timekeepers and alternates. (6) Employee pay records. (7) Purchase Orders. (8) Payment vouchers. (9) Time and attendance records. (10) Travel and moving vouchers. (11) Travel request and authorization. (12) Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: (1) 5 U.S.C. sections 901 and 903, 5 U.S.C. App. (Reorganization Plan No. 26 of 1950), Treasury Order 221; 5 U.S.C. section 301. (2) E.O. 6166 (amended).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to provide fiscal services to employees of the Bureau and former employees of the Bureau; to record fiscal information as required by law and regulations; to prevent unauthorized disclosures; to provide accountability for government funds. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other government agencies.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as the letting of a contract, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in response to its request, in connection with the letting of a contract, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record in this system may be disclosed as a routine use to: officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties, Employee of the General Accounting Office for review, Vendors of contractual services to the Bureau, members of the public, employees of other governmental agencies, or members of news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms); local, state and Federal law enforcement agencies; local, state and Federal regulatory agencies; for additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers. Records also stored on magnetic tape at the IRS Data Center, Detroit, Michigan.

Retrievability: Records are retrievable by name, date of birth, social security number, employee identification number, or a combination of any of these four.

Safeguards: Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a need to know basis or where a right to access is established, and to others upon verification of the substance and propriety of the request. Stored in lockable file cabinets in rooms locked during non-duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms records Controls Schedules numbers 101 and 201 and disposed of by shredding or burning. Records stored on tapes, discs or in on-line mass storage, are disposed of by degaussing.

System manager(s) and address: Chief, Fiscal Division, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.Requests may be delivered personally to Room 2232, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Record access procedures: Requests for access to records made by mail should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.Requests may be delivered personally to Room 2232, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Appeals of determinations refusing amendment of records should be addressed to: Privacy Act Appeal, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Appeals may be delivered personally to Room 2232, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Contesting record procedures: See Access above.

Record source categories: (1) Former employees of the Bureau of ATF. (2) IRS Data Center. (3) Present employees of the Bureau of ATF. (4) Surviving spouse of deceased personnel. (5) Vendors of necessary goods and services for operations of Bureau of ATF.

Treasury/ATF 00.005

System name: Freedom of Information Requests—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Individuals requesting information.

Categories of records in the system: Correspondence pursuant to the Freedom of Information Act, internal processing documents and memoranda, referrals and copies of requested records, and Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: Freedom of Information Act, 5 U.S.C. 552.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reporting requirements as required by the Act; to respond to other Department officials who request information regarding persons making a FOI request; evaluation purposes and determination of volume of requests received and the impact on the current workload; preparation of budget; disclosures in accordance with Freedom of Information Act, to other agencies when required for coordination of response or referral; to Department of Justice for defending law suits; to Congressional Committees; for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: By name of requester(s) and date of request.

Safeguards: Filed in filing cabinet and released only to individuals with legitimate right to review.

Retention and disposal: In accordance with the provisions of the Act and Departmental records management procedures.

System manager(s) and address: Assistant to the Director (Disclosure), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: See system manager.

Record access procedures: See system manager.

Contesting record procedures: See system manager.

Record source categories: Individuals who make Freedom of Information Act requests. Federal officials responding to Freedom of Information Act requests and documents from official records.

Treasury/ATF 00.006

System name: Internal Security Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: (1) Present employees of the Bureau of ATF. (2) Former employees of the Bureau of ATF. (3) Applicants for employment.

Categories of records in the system: (1) Records containing investigative material compiled for law enforcement purposes including reports relating to: (a) conduct of employees. (b) integrity of employees. (2) Records containing investigative material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information including reports relating to security clearances of employees.

Authority for maintenance of the system: (1) 18 U.S.C. 201 (2) E.O. 10450 (3) E.O. 11222

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system is used to assure the Bureau Director, the Department of the Treasury, and the public that the Bureau is taking strong and vigorous steps to maintain the highest standards of integrity, loyalty, conduct, and security among Bureau personnel. When a criminal investigation results in a compilation of information contained in this system, the information so compiled shall be transferred to the AT&F Criminal Investigation Report System and shall become a part of that system for all purposes of the Privacy Act of 1974.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation to an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record in this system of records may be disclosed as a routine use to: officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties; personnel of Department of Justice and other agencies, Federal, state, and local, foreign and domestic, having prosecutive and civil law enforcement functions; attorneys, magistrates, and judges; and parole and probation authorities for the purpose of prosecuting, sentencing, and determining the parole and probation status of criminal offenders or suspected criminal offenders; personnel of other Federal, state and local law enforcement agencies, foreign and domestic, for the purpose of developing information on subjects involved in Bureau criminal investigations and for assisting law enforcement agencies in the investigation and prosecution of violations of the criminal laws those agencies are responsible for enforcing; personnel of Federal, state and local governmental agencies, where such referral is considered reasonably necessary for the purpose of furthering Bureau efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; personnel of Federal, state and local governmental agencies, foreign and domestic, where there is a showing of reasonable necessity to obtain such information to accomplish a valid law enforcement purpose; employees and officials of financial and commercial business firms and private individuals for identification purposes pertaining to actual or suspected criminal offenders where it is considered reasonably necessary for the purpose of furthering Bureau efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; defense attorneys under Discovery Procedures; members of the public, employees of other governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set out under 28 C.F.R. Part 50.2; 5 U.S.C. 552, and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Center.

Retrievability: Records are retrievable by name.

Safeguards: Direct access restricted to personnel in Department of the Treasury in the performance of their duty. Transmitted to routine users on a need to know basis and to others upon verification of the substance and propriety of the request. Stored in lockable metal file cabinets in rooms locked during non-duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules Numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms records control schedules numbers 101 and 201 and disposed of by shredding or burning.

System manager(s) and address: Assistant Director, Inspection, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue N.W., Washington, D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e) (4) (H).

Contesting record procedures: See Access above.

Record source categories: (1) Employees of this Bureau. (2) Internal Investigative report forms. (3) witnesses. (4) informants. (5) Federal, State and local enforcement agencies. (6) Employers. (7) Educational institutions. (8) Credit agencies. (9) Neighbors. (10) References. (11) Professional Organizations. (12) other government agencies.

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Systems exempted from certain provisions of the act: Portions exempt under 5 USC 552a(k) (relating to security clearances) and 5 USC 552a(k)(2) (relating to conduct and integrity) and 31 CFR 1.36.

Treasury/ATF 00.007

System name: Personnel Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Components of this record system are geographically dispersed throughout the Bureau's field offices. For nearest office location, see addresses listed Appendix E—1.

Categories of individuals covered by the system: (1) Present Employees of the Bureau of ATF. (2) Former Employees of the Bureau of ATF. (3) Applicants for employment with ATF.

Categories of records in the system: (1) Allotment and Dues. (2) Annual Tax Reports. (3) Applicants for employment. (4) Applications for reassignment. (5) Awards, honors, and fellowship records. (6) Classification appeal records. (7) Death claim records. (8) Educational history. (9) Employee indebtedness records. (10) Employees qualified as Grievance Examiners. (11) Employee Suggestions. (12) Employee history. (13) Employee relations case file. (14) Equal employment opportunity case file. (15) Health maintenance records. (16) Insurance records. (17) Military history. (18) Occupational injuries, disabilities, and Worker's Compensation Records. (19) Official personnel folder. (20) Outside employment and identification numbers, business or professional records. (21) Outside employment. (22) Outside financial interests. (23) Overtime and/or Premium Pay records. (24) Performance evaluation records. (25) Personal history. (26) Pocket commission, badge number. (27) Position description records. (28) Promotion/Selection Certificates Records. (29) Property custody records. (30) Retirement records. (31) Security clearance records. (32) Statement of career goals. (33) Supervisory or managerial potential records. (34) Temporary assignments and details. (35) Time application reports and records. (36) Training record. (37) U.S. Savings Bond participation records. (38) Upward mobility applications. (39) Vehicle accidents. (40) Withholding tax records. (41) Work schedule records. (42) Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: (1) 5 U.S.C. Chapter 29, Subchapter II. (2) 5 U.S.C. Chapters 31 and 33. (3) 5 U.S.C. Chapter 43. (4) 5 U.S.C. Chapter 45. (5) 5 U.S.C. Chapter 51. (6) 5 U.S.C. Chapter 55, subchapter III. (7) 5 U.S.C. Chapter 61. (8) 5 U.S.C. Chapter 75. (9) 5 U.S.C. Chapter 83. (10) 5 U.S.C. Section 301. (11) 5 U.S.C. 4503. (12) 5 U.S.C. Section 5101—5115. (13) 5 U.S.C. Section 7151—7154. (14) 5 U.S.C. Section 7901. (15) P.L. 92—261 (Equal Employment Act of 1972). (16) P.L. 93—579. (17) Federal Employees Compensation Act. (18) Occupational Safety and Health Act of 1970. (19) Executive Order 10561. (20) E.O. 11222. (21) E.O. 11478. (22) E.O. 11491.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to provide personnel services to employees of the Bureau, former employees of the Bureau, and applicants for employment with the Bureau; to record personnel information as required by law and regulations; to prevent unauthorized disclosures; provide identification information in accident or medical emergency situations. When required or authorized by statute, regulations, or executive order, information in the record system is made available to members of the public, news media or other governmental agencies.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record in this system maybe disclosed to the following as a routine use: (1) The Department of Labor; (2) Congressmen; (3) Equal Employment Opportunity Commission; (4) Members of the public, employees of other governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms); (5) Officers and employees of Department of the Treasury who have a need for the record in the performance of their duties; (6) Federal, state and local law enforcement agencies; (7) Federal, state and local regulatory agencies. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers. Records also stored on magnetic tape at the IRS Data Center, Detroit, Michigan. Records are stored in on—line mass computer storage at San Diego, California (Treasury Enforcement Communications System).

Retrievability: Records are retrievable by name, date of birth, social security number, employee identification number, or a combination of any of these four.

Safeguards: Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a need to know basis or where a right to access is established, and to others upon verification of the substance and propriety of the request. Stored in lockable file cabinets in rooms locked during non—duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding, burning or by degaussing.

System manager(s) and address: Assistant Director (Administration), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has exempted this system of records from compliance with the provisions of 5 U.S.C. 552a (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has exempted this system of records from compliance with the provisions of 5 U.S.C. 522a (e) (4) (H).

Contesting record procedures: Same as access above.

Record source categories: (1) Administrative Records. (2) Applicants for employment with Bureau. (3) Acquaintances. (4) Business and professional associates. (5) Creditors. (6) Criminal records. (7) Educational institutions attended. (8) Employee records. (9) Equal Employment Opportunity Commission. (10) Financial institutions. (11) Fiscal records. (12) Former employees. (13) Former employers. (14) Inspection records. (15) Internal investigation reports. (16) Internal Revenue Service. (17) Military records. (18) Outside employers. (19) Physicians. (20) Police reports. (21) Position classification specialists. (22) Psychiatrists. (23) References. (24) Supervisors. (25) Training officers. (26) Unions, accredited. (27) U.S. Civil Service Commission. (28) Witnesses.

Systems exempted from certain provisions of the act: Exempt under 5 USC 552a(k) and 31 CFR 1.36.

Treasury/ATF 00.008

System name: Regulatory Enforcement Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Components of this system of records are also geographically dispersed throughout ATF's regional and field offices. For locations, see addresses of regional and field offices listed in Appendix E—1.

Categories of individuals covered by the system: (1) Individuals who have been issued permits or licenses, have filed applications with ATF, or have registered with ATF as: (a) Brewers; (b) Claimants for refund, abatement, credit, allowance or drawback of excise or special occupational taxes; (c) Collectors of firearms or ammunition; (d) Distillers, bonded warehousemen, rectifiers, or bottlers of distilled spirits; (e) Importers of firearms, ammunition or implements of war; (f) Importers or wholesalers of beer, wine or distilled spirits; distillers, rectifiers, bottlers, or warehousemen of distilled spirits; or wine producers; (g) Individuals engaged in wagering activities; (h) Individuals who produce, receive, blend, store or treat wine or distilled spirits for experimental or research purposes; (i) Individuals who establish experimental distilled spirits plants; (j) Limited retail dealers in beer or wine; (k) Liquor bottle manufacturers; (l) Manufacturers of stills; (m) Manufacturers, importers, or dealers of firearms or ammunition; (n) Manufacturers, importers, dealers, or users of explosive materials; (o) Manufacturers, proprietors of export warehouses or importers of tobacco products; (p) Nonbeverage drawback claimants; (q) Operators of pilot brewing plants; (r) Possessors of stills and related equipment; (s) Producers of wine for family use; (t) Proprietors of vinegar plants, fruit—flavor concentrate plants or class 6 bonded warehouses; (u) Proprietors of bonded wine cellars, bonded wineries, taxpaid wine bottling houses, or bonded wine warehouses; (v) Reprocessors or rebottlers of specially denatured spirits; (w) Retailers of beer, wine or distilled spirits; (x) Users of tax—free alcohol, dealers or users of specially denatured spirits, or recoverers of specially denatured or completely denatured spirits.

(2) Individuals who are employed by businesses engaged in the activities specified in paragraph 1 and who are officers, directors, holders of 10 percent or more of the outstanding stock, designated agents, or responsible persons. (3) Individuals who are not qualified to engage in any of the activities listed in paragraph 1, but who are assessed excise or special occupational taxes. (4) Individuals who submit Offers in Compromise.

Categories of records in the system: Records containing investigative material compiled for law enforcement purposes which may consist of the following: (1) Abstracts of offers in compromise. (2) Administrative law judge decisions. (3) Assessment records: (a) notices of proposed assessments; (b) notices of shortages or losses; (c) notices to IRS to assess taxes; (d) recommendation for assessments. (4) Claim records: (a) claims; (b) letters of claim rejection; (c) sample reports; (d) supporting data; (e) vouchers and schedules of payment. (5) Comments on proposed rulemakings. (6) Complaints from third parties. (7) Correspondence concerning records in this system and related matters. (8) Financial statements. (9) Inspection and investigation reports. (10) Joint demands on principals and sureties for payment of excise tax liabilities. (11) Letters of reprimand. (12) Lists of permittees and licensees. (13) Lists of officers, directors and principal stockholders. (14) Mailing lists and addressograph plates. (15) Notices of delinquent reports. (16) Offers in compromise. (17) Operation records: (a) operating reports; (b) reports of required inventories; (c) reports of thefts or losses of firearms; (d) reports of thefts of explosive materials; (e) transaction records; (f) transaction reports. (18) Orders of revocation, suspension or annulment of permits or licenses. (19) Regional and Chief Counsel opinions and memoranda. (20) Reports of violations. (21) Permit status records. (22) Qualifying records: (a) access authorizations; (b) advertisement records; (c) applications; (d) bonds; (e) business histories; (f) criminal records; (g) diagrams of premises; (h) educational histories; (i) employment histories; (j) environmental records; (k) financial data; (l) formula approvals; (m) label approvals; (n) licenses; (o) notices; (p) permits; (q) personal references; (r) plant profiles; (s) plant capacities; (t) plats and plans; (u) registrations; (v) sample reports; (w) signature authorities; (x) special permissions and authorizations; (y) statements of process. (23) Show cause orders. (24) Tax records: (a) control cards relating to periodic payment and prepayment of taxes; (b) excise and special tax returns; (c) notices of tax discrepancy or adjustment.

Authority for maintenance of the system: (1) 26 U.S.C. 5172. (2) 26 U.S.C. 5271(b)(1). (3) 26 U.S.C. 5356. (4) 26 U.S.C. 5401. (5) 26 U.S.C. 5417. (6) 26 U.S.C. 5502(b). (7) 26 U.S.C. 5511(3). (8) 26 U.S.C. 5521(a). (9) 26 U.S.C. 5179(a). (10) 22 U.S.C. 204(c). (11) 26 U.S.C. 5105. (12) 26 U.S.C. 5275. (13) 26 U.S.C. 5301(b). (14) 26 U.S.C. 5132. (15) 26 U.S.C. 5042(a)(2). (16) 26 U.S.C. 7011. (17) 26 U.S.C. 5712. (18) 18 U.S.C. 923(a). (19) 18 U.S.C. 923(b). (20) 18 U.S.C. 843(a). (21) 22 U.S.C. 414. (22) 26 U.S.C. 4401(a). (23) 26 U.S.C. 6001. (24) 26 U.S.C. 6011(a). (25) 26 U.S.C. 5001. (26) 26 U.S.C. 5021—5023. (27) 26 U.S.C. 5041. (28) 26 U.S.C. 5051. (29) 26 U.S.C. 6201. (30) 26 U.S.C. 5008. (31) 26 U.S.C. 5044. (32) 26 U.S.C. 5056. (33) 26 U.S.C. 5705. (34) 26 U.S.C. 6423(b). (35) 26 U.S.C. 5009(a). (36) 26 U.S.C. 5006(a). (37) 26 U.S.C. 5055. (38) 26 U.S.C. 5062(c). (39) 26 U.S.C. 5106. (40) 26 U.S.C. 5131(c). (41) 26 U.S.C. 5064. (42) 26 U.S.C. 7122. (43) 27 U.S.C. 207. (44) 18 U.S.C. 843(d). (45) 18 U.S.C. 923(f). (46) 27 U.S.C. 204(e). (47) 26 U.S.C. 5312(a). (48) 26 U.S.C. 5042(a)(3). (49) Reorganization Act of 1949, 5 U.S.C. Sections 901 et seq.; Revenue Act of 1951, Section 616; Treasury Department Order 221 (37 F.R. 11696, June 19, 1972). (50) 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to determine suitability, eligibility or qualifications of individuals who are engaged or propose to engage in activities regulated by ATF; achieve compliance with laws under ATF's jurisdiction; assure full collection of revenue due from legal industries; eliminate commercial bribery, consumer deception and other improper trade practices in the distilled spirits, beer and wine industries; interact with Federal, state and local governmental agencies in the resolution of problems relating to industrial development, revenue protection, public health, ecology, and other areas of joint jurisdictional concern. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other government agencies.

In the event that a record in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, these records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the issuance of a license, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in response to its request, in connection with the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. When an ATF criminal investigation results in compilation of information contained in this system of records, the information shall be transferred to the Treasury ATF—Criminal Investigation Report System and shall become part of that system for all purposes of the Privacy Act of 1974. A record in this system may be disclosed as a routine use to: Officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties; Federal, State or local regulatory or law enforcement agencies in the performance of their duties on a need to know basis; Members of the public, employees of other Governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in filing cabinets; card forms in card filing cabinets; and on magnetic tapes or microfiche at IRS Service Centers, ATF Headquarters, or Department of the Treasury.

Retrievability: Records are retrievable by name, permit or license number, or by document locator number.

Safeguards: Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a need to know basis and others upon verification of the substance and propriety of the request. Stored in file cabinets in rooms locked during non—duty hours. Wagering records are maintained in safes or file cabinets which are locked at all times.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding, burning or by degaussing.

System manager(s) and address: Assistant Director, Regulatory Enforcement, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 522a (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 522a (e) (4) (H).

Contesting record procedures: See Access above.

Record source categories: (1) Acquaintances. (2) Bureau Personnel. (3) Business and Professional Associates. (4) Creditors. (5) Criminal Records. (6) Financial Institutions. (7) Former Employers. (8) Internal Revenue Service. (9) Military Records. (10) Physicians. (11) Psychiatrists. (12) References. (13) Police Reports. (14) Witnesses. (15) Federal Law Enforcement Agencies. (16) State Law Enforcement Agencies. (17) Local Law Enforcement Agencies. (18) State Regulatory Agencies. (19) Federal Regulatory Agencies. (20) Local Regulatory Agencies. (21) Chief Counsel's Opinions. (22) Regional Counsel's Opinions. (23) Chief Counsel's Memoranda. (24) Regional Counsel's Memoranda. (25) Field Investigation Reports. (26) Third Parties.

Systems exempted from certain provisions of the act: Exempt under 5 USC 552a(k)(2) and 31 CFR 1.36.

V45/57 MR 21 80 UMI

Treasury/ATF 00.009

System name: Technical and Scientific Services Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Components of this record system are geographically dispersed throughout Bureau of Alcohol, Tobacco and Firearms' field offices. For nearest location, see addresses listed Appendix E—1.

Categories of individuals covered by the system: (1) Applicants to register firearms under the National Firearms Act. (2) Applicants for Surplus Military Firearms under the Director of Civilian Marksmanship Program. (3) Importers of implements of war as defined under the Mutual Security Act of 1954. (4) Licensed importers registered under the Mutual Security Act of 1954. (5) Manufacturers of National Firearms Act who are exempt from payment of Special (Occupational) tax provisions. (6) Non—Bureau chemists certified to make analysis of alcoholic beverages. (7) Persons involved in explosives tagging and detection program. (8) Registered owners of National Firearms Act firearms. (9) Special (Occupational) taxpayers as defined under title II of the Gun Control Act of 1968. (10) Victims of explosives. (11) Individuals involved in Government funded research projects.

Categories of records in the system: (1) Alterations of registered National Firearms Act firearms. (2) Applications for surplus military firearms. (3) Applications to register firearms and destructive devices under the National Firearms Act. (4) Applications to import articles on the U.S. Munitions list. (5) Blueprints. (6) Certifications of payment of Special (occupational) tax payments. (7) Changes of address for owner of firearms registered under the National Firearms Act. (8) Claims for erroneous Special (Occupational) taxes payments. (9) Descriptions of Inventions. (10) Delinquency notices regarding proof of importation of National Firearms Act Firearms. (11) Explosive reports. (12) Non—Bureau chemists' statements of qualification. (13) Patent information. (14) Registrations of firearms and destructive devices under the National Firearms Act. (15) Registration of war trophy firearms. (16) Requests and authorizations for temporary movement and/or temporary storage of National Firearms Act firearms. (17) Technical and scientific data. (18) Transaction records concerning National Firearms Act firearms. (19) Trade secrets. (20) U.S. Government contracts to manufacturers of National Firearms Act firearms. (21) Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: (1) 18 U.S.C. Chapter 40. (2) 18 U.S.C. Chapter 44. (3) 18 U.S.C. Section 3056. (4) 26 U.S.C., Sections 6001(a), 5001, 5008, 5009(a), 5006(a), 5021—5023, 5041, 5042(a)(2), 5051, 5053, 5056, 5062(c), 5705, 6201, 6423(b), 5105, 5106, 5131(c), 5132, 5172, 5172(b)(1), 5275, 5301(b), 5356, 5401, 5417, 5502(b), 5511(3), 5521(a), 5179(a), 5712, 7011. (5) 27 U.S.C. Sections 204(c). (6) 26 U.S.C. Chapter 35. (7) Executive Order 10973 as amended by Executive Order 11432.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to provide technical and scientific support and expertise to Criminal and Regulatory Enforcement activities of the Bureau; to other Federal, State, local and foreign law enforcement agencies; and to industries involved in activities regulated by the Bureau. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other government agencies. When a criminal investigation results in a compilation of information contained in this system, the information so compiled shall be transferred to the ATF Criminal Investigation Report System and shall become a part of that system for all purposes of the Privacy Act of 1974.

In the event that a record in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, these records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. Records in this system may be disclosed as a routine use to: (1) Officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties. (2) Federal law enforcement agencies. (3) State law enforcement agencies. (4) Local law enforcement agencies. (5) Foreign law enforcement agencies. (6) Industries involved in activities regulated by the Bureau. (7) Department of Defense. (8) Federal regulatory agencies. (9) State regulatory agencies. (10) Local regulatory agencies. (11) Members of the public, employees of other government agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). (12) Smithsonian Institution. (13) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in filing cabinets; on 3 by 5 and 5 by 8 cards stored in card file cabinets; on microfilm reels; magnetic tape reels and discs; and on keypunch cards.

Retrievability: Records are retrievable by name, by unique identifier, control number, serial number of National Firearms Act firearms.

Safeguards: Stored in file cabinets locked during non—duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding or burning. Records stored on tape discs or on—line mass storage are disposed of by degaussing.

System manager(s) and address: Assistant Director, Technical and Scientific Services, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552 (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e) (4) (H).

Contesting record procedures: See Access above.

Record source categories: (1) Individuals. (2) Companies. (3) Corporations. (4) Firearms Licensees. (5) Firearms Permittees. (6) Explosive Licensees. (7) Explosive Permittees. (8) Bureau personnel. (9) Federal law enforcement agencies. (10) State law enforcement agencies. (11) Local law enforcement agencies. (12) Foreign law enforcement agencies. (13) Federal Regulatory agencies. (14) State Regulatory agencies. (15) Local Regulatory agencies. (16) Non—Bureau Chemists.

Systems exempted from certain provisions of the act: Exempt under 5 USC 552a(k)(2) and 31 CFR 1.36.

APPENDIX E

(List of geographically dispersed offices referred to in the "Location" sections of each system of records)

Regional Offices

Regional Director, Bureau of Alcohol, Tobacco and Firearms, 6 World Trade Center, Room 620 H, New York, New York 10048.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, Room 360, 2 Penn Center, Philadelphia, Pennsylvania 19102.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Room 6519, 550 Main Street, Cincinnati, Ohio 45202.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, Room 1502, 230 S. Dearborn Street, Chicago, Illinois 60604.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, Room 204, 3835 Northeast Expressway, Atlanta, Georgia 30340.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, Room 345, Main Tower, 1200 Main Street Dallas, Texas 75202.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, 525 Market Street, 34th Floor, San Francisco, California 94105.

CRIMINAL ENFORCEMENT OFFICES

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, J F Kennedy Federal Office Building, P.O. Box 9135, JFK PO, Boston, Massachusetts 02203.

Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, Room 612, Federal Building, 11 Elmwood Avenue, Burlington, Vermont 05401/Essex Junction

Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 232, CONCORD, NEW HAMPSHIRE 03301.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 450 Main Street, HARTFORD, CONNECTICUT 06101.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 211, 150 Court Street, NEW HAVEN, CONNECTICUT 06510.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Courthouse, Rooms 34, 36 and 36A, 156 Federal Street, PORTLAND, MAINE 04112.

Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 346, 436 Dwight Street, SPRINGFIELD, MASSACHUSETTS 01103.

Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 1529 WORCESTER, MASSACHUSETTS 01601.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 120 Church Street, P.O. Box 3482, Church Street Station, NEW YORK, NEW YORK 10008.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building—Room 217, 111 W Huron Street, BUFFALO, NEW YORK 14202.

Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 487, ALBANY, NEW YORK 12201.

Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 1036, PLATTSBURGH, NEW YORK 12901.

Criminal Enforcement, Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 300 Hamilton Ave., Room 200, WHITE PLAINS, NEW YORK 10601.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Room 1343, U.S. Courthouse and Federal Bldg., 100 S. Clinton St., SYRACUSE, NEW YORK 13202.

Resident Agent in Charge, Bureau of Alcohol, Tobacco, and Firearms, U.S. Courthouse and Federal Building, Room 354, Calle Chardon, Hato Rey, Puerto Rico 00919.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Room 206, 701 W Broad Street, FALLS CHURCH, VIRGINIA 22046.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Room 938, 31 Hopkins Plaza, BALTIMORE, MARYLAND 21201.

Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 9th & King Streets, WILMINGTON, DELAWARE 19802.

Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 108, WINCHESTER, VIRGINIA 22601.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 2401 Morris Ave., UNION, NEW JERSEY 07083.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Reutter Building, 3rd Floor, 840 Cooper Street, CAMDEN, NEW JERSEY 08102.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office Building, Room 210, TRENTON, NEW JERSEY 08608.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Customs House, Room 504, Second & Chestnut Streets, PHILADELPHIA, PENNSYLVANIA 19106.

Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 949, Federal Square Station, HARRISBURG, PENNSYLVANIA 17108.

Regulatory Enforcement, Bureau of Alcohol, Tobacco, and Firearms, Suite 401, 100 W. Main St. Landsdale, Pennsylvania 19446.

Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 1797, ERIE, PENNSYLVANIA 16507.

Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, Berks Title Building, Room 136, 6th and Washington Streets, READING, PENNSYLVANIA 19602.

Regulatory Enforcement—Area Office, Bureau of Alcohol, Tobacco and Firearms, 2104, Federal Building, PITTSBURGH, PENNSYLVANIA 15222.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Room 6008, 400 N 8th Street, RICHMOND, VIRGINIA 23240.

Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 897, DANVILLE, VIRGINIA 24541.

Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 683, BRISTOL, VIRGINIA 24201.

Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 12121, Thomas Corner Station, NORFOLK, VIRGINIA 23502.

Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 4718, Grandin Road Station, ROANOKE, VIRGINIA 24015.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 304 U.S.P.O. & Courthouse Bldg. 5th and Walnut Streets CINCINNATI, OHIO 45202.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 3414, 500 Quarrier Street, CHARLESTON, WEST VIRGINIA 25301.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 4455, BLUEFIELD, WEST VIRGINIA 24701.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 440, PORTSMOUTH, OHIO 45662.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building & U.S. Courthouse, Room 427, Chaplin & 12th Streets, WHEELING, WEST VIRGINIA 26003.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 329, 1240 E 9th Street, CLEVELAND, OHIO 44199.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Court & Customs Building, Room 302, 1716 Spielbusch, TOLEDO, OHIO 43624.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 477, YOUNGSTOWN, OHIO 44501.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 245, 85 Marconi Boulevard, COLUMBUS, OHIO 43215.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 804, DAYTON, OHIO 45401.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 371, 231 West LaFayette Street, DETROIT, MICHIGAN 48226.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 2425, Grand Rapids, MICHIGAN 49501.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Room 872—D, 600 Federal Place, LOUISVILLE, KENTUCKY 40202.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 1281, ASHLAND, KENTUCKY 41101.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 7, BOWLING GREEN, KENTUCKY 42101.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 3144, EVANSVILLE, INDIANA 47731.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 656, FORT WAYNE, INDIANA 46802.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 907, HAMMOND, INDIANA 46325.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Courthouse & Post Office Building, Room 507, INDIANAPOLIS, INDIANA 46204.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 1566, LEXINGTON, KENTUCKY 40501.

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Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 374, PINEVILLE, KENTUCKY 40977.

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Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 1468, ROME, GEORGIA 30161.
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Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 1370, ASHEVILLE, NORTH CAROLINA 28802.
Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 231, WILKESBORO, NORTH CAROLINA 28697.
Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 15065, Ardmore Station, WINSTON—SALEM, NORTH CAROLINA 27103.
Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 3761, Azalea Station, WILMINGTON, NORTH CAROLINA 28401.
Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 190, NEW BERN, NORTH CAROLINA 28560.
Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 274, FAYETTEVILLE, NORTH CAROLINA 28302.
Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 25699, RALEIGH, NORTH CAROLINA 27611.
Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 1671, ELIZABETH CITY, NORTH CAROLINA 27909.
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Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, 231 South Warley Street, FLORENCE, SOUTH CAROLINA 29501.
Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 10102, Federal Station, GREENVILLE, SOUTH CAROLINA 29603.
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Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 1414 23rd Avenue, MERIDIAN, MISSISSIPPI 39301.
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Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 167 N. Main Street, Room 22, MEMPHIS, TENNESSEE 38103.
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Resident Agent in Charge, Bureau of Alcohol, Tobacco, and Firearms, Koger Building, Suite 233, 444 Executive Center Boulevard, EL PASO, TEXAS 79902.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 2047/10 East Elizabeth Street, BROWNSVILLE, TEXAS 78520.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, New Federal Building—Room A—405, 727 E Durango Street, SAN ANTONIO, TEXAS 78206.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Main Tower Building, Room 349, 1200 Main St., DALLAS, TEXAS 75202.
Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 816/110 East Houston, TYLER, TEXAS 75701.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Old Federal Building—Room 308, 517 Gold Ave. SW, ALBUQUERQUE, NEW MEXICO 87103 or P.O. Box 501, Albuquerque, New Mexico 97101.

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Regulatory Enforcement, Bureau of Alcohol, Tobacco, and Firearms, P.O. Box 1944, BATON ROUGE, LOUISIANA 70821.
Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 225/Room 8A15, 500 Fannin Street, SHREVEPORT, LOUISIANA 71162.
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Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Room 107, CHEYENNE, WYOMING 82001.
Regulatory Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 3523/19th and Stout Streets, DENVER, COLORADO 80201.
Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 934/Room 131, Federal Building, MUSKOGEE, OKLAHOMA 74401.
Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 466/420 South Boulder, TULSA, OKLAHOMA 74101.
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Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 300 Booth Street, Room 4117, RENO, NEVADA 89502.
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Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 3514, 650 Capitol Mall, SACRAMENTO, CALIFORNIA 95814.
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Special Agent in Charge, Bureau of Alochol, Tobacco and Firearms, Federal Building, Room 806, 915 Second Avenue, SEATTLE, WASHINGTON 98174.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, G-79, 4th and F Streets, ANCHORAGE, ALASKA 99501.
Resident Agent in Charge, Bureau of Alochol, Tobacco and Firearms, American Reserve Building, Room 3280, 2410 Banks Drive, BOISE, IDAHO 83705.
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Resident Agent in Charge, Bureau of Alochol, Tobacco and Firearms, Crown Plaza Building, Room 125, 319 S.W. Pine Avenue, PORTLAND, OREGON 97204.
Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 2202, SPOKANE, WASHINGTON 99210.
Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 3313, HONOLULU, HAWAII 96801.

REGULATORY ENFORCEMENT OFFICES
AREA OFFICES

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Area Supervisor, Bureau of ATF, Room 1805, 120 Church Street, New York, NY. Mail: P.O. Box 3539, Church Street Sta., New York, NY 10008.
Area Supervisor, Bureau of ATF, Room 200, 300 Hamilton Ave., White Plains, New York 10601.
Area Supervisor, Bureau of ATF, Room 219, Federal Building, 111 West Huron St., Buffalo, NY 14202.
Area Supervisor Bureau of ATF, Room 310, 701 West Broad St. Falls Church, VA 22046.
Area Supervisor, Bureau of ATF, Room 938, 31 Hopkins Plaza, Baltimore, MD 21201.
Area Supervisor, Bureau of ATF, Suite 401, Century Plaza Bldg., 100 West Main Street, Lansdale, PA. 19446.
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Area Supervisor, Bureau of ATF, Room 511, Courthouse & P.O. Building, 46 Ohio Street, Indianapolis, IN 46204.
Area Supervisor, Bureau of ATF, Room 6519 Federal Office Building, 550 Main Street, Cincinnati, OH 45202.
Area Supervisor, Bureau of ATF, Room 329 Federal Office Building, 1240 East 9th Street, Cleveland, OH 44199.
Area Supervisor, Bureau of ATF, Room 376 Federal Building, 231 Lafayette Blvd., Detroit, MI 48226.
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Chief, ATF Field Laboratory Room 29, U.S. Post Office and Court House, Cincinnati, Ohio 45202.
Chief, ATF Field Laboratory, 3835 N.E. Expressway, Room 214, Atlanta, Georgia 30340.
Chief, ATF Field Laboratory, 1104 U.S. Custom House, 2nd and Chestnut Streets, Philadelphia, Penna. 19106.
Chief, Scientific Services Division, IRS Building, Room 7575, 1111 Constitution Avenue, N.W., Washington, D.C. 20226.

ATF DISTRIBUTION CENTER
Chief, Distribution Center, Bureau of Alcohol, Tobacco and Firearms, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

Billing Code 4810-31

Treasury/Customs 00.001

System name: Acceptable Level of Competence, Negative Determination—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02210.

Categories of individuals covered by the system: Any employee of U.S. Customs Service Region I, who receives a negative determination regarding acceptable level of competence.

Categories of records in the system: Employee's name, social security number, position description, grade, and correspondence containing specific reasons for negative determination.

Authority for maintenance of the system: Five U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses include general reference to the records by supervisors when considering appropriate actions to take with regard to the individuals; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in locked file cabinets.

Retrievability: The records are filed by the individual's name.

Safeguards: Direct access is limited to the Director and five employees of the Personnel Division. In addition to being stored in locked cabinets, the area in which these records are stored is locked during non-duty hours and the building is guarded by uniformed security police.

Retention and disposal: Records are retained until the employee leaves the Customs Service.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02210.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is furnished by the employee, employee's supervisor and the Federal Employee Appeals Authority.

Treasury/Customs 00.002

System name: Accident Reports—Treasury/Customs.

System location: Logistics Management Division, Region IV, 99 S.E. 5th Street, Miami, Florida 33131.

Categories of individuals covered by the system: Any employee of Region IV who has had an accident on Government property or in an official vehicle since 1973.

Categories of records in the system: Standard Government forms dealing with accidents and personal injuries.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Executive Order 11807 and Section 19 of Occupational Health & Safety Act of 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Files are made available to Headquarters for accumulation of statistics; (d) Each record of automobile accidents is turned over to Regional Counsel for determination of tort claims, liability by Federal Government or other party, etc.; (e) Available for personnel actions, if needed; (f) Disclosure to employee's beneficiary in event of death following the accident or injury or to employee's agent in case of disability.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case folder is maintained in an unlocked drawer in chronological order by date.

Retrievability: Each case is identified by employee name and date of accident.

Safeguards: The metal container described above is maintained within the area assigned to the Logistics Management Division within the Region IV Headquarters Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: Accident Record files are retained in accordance with the Records Disposal Manual.

System manager(s) and address: Director, Logistics Management Division, Region IV, Headquarters, 99 S.E. 5th Street, Miami, Florida 33131.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information originates with employees who have been injured and/or have been involved in accidents during the exercise of their official duties. Also included are witness reports and statements, the employees' supervisors' statements and doctors' reports.

Treasury/Customs 00.004

System name: Accident and Injury Report File—Treasury/Customs.

System location: Logistics Management Division, U.S. Customs Service, 211 Main Street, San Francisco, California 94105.

Categories of individuals covered by the system: Present and past employees.

Categories of records in the system: Information furnished by employee and his/her supervisor regarding facts relating to accidents or injuries involving the employee. Sometimes includes doctor's statements and witnesses' statements. Includes log sheet kept in order of arrival during calendar year.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 5 U.S.C. 8101-8150, 8191-8193.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Files are made available to Headquarters for accumulation of statistics; (d) Each record of automobile accidents is turned over to Regional Counsel for determination of tort claims, liability by Federal Government or other party, etc.; (e) Available for personnel actions, if needed; (f) Disclosure to employee's beneficiary in event of death following the accident or injury or to employee's agent in case of disability.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case folder is maintained in a lockable filing cabinet.

Retrievability: The file for each employee is placed according to when it is received during the calendar year. The name of the employee is shown on an index sheet on top of the file.

Safeguards: The files are contained within a lockable file cabinet within an office which is locked during non-working hours.

Retention and disposal: Active files are retained indefinitely. Files of deceased, retired, etc., employees are forwarded to U.S. Customs Region VIII Personnel Division for inclusion within the person's official personnel folder.

System manager(s) and address: Logistics Management Specialist, Logistics Management Division, U.S. Customs Service, 211 Main Street, San Francisco, California 94105.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates with employees who have been injured and/or have been involved in accidents during the exercise of their official duties. Also included are witness reports and statements, the employees' supervisors' statements and doctor's reports.

Treasury/Customs 00.005

System name: Accounts Receivable Correspondence and Follow-Up—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: Persons owing money for Customs duties and services and money owed to persons for overpayment of excessive duties and services.

Categories of records in the system: Correspondence and documentation of telephone calls with debtors and creditors or their representatives.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) This system is used by the personnel of the Financial Management Division to effect collections or refund overpayments for duties and services.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in file folders which are contained in an unlocked metal file cabinet.

Retrievability: The file is retrieved by the name of the individual which is kept in alphabetical order within the work area of the Collection Section.

Safeguards: The files are located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The file is retained until collection or refund is effected and 2 years thereafter, then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in the system is obtained from data gathered from the automated billing system and ports of entry.

Treasury/Customs 00.006

System name: Accounts Receivable—Treasury/Customs.

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System location: Financial Management Division—District and ports, 99 S.E. 5th Street, Miami, Florida 33131.

Categories of individuals covered by the system: Importers and Brokers, Corporate and Individuals.

Categories of records in the system: Names, Entry Number, Amounts Due (Reimb) Names, Importer Number, Amounts Due.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by Revenue Accounting Personnel to ascertain receivables and to determine appropriate follow up action to effect collection.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Monthly hard copy printout, by bill category, alphabetized within.

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained as prescribed by Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 99 S.E. 5th Street, Miami, Florida 33131.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Headquarters Data Center.

Treasury/Customs 00.007

System name: Accounts Receivable—Treasury/Customs.

System location: U.S. Customs Service, Financial Management Division, Increase and Refund Section, 6 WTC, New York, N.Y. 10048.

Categories of individuals covered by the system: File on individuals and corporations that owe the Customs Service money.

Categories of records in the system: Each file lists name of debtor, address, its liquidated and unliquidated entries, and notices sent out regarding debtors to all branches of Customs Service.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To expedite collection of money and to hold refunds.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in cabinets.

Retrievability: Rolex file maintained alphabetically refers to all cases.

Safeguards: Office locked.

Retention and disposal: Retained until case is closed and then destroyed.

System manager(s) and address: Regional Commissioner of Customs, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Newspapers, Regional Counsel, Customshouse Brokers.

Treasury/Customs 00.008

System name: Accounts Receivable Files—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region V, 1440 Canal Street, New Orleans, Louisiana 70112.

Categories of individuals covered by the system: All individuals incurring Customs obligations (duties, taxes, fines, and penalties).

Categories of records in the system: Customs bills and related supporting documentation and correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used to determine collection status of individual obligations for processing of collection actions; (b) Disclosures to those officers and employees of Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Unlocked file cabinets.

Retrievability: By bill number. Can be identified to individual by referring to alphabetical listing on monthly aged accounts receivable report.

Safeguards: Usage limited to Regional personnel. Files located in office which is locked during non-working hours.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Financial Management Division, U.S. Customs Service, Region V, 1440 Canal Street, New Orleans, Louisiana 70112

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: All individuals incurring Customs obligations.

Treasury/Customs 00.009

System name: Acting Customs Inspector (Excepted)—Treasury/Customs.

System location: Personnel Management Division, Regional Commissioner of Customs, 55 East Monroe Street, Suite 1501, Chicago, Illinois 60603, and Offices of the District Directors, Region IX, Chicago, Illinois.

Categories of individuals covered by the system: Employees or members of other Federal agencies who are designated by the District Directors as Customs Inspectors (Excepted).

Categories of records in the system: System has name, social security number, rank or grade and duty station of the individual.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by Personnel Management Specialists and managers as a control and for statistical purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: CF 55 forms kept in manila folders in file cabinet.

Retrievability: Filed alphabetically.

Safeguards: During non-working hours the offices and/or buildings in which records are located are locked.

Retention and disposal: Until individual transfers or designation is cancelled. Form is then destroyed.

System manager(s) and address: Director, Personnel Management Division.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is supplied by the individual and his or her agency.

Treasury/Customs 00.010

System name: Acting Customs Inspectors (Excepted)—Treasury/Customs.

System location: Inspection and Control Division, U.S. Customs Service, Region VI, 300 Dallas St., Suite 1240, Houston, Texas 77002.

Categories of individuals covered by the system: Those employees of other agencies (including military) within Region VI designated as Customs Inspectors.

Categories of records in the system: The name of individual, location, social security number, rank or grade, position and agency and date of designation.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duites; such uses would include general reference to the files by supervisors for personnel and statistical purposes; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each sheet is inserted in a folder which is filed in an unlocked metal file cabinet.

Retrievability: Each sheet is identified by the name of the designee.

Safeguards: The metal cabinet is located within an office that is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted in the building.

Retention and disposal: Active sheets are maintained in the file indefinitely. However, the system is reviewed every six months and outdated sheets are discarded.

System manager(s) and address: Director, Inspection and Control Division, U.S. Customs Service, Region VI, 500 Dallas, Suite 1240, Houston, Texas 77002.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Copy of action designating the individual from the District Directors.

Treasury/Customs 00.011

System name: Acting Customs Inspectors (Excepted)—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif.; Offices of the Port Directors, San Ysidro, Calif.; Tecate, Calif.; Calexico, Calif.; Andrade, Calif.; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif.; San Ysidro, Calif.; Calexico, Calif.; Tecate, Calif.; see Customs Appendix A.

Categories of individuals covered by the system: All individuals of other Federal agencies who have been cross-designated as Acting Customs Inspectors (Excepted).

Categories of records in the system: Name, date of birth, social security number, duty location, GS-level and training statement from Customs Officer.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended and the Customs Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses would include general reference to the files by supervisors for personnel and statistical purposes; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention or an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Maintain a list of those employees of other agencies who have met the minimum requirements of Acting Customs Inspectors and record of training for such designation. Maintain minimum requirements for primary and secondary inspection programs, policies, procedures, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper in manila folder in a file cabinet.

Retrievability: By name of individual and duty station.

Safeguards: Locked file cabinets, buildings locked during non-working hours.

Retention and disposal: Indefinitely or until rescinded.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District, according to the list that is attached as Customs Appendix A.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Customs Officers, employees, and officers of other Governmental agencies.

Treasury/Customs 00.012

System name: Acting Customs Officer (Excepted)—Treasury/Customs.

System location: In the office of all District Directors in Region IX, Chicago, Illinois. (See Customs Appendix A).

Categories of individuals covered by the system: Employees of other Government agencies who have been designated to act as Customs officers excepted.

Categories of records in the system: Names, social security numbers, rank or grade, Customs designation, position and agency or service, duty stations, and effective date. Customs Form 55.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses would include general reference to files by supervisors for personnel and statistical purposes; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are kept in file folders in open file cabinets.

Retrievability: These forms are maintained in alphabetical order by name of employee.

Safeguards: The file cabinet is maintained in the offices or areas assigned to the District Directors. During non-working hours the room and/or building in which the cabinet is located is locked.

Retention and disposal: Retention period is indefinite or until canceled by reason of transfer or retirement.

System manager(s) and address: All District Directors, as appropriate, in Region IX, Chicago, Illinois. (See Customs Appendix A.)

Notification procedure: See Customs Appendix A.

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Record access procedures: See Customs Appridix A.

Contesting record procedures: See Access, Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Requests for designation by the agencies involved and memoranda certifying completion of training.

Treasury/Customs 00.013

System name: Acting Customs Officer (Excepted)—Treasury/Customs.

System location: U.S. Customhouse, P.O. Box 111, District Director's Office, St. Albans, Vermont 05478.

Categories of individuals covered by the system: Present employees of other agencies designated as Customs Officers (Excepted).

Categories of records in the system: Name, social security number, rank or grade, Customs designation, position and agency or service, duty station.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses would include general reference to the files by supervisors for personnel and statistical purposes; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a licenae, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders stored in filing cabinet.

Retrievability: Alphabetically; by name.

Safeguards: These records are filed at the District Director's office under the supervision of District Director's secretary during working hours. The office is locked during non-working hours.

Retention and disposal: Retention period is indefinite or until canceled by reason of transfer or retirement.

System manager(s) and address: District Director, U.S. Customs Service, St. Albans, Vermont 05478.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is furnished by the individual employee and his agency.

Treasury/Customs 00.014

System name: Advice Requests (Legal) (Region VIII)—Treasury/Customs.

System location: Office of the Regional Counsel, 211 Main Street, San Francisco, CA 94105.

Categories of individuals covered by the system: Individuals who are the subject of any request for legal advice by another office within Customs, another Government agency, or the private individual himself. An example would be a request by a District Director for advice as to whether or not a violation of a Customs law for which a penalty may be assessed has occurred.

Categories of records in the system: Intra-agency or inter-agency memoranda and reports of investigation and other documents submitted by the requesting office for use in handling the request. Correspondence from the private individual submitting the request.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in the files is used in handling the request for advice and in preparing a response to the request; (d) Information contained in the files may be used internally by the Regional Counsel and members of his staff insofar as it relates to precedent or guidelines for their handling of future cases.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the individual who is the subject of the request and in the alphabetical file folder within the metal file cabinet by the name of the individual who is the subject of the request.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Request for legal advice files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time some files may be transferred to the Federal Record Center.

System manager(s) and address: Regional Counsel, 211 Main Street, San Francisco, CA 94105.

Notification procedure: See Customs Appendix A.

Record source categories: Information which may concern the subject individual is sourced in the memoranda or correspondence from the office or individual requesting the advice and in any supporting documents that office or individual may transmit.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.016

System name: Aircraft Ownership File—Treasury/Customs

System location: U.S. Customs Air Support Branch, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Categories of individuals covered by the system: Persons, partnerships, or corporations who are the registered owners of record of U.S. aircraft.

Categories of records in the system: This file contains the name and address of the registered owner of the aircraft; the registration number, category and type of aircraft; and an indication of whether or not the aircraft is on record with the TECS system.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses would include general reference to the records by Customs Officers to determine whether certain aircraft are in the TECS system and in enforcing laws and regulations relating to aircraft entering and leaving the United States; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charges with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information files are numerically filed in a looseleaf container within a security area.

Retrievability: The information is in the form of Micro-film and is retrieved by means of an Alpha-numerical code identifier.

Safeguards: The information files are located within an office which is locked during non-working hours. The building is guarded by U.S. Air Force Military Police and only authorized persons are permitted in the building.

Retention and disposal: These files are maintained for a period of three months at which time they are replaced with current information. The old files are then destroyed under Customs supervision.

System manager(s) and address: Chief, Air Support Branch, U.S. Customs, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.017

System name: Aircraft Registers—Treasury/Customs.

System location: U.S. Customs Service, Office of Investigations, SAC, 600 South Street, Room 444, New Orleans, La. 70130; RA, 1719 West End Building, Rm. 303, Nashville, Tennessee 37203.

Categories of individuals covered by the system: Owners and co-owners of U.S. registered aircraft.

Categories of records in the system: Name indices of owners of U.S. registered aircraft and indices of co-owners of U.S. registered aircraft indexed by aircraft registration number.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses would include general reference to the records by Customs Officers to determine whether certain aircraft are in the TECS system and in enforcing laws and regulations relating to aircraft entering and leaving the United States; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in these microfiche files is provided for the routine use of the Office of Investigations of the Customs Service for the purpose of verifying information received from other sources in conjunction with investigations within the Office of Investigations.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: This microfiche is maintained in a file folder in a metal cabinet. The cabinet is located in a room which is manned during normal office hours, and locked after hours.

Retrievability: This microfiche file is identified by alphabetical name of the categories of individials maintained in that file and information is retrievable manually from these files.

Safeguards: These microfiche files are kept in a metal cabinet and are maintained within the room which is manned by Office of Investigations personnel during normal office hours. During non-working hours, the room in which the metal cabinet is located is locked and entrances to the office which contains that room are locked. Access to the building containing the office is controlled during non-working hours by a uniformed guard.

Retention and disposal: These files are retained indefinitely or until updated by more current records at which time the old records are disposed of by shredding.

System manager(s) and address: Special Agent in Charge, U.S. Customs Service, Office of Investigations, 600 South Street, Room 444, New Orleans, La. 70130; Resident Agent, U.S. Customs Service, Office of Investigations, 1719 West End Building, Rm. 303, Nashville, Tenn. 37203.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C.552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.021

System name: Arrest/Seizure/Search Report and Notice of Penalty File—Treasury/Customs.

System location: Office of the District Director of Customs, Room 228, United States Customs Service, 335 Merchant Street, Honolulu, Hawaii 96813.

Categories of individuals covered by the system: Persons who are suspected of attempting to smuggle, or have smuggled, merchandise or contraband into the United States; individuals who have undervalued merchandise upon entry into the United States; vessels and aircraft which have been found to be in violation of Customs laws.

Categories of records in the system: Names of individuals, vessels, aircraft; identifying factors; nature of violation or suspected violation; circumstances surrounding violation or suspected violation; date and place of violation or suspected violation; and on-site disposition actions.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Enforcement use by Customs Patrol Officers.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each report is assigned a case number and filed accordingly in a locked, metal file located in the office of the Director of Patrol.

Retrievability: Each report is identified in a manual alphabetical card file by the name of the individual, vessel or aircraft.

Safeguards: In addition to being stored in a locked metal cabinet, these records are located in a locked room, the keys of which are controlled and issued only to authorized personnel.

Retention and disposal: These records are retained for one year or until action has been completed.

System manager(s) and address: District Director of Customs, U.S. Customs Service, Post Office Box 1641, Honolulu, Hawaii 96806.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

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Treasury/Customs 00.022

System name: Attorney Case File—Treasury/Customs

System location: Office of Regional Commissioner of Customs, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or sub-units, or employees or officers thereof, in matters which affect or involve the U.S. Customs Service.

Categories of records in the system: Seizure reports, investigative reports, Customs forms and documents relative to the case, petitions for relief, decisions on petitions, other background information relating to the litigation, motions, orders, etc., filed in connection with the litigation; investigative reports relative to an individual's economic ability to pay a claim.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in file folders.

Retrievability: Records indexed by name of private individual involved in the litigation.

Safeguards: Open case files maintained in file cabinets with access by Regional Counsel and his staff only; closed case files maintained in locked cabinet with keys retained by Regional Counsel and his staff only.

Retention and disposal: Retained indefinitely or until there is no longer any space available within metal cabinets, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Commissioner of Customs, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files is received from U.S. Customs employees, reports of investigation, Customs penalty case files, other Government agencies, parties involved in litigation, banks and credit bureaus, administrative proceedings regarding disciplinary action taken against Customs Service employees, Equal Opportunity complaints, denials of tort claims, denials of information under the Freedom of Information Act, and from other parties' information pertinent to the litigation.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.026

System name: Badge and Gun Report—Treasury/Customs

System location: Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Customs employees assigned to the Office of Investigations and the Office of Internal Security to whom badges and guns have been issued.

Categories of records in the system: Name, Social Security number, badge number, serial number of gun.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) Provide Customs with a record of those employees to whom badges and guns have been issued, and to provide personal accountability for badges and guns.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and computer printout.

Retrievability: By name or Social Security number of the person to whom the badge or gun has been issued.

Safeguards: The magnetic tape and computer are maintained under procedural and physical safeguards such as accountability and receipt access, guards patrolling the area, restricted access, and alarm systems. Print-outs are stored in locked metal file cabinets. The room where the cabinets are kept is locked during non-working hours. The building is patrolled by security police on a round-the-clock basis, and only authorized persons are permitted in the building.

Retention and disposal: The records in this system are kept for as long as the individual remains in possession of a badge or gun. Thereafter the record is erased from the tape. The print-outs are retained for two years and then disposed of as paper trash.

System manager(s) and address: Director, Logistics Management Division, U.S. Customs Service, Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is recorded by the issuing officer at the time the badge or gun is issued.

Treasury/Customs 00.027

System name: Badge Number File—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif.; Offices of the Port Directors, San Ysidro, Calif.; Tecate, Calif.; Calexico, Calif.; Andrade, Calif.; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif.; San Ysidro, Calif.; Calexico, Calif.; Tecate, Calif.; see Customs Appendix A.

Categories of individuals covered by the system: Customs officers who have been assigned badges.

Categories of records in the system: Names, Badge Numbers.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Available to Supervisors and other Customs personnel who have need for badge identification.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on single 8 x 10 sheet by property clerk and Port Director.

Retrievability: Alphabetical.

Safeguards: Building is locked during non-working hours.

Retention and disposal: Indefinite while employee in duty status; otherwise destroyed.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District, according to the list that is attached as Customs Appendix A.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information supplied by individual and the Customs Service.

Treasury/Customs 00.028

System name: Baggage Declaration—Treasury/Customs

System location: Located at the District and Port Directors' offices in the Ogdensburg, New York district. (Boston region)

Categories of individuals covered by the system: Persons required to make a written baggage declaration.

Categories of records in the system: Name, address, items declared and value.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) To substantiate cases of failure to declare or false declarations or investigation by Office of Investigations; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (d) In the event that this system of records includes information which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign charged with the responsibility of investigating or prosecuting the statute or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use", to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders in file cabinet.

Retrievability: By name.

Safeguards: Available to authorized Customs personnel only.

Retention and disposal: Free entry declarations are retained for three years then destroyed. Dutiable declarations are retained for three years at the Port, seven years at the Federal Record Center, and then destroyed.

System manager(s) and address: District and Port Directors.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The individual who files the baggage declaration.

Treasury/Customs 00.030

System name: Bankrupt Parties-in-Interest—Treasury/Customs.

System location: Regional Headquarters in Region VI, U.S. Customs Service, 500 Dallas St., Suite 1280, Houston, Texas 77002.

Categories of individuals covered by the system: Individuals indebted to U.S. Customs.

Categories of records in the system: Listed by name, address, port of service, bill number, and dollar amount of delinquent receivables.

Authority for maintenance of the system: Public Law 89-508, the "Federal Claims Collection Act of 1966;" 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Provide ready reference to officers and employees of the U.S. Customs Service in Region VI of parties-in-interest with past due accounts who have filed in bankruptcy court; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cases are maintained in file folders at work site.

Retrievability: Alphabetical order by name.

Safeguards: These cases are placed in locked cabinets during non-working hours. The building is guarded by uniformed security police.

Retention and disposal: As satisfaction received, cases are closed. Records are maintained per Records Control Manual FIS-4 No. 124.

System manager(s) and address: Director, Financial Management Division, 500 Dallas St., Suite 1265, Houston, Texas 77002.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The source of information is obtained from individuals, bankruptcy courts, Customhouse brokers, and sureties.

Treasury/Customs 00.031

System name: Bills Issued Files—Treasury/Customs.

System location: Regional Commissioner of Customs, Suite 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Categories of individuals covered by the system: Individuals to whom bills have been issued.

Categories of records in the system: Correspondence received from or sent to individuals in relation to bills issued by the United States Customs Service.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual alphabetical file folders in file cabinet.

Retrievability: Access by name of individual.

Safeguards: The file cabinet is maintained in the offices of the Regional Commissioner, Region IX, Chicago, Illinois. During non-working hours the room/building in which the file is located is locked. Access is limited to authorized personnel.

Retention and disposal: Correspondence file is maintained for a period of three years then destroyed.

System manager(s) and address: Regional Commissioner of Customs, Room 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information consists of copies of letters or memoranda issued to or received from individuals. Records of phone calls and copies of documents related to the individual's transaction.

Treasury/Customs 00.033

System name: Biographical Information File—Treasury/Customs.

System location: Public Information Office, U.S. Customs Service, Region VI, Suite 1240, One Allen Center, 500 Dallas Street, Houston, Texas 77002.

Categories of individuals covered by the system: Employees who by virtue of position and/or achievement are the subject of official news releases and news inquiries.

Categories of records in the system: Name; title; office; location; employment date; professional status; schools and colleges attended; dates of graduation; degrees received; major subjects studied; special courses completed; work experience; memberships in professional societies; achievements; books and articles written; committee service; military service and honors; date and place of birth; marital status; spouse's name; number of children; home address; hobbies; civic activities; list of publications to be sent press releases; names and addresses of parents and spouse's parents; personal photograph; copies of press releases; copies of news clippings.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosures to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) To provide biographical and personal data used in the preparation of news releases; (d) To provide biographical and personal data used in responding to inquiries from the news media; (e) To provide biographical and personal data used in preparing articles for internal publications.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained in file folders and stored in metal file cabinets in an office with security lock.

Retrievability: The files are arranged alphabetically by name.

Safeguards: The file cabinet is located within an office that is locked during non-working hours. The building is guarded by uniformed security personnel.

Retention and disposal: Retained indefinitely as long as subjects are employed by Customs within the region. Files are destroyed when they are no longer useful.

System manager(s) and address: Regional Commissioner of Customs, U.S. Customs Service, Region VI, Suite 1240, One Allen Center, 500 Dallas Street, Houston, Texas 77002.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information in press biographical information files is supplied by the individual to whom it pertains. The information is submitted in the form in which persons submitting the data prefer to see it in print.

Treasury/Customs 00.032

System name: Biographical Files (Headquarters)—Treasury/Customs.

System location: Public Information Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, and the Regional Public Information offices located at the addresses listed in Customs Appendix A.

Categories of individuals covered by the system: General biographical records are maintained on all Customs employees for news release and public information purposes.

Categories of records in the system: General biographical information including home address, date and place of birth, educational background, work experience, honors and awards, hobbies, and other information.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses include release of information to the news media and for use in internal Customs publications; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses See Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained in file cabinets in the Public Information Division at Customs Headquarters.

Retrievability: File folders are identified by the name of the person and are filed in alphabetical order.

Safeguards: The office in which the records are located is locked during non-working hours and the building is guarded by uniformed guards.

Retention and disposal: Files are retained during the individual's tenure as an employee of the Customs Service, after which the files are destroyed.

System manager(s) and address: Director, Public Information Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The individual involved, Customs personnel officers and co-workers.

Treasury/Customs 00.037

System name: Cargo Security File—Treasury/Customs.

System location: Special Agent in Charge, Room 501, 243 West Congress Street, Detroit, Michigan 48226; Special Agent in Charge, Room 210, 55 Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Longshoremen, Customs Bonded Warehouse employees, licensed Cartmen employees and other persons having access to cargo.

Categories of records in the system: Names, place of employment, residence, criminal records, date of birth, Social Security numbers, photographs, descriptions and other identifying data.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties and/or to cooperating Law Enforcement Agencies; (b) Disclosures required in administration of the Freedom of Information Act. (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in loose-leaf binders and cross indexed index cards showing license numbers are kept in a metal box. They are kept in the communications room for rapid access.

Retrievability: Names of companies and individuals can be retrieved by checking the loose-leaf binders kept in an alphabetical listing. License plate numbers are listed in numerical sequence on index cards.

Safeguards: The records are kept in a room within the office which is locked when not in use. Keys are available only to employees, and are not accessible to persons other than employees. Employees having access to the room have received a security background and clearance. The offices are located in buildings with guards and controlled by sign-in, sign-out sheets after regular hours.

Retention and disposal: Information remains in the system indefinitely or until no longer needed. The records are disposed of by shredding or burning.

System manager(s) and address: Special Agent in Charge, Room 501, 243 West Congress Street, Detroit, Michigan 48226; Special Agent in Charge, Room 210, 55 Erieview Plaza, Cleveland, Ohio 44114.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.271

System name: Cargo Security Record System—Treasury/Customs.

System location: District Director, 600 South Street, New Orleans, Louisiana 70130; District Director, P.O. Box 2748, Mobile, Alabama 36601.

Categories of individuals covered by the system: Drivers of motor vehicles of licensed cartmen and lightermen; properties and operators of each class of Customs bonded warehouse and their employees.

Categories of records in the system: Records on drivers of motor vehicles contain information relating to personal statistical data, physical characteristics, history of past employments, previous five years residences, alias (if any), citizenship, military records, criminal record other than traffic violations, use of narcotic drugs, and photograph. Name of operator of bonded warehouse and employees.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties which include protection of the revenue of the United States and protection of merchandise in Customs custody; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder with Customs Form 3078, Customs Form 73, Photographs, and correspondence; For bonded warehouses, file folder contains Customs Form 3581 and names, addresses, and social security number of all employees; all stored in metal file cabinet. Alphabetical list of current I.D. cards issued on drivers retained in file folder and stored in desk drawer.

Retrievability: By individual name or corporate name.

Safeguards: Unlocked metal file cabinet and desk drawer of customs employee; building secured after hours.

Retention and disposal: Information on drivers is retained in an active file until revoked or cancelled. After revocation or cancellation, the information folder is placed in an inactive file for a period of five years, after which time the records are disposed of in accordance with the General Services Administration Records Disposal Manual. Information on proprietor bonded warehouse operators and employees is retained on file until Customs bonded operations cease and are discontinued, then are maintained in an inactive file for a period of three years. Final disposition is in accordance with the GSA Records Disposal Manual.

System manager(s) and address: District Director, 600 South Street, New Orleans, Louisiana 70130; District Director, P.O. Box 2748, Mobile, Alabama 36601.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is obtained from applicant (individual or corporation) and from reports of investigation on drivers obtained from Regional Director, Investigations, U.S. Customs Service.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (K)(2) proposes to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.039

System name: Carrier File—Treasury/Customs.

System location: Room 130, U.S. Customhouse, Terrace & International Streets, Nogales, Arizona 85621.

Categories of individuals covered by the system: Applicants for Bonded Carrier's License.

Categories of records in the system: Application with pertinent documents and bonds covering approval as bonded carrier.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Granting of Bonded Carrier status and collection of penalties for Customs violations; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Carrier files retained in alphabetical order at District Office.

Retrievability: By name.

Safeguards: Records are retained in lockable file cabinet and building is locked during other than office hours.

Retention and disposal: Records retained until obsolete and destroyed by burning.

System manager(s) and address: District Director, U.S. Customshouse, Nogales, Arizona 85621.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information contained herein originates with the applicant and includes required licenses and information relative to equipment utilized.

Treasury/Customs 00.040

System name: Carrier File—Treasury/Customs.

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System location: Located in the Office of the District Director, San Diego, Calif.; Offices of the Port Directors, San Ysidro, Calif.; Tecate, Calif.; Calexico, Calif.; Andrade, Calif.; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif.; San Ysidro, Calif.; Calexico, Calif.; Tecate, Calif.; see Customs Appendix A.

Categories of individuals covered by the system: Officers or owners, employees, associates of Customs Bonded Carriers.

Categories of records in the system: Name, date of birth, Social Security No., place of birth and other information relating to Officers, Associates, employees, etc., of Bonded Carriers.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended, and the Customs Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Maintain a current file relating to operations, bond status, possible violations, and employment history of individuals working for the Bonded Carrier.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folder in file cabinet.

Retrievability: Filed by name of company or individual.

Safeguards: Building locked during non-working hours.

Retention and disposal: Indefinitely.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District. See Customs Appendix A.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Customs Bonded Carriers' employees and correspondence.

Treasury/Customs 00.041

System name: Cartmen or Lightermen—Treasury/Customs.

System location: Customs ports, districts, and regional offices. See Customs Appendix A.

Categories of individuals covered by the system: Individuals and firms who have applied for or hold a license as a bonded cartman or lighterman and individuals employed by cartman or lightermen.

Categories of records in the system: Internal Customs Service memoranda and related materials regarding applications for licenses and identification cards, reports of investigations for approving these licenses and identification cards and card files showing outstanding identification cards and their location. Files also include fingerprint cards.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used by Customs personnel in determining eligibility of applicants to be approved as licensed cartmen or lightermen; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained in a metal file cabinet in the office maintaining the system.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the licensed cartman or lighterman and in the alphabetical file folder by the name of the licensed cartman or lighterman. Each employee's record is filed in a manual alphabetical card file cross-referenced with company names.

Safeguards: The file is placed in a metal file cabinet at the work site. At locations where work is not performed on a 24-hour basis the work area is locked and only authorized persons are permitted in the building.

Retention and disposal: Files are reviewed at least once a year at which time cancelled I.D. cards may be removed. Closed CF 3078's may also be removed, but normally are held for approximately three years in case a new application is received from the same company or transferred to another company after a new investigation.

System manager(s) and address: Port Directors, District Directors, and Regional Commissioners of the U.S. Customs Service. See Customs Appendix A.

Notification procedure: See Customs Appendix A.

Systems exempted from certain provisions of the act: The commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.042

System name: Case and Complaint File—Treasury/Customs.

System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Any individual initiating a court case or against whom a court case is brought; any individual involved in a personnel action, either initiating a grievance, discrimination complaint, or unfair labor practice complaint against the U.S. Customs Service or against whom a disciplinary or other adverse action is initiated; claimants or potential claimants under the Federal Tort Claim Act; individuals involved in accidents with U.S. Customs Service employees; U.S. Customs Service employees involved in accidents; persons seeking relief from fines, penalties and forfeitures and restoration of proceeds from the sale of seized and forfeited property; requesters under the Freedom of Information Act.

Categories of records in the system: The System contains the individual's name, the type of case, the uniform filing guide number, the Regional Counsel's office file number, by whom the matter was referred, the district where the action originated, if applicable.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to retrieve files by attorneys and staff by use of the individual's name.

For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each alphabetical card is inserted in a metal file drawer.

Retrievability: Each card is identified alphabetically by the individual's name described in Category of Individual and the filing is alphabetical by last name.

Safeguards: The metal filing drawer containing the alphabetical cards described above is maintained within the area assigned to the Office of the Regional Counsel, Region IX at 55 E. Monroe Street, Chicago, Illinois 60603. During non-working hours, the room in which the metal filing drawer is located is locked and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: These files are retained indefinitely or until there is no longer space available for them within the metal filing drawer at which time the oldest cards for closed files will be transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes and metal storage cabinets, unable to be locked.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained on these cards originates with the initiation of any action by an individual which is channeled through the Regional Counsel's office. Additional information is identifying information for locating the particular case file relating to the court case, personnel action, tort claim, relief petition, or request under the Freedom of Information Act.

Treasury/Customs 00.043

System name: Case Files (Regional Counsel-Region V)—Treasury/Customs.

System location: The system is located at 1440 Canal Street, New Orleans, Louisiana 70112, Office of the Regional Counsel, Region V, United States Customs Service.

Categories of individuals covered by the system: (1) The first category of individuals on whom records are maintained in the system includes employees who have filed adverse actions, equal employment opportunity complaints, and grievances within Region V; employees who have filed tort claims under the Military Personnel and Civilian Employees Act; employees of the Regional Counsel's staff with regard to travel, training, evaluations, and other related personnel records; and applications for employment submitted to the Office of the Regional Counsel by prospective employees; (2) The second category of individuals on whom records are maintained in the system includes those individuals not employed by the agency who have filed equal employment opportunity complaints; tort claims under the Federal Tort Claims Act; tort claims filed under the Small Claims Act; individuals who have outstanding Customs bills submitted for collection; individuals, corporations, partnerships, and proprietorships who have filed supplemental petitions on fines, penalties, and forfeitures within Region V; files relating to individuals, corporations, partnerships, and proprietorships upon whom criminal case reports are prepared pending litigation and prosecution for violation of 19 U.S.C. 1305, 18 U.S.C. 542, 18 U.S.C. 545, 18 U.S.C. 549, 18 U.S.C. 1001, 18 U.S.C. 496, and 18 U.S.C. 371; on individuals, corporations, partnerships, and proprietorships who have filed supplemental petitions submitted in civil and technical violations for 19 U.S.C. 1592, 19 U.S.C. 1453, 19 U.S.C. 1448, 19 U.S.C. 1584, irregular deliveries, shortages and overages; and miscellaneous civil and technical violations.

Categories of records in the system: The categories of records maintained in the system are personnel actions; tort claims; collection efforts; supplemental petitions for fines, penalties, and forfeitures cases in Region V; criminal case reports for pending litigation and prosecution of cases in Region V; supplemental petitions for civil and technical violations committed within Region V; and employment applications for positions in the Office of the Regional Counsel, Region V.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as if necessary to obtain information relevant to an agency decision concerning the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Routine uses of the records contained in the system are for the processing and evaluation of complaints and claims submitted in adverse actions, equal employment opportunity complaints, grievances, tort claims, criminal investigations, civil investigations, collection efforts, employment actions, and personnel actions; (g) Routine uses include reference for the processing of claims; continuous updating of the records necessary for the processing of claims; references to the files for the satisfaction of claims and closing cases by or against the United States Customs Service within Region V; submission of copies of records to the General Services Administration and the Justice Department for prosecution of criminal and civil violations and collections; submissions of copies of records to various branches of the United States Customs Service within Region V for the purposes of investigating and/or processing outstanding civil and criminal cases, collection cases, tort claims, and various personnel actions; (h) The purposes of such uses include the processing of all of the above-cited claims by the Office of the Regional Counsel and the preparation of legal memoranda to various department heads and other agencies to expedite the ordinary course of business of the United States Customs Service within and without Region V.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are currently maintained in alphabetical file folders which are filed in two steel filing cabinets in the Office of the Regional Counsel, Region V, and they are maintained under lock and key outside the ordinary business hours.

Retrievability: Records maintained by the Office of the Regional Counsel, Region V, are retrievable by identifying the character of the record (i.e., adverse action, grievance, tort claim, criminal case), then by comparable statute or regulation, and then alphabetically by name and identifier. In addition, each case file is similarly identified on the alphabetical file folder within the steel filing cabinet.

Safeguards: (a) The steel filing cabinets described above are maintained within the area assigned to the Office of the Regional Counsel, 1440 Canal Street, New Orleans, Louisiana 70112. During non-working hours the room in which the locked steel cabinets are located is locked, and access to the building is controlled at all times by uniformed guards; (b) The policies and practices of the Office of the Regional Counsel regarding access controls are that only members of

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the staff of the Office of the Regional Counsel have access to the records maintained by the office.

Retention and disposal: (a) Records collected by this office are currently retained on a permanent basis as the office has only been in operation since August 1973; (b) Individual records are not disposed of by the Office of the Regional Counsel, Region V, and are simply placed into a further file of closed cases by category as stated above, and within each category by name. However, when applicable, this office will comply with appropriate disposal regulations whereby the oldest closed cases will be forwarded to the Federal Records Center in accordance with the Treasury Records Control Manual.

System manager(s) and address: The agency official responsible for the system of records maintained by the Office of the Regional Counsel is the Regional Counsel, Region V, United States Customs Service, 1440 Canal Street, New Orleans, Louisiana 70112.

Notification procedure: See Appendix A.

Record source categories: The categories of sources of records in this system are the individual himself and files compiled by the United States Customs Services by using employers, other government agency resources, financial institutions, educational institutions attended, and previous employers.

Additional information in these files is also derived from reports of investigation regarding the enforcement of civil or criminal statutes, administrative proceedings regarding disciplinary action taken against Customs Service employees, equal opportunity complaints, investigations of tort claims, the processing of inter-office memoranda information requested under the Freedom of Information Act, and the investigation regarding the collection of debts due the Government.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.044

System name: Certificates of Clearance—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: All employees of Region I, Boston, Massachusetts who have transferred, retired or resigned.

Categories of records in the system: Documented detailed information on an in-house prepared form indicating that the employee has returned all Government property in his personal possession and that the employee has cleared all debts owing to Customs such as unearned uniform allowances and travel advances.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used as a check-off list to insure that the employee has complied with his obligation for the return of Government property and money. The system is used by all employees of the Payment Section.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in file folders by District and name of employee in a metal file cabinet in the work area of the Payment Section.

Retrievability: The file is retrievable by District and name of employee.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The files are kept for 10 years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in the system originates at the District where the individual is employed.

Treasury/Customs 00.045

System name: Claims Act File—Treasury/Customs.

System location: Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles St., Los Angeles, CA 90053.

Categories of individuals covered by the system: Current or former Customs employees who have filed, or may file claims under the Military Personnel and Civilian Employees' Claim Act of 1964 for damage to or loss of personal property incident to their service.

Categories of records in the system: Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this file is utilized to formulate recommendations, and is made available to the officials within the Customs Service who make final decisions on claims submitted pursuant to the Military Personnel and Civilian Employees' Claim Act of 1964.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified alphabetically in the file folder within the metal container by the name of the person who has filed or may file a claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the New Federal Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles St., Los Angeles, California 90053.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor. Where a claim is not filed, the information is limited to the investigative reports of damage to or loss of personal property of a Customs employee.

Treasury/Customs 00.046

System name: Claims Case File—Treasury/Customs.

System location: Office of Regional Commissioner of Customs, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: Parties who have filed claims for damage or injury against the Government, or against whom the Government has a claim for damage or injury in matters which affect or involve the U.S. Customs Service; private individuals or Government employees who are involved in the incident which gave rise to the claim.

Categories of records in the system: Reports relative to the circumstances of the claim (including accident reports provided by Customs personnel, agents' investigative reports, correspondence between Customs and the claimant or his representative); reports relative to an individual's ability to pay a claim for damages.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in file folders.

Retrievability: Records indexed by name of private individual making a claim or against whom a claim is made; cross-referenced file with name of Government employee, if any, involved.

Safeguards: Open case files maintained in file cabinets with access by Regional Counsel and his staff only; closed case files maintained in locked cabinet with keys retained by Regional Counsel and staff only.

Retention and disposal: Retained indefinitely or until there is no longer any space available within metal cabinets, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Commissioner of Customs, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files is received from U.S. Customs employees, reports of investigation, credit checks, private individuals involved in the claims, other Government agencies and other individuals with pertinent information.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.047

System name: Claims Files (Region VIII)—Treasury/Customs.

System location: Office of the Regional Counsel, 211 Main Street, San Francisco, CA 94105

Categories of individuals covered by the system: The categories included are: (1) Private persons filing claims under the Federal Tort Claims Act for property damage or personal injury allegedly caused by a wrongful or negligent act or omission on the part of a Customs Service employee while acting within the scope of his employment; (2) Current or former Customs employees filing claims under the Military Personnel and Civilan Employees' Claims Act of 1964 for damage to or loss of personal property incident to their service; (3) Individuals against whom the Government may have a claim for property damage caused by a wrongful or negligent act or omission on the part of the individual.

Categories of records in the system: Reports of invstigation regarding claims filed, documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965; 28 U.S.C. 2672, et seq; 31 U.S.C. 240-243, 28 CFR 14.1 et seq; 31 CFR 3.1, et seq; 31 CFR, Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552);(c) The information contained in these files with respect to Category 1 individuals above is used to administratively process claims filed under the Federal Tort Claims Act and is made available to the officials within the Customs Service who review recommendations and who make final decisions on such claims. In addition, information contained in the Category 1 files is made available to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period; (d) The information contained in these files with respect to Category 2 individuals above is utilized to formulate recommendations, and is made available to the officials within the Customs Service who make final decisions on claims submitted pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964; (e) Information contained in these files with respect to Category 3 individuals above is used to make recommendations and is made available to officials within the Customs Service who make final determinations with respect to whether or not Customs should proceed to collect a claim against an individual for damage to Government property and how this should be done.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is indentified in a manual alphabetical card file by the name of the person who filed the claim and in the alphabetical file folder within the metal file cabinet by the name of the person who filed the claim in the case of Categories 1 and 2 above and by the name of the individual against whom the Government may have a claim in the case of Category 3 above.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Claim files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time the oldest files may be transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, 211 Main Street, San Francisco, CA 94105.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in the Federal Tort Claim files originates with a Standard Form 95, Claim for Damage or Injury, which is completed and filed with the Customs Service by the claimant. Investigations are conducted by authorized Customs Service investigative personnel in order to determine the

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facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

The information contained in the Military Personnel and Civilian Employees Claims Act files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

Information contained in the files concerning property damage claims by the Government originates with a report by a Government employee of an incident or of facts from which it appears that the Government may have a claim. Based upon the reports, investigations are conducted to determine the facts surrounding the claims. During the investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.048

System name: Claims for Automobile Accidents—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: Persons involved in automobile accidents for which Customs is pursuing collection.

Categories of records in the system: Accident reports, estimate of damages, insurance company correspondence, statements of witnesses, scope of employment of motor vehicle operation, and copies of bills sent to debtors.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign charged with the responsibility of investigating or prosecuting the statute or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) This system is used by the Operating Accountant and Collection Section employees to collect claims resulting from damage to Customs vehicles.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in file folders located in the office of the Revenue Accountant in a 4-drawer metal file under his physical security.

Retrievability: The file is retrieved by the name of the individual which is kept in alphabetical order.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed Security Police, and only authorized persons are permitted entry to the building.

Retention and disposal: The file is retained until collection is effected or referred to the Regional Counsel. The file is kept for three years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record source categories: The information in the system originates with the operator of the motor vehicle in conjunction with the investigation report obtained from the Office of Internal Affairs.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.049

System name: Claims (Receivable and Payable)—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: Persons who have presented claims for payments by Customs or one involved in debts due Customs.

Categories of records in the system: Documented detailed information concerning the claims or debts involved in each case and related financial data on individuals involved in the debt or claim.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program stature, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used by the Chief, Accounting Branch as a guide in information-gathering to effect payment or collection.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in file folders maintained in a metal file cabinet under the physical security of the Chief, Accounting Branch of the Financial Management Division.

Retrievability: The file is retrieved by the name of the individual on subject matter.

Safeguards: The files are located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The files on unusual cases are kept indefinitely for reference; routine cases are destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in the system is obtained from the Personnel Department and the Payroll Data Center.

Treasury/Customs 00.266

System name: Collection File—Treasury/Customs.

System location: Office of the Regional Counsel, Suite 1220, 500 Dallas Street, Houston, Texas 77002.

Categories of individuals covered by the system: Individuals against whom the Customs Service has asserted monetary claims and maintains collection efforts, principally for damages done to Government property.

Categories of records in the system: Reports of investigation regarding damage done to Government property by private individuals and documents relating to the administrative determination and handling of the claim.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The information contained in this file is used to administratively process claims asserted by the Customs Service for damage done to government property by private individuals. The information is made available to those officials within the Customs Service who review and process such claims. In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the government's case when suit is filed in court because administrative collection efforts are unsuccessful.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the alphabetical file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained with the area assigned to the Office of the Regional Counsel on the 12th Floor of 500 Dallas Street, Houston, Texas. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed security guards provided by the lessor.

Retention and disposal: These files are retained until closed at which time the closed files are transferred to the Division of Facilities Management, Office of the Regional Commissioner, Houston, Texas for ultimate transportation to the Federal Record Center.

System manager(s) and address: Regional Counsel, Suite 1220, United States Customs Service, 500 Dallas Street, Houston, Texas 77002.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates with a memorandum filed by the Customs employee accountable for the damaged property. An investigation is then conducted by authorized Customs Service investigative personnel in order to determine the appropriate facts. During the investigation, information may be elicited from Customs Service employees, private individuals, or any other party who may have relevant information.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.050

System name: Community Leader Survey—Treasury/Customs.

System location: Equal Employment Opportunity Officer, U.S. Customs Service, Region VI, 500 Dallas St., Suite 1240, Houston, Texas 77002.

Categories of individuals covered by the system: The names, titles, and organization of persons who may be construed to be occupying a community leadership role and who may be in a position to furnish information or have some influence in regard to the equal employment opportunity program area.

Categories of records in the system: These records will consist of a card index of the names, titles, and organization of community leaders.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) To provide an evaluation of the Regional equal employment opportunity posture; (b) To provide planning for an affirmative action program and to assist in evaluating and monitoring progress in the equal employment opportunity program area; (c) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (d) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: To be prepared in an alphabetical card listing and filed in a metal file cabinet.

Retrievability: To be listed and filed alphabetically.

Safeguards: The metal file cabinet described above will be maintained within the area assigned to the Equal Employment Opportunity Officer. During non-working hours this office area is locked and access to the building is controlled at all times by uniformed guards.

Retention and disposal: To be useful, this information file must be kept current. Non-current files will be destroyed locally.

System manager(s) and address: Equal Employment Opportunity Officer, U.S. Customs Service, Region VI, 500 Dallas St., Suite 1240, Houston, Texas 77002.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information to be included in these files will be developed from local agencies (city, county, state, and Federal) and from local civic organizations.

Treasury/Customs 00.051

System name: Complaints Against Customs Personnel—Treasury/Customs.

System location: Director, District Patrol Division, 600 South Street, New Orleans, LA 70130; Director, District Patrol Division, Room 213, International Trade Center, 250 N. Water Street, Mobile, AL 36602.

Categories of individuals covered by the system: Present and past employees of the Patrol Division and U.S. Customs Service.

Categories of records in the system: Letters and official government memoranda.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or imple-

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menting the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained in file folders and stored in locked metal cabinets.

Retrievability: File folders for this system are filed according to Customs filing code system.

Safeguards: File is maintained in locked, metal file cabinet, the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access consistent with their positions have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours, the room housing the metal cabinets is locked.

Retention and disposal: Complaints against Customs Personnel files are normally destroyed after 1 year. If there are any pending complaints, the file may be kept until the case is closed. Method of disposal is shredding.

System manager(s) and address: Director, District Patrol Division, 600 South Street, New Orleans, La 70130.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates from any Federal, state or local law enforcement agencies or individuals, from any private business or individuals who may have any complaints against Customs personnel.

Treasury/Customs 00.053

System name: Confidential Source Identification File—Treasury/Customs.

System location: Components of this system are located in the Office of Investigations, U.S. Customs Service Headquarters, and the Office of Management Integrity, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, and the offices of the Area Directors (Management Integrity) located in New York, Chicago, Los Angeles and Miami. Their addresses are as follows: 6 World Trade Center, Room 502, New York, New York 10048; 55 E. Monroe Street, Suite 1539, Chicago, Illinois 60603; 300 N. Los Angeles Street, Los Angeles, California 90053; and 99 S.E. 5th Street, Miami, Florida 33131.

Categories of individuals covered by the system: Individuals (sources) supplying confidential information to the U.S. Customs Service, Office of Investigations and Office of Management Integrity.

Categories of records in the system: This system contains some or all of the following information: name (actual or assumed), source (identifying) number, date number assigned, address, citizenship, occupational information, date and place of birth, physical description, photograph, miscellaneous identifying number such as Social Security number, driver's license number, FBI number, passport number, Customs Form 4621 documenting information received from confidential source, amount and date of monetary payment made to source for information supplied, criminal record, copy of driver's license, and copy of alien registration card.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 1619; and 18 U.S.C. Chapter 27.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This information is primarily for the exclusive internal use of authorized employees of the Office of Investigations and the Office of Management Integrity. The records maintained by the Office of Investigations are separate and distinct from records maintained by the Office of Management Integrity and in each case access is restricted to authorized personnel of the Office of Investigations or Office of Management Integrity in connection with civil or criminal investigations and in connection with payments made for information received. Stringent controls are placed upon access to files, even among Office of Investigation or Office of Management Integrity personnel. In extremely rare and unusual situations, information with full source concurrence may be supplied to such organizations as Federal, state, and/or other law enforcement or prosecutorial agencies as the demands of law or justice might require.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are kept in locked cabinets. Access during working hours is limited to authorized personnel.

Retrievability: Office of Investigations and Office of Management Integrity: The name of each source is filed in both alphabetical order and by location of the submitting office.

Safeguards: In addition to being stored in secure metal cabinets with government approved locks, the files are located in closely watched rooms of the Office of Investigations and the Office of Management Integrity. Headquarters, and in the four Area Director (Management Integrity) offices. Personnel maintaining the files are selected for their reliability, among other qualities, and afforded access only after having been cleared by a full field investigation. During non-working hours the rooms in which the records are located are locked and access to the building is controlled by uniformed security guards.

Retention and disposal: Indefinite retention periods have been established for all records contained in the file. The Office of Investigations destroys a file when it no longer has any utility by either shredding or burning. The Office of Management Integrity reviews files annually for relevance and necessity, and when a file no longer has any utility, it is destroyed by either shredding or burning.

System manager(s) and address: Assistant Commissioner, Office of Investigations, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, for those components of the system maintained by the Office of Investigations; Director, Internal Security Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, and Area Directors (Management Integrity) located in the four U.S. Customs areas for those components of the system maintained by the Office of Management Integrity.

Systems exempted from certain provisions of the act: the Commissioner of Customs pursuant to 5 U.S.C. 552a(j) and/or (k) has exempted this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is exempted and the justification for the exemption are contained in 31 CFR 1.36.

Treasury/Customs 00.054

System name: Confidential Statements of Employment and Financial Interests—Treasury/Customs.

System location: Located in the Regional office or Personnel Management Division, U.S. Customs Service, of each region and headquarters, according to Customs Appendix A.

Categories of individuals covered by the system: Those employees as listed in Treasury Personnel Manual Chapter 735 Subpart C, Section 0.735-320, Customs Appendix A, and the currently effective edition of Customs Circular PER-2-PER (Subject: Personnel; Departmental Rules of Conduct and Requirements Concerning Financial Statement).

Categories of records in the system: Form TD 3087, Confidential Statement of Employment and Financial Interests.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) All financial statements are to be reviewed for an indication of any conflict of interest or apparent conflict of interst as defined in the Federal, Treasury, and Customs Personnel Manuals.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked safe.

Retention and disposal: Records are destroyed two (2) years after employee leaves a position in which a statement is required, or two (2) years after the employee leaves the agency, whichever is earlier.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229, or appropriate Regional Principal Field Officer.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Individuals required to submit Form TD 3087.

Treasury/Customs 00.055

System name: Congressional and Employment Correspondence—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Categories of individuals covered by the system: Records are maintained in this system on individuals who have written to their Congressman or directly to Customs requesting assistance in resolving problems and/or securing employment.

Categories of records in the system: Incoming letters and the agency's reply and related materials.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Records are used as a point of reference should the individual submit other inquiries either from him personally or his Congressman.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in a locked file.

Retention and disposal: Indefinite.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The source of records in the system are the inquiries originated by the individual.

Treasury/Customs 00.056

System name: Congressional and Public Correspondence File—Treasury/Customs.

System location: Support Branch, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Those persons sending letters of complaint or making written inquiries concerning Customs inspectional activities and procedures. Those persons include Congressmen acting on behalf of their constituents, industrial and commercial representatives, and private individuals.

Categories of records in the system: The name of the person or persons concerned, file number, date of inquiry, date inquiry received, closing date, member of staff closing case, and the nature of the complaint or inquiry.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine use of records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) To maintain a record of public inquiries and complaints received by the Division, to determine priority for responding to inquiries and complaints; to provide quick retrieval of such correspondence; to ensure timely response to inquiries and complaints; and to prepare responses to inquiries and complaints.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Correspondence records are maintained on 3 x 5 index cards. The cards are placed within a 6 x 9 metal file box, which is kept in an unlocked desk drawer. The correspondence files themselves are placed in legal and letter size metal file cabinets which are kept in a locked file room.

Retrievability: Correspondence records are identified by the name of the person making inquiry or complaint. The cards are then filed alphabetically.

Safeguards: Access to the file is granted only to authorized Customs personnel. During non-working hours the room in which the records are located is locked and access to the building is controlled by uniformed security police.

Retention and disposal: The records are maintained indefinitely.

System manager(s) and address: Office Manager, Support Branch, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information contained in this record system is obtained from the correspondence of the individual making the inquiry or complaint and from investigations and/or inquiries into complaints conducted by Customs Service personnel which include interviews of involved Customs employees and private individuals or other witnesses to the incident in question.

Treasury/Customs 00.057

System name: Container Station Operator Files—Treasury/Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois. See Customs Appendix A.

Categories of individuals covered by the system: Present and past container station operators and employees that require an investigation and related information.

Categories of records in the system: Report of investigations, application and approval or denial of bond to act as container station operator and other Customs Service memoranda. Names, addresses, social security numbers, and dates and places of birth of persons employed.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; Customs Regulations, Part 19.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in file cabinets in each District Director's office within Region IX, Chicago, Illinois.

Retrievability: Each file is identified by the name of the container station operator.

Safeguards: The file cabinets are maintained within the area assigned to the District Director. During non-working hours, the room and/or building in which the file cabinet is located is locked.

Retention and disposal: These files are retained indefinitely. Employee name data retained for period of employment with container station operator.

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System manager(s) and address: District Director, each district within Region IX, Chicago, Illinois. See Customs Appendix A

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this file originates from the individual applicant for container station operator bond, from reports of investigation and other Customs memoranda.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.058

System name: Cooperating Individual Files—Treasury/Customs.

System location: These files are located in regional and local Customs Patrol Offices within the United States. See Customs Appendix A.

Categories of individuals covered by the system: Persons providing confidential information to the U.S. Customs Service Patrol Division.

Categories of records in the system: These records include: assumed names; actual names; code numbers; addresses; telephone numbers; physical descriptions; miscellaneous identifying numbers such as Social Security numbers, driver's license number, etc.; date individual's record was established; amount and date of reward paid for information supplied.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used primarily by the Customs Patrol Officer who receives confidential information for the purpose of detecting and apprehending suspected violators of Customs and related laws, and for the purpose of processing the payment of rewards for information received. Disclosure may be made only in extremely rare and unusual situations when demands of law or justice require that information be supplied to such organizations as Federal, state and/or other agencies.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All files and indices relating to cooperating individuals are stored in metal file cabinets secured with combination locks in a government secured building.

Retrievability: The name of each cooperating individual is filed in alphabetical order by assumed name and by actual name. The indices are maintained in the same alphabetical order and are also cross-referenced by the Patrol Division alpha numeric code number. All other indentifying data is used for verification of identity rather than method of retrieval.

Safeguards: In addition to being stored in secure metal cabinets with government approved locks, the metal files are kept locked when not in use and located in a closely watched room of the Patrol Division. Personnel maintaining the files are selected for their reliability among other qualities, and they are afforded access only after having been cleared by a full field investigation. The files are given the same treatment as material classified as Secret. During duty hours, Patrol Division personnel maintain visual control and during off-duty hours the area containing the files is locked.

Retention and disposal: Indefinite retention periods have been established for almost all records contained in the file. When a file no longer has any utility, it is destroyed by either shredding or burning.

System manager(s) and address: The Regional Patrol Director in Regional Customs Patrol Offices; the District Patrol Director in District Patrol Offices; and the Supervisory Customs Patrol Officer in suboffices of District Customs Patrol. See Customs Appendix A.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.060

System name: Counseling Reports—Treasury/Customs.

System location: Equal Employment Opportunity Officer, U.S. Customs Service, Region VI, 500 Dallas Street, Suite 1240, Houston, Texas 77002.

Categories of individuals covered by the system: Present and past employees who have received counseling service offered by the Equal Employment Opportunity Officer or a designated counselor.

Categories of records in the system: Internal Customs Service memoranda, notes, excerpts from the official personnel files and other information pertinent to the counseling session(s).

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) To gather information to prove or disprove complainant's allegation and to resolve complaint informally, if possible; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in a locked metal file cabinet drawer.

Retrievability: Each case file is identified on the alphabetical file folder within the metal file drawer.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Equal Employment Opportunity Officer. During non-working hours the office area is locked and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer adequate local storage space at which time they are transferred to the Federal Records Center at Ft. Worth, Texas.

System manager(s) and address: Equal Employment Opportunity Officer, U.S. Customs Service, Region VI, 500 Dallas Street, Suite 1240, Houston, Texas 77002.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files originates with the receipt of a complaint by an employee. Additional information may be obtained from the employee's official personnel file and inquiries concerning the specific complaint.

Treasury/Customs 00.061

System name: Court Case File—Treasury/Customs.

System location: Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles St., Los Angeles, California 90053.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service.

Categories of records in the system: Court documents with exhibits, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

Authority for maintenance of the system: 28 U.S.C. 2676, 19 U.S.C. 1603, E.O. 6166. 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this file is maintained for the use of the Regional Counsel and may be made available to the appropriate United States Attorney upon request to assist him in representing the interests of the Government, the agency or officer or employee involved in the litigation, or to other agencies involved in the same or similar litigation. Disclosure

to Treasury and Customs employees who have need for the records in the performance of their duties and disclosures under the Freedom of Information Act.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified by the name of the person against whom the Government has initiated the litigation, or by the name of the person who initiated the litigation against the Government.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the New Federal Building. During nonworking hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 7422, United States Customs Service, 300 N. Los Angeles St., Los Angeles, California 90053.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates with a request by a District Director to the appropriate United States Attorney that he institute suitable judicial action to enforce the forfeiture of merchandise and vehicles, or the value thereof, which had been imported or used in violation of the Customs laws, and upon which final administration action has taken place. Information in this file also originates with the filing of a complaint by a private person against the Government, and by the filing of a complaint by the Government against private persons or former employees to enforce the collection of debts due the Government. Information in the files is also derived from reports of investigation regarding the enforcement of civil or criminal statutes and denial of tort claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.062

System name: Court Case Files (Region VIII)—Treasury/Customs.

System location: Office of the Regional Counsel, 211 Main Street, S.F. CA 94105.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service.

Categories of records in the system: Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

Authority for maintenance of the system: 5 U.S.C. 301, Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965. 28 U.S.C. 507, 19 U.S.C. 1603, E.O. 6166.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in these files is routinely provided to the Department of Justice or individual U.S. Attorneys upon request to assist that Department or individual U.S. Attorney in representing the interests of the Government, the agency or officer or employee involved in the litigation, or to other agencies involved in the same or similar litigation. Files are often channeled through the office of the Chief Counsel of Customs and the Treasury Department; (d) Information contained in these files may also be used internally by the Regional Counsel or members of his staff insofar as it relates to precedent or guidelines for handling subsequent cases.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the litigation against the Government, agency, officer or employee or by the name of the person against whom the Government initiated the litigation. In addition each case file is similarly identified on the alphabetical file folder within the metal file cabinet.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Regional Counsel at 211 Main Street, San Francisco. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time some files may be transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, United States Customs Service, 211 Main Street, San Francisco, Calif. 94105.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates with the receipt of a litigation report request from the Department of Justice or an individual United States Attorney which results in a written report to that Department or U.S. Attorney regarding the facts of the particular case. Information in this file is also derived from reports of investigation regarding the enforcement of civil or criminal statutes, administrative proceedings regarding disciplinary action taken against Customs Service employees, equal employment opportunity complaints, denials of tort claims, denials of information requested under the Freedom of Information Act, and the collection of debts due the Government.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.c. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.063

System name: Court Docket Records System—Treasury/Customs.

System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Persons either suing or being sued by the U.S. Customs Service in civil actions for damages; recovery or enforcement of obligations to U.S. Customs, including duties, tort claims, fines, penalties, forfeitures, seizures; reversal of adverse personnel actions, and any other proceeding in U.S. District Courts and U.S. Circuit Courts of Appeal, involving the U.S. Customs Service and/or officers and employees of the U.S. Customs Service in their official capacity, or persons accused of violation of laws enforced by the United States Customs Service.

Categories of records in the system: Court pleadings, litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of litigation.

Authority for maintenance of the system: 28 U.S.C. 2676, 19 U.S.C. 1603, 28 U.S.C. 2671 et. seq.; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal,

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state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Information contained in this file is provided as a routine use to the Department of Justice to assist that department in representing the interest of the Government, the agency or officer involved in the litigation, or to other agencies involved in the same or similar litigations. Files are often channeled through the Department of the Treasury.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in a file folder which is filed in a lockable drawer within a metal filing cabinet container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the plaintiff in a proceeding against the U.S. Government, Customs Service, and/or employee, or by the name of the defendant in proceedings brought by the government. In addition, each case file is similarly identified on the file folder with the alphabetical name on the file which is placed and located within the metal container.

Safeguards: The metal file drawer containing the files described above is maintained within the area assigned to the office of the Regional Counsel, Region IX, at 55 E. Monroe Street, Chicago, Illinois. During non-working hours, the room in which the metal filing drawer is located is locked, the file container itself is locked, and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: These files are retained indefinitely or until there is no longer space available for them within the metal filing cabinet at which time the oldest files are transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes and metal storage cabinets which are not able to be locked. Files which are closed and not retained for precedent purposes are retired to the Federal Records Center, General Services Administration, 7358 S. Pulaski, Chicago, Illinois 60602, in accordance with the U.S. Customs Service Records Disposal Manual.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates with the receipt of a litigation report request from the Department of Justice which is channeled through the Treasury Department, or with the receipt of a court pleading from one of the members of the U.S. Customs Service. Information in this file is derived from reports of investigations regarding the enforcement of civil or criminal statutes, administrative proceedings regarding disciplinary action taken against Customs Service employees, equal opportunity complaints, denials of tort claims plus tort claim information, denials of information under the Freedom of Information Act request, and the collection of debts due the Government.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.064

System name: Credit Card File—Treasury/Customs.

System location: Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Headquarters Customs Service Employees to whom national gasoline credit cards and Hertz and Avis automobile rental cards have been issued.

Categories of records in the system: Credit card numbers, names, and signatures of employees to whom credit cards have been issued, and the date of issuance.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include: maintaining an inventory of gasoline credit cards and automobile rental cards which are assigned to high level Customs Service officials or which are issued on a one transaction basis to other Customs Service officials or employees for their use in connection with the performance of their official duties; ensuring accountability for the cards issued; and providing a means for collecting issued cards when they are no longer needed by the officers or employees to whom they were issued; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on index cards which are placed in a locked metal file cabinet within one office.

Retrievability: A portion of the index cards are identified by the name of the person to whom the credit card was issued in the case of credit cards which have been permanently assigned to higher level Customs Service officers and such index cards are filed alphabetically. The remainder of the index cards relate to credit cards which are issued to Customs Service officers or employees on a one transaction basis, and these index cards are filed by the applicable credit card number.

Safeguards: The metal cabinet in which the index cards are placed is locked, and the room in which the metal cabinet is located is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted in the building.

Retention and disposal: Index cards filed alphabetically by name are retained during the period that the officials named thereon are in possession of the credit cards, and these index cards are disposed of when the officials are no longer in possession of the credit cards. Index cards filed by credit card number are retained until all signature lines have been used, at which time these index cards are discarded.

System manager(s) and address: Chief, Headquarters Support Branch, Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system is obtained from Customs Service records and is also furnished by the officers or employees to whom the credit cards have been issued.

Treasury/Customs 00.272

System name: Currency Declaration File (IRS Form 4790)—Treasury/Customs.

System location: One or more offices of District Directors of Customs or suboffices under the District Director's jurisdiction (for addresses of District Directors, see Customs Appendix A).

Categories of individuals covered by the system: Individuals departing from or entering the country who filed IRS Form 4790.

Categories of records in the system: Name, identifying number, birthdate, address, citizenship, visa date and place, immigration alien number, kinds and amounts of monetary instruments, address in the United States or abroad, passport number and country, and arrival or departure information.

Authority for maintenance of the system: 31 U.S.C. 1101; 5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such duties include referencing and verifying currency declarations filed; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The Form 4790 is maintained in a file folder or binder in an open storage rack.

Retrievability: They are indexed and filed by name in the folder or binder.

Safeguards: The office and building are locked during nonworking hours.

Retention and disposal: The records are retained from one to five years and then destroyed.

System manager(s) and address: District Directors of Customs.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information on the IRS Form 4790 originates from the individual or Customs agent reporting the bringing in or taking out of currency or monetary instruments exceeding 5,000 dollars.

Treasury/Customs 00.067

System name: Currency and Monetary Instrument Reporting System (CMIR)—Treasury/Customs.

System location: U.S. Customs Service, Office of Investigations, 1301 Constitution Avenue, N.W.; Washington, D.C. 20229.

Categories of individuals covered by the system: Listing of Individuals who filed Internal Revenue Service Form 4790 (Currency and Monetary Instrument Report).

Categories of records in the system: Name of individuals filing form, report of owner of monetary instrument, amount of currency reported, address, personal identifiers, date of birth, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Records the fact that the individual of record conveyed the monetary instruments into or out of the United States.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tapes.

Retrievability: By name and other unique identifiers.

Safeguards: Procedural and physical safeguards are utilized such as accountability and receipt access, guards patrolling the area, restricted access and alarm protection systems, special communication security, etc.

Retention and disposal: Indefinite.

System manager(s) and address: Assistant Commissioner, Office of Investigations, U.S. Customs Service, 1301 Constitution Avenue, N.W.; Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.069

System name: Customhouse Brokers File, Chief Counsel—Treasury/Customs.

System location: Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Licensed customhouse brokers.

Categories of records in the system: Internal Customs Service memoranda and related material regarding proposed administrative disciplinary action against customhouse brokers for violation of the regulations governing the conduct of their business.

Authority for maintenance of the system: 19 U.S.C. 1641; 19 CFR Part 111; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) In order to carry out the authority to discipline customhouse brokers for violation of regulations promulgated pursuant to 19 U.S.C. 1641, information in this file is used to evaluate reported derelictions and to recommend to the Commissioner of Customs that disciplinary action be initiated or to recommend that such action not be taken. In addition, information in these files is used to prepare written reprimands issued to brokers and to prepare proposed charges in connection with recommendations that proceedings be held looking toward the suspension or revocation of brokers' licenses. Information in these files is also used in connection with administrative proceedings looking toward the suspension or revocation of licenses. (d) In addition, information contained in these files is provided to the Department of Justice for its use in connection with appeals from orders resulting in the suspension or revocation of licenses. (e) The information may be furnished to other Government agencies which have an interest in the situations that led to the disciplinary action, or in the broker.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the customhouse broker and in the alphabetical file folder within the metal container by the name of the customhouse broker.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Customhouse broker files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

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System manager(s) and address: Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates from audits of or investigations into the conduct of customhouse brokers' businesses which include review of customhouse brokers' business records and interviews of Customs Service personnel, private parties, customhouse brokers and employees of customhouse brokers. The audits or investigations result in recommendations from appropriate Customs Service field personnel regarding possible disciplinary action against customhouse brokers which in turn result in the information contained in these files which consists of evaluations of the recommendations and the proposed disposition of the cases.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.070

System name: Customhouse Brokers, Headquarters Records—Treasury/Customs.

System location: Entry and Licensing Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Citizens of the United States, 21 years of age or older, who have been granted individual customhouse brokers' license for specific U.S. Customs Districts and such individuals who have applied for an individual broker's license which has been denied for cause other than failure to pass the qualifying individual customhouse brokers' license examination.

Categories of records in the system: The records system contains executed individual customhouse brokers' license application forms, report of investigation concerning individual broker applicants, transmittal letters, and general correspondence corrobative of information disclosed in an individual's license application or report of investigation as to the applicant's character and business integrity. The records system also contains information relating to actual or proposed disciplinary action against licensed customhouse brokers.

Authority for maintenance of the system: 19 U.S.C. 1641, 19 CFR Part 111; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) Processing of individual applications for individual customhouse brokers' licenses; processing of corporation, partnership, and association brokers' licenses; approval of use of trade or fictitious brokers' names; maintenance of centralized files on licensed customhouse brokers for verification and updating of names, addresses, place of employment, district where licensed, and compliance with regulatory requirements of duties and obligations of customhouse brokers; determinations that each corporate, association, or partnership licensed as a broker have not less than two officers or members licensed as individual brokers; and the availability of file information to verify licensing of customhouse brokers and to provide data or information upon request to the Federal Maritime Commission, the Civil Aeronautics Board, an appropriate U.S. Attorney's office, or other Federal agency.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each file is kept in an alphabetical file folder in metal file cabinets.

Retrievability: Each file is indexed in a file card system by alphabetical name and Customs district where located. Records are retrieved alphabetically by reference to the card file index, or by license certificate number assigned to a broker upon the granting and issuing of a customhouse broker's license. Cancelled brokers' records are maintained in cancelled files arranged alphabetically.

Safeguards: Direct access to the files is limited to Customs employees assigned to processing and reviewing Customhouse brokers' license applications. At least one employee of the Entry and Licensing Branch is present in the office at all times during working hours. At all other times the room is locked. The building is guarded by security police on a round-the-clock basis, and only authorized persons are permitted in the building.

Retention and disposal: Cancelled Customhouse brokers' records are retained in cancelled files and used for precedent purposes. The records are maintained indefinitely.

System manager(s) and address: Director, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record source categories: Information in the records is obtained from the license applications of the individual Customhouse brokers; references as to good character and integrity of the applicant; reports of investigations by Customs regarding applicants for licenses and disciplinary action; responses to posted notices of individual applicants applying for Customhouse brokers' licenses; local credit reporting services; Customs audit reports; court records.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.071

System name: Customhouse Brokers Records—Treasury/Customs.

System location: Customs regional, district and port offices. See Customs Appendix A.

Categories of individuals covered by the system: Individuals and firms who have applied for or hold status as a licensed customhouse broker and individuals employed by licensed customhouse brokers.

Categories of records in the system: License applications, internal Customs memoranda and related materials regarding background investigations, complaints, names, addresses, social security numbers, dates and places of birth, investigative reports, telephone numbers, credit information and other related business data. Information on disciplinary action and legal actions regarding the customhouse broker.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended. 19 U.S.C. 1641; 19 CFR Part 111.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) In order to carry out the authority to discipline customhouse brokers for violation of regulations promulgated pursuant to 19 U.S.C. 1641, information in this file is used to recommend to the Commissioner of Customs that disciplinary action be initiated or to recommend that it used to prepare written reprimands issued to brokers and to prepare proposed charges in connection with recommendations that proceedings be held looking toward the suspension or revocation of brokers' licenses. Information in these files is also used in connection with administrative proceedings looking toward the suspension or revocation of licenses. (d) In addition, information contained in these files is provided to the Department of Justice for its use in connection with appeals from orders resulting in the suspension or revocation of licenses. (e) The information may be furnished to other Government agencies which have an interest in the situations that led to the disciplinary action, or in the broker.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file folders in drawers and metal file cabinets.

Retrievability: The records are filed either alphabetically or chronologically with a cross index by name.

Safeguards: Offices in which the records are maintained are locked during non-working hours. Office buildings are locked and/or patrolled by uniform guards during non-working hours.

Retention and disposal: Records are maintained either indefinitely or as long as the customhouse broker retains an active license.

System manager(s) and address: Customs Regional commissioners, district directors, and port directors.

Notification procedure: See Customs Appendix A.

Record source categories: Information contained in the license applications, references as to good character and integrity of the applicant, reports of investigations on applications and disciplinary action, local credit reporting services, Customs audit reports and court records.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.075

System name: Customs Officer Badge Inventory—Treasury/Customs.

System location: Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Customs Service officers to whom badges are issued.

Categories of records in the system: Signed recipts and officer's name, social security number, and badge number.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include maintaining administrative control over badges, providing for accountability for badges, and providing a means for collecting badges from officers who are leaving the Customs Service or who no longer have a need for the badge. (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on index cards within a file box which is placed in a locked metal cabinet within the supply room office. In addition, the information is contained in a Customs Service computer record system.

Retrievability: Each index card is identified by the name of the person to whom the badge is issued and these cards are filed in alphabetical order. The computer records are accessed by the badge number.

Safeguards: The metal cabinet in which the index cards are placed is locked, and the room in which the metal cabinet is located is locked when the supply clerk is absent from the room and during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted in the building. With regard to the computer records, procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access, and alarm protection systems.

Retention and disposal: Each index card and each computer record is maintained during the period in which the officer is in possession of the badge. The index cards are discarded, and the information in the computer is erased when the officer no longer has possession of the badge.

System manager(s) and address: Chief, Headquarters Support Branch, Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system is furnished to the Customs Service by the officers to whom the badges are issued.

Treasury/Customs 00.077

System name: Disciplinary Action and Resulting Grievance or Appeal Case Files—Treasury/Customs.

System location: Located in the Personnel Management Division of each Region and Headquarters, and in District, Port, and appropriate post of duty offices. (See Customs Appendix A).

Categories of individuals covered by the system: Customs employees on whom disciplinary action is pending or has occurred.

Categories of records in the system: Records on such action as leave restriction letters, reprimands, suspension, adverse actions, etc., and resulting grievance or appeal by employee. Copies of correspondence, management requests for assistance, evidentiary materials on which action is contemplated, proposed or taken, regulatory material, examiners' reports, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Used by certain members of the Personnel Management Division or supervisors in justifying action, for maintenance of records in the event of appeals or grievances, for statistical use, for audit and review of actions, for recommendations on decision, for uniform disciplinary actions, for proper handling of potential grievance or appeal, to establish grievance or appeal file.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in manila folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in a locked file and stamped "For Official Use Only".

Retention and disposal: Records are maintained for five years and then transferred to Federal Records Center where they are maintained for fifteen years and then destroyed.

System manager(s) and address: Director, Personnel Management Division, in each region and Headquarters, or appropriate managerial official in employee's district, port, or post of duty. (See Custom Appendix A).

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Record source categories: Supervisors and supervisory records and notes; evidentiary materials supporting planned, proposed, or accomplished actions; grievance letters submitted by employee, grievance examiner, etc.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.078

System name: Disclosure of Information File—Treasury/Customs.

System location: Office of Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Categories of individuals covered by the system: Persons requesting access to information pursuant to the Freedom of Information Act or any other statute, regulation, directive or policy to disclose such information.

Categories of records in the system: Requests, information, records, documents, internal Customs Service memoranda, or memoranda from other agencies and related materials regarding disclosure of the information.

Authority for maintenance of the system: 5 U.S.C 552, 31 CFR Part 1, 19 CFR Part 103, 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Disclosure or denial to the requester of the information sought. (d) Disclosure to the Department of Justice and/or United States Attorney in any litigation arising from any decision regarding the disclosure of information.

For additional routine uses see Apendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the file folder within the metal container by the name of the person requesting disclosure.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the Customhouse. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Customhouse broker files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates from the requests for information filed with the Customs Service which may pertain to any information contained in the files of the U.S. Customs Service.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.079

System name: Disclosure of Information File—Treasury/Customs.

System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Requesters under the Freedom of Information Act.

Categories of records in the system: Correspondence containing the individual's name, address, and whatever information deemed necessary to locate record being sought if that record is of a personal nature. Information will also include whatever records relating to that individual are sought and ultimately are gathered for use in denying or granting the Freedom of Information Act request.

Authority for maintenance of the system: 5 U.S.C. 552; U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service, the Department of the Treasury, and the Department of Justice who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation of charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Information contained in this file is used by the attorneys in the Regional Counsel's office in determining whether to recommend granting or denial of the request made pursuant to the Freedom of Information Act. Litigation regarding the Freedom of information request will require disclosure of the information to the Department of Justice and the appellate level before this step would require information to be disclosed to the Department of the Treasury. Information disclosed to the Department of Justice is often routed through the Department of the Treasury.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in a file folder which is filed in a lockable drawer within a metal filing cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the Freedom of Information Act request. In addition, each case file is similarly identified on the file folder with the alphabetical name on the file which is placed and located within the metal container.

Safeguards: The metal filing drawer containing the files described above is maintained within the area assigned to the Office of the Regional Counsel, Region IX at 55 E. Monroe Street, Chicago, Illinois. During non-working hours, the room in which the metal filing drawer is located is locked, the file container itself is locked, and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: These files are retained indefinitely or until there is no longer space available for them within the metal filing cabinet at which time the oldest files are transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes and metal storage cabinets which are not able to be locked. Files which are closed and not retained for precedent purposes are retired to the Federal Records Center, General Service Administration, 7358 S. Pulaski, Chicago, Illinois 60602, in accordance with the U.S. Customs Service Records Disposal Manual.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record source categories: The information in these files can originate from the U.S. Customs Service, any of the agencies of the Treasury Department, or any agency of the Government if the record sought and ultimately placed within the file is within the possession and/or control of the U.S. Customs Service, Region IX. However, the only information placed within these files is that information being sought by the individual making the request and the information supplied by the requester. The information being sought, and therefore within the file, could be from any of the following, given as examples: present or former Customs employees, private parties, corporations, other Government agencies as outlined above, credit bureaus, past employers, official Government or other forms filed by any entity or person, confidential informers, foreign countries or officials thereof, and foreign citizens.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.080

System name: Disclosure of Information Request Files (Region VIII)—Treasury/Customs.

System location: Office of the Regional Counsel, 211 Main Street, San Francisco, CA 94105.

Categories of individuals covered by the system: Individuals who have submitted requests for disclosure of information contained within files or records of the Customs Service.

Categories of records in the system: Letters and other documents submitted by the individual requesting the disclosure and documents relating to the internal review and consideration of the request for disclosure and the decision thereon.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965; 31 CFR 1.5 and Appendix C; 5 U.S.C. 552(a)(3); 19 CFR Part 103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in the files is used to process requests for disclosure and is made available to the officials within the Customs Service who review recommendations and who make final decisions with respect to them: (d) Information contained in an individual file may be made available to officials within the Customs Service responsible for considering and making a final decision with respect to any appeal from a decision denying disclosure in that case; (e) Information contained in the files may also be used internally by the Regional Counsel and members of his staff insofar as it related to precedent or guide lines for their handling of subsequent cases.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the requester and in the alphabetical file folder within the metal file cabinet by the name of the requester.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controled at all times by uniformed guards.

Retention and disposal: Disclosure of information files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time files may be transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, 211 Main Street, San Francisco, CA. 94105.

Notification procedure: See Customs Appendix A.

Record source categories: Information contained in these files originates with the individual's request for disclosure of information. Records are searched for the information which is the subject of the request, and advice and recommendations with respect to the information and its disclosure may be elicited and received from offices within Customs, other agencies, or private individuals concerned with the information.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5.U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.081

System name: Dock Passes—Treasury/Customs.

System location: District Director's office, U.S. Customs Service, 228 Federal Bldg, 335 Merchant Street, Honolulu, Hawaii.

Categories of individuals covered by the system: Consulate staff members, brokers, private individuals, etc.

Categories of records in the system: Form lists following information: pass no.; port; date of issue; name of individual; organizational affiliation; expiration date of pass; and vessel name.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Copy of each pass issued is retained for record purpose and a log maintained showing name of holders of annual dock passes. Disclosure to Customs and Treasury officers and employees who have a need for the records in the performance of their duties.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 card box loose leaf binder.

Retrievability: By name.

Safeguards: Building locked during non-working hours.

Retention and disposal: Retained until expiration.

System manager(s) and address: District Director, U.S. Customs Service, 228 Federal Bldg., 335 Merchant Street, Honolulu, Hawaii.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Individual applicants.

Treasury/Customs 00.277

System name: Drivers License File—Treasury/Customs.

System location: Logistics Management Division, U.S. Customs Service 211 Main Street, San Francisco, Ca. 94105.

Categories of individuals covered by the system: Present and past employees.

Categories of records in the system: Personal information furnished by employee before being issued a government drivers license. It may also include information from National Driver Register Service if they have any information on the individual.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Provide the proper authority within U.S. Customs Service with sufficient information to make a decision as to whether an employee may be issued a government drivers license. (d) Information from these records furnished to National Driver Register Service to determine whether they have any information on the individual which would concern the employee's suitability for receiving a government drivers license.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on Standard Form 47 (physical fitness inquiry for motor vehicle operators) and Treasury Form 2770 (application for motor vehicle operator's ID card and operator's record) These forms are kept in a desk file.

Retrievability: Each set of forms for a particular employee is numbered and those numbers are shown on an index sheet as pertaining to the particular employee.

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Safeguards: The desk in which the records are kept is within an office which is locked during non-working hours.

Retention and disposal: Active forms are retained in this system indefinitely. Forms of past employees who were issued drivers licenses are periodically destroyed.

System manager(s) and address: Logistics Management Specialist, Logistics Management Division, U.S. Customs Service, 211 Main Street, San Francisco, California 94105.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates with, and consists solely of, information supplied by the applicants on forms SF-47 and form 2770. There is a possibility that in the future there will be a response from the National Driver Register Service on a particular applicant. At the present time there are none in this system of records.

Treasury/Customs 00.273

System name: Employee Debts—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: Employees involved in transfer within the Government for which the Government is pursuing collection for overpayment of travel expenses or overpayment for maintaining uniforms.

Categories of records in the system: Records reflecting the documents involved in the overpayment and correspondence with the employee involved and his representative.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used by the employees of the Payment Section to gather all the data necessary to collect debts due from present or past employees of Customs.

For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in a file folder located in a file cabinet under the physical security of the Operating Accountant.

Retrievability: Records are indexed by name.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The file is retained until the debt is collected and then destroyed. Unusual cases are retained indefinitely as a reference for similar type cases.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record access procedures: See Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in the system originates from the employee, other Regions of Customs, and the Payment Section of the Financial Management Division.

Treasury Customs 00.083

System name: Employee Relations Case Files—Treasury/Customs.

System location: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Categories of individuals covered by the system: Records maintained on all individuals who have requested assistance in a problem, such as: OFWC, leave, health and life insurance, etc.

Categories of records in the system: Copies of correspondence. Copies of initiating correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Use is in assessing the problem and having the capability to provide timely followup. Used by the employee relations staff only (professional and clerical).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in a locked file.

Retention and disposal: Maintained for period of time employee remains with Customs. Records destroyed upon separation of employee.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A. .

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Individuals and offices depending on problem.

Treasury/Customs 00.085

System name: E.E.O. Complaint File—Treasury/ Customs.

System location: Regional Commissioner of Customs, 55 East Monroe Street, Suite 1501, Chicago, Illinois 60603, and District Director's Offices in Chicago, Cleveland and Detroit.

Categories of individuals covered by the system: Customs employees and applicants for Customs positions who make allegations of discriminatory job treatment based on sex, religion, race or national origin, color and age.

Categories of records in the system: An individual file is opened when an oral or written complaint is received. Eventually, a Civil Service Form 894 and all other pertinent correspondence such as responses from various offices, decisions and appeals are added to the file.

Authority for maintenance of the system: Title VII of the 1964 Civil Rights Act, as last amended by Public Law 92-261 effective March 24, 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The file is used to organize relevant documents within the E.E.O. office. As appropriate, it may also be transferred to such offices as Regional Counsel and Customs Service Headquarters.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file at Regional Commissioner of Customs, 55 East Monroe Street, Suite 1501, Chicago, Illinois. 60603.

Retrievability: Case file by last name of complainant.

Safeguards: The file cabinet is locked and only the E.E.O. Specialist has a key. Other keys will be available to additional staff as office expands. The building has limited access and a uniformed patrol in non-working hours.

Retention and disposal: Retained indefinitely by E.E.O Specialist. When cases are closed, they are removed from the alphabetical file but still maintained in the same locked cabinet.

System manager(s) and address: E.E.O. Specialist. (See location above).

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is supplied by complaining parties originally and supplemented by other interested parties as the case progresses.

Treasury/Customs 00.088

System name: Equal Opportunity Complaint Processing Records System-Treasury/Customs

System location: Office of Regional Commissioner, Customs Region V, 1440 Canal Street, New Orleans, Louisiana 70112, District Director, 423 Canal Street, New Orleans, La. 70130, District Director, P.O. Box 2748, Mobile, Ala. 36601.

Categories of individuals covered by the system: Employees of Customs Region V (New Orleans) who file Equal Opportunity complaints.

Categories of records in the system: Notices of efforts by counselors to resolve charges of discriminatory actions or conditions. These records are in the form of lists, memorandums, interview notices, transcripts, and reports.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide the needed information for reports which become part of the formal investigative file if the complaint of discrimination reaches the formal stage.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in a cabinet.

Retrievability: By name.

Safeguards: Locked file cabinet.

Retention and disposal: In accordance with Records Control Manual.

System manager(s) and address: Equal Opportunity Officer, Customs Region V, 1440 Canal Street, New Orleans, La. 70112, Equal Opportunity Counselors, New Orleans District, 600 South Street, New Orleans, La. 70130, Equal Opportunity Counselors, Mobile District, P.O. Box 2748, Mobile Ala. 36601.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Individual to whom the record pertains.

Treasury/Customs 00.276.

System name: Equal Opportunity Informal Discrimination Complaint Files—Treasury/Customs.

System location: Equal Opportunity Offices at Customs Headquarters and at each Customs Regional Headquarters and all EO Counselors at those locations (for addresses see Customs Appendix A) and Customs District offices.

Categories of individuals covered by the system: Government and private industry employees, including present and former Customs Service employees and applicants for jobs, who have filed informal complaints alleging discrimination on the part of the Customs Service or its officers or employees in violation of Equal Employment Opportunity Act of 1972.

Categories of records in the system: Names, addresses, employment, medical histories, reports of investigation, complaints filed, correspondence from members of Congress, attorneys representing the complainants, labor unions, hearing records and transcripts, Government documents regarding the administrative processing of complaints, and merit promotion information.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; Title 5, United States Code; Title 5, Code of Federal Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Records in this system of records are disclosed to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include reviewing charges or procedures in complaints, making informal attempts to adjust complaints, preparing documents relating to proposed disposition of cases, preparing documents relating to final decisions in cases, and determining formal hearing status. (b) Records in this system of records are also made available to Civil Service Commission Hearing Examiners and to the Civil Service Commission Appeals and Review Board for use in making decisions on administrative hearings held in connection with the complaints. Records are also provided to the Department of Justice in connection with civil court actions arising in respect of the complaints. (c) Records in this system of records are, on occasion, disclosed in response to requests from members of Congress and are disclosed as required in the administration of the Freedom of Information Act (5 U.S.C. 552). (d) Records in this system of records are disclosed to the complainants and to attorneys, labor unions or other parties representing the interests of the complainants. (e) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The case files are inserted alphabetically in file drawers within locked metal or wooden containers.

Retrievability: Each case file is identified on each alphabetical file folder within the metal or wooden container by the complainant's name.

Safeguards: The metal or wooden containers in which the file folders are placed are locked during non-working hours, and the room in which the containers are located is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted within the building.

Retention and disposal: Informal case files are retained during the time period in which the cases remain open informally and thereafter, until there is no longer a specific need for them, or until they are forwarded to the Regional EO Officer or Director, Equal Opportunity Division, at which time they are periodically destroyed.

System manager(s) and address: Equal Opportunity Officers and EO Counselors at the above locations.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Record source categories: The information in this system originated with an informal written or oral complaint to the appropriate equal opportunity counselor. Information in this system is obtained from the claimant through interviews during the informal complaint procedures and through other interviews during the informal complaint procedures. This system also contains information derived from a complaining Customs employee's official personnel file, from Evaluation and Promotion Board work papers relating to the complainant, and from inquires into the complaints which include interviews of supervisors, interested third parties including non-Government persons, and former Customs Service employees. Information in this system is also derived from labor unions or attorneys representing the interests of the complainants and from documentary evidence.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k)(2) proposes to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provision of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

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Treasury/Customs 00.089

System name: Equal Opportunity Discrimination Complaint Case File—Treasury/Customs.

System location: Equal Opportunity Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Government and private industry employees, including present and former Customs Service employees, who have filed formal and informal complaints alleging discrimination on the part of the Customs Service or its officers or employees in violation of Equal Employment Opportunity Act of 1972.

Categories of records in the system: Names, addresses, employment and medical histories, reports of investigation, complaints filed, correspondence from members of Congress and attorneys representing the complainants and labor unions, hearing records and transcripts, Government documents regarding the administrative processing of complaints, and affidavits and other sworn statements.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; Title 5, United States Code; Title 5, Code of Federal Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Records in this system of records are disclosed to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include reviewing charges or procedures in complaints, making informal attempts to adjust complaints, preparing documents relating to proposed disposition of cases, preparing documents relating to final decisions in cases, and determining formal hearing status. (b) Records in this system of records are also made available to Civil Service Commission Hearing Examiners and to the Civil Service Commission Appeals and Review Board for use in making decisions on administrative hearing held in connection with the complaints. Records are also provided to the Department of Justice in connection with civil court actions arising in respect of the complaints. (c) Records in this system of records are, on occasion, disclosed in response to requests from members of Congress and are disclosed as required in the administration of the Freedom of Information Act (5 U.S.C. 552). (d) Records in this system of records are disclosed to the complaints and to attorneys, labor unions or other parties representing the interests of the complaints. (e) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The cases files are inserted alphabetically in file drawers within locked metal containers.

Retrievability: Each case file is identified in an alphabetical index card file by the name of the complainant and on each alphabetical file folder within the metal container by the complainant's name.

Safeguards: The metal containers in which the file folders are placed are locked during non-working hours, and the room in which the metal containers are located is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted within the building.

Retention and disposal: Case files are retained during the time period in which the cases remain open and, thereafter, until there is no longer any space available for them within the metal containers, at which time the case files are transferred periodically to the Federal Record Center for storage. Records having no pertinent information are periodically destroyed.

System manager(s) and address: Director, Equal Opportunity Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates with an informal written or oral complaint to the appropriate equal opportunity counselor and with the filing of a Civil Service Commission Form 894 (Formal Complaint of complaint procedures and through the filing of Civil Service Commission Discrimination in the Federal Government). Information in this system is also obtained from the claimant through interviews during the informal and formal complaint procedures and through the filing of Civil Service Commission Form 171 (Personal Qualification Statement). This system also contains information derived from a complaining Customs Service employee's official personnel file, from Evaluation and Promotion Board work papers relating to the complainant, and from investigations into the complaints which include interviews of supervisors, interested third parties including non-Government persons, and former Customs Service employees. Information in this system is also derived from labor unions or attorneys representing the interests of the complainants and from documentary evidence or testimony adduced at administrative hearings held in connection with the complaints.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.090

System name: Equipment Record File—Treasury/Customs.

System location: Office of the District Director, United States Customs Service, 103 South Gay Street, Baltimore, Maryland 21202.

Categories of individuals covered by the system: Customs employees in the Baltimore District to whom equipment is assigned.

Categories of records in the system: Names of individuals and type and identifying numbers of equipment signed out (including non-expendable property, weapons etc.).

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevent enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevent to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cards and folders located in metal containers.

Retrievability: Cards are filed alphabetically by names of those to whom equipment is assigned.

Safeguards: File cards and folders are located in unlocked metal containers. The building is guarded by uniformed security police who control access to the building.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Office of the District Director of Customs, 103 South Gay Street, Baltimore, Maryland 21202.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Property Officer and personnel to whom equipment is assigned.

Treasury/Customs 00.091

System name: Equipment Record File—Treasury/Customs.

System location: Patrol Office, Room 807, 103 South Gay Street, Baltimore, Maryland 21202. (After August, Room 15, 40 South Gay Street, Baltimore, Maryland 21202).

Categories of individuals covered by the system: Customs employees in the Baltimore District to whom equipment is assigned.

Categories of records in the system: Names of individuals and type and identifying numbers of equipment signed out (including non-expendable property, weapons etc.).

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclousures required in administration of the Freedom of Information Act (5 U.S.C 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevent enforecemnt information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cards and folders located in metal containers.

Retrievability: Cards are filed alphabetically by names of those to whom equipment is assigned.

Safeguards: File cards and folders are located in unlocked metal containers. The building is guarded by uniformed security police who control access to the building.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Office of the District Director of Customs, 103 South Gay Street, Baltimore, Maryland 21202.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Property Officer and personnel to whom equipment is assigned.

Treasury/Customs 00.092

System name: Exit Interview—Treasury/Customs.

System location: Personnel Management Division, in each Region and Headquarters. See Customs Appendix A.

Categories of individuals covered by the system: Employees terminating from the Customs Service.

Categories of records in the system: Individual's name, position, time in grade and position, time with Customs, organization designation, supervisor's name and answers to various questions about employment with Customs.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by Personnel Management Specialists and managers to monitor employee morale and for statistical purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forms are kept in manila folders.

Retrievability: By organization or by name.

Safeguards: Locked office.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Director, Personnel Management Division. See location above.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information obtained from departing employee and Employee's supervisor.

Treasury/Customs 00.093

System name: Federal & New York State licenses for commercial importation of alcoholic beverages—Treasury/Customs

System location: Area Director, N.Y. Seaport Area, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: All companies and individuals who have filed import licenses for alcoholic beverages with this office.

Categories of records in the system: Licenses.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) to verify that importers of alcoholic beverages have the required permit.

For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetical listing.

Safeguards: Office locked at end of day.

Retention and disposal: Permanent.

System manager(s) and address: Regional Commissioner (Area Director, New York Seaport Area).

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Individuals who have applied for an alcoholic beverage license.

Treasury/Customs 00.267

System name: Federal Tort Claims Act File—Treasury/Customs.

System location: Office of Regional Counsel, Suite 1220, 500 Dallas Street, Houston, Texas 77002.

Categories of individuals covered by the system: Private persons filing claims under the Federal Tort Claims Act.

Categories of records in the system: Reports of Investigation regarding claims filed, documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 28 U.S.C. 2672, et seq; 28 CFR 14.1 et seq; 31 CFR 3.1 et seq; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Depart-

ment of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The information contained in this file is used to administratively process claims filed under the Federal Tort Claims Act and is made available to those officials within the Customs Service who review recommendations and who make final decisions on such claims. In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the alphabetical file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the office of the Regional Counsel on the 12th Floor of 500 Dallas Street. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled by uniformed security guards maintained by the lessor.

Retention and disposal: Tort claim files are retained until closed at which time the closed files are transferred to the Regional Director, Internal Affairs, Houston, Texas. Ultimately, the files are sent to the Federal Record Center.

System manager(s) and address: Regional Counsel, Suite 1220, United States Customs Service, 500 Dallas Street, Houston, Texas 77002.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates with a Standard Form 95, Claim for Damage or Injury, which is completed and filed with the Customs Service by the claimant. Using these forms as a basis, investigations are conducted by authorized Customs Service investigation personnel in order to determine the facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.094

System name: Federal Tort Claims Act File—Treasury/Customs.

System location: Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Private persons filing claims under the Federal Tort Claims Act.

Categories of records in the system: Reports of investigations regarding claims filed, documents relating to the administrative handling of the claims and documents submitted by the claimants in support of the claims.

Authority for maintenance of the system: 28 U.S.C. 2672, et seq; 28 CFR 14.1 et seq; 31 CFR 3.1 et seq; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include preparing and reviewing recommendations for decisions on claims, and making final decisions on claims. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Disclosure to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who filed the claim and in the alphabetical file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Tort claim files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

System manager(s) and address: Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates with a Standard Form 95, Claim for Damage or Injury, which is completed and filed with the Customs Service by the claimant. Using these forms as a basis, investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations, information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.096

System name: Fines, Penalties and Forfeiture Control and Information Retrieval System—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Individuals and/or businesses who have been fined, penalized or have forfeited merchandise because of violations of Customs and/or related laws or breaches of bond conditions.

Categories of records in the system: Individual and business names, address, personal identifying numbers, date and type of violation, parties entitled to legal notice or who are legally liable, case information, bond and petition information, and actions (administrative) taken by U.S. Customs. Also included are actions taken by violator prior to the disposition of the penalty or liquidated damage case.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to these officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Control Customs district caseload and report each action taken by Customs and violator. (d) Provides management information regarding most frequent types of violations, penalty/liquidated damages case timeliness, budget allocation, violation history of individual and firms for investigative purposes, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape, (2) Hard copy Customs Form 5955a (Notice of Liquidated Damages Incurred and Demand for Payment) and Customs Form 151 Search/Arrest/Seizure Report.

Retrievability: Individual's name or case number.

Safeguards: All inquiries are made by officers with a full field background investigation on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: A maximum of 10 years. Erasure of disc/tapes and shredding and/or burning of hard copy Customs Form 5955a.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W.; Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Customs Form 5955a (Notice of Penalty or Liquidated Damages Incurred and Demand for Payment) and CF 151 (Search/Arrest/Seizure Report) prepared by Customs Employees at the time and place where the violation has occurred.

Treasury/Customs 00.097

System name: Fines, Penalties, and Forfeitures (Supplemental Petitions)—Treasury/Customs.

System location: Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles St., Los Angeles, California 90053.

Categories of individuals covered by the system: Any person requesting further relief from the Regional Commissioner after having his Petition acted on by the District Director from any fine, penalty, forfeiture or claim for liquidated damages incurred under the provisions of any law administered by the Customs Service.

Categories of records in the system: Case file including copies of the notice of penalty, seizure or claim for liquidated damages, search, arrest and seizure forms, investigative reports, documents relating to any importation having to do with the penalty, forfeiture or claim, documents relating to the administrative handling of the case and documents submitted by the Petitioner in support of his Petition and Supplemental Petition.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this file is used to administratively process Supplemental Petitions for relief from any fine, penalty, forfeiture or claim for liquidated damages incurred under the provisions of any law administered by Customs. The information is made available to the officials within the Customs Service who review recommendations and who make final decisions on such petitions. In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the government case if the case is referred to them for filing of a suit based on an administrative denial of the Petition or removal to the District Court by action on the part of the Petitioner under the provisions of section 1608 of title 19. Information in these files may also be made available to persons working for the governmental agencies who are empowered to review and make recommendations concerning the granting of relief for violations of law administered by such agencies but enforced by Customs.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is labeled with the name of the person who filed the claim and filed in alphabetical order in the metal file cabinet marked Supplemental Petitions. In addition a chronological record is kept in a separate book, kept by the office secretary, of each case received, with district case number, decision, name of the Petitioner, law violated and ultimate decision of the Regional Commissioner.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the New Federal Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Counsel, Room 7422, United States Customs Service, 300 N. Los Angeles St., Los Angeles, California 90053.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates with the filing of a Supplemental Petition as prescribed by section 171.33 and 172.33 of the Customs Regulations with the District Director of the District in which the fine, penalty, forfeiture or claim for liquidated damages issued. The Petition along with all supporting documents or documents relating to the case are forwarded to the office of the Regional Commissioner who refers the case to the office of the Regional Counsel for review and recommendation. During this period of review further information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the case.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.098

System name: Fines, Penalties and Forfeitures Records—Treasury/Customs

System location: Customs district offices. (See Customs Appendix A).

Categories of individuals covered by the system: Individuals and firms who have been administratively charged with violations of Customs laws and regulations and other laws and regulations enforced by the Customs Service.

Categories of records in the system: Entry documentation, notices, investigative reports, memoranda, petitions, recommendations, referrals and dispositions of fines, penalties and forfeiture cases.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended. 19 U.S.C. 66, 1618, 1624; 19 CFR Parts 171 and 172.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such uses would include reference to the files for information as to prior violations and ongoing investigations and cases. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. Such uses would include referring records to the Environmental Protection Agency, the Department of Transportation, the appropriate U.S. Attorney and other Federal agencies for recommendations and enforcement of fines, penalties and forfeiture cases.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in folders in file cabinets and safes.

Retrievability: The records are filed either by the name of the individual or chronologically with a cross reference index by the name of the individual.

Safeguards: During non-working hours, the records are maintained in locked rooms, locked buildings and buildings guarded by uniform guards.

Retention and disposal: The records are retained for three to five years after which they are either destroyed or forwarded to the Federal Records Center.

System manager(s) and address: District Directors of Customs (See Customs Appendix A).

Notification procedure: See Customs Appendix A.

Record source categories: Information and representations supplied by importers, brokers and other agents pursuant to the entry and processing of merchandise or in the clearing of individuals or baggage through Customs. Information also includes information gathered pursuant to Customs investigations of suspected of actual viola-

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tions of Customs and related laws and regulations and recommendations and information supplied by other agencies.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.099

System name: Fines, Penalties, and Forfeiture Files (Supplemental Petitions)—Treasury/Customs

System location: Office of the Regional Counsel, 211 Main Street, San Francisco, CA 94105.

Categories of individuals covered by the system: Individuals who have filed supplemental petitions for relief from fines, penalties and forfeitures assessed for violations of the laws and regulations administered by Customs.

Categories of records in the system: Petitions and supplemental petitions and other documents filed by the individual; reports of investigation concerning the fine, penalty or forfeiture; and documents relating to the internal review and consideration of the request for relief and decision thereon.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965. 19 U.S.C. 1618; 19 CFR Parts 171 and 172.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in the files is used to process requests for relief from fines, penalties and forfeitures and is made available to the officials within the Customs Service who review recommendations and who make final decisions with respect to them; (d) Information contained in the files may be made available to the Department of Justice or an individual United States Attorney to assist that Department or United States Attorney when suit is filed by the Government in civil prosecution of the fine, penalty or forfeiture; (e) Information contained in the files may also be used internally by the Regional Counsel or members of his staff insofar as it relates to precedent or guidelines for their handling of subsequent cases.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the petitioner and in the alphabetical file folder within the metal file cabinet by the name of the petitioner.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Supplemental petition files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time the oldest files may be transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, 211 Main Street, San Francisco, CA 94105.

Notification procedure: See Customs Appendix A.

Record source categories: Information contained in these files is obtained from the individual petitioning for relief and from the District Director of Customs within whose jurisdiction the fine, penalty or forfeiture action lies.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.100

System name: Fines, Penalties and Forfeiture Records (Headquarters)—Treasury/Customs.

System location: Penalties Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Records are maintained on persons who have been administratively charged with violating Customs and related laws and regulations and on persons who have applied for awards of compensation for providing information regarding such violations.

Categories of records in the system: Entry documentation, notices, investigative and other reports, memoranda of information received, petitions, recommendations, referrals and dispositions of fines, penalties and forfeiture cases and applications for awards of compensation.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended. 19 U.S.C. 66, 1618, 1624; 19 CFR Parts 171 and 172.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such uses include the processing and disposition of fines, penalties and forfeiture cases pursuant to 19 CFR Parts 171 and 172 and reference to the records for information as to prior violations and ongoing investigations. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. Such uses would include referring records to the Environmental Protection Agency, the Department of Transportation and other Federal agencies for recommendations on the administration of fines, penalties and forfeiture cases. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are kept in file cabinets in the central file room of the Entry Procedures and Penalties Division at U.S. Customs Service Headquarters.

Retrievability: The records are filed chronologically with a case number given to each file. The records are retrievable by means of an alphabetical card index system by names of individuals charged with a violation.

Safeguards: The records are maintained in the U.S. Customs Service Headquarters building which is guarded by security police. During non-working hours, the central file room is locked and the building is guarded by security police.

Retention and disposal: The records are generally retained for five years after the close of the case. The records are then forwarded to the Federal Records Center.

System manager(s) and address: Chief, Penalties Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record source categories: Information and representations supplied by importers, brokers and other agents pursuant to the entry and processing of merchandise or in the clearing of individuals or baggage through Customs. Information also includes information gathered pursuant to Customs investigations of suspected or actual violations of Customs and related laws and regulations and recommendations and information supplied by other agencies.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.101

System name: Fines, Penalty, and Forfeiture (FP&F) Records System—Treasury/Customs.

System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Persons seeking relief from fines, penalties, and forfeitures incurred for alleged violations of the laws enforced by the United States Customs Service, and/or restoration of proceeds from the sale of seized and forfeited property.

Categories of records in the system: Statement from individual explaining circumstances justifying relief sought and history of the fine, penalty, forfeiture or seizure involved.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 19 CFR part 171 and 172.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service, the Department of the Treasury and the Department of Justice, who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Information contained in these files is routinely used by the attorneys in the Regional Counsel's office in determining and resolving legal issues, in denying or granting the petition and possibly in litigation. Litigation will require disclosure of the information to the Department of Justice, and the information is often channeled through the Department of Treasury.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in a file folder which is filed in a lockable drawer within a metal filing cabinet container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the petition for relief. In addition, each case file is similarly identified on the file folder with the alphabetical name on the file which is placed and located within the metal container.

Safeguards: The metal filing drawer containing the files described above is maintained within the area assigned to the office of the Regional Counsel, Region IX, at 55 E. Monroe Street, Chicago, Illinois. During non-working hours, the room in which the metal filing drawer is located is locked, the file container itself is locked, and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: These files are retained indefinitely or until there is no longer space available for them within the metal filing cabinet at which time the oldest files are transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes with metal storage cabinets which are not able to be locked. Files which are closed and not retained for precedent purposes are retired to the Federal Records Center, General Services Administration, 7358 S. Pulaski, Chicago, Illinois 60602 in accordance with the U.S. Customs Service Records Disposal Manual.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates either with the receipt of any correspondence indicating that relief is desired or any notice from within the Customs Service that a fine or penalty is to be assessed. Further information in this file is derived from investigatory files and other information submitted by the petitioner and will include information from: informers, Customs employees, private parties, corporations, other Governmental agencies, state, local and Federal, credit bureaus, Seizure Reports (Customs Form 5955A, Customs Form 151) foreign countries, officials of foreign countries, citizens of foreign countries.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.102

System name: Firearms Qualification Certificate Record—Treasury/Customs

System location: Office of the Chief Inspector, U.S. Customhouse, Rm. 102, 2nd & Chestnut Streets, Philadelphia, Pa. 19106.

Categories of individuals covered by the system: All Customs Inspectors under the jurisdiction of the Philadelphia District who have qualified on the firing range within a previous 6-month period.

Categories of records in the system: The date of actual qualification, firing scores, and the category of marksmanship into which the individual's score places him or her.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each qualification certificate, on 8 1/2 x 11 inch bond paper, is inserted in a file folder which is then placed in a file drawer.

Retrievability: Certificates are identified by the name of the individual and in alphabetical order within the folder.

Safeguards: The records folder is stored in a file cabinet drawer which is locked during non-working hours. Access to the building is controlled at all times by uniformed guards.

Retention and disposal: Firearms qualification certificates are retained for 1 year and then destroyed.

System manager(s) and address: District Director of Customs, U.S. Customhouse, 2nd & Chestnut Streets, Philadelphia, Pa. 19106.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files originates from reports submitted by the District Range Officer upon completion of the individual's qualification with a firearm.

Treasury/Customs 00.103

System name: Firearms Qualification Records—Treasury/Customs.

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System location: Office of the Assistant Regional Commissioner (Operations), Region IX, Chicago, Illinois and Offices of District Directors, Region IX, Chicago, Illinois. (See Customs Appendix A).

Categories of individuals covered by the system: Customs Inspectors receiving firearms training.

Categories of records in the system: Records include date of firing, qualification status, date of qualification, card issuance.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file cabinet in the office of the Assistant Regional Commissioner (Operations) of Region IX, Chicago, Illinois.

Retrievability: Folders identified by individual's name.

Safeguards: The file described is maintained in the office of the Assistant Regional Commissioner (Operations) in Region IX, Chicago, Illinois. During non-working hours the room/building in which the file is located is locked. Access is limited to authorized Customs personnel.

Retention and disposal: Until employee separates/transfers. Transfer to National Personnel Records Center (NPRC), (CPR), St. Louis, Missouri, 30 days after employee is separated.

System manager(s) and address: Assistant Regional Commissioner (Operations).

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files results from firing scores recorded on targets used during the course of firearm qualification firings.

Treasury/Customs 00.104

System name: Florida Boat Registration File—Treasury/Customs.

System location: U.S. Customs Air Support Branch, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Categories of individuals covered by the system: Persons, partnerships, or corporations who are registered owners of record of boats or vessels bearing Florida registration numbers.

Categories of records in the system: This file contains the name and address of the registered owner of the vessel; a description of the vessel; and an indication of whether or not the vessel is of record with the Treasury Enforcement Communications Systems (TECS).

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charges with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information files are numerically filed in a wooden box within a security area.

Retrievability: The information is in the form of Micro-film and is retrieved by means of Alpha-numerical code identifier.

Safeguards: The information files are located within an office which is locked during non-working hours. The building is guarded by U.S. Air Force Military Police and only authorized persons are permitted in the building.

Retention and disposal: These files are maintained for a period of three months at which time they are replaced with current information. The old files are then destroyed under Customs supervision.

System manager(s) and address: Chief, Air Support Branch, U.S. Customs Service, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.105

System name: Former Employees—Treasury/Customs.

System location: Laboratory Division, Room 1508, 630 Sansome Street, San Francisco, California, 94111.

Categories of individuals covered by the system: All past employees of the Customs Laboratory.

Categories of records in the system: Contains copies of personnel action notices.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in a metal file cabinet.

Retrievability: The record is filed alphabetically by name.

Safeguards: The file is stored in a metal file cabinet in a private inner office of a government building protected by 24 hour guard service with limited access. The file is only used on a need to know basis and only by the laboratory employees.

Retention and disposal: Files are maintained for reference purposes only. The file is permanent to office.

System manager(s) and address: Director, Laboratory Division, U.S. Customs Service, 630 Sansome Street, Room 1508, San Francisco, California, 94111.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information contained in personnel action files.

Treasury/Customs 00.109

System name: Handicapped Employee File—Treasury/Customs.

System location: Personnel Management Division, Regional Commissioner of Customs, 55 East Monroe Street, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: All employees identified as handicapped.

Categories of records in the system: Indicates employee's home and organizational location and various physical and mental handicaps, infirmities and conditions. Also shows veteran's preference.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to assure that employees are not placed in positions that they cannot physically perform. Also, for reporting and statistical purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: List.

Retrievability: Lists employees alphabetically by district.

Safeguards: None at present and none required.

Retention and disposal: Employee's name removed from list at time of termination.

System manager(s) and address: Director, Personnel Management Division. (See Customs Appendix A).

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Data furnished by employee and employee's physician.

Treasury/Customs 00.111

System name: I.D. Cards—Treasury/Customs.

System location: District Director's office, U.S. Customs Service, 228 Federal Bldg., 335 Merchant Street, Honolulu, Hawaii.

Categories of individuals covered by the system: All employees to whom I.D. card, CF 3135, OF 55, Red-bordered cards, have been issued.

Categories of records in the system: The register lists the following information: name; I.D. card no.; and date issued.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provides information of name, date and number of I.D. card issued to district employees. Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Kardex file card.

Retrievability: By name.

Safeguards: Locked Kardex file.

Retention and disposal: Information is kept current until employee is terminated and I.D. cards are cancelled.

System manager(s) and address: District Director, 228 Federal Bldg., Merchant Street, Honolulu, Hawaii.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Data obtained from employees.

Treasury/Customs 00.112

System name: Immediate Delivery Violation Record—Treasury/Customs.

System location: Fines, Penalties and Forfeiture Section, Room 102, United States Customhouse, 2nd & Chestnut Street, Philadelphia, Pa. 19106.

Categories of individuals covered by the system: Persons qualified to obtain release of imported merchandise under the immediate delivery privilege.

Categories of records in the system: The record reveals the individuals' or Customhouse broker's name, case number assigned and date, amount of penalty incurred, mitigated sum or remission and date closed. The record results in a summary of repetitive violations by any one individual, firm, or Customhouse broker and disciplinary action toward reduction or elimination of violations.

Authority for maintenance of the system: 5 U.S.C. 301: Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Immediate Delivery Record Cards are filed alphabetically in an unlocked metal file cabinet.

Retrievability: Each record card is filed alphabetically within the metal cabinet.

Safeguards: The metal cabinet described above is maintained within the area assigned to the Fine, Penalties and Forfeiture section in Room 102 of the Customhouse, Philadelphia; during non-working hours, access to the building and area of storage is controlled by uniformed guards.

Retention and disposal: Immediate Delivery Record cards are retained at location 3 years; then destroyed.

System manager(s) and address: District Director of Customs, Room 102, U.S. Customhouse, 2nd & Chestnut Street, Philadelphia, Pa. 19106.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained on these cards originates from liquidated damage cases instituted for failure to timely file entries and pay duty.

Treasury/Customs 00.274.

System name: Importer, Brokers, Carriers, Individuals and Sureties Master Files-Treasury/Customs.

System location: Financial Management Division, 99 S.E. 5th Street, Miami, Florida 33131.

Categories of individuals covered by the system: Brokers, Importers, Individuals, Carriers, and Sureties.

Categories of records in the system: Copies of correspondence—incoming and outgoing, copies of bonds, entries, bills, data center listings.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by Revenue technicians to retain in one place all correspondence with a debtor. Bonds, entries and bills when available are included in the file.

For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Alphabetical by name appearing on correspondence.

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 99 S.E. 5th Street, Miami, Florida 33131.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Correspondence, Customs Service Data Center, Districts and Ports.

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Treasury/Customs 00.113

System name: Import specialist activities—investigation referrals—Treasury/Customs.

System location: Office of the Regional Commissioner, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Import specialist.

Categories of records in the system: A monthly report of the number of referrals made to the Office of Investigations in connection with 220 visits.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties.(b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) To keep track of the referrals made by each import specialist to the Office of Investigation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is listed by name and located on a wall chart in the training room.

Retrievability: Indexed by name and location of the import specialist.

Safeguards: Area is provided for Customs employees only and other persons using the area must be accompanied by a Customs employee.

Retention and disposal: The information is erased after two years.

System manager(s) and address: Director, Classification and Value Division, 55 East Monroe, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Obtained from Regional Form IX-RC-220 prepared by the import specialist.

Treasury/Customs 00.114

System name: Import specialist activities—laboratory samples—Treasury/Customs.

System location: Office of the Regional Commissioner, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Import specialist team.

Categories of records in the system: Monthly report of the number of laboratory samples processed by the import specialist teams.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Used as an administrative tool to keep track of laboratory samples processed by import specialists.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is listed by team number and located on a wall chart in the training room.

Retrievability: Indexed by name and team number of the import specialist.

Safeguards: Area is provided for Customs employees only and other persons using the area must be accompanied by a Customs employee.

Retention and disposal: Information is erased after two years.

System manager(s) and address: Assistant Regional Commissioner (Operations), 55 East Monroe, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: A monthly report submitted by the Director of the Laboratory Division.

Treasury/Customs 00.115

System name: Import Specialist Activities—Seminars—Treasury/Customs.

System location: Classification & Value Division, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Import specialist.

Categories of records in the system: A monthly report of the number of seminars the import specialist has attended.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Used by the Classification and Value Division to keep track of special training given to import specialists.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is listed by name and located on a wall chart in the training room.

Retrievability: Indexed by name and location of the import specialist.

Safeguards: Area is provided for Customs employees only and other persons using the area must be accompanied by a Customs employee.

Retention and disposal: Information is erased after two years.

System manager(s) and address: Director, Classification & Value Division, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The records of the seminar.

Treasury/Customs 00.116

System name: Import specialist activities—220 visits, Region IX—Treasury/Customs.

System location: Office of the Regional Commissioner, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Import specialist.

Categories of records in the system: A record of importer premises visits performed by the import specialist including the time, cost, and number of visits listed monthly.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) To keep an account of the visits made by import specialists to importers' premises.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is listed by name and located on a wall chart in the training room.

Retrievability: Indexed by name and location of the import specialist.

Safeguards: Area is provided for Customs employees only and other persons using the area must be accompanied by a Customs employee.

Retention and disposal: Information is erased after two years.

System manager(s) and address: Director, Classification and Value Division, 55 East Monroe, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Reports submitted by import specialists on Regional Form IX-RC-220.

Treasury/Customs 00.117

System name: Information and Investigative Reports from other Federal Agencies—Treasury/Customs.

System location: Office of the Director, District Patrol, 600 South Street, New Orleans, Louisiana 70130. Dir., District Patrol Division, Rm. 213, International Trade Center 250 N. Water Street, Mobile, AL 36602.

Categories of individuals covered by the system: Individuals on whom information has been received indicating unlawful or suspicious activity.

Categories of records in the system: Name, address, phone number, place of business, associates, vessels or aircraft identified with; make, year, license number and registration of vehicles, area of activity, method of operation and other relevant and necessary information on individuals suspected of activity contrary to law. All information received from other federal agencies' investigative reports.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in standard Customs file folders in locked metal cabinets.

Retrievability: System indexed by identifying file number and manually retrieved.

Safeguards: File maintained in locked, metal file cabinet, the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access, consistent with their positions, have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During nonworking hours, the room housing the metal cabinets is locked.

Retention and disposal: Memoranda of Information Received are normally destroyed after 3 years. On active cases or individuals, files could presumably be retained for duration of interest in individual. Disposal is by means of shredding. The same procedure is followed for Investigative Reports from other Federal agencies.

System manager(s) and address: Director, District Patrol Division, 600 South Street, New Orleans, La. 70130.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.118

System name: Information Received File—Treasury/Customs.

System location: U.S. Customs Air Support Branch, Patrol Division PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Categories of individuals covered by the system: Persons who are believed to be involved in activities which constitute, or may develop into, possible violation of Customs and related laws.

Categories of records in the system: Internal Customs Service memoranda and related materials regarding the activities of individuals, vessels, or aircraft believed to be involved in acts which are contrary to Customs and related laws.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information files are inserted in alphabetical and chronological file folders which are filed within a metal container.

Retrievability: A manual, master card index is maintained for the entire system. This index includes name and/or numerical identifier.

Safeguards: The information files and master card index are located within an office which is locked during non-working hours. The building is guarded by U.S. Air Force Military Police and only authorized persons are permitted in the building.

Retention and disposal: These files are retained indefinitely or until such time that it has been determined that there is no longer a need for their existence, at which time the oldest files are destroyed under Customs supervision.

System manager(s) and address: Chief, Air Support Branch, U.S. Customs, Patrol Division, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.119

System name: Information Received File (Patrol Division—New Orleans, LA)—Treasury/Customs.

System location: Office of the Director, Regional Patrol, 600 South Street, New Orleans, LA 70130.

Categories of individuals covered by the system: Individuals on whom information has been received indicating unlawful or suspicious activity.

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Categories of records in the system: Name, file number, location, and date information received on individuals suspected of unlawful activity.

Authority for maintenance of the system: 5 USC 301; Treasury Department Order No. 165, Revised as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: System maintained on filed 4 x 6 index cards.

Retrievability: System indexed alphabetically by name and manually retrieved.

Safeguards: Cards maintained in index file holder stored in secure combination safe, with the combination thereto restricted to four employees. Those departmental officials who may occasionally be granted access consistent with their position have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours the room housing the safe is locked.

Retention and disposal: Index cards are retained for duration of interest in individual named there on. Disposal is by means of shredding.

System manager(s) and address: Director, Regional Patrol, 600 South Street, New Orleans, LA 70130.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.120

System name: Information Received File (Patrol Division—New Orleans, LA)—Treasury/Customs.

System location: Office of the Director, Regional Patrol, 600 South Street, New Orleans, LA 70130.

Categories of individuals covered by the system: Individuals on whom information has been received indicating unlawful or suspicious activity.

Categories of records in the system: Name, address, phone number, place of business, associates, vessels or aircraft identified with; make, year, license number and registration of vehicles, area of activity, method of operation, and other relevant and necessary information on individuals suspected of activity contrary to law.

Authority for maintenance of the system: 5 USC 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in standard Custom file folders in locked, metal cabinets.

Retrievability: System indexed by identifying file number and manually retrieved.

Safeguards: File maintained in locked, metal file cabinet the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access consistent with their positions have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours the room housing the metal cabinets is locked.

Retention and disposal: Memoranda of Information Received are normally destroyed after three years. On active cases or individuals, files could presumably be retained for duration of interest in individual. Disposal is by means of shredding.

System manager(s) and address: Director, Regional Patrol, 600 South Street, New Orleans, LA 70130.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.121

System name: Information Received (Moir) File—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif.; Offices of the Port Directors, San Ysidro, Calif; Tecate, Calif; Calexico, Calif; Andrade, Calif; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif; San Ysidro, Calif; Calexico, Calif; Tecate, Calif. Los Angeles region. See Customs Appendix A.

Categories of individuals covered by the system: All Persons who have been found or suspected of being in violation of Customs or other Governmental Agency regulations or laws.

Categories of records in the system: Name, physical description, DOB, driver's license information and informing individual if suspect of being involved.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. To alert all Customs personnel or interested Agencies of possible violations or whereabouts of individuals.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on CF 4621 in file cabinet.

Retrievability: Cross-indexed by name and file number.

Safeguards: Locked office after duty hours.

Retention and disposal: Indefinitely.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District. See Customs Appendix A.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.122

System name: Information Received File—Treasury/Customs.

System location: District Patrol Division, Room 200, United States Customhouse, La Marina, Old San Juan, P.R. 00901.

Categories of individuals covered by the system: Persons in whom Customs and/or other government agencies are interested from a law-enforcement and/or security point of view.

Categories of records in the system: Name, alias, date of birth or age, personal data, addresses, home and business telephone number, occupation, background information, associations, license number and registration number of vehicle, vessel and/or aircraft, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) When routine background investigation develops evidence of violations of law, case is referred to Investigative Branch; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each memorandum, or group of memoranda, is placed in a folder which is filed in a numerical order according to the assigned case file number. These files are kept in a locked metal cabinet.

Retrievability: The above-mentioned case file numbers are cross-indexed by name to such numbers, and cards are filed alphabetically within a metal file box.

Safeguards: The metal file cabinet and the metal file box are located within an office that is locked during non-working hours. The building is guarded by uniformed Customs guards, and only authorized persons are permitted in the building.

Retention and disposal: These memoranda are retained for a period of three years after which they are destroyed together with related index cards.

System manager(s) and address: Director, District Patrol Division, United States Custom Service, Room 200, La Marina, Old San Juan, P.R. 00901.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.123

System name: Injury Notice—Treasury/Customs.

System location: Each Logistics Management Division in each regional HQ Office (see Customs Appendix A for addresses) and all offices of the District Director, Region IX, Chicago, Ill.

Categories of individuals covered by the system: Individuals who sustain an injury in performance of duty as an employee of U.S. Customs.

Categories of records in the system: Name, date of birth, home address, organization, place of injury, date and hour of injury, dependants, occupation, cause of injury, nature of injury, statement of witness, supervisor's report of injury.

Authority for maintenance of the system: Sec. 19 and 24 of the Occupational Safety and Health Act of 1970, 84 Stat. 1609, 1614, 29 U.S.C. 668, 673 and the provisions of Executive Order 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Disclosure to the Department of Labor for that agency's official use.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on CA forms. The CA forms are filed in a loose leaf, alphabetical binder and placed in a metal file container.

Retrievability: Each CA form is identified by the name of the injured employee and filed alphabetically in a binder.

Safeguards: The binder is placed within a metal file container located within an office that is locked during non-working hours. The building is guarded by uniformed security personnel and only authorized persons are permitted in the building.

Retention and disposal: Notice of injury reports are maintained in the employee's OPF indefinitely. Copies maintained by the systems manager are maintained at location for two years and then destroyed.

System manager(s) and address: Each Director, Logistics Management Division, in each Customs Regional Headquarters (see Appendix A for address), each District Safety Officer, Region IX, Chicago, Ill. (see Customs Appendix A for addresses of District Directors).

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates with and consists solely of information supplied by the injured employee, his supervisor, appropriate witness and attending physician on CA forms.

Treasury/Customs 00.124

System name: Inspector Training Quarterly Checklist Forms and Inspector Correspondence Course Enrollment Forms (CF-66)—Treasury/Customs.

System location: Regional Office, Personnel Management, Career and Staff Development, U.S. Customs, 300 N. Los Angeles Street, Los Angeles, California 90012.

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Categories of individuals covered by the system: All Inspectors in training status in Region VII.

Categories of records in the system: Progress records of on-the-job Inspector training and enrollment forms for the correspondence course.

Authority for maintenance of the system: U.S. Customs Headquarters Training Manual, 5 USC 301; Treasury Dept. Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) To determine if trainee Inspectors have satisfactorily completed their standard training requirements so that they are eligible for promotion at the end of their first year.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Loose leaf binder.

Retrievability: By name.

Safeguards: Locked office.

Retention and disposal: Until employee completes his training.

System manager(s) and address: Regional Training Officer, Personnel Management, Career Development Branch, U.S. Customs Service, 300 N. Los Angeles Street, Los Angeles, California 90012.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The inspectors' supervisors originate both the training progress checklists and the Correspondence Course Enrollment forms.

Treasury/Customs 00.125

System name: Intelligence Log—Treasury/Customs.

System location: U.S. Customs Air Support Branch, Patrol Division, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Categories of individuals covered by the system: Persons who are believed to be involved in activities which constitute, or may develop into, possible violation of Customs and related laws.

Categories of records in the system: Internal Customs Service memoranda and related materials regarding the activities of individuals, vessels, or aircraft believed to be involved in acts which are contrary to Customs and related laws.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The intelligence log is a chronological file which is maintained within a security area.

Retrievability: A manual, master card index is maintained for the entire system. This index includes name and/or numerical identifier.

Safeguards: The information files and master card index are located within an office which is locked during non-working hours. The building is guarded by U.S. Air Force Military Police and only authorized persons are permitted in the building.

Retention and disposal: These files are retained indefinitely or until such time that it has been determined that there is no longer a need for their existence, at which time the oldest files are destroyed under Customs supervision.

System manager(s) and address: Chief, Air Support Branch, Patrol Division, U.S. Customs, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.127

System name: Internal Security Records System—Treasury/Customs.

System location: Internal Security Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. Tort Claim Investigation Files and index card files at each Regional Director (Internal Affairs) Office. See Customs Appendix A.

Categories of individuals covered by the system: Present and past employees, applicants for positions that require an investigation, and others that are the subject of an investigation.

Categories of records in the system: Security clearance records; background, tort claim, special inquiry, conduct, and equal employment opportunity investigations and other Customs related investigations including individuals involved in accidents under investigation.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Provide the proper authority within the Department of the Treasury with sufficient information to make a decision as to whether or not an applicant or employee is suitable for employment in a sensitive position, and to make a determination regarding a subject's loyalty; (d) When routine background investigation develops evidence of violations of law, case is referred to Investigative Branch; (e) Serves as a basis for granting access to classified information and material. When necessary, advise Government agencies and private industry of employees having security clearances; (f) To provide basis for disciplinary action, criminal prosecution establishing guilt or innocence, identifying procedural weaknesses, establishing liability in tort claim investigations, give information to Equal Employment Opportunity Division in EEO cases, provide information to appropriate officials, management and Congressmen; (g) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (h) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (i) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record contained in this system of records may be disclosed as a routine use to possible sources of information in connection with civil or criminal investigations or inquiries under circumstances where it is necessary to disclose certain information in order to pose a question to those sources.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Investigative records are maintained on microfiche and in file folders and stored in metal security cabinets secured by government approved three-position, combination locks. Security clearance records are stored on magnetic tape with a manual back-up system.

Retrievability: A manual, master card index is maintained for the entire system. This index includes name and/or numerical identifier.

Safeguards: In addition to being stored in secure metal containers with government approved, combination locks, the metal containers are located in locked rooms, the keys of which are controlled and issued to the custodians of the files. The security specialists and administrative personnel who maintain the files are selected for their experience and afforded access only after having been cleared by a full-field background investigation and granted appropriate security clearances for critical sensitive positions. Those departmental officials who may occasionally be granted access consistent with their positions to employ and concur in the granting of security clearances have also been investigated prior to filling critical-sensitive positions.

Retention and disposal: With exception of tort claim investigations, the file records are maintained as long as the subject of the investigation is employed by the U.S. Customs Service and for 1 year after the subject terminates employment. The files are then transferred to the Federal Records Center.

Tort Claim investigations are retained for 5 years after the close of the investigation and then destroyed. Once files are transferred, they are retained for the following periods of time by the Federal Records Center and then destroyed: Background investigations—25 years, Conduct and special inquiry investigations—15 years, Equal Employment Opportunity investigations—10 years.

System manager(s) and address: Director, Internal Security Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Record source categories: Sources of information for background investigations are: employers; educational institutions; police; government agencies; credit bureaus; references; neighborhood checks; medical sources; personal interviews; military, financial, citizenship, birth and tax records; and the applicants or employee's personal history and application forms.

Treasury/Customs 00.128

System name: Investigations Program Analysis—Treasury/Customs.

System location: U.S. Customs Service, Office of Investigations, 1301 Constitution Avenue, N.W., Washington D.C. 20229, 1719 West End Building, Rm. 303, Nashville, Tenn. 37203.

Categories of individuals covered by the system: Special Agents assigned to office.

Categories of records in the system: Record of cases assigned to individual agent showing date assigned, status, date closed, time spent on case, arrests, dispositions of arrests, seizures, penalties, and recoveries, if any. An inventory of types of cases handled by an agent.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used administratively as an inventory of investigative cases; measurement of the results of investigative efforts; and an account of man hours devoted to investigative categories.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is contained in a printout.

Retrievability: Information is retrieved from the printout by case number, name of agent, and date by month and year.

Safeguards: During non-working hours the room in which the above-described printouts are located is locked.

Retention and disposal: Indefinitely.

System manager(s) and address: Assistant Commissioner, Office of Investigations, U.S. Customs Service, 1301 Constitution Avenue, NW, Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information furnished by Customs Special Agents.

Treasury/Customs 00.129

System name: Investigations Record System—Treasury/Customs.

System location: All Office of Investigations offices located within each Customs Service Region in the United States and within each Office of Investigations office located in a foreign country. (See Customs Appendix A).

Categories of individuals covered by the system: Records are maintained on individuals who may bear some necessary relevance to investigations conducted within the scope of authority of the Office of Investigations, United States Customs Service. The categories include but are not limited to: (1) Known violators of U.S. Customs laws. (2) Convicted violators of U.S. Customs and/or drug laws in the U.S. and foreign countries. (3) Fugitives with outstanding warrants, Federal or State. (4) Suspect violators of U.S. Customs or other related laws. (5) Victims of violations of the U.S. Customs or related laws.

Categories of records in the system: The subject records may contain any identifying or other relevant information on subject individuals which might relate to the following categories of investigations:

Smuggling Investigations Branch: Smuggling, Diamonds & Jewelry; Smuggling, Liquor; Smuggling, Narcotics; Smuggling, All Other; Prohibited Importations; Navigation. Airplane and Vehicle Violations; Neutrality Violations; Illegal Exports.

Regulatory Investigations Branch: Baggage Declaration Violations; Customhouse Brokers and Customs Attorneys; Applications for Licenses; Theft, Loss, Damage and Shortage; Irregular Deliveries; All Other Criminal Cases; Currency Violations.

Special Investigations Branch: Organized Crime; Personnel Derelictions; Other Departments, Bureaus and Agencies; Federal Tort Claims; Personnel Background Investigations.

Technical Investigations Branch: Undervaluation and False Invoicing; Petitions for Relief.

Verification Investigations Branch: Drawback; Marking of Merchandise; Customs Bonds; Customs Procedures; Collections of Duties

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and Penalties; Trademarks and Copyrights; Foreign Repairs to Vessels and Aircraft.

Foreign Investigations Branch: Classification; Market Value; Dumping; Countervailing Duties.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 2072; Title 19, United States Code; Title 18, United States Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of Treasury who have a need for the records in the performance of their duties which may include the administration, investigation, enforcement and prosecution of civil and criminal Customs and related laws; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Disclosure may be made to any civil or criminal law enforcement authorities, whether Federal, state, local or foreign; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record contained in this system of records may be disclosed as a routine use to possible sources of information in connection with civil or criminal investigations or inquiries under circumstances where it is necessary to disclose certain information in order to pose a question to those sources.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in both hard copy files and on microfiche which are placed in locked metal containers.

Retrievability: The record system is indexed on 3 x 5 file cards by the individual's name and/or identification number and by the investigative case numbers to which the information relates. The hard copy and microfiche records are retrieved by means of the investigative case numbers.

Safeguards: All records are held in steel cabinets and are maintained according to the requirements of the United States Customs Records Manual and the United States Customs Security Manual. Access is limited by visual controls and/or a lock system. During normal working hours, files are either attended by responsible Office of Investigations employees or the file area is restricted. The office in which the records are located is locked during non-working hours and the building is patrolled by uniformed security guards.

Retention and disposal: The index cards are retained indefinitely. The hard copy and microfiche records are retained for one year or more depending on the subject matter to which they relate and are then either destroyed or transferred to the appropriate Federal Record Center, all in accordance with standard Customs Service record retention and disposal procedures.

System manager(s) and address: Assistant Commissioner, Office of Investigations, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C., 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.130

System name: Investigative Program Analysis—Treasury/Customs.

System location: U.S. Customs Service, Office of Investigations, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: United States Customs Special Agents and Operations Officers.

Categories of records in the system: Case assignment information such as case number, case hours, court hours, case description and disposition, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Provide management information such as caseload, budget, manpower, performance and experience, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic tape. (2) Manual files maintained by the Office of Investigations field officer.

Retrievability: By name and Social Security Number of subject Customs Officer.

Safeguards: On a need-to-know basis to the Office of Investigations personnel only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communication security, etc.

Retention and disposal: Indefinite; None.

System manager(s) and address: Assistant Commissioner, Office of Investigations, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Supervisory Customs Special Agents when making case assignments to Special Agents or Operations Officers on foreign assignments.

Treasury/Customs 00.132

System name: Justice Court Case File—Treasury/Customs.

System location: Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or agencies or employees or officers thereof, in matters which affect or involve the Customs Service.

Categories of records in the system: Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin

of the litigation, including any information on individuals which has relevance to the matter in litigation.

Authority for maintenance of the system: 28 U.S.C. 507; 19 U.S.C. 1603; E.O. 6166; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in this file is provided as a routine use to the Department of Justice to assist that Department in representing the interests of the Government, the agency or officer or employee involved in the litigation, and may be provided to other agencies involved in same or similar litigation.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the litigation against the Government, agency, officer or employee or by the name of the person against whom the Government initiated the litigation. In addition, each case file is similarly identified on the alphabetical file folder within the metal container.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

System manager(s) and address: Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates with the receipt of a litigation report request from the Department of Justice which results in a written report to that Department regarding the facts of the particular case. Information in this file may also be derived from reports of investigation regarding the enforcement of civil or criminal statutes, administrative proceedings regarding disciplinary action taken against Customs Service employees, equal opportunity complaints, denials of tort claims, denials of information requested under the Freedom of Information Act, and the collection of debts due the Government.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.133

System name: Justice Department Case File—Treasury/Customs.

System location: Office of the Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service.

Categories of records in the system: Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

Authority for maintenance of the system: 28 U.S.C. 2676; 19 U.S.C. 1603; E.O. 6166; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in this file is routinely provided to the Department of Justice or directly to United States Attorneys upon request to assist in representing the interests of the Government, the agency or officer or employee involved in the litigation, or to other agencies involved in the same or similar litigation; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the file folder within the metal container by the name of the customhouse broker.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the Customhouse. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Customhouse broker files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates with the request from the Department of Justice or directly from a United States Attorney or other Government agency or officer which results in a communication regarding the particular case. Information in this file is also derived from reports of investigation regarding the enforcement of civil or criminal statutes or regulations, administrative proceedings or any matter affecting or involving the United States Customs Service or its officers or employees.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.135

System name: Legal Case Inventory System—Treasury/Customs.

System location: Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Customs employees to whom legal cases are assigned for initial review at Customs Headquarters.

Categories of records in the system: Name of Customs employees to whom legal cases are assigned for initial review, name of inquirer, date of correspondence, description of request, control number, and status.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To maintain a log system of all requests received in the Office; be able to locate each request, obtain present status, and to whom assigned. Obtain statistical information indicating the number of requests received per month for budget purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and hard copy print-out.

Retrievability: A weekly print-out for each division in the Office of Regulations and Rulings by the name of the employee assigned to the case is prepared. Retrieval of information by employee is accomplished by a manual search of the print-out.

Safeguards: The weekly printout is used only by division personnel to locate a specific case. Each branch in the division receives a copy of the printout for their use. During non-working hours the room is locked and the building is guarded by security police. Only authorized persons are permitted in the building.

Retention and disposal: An inquirer's name will remain in the computer until 90 days after a reply has been made to afford the inquirer ample time for resubmission of a request for consideration. Thereafter, his name is expunged by erasure of the tape. The print-out is disposed of as paper trash when a new print-out is received.

System manager(s) and address: Director, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Branch Chief or delegate at the time the protest case is assigned to an individual for initial review.

Treasury/Customs 00.136

System name: Liquidated Damage Cases; Prior Violators—Treasury/Customs.

System location: Office of the District Director, Fines and Penalties Office, U.S. Customs Service, 2 India Street, Boston, Massachusetts 02109, and Office of the District Director, Fines and Penalties Office, U.S. Customs Service, P.O. Box 111, St. Albans, Vermont, 05478.

Categories of individuals covered by the system: Prior violators of Customs Laws: e.g. Customhouse brokers, individual T/B violators, liquidated damage cases only.

Categories of records in the system: Name, address, Social Security number, type of violation and frequency of past violations.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to determine those persons who are repeatedly assessed liquidated damages so appropriate administrative action may be taken.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on 3 x 5 index cards and in file folders.

Retrievability: Alphabetically; by name.

Safeguards: In locked file cabinet when not in use.

Retention and disposal: Boston District files are kept for two years and then destroyed on site. St. Albans District files are kept for five years and then destroyed.

System manager(s) and address: Fines and Penalties Officer, U.S. Customhouse, Bonton, Massachusetts 02109. Fines and Penalties Officer, Post Office and Customhouse Building, St. Albans, Vermont 05478.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is received from the individual at the time the violation occurs and from penalty notices which are issued in the Penalties section. Also, the office of Investigations provides any information developed during its investigation.

Treasury/Customs 00.137

System name: List of Vessel Agents Employees—Treasury/U.S. Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois. See Customs Appendix A.

Categories of individuals covered by the system: Persons employed by Vessel agents.

Categories of records in the system: Names, addresses, Social Security numbers, and dates and places of birth of persons employed.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Open file.

Retrievability: Alphabetical listing of employees by vessel agent name.

Safeguards: The file described is maintained in the Offices of the District Directors in Region IX, Chicago, Illinois. During non-working hours the room/building in which the file is located is locked. Access limited to authorized Customs personnel.

Retention and disposal: Employee name retained for period of employment with vessel agent agency.

System manager(s) and address: District Director, as appropriate, in Region IX, Chicago, Illinois. See Location above.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appeadix A.

Record source categories: Submission of data by importing carrier or his agent.

Treasury/Customs 00.138

System name: Litigation Issue Files—Treasury/Customs.

System location: Office of Assistant Chief Counsel, Customs Court Litigation, Second Floor, 26 Federal Plaza, New York, New York, 10007.

Categories of individuals covered by the system: Parties in litigation before the United States Customs Court (or subunits or employees or officers thereof), and other individuals with knowledge of the issues in controversy, e.g., trade witnesses, foreign or domestic manufacturers, etc.

Categories of records in the system: Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

Authority for maintenance of the system: 19 U.S.C. 1514—1516; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in these files is routinely provided to the Department of Justice upon request to assist that Department in representing the interests of the Government, or agency involved in the litigation.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each issue file is inserted in a numerical file folder (according to issue) which is filed in an unlocked drawer within a metal container.

Retrievability: Each issue filed is cross-indexed in the following card files: (a) by name of party-plaintiff; (b) by issue; and, (c) by titles of decided cases.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Assistant Chief Counsel within the Federal Building. At all times the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

System manager(s) and address: Assistant Chief Counsel, Customs Court Litigation, Second Floor, 26 Federal Plaza, New York, New York, 10007.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates with the receipt of protest reports (based on information supplied by the subject individuals or by their authorized agents or attorneys) from the various Districts and/or litigation report requests from the Department of Justice which result in a written report to that Department regarding the facts of the particular case.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.140

System name: Lookout Notice—Treasury/Customs.

System location: Lookout files are maintained in Offices of the District and Port Directors and the District and Local offices of the Patrol Division. See Customs Appendix A.

Categories of individuals covered by the system: Suspected violators of laws enforced by Customs.

Categories of records in the system: Name, address, height, weight, and any other information available on the individual at the time the notice is instituted.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The lookout notices are used by Customs to identify persons suspected of violating laws and to keep them under active review.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The notice is printed on regular paper and then copied and stored within a file box.

Retrievability: Alphabetically, by name.

Safeguards: Stored in locked filing cabinet and access is limited to administrative personnel.

Retention and disposal: Retained for two years and then destroyed on site.

System manager(s) and address: Regional Commissioner of Customs, Regional Director of Investigations, Regional Patrol Director at appropriate Region. See Customs Appendix A.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.142

System name: Mail Entry Protest—Treasury/Customs.

System location: District Director of Customs, 3180 Bladensburg Road, N.E., Washington, D.C. 20018.

Categories of individuals covered by the system: Individual member of armed forces, commercial importers, commercial exporters and private importers.

Categories of records in the system: Name, home address, and action by customers for which relief is sought.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is placed in alphabetical file folder and placed within a metal file cabinet.

Retrievability: Each letter of protest is filed in alphabetical order by last name first.

Safeguards: The metal cabinet is located within an office that is locked during non-working hours.

Retention and disposal: The records are maintained in the files for a complete fiscal year. Records are removed to inactive files and held for three years prior to destruction.

System manager(s) and address: District Director of Customs, 3180 Bladensburg Road, N.E., Washington, D.C. 20018.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information of this office originated with and consists solely of information supplied by the protestor or requester.

Treasury/Customs 00.143

System name: Mail Protest—Treasury/Customs.

System location: District: Anchorage, 204 E. 5th Ave., Anchorage, Alaska; Great Falls, 215 1st Ave, No., Great Falls, Montana; Honolulu, 335 Merchant, Honolulu; Portland, 511 N.W. Broadway, Portland, Oregon; San Francisco, 555 Battery St., San Francisco, California; Seattle, First & Marion Sts., Seattle, Washington.

Categories of individuals covered by the system: Individual protesting duty assessed.

Categories of records in the system: Correspondence relating to individual.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in folders and stored in metal file cabinet.

Retrievability: The office and building are locked during non-working hours.

Safeguards: Protest number.

Retention and disposal: Records are maintained and disposed of in accordance with Records Disposal Manual.

System manager(s) and address: District Director, See Location above for addresses.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Individual and Customs employees involved with case.

Treasury/Customs 00.144

System name: Mail Protest File—Treasury/Customs.

System location: Foreign Mail Section, District Office, 444 Brickell Ave., Miami, Fla.

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Categories of individuals covered by the system: Individuals who have filed formal protest of the amount of duty assessed against mail parcels.

Categories of records in the system: Letters, invoices, and other pertinent documents pertaining to protests.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Customs Personnel processing mail protests; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licences, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in the Foreign Mail Section of the District Office, 444 Brickell Ave., Miami, Fla.

Retrievability: Records are retrievable by name or protest number.

Safeguards: Access is limited to appropriate personnel and office is locked during non-working hours.

Retention and disposal: Records are kept until 3 years after the protest is decided.

System manager(s) and address: District Director of Customs, 444 Brickell Ave., Miami, Fla.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Source information is from the sender, the addressee, the Customs value records, and the manufacturer of the item.

Treasury/Customs 00.148

System name: Military Personnel and Civilian Employees' Claims Act File—Treasury/Customs.

System location: Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Persons filing claims under the Military Personnel and Civilian Employees' Claims Act of 1964.

Categories of records in the system: Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include making recommendations for decisions on claims and making final decisions on claims; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who filed the claim and alphabetically in the file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During nonworking hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files originates with a Treasury 'Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

Treasury/Customs 00.149

System name: Military Personnel and Civilian Employees' Claims Act File—Treasury/Customs.

System location: Office of the Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Categories of individuals covered by the system: Current or former Customs employees filing claims under the Military Personnel and Civilian Employees' Claim Act of 1964 for damage to or loss of personal property incident to their service.

Categories of records in the system: Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 31 U.S.C. 240-243; 31 CRF Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the Customhouse. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files originates with a Treasury Department Form NO. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant, the claimant's supervisor, or other reviewing Customs officers.

Treasury/Customs 00.150

System name: Military Personnel and Civilian Employees' Claims Act File—Treasury/Customs.

System location: Regional Counsel, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Current or former Customs employees filing claims under the Military Personnel and Civilian Employees' Claims Act of 1964 for damage to or loss of personnal property incident to their service.

Categories of records in the system: Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 1331, August 19, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) The information contained in this file is utilized to formulate recommendations, and is made available, to the officials within the Customs Service who make final decisions on claims submitted pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who filed the claim and alphabetically in the file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personnel Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

Treasury/Customs 00.268

System name: Military Personnel and Civilian Employees' Claims Act File—Treasury/Customs.

System location: Office of the Regional Counsel, Suite 1220, 500 Dallas Street, Houston, Texas 77002.

Categories of individuals covered by the system: Current or former Customs employees filing claims under the Military Personnel and Civilian Employees' Claims Act of 1964.

Categories of records in the system: Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The information contained in this file is utilized to formulate recommendations, and is made available, to the officials within the Customs Service to make final decisions on claims submitted pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified alphabetically in the file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel on the 12th Floor of 500 Dallas Street, Houston, Texas. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed security guards provided by the lessor.

Retention and disposal: These files are retained until closed at which time the closed files are transferred to the Director, Logistics Management Division, Office of the Regional Commissioner, Houston, Texas for ultimate transportation to the Federal Record Center.

System manager(s) and address: Regional Counsel, Suite 1220, United States Customs Service, 500 Dallas Street, Houston, Texas 77002.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

Treasury/Customs 00.151

System name: Motor Vehicle Accident Reports—Treasury/Customs.

System location: Each Logistics Management Division, in each Customs Regional Headquarters (see Customs Appendix A).

Categories of individuals covered by the system: U.S. Customs Employee involved in an automobile accident while on official duty.

Categories of records in the system: Name, Social Security Number, home address, telephone number, age, title, date of accident, place of accident, make, year, license number of vehicles, description of accident, information on driver of other vehicle.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Administrative Circular No. 131, dated August 19, 1965 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer in a metal file cabinet.

Retrievability: Each case file is identified in a file folder identified by the name of the Customs employee involved in the automobile accident.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Regional Safety Coordinator within the office of the Regional Commissioner of Customs. Access to the building during nonworking hours is controlled.

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Retention and disposal: Files are maintained at location for 2 years and then transferred to the Federal Records Center where they are retained for four years.

System manager(s) and address: Each Director, Logistics Management Division in each Regional Headquarters (see Customs Appendix A for addresses).

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in these files originates from the employee involved in the automobile accidents, police report and report of investigation conducted by the Office of Internal Affairs.

Treasury/Customs 00.152

System name: Motor Vehicle Operator's Identification Card—Treasury/Customs.

System location: District Director, 600 South Street, New Orleans, Louisiana 70130; District Director, P.O. Box 2748, Mobile, Alabama 36601; Regional Commissioner, 1440 Canal Street, New Orleans, Louisiana 70112.

Categories of individuals covered by the system: All Customs employees in Region V whose official duties require the use and operation of an agency-owned vehicle or a government-owned vehicle leased from General Service Motor Vehicle Pool.

Categories of records in the system: Records on file contain the follwoing information: Name, address, place and date of birth, statement of physical fitness, results of examination on driving capability, summary of past driving record, record of summonses, arrests, and accidents during past five years, record of safe driving awards.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On SF-47 and Treasury Department Form 2770 in appropriate file.

Retrievability: By name.

Safeguards: Unlocked file cabinet in locked office.

Retention and disposal: Forms are maintained for the period in which the individual is employed in the Customs Service, or until revoked. Upon separation or revocation, forms are removed from active file and placed in an inactive file for a period of three years, after which time the cards are disposed of as provided in GSA's General Records Schedule.

System manager(s) and address: District Director, 600 South Street, New Orleans, Louisiana 70130; District Director, P.O. Box 2748, Mobile, Alabama 36601; District, Logistics Management Division, 1440 Canal Street, New Orleans, LA 70112.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: All information contained on SF-47 and TD Form 2770 is obtained directly from employee.

Treasury/Customs 00.153

System name: Motor Vehicle Operators I.D. Card and Record—Treasury/Customs.

System location: Room 102, Federal Building, 511 N.W. Broadway, Portland, Oregon 97209.

Categories of individuals covered by the system: Employees of Portland District authorized to drive government vehicles.

Categories of records in the system: Name, position, driving record of employee.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To account for those employees to whom driver's licences have been issued and to maintain information concerning their driving record.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in index card file. Stored in unlocked metal cabinet.

Retrievability: Information is on cards, indexed alphabetically by name of individual.

Safeguards: The office and building are locked during non-working hours.

Retention and disposal: Retained 2 years, then destroyed.

System manager(s) and address: District Director, Federal Building Room 198, 511 N.W. Broadway, Portland, Oregon 97209.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information furnished by employee and his supervisors. Accident reports.

Treasury/Customs 00.155

System name: Narcotics Suspect File—Treasury/Customs.

System location: Customs Patrol Office, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Categories of individuals covered by the system: Known violators of Federal narcotics laws. Suspected violators of Federal narcotics laws. Associates of known and suspected violators. Informants and other persons of interest to patrol officers in the performance of their duties.

Categories of records in the system: Criminal and civil case files; information of possible violators, informant files, known suspect files, and files of information of interest to patrol officers.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by patrol officers to determine an individual's previous record when determining the proper recommendations for criminal and civil penalties; (d) Used by patrol officers to determine patterns of violations and assist in the more efficient performance of their duties; (e) Used by officers and employees of the Customs Service and the Department of the Treasury to compile statistics and determine patterns of violators; (f) In the event that this system of records includes information which indicates a violation or possible violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (g) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (h) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in metal file cabinets which are located in locked or occupied offices which are located in locked and guarded Federal Buildings.

Retrievability: A manual master card index is maintained for the entire system. This index includes name and/or numerical identifier.

Safeguards: In addition to being stored in secure metal containers, the containers are maintained in offices which are either occupied or locked at all times. These offices are located in locked Federal buildings.

Retention and disposal: The file records are maintained indefinitely.

System manager(s) and address: Director, Baltimore Patrol Division, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system or records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.156

System name: Narcotic Violator File—Treasury/Customs.

System location: Fines, Penalties and Forfeitures Office, District Director of Customs, Room 603, U.S. Federal Building, 111 West Huron Street, Buffalo, New York 14202.

Categories of individuals covered by the system: Persons who have been found in possession of any controlled substance within the Buffalo District.

Categories of records in the system: Alphabetized cross reference of violators names and the associated case numbers assigned to these individuals.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Open card file (3 x 5) is kept in metal flip file.

Retrievability: Narcotic violator case files are cross-referenced by a 3 x 5 alphabetized card which contains both name and case number.

Safeguards: Open card file is kept in the Fines, Penalties and Forfeitures Office which is locked after working hours. During working hours, a staff person is always in the office. The building is under 24-hour guard.

Retention and disposal: File system has a purge date of two years after which cross reference cards are destroyed and case numbered file is no longer accessible by name of the individual.

System manager(s) and address: District Director, United States Customs Service, Room 603, 111 West Huron Street, Buffalo, New York 14202.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in these files is obtained from Search/Arrest and Seizure Reports transmitted to the Fines, Penalties and Forfeitures Office by ports and stations within the district.

Treasury/Customs 00.159

System name: Notification of Personnel Management Division when an employee is placed under investigation by the Office of Internal Affairs—Treasury/Customs.

System location: Personnel Management Division, 500 Dallas Street, Houston, Texas 77002.

Categories of individuals covered by the system: Customs employees who are suspected of misconduct.

Categories of records in the system: A written or telephonic notification made by the Office of Internal Affairs that an investigation has been opened on an individual employee.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Notification serves to notify certain Personnel Management Division employees of the investigation to assure compliance with Chapter 751 of the Customs Personnel Manual which precludes the processing of certain personnel actions while employees are under investigation. Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notifications provided by the Office of Internal Affairs are maintained in a file folder and stored in a metal security cabinet equipped with a lock.

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Retrievability: The file contains the name of the employee; therefore retrievability is by the individual's name.

Safeguards: A metal container, described above, is maintained within the area assigned to Personnel Management in the One Allen Center Building. During non-working hours, the room in which the metal container is kept is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: The name file is retained until notification has been received that the investigation has been cancelled or on receipt of a report of investigation from the Office of Internal Affairs.

System manager(s) and address: Director, Personnel Management Division, 500 Dallas Street, Houston, Texas 77002.

Record source categories: The only source of notification that an employee has been placed under investigation is the Regional Director, Internal Affairs.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.160

System name: Operations Officer's (Classification and Value) Work Accomplishments—Treasury/U.S. Customs.

System location: Office of the Regional Commissioner, U.S. Customs Service, Classification and Value Division, 55 East Monroe Street, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Operations Officers in the Classification and Value Division.

Categories of records in the system: Travel File—Names, dates, purpose and locations travelled. Assignments Folder—Correspondence of specific assignments filed by name. Reading File—Copies of all originally written documents filed by name.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) Historic record of work accomplishments in one file by name. (d) It is used as a file index to locate the master file record.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder under secretarial control.

Retrievability: Manual file system.

Safeguards: Stored in the division area away from unescorted public.

Retention and disposal: Filed for five years then destroyed.

System manager(s) and address: Regional Commissioner, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The sources are from the Operations Officers and a copy of typewritten work.

Treasury/Customs 00.161

System name: Optional Retirement List—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: All employees who are eligible for optional retirement.

Categories of records in the system: Name, date of mandatory retirement, and service computation date.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) In the event that this system of records includes information which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign charged with the responsibility of investigating or prosecuting the statute or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in a locked file cabinet.

Retrievability: By name.

Safeguards: Accessible only to the Personnel Officer. The area in which these records are stored is locked during non-working hours, and the building is guarded by uniformed security police.

Retention and disposal: Records are retained for two years then destroyed.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information is obtained from the Employees Service Record Report.

Treasury/Customs 00.162

System name: Organization (Customs) and Automated Position Management System (COAPMS)—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Categories of individuals covered by the system: All Customs employees by organizational entity.

Categories of records in the system: Position control number and other personnel data such as social security number, date of birth, name, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 522); (c) Used by managers and planners at all levels for position control purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on Mag-tape.

Retrievability: Records are indexed by organizational segment, code, position control number, and name.

Safeguards: Limited access.

Retention and disposal: Records are maintained on mag-tapes indefinitely or until employee separation.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: COAPMS is composed of four basic inputs: CF-105-Position Change Form—presently prepared by the Headquarters Personnel Branch and operating offices, Post of Duty Codes—established by the Accounting Division. Ceilings—established by the Budget Division, CF-112—a Request for PPBS Code and Standard Abbreviation of Position.

In addition to these four sources, the IRS payroll tape has many inputs—1150, 1125, 50, 52, union dues, etc., and Accounting tape K from IRS.

Treasury/Customs 00.163

System name: Outside Employment Requests—Treasury/Customs.

System location: Located in the Personnel Management Division of each Region and Headquarters and/or appropriate District, Port, or post of duty office of employee making request.

Categories of individuals covered by the system: All employees engaged in outside employment.

Categories of records in the system: Outside employment request.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) Used to ensure the Customs employees are not engaged in other employment that would create a conflict of interest with Customs Service or Treasury Department.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: CF-3031 kept in manila folder.

Retrievability: By employee name.

Safeguards: Locked file cabinet or limited access offices.

Retention and disposal: Until disengagement from outside employment or employee separation.

System manager(s) and address: Director, Personnel Management Division in each regional office and Headquarters and/or appropriate managerial official in each port or district of employee.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Employee submission of form CF-3031.

Treasury/Customs 00.164

System name: Overtime Earnings—Treasury/Customs.

System location: Office of the Regional Commissioner, Region IX, Inspection and Control Division, 55 East Monroe Street, Suite 1501, Chicago, Illinois 60603 and each District Director's office in Region IX.

Categories of individuals covered by the system: U.S. Customs inspectional and warehouse personnel engaged in performance of overtime and reimbursable work assignments in Region IX.

Categories of records in the system: Summary of total overtime earnings for individual employees participating in overtime assignments in Region IX.

Authority for maintenance of the system: Sec. 19 and 24 of the Occupational Safety and Health Act of 1970, 84 Stat. 1609, 1614, 29 U.S.C. 668, 673 and the provisions of Executive Order 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Review of overtime earnings to insure required equalization of overtime is maintained in each port in Region IX.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Kept in loose leaf binder in alphabetical listing by individual name and kept in the office of the Director, Inspection and Control Division, Region IX.

Retrievability: By individual name in alphabetical order.

Safeguards: Locked in the desk of Director, Inspection and Control Division and made available only to authorized U.S. Customs personnel.

Retention and disposal: Retained for two years then destroyed.

System manager(s) and address: Director, Inspection and Control Division, Region IX, 55 East Monroe, Suite 1501, Chicago, Illinois 60603 and respective District Directors.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Record is compiled from information supplied by employee on Customs Form 6082 (Work Ticket) that is completed for each overtime assignment worked.

Treasury/Customs 00.165

System name: Overtime Earnings—Treasury/Customs.

System location: Inspection and Control Division, San Francisco District, 555 Battery Street, Room 111, San Francisco, CA 94126.

Categories of individuals covered by the system: Inspection and Control employees participating in overtime assignments within the district of San Francisco.

Categories of records in the system: Name and the total current monetary earnings computed to the nearest dollar.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) To maintain records of extra compensation earnings on a yearly basis for each employee in each participating group, i.e., Customs Inspectors, Supervisory Customs Inspectors, Inspectional Aids, etc. (b) A report of the monetary earnings from each overtime participant is given to each station supervisor every two weeks. (c) The report is available to all employees.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is kept on a visible chart board and the information on earnings is constantly changing.

Retrievability: The individual's name appears alphabetically according to their geographical location within the Port.

Safeguards: The room wherein the visible chart is kept, is locked at other than regular working hours.

Retention and disposal: The information on each employee constantly changes and is maintained as long as the employee is working in the inspection overtime system.

System manager(s) and address: Supervisory Customs Inspector, Station 1, U.S. Customs Service, 555 Battery Street, Room 111, San Francisco, California 94126.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is obtained from actual overtime earnings made by each employee in the system.

Treasury/Customs 00.166

System name: Overtime Earnings Daily Log Book—Treasury/Customs.

System location: Chief Inspector, 1001 N. American Way, Miami, Fla., Port Director of Customs, Port Everglades, Fla., Port Director of Customs, West Palm Beach, Fla., Director Airport Operations, Miami International Airport.

Categories of individuals covered by the system: All participants in overtime.

Categories of records in the system: Monetary amount of overtime earned.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the

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performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Supervisors and participants in overtime earnings; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Record is kept in file folders at assignment offices listed under location.

Retrievability: Records are retrievable by name of participant.

Safeguards: Record is kept in non-public portions of listed offices.

Retention and disposal: Records are kept on a calendar year basis and are disposed of after computer printouts are received.

System manager(s) and address: District Director of Customs, 444 Brickell Ave., Miami, Fla. 33131.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information for this record is obtained from the overtime work tickets.

Treasury/Customs 00.167

System name: Overtime Earnings Record—Customs Warehouse Officers—Treasury/Customs.

System location: Office of the Supervisory Warehouse Officer, U.S. Customhouse, Room 103, 2nd & Chestnut Streets, Philadelphia, Pa. 19106.

Categories of individuals covered by the system: Customs Warehouse Officers under the supervision of the Philadelphia District who participate in 1911 Overtime earnings.

Categories of records in the system: Bi-monthly postings of participating employees' actual 1911 Overtime earnings.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each posting is made manually on a 5 inch by 8 inch index card which is filed in the Supervisory Warehouse Officer's desk.

Retrievability: Each card is identified by the name of the Warehouse Officer and his grade.

Safeguards: The records are kept in a closed desk drawer; during working hours, only the Supervisory Warehouse Officer has access to the desk. During non-working hours, the building is either locked or controlled by uniformed guards.

Retention and disposal: Overtime earnings records of Customs Warehouse Officers are kept for one year and then destroyed.

System manager(s) and address: District Director of Customs, U.S. Customhouse, 2nd & Chestnut Streets, Philadelphia, Pa. 19106.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files originates from a bi-monthly data center print-out, number RCS-AA66-10, for the Port of Philadelphia.

Treasury/Customs 00.169

System name: Overtime Log—Treasury/Customs.

System location: U.S. Customs Service, Honolulu International Airport, Honolulu, Hawaii 96819.

Categories of individuals covered by the system: Employees of U.S. Customs Service participating in overtime under the Act of Feb. 13, 1911.

Categories of records in the system: Name, overtime rate, overtime amount earned by date, overtime earned on holiday or Sunday or during any other night, and running total of earnings.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) To keep a record of overtime earnings worked by each individual participant. (b) To keep a record of overtime earnings by different participating groups; i.e., Inspectors, Supervisory Customs Inspectors, Warehouse officers, etc. (c) Used to make a daily list of overtime participants by earnings.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on loose leaf folder paper in a black binder. This binder is located adjacent to the documents examiner's desk.

Retrievability: Each loose leaf folder paper is identified by name and is filed according to current overtime earnings and participating groups.

Safeguards: The documents examiner's desk is located next to the manifest desk in the U.S. Customs Service office. The manifest desk is manned 24 hours a day, seven days a week by Customs personnel.

Retention and disposal: The files are kept in the binder for one calendar year then placed in a folder, boxed, sealed, labeled and placed in our locked storeroom. The files are destroyed after five years.

System manager(s) and address: District Director of Customs, U.S. Customs Service, Honolulu, Hawaii 96819.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Overtime records are compiled by Customs personnel responsible for accounting for overtime.

Treasury/Customs 00.170

System name: Overtime Reports—Treasury/Customs.

System location: U.S. Customs Service, Office of Investigations, Region V. RDI, 1440 Canal Street, New Orleans, La. 70112; SAC, 600 South Street, Room 444, New Orleans, La. 70130; SAC, P.O. Box 1704, Mobile, Ala. 36601; RA, 1719 West End Building, Rm. 303, Nashville, Tenn., 37203.

Categories of individuals covered by the system: All Special Agents in region certified to receive premium compensation.

Categories of records in the system: Numbers of hours worked by Special Agents over and above the normal 40 hour week.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Record of number of unscheduled overtime hours worked by each Special Agent.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These forms are maintained in file folders in a locked filing cabinet.

Retrievability: Files are kept in alphabetical order.

Safeguards: During non-working hours the rooms in which the above described containers are located are locked.

Retention and disposal: These files are maintained on Special Agents and are destroyed three years after agent leaves agency or office.

System manager(s) and address: Regional Director, Investigations, U.S. Customs Service, Office of Investigations, 1440 Canal Street, New Orleans, La. 70112; Special Agent in Charge, Office of Investigations, 600 South Street, Room 444, New Orleans, La. 70130; Special Agent in Charge, U.S. Customs Service, Office of Investigations, P.O. Box 1704, Mobile, Ala., 36601; Resident Agent, U.S. Customs Service, Office of Investigations, 1719 West End Building, Rm. 303, Nashville, Tenn., 37203.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files originates with, and consists solely of information supplied by employees.

Treasury/Customs 00.171

System name: Parking Permit File—Treasury/Customs.

System location: Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Individuals and members of car pools to whom vehicle parking permits have been issued.

Categories of records in the system: Name, home phone number, home address, organization, office telephone number, years of service, and make, year, license number and registration number of vehicle.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used administratively by Customs Service Headquarters to evaluate applications and to assign and monitor available parking spaces. (d) Disclosure to the General Services Administration for that agency's official use.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on GSA Forms 7415 (Parking Permit Applications) which consist of index card applications. The index card applications are placed within a file box which is located in a metal file container.

Retrievability: Each index card is identified by the name of the applicant, and the cards are filed alphabetically within the file box.

Safeguards: The card file box is placed within a metal cabinet which is located within an office that is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted in the building.

Retention and disposal: Active index cards are retained in this system indefinitely. However, the information in this sytem is reviewed every six months, and outdated index cards are discarded.

System manager(s) and address: Chief, Headquarters Support Branch, Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates with, and consists solely of, information supplied by the applicant(s) on GSA Form 7415 (Parking Permit Application).

Treasury/Customs 00.172.

System name: Parking Permits File (N.Y. Region)—Treasury/Customs.

System location: U.S. Customs Service, Assistant Regional Commissioner (Administration), 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Organizational units and persons holding parking permits.

Categories of records in the system: Name of person issued parking permit, and number of parking spot assigned.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To keep track of permits issued and to identify the holder of the permit if violations occur or problems develop (i.e. car lights left on).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: By name.

Safeguards: Office locked at night.

Retention and disposal: Retained until changed.

System manager(s) and address: Regional Commissioner of Customs, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is compiled when parking permit is assigned.

Treasury/Customs 00.175

System name: Patrol Division Daily Activity Report—Treasury/Customs.

System location: Offices of the Patrol Division, Chicago District, Detroit District and Pembina District, Region IX, Chicago, Illinois. See Customs Appendix A.

Categories of individuals covered by the system: Individuals employed as Customs Patrol Officers.

Categories of records in the system: Internal Patrol Division folder maintained by Director, Patrol, by name to record work performance on a daily basis of each individual Patrol Officer. Also, individual record of scheduled overtime, sick or annual leave hours.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to maintain evaluation rating on employees of Patrol Division;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual activity records are maintained in file folders stored in a locked metal file cabinet.

Retrievability: Each folder is filed alphabetically by an individual's name.

Safeguards: File folders are kept in a locked metal file cabinet which is located in an office that is locked during non-working hours.

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Retention and disposal: Folders are maintained for the duration of an employee's service with the Patrol Division and then destroyed.

System manager(s) and address: Supervisory Customs Patrol Officers, Chicago District, Detroit District and Pembina District, Region IX, Chicago, Illinois. See Customs Appendix A.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in this record system originates from reports of Customs Patrol Officers involving records of their daily patrol activities.

Treasury/Customs 00.180

System name: Payroll Record of Employees Not Covered By The Automated System—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: Records of various types of earnings and taxes withheld from employees who are not covered by the automated payroll system.

Categories of records in the system: Recorded detail of earnings and taxes.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used as a record for reporting and paying payroll taxes;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is placed in a file folder maintained in an unlocked file cabinet located within the Payment Section work area.

Retrievability: Each file is identified by the name of the individual.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The files are retained for two years on the premises and then sent to the Federal Records Center where they are retained for three years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in the system originates from the individual's preparation of his travel voucher and compensation forms.

Treasury/Customs 00.182

System name: Penalty Case File—Treasury/Customs.

System location: Office of Regional Commissioner of Customs, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: Individuals who have submitted supplemental petitions in relation to penalties, claims for liquidated damages or forfeitures of property which are being processed by the U.S. Customs Service, Region I and which have been referred to the Regional Commissioner of Customs, Region I.

Categories of records in the system: (a) Reports relative to the circumstances of an alleged violation (including any Customs forms or documents relating to the incident, agents' investigative reports, seizure reports); (b) Reports relative to an individual's economic interest in a penalty case; (c) Investigative reports relative to claims made in petitions for relief; (d) Recommendations made by other Government agencies that have an interest in the case.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name of alleged violator.

Safeguards: Open case files maintained in file cabinets with access by Regional Counsel and his staff only; closed case files maintained in locked file cabinet with keys retained by Regional Counsel and his staff only.

Retention and disposal: Retained indefinitely or until there is no longer any space available within metal cabinets, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Commissioner of Customs, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Contesting record procedures: See Exemption below.

Record source categories: The information contained in these files is received from U.S. Customs employees, reports of investigation, petitions for relief, other Government agencies with an interest in the case and members of the general public who have pertinent information.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a(j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.183

System name: Personal Search (Negative)—Treasury/ Customs.

System location: All ports, Region IX, Chicago, Illinois.

Categories of individuals covered by the system: All individuals subject to U.S. Customs inspection.

Categories of records in the system: Records contain date, time and place of search in addition to reason for and result of search, names of Customs officers conducting and authorizing search, name and address and date of birth of parties searched.

Authority for maintenance of the system: 19 U.S.C. 482; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are located in Port Office.

Retrievability: Records kept in alphabetical order.

Safeguards: The cabinet described above is maintained within the area assigned in the Customs office. During non-working hours the room and/or building in which the cabinet is located is locked.

Retention and disposal: Files are retained in Port Office for five years after which they are destroyed.

System manager(s) and address: District Directors/Port Directors as applicable, in Region IX, Chicago, Illinois.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Form is prepared by Customs offices performing the personal search and is the sole source of information.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.184

System name: Personal Search N.Y. District (Negative results)—Treasury/Customs.

System location: District Director, U.S. Customhouse, 127 North Water Street, Ogdensburg, NY 13699.

Categories of individuals covered by the system: Any person who an inspector at any port or station in the district has deemed should be searched because of his appearance, associations, or other valid reason.

Categories of records in the system: Name, address, date of birth, social security number, place of birth, occupation, driver's license number, and other identification number.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Means of determining number of personal searches being performed (to see authority is not abused). Establishes a record in case of complaint; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (d) In the event that this system of records includes information which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign charged with the responsibility of investigating or prosecuting the statute or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file jackets in steel file cabinet.

Retrievability: By name.

Safeguards: Available to the District Director and authorized personnel of his staff only.

Retention and disposal: Retained for five years then destroyed by burning or shredding.

System manager(s) and address: District Director, U.S. Customhouse, 127 North Water Street, Ogdensburg, N.Y. 13699.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: From inspectors throughout the district.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.185

System name: Personal Search—Negative (District Director—Mobile, Alabama)—Treasury/Customs.

System location: District Director of Customs, Room 218, International Trade Center, 250 North Water Street, Mobile, Alabama 36602.

Categories of individuals covered by the system: Individuals who have been subjected to search by Customs Officers in which no arrest or seizure is made.

Categories of records in the system: CF 151-Search/Arrest/Seizure Report: Used to record any occasion when a Customs Officer is involved or participates in a personal search, an arrest, or a seizure of merchandise or contraband articles. CF 5211-Record Log of Fines, Penalties and Forfeitures-Record, by case number, of all CF 151's issued; reflects name and address of person searched, name of searching officer, reason for search, and brief summary of the situation which resulted in the search.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);

For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Violator name and/or penalty case number.

Safeguards: In file cabinets in secure office area which is locked when not occupied, in building with 24-hour guard service.

Retention and disposal: Maintained with penalty case files for five years and after clearance by Security and Audit, shredded on site. CF 5211-(Record Group 217) Retained for 10 yrs. and 3 months and destroyed by shredding after clearance by Security and Audit.

System manager(s) and address: District Director of Customs, P.O. Box 2748, Mobile, Alabama 36601.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Individual involved. Arrest and violation records from Federal, state and local police. Customs Officers. TECS

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Query and NCIC Query—These systems provide data by name, license numbers and other numerical identifiers on prior records of violations.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.186

System name: Personal Search—Negative (District Patrol—New Orleans, La. and Mobile, Al.)—Treasury/Customs.

System location: Office of the Director, District Patrol, 600 South Street, New Orleans, Louisiana 70130; Director, District Patrol Division, Room 213, International Trade Center, 250 International Trade Center, 250 N. Water Street, Mobile, Al. 36602.

Categories of individuals covered by the system: Individuals indicating unlawful or suspicious activity that might result in a Customs violation.

Categories of records in the system: Name, address, phone number, place of business, physical description, associates, vessel, automobile, or aircraft identified with, make, year, license number and registration of vehicles, area of activity, method of operation and other relevant and necessary information on individuals suspected of activity contrary to law.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statue or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employeee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in standard Customs file folders in locked metal cabinets.

Retrievability: System indexed by identifying file number and manually retrieved.

Safeguards: File maintained in locked metal file cabinet, the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access, consistant with their positions, have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours, the room housing the metal cabinets is locked.

Retention and disposal: Negative Search Reports are destroyed after a five year period. Method of disposal is shredding.

System manager(s) and address: Director, District Patrol Division, 600 South Street, New Orleans, Louisiana 70130.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this sytem originates with, and consists soely of, information supplied by the individual being searched and the patrol officer doing the search.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.187

System name: Personal Search File—Treasury/Customs.

System location: U.S. Customs Service, Honolulu International Airport, Honolulu, Hawaii 96819.

Categories of individuals covered by the system: Passengers, arriving from foreign countries, the Customs Service found necessary to search.

Categories of records in the system: Name, address, date, time, date of bith, region, port, race, sex, carrier, (airline and flight number), description, passport number, birth place, social security number, marital status, citizenship, reasons for search, searching officer, witness, result of search, search authorized by, and extent or type of search.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) All three forms used in this system are kept so as to have a clear and concise record of all searches conducted by the U.S. Customs Service; (b) The files are used to answer all inquiries into any aspect of any personal searches conducted at this station; (c) The current CF 151 file is used as the primary input document for the Customs Law Enforcement Activity Reporting (CLEAR) system which provides, in turn, accurate and timely statistical reporting; (d) Disclosure to officers and employees of the Customs Service and the Department of the Treasury who have a need for records in the performance of their duties; (e) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on Region Form VIII-RC-51-BNF, CF 43, CF 151. These forms are found in binders on the reference shelves in the Customs office.

Retrievability: Each form is identified by name and is filed alphabetically. The files are further broken down by form number and calendar year.

Safeguards: The files are located in the Customs office. This office is manned 24 hours a day, 7 days a week by Customs personnel.

Retention and disposal: Active file forms are kept for five years. After five years the files are destroyed.

System manager(s) and address: District Director of Customs, U.S. Customs Service, Honolulu, Hawaii 96819.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files originates from personal searches conducted on passengers arriving from foreign destinations.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in Federal Register.

Treasury/Customs 00.188

System name: Personal Search Report—Treasury/Customs.

System location: Ports of enry, —Nogales, Arizona District.

Categories of individuals covered by the system: Persons on whom personal searches are performed at the various ports of entry.

Categories of records in the system: Customs Form 151 containing personal information on individual searched and reasons for search.

Authority for maintenance of the system: 19 U.S.C. 1467, 5 U.S.C. 301; Treasury Department, Order No. 165 Revised as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Retained as record to answer inquires into any aspects of personal searches conducted by the Customs Service. Disclosed to Treasury Department Personnel as necessary for performance of duties. Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each CF 151 covering personal searches is maintained in alphabetical order at the various ports of entry.

Retrievability: By name of person searched.

Safeguards: Records are retained in file cabinets (lockable) and buildings are locked during other than office hours.

Retention and disposal: Records are retained for 5 years and destroyed by burning.

System manager(s) and address: Port Directors at the various ports of entry in the Nogales, Arizona District.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information contained herein originates with the Inspector and contains personal information obtained from the individual searched and reasons for performing the search.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.189

System name: Personnel Action Records System—Treasury/Customs.

System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Persons employed by the Treasury Department, Customs Service who either initiate a grievance, discrimination complaint, an unfair labor practice complaint against the U.S. Customs Service and officer or employee therof, or have a disciplinary or other adverse action initiated against him or her by the U.S. Customs Serivce in Region IX.

Categories of records in the system: The Personnel Action Records System contains information regarding employment history, i.e. basic personnel data, age, birth, marital status, address, phone number, general health, details of the incident leading to the grievance, discrimination complaint, disciplinary action, adverse action, or unfair labor practice complaint.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Personnel Action Records System of the United States Customs Service are as follows: (a) Disclosure to those officers and employees of the Customs Service, the Department of the Treasury, the Civil Service Commission, and the Department of Justice who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Information contained in these files is routinely used by the attorneys in the Regional Counsel's office in determining and resolving legal issues related to the personnel action involved, in preparing for, and representing management in, administrative hearings and administrative appeals, and providing information and assistance to U.S. Attorneys and the Department of Justice in litigation. Potential litigation or litigation will require disclosure of the information to the Department of Justice, and this information is often channeled through the Department of the Treasury.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in a file folder which is filed in a lockable drawer within a metal filing cabinet container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the action against the Customs Service, or against whom it was initiated. In addition, each case file is similarly identified on the file folder with the alphabetical name on the file which is placed and located within the metal container.

Safeguards: The metal filing drawer containing the files described above is maintained within the area assigned to the office of the Regional Counsel, Region IX at 55 E. Monroe Street, Chicago, Illinois. During non-working hours, the room in which the metal filing drawer is located is locked, the file container itself is locked, and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: These files are retained indefinitely or until there is no longer space available for them within the metal filing cabinet at which time the oldest files are transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes and metal storage cabinets which are not able to be locked. Files which are closed and not retained for precedent purposes are retired to the Federal Records Center, General Service Administration, 7358 S. Pulaski, Chicago, Illinois 60602 in accordance with the U.S. Customs Service Record Disposal Manual.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates with the initiation of any personnel action either by or against an employee. The information submitted by the employee is in the file as will be the information submitted by the employer if the action is initiated by the employer. Further information in this file is derived from both employee and employer information of an investigation made by the Office of Internal Affairs, investigation reports by the Office of Investigations, memoranda from the Civil Service Commission and possibly other agencies having employed the individual. Information could also be obtained form Customs employees, former Customs employees, private parties, corporations, confidential informers, credit bureaus, foreign countries or officials thereof, foreign citizens and any other source with information pertinent to the Personnel Action.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.190

System name: Personnel Case File—Treasury/Customs.

System location: Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Current or former Customs Service employees against whom disciplinary action has been proposed or taken, who have filed grievances, and who have

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filed complaints under the Equal Opportunity (EO) Program, in most cases where administrative proceedings have been instituted.

Categories of records in the system: Reports of investigation into alleged employee misconduct, internal Customs Service memoranda recommending displinary action, documents relating to the institution or conduct of disciplinary proceedings, documents relating to the filing and administrative disposition of formal and informal grievances and documents relating to the filing and administrative disposition of EO complaints.

Authority for maintenance of the system: Title 5, United States Code; Title 5, Code of Federal Regulations; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include evaluating proposed disciplinary actions, grievances and EO complaints, recommending action to be taken in such cases, preparing necessary decisional documents in such cases, preparing proposed charges where appropriate, preparing for administrative hearings held in regard to these matters and making the records a part of the record at such hearings; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Disclosure to the Civil Service Commission in connection with administrative hearings and to the Department of Justice in connection with court proceedings resulting from appeals from decisions rendered at the administrative level. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person, and each case file is similarly identified in alphabetical order within the metal container.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During nonworking hours, the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

System manager(s) and address: Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files results from investigations into alleged misconduct on the part of Customs Service employees, recommendations from appropriate Customs Service field personnel that disciplinary proceedings be instituted against Customs Service employees, the filing of grievances by Customs Service employees, the filing of EO complaints by Customs Service employees, the statements of Customs Service employees including the employees who are directly affected by the administrative proceedings, and statements or other information provided by private nongovernmental individuals.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.191

System name: Personnel Case File—Treasury/Customs.

System location: Regional Counsel of Customs, 6 World Trade Center, New York, N.Y 10048.

Categories of individuals covered by the system: Current or former Customs Service employees against whom disciplinary action has been proposed or taken, who have filed grievances, and who have filed complaints under the Equal Opportunity (EO) Program, in most cases where administrative proceedings have been instituted.

Categories of records in the system: Reports of investigation into alleged employee misconduct, internal Customs Service memoranda recommending disciplinary action, documents relating to the institution or conduct of disciplinary proceedings, documents relating to the filing and administrative disposition of formal and informal grievances and documents relating to the filing and administrative disposition of EO complaints.

Authority for maintenance of the system: Title 5, United States Code; Title 5, Code of Federal Regulations; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) The information contained in this file is used administratively to evaluate proposed disciplinary actions, grievances and EO complaints, to recommend action to be taken in such cases, to prepare necessary decisional documents in such cases, and to prepare proposed charges where appropriate. The information contained in this file is used to prepare for administrative hearings held in regard to these matters and is routinely made a part of the record at such hearings. Information contained in this file is also made available to the Civil Service Commission in connection with such hearings and may be made available to the Department of Justice in connection with court proceedings resulting from appeals from decisions rendered at the administrative level; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Inforamtion Act (5 U.S.C. 552);

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person, and each case file is similarly identified in alphabetical order within the metal container.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During non-working hours, the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel of Customs, New York, N.Y. 10048.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files results from investigations into alleged misconduct on the part of Customs Service employees, recommendations from appropriate Customs Service field personnel that disciplinary proceedings be instituted against Customs Service employees, the filing of grievances by Customs Service employees, the filing of EO complaints by Customs Service employees, the statements of Customs Service employees including the employees who are directly affected by the administrative proceedings, and statements or other information provided by private non-governmental individuals.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.192

System name: Personnel Case Files (Region VIII)—Treasury/Customs.

System location: Office of the Regional Counsel, 211 Main Street, San Francisco, Calif. 94105.

Categories of individuals covered by the system: Current or former Customs Service employees against whom disciplinary action has been proposed or taken, who have filed grievances, and who have filed complaints under the Equal Opportunity (EO) Program, in most cases where administrative proceedings have been instituted.

Categories of records in the system: Reports of investigation into alleged employee misconduct, internal Customs Service memoranda recommending disciplinary action, documents relating to the institution or conduct of disciplinary proceedings, documents relating to the filing and administrative disposition of formal and informal grievances and documents relating to the filing and administrative disposition of EO complaints.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965. Title 5, United States Code; Title 5, Code of Federal Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The information contained in this file is used administratively to evaluate proposed disciplinary actions, grievances and EO complaints, to recommend action to be taken in such cases, and to prepare necessary decisional documents in such cases, and to prepare proposed charges where appropriate. The information contained in this file is used to prepare for administrative hearings held in regard to these matters and is routinely made a part of the record at such hearings. Information contained in this file is also made available to the Civil Service Commission in connection with such hearings and may be made available to the Department of Justice in connection with court proceedings resulting from appeals from decisions rendered at the administrative level.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person, and each case file is similarly identified in alphabetical order within the metal file cabinet.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours, the metal file cabinet and the room in which the metal file cabinet is located are locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time the oldest files may be transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, 211 Main Street, San Francisco, Calif. 94105.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files results from investigations into alleged misconduct on the part of Customs Service employees, recommendations from appropriate Customs Service field personnel that disciplinary proceedings be instituted against Customs Service employees, the filing of grievances by Customs Service employees, the filing of EO complaints by Customs Service employees, the statements of Customs Service employees including the employees who are directly affected by the administrative proceedings, and statements or other information provided by private non-governmental individuals.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.193

System name: Operating Personnel Folder Files—Treasury/Customs.

System location: Files are located in Headquarters, Regional, District, Port and other post of duty offices throughout the Customs Service depending upon post of duty of employee. See Customs Appendix A.

Categories of individuals covered by the system: Customs employees, present.

Categories of records in the system: In addition to the appropriate Personnel offices, records are also maintained by district, port, or other post of duty management on personnel matters such as, but not limited to name, Social Security number, awards, letters of appreciation, promotions, step increases, memoranda, forms and materials related to hiring, address, pay, transfer and separation, service time, salary, phone, education, society memberships, publications, skills, chronological work history, position descriptions, reports of discussions held with employee regarding performance, copies of letters written to employee concerning performance, overtime hours, senority status, leave, overtime earnings, productivity, locator card information, and related employment records.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);(c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regultion, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) For supervisors and appropriate managers in making job-related determinations about employees(g) For employment and salary verification upon request from public.

For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, and/or on index cards, and/or ledgers.

Retrievability: Records are indexed by name, or social security number.

Safeguards: Records are located in lockable metal file cabinets or in secured rooms with limited access.

Retention and disposal: When the employee leaves the Customs Service through transfer or other separation, the file will immediately be forwarded to the office maintaining the Official Personnel Folder. There it will be screened to insure that it contains no documents that should be permanently filed in the Official Personnel Folder other than exact duplicates of papers already so filed. The file and its contents will then be destroyed.

System manager(s) and address: Director, Personnel Management Division in each Region or Headquarters, or managerial official in appropriate posts of duty of employee. See Customs Appendix A.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information in this system of records comes from employee, from personnel actions as noted in official personnel folders, and from supervisor.

Treasury/Customs 00.194

System name: Personnel/Payroll System—Treasury/Customs.

System location: Located in Personnel and Financial Management Divisions of each region and headquarters. Computerized through a Servicing Data Processing Center. See Customs Appendix A.

Categories of individuals covered by the system: All Customs employees, present and former.

Categories of records in the system: These records contain Personnel data maintained primarily in the Official Personnel Folder and Payroll information such as name, social security number, grade, series, step, organizational codes, tax withholding information, bond purchase and issuance, emergency salaries, overtime and holiday pay, optional payroll deductions, other deductions, and all payroll information. Also in this system are records of time and attendance and leave.

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Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Records are used for payroll processing, reports on payroll information such as Employee Service Record report (IRS Form 3695), Comprehensive Payroll listing (IRS Form 2979), Payroll Journal Detail Listing (IRS Form 3124) and others.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and on mag-tape and computer printout.

Retrievability: Records are indexed by name or social security number.

Safeguards: Records are maintained in locked files, secured rooms, or limited access.

Retention and disposal: Individual records are not in system after separation; Official Personnel Records of separated employees either are sent to new agency or to Records Center. Time and attendance records are maintained three years or until after audit; then destroyed.

System manager(s) and address: Directors, Personnel and Financial Management Division in each region and headquarters.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is obtained from Official Personnel Folders employee management, Time and attendance and leave records.

Treasury/Customs 00.196

System name: Preclearance Costs—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region 1, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: All Customs Inspectors and Foreign Service employees of Region I, Boston who are stationed at Toronto and Montreal Canada.

Categories of records in the system: Salaries, living allowances and benefits paid to employees who are stationed at Toronto and Montreal, Canada.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used by the Budget Section of the Financial Management Office to accumulate costs which are used for the preparation of quarterly reporting to Headquarters. These costs are used by Headquarters as the basis of assessment of charges to airline carriers for the use of Customs facilities outside of the United States.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in a file folder within two metal file cabinets in the work area of the Budget Section.

Retrievability: The file is identified as the "Pre-clearance Record" which contains the names of all employees listed in alphabetical order with corresponding costs associated with each employee.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The files are kept for 3 years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in the system is obtained from the Bi-weekly Comprehensive Payroll Listing, Treasury Form 2979, supplied by the Payroll Data Center.

Treasury/Customs 00.197

System name: Private Aircraft/Vessel Inspection Reporting System—Treasury/Customs.

System location: Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Names of pilots and vessel masters arriving in the United States.

Categories of records in the system: Names and personal identifiers of pilots, vessel masters, and owners of vessels with appropriate registration and/or documentation numbers and characteristics, and arrival dates at port of entry.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used by Customs Officers for documenting the arrival of aircraft or vessels from foreign countries and in the enforcing of Customs and related laws; (b) Used for Customs management functions such as measuring workload of Customs officers performing aircraft or vessel inspections; (c) Used as an intelligence gathering source; (d) Used by Department of Justice in prosecuting court cases; (e) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (f) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc and tape storage; microfiche.

Retrievability: By individual name, private aircraft/vessel registration number; vessel name.

Safeguards: All inquiries are made by officers with full field background investigation on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Indefinite, then destroyed. (Minimum of five years for aircraft arrival reports.)

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Proposed Customs Form 178 (Private Aircraft Inspection Report) which will be prepared by Customs officers, unnumbered forms prepared by vessel masters or owners who report their arrival to a United States port of entry, and other Federal agencies.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a(k)(z) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.199

System name: Property Assigned to Employee—Treasury/Customs.

System location: District Director's Office, Entry Control Section, U.S. Customs Service, 228 Federal Bldg., 335 Merchant Street, Honolulu, Hawaii 96813.

Categories of individuals covered by the system: Customs employees.

Categories of records in the system: Individual assignment of Customs badges, listing name, Social Security number and duty phone. Signed by Custodian and Property Officer.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Local Property Officer to determine individual badge assignments.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Kept in alphabetical order in an unlocked filing cabinet in the Entry Control Section.

Retrievability: By name.

Safeguards: The office where the records are located is locked during non-working hours and access to the building is controlled at all times by uniformed guards.

Retention and disposal: The records are maintained for the duration of the property assignment. Outdated records are destroyed after 3 years.

System manager(s) and address: Local Property Officer, Room 228, federal Building, Entry Control Section. See location above.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is provided by the property officer and the person to whom the property is assigned.

Treasury/Customs 00.200

System name: Property File—Treasury/Customs.

System location: Logistics Management Division, Region IV, U.S. Customs Service, 99 S.E. 5th Street, Miami, Florida 33131.

Categories of individuals covered by the system: Any Customs employee who is designated as the official custodian of a serially numbered badge, weapon, or transportation request forms.

Categories of records in the system: Name, geographical location and number of item assigned.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used administratively by Customs Service employees to record names of individuals designated as custodians of accountable property.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is stored, in printout form, in files organized by District. The file folders are stored in an unlocked drawer in a metal file cabinet.

Retrievability: Each folder is filed by District.

Safeguards: The files are stored in a metal cabinet located within an office that is locked during non-working hours.

Retention and disposal: Records have been retained since the inception of the system, three years. No policy exists for disposal.

System manager(s) and address: Director, Logistics Management Division, U.S. Customs Service, Region IV, 99 S.E. 5th Street, Miami, Florida 33131.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The source document for this record is the Customs form 35.

Treasury/Customs 00.201

System name: Property File—Non-Expendable-Treasury/Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois (see Customs Appendix A).

Categories of individuals covered by the system: Employees issued non-expendable property.

Categories of records in the system: Receipts for badges, cap insignias, bonded warehouse keys, identification cards, Government driver's licenses, firearms and other non-expendable property.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file cabinet in the offices of the District Directors in Region IX, Chicago, Illinois.

Retrievability: Folders identified by individual's name.

Safeguards: The file described is maintained in the offices of the District Directors in Region IX, Chicago, Illinois. During non-working hours the room/building in which the file is located is locked. Access limited to authorized Customs personnel.

Retention and disposal: Until employee separates/transfers. Transfer to National Personnel Records Center (NPRC), (CPR), St. Louis, Missouri, 30 days after employee is separated.

System manager(s) and address: District Directors in Region IX, Chicago, Illinois.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system consists of receipts of employees receiving non-expendable property.

Treasury/Customs 00.203

System name: Receipt for Property Assigned—Treasury/Customs.

System location: Federal Building, Room 198, 511 N.W. Broadway, Portland, Oregon 97209.

Categories of individuals covered by the system: Employees of Portland District to whom property has been assigned.

Categories of records in the system: Name, address, Social Security number, and listing of articles assigned.

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Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To make accountable those employees to whom property has been assigned.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in wooden index card file on desk of property clerk.

Retrievability: Cards are filed alphabetically by name of individual.

Safeguards: The office and building are locked during non-working hours.

Retention and disposal: Retained 2 years after transfer or separation, then destroyed.

System manager(s) and address: District Director, Federal Building, Room 198, 511 N.W. Broadway, Portland, Oregon 97209.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Cards filled out by property clerk when property is issued.

Treasury/Customs 00.204

System name: Receipt for Property Assignment—Treasury/Customs.

System location: Office of District Director, Administrative Officer, U.S. Customs Service, 555 Battery Street, Room 318, San Francisco, California 94126.

Categories of individuals covered by the system: Employees of Customs to whom Government property is issued—such as badges, cap insignia, guns, etc.

Categories of records in the system: Name, home address, District number, Port, social security number, signature of person receiving property, phone number, date.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Used administratively to account and control Government property issued to Customs employees.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on Customs Form 35. These forms are kept in a metal Index File Box.

Retrievability: Each receipt is filed by the name of the employee to which property has been assigned.

Safeguards: The metal Index File Box is stored in an office under constant supervision during regular working hours, and the office is locked during other than regular working hours.

Retention and disposal: These records forms are retained until the property is surrendered and/or the employee leaves Customs.

System manager(s) and address: Administrative Officer, U.S. Customs Service, 555 Battery Street, Room 318, San Francisco, California 94126.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates with and consists of information developed when property is given to employees.

Treasury/Customs 00.206

System name: Regulatory Audits of Customhouse Brokers—Treasury/Customs.

System location: Division of Regulatory Audit, United States Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229, and at each of the nine regional offices of Regulatory Audit (see Customs Appendix A for addresses).

Categories of individuals covered by the system: Persons licensed to conduct customhouse brokerage business pursuant to 19 U.S.C. 1641.

Categories of records in the system: Audit reports of customhouse broker accounts and records; correspondence regarding such reports; Congressional inquiries concerning customhouse broker and disposition made of such inquiries; names of officers of customhouse brokerage firms, license numbers and dates issued and district covered.

Authority for maintenance of the system: 19 U.S.C. 1641; 19 CFR Part III. 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) The information may be furnished to other government agencies which may have an interest in the broker. (d) Copies of broker audit reports will be retained in the office that performed the audit and at the headquarter's office. These reports will serve as a permanent file providing such essential information as the names and broker license number of company officers and other licensed employees. The reports will create a historical record of broker performance. The headquarter's file will also provide a means of evaluating the effectiveness of audits conducted by the regional audit staffs.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each customhouse broker file is inserted in alphabetical order by name of the firm in one of nine regional file folders which are filed in an unlocked drawer within a metal file cabinet. Duplicate copies are maintained at Customs Service Headquarters.

Retrievability: Each broker file is identified on alphabetical file locator cards which contain the name and address of the broker, the region and district in which he operates, and the number of the file drawer. In addition each regional office maintains their own alphabetical file, containing the above information, for broker activities within their region.

Safeguards: The files described above are maintained within the area assigned to the Regulatory Audit Division within the Customs Service Building. During non-working hours, the room in which the files are located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Customhouse broker files are retained indefinitely, or until there is no longer any space available for them at which time the oldest files are destroyed by burning or shredding.

System manager(s) and address: Director, Regulatory Audit Division, United States Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. Regional Director, Regulatory Audit Division at each of the nine regional offices (see Customs Appendix A for addresses).

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates from audits conducted by the regional Regulatory Audit staff, of customhouse brokers' businesses. The audits may be supplemented with information furnished by the Office of the Chief Counsel, Office of Investigations, and the Office of Regulations and Rulings. These audits include examinations of brokers business records, including all financial books of accounts, check books, and financial statements. In the event that the broker is engaged in various business enterprises such as freight forwarding and insurance, and these financial records are commingled with those financial records relating to the brokerage business, it would be necessary to examine the other business records to complete the audit.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.207

System name: Reimbursable Assignment System—Treasury/Customs.

System location: U.S. Customs Service Data Center, William Building, 7923 Eastern Avenue, Silver Spring, Maryland 20910.

Categories of individuals covered by the system: Customs Service employees who perform reimbursable services and parties in interest for whom reimbursable services are performed.

Categories of records in the system: Name, address, social security number or importer of record number assigned by the Customs Service, listings of reimbursable overtime assignments of Customs employees, bills and refund checks issued to parties in interest, travel expenses incurred by Customs employees in connection with the reimbursable services.

Authority for maintenance of the system: 19 U.S.C. 261, 267, and 1451; 19 CFR 24.16 and 24.17; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties which may include monitoring reimbursable assignments, editing items of information that have been rejected because of erroneous coding, and equalizing Customs overtime assignments at ports of entry. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Disclosure to the Bureau of the Mint at San Francisco, California, for the purpose of including overtime earnings in salary checks issued to Customs Service employees who performed reimbursable services.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained in a computerized system utilizing magnetic tape storage techniques.

Retrievability: The information in this system is retrieved by the individual's social security number or by the individual's importer of record number.

Safeguards: Procedural and physical safeguards are utilized such as accountability and receipt access, guards patrolling the area, restricted access and alarm systems.

Retention and disposal: The records in this system are retained for an indefinite period of time. There are no established procedures for disposal of the subject records.

System manager(s) and address: Director, Accounting Division, U.S. Customs Service Headquarters, 1301 Constitution Ave, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates with the receipt of a request, for reimbursable services from the party in interest. In addition, information in this system is derived from Customs Form 5106 (Notification of Importer's Number/Application for Importer's Number) which is filed with the Customs Service by the importer, and from Customs Form 6082 (Work Ticket) which is filed by the Customs Inspector who performed the reimbursable services.

Treasury/Customs 00.208

System name: Restoration of Forfeited Annual Leave Cases—Treasury/Customs.

System location: Located in the Personnel Management Division of each region and Headquarters according to list in CustomsAppendix A.

Categories of individuals covered by the system: Employees of the U.S. Customs Service who have applied for restoration of forfeited annual leave.

Categories of records in the system: Employee applications for restoration of leave. Management decisions on employee applications for restoration of leave. Applicable regulations.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Certain employees of the Personnel Management Division and supervisors. Justification of action, respond to inquiries, post-audit of action, statistics, reports to Treasury and Civil Service Commission.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in manila folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked files.

Retention and disposal: Records are retained idefinitely or until Treasury issues instructions.

System manager(s) and address: Director, Personnel Management Division, in each region and Headquarters.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Evidential materials supporting employee applications for restoration of forfeited annual leave. Evidential materials supporting management decisions.

Treasury/Customs 00.209

System name: Resumes of Profesional Artists—Treasury/Customs.

System location: Area Director, N.Y. Seaport Area, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Professional Artists.

Categories of records in the system: Artist's name and professional art background.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To classify imported works of art.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Alphabetical listing.

Safeguards: Filing cabinet, office locked at end of day.

Retention and disposal: Permanent.

System manager(s) and address: Area Director N.Y. Seaport Area, 6 World Trade Center, New York, N.Y. 10048.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Resume information provided by artist.

Treasury/Customs 00.210

System name: Revocation of I.D. Privileges and "Cash Basis Only" for Reimbursable Services List—Treasury/Customs.

System location: Financial Management Division—Districts and Ports, 99 S.E. 5th Street, Miami, Florida 33131.

Categories of individuals covered by the system: Corporate and Individual Brokers, Importers, Carriers, and Private Individuals.

Categories of records in the system: Corporations and individuals in financial difficulty.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) This is a monthly list originated in the Region informing all Districts and Ports of debtors for which no credit may be extended.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Alpha File in Manila Folder by Month.

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 99 S.E. 5th Street, Miami, Florida 33131.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Generated in house by Accounting Personnel from delinquent bill listings and open file of outstanding bills. Additionally, feedback from Districts and Ports on bankrupt firms and from Regulatory Audit Division on firms in Financial difficulty or under investigation.

Treasury/Customs 00.211

System name: Sanction List Treasury/Customs.

System location: Regional Commissioner of Customs, Suite 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Categories of individuals covered by the system: Persons who are indebted to the United States Government for bills that are unpaid and past due.

Categories of records in the system: Listing is issued monthly showing individual's name and address plus number and amount of unpaid and past due bills.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each sanction list is stored in a file drawer in an unlocked file cabinet.

Retrievability: Each sanction list is identified by month and year of issuance.

Safeguards: The file cabinet described above is maintained within the area assigned in the Customs Office. During non-working hours the room and/or building in which the file cabinet is located is locked.

Retention and disposal: Retained in Customs Office for minimum of one year. Disposal in accordance with Records Control Manual.

System manager(s) and address: Regional Commissioner of Customs, Suite 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this listing is secured from CF 6084 and 6084A, Miscellaneous Bill Form issued to each individual and correspondence files maintained for individuals.

Treasury/Customs 00.212

System name: Search/Arrest/Seizure Report—Treasury/Customs.

System location: Patrol Division Offices of the U.S. Customs Service. See Customs Appendix A.

Categories of individuals covered by the system: Persons who have or may have violated a law of the United States.

Categories of records in the system: Name, alias, date of birth, age, personal data, addresses, home and business telephone numbers, occupation, background information, associations, license number and registration number of vehicle, vessel and/or aircraft, mode of entry of individual or contraband, fingerprints, pictures, declaration forms, cash receipts, receipt for seized goods, all other forms pertinent to the case, such as Notice to Master, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their official duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used as an aid to law enforcement and to identify persons suspected of violating the law; (d) Cases are referred to Investigative Branch since same are evident of violations of law; (e) Since this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case is placed in a folder which is filed in a numerical order according to the assigned case file number. These files are kept in a locked metal cabinet.

Retrievability: The above-mentioned case file numbers are cross-indexed by name to such numbers, and cards are filed alphabetically within a metal file box.

Safeguards: The metal file cabinet and the metal file box are located within an office that is locked during non-working hours. The building is guarded by uniformed customs guards, and only authorized persons are permitted in the building.

Retention and disposal: These cases are retained for a period of three years after which they are destroyed together with related index cards.

System manager(s) and address: Director, District Patrol Division. See Customs Appendix A.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.214

System name: Seizure File—Treasury/Customs.

System location: Patrol Division, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Ships Masters, Ships Crew Members, Longshoremen, Vessels, Private Aircraft, Private Vessels, Individuals from whom seizures have been made, or upon whom Memoranda of information have been received.

Categories of records in the system: Memoranda of Information Received, which are reports from law enforcement agencies of suspects or arrests. Reports of Seizures by Customs, other information indicating violators or suspected violators.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Reference file for identifying violators or suspected violators.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila files within metal file cabinets.

Retrievability: Alphabetical; for aircraft or car by number; by seizure number; by name of individual.

Safeguards: Room has a 24-hour guard and is locked.

Retention and disposal: Seizure files are maintained for three years after final disposition. Memoranda of information received: not determined how long they will be retained at present.

System manager(s) and address: Director, Patrol Division, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.215

System name: Seizure Report File—Treasury/Customs.

System location: U.S. Customs Mail Facility, 1675—7th Street, Oakland, California 94615.

Categories of individuals covered by the system: Individuals to whom prohibited merchandise is addressed.

Categories of records in the system: Name, address, property description, estimated foreign value, duty, domestic value, circumstances of seizure, sender, section of law violated, delivery to San Francisco seizure clerk.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used administratively by the Mail Facility to record seizures and their disposal.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on Customs Form 5955 Seizure Reports, Customs Form 6043—Delivery Ticket, and Customs Form 151—Search/Arrest/Seizure Report. These forms are placed within file folders which are located in a metal file cabinet.

Retrievability: Each Seizure Report and Delivery Ticket (stapled together) are identified by the name of the person to which the seized items are addressed and the names are filed alphabetically by fiscal year.

Safeguards: The file folders are placed within a metal cabinet which is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted in the building.

Retention and disposal: Last three fiscal years records are kept in a file cabinet in the office. Three fiscal years prior are kept in boxes in the detention area.

System manager(s) and address: Head, Surface Mail Section. See location above.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates with and consists of information obtained from mail shipments.

Treasury/Customs 00.217

System name: Set Off Files—Treasury/Customs.

System location: Financial Management Division, 99 S.E. 5th Street, Miami, Florida 33131.

Categories of individuals covered by the system: Importer of Record, Customhouse Broker, Parties In Interest.

Categories of records in the system: Name, address, identification number, copies of refund checks and copies of set off bills.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Document files identifying debtors for whom refunds are withheld and amounts applied against delinquent bills.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: File folders with individual's name annotated with set off.

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 55 SE 55th Street, Miami, Florida 33131.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: District Directors, Port Directors, Import Control Officers, External Auditors and Other Customs Employees.

Treasury/Customs 00.219

System name: Skills Inventory Records—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Categories of individuals covered by the system: Records are maintained in this system on Customs personnel in grades GS-13 and above.

Categories of records in the system: Data elements to provide a complete skills profile of the employee.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To identify potential candidates for managerial positions. Used by members of the Evaluation Boards.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on a Customs Form 121 and Magtape.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked file and limited access to computer system.

Retention and disposal: Records are maintained until separation of an employee from the Customs Service.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: CF-121 which is prepared by the employee.

Treasury/Customs 00.220

System name: Supervisory Notes and Files SF-7B—Treasury/Customs.

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System location: Records are located with the immediate supervisor or at the immediate supervisor's operating office. See Customs Appendix A.

Categories of individuals covered by the system: Customs employees.

Categories of records in the system: SF-7B card contains identical information to that contained on SF-7 card; in addition it can have attached or separately-maintained supervisory notes concerning an employee's performance on-the-job, conduct, counseling sessions, training recommended or taken, awards granted, emergency contact information, job assignments, to be used for administration resource purposes in recommending or authorizing discipline, recognition, assignment of performance rating, training, job assignments, leave requests, and/or similar matters.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or other issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Used by supervisors as documentation or by certain Personnel Management Division employees helping supervisors to initiate appropriate commendatory, corrective, or disciplinary action.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in manila folders or special file cabinets.

Retrievability: Records are indexed by organizational code and name.

Safeguards: Records are stored in lockable metal filing cabinets or in a secured room. Alternative storage facilities may be employed provided they furnish an equivalent or greater degree of physical security.

Retention and disposal: Records are retained while employee is employed, and are destroyed upon separation.

System manager(s) and address: Director, Personnel Management Division, in each Regional Office and in Headquarters. See Customs Appendix A.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Form SF-50, Employee and employee's supervisors.

Treasury/Customs 00.221

System name: Suspect File—Treasury/Customs.

System location: Patrol Headquarters, 444 Brickell Avenue, Miami, Fla.

Categories of individuals covered by the system: Individuals on whom suspect information is received by Patrol Headquarters.

Categories of records in the system: Memoranda of Information, Lookout Notices, Letters re: suspects, other notices of suspected violations.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by the employees in the Patrol Division for enforcement purposes; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in restricted area of offices.

Retrievability: Records are retrievable by name.

Safeguards: Records are kept in locked buildings when unattended.

Retention and disposal: Records are retained as long as information is pertinent but destroyed immediately after information becomes obsolete.

System manager(s) and address: District Director of Customs, 444 Brickell Avenue, Miami, Fla.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.223

System name: Suspect File—Treasury/Customs.

System location: Office of the Customs Patrol Division, Room 202, U.S. Customhouse, Nogales, Arizona, and at each port: Douglas, San Luis and Lukeville, Arizona.

Categories of individuals covered by the system: Persons in whom Customs is interested from a law enforcement point of view.

Categories of records in the system: Name, address, file reference number, memoranda of information, lookout notices.

Authority for maintenance of the system: Memorandum dated 6/16/74, File ADM-4-01:O:P, from Director of Patrol Division, Headquarters; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide rapid and accurate retrieval of information previously recorded to officers of the U.S. Customs Service who have need of such information in the performance of their official duties.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Unlocked metal card file.

Retrievability: Alphabetical.

Safeguards: Room is locked during non-working hours.

Retention and disposal: Indefinite.

System manager(s) and address: District Director, Nogales, Arizona. (See above.)

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.224

System name: Suspect Persons Index—Treasury/Customs.

System location: U.S. Customs District Officers located at the following addresses: 204 E. 5th Ave., Anchorage, Alaska; 215 1st Ave. No., Great Falls, Montana; 335 Merchant, Honolulu; 511 N.W. Broadway, Portland, Oregon; 555 Battery St., San Francisco, California; First & Marion Sts., Seattle, Washington.

Categories of individuals covered by the system: Persons suspected of violation of Customs Laws.

Categories of records in the system: Name and related file number.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to aid in law enforcement and to identify persons suspected of violating the law.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in folders and stored in metal file cabinet.

Retrievability: The office and building are locked during non-working hours.

Safeguards: Alphabetical by use of cross index.

Retention and disposal: Records are maintained and disposed of in accordance with Records Disposal Manual.

System manager(s) and address: District Director of Customs. See location above.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.226

System name: Television System—Treasury/Customs.

System location: Office of Port Director, San Ysidro, California.

Categories of individuals covered by the system: Persons involved in incidents related to search and subsequent disturbance while entering the United States from Mexico.

Categories of records in the system: An audio-video cassette recording of persons being escorted into, as well as inside, the business offices of the Customs area of the Port of Entry.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Dept. Order No. 165, Revised, as amended, and the Customs Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Evidence for use in court, record of disturbances and record of actions involving complaints.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Audio-video cassette.

Retrievability: By subject's name, date, and time.

Safeguards: Cassettes are under control of Port Director and released only to the courts when subpoenaed or when requested to be reviewed by subject and his attorney.

Retention and disposal: All cassettes with incident are retained for six months. Those on which some action may be taken are retained for one year or close of the case. Cassettes are reusable. Therefore, wipeout occurs when new recording takes place.

System manager(s) and address: Port Director, San Ysidro, California.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Audio-vidio recording of persons being escorted into the Customs area.

Treasury/Customs 00.227

System name: Temporary Importation Under Bond (TIB) Defaulter Control System—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Individuals who have been denied T.I.B. privileges because of failure to pay outstanding liquidated damages.

Categories of records in the system: Individual's name, personal identifying numbers and characteristics, address, company and case description, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Used by Customs officers to determine whether an individual is eligible for T.I.B. privileges and to collect appropriate liquidated damages owed by an individual. Provides Customs management information such as total outstanding liquidated damages, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape storage; (2) Hard Copy; (3) Microfiche files.

Retrievability: Indexing is by violator name.

Safeguards: All inquiries are made by officers with full field background investigations on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Indefinite, None.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Customs officers completing Customs Form 164 (TECS—TIB Defaulter Control).

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Treasury/Customs 00.228

System name: Temporary Importation Violation Record—Treasury/Customs.

System location: Fines, Penalties and Forfeitures Section, Room 102, U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pennsylvania 19106.

Categories of individuals covered by the system: Persons making importations against Temporary Importation Bonds.

Categories of records in the system: The record reveals the individual's or Customhouse Broker's name, case number assigned and date, amount of penalty incurred, mitigated sum or remission and date closed. The record results in a summary of repetitive violations by any one individual, firm or Customhouse Broker and disciplinary action toward reduction or elimination of violations.

Authority for maintenance of the system: 5 U.S.C. 301: Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Temporary Importation Record Cards are filed alphabetically in an unlocked metal file cabinet.

Retrievability: Each record card is filed alphabetically within the metal cabinet.

Safeguards: The metal cabinet described above is maintained within the area assigned to the Fines, Penalties and Forfeitures Section in Room 102, of the Customhouse, Philadelphia; during non-working hours, access to the building and area of storage is controlled by uniformed guards.

Retention and disposal: Temporary Importation Record Cards are retained at location three years, then destroyed.

System manager(s) and address: District Director of Customs, Room 102, U.S. Customhouse, Second and Chestnut Streets, Philadelphia, PA 19106.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained on the cards originated from liquidated damage cases instituted for failure to comply with T.I.B. provision.

Treasury/Customs 00.231

System name: Tort Claims Act File-Treasury/Customs.

System location: Office of the Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Categories of individuals covered by the system: Private persons filing claims under the Federal Tort Claims Act for property damage or personal injury allegedly caused by a wrongful or negligent act or omission on the part of a Customs Service employee while acting within the scope of his employment.

Categories of records in the system: Reports of Investigation regarding claim filed, documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 28 U.S.C. 2672, et seq; 28 CFR 14.1 et seq; 31 CFR 3.1 et seq; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period; (c) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the Customhouse. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Centers.

System manager(s) and address: Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originated with a Standard Form 95, Claim for Damage or Injury, which is completed and filed with the Customs Service by the claimant. Using these forms as a basis, investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.232

System name: Tort Claims Act File—Treasury/Customs.

System location: Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles St., Los Angeles, CA 90053.

Categories of individuals covered by the system: Private persons who have filed or may file claims under the Federal Tort Claims Act for property damage or personal injury allegedly caused by a wrongful or negligent act or omission on the part of a Customs Service employee while acting within the scope of his employment.

Categories of records in the system: Reports of Investigation regarding accidents involving Customs employees, documents relating to the administrative handling of the claims filed thereon, and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 28 U.S.C. 2672, et seq; 28 CFR 14.1 et seq; 31 CFR 3.1 et seq; Treasury Department Administrative Circular No. 131, August 19, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this file is used to administratively process claims filed under the Federal Tort Claims Act and is made available to the officials within the Customs Service who review recommendations and who make final decisions on such claims. In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the alphabetical file folder within the metal container by the name of the person who has filed or may file a claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the New Federal Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Tort claim files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 7422, United States Customs Service, 300 N. Los Angeles St., L.A., Calif. 90053.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates with a Standard Form 95, Claim for Damage or Injury, which is completed and filed with the Customs Service by the claimant. Using these forms as a basis, investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims. When a claim is not filed, the information is limited to the investigative reports of the property damage or personal injury.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.233

System name: Tort Claims Act File—Treasury/Customs.

System location: Regional Counsel of Customs, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Private persons filing claims under the Federal Tort Claims Act for property damage or personal injury allegedly caused by a wrongful or negligent act or omission on the part of a Customs Service employee while acting within the scope of his employment.

Categories of records in the system: Reports of Investigation regarding accidents involving Customs employees claims filed, documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 28 U.S.C. 2672, et seq; 28 CFR 14.1 et seq; 31 CFR 3.1 et seq; Treasury Department Administrative Circular No. 131, August 19, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Services and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); The information contained in this file is used to administratively process claims filed under the Federal Tort Claims Act and is made available to the officials within the Customs Service who review recommendations and who make final decisions on such claims. In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period.

For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who filed the claim and in the alphabetical file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Tort claim files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates with a Standard Form 95, Claim for Damage or Injury, which is completed and filed with the Customs Service by the claimant. Using these forms as a basis, investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.234

System name: Tort Claims Act File—Treasury/Customs

System location: Offices of the District Directors, Region IX, Chicago, Illinois. (See Customs Appendix A.)

Categories of individuals covered by the system: All individuals presenting claims of damage to personal property resulting from Customs activities.

Categories of records in the system: Written damage claims supported by estimates, bills, claim forms and internal Customs Service memoranda.

Authority for maintenance of the system: 31 C.F.R. Part 3; 5 U.S.C. 301; Treasury Department order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filed in cabinets in the District Directors offices.

Retrievability: Folders filed in alphabetical sequence.

Safeguards: File cabinets are located within the area assigned in the Customs office. During non-working hours the room in which the cabinets are located is locked.

Retention and disposal: Retained in District Directors offices for 3 years then transferred to the Federal Record Center for 7 years and 3 months prior to destruction.

System manager(s) and address: District Director as appropriate in Region IX, Chicago, Illinois. (See Customs Appendix A.)

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates with a written claim submitted by the claimant, as well as information supplied on Standard Form 95 and internal Customs memoranda.

Treasury/Customs 00.236

System name: Tort Claim Records System—Treasury/Customs.

System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Claimants under the Federal Tort Claim Act.

Categories of records in the system: Tort Claim, Standard Form 95 (claim for damage or injury) containing name, address, marital status, personal injury and property damage information, and insurance information; also correspondence, accident reports and investigatory records regarding the alleged damage or injury and possible medical information.

Authority for maintenance of the system: 28 U.S.C. 2671 et seq.; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Tort Claim Records System of the United States Customs Service are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of

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their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Information contained in these files is routinely used by the attorneys in the Regional Counsel's office in determining and resolving legal issues, in recommending approval, denial, compromise or settlement of the claim, and possibly in litigation. Litigation will require disclosure of the information to the Department of Justice, and the information is often channeled through the Department of the Treasury.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in a file folder which is filed in a lockable drawer within a metal filing cabinet container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the tort claim against the Customs Service, and officer or employee thereof. In addition, each case file is similarly identified on the file folder with the alphabetical name on the file which is placed and located within the metal container.

Safeguards: The metal filing drawer containing the files described above is maintained within the area assigned to the Office of the Regional Counsel of Customs, Region IX at 55 E. Monroe Street, Chicago, Illinois. During non-working hours, the room in which the metal filing drawer is located is locked, the file container itself is locked, and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: These files are retained indefinitely or until there is no longer space available for them within the metal filing cabinet at which time the oldest files are transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes and metal storage cabinets which are not able to be locked. Files which are closed and not retained for precedent purposes are retired to the Federal Records Center, General Service Administration, 7358 S. Pulaski, Chicago, Illinois 60602 in accordance with the U.S. Customs Service Records Disposal Manual.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record source categories: The information contained in these files originates with the receipt of any correspondence indicating an alleged claim for damage or injury resulting from the conduct of the Government, U.S. Customs Service or an employee or officer of the U.S. Customs Service in Region IX. Further information in this file is derived from later correspondence from the individual, Standard Form 95 (Claim for Damage or Injury) filed by the claimant, other information submitted by the claimant, information submitted by Customs employee and/or his supervisors, and an investigation made by the Office of Internal Affairs or the Office of Investigations regarding the alleged claim or injury, as applicable. Information in these reports can be made from private parties, (witnesses), businesses, medical professionals, hospitals and other medical institutions.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.238

System name: Training and Career Individual Development Plans—Treasury/Customs.

System location: Located in the Personnel Management Division of each region and headquarters and/or district, ports, and post of duty of employees.

Categories of individuals covered by the system: All U.S. Customs employees.

Categories of records in the system: Records are maintained on training or other development activities completed and/or planned for individual employees, whether for programs such as Executive Development or Upward Mobility, or other special emphasis development programs. Records also include such things as, but not limited to skills, abilities, education, experience, career plans and goals, and other related information.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) To determine individual training needs, to schedule training and development activities and to budget funds.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are located in file folders, and/or official personnel folder.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked file or office.

Retention and disposal: Records are retained until separation or until employee is no longer part of a special emphasis program.

System manager(s) and address: Director, Personnel Management Division, in each region and headquarters.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information is obtained from the employee and supervisors.

Treasury/Customs 00.239

System name: Training Records—Treasury/Customs.

System location: Personnel Management Division of each region and headquarters. Also located in districts, ports, and posts of duty.

Categories of individuals covered by the system: Customs employees who have completed training.

Categories of records in the system: Certificates of completion of training courses, memoranda documenting successful completion of training assignments, grades assigned by educational institutions when appropriate, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The information compiled is used primarily to prepare the annual and quarterly reports for training which are required by higher Headquarters. The information also serves as a ready reference to ascertain the state of training with the Region and as an instrument to equate, insofar as possible, training opportunities for all employees, and also to verify information submitted by employees on application forms.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, on file cards, on Training forms, or on mag-tape.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in a locked file or room, or with limited access.

Retention and disposal: Records are maintained for up to three years after employee separates from the Service.

System manager(s) and address: Director, Personnel Management Division in each Region or Headquarters, or managerial official in appropriate posts of duty of employee.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Information for this file is obtained from supervisors, managers, instructors, educational institutions, and/or training facilities such as the Civil Service Commission, Department of the Treasury, etc.

Treasury/Customs 00.240.

System name: Travel Advances—Treasury/Customs

System location: Financial Management Division, U.S. Customs Service, Region 1, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: Employees who receive travel advances to cover travel expenses in the course of traveling on official government business.

Categories of records in the system: Files are maintained to record the amount of the advance payment and repayment of the advance, if necessary.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) This system is used by the Payment Section employees to determine the amount owed to or by Customs for travel expenses.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in an unlocked metal, 5 x 8 file.

Retrievability: The name of each individual is listed on a record card in alphabetical order.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The file is retained until the employee pays or accounts for the travel advance, and kept one year. After one year the record is sent to the Federal Record Center; kept for 3 years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Record source categories: The information in the system originates from the employee and his supervisor.

Treasury/Customs 00.241

System name: Travel Advances—Treasury/Customs

System location: Financial Management Division, 99 S.E. 5th Street, Miami, Florida 33131.

Categories of individuals covered by the system: Advances to Customs Employees only.

Categories of records in the system: Name, address and Social Security Number of employees.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Used administratively to record travel advances and clearance of advance, as travel is completed. Outstanding balances reflect indebtedness of individuals until travel is completed or refunds of average in advance.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Alpha Employee Name File of SF 1038, "Application for Advance of Funds".

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Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 99 S.E. 5th Street, Miami, Florida 33131.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: SF 1038—"Application and Account for Advance of Funds".

Treasury/Customs 00.242

System name: Travel Advance File—Treasury/Customs

System location: Regional Commissioner of Customs, Room 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Categories of individuals covered by the system: Customs employees to whom advances have been issued.

Categories of records in the system: SF 1038, "Application and Account for Advance of Funds."

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual alphabetical card file in file cabinet.

Retrievability: Access by name of individual.

Safeguards: The file cabinet is maintained in the office of the Regional Commissioner, Region IX, Chicago, Illinois. During non-working hours the room/building in which the file is located is locked.

Retention and disposal: Retained and disposed of in accordance with requirements of Records Control Manual.

System manager(s) and address: Regional Commissioner of Customs, 55 East Monroe Street, Chicago, Illinois 60603.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Completed Form 1038 received from any Customs employee within Region IX, Chicago, Illinois.

Treasury/Customs 00.243

System name: Travel Payment System—Treasury/Customs

System location: Accounting Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Headquarters Customs Service officials and employees who travel on official business.

Categories of records in the system: Travel authorizations, travel vouchers, and travel advance records, which contain the officer's or employee's name, residence, place and mode of travel, travel dates, month of travel advance, expenses incurred, amount of travel advance, amount of advance outstanding and division code.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include preparing disbursement schedules so that the officer or employee will be paid for travel expenses, recording the cost of travel, advising the employee's supervisor when a travel advance is outstanding for an extended period, and compiling cost and budget information. (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on index cards placed within a file box, in file folders or on separate sheets of paper within a metal container and in a computer system utilizing magnetic disc storage techniques.

Retrievability: The information on the index cards relates only to travel advance payments, and the index cards are filed alphabetically by the name of the traveling individual; each file folder is placed within the metal container alphabetically by the name of the traveling individual to whom it pertains; the separate sheets of paper are grouped in disbursement schedule number sequence by consecutive numbers and dates showing a listing of payments to travelers; the computer records are retrieved by the accounting number assigned by the Customs Service for each separate travel transaction.

Safeguards: The room in which this system of records is located is locked during non-working hours, the building is guarded by uniformed security police, and only authorized persons are permitted within the building.

Retention and disposal: The records in this system are retained for an indefinite period of time. There are no established procedures for disposal of the subject records.

System manager(s) and address: Director, Accounting Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system is derived from information supplied to the Accounting Division by the traveling individual on Standard Form 1012 (Travel Voucher) and from organizational and accounting information maintained by the Customs Service.

Treasury/Customs 00.244

System name: Treasury Enforcement Communications System (TECS)—Treasury/Customs

System location: Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: (1) Violators or suspected violators of U.S. Customs or related laws (some of whom have been apprehended by Customs officers); (2) Individuals who are suspected of, or who have been arrested for, thefts from international commerce; (3) Convicted violators of U.S. Customs and/or drug laws in the United States and foreign countries; (4) Fugitives with outstanding warrants-Federal or state; (5) Victims of U.S. Customs law violations; (6) Masters associated, in the capacity of ship agent or representative, with vessels in actual or suspected violation of U.S. Customs and related laws.

Categories of records in the system: Every possible type of information which contributes to effective law enforcement may be maintained in this system of records. Records include but are not limited to records pertaining to known violators, wanted persons, lookouts (temporary and permanent), and document reference records, vessel names and search results. Information about individuals includes but is not limited to name, alias, date of birth, address, physical description, various identification numbers (i.e., seizure number), details and circumstances of a search, arrest, or seizure, case information such as merchandise and values, methods of theft, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) As a law enforcement tool, for example, to aid in the detection and prevention of violations, to provide and disseminate information on suspected or known violators within system to Federal, state and local enforcement officers within the United States and to other cooperating foreign countries' enforcement officers and officials. Also used by the Department of Justice in prosecuting court cases. (d) To determine violation trends and develop enforcement techniques and lookout information for use in the enforcement of Customs and related laws. (e) To provide management information such as the number of types of seizures, arrests, and searches associated with arrests or seizures. (f) Used by Customs to identify high theft areas, types of cargo most likely to be pilfered or stolen, to connect seemingly unrelated Customs theft cases and to provide management information such as the value and volume of theft from international shipping. (g) Documentation of vessel violations committed while in United States ports. (h) Determination of search operations by consideration of past violations and selective intelligence information. (i) In support of other regulatory and/or enforcement agencies, particularly the Department of Agriculture, by assisting in the quarantine control of infested vessels, and of the Immigration and Naturalization Service, by assisting in collection of payments attendant to the handling of aliens.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc and tape, microfiche, and hard copy (i.e. Customs Form 153).

Retrievability: By name (individual or master, owner, or agent name when concerning vessel violation profile); unique identifiers, identification numbers (i.e., personal, seizure number, system identification number); cargo location code or vessel name.

Safeguards: (1) All officers making inquiries have had a full field background investigation and are given information on a "need to know" basis only. (3) Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Review is accomplished by Customs officers each time a record is retrieved and on periodic basis to see if it should be retained or modified. Since both temporary and permanent records are maintained, period of retention will vary with type record entered. A complete review of each record in system is made annually at Headquarters. (4) The records are disposed of by erasure of magnetic tape or disc, and by shredding and/or burning of hard copy documents.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.245

System name: Treasury enforcement communications system card file—Treasury/Customs.

System location: Ports and Stations in the District of Ogdensburg, New York.

Categories of individuals covered by the system: Suspected violators of Customs or other laws.

Categories of records in the system: Name and system ID number and category of suspicion (i.e. narcotics, currency, counterfeit, etc.).

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Quick or ready reference at ports or stations not equipped with TECS secondary machines. (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (d) In the event that this system of records includes information which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign charged with the responsibility of investigating or prosecuting the statute or rule, regulation, or order issued pursuant thereto. (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit. (f) A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (g) Also disclosed to the Drug Enforcement Administration.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Roldex card file.

Retrievability: Alphabetically by name.

Safeguards: Available to inspectors only. Kept in rollex file in custody of inspector on duty.

Retention and disposal: Card is dated for disposal per original TECS message.

System manager(s) and address: Port Director, RFD Constable, Trout River, New York 12926.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the jurisdiction for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.247

System name: Uniform Allowance—Treasury/Customs.

System location: Management Services Branch, Administration Division, District Director, San Juan, Puerto Rico.

Categories of individuals covered by the system: Employees entitled to uniform allowance and date received.

Categories of records in the system: Name, position held, amount received for uniform allowance and date received.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Verify payments are received as requested and authorized.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in individual cards stored in an index card box which is within a locked drawer of a desk.

Retrievability: Each card is identified by the name of the employee and filed alphabetically within the box.

Safeguards: The drawer in which the cards are kept is locked and is in the area assigned to the Management Services Branch within the Customs Service Building. During non-working hours the room in which the desk is located is locked and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Records are maintained until the employee leaves the district or is no longer entitled to uniform allowance at which time his card is moved to the back of the box. When there is no more space available within the box, the oldest cards are destroyed.

System manager(s) and address: District Director, U.S. Customs Service, P.O. Box 2112, Old San Juan, Puerto Rico 00903.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information is posted on the cards when checks for uniform allowance are received.

Treasury/Customs 00.248

System name: Uniform Allowance—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110.

Categories of individuals covered by the system: Employees of the Customs Service who are eligible to receive payments for maintaining uniforms.

Categories of records in the system: Name of employee, date of eligibility, period of eligibility, amount paid and District assigned.

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Authority for maintenance of the system: 5 U.S.C 301: Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statutue or particular program, statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used to determine the status of eligibility of uniformed employees so that payment can be processed by the employees of the Payment Section.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in a 5 x 8 two drawer file, accessable to employees of the Payment Section of the Financial Management Division.

Retrievability: The name of each individual is listed on a card which is filed in alphabetical order.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: Files are maintained until employee leaves position, retained for two years and then destroyed.

System manager(s) and address: Director, Financial Management Dvision, U.S. Customs Service, 100 Summer Street, Boston, Massachutetts 02110.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in the system originates from the District office where the employee is stationed.

Treasury/Customs 00.249

System name: Uniform Allowances—Unit Record—Treasury/Customs.

System location: Financial Management Division, 99 S.E. 5th Street, Miami, Florida 33131.

Categories of individuals covered by the system: U.S. Customs Employees.

Categories of records in the system: Name—Record of Uniform Allowance Payments.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by Accounting technicians to record amounts paid to uniformed personnel annually.

For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Alpha by Name. Appropriation Accounting Document Number.

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked and access to the building is controlled by uniformed guards.

Retention and disposal: These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Direction of Financial Management, 99 S.E. 5th Street, Miami, Florida 33131.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: From Memo's received from Districts. Data Transcribed from Payment Vouchers.

Treasury/Customs 00.251.

System name: Unscheduled Overtime Report (Customs Form 31)—Treasury/Customs.

System location: Director, Office of Operations, 6 World Trade Center, Rm. 508, New York, New York.

Categories of individuals covered by the system: Special Agents assigned to the office of Regional Director of Investigations authorized to receive unscheduled overtime renumeration.

Categories of records in the system: Customs Form 31 enumerates the nature of overtime performed, the number of hours and the date on which the overtime was performed and the case number of investigation.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to account for and control unscheduled overtime.

additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on CF 31, the forms are contained within a file folder and are placed in a metal file cabinet.

Retrievability: By name.

Safeguards: The file cabinet is maintained within the area assigned to the Regional Director of Investigations, New York, within the Customhouse. During non-working hours the complex in which the file is located is locked and access to the building is controlled at all times by uniform guards.

Retention and disposal: The forms are destroyed after three years.

System manager(s) and address: Regional Director of Investigations. (See Customs Appendix A.)

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this system originates from the Special Agent who performs the unscheduled overtime.

Treasury/Customs 00.252

System name: Valuables Shipped Under the Government Losses in Shipment Act—Treasury/Customs.

System location: District Director of Customs, Chicago, Illinois.

Categories of individuals covered by the system: Customs employees collecting and transmitting funds to cashier for deposit.

Categories of records in the system: Name of employee, collection document serial numbers, amount of collection.

Authority for maintenance of the system: Section 300.30, Customs Accounting Manual; 5 U.S.C. 134f; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filed in folders with the individual's name appearing at the top thereof in a file cabinet.

Retrievability: Each record folder is filed by name of individual.

Safeguards: The cabinet described above is maintained within the area assigned in the Customs office. During non-working hours the area in which the cabinet is located is secured.

Retention and disposal: Retained for three years and then forwarded to FRC for seven years retention.

System manager(s) and address: District Director, as appropriate, in Region IX, Chicago, Illinois.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Data submitted by individual Customs employee involved.

Treasury/Customs 00.253

System name: Vehicle Microfiche Files—Treasury/Customs.

System location: U.S. Customs Service, Office of Investigations, SAC, 600 South Street, Room 444, New Orleans, La. 70130.

Categories of individuals covered by the system: Owners of movable vehicles registered in the State of Louisiana.

Categories of records in the system: Name indices of vehicles.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in these microfiche files is provided for the routine use of the Office of Investigations of the Customs Service for the purpose of verifying information received from other sources in conjunction with investigations within the Office of Investigations.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These microfiche files are maintained in a file folder in a metal cabinet. The cabinet is located in a room which is manned during normal office hours, and locked after hours.

Retrievability: These microfiche files are identified by alphabetical name of the catagories of individuals maintained in that file and information is retrievable manually from these files.

Safeguards: These microfiche files are kept in a metal cabinet and are maintained within the room which is manned by Office of Investigations personnel during normal office hours. During non-working hours, the room in which the metal cabinet is located is locked and entrances to the office which contains that room are locked. Access to the building containing the office is controlled during non-working hours by a uniformed guard.

Retention and disposal: These files are retained indefinitely or until updated by more current records at which time the old records are disposed of by shredding.

System manager(s) and address: Special Agent in Charge, U.S. Customs Service, Office of Investigations, 600 South Street, Room 444, New Orleans, La. 70130.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these microfiche files originates and consists of information generated from vehicle registration forms submitted to the State of Louisiana.

Treasury/Customs 00.257

System name: Violators Card File—Treasury/Customs.

System location: Office of District Director, U.S. Customs Service, U.S. Customhouse, 101 E. Main Street, Norfolk, Va. 23510.

Categories of individuals covered by the system: Persons or firms who have violated any law administered by the U.S. Customs Service within the Norfolk District.

Categories of records in the system: Name of individual or firm, case number and date and section of law violated. This information is obtained from Customs Forms, 151 and 5955-A.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as Amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Provide the proper authority within the U.S. Customs Service with a ready reference to make a decision for the remission or mitigation of penalties, forfeitures and claims for forfeiture value.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each card is filed alphabetically in an unlocked drawer within a metal container.

Retrievability: Each manual alphabetical card file is identified by the name of the person or firm who has violated any law administered by the U.S. Customs Service within the Norfolk District.

Safeguards: The metal container described above is maintained within the area assigned to the Fines, Penalties & Forfeitures Officer within the U.S. Customhouse. During non-working hours the room in which the metal container is located is locked. Security for the building is maintained by GSA.

Retention and disposal: Active cards are retained in this system indefinitely. However, upon periodic review, information on firms no longer in business are destroyed.

System manager(s) and address: District Director of Customs, U.S. Customshouse, 101 E. Main St., Norfolk, Va. 23510.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information contained in these files is derived from Customs Form 151 (Search/Arrest/Seizure Report) and Customs Form 5955-A (Notice of Penalty or Liquidated Damages Incurred and Demand for Payment) which are prepared by the Customs Service.

Treasury/Customs 00.258

System name: Violator's Case Files—Treasury/Customs.

System location: District Director of Customs, U.S. Customs Service, St. Albans, Vermont, 05478.

Categories of individuals covered by the system: Individuals involved in smuggling, filing false invoices, documents or statements, violators of Customs bonds.

Categories of records in the system: Individual's name and address, social security number and physical description; alias, occupation, type of violation, previous record, driver's license, passport number.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other perti-

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nent information, such as current licenses, if necessary to obtain information relevant to any agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and 3 x 5 index cards.

Retrievability: Alphabetized by name of individual and local control number.

Safeguards: Files are under the supervision of the Fines, Penalties and Forfeitures Officer 8 a.m. to 5 p.m., Monday through Friday. All other hours, office remains locked.

Retention and disposal: Files are maintained in the office of the Fines, Penalties, and Forfeitures Officer for a period of five years. At the conclusion of this period, they are destroyed by shredding.

System manager(s) and address: District Director, U.S. Customs Service, St. Albans, Vermont 05478.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.260

System name: Warehouse Proprietor Files—Treasury/U.S. Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois, See Customs Appendix A.

Categories of individuals covered by the system: Present and past warehouse proprietors and employees that require an investigation and related information.

Categories of records in the system: Report of investigations, application and approval or denial of bond to act as warehouse proprietor and other Customs Service Memoranda. Names, addresses, social security numbers, and dates and places of birth of persons employed.

Authority for maintenance of the system: Customs Regulations, Part 19, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in file cabinets in each District Director's office within Region IX, Chicago, Illinois.

Retrievability: Each file is identified by the name of the warehouse proprietor.

Safeguards: The file cabinets are maintained within the area assigned to the District Director. During nonworking hours the room and/or building in which the file cabinet is located is locked.

Retention and disposal: These files are retained indefinitely. Employee name data retained for period of employment with warehouse proprietor.

System manager(s) and address: District Director, as appropriate in Region IX, Chicago, Illinois. See Customs Appendix A.

Notification procedure: See Customs Appendix A.

Record source categories: The information in this file originates from the individual applicant for warehouse proprietor's bond, from reports of investigation, and other Customs Memoranda.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption in contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.262

System name: Warnings to Importers in lieu of penalty.—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif; Offices of the Port Directors, San Ysidro, Calif; Tecate, Calif; Calexico, Calif; Andrade, Calif; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif; San Ysidro, Calif; Calexico, Calif; Tecate, Calif. See Customs Appendix A.

Categories of individuals covered by the system: Individuals and firms in violation of Customs's laws.

Categories of records in the system: Brief record of violation and warning.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulations, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. Available to Inspectors, Import Specialists and Agents, and other Customs employees who have need for this information.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on 5 x 7 cards.

Retrievability: Alphabetically indexed.

Safeguards: Not accessible to other than Customs officers.

Retention and disposal: Indefinite.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District. See Customs Appendix A.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Customs Officials.

Treasury/Customs 00.269

System name: Accounts Payable Voucher File—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region V, 1440 Canal Street, New Orleans, Louisiana 70112.

Categories of individuals covered by the system: All Region V personnel to whom travel and other disbursements are made. All individuals who provide goods and services to Region V.

Categories of records in the system: Invoices and travel/other vouchers and supporting disbursements schedules.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Used to substantiate disbursements made; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in unlocked file cabinets.

Retrievability: By name.

Safeguards: Usage limited to Regional personnel; cabinets are located in rooms which are locked during non-working hours.

Retention and disposal: In accordance with Records Control Manual; records are disposed of when no longer needed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, Region V, 1440 Canal Street, New Orleans, Louisiana 70112.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: Invoices and travel/other vouchers submitted by the individual.

Treasury/Customs 00.270

System name: Background—Record File of Non-Customs Employees—Treasury/Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois—for addresses see Customs Appendix A.

Categories of individuals covered by the system: Present and past non-Customs personnel requiring a background investigation to gain admittance to restricted U.S. Customs premises.

Categories of records in the system: Report of background investigations, names, addresses, social security numbers and date and place of birth, etc. of non-Customs employees.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties which include ensuring the security of merchandise, contraband and information in Customs custody; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in file cabinets in each District Director's office within Region IX, Chicago, Illinois.

Retrievability: Each file is identified by the name of the non-Customs employee.

Safeguards: The file cabinets are maintained within the area assigned to the District Director. During nonworking hours the room and/or building in which the file cabinet is located is locked.

Retention and disposal: These files are retained indefinitely. Employee name data is retained during the period the non-Customs employee requires admittance to restricted areas.

System manager(s) and address: District Director, as appropriate in Region IX, Chicago, Illinois.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The information in this file originates from the individual non-Customs employee working for a private contractor who requires admittance to restricted U.S. Customs premises, from reports of background investigation which include interviews of Customs personnel and private parties and from other Customs internal documents.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records are proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury Customs 00.278

System name: Early Implementation System (EIS)—Treasury/Customs.

System location: The Computer is located at 1900 West Park Drive, McLean, Virginia 23701. Computer terminals are located at Customhouses and ports throughout the United States and at U.S. Customs Headquarters, Washington D.C. (For addresses of Customhouses see Customs Appendix A.)

Categories of individuals covered by the system: U.S. Customs Service employees and individuals involved in the import trade.

Categories of records in the system: The system data base is comprised of commodity and merchandise processing information relating to Customs administration of trade laws. Certain portions contain no information about individuals. These are the Tariff Schedules of the United States Annotated (TSUSA) file, country file, criteria file for the selection of routine items, Team TSUSA file, district port file, and the entry master file. The following system files may contain information about U.S. Customs Services employees and/or individuals/companies involved in the import trade.

(1) Authorized Terminals Users File: Contains Randomly established five-digit identification codes and passwords assigned to Customs Service employees authorized to use the system. The file consists of the names and identification of all Customs Service employees using the remote terminals to input information into the system. It does not contain Social Security numbers. The degree of access to the system varies according to the users responsibilities in the system.

(2) Importer/Broker/Consignee Bond File: Records consist of importer of record number, importer name, type of importation bond, expiration date, and surety code. The importer of record number is used as the method of accessing the file. The number is assigned by any one of three code formats according to availability and the following hierarchy. The first choice is the IRS employer Identification number (EIN). The vast majority of importers have the EIN because of the business necessity of it.

The second alternative is the Social Security number (SSN). The third alternative is a Customs-assigned number. This file is referenced during entry processing to verify that the individual or company making entry is authorized to import and is properly bonded.

(3) Broker File: A record consists of a three-digit Customs-assigned Customhouse broker number (non-SSN) and the broker name. The file is referenced during entry processing to validate the broker munber and to prepare and distribute the Broker ID Performance Report to the individual or company concerned. The subject of the report is compliance with the entry filing requirements under the immediate delivery program. Information is disclosed only to the party-of-record.

(4) Surety File: A record consists of a three-digit surety code (non-SSN) assigned by the Customs Accounting Division and the surety name. The file is referenced during entry processing to validate these surety codes. No information on surety company affairs is collected or disseminated in the system.

(5) Liquidator File: A record consists of a Customs-assigned three-digit liquidator identification (non-SSN) and a Customs employee's name. The employee's liquidator code is input into the system as a means of maintaining quality control and an audit trail on entries liquidated.

(6) Manufacturer File: The file contains only a three-digit manufacturer code number (non-SSN) and manufacturer name.

Authority for maintenance of the system: 19 U.S.C. 66, 1448, 1481, 1483, 1484, 1505, and 1624.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in adminstration of the Freedom of Information Act (5 U.S.C. 552); (c) To provide the Bureau of the Census with a magnetic tape containing foreign trade data.

For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Disc.

Retrievability: By identification codes and/or name.

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Safeguards: Access to computer area is controlled by a security pass arrangement and personnel not connected with the operation of the computer are prohibited from entering. The building security is protected by a uniformed guard. At the ports of processing, terminal rooms are under close supervision during working hours and locked after close of business. The system security officer issues a unique private five digit identification code to each authorized user. The codes are changed periodically to enhance security. All computer terminals are key-locked when not in use. Access to the Customers computer from other than system terminals in prohibited by hardware controls. Users must input a unique identification code during the terminal log-in procedure to gain access to the system. The identification code is not printed or displayed at the port of processing. The system validates the user ID by transaction type, thereby limiting a system user's access to information on a need to know basis. A listing of identification codes of authorized users can be printed only at the computer room site by request of the security officer.

Retention and disposal: Files are retained indefinitely but are periodically updated to reflect changes, etc.

System manager(s) and address: Director, AMPS Program Division Customs Service Headquaters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, is responsible for all data maintained in the files.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The system data base is limited to data about individuals and/or companies incidental to the conduct of foreign trade and required by the Customs Service in administering the tariff laws and regulations of the United States. No information concerning any individual's or company's importation activity, bonds status, and compliance or noncompliance with Customs Regulations will be disclosed for non-authorized purposes to any person other than the party-of-record upon receipt of a written request.

Treasury/Customs 00.284

System name: Personnel Verification System (PVS).

System location: Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, and Regional Offices of the U.S. Customs Service. See Customs Appendix A.

Categories of individuals covered by the system: Authorized Customs personnel and non-Customs personnel who have received authorization to use the Regional Communications Centers.

Categories of records in the system: Individual identifiers including but not limited to name, office address, home address, office telephone number, home telephone number, badge number, social security number, radio call sign, page number, organization, and unit.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used by U.S. Customs to verify the identity of individuals authorized to use the sector communications network; (b) Used by U.S. Customs management to evaluate system usage and effectiveness by individual, organization and unit; (c) Used to contact personnel for messages, assignments, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Alphabetic or numerical listings or card files; (2) microfiche; (3) magnetic disc and tapes; (4) other electronic storage media.

Retrievability: By name, call sign, paging number, social security number, badge number, organizational code.

Safeguards: Records are located in controlled access areas with alarm protection systems. Offices are staffed twenty-four hours a day, seven days a week.

Retention and disposal: Records are maintained in the system until such time as the individual is no longer authorized usage of the Regional Communications Center. Disposal is by erasure of disc/tapes, shredding and/or burning of listings or card files, and burning of microfiche.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: See Customs Appendix A.

Record access procedures: See Customs Appendix A.

Contesting record procedures: See Access, Customs Appendix A.

Record source categories: The sources include but are not limited to (1) the individual to whom the record relates; (2) internal Customs Service records; (3) Personnel Verification Sheet.

Treasury/Customs 00.285

System name: Automated Index to Central Enforcement Files.

System location: Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

Categories of individuals covered by the system: (1) Known violators of U.S. Customs laws. (2) Convicted violators of U.S. Customs and/or drug laws in the United States and foreign countries. (3) Suspected violators of U.S. Customs or other related laws. (4) Private yacht masters and pilots arriving in the U.S. (5) Individuals filing official U.S. Government forms 4790 (Currency and Monetary Instruments Reporting), 4789 (Currency Transaction Report), 90.22-1 (Foreign Banking Act Report).

Categories of records in the system: A listing of Memoranda of Information Received, Reports of Investigations; Search/Arrest/Seizure Reports, Currency and Monetary Instrument Reports, Currency Transaction Reports, reports on Foreign Banking transactions, reports on Fines, Penalties, and Forfeitures, reports required by Private Aircraft Reporting System, reports required by the Private Yacht Reporting System, reports on vessel violations, investigation Program Analyst (IPA) reports relating to an individual, various other correspondence (letter, memoranda, etc.), which related to an individual in the Treasury Enforcement Communications System.

Authority for maintenance of the system: 5 U.S.C. 301 and Treasury Department Order No. 165, revised, as amended. Authority for the collection and maintenance of the report included in the system is: 19 U.S.C. 1603; 19 U.S.C. 1431; 19 U.S.C. 1624; 19 U.S.C. 66; 31 CFR 103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosure required in administration of the Freedom of Information act (5 U.S.C. 552). (c) To provide management statistics associated with arrests or seizures. (d) Used by Customs to identify high theft areas, types of cargo most likely to be pilfered or stolen, to connect seemingly unrelated Customs thefts cases and to provide management information such as the value and volume of goods stolen from international shipping. (e) To determine effective allocation of resources for surveillance and search operations by consideration of past violations and selective intelligence information. For additional information see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc and tape, microfiche.

Retrievability: Name, personal identification numbers, Customs case number, document's central file number.

Safeguards: (1) All Central Files users must have a full field background investigation. (2) The "need to know" principle applies. (3) Procedural and physical safeguards are utilized such as accountability and receipt records, guard patrolling restricted areas, alarm protection systems, special communication security. (4) Access is limited to all office of Investigations terminals and all Office of Enforcement Support Headquarters and San Diego terminals.

Retention and disposal: Records will be maintained in the Automated Index to Central Enforcement files for as long as the associated document or microfiche is retained. Records will be destroyed by erasure of the magnetic disc and by burning or shredding the microfiche.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a(j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a.

UNITED STATES CUSTOMS SERVICE
APPENDIX A

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W. Washington, D.C. 20229 or to the Regional Commissioner of the region in which the records are located (See Appendix A). The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 or to the Regional Commissioner of the region in which the records are located (See Appendix A). The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Addresses of Headquarters, U.S. Customs Service, Regional Commissioners of Customs, Regional Directors (Internal Affairs), District Directors of Customs, and Customs Office of Investigations field offices:

U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.
Regional Commissioner of Customs, 40 S. Gay Street, Baltimore, Maryland 21202, (301)962-3288.
Regional Commissioner of Customs, 100 Summer Street, Boston, Massachusetts 02110. (617)223-7506.
Regional Commissioner of Customs, 55 E. Monroe Street, Chicago, Illinois 60603, (312)353-4731.
Regional Commissioner of Customs, 500 Dallas Street, Houston, Texas 77002, (713)226-4893.
Regional Commissioner of Customs, 300 N. Los Angeles Street, Los Angeles, California 90053, (213)688-5900.
Regional Commissioner of Customs, 99 S.E. 5th Street, Miami, Florida, (305)350-5952.
Regional Commissioner of Customs, 1440 Canal Street, New Orleans, Louisiana 70112, (504)589-6324.
Regional Commissioner of Customs, 6 World Trade Center, New York, New York 10048, (212)466-4444.
Regional Commissioner of Customs, 211 Main Street, San Francisco, California 94102, (415)556-3500.

Office of Internal Affairs field offices

Regional Director (Internal Affairs), 100 Summer Street, Boston, Massachusetts 02110.
Regional Director (Internal Affairs), 6 World Trade Center, New York, New York 10048.
Regional Director (Internal Affairs), Gay and Water Streets, Baltimore, Maryland 21202.
Regional Director (Internal Affairs), P.O. Box 3201, Miami, Florida 33101.
Regional Director (Internal Affairs), 1440 Canal Street, New Orleans, Louisiana 70112.
Regional Director (Internal Affairs), 500 Dallas Street, Houston, Texas 77002.
Regional Director (Internal Affairs), 55 East Munroe Street, Chicago, Illinois 60603.
Regional Director (Internal Affairs), 211 Main Street, San Francisco, California 94105.
Regional Director (Internal Affairs), P.O. Box 951, Main Post Office, Los Angeles, California 90053.

Customs District Offices.

(Note: New York has Area Directors instead of District Directors. Roman numeral designates Customs region).

VIII Anchorage, Alaska 99501/204 E. Fifth Ave. (907)279-2543.
III Baltimore, Maryland 21202/103 S. Gay St. (301)962-2666.
I Boston, Massachusetts 02109/2 India St. (617)223-6598.
I Bridgeport, Connecticut 06609/120 Middle St. (203)366-7851.
I Buffalo, New York 14202/111 W. Huron St. (716)842-5901.
IV Charleston, South Carolina 29401/200 E. Bay St. (803)577-4171.
IX Chicago, Illinois 60607/610 S. Canal St. (312)353-6100.
IX Cleveland, Ohio 44199/1240 E. 9th St. (216)522-4284.
IX Detroit, Michigan 48226/243 W. Congress St. (313)226-3177.
IX Duluth, Minnesota 55802/515 W. First St. (218)727-6692.
VI El Paso, Texas 79985/Bldg. B, Room 134, Bridge of the Americas (P.O. Box 9516) (915)543-7435.
VI Galveston, Texas 77550/17th & Strand Sts. (713)763-1211.
VIII Great Falls, Montana 59401/215 1st Ave. N. (406)453-7840.
VIII Honolulu, Hawaii 96806/335 Merchant St. (808)546-3115.
VI Houston, Texas 77052/701 San Jacinto St. (713)226-4316.
VI Laredo, Texas 78040/Mann Road and Santa Maria (512)723-2956.
VII Los Angeles/Long Beach/300 S. Ferry St., San Pedro, California 90731 (213)548-2441.
IV Miami, Florida 33131/444 Brickell Avenue (305)350-5791.
IX Milwaukee, Wisconsin 53202/628 E. Michigan St. (414)224-3924.
IX Minneapolis, Minnesota 55401/110 S. Fourth St. (612)725-2317.
V Mobile, Alabama 36602/250 N. Water St. (205)690-2106.
V New Orleans, Louisiana 70130/600 South St. (504)589-6353.
II New York, New York: New York Seaport Area, New York, New York 10048, Customhouse, 6 World Trade Center, (212)466-5817. Kennedy Airport Area, Jamaica, New York 11430, Seaboard World Building, Room 178, (212)995-7083. Newark Area, Newark, New Jersey 07105, 400 Delaney St. (201)645-3760.
VII Nogales, Arizona 85621/International & Terrace Sts. (602)287-4955.
III Norfolk, Virginia 23510/101 E. Main St. (804)441-6546.
I Ogdensburg, New York 13669/127 N. Water St. (315)393-0660.
IX Pembina, North Dakota 58271/Post Office Bldg. (701)825-6201.
III Philadelphia, Pennsylvania 19106/2nd & Chestnut Sts. (215)597-4605.
VI Port Arthur, Texas 77640/5th & Austin Ave. (713)982-2831.
I Portland, Maine 04111/312 Fore St. (207)775-3131.
VIII Portland, Oregon 97209/N.W. Broadway & Glisan Sts. (503)221-2865.
I Providence, Rhode Island 02903/24 Weybosset St. (401)528-4383.
I St. Albans, Vermont 05478/Main & Stebbins Sts. (802)524-6527.
IX St. Louis, Missouri 63105/120 S. Central Ave. (314)622-4491.
IV St. Thomas, Virgin Islands 00801/(P.O. Box 510) (809)774-2510.
VII San Diego, California 92101/2262 Columbia St. (714)293-5360.
VIII San Francisco, California 94111/555 Battery St. (415)556-4340.
IV San Juan, Puerto Rico 00903/(P.O. Box 2112) (809)723-2091.
IV Savannah, Georgia 31401/1 East Bay St. (912)232-4321.
VIII Seattle, Washington 98104/First & Marion Sts. (206)442-5491.
IV Tampa, Florida 33602/301 S. Ashley Dr. (813)228-2381.
III Washington, D.C. 20018/3180 Bladensburg Rd., N.E. (202)964-8511.
IV Wilmington, North Carolina 28401/2094 Polk St. (919)763-9971.

Office of Investigations field offices

Region I-Boston

Office of Regional Director of Investigations, Room 1700, U.S. Customhouse, Boston, Massachusetts 02109.
Office of Resident Agent, P.O. Box 368, Derby Line, Vermont 05830.
Office of Resident Agent, P.O. Box 432, Houlton, Maine 04111.
Office of Special Agent In Charge, Room 17, U.S. Customhouse, Portland, Maine 04111.

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Office of Special Agent In Charge, 127 N. Water St., Ogdensburg, New York 13669.
Office of Resident Agent, 770 Chapel Street, Suite 2B, New Haven, Connecticut.
Office of Special Agent In Charge, U.S. Federal Building, Rm. 1206, 111 West Huron, Buffalo, New York 14202.
Office of Special Agent In Charge, P.O. Box 68, Rouses Point, New York 12979.

Region II-New York
Office of Regional Director of Inv., U.S. Customs Service, Room 508, 6 World Trade Center, New York, New York 10048.
Office of Special Agent In Charge, Room 203 C, 400 Delancey Street, Newark, New Jersey 07105.
Office of Special Agent In Charge, J.F.K. International Airport, Inter. Arrival Bldg., 160-19 Rockaway Blvd., New York, New York 11430.

Region III-Baltimore
Office of Regional Director of Inv., Room 810, U.S. Appraisers Stores Bldg., 103 South Gay Street, Baltimore, Maryland 21202.
Office of Resident Agent, 701 West Broad Street, Rm. 301, Falls Church, Virginia 22046.
Office of Special Agent In Charge, 201 U.S. Customhouse, 2nd & Chestnut Streets, Philadelphia, Pennsylvania 19106.
Office of Resident Agent, Room 2236, Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222.
Office of Special Agent In Charge, 201 U.S. Customhouse, Norfolk, Virginia 23510.

Region IV-Miami
Office of Regional Director of Inv., 99 S.E. 5th Street, Miami, Florida 33131.
Office of Resident Agent, 700 Clematis Street, Rm. 253, West Palm Beach, Florida 33401.
Office of Special Agent In Charge, P.O. Box 1516, Tampa, Florida 33601.
Office of Resident Agent, 2701 Talleyrand Avenue, Jacksonville, Florida 32206.
Office of Special Agent In Charge, Drawer A, Savannah, Georgia 31408.
Office of Resident Agent, 1585 Phoenix Boulevard, Suite 5, Atlanta, Georgia 30349.
Office of Special Agent In Charge, P.O. Box 898, Wilmington, North Carolina 28401.
Office of Special Agent In Charge, U.S. Customs Service, P.O. Box S-1272, Old San Juan, Puerto Rico 00902.
Office Of Resident Agent, P.O. Box 127, Ponce Playa, Puerto Rico.
Office of Resident Agent, U.S. Customhouse, P.O. Box 3226, Marina Station, Mayaguez, Puerto Rico.
Office of Special Agent In Charge, P.O. Box 698, Charlotte-Amalie, St. Thomas, Virgin Islands.
Office of Resident Agent, P.O. Box 1801—Christiansted, St. Croix, Virgin Islands.

Region V-New Orleans
Office of Regional Director of Inv., 1440 Canal Street, New Orleans, Louisiana 70112.
Office of Special Agent in Charge, 600 South Street, Room 444, New Orleans, La. 70130.
Office of Special Agent In Charge, International Trade Center, P.O. Box 1704, Mobile, Alabama 36601.
Office of Resident Agent, 1719 West End Building, Room 303, Nashville, Tennessee 37203.

Region VI-Houston
Office of Regional Director of Inv., Suite 1380, 500 Dallas Street, Houston, Texas 77002.
Office of Resident Agent, Suite 210, 700 Paredes Ave., Brownsville, Texas 78520.
Office of Resident Agent, P.O. Drawer 1169, Del Rio, Texas 78440.
Office of Resident Agent, 1114 Commerce Street, 17th Floor, Dallas, Texas 75202.
Office of Special Agent In Charge, P.O. Box 498, Laredo, Texas 78040.
Office of Resident Agent, P.O. Box 828, Eagle Pass, Texas 78852.
Office of Resident Agent, 2600 North 10th Street, McAllen, Texas 78501.
Office of Resident Agent, 1802 N.E. Loop 410, Suite 302, San Antonio, Texas 78217.
Office of Special Agent in Charge, P.O. Box 10719, El Paso, Texas 79997.
Office of Resident Agent, 5301 Central Avenue, N.E., Suite 919, 1st National Bank Building, East, Albuquerque, New Mexico 87108.
Office of Resident Agent, 721 19th Street, Room 404, P.O. Box 2771, Denver, Colorado 80201.

Region VII-Los Angeles
Office of Regional Director of Inv., 300 South Ferry Street, Room 2037, Terminal Island, San Pedro, California 90731.
Office of Special Agent In Charge, P.O. Box 1385, Nogales, Arizona 85621.
Office of Resident Agent, P.O. Box 5752, Suite 200, First Federal Savings Building, 350 West 16th Street, Yuma, Arizona 85364.
Office of Resident Agent, P.O. Box 1076, 1065 F Avenue, Glenn Bldg., Douglas, Arizona 85607.
Office of Resident Agent, Room 328, Amerco Towers, 2721 No. Central Avenue, P.O. Box 2259, Phoenix, Arizona 85002.
Office of Resident Agent, P.O. Box 2911, Tucson, Arizona 85702.
Office of Special Agent In Charge, P.O. Box 187, San Ysidro, California 92073.
Office of Resident Agent, P.O. Box 1510, Calexico, California 92231.

Region VIII-San Francisco
Office of Regional Director of Inv., 211 Main Street, San Francisco, California 94105.
Office of Special Agent In Charge, 4100 Federal Office Building, 909 First Avenue, Seattle, Washington 98174.
Office of Resident Agent, P.O. Box 1360, Blaine, Washington 98230.
Office of Resident Agent, P.O. Box 1483, Spokane, Washington 99210.
Office of Special Agent In Charge, P.O. Box 199, Anchorage, Alaska 99510.
Office of Special Agent In Charge, P.O. Box 71, Great Falls, Montana 59403.
Office of Special Agent In Charge, 1000 Bishop Street, Suite 1210, Honolulu, Hawaii 96813.
Office of Special Agent In Charge, P.O. Box 2841, Portland, Oregon 97208.

Region IX-Chicago
Office of Regional Director of Inv., 55 E. Monroe Street, Suite 1423, Chicago, Illinois 60603.
Office of Special Agent In Charge, 628 East Michigan Street, Room 208, Milwaukee, Wisconsin 53202.
Office of Special Agent In Charge, 120 South Central Ave., Suite 440, St. Louis, Missouri 63105.
Office of Resident Agent, Room 259, Federal Building, 301 West Lexington Street, Independence, Missouri 64050.
Office of Special Agent In Charge, Plaza Nine, 55 Erieview Plaza, Room 210, Cleveland, Ohio 44114.
Office of Resident Agent, P.O. Box 1035, Fountain Square Station, Cincinnati, Ohio 45201.
Office of Resident Agent, P.O. Box 44835. Federal Building, Room 511 Indianapolis, Indiana 46204.
Office of Special Agent In Charge, Room 507, Meierhoff Building, 325 Lake Avenue, South, Duluth, Minnesota 55802.
Office of Special Agent In Charge, Room 501, 243 West Congress St., Detroit, Michigan 48226.
Office of Special Agent In Charge, P.O. Box 192, Pembina, North Dakota 58271.
Office of Special Agent In Charge, 574 Federal Building, Ft. Snelling, Twin Cities, Minneapolis, Minnesota 55111.

Billing Code 4810-22

Treasury/BEP 00.002

System name: Civilian Employee Claim File—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Civilian officers and employees of the Bureau of Engraving & Printing, former employees and their survivors having claim for damage to or loss of personal property incident to their service.

Categories of records in the system: Contains investigative and adjudication documents relative to personal property damage claim.

Authority for maintenance of the system: Military Personnel and Civilian Employees' Claims Act of 1964, Public Law 88-558. Treasury Department Administrative Circular No. 136, Rev.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Director, Bureau of Engraving and Printing and/or his designee for adjudication and settlement of claims. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folder.

Retrievability: By Name.

Safeguards: Locked file cabinet—access limited to Safety Division Staff.

Retention and disposal: Retained two years after case is closed; destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individuals having claim for damage to or loss of personal property.

Treasury/BEP 00.003

System name: Continuation of Pay Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving & Printing employees, incurring work-connected injuries or illnesses and making claim for continuation of pay.

Categories of records in the system: Memoranda from Safety Manager authorizing Office of Financial Management to continue employee's pay up to 45 days.

Authority for maintenance of the system: Federal Employee Compensation Act as amended; Treasury Department Personnel Bulletin 74—73

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Safety Division & Office of Financial Management and Treasury Department to initiate statistical records for continuation of pay cases and costs. Used to document and authorize continuation of pay. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folder.

Retrievability: Name

Safeguards: Locked file cabinet, access limited to Safety Manager and Compensation Claims Staff.

Retention and disposal: Retained three years after case is closed; destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14 & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual employee and Safety Division reports and recommendations.

Treasury/BEP 00.004

System name: Counseling Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employees whose actions or conduct warrants counseling.

Categories of records in the system: Contains correspondence relative to counseling information and follow-up reports.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Employee Relations Branch personnel for counseling of individual employees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Locked in file cabinets; access limited to Employee Relations Branch personnel.

Retention and disposal: Retained for one year after close of file and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts. SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual employee.

Treasury/BEP 00.005

System name: Compensation Claims—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving & Printing employees incurring work-connected injuries or illnesses, necessitating absence, making claim under Compensation Act.

Categories of records in the system: All pertinent documentation, including investigative reports, forms, etc. relative to work—connected injuries of employees.

Authority for maintenance of the system: Federal Employees Compensation Act, as amended—Public Law 93—416.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Compensation Claims staff (Safety Division) and Department of Labor to initiate, adjudicate and maintain status of employees who may or have initiated claims for continuation of pay and compensation. For additional uses see Apendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folder and card file.

Retrievability: Name and claim no.

Safeguards: Locked file cabinets; access limited to Safety Manager and Compensation Claims staff.

Retention and disposal: Retained three years after case is closed; destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C St., SW, Washington, D.C. 20228. Attn: Privacy Law Information

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Employee's Health Unit Daily Report, Notification of Public Health Service Recommendation and information provided by employee.

Treasury/BEP 00.006

System name: Debt Files (Employees)—Treasury/BEP

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing employees on whom debt complaints are received.

Categories of records in the system: Contains employee's name, complaint information, court judgements, counseling efforts, receipts, and final disposition of complaint.

Authority for maintenance of the system: Federal Personnel Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Employee Relations Branch personnel for employee counseling, credit reference, and disposition of complaint. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Maintained in locked cabinets; access limited to Employee Relations Branch personnel.

Retention and disposal: Retained for two years and then destroyed by shredding.

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System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts,. SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Employees, Complainants, and Court Judgements.

Treasury/BEP 00.008

System name: Emergency Contact Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Employees of Product Control Division

Categories of records in the system: Record contains Name, Address and Designation of person to be contacted in case of emergency.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Product Control Division personnel for notification of designated person in case of emergency. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By Name.

Safeguards: Access limited to Quality Control Branch personnel; Kept in metal file cabinets.

Retention and disposal: Record maintained during employee's tenure with the Quality Control Branch. Destroyed after employee's separation by shredding.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual Product Control Division employees.

Treasury/BEP 00.009

System name: Employee Arrest Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving and Printing employees who have been arrested.

Categories of records in the system: Telephone conversation memo for file regarding arrest information supplied by Office of Security.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Employee Relations Branch personnel as background material for possible discipline or adverse action. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Maintained in locked cabinets; access limited to Employee Relations Branch personnel.

Retention and disposal: Retained until conviction, acquittal or other disposition and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts. SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Office of Security and police records.

Treasury/BEP 00.012

System name: Employee Index File—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Supply Branch Employees.

Categories of records in the system: Record contains employee name, address, phone number, social security number, cost center number, position, grade, and date of employment.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Supply Branch personnel to notify designated person in case of emergency or when employee is absent. Also used as Office reference file to provide information for other Bureau components upon request. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 Cards.

Retrievability: Indexed by name.

Safeguards: Kept on clerical supervisors desk, access limited to Supply Branch personnel.

Retention and disposal: Destroyed upon separation of employee from Branch by shredding.

System manager(s) and address: Chief, Office of Administrative Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Supply Branch Employees.

Treasury/BEP 00.013

System name: Employee Locator Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All employees of the Bureau of Engraving & Printing.

Categories of records in the system: The system provides current information for the Treasury telephone directory. It also provides employee information data which is needed to locate employees in case of emergency.

Authority for maintenance of the system: The Department of the Treasury, Office of Administrative Programs, Telecommunications Circular No. 21—June 13, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Telephone Services Unit to locate employees within the Bureau of Engraving & Printing. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name of employee.

Safeguards: Access limited to Telephone Services Unit personnel; maintained in locked cabinet.

Retention and disposal: Record maintained during employees tenure with the Bureau and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Bureau of Engraving & Printing Employees.

Treasury/BEP 00.014

System name: Employee's Production Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All incumbent Bureau of Engraving and Printing employees.

Categories of records in the system: Contains employee's name, dates, work hours, record of production, history of work assignments, training, work performance, and progress reports.

Authority for maintenance of the system: 5 U.S.C. 301, 4103, 4302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Bureau management personnel for evaluation of employee's level of productivity, promotion evaluation, reference material for future assignments, and collection of production cost data. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in data entry diskettes, file folders and production books.

Retrievability: Indexed by name, work code number and cross-referenced by project number.

Safeguards: Maintained in locked cabinets or desks; access is limited to personnel having a need-to-know.

Retention and disposal: Retained six years; destroyed by shredding, defacing or degaussing.

System manager(s) and address: Chief, Office of Audit; Chief, Office of Administrative Services; Chief, Office of Financial Management; Chief, Office of Industrial Relations; Chief, Office of Industrial Services; Chief, Office of Currency and Stamp Printing; Chief, Office of Engraving; Chief, Office of Security; Chief, Office of Securities Processing; Chief, Office of Engineering; Chief, Office of Research and Technical Services; Head, Production Scheduling Staff. Address: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D,C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Information furnished by employee, developed by supervisor or by referral document.

Treasury/BEP 00.016

System name: Employee Suggestions—Treasury/BEP

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing employees submitting suggestions under the incentive award program.

Categories of records in the system: Contains employee's suggestion, reviewer evaluation and final disposition information.

Authority for maintenance of the system: Title 5, U.S.C., 4502 (c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Employee Relations Branch personnel and other management personnel for system improvements, cost saving ideas, determination of employee awards and other reference purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in File Folders.

Retrievability: Indexed by Name.

Safeguards: Maintained in locked file cabinets; access limited to Employee Relations Branch personnel and employee's Supervisor.

Retention and disposal: Retained for three years following date of submission and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual Employee, Employee Supervisor and review committee.

Treasury/BEP 00.018

System name: Guard Uniform Control Account—Treasury/BEP

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All uniformed guard force personnel of the Bureau of Engraving and Printing.

Categories of records in the system: Record contains the guard's name, badge number, rank, employment anniversary date, current inventory of guard's uniform, history of uniform issuance, activity and current dollar balance of guard's uniform allowance.

Authority for maintenance of the system: Federal Uniform Allowance Act, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Chief, Office of Security and Head, Protective Service Branch to monitor and control guard annual uniform allowance, maintain a current inventory of guard uniforms, plan required stock levels and changes in authorized uniform issues. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 8 x 10 1/2 Ledger sheets in a notebook.

Retrievability: Alphabetical by guard's name.

Safeguards: Access limited to Chief, Office of Security, Head, Protective Services Branch, and the Uniform Control Clerk. Maintained in a locked file cabinet.

Retention and disposal: This is a new system and no retention period has yet been established.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Guard Force Personnel of Bureau of Engraving and Printing.

Treasury/BEP 00.019

System name: Identification Files—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW Washington, D.C. 20228.

Categories of individuals covered by the system: Incumbent Employees, Separated Bureau Employees, Visitors to the Bureau, Contractor & Service Company Employees (Incumbent & Separated).

Categories of records in the system: Category: Request for Issuance of Badge or Pass, Badge and Pass Photograph, Employee Identification Badge or Pass, Employee Identification Badge and Pass Record Card, Control Record for Issuance of Badges & Passes, Record of Lost Badges, Record of Funds Collected for Issuance of Badges or Passes and receipts for funds released to appropriate authority, Record of Destruction of Badges and Passes, Type of Information: The following information is retained as it applies to each individual issued a Pass and/or Badge in the present system: Name, Date of Birth, Place of Birth, Physical Description, Work area assignment, Name of Firm or Government Agency, Requesting Data for Pass/Badge, Signatures of persons receipting for Passes and Badges, Badge and Pass Numbers, Date of Issue, to whom issued and area or firm, Dates and method of destruction, Date, place and circumstance of loss of Pass/Badge.

Authority for maintenance of the system: 31 USC 427, Executive Order 11652 and implementing Treasury and Bureau regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Category of Users: Bureau of Engraving and Printing management officials, Bureau of Engraving and Printing security personnel, Federal, State, and local law enforcement or investigative agencies. For additional routine uses, see Appendix AA. Purpose of Each Use: Identification of personnel, Determine status of personnel, Limit access of personnel to specified Bureau security areas, and Control access to the Bureau.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Ledgers, paper tapes, tabulating cards and listings, cross-referencing badge numbers, file folders, loose leaf binders, and envelopes.

Retrievability: Numerical by Pass/Badge Number, Alphabetically by last name, Appropriate index by subject.

Safeguards: Maintained in locked cabinets in locked rooms; access limited to Office of Security staff.

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Retention and disposal: Retention period—Seven years after separation.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228, Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: The individual concerned, his supervisor, or an official of the individual's firm or agency.

Treasury/BEP 00.020

System name: Industrial Truck Licensing Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving and Printing employees designated to operate self—propelled material and/or machinery handling equipment.

Categories of records in the system: Record of employee physical examination, testing, license number and issue date for purpose of operating one or more types of material handling equipment used within the Bureau of Engraving and Printing.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Safety Division staff personnel to validate employee operational authority and determine renewal dates. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folder and Card file.

Retrievability: By Name.

Safeguards: Locked file cabinet, access limited to Safety Division staff.

Retention and disposal: Destroyed upon separation by shredding.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Supervisor request, results of physical examination, and data obtained during training or practical tests.

Treasury/BEP 00.021

System name: Investigative Files—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Incumbent Employees, Separated Bureau Employees, Employee Applicants, Visitors to the Bureau, Non—Bureau Correspondents, Contractor & Service Company Employees (Incumbent and Separated).

Categories of records in the system: Category: Security Files, Personnel Clearance Requests, Case Files, Bank Shortage Letters, Contractor Files, Food Coupon Discrepancy Reports, Intelligence Files, Stamp Discrepancy Reports, Case Record, Crank Letters, Security Files Reference Record, Employee Indebtedness Record, Type of Information: Character references, Guard force reports, Previous employment verifications, Newspaper articles, Social Security Numbers, Laboratory reports to include handwriting results and latent fingerprint examinations, Law enforcement criminal and subversive record checks, Court records, Security registers, Residency information, Reports of shortages or thefts of Bureau products including subsequent investigations, Personnel records of various types, Fingerprint card, Photograph, Names of individuals including those at contractor plants who worked on a shortage involving Bureau products, Credit checks, Background investigation reports conducted by Civil Service Commission, the Internal Revenue Service and other Federal Investigative Agencies, Disciplinary action recommended and/or received, Military record forms and extracted information, List of Bureau employees granted security clearances, Processes served, i.e. summons, subpoenas, warrants, etc., Personnel security case numbers, dates case opened and closed, and recommendations, Certificate of Security clearance, Reports of violations of Bureau regulations and procedures, Bureau visitor control documents, Correspondence relating to individuals, Claims of indebtedness from firms and collection agencies and other sources, and assorted documents, Tape recorded testimony, Type of Information: Bureau investigation reports, Information supplied by law enforcement agencies, Applicant interview record, Anonymous tips concerning Bureau employees, Official investigative statements, Names of those requesting security assistance and report of the assistance rendered, other pertinent Governmental records, education records and information, Date of Birth and physical description of individual in the files.

Authority for maintenance of the system: Executive Order 10450 and implementing Treasury and Bureau regulation and 31 U.S.C. 427.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Category of Users: Office of Security and staff, Bureau of Engraving & Printing management officials, Federal, state, county, and city law enforcement agencies, Investigatory Government agencies, other Governmental agencies requesting information, Contractor plant management officials. Purpose of Each Use: Determine employment suitability from a security point of view, Data for bi—weekly & quarterly reports, Means of identifying employees and employee misconduct and criminal activities and their actions affecting security suitability, Social Security numbers as a means of identification, Recommendations for disciplinary action to include dismissal from the Bureau, Determine employees' acceptability for assignment to security areas/duties from a security standpoint, Grant access to the Bureau, Develop Bureau policies and procedures, Determine patterns of employee behavior regarding misconduct, debts, illegal activities, etc., Develop investigative leads, Compile lists of suspects, Maintain numerical record of cases received during year, Maintain record of visitors to Bureau, Determine prospective firms suitability to conduct business with the Bureau, Evidence in legal cases and other judicial and non—judicial actions, Grant security clearances, Determine non—Bureau employee suitability to work on Bureau premises and/or products. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folders, 3 x 5 Index Cards, 5 x 8 Index Cards, Loose Leaf Binders, Ledger, Recording Tape.

Retrievability: Numerically by case number and year, Alphabetically by name and social security number, Alphabetically by company name.

Safeguards: Access is limited to Office of Security staff and maintained in locked file cabinets.

Retention and disposal: Retention period and disposal instructions have not yet been officially established.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendant, Management Services Division, Bureau of Engraving and Printing, 14th & C Streets S.W., Washington, D.C. 20228, Attn: Privacy Law Enforcement.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: The sources of the information are the individual concerned and information supplied by Federal, State and local investigative agencies, credit bureaus, financial institutions, court records and educational institutions.

Systems exempted from certain provisions of the act: Exempt under 5 U.S.C. 552a (j) and/or (k) and 31 CFR 1.36.

Treasury/BEP 00.022

System name: Monthly Equal Employment Opportunity Activity Report—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Minority and female employees receiving significant appointments and promotions.

Categories of records in the system: Name and Position of Promotion or Appointment.

Authority for maintenance of the system: Affirmative Action Plan for Fiscal Year 1975.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Bureau Equal Employment Opportunity Staff to inform the Director, Office of Equal Employment Opportunity Program, Department of the Treasury, of the monthly progress of minority and female employees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Cross referenced by month and employee's name.

Safeguards: Access is limited to Bureau Equal Employment Opportunity Staff and is maintained in locked combination safe.

Retention and disposal: Retained five years and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Personnel Action Records maintained by Supervisor.

Treasury/BEP 00.023

System name: Motor Vehicle Licensing Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving and Printing employees designated to operate passenger vehicles, trucks, and/or vans for Bureau business.

Categories of records in the system: Record of employee physical examination, testing, license number and issue date for purpose of operating passenger and/or truck vehicles.

Authority for maintenance of the system: United States Civil Service Commission Regulations 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Safety Division and/or Security Staff, District of Columbia or State Enforcement Authorities to validate employee operational authority. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder and card file.

Retrievability: By name.

Safeguards: Kept in locked file cabinets; access limited to Safety Division staff.

Retention and disposal: Retained three years; destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Supervisor request, results of physical examination, and data obtained during training or practical tests.

Treasury/BEP 00.024

System name: Payroll Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving and Printing Employees (Active).

Categories of records in the system: Current Pay and Cumulative Pay—Record consists of all payroll transactions affecting the employee's pay checks, e.g., withholdings, allotments, net check, cumulative year—to—date total.

Authority for maintenance of the system: Federal Personnel Manual and various Federal, State and Local regulatory agencies 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by payroll personnel to create the pay tape for the disbursing officer for routine payroll. Also used to produce the bi-weekly, quarterly and annual employee earnings statement which enables the employee to verify his or her record. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punch card, magnetic tape, disc, microforms, and printouts.

Retrievability: By Social Security Number.

Safeguards: Records are maintained in locked files in locked area. Access limited to Payroll personnel.

Retention and disposal: Retained in accordance with General Records Schedule No. 2; destroyed by shredding.

System manager(s) and address: Chief, Office of Financial Management, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Employee time and attendance records, allotment authorizations, withholding statements or related financial information.

Treasury/BEP 00.025

System name: Payroll Statistical Data—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving and Printing Employees.

Categories of records in the system: Payroll History—Record consists of all required payroll information including leave data, time and attendance history, allotment information, retirement information, and required pay status information.

Authority for maintenance of the system: Federal Personnel Manual and various regulatory bodies. 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by payroll personnel for routine payroll reporting to Bureau financial and personnel record—keeping personnel; tax reporting at Federal, state and local levels, and required reports to Department of Treasury, Civil Service Commission and other Government agencies (as required by Federal directives). For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punch Card.

Retrievability: Social Security Number.

Safeguards: Maintained in locked files in locked area. Access limited to Payroll Personnel.

Retention and disposal: Retained in accordance with General Records Schedule No. 2; destroyed by shredding.

System manager(s) and address: Chief, Office of Financial Management, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Employee time and attendance records, payroll records, and related financial information.

Treasury/BEP 00.027

System name: Security Access Control System (SACS)—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving & Printing Employees, Official Visitors to the Bureau, Contractor & Service Company Employees.

Categories of records in the system: Record contains Name, Office, Division, Branch, Unit, Badge Number, Picture, Work Shift Code, Work Area Code, Personnel Category, Time & Location of each passage through a Security Control point.

Authority for maintenance of the system: 31 U.S.C. 427, Executive Order 11652 and implementing Treasury and Bureau regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by management and security employees for identification of personnel and for limiting access to and movement within controlled Bureau security areas. Also used by management and security employees as an investigative aid to determine ingress/egress times at security control points. For additional routine uses see Appendix AA.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Mini-computer, ledgers, paper tapes, tabulating cards, listings, cross reference badge numbers, file folders, loose leaf binders, and envelopes.

Retrievability: Numerical by Pass/Badge Number, Alphabetically by last name, Appropriate index by subject.

Safeguards: Maintained in locked cabinets in a locked room; access limited to Office of Security staff.

Retention and disposal: Retention period—Seven years; destroyed by shredding.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: The individual concerned, his supervisor, or an official of the individual's firm or agency.

Treasury/BEP 00.029

System name: Petition of Election—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Listing of employees eligible for inclusion within the union bargaining for recognition.

Categories of records in the system: Alphabetical listing of eligible employees to include position title & occupational codes.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information compiled & furnished to United States Dept. of Labor, Labor—Mgmt Services Admin. in order to supervise the election; to the Dept. of Treasury to fulfill reporting requirement in Treasury Personnel Manual 711; and to the petitioning Union to verify eligibility of voters at the poll. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By Union Title.

Safeguards: Maintained in a locked cabinet; access limited to Labor—Mgmt. Relations staff & designated Union Representatives as required.

Retention and disposal: Retention and disposal procedures have not been established.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Position Description file & Personnel Manpower file.

Treasury/BEP 00.030

System name: Project REST (Reporting Employment Statistics in Treasury), Minority Statistics—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing Employees.

Categories of records in the system: Record contains employee name, Social Security Number, Minority Group Identification, Sex, Occupational Series, Grade, Pay Plan, and Date of Birth.

Authority for maintenance of the system: Assistant Secretary (Administration) Department of the Treasury, Administrative Circular No. 232 (October 5, 1972).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Equal Employment Opportunity staff to provide Minority Group Statistical Data for evaluating the Bureau Equal Employment Opportunity responsibilities. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On computer print—out.

Retrievability: By Name, Sex and Minority Group Identifier.

Safeguards: Access limited to Bureau Equal Employment Opportunity staff; maintained in locked combination safe.

Retention and disposal: Retained five years; destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual Employee, Equal Employment Opportunity Counselors, Equal Employment Opportunity Investigators.

Treasury/BEP 00.031

System name: Reemployment Information Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Former Bureau of Engraving & Printing employees.

Categories of records in the system: Information relative to reemployment rights and reemployment recommendations.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by personnel staff for re—hiring determinations and statistical studies and reports. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by name and year.

Safeguards: Maintained in locked file cabinet, access limited to Personnel staff.

Retention and disposal: Retained three years after separation; destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Information obtained from supervisor as employees separate.

Treasury/BEP 00.032

System name: Retention Register—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving and Printing Employees (Active).

Categories of records in the system: Information on retention rights of employees.

Authority for maintenance of the system: Federal Personnel Manual Chapter 351.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In cases of reduction in force, used primarily by personnel staff to determine retention rights and also by the Civil Service Commission on inspections and for resolving appeals. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on punch cards.

Retrievability: Indexed by name, retention subgroup, and competitive level.

Safeguards: Access limited to Manpower Information and Records Section, Staffing Classification and Supervisory Personnel. Maintained in locked file cabinets.

Retention and disposal: Registers are maintained until a new register replaces it. The old register is destroyed by shredding.

System manager(s) and address: Chief, Office of Industiral Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Data is obtained from the Official Personnel Folder.

Treasury/BEP 00.033

System name: Roster of Bureau of Engraving & Printing Employees—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing Employees.

Categories of records in the system: Roster of employees employed at the Bureau of Engraving & Printing (Active).

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Office of Industrial Relations personnel, auditors and Bureau managers for statistical reports, locator system and manpower forecasting. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on flexoline cards.

Retrievability: By name of employee.

Safeguards: Access limited to Office of Industrial Relations personnel, locked in standard card file.

Retention and disposal: Maintained indefinitely and changed as personnel are hired or separated.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Information obtained from appointment papers and separation papers.

Treasury/BEP 00.034

System name: Time & Attendance Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing Employees.

Categories of records in the system: Record contains time & attendance information.

Authority for maintenance of the system: Federal Personnel Manual and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Payroll Section to compute employee payroll records and used by Supervisor & time—keeping personnel to record time & attendance information. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in tabulating card files.

Retrievability: By name.

Safeguards: Locked in Supervisor's Office; access limited to employees, Supervisor & clerical personnel in Payroll Section.

Retention and disposal: Retained six years; destroyed by shredding.

System manager(s) and address: Chief, Office of Financial Management, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual Employee and Supervisor.

Treasury/BEP 00.035

System name: Tort Claims (Against the United States)—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Individuals and/or organizations making claim for money damage against the United States for injury to or loss of property or personal injury or death caused by the neglect or wrongful act or omission of a Bureau of Engraving & Printing employee while acting within the scope of his office or employment.

Categories of records in the system: Contains investigative and adjudication documents relative to personal injury and/or property damage claims.

Authority for maintenance of the system: Federal Tort Claims Act, Title 28 U.S.C. 2672, Public Law 89—506, Treasury Department Circular 131.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Director, Bureau of Engraving and Printing and/or his designee in conjunction with the General Counsel, Department of the Treasury for adjudication and settlement of claims. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder.

Retrievability: By name.

Safeguards: Locked file cabinet; access limited to Safety Division staff.

Retention and disposal: Retained three years; destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual or organization's claim and/or investigative reports.

Treasury/BEP 00.036

System name: Union Dues Allotments—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employees who authorize or revoke Union dues allotments.

Categories of records in the system: An authorization for or revocation of voluntary union dues allotments.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Payroll Office employees to effect allotments of Union dues in accordance with voluntary determination of employee member. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by name of employee.

Safeguards: Maintained in locked file cabinet; access limited to personnel in the Records & Payroll Sections.

Retention and disposal: Record maintained for length of time necessary to perform payroll activities, disposed when superseded by new card or on transfer or separation of employee whichever is earlier. Destroyed by shredding.

System manager(s) and address: Chief, Office of Financial Management, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

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Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Authorization or revocation statement originated by employee.

Treasury/BEP 00.037

System name: Union Index—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Name & Title of designated Union officials to include the President, Vice President, Secretary, Treasurer, & Stewards.

Categories of records in the system: Listing of recognized Union officials by title, bargaining unit, and jurisdiction.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by management personnel for the purpose of normal conduct of established Labor-Mgmt. Relations business. Copies provided to the Treasury Dept., U.S. Dept. of Labor and the Civil Service Commission as required by Treasury Personnel Manual. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By Union Title.

Safeguards: Maintained in locked file; access limited to Labor—Mgmt Relations staff & Mgmt. officials as required.

Retention and disposal: Retained for duration of recognition of the Union and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Provided by recognized unions.

Treasury/BEP 00.038

System name: Unscheduled Absence Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing employees who have had unscheduled absences.

Categories of records in the system: Record contains chronological documentation of unscheduled absences.

Authority for maintenance of the system: Federal Personnel Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by an employee's supervisor to record the number of times an employee has an unscheduled absence. This information is used by Employee Relations Branch for statistical reports depicting frequency rate for all Bureau employees. It is also used as a basis for counseling an employee concerning overall job performance. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Kept in locked file cabinets; access to these records is restricted to Supervisor and authorized timekeeping personnel.

Retention and disposal: Retained until separation; destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relation, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual employee time & attendance record and employee's supervisor.

Treasury/BEP 00.040

System name: Freedom of Information Requests—Treasury/BEP

System location: Bureau of Engraving and Printing; 14th & C Sts., SW Washington, D.C. 20228.

Categories of individuals covered by the system: Individuals requesting information.

Categories of records in the system: Correspondence pursuant to the Freedom of Information Act, internal processing documents and memoranda, referrals and copies of requested records.

Authority for maintenance of the system: Freedom of Information Act, 5 U.S.C. 552. 31 C.F.R. Part 1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reporting requirements as required by the Act; to respond to other Department officials who request information regarding persons making a FOI request; evaluation purposes and determination of volume of requests received and the impact on the current workload; preparation of budget; disclosures in accordance with Freedom of Information Act, to other agencies when required for coordination of response or referral; to Department of Justice for defending law suits; to Congressional Committees; for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: By name of requester(s) and date of request.

Safeguards: Filed in filing cabinet and released only to individuals with legitimate right to review.

Retention and disposal: Retained in accordance with General Records Schedule No. 14; then destroyed by shredding.

System manager(s) and address: Chief, Office of Administrative Services, Bureau of Engraving and Printing; 14th & C Sts. , SW., Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., S.W., Washington, D.C. 20228, Attn: Privacy Law Information.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Individuals who make Freedom of Information Act requests. Federal officials responding to Freedom of Information Act requests and documents from official records.

Treasury/BEP 00.041

System name: Record of Discrimination Complaints—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employees who have initiated discrimination complaints.

Categories of records in the system: Data developed as a result of inquiry by the person making the allegation of discrimination.

Authority for maintenance of the system: U.S. Civil Service Commission (Federal Personnel Manual Letter, No. 713—21).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Equal Employment Opportunity Complaint Investigators and Hearing Officers to provide reference data for making rulings on discrimination cases. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By Name.

Safeguards: Access limited to Complainants, Equal Employment Opportunity Staff, Equal Employment Opportunity Investigator; maintained in locked combination safe.

Retention and disposal: Retained four years after resolution; destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual employees who have discrimination complaints.

Treasury/BEP 00.042

System name: Informal EEO Complaint Processing Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employees who register informal EEO complaints.

Categories of records in the system: Contains information and data developed through counseling sessions and appropriate inquiries.

Authority for maintenance of the system: U.S. Civil Service Commission Regulations; Section 713 Treasury Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to inform complainants of the results of the counselor's inquiries. Also used to provide EEO Complaint Investigator with historical background data on cases which could not be resolved on an informal basis.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Locked in combination lock safe. Access limited to EEO Specialists and Counselors.

Retention and disposal: Retained four years after resolution of case; then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual complainants and other employees and supervisors necessary to make an appropriate inquiry.

Treasury/BEP 00.043

System name: Parking Program Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau, Non-Bureau personnel.

Categories of records in the system: Parking space applicant information—shows applicant's name and address, vehicle model and year, vehicle license number, work hours, work component, home and work telephone number.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide information on all parking permit applicants.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 5 x 8 card file and lettersize file folders.

Retrievability: Alphabetically by applicant and parking space number.

Safeguards: Access is limited to Office of Security staff and maintained in locked office.

Retention and disposal: Retention period and disposal instructions have not been officially established.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Parking permit applicants.

Treasury/BEP 00.044

System name: Personnel Security Files and Indices—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employee applicants, current and former Bureau employees, contractor and service company employees.

Categories of records in the system: Investigative information related to personnel investigations conducted by the Bureau of Engraving and Printing Security office and other Federal Agencies.

Authority for maintenance of the system: Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used for the purpose of granting security clearances and making employment suitability determinations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folders/3 x 5" Index cards.

Retrievability: Alphabetically by name.

Safeguards: Access is limited to Office of Security staff and records are maintained in locked file cabinets.

Retention and disposal: Retention periods and disposal instructions have not yet been officially established.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual employee and information supplied by other Federal Investigative Agencies.

Systems exempted from certain provisions of the act: Exempt under 5 U.S.C. 552a(j) and/or (k) and 31 CFR 1.36

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Treasury/Mint 00.002

System name: Applicants for selection for the current Annual Assay Commission, and members of former Commissions.—Treasury/Mint.

System location: Bureau of the Mints, Office of the Director, Warner Building, 501 13th St., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Members of public seeking appointment by President to Assay Commission and their sponsors or endorsers, and members of former Commissions.

Categories of records in the system: Biographies of candidates and correspondence with applicants, sponsors and endorsers.

Authority for maintenance of the system: 31 U.S.C. 363.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used to screen applicants for Presidential selection and to determine whether applicants had previously served on Assay Commission. (b) Used by appropriate agency officials and other Federal officials responsible for processing selection. (c) Used to select a committee to test the nation's coinage. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name.

Safeguards: Accessible only to appropriate agency and other Federal officials. Secured Files.

Retention and disposal: Retained permanently.

System manager(s) and address: Assistant to the Director (Public Affairs), Warner Building, Room 1037, 501 13th Street, N.W., Washington, D.C. 20220.

Notification procedure: Same as listed under System Manager. Individuals are required to furnish name.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Information submitted voluntarily by general public and Congressional or other endorsers and sponsors.

Treasury/Mint 00.003

System name: Cash Receivable Accounting Information System—Treasury/Mint.

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System location: Washington, DC, Bureau of the Mint, Warner Building, 501 13th Street, N.W. Philadelphia, PA, United States Mint, Independence Mall. Denver, CO, United States Mint, 320 West Colfax Avenue. San Francisco, CA, United States Assay Office, 155 Hermann Street. New York, NY, United States Assay Office, 32 Old Slip Street. Fort Knox, KY, United States Bullion Depository. San Francisco, CA, United States Old Mint, 88 Fifth Street.

Categories of individuals covered by the system: Employees and former employees of the Bureau of the Mint and the general public who have: (a) Served on jury duty when employed by the Bureau of the Mint. (b) Paid for lost government property belonging to the Mint. (c) Purchased numismatic items from Mint sales outlets.

Categories of records in the system: (1) Cash received from Mint employees who have served on jury duty or received witness fees. (2) Cash received from Mint employees and general public for lost government property, assay sample work and cash sales of over-the-counter numismatic items.

Authority for maintenance of the system: 5 USC 5537 (Fees for jury service); 31 USC 369 (Sale of numismatic items).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (A) Use: to record cash payment made to the Mint by employees, former employees and general public for services, lost government property and jury and witness fees. (B) Categories of Users: accounting office, managers and supervisors and government officials. (C) Purpose of Use—to account for cash receivables. (D) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Documents.

Retrievability: Name or number substitute.

Safeguards: Storage in filing cabinets with access by authorized accounting personnel.

Retention and disposal: General records control schedule, GAO rules and regulations, Bureau of the Mint Records Control Schedule, Destroyed in accordance with General Services Administration regulations.

System manager(s) and address: Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220, Financial Manager; Philadelphia, PA 19106, United States Mint, Independence Mall, Budget and Accounting Officer; Denver, CO 80204, United States Mint, 320 West Colfax Avenue, Budget and Accounting Officer; San Francisco, CA 94102, United States Assay Office, 155 Hermann Street, Budget and Accounting Officer; New York, NY 10005, United States Assay Office, 32 Old Slip Street, Budget and Accounting Officer; Fort Knox, KY 40121, United States Bullion Depository, Officer in Charge; San Francisco, CA 94103, United States Old Mint, 88 Fifth Street, Budget and Accounting Officer.

Notification procedure: Same as included in System Manager. An employee or former employee is required to show an identification such as: (A) Employee identification, (B) Driver's license, (C) Other means of identification including social security number and date of birth.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Bureau employees and appropriate agency officials.

Treasury/Mint 00.004

System name: Confidential Statements of Financial Interest—Treasury/Mint.

System location: Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employees, special employees, consultants, and advisers of the Bureau of the Mint who are required to file statements of financial interest.

Categories of records in the system: Statements of Employment and Financial Interests.

Authority for maintenance of the system: 18 U.S.C. 207, 208; 5 CFR 735.406 and 31 CFR 0.735-70 through 0.735-235.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used to record, document, and maintain required financial interest statements submitted by Bureau employees under Treasury Department regulations.To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate Federal agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (b) Categories of users agency officials who have a need for the record in the performance of their duties and other Federal officials charged with law enforcement responsibilities. (c) Purpose to maintain current financial interest statements to avoid conflicts of interest. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name.

Safeguards: Files are kept in a locked metal file cabinet in an area accessible to authorized agency officials.

Retention and disposal: Records are maintained as long as the employee is with the Bureau.

System manager(s) and address: Personnel Officer, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Notification procedure: Same address and individual listed under System Manager. The employee may be required to show an identification such as: employee identification, driver's license, or other means of identification which will clearly identify an individual.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Submitted by individual.

Treasury/Mint 00.005

System name: Current Employee Security Identification Record—Treasury/Mint.

System location: Philadelphia, Pennsylvania, United States Mint, Independence Mall. Denver, Colorado, United States Mint, 320 West Colfax Avenue. San Francisco, California, United States Assay Office, 155 Hermann Street. New York, New York, United States Assay Office, 32 Old Slip Street. West Point, New York, United States Bullion, Depository. Fort Knox, Kentucky, United States Bullion, Depository. San Francisco, California, United States Old Mint, 88 Fifth Street.

Categories of individuals covered by the system: Current Bureau of the Mint employees.

Categories of records in the system: Security information system used to verify proper admittance to restricted areas within the Mint facilities detailed under "LOCATION". The card record (Mint Form 8925) names the employee; provides date and place of birth; descriptive data on height, weight, hair and eyes; office and division in which employed; along with photograph and signature of the employee. The record also indicates approval by facility management for the issuance of personal identification to the employee, which is subsequently carried by the employee.

Authority for maintenance of the system: 40 U.S.C. 318—318c. Treasury Department Order No. 177-25, dated August 8, 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Use: security access control. (b) Categories of Users: security Force Officers. (c) Purpose of Use: protection of persons and property. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Record is 5 inches x 8 inches card filed in Kardex Binder or circular-type index system.

Retrievability: Alphabetical by name.

Safeguards: Maintained in secure area by Security Force Officers.

Retention and disposal: Records are retained until separation of the employee and are destroyed upon termination in accordance with General Services Administration rules and regulations.

System manager(s) and address: Treasury Department, Bureau of the Mint, Warner Building, 501 13th St., N.W., Washington, D.C. 20220, Chief of Security (Coordinator); United States Mint, Independence Mall, Philadelphia, Pa. 19106, Security Officer (Facility Manager); United States Mint, 320 West Colfax Avenue, Denver, Colorado 80204, Security Officer (Facility Manager); United States Assay Office, 155 Hermann Street, San Francisco, Ca. 94102, Security Officer (Facility Manager); United States Assay Office, 32 Old Slip Street, New York, N.Y. 10005, Security Officer (Facility Manager); United States Bullion, Depository, West Point, New York 10996, Security Officer, NYAO (Facility Manager); United States Bullion Depository, Fort Knox, Kentucky 40121, Security Force Captain (Facility Manager); United States Old Mint, 88 Fifth Street, San Francisco, Ca. 94103, Security Force Captain (Facility Manager).

Notification procedure: Same as shown under System Manager. An employee is free to examine his card record upon request, after properly identifying himself as the employee of record. The following would be used to prove identity: (a) Employee identification; (b) Driver's license; (c) Other acceptable personal documents.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief of Security, Bureau of the Mint, Room 1037, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Personal information provided by employee himself and identification approval by management staff.

Treasury/Mint 00.006

System name: Employee and Former Employee Travel and Training Accounting Information System—Treasury/Mint.

System location: Washington, DC, Bureau of the Mint, Warner Building, 501 13th Street, N.W. Philadelphia, PA, United States Mint, Independence Mall. Denver, CO, United States Mint, 320 West Colfax Avenue. San Francisco, CA, United States Assay Office, 155 Hermann Street. New York, NY, United States Assay Office, 32 Old Slip Street. Fort Knox, KY, United States Bullion Depository. San Francisco, CA, United States Old Mint, 88 Fifth Street.

Categories of individuals covered by the system: Employees and former employees of the Bureau of the Mint who have engaged in travel and training.

Categories of records in the system: (1) SF 1166 Voucher and Schedule of Payments with supporting documents such as: (A) SF 1012 Travel Voucher, (B) SF 1038 Application and Account for Advance of Funds, (2) Travel Authorities, (3) Government Travel Request SF 1169, (4) Request, Authorization, Agreement and Certification of Training.

Authority for maintenance of the system: 5 U.S.C. Chapter 41 (Training) and Chapter 57 (Travel).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (A) Use: To record travel and training information on all Mint employees and former employees for the purpose of making disbursements. (B) Categories of Users: Accounting office, managers and supervisors and government officials. (C) Purpose of Use: To administer the travel program of the Bureau in accordance with the regulations. Also, to assist the Personnel Division in administering the training program. (D) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Documents.

Retrievability: Name or number substitute.

Safeguards: Storage in filing cabinets with access by authorized accounting personnel.

Retention and disposal: General Records Control Schedule, GAO rules and regulations, Bureau of the Mint Records Control Schedule, Destroyed in accordance with General Services, Administration regulations.

System manager(s) and address: Bureau of the Mint, Warner Buildings, 501 13th Street, N.W., Washington, DC 20220, Financial Manager; Philadelphia, PA 19106, United States Mint, Independence Mall, Budget and Accounting Officer; Denver, CO 80204, United States Mint, 320 West Colfax Avenue, Budget and Accounting Officer; San Francisco, CA 94102, United States Assay Office, 155 Hermann Street, Budget and Accounting Officer; New York, NY 10005, United States Assay Office, 32 Old Slip Street, Budget and Accounting Officer; Fort Knox, KY 40121, United States Bullion Depository, Officer in Charge; San Francisco, CA 94103, United States Old Mint, 88 Fifth Street, Budget and Accounting Officer.

Notification procedure: Same as included in System Manager. An employee or former employee is required to show an identification such as: (A) Employee identification, (B) Drivers' license, (C) Other names of identification including social security number and date of birth.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems, and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Bureau employees and appropriate agency officials.

Treasury/Mint 00.007

System name: Employee, Former Employee and Visitors, Occupational Safety and Health, Accident and Injuries Records; and Claims for Injuries or Damage Compensation Records—Treasury/Mint.

System location: Location and Category of Records Maintained: Washington, D.C., Bureau of the Mint, Warner Building, 501 13th St. N.W., Accident/Injury/Illness Records, Vehicle Accident, and Claims Against the Government; Philadelphia, Pennsylvania, United States Mint, Independence Mall, Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims Against the Government, Safety Equipment Logs, and Operators Training/Licensing; Denver, Colorado, United States Mint, 320 West Colfax Avenue, Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims Against the Government, Safety Equipment Logs, and Operators Licensing; San Francisco, California, United States Assay Office, 155 Hermann Steet, Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims Against the Government, Safety Equipment Logs, and Operators Training/Licensing; New York, New York, United States Assay Office, 32 Old Slip Street, Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims Against the Government, and Safety Equipment Logs; West Point, New York, United States Bullion Depository, Accident/Injury/Illness Records, and Motor Vehicle Accident Data; Fort Knox, Kentucky, United States Bullion Depository, Accident/Injury/Illness Records, Motor Vehicle Accident Data, and Claims Against the Government; San Francisco, California, United States Old Mint, 88 Fifth Street, Accident/Injury/Illness Records, Motor Vehicle Accident Data, Claims Against the Government, Safety Equipment Issuance, and Operators Licensing.

Categories of individuals covered by the system: Bureau of the Mint employees, former employees and visitors to Mint offices and facilities, reporting accidents and injuries occurring on Federal Government property or in areas immediately adjacent to Government property, for which potential liability exists due to local laws.

Categories of records in the system: (See Location).

Authority for maintenance of the system: 29 U.S.C. 668; E.O. 11807, 28 U.S.C. 2680 et seq.; 31 CFR Part 3, 31 U.S.C. 240-243; 31 CFR Part 4.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information in these records is used for the following purposes: (a) Accident prevention, reduction and compilation of statistics. (b) Accident investigations. (c) Determination of Government liability under Federal Tort Claims Act. (d) Determination of Government liability under Military Personnel and Civilian Employees' Claims Act. (e) Determination of employee compensation benefits under Federal Employees' Compensation Act. (f) Health and medical treatment and care to employees and assuring industrial hygiene improvements. (g) Determining accountability for safety equipment. (2) Information in these records may be provided to appropriate agency officials and officials of the following other Federal agencies responsible for the administration of relevant programs or the evaluation, adjudication, litigation and settlement of claims by or against the Government: (a) Department of Labor, (b) Department of Justice, (c) General Accounting Office, (d) Civil Service Commission, (e) Social Security Administration, (3) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: by name.

Safeguards: Locked containers in Safety Health Office available to authorized personnel only.

Retention and disposal: Records are retained in accordance with General Records Control Schedules, and Bureau of the Mint Records Control Schedules; and are destroyed in accordance with General Services Administration rules and regulations.

System manager(s) and address: Treasury Department, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220, Safety Officer; United States Mint, Independence Mall, Philadelphia, PA 19106, Safety Manager; United States Mint, 320 West Colfax Avenue, Denver, Colorado 80204, Safety Manager; United States Assay Office, 155 Hermann Street, San Francisco, California 94102, Safety Manager; United States Assay Office, 32 Old Slip

Street, New York, New York 10005, Safety Manager; United States Bullion Depository, West Point, New York 10996, Safety Manager; United States Bullion Depository, Fort Knox, Kentucky 40121, Safety Manager; United States Old Mint, 88 Fifth Street, San Francisco, California 94103, Safety Manager.

Notification procedure: Same as included in System Manager. An employee or former employee is required to show an identification such as: (A) Employee identification, (B) Driver's license, (C) Other means of identification including social security number and date of birth.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Employees, supervisors, medical staff, general public, and visitors to the facilities of the Bureau of the Mint.

Treasury/Mint 00.009

System name: Employee- Supervisor Performance, Evaluation, Counseling and Time and Attendance Records—Treasury/Mint.

System location: San Francisco Old Mint, 88 Fifth Street, San Francisco, California. San Francisco Assay Office, 155 Hermann Street, San Francisco, California. Denver Mint, 320 West Colfax Avenue, Denver, Colorado. Washington, D.C., Bureau of the Mint, Warner Building, 501—13th Street, N.W. Philadelphia Mint, Independence Mall, Philadelphia, Pa. New York, N.Y., United States Assay Office, 32 Old Slip Street. Fort Knox, Kentucky, United States Bullion Depository. West Point, N.Y., United States Bullion Depository.

Categories of individuals covered by the system: Bureau of the Mint employees and former employees.

Categories of records in the system: Information necessary for managers and supervisors to effectively carry out supervisory responsibilities. Included are such records as: copies of personnel actions, performance appraisal including production and control, disciplinary actions, overtime reports, tardiness reports, work assignments, training reports, applications for employment, home addresses, leave reports, employee awards. (Supervisors maintain varying combinations of the above records. Some supervisors may maintain all or none of the above records depending upon the nature and size of the operation or organization and the number of individuals supervised.)

Authority for maintenance of the system: 5 U.S.C. 301 and FPM Supplement 990—1, Section 3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use—Employee performance, evaluation, counseling and operational control. Categories of Users—Managers and supervisors throughout the Mint. Purpose of Use—To effectively carry out their personnel management responsibilities. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents maintained in folders.

Retrievability: By name.

Safeguards: Stored in file cabinets and desks of supervisors.

Retention and disposal: Retained as long as employee is under their supervision.

System manager(s) and address: Bureau of the Mint, Warner Building, 501 13th Street, N.W. 20220, Assistant Directors; United States Mint, Independence Mall, Philadelphia, Pa. 19106, Superintendent; United States Mint, 320 West Colfax Avenue, Denver, CO. 80204, Superintendent; United States Assay Office, 155 Hermann Street, San Francisco, CA. 94102, Officer-in-Charge; United States Assay Office, 32 Old Slip Street, New York, N.Y. 10005, Officer-in-Charge; United States Bullion Depository, Fort Knox, Kentucky 40121, Officer-in-Charge; United States Old Mint, 88 Fifth Street, San Francisco, CA. 94103, Officer-in-Charge; United States Bullion Depository, West Point, N.Y., Officer-in-Charge.

Notification procedure: Same as listed under system manager, Employee or former employee is required to show identification such as: I.D. card, driver's license.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: Contest: See access above.

Record source categories: Employees; previous employers; and appropriate agency officials.

Treasury/Mint 00.017

System name: Equal Employment Opportunity (EEO) Complaint Counseling Records - Treasury/Mint.

System location: Washington, D.C., Bureau of the Mint, Warner Building, 501 - 13th Street, N.W.; Philadelphia, Pennsylvania, United States Mint, Independence Mall; Denver, Colorado, United States Mint, 320 West Colfax Avenue; San Francisco, California, United States Assay Office, 155 Hermann Street; New York, New York, United States Assay Office, 32 Old Slip Street; San Francisco, California, United States Old Mint, 88 Fifth Street; and Fort Knox, Kentucky, United States Bullion Depository.

Categories of individuals covered by the system: Employees and applicants for employment at the Bureau of the Mint.

Categories of records in the system: Allegations of Discrimination and all evidence collected during the counseling process.

Authority for maintenance of the system: Public Law 92-261; Executive Order 11478; 5 CFR Part 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use - Informal processing of employee complaints of discrimination. Categories of users - Agency officials who have a need for the records in the performance of their duties. Purpose of use - Informal resolution of complaints of discrimination.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folders of paper documents.

Retrievability: By name.

Safeguards: Stored in file cabinets and desks of Counselors and EEO Officer.

Retention and disposal: Indefinite.

System manager(s) and address: EEO Officer, Bureau of the Mint, Warner Building, 501 - 13th Street, N.W., Washington, D.C. 20220; EEO Officer, United States Mint, Independence Mall, Philadelphia, Pennsylvania 19106; EEO Officer, United States Mint, 320 West Colfax Avenue, Denver, Colorado 80204; EEO Officer, United States Assay Office, 32 Old Slip Street, New York, New York 10005; EEO Officer, United States Assay Office, 155 Hermann Street, San Francisco, California 94102; EEO Officer, United States Old Mint, 88 Fifth Street, San Francisco, California 94103; EEO Officer, United States Bullion Depository, Fort Knox, Kentucky 40121.

Notification procedure: See System Manager for address to which inquiries may be addressed. The individual must supply name.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the Systems Manager.

Contesting record procedures: See access above.

Record source categories: Information is voluntarily obtained from employee(s), management, applicants and pertinent documents.

Treasury/Mint 00.010

System name: Examination reports of coins forwarded to Mint from U.S. Secret Service—Treasury/Mint.

System location: Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals from whom U.S. Secret Service has seized coins suspected to be counterfeit or fraudulently altered.

Categories of records in the system: Reports prepared for U.S. Secret Service regarding the examination of the questioned coin or coins by Mint.

Authority for maintenance of the system: 18 U.S.C. 331, 485, 486, 489, 490 and 491.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Uses, to determine whether a coin is counterfeit or altered and submit report to U.S. Secret Service or other Federal agency charged with law enforcement responsibilities. To give expert testimony as to the coins examined in a criminal or civil proceeding before a Federal or state court. (b) Categories of users, agency officials who have a need for the records in the performance of their duties. (c) Purpose of use, to preserve the integrity of the coinage system by detecting counterfeit or altered coins and to assist in the enforcement of Federal counterfeiting statutes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name.

Safeguards: Files are kept in locked metal file cabinets in area accessible only to authorized agency officials.

Retention and disposal: Retained in accordance with Bureau of the Mint Records Control Schedule.

System manager(s) and address: Assistant Director for Technology, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Notification procedure: This system is proposed for exemption elsewhere in the Federal Register.

Record access procedures: This system is proposed for exemption elsewhere in the Federal Register.

Contesting record procedures: Contest: This system is proposed for exemption elsewhere in the Federal Register.

Record source categories: This system is proposed for exemption elsewhere in the Federal Register.

Systems exempted from certain provisions of the act: This system is proposed for exemption elsewhere in the Federal Register.

Treasury/Mint 00.011

System name: General Correspondence—Treasury/Mint.

System location: Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. United States Assay Office, 32 Old Slip, New York, NY. United States Old Mint, 88 Fifth Street, San Francisco, CA.

Categories of individuals covered by the system: Members of the public, Members of Congress, agency officials and other Federal agencies.

Categories of records in the system: Incoming correspondence and replies pertaining to the mission, function and operation of the Bureau of the Mint.

Authority for maintenance of the system: 31 U.S.C. 251, 253.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Use, to maintain documentation of information supplied by the agency to the correspondent. (b) Categories of users, appropriate agency officials. (c) Purpose of use, to provide documentation and reference for future correspondence. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name of correspondent.

Safeguards: Maintained in limited access area available only to appropriate agency officials.

Retention and disposal: In accordance with the General Services Administration's General Records Control Schedule and the Bureau of the Mint Records Control Schedule. Destroyed in accordance with General Services Administration regulations.

System manager(s) and address: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220. Superintendent, United States Assay Office, 155 Hermann Street, San Francisco, California 94102. Officer-in-Charge, United States Old Mint, 88 Fifth Street, San Francisco, California 94103.

Notification procedure: See System Manager for addresses to which inquiries may be addressed and addresses at which the individual may present a request as to whether a system contains records pertaining to himself. The indjvidual must supply name.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: The general public, Members of Congress, agency and other Federal officials.

Treasury/Mint 00.016

System name: Grievances. Union/Agency Negotiated—Treasury/Mint.

System location: Washington, DC, Bureau of the Mint, Warner Building, 501-13th Street, N.W.

Philadelphia, PA, United States Mint, Independence Mall.
Denver, CO, United States Mint, 320 West Colfax Avenue.
San Francisco, CA, United States Assay Office, 155 Hermann Street.
New York, NY, U.S. Assay Office, 32 Old Slip Street.
San Francisco, CA, U.S. Old Mint, 88 Fifth Street.
Ft. Knox, KY, United States Bullion Depository.
West Point, NY, West Point Buillion Depository.

Categories of individuals covered by the system: Employees and former employees of the Bureau of the Mint.

Categories of records in the system: This system of records contains information or documents relating to employee grievances filed under provisions of negotiated grievance procedures, including decision of appropriate third parties where applicable.

Authority for maintenance of the system: Executive Orders 11491, 11616, 11636 and 11838; negotiated agreements between Mint and exclusively recognized labor unions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) To process an employee grievance, including submission to an arbitrator and appeal to the Federal Labor Relations Council. (b) To refer a question of grievability or arbitrability to appropriate officials of the Department of Labor. (c) To provide information or disclose to the appropriate Federal agency in connection with civil litigation involving the Bureau of the Mint. (d) For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders or binders.

Retrievability: These records are filed by the names of the individuals on whom they are maintained or by the subject of the grievance.

Safeguards: Access to and use of these records are limited to those agency officials whose official duties require such access.

Retention and disposal: Retained in accordance with the Bureau of the Mint Records Control Schedules and destroyed in accordance with General Service Administration rules and regulations.

System manager(s) and address: For current and former employees:

Personnel Officer, Bureau of the Mint, Department of the Treasury, 15th & Pennsylvania Ave., NW., Washington, DC 20220.
Personnel Officer, U.S. Mint, Independence Mall, Philadelphia, PA 19106.
Personnel Officer, U.S. Mint, 320 Colfax Ave., Denver, CO 80204.
Personnel Officer, U.S. Assay Office, 155 Hermann Street, San Francisco, CA 94102.
Personnel Officer, U.S. Assay Office, 32 Old Slip Street, New York, NY 10005.
Personnel Officer, U.S. Old Mint, 88 Fifth Street, San Francisco, CA 94103.
Officer-in-Charge, U.S. Bullion Depository, Fort Knox, KY 40121.
Administrative Officer, West Point Bullion Depository, West Point, NY 10996.

Notification procedure: Individuals who have fled a grievance are aware of that fact and have been provided a copy of the record. They may, however, contact the Personnel Officer indicated above regarding the existence of such records pertaining to them. It is necessary to furnish information sufficient to verify the identity of the requester such as full name, date of birth, a brief description of the grievance and the approximate date of submission.

Record access procedures: Individuals who have filed a grievance about a decision or determination made by an agency or about conditions existing in an agency already have been provided a copy of the record. The contest, amendment, or correction of a grievance record is permitted during the prosecution of the grievance to whom the record pertains. However, after a grievance case has been closed, an individual may gain access to, or contest the official copy of the grievance record by writing the appropriate Personnel Officer indicated above. Individuals should provide their name; date of birth; a brief description of grievance and the approximate date of submission.

Contesting record procedures: See access above.

Record source categories: The sources of these records are indicated below. (a) Individual to whom the record pertains. (b) Agency officials. (c) Affidavits or statements from employee(s). (d) Testimonies of witnesses. (e) Official documents and correspondence relating to the grievance.

Treasury/Mint 00.012

System name: Investigatory Files on Theft of Mint Property—Treasury/Mint.

System location: Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

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Categories of individuals covered by the system: Mint employees and members of public suspected of the theft of Government property.

Categories of records in the system: Name of individual; location of Mint facility; and theft item.

Authority for maintenance of the system: 18 U.S.C. 332, 641.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Uses, to investigate suspected theft of Government property on Mint premises. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate Federal agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto. (b) Categories of users, agency officials who have a need for the record in the performance of their duties and other Federal officials charged with law enforcement responsibilities. (c) Purpose, to safeguard and account for Government property; assist in enforcement of applicable Federal criminal statutes; and attempt to recoup value of property stolen. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name.

Safeguards: Files are kept in a locked metal file cabinet in an area accessible to authorized agency officials.

Retention and disposal: Retained in accordance with Bureau of the Mint Records Control Schedule and destroyed in accordance with General Services Administration rules and regulations.

System manager(s) and address: Chief, Office of Security, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Notification procedure: This system is proposed for exemption elsewhere in the Federal Register.

Record access procedures: This system is proposed for exemption elsewhere in the Federal Register.

Contesting record procedures: See access above.

Record source categories: This system is proposed for exemption elsewhere in the Federal Register.

Systems exempted from certain provisions of the act: This system is proposed for exemption elsewhere in the Federal Register.

Treasury/Mint 00.013

System name: Numismatic Coin Operations System (NUCOS) Records; Customer Mailing List and Order Processing Records for Coin Sets, Medals and Numismatic Items—Treasury/Mint.

System location: San Francisco, California, Old Mint, 88 Fifth Street, San Francisco, CA 94175. (Records concerning undelivered orders are maintained at the San Francisco Assay Office, 155 Hermann Street.)

Categories of individuals covered by the system: Customers for numismatic items.

Categories of records in the system: Names, addresses, order history of customers purchasing numismatic items and of individuals who wish to receive notification of numismatic offerings by the Mint.

Authority for maintenance of the system: 31 U.S.C. 324g, 324h, 369, 391(d); P.L. 89—81, P.L. 92—228; 31 CFR Part 92.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Use, generating order cards, acknowledgement cards, labels, and correspondence. (b) Categories of Users, appropriate agency officials. (c) Purposes of Use, to announce the availability of numismatic items produced by the Mint; process and acknowledge receipt of orders; process payments received from customers; mail and trace numismatic items ordered. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, discs, paper and cards.

Retrievability: Name, customer number or order number.

Safeguards: CRT, password protection; only designated persons may request computer generated reports. Access to any information pertaining to any individuals' name is limited to only those individuals requiring the information to accommodate handling of transactions with the customers. Separation of functions; source documents maintained in one division and programming systems in another.

Retention and disposal: In accordance with the General Services Administration's General Records Control Schedule and the Bureau of the Mint Records Control Schedule. Destroyed in accordance with General Services Administration regulations. Order cards are retained two weeks, reports three months; they are then shredded. Customer names and addresses are maintained as long as they are active.

System manager(s) and address: Officer in Charge, San Francisco Old Mint, 88 Fifth Street, San Francisco CA 94175.

Notification procedure: Bureau of the Mint, 55 Mint Street, San Francisco, CA 94175. Individuals should supply order number as provided on order card or copy of both sides of cancelled check; customer number which appears on pre-punched order cards or on face of check.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Members of the public; appropriate agency officials; and General Services Administration.

Treasury/Mint 00.014

System name: Purchases, Sales, Exchange and Assays of Precious Metals—Treasury/Mint.

System location: Washington, D.C., Bureau of the Mint, Warner Building, 501—13th Street, N.W. Philadelphia, PA, United States Mint, Independence Mall. Denver, CO, United States Mint, 320 West Colfax Avenue. San Francisco, CA, United States Assay Office, 155 Hermann Street. New York, NY, United States Assay Office, 32 Old Slip. San Francisco, CA, United States Old Mint, 88 Fifth Street.

Categories of individuals covered by the system: General public and Government agencies who had precious metal transactions with the Bureau of the Mint.

Categories of records in the system: Bar schedules, deposit tickets, reports on special assays, records of sales and purchases of precious metals.

Authority for maintenance of the system: 31 U.S.C. 327, 328, 335, 358, 360, 361, 362, 405a—1, 733 and 734. 31 CFR Parts 90 and 92.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Use, to record and accomplish sale, purchase, exchange or assay of precions metals. (b) Categories of users, appropriate agency officials and appropriate officials of the General Services Administration. (c) Purpose of use, to determine and verify that proper payments are made or correct charges are assessed for services rendered and to accomplish sale and purchase of precious metals. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents and computer magnetic tapes.

Retrievability: Name or assay number.

Safeguards: Metal file cabinet with locks and secured area available to authorized personnel only.

Retention and disposal: Bureau of the Mint Records Control Schedule.

System manager(s) and address: Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220, Financial Manager; Philadelphia, PA 19106, United States Mint, Independence Mall, Budget and Accounting Officer; Denver, CO 80204, United States Mint, 320 West Colfax Avenue, Budget and Accounting Officer; San Francisco, CA 94102, United States Assay Office, 155 Hermann Street, Budget and Accounting Officer; New York, NY 10005, United States Assay Office, 32 Old Slip Street, Budget and Accounting Officer; San Francisco, CA 94103, United States Old Mint, 88 Fifth Street, Budget and Accounting Officer.

Notification procedure: Same as included in System Manager. Member of the general public or Government agency is required to produce proper identification to satisfy the System Manager.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: Same as access above.

Record source categories: General public; agency officials; and other Federal agencies.

Treasury/Mint 00.015

System name: Redemption of Uncurrent or Mutilated Coins—Treasury/Mint.

System location: United States Assay Office, 32 Old Slip, New York, N.Y. 10005.

Categories of individuals covered by the system: General public; financial institutions; and other Government agencies.

Categories of records in the system: Records of names, addresses and reference numbers pertaining to those submitting mutilated or uncurrent coins for exchange.

Authority for maintenance of the system: 31 U.S.C. 317c; 31 CFR Part 100.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Uses, issuance of payments in exchange of coins. (b) Categories of users, appropriate agency officials. (c) Purpose of use, to insure that payments are made to proper individuals, banks or Government agencies. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name or reference number.

Safeguards: Metal file cabinet with lock.

Retention and disposal: Retained in accordance with Bureau of the Mint Records Control Schedule and destroyed in accordance with General Services Administration rules and regulations.

System manager(s) and address: Budget and Accounting Officer, United States Assay Office, 32 Old Slip Street, New York, New York 10005.

Notification procedure: See System Manager. Individual is required to supply name and if available reference and/or settlement number.

Record access procedures: For information on procedure for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: General public, financial institutions, and other Government agencies.

Billing Code 4810-37

Treasury/BPD 00.001

System name: Personnel and Administrative Records—Treasury/BPD.

System location: Bureau of the Public Debt: Washington, D.C.; Parkersburg, West Virginia; Ravenswood, West Virginia; Williamstown, West Virginia. Federal Records Center: St. Louis, Missouri.

Categories of individuals covered by the system: Past, present and prospective employees.

Categories of records in the system: All personnel records not mentioned in this system, but maintained at the Bureau, are considered to belong to the Office of Personnel Management and will be reported by that agency. (1) Personnel Folders (Temporary side): Contain the following types of records or information apart from official records, but which may duplicate or supplement official records: Pre-employment records and vouchering; orientation records; requests for personnel action; requests for training; performance evaluation records; letters of reference; debt correspondence; correspondence between employee and personnel office; disciplinary action papers; duplicate copies of personnel actions; payroll, leave and retirement benefits data; compensation forms and reports relating thereto; and tax check records, reduction-in-force data; requests for outside employment; merit promotion applications; and credit and employment verification. (2) Locator File: Contains the employee's office and home address and telephone numbers; emergency notification information and indication of permission or denial to disclose this information upon inquiry. (3) Applications for Employment File: Contains inquiries concerning employment, applicants' resumes and correspondence. (4) Upward Mobility Program Files: Contain but are not limited to, all pertinent information, such as applications, vouchering, correspondence, developmental plans and appraisal forms of candidates for said program. (5) Investigation Security Files: Contain background information and the results of investigations conducted by Internal Revenue Service, Secret Service, or other Federal agencies, on Bureau attorneys and certain other employees. (6) Awards Case Files: Contain reports and background data concerning awards for employees. (7) Informal Equal Employment Opportunity Complaint Files: contain records of informal EEO complaints and discussions thereon which have not reached the level of formal complaints. (8) Administrative Grievance Files: Contain informal or formal grievance complaints and background documentation. (9) General Correspondence Files: Contain inquiry and reply letters and documentation concerning general administrative, policy, transactional and personnel matters. (10) Union-related Files: Contain formal and informal, contractual and administrative grievance complaints and background documentation thereon; reports of union dues participation. (11) Merit Promotion Files: Contain records of competitive promotion actions, including but not limited to vacancy announcements, candidates considered, assessments of candidates, and disposition of applications. (12) Exit Interview Files: Contain records of employee's critique of Bureau, final interview, and supervisors' recommendations. (13) Suitability Files: Contain information documenting the suitability for employment of prospective and current employees, such as arrest records, National Agency checks and background information. (14) Budget Files: (a) Employee Travel Records File: Contains travel vouchers, authorization and receipts for travel which an employee performed in connection with official business and which is reimbursable by government funds. (b) Comprehensive Listing of Employee Master File: Contains salary, grade, leave, retirement, health-life insurance, tax, payroll deduction and other information. (c) Time and Attendance Records: Contain the daily posting of employee's leave and/or attendance. (15) Medical Records File: contains pre-appointment and fitness-for-duty medical reports and records. (16) Employee Relations files; containing, but not limited to, pertinent information on such matters as discipline, adverse actions, retirement, and compensation. (17) Confidential Financial Statements File: contains personal financial statements required by certain employees as defined in the Department's Minimum Standards of Conduct. (18) Classification Appeals File: contains statements and pertinent information relating to the adjudication of an appeal. (19) History of Employment File: contains service record cards.

Authority for maintenance of the system: Title 5 USC; Federal Personnel Manual; Executive Order 11478.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Within the Department of the Treasury, the aforementioned records are routinely used to determine the suitability of an applicant for employment; to verify an employee's orientation processing; to supplement official personnel records for clarification of personnel actions; to authorize deductions of state and/or local or District of Columbia taxes from an employee's salary for payroll functions; to provide information for determining the eligibility and suitability of an employee for promotion or award; to appraise an employee's performance following hiring or promotion; to judge the necessity for disciplinary action and to make record of the same; to inform an employee of his present leave and retirement benefits status; to make record of all correspondence exchanged between an employee and the Division of Personnel for reference purposes; to locate an employee in an emergency situation if the employee's permission was granted; to issue building passes and make record thereof; to record work-related injuries and illnesses and to process compensation therefor; to perform security investigations and to provide security clearance for attorneys and certain other employees in order to protect security information; to furnish Internal Revenue Service, Secret Service, and other Federal agencies with information in the course of their investigations; to document grievances or complaints of discrimination for purposes of hearing and passing decision on a case; to furnish management with information necessary for the hearing and resolution of administrative grievances and grievances arising within the framework of the labor-management framework; to record, analyze and approve travel expenditures; to furnish data needed by the Division of Management and Support Services in the performance of its duties relating to the estimating and accounting for budget expenditures, maintaining records, providing payroll data to the Treasury Payroll/Personnel Information System, Old Mint Data Center Division, Bureau of the Mint, to the individual employee, and to supervisors who have need of such information in the performance of their duties; to maintain records of correspondence for reference and precedence purposes; to provide Federal income tax filing information on employees, GS grade 12 and above, for the purpose of tax checks; to process and document merit promotion actions; to conduct turnover studies; and to maintain records of those employees who have requested voluntary withholding of union dues.

Routine users of records within the Department are the Personnel Management Branch, Financial Management Branch, and other components within the Division of Management and Support Services; the EEO Officers; Internal Revenue Service; Secret Service; and all other employees who have need of such information in the performance of their authorized duties.

Outside the Department of the Treasury, qualified information is routinely used to furnish other Federal Agencies with pre-employment information for hiring purposes; to verify debt complaints and employment data upon request by creditors; to respond to requests for information by Federal investigative agencies for the purpose of security or criminal investigation, and civil or criminal judicial proceedings; to provide data to the Office of Personnel Management, Merit System Protection Board and other Federal agencies upon authorized requests; to supply data necessary for employee compensation; to provide union representatives, arbitrators, and other third parties responsible for the administration of the federal labor-management relations program with information needed, in the performance of their authorized duties under a Bureau-union contract or E.O. 11491, as amended; to disclose to Members of Congress who inquire on behalf of constituents; to disclose to next-of-kin, voluntary guardian and other representative or successor in interest of a deceased or incapacitated employee or former employee.

Routine users outside the Department are other Federal Agency Personnel Offices; the Office of Personnel Management; U.S. Department of Labor, Office of Employees Compensation; State unemployment offices; union representatives, arbitrators, and other third-parties who have responsibilities and a Bureau-union contract or E.O. 11491, as amended, for the administration of the federal labor-management relations program as qualified in the routine use; creditors; Federal agencies; Members of Congress and next-of-kin; voluntary guardian and other representative or successor in interest.

For Additional Routine Uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Electronic media, paper and microfilm.

Retrievability: By name, and in some cases social security number.

Safeguards: Information is contained in secure buildings, Federal Records Centers, or in areas which are occupied by officers and responsible employees of the Bureau who are subject to the Bureau's personnel screening procedures and the Treasury Department Code of Conduct. Information stored in electronic media is safeguarded by automatic data processing security procedures in addition to physical security measures.

Retention and disposal: Records are maintained in accordance with GSA and OPM retention schedules. All records are destroyed by incineration, maceration or shredding. Records in electronic media are electronically erased using accepted techniques.

System manager(s) and address: For Administrative records: Commissioner of the Public Debt, 15th and New York Avenue, N.W., Washington, D.C. 20226. For Personnel records: Manager, Personnel Management Branch, Bureau of the Public Debt, 13th and C Streets, S.W., Washington, D.C. 20226.

Notification procedure: Address Administrative inquiries and initial requests for correction of records to: Privacy Act Request, Commissioner of the Public Debt, 15th and New York Avenue, N.W., Washington, D.C. 20226, (202) 376-0249. Address Personnel inquiries and initial requests for correction of records to: Privacy Act Request, Manager, Personnel Management Branch, Bureau of the Public Debt, 13th and C Streets, S.W., Washington, D.C. 20226, (202) 447-1297; or Privacy Act Request, Personnel Officer, Savings Bond Operations Office, Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26101, (304) 422-8551.

Record access procedures: Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR Part 1, Subpart C Sections 1.7 & 1.8; 31 CFR Part 323). Requests which do not comply fully with these procedures may result in noncompliance with the request but will be answered to the extent possible.

Requests for access to records: (1) All requests for access to records should be in writing, signed by the individual concerned, and, in order for the Privacy Act procedures to apply, clearly indicate that the request is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity in certain cases. (2) The request must specify the Bureau system of records within which the desired records are located as well as the categories of records within the system. These categories are set out in the applicable system of records description. (3) Requests for records concerning a deceased or incapacitated individual should be accompanied by either evidence of the requester's appointment as legal representative of the individual or his estate or by a statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual.

Requests for correction of records: (1) All requests by an individual for correction of records relating to him should be in writing, be signed by him, and, in order for the Privacy Act procedures to apply, state that the request is made pursuant to the Privacy Act of 1974. (2) The request for correction should specify: (a) the dates of the prior correspondence had with the Bureau concerning the records in question, (b) the specific records alleged to be incorrect, (c) the correction requested, and (d) the reasons therefor as well as any available evidence in support of the request.

Appeals from an initial denial of a request for correction of records: (1) All appeals from an initial denial of a request for correction of records must be in writing, be signed by the individual involved, and, in order for the Privacy Act procedures to apply, state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be handled under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must specify: (a) the records to which the appeal relates, (b) the date of the initial request made for correction of the records, and (c) the date that initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requester's disagreement with the initial denial of correction and should furnish any applicable evidence available in support of his appeal.

Contesting record procedures: See notification and access.

Record source categories: Information on records in the system is furnished by the individuals, by creditors, by supervisors, medical personnel, other employees, or as the result of security investigations.

Treasury/BPD 00.002

System name: United States Savings-Type Securities—Treasury/BPD.

System location: Bureau of the Public Debt, Washington, D.C. 20226 and Parkersburg, West Virginia 26101, Ravenswood, West Virginia 26164, Williamstown, West Virginia 26187, Federal Reserve Banks and Branches located at: Atlanta, Georgia; Baltimore, Maryland; Birmingham, Alabama; Boston, Massachusetts; Buffalo, New York; Charlotte, North Carolina; Chicago, Illinois; Cincinnati, Ohio; Cleveland, Ohio; Dallas, Texas; Denver, Colorado; Detroit, Michigan; El Paso, Texas; Jacksonville, Florida; Helena, Montana; Houston, Texas; Kansas City, Missouri; Little Rock, Arkansas; Louisville, Kentucky; Los Angeles, California; Memphis, Tennessee; Miami, Florida; Minneapolis, Minnesota; Nashville, Tennessee; New Orleans, Louisiana; New York, New York; Oklahoma City, Oklahoma; Omaha, Nebraska; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; Portland, Oregon; Richmond, Virginia; Salt Lake City, Utah; San Antonio, Texas; San Francisco, California; Seattle, Washington and St. Louis, Missouri; and at Federal Records Centers located at: Waltham, Massachusetts; New York, New York; Philadelphia, Pennsylvania; Mechanicsburg, Pennsylvania; Washington, D.C.; East Point, Georgia; Chicago, Illinois; Kansas City, Missouri; Fort Worth, Texas; Denver, Colorado; San Francisco, California; Bell, California and Seattle, Washington.

Categories of individuals covered by the system: Present and former owners or first-named coowners of, claimants to, persons entitled to, and inquirers concerning United States savings-type securities and interest thereon—including but not limited to United States Savings Bonds, Savings Notes, Retirement Plan Bonds, and Individual Retirement Bonds. In addition, second-named coowners of Series G savings bonds.

Categories of records in the system: (1) Issuance: Records relating to registration, registers of issuance of securities and records of correspondence in connection with issuance of savings-type securities. (2) Holdings: Records documenting ownership, status, payments by date and account numbers, including inscription information; interest activity; correspondence in connection with notice of change of name and address, non-receipt of interest and over- and under-payments of interest; numerical registers of ownership. Such records include information relating to savings-type securities held in safekeeping in conjunction with the Department's program to deliver such securities to the owners or persons entitled. (3) Transactions (redemptions, payments and reissues): Records which include securities transaction requests; interest activity; legal papers supporting transactions, applications for disposition or payment of securities and/or interest thereon of deceased or incapacitated owners; records of retired securities; check payment records. (4) Claims: Records including correspondence concerning lost, stolen, destroyed or mutilated savings-type securities, bonds of indemnity, legal documents supporting claims for relief and records of caveats entered. (5) Inquiries: Records of correspondence with individuals who have requested information concerning savings-type securities and/or interest thereon.

Authority for maintenance of the system: Second Liberty Bond Act, as amended (40 Stat. 288) and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Within the Department of the Treasury, the information contained in this system of records is routinely used in connection with the issuance of securities, the payment of interest thereon, processing of claims therefor, responding to inquiries thereon, processing of transactions therein and the redemption and retirement thereof. Users for these purposes are officials, authorized employees and agents of the Department for the purpose of administering the Public Debt of the United States. Information in this system is also routinely furnished to the Internal Revenue Service for use by officials and authorized employees for the purpose of facilitating collection of tax revenues by the United States. In addition to these uses within the Department, records concerning holdings are routinely disclosed outside the Department as follows: (1) To the next-of-kin, voluntary guardian, legal representative or successor in interest of a deceased or incapacitated owner of securities, and others entitled in connection with reissue, distribution or payment thereof; users for this purpose are as described for the purpose of assuring equitable and lawful disposition of securities and/or interest. (2) Information is routinely furnished, when appropriate, pertaining to securities to the United States Secret Service for inclusion in the National Crime Information Center of the Federal Bureau of Investigation, to the Department of Justice and to other Federal agencies; users for this purpose are law enforcement officials, for the purpose of reducing monetary losses of the United States and to aid in law enforcement. (3) Information is routinely disclosed pertaining to holdings of securities, interest thereon and transactions therein to the Department of Justice in connection with lawsuits to which the Department is a party; and to Trustees in Bankruptcy; users are Federal officials for the purpose of carrying out their duties. (4) Information is routinely disclosed to the Veterans Administration and selected veterans publications in connection with attempts to locate owners, or their next of kin or persons otherwise entitled to bonds undeliverable and being held in safekeeping by the Department. (5) Information regarding records of holdings of securities registered in coownership form is routinely disclosed to either coowner upon request. Information regarding records of holdings for securities registered in beneficiary form ("P.O.D.") is routinely disclosed to the beneficiary named thereon provided acceptable proof of death of the registered owner is submitted. (Note: If the request for disclosure is made by the second-named coowner, or by a beneficiary the name or social security number of the first-named person must be furnished, except in the case of Series G savings bonds.) (6) Information regarding holdings is routinely disclosed to Members of Congress who inquire on behalf of constituents. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in this system are stored in their original form in file cabinets, as information in electronic media or on microfilm.

Retrievability: Information can be retrieved alphabetically by name, bond serial numbers, or, in some cases, numerically by social security number. In the case of securities, except Series G savings bonds, registered in more than one name, information relating thereto can only be retrieved by the name or in some cases social security number of the first-named coowner.

Safeguards: Information is contained in secure buildings, Federal Records Centers, or in areas which are occupied by officers and responsible employees of either the Department who are subject to personnel screening procedures and the Treasury Department Code of Conduct, or by agents of the Department who are required by the Department to maintain proper control over records while in their custody. Additionally, since in most cases, numerous steps are involved in the retrieval process, unauthorized persons would be unable to retrieve information in a meaningful form. Information stored in electronic media is safeguarded by automatic data processing security procedures in addition to physical security measures.

Retention and disposal: Records of holdings are maintained permanently. Forms, documents and other legal papers which constitute the basis for transactions subsequent to original issue are maintained for such time as is necessary to protect the legal rights and interest of the U.S. Government and the persons affected, or otherwise until they are no longer historically significant. Other records are disposed of at varying intervals in accordance with records retention schedules reviewed and approved by the National Archives and Records Service, General Services Administration. All records are destroyed by shredding, incineration or maceration. Records in electronic media are electronically erased using accepted techniques.

System manager(s) and address: Commissioner of the Public Debt, 15th St. and New York Ave., N.W. Washington, D.C. 20226.

Notification procedure: Address inquiries to: Privacy Act Request, Assistant Commissioner of the Public Debt, Savings Bond Operations Office, 200 Third Street, Parkersburg, West Virginia 26101, (304) 422-8551. Inquiries should include the full name, social security number, address and security serial number(s), if known.

Record access procedures: Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR Part 1, Subpart C Sections 1.7 & 1.8; 31 CFR Part 323). Requests which do not comply fully with these procedures may result in noncompliance with the request but will be answered to the extent possible.

Requests for access to records: (1) All requests for access to records must be in writing, signed by the individual concerned, and, in order for the Privacy Act procedures to apply, clearly indicate that the request is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity. (2) The request must specify the Bureau system of records within which the desired records are located as well as the categories of records within the system. These categories are set out in the applicable system of records description. (3) In the case of requests for information concerning holdings of securities, the type of security involved (e.g., Series E savings bond, Series H savings bond, savings note, retirement plan bond, etc.) must be specified. Additionally, the request should, to the extent possible, specify the approximate date of issue, serial number(s) and exact form of registration, including social security number and address. Requests which do not furnish all or some of the above information will be complied with to the extent possible but may be subject to the requirement that additional identificatory evidence be furnished. (4) Requests for information concerning records of holdings of securities except Series G savings bonds registered in coownership form must be accompanied by the name and, wherever possible, social security number of the first-named coowner. Requests for information concerning securities registered in beneficiary form must also be accompanied by the name and social security number of the owner thereof and, if made by the beneficiary, must be accompanied by proof of death of the registered owner. (5) Requests for records of holdings or other information concerning a deceased or incapacitated individual should be accompanied by either evidence of the requester's appointment as legal representative of the individual or his estate or by a statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual.

Requests for correction of records: (1) All requests by an individual for correction of records relating to him should be in writing, be signed by him, and, in order for the Privacy Act procedures to apply, state that the request is made pursuant to the Privacy Act of 1974. (2) The request for correction should specify: (a) the dates of the prior correspondence had with the Bureau concerning the records in question, (b) the specific records alleged to be incorrect, (c) the correction requested, and (d) the reasons therefor, as well as any available evidence in support of the request.

Appeals from an initial denial of a request for correction of records: (1) All appeals from an initial denial of a request for correction of records must be in writing, be signed by the individual involved and, in order for the Privacy Act procedures to apply, state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be handled under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must specify: (a) the records to which the appeal relates, (b) the date of the initial request made for correction of the records, and (c) the date that initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requestor's disagreement with the initial denial of correction and should furnish any applicable evidence available in support of his appeal.

Contesting record procedures: See notification and access.

Record source categories: Information on records in this system is furnished by the individuals or their authorized representatives listed in "Categories of Individuals," by issuing agents for securities, or is generated within the system itself.

Treasury/BPD 00.003

System name: United States Securities (Other than Savings-Type Securities)—Treasury/BPD.

System location: Bureau of the Public Debt, Washington, D.C. 20226, Ravenswood, West Virginia 26164, Williamstown, West Vir-

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ginia 26187, Federal Reserve Banks and Branches located at: Atlanta, Georgia; Baltimore, Maryland; Birmingham, Alabama; Boston, Massachusetts; Buffalo, New York; Charlotte, North Carolina; Chicago, Illinois; Cincinnati, Ohio; Cleveland, Ohio; Dallas, Texas; Denver, Colorado; Detroit, Michigan; El Paso, Texas; Jacksonville, Florida; Helena, Montana; Houston, Texas; Kansas City, Missouri; Little Rock, Arkansas; Louisville, Kentucky; Los Angeles, California; Memphis, Tennessee; Miami, Florida; Minneapolis, Minnesota; Nashville, Tennessee; New Orleans, Louisiana; New York, New York; Oklahoma City, Oklahoma; Omaha, Nebraska; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; Portland, Oregon; Richmond, Virginia; Salt Lake City, Utah; San Antonio, Texas; San Francisco, California; Seattle, Washington and St. Louis, Missouri; and at Federal Records Centers located at: Waltham, Massachusetts; New York, New York; Philadelphia, Pennsylvania; Mechanicsburg, Pennsylvania; Washington, D.C.; East Point, Georgia; Chicago, Illinois; Kansas City, Missouri; Fort Worth, Texas; Denver, Colorado; San Francisco, California; Bell, California and Seattle, Washington.

Categories of individuals covered by the system: Present owners of, former owners of, subscribers to, claimants to, persons entitled to and inquirers concerning United States Treasury Securities (except savings-type securities) and interest thereon and such securities for which the Treasury acts as agent and interest thereon, including but not limited to Treasury Bonds, Notes and Bills, Adjusted Service Bonds, Armed Forces Leave Bonds, securities of the Federal Financing Bank, the Federal Housing Administration and the Farm Credit Administration.

Categories of records in the system: (1) Issuance: Records relating to tenders, bids, subscriptions, advices of shipment, requests (applications) for original issue and correspondence concerning erroneous issue and non-receipt of securities. (2) Holdings: Records of ownership and interest activity on registered United States securities (other than savings-type securities); change of name and address notices; correspondence concerning errors in registration, non-receipt of interest, over- and under-payments of interest; records of interest activity; records of unclaimed accounts; and letters concerning the New York State tax exemption for veterans of World War I. (3) Transactions (redemptions, payments, reissues, transfers and exchanges): Records which include securities transaction requests; legal papers supporting transactions; applications for transfer, disposition or payment of securities of deceased or incompetent owners; records of Federal estate tax transactions; file of certificates of ownership covering paid overdue bearer securities; records of erroneous redemption transactions; records of retired securities; and check payment records. (4) Claims: Records including correspondence concerning lost, stolen, destroyed or mutilated United States securities (other than savings-type securities) or securities for which the Treasury acts as agent and interest coupons thereon, bonds of indemnity, legal documents supporting claims for relief and records of caveats entered. (5) Inquiries: Records of correspondence with individuals who have requested information concerning United States Treasury securities (other than savings-type securities) or securities for which the Treasury acts as agent.

Authority for maintenance of the system: Second Liberty Bond Act, as amended (40 Stat. 288).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Within the Department of the Treasury, the information contained in this system of records is routinely used in connection with the issuance of securities, the payment of interest thereon, processing of claims therefor, responding to inquiries thereon, processing of transactions therein and the redemption and retirement thereof. Users for these purposes are officials, authorized employees and agents of the Department for the purpose of administering the Public Debt of the United States. Information in this system is also routinely furnished to the Internal Revenue Service for use by officials and authorized employees for the purpose of facilitating collection of tax revenues by the United States. In addition to these uses within the Department, records concerning holdings are routinely disclosed outside the Department as follows: (1) To the next-of-kin, voluntary guardian, legal representative or successor in interest of a deceased or incapacitated owner of securities and others entitled in connection with transfer, exchange, distribution or payment thereof; users for this purpose are as described for the purpose of assuring equitable and lawful disposition of securities and/or interest. (2) Information is routinely furnished pertaining to securities reported as lost or stolen to the United States Secret Service for inclusion in the National Crime Information Center of the Federal Bureau of Investigation, Department of Justice and to other Federal agencies; users for this purpose are law enforcement officials, for the purpose of reducing monetary losses of the United States and to aid in law enforcement. (3) Information is routinely disclosed pertaining to holdings of securities and transactions therein to the Department of Justice in connection with lawsuits to which the Bureau is a party; users are law enforcement officials for the purpose of administration of justice. (4) Information concerning holdings of Armed Forces Leave Bonds is routinely furnished to the Veterans Administration in connection with redemption or disposition of these securities. Users of the resultant information furnished by the Veterans Administration are officers and authorized employees of the Bureau, for the purpose of making proper disposition of these bonds. (5) Information regarding records of holdings of securities registered in the names of two or more owners is routinely disclosed to either owner upon his request. (Note: requests for disclosure by owners other than the first-named owner should include the name or social security number of the first-named owner.) (6) Information regarding holdings is routinely disclosed to Members of Congress who inquire on behalf of constituents. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in this system are stored in their original paper form and as information in electronic media and on microfilm.

Retrievability: Information can be retrieved alphabetically by name or, in some cases, numerically by social security number. In the case of securities registered in more than one name, which matured prior to January 1, 1973, information relating thereto can only be retrieved by the name or social security number of the first-named owner.

Safeguards: Information is contained in secure buildings, Federal Records Centers, or in areas which are occupied by officers and responsible employees of either the Department who are subject to personnel screening procedures and the Treasury Department Code of Conduct, or by Federal Reserve Banks and Branches as Fiscal Agents. Additionally, since in most cases, numerous steps are involved in the retrieval process, unauthorized persons would be unable to retrieve information in a meaningful form. Information stored in electronic media is safeguarded by automatic data processing security procedures in addition to physical security measures.

Retention and disposal: Records of holdings are maintained permanently. Forms, documents and other legal papers which constitute the basis for transactions subsequent to original issue are maintained for such time as is necessary to protect the legal rights and interests of the U.S. Government and the persons affected or otherwise until they are no longer historically significant. Other records are disposed of at varying intervals in accordance with records retention schedules reviewed and approved by the National Archives and Records Service, General Services Administration. All records are destroyed by shredding, incineration or maceration. Records in electronic media are electronically erased using accepted techniques.

System manager(s) and address: Commissioner of the Public Debt, 15th St. and New York Avenue, N.W., Washington, D.C. 20226.

Notification procedure: Address inquiries and initial requests for correction of records to: Privacy Act Request, Assistant Commissioner of the Public Debt, 13th and C Streets, S.W., Washington, D.C. 20226, (202) 964-7994. Inquiries should include the full name and social security number of the inquirer.

Record access procedures: Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR Part 1, Subpart C Sections 1.7 and 1.8; 31 CFR Part 323). Requests which do not comply fully with these procedures may result in noncompliance with the request but will be answered to the extent possible.

Requests and access to records: (1) All requests for access to records must be in writing, signed by the individual concerned, and, in order for the Privacy Act procedures to apply, clearly indicate that the request is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity. (2) The request must specify the Bureau system of records within which the desired records are located as well as the categories of records within the system. These categories are set out in the applicable system of records description. (3) In the case of requests for information concerning records of holdings of securities, the type of security involved (e.g., Treasury Note, Armed Forces Leave Bond, Adjusted Service Bond, etc.) must be specified. Additionally, the request should, to the extent possible, specify: the loan and issue thereof, approximate date of issue, denomination, serial number and form of registration, including address. Requests which do not furnish some or all of the latter information will be complied with to the extent possible but may be subject to the requirement that additional identificatory evidence be furnished. (4) Requests for records of holdings of securities which matured prior to January 1, 1973

registered in the name of more than one person must include the name and, wherever possible, social security number of the first-named owner. (5) Requests for records of holdings or other information concerning a deceased or incapacitated individual must be accompanied by either evidence of the requester's appointment as legal representative of the individual or his estate or by a statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual.

Requests for correction of Records: (1) All requests by an individual for correction of records relating to him should be in writing, be signed by him, and, in order for the Privacy Act procedures to apply, state that the request is made pursuant to the Privacy Act of 1974. (2) The request for correction should specify: (a) the dates of the prior correspondence had with the Bureau concerning the records in question, (b) the specific records alleged to be incorrect, (c) the correction requested, and (d) the reasons therefor as well as any available evidence in support of the request.

Appeals from an initial denial of a request for correction of records: (1) All appeals from an initial denial of a request for correction of records must be in writing, be signed by the individual involved and, in order for the Privacy Act procedures to apply, state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be handled under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must specify: (a) the record to which the appeal relates, (b) the date of the initial request made for correction of the records, and (c) the date that initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requestor's disagreement with the initial denial of correction and should furnish any applicable evidence available in support of his appeal.

Contesting record procedures: See Notification and Access above.

Record source categories: Information contained in records in the system is furnished by individuals listed in "Categories of Individuals" or those specifically authorized by the individuals to act on their behalf; or is generated within the system itself.

Billing Code 4810-40

Treasury/FLETC 00.001

System name: FLETC Payroll System—Treasury/FLETC.

System location: FLETC, Office of Administration, Administration Building, Glynco, Georgia, 31520.

Categories of individuals covered by the system: Any person paid directly from FLETC Funds.

Categories of records in the system: All payroll records including Standard Forms 50 and 52, leave status, and training authorizations.

Authority for maintenance of the system: Treasury Order No. 217, dated July 1, 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Compilation of all required accounting, payroll functions and reports. GAO and Treasury audits. Related FLETC accounting and financial procedures. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files and microfiche.

Retrievability: Social Security Number.

Safeguards: Physical Security, personnel screening and security check list are all utilized to prevent unauthorized disclosure of records.

Retention and disposal: Retained and disposed in accordance with the GSA General Records Schedule. For more information contact: Records Retention Officer, FLETC, Building 94, Glynco, Georgia, 31520.

System manager(s) and address: FLETC, Office of Administration, Administration Building, Glynco, Georgia 31520.

Notification procedure: The individual must provide full name, date of birth, dates of employment with, or date of application of employment to the Center to: FLETC, Office of Administration, Administration Building, Glynco, Georgia 31520.

Record access procedures: By formal letter to the System Manager.

Contesting record procedures: See Access above.

Record source categories: Personnel documents and payroll documents computed by the Treasury Payroll Personnel Information System.

Treasury/FLETC 00.002

System name: FLETC Trainee Records and FLETC Instructor Records—Treasury/FLETC.

System location: Records stored in the computer and all health records are stored in FLETC Building 94, Glynco, Georgia, 31520. All other records are stored in FLETC Building 262, Glynco, Georgia, 31520.

Categories of individuals covered by the system: Any person who officially attends a formal FLETC training program and all instructors engaged in teaching the FLETC training programs.

Categories of records in the system: Trainee records: personal background information supplied by the trainee; grades and performance evaluation, student advisory form and relevant public health records. Instructor records: personal background information supplied by the instructor, and teaching qualifications. All records described in this system are other than records described and reported by the Civil Service Commission on behalf of all agencies.

Authority for maintenance of the system: 5 U.S.C. 301, 5 U.S.C. 4101-4118, Executive Order 11348, Treasury Order No. 217 (Revision 1) dated July 1, 1970 and Memorandum of Understanding for the Sponsorship and Operation of the Consolidated Federal Law Enforcement Training Center, dated September 30, 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure upon request to the individual himself, the individual's parent agency, and to any other agency or organization at the request of the individual to the student locator, mailroom, registration office, training and research officials and other government employees on a need to know basis.

To the Civil Service Commission concerning pay, leave, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions. For additional routine uses, see Appendix AA, 40 FR 56419—56420, December 2, 1975.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc storage except for health records which are maintained on paper files, and student records which ae maintained on magnetic discs, paper files, and microfilm.

Retrievability: Name, class number, and social security number.

Safeguards: Access to these systems of records will be controlled by software and hardware procedures. Software will be used to ensure, in all technically feasible ways, that data cannot be made available to unauthorized persons. User—identifiers and passwords will be used where feasible to protect the data. Physical security will protect all terminals and magnetic disc files from access by unauthorized persons. Offices will be locked except when authorized persons are present.

Retention and disposal: Computer print-out records are destroyed within six months of production. All other records are retained and disposed in accordance with the GSA General Records Schedule. For more information contact: Records Retention Officer, FLETC Building 94, Glynco, Georgia 31520.

System manager(s) and address: Assistant Director for Administration, Office of Administration, Administration Building, FLETC, Glynco, Georgia 31520.

Notification procedure: The individual must provide full name, social security number, date of birth, parent agency, type of course and approximate dates of attendance to the system manager.

Record access procedures: By written request to the system manager.

Contesting record procedures: By written request of the System Manager.

Record source categories: The trainee himself and members of the staff responsible for grading, rating or evaluating the trainee.

Instructors. The instructor himself and staff members responsible for upgrading the instructor's teaching qualifications.

Treasury/FLETC 00.003

System name: FLETC Confidential Financial Records—Treasury/FLETC.

System location: FLETC, Building 94, Glynco, Georgia 31520.

Categories of individuals covered by the system: Employees classified at GS-12 or above who are in positions identified as positions the basic duties and responsibilities of which require the incumbent to exercise judgment in making a Government decision or in taking Government action on contracting or procurement. Specifically, All officials GS-15 and above

Assistant Director, Special Training Division

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Deputy Associate Director for Administration
Administrative Services Officer
Chief, Instructional Services Division
Procurement Officer
Supervisory General Engineer
Facility Management Specialist
Public Information Specialist
Financial Management Specialist
Executive Assistant
Staff Assistant, Office of Training

Categories of records in the system: All information required by or related to employment and financial interest of GS-12 and above employees.

Authority for maintenance of the system: Federal Personnel Manual Chapter 735 and Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide certification to the Civil Service Commission that Statements of Employment and Financial Interests are on file for each employee and special Government employees required to submit such statement under the regulations of the employing agency. Also, information for the agency head only to be disclosed upon his determination or that of the Chairman of the U.S. Civil Service Commission for good cause shown. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: Name.

Safeguards: Physical Security, personnel screening and security check list are all utilized to prevent unauthorized disclosure of records.

Retention and disposal: Retained and updated annually and destroyed at the departure of employee from FLETC rolls.

System manager(s) and address: Director, FLETC, Administration Building, Glynco, Georgia 31520.

Notification procedure: The individual must provide full name, date of birth, dates of employment with the Center to: Director, FLETC, Administration Building, Glynco, Georgia 31520.

Record access procedures: By formal letter to the System Manager.

Contesting record procedures: See Access above.

Record source categories: The employee on whom the record is maintained.

Treasury/FLETC 00.004

System name: FLETC Employee Records—Treasury/FLETC.

Personnel records Schedule 1 Item 9 1 yr.
Health records GRS 1 21 6 yr.
Training records Schedule 1 25c 1 yr.
Vehicle records 11 4a 3 mo.
Equal Employment Opportunity records 1 20b 1 yr.
Locator records 11 4a 3 mo.
Identification records 11 4a 3 mo.
Equipment control records:
  Property pass files 18 10 3 mo.
  Lost, stolen, and found files 18 13b 1 yr.
  Key files 18 14b 2 mo.

System location: For personnel records: FLETC Buildings numbered 18, 28, 29, 31, 67, 68, 94, 200, 205, 210, 221, 252, 262 and 1203. For health, training, vehicle, locator and identification records: FLETC Building 94. For Equal Employment Opportunity Records: FLETC Buildings numbered 94, 67, and 200. For Equipment Control records: Property pass files—FLETC Building 28; lost, stolen and found files—FLETC Building 94; Key files—FLETC Building 200. All buildings are located at Glynco, Georgia, 31520.

Categories of individuals covered by the system: Employees, Past Employees, Employee Prospects, Contract Personnel.

Categories of records in the system: Personnel, Health, Training, Vehicle Registration, Equal Employment Opportunity, locator Cards, Identification Records, and Equipment Control Rosters, consisting of records other than those described and reported by the Civil Service Commission on behalf of all agencies.

Authority for maintenance of the system: 5 U.S.C. 301, 5 U.S.C. 4101 et seq., Executive Order No. 11348, April 20, 1967, Treasury Order 217 (Revision 1), dated July 1, 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel recruitment and management, management of health, unit, vehicle control, equipment control, equal employment opportunity program. Disclosure to the individual himself, Treasury Department employees on a need to know basis, and the individual's parent agency. Health records to the U.S. Department of Labor and the U.S. Department of Health, Education, and Welfare as required by regulation. To the Civil Service Commission concerning pay, leave, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions. For additional routines uses, see Appendix AA, 40 FR 56419-56420, December 2, 1975.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: Name.

Safeguards: Physical security, personnel screening and security check lists are all used to prevent unauthorized disclosure of records.

Retention and disposal: Disposition as prescribed by the schedules attached to Treasury Directives Manual chapter TD 80, Section 05.B, 5-12-76, except for health records covered by the General Service Administration's General Records Schedule 1 (GRS 1):

System manager(s) and address: Associate Director for Administration, Building 94, FLETC, Glynco, Georgia 31520.

Notification procedure: The individual must provide full name, date of birth, and dates of employment with the Center to the system manager.

Record access procedures: By written request to the system manager.

Contesting record procedures: By written request to the system manager.

Record source categories: The employee on whom the record is maintained, prior employers, and FLETC.

(FR Doc. 76-29383 Filed 10-5-76, 8:45 am)
Billing Code 4810-32

Treasury/IRS 10.001

System name: Biographical Files, Public Affairs—Treasury/IRS.

System location: National, Regional and District Offices and Service Centers (see IRS Appendix A).

Categories of individuals covered by the system: IRS Employees.

Categories of records in the system: Records are biographical data on key IRS employees.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records are available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file cabinets without locks.

Retrievability: By name.

Safeguards: Office doors locked at night.

Retention and disposal: Generally governed by the Records Management Handbook IRM 1(15)59.

System manager(s) and address: Assistant to the Commissioner (Public Affairs), Regional, District and Service Centers (see IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224, for national office file. See Appendix A for appropriate address for regional and district office or service center files.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed as in Notification Procedures.

Contesting record procedures: See Access.

Record source categories: Information is supplied by the IRS official on an IRS biographical data form.

Treasury/IRS 10.004

System name: Subject Files, Public Affairs—Treasury/IRS.

System location: National, Regional and District Offices and Service Centers (see IRS Appendix A.).

Categories of individuals covered by the system: In general, records are maintained on individuals whose names have been mentioned in the press in connection with their relationship with IRS.

Categories of records in the system: The records include correspondence, newspaper clippings, inter-office memoranda and similar documents.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records are available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets without locks.

Retrievability: Alphabetical by subject.

Safeguards: Office doors locked at night.

Retention and disposal: Generally governed by the Records Management Handbook IRM 1(15)59.

System manager(s) and address: Assistant to the Commissioner (Public Affairs), Regional, District and Service Centers (see IRS Appendix A.).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224, for national office file. See Appendix A for appropriate address for regional and district office or service center files.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed as in Notification Procedures.

Contesting record procedures: See Access.

Record source categories: Records generally are clippings from newspapers, magazines, and similar sources, internal documents and memoranda.

Treasury/IRS 21.001

System name: Tax Administration Advisors Resources File, Tax Administration Advisory Services Division—Treasury/IRS.

System location: National Office.

Categories of individuals covered by the system: Past and potential tax administration advisors who have served or indicated an interest in serving on advisory assignments, and selected officials engaged in tax administration and related fields.

Categories of records in the system: Locator cards and lists with names, addresses, telephone numbers, and organizational affiliations of officials engaged in tax administration and IRS employees and others who have been or have indicated an interest in tax advisory assignments; for employees serving or having served with TAAS, work assignment folders including passports; application folders of potential advisors, including information on experience of applicants; bio-data sketches on IRS and others engaged in tax administration and related fields.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintained for reference in obtaining and presenting information related to tax administration, and for administrative selection and processing of overseas and domestic assignments. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: By individual name.

Safeguards: Access limited to authorized persons. File kept in locked file or locked room.

Retention and disposal: Disposed when no longer useful for official use.

System manager(s) and address: Director, Tax Administration Advisory Services Division, National Office (See IRS Appendix A).

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: From the individual, from the organization with which he is associated, or from other knowledgeable experts in the field of Tax Administration.

Treasury/IRS 22.003

System name: Annual Listing of Undelivered Refund Checks, TX:R—Treasury/IRS.

System location: Internal Revenue Service Centers and District Offices (see IRS Appendix A).

Categories of individuals covered by the system: Taxpayers whose refund checks have been returned as undeliverable since the last Annual Listing of Undelivered Refund Checks was produced.

Categories of records in the system: Taxpayer entity information (Name, Street Address, City, State, Zip Code and Taxpayer Identification Number) and records containing tax module information (Tax Period, Amount of Credit Balance and Control Document Locator Number).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Individuals entitled to undeliverable refund checks will be notified of such checks by publication of their names in the news media.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper document stored in files.

Retrievability: Information is retrievable by taxpayer's SSN or EIN.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The policies and practices regarding retention and disposal are as specified in the Records Retention Handbook published by the Service.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.005

System name: Audit Underreporter Case File, TX:R Treasury/IRS.

System location: National Computer Center (NCC) Martinsburg, W. Va. (See IRS Appendix A.)

Categories of individuals covered by the system: Recipients of income who appear not to have declared on their income tax returns (Forms 1040 and 1040A) all income paid to them in the tax year under study.

Categories of records in the system: Records maintained are taxpayer (i.e., payee) entity records containing payee name, address, taxpayer identification number, and other indicators relating to entity maintenance; and income records containing the types and amounts of income received, and information identifying the income payer.

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Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On magnetic tape.

Retrievability: By matching on SSN and name control.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained for one year; then data are magnetically erased.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX), National Office. Officials maintaining the system—Directors, Internal Revenue Service Centers. See IRS Appendix A for locations.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 22.011

System name: File of Erroneous Refunds, TX:R Treasury/IRS.

System location: Internal Revenue Service Center. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers issued erroneous refunds.

Categories of records in the system: Case reference name, number, control number, date of erroneous refund, statute expiration date, status of case and location.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper document file.

Retrievability: Retrieved by SSN or EIN.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained four years then destroyed.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.012

System name: Collection Case File, TX:R Treasury/IRS.

System location: National Computer Center (NCC), Martinsburg, W. Va. (See IRS Appendix A.)

Categories of individuals covered by the system: Recipients of income who appear not to have filed income tax returns (Forms 1040 or 1040A) for the tax year in which that income was paid to them.

Categories of records in the system: Records maintained are taxpayer (i.e., payee) entity records containing payee name, address, taxpayer identification number, and other indicators relating to entity maintenance; and income records containing the types and amounts of income received, and information identifying the income payer.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On magnetic tape.

Retrievability: By matching on SSN and name control.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained for up to one and a half years, then data are magnetically erased.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 22.026

System name: FORM 1042S Index By Name of Recipient, TX:R/Treasury-IRS.

System location: PHILADELPHIA SERVICE CENTER (See IRS Appendix A).

Categories of individuals covered by the system: Non-resident aliens and U.S. citizens living abroad whose taxes are covered by IR Chapter 3 Withholding.

Categories of records in the system: Records include taxpayer's name, address, tax data, country of residence and Employer Identification Number and name of withholding agent.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm.

Retrievability: By taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained at PSC 5 years, then at Federal Records Center 25 years.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Director, Philadelphia Internal Revenue Service Center (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the

Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.027

System name: Forms filed by U.S. Citizens or Residents relating to Foreign Companies, TX:R-Treasury/IRS.

System location: Philadelphia Internal Revenue Service Center and its servicing Federal Records Centers (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who file Forms: 957—Foreign Personal Holding Company; 958—Foreign Personal Holding Company; 959—Return by an Officer, Director, or Shareholder—With Respect to the Organization or Reorganization of a Foreign Corporation and Acquisition of its Stock.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files.

Retrievability: Documents are stored and retrieved by Document Locator Numbers.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and Disposal Instructions for paper documents in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.032

System name: Individual Microfilm Retention Register, TX:R—Treasury/IRS.

System location: All IRS Service Centers and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Categories of individuals on whom records are maintained are: (a) For Individual Master File (IMF) registers—Individuals who file, or may be required to file, individual tax returns such as Form 1040 or 1040A, and (b) For Residual Master File (RMF) registers—Individuals who file, or may be required to file, or are otherwise responsible for returns relating to airways, motor vehicles, wagering, beer, etc., coin operated amusement devices, gift taxes or estate taxes, including return forms such as, 4638, 709, 706, 2290, 11, 11B, 11C and 730.

Categories of records in the system: The categories of records maintained are abstracts of tax and/or entity modules that have been removed from the IMF or RMF. These abstract records indicate the taxpayer name, identification number, specific tax returns, document locater number, tax years, debit and credit amounts, balances, and other transactions which have been recorded relative to the module(s).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm Tape.

Retrievability: IMF Reference Register (for IMF Register only), identification number, Tax Period, name, and type of tax (for RMF Register). Methods of retrievability are explained in the Research Operations Handbook.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The policies and practices regarding storage, retention, and disposal are as specified in the Records Retention Handbook.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C. Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.034

System name: Individual Returns Files, Adjustments and Miscellaneous Documents Files. TX:R—Treasury/IRS.

System location: Internal Revenue Service Centers and Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers or return preparers who have had changes made to their accounts, or have had information posted to the Individual Master file or the Residual Master File, as a result of filing returns, applications, or other documents, or as a result of actions initiated by the Service.

Categories of records in the system: A variety of records reflecting tax matters which have served as input documents or supporting documentation for entries on the Individual Master File or the Residual Master File, including tax return forms, declarations, applications, case records, processing documents, vouchers, computer notices, posting and correction forms, and similar records.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper document files.

Retrievability: Documents are stored and retrieved by Document Locator Numbers. The Document Locator Numbers can be determined by reference to the Individual Master File or Residual Master File entries for the individual to whom they relate.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

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Retention and disposal: Retention and Disposal Instructions for paper documents in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.036

System name: Interest Equalization Tax Forms File, TX:R—Treasury/IRS.

System location: Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who filed Forms: 3969—Notice of Acquisition of Original or New Japanese Debt Obligation, 4410—Interest Equalization Tax—Quarterly Return of Tax Withheld by Participating Firm, 4363—Notice of Acquisition of Stock Pursuant to Conversion of an Original or New Japanese Debt Obligation, 4322—Validation Certificate of Prior American Ownership and Interest Equalization Tax Compliance, 3845—Interest Equalization Tax—Broker's Quarterly Information Return, 3779—Notice of Acquisition of Original or New Canadian Stock or Debt Obligation.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5. U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files.

Retrievability: Documents are stored and retrieved by taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and Disposal Instructions for paper documents in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inqoire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.043

System name: Potential Refund Litigation Case Files, TX:R—Treasury/IRS.

System location: Internal Revenue Service Centers and Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayer who have indicated to the Service that they may file suit against the service for a refund.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: This is a paper document file.

Retrievability: Documents are stored and retrieved by taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Retention and Disposal Instruction for paper document in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1 (15) 59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.044

System name: P.O.W.—M.I.A. Reference File, TX:R—Treasury/IRS.

System location: Austin Service Center and each district office. (See IRS Appendix A).

Categories of individuals covered by the system: P.O.W./M.I.A.—originated from Department of Defense lists.

Categories of records in the system: Lists of P.O.W./M.I.A., Regulations, Rulings, and Instructions as to how to handle specific tax questions relating to their special tax status, copies of individual tax returns, claims, and other documents germane to specific clases.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents in file folders.

Retrievability: Cases filed alphabetically by last name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: All cases have been retained and no current provisions have been established for disposal.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Director, Internal Revenue Austin Service Center and District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedure for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.054

System name: Subsidiary Accounting Files, TX:R—Treasury/IRS.

System location: Internal Revenue Service Centers and Dsitrict Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: The categories of individuals on whom records are maintained are taxpayers affected by one or more of the transactions reflected in the categories of records listed below.

Categories of records in the system: The types of records maintained in the system are documents containing entity information (name, address, taxpayer identification number or employer identification number and other information necessary to identify the taxpayer) and accounting information relevant to one of the following categories: funds held pending, disposition and not applied to the taxpayer's liability at present, properties, tangible or intangible, now in the custody of the Interal Revenue Service, counterfeit money, misappropriations or robbery of Internal Revenue Service funds, credits which cannot be applied to a specific taxpayer account at this time, accounts transferred to other Service Centers or agencies, substantiation for the receipt of funds collected by the Service for other agencies, abatements or assessments of tax on individuals, deposits received from taxpayers, refunds to taxpayers, taxpayer accounts written off by the Service as uncollectible, credits allowed taxpayers requiring special consideration due to processing constraints, litigation, seized and acquired property and Offers-in-Compromise.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Subsidiary Accounting Files consist of paper documents stored in files.

Retrievability: Records are retrievable by Social Security No. and by name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Records are retired to the Records Center and are retrieved by request from authorized individuals where account substantiation is necessary. Policies regarding disposal are as specified in the Records Retention Handbook published by the Service.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are no subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account. Some Justice Department investigations are an additional source for the information contained in litigation case files.

Treasury/IRS 22.058

System name: Tentative Carryback Allowance File; TX:R—Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers who have filed for a tentative carryback adjustment.

Categories of records in the system: records of tentative carryback adjustment Form 6902, including taxpayer name, address, and identifying number, tax years involved, amounts of tax decrease, and date Notice of Disallowance (if any) mailed.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files

Retrievability: Taxpayer name and/or identification number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Retention and Disposal Instruction for paper documents in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1 (15) 59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedure for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.059

System name: Unidentified Remittance File, TX:R—Treasury/IRS.

System location: Internal Revenue Service Centers. See IRS Appendix A for locations.

Categories of individuals covered by the system: Remittances which have been received but cannot be positively identified, either as to the taxpayer who sent it or the tax period to which it is to be applied.

Categories of records in the system: Each record contains a fourteen digit unidentified remittance (UR) control number, the amount, received date, and all known identifying data. In addition, the URF contains a record of all doubtfully applied Estimated Tax (ES) credits. The ES record contains the taxpayer's name, address, type of payment, taxpayer identification number, tax period, received date,

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money amount, and the transaction document locator number (DLN).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This file is used only to report Revenue Receipts Breakout and total amount shown on General Ledger to U.S. Treasury. The file is an internal file and contains a record of each remittance which is received but cannot be positively identified, either as to the taxpayer who sent it or the tax period to which it is to be applied.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disk Storage

Retrievability: Remittance amount, Unidentified Remittance Control Number, taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: 180 days after the amount is reduced to zero balance.

System manager(s) and address: Offical prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Record access procedures: Indivduals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries, should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Remittances received from taxpayers that cannot be positively identified either as to the taxpayer who sent it or the type of tax to which it is to be applied.

Treasury/IRS 22.060

System name: Unit Ledger Cards, TX:R—Treasury/IRS.

System location: Internal Revenue Service Centers and Records Center.

Categories of individuals covered by the system: Records are maintained on taxpayers having accounts with the Internal Revenue Service which are not compatible with normal master file processes, e.g.: penalties, transferee assessments, termination assessments, excise protest accounts, RMF overflow accounts, culpable and non-petitioning spouses, Forms 1042, 1040-NR, 926, 5330, 4720, 990-AR (Penalty) and any pre-ADP returns.

Categories of records in the system: The categories of records maintained are taxpayer entity records (name, address, taxpayer identification number or employer identification number and other indicators relevant to entity maintenance) and records containing tax module information (the tax return, the tax period, the balance due or credit balance, and transactions which have been recorded relative to the module).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The unit ledger cards are a card file.

Retrievability: Information is retrievable by Taxpayer Identification Number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Disposition is prescribed by the appropriate Records Control Schedule.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.061

System name: Wage and Information Returns Processing (IRP) File; TX:R—Treasury/IRS.

System location: National Computer Center, Martinsburg, W. Va.

Categories of individuals covered by the system: recipients of various types on income: wages; dividends; interest; rents and royalties; medical payments; capital gains distributions; non-taxable distributions; pensions and annuities; patronage dividends, distributions, and allocations; fishing crew distributions and prizes, gambling winnings and miscellaneous income.

Categories of records in the system: Records maintained are records representing certain wage and information returns: Forms W-2, W-2P, the 1087 and 1099 series; and records of agricultural subsidy payments. Information included on each record identifies the recipient of the income (name, address, taxpayer identifying number, and other indicators relating to payee identification), identifies the income payer (very similar information), and identifies the type(s) and amount(s) of income.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape in social security number sequence.

Retrievability: By taxpayer social security number and name control.

Safeguards: Safeguards will not be less than provided by the Physical Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Until tax year 1974, only until processed; after tax year 1974, four years; then magnetically erased.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX), national office. Officials maintaining the system—Directors, Internal Revenue Service Centers. See IRS Appendix A for locations.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 24.013

System name: Combined Account Number File, Data Services: Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals and businesses having specific, current business with IRS.

Categories of records in the system: Taxpayer entity records (name, address, taxpayer identification number, and filing requirements related to entity liability); and tax modules (specific tax returns, tax years, and transactions which have been recorded relative to the module) when specifically requested by a service center, or if a notice for balance of tax due has been issued; a specific tax period is in taxpayer delinquent account status (TDA); a specific tax period is either credit or debit balance; no return has posted and the return due date (RDD) has passed; or when a specific tax period is in taxpayer delinquent return (TDI) status.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disk storage.

Retrievability: Social security number or employer identification number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The policies and practices regarding storage, retention and disposal are governed by the principle that a specific tax period will be retained on the file dependent upon specified criteria prescribed in the Internal Revenue Manual and in various Accounts and Data Processing Handbooks (ADP Handbooks). The disposal of documents output from this file is specified in the Records Retention Handbook published by the Service and in the Internal Revenue Manual and in various Accounts and Data Processing Handbooks.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner Data Services. Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 24.014

System name: Discriminant Function File (DIF), Data Services: Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals whose Forms 1040 and 1040A have a DIF Score higher than a cutoff score determined by Audit Division, indicating high audit potential. The DIF Score is the computation of Audit potential, based on formulae prescribed by Audit.

Categories of records in the system: Document Locator Number of the return, the Regional and District Offices of the taxpayer, the taxpayer's DIF Score and data from the individual's Income Tax Return needed to conduct an audit of his return.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: By magnetic tape and computer printout.

Retrievability: By individual's Social Security Number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained for three years. Disposed of thereafter.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner Data Services. Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purpose of determining, if the system contains a record pertaining to a particular individual.

Record access procedures: This System of records may not be accessed for the purpose of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 24.017

System name: Employee Inquiry Look-Up for TDA Inquiries, Data Services:—Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Individual taxpayers who have paid Federal Insurance Contributions Act (FICA), wages to the Social Security Administration (SSA) through the 3rd quarter of the year and those taxpayers who file Federal Individual Income Tax returns Form 1040 and 1040A through the Individual Master File (IMF) Delinquency and Underreporting Program (WAID).

Categories of records in the system: Taxpayer's name, taxpayer's address, taxpayer's identification number, taxpayer's wages, taxpayer's marital status, taxpayer's employer/s name/s, employer's address, employer's identification number, tax period and other indicators relating to the program operation.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Tape search by taxpayer name or identity number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The file is maintained approximately for six months and then destroyed and recreated as updated information is received from SSA or WAID.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (TX). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 24.029

System name: Individual Account Number File (IANF), Data Services: Treasury/IRS.

System location: Internal Revenue Service Centers (See IRS Appendix A).

Categories of individuals covered by the system: Individuals having specific, current business with IRS.

Categories of records in the system: Taxpayer entity records (name, address, taxpayer identification number, and filing requirements related to entity liability); and tax modules (specific tax returns, tax years, and transactions which have been recorded relative to the module) when specifically requested by a service center, or if a notice for balance of tax due has been issued; a specific tax period is in taxpayer delinquent account status (TDA); a specific tax period is either credit or debit balance, no return has posted and the return due date (RDD) has passed; or when a specific tax period is in taxpayer delinquent return (TDI) status.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disk storage.

Retrievability: Social security number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The policies and practices regarding storage, retention and disposal are governed by the principle that a specific tax period will be retained on the file dependent upon specified criteria prescribed in the Internal Revenue Manual and in various Accounts and Data Processing Handbooks (ADP Handbooks). The disposal of documents output from this file is specified in the Records Retention Handbook published by the Service and in the Internal Revenue Manual and in various Accounts and Data Processing Handbooks.

System manager(s) and address: Officials prescribing policies and practices—Assistant Commissioner Data Services. Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 24.030

System name: Individual Master File (IMF); Data Services—Treasury/IRS.

System location: National Computer Center (NCC), Martinsburg, West Virginia.

Categories of individuals covered by the system: Taxpayers who file Federal Individual Income Tax Returns (i.e. Forms 1040, 1040A).

Categories of records in the system: Taxpayer entity records (name, address, identification number (SSN) and other indicators pertaining to entity maintenance, including Zip Code), and tax modular records which contain all records relative to specific tax returns for each applicable tax period or year. Recorded here are tax transactions such as tax amount, additions, abatements of tax payments, interest and like type transactions recorded relative to each tax module.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: By identification number and alphabet.

Storage: Magnetic Tape.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in the Records Retention Handbook published by the Service.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner Data Services. Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.(See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 24.046

System name: Residual Master File (RMF) Data Services—Treasury/IRS.

System location: Internal Revenue Service Centers: See IRS Appendix A for locations.

Categories of individuals covered by the system: Persons in a sole proprietary role who file Excise Tax Returns (Form 11), Wagering Returns (Form 11C), Highway Use Returns (Form 2290), and Airways Use Returns (Form 4638) and Estate and Gift Taxes (Form 706 and 709), the latter can be individuals not in a sole proprietorship role.

Categories of records in the system: Taxpayer entity records (name, address, identification name (TIN) which may be either EIN or SSN, and other indicators pertaining to entity maintenance, including Zip Code), and tax modules which are all the records relative to specific tax returns for each applicable tax period. Recorded are tax transactions such as tax amount, statements/additions to tax, payments, interest and like type transactions relative to each tax module.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Tape.

Retrievability: By name, type of tax, and identifying number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in the Records Retention Handbook published by the Service.

System manager(s) and address: Official prescribing policies and practices, Assistant Commissioner Data Services. Officials maintaining the system, Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with Instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with Instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the Individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 24.057

System name: Taxpayer Delinquent Investigation Notice File; Data Services: Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Individual and business taxpayers relating to taxpayer delinquency investigations and the generation of delinquency notices.

Categories of records in the system: Delinquency investigation information on business and individual taxpayers.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Tape search by identity number or name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Dependent upon the activity to each taxpayer record.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner Data Services. Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual. (See IRS Appendix A.)

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.001

System name: Acquired Property Records, CP:C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: Delinquent taxpayers whose property has been acquired by purchase by government or right of redemption.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, revenue officer reports.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records are stored in locked facility when not in use.

Retrievability: Retrievable by taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: As specified in records disposition Handbook IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (Compliance). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains data for government accounting purposes from Service sources.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.005

System name: File of Persons Making Threats of Force or Forcible Assaults, CP:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Individuals who have or may threaten or assault Collection activity personnel.

Categories of records in the system: Names, addresses, taxpayer identification number (if known), physical description (if known) of individuals.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made during judicial processes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By name of individual.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Individual records will be removed from the file two years after the end of the calendar year during which the records were filed, unless management determines that the individual still presents a hazard to collection personnel.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (Compliance). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.006

System name: Form 2209, Courtesy Investigations, CP:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom a delinquent account or delinquency or other investigation is or was located in one IRS district office, but the individual is now living or has assets located in the jurisdiction of another IRS district office.

Categories of records in the system: Contains taxpayer name, current and former addresses, taxpayer identifying number, if known.

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Contains the information, including class of tax, if applicable, or information concerning the action desired to be taken, and chronological investigative history.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, Magnetic Tape.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (Compliance). Officials maintaining the system—District Directors, Service Center Directors and Data Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.007

System name: Form 2990—Miscellaneous Investigations, CP:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom an investigation has been initiated for purposes of securing information necessary for Federal Tax Administration purposes.

Categories of records in the system: Name and address of party that was contacted, taxpayer identifiction number, if known, chronological investigative history and/or information secured. The following types of investigations are included in this system. Form SSA-7010 cases—Notice of Determination of FICA Wages—Issued when SSA obtains evidence that wages paid to claimant have not been recorded on his earnings record. Requests for data needed in proof of claim cases. Applications for discharge of property from tax lien. Service of tax court subpoenas. Complaints of employers failing to provide withholding statements. Recovery of unassessable erroneous refunds. Form SSA-1273 cases—Request for Preferential Investigation. This is a request for preferential treatment (over other SSA cases) on an earnings discrepancy case. Secure application for exemption from self-employment tax. Offers in Compromise and related activities; i.e., follow-up on defaulted installments, secure payment on collateral agreements, etc. Maximize compliance with withholding requirements on aliens' earnings. Other miscellaneous uses.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, Magnetic Tape.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook. IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (Compliance). Officials maintaining the system—District Directors, Service Center Directors and Data Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determing if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.008

System name: IRS and Treasury Employee Delinquency, CP:C—Treasury/IRS.

System location: National Office, Regional Offices, District Offices and Service Centers, National Computer Center and Data Center. (See IRS Appendix A).

Categories of individuals covered by the system: IRS and Treasury employees who are shown on the Master file as delinquent in meeting Federal tax requirements.

Categories of records in the system: Taxpayer name, social security number, address, fact of IRS or Treasury employment code, District location code.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: by taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (Compliance). Officials maintaining the system—Assistant Commissioner (Compliance), Regional Commissioners, District Directors of Internal Revenue and Service Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.009

System name: Lien Files (Open and Closed), CP:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom Federal Tax Liens have been filed.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment including class of tax, period, dollar amount. Open and closed Federal tax liens including: Certificates of Discharge of Property from Federal Tax Lien; Certificates of Subordination; Certificates of Non-Attachment; Exercise of Government's Right of Redemption of Seized Property; Releases of Government's Right of Redemption. Federal tax lien information entered in Treasury Enforcement Communications System.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802, 26 U.S.C. 6323.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26

U.S.C. 6103 and 26 CFR 404.6103 where applicable), notices of lien and the index thereto are available to the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, Magnetic Tape and Microfiche.

Retrievability: By taxpayer name and lien sequence number.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (Compliance). Official maintaining the system—District Directors, Service Center and Data Center Directors and Director of International Operations. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may address inquiries to District Director for each District whose records are to be searched.

Record access procedures: This system contains copies of public records, the originals of which are filed in accordance with the laws of each State, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States. See Notification above.

Contesting record procedures: See notification above.

Record source categories: Taxpayers' Federal Tax Returns.

Treasury/IRS 26.010

System name: Lists of Prospective Bidders at Internal Revenue Sales of Seized Property—CP:C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals who have requested that they be notified of Internal Revenue sales of seized property.

Categories of records in the system: Name and address and phone number (if provided).

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records. File cabinets.

Retrievability: By name of Prospective Bidder.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (Compliance). Officials maintaining the system—District Directors of Internal Revenue determine if need for this system exists. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the District Director of Internal Revenue Service servicing the area in which the individual resides.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire inaccordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of Internal Revenue Service servicing the areas in which the individual resides.

Contesting record procedures: See Access above.

Record source categories: Supplied voluntarily by the subject prospective bidder.

Treasury/IRS 26.011

System name: Litigation Case Files, CP:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom Federal tax assessments have been made but against whom litigation has been initiated or is being considered by the government or who have instituted suits against the government.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, and dollar amount. This file includes: Suit to Reduce Tax Claim to Judgement; Suit for Failure to Honor a Levy; Suit to Enforce Federal Tax Lien; Suit Against Transferee; Suit to Set Aside Fraudulent Transfer; Suit to Recover Erroneous Refund; other suits include those which the United States may intervene to assert a Federal Tax Lien; a proceeding to require opening of a safe deposit box, etc. The following suits against the United States are also included in this file: Quiet Title Suit; Foreclosure of Mortgage or other Lien; Partition; Condemnation; Interpleader; Refund Suits Involving 100-Percent Penalty Assessments; Injunction Suits Under Freedom of Information Act. Also included in Litigation Files are: Individuals against whom bankruptcy proceedings are pending; decedent estates in probate with outstanding Federal tax labilities; individuals executing Assignments for the Benefit of Creditors; individuals in Receivership Proceedings; individuals conducting a bulk sale; summons referrals; subpoena files; advisory opinions; revenue officer reports; and various other legal instruments and correspondence. Disclosure may be made during judicial processes.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (Compliance). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.012

System name: Offer in Compromise (OIC) File, CP:C—Treasury/IRS.

System location: District Offices, Service Center, Regional Offices, and National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who have submitted an offer to compromise a liability imposed by the Internal Revenue Code.

Categories of records in the system: Form 2515, used to control offer cases, contains space for entering taxpayer name, address, taxpayer identification number, and all other pertinent information for identifying and assigning the OIC investigation. The file contains all records, documents, reports and work papers relating to the assignment, investigation, review and adjudication of the offer. This includes such items as the original offer, results of property records checks, interviews with third parties and the taxpayer, collateral income agreements, financial statements, tax return copies, and other information submitted by the taxpayer.

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Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and to the extent necessary to permit public inspection of any accepted offer-in-compromise as required by 26 U.S.C. 6103(K)(1).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, Magnetic Tape.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices Assistant Commissioner (Compliance), Officials maintaining the system Regional Commissioners, Service Center Directors, District Directors and Director, Data Center. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported. If an offer is accepted, an abstract and statement which identifies the taxpayer, the liability, the amount compromised and the basic circumstances of the case is made available for public inspection in accordance with EO 10386 and EO 10906.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.013

System name: One Hundred Percent Penalty Cases, CP:C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals against whom Federal tax assessments have been made or are being considered as a result of their being deemed responsible for payment of unpaid corporation withholding taxes and social security contributions.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar figures, waiver extending the period for asserting the 100-percent penalty (if any) and correspondence.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, Magnetic Tape.

Retrievability: By individual or corporation name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices Assistant Commissioner (Compliance), Officials maintaining the system District Directors, Service and Data Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.014

System name: Record 21, Record of Seizure and Sale of Real Property. CP:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Individuals against whom tax assessments have been made and whose real property was seized and sold to satisfy their tax liability. Also name and address of purchaser.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar amounts, property description.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of this System of Records evidences chain of title to real property and is a matter of public record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, file cabinets.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices Assistant Commissioner (Compliance), Officials maintaining the system—District Directors. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may address inquiries to District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may address inquiries to or appear in person at the office of District Director for each District whose records are to be searched.

Contesting record procedures: See Access above.

Record source categories: This System of Records evidences chain of title to real property and is a matter of public record. (See Category of Record above).

Treasury/IRS 26.016

System name: Returns Compliance Programs (RCP) CP:C—Treasury/IRS.

System location: District Offices and Service Centers (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who may be delinquent in filing or paying Federal taxes.

Categories of records in the system: Records consist of name, address, taxpayer identification number (if known) and information concerning the potential tax liability. Returns Compliance Programs involve any type of Federal tax administered by the Collection Division and are conducted in accordance with Section 7601 of the Internal Revenue Code. RCP programs can be initiated by the National Office, Regional Offices, or by individual districts. Disclosure may be made during judicial processes.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, Magnetic Tape.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices Assistant Commissioner (Compliance), Officials maintaining the system District Directors, Service and Data Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.019

System name: TDA (Taxpayer Delinquent Accounts) including subsystems: (a) Adjustment and Payment Tracers Files, (b) Collateral Files, (c) Seized Property Records, and (d) Tax Collection Waiver Forms 900 Files, CP:C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom Federal tax assessments have been made.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar amounts, chronological investigative history, cancelled checks, amended returns, claims, collateral submitted to stay collection, copies of notices of federal tax liens, revenue officer reports, waivers to extend statutory period for collection, etc. This system includes Installment Agreement Files; Delinquent Account Inventory Profile (DAIP); Currently Not Collectible Register; Currently Not Collectible Register (over 25,000); Advance Dated Remittance Check Files; Currently Not Collectable Accounts Files; File of taxpayer names entered in the Treasury Enforcement Communications System.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disc and paper records, and magnetic tape.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices, Assistant Commissioner (Compliance), Officials maintaining the system, District Directors, Director International Operations, Service and Data Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.020

System name: TDI (Taxpayer Delinquency Investigation) Files, CP:C—Treasury/IRS.

System location: District Offices and Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers believed to be delinquent in filing Federal tax returns.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information from previously filed returns, information about the potential delinquent return(s), including class of tax, chronological investigative history; Delinquency Investigation Inventory Profile (DIIP).

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records and magnetic tape.

Retrievability: by taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices, Assistant Commissioner (Compliance), Officials maintaining the system, District Directors, Service and Data Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.021

System name: Transferee Files, CP:C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Includes taxpayers on whom tax assessments have been made but who have allegedly transferred their assets in order to place them beyond the reach of the government.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar amounts. Also the name, address, taxpayer identification number and related information about transferee.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Record, Magnetic Tape.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices, Assistant Commissioner (Compliance), Officials maintaining the system, District Directors, Service and Data Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

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Treasury/IRS 26.022

System name: Delinquency Prevention Programs, CP:C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers having a history of Federal tax delinquency.

Categories of records in the system: Taxpayer name, taxpayer identification number, address, filing requirements, chronological investigative history.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records and Magnetic Tape.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (Compliance). Officials maintaining the system—District Directors, Service and Data Center Directors. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 30.005

System name: Accident Investigation Files System —Treasury/IRS.

System location: National Office, Regional Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals involved in accidents involving either property damage of over

500.00 or any personal injury.

Categories of records in the system: Information consisting of injuries, damages, dollar estimate, causes and conditions of accidents, interviews and statements pertaining to IRS employees and private individuals involved in accidents which result in over

500.00 in property damage or personal injury to either party.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—National Office—file folders, Regional Offices—card file. Retrievability—indexed by name. Safeguards—records are kept in offices which are locked or guarded during non-work hours. Retention and disposal—National Office—records are stored in the Space and Property Branch for a period of three years. They are then transferred to the Federal Records Center and destroyed seven years after case file year.

System manager(s) and address: National Office—Safety Management Officer, Space and Property Branch, Regional Offices (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed or contested.

Record source categories: The information originates from the IRS Inspection Branch.

Treasury/IRS 30.003

System name: Requests for Printed Tax Materials Including Lists, —Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers (See IRS Appendix A).

Categories of individuals covered by the system: Files include those individuals and/or businesses that request various IRS printed materials such as Package X, TIRs, reproduction proofs, etc.

Categories of records in the system: Letter or order blank submitted by the individual and/or business and any related correspondence. A cross reference index may also be developed to identify and control requests.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in the system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—magnetic tapes, paper records or mailing plates. Retrievability—alphabetically or numerically. Safeguards—not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—names dropped as system is updated.

System manager(s) and address: Chief, Publishing Services Branch National Office, and Chief, Resource Management in Regional Offices, District Offices and Service Centers (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed or contested.

Record source categories: The information is supplied by the individual and/or company making the request. The Service adds data pertaining to the fulfillment of the request.

Treasury/IRS 30.004

System name: Security Violations,—Treasury/IRS.

System location: Service Centers and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Violators of IRS Security Regulations.

Categories of records in the system: Name of violator, circumstances of violation (date, time, actions of violator, etc), supervisory action taken.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—file folder (notices of violation); 3 x 5 inch card file. Retrievability—3 x 5 inch card file—name; lateral file cabinets, access by security officer and staff only. Retention and disposal—as specified in the Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Security offices, district offices and Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Service Center Director for each Service Center whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Service Center Director for each Service Center whose records are to be accessed or contested.

Record source categories: Contract Guard Force and Security Inspections.

Treasury/IRS 32.001

System name: Travel Expense Record, Treasury/IRS.

System location: National Office, Regional Offices and District Offices. See IRS Appendix A for Locations.

Categories of individuals covered by the system: All IRS employees who have incurred travel or moving expenses in conjunction with official business.

Categories of records in the system: Records consist of travel advances, personal travel vouchers, household move vouchers, Forms W-2, schedule of disbursements, GAO decisions/rulings, Transportation Requests, Overdue Notices, Certification of Deposits, Government Bills of Lading & Form 2221, (Schedule of Collections). Records are for the purpose of maintaining accurate financial accounting of travel and moving expenses of employees.

Authority for maintenance of the system: GAO Policy and Procedures Manual for Guidance of Federal Agencies, Title 2, Chapter 2, Sections 5 & 6.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—locked files. Retrievability—indexed in alphabetical order or assigned numerical sequence. Safeguards—access is restricted to designated Fiscal Management employees, to individuals concerned on a need-to-know basis, and to administrative offices through the authority of the Travel Management Supervisor. As required, IRS Internal Audit and Security has access to the files. Retention and Disposal—retired after 3 years to Federal Records Center; disposed in accordance with Records Retention Handbook.

System manager(s) and address: Chief, Accounting Section, IRS National Office or Chief, Fiscal Section, IRS Regional Office. See IRS Appendix A for Locations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager.

Contesting record procedures: See Access above.

Record source categories: Information supplied by employees and by GAO as required.

Treasury/IRS 32.002.

System name: Payroll/Personnel System,—Treasury/IRS. (See Related System Treasury/OS 00.054)

System location: IRS Data Center, National Office, Regional Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Current and Former IRS Employees. IRS also processes payroll data relating to current or former employees of the Bureau of Alcohol, Tobacco and Firearms, Secret Service, Customs, and the Office of the Secretary of the Treasury (exchange stabilization fund). See information contained in notices published by Department of the Treasury constituent units whose payroll is serviced by this system.

Categories of records in the system: Data storage and file records system for processing payroll and personnel actions, consisting of records of time and attendance, leave, tax withholding, bond purchase and issuance, emergency salaries, overtime and holiday pay, optional payroll deductions, and minority group designator codes. Aside from payroll processing, recorded personnel data is available on a need to know basis to personnel offices in accordance with Civil Service Commission, Treasury and IRS regulations.

Authority for maintenance of the system: 5 U.S.C. 301 and GAO Policy and Procedures manual for Guidance of Federal Agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Aside from payroll processing, recorded personnel data is available on a need to know basis to personnel offices in accordance with Civil Service Commission, Treasury and IRS regulations. Separations may be reported to State Unemployment Agencies. This System is used to furnish payroll and personnel data, information and statistics to the Civil Service Commission and other requesting agencies. It is also used to generate the necessary payroll information, deductions and allotments to pay the employees on a biweekly basis and to furnish the necessary payroll information to concerned agencies required by law. The basic payroll and personnel master file provides input to management information systems, as well as related accounting and budget systems. For additional routine uses see Appendix AA and routine uses published for system Treasury/OS 00.054.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—data files maintained on magnetic tape; folder records maintained in file cabinets. Retrievability—indexed by social security number or by name. Safeguards—access controls are not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and disposal—retired after 3 years to the Federal Records Center; disposed of after 56 years.

System manager(s) and address: Personnel Data: Director, Personnel Division, IRS National Office. Payroll Data: Chief, Centralized Services Staff, IRS National Office. (See IRS Appendix A).

Notification procedure: Individuals seeking information pertaining to these records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: Assistant Commissioner (Resources Management), IRS National Office.

Record access procedures: Same as "notification" above.

Record source categories: Information is compiled from the existing master records, i.e. employees' official personnel folders. Information also provided by payroll coordinators and administrative officers.

Treasury/IRS 32.003

System name: Schedules of Collections and Schedules of Canceled Checks,—Treasury/IRS.

System location: National Office and Regional Offices. See IRS Appendix A for Locations.

Categories of individuals covered by the system: Employees of Internal Revenue Service.

Categories of records in the system: Checks received from employees in connection with jury duty and overpayments. System maintained to place all collections under security control promptly upon receipt and to record amount of deposit to general ledger control accounts.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records maintained in locked file cabinet. Retrievability—indexed by name. Safeguards—access controls are not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and disposal—records are maintained until transferred to the Federal Records Center to be retained in accordance with the Records Retention Manual.

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System manager(s) and address: Chief, Accounting Section, National Office or Chief, Accounting Section, Regional Offices. See IRS Appendix A for Locations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each Office whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: Employees, District Directors, Regional Commissioners.

Treasury/IRS 32.004

System name: Scholarship Program Cost Record,—Treasury/IRS.

System location: Regional Offices (See IRS Appendix A).

Categories of individuals covered by the system: Employees in the IRS Scholarship Program.

Categories of records in the system: Actual and estimated expenditure per student for purposes of monitoring and controling costs.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—in file cabinet. Retrievability—indexed by District (within District, individual recipients indexed by name). Safeguards—employees in the Budget and Reports Section have access to records. Retention and disposal—records maintained for 2 years and then disposed.

System manager(s) and address: Chief, Budget and Reports Section, Fiscal Management Branch, IRS Regional Offices. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: Information provided by employees concerned.

Treasury/IRS 34.009

System name: Accident Reporting Files System—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: Employees of the Internal Revenue Service and non-Federal employees.

Categories of records in the system: Information consists of conditions surrounding accident, injuries, and damages pertaining to Internal Revenue Service employees' accidents while on duty and non-Federal employees who suffered an accident on IRS space or who were employed through a temporary manpower agency.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—file folders; card file. Retrievability—indexed by name. Safeguards—records are kept in offices which are locked or guarded during non-working hours. Retention and disposal—records are stored in the Space and Property Branch for three years and are then transferred to the Federal Records Center. Records are destroyed seven years after case file year.

System manager(s) and address: For National Office—Safety Management Officer, Space and Property Branch, Facilities Management Division, National Office. For Regional and District Offices—Chief, Facilities Management Branch, appropriate Regional or District office. (See IRS Appendix A).

Notification procedure: Same as System Manager above. Name must be provided to ascertain whether or not the system has a record pertaining to the individual.

Record access procedures: Individuals may go to Internal Revenue Service Regional Office to gain information on procedures for gaining access to and contesting records of this system. The Regional Security Officer is the official to be contacted.

Contesting record procedures: See access above.

Record source categories: Information originates from the employee involved in the accident and his/her supervisor or the non-federal employee involved and, sometimes, a witness or an accident investigation.

Treasury/IRS 34.010

System name: Damage and Injury Claims Files System—Treasury/IRS.

System location: National Office and Regional Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Internal Revenue Service employees and private individuals acting as claimants against the Service. Private parties against which the Service has a claim.

Categories of records in the system: Claims consisting of information on dollar amounts of claims of property damage and personal injuries and estimated property damage related to the Federal Claims Collection Act, Federal Tort Claims Act, the Military Personnel and Civilian Employees Claims Act of 1964, and the Small Claims Act.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—file folders and card file. Retrievability—indexed by name. Safeguards—access to the records is restricted to official use of Internal Revenue Service employees. Records are kept in offices which are locked or guarded during non-work hours. Retention and disposal—records are kept for three years and then are transferred to the Federal Records Center where they are destroyed seven years after the case file date.

System manager(s) and address: For National Office—Safety Management Officer, Space and Property Branch, Facilities Management Division. For Regional Offices—Chief, Facilities Management Branch, appropriate Regional Office. (See IRS Appendix A).

Notification procedure: Same as for National Office above. Individual must submit the name of the party or individual involved in the claim to determine whether or not the system contains a record pertaining to the party or individual.

Record access procedures: Individuals may go to IRS Regional Office to gain information for procedures for gaining access and contesting records of this system. The Regional Security Officer is the official to be contacted.

Contesting record procedures: See Access above.

Record source categories: Information originates from private individuals, private parties, Internal Revenue Service employees, and Internal Revenue Service officials.

Treasury/IRS 34.011

System name: Driver Licensing Files System—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: Employees of the Internal Revenue Service.

Categories of records in the system: Information consists of personal information on driving records relating to motor vehicle records of IRS drivers.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—file folders. Retrievability—indexed by name. Safeguards—records are kept in offices which are locked or guarded during non-work hours. Retention and disposal—records are actively maintained as long as license is in effect.

System manager(s) and address: Chief, Facilities Management in the appropriate office. (See IRS Appendix A).

Notification procedure: Same as System Manager above. Name of person must be submitted.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Information originates from IRS motor vehicle drivers.

Treasury/IRS 34.012

System name: Emergency Preparedness Cadre Assignments and Alerting Rosters Files System—Treasury/IRS.

System location: National Office, Regional Offices, and Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Key IRS, Treasury and FPA personnel.

Categories of records in the system: Cadre assignments—personal information on employees, i.e., name, address, phone number, family data, security clearance, relocation assignment, etc. Alerting rosters—current listing of individuals by name and title stating their work and home address and phone numbers.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—individual forms and correspondence kept in file folders. Retrievability—cadre assignments are filed by relocation site and allerting rosters by title of list. Safeguards—records are kept in a secured office. Retention and disposal—as specified in the Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: For National Office—Chief, Physical and Personnel Security Branch, Security Standards and Evaluation Division. For Regional Offices and Service Centers Security officers. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Provided by individuals themselves.

Treasury/IRS 34.003

System name: Employee Accountability for Personal Property and Miscellaneous Items—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: All Employees.

Categories of records in the system: Receipts for Government property and miscellaneous items issued to employees.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution of civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained in locked filing cabinets. Retrievability—indexed alphabetically by name. Safeguards—access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—receipts are destroyed upon return of property.

System manager(s) and address: Chief, National Office Facilities Branch, National Office; Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Information is provided by individuals who receive property, such as credit cards, identification cards, pocket commissions, Government driver's licenses, keys, etc.

Treasury/IRS 34.013

System name: Identification Media Files System for Employees and Others Issued IRS ID—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: IRS employees having one or more items of identification and federal and non-federal personnel working in or visiting IRS facilities.

Categories of records in the system: Records contain individual's name, home address, and other personal information and reports on loss, theft, or destruction of pocket commissions, enforcement badges and other forms of identification.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—correspondence file folders; 3 x 5 inch card files computer memory. Retrievability—Indexed separately by name and Identification Media serial number. Access controls—access to the records is restricted to official use of Internal Revenue. The files are stored in locked security containers in offices which are locked or guarded during non-work hours. Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—as specified in the Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Chief, Personnel Security Section, Physical and Personnel Security Branch, Security Standards and Evaluation Division, National Office; Chief, Security Standards and Evaluation Branch Each Region, Service Center and District; and Chief, National Office Protective Programs Staff.

Notification procedure: Individual's name, SSN, address and type of ID media, plus the approximate date that he/she was issued and/or turned in the particular item of identification, would have to be furnished the Service office that issued the item for them to be able to ascertain whether or not their system contains a record about the individual. (See IRS Appendix A).

Record access procedures: By writing or visiting applicable Service office.

Contesting record procedures: See Access above.

Record source categories: Information was furnished by each individual at the time they received the particular item of identification.

Treasury/IRS 34.014

System name: Motor Vehicle Registration and Entry Pass Files System—Treasury/IRS.

System location: Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals requiring continued access to the facility and parking area violators.

Categories of records in the system: Name of employee, registered owner of vehicle, branch, telephone number, description of car, license number, employee's signature, name and expiration date of insurance, parking violations, decal number.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of

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information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—file folders and card file. Retrievability—indexed by name. Safeguards—records are kept in a secured container in a secured office. Retention and disposal—records are kept until obsolete.

System manager(s) and address: Security Officer, appropriate Service Center. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Information is supplied by individual except for parking violations information which is supplied by the security guard personnel.

Treasury/IRS 34.005

System name: Parking Space Application and Assignment—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: Internal Revenue Service employees who apply for assignment of carpool or reserved parking spaces.

Categories of records in the system: Contains the name, grade, position title, organization, vehicle identification, arrival and departure time, and service computation date of individual or principal carpool applicant. Contains name, place of employment, duty telephone, vehicle license number and service computation date of applicants, individuals or carpool members, for parking spaces.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on an 8-1/2 x 10 inch or other local form. Retrievability—indexed by name of individual or principal carpool applicant. Safeguards—records are maintained in a file cabinet in a locked room. Retention and Disposal—Records are maintained for a period of not more than one year. Previous years' records are destroyed after each parking review.

System manager(s) and address: Chief, National Office Facilities Branch, National Office; Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Individuals applying for parking spaces.

Treasury/IRS 34.006

System name: Property Pass for Government Property—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: All individuals removing property from IRS space.

Categories of records in the system: Description of property and reason for removal.

Authority for maintenance of the system: FPMR (41 CFR) 101-19.108.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on various sized forms. Retrievability—indexed by name. Safeguards—access controls will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—Retained and disposed in accordance with Records Disposition Handbook, IRM 1(15)59-301.

System manager(s) and address: Chief, National Office Facilities Branch, National Office; Regional Office, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Individual requesting a property pass.

Treasury/IRS 34.007

System name: Record of Government Books of Transportation Requests—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, and National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: IRS employees issued Transportation Requests.

Categories of records in the system: Form 496, alphabetical card record by name of the serial numbers of Transportation Requests issued to the employee; and Form 4678, numerical list by serial number listing the name of the employee to whom issued.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained in card file box or file cabinets. Retrievability—by name or serial number. Safeguards—access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—retained and disposed in accordance with Records Disposition Handbook, IRM 1(15)59-301 (GRS-9).

System manager(s) and address: Administrative Officers, National Office; Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Government Books of Transportation Requests and employees to whom Books were issued.

Treasury/IRS 34.016

System name: Security clearance files system—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Employees of the Internal Revenue Service requiring a security clearance, having their security clearance cancelled or transferred and individuals who have violated IRS security regulations regarding classified national Security information.

Categories of records in the system: Records contain individual's name, employing office, date of security clearance, level of clearance, reason for the need for the national security clearance, and any changes in such clearance. Security violations records contain name of violator, circumstance of violation and supervisory action taken.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide. information to agencies and individuals on a need-to-know basis to determine the current status of an individual's security clearance. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—correspondence file folders. Retrievability—indexed by name and cross filed by functional area. Access controls—stored in locked security container in offices which are locked or guarded during non-work hours. Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and disposal—as specified in the Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Chief, Personnel Security Section, Physical and Personnel Security Branch, Security Standards and Evaluation Division, National Office.

Notification procedure: Chief, Physical and Personnel Security Branch, Security Standards and Evaluation Division, National Office. Full name, to include previous names used, date of birth and current status should be provided with inquiry.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Information is provided by the employee, his/her supervisor or employee's personnel record. Security violation information is obtained from a variety of sources, such as guard reports, security inspections, supervisor's reports, Internal Audit Reports, etc.

Treasury/IRS 34.018

System name: Integrated Data Retrieval System (IDRS) Security Files, Treasury/IRS.

System location: Internal Revenue Service Centers (See IRS Appendix A).

Categories of individuals covered by the system: Individual employees who input or are authorized to input IDRS transactions or who are subjects of IDRS inputs.

Categories of records in the system: Record logs of the employees who are authorized access to IDRS and of employee inputs and inquiries processed through IDRS terminals.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The files are used to verify the employee's authorization to access records at the moment of attempted access to the computer files retained on IDRS.

The files are used to generate the identifying employee number of the using employee to be recorded on the computer retained disk files or on printed matter produced by the computer for purposes of case control or document routing.

The file are used in connection with computerized security routines to produce printed reports that are used by IRS security personnel to monitor use of IDRS. These security routines may include the processing of files of this system in conjunction with subsystem files of another reported system of records.

Use is restricted to IRS personnel and there are no routine uses in connection with other Federal agencies.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape, disk, flatpaper, lists, and card files.

Retrievability: These records are indexed by employee's SSN or other employee identifying number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: All records are disposed of in conformance with established Retention Schedules contained in IRM 1(15)59.

System manager(s) and address: Chief, Data Security Branch, Security Standards and Evaluation Division, National Office.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Information supplied by the IRS employee on standard personnel forms and computer generated records of all inputs to IDRS. Data may also be retrieved from other published systems of records used in processing of this system.

Treasury/IRS 36.001

System name: Appeals, Grievances and Complaints Records,—Treasury/IRS.

System location: National, Regional and District Offices, POD's, Service Centers, The National Computer Center and The IRS Data Center, (See Appendix A.).

Categories of individuals covered by the system: Applicants for Federal employment, current and former Federal employees (including annuitants) who submit appeals, grievances, or complaints for resolution.

Categories of records in the system: This system of records contains information or documents relating to a decision or determination made by an agency or other appropriate action organization (e.g., Office of Personnel Management, Equal Employment Opportunity Commission, Merit Systems Protection Board) affecting an individual. The records consist of the initial appeal or complaint, letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, instructions to an agency about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

Authority for maintenance of the system: Title 5, U.S.C., Sections 1302, 3301, 3302, 4308, 5115, 5338, 5351, 5388, 7105, 7151, 7154, 7301, 7512, 7701, 8347, Executive Order 9830, 10577, 10987, 11222, 11478, 11491, and P.L. 93-259.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used: (a) To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance. (b) To request information from a federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (c) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. (d) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice. Disclosure may be made during judicial processes. (e) Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (f) These records may also be used to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to any other appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. (g) These records may also be disclosed to the Office of Personnel Management or Merit Systems Protection Board for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations. (h) For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on card files, flat paper, lists, forms, folders, binder, microfilm and microfiche, punch card, and tape.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is also in conformance with existing CSC regulations.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15)59-301, General Records Schedule.

System manager(s) and address: (a) EEO Discrimination Complaint Records—IRS EEO Officer, National Office; (b) all other records.

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Director, Personnel Division, or Chief, Personnel Branch, appropriate office. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Resources Management), National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Litigation Division for records in the National Office of Chief Counsel; or other appropriate official. (See IRS Appendix A for Locations). Individuals should provide their name, date of birth, agency in which employed, and the approximate date, and the kind of action taken by the agency when making inquiries about records.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above. Individuals should provide their name, date of birth, POD, approximate date, and the kind of action taken by the agency when requesting access to, or contest of, records.

Contesting record procedures: See Access.

Record source categories: (a) Individual to whom the record pertains. (b) Agency and/or other authorized Federal officials. (c) Affidavits or statements from employee. (d) Testimonies of witnesses. (e) Official document relating to the appeal, grievance, or complaints. (f) Correspondence from specific organization or persons.

Treasury/IRS 36.002

System name: Employee Activity Records,—Treasury/IRS.

System location: National, Regional, and District Offices, POD's, Service Centers, The National Computer Center, and The IRS Data Center (See Appendix A.).

Categories of individuals covered by the system: Current and former employees of the Internal Revenue Service.

Categories of records in the system: This system contains records and information relating to voluntary employee activities and functions which are not directly related to the mission of the IRS or any of its functional components. These records will contain the names of participants and such other information only to the extent that it is necessary for the operation of the activity.

Authority for maintenance of the system: Title 5, U.S.C., Section 302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on flat paper, card files, lists, and in folders, and binders.

Retrievability: These records are indexed by the name of the individuals on whom they are maintained.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is in conformance with existing CSC regulations.

Retention and disposal: indefinite.

System manager(s) and address: Supervisor of the organizational segment participating in the activity.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the system manager or the individual designated to maintain the record. Inquiring individuals need only provide their name.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the system manager or the individual designated to maintain the record. Inquiring individuals need only provide their name.

Contesting record procedures: See Access.

Record source categories: Information is derived only from the individual to whom the record pertains.

Treasury/IRS 36.003

System name: General Personnel Records (Official Personnel Folder and records related thereto),—Treasury/IRS.

System location: National, Regional and District Offices, POD's, Service Centers, the National Computer Center and the Data Center, (See Appendix A.).

Categories of individuals covered by the system: Prospective, current and former employees of the IRS.

Categories of records in the system: This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed in the Federal service. These records contain data on individuals required by the Office of Personnel Management (OPM) and maintained in the Official Personnel Folder (OPF). The OPF may also contain letters of commendation; awards from non-federal organizations; recommendations for Federal awards; awards; reprimands; adverse or disciplinary charges; records relating to life insurance, health benefits, designation of beneficiary; training; performance ratings; and other records which CSC and IRS require or permit to be maintained in the OPF.

This system also includes records which are maintained in support of a personnel action such as a position management or position classification action. Other records maintained about an individual in this system are evaluation records; suggestion files; award files; financial and tax matters; back pay files; jury duty records; special emphasis programs records, such as Upward Mobility; outside employment statements; clearance upon separation; Unemployment Compensation records; adverse and disciplinary action files; supervisory files; records relating to personnel actions correcting a pay problem; employment of relatives; furlough/recall records; emergency notification, employee locator and current address records; other information relating to the status of an individual; executive resources records and management career individual files; and correspondence files pertaining to any personnel information contained in this notice.

The records within this system may also be contained in TR/IRS 32.002, payroll/personnel system.

Authority for maintenance of the system: Title 5, U.S.C. Section 1302, 2951, 4118, 4308, 4506, and Executive Order 10561, September 13, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used: (a) To provide information to a prospective employer of an IRS employee or former IRS employee. (b) To provide data for the automated Central Personnel Data File (CPDF). (c) To provide data to update Federal Automated Career Systems (FACS), Executive Inventory File, and security investigations index on new hires, adverse actions, and terminations. (d) Disclosure of information to a Federal, state, or local agency, other organization, or individual in order to obtain relevant and pertinent information about an individual which is necessary for the hiring or retention of an individual; letting of a contract; or the issuance of a license, grant or other benefit. (e) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses. If necessary, obtain relevant information or other pertinent information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (f) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (g) Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (h) Information in these records is used or a record may be used to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to any other appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (i) These records may also be disclosed to the Office of Personnel Management for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders, and regulations. (j) Routine disclosure may be made to hospitals and similar institutions or organizations involved in voluntary blood donation activites. (k) Routine disclosure may be made to educational institutions for recruitment and cooperative education purposes. (l) Disclosure to a Federal, state, or local agency so that the agency may adjudicate an individual's eligibility for a benefit, such as a state unemployment compensation board, housing administration agency and Social Security Administration. (m) Additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape, discs, punched cards, flat paper, lists, card files, forms, folders, binders, microfilm and microfiche.

Retrievability: Records are indexed by any combination of name, birth date, Social Security Number, or identification number.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is also in conformance with existing CSC regulations.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15)-59-301, General Records Schedule.

System manager(s) and address: Director, Personnel Division, and Chief, Personnel Branch, appropriate office (see IRS Appendix A); Executive Secretary, Executive Resources Board (for executive resource records).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Resource Management), National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Litigation Division for records in the National Office of Chief Counsel; or other appropriate official; (See Appendix A.). Inquiries should include name, date of birth, social security number and POD.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above. Former IRS employees who wish to gain access to their records should direct such a request in writing, including their name, date of birth, and Social Security Number, to: National Personnel Records Center, General Services Administration, 111 Winnebago St., St. Louis, Missouri 63118.

Contesting record procedures: See Access.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

Treasury/IRS 36.005

System name: Medical Records,—Treasury/IRS.

System location: (1) Applicants and current IRS employees: National, Regional and District Offices, POD's, the National Computer Center and the Data Center (See Appendix A.). (2) Former IRS employees: National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118. Records may also be maintained in the National Regional and District Offices, POD's, Service Centers, the National Computer Center and the Data Center (See Appendix A.).

Categories of individuals covered by the system: (1) Applicants for IRS employment. (2) Applicants rejected on medical grounds. (3) Applicants for disability retirement under the Civil Service Retirement Law. (4) IRS employees. (5) Former IRS employees.

Categories of records in the system: (1) Applications for IRS employment containing information relating to an individual's medical qualifications to hold a position in the IRS. (2) Applicaions rejected on medical grounds. Information relating to an applicant's rejection for a position because of medical reasons. (3) Disability retirement records. Information relating to an individual's capability (physical and mental) to satisfactorily perform the duties of the position he or she holds or held. (4) Health unit medical records (Federal civilian employees). Information relating to an employee's participation in an occupational health services program. (5) Qualification examinations (Federal employees). Information relates to pre-employment, or periodic re-qualification medical examinations to assure that the incumbent are qualified (physically and mentally) to satisfactorily perform the duties of the position. (6) Fitness-for-duty examinations. Information relating to a medical examination to determine an individual's physical or mental condition with respect to ability to satisfactorily perform the duties of the position held. (7) Alcohol/drug employee assistance records. Information relating to employee participation in the Federal Civilian Alcoholism and Drug Abuse Program. (8) Injury Compensation Records. Information relating to on-the-job injuries of employees and former employees. (9) Records relating to the Blood Donor Program.

Authority for maintenance of the system: Medical Information relating to the Retirement, Life Insurance and Health Benefits Programs—5 USC, Chapters 81, 87 and 89. Information for Federal employment—5 USC 3301. Information relating to the Alcoholism, Drug Abuse and Employee Assistance Programs—Public Laws 91-616 and 92-255 as amended by Public Law 93-282 in regard to confidentiality of patient records. Information relating to the Occupational Health Program (5 USC 7901).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Information may be provided to other Federal agencies responsible for other Federal benefits programs administered by the Office of Workmen's Compensation Programs; Retired Military Pay Centers; Veterans Administration; Social Security Administration; Office of Personnel Management; Private contractors engaged in providing benefits under Federal contracts. (b) Disclosure of information may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in requests for legal advice. (c) Disclosure may be made during judicial processes. (d) Disclosure may be made to other agencies to the extent provided by law or regulation. (e) Disclosure may be made to the appropriate Federal, state or local agency where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature. (f) Disclosure may be made to Federal, state, or local agencies in order to obtain or release relevant and pertinent information to an agency decision concerning the hiring or retention of an individual, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit. (g) Disclosure may be made to the Public Health Service. (h) Disclosure may be made to an individual's private physician where medical considerations or the content of medical records indicate that such release is appropriate. (i) Disclosure may be made to an agency designated employee representative where such representative is required by the Office of Personnel Management. (j) Disclosure may be made to hospitals and similar institutions or organizations participating in blood donor activities. (k) Additional routine uses are listed in Appendix AA. (l) Disclosure of Alcoholism, Drug Abuse, and Employee Assistance records are limited under Public Laws 91-616, 92-255, and 93-282.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape, discs, flat paper, lists, forms, folders, card files, microfilm and microfiche.

Retrievability: Records are indexed by name, social security number, date of birth, and/or claim number.

Safeguards: Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15)59-301, General Records Schedule.

System manager(s) and address: Director, Personnel Division, or Chief, Personnel Branch, appropriate office; Director, Administrative Services Division (Office of Chief Counsel), National and Regional Counsels. (See IRS Appendix A for Locations).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Resource Management), National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Litigation Division for records in the National Office of Chief Counsel; or other appropriate official. (See IRS Appendix A for Location). Former employees should direct

inquiries to: The National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118. Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name and address of office in which currently or formerly employed in the Federal service, and annuity account number, if any has been assigned.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above.

Contesting record procedures: See Access above.

Record source categories: (1) The individual to whom the record pertains. (2) Private physicians. (3) Medical institutions. (4) Office of Workers' Compensation Programs. (5) Military Retired Pay Systems Records. (6) Federal civilian retirement systems other than Civil Service Retirement System. (7) General Accounting Office pay, leave allowance cards. (8) CSC Retirement, Life Insurance and Health Benefits Records System. (9) CSC Personnel Management Records System.

Treasury/IRS 36.008

System name: Recruiting, Examining and Placement Records,—Treasury/IRS.

System location: National, Regional and District Offices, POD's, The National Computer Center and The Data Center, (See Appendix A.).

Categories of individuals covered by the system: Applicants for IRS employment, current and former employees.

Categories of records in the system: These records contain information relating to education, training, employment history and earnings, tests, results of written tests, test scores, evaluations, appraisals of potential, interview records, responses to test items and questionnaires, honors, and awards or fellowships. Other information maintained in the records includes military service, date of birth, birthplace, SSN, home address. Records may also be maintained on suitability determinations, employee participation in special emphasis placement and recruiting programs, and employee turnover records. This system also includes correspondence files relating to the above mentioned records. Personnel research and test validation records are included in this system.

Authority for maintenance of the system: Title 5 U.S.C., Sections 1302, 3109, 3301, 3302, 3304, 3306, 3307, 3309, 3313, 3317, 3318, 3319, 3326, 3349, 4103, 5532, 5533, 5723, and Executive Orders 10577 and 11103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (2) Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (3) These records may also be disclosed to the Office of Personnel Management for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations. (4) Information in these records is used or a record may be used: (a) to refer applicants to officials of Federal government agencies for purposes of consideration for placement in positions for which an applicant has applied and is qualified. (b) to refer applicants to state and local governments with permission of an applicant for the purpose of employment consideration. (c) to refer current IRS employees to Federal agencies for consideration for transfer, reassignment, and promotion. (5) Disclosure may be made to educational institutions in connection with recruiting efforts. (6) Routine uses are limited for those records which are compiled in connection with IRS personnel research and test validation. No personnel decisions are made on the basis of these records, and whenever possible, personal identity is not disclosed. (7) to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to any other appropriate agency, whether federal, state, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule. (8) to request information from a federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (9) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. (10) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tapes, punched cards, discs, card files, lists, flat paper, microfilm, microfiche, forms and folders.

Retrievability: Records are indexed by name, combination of birth date, special security account number, and an identification number that is applicable.

Safeguards: "Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41." This is in conformance with existing CSC regulations.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15) 59-301, General Records Schedule.

System manager(s) and address: Director, Personnel Division, or Chief, Personnel Branch, appropriate office (see IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Resource Management), National Office; or other appropriate official. (See Appendix A.). Individuals should provide name, date of birth, social security number, identification number (if known), approximate date of record, and title of examination or announcement with which concerned.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official as listed above. This system of records may not be accessed for purposes of inspection or for contest of content of Treasury Forms 4825 (Evaluation of Candidates for Initial Executive Placement) and Treasury Form 4245 (Report of Managerial Potential) prepared prior to September 27, 1975.

Contesting record procedures: See Access.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplied, except reports from medical personnel on physical qualification; results of examination which are made known to applicants and vouchers supplied by references the applicant lists.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 36.009

System name: Retirement, Life Insurance and Health Benefits Records System,—Treasury/IRS.

System location: National, Regional and District Offices, POD's, Service Centers, the National Computer Center, and the IRS Data Center, (See Appendix A.). For former employees: Records Division, Bureau of Retirement, Insurance and Occupational Health, U.S. Civil Service Commission, Boyers, Pennsylvania.

Categories of individuals covered by the system: (1) IRS employees who are covered by the Civil Service Retirement System. (2) IRS employees who have either declined or are covered by the Federal Employees' Group Life Insurance Program or the Federal Employees Health Benefits Program.

Categories of records in the system: (1) Documentation of Federal service creditable under the Civil Service Retirement System. (2) Documentation of coverage or declination of coverage under the Federal Employees' Group Life Insurance Program, and the Federal Employees Health Benefits Program. (3) Documentation of claim for refund or for annuity benefits under Civil Service Retirement System. (4) Documentation of claim for survivor annuity or death benefits under Civil Service Retirement System. (5) Medical records supporting claims for disability retirement under the Civil Service

Retirement System. (6) Designations of beneficiary for benefits payable under the Civil Service Retirement System or the Federal Employees' Group Life Insurance Program. (7) All other information necessary to enable offices to recruit annuitants for short term assignments and to send them requested publications.

Authority for maintenance of the system: Chapters 83, 87, and 89 of Title 5, United States Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information in this system is used to determine eligibility for coverage and payment of benefits under the Civil Service Retirement System, the Federal Employees' Group Life Insurance Program and the Federal Employees Health Benefits Program. (2) Information in this systems is used to determine the amount of benefit due under the Civil Service Retirement System, the Federal Employees' Group Life Insurance Program and the Federal Employees Health Benefits Program. (3) Information in this system is used to transfer to Office of Workers' Compensation Programs, Veterans Administration Pension Benefits Program, Social Security Old Age, Survivor and Disability Insurance and Medicare Programs, and Federal civilian employee retirement systems other than the Civil Service Retirement System, when requested by that program or system or by the individual covered by this system of records, for use in determining an individual's claim for benefits under such system. (4) Information in this system is used to transfer information necessary to support a claim for life insurance benefits under the Federal Employees' Group Life Insurance Program to the Office of Federal Employees' Group Life Insurance, 4 East 24th Street, New York, N.Y. 10010. (5) Information in this system is used to transfer information necessary to support a claim for health insurance benefits under the Federal Employees Health Benefits Program to a health insurance carrier or plan participating in the program. (6) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice. Disclosure may be made during judicial processes. (7) Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (8) Information in this system is used to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to any other appropriate agency, whether Federal, State or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (9) Information in this system is used to request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a license, grant or other benefit. (10) Information in this system is used to provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. (11) These records may also be disclosed to the Office of Personnel Management for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations. (12) Disclosure may be made to an agency designated employee representative when such representative is required under Office of Personnel Management regulations. (13) Disclosure may be made to hospitals and similar institutions to verify an employee's coverage in the Federal Employees Health Benefits Program. (14) Additional routine uses in Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tapes, punched cards, discs, forms, flat paper, card files, lists, folders, microfilm and microfiche.

Retrievability: Records are indexed by name, social security number, birth date, and by annuity or death claim number.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is also in conformance with existing CSC regulations.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15)59-301, General Records Schedule.

System manager(s) and address: Director, Personnel Division, and Chief, Personnel Branch, appropriate office. Director, Administrative Services Division (Office of Chief Counsel), National and Regional Counsels (See IRS Appendix A for Locations.).

Notification procedure: (1) Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Resource Management), National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Litigation Division for records in the National Office of Chief Counsel; or other appropriate official. (See IRS Appendix A for Locations.) (2) If the individual is retired from Federal service he should direct inquiries to: Director, Bureau of Retirement, Insurance, and Occupational Health, Office of Personnel Management, 1900 H. Street, N.W., Washington, D.C. 20415. (3) If the individual is not retired, but has been separated from Federal service, he should direct inquiries to: National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above.

Contesting record procedures: See Access. Individuals requesting information in this system of records should provide their full name, date of birth, social security number, claim number, if assigned, and the POD in which currently or formerly employed.

Record source categories: The information in this system is obtained from the following sources: (1) The individual whom the information is about. (2) GAO Pay, Leave and Allowance Records System. (3) OPM Personnel Management Records System. (4) GSA National Personnel Records Center. (5) OPM Medical Records System. (6) Federal civilian retirement systems other than Civil Service Retirement System. (7) Military retired pay system records. (8) Office of Workers' Compensation Programs. (9) Veterans Administration Pension Benefits Programs. (10) Social Security Old Age, Survivor and Disability Insurance and Medicare Programs.

Treasury/IRS 38.001

System name: General Training Records,—Treasury/IRS.

System location: National, Regional and District Offices, Service Centers National Computer Center, Data Center and posts of duty (See Appendix A.).

Categories of individuals covered by the system: IRS employees who have participated in or who may be scheduled for training activities (students, instructors, program managers, etc.). Other Federal or non-Government individuals who have participated in or assisted with training programs (students, instructors, course developers, interpreters, etc.).

Categories of records in the system: Variety of records containing information about an individual related to training; such as: course rosters, student registrations, nomination forms, course evaluations, instructor lists, individual development plans, counseling records, examination materials, payment records, and other recordations of training necessary for reporting and evaluative purposes. Some records within this system may also be contained in TR/IRS 36.003, General Personnel Records.

Authority for maintenance of the system: Chapter 41, Title 5 USC; EO 11348; and FPM 410.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used to: (a) provide input data for the automated Training CPDF at the Office of Personnel Management and for the Automated Training Center personnel file at IRS; (b) Prepare statistical and narrative reports as required by the Department of Treasury, IRS officials or such other government agencies as may have need of general training information; (c) evaluate and determine effectiveness of training programs; (d) monitor student progress and determine individual training needs; (e) assist managerial personnel by providing easily accessible training histories of their employees; (f) provide data for determining efficient staffpower utilization; (g) assist employees, should an emergency arise while they are attending a training session, by disclosing to qualified medical personnel "emergency information" voluntarily supplied by students on course registration forms. Routine disclosure of information contained in this system may be made available to the Department of

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Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records may be maintained on computer tapes, index cards, forms, or flat paper.

Retrievability: Computer records are indexed by social security account numbers, course titles, dates of training, location of training and by specific employee information (i.e., name, title, grade, etc.); other records are indexed by name and course title.

Safeguards: Individual computer records are available to those persons at CSC, Treasury or IRS who are directly involved with the training function.

Retention and disposal: All records are disposed of in accordance with established retention schedules, IRM 1(15)59-301, General Records Schedule. Emergency information on registration forms is immediately destroyed when training is completed.

System manager(s) and address: Director, Training and Development Division, and Chief, Training and Development Branch, Training Manager, OIO, at the National Office; Chiefs, Training and Development Branches at Regional and District Offices, and Service Centers; training managers at computer center and data center (See Appendix A.).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched, see System Manager.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each Office whose records are to be accessed or contested, see System Manager.

Contesting record procedures: See Access.

Record source categories: Information is extracted from participant registration forms, individual development plans, skill surveys, personnel records, and such other forms as may be developed and prescribed by CSC, Treasury, and IRS Training Personnel.

Treasury/IRS 42.001

System name: Examination Administrative File—Treasury/IRS

System location: Jurisdictional District Office where the individual resides or Service Center where return was examined. (See IRS Appendix A.)

Categories of individuals covered by the system: Any taxpayer who is being considered for examination or is being examined for tax determination purposes, i.e., income, estate and gift, excise or employment tax liability.

Categories of records in the system: Records containing investigatory materials required in making a tax determination or other verification in the administration of tax laws and all other related sub-files directly related to the processing of the tax case. This system also includes other management material related to a case and used for tax administrative purposes including the appeals process.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosures may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents, machine-sensible data media, microfilm.

Retrievability: by taxpayer's name and social security number and employer identification number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1 (16)41.

Retention and disposal: Indefinite period of retention.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division, Officials maintaining the system—Director of jurisdictional District Office or service center (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director for each District office or service center whose records are to be searched. This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District office or service center whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: (1) taxpayer's return. (2) taxpayer's books and records. (3) Informants and third party information. (4) city, state governments. (5) other federal agencies. (6) examinations of related taxpayers. (7) examinations of other taxpayers. (8) taxpayer's representative.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.025

System name: Appraisal and Valuation Files—Treasury/IRS.

System location: Jurisdictional District Office where individual resides. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals whose examinations warrant an appraisal or valuation of real estate, stock, fees, or any other commodity or service which does not have a readily ascertainable value.

Categories of records in the system: Listing of individuals, items valued or appraised, date of valuation or appraisal, and other descriptive matter such as the name of the corporation with regards to stock and a description of the location in terms of real estate.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents, file cabinets, machine-sensible data media and microfilm.

Retrievability: By taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Permanent.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division. Officials maintaining the system—Director of jurisdictional District Office. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: (1) outside engineer valuation; (2) outside fee appraisers; (3) taxpayer's returns; (4) taxpayer's books and records; (5) taxpayer's representative; (6) trade journals and publications; (7) public records.

Treasury/IRS 42.008

System name: Audit Information Management System (AIMS)—Treasury/IRS.

System location: This system is composed of: (1) Computer files located at each jurisdictional IRS Service Center (where tax return is under examination control). Each jurisdictional district (served by an IRS Service Center) has access to the computer file via video terminals; (2) "A" Register Microfilm located at each jurisdictional district office (taxpayer's place of residence) and at each IRS Service Center (where taxpayer's tax return was filed);(3) Group control card forms 5345 and 5354 (including temporary and interim processing files for management and control purposes), located at each jurisdictional district office. Items described under (2) and (3), above, are subfiles of the Aims System.

Categories of individuals covered by the system: Taxpayers whose tax returns are under the jurisdiction of the Examination Division; Examining Officer.

Categories of records in the system: Tax return information from the Master File, Tax return status and location changes, Examination Closing information on examined and non-examined tax returns, examining officer's name including related internal management information.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer; Microfilm; Paper.

Retrievability: Social Security number, taxpayer's name, examining officer's name.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Computer: Agreed cases are eliminated from data base 90 days after case is closed from Examination; unagreed cases are eliminated from data base after tax liability is agreed to. "A" Register Microfilm: six years or earlier. Group control card Forms 5345 or 5354 (for processing control purposes) three years or earlier.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division, National Office. Officials maintaining the system—Each jurisdictional (taxpayer's place of residence) District Director; Each jurisdictional (the Service Center where taxpayer's tax return was filed) IRS Service Center. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each district whose records are to be searched. This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory materials compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.016

System name: Classification and Examination Selection Files—Treasury/IRS

System location: Jurisdictional District Office or related service center where individual resides. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals whose returns are classified for examination.

Categories of records in the system: Listing of individuals or returns and sub-files consisting of financial information and other information considered in classification and selection of an individual's return for examination—individual's request for examination, missing return information, change in accounting method or period, etc.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents, computer printouts.

Retrievability: by taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: until information is associated with return or two years, whichever occurs first.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division. Officials maintaining the system—Director of jurisdictional District or service center. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: (1) Tax returns, (2) Requests from taxpayer, (3) Requests from Collection Division for prompt examination.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.021

System name: Compliance Programs and Projects Files—Treasury/IRS.

System location: Initiated and maintained in National Office, Regional Offices, or jurisdictional District or service center where taxpayer resides. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers that may be involved in tax evasion schemes or areas of non-compliance grouped by industry, occupation or financial transactions, i.e., return preparers, political contributions, corporate kickbacks.

Categories of records in the system: Records pertaining to individuals in projects.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper records, machine-sensible data media and microfilm.

Retrievability: by taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Records associated with the examination of returns are disposed of in accordance with the established Retention Schedule 1(15)59-202, Records Control Schedule. Records not associ-

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ated with the examination of returns will be destroyed at the completion of the program or project.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division. Officials maintaining the system—Director of jurisdictional District or service center. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.027

System name: Data on Foreign Corporations—Treasury/IRS.

System location: IRS Data Center, Detroit, Michigan; National Office Examination Division, Washington, D.C.; District Offices; Regional Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals required to file Form 959, United States Information Return with Respect to the Organization or Reorganization of a Foreign Corporation and Acquisition of its stock.

Categories of records in the system: Names of individuals filing on foreign holdings.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape in Data Center; Paper at other listed locations, machine-sensible data media and microfilm.

Retrievability: By individual name.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Three years or earlier.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division, National Office. Officials maintaining the system—District Directors; Regional Commissioners; Director, Examination Division, National Office; Director, Data Center, Detroit, Michigan. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the System of Records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the System of Records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Form 959 only.

Treasury/IRS 42.020

System name: Highway Use Tax Examination Program—Treasury/IRS

System location: Internal Revenue Service Centers and district offices. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers owning trucks that are liable for tax.

Categories of records in the system: List of registered trucks and truck owners.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: magnetic tape and computer printout.

Retrievability: By taxpayer's name, social security number, and employer's identification number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: retained until tax year examined is completed or period permissible under statute of limitations then shredded.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division. Officials maintaining the system—Service Center Directors and District Directors (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director for each Service Center or district office whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each district whose records are to be accessed. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: R.L. Polk Company, Detroit Mich.

Treasury/IRS 42.014

System name: Internal Revenue Service employees' returns Control Files—Treasury/IRS.

System location: District Office where individual is employed. (See IRS Appendix A).

Categories of individuals covered by the system: Any individual who is employed by the Internal Revenue Service.

Categories of records in the system: Alphabetic listing of employee, income tax return information including prior examination results and other tax related information.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents, micro-film, magnetic tape.

Retrievability: Individual's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Updated periodically and retained as long as individual has substantial foreign business activities.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division. Officials maintaining the system—Director of jurisdictional District (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: (1) European treaty countries, (2) Individual's tax returns, (3) Examination of related taxpayers, (4) Public sources of information.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.018

System name: Married Taxpayers Filing Separately and Multiple Filer File—Treasury/IRS.

System location: Jurisdictional Service Center.

Categories of individuals covered by the system: Married individuals who file separate income tax returns.

Categories of records in the system: Listing identifying each married individual filing separately, and taxpayers who have filed more than one return.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer printout and magnetic tape.

Retrievability: By taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Treasury/IRS 42.017

System name: International Enforcement Program Files—Treasury/IRS.

System location: Jurisdictional District Office where individual resides. (See IRS Appendix A).

Categories of individuals covered by the system: Any individual having substantial foreign business activities.

Categories of records in the system: Listing of individual, summary of income expenses, financial information as to foreign operations, acquisition of foreign stock, controlling interest of a foreign corporation, organization or reorganization of foreign corporation, etc.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents, micro-film, magnetic tape.

Retrievability: Individual's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Updated periodically and retained as long as individual has substantial foreign business activities.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division. Officials maintaining the system—Director of jurisdictional District (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director for each District where records are to be searched. This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: (1) European treaty countries, (2) Individual's tax returns, (3) Examination of related taxpayers, (4) Public sources of information.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.018

System name: Married Taxpayers Filing Separately and Multiple Filer File—Treasury/IRS.

System location: Jurisdictional Service Center.

Categories of individuals covered by the system: Married individuals who file separate income tax returns.

Categories of records in the system: Listing identifying each married individual filing separately, and taxpayers who have filed more than one return.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer printout and magnetic tape.

Retrievability: By taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Disposal after returns are matched or until next file year is produced.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division; Officials maintaining the system—Service Center Directors.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Service Center where the individual filed tax returns.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Service Center Director for each Service Center whose records are to be accessed or contested.

Record source categories: Information obtained from taxpayer's return.

Treasury/IRS 42.013

System name: Project Files for the Uniform Application of laws as a result of technical determinations and court decisions. Treasury/IRS.

System location: Jurisdictional district office where taxpayer resides. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals grouped as to project, i.e., individual shareholders of a corporation where a determination having a tax effect has been made.

Categories of records in the system: Listing of individuals and their income tax information.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents.

Retrievability: by taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: retained until project is completed.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division. Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: (1) Shareholder records. (2) Individual's tax return. (3) Examination of related taxpayer.

Treasury/IRS 42.023

System name: Request and Submittal File for Technical Advice, Assistance, Determination or Coordination—Treasury/IRS.

System location: Jurisdictional District Office where individual resides. (See IRS Appendix A).

Categories of individuals covered by the system: Individual whose return contains questioned or unprecedented technical areas.

Categories of records in the system: Narrative fully explaining or interpreting the technical area in question.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents.

Retrievability: taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Six years, nine months from date of last DLN or as specified in the Records Control Schedule IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division. Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: (1) Revenue agent who examined taxpayer's return. (2) Taxpayer who is not being examined or is initiating a request while under examination. (3) Taxpayer's representative.

Treasury/IRS 42.012

System name: Tax Shelter Program Files—Treasury/IRS.

System location: Jurisdictional District offices (not necessarily carried out in every district). (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers that may be abusing the tax laws through the use of tax shelters.

Categories of records in the system: Tax information relating to the tax shelter for use in determining abuses of tax laws.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents, machine-sensible data media and microfilm.

Retrievability: taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: retained until individual projects are completed.

System manager(s) and address: Official prescribing policies and practices—Director, Examination Division. Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: (1) Individual's tax return. (2) Related taxpayer's.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 44.003

System name: Appeals Case Data—Treasury/IRS.

System location: Director, Appeals Division, National Office; Appeals Office. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers.

Categories of records in the system: Provides case control data and management information, utilizing data from system 42.008 and data developed in the appeal process.

Authority for maintenance of the system: 26 U.S.C. 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, magnetic tape.

Retrievability: By taxpayer's name and social security number.

Safeguards: IRS personnel on need to know basis.

Retention and disposal: Generally, six years after case is closed but earlier if no longer needed.

System manager(s) and address: Director, Appeals Division, National Office; Regional Director of Appeals. (See IRS Appendix A.)

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Record clerks and Appeals Officers.

Treasury/IRS 44.001

System name: Appeals Case Files—Treasury/IRS.

System location: Director, Appeals Division, National Office; Regional Director of Appeals. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers.

Categories of records in the system: Tax returns, Revenue Agents' Reports, case correspondence, legal opinions and Appeals closing actions.

Authority for maintenance of the system: 26 U.S.C. 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, file cabinets.

Retrievability: Name of taxpayer.

Safeguards: Locked file cabinets, locked doors, need to know.

Retention and disposal: Retention as prescribed in Records Control Schedule 208. Disposal by shredding.

System manager(s) and address: Director, Appeals Division, National Office; Regional Director of Appeals. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to the individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 44.002

System name: Appeals Officer Inventory and Unit Time Report, Form 2568—Treasury/IRS.

System location: Appeals Office. (See IRS Appendix A.)

Categories of individuals covered by the system: Appeals Officer.

Categories of records in the system: Records time spent on assignments and determines cumulative time on open and closed work units.

Authority for maintenance of the system: 26 U.S.C. 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable). For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name of Appeals officer as to paper storage; by office city as to automated product.

Safeguards: IRS personnel on need to know basis.

Retention and disposal: Dispose after 2 years.

System manager(s) and address: Chief, Appeals Office (see IRS Appendix A.)

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Appeals Officer.

Treasury/IRS 46.002

System name: Case Management and Time Reporting System, Criminal Investigation Division—Treasury/IRS.

System location: National, Regional, and District Offices, Data Center, Service centers (See IRS Appendix A.)

Categories of individuals covered by the system: Subjects of Criminal Investigation Division Investigations, Special Agents, and U.S. District Court Judges.

Categories of records in the system: Personal and financial information developed in open and closed criminal tax investigations, including schedules, listings, memorandums, reports, news articles, inventory controls, income tax returns, assessment records, summaries of case activities, time reports, collateral investigation reports and workpapers, court actions, analyses of sentencing practices, and related materials.

Authority for maintenance of the system: 5 USC 301; 26 USC 7602; 26 USC 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this system of records may be disclosed to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in binders; Magnetic tape; Computer printouts.

Retrievability: Name and Case Number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Director, Criminal Investigation Division—National Office. Officials maintaining the system—Regional Commissioners; District Directors; Director, Criminal Investigation Division; Director, Data Center, Directors, Service centers. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.003

System name: Confidential Informants, Criminal Investigation Division—Treasury/IRS.

System location: District Offices, National Office. (See IRS Appendix A.)

Categories of individuals covered by the system: Confidential Informants; Subjects of Confidential Informant's Reports.

Categories of records in the system: Memorandums, Index Cards, Related Data.

Authority for maintenance of the system: 5 USC 301; 26 USC 7602; 26 USC 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this system of records may be disclosed to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Name or number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Director, Criminal Investigation Division—National Office. Officials maintaining the system—District Directors. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.004

System name: Controlled Accounts—Open and Closed, Criminal Investigation Division TC 910/TC 914—Treasury/IRS.

System location: Service Centers, National Computer Center, District Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: Subjects and potential subjects of criminal tax investigation.

Categories of records in the system: Criminal Investigation Information and Control Notices; Lists of names and related data; Lists of action taken; Transcripts of account.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and paper.

Retrievability: By name or Social Security Number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Paper destroyed after 1 year. Magnetic tape erased after 3 months.

System manager(s) and address: Official prescribing policies and practices—Director, Criminal Investigation Division—National Office. Officials maintaining the system—District Directors, Service Center Directors, National Computer Center Director. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District

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Director for each District whose records are to be searched. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addresed to the District Director for each District whose records are to be searched. (See IRS Appendix A.)

Contesting record procedures: See Access above.

Record source categories: District Office Personnel; Service Center Personnel.

Treasury/IRS 46.005

System name: Electronic Surveillance File, Criminal Investigation Division—Treasury/IRS.

System location: National Office (see IRS Appendix A).

Categories of individuals covered by the system: Subjects of electronic surveillance. Individuals who have been subjects of queries by other agencies.

Categories of records in the system: Information relating to conduct of electronic surveillance.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Names, addresses, and telephone numbers.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Permanent; None authorized.

System manager(s) and address: Official prescribing policies and practices—Director, Criminal Investigation Division—National Office. Officials maintaining the system—Director, Criminal Investigation Division. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.008

System name: Treasury/IRS Criminal Investigation Division, Information and Correspondence Files, Criminal Investigation Division—Treasury/IRS.

System location: National Office, District Offices, Regional Offices, Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Subjects of correspondence which has been referred to or processed by the Criminal Investigation Division. Other individuals of interest to, or who have had contact with, the Criminal Investigation Division. Individuals potentially dangerous to Service personnel. Service personnel who have been threatened or who have provided armed escort.

Categories of records in the system: Correspondence to and from other agencies and individuals. Reports; Identifying data; Fiduciary reports.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, magnetic tape, and microfilm.

Retrievability: By name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Director, Criminal Investigation Division—National Office. Officials maintaining the system—Same. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.007

System name: Information Indexing System, Criminal Investigation Division—Treasury/IRS.

System location: District Offices, Data Center, and Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Potential subjects of criminal tax investigations.

Categories of records in the system: Financial records, newspaper articles, reports from other agencies, and similar leads.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, magnetic tape, and microfilm.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Paper shredded after use. Magnetic Tape—erased after 3 years.

System manager(s) and address: Official prescribing policies and practices—Director, Criminal Investigation Division—National Office. Officials maintaining the system—District Directors, Service Center Directors, Data Center Director. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.009

System name: Information Items, Criminal Investigation Division—Treasury/IRS.

System location: District Offices and Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers about whom the Internal Revenue Service has received information alleging a violation of laws within IRS jurisdiction.

Categories of records in the system: Copies of income tax returns, special agent's reports, revenue agent's reports, reports from police and other investigative agencies, memorandum of interview, question-and-answer statements, affidavits, collateral request and replies, information items, newspaper and magazine articles and other published data, financial information from public records, case initiating documents and other similar and related documents.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Tape, paper, and microfilm.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Paper—shredded after use. Microfilm—destroyed after 5 years. Magnetic tape—erased after 3 years.

System manager(s) and address: Official prescribing policies and practices—Director, Criminal Investigation Division—National Office. Officials maintaining the system—Service Center Directors, District Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.011

System name: Land Trust Files, Criminal Investigation Division—Treasury/IRS.

System location: District Offices (Chicago and Springfield), Service Center (Kansas City). (See IRS Appendix A).

Categories of individuals covered by the system: Beneficiaries of Land Trusts, Related individuals.

Categories of records in the system: Notices of Fiduciary Relationships. Related correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, microfilm, magnetic tape.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Director, Criminal Investigation Division—National Office. Officials maintaining the system—District Directors, Service Center Directors. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to District Director for each District whose records are to be searched and Director, Criminal Investigation Division, National Office. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to District Director for each District whose records are to be searched and Director, Criminal Investigation Division, National Office. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Financial institutions, Fiduciary reports, Notices of Fiduciary Relationships.

Treasury/IRS 46.013

System name: Project Files, Criminal Investigation Division—Treasury/IRS.

System location: National, Regional and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Potential subjects of criminal tax investigations.

Categories of records in the system: Tax returns, master file data, Court records, Congressional reports, reports from other agencies, reports from Special Prosecutor, project reports, statistical data, other personal and financial information.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, magnetic tape, microfilm.

Retrievability: Name and Social Security Number; However, retrievability exists only for those projects for which indexing procedures have been provided. Most project files do not have a capacity for retrieval by individual identity.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: As specified in Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Director, Criminal Investigation Division—National Office. Officials maintaining the system—Regional Commissioners; District Directors; and Director, Criminal Investigation Division. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.015

System name: Relocated Witnesses, Criminal Investigation Division—Treasury/IRS.

System location: National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Relocated Witnesses.

Categories of records in the system: Documentation & Relocation Information.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, file cabinet.

Retrievability: By Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Indefinite retention.

System manager(s) and address: Official prescribing policies and practices, Director, Criminal Investigation Division, National Office. Officials maintaining the system, Director, Criminal Investigation Division, National Office. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

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Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.016

System name: Secret Service Details, Criminal Investigation Division—Treasury/IRS.

System location: District Offices, Service Centers, Regional Offices, National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Special Agents.

Categories of records in the system: Lists of names, and Correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable). Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, file cabinet.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Not established.

System manager(s) and address: Official prescribing policies and practices, Director, Criminal Investigation Division, National Office, Officials maintaining the system, District Directors, Service Center Directors, Regional Commissioners, Director, Criminal Investigation Division. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certainprovisions of the Privacy Act.

Treasury/IRS 46.022

System name: Treasury Enforcement Communications System (TECS), Criminal Investigation Division—Treasury/IRS.

System location: National Office.

Categories of individuals covered by the system: Fugitives; Subjects of open Special Enforcement Program investigations; Subjects of open Narcotics Traffickers Program investigations; Subject of interest to Special Enforcement Program; individuals on whom both Taxpayer Delinquent Accounts have been issued and notice of Federal Tax Lien filed.

Categories of records in the system: Name, Date of Birth, Social Security Number, Address, Identifying details.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disc.

Retrievability: By name or social security number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Cancellation after 2 years.

System manager(s) and address: Official prescribing policies and practices, Director, Criminal Investigation Division, National Office. Officials maintaining the system, Director, Criminal Investigation Division, National Office.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 48.001

System name: Disclosure Records. Disclosure—Treasury/IRS.

System location: National Office, National Computer Center, Data Center, Service centers and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: (1) Subjects of requests for disclosure initiated by the Department of Justice, including suspects or persons related to the violation of Federal laws; persons who have initiated legal actions against the Federal Government, persons identified as strike force targets or related to organized crime activities, persons under investigation for national security reasons, persons believed by the Internal Revenue Service to be related to violations of Federal laws other than the Internal Revenue Code. (2) Persons under investigation by other executive departments or congressional committees for whom tax information has been requested pursuant to 26 U.S.C. 6103. (3) Persons who are parties to criminal or civil non-tax litigation in which the testimony of IRS employees has been requested. (4) Persons who have applied for Federal employment or presidential appointments for which preemployment tax checks have been requested and applicants for Department of Commerce "E" Awards. (5) Requesters for access to records pursuant to 26 U.S.C. 6103, the Freedom of Information Act, 5 U.S.C. 552, and initiators of requests for access, amendment or other action pursuant to the Privacy Act of 1974, 5 U.S.C. 552a. (6) Individuals identified by or initiating correspondence or inquiries processed or controlled by the Disclosure function or relating to the foregoing subjects.

Categories of records in the system: Requests for records, information or testimony, responses to such requests, supporting documentation, processing records, copies of items provided or withheld, control records and related files. Department of Justice, and IRS replies to such requests. (2) Copies of related authorizations to IRS officials permitting such disclosures and, in some instances, their responses. (3) Copies of individuals' tax information, memoranda for file, notations of telephone calls, file search requests, etc.

Authority for maintenance of the system: 26 U.S.C. 7801 and 7802, 26 U.S.C. 6103, 5 U.S.C. 301, 552 and 552a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes, and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 404.6103 where applicable). For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in alphabetical or chronological order within subject categories. No centralized index exists. Accountings of disclosure of tax related records pursuant to 5 U.S.C. 552a(c) or 26 U.S.C. 6103(p)(3) are posted to the Individual Master File and retrievable by Social Security Number, or to the Business Master File and retrievable by Employer Identification Number.

Retrievability: Paper records are generally retrievable by name of individual, although category of record and chronological period may be necessary to retrieve some records. The Social Security number is necessary to access accountings of disclosure posted to the Individual Master File. The Employer Identification Number is necessary for access to the Business Master File.

Safeguards: Safeguards will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: In accordance with IRM 1(15)59, Records Disposition Handbook.

System manager(s) and address: Official prescribing policies and practices—Director, Disclosure Operations Division. Officials maintaining the system—Director, Disclosure Operations Division, National Office; Regional Commissioners, District Directors, Service Center Directors, or other official receiving or servicing requests for records. (See IRS Appendix A).

Notification procedure: Requesters seeking to determine if accountable disclosures about them have been made should request an accounting of disclosure pursuant to 5 U.S.C. 552a(c) and 26 U.S.C. 6103(p)(3) of the District Director for the area in which they reside. Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for the area of residence or to the official believed to be maintaining the record of interest (See Appendix A). This system contains some records of law enforcement activities which may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: See notification procedure above, portion of this system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See notification procedure and record access procedure above. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act (See 26 U.S.C. 7852(e)).

Record source categories: Requests for disclosure, records being evaluated and processed for disclosure and related information from other systems of records. Portions of this system may contain investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: Portions of this system have been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 48.007

System name: Economic Stabilization Program Files—Treasury/IRS.

System location: National Office, Regional Offices, District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals acting as sole proprietorships or partners involved in any pursuit subject to the Economic Stabilization Program, and Congressmen, Government officials, and private individuals.

Categories of records in the system: Case files for the period 1971 through 1974 originating from the investigation of complaints alleging violation of the Stabilization program or in granting or denying of exception/exemption requests. Congressional, public officials', and private individuals' correspondence pertaining to stabilization activities for the period 1971 through 1974 which is not part of a case file.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Economic Stabilization Program terminated on June 30, 1974. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—stored in cartons in servicing Federal Records Centers. Retrievability—indexed or filed by name. Safeguards—Federal Record Center security with access restricted to Internal Revenue Service employees. Retention and Disposal—Retained and disposed in accordance with Records Disposition Handbook, IRM 1(15)59-113 and IRM 1(15)59-213.

System manager(s) and address: Director, Disclosure Operations Division, National Office; Regional Offices and District Offices. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Letters from the public, applications from individuals, investigative reports, disclosure statements, determination letters, legal appeals and notifications of decisions, and queries for information, interpretations and rulings originating either from Congressmen, public officials, or private individuals.

Treasury/IRS 48.008

System name: Defunct Special Service Staff File being retained because of Congressional directive, Disclosure-Treasury/IRS.

System location: National Office. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals suspected of violating the Internal Revenue laws.

Categories of records in the system: Internal Revenue Service Master File printouts; returns and field reports; information from other law enforcement government investigative agencies; Congressional Reports, and news media articles.

Authority for maintenance of the system: U.S.C. 301, 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This file is no longer being used by the Internal Revenue Service. The Special Service Staff was abolished August 13, 1973. Disclosure of information contained in this System of Records may be made to the Department of Justice in connection with actual or potential litigation. Access to the System is limited to Congressional Committees and individuals making Freedom of Information requests pertaining to themselves.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained alphabetically by individual and organization contained in vault at IRS National Office.

Retrievability: By alphabet

Safeguards: Access controls are in conformance with provisions of the physical and Document Security Handbook, IRM 1 (16) 41. No IRS official has access to these records except for retrieval purposes in connection with Congressional or Freedom of Information inquiries and litigation cases.

Retention and disposal: Records are being maintained solely for Congressional Committees at their request. When the Congressional Committees have completed their inquiries, the records will be destroyed except for those documents pertaining to pending litigation. Those records will be destroyed upon direction by the Court having jurisdiction over the documents.

System manager(s) and address: Director, Disclosure Operations Division, National Office. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the System of Records contains a record pertaining to themselves may address inquiries to the Director, Disclosure Operations Division, National Office. (See IRS Appendix A for location.)

Record access procedures: Individuals seeking access to any System of Records may inquire in accordance with the instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director, Disclosure Operations Division, National Office. (See IRS Appendix A for location.)

In addition, this System may contain some records provided by other agencies which are exempt from the Access and Contest provisions of the Privacy Act as published in the Notices of the Systems of Records for those agencies.

Contesting record procedures: See Access above.

Record source categories: News media articles, taxpayers' returns and records, informant and third party information, other Federal agencies and examinations of related or other taxpayers.

Systems exempted from certain provisions of the act: Information from an exempt system of records duplicated in this system of records retains the exempt status.

Treasury/IRS 49.001

System name: Collateral and Information Requests System—Treasury/IRS.

System location: The central files for this system are maintained at the Office of International Operations, 1325 K Street, N.W., Washington, D.C. 20225. A corresponding system of records is separately maintained by the foreign posts located in: (1) Bonn, Germany; (2) Sydney, Australia; (3) Caracas, Venezuela; (4) Johannesburg, Republic of South Africa; (5) Nassau, Bahamas; (6) London, England; (7) Manila, Philippines: (8) Mexico City, Mexico; (9) Ottawa, Canada; (10) Paris, France; (11) Rome, Italy; (12) Sao Paulo, Brazil; (13) Singapore and (14) Tokyo, Japan. Inquiries concerning this system of records maintained by the foreign posts should be addressed to the Director of International Operations.

Categories of individuals covered by the system: United States Citizens, Resident Aliens, Nonresident Aliens.

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Categories of records in the system: Record of interviewing witnesses regarding financial transactions of taxpayers; employment data; bank and brokerage house records; probate records; property valuations; public documents; payments of foreign taxes; inventories of assets; business books and records. These records relate to tax investigations conducted by the U.S. Internal Revenue Service where some aspects on an investigation must be pursued in foreign countries pursuant to the various tax treaties between the United States and foreign governments. The records also include individual case files of taxpayers on whom information (as is pertinent to carrying out the provisions of the convention or preventing fraud or fiscal evasion in relation to the taxes which are the subject of this convention) is exchanged with foreign tax officials of treaty countries.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By Taxpayer Name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 3 years.

System manager(s) and address: Director of International Operations.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 49.002

System name: Competent Authority and Index Card Retrieval System—Treasury/IRS.

System location: Office of International Operations, 1325 K Street, N.W., Washington, D.C. 20225.

Categories of individuals covered by the system: U.S. citizens, resident aliens, nonresident aliens whose tax matters come under the jurisdiction of the U.S. competent authority in accordance with pertinent provisions of tax treaties with foreign countries.

Categories of records in the system: Individual case files of taxpayers who request relief from double taxation or any other assistance that is pertinent to carrying out the provisions of income tax treaties.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802, and applicable treaties.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By taxpayer name.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: May be disposed of after 10 years.

System manager(s) and address: Director, Office of International Operations, 1325 K Street, N.W., Washington, D.C. 20225.

Notification procedure: Portions of this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: Portions of this system of records may not be accessed for purposes of inspection or for contest of content of the records.

Contesting record procedures: See Access above. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Record source categories: Portions of this system of records contain investigatory material compiled for law-enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 49.003

System name: Financial Statements File—Treasury/IRS.

System location: Office of International Operations, 1325 K Street, N.W., Washington, D.C. 20225.

Categories of individuals covered by the system: Taxpayers who submitted financial statements when interviewed overseas by examination division employees.

Categories of records in the system: Financial Statements.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By Taxpayer's name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 2 years.

System manager(s) and address: Director of International Operations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries may be addressed to the Director of International Operations, 1325 K St., N.W., Washington, D.C. 20225.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations.

Contesting record procedures: See Access above.

Record source categories: Overseas examination division employees.

Treasury/IRS 49.007

System name: Overseas Compliance Projects System.

System location: The central files for this system are maintained at the Office of International Operations, 1325 K Street, N.W., Washington, D.C., 20225. A corresponding system of records is separately maintained by the foreign posts located in: (1) Bonn, Germany; (2) Sydney, Australia; (3) Caracas, Venezuela; (4) Johannesburg, Republic of South Africa; (5) Nassau, Bahamas; (6) London, England; (7) Manila, Philippines; (8) Mexico City, Mexico; (9) Ottawa, Canada; (10) Paris, France; (11) Rome, Italy; (12) Sao Paulo, Brazil; (13) Singapore and (14) Tokyo, Japan. Inquiries concerning this system of records maintained by the foreign posts should be addressed to the Director of International Operations.

Categories of individuals covered by the system: United States Citizens, Resident Aliens, Nonresident Aliens.

Categories of records in the system: Documents and factual data relating to: (1) personal expenditures or investments not commensurate with known income and assets; (2) receipt of significant unreported income; (3) improper deduction of significant capital or personal living expenses; (4) failure to file required returns or pay tax due; (5) omission of assets or improper deduction or exclusion of items from estate and gift tax returns.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By Taxpayer Name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 3 years.

System manager(s) and address: Director of International Operations.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 49.008

System name: Taxpayer Service Correspondence System—Treasury/IRS.

System location: This system is separately maintained by each one of the 14 overseas posts of the Office of International Operations, located in: (1) Bonn, Germany, (2) Sydney, Australia; (3) Caracas, Venezuela; (4) Johannesburg, Republic of South Africa; (5) Kuala Nassau, Bahamas; (6) London, England; (7) Manila, Philippines; (8) Mexico City, Mexico; (9) Ottawa, Canada; (10) Paris, France; (11) Rome, Italy; (12) Sao Paulo, Brazil; (13) Singapore and (14) Tokyo, Japan. Inquiries concerning this system of records maintained by the foreign posts should be addressed to the Director of International Operations, 1325 K Street, N.W., Washington, D.C. 20225.

Categories of individuals covered by the system: United States Citizens, Resident Aliens, Nonresident Aliens.

Categories of records in the system: Correspondence from taxpayers, foreign post personnel and Office of International Operations headquarters offices in Washington, D.C.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By Taxpayer Name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 2 years.

System manager(s) and address: Director of International Operations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CRF Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations, 1325 K Street, N.W., Washington, D.C. 20225.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and Office of International Operation's foreign posts and headquarter's offices.

Treasury/IRS 50.002

System name: Employee Plans/Exempt Organizations, Determination Letter Records—Treasury/IRS.

System location: District Offices. See IRS Appendix A.

Categories of individuals covered by the system: Applicants for approval of individually designed plans and bond purchase plans, covering self-employed individuals.

Categories of records in the system: Contains plan name, type, treatment accorded, etc. Sub-systems include plan files containing applications, attachments, determination letters, related documents, and audit history file.

Authority for maintenance of the system: 26 USC 7801, 7802 and 7805.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103, 26 CFR 404.6103 and 26 U.S.C. 6104 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Security will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41; and

Retention and disposal: As specified in the Records Disposition Handbook, IRM 1(15)59-104 and IRM 1(15)59-203.

System manager(s) and address: District Director who has jurisdiction over the plan. See IRS Appendix A.

Notification procedure: Same as above.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director having jurisdiction. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Applicants requesting a determination letter.

Treasury/IRS 50.001

System name: Employee Plans/Exempt Organization, Correspondence Control Record (Form 5961)—Treasury/IRS.

System location: National Office See IRS Appendix A.

Categories of individuals covered by the system: Requestors of letter rulings, and subject of field office requests for technical advice and assistance and other correspondence.

Categories of records in the system: Contains the name, date, nature and subject of an assignment, and work history. Sub-systems include case files that contain the correspondence, internal memoranda, and related material. They also include digests of issues involved in proposed revenue rulings.

Authority for maintenance of the system: 26 USC 7801, 7802, and 7805.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103, 26 CFR 404.6103 and 26 U.S.C. 6104 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper records.

Retrievability: Indexed by name.

Safeguards: security will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41; and

Retention and disposal: As specified in the Records Disposition Handbook, IRM 1(15)59-104.

System manager(s) and address: Assistant Commissioner (Employee Plans/Exempt Organizations) 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Same as above.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (EP/EO), National Office. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

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Contesting record procedures: See above.

Record source categories: Individuals requesting rulings or information and field offices requesting technical advice or assistance.

Treasury/IRS 50.003

System name: Employee Plans/Exempt Organizations, Report of Significant Matters in Technical (M-5945)—Treasury/IRS.

System location: National Office. See IRS Appendix A.

Categories of individuals covered by the system: Individual subjects of letter ruling requests, technical advice requests etc., where a "Report of Significant Matter in Technical," has been prepared because of the presence of a matter significant to tax administration.

Categories of records in the system: Copies of "Reports of Significant Matter in Technical."

Authority for maintenance of the system: 26 U.S.C. 7801, 7802, and 7805.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103, 26 CFR 404.6103 and 26 U.S.C. 6104 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper records.

Retrievability: indexed by name.

Safeguards: safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in Record Disposition Handbook, IRM 1(15)55-104.

System manager(s) and address: Assistant Commissioner, (Employee Plans/Exempt Organizations) 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: Same as above.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner, (Employee Plans/Exempt Organizations), National Office.

Contesting record procedures: See access above.

Record source categories: Individual subjects of letter ruling requests, technical advice requests, etc., where a "Report of Significant Matter in EP/EO." has been prepared.

Treasury/IRS 60.001

System name: Assault and Threat Investigation Files Inspection-Treasury/IRS.

System location: National Office and Regional Inspector's Offices, (See IRS Appendix A).

Categories of individuals covered by the system: Persons who attempt to interfere with the administration of the Internal Revenue laws through threats, assaults or forcible interference of any officer or employee while discharging the official duties of his position.

Categories of records in the system: Document citing the complaint, Documentary evidence (i.e., threatening letter), Report of investigation, with possible statements, or affidavits as exhibits. Report of legal action, if case is prosecuted. Local police record of individual named in case. FBI record of individual named in the case.

Authority for maintenance of the system: 26 U.S.C. 7608, 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Documents Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Records Control Schedule 105, IRM 1(15)59.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See access above.

Record source categories: This system of records contains investigatory material compiled for criminal law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.002

System name: Bribery Investigation Files, Inspection-Treasury/IRS.

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Employees or former employees of the Treasury Department, and Taxpayers and non-IRS persons whose alleged criminal actions may affect the integrity of the Service.

Categories of records in the system: A report of investigation including exhibits, affidavits, transcripts, and documentation concerning requests and approval for consensual telephone and consensual non-telephone monitoring. A report of legal action concerning the results of prosecution. Prior criminal record of subject.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Records Control Schedule 105, IRM 1(15)59.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See access above.

Record source categories: This system of records contains investigatory material compiled for criminal law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.003

System name: Conduct Investigation Files, Inspection—Treasury/IRS.

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Employees and former employees of: Internal Revenue Service, Office of the Secretary of the Treasury, Office of the General Counsel, Office of the Treasurer of the United States, Office of the Comptroller of the Currency, Office of International Finance, Bureau of Government Financial Operations, Bureau of Accounts, Bureau of Engraving and Printing, Bureau of the Mint, Bureau of the Public Debt, U.S. Savings Bond Division, and the Consolidated Federal Law Enforcement Training Center.

Categories of records in the system: Document citing complaint of alleged misconduct or violation of statute; Report of investigation to resolve allegation of misconduct or violation of statute, with related exhibits of statements, affidavits or records obtained during investigation; Report of action taken by management personnel adjudicating any misconduct substantiated by the investigation; andReport of legal action resulting from violations of statutes referred for prosecution.

Authority for maintenance of the system: 5 U.S.C. 301; 26 USC 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Records Control Schedule 105, IRM 1(15)59.

System manager(s) and address: Assistant Commissioner (Inspection) (See IRS Appendix A).

Notification procedure: Many of the records in this system may be exempt under subsections J and/or K Privacy Act of 1974 and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification section.

Contesting record procedures: Same as notification section.

Record source categories: Department of Treasury personnel and records, Taxpayers (Complainants, Witnesses, Confidential Informants), Other Federal Agencies, State and local agencies, Tax Returns and related documents, Personal observations of the investigator, and subjects of the investigation.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.004

System name: Disclosure Investigation Files, Inspection—Treasury/IRS

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: (a) Internal Revenue Service employees who have allegedly disclosed confidential tax information. (b) State and Local Government employees who have allegedly disclosed confidential Federal tax information. (c) Tax return preparers who have allegedly disclosed confidential Federal tax information.

Categories of records in the system: (a) Document citing the complaint of the alleged criminal or administrative violation. (b) Investigative report, including statements, affidavits and any other pertinent documents supporting the investigative report, which will be attached as an exhibit. (c) Report of legal action if case is accepted by U.S. Attorney for prosecution. (d) Report of action by management personnel if case is referred for administrative adjudication.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (b) Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. (c) Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Records Control Schedule 105, IRM 1(15)59.

System manager(s) and address: Assistant Commissioner (Inspection).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See access above.

Record source categories: This system of records contains investigatory material compiled for criminal law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.005

System name: Enrollee Applicant Investigation Files; Inspection—Treasury/IRS.

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Former employees and non-IRS persons who apply for enrollment to practice before IRS under the provisions of Circular 230.

Categories of records in the system: Investigative report covering results of checks of: FBI files; Inspection files; local police; Examination and Criminal Investigation Division files; and verification of Federal tax filing status. Also, appropriate documents attached as exhibits showing results of above file checks.

Authority for maintenance of the system: 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (b) Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. (c) Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Records Control Schedule 105, IRM 1(15)59.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification section.

Record source categories: Internal Revenue Service, Federal Bureau of Investigation, Local police departments.

Treasury/IRS 60.006

System name: Enrollee Charge Investigation Files, Inspection—Treasury/IRS

System location: National Office and Regional Inspector's Offices.

Categories of individuals covered by the system: IRS employees or former employees, tax practitioners, attorneys, certified public accountants or enrolled persons.

Categories of records in the system: A documented complaint or request for investigation alleging criminal or administrative misconduct affecting IRS integrity. A report of investigation, including exhibits such as affidavits, statements or documents which have been reviewed. A report of legal action resulting from violations of statutes referred for prosecution. A report of action taken by management personnel adjudicating any misconduct on the part of an IRS employee substantiated by the investigation.

Authority for maintenance of the system: 26 U.S.C. 7801, 7802, 7608.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Records Control Schedule 105, IRM 1(15)59.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Many of the records in this system may be exempt under subsections J and/or K of the Privacy Act of 1974 and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification section.

Contesting record procedures: Same as notification above.

Record source categories: Department of Treasury, Personnel and Records, Other Federal agencies, Taxpayers/Complainants, State and local agencies, Tax returns, Newspapers, Person acquainted with the individual under investigation, Subjects of the investigation, and Personal observations of the investigator.

Systems exempted from certain provisions of the act: Portions of this system have been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.007

System name: Miscellaneous Information File, Inspection—Treasury/IRS

System location: National Office and Regional Inspector's Office. (See IRS Appendix A).

Categories of individuals covered by the system: Employees and former employees of the Internal Revenue Service, Tax practitioners (Attorneys, Certified Public Accountants, Enrolled Persons, Return Preparers), Alleged tax violators, Persons whose actions or alleged actions indicate a threat to IRS employees, facilities, or the integrity of the tax system, Confidential Informants, and Reputed members of the organized criminal element.

Categories of records in the system: Complaint type information regarding IRS employees which is not, in itself, specific or significant enough to initiate an investigation when received. Allegations of bribery and gratuities by taxpayers and/or their representatives which are not by themselves specific or significant enough to initiate an investigation when received. Allegations of misconduct by tax practitioners, enrolled persons, or tax preparers which are not by themselves specific or significant enough to initiate an investigation when received. Any information received or developed by Inspection that has a bearing on IRS, but is not of itself specific or significant enough to initiate an investigation when received. Information received by Inspection pertaining to alleged violations enforced by other agencies or Divisions of IRS, copies of which are referred to those respective agencies or divisions. Photographs and descriptive data of some IRS employees and of persons arrested by Inspection. Information concerning lost or stolen Government documents, property, credentials or IRS employee personal property lost or stolen on Government premises. List of persons in State or Local Government agencies working under State agreements and having access to Federal Tax information. Newspaper or periodical items about IRS. Newspaper items regarding attorneys, CPA's, Tax Practitioners or Return Preparers arrested, indicted, convicted or under investigation by other agencies. Allegations of threats, assaults, forcible interference or other violence type activity aimed at employees or facilities of IRS which are not by themselves specific or significant enough to initiate an investigation when received. Information regarding Inspection's mission which does not fall into any of the above categories.

Authority for maintenance of the system: 5 U.S.C. 301; 26 USC 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual, subject, or incident involved.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Records Control Schedule 105, IRM 1(15)59. Informant files are retained as long as informant remains active.

System manager(s) and address: Assistant Commissioner (Inspection).

Notification procedure: Some of the records in this system may be exempt under subsections J and/or K and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as notification section.

Contesting record procedures: See notification above.

Record source categories: Department of Treasury Personnel and Records, Newspapers and Periodicals, Taxpayers (Complainants, Witnesses, and Informants), State and Local Government Agency Personnel and Records, and Anonymous Complainants.

Systems exempted from certain provisions of the act: Portions of this system have been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.008

System name: Security, Background and Character Investigations Files, Inspection—Treasury/IRS

System location: National Office and Regional Inspector's Office. (See IRS Appendix A).

Categories of individuals covered by the system: Current, former and prospective employees of: Internal Revenue Service, Office of the Secretary of the Treasury, Office of the General Counsel, Office of the Treasurer of the United States, Office of the Comptroller of the Currency, Office of International Finance, Bureau of Government Financial Operations, Bureau of Accounts, Bureau of Engraving and Printing, Bureau of the Mint, Bureau of the Public Debt, U.S. Savings Bond Division, Consolidated Federal Law Enforcement Training Center, and Private Contractors at IRS Facilities.

Categories of records in the system: (a) Federal Employment Application Forms (b) Results of National Agency Checks (prior reports and records from) FBI Investigative Files, Fingerprint Files, Civil Service Commission, Defense Central Index of Investigations, House Committee on Internal Security, and Coast Guard Intelligence. (c) Employee's Tax Account History (d) Results of Employees Examination (e) Employee's Financial Statement (f) A summary report, a narrative report, notes and/or written replies resulting from the investigator's inquiries into the subject's scholastic record, prior employments, military service, references, neighbors, police records and past credit record. (g) Report of action taken by management personnel adjudicating any derogatory information developed by the investigation. (h) Report of legal action resulting from violations of statutes referred for prosecution.

Authority for maintenance of the system: 5 U.S.C. 301; 26 USC 7602, 7608, 7801, 7802; EO 10450; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Records Control Schedule 105, IRM 1(15)59.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Some of the records in this system may be exempt and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification section.

Contesting record procedures: Same as notification above.

Record source categories: Employment Application Forms submitted by subject of investigation. Financial information from subject. Federal, State and Local Government Agencies (Police, Court and Vital Statistics records). Credit Reporting Agencies. Neighbors (former and present). References. Former and present employers and co-workers. Other third party sources. Schools. Tax Returns and Examination Results. Information provided by the individual under investigation.

Systems exempted from certain provisions of the act: Portions of this system have been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.009

System name: Special Inquiry (Complaint) Investigation Files, Inspection—Treasury/IRS.

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Employees or former employees of the Treasury Department and the Internal Revenue Service. Non-employees whose alleged criminal actions may affect the integrity of the Internal Revenue Service.

Categories of records in the system: A documented complaint from some source alleging criminal or administrative misconduct affecting Internal Revenue Service integrity. A report of investigation to resolve the complaint, including exhibits of IRS or public documents reviewed during the investigation.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel of a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Record Control Schedule 105, IRM 1(15)59.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Many of the records in this system may be exempt under subsections J and/or K and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification above.

Contesting record procedures: Same as notification above.

Record source categories: Taxpayers (Complainants, Witnesses, Confidential Informants), Federal, State and Local Government Agencies' personnel and records (Police, court, property, etc.), Newspapers or periodicals, Department of the Treasury personnel and records, Financial institutions, and Other Private Business records.

Systems exempted from certain provisions of the act: Portions of this system have been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.010

System name: Tort Investigation Files, Inspection—Treasury/IRS.

System location: National Office and Regional Inspector's Office. (See IRS Appendix A).

Categories of individuals covered by the system: Employees of the Department of the Treasury and non-Federal persons involved in accidents on property under Department of the Treasury jurisdiction or with Department of the Treasury employees.

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Categories of records in the system: A report of investigation including exhibits such as SF-91, Operator's Report of Motor Vehicle Accident; SF-91A, Investigation Report of Motor Vehicle Accident; SF-92A, Report of Accident Other Than Motor Vehicle; SF-94, Statement of Witness; Optional Form 26, Data Bearing Upon Scope of Employment of Motor Vehicle Operator. In addition, attached as exhibits might be a Police Report of the accident; copies of insurance policies of the involved drivers; photographs of the scene or vehicles after the accident; Treasury Department vehicle maintenance record, medical records.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosures may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: In accordance with Record Control Schedule 105, IRM 1(15)59.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Some of the records in this system may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification above.

Contesting record procedures: Same as notification above.

Record source categories: Department of Treasury personnel and records, Federal, State and local police agencies, Witnesses, Subjects involved in the investigation, Hospitals (medical records), Doctors (medical records and personal observations), Personal observations of the investigator, Automobile repair facilities, Insurance Companies, Attorneys, Federal, state and local driver license records, and Federal and State vehicle registration records.

Treasury/IRS 70.001

System name: Individual Income Tax Returns, Statistics of Income—Treasury/IRS

System location: Primary-Internal Revenue Service Data Center, Secondary-(a)Internal Revenue Service, Statistics Division, (b) Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers selected for an annual statistical sample.

Categories of records in the system: Sources of income, exemptions deductions, income tax, and tax credits, as reported on Forms 1040 and 1040A. The records are used to prepare and publish each year statistics, aggregated so as to prevent disclosure of taxpayer identity.

Authority for maintenance of the system: 26 U.S.C. 6108.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103 where applicable).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The statistical output records (i.e., those from which the statistics are directly derived) are maintained on magnetic tape. The input records are maintained as paper documents or copies thereof. The input records are of two types: (1) Copies of U.S. Individual Income Tax Returns (primary input records) and (2) Edit sheets (intermediate input records) which contain information manually abstracted from the primary records.

Retrievability: Each magnetic tape record is identified by social security number and a unique Document Locator Number assigned by the Internal Revenue Service. Those with sole proprietorship income, in addition, contain employer identification number, if reported by the taxpayer. Each primary input record and, for years before 1972, each intermediate input record are identified by name and address.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Input records disposed after 40 years. Output records retained permanently.

System manager(s) and address: Assistant Commissioner (Planning and Research), National Office. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See access above.

Record source categories: Forms 1040 and 1040A, Individual Income Tax Returns.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 80.001

System name: Artist File, Assistant Commissioner (TECHNICAL)—Treasury/IRS.

System location: National Office (See IRS Appendix A).

Categories of individuals covered by the system: Famous or noted artists whose works have been evaluated.

Categories of records in the system: Commissioner's Art Panel decisions on values of works of art by named artists and appraisal documentation.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records. Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, System has been retained since 1968.

System manager(s) and address: Assistant Commissioner (Technical), National Office.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Contesting record procedures: See Access above.

Record source categories: Appraisal documentation and Art Panel decisions.

Treasury/IRS 80.003

System name: Correspondence Control and Records, Assistant Commissioner (Technical)—Treasury/IRS.

System location: National Office (See IRS Appendix A).

Categories of individuals covered by the system: Individual subjects of letter rulings, technical advice, and other correspondence from the Office of the Assistant Commissioner (Technical).

Categories of records in the system: Cards containing taxpayer names, date of correspondence, issue, and related information, and related letter ruling, technical advice, and other correspondence files.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records. Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, Cards retained indefinitely; related files destroyed or retired over varying numbers of years as specified in the Records Control Schedule, IRM 1(15)59-110.

System manager(s) and address: Assistant Commissioner (Technical), National Office. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instruction appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individual seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Individual subjects of letter rulings, technical advice, and other correspondence; field office personnel.

Treasury/IRS 80.002

System name: Expert witness and fee appraiser files, Assistant Commissioner (Technical)—Treasury/IRS.

System location: National Office (See IRS Appendix A).

Categories of individuals covered by the system: Potential expert witnesses for litigation and fee appraisers for art valuation.

Categories of records in the system: Biographical sketches, application letters or list of names by specialty.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records. Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, Retained for many years, will be purged periodically to reflect current data.

System manager(s) and address: Assistant Commissioner (Technical), National Office. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Contesting record procedures: See Access above.

Record source categories: Varied, generally from the named individual, often unsolicited.

Treasury/IRS 80.004

System name: Reference Index Digest Cards, Assistant Commissioner (Technical)—Treasury/IRS.

System location: National Office (See IRS Appendix A).

Categories of individuals covered by the system: Individual subjects of letter rulings, technical advice, and other correspondence, where case was published as a Revenue Ruling or classified as "Reference":

Categories of records in the system: Cards containing taxpayer names, issue, disposition of case, and related information.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records. Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, Retained indefinitely.

System manager(s) and address: Assistant Commissioner (Technical), National Office (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Individual subjects of letter rulings, technical advice, and other correspondence, and field office personnel where case was published as a Revenue Ruling or classified as "Reference".

Treasury/IRS 80.005

System name: Reports of Significant Matters (Form M-5945), Assistant Commissioner (Technical)—Treasury/IRS.

System location: National Office (Certain Division and Branch Offices) (See IRS Appendix A).

Categories of individuals covered by the system: Individual subjects of letter ruling requests, technical advice requests etc., where a "Report of Significant Matter in Technical" has been prepared because of the presence of a matter significant to Tax Administration.

Categories of records in the system: Copies of "Reports of Significant Matter in Technical".

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records. Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, varied.

System manager(s) and address: Assistant Commissioner (Technical), National Office. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Contesting record procedures: See Access above.

Record source categories: Individual subjects of letter ruling requests, technical advice requests, and other correspondence; field office personnel, where a "Report of Significant Matter in Technical" has been prepared.

Treasury/IRS 90.001

System name: Chief Counsel Criminal Tax Case Files. Each Regional Counsel Office, each District Counsel Office, and the National Office maintain one of these systems. The information in this notice applies to all 53 systems—Treasury/IRS.

System location: The addresses of the National Office, each Regional Counsel Office and each District Counsel Office are listed in the Appendix, IRS Appendix A.

Categories of individuals covered by the system: (1) Taxpayers and related parties against whom tax-related criminal recommendations have been made. (2) Taxpayers and related parties under investigation for criminal tax-related violations who have corresponded with the Regional Counsel's Office. (3) Taxpayers and related parties on whom advice has been requested concerning investigation for tax-related offenses. (4) Potential witnesses in criminal tax investigations. (5) Investigative subjects in connection with Organized Crime Drive, Strike Force, Narcotics Project, or HUD project.

Categories of records in the system: (1) Internal Control Records. (2) Legal and administrative files including investigative reports. (3) Correspondence files. (4) Information on potential witnesses including expert witnesses. (5) Special project files such as Organized Crime Drive, Narcotics Project and HUD project.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To appropriate persons when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary persons and their attorneys for the purpose of proceeding with litigation or settlement of disputes, individuals seeking information by using established discovery procedures, to federal, foreign and state government agencies to the extent necessary to obtain records in their possession. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and any regulation promulgated thereunder). (6) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Records are locked up during nonworking hours and during periods when the work area is vacant. Access is strictly controlled and limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Except for files retained for their research value, Regional and District Counsel legal files are generally retired to the Federal Records Center 2 years after they are closed and disposed of 20 years after closing. National Office legal files are retired to the Federal Records Center 5 years after the case is closed. National Office non-precedent cases are transferred to the National Archives 20 years after the case is closed. Other records are retained indefinitely and disposed of when no longer useful. Files transferred from other divisions are returned to the source when no longer needed.

System manager(s) and address: Each Regional Counsel is the system manager of the systems in his or her Region. The Director of the Criminal Tax Division is the system manager of the National Office system. The addresses are in the Appendix. See IRS Appendix A.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual as it is exempt under 5 U.S.C. 552a(j) (2).

Record access procedures: This system of records may not be accessed for the purposes of inspection or for contest of content of records as it is exempt under 5 U.S.C. 552a(j) (2).

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.002

System name: Chief Counsel Disclosure Litigation Division Case Files—Treasury/IRS.

System location: Disclosure Litigation Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Persons who communicate with the Service regarding disclosure matters or who are involved with a disclosure issue involving the Service.

Categories of records in the system: (1) Legal Case and Administrative Case Files, (2) Internal Control Records.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To appropriate persons when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary persons and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, to federal, foreign, and state government agencies to the extent necessary to obtain records in their possession. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and any regulation promulgated thereunder). (6) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: A background investigation is made on personnel. Division offices are located in a security area to which only personnel of the Disclosure Litigation Division and the Criminal Investigation Division have keys. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: All records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Director, Disclosure Litigation Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k)(2). An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B.

Record access procedures: Most of the records in this system may not be accessed for purpose of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2). Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Persons who communicate with the agency regarding disclosure matters, Department of Treasury Employees, State, local, and foreign governments, Other Federal agencies, Witnesses, Informants, Parties to disputed matters of fact or law.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.003

System name: Chief Counsel General Administrative Systems. Each of the 7 Regional Counsel Offices and 45 District Counsel Offices, each of the 9 Divisions in the National Office, the Office of the Chief Counsel, and the Offices of the Deputy Chief Counsels (General, Litigation and Technical) and maintain a General Administrative System. This notice applies to all 58 of these systems.—Treasury/IRS.

System location: The location of these systems are listed in the Appendix, see IRS Appendix A.

Categories of individuals covered by the system: (1) Past, present and prospective employees of the Chief Counsel's Office. (2) Tax Court Witnesses.

Categories of records in the system: (1) Employee records other than Official Personnel Files of the Office of Personnel Management and the Merit System Protection Board. (2) Time and Attendance Cards. (3) Financial Records such as Travel Expenses, Notary Public Expenses, Moving Expenses, Expenses of Tax Court Witnesses and Miscellaneous Expenses. (4) Employee Recruiting Records.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) An apparent violation of the law will be referred to the appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order. (3) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (4) To the Office of Personnel Management and the Merit System Protection Board for appropriate personnel actions. (5) A record from this system of records may be disclosed to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (6) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are generally retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Each Regional Counsel is the system manager of the systems in his or her Region. Each Division Director is the system manager of the system in his or her Division. The Chief Counsel and the Deputy Chief Counsels (Litigation, General and Technical) are the system managers of the system in each of their Offices. See IRS Appendix A.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Litigation Division in the case of records in the National Office. The addresses are listed in the Appendix.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Litigation Division in the case of records in the National Office. The addresses are listed in the Appendix. Information leading to the identity of a confidential source is exempt pursuant to 5 U.S.C. 552a (k) (5).

Contesting record procedures: See Access above.

Record source categories: Employees, Department of Treasury Personnel, Tax Court Witnesses, Office of Personnel Management and Merit System Protection Board. Other Federal agencies, State, local, and foreign governments, References, Former employers.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.004

System name: Chief Counsel General Legal Services Case Files. Each of the seven Regional Counsel Offices and the National Office do or will maintain a General Legal Services Case File System. The information in this notice applies to all eight systems.—Treasury/IRS.

System location: The addresses of the National Office and each Regional Counsel Office are listed in the Appendix, see IRS Appendix A.

Categories of individuals covered by the system: Persons involved in litigation, actions, investigations or cases falling within the jurisdiction of the General Legal Services function including persons—(1) who have caused service of subpoenas, summonses, or other judicial process directed to an officer or employee of the Treasury Department in his official capacity. (2) who are parties in personnel matters, as well as discrimination and labor management relations matters, of the Internal Revenue Service, Chief Counsel's Office or, in some instances, other agencies in the Treasury Department. (3) who are parties in practitioner actions under the jurisdiction of the Director of Practice or the Joint Board of Actuaries. (4) who are parties in procurement matters and under the Federal Claims Collection Act. (5) who are parties in litigation or administrative claims involving alleged violations of The United States Constitution, the Federal Tort Claims Act, the Military Personnel and Civilian Employee Compensation Act, relief of accountable officers for loss of Government funds, rewards, acts of officers or employees acting within the scope of their employment, or official acts of officers or employees not directly relating to Federal tax issues but relating to the Internal Revenue Service. (6) who are parties in miscellaneous matters referred to the General Legal Service Division. (7) who are the subjects of investigations made by the Internal Security Division if the case is referred to the General Legal Services Division. (8) who have filed petitions for the remission or mitigation of forfeitures or who are otherwise directly involved as parties in forfeiture matters, judicial or administrative. (9) who are officials of the Internal Revenue Service and Chief Counsel's Office required to file a Financial Disclosure Statement under the Ethics in Government Act of 1978. (10 who have corresponded regarding a matter under consideration within the General Legal Services Division.

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Categories of records in the system: (1) Legal Case and Administrative Case Files. (2) Internal Control Cards. (3) Correspondence Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purposes of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To the Director of Practice and Joint Board of Actuaries in practitioner disciplinary matters. (4) To the Office of Personnel Management in personnel, discrimination and labor management matters. (5) To arbitrators, the Federal Labor Relations Authority, including the Office of the General Counsel of that authority, the Federal Mediation and Conciliation Service in labor management matters. (6) To the Merit Systems Protection Board in Personnel, Discrimination, and Labor Management matters. (7) To the Equal Employment Opportunity Commission in Personnel, Discrimination, and Labor Management matters. (8) To the Special Counsel of the Merit Systems Protection Board in Personnel, Discrimination, and Labor Management matters. (9) To the General Services Administration in property management matters. (10) To appropriate persons when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, to federal, foreign, and state government agencies to the extent necessary to obtain records in their possession. (11) To members of Congress for the purposes of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (12) To the Administrative Assistant of the Executive Resources Board as to Financial Disclosure Statements, who makes the statements available to the public as required by law. (13) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply. If more than one person is involved in a given case then it is generally retrievable only by the first named person.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Legal files are retained indefinitely and disposed of when no longer useful. Files transferred from other divisions are returned to the source when no longer needed. Other records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Each Regional Counsel is the system manager of the system in his or her Region. The Director of the General Legal Services Division is the system manager of the National Office system. The addresses are in the Appendix.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.005

System name: Chief Counsel General Litigation Case Files. Each Regional Counsel Office, each District Counsel Office, and the National Office maintain one of these systems. The information in this notice applies to all 46 systems—Treasury/IRS.

The addresses of the National Office, each Regional Counsel Office and each District Counsel Office are listed in the Appendix; see IRS Appendix A.

Categories of individuals covered by the system: (1) Taxpayers or other individuals involved in matters referred to the General Litigation function including: (A) Taxpayers with outstanding tax liabilities or with potential outstanding tax liabilities. (B) Persons from whom information is being sought (summons). (C) Persons requesting information (disclosure). (D) Present or former Internal Revenue Service employees who are being or may be sued in connection with their duties or who have been called upon to testify in private litigation. (E) Persons who are or may be liable to the United States on non-tax claims. (F) Persons who have submitted offers in compromise of federal taxes. (2) Persons who have corresponded regarding a matter under consideration within the General Litigation function.

Categories of records in the system: (1) Legal and Administrative Files. (2) Internal Control Records. (3) Offer in Compromise Files. (4) Correspondence Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To other Federal agencies holding funds of taxpayer for the purpose of collecting a liability owed by the taxpayer. (2) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (3) State and local taxing authorities for purpose of enforcing federal tax laws. (4) Federal, state and local regulatory authorities for purposes of collection of federal taxes. (5) Appropriate persons when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary persons and their attorneys for the purpose of proceeding with litigation or settlement of disputes, individuals seeking information by using established discovery procedures, to federal, foreign and state government agencies to the extent necessary to obtain records in their possession. (6) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (7) Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and any regulation promulgated thereunder). (8) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (9) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Except for files retained for their research value, Regional and District Counsel legal files are generally retired to the Federal Records Center three years after they are closed and disposed of 10 years after being closed. National Office legal files are retired to the Federal Records Center 5 years after the case is closed. National Office non-precedent cases are transferred to the National Archives 20 years after the case is closed. Records other than legal files are retained indefinitely and disposed of when no longer useful. Files transferred from other divisions are returned to the source when no longer needed.

System manager(s) and address: Each Regional Counsel is the system manager of the systems in his or her Region. The Director of the General Litigation Division is the system manager of the National Office system. The addresses are in the Appendix.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2). An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Litigation Division in the case of National Office Records. The addresses are listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B.

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a (d) (5) and/or (k) (2). Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Litigation Division in the case of National Office Records. The addresses are listed in the Appendix. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of this Privacy Act.

Treasury/IRS 90.006

System name: Chief Counsel Interpretative Division Case Files—Treasury/IRS.

System location: Interpretative Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224; Employee Plans and Exempt Organizations Division, same address.

Categories of individuals covered by the system: Taxpayers concerning whom legal issues have been referred to the Interpretative Division or the Employee Plans and Exempt Organizations Division for opinion.

Categories of records in the system: (1) Legal Case and Administrative Files and Advisory Legal Opinions, (2) General Counsel Memorandums, (3) Office Memorandums, (4) Internal Control Records.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To the Social Security Administration to consult about a matter involving legal issues concerning the imposition of Social Security taxes. (4) To the Department of Labor or the Pension Benefit Guaranty Corporation concerning the Employee Retirement Income Security Act. (5) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (6) Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and any regulation promulgated thereunder). (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: General Counsel Memorandums, Office Memorandums, and Internal Control Records are retained indefinitely and disposed of when no longer useful. Legal files are transferred to the National Archives 25 years after the case is closed.

System manager(s) and address: Director, Interpretative Division, Internal Revenue Service, Office of the Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224; Director, Employee Plans and Exempt Organizations Division, same address.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Other persons who communicate with the Internal Revenue Service.

Treasury/IRS 90.007

System name: Chief Counsel Legislation and Regulations Division Correspondence and Private Bill Files—Treasury/IRS.

System location: Legislation and Regulations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224; Employee Plans and Exempt Organizations Division, same address.

Categories of individuals covered by the system: (1) Persons who have corresponded to the Service, the Department of the Treasury, the White House or Members of Congress regarding a matter in which the Legislation and Regulations Division or the Employee Plans and Exempt Organizations Division was asked to draft a reply. (2) Persons on whose behalf private relief bills were introduced in Congress involving tax related matters.

Categories of records in the system: (1) Correspondence Files, (2) Private Relief Bill Legal Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To the agency or individual who directed correspondence to the Legislation and Regulations Division for the Division to draft a response. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and any regulation promulgated thereunder). (6) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Correspondence files are retrievable by the name of the individual who initiated the correspondence. Private Relief Bill files are retrievable by the H.R. or S. number for each Congress.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have

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access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Correspondence files are generally disposed of after 3 years. Private Relief Bill files are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Director, Legislation and Regulations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224; Director, Employee Plans and Exempt Organization Division, same address.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix; IRS Appendix A.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix.

Contesting record procedures: See Access above.

Record source categories: Persons who initiate correspondence referred to the Legislation and Regulations Division, Congressional documents, taxpayers and their representatives, Department of Treasury personnel, other Federal agencies, state, local, and foreign governments, witnesses, informants.

Treasury/IRS 90.009.

System name: Chief Counsel Tax Litigation Case Files. Each Regional Counsel Office, each District Counsel Office, and the National Office maintain one of these systems. The information in this notice applies to all 53 systems—Treasury/IRS.

System location: The addresses of the National Office, each Regional Counsel Office, and each District Counsel Office are listed in the Appendix, see IRS Appendix A.

Categories of individuals covered by the system: (1) Taxpayers who have filed petitions with the Tax Court or suits for refunds of Federal taxes. (2) Taxpayers upon whom the issuance of a statutory notice is or was contemplated whose case has been referred to the Tax Litigation function. (3) Taxpayers who are the subject of formal or informal advisory opinions during the investigative stage of the case or while under administrative processing. (4) Persons who have corresponded regarding a matter under consideration within the Tax Litigation function.

Categories of records in the system: (1) Legal Case and Administrative Case Files. (2) Internal Control Records. (3) Correspondence Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To appropriate persons when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary persons and their attorneys for the purpose of proceeding with litigation or settlement of disputes, individuals seeking information by using established discovery procedures, to federal, foreign and state government agencies to the extent necessary to obtain records in their possession. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and any regulation promulgated thereunder). (6) For additional Routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Except for files retained for their research value, Regional and District Counsel legal files are generally retired to the Federal Records Center two years after they are closed and disposed of 10 years after being closed. National Office legal files are retired to the Federal Records Center 5 years after the case is closed. National Office non-precedent cases are disposed of 20 years after the case is closed. Other records are retained indefinitely and disposed of when no longer useful. Files transferred from other divisions are returned to the source when no longer needed.

System manager(s) and address: Each Regional Counsel is the system manager of the systems in his or her Region. The Director of the Tax Litigation Division is the system manager of the National Office system. The addresses are in the Appendix, See IRS Appendix A.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2). An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Litigation Division in the case of National Office Records. The addresses are listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R Part 1, Subpart C, Appendix B.

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2). Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Litigation Division in the case of National Office Records. The addresses are listed in the Appendix. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal Agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.010

System name: Digest Room Files Containing Briefs and Digests of Documents Generated Internally or by the Department of Justice Relating to the Administration of the Revenue Laws-Treasury/IRS.

System location: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Taxpayers who have sought Internal Revenue Service rulings and those whose cases are being or have been adjudicated.

Categories of records in the system: (1) Internal Control Records; (2) Briefs; (3) Legal Opinions.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Justice Department personnel for research purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Records are kept in a secured area. Access is limited to authorized personnel. Users of the system must show identification and sign a register each time the room is used. Background checks are made on employees.

Retention and disposal: Records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a (d) (5) and/or (k) (2).

An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. (See IRS Appendix A.)

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a (d) (5) and/or (k) (2).

Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Department of Treasury personnel; Department of Justice personnel; taxpayers and their representatives; other Federal agencies; witnesses; informants; state, local, and foreign governments; parties to disputed matters of fact and law; other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.011

System name: Employee Recruiting Files Maintained by the Administrative Services Division—Treasury/IRS.

System location: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Persons who have applied for attorney positions with the Chief Counsel's Office, both National Office and field and persons who have applied for non-attorney positions in the National Office only.

Categories of records in the system: Applicant Files and lists of eligible applicants, Internal Control Records.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (4) To the Office of Personnel Management and Merit System Protection Board for appropriate personnel actions. (5) A record from this system of records may be disclosed to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (6) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: The applicant files and other records are destroyed when no longer useful.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix, see IRS Appendix A.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the appendix. Information leading to the identity of a confidential sourse is exempt pursuant to 5 U.S.C. 552a(k)(5).

Contesting record procedures: See Access above.

Record source categories: Applicants, Department of Treasury Personnel, Civil Service Commission, Other Federal Agencies, State, local, and foreign governments, References, Former employers.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.012

System name: Internal Control Records for Chief Counsel Legal Files—Treasury/IRS.

System location: Administration Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Taxpayers who file petitions, suits for refund, request for revenue rulings and those who have had other matters pending before the Office of Chief Counsel.

Categories of records in the system: (1) Docket Cards. (2) Closed Card Records. (3) Drop Cards and Charge-Out Records. (4) Federal Record Center File Binder Index.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the Department of Justice to inform them of the location of a legal case file. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: An individual who wishes to determine whether the system contains any records pertaining to himself may address inquiries to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B.

Record access procedures: Individuals seeking access to any record or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix.

Contesting record procedures: See Access above.

Record source categories: Department of Treasury Personnel, Taxpayers and other individuals who initiate documents submitted to the Service.

Treasury/IRS 90.013

System name: Legal case files of the Chief Counsel, Deputy Chief Counsels (General, Litigation and Technical) and their Staffs. Treasury/IRS.

System location: Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Persons whose cases at one time involved important issues or unusual circumstances which were brought to the attention of the above persons.

Categories of records in the system: Legal case files which include internal control records of such case files of both the persons currently holding the above positions and those who previously held such positions.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To appropriate persons when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, nonadversary or adversary persons and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, to federal, foreign, and state government agencies to the extent necessary to obtain records in their possession. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and any regulation promulgated thereunder). (6) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records pertaining to individuals are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Records are kept indefinitely and disposed of when no longer useful.

System manager(s) and address: Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B.

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.014

System name: Management Files Maintained by Administrative Services Division and the Deputy Chief Counsel (General)other than the Office of Personnel Management's Official Personnel Files—Treasury/IRS.

System location: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. The location of the Chief Counsel Selection Board Files is: Deputy Chief Counsel (General), Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Current and former employees of Chief Counsel's Office, both National Office and field.

Categories of records in the system: Contains some materials which are duplicated materials contained in the Official Personnel File, or is payroll data duplicated in the master payroll records and include material such as: transfer and reassignment requests, correspondence, evaluations, personnel listings, retirement eligibility, home and office address and telephone numbers, information regarding employees' participation in training programs, resumes, information on participation in Health Maintenance Program, employees' suggestions, awards, lists of material typed by the Transcription Center according to the name of the attorney for whom it was typed, loans from Chief Counsel's Assistance Fund, records of keys and identification cards issued to employees, lists of individuals given special duties such as being a floor marshal, information on loss suffered by employees who are theft victims, list of long distance calls not made on FTS, list of bus tokens issued, list of parking permits, records of requests for use of GSA vehicles, case assignments, and financial information on employees.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, Executive Order 11222, and Executive Order 11590.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (4) To the Office of Personnel Management and Merit System Protection Board for appropriate personnel actions. (5) A record from this system of records may be disclosed to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (6) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. The system manager of the Chief Counsel Selection Board Files is: Deputy Chief Counsel (General), Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. Information leading to the identity of a confidential source is exempt pursuant to 5 U.S.C. 552a (k) (5).

Contesting record procedures: See Access above.

Record source categories: Employees, Department of Treasury Personnel, Office of Personnel Management and Merit System Protection Board, Other Federal agencies, State, local, and foreign governments, References, Former employers.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.015

System name: Reference Records of the Library in the Office of Chief Counsel—Treasury/IRS.

System location: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: (1) Taxpayers who have sought Congressional tax relief by means of a Private Bill. (2) Taxpayers involved in tax litigation. (3) IRS employees who charge out books.

Categories of records in the system: (1) Numerical and alphabetical listing of Private Relief Bill and files related to the Bill. (2) Reference cards for tax cases. (3) Charge cards and inter-library loan forms.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: All information about individuals is available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the individual to whom they pertain and Private Bill material can also be retrieved by H.R. or S. number.

Safeguards: Although access is limited to authorized individuals, this material would be available to any person through a Freedom of Information Act request.

Retention and disposal: Records are regularly updated. If the library materials to which the references pertain are no longer in the library collection, the reference cards are destroyed.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix.

Contesting record procedures: See Access above.

Record source categories: Material to which reference information pertains.

Treasury/IRS 90.016

System name: Reports and Information Retrieval Activity Computer and Microfilm Records—Treasury/IRS.

System location: Computer Records: Internal Revenue Service Data Center, 1300 John Lodge Freeway, Detroit, Michigan 48226. Microfilm Records: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C., 20224.

Categories of individuals covered by the system: (1) Taxpayers who initiated suits for refund in district courts or the Court of Claims. (2) Taxpayers who have filed petitions with the United States Tax Court. (3) Taxpayers who have requested rulings from the Service in those cases in which the request has been referred to the Office of Chief Counsel for a legal opinion. (4) Taxpayers who have been involved in litigation concerning the collection of taxes. (5) Taxpayers whose cases were the subject of technical advice, memoranda to the solicitor general and similar advisory memoranda.

Categories of records in the system: (1) Skeletal legal files. (2) Indexes. (3) Actions on Decisions. (4) Case Abstracts. (5) Technical Advice Replies by the Tax Court Litigation Division. (6) Miscellaneous Advisory Memoranda regarding a case usually going to the Solicitor General. (7) Data necessary for monitoring procedures to settle docketed U.S. Court Cases (Rev. Proc. 78-9).

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action, seeking legal advice, or for research purposes. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and any regulation promulgated thereunder). (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Skeletal legal files and indexes to the narrative material or microfilm excluding the General Litigation Division's Actions on Decisions are stored on magnetic tape. Actions on Decisions, Case Abstracts, Technical Advice and Advisory Memoranda are stored on microfilm. Input documents are on paper.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Magnetic tape and microfilm retained indefinitely and disposed of when no longer useful. Input documents are retained for one year.

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System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Director of the Disclosure Litigation Division whose address is listed in the Appendix, see Appendix A.

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Individuals seeking access to any record which is not exempt or seeking to contest its content may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division whose address is listed in the Appendix.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 00.002

System name: Correspondence Files and Correspondence Control Files (Including inquiries about enforcement activities).

System location: National Office, National Computer Center, Data Center, Regional Offices, District Offices and Service Centers. (See Appendix A).

Categories of individuals covered by the system: (1) Initiators of correspondence. (2) Persons upon whose behalf the correspondence was initiated. (3) Persons who are subject of the correspondence. Includes individuals for whom tax liabilities exist, individuals who have made a complaint or inquiry relative to an Internal Revenue tax matter, or individuals for whom a third party is interceding relative to an Internal Revenue tax matter.

Categories of records in the system: (1) Correspondence received. (2) Responses to correspondence. (3) Associated records. This system may include tax return information and investigation records as necessary to process correspondence received. Correspondence may include letters, telegrams, memoranda of telephone calls and other forms of communication.

Authority for maintenance of the system: 5 USC 301; 26 USC 7602; 26 USC 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this system of records may be disclosed to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made to the extent provided by law or regulation (including 26 USC 6103 and 26 CFR 404.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Controlled items are generally retrievable by name; some items are not retrievable, depending upon the controls established locally. No centralized index exists.

Safeguards: Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Disposition varies in accordance with the nature of the correspondence file, but is made in accordance with the Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Assistant Commissioners, Regional Commissioners, District Directors and Service Center Directors of Internal Revenue.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched, or such other official to whom the initial correspondence may have been referred. This system may contain some records which are exempt from the notification provisions of the Privacy Act, Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested, or such other official to whom the initial correspondence may have been referred.

This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Record source categories: Correspondence received. This system of records may contain investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: Portions of this system have been designated as exempt from certain provisions of the Privacy Act.

TREASURY/IRS

APPENDIX A

Inquiries under Treasury/IRS systems should be addressed to the office whose records are to be searched. The titles and addresses of the Systems Managers are as follows:

NATIONAL OFFICE INTERNAL REVENUE SERVICE
- Assistant to the Commissioner (Equal Opportunity)
- Assistant to the Commissioner (Public Affairs)
- Assistant Commissioner (Compliance)
- Assistant Commissioner (Data Services)
- Assistant Commissioner (Employee Plans and Exempt Organizations)
- Assistant Commissioner (Inspection)
- Assistant Commissioner (Planning and Research)
- Assistant Commissioner (Resources Management)
- Assistant Commissioner (Taxpayer Services and Returns Processing)
- Assistant Commissioner (Technical)
- Director, Disclosure Operations Division
- Chief Counsel

The address for all of the above Systems Managers is as follows:
1111 Constitution Avenue, N.W.
Washington, D.C. 20224
Director, Office of International Operations
1325 K Street, N.W.
Washington, D.C. 20225

REGIONAL OFFICE INTERNAL REVENUE SERVICE

Central Region:
- Regional Commissioner, Internal Revenue Service, 550 Main Street, Cincinnati, Ohio 45202.
- Regional Inspector, Internal Revenue Service, 550 Main Street, Room 8508, Cincinnati, Ohio 45202.
- District Director, Internal Revenue Service, 550 Main Street, Cincinnati, Ohio 45202.
- District Director, Internal Revenue Service, 1240 East 9th Street, Cleveland, Ohio 44199.
- District Director, Internal Revenue Service, Rm. 2483 Patrick V. McNamara Building, 477 Michigan Avenue, Detroit, Michigan 48226.
- District Director, Internal Revenue Service, Federal Office Building, 575 N. Pennsylvania Street, Indianapolis, Indiana 46204.
- District Director, Internal Revenue Service, U.S. Post Office Building, 601 West Broadway, Louisville, Kentucky 40202.
- District Director, Internal Revenue Service, 425 Juliana Street, Parkersburg, West Virginia 26101.
- Director, Internal Revenue Service Center, Central Region, 201 W. Second St., Covington, Ky 41019.

Mid-Atlantic Region:
- Regional Commissioner, Internal Revenue Service, 2 Penn Center Plaza, Rm. 500 Philadelphia, Pennsylvania 19102.

- District Director, Internal Revenue Service, Federal Office Building, 575 N. Pennsylvania Street, Indianapolis, Indiana 46204.
- District Director, Internal Revenue Service, U.S. Post Office Building, 601 West Broadway, Louisville, Kentucky 40202.
- District Director, Internal Revenue Service, 425 Juliana Street, Parkersburg, West Virginia 26101.
- Director, Internal Revenue Service Center, Central Region, 201 W. Second St., Covington, Ky 41019.

Mid-Atlantic Region:
- Regional Commissioner, Internal Revenue Service, 2 Penn Center Plaza, Rm. 500 Philadelphia, Pennsylvania 19102.
- Regional Inspector, Internal Revenue Service, W. J. Green Federal Bldg. 600 Arch Street, Rm. 42284 Philadelphia, Pennsylvania 19106.
- District Director, Internal Revenue Service, Federal Building, 31 Hopkins Plaza, Baltimore, Maryland 21201.
- District Director, Internal Revenue Service, 970 Broad Street, Newark, New Jersey 07102.
- District Director, Internal Revenue Service, 600 Arch Street, Philadelphia, Pennsylvania 19106.
- District Director, Internal Revenue Service, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222.
- District Director, Internal Revenue Service, 400 North 8th Street, Richmond, Virginia 23240.
- District Director, Internal Revenue Service, 844 King Street, Wilmington, Delaware 19801.
- Director, Internal Revenue Service Center, Mid-Atlantic Region, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania 19155.

Midwest Region:
- Regional Commissioner, Internal Revenue Service, One North Wacker Drive, Chicago, Illinois 60606.
- Regional Inspector, Internal Revenue Service, Rm. 1646, 35 East Wacker Drive, Chicago, Illinois 60601.
- District Director, Internal Revenue Service, 115 Fourth Avenue, S.E., Aberdeen, South Dakota 57401.
- District Director, Internal Revenue Service, 230 South Dearborn Street, Chicago, Illinois 60604.
- District Director, Internal Revenue Service, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.
- District Director, Internal Revenue Service, Federal Building & Post Office, 653 Second Avenue, North, Fargo, North Dakota 58102.
- District Director, Internal Revenue Service, Federal Building & Court House 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202.
- District Director, Internal Revenue Service Federal Office Building, 106 South 15th Street, Omaha, Nebraska 68102.
- District Director, Internal Revenue Service, U.S. Court and Custom House, 1114 Market Street, St. Louis, Missouri 63101.
- District Director, Internal Revenue Service, Federal Building and Court House, 316 North Robert Street, St. Paul, Minnesota 55101.
- District Director, Internal Revenue Service, 325 West Adams, St. Springfield, Illinois 62704.
- Director, Internal Revenue Service Center, Midwest Region, 2306 East Bannister Road, Kansas City, Missouri 64170.

North-Atlantic Region:
- Regional Commissioner, Internal Revenue Service, 90 Church Street, New York, New York 10007.
- Regional Inspector, Internal Revenue Service, 26 Federal Plaza (14th Floor), New York, New York 10007.
- District Director, Internal Revenue Service, 68 Sewell Street, Augusta, Maine 04330.
- District Director, Internal Revenue Service, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203.
- District Director, Internal Revenue Service, Leo W. O'Brien Federal Building, Clinton Avenue and North Pearl Street, Albany, New York 12207.
- District Director, Internal Revenue Service, 120 Church Street Station, New York, New York 10007.
- District Director, Internal Revenue Service, 35 Tillary Street, Brooklyn, New York 11201.
- District Director, Internal Revenue Service, 111 W. Huron Street, Buffalo, New York 14202.
- District Director, Internal Revenue Service, 11 Elmwood Avenue, Burlington, Vermont 05401.
- District Director, Internal Revenue Service, 450 Main Street, Hartford, Connecticut 06115.
- District Director, Internal Revenue Service, Federal Building, 80 Daniels Street, Portsmouth, New Hampshire 03801.
- District Director, Internal Revenue Service, 130 Broadway, Providence, Rhode Island 02903.
- Director, Internal Revenue Service Center, North-Atlantic Region, 310 Lowell Street, Andover, Massachusetts 01812.
- Director, Internal Revenue Service Center, North-Atlantic Region, 1040 Waverly Avenue, Holtsville, New York 11799.

Southeast Region:
- Regional Commissioner, Internal Revenue Service, 275 Peachtree Street, N.E., Atlanta, Georgia 30303.
- Regional Inspector, Internal Revenue Service, 4th Floor, 221 Courtland Street, N.E., Atlanta, Georgia 30303.
- District Director, Internal Revenue Service, 275 Peachtree Street, N.E., Atlanta, Georgia 30303.
- District Director, Internal Revenue Service, 2121—8th Avenue, North, Rm. 1232, Birmingham, Alabama 35203.
- District Director, Internal Revenue Service, 901 Sumter Street, Columbia, South Carolina 29201.
- District Director, Internal Revenue Service, 320 Federal Place, Greensboro, North Carolina 27401.
- District Director, Internal Revenue Service, 301 North Lamar Street, Jackson, Mississippi 39202.
- District Director, Internal Revenue Service, Federal Office Building, 400 West Bay Street, Jacksonville, Florida 32202.
- District Director, Internal Revenue Service, 801 Broadway, Nashville, Tennessee 37202.
- Director, Internal Revenue Service Center, Southeast Region, 4800 Buford Highway, Chamblee, Georgia 30006.
- Director, Internal Revenue Service Center, Southeast Region, 3131 Democrat Road, Memphis, Tennessee 38110.

Southwest Region:
- Regional Commissioner, Internal Revenue Service, 7839 Churchill Way, LB-70, Dallas, Texas 75251.
- Regional Inspector, Internal Revenue Service, 7839 Churchill Way, LB-81, Dallas, Texas 75251.
- District Director, Internal Revenue Service, 517 Gold Avenue, S.W., Albuquerque, New Mexico 87101.
- District Director, Internal Revenue Service, 300 E. 8th Street, Austin, Texas 78701.
- District Director, Internal Revenue Service, 308 W. 21st Street, Cheyenne, Wyoming 82001.
- District Director, Internal Revenue Service, 1100 Commerce Street, Dallas, Texas 75242.
- District Director, Internal Revenue Service, 610 Arapahoe Street, Denver, Colorado 80265.
- District Director, Internal Revenue Service, 700 W. Capitol, Little Rock, Arkansas 72201.
- District Director, Internal Revenue Service, 500 Camp Street, New Orleans, Louisiana 70130.
- District Director, Internal Revenue Service, 200 N.W. 4th Street, Oklahoma City, Oklahoma 73102.
- District Director, Internal Revenue Service, 412 S. Main Street, Wichita, Kansas 67202.
- Director, Internal Revenue Service Center, Southwest Region, 3651 S. Interregional Highway, Austin, Texas 78740.

Western Region:
- Regional Commissioner, Internal Revenue Service, 525 Market Street, San Francisco, California 94105.
- Regional Inspector, Internal Revenue Service, 160 Pine Street, Suite 500, San Francisco, California 94111.
- District Director, Internal Revenue Service, 310 K Street, Anchorage, Alaska 99501.
- District Director, Internal Revenue Service, 550 West Fort Street, Box 041, Boise, Idaho 83724.
- District Director, Internal Revenue Service, Federal Building, 316 North Park, Helena, Montana 59601.
- District Director, Internal Revenue Service, P.J.K.K. Federal Bldg., 300 Ala Moana, Honolulu, Hawaii 96850.
- District Director, Internal Revenue Service, 300 N. Los Angeles Street, Los Angeles, California 90012.
- District Director, Internal Revenue Service, 2120 N. Central Avenue, Phoenix, Arizona 85004.
- District Director, Internal Revenue Service, 1220 S.W. 3rd Ave., Portland, Oregon 97204.
- District Director, Internal Revenue Service, 300 Booth Street, Reno, Nevada 89509.
- District Director, Internal Revenue Service, 465 S. 4th East, Salt Lake City, Utah 84111.
- District Director, Internal Revenue Service, 450 Golden Gate Avenue, San Francisco, California 94102.
- District Director, Internal Revenue Service, 915 S. Second Street, Seattle, Washington 98174.
- Director, Internal Revenue Service Center, Western Region, 1160 W. 1200 South Street, Ogden, Utah 84201.

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Director, Internal Revenue Service Center, Western Region, 5045 East Butler Avenue, Fresno, California 93888.

ADDRESSES OF CHIEF COUNSEL, REGIONAL COUNSEL AND DISTRICT COUNSEL OFFICES

National Office

Administrative Services Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Criminal Tax Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Disclosure Litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

General Legal Services Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

General Litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Interpretative Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Employee Plans and Exempt Organizations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Tax Litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Chief Counsel, and Deputy Chief Counsels, Litigation, Technical, and General, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Regional Counsel Offices

North-Atlantic Region

Regional Counsel Office

Regional Counsel's Office, IRS, North-Atlantic Region, 26 Federal Plaza, 12th Floor, New York, New York 10007.

District Counsel Offices

District Counsel's Office, IRS, 26 Federal Plaza, 12th Floor, New York, New York 10007

District Counsel's Office, IRS, Manhattan Office, Leo W. O'Brien, Federal Building, Clinton Avenue & N. Pearl Streets, Albany, New York 12207

District Counsel's Office, IRS, 100 Summer Street, Room 1728, Boston, Massachusetts 02110

District Counsel's Office, IRS, Brooklyn Office, Uniondale Avenue at Hempstead Turnpike, Uniondale, New York 11553

District Counsel's Office, IRS, 304 U.S. Court House, Niagara Square, Buffalo, New York 14202

District Counsel's Office, IRS, Federal Office Building, 450 Main Street, Room 427, Hartford, Connecticut 06115

Mid-Atlantic Region

Regional Counsel Office

Regional Counsel's Office, IRS, Mid-Atlantic Region, Room 464, 2 Penn Center Plaza, Philadelphia, Pennsylvania 19102.

District Counsel Offices

District Counsel's Office, IRS, Room 10424, 600 Arch Street, Philadelphia, Pennsylvania 19102

District Counsel's Office, IRS, Room 4100, 101 W. Lombard Street, Baltimore, Maryland 21201

District Counsel's Office, IRS, P.O. Box 480, Newark, New Jersey 07101

District Counsel's Office, IRS, Office of International Operations, Room 600, 1325 K Street, NW, Washington, D.C. 20225

District Counsel's Office, IRS, P.O. Box 1407, Pittsburgh, Pennsylvania 15230

District Counsel's Office, IRS, P.O. Box 10065, Richmond, Virginia 23240

District Counsel's Office, IRS, 422 Universal Building, North, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009

Southeast Region

Regional Counsel Office

Regional Counsel's Office, IRS, Southeast Region, P.O. Box 1074, Atlanta, Georgia 30301

District Counsel Offices

District Counsel's Office, IRS, P.O. Box 901, Atlanta, Georgia 30301

District Counsel's Office, IRS, Room 1624, 2121-8th Avenue North, Birmingham, Alabama 35203

District Counsel's Office, IRS, P.O. Box 21002, Greensboro, North Carolina 27420

District Counsel's Office, IRS, Box 35027, Federal Office Building, 400 West Bay Street, Jacksonville, Florida 32202District Counsel's Office, IRS, Room 1502, Federal Office Building, 51 SW First Avenue, Miami, Florida 33130

District Counsel's Office, IRS, P.O. Box 23264, Nashville, Tennessee 37202

Central Region

Regional Counsel Office

Regional Counsel's Office, IRS, P.O. Box 2059, Cincinnati, Ohio 45201

District Counsel Offices

District Counsel's Office, IRS, P.O. Box 2427, Cincinnati, Ohio 45201

District Counsel's Office, IRS, 1620 Williamson Building, 215 Euclid Avenue, Cleveland, Ohio 44114

District Counsel's Office, IRS, P.O. Box 32516, Detroit, Michigan 48232

District Counsel's Office, IRS, P.O. Box 44010, Indianapolis, Indiana 46244

District Counsel's Office, IRS, P.O. Box 898, Louisville, Kentucky 40201

Midwest Region

Regional Counsel Office

Regional Counsel's Office, IRS, 22d Floor South, Everett McKinley Dirksen Building, 219 South Dearborn St., Chicago, Illinois 60604.

District Counsel Offices

District Counsel's Office, IRS, 22d Floor South, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois 60604

District Counsel's Office, IRS, Room 441, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309

District Counsel's Office, IRS, 2700 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106

District Counsel's Office, IRS, Sixth Floor, Continental Plaza, 735 West Wisconsin Avenue, Milwaukee, Wisconsin 53233

District Counsel's Office, IRS, P.O. Box 1500, Downtown Station, Omaha, Nebraska 68101

District Counsel's Office, IRS, Room 720, 320 West Washington Street, Springfield, Illinois 62701

District Counsel's Office, IRS, 935 U.S. Court & Custom House, 1114 Market Street, St. Louis, Missouri 63101

District Counsel's Office, IRS, Room 572, Federal Building & U.S. Court House, 316 N. Robert St., St. Paul, Minnesota 55101

Southwest Region

Regional Counsel Office

Regional Counsel's Office, IRS, Southwest Region, 7839 Churchill Way, LB-81, Dallas, Texas 75251.

District Counsel Offices

District Counsel's Office, IRS, Room 12D27, Earle Cabell, Federal Building, U.S. Court House 1100 Commerce Street, Dallas, Texas 75242

District Counsel's Office, IRS, 20th Floor, 1050-17th Street, Denver, Colorado 80202

District Counsel's Office, IRS, Room 8102, 515 Rusk Avenue, Houston, Texas 77002

District Counsel's Office IRS, P.O. Box 30509, New Orleans, Louisiana 70190

District Counsel's Office, IRS, P.O. Box 1903, Oklahoma City, Oklahoma 73101

Western Region

Regional Counsel Office

Regional Counsel's Office, IRS, Western Region, Two Embarcadero Center, Suite 900, San Francisco, California 94111.

District Counsel Offices

District Counsel's Office, IRS, P.O. Box 2031, Main Post Office, Los Angeles, CA 90053

District Counsel's Office, IRS, 101 N. First Avenue, Suite 1474, Phoenix, AZ 85003

District Counsel's Office, IRS, 810 Crown Plaza, 1500 S.W. First Avenue, Portland, Oregon 97201

District Counsel's Office, IRS, 300 Booth Street, Room 1008, Reno, Nevada 89504

District Counsel's Office, IRS, 940 Front Street, Room 5S18, San Diego, California 92189

District Counsel's Office, IRS, Room 2710, Federal Building, 915 Second Avenue, Seattle, Washington 98174

District Counsel's Office, IRS, P.O. Box 2520, Salt Lake City, Utah 84110

Billing Code 4830-01

Treasury/USSS 00.001

System name: Administrative Operations Information System—Treasury/USSS

System location: U.S. Secret Service (Headquarters), 1800 G Street N.W., Washington, D.C. 20223. Components of the Administrative Operations Information System are geographically dispersed throughout Secret Service field offices. (See below, United States Secret Service, Appendix A, listing the addresses of Secret Service offices). U.S. Secret Service Uniformed Division, 1310 LStreet, N.W., Washington, D.C. 20500. Treasury Security Force, Main Treasury Building, Washington, D.C. 20220. Presidential Protective Division, U.S. Secret Service, Room 1 EOB 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20500. Vice Presidential Protective Division, U.S. Secret Service, Executive Office Building Room 295, Washington, D.C. 20500. Dignitary Protective Division U.S. Secret Service, 1310 L Street, N.W., Washington, D.C. 20005. Protective Vehicle Division, U.S. Secret Service, 1310 L Street, N.W., Washington, D.C. 20005. Eisenhower Protective Division, U.S. Secret Service, Gettysburg, Pennsylvania 17325. Johnson Protective Division, U.S. Secret Service, Stonewall, Texas 78671. Ford Protective Division, U.S. Sec. Ser., P.O. Box 955, Rancho Mirage, Calif. 92270. Truman Protective Division, U.S. Secret Service, 224 North Delaware, Independence, Missouri 64051. Nixon Protective Division, U.S. Secret Service, U.S. Coast Guard Station, San Clemente, California 92672. Technical Security Division, Executive Office Building, Washington, D.C. 20500. Plains Security Detail, U.S. Secret Service, P.O. Box 308, Plains, GA. 31780.

Categories of individuals covered by the system: (a) Individuals who are now or were Secret Service employees; (b) Individuals, contractors, and vendors, etc., who are presently doing or previously did business with the Secret Service; (c) Claimants against the Service under the Federal Tort Claims Act and the Military Personnel and Federal Employees Claims Act.

Categories of records in the system: (a) Records containing information on issuance of Secret Service equipment and accountable government property; (b) Records containing procurement negotiations, contracts, agreements, etc., with the Secret Service; (c) Records containing information on past, present and future administrative inquiries, with individuals, contractors, vendors, etc., who have or plan to enter into contractual agreements with the Secret Service; (d) Records on vehicle accidents, injuries, fatalities; (e) Records on motor vehicle operators in the Secret Service; (f) Statement of employment and financial interests of certain Secret Service employees required under Treasury Department standards of conduct.

Authority for maintenance of the system: The authority of the Administrative Operations Information System is contained in various Executive Orders, Treasury Orders and delegations; Title 40 and 41 of the U.S. Code and other rules and regulations where applicable; 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Administrative Operations Information System of the U.S. Secret Service are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) To maintain administrative control of equipment assigned to Secret Service employees; (d) Referral of information to U.S. Treasury, GAO, OMB, GSA, Department of Justice and other Federal, state, and local governments regarding purchases, contracts, and anticipated purchases and contracts of the Secret Service; (e) To provide administrative services for the Secret Service and maintain administrative records as required by law; (f) To use in the adjudication of any claim for or against the Secret Service; (g) Referral to individuals, contractors, vendors, etc., for the purpose of inquiries relating to or confirmation of orders and purchases; (h) Records maintained in the Administrative Operations Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (i) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (j) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (k) Disclosures to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (l) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Administrative Operations Information System are contained in file folders located in Headquarters, 1800 G Street, N.W., Washington, D.C. 20223, and in Secret Service field offices (see United States Secret Service Appendix A).

Retrievability: The Administrative Operations Information System is indexed alphabetically by name either in a master index file system or on microfilm. Access to the physical files containing records is by class code number obtained from the alphabetized name indices.

Safeguards: (1) The file jackets and indices containing the records comprising the Administrative Operations Information System located at the U.S. Secret Service Headquarters are secured by alarms and other internal security devices in locked rooms with guards on duty on an around the clock basis. Access is available only to employees responsible for records management and operational employees who have a need for such information, each of whom holds a top secret security clearance; (2) The file jackets and the master file indices comprising the Administrative Operations Information System in Secret Service field offices are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access to the system is limited to employees of the Secret Service holding top secret security clearances.

Retention and disposal: The file jackets and master indices comprising the Administrative Operations Information System are retained indefinitely. Disposal is by burning or shredding.

System manager(s) and address: Assistant Director, Office of Administration, U. S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether this system contains records pertaining to him should address his inquiry to: Freedom of Information & Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Freedom of Information & Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: (a) Individuals who are presently or were Secret Service employees; (b) Individuals, corporations, companies, contractors, etc., previously engaged or presently engaged in business with the Secret Service; (c) Claimants.

Treasury/USSS 00.002

System name: Treasury/USSS Criminal Investigation Information System.

System location: (a) United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223. (b) Components of the Criminal Investigation Information System are geographically dispersed throughout Secret Service field offices. (See below United States Secret Service Appendix A listing the addresses of Secret Service field offices). (c) Treasury Security Force, Room 1044—Main Treasury Building, Washington, D.C.

Categories of individuals covered by the system: (a) Individuals who have been or are currently the subject of a criminal investigation by the U.S. Secret Service in connection with the performance by that agency of its authorized criminal investigative functions; (b) Individuals who are payees, registered owners or endorsers of stolen or lost obligations and other securities of the United States; (c) Individuals who are witnesses, complainants, informants, suspects, defendants, fugitives, released prisoners, correspondents, organized crime figures,

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and victims of crimes who have been identified by the Secret Service in the conduct of criminal investigations or by information supplied by other law enforcement agencies, government units, and the general public.

Categories of records in the system: (a) Records containing information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrest, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (b) Records containing information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; (c) Records containing reports identifiable with an individual compiled at various stages of the process of enforcement of criminal laws from arrest or indictment through release from supervision; (d) Records containing investigatory material compiled for law enforcement purposes, including but not limited to, handwriting exemplars; laboratory analyses of inks and papers; handwriting analyses; petitions for the remision of forfeitures; notice of non-receipt of treasury drafts; affidavits of forged endorsements; opinions of the examiner of questioned documents; certificates by owners of U.S. registered securities concerning forged requests for payments or assignments; applications for relief on account of loss, theft, or destruction of U.S. Savings Bonds or checks; photographic reproductions of obligations and other securities of the United States; contraband items; claims against the United States for the proceeds of government checks and bonds; and reports necessary for the settlement of check and bond claims.

Authority for maintenance of the system: The criminal investigative authority of the U.S. Secret Service is contained in 18 U.S.C. 3056 and Treasury Department Orders transferring investigative and security functions to the U.S. Secret Service by virtue of the authority vested in the Secretary of the Treasury pursuant to Reorganization Plan Number 26 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Criminal Investigation Information System of the U.S. Secret Service are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Referral to Federal, state, and local governments, foreign and domestic, having prosecutive and civil law enforcement functions for use by attorneys, magistrates, and judges; and parole and probation authorities for the purpose of prosecuting, sentencing, and determining the parole and probation status of criminal offenders or suspected criminal offenders; (d) Referral to personnel of other Federal, state and local law enforcement agencies, foreign and domestic, for the purpose of developing information on subjects involved in Secret Service criminal investigations and assisting other law enforcement agencies in the investigation and prosecution of violations of the criminal laws which those agencies are responsible for enforcing; (e) Referral to personnel of Federal, state, and local governmental agencies, where such referral is considered reasonably necessary for the purpose of furthering Secret Service efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; (f) Referral to personnel of Federal, state, and local governmental agencies, foreign and domestic, where there is a showing of reasonable necessity to obtain such information to accomplish a valid law enforcement purpose; (g) Referral to employees and officials of financial and commercial business firms and to private individuals of identifying information pertaining to actual or suspected criminal offenders where such referral is considered reasonably necessary for the purpose of furthering Secret Service efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; (h) Records maintained in the Criminal Investigation Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (i) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (j) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (k) Disclosures to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (l) Disclosures of information relating to criminal and civil proceedings to the news media in accordance with the guidelines contained in 28 C.F.R. 50.2; (m) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records comprising the Criminal Investigation Information System of the U.S. Secret Service are contained in file jackets located at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. and/or in file jackets located in Secret Service field offices geographically dispersed throughout the United States, Puerto Rico and one foreign country. (See below, United States Secret Service Appendix A.)

Components of the Criminal Investigation Information System may be located in the Office of the Treasury Security Force, Main Treasury Building, Washington, D.C. Portions of the indices and information contained in the records are programmed into a computer maintained at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C.

Retrievability: The Criminal Investigation Information System of the U.S. Secret Service is indexed alphabetically by name at Headquarters, in the field master and computerized indices. Access to the physical files containing records is by case number obtained from the alphabetized name indices.

Safeguards: (1) The field jackets and indices containing the records comprising the Criminal Investigation Information System located at the U.S. Secret Service Headquarters are secured by alarms, and other internal security devices, in locked rooms with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for records management and operational employees with a need to know, each of whom have top secret security clearances; (2) The file jackets and the master field indices comprising the Criminal Investigation Information System in Secret Service Field Offices and the Treasury Security Force are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access to the system is limited to employees of the Secret Service and the Treasury Security Force holding top secret security clearances.

Retention and disposal: The retention schedule for records comprising the Criminal Investigation Information System is as follows: (1) All Judicial cases, 20 years; (2) Non-judicial criminal investigative cases (except non-judicial check and bond cases), 10 years; (3) Non-judicial check claim and bond forgery cases, 5 years; (4) Administrative files of an investigative nature, 5 years; (5) All other files and records the disposition of which is not otherwise specified, 5 years; (6) Investigations for other districts, 2 years; (7) Receipts for counterfeits and contraband, 2 years; (8) Investigation Control Forms, Indefinite; (9) Arrest History Forms, Indefinite; (10) Disposal of records contained in the Criminal Investigation Information System is by burning.

System manager(s) and address: Assistant Director, Office of Investigations, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: In accordance with the provisions of 5 U.S.C. 552a(j) and (k), the Director of the U.S. Secret Service proposes to exempt the Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552a(e)(4)(G).

Record access procedures: In accordance with the provisions of 5 U.S.C. 552a(j) and (k), the Director of the U.S. Secret Service proposes to exempt the Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552a(e)(4)(H).

Contesting record procedures: See access above.

Record source categories: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552a(e)(4)(I).

Systems exempted from certain provisions of the act: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Criminal Investigation Information System from compliance with certain provisions of 5 U.S.C. 552a elsewhere in the Federal Register.

Treasury/USSS 00.003

System name: Treasury/USSS—Financial Management Information System.

System location: (a) U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223; (b) Components of the Financial Management Information System are geographically dispersed throughout Secret Service field offices. (See below United States Secret Service, Appendix A listing the addresses of Secret Service field offices); (c) U.S. Secret Service Uniformed Division, 1310 L Street, N.W., Room 210, Washington, D.C. 20005; (d) Treasury Security Force, Room 1044, Main Treasury Building, Washington, D.C. 20220; (e) Protection Vehicle Division, U.S. Secret Service, 1310 L Street N.W., Suite 400, Washington, D.C. 20005; (f) Presidential Protective Division, U.S. Secret Service, Room 1, E.O.B., 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20500; (g) Vice Presidential Protective Division, U.S. Secret Service, Room 295, Executive Office Building, Washington, D.C. 20500; (h) Dignitary Protective Division, U.S. Secret Service, 1310 L Street, N.W., Washington, D.C. 20005; (i) Eisenhower Protective Division, U.S. Secret Service, Room 206, Post Office Building, Gettysburg, Pennsylvania 17325; (j) Johnson Protective Division, U.S. Secret Service, P.O. Box 927, Stonewall, Texas 78671; (k) Ford Protective Division, U.S. Secret Service, P.O. Box 955, Rancho Mirage, Calif. 92270; (l) Truman Protective Division, U.S. Secret Service, 224 North Delaware, Independence, Missouri 64051; (m) Nixon Protective Division, U.S. Secret Service, U.S. Coast Guard Station, San Clemente, California 92672; (n) Technical Security Division, Room 482, Executive Office Building, Washington, D.C. 20500. Plains Security Detail, U.S. Secret Service, P.O. Box 308, Plains, GA. 31780.

Categories of individuals covered by the system: (a) Individuals who are now, or were previously, Secret Service employees; (b) Individuals, contractors, vendors, etc., who are presently doing business with or previously did business with the Secret Service; (c) Individuals who are involved in or were previously involved in tort claims with the Secret Service; (d) Individuals who are or previously were involved in payments (accounts receivable) with the Secret Service; (e) Individuals who have been recipients of awards.

Categories of records in the system: (a) Records containing information compiled for the purpose of pay, travel, property damage, expenses incurred other than travel, and retirement annuities and taxes; (b) Records containing information of accounts receivable and payable, involving Secret Service employees and other persons; (c) Records containing information of tort claims dealing with Secret Service property, concerning payment and accounts receivable; (d) Records containing information on the expenditures, anticipated expenditures, and budget studies of the Secret Service; (e) Records of time and attendance of work.

Authority for maintenance of the system: The Financial Management Authority of the U.S. Secret Service is contained in various Executive Orders, Treasury Orders and delegations, Title 7 of the General Accounting Office Policy and Procedure Manual for Guidance of Federal Agencies and other rules and regulations and fiscal procedures where applicable; 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Financial Management Information System are as follows: (a) Referral to the Internal Revenue Service, U.S. Treasury, GAO, Civil Service and other Federal agencies dealing with the payment and collection of monies concerning Secret Service employees; (b) Referral to the Internal Revenue Service, U.S. Treasury Department, Civil Service, GAO and other Federal agencies dealing with the payment, collection and audit of monies concerning persons who have financial dealings with the Secret Service; (c) To establish a means of budget projections and studies for anticipated expenses to be incurred; to record the actual expenses claimed; to analyze any unliquidated obligations at the end of the fiscal year; (d) To establish a means of responding to questions by Secret Service employees regarding their financial dealings; (e) To establish and maintain a means of gaining statistical information needed to answer inquiries from other Federal, state and local governments and Congress; (f) To establish a reporting system to Treasury, Office of Management & Budget and the General Accounting Office of Secret Service expenditures; (g) To establish a means of payments to contractors and vendors for purchases made by Secret Service; (h) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (i) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (j) Records maintained in the Financial Management Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (k) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (l) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (m) Disclosures to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (n) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records comprising the Financial Management Information System of the U.S. Secret Service are contained in files, microfilm and/or microfiche located at Headquarters, Washington, D.C., Secret Service field offices geographically dispersed throughout the United States, Puerto Rico, and one foreign country, (see location section of this notice and United States Secret Service Appendix A), and Secret Service Protective Divisions. Portions of the indices and information contained in the Financial Management Information System are programmed into a computer maintained at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C.

Retrievability: The Financial Management Information System is indexed by name and/or numbers in the Headquarters office and by name only in the U.S. Secret Service field offices and protective divisions. Access to the physical files containing records is by number and/or name. Access to the information stored in the computer is also by name and/or number.

Safeguards: (1) The file jackets, indices and computer containing the record systems located at U.S. Secret Service Headquarters are secured by alarms and other internal security devices in locked rooms with guards on duty on a 24 hour basis; (2) Access to the records is available only to employees responsible for records management and operational employees who have a need for such information, each of whom hold a top secret security clearance; (3) The file jackets and/or indices comprising the Financial Management Information System in U.S. Secret Service field offices and protective divisions are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access is limited to employees of the Secret Service holding top secret security clearances.

Retention and disposal: The retention schedule for records comprising the Financial Management Information System are as follows: (1) Financial Management Division automated accounting systems, Paris Field Office file and paid files are retained for six years; (2) Accounts receivable systems maintained for four years unless they are not liquidated; (3) Systems for holiday, overtime hour and other pay adjustments, enter on duty information, resignations, retirements, reassignments, etc., are held indefinitely; (4) Records on personnel actions, leave, change of station, bonds, health benefits and insurance policies, bank deposits, allotments, etc., are held for six months. Disposal of records contained in the Financial Management Information System is by burning.

System manager(s) and address: Assistant Director, Office of Administration, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether this system contains a record pertaining to him should address his inquiry to: Staff Assistant, Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

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Contesting record procedures: See access above.

Record source categories: (a) Individuals who are presently or were previously Secret Service employees; (b) Individuals who are presently or were service contractors or suppliers with the Secret Service; (c) Individuals who are presently or were previously involved in tort claims with the Secret Service; (d) Individuals who are presently or were previously involved in collections and dispersement with the Secret Service; (e) Internal Revenue Service; (f) Surviving spouse of deceased personnel.

Treasury/USSS 00.004

System name: Freedom of Information Request System—Treasury/USSS.

System location: United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Categories of individuals covered by the system: Individuals or organizations who have requested information under the Freedom of Information Act.

Categories of records in the system: (a) Correspondence relating to requests for information; (b) Documents relevant to appeals and law suits under the Freedom of Information Act.

Authority for maintenance of the system: The authority of the U.S. Secret Service is contained in 5 U.S.C. 552, Freedom of Information Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) The system is maintained to insure the efficient processing of requests made pursuant to the Freedom of Information Act; (d) Records maintained in the Freedom of Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (e) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (f) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Freedom of Information Request System are maintained in file jackets located at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Retrievability: The file jackets and indices containing the records comprising the Freedom of Information Request System are indexed alphabetically.

Safeguards: The file jackets and indices containing the records comprising the Freedom of Information Request System are located at U.S. Secret Service Headquarters, and are secured in locked filing cabinets in locked rooms, with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for the management of the system and operational employees who have a need for such information, each of whom have a top secret security clearance.

Retention and disposal: All files and indices are held indefinitely. Disposal is by burning.

System manager(s) and address: Freedom of Information and Privacy Acts Officer, Office of Public Affairs, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether this system contains records pertaining to him should address his inquiry to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Freedom of Information & Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: Individuals or organizations requesting information pursuant to the Freedom of Information Act.

Treasury/USSS 00.005

System name: Treasury/USSS—Legal Counsel Record System.

System location: Office of Legal Counsel, United States Secret Service, 1800 G Street, N.W.,Washington, D.C. 20223.

Categories of individuals covered by the system: (a) Individuals who have filed administrative claims involving an employee of the U.S. Secret Service; (b) Any individual who is involved in litigation against the U.S. Secret Service; (c) Individuals who have filed a petition for remission of forfeiture of equipment that was seized from them during an investigation and/or arrest by the U.S. Secret Service.

Categories of records in the system: (a) Copies of administrative claims involving employees of the U.S. Secret Service, responses and legal proceedings in those cases where litigation is involved in administrative claims; (b) Any type of legal document, including complaints, summaries, and litigation reports that are prepared for the Department of Justice at their request; (c) Petitions for remission of forfeiture of seized equipment; (d) Records concerning requests for information regarding the use of reproductions of obligations of the United States including bonds, checks, coins, coupons, currencies (U.S. and foreign), fractional notes, postage stamps (U.S. and foreign), postal money orders, and postmarks.

Authority for maintenance of the system: 18 U.S.C. 3056; 28 U.S.C. 2672 (Federal Tort Claims Act); 18 U.S.C. 471-509.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Legal Counsel Record System are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Administrative claims may be routinely sent to the Department of Justice to the Attorneys who will represent the Secret Service in any possible litigation. The purpose of sending administrative claims to these attorneys is to assist them in preparation of litigation involving the Secret Service; (d) Legal records are routinely used in preparation for litigation proceedings against the U.S. Secret Service. Litigation reports are routinely sent to the Department of Justice at their request for assistance in preparation of the litigation proceedings. The purpose of such referals is to assist the Dept. of Justice in the preparation of litigation concerning the U.S. Secret Service; (e) All routine uses for petitions for remission of forfeiture of seized equipment are within the agency; (f) Files concerning requests for information regarding the use of reproductions of Government obligations are used in responding to general requests from the public or for requests for interpretation of legality with the Department of Justice and Postal authorities; (g) Records maintained in the Legal Counsel Record System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (h)Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (i) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (j) Disclosures to a Federal agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (k)For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Legal Counsel Record System of the U.S. Secret Service are contained in file jackets located in the Office of Legal Counsel, United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Retrievability: The Legal Counsel Record System is indexed chronologically for administrative claims, petitions for remission and requests for information regarding reproductions. Access to the physical files containing litigation records is by an alphabetized listing of the case names.

Safeguards: The file jackets containing records comprising the Legal Counsel Record System located at U.S. Secret Service Headquarters, Office of Legal Counsel, are secured in a locked room with guards on duty on an around the clock basis. Access to the records is available only to employees responsible for record management and operational employees who have a need for such information, each of whom holds a top secret security clearance.

Retention and disposal: The retention schedule of records comprising the Legal Counsel Record System is as follows: (1) All judicial case records are retained for a period of 20 years; (2) Administrative claims, petitions for remission, and requests for information are retained indefinitely. Any disposal is by shredding and/or burning.

System manager(s) and address: Legal Counsel, U.S. Secret Service, 1800 G Street, N.W., Room 842, Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether the system contains records pertaining to him should address his inquiry to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: (a) Administrative claims are filed by those individuals who believe that they have a claim against the U.S. Secret Service; (b) Individuals who are involved in legal proceedings against the U.S. Secret Service. All litigation reports are initiated by Office of Legal Counsel, U.S. Secret Service; (c) Individuals and organizations who have petitioned for remission of forfeiture of seized equipments; (d) Requests for information regarding the use of reproductions from Secret Service field offices, the general public, and from professional organizations.

Treasury/USSS 00.006

System name: Non Criminal Investigation Information System—Treasury/USSS.

System location: (a) United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.(b) Office of Inspection, U.S. Secret Service, Edison Building, Suite 654, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20226.(c) Components of the Non-Criminal Investigation Information System are geographically dispersed throughout Secret Service field offices in the United States, Puerto Rico, and one foreign country. (See below, United States Secret Service Appendix A, listing the addresses of Secret Service field offices).

Categories of individuals covered by the system: (a) Individuals who are applicants for employment with the U.S. Secret Service and other bureaus of the Department of the Treasury;(b) Individuals who are employees of the U.S. Secret Service and other bureaus of the Department of the Treasury holding security clearances granting access to classified documents and records;(c) Individuals who have filed administrative claims with the Secret Service and other bureaus of the Department of the Treasury under the Federal Tort Claims Act or who have been involved in automobile accidents or other incidents involving employees of the Secret Service and other bureaus of the Department of the Treasury resulting in tort claims against such individuals;(d) Individuals involved in investigations required in the administration of the Government Losses in Shipment Act, the Gold Reserve Act, and the Silver Purchase Act;(e) Individuals who are employees of the Secret Service and other bureaus of the Department of the Treasury who have been accused of misconduct in the performance of their duties, or who have been the subject of a complaint involving the performance of their official functions;(f) Individuals who are the subject of investigations or supply information to investigative agents conducting special investigations relating to the performance by the Secret Service of its statutory and regulatory functions.

Categories of records in the system: (a) Record containing investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information;(b) Records containing investigatory material compiled for law enforcement purposes, including but not limited to, reports of investigators relating to claims under the Federal Tort Claims Act; Government Losses in Shipment Act; the Gold Reserve Act and the Silver Purchase Act; and employee misconduct or malfeasance;(c) Records containing reports or statement of investigators, witnesses, complainants, claimants and correspondents associated with identifiable individuals.

Authority for maintenance of the system: The non-criminal investigative authority of the U.S. Secret Service is contained in 18 U.S.C. 3056; Executive Order 10450 and Treasury Order 82 (revised January 17, 1973); and Treasury Order 173-1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Non-Criminal Investigation Information System are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Referral to the Department of Justice and other Federal agencies for administrative, civil, or other legal proceedings to be used by personnel officials, attorneys, administrative law officers, and judges; (d) Referral to personnel of other Federal, state and local governmental agencies, foreign and domestic, for the purpose of developing or confirming information on individuals involved in non-criminal investigations conducted by the Secret Service; (e) Referral to personnel of private institutions and to private individuals for the purpose of confirming and/or determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information; and for the purposes of furthering the efforts of the Secret Service to investigate the activities of individuals related to or involved in non-criminal civil and administrative investigations; (f) Referral to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for the purpose of determining suitability, eligibility, or qualifications for employment with or access to classified information in such other agency or instrumentality; (g) Records maintained in the Non-Criminal Investigation Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (h) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (i) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (j) Disclosures to a Federal agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (k) Disclosures of information relating to civil proceedings to the news media in accordance with the guidelines contained in 28 C.F.R. 50.2; (l) for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Non-Criminal Investigation Information System of the U.S. Secret Service are contained in file jackets located at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. and/or in file jackets located in the Office of Inspection, Edison Building, 1310 L Street, N.W., Washington, D.C. and in Secret Service field offices geographically dispersed throughout the United States, Puerto Rico, and one foreign country. (See Location Section of this notice and United States Secret Service Appendix A.) Portions of these indices and information contained in the Non-Criminal Information System are programmed into a computer maintained at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C.

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Retrievability: The Non-Criminal Investigation Information System is indexed alphabetically by name in the Headquarters, Inspection, field master, and computerized indices. Access to the physical files containing records is by case number obtained from the alphabetized name indices.

Safeguards: (1) The file jackets and indices containing the records comprising the Non-Criminal Investigation Information System located at U.S. Secret Service Headquarters and the Office of Inspection are secured by alarms and other internal security devices in locked rooms with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for record management and operational employees who have a need for such information, each of whom holds a top secret security clearance; (2) The file jackets and the master field indices comprising the Non-Criminal Investigation Information System in Secret Service field offices are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access to the system is limited to employees of the Secret Service holding top secret security clearances.

Retention and disposal: The retention schedule for records comprising the Non-Criminal Investigation Information System is as follows: (1) All judicial case records are retained for a period of twenty years; (2) Applicant security and background investigation records of Secret Service employees are retained for thirty years after retirement or separation of the employee from Secret Service employment; (3) Applicant investigation records relating to employees of Bureaus of the Treasury Department other than the Secret Service, are retained for three years; (4) All other records, the disposition of which are not otherwise specified, are retained for five (5) years. Disposal: Disposal of records contained in the Non-Criminal Investigation Information System is by burning.

System manager(s) and address: Assistant Director, Office of Investigations, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: In accordance with the provisions of 5 U.S.C. 552 a (k), the Director of the U.S. Secret Service proposes to exempt the Non-Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552 a (e) (4) (G).

Record access procedures: In accordance with the provisions of 5 U.S.C. 552 a (k), the Director of the U.S. Secret Service proposes to exempt the Non-Criminal Investigation Information System from compliance with the provision of 5 U.S.C. 552 a (e) (4) (H).

Contesting record procedures: See access above.

Record source categories: In accordance with the provisions of 5 U.S.C. 552 a (k), the Director of the U.S. Secret Service proposes to exempt the Non-Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552 a (e) (4) (I).

Systems exempted from certain provisions of the act: In accordance with the provisions of 5 U.S.C. 552a(j) and (k), the Director of the U.S. Secret Service proposes to exempt the Non-Criminal Investigation Information System from compliance with certain provisions of 5 U.S.C. 552a—elsewhere in the Federal Register.

Treasury/USSS 00.007

System name: Protection Information System—Treasury/USSS.

System location: (a) United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223. (b) Presidential Protective Division, U.S. Secret Service, Room 1, E.O.B., 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20500. (c) Vice Presidential Protection Division, U.S. Secret Service, Room 295, Executive Office Building, Washington, D.C. 20500. (d) Dignitary Protective Division, U.S. Secret Service, 1310 L Street, N.W., Washington, D.C. 20005. (e) Protective Vehicle Division, U.S. Secret Service, 1310 L Street, N.W., Suite 400, Washington, D.C. 20005. (f) Eisenhower Protective Division, U.S. Secret Service, Room 206, Post Office Building, Gettysburg, Pennsylvania 17325. (g) Johnson Protective Division, U.S. Secret Service, P.O. Box 927, Stonewall, Texas 78671. (h) Ford Protective Division, U.S. Secret Service, P.O. Box 955, Rancho Mirage, Calif. 92270. (i) Truman Protective Division, U.S. Secret Service, 224 North Delaware, Independence, Missouri 64051. (j) Nixon Protective Division, U.S. Secret Service, U.S. Coast Guard Station, San Clemente, California 92672. (k) U.S. Secret Service Uniformed Division, Room 210, 1310 L Street, N.W., Washington, D.C. 20005. (l) Treasury Security Force, Room 1040, Main Treasury Building, Washington, D.C. 20220. (m) Technical Security Division, Room 482, Executive Office Building, Washington, D.C. 20500. Plains Security Detail, U.S. Secret Service, P.O. Box 308, Plains, GA. 31780. (n) Components of the Protection Information System are geographically dispersed throughout Secret Service field offices. (See below, United States Secret Service Appendix A, listing the addresses of Secret Service field offices).

Categories of individuals covered by the system: (a) Individuals who have been or are currently the subject of a criminal investigation by the U.S. Secret Service or another law enforcement agency for the violation of certain criminal statutes relating to the protection of persons or the security of properties; (b) Individuals who are the subjects of investigative records and reports supplied to the Secret Service by Federal, state, and local law enforcement agencies, foreign and domestic; other governmental agencies; private institutions and individuals for evaluation by the Secret Service in connection with the performance by that agency of its authorized protective functions; (c) Individuals who are the subjects of non-criminal protective and background investigations by the Secret Service and other law enforcement agencies where the evaluation of such individuals, in accordance with criteria established by the Secret Service, indicates a need for such investigations; (d) Individuals who are granted ingress and egress to areas secured by the Secret Service, the Executive Protective Service, or to areas in close proximity to persons protected by the Secret Service, including but not limited to invitees, passholders, tradesmen, law enforcement, maintenance and service personnel; (e) Individuals who have attempted or solicited unauthorized entry into areas secured by the Secret Service; individuals who have sought an audience or contact with persons protected by the Secret Service or who have been involved in incidents or events which relate to the protective functions of the Secret Service; (f) Individuals who are witnesses, protectees, complainants, informants, suspects, defendants, fugitives, released prisoners, and correspondents who have been identified by the Secret Service or from information supplied by other law enforcement agencies, governmental units, private institutions, and members of the general public in connection with the performance by the Secret Service of its authorized protective functions.

Categories of records in the system: (a) Records containing information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrest, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (b) Records containing information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; (c) Records containing reports relative to an individual compiled at various stages of the process of enforcement of certain criminal laws from arrest or indictment through release from supervision; (d) Records containing information supplied by other Federal, state, and local law enforcement agencies, foreign and domestic; other governmental agencies; private institutions and persons concerning individuals who, because of their activities, personality traits, criminal or mental history, or history of social deviancy, may be of interest to the Secret Service in connection with the performance by that agency of its protective functions; (e) Records containing information compiled for the purpose of identifying and evaluating individuals who may constitute a threat to the safety of persons or security of areas protected by the Secret Service, and/or the Executive Protective Service; (f) Records containing information relating to incidents and events, such as attempted intrusions into secured areas, or activities of mentally disturbed persons demonstrating an unusual or abnormal interest in persons protected by the Secret Service; (g) Records containing information compiled for the purpose of background investigations of individuals, including but not limited to, passholders, tradesmen, maintenance and service personnel who have access to areas secured by or who may be in close proximity to persons protected by the Secret Service and/or the Executive Protective Service; (h) Records containing correspondence, records of telephone calls, visits to and efforts to contact persons protected by the Secret Service by certain individuals who, according to criteria established by the Secret Service, are considered to be of protective interest.

Authority for maintenance of the system: The protective authority of the U.S. Secret Service is contained in 18 U.S.C. 3056 and Section 1 of Public Law 90-331. Criminal Investigations relating to protection, such as threats or unauthorized entry (18 U.S.C. 871; 18 U.S.C. 1751), are authorized by 18 U.S.C. 3056. The protective and security authority of the U.S. Secret Service Uniformed Division is contained in 3 U.S.C. 202 and of the Treasury Security Force in Treasury Orders issued by the Secretary of the Treasury pursuant to the provisions of Reorganization Plan Number 26 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Protective Information System of the U.S. Secret Service are as follows: (a) Disclosures to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Referral to the Department of Justice and other Federal, state and local governmental agencies having a prosecutive function for the use of attorneys, magistrates, and judges; and parole and probation authorities for the purpose of prosecuting, sentencing, and determining the parole and probation status of criminal offenders or suspected criminal offenders; and for civil and other proceedings involving Secret Service and Executive Protective Service protective functions; (d) Referral to personnel of other Federal state and local law enforcement agencies, foreign and domestic, for the purpose of developing information on subjects involved in Secret Service protective investigations and evaluations and for the purpose of protective intelligence briefings of personnel of other law enforcement and governmental agencies assisting the U.S. Secret Service in the performance of its protective functions; (e) Referral to personnel of Federal, state, and local governmental agencies, foreign and domestic, where such referrals are considered reasonably necessary for the purpose of furthering Secret Service efforts to investigate the activities of those persons considered to be of protective interest; (f) Referral to personnel of Federal, state, and local law enforcement agencies and other governmental agencies, foreign and domestic, where there is a showing of a reasonable need to accomplish a valid enforcement purpose; (g) Referral to personnel of private institutions and to private individuals of identifying information pertaining to actual or suspected criminal offenders or other individuals considered to be of protective interest for the purpose of furthering Secret Service efforts to evaluate the danger such individuals pose to persons protected by that agency; (h) Records maintained in the Protection Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (i) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (j) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (k) Disclosures to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (l) Disclosures of information relating to criminal and civil proceedings to the news media in accordance with the guidelines contained in 28 C.F.R. 50.2; (m) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Protection Information System of the U.S. Secret Service are contained in file jackets located at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. or in file jackets located in the offices of various protective units of Secret Service; the Technical Security Division; and in Secret Service field offices geographically dispersed throughout the United States, Puerto Rico, and one foreign country. (see Location Section of this notice and United States Secret Service Appendix A.) Components of the Protection Information System are located in the office of the U.S. Secret Service Uniformed Division, 1310 L Street, N.W., Washington, D.C. and in the office of the Treasury Security Force, Main Treasury Building, Washington, D.C. Portions of the indices and information contained in the Protective Information System are programmed into a computer maintained at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C.

Retrievability: The Protective Information System is indexed alphabetically by name in the Headquarters, field master, protective units and computerized indices. Access to the physical files containing records is by case number obtained from the alphabetized name indices.

Safeguards: (1) The file jackets and indices containing the records comprising the Protection Information System located at the U.S. Secret Service Headquarters, in the protective units, the U.S. Secret Service Uniformed Division, the Treasury Security Force, and the Technical Security Division of the Secret Service are secured by alarms and other internal security devices in locked rooms with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for record management and operational employees who have a need for such information, each of whom holds a top secret security clearance. 2. The file jackets and the master field indices comprising the Protective Information System in Secret Service field offices are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access to the system is limited to employees of the Secret Service holding top secret security clearances.

Retention and disposal: The retention schedule for records comprising the Protection Information System is as follows: (1) All judicial case records are retained for a period of twenty years. In cases where checkups are being made or quarterly investigations are conducted in protective intelligence cases, the retention period is computed from the date of the final checkup or quarterly investigation. In the event of a protective intelligence subject's death, the file is destroyed immediately. Otherwise the checkup and quarterly investigative files are maintained for a period of twenty years; (2) All other protective intelligence case records including protective surveys and nonjudicial protective intelligence cases are retained for a period of five years; (3) Administrative records and files on all types of physical protective activities are retained for a period of ten years; (4) Disposal of records contained in the Protective Information System is by burning.

System manager(s) and address: Assistant Director, Office of Protective Research, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Protection Information System from compliance with the provisions of 5 U.S.C. 552a(e) (4) (G).

Record access procedures: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Protection Information System from compliance with the provisions of 5 U.S.C. 552a(e) (4) (H).

Contesting record procedures: See access above.

Record source categories: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Protection Information System from compliance with the provisions of 5 U.S.C. 552a(e) (4) (I).

Systems exempted from certain provisions of the act: In accordance with the provisions of 5 U.S.C. 552a(j) and (k), the Director of the U.S. Secret Service proposes to exempt the Protection Information System from compliance with certain provisions of 5 U.S.C. 552a elsewhere in the Federal Register.

Treasury/USSS 00.008

System name: Public Affairs Record System—Treasury/USSS.

System location: U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Categories of individuals covered by the system: (a) Persons who are private citizens who correspond requesting information relating to the Secret Service; (b) Persons who are members of the news media, authors and publishers requesting information about the Secret Service; (c) Members of Congress who make inquiries with the Secret Service; (d) Persons who are recipients of the Director's Honor Award, who have received recognition from or assisted the Secret Service.

Categories of records in the system: (a) Records of inquiries received from the general public, the communication media and the press relative to Secret Service activities; (b) Records of awards presented by the Secret Service; (c) Records of Congressional inquiries and correspondence.

Authority for maintenance of the system: 18 U.S.C. 3056 and Treasury Department Order Number 173-3, dated October 29, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Public Affairs Record System are as follows: (a) To maintain a record of responses made to the general public, the news media, members of Congress, and other individuals who correspond with the Service; (b) To maintain a record of awards and honors given by the Secret Service and to establish statistical information on these awards and honors; (c) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (d) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552). (e) Records maintained in the Public Affairs Records System indicating a viola-

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tion or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (f) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (g) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (h) Disclosures to Federal agencies, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (i) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Public Affairs Record System are maintained in file folders located at U.S. Secret Service, Headquarters, 1800 G Street, N.W., Washington, D.C. 20223.

Retrievability: Records of the Public Affairs Record System are filed alphabetically and chronologically. Access is by name and/or date.

Safeguards: The files containing the Public Affairs Record System are located at U.S. Secret Service Headquarters, and are secured in locked filing cabinets in locked rooms, with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for management of the system and operational employees who have a need for such information, each of whom holds a top secret security clearance.

Retention and disposal: Records in this system are currently maintained indefinitely.

System manager(s) and address: Assistant to the Director, Office of Public Affairs, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether this system contains records pertaining to him should address his inquiry to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedure for gaining access to and contesting records should contact: Freedom of Information & Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: (a) The general public, the news media and members of Congress who correspond with the Service; (b) Persons who have received awards or honors from the Secret Service.

Treasury/USSS 00.009

System name: Training Information System—Treasury/USSS.

System location: (a) U.S. Secret Service, Office of Training, 1310 L Street, N.W., Washington, D.C. 20005. (b) Treasury Security Force, Main Treasury Building, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220. (c) Beltsville Training Center, Beltsville, Maryland 20705.

Categories of individuals covered by the system: (a) Individuals who are now or were Secret Service employees, officers of the U.S. Secret Service Uniformed Division or the Treasury Security Force.

Categories of records in the system: Records containing the type and dates of training programs of the U.S. Secret Service employees, officers of the U.S. Secret Service Uniformed Division or the Treasury Security Force.

Authority for maintenance of the system: 18 U.S.C. 3056 is the statute that establishes Secret Service criminal and protective jurisdiction and training is conducted pursuant to that statute and in accordance with Treasury and Civil Service Regulations relating to training.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Training Information System are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) The system is maintained to assist in performing administrative functions of the Office of Training and is used to prepare class directories, class rosters, program evaluation reports and statistical reports, and maintain records of performance; (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Training Information System are maintained on cards at the Secret Service Office of Training, 1310 L Street, N.W., Washington, D.C. 20005, Main Treasury Building, 1500 Pennsylvania Avenue, N.W., and Beltsville Training Center, Beltsville, Maryland.

Retrievability: Records of the Training Information System are filed alphabetically and access to the record card is by name.

Safeguards: The Training Information System record cards located at the U.S. Secret Service Office of Training are secured in locked rooms with alarms when Secret Service employees are not on duty. Access to the records is available only to employees responsible for management of the records and operational employees who have a need for such information, each of whom hold a top secret security clearance.

Retention and disposal: Records in this System are currently maintained indefinitely.

System manager(s) and address: Assistant to the Director, Office of Training, U.S. Secret Service, 1310 L Street, N.W., Washington, D.C. 20005.

Notification procedure: Any individual who wishes to present a request as to whether this system contains records pertaining to him should address his inquiry to: Freedom of Information & Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Freedom of Information & Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: (a) Individuals who are now or were Secret Service employees, officers of the U.S. Secret Service Uniformed Division and the Treasury Security Force officers; (b) Individuals from other Federal, state and local law enforcement agencies.

Appendix A—
U.S. Secret Service field offices
Federal Office Building, 517 Gold Avenue, S.W., Albuquerque, New Mexico 87103, 505—766—3336.
601 Rockwell Avenue, Cleveland, Ohio 44114, 216—522—4365.
Equitable Building, 100 Peachtree Street, N.E., Atlanta, Georgia 30301, 404—526—6111.
950 South Stadium Road, Columbia, South Carolina 29201, 803—765—5446.
Federal Office Building, 300 East 8th Street, Austin, Texas 78701, 512—397—5103.
85 Marconi Boulevard, Columbus, Ohio 43215, 614—469—7370.
Federal Office Building, 31 Hopkins Plaza, Baltimore, Maryland 20201, 301—962—2200.
1100 Commerce Street, Dallas, Texas 75202, 214—749—3461.
66 Bagby Drive, Birmingham, Alabama 35209, 205—254—1144.
1660 Lincoln Street, Denver, Colorado 80203, 303—837—3027.
575 Technology Square, Cambridge, Massachusetts 02139, 617—223—2728.
Federal Building & U.S. Courthouse, Detroit, Michigan 48226, 313—226—6400.
Federal Building, 111 West Huron Street, Buffalo, New York 14202, 716—842—3542.
El Paso National Bank Building, East Maine Drive at Mesa, El Paso, Texas 79901, 915—543—7546.

New Federal Building, 500 Quarrier Street, Charleston, West Virginia 25301, 304—343—6181.
110 Michigan Avenue, N.W., room 326, Grand Rapids, Michigan 49502, 616—456—2276.
226 Skeens Building, 4530 Park Road, Charlotte, North Carolina 28209, 704—523—9583.
300 Ala Moana Boulevard, Honolulu, Hawaii 96813, 808—546—5637.
219 S. Dearborn Street, Chicago, Illinois, 60604, 312—353—5431.
515 Rusk Street, Houston, Texas 77208, 713—226—5791.
Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202, 513—684—3585.
575 N. Pennsylvania Street, Suite 211, Indianapolis, Indiana 46204, 317—269—6444.
656 North State Street, Suite 201, Jackson, Mississippi 39201, 601—969—4436.
Post Office Building, Jacksonville, Florida 32201, 904—791—2777.
546 Carondelet Street, New Orleans, Louisiana 70190, 504—589—2219.
811 Grand Avenue, Kansas City, Missouri 64142, 816—374—5022.
6 World Trade Center, New York, New York 10048, 212—466—4400.
611 Gaines Street, Little Rock, Arkansas 72201, 501—378—6241.
Federal Building, Room 400, 200 Granby Mall, Norfolk, Virginia 23510, 804—441—6736.
300 N. Los Angeles Street, Los Angeles, California 90012, 213—688—4830.
200 Northwest Fifth Street, Oklahoma City, Oklahoma 73102, 405—231—4476.
Post Office Building, Louisville, Kentucky 40201, 502—582—5171.
110 North 14th Street, Omaha, Nebraska 68102, 402—221—4671.
167 North Main Street, Memphis, Tennessee 38103, 901—521—3568.
58 bis, Rue la Boetie, American Embassy, Paris 8, France, 265—7460.
5255 N.W. 87th Avenue, Miami, Florida 33161, 305—350—5961.
600 Arch Street, Philadelphia, Pennsylvania 19106, 215—627—6800.
517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, 414—224—3587.
Room 2041, Federal Building, 230 North 1st Avenue, Phoenix, Arizona 85025, 602—261—3556.
110 South 4th Street, Minneapolis, Minnesota 55401, 612—725—2801.
1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, 412—644—3384.
107 Saint Francis Street, Mobile, Alabama 36602, 205—690—2851.
121 S.W., Salmon Street, Suite 1330, Portland, Oregon 97204, 503—221—2162.
801 Broadway, Nashville, Tennessee 37203, 615—251—5841.
Federal Building & U.S. Courthouse, Providence, Rhode Island 02901, 401—331—6456.
60 Evergreen Place, East Orange, New Jersey 07018, 201—645—2334.
400 North Eighth Street, Richmond, Virginia 23240, 804—782—2274.
150 Court Street, New Haven, Connecticut 06510, 203—865—2449.
650 Capitol Mall, Sacramento, California 95814, 916—440—2413.
1114 Market Street, St. Louis, Missouri 63101, 314—425—4238.
234 Summit Street, Toledo, Ohio 43604, 419—259—6434.
350 South Main Street, Salt Lake City, Utah 84101, 801—524—5910.
1900 Pennsylvania Avenue, N.W., Washington, D.C. 20226, 202—634—5100.
727 E. Durango, San Antonio, Texas 78206, 512—229—6175.
880 Front Street, San Diego, California 92101, 714—293—5640.
450 Golden Gate Avenue, San Francisco, California 94102, 415—556—6800.
Federal Office Building, Chalos E. Chardon Avenue, San Juan, Puerto Rico 00918, 809—753—4539.
Post Office Building, Washington & Linden Streets, Scranton, Pennsylvania 18501, 717—346—2631.
915 Second Avenue, Seattle, Washington 98174, 206—442—5495.
920 W. Riverside Avenue, Spokane, Washington 99201, 509—456—2532.
600 East Monroe Street, Springfield, Illinois 62701, 217—525—4033.
100 S. Clinton Street, U.S. Federal Building, Syracuse, New York 13201, 315—423—5338.
700 Twiggs Street, Suite 740, Tampa, Florida 33602, 813—228—2636.
Billing Code 4810-42

Treasury/Comptroller 00.004

System name: Consumer Complaint Letter File—Treasury/Comptroller.

System location: Office of the Comptroller of the Currency, 490 L'Enfant Plaza, SW, Washington, D.C. 20219. Components of this system are geographically dispersed throughout 14 regional offices. (See addresses listed in 31 CFR Sec. 1.6 Appendix J).

Categories of individuals covered by the system: Persons who file complaints against banks.

Categories of records in the system: This system contains a series of computer printouts setting forth the name, address, bank complained of, date of incoming complaint letter, attorney assigned to examine said complaint and the nature of the resolution.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Files are utilized for processing and following up on complaints to determine whether individual has previously filed a complaint with this Office, the date of complaint and the disposition. For additonal routine uses, see Appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed alphabetically by name of complaining consumer.

Safeguards: Records are in file drawers.

Retention and disposal: The records are retained in perpetuity.

System manager(s) and address: Comptroller of the Currency, Assistant Chief Counsel, 409 L'Enfant Plaza, Washington, D.C. 20219.

Notification procedure: Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Indicate the location of the Comptroller of the Currency office where the record might be stored; and (4) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: Director, Public Affairs, 490 L'Enfant Plaza, SW, Washington, DC 20219.

Contesting record procedures: Submit requests to the Director, Public Affairs at the above address.

Record source categories: Persons filing complaints against national banks.

Treasury/Comptroller 00.010

System name: Federal Bureau of Investigation Report Card Index—Treasury/Comptroller.

System location: Comptroller of the Currency, Sixth Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Persons who have been involved in or associated with unlawful activity respecting national banking associations.

Categories of records in the system: This system consists of alphabetized indices of the names of individuals involved in or associated with unlawful activity respecting national banks and a cross reference to pertinent Federal Bureau of Investigation Reports relating thereto.

Authority for maintenance of the system: This system is established, maintained and utilized pursuant to 12 U.S.C. sections 481, 21, 1818, and 1829, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are utilized as a cross reference for the purpose of making determinations with respect to potential or existing violations of law. For additional routine uses, see Appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: The records are retrieved by the name of the individual.

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Safeguards: Records are maintained by the Office in files with security procedures consistent with the sensitivity of the data.

Retention and disposal: Currently there are no provisions for disposal of records contained in this system.

System manager(s) and address: Director of Enforcement Division, Law Department, Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Notification procedure: Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Indicate the location of the Comptroller of the Currency office where the record might be stored; and (4) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: Director, Public Affairs, 490 L'Enfant Plaza, SW, Washington, DC 20219.

Contesting record procedures: Submit requests to the Director, Public Affairs at the above address.

Systems exempted from certain provisions of the act: Criminal investigative records exempted elsewhere in the Federal Register by the Department of Justice.

Treasury/Comptroller 00.012

System name: Freedom of Information log—Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza, Washington, D.C. 20219.

Categories of individuals covered by the system: Persons making request under the Freedom of Information Act.

Categories of records in the system: List of names of persons making requests under the Freedom of Information Act.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal control and reference regarding Freedom of Information Act, For additional routine uses, see Appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed alphabetically by name.

Safeguards: Unlocked file cabinet.

Retention and disposal: Perpetuity.

System manager(s) and address: Director, Public Affairs, 490 L'Enfant Plaza, SW, Washington, DC 20219.

Notification procedure: Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Indicate the location of the Comptroller of the Currency office where the record might be stored; and (4) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: Director, Public Affairs, 490 L'Enfant Plaza, SW, Washington, DC 20219.

Contesting record procedures: Submit requests to the Director, Public Affairs at the above address.

Record source categories: Persons making requests under Freedom of Information Act.

Treasury/Comptroller 00.013

System name: Enforcement and Compliance Information System.

System location: Comptroller of the Currency, Sixth Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Individuals and entities involved in actual or suspected fraudulent activities.

Categories of records in the system: These records contain information identifying the individual, describing the (alleged) crime, giving the bank name and location, identifying the National Bank Examiner (if any), reporting the known or suspected crime(s) and giving the dollar amount involved in the known or suspected crime(s). The name of the individual is the only identifier used.

Authority for maintenance of the system: 12 U.S.C. 481, 1818, 1820.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. To provide the Department of Justice with periodic reports which indicate the number, place and individual identity of outstanding potential criminal violations of the law which have been referred to that Department.

b. To provide the Enforcement and Compliance Division of the Law Department of the Comptroller of the Currency and its Regional Offices with periodic reports indicating the current status of potential criminal violations of the law which have been referred to the Department of Justice, other law enforcement agencies and state authorities for possible prosecution.

c. To provide the Comptroller of the Currency's Office with statistical information and thereby enable it to respond to general information requests from the Congress.

d. To enable the Comptroller of the Currency to determine whether proposed shareholders, bank directors, officers or other employees of existing banks, new banks and banks, the controlling ownership of which is changing, have been convicted of a criminal offense involving dishonesty or breach of trust which might endanger the bank whose stock they wish to purchase or for which they wish to work.

e. Other routine uses are set forth in Department of the Treasury Appendix: Additional Routine Uses, 43 FR 42724.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records will be maintained in general correspondence files, in card files and on computer discs.

Retrievability: All records will be indexed by bank location and bank name. In addition, records on computer discs will be indexed by name of individual, known or suspected criminal code provision violated and amount of money involved.

Safeguards: Correspondence files are stored in the Comptroller's Central File room and may only be retrieved by authorized personnel. Card files will be stored in lockable file cabinets. Computer discs will be accessible only to authorized personnel.

Retention and disposal: Records will be retained no longer than fifty years.

System manager(s) and address: Director, Enforcement and Compliance Division Law Department, Comptroller of the Currency, Administrator of National Banks, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Notification procedure: This system is exempt from notification requirements under 5 U.S.C. 552a(k)(2) of the Act as a criminal enforcement system.

Record access procedures: Same as Notification above.

Contesting record procedures: Same as Notification above.

Record source categories: Examinations of national banks by national bank examiners; investigations performed by attorneys in the Enforcement and Compliance Division, and notifications from the Department of Justice, other Federal law enforcement agencies, and State law enforcement authorities.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/Comptroller 00.014

System name: Investigation Files/Employee Reference File - Treasury/Comptroller.

System location: Comptroller of the Currency, Personnel Management Division, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Employee of Comptroller of the Currency.

Categories of records in the system: Compilation of material for a determination regarding security clearance.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9 / 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the Personnel Management Division, the routine uses are associated with the employee's position. Used only by authorized security-cleared employees within the division. Investigations are used to properly grant clearances. For additional routine uses, see Appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked steel file cabinets and a safe with combination lock.

Retrievability: Filed in alphabetical order by geographical location.

Safeguards: Combination locks are changed once a year and only security-cleared employees within the Personnel Management Division have access.

Retention and disposal: Materials are retained for one month after employee leaves and the records are disposed by shredding.

System manager(s) and address: Director of Personnel, Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, DC 20219.

Notification procedure: Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Indicate the location of the Comptroller of the Currency office where the record might be stored; and (4) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: Director, Public Affairs, 490 L'Enfant Plaza, SW, Washington, DC 20219.

Contesting record procedures: Submit requests to the Director, Public Affairs at the above address.

Systems exempted from certain provisions of the act: Portions of this system are exempted elsewhere in the Federal Register due to the investigative nature of the record.

Treasury/Comptroller 00.221

System name: Treasury/Comptroller—Professional Qualifications Records for Municipal Securities Principals and Municipal Securities Representatives.

System location: Office of the Comptroller of the Currency, 490 L'Enfant Plaza East SW., Washington, D.C. 20219. Records stored in computerized files are maintained off-premises at the National Association of Securities Dealers, 1735 "K" Street NW., Washington, D.C. 20006.

Categories of individuals covered by the system: Persons who are or seek to be associated with a municipal securities dealer which is a national or District of Columbia bank, or a department, division, or subsidiary of any such bank, in the capacity of municipal securities principals or municipal securities representatives.

Categories of records in the system: These records contain identifying information, detailed educational and occupational histories, certain professional qualifications examination information, disciplinary histories, and information concerning the termination of employment of individuals covered by the system. Identifying information includes names, address history, date and place of birth, and may include social security number.

Authority for maintenance of the system: Section 15B(c) (5), 17 and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(c) (5), 78q and 78w) and the general authority of the National Banking Laws, 12 U.S.C. 1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in these records may be subject to the following uses:

(a) Referral to the appropriate governmental authority, whether Federal, State, local, or foreign, or to the appropriate self-regulatory organization, of such information as may indicate a violation or potential violation of law, regulation or rule.

(b) Referral to the appropriate court, magistrate, or administrative law judge of such information as may be relevant to proceedings before any such court or judicial officer.

(c) Disclosure of such information as may aid in the resolution of any action or proceeding:

(1) In which the Federal securities or banking laws are at issue;

(2) In which the propriety of any disclosure of information contained in the system is at issue; or

(3) To which the Comptroller of the Currency or a past or present member of its staff is a party or otherwise involved in an official capacity.

(d) Disclosure to a Federal, State, local, or foreign governmental authority, or to a self-regulatory organization, of such information as may be necessary to obtain from such authority or organization additional information concerning the qualifications of an individual covered by the system.

(e) Disclosure of such information as may be necessary to respond to a request from a Federal, State, local, or foreign governmental authority, or from a self-regulatory organization, for information needed in connection with the issuance of a license, granting of a benefit, or similar action by such authority or organization affecting an individual covered by the system.

(f) Disclosure of such information as may be necessary to respond to any Congressional inquiry undertaken at the request of an individual covered by the system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and on computer memory discs.

Retrievability: Records are indexed by name of individual.

Safeguards: File folders are stored in lockable metal cabinets and computer memory discs are accessed only by authorized personnel.

Retention and disposal: Records may be maintained indefinitely. Disposal is by normal methods.

System manager(s) and address: Deputy Comptroller for Banking Operations, Comptroller of the Currency, 490 L'Enfant Plaza East SW., Washington, D.C. 20219.

Notification procedure: Inquiries, including name and date and place of birth, should be addressed to the System Manager, Inquirers may be required to include a notarized statement attesting to identity.

Record access procedures: Same as notification procedure.

Contesting record procedures: Same as notification procedure.

Record source categories: Those individuals and municipal securities dealers described in the section entitled Categories of Individuals Covered by the System provide the bulk of the information in the system. Additional input is provided by Federal, State, local, and foreign governmental authorities, and by self-regulatory organizations, which regulate the securities industry.

Treasury/CC 300

System name: Administrative Personnel System

System location: Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219. Components of this system are geographically dispersed throughout 14 regional offices. (See addresses listed in 31 CFR Sec. 1.6 Appendix j.)

Categories of records in the system: Employment related administrative records. This system contains in house control type information about employees. The type of records found within this system are: list of individuals who are issued drivers' licenses, building passes, credit or identification cards, parking permits, accountable property and travel documents; lists of individuals who perform specialized duties (building wardens, relocation teams, safety officers, and civil defense officers); reports about individuals who are involved in accidents while employed.

Authority for maintenance of the system: General authority—12 U.S.C. 1 and 9, 5 U.S.C. 301. Specific authority is derived from a number of laws, regulations and Executive Orders. Individuals wishing to obtain more detailed information should write to the Director, Public Affairs, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A record in this system may be disclosed as a routine use to: (1) the Civil Service Commission (CSC) for the purpose of complying with regulations issued by the CSC; (2) the General Services Administration (GSA) for the purpose of complying with regulations issued by the GSA; and (3) the Department of Labor for the purpose of investigating claims for work related injuries. (See Appendix for additional routine uses.)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, magnetic tape, punch cards, micro-film lists and forms.

Retrievability: Records are retrieved primarily by name (filed alphabetically by category of records); secondary identifiers are used to assure accuracy (date of birth, social security number or employee identification number).

Safeguards: Records are stored in lockable cabinets or secure rooms; access is limited to officials who have a need for the information; employees are trained to make only authorized disclosures.

Retention and disposal: Personnel type records are retained for 30 days after termination. All other records are retained and destroyed in accordance with published disposition and retention schedules. Individuals wishing more detailed information should write to the Director, Public Affairs, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

System manager(s) and address: Deputy Comptroller for Administration, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Indicate the location of the Comptroller of the Currency office where last employed; (4) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information.

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Record access procedures: Director, Public Affairs, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: Submit requests to the Director, Public Affairs at the above address.

Record source categories: The information in these records was provided by or verified by the subject of the record, employers and co-workers.

Treasury/CC 310

System name: Fiscal Personnel System

System location: Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219. Components of this system are geographically dispersed throughout 14 regional offices. (See addresses listed in 31 CFR Sec. 1.6 Appendix j.)

Categories of individuals covered by the system: Present and past employees.

Categories of records in the system: This system is typically identified as payroll or disbursement type records and contains information about employees. The types of records found within this system are: award, allowance, salary, and fund advancement justification and disbursement records; payroll deductions for taxes, life and health insurance, financial institutions, retirement funds and charitable groups.

Authority for maintenance of the system: General authority—12 U.S.C. 1 and 9, 5 U.S.C. 301. Specific authority is derived from a number of laws, regulations and Executive Orders. Individuals wishing to obtain more detailed information should write to the Director, Public Affairs, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A record in this system may be disclosed as a routine use to: (1) the Civil Service Commission (CSC) for the purpose of complying with regulations issued by the CSC; (2) the General Services Administration (GSA) for the purpose of complying with regulations issued by GSA; (3) the General Accounting Office for the purpose of conducting audits; and (4) to entities designated to receive payroll deductions. (See Appendix for additional routine uses.)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, magnetic tape and reports. Disbursement records are stored at the Federal Records Center.

Retrievability: Records are retrieved primarily by name (filed alphabetically), secondary identifiers are used to assure accuracy (date of birth, social security number, or employee identification number).

Safeguards: Records are stored in lockable cabinets or secure rooms; access is limited to officials who have a need for the information; employees are trained to make only authorized disclosures.

Retention and disposal: Personnel type records are retained for 30 days after termination. Disbursement records are retained indefinitely. Individuals wishing more detailed information should write to the Director, Public Affairs, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

System manager(s) and address: Deputy Comptroller for Administration, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Notification procedure: Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Indicate the location of the Comptroller of the Currency office where last employed; and (4) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: Director, Public Affairs, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: Submit request to the Director, Public Affairs at the above address.

Record source categories: The information contained in these records was provided by or verified by the subject of the record, employers and co-workers.

Treasury/CC 320

System name: General Personnel System

System location: Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219. Components of this system are geographically dispersed throughout 14 regional offices. (See addresses listed in 31 CFR. Sec. 1.6 Appendix j.)

Categories of individuals covered by the system: Present and past employees and applicants for employment.

Categories of records in the system: Employment related biographical and performance material. This category of records is typically identified as personnel type records and contains data about employees including applicants. The type records found within this category include: work evaluations; educational, employment, medical and military histories; locator and emergency contact information; dependent and beneficiary information; physical and qualification descriptions; financial interest statements; personal and family assets, liabilities and other interests in business enterprises.

Authority for maintenance of the system: General authority—12 U.S.C. 1 and 9, 5 U.S.C. 301. Specific authority is derived from a number of laws, regulations and Executive Orders. Individuals wishing to obtain more detailed information should write to the Director, Public Affairs, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A record in this system may be disclosed as a routine use to (1) the Civil Service Commission (CSC) for the purpose of complying with regulations issued by the CSC; (2) the Veterans Administration for the purposes of determining veterans preference and pension benefits; (3) the Equal Employment Opportunity Commission for the purpose of providing minority information and case reports; (4) respond to requests from labor organizations for names of employees and identifying information; (5) the Department of Labor for the purpose of reporting health and safety matters; (6) the General Services Administration (GSA) for the purpose of complying with regulations issued by GSA. (See Appendix for additional routine uses.)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, magnetic tape, punch cards, micro-film lists and forms.

Retrievability: Records are retrieved primarily by name (filed alphabetically by category of records). Secondary identifiers are used to assure accuracy (date of birth, social security number or employee identification number).

Safeguards: Records are stored in lockable cabinets or secure rooms; access is limited to officials who have a need for the information; employees are trained to make only authorized disclosures.

Retention and disposal: Most personnel-type records are retained for 30 days after termination, at which time they are transferred to the Civil Service Commission or destroyed. Some records are retained for varying periods of time. Individuals wishing more detailed information should write to the Director, Public Affairs, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

System manager(s) and address: Deputy Comptroller for Administration, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Notification procedure: Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Indicate the location of the Comptroller of the Currency office where last employed or where application for employment was made; (4) Provide at least two secondary identifications (date of birth, employee identification number, dates of employment or similar information).

Record access procedures: Director, Public Affairs, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: Submit requests to the Director, Public Affairs at the above address.

Record source categories: The information contained in these records was provided or verified by the subject of the record, employers, co-workers, friends, neighbors and associates listed as references, financial and educational institutions.

Billing Code 4810-41

Treasury/USSBD 00.001

System name: Savings Bonds Employee Records System—Treasury/USSBD.

System location: Savings Bonds Division, Department of the Treasury, 1111 20th Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Employees of USSBD.

Categories of records in the system: Appeal and Grievance Records, Applicant Supply Files, Case Actions, Employee Earning Statements, Employee Financial Statements, Equal Employment Opportunity Files, Incentive Awards and Reports, Itineraries, Locator Cards, Medical Records, Merit Promotion, Motor Vehicle Records, Payroll, Performance Evaluation, Personal Investigation, Position Control, Reduction in Force File, Register of Separation and Transfer, Retirement Cards, Time and Attendance Records, Tort Claims, Training Records and Reports, Travel Vouchers.

Authority for maintenance of the system: Treasury Department Order No. 13 established the Division of Savings Bonds under the office of the Fiscal Assistant Secretary, April 1941.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Personnel Office of the Savings Bonds Division, Department of the Treasury, maintains in its system of records detailed information pertaining to each of the specific categories listed in Categories of Individuals. Routine use of the various files enables Personnel to have ready access to applicants for hiring purposes, placement and to aid in assessing the need for employee training and promotion. Necessary information about an individual employee is also provided to other Federal Personnel Offices when a Division employee is under consideration for a position in another Federal Agency. Also, other records carry accrual information that permits annual reviews on an employee's performance. All information is used solely for the purpose for which it was collected which serves as a general internal source bank. The Budget and Fiscal section of the Savings Bonds Division maintains in its record system data pertaining to each of the identifiable categories listed in Categories of Individuals. This information permits the Section to make employee payroll reconciliations, budget forecasts, check and bond issuance verifications, internal audits, prepare earning statements and document payments of employee travel claims. Disclosures may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: All records in Personnel, with the exception of card files, are stored in metal correspondence files, indexed by individual names and numbers. Files are maintained in separate offices according to the nature or content of data. Files are accessible to Personnel employees and are locked at the close of each day. Records pertaining to personal historical data are maintained for two years and are then sent to the Federal Records Center. The records of a less important nature are destroyed after the two-year period. Storage of financial information is maintained on computer printouts supplied by Bureau of the Mint. Time and attendance reports and travel vouchers of employees are stored in separate files and are accessible by name and social security number. All payroll and time and attendance records are retained between audit periods (normally two years) and then destroyed by shredding. Travel vouchers are maintained on file for three years after audit and then sent to the Federal Records Center.

System manager(s) and address: Director of Administration, Department of the Treasury, Savings Bonds Division, 1111 20th Street, N.W., Washington, D.C. 20226.

Notification procedure: Records that are housed by the Savings Bonds Division are not of a nature that would warrant strict guidelines for accessibility. An individual may request access to his record or any information pertaining to him by merely notifying the office or officer in charge. The individual, however, must be under the supervision of a Savings Bonds officer during the entire time he has this information in his possession.

Record access procedures: See System Manager and Notification above.

Contesting record procedures: See System manager and Notification above.

Record source categories: Data accumulated in the record system at Savings Bonds are gathered from the individual and/or from sources directly connected with the employee's appointment.

Systems exempted from certain provisions of the act: Portion of this system are exempted elsewhere in the Federal Register.

Treasury/USSBD 00.002

System name: Savings Bonds Sales Promotion/Volunteer Record System—Treasury/USSBD.

System location: Savings Bonds Division, Department of the Treasury, 1111 20th Street, N.W., Washington, D.C. 20226; and/or Regional and Branch Offices.

Categories of individuals covered by the system: Bond Tellers, Campaign Managers, Campaign Nominees, Committee Volunteer lists and Contacts, General Correspondence, Geographical Chairmen, Governmental Biographical Sketches, Honorary Chairmen, Individual Volunteer Lists, Mailing Lists—General and Labor, Major Corporation Executives, National Panel of Public Relations.

Categories of records in the system: Administrative lists and related detail.

Authority for maintenance of the system: Treasury Department Order No. 13 established the Division of Savings Bonds under the office of the Fiscal Assistant Secretary, April 1941.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Sales Office of the Savings Bonds Division, Department of the Treasury, maintains a nation-wide volunteer sales force that promotes the sale of Savings Bonds. The listing in Category of Individuals describes the type of data that supports this effort. This information provides a means by which the Sales Division may review plans and follow progress of individuals in their sale and promotion of Savings Bonds, supplies, volunteer lists and bios for recruiting, appointing and retiring volunteer leaders. Lists also provide a means of supplying volunteers with Savings Bonds program materials and information, invitations to meetings, special bulletins, letters of progress, sales reports and newsletters. Lists are available only for Savings Bonds purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Mailing lists are accessible to employees and stored on addressograph plates. Other correspondence and materials are filed in the regular correspondence file cabinets and permanently retained.

System manager(s) and address: Deputy National Director, Department of the Treasury, Savings Bonds Division, 1111 20th Street, N.W., Washington, D.C. 20226.

Notification procedure: Records that are housed by the Savings Bonds Division are not of a nature that would warrant strict guidelines for accessibility. An individual may request access to his record or any information pertaining to him by merely notifying the office or officer in charge. The individual, however, must be under the supervision of a Savings Bonds officer during the entire time he has this information in his possession.

Record access procedures: See System Manager and Notification above.

Contesting record procedures: See System Manager and Notification above.

Record source categories: Data accumulated in the record system at Savings Bonds are gathered from the individual and/or from sources directly connected with the volunteer's appointment.

Treasury/USSBD 00.003

System name: Savings Bonds Sales Record System—Treasury/USSBD.

System location: Savings Bonds Division, Department of the Treasury, 1111 20th Street, N.W., Washington, D.C. 20226; and/or Regional Offices.

Categories of individuals covered by the system: Blue Ribbon Target Cards, Blue Ribbon Target Status Control Sheets, Field Call Reports, Itineraries, Net Saver Reports, Payroll Savings Reporting Procedures Forms, Progress Summaries, Time and Attendance Records, Training Reports, Work Plans, State—County Chairmen, State and Volunteer Fund Lists, "Take stock in America" Records, Telephone calls, Volunteer Bio's.

Categories of records in the system: Routine lists and administrative details associated with sales.

Authority for maintenance of the system: Treasury Department Order No. 13 established the Division of Savings Bonds under the office of the Fiscal Assistant Secretary, April 1941.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Sales unit of the Savings Bonds Division houses records of individual sales plans, program plans and regional reports for the purpose of coordinating plans for smoother operation of field work. Final plans are disseminated to field and/or volunteer offices for implementation. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records of this nature are filed in large notebooks and are indexed according to individual names, regions, areas and states. Notebooks are placed on shelves and do not warrant tight security. High priority records are kept for long periods as references, others are destroyed after a two year period.

System manager(s) and address: Director of Sales, Department of the Treasury, Savings Bonds Division, 1111 20th Street, N.W., Washington, D.C. 20226.

Notification procedure: Records that are housed by the Savings Bonds Division are not of a nature that would warrant strict guidelines for accessibility. An individual may request access to his record or any information pertaining to him by merely notifying the office or officer in charge. The individual, however, must be under the

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supervision of a Savings Bonds officer during the entire time he has this information in his possession.

Record access procedures: See Notification and System Manager.

Contesting record procedures: See Notification and System Manager.

Record source categories: Data accumulated in the sales record system at Savings Bonds are gathered from the individual and/or from sources directly connected with the employee's appointment.

DEPARTMENT OF THE TREASURY

Appendix AA

Additional Routine Uses

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record maintained by this agency to carry out its functions may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of license, grant or other benefit, provided that disclosure is compatible with the purpose for which such record was collected.

A record maintained by this agency to carry out its functions may be disclosed as a routine use to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter, provided that disclosure is compatible with the purpose for which such record was collected.

A record maintained by this agency to carry out its functions may be disclosed in response to a court subpoena, to appropriate parties engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony when necessary to courts, magistrates or administrative tribunals, to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings.

A record maintained by this agency to carry out its functions which relates to civil and criminal proceedings may be disclosed to the news media in accordance with guidelines contained in 28 C.F.R. 50.2.

A record maintained by this agency to carry out its functions may be disclosed to foreign governments in accordance with formal or informal international agreements.

A record maintained by this agency to carry out its functions may be disclosed to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

A record maintained by this agency to carry out its functions may be disclosed to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

A record maintained by this agency to carry out its functions may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual to whom the record pertains.

[FR Doc. 80-8493 Filed 3-20-80; 8:45 am]
BILLING CODE 4810-25-F

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federal register

Friday
March 21, 1980

Part VI

Department of Labor

Employment and Training Administration

CETA Prime Sponsors; Intent To Reallocate Funds

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DEPARTMENT OF LABOR

Employment and Training Administration

CETA Prime Sponsors; Intent To Reallocate Funds

AGENCY: Employment and Training Administration, Labor.

ACTION: Thirty-Day Notice of Intent to Reallocate Funds Under Titles II–D and VI of the Comprehensive Employment and Training Act (CETA).

SUMMARY: Pursuant to 20 CFR 676.47, the Department of Labor announces its intent to reallocate funds in the following amounts from the CETA prime sponsors indicated below. The purpose of this notice is to provide 30 days notice to all interested parties of the Department's intent to reallocate these funds.

EFFECTIVE DATE: March 21, 1980.

FOR FURTHER INFORMATION CONTACT: Robert Anderson, Administrator, Office of Comprehensive Employment Development, 601 D Street, NW., Room 5010, Washington, D.C. 20213, Telephone: 202–376–6254.

SUPPLEMENTARY INFORMATION: A review of the following prime sponsors' actual Titles II–D and VI operations, compared to their Fiscal Year 1980 planned operations as of February 29, 1980, indicates that these prime sponsors are substantially below plan and are not effectively utilizing the funds available to them. Therefore, the Department is notifying these prime sponsors that it intends to reallocate excess funds which have accumulated due to the underperformance.

The estimated amount to be reallocated from each prime sponsor is indicated below. The prime sponsor will be given 30 days to reply to the notice of intent to reallocate and to correct identified deficiencies. The Governor of the appropriate States will also be given 30 days in which to comment on the proposed reallocations.

Signed at Washington, D.C., this 13th day of March 1980.

Charles B. Knapp,

Deputy Assistant Secretary for Employment and Training.

Prime sponsors	Title II–D	Title VI
Region I		
Bridgeport Consortium, Conn	0	$27,000
Cumberland County, Maine	$34,000	40,000
York County, Maine	0	31,000
Boston City, Mass	0	119,000
Hillsborough County, N.H	0	71,000
Region II		
Niagara County, N.Y	0	51,991
Buffalo City, N.Y	98,595	0
Erie County, N.Y	36,511	122,436
Onondaga County, N.Y	43,962	44,471
Rochester City, N.Y	146,733	0
Westchester County, N.Y	95,004	137,004
Balance-of-State, N.Y	0	299,045
Middlesex County, N.J	48,117	113,098
Ocean County, N.J	32,306	34,971
Balance-of-State, N.J	39,366	51,960
Essex County, N.J	87,894	126,366
Hudson County, N.J	0	26,052
Monmouth County, N.J	0	57,276
Passaic County, N.J	0	51,950
Region III		
Southern Alleghenies Cart., Pa	46,669	106,971
Balance-of-State, Pa	83,922	212,169
Bucks County, Pa	64,893	53,520
Berks County, Pa	36,952	0
District of Columbia	218,784	200,976
Prince George's County, Md	33,660	53,956
Baltimore County, Md	99,615	0
Balance-of-State, Del	80,925	0
Region IV		
Mobile Consortium, Ala	132,800	140,000
Balance-of-State, Fla	231,990	609,174
Broward Consortium, Fla	100,640	0
Escambia County, Fla	35,241	49,038
North East Florida Consortium	33,314	49,262
Manatee County, Fla	26,640	0
Palm Beach County, Fla	139,194	166,720
Pasco County, Fla	0	66,181
St. Petersburg, Consortium, Fla	79,438	0
Balance-of-State, Ga	334,375	0
Central Savannah Consortium, Ga	261,204	90,740
Atlanta City, Ga	220,416	0
Cobb County, Ga	42,746	33,522
Columbus Area Consortium, Ga	0	97,154
Mid-Georgia Consortium	25,998	0
Savannah/Chatham Cart., Ga	0	66,548
Gwinnett County, Ga	31,980	0
Blue Grass Consortium, Ky	0	372,400
Louisville/Jefferson Cart., Ky	621,696	0
Kenton County, Ky	158,470	0
Jackson Consortium, Miss	0	85,500
Harrison County Cart., Miss	61,335	54,320
Balance-of-State, N.C	0	267,750
Charlotte City, N.C	66,048	74,192
Robeson County, N.C	151,762	0
Davidson County, N.C	31,146	35,518
Balance-of-State, Tenn	0	498,300
Knoxville Consortium, Tenn	0	34,374
Region V		
Cook County, Ill	480,000	0
DuPage County, Ill	245,000	0
Tazewell County, Ill	87,000	0
Kane County, Ill	199,000	61,000
Shawnee County, Ill	74,000	0
St. Clair County, Ill	82,000	0
Chicago City, Ill	0	2,003,000
Lake County, Ill	0	248,000
Tippecanoe County, Ind	51,000	41,000
LaPorte County, Ind	68,000	151,000
Indianapolis City, Ind	0	247,000
Fort Wayne City, Ind	0	136,000
Balance-of-State, Mich	1,029,000	3,347,000
Bay County, Mich	191,300	153,000
Macomb County, Mich	664,000	359,000
Monroe County, Mich	90,000	0
Ottawa County, Mich	110,000	149,000
Saginaw County, Mich	306,000	0
Kalamazoo County, Mich	0	74,000
Dearborn City, Mich	0	88,000
Muskegon County, Mich	0	284,000
Grand Rapids Cart., Mich	0	571,000
Hennepin County, Minn	0	310,000
Minneapolis City, Minn	0	129,000
Columbiana County, Ohio	0	128,000
Trumbull County, Ohio	0	511,000
Canton Consortium, Ohio	0	452,000
Clark County, Ohio	0	52,000
Mahoning County, Ohio	0	129,000
Youngstown City, Ohio	247,000	584,000
Cuychoga Consortium, Ohio	247,000	551,000
Cincinnati City, Ohio	976,000	194,000
Lorain County, Ohio	26,000	181,000
Allen County, Ohio	0	148,000
Portage County, Ohio	0	35,000
Lake County, Ohio	83,000	64,000
Hamilton County, Ohio	224,000	0
Rock County, Wis	73,000	24,000
Marathon County, Wis	35,000	7,000
Region VI		
Central Arkansas Consortium	28,000	0
Balance-of-State, La	0	400,000
New Orleans City, La	42,000	0
Shreveport City, La	35,000	0
Ouachita Parish, La	0	70,000
Rapides Parish, La	0	35,000
Oklahoma City, Okla	67,522	0
Cameron County, Tex	52,412	46,577
Capitol Area Consortium, Tex	32,544	0
Fort Worth City, Tex	117,787	58,187
Permian Basin Consortium, Tex	0	63,868
South East Texas Consortium	0	37,782
El Paso City, Tex	0	87,786
Alamo Consortium, Tex	0	170,053
Dallas City, Tex	145,254	80,421
Region VII		
Central Iowa Consortium	70,800	22,908
Linn County, Iowa	21,900	25,300
Davenport/Scott Cart., Iowa	16,400	0
Woodbury County, Iowa	62,100	48,400
Balance-of-State, Iowa	287,200	0
Kansas City/Wyandotee Cart., Kans	77,700	139,800
Johnson/Leavenworth Cart., Kans	0	119,474
St. Charles County, Mo	47,500	47,500
Springfield City, Mo	0	67,300
Independence City, Mo	0	36,200
St. Louis City, Mo	0	22,100
Omaha City, Nebr	307,400	30,800
Balance-of-State, Nebr	256,300	0
Region VIII		
None		
Region IX		
Balance-of-State, Ariz	500,000	900,000
Pima County, Ariz	75,000	0
Maricopa County, Ariz	1,000,000	0
Sacramento Cart., Calif	950,000	475,000
Glendale City, Calif	232,902	0
Stanislaus County, Calif	800,000	700,000
Santa Barbara County, Calif	509,328	559,104
Alameda County, Calif	1,163,400	0
Shasta County, Calif	204,148	154,000
Ventura County Consortium, Calif	581,406	0
Santa Clara Consortium, Calif	1,052,887	0
Merced County, Calif	55,000	39,000
Pasadena City, Calif	55,500	0
Inland Manpower Cart., Calif	198,000	0
Los angeles County, Calif	0	3,027,267
Las Vegas/Clark Cart., Nev	272,922	0
Trust Territories	258,825	240,286
Region X		
Balance-of-State, Oreg	129,000	0
Yakima County, Wash	66,220	102,578
Clark County, Wash	0	29,748

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Friday
March 21, 1980

Part VII

Department of Justice

Law Enforcement Assistance Administration

Juvenile Justice and Delinquency Prevention, Requests for Comments on the Proposed LEAA Guideline: Capacity Building

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DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Requests for Comments on the Proposed LEAA Guideline: Capacity Building

AGENCY: Law Enforcement Assistance Administration (LEAA), Justice.

ACTION: Request for Public Comment.

SUMMARY: Notice is hereby given that the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, pursuant to the Juvenile Justice Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5601, et. seq., proposes to issue an addition to the National Priority Program and Discretionary Program Announcement, published in the **Federal Register** on February 15, 1980 (45 FR 10702). It will not in any way impact upon the programs or regulations presently set out in that announcement or affect the eligibility of those individuals applying for previously announced programs.

SUPPLEMENTARY INFORMATION: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is inviting interested persons to comment on the proposed guideline and will consider all such written comments before the final publication of this guideline. The period for public comment on this proposed guideline is 30 days. This 30 day external review period was approved by Homer F. Broome, Acting Administrator of LEAA, because it is deemed in the best interest of the public to provide for award of grants before October 1, 1980. After development of the final guideline, which is expected to be published in the **Federal Register** in Spring 1980, it is anticipated that interested persons will have approximately 45 days to develop concept papers.

This notice and opportunity to submit written views and comments is provided pursuant to Executive Order No. 12044, Improving Government Regulations, to ensure that interested organizations, agencies, and individuals have an opportunity to review the proposed guideline. Interested persons are invited to submit written comments or suggestions to Ms. Roberta Dorn, Office of Juvenile Justice and Delinquency, 633 Indiana Avenue, NW, Room 442, Washington, DC, 20531, on or before April 24, 1980. Miss Dorn's telephone number is 202/724–7755.

Ira M. Schwartz,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

Office of Juvenile Justice and Delinquency Prevention Program Announcement; Capacity Building

A. Purpose

Pursuant to Section 224(a) of the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974, as amended, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is sponsoring a program designed to increase the capacity of State and local governments, public and private youth-serving agencies, and indigenous neighborhood organizations or community groups, to prevent delinquency, develop and utilize alternative to the juvenile justice system, and improve the administration of juvenile justice. This Capacity Building Program consists of two separate and distinct components, each of which is described below.

B. Program Components

1. *Innovative Techniques*—a. *Component Description.* OJJDP is interested in receiving concept papers which propose to develop, maintain or expand the activities outlined in Section 224(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. These activities include:

(1) Develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs;

(2) Develop and maintain community-based alternatives to traditional forms of institutionalization;

(3) Develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system, including restitution projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents;

(4) Improve the capability of public and private agencies and organizations to provide services for delinquents and other youth to help prevent delinquency;

(5) Facilitate the adoption of the recommendations of the Advisory Committee and the Institute as set forth pursuant to Section 247;

(6) Develop and implement, in coordination with the Commissioner of Education, model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

(7) Develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system;

(8) Develop, implement, and support, in conjunction with the Secretary of Labor, other public and private agencies and organizations and business and industry programs for youth employment;

(9) Improve the juvenile justice system to conform to standards of due process;

(10) Develop and support programs designed to encourage and enable State legislatures to consider and further the purposes to this Act, both by amending State laws where necessary, and devoting greater resources to those purposes; and

(11) Develop and implement programs relating to juvenile delinquency and learning disabilities.

b. *Procedures for Reviewing Concept Papers.* Concept papers must propose strategies for employing one or more of the techniques contained in Paragraph (a) above. Concept papers will be reviewed competitively by the staff of OJJDP on a semi-annual basis. Each concept paper will be rated according to the following criteria, each of which will have equal weight:

1. Significance of the problem to be addressed.

2. Clarity of stated goals, objectives and a plan for implementation.

3. Qualifications of the proposer and capability to conduct the project.

4. Extent to which the planned program outcomes are measurable.

5. Extent to which the program concept and strategy introduces new ideas and/or techniques and their originality.

6. Assessment of need for implementation or maintenance of the project.

7. Relationship of the activity to the established priorities of OJJDP.

For those concept papers which receive the highest overall ratings, proposers will be invited by OJJDP to submit a formal discretionary grant application. Such invitations, however, do not indicate a commitment by OJJDP to fund the project.

c. *Eligible Applicants.* Public and private agencies, organizations, institutions, and individuals are eligible to apply for funds under this component.

d. *Duration and Size of Grants.* OJJDP intends to set aside approximately $4 million for this component for award in the first six-month funding cycle. Grants will be awarded for a two-year period in an amount not to exceed $300,000 per year.

2. *Neighborhood or Community Projects*— a. *Component Description.* OJJDP is interested in receiving concept papers from indigenous neighborhood organizations and community groups which propose strategies for preventing delinquency and providing youth services in communities with high rates of youth unemployment, school dropout and juvenile delinquency. The purpose of this component is to identify and support promising program concepts whose primary target population is high risk and minority youth, and their families. Examples of programmatic concepts which OJJDP considers appropriate under this component include, but are not limited to, gang intervention; neighborhood youth activities which also involve the childrens' parents, block clubs which focus on the resolution of youth-related problems, and youth coalition projects such as the St. Joseph County, Indiana youth participation program.

b. *Procedures for Reviewing Concept Papers.* All concept papers submitted for this component should include a brief description of the applicant agency, organization or group and the qualifications of staff to implement the project. In addition, concept papers should breifly indicate the characteristics of the project clients, including the age, racial/ethnic characteristics, economic level, and official delinquency rates of the target jurisdiction.

Concept papers must propose strategies for addressing juvenile delinquency within neighborhoods and communities. Concept papers will be reviewed semi-annually by OJJDP staff. Each concept paper will be rated according to the following criteria, each of which will have equal weight:

1. Significance of the juvenile deliquency problem in the target community.

2. Clarity of stated goals, objectives, and a plan for implementation.

3. Extent to which the concept paper focuses on primary community or family groups.

4. Capability of the proposer to conduct the project.

5. Extent to which the planned program outcomes are measurable.

6. Extent to which the concept paper includes youth as advisors, planners or participants in the development of the project.

7. Relationship of the proposer to the community.

8. Assessment of need for implementation or maintenance of the project.

For those concept papers which receive the highest overall ratings, proposers will be invited by OJJDP to submit a formal discretionary grant application. Such invitations, however, do not indicate a commitment by OJJDP to fund the project.

c. *Eligible Applicants.*

Indigenous neighborhood organizations and community groups are eligible to apply for funds under this component. All applicants must be incorporated non-profit organizations. Small neighborhood groups which intend to participate in a coalition model with an incorporated applicant, need not be incorporated themselves.

d. *Duration and Size of Grants.*

OJJDP intends to set aside approximately $2 million for this component for award in the first six-month funding cycle. Grants will be awarded for a two-year period and will range from $50,000 to $150,000 per year.

C. Submission Procedures

This Announcement is for the first semi-annual Capacity Building cycle. This Announcement will be republished to notify interested persons of the requirements and due dates for the second Capacity Building cycle.

For the first cycle, one original and two copies of each concept paper must be delivered or mailed to OJJDP no later than , 1980. One copy must be submitted concurrently to the applicable State Planning Agency for its review and comment. All concept papers which are mailed must be postmarked no later than

Concept papers should not exceed ten (10) typed single-space pages with one additional page for a brief budget projection. The authors of approved concept papers will be notified by of OJJDP's desire to receive a formal project application. At that time, potential applicants will be notified of all application submission requirements. The selection criteria which will be applied to formal applications will generally be the same as those cited in this announcement, however, they will be more detailed. Any new criteria that are applied to applications will specifically refer to cost considerations and adherence to standard LEAA application requirements.

All concept papers must clearly specify under which of the two program components the concept paper is being submitted. For further information, potential proponents may call or write OJJDP. Please contact:

Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NE., Room 442, Washington, D.C. 20531, (202) 724–7769.

[FR Doc. 80-8672 Filed 3-20-80; 8:45 am]

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Friday
March 21, 1980

Part VIII

Department of Health, Education, and Welfare

Office of Human Development Services

Announcement of Availability of Grant or Cooperative Agreement Funds for Crosscutting Research and Demonstration Program

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

[Program Announcement No.13647-801]

Cooperative Research and Demonstration Projects

AGENCY: Office of Human Development Services, HEW.

SUBJECT: Announcement of Availability of Grant or Cooperative Agreement Funds for the HDS Crosscutting Research and Demonstration Program.

SUMMARY: The Office of Human Development Services (HDS), Office of Planning, Research, and Evaluation (OPRE) announces that competing applications will be accepted for new research and demonstration grants and cooperative agreements authorized by Sections 1110 and 1115 in Title XI of the Social Security Act, as amended. These grants and cooperative agreements implement the third year of the Crosscutting Research and Demonstation Program which was established in October 1977 through the issuance of the HDS Research, Demonstration, and Evaluation (RD&E) Guidance for Fiscal year (FY) 1978. This Guidance set aside new R&D funds from the HDS Program Administrations—Aging; Children, Youth, and Families; Native Americans; Public Services and Rehabilitation Services (now designated the National Institute for Handicapped Research and being administratively relocated into the new Department of Education; the Developmental Disabilities Office will remain in HDS)—for implementing research and demonstation activities of a cross-program nature. In FY 1979 crosscutting R&D projects were again funded from a consolidated pool of funds from four R&D programs. Three other programs—Administration on Aging, Natonal Center for Child Abuse and Neglect and Vocational Rehabilitation—which were restricted from transferring funds by FY 1978 amendments, directly funded some projects related to crosscutting priorities. However, for FY 1980 Congress specifically increased the appropriation for Sections 1110 and 1115 in Title XI of the Social Security Act to cover crosscutting R&D activities. Consequently, all new priority and investigator initiated crosscutting research and demonstrations will be funded from this source in FY 1980.

DATES: The closing date for the receipt of applications May 20, 1980.

Scope of this Program Announcement

This program announcement discusses research and demonstration funding areas, including both priority and investigator initiated projects, for FY 1980 which support OPRE's crosscutting R&D goals. There will be additional program announcements in FY 1980 authorized under Sections 1110 and 1115 in Title XI of the Social Security Act by the following HEW agencies: Administration for Public Services, Office of Human Development Services; Health Care Financing Administration; and Social Security Administration.

Program Purpose

Grants and cooperative agreements funded by OPRE are for domestic and international research or demonstration projects which cut across the subject areas and target populations of HDS program administrations. These grants and cooperative agreements aid in effecting coordination of planning between private and public service agencies, and improving administration and effectiveness of programs administered or assisted under the Social Security Act, or related programs for the aged, developmentally disabled, children, youth, families and Native Americans. Cooperative agreements are discussed under Financial Assistance, Section 5 of the *FY 1980 Application Process* instructions in this announcement.

Program Goals and Objectives

The thrust of OPRE's crosscutting research and demonstration program is to encourage the analysis of issues from a broad problem or generic perspective rather than within the boundaries established by categorical legislation. The purpose of the program is to provide information on issues which have implications for more than one HDS program in the areas of management, delivery of services and intergovernmental roles and responsibilities to meet the needs of HDS target populations—low income individuals and families, aged, children, youth, developmentally disabled and Indians. These issues include:

1. Issues involving multiprogram or political jurisdiction based analysis of service strategies or performance of functions.

2. Issues requiring tests or assessment of integrated program models.

3. Issues arising from emerging national problems which do not fall within the purview of a particular program.

4. Issues relating to the assumptions about human behavior and/or development underlying HDS legislation and programs.

5. Issues included to the need for improving the efficiency of human services program administration at Federal, State and local levels.

Program Priorities for Funding

Applications are solicited in FY 1980 for projects which address the previously stated OPRE crosscutting objectives. In response to these objectives, OPRE has specified the priority projects described in detail in the Application Kit. These priority projects are identified by a number in parentheses after each project title. *This number must be used on all applications and correspondence which relate to the application.* Prospective applicants should utilize the more detailed material in the kit before preparing proposals.

Investigator initiated proposals, which respond to OPRE's crosscutting objectives, may also be submitted. These applications will be designated nonpriority and subject to the same panel review process as priority projects. Such proposals should offer a significant technical contribution and show strong relevance to the crosscutting R&D program's goals and objectives. They will compete against all of the other nonpriority proposals and a limited number may be funded from a set-aside for investigator initiated projects subject to funds availability.

Priority Projects

"Assessment, Documentation and Transfer of Local Government Programs for Enhanced Use of Voluntary, Business and Other Alternatives to Public Financing of Services" (OPRE–80–001).

The purpose of this project is to assess, document and facilitate the transfer of certain natural experiments involving local governments which were designed to deal with social welfare problems through measures minimizing increased public expenditures. The types of natural experiments which the grantee is expected to assess, document, and where appropriate, design and test transfers are programs which: 1) effectively utilize volunteers in such aspects of public programs as public information, legal, service delivery and monitoring; 2) rely on advocacy on behalf of target populations in relation to other systems including taxes, housing, education, employment, transportation, health and communication; 3) enlist business techniques, evaluation, technical assistance to provide cities assistance with long-range financial planning, use of technology, training, and modifications of facilities planning and utilization of facilities; and 4) community action to avoid court ordered solutions to problems of deinstitutionalization, discrimination, and access. Questions which the project may address are: How can alternative activities (i.e., use of volunteers, business skills, coordinated public, private and natural client pathways, natural helping networks and advocacy activities) be identified and stimulated? How is increased usage of volunteers promoted in cities and counties? What can local governments do to stimulate self-help groups? How can business skills be applied within public organizations to increase the efficiency and effectiveness of public services? How can local government officials organize services so as to maximize emphasis upon the natural helping network? Through increased advocacy and service coordination, can less costly means of service provision be defined? Finally, are any of these various approaches amenable to technology transfer? How much and what kind of technical assistance would be necessary for the recipient locality?

"Quality Assurance With a Focus on Applications of Experience in Health Systems to Social Services Programs" (OPRE–80–002).

The purpose of this project is to analyze findings in the health sector on the costs and the effects of quality assurance programs, to examine comparable situations in the social services sector, to determine the appropriateness and feasibility of transferring health sector mechanisms to the social services area, and assess the adequacy of the knowledge base which led to the development of the Federal or State mandates of specific quality assurance measures in human development service programs.

This project will review successes and failures in the health care and social services areas and will determine whether some of the more developed health care quality assurance programs include mechanisms or techniques which can be transferred to the social services area. Some of the questions which must be addressed include: What is the documented and comparative impact of health assurance mechanisms such as licensing, facilities standards, requirement re program composition, required operational procedures, accreditation, et al.? To what extent are incentives being used or could be used as an alternative technique for quality assurance? What are the aspects of human development programs which provide parallel opportunities for application of such quality assurance techniques? What are the factors which need to be considered in preparing for transfer of health systems quality assurance techniques to human development programs—including how to determine what types of functions are necessary in each service setting and how to determine the types of personnel needed for each function? Within selected techniques examples of questions are: Is professional or State licensing preferable? Should professional review teams be multidisciplinary? What impact does organizational structure have on quality assurance programs? What can the social services area learn from the mandated relationships between PSROs and Medicare Fiscal Intermediaries and Carriers, State Medicaid Agencies, End Stage Level Disease Medical Review Boards, State Governor's Offices, and Health Systems Agencies? Can successes in these areas be applied to social services human development services?

"Research Development in Historically Black Institutions of Higher Education" (OPRE–80–003).

The thrust of this project is to develop the capabilities of Historically Black Colleges (HBCs) to access and compete successfully for HDS's discretionary funds. This will be achieved through a multipronged effort directed at:

1. Assessing processes by which HBC's obtain information about HDS programs.

2. Analyzing how HBCs participate in the grant and contract processes.

3. Describing HBCs which have been successful and unsuccessful in the grants and contracts process.

This effort would document in detail the above with the following expected results:

1. Provide assistance to historically black institutions in expanding their capabilities for competing successfully for non-traditional funds (e.g., research and demonstration).

2. Increase research and demonstration activities by HBCs, relative to human service areas.

3. Provide evidence that black institutions are a national reservoir of knowledge and skills equipped to respond to the Federal grants and contracts process.

The long range goal would be for HBCs to have a permanent mechanism for accessing HDS's discretionary funding process.

"The Role of State Government in Promoting Nonservice Approaches to Social Welfare Problems" (OPRE–80–004).

The purpose of the proposed project is to examine the emerging role of State governments in promoting nonservice policy approaches to social welfare problems by State and local governments and to assess the effectiveness and impact of these approaches. The nonservice approaches include: modification of regulations, tax policy change, administrative reform, collaboration with the private sector, promotion of self-help, and use of advocacy. The fundamental research questions concern three elements of State-level nonservice approaches which are to be examined in the proposed multi-State project, namely: (1) to what degree do State laws and regulations constrain local power to implement nonservice approaches in addressing social welfare problems; (2) what is the extent, process, effectiveness and impact of State use of nonservice tools independent of local government and (3) what is the extent, process, effectiveness and impact of joint State-local use of nonservice tools on social welfare issues? In addition, the project is expected to identify the factors which influence the efficacy of each nonservice approach and would impact on its replication in other environments.

Eligible Applicants

Section 1110 Grants and Cooperative Agreements

Under this announcement any State, public, or nonprofit organization or agency may apply for an 1110 grant or cooperative agreement.

Section 1115 Grants and Cooperative Agreements

Under Section 1115, applications for grants or cooperative agreements may be made only by a State agency designated as the single State agency for a Social Security Act Title XX program. OPRE encourages State and local community multiprogram human service agencies, foundations, and universities to develop joint applications, thereby promoting a comprehensive approach to resolving the complex issues involved in developing and administering human service programs.

Available Funds

The Office of Planning, Research, and Evaluation expects to award approximately $700,000 in FY 1980 for new grants and cooperative agreements funded under Sections 1110 and 1115 of Title XI of the Social Security Act, as amended. A new grant or cooperative

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agreement is the initial award made in support of a project requested in an application.

It is expected that about four new domestic and international grants or cooperative agreements will be awarded pursuant to this announcement. Generally, the projects will be supported for periods from one to three years. If additional funds become available, they will be used for investigator initiated projects.

Although the average award is expected to be $125,000, the size of awards may range from $75,000 to $200,000. Awards averaged $95,000 in FY and $105,000 in FY 1979.

Project start up dates will vary from July 15, 1980 through September 30, 1980. The funds provided in the initial grant award or notice of financial assistance will sustain the Federal share of the budget for the first year of the project. Support for any time remaining in the project period is dependent upon funds available and satisfactory performance.

In fiscal year 1978 and FY 1979, approximately 175 research applications and 93 demonstration applications respectively were accepted by OPRE for review and evaluation. For both years, there were three major thrusts for the crosscutting R&D effort: 1) the relationship between employment and support services; 2) the planning, coordination, delivery, quality assurance and administration of human services at the local level; and 3) the issue of relation of health activities to human services. Twenty-six (26) R&D grant awards were made in FY 1978 and five (5) in FY 1979.

Applicant Share of the Project

Section 1110

Applicants receiving financial assistance to conduct projects are expected to contribute some portion of the project costs for each year for which funding is requested. Five (5) percent is generally considered acceptable. No Section 1110 grant or cooperative agreement award will cover 100 percent of project costs.

Section 1115

Special Federal project grant or cooperative agreement funds received under Section 1115 are available to be used as the single State agency matching funds to obtain regular Federal share funds. It should be noted that except for training components of a project, the regular Federal share funds must come from the Social Security Act, Title XX allotment. Applicants are encouraged to contribute some portion of the project costs for each budget category requiring Federal funds. One (1) percent is generally considered acceptable.

Fiscal Year 1980 Application Process

1. *Availability of FY 1980 Application Forms.* Application kits which contain the prescribed forms and supplemental descriptive project information for FY 1980 projects are available from: Ms Mary Jane Cronin, Chief, Domestic Research Group, Division of Research, Office of Planning, Research, and Evaluation, Office of Human Development Services, Room 3744 HEW North Building, 330 Independence Avenue, S.W. (Attention 13647–801), Washington, D.C. 20201, telephone: 202/472/7239. *All written requests should contain a self-addressed mailing label to facilitate a prompt response.*

2. *Application Submission.* In order to be considered for a Social Security Act, Title XI, Section 1110 or Section 1115 grant or cooperative agreement, all applications must be submitted on standard forms provided for this purpose by OPRE. The application shall be executed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms of the award. one signed application and two copies, including all cover letters and attachments, are required.

All applications should contain a self-addressed envelope to facilitate prompt notification of an award decision.

As part of the project title (Standard Form 424 page 1, item 7), the applicant must clearly indicate whether the application submitted is in response to a priority project identified in this announcement, and must reference the unique project identifier (OPRE–80–1, OPRE–80–2, etc.) for which the application is to compete. All applications not developed in response to an OPRE priority should be labeled as investigator initiated. Applications lacking a specific OPRE project identifier, i.e., OPRE–80–1, will be considered investigator initiated and will compete accordingly.

3. *A–95 Notification Process.* Notice is not required to A–95 State and areawide clearinghouses, as the program is exempt from the requirement.

4. *Application Consideration.* The Director, Office of Planning, Research, and Evaluation, determines the final action to be taken on each application. Applications which do not conform to this announcement or are not complete will not be accepted. The applicants will be notified accordingly. Letters of support or other supplementary materials should be submitted with the application. For priority projects, supplementary materials received after the closing date will not be appended to the application.

Applications for FY 1980 priority projects which are received after the closing date will be considered investigator initiated, held for the next competitive review and competed accordingly. Investigator initiated projects may be submitted at any time. Those received after the closing date will be held until the next competitive review.

All accepted applications are subjected to a competitive review and evaluation conducted by a panel of qualified persons independent of OPRE. Subsequent to the panel review, highly rated applications will also be reviewed by Program Administrations and the Regional Office staff. The results of the competitive review combined with the program and specialists comments will assist the Director's decision.

5. *Financial Assistance.* The Director, Office of Planning, Research, and Evaluation makes financial assistance awards consistent with the purposes of the Social Security Act and this program announcement within the limits of Federal funds available. The official document is the Notice of Financial Assistance Awarded. The Notice sets forth in writing to the recipient the amount of funds awarded, the purpose of the award, the terms and conditions of the award, the budget period which the support covers, the total project period and the total recipient participation, if appropriate.

In accordance with the Federal Grant and Cooperative Agreement Act of 1977 (P.L. 95–244), OPRE will utilize the cooperative agreement as its basic assistance instrument when substantial involvement by OPRE is anticipated in the project activity. The cooperative relationship being contemplated will be reflected in the Notice of Financial Assistance Awarded terms and conditions. Examples of terms are:

a. HDS involvement in the selection of key recipient personnel. In some cases, this might mean that HDS would reserve the right to interview potential staff prior to hiring.

b. HDS review and approval of work to be performed through subgrants or contracts.

c. HDS review and approval of one stage of work prior to initiating work on the subsequent stage, i.e., HDS approval of a survey instrument.

d. HDS and recipient collaboration in the project performance, including provision of specified work directions or redirection which would limit recipient discretion in the scope of services, organizational structure or staffing.

e. HDS option to immediately halt an activity, e.g., HDS stopping project activities until the demonstration site is open and operational.

Criteria for Application Review and Evaluation

Competing applications will be reviewed and evaluated against the criteria stated below.

1. Clarity of purpose, objectives, and statement of problem, relatedness to specific crosscutting priorites defined in this program announcement. (Maximum score 15 Points).

2. Extent to which the proposal exhibits thorough knowledge of pertinent previous work and relates the proposed research to that work. (Maximum score 15 points).

3. Adequacy of research design and methodology, including (for demonstation projects) the evaluation plan. (Maximum score 30 points).

4. Adequacy of the work plan; adequacy of the organizational structure; evidence of commitment by organizations and agencies whose support is essential to the conduct of the proposed project. (Maximum score 20 points).

5. Qualifications of the staff; previous organizational experience. (Maximum score 5 points).

6. Adequacy of utilization plan, including identification of potential user groups and means of transferring information to such groups. (Maximum score 10 points).

7. The budget is given in detail with justifications and explanations. Estimated costs are reasonable considering anticipated results. (Maximum 5 points).

Closing Dates for Receipt of Applications

The closing date for receipt of applications for projects, both priority and field initiated, identified in this program announcement is (60 days from date of publication.) Applications may be mailed or hand delivered to: Receiving Office, Division of Grants and Contracts Management, Office of Human Development Services, HEW, 200 Independence Avenue, S.W., Room 341–F.1 Hubert Humphrey Building, Attention: 13647–801, Washington, D.C. 20201.

Applications must be received at the above address by the closing date. Hand delivered applications are accepted during normal working hours of 9 a.m. to 5 p.m., Monday through Friday. Applications will be considered to be received on time if they are either postmarked (first class mail), or received by the deadline, unless they arrive too late to be considered by the independent review panel.

(Catalog of Federal Domestic Assistance Number: 13647, Office of Human Development Services, Cooperative Research or Demonstration Projects)

Approved: March 14, 1980.

Jerry Turem

Director, Office of Planning, Research, and Evaluation.

Dated: March 14, 1980.

Warren Master,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 80–8743 Filed 3–20–80; 8:45 am]

BILLING CODE 4110–92–M

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federal register

Friday
March 21, 1980

Part IX

Department of Justice

Office of the Attorney General

Voting Rights; Proposed Procedures for Administration of Section 5

V 45/57 MR 21 80 UMI

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 51

Procedures for the Administration of Section 5 of the Voting Rights Act of 1965; Proposed Revision of Procedures

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: The Attorney General is considering a proposal to revise the procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 CFR Part 51, 36 FR 18186 (Sept. 10, 1971). Revision of the guidelines is needed as a result of experience under them since 1971 and as a result of the Voting Rights Act Amendments of 1975. Interested persons are invited to participate in the making of the proposed revised guidelines by submitting written comments.

DATE: All comments received on or before May 20, 1980 will be considered. It is proposed that such revised guideline be effective upon publication in final form.

ADDRESS: Comments should be sent to the Assistant Attorney General Civil Rights Division, Department of Justice, Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: David H. Hunter, Attorney, Voting Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, (202) 724–7189.

SUPPLEMENTARY INFORMATION: The proposed revised guidelines record the delegation of authority for Section 5 determinations to the Assistant Attorney General, Civil Rights Division and the authorization of the Chief of the Voting Section to act on behalf of the Assistant Attorney General (§ 51.3), specify the date for each covered jurisdiction after which changes affecting voting must be precleared under Section 5 (§ 51.4 and Appendix), make clear the position of the Attorney General that all changes affecting voting within a covered jurisdiction must be precleared (see *United States* v. *Board of Commissioners of Sheffield, Alabama,* 435 U.S. 110 (1978), and *Dougherty County, Georgia, Board of Education* v. *White,* 439 U.S. 32 (1978)) (§ 51.6), make clear that certain activities of political parties are subject to Section 5 (§ 51.7), clarify how the 60-day period in which the Attorney General must make a determination is calculated (§ 51.8), explain the application of Section 5 to recurrent practices (§ 51.13) and enabling legislation (§ 51.14) and the distinction between procedural and substantive changes (see *United States* v. *Board of Commissioners of Sheffield, Alabama, supra)* (§ 51.15), clarify the application of section 5 to changes ordered by Federal courts (see *Wise* v. *Lipscomb,* 437 U.S. 535 (1978), and *East Carroll Parish School Board* v. *Marshall,* 424 U.S. 636, 638–39 n. 6 (1976)) (§ 51.16), establish standards for the withdrawal of a submission (§ 51.23), clarify what information is needed for a determination (§§ 51.24, 51.25 & 51.26), clarify the procedures and standards for expedited consideration (§ 51.32), explain the situations in which a determination on the merits cannot be made (§ 51.33), clarify the procedures to be followed when insufficient information is provided to enable the Attorney General to make a determination (see *Georgia* v. *United States,* 411 U.S. 526, 539–41 (1973), and *United States* v. *Uvalde County,* 455 F. Supp. 101 (W.D. Tex. 1978), affirmed, 439 U.S. 1059 (1979)) (§§ 51.35, 51.36 & 51.38), explain the practice of the Attorney General when a submitting authority materially supplements a pending submission or makes a second related submission (§ 51.37) or when a submitting authority fails to complete a submission (§ 51.38), commit the Attorney General to responding to all submissions within the 60-day period and explain the consequences of a failure to respond (§ 51.41), explain the possibility of a reconsideration within the 60-day period of a decision not to object to a submitted change (§ 51.42), simplify and clarify the procedures and standards for the reconsideration of an objection (§§ 51.43(b), 51.44 & 51.45), add a notice requirement when an objection is reconsidered at the insistence of the Attorney General (§ 51.46), incorporate the decision of the Supreme Court that decisions of the Attorney General under Section 5 are not subject to judicial review (see *Morris* v. *Gressette,* 432 U.S. 491 (1977)) (§ 51.47), describe present practice with respect to the maintenance of and access to records concerning submissions (§ 51.48), and include a list of all jurisdictions in which the preclearance requirement of Section 5 applies (Appendix).

Interested persons are invited to participate in the making of the proposed revised guidelines by submitting written comments.

The table that follows indicates which section of the 1971 guidelines, if any, corresponds to each section of the proposed guidelines. However, it should be noted that at least some change has been made in every section.

Proposed guidelines:	*1971 guidelines*
51.1	51.1
51.2	51.2
51.3	
51.4	
51.5	
51.6	
51.7	
51.8	51.3
51.9	51.4
51.10	51.4(b)
51.11	51.4(a)
51.12	51.4(c)
51.13	
51.14	
51.15	
51.16	
51.17	51.11
51.18	51.5
51.19	51.6
51.20	51.7
51.21	51.8
51.22	51.9
51.23	
51.24	51.10(b) (8)–(11)
51.25	51.10(a), 51.10(b) (1)–(4), 51.5
51.26	51.10(b) (1)–(7)
51.27	51.12
51.28	51.15 (a), (b)
51.29	51.14
51.30	51.13
51.31	51.16
51.32	51.22
51.33	51.17
51.34	
51.35	51.18(a)
51.36	51.18(b) (1), (2), 51.18(c)
51.37	
51.38	
51.39	51.19
51.40	51.20
51.41	
51.42	51.22
51.43	51.21
51.44	51.21(c), 51.23
51.45	51.24
51.46	51.25
51.47	
51.48	51.26
51.49	51.4, 51.15(c)
51.50	
51.51	51.27
51.52	51.28
51.53	51.29

This statement of revised procedures is proposed under 5 U.S.C. 301; 28 U.S.C. 509, 510; and 42 U.S.C. 1973c.

Dated: March 13, 1980.

Benjamin R. Civiletti,

Attorney General.

The proposed new 28 CFR Part 51 reads as follows:

PART 51—PROCEDURES FOR THE ADMINISTRATION OF SECTION 5 OF THE VOTING RIGHTS ACT OF 1965, AS AMENDED

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51.2 Definitions.
51.3 Delegation of authority.
51.4 Date used to determine coverage; list of covered jurisdictions.
51.5 Termination of coverage.
51.6 Political subunits.
51.7 Political parties.

Sec.
51.8 Computation of time.
51.9 Requirement of action for declaratory judgment or submission to Attorney General.
51.10 Right to bring suit.
51.11 Scope of requirement.
51.12 Examples of changes.
51.13 Recurrent practices.
51.14 Enabling legislation and contingent or nonuniform requirements.
51.15 Distinction between changes in procedure and changes in substance.
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51.17 Request for notification concerning voting litigation.

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51.18 Form of submissions.
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51.31 Notice to registrants concerning submissions.
51.32 Expedited consideration.
51.33 Disposition of inappropriate submissions.
51.34 Release of information concerning submissions.
51.35 Obtaining information from the submitting authority.
51.36 Obtaining information from others.
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51.39 Standards for determination by the Attorney General.
51.40 Notification of decision not to object.
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51.43 Notification of decision to object.
51.44 Conference.
51.45 Decision after reconsideration.
51.46 Reconsideration of objection at the instance of the Attorney General.
51.47 Absence of judicial review.
51.48 Records concerning submissions.

Subpart F—Sanctions

51.49 Enforcement by the Attorney General.
51.50 Enforcement by private parties.

Subpart G—Petition to Change Procedures

51.51 Who may petition.
51.52 Form of petition.
51.53 Disposition of petition.

Appendix—Jurisdictions covered.

Authority: The provisions of this Part 51 are issued under 5 U.S.C. 301; 28 U.S.C. 509, 510; and 42 U.S.C. 1973c.

Subpart A—General Provisions

§ 51.1 Purpose.

Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c, prohibits the enforcement in any jurisdiction covered by Section 4(b) of the Act, 42 U.S.C. 1973(b), of any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on the date used to determine coverage, until either (1) a declaratory judgment is obtained from the U.S. District Court for the District of Columbia that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group, or (2) it has been submitted to the Attorney General and the Attorney General has interposed no objection within a 60-day period following submission. In order to make clear the responsibilities of the Attorney General under Section 5 and the interpretation of the Attorney General of the responsibility imposed on others under this section, the procedures in this part have been established to govern the administration of Section 5.

§ 51.2 Definitions.

As used in this part—

(a) "Act" means the Voting Rights Act of 1965, 79 Stat. 437, as amended by the Civil Rights Act of 1968, 82 Stat. 73, the Voting Rights Act Amendments of 1970, 84 Stat. 314, and the Voting Rights Act Amendments of 1975, 89 Stat. 400, 42 U.S.C. 1973 *et seq.* Section numbers, such as "Section 14(c)(3)," refer to sections of the Act.

(b) "Attorney General" means the Attorney General of the United States or the delegate of the Attorney General.

(c) "Vote" and "voting" are used, as defined in the Act, to include "all action necessary to make a vote effective in any primary, special, or general election, including but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election." Section 14(c)(1).

(d) "Change affecting voting" means any voting qualification, prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on the date used to determine coverage under Section 4(b) and includes, *inter alia,* the examples given in § 51.12.

(e) "Political subdivision" is used, as defined in the Act, to refer to "* * * any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting." Section 14(c)(2).

(f) "Covered jurisdiction" is used to refer to a State, where the determination referred to in § 51.4 has been made on a statewide basis, and to a political subdivision, where the determination has not been made on a statewide basis.

(g) "Preclearance" is used to refer to the obtaining of the declaratory judgment described in Section 5 or to the failure of the Attorney General to interpose an objection pursuant to Section 5.

(h) "Submission" is used to refer to the written presentation to the Attorney General by an appropriate official of any change affecting voting.

(i) "Submitting authority" means the jurisdiction on whose behalf a submission is made.

(j) "Language minority" or "language minority group" is used, as defined in the Act, to refer to persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage. Section 14(c)(3). For the purposes of the Act, the following Asian American groups are considered language minority groups: Chinese Americans, Filipino Americans, Japanese Americans, and Korean Americans.

§ 51.3 Delegation of authority.

The responsibility and authority for determinations under Section 5 have been delegated by the Attorney General to the Assistant Attorney General, Civil Rights Division. For responses other than objections or reconsiderations of objections the Chief of the Voting Section is authorized to act on behalf of the Assistant Attorney General.

§ 51.4 Date used to determine coverage; list of covered jurisdictions.

(a) The requirement of Section 5 takes effect upon publication in the Federal Register of the requisite determinations of the Director of the Census and the Attorney General under Section 4(b). These determinations are not reviewable in any court. Section 4(b).

(b) Section 5 requires the preclearance of changes affecting voting made since

the date used for the determination of coverage. For each covered jurisdiction that date is one of the following: November 1, 1964; November 1, 1968; or November 1, 1972. A list of covered jurisdictions, together with the applicable date used to determine coverage, is contained in the appendix to this part. Any additional determinations of coverage will be published in the **Federal Register.**

§ 51.5 Termination of coverage.

A covered jurisdiction may terminate the application of Section 5 by obtaining the declaratory judgment described in Section 4(a) of the Act.

§ 51.6 Political subunits.

All political subunits within a covered jurisdiction (e.g., counties, cities, school districts) are subject to the requirement of Section 5.

§ 51.7 Political parties.

Certain activities of political parties are subject to the preclearance requirement of Section 5. A change affecting voting effected by a political party is subject to the preclearance requirement (1) if the change relates to a public electoral function of the party and (2) if the party is acting under authority explicitly or implicitly granted by a covered jurisdiction or political subunit subject to the preclearance requirement of Section 5. For example, changes with respect to the recruitment of party members, the conduct of political campaigns, and the drafting of party platforms are not subject to the preclearance requirement. Changes with respect to the conduct of primary elections at which party nominees, delegates to party conventions, or party officials are chosen are subject to the preclearance requirement of Section 5.

§ 51.8 Computation of time.

(a) The Attorney General shall have 60 days in which to interpose an objection to a submitted change affecting voting.

(b) Except as specified in §§ 51.35, 51.37, and 51.41 the 60-day period shall commence upon receipt by the Department of Justice of a submission.

(c) The 60-day period shall mean 60 calendar days, with the day of receipt of the submission not counted. If the final day of the period should fall on a Saturday, Sunday, any day designated as a holiday by the President or Congress of the United States, or any other day that is not a day of regular business for the Department of Justice, the Attorney General shall have until the close of the next full business day in which to interpose an objection. The date of the Attorney General's response shall be the date on which it is mailed to the submitting authority.

§ 51.9 Requirement of action for declaratory judgment or submission to the Attorney General.

Section 5 requires that, prior to enforcement of any change affecting voting, the jurisdiction that has enacted or seeks to administer the change must either (1) obtain a judicial determination from the U.S. District Court for the District of Columbia that denial or abridgment of the right to vote on account of race, color, or membership in a language minority group is not the purpose and will not be the effect of the change or (2) make to the Attorney General a proper submission of the change to which no objection is interposed. It is unlawful to enforce a change affecting voting without obtaining preclearance under Section 5. The obligation to obtain such preclearance is not relieved by unlawful enforcement.

§ 51.10 Right to bring suit.

Submission to the Attorney General does not affect the right of the submitting authority to bring an action in the U.S. District Court for the District of Columbia for a declaratory judgment that the change affecting voting does not have the prohibited discriminatory purpose or effect.

§ 51.11 Scope of requirement.

Any change affecting voting, even though it appears to be minor or indirect, even though it ostensibly expands voting rights, or even though it is designed to remove the elements that caused objection by the Attorney General to a prior submitted change, must meet the Section 5 preclearance requirement.

§ 51.12 Examples of changes.

Changes affecting voting include, but are not limited to, the following examples:

(a) Any change in qualifications or eligibility for voting.

(b) Any change concerning registration, balloting, and the counting of votes and any change concerning publicity for or assistance in registration or voting.

(c) Any change with respect to the use of a language other than English in any aspect of the electoral process.

(d) Any change in the boundaries of voting precincts or in the location of polling places.

(e) Any change in the constituency of an official or the boundaries of a voting unit (e.g., through redistricting, annexation, deannexation, incorporation, reapportionment, changing to at-large elections from district elections, or changing to district elections from at-large elections).

(f) Any change in the method of determining the outcome of an election (e.g., by requiring a majority vote for election or the use of a designated post or place system).

(g) Any change affecting the eligibility of persons to become or remain candidates, to obtain a position on the ballot in primary or general elections, or to become or remain holders of elective offices.

(h) Any change in the eligibility and qualification procedures for independent candidates.

(i) Any change in the term of an elective office or an elected offical or in the offices that are elective (e.g., by shortening the term of an office, changing from election to appointment or staggering the terms of offices).

(j) Any change affecting the necessity of or methods for offering issues and propositions for approval by referendum.

§ 51.13 Recurrent practices.

Where a jurisdiction implements a practice or procedure periodically or upon certain established contingencies, a change occurs (1) the first time such a practice or procedure is implemented by the jurisdiction, (2) when the manner in which such a practice or procedure is implemented by the jurisdiction is changed, or (3) when the rules for determining when such a practice or procedure will be implemented are changed. The failure of the Attorney General to object to a recurrent practice or procedure constitutes preclearance of the future use of the practice or procedure if its recurrent nature is clearly stated or described in the submission or is expressly recognized in the final response of the Attorney General on the merits of the submission.

§ 51.14 Enabling legislation and contingent or nonuniform requirements.

(a) The failure of the Attorney General to interpose an objection to legislation (1) that enables or permits political subunits to institute a voting change or (2) that requires or enables political subunits to institute a voting change upon some future event or if they satisfy certain criteria does not exempt the political subunit itself from the requirement to obtain preclearance when it seeks or is required to institute the change in question, unless implementation by the subunit is explicitly included and described in the submission of such parent legislation.

(b) Such legislation includes, for example, (1) legislation authorizing counties, cities, or school districts to institute any of the changes described in § 51.12, (2) legislation requiring a political subunit that chooses a certain form of government to follow specified election procedures, (3) legislation requiring or authorizing political subunits of a certain size or a certain location to institute specified changes, (4) legislation requiring a political subunit to follow certain practices or procedures unless the subunit's charter or ordinances specify to the contrary.

§ 51.15 Distinction between changes in procedure and changes in substance.

The failure of the Attorney General to interpose an objection to a procedure for instituting a change affecting voting does not exempt the substantive change from the preclearance requirement. For example, if the procedure for the approval of an annexation is changed from city council approval to approval in a referendum, the preclearance of the new procedure does not exempt an annexation accomplished under the new procedure from the preclearance requirement.

§ 51.16 Court-ordered changes.

Changes affecting voting that are specifically ordered by a Federal court as a result of the court's equitable jurisdiction over an adversary proceeding are not subject to the preclearance requirement of Section 5. However, subsequent changes necessitated by the court order but decided upon by the jurisdiction are subject to the preclearance requirement. For example, although a court-ordered districting plan may not be subject to the preclearance requirement, changes in voting precincts and polling places made necessary by the new plan remain subject to Section 5.

§ 51.17 Request for notification concerning voting litigation.

A jurisdiction subject to the preclearance requirement of Section 5 that becomes involved in any litigation concerning voting is requested promptly to notify the Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530. Such notification will not be considered a submission under Section 5.

Subpart B—Procedures for Submission to the Attorney General

§ 51.18 Form of submissions.

Submissions may be made in letter or any other written form.

§ 51.19 Time of submissions.

Changes affecting voting should be submitted as soon as possible after they become final.

§ 51.20 Premature submissions.

The Attorney General will not consider on the merits any proposal for a change affecting voting submitted prior to final enactment or administrative decision. However, with respect to a change for which approval by referendum, a State court or a Federal agency is required, the Attorney General may make a determination concerning the change prior to such approval if the change is not subject to alteration in the final approving action and if all other action necessary for approval has been taken.

§ 51.21 Party and jurisdiction responsible for making submissions.

Changes affecting voting shall be submitted by the chief legal officer or other appropriate official of the submitting authority or by any other authorized person on behalf of the submitting authority. When one or more counties or other political subunits within a State will be affected, the State may make a submission on their behalf. Where a State is covered as a whole, State legislation (except legislation of local applicability) or other changes undertaken or required by the State shall be submitted by the State.

§ 51.22 Address for submissions.

Changes affecting voting shall be mailed or delivered to the Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530. The envelope and first page of the submission shall be clearly marked: Submission under Section 5 of the Voting Rights Act.

§ 51.23 Withdrawal of submissions.

If while a submission is pending the submitted change is repealed, altered, or declared invalid or otherwise becomes unenforceable, the jurisdiction may withdraw the submission. In other circumstances, a jurisdiction may withdraw a submission only if it shows good cause for such withdrawal.

Subpart C—Contents of Submissions

§ 51.24 General.

(a) The source of any information contained in a submission should be identified.

(b) Where an estimate is provided in lieu of more reliable statistics, the submission should identify the name, position, and qualifications of the person responsible for the estimate and should briefly describe the basis for the estimate.

(c) Submissions should be no longer than is necessary for the presentation of the appropriate information and materials.

(d) A submitting authority that desires the Attorney General to consider any information supplies as part of an earlier submission may incorporate such information by reference by stating the date and subject matter of the earlier submission and identifying the relevant information.

(e) Where information requested by this subpart is relevant but not known or available, or is not applicable, the submission should so state.

§ 51.25 Required contents.

Each submission should contain the following information or documents to enable the Attorney General to make the required determination pursuant to Section 5 with respect to the submitted change affecting voting:

(a) A copy of any ordinance, enactment, order or regulation embodying a change affecting voting. However, legal descriptions of boundaries need not be included.

(b) If the change affecting voting is not readily apparent on the face of the document provided under paragraph (a) or is not embodied in a document, a clear statement of the change explaining the difference between the submitted change and the prior law or practice, or explanatory materials adequate to disclose to the Attorney General the difference between the prior and proposed situation with respect to voting.

(c) The name, title, address, and telephone number of the person making the submission.

(d) The name of the submitting authority and the name of the jurisdiction responsible for the change, if different.

(e) If the submission is not from a State or county, the name of the county and State in which the submitting authority is located.

(f) Identification of the person or body responsible for making the change and the mode of decision (e.g., act of State legislature, ordinance of city council, administrative decision by registrar).

(g) A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedures the jurisdiction was required to follow in deciding to undertake the change.

(h) The date of adoption of the change affecting voting.

(i) The date on which the change is to take effect.

(j) A statement that the change has not yet been enforced or administered, or an explanation of why such a statement cannot be made.

(k) Where the change will affect less than the entire jurisdiction, an explanation of the scope of the change.

(l) A statement of the reasons for the change.

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(m) A statement of the anticipated effect of the change on members of racial or language minority groups.

(n) A statement identifying any past or pending litigation concerning the change or related voting practices.

(o) A statement that the prior practice has been precleared (with the date) or is not subject to the preclearance requirement and a statement that the procedure for the adoption of the change has been precleared (with the date) or is not subject to the preclearance requirement, or an explanation of why such statements cannot be made.

(p) Other information that the Attorney General determines is required for an evaluation of the purpose or effect of the change. Such information may include items listed in § 51.26 and is most likely to be needed with respect to redistrictings, annexations, and other complex changes. In the interest of time such information should be furnished with the initial submission relating to voting changes of this type. When such information is required, but not provided, the Attorney General shall notify the submitting authority in the manner provided in § 51.35.

§ 51.26 Supplemental contents.

Review by the Attorney General will be facilitated if the following information is provided in addition to that required by § 51.25 for any change for which the listed information may be pertinent.

(a) *Demographic information.* (1) Total and voting age population of the affected area before and after the change, by race and language group. If such information is contained in publications of the U.S. Bureau of the Census, a statement to that effect is sufficient.

(2) The number of registered voters for the affected area before and after the change, by race and language group.

(3) Any estimates of population, by race and language group, made in connection with the adoption of the change.

(b) *Maps.* Where any change is made that revises the constituency that elects any office or affects the boundaries of any geographic unit or units defined or employed for voting purposes (e.g., redistricting, annexation, change from district to at-large elections) or changes the location of a polling place or place of registration, a map or maps of the area to be affected, containing the following information:

(1) The prior boundaries of the voting unit or units.

(2) The new boundaries of the voting unit or units.

(3) Any other changes in the voting unit boundaries or in the geographical makeup of the constituency since the time that coverage under Section 4(b) began. If such changes have already been submitted, a reference to the date and subject of the prior submissions is sufficient.

(4) Location of racial and language minority groups within the prior units.

(5) Location of racial and language minority groups within the new units.

(6) Any natural boundaries or geographical features that influenced the selection of boundaries of the preexisting or new units.

(7) Location of prior and new polling places.

(c) *Election returns.* Where a particular office is involved or affected, information or materials showing the number of candidates, by race and language group, who have run for such office in recent primary or general elections and the results, by voting precinct, of elections in which there were racial or language minority candidates.

(d) *Language usage.* Where a change is made affecting the use of the language of a language minority group in the electoral process, information that will enable the Attorney General to determine whether the change is consistent with the minority language requirements of the Act. The Attorney General's interpretation of the minority language requirements of the Voting Rights Act of 1965, as amended by the Voting Rights Act Amendments of 1975, is contained in Interpretative Guidelines: Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups, 28 CFR Part 55.

(e) *Publicity and participation.* For submissions involving controversial or potentially controversial changes, evidence of public notice, of the opportunity for the public to be heard, and of the opportunity for interested parties to participate in the decision to adopt the proposed change and an account of the extent to which such participation, especially by minority group members, in fact took place. Examples of materials demonstrating public notice or participation include:

(1) Copies of newspaper articles discussing the proposed change.

(2) Copies of public notices that described the proposed change and invite public comment or participation in hearings or that announce submission to and invite comments for the consideration of the Attorney General and statements regarding where such public notices appeared (e.g., newspaper, radio, or television, posted in public buildings, sent to identified individuals or groups).

(3) Minutes or accounts of public hearings concerning the proposed change.

(4) Statements, speeches, and other public communications concerning the proposed change.

(5) Copies of comments from the general public.

(6) Excerpts from legislative journals containing discussion of a submitted enactment, or other materials revealing its legislative purpose.

(f) *Minority group contacts.* For submissions from jurisdictions having a significant minority population, the names, addresses, telephone numbers, and organizational affiliation (if any) of racial or language minority group members who can be expected to be familiar with the proposed change or who have been active in the political process.

Subpart D—Communications From Individuals and Groups

§ 51.27 Communications concerning voting changes.

Any individual or group may send to the Attorney General information concerning a change affecting voting in a jurisdiction to which Section 5 applies.

(a) Communications may be in the form of a letter stating the name, address, and telephone number of the individual or group, describing the alleged change affecting voting and setting forth evidence regarding whether the change has or does not have a discriminatory purpose or effect, or simply bringing to the attention of the Attorney General the fact that a voting change has occurred.

(b) The communications should be mailed to the Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530. The envelope and first page should be marked: Comment under Section 5 of the Voting Rights Act.

(c) Comments by individuals or groups concerning any change affecting voting may be sent at any time; however, individuals and groups are encouraged to comment as soon as they learn of the change.

(d) Department of Justice officials and employees shall comply with the request of any individual that his or her identity not be disclosed to any person outside the Department, to the extent permitted by the Freedom of Information Act, 5 U.S.C. 552. In addition, whenever it appears to the Attorney General that disclosure of the identity of an individual who provided information regarding a change affecting voting

"would constitute a clearly unwarranted invasion of personal privacy" under 5 U.S.C. 552(b)(6), the identity of the individual shall not be disclosed to any person outside the Department.

(e) When an individual or group desires the Attorney General to consider information that was supplied in connection with an earlier submission, it is not necessary to resubmit the information but merely to identify the earlier submission and the relevant information.

§ 51.28 Action on communications from individuals or groups.

(a) If there has already been a submission received of the change affecting voting brought to the attention of the Attorney General by an individual or group, any evidence from the individual or group shall be considered along with the materials submitted and materials resulting from any investigation.

(b) If such a submission has not been received, the Attorney General shall advise the appropriate jurisdiction of the requirement of Section 5 with respect to the change in question.

§ 51.29 Communications concerning voting suits.

Individuals and groups are urged to notify the Assistant Attorney General, Civil Rights Division, of litigation concerning voting in jurisdictions subject to the requirement of Section 5.

§ 51.30 Establishment and maintenance of registry of interested individuals and groups.

The Attorney General shall establish and maintain a Registry of Interested Individuals and Groups, which shall contain the name and address of any individual or group that wishes to receive notice of Section 5 submissions. Information relating to this registry and to the requirements of the Privacy Act of 1974, 5 U.S.C. 552a *et seq.*, is contained in Justice/CRT–004, 43 FR 44676 (Sept. 28, 1978).

Subpart E—Processing of Submissions

§ 51.31 Notice to registrants concerning submissions.

Regular notice of submissions that have been received will be given to the individuals and groups who have registered for this purpose under § 51.30.

§ 51.32 Expedited consideration.

(a) When a submitting authority is required under State law or local ordinance or otherwise finds it necessary to implement a change within the 60-day period following submission, it may request that the submission be given expedited consideration. The submission should explain why such consideration is needed and provide the date by which a determination is required.

(b) Jurisdictions should endeavor to plan for changes in advance so that expedited consideration will not be required and should not routinely request such consideration. When a submitting authority demonstrates good cause for expedited consideration the Attorney General will attempt to make a decision by the date requested. However, the Attorney General cannot guarantee that such consideration can be given.

(c) Notice of the request for expedited consideration will be given to interested parties registered under § 51.30.

§ 51.33 Disposition of inappropriate submissions.

The Attorney General will make no response on the merits with respect to an inappropriate submission but will notify the submitting authority of the inappropriateness of the submission. Such notification will be made as promptly as possible and no later than the 60th day following receipt and will include an explanation of the inappropriateness of the submission. Inappropriate submissions include the submission of changes that do not affect voting (see, e.g., § 51.12), the submission of standards, practices, or procedures that have not been changed (see, e.g., §§ 51.4, 51.13), the submission of changes that affect voting but are not subject to the requirement of Section 5 (see, e.g., § 51.16), premature submissions (see § 51.20), and submissions by jurisdictions not subject to the requirement of Section 5 (see §§ 51.4, 51.5).

§ 51.34 Release of information concerning submissions.

The Attorney General shall have the discretion to call to the attention of the submitting authority or any interested individual or group information or comments related to a submission.

§ 51.35 Obtaining information from the submitting authority.

(a) If a submission does not satisfy the requirements of § 51.25, the Attorney General shall request such further information as is necessary from the submitting authority and advise the submitting authority that the 60-day period will not commence until such information is received by the Department of Justice. The request shall be made as promptly as possible after receipt of the original inadequate submission and no later than the 60th day following its receipt.

(b) If, after a request for further information is made pursuant to this section, the information requested becomes available to the Attorney General from a source other than the submitting authority, the Attorney General shall promptly notify the submitting authority and interested individuals and groups.

§ 51.36 Obtaining information from others.

(a) The Attorney General may at any time request relevant information from governmental jurisdictions and from interested groups and individuals and may conduct any investigation or other inquiry that is deemed appropriate in making a determination.

(b) If a submission does not contain evidence of adequate notice to the public, and the Attorney General believes that such notice is essential to a determination, steps will be taken by the Attorney General to provide public notice sufficient to invite interested or affected persons to provide evidence as to the presence or absence of a discriminatory purpose or effect. The submitting authority shall be advised when any such steps are taken.

§ 51.37 Supplementary submissions.

When a submitting authority provides documents and information materially supplementing a submission (or a request for reconsideration of an objection) or, before the expiration of the 60-day period, makes a second submission such that the two submissions cannot be independently considered, the 60-day period for the original submission will be calculated from the receipt of the supplementary information or the second submission.

§ 51.38 Failure to complete submissions.

If after 60 days the submitting authority has not provided further information in response to a request made pursuant to § 51.35(a), the Attorney General, absent extenuating circumstances and consistent with the burden of proof under Section 5 described in § 51.39(e), may object to the change, giving notice as specified in § 51.43.

§ 51.39 Standards for determination by the Attorney General.

(a) Section 5 provides for submission to the Attorney General as an alternative to the seeking of a declaratory judgment from the U.S. District Court for the District of Columbia. Therefore, the Attorney General shall make the same

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determination that would be made by the court in an action for a declaratory judgment under Section 5: whether the submitted change has the purpose or will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group.

(b) Guided by the relevant judicial decisions, the Attorney General shall base a determination on a review of material presented by the submitting authority, relevant information provided by individuals or groups, and the results of any investigation conducted by the Department of Justice.

(c) If the Attorney General determines that a submitted change does not have the prohibited purpose or effect, no objection shall be interposed to the change.

(d) If the Attorney General determines that a submitted change has the prohibited purpose or effect, an objection shall be interposed to the change.

(e) The burden of proof on a submitting authority when it submits a change to the Attorney General is the same as it would be if the change was the subject of a declaratory judgment action in the U.S. District Court for the District of Columbia. Therefore, if the evidence as to the purpose or effect of a change is conflicting and the Attorney General is unable to determine that the submitted change does not have the prohibited purpose or effect, an objection shall be interposed to the change.

§ 51.40 Notification of decision not to object.

(a) The Attorney General shall within the 60-day period allowed notify the submitting authority of a decision to interpose no objection to a submitted change affecting voting.

(b) The notification shall state that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change.

(c) A copy of the notification shall be sent to any party who has commented on the submission or has requested notice of the Attorney General's action thereon.

§ 51.41 Failure of the Attorney General to respond.

It is the practice and intention of the Attorney General to respond to each submission within the 60-day period. However, the failure of the Attorney General to make any response within the 60-day period constitutes preclearance of the submitted change, provided the submission is addressed as specified in § 51.22 and is appropriate for a response on the merits as described in § 51.33.

§ 51.42 Reexamination of decision not to object.

After notification to the submitting authority of a decision to interpose no objection to a submitted change affecting voting has been given, the Attorney General may reexamine the submission if, prior to the expiration of the 60-day period, information indicating the possibility of the prohibited discriminatory purpose or effect is received. In this event, the Attorney General may interpose an objection provisionally and advise the submitting authority that examination of the change in light of the newly raised issues will continue and that a final decision will be rendered as soon as possible.

§ 51.43 Notification of decision to object.

(a) The Attorney General shall within the 60-day period allowed notify the submitting authority of a decision to interpose an objection. The reasons for the decision shall be stated.

(b) The submitting authority shall be advised that the Attorney General will reconsider an objection upon a request by the submitting authority. In appropriate cases the Attorney General may request the submitting authority to give local public notice of the request for reconsideration.

(c) The submitting authority shall be advised further that notwithstanding the objection it may institute an action in the U.S. District Court for the District of Columbia for a declaratory judgment that the change objected to by the Attorney General does not have the prohibited discriminatory purpose or effect.

(d) A copy of the notification shall be sent to any party who has commented on the submission or has requested notice of the Attorney General's action thereon.

§ 51.44 Conference.

(a) A submitting authority that has requested reconsideration of an objection pursuant to § 51.43(b) may request a conference to produce information or legal argument in support of reconsideration.

(b) Such a conference shall be held at a location determined by the Attorney General and shall be conducted in an informal manner.

(c) When a submitting authority requests such a conference, individuals or groups that commented on the change prior to the Attorney General's objection or that seek to participate in response to any notice of a request for reconsideration shall be notified and given the opportunity to confer.

(d) The Attorney General shall have the discretion to hold separate meetings to confer with the submitting authority and other interested groups or individuals.

(e) Such conferences will be open to the public or to the press only at the discretion of the Attorney General and with the agreement of the participating parties.

§ 51.45 Decision after reconsideration.

Where reconsideration has been requested pursuant to § 51.43(b), an objection shall be withdrawn if the submitting authority can produce information or legal agrument that satisfies the Attorney General that the change does not have the purpose and will not have the effect of discriminating on account of race, color, or membership in a language minority group. The Attorney General shall notify the submitting authority of the decision to continue or withdraw the objection, giving the reasons for the decision, within 60 days of the receipt of information or legal argument supporting the request for reconsideration, provided that the Attorney General shall have at least 15 days following any conference that is held in which to decide. A copy of the notification shall be sent to any party who has commented on the submission or request for reconsideration or has requested notice of the Attorney General's action thereon.

§ 51.46 Reconsideration of objection at the instance of the Attorney General.

Where there appears to have been a substantial change in operative fact or relevant law an objection may be reconsidered, if it is deemed appropriate, at the instance of the Attorney General. Notice of such a decision to reconsider shall be sent to the submitting authority, to any party who commented on the submission or requested notice of the Attorney General's action thereon, and to individuals and groups listed in the Registry of Interested Individuals and Groups. The Attorney General shall decide whether to withdraw or to continue the objection only after such persons have had a reasonable opportunity to comment but not later than the 60th day following notice of the decision to reconsider. The objection shall be withdrawn if the Attorney General is satisfied that the change does not have the purpose and will not have the effect of discriminating on account of race, color, or membership in a language minority group. The Attorney General shall notify the submitting authority of the decision to continue or withdrew the objection, giving the reasons for the decision. A copy of the notification shall be sent to any party who has commented on the submission or the reconsideration or has requested notice of the Attorney General's action thereon.

§ 51.47 Absence of judicial review.

The decision of the Attorney General not to object to a submitted change or to withdraw an objection is not reviewable.

§ 51.48 Records concerning submissions.

(a) Section 5 files: The Attorney General shall maintain a Section 5 file for each submission, containing the submission, related written materials, correspondence, memoranda, investigative reports, notations concerning conferences with the submitting authority or any interested individual or group, and copies of any letters from the Attorney General concerning the submission.

(b) Objection files: Brief summaries regarding each submission and the general findings of the Department of Justice investigation and decision concerning it will be prepared when a decision to interpose, continue, or withdraw an objection is made. Files of these summaries, arranged by jurisdiction and by the date upon which such decision is made, will be maintained.

(c) Computer file: Records of all submissions and of their dispositions by the Attorney General shall be electronically stored and periodically retrieved in the form of computer printouts.

(d) The contents of the above-described files shall be available for inspection and copying by the public during normal business hours at the Civil Rights Division, Department of Justice, Washington, D.C. Materials that are exempt from inspection under the Freedom of Information Act, 5 U.S.C. 552(b), may be withheld at the discretion of the Attorney General. Communications from individuals who have requested confidentiality or with respect to whom the Attorney General has determined that confidentiality is appropriate under § 51.27(d) shall be available only as provided by § 51.27(d). Applicable fees, if any, for the copying of the contents of these files are contained in the Department of Justice regulations implementing the Freedom of Information Act, 28 CFR 16.9.

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Subpart F—Sanctions

§ 51.49 Enforcement by the Attorney General.

(a) The Attorney General is authorized to bring civil actions for appropriate relief against violations of the Act's provisions, including Section 5. See Section 12(d).

(b) Certain violations may be subject to criminal sanctions. See Sections 12 (a) and (c).

§ 51.50 Enforcement by private parties.

Private parties have standing to enforce Section 5.

Subpart G—Petition To Change Procedures

§ 51.51 Who may petition.

Any jurisdiction or interested individual or group may petition to have these procedural guidelines amended.

§ 51.52 Form of petition.

A petition under this subpart may be made by informal letter and shall state the name, address, and telephone number of the petitioner, the change requested, and the reasons for the change.

§ 51.53 Disposition of petition.

The Attorney General shall promptly consider and dispose of a petition under this subpart and give notice of the disposition, accompanied by a simple statement of the reasons, to the petitioner.

Appendix—Jurisdictions covered under Section 4(b) of the Voting Rights Act, as amended.

The preclearance requirement of Section 5 of the Voting Rights Act, as amended, applies in the following jurisdictions. The date in parentheses is the date that was used to determine coverage for the jurisdiction it follows.

Alabama (statewide) (Nov. 1, 1964)
Alaska (statewide) (Nov. 1, 1972)
Arizona (statewide) (Nov. 1, 1972)
(The following Arizona counties were covered individually through the use of earlier dates.)
Apache County (Nov. 1, 1968)
Cochise County (Nov. 1, 1968)
Coconino County (Nov. 1, 1968)
Mohave County (Nov. 1, 1968)
Navajo County (Nov. 1, 1968)
Pima County (Nov. 1, 1968)
Pinal County (Nov. 1, 1968)
Santa Cruz County (Nov. 1, 1968)
Yuma County (Nov. 1, 1964)
California (the following counties only)
Kings County (Nov. 1, 1972)
Merced County (Nov. 1, 1972)
Monterey County (Nov. 1, 1968)
Yuba County (Nov. 1, 1968)
Colorado (the following county only)
El Paso (Nov. 1, 1972)
Connecticut (the following towns only)
Groton Town (Nov. 1, 1968)
Mansfield Town (Nov. 1, 1968)
Southbury Town (Nov. 1, 1968)
Florida (the following counties only)
Collier County (Nov. 1, 1972)
Hardee County (Nov. 1, 1972)
Hendry County (Nov. 1, 1972)
Hillsborough County (Nov. 1, 1972)
Monroe County (Nov. 1, 1972)
Georgia (statewide) (Nov. 1, 1964)
Hawaii (the following county only)
Honolulu County (Nov. 1, 1964)
Idaho (the following county only)
Elmore County (Nov. 1, 1968)
Louisiana (statewide) (Nov. 1, 1964)
Massachusetts (the following towns only)
Amherst Town (Nov. 1, 1968)
Ayer Town (Nov. 1, 1968)
Belchertown (Nov. 1, 1968)
Bourne Town (Nov. 1, 1968)
Harvard Town (Nov. 1, 1968)
Sandwich Town (Nov. 1, 1968)
Shirley Town (Nov. 1, 1968)
Sunderland Town (Nov. 1, 1968)
Wrentham Town (Nov. 1, 1968)
Michigan (the following townships only)
Buena Vista Township (Saginaw County) (Nov. 1, 1972)
Clyde Township (Allegan County) (Nov. 1, 1972)
Mississippi (statewide) (Nov. 1, 1964)
New Hampshire (the following political subdivisions only)
Antrim Town (Nov. 1, 1968)
Benton Town (Nov. 1, 1968)
Boscawen Town (Nov. 1, 1968)
Millsfield Township (Nov. 1, 1968)
Newington Town (Nov. 1, 1968)
Pinkhams Grant (Nov. 1, 1968)
Rindge Town (Nov. 1, 1968)
Stewartstown (Nov. 1, 1968)
Stratford Town (Nov. 1, 1968)
Unity Town (Nov. 1, 1968)
New York (the following counties only)
Bronx County (Nov. 1, 1968)
Kings County (Nov. 1, 1968)
New York County (Nov. 1, 1968)
North Carolina (the following counties only)
Anson County (Nov. 1, 1964)
Beaufort County (Nov. 1, 1964)
Bertie County (Nov. 1, 1964)
Bladen County (Nov. 1, 1964)
Camden County (Nov. 1, 1964)
Caswell County (Nov. 1, 1964)
Chowan County (Nov. 1, 1964)
Cleveland County (Nov. 1, 1964)
Craven County (Nov. 1, 1964)
Cumberland County (Nov. 1, 1964)
Edgecombe County (Nov. 1, 1964)
Franklin County (Nov. 1, 1964)
Gaston County (Nov. 1, 1964)
Gates County (Nov. 1, 1964)
Granville County (Nov. 1, 1964)
Greene County (Nov. 1, 1964)
Guilford County (Nov. 1, 1964)
Halifax County (Nov. 1, 1964)
Harnett County (Nov. 1, 1964)
Hertford County (Nov. 1, 1964)
Hoke County (Nov. 1, 1964)
Jackson County (Nov. 1, 1972)
Lee County (Nov. 1, 1964)
Lenoir County (Nov. 1, 1964)
Martin County (Nov. 1, 1964)
Nash County (Nov. 1, 1964)
Northampton County (Nov. 1, 1964)

Onslow County (Nov. 1, 1964)
Pasquotank County (Nov. 1, 1964)
Perquimans County (Nov. 1, 1964)
Person County (Nov. 1, 1964)
Pitt County (Nov. 1, 1964)
Robeson County (Nov. 1, 1964)
Rockingham County (Nov. 1, 1964)
Scotland County (Nov. 1, 1964)
Union County (Nov. 1, 1964)
Vance County (Nov. 1, 1964)
Washington County (Nov. 1, 1964)
Wayne County (Nov. 1, 1964)
Wilson County (Nov. 1, 1964)
South Carolina (statewide) (Nov. 1, 1964)
South Dakota (the following counties only)
Shannon County (Nov. 1, 1972)
Todd County (Nov. 1, 1972)
Texas (statewide) (Nov. 1, 1972)
Virginia (statewide) (Nov. 1, 1964)
Wyoming (the following county only)
Campbell County (Nov. 1, 1968)

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federal register

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18903 **National Medic Alert Week, 1980** Presidential proclamation

18991 **Improving Government Regulations** NSF publishes semiannual agenda of regulations

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Presidential Documents

Title 3—

The President

Proclamation 4738 of March 20, 1980

National Energy Education Day

By the President of the United States of America

A Proclamation

During the past decade it has become clear that our Nation faces an increasing shortage of its traditional energy sources. This energy shortage and our growing dependence on foreign energy supplies present a serious threat to the national security of the United States and to the health, safety and welfare of its citizens. In an effort to reduce our dependence on foreign energy, we have embarked on a number of programs aimed at the development of new energy technologies. We have also initiated a comprehensive program to educate the Nation, particularly the Nation's youth, about the consequences of the changing world energy supply.

In order to focus our attention on this ongoing program of energy education for the young—in both public and private schools and at all grade levels—and in an effort to bring together teachers, school officials and parent groups to help our children understand the current international energy situation, Congress has by Joint Resolution (S.J. Res. 43) proclaimed March 21, 1980, as National Energy Education Day.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby call upon all citizens and government officials to observe Friday, March 21, 1980, as National Energy Education Day with appropriate ceremonies and activities. I direct all agencies of the Federal Government to cooperate with and participate in the celebration of National Energy Education Day.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of March, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

Jimmy Carter

[FR Doc. 80-9048
Filed 3-20-80; 4:52 pm]
Billing code 3195-01-M

Editorial Note: The President's remarks of Mar. 20, 1980, on signing Proclamation 4738, are printed in the Weekly Compilation of Presidential Documents (vol. 16, no. 12).

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Presidential Documents

Proclamation 4739 of March 20, 1980

National Medic Alert Week, 1980

By the President of the United States of America

A Proclamation

Emergency medical care, like other elements of our Nation's health care system, depends for its effectiveness on the support of the American people. By contributing to the lifesaving capabilites of rescue personnel and other health professionals, we improve our prospects for continued good health.

Today, approximately forty million Americans are afflicted with diabetes, heart conditions, epilepsy, allergies and other medical conditions that are difficult to detect or identify in an emergency. This year, many of these people will become involved in emergency situations and, because of delays in diagnosing and treating their hidden medical problems, may suffer additional injury or even die.

Such tragedies need not occur. For more than two decades, special identification and information services—the oldest and perhaps best known of which is Medic Alert Foundation International—have been helping health and rescue personnel meet the unique emergency needs of people with hidden medical problems. When the victims of medical emergencies are unconscious or otherwise unable to communicate, their medic alert tags and the information services with which they are registered can spell the difference between successful treatment and serious, even fatal, complications. Last year, these tags and services helped save the lives of an estimated two thousand people with hidden medical conditions.

Millions of additional Americans can protect themselves and help to improve the effectiveness of emergency medical care in this country by registering with a medic alert service. To focus the Nation's attention on the value of these services, the Congress, by a joint resolution approved February 28, 1980, (H. J. Res. 434) requested that the President proclaim the week of April 6 through 12, 1980, National Medic Alert Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week of April 6, 1980, as National Medic Alert Week. I urge all citizens and interested organizations and associations to observe this week with activities that will foster the use of emergency identification and information services in the United States.

I invite the Governors of the States and appropriate local government officials to support National Medic Alert Week activities, and I call upon the Nation's mass communications media to spread the message that medic alert services save lives.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of March, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

Jimmy Carter

[FR Doc. 80-9076
Filed 3-21-80; 10:52 am]
Billing code 3195-01-M

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Rules and Regulations

Federal Register
Vol. 45, No. 58
Monday, March 24, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 4, 20, 30, 40, 50, 55, 70, 110, and 150

Deletion of reference to Panama Canal Zone; Minor Amendments

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is deleting all references to the Panama Canal Zone in its regulations. These minor amendments reflect the provisions of the Panama Canal Treaty of 1977 and the recently enacted Panama Canal Defense Act of 1979. Under the Act and the Treaty, the U.S. Government relinquished jurisdiction over the Panama Canal Zone to the Republic of Panama. These amendments revise portions of the Commission's regulations to reflect the revised status of the Canal Zone.

EFFECTIVE DATE: March 24, 1980.

FOR FURTHER INFORMATION CONTACT: Joseph M. Felton, Director, Divison of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–7211.

SUPPLEMENTARY INFORMATION: Under the Panama Canal Treaty of 1977, the territory of the former Panama Canal Zone became subject to the jurisdiction of the Republic of Panama on October 1, 1979. The Treaty, and the recently enacted Panama Canal Defense Act of 1979 (P.L. 96–70) passed on September 27, 1979, supersede all previous legislation. Thus, all references in the Atomic Energy Act to the Canal Zone as being jurisdictionally part of the United States are no longer valid. Therefore, the Nuclear Regulatory Commission is deleting all references to the Canal Zone from its regulations in Title 10, Chapter 1 of the Code of Federal Regulations.

Since these amendments are corrective and relate solely to minor procedural matters, notice of proposed rulemaking and public procedure thereon are unnecessary and good cause exists to make the amendments effective upon publication in the **Federal Register.**

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Parts 4, 20, 30, 40, 50, 55, 70, 110 and 150 are published as a document subject to codification.

PART 4—NONDISCRIMINATION IN FEDERALLY ASSISTED COMMISSION PROGRAMS

1. Paragraph (j) of § 4.3 is revised to read as follows:

§ 4.3 Definitions.

* * * * *

(j) "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

* * * * *

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Appendix D [Amended].

2. Appendix D of Part 20 is amended by deleting "Panama Canal Zone," from those jurisdictions listed under Region II.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

3. Paragraph (u) of § 30.4 is revised to read as follows:

§ 30.4 Definitions.

As used in this part and Parts 31–35 of this chapter:

* * * * *

(u) "United States", when used in a geographical sense, includes Puerto Rico and all territories and possessions of the United States;

* * * * *

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

4. Paragraph (j) of § 40.4 is revised to read as follows:

§ 40.4 Definitions.

As used in this part:

* * * * *

(j) "United States", when used in a geographical sense, includes Puerto Rico and all territories and possessions of the United States;

* * * * *

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

5. Paragraph (s) of § 50.2 is revised to read as follows:

§ 50.2 Definitions.

As used in this part:

* * * * *

(s) "United States", when used in a geographical sense, includes Puerto Rico and all territories and possessions of the United States.

* * * * *

PART 55—OPERATORS' LICENSES

6. Paragraph (g) of § 55.4 is revised to read as follows:

§ 55.4 Definitions.

As used in this part:

* * * * *

(g) "United States", when used in a geographical sense, includes Puerto Rico and all territories and possessions of the United States.

* * * * *

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

7. Paragraph (n) of § 70.4 is revised to read as follows:

§ 70.4 Definitions.

As used in this part:

* * * * *

(n) "United States", when used in a geographical sense, includes Puerto Rico and all territories and possessions of the United States.

* * * * *

PART 110—EXPORT AND IMPORT OF NUCLEAR FACILITIES AND MATERIALS

8. Paragraph (rr) of § 110.2 is revised to read as follows:

§ 110.2 Definitions.

As used in this part:

* * * * *

(rr) "United States", when used in a geographical sense, includes Puerto Rico and all territories and possessions of the United States.

* * * * *

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

9. Paragraph (j) of § 150.3 is revised to read as follows:

§ 150.3 Definitions.

As used in this part:

* * * * *

(j) "State" means any State, the District of Columbia, Puerto Rico, and any territory or possession of the United States.

* * * * *

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 [42 U.S.C. 2201]; sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Bethesda, Maryland, this 14th day of March 1980.

For the Nuclear Regulatory Commission.

William J. Dircks,

Acting Executive Director for Operations.

[FR Doc. 80-8927 Filed 3-21-80; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 4

Office Organization and Delegation of Authority

AGENCY: Comptroller of the Currency.

ACTION: Final rule.

SUMMARY: This amendment revises the regulations which describes office organization and delegations of authority within the Office of the Comptroller of the Currency. The purpose of the amendment is to incorporate into the regulation recent organizational changes within the Office so as to ensure that the information available to the public is both current and accurate.

EFFECTIVE DATE: This amendment describes changes in effect on March 24, 1980.

FOR FURTHER INFORMATION CONTACT: Barbara M. Yadley, Staff Attorney, Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1880.

SUPPLEMENTARY INFORMATION: This amendment is issued under authority of 12 U.S.C. 1 *et seq.*, pursuant to the requirement of 5 U.S.C. 552 that each agency publish in the **Federal Register** descriptions of its central and field organizations.

Synopsis of Changes

1. Paragraph (a) of § 4.1a has been revised to reflect recent changes in the central office structure of the Office of the Comptroller of the Currency. The revision updates the functional descriptions and title changes of key positions in the Office.

2. Paragraph (b) of § 4.1a has been revised so as to include the Northern Mariana Islands within the 14th National Bank Region. Also, the addresses of various Regional Offices have been updated to current status.

Drafting Information

The principal drafter of this document was Richard H. Neiman, a former Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219.

Adoption of Amendment

Accordingly, 12 CFR Part 4 is amended by revising § 4.1a (a) and (b) to read as follows:

§ 4.1a Central and field organization; delegations.

(a) *Central Office*—(1) *Comptroller of the Currency.* The Comptroller of the Currency, as head of the Office of the Comptroller of the Currency, is the chief regulatory officer for national banks. The Comptroller is responsible for directing the development, execution, and review of all Office programs and functions. The Comptorller is appointed by the President, by and with the advice and consent of the Senate, for a term of 5 years. The Comptroller's office is located at 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219. The Comptroller is assisted by the following officials who perform such duties as the Comptroller may prescribe in addition to the responsibilities set forth below.

(2) *Senior Deputy Comptroller.* The Senior Deputy Comptroller serves as the agency liaison officer for the Federal Financial Institutions Examination Council and is also responsible for directing and coordinating interagency activities and internal and external communications. The person who occupies the position of Senior Deputy Comptroller is designated First Deputy Comptroller of the Currency for statutory purposes and is first in order of succession to the Comptroller. The Senior Deputy Comptroller supervises the Deputy Comptroller for Interagency Coordination and the Director for Communications.

(3) *Senior Deputy Comptroller for Operations.* The Senior Deputy Comptroller for Operations is responsible for directing and coordinating all regional operations and all administrative functions including human resources, finance and administration, operations planning, and systems and data processing. The Senior Deputy Comptroller for Operations supervises the Deputy Comptroller for Administration and the fourteen Regional Administrators.

(4) *Senior Deputy Comptroller for Bank Supervision.* The Senior Deputy Comptroller for Bank Supervision is responsible for directing and coordinating activities associated with programs of bank supervision and examination, including specialized examinations, identification and supervision of banks warranting special supervisory attention, and commercial examinations. The Senior Deputy Comptroller for Bank Supervision supervises the Deputy Comptrollers for Multinational Banking, Specialized Examinations, and Special Surveillance, and the Chief National Bank Examiner.

(5) *Senior Deputy Comptroller for Policy.* The Senior Deputy Comptroller for Policy is responsible for directing and coordinating research and economic analysis, policy development, customer and community programs, and corporate activities of national banks. The Senior Deputy Comptroller for Policy supervises the Deputy Comptroller for Research and Economic Programs and the Deputy Comptroller for Customer and Community Programs.

(6) *Chief Counsel.* The Chief Counsel serves as the chief legal officer for the Office and is responsible for advising the Comptroller on all legal matters concerning the functions, activities, and operations of the Office and of all national banks. The Chief Counsel is head of the Washington Law Department and supervises the Regional Counsel in each of the fourteen national bank regions.

(7) *Senior Advisor.* The Senior Advisor reports directly to the Comptroller and advises him on policy issues. The Senior Advisor also provides administrative, liaison, and technical support.

(8) *Deputy Comptroller for Multinational Banking.* The Deputy Comptroller for Multinational Banking has managerial responsibility for programs dealing with multinational bank activities, including responsibility for international and multinational bank examinations.

(9) *Deputy Comptroller for Specialized Examinations.* The Deputy Comptroller for Specialized Examinations has managerial responsibility for the trust and electronic data processing examination programs.

(10) *Deputy Comptroller for Special Surveillance.* The Deputy Comptroller for Special Surveillance has managerial responsibility for programs dealing with banks requiring special supervisory attention and the operation of the national bank surveillance system, a computer based system to monitor trends in the U.S. banking system and to detect anomalies in individual national banks.

(11) *Chief National Bank Examiner.* The Chief National Bank Examiner has managerial responsibility for commercial bank examination programs, including those relating to domestic operations, investment securities, and bank accounting.

(12) *Deputy Comptroller for Administration.* The Deputy Comptroller for Administration has managerial responsibility for the administrative functions of the Office, including human resources, finance and administration, operations planning, and systems and data processing.

(13) *Deputy Comptroller for Interagency Coordination.* Deputy Comptroller for Interagency Coordination assists the Comptroller in meeting the Comptroller's responsibilities as a Director of the Federal Deposit Insurance Corporation. The Deputy Comptroller for Interagency Coordination also has managerial responsibility for interagency coordination with the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and other agencies on technical matters relating to bank examinations, statistical reporting, and economic analysis.

(14) *Deputy Comptroller for Research and Economic Programs.* The Deputy Comptroller for Research and Economic Programs has managerial responsibility for the Office's economic, financial, and banking research programs, for regulatory analysis, and for the corporate activities of national banks.

(15) *Deputy Comptroller for Customer and Community Programs.* The Deputy Comptroller for Customer and Community Programs has managerial responsibility for the development of policies and programs relating to consumer protection, community development, and civil rights, including the responsibility for examinations in these areas.

(16) *Director for Inspections and Audits.* The Director for Inspections and Audits reports directly to the Comptroller and is responsible for reviewing internal operations for compliance with established policies, procedures, laws, and regulations.

(17) *Director for Communications.* The Director for Communications is responsible for the direction of executive communications, public information, and internal and external publications.

(18) *Special Assistant for Congressional Affairs.* The Special Assistant for Congressional Affairs reports directly to the Comptroller and is responsible for coordination and communications with Congress.

(19) *Special Assistants.* The Special Assistants report directly to the Comptroller and provide administrative, liaison, and technical support for the Comptroller and the executive management of the Office.

(b) *Regional Offices*—(1) Fourteen National Bank Regions cover the United States, Puerto Rico, the Virgin Islands, Guam and the Northern Mariana Islands. The Office address and geographic composition of each is as follows:

Region No., Area Within Region, and Office Address
1 Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island; Three Center Plaza, Suite P-400, Boston, Mass. 02108
2 New York, New Jersey, Puerto Rico, Virgin Islands; 1211 Avenue of the Americas, Suite 4250, New York, N.Y. 10036
3 Pennsylvania, Delaware; Three Parkway, Suite 1800, Philadelphia, Pa. 19102
4 Indiana, Ohio, Kentucky; One Erieview Plaza, Cleveland, Ohio 44114
5 West Virginia, Maryland, Virginia, North Carolina, District of Columbia; F & M Center, Suite 21-51, Richmond, Va. 23277
6 South Carolina, Georgia, Florida; Peachtree Cain Tower, Suite 2700, 299 Peachtree St., N.E., Atlanta, Ga. 30303
7 Illinois, Michigan; Sears Tower, Suite 5750, 233 South Wacker Drive, Chicago, Ill. 60606
8 Arkansas, Tennessee, Louisiana, Mississippi, Alabama; 165 Madison Avenue, Suite 800, Memphis, Tenn. 38103
9 North Dakota, South Dakota, Minnesota, Wisconsin; 800 Marquette Avenue, Suite 1100, Minneapolis, Minn. 55402
10 Nebraska, Kansas, Iowa, Missouri; 911 Main Street, Suite 2616, Kansas City, Mo. 64105
11 Texas, Oklahoma; 1201 Elm Street, Suite 3600, Dallas, Tex. 75270
12 Wyoming, Colorado, Utah, New Mexico, Arizona; 1405 Curtis Street, Suite 3000, Denver, Colo. 80202
13 Washington, Oregon, Idaho, Montana, Alaska; 707 S.W. Washington St., Room 900, Portland, Oreg. 97205
14 California, Nevada, Hawaii, Guam, and the Northern Mariana Islands; One Market Plaza, Steuart Street Tower, Suite 2101, San Francisco, Calif. 94105.

(2) A Regional Administrator of National Banks is in charge of each National Bank Region and has general administrative and regulatory supervision over all matters pertaining to national banks in that region. The Regional Administrator is assisted by two Deputy Regional Administrators, a Regional Counsel, and various regional support personnel.

* * * * *

Dated: March 14, 1980.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 80-8921 Filed 3-21-80; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-CE-10-AD; Amdt. 39-3723]

Airworthiness Directives; Cessna Model R172K Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adds a new Airworthiness Directive (AD), applicable to Cessna Model R172K airplanes. It requires measurement of the breakaway torque on the Cessna P/N 0550296-1 tachometer shaft connector. In addition, an inspection and/or replacement of the engine Oil Pump Drive Gear (Teledyne Continental Motors P/N 634010) and replacement of the Woodruff Key (P/N MS35756-1) is required in engines of airplanes on which either insufficient or excessive breakaway torque is measured. This action is necessary because it has been determined that the Cessna P/N 0550296-1 tachometer shaft connector may have been improperly torqued at installation. This condition permits relative motion between the oil pump gear and oil pump drive gear to damage the oil pump drive gear in the keyway and cause failure of this part with resultant loss of engine oil pressure and possible engine failure.

EFFECTIVE DATE: March 31, 1980, to all persons except those to whom it has already been made effective by an airmail letter from the FAA dated March 13, 1980.

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Compliance: As prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT:
Jack Pearson, Aerospace Engineer, Engineering and Manufacturing District Office, Federal Aviation Administration, Room 238, Building No. 2299, Mid-Continent Airport, Wichita, Kansas 68209; Telephone (316) 942-7927.

SUPPLEMENTARY INFORMATION: The FAA has determined that the problem described in the summary is an unsafe condition which is likely to exist or develop in other airplanes of the same type design. The agency also determined that an emergency situation existed, that immediate corrective action was required, and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known registered owners of the airplanes affected by the AD by airmail letter dated March 13, 1980. The AD became effective as to these individuals upon receipt of the letter. Since the unsafe condition described herein may still exist on other Cessna Model R172K airplanes, the AD is being published in the **Federal Register** as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR Section 39.13) is amended by adding the following new Airworthiness Directive.

Cessna: Applies to the following Model R172K airplanes certificated in all categories: (Serial Numbers R1722000 through R1723204, R1723206 through R1723211, R1723213, R1723214, R1723216 through R1723220, R1723222 through R1723226, R1723228 through R1723236, R1723240 through R1723246, R1723248 through R1723258, R1723260 through R1723272, R1723274 through R1723312, R1723314, R1723316 through R1723319, R1723321 through R1723329, R1723331 through R1723351, R1723353 through R1723362 airplanes).

Compliance: required as indicated unless already accomplished.

To preclude failure of the engine oil pressure pump drive shaft and resulting oil pressure loss caused by an improperly installed tachometer shaft connector, within the next 10 hours' time-in-service after the effective date of this AD, accomplish the following in accordance with the applicable Cessna Service Manual:

(A) Remove Cessna P/N 0550297-1 tachometer drive adapter assembly from the engine accessory case.

(B) Using a five-eighths inch crow foot wrench, measure the breakaway torque of Cessna P/N 0550296-1 tachometer drive connector.

Note.—Refer to Advisory Circular AC65-9A, Airframe & Powerplant Mechanics General Handbook, or Torque Wrench Manufacturers Instructions for formula for use of torque wrench with extensions.

(C) If the breakaway torque is at least 200 inch-pounds and not over 350 inch-pounds, retorque the Cessna P/N 0550296-1 tachometer drive connector to 280 to 300 inch-pounds. Reinstall the tachometer drive adapter assembly and make the prescribed entry in the aircraft maintenance record indicating compliance with this AD.

(D) If the breakaway torque is less than 200 inch-pounds or greater than 350 inch-pounds, prior to further flight, accomplish either of the following:

1. Replace the Teledyne Continental Motors P/N 634010 Oil Pump Drive Gear and P/N MS35756-1 Woodruff Key with a new Oil Pump Drive Gear and Woodruff Key of the same part number. (Refer to Teledyne Continental Motors Overhaul Manual for IO-360 Series Aircraft Engines for procedures.)

2. Perform a magnetic particle inspection of the Teledyne Continental Motors P/N 634010 Oil Pump Drive Gear in accordance with Section VI of the Teledyne Continental Motors Overhaul Manual for IO-360 Series Aircraft Engines. Give particular attention to the Woodruff Key slot and threaded area. If the oil pump drive gear is found cracked, replace with a new part of the same part number. Whether the oil pump drive gear is cracked or not, replace the P/N MS35756-1 Woodruff Key with a new part of the same part number. (Refer to Teledyne Continental Motors Overhaul Manual for IO-360 Series Aircraft Engines for procedures.)

(E) Install the Cessna P/N 0550296-1 tachometer drive connector and torque to 280 to 300 inch-pounds. Reinstall the tachometer drive adapter assembly and make the prescribed entry in the aircraft maintenance record indicating compliance with this AD.

(F) Airplanes may be flown in accordance with FAR 21.197 to a location where the maintenance required by this AD may be performed.

(G) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing District Office, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport Wichita, Kansas 67209.

This amendment becomes effective on March 31, 1980, to all persons except those to whom it has already been made effective by an airmail letter from the FAA dated March 13, 1980.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89).

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

A copy of the evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on March 14, 1980.

Paul J. Baker,
Director, Central Region.

[FR Doc. 80-8984 Filed 3-21-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-CE-6-AD; Amendment 39-3719]

Airworthiness Directives; Cessna Model TU206, TP206, T207 and T210 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Cessna Model TU206, TP206, T207 and T210 Series Airplanes. The AD requires a one-time check of the turbocharger nameplate to determine whether or not certain turbochargers are installed. This action is necessary to assure that turbochargers assembled with nonconforming thrust washer pins are removed to prevent engine oil pump failure caused by ingestion of a failed pin.

EFFECTIVE DATE: March 28, 1980, to all persons except those to whom it has already been made effective by airmail letter from the FAA dated February 25, 1980.

Compliance: Within the next 10 hours' time-in-service after the effective date of this AD.

FOR FURTHER INFORMATION CONTACT:
Jack Pearson, Aerospace Engineer, Engineering and Manufacturing District Office, Federal Aviation Administration, Room 238, Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-7927.

SUPPLEMENTARY INFORMATION: Notification has been received that some seventy-five turbochargers, Cessna Part Number C295001-0101, AiResearch Part Number 406610-5, Serial Number HI0101 through HI0175, have been assembled with nonconforming thrust washer anti-rotation pins. These turbochargers were installed on certain serial numbers of Cessna Model TU206, T207 and T210 Series Airplanes in production and may have been installed on Cessna Model TP206 Series airplanes as a spare part. Investigation revealed that in two instances failure of these pins has resulted in oil pump failure and engine seizure caused by the ingestion of a failed pin in the engine oil pump. The manufacturer has issued Special Project #SP80-6S on February 11, 1980, calling for the replacement of the affected turbochargers on sixty-two aircraft identified as having one of the units installed in it. The remaining thirteen affected turbochargers are unaccounted for, and are believed to have been shipped for spares.

The FAA determined that this is an unsafe condition that may exist in other airplanes of the same type design. It was also determined that an emergency condition existed, that immediate action was required and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known registered owners of the airplanes affected by this AD by airmail letter dated February 25, 1980. The AD became effective as to these individuals upon receipt of that letter. Since the unsafe condition described herein may still exist on other Cessna Model TU206, TP206, T207, and T210 series airplanes, the AD is being published in the **Federal Register** as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive.

Cessna: Applies to the following models and serial number airplanes certificated in all categories.

Model, and Serial Number

TU206 series—(Serial Numbers U206-0487 through U206-1444 U20601445 through U20605619) airplanes;

TP206 series—(Serial Numbers P206-0001, P206-0191 through P206-0603, P20600604 through P20600647) airplanes;

T207 series—(Serial Numbers 20700001 through 20700603) airplanes;

T210 series—(Serial Numbers T210-0001 through T210-0454, 21058140, 21059200 through 21063954) airplanes.

Compliance: Required as indicated unless already accomplished. To preclude failure of the engine oil pressure and scavenge pump drive shaft and resulting oil pressure loss caused by turbocharger oil scavenge pump ingestion of failed turbocharger thrust bearing anti-rotation pins, within the next 10 hours; time-in-service after the effective date of this AD, accomplish the following:

(A) Check the Cessna P/N C295001-0101 (AiResearch P/N 406610-5) tubocharger nameplate to determine if the serial number is HI0101 through HI0175. The owner/operator may perform serial number check only provided any cowling disassembly/reassembly is accomplished in accordance with applicable Cessna Service Manuals.

(B) If the serial number on the turbocharger nameplate is not one of those specified in Paragraph (A), make an entry in the aircraft maintenance records indicating compliance with this AD and no further action is required.

(C) If the serial number on the turbocharger nameplate is one of those specified in Paragraph (A):

1. Remove the turbocharger oil return hose and fitting and visually inspect to assure that a failed thrust bearing anti-rotation pin is not trapped in the hose, check valve, or oil scavenge pump inlet.

2. Replace the turbocharger in accordance with the applicable Cessna Service Manual with a replacement unit which is not one of those listed in Paragraph (A).

(D) Within 24 hours time-in-service after the turbocharger replacement required by Paragraph (C) of this AD, and prior to disposition of the turbocharger, contact your local Flight Standards District Office, General Aviation District Office or Engineering and Manufacturing District Office for turbocharger disposition procedure.

(E) Airplanes may be flown in accordance with FAR 21.197 to a location where the replacement required by Paragraph (C) may be accomplished.

(F) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing District Office, Federal Aviation Administration, Room 238, Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209.

This amendment becomes effective on March 28, 1980, to all persons except those to whom it has already been made effective by airmail letter from the FAA dated February 25, 1980.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(a)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89)).

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to FAA, Office of the Regional Counsel, Room 1558, Central Region, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri on March 13, 1980.

John E. Shaw,
Acting Director, Central Region.

[FR Doc. 80-8797 Filed 3-21-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-GL-3-AD; Amdt. 39-3718]

Airworthiness Directives; Slick Electro, Inc., Magnetos

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective on all aircraft with certain Slick magnetos by airmail letter dated February 4, 1980. The AD is prompted by a magneto malfunction in the field which could be repetitive on other units with defective parts and requires a hardness test on the impulse coupling assembly to determine if the rivets have been properly heat treated.

DATE: Effective March 28, 1980.

Compliance schedule—As prescribed in body of AD.

ADDRESSES: A copy of the applicable Service Bulletin, No. 1-80, may be obtained from Slick Electro, Inc., 530 Blackhawk Park Avenue, Rockford, Illinois 61101. Copies of the service information are contained in the Rules Docket, Office of Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois 60018; and at FAA Headquarters, Room 916, 800 Independence Ave., S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:
Cornelius Biemond, Engineering and Manufacturing Branch, AGL-217, Flight Standards Division, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-4500, extension 460.

SUPPLEMENTARY INFORMATION: Slick Electro, Inc. has determined that impulse coupling assemblies on certain magneto models have been assembled with rivets that have not been properly heat treated. If not detected and replaced, impluse coupling failures could occur. Since this condition is likely to exist or develop on other magnetos of the same type design, an Airworthiness Directive is being issued which requires a procedure to determine whether or not magneto coupling assembly rivets have been properly heat treated. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective immediately. Since the possibility of this condition continues to exist, the AD is hereby published in the **Federal Register**

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as an amendment to Section 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons.

Adoption of the Amendment

Part 39—AIRWORTHINESS DIRECTIVES

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

Slick Electro, Inc. Applies to the following Slick magneto models and associated serial and impulse coupling numbers:

Magneto model No.[1]	Serial No.[1][2]	Impulse coupling No.[1]
447 and 447R	9040001 to 9040049	M2374
662 and 662R	9020462 to 9070000	M2362
664 and 664R	9040001 to 9040086	M2370
680 and 680R	9020462 to 9070000	M2369
4151 and 4151R	9020017 to 9070000	M1709
4152 and 4152R	9020017 to 9070000	M1709
4181 and 4181R	9020017 to 9070000	M1709
4201 and 4201R	9020210 to 9070000	M3007
4251 and 4251R	9030001 to 9070000	M3163
4281 and 4281R	9030001 to 9070000	M3007
4230 and 4230R	9040001 to 9040197	M3068
6210	8090073 to 9070000	M3050
6214	8050001 to 9070000	M3089
		M2371 [3]
		M3100 [3]
		M3165 [3]

[1] Any of the units listed were manufactured subsequent to January 1979.

[2] Any magneto serial numbers between and including the lower and upper limits as shown are affected by this AD.

[3] These coupling numbers are for parts used as spares and also must be tested.

The magneto models as listed above are installed on, but not limited to, the following engines:

Lycoming
- AEIO–360
- AEIO–320
- IO–320
- O–235
- O–320
- O–360

Continental
- A–65–8
- A–75–8
- C–85–8
- C–90–8
- O–200–A
- O–300–A, –B, –C, –D
- O–470–U
- IO–360–KB
- IO–470
- IO–520–A, –B, –F
- TSIO–470
- TSIO–520–T

Compliance is required as indicated unless already accomplished. To prevent a possible magneto failure and subsequent engine or accessory malfunction, accomplish the following:

Prior to the next ten (10) hours of aircraft time in service, or within the next thirty (30) calendar days from the date of this AD, whichever occurs first, complete the following comparative hardness test procedures:

1. Remove the impulse coupling magneto(s) from the engine per engine manufacturer's instructions.

2. Remove the impulse coupling assembly from the magneto frame per Slick's maintenance and overhaul instructions.

3. Establish a reference level of acceptable metal hardness by sliding a fine cut mill file over the flat surface of either pawl. The file will slide freely and will only burnish the hard surface of the pawl.

4. By a similar filing action, test for the hardness of each of the two rivet heads.

5. If there is resistance to sliding and material is removed from the rivet head, the rivet has not been heat treated and the coupling assembly must be replaced. Return the defective coupling assembly to a Slick Electro, Inc. distributor.

6. If hardness of the rivet heads and pawls are equivalent, reassemble and identify AD compliance by metal stamping a letter "C" on the Slick insignia located on the side of the magneto identification plate.

7. If the results of the comparative hardness test on the rivet(s) are questionable, the coupling assembly must be replaced.

This amendment becomes effective March 28, 1980 as to all persons except those to whom it was made immediately effective by the airmail letter dated February 4, 1980, which contained this amendment.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to Cornelius Biemond, Engineering and Manufacturing Branch, AGL–217, Flight Standards Division, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Issued in Des Plaines, Illinois on March 7, 1980.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 80-8796 Filed 3-21-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-WE-14-AD; Amdt. 39-3720]

McDonnell Douglas C–54 and DC–4 Aircraft

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment amends airworthiness directive (AD) 47–02–03, which requires replacement of aluminum hydraulic accumulators. This amendment is necessary to allow the use of a single alternate steel accumulator on the McDonnell Douglas C–54 and DC–4 Aircraft.

DATE: Effective March 27, 1980.

Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training C1–750 (54–60).

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or;

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Kyle L. Olsen, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536–6351.

SUPPLEMENTARY INFORMATION: AD 47–02–03 requires replacement of 9" Douglas hydraulic accumulators with dual 7½" Bendix or Vickers accumulators or one 10" Vickers accumulator. In 1958, the Civil Aeronautics Administration in Los Angeles evaluated and approved a single 7½" steel accumulator. At that time, all airworthiness directives were issued by the Headquarters in Washington, D.C. and the Los Angeles Office provided a suggested change to the airworthiness directive, but the airworthiness directive was not amended. Use of the alternate single 7½" steel accumulator was recently requested by a DC–4 operator. Therefore, the FAA is amending AD 47–02–03 to add this alternate means of compliance. Since this amendment provides an alternate means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may become effective in less than thirty (30) days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending AD 47–02–03 by replacing the main paragraph with the following:

Because of failures in service of the main 9" Douglas aluminum accumulator, it is necessary to replace it with at least one 7½" steel accumulator, Bendix P/N 406920 or Vickers P/N AA 14308B, or Vickers 10" accumulator Model AA–14310. (Douglas Service Bulletin DC–4 No. 9 and Addendum dated January 6, 1956 cover the same subject).

This amendment becomes effective March 27, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Los Angeles, California on March 13, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-8799 Filed 3-21-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 61 and 65

[Docket No. 20189; Amdt. Nos. 61–68 and 65–25]

Air Traffic Control Tower Operators: Medical Standards

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This regulation excepts air traffic control tower operators who are employed by the FAA from the requirement that they hold a second class medical certificate. This revision is necessary to avoid the application of two different programs for physical qualification to FAA employees.

EFFECTIVE DATE: April 23, 1980.

FOR FURTHER INFORMATION CONTACT: Edward Harris (202) 426–8067.

SUPPLEMENTARY INFORMATION: An air traffic control tower operator is an airman, as defined in section 101 of the Federal Aviation Act of 1958 (the Act). In accordance with section 602 of the Act, the Administrator, in issuing an airman certificate to an applicant, determines whether the applicant is physically able to perform the duties pertaining to the position for which the airman certificate is sought. In accordance with this statutory mandate, § 65.33 of the Federal Aviation Regulations (14 CFR 65.33) requires that an applicant for an air traffic control tower operator certificate hold a second class medical certificate issued under Part 67, Medical Standards and Certification (14 CFR Part 67).

Even though other FAA employees with air traffic control (ATC) duties (enroute air traffic controllers and flight service station operators) are not airmen, as defined in the Act, the FAA has also required these persons to meet physical standards. A physical qualification program for all FAA ATC personnel, including control tower operators, was developed by the Civil Service Commission in the early 1960's. The availability of forms and guidelines that were being used in connection with Part 67 facilitated the administration of this program.

Recently, the agency requested the Office of Personnel Management to revise the physical standards for retention of ATC personnel. The proposed new standards further differentiate between requirements applicable to FAA personnel and the certification requirements in Part 67.

In order to avoid the application of two different programs for physical qualification to FAA employees, this amendment revises §§ 65.31 and 65.33. It excepts FAA employees from the requirement to hold a second class medical certificate in order to be eligible for, and to exercise the privileges of, an air traffic control tower operator certificate.

Part 65 still requires that non-FAA control tower operators hold second class medical certificates. Section 61.23(b)(1) is being revised to make clear the 12-month duration of the second class medical certificate as it applies to these non-FAA control tower operators.

Since FAA control tower operators are already required to meet medical standards that are equivalent to those required by Part 67, the Administrator finds that notice and public procedure are unnecessary.

Adoption of the Amendment:

Accordingly, Parts 61 and 65 of the Federal Aviation Regulations (14 CFR Parts 61 and 65) are amended effective April 23, 1980, as follows:

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

§ 61.23 [Amended]

1. By amending § 61.23(b)(1) by inserting the words "or an air traffic control tower operator certificate" after the words "commerical pilot certificate".

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

2. By amending § 65.31 by deleting the word "and" at the end of paragraph (a), by deleting the period at the end of the paragraph (b) and substituting for it a semicolon followed by the word "and", and by revising the heading and adding a new paragraph (c) to read as follows:

§ 65.31 Required certificates, and rating or qualification.

* * * * *

(c) Except for a person employed by the FAA, holds at least a second class medical certificate issued under Part 67 of this chapter.

3. By revising § 65.33(d) to read as follows:

§ 65.33 Eligibility requirements: General.

* * * * *

(d) Except for a person employed by the FAA, hold at least a second-class medical certificate issued under Part 67 of this chapter within the 12 months before the date application is made; and

* * * * *

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1422); sec. 6(c); Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, the FAA has determined that the expected impact of the regulation is so minimal that it does not require an evaluation.

Issued in Washington, DC, on March 17, 1980.

Langhorne Bond,

Administrator.

[FR Doc. 80-8830 Filed 3-21-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket Number 79–CE–38]

Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Alteration of Transition Area, Storm Lake, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the 700-foot transition area at Storm Lake, Iowa, to provide additional controlled airspace for

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aircraft executing a new instrument approach procedure to Runway 35 at the Storm Lake, Iowa Municipal Airport based on the Storm Lake Nondirectional Radio Beacon (NDB), a navigational aid. The existing instrument approach procedure to Runway 31 will be cancelled. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT:
Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION: A new instrument approach procedure to Runway 35 at the Storm Lake Municipal Airport, Storm Lake, Iowa, is being established based on the Storm Lake NDB, a navigational aid. The existing instrument approach procedure to Runway 31 will be cancelled. The establishment of a new instrument approach procedure based on this approach aid entails the alteration of the transition area at Storm Lake, Iowa, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On page 6411 of the **Federal Register** dated January 28, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Storm Lake, Iowa. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No comments were received as a result of the Notice of Proposed Rule Making.

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1980 (45 FR 445), is amended effective 0901 GMT May 15, 1980, by altering the following transition area:

Storm Lake, Iowa

That Airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Storm Lake, Iowa Municipal Airport (latitude 42°36'00"N, longitude 95°14'31"W) and within 3 miles each side of the 174° true bearing from Storm Lake NDB extending from the 6.5 mile radius area to 8.5 miles south of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on March 13, 1980.

John E. Shaw,
Acting Director, Central Region.

[FR Doc. 80-8798 Filed 3-21-80; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket Number 79-CE-19]

Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Designation of Transition Area—Ottawa, Kans.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a 700-foot transition area at Ottawa, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Ottawa, Kansas Municipal Airport, based on a Non-Directional Radio Beacon (NDB), a navigational aid being installed on the airport. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT:
Benny J. Kirk, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION: An instrument approach procedure to the Ottawa, Kansas, Municipal Airport is being established based on a Non-Directional Radio Beacon (NDB), a navigational aid being installed on the airport by the City of Ottawa. This radio facility will provide new navigational guidance for aircraft utilizing the airport. The establishment of an instrument approach procedure based on this approach aid entails the designation of a transition area at Ottawa, Kansas at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 2658 and 2659 of the **Federal Register** dated January 14, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ottawa, Kansas. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1980, (45 FR 445), is amended effective 0901 GMT May 15, 1980, by adding the following new transition area:

Ottawa, Kans.

That airspace extending upwards from 700 feet above the surface within a 5 mile radius of the Ottawa Municipal Airport (Latitude 38°32'21"; Longitude 95°15'14"), and within 3 miles each side of the 167° bearing from the OWI NDB (Latitude 38°32'33"; Longitude 95°15'15"), extending from the 5 mile radius area to 8.5 miles southeast of the NDB facility.

Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69).

The FAA has determined that this document involves a regulation which is not significant under Executive Order

12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on March 10, 1980.

Paul J. Baker,
Director, Central Region.

[FR Doc. 80-8802 Filed 3-21-80; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket Number 79-CE-35]

Designation of Transition Area—Marshall, Mo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate a 700-foot transition area at Marshall, Missouri, to provide controlled airspace for aircraft executing a new instrument approach procedure to Marshall Memorial Airport, Marshall, Missouri based on the Non-Directional Radio Beacon (NDB), a navigational aid being installed on the airport. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT:
Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION: An instrument approach procedure to Marshall Memorial Airport, Marshall, Missouri, is being established based on a Non-Directional Radio Beacon (NDB), a navigational aid being installed on the airport by the City of Marhsall. This radio facility will provide new navigational guidance for aircraft utilizing the airport. The establishment of an instrument approach procedure based on this approach aid entails the designation of a transition area at Marshall, Missouri, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules.

Discussion of Comments

On page 2659 of the **Federal Register** dated January 14, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Marshall, Missouri. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1980, (45 FR 445), is amended effective 0901 G.M.T. May 15, 1980, by adding the following new transition area:

Marshall, Mo.

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the Marshall Memorial Airport (Latitude 39°06'00"; Longitude 93°12'10"), and within 3 miles each side of the 347° bearing from the MHL NDB (Latitude 39°05'49"; Longitude 93°11'52"), extending from the 5-mile radius area to 8.5 miles northwest of the NDB facility; and within 3 miles each side of the 184° bearing from the MHL NDB extending from the 5-mile radius area to 8.5 miles southwest of the NDB facility.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on March 10, 1980.

Paul J. Baker,
Director, Central Region.

[FR Doc. 80-8803 Filed 3-21-80; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-CE-37]

Alteration of Transition Area—Fulton, Mo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to alter the 700-foot transition area at Fulton, Missouri, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Fulton, Missouri Municipal Airport, based on the Fulton Non-Directional Radio Beacon (NDB), a navigational aid, installed on the airport. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT:
Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION: A new instrument approach procedure to the Fulton Municipal Airport, Fulton, Missouri, is being established utilizing the Fulton Non-Directional Radio Beacon (NDB), a navigational aid, installed on the airport. The establishment of an instrument approach procedure based on this approach aid entails the alteration of the transition area at Fulton, Missouri, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On page 2660 of the **Federal Register** dated January 14, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fulton, Missouri. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1980 (45 FR 445), is amended effective 0901 G.m.t. May 15, 1980, by altering the following transition area:

Fulton, Mo.

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the Fulton Municipal Airport (latitude 38°50'22"N; longitude 92°00'17"W), and within 2 miles each side of the Hallsville, Missouri VORTAC (latitude 39°06'49"; longitude 92°07'41") 154°R; extending from the 5-mile radius area to 6 miles NW of the Fulton Municipal Airport, and within 3 miles each side of the Fulton, Missouri NDB (latitude 38°50'34"; longitude 92°00'16") 229° bearing; extending from the 5-mile radius area to 8.5 miles SW of the NDB, and within 3 miles each side of the NDB facility 065° bearing; extending from the 5-mile radius area to 8.5 miles NE of the NDB; excluding that portion which overlies the Columbia, Missouri, 700 foot transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on March 10, 1980.

Paul J. Baker,

Director, Central Region.

[FR Doc. 80-8904 Filed 3-21-80; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release Nos. 33-6199; 34-16647; IC-11081]

Delegation of Authority to the Director of the Division of Market Regulation

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations to delegate authority to the Director of the Division of Market Regulation to grant exemptions from Rule 13e-4, tender offers by issuers, under the Securities Exchange Act of 1934 [17 CFR § 240.13e-4] pursuant to paragraph (g)(5) thereof. Paragraph (g)(5) of Rule 13e-4 provides that the Commission, upon written request or on its own motion, may exempt transactions from Rule 13e-4 as not constituting a fraudulent, deceptive or manipulative act or practice. The Commission believes that it would facilitate the timely review of exemptive requests if the authority to grant exemptions from Rule 13e-4 were delegated to the Director of the Division of Market Regulation.

EFFECTIVE DATE: March 13, 1980.

FOR FURTHER INFORMATION CONTACT:
Mary E. Chamberlin (202-272-2828), Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Securities Exchange Act Rule 13e-4 (17 CFR 240.13e-4) and related Schedule 13E-4 [17 CFR 240.13e-101] impose certain filing and other requirements in the context of tender offers by issuers for their own equity securities. Paragraph (g)(5) of Rule 13e-4 provides that the Commission, upon written request or on its own motion, may exempt transactions from Rule 13e-4 as not constituting a fraudulent, deceptive or manipulative act or practice. The Commission believes that it would facilitate the timely review of exemptive requests if the authority to grant exemptions from Rule 13e-4 were delegated to the Director of the Division of Market Regulation. Accordingly, the Commission, acting pursuant to the Act of August 20, 1962, Pub. L. No. 87-592, 76 Stat. 394 (15 U.S.C. 78d-1, 78d-2) hereby amends Section 200.30-3 (17 CFR 200.30-3) of the Commission's rules relating to general organization by adding a new paragraph (a)(35) to delegate authority to the Director of the Division of Market Regulation to grant exemptions from Rule 13e-4.

The Commission finds, in accordance with 5 U.S.C. 553(b)(A) and 5 U.S.C. 553(d) of the Administrative Procedure Act, that this amendment relates solely to agency organization and procedure and, therefore, that notice and public procedures pursuant to 5 U.S.C. 553 are not necessary pursuant to subsection (b) thereof. Such amendment shall be adopted, effective immediately.

Part 200 of Title 17 of the Code of Federal Regulations is amended by adding a new paragraph (a)(35) to § 200.30-3, as follows:

§ 200.30-3 Delegation of authority to Director of Division of Market Regulation.

* * * * *

(a) * * *

(35) To grant exemptions from Rule 13e-4 (§ 240.13e-4 of this chapter) pursuant to Rule 13e-4(g)(5) (§ 240.13e-4(g)(5) of this chapter).

* * * * *

(Pub. L. 87-592, 76 Stat. 394, (15 U.S.C. 78d-1, 78d-2))

By the Commission.

George A. Fitzsimmons,

Secretary.

March 13, 1980.

[FR Doc. 80-8515 Filed 3-21-80; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Part 240

[Release Nos. 33-6197; 34-16645; IC-11079]

Application of Rule 10b-6 to Purchases Pursuant to Certain Tender Offers

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending Rule 10b-6, which prohibits trading by persons interested in a distribution of securities, to except certain purchases of an issuer's securities by the issuer or an affiliate pursuant to a tender offer subject to Rule 13e-4 or Section 14(d) (15 U.S.C. 78n(d)) which regulate such offers. The amendment will except such purchases if the issuer of affiliate is subject to Rule 10b-6 solely because the issuer has outstanding securities convertible into or exchangeable for the security for which the tender offer will be made. The Commission believes that adequate safeguards exist in the context of such offers and that additional regulation under Rule 10b-6 is not necessary.

EFFECTIVE DATE: March 13, 1980.

FOR FUTHER INFORMATION CONTACT:
Mary E. Chamberlin (202-272-2828), Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On August 16, 1979, the Commission adopted Rule 13e-4 (17 CFR 240.13e-4) and related Schedule 13E-4 (17 CFR 240.13e-101) which impose certain filing and other requirements in the context of cash tender and exchange offers by issuers or their affiliates for equity securities of the issuer.[1] In the Adopting Release, the Commission noted its intent to amend Rule 10b-6 (17 CFR 240.10b-6) to provide that, if the provisions of that Rule would apply to bids for or purchases of ("purchases") the subject security solely because the issuer has outstanding a class of securities which is immediately convertible into or exchangeable for the subject security, such provisions shall not apply if the bids and purchases are made in accordance with Rule 13e-4.[2] The Commission continues to believe that Rule 13e-4 provides sufficient safeguards in the context of issuer tender offers and that additional regulation of such offers under Rule 10b-6 is not necessary. Accordingly, the Commission has adopted this amendment with certain modifications.[3]

New paragraph (f) provides that the provisions of Rule 10b-6 shall not apply to purchases pursuant to an issuer tender offer if the issuer is engaged in a distribution of the subject security solely because the issuer has outstanding securities which are immediately convertible into, or exchangeable or exercisable for, the subject security, provided that the offer is subject to and made in compliance with Rule 13e-4 or, as applicable, Section 14(d) of the Act and the rules thereunder.[4] Thus, an issuer or an affiliate no longer will be required to seek exemptive relief under Rule 10b-6 to permit purchases pursuant to a tender offer for the issuer's common stock simply because the issuer has outstanding preferred stock, debentures or warrants which are convertible into, or exchangeable or exercisable for, common stock.[5]

The Commission finds, in accordance with 5 U.S.C. 553(b)(B) and 553(d) that, in view of the response by commentators on proposed Rule 13e-4 concerning the application of Rule 10b-6 to issuer tender offers and the Commission's notice of intent to amend Rule 10b-6 in the manner described above, notice and public procedures pursuant to 5 U.S.C. 533 are not necessary pursuant to subsection (b) thereof. Such amendment shall be adopted, effective immediately.

Text of Amended Rule

Part 240 of Title 17 of the Code of Federal Regulations is amended by redesignating paragraph (f) of § 240.10b-6 as paragraph (g), and adding a new paragraph (f) thereto, as follows:

§ 240.10b-6 Prohibitions against trading by persons interested in a distribution.

* * * * *

(f) If the provisions of this section would apply to bids for or purchases of any equity security pursuant to an issuer tender offer, as that term is defined in Rule 13e-4(a)(2) under the Act, or to a tender offer subject to section 14(d) of the act and the rules applicable thereto, solely because the issuer has outstanding securities which are immediately convertible into, or exchangeable or exercisable for, the security for which the tender offer is to be made, such provisions shall not apply to such bids and purchases if such bids and purchases are subject to and made in accordance with the provisions of Rule 13e-4 or section 14(d) and the rules applicable thereto.

* * * * *

(Secs. 3(b), 9(a)(6), 10(b), 13(e), 14(e), 15(c)(1), 23(a), 48 Stat. 882, 889, 891, 894, 895, 901, sec. 8, 49 Stat. 1379, sec. 5, 78 Stat. 569, 570, secs. 2, 3, 82 Stat. 454, 455, Secs. 1, 2, 3-5, 84 Stat. 1497, secs. 3, 18, 89 Stat. 97, 155 (15 U.S.C. 78c(b), 78i(a), 78j(b), 78m(e), 78o(c), 78w(a)))

By the Commission.

George A. Fitzsimmons,

Secretary.

March 13, 1980.

[FR Doc. 80-8514 Filed 3-21-80; 8:45 am]

BILLING CODE 8010-01-M

[1] Securities Exchange Act Release No. 16112 (August 16, 1979), 44 FR 49406 ("Adopting Release"). Rule 13e-4 applies to tender offers by issuers for their own equity securities where the issuer has a class of equity securities registered under Section 12 of the Act or is required to file periodic reports with the Commission pursuant to Section 15(d) of the Act or is a closed-end investment company registered under the Investment Company Act of 1940.

[2] Adopting Release, 44 FR 49406 n.7.

[3] Several commentators on proposed Rule 13e-4 addressed the application of Rule 10b-6 to purchases by an issuer of its securities pursuant to a tender offer subject to Rule 13e-4 and suggested that the Commission adopt some form of an amendment to Rule 10b-6 and generally clarify the extent to which both rules would apply to such purchases. *See, e.g.*, Letter from Leonard M. Leiman, Chairman, Committee on Securities Regulation of the Association of the Bar of the City of New York, to George A. Fitzsimmons, Secretary, SEC, dated February 23, 1978, contained in File No. S7-731.

[4] Paragraph (g)(5) of Rule 13e-4 excepts from the provisions of that Rule any tender offer subject to Section 14(d). Accordingly, as a general matter, a tender offer by an affiliate of an issuer for a class of the issuer's securities which is registered under Section 12 of the Act is subject to Section 14(d) rather than Rule 13e-4. Concurrently with the adoption of this amendment, the Commission is publishing for comment amendments to Rule 10b-6 which would provide that the Rule shall not apply to distributions of securities by an issuer to its employees or shareholders pursuant to employee or shareholder plans sponsored by the issuer. *See* Securities Act Release No. 6198 in this issue.

[5] However, if the common stock is the subject of any other distribution for purposes of the Rule, by or attributable to the issuer (*e.g.*, a distribution in connection with a pending acquisition), Rule 10b-6 will continue to prohibit any purchases of common stock by the issuer or any affiliate, including purchases pursuant to an issuer tender offer, absent an exemption from that Rule.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM80-44; Order No. 72]

Final Regulations Implementing Section 109 of the Natural Gas Policy Act of 1978

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) hereby reissues as final regulations its interim regulations implementing section 109 of the Natural Gas Policy Act of 1978 (NGPA). The primary purpose of the final rule is to resolve the central question of interpretation of section 109 by determining the proper scope of applicability of that section. In the final rule, the Commission reaffirms the interpretation of section 109 embodied in the interim regulations that section 109 applies only to first sales of natural gas not subject to a maximum lawful price under any other section of Title I of the NGPA.

EFFECTIVE DATE: March 18, 1980.

FOR FURTHER INFORMATION CONTACT:

Mark Magnuson, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 4016-I, Washingon, D.C. 20426, (202) 357-8511, or

Susan Tomasky, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 8100, Washington, D.C. 20426, (202) 357-8461.

Before Commissioners: Charles B. Curtis, Chairman; Georgiana Sheldon, Matthew Holden, Jr., and George R. Hall.

Issued: March 18, 1980.

I. Background

On December 1, 1978, the Commission issued interim regulations [1] implementing the Natural Gas Policy Act of 1978 (NGPA).[2] Under the interim regulations, the maximum lawful price established under section 109(b) is applicable to first sales of natural gas not subject to a maximum lawful price under sections 102, 103, 104, 105, 106, 107 or 108 of the NGPA.[3]

The interim regulation, which defines the scope of applicability of section 109, was based on the Commission's interpretation of the following language of section 109(a):

[1] 43 FR 56448 (Dec. 1, 1978).

[2] 15 U.S.C. 3301 *et seq.*

[3] 18 CFR 271.901

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Sec. 109. Ceiling Price for Other Categories of Natural Gas.

(a) Application—The maximum lawful price computed under subsection (b) shall apply to any first sale of any natural gas delivered during any month, in the case of any natural gas which is not covered by any maximum lawful price under any other section of this subtitle, including—

(1) natural gas produced from any new well not otherwise qualifying for a higher maximum lawful price under this title; . . ." [paragraphs (2) through (4) omitted] [4]

As drafted, this language is ambiguous on its face. The language of section 109(a) which precedes paragraphs (1) through (4) appears to state a general rule of applicability which limits the scope of each of the four categories of specifically eligible (i.e., included) types of natural gas. However, listed among the four categories of gas specifically included within the scope of section 109 is "natural gas produced from any new well not otherwise qualifying for a higher maximum lawful price under this title," a category of gas that falls outside the general limitation of the preceding language.

Thus, section 109 is susceptible of two widely divergent interpretations. Read narrowly section 109(a) is intended to limit the scope of the categories which follow so that a new well which qualifies for a lower price under another section of the NGPA would be excluded from section 109. Read broadly, however, the specific categories are to be expressly included within the scope of section 109, superseding the preceding general limitation, so that a new well otherwise subject to a maximum lawful price lower than the section 109 price would nevertheless be eligible for the section 109 price.

In the interim regulation, the Commission took the view that the 109 ceiling price extended only to natural gas not qualifying for any other maximum lawful price established under Title I of the NGPA. A number of comments submitted in response to the interim regulation question that interpretation. Their objections are addressed below. For the reasons which are also set out more fully below, the Commission hereby affirms the position of the interim regulations, and adopts the interim regulation as the final regulation implementing section 109 of the NGPA.

II. Summary of Comments

Comments on the Commission's interpretation of section 109 concern, almost exclusively, its effect with regard to gas produced from new wells: in the Commission's view, natural gas from a well which qualifies for a lower maximum lawful price is ineligible for the higher price of section 109.

Objections to the Commission's interpretation rest on two grounds. Pennzoil, Tenneco, the Indicated Producers, Texaco, the Oklahoma Independent Petroleum Association (OIPA) and Exxon contend that the Commission's interpretation contravenes the language of the statute, by effectively ignoring the word "including" in section 109(a) as it pertains to the four categories described in clauses (1) through (4) of that section. They argue that the Commission is obliged to follow the "plain meaning" of the word "including" which is "something as a constituent, component, or subordinate part of a larger whole" [5] or "comprising, comprehending or embracing as a component part, item or member; enclosing within or containing". [6] Applying this plain meaning, these commenters conclude that any natural gas which falls within the specific categories of clause (1) through (4) is expressly included within the scope of section 109. In contrast, they argue, the Commission's interpretation reads the word including to mean "might include, but not necessarily including". [7] The Commission's interpretation, it is claimed, effectively eliminates from the scope of section 109 all gas described in clauses (a)(1) through (4), by requiring that a producer seeking to qualify for a section 109 price would first have to establish that the gas is not covered by any other maximum lawful price.

In addition to arguments based on the language of the statute, arguments were raised that the Commission's interpretation is contrary to Congressional intent as manifested in the Joint Explanatory Statement of the Committee on Conference (Joint Statement). [8] Grace Petroleum Corp., Texaco, the Interstate Natural Gas Association of America (INGAA), Panhandle Eastern Pipeline Co., Trunkline Gas Co., and Exxon point to language in the Joint Statement which states that section 109 applies to five enumerated categories of natural gas. Categories enumerated "(1)" through "(4)" in the Joint Statement are those categories described in clauses (1) through (4) of section 109 as drafted. Following these categories *in seriatum*, enumerated "(5)", is "any natural gas which is not covered by any maximum lawful price under any other section of this subtitle". [9] On the basis of this language, these commenters argue that Congress intended clause (1) of section 109(a) to enlarge, rather than to contract, the scope of applicability.

A comment submitted by Senator Pete V. Domenici agrees with the Commission that the language of section 109 is ambiguous on its face. However, it is his opinion that, despite the discrepancy between the language of the introductory clause and of clause (1), the intent of the Senate and House confereees was to apply the section 109(b) price to all new wells which didn't qualify for a higher price under another section.

The American Gas Association [AGA] voiced support of the Commission's interpretation of section 109(a). AGA argues that any other interpretation would negate the Congressional purpose in establishing the section 104 price, to retain the price ceiling (adjusted for inflation) applicable to interstate natural gas. They contend that if Congress had intended to price all gas supplies at a section 109 level or higher, it would have had no need to establish ceiling prices lower than the section 109 price. AGA further argues that any other interpretation of section 109 would render meaningless Section 121 of the NGPA. in 1984, Section 121 will deregulate intrastate gas subject to a contract price in excess of $1.00 per MMBtu; if all intrastate gas from new wells were subject to the 109 price of $1.45 per MMBtu, the eventual deregulation provided for under section 121 would accomplish the deregulation of virtually all intrastate gas produced from new wells.

III. Discussion

The crucial question of interpretation at issue here is the scope of applicability of section 109. Generally, the issue is whether section 109 is applicable to the four categories of natural gas described in clauses (1) through (4) of section 109(a) in addition to natural gas not

[4] NGPA, section 109(a)(1).

[5] Comment of OIPA.

[6] Comment of Exxon.

[7] Comment of Indicated Producers.

[8] S. Rep. No. 1126, 95th Cong., 2d Sess. (1978).

[9] The Joint Statement indicates that:

(T)his section applies to—

(1) Natural gas produced from any new well not otherwise qualifying for a higher ceiling price; and

(2) Natural gas committed or dedicated to interstate commerce for which a just and reasonable rate was not in effect under the Natural Gas Act; and

(3) Natural gas which was not committed or dedicated to interstate commerce and which was not subject to an existing contract; and

(4) Natural gas produced from the Prudhoe Bay Unit of the North Slope of Alaska and transported through the transportation system approved under the Alaska Natural Gas Transportation Act of 1976; and

(5) Any natural gas which is not covered by any maximum lawful price under any other section of this subtitle. *Id.* at 90.

covered by any other maximum lawful price, or is applicable only to natural gas not covered by any other maximum lawful price.

However, natural gas falling within the categories described in clauses (2) through (4) of section 109(a), in all cases, would not be subject to a maximum lawful price under another section, so that, as a practical matter, the issue is fundamentally narrower. Specifically, the issue is whether section 109 covers natural gas not covered by any maximum lawful price under any other section and natural gas produced from any new well not otherwise qualifying for a higher maximum lawful price under Title I, or only natural gas which is not covered by any maximum lawful price under any other section. Under the former interpretation, natural gas covered by sections 104, 105, or 106, could also qualify for section 109 if natural gas were produced from a new well. Under the latter interpretation, natural gas from a new well which is covered by section 104, 105, or 106 would be held to that applicable price, unless the gas qualifies for an incentive price under section 102, 103, 107 or 108.

Many commenters contend that our interpretation of section 109 must proceed from consideration of the language of the statute, and, more specifically, from an attempt to discern the intent of Congress underlying its use of the word "including" in subsection (a). [10] The Commission notes that the common definitions of that word supplied by commenters [11] are accurate and ordinarily serviceable definitions of that word. However, we cannot agree with the commenters who suggest that such a plain meaning of "including", properly applied, supplies any plain meaning to the language of subsection (a).

For example, it has been urged that the Commission define "including" as "something as a constituent, component, or subordinate part of a larger whole". In the context of section 109(a) the category in clause (1) (gas from new wells not subject to a higher maximum lawful price) would be the constituent part, and the introductory clause which precedes the word "including" (natural gas not covered by a maximum lawful price under any other section) would be the "larger whole". In this instance, however, the "component part" of clause (1) undisputably is not part of the larger whole of subsection (a).

The Commission is not prepared to ply the word "including" so that in some contorted form it "plainly" supports either a broad interpretation of section 109(a), or a narrow one. After attempting to discern the plain meaning of the word chosen by the drafters, we cannot reach any conclusion but that the meaning of the word "including" as used in section 109 is ambiguous. We therefore must look beyond the meaning of this one word in determining the scope of applicability of section 109.

Notwithstanding the ambiguity created by the use of the word "including" the Commission believes that the text of section 109, taken as a whole, compels us to follow a narrow interpretation. As noted above, the categories of natural gas described in clauses (2) through (4) of paragraph (a) are comprehended within the introductory language, "natural gas which is not covered under any section of this subtitle". In contrast, the natural gas prescribed in clause (1) falls within that category only to the extent that it is not subject to section 104, 105 or 106, or has not qualified for an incentive price under section 102, 103, 107, or 108. If Congress had intended the result which obtains under the broad interpretation, it could have defined the scope of section 109 by reference only to two categories of gas: natural gas which is not covered by a maximum lawful price under any other section and, natural gas produced from any new well not otherwise qualifying for an incentive price under 102, 103, 107, or 108.

To embrace the broad interpretation would lead us to the anomalous conclusion that Congress drafted four parallel clauses with the intent that one clause would have the substantive effect of expanding the scope of applicability of section 109 set forth in the introductory clause, but that the other three clauses, which do not expand the scope of applicability, would have no substantive effect whatsoever. In contrast, the Commission's interpretation recognizes the introductory clause as a general limitation on the scope of applicability of section 109, and gives equal although limited, effect to the four succeeding clauses, as illustrative of the scope of applicability contained in the introductory clause, to the extent not inconsistent therewith.

We also believe that the narrow reading of section 109 is the only interpretation that preserves the statutory scheme of Title I and is consistent with other sections of the NGPA. We are persuaded that Congress established the substantive standards under sections 102 and 103 to assure that a producer receive a higher price for gas from new wells when the well is necessary for the development and production of new reserves. Enforcing these substantive standards, the Commission has provided a producer the opportunity to demonstrate that a particular new well is of the type that Congress intended should receive a price higher than the section 104 price, *i.e.*, a new well drilled to produce additional natural gas from newly discovered or developed reserves. A producer of gas from a new, onshore production well is eligible for the section 103 price if it is determined that the well is necessary to effectively and efficiently drain the reservoir. Or, a producer may qualify for a section 102 price if new reserves of gas are produced from a new well which is 2.5 miles from the nearest marker well or, is produced from a previously existing well tapped by a deepening. [12] To make available a price higher than the section 104 price simply because a producer has drilled a new well violates the statutory scheme which contemplates that higher prices will be accompanied by the development of new reserves.

Congress specifically incorporated, in section 104, the just and reasonable price for natural gas already committed or dedicated to interstate commerce in order to provide for the continued production of flowing gas at current prices, adjusted periodically for inflation. To accept the broad interpretation is to suggest that Congress intended to apply the section 104 price to flowing interstate natural gas, and then intended to create a regulatory alchemy, activated by the drilling of a new well, which changes the price applicable to that natural gas from the expressly incorporated just and reasonable rate to the higher section 109 price. We do not believe that Congress intended that result.

Unquestionably, a fundamental purpose of the incentive prices of Title I of NGPA was to encourage investment in the exploration and development of new natural gas reserves. We do not believe however that the Congress intended to affect investment decisions in a manner which would tend to induce capital investment and the use of limited resources for the production of supplies of natural gas which are already available. Yet this result is an inevitable consequence of a broad interpretation of

[10] *See supra* notes 5–7 and accompanying text.

[11] *See supra* notes 5 and 6 and accompanying text.

[12] Implicit in section 102 is the assumption that a new well drilled 2.5 miles from the nearest marker well will produce new reserves. Similarly, section 102 further encourages the production of new reserves by providing an incentive price for gas from a new well, as defined in section 2(3)(B) of the NGPA, which is deepened and completed at a depth of at least 1000 feet below the completion location of each marker well within 2.5 miles of the new well.

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section 109. Under the broad view of section 109, a producer could circumvent a lower price applicable under section 104, 105 or 106, by drilling a new well, even where the well would not qualify as a new onshore production well under section 103 or would not result in the production of new gas under section 102. Producers may be tempted to use available drilling rigs to drill unnecessary wells, diverting that equipment from efforts to explore and develop new reserves. Resources would be misused, no new gas reserves would be developed, and consumers would enjoy no added benefit for the higher prices they would be required to pay. We believe that Congress could not have intended the economic waste that would result if we adopted the broad interpretation of section 109.

The Commission's interpretation of section 109 also draws support from other sections of the NGPA. Section 503(e) provides for the interim collection of the section 109 price for gas from a new well during the period in which the state jurisdictional agency is determining the eligibility of the well for an incentive price. Section 503(e)(1)(B)(i) requires the seller who proposes to make interim collections to provide a sworn statement that the gas is produced from a new well and "that such seller believes in good faith that such natural gas is eligible under this Act to be sold at a price not less than the appropriate maximum lawful price under section 109."

If section 109 were intended to be read broadly, so that a new well would always get at least the section 109(b) price, then it would have been unnecessary for Congress to require the producer to attest that the gas is both from a new well and qualifies for a price no lower than the section 109 price. Unless gas from a new well could be subject to a lower price, the second requirement of the oath statement, that the seller in good faith believe that the gas is eligible for a price no lower than the section 109 price, would be surplusage.

The Commission's interpretation of section 109 is further reinforced by reference to section 503(e)(1)(B)(iii). This provision requires that any interim collections for sales of natural gas from new wells shall be collected subject to a condition of refund in the event it is determined by the appropriate jurisdictional agency that the applicable maximum lawful price is lower than that provided by section 109. However, if section 109 is read to be applicable in all cases to natural gas from a new well, there would be no situation in which the refund obligation in section 503(e)(1) would be triggered, and thus, no reason to have provided for a refund. Only by adopting the narrow interpretation of section 109 can the Commission give full effect to the requirements of section 503(e)(1)(B)(iii) which provide for a refund when gas produced from a new well is found to be subject to a lower maximum price.

In addition we observe that the narrow interpretation is consistent with the economic assumptions on which Congress based the pricing scheme of Title I. Congress had available to it a number of studies on the impact of the provisions of Title I on natural gas prices.[13] These studies assumed the continued applicability over time of sections 104, 105 and 106 to flowing gas. If that gas could be made subject to the section 109 price simply by the drilling of a new well, the continued applicability of section 104, 105 and 106 could not be assumed. Instead, over time, less and less natural gas will be subject to these sections as producers qualify this natural gas for the section 109 maximum lawful price. It would be possible, at some point, that all natural gas which is presently subject to sections 104, 105 and 106 of the NGPA would be subject to the section 109 maximum lawful price; the section 109 price would be the minimum "maximum lawful price" which would be applicable to all natural gas reserves. A reading of section 109 which has the potential to make sections 104, 105 and 106 inapplicable to flowing natural gas is neither reasonable nor consistent with the pricing scheme of the NGPA.

We acknowledge that the support for the Commission's interpretation implicit in the text and underlying policies of the statute is not borne out by the explanation of the scope of section 109 contained in the Joint Statement. As commenters have correctly pointed out, the language of the Joint Statement suggests that Congress intended that section 109 be applicable without limitation to five distinct categories of natural gas, thereby supporting the broad interpretation.[14] As a general rule, the legislative history, including the Conference Report and the accompanying Joint Explanatory Statement, is useful and persuasive evidence of Congressional intent underlying the enactment of a statute. It is, however, no talisman for divining Congressional intent in contradiction to the policies and purpose manifest in the language of the statute and the surrounding legislative scheme. Far greater, if not controlling, weight should be given to those policies and purposes and to the language of sections 109 and 503.[15] In this case, the language of the statute taken as a whole, and the policies underlying the enactment of the NGPA compel us to conclude that Congress intended section 109 to be read narrowly, notwithstanding the suggestion to the contrary that is contained in the legislative history.

[13] These studies were prepared by the Department of Energy/Energy Information Administration, the staff of the House Subcommittee of Energy and Power, and the Congressional Budget Office. Order No. 23, issued by the Commission on March 13, 1979, in Docket No. RM79-22, refers to the studies (mimeo, pp. 31-32, n. 27).

[14] *See* discussion *supra*, note 9, and accompanying text.

[15] The language in the Joint Statement deviates from the text of the statute not only in the area of the scope of applicability of section 109 but in another area. Reference to the Joint Statement also would indicate that section 109 applies to gas which is not the subject of a "first sale". This implication from the Joint Statement, however, is belied by the statutory language. The imprecision in the discussion of section 109 in the Joint Statement is a significant factor which bears on the weight which should be accorded that discussion.

[16] The exact scope and limitations of such interpretations are fully explained in the Commission's order establishing procedures for seeking interpretation or declaratory orders under the NGPA, issued on August 7, 1979, in Docket No. RM79-65, 44 FR 46171 (Aug. 17, 1979).

III. Other Comments

A comment received from Grace Petroleum Corp. suggests that the Commission establish a procedure whereby a producer may obtain an advisory declaration as to the applicability of section 109 to natural gas which they will produce.

Such a procedure has, to some extent, been implemented. The Commission's NGPA Hotline allows producers to obtain informal advisory opinions as to the eligibility of their natural gas for the section 109 price. An official interpretation may be obtained by submitting a written request for such an interpretation to the Commission's General Counsel.[16]

The Natural Gas Pipeline Co. of America (Natural Gas Pipeline) requests the Commission to clarify its interpretation of clause (2) of section 109(a). That clause makes the section 109(b) price applicable to natural gas committed or dedicated to interstate commerce before November 9, 1978, but not subject to a just and reasonable rate under the Natural Gas Act (NGA). Natural Gas Pipeline comments that the Commission has not made clear the types of natural gas which would fall within this category. To avoid uncertainties with regard to filing and pricing requirements, they ask the Commission to identify the circumstance under which an NGA just and reasonable rate would not have been in effect on November 8, 1978, for gas that is committed or dedicated to interstate commerce. They also request that the Commission clarify the status of natural gas sold under protective orders pending the outcome of the Supreme Court's decision in *California v. Southland Royalty Co.* (*Southland*).[17]

Section 109(a)(2) requires the application of two-fold test: first, that the natural gas was committed or dedicated to interstate commerce on November 8, 1978, and second, that that natural gas was not subject to a just and reasonable rate under the Natural Gas Act on November 8, 1978. On November 8, 1978, the Commission had in effect just and reasonable rates for all natural gas subject to the NGA except gas from Alaska and Hawaii. Accordingly, since all natural gas from the lower 48 states was subject to a just and reasonable rate on November 8, 1978, such gas would not qualify under section 109(a)(2) for the section 109(b) price.

Also, gas that was sold pending the outcome of the *Southland* case would not qualify under section 109(a)(2). In that case the Supreme Court considered whether the expiration of a contract to deliver gas to the interstate market terminated the jurisdiction of the Commission to require abandonment authorization. On May 31, 1978, the Court held that the issuance of a certificate of unlimited duration created a Federal obligation to serve the interstate market until abandonment authorization had been obtained; in other words, the service obligation imposed by the Commission survives the expiration of the private agreement that originally gave rise to the Commission's jurisdiction. As a result, gas which was committed or dedicated to interstate commerce remained committed or dedicated, and could not be diverted to the intrastate market until abandonment authorization could be obtained.

Accordingly, if a producer of gas committed or dedicated to interstate commerce did not obtain an abandonment authorization for gas sold pending the outcome of *Southland* prior to November 9, 1978, such gas would have been subject to a just and reasonable rate and therefore outside the scope of section 109(a)(2). Where the application for abandonment authorization was made before November 9, 1978, but no order permitting abandonment was issued until after that date, natural gas sold during the intervening period would still be subject to a just and reasonable rate and therefore excluded from the scope of section 109(a)(2).

[17] *California v. Southland Royalty Co.*, 436 U.S. 519 (1978).

IV. Public Procedures and Effective Date

The regulation in Subpart I of Part 271 was originally proposed for comment in November of 1978 and issued as an interim regulation on December 1, 1978.[18] For sixty days thereafter comments were received and during that period public hearings were held on the interim regulations. By this process, the Commission has complied with the provisions of section 502(b) of the NGPA which requires that "[t]o the maximum extent practicable, an opportunity for oral presentation of data, views, and arguments" be afforded for certain regulations under the NGPA.

The regulation adopted by this order rests upon consideration given to the information received during this notice, comment and hearing process. The Commission finds that further notice and public procedure with respect to these rules is unnecessary.

Subpart I of Part 271, in final form, adopts the interim regulation without modification. For this reason, the Commission is dispensing with the publication requirements of 5 U.S.C. 553(d)(1). Accordingly, Subpart I of Part 271, issued as a final regulation, is effective immediately upon issuance of this order.

[Natural Gas Act, as amended, 15 U.S.C. 717 *et seq.*; Department of Energy Organization Act, 42 U.S.C. 7107 *et seq.*; Exec. Order No. 12,009, 42 FR 46267; Natural Gas Policy Act of 1978, Pub. L. 95-621, 92 Stat. 3350.]

In consideration of the foregoing, the interim regulations in Subpart I of Part 271, Subchapter H, Chapter I, Title 18, code of Federal Regulations are reissued as final regulations as set forth below, effective immediately.

By the commission.

Kenneth F. Plumb,

Secretary.

1. Part 271, Subpart I is reissued as final regulations as set forth below:

PART 271—CEILING PRICES

Subpart I—Other Categories of Natural Gas

§ 271.901 Applicability.

This subpart implements section 109 of the NGPA and applies to a first sale of natural gas that is not covered by a maximum lawful price under section 102, 103, 104, 105, 106, 107 or 108 of the NGPA.

[18] 43 FR 56448 (Dec. 1, 1978).

§ 271.902 Maximum lawful price.

The maximum lawful price, per MMbtu, for natural gas to which this subpart applies shall be the price specified for Subpart I of Part 271 in Table I of § 271.101(a).

§ 271.903 Filing requirements.

Any person who collects a price under this subpart shall file reports required by § 276.101.

§ 271.904 Special rule.

First sales of natural gas described in section 109(a)(1), (2) (3) or (4) of the NGPA are covered by this subpart only to the extent such first sales are not covered by any maximum lawful price under section 102, 103, 104, 105, 106, 107 or 108 of the NGPA.

[FR Doc. 80-8815 Filed 3-21-80; 8:45 am]

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18 CFR Part 276

[Docket No. RM79-30]

Order Denying Rehearing

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order denying rehearing.

SUMMARY: This order denies rehearing of the Commission's order issued March 23, 1979, Docket No. RM79-30, which issued final Part 276 regulations under the Natural Gas Policy Act of 1978, 15 U.S.C. § 3301, *et seq.* (NGPA) (order published at 44 Fed. Reg. 18647 on March 29, 1979). On April 20, 1979, Indicated Producers filed for rehearing on the basis that the Commission erred in promulgating the "Affidavit for Filing Under § 176.104" so as to exclude natural gas which is covered by any other section of the NGPA. On May 21, 1979, the Commission granted rehearing for purposes of further consideration. Today's order denies rehearing on the ground that in Docket No. RM80-44, the Commission declined to amend its interpretation of section 109 of the NGPA, on which the subject oath statement was based. The order also clarifies that the oath statement is for compliance purposes and does not affect or amend the Commission interpretation of section 109. Accordingly, it concluded that there is no reason to change the oath statement.

FOR FURTHER INFORMATION CONTACT: Scott E. Koves, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8317.

Final Part 276 Regulations Under the Natural Gas Policy Act of 1978

Issued March 18, 1980.

Before Commissioners: Charles B. Curtis, Chairman; Georgiana Sheldon, Matthew Holden, Jr., and George R. Hall.

On April 20, 1979, pursuant to § 286.102 of the Commission's Interim Regulations, the Indicated Producers filed an application for rehearing of the final rule establishing Part 276 of the Commission's regulations implementing the Natural Gas Policy Act of 1978 (NGPA).[1] In their application, Indicated Producers assert that the Commission erred in establishing its Affidavits for Filing Requirements under § 276.104,[2] which sets forth the Commission's reporting requirements with regard to first sales of gas which qualify for a maximum lawful price under section 109 of the NGPA. Section 276.104 requires a first seller to submit a statement that the natural gas sold in the reporting period was not committed or dedicated to interstate commerce on November 8, 1978; or if such natural gas was so committed or dedicated, a just and reasonable rate was not in effect under the Natural Gas Act on such date for the natural gas (including the basis for such conclusion); and with respect to any natural gas sold in the reporting period which was not committed or dedicated to interstate commerce on November 8, 1978, the natural gas sold in the reporting period is not subject to an existing intrastate contract as defined in § 270.102(b)(8) or intrastate rollover contract as defined in § 270.102(b)(11).[3]

These provisions parallel the language of paragraphs (1)–(3) of § 109.

On May 21, 1979, the Commission granted Indicated Producer's application for rehearing solely for purposes of further consideration of § 276.104. In their application the Indicated Producers note that § 276.104 provides no opportunity for a producer to file a statement that natural gas sold in a first sale qualifying for a section 109 price under the applicable Commission regulations [4] is not subject to a maximum lawful price under any section of Title I of the NGPA. In other words, the Affidavit for Filing contain no provision which parallels the language in subsection (a) of section 109 which language makes 109 applicable to natural gas not covered by any other section of Title I. In the Producers view, the effect of this provision is to exclude from the scope of section 109 gas which is not covered by any other section of the NGPA, by failing to treat such gas as a fifth category of gas subject to the section 109, in addition to the four categories of gas specifically included within the scope of section 109 by subsection (a)(1)–(4). Thus, the Indicated Producer would have us amend our regulations to conform to the Indicated Producer's view of the substantive provisions of section 109: they believe the introductory language of subsection (a) of section 109 is intended to broaden the scope of section 109, rather than to serve as a general limitation on the four categories of gas specifically enumerated in section 109(a)(1)–(4).

The Indicated Producer's interpretation of this section is contrary to the Commission's interpretation of section 109 that was embodied in §§ 271.904–276.104 of the interim regulations. In our Order Granting Rehearing, the Commission stated:

Since the oath statement prescribed by § 276.109(b), which is objected to in the application for rehearing, simply reflects the substantive requirements of § 271.904, it will change to the same extent that § 271.904 of the Interim Regulations changes.[5]

By separate order issued today in Docket No. RM80–44, we reaffirmed the interpretation of the substantive provisions of section embodied in the interim regulations, and have reissued the interim regulations as the final regulations implementing section 109. Because the substantive requirements of § 271.904 have not changed, there is no reason to modify the Affidavit for Filing under § 276.104.

In addition, the Commission emphasizes that the provisions of § 276.104 were promulgated for compliance purposes, and were not intended to parallel every substantive provision of section 109. These provisions do not affect or amend in any way the Commission's interpretation of section 109.

Accordingly, we find that, upon further consideration, Indicated Producers have raised no new facts or principles of law that warrant a modification of our order issued March 23, 1979, in Docket No. RM79–30, and that good cause exists to deny their application for rehearing of that order.

The Commission orders:

The Application of Indicated Producers For Rehearing filed April 20, 1979, in Docket No. RM79–30 is, in all respects, denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8928 Filed 3-21-80; 8:45am]

BILLING CODE 6450-85-M

[1] § 286.102(a) of the Commission's regulations permits any person aggrieved by any order or regulation to file a petition for rehearing within 30 days after the order or regulation is issued. Part 276 was issued in Docket No. RM79–30, on March 23, 1979 (44 Fed. Reg. 19047 (March 29, 1979)).

[2] The form for submission of Affidavits for Filing Under § 276.104 is prescribed under § 276.109(b).

[3] 18 C.F.R. § 271.104(b)–(c).

[4] 18 C.F.R. Part 271, Subpart I.

[5] Order Granting Rehearing . . ., Docket No. RM79–30 (issued May 21, 1979).

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 134

[T.D. 80–88]

Country of Origin Marking—Customs Regulations Amended

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: Customs has become aware of a possible conflict between two sections of the Customs Regulations relating to the redelivery to Customs custody of a previously released imported article so that it may be marked with the country of origin. This document amends § 134.3 to clarify that a demand for redelivery to Customs custody of an imported article for country of origin marking must be made not later than 30 days after entry or examination of the article, as required in § 141.113. The amendment is not considered to be significant.

EFFECTIVE DATE: March 24, 1980.

FOR FURTHER INFORMATION CONTACT: Samuel A. Orandle, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202–566–8237).

SUPPLEMENTARY INFORMATION:

Background

Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), provides that every imported article (or its container) shall be marked to indicate to an ultimate purchaser in the United States the English name of the country of origin of the article. Part 134, Customs Regulations (19 CFR Part 134), contains the country of the origin marking regulations.

Section 134.3, Customs Regulations (19 CFR 134.3), provides that articles previously released may be ordered redelivered to Customs custody, and articles held in Customs custody shall not be delivered—

(1) Until every imported article (or its container) previously released from Customs custody or held in Customs custody for inspection, examination, or appraisement, is marked properly; or

(2) Until estimated duties payable under 19 U.S.C. 1304(c) for failure to mark the article properly, or adequate security for those duties, are deposited.

Section 141.113, Customs Regulations (19 CFR 141.113), provides that a demand for the redelivery to Customs custody for the purpose of requiring articles to be marked legally shall be made no later than 30 days after—

(1) The date of entry, in the case of articles examined in public stores and places of arrival, such as docks, wharfs, or piers; or

(2) The date of examination, in the case of articles examined at the importer's premises or other appropriate places as determined by the district director of Customs.

Customs has become aware that these two sections of the Customs Regulations may be interpreted to be in conflict. Section 134.3 provides that redelivery to Customs custody of a previously released article may be ordered at *any* time until the article has been marked with the country of origin, or until estimated duties for failure to mark the article or adequate security for those duties are deposited. Section 141.113, however, provides that demand for the return to Customs custody of previously released articles for legal marking shall be made within *30 days* after entry or examination.

After review of the matter, Customs has determined that the existing practice of requiring that a demand for redelivery of articles for country of origin marking be made within 30 days after entry of examination should continue. Therefore, to clarify the matter, section 134.3 is being amended to provide that demand for redelivery of articles for country of origin marking must be made within the 30-day time period required in section 141.113. Failure to demand redelivery of articles for country of origin marking within 30 days after entry of examination does not affect the collection of the 10 percent additional duty as provided for in section 134.2, Customs Regulations.

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment merely clarifies existing regulations and imposes no additional duty or burden on the public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are unnecessary, and pursuant to 5 U.S.C. 553(d)(2), a delayed effective date is not required.

Inapplicability of EO 12044

This document is not subject to the Treasury Department directive implementing Executive Order 12044, "Improving Government Regulations", because the amendment was in process before May 22, 1978, the effective date of the directive.

Drafting Information

The principal authors of this document were Shannon McCarthy and Paul G. Hegland, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendment to the Regulations

PART 134—COUNTRY OF ORIGIN MARKING

The heading and text of § 134.3, Customs Regulations (19 CFR 134.3), are amended to read as follows:

§ 134.3 Delivery withheld until marked and redelivery ordered.

(a) Any imported article (or its container) held in Customs custody for inspection, examination, or appraisement shall not be delivered until marked with its country of origin, or until estimated duties payable under 19 U.S.C. 1304(c), or adequate security for those duties (see § 134.53(a)(2)), are deposited.

(b) The district director may demand redelivery to Customs custody of any article (or its container) previously released which is found to be not marked legally with its country of origin for the purpose of requiring the article (or its container) to be properly marked, a demand for redelivery shall be made, as required under § 141.113(a) of this chapter, not later than 30 days after—

(1) The date of entry, in the case of merchandise examined in public stores and places of arrival, such as docks, wharfs, or piers; or

(2) The date of examination, in the case of merchandise examined at the importer's premises or such other appropriate places as determined by the district director.

(c) Nothing in this part shall be construed as excepting any article (or its container) from the particular requirements of marking provided for in any other provision of law.

(R.S. 251, as amended, secs. 304, 624, 46 Stat. 687, as amended, 759 (19 U.S.C. 66, 1304, 1624))

R. E. Chasen,

Commissioner of Customs.

Approved: March 10, 1980.

Richard J. Davis,

Assistant Secretary of the Treasury.

[FR Doc. 80-8923 Filed 3-21-80; 8:45 am]

BILLING CODE 4810-22-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

22 CFR Chapter XII

Establishment of Chapter and Adoption of Regulations for Employee Responsibilities and Standards of Conduct

AGENCY: United States International Development Cooperation Agency.

ACTION: Final Rule: Establishment of a Chapter.

SUMMARY: On October 1, 1979, the President established the United States International Development Cooperation Agency ("IDCA") pursuant to a Reorganization Plan and an Executive Order. IDCA establishes Chapter XII in Title 22 of the Code of Federal Regulations and adopts regulations concerning the responsibilities and standards of conduct of IDCA employees.

EFFECTIVE DATE: March 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mrs. Sylvia Rosemergy, (202) 632–9354.

SUPPLEMENTARY INFORMATION: On July 19, 1979, the President, by Executive Order 12147 (44 FR 42957, July 23, 1979) declared Sections 2, 3, and 4 of Reorganization Plan No. 2 of 1979 immediately effective to establish the positions of Director, Deputy Director, and Associate Directors of the United States International Development Cooperation Agency ("IDCA"). On October 1, 1979, the President, by Executive Order 12163 "Administration of Foreign Assistance and Related Functions" (44 FR 56673, October 2, 1979) ("the Executive Order") declared effective Sections 1, 5, 6, and 8 of Reorganization Plan No. 2 of 1979 and established IDCA. In Executive Order 12163, the President delegated (exclusive of functions reserved in the Executive Order) to the Director of IDCA the functions conferred upon him by the Foreign Assistance Act of 1961, as amended, the Latin American Development Act, Section 402 of the Mutual Security Act of 1954, Section 413(b) of the International Security Assistance and Arms Export Control

Act of 1976, and Title IV of the International Development Cooperation Act of 1979.

The Executive Order also stated: "Except to the extent inconsistent with this order, all delegations of authority, determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified or terminated by appropriate authority."

Except for technical editorial changes, the regulations concerning employee responsibilities and standards of conduct are the same as those governing the employees of the Department of State, the Agency for International Development, and the International Communications Agency (22 CFR Part 10).

Dated: March 17, 1980.

Thomas Ehrlich,

Director.

1. Accordingly, there is hereby established a new chapter in Title 22 of the Code of Federal Regulations entitled:

CHAPTER XII—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

PART 1203—EMPLOYEE RESPONSIBILITIES AND CONDUCT

2. Pursuant to Executive Order 11222 of May 8, 1965, as amended, and 5 CFR 735.104, the United States International Development Cooperation Agency hereby establishes a new Part 1203, Employee Responsibilities and Conduct, in Chapter XII of 22 CFR.

In establishing Part 1203 of 22 CFR, Employee Responsibilities and Conduct, IDCA adopts the language of the regulations found in 22 CFR 10.735–101 through 10.735–411 as its rules for employee responsibilities and standards of conduct. The regulations in 22 CFR Part 10 remain in place. The regulations are adopted as Part 1203 of 22 CFR Chapter XII with the following amendments:

§ 1203.735–102 [Amended]

3. In § 1203.735–102, paragraph (a) is amended to read: "'Agency' means the United States International Development Cooperation Agency ("IDCA")".

§ 1203.735–103 [Amended]

4. In § 1203.735–103, paragraph (a) is amended by striking the third sentence, and inserting in lieu thereof: "The Counselor for IDCA is the General Counsel".

§ 1203.735–202 [Amended]

5. In § 1203.735–202, paragraph (c) is amended by replacing "State and ICA" where those words appear with "IDCA".

§ 1203.735–204 [Amended]

6. In § 1203.735–204, paragraph (c) is amended by replacing "(3 FAM 628, for AID see Handbook 18)" with "(see AID Handbook 18)"; and paragraph (e) is amended by replacing the last sentence with "The appropriate officer for IDCA is the Assistant Director for Administration".

§ 1203.735–206 [Amended]

7. In § 1203.735–206, paragraphs (b) and (c) are deleted as inapplicable to IDCA.

§ 1203.735–211 [Amended]

8. In § 1203.735–211, paragraph (a) is amended by replacing 'State, AID, or ICA" with "IDCA"; paragraph (e) is amended in subparagraph (1) by replacing in the last sentence "State, AID, and ICA" with "IDCA", and in subparagraph (2) by replacing the last sentence with "The appropriate officer for IDCA is the Assistant Director for Administration"; and paragraph (f) is amended by replacing "State, AID, or ICA" with "IDCA".

§ 1203.735–217 [Amended]

9. In § 1203.735–217, paragraph (a) is amended in the second sentence by inserting "the Director for IDCA", immediately after the colon and by deleting the rest of the sentence.

§ 1203.735–401 [Amended]

10. In § 1203.735–401, the first paragraph is amended by replacing "State, AID, and ICA" with "IDCA"; and paragraph (c)(4) is amended by deleting the lists of position titles for State, AID and ICA immediately after the colon, and by replacing the colon with a period.

§ 1203.735–405 [Amended]

11. In § 1203.735–405, paragraph (b) is amended by deleting, "Form OF–107 for State and ICA, Form AID 4–450 for AID" and inserting in lieu thereof "Form AID 4–450 for IDCA".

§ 1203.735–407 [Amended]

12. In § 1203.735–407, paragraph (b) is amended by striking the last sentence.

The complete text of the regulations as adopted above will appear in Chapter XII of Title 22 of the Code of Federal Regulations.

The table below reflects the section numbers in the newly adopted Part 1203, and the section numbers in Part 10 to which the new Part 1203 provisions correspond.

Part 10	Part 1203
10.735–101	1203.735–101
10.735–102	1203.735–102
10.735–103	1203.735–103
10.735–104	1203.735–104
10.735–105	1203.735–105
10.735–201	1203.735–201
10.735–202	1203.735–202
10.735–203	1203.735–203
10.735–204	1203.735–204
10.735–205	1203.735–205
10.735–206	1203.735–206
10.735–207	1203.735–207
10.735–208	1203.735–208
10.735–209	1203.735–209
10.735–210	1203.735–210
10.735–211	1203.735–211
10.735–212	1203.735–212
10.735–213	1203.735–213
10.735–214	1203.735–214
10.735–215	1203.735–215
10.735–216	1203.735–216
10.735–217	1203.735–217
10.735–301	1203.735–301
10.735–302	1203.735–302
10.735–303	1203.735–303
10.735–304	1203.735–304
10.735–305	1203.735–305
10.735–306	1203.735–306
10.735–401	1203.735–401
10.735–402	1203.735–402
10.735–403	1203.735–403
10.735–404	1203.735–404
10.735–405	1203.735–405
10.735–406	1203.735–406
10.735–407	1203.735–407
10.735–408	1203.735–408
10.735–409	1203.735–409
10.735–410	1203.735–410
10.735–411	1203.735–411

[FR Doc. 80–8779 Filed 3–21–80; 8:45 am]

BILLING CODE 4710–02–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 880

[Docket Number R–80–663]

Section 8 Housing Assistance Payments Program for New Construction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, (HUD).

ACTION: Final rule.

SUMMARY: On October 15, 1979, a revision to the Section 8 new construction program regulation was published which amended Part 880 in its entirety. Subsequent to publication of the final rule, concern was expressed to the Department regarding an incongruity in the provisions of the regulation related to advanced marketing to lower-income families from impacted jurisdictions. A change is now being made to correct this. A change is also being made to permit increases in the replacement cost limits in high cost areas from 50 percent to an amount not to exceed 75 percent to make the Section 8 program consistent with the HUD mortgage insurance programs in this respect. In addition, several miscellaneous corrections to the October 15, 1979 publication are being made.

EFFECTIVE DATE: April 23, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. George O. Hipps, Jr., Office of Multifamily Housing Development, Room 6128, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, 202–755–5720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: A proposed rule for the Section 8 new construction program to amend the program regulations in their entirety was published on June 12, 1979. This rule, among other things, proposed to prohibit residency preferences and required marketing to non-elderly families from impacted jurisdictions in advance of marketing to other prospective tenants in order to expand housing opportunities for lower-income families. These provisions in the proposed rule generated an exceptionally large volume of comments, including many lengthy and thoughtful comments on these specific issues. In light of the comments and concerns expressed by the Congress and others, the provision relative to the prohibition of residency preferences was changed substantially in the final rule published October 15, 1979. The advanced marketing requirement remained essentially the same.

After publication of the final rule, it became apparent that the change relative to residency preferences and its relation to the advanced marketing requirement created a certain incongruity in the potential operation of these two associated provisions.

On November 9, 1979 a Notice of Suspension of Enforcement was published with respect to the requirement for advanced marketing to lower-income families from impacted jurisdictions contained in § 880.601(a)(3) pending issuance of a clarification of the nature and extent of this requirement and its relation to other aspects of the new construction program. Upon further consideration of the concerns expressed over this issue and an examination of the practical mechanics of implementing this rule as originally written or with additional clarification, the Department has determined that a change to the rule offers the best solution and will render unnecessary a clarification as described in the November 5 Notice of Suspension of Enforcement. The requirement for advanced marketing to families from impacted jurisdictions is, therefore, being deleted. However, the Department does not wish to indicate by this change that there is any lessening of our efforts to meet statutory objectives and requirements to provide increased housing opportunities for lower-income families, particularly minority families.

With respect to the change from 50 percent to 75 percent in the permitted increase in the limitation on replacement cost, Section 314 of the Housing and Community Development Amendments of 1979 amended the National Housing Act to raise the high cost area maximum mortgage amounts for HUD mortgage insurance programs by an amount not to exceed 75 percent. The amendment also permits the Secretary to increase the mortgage amount limitations on a project by project basis by an amount not to exceed 90 percent in such high cost areas.

Because of the Department's desire to make the Section 8 and mortgage insurance programs as consistent as possible in appropriate processing procedures and programmatic requirements, a conforming change is being made to § 880.204(c)(iii) to raise the 50 percent high cost factor to 75 percent. Final implementing regulations for the HUD mortgage insurance programs were published in the Federal Register on January 21, 1980, pursuant to the amendment to the National Housing Act. With respect to the Section 8 program, the Department finds it unnecessary to include the provision for a 90 percent high cost factor when warranted on a project by project basis since the Assistant Secretary for Housing may grant waivers to the Section 8 regulation on a case by case basis under current authority. This waiver authority is not found in the mortgage insurance program regulations.

In addition, the October 15, 1979 publication contained several minor errors which are now being corrected.

The undersigned has determined that notice and prior public procedure are unnecessary for this rule because of its history as outlined above. The advanced marketing requirement was subjected to public comment as part of a proposed rule published June 12, 1979. Substantial objection to the provision ultimately resulted in its suspension on November 5, 1979. The requirement is now being withdrawn permanently. There would be no reason to solicit further comment on this action.

It should also be noted that this rule provides benefits and relieves existing restrictions in regard to replacement cost limits in high cost areas. In light of the current economic situation, it is urgent that these benefits be made available as soon as possible. Publishing a notice of proposed rulemaking and giving the public an opportunity to comment on this rule would cause a substantial delay in making urgently needed benefits available. Therefore, the undersigned also finds that prior notice and public procedure on this rule would be contrary to the public interest and that it is not necessary to delay its effective date for the 30 day period provided in 5 U.S.C. 553(d).

HUD has made a Finding of Inapplicability regarding requirements under the National Environmental Policy Act of 1969 in accordance with HUD procedures. A copy of this Finding of Inapplicability is available for public inspection during regular business hours at the office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, Part 880 is amended as follows:

§ 880.102 [Amended]

1. In § 80.102(c), sixth line, change "that" to "than."

2. Section 880.201, *Definitions*, is revised to delete the definition of "Impractical Jurisdiction."

§ 880.204 [Amended]

3. In § 880.204(c)(iii), the phrase "by up to 50 percent" is changed to "by an amount not to exceed 75 percent."

§ 880.205 [Amended]

4. In § 880.205, the second paragraph (6) should be (b).

§ 880.205 [Amended]

5. In § 880.205(f), fourth line, change "paragraphs (b) through (c)" to "paragraphs (b) through (d)."

§ 880.210 [Amended]

6. In § 880.210(d), ninth line, change "within" to "with."

7. Paragraph (h) of § 880.305, *Contents of preliminary proposal*, is revised as follows:

§ 880.305 Contents of preliminary proposals

* * * * *

(h) A signed certification on the prescribed form of the owner's intention to comply with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil

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Rights Act of 1968, Executive Order 11063, Executive Order 11246, and Section 3 of the Housing and Urban Development Act of 1968, and that the owner will undertake marketing activities as required by § 880.601(a).

§ 880.301 [Amended]

* * * * *

8. In § 880.307(b), twentieth line, delete the semicolon after "extent of displacement" in the phrase "extent of displacement and feasibility of relocation;" * * *"

9. Paragraph (a)(5) of § 880.308, *Contents of final proposal,* is revised as follows:

§ 880.308 Contents of final proposal.

(a)* * *

(5) A statement of the marketing activities the owner intends to take in accordance with the requirements of § 880.601(a)(3). Such efforts might include: Participation in regional or sub-regional application pools and clearinghouses; establishment of a referral system with PHAs, other public agencies and Section 8 owners/managers in the surrounding area; and contact with and provision of information about the project to employers and their employees, labor unions, State or areawide employment service centers and interested community groups.

§ 880.403 [Amended]

10. In § 880.403, delete the word "or" at the end of paragraph (a)(4), change the period at the end of paragraph (a)(5) to a semicolon, and insert the word "or" at the end of paragraph (a)(5).

§ 880.502 [Amended]

11. In § 880.502(a)(2), sixth line, change "(ii) 30 years, or (iii) 40 years * * *" to "(ii) 30 years, or 40 years * * *"

12. Paragraph (a)(3) of § 880.601, *Responsibilities of Owner,* is revised as follows:

§ 880.601 Responsibilities of Owner.

(a)* * *

(3) With respect to non-elderly family units, the owner must undertake marketing activities in advance of marketing to other prospective tenants in order to provide opportunities to reside in the project to non-elderly families who are least likely to apply, as determined in the Affirmative Fair Housing Marketing Plan, and to non-elderly families expected to reside in the community by reason of current or planned employment.

* * * * *

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., March 17, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 80-8824 Filed 3-21-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 164

[CGD 77-183]

Navigation Safety Regulations

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule amends the regulations governing carriage of continuous depth sounding recording equipment and testing of other equipment by vessels of 1600 or more gross tons before entering or getting underway on United States waters on the Great Lakes. The lack of depth contours below 30 feet on charts of the Great Lakes and absence of demonstrated utility of a continuous echo depth sounding recorder on the Great Lakes makes required carriage of this equipment unnecessary. In addition, strict compliance with the existing equipment testing regulations requires vessels to unnecessarily re-test equipment every time they re-enter United States waters incident to a single passage. Strict compliance would require vessels entering the Great Lakes via the St. Lawrence Seaway to test their steering gear and other critical equipment while transiting the relatively confined channels of the St. Lawrence River, a practice which may create an unsafe condition.

This regulation eliminates the requirement that vessels navigating on the Great Lakes be equipped with a device which can continuously record the readings of the vessel's echo depth sounding device, allows vessels which have initially complied with equipment testing requirements of Part 164 to continue to their next port of call on the Great Lakes without re-testing, and allows vessels entering the Great Lakes from the St. Lawrence Seaway to complete equipment test requirements within one hour of passing Wolfe Island. The result of this rulemaking is a more reasonable and safe approach to navigation requirements on the Great Lakes.

EFFECTIVE DATE: March 24, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy E. Foley, Office of Marine Environment and Systems (G-WLE-4/11), Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593, (202) 426-4956. Normal office hours are between 7:30 a.m. and 4:30 p.m. Monday through Thursday.

SUPPLEMENTARY INFORMATION: On Tuesday, September 4, 1979, the Coast Guard published a proposed rule (44 FR 51620) concerning these amendments. The public was given until October 17, 1979 to submit comments. Two comments were received.

Drafting Information

The principal persons involved in drafting this proposal are: Mr. Timothy E. Foley, Project Manager, Office of Marine Environment and Systems and Lieutenant Jack Orchard, Project Counsel, Office of the Chief Counsel.

Discussion of Major Comments

One commenter expressed support for the amendment eliminating the requirement that vessels re-test their equipment each time a vessel re-enters the United States waters on the Great Lakes and considers the present testing requirements impractical because Great Lakes sailing courses frequently cross the international boundary line between the United States and Canada. The commenter finds it particularly impractical in confined waters where the performance of such tests could increase the risk of collision or grounding. Both commenters supported the amendment which would eliminate the requirement that vessels navigating on the Great Lakes be equipped with a continuous echo depth sounding recorder. One commenter considered the continuous recording device to be of dubious benefit while the other considered it expensive to install and maintain while providing no useful navigational information. No comments directly concerning the proposal to amend the equipment testing requirements for vessels entering United States waters via the St. Lawrence River were received.

Evaluation

The Coast Guard has evaluated this final rule under the Department of Transportation's "Regulatory Policies and Procedures", published on February 26, 1979 (44 FR 11034). A copy of the Final Evaluation may be obtained from Commandant (G-CMC/24), U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593.

This rule finalizes an exemption to the current regulations and is thus given an immediate effective date under the authority of 5 U.S.C. 553(d)(1).

In consideration of the foregoing, in Chapter I of Title 33, Code of Federal Regulations Part 164 is amended as follows:

1. § 164.25 is amended to read as follows:

§ 164.25 Tests before entering or getting underway.

(a) Except as provided in paragraphs (b) and (c) of this section no person may cause a vessel to enter into or get underway on the navigable waters of the United States unless no more than 12 hours before entering or getting underway, the following equipment has been tested:

(1) Primary and secondary steering gear.

(2) All internal vessel control communications and vessel control alarms.

(3) Standby or emergency generator, for as long as necessary to show proper functioning, including steady state temperature and pressure readings.

(4) Storage batteries for emergency lighting and power systems in vessel control and propulsion machinery spaces.

(5) Main propulsion machinery, ahead and astern.

(b) Vessels navigating on the Great Lakes and their connecting and tributary waters, having once completed the test requirements of this sub-part, are considered to remain in compliance until arriving at the next port of call on the Great Lakes.

(c) Vessels entering the Great Lakes from the St. Lawrence Seaway are considered to be in compliance with this sub-part if the required tests are conducted preparatory to or during the passage of the St. Lawrence Seaway or within one hour of passing Wolfe Island.

2. § 164.35(i) is amended to read as follows:

§ 164.35 Equipment: All vessels.

Each vessel must have the following:

* * * * *

(i) A device that can continuously record the depth readings of the vessel's echo depth sounding device, except when operating on the Great Lakes and their connecting and tributary waters.

* * * * *

(92 Stat. 1471 (33 U.S.C. 1221 et seq.); 49 CFR 1.46(n)(4)).

Dated: March 13, 1980.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 80-8946 Filed 3-21-80; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 222

[ER 1110-2-106]

Engineering and Design; National Program for Inspection of Non-Federal Dams

AGENCY: Corps of Engineers.

ACTION: Final rule.

SUMMARY: This regulation prescribes procedures for the implementation of a National Program for Inspection of Non-Federal Dams. This amendment to 33 CFR Part 222 changes the hazard potential criteria for the classification of dams, relieves the Corps of funding expenses of state employees for training activities relating to dam inspection work, and reduces the length of the Hayward and White Wolfe Faults on the seismic zone map. The inspection program will alert the states and the owners of non-Federal dams to conditions that may constitute a danger to human life or property.

EFFECTIVE DATE: March 24, 1980.

FOR FURTHER INFORMATION CONTACT: Robert J. Smith, Structures Branch, Office, Chief of Engineers, Department of the Army, Washington, D.C. 20314 (202) 272-0219.

FOR THE CHIEF OF ENGINEERS:

Date: March 19, 1980.

Forrest T. Gay III,

Colonel, Corps of Engineers Executive Director, Engineer Staff.

Accordingly, 33 CFR 222.8 is amended as follows:

§ 222.8 National Program for Inspection of Non-Federal Dams.

1. Paragraphs (h)(3), (m)(2), and (m)(3) are revised to read as follows:

* * * * *

(h)(3). The hazard potential classification shall be in accordance with paragraph 2.1.2 Hazard Potential of the Recommended Guideline for Safety Inspection of Dams (Appendix D to this section).

* * * * *

(m)(2). Salaries, per diem and travel expenses relating to training activities of State employees will be a State expense. There will be no tuition charge for State employees.

(m)(3). Architect-Engineer firms will be required to pay expenses and tuition costs for their employees participating in Corps-sponsored training activities.

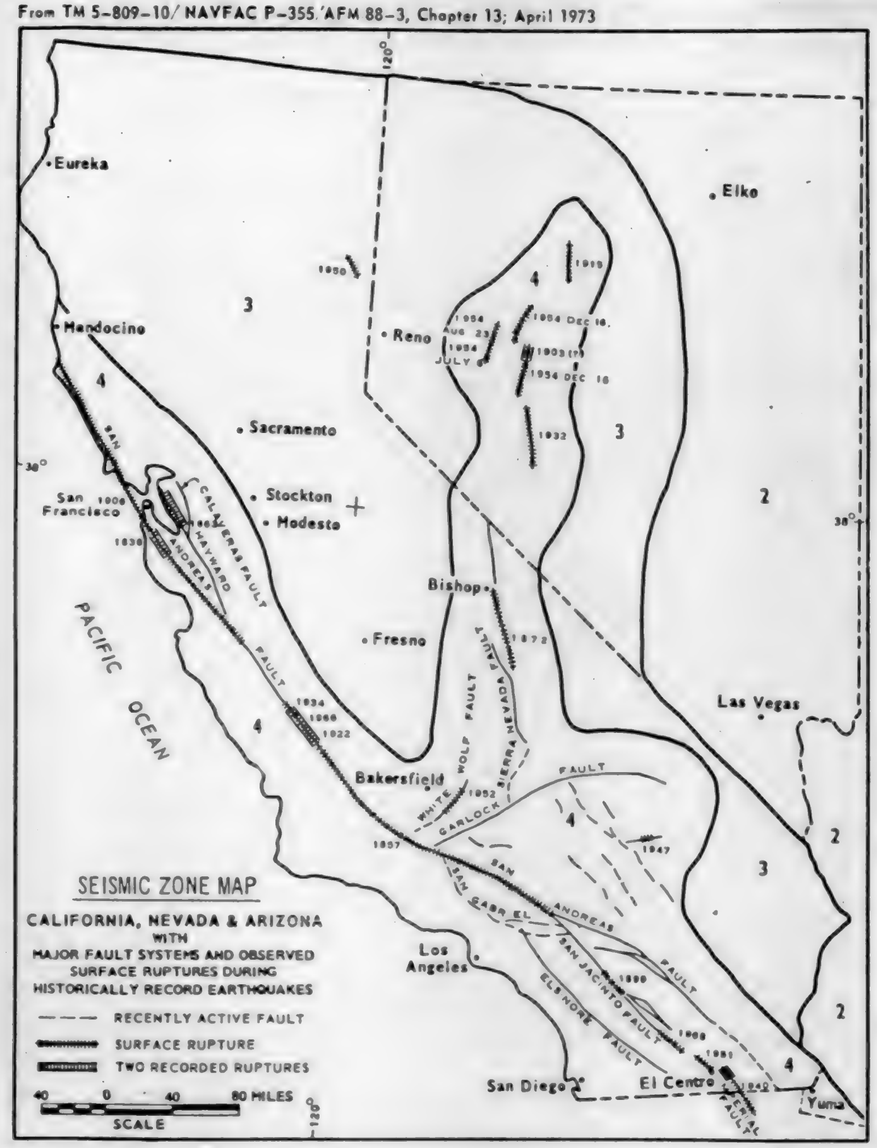
* * * * *

2. The Seismic Zone Map for California, Nevada and Arizona in Figure 2, Appendix D, is revised as shown below:

Appendix D [Amended].

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From TM 5-809-10/ NAVFAC P-355.'AFM 88-3, Chapter 13; April 1973



Appendix D, Figure 2

[FR Doc. 80-8996 Filed 3-21-80; 8:45 am]
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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Reimbursement of Hospital-Based Physicians

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Correction to Final Rule Document.

SUMMARY: On March 11, 1980, we published in the **Federal Register** (45 FR 15550) a document (FR Doc. 80-7261) announcing our intention to begin uniform enforcement of the regulations regarding Medicare reimbursement for services furnished by hospital-based physicians. In that document, we requested public comment on issues raised by the regulations, but inadvertently did not specify the address to which comments should be sent. That address is shown below.

DATES: Effective date: July 1, 1980. Comment date: To assure consideration, comments should be received on or before May 23, 1980.

ADDRESSES: Address comments in writing to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 17073, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 5220, Switzer Bldg., 330 C Street, SW., in the District; or to Room 789, East High Rise Bldg., 6401 Security Blvd., in Baltimore.

Please refer to file code BPP-18-FN.

Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately 2 weeks after publication, in Room 5225 of the Department's offices at 330 C Street, SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (202-245-0950).

FOR FURTHER INFORMATION CONTACT: William Birnie, (301) 594-5431.

(Secs. 1102, 1832, 1833, 1861, 1866 and 1871 of the Social Security Act (42 U.S.C. 1302, 1395k, 1395l, 1395x, 1395cc, and 1395hh))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare-Hospital Insurance Program; and No. 13.774, Medicare-Supplementary Medical Insurance Program.)

Dated: March 14, 1980.

Leonard D. Schaeffer,

Administrator, Health Care Financing Administration.

[FR Doc. 80-8996 Filed 3-21-80; 8:45 am]

BILLING CODE 4110-35-M

FEDERAL MARITIME COMMISSION

46 CFR Part 531

[General Order No. 38, Amdt. No. 2; Docket No. 79-1]

Regulations Governing the Publishing, Filing and Posting of Tariffs in Domestic Offshore Commerce

AGENCY: Federal Maritime Commission.

ACTION: Final Rules.

SUMMARY: Part 531 of Title 46 CFR which contains the regulations governing the form and manner of filing tariffs by common carriers by water in the domestic commerce of the United States has been revised. The changes are necessary in order to incorporate the provisions of Public Law 95-475, an amendment to the Intercoastal Shipping Act, 1933.

EFFECTIVE DATE: March 24, 1980.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street, N.W., Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTARY INFORMATION: This proceeding was initiated by a Notice of Proposed Rulemaking published in the **Federal Register** on January 5, 1979 (44 FR 1418-19). The Federal Maritime Commission proposed to revise its Regulations Governing the Publishing, Filing and Posting of Tariffs in Domestic Offshore Commerce in order to enable it to comply with the requirements of P.L. 95-475, 92 Stat. 1494 (1978), which amends the Intercoastal Shipping Act, 1933 (46 U.S.C. 843 et. seq.), and to correct a clerical error in the existing rules.

Comments received from the Government of the Virgin Islands (GVI) have been carefully reviewed and considered. The GVI's comments, which are discussed below, were confined to suggested changes to be made to the Commission's proposed amendment of section 531.10.

The GVI would include the requirement that the Attorney General (or other designated officials) of every State, Commonwealth, Possession, or Territory which is affected by a general rate increase or decrease must receive the same exhibits, workpapers, statements of direct testimony, and underlying financial data that are required to accompany the tariff amendments effectuating such increase or decrease.

The GVI also requested that the proposed rules be amended to specify that the Commission shall receive within 15 days of the filing of a general increase or decrease in rates, proof that the exhibits, workpapers, statements of direct testimony, and underlying financial data have been served upon each of the designated officials. Said proof to consist of copies of United States Postal Service Return Receipts or a subscribed and verified statement containing the name and address of the official or officials served, the date served, and the manner of service.

The Commission has determined that these are matters which come within the purview of the Commission's Rules of Practice and Procedure (46 CFR 502.67). Rather than attempt to incorporate these provisions into section 531.10, the proposed rules have been modified to direct the tariff users to the applicable requirements.

The Commission has amended section 531.3(1) to incorporate the GVI's suggestion that failure by the carrier to comply with the applicable requirements (46 CFR 502.67 and/or 46 CFR 512) may result in the rejection of the tariff matter.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553); section 43 of the Shipping Act, 1916 (46 U.S.C. 841(a)); and section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), Part 531 of Title 46, Code of Federal Regulations, is amended as set forth hereinafter.

Section 531.2 is amended by incorporating the following definitions to be designated 531.2(j) and 531.2(k):

§ 531.2 Definitions.

* * * * *

(j) *General Decrease:* any change in rates, fares, or charges which will (1) result in a decrease in not less than 50 percent of the total rate, fare, or charge items in the tariffs per trade of any carrier; and (2) directly result in a decrease in gross revenues of said carrier for the particular trade of not less than 3 percent.

(k) *General Increase:* any change in rates, fares, or charges which will (1) result in an increase in not less than 50 percent of the total rate, fare, or charge items in the tariffs per trade of any carrier; and (2) directly result in an increase in gross revenues of said carrier for the particular trade of not less than 3 percent.

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§ 531.2 [Amended].

The definitions in section 531.2 presently designated as paragraphs (j) through (x), inclusive, are redesignated paragraphs (l) through (z), inclusive.

The reference in section 531.2(c) which reads "(see section 531.2(u))" is amended to read "(see section 531.2(w))."

§ 531.3(l) [Amended].

Section 531.3(l) is amended by inserting after the first sentence: Tariff matter may be rejected for failure of the filing carrier to comply with the provisions of Rule 67 of the Commission's Rules of Practice and Procedure (46 CFR 502.67) and/or Part 512 of Title 46 Code of Federal Regulations.

§ 531.6(m)(1) [Amended].

The reference in section 531.6(m)(1) which reads "Section 531.1(o)" is amended to read "section 531.2(q)."

(1) Revising the introductory sentence of paragraph (b) and adding paragraph (c) to read as follows; and redesignating paragraphs (c), (d), (e), and (f) as paragraphs (d), (e), (f), and (g).

§ 531.10 Amendment to tariffs.

(b) Amendments establishing new or initial rates, or changing rates, fares, charges, rules, or other tariff provisions, which do not constitute a general increase or decrease in rates shall be posted and filed together with any supporting material required by 46 CFR 512 at least 30 days prior to their effective dates; * * *

(c) Amendments changing rates, fares, charges, rules, or other tariff provisions, which constitute a general increase or decrease in rates, shall be posted and filed together with any supporting material required by 46 CFR 512 and 46 CFR 502.67 at least 60 days prior to their effective date.

Section 531.11(g)(3) is amended to read as follows:

§ 531.11 Supplements to tariffs.

(g) * * *

(3) Publish, in the upper right-hand corner, an effective date which conforms with section 531.10(b) and 531.10(c) of this Part.

* * * * *

Section 531.13(a) is amended to read as follows:

§ 531.13 Suspension of tariff matter.

(a) The Commission may suspend from use any rate, fare, charge, classification, regulation, or practice for a period of up to 180 days beyond the time it would otherwise have lawfully taken effect;

* * * * *

§ 531.13(c)(1) [Amended].

The reference in section 531.13(c)(1) which reads "(see sections 531.10(c) and 531.11(h)(iii))" is amended to read "(see sections 531.10(d) and 531.11(g)(2)(iii) and (iv))."

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80-9018 Filed 3-21-80; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 567 and 568

[Docket No. 80-04; Notice 1]

Certification

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Final rule.

SUMMARY: This notice amends the certification regulations to modify the certification statement required to be made on alterers' labels. This notice responds to a petition by the National Truck Equipment Association to change the certification statement to show that alterers are only responsible for the compliance of their vehicles with standards that are affected by their alteration. The agency has frequently issued interpretations taking that position and accordingly modifies the certification statement to reflect this interpretation. Since this amendment merely incorporates an existing interpretation it is being made without notice and opportunity for comment.

EFFECTIVE DATE: Since this amendment incorporates an existing interpretation, it is effective March 24, 1980. However, since manufacturers and alterers need time to modify their labels in accordance with this change and may have supplies of labels with the old language, the NHTSA will permit the use of either the new or the existing label language.

FOR FURTHER INFORMATION:

Mr. David Fay, Engineering Systems Staff, National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C. 20590 (202-426-2817).

SUPPLEMENTARY INFORMATION: In response to the decision in *Rex Chainbelt v. Brinegar*, 511 F.2d 1215 (7th Cir. 1975), the agency issued several amendments to its certification regulations bringing them into compliance with the court's mandate. The court ordered the agency to establish a certification scheme that would require each manufacturer of a vehicle to be responsible for the standards affected by its manufacturing process. During the amendment of the certification regulation, the agency did not change the label used by vehicle alterers. Vehicle alterers are those businesses or individuals that alter previously certified vehicles prior to their first sale. The agency concluded that the simplicity of the alterers' label should be retained, and that, as it was then worded, the alterers' label was sufficient to indicate that alterers were only responsible for the compliance of standards that might have been affected by their alteration.

The National Truck Equipment Association (NTEA) first petitioned the agency in December 1978 to amend the alterers' label stating that the language in fact made the alterer responsible for the entire compliance of the vehicle with all standards even though the alterer may not have affected any of those standards by its alteration. To accomplish its goal, the NTEA proposed a complicated alterers' label that would have listed the standards affected by the alteration as well as listing those standards for which the alterer claimed no responsibility. The label would have looked much like the current incomplete—or intermediate—manufacturer's labels.

The agency objected to this proposal, because it would have overly complicated the alterers' label. Alterers frequently are small businesses and the alterations they perform are often minor. Many of these small businesses are aware of their responsibilities and know that their alterations do not affect the compliance of a vehicle with safety standards. However, many of these businesses are not familiar with all of the agency's safety standards. Accordingly, it would have burdened them extensively to have familiarized themselves to the point where they could list all of the standards on their labels indicating which, if any, were affected by their alterations. In light of this problem, the agency denied the NTEA's petition while indicating that the agency would be responsive to the suggestion of an amendment that would achieve their goals without adding complexity to the alterers' label.

On August 16, 1979, the NTEA again petitioned the agency to amend the label. This time, however, the NTEA asked the agency simply to add several words to the alterers' label to indicate that the alterer is responsible only for the standards "affected by the alteration". The NTEA argued that this would accomplish their goal of ensuring that an alterer would not be held responsible for compliance of vehicles with safety standards that are not affected by an alterer's modifications. This notice grants their petition.

The agency has indicated by letter in the past that it considers each manufacturer or alterer only to be responsible for the compliance of the standards that it affects by its manufacture or alteration. Thus, the agency would not hold an alterer responsible for the compliance of the entire vehicle when in actuality the final-stage manufacturer or some other manufacturer in the manufacturing chain might have been responsible for a noncompliance with a standard. The agency can understand, however, how some people might read the existing language of the label more broadly than intended. To avoid any such misunderstandings, the agency is amending Part 567 *Certification*, and Part 568, *Vehicles Manufactured in Two or More Stages*, to incorporate the agency's interpretation of an alterer's responsibilities for compliance with safety standards.

In consideration of the foregoing, Title 49 of the Code of Federal Regulations is amended as follows:

1. Part 567, *Certification*, is amended by changing the first sentence of § 567.7(a) to read:

§ 567.7 Requirements for persons who alter certified vehicles.

(a) The statement: "This vehicle was altered by (individual or corporate name) in (month and year in which alterations were completed) and as altered it conforms to all applicable Federal Motor Vehicle Safety Standards affected by the alteration and in effect in (month, year)."

2. Part 568, *Vehicles Manufactured in Two or More Stages*, is amended by revising section 568.8 as follows:

§ 568.8 Requirements for persons who alter certified vehicles.

A person who alters a vehicle that has been previously certified in accordance with § 567.4 or § 567.5, other than by the addition, substitution, or removal of readily attachable components such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, or who alters a vehicle in such a manner that its stated weight ratings are no longer valid, before the first purchase of the vehicle in good faith for purposes other than resale, shall ascertain that the vehicle as altered conforms to the standards which are affected by the alteration and are in effect on the original date of manufacture of the vehicle, the date of final completion, or a date between those two dates. That person shall certify the vehicle in accordance with § 567.7 of this chapter.

Since this modification of the alterers' label merely incorporates an existing interpretation of the certification regulations, the Administrative Procedure Act (5 U.S.C. 553) permits the NHTSA to make the amendment without notice and opportunity to comment. Further, the change is being made effective immediately since it does not change the certification responsibilities of any manufacturer or alterer.

The agency realizes that alterers preprint their labels, and accordingly, any change in the language on the alterers' label requires some leadtime for manufacturers to obtain new complying labels. Accordingly, the agency will permit the use of either the old or new language on the alterers' label until existing supplies of labels are depleted. This will allow those alterers who wish to change their labels immediately the opportunity to do so while providing for an orderly transition for those alterers that wish to use their existing supply of labels. The agency has reviewed this amendment in accordance with E.O. 12044 and implementing departmental guidelines and concludes that it is not significant within the meaning of the Order. The agency has concluded further that preparation of a regulatory evaluation is not warranted. This amendment permits alterers to exhaust their current label supply and to obtain modified labels with their next order. Further, the new labels will be no more costly than the current ones. Accordingly, there should be minimal costs associated with the implementation of this amendment.

The principal authors of this notice are David Fay of the Engineering Systems Staff and Roger Tilton of the Office of Chief Counsel.

(Secs. 103, 108, 112, 114, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1397, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50).)

Issued on March 17, 1980.

Joan Claybrook,

Administrator.

[FR Doc. 80-8718 Filed 3-18-80; 2:34 pm]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Listing of Sarracenia Oreophila, Green Pitcher Plant; Report of Public Meeting in Alabama

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Report of public meeting.

SUMMARY: On February 7, 1980 the U.S. Fish and Wildlife Service held a public meeting in Gadsden, Alabama. The purpose of the meeting was to better inform the people of northeastern Alabama about the listing of *Sarracenia oreophila* (green pitcher plant). The meeting was conducted in the form of a colloquy, and comments and questions from the audience were accepted. The Service has now evaluated all the comments and information received at the February 7, 1980, public meeting and a summary is contained in this notice.

DATES: The effective date of the final rule designating *Sarracenia oreophila* to be an Endangered species is April 7, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Ronald E. Lambertson, Associate Director-Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (202/343-4646).

BACKGROUND: On September 21, 1979, the Fish and Wildlife Service published in the **Federal Register** a final rule announcing its determination that *Sarracenia oreophila* (green pitcher plant) is an Endangered species under the provisions of the Endangered Species Act of 1973, as amended (44 FR 54922). The final rule indicated that the prohibitions and restrictions applicable to this plant would take effect on October 21, 1979. Prior to that date, the Director of the Fish and Wildlife Service, in the exercise of administrative discretion, took action to extend the effective date of the final rule until February 22, 1980. In a **Federal Register** notice of October 25, 1979, (44 FR 61351), the Service announced this action and indicated that a public meeting would be held. On December 19, 1979, (44 FR 75165), the Service announced the date, time, and place of the meeting and extended the effective date of the final rule until April 7, 1980, so the Service could fully evaluate all comments and information received at the February 7, 1980 meeting. The public meeting was held at the Gadsden Convention Hall, in Gadsden, Alabama on February 7, 1980, from 2-5 p.m. and 7-12 p.m.

SUMMARY OF MEETING: The public meeting was held on February 7, 1980

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from 2–5 p.m. and 7–12 p.m. at the Gadsden Convention Hall in Gadsden, Alabama. The purpose of the meeting was to better inform the people of northeastern Alabama about the listing of *Sarracenia oreophila* (green pitcher plant). The meeting was conducted in the form of a colloquy in order to explain the Service's actions, to answer public questions, and to accept comments from the audience. Approximately 180 people attended the meeting. Service personnel made presentations concerning the listing of *Sarracenia oreophila* (green pitcher plant). Private individuals and representatives of various organizations then made oral statements and a question and answer session followed.

Forty-eight private individuals and representatives of various organizations either made oral statements, handed in written statements, or did both. Thirty-two people made oral statements (11 of whom also submitted written statements for the record). Of those 32: 13 supported the listing of *Sarracenia oreophila* as Endangered, 15 opposed the listing, 3 voiced unfavorable concerns over the listing, and 1 comment did not deal with the listing. Sixteen written statements, which were not orally presented at the meeting, were submitted for the record. Of these 16: 6 supported the listing of *Sarracenia oreophila*, 8 opposed the listing, 1 voiced unfavorable concerns over the listing, and one in the form of a petition supporting the listing was signed by 107 persons. A number of private individuals and organization representatives asked questions which Service personnel answered.

Many written comments were received in the mail in response to the meeting notice and the actural public meeting. Nineteen written comments favoring the listing of *Sarracenia oreophila* were received from organizations including: the Alabama Wildflower Society, the Garden Club of America and several of its local chapters, the National Wildlife Federation, and the Tennessee Native Plant Society. Sixty-seven written comments were received from individuals: 66 supported the listing and 1 voiced unfavorable concern over the listing.

A brief summation of the commets is presented. Those comments supporting the listing will not be discussed here since they reiterate what was stated in the September 21, 1979 **Federal Register** determining *Sarracenia oreophila* to be an Endangered species and support the Service's actions to date. Some of the concerns voiced by the other commentors and the Service's responses follow:

Many of the commentors indicated that the six entire northeast Alabama counties had been designated as Critical Habitat and would now be involved in Section 7 consultations concerning *Sarracenia oreophila*.

Service Response: This was a misconception and was discussed at length. It was pointed out that the Service chose not to determine Critical Habitat for *Sarracenia oreophila* at the time of listing. Over-collection is a major threat to the green pitcher plant and therefore the Service utilized its discretion in determining that it would not be prudent to determine Critical Habitat. At the public meeting service personnel indicated that the 15 areas in Alabama where the pitcher plant occurs are restricted to Sand and Lookout Mountains. The specific areas where the green pitcher plant occurs occupy less than 20 acres. Only the specific sites where the plant occurs could potentially be affected by Section 7 and then only if there was a Federal involvement.

Many of the commentors expressed fears that the listing of *Sarracenia oreophila* would have an adverse economic impact upon agriculture, forestry, business, industry, and private landowners in Alabama.

Service Response: Service personnel pointed out that all known sites occur in rural areas, primarily on privately owned lands and the listing of the green pitcher plant would generally have no effect upon these private landowners. It was also pointed out that, after extensive investigation, no major or minor Federal projects have been identified which would be affected by the listing of *Sarracenia oreophila*. No economic impact resulting from the listing of *Sarracenia oreophila* is foreseeable at this time.

A number of concerns were voiced over the procedures followed in promulgating the September 21, 1979, final rulemaking. The procedures followed, along with the regulations and laws dictating those procedures, are discussed in the final rulemaking. These were also discussed in detail at the public meeting reflecting the Service's compliance with the Act and its implementing regulations.

A number of questions were raised concerning the documentation of the Service's information covering the biology of, range of, and threats to *Sarracenia oreophila*. The Service utilized the best available scientific and commercial data in developing the September 21, 1979, final rulemaking. No new information relating to the species' biology, status, or range was presented at the meeting or by any of the written comments. Therefore, the September 21, 1979 rule determining *Sarracenia oreophila* to be Endangered will become effective April 7, 1980.

The transcripts and the written comments are on file in the Washington Office of Endangered Species (1000 N. Glebe Road, Arlington, Virginia, 703/235–1975) and are available for public inspection during normal business hours, by appointment.

Dated: March 18, 1980.

Lynn A. Greenwalt,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 80-8623 Filed 3-21-80; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 621

Fishery Conservation and Management Act of 1976—Civil Procedures

AGENCY: National Oceanic and Atmospheric Administration/Department of Commerce.

ACTION: Final Amendments to 50 CFR Part 621, Civil Procedures.

SUMMARY: The regulations governing civil procedures under the Fishery Conservation and Management Act of 1976 are amended and made final. The amendments accomplish the following objectives: (1) alter the existing civil penalty assessment procedures to provide for issuance of a single Notice of Violation and Assessment to replace the two documents presently used to assess civil penalties; (2) authorize the separate implementation of additional procedures to impose sanctions against domestic fishing permits; (3) specify the hearing procedures available to holders of fishing permits against which sanctions may be imposed; and (4) effect certain amendments of a technical nature.

EFFECTIVE DATE: These regulations are effective April 23, 1980.

FOR FURTHER INFORMATION CONTACT: Stephen J. Powell or David Allan Fitch, NOAA Office of General Counsel (GCEL), Room 280, 2001 Wisconsin Avenue, NW, Washington, D.C. 20235. Telephone (202) 254–8350.

SUPPLEMENTARY INFORMATION: NOAA published a proposed rulemaking (44 FR 76829) on December 28, 1979, seeking public comment on new procedures for assessing civil penalties under the Fishery Conservation and Management Act of 1976 (FCMA). The main thrust of the proposed rule was to move from a two-step process (Notice of Violation followed by a notice of Assessment, after which a respondent could request a hearing) to one which required only one agency action (the Notice of Violation and Assessment, or "NOVA") before a hearing request would become timely. As noted in the proposal, NOAA's experience in assessing civil penalties over the past three years has shown the present system to be cumbersome, time-consuming, and an excessive strain on limited Agency resources. The effect has been the substantial frustration of the goal of prompt adjudication of alleged violations, contrary to efficient administration of an enforcement program and the best interests of the parties. A sample of the one-step charging and assessment document, the NOVA, was set out in the proposal.

The proposal would also have authorized the establishment by separate rulemaking of procedures for the imposition of sanctions (revocation, suspension, or modification) against domestic fishing vessel permits other than the procedures in the present Subpart D of this Part 621. An example of such an alternate procedure is the Atlantic Groundfish Permit Point System proposed by the Agency on December 3, 1979 (44 FR 69312). The accumulation of sufficient points under this or other regulations implementing a fishery management plan would serve as a basis for imposing permit sanctions and making such sanctions effective earlier than the 30 day notice period now provided by § 621.54. In addition, a sanction could become effective immediately under the proposed rulemaking if the offense serving as the sanction's basis was willful or egregious.

To protect fully the interests of vessel owners, the proposal would clarify that such persons are entitled to a hearing as to an alleged violation which could lead to sanctions against the vessel's permit. The owner's hearing right would apply even if the owner were not a civil penalty Respondent (for example, if only the vessel master was charged with the offense); and the owner's hearing right would still obtain even if the individual charged did not request a hearing on the offense.

Certain technical amendments were proposed, among them that the word, "Administrator," was to be substituted for the word, "Director," in the present civil procedure regulations.

Four comments were received during the public comment period, which ended on February 11, 1980. These comments, and NOAA's response, are summarized below.

Time Periods for Response to NOVA

A basic purpose of the NOVA system is to reduce the time needed to bring contested cases to hearing. Thus, two 45-day response periods (one following the Notice of violation and one after a Notice of Assessment) are to be replaced by one 30-day period, which may be extended upon request for up to 15 days. The U.S. agent for certain foreign fishing vessels indicated that some respondents could not be contacted even in the 45-day periods under current regulations because of mail delays, the need to work through vessel owners, and problems of locating captains who were still at sea, often far from the United States or their home ports. The commenter asked that at least 60 days be provided for response to a NOVA.

In preparing the proposed rule, we considered a special time period for foreign cases. However, not all foreign cases present these time problems, and many different domestic vessel situations were envisioned which could present a similar problem.

It is clear that no uniform response period will fit every Respondent's situation perfectly. Nonetheless, if the NOVA proposal is to be effective in improving FCMA enforcement, contested cases must be brought more promptly to adjudication than at present, and other means must be utilized to continue in particular cases the informal prehearing discussions which may lead to settlement. Such other means are available under current procedures: (1) § 621.3(c) permits extensions of time upon a showing of good cause; and (2) the fact that a case has been docketed for hearing does not preclude the parties from continuing attempts to settle the case informally. In sum, we are convinced that the proposed 30-day NOVA response period is adequate in the majority of cases and that the other informal procedures available for extending the response period are adequate to deal with the exceptional cases.

We agree, however, with the commenter who pointed out a possible inequity which could result from the proposal's procedure for acting on a request to extend the 30-day response period for up to 15 days. The comment noted that if a Respondent asked on, for example, the 28th day for additional time to respond, the Respondent's 30 days may run before the Agency acts on the request. We do not believe the Respondent should be left in this uncertain position if the Agency does not act on the request in a timely manner. Section 621.22(b) has, therefore, been changed to provide that if the request has not been acted on within 48 hours after its receipt, the request may be treated as automatically granted for the extension requested (up to 15 days).

Penalty Amounts

One comment questioned deletion of the statutory guidelines for determining the amount of the penalty, which are in § 621.23 of the current regulations. Although they only restate what is in section 308(a) of the statute, NOAA agrees that including them in the regulations would avoid misunderstandings, and they are included in this final rule.

The comment also suggested an informal agency appeal of the initial proposed penalty amount, in order to safeguard against inconsistent assessment or mitigation policies. We find the suggestion unnecessary, since (1) penalties are proposed in accordance with established Agency schedules; (2) it would add further delay to the process; (3) review of the proposal is the very purpose of the hearing process; and (4) overall consistency is insured by a continuing review and overview at Agency Headquarters of all of the penalty schedules and each individual proposed penalty after it is sent.

Nevertheless, the comment does indicate a lack of knowledge concerning how penalty amounts are set in NOAA. NOAA attorneys dealing with enforcement cases have been working from nationally-adopted penalty schedules which are fairly detailed guidelines. These schedules are available to the public on request to a Regional NOAA Attorney or to the NOAA Office of General Counsel listed at the beginning of this rulemaking.

Clarification of Decision Authority

One comment indicated that the proposed rule obscured the decentralization of the assessment process, and suggested that the rule more clearly identify the actual decisionmaker. The proposed rule used the term "Administrator" throughout to indicate the responsible person, and defined that term to include a designee. The purpose was to avoid the regulations becoming outdated every time titles or delegations of authority were changed. Moreover, some cases will be acted upon at headquarters and others in the field, depending upon a variety of factors which will change from time to time. We do not believe that confusion is created by the process as proposed, since the charging NOVA will clearly indicate to the Respondent

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the person with whom he or she is to deal. The benefits of this approach outweigh the benefits to be gained by greater specificity in these regulations.

Permit Sanctions

One comment questioned NOAA's authority to implement the Atlantic Groundfish Permit Point System, proposed separately at 44 FR 69312. That comment will be addressed during the Agency's consideration of that proposed rulemaking, although we here record our disagreement with the comment's legal conclusion.

As noted earlier, the present proposal would authorize the imposition of permit sanctions on the basis of separate regulations implementing a fishery management plan, such as the point system referenced above. Since these changes to § 621.52(a) and § 621.54(c) do not in and of themselves either implement such permit sanction systems or otherwise impact permit holders, they will be adopted as proposed. These changes will not impact the public unless separate rulemaking is undertaken; public impact and comment will be considered in the context of such separate rulemaking. Adopting these changes as proposed will avoid unnecessary procedural changes to this Part 621.

Other comments were received which did not relate to the substance of the proposal. These include the refinement of the statutory penalty factors, the internal administrative appeal process, and similar matters. The Agency has taken these matters under advisement.

A number of stylistic and editorial changes of a nonsubstantive nature have been made throughout Part 621.

NOAA's Assistant Administrator for Fisheries has determined that these amendments: (1) do not constitute a major federal action requiring the preparation of an Environmental Impact Statement; and (2) do not constitute a significant action requiring the preparation of a regulatory analysis under NOAA Directive 21–24.

Accordingly, the previously proposed regulations, with the changes indicated, are adopted and made final as set forth hereafter.

Signed at Washington, D.C., this 19th day of March, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

(16 U.S.C. 1801, *et seq.*)

50 CFR Part 621, regulations governing civil procedures under the Fishery Conservation and Management Act of 1976, is hereby amended as proposed with the changes noted above, and repromulgated as final, with the Table of Contents and otherwise as set forth in full below:

PART 621—CIVIL PROCEDURES

Subpart A—Introduction

Sec.
621.1 Purpose and scope.
621.2 Enforcement policy.
621.3 Filing and service of documents.
621.4 Definitions.
621.5–20 [Reserved]

Subpart B—Assessment Procedure

621.21 Notice of Violation and Assessment (NOVA).
621.22 Procedures upon receipt of NOVA.
621.23 Final administrative decision.
621.24 Payment of final assessment.
621.25 Compromise of civil penalty.
621.26 Application of this Subpart to vessel owners.
621.27–30 [Reserved]

Subpart C—Hearing and Appeal Procedures

621.31 Commencement of hearing procedures.
621.32 Ex parte communications.
621.33 Duties and powers of judges.
621.34 Participation by parties.
621.35 Record.
621.36 Settlements.
621.37 Interlocutory appeals.
621.38 Proposed findings and conclusions.
621.39 Initial decision.
621.40 Appeals.
621.41 Final decision.
621.42 Application of this Subpart to vessel owners.
621.43–50 [Reserved]

Subpart D—Permit Sanctions

621.51 Application of Subpart.
621.52 Basis for sanctions.
621.53 Nature of sanctions.
621.54 Notice of permit sanction.
621.55 Opportunity for hearing.
621.56 Hearing and decision.
621.57–60 [Reserved]

Subpart E—Remission of Forfeitures

621.61 Application of Subpart.
621.62 Petition for relief from forfeiture.
621.63 Investigation.
621.64 Decision on petition.
621.65 Compliance with decision.
621.66 Release of seized property pending decision.

Authority: 16 U.S.C. 1801–1882.

Subpart A—Introduction

§ 621.1 Purpose and scope.

(a) Section 308 of the Act authorizes the Secretary to assess a civil penalty, in an amount not to exceed $25,000, for each violation against any person found to have committed an act prohibited by section 307. Each day of a continuing violation is considered a separate offense. The Administrator has been delegated the authority to assess these administrative money penalties.

(b) Section 204(b)(12) of the Act details the circumstances under which the Administrator is to revoke, suspend, or modify certain foreign fishing vessel permits. Regulations implementing specific fishery management plans contain provisions for permit sanctions in respect both to foreign and domestic fishing vessels.

(c) Section 310(c) of the Act makes provisions of the customs laws relating to, among other things, the remission or mitigation of forfeitures and the compromise of claims, applicable to forfeitures of fishing vessels and fish alleged to be authorized under the Act. The Department of Commerce is authorized to entertain petitions for administrative settlement of property seizures made under the Act which would otherwise proceed to judicial forfeiture.

(d) The regulations in this Part provide uniform rules and procedures for the assessment of civil penalties (Subparts B and C), permit sanctions (Subpart D), and the remission or mitigation of forfeitures (Subpart E).

(e) Subparts B and C of this Part shall apply to any civil penalty proceeding initiated by Notice of Violation and Assessment (NOVA) subsequent to the effective date of revisions to this Part which authorized issuance of the NOVA, regardless of when the act or omission which is the basis of a civil penalty proceeding occurred. Proceedings initiated by Notice of Violation under former Subparts B and C, promulgated March 1, 1977, 42 FR 12026, shall be governed by those procedures, except as otherwise stipulated by the parties.

§ 621.2 Enforcement policy.

(a) The Act provides four basic enforcement remedies for violations, in ascending order of severity as follows: (1) Issuance of a citation (a type of warning), usually at the scene of the offense (see 50 CFR Part 620); (2) assessment by the Administrator of a civil money penalty; (3) for certain violations, judicial forfeiture action against the vessel and its catch; and (4) criminal prosecution of the owner or operator for some offenses. It shall be the policy of the Agency to enforce vigorously and equitably the provisions of the Act by utilizing that form or combination of authorized remedies best suited in a particular case to this end.

(b) Processing a case under one remedial form usually means that other remedies are inappropriate in that case. However, further investigation or later review may indicate the case to be either more or less serious than initially considered, or may otherwise reveal

that the penalty first pursued is inadequate to serve the purposes of the Act. Under such circumstances, the Agency may pursue other remedies either in lieu of or in addition to the action originally taken. Forfeiture of the illegal catch does not fall within this general rule and is considered in most cases as only the initial step in remedying a violation by removing the ill-gotten gains of the offense (see paragraph (d) of this section).

(c) If a fishing vessel for which a permit has been issued under the Act is used in the commission of an offense prohibited by section 307 of the Act, the Agency may impose permit sanctions whether or not civil or criminal action has been undertaken against the vessel or its owner or operator. In some cases, the Act requires permit sanctions following the assessment of a civil penalty or the imposition of a criminal fine. In sum, the Act treats sanctions against the fishing vessel permit to be the carrying out of a purpose separate from that accomplished by civil and criminal penalties against the vessel or its owner or operator.

(d)(1) In view of the perishable nature of fish, any person authorized to enforce the regulations contained in this Chapter may cause to be sold, and any person may purchase, for not less than its fair market value, such quantities of perishable fish as may be seized pursuant to the Act.

(2) The proceeds of any such sale, after deducting the reasonable costs of the sale, if any, shall be submitted to an appropriate court of competent jurisdiction and an *in rem* complaint for forfeiture shall be filed with respect to such proceeds.

(3) Seizure and sale of fish shall be without prejudice to any other remedy or sanction authorized by law and this Chapter.

§ 621.3 Filing and service of documents.

(a) Whenever the regulations in this part require service of a document or other paper, such service may effectively be made on the agent for service of process or on the attorney for the person to be served. Refusal by the person to be served, or his or her agent or attorney, of service of a document or other paper shall be considered effective service of the document or other paper as of the date of such refusal.

(b) Whenever the regulations in this part or in an order issued hereunder require a document or other paper to be filed within a certain period of time, such document will be considered filed as of the date of the postmark, if mailed, or (if not mailed) as of the date actually delivered to the office where filing is required. Time periods shall begin to run on the day following the date of the document, paper, or event which begins the time period and, unless otherwise provided by law or these regulations, includes the last day of the period, unless such day is a Saturday, Sunday, or Federal holiday, in which event it includes the next following day which is not a Saturday, Sunday, or Federal holiday.

(c) If an oral or written application is made to the Administrator within 10 calendar days after the expiration of a time period established in this part for the required filing of documents or other papers, the Administrator may permit a late filing if he or she finds reasonable grounds for an inability or failure to file within the time period. All such extensions shall be in writing. Except as provided in this paragraph, by § 621.22, or by order of an administrative law judge under Subpart C of this Part, no requests for an extension of time may be granted.

§ 621.4 Definitions.

Unless the context otherwise requires, terms in these regulations have the meanings prescribed in section 3 of the Act, and special reference is made to the following terms: "Fishery conservation zone," "fishery resource," "fishing vessel," and "Secretary." In addition, the following definitions apply:

(a) *Act.*—Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 to 1882.

(b) *Administrator.*—Administrator, National Oceanic and Atmospheric Administration, or his or her designee.

§§ 621.5—621.20 [Reserved]

Subpart B—Assessment Procedure

§ 621.21 Notice of violation and assessment (NOVA).

(a) A Notice of violation and assessment (NOVA) shall be issued by the Administrator and served personally or by registered or certified mail, return receipt requested, upon the person alleged to be subject to a civil penalty (the respondent). A copy of the NOVA shall similarly be served upon the owner of an affected vessel, as defined in § 621.26, if the owner is not the respondent. Although no specific form is prescribed, the NOVA shall contain: (1) a concise statement of the facts believed to show a violation; (2) a specific reference to the provisions of the Act, regulation, permit, or governing international fishery agreement allegedly violated; (3) the findings and conclusions upon which the administrator has based the proposed assessment; and (4) the amount of penalty proposed to be assessed.

(b) In respect to the amount of civil penalty, the Administrator shall take into account information available to the agency concerning the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the respondent, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

(c) The NOVA may also contain an initial proposal for compromise or settlement of the case. The Administrator may also attach documents which illuminate the facts believed to show a violation. The NOVA shall advise the respondent of his or her rights at that point in the proceeding, and shall be accompanied by a copy of regulations governing civil procedures, this Part 621.

§ 621.22 Procedures upon receipt of NOVA.

(a) The respondent shall have 30 calendar days from receipt of the NOVA in which to respond. During this time the respondent may:

(1) Accept the proposed penalty or compromise penalty, if any, by taking the actions specified in the NOVA;

(2) Seek to have the NOVA amended or modified as prescribed in paragraph (b) of this section;

(3) Request a hearing, as prescribed in paragraph (d) of this section; or

(4) Take no action, in which case the NOVA shall become final in accordance with § 621.23. Options 2, 3 and 4 above may also be exercised by the owner of an affected vessel, as defined in § 621.26.

(b) The respondent, or the owner of an affected vessel, may seek amendment or modification of the NOVA to conform to the facts or law as he or she sees them. In such case, he or she shall so notify the Administrator at the telephone number or address specified in the NOVA. Where amendment or modification is sought, the Administrator shall either amend the NOVA or decline to amend it, and shall so notify the respondent or owner, as appropriate.

(c) The respondent or owner of an affected vessel may, within the 30-day period specified in paragraph (a), for good cause shown which makes it impracticable to respond within 30 days, request an extension of time to respond, not to exceed an additional 15 days. If, in the Administrator's judgment, good

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cause is not shown, the Administrator may deny the request within 48 hours of its receipt by the Administrator. If the request is not so denied, it shall be considered granted automatically for the extension requested, up to a maximum of 15 days. Telephonic communication of a denial within the 48-hour period shall be considered effective denial, and shall be followed by written confirmation.

(d) If the respondent or the owner of an affected vessel wishes a hearing, such request shall be dated and in writing, and shall be served either in person or by certified or registered mail, return receipt requested, at the address specified in the NOVA. The request shall either attach a copy of the relevant NOVA or refer to the relevant NOAA case number.

(e) Any denial, in whole or in part, of any request under this section which is based upon untimeliness shall be made in writing.

(f) The Administrator may, in his or her discretion, treat any communication from a respondent or owner as a request for a hearing pursuant to paragraph (d).

§ 621.23 Final administrative decision.

(a) If no request for hearing is filed as provided in § 621.22, the NOVA shall become effective and shall constitute the final administrative decision and order of the Secretary on the 30th calendar day after service of the NOVA, or on the last day of any delay period granted.

(b) If a request for hearing is filed in accordance with § 621.22, the date of the final administrative decision shall be as provided in Subpart C of this Part 621.

§ 621.24 Payment of final assessment.

(a) Respondent shall make full payment of the civil penalty assessed within 30 calendar days of the date upon which the assessment becomes effective as the final administrative decision and order of the Secretary under § 621.23 or § 621.41 of this Part; or, if judicial review of the assessment is initiated under section 308(b) of the Act during such 30 day period, within 10 calendar days after the appropriate court has entered final judgment in favor of the Secretary, unless the court's order provides otherwise. Payment shall be made by mailing or delivering to the Administrator at the address specified in the NOVA a check or money order made payable in United States currency in the amount of the assessment to the "Treasurer of the United States."

(b) Upon any failure to pay the civil penalty assessed, the Administrator may request the Attorney General of the United States to recover the amount assessed in any appropriate district court of the United States, or may take action under § 621.25 of this part.

§ 621.25 Compromise of civil penalty.

(a) In his or her sole discretion, the Administrator may compromise, modify, remit, or mitigate, with or without conditions, any civil penalty which has been imposed under this Part 621, or which is subject to such imposition.

(b) The compromise authority of the Administrator under this section shall be in addition to any similar authority provided in the Act or in these regulations, and may be exercised either upon the initiative of the Administrator or in response to a request of the alleged violator or other interested person.

(c) If the Administrator takes action under this section prior to the issuance of a NOVA or after a final assessment becomes payable under § 621.24, the Administrator will prepare a document indicating the action taken and citing this section and section 308(d) of the Act as authority. Once the case has been assigned for hearing under § 621.31 of this Part, the Administrator will, except in unusual circumstances, defer any compromise action under this section until the administrative law judge has rendered an initial decision in the matter. Neither the existence of the compromise authority of the Administrator under this section nor the Administrator's exercise thereof at any time shall change the date upon which an assessment becomes final or payable.

(d) If compromise action is requested or otherwise becomes appropriate for the Administrator's consideration during the pendency of a petition for relief from forfeiture, filed under Subpart E of this Part 621, the Administrator may consolidate in a manner consistent with the provisions of Subpart E his or her consideration of the two matters.

§ 621.26 Application of this subpart to vessel owners.

(a) The provisions of this subpart shall apply to owners of affected vessels. "Affected vessel" shall mean a fishing vessel of the United States whose federal fishing permit may be subject to sanction as a result of a civil penalty proceeding under this Part.

(b) The provisions of this subpart shall also apply to vessel owners where such application is expressly provided by regulations in this Chapter implementing a fishery management plan.

§ 621.27-621.30 [Reserved]

Subpart C—Hearing and Appeal Procedures

§ 621.31 Commencement of hearing procedures.

Following receipt of a written request for hearing filed in a timely manner in accordance with § 621.22 of Subpart B of this part, the Administrator will commence procedures under this subpart by forwarding the request, a copy of the NOVA, and any response thereto, to the NOAA Office of Hearings and Appeals, which shall docket the matter for hearing. Written notice of the assignment shall promptly be given to the respondent and the owner of an affected vessel (as defined in § 621.42) if the owner is other than the respondent, with the name and address of the attorney who will represent the Administrator in the proceedings (the agency representative), and thereafter all pleadings and other documents shall be filed directly with the NOAA Office of Hearings and Appeals, and a copy will be served on the opposing party (respondent or agency representative).

§ 621.32 Ex parte communications.

(a) For purposes of this section, "ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports.

(b) Upon assignment of the case to an administrative law judge and until an assessment or other action in the matter becomes effective under these regulations as the final administrative decision of the Secretary, neither the judge nor any of the following agency employees shall make or knowingly cause to be made to any interested person outside the Department of Commerce an ex parte communication relevant to the merits of the proceeding:

Administrator, Assistant Administrator for Fisheries, Deputy Assistant Administrator for Fisheries, and the Executive Director, the Office of Resource Conservation and Management Director, the Enforcement of Division Chief, and all Regional Directors, National Marine Fisheries Service.

(c) Upon notice of the assignment of the case to an administrative law judge and until an assessment or other action in the matter becomes effective under these regulations as the final administrative decision of the Secretary, no interested person outside the Department of Commerce shall make or knowingly cause to be made to the judge or to an agency employee listed in paragraph (b) of this section an ex parte communication relevant to the merits of the proceeding.

(d) An agency employee or judge who makes or receives a prohibited communication shall cause to be placed in the hearing record the communication and any response thereto and the judge, or Administrator, as appropriate, may take action in this respect consistent with these regulations, the Act, and 5 U.S.C. 556(d) and 557(d).

(e) This section shall not apply to communications to or from the agency representative; however, the agency representative may not participate or advise in the initial decision of the judge or the agency review thereof except as witness or counsel in the proceeding in accordance with the regulations in this part. This section shall be interpreted so as not to diminish the compromise authority of the Administrator under § 621.25 of this part. In addition to the foregoing requirements of this section, the judge shall not consult any person or party on the substance of the matter in issue unless on notice and opportunity for all parties to participate.

(Sec. 4, Pub. L. 94-409, 5 U.S.C. 557(d))

§ 621.33 Duties and powers of judge.

(a) The administrative law judge shall have all powers and responsibilities necessary to preside over the parties and the proceeding, to hold prehearing conferences, to conduct the hearing, and to make the initial decision, in accordance with these regulations and 5 U.S.C. 554, to 557, including the authority and duty to:

(1) Rule on a request to participate as a party in the proceedings by allowing, denying, or limiting such participation, provided, however, that the respondent, the owner of an affected vessel (as defined in § 621.42), and the agency representative shall be parties, and provided further that the judge shall prior to ruling ascertain the views of the other parties and base the ruling on whether the request is from a person who could be directly and adversely affected by the final decision and who may contribute materially to the disposition of the proceedings;

(2) Ascertain, both prior to scheduling a hearing and at other times the judge considers appropriate, from the record at hand or upon further inquiry to the parties, whether a reasonable basis exists for settlement of the matter or simplification of the issues by consent; and hold conferences or otherwise require the parties to consider settlement or to simplify the issues;

(3) Schedule the time and place of the pre-hearing conference or hearing, continue the hearing from day to day, adjourn the hearing to a later date or a different place, and reopen the hearing at any time before issuance of the initial decision, all in the judge's discretion, having due regard for the convenience and necessity of the parties.

(4) Regulate the course of the hearing and the conduct of the participants, including the power to establish rules for media coverage of the proceedings, to close the hearing in the interests of justice, to seal confidential or privileged documents from public scrutiny, and to strike testimony of a witness refusing to answer a question ruled to be proper;

(5) Administer oaths and affirmations;

(6) Rule on discovery requests and, whenever the ends of justice would thereby be served, take or cause depositions or interrogatories to be taken:

(7) Receive, exclude, limit and otherwise rule on offers of proof and evidence, provided that formal rules of evidence shall not apply to the proceeding; irrelevant, immaterial, unreliable, nonprobative, or unduly repetitious or cumulative evidence shall be excluded; and hearsay evidence shall not be inadmissible as such;

(8) Rule on motions, procedural requests, and similar matters;

(9) Examine and cross-examine witnesses and introduce into the record on the judge's own initiative documentary or other evidence;

(10) Rule on requests for appearance of witnesses or production of documents and take appropriate action upon a failure of a party to effect the appearance or production of a witness or document ruled relevant and necessary to the proceeding; as authorized by law, issue subpoenas for the appearance of witnesses or production of documents such as will aid the administrative court's jurisdiction;

(11) Require a party or witness at any time during the proceeding to state his or her position concerning any issue or his or her theory in support of such position;

(12) Take official notice of any matter not appearing in evidence which is among the traditional matters of judicial notice, or of technical or scientific facts within the general or specialized knowledge of the Department of Commerce as an expert body; or of a nonprivileged document required by law or regulation to be filed with or prepared or published by a duly constituted government body; or of any public document reasonably available to the public; provided, that the parties shall be advised of the matter so noticed and given reasonable opportunity to show the contrary; and

(13) Prepare and submit the initial decision and certify the record in accordance with § 621.39 of this part.

(b) The judge shall enter no order which purports in and of itself to effectuate the forfeiture of any property seized or otherwise detained in connection with the proceedings, except that:

(1) The judge may take account in an order of dismissal or similar decree under § 621.36 of this part that voluntary forfeiture of such property forms a part of a settlement agreement between respondent and the agency representative; or

(2) The judge may recommend to the Administrator at the time the initial decision is submitted under § 621.39 of this part that the Administrator either pursue or not pursue forfeiture or that the Administrator respond affirmatively to a petition for relief from forfeiture submitted under Subpart E of this part.

(c) The judge shall enter no order which purports in and of itself to revoke, suspend, or modify any permit issued under the Act to a vessel used in the commission of a violation which is a subject of the proceeding, except that:

(1) The judge may receive for the record, on his or her own initiative or at the request of a party, evidence otherwise admissible which is relevant to the question of what vessel was involved in the commission of the violations with which respondent has been charged and to the question of what revocation, suspension, or modification of the permit (or, if the permit was issued under section 204(b) of the Act, what modification of all permits issued to the nation under whose flag such vessel operates) the Administrator might appropriately order pursuant to Subpart D of this part; and

(2) The judge may recommend to the Administrator at the time the initial decision is submitted under § 621.39 of this part that the Administrator pursue or not pursue certain permit sanctions under Subpart D of this part.

§ 621.34 Participation by parties.

(a) The respondent, the owner of an affected vessel (where prescribed by § 621.42), the agency representative, and, to the extent permitted by the judge, any other party, may appear in person, by counsel, or by other representative, and may examine and cross-examine witnesses to the extent required for a full and true disclosure of the facts, present documentary or other evidence in support of his or her case or defense, and conduct oral argument at the close of testimony, provided, however, that this section shall not be interpreted to diminish the powers and

duties of the judge set forth in § 621.33 of this part.

(b) Failure of any party to appear at the hearing shall be deemed a waiver of the right to a hearing and consent to the making of a decision on the record of the hearing.

§ 621.35 Record.

(a) The Administrator shall provide the services of an official reporter to transcribe verbatim the testimony taken and arguments made in the hearing. Copies of the official transcript may be obtained from the reporter upon payment of the applicable rates fixed by the contract with the reporter.

(b) The official transcript, exhibits, briefs, requests, and other documents and papers filed or officially noticed in the proceeding shall constitute the exclusive record for decision.

§ 621.36 Settlements.

An agreement by respondent and the agency representative to settle the matter, if filed before an assessment or other action in the case becomes effective under these regulations as the final administrative decision of the Secretary, shall terminate the proceedings and vacate any initial or administrative appellate decision which has been issued. However, if settlement is reached before the judge has submitted the initial decision and certified the record under § 621.39 of this part, the judge may require submission of a copy of the agreement solely to assure that the judge's consideration of the case is completed and to order the matter dismissed on the basis of the agreement.

§ 621.37 Interlocutory appeals.

(a) At the request of a party or on the judge's own motion, the judge may certify to the Administrator for review a ruling which does not finally dispose of the proceeding if the judge determines that such ruling involves a controlling question of law and that an immediate appeal therefrom may materially advance the ultimate disposition of the matter.

(b) Upon certification by the judge of an interlocutory ruling for review, the Administrator shall expeditiously decide the matter, taking into account any briefs in this respect filed by the parties within 10 calendar days of certification. The Administrator's order on an interlocutory appeal shall not be considered the final administrative decision of the Secretary except by operation of other provisions in this part.

(c) No interlocutory appeal shall lie as to any ruling not certified to the Administrator by the judge. Objections to non-certified rulings shall be a part of the record and shall be subject to review at the same time and in the same manner as the Administrator's review of the initial decision of the judge upon any appeal therefrom under § 621.40 of this part.

§ 621.38 Proposed findings and conclusions.

Unless a different schedule is established in the discretion of the judge, the parties may file proposed findings of fact and conclusions of law, together with supporting briefs, within 30 calendar days after the judge closes the hearing. Reply briefs may be submitted within 15 calendar days after receipt of the proposed findings and conclusions to which they respond, unless the judge sets a different schedule.

§ 621.39 Initial decision.

(a) After expiration of the period provided in § 621.38 of this part for filing reply briefs, the judge shall render a written initial decision upon the record in the case, setting forth therein:

(1) Findings and conclusions, and the reasons or basis therefor, on all material issues of fact, law, or discretion presented on the record. In determining the amount of a penalty assessment, the judge shall not be bound by the amount proposed or assessed in the notice of violation, NOVA, notice of assessment, or elsewhere, but shall decide the matter de novo, stating the reasons in view of the applicable factors which must be considered, as set forth in section 308(a) of the Act and § 621.21 of this part;

(2) Reasons for the rejection of findings and conclusions proposed by the parties;

(3) A statement of facts officially noticed and relied upon in the decision, if the parties have not previously been advised of such notice; and

(4) Such other matters as the judge considers appropriate, including recommendations, if any, regarding forfeiture action and permit sanctions, as described in paragraphs (b) and (c) of § 621.33 of this part.

(b) The judge shall submit the initial decision to the Administrator, serve copies on the parties, and transmit to the Administrator the record of the proceeding together with a certification to the effect that, to the best of the judge's knowledge and belief, the record is a complete and accurate compilation of all evidence and other documents in the proceeding, except in such particulars as are specified.

§ 621.40 Appeals.

(a) Any party may appeal the initial decision of the judge by filing a notice of appeal with the Administrator, at the address specified by the agency, within 45 calendar days of the date of the initial decision. The notice of appeal shall concisely state such exceptions as the appellant takes to the initial decision and shall contain citations to the record or other authority relied upon. The appellant shall serve a copy of the notice of appeal on the other parties.

(b) The Administrator shall decide the appeal upon the record already made or may issue orders specifying the filing of supplemental briefs, remanding the matter for the receipt of further evidence by an administrative law judge, or otherwise assisting in the determination of the matter. The decision of the Administrator shall be in writing and shall state the reasons for acceptance or rejection of exceptions taken by the appellant. To the extent the Administrator's decision is silent as to a material issue of fact, law, or discretion presented on the record, the decision shall be deemed to adopt the findings and conclusions thereon, and the reasons or basis therefor, contained in the initial decision.

§ 621.41 Final decision.

(a) Unless a notice of appeal is timely filed in accordance with § 621.40, the initial decision of the judge shall become effective and shall constitute the final administrative decision and order of the Secretary on the 45th calendar day from the date it is rendered.

(b) If a notice of appeal is timely filed as provided in § 621.40 of this part, the Administrator's decision thereon shall become effective and shall constitute the final administrative decision and order of the Secretary on the date thereof, or as otherwise specified by the Administrator in the decision.

(c) Payment of any assessment which becomes final under this section shall be made in accordance with § 621.24 of this Part.

§ 621.42 Application of this subpart to vessel owners.

(a) The provisions of this subpart shall apply to owners of affected vessels. "Affected vessel" shall mean a fishing vessel of the United States whose federal fishing permit may be subject to sanction as a result of a civil penalty proceeding under this Part.

(b) The provisions of this subpart also apply to vessel owners where such application is expressly provided by regulations in this chapter implementing a fishery management plan.

§§ 621.43–621.50 [Reserved]

Subpart D—Permit Sanctions

§ 621.51 Application of subpart.

The provisions of this subpart shall govern the revocation, suspension, and modification of any permit issued under the Act for a fishing vessel, including:

(a) Permits issued for foreign fishing vessels pursuant to section 204(b) of the Act in respect to a governing international fishery agreement;

(b) Registration permits issued for foreign fishing vessels pursuant to section 204(c) of the Act with respect to an existing international fishery agreement, except to the extent that such agreement is inconsistent with the provisions of this subpart; and

(c) Permits issued for fishing vessels of the United States in accordance with section 303(b)(1) of the Act and regulations issued by the Secretary under section 305 of the Act implementing a fishery management plan, except to the extent such regulations expressly limit application of the provisions of this subpart.

§ 621.52 Basis for sanctions.

(a) The Administrator may take action under this subpart with respect to a permit issued under the Act for a fishing vessel if:

(1) The fishing vessel for which the permit was issued has been used in the commission of an offense prohibited by section 307 of the Act; or

(2) A civil penalty pertaining to a fishing vessel for which the permit was issued has been assessed under Subparts B or C of this Part 621 but full payment of the penalty has not been made in accordance with § 621.24 of this part; or

(3) A criminal fine pertaining to a fishing vessel for which the permit was issued has been imposed under section 309 of the Act but full payment of the fine has not been made in accordance with the Court's decree; or

(4) The requirements of a regulation issued under the Act to govern permit sanctions in the implementation of a fishery management plan have been satisfied, including, but not limited to, permit sanction point systems.

(b) If the provisions of paragraphs (a)(2) or (a)(3) of this section are met and the fishing vessel involved is a foreign fishing vessel the permit for which was issued under section 204(b) of the Act in respect to a governing international fishery agreement, the Administrator shall take action under this subpart with respect to such permit.

(c) Any permit which is suspended solely on the basis described in paragraph (a)(2) of this section shall be reinstated by affirmative order of the Administrator promptly upon receipt, in the manner prescribed in § 621.24 of this part, of full payment of the civil penalty assessed, together with interest thereon at the annual rate provided by current regulations of the Department of the Treasury as to late payment of amounts due the Government, computed from the date payment first became overdue under § 621.24 of this part.

§ 621.53 Nature of sanctions.

In his or her discretion and subject to the requirements of this subpart, the Administrator may take any of the following actions or combinations thereof with respect to a permit issued under the Act;

(a) Revoke the permit and, if appropriate, prohibit the issuance of a permit in future years to the fishing vessel involved, or impose additional requirements for such future issuance;

(b) Suspend the permit, either for a specified period of time or until certain stated requirements are met, or both;

(c) Modify the permit, as by imposing additional conditions and restrictions thereon and, if the permit was issued for a foreign fishing vessel operating under a governing international fishery agreement, by imposing additional conditions and restrictions on the application of the foreign nation involved which was approved under section 204 of the Act, and on any of the permits under such application.

§ 621.54 Notice of permit sanction.

(a) The Administrator shall prepare a notice of permit sanction (NOPS) setting forth the sanction to be imposed and the basis therefor. If an opportunity for hearing is provided by § 621.55 of this part, the notice will advise that the permit holder has 30 calendar days from receipt of the notice in which to request or waive a hearing. The notice shall further state the effective date of the sanction, which shall not be earlier than 30 calendar days after the date of the notice unless the Administrator takes action under paragraph (c) of this section. If a hearing opportunity is provided and a hearing is requested in a timely manner, the sanction shall become effective pursuant to § 621.56 of this part, unless the Administrator provides otherwise pursuant to the authority of paragraph (c) of this section.

(b) The NOPS shall be served personally or by registered or certified mail, return receipt requested, on the owner or operator of the fishing vessel for which the permit was issued. However, if the vessel is a foreign fishing vessel, service shall be made on the agent for service of process for such owner or operator, except that if no agent for service of process has been appointed, or if the identity or location of such agent is unknown to the Administrator, service may be made on the consular or other officials of the foreign nation involved through, and as considered appropriate by, the U.S. Department of State.

(c) The Administrator may make the permit sanction effective immediately or otherwise earlier than 30 days after the notice of permit sanction if the Administrator finds, and summarizes such finding and the basis therefor in the notice, that

(1) Substantial harm to a fishery resource of the United States may result from a later effective date; or

(2) The offense serving as the basis for the permit sanction was willful or egregious; or

(3) The basis for the sanction is the accumulation of sufficient points under other regulations in this Chapter implementing a fishery management plan.

If the Administrator acts under this paragraph, he or she shall seek to expedite a hearing the opportunity for which is provided by § 621.55, but a request for hearing shall not delay the effectiveness of the sanction.

§ 621.55 Opportunity for hearing.

(a) The owner or operator of the fishing vessel for which the permit was issued, or the designated agent for service of process, shall have 30 calendar days from receipt of the NOPS to request a hearing. The Administrator shall not, however, be required to hold a hearing if such owner or operator had, with respect to the violation which forms the basis for the permit sanction, the previous opportunity to participate as a party in a judicial hearing on a criminal charge brought under section 309 of the Act or in an administrative hearing on a civil penalty action initiated under section 308 of the Act and Subparts B and C of this part, whether or not the owner or operator so participated, and whether or not such a hearing was held.

(b) If no hearing opportunity is required by paragraph (a) of this section, the Administrator may nonetheless order a hearing if he or she determines that there are material issues of fact or equity to be further explored.

§ 621.56 Hearing and decision.

(a) If a timely request for the hearing provided by § 621.55(a) of this part is received or the Administrator orders a hearing under § 621.55(b) of this part,

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the Administrator shall appoint a hearing examiner to conduct a fact-finding inquiry into the matter.

(b) If the Administrator has initiated sanctions under § 621.53(c) of this part as to more than one permit and has received hearing requests properly made under § 621.55 of this part from the owners or operators of two or more of the affected fishing vessels, he or she may order the hearings to be consolidated into a single proceeding.

(c) The hearing examiner shall hold an informal hearing in the matter and expeditiously thereafter furnish the Administrator a report with recommendations.

(d) Upon receipt of the report and recommendations of the hearing examiner, the Administrator shall as soon as practicable decide the matter and serve notice of the decision on the permit holder in the manner provided by § 621.54(b). The decision of the Administrator shall be final and unappealable.

§§ 621.57–621.60 [Reserved]

Subpart E—Remission of Forfeitures

§ 621.61 Application of subpart.

(a) Authorized enforcement officers are empowered by section 311 of the Act to seize any fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) which reasonably appears to have been used in violation of the Act, of any permit or regulation issued pursuant to the Act, or of any applicable international fishery agreement. Enforcement agents may also seize illegally taken or retained fish, as well as other evidence related to a violation. Section 310 provides for the judicial forfeiture of such vessels and fish. This subpart establishes procedures for filing with the Administrator a petition for relief from forfeitures incurred or alleged to be authorized under section 310 of the Act.

(b) For purposes of this part, the "remission or mitigation of a forfeiture" or "relief from forfeiture" means action by the Administrator, following coordination as necessary with other federal agencies and the courts, to release from the custody of the United States property seized and subject to forfeiture under the Act, or part of such property, upon compliance with any terms and conditions set by the Administrator, such as payment of a stated amount in settlement of the forfeiture aspects of a violation. Although the Administrator may properly combine consideration of a petition for relief from forfeiture with other consequences of a violation of the Act, his or her action in remission or mitigation of a forfeiture shall not be considered dispositive of a criminal charge which may be filed under section 309 of the Act, or a civil penalty which may be assessed under Subparts B and C of this part, or a permit sanction which may be imposed under Subpart D, unless the action expressly so states. Remission or mitigation of a forfeiture is in the nature of executive clemency granted in the sole discretion of the Administrator only when consistent with the purposes of the Act and the provisions of this subpart.

§ 621.62 Petition for relief from forfeiture.

(a) Any person having an interest in a fishing vessel, fish, or other property seized and subject to forfeiture under the Act may file a petition for relief from such forfeiture. The petition shall be addressed to the Administrator and filed within 60 days of the seizure by mailing or delivering the petition to the Regional Director, National Marine Fisheries Service, nearest to the place where such property is held:

Seattle, Washington 98109.
Terminal Island, California 90731.
Juneau, Alaska 99801.
Gloucester, Massachusetts 01930.
St. Petersburg, Florida 33702.

(b) The petition need not be in any particular form, but shall set forth the following:

(1) A description of the property seized;

(2) The date and place of the seizure;

(3) The interest of petitioner in the property, supported as appropriate by bills of sale, contracts, mortgages, or other satisfactory evidence;

(4) The facts and circumstances relied upon by petitioner to justify the remission or mitigation;

(5) Any request for release under § 621.66 of all or part of the seized property pending final decision on the petition, together with any offer of payment to protect the Government's interest that petitioner makes in return for such release, and the facts and circumstances relied upon by petitioner in the request; and

(6) The signature of petitioner, his or her attorney, or other authorized agent. A false statement in a petition will subject petitioner to prosecution under 18 U.S.C. 1001.

§ 621.63 Investigation.

The Administrator shall promptly cause an investigation to be made of the facts and circumstances shown by the petition and the seizure, and may in this respect appoint an examiner to find the facts, by informal hearing on sworn testimony or otherwise, and to prepare a report with recommendations.

§ 621.64 Decision on petition.

(a) After the investigation authorized by § 621.63, the Administrator shall decide the matter and notify petitioner. The Administrator may remit or mitigate the forfeiture, on such terms and conditions as under the Act and the circumstances he or she deems reasonable and just, if he or she finds:

(1) That the forfeiture to which the property is subject was incurred without willful negligence and without any intention on the part of petitioner to violate the Act; or

(2) That other circumstances exist which justify remission or mitigation of the forfeiture.

(b) Unless he or she determines no valid purpose would thereby be served, the Administrator will condition a decision to remit or mitigate a forfeiture upon the submission by petitioner of an agreement, in a form satisfactory to the Administrator, to hold the United States and its officers or agents harmless from any claim based on loss of or damage to the seized property. If petitioner is not the beneficial owner of the property, the Administrator may require petitioner to submit such an agreement executed by the beneficial owner. The Administrator may also require that the property be promptly exported from the United States.

§ 621.65 Compliance with decision.

A decision by the Administrator to remit or mitigate the forfeiture upon stated conditions, as upon payment of a specified amount, shall be effective for 60 days after the date of the decision. If petitioner has not within such period complied with the stated conditions, in the manner prescribed by the decision, or made arrangements satisfactory to the Administrator for later compliance, the matter will promptly be referred to the Attorney General of the United States to effect judicial forfeiture in full of the seized property to the United States under section 310 of the Act.

§ 621.66 Release of seized property pending decision.

(a) Upon request in the petition for relief from forfeiture, and taking account of any interim report or recommendation of an examiner appointed under § 621.63, the Administrator may order the release, pending final decision on the petition, of all or part of the seized property upon payment by petitioner of the full value of the property to be released or such lesser amount as the Administrator in his or her sole discretion deems sufficient to protect the interests served by the Act.

(b) If the Administrator grants the request, he or she will cause the amount paid by petitioner to be deposited in a suspense account maintained for the purpose. The amount so deposited shall for all purposes be considered to represent the property seized and subject to forfeiture under the Act, and payment of the amount by petitioner constitutes a waiver of any claim of defective seizure, custody and control, commingling of proceeds, or related defenses. The Administrator will cause records to be kept of amounts deposited in the suspense account and will retain such deposits pending his or her further order or a court order issued under sections 310 or 311 of the Act.

(c) The provisions of paragraph (b) of § 621.64 of this part will apply to a release of property made under this section.

[FR Doc. 80-8920 Filed 3-21-80; 8:45 am]

BILLING CODE 3510-22-M

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Proposed Rules

Federal Register
Vol. 45, No. 58
Monday, March 24, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

GENERAL ACCOUNTING OFFICE

4 CFR Part 21

Procedures for Decisions on Appropriated Fund Expenditures in Federal Labor-Management Relations Program

AGENCY: General Accounting Office.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend GAO's procedures governing requests for decisions in Federal labor-management matters. The amendment is necessary because of the enactment of the Civil Service Reform Act of 1978, Pub. L. 95–454, Title VII of that Act established a statutory framework for the conduct of labor-management relations in the Federal Government and created a new agency, the Federal Labor Relations Authority, to administer the program. This proposed rule retains existing procedures which provide labor organizations and agencies with access to GAO, but deletes references to obsolete agencies and functions, and provides for deference to the jurisdiction of the Federal Labor Relations Authority where appropriate.

DATE: Comments will be considered if received no later than May 2, 1980.

ADDRESSES: Comments should be addressed to: Robert L. Higgins, Assistant General Counsel, U.S. General Accounting Office, Washington, D.C. 20548.

FOR FURTHER INFORMATION CONTACT: Maralyn G. Blatch, Attorney-Adviser, Office of the General Counsel, U.S. General Accounting Office, Washington, D.C. 20548, (202–275–6404).

SUPPLEMENTARY INFORMATION: Section 21.1 of the proposed rule covers requests for decisions from agencies and labor organizations participating in the labor-management program established by Title VII of the Civil Service Reform Act, as well as requests from agencies and labor organizations participating in other Federal sector labor-management programs. This expanded coverage had been suggested in comments received prior to publication of the existing rule and consideration of its adoption was deferred pending this opportunity for notice to all affected parties, and the opportunity to comment. See, 43 FR 32395, July 27, 1978.

In recognition of the role of the Federal Labor Relations Authority, this proposed rule authorizes deference to the jurisdiction of that agency. Thus, § 21.3(d) of the proposed rule requires the parties to give notice if other procedures have been invoked to adjudicate the same or substantially similar matter before the Federal Labor Relations Authority or any other administrative body. Section 21.5(b) of the proposed rule evidences our intent to refuse to issue a decision on a matter which is more properly within the jurisdiction of the Federal Labor Relations Authority. For example, the Comptroller General will not issue a decision on a matter which is the subject of an arbitration award which is final and binding pursuant to 5 U.S.C. 7122 (a) and (b). Thus, while the scope of the proposed rule permits agencies and labor organizations to submit matters of mutual concern to GAO, the Comproller General retains discretion under § 21.5(b) to decline to issue a decision.

Accordingly, it is proposed to amend 4 CFR Chapter I, Part 21, to read as follows:

PART 21—PROCEDURES FOR DECISIONS ON APPROPRIATED FUND EXPENDITURES WHICH ARE OF MUTURAL CONCERN TO AGENCIES AND LABOR ORGANIZATIONS

Sec.
21.1 Purpose and scope.
21.2 Who may request a decision.
21.3 Content of request.
21.4 Service.
21.5 Considerations governing the issuance of a decision.
21.6 Joint requests for decision.
21.7 Distribution of decisions.

Authority: Sec. 8, 28 Stat. 207, as amended (31 U.S.C. 74); sec. 3, 55 Stat. 876 (31 U.S.C. 82d).

§ 21.1 Purpose and scope.

This part sets forth the procedures under which the General Accounting Office will render decisions concerning the legality of appropriated fund expenditures on matters which are of mutual concern to agency representatives and labor organizations participating in the labor-management program established pursuant to Chapter 71 of Title V, United States Code, and other Federal sector labor-management programs.

§ 21.2 Who may request a decision.

Heads of Federal agencies and Departments (or their designees), heads of labor organizations representing Federal employees (or their designees), authorized certifying officers, and disbursing officers may request a decision under this part.

§ 21.3 Contents of request.

A request for a decision shall be in writing, dated, signed by the requester, addressed to the Comptroller General of the United States, General Accounting Office, Washington, D.C. 20548, and contain as applicable:

(a) The name and address of the party requesting the decision;

(b) A statement of the question to be decided, a presentation of all relevant facts involved, and a statement of the party's argument;

(c) Copies of all pertinent records and supporting documents;

(d) Notification as to whether any other procedure has been invoked to adjudicate the same or substantially similar matter before the Federal Labor Relations Authority or other administrative body; and

(e) A power of attorney if required by 4 CFR 1.3.

§ 21.4 Service.

(a) Any person requesting a decision under this part is responsible for promptly forwarding a copy of the request and supporting documents to all known interested parties. Service shall be made by registered or certified mail or in person. When service is by mail, the date of service shall be the date when the document served is deposited in the United States mail.

(b) A signed and dated statement of service shall be submitted along with the request and indicate the names of the parties and persons served, their addresses, the date of service, the nature of the document served, and the manner in which service was made.

(c) Any party served or any other person may submit a written response to the request for decision or may submit written comments to the Comptroller General of the United States, General Accounting Office, Washington, D.C. 20548. Any such response or comments should be submitted within 20 calendar days after the date of the request in order to ensure that it will be considered. Copies of written responses and written comments shall be promptly forwarded to all known interested parties in the manner prescribed in paragraphs (a) and (b) of this section.

§ 21.5 Considerations governing the issuance of a decision.

(a) Decisions under this part will be issued as expeditiously as possible, normally within 60 calendar days of responses received pursuant to § 21.4(c). Where a delay is anticipated in the issuance of a decision, interested parties will be notified and provided with a tentative date for issuance of the decision.

(b) The Comptroller General may refuse to issue a decision on a matter that is the subject of a proceeding before a court or administrative body of competent jurisdiction, on a matter which is unduly speculative, or otherwise not appropriate for decision.

§ 21.6 Joint requests for decisions.

In an effort to reduce the amount of time required for the decision-making process, agencies and labor organizations are encouraged to submit joint requests for decisions on matters where both parties agree on or can stipulate to the facts and the only question that remains to be resolved is the legality of the expenditure.

§ 21.7 Distribution of decisions.

(a) A copy of a decision of the Comptroller General will be forwarded to the requester and to all other interested parties of record.

(b) Any person interested in receiving copies of decisions issued under this part may be placed on the distribution list maintained for that purpose. Requests should be directed to the Chief, Legal Information and Reference Services, U.S. General Accounting Office, Washington, D.C. 20548.

Elmer B. Staats,
Comptroller General of the United States.

[FR Doc. 80-8829 Filed 3-21-80; 8:45 am]
BILLING CODE 1610-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-WE-9-AD]

Airworthiness Directives; Lockheed Model L-1011 Series Airplane

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an amendment that would require removal of hydraulic components that have been repaired by or contain parts manufactured by Fortner Engineering and Manufacturing, Inc., of Glendale, California for the Lockheed Model L-1011 Series Airplane. These components have not been shown to conform to FAA approved type design data and, therefore, the airworthiness of these components is questionable.

DATES: Comments must be received on or before May 26, 1980.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Excutive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, Telephone: (213) 536–6351.

SUPPLEMENTARY INFORMATION: Interested person are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

During an overhaul test, an operator discovered that a Boeing 737 rudder power control unit (PCU) exhibited reverse control. The problem was isolated to a PCU dual servo valve that had been repaired by Fortner Engineering and Manufacturing, Inc. of Glendale, California. This valve and two other overhauled valves were returned to Fortner Engineering and Manufacturing, Inc. for overhaul tests. Data gathered from these tests indicated that not all the overhaul tests had been conducted as directed by the Fortner overhaul specification. The valves were overhauled by Fortner Engineering by honing out the housing that contains the primary and secondary slides, and replacing the primary and secondary slides with slides manufactured by Fortner in accordance with Fortner data. These data had not received FAA approval.

For the above reasons, a Telegraphic Airworthiness Directive dated January 29, 1980, was issued to require the removal from service of the Boeing 737 rudder PCU servo valves that had been overhauled by Fortner Engineering and Manufacturing, Inc. Subsequent FAA investigation has revealed that Fortner Engineering has overhauled or manufactured numerous components which are used on various airplanes. These components had slide and sleeve replacements manufactured by Fortner Engineering and Manufacturing, Inc. in accordance with Fortner data that had not been approved by the FAA. This proposed airworthiness directive will require that these hydraulic components be removed from service unless it can be conclusively determined that they have not been repaired by or contain parts manufactured by Fortner because the airworthiness has not been established. Improper operations of these components could affect safety of flight.

The operators will have difficulty in identifying which components have been repaired or contain parts that have been manufactured by Fortner Engineering and Manufacturing, Inc. Identification on the component may be an ink stamp with the letter "FE". However, this will most likely be rubbed away, or it will be in an obscured position on the hydraulic component, when a visual check of the component is attempted on the airplane.

A method of locating the suspecting parts is by reviewing maintenance overhaul data since 1969. The operator may have dealt with a supplier or repair

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station that handles hydraulic components, who, in turn, may have been dealing with Fortner Engineering for components for the assemblies noted. The repair paperwork from the supplier or repair station should include a maintenance release tag or serviceable parts tag provided by Fortner Engineering for the subcomponent part. It may be necessary for the operator to contact their hydraulic supplier or repair station and confirm if components repaired or manufactured by Fortner have been utilized.

If this method does not produce conclusive results, an alternate method must be established, such as part removal and detail inspection.

As stated previously, the basis for this proposed amendment is that the components specified have not been found to comply with FAA approved type design data. Therefore, the airworthiness of the airplanes in which they are installed is questionable. The effect of this rule is to require the removal of such hydraulic components.

Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Lockheed-California Company: Applies to Model L-1011 Series airplanes certificated in all categories. Compliance is required as indicated unless accomplished. To prevent improper operation of specified components which could adversely affect safety, accomplish the following:

(a) Within one calendar year from the effective date of this AD, remove from service any of the following components unless it can be conclusively determined that they have not been repaired by or contain parts manufactured by Fortner Engineering and Manufacturing, Inc., of Glendale, California. Applies only to components repaired, or parts manufactured by Fortner prior to February 15, 1980.

L-1011 Hydraulic Components

Component	Part No.[1]	Supplier
L.H. Inb/d Aileron Servo	382700	National Waterlift.
Servo Control, Rudder	382800	National Waterlift.
Servo Control, Direct Lift Control.	401-67400	E-Systems.
Servo Control, Horizontal Stabilizer.	201800 217500 274900	Bertea.
Flow Control, Electro Hyd. Valve Assy.	75130	Abex.
Control Assy., Servo Inboard Spoiler.	401-67300	E-Systems.
Control Assy., Servo Mid Spoiler.	401-67310	E-Systems.
Control Assy., Servo Outboard Spoiler.	401-67320	E-Systems.
Control Valves Assy.	401-67344	E-Systems.
Valve, Phase Control Main Landing Gear.	2690180	Parker.

L-1011 Hydraulic Components—Continued

Component	Part No.[1]	Supplier
Valve Cartridge, Run-a-round, Hydraulic.	2690221	Parker.
Spool & Sleeve Assy., Gear Input.	2692129	Parker.
Valve, Dual Power Brake	41300-11 27502	Sterer.
Piston & Sleeve Assy	75C75602	Roneon.
Module Assy, Landing Gear Control.	AV14H3169	ITT Controls.
Valve-Cartridge, By-pass Selector, Manually Operated.		

[1] Including all dash numbers.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the action required by this AD.

(c) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not considered to be significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition the impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Los Angeles, Calif., on March 11, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-8805 Filed 3-21-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-WE-12-AD]

Airworthiness Directives; McDonnell Douglas Model DC-8 Series Airplane

AGENCY: Federal Aviation Administration (FFA) DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an amendment that would require removal of hydraulic components that have been repaired by or contain parts manufactured by Fortner Engineering and Manufacturing, Inc., of Glendale, California for the McDonnell Douglas Model DC-8 Series Airplane. These components have not been shown to conform to FAA approved type design data and, therefore, the airworthiness of these components is questionable.

DATES: Comments must be received on or before May 26, 1980.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

During an overhaul test, an operator discovered that a Boeing 737 rudder power control unit (PCU) exhibited reverse control. The problem was isolated to a PCU dual servo valve that had been repaired by Fortner Engineering and Manufacturing, Inc. of Glendale, California. This valve and two other overhauled valves were returned to Fortner Engineering and Manufacturing, Inc. for overhaul tests. Data gathered from these tests indicated that not all the overhaul tests had been conducted as directed by the Fortner overhaul specification. The valves were overhauled by Fortner Engineering by honing out the housing that contains the primary and secondary slides, and replacing the primary and secondary slides with slides manufactured by Fortner in accordance with Fortner data. These data had not received FAA approval.

For the above reasons, a Telegraphic Airworthiness Directive dated January 29, 1980, was issued to require the removal from service of the Boeing 737 rudder PCU servo valves that had been overhauled by Fortner Engineering and Manufacturing, Inc. Subsequent FAA investigation has revealed that Fortner Engineering has overhauled or manufactured numerous components which are used on various airplanes. These components had slide and sleeve replacements manufactured by Fortner Engineering and Manufacturing, Inc. in accordance with Fortner data that had not been approved by the FAA. This proposed airworthiness directive will require that these hydraulic components be removed from service unless it can be conclusively determined that they have not been repaired by or contain parts manufactured by Fortner because the airworthiness has not been established. Improper operations of these components could affect safety of flight.

The operators will have difficulty in identifying which components have been reparied or contain parts that have been manufactured by Fortner Engineering and Manufacturing, Inc. Identification on the component may be an ink stamp with the letter "FE". However, this will most likely be rubbed away, or it will be in an obscured position on the hydraulic component, when a visual check of the component is attempted on the airplane.

A method of locating the suspect parts is by reviewing maintenance overhaul data since 1969. The operator may have dealt with a supplier or repair station that handles hydraulic components, who, in turn, may have been dealing with Fortner Engineering for components for the assemblies noted. The repair paperwork from the supplier or repair station should include a maintenance release tag or serviceable parts tag provided by Fortner Engineering for the subcomponent part. It may be necessary for the operator to contact their hydraulic supplier or repair station and confirm if components repaired or manufactured by Fortner have been utilized.

If this method does not produce conclusive results, an alternate method must be established, such as part removal and detail inspection.

As stated previously, the basis for this proposed amendment is that the components specified have not been found to comply with FAA approved type design data. Therefore, the airworthiness of the airplanes in which they are installed is questionable. The effect of this rule is to require the removal of such hydraulic components.

Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

McDonnel Douglas: Applies to Model DC-8 Series airplanes certificated in all categories. Compliance is required as indicated unless accomplished. To prevent improper operation of specified components which could adversely affect safety, accomplish the following:

(a) Within one calendar year from the effective date of this AD, remove from service any of the following components unless it can be conclusively determined that they have not been repaired by or contain parts manufactured by Fortner Engineering and Manufacturing, Inc., of Glendale, California. Applies only to components repaired, or parts manufactured by Fortner prior to February 15, 1980.

DC-8

Component	Part No.[1]	Supplier
Nose Gear Control Valve Assy	3597299	Douglas
Nose Wheel Steering Relief Valve Assy	3536853	Douglas
Main Gear Control Valve Assy	5714674	Douglas
Aileron & Rudder Shut-off Valve Assy	3772374	Douglas
Aileron & Rudder Shut-off Valve Assy	3597307	Douglas
Aileron Control Valve & Cylinder Assy	5714715	Douglas
Aileron Control Valve & Manifold	5641734	Douglas
Aileron Actuator Cylinder	5714709	Douglas
Aileron Tab Lockout Cylinder	5597273	Douglas
Outboard Aileron Damper	5266023	Douglas
Inboard Spoiler Control Valve Assy	3597308	Douglas
Outboard Spoiler Power Control Mech	5719327	Douglas
Outboard Spoiler Power Control Valve Assy	5719331	Douglas
Outboard Spoiler Power Control Cylinder	3719328	Douglas
Outboard Spoiler Power Control Cylinder	3719345	Douglas
Rudder Power Control Mechanism Assy	5714723	Douglas
Rudder Power Actuator Assy	5755386	Douglas
Rudder Power Control Valve & Manifold	5755425	Douglas
Rudder Power Control Valve Manifold	5772536	Douglas
Longitudinal Trim Motor Shut-off Valve Assy	5640408	Douglas
Longitudinal Trim Motor, Brake, Valve Assy	5708872	Douglas
Longitudinal Trim Motor Control Valve Assy	5710133	Douglas
Aux. Pump Supply Selector Valve Assy	3652374	Douglas
Wing Slot Control Valve Assy	3719508	Douglas
Wing Flap Control Valve Assy	5767218	Douglas
Thrust Reverser Control Valve Assy	3754493	Douglas
Nose Wheel Steering Valve Assy	7597297, 29200	Douglas, Bertea
Rudder Power Actuator Solenoid Control Valve Assy	5755386, 59600	Douglas, Bertea

[1] Including all dash numbers.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the action required by this AD.

(c) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not considered to be significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition the impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Los Angeles, California, on March 11, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-8801 Filed 3-21-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-WE-11-AD]

Airworthiness Directives; McDonnell Douglas Model DC-9 Series Airplane

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an amendment that would require removal of hydraulic components that have been repaired by or contain parts manufactured by Fortner Engineering and Manufacturing, Inc., of Glendale, California for the McDonnell Douglas Model DC-9 Series Airplane. These components have not been shown to conform to FAA approved type design data and, therefore, the airworthiness of these components is questionable.

DATES: Comments must be received on or before May 26, 1980.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary,

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Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California, 90009. Telephone: (213) 536–6351.

SUPPLEMENTARY INFORMATION:
Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

During an overhaul test, an operator discovered that a Boeing 737 rudder power control unit (PCU) exhibited reverse control. The problem was isolated to a PCU dual servo valve that had been repaired by Fortner Engineering and Manufacturing, Inc. of Glendale, California. This valve and two other overhauled valves were returned to Fortner Engineering and Manufacturing, Inc. for overhaul tests. Data gathered from these tests indicated that not all the overhaul tests had been conducted as directed by the Fortner overhaul specification. The valves were overhauled by Fortner Engineering by honing out the housing that contains the primary and secondary slides, and replacing the primary and secondary slides with slides manufactured by Fortner in accordance with Fortner data. These data had not received FAA approval.

For the above reasons, a Telegraphic Airworthiness Directive dated January 29, 1980, was issued to require the removal from service of the Boeing 737 rudder PCU servo valves that had been overhauled by Fortner Engineering and Manufacturing, Inc. Subsequent FAA investigation has revealed that Fortner Engineering has overhauled or manufactured numerous components which are used on various airplanes. These components had slide and sleeve replacements manufactured by Fortner Engineering and Manufacturing, Inc. in accordance with Fortner data that had not been approved by the FAA. This proposed airworthiness directive will require that these hydraulic components be removed from service unless it can be conclusively determined that they have not been repaired by or contain parts manufactured by Fortner because the airworthiness has not been established. Improper operations of these components could affect safety of flight.

The operators will have difficulty in identifying which components have been repaired or contain parts that have been manufactured by Fortner Engineering and Manufacturing, Inc. Identification on the component may be an ink stamp with the letter "FE". However, this will most likely be rubbed away, or it will be in an obscured position on the hydraulic component, when a visual check of the component is attempted on the airplane.

A method of locating the suspect parts is by reviewing maintenance overhaul data since 1969. The operator may have dealt with a supplier or repair station that handles hydraulic components, who, in turn, may have been dealing with Fortner Engineering for components for the assemblies noted. The repair paperwork from the supplier or repair station should include a maintenance release tag or serviceable parts tag provided by Fortner Engineeering for the subcomponent part. It may be necessary for the operator to contact their hydraulic supplier or repair station and confirm if components repaired or manufactured by Fortner have been utilized.

If this method does not produce conclusive results, an alternate method must be established, such as part removal and detail inspection.

As stated previously, the basis for this proposed amendment is that the components specified have not been found to comply with FAA approved type design data. Therefore, the airworthiness of the airplanes in which they are installed is questionable. The effect of this rule is to require the removal of such hydraulic components.

Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to Model DC–9 Series airplanes certificated in all categories. Compliance is required as indicated unless accomplished. To prevent improper operation of specified components which could adversely affect safety, accomplish the following:

(a) Within one calendar year from the effective date of this AD, remove from service any of the following components unless it can be conclusively determined that they have not been repaired by or contain parts manufactured by Fortner Engineering and Manufacturing, Inc., of Glendale, California. Applies only to components repaired, or parts manufactured by Fortner prior to February 15, 1980.

DC–9

Component	Part No.[1]	Supplier
Nose Wheel Steering Control Valve Assy.	5914296	Douglas
Landing Gear Control Valve Assy.	5916460	Douglas
Rudder Hyd. Power Shutoff Valve Assy.	3772374	Douglas
Rudder Throw Limitor Valve Assy.	3925397	Douglas
Rudder Power Actuator	5914066	Douglas
Flight Spoiler Actuator	5813900	Douglas
Flap Two Speed Valve Assy	3917778	Douglas
Flap and Slat Control Valve Assy.	5914294	Douglas
Flap and Slat Control Valve Assy.	5926880	Douglas
Elevator Return Relief & Manually Operated Valve Assy.	3918165	Douglas
Elevator Control Valve Assy	5918161	Douglas
Elevator Boost Cylinder	5918160	Douglas
Thrust Reverser Control Valve Assy.	5914890	Douglas
Hydraulic Pressure Reducing Valve Assy.	7913861	Douglas
	1005080	Bendix
Electric Shutoff Valve Assy	7956169	Douglas
	18220	Consolidated Controls
Hydraulic Dual Power Brake Valve Assy.	26470	Weston
Hydraulic Dual Brake Valve Assy.	22270	Weston

[1] Including all dash numbers.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the action required by this AD.

(c) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

[Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85]

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not considered to be significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition the impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Los Angeles, California on March 11, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80–8800 Filed 3–21–80; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 80–WE–10–AD]

Airworthiness Directives; McDonnell Douglas Model DC–10 Series Airplane

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an amendment that would require removal of hydraulic components that have been repaired by or contain parts manufactured by Fortner Engineering and Manufacturing, Inc., of Glendale, California for the McDonnell Douglas Model DC–10 Series Airplane. These components have not been shown to conform to FAA approved type design data and, therefore, the airworthiness of these components is questionable.

DATES: Comments must be received on or before May 26, 1980.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Agneles, California 90009.

FOR FURTHER INFORMATION CONTACT:
Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (212) 536–6351.

SUPPLEMENTARY INFORMATION:
Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

During an overhaul test, an operator discovered that a Boeing 737 rudder power control unit (PCU) exhibited reverse control. The problem was isolated to a PCU dual servo valve that had been repaired by Fortner Engineering and Manufacturing, Inc. of Glendale, California. This valve and two other overhauled valves were returned to Fortner and Manufacturing, Inc., for overhaul tests. Data gathered from these tests indicated that not all the overhaul tests had been conducted as directed by the Fortner overhaul specification. The valves were overhauled by Fortner Engineering by honing out the housing that contains the primary and secondary slides, and replacing the primary and secondary slides with slides manufactured by Fortner in accordance with Fortner data. These data had not received FAA approval.

For the above reasons, a Telegraphic Airworthiness Directive dated January 29, 1980, was issued to require the removal from service of the Boeing 737 rudder PCU servo valves that had been overhauled by Fortner Engineering and Manufacturing, Inc. Subsequent FAA investigation has revealed that Fortner Engineering has overhauled or manufactured numerous components which are used on various airplanes. These components had slide and sleeve replacements manufactured by Fortner Engineering and Manufacturing, Inc., in accordance with Fortner data that had not been approved by the FAA. This proposed airworthiness directive will require that these hydraulic components be removed from service unless it can be conclusively determined that they have not been repaired by or contain parts manufactured by Fortner because the airworthiness has not been established. Improper operations of these components could affect safety of flight.

The operators will have difficulty in identifying which components have been repaired or contain parts that have been manufactured by Fortner Engineering and Manufacturing, Inc. Identification on the component may be an ink stamp with the letter "FE". However, this will most likely be rubbed away, or it will be in an obscured position on the hydraulic component, when a visual check of the component is attempted on the airplane.

A method of locating the suspect parts is by reviewing maintenance overhaul data since 1969. The operator may have dealt with a supplier or repair station that handles hydraulic components, who, in turn, may have been dealing with Fortner Engineering for components for the assemblies noted. The repair paperwork from the supplier or repair station should include a maintenance release tag or serviceable parts tag provided by Fortner Engineering for the subcomponent part. It may be necessary for the operator to contact their hydraulic supplier or repair station and confirm if components repaired or manufactured by Fortner have been utilized.

If this method does not produce conclusive results, an alternate method must be established, such as part removal and detail inspection.

As stated previously, the basis for this proposed amendment is that the components specified have not been found to comply with FAA approved type design data. Therefore, the airworthiness of the airplanes in which they are installed is questionable. The effect of this rule is to require the removal of such hydraulic components.

Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive.

McDonnell Douglas: Applies to Model DC–10 Series airplanes certificated in all categories. Compliance is required as indicated unless accomplished. To prevent improper operation of specified components which could adversely affect safety, accomplish the following:

(a) Within one calendar year from the effective date of this AD, remove from service any of the following components unless it can be conclusively determined that they have not been repaired by or contain parts manufactured by Fortner Engineering and Manufacturing, Inc., of Glendale, California. Applies only to components repaired, or parts manufactured by Fortner prior to February 15, 1980.

DC–10

Component	Part No.[1]	Supplier
Slat Control Valve Assay	APG7000	Douglas
Elev. Buzz Dampter Assy	ALG7024	Douglas
Damper Valve Assy. Elevator Buzz Damper	ALG7022	Douglas
Damper Assy. Outbd. Elev., Flutter	ALG7051	Douglas
Damper Valve Assy. Outbd. Elev. Flutter Damper	ALG7052	Douglas
Wing Flap Control Valve Assy	AYG7030	Douglas
Prim. Trim Valve Assy	AJG7041	Douglas
Ldg. Selector Valve Assy	AYG7050	Douglas
Steering Control Valve Assy	ACG7130	Douglas
Steering Bypass Valve Assy	ACG7164	Douglas
OB Aileron Buzz Damper Assy	ARG7231	Douglas

DC-10—Continued

Component	Part No.[1]	Supplier
Damper Instl.-Outbd. Aileron Dual Brake Control Valve Assy	ARG7228	Douglas
	BYG7004	Douglas
Flow Control electro Hydraulic Valve	75130	Abex

[1] Including all dash numbers.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the action required by this AD.

(c) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not considered to be significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition the impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Los Angeles, Calif., on March 11, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-8806 Filed 3-21-80; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Ch. 1

Line of Business Reports Program and Quarterly Financial Reports Program; Proposed Confidentiality Rules and Procedures—Amendment of Notice of Proposed Rulemaking and Reopening of Comment Period, as to 1977 LB Reports

AGENCY: Federal Trade Commission.

ACTION: Amendment of Notice of Proposed Rulemaking and reopening of Comment Period.

SUMMARY: The Federal Trade Commission published a notice of proposed rulemaking on October 16, 1979 (44 FR 59552), concerning proposed confidentiality rules for 1977 Line of Business (LB) reports, proposed revision of confidentiality rules for prior years' LB reports, and proposed revision of confidentiality rules governing Quarterly Financial Reports (QFR). It is now amending that notice of proposed rulemaking as to the rules governing 1977 LB reports only and is reopening the comment period as to that amendment.

DATE: The Commission reopens the comment period on this proposal until April 23, 1980.

ADDRESS: Comments should be addressed to the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580. Comments will be entered on the public record in Room 130 at the above address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Sophie A. Krasik, Office of General Counsel, Federal Trade Commission, Washington, D.C. 20580, Telephone (202) 523-3866.

SUPPLEMENTARY INFORMATION: On October 16, 1979, the Commission published for 60 days' comment proposed confidentiality rules for 1977 LB reports, proposed conforming revisions for prior years' LB reports, and similar proposed revisions to confidentiality rules governing QFR reports. The principal change in the proposed LB rules was a revision of the commitment not to disclose LB reports outside the Commission. This change was, the prior notice explained, "occasioned by the fact that Congress has not reenacted the statutory provision, found in earlier appropriations acts, which has been the legal basis cited by the Commission for its prior commitment not to disclose LB reports outside the Commission."

However, since that proposal, legislation (H.R. 2313) has been passed by the Senate which would permanently reimpose the same type of special statutory protection for LB reports that was imposed in FTC appropriations riders for fiscal years 1975, 1976, and 1977. See 126 Cong. Rec. S1371 (daily ed. Feb. 8, 1980). The bill also contains provisions concerning disclosure of other data submitted by companies which would affect QFR reports.

If that legislation is enacted, it will govern the confidentiality of all LB reports, as well as QFR reports. However, in the interim condidentiality rules should be formulated for 1977 LB reports, as order to file those reports are outstanding. Notwithstanding the analysis of the prior **Federal Register** notice, the recent legislative deliberations suggest a basis for applying the existing, pre-1977 LB confidentiality rules to 1977 LB reports as an interim measure until Congress completes action on H.R. 2313. Specifically, the Commission proposes to apply the most recent LB confidentiality rules, those governing 1975/76 reports (41 FR 28041, 34703 (1976)), to the 1977 LB reports. Therefore, the Commission amends its notice of proposed rulemaking to this effect and reopens the comment period to invite comment on this proposal.

Such an extension of the prior rules may be justified for two reasons. First, the prior appropriations riders represented the last clear indication of Congressional intent as to LB confidentiality. Subsequently, later years' appropriations continued to fund an indentical LB program, and the absence of these riders in later legislation cannot be taken as Congressional intent substantively to change the protection afforded. Further, the riders may be interpreted as having been intended to apply the special statutory protection to LB reports as a generic category, even though the means of expressing this Congressional intent were appropriations measures of a time-limited nature. Indeed, the committee report on the bill that became H.R. 2313 states that "[t]he addition of [the LB provision] eliminates the need to reenact annually what is meant to be a continuing protection." S. Rep. No. 96-500, 96th Cong., 1st Sess. 12 (1979).

The Commission recognizes that its prior LB rules state that their protection as to outside disclosure will apply during the period that the appropriations rider or a substantialy similar provision in subsequent appropriations acts remains in effect. However, as set out above, extending the protection of the prior Commission rules as an interim measure may be justified at this time.

Therefore, the Commission amends its notice of proposed rulemaking as outlined herein. The text of the proposed 1977 LB confidentiality rules set out below is identical to that of the 1975/76 LB confidentiality rules, with two exceptions: (1) the statement of their authority is revised as outlined above; and (2) organizational changes at the Commission (elimination of the Statistical Reports Unit and designation of the relevant data processing unit as the Division of Information Systems) are reflected. These organizational changes do not affect the substantive protection afforded. The Commission reopens the comment period on this proposal for thirty days, until [thirty days after publication].

The time for compliance with the 1977 LB orders has been extended until thirty days after the 1977 LB rules are published in the **Federal Register**. It is expected that any such rules would become effective thirty days after publication. The reporting companies have already been advised of this extension of time in which to file. The companies have further been informed that they will be sent a copy of the rules when they are issued and will at that time be advised of the filing deadline.

In consideration of the foregoing, the Commission proposes to adopt the following confidentiality rules for 1977 LB reports for this interim period:

FEDERAL TRADE COMMISSION

Line-of-Business Reporting Program; Condidentiality Rules and Procedures for the 1977 Reporting Year

Notice is hereby given that the Federal Trade Commission has approved and adopted certain rules and procedures hereinafter set forth prescribing the confidential handling and use of reports to be filed by companies pursuant to an Order to File Special Report under the Line of Business Program. The rules and procedures shall apply to reports relating to the 1977 reporting year. They are in substance the same rules that apply to reports relating to the 1974-76 reporting years.

Definitions

For purposes of these Rules and Procedures, the following definitions apply:

"LB Report" means a report filed by a company pursuant to an Order to File Special Report under the Line of Business (LB) Program.

"Reporting Company" means a company ordered to file an LB Report.

Confidentiality of LB Reports With Respect to Persons Outside the Commission

Pub. L. 94-121 and Pub. L. 94-3624, which provided Federal Trade Commission appropriations for the fiscal years 1976 and 1977, stated in part that:

No part of these funds may be used to pay the salary of any employee, including Commissioners, of the Federal Trade Commission who—

* * * * *

(2) permits anyone other than sworn officers and employees of the Federal Trade Commission to examine the line-of-business reports from individual firms * * *.

Similar provisions were in effect for fiscal year 1975 (88 Stat. 1840 (1974)), and legislation has been passed by the Senate which would reimpose the same type of special statutory protection. See 126 Cong. Rec. S1371 (daily ed. Feb. 8, 1980); S. Rep. No. 96-500, 96th Cong., 1st Sess. (1979). The Commission has applied in substance its most recent confidentiality rules, those governing the 1975-76 reports (41 Fed. Reg. 28041, 34703 (1976)) to the 1977 LB reports. The extension of the rules is premised on the following points:

First, the prior appropriations riders represented the last clear indication of Congressional intent as to LB confidentiality. Subsequently, later years' appropriations continued to fund an identical LB program, and the absence of these riders in later legislation cannot be taken as Congressional intent substantively to change the protection afforded. Further, the riders may be interpreted as having been intended to apply the special statutory protection to LB reports as a generic category, even though the means of expressing this Congressional intent were appropriations measures of a time-limited nature. Indeed, the committee report on the bill that became H.R. 2313 states that "[t]he addition of [the LB provision] eliminates the need to reenact annually what is meant to be a continuing protection." S. Rep. No. 96-500, 96th Cong., 1st Sess. 12 (1979).

Accordingly, under these rules, the Commission will not disclose LB Reports to any person outside the Commission including Congress, parties in court proceedings, governmental agencies and members of the public. LB Reports will not be disclosed to any person outside the Commission except pursuant to a superseding act of Congress; or pursuant to an order of a court but only after motion by the Commission to quash and for a protective order have been disposed of by the court. In the event that the Commission receives a subpoena for an LB Report, it will promptly notify the Reporting Company.

Under Section 10 of the Federal Trade Commission Act, any officer or employee of the Commission who shall make public any information obtained by the Commission, without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor and upon conviction thereof, may be punished by a fine not exceeding five thousand dollars ($5,000) or by imprisonment not exceeding one year, or by fine and imprisonment, in the discretion of the court.

Confidentiality of LB Reports Within the Commission

Access to and use of LB Reports within the Commission shall be restricted as hereinafter set forth, and persons authorized to have access thereto and use thereof shall not release any LB Report, or in any way provide access thereto, to anyone not authorized to have access. LB Reports shall be used to compile statistical and other economic reports authorized by the Commission. The latter reports may be utilized in connection with any Commission investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission. However, they shall not be compiled in such way that LB data furnished by a particular Reporting Company can be identified. LB Reports shall not be made available to any person within the Commission for use in connection with any Commission investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission. However, this restriction shall not limit the authority of the Commission to require by subpoena or other compulsory process the production of any information or data from any source outside the Commission for use in connection with an investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission.

Except as hereinafter provided, access to and use of LB Reports within the Commission shall be restricted to the Division of Financial Statistics, Bureau of Economics; and the Division of Information Systems as hereinafter set forth.

The Division of Financial Statistics plans, develops and prepares for publication statistical and other economic reports such as the Quarterly Financial Report and the Annual Line of Business Report. The Division shall have access to and use of LB Reports for planning, developing and preparing such statistical and economic reports. Procedures sufficient to assure that LB data furnished by a particular Reporting Company cannot be identified shall be developed and implemented by that Division in connection with each statistical or other economic report to be published which is derived from LB data.

With respect to each such report, the Assistant Director for Financial Statistics shall certify to the Director, Bureau of Economics, that he has reviewed and approved the procedures applied thereto.

The Division of Information Systems shall have access to LB Reports but only during and for the purpose of electronic processing of information and data contained in LB Reports. The Division may employ the services of an outside computer facility for purposes of computer processing of LB data subject to the restriction that no one other than authorized employees of the Federal Trade Commission may examine the LB Reports from individual Reporting Companies.

Employees of the Division of Financial Statistics, while assigned to either of

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these units, shall not participate in any Commission investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission. Any employee who transfers into or out of either of these units shall be formally notified in writing that he is subject to these Rules and Procedures and to Section 10 of the Federal Trade Commission Act.

The Director, Bureau of Economics, shall not have access to LB Reports. He shall, however, have supervisory responsibility and authority with respect to the Division of Financial Statistics. Such responsibility and authority shall include approving any reports prepared by them, making recommendations with respect to the preparation of such reports, and exercising any other supervisory control not requiring access to LB Reports.

Upon notification to the General Counsel by the Assistant Director for Financial Statistics that a Reporting Company has failed adequately to comply with an Order to File Special Report under the LB Program, the following additional Commission officers and employees shall have access to such parts of that company's LB Report required to evaluate the non-compliance and to advise and represent the Commission with respect to any proceeding initiated because of a refusal or failure of the Reporting Company to file an adequate LB Report: the General Counsel and his staff and the Commissioners and their assistants.

Security of LB Reports

All Commission members and employees authorized to have access to and use of LB Reports as hereinbefore provided shall, while in possession of any such material, be personally responsible for ensuring that unauthorized personnel do not obtain access to such material and for observing the following procedures:

1. All LB Reports and reproductions of LB data from individual Reporting Companies (such as tabulations, punch cards, tapes or printouts, etc.) shall be conspicuously marked "Confidential."

2. All rooms containing LB Reports and reproductions of LB data from individual Reporting Companies shall be locked except when occupied.

3. All LB Reports and reproductions of LB data from individual Reporting Companies shall be stored in locked drawers, files or cabinets except when being used.

4. All LB Reports and reproductions of LB data from individual Reporting Companies shall be returned to the Division of Financial Statistics immediately after any authorized use of such material is no longer required.

Limitations

The Rules and Procedures set forth above shall not apply to:

(1) Disclosure to a court of an LB Report of a Reporting Company in connection with a proceeding initiated because of a refusal or failure of that company to file an adequate LB Report;

(2) The identity of a Reporting Company;

(3) Information or data furnished by a Reporting Company in a context other than an LB Report (*e.g.*, a motion to quash or other motion challenging an Order to File Special Report under the LB program); such information or data shall be treated as confidential pursuant to §§ 4.10–4.11 of the Commission's procedures and rules of practice only upon request with a showing of justification therefor, and a determination by the Commission, with due regard to statutory restrictions, the Commission's procedures and rules of practice and the public interest, that such information or data should not be made public;

(4) Information or data which (a) are in the public domain, (b) enter the public domain from a source other than the Commission or its employees, (c) were in the Commission's possession prior to transmission to the Commission in an LB Report, or (d) are supplied to the Commission or its employees by a third party lawfully in possession thereof; or

(5) Information or data which are supplied to the Commission in response to a compulsory process order other than an Order to File Special Report under the LB Program.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-8809 Filed 3-21-80; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release Nos. 33-6198; 34-16646; IC-11080]

Application of Rule 10b-6 to Certain Distributions of Securities by Issuers

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission, under the Securities Exchange Act of 1934 ("Act"), is proposing for comment amendments to Rule 10b-6, prohibitions against trading by persons interested in a distribution, which would except from the application of that rule distributions of securities pursuant to employee or shareholder plans sponsored by an issuer. The Commission believes that such distributions generally do not appear to present the potential for the manipulative abuse Rule 10b-6 was designed to prohibit.

DATE: Comments should be submitted on or before April 30, 1980.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capital Street, Washington, D.C. 20549. All submissions should refer to File No. S7-826 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Mary E. Chamberlin (202-272-2828), Office of Trading Practices, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Paragraph (e) of Rule 10b-6 (17 CFR 240.10b-6) currently provides that the provisions of that Rule do not apply to any distribution of securities by an issuer to its employees, or to employees of its subsidiaries, or to such securities for the account of such employees, pursuant to certain specified types of employee plans.[1] Since 1977, however, the staff consistently has taken the position that it would not recommend that the Commission take enforcement action under Rule 10b-6 with respect to purchases by an issuer of its securities where the issuer maintains employee or shareholder plans which may involve a distribution of such securities although the plans do not fall within the literal language and scope of paragraph (e).[2] As a general matter, such purchases do not present the potential for abuse which Rule 10b-6 was designed to prohibit. It is unlikely that an issuer would have an incentive to purchase for manipulative purposes to facilitate an offering of securities to its employees or shareholders pursuant to such plans. Accordingly, the staff has not viewed such offerings as distributions for purposes of paragraph (a) of the Rule.

The Commission is publishing for comment amendments to paragraph (e) of the Rule which would codify the staff's position regarding the applicability of the Rule to employee and shareholder plans. If adopted, the amendments will exclude from the provisions of Rule 10b-6 any distribution of securities by an issuer to its employees or shareholders pursuant to a plan, as that term is proposed to be defined in new paragraph (c)(4) of the Rule.[3]

[1] *See* Rule 10b-6(e)(1)-(2).

[2] *See, e.g., McDonald's Corporation* (June 6, 1977); *American Security Corporation* (June 29, 1977).

Text of Proposals

Part 240 of Title 17 of the Code of Federal Regulations is proposed to be amended by adding a new paragraph (c)(4) to § 240.10b-6 and revising paragraph (e) thereof, as follows:

§ 240.10b-6 Prohibitions against trading by persons interested in a distribution.

* * * * *

(c) * * *

(4) The term "plan" shall include any bonus, profit-sharing, pension, retirement, thrift, savings, incentive, stock purchase, stock ownership, dividend reinvestment or similar plan for employees or shareholders of an issuer.

* * * * *

(e) The provisions of this section shall not apply to any distribution of securities by an issuer to its employees or shareholders, or to employees or shareholders of its subsidiaries, or to a trustee or other person acquiring such securities for the account of such employees or shareholders pursuant to a plan.

(Secs. 3(b), 9(a)(6), 10(b), 13(e), 14(e), 15(c)(1), 23(a), 48 Stat. 882, 889, 891, 894, 895, 901, sec. 8, 49 Stat. 1379, sec. 5, 78 Stat. 569, 570, secs. 2, 3, 82 Stat. 454, 455, secs. 1, 2, 3-5, 84 Stat. 1497, secs. 3, 18, 89 Stat. 97, 155 (15 U.S.C. 78c(b), 78i(a), 78j(b), 78m(e), 78o(c), 78w(a)).)

By the Commission.

George A. Fitzsimmons,

Secretary.

March 13, 1980.

[FR Doc. 80-8516 Filed 3-21-80; 8:45 am]

BILLING CODE 8010-01-M

[3] The term "plan" would include any bonus, profitsharing, pension, retirement, thrift, savings, incentive, stock purchase, stock ownership, dividend reinvestment or similar plan for employees or shareholders of an issuer.

Concurrently with the proposed amendment to paragraph (e), the Commission has adopted an amendment to Rule 10b-6 which excepts from the Rule purchases pursuant to tender offers by issuers or affiliates for securities of the issuer which are subject to and conducted in compliance with Rule 13e-4 under the Act or, as applicable, with Section 14(d) of the Act and the rules thereunder. *See* Securities Act Release No. 6197 in this issue.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Parts 600 and 891

[Docket No. R-80-763]

Areawide Housing Opportunity Plans

AGENCY: Department of Housing and Urban Development, Office of the Secretary.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Department of Housing and Urban Development (HUD) is considering a revision of its regulations for the approval of Areawide Housing Opportunity Plans (AHOPs). By this document, HUD: (1) Gives advance notice of its interest in strengthening its current efforts in promoting broader geographic choice of housing opportunities for lower income persons outside areas and jurisdictions containing concentrations of low-income or minority households, and (2) solicits advice and information from interested parties prior to the issuance of more specific policies and procedures under this proposed rulemaking.

COMMENTS DUE DATE: Comments received by May 23, 1980 will be considered prior to publication of a proposed rule.

ADDRESS: Send comments to: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410

FOR FURTHER INFORMATION CONTACT: Eugene Hix, Office of Planning and Program Coordination, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-5649. This is not a toll free number.

SUPPLEMENTARY INFORMATION: On January 16, 1978, HUD published Subpart E, "Approval of Areawide Housing Opportunity Plans," and Subpart F, "Special Allocations Based Upon Areawide Housing Opportunity Plans" of 24 CFR Part 891. Subpart E contains the policies and procedures for the development and implementation of an areawide housing allocation plan and program adopted by an Areawide Planning Organization (APO) and its constituent local jurisdictions. AHOPs must expand the choice of housing opportunities for lower-income persons outside areas and jurisdictions containing concentrations of lower-income or minority persons. AHOPs approved by HUD under Subpart E serve, to the extent practicable, as the basis for the distribution of contract authority for housing assistance allocated by HUD within the approved AHOP area. AHOPs approved under Subpart E which best meet the criteria in Subpart F may be selected by HUD to receive special allocations of contract and budget authority for housing assistance, Community Development Block Grant (CDBG), and Comprehensive Planning Assistance (701) funds.

As of January 7, 1980, HUD had approved 31 AHOPs under Subpart E. There have been two competitions for special allocations under Subpart F. Seven APOs and their jurisdictions were selected for special allocations in the first competition held in Fiscal Year 1976. Ten APOs were selected in the second competition held in Fiscal Year 1978.

HUD recently contracted for an evaluation of the performance of APOs selected as winners under both the first and second round competitions for special allocations. The purpose of the evaluation was to determine the extent to which APOs have been successful through their AHOPs in achieving the program objective of providing a broader choice of housing opportunities for lower-income persons.

The results of this evaluation, coupled with HUD's own experience in administering the program, have raised a number of issues and questions about program operations. These issues and questions are discussed below along with preliminary considerations for changing the AHOP program. During this initial stage of rulemaking, HUD is soliciting general information and advice about the issues presented, the preliminary considerations for addressing them and any other suggestions for improving the AHOP program.

1. *Promoting Access to Housing for Persons Who Live in Areas of Concentration.* The outreach requirements (§ 891.503(d)) of the AHOP program were designed to ensure that lower-income persons have expanded opportunities to move out of areas and jurisdictions containing lower-income or minority concentrations. The AHOP regulations include a formula for identifying target jurisdictions and for establishing outreach goals. In meeting the AHOP program objective, outreach efforts, designed to increase opportunities for lower-income persons to find housing in non-concentrated areas and jurisdictions, are as important to HUD as increasing the supply of

assisted housing. Experience with the AHOP program indicates that the concept of outreach is not well understood. Outreach efforts are often not given sufficent priority in the development of an AHOP or in the implementation of plans once they are approved.

Experience has shown also that approved AHOPs have been successful in increasing the supply of assisted housing in jurisdictions and areas containing little or no concentrations of lower-income or minority persons. The AHOP program has been less successful, however, in providing access to those units for lower-income persons presently living in concentrated areas.

To emphasize outreach requirements in the AHOP program, HUD is considering eliminating the present formula approach for outreach target jurisdictions and goals. Instead of the formula, HUD would require APOs to develop a clearly defined strategy for outreach activities.

The strategy would include an identification of areas and jurisdictions with undue concentrations of low income or minority households, an analysis of factors which limits opportunities for lower-income persons to move outside of these areas, the development of a program of action to increase opportunities for interjurisdictional mobility of lower-income persons, and an indication of the commitment by the APO and participating jurisdictions to carry out the program of action.

Would such a strategy requirement be a viable approach to increase the choice of housing opportunities for lower-income households outside areas and jurisdictions containing undue concentrations? What other approaches could be used?

2. *Special Allocations Based on AHOPs.* Listing the Subpart F selection criteria in the regulations (24 CFR Part 891) limits HUD's ability to modify the criteria to reflect new initiatives and program directions in response to changing conditions. Furthermore, if the criteria are not changed, the chances for previous winners of Subpart F Special Allocations to successfully compete again for funds are increased, since the use of the bonus funds has been to reinforce their current program efforts.

One option is for HUD to retain Subpart F review and selection procedures in the AHOP regulations. Specific selection criteria could be listed in the separate **Federal Register** Notice that announces each new competition for special allocations.

A second solution is to impose additional requirements upon previous recipients of special allocations.

Is a change necessary? What other approaches address these concerns?

3. *Relationship of HAPs to AHOPs.* The AHOP regulations (24 CFR Part 891) and CDBG HAP regulations (24 CFR Part 570) both require housing goals. If a HAP jurisdiction is within the plan area of an AHOP, the jurisdiction's HAP goals and the AHOP goals must be consistent. AHOPs and HAPs establish goals by household type (family, large family and elderly) and housing type (new construction, rehabilitation and existing). AHOPs typically establish goals to distribute housing assistance funds among the jurisdictions in the plan area. However, AHOP goals may be limited in their ability to guide the assisted housing allocation process because they do not interrelate household type and housing type.

HUD is considering revising the AHOP regulations to eliminate duplication and to promote convenient development of consistent HAP and AHOP goals.

One option is to remove from the AHOP regulations the requirement to establish goals by household type and by housing type. An AHOP would be required to include a mechanism for distributing total contract authority between jurisdictions. HAP requirements would remain unchanged and would establish goals by household type and housing type within each community.

A second option is for the AHOP to partially substitute for the HAP of any participating jurisdiction. Under this option, the AHOP would indicate housing conditions and housing assistance needs. The AHOP would also establish a goals matrix by housing type and household type for each jurisdiction in the plan area. Participating jurisdictions would continue to submit information on specific assisted housing locations.

A third option is for the AHOP to fully substitute for the HAP of any participating jurisdiction. The AHOP would include all information of the previous option plus specific assisted housing locations.

Is a change necessary? Which option, or combination of options, would improve the AHOP/HAP relationship? What other approaches could be used?

4. *Scope of AHOP Areas.* Questions have been raised about the area to be covered by an AHOP and whether single county non-metropolitan APOs should be eligible to apply. The AHOP program is intended to increase housing choice for lower-income persons within an entire housing market area. Since housing market areas are generally regional and go beyond individual jurisdictional boundaries, AHOPs are interjurisdictional in scope. The regional scope of the AHOP provides a framework upon which individual counties and communities establish assisted housing needs and goals in their HAPs. This allows all participating jurisdictions to address and share equally in the assisted housing problems of the entire housing market area. HUD is concerned that some AHOP areas are not consistent with housing market areas.

Metropolitan Regions. In a metropolitan region, the housing market area is generally the same as the Standard Metropolitan Statistical Area (SMSA). Similarly, metropolitan APOs of these regions most often include the SMSA within their plan area. There are situations, however, where APO plan areas do not conform to housing market areas, or to SMSA boundaries. For example, in interstate metropolitan regions, SMSA's frequently extend over two or more APO plan areas. To assure that AHOPs address housing problems of entire housing market areas, HUD is considering a requirement that all APOs, whose plan areas include only part of an SMSA, jointly prepare one AHOP for the entire SMSA.

What would be the impact of this change? What other approaches could address this issue?

Non-metropolitan Regions. An AHOP for non-metropolitan regions aggregates small housing markets into a larger market of sufficient size to accommodate economically feasible assisted housing projects. The AHOP program objective of providing a broader choice of housing opportunities for lower-income persons outside concentrated areas and jurisdictions can be addressed separately for each of the small housing market areas that together constitute the plan area of an APO.

Participation in the AHOP program has been limited to multi-county APOs and single-county APOs with boundaries coterminous with that of an SMSA. HUD has received a number of inquires from single-county non-metropolitan APOs that are interested in preparing an AHOP.

HUD does not believe that single-county non-metropolitan APOs should be eligible as AHOP applicants. The area covered by a single-county non-metropolitan APO is often too small to be a useful guide for HUD. Additionally, single counties are eligible themselves as grantees for CDBG Small Cities discretionary funds. Therefore, single counties should be considered as participating jurisdictions in an AHOP for a multi-county region. Single county APOs can join with other non-metropolitan APOs in the development of an AHOP. This arrangement is especially encouraged in the very rural regions where the amount of HUD assisted housing resources is generally insufficient to accommodate any flexibility in allocations of housing assistance among jurisdictions within any single-county plan area.

HUD is seeking public response on the eligibility of single-county, non-metropolitan APOs to have an approved AHOP.

5. *Distribution Procedure.* The AHOP regulations (§ 891.503(b)) require APOs to address seven factors in developing a procedure for distributing housing assistance among jurisdictions within the plan area. The seven factors include: An assessment of needs, population projections, "expected-to-reside" needs, locations of assisted housing, pertinent HAP data of CDBG recipients, capacity of jurisdictions to accommodate assisted housing, and areawide planning policies.

The regulations allow APOs considerable flexibility in developing a distribution procedure. APOs may include other factors. While APOs must address the seven factors identified in the regulations, they may choose not to use one or more of them if the reasons for not using the factor or factors are clear in the narrative of the distribution procedure.

HUD is seeking public response on the appropriateness of the seven factors in addressing the AHOP program objective. Specifically, should HUD change or modify any of the seven factors used in the regulations? What other factors should be considered in the distribution procedure to further the AHOP program objective?

6. *Relationship of AHOPs to Areas with Limited Problems of Concentration.* The AHOP program was created to provide a broader choice of housing opportunities for lower-income persons outside areas of undue low income or minority concentrations. Many regions of the country contain little or no concentrations of lower-income or minority persons, particularly in rural non-metropolitan areas. This raises questions as to the appropriateness of an AHOP, if the problem does not exist. HUD believes that the interest in AHOPs by many rural APOs may be based largely on the desire for the CDBG Small City 50 bonus points for their jurisdictions, rather than on increasing the housing opportunities of lower-income persons outside areas of low income and minority concentrations.

HUD believes that AHOPs in rural areas can be useful in allocating scarce housing resources in accordance with local priorities. AHOPs can assist HUD by facilitating the allocation of HUD assisted housing resources. An approved AHOP can also increase HUD's ability to deliver economically feasible projects in rural areas.

HUD is considering several options for dealing with this issue. One option would be to eliminate non-metropolitan APOs as eligible to participate in the AHOP program.

A second option would be to limit participation in the AHOP program to those metropolitan and non-metropolitan APOs containing significant and readily identifiable concentrations of lower-income or minority persons.

A third option would be to either eliminate the Small City 50 Bonus points or award the bonus points only to metropolitan areas.

Another option would be to modify the regulations to include special requirements for non-metropolitan areas and areas with no or limited concentrations.

What regulatory changes should be made, if any, to address this issue?

7. *Percentage Requirements for Local Approval of AHOPs.* The AHOP regulations require at least fifty percent of the jurisdictions, representing seventy-five percent of the population, to be participating jurisdictions. (§ 891.504(a)). This requirement applies regardless of the number and population of the jurisdictions within a plan area. This appears to have worked well, in most instances, in serving as an indication of the extent of local commitment to the AHOP program. However, experience has shown this requirement to be burdensome for large metropolitan APOs where the plan area may include hundreds of communities. Is a change necessary?

If changes were made, one option would be to vary the percentage requirements based on the number of jurisdictions within a plan area. Another option would be to give the Secretary the discretion to modify this requirement for large metropolitan areas. What other approaches could address this issue?

8. *Identifying Housing Needs and Establishing Goals by Population.* The current regulations require APOs to identify housing needs and establish goals for each jurisdiction of over 25,000 population (§ 891.503(c)). Experience indicates that 25,000 may be too low for the large metropolitan areas and too high for non-metropolitan areas.

HUD is considering a change in the regulations to address this issue. One option is to vary the requirements of the regulations by the population of the plan area. Another option is to allow the Secretary the discretion to set a higher minimum level for the large metropolitan APOs and a lower minimum for small non-metropolitan APOs.

Is a change necessary? What would be the impact of these changes? What other approaches could address this issue?

9. *Evidence of Agreement.* Several problems have been experienced with the evidence of agreement requirements (§ 891.504(c)). These include how specific the agreement should be in defining local commitment on implementation activities, who has local authority to commit the jurisdiction to an agreement, and whether the format of the agreement should be standardized.

HUD is considering several options in proposing to change the evidence of agreement requirements.

One option would be to require a written letter of agreement for each participating jurisdiction as the appropriate evidence of agreement and to define who would be considered eligible as the local authority to commit a jurisdiction to an agreement. The extent of local commitment on implementation activities would also be defined.

A second option would be the adoption of a resolution by each participating jurisdiction as evidence of agreement.

A third option would be a vote of the APO, if it included the chief elected official of each participating jurisdiction.

What would be the impact of such requirements? What other ways could be employed to achieve this purpose?

10. *AHOP Impacts on Large Center Cities.* The percentage requirements for local approval of AHOP's (§ 891.504(a)) reflect HUD's desire for large cities to be included as participating jurisdictions in AHOPs. To assure that development strategies and programs of large cities in metropolitan areas are not adversely affected by the allocation procedures and implementation programs contained in an AHOP, HUD is considering a requirement that cities with populations of over a specific size must be included as participating jurisdictions within an AHOP.

What would be the impact of such a requirement? What other ways could be employed to ensure that the interests of large center cities are protected in the AHOP process?

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Issued at Washington, D.C., March 18, 1980.

Moon Landrieu,

Secretary of Housing and Urban Development.

[FR Doc. 80-8823 Filed 3-21-80; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 865

[Docket No. R-80-784]

PHA-Owned Projects—Project Management; Consolidated Supply Program

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Proposed rule.

SUMMARY: This proposed rule would set forth regulations under which HUD would provide technical assistance to Public Housing Agencies (PHAs) by entering into open-end contracts under which PHAs may procure certain supplies, materials, equipment, and services necessary in the development, operation and maintenance of low-income housing through a Consolidated Supply Program. It, further, would establish regulations governing the provisions and administration of contracts with suppliers entered into by HUD in the operation of that program.

DATE: Public comments must be received by HUD on or before May 23, 1980.

ADDRESS: Send comments to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Clarence Meadows, Office of Public Housing, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-5840. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The Consolidated Supply Program was initiated by the Public Housing Administration, a predecessor agency of HUD, in 1954 as a means for providing technical assistance to PHAs. Its operation is recognized in HUD Procurement Regulations. The programs's objective is to assist PHAs to operate efficiently and economically and to assure the availability to PHAs of supplies, material and equipment with the extra durability required for safety and security and economical maintenance of low income housing.

The basic concept of the Consolidated Supply Program is that HUD enters into open-end contracts with suppliers of common use items under which PHAs are entitled to make purchases through issuance of a purchase order. There is no guarantee to the suppliers of any specific, or minimum, volume of business under the contracts and, except as discussed below, all ordering, billing, and payment is handled through direct contact between the suppliers and PHAs without further HUD involvement. Catalogs are published by HUD to inform PHAs of the contracts and their terms. PHA use of the contracts in making their purchases is voluntary.

Consolidated Supply Contracts presently cover the following categories of items:

Ranges
Lawn Mowers & Tractors
Plumbing
Refrigerators
Storm and Screen Doors
Prime Doors
Electric Meters
Playground Equipment
Space Heaters
Faucets
Water Heaters
Paint[1]
Spray Paint Equipment
Window Shades
Garbage Cans and Holders
Floor Tile
Sheet Vinyl Floorcoverings
Commerical Water Heaters
Gas Meters
Water Meters
Screening
Security Screens
Storm Windows
Prime Replacement Windows
Water Closet Seats
Energy Control Equipment
Community Room Furniture
Smoke Detectors

The proposed regulation very largely follows policies, procedures and practices that have been used in the operation of the program over a number of years. It covers two separate arrangements—Consolidated Supply Contracts and Purchase Agreements. Consolidated Supply Contracts are entered into on the basis of formal advertising by HUD. Purchase Agreements are negotiated by HUD and PHA purchases under them are limited to the dollar amount below which a PHA is not required under Annual Contributions Contracts (ACC) with HUD to advertise for proposals. The standard form of Annual Contributions Contract is being amended to exempt from the competitive bidding requirements thereunder purchases made under a Consolidated Supply Contract entered into between HUD and a contractor pursuant to HUD regulations.

For Consolidated Supply Contracts, the proposed regulation establishes requirements pertaining to Supply Items covered; preparation of invitations; solicitation and submission of bids; award of contracts; contract provisions; publication of catalogs; PHA purchasing procedures; and deliveries and invoices. A special effort has been made in the development of regulations pertaining to award criteria to satisfy both the need to assure the availability of quality products and the need to obtain such products at the lowest possible price. This has been done by establishing, as a general rule, that multiple awards would be made to those suppliers whose bids for a specified Supply Item are below the average of all responsive bids submitted for that item. In arriving at this approach the Department considered making use of a "benchmark" system under which multiple awards would be negotiated on the basis of a criterion expressed as a discount, a discount spread or a discount ratio. The latter was rejected, first, because the procedure is staff-intensive and, second, because there is a high degree of subjectivity involved.

Related to this, however, is that, for the first time in the operation of the Consolidated Supply Program, arrangements are proposed for HUD review of major PHA Consolidated Supply Contract purchase proposals. The reviews would be made by HUD Field Offices and would cover PHA purchase orders in excess of "amounts as determined by HUD." Tentatively, an amount of $50,000 is being considered. HUD believes it is possible, in spite of the price reduction provisions specified for Consolidated Supply Contracts, that PHA advertising with a specific point and time of delivery, may, on occasion, result in lower prices and that a HUD Field Office review of major purchase proposals may, therefore, be desirable. Nevertheless, it was not considered to be in the public interest to foreclose the possibility of major purchases under Consolidated Supply Contracts. Under the proposed regulation, HUD Field Offices are required to act on such purchase proposals within 10 working days and approve them unless they determine that the Supply Items ordered could be obtained at a lower price through PHA advertising or from other Consolidated Supply Contract suppliers.

To facilitate further consideration of this aspect of the proposed regulation, public comments directed to the following would be especially helpful:

1. Examples, with amounts involved, where PHA advertising for supply and materials requirements resulted in prices below those available under the Consolidated Supply Program.

2. The amount which should be established by HUD as the level at which a Field Office review should be required.

3. The efficacy of a review by the PHA Board of Commissioners rather than by the HUD Field Office.

With respect to Purchase Agreements, the proposed requirements generally follow those applicable to Consolidated Supply Contracts, except that, as noted previously, they provide for HUD negotiation of contracts and specify that PHA purchases shall not exceed the applicable Open Market Purchase Limitation. Suppliers under PAs are also required to certify that items are being made available through the Purchase Agreements at prices that are lower than those at which the supplier would sell comparable quantities of those items to PHAs through normal purchasing channels and that the supplier's organization is prepared to undertake nationwide distribution to all PHAs.

A Finding of No Significant Impact under the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures and a copy of this Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, it is proposed that Chapter VII of Title 24 of the Code of Federal Regulations be amended by adding a new Subpart E to Part 865 as set forth below.

[1] It is necessary that contractors who participate in the program comply with the Department of Housing and Urban Development's rule which stipulates that all paint which is a consumer product or which is used by consumers after sale (e.g., paint sold for use on interior or exterior surfaces readily accessible to children as defined in 24 CFR 35.54) not contan more than .06 percent lead. Paint containing more lead than the safe lead level as stipulated by the Consumer Product Safety Commission is deemed a "banned hazardous product" and is *NOT* to be used in any HUD-assisted housing as defined in 24 CFR 35.3.

Subpart E—Consolidated Supply Program

Sec.

865.501 Purpose.
865.502 Applicability.
865.503 Definitions.
865.504 Consolidated supply contracts.
865.505 Purchase agreements.
865.506 Reports.

Authority: Sec. 6(a), United States Housing Act of 1937 (42 U.S.C. 1437d); Sec. 7(d), Dept. of HUD Act (42 U.S.C. 3535(d)).

Subpart E—Consolidated Supply Program

§ 865.501 Purpose.

(a) This subpart establishes regulations governing operation of the Consolidated Supply Program (CSP) as provided in the Department of Housing and Urban Development Procurement Regulations at 41 CFR 24-1.4512(d) in order to assist Public Housing Agencies (PHAs) to assure the low-income character of projects as required under Sections 6(a) and 9(a) of the United States Housing Act of 1937, as amended. Under the CSP, the Department of Housing and Urban Development (HUD) furnishes technical assistance to PHAs in purchasing certain supplies, materials, equipment, and services necessary in the development, operation and maintenance of low-income housing by entering into and administering contracts for the voluntary use of those agencies.

(b) All procurement activities of a PHA under the CSP shall be undertaken in conformance with the requirements of this Subpart and any other applicable rules and regulations.

(c) In administering the program, the Department shall undertake affirmative efforts to encourage greater participation by business firms owned and operated by members of minority groups and women as Contractors in accordance with the provisions of Executive Orders 11625 and 12138.

§ 865.502 Applicability.

(a) The provisions of this Subpart shall apply to purchases undertaken by PHAs for programs operated pursuant to the Housing Act of 1937, as amended.

(b) In undertaking procurement activities pursuant to this subpart, PHAs must assure that applicable requirements of state and local laws permit such action.

§ 865.503 Definitions.

(a) *Consolidated Supply Contract (CSC).* An agreement between HUD and a Contractor, based upon formal advertising, which allows PHAs to make purchases of Supply Items, subject to conditions set forth in this Subpart, at prices and under terms as specified in the CSC.

(b) *CSC Contracting Officer.* The Director, Program Services Division, Office of Public Housing, HUD.

(c) *Contractor.* Any person, firm, association or corporation entering into a Consolidated Supply Contract or Purchase Agreement with HUD.

(d) *Line of Items.* Two or more categories of Supply Items regularly dealt in, or manufactured by, a Contractor.

(e) *Open Market Purchase Limitation.* The dollar amount of PHA purchases of equipment, materials, supplies and services in excess of which a PHA is generally required under its ACC with HUD to award contracts to the lowest, responsive, responsible bidder after advertising.

(f) *Purchase Agreement (PA).* A negotiated agreement between HUD and a contractor which allows a PHA to make purchases of Supply Items, subject to conditions as set forth in this Subpart, at discounted prices and under terms as specified in the agreement.

(g) *Supply Item.* An item commonly needed by PHAs to equip or maintain a low-income housing project.

(h) *Public Housing Agencies (PHA).* Public Housing Agencies includes all Indian Housing Authorities.

§ 865.504 Consolidated supply contracts.

(a) *Award of Contracts.* (1) At least 60 days prior to the closing date for receipt of bids for each Consolidated Supply Contract, HUD shall publish a notice in the Commerce Business Daily announcing that it is soliciting such bids.

(2) CSCs shall be awarded on the basis of competitive bids submitted by Contractors to HUD in response to formal advertising.

(3) Invitations for bids shall describe requirements clearly, accurately and completely. Unnecessarily restrictive specifications or requirements which might unduly limit the number of bidders shall be avoided, but such specifications and requirements shall take into account the extra durability required for safety and security and economical maintenance of low income public housing. The invitation shall also require compliance with the provisions of 41 CFR Part 1-1.13 of the Federal Procurement Regulations relating to the utilization of minority business enterprise as subcontractors.

(4) Preparation of invitations, solicitations and submission of bids shall conform to the requirements of, and shall be accomplished using forms prescribed in, HUD Procurement Regulations at 41 CFR, Subpart 24-2.2 and 24-2.3 and related Federal Procurement Regulations.

(5) CSCs shall be awarded to the responsible bidder(s) whose bid(s) are responsive to the solicitation and are at or below the average price quoted for the Supply Item in the bids received. In determining the average price for this purpose, the CSC Contracting Officer may disregard one or more of the higher

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prices quoted if it is determined that their inclusion would not be advantageous to HUD and affected PHAs because of distortion of the average price. In making this determination the Contracting Officer shall also consider prices for the Supply Item in CSCs for prior years and any applicable published indices of price changes. The Contracting Officer shall document the file to set forth the basis for this determination. In the event that less than three bids are received, the average or below method of award will not be used. Instead, award will be made to the responsive, responsible bidder(s) whose price(s) is reasonable. In determining the reasonableness of the price(s) quoted, the Contracting Officer shall consider: (i) How the prices submitted compare with prices quoted in previous years on similar items; and (ii) pricing indices for those products under consideration. Should the prices quoted appear to the Contracting Officer to be unreasonably low or high, the Contracting Officer shall negotiate with the bidder(s) in an effort to arrive at a reasonable price. If these negotiations are unsuccessful, the bid(s) will be rejected. HUD may approve alternative, or additional, award criteria different from those set forth in this regulation upon a documented finding that such action is necessary to assure the availability of Supply Items having the extra durability required for safety and security and economical maintenance of low income public housing. Any such alternative or additional criteria shall be included in the solicitation. Procedures for opening of bids and award of contracts shall otherwise be in accordance with HUD Procurement Regulations at 41 CFR, Subpart 24–2.4.

(b) *Contract Provisions.* CSCs shall be signed by the Contractor and by the CSC Contracting Officer and shall clearly specify the Supply Item(s) which are covered by contract, the terms under which the Supply Items are to be made available and the geographic area to be served by the Contractor. Other provisions of CSCs shall be as determined by HUD and shall include the following:

(1) The CSC shall not obligate HUD or any PHA to purchase any number or amount of the Supply Item(s) which are covered by the contract. The CSC shall not obligate the Contractor to sell Supply Items to any parties other than PHAs.

(2) The CSC shall be effective for one year from the date of signing.

(3) The Contractor shall warrant that the Supply Item(s) are free from defects in materials and workmanship and that the Contractor shall replace or repair any such defective items, if the defect arose in the course of normal use, during the period of one year following the delivery or installation of the Supply Item. Any such replacements or repairs shall be performed by the Contractor free of charge.

(4) If, at any time after the date of an offer which is subsequently accepted by HUD, the Contractor changes a catalog, price list, price schedule, or other pricing document so as to reduce (by granting a greater discount or otherwise) the price therein to any customers (e.g., wholesalers, jobbers, retailers, etc.) for any article or service covered by the CSC, an equivalent price reduction shall apply to the CSC to the same extent and in the same manner as the commerical reduction and shall apply for the duration of the contract period or until the price is further reduced. Also, if, at any time after the date of an offer which is subsequently accepted by HUD, the Contractor reduces the price of any article or service covered by the CSC to any governmental entity and the quantity involved or dollar amount of the purchase falls within the applicable maximum order limitation, an equivalent price reduction shall apply to the CSC to the same extent and in the same manner, and shall apply for the duration of the contract period or until the price is further reduced. (For purposes of this paragraph, bonus goods or any other method by which the price is effectively reduced may constitute a price reduction.) Any such price reduction shall be effective at the same time as the reduction in the price to other customers and the Contractor shall thereafter for the duration of the contract period, or until the price is further reduced, bill the ordering PHAs at such reduced price. The Contractor shall, within 10 days after the effective date of any price reduction, notify the CSC Contracting Officer of such reduction by letter.

(5) Any Contractor shall comply with the provisions of 41 CFR Part 60 concerning equal opportunity and affirmative action.

(6) The CSC shall include a Minority Business Enterprise Clause as set forth in 41 CFR 1.1310–2(a) of the Federal Procurement Regulations and a Minority Business Enterprise Subcontracting Program Clause as provided in 41 CFR 1.1310–2(b).

(c) *Disputes.* Any dispute concerning a question of fact arising under a CSC which is not disposed of by agreement shall be decided by the CSC Contracting Officer, who shall reduce his decision to writing and mail, or otherwise furnish a copy, thereof to the Contractor. The decision of the CSC Contracting Officer shall be final and conclusive unless within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the CSC Contracting Officer a written appeal addressed to the Director, Office of Public Housing. The decision of the Director, Office of Public Housing or his/her duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. The Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the CSC Contracting Officer's decision.

(d) *Catalogs.* HUD shall prepare and distribute to all PHAs annually Consolidated Supply Contract Catalogs for each category of Supply Items available through CSCs. The Catalogs shall include all pertinent information concerning Contractors, specifications of Supply Items covered, placement of orders, prices (along with quantities and geographical areas to which they pertain), discounts, warranties and current purchase limitations. Other descriptive information helpful to PHAs in placing orders, except advertising material provided by Contractors, may also be included.

(e) *PHA Purchasers.* (1) PHAs may make purchases of Supply Items for use in the development, operation, or maintenance of low-income housing through CSCs, in maximum dollar amounts as determined by HUD, without prior HUD approval. Purchases through CSCs exceeding such established amount may also be made on the same basis with the approval of the appropirate HUD field Office, which approval shall be granted unless that Office determines that the Supply Items being ordered could be obtained at a lower price from another Contractor or through PHA advertising. PHA requests for approval of CSC purchases exceeding the amount as determined by HUD shall be submitted to the HUD Field Office either by letter or through an advance copy of the PHA purchase order. In the event that there are two or more CSCs covering items supplied under the same specification and the CSCs provide for a price differential, the PHA shall provide a justification if it proposes to make its purchase from any Contractor other than the one offering the lowest price. HUD Field Offices shall act on such requests within 10 days and shall indicate the nature of the action taken by imprinting stamped evidence thereof on the letter or document submitted. In the event of disapproval, an explanation shall be provided.

(2) Purchases under CSCs by PHAs shall be made through PHA issuance of its purchase order directly to the Contractor. Purchase orders shall indicate the quantity of the Supply Item to be purchased, the number of the CSC under which the purchase is to be made, the delivery point(s), the location of the PHA office to which the invoice is to be sent, and shall provide such other information as may be needed under the ordering instruction included in the CSC Catoalog. In the event that the amount involved exceeds the amount established pursuant to subparagraph (1), above, a copy of the document indicating prior HUD approval of the purchase shall be provided to the Contractor. Contractors shall not accept such purchase orders unless evidence of HUD approval of the order is provided.

(f) *Deliveries and Invoices.* (1) Where a PHA purchase order specifies multiple deliveries to meet the PHA's needs, the Contractor may, at its discretion, invoice at the price indicated in the CSC as applicable to the quantity provided in each delivery; however, when mulitple deliveries are necessary for the convenience of the Contractor on orders specifying a single delivery, the Supply Items delivered must be provided by the Contractor at the price indicated in the CSC to be applicable to the total order.

(2) The invoice shall show taxes, if any, as a separate item. PHAs must furnish evidence of exemption to the Contractor to avoid payments of taxes.

§ 865.505 Purchase agreements.

(a) *Award Criteria.* (1) The CSC Contracting Officer may negotiate and enter into PAs with Contractors covering specified Supply Items or a specified Line of Items such as plumbing supplies, building materials, electrical supplies, etc., in order to obtain discounts on these Items or Line of Items. These PAs are to be negotiated to provide discounts for small purchases by PHAs where such discounts would not otherwise be available to PHAs.

(2) At least 60 days prior to undertaking negotiations for PAs, HUD shall publish a notice in the Commerce Business Daily announcing that it will commence negotiating for PAs for the current year and that offers from vendors will be received covering specified Supply Items or a Specified Line of Supply Items by a closing date.

(3) The Contractor shall certify that the Supply Item or Line of Items are being made available to PHAs through the PA at discounted prices that are lower than those at which the PHAs could purchase comparable quantities of those items from the contractor through other purchasing channels.

(4) The Contractor shall certify that the specified Supply Items or Line of Items, under terms as set forth in the PA, will be available to all PHAs nationally and that the Contractor's organization is prepared to undertake nationwide distribution of the Items and to provide services as required under the PA on a nationwide basis.

(b) *Contract Provisions.* Provisions of PAs shall be the same as those of a CSC as set forth in § 865.504(c) except § 865.504(c)(2) shall not apply. PAs, unless otherwise specified, shall have a duration of one year and be renewable for one year; however, all such contracts shall be subject to termination by either HUD or the Contractor upon 30 days notice and a provision to that effect shall be incorporated in the PA.

(c) *PHA Purchases.* (1) PHA purchases through PAs shall be for use in the development, operation, or maintenance of low-income housing and shall not exceed, in amount, the Open Market Purchase Limitation in effect at the time the purchase is made. In no event shall purchases be artifically subdivided by PHAs in order to appear to be within the open market limitations and to permit use of PAs. In making such purchases, a PHA shall also comply with all of its own regulations and requirements, including all requirements of state or local law, covering purchases which do not exceed the Open Market Purchase Limitation.

(2) Purchases under PAs by PHAs shall be made by PHA issuance of its purchase order directly to the Contractor. Purchase orders shall indicate the quantity of the Supply Item to be purchased, the number of the PA under which the purchase is to be made, the delivery point(s), the location of the PHA office to which the invoice is to be sent, and shall provide such other information as may be needed pursuant to the ordering instructions included in the Catalog. Contractors shall not accept purchase orders in amounts exceeding the Open market Purchase Limitation.

(3) Disputes arising under PAs concerning a question of fact shall be subject to § 865.504(c).

(d) Other CSC Requirements Applicable. CSC requirements with respect to Catalogs, § 865.504(d), and Deliveries and Invoices, § 865.504(f), shall apply to PAs.

§ 865.506 Reports.

(a) *Report on Purchases.* Within 60 days after the expiration of a CSC, or, in the case of a PA, within 60 days after each anniversary date of the PA, the Contractor shall submit a report to the CSC Contracting Officer including the contract number, the total dollar volume of PHA purchases under that contract during the preceding year, a listing of PHA purchases exceeding the amount established by HUD under § 865.504(e)(1), a listing of complaints received from PHAs regarding Supply Items or services provided and a statement regarding the disposition of each complaint. Negative reports shall also be submitted.

(b) *Compliance with Price Reduction Requirement.* Along with the annual report on purchases, the Contractor shall furnish a statement certifying either (1) that there was no price reduction of the type described in § 865.504(c)(4) or, (2) that if any such price reduction was made, it was reported to the CSC Contracting Officer and ordering PHAs were billed at the reduced price.

(Sec. 6(a) United States Housing Act of 1937 (42 U.S.C. 1437d); sec. 7(d), Department of HUD Act (42 U.S.C.3535(d)))

Issued at Washington, D.C., March 17, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-8626 Filed 3-21-80; 8:45 am]

BILLING CODE 4210-01-M

Office of Assistant Secretary for Community Planning and Development

24 CFR Parts 570 and 600

[Docket No. R-80-785]

Community Development Block Grants and Comprehensive Planning Assistance; Consolidation of Grants for Certain Insular Areas

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: The Department proposes to revise Part 570, Subpart E of the regulations governing the Community Development Block Grant program under Title I of the Housing and Community Development Act of 1974 and Part 600, the regulations governing the Comprehensive Planning Assistance program under Section 701 of the Housing Act of 1954 as amended, to permit certain Insular Areas to: (1) apply for and receive a consolidated grant covering both their community development and comprehensive

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planning activities, (2) use a simplified application and reporting process for grants, and (3) be excused from the necessity of providing a non-Federal share in order to receive the comprehensive planning assistance portions of the consolidated grants.

DATE: Comments due date: May 23, 1980.

ADDRESS: Interested persons are invited to participate in the making of the Final Rule by providing written comments. All comments received by the comment due date will be cosidered in the preparation of the final rule. Comments should be filed with the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Copies of comments received will be available for inspection and copying at that address during regular business hours.

FOR FURTHER INFORMATION CONTACT: Bernard Manheimer, Program Coordination Division, Office of Community Planning and Development, Department of Housing and Urban Development, Washington, D.C. 20410, 202–755–6201.

SUPPLEMENTARY INFORMATION: Title V of the Omnibus Territories Act of 1977 (Public Law 95–134) as amended by the Omnibus Territories Act of 1978 (Public Law 95–348) permits any Federal agency making grants to the Insular Areas, including the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands to consolidate any or all of its grants to an Insular Area. Each agency may also, notwithstanding any other statutory provisions, waive any requirements for matching funds from the Insular Area recipients.

The Department has ascertained that consolidating its grants to the Insular Areas under the Community Development Block Grant and the Comprehensive Planning Assistance Programs will serve the purpose of the Act which is "to minimize the burden caused by existing application and reporting procedures for certain grant-in-aid programs", and will permit the Insular Areas to better coordinate their community planning and community development activities.

Accordingly, the Department is herein proposing to amend regulations governing grants to the Insular Areas of (1) community development funds from the Secretary's Discretionary Fund by amending § 570.405, and (2) Comprehensive Planning Assistance funds by creating a new § 600.38, to permit the Insular Areas to make single applications for both grants, and to permit single reports on the grants.

The Department has also ascertained that waiving local matching requirements for the Insular Areas will alleviate a hardship for them because of the paucity of local revenues and the great need to use those revenues for various crucial governmental purposes.

Accordingly, the Department is herein proposing to include in § 600.38 an exception for the Insular Areas from the necessity of providing a non-Federal share as a condition for receiving a Comprehensive Planning Assistance grant.

The Department proposes to modify the application and reporting requirement for the Insular Areas by simplifying application requirements for community development funds, and permitting joint reporting for community development and comprehensive planning activities. Applications for the community development funds will be simplified by permitting the Insular Areas to file applications similar to those required for small city single purpose funds rather entitlement funds.

Title V of the Act provides that the Insular Areas shall expend funds received under a consolidated grant "in furtherance of the programs and pruposes authorized for any of the grants which are being consolidated, * * * but the Insular Areas shall determine the proportion of the funds grantes which shall be allocated to such programs and purposes."

The Department proposes to retain the authority to assure that the consolidated applications from the Insular Areas contain an adequate balance of planning and community development activities, by requiring that such a balance be present in the application before a consolidated grant application is funded.

The Department has determined that an environmental impact statement is not required with this rule. A copy of the Finding of Inapplicability is available for inspection in the Office of the Rules Docket Clerk at the address provided above.

In order to make the above changes operative, the Department proposes to make the following revisions to Title 24 CFR, Part 570, Subpart E, the Secretary's Fund portion of its community development regulations and to its Title 24 CFR, Part 600 Comprehensive Planning Assistance Program regulations.

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Subpart E—Secretary's Fund

In Subpart E, § 570.405 is revised to read as follows:

§ 570.405 The insular areas—Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(a) *Eligible applicants.* Eligible applicants are the Insular Areas—Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(b) *Criteria for funding.* Applicants may submit applications not later than 75 days prior to the end of the current program year for discretionary community development grants for the full range of eligible activities described in Subpart C. The application may be consolidated with one for Comprehensive Planning Assistance funds under Section 701 of the Housing Act of 1954, as amended. The Secretary will establish for each fiscal year an amount for community development for which each eligible applicant may apply, taking into account the applicant's community development needs and administrative capacity.

(c) *Application, performance and reporting requirements.* Application, performance and reporting requirements are as follows:

(1) Each Insular Area may file separate applications for community development funds under this Subpart, and Comprehensive Planning Assistance Program funds under Part 600, § 600.38, or it may file, if it will be receiving both types of funding, a single application for a consolidated grant that includes both programs.

(2) An applicant need not file a preapplication for a Community Development grant or for a consolidated grant.

(3) For the community development grant or the community development portion of a consolidated grant, applicants shall meet the application requirements in Subpart F, § 570.430 relating to small city single purpose grants for applicants with a population of 25,000 or more.

(4) For the comprehensive planning portion of a consolidated grant application, applicants shall meet the requirements of § 600.100 but need not repeat assurances or other material provided under paragraph (c)(3) of this section.

(5) Area Offices having jurisdiction will assist Insular Areas preparing consolidated applications with a format appropriate to the needs of each Area and consistent with Federal statutory requirements.

(6) Consolidated grant applications must provide for an adequate balance of Section 701 comprehensive planning activities and community development activities. Therefore, within the discretion of each Insular Area, no less than half, nor more than one-and-a-half times the amount of funds provided from Section 701 Comprehensive Planning funds shall be used for planning activities authorized by Section 701. In no event shall more than 20% of the Community Development Block Grant funds provided be spent in total for planning, including comprehensive planning, as defined in Subpart C, § 570.205, and administration, as defined in § 570.206.

(7) Activities supported by a consolidated grant shall be carried out in accordance with instructions in this Part for community development and in Part 600 for comprehensive planning. The Department strongly encourages that a substantive relationship be demonstrated between the planning and community development activities to be supported.

(8) A consolidated final report shall be provided for a consolidated grant. Area Offices having jurisdiction will specify required contents of the report consistent with Federal statutory requirements.

(d) *Grant and audit procedures.* Where a consolidated grant application is approved for an Insular Area, the following shall occur:

(1) A single grant shall be awarded encompassing community development and comprehensive planning funds. The grant will specify separate amounts with separate identification numbers for the Community Development Block Grant and the comprehensive planning fund portions.

(2) Insular Areas receiving consolidated grants are responsible for carrying out the work program in accordance with the funding as specified in the grant, except as noted in paragraph (c)(6) of this section. Each Area shall establish accounting procedures which will permit the identification of all charges both direct and indirect to the individual programs, and in all requests for funding shall specify the proper identification number for the program from which payment is being sought.

(3) When an Insular Area receiving a consolidated grant chooses, per paragraph (c)(6) of this section, to use a portion of its comprehensive planning funding for community development activity, the comprehensive planning identification number shall be used for draw down of funds and the community development activities recorded against it. Community Development Block Grant funds used for comprehensive planning purposes will similarly be identified.

(4) Combined audits shall be performed.

(Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301, et seq.); sec. 7(d), Department of the Housing and Urban Development Act (42 U.S.C. 3535(d)).)

PART 600—COMPREHENSIVE PLANNING ASSISTANCE

Part 600 is amended by the addition of § 600.38, as follows:

§ 600.38 Grants for the insular areas—the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

In all respects, the Insular Areas, including the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands, shall file applications pursuant to § 600.100 except as follows:

(a) An Insular Area applicant may file an application for a consolidated grant that includes comprehensive planning funds under this Part, and community development funds under Part 570, Subpart E, § 570.405—Secretary's Fund, The Insular Areas. Applications shall be in accordance with the Parts cited, but assurances and other material called for in both programs need not be duplicated.

(b) Notwithstanding any other provisions of this Part, the Insular Areas need not provide a local match in order to receive the comprehensive planning assistance portion of a consolidated grant.

(c) Consolidated grant applications must provide for an adequate balance of comprehensive planning and community development activities. Therefore, at the discretion of each Insular Area, no less than half, nor more than one-and-a-half times the amount of funds provided for comprehensive planning shall be used for that purpose. In no event shall more than 20 percent of the community development funds provided be spent for planning, management development, and administrative purposes.

(d) Activities supported by a consolidated grant shall be carried out in accordance with instructions in this Part for comprehensive planning and in part 570 for community development. The Department strongly encourages that a substantive relationship be demonstrated between the planning and community development activities to be supported.

(e) A consolidated final report shall be provided for a consolidated grant.

(f) Where a consolidated grant application is approved for an Insular Area, the following grant and audit procedures will occur:

(1) A single grant will be awarded encompassing community development and comprehensive planning funds.

(2) The Insular Area recipient shall maintain records that will permit discrimination between expenditures for community development and comprehensive planning funded activities.

(3) Combined audits will performed.

(Sec. 701, Housing Act of 1954, 68 Stat. 640 (40 U.S.C. 461); Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Issued at Washington, D.C., March 14, 1980.

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

[FR Doc. 80-9028 Filed 3-21-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-1661]

Income Tax; Treatment of Certain Interests in Corporations as Stock or Indebtedness

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the treatment of certain interests in corporations as stock or indebtedness. The Tax Reform Act of 1969 authorized the Secretary of the Treasury to prescribe such regulations. This document also contains proposed conforming regulations relating to the allocation of income and deductions among taxpayers and certain other matters. The regulations would affect corporations and their shareholders and creditors.

DATES: Written comments must be delivered or mailed by June 23, 1980. The regulations are proposed to apply to interests in corporations created after December 31, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–1661), Washington, D.C. 20224.

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FOR FURTHER INFORMATION CONTACT:
Jack A. Levine of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T (202–568–3458, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 166, 385, 482, and 1371 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 415(a) of the Tax Reform Act of 1969 (83 Stat. 613) and are to be issued under the authority contained in sections 385 and 7805 of the Internal Revenue Code of 1954 (83 Stat. 613 and 68A Stat. 917; 26 U.S.C. 385 and 7805).

The question of whether an interest in a corporation is stock or indebtedness has created considerable difficulties and led to much litigation. A large body of case law has failed to produce any fully satisfactory method for resolving the problem. Because of the significant difference in the Federal tax treatment of stock and indebtedness, Congress has enacted legislation designed to clarify the law. The legislation (section 385 of the Code) authorizes the Secretary of the Treasury to prescribe regulations for distinguishing stock from indebtedness for all purposes of the Internal Revenue Code. Specifically, the legislation requires the Secretary to set forth factors in the regulations which are to be taken into account in determining whether a particular interest is stock or indebtedness. This requirement leaves open several potential avenues which could be taken in the development of the regulations. One avenue is to simply list the relevant factors which are to be given consideration in the analysis of whether an interest is stock or indebtedness. Another avenue is to have a specific set of rules (based on the relevant factors) under which each interest can be classified as stock or indebtedness. These two possibilities lie at opposite extremes. At one extreme, there is great flexibility but little certainty. At the other extreme, there is greater certainty but less flexibility.

The proposed regulations provide adaptable rules under which certain interests in corporations are treated as either indebtedness, equity, or a combination of the two. Additionally, the regulations provide safe harbors within which interests in the corporation are certain to be treated as indebtedness. Thus, the regulations are designed to provide both flexibility and certainty.

Section 1.385–1 Effective Date and Scope

The proposed regulations apply prospectively only. This prospective application conforms with a statement made by the Treasury to the House Ways and Means Committee, *Hearings on Subject of Tax Reform Before the House Committee on Ways and Means*, 91st Cong., 1st Sess. 5512 (1969). Moreover, no inference is to be drawn from the proposed regulations as to the law in effect before they are adopted.

The proposed regulations have a limited scope. In general, they apply only to instruments, *i.e.*, bonds, notes, debentures, etc. (see §§ 1.385–4 through 1.385–8), certain cash advances (see § 1.385–9), and certain preferred stock (see § 1.385–12). These are the major problem areas. Existing law will continue to apply to other interests in a corporation. Thus, all other interests (such as trade accounts payable) which are not dealt with in these regulations are outside their scope.

Section 1.385–2 Summary of Rules

Section 1.385–2 contains a summary of the regulations under section 385. The summary is intended to provide guidance in the use of the regulations and is subject in all respects to the more complete rules contained in §§ 1.385–3 through 1.385–12.

Section 1.385–3 Preliminary Rules

Section 1.385–3 provides for a number of preliminary determinations. These preliminary determinations are integral to the application of the rules in §§ 1.385–4 through 1.385–12 of the regulations, and they are designed to facilitate the operation of those subsequent rules.

Section 1.385–3(a) Excessive or Inadequate Consideration

When a corporation borrows from a shareholder, the allocation of the total repayments between principal and interest can have important tax consequences. For example, assume that individual A owns all the stock in corporation X, and that X has net income (after all other transactions) of $10,000 for the taxable year 1985. Also assume that at the end of the year X makes a $10,000 repayment on a loan from A. To the extent that the repayment is treated as principal, X is taxed currently but A is not. However, to the extent that the repayment is treated as interest, A is taxed currently but X pays no tax.

In some circumstances, A and X may be able to gain a tax advantage by treating more of the total repayments as interest, and in other circumstances they may gain a tax advantage by treating more of the repayments as principal. The regulations under section 385 are designed to ensure that the treatment is in accordance with objective economic criteria, and not according to any other standard.

Section 1.385–3(a)(1) provides that if a corporation sells an instrument to its shareholder for more than fair market value, the difference is treated as a contribution to capital. Section 1.385–3(a)(2) provides that if a corporation sells an instrument to a shareholder for less than fair market value, the difference is treated as a distribution under either section 301 or 305. These rules are based on existing legal principles. (See § 1.301–1(j).)

When instruments are issued for money, these rules generally assure a proper allocation between principal and interest. For instance, in example (1) of § 1.385–3(a)(3), 15 shareholders advance $400 each for $400 face amount 7-percent debentures. However, the debentures are worth only $328 each. Section 1.385(a)(1) provides that $72 of each $400 advance is treated as a contribution to capital. Therefore, there is original issue discount of $72 on each debenture under section 1232(a)(3). As a result, the holders will receive the same proportions of principal and interest (including original issue discount) that would have been paid to independent creditors dealing with the corporation at arm's length.

Similarly, if the interest rate on the debentures in example (1) of § 1.385–3(a)(3) were higher than the going market rate and the debentures were therefore worth more than $400 each, bond premium would be created under § 1.62–12(c)(2). Again the portions of principal and interest (adjusting for bond premium) received by the holders would be the same as if the debentures had been sold to independent creditors at arm's length.

The example described above is based on *Tomlinson* v. *1661 Corp.*, 377 F. 2d 291 (5th Cir. 1967). The facts in this case are typical. Several doctors organize a corporation to construct and operate a professional office building. The doctors subscribe for stock in the corporation at $100 a share. The doctors also advance an additional $400 to the corporation for each share of stock subscribed, and these additional advances are represented by debentures. The debentures are completely regular in form and are secured by the general credit of the corporation. Although this factual pattern is commonplace, the court is unable to resolve the status of the debentures as stock or indebtedness in a way that is completely satisfactory. Instead, the court begins with an enumeration of eleven factors. Some of these factors tend to show that the debentures are really stock, and others indicate that the debentures are valid indebtedness. The method by which the court weighs the competing evidence is not entirely clear. At the end, the court concludes that the debentures are valid indebtedness, but the conclusion provides little guidance for the future, even in similar factual situations.

Under § 1.385–3(a) the analysis is somewhat different. Section 1.385–3(a) does not inquire into the nature of the debenture—is it stock or indebtedness? Instead, it inquires into the nature of the $400 advance—is it payment for the debenture or part payment for the debenture and part contribution to capital? See Chirelstein, "Learned Hand's Contribution to the Law of Tax Avoidance," *Yale Law Journal*, 440 460 to 464 (1968). By posing the question in this way, § 1.385–3(a) attains three goals. First, it replaces the subjective analysis of the case law with a definite question—what is the fair market value of the debenture? Second, it remains responsive to the relevant factors identified by the case law. Many of these factors—*e.g.*, maturity date, right to enforce payment, capitalization, ability of the corporation to obtain loans elsewhere—have a direct bearing on fair market value. Section 1.385–3(a) weighs these factors according to their effect on the fair market value of the debentures. Third, § 1.385–3(a) makes it easier for the Government and the taxpayer to reach a compromise. Under the case law, the debenture is one or the other—stock or indebtedness. There is not much room for compromise. On the other hand, if the taxpayer believes that a debenture is worth $400 and the Government believes that it is worth $300, there may well be a possibility of compromise. The Government does not have to choose between abandoning its position and driving the taxpayer to litigation.

Under present law, a bargain sale to a nonshareholder (*e.g.*, a trust created by a shareholder) may be treated as a dividend., See *Harry L. Epstein*, 53 T.C. 459 (1969). Although § 1.385–3(a)(2) explicitly addresses only bargain sales to shareholders, it is not the intention of the regulations to deviate from present law. Compare § 1.301–1(j), which also explicitly addresses only bargain sales to shareholders. Similarly, § 1.385–3(a)(1) is not intended to change existing law on purchases by nonshareholders at prices in excess of fair market value.

Section 1.385–3(b) Fair Market Value

The fair market value of an instrument is determined under § 1.385–3(b). In general, the fair market value of an instrument is the price at which it would change hands between a willing buyer and a willing seller. The buyer and the seller would be expected to consider the relevent factors affecting the risks of the investment. Many of these factors are the same as the factors mentioned in the case law in distinguishing stock from indebtedness. For an extensive discussion of these factors and the case law, see Plumb, "The Federal Income Tax Significance of Corporate Debt: A Critical Analysis and a Proposal," 26 *Tax L. Rev.* 369 (1971).

Under § 1.385–3(b)(2), the fair market value of a straight debt instrument will be considered equal to its face amount if two requirements are satisified. First, the instrument must bear interest at a reasonable annual rate. Second, the consideration paid for the instrument must be equal to the face amount.

The proposed regulations put considerable emphasis on fair market value. For example, debt/equity problems that arise in two significant contexts—*i.e.*, straight debt instruments issued proportionately and hybrid instruments issued disproportionately—are resoloved largely through determinations of fair market value. See §§ 1.385–3(a) and 1.385–5. For several reasons, however, the regulations largely avoid difficulties normally associated with valuation.

First, appraisal is limited almost exclusively to straight debt instruments. Where valuation of hybrid instruments is required, the instruments are normally issued at arm's length. Thus, the price actually paid will generally be determinative of the fair market value of hybrid instruments.

Second, appraisal of straight debt instruments is comparatively simple. It is chiefly a matter of determining the proper discount rate and then consulting standard bond tables.

Third, a broad safe harbor has been created for straight debt instruments. See § 1.385–3(b)(2). In most circumstances, this safe harbor will make it possible to avoid the need for valuation altogether.

And fourth, no great accuracy of appraisal is required. Minor discrepancies in valuation will seldom lead to major differences in tax treatment. See, *e.g.*, § 1.385–5(c).

In addition, the fair market value of an instrument is a highly relevant consideration. It brings the pertinent factors into focus more effectively than the relatively unstructured analysis of the case law.

Section 1.385–3(c) Debt-to-Equity Ratio

Under § 1.385–3(c)(1), the debt-to-equity ratio of a corporation is the ratio of the corporation's liabilities (excluding trade accounts payable) to its stockholders' equity. As a result of excluding trade accounts payable from the liability side of the ratio, the creation of trade accounts payable in the ordinary course of business generally does not increase the corporation's debt-to-equity ratio. For example, assume that a new corporation is formed and that $2,000 is transferred to it in exchange for $1,000 of stock and $1,000 of notes. The corporation's debt-to-equity ratio is 1:1. Assume further that $500 each of trade accounts payable and trade accounts receivable are created in the ordinary course of the corporation's business. If trade accounts payable were not excluded from the liability side of the debt-to-equity ratio, the ratio would become 3:2 (*i.e.*, $1,500:$1,000). This would tend to defeat one of the principal purposes of the regulations, which is to provide a high degree of certainty for corporations organized with a debt-to-equity ratio of 1:1 or less. Therefore, trade accounts payable are excluded from the liability side of the ratio under § 1.385–5(c)(1), and the ratio remains at 1:1 (*i.e.*, $1,000:$1,000).

Under § 1.385–3(c)(2), the stockholders' equity in a corporation is the excess of the adjusted basis of the corporation's assets over its liabilities. The fair market value of the corporation's assets, although theoretically a more correct measure than adjusted basis, is not used in determining stockholders' equity because of the greater difficulty inherent in valuing operating assets. However, in the areas in the regulations where debt-to-equity ratio is a primary factor in determining the treatment of instruments issued by a corporation (*i.e.*, §§ 1.385–3(a) and 1.385–6), the corporation can avoid the negative implications of a high debt-to-equity ratio by establishing that it is, in fact, adequately capitalized.

For purposes of computing the debt-to-equity ratio, § 1.385–3(c)(3)(ii) provides that a corporation's liabilities are determined without regard to whether any interest is treated as stock or indebtedness under these regulations. This rule reflects the fact that a liability's effect on the corporation's financial stability is largely independent of its treatment for tax purposes.

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As a rule of convenience, the regulations provide that a corporation's debt-to-equity ratio is determined at the end of its taxable year. This rule could have the unintended effect of causing an increase in a corporation's debt-to-equity ratio as a result of losses sustained during the year. Accordingly, to preclude this possibility, § 1.385–3(c)(5)(ii) provides that the stockholders' equity is increased by the amount of any net operating loss sustained during the taxable year.

Under § 1.385–3(c)(5)(v), a corporation's debt-to-equity ratio is determined without regard to distortions created by temporary contributions to equity. Similarly, in order to prevent abuses such as the ones described in the examples in § 1.385–3(c)(5)(vi)(B), a corporation's debt-to-equity ratio is computed without regard to distortions created because it is a member of a chain of corporations connected by stock ownership. The specific rules in § 1.385–3(c)((5) (v) and (vi) are not intended to preclude the application of general tax law principles to prevent other distortions of the debt-to-equity ratio. More broadly, nothing in the regulations under section 385 is intended to preclude the application of general tax law principles such as substance over form, step transaction, and so on.

Section 1.385–4 Instruments Generally

Section 1.385–4(a) states the general rule that instruments are treated as indebtedness. Sections 1.385–5 (hybrid instruments), 1.385–6 (proportionality), 1.385–7 (principal shareholders), and 1.385–8 (nominal capital) provide exceptions to the general rule. An instrument is classified as stock or indebtedness at the time it is issued. In addition, it may be reclassified under § 1.385–7 on appropriate occasions under a version of the Tax Court's "second look" theory in *Gooding Amusement Co.*, 23 T.C. 408 (1954), aff'd, 236 F.2d 159 (6th Cir., 1956), cert. denied 352 U.S. 1031 (1957). When an instrument is reclassified as stock, there is deemed to be a recapitalization (see § 1.385–4(c)(1)(ii)), and the holder does not recognize gain or loss.

On the other hand, an instrument will not be reclassified as stock merely because of a change in ownership. See *Edwards* v. *Commissioner*, 415 F.2d 578 (10th Cir. 1969), rev'g 50 T.C. 220 (1968). Further, the regulations do not permit an instrument that is classified as stock to be reclassified as indebtedness. This rule is designed partly for simplicity and partly to avoid the need to recognize gain or loss. See *Fin Hay Realty Co.* v. *United States*, 398 F.2d 694 at 698 and 699 (3rd Cir. 1968).

If an instrument is treated as stock under §§ 1.385–5 through 1.385–8, then it is treated as preferred stock for all purposes of the Code. This is because there are substantial similarities between preferred stock and an instrument that is treated as stock under these regulations.

Section 1.385–5 Hybrid Instruments

Section 1.385–5 applies primarily to hybrid instruments (*e.g.*, convertible debentures or income bonds) issued by public corporations. Hybrid instruments issued by closely held corporations are generally treated as stock under § 1.385–6(b). Under § 1.385–5, a hybrid instrument is classified according to its predominant characteristic. If at least half of the fair market value of the instrument is attributable to rights characteristic of indebtedness, the instrument is treated as indebtedness. On the other hand, if less than half of the fair market value of the instrument is attributable to rights characteristic of indebtedness, the instrument is ordinarily treated as stock.

The determinations of fair market value required by § 1.385–5 will be relatively straightforward. If hybrid instruments are issued to the public, their fair market value will be equal to the issue price. Further, the issuing corporation is likely to have an established credit rating and may also have other straight debt instruments outstanding. Therefore, the appraisal required by §1.385–5(a)(1) of a (hypothetical) straight debt instrument can be accomplished by use of present value methods. To determine the proper discount rate, it will be necessary only to ascertain the rate of return available on similar straight debt instruments issued by the same corporation (or by corporations that have similar credit ratings). Fair market value can then be determined by consulting standard bond tables.

Even if hybrid instruments are privately placed, there will be no particular difficulty. Because § 1.385–5 seldom applies to hybrid instruments not issued at arm's length (see § 1.385–6(b)), the actual issue price will be largely determinative of fair market value. In addition, the issuing corporation will ordinarily have some record of prior borrowing from outside sources. The terms of this prior borrowing (including particularly the rate of interest) will be indicative of the corporation's credit standing. This will facilitate the determination of a proper discount rate, and, again, make it possible to carry out the appraisal required under § 1.385–5(a)(1) by means of standard bond tables.

Voting rights are not given independent weight under § 1.385–5. This treatment is not inconsistent with the case law. It is difficult to find a case in which voting rights are the decisive factor. See Plumb, "The Federal Income Tax Significance of Corporate Debt: A Critical Analysis and a Proposal," 26 *Tax L. Rev.* 369, 447 (1971).

Subordination, by itself, is not given any direct weight under § 1.385–5. However, subordination tends to decrease the value of rights characteristic of indebtedness, thus increasing the significance of other factors that are characteristic of stock. This treatment of subordination is consistent with the view taken in *Commissioner* v. *O.P.P. Holding Co.*, 76 F.2d 11, 12 (2d Cir. 1935); *Commissioner* v. *H.P. Hood & Sons*, 141 F.2d 467, 470 (1st Cir. 1944); and *Kraft Foods Co.* v. *Commissioner*, 232 F.2d 118, 125 and 126 (2d Cir. 1956).

Like other parts of the regulations, § 1.385–5 replaces a subjective standard with an objective one, while it remains responsive to the many relevant factors identified by the case law. For example, the bonds in example (1) of § 1.385–5(f) are pure indebtedness. The long-term income bonds in example (2) resemble preferred stock closely; the fixed right to principal accounts for only 18.4 percent of their value. The shorter-term income bonds in example (3) are more like pure indebtedness; the fixed right to principal accounts for 50.8 percent of their value. However, subordination of the income bonds tips the scale in example (4). In example (5), the subordinated income bonds are also cumulative. Thus, the bondholder has a fixed right to receive interest as well as principal on January 1, 2015. These two fixed rights account for 55.3 percent of the fair market value of the income bonds. Accordingly, the income bonds are classified as indebtedness.

Most of the examples in § 1.385–5(e) are variations on facts taken from the case law: example (1) is *John Kelley Co.*, 1 T.C. 457 (1943) rev'd, 146 F.2d 466 (7th Cir. 1944), rev'd 326 U.S. 521 (1946); example (2) is *Monon R. R.*, 55 T.C. 345 (1970); example (3) is *Pottstown Finance Co.* v. *United States*, 73 F. Supp. 1011 (E.D Pa. 1947); example (4) is *Farley Realty Corp.* v. *Commissioner*, 279 F.2d 701 (2d Cir. 1960); example (5) is *Talbot Mills*, 3 T.C. 95 (1941), aff'd, 146 F.2d 809 (1st Cir. 1944), aff'd *sub nom, John Kelley Co.* v. *Commissioner*, 326 U.S. 521 (1946); example (6) is *Utility Trailer Mfg. Co.* v. *United States*, 212 F. Supp. 773 (S.D. Ca. 1962); example (7) is *Wynnefield Heights, Inc.*, 25 CCH Tax Ct. Memo 953 (1966); example (8) is Rev. Rul. 68–54, 1968–1 C.B. 69 (for a discussion of split-coupon bonds, see B. Graham, D. Dodd, and S. Cottle, *Security Analysis* 396–397 (4th ed. 1962)); and example (9) is *In Re Indian Lake Estates, Inc.*, 449 F.2d 574 (5th Cir. 1971).

Section 1.385–6 Proportionality

Section 1.385–6 applies where there may be an opportunity to fix the terms of an instrument at other than arm's length. In general, the scope of this section is limited to instruments issued proportionately to shareholders of the issuing corporation. This type of issuance often indicates an absence of arm's length negotiations in fixing the terms of an instrument.

Section 1.385–6(b) applies to hybrid instruments. Generally, hybrid instruments are treated as stock if they are issued proportionately by a corporation to its shareholders. There are three reasons for this rule. First, it often would be impractical to apply § 1.385–5 (relating to certain hybrid instruments) to hybrid instruments issued by a closely held corporation to its shareholders. Such instruments are unusually difficult to value. Second, the flat rule in § 1.385–6(b) does not interfere with legitimate business practices. This is because the position taken in § 1.385–10 (relating to locked interests) permits division of debt and equity features into separate interests. Third, if a closely held corporation makes discretionary payments or pays a share of its profits to its shareholders, these payments closely resemble dividends.

Section 1.385–6(c) applies primarily to straight debt instruments issued proportionately by a corporation to its shareholders in exchange for property. If a straight debt instrument is issued to a shareholder for money, there is generally no need for this rule. In this case, § 1.385–3(a) ensures, through the creation of original issue discount under section 1232(a)(3) and amortizable bond premium under § 1.61–12(c)(2), that the holders will be paid principal and interest in the proper proportions. (See the discussion above under the heading EXCESSIVE OR INADEQUATE CONSIDERATION.) However, if instruments are issued for property, section 1232(a)(3) and § 1.61–12(c)(2) generally do not apply. Consequently, a special rule is needed to ensure that the holders will be paid principal and interest in the proper proportions (*i.e.*, in the same proportions as would be paid to outside creditors). Thus, § 1.385–6(c) imposes the requirement that interest be paid at a reasonable rate on instruments issued for property.

More generally, if a corporation issues instruments to its shareholders in exchange for property, then §§ 1.385–3(a) and 1.385–6(c) ensure that the transaction conforms to arm's length standards in two respects. First, the fair market value of the instruments must equal the consideration paid for them. And, second, principal and interest must be paid on the instruments in the same proportions as would be paid to outside creditors.

The determination of whether the stated annual rate of interest on an instrument issued by a corporation is reasonable is made under § 1.385–6(d). Under § 1.385–6(d)(2), if a corporation's debt-to-equity ratio is not greater than 1:1, then the rate of interest in effect under section 6621, the prime rate in effect at any local commercial bank, or any intermediate rate, is considered reasonable. However, the corporation also may establish that some other rate of interest is reasonable.

The ratio of 1:1 in § 1.385–6(d) was chosen for two reasons. First, it covers a majority of all corporations. Extensive statistical analysis indicates that more than 55 percent of all corporations filing tax returns in a recent year and more than 60 percent of all new corporations had debt-to-equity ratios of less than 1:1. Second, a debt-to-equity ratio of 1:1 is exceptionally high by the standards of public corporations.

Example (1) of § 1.385–6(c)(3) is based on *John W. Walter, Inc.*, 23 T.C. 550 (1954). Example (2) is based on *Elliott-Lewis Co.*, 4 CCH Tax Ct. Memo. 136 (1945), aff'd *per curiam*, 154 F.2d 292 (3rd Cir. 1946). Example (3) is based on *Burr Oaks Corp.*, 43 T.C. 635 (1965), aff'd 365 F.2d 24 (7th Cir. 1966), cert. denied 385 U.S. 1007 (1967). In this case, 3 individuals conveyed a tract of undeveloped land to a newly formed corporation, and each received a two-year 6-percent promissory note for $110,000. The individuals had a basis in the land of $100,000. The question before the court was the corporation's basis in the land. The court held that the promissory notes were to be treated as stock for tax purposes. In particular, the notes were not "other property" within the meaning of section 351(b), and gain was not recognized on the transfer of the land to the newly formed corporation. Thus, the corporation's basis in the land was equal to the shareholders' basis of $100,000, and was not $330,000 as claimed by the corporation. Cases that have similar fact patterns and present similar issues include *Charles E. Curry*, 43 T.C. 667 (1965), and *George A. Nye*, 50 T.C. 203 (1968).

Section 1.385–7 Principal Shareholders

Section 1.385–7, like § 1.385–6, applies to situations where the holder of an instrument and the issuing corporation may not be dealing at arm's length. However, whereas § 1.385–6 deals with the possibility of the terms of an instrument being fixed at other than arm's length, § 1.385–7 is concerned with the possibility of the terms of an instrument not being enforced at arm's length.

In general, § 1.385–7 applies to straight debt instruments issued by a closely held corporation to its principal shareholders. Such instruments are examined carefully because of the possibility that a principal shareholder may not enforce its creditor rights to the detriment of its shareholder rights.

Under § 1.385–7(b), a change in terms is treated in the same manner as the issuance of a new instrument in exchange for an old one. For example, assume that individual A owns all the stock of corporation X. In addition, A owns $10,000 of 12-percent debentures issued by X. On January 1, 1990, A and X renegotiate the terms of the debentures, and agree to reduce the interest rate to 3 percent. The tax consequences are the same as if X had issued $10,000 of new 3-percent debentures in exchange for the old 12-percent debentures. Thus, for example, if 3 percent is not a reasonable rate of interest on January 1, 1990, the debentures are treated as stock beginning on that date.

Under § 1.385–7(c) and (d)(3), an instrument may be reclassified as stock if the holder acquiesces in nonpayment of interest or principal. Thus, the holder's behavior must conform to that of an ordinary outside creditor.

If a principal shareholder owns a demand note issued by a corporation, § 1.385–7(d) requires that interest be paid on the note at a reasonable rate. This rule does not reflect any necessary substantive difference between demand notes and notes that are due on a fixed date. Indeed, many notes issued to principal shareholders are, in effect, payable on demand regardless of their terms, and prepayment does not affect the tax status of a note (see § 1.385–7(b)(2)). However, if a note is due on a fixed date, then original issue discount or bond premium created under § 1.385–3(a) will generally assure that interest is paid on the note at a reasonable rate. On the other hand, if a note is payable on demand, neither original issue discount nor bond premium will ordinarily be created under § 1.385–3(a). Consequently, § 1.385–7(d) is necessary to assure that interest is paid at a

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reasonable rate. As a practical matter, § 1.385–7(d) requires periodic adjustments of the interest rate on demand notes held by principal shareholders. This is consistent with ordinary commercial practice where demand notes are held by independent creditors.

Section 1.385–8 Nominal Capital

There is authority in the case law for the proposition that in extreme cases a high debt-to-equity ratio (*i.e.*, nominal capital), by itself, is sufficient reason to treat instruments as stock. See *Isidor Dobkin*, 15 T.C. 31 (1950), aff'd *per curium*, 192 F. 2d 392 (2d Cir. 1951) (debt-to-equity ratio of 35:1); and *George L. Sogg*, 9 CCH Tax Ct. Memo. 927 (1950), aff'd, 194 F. 2d 540 (6th Cir. 1952) (debt-to-equity ratio of 50:1). Generally, § 1.385–8 takes the view that a ratio in excess of 10:1 is extreme and provides that, where the debt-to-equity ratio exceeds 10:1, an instrument issued by a corporation is treated as stock.

Under § 1.385–8, a corporation's debt-to-equity ratio is computed in two different ways. One is to use the adjusted basis of the corporation's assets in determining stockholders' equity. The second is to use the fair market value of the corporation's outstanding stock in determining stockholders' equity. This dual method of computing the debt-to-equity ratio is designed to insure that the corporation is truly inadequately capitalized. (See examples (1) and (2) of § 1.385–8(d).)

Extensive statistical analysis tends to confirm that a ratio in excess of 10:1 is extreme. Nearly 85 percent of all corporations filing tax returns in a recent year and more than 90 percent of all new corporations had debt-to-equity ratios (determined in accordance with § 1.385–3(c)) of less than 10:1.

Section 1.385–9 Certain Unwritten Obligations

The failure of a corporation to reduce to writing the terms of large cash advances creates doubt as to the tax status of the advances. See section 385(b)(1). Therefore, § 1.385–9 ordinarily treats a cash advance made to a corporation by one of its shareholders as a contribution to capital unless two requirements are satisfied. First, the debt-to-equity ratio of the corporation must not be greater than 1:1. Second, the corporation must pay interest on the money advanced at a rate within the safe harbor provided by § 1.385–6(d)(2). Short-term advances of less than $25,000 are generally exempt from these rules. (See § 1.385–9(a)(2).)

Section 1.385–10 Locked Interests

Section 1.385–10 applies to "locked interests." In *Universal Castings Corp.*, 37 T.C. 107, 115 (1961), aff'd, 303 F.2d 620 (7th Cir. 1962), the Tax Court took the view that, where notes are locked into stock, there is an indication that the notes are really stock. However, the proposed regulations reject this view and treat two interests locked together as separate and distinct. The proposed regulations take this approach for two reasons. First, corporations should not be discouraged from creating two separate interests locked together rather than one hybrid interest. The creation of two separate interests makes possible a natural classification of one interest as stock and the other as indebtedness.

Second, § 1.385–6(b) treats most hybrid instruments issued by closely held corporations as stock. Consequently, if a closely held corporation has valid business reasons for issuing interests containing both equity and indebtedness features to its shareholders, § 1.385–10 makes this possible. The corporation may simply create two separate interests locked together.

Section 1.385–11 Guaranteed Loans

Section 1.385–11 applies to guaranteed loans. If a third party lends money to a corporation, the shareholders may be required to guarantee the loan for two reasons. First, the corporation's credit may be too weak to secure the loan (or to secure the loan on as favorable terms). When shareholders guarantee a loan for this first reason, their credit serves as a substitute or reinforcement for the credit of the corporation. Second, the creditor may want to provide against the possibility that the corporation will transfer assets to its shareholders (by paying them dividends, salaries, etc.). When shareholders guarantee a loan for this second reason, the guarantee is a substitute for detailed protective covenants. Of course, a guarantee may be required for both reasons.

In some cases, it may be proper to recast a guaranteed loan. It may be appropriate to treat the guaranteed loan as a loan from the creditor to the shareholder followed by a contribution from the shareholder to the capital of the corporation. Section 1.385–11 provides that a guaranteed loan is recast in this way if, at the time of the guarantee, it is not reasonable to expect that the loan can be enforced according to its terms. The reason is that under these circumstances the creditor must look solely to the shareholder for the repayment of the loan. This standard is taken from *E. J. Ellisberg*, 9 T.C. 463 (1947). In that case, a bank lent $8,000 to a son on the strength of his father's guarantee. Largely because there was "no reasonable expectation" when the father guaranteed the loan that the son would pay the bank or reimburse the father, the court held that "the transaction in question is equivalent to one in which a father borrowed money from a bank and, in effect, made a gift of the proceeds to his son." (See also Rev. Rul. 79–4, 1979–1 C.B. 150, and *Plantation Patterns, Inc. v. Commissioner*, 462 F. 2d 712 (5th Cir. 1972), cert. denied 409 U.S. 1076 (1972).)

Under present law, a guarantee by a nonshareholder (*e.g.*, a shareholder's spouse) may also be treated as a loan to the guarantor followed by a contribution to capital. See *Plantation Patterns, Inc. v. Commissioner*. While the regulations do not address guarantees by nonshareholders, they are not intended to preclude the application of established principles to such guarantees. Also, the examples in § 1.385–11(b) are based on *Plantation Patterns, Inc. v. Commissioner*.

Section 1.385–12 Certain Preferred Stock

If preferred stock provides for legally enforceable fixed payments in the nature of principal or interest, then § 1.385–12 treats the preferred stock as an instrument. Thus, the preferred stock may be treated as indebtedness under § 1.385–4(a) or as stock under §§ 1.385–5 through 1.385–8. Example (1) of § 1.385–12(b) is taken from *Crawford Drug Stores v. U.S.*, 220 F. 2d 202 (10th Cir. 1955). It describes an extreme case in which preferred stock begins to take on the characteristics of indebtedness. Example (2), which describes a garden variety preferred stock, easily reaches the opposite result.

Section 1.482–2(a)(4) Relation to Section 482

Under section 482, interest may be imputed on certain loans or advances between related persons. The regulations under section 482 are amended to make it clear that interest ordinarily is not imputed under section 482 where original issue discount is created as a result of § 1.385–3(a)(1). No corresponding change is made to the regulations under section 483 because original issue discount normally is not created where an instrument is issued in exchange for property.

Section 1.1371–1(b) Relation to Subchapter S

A determination of the relationship between subchapter S and section 385 has been reserved.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal authors of these proposed regulations are Mr. Jack A. Levine of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service and Mr. Benjamin J. Cohen of the Office of Tax Legislative Counsel, Department of the Treasury. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Proposed amendments to the regulations

The proposed amendments to 26 CFR Part 1 are as follows:

Paragraph 1. Section 1.166–9(c) is amended to read as follows:

§ 1.166–9 Losses of guarantors, endorsers, and indemnitors incurred on agreements made after December 31, 1975, in taxable years beginning after such date.

* * * * *

(c) *Obligations issued by corporations.* No treatment as a worthless debt is allowed with respect to a payment made by the taxpayer in discharge of part or all of the taxpayer's obligation as guarantor, endorser, or indemnitor of an obligation issued by a corporation if—

(1) The taxpayer is considered the primary obligor (see § 1.385–11), or

(2) The payment constitutes a contribution to capital by a shareholder.

The rules of this paragraph (c) apply to payments whenever made (see paragraph (f) of this section).

Par. 2. New §§ 1.385–1 through 1.385–12 are added to read as follows:

Sec.
1.385–1 Stock or indebtedness.
1.385–2 Summary.
1.385–3 Preliminary rules.
1.385–4 Instruments generally.
1.385–5 Certain hybrid instruments.
1.385–6 Proportionality.
1.385–7 Principal shareholders.
1.385–8 Nominal capital.
1.385–9 Certain unwritten obligations.
1.385–10 Locked interests.
1.385–11 Guaranteed loans.
1.385–12 Certain preferred stock.

§ 1.385–1 Stock or indebtedness.

(a) *Effective date.* The regulations under section 385 apply to instruments (as defined in § 1.385–3(d)) issued after December 31, 1980 and to certain other interests created after December 31, 1980.

(b) *In general.* The regulations under section 385 contain rules under which certain interests in corporations are treated as stock or indebtedness. All other interests (such as trade accounts payable) are outside the scope of the regulations.

§ 1.385–2 Summary.

(a) *Instruments issued to principal shareholders*—(1) *Straight debt instruments.* (i) Straight debt instruments (as defined in § 1.385–3(g)) issued to principal shareholders (as defined in § 1.385–7(e)(4)) are ordinarily treated as indebtedness. Exceptions may apply where there is a failure to pay interest or principal when due (see § 1.385–7(c) and (d)(3)), where there is a change in terms (see § 1.385–7(b)), where the issuing corporation has only nominal capital (see § 1.385–8), or where the instruments are issued for property (see § 1.385–6(c)) or are payable on demand (see § 1.385–7(d)).

(ii) If the instruments do not carry a reasonable rate of interest, then original issue discount or amortizable bond premium is ordinarily imputed under § 1.385–3(a). This is to ensure that the holders take a reasonable amount into income as interest received, and that the issuing corporation takes a reasonable deduction for interest paid on the instruments each year.

(2) *Hybrid instruments.* Hybrid instruments (*e.g.*, income bonds or convertible debentures) issued to principal shareholders are treated as stock if they are issued proportionately (see § 1.385–6(b)) or if their equity features are predominant (see § 1.385–5). Otherwise, they are generally treated in the same manner as straight debt instruments.

(b) *Instruments not issued to principal shareholders*—(1) *Straight debt instruments.* Straight debt instruments not issued to principal shareholders are ordinarily treated as indebtedness. An exception may apply, however, when the issuing corporation has only nominal capital (see § 1.385–8).

(2) *Hybrid instruments.* Hybrid instruments (as defined in § 1.385–3(f)) not issued to principal shareholders are treated as stock if their equity features are predominant (see § 1.385–5). Otherwise, they are generally treated in the same manner as straight debt instruments.

(c) *Ancillary rules*—(1) *In general.* In addition to the primary rules described in paragraphs (a) and (b) of this section, the regulations under section 385 also contain a variety of significant ancillary rules. These rules are subordinate in the sense that they do not apply directly to treat any interest as stock or indebtedness. However, they are essential to the working of the regulations.

(2) *Reasonable rate of interest.* Section 1.385–6(d) contains rules for determining whether a rate of interest is reasonable. These rules are significant where—

(i) Instruments are issued proportionately to shareholders in exchange for property (see § 1.385–6(c));

(ii) Instruments are held by a principal shareholder and there is a change in terms (see § 1.385–7(b)), or nonpayment of principal (see § 1.385–7(d)(3)); and

(iii) Instruments held by a principal shareholder are payable on demand (see § 1.385–7(d)).

(3) *Debt-to-equity ratio.* Section § 1.385–3(c) contains rules for determining a corporation's debt-to-equity ratio. These rules are significant in determining—

(i) Whether a rate of interest is presumptively reasonable (see § 1.385–6(d)(2)); and

(ii) Whether a corporation has only nominal capital (see § 1.385–8(a)(2)).

(4) *Fair market value.* Section 1.385–3(b) contains rules for determining the fair market value of an instrument. These rules are significant in determining—

(i) The amount of original issue discount or amortizable bond premium imputed under § 1.385–3(a); and

(ii) Whether the equity features of a hybrid instrument are predominant (see § 1.385–5).

(d) *Safe harbor.* In general, the regulations provide a safe harbor for a straight debt instrument issued by a corporation whenever all of the following conditions are satisfied:

(1) *Principal and interest.* The instrument has a fixed maturity date and provides for annual payments of interest at (i) the rate in effect under section 6621, (ii) the prime rate in effect at any local commercial bank, or (iii) any rate in between.

(2) *Debt-to-equity ratio.* The debt-to-equity ratio of the corporation does not exceed 1:1.

(3) *Paid when due.* All principal and interest on the instrument are paid when due.

(e) *Other provisions*—(1) *Certain unwritten loans.* Section 1.385–0 contains rules that apply to certain unwritten loans made to a corporation by a shareholder.

(2) *Locked interests.* Section 1.385–10 contains rules that treat locked interests (such as a bond with a nondetachable warrant) as separate and distinct.

(3) *Guaranteed loans.* Section 1.385–11 contains rules that apply to loans made to a corporation and guaranteed by a shareholder. Under these rules, the loan may be treated as made to the shareholder, and the shareholder may be treated as making a contribution to the capital of the corporation.

(4) *Preferred stock.* Section 1.385–12 contains rules that could result in certain preferred stock being treated as indebtedness.

(f) *Cautionary note.* This section is merely a summary of the regulations under section 385, and is subject in all respects to the more complete rules contained in §§ 1.385–3 through 1.385–12.

§ 1.385–3 Preliminary rules.

(a) *Excessive or inadequate consideration*—(1) *Excessive consideration.* If a corporation issues an instrument to a shareholder, then (whether the instrument is treated as stock or indebtedness) the excess of—

(i) The consideration paid, over

(ii) The fair market value of the instrument,

is a contribution to capital.

(2) *Inadequate consideration.* (i) If a corporation issues an instrument to a shareholder and the instrument is treated as indebtedness, then the excess of—

(A) The fair market value of the instrument, over

(B) The consideration paid,

is a distribution to which section 301 applies. See § 1.301–1(j) and (k).

(ii) If a corporation issues an instrument to a shareholder and the instrument is treated as stock, then the amount determined under paragraph (a)(2)(i) of this section is treated as a distribution of stock to which section 305 applies.

(3) *Illustrations.* The following examples illustrate the application of this paragraph (a) and related provisions:

Example (1). Corporation S is organized in 1985 for the purpose of constructing, owning, and operating a professional office building. Fifteen persons, all medical doctors, subscribe for the capital stock of corporation S at $100 a share. On January 1, 1988, the doctors agree to advance $400 to corporation S for each share of stock subscribed. These advances are represented by 19-year 7-percent debentures in the principal amount of $400 each. Assume that the debentures are treated as indebtedness under § 1.385–4(a) (relating to instruments generally), and that the fair market value of each debenture is $328. Based on these facts, $72 of each $400 advance is treated as a contribution to capital. Therefore, the doctors' basis in each debenture is $328, and there is an original issue discount of $72 on each debenture. See section 1232.

Example (2). The facts are the same as in example (1), except that the doctors pay $300 for each debenture. Based on these facts, the doctors are treated as receiving a $28 distribution to which section 301 applies on each share of stock. Therefore, the doctors' basis in each debenture is $328 (see § 1.301–1(j)(2)), and there is an original issue discount of $72 on each debenture.

Example (3). The facts are the same as in example (1), except that the debentures bear interest at 9 percent a year. Assume that the fair market value of each 9-percent debenture is $400. Based on these facts, the doctors are not treated as making a contribution to capital or as receiving a distribution to which section 301 applies. Therefore, the doctors' basis in each debenture is $400, and there is no original issue discount on the debentures.

Example (4). The facts are the same as in example (1), except that corporation S issues the debentures together with the capital stock in 1985, and the doctors pay $500 for each unit consisting of one debenture and one share of stock. Based on these facts, the doctors' basis in each debenture is $328 (see § 1.1012–1(d)), their basis in each share of stock is $172, and the original issue discount on each debenture is $72 (see § 1.1232–3(b)(2)(ii)).

Example (5). Individuals A and B each own ½ the common stock of corporation M, which is the only class of stock outstanding. On January 1, 1982, M issues two 12-percent $1,000 notes, one to A and one to B, each for $1,000 in cash. Assume that the fair market value of each note is $1,250 and that the notes are treated as indebtedness under § 1.385–4(a) (relating to instruments generally). Based on these facts, on January 1, 1982, A and B each receive a $250 distribution to which section 301 applies.

Example (6). The facts are the same as in example (5), except that interest on the notes is payable only at the discretion of M's board of directors, and the notes are treated as preferred stock under § 1.385–6(b) (relating to hybrid instruments held proportionately). Based on these facts, on January 1, 1982, A and B each receive a $250 distribution of preferred stock on common stock.

(b) *Fair market value.* The following rules apply for purposes of the regulations under section 385.

(1) *In general.* (i) The fair market value of an instrument is the price at which it would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of all relevant facts.

(ii) *The fair market value of an instrument may be determined by using present value and standard bond tables. See § 1.1232–3(b)(2)(ii)(d).*

(2) *Rules of convenience.* (i) On the day of issue, the fair market value of a straight debt instrument is considered to be equal to the fact amount if—

(A) The stated annual rate of interest on the instrument is reasonable (within the meaning of § 1.385–6(d)), and

(B) The consideration paid for the instrument is equal to the fact amount.

(ii) Notwithstanding any other provision of this paragraph (b), if an instrument is registered with the Securities and Exchange Commission and sold to the public for money, then the fair market value of the instrument on the day of issue is the issue price (as defined in section 1232(b)(2)).

(3) *Examples.* The following examples illustrate the application of paragraph (b) (2) of this section:

Example (1). On March 1, 1985, corporation M issues a $1,000, 8-percent note at par. Assume that on that date, 10 to 12 percent is the range of rates of interest paid to independent creditors on similar instruments issued by corporations in the same general industry, geographic location and financial condition; that the rate of interest in effect under section 6621 is 6 percent; and that the lowest prime rate at any local commercial bank is 9 percent. Also assume that M's debt-to-equity ratio at the end of the taxable year is 1:2. Based on these facts, 8 percent is a reasonable rate of interest within the meaning of § 1.385–6(d), and the fair market value of the note is therefore considered to be $1,000.

Example (2). The facts are the same as in example (1) except that M's debt-to-equity ratio at the end of the taxable year is 2:1. Based on these facts, paragraph (b) (2) (i) of this section does not apply.

Example (3). The facts are the same as in example (2) except that the note provides for annual payments of interest at a rate of 11 percent. Based on these facts, the fair market value of the note is considered to be $1,000.

(c) *Debt-to-equity ratio.* The following rules apply for purposes of the regulations under section 385.

(1) *In general.* The debt-to-equity ratio of a corporation is the ratio that—

(i) The corporation's liabilities (excluding trade accounts payable), bears to

(ii) The stockholders' equity.

(2) *Stockholders' equity.* The stockholders' equity in a corporation is the excess of—

(i) The adjusted basis of its assets, over

(ii) Its liabilities (including trade accounts payable).

(3) *Operating rules.* Except as provided in paragraph (c)(5) of this section, the adjusted basis of a corporation's assets and the amount of its liabilities shall be determined—

(i) In accordance with the tax accounting principles properly used by the corporation in determining taxable income, and

(ii) Without regard to the treatment of any interest as stock or indebtedness by reason of section 385.

(4) *Illustrations.* The following examples illustrate the application of this paragraph (c):

Example (1). On December 31, 1990, corporation M has assets with an adjusted basis of $150,000 and liabilities of $100,000. The stockholders' equity in corporation M is $50,000 (*i.e.*, $150,000 – $100,000). Assume that M has no trade accounts payable and that the special rules in paragraph (c)(5) of this section do not apply. Based on these facts, the debt-to-equity ratio of corporation M on December 31, 1990 is 2:1 (*i.e.*, 100,000:$50,000).

Example (2). On December 31, 1990, corporation N has assets with an adjusted basis of $150,000. In addition, N has liabilities of $100,000, including $30,000 of trade accounts payable. The stockholders' equity in N is $50,000 (*i.e.*, $150,000 – $100,000). Assume that the special rules in paragraph (c)(5) of this section do not apply. Based on these facts, N has a debt-to-equity ratio on December 31, 1990 of 7:5 (*i.e.*, $70,000:$50,000).

Example (3). On December 31, 1981, foreign corporation F organizes domestic corporation D to acquire and operate a coal mine. Corporation D uses the calendar year as the taxable year. Assume that F transfers $10 million to D on December 31, 1981 in exchange for $5 million of 28-percent 25-year debentures and 100 shares of common stock. Also assume that the interest rate generally paid on similar debentures issued to independent creditors by corporations in the same general industry, geographical location, and financial condition is approximately 14 percent. Based on these facts, the fair market value of the debentures is approximately $9.8 million. Therefore, the balance sheet of corporation D on December 31, 1981 is approximately as follows:

Assets: $10 million cash.

Liabilities and stockholder's equity: Debentures $5.0 million; bond premium $4.8 million; total $9.8 million; liabilities stockholder's equity $0.2 million.

Accordingly, corporation D has a debt-to-equity ratio of approximately 49:1 (*i.e.*, $9.8 million:$0.2 million). For the effect of this ratio under § 1.385–8 (relating to nominal capital) see example (3) of § 1.385–8(d).

(5) *Special rules.* (i) In the case of a corporation that uses the cash method of accounting, the adjusted basis of trade accounts receivable shall be deemed to be equal to the face amount of the receivables (less an appropriate reserve for uncollectibles).

(ii)(A) In determining the debt-to-equity ratio of a corporation at the end of a taxable year, the stockholders' equity shall be increased by the amount of any net operating loss (determined without regard to section 1211(a)) sustained by the corporation during the taxable year.

(B) The following example illustrates the application of this paragraph (c)(5)(ii):

Example. On January 1, 1985, individual A organizes corporation T and transfers $100,000 to it in exchange for $50,000 of stock and a $50,000 note. At the end of T's first taxable year, T has assets with an adjusted basis of $120,000 and liabilities of $80,000 including $30,000 of trade accounts payable. T also has a net operating loss (determined without regard to section 1211(a)) for the taxable year of $10,000. Based on these facts, T's stockholders' equity at the end of the taxable year is $50,000 (*i.e.*, ($120,000–$80,000) + $10,000). Consequently, T's debt-to-equity ratio is 1:1 (*i.e.*, $50,000:$50,000).

(iii) In determining the debt-to-equity ratio of a corporation that is a bank (as defined in section 581) or is primarily engaged in a lending or finance business (as defined in section 279(c)(5)), adjustments shall be made in accordance with the principles of section 279(c)(5)(A).

(iv) In determining the debt-to-equity ratio of an insurance company (as defined in § 1.801–1(b)), insurance reserves shall be treated in the same manner as trade accounts payable.

(v)(A) The debt-to-equity ratio shall be computed without regard to distortions created by temporary contributions to equity.

(B) The following example illustrates the application of this subdivision (v):

Example. Individual A organizes corporation X on December 31, 1985. X uses the calendar year as the taxable year. A contributes $100,000 in cash and property with a basis of $20,000 to X in exchange for 100 shares of common stock and a 10-percent note for $20,000. On January 4, 1986, X redeems 900 shares of stock for $90,000 in cash. Based on these facts, X's debt-to-equity ratio on December 31, 1985 is determined by disregarding the $90,000 paid in redemption of stock on January 4, 1986. Therefore, the debt-to-equity ratio is 2:1 (*i.e.*, $20,000:$10,000).

(vi)(A) If the debt-to-equity ratio of a corporation is distorted because it is a member of a chain of corporations connected by stock ownership, then the debt-to-equity ratio shall be computed in accordance with the principles of section 279(g).

(B) The following examples illustrate the application of this subdivision (vi):

Example (1). On December 31, 1990, individual A organizes corporation X and transfers $10,000 to X in exchange for all of X's stock. In addition, X issues a $10,000 note to A for $10,000 in cash. X then organizes corporation Y and transfers $20,000 to Y in exchange for all of Y's stock. In addition, Y issues a $20,000 note to A for $20,000 in cash. Y in turn organizes corporation Z and transfers $40,000 to Z in exchange for all of Z's stock. In addition, Z issues a $40,000 note to A for $40,000 in cash. Based on these facts, X, Y, and Z each have a debt-to-equity ratio computed under paragraph (c)(1) of this section of 1:1. However, X, Y, and Z are members of a chain of corporations connected by stock ownership, and each corporation's debt-to-equity ratio is distorted because of shareholder loans to the other corporations. The combined debt-to-equity ratio of the chain as a whole (computed in accordance with the principles of section 279(g) by eliminating intercompany investments and liabilities) is 7:1. Therefore, X, Y, and Z are each treated as having a debt-to-equity ratio of 7:1.

Example (2). The facts are the same as in example (1), except that Z issues an $80,000 note to A for $80,000 in cash. Based of these facts, the debt-to-equity ratio of the chain as a whole is 11:1, and the notes issued to A may be treated as stock under § 1.385–8 (relating to nominal capital).

(d) *Instrument*—(1) *In general.* The term "instrument" means any bond, note, debenture or similar written evidence of an obligation. However, it does not include any evidence of an obligation to make a contingent payment of principal arising from the sale of property to the corporation by an independent creditor (as defined in § 1.385–6(a)(2)).

(2) *Illustrations.* The following examples illustrate the application of this paragraph (d):

Example (1). On January 1, 1981, corporation X buys a factory from Y, an independent creditor. In exchange for the factory, Y receives $200,000 in cash on January 1, 1981. In addition, on January 1, 1983, Y will receive a payment in the range of $100,000 to $300,000, depending on the factory's output. Based on these facts, X's obligation to Y is not an instrument, and it is outside the scope of these regulations.

Example (2). The facts are the same as in the example (1), except that the contigent payment due on January 1, 1983 will be in the range of $50,000 to $250,000. In addition, on January 1, 1981, Y receives a $50,000 noninterest-bearing note due absolutely and unconditionally on January 1, 1983. Based on these facts, the $50,000 note is an instrument, and it is treated as stock or indebtedness under these regulations.

(e) *Obligation.* The term "obligation" means an interest in a corporation that is treated as indebtedness under applicable nontax law.

(f) *Hybrid instrument.* The term "hybrid instrument" means an instrument that is convertible into stock or one (such as an income bond or a participating bond) that provides for any contingent payment to the holder (other than a call premium).

(g) *Straight debt instrument.* The term "straight debt instrument" means any instrument other than a hybrid instrument.

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§ 1.385–4 Instruments generally.

(a) *General rule.* Except as otherwise provided in the regulations under section 385, all instruments (as defined in § 1.385–3(d)) are treated as indebtedness for all purposes of the Internal Revenue Code. For exceptions, see §§ 1.385–5 (relating to certain hybrid instruments), 1.385–6 (relating to proportionality), 1.385–7 (relating to principal shareholders), and 1.385–8 (relating to nominal capital).

(b) *Operating rules*—(1) *In general.* The regulations under section 385 determine the status of each instrument (*i.e.*, as stock or indebtedness) at the time the instrument is issued. Except as provided in § 1.385–7 (relating to principal shareholders), the status of an instrument can never change. Thus, for example, the status of an instrument is not affected by a mere change in ownership.

(2) *Special rule.* Under § 1.385–7, the status of an instrument can change from indebtedness to stock (*e.g.*, in the event of a failure to pay interest when due).

(c) *Effect of classification*—(1) *In general.* (i) If an instrument is treated as stock under the regulations under section 385, then the instrument is treated as preferred stock for all purposes of the Internal Revenue Code. In particular, all payments of "interest" on the instrument are treated as distributions to which section 301 applies, and all payments of "principal" are treated as distributions in redemption of stock.

(ii) If an instrument becomes stock under § 1.385–7, then the instrument is treated as having been exchanged (without recognition of gain or loss) for preferred stock in a recapitalization to which section 368(a)(1)(E) applies.

(2) *Illustrations.* The following examples illustrate the application of this paragraph (c):

Example (1). On January 1, 1982, corporation X issues a $100,000 note to A. The note is due on January 1, 1992, and pays interest at a rate of 10 percent a year. Assume that at first the note is treated as indebtedness under paragraph (a) of this section. However, on January 1, 1987, the note becomes stock under § 1.385–7(c) (relating to nonpayment of interest). A is treated as having exchanged the note for preferred stock on January 1, 1987, in a recapitalization to which section 368(a)(1)(E) applies. Moreover, A does not recognize gain or loss merely because the note is reclassified.

Example (2). The facts are the same as in example (1). In addition, on July 1, 1988, A receives $15,000 in interest on the note. The entire $15,000 payment is treated as a distribution to which section 301 applies.

Example (3). Individuals B and C each own 50 percent of the stock of corporation Y. On January 1, 1990, Y distributes one convertible debenture each to B and C as a dividend. Assume that the convertible debentures are treated as stock under § 1.385–6 (relating to proportionality). Also assume that Y has accumulated earnings and profits of $5 million at the time of the distribution. Based on these facts, the debentures are treated as section 306 stock unless their distribution is taxable under section 305(b)(5).

Example (4). Individual D is a shareholder in corporation Z. On January 1, 1980, D buys a 20-year $10,000 subordinated income bond from Z. D transfers $10,000 to Z for the bond, and the bond is treated as stock under § 1.385–5 (relating to hybrid instruments). On January 1, 1990, the fair market value of the bond is $8,000. Based on these facts, D makes a contribution of $2,000 to the capital of Z on January 1, 1990, and pays $8,000 for the bond. See § 1.385–3(a)(1). In addition, because the bond is treated as preferred stock, section 305(c) and § 1.305–5(b) may apply to the $2,000 difference between the purchase price and the redemption price.

§ 1.385–5 Certain hybrid instruments.

(a) *In general.* A hybrid instrument is treated as stock if, on the day of issue—

(1) The fair market value of the instrument without its equity features, is less than

(2) Fifty percent of the actual fair market value of the instrument (with those features.

(b) *Equity features.* The equity features of an instrument are the right to convert it into stock and the right to contingent payments (other than a call premium).

(c) *Special rule.* Paragraph (a) of this section shall be applied by substituting "Forty-five percent" for "Fifty percent" if clear and convincing evidence shows that, on the day of issue, both the issuer and holder reasonably believe that—

(1) The fair market value of the instrument without its equity features, is not less than

(2) Fifty percent of the actual fair market value of the instrument (with those features).

(d) *Meaning of terms.* The following rules apply for purposes of the regulations under section 385:

(1) *Contingent payment.* The term "contingent payment" means any payment other than a fixed payment of principal or interest.

(2) *Fixed payments; interest.* An instrument provides for fixed payments of interest if both of the following conditions are satisfied:

(i) Interest at a definitely ascertainable rate is due on definitely ascertainable dates.

(ii) Except as provided in paragraph (d)(4) of this section, the holder's right to receive interest when due (or within 90 days thereafter) cannot be impaired without the holder's consent.

(3) *Fixed payments; principal.* An instrument provides for the fixed payment of principal if both of the following conditions are satisfied:

(i) A definitely ascertainable principal sum is payable on demand or due on definitely ascertainable dates.

(ii) Except as provided in paragraph (d)(4) of this section, the holder's right to receive principal when due cannot be impaired without the holder's consent.

(4) *Exceptions.* (i) An instrument may be issued under an indenture that satisfies the requirements of section 316 of the Trust Indenture Act of 1939 (15 U.S.C. 77ppp), and

(ii) A holder's right to receive interest or principal may be impaired by the operation of the Federal bankruptcy laws (Title 11, U.S.C.), the Railroad Modification Act (47 U.S.C. 20b), or a similar provision of law.

(5) *Illusory contingencies.* For purposes of paragraph (d)(2) and (3) of this section, the Commissioner may disregard a contingency where there is no reasonably foreseeable circumstance in which it could affect the likelihood of a right to payment.

(6) *Examples.* For examples that illustrate the application of this paragraph (d), see paragraph (a) of each of the examples in paragraph (e) of this section.

(7) *Other items.* (i) For the definition of the term "fair market value", see § 1.385–3(b).

(ii) For the definition of the term "hybrid instrument", see § 1.385–3(f).

(iii) For the definition of the term "instrument", see § 1.385–3(d).

(e) *Illustrations.* The following examples illustrate the application of this section. It is assumed that §§ 1.385–6 through 1.385–8 do not apply to the instruments described in these examples.

Example (1). (a) On July 1, 1987, corporation J issues subordinated income debenture bonds in the principal amount of $1,000 each. The bonds pay interest at the rate of 8 percent a year. However, interest is payable only if earned. The bonds are due on December 31, 2008. Based on these facts, each bond provides for a fixed payment of $1,000 in principal on December 31, 2008, but for contingent payments of interest.

(b) Assume that the fair market value of the 8-percent subordinated income debenture bonds is $1,000 each. The bonds without their equity features would be $1,000 noninterest-bearing subordinated debenture bonds due on December 31, 2008. Assume that the fair market value of such instruments would be $261 each. Based on these facts, the subordinated income debenture bonds are treated as stock because the fair maket value of each debenturre bond without its equity features (*i.e.*, $261) is less than 50 percent of its actual fair market value (*i.e.*, $1,000/2 = $500).

Example (2). (a) On March 1, 1988, corporation M issues 6-percent subordinated income debentures in the principal amount of $1,000 each due on March 1, 2038. Annual payment of interest is mandatory if net income is available and optional otherwise. Accumulated interest must be paid in all events at maturity. Based on these facts, each debenture provides for fixed payments of $1,000 in principal and $3,000 in simple interest on March 1, 2038.

(b) Assume that the fair market value of the 6-percent subordinated income debentures is $1,000 each. The debentures without their equity features would provide for the payment of $4,000 (total principal and interest) on March 1, 2038, and would be subordinated to the general creditors of corporation M. Assume that the fair market value of such instruments would be $265 each. Based on these facts, the income debentures are treated as stock because the fair market value of each income debenture without its equity features (i.e., $265) is less than 50 percent of its actual fair market value (*i.e.*, $1,000/2 = $500).

Example (3). (a) On February 7, 1987, corporation P issues written obligations called "debenture preference stock" in the principal amount of $50 each. The debenture preference stock bears interest at 6 percent a year. In addition, at the discretion of the board of directors of corporation P, the holders of the debenture preference stock may share in the profits of corporation P after a dividend of $6 has been paid on each share of the corporation's common stock. The debenture preference stock matures on December 31, 2017, except that the maturity may be extended from time to time (but in no event beyond December 31, 2037) at the discretion of P's board of directors. Based on these facts, the debenture preference stock provides for fixed payments of interest at a rate of 6 percent and a fixed payment of $50 in principal on December 31, 2037.

(b) Assume that the fair market value of the debenture preference stock is $50 each. The debenture preference stock without its equity features would be 6-percent non-participating debentures due on December 31, 2037. Assume that the fair market value of such instruments would be $20.12 each. Based on these facts, the debenture preference stock is treated as stock because its fair market value without equity features (*i.e.*, $20.12) is less than 50 percent of its actual fair market value (*i.e.*, $50/2 = $25).

Example (4). (a) On March 18, 1981, S lends $70,000 to corporation F pursuant to a written agreement. The loan is secured by a second mortgage on real property owned by corporation F and is due in 10 years. Under the written agreement, S is entitled to interest at the rate of 13 percent a year. In addition, S is entitled to 50 percent of any appreciation in the value of the real property. Based on these facts, S has a right to fixed payments of interest at a rate of 13 percent a year and a fixed payment of $70,000 in principal on March 18, 1991.

(b) Assume that the fair market value of the obligation to S is $70,000. This obligation without its equity features would be a simple 10-year, 13-percent second mortgage note. Assume that the fair market value of such a note would be $42,017. Based on these facts, the obligation to S is treated as indebtedness because its fair market value without equity features (*i.e.*, $42,017) is not less than 50 percent of its actual fair market value (*i.e.*, $70,000/2 = $35,000).

Example (5). (a) On December 1, 1989, corporation T issues variable interest notes in the principal amount of $1,000 each. The notes pay interest at a rate that may vary between 2 percent and 10 percent, depending on the earnings of corporation T. The board of directors of corporaton T may, in its discretion, defer all payments of interest until the notes mature on December 1, 2014, and may subordinate the notes to other debts of corporation T. Based on these facts, each note provides for fixed payments of $1,000 in principal and $500 in interest (*i.e.*, 2% x $1,000 x 25 years) on December 1, 2014.

(b) Assume that the fair market value of the variable interest notes is $1,000 each. The notes without their equity features would provide for the payment of $1,500 (total principal and interest) on December 1, 2014, and would be subject to subordination at the discretion of the board of directors of corporaton T. Assume that the fair market value of such instruments would be $219 each. Based on these facts, the variable interest notes are treated as stock because the fair market value of each note without its equity features (*i.e.*, $219) is less than 50 percent of its actual fair market value (*i.e.*, $1,000/2 = $500).

Example (6). (a) On April 1, 1984, corporation U issues inflation provision notes in the principal amount of $557,700. The notes pay interest at a fixed rate of 6 percent on a fluctuating maturity value, and are due on April 1, 1994. The maturity value is determined according to the Consumers' Price Index, published monthly by the Bureau of Labor Statistics. Based on these facts, the inflation provision notes provide for fixed payments of both principal and interest.

(b) The inflation provision notes are treated as indebtedness because they are straight debt instruments.

Example (7). (a) Corporation W owns a tract of land and is building 350 houses there. On August 15, 1985, P lends $300,000 to corporation W pursuant to a written agreement. The agreement provides that corporation W will pay $175,000 to P "in lieu of interest," with $500 payable on the sale of each house. In addition, W is obligated to return P's $300,000 investment on demand at any time after December 31, 1987. The loan is secured by the general credit of corporation W, and the written agreement contains appropriate protective provisions. Based on these facts, the written agreement provides for the fixed payment of $300,000 in principal and for a contingent payment of $175,000.

(b) Assume that the fair market value of the obligation to P is $300,000. The obligation without its equity features would be a noninterest-bearing note for $300,000 due on December 31, 1987. Assume that the fair market value of such a note would be $170,000. Based on these facts, the obligation to P is treated as indebtedness because its fair market value without equity features (*i.e.*, $170,000) is not less than 50 percent of its actual fair market value (*i.e.*, $300,000/2 = $150,000).

Example (8). (a) On May 1, 1981, corporation X issues subordinated debentures due on May 1, 1991, in the principal amount of $1,000 each. Interest is payable annually at the rate of 7 percent a year. Additional interest, which is contingent on the net profits of corporation X, is payable at a maximum rate of 1 percent a year. Default in the payment of interest, while not accelerating the maturity of the debenture, gives rise to a cause of action which the debenture holder may maintain against corporation X for nonpayment of interest. Based on these facts, each debenture provides for a fixed $1,000 payment of principal and for fixed payments of interest at the rate of 7 percent a year.

(b) Assume that the fair market value of the subordinated debentures is $1,000 each. The debentures without their equity features would be 7-percent subordinated debentures with no provision for additional interest. Assume that the fair market value of such debentures would be $949 each. Based on these facts, the subordinated debentures issued by corporation X are treated as indebtedness because the fair market value of each debenture without its equity features (*i.e.*, $949) is not less than 50 percent of its actual fair market value (*i.e.*, $1,000/2=$500).

Example (9). (a) Corporation Z owns a large tract of land and is engaged in the business of developing, subdividing, and selling the land. On January 25, 1986, corporation Z issues noninterest-bearing debenture bonds having a face value of $500,000 and a maturity date of January 25, 2011. The retirement of the bonds will be secured by the deposit of 10 percent of corporation Z's gross receipts into a special bank account. However, if corporation Z is liquidated after all of its lands have been sold, it will have no further obligation to retire any of the outstanding bonds unless the 10-percent payments have not been made as required. Based on these facts, the bonds do not provide for fixed payments of either principal or interest.

(b) The debenture bonds without their equity features would pay neither principal nor interest. Such instruments would be worthless. Therefore, the debenture bonds are treated as stock.

Example (10). (a) On August 1, 1983, corporation U issues debentures in the principal amount of $1,000 each. The debentures pay interest at a fixed rate of 8 percent, are due on August 1, 1993, and provide for the payment of principal and interest in German marks. Based on these facts, the debentures provide for fixed payments of both principal and interest.

(b) The debentures are treated as indebtedness because they are straight debt instruments.

(f) *Additional illustrations.* The following examples are additional illustrations of the application of this section. It is assumed that §§ 1.385–6 through 1.385–8 do not apply to the instruments described in these examples.

Example (1). On January 1, 1990, corporation M issues 7-percent Series A bonds in the principal amount of $1,000 each.

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The bonds are due on January 1, 2015, and are secured by the general credit of corporation M. They are registered with the Securities and Exchange Commission and sold to the public at par. Because the Series A bonds are straight debt instruments, they are treated as indebtedness.

Example (2). The facts are the same as in example (1), except that the instruments issued by corporation M are 9-percent Series B income bonds. Interest is not payable on the Series B income bonds unless earned and is noncumulative. A Series B bond without its equity features would be a $1,000 noninterest-bearing bond. Assume that the fair market value of such a noninterest-bearing bond would be $184. Based on these facts, the Series B income bonds are treated as stock because the fair market value of each bond without its equity features (*i.e.*, $184) is less than 50 percent of its actual fair market value (*i.e.*, $1,000/2=$500).

Example (3). The facts are the same as in example (2), except that the Series B income bonds are due on January 1, 2000. A Series B bond without its equity features would be a $1,000 noninterest-bearing bond due on January 1, 2000. Assume that the fair market value of such a noninterest-bearing bond would be $508. Based on these facts, the Series B income bonds are treated as indebtedness because the fair market value of each bond without its equity features (*i.e.*, $508) is not less than 50 percent of its actual fair market value (*i.e.*, $1,000/2=$500).

Example (4). The facts are the same as in example (3), except that the Series B income bonds bear 10-percent interest and are subordinated to the general creditors of corporation M. A Series B bond without its equity features would be a $1,000 subordinated noninterest-bearing bond due on January 1, 2000. Assume that the fair market value of such a subordinated noninterest-bearing bond would be $463. Based on these facts, the Series B income bonds are treated as stock because the fair market value of each bond without its equity features (*i.e.*, $463) is less than 50 percent of its actual fair market value (*i.e.*, $1,000/2=$500).

Example (5). The facts are the same as in example (2), except that the Series B income bonds pay 8-percent cumulative interest, and accumulated interest becomes unconditionally due at maturity. A Series B bond without its equity features would be a $1,000 bond paying simple interest at 8 percent, with the interest not due until maturity on January 1, 2015. Assume that the fair market value of such an instrument would be $553. Based on these facts, the Series B income bonds are treated as indebtedness because the fair market value of each bond without its equity features (*i.e.*, $553) is not less than 50 percent of its actual fair market value (*i.e.*, $1,000/2=$500).

Example (6). The facts are the same as in example (1), except that the instruments issued by corporation M are 6-percent Series C convertible bonds. Each Series C bond is convertible into two shares of common stock of corporation M. A Series C bond without its equity features would be a $1,000 6-percent bond due on January 1, 2015. Assume that the fair market value of such a bond would be $883. Based on these facts, the Series C convertible bonds are treated as indebtedness because the fair market value of each bond without its equity features (*i.e.*, $883) is not less than 50 percent of its actual fair market value (*i.e.*, $1,000/2=$500).

Example (7). The facts are the same as in example (6), except that the Series C convertible bonds pay 2-percent interest and are convertible into four shares of stock of corporation M. A Series C bond without its equity features would be a $1,000, 2-percent bond due on January 1, 2015. Assume that the fair market value of such a bond would be $417. Based on these facts, the Series C convertible bonds are treated as stock because the fair market value of each bond without its equity features (*i.e.*, $417) is less than 50 percent of its actual fair market value (*i.e.*, $1,000/2=$500).

Example (8). The facts are the same as in example (1), except that the instruments issued by corporation M are 7-percent Series D convertible income bonds due on January 1, 2015. The Series D bonds are convertible into two shares of common stock of corporation M, and accumulated interest on the Series D bonds is unconditionally due at maturity. A Series D bond without its equity features would be a $1,000 bond paying simple interest at 7 percent with the interest not due until maturity on January 1, 2015. Assume that the fair market value of such a bond would be $508. Based on these facts, the Series D convertible income bonds are treated as indebtedness because the fair market value of each bond without its equity features (*i.e.*, $508) is not less than 50 percent of its actual fair market value (*i.e.*, $1,000/2=$500).

Example (9). The facts are the same as in example (4), except that the Series B income bonds are privately placed with corporation X. In reliance on an independent appraisal, both X and M reasonably believe that the fair market value of the Series B income bonds without their equity features is $510 each. Based on these facts, the Series B income bonds are treated as indebtedness. See paragraph (c) of this section.

§ 1.385–6 Proportionality.

(a) *In general*—(1) *Scope.* (i) This section applies to a class or classes of instruments (whether or not issued pursuant to a plan) if there is a substantial identity of interest among shareholders of the issuing corporation and holders of the instruments. Under this section, certain hybrid instruments and certain instruments issued for property may be treated as stock.

(ii) Generally, a substantial identity of interest results from substantial proportionality between holdings of stock and instruments. However, if a corporation's stock and instruments are widely held and if the instruments are separately traded and readily marketable, then there is no substantial identity of interest.

(iii) If holdings of stock and instruments would be substantially proportionate on the exercise of any options, warrants, conversion rights, or any similar rights, then they will be considered substantially proportionate. On the other hand, if actual holdings of stock and instruments are substantially proportionate, then these rights will not be taken into account.

(iv) In determining whether holdings of stock and convertible instruments are substantially proportionate, stock into which the instruments are convertible will not be taken into account.

(v) A substantial identity of interest exists among members of a family described in § 318(a)(1).

(2) *Exception.* (i) This section does not apply to any instrument held by an independent creditor.

(ii) For purposes of this section, an independent creditor is one who—

(A) Owns stock possessing less than 5 percent of the total combined voting power of all classes of stock entitled to vote,

(B) Owns less than 5 percent of the total combined fair market value of all classes of stock, and

(C) Has no interest in the corporation (including an interest as officer, director or employee), other than an interest as a creditor or a less-than-five-percent stock interest described in paragraphs (a)(2)(ii)(A) and (B) of this section.

(iii) In determining whether any creditor is independent—

(A) Any stock constructively owned by the creditor under section 318(a) is taken into account;

(B) Any other stock constructively owned by any other person under section 318(a)(4) (relating to options) is not taken into account; and

(C) The constructive ownership rules of section 318(a) shall be applied by substituting "5 percent" for "50 percent" in sections 318(a)(2)(C) and 318(a)(3)(C).

(3) *Illustrations.* The following examples illustrate the application of this paragraph (a):

Example (1). A and B each own 50 percent of the stock of corporation X. In addition, A owns 40 percent of a class of debentures issued by X, and B owns the remaining 60 percent. Based on these facts, holdings of the debentures and holdings of stock in X are substantially proportionate, and this section applies to the debentures.

Example (2). A, B and C each own 100 shares of common stock in corporation Y. Y has no other stock of any class outstanding. However, Y does have outstanding convertible debentures in the principal amount of $100,000. A owns $40,000 of the debentures, B owns $30,000, C owns $20,000, and an independent creditor owns the remaining $10,000. Based on these facts, holdings of the debentures and holdings of stock in Y are substantially proportionate, and this section applies to the debentures held by A, B and C. However, this section does not apply to the debentures held by the independent creditor.

Example (3). The facts are the same as in example (2), except that A, B and C each own $10,000 of debentures, and the independent creditor owns $70,000. Based on these facts, the holdings of stock and debentures are not substantially proportionate.

Example (4). A, B and C each own ⅓ of the common stock of corporation Z. In addition, Z issues $100,000 of 10-year, 8-percent debentures to A, $100,000 of 12-year, 8½-percent debentures to B, and $100,000 of 15-year, 9-percent debentures to C. Based on these facts, the debentures are held in substantial proportion by A, B and C. Therefore, this section applies to the debentures.

Example (5). A and B each own 50 percent of the common stock of corporation U. In addition, U has outstanding $100,000 of 7-percent debentures of which A's spouse holds 60 percent and B holds 40 percent. Based on these facts, there is a substantial identity of interest among the shareholders and debenture holders. Therefore, this section applies to the debentures.

Example (6). Corporation V has more than 100,000 shareholders. On January 1, 1990, V issues $10 of debentures on each share of stock as a dividend. The stock and debentures are traded separately on a national securities exchange. Based on these facts, there is no substantial identity of interest between the shareholders and the debenture holders, and this section therefore does not apply to the debentures.

Example (7). A owns all the stock of corporation W. In addition, W has outstanding $100,000 of debentures, of which A owns $50,000 and an independent creditor owns $50,000. Based on these facts, this section does not apply to the debentures.

Example (8). A owns all 100 shares of stock in corporation Y. A also owns 50 percent of a class of senior debentures issued by Y, and B owns the remaining 50 percent. In addition, A and B each own 50 perent of a class of junior debentures issued by Y, which are convertible into a total of 200 shares of Y stock. Based on these facts, holdings of stock in Y and the senior debentures would be substantially proportionate on the exercise of B's right to convert the junior debentures into 100 shares of Y stock. Therefore, holdings of Y stock and the senior debentures are treated as substantially proportionate under paragraph (a)(1)(iii) of this section. Consequently, this section applies to the senior debentures. However, in determining whether holdings of Y stock and the junior debentures are substantially proportionate, the shares of stock into which the junior debentures are convertible are not taken into account. (See paragraph (a)(1)(iv) of this section.) Therefore, holdings of Y stock and the junior debentures are not substantially proportionate.

Example (9). A and B each own 100 shares of common stock in corporation Z, and Z has no other shares of stock outstanding. In addition, A and B each own $50,000 of debentures issued by Z, and A also owns an option to acquire 100 shares of Z common stock. Based on these facts, holdings of the debentures and stock in Z are substantially proportionate, and this section applies to the debentures.

(b) *Hybrid instruments*—(1) *In general.* If—

(i) A corporation issues a class of hybrid instruments, and

(ii) This section applies to the instruments immediately after they are issued,

then the instruments are treated as stock.

(2) *Hybrid instrument.* For the definition of the term "hybrid instrument", see § 1.385–3(f).

(3) *Illustration.* The following example illustrates the application of this paragraph (b):

Example. Corporation X has outstanding 100 shares of common stock and no other shares of any other class. Individual A owns 50 shares of common stock in X, individual B owns 30 shares, and individual C owns 20 shares. On January 1, 1990, corporation X issues $100,000 of convertible debentures. Sixty thousand dollars of the convertible debentures are issued to A, $25,000 are issued to B, and the remaining $15,000 are issued to C. Based on these facts, the convertible debentures are treated as stock.

(c) *Instruments issued for property*—(1) *In general.* An instrument issued by a corporation is treated as stock if—

(i) This section applies to the instrument immediately after it is issued, and

(ii) The stated annual rate of interest on the instrument is not reasonable (within the meaning of paragraph (d) of this section).

(2) *Special rules.* (i) This paragraph (c) does not apply to an instrument issued for money.

(ii) For purposes of this paragraph (c), the reasonableness of a rate of interest is determined on the day an instrument is issued.

(3) *Illustrations.* The following examples illustrate the application of this paragraph (c):

Example (1). J organizes corporation W on December 10, 1985 to operate a distributorship of radios, television sets, and other types of electrical appliances. On the same day, J transfers certain franchises, cash, and other assets to corporation W in exchange for all of the capital stock of corporation W and $100,000 of 10-year, 5-percent debenture bonds. Assume that on December 10, 1985, 5 percent is not a reasonable rate of interest (within the meaning of paragraph (d) of this section). Based on these facts, the debenture bonds are treated as stock.

Example (2). Corporation X operates a wholesale electrical supply business. In the course of a recapitalization on December 30, 1990, X issues 2,100 class B debentures to L in exchange for common stock. Immediately after the recapitalization, L holds 90 percent of the common stock of X. The principal amount of each class B debenture is $100, and each debenture pays $50 a year in interest. Assume that on December 30, 1990, 50 percent is not a reasonable rate of interest (within the meaning of paragraph (d) of this section). Based on these facts, the class B debentures issued to L are treated as stock.

Example (3). On January 1, 1987, individuals A, B and C transfer a tract of undeveloped land and $4,500 in cash to newly formed corporation X. In exchange, each receives 100 shares of stock and a 2-year, 10-percent promissory note for $110,000. Assume that 10 percent is not a reasonable rate of interest (within the meaning of paragraph (d) of this section). Based on these facts, the promissory notes are treated as stock for all purposes of the Internal Revenue Code. In particular, the notes are not treated as "other property" within the meaning of section 351(b). Thus, no gain or loss is recognized on the transfer of the land to X (see section 351), and X's basis in the land is the same as it was in the hands of A, B and C (see section 362(a)(1)).

(d) *Reasonable rate of interest*—(1) *In general.* In determining whether the annual rate of interest on an instrument issued by a corporation is reasonable, a rate within the range of rates paid to independent creditors on similar instruments by corporations in the same general industry, geographic location, and financial condition on the date the determination is made is considered reasonable.

(2) *Rule of convenience.* An annual rate of interest on an instrument is considered to be reasonable if—

(i) On the date the determination is made, it is between the rate in effect under section 6621 and the prime rate in effect at any local commercial bank, or equals either of such rates, and

(ii) At the end of the taxable year in which the determination is made, the debt-to-equity ratio of the issuing corporation is not greater than 1:1.

(3) *Exception.* Paragraph (d)(2) of this section does not apply to an instrument that evidences a nonrecourse liability.

(e) *Meaning of terms*—(1) *Debt-to-equity ratio.* For the definition of the term "debt-to-equity ratio", see § 1.385–3(c).

(2) *Instrument.* for the definition of the term "instrument", see § 1.385–3(d).

§ 1.385–7 Principal shareholders.

(a) *In general.* This section applies to certain instruments owned by the principal shareholders of the issuing corporation. It has effect where there is a change in terms or a failure to pay principal or interest, or where an instrument is payable on demand.

(b) *Change in terms*—(1) *In general.* If one of the principal shareholders of a corporation—

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(i) Owns an instrument treated as indebtedness that was issued by the corporation after December 31, 1980, and

(ii) Agrees to postpone the maturity date or otherwise to make a substantive change in the terms of the instrument,

then (solely for purposes of the regulations under section 385) the instrument is treated as newly issued in exchange for property on the day of agreement. Thus, beginning on the day of agreement the instrument may be treated as stock under § 1.385–5 (relating to hybrid instruments), § 1.385–6 (relating to proportionality), or § 1.385–7(d) (relating to instruments payable on demand). However, § 1.385–6 (relating to nominal capital) does not apply unless there is an increase in the principal amount of the instrument.

(2) *Substantive.* For purposes of this paragraph (b), each change in the terms of an instrument is substantive if the fair market value of the instrument could be materially affected by that change. Thus, for example, subordination (however effected) or a change in interest rate is ordinarily a substantive change. On the other hand, a mere substitution of collateral need not be a substantive change. In addition, prepayment will not be considered a substantive change in terms.

(3) *Day of agreement.* For purposes of this paragraph (b), the "day of agreement" is the day the issuer and the holder enter into a binding contract to change the terms of an instrument.

(4) *Illustrations.* The following examples illustrate the application of this paragraph (b):

Example (1). A is the sole shareholder of corporation X. On January 1, 1990, X issues a $10,000 9-percent note to A for $10,000 in cash. The note is due on January 1, 2000, and is treated as indebtedness under § 1.385–4(a). However, on December 10, 1999, A and X agree to extend the maturity of the note until January 1, 2015. Assume that under the terms of the agreement the note will continue to pay 9 percent interest, and that on December 10, 1999, 9 percent is not a reasonable rate of interest (within the meaning of § 1.385–6(d)) for a note due on January 1, 2015. Based on these facts, the note would be treated as stock under § 1.385–6(c) if it were newly issued in exchange for property on December 10, 1999. Therefore, the note is reclassified as stock on December 10, 1999.

Example (2). The facts are the same as in example (1). In addition, X issues a $20,000, 10-percent note to A for $20,000 in cash on January 1, 2005. The note is due on January 1, 2007, and is treated as indebtedness under § 1.385–4(a). On December 10, 2005, A and X agree to extend the maturity of the note until January 1, 2037, and to increase the interest rate from 10 to 11 percent. For purposes of paragraph (b) of this section, both changes in terms made on December 10, 2005 are substantive because both could materially affect the fair market value of the note. The result is the same even if the two changes are mutually offsetting in the sense that, taken together, they have no material effect on the fair market value of the note.

(c) *Nonpayment of interest*—(1) *In general.* If—

(i) The owner of an instrument is one of the principal shareholders of the issuing corporation,

(ii) The corporation fails to pay all or part of the interest accrued on the instrument during a taxable year, and

(iii) The owner of the instrument fails to pursue available remedies with the ordinary diligence of an independent creditor,

then the instrument is treated as stock beginning on the first day of the taxable year in which the failure to pay occurs.

(2) *Illustrations.* The following examples illustrate the application of paragraph (c)(1) of this section:

Example (1). M is the sole shareholder of X, a corporation that uses the calendar year as the taxable year. On January 1, 1985, X issues $100,000 of 10-year, 9-percent debentures. Ten thousand dollars of the debentures are issued to M and are treated as indebtedness under § 1.385–4(a). The remaining debentures are issued to independent creditors. X pays all interest accrued on the debentures semiannually until 1990. Because of adverse business conditions, X does not pay the interest accrued in 1990 on the debentures held by M. X continues to pay interest on the debentures held by the independent creditors, but M does not bring suit against X for nonpayment of interest. The debentures held by M are treated as stock beginning on January 1, 1990. However, the debentures held by independent creditors are not affected.

Example (2). The facts are the same as in example (1), except that X does not pay interest to either M or the other debenture holders. Additionally, the debenture holders as a group decide not to bring suit against X in the hope that business conditions will improve, and that X will be able to meet its obligations. The debentures held by M continue to be treated as indebtedness because M has not failed to pursue available remedies with the ordinary diligence of an independent creditor.

(3) *Special rule.* (i) For purposes of this paragraph (c), interest accrued while the owner of the instrument is not one of the principal shareholders of the issuing corporation is disregarded.

(ii) The following example illustrates the application of this subparagraph (3):

Example. Individual A owns all the stock of X, a corporation that uses the calendar year as the taxable year. On January 1, 1981, X issues $10,000 of 8-percent debentures to B, an independent creditor. The debentures are treated as indebtedness under § 1.385–4(a) (relating to instruments generally). Interest on the debentures is payable semiannually on January 1 and July 1 of each year. X fails to make the $400 payment of interest due on July 1, 1985, and A then buys the debentures from B. X actually pays the $400 interest due on December 31, 1985, but A forgives the $400 payment that was due on July 1, 1985. Based on these facts, the debentures are not treated as stock under this paragraph (c). There is no requirement that interest accrued while B held the debentures must be paid.

(d) *Payable on demand*—(1) *Initial classification.* If on the day of issue—

(i) By its terms, an instrument is payable on demand,

(ii) The owner of the instrument is a principal shareholder of the issuing corporation, and

(iii) The stated annual rate of interest on the instrument is not reasonable (within the meaning of § 1.385–6(d)),

then the instrument is treated as stock.

(2) *Reclassification.* If for any taxable year (or portion thereof)—

(i) Either by its terms or by operation of paragraph (d)(3) of this section, an instrument is payable on demand,

(ii) The owner of the instrument is a principal shareholder of the issuing corporation, and

(iii) The issuing corporation fails to pay interest on the instrument at a reasonable rate;

then the instrument is treated as stock beginning on the first day of that taxable year (or portion thereof). For purposes of this subparagraph (2), a rate of interest is considered reasonable if it is reasonable (within the meaning of § 1.385–6(d)) as of any day of the taxable year.

(3) *Nonpayment of principal.* If—

(i) The issuing corporation fails to pay principal on an instrument within 90 days after the principal is due, and

(ii) The holder of the instrument fails to pursue available remedies with the ordinary diligence of an independent creditor,

then for purposes of this paragraph (d) the instrument is considered to be payable on demand beginning on the day after the day the principal is due.

(4) *Exceptions.* (i) This paragraph (d) does not apply to an instrument that is actually retired within 6 months after the day of issue; provided that the sum of—

(A) The outstanding principal amount of all such instruments, plus

(B) The outstanding balance of all unwritten loans described in § 1.385–9(a)(2),

does not exceed $25,000 on the day of issue. For this purpose, an instrument is not considered to be actually retired if it is reissued, renewed, or offset in any manner.

(ii)(A) If a failure to pay interest on an instrument at a reasonable rate results solely from a failure to pay interest when due, then paragraph (d)(2) of this section does not apply. See, however, paragraph (c) of this section (relating to nonpayment of interest when due).

(B) The following example illustrates the application of this subdivision (ii):

Example. Individual A owns 25 percent of the stock of corporation X. On January 1, 1990, X issues a 14-percent demand note to A. X uses the calendar year as the taxable year. Assume that 14 percent is a reasonable rate of interest (within the meaning of § 1.385–6(d)) on January 1, 1990, but that X fails to pay any part of the interest due on the note for the taxable year 1990. Based on these facts, paragraph (d)(2) of this section does not apply. However, if A has failed to pursue available remedies with the ordinary diligence of an independent creditor, the note will be treated as stock under paragraph (c) of this section.

(5) *Illustrations.* The following examples illustrate the application of this paragraph (d) and related provisions:

Example (1). J and N operate a partnership that distributes beer. On April 1, 1989, J and N organize corporation T and transfer the assets of the partnership to the corporation. In exchange for the assets of the partnership, J and N each receive half of the common stock of corporation T and a noninterest-bearing demand note for $45,000. Based on these facts, the demand notes are treated as stock.

Example (2). On August 24, 1986, F organizes corporation G to own and operate an outdoor amusement business. Corporation G uses the calendar year as the taxable year. On August 25, 1986, F transfers trucking equipment, mechanical rides, and other assets to corporation G in exchange for all the capital stock of corporation G and a 6-percent note for $200,000. The note is due on August 25, 1990, and is classified as indebtedness under § 1.385–4(a). However, corporation G does not pay the principal within 90 days after it is due, and F does not pursue available remedies against the corporation. Based on these facts, beginning on August 26, 1990, the note is considered to be payable on demand. Assume that during 1990 the lowest reasonable rate of interest on a demand note issued by corporation G (taking into account the financial condition of the corporation) is 12 percent a year, and that under applicable local law the note continues to pay 6 percent interest after maturity. Based on these facts, the note is treated as stock on August 26, 1990.

Example (3). The facts are the same as in example (2) except that G agrees to pay 12 percent interest on the note. In addition, assume that 12 percent is a reasonable rate of interest on August 26, 1990. Based on these facts, the note is not treated as stock.

Example (4). The facts are the same as in example (3), except that corporation G issues a 12-percent demand note for $200,000 to F in payment for the 6-percent note due on August 25, 1990. Based on these facts, the 6-percent note is not treated as stock.

(e) *Meaning of terms*—(1) *Failure to pay.* For purposes of this section, a corporation fails to pay interest on an instrument during a taxable year of the corporation if the interest is not actually paid within 90 days after the end of the year.

(2) *Fair market value.* For the definition of the term "fair market value," see § 1.385–3(b).

(3) *Instrument.* For the definition of the term "instrument," see § 1.385–3(d).

(4) *Principal shareholders.* (i) The term "principal shareholder" means a person who—

(A) Owns 5 percent or more of the total combined fair market value of all classes of stock of the corporation, or

(B) Owns stock possessing 5 percent or more of the total combined voting power of all classes of stock entitled to vote.

(ii) In determining whether any shareholder is a principal shareholder, the following rules apply:

(A) Any stock constructively owned by the shareholder under section 318(a) is taken into account;

(B) Any other stock constructively owned by any other person under section 318(a)(4) (relating to options) is not taken into account; and

(C) The constructive ownership rules of section 318(a) shall be applied by substituting "5 percent" for "50 percent" in §§ 318(a)(2)(C) and 318(a)(3)(C).

(iii) The following example illustrates the application of this paragraph (e)(4) of this section:

Example. Individual A owns all 100 outstanding shares of stock and an option to acquire an additional 1,000 shares of stock in corporation X. Individual B owns an option to acquire 10 shares of stock in corporation X. Applying the constructive ownership rules of section 318, B is considered to own 10 out of 110 outstanding shares of stock in X. See section 318(a)(4). Therefore, B is a principal shareholder of X.

§ 1.385–8 Nominal capital.

(a) *In general.* Any instruments are treated as stock if—

(1) The debt-to-equity ratio of the issuing corporation (determined under § 1.385–3(c) at the end of the taxable year in which the instruments are issued) is greater than 10:1, and

(2) Immediately after the instruments are issued, the debt-to-equity ratio of the issuing corporation, computed by using the fair market value of the corporation's outstanding stock as the stockholders' equity, is greater than 10:1.

(b) *Instrument.* For the definition of the term "instrument," see § 1.385–3(d).

(c) *Exception.* This section does not apply to instruments issued in exchange for an equal or greater principal amount of indebtedness.

(d) *Illustrations.* The following examples illustrate the application of this section:

Example (1). Corporation M uses the calendar year as the taxable year. On January 1, 1982, M issues $100,000 of 15-percent debentures. Corporation M's debt-to-equity ratio (computed immediately after the debentures are issued on January 1, 1982, by using the fair market value of M's outstanding stock as the stockholders' equity) exceeds 10:1. In addition, corporation M's debt-to-equity ratio (computed under § 1.385–3(c) on December 31, 1982) is greater than 10:1. Based on these facts, the debentures are treated as stock.

Example (2). The facts are the same as in example (1), except that M's assets include substantially appreciated real estate. As a result, M's debt-to-equity ratio (computed immediately after the debentures are issued on January 1, 1982, by using the fair market value of M's outstanding stock as the stockholders' equity) does not exceed 10:1. Consequently, the debentures are not treated as stock by reason of this section.

Example (3). The facts are the same as in example (3) of § 1.385–3(c)(4). Because D's debt-to-equity ratio on December 31, 1981, computed by using the fair market value of D's common stock as the stockholders' equity, is greater than 10:1, the debentures are treated as stock under this section.

Example (4). Corporation N uses the calendar year as the taxable year. On January 1, 1981, corporation N issues $25,000 in 10-year, 12-percent debentures. On December 31, 1981, N's debt-to-equity ratio is 1:1, and the debentures are treated as indebtedness under § 1.385–4(a). Because of financial difficulties, N is unable to pay the debentures when they mature on December 31, 1990. In order to avoid forcing N into bankruptcy, the debenture holders agree to accept an equal principal amount of new convertible debentures in full satisfaction of their claims on December 31, 1990. Based on these facts, the convertible debentures are not treated as stock under this section. The result is the same whether or not N's debt-to-equity ratio exceeds 10:1 on December 31, 1990. See paragraph (c) of this section.

§ 1.385–9 Certain unwritten obligations.

(a) *Scope*—(1) *In general.* This section applies to any loan of money made to a corporation by one of its shareholders, unless all material terms and conditions of the loan are contained in a written document (or a set of related documents) enforceable under applicable nontax law.

(2) *Exception.* This section does not apply to loans that are actually repaid within six months after the day they are made, but only to the extent that the outstanding balance of such loans does not exceed $25,000. For this purpose, a loan is not considered to be actually repaid if it is renewed or offset in any manner.

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(b) *Initial classification*—(1) *In general.* Except as provided in paragraph (b)(2) of this section, a loan to which this section applies is treated as a contribution to capital (as of the day the loan is made) for all purposes of the Internal Revenue Code.

(2) *Exception.* A loan to which this section applies is treated as indebtedness if the debt-to-equity ratio of the debtor corporation (determined at the end of the taxable year in which the loan is made) is not greater than 1:1.

(c) *Reclassification*—(1) *In general.* If a loan is treated as indebtedness under paragraph (b)(2) of this section, and if the debtor corporation fails to pay interest on the loan at a rate described in § 1.385–6(d)(2) during any taxable year of the debtor corporation, then the loan is reclassified as a contribution to capital as of the first day of the taxable year. For purposes of this subparagraph (1), a rate is considered to be described in § 1.385–6(d)(2) if it is so described as of any day of the taxable year.

(2) *Special rules.* For purposes of paragraph (c)(1) of this section, a corporation is not considered to pay interest on a loan during a taxable year unless the interest is actually paid within 90 days after the end of the year.

(d) *Effect of this section*—(1) *Initial classification.* If a loan is treated as a contribution to capital under paragraph (b)(1) of this section, then all payments of principal and interest on the loan are treated as distributions to which section 301 applies.

(2) *Reclassification.* If a loan is reclassified as a contribution to capital under paragraph (c) of this section at the beginning of a taxable year, then all payments of principal and interest made on the loan after the beginning of that year are treated as distributions to which section 301 applies. In addition, once a loan is reclassified under paragraph (c) of this section, its status as a contribution to capital can never change.

(e) *Debt-to-equity ratio.* For the definition of the term "debt-to-equity", see § 1.385–3(c).

(f) *Illustrations.* The following examples illustrate the application of this section:

Example (1). Corporation M uses the calendar year as the taxable year. A is the sole shareholder of M. On March 1, 1986, A advances $73,000 to M, and M establishes an account payable to A in the amount of $73,000. The account payable is entered on the books of M but otherwise is not evidenced by a written document. On December 31, 1986, the debt-to-equity ratio of corporation M is 3:2. Based on these facts, the account payable is classified as a contribution to capital.

Example (2). The facts are the same as in example (1), except that the debt-to-equity ratio of corporation M on December 31, 1986, is 2:3. The account payable is classified as indebtedness. However, if corporation M fails to pay interest at a rate described in § 1.385–6(d)(2) on the account payable for the last 10 months of 1986, the account payable will be reclassified as a contribution to capital (effective retroactively to March 1, 1986).

§ 1.385–10 Locked interests.

(a) *In general.* For purposes of the regulations under section 385, two or more distinct interests in a corporation are treated as separate even though title to one cannot be transferred without transferring title to the others. Thus, for example, if a corporation issues a bond with a nondetachable warrant, the bond and the warrant are treated as two separate interests in the corporation.

(b) *Illustrations.* The following examples illustrate the application of this section:

Example (1). On January 1, 1988, corporation X issues 20-year, $1,000 debentures with nondetachable warrants. Each warrant entitles the holder to buy 100 shares of common stock in X for $10 a share. Based on these facts, the debentures and the warrants are treated as separate interests.

Example (2). The facts are the same as in example (1), except that each debenture can be surrendered on the exercise of a warrant in lieu of cash. The result is the same as in example (1).

Example (3). On January 1, 1990, corporation Y issues a 25-year, $1,000 debenture to individual A for $1,000 in cash. Y has no other debentures outstanding. The debenture pays interest at a rate of $100 a year; $50 is payable in all events and the other $50 is noncumulative and payable only if earned. Individual A owns 80 percent of the stock in X, and the fair market value of the debenture is $1,000. Based on these facts, the debenture is treated as stock under § 1.385–6(b) (relating to hybrid instruments held proportionately).

Example (4). The facts are the same as in example (3), except that corporation Y issues a $600 debenture together with four shares of preferred stock to individual A. The debenture pays fixed interest of $50 a year and has a fair market value of $600. Each share of preferred stock has a liquidation value of $100 and pays a noncumulative dividend of $12.50 a year if earned. In addition, corporation Y is required to redeem the preferred stock at $100 a share at the end of 25 years. Assume that §§ 1.385–6 through 1.385–8 do not apply to the debenture. Based on these facts, the debenture is treated as indebtedness under § 1.385–4(a). The result is the same even if individual A cannot transfer title to the debenture without also transferring title to the preferred stock.

§ 1.385–11 Guaranteed loans.

(a) *In general.* If—

(1) A shareholder in a corporation guarantees a loan made to the corporation (either directly or indirectly, *e.g.*, by pledging collateral), and

(2) It is not reasonable (at the time of the guarantee) to expect that the loan can be enforced against the corporation according to its terms,

then (at the time of the guarantee) the loan is treated as made to the shareholder, and the shareholder is treated as making a contribution to the capital of the corporation.

(b) *Illustrations.* The following examples illustrate the application of this section:

Example (1). On September 25, 1982, J organizes corporation N and acquires all of its capital stock. In addition, J guarantees a note for $800,000 issued by corporation N to corporation O on September 28, 1982. On September 28, 1982, it is not reasonable to expect that corporation O will be able to enforce the note against N according to its terms. Therefore, the note is treated as an obligation of J, and J is treated as making a $800,000 contribution to the capital of corporation N.

Example (2). The facts are the same as in example (1). In addition, corporation N pays $33,000 in interest and $100,000 in principal on the note on September 28, 1983. The total $133,000 in payments is treated as a distribution from corporation N to J to which section 301 applies. However, J is allowed a deduction of $33,000 for interest paid under section 163.

Example (3). The facts are the same as in example (1). In addition, corporation N defaults and J is required to pay $500,000 in principal on the note. Because J is treated as the primary obligor on the note (and not merely as a guarantor), the $500,000 payment will in no circumstances be treated as a loss from a loan or as a contribution to the capital of N.

Example (4). The facts are the same as in example (1), except that J does not guarantee the note issued by corporation N until September 28, 1983. On that date, a principal balance of $400,000 is due on the note, and it is not reasonable to expect that O will be able to enforce the note against N according to its terms. Based on these facts, J is treated as making a $400,000 contribution to the capital of corporation N on September 28, 1983.

§ 1.385–12 Certain preferred stock.

(a) *In general.* For purposes of the regulations under section 385, preferred stock is treated as an instrument if it provides for fixed payments (as defined in § 1.385–5(d)) in the nature of principal or interest.

(b) *Illustrations.* The following examples illustrate the application of this section:

Example (1). On July 7, 1985, corporation C issues 500 shares of $100 par value, 5-percent preferred stock. Dividends on the stock must be paid if earned. The par value of the stock and accumulated dividends are "absolutely and unconditionally" payable on July 15, 2005. If the holders of the preferred stock are not paid $100 plus accumulated dividends on July 15, 2005, they have the right to require the dissolution of corporation C and the application of its assets (after payment of all liabilities) to the payment of their claims. Based on these facts, the preferred stock provides for fixed payments in the nature of principal and interest and therefore is treated as an instrument. Accordingly, the preferred stock may be treated as indebtedness under § 1.385–4(a) (relating to instruments generally).

Example (2). On August 8, 1985, corporation D issues 500 shares of $100 par value, 6-percent preferred stock. Dividends on the preferred stock are cumulative, and D may not pay dividends on its common stock so long as dividends on the preferred stock are in arrears. However, dividends on the preferred stock are payable only if declared by D's board of directors. In addition, the preferred stock is callable for $105 a share at the discretion of D's board of directors. Based on these facts, the preferred stock does not provide for fixed payments in the nature of principal or interest. Therefore, the preferred stock is not treated as an instrument.

Par. 3. Section 1.482–2 is amended by adding a new paragraph (a)(4) to read as follows:

§ 1.482–2 Determination of taxable income in specific situations.

(a) *Loans or advances.* * * *

(4) *Relation to section 1232.* In determining the rate of interest actually charged on a loan or advance evidenced by a written instrument—

(i) Any original issue discount included in income by the lender under § 1232(a)(3), or

(ii) Any bond premium deducted by the lender under § 1.61–12(c)(2),

is taken into account. The following example illustrates the application of this paragraph (a)(4) of this section:

Example. Domestic corporation P owns all the stock of domestic corporation S. On January 1, 1985, P advances $10,000 to S on a 5-percent, 20-year note. The fair market value of the note on the day of issue is $8,000. Based on these facts, P is treated as making a contribution of $2,000 to the capital of S (see § 1.385–3(a)(1)), and the issue price of the note (within the meaning of section 1232(b)(2)) is $8,000. Therefore, P must include $100 in income under section 1232(a)(3) each year. As a result, the rate of interest actually charged on the note is considered to be 6 percent.

Par. 4. Section 1.1371–1 is amended by deleting the last three sentences of paragraph (g); and by inserting a new paragraph (h) to read as follows:

§ 1.1371–1 Definition of small business corporation.

* * * * *

(h) *Relation to section 385.* [Reserved]

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80-8935 Filed 3-20-80; 2:43 pm]

BILLING CODE 4830-01-M

26 CFR Parts 1, 53, 301

[EE-2-79]

Treatment of Certain Elderly Care Facilities

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the treatment of private foundations that maintain certain elderly care facilities. Changes to the applicable tax law were made by the Revenue Act of 1978. The proposed regulations would provide private foundations with the guidance needed to comply with that Act and would affect private foundations that provide long-term care facilities for disabled persons, elderly persons, needy widows, and children.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 20, 1980. The amendment is proposed to be effective for taxable years beginning after December 31, 1969.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T:EE–2–79, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Kerby of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3422 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Regulations on Foundation and Similar Excise Taxes (26 CFR Part 53) under section 4942(j)(6), as added to the Internal Revenue Code of 1954 by section 522 of the Revenue Act of 1978 (92 Stat. 2885). These regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

This document also contains proposed deletions to the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) to reflect the repeal of section 6050 of the Code by section 5 of the Act of December 29, 1979 (Pub. L. No. 96–167; 93 Stat. 1275).

Treatment as Operating Foundation

Under Code section 4942, in order to avoid the imposition of an excise tax, a private foundation must make annual distributions for exempt purposes equal to the greater of its adjusted net income or minimum investment return. However, certain private foundations which qualify as "operating foundations" are exempt from this requirement. Under Code section 4942(j)(6), a private foundation that, as its principal functional purpose, provides long-term care facilities for disabled persons, elderly persons, needy widows, or children will be treated as an operating foundation, if it also satisfies the "endowment test" of section 4942(j)(3)(B)(ii). The endowment test requires a foundation to make qualifying distributions directly for the active conduct of its exempt function in an amount not less than 66⅔ percent of its minimum investment return.

Deductibility of Contributions

The rules governing the deductibility of contributions to an operating foundation are generally more favorable than those governing the deductibility of contributions to a "nonoperating" foundation. The provisions of Code section 4942(j)(6) apply, however, only to determine whether a foundation providing long-term care facilities would be subject to the distribution requirements applicable to nonoperating foundations. The deductibility of contributions to such a foundation is to be determined without regard to whether the foundation is an operating foundation under section 4942(j)(6).

Repeal of Code Section 6050

In general, repealed section 6050 required persons who transferred certain income producing property to a tax-exempt organization, a tax-exempt trust, or a state college or university to report the transfer to the Internal Revenue Service. Section 6050 was repealed with respect to transfers made after December 29, 1979. Accordingly, §§ 1.6050–1 and 301.6050–1 are being deleted from the Code of Federal Regulations.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public

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hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

Drafting Information

The principal author of these proposed regulations is Charles Kerby of the Employee Plans and Exempt Organizations Division of the Ofice of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Parts 1, 53, and 301 are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

§ 1.6050–1 [Deleted]

Par. 1. Section 1.6050–1 is deleted.

PART 53—FOUNDATION EXCISE TAXES

Par. 2. Section 53.4942 (b)–(1) is revised to read as follows:

§ 53.4942 (b)–1 Operating foundations.

(a) *Operating foundation defined*—(1) *In general.* For purposes of section 4942 and the regulations thereunder, the term "operating foundation" means any private foundation which makes qualifying distributions (within the meaning of § 53.4942 (a)–3 (a)(2)) directly for the active conduct of activities constituting its charitable, educational, or other similar exempt purpose equal in value to substantially all of its adjusted net income (as defined in § 53.4942 (a)–2 (d)) and which, in addition, satisfies the assets test, the endowment test or the support test set forth in § 53.4942 (b)–2 (a), (b) and (c).

(2) *Certain elderly care facilities described in section 4942(j)(6)*—(i) *In general.* For purposes of the distribution requirements of section 4942 (but no other provision of the Internal Revenue Code) and for taxable years beginning after December 31, 1969, the term "operating foundation" includes a private foundation which—

(A) On or before May 26, 1969, and continuously thereafter to the close of the taxable year, operates and maintains, as its principal functional purpose, residential facilities for the long-term care, comfort, maintenance, or education of permanently and totally disabled persons, elderly persons, needy widows, or children, and

(B) Satisfies the endowment test set forth in § 53.4942 (b)–2 (b).

(ii) *Principal functional purpose.* For purposes of section 4942(j)(6) and this subparagraph (2), an organization's "principal functional purpose" is operating and maintaining residential facilities for the long-term care, comfort, maintenance, or education of permanently and totally disabled persons, elderly persons, needy widows, or children, if it is organized for the principal purpose of operating and maintaining such residential facilities and is primarily engaged directly in the operation and maintenance of those facilities. An organization will be treated as being primarily engaged directly in the operation and maintenance of the described residential facilities if at least 50% of the qualifying distributions (as defined in § 53.4942(a)–3(a)(2)) normally made by the organization are expended for the operation and maintenance of the facilities.

* * * * *

PART 301—PROCEDURE AND ADMINISTRATION

§ 301.6050–1 [Deleted]

Par. 3. Section 301.6050–1 is deleted.

Jerome Kurtz,
Commissioner of Internal Revenue.

[FR Doc. 80–8778 Filed 3–20–80; 8:45 am]
BILLING CODE 4830–01–M

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26 CFR Parts 301 and 404

[LR–5–80]

Disclosures of Returns and Return Information to Officers and Employees of Bureaus of the Census and Economic Analysis

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to regulations relating to disclosures of returns and return information to officers and employees of the Bureaus of the Census and Economic Analysis of the Department of Commerce for certain statistical purposes. Changes to the applicable tax law were made by section 1202 of the Tax Reform Act of 1976. These regulations affect disclosures of returns and return information under section 6103(j)(1) of the Internal Revenue Code of 1954 and provide Internal Revenue Service personnel and other persons with the guidance needed to comply with the law.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 23, 1980. The amendments are proposed to be effective with respect to disclosures of returns and return information made after the date of publication of these amendments as a Treasury decision.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–5–80), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: David E. Dickinson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, attention: CC:LR:T, 202–566–3218, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) and the Temporary Regulations on Procedure and Administration (26 CFR Part 404) under section 6103 (j) (1). These amendments are proposed to conform the regulations to section 1202 of the Tax Reform Act of 1976. They are issued under the authority of sections 6103 (j) (1) and (q) and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1678 and 1685, 68A Stat. 917; 26 U.S.C. 6103 (j) (1) and (q), 7805).

Provisions of the Regulations

These proposed regulations materially correspond to existing § 404.6103 (j) (1)–1 of temporary regulations under section 6103 (j) (1) of the Code. Until these proposed amendments are published as a Treasury decision, § 404.6103 (j) (1)–1 will remain in effect.

These proposed regulations provide rules governing disclosures return information to certain officers and employees of the Department of Commerce for statistical purposes and related activities authorized by section 6103 (j) (1) of the Code.

The proposed regulations describe in detail the particular return information which the Service will disclose to officers and employees of the Bureau of the Census and Bureau of Economic Analysis for use in statistical programs and related activities authorized by law. The proposed regulations also prescribe the procedures to be followed with respect to requested disclosures of return information and the limited extent to which such return information can be redisclosed and provide that the confidentiality of return information disclosed as provided by the regulations must be protected to the satisfaction of the Service.

Drafting Information

The principal author of these regulations was David E. Dickinson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Parts 301 and 404 are as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The following new section is added immediately after § 301.6103(h)(2)–1:

§ 301.6103(j)(1)–1 Disclosures of return information to officers and employees of the Department of Commerce for certain statistical purposes and related activities.

(a) *General rule.* Pursuant to the provisions of section 6103(j)(1) of the Internal Revenue Code and subject to the requirements of paragraph (d) of this section, officers or employees of the Internal Revenue Service will disclose return information (as defined by section 6103(b)(2) but not including return information described in section 6103(o)(2)) to officers and employees of the Department of Commerce to the extent, and for such purposes as may be, provided by paragraphs (b) and (c) of this section. Further, in the case of any disclosure of return information so provided by paragraphs (b) and (c), the tax period or accounting period to which such return information relates will also be disclosed.

(b) Disclosure of Return Information to Officers and Employees of the Bureau of the Census

(1) Officers or employees of the Service will disclose the following return information reflected on returns of an individual taxpayer to officers and employees of the Bureau of the Census for purposes of, but only to the extent necessary in, conducting and preparing, as authorized by chapter 5 of Title 13, United States Code, intercensal estimates of population and per capita income for all geographic areas included in the general revenue sharing program and demographic statistics programs, censuses and related program evaluation—

(i) Taxpayer identity information (as defined in section 6103(b)(6) of the Code), validity code with respect to the taxpayer identifying number (as described in section 6109), and taxpayer identifying number of spouse, if reported;

(ii) District office and service center codes;

(iii) Marital status;

(iv) Numbers and classifications of reported exemptions;

(v) Adjusted gross income;

(vi) Wage and salary income;

(vii) Dividend income;

(viii) Interest income;

(ix) Gross rent and royalty income;

(x) Entity code;

(xi) Residence information from the revenue sharing question;

(xii) Code indicators for Form 1040; Schedules C, D, E, F, and SE;

(xiii) Julian date relative to filing; and

(xiv) (A) Earned income credit, and (B) Advance earned income credit payments received.

(2) Officers or employees of the Service will disclose to officers and employees of the bureau of the Census for purposes of, but only to the extent necessary in, conducting, as authorized by chapter 5 of Title 13, United States Code, demographic, economic, and agricultural statistics programs and censuses and related program evaluation—

(i) From the business master files of the Service, the taxpayer name directory and entity records consisting of taxpayer identity information (as defined in section 6103(b)(6)) with respect to taxpayers engaged in a trade or business, the principal industrial activity code, and monthly corrections of, and additions to, such entity records.

(ii) From Form SS–4, all return information reflected on such return;

(iii) From an employment tax return—

(A) Taxpayer identifying number (as described in section 6109) of the employer and any employee identified on such return,

(B) Total compensation reported,

(C) Total number of employees reflected on such return,

(D) Master file tax account number,

(E) Taxable period covered by such return,

(F) Employment code,

(G) Final return indicator,

(H) Document locator number,

(I) Record code,

(J) Total number of individuals employed in the taxable period covered by the return,

(K) Taxable wages paid for purposes of chapter 21 to each such employee,

(L) Taxable tip income for purposes of chapter 21 reported on the return with respect to each such employee,

(M) Total taxable wages paid for purposes of chapter 21, and

(N) Total taxable tip income reported for purposes of chapter 21; and

(iv) From Form 1040, Schedule SE—

(A) Taxpayer identifying number of self-employed individual,

(B) Business activities subject to the tax imposed by chapter 21,

(C) Net earnings from farming,

(D) Net earnings from nonfarming activities,

(E) Total net earnings from self-employment, and

(F) Taxable self-employment income for purposes of chapter 2.

(3) Officers or employees of the Service will disclose the following business related return information reflected on the return of a taxpayer to officers and employees of the Bureau of the Census for purposes of, but only to the extent necessary in, conducting and preparing, as authorized by chapter 5 of Title 13, United States Code, demographic, economic, and agricultural statistics programs and censuses—

(i) From Form 1040, Schedule C, taxpayer identity information (as defined in section 6103(b)(6)), the principal industrial activity code, reported gross receipts, returns and allowances, cost of labor, and salaries and wages;

(ii) From Form 1120F, Section II, and Forms 1065, 1120, 1120S, 990C, and 990T, the taxpayer identifying number (as described in section 6109), the principal industrial activity code, and reported gross receipts less returns and allowances;

(iii) From Form 1040, Schedule F, taxpayer identity information and reported gross profits (cash basis) or gross sales (accrual basis) and labor hired;

(iv) From Form 1040, Schedule C, and Forms 1065, 1120, and 1120S, answers to the business activity questions;

(v) From Form 1040, Schedule C, business address and answer to the question relating to Form 941;

(vi) From Form 990PF, the taxpayer identifying number, the principal industrial activity code, and reported total receipts;

(vii) From Form 1065, the names and taxpayer identifying numbers of no more than 10 members of the partnership; and

(viii) From Form 1120S, the names and taxpayer identifying numbers of, and the number of shares of stock owned by, no more than 10 shareholders of the corporation.

(4) Officers or employees of the Service will disclose return information

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relating to a taxpayer contained in the exempt organization master files of the Service to officers and employes of the Bureau of the Census for purposes of, but only to the extent necessary in, conducting and preparing, as authorized by chapter 5 of Title 13, United States Code, economic censuses. This return information consists of taxpayer identity information (as defined in section 6103 (b) (6)), activity codes, and filing requirement code, and monthly corrections of, and additions to, such return information.

(5) Subject to the requirements of paragraph (d) of this section and § 301.6103 (p) (2) (B)–1, officers or employees of the Social Security Administration to whom the following return information has been disclosed as provided by section 6103 (l) (1) (A) or (5) may disclose such return information to officers and employees of the Bureau of the Census for necessary purposes described in subparagraph (2) or (3) of this paragraph—

(i) From Form SS–4, all return information reflected on such return;

(ii) From an employment tax return—

(A) Taxpayer identifying number (as described in section 6109) of the employer and any employee identified on such return,

(B) Total number of employees reflected on the return,

(C) Total number of individuals employed in the taxable period covered by the return,

(D) Total compensation reported,

(E) Taxable wages paid for purposes of chapter 21 to each such employee,

(F) Taxable tip income for purposes of chapter 21 reported on the return with respect to each such employee,

(G) Total taxable wages paid for purposes of chapter 21, and

(H) Total taxable tip income reported for purposes of chapter 21,

(I) Employment code; and

(iii) From Form 1040, Schedule SE—

(A) Taxpayer identifying number of self-employed individual,

(B) Business activities subject to the tax imposed by chapter 21,

(C) Net earnings from farming,

(D) Net earnings from nonfarming activities,

(E) Total net earnings from self-employment, and

(F) Taxable self-employment income for purposes of chapter 2.

(c) *Disclosure of return information to officers and employees of the Bureau of Economic Analysis.* Officers or employees of the Service will disclose to officers and employees of the Bureau of Economic Analysis for purposes of, but only to the extent necessary in, conducting and preparing, as authorized by law, statistical analyses return information consisting of Statistics of Income transcript—edit sheets containing return information reflected on returns of designated classes or categories of corporations with respect to the tax imposed by chapter 1 and microfilmed records of return information reflected on such returns where needed for further use in connection with such conduct or preparation.

(d) *Procedures and restrictions.* Disclosure of return information by officers or employees of the Service or the Social Security Administration as provided by paragraphs (b) and (c) of this section will be made only upon written request to the Commissioner of Internal Revenue by the Secretary of Commerce describing—

(1) The particular return information to be disclosed,

(2) The taxable period or date to which such return information relates, and

(3) The particular purpose for which the return information is to be used, and designating by name and title the officers and employees of the Bureau of the Census or the Bureau of Economic Analysis to whom such disclosure is authorized. No such officer or employee to whom return information is disclosed pursuant to the provisions of paragraph (b) or (c) shall disclose such return information to any person, other than the taxpayer to whom such return information relates or other officers or employees of such bureau whose duties or responsibilities require such disclosure for a purpose described in paragraph (b) or (c), except in a form which cannot be associated with, or otherwise identify, directly or indirectly, a particular taxpayer. If the Service determines that the Bureau of the Census or the Bureau of Economic Analysis, or any officer or employee thereof, has failed to, or does not, satisfy the requirements of section 6103(p)(4) of the Code or regulations or published procedures thereunder, the Service may take such actions as are deemed necessary to ensure that such requirements are or will be satisfied, including suspension of disclosures of return information otherwise authorized by section 6103(j)(1) and paragraph (b) or (c) of this section, until the Service determines that such requirements have been or will be satisfied.

PART 404—TEMPORARY REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER THE TAX REFORM ACT OF 1976

§ 404.6103(j)(1)–1 [Deleted]

Par. 2. Section 404.6103(j)(1)–1 is deleted.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80-8777 Filed 3-21-80; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Parts 301, 404 and 420

[LR–140–77]

Disclosures of Returns and Return Information

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to regulations relating to disclosures of returns and return information under certain circumstances. Changes to the applicable tax law were made by section 1202 of the Tax Reform Act of 1976 and section 503 of the Revenue Act of 1978. These regulations affect disclosures of such returns and return information for such purposes as are described herein and provide Internal Revenue Service personnel and other persons with the guidance needed to comply with the law.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 23, 1980. The amendments are proposed to be effective with respect to disclosures of returns and return information made after the date of publication of these amendments as a Treasury decision.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–140–77), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: David E. Dickinson of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3218, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) and the Temporary Regulations on Procedure and Administration (26 CFR Parts 404 and 420), all under section 6103. The amendments are proposed to conform the regulations to section 1202 of the Tax Reform Act of 1976 (90 Stat. 1667) and section 503 of the Revenue Act of 1978 (92 Stat. 2879). They are issued under the authority contained in section 6103 and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1667, 68A Stat. 917; 26 U.S.C. 6103, 7805).

Provisions of the Regulations

Except as indicated below, these proposed regulations materially correspond to existing permanent and temporary regulations under section 6103 of the Code. Until these proposed amendments are published as a Treasury decision, the temporary regulations will remain in effect, and § 301.6103(h)(2)–1 of the permanent regulations will be interpreted to reflect certain amendments to section 6103(h)(2) of the Code made by section 503 of the Revenue Act of 1978 which are described below.

Proposed §§ 301.6103(a)–1 and 301.6103(a)–2

Prior to its amendment by section 1202 of the Tax Reform Act of 1976, effective as of January 1, 1977, section 6103(a) of the Code authorized the disclosure of Federal tax data by the Internal Revenue Service to other Federal agencies for nontax related purposes as provided by orders of the President and implementing rules and regulations approved by the President. Proposed § 301.6103(a)–1 provides that returns and return information so disclosed by the Service to another Federal agency before January 1, 1977 pursuant to the authority of prior law (and orders of the President and implementing rules and regulations) may, with one restriction, be disclosed after December 31, 1976 by such agency for any purpose authorized by such prior law (and orders, rules, and regulations). The restriction on such further disclosure would be use of such returns or return information after December 31, 1976, by, or on behalf of, the Federal agency in an administrative or judicial proceeding. Such use would be restricted to an administrative or judicial proceeding described in section 6103(i)(4) and then only if the requirements of section 6103(i)(4) are first met.

Prior to amendment by the Tax Reform Act of 1976, the Code authorized disclosures of tax returns and tax return information to Justice Department attorneys and Internal Revenue Service Chief Counsel personnel for Federal tax administration purposes as provided by Presidentially approved regulations. A substantial volume of tax returns and tax return information furnished to these attorneys and personnel for tax administration purposes under prior law and regulations was in their possession on January 1, 1977, the effective date of the new statutory disclosure rules of the Act.

Proposed § 301.6103(a)–2 provides that, as a general rule, tax returns and tax return information furnished to these persons under prior law for Federal tax administration purposes may be used by them after December 31, 1976 for tax administration purposes authorized by prior law. However, if any such tax returns or tax return information is to be introduced into evidence in tax litigation after that date, the statutory relevancy tests prescribed by the new law must first be met.

Proposed § 301.6103(c)–1

The Tax Reform Act of 1976 amended section 6103(c) to permit disclosures of tax returns and tax return information to a person designated by the taxpayer in a written request or consent. Paragraph (a) of proposed § 301.6103(c)–1 prescribes rules governing the necessary form and content of these written requests or consents. Paragraph (b) of proposed § 301.6103(c)–1 prescribes rules for disclosures to a person who has been requested by the taxpayer to obtain information or provide assistance concerning a contact between the taxpayer and the Service.

Proposed Amendments to § 301.6103(h)(2)–1

Paragraph 3 of the notice would amend § 301.6103(h)(2)–1 of existing regulations to conform them to certain amendments made to section 6103(h)(2) by section 503 of the Revenue Act of 1978. First, the section would be amended to make the requirements of section 6103(h)(2), rather than those of section 6103(h)(4), applicable to the use of returns and return information in Federal grand jury proceedings involving tax administration. Second, the section would be amended to authorize Service disclosures of returns and return information to "officers and employees" of the Department of Justice as opposed to the more limited category of "attorneys" as provided by prior law.

Proposed § 301.6103(i)–1

This section of the proposed regulations describes the circumstances and conditions under which returns and return information may be disclosed to and by officers and employees of the Department of Justice and other Federal agencies in connection with preparation for, or investigations which may result in, proceedings pertaining to the enforcement of specifically designated Federal criminal statutes (not involving tax administration) to which the United States or a Federal agency is or may be a party. This section also makes it clear that use of returns and return information by the Department of Justice in Federal grand jury proceedings is governed by the requirements of section 6103(i) (1) or (2) rather than those of section 6103(i)(4).

Proposed § 301.6103(j)(2)–1

This section of the proposed regulations provides rules governing disclosures of return information to certain officers and employees of the Federal Trade Commission for statistical purposes and related activities authorized by section 6103(j)(2) of the Code.

The proposed regulations describe in detail the particular return information which the Service will disclose to officers and employees of the Division of Financial Statistics of the Bureau of Economics of the Federal Trade Commission for use in statistical programs and related activities authorized by law. The proposed regulations also prescribe the procedures to be followed with respect to requested disclosures of return information and the limited extent to which such return information can be redisclosed and provide that the confidentiality of return information disclosed as provided by the regulations must be protected to the satisfaction of the Service.

Proposed § 301.6103(k)(6)–1

This section of the proposed regulations provides rules governing disclosures of return information by officers and employees of the Service and Office of the Chief Counsel thereof for investigative purposes authorized by section 6103(k)(6) of the Code.

The proposed regulations describe the circumstances and conditions under which such officers or employees are authorized to disclose return information to a person other than the taxpayer to whom such return information relates (or such taxpayer's representative) in connection with official duties relating to an examination, collection activitiy, civil or criminal investigation, enforcement activity, or other offense under the internal revenue laws or relating to certain personnel or claimant representative matters under such laws or 31 U.S.C. 1026.

Proposed §§ 301.6103(l)(2)–1, 301.6103(l)(2)–2, and 301.6103(l)(2)–3

These sections of the proposed regulations under section 6103(l)(2) of

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the Code provide rules regarding disclosures of returns and return information to and by officers and employees of the Department of Labor, the Pension Benefit Guaranty Corporation, and the Department of Justice for purposes of administering titles I and IV of the Employee Retirement Income Security Act of 1974. The section also makes it clear that returns and return information may be used by the Department of Justice in Federal grand jury proceedings where necessary to enforce the Act.

Proposed § 301.6103(n)–1

These proposed regulations describe the circumstances and conditions under which an officer or employee of the Treasury Department (including the Internal Revenue Service), a State tax agency described in section 6103(d), or the Social Security Administration is authorized under section 6103(n) of the Code to disclose returns and return information to a person for the purpose of procuring property and services necessary to Federal or State tax administration. The regulations provide general rules regarding the requirement of necessity for the disclosure and limiting the extent to which such disclosures are authorized. The proposed regulations also provide that the person to whom disclosures are made for these purposes may in turn disclose the tax data only for purposes specified by section 6103(n) and must maintain, to the satisfaction of the Service, safeguards to protect the confidentiality of the returns and return information and ensure against unauthorized disclosures.

The proposed regulations differ from present temporary regulations in one respect. By reason of section 232 of the Social Security Act, section 6103(l)(5) of the Code, and an implementing agreement between the Internal Revenue Service and the Social Security Administration, the Social Security Administration now receives and processes employment tax returns for Federal tax administration purposes. In order to properly carry out these tax administration responsibilities, the Social Security Administration must utilize outside sources to assist with the work. A present example is the need to use outside sources to microfilm employment tax returns for use by the Internal Revenue Service. Accordingly, the proposed regulations would permit the Social Security Administration to engage others to perform necessary tax administration functions described in section 6103(n).

Proposed § 301.6103(p)(2)(B)–1

This proposed regulation is new and is not generally reflected in the existing temporary regulations under section 6103. Under section 6103, a substantial volume of tax returns and tax return information is disclosable by the Service to other Federal agencies for purposes authorized or required by section 6103. It is likely that much of this tax information otherwise disclosable directly by the Service to yet other agencies as authorized or required by section 6103 may be more readily available from the intermediate Federal agency than the Service. For this reason, proposed § 301.6103(p)(2)(B)–1 permits the Service to authorize disclosures of tax returns and tax return information by the intermediate Federal agency to other agencies to whom section 6103 otherwise authorizes or requires disclosures directly by the Service. Under this proposed regulation, however, the Service retains the authority to impose, by regulation or otherwise, such restrictions on these disclosures as the Service may deem appropriate to properly protect the confidentiality of the information to be disclosed consistent with the requirements of section 6103. Further, this proposed regulation imposes upon the head of the disclosing Federal agency the duty to maintain records of disclosures made under this regulation in order to meet the reporting requirements of section 6103(p)(3) (B) and (C).

Drafting Information

The principal author of these regulations was David E. Dickinson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, Personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Parts 301, 404, and 420 are as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The following new sections are added immediately after § 301.6102–1:

§ 301.6103(a)–1 Disclosures after December 31, 1976 by officers and employees of Federal agencies of returns and return information (including taxpayer return information) disclosed to such officers and employees by the Internal Revenue Service before January 1, 1977 for a purpose not involving tax administration.

(a) *General rule.* Except as provided by paragraph (b) of this section, a return or return information (including taxpayer return information), as defined in section 6103 (b)(1), (2), and (3) of the Internal Revenue Code, disclosed by the Internal Revenue Service before January 1, 1977, to an officer or employee of a Federal agency (as defined in section 6103(b)(9)) for a purpose not involving tax administration (as defined in section 6103(b)(4)) pursuant to the authority of section 6103 (or any order of the President under section 6103 or rules and regulations thereunder prescribed by the Secretary or his delegate and approved by the President) before amendment of such section by section 1202 of the Tax Reform Act of 1976 (Pub. L. 94–455, 90 Stat. 1667) may be disclosed by, or on behalf of, such officer, employee, or agency after December 31, 1976, for any purpose authorized by such section (or such order or rules and regulations) before such amendment.

(b) *Exception.* Notwithstanding the provisions of paragraph (a) of this section, a return or return information (including taxpayer return information) disclosed before January 1, 1977, by the Service to an officer or employee of a Federal agency for a purpose unrelated to tax administration as described in paragraph (a) may, after December 31, 1976, be disclosed by, or on behalf of, such agency, officer, or employee in an administrative or judicial proceeding only if such proceeding is one described in section 6103(i)(4) of the Code and if the requirements of section 6103(i)(4) have first been met.

§ 301.6103(a)–2 Disclosures after December 31, 1976 by attorneys of the Department of Justice and officers and employees of the Office of the Chief Counsel for the Internal Revenue Service of returns and return information (including taxpayer return information) disclosed to such attorneys, officers, and employees by the Service before January 1, 1977 for a purpose involving tax administration.

(a) *General rule.* Except as provided by paragraph (b) of this section and subject to the requirements of this paragraph, a return or return information (including taxpayer return information), as defined in section 6103(b)((1), (2), and (3), of the Internal Revenue Code disclosed by the Internal Revenue Service before January 1, 1977, to an attorney of the Department of Justice (including a United States attorney) or to an officer or employee of the Office of the Chief Counsel for the Service for a purpose involving tax administration (as defined in section 6103(b)(4)) pursuant to the authority of section 6103 (or any order of the President under section 6103 or rules and regulations thereunder prescribed by the Secretary or his delegate and approved by the President) before amendment of such section by section 1202 of the Tax Reform Act of 1976 (Pub. L. 94–455, 90 Stat. 1667) may be disclosed by, or on behalf of, such attorney, officer, or employee after December 31, 1976, for any purpose authorized by such section (or such order or rules and regulations) before such amendment.

(b) *Exception.* Notwithstanding the provisions of paragraph (a) of this section, a return or return information (including taxpayer return information) disclosed before January 1, 1977, by the Service to an attorney of the Department of Justice or to an officer or employee of the Office of the Chief Counsel for the Service for a purpose related to tax administration as described in paragraph (a) may, after December 31, 1976, be disclosed by, or on behalf of, such attorney, officer, or employee in an administrative or judicial proceeding only if such proceeding is one described in section 6103 (h) (4) of the Code and if the requirements of section 6103 (h)(4) have first been met.

§ 301.6103(c)–1 Disclosure of returns and return information (including taxpayer return information) to designee of taxpayer.

(a) *Disclosure of returns and return information (including taxpayer return information) to person or persons designated in a written request or consent.* Section 6103 (c) of the Internal Revenue Code applies to disclosures of a return or return information (including taxpayer return information) to a person designated in a written request for or consent to disclosure. A request for or consent to disclosure must be in the form of a written document pertaining solely to the authorized disclosure. The written document must be signed and dated by the taxpayer who filed the return or to whom the return information relates. The taxpayer must also indicate in the written document—

(1) The taxpayer's taxpayer identity information described in section 6103(b)(6);

(2) The identity of the person to whom disclosure is to be made;

(3) The type of return (or specified portion of the return) or return information (and the particular data) that is to be disclosed; and

(4) The taxable year covered by the return or return information.

Thus, for example, a provision included in a taxpayer's application for a loan or other benefit authorizing the Internal Revenue Service to disclose to the grantor of the loan or other benefit such returns or return information as the grantor may request for purposes of verifying information supplied on the application does not meet the requirements of this paragraph. The disclosure of a return or return information authorized by a request for or consent to the disclosure shall not be made unless the request or consent is received by the Service within 60 days following the date upon which the request or consent was signed and dated by the taxpayer.

(b) *Disclosure of returns and return information (including taxpayer return information) to designee of taxpayer to comply with request for information or assistance.* Section 6103(c) of the Code applies to requests made by the taxpayer to other persons (for example, members of Congress, friends or relatives of the taxpayer, and, when not acting as a taxpayer's representative, income tax return preparers) for information or assistance relating to the taxpayer's return or a transaction or other contact between the taxpayer and the Service.

The taxpayer's request for information or assistance must be in the form of a letter or other written document signed and dated by the taxpayer. The taxpayer must also indicate in the written request—

(1) The taxpayer's taxpayer identity information described in section 6103(b)(6);

(2) The identity of the person to whom disclosure is to be made; and

(3) Sufficient facts underlying the request for information or assistance to enable the Service to determine the nature and extent of the information or assistance requested and the returns or return information to be disclosed in order to comply with the taxpayer's request.

A return or return information will be disclosed to the taxpayer's designee as provided by this paragraph only to the extent considered necessary by the Service to comply with the taxpayer's request for information or assistance. This paragraph does not apply to disclosures to a taxpayer's representative in connection with practice before the Service (as defined in Treasury Department Circular No. 230). For disclosures in these cases, see § 601.502(c) of this chapter.

(c) *Exceptions.* A disclosure of return information shall not be made under this section if the Service determines that the disclosure would seriously impair Federal tax administration (as defined in section 6103(b)(4) of the Code).

Par. 2. Section 301.6103(h)(2)–1 is amended to read as follows:

§ 301.6103(h)(2)–1 Disclosure of returns and return information (including taxpayer return information) to and by officers and employees of the Department of Justice for use in Federal grand jury proceeding, or in preparation for proceeding or investigation, involving tax administration.

(a) *Disclosure of returns and return information (including taxpayer return information) to and by officers and employees of the Department of Justice.* (1) Returns and return information (including taxpayer return information), as defined in section 6103(b) (1), (2), and (3) of the Internal Revenue Code, shall, to the extent provided by section 6103(h)(2) (A), (B), and (C) and subject to the requirements of section 6103(h)(3), be open to inspection by or disclosure to officers and employees of the Department of Justice (including United States attorneys) personally and directed engaged in, and for their necessary use in, any Federal grand jury proceeding, or preparation for any proceeding (or for their necessary use in an investigation which may result in such a proceeding) before a Federal grand jury or any Federal or State court, in a matter involving tax administration (as defined in section 6103(b)(4)), including any such proceeding (or any such investigation) also involving the enforcement of a related Federal criminal statute which has been referred by the Secretary to the Department of Justice.

(2) Returns and return information (including taxpayer return information) inspected by or disclosed to officers and employees of the Department of Justice as provided in paragraph (a)(1) of this section may also be used by such officers and employees or disclosed by them to other officers and employees (including United States attorneys and supervisory personnel, such as Section Chiefs, Deputy Assistant Attorneys General, Assistant Attorneys General, the Deputy Attorney General, and the Attorney General), of the Department of Justice where necessary—

(i) In connection with any Federal grand jury proceeding, or preparation for any proceeding (or with an investigation

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which may result in such a proceeding), described in paragraph (a)(1), or

(ii) In connection with any Federal grand jury proceeding, or preparation for any proceeding (or with an investigation which may result in such a proceeding), described in paragraph (a)(1) which also involves enforcement of a specific Federal criminal statute other than one described in paragraph (a)(1) to which the United States is or may be a party, provided such matter involves or arises out of the particular facts and circumstances giving rise to the proceeding (or investigation) described in paragraph (a)(1) and further provided the tax portion of such proceeding (or investigation) has been duly authorized by or on behalf of the Assistant Attorney General for the Tax Division of the Department of Justice, pursuant to the request of the Secretary, as a proceeding (or investigation) described in paragraph (a)(1).

If, in the course of a Federal grand jury proceeding, or preparation for a proceeding (or the conduct of an investigation which may result in such a proceeding), described in subdivision (ii) of this subparagraph, the tax administration portion thereof is terminated for any reason, any further use or disclosure of such returns or taxpayer return information in such Federal grand jury proceeding, or preparation or investigation, with respect to the remaining portion may be made only pursuant to, and upon the grant of, a court order as provided by section 6103(i)(1)(A), provided, however, that the returns and taxpayer return information may in any event be used for purposes of obtaining the necessary court order.

(b) *Disclosure of returns and return information (including taxpayer return information) by officers and employees of the Department of Justice.* (1) Returns and return information (including taxpayer return information), as defined in section 6103(b) (1), (2), and (3) of the Code, inspected by or disclosed to officers and employees of the Department of Justice as provided by paragraph (a) of this section may be disclosed by such officers and employees to other persons, including, but not limited to, persons described in paragraph (b)(2), but only to the extent necessary in connection with a Federal grand jury proceeding, or the proper preparation for a proceeding (or in connection with an investigation which may result in such a proceeding), described in paragraph (a). Such disclosures may include, but are not limited to, disclosures—

(i) To properly accomplish any purpose or activity of the nature described in section 6103(k)(6) and the regulations thereunder which is essential to such Federal grand jury proceeding, or to such proper preparation (or to such investigation);

(ii) To properly interview, consult, depose, or interrogate or otherwise obtain relevant information from, the taxpayer to whom such return or return information relates (or such taxpayer's legal representative) or from any witness who may be called to give evidence in the proceeding; or

(iii) To properly conduct negotiations concerning, or obtain authorization for, settlement or disposition of the proceeding, in whole or in part, or stipulations of fact in connection with the proceeding.

Disclosure of a return or return information to a person other than the taxpayer to whom such return or return information relates or such taxpayer's legal representative to properly accomplish any purpose or activity described in this paragraph should be made, however, only if such purpose or activity cannot otherwise properly be accomplished without making such disclosure.

(2) Among those persons to whom returns and return information may be disclosed by officers and employees of the Department of Justice as provided by paragraph (a)(1) of this section are—

(i) Other officers and employees of the Department of Justice, such as personnel of an office, board, division, or bureau of such department (for example, the Federal Bureau of Investigation or the Drug Enforcement Administration), clerical personnel (for example secretaries, stenographers, docket and file room clerks, and mail room employees) and supervisory personnel (such as supervisory personnel of the Federal Bureau of Investigation or the Drug Enforcement Administration);

(ii) Officers and employees of another Federal agency (as defined in section 6103(b)(9)) working under the direction and control of any such officers and employees of the Department of Justice; and

(iii) Court reporters.

Par. 3. The following new sections are added immediately after § 301.6103(h)(2)–1:

§ 301.6103(l)–1 Disclosure of returns and return information (including taxpayer return information) to and by officers and employees of the Department of Justice or another Federal agency for use in Federal grand jury proceeding, or preparation for proceeding or investigation, involving enforcement of Federal criminal statute not involving tax administration.

(a) *Disclosure of returns and return information (including taxpayer return information) to officers and employees of the Department of Justice or another Federal agency.* Returns and return information (including taxpayer return information), as defined in section 6103(b) (1), (2), and (3) of the Internal Revenue Code, shall, to the extent provided by section 6103(i) (1), (2), and (3) and subject to the requirements of section 6103(i) (1) and (2), be open to inspection by or disclosure to officers and employees of the Department of Justice (including United States attorneys) or of another Federal agency (as defined in section 6103(b)(9)) personally and directly engaged in, and for their necessary use in, any Federal grand jury proceeding, or preparation for any administration or judicial proceeding (or their necessary use in an investigation which may result in such a proceeding), pertaining to enforcement of a specifically designated Federal criminal statute not involving or related to tax administration to which the United States or such agency is or may be a party.

(b) *Disclosure of returns and return information (including taxpayer return information) by officers and employees of the Department of Justice or another Federal agency.* (1) Returns and return information (including taxpayer return information), as defined in section 6103(b) (1), (2), and (3) of the Code, disclosed to officers and employees of the Department of Justice or other Federal agency (as defined in section 6103(b)(9)) as provided by paragraph (a) of this section may be disclosed by such officers and employees to other persons, including, but not limited to, persons described in subparagraph (2) of this paragraph, but only to the extent necessary in connection with a Federal grand jury proceeding, or the proper preparation for a proceeding (or in connection with an investigation which may result in such a proceeding), described in paragraph (a). Such disclosures may include, but are not limited to, disclosures where necessary—

(i) To properly obtain the services of persons having special knowledge or technical skills (such as, but not limited to, handwriting analysis, photographic development, sound recording enhancement, or voice identification);

(ii) To properly interview, consult, depose, or interrogate or otherwise obtain relevant information from, the taxpayer to whom such return or return information relates (or such taxpayer's legal representative) or any witness who may be called to give evidence in the proceeding; or

(iii) To properly conduct negotiations concerning, or obtain authorization for, disposition of the proceeding, in whole or in part, or stipulations of fact in connection with the proceeding.

Disclosure of a return or return information to a person other than the taxpayer to whom such return or return information relates or such taxpayer's legal representative to properly accomplish any purpose or activity described in this subparagraph should be made, however, only if such purpose or activity cannot otherwise properly be accomplished without making such disclosures.

(2) Among those persons to whom returns and return information may be disclosed by officers and employees of the Department of Justice or other Federal agency as provided by subparagraph (1) of this paragraph are—

(i) Other officers and employees of the Department of Justice (including an office, board, division, or bureau of such department, such as the Federal Bureau of Investigation or the Drug Enforcement Administration) or other Federal agency described in subparagraph (1), such as clerical personnel (for example, secretaries, stenographers, docket and file room clerks, and mail room employees) and supervisory personnel (for example, in the case of the Department of Justice, Section Chiefs, Deputy Assistant Attorneys General, Assistant Attorneys General, the Deputy Attorney General, the Attorney General, and supervisory personnel of the Federal Bureau of Investigation or the Drug Enforcement Administration);

(ii) Officers and employees of another Federal agency (as defined in section 6103(b)(9)) working under the direction and control of such officers and employees of the Department of Justice or other Federal agency described in subparagraph (1); and

(iii) Court reporters.

§ 301.6103(j)(2)–1 Disclosure of return information to officers and employees of the Federal Trade Commission for certain statistical purposes and related activities.

(a) *General rule.* (1) Pursuant to the provisions of section 6103(j)(2) of the Internal Revenue Code and subject to the requirements of paragraph (b) of this section, officers or employees of the Internal Revenue Service will disclose the following return information (as defined by section 6103(b)(2) but not including return information described in section 6103(o)(2)) reflected on the return of a corporation with respect to the tax imposed by chapter 1 to officers and employees of the Division of Financial Statistics of the Bureau of Economics of the Federal Trade Commission for purposes of, but only to the extent necessary in, developing and preparing, as authorized by law, the Quarterly Financial Report—

(i) From the business master files of the Service—

(A) Taxpayer identity information (as defined in section 6103(b)(6)),

(B) Consolidated return and final return indicators,

(C) Principal industrial activity code,

(D) Partial year indicator,

(E) Annual accounting period,

(F) Gross receipts less returns and allowances,

(G) Net income or loss,

(H) Total assets; and

(ii) From Form SS–4—

(A) Month and year in which such form was executed,

(B) Taxpayer identity information; and

(C) Principal industrial activity, geographic, firm size, and reason for application codes.

(2) Subject to the requirements of paragraph (b) of this section and § 301.6103(p)(2)(B)–1, officers or employees of the Social Security Administration to whom the following return information reflected on Form SS–4 with respect to a corporation has been disclosed as provided by section 6103(l)(1)(A) may disclose such return information to officers and employees of the Division of Financial Statistics of the Bureau of Economics of the Federal Trade Commission for a purpose described in subparagraph (1) of this paragraph—

(i) Month and year in which such form was executed;

(ii) Taxpayer identity information; and

(iii) Principal industrial activity, geographic, firm size, and reason for application codes.

(b) *Procedures and restrictions.* Disclosure of return information by officers or employees of the Service or the Social Security Administration as provided by paragraph (a) of this section will be made only upon written request to the Commissioner of Internal Revenue by the Chairman of the Federal Trade Commission describing the particular return information to be disclosed and the taxable period or date to which such return information relates and designating by name and title the officers and employees of the Division of Financial Statistics of the Bureau of Economics to whom such disclosure is authorized. No such officer or employee to whom return information is disclosed pursuant to the provisions of paragraph (a) shall disclose such return information to any person, other than the taxpayer to whom such return information relates or other officers or employees of such division whose duties or responsibilities require such disclosure for a purpose described in paragraph (a), except in a form which cannot be associated with, or otherwise identify, directly or indirectly, a particular taxpayer. If the Service determines that the division, or any officer or employee thereof, has failed to, or does not, satisfy the requirements of section 6103(p)(4) of the Code or regulations or published procedures thereunder, the Service may take such actions as are deemed necessary to ensure that such requirements are or will be satisfied, including suspension of disclosures of return information otherwise authorized by section 6103(j)(2) and paragraph (a) of this section until the Service determines that such requirements have been or will be satisfied.

§ 301.6103(k)(6)–1 Disclosure of return information by internal revenue officers and employees for investigative purposes.

(a) *Disclosure of taxpayer identity information and fact of investigation in connection with official duties relating to examination, collection activity, civil or criminal investigation, enforcement activity, or other offense under the internal revenue laws.* In connection with the performance of official duties relating to any examination, collection activity, civil or criminal investigation, enforcement activity, or other offense under the internal revenue laws, or in connection with preparation for any proceeding (or investigation which may result in such a proceeding) described in section 6103(h)(2) of the Internal Revenue Code, an officer or employee of the Internal Revenue Service or Office of the Chief Counsel therefor is authorized to disclose taxpayer identity information (as defined in section 6103(b)(6)), the fact that the inquiry pertains to the performance of official duties, and the nature of the official duties in order to obtain necessary information relating to performance of such official duties or where necessary in order to properly accomplish any activity described in subparagraph (6) of paragraph (b) of this section. Disclosure of taxpayer identity information to a person other than the taxpayer to whom such taxpayer identity information relates or such taxpayer's legal representative for the purpose of obtaining such necessary information or otherwise properly accomplishing such activities as authorized by this paragraph should be made, however, only if the necessary information cannot, under the facts and circumstances of the particular case, otherwise reasonably be obtained in accurate and sufficiently probative form, or in a timely manner, and without impairing the proper performance of the

official duties, or if such activities cannot otherwise properly be accomplished without making such disclosure.

(b) *Disclosure of return information in connection with official duties relating to examination, collection activity, civil or criminal investigation, enforcement activity, or other offense under the internal revenue laws.* In connection with the performance of official duties relating to any examination, collection activity, civil or criminal investigation, enforcement activity, or other offense under the internal revenue laws, an officer or employee of the Service or Office of the Chief Counsel therefor is authorized to disclose return information (as defined in section 6103(b)(2)) in order to obtain necessary information relating to the following—

(1) To establish or verify the correctness or completeness of any return (as defined in section 6103(b)(1) of the Code) or return information;

(2) To determine the responsibility for filing a return, for making a return where none has been made, or for performing such acts as may be required by law concerning such matters;

(3) To establish or verify the liability (or possible liability) of any person, or the liability (or possible liability) at law or in equity of any transferee or fiduciary of any person, for any tax, penalty, interest, fine, forfeiture, or other imposition or offense under the internal revenue laws or the amount thereof to be collected;

(4) To establish or verify misconduct (or possible misconduct) or other activity proscribed by the internal revenue laws;

(5) To obtain the services of persons having special knowledge or technical skills (such as, but not limited to, knowledge of particular facts and circumstances relevant to a correct determination of a liability described in subparagraph (3) of this paragraph or skills relating to handwriting analysis, photographic development, sound recording enhancement, or voice identification) or having recognized expertise in matters involving the valuation of property where relevant to proper performance of a duty or responsibility described in this paragraph;

(6) To establish or verify the financial status or condition and location of the taxpayer against whom collection activity is or may be directed, to locate assets in which the taxpayer has an interest, to ascertain the amount of any liability described in subparagraph (3) of this paragraph to be collected, or otherwise to apply the provisions of the Code relating to establishment of liens against such assets, or levy on, or seizure, or sale of, the assets to satisfy any such liability; or

(7) To prepare for any proceeding described in section 6103(h)(2) or conduct an investigation which may result in such a proceeding, or where necessary in order to accomplish any activity described in subparagraph (6) of this paragraph. Disclosure of return information to a person other than the taxpayer to whom such return information relates or such taxpayer's legal representative for the purpose of obtaining information necessary to properly carry out the foregoing duties and responsibilities as authorized by this paragraph or for the purpose of otherwise properly accomplishing any activity described in subparagraph (6) of this paragraph should be made, however, only if such necessary information cannot, under the facts and circumstances of the particular case, otherwise reasonably be obtained in accurate and sufficiently probative form, or in a timely manner, and without impairing the proper performance of such duties and responsibilities or if the activities described in subparagraph (6) of this paragraph cannot otherwise properly be accomplished without making such disclosure.

(c) *Disclosure of return information in connection with certain personnel or claimant representative matters.* In connection with the performance of official duties relating to any investigation concerned with the enforcement of any provision of the Code, including enforcement of any rules, directives, or manual issuances prescribed by the Secretary or his delegate under section 7803 or any other provision of the Code, which affects or may affect the personnel or employment rights or status, or civil or criminal liability, of any employee or former or prospective employee of the Treasury Department or the rights of any person who is or may be a party to an administrative action or proceeding pursuant to 31 U.S.C. 1026, an officer or employee of the Service or Office of the Chief Counsel therefor is authorized to disclose return information (as defined in section 6103(b)(2)) for the purpose of obtaining, verifying, or establishing other information which is or may be relevant and material to such investigation. Disclosure of return information to a person other than the taxpayer to whom such return information relates or such taxpayer's legal representative for the purpose of obtaining information necessary to properly carry out the foregoing duties and responsibilities as authorized by this paragraph should be made, however, only if such necessary information cannot, under the facts and circumstances of the particular case, otherwise reasonably be obtained in accurate and sufficiently probative form, or in a timely manner, and without impairing the proper performance of such duties and responsibilities.

§ 301.6103(l)(2)–1 Disclosure of returns and return information to Pension Benefit Guaranty Corporation for purposes of research and studies.

(a) *General rule.* Pursuant to the provisions of section 6103(l)(2) of the Internal Revenue Code and subject to the requirements of paragraph (b) of this section, officers and employees of the Internal Revenue Service may disclose returns and return information (as defined by section 6103(b)) to officers and employees of the Pension Benefit Guaranty Corporation for purposes of, but only to the extent necessary in, conducting research and studies authorized by title IV of the Employee retirement Income Security Act of 1974.

(b) *Procedures and restrictions.* Disclosure of returns or return information by officers or employees of the Service as provided by paragraph (a) of this section will be made only upon written request to the Commissioner of Internal Revenue by the Executive Director of the pension Benefit Guaranty Corporation describing the returns or return information to be disclosed, the taxable period or date to which such returns or return information relates, and the purpose for which the returns or return information is needed in the administration of title IV of the Employee Retirement Income Security Act of 1974, and designating by title the officers and employees of such corporation to whom such disclosure is authorized. No such officer or employee to whom returns or return information is disclosed pursuant to the provisions of paragraph (a) shall disclose such returns or return information to any person, other than the taxpayer by whom the return was made or to whom the return information relates or other officers or employees of such corporation whose duties or responsibilities require such disclosure for a purpose described in paragraph (a), except in a form which cannot be associated with, or otherwise identify, directly or indirectly, a particular taxpayer.

§ 301.6103(l)(2)–2 Disclosure of returns and return information to Department of Labor for purposes of research and studies.

(a) *General rule.* Pursuant to the provisions of section 6103(l)(2) of the Internal Revenue Code and subject to the requirements of paragraph (b) of this section, officers or employees of the Internal Revenue Service may disclose returns and return information (as defined by section 6103(b)) to officers and employes of the Department of Labor for purposes of, but only to the extent necessary in, conducting research and studies authorized by section 513 of the Employee Retirement Income Security Act of 1974.

(b) *Procedures and restrictions.* Disclosure of returns or return information by officers or employees of the Service as provided by paragraph (a) of this section will be made only upon written request to the Commissioner of Internal Revenue by the Administrator of the Pension and Welfare Benefit Programs of the Department of Labor describing the returns or return information to be disclosed, the taxable period or date to which such returns or return information relates, and the purpose for which the returns or return information is needed in the administration of title I of the Employee Retirement Income Security Act of 1974, and designating by title the officers and employees of such department to whom such disclosure is authorized. No such officer or employee to whom returns or return information is disclosed pursuant to the provisions of paragraph (a) shall disclose such returns or return information to any person, other than the taxpayer by whom the return was made or to whom the return information relates or other officers or employees of such department whose duties or responsibilities require such disclosure for a purpose described in paragraph (a), except in a form which cannot be associated with, or otherwise identify, directly or indirectly, a particular taxpayer.

§ 301.6103(l)(2)–3 Disclosure to Department of Labor and Pension Benefit Guaranty Corporation of certain returns and return information.

(a) *Disclosures following general requests.* Pursuant to the provisions of section 6103(*l*)(2) of the Internal Revenue Code and subject to the requirements of this paragraph, officers or employees of the Internal Revenue Service may disclose the following returns and return information (as defined by section 6103(b)) to officers and employees of the Department of Labor or the Pension Benefit Guaranty Corporation for purposes of, but only to the extent necessary in, the administration of title I or IV of the Employee Retirement Income Security Act of 1974 (hereinafter referred to in this section as the Act)—

(1) Notification of receipt by the Service of an application by a particular taxpayer for a determination of whether a pension, profit-sharing, or stock bonus plan, a trust which is a part of such a plan, or an annuity or bond purchase plan meets the applicable requirements of part I of subchapter D of chapter 1 of the Code;

(2) Notification that a particular application described in subparagraph (1) of this paragraph alleges that certain employees may be excluded from participation by reason of section 410(b)(2) (A) and (B) for the purpose of obtaining the finding necessary for the application of such section;

(3) An application by a particular taxpayer for a determination of whether a pension, profit-sharing, or stock bonus plan, or an annuity or bond purchase plan, meets the applicable requirements of part I of subchapter D of chapter 1 of the Code with respect to a termination or proposed termination of the plan or to a partial termination or proposed partial termination of the plan, and any statement filed as provided by section 6058(b);

(4) Notification that the Service has determined that a plan or trust described in subparagraph (1) or (3) of this paragraph meets or does not meet the applicable requirements of part I of subchapter D of chapter 1 of the Code and has issued a determination letter to such effect to a particular taxpayer or that an application for such a determination has been withdrawn by the taxpayer;

(5) If the Department of Labor or the Pension Benefit Guaranty Corporation has commented on an application upon which a determination letter described in subparagraph (4) of this paragraph has been issued, a copy of the letter or document issued to the applicant;

(6) Notification to a particular taxpayer that the Service intends to disqualify a pension, profit-sharing, or stock bonus plan, a trust which is a part of such plan, or an annuity or bond purchase plan because such plan or trust does not meet the requirements of section 410(a) or 411 as of the date that such notification is issued;

(7) Notification required by section 3002(a) of the Act of the commencement of any proceeding to determine whether a particular pension, profit-sharing, or stock bonus plan, a trust which is a part of such plan, or an annuity or bond purchase plan meets the requirements of section 410(a) or 411;

(8) Prior to issuance of a notice of deficiency to a particular taxpayer under section 6212, notification that the Service has determined that a deficiency exists under section 6211 with respect to the tax imposed by section 4971 (a) or (b) on such taxpayer, except that if the Service determines that the collection of such tax is in jeopardy within the meaning of section 6861(a), such notification may be disclosed after issuance of the notice of deficiency or jeopardy assessment;

(9) Notification that the Service has waived the tax imposed by section 4971(b) on a particular taxpayer;

(10) Prior to issuance of a notice of deficiency to a particular taxpayer under section 6212, notification that a deficiency exists under section 6211 with respect to the tax imposed by section 4975 (a) or (b) on such taxpayer, except that if the Service determines that the collection of such tax is in jeopardy within the meaning of section 6861(a), such notification may be disclosed after issuance of the notice of deficiency or jeopardy assessment;

(11) Notification that the Service has waived the tax imposed by section 4975(b) on a particular taxpayer;

(12) Notification of applicability of section 4975 to a particular pension, profit-sharing, or stock bonus plan, a trust which is a part of such plan, or an annuity or stock purchase plan enagaged in prohibited transactions within the meaning of section 4975(c);

(13) Notification to a plan administrator that the Service has determined that a pension, profit-sharing, stock bonus, annuity, or stock purchase plan no longer meets the requirements of section 401(a) or 404(a)(2);

(14) Notification that the Service has determined that there has been a termination or partial termination of a particular pension, profit-sharing, stock bonus, annuity, or stock purchase plan within the meaning of section 411(d)(3);

(15) Notification of the occurrence of an event (other than an event described in subparagraph (13), (14), or (16) of this paragraph) which the Service has determined to indicate that a particular pension, profit-sharing, stock bonus, annuity, or stock purchase plan may not be sound under section 4043(c)(2) of the Act;

(16) Notification that the Service has received and responded to a request on behalf of a particular pension, profitsharing, or stock bonus plan, a trust which is a part of such plan, or an annuity or stock purchase plan for an extension of time for filing an annual return by such plan or trust;

(17) Notification that the Service has received and responded to a request on behalf of a particular pension, profitsharing, or stock bonus plan, a trust which is a part of such plan, or an annuity or stock purchase plan to

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change the annual accounting period of such plan or trust;

(18) Notification that the Service has determined that a particular plan does not meet the requirements of section 412 without regard to whether such plan is one described in section 4021(a)(2) of the Act;

(19) Notification of the results of an investigation by the Service requested by the Department of Labor or the Pension Benefit Guaranty Corporation, or both, with respect to whether the tax described in section 4971 should be imposed on any employer named in such request or whether the tax imposed by section 4975 should be paid by any person named in the request;

(20) Notification of receipt by the Service of an application by a particular taxpayer for exemption under section 4975(c)(2) or of initiation by the Service of an administrative proceeding for such exemption;

(21) Notification of receipt by the Service of an application by or on behalf of a particular taxpayer for a waiver or variance of the minimum funding standard under section 303 of the Act or section 412(d);

(22) Notification that the Service intends to undertake, or has completed, an examination to determine whether—

(i) A particular pension, profitsharing, or stock bonus plan, a trust which is a part of such plan, or an annuity or stock purchase plan meets the applicable requirements of part I of subchapter D of chapter 1 of the Code,

(ii) Any particular person is, or may be, liable for any tax imposed by section 4971 or 4975, or

(iii) A particular employee welfare benefit plan, as defined in section 3(1) of the Act, meets the applicable requirements of section 501(c) or 120, together with any completed Department of Labor or Pension Benefit Guaranty Corporation form (and supplemental schedules) relating to such examination; and

(23) Copies of initial pleadings indicating that the Service intends to intervene in a civil action under section 502(h) of the Act. Return information disclosed under this paragraph includes the taxpayer identity information (as defined in section 6103(b)(6)) of the plan or trust, the name and address of the sponsor and administrator of the plan or trustee of the trust, and the name and address of the pension authorized to represent the plan or trust before the Service. Disclosure of returns or return information as provided by this paragraph will be made only following receipt by the Commissioner of Internal Revenue of an annual written request for such disclosure by the Administrator of Pension and Benefit Welfare Programs of the Department of Labor or the Executive Director of the Pension Benefit Guaranty Corporation describing the categories of returns or return information to be disclosed by the Service and the particular purpose for which the returns or return information is needed in the administration of title I or IV of the Act, and designating by title the officers and employees of the Department of Labor or such corporation to whom such disclosure is authorized.

(b) *Additional returns and return information subject to disclosure*—(1) *Returns and return information relating to automatic notification.* Subject to the requirements of subparagraph (3) of this paragraph, officers or employees of the Service may disclose to officers and employees of the Department of Labor or the Pension Benefit Guaranty Corporation for purposes of, but only to the extent necessary in, the administration of title I or IV of the Act additional returns and return information relating to any item described in paragraph (a) of this section.

(2) *Other returns and return information.* Subject to the requirements of subparagraph (3) of this paragraph, officers or employees of the Service may disclose to officers and employees of the Department of Labor or the Pension Benefit Guaranty Corporation returns and return information (other than returns and return information disclosed as provided by paragraph (a) of this section or § 301.6103 (*l*) (2)–1 or § 301.6103(*l*) (2)–2)) for purposes of, but only to the extent necessary in, administration of title I or IV of the Act.

(3) *Procedures.* Disclosure of returns or return information by officers or employees of the Service as provided by this paragraph will be made only upon written request to the Commissioner of Internal Revenue or his delegate by the Secretary of Labor or his delegate or the Executive Director of the Pension Benefit Guaranty Corporation or his delegate identifyng the particular taxpayer by whom such return was made or to whom such return information relates, describing the particular returns or return information to be disclosed, stating the purpose for which the returns or return information is needed in the administration of title I or IV of the Act, and designating by name and title the officers and employees of such department or corporation to whom such disclosure is authorized.

(c) *Disclosure and use of returns and return information by officers an employees of Department of Labor, Pension Benefit Guaranty Corporation, and Department of Justice*—(1) *Use by officers and employees of Department of Labor and Pension Benefit Guaranty Corporation.* Returns and return information disclosed to officers and employees of the Department of Labor and the Pension Benefit Guaranty Corporation as provided by this section may be used by such officers and employees for purposes of, but only to the extent necessary in, administration of any provision of title I or IV of the Act, including any preparation for any administrative or judicial proceeding (or investigation which may result in such a proceeding) authorized by, or described in, title I or IV of the Act.

(2) *Disclosure by officers and employees of Department of Labor and Pension Benefit Guaranty Corporation to, and use by, other persons, including officers and employees of the Department of Justice.* (i) Returns and return information disclosed to officers and employees of the Department of Labor or the Pension Benefit Guaranty Corporation as provided by this section may be disclosed by such officers and employees to officers and employees of the Department of Justice (including United States attorneys) personally and directly engaged in, and for their necessary use in, any Federal grand jury proceeding, or preparation for any civil or criminal judicial proceeding (or for their necessary use in an investigation which may result in such a proceeding), authorized by, or described in, title I or IV of the Act.

(ii) Returns and return information disclosed to officers and employees of the Department of Labor, the Pension Benefit Guaranty Corporation, and the Department of Justice as provided by this section may be disclosed by such officers and employees to other persons, including, but not limited to, persons described in subparagraph (2)(iii) of this paragraph, but only to the extent necessary in connection with administration of the provisions of title I or IV of the Act, including a Federal grand jury proceeding, and proper preparation for a proceeding (or investigation), described in subparagraph (1) or (2)(i). Such disclosures may include, but are not limited to, disclosures where necessary—

(A) To properly obtain the services of persons having special knowledge or technical skills;

(B) To properly interview, consult, depose, or interrogate or otherwise obtain relevant information from the taxpayer to whom such return or return information relates (or the legal representative of such taxpayer) or any witness who may be called to give evidence in the proceeding; or

(C) To properly conduct negotiations concerning, or obtain authorization for, settlement or disposition of the proceeding, in whole or in part, or stipulations of fact in connection with the proceeding. Disclosure of a return or return information to a person other than the taxpayer to whom such return or return information relates (or the legal representative of such taxpayer) to properly accomplish any purpose or activity described in this subparagraph should be made, however, only if such purpose or activity cannot otherwise properly be accomplished without making such disclosure.

(iii) Among those persons to whom returns and return information may be disclosed by officers and employees of the Department of Labor, the Pension Benefit Guaranty Corporation, and the Department of Justice as provided by subparagraph (2)(ii) of this paragraph are:

(A) Other officers and employees of the Department of Labor, the Pension Benefit Guaranty Corporation, and the Department of Justice;

(B) Officers and employees of another Federal agency (as defined in section 6103(b)(9)) working under the direction and control of such officers and employees of the Department of Labor, the Pension Benefit Guaranty Corporation, or the Department of Justice; and

(C) Court reporters.—Disclosure of returns or return information to other persons by officers and employees of the Department of Labor or the Pension Benefit Guaranty Corporation as provided by subparagraph (2)(ii) of this paragraph for purposes of conducting research, surveys, studies, and publications referred to in section 513(a), or authorized by title IV, of the Act shall be restricted, however, to disclosure to other officers and employees of such department or corporation to whom such disclosure is necessary in connection with such conduct or to the taxpayer by whom such return was made or to whom such return information relates if the return or return information can be associated with, or otherwise identify, directly or indirectly, a particular taxpayer.

(3) *Disclosure in judicial proceedings.* A return or return information disclosed to officers and employees of the Department of Labor, the Pension Benefit Guaranty Corporation, or the Department of Justice as provided by this section may be entered into evidence by such officers or employees in a civil or criminal judicial proceeding authorized by, or described in, title I or IV of the Act, provided that, in the case of a judicial proceeding described in section 6103(i)(4), the requirements of section 6103(i)(4) have first been met.

(d) *Disclosure of returns and return information in connection with certain consultations between Departments of the Treasury and Labor.* Upon general written request to the Commissioner of Internal Revenue by the Secretary of Labor, officers and employees of the Service may disclose to officers and employees of the Department of Labor such returns and return information as may be necessary to properly carry out any consultation required by section 3002, 3003, or 3004 of the Act.

(e) *Return information open to public inspection under section 6104.* Nothing in these regulations shall be construed to deny officers and employees of the Department of Labor and the Pension Benefit Guaranty Corporation the right to inspect return information available to the public under section 6104 of the Code.

§ 301.6103(n)–1 Disclosure of returns and return information in connection with procurement of property and services for tax administration purposes.

(a) *General rule.* Pursuant to the provisions of section 6103(n) of the Internal Revenue Code and subject to the requirements of paragraphs (b), (c), and (d) of this section, officers or employees of the Treasury Department, a State tax agency, or the Social Security Administration are authorized to disclose returns and return information (as defined in section 6103(b)) to any person (including, in the case of the Treasury Department, any person described in section 7513(a)), or to an officer or employee of such person, to the extent necessary in connection with contractual procurement of—

(1) Equipment or other property, or

(2) Services relating to the processing, storage, transmission, or reproduction of such returns or return information, or to the programming, maintenance, repair, or testing of equipment or other property, for purposes of tax administration (as defined in section 6103(b)(4)). No person, or officer or employee of such person, to whom a return or return information is disclosed by an officer or employee of the Treasury Department, the State tax agency, or the Social Security Administration under the authority of this paragraph shall in turn disclose such return or return information for any purpose othr than as described in this paragraph, and no such further disclosure for any such described purpose shall be made by such person, officer, or employee to anyone, other than another officer or employee of such person whose duties or responsibilities require such disclosure for a purpose described in this paragraph, without written approval by the Internal Revenue Service.

(b) *Limitations.* For purposes of paragraph (a) of this section, disclosure of returns or return information in connection with contractual procurement of property or services described in such paragraph will be treated as necessary only if such procurement or the performance of such services cannot otherwise be reasonably, properly, or economically carried out or performed without such disclosure. Thus, for example, disclosures of returns or return information to employees of a contractor for purposes of programming, maintaining, repairing, or testing computer equipment used by the Internal Revenue Service or a State tax agency should be made only if such services cannot be reasonably, properly, or economically performed by use of information or other data in a form which does not identify a particular taxpayer. If, however, disclosure of returns or return information is in fact necessary in order for such employees to reasonably, properly, or economically perform the computer related services, such disclosures should be restricted to returns or return information selected or appearing at random. Further, for purposes of paragraph (a), disclosure of returns or return information in connection with the contractual procurement of property or services described in such paragraph should be made only to the extent necessary to reasonably, properly, or economically conduct such procurement activity.

Thus, for example, if an activity described in paragraph (a) can be reasonably, properly, and economically conducted by disclosure of only parts or portions of a return or if deletion of taxpayer identity information (as defined in section 6103(b)(6) of the Code) reflected on a return would not seriously impair the ability of the contractor or his officers or employees to conduct the activity, then only such parts or portions of the return, or only the return with taxpayer identity information deleted, should be disclosed.

(c) *Notification requirements.* Each officer or employee of any person to whom returns or return information is or may be disclosed as authorized by paragraph (a) of this section shall be notified in writing by such person that returns or return information disclosed to such officer or employee can be used

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only for a purpose and to the extent authorized by paragraph (a) of this section and that further disclosure of any such returns or return information for a purpose or to an extent unauthorized by such paragraph constitutes a felony, punishable upon conviction by a fine of as much as $5,000, or imprisonment for as long as 5 years, or both, together with the costs of prosecution. Such person shall also so notify each such officer and employee that any such unauthorized further disclosure of returns or return information may also result in an award of civil damages against the officer or employee in an amount not less than $1,000 with respect to each instance of unauthorized disclosure.

(d) *Safeguards.* Any person to whom a return or return information is disclosed as authorized by paragraph (a) of this section shall comply with all applicable conditions and requirements which may be prescribed by the Internal Revenue Service for the purposes of protecting the confidentiality of returns and return information and preventing disclosures of returns or return information in a manner unauthorized by paragraph (a). The terms of any contract between the Treasury Department or a State tax agency and a person pursuant to which a return or return information is or may be disclosed for a purpose described in paragraph (a) shall provide, or shall be amended to provide, that such person, and officers and employees of the person, shall comply with all such applicable conditions and restrictions as may be prescribed by the Service by regulation, published rules or procedures, or written communication to such person. If the Service determines that any person, or an officer or employee of any such person, to whom returns or return information has been disclosed as provided in paragraph (a) has failed to, or does not, satisfy such prescribed conditions or requirements, the Service may take such actions as are deemed necessary to ensure that such conditions or requirements are or will be satisfied, including—

(1) Suspension or termination of any duty or obligation arising under a contract with the Treasury Department referred to in this paragraph or suspension of disclosures by the Treasury Department otherwise authorized by paragraph (a) of this section, or

(2) Suspension of further disclosures of returns or return information by the Service to the State tax agency, until the Service determines that such conditions and requirements have been or will be satisfied.

(e) *Definitions.* For purposes of this section—

(1) The term "Treasury Department" includes the Internal Revenue Service and the Office of the Chief Counsel for the Internal Revenue Service, and

(2) The term "State tax agency" means an agency, body, or commission described in section 6103 (d) of the Code.

§ 301.6103 (p) (2) (B)–1 Disclosure of certain returns and return information by other Federal agencies.

(a) *General rule.* Subject to the requirements of this section, returns and return information disclosed by the Internal Revenue Service to officers and employees of another Federal agency (as defined in section 6103 (b)(9) of the Internal Revenue Code) as provided by section 6103 may, if the Commissioner of Internal Revenue determines that such returns or return information is more readily available from such Federal agency, be disclosed by such officers and employees to officers and employees of another Federal agency, the General Accounting Office, an agency, body, or commission described in section 6103(d) or (l)(6), or a person described in section 6103(e) for a purpose or use authorized or required by, but subject to any requirements imposed by, any other provision of section 6103 and the regulations thereunder. Any such disclosure may be made only as, to the extent, and to such persons as may be authorized in writing by the Commissioner pursuant to a written request for such disclosure by such person, and containing such information, as may be designated or provided by the applicable provisions of section 6103 and the regulations thereunder pursuant to which the disclosure is sought. Such disclosure authorization by the Commissioner shall be directed to the head of the Federal agency from which disclosure is sought and may contain such conditions or restrictions as the Commissioner may prescribe.

(b) *Records and reports of disclosure.* The Federal agency making a disclosure authorized by paragraph (a) of this section shall maintain to the satisfaction of the Service a permanent system of standardized records with respect to any disclosure authorization by the Commissioner described in paragraph (a) and any disclosure of returns or return information made pursuant to such authorization. In order to enable the Service to make a timely submission of the public report on disclosures to the Joint Committee on Taxation as required by section 6103 (p)(3)(C) of the Code, the Federal agency shall, within 30 days after the close of each calendar year, furnish to the Commissioner a report with respect to such records which provides the number of—

(1) Disclosure authorizations by the Commissioner,

(2) Instances in which returns or return information was disclosed pursuant to such disclosure authorizations and to disclosure authorizations executed in prior calendar years, and

(3) Taxpayers whose returns or return information with respect to whom was disclosed pursuant to the disclosure authorization described in subparagraph (2). In addition, in order to enable the Service to make a timely submission of the report to the Joint Committee on Taxation required by section 6103(p)(3)(B), the Federal agency shall furnish to the Commissioner a report with respect to, or summary of, the records at such time or times, in such form, and containing such information as the Commissioner may prescribe in a written request directed to the head of such Federal agency. The requirements of this paragraph do not apply to disclosures of taxpayer identity information described in section 6103(m) or to disclosures of returns and return information as provided by paragraph (a) which, had such disclosures been made directly by the Service, would not have been subject to the recordkeeping requirements imposed by section 6103(p)(3)(A).

PART 404—TEMPORARY REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER THE TAX REFORM ACT OF 1976

§§ 404.6103(a)–1, 404.6103(a)–2, 404.6103(c)–1, 404.6103(i)–1, 404.6103(j)(2)–1, 404.6103(k)(6)–1, and 404.6103(n)–1 [Deleted]

Par. 4. Sections 404.6103(a)–1, 404.6103(a)–2, 404.6103(c)–1, 404.6103(i)–1, 404.6103(j)(2)–1, 404.6103(k)(6)–1, and 404.6103(n)–1 are deleted.

PART 420—TEMPORARY REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

§§ 420.6103(l)(2)–1, 420.6103(l)(2)–2, and 420.6103(l)(2)–3 [Deleted]

Par. 5. Sections 420.6103(*l*)(2)–1, 420.6103(*l*)(2)–2, and 420.6103(*l*)(2)–3 are deleted.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80-8776 Filed 3-21-80; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Chapter VII

Determination of Completeness for Permanent Program Submission From the State of Missouri

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Proposed rule: Determination of completeness of Missouri program submission.

SUMMARY: On February 1, 1980, the State of Missouri submitted to OSM its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice announces the Regional Director's determination as to whether the Missouri program submission contains each required element specified in the permanent regulatory program regulations. The Regional Director has concluded a review and has determined the program submission is complete.

ADDRESSES: Written comments on the Missouri program and a summary of the public meeting are available for public review, 8 a.m.–4 p.m., Monday through Friday, excluding holidays at: Office of Surface Mining Reclamation and Enforcement, Region IV, 5th Floor, Scarritt Bldg., 818 Grand Avenue, Kansas City, MO 64106.

Copies of the full text of the proposed Missouri program are available for review during regular business hours at the OSM regional office above and at the following office of the state regulatory authority: Missouri Land Reclamation Commission, 1026–D Northeast Drive, Jefferson City, Missouri 65102.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Assistant Regional Director, Office of Surface Mining Reclamation and Enforcement, Scarritt Bldg., 818 Grand Avenue, Kansas City, MO 64106, Telephone: (816) 374–3920.

SUPPLEMENTARY INFORMATION: On February 1, 1980, OSM received a proposed permanent regulatory program from the State of Missouri. Pursuant to the provisions of 30 CFR Part 732, "Procedures and Criteria for Approval or Disapproval of State Program Submissions" (44 FR 15326–15328, March 13, 1979), the Regional Director, Region IV, published notification of receipt of the program submission in the **Federal Register** of February 11, 1980, (45 FR 9123–9124) and in the following newspapers of general circulation within Missouri: St. Louis Post-Dispatch; The Kansas City Star; Jefferson City News/Tribune.

The February 11, 1980, notice set forth information concerning public participation pursuant to 30 CFR 732.11. This information included a summary of the program submission, announcement of a public review meeting on March 13, 1980, in Jefferson City, Missouri, to discuss the submission and its completeness, and announcement of a public comment period until March 13, 1980, for members of the public to submit written comments relating to the program and its completeness. Further information may be found in the permanent regulatory program regulations and **Federal Register** notice referenced above.

This notice is published pursuant to 30 CFR 732.11(b), and constitutes the Regional Director's decision on the completeness of the Missouri program. Having considered public comments, testimony presented at the public review meeting and all other relevant information, the Regional Director has determined that the Missouri submission fulfills the requirements for program submissions under 30 CFR 731.14 and is therefore complete.

No later than May 20, 1980, the Regional Director will publish a notice in the **Federal Register** and the following newspapers of general circulation in Missouri initiating substantive review of the program submission: St. Louis Post-Dispatch; The Kansas City Star; Jefferson City News/Tribune.

The review will include a formal public hearing and written comment period. Procedures will be detailed in that notice. Further information concerning how that substantive review will be conducted may be found in 30 CFR 732.12.

The Office of Surface Mining is not preparing an environmental impact statement with respect to the Missouri regulatory program, in accordance with Section 702(d) of SMCRA (30 USC S 1292(d)) which states that approval of state programs shall not constitute a major action within the meaning of Section 102(2)(C) of the National Environmental Policy Act.

Dated: March 17, 1980.

Raymond L. Lowrie,

Regional Director.

[FR Doc. 80-8897 Filed 3-21-80; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 181 and 183

[CGD 79–137]

Outboard Motors; Start-In-Gear Protection Devices

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: A number of boating accidents have resulted from the starting of outboard motors while in gear, producing a sudden movement of the boat which causes its occupants to either fall inside the boat or be thrown overboard. The Coast Guard is proposing to require that outboard engines which are capable of developing a static thrust of 115 pounds or more be equipped with a device that protects the operator against the dangers caused by starting them in gear with the throttle open. Use of this device will reduce accidents resulting from outboard motors being started in gear.

DATES: Comments must be received on or before July 24, 1980.

ADDRESSES: Comments should be mailed to Commandant (G–CMC/24), (CGD 79–137), U.S. Coast Guard, Washington, D.C. 20593. Between the hours of 7 a.m. and 5 p.m., Monday through Thursday, comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G–CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Mr. Lars E. Granholm, Office of Boating Safety (G–BBT/42), U.S. Coast Guard Headquarters, Washington, D.C. 20593 (202) 426–4027.

SUPPLEMENTARY INFORMATION: The National Boating Safety Advisory Council has been consulted and its opinions and advice have been considered in the formulation of this proposed rule. The transcript of the proceedings of the National Boating Safety Advisory Council at which this proposed rule was discussed is available for examination in Room 4224, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. The minutes of the meeting are available from the Executive Director, National Boating Safety Advisory Council, c/o Commandant (G–BA), U.S. Coast Guard, Washington, D.C. 20593.

Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each comment submitted

should include the name and address of the person submitting it, identify this notice (CGD 79-137) and the specific section of the proposal to which the comment applies, and give the reasons for the comment. Those desiring acknowledgment that their comment has been received should enclose a stamped, self-addressed post card or envelope.

The proposal may be changed in light of comments received. All comments received will be considered before final action is taken on the proposal. Copies of all written comments received will be available for examination by interested persons.

No public hearing is planned but one may be held at a time and place to be set in a later notice in the **Federal Register** if written requests for a hearing are received and it appears that an opportunity to make oral presentations will aid the rulemaking process.

Discussion of the Proposed Rule

This proposal is being made in an attempt to reduce the number of accidents that have been caused by outboard motorboats being started while in gear. Statistics gathered over five recent years have revealed that an average of 15 fatalities a year are attributable to these accidents.

When an outboard motor is started in gear, the sudden movement of the boat can cause its occupants to lose their balance. This inertial force is directly proportional to the acceleration of the boat. The greatest danger consequently exists when an outboard motor at or near the maximum horsepower capacity of the boat is started in gear with the throttle set for high speed. Under such conditions persons aboard the boat may be thrown off balance and either fall within the boat or fall overboard. Slow speed starting in gear represents a relatively smaller problem, especially with low horsepower motors.

The Coast Guard and the outboard motor industry conducted tests to analyze the factors contributing to accidents resulting from outboard motors started in gear. The Coast Guard tests were designed to determine the range of dangerous acceleration values and the industry tests concentrated on whether there was a practical lower limit on outboard motor horsepower below which start-in-gear protection (SIGP) was unnecessary. These tests were conducted using outboard motors ranging from 2 to 20 horsepower in combination with typical boats. The tests showed that motors developing less than 115 pounds of thrust did not produce sufficient acceleration when started in gear to require the use of a protective device. Based on these results, the Coast Guard is proposing to require start-in-gear protection on all outboard motors that are capable of developing more than 115 pounds of thrust.

The Coast Guard believes it is preferable to identify motors requiring start-in-gear protection in terms of thrust rather than horsepower. Start-in-gear protection is intended to limit the rapid acceleration of the boat. As a measurement of force generated by a propeller, thrust bears a closer relationship to acceleration than horsepower, a more general concept directed at an engine's capacity to perform work. An uncertain relationship exists between horsepower and thrust owing to the influence of gear train and propeller design. As an example, if these are poorly designed, thrust may be limited, regardless of the engine's horsepower rating. An additional reason why horsepower was not used is that all manufacturers do not measure horsepower in a consistent fashion. Some manufacturers measure horsepower by placing a dynomometer on the power head and others measure horsepower output in the propeller shaft. These techniques may not produce the same rating for any given engine.

The proposed subpart is comprised of four sections. Section 183.701 establishes the applicability of these regulations to the subject equipment and the parties responsible for its installation. Section 183.705 offers definitions of several significant terms used in the subpart. The principal part of the proposed regulations is contained in § 183.710. This would require any outboard motor producing 115 pounds of thrust or more at any motor operating speed with any propeller or jet attachment recommended or shipped with the outboard motor to have start-in-gear protection built into the motor or in associated remote starting equipment.

Many outboard motors in that low horsepower range are locally started, usually by means of a pull-cord. Since these outboard motors do not use "starting controls", as defined in § 183.705, this proposal would require that SIGP be built into the outboard motor, (§ 183.710(a)(1)). For outboard motors equipped with starting controls, § 183.710(a)(2) would allow the SIGP to be either built into the outboard motor or the controls.

Paragraph 183.710(c) requires the installer, be it the manufacturer, distributor, or dealer, to properly match outboard motor and controls when SIGP is to be included in the control unit. Informative labeling that would be required on both motors and controls under § 183.710 would aid in the performance of this task. This provision has been included in recognition of the fact that boat dealers are usually the ones who install outboard motors and starting controls.

Section 183.715 provides an exemption for outboard motors equipped with certain types of starting devices. The majority of remotely started outboard motors also have an emergency starting system. This usually consists of a pull-cord packed with the outboard motor which can be wrapped around the flywheel so the motor can be manually started. Under this proposed section, the requirements for SIGP would not apply to this secondary system. However, information would have to be displayed on the outboard motor instructing the operator to place the shift mechanism in neutral before starting. Since the use of these secondary starting systems is minimal, the Coast Guard feels the label will provide sufficient protection.

Finally, § 181.11(c) would provide an exception to the compliance certification labeling requirements of Part 181, Subpart B for any outboard motor or starting control covered by proposed § 183.710. Compliance certification labels normally contain the name and address of the equipment's manufacturer, along with a statement certifying compliance with Coast Guard safety standards. They are considered unnecessary for outboard motors and starting controls, as these products are comonly marked with their manufacturer's name and address. Labeling to indicate compliance with safety standards would be covered by § 183.710 (a)(2) and (b).

This proposal would place an additional burden on outboard motor and controls manufacturers, but the Coast Guard considers this to be minimal owing to the fact that many manufacturers have already been working to solve the start-in-gear problem. A start-in-neutral-only switch has been an option in controls for some time. Motor manufacturers have equipped many outboard models with either limited throttle or start-in-neutral devices. Although the application of this protection has been piecemeal, the technology already exists, and therefore the burden on manufacturers to extend this protection is minimal.

The effect on boaters, on the other hand, will be positive as accidents due to starting in gear will be reduced. However, since this proposal would not require a retrofit of existing outboard motors or controls, the effect of a reduction in accidents will be gradual as older models are phased out and replaced by new models having SIGP.

This regulation should be essentially self-enforcing, since in their normal course of production outboard motors will clearly fall into the category of requiring or not requiring start-in-gear protection. In doubtful cases the Coast Guard will conduct laboratory tests to determine if start-in-gear protection is needed. The Coast Guard is currently refining the test procedures that it will use. Copies of the tests that are currently proposed are available from the Office of Boating Safety (G-BBT-2/42), U.S. Coast Guard Headquarters, Washington, D.C. 20593. A copy of the proposed tests has also been included in the public docket for this rulemaking and is available for inspection at the Marine Safety Council at the address indicated above.

This proposal has been reviewed under the Department of Transportation's "Regulatory Policies and Procedures" published on February 26, 1979 (44 FR 11034), and is not considered a significant rulemaking. Most engines produced in the United States already have start-in-gear protection devices. It is estimated that from 50,000 to 100,000 engines that are marketed each year without these devices will require them in the future if this proposal were adopted. The cost for adding start-in-gear protection would range from two dollars at the manufacturing level to ten dollars at the retail level. The maximum cost of these proposed regulations is therefore estimated to be less than one million dollars. This information is taken from a draft evaluation prepared for this proposal, which may be obtained from the Marine Safety Council at the address indicated above.

In consideration of the foregoing, the Coast Guard proposes to amend Parts 181 and 183 of Title 33, Code of Federal Regulations as set forth below.

1. By adding a new paragraph (c) to § 181.11 in Part 181 to read as follows:

§ 181.11 Exceptions to labeling requirement.

* * * * *

(c) This subpart does not apply to any outboard motor or starting control to which § 183.710 of this chapter applies.

2. By adding a new Subpart L to Part 183 to read as follows:

Subpart L—Start-in-Gear Protection

Sec.
183.701 Applicability.
183.705 Definitions.
183.710 Start-in-gear protection (SIGP) required.
183.715 Exception.

Authority: 46 U.S.C. 1454, 49 CFR 1.46 (n)(1).

Subpart L—Start-in-Gear Protection

§ 183.701 Applicability.

This subpart applies to outboard motors and starting controls manufactured after August 1, 1982 and to manufacturers, distributors or dealers installing such equipment after that date.

§ 183.705 Definitions.

For the purposes of this subpart—

(a) "Outboard motor" means a self-contained propulsion system of any horsepower rating designed to be installed on, and removable from the transom of a boat.

(b) "Static thrust" means the forward or backward thrust developed by an outboard motor and associated propulsion unit while stationary.

(c) "Starting control" means the motor throttle, shift and starting control mechanisms located at a position remote from the outboard motor.

(d) "Local starting" means operating a mechanical or electrical starting device built into the outboard motor.

(e) "Distributor" means any person engaged in the sale and distribution of boats or associated equipment for the purpose of resale.

(f) "Dealer" means any person who is engaged in the sale and distribution of boats or associated equipment to purchasers who the seller in good faith believes to be purchasing any such boat or associated equipment for purposes other than resale.

§ 183.710 Start-in-gear protection required.

(a) Any outboard motor which is capable of developing a static thrust of 115 pounds or more at any motor operating speed with any propeller or jet attachment recommended for or shipped with the motor by the manufacturer, must be equipped with a device to prevent the motor being started when controls are set so as to attain that thrust level, as follows:

(1) Outboard motors designed for local starting must have a built-in start-in-gear protection device.

(2) Outboard motors designed for remote starting must have either a built-in start-in-gear protection device or be installed with remote starting controls containing this device. An outboard motor designed for remote starting that does not have a built-in start-in-gear protection device must, at the time of sale, have a tag or label attached at the location of the control connection containing the following information: "Starting controls installed with this motor must comply with USCG requirements for start-in-gear protection in 33 CFR, Subpart L." The letters and numbers on the tag or label must be at least ⅛ inch high.

(b) Starting controls must have a tag or label with the following information to indicate whether or not they have been equipped with a start-in-gear protection device: "This control will (or will not) provide start-in-gear protection meeting USCG requirements of 33 CFR, Subpart L". The letters and numbers on the tag or label must be at least ⅛ inch high.

(c) Any manufacturer, distributor or dealer installing an outboard motor displaying the label described in § 183.710(a)(2) above must properly match it with a compatible starting control that contains a start-in-gear protection device.

§ 183.705 Exception.

Outboard motors designed to be equipped for remote starting, but which also have a provision for local starting in emergencies, need not comply with § 183.710 for their local starting system. However, the following information must be displayed on the motor: "Warning—Ensure shift control is in neutral before starting motor". This information must be clearly visible to a person using the emergency starting device.

(46 U.S.C. 1454; 49 CFR 1.46(n)(1))

Dated: March 18, 1980.

B. E. Thompson,

Rear Admiral, U.S. Coast Guard, Chief, Office of Boating Safety.

[FR Doc. 80-8828 Filed 3-21-80; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Proportionate Reduction in Monthly Training Assistance Allowance Less Than 120 Hours

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The proposed regulations allow certain hours of related training taken by an eligible veteran in an apprenticeship and other on-the-job training to count toward the 120 hours he or she must work in a month in order to receive the full monthly training

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allowance. In the past no related training could be counted. The amended regulations allow those hours of related training which most closely approximate hours of training worked to count towards helping a veteran receive the full monthly training assistance allowance.

DATES: Comments must be received on or before April 23, 1980. It is proposed to make this amendment effective the date of final approval.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until May 5, 1980.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202–389–2092).

SUPPLEMENTARY INFORMATION: Section 21.4136(i) is amended to allow the veteran's hours of related training, which occur during the standard workweek and for which he or she receives wages, to count toward the 120 hours the veteran must work in order to receive his or her full monthly training allowance. Section 21.4137 is amended for the same reason.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), until May 5, 1980. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: March 17, 1980.
By direction of the Administrator.

Rufus H. Wilson,
Deputy Administrator.

1. In § 21.4136, paragraph (i) is revised to read as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. chapter 34.

* * * * *

(i) *Proportionate reduction in monthly training assistance allowance less than 120 hours*—(1) *Reduced training allowance.* For any month in which an eligible veteran pursuing an apprenticeship or on-job training program fails to complete 120 hours of training the Veterans Administration shall reduce the rate specified in paragraph (a) of this section proportionally. In this computation the Veterans Administration shall round the number of hours worked to the nearest multiple of eight.

(2) *Definition of "hours worked."* For the purpose of this paragraph "hours worked" include only—

(i) The training hours the veteran worked, and

(ii) All hours of the veteran's related training which occurred during the standard workweek and for which the veteran received wages. (See footnote 5 to § 21.4270(b) as to the requirements for full-time training.) (38 U.S.C. 1787(b)(3))

* * * * *

2. In § 21.4137, paragraph (f) is revised to read as follows:

§ 21.4137 Rates; educational assistance allowance; 38 U.S.C. chapter 35.

* * * * *

(f) *Proportionate reduction in monthly training assistance allowance less than 120 hours*—(1) *Reduced training allowance.* For any month in which an eligible person pursuing an apprenticeship or on-job training program fails to complete 120 hours of training the Veterans Administration shall reduce the rate specified in paragraph (a) of this section proportionally. In this computation the Veterans Administration shall round the number of hours worked to the nearest multiple of eight.

(2) *Definition of "hours worked"* For the purpose of this paragraph "hours worked" include only—

(i) The training hours the eligible person worked, and

(ii) All hours of the eligible person's related training which occurred during the standard workweek and for which the eligible person received wages. (See footnote 5 to § 21.4270(b) as to the requirements for full-time training. (38 U.S.C. 1787(b)(3))

* * * * *

[FR Doc. 80-8874 Filed 3-21-80; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[FRL 1444-2; PP 9F2158/P134]

Tolerance and Exemption From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Proposed Tolerances for the Pesticide Socium Salt of Acifluorfen

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposed that a tolerance be established for combined residues of the herbicide sodium salt of acifluorfen and its metabolites (the corresponding acid, methyl ester, and amino analogues) in or on soybeans at 0.1 ppm; liver and kidney of cattle, goats, hogs, horses, and sheep at 0.02 ppm; meat, fat, and meat byproducts of poultry at 0.02 ppm; and, milk and eggs at 0.02 ppm. The proposal was submitted by Rohm and Haas Company.

DATE: Comments must be received on or before April 3, 1980.

ADDRESS COMMENTS TO: Dr. Willa Garner, Product Manager (PM) 23, Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Dr. Willa Garner at the above address (202/755–1397).

SUPPLEMENTARY INFORMATION: On January 18, 1979, notice was given (44 FR 3771) that Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105, had submitted a petition (PP 9F2158) to the Environmental Protection Agency (EPA) proposing that 40 CFR 180 be amended by establishing a tolerance for combined residues of the herbicide sodium salt of acifluorfen (sodium 5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoic acid) and its metabolites (the corresponding acid, methyl ester, and amino analogues) in or on the raw agricultural commodities soybeans at 0.1 part per million (ppm); liver and kidney of cattle, goats, hogs, horses, and sheep at 0.01 ppm; fat, meat, and meat byproducts of poultry at 0.01 ppm; milk, and eggs at 0.01 ppm.

No comments were received in response to this notice of filing.

Rohm and Haas Co. subsequently amended the petition by proposing that the tolerance be increased to 0.02 ppm in the liver and kidney of cattle, goats, hogs, horses, and sheep; fat, meat, and meat byproducts of poultry; milk; and eggs.

Because of the potential increase in exposure of humans to residues as a result of the higher tolerance, the tolerance is being proposed at this time to provide an opportunity for public comment. The data submitted in this petition and other relevant material have been evaluated. The data included plant residue, lactating cow, laying hen, and rat metabolism feeding studies, a rat acute oral LD_{50} study with an LD_{50} of 1.30 grams/kilogram (gm/kg); a two-year rat feeding/oncogenicity study negative for oncogenic effects at doses from 2.5 ppm to 1,080 ppm at varying time intervals but not valid as a chronic feeding study, a rat reproduction/teratology study with a no-observed-effect level (NOEL) of 540 ppm, a rabbit teratology study with an NOEL of 60 milligrams/kilogram/day (mg/kg/day); a mouse oncogenicity study negative for oncogenic effects at doses from 7.5 ppm to 270 ppm, and a two-year dog feeding study with an NOEL of 50 ppm.

There are no permanent tolerances for sodium salt of acifluorfen. Based on the two-year dog feeding study with an NOEL of 50 ppm and a safety factor of 100, the allowable daily intake (ADI) is 0.0125 mg/kg/day and the maximal permissible daily intake (MPI) is 0.75 mg/kg/day/60/kg man. The requested tolerances will utilize 1.87% of the ADI.

There are no regulatory actions pending against registration of this chemical. The metabolism of sodium salt of acifluorfen is adequately understood and an analytical method (gas-liquid chromatographic separation and electron capture detection) is available for enforcement purposes. No other considerations are involved in establishing these tolerances.

The proposed tolerances are adequate to cover residues occurring in soybeans and in meat, milk, poultry, and eggs. The tolerances will protect the public health.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request within 10 days after publication of this proposal in the **FEDERAL REGISTER** that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP 9F2158/P134." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of PM 23, Room 351, East Tower, from 8:30 a.m. to 4 p.m. Monday through Friday.

The comment period is being limited to 10 days in order that the permanent tolerance may be established in the first week of April. This is necessary if the compound is to be marketed this growing season. The use of this new herbicide will result in a substantial increased yield of soybeans grown by American farmers.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and, therefore, subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This proposed rule has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of the Executive Order 12044.

Dated: March 19, 1980.

James W. Akerman,
Acting Director, Registration Division.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

It is proposed that Part 180, Subpart C, § 180.383 be added, as follows:

§ 180.383 Acifluorfen; tolerances for residues.

Tolerances are hereby established for combined residues of the herbicide sodium salt of acifluorfen (sodium 5 - [2 - chloro - 4 - (trifluoromethyl) - phenoxyl] - 2 - nitrobenzoic acid) and its metabolites (the corresponding acid, methyl ester, and amino analogues) in or on the following raw agricultural commodities, as follows:

Commodity	*Parts per million*
Cattle, kidney	0.02
Cattle, liver	0.02
Eggs	0.02
Goats, kidney	0.02
Goats, liver	0.02
Hogs, kidney	0.02
Hogs, liver	0.02
Horses, kidney	0.02
Horses, liver	0.02
Milk	0.02
Poultry, fat	0.02
Poultry, mbyp	0.02
Poultry, meat	0.02
Sheep, kidney	0.02
Sheep, liver	0.02
Soybeans	0.10

[FR Doc. 80-8861 Filed 3-21-80; 8:45 am]
BILLING CODE 6560-01-M

NATIONAL SCIENCE FOUNDATION

45 CFR Ch. VI

Improving Government Regulations; Amendment to Publication Schedule of Semiannual Agenda

AGENCY: National Science Foundation.

ACTION: Amendment of schedule of semiannual agenda.

Section 2 of Executive Order 12044, on improving Government regulations, requires the Foundation to publish a schedule of the dates when the Foundation's semiannual agenda will be published.

The Foundation's schedule for publication of semiannual agenda for fiscal year 1980, which was published in the October 1, 1979, page 56520, **Federal Register**, is being amended. The second agenda for Fiscal Year 1980, which was scheduled for publication on April 1, 1980, will now be published on June 13, 1980.

FOR FURTHER INFORMATION CONTACT: Terese Judkins, telephone (202) 632–5760.

Charles H. Herz,
General Counsel.

[FR Doc. 80-8831 Filed 3-21-80; 8:45 am]
BILLING CODE 7555-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[General Order No. 16, Docket No. 80–15]

Rules of Practice and Procedure; Proceedings Under the Intercoastal Shipping Act

AGENCY: Federal Maritime Commission.

ACTION: Proposed rules.

SUMMARY: The Federal Maritime Commission hereby proposes to revise Rule 67 of the Commission's Rules of Practice and Procedure (46 CFR 502.67) in order to limit the application of certain provisions of the rule to vessel operating common carriers (VOCC's). The proposed revision will remove several inconsistencies between Rule 67 and the rules entitled Financial Exhibits and Scheduled Non-Vessel Operating Common Carriers in the Domestic Offshore Trades published (Docket No. 78–46), January 17, 1980. In addition, the Commission intends to clarify the rule to make it clear that the relevant Attorneys General receive the VOCC's testimony, exhibits and underlying workpapers on the same day that they are filed with the Commission.

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DATES: Comments must be submitted on or before April 23, 1980.

ADDRESSES: Comments (original and fifteen copies) to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, (202) 523-5725.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573.

SUPPLEMENTAL INFORMATION: On January 17, 1980, the Federal Maritime Commission published (45 F.R. 3311) rules that (a) require non-vessel operating common carriers (NVO's) subject to the Intercoastal Shipping Act, 1933, to submit standard-format financial data and (b) establish procedures by which the Commission will evaluate proposed rate changes. The rules will become effective upon the completion of GAO review as required under The Federal Reports Act (44 U.S.C. 3512).

The rules will require an NVO to submit standard-form financial data only in the event the Commission institutes a formal investigation and hearing of a proposed rate change. The NVO would have thirty (30) days from the proposed effective date of the rates in which to comply with the rule (46 C.F.R. 514.2(b)). The exhibits and schedules required by the rules will be an essential element of the NVO's justification in support of the general rate change. In determining whether or not the NVO had met its burden of proof, the Commission will give great weight to the material submitted in compliance with the rules. NVOs will no longer be required to submit an annual report or submit justification concurrently with every general rate change.

The Commission's present Rules of Practice and Procedure require the carrier to file its entire direct case with any general rate increase or decrease in rates sixty (60) days prior to the proposed effective date of the change. All necessary testimony, exhibits, and underlying data must be readily available to protestants and other interested parties. Within seven (7) days after the effective date of the changes, Hearing Counsel and any protestants are required to serve on all parties all testimony and exhibits constituting the direct case, as well as the underlying data. These provisions are clearly inconsistent with the rules pertaining to NVO's. Accordingly, the Commission intends to limit their application to vessel operating common carriers.

Currently, section 502.67(d)(2) governs proceedings brought under section 3 of the Intercoastal Act that do not involve general rate increases or decreases. The carrier, Hearing Counsel, and all protestants are required to simultaneously serve testimony, exhibits, and workpapers on all parties and lodge copies of testimony and exhibits with the Administrative Law Judge no later than twenty (20) days after the proposed effective date of the tariff changes, should the proposed change be made subject to a docketed proceeding. The Commission proposes that all NVO rate proceedings brought under section 3 of the Intercoastal Act be governed by the procedural schedule in section 502.67(d)(2). However, the Commission believes that the twenty (20) day period must be extended to thirty (30) days in order to give parties time to prepare their cases. This is consistent with the thirty (30) period in the rules pertaining to NVO's (46 CFR 514.2(b)).

Section 502.67(b)(1) specifies that any protest "shall be filed with the Director, Bureau of Ocean Commerce Regulation and the carrier no later than thirty (30) days prior to the proposed effective date of the proposed changes." The filing date may not be satisfied merely by mail service on the date the filing is required. Section 502.67(a)(2) requires carriers to serve testimony, exhibits and underlying workpapers on the Attorney General of every non-contiguous State, Commonwealth, possession or Territory having ports in the relevant trade. At least arguably this could be satisfied by mailing. This inconsistency (i.e., service vs. filing) reduces substantially the time which an Attorney General has to formulate a protest. To remove this unfairness, the Commission intends to impose a filing requirement on carriers as well as protestants.

Accordingly, it is proposed that Title 46 CFR be amended by the revision of Section Part 502.67 as set forth below.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 21, 27 and 43 of the Shipping Act, 1916 (46 U.S.C. 820, 826, 841(a)), and section 3 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 845), Part 502 of Title 46, Code of Federal Regulations is proposed to be amended by revising §§ 502.67 to read as follows:

§ 502.67 Proceedings under section 3(a) of the Intercoastal Shipping Act, 1933.

(a)(1)(i) The term "general rate increase" means any change in rates, fares, or charges which will (A) result in an increase in not less than 50 per centum of the total rate, fare, or charge items in the tariffs per trade of any common carrier by water in intercoastal commerce; and (B) directly result in an increase in gross revenues of such carrier for the particular trade of not less than 3 per centum.

(ii) The term "general rate decrease" means any change in rates, fares, or charges which will (A) result in a decrease in not less than 50 per centum of the total rate, fare, or charge items in the tariffs per trade of any common carrier by water in the intercoastal commerce; and (B) directly result in a decrease in gross revenue of such carrier for the particular trade of not less than 3 per centum.

(2) No general rate increase or decrease shall take effect before the close of the sixtieth day after the day it is posted and filed with the Commission. A vessel operating common carrier (VOCC) shall file, under oath, concurrently with any general rate increase or decrease testimony and exhibits of such composition, scope and format that they will serve as the VOCC's entire direct case in the event the matter is set for formal investigation, together with all underlying workpapers used in the preparation of the testimony and exhibits. The VOCC shall also certify that copies of testimony, exhibits and underlying workpapers have been filed simultaneously with the Attorney General of every non-contiguous State, Commonwealth, possession or Territory having ports in the relevant trade that are served by the VOCC. The contents of underlying workpapers served on attorneys general pursuant to this paragraph are to be considered confidential and are not to be disclosed to members of the public except to the extent specifically authorized by an order of the Commission or a Presiding Administrative Law Judge. A copy of the testimony and exhibits shall be made available at every port in the trade at the offices of the VOCC or its agent during usual business hours for inspection and copying by any person. In addition, the underlying workpapers shall be made available promptly by the VOCC to all persons requesting them for inspection and copying upon the submission of the following certification, under oath, to the VOCC:

Certification

I (name and title if applicable)_____, of (full name of company or entity)_____, having been duly sworn, certify that the underlying workpapers requested from (name of VOCC)_____, will be used solely in connection with protests related to and proceedings resulting from (name of VOCC)_____'s, general rate (increase) (decrease) scheduled to become effective (date)_____ and that their contents will not be disclosed to any person who has not signed, under oath, a certification in the form prescribed, which has been filed with the VOCC, unless public disclosure is specifically authorized by an order of the Commission or a Presiding Administrative Law Judge.

(Signature) _____

(Date) _____

Signed and Sworn before me this __ day of _____.

(Notary public) _____

My Commission expires _____.

(3) Failure by the VOCC to meet the service and filing requirements of paragraph (a)(2) may result in rejection of the tariff matter. Such rejection will take place within three work days after the defect is discovered.

(b)(1) Protests against a proposed general rate increase or decrease made pursuant to section 3 of the Intercoastal Shipping Act, 1933, may be made by letter and shall be filed with the Director, Bureau of Ocean Commerce Regulation and the carrier no later than thirty (30) days prior to the proposed effective date of the proposed changes. In the event the due date for protests falls on a Saturday, Sunday or national legal holiday, protests must be filed with the Director, Bureau of Ocean Commerce Regulation and the carrier no later than the last business day preceding the weekend or holiday. Persons filing protests pursuant to this section shall be made parties to any docketed proceeding involving the matter protested, provided that the issues raised in the protest are pertinent to the issues set forth in the order of investigation. Protests shall include:

(i) Identification of the tariff in question;

(ii) Grounds for opposition to the change;

(iii) Identification of any specific areas of the VOCC's testimony, exhibits, or underlying data that are in dispute and a statement of position on each area in dispute (VOCC general rate increases or decreases only);

(iv) Specific reasons why a hearing is necessary to resolve the issues in dispute;

(v) Any requests for additional carrier data;

(vi) Identification of any witnesses that protestant would produce at a hearing, a summary of their testimony and identification of documents that protestant would offer in evidence; and

(vii) A subscription and verification.

(2) Protests against other proposed changes in tariffs made pursuant to section 3 of the Intercoastal Shipping Act, 1933, shall be filed no later than twenty (20) days prior to the proposed effective date of the change. The provisions of paragraph (b)(1) relating to the form, place and manner of filing protests against a proposed general rate increase or decrease shall be applicable to protests against other proposed tariff changes.

(c) Replies to protests shall conform to the requirements of § 502.74 (Rule 74).

(d)(1) In the event the general rate increase or decrease of a VOCC is made subject to a docketed proceeding, Hearing Counsel, the VOCC and all protestants shall serve, under oath, testimony and exhibits constituting their direct case, together with underlying workpapers on all parties and lodge copies of testimony and exhibits with the Administrative Law Judge no later than seven (7) days after the tariff matter takes effect or in the case of suspended matter, seven (7) days after the matter would have otherwise gone into effect.

(2) If other proposed tariff changes made pursuant to section 3 of the Intercoastal Shipping Act, 1933 are made subject to a docketed proceeding, the carrier, Hearing Counsel and all protestants will simultaneously serve testimony and exhibits constituting their direct case, together with underlying workpapers on all parties and lodge copies of testimony and exhibits with the Administrative Law Judge no later than thirty (30) days after the tariff matter takes effect, or in the case of suspended matter, thirty (30) days after the matter would have otherwise gone into effect.

(e)(1) Subsequent to the exchange of testimony, exhibits, underlying data and prehearing statements by all parties, the Administrative Law Judge shall, at his discretion, direct all parties to attend a prehearing conference to consider:

(i) Simplification of issues;

(ii) Identification of issues which can be resolved readily on the basis of documents, admissions of fact, or stipulations;

(iii) Identification of any issues which require evidentiary hearing;

(iv) Limitation of witnesses and areas of cross-examination should an evidentiary hearing be necessary;

(v) Requests for subpoenas; and

(vi) Other matters which may aid in the disposition of the hearing.

(2) After considering the procedural recommendations of the parties, the Administrative Law Judge shall limit the issues to the extent possible and establish a procedure for their resolution.

(3) The Administrative Law Judge shall, whenever feasible, rule orally upon the record on matters presented before him.

(f)(1) It shall be the duty of every party to file a prehearing statement on a date specified by the Administrative Law Judge, but in any event no later than the date of the prehearing conference.

(2) A prehearing statement shall state the name of the party or parties on whose behalf it is presented and briefly set forth:

(i) Identification of issues which can be resolved readily on the basis of documents, admissions of fact, or stipulations;

(ii) Identification of any issues which require evidentiary hearing, together with the reasons why these issues cannot be resolved readily on the basis of documents, admissions of fact, stipulations or an alternative procedure;

(iii) Requests for cross-examination of the direct written testimony of specified witnesses, the subjects of such cross-examination and the reasons why alternatives to cross-examination are not feasible;

(iv) Requests for additional, specified witnesses and documents, together with the reasons why the record would be deficient in the absence of this evidence; and

(v) Procedural suggestions that would aid in the timely disposition of the proceeding.

(g) The provisions of this section are designed to enable the Administrative Law Judge to complete a hearing within sixty (60) days after the proposed effective date of the tariff changes and submit an initial decision to the Commission within one hundred twenty (120) days pursuant to section 3(b) of the Intercoastal Shipping Act, 1933. The Administrative Law Judge may employ any other provision of the Commission's Rules of Practice and Procedure, not inconsistent with this section, in order to meet this objective. Exceptions to the decision of the Administrative Law Judge, filed pursuant to section 502.227 (Rule 227) shall be served no later than fifteen (15) days after date of service of the initial decision. Replies thereto shall be served no later than ten (10) days after date of service of exceptions. In the absence of exceptions, the decision of the Administrative Law Judge shall be final within 30 days from the date of service unless within that period a determination to review is made in accordance with the procedures outlined in § 502.227 of this part.

(h) Intervention by persons other than protestants ordinarily shall not be granted. In the event intervention of such persons is granted, the Administrative Law Judge or the Commission may attach such conditions or limitations as are deemed necessary to effectuate the purpose of this section. [Rule 67.]

By the Commission.
Francis C. Hurney,
Secretary.
[FR Doc. 80-8819 Filed 3-21-80; 8:45 am]
BILLING CODE 7630-01-M

46 CFR Part 537

[Docket No. 79-60]

The Filing With the Commission of Cargo Statistics Compiled by Various Conferences of, and Rate Agreements Between, Common Carriers by Water in the Foreign Commerce

AGENCY: Federal Maritime Commission.
ACTION: Discontinuance of Proceeding.

SUMMARY: The Commission instituted this proceeding by notice of proposed rulemaking published June 13, 1979 (44 FR 33913) and invited public comment whether the Commission would require the filing annually of cargo statistics by conferences and rate agreements, composed of common carriers by water engaged in the foreign commerce of the United States. In light of the comments received and because the Commission considers the proposal to increase the burden of regulation to conferences and rate agreements as well as the Commission itself, without sufficient corresponding regulatory benefit, the Commission has determined not to adopt a final rule at this time. Accordingly, this proceeding is hereby discontinued.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, Room 1101, Washington, D.C. 20573, Tel. (202) 523-5725.

SUPPLEMENTARY INFORMATION: None.

By the Commission.
Francis C. Hurney,
Secretary.
[FR Doc. 80-8818 Filed 3-21-80; 8:45 am]
BILLING CODE 6730-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Materials Transportation Bureau

49 CFR Parts 172, 173, 178

[Docket No. HM-139C; Notice No. 80-5]

Conversion of Individual Exemptions Into Regulations of General Applicability

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of Proposed rulemaking.

SUMMARY: The Materials Transportation Bureau is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations. Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe.

DATES: Comments on or before April 23, 1980.

ADDRESS COMMENTS TO: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted in five copies. The Dockets Branch is located in room 8426 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Office of Hazardous Materials Regulation, 400 Seventh Street, S.W.; Washington, D.C. 20590, 202-472-2726.

SUPPLEMENTARY INFORMATION: Each of the proposed amendments described in the following table is founded upon either: (1) actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application for an exemption. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations.

Primary drafters of these proposals are Darrell L. Raines, and John C. Allen, Office of Hazardous Materials Regulation, Exemptions and Regulation Termination Branch.

These proposals would not significantly affect the costs of regulatory enforcement, nor would additional costs be imposed on the private sector, consumer, or Federal, State or local governments, since these proposals would merely authorize the general use of shipping alternatives previously available to only a few users under exemptions. The safety record of shipments under the identified exemptions demonstrates that significant environmental impacts would not result from any of the proposals. Adoption of an amendment derived from an existing exemption would obviate the need for that exemption and effectively terminate it. Upon such termination the holder of the exemption and parties thereto would be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event the exemption request would be denied and the applicant so notified. In the event the Bureau decides not to adopt any of these proposals each pertinent application would be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently, persons commenting on the proposals may wish to address both the proposed amendment and the exemption application. Comments pertaining to modes of transportation other than those for which the exemption application requested is anticipated.

Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. The status of the exemption action is indicated in the column titled Identification Number where prefix "E" means an exemption has been issued. The suffix "No" mean no applications for exemptions are pending, but the Bureau is taking action by this proposal; the suffix "X" means a renewal application is pending; the suffix "P" means one or more party status applications are pending; and the suffix "N" means a new application for exemption is pending.

BILLING CODE 4910-60-M

Proposed Amendments of Hazardous Materials Regulations to Terminate Exemptions

Identification No.	Applicant Holder	Regulation Affected	Nature of Exemption or Application	Nature of Proposed Amendment
E 4790	Smith & Wesson/ General Ordnance Equipment Co.	§ 172.101	Authorizes shipment of tear gas devices (Chemical Mace) meeting DOT Specification 2P inside DOT 12B30 fiberboard box. (Modes 1, 2).	To add the following entry to the Hazardous Materials Table in § 172. 101 in alphabetical sequence:

(1)	(2)	(3)	(4A)	(4)	(5)		(6) Maximum net quantity in one package		(7) Water shipments		
					Passenger						
e/ W/ A	Hazardous materials descriptions and proper shipping names.	Hazard class	ID number	Label(s) required (if not excepted)	(a) Exception	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Tear gas device	Irritating material	NA1693	Irritant	None	§ 173.385	Forbidden	75 pounds	1	5	Stow away from living quarters.

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Proposed Amendments of Hazardous Materials Regulations to Terminate Exemptions

Identification No.	Applicant Holder	Regulation Affected	Nature of Exemption or Application	Nature of Proposed Amendment
		§ 173.385		To add paragraph (a)(3) to read as follows: (3) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with inside tear gas devices meeting specification 2P (§ 178.33 of this subchapter). Each inside container must be placed into spiral wound tubes fitted with metal ends or a double-faced fiberboard box with suitable padding. Not more than 30 inside containers shall be placed in one outside box and gross weight shall not exceed 35 pounds.
E 6526	Dow Chemical Co.	§ 173.353 (a)(3) § 173.357 (b)(1)	Authorizes the shipment of certain Poison B liquids in DOT Specification 4BA or 4BW cylinders with recessed valve protection.	To revise § 173.353(a)(3) to read: (a)(3) Specification 3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, 4BA225, or 4BW225 (§§ 178.36, 178.37, 178.38, 178.42, 178.49, 178.50, 178.51, 178.61 of this subchapter). Metal cylinders. Valves and other closing devices must be protected to prevent damage in transit by equipping the cylinder with valve protection required by § 173.301(g) of this subchapter. Cylinders having a wall thickness of less than 0.08 inch must be packed in boxes or crates (See § 173.25). To amend § 173.357(b)(1) by changing the first two sentences as follows: (b)(1) Specification 3A, 3AA, 3B, 3C, 3D, 3E, 4A, 4B, 4BA, 4BW, or 4C (§§ 178.36, 178.37, 178.38, 178.40, 178.41, 178.42, 178.49, 178.50, 178.51, 178.61, 178.52 of this subchapter). Metal cylinders. Valves and other closing devices must be protected to prevent damage in transit by equipping the cylinders with valve protection required by § 173.301(g) of this subchapter. ***.

Proposed Amendments of Hazardous Materials Regulations to Terminate Exemptions

Identification No.	Applicant Holder	Regulation Affected	Nature of Exemption or Application	Nature of Proposed Amendment
E 7710 8045 8185 8266	Container Corp. of America; Liqui-Box Corp.; Midway Can Co.; Industrial Plastic Container Co.	§ 173.119(a)(27) 173.125(a)(7) 173.222(a)(4) 173.245(a)(21) 173.263(a)(23) 173.272(i)(11) 173.277(a)(5) 173.346(a)(24)	Authorizes shipments of various flammable liquids corrosive liquids, and poisonous liquids in a DOT specification 12P fiberboard box having two inside DOT 2U polyethylene bottles of 2-1/2 gallon capacity each instead of one inside container as now prescribed.	To amend the first sentence of §§ 173.119(a)(27), 173.125(a)(7), 173.222(a)(4), 173.245(a)(21), 173.263(a)(23), 173.272(i)(11), 173.277(a)(5) and 173.346(a)(24) to read as follows: Specification 12P (§ 178.211 of this subchapter). Fiberboard boxes with one inside specification 2U (§ 178.24 of this subchapter) polyethylene container of not over 5-gallon capacity or two inside specification 2U polyethylene containers of not over 2-1/2 gallon capacity each.
		§ 173.119(m)(8) 173.221(a)(9)		To amend the first sentence of §§ 173.119(m)(8) and 173.221(a)(9) to read as follows: Specification 12P (§ 178.211 of this subchapter). Fiberboard boxes with one inside specification 2U (§ 178.24 of this subchapter) polyethylene container of not over 6-gallon capacity or two inside specification 2U polyethylene containers of not over 2-1/2 gallon capacity each.
		§ 178.211		To amend the section title as follows: § 178.211 Specification 12P; fiberboard boxes. Non reuseable containers for inside plastic containers greater than 1-gallon capacity as prescribed in Part 173 of this subchapter.

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Proposed Amendments of Hazardous Materials Regulations to Terminate Exemptions

Identification No.	Applicant Holder	Regulation Affected	Nature of Exemption or Application	Nature of Proposed Amendment
E 7725 7921 8116	Supelco, Inc., Varian Associates Poly Science Corp; Becton, Dickinson & Co; U.S. EPA	§ 173.4	Authorizes the shipment of minute quantities of various hazardous materials as essentially unregulated materials. The materials are used as analytical standards by research, industry and government agencies to test properties of other materials. The maximum quantity of hazardous material in one outside package is not greater than 250 milliters (about 8-1/2 ounces) but the package is composed of many glass ampules containing very small quantities of material. There is presently no such provision for such minute quantities in the hazardous materials regulations.	To add section § 173.4 to read: § 173.4 Exceptions for Analytical Standards and Minute Quantities of Certain Hazardous Materials. Hazardous materials (which are not forbidden from surface transportation by this subchapter) except radioactive materials, explosives and Poison A gases, when shipped in minute quantities as analytical standards and packaged and marked in accordance with all of the conditions of this paragraph and paragraph 173.24, are excepted from all other provisions of this subchapter. (a) Not more than 25 ml. (0.85 oz.) of hazardous material in a glass ampule with sufficient outage such that the ampule does not become liquid full at 130°F. Each ampule must be totally encloeed in an absorbent material of sufficient quantity to completely absorb its liquid content. In addition, each ampule containing a corrosive liquid must be surrounded by material capable of also neutralizing as well as absorbing the liquid. The ampules, appropriately cushioned and packed in a quantity not to exceed 10, must be either: (i) Enclosed in a heat sealed bag and placed in tightly fitting rigid inside packaging, or (ii) Placed in a tightly fitting rigid inside packaging which is enclosed in heat sealed bag. (b) Inside packages described in (i) or (ii) above must be placed and secured against movement in either a DOT Specification 12A or 12B (§ 178.205, 178.210 of this subchapter) fiberboard box of at least 275 pounds strength double-wall construction. Total net quantity of hazardous material in each fiberboard box must not exceed 250 mil.

Proposed Amendments of Hazardous Materials Regulations to Terminate Exemptions

Identification No.	Applicant Holder	Regulation Affected	Nature of Exemption or Application	Nature of Proposed Amendment
				(c) The outside of the completed package shall be marked "ANALYTICAL STANDARDS". (d) Not authorized for transportation in the passenger compartment of an aircraft.
E 7824 7944 8044 8118	FMC Corp; Champion Chemicals, Inc. Dow Chemical Co. Nalco Chemicals Co. Magna Corp.	§ 173.119(a)	Authorize the use of marine portable tanks (MPT) meeting the requirements of 46 CFR Part 64 for shipments by highway and cargo vessel for use in off-shore oil well supply industry. (Modes 1, 2).	To add paragraph (a)(29) to § 173.119 to read as follows: (29) Marine portable tanks meeting the requirements of 46 CFR Part 64 authorized for highway and cargo vessel only when shipped in support of off-shore oil well drilling activities. Tanks shall comply with mounting and tie-down requirements of § 178.245-4 of this subchapter when transported by highway.
		§ 173.245(a)		To add paragraph (a)(35) to § 173.245 to read as follows: (35) Marine portable tanks meeting the requirements of 46 CFR Part 64 authorized for highway and cargo vessel only when shipped in support of off-shore oil well drilling activities. Tank must be compatible with lading. Not authorized for corrosive materials which also meet the definition of another hazard class. Tanks shall comply with mounting and tie-down requirements of § 178.245-4 of this subchapter when transported by highway.
		§ 173.263(a)		To add paragraph (a)(30) to § 173.263 to read as follows: (30) Marine portable tanks meeting the requirements of 46 CFR Part 64 authorized for highway and cargo vessel only when shipped in support of off-shore oil well drilling activities. Tanks shall comply with mounting and tie-down requirements of § 178.245-4 of this subchapter. Authorized only for mixtures of hydrochloric and hydrofluoric acid containing 2% or less of hydrofluoric acid.

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Proposed Amendments of Hazardous Materials Regulations
to Terminate Exemptions

Identification No.	Applicant Holder	Regulation Affected	Nature of Exemption or Application	Nature of Proposed Amendment
		§ 173.264(a)		To add paragraph (a)(20) to read as follows: (20) Marine portable tanks meeting requirements of 46 CFR Part 64 authorized for highway and cargo vessel only when shipped in support of off-shore oil well drilling activities. Tanks shall comply with mounting and tie-down requirements of § 178.245-4 of this subchapter when transported by highway. Authorized for hydrofluoric acid mixtures.
		§ 173.272(c), (d), (e), (f), (g)		To amend paragraphs (c), (d), (e), (f), and (g) by adding reference to paragraph (i)(29) as authorized packaging.
		§ 173.272(i)		To add paragraph (i)(29) to read as follows: (29) Marine portable tanks meeting requirements of 46 CFR Part 64 authorized for highway and cargo vessel only when shipped in support of off-shore oil well drilling activities. Tanks shall comply with mounting and tie-down requirements of § 178.235-4 of this subchapter when transported by highway. Authorized for sulfuric acid of concentrations up to 65.25 percent. Greater contrations are also authorized if the corrosive effect on steel is not greater than that of 65.25 percent sulfuric acid measured at 100°F.
8071-N	Ethyl Corp.	§ 172.101	Correction: Docket HM-139 (44 FR 21793), April 12, 1979) amended §§ 172.101 and 173.202 to provide for the shipment of sodium potassium alloy (liquid) in DOT speciifcation 51 portable tanks. An error was made in Column 6(b) of § 172.101 by authorizing 25 pounds aboard cargo-only aircraft. This entry should have been one pound.	To amend the entry for sodium potassium alloy (liquid) in § 172.101 by changing "25 pounds" in Column 6(b) to "1 pound."

Proposed Amendments of Hazardous Materials Regulations
to Terminate Exemptions

Identification No.	Applicant Holder	Regulation Affected	Nature of Exemption or Application	Nature of Proposed Amendment
E 8205-N	Roy E. Hanson Jr. MFG	§ 178.343-3(a)	Requested the use of a DOT Specification MC 312 cargo tank equipped with an elliptical manway as an alternate to the 15-inch inside diameter type. (Mode 1).	To amend the first sentence of § 178.343-3(a) to read: (a) Each compartment shall be accessible through a manhole conforming to paragraph UG-46(g)(1) of the ASME Code. * * *
8227-N	Interox America	§ 178.24a-2	Request to use an inside polyethylene bottle comparable with DOT Specification 2E except for a maximum capacity of 5 liters (Modes 1, 2, 3).	To revise paragraph (a) by deleting the reference to 4.73 liters to read as follows: (a) Maximum capacity not to exceed 5 quarts.
E 8229	Atlas Powder Co.	§ 172.504 173.114a	To allow the blasting agent placard for mixed loads of nitro carbo nitrate, classed as an oxidizer and blasting agent, n.o.s. and/or ammonium nitrate-fuel oil mixture. (See Docket HM-143, 44FR 31180, May 31, 1979). (Modes 1,2).	To add a new subparagraph to § 173.114a(j) as follows: (j)(1) During the voluntary compliance period, for mixed loads of nitro carbo nitrate, classed as oxidizer and blasting agent, n.o.s. and/or ammonium nitrate-fuel oil mixture, classed as a blasting agent, the blasting agent placard may be used in cases where both the blasting agent placard and the oxidizer placard would be required.

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Proposed Amendments of Hazardous Materials Regulations to Terminate Exemptions

Identification No.	Applicant Holder	Regulation Affected	Nature of Exemption or Application	Nature of Proposed Amendment
8268-N	Union Carbide Corp.	§ 173.119(m)	Requests that DOT Specification 105A tank cars be authorized for the shipment of flammable liquids which are also corrosive. (Mode 2).	To consolidate paragraphs (m)(13) and (m)(15) into one paragraph to read as follows: (m)(13) Specification 103AW, 103ALW, 103A-ALW, 103ANW, 103BW, 103CW, 103DW, 103EW, 103W, 104W, 111A60ALW, 111A60W1, 111A60ALW2, 111A60W2, 111A60W5, 105A100W, 111A100F2, 111A100W3, 111A100W6, 115A60W6, or AAR206W (§§ 179.200, 179.201, 179.220 of this subchapter). Tank cars. All special requirements for tank cars according to flash point, vapor pressure, and viscosity, in paragraphs (a) through (l) of this section apply (See Note 1). Not authorized for flammable liquids which are also organic peroxides.
E 8276-N	Safeway Stores	§ 172.101 173.505	Would authorize the transport of ORM-D packages in less than case lots when secured in carts or overpacks. Applicable only when shipped between distribution center and retail store via private motor carrier. (Mode 1).	To change the entry for consumer commodity in § 172.101 Column 5(a) from "None" to "173.505(b)." To add a new paragraph in § 173.505 to read as follows: (b) Strong outside packagings as specified in § 173.1200 of this subchapter are not required for materials classed as ORM-D when unitized in cages, carts, or similar overpacks and when shipped by private motor carrier from a distribution center to retail outlet.

Proposed Amendments of Hazardous Materials Regulations to Terminate Exemptions

Identification No.	Applicant Holder	Regulation Affected	Nature of Exemption or Application	Nature of Proposed Amendment
E 8311-N	Pressed Steel Tank Co., Inc.	§ 178.37-5	Request the re-instatement of DOT SP 6129 which authorized the use of a carbon-boron steel in the manufacture of DOT Specification 3AA cylinders. (Modes 1,2,3 4).	To revise the Table in § 178.37-5 (a) by eliminating the un-used designations NE-8630, NE-9115, NE-9115X, NE-9125, NE-9125X and by adding a new designation after "4130X" to read as follows: § 178.37-5(a) * * *. Designation — Carbon-boron steel (percent) Carbon ..... 0.27-0.37 Manganese ..... 0.80-1.40 Phosphorus .... 0.035 max Sulphur ..... 0.045 max Silicon ..... 0.30 max Chromium ..... Molybdenum ..... Zirconium ..... Nickel ..... Boron ..... 0.0005-0.003 Also, a new paragraph (b) would be added to § 178.37-5 to read as follows: (b) When a carbon-boron steel is used, a hardenability test must be performed on the first and last ingot of each heat of steel. The results of this test must be recorded on the Record of Chemical Analysis of Material for Cylinders required by § 178.37-22 of this section. This hardness test must be made 5/16-inch from the quenched end of the Jominy quench bar and the hardness shall be at least Rc 33 and no more than Rc 53.

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(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) App. A to Part 106.)

Note.—The Materials Transportation Bureau has determined that this proposed regulation will not have a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034), nor an environmental impact under the National Environmental Policy Act (49 U.S.C. 4321 et. seq.). A regulatory evaluation is available for review of the docket.

Issued in Washington, D.C. on March 18, 1980.

Alan I. Roberts,

Associate Director for Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 80-8845 Filed 3-21-80; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 80-02; Notice 1]

Federal Motor Vehicle Safety Standards; New Pneumatic Tires—Passenger Cars

Correction

In FR 80-6425 appearing at page 13785 in the issue of Monday, March 3, 1980, on page 13786, in Table I-JJ, the second entry "P185/70R13", under maximum tire loads 280, the entry reading "460" should be corrected to read "560".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal to determine Potentilla Robbinsiana (Robbins' Cinquefoil) To Be an Endangered Species and To Determine its Critical Habitat.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposal.

SUMMARY: The U.S. Fish and Wildlife Service proposes to determine a plant, *Potentilla robbinsiana* (Robbins' cinquefoil), to be an Endangered species and to determine its Critical Habitat under the authority contained in the Endangered Species Act of 1973. This plant occurs in New Hampshire solely on U.S. Forest Service lands and in Vermont on privately owned lands. The plant is threatened by human trampling and natural factors. A determination of *Potentilla robbinsiana* to be an Endangered species would implement the protection provided by the Endangered Species Act of 1973 as amended.

DATES: Comments from the public must be received on or before May 23, 1980. Comments from the Governors of New Hampshire and Vermont must be received on or before June 23, 1980. A public meeting will be held on Monday, April 28, 1980, beginning at 7:30 p.m.

ADDRESSES: Comments and materials concerning this proposal, preferably in triplicate, should be sent to the Director (FWS/OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection during normal business hours at the Service's Office of Endangered Species, 1000 N. Glebe Road, Fifth Floor, Arlington, Virginia 22201. The public meeting will be held at the YMCA, 15 North State Street, Concord, New Hampshire.

FOR FURTHER INFORMATION CONTACT:

Mr. John L. Spinks, chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, (703) 235-2771.

SUPPLEMENTARY INFORMATION:

Potentilla robbinsiana (Robbins' cinquefoil) was first discovered in 1829 by James Robbins for whom it was later named (Pease, 1917). This small perennial plant is a member of the rose family and forms densely tufted rosettes of leaves measuring 2–4 cm across. The yellow flowers are borne solitarily on stems, measuring only 1–3 cm long. *Potentilla robbinsiana* occurs in alpine areas of New Hampshire and Vermont. The habitat of this plant can be described as treeless, nearly barren fell-fields above 4,000 feet where the climate is extremely harsh. The substrate in which these plants occur has been described as a shallow loamy sand topped with a stony pavement like surface. This stony surface layer protects the soil from being either blown or washed away. The continued existence of this plant and the fragile habitat in which it occurs are being threatened by trampling and other factors. This rule proposes to determine *Potentilla robbinsiana* to be Endangered which would implement the protection provided by the Endangered Species Act of 1973. The following paragraphs further discuss the actions to date involving this plant, the threats to the plant, and effects of the proposed action.

Background

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Director published a notice in the **Federal Register** (40 FR 27823–27924) of his acceptance of the report of the Smithsonian Institution as a petition within the context of Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rulemaking in the **Federal Register** (41 FR 24523–24572) to determine approximately 1,700 vascular plant species to be Endangered species pursuant to Section 4 of the Act. This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the July 1, 1975 **Federal Register** publication. *Potentilla robbinsiana* was included in the July 1, 1975, notice of review and the June 16, 1976, proposal.

The Endangered Species Act Amendments of 1978 required that all proposals over two years old be withdrawn. A one year grace period was given to proposals already over two years old. On December 10, 1979, the Service published a notice withdrawing the June 16, 1976 proposal along with four other proposals which had expired. At this time the Service has sufficient new information to warrant reproposing *Potentilla robbinsiana*. Critical Habitat is being proposed for *Potentilla robbinsiana* for the first time.

Following the June 16, 1976 proposal, hundreds of comments were received from individuals, conservation organizations, botanical groups, business and professional organizations. Few of these comments were specific in nature in that they did not address individual plant species. Most comments addressed the program or the concept of Endangered plants and their protection and regulation. These comments are summarized in the April 26, 1978, **Federal Register** publication of a final rulemaking which also determined 13 plant species to be Endangered or Threatened species (43 FR 17909–17916). Additional comments which are received during the comment period for this proposal will be summarized in the final rulemaking.

In the June 24, 1977, **Federal Register** (42 FR 32373–32381), the Service published a final rulemaking under 50 CFR Part 17 detailing the regulations to protect Endangered and Threatened plant species. The rulemaking established prohibitions and a permit procedure to grant exceptions, under certain circumstances, to the prohibitions.

The Department has determined that this is not a significant rule and does not require the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR 14.

Summary of Factors Affecting the Species

Section 4(a) of the Endangered Species Act (16 U.S.C. 1531 et seq.) states that the Secretary of Interior shall determine whether any species is an Endangered species or a Threatened species due to one or more of the five factors described in Section 4(a) of the Act. These factors and their application to *Potentilla robbinsiana* Oakes (Robbins' cinquefoil) are as follows:

Potentilla robbinsiana

(1) *Present or threatened destruction, modification, or curtailment of its habitat or range.* Historically, *Potentilla robbinsiana* has been known from two locales in the White Mountains of New Hampshire and from one recently discovered locale in Vermont. One 1800's herbarium sheet was reportedly also collected in Vermont. Today *Potentilla robbinsiana* is only known from one locale in New Hampshire, where the population has been greatly reduced and impacted by man, and from the Vermont locale.

The locale in New Hampshire where *Potentilla robbinsiana* still exists is in the Presidential Range of the White Mountains. This site is bisected by the Appalachian Trail which was constructed in the summer of 1819 (Burt 1960). In 1840 the trail was expanded to a bridle path opening the way to horseback parties. Although *Potentilla robbinsiana* was discovered at this site in 1829, little was known of its population dynamics and changes until recent years. Mr. F. L. Steele, a botanist, has noted that the *Potentilla robbinsiana* plants now occupy only about ¼ of the territory they occupied in 1934. Mrs. S. K. Harris, a botanist, noted plants were growing on both side of the trail as recently as 1965. But by 1972 the plants were noted as beig totally absent from the west side of the trail. Today they only exist on the east side of the trail and all plants within 8 meters of the trail have been destroyed. At present the hiker travel zone is widening at this site and further destruction of the *Potentilla robbinsiana* population will likely occur (Graber, 1980).

The second New Hampshire locale where *Potentilla robbinsiana* was once known to occur was in the Franconia Ridge of the White Mountains. Two populations, a north and a south station, were known from this locale. Both of these stations were traversed by the Appalachian Trail. The north station population was discovered in 1897 and has been relocated for nearly 65 years. The south station population was discovered in 1915. Mr. F. L. Steele observed three small clumps of *Potentilla robbinsiana* at this station in 1965 but subsequent searches, including extensive searches in 1977 and 1978, have not been able to relocate any plants at the south station (Graber, 1980). *Potentilla robbinsiana* may have been extirpated from both these sites.

The reason for this decline at both locales has been primarily due to hiker impacts. Hiker traffic on the Appalachian Trail in the White Mountains has increased dramatically in recent years. The nearly barren, fell-field habitat which the *Potentilla robbinsiana* occupies is open and offers no obstacle to hikers wandering off the trail, to groups wishing to walk abreast, or to illegal campers. Plants may actually be trampled and crushed but even more damaging to the population is the shifting and dislodging of the stony pavement-like surface. Once this stony pavement-like surface is disturbed by the abrasion and churning caused by the hiker's foot, the soil between the stones is loosened and is soon blown or washed away and with it *Potentilla robbinsiana's* habitat. Once disturbed, these fragile alpine habitats and plant communities take many years to recover. A long term solution to this problem may be to greatly reduce the human traffic in the areas where *Potentilla robbinsiana* occurs (Graber, 1980).

The Vermont locale is less well known historically since it was only recently discovered. The same threat of trampling exists for this population. The population occurs on privately-owned land and currently has received little or no protection planning.

(2) *Overutilization for commercial, sporting, scientific or educational purposes.* Steele (1964) points out that one factor threatening *Potentilla robbinsiana* is over zealous collecting by botanists. He sites this as the probable cause of the extirpation of one of the Franconia sites. Graber (1980) also notes that the collecting of specimens of *Potentilla robbinsiana* for herbaria has also taken its toll. Graber notes that over 40 herbarium sheets containing nearly 100 plants (6 percent of the known current mature population) have been counted in various New England herbaria.

(3) *Disease or predation* (including grazing). Not applicable to this species.

(4) *The inadequacy of existing regulatory mechanisms.* Although *Potentilla robbinsiana* does appear on State lists which were developed by botanists within New Hampshire and Vermont, no State legislation currently offers it specific protection in either State. The habitat type (alpine areas) of *Potentilla robbinsiana* is offered some protection by Vermont State law. Vermont's Land Use and Development Law (Title 10 of Vermont Statutes, Part 5, Chapter 151, Act 250, Subchapter 3, Sec. 6042) does restrict what kinds of development can take place in certain *special areas*. The rules of the environmental board includes alpine areas as *special areas* and they are therefore offered some protection. Sec. 6086 of this same Act also requires the consideration of wildlife habitat and endangered species in the permitting of developments or subdivisions.

The Forest Service's regulations governing the land on which this species occurs prohibit removing, destroying, or damaging any plant that is classified as a threatened, endangered, rare, or unique species (36 CFR 261.9). These regulations, however, may be difficult to enforce. The Endangered Species Act will offer additional protection to this species.

(5) *Other natural or man-made factors affecting its continued existence.* The small size and number of the populations cause this species to be in greater danger of extinction due to natural fluctuations in the populations.

Another major cause of *Potentilla robbinsiana* mortality in addition to trampling is the harsh climate of the area where the plants occur. Only 40 percent of the seedlings survive each year and during the first few years after germination the mortality rate of the plants is very high. Frost heaving during the spring and fall is the most frequent natural cause of plant death. Many seedlings also die during the hot, dry periods from what is believed to be drought stress. Trampling may also contribute to high seedling mortality. After the first few years the mortality rate decreases and plants may survive two or more decades with some plants approaching an age of 40 years (Graber, 1980).

This high mortality rate in seedlings and young plants is not terribly unusual in the plant kingdom but for a plant which is already declining in numbers this can make it even more vulnerable.

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Critical Habitat

The Act defines "Critical Habitat" as (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Section 4(f)(4) of the Act requires, to the maximum extent practicable that any proposal to determine Critical Habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be impacted by such designation. Such activities are identified below for this species. It should be emphasized that Critical Habitat designation may not affect each of the activities listed below, as Critical Habitat designation only affects Federal agency activities, through Section 7 of the Act.

Any activity which would result in increased trampling or disturbance of the fragile alpine areas where *Potentilla robbinsiana* occurs would probably adversely modify the Critical Habitat. The long term solution on how to best protect *Potentilla robbinsiana* may be to greatly reduce the human traffic in the area where this plant occurs. This may require prohibiting the development of new trails in areas where the plant occurs, relocating old trails, or other steps by the Forest Service.

Critical Habitat for *Potentilla robbinsiana* is being determined to include the area in New Hampshire where the species currently occurs. In the future, adjacent suitable habitat may be included so as to provide areas for management, reintroduction, and natural expansion. Therefore, the Critical Habitat delineated does not necessarily include the entire area necessary for the survival of *Potentilla robbinsiana* throughout its range, and modifications this Critical Habitat designation may be proposed in the future.

Section 4(b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared a draft impact analysis and believes at this time that economic and other impacts of this action are not significant in the foreseeable future. The Service has notified and is working with the U.S. Forest Service which has jurisdiction over the land and water under consideration in this proposed action. The U.S. Forest Service, other Federal agencies, and other interested persons or organizations are requested to submit information on economic or other impacts of the proposed action. The Service will prepare a final impact analysis prior to the time of final rulemaking, and will use this document as the basis for its decision as to whether or not to exclude any area from Critical Habitat for *Potentilla robbinsiana*.

The Critical Habitat which is being proposed for *Potentilla robbinsiana* excludes the summit of Mt. Washington where two small tracts, one (approximately 60 acres) which is owned by the state of New Hampshire and another (approximately 9 acres) which is owned by Dartmouth College are located. These tracts are located at the top of Mt. Washington which receives heavy visitor use and where no populations of *Potentilla robbinsiana* occur. Reintroduction and natural expansion would not be desirable or likely in this area due to this heavy use and therefore this area was excluded from the critical habitat. Other areas were also excluded from the Critical Habitat in order to allow the Forest Service more time in which to incorporate plans for protecting *Potentilla robbinsiana* into their unit plan. The Forest Service and the Fish and Wildlife Service will continue to work together to identify additional areas necessary for the conservation of this species.

Effects of This Proposal if Published as a Final Rule

In addition to the effects discussed above, the effects of this proposal if published as a final rule would include, but would not necessarily be limited to, those mentioned below.

The Act and implementing regulations published in the June 24, 1977 **Federal Register** set forth a series of general prohibitions and exceptions which apply to all Endangered plant species. All of those prohibitions and exceptions also apply to any Threatened species, excluding seeds of cultivated plants treated as Threatened, unless a special rule pertaining to that Threatened species has been published and indicates otherwise. The regulations referred to above, which pertain to Endangered and Threatened plants, are found at Sections 17.61 and 17.71, of 50 CFR and are summarized below.

With respect to *Potentilla robbinsiana* all prohibitions of Section 9(a)(2) of the Act, as implemented by Section 17.61 would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies. The Act and 50 CFR Section 17.62 also provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species which is listed as Endangered or Threatened. This protection would accrue to *Potentilla robbinsiana* if it is later determined to be Endangered as a result of this proposal.

Provisions for Interagency Cooperation implementing section 7 are codified at 50 CFR Part 402. If published as a final rule this proposal would require Federal agencies not only to insure that activities they authorize, fund, or carry out, are not likely to jeopardize the continued existence of *Potentilla robbinsiana*, but also to insure that their actions are not likely to result in the destruction or adverse modification of its Critical Habitat which has been determined by the Secretary.

National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and may be examined during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Public Comments Solicited

The Director intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party

concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to the species included in this proposal;

(2) The location of any populations of *Potentilla robbinsiana* and the reasons why any habitat of this species should or should not be determined to be Critical Habitat as provided for by Section 7 of the Act;

(3) Additional information concerning the range and distribution of this species;

(4) Current or planned activities in the subject area; the probable impacts of such activities on the area designated as Critical Habitat; and

(5) The foreseeable economic and other impacts of the Critical Habitat designation on federal activities.

Final promulgation of the regulations on *Potentilla robbinsiana* will take into consideration the comments and any additional information received by the Director, and such communications may lead him to adopt a final regulation that differs from this proposal.

Public Meetings

The Service hereby announces that a public meeting will be held on this proposed rule. The public is invited to attend these meetings and to present opinions and information on the proposal. Specific information relating to the public meetings are set out below:

1. Place: YMCA, 15 North State Street, Concord, N.H.

Date: April 28, 1980.

Time: 7:30 p.m.

Subject: Proposal of *Potentilla robbinsiana* to be endangered.

This proposal is being published under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.; 87 Stat. 884). The primary author of this proposed rule is Ms. E. LaVerne Smith, Washington Office of Endangered Species (703/235–1975).

Literature Cited

Burt, F. A. 1960. The Story of Mount Washington. Dartmouth Publications, Hanover, New Hampshire.

Graber, R. E. 1980. The life history and ecology of *Potentilla robbinsiana*. *Rhodora*: 82(829):131–140.

Pease, A. S. 1917. Notes on the botanical explorations of the White Mountains. *Appalachia* 14:157–178.

Steele, F. L. 1964. *Potentilla robbinsiana* in the White Mountains of New Hampshire. *Rhodora* 66:408–411.

Regulations Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. It is proposed to amend Section 17.12 by adding, in alphabetical order, the following to the list of plants:

§ 17.12 Endangered and threatened plants.

Species		Range		Status	When listed	Special rules
Scientific name	Common name	Known distribution	Portion endangered			
Rosaceae—Rose family:						
Potentilla robbinsiana	Robbins' cinquefoil	U.S.C. New Hampshire and Vermont.	Entire	E		NA

§ 17.96(a) [Amended]

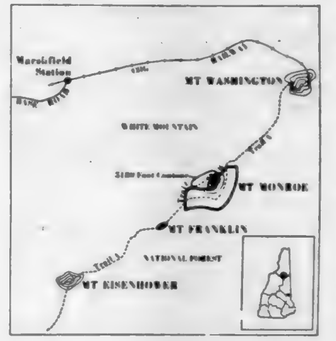
2. Also, the Service proposes to amend 17.96(a) by adding the Critical Habitat of *Potentilla robbinsiana* after that of the Poaceae—*Zizania texana*, as follows:

Rosaceae

Potentilla robbinsiana

Robbins' cinquefoil

New Hampshire, Coos County; the area bounded by the 5180 foot contour; by the Monroe Loop Trail north from the 5180 foot contour to the Crawford Path trail; by a line running due east for 200 feet from the northern junction of Monroe Loop Trail and Crawford Path; by a line running parallel to but 200 feet east or south of Crawford Path; by a line extending 200 feet south from the southern junction of the Monroe Loop Trail and Crawford Path; and by the Monroe Loop Trail north from its southern junction with Crawford Path to the 5180 foot contour.



Dated: March 17, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80-8790 Filed 3-21-80; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Proposed Threatened Status for the Leopard in Sub-Saharan Africa

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Proposed rulemaking to determine the leopard in Sub-Saharan Africa as a Threatened species rather than an Endangered species.

SUMMARY: The Director, U.S. Fish and

Wildlife Service (hereinafter, the Director and the Service, respectively), hereby issues a proposed rulemaking which would reclassify certain African populations of the leopard as Threatened rather than Endangered. All leopard populations occurring to the south of a line running along the borders of the following countries would be reclassified as Threatened (except Somalia which is excluded from this proposal because there are no data): Senegal/Mauritania; Mali/Mauritania; Mali/Algeria; Niger/Algeria; Niger/Libya; Chad/Libya; Sudan/Libya; Sudan/Egypt. A special rule is proposed that would allow the importation of a sport-hunted leopard trophy legally taken anywhere in Africa south of this line (except for Somalia) under the terms and conditions imposed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Since the leopard is on Appendix I of this Convention, a valid export permit from the country of origin of the trophy would be required, and a valid import permit must be issued by the United States Management Authority for the Convention. No Threatened species permit would be required in this limited situation. It must be emphasized that this action applies only to sport-hunted trophies. With regard to any transaction other than importation of a legally taken trophy, all of the prohibitions of 50 CFR 17.31 would still apply. In addition, it should be noted that leopard populations in any area other than that delineated above in Sub-Saharan Africa would remain on the Endangered species list, and would continue to be subject to all of the prohibitions of 50 CFR 17.21.

DATES: All relevant comments and materials with regard to this proposed rulemaking received no later than June 24, 1980, will be considered by the Director.

ADDRESSES: Comments and materials concerning this proposed rulemaking should be sent to the Director (FWS/OES), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection during normal business hours at the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, 22201.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, 1000 North Glebe Road, Arlington, Virginia, 22201 (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

The leopard is one of the most widely distributed of any species of cat. It occurs throughout most of Africa, and from Asia Minor to China, Korea, Japan, and Java; it also is found in India, Ceylon and Southeast Asia. In March of 1972, the Service listed the leopard as an Endangered species pursuant to the Endangered Species Conservation Act of 1969. This was done primarily because it was felt that the species was being drastically overutilized in the commercial fur trade. For instance, in 1968 and 1969 alone, over 17,000 leopard hides were imported into the United States. This trade was unregulated, and illegal poaching was widespread. The Service felt that no species of large cat like the leopard could tolerate this enormous drain from its wild populations for any sustained period of time and continue to survive as a viable species. In addition, nearly every country contacted, in which the leopard was resident, expressed fears for the leopard's future if the fur trade was not brought under control. In a summary of its status report on the leopard (U.S. Fish and Wildlife Service Special Scientific Report-Wildlife No. 157) the Service stated: "The leopard, although still widespread in distribution, has been extirpated from some areas, and is drastically reduced in numbers elsewhere. This has come about primarily because of overutilization for commercial purposes and modification of habitat. Although there are differences of opinion regarding the true status of this species, most responsible authorities have expressed concern for its survival and regard it as endangered". Consequently, the leopard was listed as an Endangered species pursuant to the Endangered Species Act of 1969.

Under that Act, there were provisions for only the single status category of Endangered. A listing as Endangered automatically prohibited the importation of any leopards, alive or parts and products thereof, into the United States, except under permit. Permits could be issued only for scientific purposes, or to enhance the propagation or survival of the species. The heavy flow of leopards into the United States for the fur trade immediately ceased after the listing and there have been no imports of leopards, except under permit, since 1972.

In February and March of 1973, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter, the Convention) was negotiated in Washington, D.C. (the Convention, however, did not become effective until July 1, 1975). The leopard was placed on Appendix I of the Convention when the Convention was negotiated. Appendix I is defined as including all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances. With an Appendix I species, a valid export permit must be issued by the State of export and an import permit must be issued by the Management Authority of State of import before trade in that species is allowed. An export permit will not be granted by the State of export unless its Scientific Authority advises that such export will not be detrimental to the survival of the species. The United States Management Authority will not issue an import permit unless it determines that an export permit has been granted and that the importation is not for primarily commercial purposes, and unless the United States Scientific Authority has advised that the importation will be for purposes which are not detrimental to the survival of the species involved.

The placing of the leopard on the United States List of Endangered and Threatened Wildlife and Plants, and on Appendix I of the Convention, has generated considerable interest in that species' actual status in the wild. Since the listings, three major reports containing studies on the status of the leopard have been completed which form the basis for the present proposed action. These reports are the following: "The Leopard *Panthera pardus* in Africa" by Norman Myers (IUCN Monograph No. 5, 1976); "The Status and Conservation of the Leopard in Sub-Saharan Africa" by Randall L. Eaton (Safari Club International, January, 1977); and "Status of the Leopard in Africa South of the Sahara" by James G. Teer, and Wendell G. Swank (unpublished contracted study financed by U.S. Fish and Wildlife Service).

In December 1973, the Endangered Species Act of 1973 was passed into law. This Act differed from the previous 1969 Act in that it provided for a Threatened category as well as for an Endangered one. A Threatened species is one that is likely to become Endangered within the foreseeable future throughout all or a significant portion of its range. The Secretary has broad discretion in developing a

management strategy that will effectively conserve threatened species. Based on data contained in the status documents enumerated above, the Service feels that the leopard in Sub-Saharan Africa (except in Somalia) more properly fits the definition of a Threatened species than it does an Endangered species (an Endangered species is defined as one in danger of extinction througout all or a significant portion of its range).

As indicated above, the Service can promulgate any regulation for a Threatened species that is deemed necessary and advisable to provide for the conservation of that species. In the case of the leopard in Sub-Saharan Africa (except in Somalia), it appears to be advisable to permit the importation of legally taken sport-hunting trophies under the terms and conditions of the Convention in certain cases. In the following section, the Service will outline its reasons for proposing the reclassification of the leopard in Sub-Saharan Africa, and will present its reasoning as to why it appears to be advisable in some cases to permit the controlled importation of legally taken trophies.

Summary of Data on the Status of the Leopard

This proposal pertains to a broad, geographically defined region rather than to any specific political entity. Although data from each specific political entity within Sub-Saharan Africa are lacking, enough are available from representative entities within the region to warrant action representing the region as a whole. To attempt to reclassify the leopard in any other way, such as on a country by country basis, would be biologically unsound, and would result in impossible public confusion and law enforcement problems.

The Service believes that the leopard is a Threatened species in Sub-Saharan Africa because of the following: A careful analysis of area/habitat type, maximum estimated density and minimum estimated density of leopards in this region by Eaton (loc. cit.) shows that an absolute minimum of 233,050 leopards may occur over the entire area; a conservative estimate of numbers would be 546,076 leopards, while a realistic estimate would place the number at 1,155,500 animals. A country by country breakdown of estimated numbers is presented by Eaton as follows:

Country	Absolute minimum	Conservative estimate	Realistic estimate
Kenya	6,379	25,640	35,000
Uganda	1,547	3,413	20,000
Tanzania	14,740	36,100	70,000
Senegal	1,435	2,870	6,000
Mali	3,088	6,175	15,000
Upper Volta	1,833	3,266	10,000
Niger	1,527	3,055	5,000
Chad	4,325	8,650	15,000
C.A.R.	5,450	10,900	20,000
Gambia	526	1,056	2,500
Guinea	2,250	4,500	10,000
Sierra Leone	700	1,400	3,000
Liberia	2,500	5,000	20,000
Ivory Coast	5,625	11,250	30,000
Ghana	2,975	5,950	20,000
Nigeria	4,653	9,305	20,000
Cameroon	4,563	10,706	30,000
Angola	17,398	42,340	87,000
Zambia	18,500	46,250	70,000
Mozambique	16,190	32,378	67,000
Malawi	1,918	3,835	10,000
Botswana	3,165	6,646	20,000
Rhodesia	2,288	6,678	20,000
South West A.	3,477	6,544	20,000
South Africa	3,800	7,150	15,000
Sudan	8,900	22,800	80,000
Ethiopia	6,907	12,814	30,000
Congo	13,200	27,500	65,000
Gabon	13,400	26,800	50,000
Zaire	70,000	155,000	300,000

Given the facts that an absolute minimum estimate of leopard numbers in the region under consideration is over 200,000 animals (a realistic estimate is in excess of 1½ million), that the species is widely distributed and that an effective international regulatory mechanisms (the Convention) now exists, the leopard in Sub-Saharan Africa can hardly be in danger of extinction (the definition of an Endangered species).

Eaton (loc. cit.) conducted a study on the status of the leopard in 11 Sub-Saharan African countries, and combined his results with those of Myers (loc. cit.) to adjudge status in major countires. His observations (based on responses from numerous game wardens, professional hunters, wildlife biologists, and other leopard authorities) represent the best scientific and commercial data available (as required by the Act) and are summarized as follows:

Kenya—"The leopard in Kenya has a satisfactory status * * *"

Uganda—"* * * leopard possibly rare, or satisfactory, but probably not endangered as a whole in Uganda."

Tanzania—"I rate the leopard as satisfactory, probably anundant in Tanzania."

Angola—"* * * every reason to give the leopard in Angola a satisfactory status."

Zambia—"The leopard in Zambia has a satisfactory status and is probably abundant."

Mozambique—"* * * the leopard is satisfactory and probably abundant in Mozambique * * *"

Malawi—"The leopard probably has a satisfactory status in Malawi."

Botswana—"The leopard has a satisfactory status in Botswana with indications of improving conditions in the future."

Rhodesia—"There may well be over 20,000 (leopards) in Rhodesia. The leopard has a satisfactory status in Rhodesia."

South West Africa—"The leopard has a satisfactory status in South West Africa."

South Africa—"The leopard is probably rare or potentially endangered in O.F.S. (Orange Free State), rare in Natal, and rare or satisfactory in Cape Province. It appears to be satisfactory in Transvaal and in the widespread preserves throughout South Africa. Overall in South Africa the present status should be rated between rare and satisfactory with present trends being stable."

West Africa—"Myers says that leopards may have stabilized or increased recently in the Sudano-Guinean zone, including parts or portions of Sierra Leone, Guinea, Liberia, and northern Ivory Coast. In all of Sub-Saharan Africa, the West African region probably has the least satisfactory leopard populations; however, in much of the region it appears that the species' status is relatively satisfactory and probably does not deserve Endangered status except locally. Moreover, the regional trend may even be improving due to the encroachment of bush from overgrazing and burning, end of the drought in the Sahel portion, increased edge effect in forests from patchy agriculture and so on, all of which favor leopards."

Sudan—"Myers indicates no status for the leopard in Sudan, but clearly all evidence suggests a satisfactory and probably stable population."

Ethiopia—"The leopard has a satisfactory status in Ethiopia, and given revision of foreign laws to encourage trophy hunting, and, as Myers hints, to allow for regulated fur trade, the future of the species in Ethiopia could be assured indefinitely in a satisfactory status."

Somalia—"Although Eaton considers the leopard as probably rare in Somalia but on an upward trend, Myers' view of the situation there is so grim that we are excluding that country from this proposal."

Congo—"The leopard is satisfactory and abundant in Congo."

Gabon—"The leopard is satisfactory and abundant in Gabon."

Zaire—"There are likely to be more than 300,000 leopards in Zaire. The leopard is satisfactory and abundant in Zaire."

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The detailed reports by both Myers and Eaton, which contain supporting data for the above appraisals for the leopard's status, are available for examination in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia 22201.

Despite the fact that the leopard in Sub-Saharan Africa does not fit the category of an Endangered Species, the Service feels that it is a Threatened species in that region. Section 4(a) of the Act states:

General—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) The present of threatened destruction, modification, or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific, or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or manmade factors affecting its continued existence.

This authority has been delegated to the Director.

In the case of the leopard, factors (1), (2), (4), and (5) are still operational or could possibly become threatening again.

(1) *The present or threatened destruction, modification, or curtailment of its habitat or range.* Myers (loc. cit.) feels that the leopard is more adaptable to habitat changes than many other forms of animal life. Nevertheless, large areas of Sub-Saharan Africa will be given over to crop farming within the next decade, particularly Savannah, as drought-resistant maize becomes available. This could present a long-term threat to the leopard as well as to many other forms of Africa wildlife.

(2) *Overutilization for commercial, sporting, scientific, or edcuational purposes.* Since the United States prohibited the importation of live leopards and leopard products in 1972, a good part of the market for illegal hides has vanished and the significant threat to the survival of the leopard was checked. Nevertheless, illegal poaching continues to be a problem in some Sub-Saharan countries with hides going to western European countries that are not party to the Convention. Many of the authorities interviewed by Teer and Swank (loc. cit.) expressed concern over the inability of some African nations to effectively control this illegal take. If reclassified as a threatened species, the leopard will continue to be protected by general prohibition against importation into the United States found at 50 CFR 17.31, and the trade restrictions found in the Convention.

(4) *The inadequacy of existing regulatory mechanisms.* Although the present position of the leopard on Appendix I of the Convention assures the species adequate regulatory protection at present, it is absolutely essential that the leopard remain on that Appendix. In fact, along with new evidence of stable status, it is the very presence of the leopard on Appendx I that makes it possible to permit the importation of a sport-hunting trophy under the Act. Any move by the Parties to the Convention to place the leopard on Appendix II, would, in the Service's opinion, result in a reduction of regulatory control and might require the United States to reconsider its status under the Act.

(5) Other natural or manmade factors affecting its continued existence. Norman Myers (loc. cit.) feels that the greatest threat to the leopard derives from increasing use of poison. The leopard's propensity for scavenging makes it more susceptible than many carnivores for taking treated lumps of meat. Myers states that preliminary signs suggest that this threat is certainly capable of extirpating leopards from sizeable areas in a short space of time. He feel that it is a factor of greater consequence to the future of the leopard than all other forms of combating the species combined. Although Eaton and some of the respondents in the Teer-Swank survey play down the importance of poison to the survival of the leopard, it is certainly a factor that should be considered a threat to the species.

Importation of Leopard Trophies

The Service has received information indicating that in some cases permitting the importation of a legally taken leopard trophy would benefit the species. The argument that the leopard might benefit from strictly controlled legal trophy hunts is expressed by Mr. Daniel Sindiyo, Assistant Director, Division of Wildlife, Ministry of Tourism and Wildlife, Kenya, in an interview contained in the Teer and Swank report. Mr. Sindiyo says:

It seems very clear to me that no one is going to conserve and manage a resource that is not going to provide some financial return to them. This applies to Masai or any other landowners. The leopard does cause damage to livestock, and it cannot be expected that the Masai will live happily with an animal that has only negative benefits. Fortunately, we are beginning to make more progress in getting revenues from wildlife back to the people. For example, a leopard shot on a license would retun to the landwoner SH 5,000 ($665 U.S.) so this is it. The landowner now knows that fees due will go directly to him, either as a private landowner, or a member of a group ranch, and they appreciate this highly.

As you well know, prior to 1973 very few of the landowners had much interest in wildlife. If they saw someone killing wildlife they just went about their business. That has now gradually changed. They now think of wildlife as common property because money from wildlife is invested in projects that will benefit the whole community.

Mr. E. T. Matenge, Director, Department of Wildlife, National Parks and Tourism, Botswana (in an interview contained in the Teer and Swank report) states:

"Now, there are some places where they (leopards) come face to face with the cattle industry and they do damage. Now the plan for destruction of leopard in those areas is very great. So you need to reconcile this situation by insuring that these animals can continue to be hunted where they are available but protected where you feel they must continue to retain good populations of these animals. The hunting of leopards in these areas is, in fact, beneficial economically, because as you may be aware, the license fee for a sport hunter to hunt leopard is P300. I don't know what this is in terms of U.S. dollars, but it's roughly $380, or something like that. From that end, you can see that it is an economically important animal as well, but to say that you must just keep it conserved without utilizing it would really be destructive in the long-term to its populations."

The same argument is repeatedly presented by persons interviewed by Teer and Swank for their report. Myers (loc. cit.) sums it up as follows: "Above all, organized exploitation of the leopard could enhance the image of wildlife in general and predators in particular, as perceived by citizens in emergent Africa."

The Service believes that there may be cases in which permitting the importation of leopard trophies taken under a strictly controlled management program will benefit the species by giving it an economic value which would in turn stimulate conservation measures. By allowing the importation of sport trophies through a special rule, the permit system of the Convention can be used to allow sport trophy imports in appropriate cases. As indicated above, sport trophy imports into the United States will only be permitted when it is found to enhance the survival of the species. The Service, therefore, feels that it is advisable to promulgate regulations which will permit importation of a leopard trophy if the United States Management Authority for the Convention has issued a permit allowing for that importation.

Effect of the Rulemaking

This rulemaking will permit the importation into the United States of sport-hunted leopard trophies from delineated Sub-Saharan African countries without an Endangered Species Act permit, when the U.S. Management Authority for the Convention has issued a Convention permit for said importation. All other prohibitions for the protection of Threatened Species will apply to the leopard in Sub-Saharan Africa, and it will not change in any way the prohibitions currently in effect for leopard populations outside of the delineated Sub-Saharan African countries.

Convention on International Trade in Endangered Species of Wild Fauna and Flora

In a separate action, the Service is publishing a notification that it does not recommend a transfer of the leopard from Appendix I to Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. It may seem contradictory at first that on the one hand the Service finds data sufficient to reclassify the leopard under the Act, but sufficient to warrant such action under the Convention. The Service, however, takes the view that these two actions are consistent for the following reasons:

(1) Both the Endangered Species Conservation Act of 1969 (under which the leopard was listed as Endangered), and the present Endangered Species Act of 1973, state that, among other reasons, a species shall be determined as Endangered because of its overutilization for commercial, sporting, scientific, or educational purposes. When the leopard was originally listed as Endangered, unregulated international trade in leopard hides was the primary threat to the species. Leopard skin coats and other articles of apparel were strongly in vogue and at one time over 9000 leopard hides were imported into the U.S. annually (1968) in order to meet the demand. The Service felt, at the time, that no large predatory animal could withstand such a drain on its wild population for a sustained period without facing extinction and hence listed the leopard as Endangered in 1972 based primarily on the factor of overutilization for commercial trade. Since that time the Convention on International Trade in Endangered Species of Wild Fauna and Flora has been convened, and some 58 countries are now parties (the U.S. became a party in 1975). The primary function of this Convention is to regulate trade in species that appear on its Appendices. The leopard appears on Appendix I which is the Appendix to which the Convention directs its most stringent controls. All shipments of Appendix I species, their parts and derivatives (including manufactured products), require two permits—one from the importing country, and another from the exporting country. Before a permit can be granted for import of an Appendix I species into the United States, Convention Authorities must find that the purposes of the importation will not be detrimental to the survival of the species in the wild. Permits for Appendix I species may not be issued for purposes which are primarily commercial. With the leopard now on Appendix I of the Convention, strict international control has been imposed, and unregulated trade is no longer the major threatening factor it was when the species was listed. Since the primary basis for its listing as endangered is no longer of critical concern because of the impact of the Convention, the restrictions under the Act can be somewhat lessened as long as the leopard remains on Appendix I.

(2) The categories of protection under the Act and on the Convention are sufficiently different so that it is consistent for a species to be Threatened under the Act and on Appendix I of the Convention. Both Endangered and Threatened categories under the Act offer levels of national protection comparable to that afforded by Appendix I under the Convention.

(3) Finally, the criteria for determining a species to be Endangered or Threatened under the Act are not identical to those for listing a species in Appendix I or Appendix II under the Convention. The Act requires only that reclassification of any species be based on the best scientific and commercial data available at the time; such data are provided by the three reports which prompt the present proposal. On the other hand, the criteria adopted by the party nations to the Convention require "positive scientific evidence that the plant or animal can withstand the exploitation resulting from the removal of protection. This evidence must transcend informal or lay evidence of changing biological status and any evidence of commercial trade which may have been sufficient to require the animal or plant to be placed on an Appendix initially. Such evidence should include at least a well documented population survey, and indication of the population trend of the species, showing recovery sufficient to justify deletion, and an analysis of the potential for commercial trade in the species or population." (Conference Report 1.2, Proc. 1st Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1976). The Service feels that the three documents which form the basis for a reclassification of the leopard under the Act, do not meet these specific requirements of the Convention.

Public Comments Solicited

The Director intends that the rules finally adopted will be accurate, and as effective as possible in the conservation of any Endangered or Threatened species. Therefore, any data, comments, or suggestions from the public, other governmental agencies, the scientific community, industry, private interest, or any other interested party concerning any aspect of this proposed action will be welcome.

Final promulgation of the regulations on the leopard in Sub-Saharan Africa will take into consideration the comments and any additional information received by the Director and such communications may lead him to adopt final regulations that differs from the proposal.

Pursuant to Section 4(b) of the Act, the Director will cooperate with the Secretary of State and with the countries which will be affected by this proposed rulemaking. Airgrams will be sent to each of the affected countries informing them of the proposed action, and requesting their advice in the matter.

An Environmental Impact Assessment has been prepared in conjunction with this proposal (in compliance with Executive Order 12114). It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia 22201 and may be examined during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

This proposed rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884), and was prepared by John L. Paradiso, Office of Endangered Species (703/235–1975).

Note.—The Department of the Interior has determined that this document does not contain a significant proposal requiring preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Accordingly, it is hereby proposed to amend Part 17, Subparts B and D, Title 50 of the Code of Federal Regulations, as set forth below:

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§ 17.11 [Amended]

1. It is proposed to amend § 17.11 as follows:

* * * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Leopard	*Panthera pardus*	Africa, Asia Minor, India, Southeast Asia, China, Malaysia, Indonesia, Somalia.	Wherever found in the wild, except where it is listed as Threatened, as set forth below.	E	5	N/A	N/A
Leopard	*Panthera pardus*	Africa, Asia Minor, India, Southeast Asia, China, Malaysia, Indonesia, Somalia.	In Africa in the wild, south of a line running along the borders of the following countries: Senegal/Mauritania; Mali/Mauritania; Mali/Algeria; Niger/Algeria; Niger/Libya; Chad/Libya; Sudan/Libya; Suden/Egypt (except for Somalia where it is Endangered).	T		N/A	17.40(f)

2. It is proposed to amend § 17.40 by adding the following language:

§17.40 Special rules—mammals

* * * * *

(f) *Leopard.* (1) Except as noted in paragraph (f)(2) of this section, all prohibitions of 50 CFR 17.31 and exemptions of 50 CFR 17.32 shall apply to the leopard populations occurring in Sub-Saharan Africa (except for Somalia) to the south of a line running along the borders of the following countries:Senegal/Mauritania; Mali/Mauritania; Mali/Algeria; Niger/Algeria; Niger/Libya; Chad/Libya; Sudan/Libya; Sudan/Egypt.

(2) A legally taken, sport-hunted leopard trophy taken from the area south of the line delineated above may be imported into the United States without an Endangered permit issued pursuant to 50 CFR 17.32: *Provided,* That the import is done in accordance with the Convention.

Dated: March 17, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80-8873 Filed 3-21-80; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 45, No. 58

Monday, March 24, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Advisory Committee on State and Private Forestry; Meeting

The Advisory Committee on State and Private Forestry will meet in Tallahassee, Florida, on April 20, 21, and 22, 1980. The meeting will convene at 7:30 p.m. on April 20th at the Ramada Inn West.

This Committee, comprised of 15 members from a broad spectrum of geographic and special interest areas, advises the Secretary of Agriculture and various agencies of the Department on the protection, management, and development of the Nation's non-Federal forest land resources. Dr. M. Rupert Cutler, Assistant Secretary for Natural Resources and Environment, will chair the meeting. He and representatives of the Forest Service and other interested agencies will attend from the Department of Agriculture.

Discussion will center on advice and guidance to the Secretary of Agriculture on USDA State and Private Forestry programs.

The meeting will be open to the public for participation as time permits. Persons who wish to attend, should notify the Committee's Executive Secretary, Howard W. Burnett, USDA–Forest Service, P.O. Box 2417, Washington, D.C. 20013, telephone (202) 472–5580. Written statements may be filed with the Executive Secretary before or after the meeting.

March 18, 1980.

Jerome A. Miles,

Deputy Chief.

[FR Doc. 80-8831 Filed 3-21-80; 8:45 am]

BILLING CODE 3410-11-M

Chattahoochee-Oconee National Forests Land Management Plan; Chattahoochee-Oconee National Forests, Gainesville, Georgia; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, (PL 91–190) and the National Forest Management Act of 1976 (PL 94–588), the Forest Service, Department of Agriculture, will prepare an environmental impact statement for the Chattahoochee-Oconee National Forests' Land Management Plan. The Chattahoochee National Forest is located in Banks, Catoosa, Chattooga, Dawson, Fannin, Floyd, Gilmer, Gordon, Habersham, Lumpkin, Murray, Rabun, Stephens, Towns, Union, Walker, White, and Whitfield Counties in Georgia; and the Oconee National Forest is located in Greene, Jasper, Jones, Morgan, Oconee, Oglethorpe and Putnam Counties in Georgia.

The land management plan will provide for multiple use and sustained yield of goods and services from the Chattahoochee-Oconee National Forests. It will guide all natural resource management activities, and will establish management standards and guidelines for the Forests. A reasonable range of alternatives will be developed and considered. One of these alternatives will be a "no-action" alternative which represents continuation of present management direction. Other alternatives will reflect of range of resource outputs and expenditure levels.

A 30-day public involvement session will be held from March 31, 1980 to April 30, 1980 to identify significant public issues to be addressed in the environmental impact statement and land management plan. The State of Georgia, concerned Federal agencies, and interested publics will be involved in the process. Interested publics will be notified of how and when to get their input into the planning process.

The draft environmental impact statement is scheduled for filing in October 1981, with a 3-month review period, and the final environmental impact statement is scheduled for filing in April, 1982.

Lawrence M. Whitfield, Regional Forester, Southern Region of the Forest Service, is the responsible official for approval of the environmental impact statement and plan.

Written comments and suggestions concerning this Notice of Intent or the proposal should be sent to W. Pat Thomas, Forest Supervisor, Chattahoochee-Oconee National Forests, by April 30, 1980.

For further information about the planning process, or the environmental impact statement, contact: Jack Kennedy, Chattahoochee-Oconee National Forests, 601 Broad Street, Gainesville, Georgia 30501 (Phone: 404–536–0541).

Dated: March 13, 1980.

James S. Sabin, Jr.

Acting Regional Forester.

[FR Doc. 80-8860 Filed 3-21-80; 8:45 am]

BILLING CODE 3410-11-M

Science and Education Administration

Proposed Procedures for Implementing National Environmental Policy Act (NEPA), Extension of Comment Period

AGENCY: Science and Education Administration (SEA), U.S. Department of Agriculture (USDA).

ACTION: Extension of comment period.

SUMMARY: This document extends the period for comments on the notice of proposed procedures for implementing National Environmental Policy Act (NEPA) published on February 20, 1980 (45 FR 11147), requesting comments to March 21, 1980. The comment period is being extended to April 21, 1980, to provide interested parties additional time to respond to the proposed procedures.

DATE: Comments will be received until April 21, 1980.

ADDRESSES: Interested parties are invited to submit written comments or suggestions to: Mr. Richard A. Kennell, USDA, SEA, Joint Planning and Evaluation, Program Planning Staff, Room 18, Building 005, BARC–West, Beltsville, Maryland 20705 (301) 344–2198. All written comments received on these proposed procedures will be made available upon request for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: Mr. Richard A. Kennell at the same

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address and telephone number listed above.

Anson R. Bertrand,

Director, Science and Education.

[FR Doc. 80-8905 Filed 3-21-80; 8:45 am]

BILLING CODE 3410-03-M

Special Research Grants Program for Fiscal Year 1980; Solicitation of Applications

The Notice of Solicitation of Applications for the Special Research Grants Program for Fiscal Year 1980 relating to High Priority Regional Agricultural Research, appearing in 45 FR 8520–8526, February 7, 1980, is amended as provided below to remove cost sharing as a factor in the selection process. In addition, in view of the above the deadline for submission of proposals is being extended to the close of business on May 5, 1980. Upon further review it has been determined that these amendments are necessary to comply more clearly with the provisions of Section 2(c) of the Act of August 4, 1965, Pub. L. 89–106, as amended by Section 1414 of Pub. L. 95–113 (7 U.S.C. 450i), which provides that "These grants shall be made without regard to matching funds."

The amendments are as follows:

1. In Section 4.A. revise "April 21, 1980" to read "May 5, 1980."

2. Revise Section 6. to read as follows:

6. *Selection of Proposals for Funding.*—The regional research grant proposals will be reviewed in SEA/CR for unique and innovative research approaches, scientific merit, multi-State, multi-Institutional participation and scientific effort. Ad hoc reviewers will be utilized as needed.

3. Revise Section 8. to read as follows:

8. *Budget and Reporting Requirements.*—

The following items apply only to those proposals that are selected for funding:

A. Annual financial reports (Standard Form 269) will be required.

B. An annual progress report not to exceed 5 pages will be required in addition to a shorter summary for insertion into a computerized research information system. Annual reports will be organized around the objective and research timetable as specified in the project proposal.

C. Comprehensive (performance and financial) final reports must be submitted to SEA within 90 days after the termination date of the grant.

D. *Cost Sharing.* Section 2(c) of Public Law 89–106, as amended by Section 1414 of Public Law 95–113 (7 U.S.C. 450i) does not require matching from non-Federal sources.

Done at Washington, D.C., this 19th day of March, 1980.

Anson R. Bertrand,

Director, Science and Education.

[FR Doc. 80-8904 Filed 3-21-80; 8:45 am]

BILLING CODE 3410-03-M

CIVIL AERONAUTICS BOARD

[Order 80-3-109]

USAir Subpart Q Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 80–3–109, *USAir Subpart Q Proceeding*, Docket 37890.

SUMMARY: The Bureau of Domestic Aviation is issuing Order 80–3–109 under delegated authority to show cause why it should not make final its tentative findings with respect to the applications of USAir and Republic for various nonstop route authority filed under our expedited procedures (Subpart Q).[1] Specifically, the Bureau tentatively finds that it is consistent with the public convenience and necessity to award the authority that USAir and Republic seek. The tentative findings and conclusions will become final if no objections are filed. The complete text of this order is available as noted below.

DATES FOR OBJECTIONS: All interested persons having objections to the Bureau issing the proposed authority shall file and serve upon all persons listed below, no later than April 21, 1980, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections should be filed in Docket 37890, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Objections should be served upon all persons listed in the service list of Docket 37890.

FOR FURTHER INFORMATION CONTACT: Steven B. Farbman, Bureau of Domestic Aviation, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5340.

[1] USAir's Subpart Q application requests that its certificate be amended to remove stop restrictions in the following markets: Detroit-Philadelphia, Columbus-Washington, D.C., and Dayton-Washington, D.C. Republic's Application requests that its certificate be amended to remove a one-stop restriction in the Detroit-Philadelphia market.

By the Bureau of Domestic Aviation: March 18, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-8889 Filed 3-21-80; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Maine Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine Advisory Committee (SAC) of the Commission will convene at 7:00 p.m. and will end at 9:00 p.m., on April 10, 1980, at the Maine Teachers' Association, 35 Community Drive, Augusta, Maine 04330.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the New England Regional Office of the Commission, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

The purpose of this meeting is the status of Maine Department of Indian Affairs; project on sexual harassment; and distribution of report on November 1978 consultation.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 18, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-8901 Filed 3-21-80; 8:45 am]

BILLING CODE 6335-01-M

New Hampshire Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil rights, that a planning meeting of the New Hampshire Advisory Committee (SAC) will convene at 7:30 p.m., and will end at 9:30 p.m., on April 30, 1980, at the Federal Building, 275 Chestnut Street, Manchester, New Hampshire.

Persons wishing to attend this open meeting should contact the Committee chairperson, or the New England Regional Office of the Commission, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

The purpose of this meeting is to discuss the Hispanic Project; and the Battered Women Report.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 18, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-8900 Filed 3-21-80; 8:45 am]

BILLING CODE 6335-01-M

Pennsylvania Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Pennsylvania Advisory Committee (SAC) of the Commission will convene at 8:30 a.m. and will end at 5:30 p.m., on April 16, 1980, at the Pennsylvania Point Park College, 201 Wood Street, Pittsburgh, Pennsylvania 15222.

Persons wishing to attend this open meeting should contact the Committee Chairpersons, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, N.W., Washington, D.C. 20037.

The purpose of this meeting is the Pennsylvania's component of the National Affirmative Action Project: Federal requirements pertaining to affirmative action in employment; private sector activities.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 19, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-8899 Filed 3-21-80; 8:45 am]

BILLING CODE 6335-01-M

Washington Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Washington Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 5:00 p.m., on April 18, 1980, 2866 Federal Building, 915 Second Avenue, Seattle, Washington 98174.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Washington 98174.

The purpose of this meeting is the Affirmative Action Hearings.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 18, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-8902 Filed 3-21-80; 8:45 am]

BILLING CODE 6335-01-M

Wisconsin Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Wisconsin Advisory Committee (WAC) of the Commission will convene at 10:00 a.m. and will end at 12:00 p.m., on April 11, 1980, at the Federal Building, 517 E. Wisconsin, Milwaukee, Wisconsin 53202.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to plan information gathering activities for Vocational Education and Bilingual Education Assessment Projects.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 18, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-8903 Filed 3-21-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Semiconductor Technical Advisory Committee; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Semiconductor Technical Advisory Committee will be held on Monday, April 14, 1980, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda had four parts:

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Consideration of the Committee's recommendation of the Qualified Product License.
4. Committee and subcommittee reports.

Executive Session

5. Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be presented at any time before or after the meeting.

With respect to agenda item (5), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652

or 12065. All Committee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof, was published in the **Federal Register** on December 21, 1978 (43 FR 59537).

Copies of the minutes of the open portion of the meeting can be obtained by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202–377–2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: March 19, 1980.

Kent Knowles,

Director, Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 80-8824 Filed 3-21-80; 8:45 am]

BILLING CODE 3510-25-M

Office of the Secretary

Solicitation of Public Views on Essentiality of Advisory Committees

In accordance with Section 7(b) of the Federal Advisory Committee Act, 5 U.S.C. App., and Office of Management and Budget Circular A–63, Transmittal Memorandum No. 5, as revised, this Department is commencing a comprehensive review into the essentiality of its advisory committees. To comply with the law, the Department is undertaking this annual review of each advisory committee to determine: (1) whether such committee is carrying out its purpose; (2) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised: (3) whether it should be merged with other advisory committees; or (4) whether it should be abolished. This review will cover each of the 93 advisory committees officially chartered under the Federal Advisory Committee Act, as of December 31, 1979. The names of these committees and the responsible Commerce Department component are accounted for in the listing below.

Public comment is hereby solicited on the abolishment, consolidation, or continuation of each of these committees. Such comments should be addressed as follows:

U.S. Department of Commerce, Assistant Secretary for Administration, Room 5630, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Comments received by April 6, 1980 in response to this solicitation will be considered by the Department in the course of its comprehensive review. All comments which are received will be available for public inspection and copying at the Department's Central Reference and Records Inspection Facility, Room 5319, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230. Any questions regarding this matter may be directed to Mrs. Yvonne Barnes, Office of Organization and Management Systems, Room 5319, Main Commerce Building, telephone: 202–377–4217.

Dated: March 18, 1980.

Elsa A. Porter,

Assistant Secretary for Administration.

U.S. Department of Commerce Advisory Committees

[Chartered under Public Law 92–463, as of December 31, 1979]

Committee	Reporting responsibility*
Advisory Board to the U.S. Merchant Marine Academy.	MARAD
Advisory Committee on East-West Trade	ITA
Advisory Committee for International Legal Metrology.	NBS
Advisory Committee on Minority Enterprise Development.	O/Dep. U/S
Census Advisory Committee on Agriculture Statistics.	CENSUS
Census Advisory Committee of the American Economic Association.	CENSUS
Census Advisory Committee of the American Marketing Association.	CENSUS
Census Advisory Committee of the American Statistical Association.	CENSUS
Census Advisory Committee on the Asian and Pacific Americans Population for the 1980 Census.	CENSUS
Census Advisory Committee on the Black Population for the 1980 Census.	CENSUS
Census Advisory Committee on Housing for 1980 Census.	CENSUS
Census Advisory Committee on Population Statistics.	CENSUS
Census Advisory Committee on the Spanish Origin Population for the 1980 Census.	CENSUS
Coastal Zone Management Advisory Committee.	NOAA
Commerce Technical Advisory Board (CTAB)	O/AS–S&T
Committee of ISAC Chairmen for Multilateral Trade Negotiations.	ITA
Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee.	ITA
Computer Systems Technical Advisory Committee.	ITA
Economic Advisory Board	Chief Economist
Electromagnetic Radiation Management Advisory Council.	NTIA
Electronic Instrumentation Technical Advisory Committee.	ITA
Exporters' Textile Advisory Committee	ITA
Fishery Management Councils (FMC):	
Caribbean FMC	NOAA
—Advisory Panel for the Caribbean FMC	NOAA
—Scientific and Statistical Committee for the Caribbean FMC.	NOAA
Gulf of Mexico FMC	NOAA
—Advisory Panel for the Gulf of Mexico FMC	NOAA
—Scientific and Statistical Committee for the Gulf of Mexico FMC.	NOAA
Mid-Atlantic FMC	NOAA
—Advisory Panel for the Mid-Atlantic FMC	NOAA
—Scientific and Statistical Committee for the Mid-Atlantic FMC.	NOAA

U.S. Department of Commerce Advisory Committees—Continued

[Chartered under Public Law 92–463, as of December 31, 1979]

Committee	Reporting responsibility*
New England FMC	NOAA
—Advisory Panel for the New England FMC	NOAA
—Scientific and Statistical Committee for the New England FMC.	NOAA
North Pacific FMC	NOAA
—Advisory Panel for the North Pacific FMC	NOAA
—Scientific and Statistical Committee for the North Pacific FMC.	NOAA
Pacific FMC	NOAA
—Advisory Panel for the Pacific FMC	NOAA
—Scientific and Statistical Committee for the Pacific FMC.	NOAA
South Atlantic FMC	NOAA
—Advisory Panel for the South Atlantic FMC	NOAA
—Scientific and Statistical Committee for the South Atlantic FMC.	NOAA
Western Pacific FMC	NOAA
—Advisory Panel for the Western Pacific FMC	NOAA
—Scientific and Statistical Committee for the Western Pacific FMC.	NOAA
Frequency Management Advisory Council	NTIA
Importers' and Retailers' Textile Advisory Committee.	ITA
Industry Policy Advisory Committee for Multilateral Trade Negotiations (MTN).	ITA
Industry Sector Advisory Committee for Multilateral Trade Negotiations (MTN).	ITA
ISAC on Automotive Equipment for MTN	ITA
ISAC on Communication Equipment and Non-Consumer Electronic Equipment for MTN.	ITA
ISAC on Construction, Mining, Agricultural, and Oil Field Machinery and Equipment for MTN.	ITA
ISAC on Consumer Electronic Products and Household Appliances for MTN.	ITA
ISAC on Drugs, Soaps, Cleaners, and Toilet Preparations for MTN.	ITA
ISAC on Electrical Machinery, Power Boilers, Nuclear Reactors, and Engines and Turbines for MTN.	ITA
ISAC on Ferrous Metals and Products for MTN	ITA
ISAC on Food and Kindred Products for MTN	ITA
ISAC on Hand Tools, Cutlery, and Tableware for MTN.	ITA
ISAC on Industrial Chemicals and Fertilizers for MTN.	ITA
ISAC on Leather and Products for MTN	ITA
ISAC on Lumber and Wood Products for MTN	ITA
ISAC on Machine Tools—Other Metalworking Equipment and Other Nonelectrical Machinery for MTN.	ITA
ISAC on Miscellaneous Manufacturers, Toys, Musical Instruments, Furniture, Etc., for MTN.	ITA
ISAC on Nonferrous Metals and Products for MTN.	ITA
ISAC on Office and Computing Equipment for MTN.	ITA
ISAC on Other Fabricated Metal Products for MTN.	ITA
ISAC on Paints, Gum and Wood Chemicals, and Miscellaneous Chemical Products for MTN.	ITA
ISAC on Paper and Products for MTN	ITA
ISAC on Photographic Equipment and Supplies for MTN.	ITA
ISAC on Railroad Equipment and Miscellaneous Transportation Equipment for MTN.	ITA
ISAC on Retailing for MTN	ITA
ISAC on Rubber and Plastics Materials for MTN	ITA
ISAC on Scientific and Controlling Instruments for MTN.	ITA
ISAC on Stone, Clay, and Glass Products for MTN.	ITA
ISAC on Textiles and Apparel for MTN	ITA
Management-Labor Textile Advisory Committee	ITA
Marine Fisheries Advisory Committee	NOAA
National Advisory Committee on Oceans and Atmosphere.	NACOA
National Bureau of Standards Visiting Committee.	NBS
National Climate Program Advisory Committee	NOAA
National Laboratory Accreditation Criteria Committee for Freshly Mixed Field Concrete.	O/AS–S&T
National Laboratory Accreditation Criteria Committee for Thermal Insulation Materials.	O/AS–S&T
National Public Advisory Committee on Regional Economic Development.	EDA
Numerically Controlled Machine Tool Technical Advisory Committee.	ITA
Patent and Trademark Office Advisory Committee.	PATENT
President's Export Council	ITA
President's Export Council Subcommittee on Export Administration.	ITA
Public Advisory Committee for Trademark Affairs	PATENT
Sea Grant Review Panel	NOAA
Semiconductor Technical Advisory Committee	ITA
Telecommunications Equipment Technical Advisory Committee.	ITA
Travel Advisory Board	USTS

*Acronyms used are as follows:
EDA—Economic Development Administration.
ITA—International trade Administration.
MARAD—Maritime Administration.
NACOA—National Advisory Committee on Oceans and Atmosphere.
NBS—National Bureau of Standards.
NOAA—National Oceanic and Atmospheric Administration.
NTIA—National Telecommunications and Information Administration.
O/AS–S&T—Office of Assistant Secretary for Science and Technology.
O/Dep. U/S—Office of the Deputy Under Secretary.
PATENT—Patent and Trademark Office.
USTS—United States Travel Service.

[FR Doc. 80-8907 Filed 3-21-80; 8:45 am]

BILLING CODE 3510-17-M

National Oceanic and Atmospheric Administration

Intent To Prepare an Environmental Impact Statement

The Office of Coastal Zone Management (OCZM) in the National Oceanic and Atmospheric Administration (NOAA) intends to prepare a draft environmental impact statement (DEIS) on the proposed approval of the Mississippi Coastal Zone Management Program under the provisions of Section 306 of the Federal Coastal Zone Management Act of 1972 (Pub. L. 92–583, as amended), and distribute it in May 1980.

Federal approval of the Mississippi Coastal Zone Management Program would allow program administrative grants to be awarded to the State and require that Federal actions be consistent with the Program.

The Program consists of numerous goals, policies, and regulations on diverse management issues which will be prescribed and enforced by the laws of the State, and is the culmination of five years of development. The Mississippi Program will condition, restrict or prohibit some uses in parts of the Management area, while encouraging development and other uses in other parts. The Program should improve the decisionmaking process for determining appropriate coastal land and water uses in light of resource considerations and increase public awareness of coastal resources. The Program will possibly result in some short-term economic impacts on coastal users but should lead to increased long-term protection of the State's coastal resources. Federal alternatives will include delaying or denying approval if certain requirements of the Coastal Zone Management Act have not been met. State alternatives include the possibility to modify parts of the Program or withdraw its application for Federal approval.

In order to determine the scope and significance of issues to be addressed in the DEIS, OCZM would like to solicit comments on the proposed action, particularly with respect to the following issues:

—Extent of the authorities to control uses on uplands
—Enforceability of the wetlands use plan
—The procedural mechanism by which other State authorities are networked into the program

Persons or organizations wishing to submit comments on these or other issues should do so by April 21, 1980. Any comments received after that time will be considered in the response to comments on the DEIS. Please submit all comments to: Ann Berger-Blundon, Gulf/Islands Regional Manager, Office of Coastal Zone Management, 3300 Whitehaven Street NW., Washington, D.C. 20235, 202/254–7546.

Dated: March 18, 1980.

Michael Glazer,

Assistant Administrator, Coastal Zone Management.

[FR Doc. 80-8841 Filed 3-21-80; 8:45 am]

BILLING CODE 3510-08-M

Pacific Fishery Management Council and Scientific and Statistical Committee; Cancellation of Public Meeting With Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: Notice is hereby given that the scheduled Council and Scientific and Statistical Committee meeting on April 8–10, 1980, of the Pacific Fishery Management Council as published in the **Federal Register**, Vol. 45, No. 42, Friday, February 29, 1980, page 13498, has been canceled.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221–6352.

Dated: March 19, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-8910 Filed 3-21-80; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic and Mid-Atlantic Fishery Management Councils; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic and Mid-Atlantic Fishery Management Councils, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94–265), will hold joint and separate meetings.

DATES: The South Atlantic Council meeting will convene on Tuesday, April 22, 1980, at 1 p.m. and will adjourn on Wednesday, April 23, 1980, at approximately 5 p.m. to review status of fishery management plans (FMPs) and to discuss mackerel hearings results, and other management business. The South Atlantic and Mid-Atlantic Council meeting will convene on Thursay, April 24, 1980, at 8 a.m. and will adjourn at 5 p.m. to discuss: future joint plan endeavors existing FMP activities impacting on Council Jurisdictions, Inter-Council liaison, and other joint management matters. The meetings are open to the public.

ADDRESS: The meetings will take place at Holiday Inn-International, 615 International Drive, Orlando, Florida.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571–4366.

Dated: March 18, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-8909 Filed 3-21-80; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amending the Level of Restraint for Certain Cotton Apparel Products Imported From the Dominican Republic

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the level of restraint established for cotton nightwear in Category 351, produced or manufactured in the Dominican Republic and exported

V45/58 MR 24 80 UMI

V 45 / 58 MR 24 80 UMI

to the United States during the twelve-month period which began on June 1, 1979 to 247,000 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbersf was published in the **Federal Register** on February 28, 1980 (45 FR 13172.)

SUMMARY: The Governments of the United States and the Dominican Republic have agreed to amend the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, to increase the level of restraint established for Category 351 from 163,462 dozen to 247,000 dozen during the agreement year that began on June 1, 1979 and extends through May 31, 1980.

EFFECTIVE DATE: March 19, 1980.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On December 3, 1979, there was published in the **Federal Register** (44 FR 69317) a letter dated November 28, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs establishing levels of restraint for certain categories of cotton and man-made fiber textile products, including cotton textile products in Category 351, produced or manufactured in the Dominican Republic, which may be entered into the United States for consumption or withdrawn from warehouse for consumption during the twelve-month period which began on June 1, 1979 and extends through May 31, 1980 In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the level of restraint previously established for Category 351 to 247,000 dozen.

Charles E. Raymond,

Acting Director, Office of Textiles and Apparel.

March 19, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of November 28, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements concerning imports into the United States of certain cotton and man-made fiber textile products, produced or manufactured in the Dominican Republic.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, as amended, between the Governments of the United States and the Dominican Republic; and in accordance with the provisions of Executive Order; in accordance with the provisions of 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on March 19, 1980, and for the twelve-month period beginning on June 1, 1979 and extending through May 31, 1980 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 351, produced or manufactured in the Dominican Republic, in excess of 247,000 dozen.[1]

The actions taken with respect to the Government of the Dominican Republic and with respect to imports of cotton textile products from the Dominican Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Charles E. Raymond,

Acting Director, Office of Textiles and Apparel.

[FR Doc. 80-8942 Filed 3-21-80; 8:45 am]

BILLING CODE 3510-25-M

[1] The level of restraint has not been adjusted to reflect any imports after May 31, 1979.

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Recreation Use Fees

In accordance with the provisions of Section 327.25 of the regulation governing public use of U.S. Army Corps of Engineers Water Resource Development Projects which appears at Title 36 Code of Federal Regulations, notice is hereby given of a change in recreation use fees for camping. The raise is part of a plan to charge a fair and equitable fee at all Federal Government recreation areas in compliance with the requirements set by Congress for fees to be comparable with non-Federal public agencies. The fees for families will range from $1 to $4, depending on services offered and facilities available. An additional charge of $1 a day may be made for electrical hookups where available. However, total daily camping fees for family camp areas will not exceed $5.

Group camp area fees will range from no charge for a primitive site, to a minimum of $3 and a maximum of $25 for areas with more facilities. At each U.S. Army Corps of Engineers Water Resource Development Project where camping is permitted the District Engineer will provide at least one primitive campground, containing designated campsites, sanitary facilities, and vehicle access, where no fees will be charged.

The specific application of the increased fees will be reflected in notices posted at each U.S. Army Corps of Engineers water resource development project where a use fee is to be charged.

Dated: March 18, 1980.

Marian G. Spittle,

Army Liaison Officer with the Federal Register.

[FR Doc. 80-8871 Filed 3-21-80; 8:45 am]

BILLING CODE 3710-93-M

Department of the Air Force

Air Force Academy Board of Visitors; Meeting

March 20, 1980.

The Air Force Academy Board of Visitors is scheduled to meet at the Air Force Academy, Colorado Springs, Colorado, during the period April 8–9, 1980. This meeting is pursuant to the Board's statutory charge (10 U.S.C. 9355) to meet at the Academy and to inquire into matters of morale, discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy which the Board decides to consider.

The tentative agenda calls for portions of the meeting to be open for public attendance on April 8 from 8:15 a.m. to 11:15 a.m., in the Superintendent's Conference Room, Harmon Hall. Among the items on the tentative agenda during the open portions of the meeting are briefings to the Board on the following subjects: academics, the airmanship program, admissions, women cadets, Academy facilities, and the 25th Anniversary Review Committee. In addition to these open portions of the meeting, a press conference which will be open to the public has been schedulde for 10:15 a.m. on April 9 in Arnold Hall.

Portions of this meeting are tenatatively scheduled to be closed to the public as matters to be discussed are analogous to matters listed in subsections (2) and (6) section 552b(c), Title 5, United States Code. These closed protions include panel discussions with groups of cadets, faculty members, and military training officers, involving personal information and opinions, the disclosure of which would be a clearly unwarranted invasion of personal privacy. Also included are the executive deliberations of the Board involving discussions of such personal information.

If additional information is desired, contact Headquarters, U.S. Air Force (MPPA), Washington DC 20330, at (202) 697–7116.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80-8939 Filed 3-21-80; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Domestic Crude Oil Allocation Program; Entitlement Notice for January 1980

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: January 1980 Entitlement Notice.

SUMMARY: Under the Department of Energy's (DOE) domestic crude oil allocation (entitlements) program, this is the monthly entitlement notice which sets forth the entitlement purchase or sale requirements of domestic refiners for January 1980.

DATES: Payments for entitlements required to be purchased under this notice must be made by March 31, 1980. The monthly transaction report specified in § 211.66(i) shall be filed with the DOE by April 10, 1980.

FOR FURTHER INFORMATION CONTACT:

Douglas McIver (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street NW., Room 6128I, Washington, D.C. 20461, (202) 653–3873.

Jeffrey Stoermer (Office of General Counsel), Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Room 6A–127, Washington, D.C. 20585, (202) 252–6911.

SUPPLEMENTAL INFORMATION: In accordance with the provisions of 10 CFR 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA), the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for January 1980 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports, eligible petroleum substitutes, and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production shipped in foreign flag tankers for sale in the East Coast market and Michigan provided in § 211.67(d)(4); application of the entitlement adjustments for California lower tier and upper tier crude oil provided in § 211.67(a)(4), the national domestic crude oil supply ratio for January 1980 is calculated to be .224360.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of January 1980, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .679522 of a barrel of deemed old oil.

The issuance of entitlements for the month of January 1980 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed oil oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of January 1980 is hereby fixed at $23.53 which is the exact differential as reported for the month of December between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of January 1980 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of January 1980 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of January 1980 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements.

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

Included in the appendix are entitlements issued pursuant to the provisions of 10 CFR 211.67(a)(5) under which ERA may approve a firm's application for designation as a producer of a petroleum substitute.

The listing contained in the Appendix identifies in a separate column labeled "Exceptions and Appeals" additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals (prior to March 30, 1978, the Office of Administrative Review of the Economic Regulatory Administration). Also set forth in this column are adjustments for relief granted by the Office of Hearings and Appeals for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, *see Beacon Oil Company, et al.*, 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the Appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlement notice. The "Consolidated Sales" entry is equal to the January 1980 entitlement purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to ensure that Arizona Fuels is not relieved of its January 1980 entitlement purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, *see Entitlement Notice for October 1977* (42 FR 64401, December 23, 1977).

For purposes of § 211.67(d) (6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve, the Government made no purchases of imported crude oil.

For the month of January 1980, imports of residual fuel oil eligible for entitlements issuances totaled 25,896,970 barrels.

In accordance with § 211.67(a)(4), the number of barrels of California lower tier and upper tier crude oil as reported by refiners to the DOE, and the weighted average gravity thereof are as follows:

	Volumes	Weighted average gravity
California lower tier crude oil	2,725,624	25°
California upper tier crude oil	4,101,884	27°

The total number of entitlements required to be purchased and sold under this notice is 21,570,100.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for January 1980, the pricing composition and weighted average costs thereof are as follows:

	Volumes in thousands of B/D	Weighted average cost	Percent of total volumes *
Lower tier	1,776	$6.86	11.6
Upper tier	2,741	14.40	17.9
Exempt domestic:			
Alaskan	1,412	23.46	9.2
Heavy and market tier	521	38.58	3.4
Naval petroleum reserve	113	29.82	0.7
Newly-discovered	263	38.85	1.7
Stripper	1,619	34.14	10.6
Tertiary	10	28.94	0.06
Total domestic	8,455	19.78	55.1
Imported	6,878	30.75	44.9
Total uncontrolled (exempt domestic and imported)	10,816	30.39	71
Total reported crude oil receipts	15,333	24.81	
Total reported crude oil runs to stills	15,129		

* Volumes may not total 100% due to rounding.

Payment for entitlements required to be purchased under 10 CFR 211.67(b) for January 1980 must be made by March 31, 1980.

On or prior to April 10, 1980, each firm which is required to purchase or sell entitlements for the month of January 1980 shall file with the DOE the monthly transaction report specified in 10 CFR 211.66(i) certifying its purchases and sales of entitlements for the month of January. The monthly transaction report forms for the month of January have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by March 31, 1980 are requested to contact the ERA at (202) 653-3873 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to March 31, 1980, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before April 23, 1980.

Issued in Washington, D.C., on March 18, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

Notice of Entitlements for Domestic Crude Oil

[January 1980]

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position: Total issued	Exceptions and appeals	Entitlements: Product	Entitlements: California	Required to buy	Required to sell
Consol'd-Sales	−55,580	0	0	0	0	0	[1]55,580
A-Johnson	0	95,062	0	0	0	0	95,062
Adm	0	16,399	0	0	0	0	16,399
Akron-Ohio	0	1,665	0	0	0	0	1,665
Allied	41,036	23,763	0	0	0	17,275	0
Amer-Agri-Fuels	0	113	0	0	0	0	113
Amer-Petrofina	727,533	986,223	0	0	0	0	258,690
Amerada-Hess	3,101,874	4,187,176	0	41,833	0	0	1,085,302
American-Can-Co	0	2,319	0	0	0	0	2,319
Ames-Iowa	0	633	0	0	0	0	633
Amoco	10,096,474	6,366,587	0	0	0	3,729,887	0
Anchor	0	42,566	0	0	0	0	42,566
Apex	0	48,497	0	48,497	0	0	48,497
Arco	3,606,831	5,650,340	0	0	11,611	0	2,043,509
Arizona	90,048	34,468	0	0	1,477	[1]55,580	0
Asamera	106,324	102,878	0	0	0	3,446	0
Ashland	1,245,700	2,787,543	0	0	0	0	1,521,843
Bayou	13,748	21,962	0	0	0	0	8,213
Beacon	178,970	61,915	212	0	8,435	97,055	0
Belcher	0	206,582	0	206,582	0	0	206,582
Brun	192,513	122,967	0	0	0	69,546	0
C&H	0	239	0	0	0	0	239
Cadence-Chem	0	1,910	0	0	0	0	1,910
Calcasieu	103,483	96,296	0	0	0	7,187	0
Calumet	11,794	17,210	0	0	0	0	5,416
Canal	106,617	51,669	0	0	0	55,148	0
Carbonit	49,746	27,147	0	0	0	22,599	0
Caribou	73,753	58,744	14,599	0	0	15,009	0
Champlin	1,247,379	1,397,217	0	0	28,259	0	149,838
Charter	423,393	490,167	0	0	0	0	66,774
Charter-Bahamas	0	320,706	0	320,706	0	0	320,706
Chevron	6,657,112	7,616,094	0	22,421	61,768	0	958,982
Cibro	0	231,262	0	115,076	0	0	231,262
Citgo	2,190,562	1,858,185	0	0	0	332,377	0
CK-Smith-Co	0	15,656	0	15,656	0	0	15,656
Claiborne	75,481	30,247	0	0	0	45,214	0
Clark	440,066	679,298	0	0	0	0	239,232
Coastal	269,296	1,432,369	0	0	0	0	1,163,073
Coastal-Petro	0	49,276	0	0	0	0	49,276
Colonial	0	75,989	0	75,989	0	0	75,989
Columbus-Ohio	0	275	0	0	0	0	275
Conoco	2,210,221	2,072,868	0	0	24,130	137,353	0
Consumers-Power	0	60,986	0	60,986	0	0	60,986
Copano	5,679	30,447	0	0	0	0	24,768
Coral	0	225,364	0	0	0	0	225,364
Corco	0	643,155	0	118,106	0	0	643,155
CRA-Farmland	357,860	516,363	0	0	0	0	158,503
Cross	46,583	64,003	0	0	0	0	17,420
Crown	322,614	504,729	0	0	0	0	182,115
Crystal-Oil	162,170	96,361	0	0	0	65,809	0
Crystal-Ref	0	13,590	0	0	0	0	13,590
Deepwater	0	20,137	0	20,137	0	0	20,137
Delta	216,134	318,835	0	0	0	0	102,701
Demenno	0	30,182	0	0	0	0	30,182
Detroit-Ed	0	51,686	0	51,686	0	0	51,686
DFSC	0	704	0	704	0	0	704

Notice of Entitlements for Domestic Crude Oil—Continued

[January 1980]

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position: Total issued	Exceptions and appeals	Entitlements: Product	Entitlements: California	Required to buy	Required to sell
Diamond	560,690	379,932	0	0	0	180,758	0
Dillman	0	242	0	0	0	0	242
Dorchester	15,672	183,650	0	0	0	0	167,978
Dow	91,049	67,776	0	0	0	23,273	0
E-Seaboard	0	99,883	0	99,883	0	0	99,883
ECO	7,273	33,419	0	0	546	0	25,146
Eddy	42,304	30,506	0	0	0	11,798	0
Energy-Coop	0	510,589	0	0	0	0	510,589
Ergon	26,807	59,910	0	0	0	0	31,103
Erickson	195,775	139,185	0	0	0	56,590	0
Essex-Union	0	229	0	0	0	0	229
Evangeline	45,661	18,093	0	0	0	27,568	0
Exxon	10,695,959	9,165,432	0	524,274	0	1,530,527	0
Ez-Serve	−4,739	28,820	0	0	0	0	33,559
Farmers-Un	234,675	249,242	0	0	0	0	14,567
Fletcher	40,764	184,993	0	0	527	0	144,229
Flint	4,503	5,642	0	0	0		1,139
Friendswood	90,599	59,942	0	0	0	30,657	0
Funding	61,888	36,073	0	0	0	25,815	0
Gary	219,002	61,958	0	0	0	157,044	0
Getty	1,292,087	1,380,103	0	0	0	0	88,016
Getty-Syn	0	881	0	0	0	0	881
Giant	7,134	31,353	0	0	0	0	24,219
Gibson	0	32,735	0	0	0	0	32,735
Glacier-Park	120,084	33,637	0	0	0	86,447	0
Gladieux	105,495	86,442	0	0	0	19,053	0
Golden-Eagle	0	100,454	0	0	0	0	100,454
Goldking	268,044	131,994	0	0	0	136,050	0
Good-Hope	18,260	392,151	0	0	0	0	373,891
Guam	0	220,181	0	0	0	0	220,181
Gulf	7,583,124	5,675,482	0	0	5,792	1,907,642	0
Gulf-Energy	44,380	22,993	[4]0	0	0	21,387	0
Gulf-Sta	177,608	81,455	0	0	0	96,153	0
Hirl	0	396,373	0	0	0	0	396,373
Howell	682,594	242,948	0	0	0	439,646	0
Hrr	0	7,291	0	0	0	0	7,291
Hudson-Oil	35,167	117,054	0	0	0	0	81,887
Hunt	309,506	200,607	0	0	0	108,899	0
Huntway	6,614	32,368	0	0	0	0	25,754
Husky	774,711	774,711	[3]591,859	0	0	0	0
Independent-Ref	0	104,011	0	0	0	0	104,011
Indiana-Farm	29,235	150,572	0	0	0	0	121,337
Indust-Fuel	0	24,528	0	0	0	0	24,528
Inter-Process	52,491	138,405	0	0	0	0	85,914
Irving	0	22,539	0	22,539	0	0	22,539
Kenco	46,846	23,175	0	0	0	23,671	0
Kentucky	16,890	16,678	9,334	0	0	212	0
Kern	149,233	126,259	0	0	3,212	22,974	0
Kerr-McGee	1,048,376	760,560	0	0	0	287,816	0
Koch	617,426	962,269	0	49,065	0	0	344,843
La-County	0	5,198	0	0	0	0	5,198
Lagloria	363,023	254,197	0	0	0	108,826	0
Lake-Charles	86,788	46,493	0	0	0	40,295	0
Lakeside	27,798	24,148	0	0	0	3,650	0
Laketon	121,990	76,551	20,976	0	0	45,439	0
Little-Amer	1,484,710	591,045	0	0	0	893,665	0
Los-Angeles-Ca	0	17,174	0	0	0	0	17,174
Louisiana-Land	785,969	293,173	0	0	0	492,796	0
MacMillan	36,706	105,366	0	0	2,078	0	66,660
Madeon-Chatham	0	18	0	0	0	0	18
Madison-City-Wi	0	1,385	0	0	0	0	1,385
Madison-Wi	0	217	0	0	0	0	217
Mallard	71,753	44,641	0	0	0	27,112	0
Marathon	4,700,233	3,301,252	0	0	0	1,398,981	0
Manon	56,218	120,639	0	0	0	0	64,421
Marlex	278	64,827	0	0	25	0	64,549
Metropolitan	0	88,908	0	88,908	0	0	88,908
Mid-Amer	358	15,659	0	0	0	0	15,301
Midwest-Solv	0	783	0	0	0	0	783
Milwaukee-Wi	0	720	0	0	0	0	720
Mobil	5,611,687	5,320,561	0	0	14,060	291,126	0
Mobile-Bay	2,316	86,119	0	0	0	0	83,803
Mohawk	232,588	159,445	0	0	7,812	73,143	0
Monoco	0	9,862	0	9,862	0	0	9,862
Monsanto	317,114	219,954	0	0	0	97,160	0
Morrison	19,623	5,937	0	0	0	13,686	0
Mountaineer	4,616	1,367	0	0	0	3,251	0
Mt-Airy	177,196	119,520	0	0	0	57,676	0
Murphy	1,199,027	871,952	0	0	0	327,375	0
N-Amer-Petro	77,563	181,743	0	0	87	0	104,180
Nashville-Tenn	0	3,532	0	0	0	0	3,532
Natl-Coop	193,411	329,336	0	0	0		135,925
Navajo	415,110	283,753	83,456	0	0	131,357	0
Nevada	2,774	19,708	0	0	0	0	16,934
New-Edgington	77,452	122,830	0	0	7,086	0	45,378
New-Engl-Power	0	41,929	0	41,929	0	0	41,929
Newhall	23,485	103,157	0	0	1,879	0	79,672
Northeast-Petro	0	124,592	0	124,592	0	0	124,592
Northland	23,177	23,177	16,049	0	0	0	0
Northville	0	39,137	0	39,137	0	0	39,137
Okc	136,077	153,829	0	0	0	0	15,752

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Notice of Entitlements for Domestic Crude Oil—Continued

[January 1980]

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position: Total issued	Exceptions and appeals	Entitlements: Product	Entitlements: Californa	Required to buy	Required to sell
Okla-Ref	71,809	64,171	0	0	0	7,638	0
Oxnard	0	16,986	0	0	0	0	16,986
Peerless	0	55,813	0	0	0	0	55,813
Pennzoil	591,046	361,741	0	0	0	229,305	0
Pester	133,406	165,181	0	0	0	0	31,775
Petraco-Valley	0	31,772	0	0	0	0	31,772
Pheasant-Ridge	0	5,002	0	5,002	0	0	5,002
Philadelphia-Pa	0	3,185	0	0	0	0	3,185
Phillips	2,649,936	1,868,916	0	0	−1,501	781,020	0
Phillips-Pr	0	271,834	0	271,834	0	0	271,834
Pioneer	83,167	40,896	0	0	0	42,271	0
Placid	591,278	293,486	0	0	0	297,792	0
Plateau	178,932	129,450	0	0	0	49,482	0
Port	14	8,981	0	0	0	0	8,967
Powerine	39,996	216,842	0	0	2,001	0	176,846
Pride	−5,800	147,047	0	0	0	0	152,847
Quad	0	13,074	0	0	0	0	13,074
Quaker-St	32,972	120,987	0	0	0	0	88,015
Quitman	0	57,471	0	0	0	0	57,471
Rahway	0	162	0	0	0	0	162
Rancho-Ref	0	33,933	0	0	0	0	33,933
Resco	0	8,467	0	0	0	0	8,467
Road-Oil	0	19,585	0	0	0	0	19,585
Rock-Island	178,012	261,750	0	0	0	0	83,738
Saber-Tex	47,582	118,707	0	0	0	0	71,125
Sabre-Cal	2,647	59,600	0	0	121	0	56,953
Salem-Va	0	693	0	0	0	0	693
San-Joaquin	0	67,330	0	0	0	0	67,330
Scallop	0	215,253	0	215,253	0	0	215,253
Scanoil	0	75,211	0	75,211	0	0	75,211
Schutze	13,059	4,490	0	0	0	8,569	0
Seaview	0	238,430	0	0	0	0	238,430
Sector	64,680	22,055	0	0	0	42,625	0
Seminole	12,154	73,827	0	0	0	0	61,673
Sentry	0	77,764	0	0	0	0	77,764
Shell	10,344,114	6,272,911	0	0	29,737	4,071,203	0
Shepherd	43,227	45,397	0	0	0	0	2,170
Sigmor	46,055	159,949	0	0	0	0	113,894
Silver-Eagle	1,619	1,956	0	0	0	0	337
Slapco	96,500	86,187	0	0	0	10,313	0
So-Hampton	76,629	56,748	0	0	0	19,881	0
Soho	1,126,573	3,223,980	0	0	0	0	2,097,407
Somerset	28,980	26,321	0	0	0	2,659	0
Sound	0	57,712	0	0	0	0	57,712
Southern-Union	180,855	224,235	0	0	0	0	43,580
Southland	269,576	169,852	19,463	0	0	119,726	0
Southwestern	6,893	3,452	0	0	0	3,441	0
Sprague	0	163,748	0	163,748	0	0	163,748
Sunland	4,493	80,192	0	0	112	0	75,699
Sunoco	3,734,065	3,441,160	0	25,587	0	292,905	0
Swann	0	51,789	0	51,789	0	0	51,789
T&S	5,437	1,271	0	0	0	4,166	0
Tenneco	1,175,137	670,355	0	0	3,063	504,782	0
Tesoro	273,231	443,990	0	15,851	0	0	170,759
Texaco	8,075,110	7,280,916	0	322,123	31,423	794,194	0
Texas-American	43,717	55,401	0	0	0	0	11,684
Texas-Asph	33,328	10,282	0	0	0	[3]23,046	0
Texas-City	490,487	727,742	0	0	0	0	237,255
Thagard	8,848	61,081	0	0	−1,177	0	52,233
Thriftway	53,682	34,689	0	0	0	18,993	0
Thunderbird	90,966	35,834	0	0	0	55,132	0
Tipperary	52,438	45,059	0	0	0	7,379	0
Tonkawa	27,679	70,382	0	0	0	0	42,703
Tosco	1,004,527	1,115,820	0	0	21,777	0	111,293
Total-Petroleum	119,836	588,297	0	0	0	0	468,461
UCC-Caribe	0	178,737	0	178,737	0	0	178,737
Uni-Ref	0	105,757	0	0	0	0	105,757
Union-Carbide	0	17,327	0	17,327	0	0	17,327
Union-Oil	3,091,488	2,760,933	0	0	12,303	330,555	0
Untd-Ref	110,804	306,626	0	0	0	0	195,822
US-Oil	14,096	78,565	0	0	946	0	64,469
USA-Petrochem	90,758	145,104	0	0	5,306	0	54,346
Val-Verde	0	4,227	0	0	0	0	4,227
Vickers	82,464	782,824	[4]401,294	0	0	0	680,360
Vicksburg	6,589	31,602	0	0	0	0	25,013
Waller	0	6,731	0	6,731	0	0	6,731
Warnor	37,731	39,080	20,976	0	0	0	1,349
Watson	0	4,223	0	0	0	0	4,223
West-Coast	16,673	30,723	0	0	1,122	0	14,050
Western	0	73,311	0	0	0	0	73,311
Winston	100,930	108,958	0	0	0	0	8,028
Wireback	0	313	0	0	0	0	313
Witco	21,345	98,337	0	0	675	0	76,992
Wyatt	0	26,032	0	26,032	0	0	26,032
Wyoming	0	72,518	0	0	0	0	72,518
Yetter	0	530	0	0	0	0	530
Young	24,167	50,040	31,677	0	0	0	25,873
Total	112,001,587	112,001,587	1,209,897	3,471,795	302,692	21,570,100	21,570,100

[1] See discussion in Notice.

[2] This is consistent with the court's order prohibiting any further entitlement purchase requirements by this firm pursuant to the terms of the court's Judgment in *Husky Oil Co. v. DOE, et al.*, Civ. Action No. C77-190-B (D. Wyo., filed March 14, 1978), *remanded* ——F. 2d——(No. 10-18 TECA, August 10, 1978).

[3] This does not include the purchase obligation stayed by court order in *Texas Asphalt & Refinery Co. v. FEA*, Civ. Action No. 4-75-268 (N. D. Tex., filed October 31, 1975).

[4] No entitlement purchase obligation was imposed on this company in the November list with respect to the startup inventory, pursuant to a Temporary Restraining Order issued by the U.S. District Court for the Northern District of Texas, 12/14/79.

[5] Correction of a prior month.

[FR Doc. 80-8894 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-01-M

Niagara Mohawk Power Corp.; Application To Amend Authorization To Export Electric Energy IE-80-1

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Application To Amend Authorization to Export Electric Energy Across United States-Canadian Border by Niagara Mohawk Power Corporation.

SUMMARY: Niagara Mohawk Power Corporation and other members of the New York Power Pool have filed an application to amend existing authorization issued to Niagara Mohawk, to export electric energy across the United States-Canadian Border to Ontario Hydro by including other members of the New York Power Pool in that authorization.

FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr., System Reliability and Emergency Response Branch, Department of Energy, Room 4110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3825.

Lise Courtney M. Howe, Office of General Counsel, Department of Energy, Room 5E-064, Forrestal Building, 1000 Independence Ave., S.W., Washington, D.C. 20585, (202) 252-2900.

SUPPLEMENTARY INFORMATION: On January 25, 1980, Niagara Mohawk Power Corporation (Niagara Mohawk) and other members of the New York Power Pool (NYPP) (Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; Long Island Lighting Company; New York State Electric & Gas Corporation; Orange & Rockland Utilities, Inc.; and Rochester Gas and Electric Corporation) filed an application with the Economic Regulatory Adminstration (ERA), pursuant to the provisions of Section 202(e) of the Federal Power Act and § 32.30 of the Rules of Practice and Procedure, to amend authorization to export electric energy to Canada from the United States through facilities at the international boundary, which was previously granted to Niagara Mohawk by the Federal Power Commission in 1955 (Docket No. IT-5637). Applicants are seeking to include the above-named other members of the NYPP in that existing authorization.

Applicants state that the transmission of electric energy to Canada will be pursuant to the New York Power Pool/Ontario Hydro interconnection Agreement filed on October 3, 1977 with the FPC in Docket No. ER78-12. Accordingly, there will be no change in the nature and frequency of the exports as the result of the proposed amendment.

Applicants also state that the proposed power exchange with Ontario Hydro will not impair the sufficiency of electric supply within the United States because the authorization requested will not change the presently existing relationship between and among the NYPP member corporations and Ontario Hydro, and because electric energy will be supplied to Ontario Hydro only after domestic customers have been served.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the System Reliability and Emergency Response Branch, Economic Regulatory Administration, Room 4110, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with §§ 1.8 or 1.10 of the Rules of Practice and Procedure (18 CFR 1.8 or 1.10).

Any such petitions and protests should be filed on or before April 30, 1980. Protests will be considered by ERA in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with ERA and will, upon request, be made available for public inspection and copying at the ERA Docket Room B-210, 2000 M Street, N.W., Washington, D.C., and at the System Reliability and Emergency Response Branch, Room 4110, 2000 M Street, N.W., Washington, D.C.

Dated: March 18, 1980.

Jerry L. Pfeffer,

Assistant Administrator for Utility Systems, Economic Regulatory Administration.

[FR Doc. 80-8895 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-004; OFC Case Numbers 52902-6648-01-77 and 52902-6648-02-77]

Texas Power & Light Co.; Requests for Classification

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Requests for Classification.

SUMMARY: On December 28, 1979, the Texas Power and Light Company (TP&L) filed requests with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify Auxiliary Boilers 4A and 4B to be installed at its Sandow Steam Electric Station, Rockdale, Texas, as existing installations pursuant to § 515.13 of ERA's Final Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (44 FR 60690) and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 6301 *et seq.* (FUA). FUA, which was effective May 8, 1979, imposes certain statutory prohibitions against the use of natural gas and petroleum as a primary energy source by new major fuel burning installations (MFBIs) consisting of a boiler.

ERA's decision in this matter will determine whether Auxiliary Boilers 4A and 4B are new or existing MFBIs. The prohibitions which apply to existing MFBIs are different from those which apply to new MFBIs.

As provided for in Section 515.26 of the Final Rule, interested persons are

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invited to submit written comments in regard to this matter, however, no public hearing will be held.

DATES: Written comments are due on or before April 14, 1980.

ADDRESSES: Ten copies of written comments shall be submitted to: Economic Regulatory Administration, Case Control Unit, Box 4629, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

Docket Number ERA–FC–80–004 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

William L. Webb, Office of Public Information, Economic Regulatory Administration, 2000 M Street NW., Room B–110, Washington, D.C. 20461, Phone (202) 653.4055.

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–3679.

Edward Jiran, Office of General Counsel, Department of Energy, Forrestal Building, Room 6G–087, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252–2967.

Anthony M. Vaitekunas, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128–B, Washington, D.C. 20461, Phone (202) 653–3645.

SUPPLEMENTARY INFORMATION: The MFBIs for which the requests for classification were filed are two package boilers (designated Auxiliary Boilers 4A and 4B by the TP&L Company) having a design capability to consume fuel at a fuel heat input rate of 199.5 million BTU's per hour each and will be used at the Sandow Steam Electric Station for startup of the lignite-fired main steam generators. The boilers will use No. 2 fuel oil as the primary energy source and were scheduled to be placed in operation on February 15, 1980.

Section 515.10 of the Final Rule requires that to be eligible to request that a transitional facility be classified as existing, a contract for the construction or acquisition of the installation must have been signed prior to November 9, 1978. The TP&L Company states in its requests that a contract for the acquisition of Auxiliary Boilers 4A and 4B was signed on January 30, 1978.

In accordance with the provisions of § 515.13 of the Final Rule, ERA will classify an eligible installation as existing if it is demonstrated to the satisfaction of ERA that the cancellation, rescheduling, or modification of the construction or the acquisition of the installation would result in substantial financial penalty or a significant operational detriment.

The TP&L Company's request for classification of Auxiliary Boilers 4A and 4B as existing is based on a demonstration of substantial financial penalty and significant operational detriment. Pursuant to § 515.13(a), ERA will classify a facility as existing upon demonstration that at least 25 percent of the total projected project costs were non-recoverable costs expended as of November 9, 1978. In accordance with § 515.15(b) and the instructions contained on ERA Form 300B Schedule 1 (Substantial Financial Penalty), TP&L indicated that 36.1% of its non-recoverable costs were expended as of November 9, 1978 and that these non-recoverable costs covered only the auxiliary boilers for the powerplant. TP&L asserts that a requirement to install coal-fired auxiliary boilers would result in additional financial penalties through the additional capital costs involved and the added expense of having to use older, less effective units to provide the power generation needed while the scheduled use of Sandow Unit 4 is delayed. The company further maintains that the installed cost of lignite-fired auxiliary boilers would be as much as ten times that of oil-fired auxiliary boilers.

Pursuant to § 515.13(b), ERA will classify a facility as existing upon a demonstration that significant operational detriment would have been incurred if on November 9, 1978, the installations had been cancelled, rescheduled, or modified to burn an alternate fuel or fuel mixture.

In accordance with § 515.15(c) TP&L has provided the following information to demonstrate that it would incur significant operational detriment if the construction or acquisition of Auxiliary Boilers 4A and 4B were to be cancelled, rescheduled or modified on November 9, 1978:

a. The two auxiliary boilers are designed to burn only No. 2 fuel oil and cannot be converted to burn coal or lignite. Reconstruction would involve scrapping the oil-fired auxiliary boilers, foundations, piping, etc. and ordering lignite-fired auxiliary boilers with accompanying fuel and ash handling systems and flue gas cleaning systems. Several additional years would be required to get the lignite-fired auxiliary boilers into operation, thereby delaying the availability of a 545 MW lignite-fired under by that amount of time while creating an increased potential for reliability problems.

b. Since the plant layout for Sandow Unit 4 was not made with lignite-fired auxiliary boilers in mind, the lack of adequate space presents a problem. The only space that could be used for this purpose would entail the relocation of four office and warehouse buildings presently occupying the needed space.

c. If the operation of Sandow Unit 4 is delayed, replacement power will have to be provided by older, less efficient gas-fired generating units or by purchase from other utility companies. The result would be increased use of natural gas and possibly fuel oil.

d. Approximately 125 powerplant and 100 mine employees will be required when Sandow Unit 4 becomes operational. These personnel would not be needed if Sandow Unit 4 is not allowed to operate.

ERA hereby invites all interested persons to submit written comments on this matter. The public file containing documents on these proceedings and supporting materials is available for inspection upon request at: ERA, Room B–110, 2000 M Street, NW., Washington, D.C., Monday–Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C., on March 17, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-8606 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-01-M

Northeast Petroleum Industries, Inc.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Consent Order and of Opportunity for Comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order.

DATE: February 4, 1980.

COMMENTS BY: April 23, 1980.

ADDRESS: Department of Energy, Office of Enforcement Northeast District, 1421 Cherry St., Philadelphia, Pa. 19102.

SUPPLEMENTARY INFORMATION: The Office of Enforcement of the ERA executed a proposed Consent Order with Northeast Petroleum Industries, Inc., of Chelsea, Massachusetts. Under 10 CFR Sec. 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Northeast Petroleum Industries, Inc., (Northeast) with its home office located in Chelsea, Massachusetts, is a firm engaged in the reselling and retailing of petroleum products and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211 and 212. To resolve certain disputes between the ERA and Northeast without resort to expensive and time consuming proceedings the ERA and Northeast entered into a Consent Order. The more important terms of the Consent Order are as follows:

1. The Consent Order settles all issues involving the price and allocation by Northeast of gasoline from April 30, 1974 through August 31, 1979.

2. The ERA contends that Northeast, in its sales of gasoline in 1979, recovered revenues in excess of those allowed by 10 CFR Section 212.93. Northeast contends that its revenues from its sales of gasoline did not exceed amounts allowed in accordance with the cited price rule.

3. Execution of the Consent Order constitutes neither a finding of any nature by the DOE nor an admission of any nature by Northeast with respect to price allocation of gasoline.

4. Northeast acknowledges that it has made two errors with respect to the allocation of gasoline. Northeast has taken appropriate action to correct one of these errors and agrees to take appropriate action to correct the other error, all as more fully described in the Consent Order.

5. In order to resolve its disputes with the ERA with respect to the pricing of gasoline, Northeast agrees to refund $840,000 plus interest either to the ERA or to the market place at the option of Northeast. A refund to the market place would be implemented by Northeast reducing its selling price for unbranded gasoline to levels $.02 to $.03 per gallon below its maximum lawful selling price or the prevailing market price, whichever is less. Northeast agrees to make its election between the refunding to ERA of the market place within ten (10) days after the effective date of the proposed revision of 10 CFR Sec. 212.93 as pertains to resellers of gasoline but in no event later than June 1, 1980. If Northeast initially elects a refund to the market place, the refund may be terminated by Northeast under certain circumstances described in the Consent Order, and the balance of the settlement amount refunded to the ERA. In addition, Northeast agrees to pay a civil penalty of $60,000.

6. The provisions of 10 CFR Sec. 205.199J are applicable to the Consent Order.

II. Disposition of any Amount Refunded to ERA

In the event that Northeast elects to refund to the ERA part or full settlement, such refund would be in the form of certified checks made payable to the United States Department of Energy and would be delivered to the Assistant Administrator for Enforcement of the ERA. These funds would remain in a suitable account pending the determination of their proper disposition.

III. Submission of Written Comments

Interested persons who believe that they have a claim to all or a portion of the refund amount should be advised that the Consent Order provides for the possibility that a refund to the general marketplace will be the exclusive remedy implemented. Direct claims for refunds under the Consent Order would not be permitted if Northeast elects to refund to the marketplace. Therefore, the ERA invites potential claimants or interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to the District Manager of Enforcement, Northeast District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. You may obtain a free copy of this Consent Order by writing to the same address.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on Northeast Petroleum Industries, Inc., gasoline Consent Order." We will consider all comments we receive by 4:30 PM., local time, on

You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR Sec. 205.9(f).

Issued in Philadelphia on the 17th day of March, 1980.

Edward F. Momorella,

Acting District Manager of Enforcement.

L. Feldman,

Chief Enforcement Counsel.

[FR Doc. 80-8705 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP80–169]

Colorado Interstate Gas Co.; Petition To Amend

March 18, 1980.

Take notice that on March 10, 1980, Colorado Interstate Gas Company (Petitioner), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP80–169 a petition to amend the order issued February 21, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act, so as to authorize the filing of a 48-hour summary report as required by § 284.4(b) of the Commission's regulations without concurrently filing copies of all contracts applicable to transactions authorized by the certificate, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that the Commission's order in Docket No. CP80–169 granted Petitioner authorization for the transportation of natural gas on behalf of other interstate pipelines pursuant to § 284.221 of the Commission's regulations. It is further stated that the order requires, *inter alia*, that Applicant file with the Commission copies of all contracts applicable to transactions authorized by the subject certificate as part of the 48-hour report required by § 284.4(b) of the Commission's regulations. Petitioner states that contract amendments are to be filed within 48 hours of execution.

Petitioner requests that the Commission's order in Docket No. CP80–169 be amended to allow filing the 48-hour summary report required by § 284.4(b) of the Commission's regulations without concurrently filing copies of all contracts applicable to transactions authorized by the certificate. Petitioner proposes that the filing period for copies of the contracts or amendments thereto be extended to within 30 days after commencement of a transaction or amendment of the contract.

Any persons desiring to be heard or to make any protest with reference to said amendment should on or before April 9,

1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8847 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP72-157, etc.]

Consolidated Gas Supply Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

March 18, 1980.

Take notice that the pipelines listed in the Appendix below have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 1, 1980. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing Date	Company	Docket No.	Type Filing
3/5/80	Consolidated Gas Supply Corp.	RP72-157	Report.
3/5/80	U-T Offshore System	CP76-118	Report.
3/5/80	Transcontinental Gas Pipe Line Corp.	CP77-403	Report.

[FR Doc. 80-8848 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-37]

Consumers Power Co.; Application

March 18, 1980.

Take notice that Consumers Power Company ("Consumers") on March 11, 1980, filed an application for authority to issue securities under Section 204 of the Federal Power Act.

Consumers intends to enter into a Construction Financial Agreement (the "Financing Agreement") with a special purpose corporation (the "Company") for the purpose of financing Consumers' and Wolverine Electric Cooperative Inc.'s ("Wolverine") share of a 25 MWe woodburning demonstration power plant (the "Plant") located in Osceola County, Michigan. Concurrently with the execution of the Financing Agreement, the Company will enter into a credit agreement with Barclays Bank International Limited ("Barclays"). Pursuant to the Credit Agreement, Barclays will accept a note from the Company which in aggregate amount will not exceed $7,000,000. The commitment will be available to the Company until 360 days from the date of execution of the Financing Agreement.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with § 1.8 or § 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before April 4, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kennth F. Plumb,

Secretary.

[FR Doc. 80-8849 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-36]

El Paso Electric Co.; Application

March 18, 1980.

Take notice that on March 11, 1980, El Paso Electric Company (Applicant) filed and application with the Federal Energy Rgulatory Commission seeking authority pursuant to Section 204 of the Federal Power Act to issue Notes and Commercial Paper not to exceed, in the aggregate, $175,000,000 face value at any one time outstanding.

The Applicant is incorporated under the laws of the State of Texas, with its principal business office at El Paso, Texas, and is engaged in the electric utility business in the States of Texas and New Mexico in an area in the Rio Grande Valley extending approximately 110 miles northwesterly form El Paso to the Caballo Dam in New Mexico and approximately 120 miles southeasterly from El Paso to Van Horn, Texas, with a population of approximately 536,000 of whom 400,000 reside in metropolitan El Paso.

The proceeds from the sale of the Notes and Commercial Paper will be used (i) to provide interim financing for Applicant's construction program contemplated and now in progress, (ii) to provide temporary financing of current transactions, to maintain cash working funds at normal levels, to carry accounts receivable, to provide for periodic large cash needs, such as tax payments, to supply temporary funds for unexpected cash requirements, and (iii) to provide for other types of current operational business requirements. Applicant's construction program for the years 1980 through 1983 has an estimated cost of approximately $418,500,000.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 11, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8850 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER78-19, etc.]

Florida Power and Light Co.; Filing

March 18, 1980.

The filing company submits the following:

Take notice that on March 7, 1980, Florida Power and Light Company (FPL) submitted for filing its SR-2 and PR tariff sheets incorporating the revised availability clause.

This filing is pursuant to the Commission's letters of February 7, 1980 and of February 21, 1980. By making this filing, FPL does not waive its right to apply to the Commission to limit the availability of service in the future. Further, FPL does not waive any right it may have to seek appellate review of the Commission's opinions in this proceeding.

Copies of this filing have been served upon the affected parties.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in Accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before April 11, 1980. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8851 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP 80-277]

Honeoye Storage Corp.; Application

March 18, 1980.

Take notice that on March 7, 1980, Honeoye Storage Corporation (Applicant), 8 Arlington Street, Boston, Massachusetts 02116, filed in Docket No. CP 80-277 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of additional facilities and the expansion of annual storage service from the Honeoye Field, located in Ontario County, New York, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to drill five new injection-withdrawal wells into the Medina formation and two new observation wells. Applicants also propose to construct and operate 500 horsepower of additional compression at its existing compressor station and the necessary gathering lines to connect the new injection-withdrawal wells to its existing gathering system. It is stated that the construction and operation of these facilities would enable Applicant to increase the top storage capacity of the Honeoye gas storage field from 3,000,000 Mcf to 4,880,000 Mcf and to render a natual gas storage service to two new customers, Boston Gas Company (Boston Gas) and Gas Service, Inc. (GSI), beginning the 1980-81 winter heating season.

Applicant states it has entered into agreement with Boston Gas and GSI providing for annual storage service for Boston Gas in the amount of 533,000 Mcf for the 1980-81 winter heating season and 80,000 Mcf for the 1981-82 season, and storage service for GSI of 133,000 Mcf during the 1980-81 winter heating season and 203,000 Mcf beginning the 1981-82 winter heating season. It is stated that in order to satisfy Boston Gas' and GSI's requirements during the 1980-81 through 1982-83 winter heating seasons, the Brooklyn Union Gas Company (BUG), an existing storage customer, has agreed to relinquish temporarily a portion of its present annual storage entitlement during each of the three heating seasons, resulting in a corresponding reduction in charges to BUG.

Applicant additionally proposes to increase the maximum reservoir pressure of the Honeoye Field from 660 psia to 965 psia in annual increments not to exceed 65 psia during a six-year period ending in 1986.

The estimated cost of construction of the proposed facilities would be $2,084,400, which cost would be financed from funds generated from current operations and long-term notes. It is stated that there would be no increase in current rates to Applicant's new or existing customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8852 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-1-46; PGA80-1 & IPR80-1]

Kentucky West Virginia Gas Co.; Proposed Change in Rates

March 18, 1980.

Take notice that Kentucky West Virginia Gas Company (Kentucky West) on Mar. 10, 1980, tendered for filing with the Commission its First Substitute Fourteenth Revised Sheet No. 27 and Original Sheet No. 27A to its FERC Gas Tariff, First Revised Volume No. 1, to become effective January 1, 1980.

Kentucky West states that the revised tariff sheets are necessary to restate its rates to provide for a reduced PGA rate and for an incremental pricing surcharge for the four month PGA period ending April 30, 1980 in order that such rates be in compliance with the Commission's order dated February 27, 1980, at Docket No. TA80-1-46 (PGA 80-1a) and the Commission's order dated November 30, 1979, at Docket No. RP80-7.

Kentucky West requests an effective date of January 1, 1980 for its First Substitute Fourteenth Revised Sheet No. 27 and Original Sheet No. 27A of its FERC Gas Tariff and waiver of the 30-day notice requirement provided in Section 18.3 of its FERC Gas Tariff, First Revised Volume No. 1.

Kentucky West states that a copy of its filing has been served upon its purchasers and interested state commissions and upon each party on the service list of Docket No. RP80-7.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before April 4, 1980. Protests will be considered by the Commission in determining the

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appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8853 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-281]

Montaup Electric Co.; Contract Amendment

March 18, 1980.

The filing Company submits the following:

Take notice that on March 13, 1980 Montaup Electric Company ("Montaup") tendered for filing an amendment dated February 12, 1980 to a contract under which the Town of Braintree Electric Light Department ("Braintree") purchases capacity and energy from Montaup's 50% ownership interest in the Canal No. 2 steam generating plant. The amendment would increase Braintree's purchase by 11,000 megawatts for the period February 18–29, 1980 and by 700 megawatts for the period March 1–31, 1980. Montaup states that the additional purchase became necessary because of failure of a Braintree generating unit. Montaup's filing indicates that service has been made on Braintree and on the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before April 10, 1980, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8854 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-38]

Pacific Power & Light Co.; Application

March 18, 1980.

Take notice that on March 11, 1980, Pacific Power & Light Company (Applicant), a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Energy Regulatory Commission, pursuant to Section 304 of the Federal Power Act, seeking an order authorizing it to issue up to 2,000,000 shares of its no Par Serial Preferred Stock, with a stated value of $25 or up to 500,000 shares of its $100 Par Serial Preferred Stock, and exempting the issuance thereof from the competitive bidding requirements of § 34.1a of the Commission's regulations.

Any person desiring to be heard or to make any protest with reference to this application should, on or before April 11, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of Practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8855 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-273]

Panhandle Eastern Pipe Line Co.; Application

March 18, 1980.

Take notice that on March 6, 1980, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, and P.O. Box 1348, Kansas City, Missouri 64141, filed in Docket No. CP80-273 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and related facilities in Weld and Boulder Counties, Colorado, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it seeks authorization herein to construct and operate pipeline facilities in Weld and Boulder Counties, Colorado, which would allow it to connect to its Colorado pipeline system the new source of natural gas recently discovered in the Southwest Wattenberg Field. It is stated that Applicant has recently entered into a gas purchase and sales agreement with Martin Oil Service, Inc. (Martin), in which Martin has dedicated to Applicant natural gas to be produced by Martin in the Southwest Wattenburg Field.

In order for Applicant to receive the additional natural gas into its pipeline system, it proposes during the calendar years 1980 and 1981 to construct 23 miles of 4-inch pipeline, 11.1 miles of 6-inch pipeline, 17.5 miles of 8-inch pipeline, and 8.5 miles of 16-inch pipeline. It is stated that the cost of the proposed facilities would be $6,904,000, which cost would be financed from funds available to Applicant.

Applicant asserts that the Southwest Wattenberg Field has an estimated 69,000,000 Mcf of recoverable reserves with an anticipated production of 12,500 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition

for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8856 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER76-149, E-9537]

Public Service Company of Indiana; Filing

March 18, 1980.

The filing Company submits the following:

Take notice that on or about March 3, 1980, Public Service Company of Indiana (PSCI) filed two exhibits appertaining to the final refund, excluding the interest calculation, in the above-styled proceedings.

PSCI submits that these exhibits are being offered as examples of the computation of the final refund in the above-styled proceedings.

Copies of this filing have been served upon the affected parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before April 11, 1980. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8857 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL80-21]

Rochester Gas and Electric Corp., Orange and Rockland Utilities, Inc., Central Hudson Gas & Electric Corp., Niagara Mohawk Power Corp.; Request for Authorization

March 18, 1980.

Take notice that on March 7, 1980, Rochester Gas and Electric Corporation, Orange and Rockland Utilities, Inc., Central Hudson Gas & Electric Corporation, and Niagara Mohawk Power Corporation filed a petition with the Commission for an Order authorizing certain accounting for costs incurred in connection with the now cancelled Sterling Power Project Nuclear Unit No. 1.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 1, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10).

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8858 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-411]

Southwest Gas Corp.; Petition for Declaratory Order or in the Alternative Petition To Amend

March 18, 1980.

Take notice that on March 4, 1980, Southwest Gas Corporation (Applicant), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. CP77-411 a petition pursuant to § 1.7(c) of the Commission's rules of practice and precedure (18 CFR 1.7(c)) for a declaratory order to remove the uncertainty of whether or not the amendment to its gas purchase agreement with El Paso Natural Gas Company (El Paso), filed January 15 1980, contemplated a change in the pricing mechanism rather than an expansion of service to El Paso, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Applicant states that prior to the advent of nationwide shortages of natural gas, it obtained its supply of gas for its southern system in Arizona and southern Nevada from El Paso. As the result of deep curtailments by El Paso and projections of future curtailments, Applicant embarked upon a "self-help" gas supply program to help alleviate the impact of the curtailments, it is stated.

Applicant states its "self-help" program entailed the acquisition of gas supplies which were economically available from sources other than its traditional sources. Applicant obtained supplies from seven wells in the San Juan Basin area of Colorado and New Mexico and made with El Paso arrangements to transport such gas to Applicant's southern system and an agreement to offer for sale to El Paso any excess supplies received from the seven wells.

Applicant asserts that the transportation agreement between it and El Paso was authorized by the Commission by orders issued August 29, 1977, in Docket Nos. CP77-408 and CP77-411. In said orders, Applicant was authorized to sell to El Paso excess gas from the seven wells only, on a take-or-pay basis, and at a price equal to the price paid by Applicant, it is asserted.

It is stated that Applicant subsequently gained access to an additional "self-help" gas supply and Applicant and El Paso entered into an excess natural gas purchase agreement under which El Paso would transport the additional gas supplies and Applicant was required to offer for sale to El Paso volumes in excess of Applicant's requirements on any day. This agreement was approved by the Commission by orders issued December 21, 1978, in Docket Nos. CP77-408 and CP77-411.

Applicant states that as a result of the passage of the Natural Gas Policy Act of 1978 (NGPA), it is paying widely divergent prices for its gas supplies. Consequently, on certain days it is not economically feasible for Applicant to purchase gas at a price higher than its system-wide weighted average cost, although El Paso may have a need for such supply, it is asserted. To correct this situation, Applicant and El Paso filed on January 15, 1980, an amendment to the excess natural gas purchase agreement so as to provide a limited change in the pricing mechanism, to be effective June 1, 1979, the date of the amendment.

By letter of February 27, 1980, the Commission advised Applicant that its filing was being held in abeyance pending receipt of the necessary certificate authorization because the filing was interpreted as an amendment to expand service for which authorization had not been granted, it is stated.

Accordingly, Applicant submits that its January 15, 1980, tariff filing does not reflect an expansion of service, but an addition to an existing service which has been authorized by the Commission. Applicant states that it interprets its certificate as authorizing it to sell to El Paso only gas for which Applicant has contracted but does not need on a particular day. Applicant states it does not believe it is authorized to contract for gas supplies in order to sell the same to El Paso and does not intend to do so.

In the alternative, Applicant requests that its authorization be amended so as to allow its January 15, 1980, tariff filing to become effective June 1, 1979.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 9, 1980, file with the Federal Energy

Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8859 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI69-177, etc.]

Sun Oil Co., et. al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

March 18, 1980.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission' rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI69-177 (G-17015), 12/17/79 [1]	Sun Oil Company, P.O. Box 20, Dallas, Texas 75221.	Cimarron Transmission Company, Enville Field, Love County, Oklahoma.	(2)	14.65
CI80-19, C, 3/11/80	Chevron U.S.A. Inc., P.O. Box 7643, San Francisco, Calif. 94120.	Natural Gas Pipeline Company of America, OCS-G-2831 No. 2 Well in West Cameron, Block 161 (W ½), Offshore Louisiana.	(2)	15.025
CI80-236, A, 3/10/80	Mesa Petroleum Co., One Mesa Square, P.O. Box 20009, Amarillo, Texas 79189.	Transcontinental Gas Pipe Line Corporation, Vermilion Area, Block 310, Offshore Louisiana.	(2)	15.025
CI80-237, A, 3/11/80	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Columbia Gas Transmission Corporation, Grand Isle Block 16 Field, Offshore Louisiana.	(2)	15.025
CI80-238, A, 3/11/80	Union Oil Company of California, Union Oil Center, Room 901, P.O. Box 7600, Los Angeles, Calif. 90051.	Trunkline Gas Company, Vermilion Block 14 Field, Offshore Louisiana.	(2)	15.025
CI80-239, B, 3/11/80	Tom Brown, Inc., 315 Midland Tower Building, P.O. Box 5786, Midland, Texas 79701.	Producer's Gas Company, Eldorado, Southwest (Strawn) Field, Schleicher County, Texas.	Depleted	

[1] Applicant is filing to continue the sale of its own interest now covered by a certificate issued to Texaco, Inc. in Docket No. G-17015.
[2] Applicant is filing under Contract dated 10-26-79.
[3] Applicant is willing to accept a certificate at the rates prescribed by the NGPA of 1978.
[4] Applicant is willing to accept the applicable rate under Section 104 of the NGPA of 1978.
[5] Applicant is willing to accept a permanent Certificate of Public Convenience and Necessity conditioned in accordance with the NGPA of 1978 and the Commission's Regulations under said Act.
[6] Applicant is willing to accept a certificate at an initial rate of the maximum lawful price as prescribed in subsection 104(b) of the NGPA of 1978.
Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 80-8860 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-270]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

March 18, 1980.

Take notice that on March 5, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-270 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 750 Mcf of natural gas per day on an interruptible basis for Michigan Wisconsin Pipe Line Company (Mich Wisc), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization for the transportation of natural gas for Mich Wisc from an existing point of interconnection between Applicant's pipeline facilities and the outlet of Shell Oil Company's East Bay Central Facilities in the South Pass Block 24 Field, offshore Plaquemines Parish, Louisiana, to the existing Ysclosky Processing Plant located in St. Bernard Parish, Louisiana, and the subsequent redelivery by displacement of equivalent volumes of natural gas to Mich Wisc at an existing interconnection between the systems of Applicant and Mich Wisc located at the tailgate of Superior Oil Company's processing plant located in Jefferson Davis Parish, Louisiana.

It is stated that the gas proposed herein to be transported and exchanged is gas which is to be produced and sold to Mich Wisc by Murphy Oil Corporation, Ocean Oil and Gas Corporation and Ocean Production Company pursuant to a gas purchase agreement dated September 19, 1979, from their joint 2.363 percent interest in the reserves in the Mississippi Canyon Area, Blocks 150, 151, 194 and 195, offshore Louisiana (Mississippi Canyon Block 194 Field).

Applicant states that it is presently anticipated that Mich Wisc would take receipt of its gas in the manner proposed herein through the year 1981; whereafter, it is expected that Shell's two-phase pipeline would be required exclusively to transport oil produced from the Mississippi Canyon Block 194 Field and that transportation of the gas purchased by Mich Wisc, as well as others, from the field would be effectuated through new pipeline facilities to be installed by Southern Natural Gas Company (Southern).

Thus, the proposed transportation and exchange service would, it is stated, enable Mich Wisc to take into its system initial volumes of gas from supplies available to it from the Mississippi Canyon Block 194 Field through the utilization of the existing facilities described hereinabove, prior to the time when the new offshore pipeline facilities to be constructed by Southern would be available for the transportation of such gas.

The gas transportation and exchange agreement between the parties dated January 17, 1980, provides that the proposed daily volume would be up to 750 Mcf of natural gas, to the extent that Applicant's operative conditions permit, less a volume of 1.2 percent required for fuel and use requirements and that the monthly charge would be 2.91 cents per Mcf of natural gas transported, with provision for a minimum bill based on transportation quantity.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1980 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10) All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein; if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8861 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC79-8]

Transcontinental Gas Pipe Line Corp.; Denial of Certification

March 12, 1980.

Take notice that the Commission agreed at its meeting of March 12, 1980, to take no action on the presiding judge's order of February 14, 1980, certifying to the Commission a question pertaining to the scheduling of the above-captioned proceeding. The judge's certification was treated by the Commission as a referral, pursuant to § 1.28(a) of the rules of practice and procedure, of the judge's procedural order issued in this proceeding on January 17, 1980. The Commission determined that no extraordinary circumstances had been shown warranting the Commission's consideration of the question referred or of the judge's procedural order of January 17.

Accordingly, the judge's proposed certification is denied pursuant to § 128.(c) of the Commission's rules of practice and procedure. (18 CFR 1.28(c)).

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8862 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-280]

Virginia Electric and Power Co.; Tendered Revised Contract Supplement

March 18, 1980.

The filing Company submits the following:

Take notice that on March 13, 1980, Virginia Electric and Power Company (VEPCO) tendered for filing revised supplements to the contract between VEPCO and Albemarle Electric Membership Corporation. VEPCO states that the revised contract supplements reflect corrections due to changes made in the past as indicated below:

Present FERC No.	Proposed FERC No.	Item corrected
88-5	88-31	1,5(3), 10, 11
89-9	88-32	1,5(3), 10, 11

VEPCO states that the revised contract supplements are intended to supersede the listed FERC Rate Schedules and request that the revised supplements be allowed to become effective on February 22, 1980.

Any persons desiring to be heard or to make any protest with reference to said application should on or before April 10, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-8863 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-85-M

V45/58 MR 24 80 UMI

V 45 / 58 MR 24 80 UMI

[Docket No. CP80-269]

Arkansas Oklahoma Gas Corp.; Application

March 18, 1980.

Take notice that on March 4, 1980, Arkansas Oklahoma Gas Corporation (Applicant), P.O. Box 2406, Fort Smith, Arkansa 72902, filed in Docket No. CP80-269 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1980, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas supplies, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant and supplies of natural gas from the interstate pipelines' own production or acquired for system supply under Sections 311 or 312 of the Natural Gas Policy Act of 1978.

Applicant states that the total cost of the proposed facilities would not exceed $500,000, with the cost of any single project not to exceed $125,000. It is stated that the cost would be financed from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-8940 Filed 3-21-80; 8:45 am]

BILLING CODE 6450-85-M

Southwestern Power Administration

Final Power Allocations (1980–1988)

AGENCY: Department of Energy, Southwestern Power Administration.

ACTION: Notice of Final Power Allocations (1980–1988), after Public Review and Comment.

SUMMARY The Administrator, Southwestern Power Administration (SWPA), has made Final Power Allocations to preference customers for the years 1980 through 1988. These Final Power Allocations were developed after extensive public participation in the review and comment on the Preliminary Power Allocations and accompanying Environmental Assessment. The Preliminary Power Allocations and Environmental Assessment were made public by **Federal Register** Notice (44 FR 45468) dated August 2, 1979. Written comments were invited by September 14, 1979, and Public Review Forums were held in Baton Rouge, Louisiana; Kansas City, Missouri; and Tulsa, Oklahoma; on August 21, 23, and 28, 1979, respectively.

Many comments on the Preliminary Power Allocations were received orally during the forums and in writing during the comment period. No comments were received on the Environmental Assessment. All comments received were considered.

The criteria developed, after consideration of all comments, and the assumptions adopted are included with these allocations. In the event any assumption prove invalid, such as the preference customer (allottee) failing to have adequate transmission or supplemental power source under contract by January 1 of the year the allotee is scheduled to receive power, SWPA will notify the allottee that such allocation is withdrawn and cite the reasons therefor. Such capacity then available for allocation will be redistributed among those requesting SWPA power on the basis of these allocation criteria without further public announcement.

FOR FURTHER INFORMATION CONTACT: Walter M. Bowers, Chief, Division of Power Marketing, Southwestern Power Administration, Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101 (918) 581-7529.

SUPPLEMENTARY INFORMATION: The SWPA markets hydroelectric generated power from 21 operating multiple-purpose reservior projects constructed and operated by the U. S. Corps of Engineers in the states of Arkansas, Oklahoma, Missouri, and Texas. Two of these operating projects are isloated from transmission facilities available to SWPA and currently each is marketed to preference customers at the dams. SWPA has the responsiblity to market this power to customers in a marketing area generally covering the states of Arkansas, Kansas, Louisiana, Missouri, and Oklahoma, and a portion of the state of Texas. Section 5 of the Flood Control Act of 1944 (58 Stat. 890, 16 U.S.C.A. 825s), the statutory authority for SWPA's activities, provides, among other things, that the power and energy be transmitted and disposed on in such manner to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles. It requires that preference in the sale of such power and energy be given to public bodies and cooperatives. The construction or acquisition of transmission facilities is authorized to make such power and energy available in wholesale quantities to facilities owned by the Federal Government, public bodies, cooperatives, and privately-owned companies. Two additional projects are nearing completion in Missouri, and limited quantities of power are expected to be available from these for preference customers beginning in 1980 with full capability expected to be available by 1985.

The product of the projects under SWPA's marketing responsibility is primarily low-plant factor peaking power which means that available water permits the hydraulic turbines to operate only a portion of the time needed to supply normal load factor loads. The hydroelectric production must be supplemented, particularly in below average rainfall periods, by purchased energy from other suppliers under non-firm contracts generally negotiated from time to time as required from suppliers willing to sell this product to the Government and at varying prices.

SWPA commenced marketing power in 1945 and currently supplies peaking and/or firm power service to 55 customers. During this 36-year period, many contracts have been executed for the sale of power. Many expired by their terms and were renewed oft times modified with sales made to the existing customers or with new customers. There have been periods of time when SWPA was unable to market some of the available power and energy. At present, demands from existing or prospective customers for the power which may be available far exceed the supply. SWPA will experience the termination of a number of firm and peaking power sales contracts in the near future and also will have available a limited quantity of new hydroelectric capacity from the two multiple-purpose reservoir projects under construction to be operative in 1980 and 1982. These Final Power Allocations have been developed in order that the most equitable distribution to present and new preference customers in the six-state marketing area can be made for the period through 1988.

SWPA prepared an Environmental Assessment concerning proposed allocations of power. Based on this Environemental Assessment, SWPA and DOE made the finding that the proposed allocations of power will not have a significant effect upon the quality of the human environment. The Final Power Allocations are not changed sufficiently to alter this finding. Copies of this assessment are available by writing to the Administrator, Southwestern Power Administration, U. S. Department of Energy, P. O. Box 1619, Tulsa, Oklahoma 74101.

Copies of the Final Power Allocations contained in this announcement will be mailed to all SWPA customers, prospective customers, and others who have expressed an interest in the subject.

Issued in Tulsa, Oklahoma, March 12, 1980.

James B. Hammett,
Administrator.

Southwestern Power Administration (Final Power Allocations, 1980–88)

Introduction

The Southwestern Power Administration (SWPA) will have a limited quantity of peaking capacity available for sale as a number of firm and peaking power sales contracts terminate in the future and as new hydro capacity from two multiple-purpose projects under construction become operable in 1980 and 1982. SWPA has received requests for power from current and potential preference customers in amounts which far exceed the amounts becoming available. It is, therefore, important that an allocation of that power to become available be made so that SWPA's customers can properly plan a reliable power supply. It is also important that the public be given an opportunity to participate in the development of such an allocation. Accordingly, Preliminary Power Allocations were announced by **Federal Register** Notice (44 FR 45468) dated August 2, 1979.

After announcing the Preliminary Power Allocations and initiating the public participation process, SWPA was informed by the Corps of Engineers of the need for restricted operations at the Harry S Truman Project for an interim period until improvements could be completed downstream to prevent damages from power operations. It was estimated that the earliest such improvement could be completed was 1985. During this interim period, only two of the six generating units at Harry S Truman are assumed to be available for allocation.

The attached Final Power Allocations were prepared with the benefit of the comments received during the public participation process and after adjusting for the limited operation of the Harry S Truman Project prior to 1985.

Public Participation

The SWPA, by **Federal Register** Notice (44 FR 45468) dated August 2, 1979, and by mail to known interested parties, set forth its proposed method of allocation and identified its Preliminary Power Allocations for the period 1980–1988. Public participation in the development of a method of allocation and the Final Power Allocations for this period was invited. Three Public Review Forums were held to encourage public participation on August 21, 23, and 28, 1979, in Baton Rouge, Louisiana; Kansas City, Missouri; and Tulsa, Oklahoma; respectively. Those who wished to submit written comments were provided an opportunity to do so by September 14, 1979.

Comments on Preliminary Power Allocations

All of the comments received were considered. The major comments, by categories, and SWPA's response thereto, included the following:

A. Preference customer load is not appropriate basis to distribute capacity.

1. *Comment.* "Load alone does not meet the Flood Control Act's 'most widespread use' standard since load does not measure number of customers but, instead, is related to size of customers * * * The number of customers served, however, does meet the Act's mandate."

Response. There is a relationship between the number of customers and the total load. This relationship averages 4.6 kW/customer, ranging from 3.8 kW/customer in Oklahoma to 5.0 kW/customer in Kansas.

In comparing both methods of allocating the small amount of new capacity available to SWPA, we find the kW/customer relationship sufficiently stable that the total allocation to and among the states would not significantly change. For example, under either method, only the states of Kansas, Louisiana, and the non-interconnected portion of Texas would receive allocations of new power to become available. SWPA's ability to allocate to the non-interconnected portion of Texas is limited to transferring the 35 MW North Denison Unit to Texas operations. The balance of the power to be allocated is then to be distributed between Kansas and Louisiana. The different criteria used would make a slight difference in the total amount allocated, but as explained below, it is SWPA's opinion that a distribution based upon load will distribute the benefits of federal power most equitably. A comparison of the states' fair share of SWPA capacity, and the resulting allocation recognizing amounts already under contract, as determined assuming various distribution methods, is shown in Table 1.

Prorating the power to be allocated based upon the number of customers served by a city or cooperative would make a difference in the allocation among the preference customers within each state. Differences would also be achieved by prorating the power to be allocated using other bases, such as population, or number of kWh's, or a combination of these bases. Under any of these methods, the widespread use principle, as set forth in Section 5 of the

Flood Control Act of 1944, would be achieved.

The next determination would be the means to most equitably distribute the power allocated to a state among those to receive an allocation. After examining alternate methods of distribution, it is concluded that the benefits would be most equitably distributed on a ratio of load basis. This conclusion is based on certain premises. First, rates to ultimate customers on the distribution level are based primarily on the load (kW and kWh) the customer imposes on the supplying system, and have no relationship to the number of customers served. Second, it is assumed the benefits received from federal power will be reflected equitably across the customers' rate base, and that the benefits are measurable by the effect on the rate. From these premises we have also concluded that to use a ratio of number of customers, population, or other method, would result in an inequitable distribution of benefits.

For example:

Allottee A has 2500 customers with load of, 10 MW; assume $100,000 cost with rate at $10/kW; allottee B has *5000* customers with load of, 10 MW; assume $100,000 cost with rate of $10/kW; total 7500 customers, 20 MW.

Capacity to be allocated = 2 MW.

Benefits by Ratio of Load

Allocation to allottee A = 2 MW × 10/20 = 1 MW; benefit to allottee A = 1 MW/10 MW × $10/kW = $1/kW.

Allocation to allottee B = 2 MW × 10/20 = 1 MW; benefit to allottee B = 1 MW/10 MW × $10/kW = $1/kW.

Benefits by Ratio of Number of Customers

Allocation to Allottee A = 2 MW × 2500/7500 = .67 MW; benefit to allottee A = .67 MW/10 MW × $10/kW = $0.67/kW.

Allocation to allottee B = 2 MW × 5000/7500 = 1.33 MW; benefit to allottee B = 1.33 MW/10 MW × $10/kW = $1.33/kW.

The above example is exaggerated for purposes of illustration, but does demonstrate that the benefits are distributed more equitably by allotting in proportion to load. The alternate methods were, therefore, not adopted.

2. *Comment.*: "The only allocation criterion which meets the Act's mandate is the number of residential customers served by the preference customers." The allocation distribution calculated by the author of the comment was based upon the total number of customers of current preference customers and some of those that have requested power.

Response. As indicated in the response to Comment No. 1, the use of number of customers instead of the total load does not significantly affect the allocation of power between states. Nor does limiting the total number of customers, or the total preference load considered in a state to current customers of SWPA, or to those that have requested SWPA power, significantly affect the allocation of power between the states (see Table 1). The distribution of each state's fair share would be distorted by increasing the distribution to states that already receive a large proportion of SWPA power and by excluding from consideration those that for some reason failed to file a request for power. Because of this distortion, the proposal in this comment was not adopted.

B. Allocation of new resources should be made to Texas.

1. *Comment.* "The Texas preference customers are entitled to allocations of the new resources."

Response. SWPA agrees with this comment and has allocated 35 MW to Texas preference customers.

Such allocation, however, is predicated on the condition that satisfactory contractual arrangements can be developed to provide adequate reserves and reliably integrate the operation of the Whitney and Denison Dam projects. For rate purposes, SWPA proposes to continue to use system rates even though the Whitney and Denison projects will no longer be interconnected with the SWPA integrated system. Special approval for the application of system rates in these circumstances may need to be obtained.

In developing this allocation to Texas preference customers, SWPA recognized the special operating conditions in Texas which prevent SWPA's interconnected system from operating with the Texas utilities system. Accordingly, SWPA determined the preference customer load and SWPA's contract obligations in the interconnected portion of Texas that operates in parallel with SWPA's interconnected system and the preference customer load and SWPA's contract obligations in the non-interconnected portion of Texas which is isolated from SWPA's interconnected system. It was determined that the interconnected portion of Texas received more than its proportion of the benefits of federal power, but the non-interconnected portion of Texas was deficient in this regard. SWPA is limited in the amount of additional capacity that it can deliver to the non-interconnected Texas system to the capacity of the North generating unit at the Denison Dam project. It was concluded that 35 MW of the new capacity becoming available would be displaced to the non-interconnected Texas system by delivering the North Denison unit into the Texas Power and Light Company's system.

C. Allocation of new resources should be made to Kansas municipals.

1. *Comment.* "Under the proposed Preliminary Power Allocations (1980–1988) plan by SWPA, no additional hydro peaking power is allotted to Kansas municipal electric generating systems, * * * Yet the rural electric cooperatives of this state have under contract 90 MW of hydro peaking power from SWPA in 1980, with an additional 85 MW proposed to be allocated in 1984 * * * Ask that the municipal electric systems in Kansas be given more consideration regarding allocation of power from the Southwestern Power Administration."

Response. SWPA has reviewed the Kansas municipals request for power and agrees the municipals should receive a share of the federal hydroelectric power allocated to the state of Kansas. In these Final Power Allocations, 44 MW has been allocated to the municipal preference customers in Kansas.

D. Allocation based upon "state goal" is not proper.

1. *Comment.* The establishment of goals for allocation by state is not a proper approach.

Response. The use of the word "goal" in the Preliminary Power Allocations has caused some misunderstanding. "Fair share" is more descriptive of what we are attempting to accomplish. There are many potential methods to allocate the power SWPA has to market which are fair and reasonable. Each method has certain advantages to some potential customers and disadvantages to others. While we recognize that the method of allocating sales to the various states on a "state fair share" basis is not perfect in every regard, as mentioned in this comment, we feel it provides an equitable distribution of federal resources to the area which these resources are intended to serve. We are attempting to equalize the benefits, which have accrued almost entirely to the four states of Arkansas, Missouri, Oklahoma, and Texas in the past, among all the states served by SWPA. This "state fair share" approach will accomplish this purpose and has received favorable comments from others.

E. Allocate to each State on basis of project's location.

1. *Comment:* "* * * SWPA must consider the location of projects in any distribution between states, as well as the amount of preference customer load in each state." The author of this comment proposed that 75% of the capacity to be marketed be sold in proportion to the hydroelectric generating capacity in each state and the remaining 25% be sold in proportion to the total preference customer load in each state. In support of this proposal, it was contended that the people living within the states where the projects are located faced hardships when the dams were constructed, that some of the richest agricultural farmland was inundated, that hundreds of acres were removed from production, and farm income and income from taxes have been reduced.

Response. The projects from which SWPA markets hydroelectric power are multiple-purpose projects of which the generation of hydroelectric power is only one of the project purposes. Other purposes include flood control, navigation, water supply, recreation, etc. Before a project is initiated, the benefit to the area is determined to be greater that the cost of the project or it would not proceed to construction. Citizens whose land was inundated, or otherwise affected, were to be adequately and fairly compensated by the Corps of Engineers for any loss incurred. Those who believe they have not been properly compensated have legal recourse.

The selection of such a 75%–25% distribution as a basis for allocation is without justifying support and defeats the objective of widespread use. (See Table 1 for the allocation that would result from this method.)

The hydroelectric generating projects are interconnected through federal transmission facilities and through interconnections with neighboring systems and are, therefore, operated as an integrated system rather than individual projects. Power from any one project could be going to any state subject to the hydraulic and electrical conditions at the time.

2. *Comment.* "* * * of the preliminary power allocation for 1980, the bulk of which will be supplied by Truman facilities, only 1 MW of 160 MW will be marketed to Missouri consumers. We believe strongly that Missouri deserves special consideration in the allocation process for power produced at the Truman Dam * * *"

Response. As mentioned in the response to Comment No. 1, above, the hydroelectric generating projects are operated as one system through SWPA's transmission facilities and through interconnections with neighboring systems. As such, each project is not subject to being marketed in its immediate locale if the widespread distribution of federal power, as directed by the Flood Control Act of 1944, is to be accomplished. In this case, the state of Missouri is already receiving more federal power that is produced in the state. After the Harry S Truman and Clarence Cannon projects become operational, the state will be producing less than 70% of the federal power it receives.

F. Opposition to reallocation of 150 MW sold to Arkansas Power & Light Company.

1. *Comment.* The Arkansas Power & Light Company (AP&L) and Reynolds Metals Company (Reynolds) oppose SWPA's reallocation of 150 MW to preference customers because of serious economic impact.

Response. While we recognize the potential impacts mentioned in this comment, SWPA must, under the mandate of the Flood Control Act of 1944, give preference in the sale of power and energy generated at the Corps of Engineers projects for which it has marketing authority to public bodies and cooperatives. Neither AP&L nor Reynolds is a preference customer and a significant preference customer market now exists. Accordingly, this power must be allocated to preference customers upon expiration of the AP&L/Reynolds contract.

G. Irrational results and erroneous data.

1. *Comment.* "The proposed allocations produce irrational results."

Response. The author of this comment bases his comment on increases shown in the August 2, 1979, **Federal Register** announcement for certain preference customers, to wit; Oklahoma municipalities as a group plus Duncan, Fort Sill, and Skiatook, Oklahoma; Piggott and Clarksville, Arkansas; and Carthage, Missouri; particularly. The increased capacity shown for these customers in the **Federal Register** announcement was misunderstood by several commentors as part of the allocation of the new power becoming available. This is not the case. The increased amounts shown for these customers were already under contract. Therefore, they cannot be compared as part of the allocation of new capacity.

2. *Comment.* "SWPA's load data is erroneous."

(a) The loads used by SWPA in Texas and Louisiana for the Tex-La and Sam Rayburn cooperatives were in error.

Response. This was called to SWPA's attention during the Public Review Forums and has been corrected using data furnished by the customer.

(b) There was also criticism that the loads of preference customers served in the interconnected and noninterconnected portion of Texas should be combined.

Response. See response to Comment No. B.1.

(c) SWPA used load data of all preference entities as a basis for allocation, even though it was impossible for some such entities to receive hydro power.

Response. The number of such preference customers in today's interconnected system operation probably would be extremely small and would not significantly affect the allocation results when used in the loads. It is appropriate to assume the preference customers can obtain transmission rights over neighboring utility transmission systems. It may be that an allocation would have to be withdrawn if transmission rights cannot be developed in time to assure SWPA a timely market.

H. Too much capacity held in reserve and not allocated.

1. *Comment.* It has been suggested that because of the high reliability of hydroelectric generating units, the amount SWPA sets aside for reserve might be reduced, thus making more capacity available for allocation.

Response. SWPA is in the process of selecting an engineering firm to evaluate the capacity held in reserve and make a recommendation on our reserve requirement. If it is determined that additional capacity is available for sale, it will be allocated at that time.

I. Allocate to displace oil and gas.

1. *Comment.* SWPA should investigate and adopt a method to allocate excess energy and interruptible capacity to preference customers who are dependent on oil or gas-fired generation.

Response. This comment is in keeping with the national conservation efforts. It is more applicable to the sale of energy than capacity. SWPA will give priority to displacing oil and gas in the sale of excess energy and interruptible capacity, where possible. We do not, however, see a need or the practicality of developing formal allocations of excess energy and interruptible capacity.

Allocation Criteria

After considering the comments, suggestions, and criticism from interested parties in the public participation process, the allocation criteria adopted in these Final Power Allocations include the following:

1. *Continue sales to present customers.* SWPA will not withdraw any capacity now under contract to a preference customer in order to sell the capacity to another preference customer. As contracts expire, SWPA will offer to enter into peaking contracts for the sale of a like amount of capacity

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with 1200 kWh/kW/yr of associated energy.

In the case of isolated project contracts, such as Narrows and Sam Rayburn, the SWPA will negotiate new contract arrangements for each project's production with the preference customer then receiving the benefit of such federal project.

2. *Distribution among and within states.* Capacity available to SWPA to allocate to new or existing preference customers shall be done in such a manner so as to achieve as nearly as practical a reasonable and fair distribution among states. Since a portion of Texas is not interconnected with SWPA's transmission system, capacity is allocated separately to that portion of Texas which is interconnected and that portion which is not.

After the capacity is allocated among the states, it will then be allocated among those new or existing preference customers that have requested SWPA power within each state. In order to arrive at reasonable and fair allocations for each of the states (five states of Arkansas, Kansas, Louisiana, Missouri, and Oklahoma; plus the Texas interconnected area and the Texas non-interconnected area), the ration of each state's, or area's, total existing and potential preference customer load to the total such load in SWPA's marketing area will be used as a guide to determine the capacity to be allocated to each state, or area. In order to arrive at reasonable and fair allocations within the states, or areas, the ratio of each existing or potential preference customer's load within that state, or area, that has requested SWPA power to the total such loads in the state, or area, will be used as a guide to determine the total capacity allocated or sold to such customers. Such preference customer's ration will be multiplied by the state's total fair share to determine the preference customer's fair share. The quantity of capacity to be allocated within a state will then be distributed in accordance with the ratio that each preference customer's fair share, after adjusting for federal power under contract, bears to the state's total fair share.

3. *Hardship.* SWPA will consider hardship cases. Financial losses, however, are not generally considered a hardship for this purpose.

4. *Priority among customers.* Any power sold to non-preference customers shall be recovered for allocation to preference customers as soon as possible. There shall be no priority between preference customers based upon preference customer class.

5. *Allocation of power from Harry S Truman.* The Harry S Truman Project has six generating units with a total installed capacity of 160 MW operating in a power between elevations 704.2 and 706.0 ft. Each generating unit is reversible and can operate as a pump. All of these units are expected to be completed and ready for operation in 1980.

There are, however, some discharge limitations to protect the downstream environment that severely reduces the capacity that can be depended upon from this project, and the Attorney General of Missouri has filed a lawsuit to prevent the Corps of Engineers from operating the hydroelectirc generating facilities that have been installed, in accordance with their design.

The Corps of Engineers estimates that the improvements needed to alleviate the downstream problems may be completed by 1985 after which time, subject to the resolution of the lawsuit, the full capability of the project will be available. Until these improvements can be completed, the maximum dependable capacity would be limited to 61 MW and no pumping would be available. The capability of four units (107 MW) could be made available if pumping were permitted or additional power storage were made available in the reservoir. For purposes of this allocation criteria, SWPA will assume only two generating units available.

6. *Allocation of power to Texas.* As discussed in response to Comment No. B.1, it was concluded that power should be allocated to the non-interconnected portion of Texas, and the only way to do this was to displace power from SWPA's system by disconnecting the north unit at the Denison Dam and connecting that unit to the Texas Power and Light Company system for delivery through the company's system to the preference customer. Such a change creates some major problems. For example:

(a) The Dension-Whitney projects, with the ability to move the north unit at Denison to the Texas Power and Light Company system or the SWPA system, as needed, now support the sale of approximately 100 MW with 1200 kWh/kW/yr of energy. The Denison-Whitney projects will now need to do this without the support of the SWPA system for reserves and hydraulic diversity that is achieved by the ability to switch one Denison unit north or south.

(b) Power sold from Denison and Whitney is now sold under the SWPA's system peaking power rate. Contracts for the sale of this power provide for changes in SWPA's system peaking rates as required from time to time, but do not provide for a change from such system rates to isolated project rates. The Department of Energy Order No. RA 6120.2 on Power Marketing Administration Financial Reporting defines a power system for repayment purposes to include projects hydraulically or electrically integrated. Denison and Whitney can be considered a power system for repayment purposes and separate rates developed, but they cannot be considered a part of SWPA's interconnected system for repayment purposes and use interconnected system rates without Departmental approval.

For purposes of this allocation criteria, SWPA will assume that adequate contract arrangements will be developed to provide the flexibility required in the operation of Denison and Whitney to assure reliable peaking sales of approximately 100 MW with 1200 kWh/kW/yr of energy. SWPA will further assume that approval can be obtained to continue to include Denison and Whitney under SWPA's integrated system rate schedules.

Final Power Allocations

Table 2, entitled "Final Power Allocations Summary," presents the distribution by state of the 1979 contract demands and the increases in contract demands in 1980 and 1981. Also shown are the power allocations by state for 1980–1988. No new capacity is scheduled to become available for allocation after 1985. Capacity that becomes available with the expiration of a preference customer contract is to be used for continued service to that preference customer and is, therefore, not available for allocation to others and is not shown on these allocation charts.

Tables 3 through 8 set forth in detail the Final Power Allocations by customer for each state through 1988. The capacity under contract, and the new capacity allocated to preference customers, is shown for each state.

These Final Power Allocations are subject to the availability of the Harry S Truman Project, and are predicated on the following:

1. Two generating units at the Harry S Truman Project will be declared by SWPA to be in commerical operation prior to June 1980.

2. The final four units at the Harry S Truman Project will be declared by SWPA to be in commerical operation in 1985. Contracts for the sale of power allocated in 1985 will be contingent upon all six units at the Harry S Truman Project being declared in commerical operation at full capacity by SWPA.

3. The Denison and Whitney Dam Projects will be integrated for reliable operations and adequate rates can be placed into effect to recover costs.

4. The power allottee will accept the amounts allocated with its attendent terms.

5. Transmission facilities will be available to move this power to load centers.

In the event the assumptions set forth above prove invalid, or the preference customer (allottee) does not have adequate wheeling or supplemental power sources under contract by January 1 of the year the allottee is scheduled to receive power, SWPA will notify the allottee that such allocation is withdrawn and cite the reasons therefore. Such capacity then available for allocation will be redistributed among those requesting SWPA power on the basis of the foregoing allocation criteria without further public announcement.

Table 1.—*Final Power Allocations*

[Comparison of distribution methods (MW)]

	Arkansas	Kansas	Louisiana	Missouri	Oklahoma	Texas			
						Noninterest	Interest	Total	Total
Final Allocation	[1]376	177	178	[1]676	[1]408	115	[1]178	293	2,108
Fair Share & Allocation by Various Methods:									
1. Total Pref Load:									
Fair Share	232	274	274	443	295	485	105	590	2,108
Allocation	[1]376	177	178	[1]676	[1]408	115	[1]178	293	2,108
2. Total No. Consumers:									
Fair Share	253	232	253	464	316	485	105	590	2,108
Allocation	[1]376	170	185	[1]676	[1]408	115	[1]178	293	2,108
3. Load Under Contract and Requested:									
Fair Share	274	337	274	590	359	169	105	274	2,108
Allocation	[1]376	196	150	[1]676	[1]408	115	[1]178	293	2,108
4. No. Customers Under Contract & Requested:									
Fair Share	261	393	245	561	396	212	130	342	2,108
Allocation	[1]376	190	165	[1]676	[1]408	115	[1]178	293	2,108
5. Gen-Load Ratio 75%/25%:									
Fair Share	784	67	67	449	519	165	57	222	2,108
Allocation	568	[1]115	48	[1]676	[1]408	115	[1]178	293	2,108
6. Gen-Load Ratio 25%/75%:									
Fair Share	412	201	201	439	396	372	87	459	2,108
Allocation	[1]376	178	178	[1]676	[1]408	115	[1]178	293	2,108

[1] This amount currently under contract. Amount under contract not to be reduced.

Table 2.—*Final Power Allocations Summary*

[Two units at Harry S Truman until 1985 (MW)]

	Arkansas	Kansas	Louisiana	Missouri	Oklahoma	Texas			
						Noninterest	Interest	Total	Total
1979 Contract Demand	521	25	17	711	375	80	178	258	1,907
Contract Increases:									
1980	3	80	0	[1]−44	23	0	0	0	42
1981	2	0	0	1	10	0	0	0	13
1985	0	30	0	0	0	0	0	0	30
Subtotal	5	80	0	−43	33	0	0	0	85
Allocations:									
1980	0	0	0	[2]3	0	0	0	0	3
1982	0	0	53	0	0	0	0	0	53
1984	−150	38	72	[2]5	0	35	0	35	[3]0
1985–1988	0	[4]24	[4]36	0	0	[4]0	0	0	[4]60
Subtotal	−150	62	161	[2]8	0	0	0	35	[3]116
Total Additional Cap.	−145	152	161	−35	33	35	0	35	[3]201
Grand Total	376	177	178	676	408	115	178	293	[5]2,108
State Share [6]	232	274	274	443	295	485	105	590	2,108
Ratio of Total to share(%)	162	[7]65	[7]65	153	138	[8]24	170	50	100

[1] Net Increase = 1MW (rounded) increase less 45 MW reduction in sales to Empire.
[2] Prior commitments.
[3] Net Allocation—150 MW allocation less 150 MW reduction in sales to AP&L.
[4] To be available for contract after all units at Harry S Truman are in commercial operation at full capacity.
[5] Net additional capacity.
[6] Capacity for sale—from Page 31 of SWPA Power Repayment Study, November 1978.
[7] On basis of total redistribution of SWPA capacity by state in proportion to preference customer load.
[8] Ability to allocate 100% of share limited because of small amount of capacity available to allocate and existing contracted amounts.

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Table 3.—*Final Power Allocations*

Arkansas—Contracts and Allocations

[Two units at Harry S Truman until 1985 (MW)]

	1979	1980	1981	1982	1983	1984	1985–86
Present Contracts: [1]							
Municipalities:							
Augusta	3.7	3.7	3.7	3.7	3.7	3.7	3.7
Bentonville	18.0	18.0	18.0	18.0	18.0	18.0	18.0
Clarksville	15.9	17.5	19.1	19.1	19.1	19.1	19.1
Jonesboro	80.0	80.0	80.0	80.0	80.0	80.0	80.0
Paragould	50.5	50.5	50.5	50.5	50.5	50.5	50.5
Paris	9.3	10.0	10.8	10.8	10.8	10.8	10.8
Piggott	4.9	4.9	4.9	4.9	4.9	4.9	4.9
Subtotal	182.3	184.6	187.0	187.0	187.0	187.0	187.0
Cooperatives: Arkansas Elec. Co-op	189.0	189.0	189.0	189.0	189.0	189.0	189.0
Industrial: AP&L-Reynolds	150.0	150.0	150.0	150.0	150.0	0	0
Total Contracts	521.3	523.6	526.0	526.0	526.0	376.0	376.0
Allocations: None	0	0	0	0	0	0	0
Grand Total	521.3	523.6	526.0	526.0	526.0	376.0	376.0

[1] Capacity not withdrawn at contract expiration.

Table 4.—*Final Power Allocations*

Kansas—Contracts and Allocations

[Two units at Harry S. Truman until 1985 (MW)]

	1979	1980	1981	1982	1983	1984	1985–86
Present Contracts: [1]							
Municipalities: Kansas City	25.0	25.0	25.0	25.0	25.0	25.0	25.0
Cooperatives: Kansas Elec. Pwr	0	60.0	60.0	60.0	60.0	60.0	90.0
Total Contracts	25.0	85.0	85.0	85.0	85.0	85.0	115.0
Allocations:							
Municipalities:							
Anthony	0	0	0	0	0	.2	.5
Augusta	0	0	0	0	0	.5	.5
Baldwin City	0	0	0	0	0	.1	.2
Chanute	0	0	0	0	0	1.1	1.8
Clay Center	0	0	0	0	0	.5	.5
Coffeyville	0	0	0	0	0	1.9	3.0
Colby	0	0	0	0	0	.5	.9
Ellis	0	0	0	0	0	.1	.2
Garnett	0	0	0	0	0	.3	.5
Goodland	0	0	0	0	0	.6	1.1
Hemington	0	0	0	0	0	.2	.4
Holton	0	0	0	0	0	.3	.5
Horton	0	0	0	0	0	.2	.3
Iola	0	0	0	0	0	.8	1.4
Kansas City	0	0	0	0	0	13.1	21.8
LaCrosse	0	0	0	0	0	.2	.3
Linsborg	0	0	0	0	0	.3	.4
Mulvane	0	0	0	0	0	.3	.5
Neodesha	0	0	0	0	0	.4	.8
Norton	0	0	0	0	0	.3	.5
Oakley	0	0	0	0	0	.2	.3
Oberlin	0	0	0	0	0	.2	.3
Osawatomie	0	0	0	0	0	.3	.4
Ottawa	0	0	0	0	0	.8	1.4
Sabetha	0	0	0	0	0	.3	.4
Saint Francis	0	0	0	0	0	.1	.2
Sharon Springs	0	0	0	0	0	.1	.1
Wamego	0	0	0	0	0	.3	.6
Wellington	0	0	0	0	0	1.0	1.7
Winfield	0	0	0	0	0	1.6	2.6
Subtotal	0	0	0	0	0	27.0	45.0
Cooperatives:							
Kaw Valley Elec	0	0	0	0	0	1.0	1.0
Kansas Elec. Pwr	0	0	0	0	0	10.0	15.0
Nemaha-Marshall Elec	0	0	0	0	0	0	1.0
Subtotal	0	0	0	0	0	11.0	17.0
Total Allocation	0	0	0	0	0	38.0	[2]62.0
Grand Total	25.0	85.0	85.0	85.0	85.0	123.0	177.0

[1] Capacity not withdrawn at contract expiration.
[2] Increase above 1984 allocation to be available for contract after all units at Harry S. Truman are in commercial operation at full capacity.

Table 5.—*Final Power Allocations*

Louisiana—Contracts and Allocations

[Two units at Harry S Truman until 1985 (MW)]

	1979	1980	1981	1982	1983	1984	1985–86
Present Contracts: [1]							
Municipalities: None [2]	0	0	0	0	0	0	0
Cooperatives:							
Tex-La System	15.0	15.0	15.0	15.0	15.0	15.0	15.0
Sam Rayburn [2]	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Total contracts	17.0	17.0	17.0	17.0	17.0	17.0	17.0
Allocations:							
Municipalities:							
Alexandria	0	0	0	4.4	4.4	10.4	13.4
Houma	0	0	0	2.0	2.0	4.5	5.8
Jonesville	0	0	0	.2	.2	.5	.7
Lafayette	0	0	0	7.7	7.7	18.0	23.2
Minden	0	0	0	1.0	1.0	2.3	2.9
Morgan City	0	0	0	1.4	1.4	3.1	4.0
Natchitoches	0	0	0	1.1	1.1	2.5	3.3
Plaquemine	0	0	0	1.0	1.0	2.4	3.2
Rayne	0	0	0	.3	.3	.6	.8
Ruston	0	0	0	2.0	2.0	4.7	6.0
Vidalia	0	0	0	.4	.4	.9	1.2
Winnfield	0	0	0	.5	.5	1.1	1.5
Subtotal	0	0	0	22.0	22.0	51.0	66.0
Cooperatives: Cajun Elec. Pwr				31.0	31.0	74.0	95.0
Total Allocation	0	0	0	53.0	563.0	125.0	[3]161.0
Grand Total	17.0	17.0	17.0	70.0	70.0	142.0	178.0

[1] Capacity not withdrawn at contract expiration.
[2] Vinton, Louisiana, served by Sam Rayburn.
[3] Increase above 1984 allocation to be available for contract after all units at Harry S Truman are in commercial operation at full capacity.

Table 6.—*Final Power Allocations*

Missouri—Contracts and Allocations

[Two units at Harry S Truman until 1985 (MW)]

	1979	1980	1981	1982	1983	1984	1985–86
Present Contracts: [1]							
Municipalities:							
Carthage	7.0	7.0	7.0	7.0	7.0	7.0	7.0
Fulton	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Hermann	5.8	5.8	5.8	5.8	5.8	5.8	5.8
Kennett	11.0	11.0	11.0	11.0	11.0	11.0	11.0
Lamar	11.0	11.0	12.0	12.0	12.0	12.0	12.0
New Madrid	4.5	4.5	4.5	4.5	4.5	4.5	4.5
Nixa	4.7	5.3	5.3	5.3	5.3	5.3	5.3
Poplar Bluff	39.5	39.5	39.5	39.5	39.5	39.5	39.5
Sikeston	33.8	33.8	33.8	33.8	33.8	33.8	33.8
Springfield	50.0	50.0	50.0	50.0	50.0	50.0	50.0
Thayer	2.8	2.8	2.8	2.8	2.8	2.8	2.8
West Plains	15.0	15.0	15.0	15.0	15.0	15.0	15.0
Subtotal	188.1	188.7	189.7	189.7	189.7	189.7	189.7
Cooperatives: Associated Elec	478.0	478.0	478.0	478.0	478.0	478.0	478.0
Private Utilities: Empire Dist. Elec. Co	45.0	0	0	0	0	0	0
Total Contracts	711.1	666.7	667.7	667.7	667.7	667.7	667.7
Prior Commitments: [2]							
Higginsville	0	3.0	3.0	3.0	3.0	3.0	3.0
Malden	0	0	0	0	0	5.0	5.0
Total Prior Commitments	0	3.0	3.0	3.0	3.0	8.0	8.0
Allocations: None	0	0	0	0	0	0	0
Grand Total	711.1	669.7	670.7	670.7	670.7	675.7	675.7

[1] Capacity not withdrawn at contract expiration.
[2] Committed prior to formal allocation process.

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Table 7.—*Final Power Allocations*

Oklahoma—Contracts and Allocations

[Two units at Harry S Truman until 1986 (MW)]

	1979	1980	1981	1982	1983	1984	1985–86
Present Contracts: [1]							
Municipalities:							
Comanche	3.6	3.9	4.2	4.2	4.2	4.2	4.2
Copan	1.9	2.2	2.5	2.5	2.5	2.5	2.5
Duncan	27.5	29.9	32.5	32.5	32.5	32.5	32.5
Eldorado	1.1	1.2	1.3	1.3	1.3	1.3	1.3
Gotfry	.8	.8	.9	.9	.9	.9	.9
Granite	1.9	2.1	2.3	2.3	2.3	2.3	2.3
Hominy	9.4	9.1	10.0	10.0	10.0	10.0	10.0
Lexington	3.2	3.6	4.1	4.1	4.1	4.1	4.1
Manitou	.5	.5	.6	.6	.6	.6	.6
Oilustee	.7	.7	.7	.7	.7	.7	.7
Purcell	12.2	13.3	14.5	14.5	14.5	14.5	14.5
Ryan	1.7	1.8	1.9	1.9	1.9	1.9	1.9
Skiatook	9.0	10.0	11.0	11.0	11.0	11.0	11.0
Spiro	3.4	3.7	4.0	4.0	4.0	4.0	4.0
Walters	5.5	5.9	6.4	6.4	6.4	6.4	6.4
Wetumka	2.4	2.5	2.6	2.6	2.6	2.6	2.6
Yale	3.0	3.3	3.7	3.7	3.7	3.7	3.7
Subtotal	86.9	94.6	103.2	103.2	103.2	103.2	103.2
Cooperatives: Western Farmers Elec	260.0	260.0	260.0	260.0	260.0	260.0	260.0
Military Installations:							
Vance AFB	5.9	5.9	5.9	5.9	5.9	5.9	5.9
Ft. Sill	19.8	36.2	36.7	36.7	36.7	36.7	36.7
McAlester Ammo	2.7	2.7	2.7	2.7	2.7	2.7	2.7
Subtotal	28.4	44.8	45.3	45.3	45.3	45.3	45.3
Total Contracts	375.3	398.7	408.5	408.5	408.5	408.5	408.5
Allocations: None	0	0	0	0	0	0	0
Grand Total	375.3	398.7	408.5	408.5	408.5	408.5	408.5

[1] Capacity not withdrawn at contract expiration.

Table 8.—*Final Power Allocations*

Texas (Interconnected)—Contracts and Allocations

[Two units at Harry S Truman until 1986 (MW)]

	1979	1980	1981	1982	1983	1984	1985–86
Present Contracts: [1]							
Municipalities: None [2]	0	0	0	0	0	0	0
Cooperatives:							
Tex-La—Narrows	25.5	25.5	25.5	25.5	25.5	25.5	25.5
Tex-La—System	102.0	102.0	102.0	102.0	102.0	102.0	102.0
Sam Rayburn [2]	50.0	50.0	50.0	50.0	50.0	50.0	50.0
Subtotal	177.5	177.5	177.5	177.5	177.5	177.5	177.5
Total Contracts	177.5	177.5	177.5	177.5	177.5	177.5	177.5
Allocations: None	0	0	0	0	0	0	0
Grand Total	177.5	177.5	177.5	177.5	177.5	177.5	177.5

[1] Capacity not withdrawn at contract expiration.
[2] Jasper, Liberty, and Livingston, Texas, served by Sam Rayburn.

Texas (Non-Interconnected)—Contracts and Allocations

[Two units at Harry S Truman until 1986 (MW)]

	1979	1980	1981	1982	1983	1984	1985–86
Present Contracts: [1]							
Municipalities: None	0	0	0	0	0	0	0
Cooperatives:							
Tex-La—Denison	15.0	15.0	15.0	15.0	15.0	15.0	15.0
Brazos Elec. Pwr	30.0	30.0	30.0	30.0	30.0	30.0	30.0
Subtotal	45.0	45.0	45.0	45.0	45.0	45.0	45.0
Private Utilities: Texas Power & Light [2]	35.0	35.0	35.0	35.0	35.0	35.0	35.0
Total Contracts	80.0	80.0	80.0	80.0	80.0	80.0	80.0

Table 8.—*Final Power Allocations—Continued*

Texas (Non-Interconnected)—Contracts and Allocations

[Two units at Harry S Truman until 1986 (MW)]

	1979	1980	1981	1982	1983	1984	1985–86
Allocations:							
Municipalities: None	0	0	0	0	0	0	0
Cooperatives: Tex-La—Denison	0	0	0	0	0	[3]35.0	[3]35.0
Total Allocation	0	0	0	0	0	[3]35.0	[3]35.0
Grand Total	80.0	80.0	80.0	80.0	80.0	115.0	115.0

[1] Capacity not withdrawn at contract expiration.
[2] This contract serves Tex-La—Denison Contract.
[3] This amount may be reduced to provide reserves for Denison-Whitney sales.

[FR Doc. 80-9406 Filed 3-21-80; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1449-1]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A-104), U.S. Environmental Protection Agency.

PURPOSE: This Notice lists the Environmental Impact Statements (EISs) which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of March 10, 1980 to March 14, 1980.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from March 21, 1980 and will end on May 5, 1980. The 30-day review period for final EIS's as calculated from March 21, 1980 will end on April 21, 1980.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the Notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following sources:

FOR HARD COPY REPRODUCTION: Environmental Law Institute, 1346 Connecticut Avenue, NW., Washington, DC 20036.

FOR HARD COPY REPRODUCTION OR MICROFICHE: Information Resources Press, 2100 M Street, NW., Suite 316, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Environmental Review (A-104), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245-3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ Regulations became effective. Pursuant to Section 1506.10(a), the 30-day review period for final EIS's received during a given week will now be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of March 10, 1980 to March 14, 1980 the 30-day review period will be calculated from March 21, 1980. The review period will end on April 21, 1980.

Appendix I sets forth a list of EIS's filed with EPA during the week of March 10, 1980 to March 14, 1980. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this Notice. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or EPA has approved a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availability of the EIS in the **Federal Register** and the newly established date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous Notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agency.

Appendix V sets forth a list of reports or additional supplemental information relating to previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: March 19, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A-104).

APPENDIX I

EIS's Filed With EPA During the Week of March 10 Through 14, 1980

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, room 412-A, Admin. Building, Washington, D.C. 20250, (202) 447-3965.

Forest Service

Draft

Competing Vegetation, Management Methods, Several Programmatic, March 11: Proposed is the management of competing vegetation on National Forest lands throughout Oregon and Washington and in Siskiyou and Del Norte Counties, California. In addition to no action, chemical, mechanical, biological, manual and thermal management methods are considered. This is a programmatic statement for which site-specific environmental analysis will be prepared. (EIS Order No. 800172.)

Final

1980 Maine Cooperative Spruce Budworm Suppression, several counties in Maine, March 14: Proposed is the 1980 Cooperative Spruce Budworm Suppression Program for the State of Maine. The Counties involved are Aroostook, Piscataquis, Somerset, Penobscot, Washington, Franklin, Oxford and Hancock. The alternatives consider: 1) biological insecticide treatment on 1.66 million acres, 2) small landowner management assistance, 3)

V 45 / 58 MR 24 80 UMI

chemical and biological insecticide treatment on 3.5 million acres, 4) chemical and biological insecticide treatment on 1.66 million acres with protection management, 5) biological insecticide treatment on 250,000 acres with protection management, and 6) no Federal assistance. Alternative six has been chosen as the recommended plan (USDA–FS–80–01). Comments made by: HUD, USDA, DOI, HEW, State and local agencies, groups and businesses. (EIS Order No. 800185.)

Soil Conservation Service

Final

Middle Creek Watershed Project, Multipurpose, Snyder, Mifflin, and Union Counties, Pa., March 10: Proposed is the installation of remaining works of the Middle Creek Watershed Project located in Snyder, Mifflin and Union Counties, Pennsylvania. The remaining works are: accelerated land treatment measures, a multipurpose dam containing floodwater retarding storage, a recreation pool, and basic recreation facilities; multipurpose dam containing floodwater retarding storage and municipal water supply, a floodway at Beaver Springs; a dike at Middleburg; and additional basic recreation facilities. The alternatives considered include: floodwater retarding dams, channel modification, floodway, nonstructural measures, and no project (USDA–SCS–EIS–WS–(ADM)–80–1–(F)–PA). Comments made by: COE, FERC, USDA, DOC, HEW, DOI, EPA, State and local agencies. (EIS Order No. 800177.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272–0121.

Draft

Below Red River Flood Control, Avoyelles County, La., March 12: Proposed is a flood control plan for Below Red River in Avoyelles Parish, Louisiana. The recommended plan includes construction of a levee along with a pumping plant and drainage outlet to the Red River through the oxbow lake that will be created by Lock and Dam No. 1 on the Red River. The levee will be 10.4 miles in length. In addition improvements will be made to the existing Moncla to Lake Long levee and 2 miles of interior channel will be constructed to route drainage to the outlet (Vicksburg District). (EIS Order No. 800181.)

Final

Flood Control on Cayuga Creek, Cheektowaga, Erie County, N.Y., March 12: Proposed is a flood control plan for Cayuga Creek in Erie County, New York. The improvements would be limited to the reach from Union Road Bridge to 1,400 feet upstream. The plan includes: 1) modification of width from 105 to 115 feet, 2) construction of a concrete T-wall from the bridge to 800 feet upstream, 3) construction of an earth mound levee, 4) construction of a transverse levee, and 5) clearing and seeding. Several structural and nonstructural alternatives are considered (Buffalo District). Comments made by: AHP, HUD, USDA, DOT, EPA DOI, State and local agencies. (EIS Order No. 800179.)

Draft supplement

Chena River Lakes Flood Control, Alaska, March 14: Proposed is a flood control plan for the Chena River Lakes near Fairbanks, Alaska. This statement supplements a final EIS, #721068, filed 10–27–71. Plan 1 consists of a levee crossing a major channel of the Tanana River protected by three L-shaped groins requiring a pilot channel. Plan 2 also consists of a levee, protected by four L-shaped groins requiring the pilot channel. Plans 4 and 5 consisting of an on-land levee alignment requiring either a pumping plant or excavation of additional interior drainage channels (Alaska District). (EIS Order No. 800191.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 377–4335.

Economic Development Administration

Final

Port of Camas-Washougal Industrial Park, Expansion, Clark County, Wash., March 12: Proposed is the renovation of the Port of Camas-Washougal Marina and construction of an office building in the City of Washougal, Clark County, Washington. The original proposal was expansion of the existing Port of Camas-Washougal Industrial Park. Funding was not approved for that proposal. The plan proposed for funding includes the following improvements to the marina: 1) replacement of the existing wooden slips, 2) relocation of thirty-five slips, and 3) provision of water and electricity to each slip. Comments made by: COE, DOC, DOE, SFW, HEW, HCR, HUD, DOI, EPA, State and local agencies, groups, individuals and businesses. (EIS Order No. 800180.)

National Oceanic and Atmospheric Administration

Draft

Reef Fish Resources of the Gulf of Mexico, Gulf of Mexico, March 13: Proposed is a management plan for the reef fish fishery of the Gulf of Mexico. The alternatives consider the following in conjunction with more restrictive and less restrictive components: 1) gear restrictions, 2) habitat, 3) reporting system, 4) harvest practices, and 5) area closures. The objectives of the plan are to rebuild declining stock, establish a fishery reporting system, conserve habitat, and minimize conflicts between user groups. (EIS Order No. 800184.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755–6300.

Draft

Southwyck Subdivision, Mortgage Insurance, Brazoria County, Tex., March 11: Proposed is the issuance of HUD home mortgage insurance for the Southwyck Subdivision in Brazoria County, Texas. The development would encompass 1,863 acres and would include construction of primarily single-family dwellings. Also included would be commercial reserves, apartments, school sites, and amenity areas with greenbelts and open spaces (HUD–R06–EIS–80–1D). (EIS Order No. 800174.)

Creekside and River Hill Villages, Montgomery County, Tex., March 10: Proposed is the issuance of HUD home mortgage insurance for the River Hills Village and Creekside Village Subdivisions in Montgomery County, Texas. When completed, these subdivisions, which encompass approximately 431.51 acres, are expected to consist of approximately 1,693 single-family dwelling units (HUD–R06–EIS–80–2D). (EIS Order No. 800176.)

Final

Lake Mandarin Subdivision, Jacksonville, Duval County, Fla., March 11: Proposed is the issuance of HUD home mortgage insurance for the Lake Mandarin Subdivision located in Jacksonville, Duval County, Florida. The project encompasses 280 acres of land. Included in the subdivision will be: single family detached homes, patio homes, multi-family attached housing, a model center, an amenities center, and a commercial area. The plan also includes a 30.4 acre lake for recreation and stormwater retention and 27 acres of open space (HUD–R04–EIS–77–06). Comments made by: USDA, DOD, DLAB, DOC, DOE, HEW, DOI, DOT, EPA, GSA, VA, State and local agencies, groups. (EIS Order No. 800175.)

Final

Landing Subdivision, League City, Galveston County, Tex., March 12: Proposed is the issuance of HUD home mortgage insurance for the Landing Subdivision located in Galveston County, Texas. The subdivision will encompass 751.4 acres and will contain approximately 2,664 residences, schools, shopping and recreational facilities (HUD–R06–EIS–80–2F). Comments made by: EPA, HEW, DOI, USA, DOE, DOT, AHP, State and local agencies. (EIS Order No. 800183.)

The following are community development block grant statements prepared and circulated directly by applicant pursuant to section 104(H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Draft

Mid Valley Industrial Park, UDAG, Lackawanna County, Pa., March 11: Proposed is the awarding of a UDAG for the construction of the Mid Valley Industrial Park complex to be located in the Boroughs of Jessup, Olyphant and Throop, Lackawanna County, Pennsylvania. The area, which encompasses 483 acres, has been divided into 33 parcels. The alternatives considered include: (1) no action, (2) residential development, (3) shopping center, and (4) public recreation. (EIS Order No. 800173.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343–3891.

Bureau of Land Management

Draft

Coso Known Geothermal Resource Area, Lease, Inyo County, Calif., March 14: Proposed is the issuance of competitive and non-competitive leases on a major portion of the Coso Known Geothermal Resource Area in Inyo County, California. The Coso Geothermal Study Area (CGSA) covers 72,640 acres centered on public land and lands within the western side of the China Lake Naval Weapons Center. It is assumed that the geothermal potential within the CGSA is 600 MW along with a development model of eleven 50 MW generating stations, plus probably 50 MW plant to be installed under the Navy's geothermal development program (DES–80–12). (EIS Order No. 800189.)

Bannock-Onedia Grazing Management Plan, several counties in Idaho, March 14: Proposed is grazing management for the Bannock-Oneida Area in Cassia, Oneida, Power and Bannock Counties, Idaho. The area encompasses 431,506 acres of public land. The alternatives considered are: (1) a balanced mix of uses while ensuring a sustained yield from the rangeland ecosystem, (2) maximize livestock use of the inventoried vegatative resource, (3) no livestock grazing, (4) decreased livestock grazing, and (5) no action (DES–80–11). (EIS Order No. 800187.)

WATER AND POWER RESOURCES SERVICE

Final

Upalco Final Unit Irrigation, Lake Fork River, Ashley National Forest, Duchesne County, Utah, March 12: Proposed is an irrigation and water supply project for the Upalco Unit of the Central Utah Project located at Duchesne County, Utah. The Project plan includes the construction of Taskeech Reservoir on the Lake Fork River and 2 auxillary canals, modification of 14 high country lakes in the Ashley National Forest, and rehabilitation of about 10.7 miles of existing canals. The main purpose of the project is to provide supplemental irrigation on a total of 42,610 acres of land; in addition water would be supplied to the Town of Roosevelt for municipal and industrial use. Flood control would be provided on the Lake Fork River. (FES–80–10). Comments made by: EPA, DOI, HEW, HUD, COE, DOE, AHP, USDA, State and local agencies, Groups, Individuals, and Businesses. (EIS Order No. 800182.)

Heritage Conservation and Recreation Service

Draft

Alaskan Rivers protection, Alaska, March 11: Proposed is the protection of eleven river corridors in Alaska. The corridors would be four miles wide. The alternatives considered are: 1) designation of seven rivers as components of the National Wild and Scenic Rivers System, and study of four rivers for inclusion; 2) administrative withdrawal of the corridors under the public land laws; and 3) no action (DES–80–10). (EIS Order No. 800171.)

Fish and Wildlife Service

Draft

Alaska Peninsula, National Wildlife Refuge, Alaska, March 11: Proposed is the designation of approximately 3.5 million acres of federal lands on the Alaska Peninsula, Alaska as a National Wildlife Refuge. The alternatives considered include: 1) no action, 2) designation of all or a portion of the area as a Congressionally established wilderness, 3) establishment of a National Wildlife Monument by Presidential Proclamation, 4) establishment of a refuge by Secretarial withdrawal, and 5) increasing or decreasing the size of the area (DES–80–8). (EIS Order No. 800169.)

Draft supplement

Iliamna National Wildlife Refuge, Alaska, March 11: This statement supplements a final EIS, #750088, filed 1–16–75, concerning the Iliamna National Resource Range in Alaska. This supplement addresses alternatives for the protection and management of the natural resources on 5.7 million acres of federal lands in the Iliamna area. The alternatives considered are: 1) no action, 2) withdrawal of the area with administration by DOI/FWS, and 3) creation of a National Monument with administration by the FWS (DES–80–9). (EIS Order No. 800170.)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Mr. Nathaniel Cohen, Director, Management Support Office (LB–4), National Aeronautics and Space Administration, 400 Maryland Avenue, SW., Washington, D.C. 20546, (202) 755–8384.

Final

Kennedy Space Center, Operation, Brevard County, Fla., March 14: Proposed are ongoing operational activities at the Kennedy Space Center (KSC) located in Brevard County, Florida. Described is the ongoing operation of KSC for expendable launch vehicles and automated spacecraft, continued development of facility capabilities, and the approved follow-on operations of the Space Transportation System (STS) and associated payloads. This EIS supersedes and updates the two past final EISs, #20927, filed 9–29–71 and #31474, filed 9–7–73. Comments made by: USAF, HEW, HUD, FERC, DOC, NSF, USDA, EPA, DOI, DOT, TREA, State and local agencies. (EIS Order No. 800188.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Assistant Director for Environmental Projects, Nuclear Regulatory Commission, P–518, Washington, D.C. 20555, (301) 492–8446.

Draft

Surry Power Station Unit #1, Steam Generating Repa, Surry County, Va., March 14: Proposed is the repair of the steam generators for Unit 1 of the Surry Power Station, Surry County, Virginia. The method of repair involves removing all fuel from one generator at a time and cutting it out of the reactor system. The lower and upper assemblies would be cut in half. The lower assembly would be replaced and the upper asembly welded back on along with the cut piping. The alternatives involve: 1) decontamination, 2) retubing of existing generators, 3) replacement of the entire steam generator, and 4) alternate disposal methods (NUREG–0683). (EIS Order No. 800186.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–4357.

Federal Highway Administration

Draft supplement

I–505, NW Nicolai Street to I–405, Portland, Multnomah County, Oreg., March 10: This statement supplements a final EIS, #770901, filed 7–25–77 concerning the construction of I–505 in the City of Portland, Multnomah County, Oregon. The decision has been made not to build I–505. This statement proposes a freeway connection between I–405 and the intersection of Nicolai Street and Yeon Avenue. From that intersection US 30 traffic would use Yeon Avenue which would be widened to five lanes. The number of rail crossings on Yeon Avenue would be reduced to one. Major improvements would occur on St. Helens Road, Wardway, Vaughn Street and Nicolai Street (FHWA–OR–EIS–8–0–02–S). (EIS Order No. 800178.)

VETERANS ADMINISTRATION

Contact: Mr. Willard Sitler, Director, Office of Environmental Activities (004A), Veterans Administration, 810 Vermont Avenue, Washington, D.C. 20420, (202) 389–2526.

Draft

National Memorial Cemetery of the Pacific (RD), Honolulu County, Hawaii, March 14: Proposed is a master plan for the National VA Memorial Cemetery of the Pacific located in the Punchbowl Crater, Honolulu City and County, Hawaii. Major development elements of the plan include a visitor center/administration building and parking facility, an addition to the maintenance facility, columbaria facilities, and major improvement to the overlook. The plan would expand burial capacity of the Cemetery and improve its overall operations and appearance. This revised draft EIS replaces the original draft, #790896, filed 8–21–79. (EIS Order No. 800190.)

V45/58 MR 24 80 UMI

V 45/58 MAR 24 80 UMI

EIS' Filed During the Week of March 10 Through March 14, 1980

[Statement title Index—by State and county]

State	County	Status	Statement title	Accession No.	Date filed	Originating agency No.
Programmatic		Draft	Competing Vegetation, Management Methods	800172	Mar. 11, 1980	USDA
Alaska		Draft	Alaska Peninsula, National Wildlife Refuge	800169	Mar. 11, 1980	DOI
		Draft	Alaskan Rivers Protection	800171	Mar. 11, 1980	DOI
		Supple	Illamna National Wildlife Refuge	800170	Mar. 11, 1980	DOI
		Supple	Chena River Lakes Flood Control	800191	Mar. 14, 1980	DOE
California	Inyo	Draft	Coso Known Geothermal Resource Area, Lease	800189	Mar. 14, 1980	DOI
Florida	Brevard	Final	Kennedy Space Center, Operation	800188	Mar. 14, 1980	NASA
	Duval	Final	Lake Mandarin Subdivision, Jacksonville	800175	Mar. 11, 1980	HUD
Gulf of Mexico		Draft	Reef Fish Resources of the Gulf of Mexico	800184	Mar. 13, 1980	DOC
Hawaii	Honolulu	Draft	National Memorial Cemetery of the Pacific (RD)	800190	Mar. 14, 1980	VA
Idaho	Several	Draft	Bannock-Oneida Grazing Management Plan	800187	Mar. 14, 1980	DOI
Louisiana	Avoyelles	Draft	Below Red River Flood Control	800181	Mar. 12, 1980	COE
Maine	Several	Final	1980 Maine Cooperative Spruce Budworm Suppression.	800185	Mar. 14, 1980	USDA
New York	Erie	Final	Flood Control on Cayuga Creek, Cheektowaga	800179	Mar. 12, 1980	COE
Oregon	Multnomah	Supple	I-505, NW Nicolai Street to I-405, Portland	800178	Mar. 10, 1980	DOT
Pennsylvania	Lackawanna	Draft	Mid Valley Industrial Park, UDAG	800173	Mar. 11, 1980	HUD
	Mifflin	Final	Middle Creek Watershed Project, Multipurpose	800177	Mar. 12, 1980	USDA
	Snyder	Final	Middle Creek Watershed Project, Multipurpose	800177	Mar. 12, 1980	USDA
	Union	Final	Middle Creek Watershed Project, Multipurpose	800177	Mar. 12, 1980	USDA
Texas	Brazoria	Final	Southwyck Subdivision, Mortgage Insurance	800174	Mar. 11, 1980	HUD
	Galveston	Final	Landing Subdivision, League City	800183	Mar. 12, 1980	HUD
	Montgomery	Draft	Creekside and River Hill Villages	800176	Mar. 10, 1980	HUD
Utah	Duchesne	Final	Upalco Unit Irrigation, Lake Fork River, Ashley NF	800182	Mar. 12, 1980	DOI
Virginia	Surry	Draft	Surry Power Station Unit #1, Steam Generating Repa.	800186	Mar. 14, 1980	NRC
Washington	Clark	Final	Port of Camas-Washougal Industrial Park, Expansion.	800180	Mar. 12, 1980	DOC

Appendix II.—*Extension/Waiver of Review Periods on EIS' Filed With EPA*

Federal agency contact	Title of EIS	Filing status accession No.	Date notice of availability published in "Federal Register"	Waiver/ extension	Date review terminates
DEPARTMENT OF THE INTERIOR					
Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343-3891.	Cowhead/Massacre Planning Unit Grazing Management Plan, Washoe County, Nev., and Modoc County, Calif.	Draft 800140	Mar. 7, 1980	Extension	May 4, 1980.
	COSO known Geothermal resource area, Inyo County, Calif.	Draft 800189	Mar. 22, 1980 (see appendix I).	Extension	May 12, 1980.

Appendix III.—*EIS' Filed With EPA Which Have Been Officially Withdrawn by the Originating Agency*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Date of withdrawal
None.				

Appendix IV.—*Notice of Official Retraction*

Federal agency contact	Title of EIS	Status/No.	Date notice published in "Federal Register"	Reason for retraction
None.				

Appendix V.—*Availability of Reports/Additional Information Relating to EIS' Previously Filed With EPA*

Federal agency contact	Title of report	Date made available to EPA	Accession No.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-6300.	Southborough & Pinehurst Planned Developments, El Paso County, Colorado.	Mar. 10, 1980	800192

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Correction
DEPARTMENT OF TRANSPORTATION				
Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-4357.	Transportation Efficiency Act of 1980.	Draft 800163	Mar. 14, 1980	The EIS was incorrectly transmitted to and published by EPA as a draft statement. The status in final. The comment period began on March 14, 1980 and will terminate on April 14, 1980.

[FR Doc. 80-8930 Filed 3-21-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1443-1; 80P-41]

Bayvet; Voluntary Cancellation of Pesticide Registration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Bayvet, Division of Cutter Laboratories, Inc., P.O. Box 390, Shawnee, KS 66201, has requested voluntary cancellation of registration of their pesticide product ANTHON HORSE WORMER (EPA Reg. No. 11556-5).

EFFECTIVE DATE: April 23, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Lela Sykes, Process Coordination Branch (TS-767), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-426-8540.

SUPPLEMENTARY INFORMATION: EPA has been advised by Bayvet, Division of Cutter Laboratories, Inc., P.O. Box 390 Shawnee, KS 66201 of their desire to voluntarily cancel registration of the product ANTHON HORSE WORMER (EPA Reg. No. 11556-5). The pesticide was registered on December 29, 1971.

The Agency has agreed that such cancellation shall be effective April 23, 1980 unless within this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrant was notified by certified mail of this action.

The Agency has determined that the sale and distribution of this product produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for one year after the effective date of cancellation, whichever is earlier; provided that the use of this product is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of this product as a pesticide formulation after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of this product be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[80P-41]". Any comments filed regarding this notice will be available for public inspection in the office of Process Coordination Branch at the above address from 8:30 a.m. to 4:00 p.m., Monday though Friday, excluding holidays.

(Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973, (89 Stat. 751, 7 U.S.C. 136))

Dated: March 14, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-8934 filed 3-21-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1443-2; 80P-42]

Bayvet; Voluntary Cancellation of Pesticide Registration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Bayvet, Division of Cutter Laboratories, Inc., P.O. Box 390, Shawnee, KS 66201 has requested voluntary cancellation of registration of their pesticide product COMBOT EQUINE ANTHELMENTIC (EPA Reg. No. 11556-67).

EFFECTIVE DATE: April 23, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Lela Sykes, Process Coordination Branch (TS-767), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, 202-426-8540.

SUPPLEMENTARY INFORMATION: EPA has been advised by Bayvet, Division of Cutter Laboratories, Inc., P.O. Box 390, Shawnee, KS 66201 of their desire to voluntarily cancel registration of the product COMBOT EQUINE ANTHELMENTIC (EPA Reg. No. 11556-67). The pesticide was registered on March 17, 1977.

The Agency has agreed that such cancellation shall be effective April 23, 1980 unless within this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrant was notified by certified mail of this action.

The Agency has determined that the sale and distribution of this product produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for one year after the effective date of cancellation, whichever is earlier; provided that the use of this product is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of this product as a pesticide formulation after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of this product be continued, may be submitted

in triplicate to the Process Coordination Branch, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[80P–42]". Any comments filed regarding this notice will be available for public inspection in the office of Process Coordination Branch at the above address from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973, 89 Stat. 751, (7 U.S.C. 136)).

Dated: March 14, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-8635 Filed 3-21-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1443–4; 80P–44]

Chemical Specialties Co., Inc.; Voluntary Cancellation of Pesticide Registration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Chemical Specialties Co., Inc. 51–55 Nassau Avenue, Brooklyn, NY 11222, has requested voluntary cancellation of registration of their pesticide product VAMO KILLS MICE–RATS (EPA Reg. No. 1660–15).

EFFECTIVE DATE: April 23, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Lela Sykes, Process Coordination Branch (TS–767), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202–426–8540.

SUPPLEMENTARY INFORMATION: EPA has been advised by the Chemical Specialties Co., Inc. of their desire to voluntarily cancel registration of the product VAMO KILLS MICE–RATS (EPA Reg. No. 1660–15). The pesticide was registered on December 28, 1950.

The Agency has agreed that such cancellation shall be effective April 23, 1980 unless within this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrant was notified by certified mail of this action.

The Agency has determined that the sale and distribution of this product produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for one year after the effective date of cancellation, whichever is earlier; provided that the use of this product is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of this product as a pesticide formulation after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of this product be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[80P–44]". Any comments filed regarding this notice will be available for public inspection in the Office of Process Coordination Branch at the above address from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 6(a)(1) of the FIFRA as amended 86 Stat. 973, 89 Stat. 751, (7 U.S.C. 136)).

Dated: March 14, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-8637 Filed 3-21-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1443–5; 80P–45]

Glacier Ice, Inc.; Voluntary Cancellation of Pesticide Registration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Glacier Ice, Inc. 1518 East North Avenue, Milwaukee, WI 53202, has requested voluntary cancellation of registration of their pesticide product LIFE-PRE-CRABGRASS KILLER W/TURF FOOD (EPA Reg. No. 9348–6).

EFFECTIVE DATE: APRIL 23, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Lela Sykes, Process Coordination Branch (TS–767), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202–426–8540.

SUPPLEMENTARY INFORMATION: EPA has been advised by the Glacier Ice, Inc. 1518 East North Avenue, Milwaukee, WI 53202 of their desire to voluntarily cancel registration of the product LIFE-PRE-CRABGRASS-KILLER W/TURF FOOD (EPA Reg. No. 9348–6). The pesticide was registered on May 23, 1967.

The Agency has agreed that such cancellation shall be effective April 23, 1980 unless within this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrant was notified by certified mail of this action.

The Agency has determined that the sale and distribution of this product produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for one year after the effective date of cancellation, whichever is earlier; provided that the use of this product is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of this product as a pesticide formulation after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of this product be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[80P–45]". Any comments filed regarding this notice will be available for public inspection in the office of Process Coordination Branch at the above address from 8:30 a.m. to 4 p.m. Monday through Friday, excluding holidays.

(Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136.)

Dated: March 14, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-8638 Filed 3-21-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1442–7]

North Carolina; Water Programs; Determination of Primary Enforcement Responsibility

This public notice is issued pursuant to section 1413 of the Safe Drinking Water Act of 1977, Pub. L. 95–190 (amending 42 U.S.C. 300f *et seq.*), and 40 C.F.R. 142.10, published at 41 F.R. 2918 (January 20, 1976).

A submission, dated August 14, 1979, has been received from the Secretary of the Department of Human Resources requesting a determination that the State of North Carolina has met requirements for primary enforcement responsibility for public water systems in the State of North Carolina in accordance with the provisions of this Act. Supplementing the application there has also been received: (1) an opinion from the North Carolina Attorney General, dated December 14, 1979, clarifying the meaning of Section 130–166.54(a) of the North Carolina Drinking Water Act (Ch. 788 Sess. Laws 1979); (2) a letter from North Carolina Governor James B. Hunt, Jr., dated December 17, 1979, supporting the December 14 opinion of the Attorney General; and (3) a letter from Sarah T. Morrow, Secretary of the North Carolina Department of Human Resources, dated December 19, 1979, submitting required revisions to the State's primacy application.

In response, the previous Regional Administrator determined on January 14, 1980, that the North Carolina Department of Human resources had met all the conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for public water systems in the State of North Carolina. The State:

(1) Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;

(2) Has adopted and will implement adequate procedures for the enforcement of such State regulations, including adequate monitoring and inspections;

(3) Will keep such records and make such reports as required;

(4) Will issue variances and exemptions in accordance with the provisions of the National Interim Primary Drinking Water Regulations; and

(5) Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency circumstances.

A copy of the previous Regional Administrator's preliminary determination was published in the **Federal Register** on January 17, 1980. At that time he asked for public comment and scheduled a public hearing to consider this application. The hearing was held on March 4, 1980. No comments adverse to his preliminary decision have been received, either during the public comment period or at the public hearing.

Therefore, I am affirming the previous Regional Administrator's determination that the North Carolina Department of Human Resources has met all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for public water systems in the State of North Carolina.

Dated: March 14, 1980.

Rebecca W. Hanmer,

Regional Administrator, Region IV, Environmental Protection Agency.

[FR Doc. 80-8633 Filed 3-21-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1443–6]

Science Advisory Board, Executive Committee; Open Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the Executive Committee of the Science Advisory Board will be held beginning at 9:15 am, April 9, and 10, 1980, in Room 1101, West Tower of EPA Headquarters, 401 M Street, SW, Washington, D.C.

The agenda includes a discussion of Science Advisory Board committee activities by the chairpersons; a report on hazardous waste monitoring at the Las Vegas laboratory by the Environmental Measurements Committee; a report by the Technology Committee on EPA's research related to control technology for hazardous and toxic wastes; a briefing/discussion with the Pesticide Research Committee; a discussion of health research and information needs for pesticides; a report of the Water Quality Criteria Subcommittee; and a discussion of radiation program activities.

The meeting is open to the public. Any member of the public wishing to attend or obtain information should contact Richard M. Dowd at (202) 755–0263, or Terry Yosie at (202) 755–0533 before close of business April 2, 1980.

Richard M. Dowd,

Director, Science Advisory Board.

March 18, 1980.

[FR Doc. 80-8640 Filed 3-21-80; 8:45am]

BILLING CODE 6560-01-M

[FRL 1442–8]

Security Manual—Part III—Document Security

AGENCY: Environmental Protection Agency.

ACTION: Notice of Security Manual revision.

SUMMARY: In accordance with Executive Order 12065 and Directive No. 1, Information Security Oversight Office, the EPA Security Manual must be revised to be consistent with the Executive Order. The revisions relate to the classification, downgrading, and declassification of national security information, with the objective of limiting classification of documents while providing protection against unauthorized disclosure. The Security Manual, Part III, consists of 13 chapters, four of which may be of interest to the public. The other nine pertain to internal functions of the Agency and are not being published but may be obtained upon request.

DATE: The effective date of these changes was December 1, 1978.

FOR FURTHER INFORMATION CONTACT: Robert M. Felmley, Chief, Security Branch, Environmental Protection Agency, Washington, D.C. Phone (202) 245–3068.

ENVIRONMENTAL PROTECTION AGENCY

Security Manual—Update

Part III—Document Security

Part III—Document Security

Chapter titles:	Chapter No.
Purpose, Authority, and Access to Classified Information	1
Responsibility for Safeguarding Classified Information	2
Original Classification and Marking	3
Derivative Classification and Marking	4
Declassification and Downgrading	5
Safeguarding National Security Information	6
Security Storage Equipment	7
Accountability and Control of Classified Documents	8
Preparation and Transmission of Classified Documents	9
Destruction of Classified Information	10

Part III—Document Security

Chapter titles:	Chapter No.
Purpose, Authority, and Access to Classified Information	1
Responsibility for Safeguarding Classified Information	2
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Declassification and Downgrading	5
Safeguarding National Security Information	6
Security Storage Equipment	7
Accountability and Control of Classified Documents	8
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Privacy Data—Security Controls	13

Part III—Document Security

Chapter 1—Purpose, Authority, and Access to Classified Information

Paragraph titles:	Paragraph No.
Purpose	1
Authority	2
General Access Requirements	3

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Chapter 1. Purpose, Authority, and Access to Classified Information

1–1. Purpose

The interests of the United States and its citizens are best served by making information regarding the affairs of Government readily available to the public. This concept of an informed citizenry is reflected in the Freedom of Information Act and in the current public information policies of the executive branch.

Within the Federal Government there is some official information which, because it bears directly on the effectiveness of our national security and the conduct of our foreign relations, must be subject to some constraints for the security of our Nation and the safety of our people and our allies. To protect against unauthorized access, it is essential that such official information be given limited dissemination.

To ensure that such information is protected, but only to the extent and for such period as is necessary, Part III of this manual identifies the information to be protected, and prescribes classification, downgrading, declassification and safeguarding procedures to be followed.

1–2. Authority

a. Executive Order 12065, entitled, "National Security Information".

b. Information Security Oversight Office; Directive No. 1 concerning National Security Information.

1–3. General Access Requirements

Access to classified information shall be granted in accordance with the following:

a. *Determination of Trustworthiness.* No person shall be given access to classified information unless a favorable determination has been made as to his or her trustworthiness. The determination of eligibility, referred to as a security clearance, shall be based on such investigation as the head of the Agency may require in accordance with the applicable standards and criteria of E.O. 10450, entitled, "Security Requirements For Government Employment".

b. *Determination of Need-to-Know.* In addition to a security clearance, a person must have a need for access to the particular classified information or material sought in connection with the performance of his or her official duties or contractual obligations. The determination of that need shall be made by officials who have authorized possession, knowledge, or control of the classified information to be released.

c. *Administrative Withdrawal of Security Clearance.* The Agency shall administratively withdraw the security clearance of any person who no longer requires access to classified information in connection with the performance of his or her official duties. Likewise, when a person no longer needs access to a particular security classification designation, the security clearance shall be adjusted to the classification designation still required for the performance of his or her duties and obligations. In both instances, such action shall be without prejudice to the person's eligibility for a security clearance should the need again arise.

Part III—Document Security

Chapter 2—Responsibility for Safeguarding Classified Information

Paragraph titles:	Paragraph No.
Security responsibility	1
Organization heads	2
Inspector general responsibilities	3
EPA employee responsibilities	4

Chapter 2. Responsibility for Safeguarding Classified Information

2–1. Security Responsibility

Title 18 U.S.C. (1964 edition) 793(f), as amended, states: "Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, note, or information, relating to the national defense, (1) through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, or (2) having knowledge that the same has been illegally removed from its proper place of custody or delivered to anyone in violation of his trust, or lost, or stolen, abstracted, or destroyed, and fails to make prompt report of such loss, theft, abstraction, or destruction to his superior officer . . . Shall be fined not more than $10,000 or imprisoned not more than ten years, or both."

Accordingly, each person employed by or serving in an official capacity with the Environmental Protection Agency who has occasion to come into possession of classified information, is individually responsible for exercising vigilance and discretion in conforming with the Act and Executive Order 12065, and in applying the appropriate security regulations governing the use, handling, and safekeeping of classified information and material.

2–2. Organizational Heads

All Assistant Administrators, Office Heads, Regional Administrators and Laboratory Directors shall be responsible for safeguarding all classified information coming within the custody or control of their organizations, maintaining a high degree of security conscientiousness among their employees and assuring compliance with Part III of the Manual. The head of each organization may delegate any or all of the responsibilities to qualified and responsible persons in the organization.

2–3. Deputy Assistant Administrator for Management and Agency Services Responsibilities

The Deputy Assistant Administrator for Management and Agency Services has overall responsibility for promulgating and administering policies, standards, and procedures that insure effective compliance with and implementation of Executive Order 12065 and this Manual. The Deputy Assistant Administrator will:

a. Chair a committee, if deemed appropriate, with authority to act on all suggestions and complaints with respect to the Agency's administration of the information security program.

b. Insure that a demonstrable need for access to classified information is established before initiating administrative clearance procedures, and which ensures that the number of people granted access to classified information is reduced to and maintained at the minimum number that is consistent with operational requirements and needs.

c. Establish and maintain procedures which will enable the prompt identification of any existing practice or condition which fails to afford adequate safeguarding of all classified information in the possession of the Agency and take prompt and effective action to correct any deficiency noted or reported.

d. Promptly and fully determine the circumstances of any loss or subjection to compromise of classified information and take all appropriate action in connection therewith, including advice to the originating department or agency.

e. Approve the modification or substitution of any standard procedure, specification or guide set forth in the Manual, based on his or her specific determination that such modification or substitution provides protection for classified information at least equal to that prescribed herein.

f. Establish more rigid standards, procedures, specifications, or guidelines

than are prescribed in this Manual whenever: (1) The overall accumulation of Confidential or Secret information warrants the protection afforded information of a higher catergory of security classification, or (2) Other conditions or circumstances arise which indicate that increased safeguards are necessary in the interests of national security.

g. Insure that all employees responsible for the handling of classified information receive an initial briefing on their security responsibilities and sign a briefing statement before being given access to classified information. In addition, upon termination of employment, employees shall complete a debriefing statement and each will be reminded of the provisions of the Criminal Codes and other applicable provisions of law relating to penalties for unauthorized disclosure. The Chief, Security Branch will be responsible for briefing and debriefing all Headquarters employees. The Security Representatives will perform these functions in the Regions and in the national laboratories.

h. Insure that safeguarding practices are continuously reviewed and eliminate those which are duplicative or unnecessary.

2–4. EPA Employee Responsibilities

a. *Reporting Violation.* Each EPA employee who has reason to believe that:

(1) A practice or condition exists which fails to provide for the adequate safeguarding of any classified information will report the circumstances promptly to his or her immediate supervisor.

(2) Classified information may have been lost or subjected to compromise will promptly report the circumstances directly to the Chief, Security Branch.

b. *Care of Information.* Each EPA employee to whom classified information is entrusted or becomes accessible will, prior to giving a prospective recipient access to classified information, insure that he or she has both:

(1) A security clearance to at least the same category of classification of the information involved, and

(2) A valid need to know the information in connection with his or her official duties.

c. *Supervisors.* Each EPA supervisor entrusted with classified information will be responsible for insuring that:

(1) All such information is provided adequate safeguarding at all times and under all circumstances.

(2) Each EPA employee under his or her supervision is adequately instructed in, and fully complies with all provisions of Part III of this Manual.

d. *Challenges to Classification.* Agency personnel are encouraged to challenge in cases where there is reasonable cause to believe that information is classified unnecessarily, improperly, or for an inappropriate period of time. Request should be sent to the Deputy Assistant Administrator for Management and Agency Services who will, within 30 days, resolve the question of classification with the original classification authority and provide notification to the challenger of the results.

Part III—Document Security

Chapter 4—Derivative Classification and Marking

Paragraph titles:	Paragraph No.
Definition	1
Assignment of Derivative Classification	2
Marking Derivative Classified Documents	3

Chapter 4. Derivative Classifiation and Marking

4–1. Definition

"Derivative classification" as used in Executive Order 12065 and this Manual means a determination that information is in substance the same as information that is currently classified, and a designation of the level of classification. EPA has only "Derivative Classification" authority.

4–2. Assignment of Derivative Classification

(Figure III–4–2)

a. The Chief, Security Branch will be responsible for the assignment of all derivative classifications and markings in the Agency.

b. Information originated in this Agency appearing to require classification under one of the designations set forth in Chapter 3, shall be protected according to the procedures outlined for that designation and shall be handcarried to the Chief, Security Branch who will resolve the question, if any, of classification with the department or agency which has a direct official interest in the document and has the authority to classify such documents. See exception 4–2c. below.

c. EPA employees generating documents which include classified extracts from another Agency's document, shall identify the new document with the classification markings to the level of the classified information that was extracted and shall enter it into the document control system, as appropriate.

4–3. Marking Derivatively Classified Documents

Derivatively classified documents shall be marked at the time of origination as follows:

a. The classification authority shall be shown on a "classified by" line, e.g., "Classified by *(Insert identity of classification guide)*" or "Classified by *(Insert source of original classification)*." If the classification is derived from more than one source, the single phrase "Multiple sources" may be shown, provided that identification of each such source is maintained with the file or record copy of the document.

b. The identity of the office originating the derivatively classified document shall be shown on the face of the document.

c. Dates or events for declassification or review shall be carried forward from the source material or classification guide and shown on a "declassify on" or "review for declassification on" line. If the classification is derived from more than one source, the latest date for declassification or review applicable to the various source materials shall be applied to the new information.

d. The classification marking provisions of Chapter 3, paragraph 3–5, g. through i. are also applicable to derivatively classified documents.

Part III—Document Security

Chapter 5—Declassification and Downgrading

Paragraph titles:	Paragraph No.
Authority	1
Declassification Policy	2
Mandatory Review for Declassification	3
Downgrading	4

Chapter 5. Declassification and Downgrading

5–1. Authority.

The Agency does not have the authority to declassify or downgrade information classified under Executive Order 12065 or prior orders. Such authority may be exercised only by individuals or positions designated as declassification authorities pursuant to Section 3–1 of Executive Order 12065.

5–2. Declassification Policy

a. Declassification of classified information shall be given emphasis comparable to that accorded classification. Information classified pursuant to Executive Order 12065 and prior Orders shall be declassified as early as national security considerations permit. Decisions concerning declassification shall be based on the

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loss of the information's sensitivity with the passage of time or on the occurrence of a declassification event.

b. When information is reviewed for declassification pursuant to Executive Order 12065 or the Freedom of Information Act, it shall be declassified unless the declassification authority determines that the information continues to meet the classification requirements prescribed in Section 1–3 of Executive Order 12065 despite the passage of time.

c. It is presumed that information which continued to meet the classification requirements, requires continued protection. In some cases, however, the need to protect such information may be outweighed by the public interest in disclosure of information, and in these cases the information should be declassified. When such questions arise, they should be referred to the Chief, Security Branch who will contact the original classification authority. That official will determine whether the public interest in disclosure outweighs the damage to national security that might reasonably be expected from disclosure. The Chief, Security Branch will, upon receipt of information from the original classification authority, advise the requester.

5–3. Mandatory Review for Declassification

a. Requests by a member of the public, by a Government employee or by an agency to declassify and release information shall be forwarded to the Deputy Assistant Administrator for Management and Agency Services. The Deputy Assistant Administrator will forward the request to the original classification authority for review, together with a copy of the document containing the information requested where practicable, and with a recommendation, to withhold any of the information where appropriate.

b. Unless the agency that classified the information objects on the grounds that its association with the information requires protection, the Deputy Assistant Administrator for Management and Agency Services shall also notify the requester of the referral.

c. The agency that classified the information shall determine within sixty days whether, under the declassification policy of Section 3–3 of Executive Order 12065, the requested information may be declassified and, if so, shall make such information available to the requestor, unless withholding is otherwise warranted under applicable law. If the information may not be released in whole or in part, the requestor shall be given a brief statement as to the reasons for denial, a notice of the right to appeal the determination to a designated agency appellate authority (including name, title, and address of such authority), and a notice that such an appeal may be filed with the agency within thirty days in order to be considered. If requested, the agency shall also communicate its determination to the Deputy Assistant Administrator for Management and Agency Services.

5–4. Downgrading

The Deputy Assistant Administrator for Management and Agency Services or his/her designee shall maintain a continuous review of all classified information in the Agency and will downgrade all classified information that is marked for automatic downgrading and upon notification form the original classification authority assign a lower classification designation when such downgrading is appropriate.

Edward J. Hanley,

Deputy Assistant Administrator for Management & Agency Services.

March 7, 1980.

[FR Doc. 80-8832 Filed 3-21-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1443-3; 80P-43]

Southern Imperial Coatings Corp.; Voluntary Cancellation of Pesticide Registration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Southern Imperial Coatings Corp., P.O. Box 29077, New Orleans, LA 70189 has requested voluntary cancellation of registration of their pesticide product VITRON ANTI-FOULING MASTIC BASE ANTI-FOULING MASTIC CURING AGENT (EPA Reg. No. 11553–1).

EFFECTIVE DATE: April 23, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Lela Sykes, Process Coordination Branch (TS–767), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202–426–8540.

SUPPLEMENTARY INFORMATION: EPA has been advised by the Southern Imperial Coatings Corp., P.O. Box 29077, New Orleans, LA 70189 of their desire to voluntarily cancel registration of the product Vitron Anti-Fouling Mastic Base Anti-Fouling Mastic Curing Agent (EPA Reg. No. 11553–1). The pesticide was registered on September 7, 1973.

The Agency has agreed that such cancellation shall be effective April 23, 1980 unless within this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrant was notified by certified mail of this action.

The Agency has determined that the sale and distribution of this product produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for one year after the effective date of cancellation, whichever is earlier; provided that the use of this product is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of this product as a pesticide formulation after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of this product be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[80P–43]". Any comments filed regarding this notice will be available for public inspection in the office of Process Coordination Branch at the above address from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136))

Dated: March 14, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-8836 Filed 3-21-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10216; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by April 13, 1980. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and the foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T–3759–2.

Filing party: Lynne R. Feldman, Assistant City Attorney, City of Richmond, Richmond, California 94804.

Summary: Agreement No. T–3759–2 between the City of Richmond, Surplus Property Authority of the City of Richmond, and Canal Industrial Park, Inc. (Canal) modifies the parties' basic agreement covering the assignment and lease of certain terminal property at Shipyard Three, Richmond, California. The modification provides for the deletion of 1.27 acres from the southerly portion of Canal's "Assigned Area" and the addition of 4 acres of land surrounding an administration building to Canal's "Assigned Area."

Agreement No.: T–3825–1.

Filing party: William E. Daily, Chief Counsel-Staff, Offices of the Attorney General, State of Indiana, 219 State House, Indianapolis, Indiana 46204.

Summary: Agreement No. T–3825–1, between Cargill and the Indiana Port Commission, modifies the basic lease agreement to correct typos, redefine improvements as facilities, update reference to 1979 bonds to 1980 bonds and delete section 10.09 (concerning certain termination provisions) from the original lease.

Agreement No.: 6190–33.

Filing party: Seymour H. Kligler, Esquire, Brauner Baron Rosenzweig Kligler Sparber & Bauman, 120 Broadway, New York, New York 10005.

Summary: Agreement No. 6190–33 amends the basic agreement by (1) changing the name of United States Atlantic & Gulf/Venezuela and Netherlands Antilles Conference to that of the United States Atlantic & Gulf/Venezuela Conference and (2) reduces the geographic scope thereof by deleting the Netherlands Antilles and specifically the Islands of Curacao, Aruba and Bonaire, Netherlands Antilles wherever it appears in the agreement.

Agreement No.: 10384.

Filing party: William St. John, Jr., Senior Vice President, W. R. Zanes & Co., of La., Inc., P.O. Box 2330, New Orleans, Louisiana 70176.

Summary: Agreement No. 10384, between Southern States Forwarding, Inc., (SSF) (FMC Freight Forwarder License No. 1610) and W. R. Zanes & Co., of La., Inc. (Zanes) (FMC Freight Forwarder License No. 752) provides that Zanes will act as SSF's authorized agent in connection with the handling of cotton exports from Louisiana, Texas and Alabama to ports worldwide for account of various exporters who place business with SSF. Both parties will perform certain freight forwarder services as enumerated in the agreement. The term of the agreement is 99 years.

By Order of the Federal Martime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80-8908 Filed 3-21-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Aurora Bancshares Corp.; Formation of Bank Holding Company

Aurora Bancshares Corporation, Aurora, Illinois, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Aurora National Bank, Aurora, Illinois. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 17, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 17, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-8911 Filed 3-21-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to this application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

This application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 14, 1980.

A. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

BANKAMERICA CORPORATION, San Francisco, California (financing, servicing, and insurance activities; Kansas and Missouri): to continue to engage, through its subsidiary, FinanceAmerica Corporation, a Kansas corporation, in making or acquiring for its own account loans and other

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extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit. Such activities will include but not be limited to making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small businesses; making loans secured by real and personal property; and the offering of credit related life insurance, credit related accident and health insurance, and credit related property insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation. These activities would be conducted from an office in Overland Park, Kansas, serving the states of Kansas and Missouri. This application is for the relocation of an office presently located in Kansas City, Kansas.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 14, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-8012 Filed 3-21-80; 8:45 am]

BILLING CODE 6210-01-M

CB&T Bancshares, Inc., Acquisition of Bank

CB&T Bancshares, Inc., Columbus, Georgia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 per cent or more of the voting shares of Sumter County Bank, Americus, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 17, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 17, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-8013 Filed 3-21-80; 8:45 am]

BILLING CODE 6210-01-M

NBA Bankshares, Inc.; Formation of Bank Holding Company

NBA Bankshares, Inc., Salina, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 84.42 per cent or more of the voting shares of the National Bank of America at Salina, Salina, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 14, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 14, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-8014 Filed 3-21-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Board of Scientific Counselors, NIA; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute on Aging, May 22-23, 1980, to be held at the Gerontology Research Center, Baltimore, Maryland. The meeting will be open to the public from 9:00 a.m. to adjournment on Thursday, May 22, and from 9:00 a.m. until 1:30 p.m. on Friday, May 22. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 23, from 1:30 p.m. until adjournment for the review, discussion, and evaluation of individual programs, and projects conducted by the National Institutes of Health, NIA, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, NIA, Building 31, Room 5C-05, National Institutes of Health, Bethesda, Maryland, 20205 (telephone: 301/496-5345) will provide a summary of the meeting and a roster of committee members. Dr. Richard C. Greulich, Scientific Director, NIA, Gerontology Research Center, Baltimore City Hospitals, Baltimore Maryland, 21224, will furnish substantive program information.

Dated: March 17, 1980.

Suzanne L. Fremeau,

Committee Management Office, National Institutes of Health.

[FR Doc. 80-8011 Filed 3-21-80; 8:45 am]

BILLING CODE 4110-08-M

National Institute of Arthritis, Metabolism, and Digestive Diseases, Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Metabolism, and Digestive Diseases, May 2-3, 1980, National Institutes of Health, Building 2, Room 102, Bethesda, Maryland 20205.

This meeting will be open to the public from 9:30 a.m. to 4:30 p.m. on May 2, and from 9:00-11:00 a.m. on May 3, and will be devoted to scientific presentations by various laboratories of the NIAMDD intramural research program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 4:30 p.m. to closing on May 2, and from 11:00 a.m. to adjournment on May 3, for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of the meeting and rosters of the members will be provided by the Committee Management Office, National Institute of Arthritis, Metabolism, and Digestive Diseases, Building 31, Room 9A46, Bethesda, Maryland 20205. Further information concerning the meeting may be obtained by contacting the office of Dr. J. E. Rall, Executive Secretary, Board of Scientific Counselors, National Institutes of Health, Building 10, Room 9N-222, Bethesda, Maryland 20205, (301) 496-4128.

Dated: March 17, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institute of Health.

[FR Doc. 80-8010 Filed 3-21-80; 8:45 am]

BILLING CODE 4110-08-M

Public Health Service

Health Maintenance Organizations

AGENCY: Public Health Service, HEW.

ACTION: Notice regarding HMO qualifications review procedures.

SUMMARY: The Office of Health Maintenance Organizations (OHMO) withdraws two notices concerning the review of applications by entities for Federal qualifications as health maintenance organizations (HMOs) under section 1310(d) of the Public Health Service Act and its implementing regulations at 42 CFR Part 110, Subpart F. These notices, which set out detailed qualification review procedures, were published to expedite processing of a backlog of qualification applications. However, since there is no longer a backlog of applications, OHMO is (1) withdrawing these notices and (2) revising the qualification review procedures. The revised procedures, which are summarized below, are available to interested persons upon request.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: In order to become a federally qualified HMO under section 1310(d) of the Public Health Service Act and its implementing regulations at 42 CFR Part 110, Subpart F, an applicant is required to submit an application to the Secretary who will then evaluate and make the qualification determination (see 42 CFR §§ 110.604 and 110.605). During the initial years of the Federal qualification process, the Department received a large number of applications. In order to expedite the processing of the backlog of applications that accumulated, the Department issued detailed qualification review procedures. These procedures were published in two separate **Federal Register** notices on February 3, 1977 (42 FR 6640) and March 22, 1977 (42 FR 15472-3). Since there no longer is a backlog of qualification applications, the procedures are now out of date and have been revised. The Department notes, however, that while the review procedures used by OHMO to administer the qualification process have been revised, the qualification requirements set by section 1310(d) and its implementing regulations are not changed.

Summary of Revised Qualification Review Procedures

The revised procedures which have been developed by OHMO consist of the following steps: (1) completeness screen, (2) desk review, (3) site visit, (4) post-site visit analysis, (5) determination of eligibility for qualification, and (6) acceptance of qualification assurances. Each application is assigned to an OHMO staff member who has the primary responsibility for reviewing, managing and coordinating the qualification review process for that HMO.

OHMO has established a 120 day timetable for qualification reviews. This period begins when the applicant receives notice that its application is considered complete. If the application is incomplete, applicants are notified of the deficient areas and given 60 days to submit the additional information.

Prior to the qualification site visit, specialists in the fields of financing, marketing, law, health services and management, evaluate the application. After the site visit, the qualification determination is made by the Director of OHMO based on staff recommendations and supporting information.

The Director may (1) approve the application for qualification, in which case the applicant must sign, within 60 days, assurances that it meets and will continue to meet all applicable requirements (see 42 CFR § 110.603), (2) issue a notice of intent to deny qualification, in which case the applicant has 60 days to respond to the issues which were the basis for the determination, or (3) deny the application for qualification, in which case the applicant is given an opportunity to request reconsideration of the determination. OHMO has assigned each step within the 120 day timetable a standard number of days for completion. However, the amount of time allocated for any particular step in a given application is flexible.

The revised OHMO qualification review procedures will be provided to interested persons upon request to the Director, OHMO, at the address indicated above. Complete details of the review procedures are made available routinely to applicants for qualification, so that a separate request by the applicant is unnecessary.

Dated: March 13, 1980.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

[FR Doc. 80-8794 Filed 3-21-80; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-80-988]

Privacy Act of 1974; System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notification of system of records.

SUMMARY: The Department is giving notice of a system of records it maintains which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: This notice shall become effective without further notice on April 23, 1980, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202-557-0605.

SUPPLEMENTARY INFORMATION: The system is Previous Participation Files (HUD/H-7) which contains information on principals (owners, general contractors, management agents, consultants and packagers) in HUD multifamily housing programs. A system report was filed with the Speaker of the House, the President of the Senate and the Office of Management and Budget on Janaury 16, 1980. The prefatory statement containing General Routine Uses applicable to all of the Department's systems of records was published at 44 FR 72288 (December 13, 1979). Appendix A, which lists the addresses of HUD's offices was published at 44 FR 72288 (December 13, 1979) and supplemented at 45 FR 6479 (January 28, 1980).

V 45/58 MR 24 80 UMI

HUD/H-7

SYSTEM NAME:

Previous Participation Files

SYSTEM LOCATION:

Headquarters

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Principals (owners, general contractors, management agents, consultants and packagers) in HUD multifamily housing programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information concerning the Department's consideration/approval/disapproval of HUD multifamily housing program principals, including names and Social Security Numbers of principals; lists of prior HUD projects; summaries of financial, management, or operational difficulties with prior HUD projects (if any); indication of whether principals are or have been the subject of a government; investigation, other information relevant to the standards for previous participation approval; minutes of deliberative meetings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 7(d), Department of HUD Act, 79 Stat. 670, (42 U.S.C. 3535(d)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Uses paragraphs of prefatory statement. Other routine uses: To state and local governments participating in HUD housing programs as co-insurers or finance agencies—to assist in project application reviews.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in filing cabinets.

RETRIEVABILITY:

Name of principal and HUD project case number.

SAFEGUARDS:

Files are kept in lockable cabinets. Access is limited to authorized personnel.

RETENTION AND DISPOSAL:

Records are primarily active; disposal is in accordance with HUD Handbook.

SYSTEM MANAGERS AND ADDRESS:

Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Headquarters location. This location is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject individuals; HUD Field Offices; other governmental agencies.

(5 U.S.C. 552a, 88 Stat. 1896; sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., March 18, 1980.

William A. Medina,

Assistant Secretary for Administration.

[FR Doc. 80-8668 Filed 3-21-80; 8:45 am]

BILLING CODE 4210-01-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition

Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in the exhibit, "Lost Treasure of the Concepcion" (included in the list [1] filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to a contract between the John G. Shedd Aquarium, Chicago, Ill., and the Comision de Rescate Arqueologico Submarino, Santo Domingo, Dominican Republic. I also determine that the temporary exhibition or display of the listed exhibit objects at the John G. Shedd Aquarium, Chicago, Ill., beginning on or about June 1, 1980, to on or about September 18, 1980; Dallas Health and Science Museum, Dallas, Tex., beginning on or about October 1, 1980, to on or about November 30, 1980; New England Aquarium, Boston, Mass., beginning on or about February 15, 1981, to on or about May 17, 1981; Hershey Museum of American Life, Hershey, Pa., beginning on or about June 7, 1981, to on or about August 9, 1981; and the County of Hillsborough, Department of Museums, Tampa, Fla., beginning on or about October 15, 1981, to on or about December 15, 1981, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register**.

Date: March 19, 1980.

John E. Reinhardt,

Director, International Communication Agency.

[FR Doc. 80-8691 Filed 3-21-80; 8:45 am]

BILLING CODE 8230-01-M

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Idaho, North Idaho Livestock Grazing Management; Intent to Prepare an Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Preparation of an Environmental Impact Statement.

SUMMARY: Pursuant to Section 102 of the National Environmental Policy Act, the Department of the Interior, Bureau of Land Management (BLM), Coeur d'Alene District Office, will prepare an Environmental Impact Statement (EIS) concerning proposed livestock grazing management for the Coeur d'Alene District in northern Idaho. Portions of the District are within Adams, Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties.

DATES: The final EIS will be completed by September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Martin J. Zimmer, District Manager, Bureau of Land Management, P.O. Box 1889, Coeur d'Alene, Idaho 83814, Telephone: (208) 667-2561 ext. 356.

SUPPLEMENTARY INFORMATION: Initially, grazing management is proposed for 118,878 acres of public land in the district. This constitutes approximately 1 percent of all the Federal, State and privately owned lands within the district boundaries. There are an additional 156,157 acres of public land in the district on which no livestock grazing is currently authorized or proposed for the future. No grazing has occurred or is proposed, on these lands because they are heavily forested and/or permission to graze domestic livestock has never been sought and/or other resource uses have been given precedence over livestock grazing.

The statement will identify the impacts that can be expected from implementation of the proposed program or any of the alternatives discussed and will be used as an analytical tool to assist in making final grazing management decisions for the District.

The proposed grazing management program has been developed using the Bureau's land use planning system. Management practices and controls that may be used under the proposed action and alternatives include: forage allocation for livestock and wildlife use and watershed protection, implementation of properly timed grazing use, fence construction, water development, vegetation manipulation, and implementation of increased monitoring and supervision of grazing use.

The proposed action is an attempt to be as responsive as possible to demand projections, basic and supplemental Bureau and State Office guidance, and opportunities identified through public input. Under the proposed action, 118,878 acres would initially be leased for domestic livestock grazing, and 53,829 of these acres would be intensively managed. Fifteen allotments would be intensively managed under allotment management plans (AMPs) cooperatively developed by the BLM, the lessee, and one or more of the following agencies: The U.S. Forest Service, the Idaho Department of Lands, the Idaho Department of Fish and Game, and the U.S. Soil Conservation Service. Sixty-six animal unit months (AUMs) of forage would be initially allocated for wildlife use and 6,580 AUMs of forage would be initially allocated for domestic livestock use.

An alternative of no change from the current grazing program is required and will be covered in the EIS. Currently, 119,472 acres are leased for domestic livestock grazing and 1,120 acres are intensively managed. One allotment is intensively managed under an AMP. No AUMs have been formally allocated for wildlife use and 7,255 AUMs are allocated for domestic livestock use.

A second alternative which emphasizes the protection and enhancement of the natural environment will be analyzed. Under this alternative, 116,066 acres would initially be leased for domestic livestock grazing and 52,769 of these acres would be intensively managed.

Fifteen allotments would be intensively managed as under the proposed action. One hundred and fifty AUMs of forage would be initially allocated for wildlife use and 5,530 AUMs of forage would be initially allocated for domestic livestock use. This alternative stresses changing seasons of use and implementing specific grazing systems by and for domestic livestock to emphasize management for wildlife habitat values.

A third alternative which emphasizes the production of tangible goods will be analyzed. This alternative would give priority to those land uses which would generate the greatest volume of economic activity. Under this alternative, 119,273 acres would initially be leased for domestic livestock grazing and 87,181 of these acres would be intensively managed. Fifty allotments would be intensively managed as under the proposed action. Sixty-six AUMs of forage would be initially allocated for wildlife use and 7,701 AUMs of forage would be initially allocated for domestic livestock use.

A fourth alternative covering no livestock grazing will also be covered in the EIS.

The Couer d'Alene District Multiple Use Advisory Council and interested individuals, organizations, and agencies identified during the development of land use plans will be contacted personally and through the mail to help determine the significant issues to be emphasized in the EIS.

Notices in the media will be used to solicit input from other interested publics. In addition, grazing permittees will be contacted using individual meetings or through the mail to discuss the proposed grazing management program to aid in identifying significant issues to be emphasized in the EIS.

Dated: March 14, 1980.

Martin J. Zimmer,

District Manager.

[FR Doc. 80-8708 Filed 3-21-80; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

[Int. DES 80-13]

Shiloh National Military Park, Tennessee; Availability of Draft Environmental Statement and Notice of Public Meeting on Proposed General Management Plan and Development Concept Plan

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Draft Environmental Statement on the proposed General Management Plan and Development Concept Plan for Shiloh National Military Park, Tennessee.

The statement discusses proposals for the management, development, and operation of the Shiloh National Military Park.

Written comments on the Environmental Statement are invited and will be accepted until 30 days following the public meeting on May 1. Comments should be addressed to the Regional Director, Southeast Region, or to the Superintendent, Shiloh National Military Park, at the addresses given below.

Copies are available from or for inspection at the following locations:

Regional Director, Southeast Region, National Park Service, 75 Spring Street SW., Atlanta, Georgia 30303

Superintendent, Shiloh National Military Park, Shiloh, Tennessee 38376

Superintendent, Stones River National Battlefield and Cemetery, Route 10, Box 401, Old Nashville Highway, Murfreesboro, Tennessee 37120

A public meeting on the proposals contained in this statement and the associated General Management Plan and Development Concept Plan will be held on May 1 at 7 p.m. in the auditorium in the Visitor Center at Shiloh National Military Park.

Comments on this statement can be submitted at this meeting, as well as being submitted in writing to the above addresses.

The U.S. Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: March 17, 1980.

James H. Rathlesberger,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 80-8793 Filed 3-21-80; 8:45 am]

BILLING CODE 4310-70-M

V 45/58 MR 24 80 UMI

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-No. 76F)]

Burlington Northern, Inc. Abandonment Near Fort Madison and Stockport, Ia; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided February 6, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91(1979), and further that applicant shall keep intact all of the right-of-way underlying the track, including all the bridges and culverts for a period of 120 days from the decided date of this certificate and decision to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way, the present and future public convenience and necessity permit the abandonment by the Burlington Northern, Inc. of a line of railroad known as the Fort Madison to Stockport, IA, line extending from railroad milepost 0.00 near Fort Madison and railroad milepost 34.90 near Stockport, a distance of 34.90 miles, including a 2.68 mile spur which intersects the line at the station of Mertensville Junction between Houghton and Hamill, a total distance of 37.58 miles, in Lee, Henry and Van Buren Counties, IA. A certificate of public convenience and necessity permitting abandonment was issued to the Burlington Northern, Inc. Since no investigation was instituted, the requirement of Section 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than April 5, 1980. The offer, as filed, shall contain information required pursuant to Section 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 45 days from the date of this publication (May 8, 1980).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8867 Filed 3-21-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29275]

Consolidated Rail Corp. and Grand Trunk Western Railroad Co.—Acquisition of Trackage Rights in Battle Creek, MI

Consolidated Rail Corporation (Conrail), Six Penn Center Plaza, Philadelphia, PA 19104 and Grand Trunk Western Railroad Company (Grand Trunk), 131 West Lafayette Boulevard, Detroit, MI 48226, represented by Charles E. Mechem, Commerce Counsel, Consolidated Rail Corporation, 1138 Six Penn Center Plaza, Philadelphia, PA 19104 and Mary P. Sclawy, Attorney, Grand Trunk Western Railroad Company, 131 West Lafayette Boulevard, Detroit, MI 48226, hereby gives notice that on the 6th day of March, 1980, they filed with the Interstate Commerce Commission at Washington, DC, a joint application pursuant to 49 U.S.C. 11343 for joint use of trackage rights over approximately 1.8 miles of track in Battle Creek, MI. Conrail seeks trackage rights over a line of railroad owned by the Grand Trunk extending from M.P. 175.29 east of Kendall Street to M.P. 176.91 east of Elm Street, Battle Creek, MI., a distance of 1.62 miles. Grand Trunk seeks trackage rights over 750 feet of Conrail's Main Line located from Kendall Street to Washington Avenue, Battle Creek, MI.

Presently both railroads operate through Battle Creek, MI over parallel main line trackage. Conrail's track runs through downtown Battle Creek causing highway/rail congestion and interference with city's effort to revitalize its central business district. Therefore, what the city suggested and what Conrail's and Grand Trunk's application proposes is that Conrail continue its service through Battle Creek over the Grand Trunk track, which is south of the downtown area.

In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4),. *Implementation—Nat'l Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. *See Implementation—Nat'l Environmental Policy Act, 1969, supra*, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 29275 and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, DC 20424, not later than 45 days after the date notice of the filing of the application is published in the **Federal Register**. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may filed such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8869 Filed 3-21-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-No. 36F)]

Seaboard Coast Line Railroad Co. Abandonment Near Catawba and Great Falls, SC; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decision February 19, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.-Abandonment Goshen*, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Seaboard Coast Line Railroad Company of a portion of a line of railroad known as the Catawba Subdivision, extending from railroad milepost SGA-331.63 near Catawba, SC, to milepost SGA-351.68 at Great Falls, SC, a distance of 19.85 miles, in York and Chester Counties, SC. A certificate of public convenience and necessity permitting abandonment was issued to the Seaboard Coast Line Railroad Company. Since no investigation was instituted, the requirement of Section 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than April 8, 1980. The offer, as filed, shall contain information required pursuant to Section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 45 days from the date of this publication (May 8, 1980).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8868 Filed 3-21-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under 49 U.S.C. 10928 of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provides that an original and two (2) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

[Notice No. F-11]

The following applications were filed in Region 1. Send protests to: Complaint/Authority Center, I.C.C., 150 Causeway Street, Room 501, Boston, MA 02114.

MC 150069 (Sub-1-3TA), filed March 5, 1980. Applicant: RARITAN TRANSPORTATION SERVICES, INC., P.O. Box 1152, Nixon Station, Edison, NJ 08817. Representative: D. J. Tononi (same as above applicant). *Iron or steel articles*, from the facilities of Raritan River Steel Company, Perth Amboy, NJ to points in and east of MN, IA, NE, KS, OK and TX. Supporting shipper: Raritan River Steel Co., Perth Amboy, NJ.

MC 140869 (Sub-1-1TA), filed March 12, 1980. Applicant: KERRI TRUCKING, INC., 240 South River Street, Hackensack, New Jersey 07601. Representative: David Olsen, 116 Williams Avenue, Old Tappan, New Jersey 07675. *Contract carrier*, irregular routes, *cleaning compounds* from the Pluto Corporation located in the commercial zone of French Lick, Indiana to the facilities of the Clorox Company located at Houston, Texas. Supporting shipper: Clorox Corporation, 1221 Broadway, Oakland, CA. 94612.

MC 113784 (Sub-1-1TA), filed March 12, 1980. Applicant: LAIDLAW TRANSPORT, LIMITED, P.O. Box 3020, Station B, Hamilton, Ontario, Canada. Representative: Douglas R. Gowland, President (same as above applicant). *Salt and Salt Products*, from ports of entry on the international boundary line between the United States and Canada located in MI, and NY to points in PA, OH, IN, WV and MI. Supporting shipper: Morton Salt, Chicago, IL.

MC 78687 (Sub-1-3TA), filed March 11, 1980. Applicant: LOTT MOTOR LINES, INC., P.O. Box 751, Moravia, N.Y. 13118. Representative: Dwight L. Koerber, Jr., Suite 805, 666 Eleventh St., N.W., Washington, D.C. 20001. *Refractory brick and refractory products* from York, PA to points in NY, VA, and WV, restricted against foreign commerce for 180 days. Supporting shipper(s): Dolomite Brick Corporation of America, 225 N. Emig Mill Rd., West Manchester Township, York County, PA.

MC 141932 (Sub-1-3TA), filed March 11, 1980. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner, 176 King Street, Hanover, MA 02339. Carbon, Charcoal, and other Articles, Viz: Advertising Matter (See Note 1), Carbon, Carbon wood products, Charcoal, Charcoal briquets, Charcoal brix, Chips, hickory, Equipment, materials and supplies used in the distribution or manufacture of charcoal and charcoal briquets, Fluid, lighter (See Note 1), from the facilities of Husky Industries, Inc., at Scotia and Stamford, NY to points in CT, DE, MD, ME, MA, NH, NJ, OH, PA, RI, VT, VA, WV and DC. Supporting shipper: Husky Industries, Inc.

Note 1.—The total weight of commodites referring hereto may not comprise more than 20% of the total weight of the shipment.

MC 146440 (Sub-1-9 TA), filed March 11, 1980. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, MA 02167. Representative: Alan Bernson, Suite 32, 34 Market Street, Everett, MA 02148. *General Commodities*, with the usual exceptions, from points in Norfolk County, MA to points in AL, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY. Supporting shipper: Belle Shippers Association, c/o Mr. James A. Feinberg, 220 Lowell St, Peabody, MA. 00960.

MC 146440 (Sub-1-8 TA), filed March 11, 1980. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, MA 02167. Representative: Alan Bernson, Suite 32, 34 Market Street, Everett, MA 02148. *Paper Products* from St. Albans, VT to points in AR, CA, CT, DE, ID, MD, MA, ME, NH, NJ, NY, OR, PA, RI, UT, VA, and WA. Supporting shipper: Fonda Royal Lace Group, division of Saxon Industries, Inc., P.O. Drawer 631, St. Albans, VT 05478.

MC 146440 (Sub-1-7 TA), filed March 11, 1980. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, MA 02167. Representative: Alan Bernson, Suite 32, 34 Market Street, Everett, MA 02148. *General Commodities*, with the usual exceptions, from points in Clinton County, NY, and from points in Franklin County,

Vermont, to points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY. Supporting shipper: Champlain Valley International Shippers and Receivers Association, Inc., Box 277, Rouses Point, N.Y. 12979.

MC 150254 (Sub-1-1 TA), filed March 10, 1980. Applicant: ALLIED INTERNATIONAL TRUCKING CO., INC., 210 Beacham Street, Everett, MA 02149. Representative: Raymond P. Keigher, 1400 Gerard Street, Rockville, MD 20850. *Lumber and lumber products,* between Union City, PA, Providence, RI, and points in MA, NC, NH, NY, TN, VT, and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Rossco Forest Products, P.O. Box 2068, So. Burlington, VT 05401.

MC 1756 (Sub-1-1TA), filed March 11, 1980. Applicant: PEOPLES EXPRESS COMPANY, 497 Raymond Boulevard, Newark, NJ 07105. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Containers and ends,* from Williamsburg, VA to Merrimack, NH. Supporting shipper(s): Ball Corporation, 345 South High Street, Muncie, IN 47302.

MC 145301 (Sub-1-1TA), filed March 11, 1980. Applicant: R.E.M. TRANSPORT CO., INC., Raritan Center, Edison, NJ 08817. Representative: Brian S. Stern, 2425 Wilson Boulevard, Suite 367, Arlington, Virginia 22201. Automotive parts, materials, supplies, equipment and related articles used in the manufacture, production, and assembly of motor vehicles, from Detroit, MI and Cleveland, OH, to Kansas City, MO and Kansas City, KS, for 180 days. An underlying ETA seeking 90 days authority has been filed. Supporting shipper: General Motors Corporation, Suite 300, Top of Troy, 755 W. Big Beaver Rd., Troy, MI 48084.

MC 16513 (Sub-1-2TA), filed March 11, 1980. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Avenue, Pennsauken, New Jersey 08110. Representative: Jeffrey A. Vogleman, Suite 400, Overlook Bldg., 6121 Lincolnia Road, P.O. Box 11278, Alexandria, Virginia 22312. (1) *Corrugated Fiberboard or Pulpboard Boxes,* from Meriden, CT to Albany, NY, Milton, NY, New York, NY, Rensselaer, NY, and points in Nassau and Suffolk Counties, NY for 180 days. Supporting shipper: Westvaco Corporation, Empire Avenue, Meriden, Connecticut 06450.

MC 124328 (Sub-1-4TA), filed March 11, 1980. Applicant: BRINK'S INCORPORATED, Thorndal Circle, Darien, Connecticut 06820. Representative: Richard H. Streeter, Wheeler & Wheeler, 1729 H Street, N.W., Washington, D.C. 20006. Contract, irregular, *retort bullion and precious metals* from Herculaneum, Missouri to all points in the United States under continuing contract with St. Joe Lead Company for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): St. Joe Lead Company, 7733 Forsyth Blvd., Clayton, MO 62105.

MC 148292 (Sub-1-1TA), filed March 10, 1980. Applicant: J. POSA, INC., One North First Street, Fulton, NY 13069. Representative: Arthur J. Piken, Esq., Piken & Piken, 95-25 Queens Boulevard, Rego Park, NY 11374. Malt beverages, related advertising materials, supplies, material and equipment used in the manufacture, sales and distribution of malt beverages, including empty containers and returned malt beverages. Between Forsythe and Rockingham Counties, NC on the one hand, and on the other, Philadelphia, PA and points in its commercial zone and points in NJ and NY. Supporting shipper: Certo Bros. Distributing Co., 5540 Porter Road, Niagara Falls, NY 14302.

MC 19306 (Sub-1-1TA), filed March 11, 1980. Applicant: R. J. TAYLOR AND G. G. TAYLOR CO., 180 Jefferson Boulevard, Warwick, Rhode Island 02888. Representative: Charles Ephraim, Esq., Suite 600, 1250 Connecticut Avenue, NW., Washington, DC 20036. *Contract Carrier:* irregular routes: *General Commodities,* except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cumberland and/or East Providence, RI, on the one hand, and, on the other, North Bergen, NJ, (Restriction: The service to be performed by the above-named carrier is limited to a service in which said carrier leases trucks with drivers to the shipper for the transportation of such shipper's property): Supporting shipper: Ann & Hope, Mill Street, Cumberland, RI 02864.

MC 125724 (Sub-1-1TA), filed March 10, 1980. Applicant: SINGER TRANSPORT, INC., S-3030 Baker Road, Orchard Park, NY 14127. Representative: William J. Hirsch, Attorney at Law, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Contract carrier,* irregular routes, *Anti-friction devices; articles used in the manufacture, distribution and handling of anti-friction devices and parts thereof; raw materials, tools (hand and power), equipment and supplies, and machinery; office supplies, furniture, equipment and records,* under contract with TRW Inc., and subsidiaries thereof, between all points in CT, GA, IL, IN, MD, MA, MI, NJ, NY, NC, OH, PA, SC, TN, VA, and WV. Supporting shipper: TRW Bearings, Jamestown, NY.

MC 57315 (Sub-1-1TA), filed March 10, 1980. Applicant: TRI-STATE TRANSPORT, INC., 140 Wales Avenue, Avon, MA 02322. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. *Frozen foods,* from Dedham, MA to Cumberland and East Providence, RI. Supporting shipper(s): General Foods Corporation, 250 North Street, White Plains, NY 10625.

MC 142999 (Sub-1-1), filed March 7, 1980. Applicant: TRANSPORT MANAGEMENT SERVICE CORPORATION, P.O. Box 39, Burlington, NJ 08016. Representative: Ronald N. Cobert, Esq., Suite 501, 1730 M Street, NW., Washington, DC 20036. *Contract carrier,* irregular routes: *Paper* and *paper products,* from Miquon, PA, to points in AL, AZ, CA, CO, FL, GA, ID, IL, IN, LA, MI, MO, MS, NC, NM, NV, OR, SC, TX, UT, WA, and WI. *Paper* and *paper products,* and *material, equipment* and *supplies* used in the manufacture and distribution of paper and paper products, from CA, CT, IL, IN, MI, OR, and WA, to PA. Restriction: The operations authorized herein are to be limited to a transportation service to be performed under a continuing contract or contracts, with Simpson Paper Company. Supporting shipper: Simpson Paper Company, Migvon, PA 19452.

MC 139349 (Sub-1-1TA), filed March 10, 1980. Applicant: E Z FREIGHT LINES, Gould and E. 16th Street, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08901. *Contract carrier,* irregular routes: *Lighting fixtures and lamps, and equipment, materials and supplies used in the manufacture and sale of lighting fixtures and lamps, except commodities in bulk* between East Brunswick and Finderne, NJ, and Jessup, MD, on the one hand, and, on the other, points in the United States west of the Mississippi River except AK, HI, LA, MN, and TX under continuing contract or contracts with Action Tungsram, Inc. Supporting shipper: Action Tungsram, Inc., 11 Elkins Avenue, East Brunswick, NJ.

The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 115601 (Sub-II-2), filed March 10, 1980. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 E. 35th St., Wilmington, DE 19802. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave., NW., Washington, DC 20036. Contract carrier: Irregular routes: *Silver coins and silver bars,* between Wilmington, DE and Amarillo, TX, on the one hand, and, on the other, Amarillo, TX and Newark, NJ pursuant to a continuing contract(s) with Philipp Brothers for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Philipp Brothers, 1221 Avenue of the Americas, New York, NY 10020.

MC 2202 (Sub-2-2), filed March 10, 1980. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. *Common; regular: General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* serving Oceanside, Camp Pendleton, and Temecula, CA and points in their commercial zones as off-route points in connection with applicant's regular routes to and from San Diego, CA for 180 days. Applicant intends to tack the authority sought herein with that held under MC 2202 and subs thereto. Applicant intends to interline with other carriers at all points of interchange. Supporting shipper(s): There are nine supporting shippers. Their statements may be examined at the office listed below.

MC 150253 (Sub-2-1), filed March 11, 1980. Applicant: FRED MATTERN, d.b.a. A B E LIMO-BUS SERVICE, Front and Allen Sts., Allentown, PA 18102. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. Passengers and their baggage in the same vehicle in door to door non-scheduled service, limited to the transportation of no more than eleven (11) passengers in any one vehicle, (not including the drivers thereof and not including children under ten (10) years of age who do not occupy a seat or seats). In special and charter operations, between Lehigh and Northampton Counties, Pa., on the one hand, and, on the other, Newark Airport, N.J.; LaGuardia Airport; J. F. Kennedy International Airport; Steamship Piers, N.Y. and Atlantic City, N.J. for 180 days. Supporting shipper(s): There are nine supporting shippers. Their statements may be examined at the office listed below.

MC 120116 (Sub-2-1), filed March 11, 1980. Applicant: J. W. HUMBERT, INC., Kansas St., Green Springs, OH 44836. Representative: Keith D. Warner, 420 Security Bldg., Toledo, OH 43604. *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between points and places in OH, on the one hand, and on the other, points in PA on the west of U.S. Hwy 219; and points and places in WV and north of U.S. Hwy 50 for 80 days. Supporting shipper(s): There are 15 supporting shippers. Their statements may be examined at the office listed below.

MC 148187 (Sub-2-1), filed March 10, 1980. Applicant: VIERON, INC., 5236 Wasena Ave., Baltimore, MD 21225. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. *Contract; irregular: fuel oils* from Claymont, DE to Harrisburg International Airport, Middletown, PA, New Cumberland Army Depot, New Cumberland, PA, Letterkenny Army Depot, Culbertson, PA and Ft. Detrick, Frederick, MD under a continuing contract with Pedroni Fuel Co. for 180 days. Supporting shipper(s): Pedroni Fuel Co., Wheat Rd., Vineland, NJ 08360.

MC 128313 (Sub-2-1), filed March 10, 1980. Applicant: TEMPO TRUCKING, INC., 2101 Kenskill Ave., R.F.D. #5, Washington C.H., OH 43160. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Contract; irregular: (1) Meats, meat products and meat by-products as described in Section A of Appendix 1 to the Report in Descriptions in Motor Carrier Certificate, 61 MCC 209 and 766, and pork skins and (2) materials, equipment and supplies used in the processing and distribution of the commodities in (1) above (except commodities in bulk)* between Middlesboro, KY, on the one hand, and, on the other, points in AL, AZ, CA, FL, GA, IA, IL, IN, KS, KY, LA, MI, MS, NJ, NM, NY, OH, PA, TN, TX, UT, and WV, for the account of Cumberland Gap Provision Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cumberland Gap Provision Co., P.O. Box 429, Middlesboro, KY 40965.

MC 14215 (Sub-2-4TA), filed March 10, 1980. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. *Used carbon blocks and carbon dust,* in dump trucks, from the facilities of Eastalco Aluminum Company at or near Buckeystown, MD to Hannibal, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Eastalco Aluminum Co., 5601 Manor Woods Rd., Frederick, MD 21701.

MC 149108 (Sub-2-1TA), filed March 10, 1980. Applicant: R. REED TRUCKING, INC., 8383 Croton Rd., Johnstown, OH 43031. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Contract; irregular.* (1) *Rods and wire products,* from the facilities of Robertson Wire Products Company at or near Batavia and Mt. Sterling, OH to points in the U.S. (except AK and HI), and (2) *materials and supplies* used in the manufacture of rods and wire products (except in bulk), from points in the U.S. (except AK and HI) to the facilities of Robertson Wire Products Company at or near Batavia and Mt. Sterling, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Robertson Wire Products Company, 700 Kent Rd., Batavia, OH 45103.

MC 63416 (Sub-2-4), filed February 19, 1980. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as applicant). *Metal ductwork, fittings, duct heaters, and materials and supplies used in the installation of heating and cooling sytems* from the facilities of the Holbrook Company, Inc., at or near Kaysville, UT to points in the U.S. (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Holbrook Company, Inc., 151 N. 700 W., P.O. Box 226, Kaysville, UT 84037.

MC 117344 (Sub-2-1), filed February 15, 1980. Applicant: THE MAXWELL CO., 10380 Evendale Dr., Cincinnati, OH 45215. Representative: John C. Spencer (same as applicant). *Iron Oxide,* in bulk, in tank vehicles, from Ashland, KY to Marengo, IL and Sevierville, TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Arnold Engineering Co., 300 W. St., Marengo, IL 60152.

MC 124821 (Sub-2-3TA), filed February 16, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. *Foodstuffs (except in bulk), and materials, supplies and equipment used in the manufacture, sale or distribution thereof,* between points in the U.S. (except AK and HI) and the plant sites and facilities of Ragu' Foods, Inc., for 180 days. An underlying ETA supports 90 days authority. Supporting shipper: Ragu' Foods, Inc., 33 Benedict Place, Greenwich, CT 06830.

MC 61825 (Sub-2-1TA), filed February 28, 1980. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Dr.,

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P.O. Box 385, Collingsville, VA 24078. Representative: John D. Stone (same address as applicant). (1) *Film or sheeting, plastic and other than plastic,* (2) *Plastic, synthetic, other than liquid,* from Clinton, IA to points in CT, DE, FL, GA, MD, MA, NJ, NY, NC, OH, PA, RI, SC, VA, WV and DC, for 180 days. Transportation of commodities in (1) above restricted to shipments originating at facilities of E. I. du Pont de Nemours & Co. near Clinton, IA and transportation of commodities in (2) above restricted to shipments originating at facilities of Chemplex Co. near Clinton, IA. Supporting shipper(s): E. I. du Pont de Nemours & Co., 1007 Market St., Wilmington, DE 19898; Chemplex Co., 3100 Golf Rd., Rolling Meadows, IL 60008.

MC 146704 (Sub-2–1TA), filed February 7, 1980. Applicant: FALCON MOTOR TRANSPORT, INC., 1250 Kelly Ave., Akron, OH 44306. Representative: Paul A. Englehart (same address as applicant). *Contract carrier:* Irregular routes: *Containers, fiberboard, paper, plastic or metal and accessories, materials and supplies used in the manufacture of such commodities* between plantsite of Ohio Paper Products Co. at Massillon, OH on the one hand, and, on the other, points in IL, NJ, PA; Albany, Dansville, Oneida and New York, NY; St. Louis and St. Peters, MO; and Petersburg and Richmond, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ohio Paper Products Co., 2101 9th St., SW., Massillon, OH 44646.

MC 119631 (Sub-2–1TA), filed February 28, 1980. Applicant: DEIOMA TRUCKING COMPANY, P.O. Box 3315, Mt. Union Station, Alliance, OH 44601. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, DC 20004. *Bagged clay,* from Mayfield, KY; Gleason and Whitlock, TN; and Sledge, MS to points in CT, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, WV and WI for 180 days. Supporting shipper(s): Kentucky-Tennessee Clay Co., Rear 2320 S. Union St., P.O. Box 3546, Alliance, OH 44601.

MC 123744 (Sub-2–2TA), filed February 15, 1980. Applicant: BUTLER TRUCKING COMPANY, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. *Iron and steel articles, and materials, equipment and supplies* used in the manufacture or distribution of iron and steel articles, between Monroe, MI, on the one hand, and, on the other, points in the United States in and east of IL, MO, AR, and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: North Star Steel, 2901 Metro Drive, Minneapolis, MN 55420

MC 148747 (Sub-2–1TA), filed February 29, 1980. Applicant: D & E TRANSPORT, INC., 570 Dunks Ferry Rd., Bensalem, PA 19020. Representative: Richard Rueda, Esq., 133 N. 4th St., Philadelphia, PA 19106. *Chemicals and cleaning compounds* (except in bulk, in tank vehicles) from the facilities of Concord Chemical Co., Inc., at Camden, NJ to Chicago, IL; Delaware, OH; Wyandotte, MI; and their respective commercial zones for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Concord Chemical Co, Inc., 17th & Federal Sts., Camden, NJ 08105.

MC 65658 (Sub-2–1), filed March 11, 1980. Applicant: H. E. WAMSLEY TRUCKING, INC., 16600 Jefferson Davis Hwy., Colonial Heights, VA 23834. Representative: Donald M. Schubert, 200 W. Grace St., Richmond, VA 23220. *Contract; irregular: Fabricated structural steel, paint and miscellaneous iron and steel articles* between Chester, VA on the one hand and on the other, Glen Burnie, MD for 180 days. Supporting shipper(s): Mack's Iron Co., Inc., 3233 Boulevard, Colonial Heights, VA 23834.

MC 110563 (Sub-No.2–1TA), filed March 10, 1980. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 N., Sidney, OH 45365. Representative: Victor J. Tambascia (same address as applicant). *Charcoal Briquettes and related items,* (A) From Salem, MO to points in AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, NE, NH, ND, OH, OK, PA, RI, SD, TN, TX, and VT. (B) From Kenbridge, VA to points in AL, CT, DE, DC, FL, GA, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, SD, TN, and VT, for 180 days. Supporting shipper(s): Cupples Company Manufactures, 1034 S. Brentwood Blvd., St. Louis, MO 63117.

MC 134183 (Sub-2–2TA), filed March 10, 1980. Applicant: C & E TRANSPORT, INC., d.b.a. C. E. SUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW., Washington, DC 20001. *Contract; irregular:* (1) *Carpet strip and adhesives,* from Asheville, NC, to points in and east of MT, WY, CO, and NM, and (2) *nails,* from Savannah, GA, to Asheville, NC. Supporting shipper(s): Roberts Consolidated Industries, Inc., 600 N. Baldwin Park Blvd., City of Industry, CA 91749.

MC 146691 (Sub-2–1TA), filed March 10, 1980. Applicant: JED, INC., P.O. Box 123, Milton, DE 19968. Representative: Wayne D. Hudson (same address as applicant). *Railroad Cross Ties,* from Salisbury, MD, Greenwood and Farmington, DE, and Tasley and Nassawadox, VA to the Montgomery, PA area, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Koppers Company, Inc., 850 Koppers Building, Pittsburgh, PA 15219.

MC 143656 (Sub-2–1TA), filed: March 10, 1980. Applicant: GOLD LEAF TRUCKING COMPANY, 2927 Retnag Road, Petersburg, VA 23803. Representative: William H. Robinson, Jr., 1400 Ross Building, Richmond, VA 23219. *Contract; irregular: accessories necessary to assemble silos, including but not limited to silo staves, steel bands and pipes* over irregular routes, from Petersburg, VA to points in DE, MD, NC, TN, WV, PA, and VA. Supporting shipper: Southeastern Silo Company of Virginia, Inc., 530 Squaw Alley, P.O. Box 2228, Petersburg, VA 23803

MC 140294 (Sub-2–1TA), filed: February 29, 1980. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Middleburg Pike, Hagerstown, MD 21740. Representative: Edward N. Button, 580 Northern Avenue, Hagerstown, MD 21740. *Cranes, parts, materials and supplies* (except in bulk) used in the manufacture thereof, between the facilities of Grove Manufacturing, Inc., at or near Shady Grove, PA, on the one hand, and, on the other, Baltimore, MD, and Hagerstown, MD, and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Grove Manufacturing Inc., P.O. Box 21, Shady Grove, PA 17256.

MC 135741 (Sub-2–1TA), filed: February 29, 1980. Applicant: EARL R. MARTIN, INC., P.O. Box 3, East Earl, PA 17519. Representative: J. Bruce Walter, P.O. Box 1148, 410 North Third St., Harrisburg, PA 17108. *Ammonium sulfate fertilizer,* in bulk, in dump vehicles, from the facilities of Allied Chemical Corporation at Wilmington, DE to points in MD, DE, NJ, NY, and PA, restricted to shipments originating at the indicated origins and destined to the indicated destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Allied Chemical Corporation, P.O. Box 2120, Houston, TX 77001.

MC 118899 (Sub-2–3TA), filed: February 29, 1980. Applicant: BALTIMORE TANK LINES, INC., 180 Eighth Ave., Glen Burnie, MD 21061. Representative: Lawrence E. Lindeman, 425 13th St., N.W. Suite 1032, Washington, DC 20004. *Petroleum and petroleum products,* in bulk, in tank vehicles, from Manassas, VA to Washington, DC and MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mobil Oil Corp., 150 E. 42nd St., New York, NY 10017.

MC 150081 (Sub-2–2TA), filed: February 21, 1980. Applicant: LINDEN L. MESSICK, INC., 504 Chestnut St., Milton, DE 19968. Representative: Linden L. Messick (same as applicant). *Canned clams,* from Cannon, DE to points in OH, MI, IN, IL, WI, MN, ID, WA, and OR for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Original Corp., 215 High St., Seaford, DE 19975.

MC 107403 (Sub-2–4TA), filed February 29, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Aviation Jet Fuel, in bulk, in tank vehicles,* from Mt. Vernon, IN to Owensboro, KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Texas Gas Transmission Corp., 3800 Frederica St., Owensboro, KY 42301.

MC 138197 (Sub-2–1TA), filed February 29, 1980. Applicant: L. SURRATT TRUCKING, INC., 7900 Old Rockside Rd., Cleveland, OH 44131. Representative: Earl N. Merwin, 85 E. Gay St., Columbus, OH 43215. *Contract carrier:* Irregular routes: (1) *Prefabricated masonry panels, and* (2) *equipment, machinery, materials, and supplies used in the manufacturing of the commodities in (1) above* between the facilities of Vetovitz Bros., Inc. located at or near Brunswick, OH on the one hand, and, on the other, points in IL, IN, KY, MI, NY, PA, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vetovitz Bros., Inc., 2786 Center St., Brunswick, OH 44212.

MC 138000 (Sub-2–1TA), filed February 28, 1980. Applicant: ARTHUR H. FULTON, INC., P.O. Box 66, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21704. (1) *Malt beverages* (a) from Detroit, MI including its commercial zone, to points in GA; (b) from Toledo, OH including its commercial zone, to points in GA and Ronmey, Petersburg and Martinsburg, WV, including their respective commercial zones; (2) *Shrink or stretch wrapping* from Atlanta, GA, including its commercial zone to Detroit, MI, including its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Stroh Brewery Co., 909 E. Elizabeth, Detroit, MI 48226.

MC 64806 (Sub-2–1TA), filed February 20, 1980. Applicant: R. P. THOMAS TRUCKING COMPANY, INC., 807 W. Fayette St., Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. (1) *New furniture* from the facilities of Hooker Furniture Corp. and Virginia Mirror Co., Inc. in Henry County, VA to points in AR, IA, LA, MN, MS, MO, OK, TX, and WI, and (2) *Materials, equipment, and supplies used in the manufacture of new furniture* from points in AR, IA, IL, LA, MN, MS, MO, NC, OK, TX and WI to the facilities of Hooker Furniture Corp. and Virginia Mirror Co. in Henry County, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hooker Furniture Corp. E. Church St., Martinsville, VA 24112; Virginia Mirror Co., Inc., 300 Moss St., Martinsville, VA 24112.

MC 9914 (Sub-2–3TA), filed March 11, 1980. Applicant: WARREN TRUCKING COMPANY, INC., P.O. Box 5224. Martinsville, VA 24112. Representative: Richard L. Hollow, P.O. Box 550, Knoxville, TN 37901. *New furniture* from points in Smyth and Henry Counties, VA to points in GA, OH, SC, AL, NY, and FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chatmoss Furniture Corporation, P.O. Box 4983, Martinsville, VA 24112; American Furniture Company, Inc., Martinsville, VA 24112; Hooker Furniture Company, Inc., E. Church St., Martinsville, VA 24112.

MC 116763 (Sub-2–2), filed March 10, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Foodstuffs (Except commodities in bulk, in tank vehicles),* from the facilities of Campbell Soup Co., at or near Paris, TX, to points in IL, KY, MO, and TN for 180 days. Restricted to traffic originating at the named origin and destined to the indicated destinations. Supporting shipper(s): Campbell Soup Co., P.O. Box 116, Paris, TX 75460.

Docket 119315 (Sub-2–1TA), filed March 11, 1980. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Rd., Toledo, OH 43612. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. *Cleaning products and related articles including ammonia, laundry bleach, laundry bluing, cleaning, scouring and washing compounds, cloths and scouring pads with or without soap, plastic mesh, pot scourers, fabric sizing, soap and soap powder, sodium, hypochlorite solution, textile softeners, steel wool and plastic bottles* between Bristol, PA, Salem and Roanoke, VA, Cornwell Heights, PA, New Castle, DE, Paterson, South Kearney, and Hackensack, NJ and Etowah, TN, on the one hand, and, on the other, Toledo, and Columbus, OH and Chicago, IL. (restricted to transportation from or to the plantsites of Purex Corporation), for 180 days. Applicant has also filed an ETA seeking up to ninety (90) days of operating authority. Supporting shipper: Purex Corporation, 1414 North Radcliffe St, Bristol, PA 19007.

MC 145773 (Sub-2–1TA), filed March 10, 1980. Applicant: KIRK BROS. TRANSPORTATION, INC., 800 Vandemark Road, Sidney, Ohio 45365. Representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Contract, irregular: *Iron and steel articles and non-ferrous metals,* from the facilities of D.A.B. Industries, Inc. at Bellofontaine, OH to the facilities of D.A.B. Industries, Inc. at Gallatin, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: D.A.B. Industries, Inc., 486 Stephenson Hwy., Troy, MI 48084.

MC 142559 (Sub-2–9TA), filed March 6, 1980. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, Ohio 44114. Representative: David A. Turano, BAKER & HOSTETLER, 100 East Broad Street, Columbus, Ohio 43215. *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) from Boston, MA to Los Angeles, CA, Chicago, IL and Dallas, TX including points in their respective commercial zones for 180 days. Restricted to traffic moving on bills of lading of the Seacoast Shipper's Association. Supporting shipper: Seacoast Shipper's Association, 100 Western Avenue, Allston, Massachusetts 02134.

MC 107403 (Sub-2–10TA), filed March 12, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Pulp Mill Liquid, in bulk, in tank vehicles,* from Morrilton, AR to Jacksonville, FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): SCM CORPORATION, P.O. Box 389, Jacksonville, FL 32201.

MC 142559 (Sub-2–10TA), filed March 12, 1980. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215.

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Such commodities as are dealt in by the manufacturers and distributors of cleaning solutions, cleaning compounds and air fresheners (except commodities in bulk) from Los Angeles, CA and points in the Los Angeles, CA commercial zone to points in and east of WI, IL, KY, TN and MS, for 180 days. Supporting shipper(s): Blue Cross Laboratories, 7376 Greenbush Avenue, North Hollywood, CA 91605.

MC 148001 (Sub-2–2TA), filed March 12, 1980. Applicant: M. G. BROADDUS, III, Box 113 H. Route 1, Bowling Green, Virginia 22427. Representative: Calvin F. Major, 200 West Grace Street, Suite 415, Richmond, Virginia 23220. *Contract carrier: Irregular routes, lumber, plywood, shakes and shingles,* from Milford, VA to CO, DE, FL, ME, MD, MA, NH, NJ, NY, PA, RI, TN, VT, VA, and WV. Supporting shipper(s): Hoover Universal, Inc., P.O. Box 290, Milford, VA 22514.

MC 44366 (Sub-II–1TA), filed March 12, 1980. Applicant: EUGENE LAVELLE AND EUGENE LAVELLE, JR., d.b.a. LAVELLES EXPRESS, 270 N. Sherman St., Wilkes-Barre, PA 18702. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. *Household Goods,* as defined by the Commission, including use of winch trucks and other equipment for placing in position at the consignee's premises, between Wilkes-Barre, PA and points in its commercial zone, on the one hand, and, on the other, points in Pennsylvania, having a prior or subsequent movement in interstate commerce, for 180 days. An underlying ETA supports 90 days authority. Supporting shipper(s): Folmer Trucking Company, 109 S. Diamond St., Wilkes-Barre, PA 18702. Harry Mahally, Jr., d.b.a. Mahally Trucking Service, 289 New Grant Ave., P.O. Box 294, Wilkes-Barre, PA 18703.

MC 106001 (Sub-2–1TA), filed February 29, 1980. Applicant: DENNIS TRUCKING COMPANY, INC., 6951 Norwitch Dr., Phila., PA 19153. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Phila., PA 19107. (1) *Wire and wire products,* and (2) *Materials, equipment and supplies used in the production and distribution of wire and wire products* (except commodities in bulk and commodities the transportation of which because of size and weight, require the use of special equipment), between points in the United States in and east of WI, IL, KY, TN, MS and LA, restricted to the transportation of traffic originating at or destined to the facilities of National Wire Products Corporation, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s) National Wire Products Corporation, Fisher Road and Penn Central R.R., Baltimore, MD 21222.

MC 149207 (Sub-II–1TA), filed January 21, 1980. Applicant: LOW-VOL FUELS, INC., P.O. Box 25, Boswell, PA 15531. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract carrier, irregular routes: Coal,* in bulk, in dump vehicles, from Jenner Township, Somerset County, PA to Front Royal, VA, restricted to a transportation service to be performed, under a continuing contract, or contracts, with H. D. Francis d.b.a. Low-Vol Fuels, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): H. D. Francis d.b.a. Low-Vol Fuels, P.O. Box 25, Boswell, PA 15531.

MC 146015 (Sub-2–6TA), filed January 7, 1980. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: E. J. Mumma Jr. (same address as applicant). *Contract carrier:* irregular routes: *Flat glass,* from the facilities of P.P.G. Industries, Inc., Mt. Holly Springs, PA and P.P.G. Inc., Cumberland, MD to all points in the states of New York, NY, NJ, CT, MA, ME, DE, RI, MD, NH and VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222.

MC 127579 (Sub-II–2TA), filed December 31, 1979. Applicant: HAULMARK TRANSFER, INC., 1100 N. Macon St., Baltimore, MD 21205. Representative: Glenn M. Heagerty (same address as applicant). *Newsprint and groundwood papers, wastepaper and woodchips,* between shippers mill at or near Ashland, VA, on the one hand, and, on the other, points in DE, MD, NJ, NY, NC, PA, VA, WV, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bear Island Paper Co., 80 Field Point Rd., Greenwich, CT 06830.

MC 124821 (Sub-II–5TA), filed January 24, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. *Printed matter, and materials, supplies and equipment used in the manufacture, sale and distribution of printed matter* (except commodities in bulk), between points in CT, IL, IN, KY, MD, MA, ME, MI, MN, MO, NJ, NY, OH, PA, RI, TN, VT, and WI, restricted to shipments originating at or destined to facilities of Harper and Row Publishers, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Harper & Row Publishers, Inc., Keystone Industrial Park, Scranton, PA 18512.

MC 124821 (Sub-II–4TA), filed January 28, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, Camp Hill, PA 17011. *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Cortland, Chenango, Broome, Chemung, and Steuben Counties, NY; Franklin, Columbia, Montour, Bradford, Lackawanna, Luzerne, Wayne, Lehigh, Northampton, Tioga, and Schuylkill Counties, PA, on the one hand, and, on the other, points in CA, OR, WA, CO, TX, MO, MN, IL, WI, MI, GA, FL, and OH, restricted to traffic originating at or destined to facilities utilized by Northeastern Pennsylvania Shippers Cooperative Association, Inc., for 180 days. Supporting shipper(s): Northeastern Pennsylvania Shippers Cooperative Association, Inc., Penn Park Bldg., Pittston, PA 18640.

MC 8535 (Sub-II–3TA), filed January 7, 1980. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INC., P.O. Box 500, Parkton, MD 21120. Representative: Henry J. Bouchat (same address as applicant). *Air conditioning and heating equipment, with or without fans or blowers,* from the facilities of Miller Picking Corp., at or near Davidsville, PA to points in IL, IN, and MI, for 180 days. Supporting shipper(s): Miller Picking Corp., Davidsville, PA 15928.

MC 13134 (Sub-II–3TA), filed January 10, 1980. Applicant: GRANT TRUCKING INC., P.O. Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Iron and steel articles,* from Huntington, WV to points in AZ, CA, CO, DE, DC, ID, IA, KY, ME, MD, MA, MN, MO, MT, NE, NV, NH, NJ, NM, NC, ND, OH, OR, RI, SD, UT, VT, VA, WA, WY, for 180 days. Supporting shipper(s) Conners Steel Company, P.O. Box 118, Huntington, WV 25706.

MC 125335 (Sub-II–2TA), filed December 6, 1979. Applicant: GOODWAY TRANSPORT, INC., York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Such commodities as are dealt in by wholesale and retail discount stores (except commodities in bulk),* from points in Lackawanna and Luzerne Counties, PA to New Bremen, Elyria, and Eaton, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s) Northeastern Pennsylvania Shipper's Cooperative Ass., Inc., Penn Park Bldg., Suite 300, Pittston, PA 18640.

MC 8535 (Sub-2–2TA), filed December 20, 1979. Applicant: GEORGE TRANSFER AND RIGGING CO., INC., P.O. Box 500, Parkton, MD 21120. Representative: Henry J. Bouchat (same address as applicant). *Iron and steel articles, except in dump vehicles,* from facilities of Raritan River Steel Company in Perth Amboy, NJ to points in and east of states of AR, IA, LA, MN, and MO (except DE, KY, MD, NJ, NY, OH, PA, VA, WV, and DC, for 180 days. Supporting shipper(s): Raritan River Steel Co., P.O. Box 309, Perth Amboy, NJ 08862.

MC 56388 (Sub-II–1TA), filed January 24, 1980. Applicant: HAHN TRANSPORTATION, INC., New Market, MD 21774. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Washington, DC 20014. *Petroleum and petroleum products,* in bulk, in tank vehicles, (1) from Baltimore, MD to points in DC, VA, and (2) from DC to points, in MD, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Amerada Hess Corp., 1 Hess Plaza, Woodbridge, NJ 07095.

MC 127579 (Sub-2–1TA), filed January 4, 1980. Applicant: HAULMARK TRANSFER, INC., 1100 N. Macon St., Baltimore, MD 21205. Representative: Glenn M. Heagerty (same address as applicant). *Such merchandise as is dealt in by a manufacturer and distributor of foodstuffs* between Cockeysville, MD, Springfield, MO, and Souderton, PA, on the one hand, and, on the other, points in MD, CT, MA, RI, NH, VT, ME, OH, PA, and WV, restricted to traffic originating at or destined to facilities utilized by R. T. French Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The R. T. French Co., 1 Mustard St., Rochester, NY 14692.

MC 56244 (Sub-II–3TA), filed January 23, 1980. Applicant: KUHN TRANSPORTATION CO., INC., P.O. Box 98, R.D. #2, Gardners, PA 17324. Representative: J. Bruce Walter, P.O. Box 1146, 410 N. 3rd St., Harrisburg, PA 17108. *Such commodities as are dealt in by grocery and food business houses* (except in bulk), from Mt. Jackson, VA to points in IL, IN, IA, KY, MI, MO, OH, PA, and WV, restricted to transportation of shipments for the account of Musselman Fruit Products Division, Pet Inc., originating at the named origins and destined to the named destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Musselman Fruit Products Division, Pet Inc., Biglerville, PA 17037.

MC 4963 (Sub-2–6TA), filed January 21, 1980. Applicant: JONES MOTOR CO., INC., Bridge St. and Schuylkill Rd., Spring City, PA 19475. Representative: William H. Peiffer (same address as applicant). *Lumber and lumber products group* between Tarboro, NC on the one hand, and, on the other MI, IN, IL, MO and WI, restriction: service at Tarboro, NC is restricted to the plantsites and facilities of Masonite Corporation. An underlying ETA seeks 90 days authority. Supporting shipper(s): Masonite Corp., P.O. Box 310, Anaconda, Rd., Tarboro, NC 27886.

MC 141925 (Sub-II–1TA), filed January 10, 1980. Applicant: KOHN BEVERAGE, INC., 4850 Southway SW., Canton, OH 44706. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Contract carrier, irregular routes: Such commodities as are dealt in or used by printers (except commodities in bulk)* from facilities of Danner Press Corporation at or near Canton, OH to points in IL, IN, KY, MD, MI, NJ, NY, NC, PA, and WI, for 180 days, under continuing contract(s) with Danner Press Corporation. An underlying ETA seeks 90 days authority. Supporting shipper(s): Danner Press Corp., Box 8349, Canton, OH 44711.

MC 146656 (Sub-II–2TA), filed December 26, 1979. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: William F. Lamperelli (same address as applicant). *Contract carrier, irregular routes: Alcoholic beverages* (except in bulk) from Dayton, NJ to Baltimore, MD and points within its commercial zone and Washington, DC and points within its commercial zone, under continuing contract(s) with McCarthy-Hicks, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): McCarthy-Hicks, Inc., 375 Padonia Rd. West, Timonium, MD 21093.

MC 145870 (Sub-II–1TA), filed January 18, 1980. Applicant: L–J–R HAULING, INC., P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, DC 20001. *Transformers,* between the facilities of Gould-Brown Boveri, at or near Bland, VA, on the one hand, and, on the other, points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gould-Brown Boveri, P.O. Box 38, Bland, VA 24315.

MC 4963 (Sub-II–2TA), filed December 3, 1979. Applicant: JONES MOTOR CO., INC., Bridge St. & Schuylkill Rd., Spring City, PA 19475. Representative: Wm. H. Peiffer (same address as applicant). *Steel coils on skids,* between Lenoir City, TN, on the one hand, and, on the other, points in AL, TN, GA, NC, KY, IL, and OH, restricted to service at Lenoir City, TN being restricted to plantsites and other facilities of Sheffield Southern Steel, Lenoir City, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sheffield Southern Steel, Bussell Ferry Rd., Lenoir City, TN 37771.

MC 143210 (Sub-II–1TA), filed January 16, 1980. Applicant: W. C. HALL GENERAL HAULING, INC, Callao, VA 22435. Representative: Calvin F. Major, 200 W. Grace, Richmond, VA 23220. *Canned goods and canning supplies* from the plantsites of Lake Packing Co., Inc., Northcumberland County, VA, and H. H. Perry Canning Co., Inc., Westmoreland County, VA, to the states of MD, NC, SC, and from the states of NC, SC, and MD, to the plantsites of Lake Packing Co., Inc., and H. H. Perry Canning Co., Inc., restricted to traffic originating at or destined to facilities used by Lake Packing Co., Inc., and H. H. Perry Canning Co., Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lake Packing Co., Inc., Box 200, Lottsburg, VA 22511; H. H. Perry Canning Co., Inc., P.O. Box 66, Montross, VA 22520.

MC 114015 (Sub-II–1TA), filed January 4, 1980. Applicant: HUSS, INC., Hwy 47 West, P.O. Box 666, Chase City, VA 23924. Representative: Morton E. Kiel, 2 World Trade Center, New York, NY 10048. *Contract carrier, irregular routes: Strapping and strapping machines* (1) from New Britain, CT and Woodside, NY to points in MD, VA, AL, WV, KY, TN, NC, SC, GA, and FL; and (2) from New Britain, CT to Woodside, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Delta Strapping Industries, Inc., 5850 52nd Ave., Woodside, NY 11377.

MC 149038 (Sub-II–1TA), filed December 12, 1979. Applicant: HAVRE de GRACE TRANSPORTATION CO., INC., 502 Warren St., Havre de Grace, MD 21078. Representative: Cornelius J. Smith (same address as applicant). Contract carrier, irregular routes: *Passengers and their baggage, consisting of train crews* between Perryville, MD, including the commercial zone thereof and Alexandria, VA including the commercial zone thereof, and Philadelphia, Harrisburg and Enola, PA, including the commercial zones thereof; between Edgemoor, DE, including the commercial zones thereof, and Perryville, Baltimore, Salisbury, Pokomoke City and Snow Hill, MD, including the commercial zones thereof;

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and Philadelphia, Harrisburg and Enola, PA, including the commercial zones thereof; and Alexandria, VA, including the commercial zones thereof; between Harrington, DE, including the commercial zone thereof, and Berlin and Snow Hill, MD, including the commercial zones thereof, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Consolidated Rail Corp., Transportation Center, Edgemoor, DE 19801.

MC 109478 (Sub-2–1TA), filed January 17, 1980. Applicant: WORSTER MOTOR LINES, INC., P.O. Box 110, Gay Road, North East, PA 16428. Representative: Robert D. Gunderman, Esq., 710 Statler Building, Buffalo, NY 14202. *Frozen bakery products,* from Traverse City, MI to Forest, MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chef Pierre, Inc., P.O. Box 1009, Traverse City, MI 49684.

MC 148361 (Sub-2–3TA), filed December 20, 1979. Applicant: WOLTER TRUCK LINES, INC., R.D. #1, Box 197, Greenwood, DE 19950. Representative: Chester A. Zyblut, 1030 Fifteenth St., Washington, DC 20005. *Soya bean meal, in bulk, in dump vehicles,* from Norfolk, VA to points in DE and MD located south of the Chesapeake and Delaware Canal and east of the Chesapeake Bay and points in Lancaster and York Counties, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Haynie, Inc., Box 2502, Salisbury, MD 21811.

MC 129086 (Sub-2–2TA), filed January 11, 1980. Applicant: SPENCER TRUCKING CORP., Route 2, Box 254A, Keyser, WV 26726. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., Hagerstown, MD 21740. *Aplite sand* from Beaver Dam, VA and its commercial zone to Keyser, WV and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chattanooga Glass Co., P.O. Box 968, Keyser, WV 26726.

MC 105632 (Sub-2–1TA), filed December 27, 1979. Applicant: SOUTHERN REGION MOTOR TRANSPORT, INC., 966 Bankhead Ave., Atlanta, GA 30318. Representative: David J. Kaufman, P.O. Box 1808, Washington, DC 20013. Common carrier, regular routes: *General commodities* (except explosives and commodities in bulk, in tank vehicles), with service restricted to the movement of trailer having a prior or subsequent rail haul, between Macon, Bibb County, GA T.O.F.C. ramps, on the one hand, and, on the other, (1) Swainsboro, GA via U.S. Hwy 80, serving the intermediate points of Dublin, GA and E. Dublin, GA; (2) Hazlehurst, GA, via GA State Hwy 247 to junction with U.S. Hwy 341, then over U.S. Hwy 341 to Hazlehurst, serving the intermediate points of Helena and McRae, GA; (3) Pelham, GA, via U.S. Hwy 41 to Tifton, GA, then via U.S. Hwy 319 to Moultrie, GA, then via GA State Hwy 37 to junction with U.S. Hwy 19, then via U.S. Hwy 19 to junction with GA State Hwy 93, then via GA State Hwy 93 to Pelham, serving the intermediate point of Ashburn, GA; (4) Bainbridge, GA via U.S. Hwy 41 to Tifton, GA, then via GA State Hwy 125 to Valdosta, GA, then via U.S. Hwy 84 to Bainbridge, serving the intermediate points of Ashburn, GA, Nashville, GA and Thomasville, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 7 supporting shippers. Their statements may be examined at the ICC regional office in Phila., PA.

MC 135653 (Sub-2–1TA), filed December 3, 1979. Applicant: SPECIAL SERVICE TRANSPORTATION, INC., 1100 W. Smith, Medina, OH 44256. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. *Foodstuffs,* from Williamson, Holley and Hamlin, NY to points in OH and MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Duffy-Mott Co., 370 Lexington Ave., New York 10017.

MC 113828 (Sub-2–1TA), filed December 21, 1979, Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: Wm. P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. *Ferric chloride and ammonium sulfate* from Steubenville, OH to Centreville, VA and from Centreville, VA to Baltimore, MD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Abbit Enterprises, Inc., P.O. Box 149, Moorestown, NJ 08057.

MC 141160 (Sub-2–1TA), filed December 10, 1979. Applicant: NEWTON TRANSPORTATION, INC., R.D. #1, Orwigsburg, PA 17961. Representative: Joseph F. Hoary, 121 S. Main, Taylor, PA 18517. Contract carrier, irregular routes: *Cleaning and scouring compounds* from N. Hollywood, CA to points in that part of the U.S. east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundary of Itasca and Koochiching Counties, MN to the U.S.-Canada Boundary line, for 180 days, under continuing contract(s) with Blue Cross Laboratories, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): Blue Cross Laboratories, Inc., 7376 Greenbush Ave., N. Hollywood, CA 91605.

MC 73533 (Sub-2–1TA), filed January 28, 1980. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: William F. Lamperelli (same address as applicant). *General commodities (except those of unusual value, classes A&B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* serving Westminster, MD, as an off-route point in connection with carriers authorized regular operations, for 180 days. An underlying ETA seeks 90 days authority. Note: Applicant intends to tack authority sought herein with authority held under MC–73533. Applicant intends to interline at all points where concurrences with other carriers are published in tariffs on file with the Commission. Supporting shipper(s): Random House, Inc., Westminster, MD 21157.

MC 148882 (Sub-2–1TA), filed December 3, 1979. Applicant: PETER HNATUSKO, R.D. #3, Moscow, PA 18444. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. *Elevators, freight and passenger, and elevator parts,* from Ft. Worth and Dallas, TX and Quincy, IL to Bridgeport, CT and New York, NY commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allied Elevator, 1225 Connecticut Ave., Bridgeport, CT 06607.

MC 148431 (Sub-2–1TA), filed January 17, 1980. Applicant: WILLIAM E. HILL, d.b.a. BILL HILL TRUCKING, Route 18 East, Hamler, OH 43256. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. *Wheat middlings, in hopper vehicles,* from facilities of Nabisco Co., Toledo, OH, to points in KY, PA, IN, and MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Nabisco Co., 2208 Central Station, Toledo, OH 43603.

MC 8535 (Sub-2–1TA), filed January 23, 1980. Applicant: GEORGE TRANSFER AND RIGGING CO., INC., P.O. Box 500, Parkton, MD 21120. Representative: Henry J. Bouchat (same address as applicant). *Refractory products; viz., bricks, blocks, slabs, tiles, or related articles (except in dump vehicles)* from Grahn, KY to points in IL, IN, and MI, for 180 days. Supporting shipper(s): Louisville Fire Brick Works, P.O. Box 5, Grahn, KY 41142.

MC 143377 (Sub-2–1TA), filed January 25, 1980. Applicant: BARRY J. WEST, d.b.a. B.J.'s SERVICES, P.O. Box 154 Lititz, PA 17543. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. (1) *Printed matter,* (2) *proofs, cuts, copy, artwork, manuscripts, and related materials used by printing firms,* (3) *business reports and records,* and (4) *fabric samples,* between points in Lebanon County, PA, on the one hand, and, on the other, New York, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are six supporting shippers. Their statements may be examined at the ICC regional office in Phila., PA.

MC 109553 (Sub-2–2TA), filed January 28, 1980. Applicant: Applicant: OVERNITE TRANSPORTATION CO., 1000 Semmes Ave., Richmond, VA 23224. Representative: E. T. Liipfert, 1660 L St., NW, Washington, DC 20036. C. H. Swanson (same address as applicant). *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Bridgeport, Cincinnati, Columbus, Dayton, Kanauga, Marietta and Portsmouth, OH and Richmond, IN, on the one hand, and, on the other points in the following counties in OH: Allen, Ashland, Ashtabula, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Erie, Fulton, Gallia, Geauga, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Holmes, Huron, Jefferson, Knox, Lake, Lawrence, Logan, Lorain, Lucas, Mahoning, Medina, Meigs, Mercer, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Portage, Putnam, Richland, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, Wood, Wyandot, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack the authority sought with regular and irregular routes it is or may be authorized to serve. Applicant presently holds irregular route authority between Cincinnati, OH and the above counties in MC 109533 (Sub 71), and the purpose of this application is to add alternate gateways and eliminate a WV restriction in Sub 71. NOTE: Applicant intends to interline at Atlantic, GA, Indianapolis, IN, Jacksonville, FL, Louisville, KY, New Orleans, LA, Richmond, VA, St. Louis, MO, Baltimore, MD, Birmingham, AL and Houston, TX. Supporting shipper(s): There are 127 supporting shippers. Their statements may be examined at the I.C.C. regional office in Philadelphia, PA.

MC 115413 (Sub-2–2TA), filed January 7, 1980. Applicant: BLISSFIELD TRUCK LINES, INC., P.O. Box 245, 1–22155 SH2, Archbold, OH 43502. Representative: Jesse L. Short (same as applicant). *New Furniture, furniture parts and materials, equipment and supplies used in the manufacture of new furniture (except commodities in bulk)* between Archbold, OH and GA, IL, IN, KY, MI, PA, TN, and St. Louis, MO and its commercial zone for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sauder Woodworking Co., 502 Middle St., Archbold, OH 43502.

MC 119793 (Sub-II–1TA), filed December 28, 1979. Applicant: DEWEY L. WILFONG, d.b.a. D & W TRUCK LINES, 209 First St., Parsons, WV 26287. Representative: Dwight L. Koerber, 666 11th St., Washington, DC 20001. Contract carrier, irregular routes: *Charcoal briquettes* from the facilities of The Kinsford Co., at or near Burnside, KY; St. Louis, MO; Belle, MO; Columbus, and Cleveland, OH; Dothan, AL; Atlanta, GA; Charlotte, NC; and Chicago, IL to points in and east of MN, IA, MO, AR, and LA, under continuing contract(s) with the Kingsford Co., Louisville, KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Kingsford Co., 1700 Commonwealth Bldg., Louisville KY 40202.

MC 147455 (Sub-2–1TA), filed January 10, 1980. Applicant: W. F. BROADWATER, d.b.a. W. F. BROADWATER TRUCKING CO., Route 2, Box 39D, Grantsville, MD 21536. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Firebrick, fireclay, refractory products and unfinished lumber* between points in Allegany County, MD and St. Charles, PA, on the ond hand, and on the other, points in DE, MD, NJ, NY, OH, PA, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mt. Savage Refractories Co., Inc., P.O. Box 576, Mt. Savage, MD 21545.

MC 150222 (Sub-II–1TA), filed January 17, 1980. VERNON J. HODGE, t/a, Applicant: DIXIE TRANSPORTATION AIDES, 11501 Allecingie Parkway, Richmond, VA 23235. Representative: Richard J. Lee, 700 E. Main St., Suite 1222, Richmond, VA 23219. Contract carrier, irregular routes: *Assemblies, smoke flue or chimney; doors; building construction wall sections, with insulation, and materials, supplies, and equipment used in the manufacture, distribution and installation thereof,* between facilities of General Products Co., Inc., at or near Fredericksburg, VA, on the one hand, and, on the other, Versailles, CT; Atlanta, GA; Chicago and Itasca, IL; Billerica, Boston, and Lawrence, MA; New York & Victor, NY; N. Wilksboro, NC; Cincinnati, Cleveland, Columbus, and Marietta, OH, Eighty Four, Philadelphia, Pittsburgh, and Wampum, PA; Knoxville, TN; Norfolk, VA; and Parkersburg, WV, for 180 days, under continuing contract(s) with General Products Co., Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Products Co., Inc., P.O. Box 887, Fredericksburg, VA 22401.

MC 115413 (Sub-2–1TA), filed January 7, 1980. Applicant: BLISSFIELD TRUCK LINES, INC., 1–22155 SH2 P.O. Box 245, Archbold, OH 43502. Representative: Jesse L. Short, P.O. Box 245, Archbold, OH 43502. *Ramps boarding, uncrated; stands, viz; baggage loading, uncrated; maintenance, uncrated; tubular steel scaffolding, uncrated; tubular steel scaffolding accessories and supplies used in the manufacture of scaffolding* between (1) Archbold, OH and IL, IN, KY, MI: St. Louis, MO and its commercial zone, and TN; (2) Erin, TN and IL, IN, KY, MI, OH and St. Louis, MO and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bil-Jax, Inc., E. Lugbill Rd., Archbold, OH 43502.

MC 88203 (Sub-II–1TA), filed November 30, 1979. Applicant: OTIS WRIGHT & SONS, INC., 700 E. Wayne St., P.O. Box 277, Lima, OH 45802. Representative: Earl N. Merwin, 65 E. Gay St., Columbus, OH 43215. Contract carrier, irregular routes: *Auto parts, accessories, machinery, materials, and equipment necessary for the production of motor vehicles,* between points in OH, on the one hand, and, on the other, points in the states in or east of the Mississippi River, for 180 days, under continuing contract(s) with Sheller-Globe Corporation. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sheller-Globe Corp., 1300 E. Kibby St., Lima, OH 45802.

MC 142703 (Sub-II–1TA), filed January 7, 1980. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., Post Office Box 14072, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between Macon, GA, on the one hand, and, on the other, points in GA, restricted to transportation of shipments having a prior or subsequent movement by rail. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sears, Roebuck & Co., Sears

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Tower, Chicago, IL 60684. Ohio Valley Shippers Association, 1428 Dalton St., Cincinnati, OH 45214.

MC 4963 (Sub-II–3TA), filed November 21, 1979. Applicant: JONES MOTOR CO., INC., Bridge St. & Schuylkill Rd., Spring City, PA 19475. Representative: William H. Peiffer (same address as applicant). *Structural steel supplies and materials used in the manufacture of these commodities* between Nashville, TN, on the one hand, and, on the other, points in IA, MO, AL, GA, SC, NC, TN, WI, IL, IN, KY, MI, OH, WV, VA, PA, MD, DE, NJ, NY, VT, CT, RI, MA, NH, and ME for 180 days, with service at Nashville, TN being restricted to the plantsite and other facilities of Volunteer Structures, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): Volunteer Structures, Inc., 4108 Dakota Ave., Nashville, TN.

MC 4963 (Sub-2–5TA), filed December 10, 1979. Applicant: JONES MOTOR CO., INC., Bridge St. & Schuylkill Rd., Spring City, PA 19475. Representative: Wm. H. Peiffer (same address as applicant). *Plastic pipe and fittings and iron or steel articles,* between points in MI, for 180 days. Restriction: Applicable from or to points east and south of the Ohio State Line. An underlying ETA seeks 90 days authority. NOTE: Applicant intends to tack authority sought herein with authority held under MC 4963. Supporting shipper(s): Jones Motor Co., Inc., Bridge St. & Schuylkill Rd., Spring City, PA 19475.

MC 107403 (Sub-II–8TA), filed January 25, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes (same address as applicant). *Synthetic resins, in bulk, in tank vehicles,* from Wilmington, DE to Mays Landing, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Container Corp. of America, 1204 E. 12, Wilmington, DE 19899.

MC 107403 (Sub-II–6TA), filed December 20, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes (same address as applicant). *Wheat flour,* in bulk, in tank vehicles from Columbus, OH to points in IL, for 180 days. Supporting shipper(s): International Multifoods, 1200 Multifoods Bldg., Minneapolis, MN 55402.

MC 149288 (Sub-II–1TA), filed January 18, 1980. Applicant: TRIPLE A DELIVERY SERVICE, INC., 244 W. Main St., Groveport, OH 43125. Representative: Jerry Sellman, 50 W. Broad St., Columbus, OH 43215. (1) *Foodstuffs* from Columbus, OH to points in IN, KY, MI, PA, and WV, and (2) *commodities used in the manufacture, production, or distribution of foodstuffs* from points in IN, KY, PA, WV, and MI, to Columbus, OH, for 180 days, restricted to shipments originating at or destined to facilities of T. Marzetti Co., located in Columbus, OH. An underlying ETA seeks 90 days authority. Supporting shipper(s): T. Marzetti Co., Box 29163, Columbus, OH 43229.

MC 109533 (Sub-2–3TA), filed January 17, 1980. Applicant: OVERNITE TRANSPORTATION CO., 1000 Semmes Ave., Richmond, VA 23224. Representative: John C. Burton, Jr. (same address as applicant). Common carrier, regular routes: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of Old Dominion Beef, Inc., at or near Jarratt, VA, as an off route point in connection with carriers existing regular route operations, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack authority sought herein with authority held under MC 109533 (Sub Numbers 42, 77, 78), MC–F–12822, and MC–F–12903. Applicant intends to interline at Atlanta, Memphis, Baltimore, Nashville, Louisville, Birmingham. Supporting shipper(s): Old Dominion Beef, Inc., 125 F & M Centers, Richmond, VA 23277.

MC 13569 (Sub-2–1TA), filed January 14, 1980. Applicant: LAKE SHORE MOTOR FREIGHT CO., INC., 1200 South State St., Girard, OH 44420. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. *Iron and steel and iron and steel articles,* from the facilities (facilities to include off-premise warehouses and processors stocking and/or acting as agent for United States Steel products) of the United States Steel Corporation, located in Cuyahoga, Lorain, Mahoning and Trumbull Counties, OH to all points in IL (on and north of Interstate 74), IN (on and north of U. S. Highway 40), MI and OH, for 180 days. Ohio shipments to be restricted to warehoused materials originating with United States Steel facilities located outside of Ohio. An underlying ETA seeks 30 days authority. Supporting shipper(s): United States Steel Corporation, Room 568–600 Grant St., Pittsburgh, PA 15230.

MC 113106 (Sub-2–1TA), filed January 21, 1980. Applicant: BLUE DIAMOND COMPANY, 4401 East Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 1030 Fifteenth St., NW., Suite 366, Washington, DC 20005. *Glass containers and accessories,* from Youngwood and South Connellsville, PA to Edenton, NC and Suffolk, VA, and points in their respective commercial zones, for 180 days. Supporting shipper(s): Anchor Hocking Corporation, 109 N. Broad St., Lancaster, OH 43130.

MC 63417 (Sub-2–6TA), filed January 14, 1980. Applicant: BLUE RIDGE TRANSFER COMPANY, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). *Cast iron articles* from Woodstock, IL, to the states of VA, NC, SC, TN, GA, AL and MS, for 180 days. Supporting shipper(s): Southern Alloy, Inc., Industrial Ave., Box 1596, Salisbury, NC 28144.

MC 149188 (Sub-2–1TA), filed January 28, 1980. Applicant: JANE M. POST, d.b.a. ADVENTURE TOURS, 4400 Heatherdowns Blvd., Toledo, OH 43614. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Passengers and their baggage,* in the same vehicle with passengers, in round-trip sightseeing and pleasure tours, in charter and special operations, beginning and ending at points in Allen, Ashland, Crawford, Defiance, Erie, Fulton, Hancock, Henry, Huron, Lorain, Lucas, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Van Wert, Williams, Wood and Wyandot Counties, OH and those in Lenawee, Monroe, Washtenaw and Wayne Counties, MI and extending to points in the US, including AK but excluding HI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 11 supporting shippers' statements attached to this application that may be examined at the ICC regional office in Philadelphia, PA.

MC 56244 (Sub-II–4TA), filed January 10, 1980. Applicant: KUHN TRANSPORTATION CO., INC., P.O. Box 98, Gardners, PA 17324. Representative: J. Bruce Walter, 410 N. 3rd St., Harrisburg, PA 17108. *Starch and chemicals* (except in bulk) from Indianapolis, IN to Points in DE, MD, NJ, VA, PA, and Washington, DC, restricted to transportation to and from facilities of National Starch and Chemical Corporation or for the account of National Starch and Chemical Corp., for 180 days. Supporting shipper(s): National Starch & Chemical Corp., P.O. Box 6500, Bridgewater, NJ.

MC 149376 (Sub-2–1TA), filed November 19, 1980. Applicant: BURKS TRUCKING, INC., P.O. Box 37, Old Fort, OH 44861. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017. Contract carrier, irregular routes: *Used mining and minerals processing equipment* between points in the U.S., for 180 days, under continuing contract(s) with Universal Equipment

Co. An underlying ETA seeks 90 days authority. Supporting shipper(s): Universal Equipment Co., 325 E. Stahl Rd., Fremont, OH 43420.

MC 126255 (Sub-2–2TA), filed January 8, 1980. Applicant: BUTLER-JONES AIR FREIGHT, INC., P.O. Box 1964, Salisbury, MD 21801. Representative: Peter A. Greene, 900 17th St., N.W., Washington, D.C. 20006. *General commodities* (except those of unusual value, Classes A & B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment) between Phila. Internat'l Airport on the one hand and, on the other, points in Kent and Sussex Counties, DE. Restricted to the transportation of traffic having an immediate prior or subsequent movement by air, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): New Process Fibre, P.O. Box I, First St., Greenwood, DE 19950. Internat'l Playtex, Inc., P.O. Box 631, Dover, DE 19901; Consolidated Thermoplastics, Inc., P.O. Box 27, Harrington, DE 19952; NCR Corp., P.O. Box 607, Millsboro, DE 19966.

MC 144188 (Sub-2–3TA), filed January 21, 1980. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, PA 18603. Representative: John M. Musselman, Atty., 410 N. Third St., Harrisburg, PA 17101. *Reflective traffic control products, pavement marking compounds, and the equipment, machinery, materials and supplies used in the manufacture, distribution and installation of the aforementioned commodities* (except commodities in bulk), between points in Cobb County, GA, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, restricted to traffic originating at or destined to the facilities utilized by Pave-Mark Corporation, for 180 days. Supporting shipper(s): Pave-Mark Corporation, 3141 NIFDA Blvd., Smyrna/Atlanta, GA 30081.

MC 136886 (Sub-2–1TA), filed January 2, 1980. Applicant: MASTERSON TRANSFER CO., INC., 3000 Pennsylvania Ave. W., Warren, PA 16365. Representative: Ronald W. Malin & Kenneth T. Johnson, Bankers Trust Bldg., Jamestown, NY 14701. Contract carrier, irregular routes: *Such merchandise as dealt in by mail order houses and such equipment, materials and supplies used in the conduct of such business (except commodities in bulk)* between points in the U.S. west of WI, IL, KY, TN, and MS, on the one hand, and, on the other, points in Warren County, PA, under continuing contract(s) with New Process Co., Warren County, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): New Process Co., 220 Hickory St., Warren, PA 16366.

MC 146015 (Sub-2–4TA), filed January 7, 1980. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: E. J. Mumma, Jr. (same address as applicant). Contract carrier-irregular routes: *Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and materials, ingredients and supplies used in the manufacture, distribution and sale of the products above;* no authority to transport commodities in bulk is being sought, from the plant sites and storage facilities of Ralston Purina Company at or near Hampden Township, Cumberland County, PA to points at or near Dunkirk and Buffalo, NY and Hampden Township, Cumberland County, PA, for 180 days. Supporting shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 113828 (Sub-2–2TA), filed January 31, 1980. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. *Chemicals, in bulk,* from Norfolk, VA to points and places in VA, IL, IN, MI, and OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Virginia Chemicals Inc., 3340 W. Norfolk Rd., Portsmouth, VA 23703.

MC 112588 (Sub-2–1TA), filed January 24, 1980. Applicant: RUSSELL TRUCKING LINE, INC., 2011 Cleveland Rd., Sandusky, OH 44870. Representative: David A. Turano, 100 E. Board St., Columbus, OH 43215. *Iron and steel and iron and steel articles,* between the facilities of Ellwood City Iron & Wire Co. at Ellwood City, PA, on the one hand, and, on the other, points in IL, IN, OH and MI, for 180 days. An underlying ETA requests 90 days authority. Supporting shipper(s): Ellwood City Iron & Wire Co., P.O. Box 832, Ellwood City, PA 16117.

MC 4963 (Sub-2–4TA), filed January 9, 1980. Applicant: JONES MOTOR CO., INC., Bridge St. & Schuylkill Rd., Spring City, PA 19475. Representative: William H. Peiffer (same address as applicant). *Iron or steel articles, metals and metal products,* between Marshville, NC and points in the states of WI, SC, IA, MI, AL, TN, IN, KY, WV, MO, IL, GA, PA, NY, ME, NH and MD, restricted to the plantsite and facilities of King Fifth Wheel, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): King Fifth Wheel, Box 279, Traywick Rd., Marshville, NC 28103.

MC 148469 (Sub-2–1TA), filed December 26, 1979. Applicant: VICTOR J. WILLIAMS, d.b.a. VJ's TOWING SERVICE, 10705 Fremont Pike, Perrysburg, OH 43551. Representative: Kevin R. Reichley, 50 W. Broad St., Columbus, OH 43215. *Wrecked and disabled motor vehicles and replacement vehicles for wrecked and disabled motor vehicles (except trailers designed to be drawn by passenger automobiles),* between points in OH, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, NY, PA, TN, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ruan Leasing Co., 4400 Martin Moline Rd., Millbury, OH 43447; Sentle Trucking Corp., P.O. Box 7850, Toledo, OH 43619.

MC 114569 (Sub-2–2TA), filed January 25, 1980. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). *Prefabricated metal fireplaces,* from Florence, AL to Mechanicsburg, PA and their commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Associated Building Products, Inc., 100 E. Allen St., Mechanicsburg, PA 17055.

MC 118899 (Sub-2–2TA), filed February 29, 1980. Applicant: BALTIMORE TANK LINES, INC., 180 8th Ave., Glen Burnie, MD 21061. Representative: Lawrence E. Lindeman, 425 13th St., NW, Suite 1032, Washington, DC 20004. *Petroleum and petroleum products,* in bulk, in tank vehicles, from Baltimore, MD and points in its commercial zone to Washington, DC; Alexandria, VA; and points in Arlington, Fairfax, Prince William, Loudoun, Fauquier, Stafford, Shenandoah, Rockingham, Culpeper, Clarke, Frederick, Warren, Page, Madison, Greene, Orange, Spotsylvania, Caroline, and King George Counties, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 8 statements in support attached to this application which may be examined at the office listed below.

MC 113499 (Sub-2–1TA), filed March 5, 1980. Applicant: EDWARD M. RUDE CARRIER CORP., R.F.D. No. 1, Falling Waters, WV 25419. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. *Glass and glassware* from Jeannette, PA to points in NJ, MD, VA, New York, NY, Cincinnati, OH, and DC for 180 days. Supporting shipper(s): General Glass

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International Corp., 270 N. Avenue, New Rochelle, NY 10801.

MC 150174 (Sub-II–T–2), filed March 5, 1980. Applicant: HIVELY TRANSPORTATION, INC., 1100 Lafayette St., York, PA 17405. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. *Roofing, building and insulation materials,* between the facilities of the CertainTeed Corp. in York County, PA, on the one hand, and, on the other, the facilities of CertainTeed Corp., Erie County, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): CERTAINTEED CORP., P.O. Box 860, Valley Forge, PA 19482.

MC 112304 (Sub-II–6TA), filed March 5, 1980. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: John G. Banner (same address as applicant). *Iron and steel articles,* between Darlington, SC, on the one hand, and, on the other, all points in and east of WI, IL, KY, TN, and MS. Supporting shipper(s): Oceana Corporation, Pawleys Island, SC 29585.

MC 140294 (Sub-2–3), filed March 5, 1980. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Middleburg Pk., Hagerstown, MD 21740. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Glassware, glass ceramic ware, laminated glassware, and electrical appliances, parts and accessories therefore,* between the facilities of Corning Glass Works at or near Greencastle, PA, and Hagerstown, MD, and its commercial zone for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Corning Glass Works, Box 158, Corning, NY 14830.

MC 143394 (Sub-II–3–TA), filed March 3, 1980. Applicant: GENIE TRUCKING LINE, INC., P.O. Box 840, 70 Carlisle Springs Rd., Carlisle, PA 17013. Representative: G. Kenneth Bishop (same as applicant). *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) (1) from the facilities of West Coast Shippers Assn., in Hoboken, NJ and the commercial zone to Atlanta, GA; Charlotte, NC; Birmingham, Mobile and Montgomery, AL; Jacksonville, Miami, Orlando and Tampa, FL and the commercial zones, and (2) from the facilities of West Coast Shippers Assn., Philadelphia, PA and the commercial zone to Charlotte, NC; Birmingham, Mobile and Montgomery, AL and the commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): West Coast Shippers Assn., 2000 S. 71st St., Philadelphia, PA 19142.

MC 114569 (Sub-2–10), filed March 7, 1980. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same as applicant). *Printed matter and materials, equipment and supplies used in the manufacture, sale and distribution of printed matter (except commodities in bulk)* between the facilities of R.R. Donnelly & Sons Co. and its subsidaries at or near Gallatin, TN, Glascow, KY, and Lancaster, PA on the one hand and points in CA, CO, CT, DE, DC, FL, GA, IL, IN, KY, MD, MA, MI, MO, MN, NJ, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, VA, WA, WV, and WI on the other, for 180 days. Supporting shipper(s): R.R. Donnelley & Sons Co., 2223 Martin Luther King Dr., Chicago, IL 60616.

MC 114569 (Sub-2–7), filed March 5, 1980. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same as applicant). *Confectionary* from the facilities of Peter Paul Cadbury, Inc. at or near York, PA to Kansas City, MO; Dallas, TX; Denver, CO; and Memphis, TN and their commercial zones. An underlying ETA seeks 90 days authority. Supporting shipper(s): Peter Paul Cadbury, Inc., New Haven Rd., Naugatuck, CT 06770.

MC 114569 (Sub-2–8), filed March 5, 1980. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same as applicant). *Foodstuffs (except in bulk, in tank vehicles)* from the facilities of Peter Paul Cadbury, Inc. at or near Salinas, CA to Denver, CO; Kansas City, MO; Dallas, TX; Memphis, TN; York, PA; Frankfort, IN; Hazleton, PA; Chicago, IL; and Naugatuck, CT and their commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Peter Paul Cadbury, Inc., New Haven Rd., Naugatuck, CT 06770.

MC 128371 (Sub-2–2TA), filed March 4, 1980. Applicant: BELLEVUE AGGREGATE HAULERS, INC., P.O. Box 296, Holland, OH 43528. Representative: Kevin R. Reichley, 50 West Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of metal containers, in flat bed equipment,* between the facilities of American Can Co. at or near Whitehouse, OH, on the one hand, and, on the other, East Chicago and Gary, IN, and Weirton, WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Can Co., 915 Harger Rd., Oakbrook, IL 60521.

MC 146551 (Sub-II–1TA), filed March 3, 1980. Applicant: TAYLOR TRANSPORT, INC., P.O. Box 285, Grand Rapids, OH 43522. Representative: Arthur R. Cline, 420 Security Bldg., Toledo, OH 43604. *Scrap paper* from Napoleon and Wauseon, OH to The Union Camp Corporation's mill site at Monroe, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Camp Corporation, 1600 Valley Rd., Wayne, NJ 07480.

MC 109553 (Sub-2–1), filed March 3, 1980. Applicant: OVERNITE TRANSPORTATION CO., 1000 Semmes Ave., Richmond, VA 23224. Representative: E. T. Liipfert, Suite 1000, 1660 L St., NW., Washington, DC 20036; C. H. Swanson (same as applicant). *Common; regular: General commodities (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment).* (1) Between Kansas City, KS and Houston, TX, serving no intermediate points: From Kansas City over Interstate Hwy 35 to junction Interstate Hwy 35E, then over Interstate Hwy 35E to junction Interstate Hwy 45 then over Interstate Hwy 45 to Houston and return over same route. (2) Between St. Louis, MO and Houston, TX serving no intermediate points: From St. Louis over Interstate Hwy 44 to junction Interstate Hwy 35 then over Interstate Hwy 35 to junction Interstate Hwy 35E, then over Interstate Hwy 35E to junction Interstate Hwy 45 then over Interstate Hwy 45 to Houston and return over same route. (3) Between Memphis, TN and Houston, TX, serving no intermediate points: From Memphis over Interstate Hwy 40 to junction Interstate Hwy 30 then over Interstate Hwy 30 to junction U.S. Hwy 59 then over U.S. Hwy 59 to Houston and return over same route. (4) Between Memphis, TN and New Orleans, LA serving no intermediate points: From Memphis, TN over Interstate Hwy 55 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans and return over same route. (5) Between Memphis, TN and junction Interstate Hwy 55 and Interstate Hwy 12 serving no intermediate points: From Memphis over Interstate Hwy 55 to junction Interstate Hwy 12 and return over same route. (6) Between Birmingham, AL and junction Interstate Hwy 59 and Interstate Hwy 10, serving no intermediate points: From Birmingham over Interstate Hwy 59 to junction Interstate Hwy 10 and return over same route. (7) Between Birmingham, AL and

Pensacola, FL, serving no intermediate points: From Birmingham over Interstate Hwy 65 to junction U.S. Hwy 31, then over U.S. Hwy 31 to junction U.S. Hwy 29, then over U.S. Hwy 29 to Pensacola and return over same route. (8) Between Birmingham, AL and Mobile, AL, serving no intermediate points: From Birmingham over Interstate Hwy 65 to Mobile and return over same route. (9) Between Charleston, S.C. and Jacksonville, FL, serving no intermediate points: From Charleston over U.S. Hwy 17 to junction Interstate Hwy 95 then over Interstate Hwy 95 to Jacksonville and return over same route. (10) Between Albany, GA and Tallahassee, FL serving no intermediate points: From Albany over U.S. Hwy 19 to junction U.S. Hwy 319 then over U.S. Hwy 319 to Tallahassee and return over same route. (11) Between Kansas City, KS and Baton Rouge, LA, serving no intermediate points: From Kansas City over Interstate Hwy 70 to junction U.S. Hwy 65 then over U.S. Hwy 65 to Natchez, MS, then over U.S. Hwy 61 to Baton Rouge and return over same route. (12) Between Jefferson City, MO and Houston, TX serving no intermediate points: From Jefferson City over U.S. Hwy 54 to junction U.S. Hwy 65 then over U.S. Hwy 65 to junction Interstate Hwy 30, thence over Interstate Hwy 30 to junction U.S. Hwy 59, then over U.S. Hwy 59 to Houston and return over same route. (13) Between Jefferson City, MO and Baton Rouge, LA, serving no intermediate points: From Jefferson City over U.S. Hwy 54 to junction U.S. Hwy 65 then over U.S. Hwy 65 to Natchez, MS, then over U.S. Hwy 61 to Baton Rouge, LA and return over same route. (14) Between Birmingham, AL and junction U.S. Hwy 231 and Interstate Hwy 10 serving no intermediate points: From Birmingham over Interstate Hwy 65 to junction U.S. Hwy 231 then over U.S. Hwy 231 to junction Interstate Hwy 10 and return over same route. Serving points in the commercial zones of the termini of routes (1) through (14) above. Tacking and interlining intended. *Docket number of authority to be tacked or joined:* MC 109533, Sub-36, MC 109533, Sub-67, MC–F–12903, Overnite Transportation Company—Purchase, Southern Forwarding Co. MC–F–13164, Overnite Transportation Company—Purchase, Bonifield Bros. Truck Line, Inc., MC–F–13400, Overnite Transportation Company—Purchase, St. Louis-Kansas City Express, Inc. Applicant intends to interline with other carriers at the following terminal points: Atlanta, GA, Baltimore, MD, Baton Rouge, LA, Birmingham, AL, Charleston, W. VA, Charlotte, N.C., Chattanooga, TN, Cincinnati, OH, Houston, TX, Jacksonville, FL, Kansas City, MO, Louisville, KY, Memphis, TN, Nashville, TN, New Orleans, LA, St. Louis, MO, Toledo, OH, Washington, Pa.

MC 110328 (Sub-2–2), filed March 4, 1980. Applicant: ROY A. LEIPHART TRUCKING CO., 1298 Toronita St., York, PA 17402. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Synthetic fibers and/or yarns,* (1) from Martinsville, Rocky Mount, and Waynesboro, VA to Carlisle, PA; and (2) from Salisbury, Shelby and Earl, NC to Carlisle, PA; and (3) from Spartanburg, SC to Carlisle, PA including their respective commercial zones. *Auto body panels, fiberboard, sound deadening materials, carpet padding; shoddy or lining,* from Marine City, MI and Franklin, OR and Norwalk, OH and Marion, IN including their respective commercial zones to Carlisle and Lewistown, PA, including their respective commercial zones. An underlying ETA seeks 90 days authority. Supporting shipper(s): C. H. Masland & Sons, Box 40, 50 Spring Rd., Carlisle, PA 17013.

MC 64806 (Sub-2–2), filed March 4, 1980. Applicant: R. P. THOMAS TRUCKING CO., INC., 807 W. Fayette St., Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *New furniture* from the facilities of Daystrom Furniture Inc. at or near South Boston, VA; the facilities of Stanley Furniture Interiors at or near West End, NC and Waynesboro, VA; the facilities of Vaughn Bassett Furniture Co., Inc. at or near Elkin, NC and Galax, VA; to points in CT, DE, MA, MD, ME, MI, NH, NJ, NY, PA, RI, and VT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Daystrom Furniture, Inc., Sinai Rd., South Boston, VA 24592. Stanley Furniture Interiors, Stanleytown, VA 24168; Vaughn Bassett Furniture Co., Inc. P.O. Box 779, Galax, VA 24333.

MC 143394 (Sub-2–1), filed March 3, 1980. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs, P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same as applicant). *Contract; irregular: Foodstuffs, health & beauty aids, cleaning compounds, kitchen gadgets, dog food, coffee, milk, tea, candy, nuts, paper products and cheese (except in bulk in tank vehicles)* from the facilities of Topco Associates, Inc., in Skokie, IL and from Chicago, IL and Green Bay, Lena and Portage, WI to points in MS and AL and the commercial zones for 180 days. Supporting shipper(s): Topco Associates, Inc., 7711 Gross Point Rd., Skokie, IL 60077.

MC 150214 (Sub-2–2), filed March 5, 1980. Applicant: J. N. CARR TRANSPORT, INC., 351 Market St., Espy, PA 17815. Representative: Wilmer B. Hill, Suite 806, 666 Eleventh St., NW., Washington, DC 20001. *Dairy products* from Elmira, Horseheads, and Waverly, NY and South Waverly, PA to points in and east of MN, IA, KS, OK, and TX for 180 days. Supporting shipper(s): Leprino Foods, Inc., P.O. Box 8400, Denver, CO 80201.

MC 14203 (Sub-2–1), filed March 6, 1980. Applicant: APPLE HOUSE, INC., 3726 Birney Ave., Scranton, PA 18505. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. (1) *Animal feed and animal or poultry feed* from Limeridge, PA to Miami, FL; (2) *Plastic film or sheeting and plastic bags* from Pottsville, Norwegian Twp, PA to NC, FL and GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Champion Valley Farms, Inc., 6770 Low St., Bloomsburg, PA 17815; Exxon Chemical G.V.S.A., P.O. Box 395, Pottsville, PA.

MC 117565 (Sub-2–1TA), filed March 6, 1980. Applicant: MOTOR SERVICE CO., INC., P.O. Box 448, Coshocton, OH 43812. Representative: John R. Hafner, P.O. Box 448, Coshocton, OH 43812. *(1) Plastic Articles, (2) Accessories used in floral arrangements,* from the plantsite and warehouse facilities of Smithers Oasis, Kent, OH to points in New York, Kings, Queens, Bronx, Richmond, Nassau, and Suffolk Counties, NY; Philadelphia, PA, and points in its commercial zone; and those points in Bergen, Burlington, Camden, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Union, and Warren Counties, NJ for 180 days. Supporting shipper(s): Smithers Oasis Div., The Smithers Co., 919 Marvin Ave., Kent, OH 44240.

MC 136343 (Sub-2–1TA), filed March 6, 1980. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Stan C. Geist, Milton Transportation, Inc., P.O. Box 355, Milton, PA 17847. *Such commodities as are dealt in or used by manufacturers and distributors of printed matter* (except commodities in bulk) Between the facilities of Fairfield Graphics, at or near Gettysburg, PA, on the one hand, and, on the other, those points in the US in and east of MS, TN, KY, IL, and WI, restricted to the transportation of traffic originating at or destined to the named points. An underlying ETA is pending. Supporting shipper: Fairfield Graphics, P.O. Drawer

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AN, North Miller Street, Fairfield, PA 17320.

MC 2605 (Sub-2–1TA), filed March 6, 1980. Applicant: COMMERCIAL TRANSPORTATION, INC., 2300 E. Adams Ave., Philadelphia, PA 19124. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. *Chemicals and chemical products* (except in bulk) from the facilities of FMC Corp. located at Carteret, NJ, and Lyndhurst, NJ to points in OH, Chicago, IL, and Detroit, MI, and points in their commercial zones for 180 days. An underlying ETA seeking up to 90 days operating authority has been filed. Supporting shipper: FMC Corp., 200 Market St., Philadelphia, PA 19103.

MC 103937 (Sub-2–1), filed March 6, 1980. Applicant: ANTHRA-TRANS, INC., R.D. #3, Moscow, PA 18444. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. *Coal* from Ashley, Hazelton, Shenandoah, PA to CT, MA, and RI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lehigh Valley Coal Sales Co., P.O. Box 450, Pittston, PA 18640.

MC 148522 (Sub-2–4), filed March 6, 1980. Applicant: PAUL E. ACE TRUCKING, INC., 930 Clay Ave., Stroudsburg, PA 18360. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. *Cleaning compounds, household products, deodrants* from East Stroudsburg, PA to Elizabeth, NJ, Richmond, VA, Liverpool (Syracuse) NY and Saylesville, RI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Drackett Co., 5020 Spring Grove Ave., Cincinnati, OH 45232.

MC 104898 (Sub-2–1), filed March 7, 1980. Applicant: WOMELDORF, INC., P.O. Box G, Knox, PA 16232. Representative: Ralph C. Wilgus (same as applicant). *(1) Containers, container ends and closures, (2) commodities, manufactured or distributed by manufacturers and distributors of containers, and (3) material, equipment and supplies used in the manufacture and distribution of the commodities named in 1 and 2 above* between points in the states of CT, DE, IL, GA, IN, KY, MD, MA, MI, MS, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC for 180 days. Restricted (1) against the transportation of commodities in bulk in tank vehicles and (2) to the transportation of traffic originating at or destined to the facilities of Glass Containers Corp. An underlying ETA seeks 90 days authority. Supporting shipper(s): Glass Containers Corp., Knox, PA 16232.

MC 146588 (Sub-2–1TA), filed March 7, 1980. Applicant: PHOENIX BIRD, INC., Suite 118, 1 Neshaminy Plaza, Street Road & Bristol Pike, Cornwells Heights, PA 19020. Representative: Ronald N. Cobert, 1730 M St. NW., Suite 501, Washington, DC 20036. *Contract; irregular: Drugs, medicines* and *chemicals* (except in bulk), from the facilities of Merck Sharp & Dohme, a division of Merck & Company, Inc., at or near West Point, PA to Atlanta, GA; Arlington, TX; Denver, CO; Overland Park, KS; Los Angeles, CA; Memphis, TN; Kenner, LA; Portland, OR and San Francisco, CA. Restriction: The authority sought herein is to be restricted to a transportation service to be performed under a continuing contract or contracts with Merck Sharp & Dohme, a division of Merck & Company, Inc. Supporting shipper(s): Merck Sharp & Dohme, a division of Merck & Co., Inc., West Point, PA 19486.

MC 8771 (Sub-2–2), filed March 7, 1980. Applicant: S M TRANSPORT, INC., 5000 Linker St., Hemlock Bldg., Mechanicsburg, PA 17055. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. *Road making machinery, machinery parts, contractor's equipment, commodities which because of size and weight require the use of special equipment and self-propelled vehicles weighing more than 15,000 pounds each,* from Mattoon, IL to points and places in AL, AR, AZ, CA, CO, FL, GA, NC, PA, ID, KS, LA, MS, NV, NM, OK, OR, SC, TN, TX, UT, MI, NY, MD, and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Blaw-Knox Construction Equipment Co., E. Rt. 16, Mattoon, IL 61938.

MC 63417 (Sub-2–6), filed March 7, 1980. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). *New furniture and furniture parts* from Galax, VA, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vaughan Furniture Co., Inc., P.O. Box 330, Galax, VA 24333.

MC 8958 (Sub-2–5TA), filed March 6, 1980. Applicant: YOUNGSTOWN CARTAGE CO., 825 W. Federal St., Youngstown, OH 44501. Representative: Philip J. Cianciolo (same address as applicant). *Racks, Pallet Storage, or Warehouse, consisting of unassembled members or members assembled in panels and material used in the manufacture and assembly of racks, pallet storage or warehouse* between the facilities of Lok-Rak at or near East Hartford, CT and points in FL, GA, IL, IN, KY, NC, SC, and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lok-Rak Corporation, East Hartford, CT 06108.

MC 136432 (Sub-2–1TA), filed March 7, 1980. Applicant: DAVID C. RICHARD, d.b.a. D & M EXPRESS, Route 19, Evans City, PA 16033. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. *Contract carrier: irregular routes: railway air brake equipment, and accessory parts and supplies,* from Wilmerding, PA to Alexandria and Roanoke, VA, under continuing contract with American Standard Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: American Standard Inc., P.O. Box 2003, New Brunswick, NJ 08903.

MC 149044 (Sub-2–1), filed March 10, 1980. Applicant: FRANK C. ANDREWS, d.b.a. JAFA ENTERPRISES, P.O. Box 713, Frazer, PA 19355. Representative: John W. Christie, 1112 Airport Rd., West Chester, PA 19380. *Contract; irregular: Empty cargo shipping containers used in the commercial activities of Container Trading Corp.* from the container handling, repair, and storage facilities located within the ports of Baltimore, MD to such facilities located within the ports of Wilmington, NC and Norfolk, VA and (2) from the container handling, repair, and storage facilities of the Port of Norfolk, VA to such facilities located within the Port of Wilmington, NC and to the facilities of Asher Industries located in Birdsboro, PA under continuing contract with Container Trading Corp. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Container Trading Corp., Lyndhurst, NJ.

MC 148001 (Sub-2–1TA), filed March 10, 1980. Applicant: M. G. BROADDUS III, Box 113 H, Route 1, Bowling Green, VA 22427. Representative: Calvin F. Major, 200 West Grace Street, Suite 415, Richmond, VA 23220. *Contract carrier:* irregular routes: *Sawdust* from Bowling Green, VA to Salisbury, MD. Supporting shipper: Brooks Lumber Co., Rt. 1, Box 4T, Bowling Green, VA 22427.

MC 124111 (Sub-2–1TA), filed March 10, 1980. Applicant: OHIO EASTERN EXPRESS, INC., 300 W. Perkins Ave., Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Products dealt in by retail drug outlets (except commodities in bulk)* from Cranberry, NJ to Momence, IL, Detroit, MI, Cleveland, OH and Toledo, OH including points in their respective commercial zones for 180 days.

Supporting shipper(s): Carter-Wallace, Half Acre Rd., Cranberry, NJ 08512.

MC 45764 (Sub-2–1), filed March 10, 1980. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., Industrial Hwy & Saville Ave., Eddystone, PA 19013. Representative: Edward Keels (same as applicant). *Machinery, plant equipment and supplies, which because of size or weight requires special handling or equipment, and related tools and parts, in foreign commerce on through trailers* from points on and east of the Mississippi River including, but not limited to Detroit, Warren and Sault St. Marie, MI, Rockford, IL, Baltimore, MD and Philadelphia, PA to ports of entry on the U.S. and Mexican border of Brownsville, Laredo and El Paso, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chrysler De Mexico, Lago Alberto, 320 Mexico 17 D F Mexico.

MC 150113 (Sub-2–1TA), filed March 10, 1980. Applicant: SMITH TRANSPORTATION CO., 1428 Market Avenue North, Canton, OH 44714. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract; irregular: Oil and gas well treating compounds and materials, equipment and supplies used in the manufacture and distribution thereof,* between Canton, OH, on the one hand, and, on the other, Mt. Pleasant, Kalkaska, Wayne and Midland, MI; Corry, Greensburg and Black Lick, PA; Depew, NY; Glenville, Nitro and Beckley, WV; Paintsville and Prestonsburg, KY; Charlotte, NC; Richmond, VA; Mt. Holly, NJ; Davisville, RI; Winthrop, ME; Chicago Heights, Flora and Highland, IL; Rosemount, MN; Kansas City and St. Louis, MO; and Kansas City, KA for 180 days. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Dowell Division of Dow Chemical Co. U.S.A. An underlying ETA seeks 90 days authority. Supporting shipper: Dowell Division of Dow Chemical Co. U.S.A., P.O. Box 21, Tulsa, OK 74102.

MC 148371 (Sub-II–1TA), filed September 28, 1979. Applicant: JUNIOR LEE MULLENS, d.b.a. J. L. MULLENS TRUCKING, Commercial Ave., Richwood, WV 26261. Representative: Junior Lee Mullens (same address as above). Contract carrier, regular routes, *coal* from Sewell Coal Co. mine on Gualey River, WV, over private road to WV State Rt. 20 at Lowland, WV, then over State Rt. 20 to Charmco, WV; then on U.S. Rt. 60 to I–64 at Sam Black Church, then over I–64 to Westvaco Papermill at Covington, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sewell Coal Co., Netti, WV 26681.

MC 146892 (Sub-II–2TA), filed December 20, 1979. Applicant: R & L TRANSFER, INC., P.O. Box 271, Wilmington, OH 45177. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Conveyors, conveyor parts, and materials used in the manufacture or installation of conveyors,* from the facilities of Versa Corp. at or near Mt. Sterling, OH to points in the U.S. (except AK and HI), and materials, equipment, and supplies used in the manufacture of the commodities set forth above from points in the U.S. (except AK and HI), to the facilities of Versa Corp. at or near Mt. Sterling, OH, restricted against the transportation of commodities in bulk, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Versa Corp., Box 152 Mt. Sterling, OH 43143.

Note.—Applicant intends to interline at Columbus and Cleveland, OH.

MC 148522 (Sub-II–2TA), filed January 11, 1980. Applicant: PAUL E. ACE TRUCKING, INC., 930 Clay Ave., Stroudsburg, PA 18360. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. *Malt beverages,* in containers, from Rochester, NY to Pt. Pleasant, NJ and Union, NJ; from Winston-Salem, NC to E. Stroudsburg, PA; and from Newark, NJ, Columbus, OH, Merrimack, NH, and Williamsburg, VA to Tamacqua and Shamokin, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 6 supporting shippers.

MC 113106 (Sub-II–2TA), filed January 16, 1980. Applicant: BLUE DIAMOND COMPANY, 4401 E. Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 1030 15th St. NW., Washington, DC 20005. *Glass containers* from Millville, NJ to Mt. Jackson, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kerr Glass Manufacturing Corp. Sand Springs, OK 74063.

MC 149027 (Sub-II–1TA), filed December 20, 1979. Applicant: BLUE MOUNTAIN EXPRESS, INC., Route 8, Box 43, Frederick, MD 21701. Representative: Fred H. Daly, 2550 M St., NW., Washington, DC 20037. Contract carrier, irregular routes: *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses* (except frozen commodities and commodities in bulk) from the facilities of The Clorox Company located at Frederick, MD to points in PA, for 180 days, under continuing contract(s) with The Clorox Company. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Clorox Company, 1221 Broadway, Oakland, CA 94612.

MC 63417 (Sub-II–1TA), filed December 31, 1979. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447 Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). (1) *Plumbing supplies, vanities, and vanity cabinets (except commodities in bulk), and iron and steel products* from Evansville, IN and Rockport, IN, to points in the U.S. (except AL, AK, GA, HI, KY, MD, MS, NC SC, TN, VA, WV, and DC), restricted to the transportation of traffic orginating at the named origin facilities; and (2) *materials and supplies used in the manufacture of the commodities in (1) above (except commodities in bulk, and those requiring special equipment),* from points in the U.S. (except AK and HI) to Evansville, IN and Rockport, IN, restricted to traffic destined to the named destination for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bootz Plumbing Fixtures, Inc., 1400 Park St., Evansville, IN 47710.

MC 146876 (Sub-II–1TA), filed January 7, 1980. Applicant: BURKS TRUCKING, INC., Post Office Box 37, Old Fort, OH 44861. Representative: Richard H. Brandon, 220 W. Bridge, Dublin, OH 43017. *Stero speaker cabinets, densified wood fuel and insulation board and materials, equipment and supplies used in their manufacture and sale* (except in bulk) between Tiffin, OH, on the one hand, and, on the other, points in DE, IL, MA, MD, NJ, NY, PA, CT, OR, and MT, for 180 days. Supporting shipper(s): Tiffin Enterprises, 458 2 Ave., Tiffin, OH 44883.

MC 123997 (Sub-II–1TA), filed December 11, 1979. Applicant: COMET FAST FREIGHT, INC., 101 Wellham Ave., Glen Burnie, MD 21061. Representative: Maxwell A. Howell, 1100 Investment Bldg., Washington, DC 20005. *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses, and materials, equipment and supplies utilized in the manufacturing, sale, and distribution of such commodities (except frozen commodities and commodities in bulk),* between the plantsite and warehouses utilized by The Clorox Co., at or near Frederick and Baltimore, MD, on the one hand, and, on the other, points in PA, NJ, and DE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Clorox Co., 1221 Broadway St., Oakland, CA 94612.

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MC 119573 (Sub-II–1TA), filed January 4, 1980. Applicant: WATKINS TRUCKING, INC., 203–207 Trenton Ave., Uhrichsville, OH 44683. Representative: Richard H. Brandon, 220 W. Bridge St., Dublin, OH 43017. *Clay products and refractory products and materials and supplies used in the manufacture and installation of clay products and refractory products* between Carol Stream, IL, on the one hand, and, on the other, points in MN, MO, IA, IN, MI, OH, NY, PA, DE, ME, MD, WI, NH, NJ, RI, VT, DC, VA, CT, WV, KY, TN, and MA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clow Corp., 300 S. Gary Ave., Carol Stream, IL 60187.

MC 144672 (Sub-II–1TA), filed December 7, 1979. Applicant: VICTORY EXPRESS, INC., P.O. Box 26189, Trotwood, OH 45426. Representative: Richard H. Schaefer (same address as applicant). *Such merchandise as is dealt in or used by wholesale, retail, chain and food business houses* from San Antonio, TX to Montgomery, AL; Santa Ana, CA; San Francisco, CA; Denver, CO; Jacksonville, FL; Atlanta, GA; Chicago, IL; Everett, MA; Jackson, MS; Conklin, NY; Portland, OR; Salt Lake City, UT; Seattle, WA; and Tacoma, WA, for 180 days. Supporting shipper(s): Church's Fried Chicken, Inc., 355 Spencer Lane, San Antonio, TX 78284.

MC 146423 (Sub-II–1 TA), filed December 26, 1979. Applicant: STEPHEN HROBUCHAK, d.b.a. TRANS-CONTINENTAL REFRIGERATED LINES, P.O. Box 1456, Scranton, PA 18503. Representative: George A. Olsen, P.O. Box 357, Galdstone, NJ 07934. (1) *Floor covering* from Whitehall and Fullerton (Lehigh County), PA; and (2) *Floor tile* from Vails Gate, NY to points in CA, AZ, NM, CO, WA, OR, for 180 days. Supporting shipper(s): GAF Corp., 1361 Alps Rd., Wayne, NJ 07470.

MC 116763 (Sub-II–1 TA), filed December 6, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). *Such commodities as are dealt in by paint and chemical coating manufacturers and wholesale retail paint stores and supply houses (except commodities in bulk, in tank vehicles)* between facilities of Standard T Chemical Co., located at or near Chicago Hts., IL, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, OK, and TX, restricted to traffic originating at and destined to facilities of Standard T Chemical Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Standard T Chemical, 10 & Washington St., Chicago Hts., IL 60411.

MC 129086 (Sub-II–1TA), filed December 20, 1979. Applicant: SPENCER TRUCKING CORP., Route 2, P.O. Box 254A, Keyser, WV 26726. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., Washington, DC 20001. *Charcoal briquettes,* from the facilities of The Kingsford Co., at or near Parsons and Ridgley, WV, to Burnside, KY; Dothan, AL; and Belle, MO, and from the facilities of The Kingsford Co., at or near Burnside, KY; Dothan, AL; Belle, MO; St. Louis, MO; Columbus, OH; Atlanta, GA; Charlotte, NC; Chicago, IL; and Cleveland, OH; to points in and east of MN, IA, MO, AR, and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Kingsford Co., 1700 Commonwealth Bldg., Louisville, KY 40202.

MC 142443 (Sub-II–1TA), filed November 30, 1979. Applicant: HOLSTON BROTHERS, INC., 13711 Travilah Rd., Rockville, MD 20850. Representative: Barry Roberts, 888 17 St., NW, Washington, DC 20006. Contract carrier, irregular routes: (1) *Landscape and garden supplies* from points in PA, VA, NJ, MD, WV, NC, NY, VT, GA, OH, IN, CO, CA, NM, NH, ME, and DE to points in NJ, DE, MD, WV, VA, DC, and NC for the account of Landscape Products and Building Suppliers, Inc., Silver Spring, MD; (2) *Building supplies* from points in OH and IN to points in NJ, DE, MD, WV, DC, and NC, for the account of Landscape Products and Building Supplies; Inc., Silver Spring, MD; (3) *Animal feed* from Everson, PA and Lancaster, PA to Gaithersburg, MD for the account of Gaithersburg Farmers Supply, Inc., and (4) *Agricultural, industrial and construction tractors, machinery and equipment* from Richmond, VA to Gaithersburg, MD for the account of Gaithersburg Farmers Supply, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gaithersburg Farmers Supply, 453 E. Diamond Ave., Gaithersburg, MD 20760. Landscape Products and Bldg., Supplies, 9221 Long Branch Parkway, Silver Spring, MD 20901.

MC 144513 (Sub-II–1TA), filed January 4, 1980. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster St., Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Solvents and cleaning compounds (except in bulk),* from the facilities of National Solvent Corp. at Medina, OH to Birmingham, AL; St. Paul, MN; Peoria, IL; Memphis, TN; Cedar Rapids, IA; Milwaukee, WI; Shreveport, LA; Kansas City and St. Louis, MO; Fargo, ND; Sioux Falls, SD; Phoenix, AZ; Portland, OR; Hastings, NE; Denver, CO; Fort Smith, AR; Dallas and Houston, TX; Hattiesburg, MS; Atlanta, GA; Tampa and Ft. Lauderdale, FL, and points in their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Solvent Corp., 955 W. Smith Rd., Medina, OH 44256.

MC 149043 (Sub-II–1TA), filed December 27, 1979. Applicant: EASTERN TANK LINES, INC., 5536 Brentlinger Dr., Dayton, OH 45414. Representative: H. Neil Garson, 3251 Old Lee Hwy., Fairfax, VA 22030. *Vegetable oils, vegetable oil shortenings in bulk in tank vechicles* from the facility of Capital City Products Co., at Columbus, OH to points in the U.S. and materials and supplies used in the manufacture of vegetable oils and vegetable oil shortenings, in bulk, in tank vehicles from the destination named above to the facility of Capital City Products Co., at Columbus, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Capital City Products Co. a Division of Stokely Van Camp, Inc., P.O. Box 569, Columbus, OH 43216.

MC 38481 (Sub-II–1TA), filed December 5, 1979. Applicant: FARRUGGIO'S BRISTOL & PHILA. AUTO EXPRESS, INC., 1419 Radcliffe St., Bristol, PA 19007. Representative: Alan Kahn, Esq., 1920 Two Penn Center Plaza, Philadelphia, PA 19102. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) having a prior or subsequent movement by rail, water, or motor vehicle, between points in PA, DE, CT, NY, NJ, MD, VA, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are six supporting shippers.

MC 149208 (Sub-II–1TA), filed October 22, 1979. Applicant: FEMWORK, INC., P.O. Box 188, Millville, WV 25432. Representative: Michael E. Caryl, 206 W. Burke St., Martinsburg, WV 25401. Contract carrier, irregular routes: *Asphalt and other road building materials* between points in Loudoun, Clarke, and Frederick Counties, VA; Jefferson and Berkeley Counties, WV; and Frederick, Washington, and Montgomery Counties, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): W&W Paving Co., Inc., P.O. Box 188, Millville, WV 25432.

MC 149239 (Sub-II–1TA), filed December 19, 1979. Applicant: FORT STEUBEN LIMOUSINE SERVICE CO., 420 Lee Rd., Follansbee, WV 26037. Representative: Owen Katzman, Suite 800 S.— 1800 M St., Washington, DC 20036. *Passengers and their baggage, in special operations, in vehicles limited to 10 passengers or less* between Greater Pittsburgh International Airport, in Alleghany County, PA, on the one hand, and, on the other, points in Hancock, Brooke, and Ohio Counties, WV (except Wheeling, WV) and points in Jefferson, Columbiana, and Harrison Counties, OH, for 180 days. Supporting shipper(s): There are 12 supporting shippers.

MC 149153 (Sub-II–1TA), filed January 24, 1980. Applicant: DANNY'S TWO-WAY, INC., 11663 Chester Rd., Cincinnati, OH 45246. Representative: Danny Watson (same address as applicant). Contract carrier, irregular routes: *Salt and salt products* from Cincinnati, OH and points in its commercial zone to points in IL, IN, KY, MI (Lower Peninsula), MO (points on and east of U.S. Hwy 63), OH, PA (points on and west of U.S. Hwy 15), WV (points on and west of Interstate Hwy 79 from the PA–WV State line on its intersection with Interstate Hwy 77 thence Interstate Hwy 77 to the WV–VA State line) and WI (points on and south of WI Hwy 33), for 180 days, under continuing contract(s) with Domtar Industries, Inc., Sifto Salt Division. An underlying ETA seeks 90 days authority. Supporting shipper(s): Domtar Industries, Inc., 9950 W. Lawrence Ave., Suite 400, Schiller Park, IL 60176.

MC 148860 (Sub-II–1TA), filed January 19, 1980. Applicant: D.M.T. TRUCKING, INC., 2700 Broening Highway, Baltimore, MD 21222. Representative: Theodore Polydoroff, 1307 Dolley Madison Blvd., McLean, VA 22101. (1) *Automobiles, trucks, cabs, chassis and parts thereof, in secondary movements in truckaway service and (2) damaged and rejected shipments of the commodities in (1) above,* between Baltimore, MD, and points in its commercial zone, on the one hand, and, on the other, points in DE, MD, PA, VA, WV and DC, restricted to shipments having a prior or subsequent movement in foreign commerce, for 180 days. Supporting shipper(s): Mid-Atlantic Toyota Distributors, Inc., 6710 Baymeadow Drive, Glen Burnie, MD 21061.

MC 125813 (Sub-II–1TA), filed January 14, 1980. Applicant: CRESSLER TRUCKING, INC., 153 West Orange St., Shippensburg, PA 17257. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Penn. Ave. & 13th St., NW., Washington, DC 20004. (1) *Rock crushers, rock crusher parts, accessories and tools for rock crushers, and wooden patterns for rock crushers,* from Carlisle, PA, to points in AL, GA, IL, IN, NC, OH and SC; and (2) *scrap steel, raw materials used in the manufacture of rock crushers* (except commodities in bulk), *wooden patterns, rock crusher parts, and used, damaged or defective rock crushers,* from points in AL, GA, IL, IN, NC, OH and SC to Carlisle, PA, for 180 days. Supporting shipper(s): The Frog Switch & Manufacturing Co., P.O. Box 70, Carlisle, PA 17103.

MC 119864 (Sub-II–1TA), filed December 4, 1979. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Rd., Perrysburg, OH 43551. Representative: Brad A. James (same address as applicant). *Foodstuffs (except in bulk)* from Paw Paw, MI to Fostoria, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporing shipper(s): Michigan Quality Foods, Kalamazoo St., Paw Paw, MI.

MC 113666 (Sub-II–3TA), filed December 21, 1979. Applicant: FREEPORT TRANSPORT, INC., Drawer A, 1200 Butler Rd., Freeport, PA 16229. Representative: D. R. Smetanikc (same address as applicant). *Sodium chloride,* in bulk, from Retsof, NY to ports of entry on the International Boundary Line between the U.S. and Canada located in NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cyanamid Canada, Inc., 2255 Sheppard Ave., E., Willowdale, Ontario, Canada.

MC 113666 (Sub-II–4TA), filed December 21, 1979. Applicant: FREEPORT TRANSPORT, INC., P. O. Drawer A, Freeport, PA 16229. Representative: Daniel R. Smetanikc (same address as applicant). *Animal feed ingredients, in bags,* from Chattanooga, TN to Chicago, IL and St. Louis, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540.

MC 96324 (Sub-II–1TA), filed January 2, 1980. Applicant: GENERAL DELIVERY, INC., P.O. Box 1816, Fairmont, WV 26554. Representative: Harold G. Hernly, Jr., 110 S. Columbus St., Alexandria, VA 22314. *Malt beverages, malt beverage containers, advertising materials, pallets and material, equipment and supplies used in the production of malt beverages* (except commodities in bulk) between (1) Milwaukee, WI, on the one hand, and, on the other, points in OH, PA, and WV, and (2) between Winston Salem, NC, on the one hand, and, on the other, points in DE, NJ, NY, MA, RI, CT, MD, NH, PA, WV, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Joseph Schlitz Brewing Co., 235 W. Galena St., Milwaukee, WI 53201.

MC 140294 (Sub-II–4TA), filed January 18, 1980. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Hagerstown, MD 21740. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Knocked-down metal lawn buildings, materials and supplies (except in bulk), used in the manufacture and distribution thereof,* between facilities of Roper Corp., located at or near Hagerstown, MD, on the one hand, and, on the other, points in VA, PA, RI, NJ, NY, CT, MA, WV, and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Roper Corp., 881 Pennsylvania Ave., Hagerstown, MD 21740.

MC 135524 (Sub-II–2TA), filed January 28, 1980. Applicant: G. F. TRUCKING COMPANY, 1028 West Rayen Ave., P.O. Box 229, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Rd., Youngstown, OH 44509. *Conveyors, conveyor systems and accessories, parts, materials, supplies, and equipment,* from Birmingham, AL to Quemahoning Township, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Abex Corporation, 530 5th Ave., New York, NY 10036.

MC 129613 (Sub-II–2TA), filed January 24, 1980. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., Hagerstown, MD 21740. *Malt beverages* from Eden, NC and its commercial zone to Cincinnati, OH and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): H. Dennert, Inc., 1330 Arlington, Cincinnati, OH.

MC 146704 (Sub-II–2TA), filed January 14, 1980. Applicant: FALCON MOTOR TRANSPORT INC., 1250 Kelly Avenue, Akron, OH 44306. Representative: Paul A. Englehart (same address as applicant). Contract carriage-irregular routes: (1) *Soap and cleaning compounds; fuel oil conditioners; ice control compounds: specialty cleaners and chemicals; automotive cleaners and waxes; fuel and oil additives; and household deodorants, and disinfectants (except commodities in bulk); and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk),* between the plantsites of Malco Products Co. located in Akron and Barberton, OH on the one

hand, and all points in the states of CT, DE, DC, MA, NH, NJ, NY, PA, RI and WV, on the other hand, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Malco Products, Inc., P.O. Box 892, Fairview Ave., Barberton, OH 44283.

MC 140159 (Sub-II–2TA), filed November 29, 1979. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, Esq., 1500 Bank Tower, Pittsburgh, PA 15222. *Coal, in bulk, in dump vehicles,* from Reynoldsville, PA to Buffalo, NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sugar Hill Limestone Co., 423 Grant St., Reynoldsville, PA 15851.

MC 113666 (Sub-II–2TA), filed January 25, 1980. Applicant: FREEPORT TRANSPORT, INC., P.O. Drawer A, Freeport, PA 16229. Representative: Daniel R. Smetanick (same as applicant). *Pesticides and insecticides (except in bulk* from Atlanta, IL to ports of entry on the International Boundary Line between the U.S. and Canada located at Detroit and Port Huron, MI, for 180 days. Supporting shipper(s): Cyanamid Canada, Inc., 2255 Sheppard Ave., Willowdale, Ontario M2J 4Y5.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7520, Atlanta, GA 30357.

MC 116300 (Sub-3–1TA), filed February 12, 1980. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205. *Granulated slag* from the facilities of Mineral Aggregates Co., Inc. located at or near Satsuma, AL to points in FL, GA, LA and MS. Supporting shipper: Mineral Aggregates Co., Inc., 8149 Kennedy Ave., Highland, IN 46322.

MC 31389 (Sub-31TA), filed February 14, 1980. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27104. Representative: David F. Eshelman, Esquire, P.O. Box 213, Winston-Salem, NC 27102. *Common carrier,* regular routes, *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving New Alexandria, PA as an off-route point in connection with applicant's regular route operations. Applicant requests tacking and interlining. Supporting shipper: Home Interiors and Gifts, Inc., 4550 Spring Valley Road, Dallas, TX 75234.

Note.—Applicant's subsidiary holds motor contract carrier authority in MC 147888 and therefore dual operations may be involved.

MC 148196 (Sub-3–1TA), filed February 11, 1980. Applicant: PACIFIC NORTHWEST CONTRACT CARRIERS, P.O. Box 197, Wetumpka, AL 36092. Representative: Jimmy Box (same address as applicant). *General commodities (except those of unusual value, Classes A and B Explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) which are at the time moving on bills of lading issued by ABC-TNT,* a freight forwarder as defined in Section 10102(8) of the IC Act between points in CA, OR and WA and points in AL, FL, GA, LA, MS, NC, SC and TN. From Erie, PA to points in AL and TN. From Rochester, NY to Montgomery, IL and Seattle, WA. From Montgomery, IL to Birmingham, AL, Dallas, TX, Denver, CO, Los Angeles, CA, New Orleans, LA, Salt Lake City, UT, San Francisco, CA and Tampa, FL. Supporting shipper: ABC-TNT, 211 Alhambra Ave., Los Angeles, CA 90031.

MC 149250 (Sub-3–1TA), filed February 27, 1980. Applicant: H. H. SMITH FARMS, INC., 3325 Thomas Avenue, Montgomery, AL 36106. Representative: James D. Harris, Jr., Harris & Harris, P. A., 200 S. Lawrence Street, Montgomery, AL 36104. *Poultry and animal feed, and feed ingredients from residuary by-products of milling processes, such as, but not limited to, soy bean meal, cotton seed meal, and fish meal,* in bulk, in hopper type vehicles with gravity or auger unloading from the bottom only, between all points and places in AL, AR, FL, GA, LA, MS, and TN. Supporting shipper: Cargill, Inc., Nutrena Feeds, 3250 Fitzpatrick Avenue, Montgomery, AL 36108.

MC 148196 (Sub-3–2TA), filed February 29, 1980. Applicant: PACIFIC NORTHWEST CONTRACT CARRIERS, INC., P.O. Box 197, U.S. Highway 231 North, Wetumpka, AL 36092. Representative: Ronald L. Stichweh, Carlton, Boles, Clark, Stichweh & Caddis, 727 Frank Nelson Building, Birmingham, AL 35203. (1) *insulating, weatherproofing, and roofing materials, and equipment and supplies for installation of same; and (2) materials and supplies used in the manufacture of the commodities listed in (1) above* (1) from B'ham, AL, Stanhope, NJ, and Orange, CA, to points in the United States; and (2) from points in the United States to B'ham, AL, Stanhope, NJ, and Orange, CA. Restricted: to services at the plant sites of United States Mineral Products Company. Supporting shipper: United States Mineral Products Co., Furnace St., Stanhope, NJ 07874.

MC 126305 (Sub-3–2TA), filed March 12, 1980. Applicant: BOYD BROTHERS TRANSPORTATION COMPANY, INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, PA, Transportation Consultant, P.O.Box 357, Gladstone, NJ 07934. *Insulation and Roofing Material* from the plantsite of Johns Manville Corporation, Rockdale, Illinois, to Mecklenburg County, North Carolina. Supporting shipper: Emack Slate Company, P.O. Box 9144, Birmingham, AL 35213.

MC 148451 (Sub-3–1TA), filed March 6, 1980. Applicant: WHATLEY-WHITE, INC., 230 Ross Clark Circle, NE, Dothan, AL 36302. Representative: William K. Martin, Capell, Howard, Knabe & Cobbs, PA, 57 Adams Avenue, Montgomery, AL 36104. *Brushes, brooms and brush blocks, and materials, equipment and supplies used in manufacturing, packaging, distribution and display of brushes, brooms and brush blocks,* between the facilities utilized by National Brush Company, at or near Glasgow, KY, Panama City, FL, and Aurora, IL, on the one hand, and, on the other hand, all points in the US. Supporting shipper: National Brush Company, Inc., 101 West Illinois Ave., Aurora, IL 60507.

MC 125368 (Sub-3–4TA), filed March 10, 1980. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: Mr. C. W. Fletcher (same address as applicant). *Slate products for Rising & Nelson Slate Co., Inc.,* from the facilities, at or near West Pawlet, Poultney and Fair Haven, VT on the one hand and on the other points in the U.S. except AK and HI. Supporting shipper: Rising & Nelson Slate Co., Inc. Route 153, P.O. Box 98, West Pawlet, VT 05775.

MC 144557 (Sub-3–1TA), filed March 11, 1980. Applicant: HUDSON TRANSPORTATION, INC., Post Office Box 847, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. *Mayonnaise, salad dressing and salad dressing products, mustard, ketchup, tartar sauce, gelatin and gelatin products, and materials, equipment and supplies used in the manufacture and distribution of the above commodities* (except in bulk), between the facilities of Hudson Industries, Inc., at or near Lexington, NC, on the one hand, and, on the other, points in the United States in and east of MI, WI, IL, KY, TN, and MS, for 180 days. Supporting shipper: Hudson Industries, Inc.

MC 142161 (Sub-3–1TA), filed March 13, 1980. Applicant: LIBERTY CONTRACT CARRIER, INC., 214 Hermitage Avenue, Nashville, TN 37202. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. *Contract carrier,* irregular routes, (1) *Such commodities as are dealt in or sold by a manufacturer of metal products, and* (2) *equipment, materials, and supplies used in the conduct of such business* between Nashville, TN, on the one hand, and, points in AL, AR, FL, GA, IL, IN, IA, KA, KY, LA, MS, MO, NE, NC, OH, OK, SC, TN, TX, and VA, on the other, for 180 days. Supporting shipper: Cincinnati Sheet Metal and Roofing Company, 130 Nester St., Nashville, TN 37210.

MC 25798 (Sub-3–1TA), filed February 19, 1980. Applicant: CLAY HYDER TRUCKING LINES, INC., Post Office Box 1186, Auburndale, Florida 33823. Representative: Tony G. Russell, Post Office Box 1186, Auburndale, Florida 33823. *Paper, paper products, and composite containers;* from the plantsite of Sonoco Products Company at or near Hartsville, SC, to points in Florida. Supporting shipper: Sonoco Products Company, North Second Street, Hartsville, SC.

NOTE.—Common Control may be involved.

MC 143789 (Sub-3–1TA), filed March 10, 1980. Applicant: MARTIN TRANSFER AND STORAGE, INC., P.O. Box 3008, East Dublin, GA 31021. Representative: C. E. WALKER, P.O. Box 7381, Columbus, GA 31908. *General commodities, except commodities in bulk, in shipper or railroad-owned trailers, having prior or subsequent movement by railroad,* Between railroad ramps located at Cordele, Macon, and Augusta, GA., on the one hand, and, on the other, the following counties in GA: Baldwin, Ben Hill, Berrin, Bibb, Bleckley, Burke, Crisp, Coffee, Dodge, Emanuel, Houston, Irwin, Jeff Davis, Jefferson, Johnson, Jones, Laurens, Montgomery, Peach, Pulaski, Richmond, Telfair, Tift, Toombs, Truetlen, Turner, Twiggs, Washington, Wheeler, Wilcox and Wilkinson. Supporting shipper: There are six appendix of support attached to this application and these may be reviewed at the Regional Office.

MC 105782 (Sub-3–1TA), filed March 10, 1980. Applicant: HUGHES REFRIGERATED EXPRESS, INC., P.O. Box 2160, Haines City, FL 33844. Representative: James E. Wharton, Attorney, Suite 611, Metcalf Building, 100 South Orange Avenue, Orlando, FL 32801. *Frozen foods,* (except commodities in bulk), from the facilities of Southern Foods, Division of Seabrook Farms, Inc. at or near Montezuma, GA to points in CT, FL, IN, IL, MA, MI, NC, OH, RI, SC, TN, VA, and DC restricted to traffic originating at named origin. Supporting shipper: Southern Frozen Foods, Inc., P.O. Box 306 Plant St., Montezuma, GA 31063.

MC 107002 (Sub-3–2TA), filed March 10, 1980. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Mississippi 39205. Representative: Larry M. Ford, P.O. Box 1123, Jackson, MS 39205. *Petroleum and petroleum products,* in bulk, in tank vehicles, from Memphis, TN and Olive Branch, MS to points in TX. Supporting shipper: Joseph M. McGarah and Associates, Inc., P.O. Box 30041, Memphis, TN 38130.

MC 150062 (Sub-3–3TA), filed March 10, 1980. Applicant: GEORGE J. MORTON d.b.a. MORTON TRUCKING COMPANY, 305 West Vine Street, Radcliff, Kentucky 40160. Representative: George M. Catlett, 708 McClure Building, Frankfort, Kentucky 40601. *Military vehicle parts and accessories* between the Ft. Knox Military Reservation, Ft. Knox, KY, on the one hand, and, on the other, Lima and St. Mary's, OH; Indianapolis, IN; Red River Arsenal Military Reservation at or near Texarkana, TX; Ft. Hood Military Reservation, Ft. Hood, TX; Aberdeen Proving Grounds, MD; Redstone Arsenal Military Reservation near Huntsville, AL; Stratford, CN; and Warren, Center Line and Sterling Heights, MI. Supporting shipper: Chrysler Corporation, XMI Field Office, P.O. Box 116, Ft. Knox, KY 40121.

MC 107002 (Sub-3–1TA), filed March 10, 1980. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Mississippi 39205. Representative: Larry M. Ford, P.O. Box 1123, Jackson, MS 39205. *Methyl Methacrylate Monomer,* in bulk, from Memphis, TN to Blaine, WA. Supporting shipper: E. I. du Pont de Nemours and Co., 1007 Market St., Wilmington, DE 19898.

MC 143061 (Sub-3–1TA), filed March 10, 1980. Applicant: ELECTRIC TRANSPORT, INC., Post Office Box 528, Eden, North Carolina 27288. Representative: Archie W. Andrews, Executive Vice President, Post Office Box 528, Eden, North Carolina 27288. *Contract carrier,* over irregular routes, *Pneumatic tires and tubes.* From facilities of B. F. Goodrich Tire Co. at or near Miami, OK and Fort Wayne, IN to points in NC. Supporting shipper: Piedmont Truck Tires, Inc., P.O. Box 11037, Greensboro, NC 27409.

MC 47171 (Sub-3–2TA), filed March 10, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same as above address). *Paper and paper products; plastic articles,* between plant site of Daniels Packaging Co., Inc. near Hendersonville, NC, on the one hand, and, on the other, points in GA. Supporting shipper: Daniels Packaging Company, Inc., Box E, Mountain Home, NC 28758.

MC 121470 (Sub-3–1), filed March 12, 1980. Applicant: TANKSLEY TRANSFER COMPANY, 801 Cowan Street, Nashville, TN 37207. Representative: Roy L. Tanksley, 801 Cowan Street, Nashville, TN 37207. *Sheet metal products,* from the plantsite and warehouse facilities of John McDougall Company, located at or near Nashville, TN to points in IA, WI, TX, OK, OH, KA, NE, IL, IN, MI, SC, VA, WV, PA, NY, NJ, DE, and MA. Supporting shipper(s): John W. McDougall Co., P.O. box 90207, Nashville, TN 37209.

MC 146648 (Sub-3–2TA), filed March 12, 1980. Applicant: BRISTOW TRUCKING COMPANY, P.O. Box 6355 A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). *Printed paper forms, and game tickets,* between Chicago, IL; Detroit, MI; Atlanta, Ga; Birmingham, AL on the one hand and on the other, points in the U.S. (Restricted to shipments originating or or destined to the facilities of Wallace International and its customers). Supporting shipper(s): Wallace International, P.O. Box 22226, Birmingham, AL 35226.

MC 115311 (Sub-3–1TA), filed February 15, 1980. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Kim G. Meyer, Watkins & Daniell, P.C., P.O. Box 872, Atlanta, GA 30301. *Waste or scrap paper* from points in FL, KY, SC, NC, TN and VA to the facilities of Georgia Kraft Corp. at or near Macon, GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Mead Corporation, Courthouse Plaza Northeast, Dayton, OH 45463.

MC 145875 (Sub-3–1TA), filed March 12, 1980. Applicant: SWAIN AND SONS TRANSPORTS, INC., 208 Poplar Ave., Memphis, TN 38103. Representative: Willaim R. Swain, Jr., 208 Poplar Ave., Memphis, TN 38103. *Such commodities as are dealt in by wholesale and retail grocery houses,* from Memphis, TN, on the one hand, and, on the other, points in LA. Supporting shipper(s): There are seven supporters in this application.

MC 143621 (Sub-3–3TA), filed March 10, 1980. Applicant: TENNESSEE STEEL HAULERS, INC., 901 Fifth Avenue, North, Nashville, TN 37219.

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Representative: Kim D. Mann, 7101 Wisconsin Avenue, Washington, D.C. 20014. *Earthmoving equipment, accessories, and related supplies* (1) from Peoria, Decatur, Joliet, Mossville, and Aurora, IL to the facilities of the Thompson Green Corporation at or near La Vergne, TN and (2) between the facilities of the Thompson Green Corporation at or near La Vergne, TN, on the one hand, and, on the other, points in AL, GA, KY, and TN for 180 days. Supporting shipper(s): Thompson Green Corporation, 1245 Firestone Boulevard, La Vergne, TN 37086.

MC 138308 (Sub-3–5TA), filed March 10, 1980. Applicant: KLM INC., Old Highway 49 South, P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22828, Jackson, MS 39205. (1) *such commodities as are dealt in or used by wholesale or retail food business houses;* (2) *foodstuffs;* and (3) *materials, equipment and supplies* used in the conduct of such business (except commodities in bulk) from Chicago, IL and points in its commercial zone to points in AL and MS for 180 dyas. An underlying ETA seeks 90 days of authority. Supporting shipper(s): Topco Associates, Inc., 7711 Gross Pt. Rd., Skokie, IL 60077.

MC 146050 (Sub-3–1TA), filed March 10, 1980. Applicant: ALPHA & OMEGA TRANSPORT, INC., P.O. Box 31004, Charlotte, NC 28206. Representative: Eric Meierhoffer, Suite 423, 1511 K Street, NW., Washington, DC 20005. (1) *hospital supplies, drugs and health care products; and* (2) *materials and supplies used in the manufacture of* (1) *above (except in bulk),* from the facilities of Abbott Laboratories, Inc., Dept. located at or near Rock Mount, NC; Altavista, VA; and North Chicago, IL, to points in FL, for 180 days. Applicant has also filed and underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Abbott Laboratories, Inc., 277, 1400 Sheridan Road, North Chicago, IL 60064.

MC 139982 (Sub-3–2TA), filed March 10, 1980. Applicant: WILLIAMSON DELIVERY SERVICES, INC., Box 22032 AMF, Tampa, FL 22032. Representative: Travis W. Williamson (same address as applicant). *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment between Orlando Jetport, Orlando, FL on the one hand, and, on the other points in Indian River County, FL, restricted to the transportation of traffic having an immediately prior or subsequent movement by air, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are six supporting shippers. Their statements may be examined at the office listed below and Headquarters.

MC 150245 (Sub-3–1TA), filed March 10, 1980. Applicant: BROWN'S SALVAGE, INC., Rt. 2, Box 157, Tupelo, MS 38801. Representative: Fred W. Johnson, Jr., 236 East Capitol Street, P.O. Box 22807, Jackson, MS 39205. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment.) Between Columbus, Tupelo and West Point, MS, on the one hand, and, on the other, points in Calhoun, Chicasaw, Clay, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Prentiss, Pontotoc, Tippah, Union and Winston Counties, MS, and Marion County, AL. Restriction: restricted to the transportation of traffic having a prior or subsequent movement by rail. Supporting shipper(s): Illinois Central Gulf Railroad, P.O. Box 487, 101 Wallace St., Tupelo, MS 38801.

MC 125368 (Sub-3–3TA), filed March 10, 1980. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: Mr. C. W. Fletcher, president (same address as applicant). *Joiner works for ships* from Hopeman Bros., Inc., Waynesboro, VA, to two points in CA. Supporting shipper(s): Mr. Charles N. Johnson, Jr., vice-president, Hopeman Bros., Inc., 435 Essex Ave., P.O. Box 820, Waynesboro, VA 22980.

MC 144069 (Sub-3–2TA), filed March 10, 1980. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, North Carolina 28225. Representative: W. T. Trowbridge, P.O. Box 5204, Charlotte, North Carolina 28225. *Iron and steel articles* between the facilities of Carolina Steel Corporation and its subsidiaries at or near Hickory, NC, Charlotte, NC, Winston Salem, NC, Greensboro, NC, Augusta, GA, Colfax, NC, Columbia, SC, Lynchburg, VA, Richmond, VA, Roanoke, VA, Wilson, NC, and Taylor, SC, on the one hand and on the other points in NC, SC, GA, FL, AL, TN, KY, OH, PA, WV, VA, MD, and DC. Supporting shipper: Carolina Steel Corporation, 1451 South Elm/Eugene St., Greensboro, North Carolina 27406.

MC 124306 (Sub-3–2TA), filed March 10, 1980. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, North Carolina 27514. Representative: W. David Fesperman, P.O. Box 2729, Chapel Hill, North Carolina 27514. *Citric acid, chelating compounds, sodium citrate, gluconic acid* and *sorbitol,* from Brunswick County, NC to points in IL, IN, KS, LA, MO, NC, and OH for 180 days. Supporting shipper(s): Pfizer Inc., 235 East 42nd Street, New York, NY 10017.

MC 145560 (Sub-3–2TA), filed March 10, 1980. Applicant: NORTH ALABAMA TRANSPORTATION, INC., Post Office Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. *Contract carrier,* irregular routes, *carpet,* from the facilities of Philadelphia Carpet Company, at or near Cartersville, GA, to points in AR, NV and CA, for 180 days. Restriction: Restricted to the transportation of shipments under a continuing contract or contracts with Philadelphia Carpet Company. Supporting shipper: Philadelphia Carpet Company.

MC 143621 (Sub-3–4TA), filed March 10, 1980. Applicant: TENNESSEE STEEL HAULERS, INC., 901 Fifth Avenue North, Nashville, TN 37219. Representative: Kim D. Mann, 7101 Wisconsin Avenue, Washington, DC 20014. (1) *Lead ingots* from the facilities of Min Can at or near Muncie, IN, and (2) *lead, on spools,* from the facilities of Star Reloading Co. at or near Indianapolis, IN, to the facilities of Perfect Equipment Corporation at or near Murfreesboro, TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Perfect Equipment Corporation, 855 Scott Street, Murfreesboro, TN 37130.

MC 61264 (Sub-3–1TA), filed March 10, 1980. Applicant: PILOT FREIGHT CARRIERS, INC., a North Carolina corporation, P.O. Box 615, Winston-Salem, NC 27102. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious and contaminating to other lading), Between Murphy, NC and Chatsworth, GA: from Murphy over U.S. Hwy 64 to junction U.S. Hwy 411, at or near Ocoee, TN, then over U.S. Hwy 411 to Chatsworth, and return over the same route, serving all intermediate points in GA and NC. Applicant intends to tack with its MC–61264 authority and to interline with other carriers. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately 3 statements of support attached to the application which may be examined at the Interstate Commerce Commission at Washington, DC, or copies thereof which may be examined at the regional office named above.

MC 138106 (Sub-3–1TA), filed March 10, 1980. Applicant: TIDWELL MOTOR CARRIERS, INC., P.O. Box 639, Haleyville, AL 35565. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. (1)(a) *Trailers designed to be drawn by passenger automobiles in initial movements,* (b) *Buildings, in sections, when moving on their own undercarriages,* and (c) *Modular homes, when moving on their own or removable undercarriages;* (2) *Returned, disabled, wrecked and repossessed shipments of the commodities described in (1) (a), (b), and (c) above,* (1) from Wildwood, FL to points in the United States (except AK and HI) and (2) from points in the United States (except AK and HI) to Wildwood, FL, under a continuing contract with Tidwell, Inc. of Haleyville, AL, for 180 days. Supporting shipper: Tidwell Industries, Inc., P.O. Box 639, Haleyville, AL 35565.

MC 141450 (Sub-3–1TA), filed February 15, 1980. Applicant: OLIN WOOTEN CO., INC., Alma Highway, Hazlehurst, GA 31539. Representative: Kim G. Meyer, Watkins & Daniell, P.C., P.O. Box 872, Atlanta, GA 30301. *Waste or scrap paper,* from AL, FL, LA, NC, SC, and TN to the facilities of Georgia Kraft Corp., at or near Macon, GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Mead Corporation, Courthouse Plaza Northeast, Dayton, OH 45463.

MC 144948 (Sub-3–1TA), filed February 25, 1980. Applicant: BIG T TRUCK SERVICE, INC., 5878 Buford Highway, Suite 5, Atlanta, Georgia 30360. Representative: Richard M Tettelbaum, Serby & Mitchell, P.C., Fifth Floor, Lenox Towers S, 3390 Peachtree Road, N.E., Atlanta, Georgia 30326. *Contract carrier,* irregular routes, *Such commodities as are dealt in by retail and chain grocery and food business houses (except frozen foods and commodities in bulk),* from the facilities of The Clorox Company, Forest Park, GA, to points in KY, under continuing contract(s) with the Clorox Company. Supporting shipper: The Clorox Company, 17 Lake Mirror Rd., Forest Park, GA 30050.

MC 115654 (Sub-3–1TA), filed March 7, 1980. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Jackie Hastings, P.O. Box 23193, Nashville, TN 37202. *Candy, confectionery, and bakery goods* (except in bulk), from the facilities utilized by Acme Bonded Warehouse, at Atlanta, GA, and Nashville, TN, to Bristol, VA and points within its commercial zone, for 180 days. Supporting shipper: Acme Bonded Warehouse, Atlanta, GA.

MC 143621 (Sub-3–1TA), filed March 7, 1980. Applicant: TENNESSEE STEEL HAULERS, INC., 901 5th Avenue, North, Nashville, Tennessee 37219. Representative: Kim D. Mann, 7101 Wisconsin Avenue, Washington, D.C. 20014. (1) *lumber* and *wood products* from points in AL, AR, IL, IN, KY, MI, MO, MS, and OH to the facilities of Norvell Wood Products, Inc. at Nashville, TN, and (2) *lumber, treated lumber,* and *wood products* from the facilities of Norvell Wood Products, Inc. at Nashville, TN to points in AL, AR, IL, IN, KY, MI, MS, MO, and OH for 180 days. An underlying ETA seeks 90-day authority to transport laminated wood products from the facilities of Norvell Wood Products, Inc. at Nashville, TN to points in AL and KY. Supporting shipper: Norvell Wood Products, Inc., 318 Coleman Building, 3716 Hillsboro Road, Nashville, TN 37215.

MC 140389 (Sub-3–2TA), filed March 7, 1980. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 304, Conley, GA 30027. (1) *frozen foods,* from the facilities of Pure Packed Foods, Inc., at or near Arlington, TN, to points in the U.S. in and east of ND, SD, NE, CO, OK, and TX and (2) *materials, equipment, and supplies used in the manufacture, sale, and distribution of the commodities named in (1) above,* from points in DE, GA, IL, IA, MD, MA, MO, NH, NJ, to the facilities of Pure Packed Foods, Inc. at or near Arlington, TN. Supporting shipper: Pure Packed Foods, Inc., P.O. Box 70, Arlington, TN 38002.

MC 148788 (Sub-3–1TA), filed March 7, 1980. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. (1) *General commodities* (except those of unusual value, Classes A & B Explosives, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), in containers, reefers or dry, bonded or non-bonded or trailers having an immediate prior or subsequent movement by water and (2) *Empty containers, trailers and trailer chasses,* between Charleston, SC; Savannah, GA; Jacksonville, Orlando and Tampa, FL, for 180 days. Supporting shippers: Harrington & Company, Inc., P.O. Box 3157, Jacksonville, FL 32206. South Atlantic Terminals, Inc., 720 Gulf Life Tower, Jacksonville, FL 32207. Strachan Shipping Company, P.O. Box 4010, Jacksonville, FL. Thomas L. Watkins Custom House Brokers, P.O. Box 1194, Jacksonville, FL 32201.

MC 133993 (Sub-3–1TA), filed March 3, 1980. Applicant: Sand Mountain Auto Auction, Inc., P.O. Box 638, Boaz, AL 35957. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. *Automobiles,* in secondary movements, in truckaway service, between the commercial zones of Boaz, AL, Port Newark, NJ, Alexandria, VA, Miami, FL, Dallas, TX, Phoenix, AZ, Los Angeles, CA and Oakland, CA, on the one hand, and, on the other, all points in CA, AZ, NM, TX, LA, AR, OK, MS, AL, TN, GA, FL, SC, NC, VA, DC and MC; Restricted to shipments moving on Freight Forwarder bills of lading of Tn'T, Inc. Supporting shipper: TNT, Inc., 2816 S. Eastern Ave., Los Angeles, CA 90040.

MC 146402 (Sub-3–1TA), filed February 26, 1980. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, Tennessee 38301. Representative: Charles W. Teske (address same as applicant). *Wine* (except in bulk in tank vehicles) from Lodi, Napa, S. Helena, San Jose, and Sonoma, CA to the facilities of State wholesalers Inc. at Atlanta, GA. Supporting shipper: State Wholesalesrs Inc., 1990 DeFoor Ave., NW, Atlanta, GA 30318.

MC 146782 (Sub-3–2TA), filed February 26, 1980. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, Tennessee 37201. Representative: James Rex Raines, 300 First Avenue, South, Nashville, Tennessee 37201. (1) *iron and steel articles (2) equipment materials and supplies used in manufacture of iron and steel articles* (except commodities in bulk) between the facilities of Harrington and King South, Inc., located at or near Cleveland, Tennessee, on the one hand, and, on the other, points in FL, GA, AL, SC, NC, VA, NJ, MI, IL, IN, OH, OK, AR, TX, PA, KY and WV. *Restricted* to traffic originating at or destined to the above named facilities. Supporting shipper: Harrington & King South, Inc., 3350 Old Tasso Rd., Cleveland, TN 37311.

MC 138862 (Sub-3–5TA), filed February 19, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, Alabama 36081. Representative: Mr. John J. Dykema, P.O. Drawer 707, Troy, Alabama 36081. *Such*

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commodities as are dealt in and sold by wholesale tire and rubber distributorships (except commodities in bulk in tank vehicles). Between the facilities of Harris Tire and Rubber Co., Inc., located at or near Troy, AL, Birmingham, AL, Jackson, MS, Atlanta, GA, and Charlotte, NC, and their suppliers and customers, located in the states of AL, FL, GA, SC, NC, TN, KY, MS, LA, TX, MO, IL, and VA. Supporting shipper: Harris Tire and Rubber Co., Inc., 1100 South Brundidge Street, Troy, AL 36081.

MC 2473 (Sub-3–2TA), filed February 22, 1980. Applicant: BILLINGS TRANSFER CORP., INC., Green Needles Road, Lexington, North Carolina 27292. Representative: Homer M. Curry, Green Needles Road, Lexington, North Carolina 27292. *Textiles and textile products* from Asheville, N.C. to points in New Jersey, points in New York within 20 miles of New York, N.Y., including New York, N.Y. and to Union County, PA., and points in Pennsylvania on and east of a line along the west bank of the Susquehanna River beginning at the Pennsylvania-Maryland State Line and extending north to U.S. Highway 6, then east along U.S. Highway 6 to the Pennsylvania-New Jersey State Line, then south along the Pennsylvania-New Jersey State Line to the Pennsylvania-Maryland State Line then west along this line to the point of beginning. Supporting shipper: Channel Textile Company, Inc., 1412 Broadway, New York, NY 10018.

MC 125375 (Sub-3–1TA), filed February 19, 1980. Applicant: F.B.G. TRANSPORT, INC., Route 5, Box 298, Covington, GA 30209. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Frozen citrus concentrate, fruit sections, and chilled salads,* from points in FL to the facilities of Farm Land Dairies, Inc. at or near Wallington, NJ for 180 days, under a continuing contract(s) with Farm Land Dairies, Inc., Wallington, NJ. Supporting shipper: Farm Land Dairies, Inc., 520 Main Avenue., Wallington, NJ 07057.

MC 107515 (Sub-3–2TA), filed March 7, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., Serby & Mitchell, P.C., 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30328. (1) *Light bulbs and lighting fixtures, and (2) materials, equipment and supplies* used in the manufacture, distribution and sale of the commodities in (1) above (except in bulk) from the facilities of Action Tungsram, Finderne and East Brunswick, NJ to points in the US in and east of ND, SD, NE, KS, OK and TX (except CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC) for 180 days. Supporting shipper: Action Tungsram, 11 Elkins Road, East Brunswick, NJ 08816.

MC 26088 (Sub-3–1TA), filed March 7, 1980. Applicant: THE SANDERS TRUCK TRANSPORTATION CO., INC., P.O. Box 457, Augusta, GA 30903. Representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, GA 30342. *Cranes, crane parts, machinery, machinery parts, fork-lifts, welding machines, air compressors, dollies, boilers, boiler parts, pumps, steel beams, steel bins, and steel,* between the facilities of Carolina Cranes, Inc. in Aiken and Edgefield Counties, SC; Richmond and Columbia Counties, GA on the one hand, and, on the other, points in the United States, except AK and HI. Supporting shipper: Carolina Cranes, Inc., 3542 Pebble Beach Drive, Martinez, GA 30907.

MC 107515 (Sub-3–4TA), filed March 7, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Marc A. Pearl, Serby & Mitchell, P.C., 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30328. (1) *Electrical fluorescent and high intensity discharge lighting fixtures and equipment,* and (2) *parts and accessories* for the commodities in (1) above, from the facilities of Metalux at or near Americus, GA and Eufaula, AL to points in the U.S. (except HI and AK) for 180 days. Supporting shipper: Gibson-Metalux Corporation, P.O. Box 1207, Americus, GA 31709.

MC 109462 (Sub-3–1TA), filed March 7, 1980. Applicant: LUMBER TRANSPORT, INC., Highway 85, East, Madisonville, KY, 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY, 42431. (1) *Contractors materials, equipment* and *supplies* (except in bulk); (2) *self-propelled articles,* each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies (restricted to the transportation of commodities which are transported on trailers); (3) *commodities,* the transportation of which because of size or weight require special equipment; and (4) *commodities,* which do not require the use of special equipment, when moving in the same shipment on the same bill of lading as commodities in (2) and (3) above, between points in Jackson, Platte, Clay, Cass, Ray, Johnson, Bates, Henry, La Fayette, Clinton, Caldwell, Jasper, Greene and Buchanan Counties, MO and Wyandotte, Johnson, Leavenworth, Douglas, Miami, Franklin, Coffey, Osage, Shawnee, Jefferson, Jackson, Brown, Doniphan, Anderson, Atchison, Sedgwick and Linn Counties, KS, on the one hand, and, on the other, points in KS and MO, for 180 days. Supporting shippers: There are four supporting shipper statements attached to this application.

MC 138157 (Sub-3–6TA), filed March 7, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. *Refrigerated bottle and can vending machines and materials, equipment and supplies for bottle and can vending machines,* from Chattanooga, TN to points in the United States in and east of ND, SD, NE, KS, OK & TX. Supporting shipper: Cavalier Corp., 1100 E. 11th St., Chattanooga, TN 37403.

Note.—Applicant holds contract carrier authority in MC–134150 and subs thereunder, therefore, dual operations may be involved.

MC 136501 (Sub-3–1TA), filed March 7, 1980. Applicant: JETWAY CARRIERS, INC., 5865 Jetway Drive, Arlington, TN 38002. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Contract carrier, over irregular routes, *Confectionaries, and cough drops; materials, equipment, and supplies used in the manufacture thereof,* from the facilities of Luden's, Inc. at or near Reading, PA to points in the states of WV, OH, KY, MI, IN, TN, AL, MS, LA, AR, OK, TX, WI, IL and GA. Supporting shipper: Luden's, Inc., 200 North 8th St., Reading, PA.

MC 115311 (Sub-3–3TA), filed February 19, 1980. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. *Alcoholic liquors (except in bulk)* from Asheville, NC; Baltimore, MD; Bardstown, KY; Boston, MS; New York, NY; Chicago, IL; Clermont, KY; Cincinnati, OH; Falmouth, KY; Cleveland, OH; Colinial Heights, VA; Dayton, NJ; Detroit, MI; Edison, NJ; Frankfort, KY; Hammondsport, NY; Lansdowne, MD; Lawrenceburg, IN; Lawrenceville, NJ; Lawrenceburg, KY; Lawrenceburg, TN; Linden, NJ; Linfield, PA; Loretto, KY; Louisville, KY; Lynchburg, TN; Mobile, AL; New Orleans LA; Owensboro, KY; Pekin, IL; Philadelphia, PA; Plainfield, IL; Raleigh, NC; Schenley, PA; Scobeyville, NJ; Tullahoma, TN (and their respective commercial zone) to Montgomery, AL (and its commercial zone) for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: State of Alabama Alcoholic Beverage Control Board, P.O. Box 1151, Montgomery, AL 36130; Medley Distilling Co., P.O. Box 638, Lousiville, KY 40201; Brown-Forman Distillers Corp. P.O. Box 1080, Louisville, KY 40201; Julius Wile Sons & Co., Inc., 3003 New Hyde Park Road, New Hyde Park, NY 11042; Somerset Importers Ltd., 1114 Avenue of the Americas, New York, NY 10036; Hiram-Walker & Sons, Inc., Foot of Edmund Street, Peoria, IL 61601; Glenmore Distilleries Company, P.O. Box 900, Louisville, KY 40201; Joseph E. Seagram & Sons, Inc., 800 Third Avenue, New York, NY 10022; Schenley Distillers, Inc., 36 E. 4th Street, Cincinnati, OH 45202 and Renfield Importers, Ltd., 919 Third Avenue, New York, NY 10022.

MC 148360 (Sub-3–1TA), filed February 28, 1980. Applicant: PDR TRUCKING, INC., 6048 South York Road, Highway 321 South, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. *Contract carrier,* irregular routes *(1) department store merchandise, and (2) new furniture,* (1) from Charlotte, NC and points in its commercial zone to Cleveland, OH and points in its commercial zone; and (2) from Burke, Randolph, Catawba, Alexander, Lincoln, Caldwell, and Guilford Counties, NC to Cleveland, OH and points in its commercial zone, under a continuing contract(s) with The May Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The May Company, 158 Euclid Avenue, Cleveland, OH 44114.

MC 150010 (Sub-3–1TA), filed March 4, 1980. Applicant: HENRY FAIRCLOTH TRANSFER, INC., 521 N. John St., Goldsboro, NC 27530. *General commodities* (except Class A and B explosives and motor vehicles), in trailers, having prior or subsequent transportation via railroad flat cars (TOFC), between the railroad TOFC facilities at Asheville, Charlotte, Fayetteville, Greensboro, Raleigh, Rocky Mount and Smithfield, NC, on the one hand, and, on the other, points in NC. An underlying ETA seeks 90 days authority. Supporting shippers: Funk Seeds International, Hwy 117 S. Bypass, Goldsboro, NC 27530; Linde Products Mfg. Co., 1 Linde Dr., Goldsboro, NC 27530; Best Distributing Co., Hwy 117 N. Bypass, Goldsboro, NC 27530; Swift Ag. Chemicals Corp., P.O. Box 1038, Goldsboro, NC 27530; Keebler Company, N. George St., Goldsboro, NC 27530; Franklin Baking Co., Inc., P.O. Drawer 228, Goldsboro, NC 27530.

MC 107515 (Sub-3–2TA), filed February 14, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., Serby & Mitchell, P.C., 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. *Aluminum and aluminum products,* from the plantsite of Consolidated Aluminum Co. at or near Benton, KY to points in the US for 180 days. Supporting shipper: Consolidated Aluminum Corporation, P.O. Box 14448, St. Louis, MO 63178.

MC 107515 (Sub-3–1TA), filed February 14, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., Serby & Mitchell, P.C., 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. *Aluminum and aluminum products* from the facilities of Norandal U.S.A., Inc., at or near Huntingdon, TN to points in AL, AZ, AR, CA, CT, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MS, MO, NE, NJ, NY, OH, OK, PA, RI, NC, SC, TX, VA, WV and WI, for 180 days. Supporting shipper: Norandal U.S.A., Inc., P.O. Box 123, Huntingdon, TN 38344.

MC 104430 (Sub-3–1TA), filed February 20, 1980. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, McComb, MS 39648. Representative: Robert L. McArty, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. *Petroleum products,* in bulk, in tank vehicles, from Pascagoula, MS to Spartanburg, SC. Supporting shipper: Chevron U.S.A., Inc., 575 Market Street, San Francisco, CA 94105.

MC 143956 (Sub-3–2TA), filed February 20, 1980. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, S.C. 29488. Representative: Steven W. Gardner, P.O. Drawer 493, Walterboro, SC 29488. *Lead and alloys between Manville, RI,* on the one hand, and Darien, WI, Los Angeles, CA, points in PA, and points in IN, on the other hand. Supporting shipper: New Metal Industries, Inc., 18 Albion Rd., P.O. Box 208, Manville, RI 02838.

MC 108651 (Sub-3–2TA), filed March 5, 1980. Applicant: ROY B. MOORE, INC., P.O. Box 628, Kingsport, TN 37662. Representative: Daniel H. Moore (same address as applicant). *Fertilizer and fertilizer materials, except in bulk,* from the facilities of International Minerals, and Chemical Corp., at Greenville, TN, to points in VA in and west of Bland, Wythe and Grayson Counties. Supporting shipper: International Minerals and Chemical Corp., Bohannon Avenue, Greenville, TN 37743.

MC 143956 (Sub-3–1TA), filed March 5, 1980. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, S.C. 29488. Representative: Steven W. Gardner, P.O. Drawer 493, Walterboro, S.C. 29488. *Welding products, products affiliated therewith, and products dealt in by welding distributors* (1) from Skokie, IL, to points in CO, FL, GA, ID, IN, IA, MI, KS, MN, MS, NE, ND, OH, OK, SD, TN, and WI, and (2) between Monticello, IN, and Hanover, PA, on the one hand, and points in CO, FL, GA, ID, IN, IA, MI, KS, MN, MS, NE, ND, OH, OK, SD, TN, and WI, on the other hand. Supporting shipper: MIDARC, Inc., 7201 Linder Ave., Skokie, IL 60077.

MC 129537 (Sub-3–1TA), filed February 28, 1980. Applicant: REEVES TRANSPORTATION CO., Rt. 5, Dews Pond Rd., Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, FL 33602. *Carpeting, floor covering, carpet padding, materials, supplies and equipment used in the installation and manufacture thereof,* between points in Lubbock Co., TX on the one hand, and, all points in NM on the other hand, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are 12 statements in support attached to this application which may be examined in the field office named below.

MC 147474 (Sub-3–1TA), filed February 26, 1980. Applicant: SOUTHWIRE COMPANY, Transportation Division, 126 Fertilla Street, Carrollton, Georgia 30117. Representative: Mr. Theodore M. Forbes, Jr., 4000 First National Bank Tower, Atlanta, Georgia 30303. *Plastic articles, copper rod, wire, paint* from on the one hand: Abingdon, VA.; Roanoke, VA.; Houston, TX; Cape Girardeau, MO.; Forest City, NC.; Frankfort, Ind.; St. Louis, MO.; Schenectady, N.Y.; Ft. Wayne, Ind.; El Paso, TX.; and Chatham, N.Y.; and on the other hand, all points in Georgia. Supporting shipper: Hudson Wire Company, P.O. Box 129, Trenton, GA 30752.

MC 140176 (Sub-3–2TA), filed March 5, 1980. Applicant: POWELL TRUCKING COMPANY, INC., Route 2, Box 13, Sumrall, MS 39482. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Air compressors, parts and accessories* from the facilities of Sullair Corporation at or near Michigan City, IN to points in AL, points in AR which lie on and south of a line formed by Interstate Hwy 40 and Interstate Hwy 30; points in FL, LA, MS and points in TX on and east of a line formed by Interstate Hwy 35 and

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Interstate Hwy 35W. Supporting shipper(s): Sullair Corporation, Michigan City, IN 46360.

Note.—Applicant intends to serve points in commercial zones of cities located on highway boundaries described in States of AR and TX as well as all points in other States listed. Dual operations may be involved.

MC 148872 (Sub-3-1), filed February 26, 1980. Applicant: H.O.H. COMPANY, INC., P.O. Box 637, Rossville, GA 30741. Representative: C. Jack Pearce, Esq., 1000 Connecticut Ave., NW., Washington, DC 20036. *Floor covering, floor tile, and the materials used in the manufacturing and distribution thereof,* between points in GA and TN, on the one hand, and, on the other, points in IA, MN, WI, MI, ND and SD. Supporting shipper(s): Lowe's Carpet Corporation, P.O. Box 97, Charsworth, GA 30705.

MC 120910 (Sub-3-1TA), filed February 19, 1980. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35403. Representative: Donald B. Sweeney, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. *Hazardous waste material; industrial waste material and debris categorized as hazardous or potentially hazardous* as defined by Pub. L. 94-580, known as the Resource and Conservation Act of 1976, from all points in and east of ND, SD, NE, KS, OK and TX to hazardous waste disposal sites in Sumter County, AL. Supporting shipper(s): Chemical Waste Management, Inc., P.O. Box 55, Emelle, AL 35459

MC 138882 (Sub-3-1TA), filed February 26, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy AL 36081. Representative: John J. Dykema, P.O. Drawer, 707 Troy, Alabama 36081. *Materials, equipment and supplies used in the manufacture of tire changers and wheel weights* from San Jose, CA to LaVergne, TN. Supporting shipper(s): Sun Electric Corporation—Rutherford Assembly, 1000 Sun Park Drive, LaVergne, TN 37096.

MC 138882 (Sub-3-3TA), filed February 25, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy AL 36081. Representative: John J. Dykema, P.O. Drawer 707, Troy, Alabama 36081. *Non-ferrous metal scrap* (except commodities in bulk, in tank vehicles) between points in the States of AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV and WI. Supporting shipper(s): Metal Processors, Inc., 16100 Chesterfield Village Parkway, Suite 270, Chesterfield, MO 63107.

MC 138882 (Sub-3-2TA), filed February 25, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, Alabama 36081. Representative: John J. Dykema, P.O. Drawer 707, Troy, Alabama 36081. *Canned goods and materials, equipment and supplies* used in the manufacture or sale of canned goods between Lindale, TX on the one hand, and, on the other, points in the states of AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, VA, and WV. Supporting shipper: Woldert Canning Co., P.O. Box 1140, Tyler, TX 75710.

MC 94201 (Sub-3-1TA), filed February 28, 1980. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Georgia 30316. Representative: Maurice F. Bishop, Esq., 601-09 Frank Nelson Building, Birmingham, Alabama 35203. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Memphis, TN and Raleigh, NC: From Memphis over U.S. Highway 64 (also Interstate 40) to Raleigh, NC, and return over the same route. Between Chattanooga, TN and Nashville, TN: (a) From Chattanooga over Interstate 24 (also U.S. Highway 41) to Nashville, and return over the same route. Between Chattanooga, TN and Bristol, TN: From Chattanooga over Interstate 75 to junction Interstate 81, at or near Knoxville, TN, then over Interstate 81 to Bristol, and return over the same route. (b) From Chattanooga over U.S. Highway 11 to junction U.S. Highway 11E and 11W, at or near Knoxville, TN, then over U.S. Highway 11E (also U.S. Hwy. 11W) to Bristol, and return over the same route. Between Knoxville, TN and Wilmington, NC: From Knoxville, over Interstate 40 to Asheville, NC, then over U.S. Highway 74 to Wilmington, and return over the same route. Between Fayetteville, NC and Bristol, TN: From Fayetteville over NC Highway 87 to junction U.S. Highway 421, at or near Sanford, NC, then over U.S. Highway 421 to Bristol, and return over the same route. Between Winston-Salem, NC and Elizabeth City, NC: From Winston-Salem over U.S. Highway 158 to Elizabeth City, and return over the same route. Between Wilson, NC and Raleigh, NC: From Wilson over NC Highway 42 to junction U.S. Highway 70, at or near Clayton, NC, then over U.S. Highway 70 to Raleigh, and return over the same route. Service in connection with the above described routes is authorized to and from all intermediate and all off-route points in NC and TN. Supporting shipper: None. The purpose of this application is to eliminate the present Bowman Transportation, Inc. certificate requirement that traffic moving between points in TN, on the one hand, and, on the other, points in NC use as a gateway any points in SC.

MC 128117 (Sub-3-3TA), filed February 29, 1980. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. *New furniture* (1) from points in Catawba County, NC to points in AR, LA, and CO, and (2) from points in Lincoln County, NC to points in AR, LA, TX, OK, NM, AZ, NV and CO. Supporting shipper: Trend Line Furniture Corp., P.O. Box 188, Hickory, NC 28601.

MC 47171 (Sub-3-1TA), filed February 29, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). *Toilet preparations and raw materials used in the manufacture thereof, including plastic bottles* (except in bulk) between Royston, GA on the one hand, and, on the other, points in NJ. Supporting shipper: Johnson & Johnson Baby Products Company, 240 Centennial Avenue, Piscataway, NJ 08854.

MC 150144 (Sub-3-2TA), filed February 29, 1980. Applicant: SOUTHERN TRANSPORT, INC., P.O. Box 638, Statesboro, GA 30458. Representative: William Q. Keenan, Arsham & Keenan, 277 Park Avenue, New York, NY 10017, (212) 759-1000. *Foodstuffs and such general merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith equipment, materials and supplies used in the conduct of such business,* except articles of unusual value, used household goods, commodities in bulk, and commodities in tank vehicles: *between the facilities of T. J. Morris Co. in Statesboro, GA on the one hand and on the other, points in the United States.* Supporting shipper: T. J. Morris Company, P.O. box 638, U.S. 301 South, Statesboro, GA 30458.

MC 150193 (Sub-3-1TA), filed February 25, 1980. Applicant: DARICA TRUCKING CO., INC., 338 S. Oliver Street, Elberton, Georgia 30635. Representative: Bruce E. Mitchell and Marc A. Pearl, Serby & Mitchell, P.C., Suite 520, Lenox Towers South, 3390 Peachtree Road, N.E., Atlanta, GA 30326. *Lumber and plywood* between the facilities of Woodkraft, Incorporated at or near Madison, GA, and Greenville, GA, on the one hand, and, on the other, points in the United States in and east of MN, IA, NE, KS, OK and TX. Supporting shipper: Woodkraft, Incorporated, P.O. Box 2489, Peachtree City, GA 30269.

MC 148490 (Sub-3-3TA), filed March 3, 1980. Applicant: C & N EVANS TRUCKING COMPANY, INC., Route 2, Box 39-E, Stoneville, NC 27048. Representative: Clarence B. Evans, President, C & N Evans Trucking Company, Inc., Route 2, Box 39-E, Stoneville, NC 27048. *Containers and packing material* between points in NC, GA, and NY. Supporting shipper: Miller Brewing Company, 3939 West Highland Boulevard, Milwaukee, WI 53201.

MC 117416 (Sub-3-5TA), filed March 3, 1980. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue, NW., Knoxville, TN 37921. Representative: Herbert Alan Dubin, Baskin and Sears, 1320 Fenwick Lane, Silver Spring, MD 20910. (1) *Such commodities as are dealt in by wholesale, retail and chain, grocery, drug, and food business houses and* (2) *materials, equipment and supplies used in the manufacture, sale and distribution of the commodities in* (1) *above (except in bulk)* between the facilities of Hunt-Wesson Foods, Inc. at or near Chicago, IL and Toledo, OH, on the one hand, and on the other, points in IN and KY. Supporting shipper: Hunt-Wesson Foods, Inc., Box 127, Rossford, OH 43460.

MC 149287 (Sub-3-1TA), filed February 20, 1980. Applicant: TURNER BROS. (Partnership of CARL E. TURNER and LEROY E. TURNER), 100 Tower Road, Cumming, GA 30130. Representative: Theodore M. Forbes, Jr., Gambrell, Russell & Forbes, 4000 First National Bank Tower, Atlanta, GA 30303. *Poultry rearing equipment, poultry processing equipment and materials for the production of poultry rearing equipment, and/or poultry processing equipment,* to farm sites, dealers and/or plant sites in shipper owned or leased trailers between the plantsite of U.S. Agri-Business Company, U.S. Industries, Inc. at or near Alpharetta, GA and points in the United States (except AK and HI). Supporting shipper: U.S. Industries, Inc., Post Office Office box 888347, Atlanta, GA 30338.

MC 134978 (Sub-3-1TA), filed February 19, 1980. Applicant: C. P. BELUE, d.b.a. BELUE'S TRUCKING, Route 6, Spartanburg, SC 29303. Representative: Mitchell King, Jr., P.O. Box 1628, Greenville, SC 29602. *Coal,* from Spartanburg, South Carolina to Lyman, South Carolina. Supporting shipper: Lyman Printing & Finishing Co., Division of M. Lowenstein Corp., Box 10352, Rock Hill, SC 29730.

MC 116947 (Sub-3-3TA), filed March 4, 1980. Applicant: SCOTT TRANSFER CO., INC., 1190 Sylvan Road, Atlanta, GA 30310. Representative: William Addams, Suite 212, 5299 Roswell Road, N.E., Atlanta, GA 30342. Contract carrier, irregular routes, *Industrial cleaners, deodorizers, weed-killers, insecticides, and materials and supplies, used in the sale of the named commodities,* between points in Fulton County, GA on the one hand, and, on the other, points in OH, PA, IN, and IL, for 180 days. Supporting shipper: Oxford Chemicals, Inc., 5001 Peachtree Industrial Blvd., Chamblee, GA 30341.

MC 150197 (Sub-3-1TA), filed February 28, 1980. Applicant: LUTHER E. SPOONER, JR., d.b.a. LUKE SPOONER TRUCKING CO., Route 1, Box 4B, Donaldsville, GA 31745. Representative: Same. *Dry fertilizer, lime and land plaster,* from Donaldsville, GA to points in FL, including Marianna, Cabbage Grove, White Springs and Port St. Joe and to points in AL, including Auburn. Supporting shipper: Seminole Notrogen Co., P.O. Box 373, Donaldsville, GA 31745; Agri Services, P.O. Box 574, Donaldsville, GA 31745; Farmers Mutual Exchange, P.O. Box 397, Donaldsville, GA 31745.

MC 138635 (Sub-3-1TA), filed February 29, 1980. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, GA 28052. Representative: W. C. Sutton, P.O. Box 3995, Gastonia, NC 28052. *Glass fiber, roving, and strand* from Charlotte, NC to points in TX, AZ, NM, CA, OR, WA, MT, ID, UT, NV, CO, and WY for 180 days. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222.

MC 138157 (Sub-3-6TA), filed February 29, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, commodities injurious or contaminating to other lading and frozen foods), from Seattle, WA to points in CA, and points in and east of ND, SD, NE, KS, OK and TX. Restrictions: Restricted to traffic originating at the facilities of Bostrum-Warren, Inc. Supporting shipper: Bostrum-Warren, Inc., 920 2nd Ave., Suite 406, Seattle, WA 98104.

MC 2900 (Sub-3-1TA), filed February 29, 1980. Applicant: RYDER TRUCK LINES, INC.; 2050 Kings road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr., (same address as applicant). *Foodstuffs,* between Pennsylvania and New York on the one hand, and on the other, points in the United States. Supporting shippers: Roger D. Peters, General Manager/Treasurer, Keystone Foods, Inc., 63 Wall Street, North East, PA 16428; James A. Muscato, Traffic Manager, Cliffstar Corporation, One Cliffstar Avenue, Dunkirk, NY 14048.

MC 19105 (Sub-3-1TA), filed February 28, 1980. Applicant: FORBES TRANSFER CO., INC., Post Office Box 3544, Wilson NC 27893. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. *Pipe, pipe fittings and related articles,* from the facilities of Charlotte Pipe and Foundry Company, at or near Charlotte and Bakers, NC, to points in the United States in and east of MI, IN, KY, TN, AR and LA. Supporting shipper: Charlotte Pipe and Foundry Company.

MC 139917 (Sub-3-1TA), filed February 27, 1980. Applicant: SEARAIL, INC., 701 South Royal Street, Mobile, AL 36601. Representative: George M. Boles, Carlton, Boles, Clark, Stichweh & Caddis, 727 Frank Nelson Bldg., Birmingham, AL 35203. *General commodities* (except those of unusual value, classes A and B explosives, and commodities in bulk), having an immediately prior or subsequent movement by rail, between Meridian, MS, on the one hand, and, on the other, points in AL, LA, MS, and those in FL west of the Apalachicola River; and between Jackson, MS, on the one hand, and, on the other, points in AL, LA, MS, and those in FL west of the Apalachicola River. Supporting shippers: There are 18 support statements which may be reviewed in the Atlanta, GA, ICC Authority Center.

MC 115162 (Sub-3-1TA), filed February 27, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate, P.O. Drawer 500, Evergreen, AL 36401. *Plastic and plastic articles and materials and supplies used in the manufacture and distribution of plastic and plastic articles* (except commodities in bulk, in tank vehicles) between Evansville, IN on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Engineered Plastics Corp.; 2521 Lynch Road; Evansville, IN 47711.

MC 146281 (Sub-3-1TA), filed February 25, 1980. Applicant: SILVER FLEET EXPRESS, INC., P.O. Box 6089,

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4521 Rutledge Pike, Knoxville, TN. 37914. Representative: Blaine Buchanan, Attorney, 1024 James Building, Chattanooga, TN 34702. *General Commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk,* commodities which because of size or weight require the use of special equipment), serving Etowah, TN and points in its Commercial Zone as off-route points in connection with applicant's otherwise authorized regular route operations between Knoxville, TN and New Orleans, LA. Supporting shippers: There are seven (7) statements in support attached to this application which may be examined at the I.C.C. Regional Office in Atlanta, Georgia.

MC 121470 (Sub-3–2TA), filed February 27, 1980. Applicant: TANKSLEY TRANSFER CO., 801 Cowan Street, Nashville, TN 37207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *(1) air conditioning equipment, furnances, and component parts and accessories therefor, and (2) materials, equipment and supplies used in the distribution and installation of the commodities in (1) above,* from the facilities of Carrier Corp., at Warren, Davidson and Rutherford Counties, TN, to points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OH, SC, VA and WV, restricted to the transportation of traffic originating at said facilities and destined to said points. Supporting shipper: Carrier Corp., P.O. Box 4808, Syracuse, NY 13221.

MC 144027 (Sub-3–1TA), filed February 19, 1980. Applicant: WARD CARTAGE & WAREHOUSING, INC., Route 4, Glasgow, KY 42141. Representative: Henry E. Seaton, 929 Pennsylvania Ave., Washington, D.C. 20004. *Automotive parts used in the manufacturing, maintenance and repair of motor vehicles* between points in KY and TN, on the one hand and Dayton, OH and Detroit, MI and points in their commercial zones on the other. Carrier proposes to interline at Louisville, KY, Cincinnati, OH, and Nashville, TN. Supporting shipper: Chrysler Corporation, Operations-Planning Office, Transportation and Traffic Dept., P.O. Box 1978, Detroit, MI 48288.

MC 142053 (Sub-3–1TA), filed February 22, 1980. Applicant: NORTH GEORGIA BUS LINES, INC., 1160 Allene Avenue, S.W., Atlanta, GA 30310. Representative: Jeffrey Kohlman, Suite 508, 1447 Peachtree Street, N.E., Atlanta, GA 30309. (1) *passengers and their baggage, and express,* between Atlanta, GA and Anderson, SC: from Atlanta, GA over U.S. Hwy. 29 to Athens, GA, then over U.S. Hwy. 129 to Jefferson, GA, then over GA Hwy. 15 to Commerce, GA, then over GA Hwy. 98 to Danielsville, GA, then over U.S. Hwy. 29 to Royston, GA, then over GA Hwy. 145 to Carnesville, GA, then over I–85 to Lavonia, GA, then over GA Hwy. 77 to Hartwell, GA, then over U.S. Hwy. 29 to Anderson, SC, and return over the same route, serving all intermediate points, and serving points in Clayton, Cobb, DeKalb, Fulton, Gwinnett, Barrow, Clarke, Jackson, Madison, Franklin and Hart Counties, GA, and Anderson County, SC, as off-route points; and, (2) *passengers and their baggage,* in special and charter operations, in round-trip movements, beginning and ending at points in Clayton, Cobb, DeKalb, Fulton, Gwinnett, Barrow, Clarke, Jackson, Madison, Franklin and Hart Counties, GA, and Anderson County, SC and extending to points in the United States, including AK but excluding HI. Supporting shipper: the application is supported by 46 church, civic and social groups, individuals, and corporations.

MC 144688 (Sub-3–3TA), filed February 22, 1980. Applicant: READY TRUCKING, INC., 2717 Campbell Blvd., Ellenwood, GA 30049. Representative: Lavern R. Holdeman, Peterson, Bowman & Johanns, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses* (except commodities in bulk and those requiring refrigeration), from the facilities of Hunt-Wesson Foods, Inc., at or near Memphis, TN, to points in AL. Supporting shipper: Hunt-Wesson Foods, Inc., Donna Harris, Distribution Specialist, P.O. Box 61770, New Orleans, LA, 70161.

MC 144168 (Sub-3–1TA), filed February 25, 1980. Applicant: R. E. GARRISON TRUCKING, INC., P.O. Box 186, Cullman, AL. 35055. Representative: Michael M. Knight (same as above). *Such commodities as are dealt in by Super Markets and Drug Stores* Between the facilities of Bruno's, Inc. in AL, GA, FL, TN, on the one hand and on the other points in CA, AZ, TX, LA, MS, AL, GA, FL, TN, NC, SC, IA, IN, IL, and KY. Supporting shipper: Bruno's, Inc. Birmingham, AL. 35201.

MC 144069 (Sub-3–1TA), filed February 27, 1980. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, North Carolina 28225. Representative: W. T. Trowbridge, P.O. Box 5204, Charlotte, North Carolina 28225. Transporting *iron and steel articles* between points in NC, SC, GA, FL, AL, TN, KY, WV, OH, VA, MD and DC. There are 43 supporting shippers. Support forms may be inspected at the Atlanta regional office of the Interstate Commerce Commission.

MC 134064 (Sub-3–1TA), filed February 19, 1980. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, Georgia 30501. Representative: Charles M. Williams, Kimball, Williams & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, Colorado 80203 (303) 839–5856. *Emulsified petroleum paraffin wax, except in bulk.* From: The facilities of Michelman Chemicals, Inc., at or near Cincinnati, OH. To: Points in GA, MD, IL, MA, MI, NJ, NY, NC, TX and WI. Supporting shipper: Michelman Chemicals, Inc., 9089 Shell Road, Cincinnati, OH 45236.

MC 114604 (Sub-3–2TA), filed March 5, 1980. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, State Farmers Market #33, Forest Park, GA 30050. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Road, NE, Atlanta, GA 30326. *Malt beverages and related advertising material* (excet in bulk), from Detroit, MI to the facilities of Thomas Beverage Company in Carroll, Clayton, Cobb, DeKalb, Douglas, Fulton, Haralson, and Rockdale Counties, GA. Restricted to the transportation of traffic destined to the facilities of Thomas Beverage Company. Supporting shipper: Thomas Beverage Company, 2235 DeFoor Hills road, NW, Atlanta, GA 30318.

MC 143059 (Sub-3–1TA), filed March 5, 1980. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *(1) Prefabricated buildings, knocked down, and (2) parts, attachments, tools, and accessories used in the erection or installation of the commodities in (1), above,* from the facilities of Com-Struct International and its Fibreshell Division, at Sacramento, CA and Placer County, CA to points in AZ, CO, KS, FL, NE, NM, OK, and TX (except Houston and Galveston). Supporting shipper: Com-Struct International, 8600 23rd Avenue, Sacramento, CA 95826.

MC 136464 (Sub-3–2TA). Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3995, Gastonia, NC 28052. Representative: W. C. Sutton, Box 3995, Gastonia, NC 28052. *Electric baseboard heat panels, circuit breakers, switches, controllers, and transformers weighing less than 1,200 pounds each and parts thereof,* From points in SC to points in CA under a continuing contract or contracts with Federal Pacific Electric Company. Supporting shipper: Federal Pacific Electric Company, Route #1, Fort Mill, SC 29715.

MC 141450 (Sub-3–1 TA), filed February, 1980. Applicant: OLIN WOOTEN TRANSPORT COMPANY, INC., P.O. Box 731, Hazlehurst, GA 31539. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Wire,* from Lumber City, GA, to Ardmore and Oklahoma City, OK; Texarkana, AR; Waco, TX; Mayfield, KY; Des Moines, IA; Detroit, MI; Madison, TN; Natchez, MS; Gadsden, AL; Laurel Hill and Fayetteville, NC, under a continuing contract or contracts with Cook & Company. Supporting shipper: Cook & Company, P.O. Box 458, Lumber City, GA 31549.

MC 2900 (Sub-3–2 TA), filed February 20, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). *Weed killing compounds,* from Jacksonville, FL; Lake Charles; Houston, TX; and New Orleans, LA to Des Moines, IA. Supporting shipper: G. W. Fillingame, Freight Traffic Manager, Truck, Air & Field Transportation Services, E. I. du Pont de Nemours & Company, 1007 Market Street, Wilmington, DE 19898.

MC 138882 (Sub-3–4 TA), filed February 20, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, Alabama 36081. Representative: John J. Dykema, P.O. Drawer 707, Troy, Alabama 36081. *Electric Storage batteries, spent batteries, and materials, equipment and supplies used in the manufacture and distribution of electric storage batteries,* including lead pigs and ingots (except commodities in bulk in tank vehicles). Between the facilities of General Battery Corporation and its subsidiaries and points in the United States. Supporting shipper: General Battery Corporation, P.O. Box 1262, Reading, PA 19603

MC 115841 (Sub-3–2 TA), filed February 7, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler, 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. *Such merchandise as is dealt in by retail, discount and variety stores* (except commodities in bulk), from Statesville, NC to St. Louis, MO. Supporting shipper: J. C. Penney, 1301 Avenue of the Americas, New York, NY 10019.

MC 136123 (Sub-3–2 TA), filed February 22, 1980. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: Raymond P. Keigher, 1400 Gerard Street, Rockville, MD 20850. (1) *glass containers,* from Muncie, IN, to points in GA, KY, LA, MS, MO, NC, SC, and TN, and (2) *materials, equipment and supplies* used in the manufacture or production of glass containers and closures (except commodities in bulk), from points in GA, KY, LA, MS, MO, NC, SC, and TN, to Muncie, IN. Supporting shipper: Ball Corporation, 345 South High Street, Muncie, IN 47302.

MC 139982 (Sub-3–1TA), filed February 22, 1980. Applicant: WILLIAMSON DELIVERY SERVICES, INC., Box 22032 AMF, Tampa, FL 22032. Representative: Travis W. Williamson (same address as applicant). *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment between Tampa International Airport, on the one hand, and, on the other points in Collier County, FL, restricted to the transportation of traffic having an immediately prior or subsequent movement by air. Supporting shipper(s): There are five supporting shippers.

MC 134064 (Sub-3–2TA), filed February 22, 1980. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30501. Representative: Charles M. Williams, Kimball, Williams & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203, (303) 839–5856. *Paper and paper products,* from the facilities of Hal-Rose, Inc. at or near Philadelphia, PA and Jersey City, NJ, to points in the United States in and east of MI, OH, KY, TN and AL. Supporting shipper: Hal-Rose, Inc., P.O. Box 1069, Benjamin Fox Pavilion, Jenkintown, PA 19046.

MC 107515 (Sub-3–3TA), filed February 22, 1980. Applicant: REFREIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., Serby & Mitchell, P.C., 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. *(1) Such commodities as are dealt in by wholesale, retail and chain grocery houses, and (2) Foodstuffs, materials, equipment and supplies used in the manufacture, distribution and sale of the commodities in (1) above* between the facilities of Southern States Distribution, Inc. in or near Memphis, TN and points in the US (except AK, HI, ID, MT, NV, OR, UT, WA and WY). Supporting shipper: Southern States Distribution, Inc., 4834 Mendenhall Rd., P.O. Box 18389, Memphis, TN 38118.

MC 146293 (Sub-3–2TA), filed February 22, 1980. Applicant: REGAL TRUCKING CO., INC., 95 Industrial Park Circle, Lawrenceville, GA 30245. Representative: Richard M. Tettelbaum, Esq., Serby & Mitchell, P.C., 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. *Canned goods* from the facilities of Woldert Canning, Inc. at or near Lindale or Tyler, TX to points in GA, AL, MS, LA, FL, SC, NC, TN, and CA. Supporting shipper: Woldert Canning, P.O. Box 1448, Tyler, TX 75701.

MC 144715 (Sub-3–1TA), filed February 22, 1980. Applicant: ANDERSON & WEBB TRUCKING CO., INC., P.O. Box 1523, 542 West Independence Blvd., Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. *Boxed meat,* from points in TX, KS, MO, IA, IL, CO, AL, NE and WI to Hanover County, VA. Supporting shipper: Richfood, Inc., P.O. Box 26967, Richmond, VA 23261.

MC 115162 (Sub-3–2TA), filed February 22, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate, P.O. Drawer 500, Evergreen, AL 36401. (1) *Scrap wire, scrap cable, scrap telephone equipment, and scrap metals* (except commodities in bulk), from points in the US in and east of MT, WY, CO, and NM to the plant site of the Lissner Corporation in Chicago, IL; and (2) *Processed scrap and aluminum ingot,* from the plant site of the Lissner Corporation in Chicago, IL to points in the US in and east of the states of MT, WY, CO, and NM. Supporting shipper: Lissner Corporation; 1000 N. North Branch; Chicago, IL 60622.

MC 114604 (Sub-3–3TA), filed February 22, 1980. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, State Farmers Market #33, Forest Park, GA 30050. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Road, NE, Atlanta, GA 30326. *Meats, meat products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and foodstuffs (frozen or chilled), from the facilities of New Orleans Cold Storage and Warehouse Co., LTD at or near Near New Orleans, LA to points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: New Orleans Cold Storage and Warehouse Co., LTD., P.O. Box 15749, New Orleans, LA 70175.

MC 115162 (Sub-3–3TA), filed February 19, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative:

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Robert E. Tate, P.O. Drawer 500, Evergreen, AL 36401. *Alcoholic beverages*, except in bulk, from points in the states of NY, NJ, PA, MD, KY, MA, IL, OH, VA, MI, IN, TN, NC, AR, LA, GA, FL, SC, MS, and AL (import) to Montgomery, AL. Supporting shippers: Joseph E. Seagram and Sons, Inc.; 375 Park Avenue; New York, NY 10022; Hiram Walker & Sons, Inc.; Box 479; Peoria, IL 61651; Alcoholic Beverage Control Board; Administrative Building; Montgomery, AL; and Schenley Distillers, Inc.; 36 E. 4th Street; Cincinnati, OH 45202.

MC 106119 (Sub-3-2TA), filed February 19, 1980. Applicant: ASSOCIATED PETROLEUM CARRIERS, INC., Union Road, Post Office Box 2808, Spartanburg, SC 29304. Representative: Robert R. Odom, 220 North Church Street, Post Office Box 5504, Spartanburg, SC 29304. *Liquid petroleum products (except petro acids and chemicals, and asphalt and asphalt products)*, in bulk, in tank vehicles, from Columbus, GA, and points within 15 miles thereof to points in AL within 175 miles of Columbus, GA. Supporting shipper(s): There are six statements of support attached to the application which statements may be examined at the field office named above.

MC 144922 (Sub-3-1TA), filed February 19, 1980. Applicant: A.T.F. TRUCKING CO., INC., Route 11, Box 507-B, Birmingham, Alabama 35210. Representative: John R. Frawley, Jr., Attorney at Law, 5506 Crestwood Blvd., Birmingham, Alabama 35212. *Food products, the materials, equipment and supplies used in the manufacture, sale and distribution of food products* (except commodities in bulk), between the facilities of Borden Incorporated located in or near Birmingham, AL on the one hand and on the other, all points in the United States. Supporting shipper: Borden Incorporated, 3900 Vanderbilt Road, Birmingham, AL 35217.

MC 114552 (Sub-3-1TA), filed February 15, 1980. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: Kim G. Meyer, Watkins & Daniell, P.C., P.O. Box 872, Atlanta, GA 30301. *Waste or scrap paper* from points in AR, KY, LA, MS, FL, and AL to the facilities of Georgia Kraft Corp. at or near Macon, GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Mead Corporation, Courthouse Plaza Northeast, Dayton, OH 45463.

MC 59150 (Sub-3-1TA), filed February 15, 1980. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Kim G. Meyer, Watkins & Daniell, P.C., P.O. Box 872, Atlanta, GA 30301. *Waste or scrap paper* from AL, FL, LA, MS, NC, SC, TN, and VA to the facilities of Georgia Kraft Corp. at or near Macon, GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Mead Corporation, Courthouse Plaza Northeast, Dayton, OH 45463.

MC 121664 (Sub-3-4TA), filed March 4, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, Alabama 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, Alabama 35233. *Steel.* From Fairfield, AL to St. Gabriel, LA, Bladenboro, NC, and Memphis, TN for 180 days. Restricted to shipments for the account of Grief Bros. Corporation. Supporting shipper: Grief Brothers Corporation P.O. Drawer 908 Cullman, AL 35055. (An underlying ETA seeks 90 days authority.)

MC 121664 (Sub-3-6TA), filed March 6, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue, South, Birmingham, AL 35233. *Steel tubing.* From Union MO to points in and east of ND, SD, NE, KS, OK, and TX, for 180 days. An underlying ETA has been filed. Supporting shipper: Maverick Tube Corporation, P.O. Box 696, Union, MO 36084.

MC 121664 (Sub-3-8TA), filed March 4, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue, South, Birmingham, AL 35233. *Lumber and lumber products*, from Dublin, Gray, Camilla, Richboro, Fitzgerald, and Perry, GA; Abbeville, AL; and Dade City, FL, to points in and east of ND, SD, NE, KS, OK, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Minoc Industry, Inc., P.O. Box 158, Baconton, GA 31716, and Tollison Lumber Company, P.O. Drawer E, Perry, GA 31069

MC 150212 (Sub-3-1TA), filed March 4, 1980. Applicant: LEARY'S TRUCK BROKERAGE, INC., Dancy Street, Hastings, FL 32045. Representative: Wilson Kenneth Leary, Jr., (same address as applicant). *Contract, irregular: Paper and paper products*, from the facilities of Central States Diversified, Inc. at Palatka, FL, to points in AL, CT, DC, DE, MA, NH, RI, MD, MO, NJ, NY, OH, PA, TN, VA, MS, LA, AR, TX, VT, WV, KY, IN, IL, MI, WI, IA, MN, NC, SC, GA and ME for 180 days. Supporting shipper: Central States Diversified, Inc., 1400 Reid Street, Palatka, FL 32077.

MC 150140 (Sub-3-1TA), filed March 3, 1980. Applicant: FAR WEST PRODUCE EXCHANGE, INC., P.O. Box 37, 315 First Avenue, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., Serby & Mitchell, P.C., 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. Contract carrier: Over irregular routes, *Lighting fixtures and/or parts therefor* from the facilities of Lithonia Lighting, Div. of National Service Industries, Inc. at or near Cochran and Conyers, GA to points in CA, AZ, NV, NM, OR and WA for 180 days. Supporting shipper: Lithonia Lighting, Div. of National Service Industries, Inc., P.O. Box H, 1400 Lester Road, Conyers, GA 30207.

MC 149218 (Sub-2TA), filed March 4, 1980. Applicant: SUNBELT EXPRESS INC., 116 Hamilton Circle, Bremen, GA 30110. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Cleaning, buffing, and polishing compounds; textile softeners; lubricating oil; deodorants; and disinfectants (except in bulk);* from the facilities of Economics Laboratory, Inc. located at or near Joliet, IL to Maysville, Somerset, Frankfort, Madisonville, Horse Cave, Louisville, Lawrenceburg, Lexington, and Mt. Serling, KY; Decatur, GA; Nashville, TN; and points in FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Economics Laboratory, Inc., Osborn Building, St. Paul, MN 55102.

MC 150209 (Sub-3-1TA), filed March 4, 1980. Applicant: E. & G. MOTOR EXPRESS, INC., U.S. Highway 42, Carrollton, KY 41008. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. *(1) appliances and appliance parts, and (2) materials, equipment and supplies used in the manufacture and distribution of appliances and appliance parts*, between facilities used by General Electric Company at Louisville, KY, and its commercial zones, on the one hand, and, on the other, Augusta, Brooksville, Maysville, and Vanceburg, KY, and points in OH on and south of U.S. Hwy. 40 and on and west of U.S. Hwy. 23, including the commercial zones thereof, for 180 days. Applicant has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Electric Company, Charles S. Davis, Manager-Transportation, Appliance Park, Building 10, Louisville, KY 40225.

MC 149140 (Sub-3-2TA), filed March 4, 1980. Applicant: OVERLAND, INC., 4121 Augusta Road, Garden City, GA 31408. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Road, Atlanta, GA 30339. *Sand,*

from the facilities of Coastal Abrasives and Filter Sand Co., Jasper County, SC, to points in GA. for 180 days. Supporting shipper: Coastal Abrasives and Sand Co. (An underlying ETA seeks authority for 90 days.)

MC 126305 (Sub-3-1TA), filed March 4, 1980. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Paper and Paper Products, and materials, equipment, and supplies used in the manufacture and sale of Paper and Paper Products (except commodities in bulk)*, Between the facilities used or utilized by Ronnie Packaging Co., located at or near South Plainfield, NJ and City of Industry, CA, on the one hand, and, on the other, points in the US (except AK and HI), for 180 days. Supporting shipper(s): Ronnie Packaging Co., 4301 New Brunswick Ave., South Plainfield, NJ 07080.

MC 150211 (Sub-3-1TA), filed March 3, 1980. Applicant: ASAP EXPRESS, INC., P.O. Box 3250, Jackson, TN 38301. Representative: Edward F. Schiff, Suite 400, 133 New Hampshire Ave., NW., Washington, D.C. 20036. (1) *Printed matter:* from the plantsite of Hall of Mississippi, located at or near Corinth, MS., to Illinois, Ohio, New York, Maryland, Delaware, Georgia, Tennessee, Missouri, Kansas. (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacturing, sales and distribution of the above commodities from points in the United States in and east of the States of Minnesota, Iowa, Kansas, Oklahoma and Texas to the plantsite of Hall of Mississippi located at or near Corinth, Mississippi. Supporting shipper(s): Hall of Mississippi, Hwy. 45 & Golding Dr., Corinth, MS 38834.

MC 115311 (Sub-3-2TA), filed March 5, 1980. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Kim G. Meyer, Watkins & Daniell, P.C., P.O. Box 872, Atlanta, GA 30301. *Malt liquor and empty containers* from the facilities of Stroh Brewing Company at or near Toledo, OH to points in GA and Aiken, SC (and its commercial zone) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stroh Brewing Company, 1 Stroh Drive, Detroit, MI 48226. Send protests to Interstate Commerce Commission, Regional Complaint/Authority Center, P.O. Box 7520, Atlanta, GA 30309.

MC 121664 (Sub-3-10TA), filed March 4, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, Alabama 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, Alabama 35233. (1) *Steel tubing* (2) *Materials and Supplies.* (1) From: Pine Bluff, AR, To: Points in and east of ND., SD., NE., KA., OK., and TX. (2) From Points in and east of ND., SD., NE., KA., OK., and TX. To: Pine Bluff, AR, for 180 days. Supporting shipper(s): Century Tube Corporation, P.O. Box 7612 Pine Bluff AR.

MC 116947 (Sub-3-4TA), filed February 29, 1980. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Contract carrier,* irregular (a) *lighting fixtures and lighting equipment,* (2) *parts for commodities in (1) above and (3) materials and supplies used in the manufacture and distribution of the commodities in (1) & (2) above (except commodities in bulk),* Between the plant site of Gibson-Metalux Corporation at or near Eufaula, AL & Americus, GA, on the one hand and on the other points in the United States (except AL & HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gibson-Metalux Corporation, P.O. Box 1207, Americus, GA 31709.

The following applications were filed in Region 4. Send protests to: ICC, Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 110420 (Sub-4-4TA), filed March 7, 1980. Applicant: QUALITY CARRIERS, INC., 100 Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representative: John R. Sims, Jr., Goff, Sims, Cloud, Stroud & Shepherd, 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. *Wine, Wine Vinegar and Vinegar Stock,* in bulk, in tank vehicles, (1) Between Guasti, CA on the one hand, and on the other, Manitowoc, WI; (2) From Guasti, CA to Chicago and Streator, IL, Monroe, MI and Walworth, WI. Supporting shipper: A. M. Richter Sons Co., 2021 S. 14th St., Manitowoc, WI 54220.

MC 65920 (Sub-4-1TA), filed March 10, 1980. Applicant: BISHOP MOTOR EXPRESS, INC., 607 Century Avenue SW., Grand Rapids, MI 49503. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. *General commodities (Usual exceptions),* serving the plantsite of E. I. DuPont DeNemours & Co. at or near Montague, MI, as an off-route point in connection with applicant's regular route operations. Supporting shipper: E. I. DuPont DeNemours & Co., P.O. Box "A", Montague, MI 49437.

MC 143500 (Sub-4-2TA), filed March 7, 1980. Applicant: R. B. CARRIERS, INC., 4425 Highway 31E, Jeffersonville, IN 47130. Representative: Dean N. Wolfe, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Contract, Irregular, *Cosmetics;* (1) From Daytona Beach, FL, to Murray and Lexington, KY, New Albany and Chesapeake, OH, and Athens, TN; and (2) from the destinations named in (1) above to points in IA, WY, OR, TN, CO, LA, AZ, NE, MT, MO, UT, OK, NE, SD, ID, WV, IL, MS, TX, MN, ND, WA, KY, KS, AK, NM, FL, OH, CA, and WI. Restricted in (1) and (2) to traffic originating at or destined to facilities of Don Faughn Enterprises, Inc. An underlying ETA seeks 90 days authority. Supporting shipper: Don Faughn Enterprises, Inc., P.O. Box 95, Murray, KY 42071.

MC 124170 (Sub-4-4TA), filed March 10, 1980. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. *General Commodities (except Classes A and B explosives, commodities in bulk, commodities which because of size and weight require special equipment and household goods as defined by the Commission)* between points in the United States except AK and HI. (Restriction: The above authority is restricted to the facilities utilized by W. W. Grainger, Inc.) An underlying ETA seeks 90 days authority. Supporting shipper: W. W. Grainger, Inc., 5959 West Howard Street, Chicago, IL 60648.

MC 114632 (Sub-4-3TA), filed March 7, 1980. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson, P.O. Box 287, Madison, SD 57042. *Malt Beverages,* from the facilities of Miller Brewing Company at Milwaukee, WI and Ft. Worth, TX to points in UT. An underlying ETA seeks 90 days authority. Supporting shipper: Miller Brewing Company, 3939 West Highland Blvd., Milwaukee, WI 53201.

MC 144630 (Sub-4-5TA), filed March 7, 1980. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Metal container ends,* From the facilities of Ball Corporation at or near Findlay, OH to Fairfield, CA. An underlying ETA seeks 90 days authority. Supporting shipper: Ball Corporation, 345 South High Street, Muncie, IN 47302.

MC 107012 (Sub-4-9TA), filed March 7, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, Indiana 46801. Representative: David D. Bishop, P.O. Box 988, Fort Wayne, Indiana 46801. *Freezers,* from the facilities of

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Franklin Manufacturing Company, A Division of White Consolidated Industries, Inc. located at or near St. Cloud, MN to Newington, VA. Supporting shipper: Franklin Manufacturing Company, 701 33rd Avenue N., St. Cloud, MN 56301.

MC 111812 (Sub-4-4TA), filed March 6, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma, P.O. Box 1233, Sioux Falls, SD 57101. *Foodstuffs, cheese making ingredients, and products used in the manufacturing of cheese,* from Miles Laboratories, Inc. at or near Madison, WI to CT, ME, MD, MA, NH, NJ, NY, OH, PA, RI and VT, for 180 days. Supporting shipper: Miles Laboratories, Inc., P.O. Box 592, Madison, WI 53701.

MC 139482 (Sub-4-5TA), filed March 7, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *General commodities,* except in bulk, between points in MI, MN, MO, IL, WI, IA, ND, SD and MT. Restriction: Restricted to the transportation of traffic originating at or destined to the facilities of Montgomery Wards, the distribution and warehouse facilities used by it, and its retail outlets and catalog stores. An underlying ETA seeks 90 days authority. Supporting shipper(s): Montgomery Wards, 1400 University Avenue, St. Paul, MN 55104.

MC 144630 (Sub-4-4TA), filed March 7, 1980. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN. Representative: Donald W. Smith. P.O. Box 40248, Indianapolis, IN 46240. *Alcoholic beverages and related advertising paraphernalia,* from Cincinnati, OH and Frankfort, KY to Montgomery, AL. Supporting shipper: National Distillers Products Company, 120 Section Road, Cincinnati, OH 45216.

MC 1150 (Sub-4-1TA), filed March 5, 1980. Applicant: HEEREN TRUCKING COMPANY, INC., 114 2nd St. E. Lemmon, SD 57638. Representative: Ronald R. Johnson, 310 Main, Lemmon, SD 57638. *Petroleum products, in bulk, in tank vehicles,* from Glendive, MT to Bowman, ND, to Perkins County, SD and Watauga, SD; from Mandan, ND to Perkins County, SD and Watauga, SD. An underlying ETA seeks 90 days authority. Supporting shippers: Phillips Petroleum Co., 7800 E. Dorado PL, Englewood, CO 80111; Independent Oil Co. Lemmon, SD 57638; Lemmon Equity Exchange, Lemmon, SD 57638; Bison Implement Co. Bison, SD 57620; Ketterling Oil Company, Watauga, SD 57760; Fix 66 Service, Bowman, ND 58623.

MC 148380 (Sub-4-1TA), filed March 5, 1980. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *Composition board, pulpboard, wallboard and fiberboard, and roofing materials and supplies,* from the facilities of Owens Corning Fiberglas Corporation at or near Kansas City, KS, to points in IL, IN, and WI. An underlying ETA seeks 90-day authority. Supporting shipper: Owens Corning Fiberglas Corporation, Fiberglas Tower, Toledo, OH 43659.

MC 93186 (Sub-4-3TA), filed February 26, 1980. Applicant: WATTS TRANSFER CO., 825 First Ave., Rock Island, IL 61201. Representative: Daniel C. Sullivan, 10 S. LaSalle, Suite 1600, Chicago, IL 60603. *Such commodities as are dealt in by wholesale and retail department stores (except in bulk),* from Davenport and Bettendorf, IA and Rock Island and Moline, IL, to points in IL and IA. Restricted to transportation to or from the facilities of the Target Store, Division of Dayton-Hudson Corporation. Supporting shipper: The Target Store, 7120 Highway 65 NE., Fridley, MN 55432.

MC 106594 (Sub-4-1TA), filed March 3, 1980. Applicant: KIRKPATRICK TRUCKING CO., 11317 Route 14N, Harvard,IL 60033. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. (1) *Glass Bottles;* (2) *Table Sauces,* (1) From Plainfield, IL, to the facilities of Kikkoman Foods, Inc., at or near Walworth, WI; (2) From the facilities of Kikkoman Foods, Inc. at or near Walworth, WI, to points in the commercial zones of Chicago, IL; Kansas City, MO; and Maple Heights, OH. Supporting shipper: Kikkoman Foods, Inc., U.S. Hwy. 14 & Six Corners, Walworth, WI 53184.

MC 128462 (Sub-4-1TA), filed March 3, 1980. Applicant: SCHULTZ & SON TRUCK LINE, INC., Box 36, Long Prairie, Minnesota 56347. Representative: Gene P. Johnson and James L. Mitchell, P.O. Box 2471, Fargo, North Dakota 58108. *Contract* irregular *refractory cement, in bags,* from Chicago, IL, to Crookston, East Grand Forks, Minneapolis, and Moorhead, MN; Bismarck, Drayton, Fargo, Hillsboro, and Jamestown, ND, filed an underlying ETA seeking up to 90 days authority. Supporting shipper: Plibrico, 6800 Shinglecreek Parkway, Minneapolis, MN.

MC 118696 (Sub-4-7TA), filed March 3, 1980. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46234. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. (1) *Cabinets and materials, equipment and supplies* used in the manufacture and distribution of cabinets (except in bulk), between the facilities of AristOKraft, Division of Beatrice Foods, at Jasper, IN; Burnet, TX; Littlestown, PA and Zumbrota, MN; and (2) *Materials, equipment and supplies* used in the manufacture and distribution of cabinets (except in bulk), from Asheville, NC; Dublin, GA; East Earl, PA; Kettlersville, OH; Marinette, WI; Memphis, TN; Little Rock, AR and Sinclairville, NY to the facilities of AristOKraft, a Division of Beatrice Foods, at Jasper, IN; Burnet, TX; Littlestown, PA and Zumbrota, MN. Supporting shipper: Charles L. Vollmer, AristOKraft, a Division of Beatrice Foods.

MC 124078 (Sub-4-6TA), filed February 29, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Edible tallow,* from Anderson, IN to Chicago, IL. Supporting shipper: Emge Packing Co., Inc., P.O. Box 2070, 2000 W. 8th St., Anderson, IN 46011, Roger P. Elpers, Vice President.

MC 130635 (Sub-4-3TA), filed February 29, 1980. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *(1) Lawn and garden tractors, (2) Snow blowers, (3) parts and attachments and materials and supplies used in the fabricating and assembling of the items named in (1) and (2) above;* Between the facilities of Wheelhorse Products, Inc. at South Bend, IN, Lansing, MI, Hopkins, MN, Leedsdale, PA, West Springfield, MO, Little Rock, AR, and Doraville, GA. Supporting shipper: Wheel Horse Products, Inc., 500 West Ireland Road, South Bend, IN 46614.

MC 133189 (Sub-4-1TA), filed January 14, 1980. Applicant: VANT TRANSFER, INC., 1257 Osborne Road, Minneapolis, MN 55432. Representative: John B. Van de North, 2200 First National Bank Building, St. Paul, MN 55101. (1) *Iron and steel articles,* from the facilities of North Star Steel Company located at Monroe, MI to points in the U.S. (excluding AK and HI); and (2) *Materials, equipment and supplies (except in bulk) used in the manufacture of iron and steel articles,* from the destination of points in (1) above to the facilities of North Star Steel Company located at Monroe, MI. Supporting shipper: North Star Steel Company, 2901 Metro Drive, Minneapolis, MN.

MC 147245 (Sub-4-1TA), filed January 24, 1980. Applicant: GULICH TRUCKING, INC., Route 1, Roberts, WI 54023. Representative: Nancy J. Johnson, Attorney, 103 East Washington Street, Box 218, Crandon, WI 54520. *Coal,* from St. Paul, MN to River Falls, WI. An underlying ETA seeks 90 days authority. Supporting shipper: Great Lakes Coal & Dock, 1031 Childs Road, St. Paul, MN 55106.

MC 150025 (Sub-4-2TA), filed January 25, 1980. Applicant: CRAIGO GRAIN CO., INC., 816 30th St., Monroe, WI 53566. Representative: Rolfe E. Hanson, Attorney, 121 West Doty St., Madison, WI 53703. Contract—Irregular, (1) *Castings and machine parts* from Monroe, WI to the village of McCook, Cook County, IL and to the villages of Clarendon Hills and Addison, Dupage County, IL, and (2) *Materials and supplies* used in the manufacture and processing of machine parts from points in Chicago and its commercial zone in IL to Monroe, WI. Restricted to service under continuing contract with MECO Manufacturing and Engineering Co. An underlying ETA seeks 90 days authority. Supporting shipper: MECO Manufacturing and Engineering Company, Route 2, Box 142, Monroe, WI 53566.

MC 148175 (Sub-4-1TA), filed February 26, 1980. Applicant: ROBERT W. DENTON, d/b/a SPIRIT TRUCKING, 8700 South Wolf Road, Hinsdale, IL 60521. Representative: Robert W. Denton (same as applicant). *General commodities,* (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment or handling, having prior or subsequent movement by rail or water between Chicago, IL and its Commercial Zone, on the one hand, and, on the other points in IL, IN, MI, OH and WI. An underlying ETA seeks 90 days authority. Supporting shipper(s): Associated Container Transportation, 230 N Michigan Ave., Chicago, IL 60601. Kuecker Steamship Service, Inc., Agent, 6 N. Michigan Ave., Chicago, IL 60602. Militzer and Muench USA, Inc., 2720 Des Plaines Ave., Des Plaines, IL. American Container Express, 2 N. Riverside Plaza, Chicago, IL 60606. Argus Shipping, P.O. Box 1402, Elk Grove Village, IL 60007.

MC 145574 (Sub-4-1TA), filed March 4, 1980. Applicant: RUSS'S MOTOR SERVICE, INC., 5070 West Lake Street, Melrose Park, IL 60160. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Ferrous and non-ferrous wire and screws, rivets and fasteners,* between Chicago, IL on the one hand, and, on the other, Frankfort, MI. An underlying ETA seeks 90 days authority. Supporting shipper: Pheoll Manufacturing Company, 5700 W. Roosevelt Road, Chicago, IL 60650.

MC 150052 (Sub-4-1TA), filed March 3, 1980. Applicant: SEAPORT TRANSPORTATION COMPANY, 312 West End, Detroit, MI 48209. Representative: Alex J. Miller, P.O. Box 244, Bloomfield Hills, MI 48013. (313) 642-1012. *Contract carrier irregular self contained room air-conditioners* between Jonesville, MI and Detroit, MI. RESTRICTED, to shipments having a prior or subsequent movement by rail. Under a continuing contract with the York Division, Borg Warner Corporation. Supporting shipper: York Division, Borg Warner Corp., P.O. Box 1592 York, PA 17405.

MC 49567 (Sub-4-1TA), filed March 3, 1980. Applicant: GOLDEN BROS., INC., 234 E. McClure St., Kewanee, IL 61443. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. *Contract carrier, irregular: Iron and Steel Articles.* Between Arlington, TX; Birmingham, AL; Cleveland, OH; Detroit, MI; Dover, OH; Fairfield, AL; Fairless Hills, PA; Hennepin, IL; Houston, TX; Irving, PA; Miami, FL; Pittsburg, CA; Schaumburg, IL; and Tulsa, OK, on the one hand, And, on the other, points in the states of AL, AZ, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NV, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA, WV, WI and WY, limited to a transportation service to be performed under a continuing contract with New Process Steel Corporation of Illinois. Supporting shipper: New Process Steel Corporation of Illinois, 1901 S. Mitchell, Schaumburg, IL 60193.

MC 142715 (Sub-4-2TA). Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick, P.O. Box 479, South St. Paul, MN 55075. *Common carrier, irregular Electric welders, parts and supplies thereof, From Appleton and Neenah, Wi to St. Paul and Anoka, MN. Restricted to traffic originating at the facilities of Miller Electric, Inc., Appleton and Neenah, WI and destined to St. Paul and Anoka, MN. Supporting shipper: Buettner Welding Supply, 474 Minnechaha Ave., W. St. Paul, MN.*

MC 134477 (Sub-4-17TA), filed March 5, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. *(1) Toilet preparations and (2) commodities used in the sale of toilet preparations (except in bulk),* from the facilities of Landers Company at or near Binghamton, NY to points in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, TN, TX, and WI. An underlying ETA seeks 90 days authority. Supporting shipper: Landers Company, 1530 Palisade Ave., Box 1307, Fort Lee, NJ 07024.

MC 139697 (Sub-4-2TA), filed March 7, 1980. Applicant: WAGONER TRANSPORTATION COMPANY, INC., P.O. Box 2975, South Bend, IN 46680. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Contract; Irregular; *Foodstuffs, and materials, supplies and equipment used in the manufacture and distribution of foodstuffs (except in bulk),* between the facilities of McCormick Company, Inc., at or near Dallas, TX and Cockeysville, MD, on the one hand, and, on the other, points in the U.S. (except AK and HI). Restricted to shipments originating at or destined to the facilities utilized by McCormick Company, Inc., under continuing contract(s) with McCormick Company, Inc. An uderlying ETA seeks 90 days authority. Supporting shipper: McCormick Company, Inc., McCormick/All Portions, Food Service, 11011 McCormick Road, Hunt Valley, MD 21031.

MC 143471 (Sub-4-2TA), filed March 10, 1980. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 308 West Blvd., Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701. *Contract; irregular; Such Merchandise as is handled or dealt in by wholesalers, retailers or distributors of agricultural chemicals (except in bulk, in tank vehicles)* from points in IL, MN, MO and NE to Rapid City, SD and points in its Commercial Zone under a contract with Kenco, Inc., d/b/a Warne Chemical & Equipment Co. of Rapid City, SD. Supporting shipper: Ken J. Vahle, Pres. Kenco, Inc., d/b/a Warne Chemical & Equip Co., RP 4, Box 45, Rapid City, SD 57701.

MC 30637 (Sub-4-2TA), filed March 10, 1980. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4314—39th Avenue, Kenosha, WI 53140. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. *Farm and industrial equipment,* from the facilities of or used by International Harvester Company at the Port of Kenosha, WI to points in KY, MI, ND, OH, PA, SD and WV, restricted to traffic moving in foreign commerce and having a prior or subsequent movement by water. Supporting shipper: International Harvester Company, 401

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North Michigan Avenue, Chicago, IL 60611.

MC 114632 (Sub-4–5TA), filed March 3, 1980. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson, P.O. Box 287, Madison, SD 57042. *Flour,* from Fergus Falls, MN and Omaha, NE to Chicago, IL. Supporting shipper: Conagra, Inc., 200 Keweit Plaza, Omaha, NE 68131.

MC 149146 (Sub-4–1TA), filed March 4, 1980. Applicant: STONEY'S EXPRESS, INC., P.O. Box 1174, Pontiac, Mi 48056. Representative: Alex J. Miller, P.O. Box 244, Bloomfield Hills, MI 48013, (313) 642–1012. *Automobile parts and accessories* between Detroit, MI and its commercial zone on the one hand, and, on the other, Ford Motor Company plants located in Louisville, KY (also known as Louisville Assemble and Kentucky Truck Plant). Supporting shipper: Ford Motor Company, One Parklane Blvd., Dearborn, MI 48126.

MC 117068 (Sub-4–2TA), filed March 10, 1980. Applicant: MIDWEST SPECIALIZED TRANSPORTATION INC., P.O. Box 6418, North Hwy., Rochester, MN 55901. Representative: Richard C. M. Ginnis, 711 Washington Building, Washington, DC 20005. (a) *Gear frames, suspension systems and parts, and channels,* from the facilities of A. O. Smith Corp., at Milwaukee, WI and (b) *Engines* from Mossville and Chicago, IL to Seattle, WA and ports of entry in WA on the International Boundary between the U.S. and Canada. Supporting shipper: Kenworth Truck Company, 8801 E. Marginal Way S., Seattle, WA 98108.

MC 43038 (Sub-4–6TA), filed March 10, 1980. Applicant: COMMERCIAL CARRIERS, INC., 20300 Civic Center Drive, 4th Floor Box CS 5027, Southfield, MI 48037. Representative: Paul H. Jones, 29725 Shacket Avenue, Madison Heights, MI 48071. *Motor vehicles,* (excluding trailers) in secondary movements, in truckway service, between points in the states of AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY. An underlying ETA seeks 90 days authority. Restrictions: The operations authorized herein are restricted to the transportation of traffic manufactured, imported, assembled or distributed by General Motors Corporation. Supporting shipper: General Motors Corporation, Suite 1300—Top of Troy, 755 W. Big Beaver Road, Troy, Michigan 48084.

MC 126276 (Sub-4–5), filed date March 10, 1980. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. *Contract Carrier:* Irregular Routes: *General Commodities (except Classes A and B explosives, commodities in bulk, commodities which because of size and weight require special equipment and household goods as defined by the Commission)* Between points in the United States except AK and HI. (Restriction: The above authority is restricted to the movement of traffic originating at and/or destined to the facilities utilized by W. W. Grainger, Inc.) An underlying ETA seeks 90 days authority. Supporting shipper: W. W. Grainger, Inc., 5959 West Howard Street, Chicago, IL 60648.

MC 146978 (Sub-4–1), filed March 7, 1980. Applicant: CAMERON TRUCKING COMPANY, INC., P.O. Box 24, Hartford City, Indiana 47348. Representative: Charles T. Cox, 602 No. Walnut Street, Hartford City, Indiana, Phone 317–348–0051. (1) *Commodities manufactured and distributed from General Tire and Rubber Company,* Marion, Indiana to points in AL, AR, GA, LA, IL, IA, KS, KY, MI, MN, MS, MO, NE, MD, NC, ND, NY, OH, OK, PA, SC, SD, TN, VA, WV, WI, and (2) *supplies and materials used in the manufacture thereof* (except in bulk), in the reverse direction. Supporting shipper: CT&R Chemical Plastics Division, Inc., A Division of The General Tire & Rubber Company, 1700 Factory Avenue, Marion, Indiana.

MC 82858 (Sub-4TA), filed March 7, 1980. Applicant: ECONOMY FREIGHT LINES, INC., 2745 W. 31st Street, Chicago, Illinois 60608. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. (1) *Beverages, non-alcoholic (soft drinks),* from points in the Chicago, IL, commercial zone to points in the States of MN, ND, SD, and WI; (2) *Containers and incidental supplies used in bottling beverages,* from points in the Milwaukee, WI, commercial zone, to points in the Chicago, IL, commercial zone. Supporting shipper: King Cola Beverage Company, 138 North Avenue, Hartland, WI 53029.

MC 145276 (Sub-4–2TA), filed March 7, 1980. Applicant: MINNESOTA EXPRESS, INC., 2400 Trott Avenue SW., P.O.Box 427, Willmar, MN 56201. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *Poultry and hog equipment, repair parts, and feed, medicated feeds, feed supplements, with medicines, when moving in vehicles equipped with mechanical refrigeration,* from Willmar, MN to points in SD. Supporting shipper: Pals, A Division of Willmar Poultry, Box 753, Willmar, MN 56201.

MC 116273 (Sub-4–3TA), filed March 3, 1980. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Representative: William R. Lavery, 3800 South Laramie Avenue, Cicero, IL 60650. *Dry spent silica gel catalyst in bulk, in tank vehicles,* between points in AL, AR, CA, CO, DE, GA, IL, IN, KS, KY, LA, MD, MI, MN, MS, MO, MT, NE, NJ, NM, NY, ND, OH, OK, PA, TX, UT, VA, WA, WV, WI, and WY for 180 days. Supporting shipper: Easttown Technical Company, 46 Darby Road, Paoli, Pennsyvlania 19301.

MC 146880 (Sub-4–5TA), filed February 26, 1980. Applicant: LOWELL E. DENTON, d.b.a. Denton Cartage Company, P.O. Box 40, Palos Park, IL 60464. Representative: Anthony E. Young, 29 South LaSalle Street, Chicago, IL 60603. *General commodities* (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, and those commodities, because of size or weight, requiring special handling or special equipment), between Chicago, IL and its commercial zone, on the one hand, and, on the other, points in KY, MO, and MN for 180 days. An underlying ETA seeks 30 days authority. Supporting shipper(s): Great Lakes Overseas, Inc., 1820 Prudential Plaza, Chicago, IL 60601. Trans Freight Line, Inc., 2905 Butterfield Road, Oak Brook, IL 60521. Farrell Line 2800 South Lock Street, Chicago, IL 60608. Moram Agencies, Inc., 1200 Jorie Boulevard, Oak Brook IL 60521. Container Lloyd (USA), Inc., 36 South State Street, Chicago, IL 60603.

MC 124078 (Sub-4–8TA), filed March 5, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Dry hollow glass spheres, in bulk, in tank or hopper type vehicles, from Rockwood, TN to those points in the U.S. in and east of MN, IA, NE, KS, OK and TX for 180 days. Supporting shipper: P. A. Industries, 914 James Building, Chattanooga, TN 37402.

MC 51146 (Sub-4–23TA), filed March 5, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Mathew J. Reid, Jr. (same address as aplicant). *Small arms ammunition and equipment, materials, and supplies* used in the manufacture and distribution of small arms ammunition from East Alton, IL to points in MN, MI, OH, PA, VA, WV, CT, ND, SD, FL, NC, SC, NJ, NY, RI, MA, VT, NH, and ME, for 180 days. Applicant has also filed an underlying

ETA seeking 90 days operating authority. Supporting shipper: Olin Corporation, Winchester-Western Division, East Alton, IL 62024.

MC 124078 Sub-4–10), filed March 5, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Limestone slurry,* in bulk, in tank vehicles, from Henry County, AL to points in GA & FL, for 180 days. Supporting shipper: Henry County Lime Company, Inc., P.O. Box 216, Abbeville, AL 36310, Genny Smith, General Manager.

MC 129987 (Sub-4–1), filed March 3, 1980. Applicant: TERRA COTTA TRUCK SERVICE, INC., Jct. IL Hwys. 31 & 176, P.O. box 424, Crystal Lake, IL 60014. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. *Contract carrier:* Irregular routes: *Salt and Salt Products,* From the facilities utilized by International Salt Co. at or near Chicago, IL, to points in IL, IN, IA, MI, OH and WI for 180 days. Supporting shipper: International Salt Company, 614 Superior Avenue, NW., Cleveland, OH 44113.

MC 129387 (Sub-4–2TA), filed March 3, 1980. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye, P.O. Box 1271, Huron, SD 57350. *Pumps, NOI, pump parts and accessories,* from Fresno, CA and its commercial zone to points in IA, MN, NE, ND and SD. Supporting shipper: Peabody Floway, Inc., 2494 S. Railroad Avenue, Fresno, CA 93707.

MC 123361 (Sub-4–1TA), filed February 13, 1980. Applicant: CANTWELL MOTOR SERVICE, INC., 1718 Pontiac Road, East St. Louis, IL 62203. Representative: Ernest A. Brooks II, 1301 Ambassador Building, 411 North 7th Street, St. Louis, MO 63101. *Meats, meat products, meat by-products, packing-house products and commodities used by packing-houses as described in Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209, 706 (except commodities in bulk),* between points in the St. Louis, MO.-East St. Louis, IL Commercial Zone, on the one hand, and, on the other, points in AL, AR, FL, GA, MI, MN, MS, OH, TN and WI. Supporting shipper: Holton's Wholesale Meats, Inc., 919 Lynch Ave., East St. Louis, IL 62201.

MC 143032 (Sub-4–1TA), filed February 11, 1980. Applicant: THOMAS J. WALCZYNSKI, d.b.a. WALCO TRANSPORT, 3112 Truck Center Drive, Duluth, Minnesota 55806. Representative: William J. Gambucci, Suite M–20, 400 Marquette Avenue, Minneapolis, Minnesota 55402. (1) *Iron and steel articles* from the facilities of North Star Steel Company located at or near Monroe, MI to points in IA, MN, MT, NE, ND, SD, WI and WY, and (2) *equipment, materials and supplies used in the manufacturing of iron and steel articles,* from points in the above-named States to the facilities above. Supporting shipper: North Star Steel Company, Minneapolis, MN.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 600, Fort Worth, TX 76102.

MC 531 (Sub-5–3TA), filed March 10, 1980. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). *Chemicals, in bulk, in tank vehicles,* from the plantsite of Sandoz Colors and Chemicals, at or near Martin, South Carolina (Allendale County), to Vernon, California. Supporting shipper: Sandoz Colors and Chemicals, 59 Route 10, East Hanover, NJ 07963.

MC 757 (Sub-5–1TA), filed March 10, 1980. Applicant: M & M, INC., 401 N. Poplar, Solomon, KS 67480. Representative: Bruce C. Harrington, KS Credit Union Bldg., 1010 Tyler, suite 110L, Topeka, KS 66612. *Over-the-Road Trailers, in tow-away service,* from points and places in Barton County, KS to points and places in the states of IL, IA, MN, MO, NE, ND, SD and WI. Supporting shippers: Guthrie Trailers, Inc., P.O. Box 1026, Great Bend, KS. 67530 and Doonan Trailers, Inc., Junction of Hwys 56 and 156, Great Bend, KS 67530.

MC 29910 (Sub-5–10TA), filed March 10, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (address same as above). *Common; regular, General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the commission, commodities in bulk, and those requiring special equipment),* serving the facilities of Siemens-Allis Company, at or near Wendell, NC as an off-route point in connection with applicants regular route authority to serve Raleigh, NC. Supporting shipper: Siemens-Allis Company, 801 South 60 Street, West Allis, WI 53214.

MC 30844 (Sub-5–6TA), filed March 3, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 4616 E. 67th Street, Tulsa, OK 74121. Representative: Larry L. Strickler, P.O. Box 5000, Waterloo, Iowa 50704. *Paper in cartons* from Groveton, NH to Jefferson City and Kansas City, MO. Supporting shipper: Tempo Company, Inc., 1616 Grand Avenue, Kansas City, MO 64108.

MC 35320 (Sub-5–5TA), filed February 4, 1980. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas, Attorney (same as applicant). *Commercial air conditioners, accessories and parts* between Fort Smith, AR and all points in the U.S. except AK and HI. Supporting shipper: General Electric Company, 4811 S. Zero Street, Fort Smith, AR 27903.

MC 35320 (Sub-5–6TA), filed March 12, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas, P.O. Box 2550, Lubbock, TX 79408. *Common;* Regular. *General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between Dallas, TX. on the one hand, and, on the other, Shreveport, Ruston and Monroe, LA. and Vicksburg and Jackson, MS. and their commercial zones. From Dallas, TX. over U.S. Hwy. 80 to Jackson, MS. and return over the same route. Supporting shippers: Twenty-six (26).

MC 41116 (Sub-5–2TA), filed March 10, 1980. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, Lanham, Hatchell, Sedberry & Hoffman, P.O. Box 2165, Austin, TX 78768. Contract, Irregular, (1) *Paper and paper products (except in bulk), (2) Materials and supplied used in the manufacture, distribution or sale of (1) (except in bulk)* between the facilities of Olinkraft, Inc. located at or near Monroe and West Monroe, LA on the one hand, and on the other points in TX. Supporting shipper: Olinkraft, Inc., P.O. Box 488, West Monroe, LA 71291.

MC 102567 (Sub-5–4TA), filed March 10, 1980. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Freeway, Suite 130, Houston, TX 77040. *Rosin Sizing, in bulk, in tank vehicles,* from Springfield, LA to all points in MA. Supporting shipper: American Cyanamid Company, Berdan Avenue, Wayne, NJ 07470.

MC 105566 (Sub-5–1TA), filed February 22, 1980. Applicant: SAM TANKSLEY TRUCKING, INC., Post

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Office Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. *Water treating and industrial process products (except in bulk, in tank or hopper vehicles), in temperature controlled vehicles,* from the facilities of Nalco Chemical Company at Sugarland, TX; Garyville, LA; and Jonesboro, GA to all points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, and WV and from the facilities of Nalco Chemical Company at Jonesboro, GA to all points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. Supporting shipper: Nalco Chemical Company, 2901 Butterfield Road, Oak Brook, IL 60521.

MC 105566 (Sub-5–2TA), filed February 22, 1980. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. *Acids; adhesives; adjusters; alcohols (except alcoholic liquors); bate, tanners; cleaning, scouring and washing compounds; soap compounds; fuel oil tree or weed killing; water clarifying compounds; deodorants or disinfectants; depilatory, tanners; extracts, tanning; feed supplements and feeding compounds, insecticides or fungicides or repellants; paints; stains or varnishes; plasticizers; solvlents; petroleum products, plastic materials, other than expanded; plastic or rubber articles; sizing; sludge, acid; and softeners, textile (except in bulk)* from the facilities of Rohm and Haas Company at Los Angeles and Hayward, CA; Calumet City, Morton Grove, and Niles, IL; Louisville, KY; Bristol, Croydon and Philadelphia, PA; Knoxville, TN; and Dallas and Houston, TX to points in AL, AR, CT, DE, IA, KS, LA, MD, MA, MS, MO, NE, NJ, NM, NY, NC, ND, OK, PA, SD, VA, WV, WY. Supporting shipper: Rohm and Haas Company, Independence Mall West Philadelphia, PA 19105.

MC 106398 (Sub-5–3TA), filed March 7, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, Oklahoma 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, Oklahoma 74120. *Iron and steel articles* from the facilities of Bull Moose Tube Company located at Mexico, MO to points in OK, TX, LA, MS, AL, KY, GA, VA, IL, MI, KS and OH. Supporting shipper: Bull Moose Tube Company, P.O. Box 214, Gerald, MO.

MC 106398 (Sub-5–3TA), filed March 7, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, Oklahoma 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, Oklahoma 74120. *Metal articles* from the facilities of Acme Iron and Metal Corporation at Albuquerque, New Mexico to points in CA, LA and OH. Supporting shipper: Acme Iron and Metal Corporation, P.O. Box 6605, Albuquerque, NM.

MC 106398 (Sub-5–5TA), filed March 7, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, Oklahoma 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, Oklahoma 74120. *Lumber and lumber mill products, including plywood and paneling* from Banner, MT; Lebannon, Brookings, Medford, Roseburg, White City, Gold Beach and Tillamook, OR; Longview and Vancouver, WA to the facilities of Cor Tec, Inc., located at Washington Court House, OH. Supporting shipper: Cor Tec, Inc., P.O. Box 456, Washington Court House, OH, Robert L. Malone, General Traffic Manager.

MC 106398 (Sub-5–6TA), filed March 12, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, Oklahoma 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, Oklahoma 74120. *Refractories and refractory products, brick and related commodities, materials, equipment and supplies used in the manufacture and sale of named commodities* from the facilities of Kaiser Refractories at or near Mexico, Missouri to points in AZ, CA, NM, CO, TX, OK, AL, MS, LA, WA, OR NC, and SC. Supporting shipper: Kaiser Refractories, Box 499, Mexico, Missouri 65265.

MC 106398 (Sub-5–7), filed March 12, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, Oklahoma 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, Oklahoma 74120. *Pipe, conduit and accessories* from Louisiana, Missouri to points in KS, MI, IL, IN, AR, KY, OK, OH, TN, IA, AL, GA and TX. Supporting shipper: Tallman Conduit Company, 600 South Main Street, Louisiana, Missouri 63353, Ben Tallman, President.

MC 107496 (Sub-5–5TA), filed March 10, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, Iowa 50309. Representative: E. Check, 666 Grand Avenue, Des Moines, Iowa 50309. *Zinc oxide, in bulk, in tank vehicles,* from Coffeyville, KS to Chicago, IL. Supporting shipper: Sherwin-Williams, P.O. Box 855, Coffeyville, KS.

MC 107496 (Sub-5–6TA), filed March 10, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, Iowa 50309. Representative: E. Check (same as above). *Alcohol, in bulk, in tank vehicles,* from Decatur, IL to points in WI, and Dubuque, IA. Supporting shippers: Molo Oil Company, 41 Main Street, Dubuque, IA 52001; Dane County Farmers Union Co-Op, 218 S. Main St., Cottage Grove, WI 53527.

MC 108053 (Sub-5–1TA), filed March 12, 1980. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, Nebraska 68025. Representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, Illinois 60601. (1) *Foodstuffs (except commodities in bulk)* from Fairmont, MN to points in the U.S. in and west of MT, WY, CO, and AZ (except AK & HI) and (2) *Foodstuffs (except meats and packinghouse products as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk)* from Mason City and Britt, IA to points in the U.S. in and west of MT, WY, CO and AZ (except AK & HI). Restricted to the transportation of traffic originating at and destined to the named points. Supporting shipper: Armour and Company, Greyhound Tower, Phoenix, AZ 85077.

MC 108207 (Sub-5–2TA), filed March 11, 1980. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). *Whipped prepared topping and creamer* (nondairy), and *frozen foods,* from the facilities of Pure Packed Foods, Inc., at or near Arlington, TN, to points in MN, ND, SD, WI, IN, and OH. Supporting shipper: Pure Packed Foods, Inc., 5885 Jetway Drive, Arlington, TN 38002.

MC 111401 (Sub-5–2TA), filed March 3, 1980. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic, P.O. Box 632, Enid, OK 73701. *Liquid fertilizer solutions, in bulk, in tank vehicles,* from the facilities of Chevron Chemical Company at or near Friend, KS to points in CO, NE, OK, TX and NM. Supporting shipper: Chevron Chemical Co., 3001 LBJ Freeway, Suite 130, Dallas, TX 75234.

MC 113362 (Sub-5–1TA), filed March 10, 1980. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. *Foodstuffs (except in bulk),* from the facilities of Estee Corp. located at Parsippany, NJ to IL, IN, IA, and MN.

MC 114045 (Sub-5–1TA), filed March 12, 1980. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as above). *(1) Such commodities as are dealt in by grocery, hardware and drug stores, in containers; (2) Materials used in the manufacture of the commodities in (1) above* (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of and/or used by Boyle-Midway, a division of American Home Products Corporation. Supporting shipper: Boyle-Midway, a division of American Home Products Corporation, 685 Third Avenue, New York, NY 10017.

MC 114273 (Sub-5–4TA), filed March 12, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney; P.O. Box 68, Cedar Rapids, IA 52406. *Bakery goods, other than frozen, from* the facilities of Interbake Foods at Richmond, VA (and points in its commercial zone) to points in IL, IN, IA, MI, MN, NE, ND, OH, SD, and WI. Supporting shipper(s): Interbake Foods, Inc., 900 Terminal Place, Richmond, VA 23261.

MC 114890 (Sub-5–2TA), filed March 12, 1980. Applicant: COMMERCIAL CARTAGE CO., 343 Axminster Drive, Fenton, MO 63026. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034. *Liquid fertilizer solutions, in bulk, in tank vehicles,* from Selma, MO, to points in IL, IA, and AR. Supporting shipper: USS Agri-Chemicals Division, United States Steel Corporation, 233 Peachtree Street, N.E., Atlanta, GA 30303.

MC 115331, (Sub-5–2TA), filed March 7, 1980. Applicant: TRUCK TRANSPORT, INCORPORATED, 11040 Manchester Road, St. Louis, Missouri 63122. Representative: J. R. Ferris, 11040 Manchester Road, St. Louis, Missouri 63122. *Charcoal briquettes, (except in bulk),* from the facilities of Floyd Charcoal Company at or near Howes, Missouri to points in Ohio and Michigan. Supporting shipper(s): Cupples Company Manufacturers, 1034 South Brentwood Boulevard, St. Louis, Missouri, 63117.

MC 115669 (Sub-5–1TA), filed March 10, 1980. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Wilbur G. Hoyt (same address as applicant). *Phosphatic solution, in bulk, in tank vehicles,* from the facilities of Texasgulf, Inc., at or near Weeping Water, NE, to points in IL, IA, KS, MN, MO, ND and SD for 180 days. Supporting shipper(s): Texasgulf, Inc., 4509 Creedmoor Road, Raleigh, NC 27622.

MC 117765 (Sub-5–1TA), filed March 3, 1980. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagen (same address as applicant). *Salt and salt products,* from Port of Catoosa, Oklahoma; to points in Arkansas on and west of U.S. Highway 65; to points in Kansas on and south of U.S. Highway 56; to points in Missouri on and west of U.S. Highway 63 and on and south of U.S. Highway 50; and to points in Texas on and north of Interstate Highway 20. Supporting shipper: Cargill, Inc. Salt Division, P.O. Box 9300, Research Building, Minneapolis, MN 55440.

MC 117954 (Sub-5–1TA), filed March 5, 1980. Applicant: H. L. HERRIN, JR., d.b.a. H. L. HERRIN TRUCKING COMPANY, P.O. Box 1106, Metairie, LA 70004. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. *Frozen and dry processed potatoes,* from Plover, WI to points in AL, AR, FL, GA, LA, MS, TN and TX. Supporting shipper(s): Basic American Food Company, P.O. Box 140, Vacaville, CA 95681.

MC 118130 (Sub-5–2TA), filed March 10, 1980. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6459, Fort Worth, TX 76115. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76115. *Malt beverages,* from Galveston, TX to Pensacola, FL. Supporting shipper: Gator Distributing Company, P.O. Box 12865, Pensacola, FL 32576.

MC 119399 (Sub-5–3TA), filed March 12, 1980. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Representative: Thomas P. O'Hara, P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. (1) *Animal and poultry feed and feed ingredients;* (2) *materials and supplies used in the manufacture thereof (except commodities in bulk)* from (1) Jasper County, MO to points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, NE, NM, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WV, and WI, and (2) from points in the states named in (1) to Jasper County, MO. Supporting shippers: International Multi-Foods Corporation, 1200 Multi-Foods Building, Minneapolis, MN 55402; Doane Products Co., P.O. Box 879, Joplin, MO 64801.

MC 119789 (Sub-5–5TA), filed March 10, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. (1) *Electrical applicances, equipment and parts* from Jefferson City, MO to points in TX, LA, AR, and IA and points in the U.S. in and east of WI, IL, KY, TN, and MS, and (2) *materials and supplies used in the manufacture and distribution of electrical appliances, equipment and parts (except commodities in bulk)* from TX, LA, AR, and IA and points in the U.S. in and east of WI, IL, KY, TN, and MS to Jefferson City, MO for 180 days. Restricted as to (1) and (2) above to the transportation of traffic originating at or destined to the facilities of McGraw Edison Company in Jefferson City, MO. Supporting shipper: McGraw Edison Company, 1275 David Road, Elgin, IL 60120.

MC 119988 (Sub-5–3TA), filed March 7, 1980. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: E. Larry Wells, P.O. Box 45538, Dallas, TX 75245. *Rubber compound and solvents, in containers,* between Placentia, CA on the one hand, and, on the other, KS, CT, TX, OK, WA and St. Louis, MO. Supporting shipper(s): Adcoat, Inc., 172 E. Jajolla Road, Placentia, CA 92870.

MC 120581 (Sub-5–1TA), filed: March 7, 1980. Applicant: P & L MOTOR LINES, INC., P.O. Box 4616, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Metal shelving and store fixtures,* from the plantsites and facilities utilized by Maytex Store Fixtures at or near Terrell, TX to points in the US (except AK & HI). Supporting shipper: Maytex Store Fixtures, P.O. Box 729, Terrell, TX 75160.

MC 121801 (Sub-5–1TA), filed March 4, 1980. Applicant: HAYES MOTOR FREIGHT, INC., P.O. Box 793, Ardmore, OK 73401. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 24, El Reno, OK 73036. Common Regular *General Commodities, (except those of unusual value, class A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between Ardmore, OK and Wichita Falls, TX, serving no intermediate points: from Ardmore over U.S. Hwy 70 to junction OK Hwy 79, then over OK Hwy 79 to junction TX Hwy 79 at OK-TX line, then over TX Hwy 79 to Wichita Falls and return over the same route. Applicant proposes to tack the authority sought with its authority in MC 121801 and subs thereto, and proposes to interline with other motor carriers. Supporting shippers: There are 9 supporting shippers.

MC 126118 (Sub-5–6TA), Filed: March 10, 1980. Applicant's name: CRETE

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CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Applicant's representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Such commodities as are dealt in by manufacturers and distributors of doors* (except commodities in bulk in tank vehicles), from points in IL, IN, KY, MN, MS and TX to Grand Island, NE and points in its commercial zone. Supporting shipper: Overhead Door Corp., P.O. Box 2007, Grand Island, NE 68801.

MC 128930 (Sub-5–1TA), filed March 12, 1980. Applicant: BRAZOS TRANSPORT CO., P.O. Box 2746, Lubbock, TX 79408. Applicant's representative: Richard Hubbert, Sims, Kidd, Hubbert & Wilson, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555. *Fiberboard and pulpboard (not corrugated)* from the facilities of Angleboard, Inc., at Dallas, TX, to AR, LA, OK, KS, MO, IA, NE, TN, MS, AL and MN. Supporting shipper: Angleboard, Inc., 8901 Blue Ash Road, Cincinnati, OH, 45242.

MC 128007 (Sub-5–1TA), filed March 7, 1980. Applicant: HOFER, INC., 20th & 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Applicant's representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. *Bentonite*, From points in Walker County, TX, to points in AL, AR, IA, KS, LA, MS, MO, NE, NM, OK and TN. Supporting shipper: Scotwood Industries, Inc., Louisburg, Kansas 66053.

MC 128007 (Sub-5–2TA), filed March 12, 1980. Applicant: HOFER, INC., 20th & 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Applicant's representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. (1) *Trace Minerals, Feed and Fertilizer Ingredients, and Pigments*, From the facilities owned or utilized by Westmin Corporation in Adams County, IL to points in AR, KS, MO, and OK and (2) *Materials and Supplies* used or useful in the manufacture or production of the above named commodities in the reverse direction. Supporting shipper: Westmin Corporation, P.O. Box 822, Quincy, Illinois 62301.

MC 129282 (Sub-5–1 TA), filed March 11, 1980. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, TX 75606. Representative: Fred S. Berry, President, P.O. Box 2147, Longview, TX 75606. *Paper and plastic articles and materials and supplies used in the manufacture and distribution thereof (except commodities in bulk).* Between Grand Prairie, TX and points in AL, AR, LA, MS, AND OK. Supporting shipper: Western Kraft Paper Group, 1302 W. North Carrier Parkway, Grand Prairie, TX 75050.

MC 129908 (Sub-5–7TA), filed: March 10, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, Oklahoma City, OK 73107. Applicant's representative: T. J. Blaylock, 8125 S.W. 15th Street, Okla. City, OK 73107. *Aluminum can ends* from the facilities of Reynolds Metals Company at or near Bristol, VA–TN to St. Louis, MO, Kansas City, MO, Lenexa, KS and Dallas, Ft. Worth and Houston, TX. Supporting shipper is Reynolds Metal Co. of Richmond, VA.

MC 129906 (Sub-5–8TA), filed: March 12, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, Okla. City, OK 73107. Applicant's representative: T. J. Blaylock, 8125 S.W. 15th Street, Okla. City, OK. *Paper products or expanded plastic or rubber products*, from the facilities of or for the account of Cellu Products Company in NC to AR, LA and TN. Supporting shipper: Cellu Products Company, Patterson, NC 28661.

MC 129908 (Sub-5–9TA), filed: March 12, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, Okla. City, OK 73107. Applicant's representative: T. J. Blaylock 8125 S.W. 15th, Okla. City, OK 73107. *Canned goods and such commodities as are distributed by wholesale and retail grocers* from CA, OR and WA on the one hand to KS, OK and TX on the other. Supporting consignee: Fleming Foods Company, P.O. Box 1160, Topeka, Kansas 66601.

MC 135007 (Sub-No. 5–2TA), filed: March 12, 1980. Applicant: AMERCIAN TRANSPORT, INC., 7850 "F" Street, Omaha, Nebraska 68127. Applicant's representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, Missouri 64141. *Contract;* Irregular. *Meat, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* from the facilities of Beef Nebraska, Inc., at Omaha, NE, to points in CT, MA, NH, NJ, NY and PA. Supporting shipper: Beef Nebraska, Inc., P.O. Box 7203, Omaha, NE 68107.

MC 135797 (Sub-No. 5–15TA), filed: February 25, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, Arkansas 72745. Applicant's representative: Paul R. Bergant, Esquire, Post Office Box 130, Lowell, Arkansas 72745. *Textiles* from St. Martinville and Jeanerette, LA to points in AR, CA, CO, OK, OR, UT, and WA. Supporting shipper: Union Underwear, P.O. Box 780, Bowling Green, KY 42101.

MC 135861 (Sub-No. 5–4TA), filed: March 7, 1980. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract; Irregular. *Metal shelving and store fixtures*, from the plantsites and facilities utilized by Maytex Store Fixtures at or near Terrell, TX to points in the U S (except AK & HI). Supporting shipper: Maytex Store Fixtures, P.O. Box 729, Terrell, TX 75160.

MC 136786 (Sub-No. 5–6TA), filed: March 10, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, IA 50313. Applicant's representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *Fertilizer, potting soil, and materials, equipment and supplies used in the sale and distribution thereof (except commodities in bulk and those requiring special equipment)*, from points in OH to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OK, PA, RI, SC, SD, TN, TX, VA, WV, and WI. Supporting shippers: The Andersons, P.O. Box 119, Maumee, OH 43537; Scott, O. M. & Sons, 33 North Main Street, Marysville, OH 43040; Soco, Inc., 360 West Avenue, Tallmadge, OH 44278.

MC 136786 (Sub-No. 5–7TA), filed: March 10, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, IA 50313. Applicant's representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *1) foodstuffs, 2) materials, equipment and supplies used in the manufacture, sale and distribution of foodstuffs, and 3) agricultural commodities, the transportation of which is otherwise exempt from economic regulation under Section 10526(a)(6) of the Interstate Commerce Act, when transported in mixed loads with the commodities named in 1) and 2) above (except commodities in bulk and those requiring special equipment)* between the facilities of Tenneco West, Inc. on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to transportation of traffic originating at or destined to the facilities of Tenneco West, Inc. Supporting shipper: Tenneco West, Inc., P.O. Box 9380, Bakersfield, CA 93389.

MC 140665 (Sub-5–6TA), filed February 22, 1980. Applicant: PRIME, INC., Box 115–B, Urbana, MO 65767. Applicant's representative: H. J. Anderson, Box 115–B, Urbana, MO

65767. *Adhesives, and materials and supplies used in the marketing or distribution of adhesives, (except commodities in bulk)* from the facilities of Franklin Chemical Co., Inc., at Columbus, OH to points in AR, LA, TX, AZ, CA, CO, ID, MT, NV, NM, OR, UT, WY, and WA. Supporting shipper: Franklin Chemical Company, Inc., 2020 Bruck, Columbus, OH 43207.

MC 140665 (Sub-5–7TA), filed February 22, 1980. Applicant: PRIME, INC., Box 115–B, Urbana, MO 65767. Applicant's representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *Commodities manufactured or distributed by the B. F. Goodrich Company (except commodities in bulk)* from the facilities utilized by the B. F. Goodrich Company at or near Pedricktown, NJ; Louisville and Calvert City, KY; Long Beach, Modesto, and Los Angeles, CA; Dallas, Orange, Port Neches, Houston, and Port Arthur, TX; Henry, Chicago, Franklin Park, St. Charles, and Quincy, IL; Birmingham, Mobile, Tuscaloosa, Pinson Valley, AL; Plaquemine and Convent, LA; E. Camden, AR; Baltimore, MD; Thomaston, GA; Worcester and Gloucester, MA; Dearborn, MI; Charlotte and Hickory, NC; Akron and Cleveland, OH Commercial Zones; Medina, Toledo, Marietta, Marion, Troy, Solon, and Columbus, OH; Kansas City, KS; Neosha, MO; Nashville and Oneida, TN; Miami, OK; Oaks, Bensalem, and Exeter, PA; Elgin, SC; Fenwick, Grantsville, Richwood, and Union, WV; Portland, OR; Denver, CO; Miami, FL; Reno, NV; Columbus, MS; Dubuque, IA; New Ulm, MN; Salem and Woodburn, IN to points in the United States except AK and HA. Supporting shipper: The B. F. Goodrich Company, 6100 Oak Tree Boulevard, Cleveland, OH 44131.

MC 140665 (Sub-5–8TA), filed February 22, 1980. Applicant: PRIME, INC., Box 115–B, Urbana, MO 65767. Applicant's representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *Meat, meat by-products, and packinghouse products*, (except commodities in bulk) in vehicles equipped with mechanical refrigeration, from points in IA, KS, MO, and NE to points in CA and NV. Supporting shipper: Pacific Provisions, Inc., P.O. Box 2006, 139 Mitchell Ave., South San Francisco, CA 94080.

MC 140755 (Sub-5–1TA), filed March 10, 1980. Applicant: BRAY TRANSPORTS, INC., P.O. Box 270, 1401 N. Little Street, Cushing, Oklahoma 74023. Applicant's representative: Dudley G. Sherrill (same address as applicant). *Liquid fertilizer solution*, from the Facilities of Chevron Chemical Co. at or near Friend, Kansas to Colorado, Nebraska, Oklahoma, Texas, and New Mexico. Supporting shipper: Chevron Chemical Company, 3001 LBJ Freeway, Suite 130, Dallas, TX 75234.

MC 141108 (Sub-5–1TA), filed March 10, 1980. Applicant: D & C Express, Inc., P.O. Box 746, Wilton, IA 52778. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company located at or near Monroe, MI to points in CO, IL, IN, IA, KS, MO, NE, OH, OK, PA and WY, and, (2) *materials, equipment and supplies, (except commodities in bulk), used in the manufacture and distribution of iron and steel articles*, from the states named in (1) above to the facilities of North Star Steel Company located at or near Monroe, MI. Supporting shipper: North Star Steel Company, P.O. Box 43189, 1678 Red Rock Road, St. Paul, MN 55164.

MC 141914 (Sub-5–2TA), filed March 3, 1980. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks, Route 1, Box 108A, Big Cabin, OK 74332. *Finished forest products, millwork and related products* from ports of entry on the International Boundary Line between the US and Canada to points in GA, MD, ND, NY, OH, PA, SD, TN, TX and WI. Supporting shipper: John Lewis, Industries, Ltee, 1030 Ray Lawson, Montreal, Que, Canada H1J 1M1.

MC 141914 (Sub-5–3TA), filed March 3, 1980. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks, Route 1, Box 108A, Big Cabin, OK 74332. *Finished forest products, millwork and related by-products*, From Ports of Entry on the International Boundary line between the U.S. and Canada to points in all states except AZ, CA, CO, MT, OR, UT and WA. Supporting shipper: John Lewis Industries, Ltee, 10300 Ray Lawson, Montreal, Que, Canada H1J 1M1.

MC 142364 (Sub-5–2TA), filed: March 7, 1980. Applicant: KENNETH SAGELY, d.b.a. SAGELY PRODUCE, 2802 Kibler Road, Van Buren, AR 72956. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *BBQ equipment NOI, electrical appliances NOI and recreational equipment* from the facilities of Neosho Products, Company, at or near Neosho, MO to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY. Supporting shipper: Neosho Products Company, Division of Sunbeam Corporation, Post Office Box 622, Neosho, MO 64850.

MC 142508 (Sub-5–9TA), filed March 10, 1980. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, Post Office Box 37465, Omaha, Nebraska 68137. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, Nebraska 68137. *Equipment and Supplies used by Hospitals and Research Laboratories*, from the facilities of Scientific Products, a division of American Hospital Supply Corporation at Edison, NJ; Gibbstown, NJ; and Lake County, IL; to the facilities utilized by Scientific Products at Tempe, AZ; Irvine, CA; Sunnyvale, CA; Denver, CO; Miami, FL; Ocala, FL; Atlanta, GA; McGaw Park, IL; Gurnee, IL; Harahan, LA; Bedford, MA; Minneapolis, MN; Columbia, MO; Maryland Heights, MO; No. Kansas City, MO; Romulus, MI; Charlotte, NC; Rochester, NY; Grand Prairie, TX; Houston, TX; Salt Lake City, UT; and Redmond, WA. Supporting shipper: Scientific Products, 1210 Waukegan Road, McGaw Park, IL 60085.

MC 143343 (Sub-5–2), filed March 3, 1980. Applicant: BALLENTINE TRANSPORT INC., P.O. Box 463, Scottsbluff, NE 69361. Representative: Erma Ballentine, P.O. Box 463, Scottsbluff, NE 69361. Contract, Irregular, *Materials and Supplies used in Floor Covering and Finishing (except commodities in bulk, in tank vehicles)*, between City of Industry, CA on one hand, and, on the other, Salt Lake City, UT., Denver, CO, Wichita, KS, Little Rock, AR, Tulsa and Oklahoma City, OK, Shreveport, LA, and Points in TX. Supporting shipper: L. D. Brinkman and Company, 520 N Wildwood, Irving, Texas 75060.

MC 144616 (Sub-5–1TA), filed March 10, 1980. Applicant: TRUCKS, INC., P.O. Box 79113, Saginaw, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. *Canned* and *preserved foodstuffs*, from the facilities of Heinz USA at or near Fremont and Teledo, OH, Holland, MI, and Pittsburgh, PA to points in TX, restricted to traffic originating at the named facilities and destined to the named state. Supporting shipper: Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230.

MC 145150 (Sub-5–1TA), filed March 12, 1980. Applicant: HAYNES TRANSPORT, CO. INC., R. R. 2, Box 9, Salina, KS. 67401. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka , KS. 66612. *Soybean Oil*, From Emporia, KS to Port of Catoosa, OK. Supporting shipper:

Bunge Corporation, P.O. Box 518, Emporia, KS 66801.

MC 145384 (Sub-5–3TA), filed March 7, 1980. Applicant: ROSE-WAY, INC., P.O. Box 4644, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Printed material,* from Chicago, IL and points in its commercial zone to Nevada, IA and the facilities of Meredith Corporation at Des Moines, IA. Supporting shipper: The Wessel Company, Inc., 1201 Kirk Street, Elk Grove Village, IL 60007; Meredith Corporation, 5701 SW., Park Avenue, Des Moines, IA 50305.

MC 145557 (Sub-5–1TA), filed February 25, 1980. Applicant: LIBERTY TRANSPORT, INC., 20 East Franklin, Liberty, Missouri 64068. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, Missouri 64068. *Foodstuffs and such commodities as are dealt in by retail variety, discount and drug stores and wholesale houses serving such stores (except frozen commodities & commodities in bulk),* from the facilities of Colgate Palmolive Company, located at or near Kansas City, KS to Shreveport, Monroe and Alexandria, Louisiana. Supporting shipper(s): Colgate Palmolive Co. 1806 Kansas Ave., Kansas City, KS 66105.

MC 145950 (Sub-5–2TA), filed March 11, 1980. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Drive, Waco, TX 76706. Representative: Michael D. Bromley, 805 McLachlen Bank Building, 666 Eleventh St., NW., Washington, DC 20001. *Cleaning Compounds (except in bulk),* from the facilities of Plex Chemical Corporation, at or near Union City, CA, to points in FL and TX. Supporting shipper: Plex Chemical Corporation, P.O. Box 647, Union City, CA 94587.

MC 147632 (Sub-5–1TA), filed: March 10, 1980. Applicant: M & M FARM LINES, INC., Route 1, Bertrand, MO 63823. Representative: Thomas F. Kilroy, Suite 406 Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. *Fluorescent lighting fixtures and parts and accessories therefor,* from the facilities under contract to Keystone Lighting Corporation at Kingston, NY to all points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, WY. Supporting shipper: Keystone Lighting Corporation, U.S. Route 13 and Beaver Street, Bristol, PA 19007.

MC 148331 (Sub-5–1TA), filed: March 10, 1980. Applicant: MARION TRANSPORT, INC., 265 35th Street, Marion, Iowa 52302. Representative: Robert Cook, 265 35th Street, Marion, Iowa 52302. Contract irregular *unfrozen foodstuffs, to include cereal preparations, popcorn in oil and oat flour;* from Cedar Rapids and Wall Lake, Iowa to all points in the United States (except Hawaii and Alaska). Supporting shipper: National Oats Company, Inc., 1515 H Ave., N.E., Cedar Rapids, Iowa 52402.

MC 149035 (Sub-5–1TA), filed: March 10, 1980. Applicant: HARLAN D. RUDD, P.O. Box 57, Drakesville, Iowa 52552. Representative: Applicant Contract, Irregular, *Tractor parts,* from Chicago, IL, Rockford, IL, Peoria, IL, and Drakesville, IA on the one hand, and, on the other, to the International Boundary Line at Sweetgrass, MT for export to Edmonton, Alberta, Canada. Supporting shipper: Union Tractor Ltd., 4210 Calgary Trail, Edmonton, Alberta, Canada T6H 4S4.

MC 149375 (Sub-5–1TA), filed: March 12, 1980. Applicant: F. W. NEWCOMB TRUCKING, 2716 Isette Avenue, Muscatine, IA 52761. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Lighting fixtures, and materials and supplies used in the production, sale and distribution of lighting fixtures (except in bulk),* between the facilities of Muscatine Lighting Mfg. at Muscatine, IA on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Muscatine Lighting Mfg., 2107 Steward Road, Muscatine, IA 52761.

MC 150085 (Sub-5–1TA), filed: March 10, 1980. Applicant: GERALD TALIAFERRO, d.b.a., HOLTON LIVESTOCK EXPRESS, Route 1, Holton, KS 66436. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. *Lawn and Agricultural Implements, Parts and Attachments,* From Holton, KS to points in the United States, and *Materials and Supplies* used in the manufacturing and distribution of the above named commodities in the reverse direction. Supporting shipper: B.M.B. Company, Inc., N. Vermont at 9th, Holton, Kansas 66436.

MC 150257 (Sub-No. 5–1TA), file: March 1, 1980. Applicant: JAMES M. BROOKS & JEANELLE WILLIAMS, d.b.a. B & W FREIGHT COMPANY, 4025 Homestead Road, Houston, TX 77015. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Chemicals in oceangoing containers,* from Beaumont, TX, to Galveston and Houston, TX. Restricted to traffic having a subsequent movement by water. Supporting shipper(s): Sea Train Lines, 2600 S. Loop West, Suite 500, Houston, TX. 77054

MC 150215 (Sub-No. 5–1TA), file: March 5, 1980. Applicant: LARRY H. BURLESON, d.b.a BURLESON DISTRIBUTORS, 2020 N. 9th Street, St. Louis, MO 63102. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Contract, Irregular *(1) Dairy Products required mechanical refrigeration;* (2) *Material and Supplies* used in the manufacture and distribution of dairy products from: (1) the facilities of Raskas Dairy, St. Louis, MO and Nu-Wiles, Ltd., St. Louis County, MO to Points in AZ, CA, CO, CT, DE, IL, IN, IA, KY, MD, ME, MI, NE, NJ, NM, NY, OH, OR, PA, RI, TX, WA, WV, WI, and MA, and the reverse direction on return; (2) from the facilities of Lorraine Cheese Co., at or near Pittsfield, IL to the facility of Nu-Wiles, Ltd., St. Louis County, MO. Supporting shipper(s): Lorraine Cheese Co., Pittsfield, IL 63263 Nu-Wiles, Ltd., 12066 Lackland Road, St. Louis, MO 63141. Raskas Dairy, Inc., 1313 North Newstead, St. Louis, MO 63113.

MC 150244 (Sub-5–1TA), file: March 10, 1980. Applicant: BELCO, INC., 2101 West Main Street, Jacksonville, AR 72076. Representative: Ron Harvey, 2101 West Main Street, Jacksonville, AR 72076, (501) 982–6511. Contract, Irregular, *Closets or toilets, sanitary, chemical, plastic, portable, parts* and *accessories* thereof, between Azusa, CA on the one hand, and any point in Texas on the other hand. Supporting shipper(s): Usanco, Inc., 965 Industrial, Azusa, CA.

MC 23618 (Sub-No. 5–1TA), file: March 12, 1980. Applicant: MCALISTER TRUCKING COMPANY, d.b.a. MATCO, 2041 S. Treadaway Blvd. Abilene, TX 79604. Representative: E. Larry Wells, Suite 1125 Exchange Park, Dallas, TX 75235. (a) *Machinery, equipment, materials and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and Machinery, materials equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof;* (b) *Machinery, equipment, materials and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water or sewage, restricted to the transportation of shipments moving to or from pipeline rights of way;* (c)

Earth drilling machinery and equipment, and machinery, equipment, materials and supplies and pipeline incidental to, used in, or in connection with, (1) *the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment,* (2) *the completion of holes or wells drilled,* (3) *the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and* (4) *the injection or removal of commodities into or from holes or wells;* (d) *Machinery, equipment, materials and supplies used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe;* (e) *Machinery, equipment, materials and supplies, used in, or in connection with, the drilling of water wells* between points in AZ, NM, TX, OK, KA and LA, on the one hand, and on the other, points in CA. Supporting shipper(s): Lucey Products Co., 5 Greenway Plaza East, Houston, TX 77046; Marlin Drilling Company, 1333 West Loop, Houston, TX; and Dresser Industries, Inc., Oilfield Products Group, Box 6504, Houston, TX 77005.

MC 111170 (Sub-5–2TA), filed March 14, 1980. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, AR 71730. Representative: Mr. Fred Worsham (same address as applicant). *Pulpmill liquids, in bulk, in tank vehicles,* from Crossett, AR to Bastrop, LA. Supporting shipper: International Paper Company, P.O. Box 160707, Mobile, AL 36616.

MC 111170 (Sub-5–3TA), filed March 14, 1980. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, AR 71730. Representative: Mr. Fred Worsham (same address as applicant). *Shipper owned trailers,* between Magnolia, AR and Delphi, IN. Supporting shipper: Dow Chemical U.S.A., P.O. Box 520, Magnolia, AR 71753.

MC 114890 (Sub-5–3TA), filed March 12, 1980. Applicant: COMMERCIAL CARTAGE CO., 343 Axminster Drive, Fenton, MO 63026. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034. *Gasoline, in bulk, in tank vehicles,* from the facilities of Clark Oil and Refining Corporation at or near Hartford, IL, to the facilities of Clark Oil and Refining Corporation at or near Eureka, MO. Supporting shipper: Clark Oil and Refining Corporation, 8530 West National Avenue, Milwaukee, WI 53227.

MC 117815 (Sub-5–1TA), filed March 13, 1980. Applicant: PULLEY FREIGHT LINES, INC., 405 S. E. 20th Street, Des Moines, IA 50317. Representative: Jack H. Blanshan, Attorney at Law, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. *Meat, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carriers Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* from the facilities utilized by Oscar Mayer & Co., Inc. located in IL, IA, and WI to Sherman, TX, and points in its commerical zone. Supporting shipper: Oscar Mayer & Co., Inc. P.O. Box 7188, Madison, WI 53707.

MC 119399 (Sub-5–4TA), filed March 14, 1980. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, P.O. Box 1375, Joplin, MO 64801. Representative: Thomas P. O'Hara, 2900 Davis Boulevard, P.O. Box 1375, Joplin, MO 64801. *Containers and bags and agricultural pesticides and ingredients (except in bulk)* from Atlas Point, DE (approximately 2 miles north of New Castle, DE); Indianapolis, IN; Paoli, PA; and Crossett, AR to St. Joseph, MO. Supporting shipper: Farmland Industries, Inc., Chemical Plant, P.O. Box 788, St. Joseph, MO 64502.

MC 119493 (Sub-5–9TA), filed March 13, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, Missouri 64801. Representative: Thomas D. Boone, Traffic Manager, Monkem Company, Inc., P.O. Box 1196, Joplin, Missouri 64801. *Such commodities as are dealt in or used by wholesale and retail, discount, or variety stores (except commodities in bulk)* (1) from points in CO, DE, ID, KS, ME, MD, MT, ND, NV, NE, NH, OR, OH, RI, SD, TN, UT, VT, WA, and WY to the facilities of Wal-Mart Stores, Inc., in Arkansas (2) and from facilities of Wal-Mart Stores, Inc. at or near Bentonville and Searcy, AR To facilities of Wal-Mart Stores, Inc. in AL, IL, KY, KS, LA, MO, MS, OK, TN, and TX. Supporting shipper: Donnie R. Couch, Assistant Director Traffic, Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712.

MC 123056 (Sub-5–1TA), filed March 14, 1980. Applicant: FREDONIA TRUCK LINE, INC., Highway 96 and Jackson Street, Fredonia, Kansas 66736. Representative: Laurel D. McClellan, 401 North Sixth, P.O. Box 478, Fredonia, Kansas 66736. Contract, Irregular: (A)(1) *Rice bran, rice hulls, rice mill feed,* and *cottonseed meal* from Parsons, KS; and (2) *hominy* from Atchison, Bonner Springs, and Parsons, KS; Cedar Rapids, IA; Kansas City, MO; and Crete and Lincoln, NE; to points in AR, MO (except St. Louis), OK and TX (except points in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller Counties, TX), (B)(1) *Cottonseed meal* from Little Rock, AR, Sikeston and Kennett, MO, Altus, Clinton and Oklahoma City, OK, and Lubbock, Sweetwater, Abiline, Quanah, Plain View and Ft. Worth, TX, to Parsons, KS. Supporting shipper: ConAgra, Inc., 3801 Harney, Omaha, NE 68131.

MC 128988 (Sub-5–5TA), filed March 13, 1980. Applicant: JO/KEL, INC., 15580 South 169 Highway, Olathe, Kansas 66061. Representative: John T. Pruitt, 15580 South 169 Highway, Olathe, Kansas 66061. Contract, irregular: *tile, facing or flooring, and materials and supplies used in the manufacture and distribution of such commodities* between points in the United States (except AK and HI), restricted to the transportation of shipments from, to, or between the facilities of Kentile Floors, Inc. Supporting shipper: Kentile Floors, Inc., 58 Second Avenue, Brooklyn, New York 11215.

MC 129032 (Sub-5–1TA), filed March 13, 1980. Applicant: TOM INMAN TRUCKING, INC., 5656 S. 129th E. Ave., Tulsa, Oklahoma 74145. Representative: Larry J. Kramer, 5656 S. 129th E. Ave., Tulsa, Oklahoma 74145. (1) *Hi temperature bonding cement, refractory cement, blocks, boards, coverings and systems (except in bulk);* (2) *Raw materials and supplies used in the manufacture and production of above commodities (except in bulk),* (1) from the facilities of Ryder industries, Inc., at Texarkana, AR and Dallas, TX to all points in the United States (except Alaska, Hawaii and Texas) to the facilities of Ryder Industries, Inc. Supporting shipper: Ryder Industries, Inc., P.O. Box 11196, Dallas, TX 75223.

MC 142508 (Sub-5–10TA), filed March 13, 1980. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, Post Office Box 37465, Omaha, Nebraska 68137. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, Nebraska 68137. *Foodstuffs and Equipment, Materials and Supplies used in the manufacture of foodstuffs,* between the facilities utilized by Ocean Spray Cranberries, Inc. in Montgomery, AL; Yuba City, CA; Chicago, IL; Lake Wales and Vero Beach, FL; Middleboro, MA; Bordentown, NJ; Clackamus, OR; Erie and North East, PA; Sulphur Springs, TX; Markham, WA; and Kenosha, WI, on one hand, and on the other, points in the United States (except AK and HI). Supporting shipper: Ocean Spray

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Cranberries, Inc., Water Street, Plymouth, MA 02360.

MC 144682 (Sub-5–2TA), filed March 13, 1980. Applicant: R. R. STANLEY, 1736 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Malt beverages, promotional advertising, pallets, and dunnage, display materials and empty malt beverage containers,* between Ft. Worth, TX, and points in OR, WA, CA, and Las Vegas and Reno, NV, and Albuquerque and Santa Fe, NM. Supporting shipper(s): Miller Brewing Company, 7001 South Freeway, Ft. Worth, TX 76134

146616 (Sub-5–2TA), filed March 6, 1980. Applicant: B & H MOTOR FREIGHT, INC., 3314 East 51st Street, Suite B, Tulsa, Oklahoma 74135. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, Oklahoma 74103. Contract; Irregular: *Slab zinc spelter* from the facilities of National Zinc Company at Bartlesville, OK, to Houston, Beaumont, Dallas, and Ft. Worth, TX; Birmingham and Anniston, AL; Greenville and Jackson, MS; Nashville, TN; Kansas City, KS; Kansas City and St. Louis, MO; Chicago, Evanston and Reuters, IL; and Gary, IN. Supporting shipper: National Zinc Company, P.O. Box 579, Bartlesville, OK 74003.

MC 147632 (Sub-5–2TA), filed March 14, 1980. Applicant: M & M FARM LINES, INC., Route 1, Bertrand, MO 63823. Representative: Thomas F. Kilroy, Suite 406 Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. *Fluorescent lighting fixtures and parts and accessories therefor,* from the facilities owned, operated or under contract to Keystone Lighting Corporation in Kingston, NY and Philadelphia and Bucks Counties, PA to points in FL, TX and MS and from Mississippi to the facilities owned, operated or under contract to Keystone Lighting Corporation in Kingston, NY and Philadelphia and Bucks Counties, PA. Supporting shipper: Keystone Lighting Corporation, U.S. Route 13 and Beaver Street, Bristol, PA 19007.

MC 150138 (Sub-5–1TA), filed March 14, 1980. Applicant: HERSHELL A. ATKINSON d/b/a, APOLLO AIR FREIGHT DELIVERY SERVICE, 1027 Aldine Mail Rt., Houston, TX 77037. Representative: Hershell A. Atkinson d/b/a, Apollo Air Freight Delivery Service, 1027 Aldine Mail Rt., Houston, TX 77037. *General commodities, except commodities in bulk, in tank vehicles, household goods and commodities of unusual value, restricted to traffic having a prior or subsequent movement by air in interstate or foreign commerce,* between Houston, TX, on the one hand, and on the other, Alto, Bloomington, Bronson, Crockett, Cuero, Diboll, Edna, El Campo, Fannin, Flatonia, Ganado, Grapeland, Groveton, Hallettsville, Huntington, Jasper, Lufkin, La Grange, Melrose, Nacogdoches, Palacios, Pineland, Point Comfort, Port Lavaca, Port O'Conner, San Augustine, Schulenburg, Seadrift, Shiner, Victoria, Waelder, Weimar, and Yoakum, TX, and points within the Houston, TX Commercial Zone. Supporting shippers: Associated Air Freight, P.O. Box 60873 AMF, Houston, TX 77205; South Texas Supply, 110 Santa Fe, Victoria, TX 77901; Special Service Freight Co., 3105 McKaughan, Houston, TX 77205; Airborne Freight Corp., 3101 Igloo Rd., P.O. Box 60463, Houston TX 77205 and Team Air Freight, P.O. Box 60499, Houston, TX 77205.

MC 150286 (Sub-5–3TA), filed March 13, 1980. Applicant: HOLBERT TOTER SERVICE, INC., Stratford, IA 50249. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Modular Homes,* from the facilities of Sandler-Bilt Homes at or near Boone, IA, to points in IL, KS, MN, MO, NE, SD, and WI. Supporting shipper: Sandler Bilt Homes, 5390—2nd Avenue, Des Moines, IA 50313.

MC 150287 (Sub-5–1TA), filed March 13, 1980. Applicant: TOM RICE, 723 Commercial St., La Porte City, IA 50651. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *(1) Beer, and (2) Recyclable Materials,* from (1) Minneapolis and St. Paul, MN to Waterloo, IA, and (2) from Waterloo, IA, to Minneapolis and St. Paul, MN. Supporting shipper: United Beverage, Inc., 549 Center St., Waterloo, IA 50703.

MC 148832 (Sub-5–1TA), filed February 4, 1980. Applicant: DELTA MOTOR FREIGHT, INC., 1616 Rowe Boulevard, P.O. Box 1083, Poplar Bluff, MO 63901. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *Common, regular, General commodities* (except those of unusual value, classes A and B explosives, houshold goods as defined by the Commission, commodities in bulk, those requiring special equipment and those injurious to other lading), between Memphis, TN and Poplar Bluff, MO, seeking to service Poplar Bluff as a point of joinder only: (1) from Poplar Bluff over U.S. Hwy 67 to its junction with U.S. Hwy 63; then over U.S. Hwy 63 to its junction with Interstate Hwy 55; then over Interstate Hwy 55 to Memphis, and return over the same route; (2) from Poplar Bluff over MO Hwy 53 to its junction with MO Hwy 25; then over MO Hwy 25 to its junction with MO Hwy 84; then over MO Hwy 84 to its junction with Interstate Hwy 55; then over Interstate Hwy 55 to Memphis, and return over the same route, for 180 days. Applicant proposes to tack with its presently held authority and to interline with other carriers at Memphis. Supporting shipper(s): There are 14 supporting shippers.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 148208 (Sub-6–1TA), filed March 10, 1980. Applicant: FUR BREEDERS AGRICULTURAL COOPERATIVE, P.O. Box 295, Midvale, Utah 84047. Representative: C. Reed Brown, 1300 Walker Bank Building, Salt Lake City, Utah 84111. *Tallow, meat and bone meal* in bulk from the facilities of Intermountain Protein Products in West Jordan, UT to facilities of Ralston Purina at or near Sparks, NV and CA, for 180 days. Supporting shipper: Intermountain Protein Products, 5260 West Old Bingham Highway, West Jordan, UT 84084. An underlying ETA seeks 90 days authority.

MC 57329 (Sub-6–2TA), filed March 10, 1980. Applicant: TRANSPORTATION SERVICES, INC., 1101 N. 27th Ave., Phoenix, AZ 85009. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Common carrier* —regular route: *General commodities,* between Los Angeles County, CA on the one hand, and, on the other, Phoenix, AZ via Interstate 10, for 180 days. An underlying ETA seeks 90 days authority. Applicant proposes to interline at Los Angeles, CA and Phoenix, AZ. Supporting shippers: There are 16 shippers.

MC 110325 (Sub-6–28TA), filed March 10, 1980. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Esq., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *Common Carrier:* Regular routes: *General commodities (except Classes A and B explosives, those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* serving the facilities of Royal Seating Corporation at or near Cameron, TX as an off-route point in connection with carrier's otherwise authorized regular-route operations for 180 days. Supporting shipper: Royal Seating Corporation, P.O. Box 753, Cameron, TX.

Note.—Applicant proposes to tack the authority sought with its authority in MC–110325 and Subs thereto, and proposes to interline with other motor carriers. An underlying ETA seeks 90 days' authority.

MC 143775 (Sub-6–1TA), filed March 10, 1980. Applicant: PAUL YATES, INC., 6601 W. Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke, same. *Metal wire and cable,* from Shrewsbury, MA to points in CO, FL, OR, GA and WA, for 180 days.

Note.—Dual operations may be involved.

MC 136605 (Sub-6–4TA), filed March 10, 1980. Applicant: DAVIS TRANSPORT, INC., Post Office Box 8058, Missoula, MT 59807. Representative: Allen P. Felton, Post Office Box 8058, Missoula, MT 59807. *Wrought Steel Pipe, Coated and Wrapped Wrought Steel Pipe,* from the facilities of Beall Pipe and Tank Corporation, located at or near Portland, OR to points in the states of MT, IL, IN, IA, ID, CA, SD, ND, MN, NE, CO, WA, and WY, for 180 days. Supporting shipper: Beall Pipe and Tank Corporation, Post Office Box 03310, Portland, OR 97203.

MC 140266 (Sub-6–1TA), filed March 10, 1980. Applicant: BAKER TRUCK LINES, INC., 1643 Spiral Highway, P.O. Box 535, Lewiston, ID 83501. Representative: Roger D. Baker, as above. *Wood residuals, wood chips, sawdust, shavings and hog fuel,* between those points in that part of ID north of the Salmon River on the one hand, and, on the other, points in Lincoln and Walla Walla counties, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Boise Cascade Corp., Boise, ID 83707.

MC 150237 (Sub-6–1TA), filed March 7, 1980. Applicant: JAMES V. PALMER, d.b.a. JIM PALMER TRUCKING, 9730 Derby Drive, Missoula, MT 59801. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202. *Expanded plastic products with facing on one or more sides* (except in bulk), from Hamilton, OH to points in the U.S. on or west of U.S. Highway 85, for 180 days. Supporting shipper: Dow Chemical U.S.A., Eastern Division, P.O. Box 36000, Strongsville, OH 44136.

Note.—U.S. Highway 85 traverses the states of ND, SD, WY, CO and NM. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

MC 127690 (Sub-6–1TA), filed March 7, 1980. Applicant: MONTANA TRANSPORT COMPANY, P.O. Box 860, Jerrie Lane, Billings, Montana 59103. Representative: Charles E. Johnson, P.O. Box 1982, Bismarck, North Dakota 58501. *Hides,* from Butte and Billings, MT; Yakima and Bellingham WA; Idaho Falls, Nampa, and Boise, ID; Pascal, WA; Salt Lake City and Ogden, UT; Fort Worth and San Antonio, TX; and Portland, OR, to points in MI, TX, WI, Seattle and Tacoma and Yakima, and Bellingham, WA; Portland, OR and Chicago, IL, for 180 days. Underlying ETA seeks 90 day authority. Supporting shipper(s): George H. Elliott Company, Box 692, Billings, MT 59103; Northern Commodities Company, Route 2, Box 433, Idaho Falls, ID 83401; Friese Hide and Tallow Company, Inc., Box 2007, Bellingham, WA 98223; and Pacific Hide and Fur, P.O. Box 849, Nampa, ID 83651.

MC 135241 (Sub-6–1TA), filed March 7, 1980. Applicant: PAPER TRANSPORTATION SPECIALISTS, INC., 13635 S.W. Edy Road, Sherwood, OR 97140. Representative: John A. Anderson, Suite 1440, 200 S.W. Market St., Portland, OR 97201. *Contract carrier,* irregular routes: *Newsprint,* in rolls, from the facilities of Publishers Paper Co. at or near Oregon City and Newberg, OR to points in Sacramento, San Joaquin, Stanislaus, Santa Clara, San Francisco, San Mateo, Alameda, Contra Costa, Los Angeles, Orange and Riverside Counties, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Publishers Paper Co., 419 Main St., Oregon City, OR 97045.

MC 135185 (Sub-6–1TA), filed March 11, 1980. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 15246, 1720 East Garry Avenue, Santa Ana, CA 92705. Representative: Charles J. Kimball, Kimball, Williams & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Contract carrier,* irregular routes, *Razors and razor blades, toilet articles and toilet preparations, pens and markers, shaving cream, stationery and stationery products, cigarette lighters, cleaning compounds and pads, hair curlers, hair spray, shampoo, sponges, fire extinguishers, electrical appliances, deodorants, dispensers, sound warning devises, other commodities manufactured by manufacturers of the above described commodities, display racks, stands and cabinets, and materials, equipment, and supplies (except in bulk) and materials, equipment, and supplies (except in bulk) used in the manufacture and distribution of the commodities named above.* From (1) La Mirada, CA and points in its commercial zone; to Seattle and Kent, WA; Portland, OR; and Salt Lake City, UT, and points in their commercial zones. From (2) The facilities of The Gillette Company, at or near St. Paul, MN; to Portland, OR and points in its commercial zone for the account of The Gillette Company for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Gillette Co., 43rd Floor, Prudential Tower, Boston, MA 02109.

MC 141532 (Sub-6–3TA), filed March 10, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Hand tools,* from the facilities of Warwood Tool Co. at or near Wheeling, WV to points in CA and WA, for 180 days. Supporting shipper: Warwood Tool Company, N. 19th Street, Wheeling WV 26003.

MC 150005 (Sub-6–1TA), filed March 10, 1980. Applicant: BILL R. DOWNS, d.b.a., BILL R. DOWNS TRUCKING, 2009 Fir Dr., Rock Springs, WY 82901. Representative: Bill R. Downs (same as applicant). *(1) Machinery, material, equipment and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by products, and *(2) machinery, materials, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, restricted against the transportation of complete drilling rigs; Between points in WY-CO-UT-MT-ND-SD-ID-NB and NV, for 180 days. There are (8) shipper's. Their statements may be examined at San Francisco, CA.

MC 142631 (Sub-6–1TA), filed March 10, 1980. Applicant: LEELAND L. PEABODY d.b.a. L. PEABODY TRUCKING; 4290 Elton St., Baldwin Park, CA 91776. Representative: Mark S. gray, Watkins & Daniell, P.C., P.O. Box 872, Atlanta, GA 30301. *refractory materials and accessories,* from points in NY, OH, PA, IL, IN, KY, MD, MI; MO, AR, TN and UT, to Los Angeles, CA (and its commercial zone) and points in AZ, under a continuing contract or contracts with The Pryor-Giggey Company for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Pryor-Giggey Company, 10,000 Santa Fe Springs Rd., Santa Fe, CA 90670.

MC 42487 (Sub-6–8TA), filed March 11, 1980. Applicant: CONSOLIDATED FREIGHTWAYS, a corporation of Delaware, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common* regular routes *General commodities, (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment),* (1) Between Athens, GA

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and Greenville, SC, serving all intermediate points: From Athens over U.S. Hwy 29 to Greenville, and return over the same route. (2) Between Athens, GA and Atlanta, GA, serving all intermediate points: From Athens over U.S. Hwy 78 to Atlanta, and return over the same route. (3) Between Athens, GA and Thomson, GA, serving all intermediate points: From Athens over U.S. Hwy 78 to Thomson, and return over the same route, for 180 days. Supporting shipper(s): There were thirty (30) shipper support forms filed with this application which may be inspected at the offices of the Interstate Commerce Commission, Washington, D.C. or at the Region 6 District Office.

Note.—Applicant intends to tack the authorities described above. Applicant also intends to tack to its existing authority and any authority it may acquire in the future. The proposed authority will tack with present authority of Applicant at Atlanta, GA, Athens, GA, and Greenville, SC. Present authority at these points is found in Docket No. MC 42487 Sub 744. Authority at Atlanta, GA is also found in Docket No. MC 42487 Sub 872. Authority at Greenville, SC is also found in Docket No. MC 42487 Subs 863 and 905F. These authorities, in turn, will be joined with other authorities of Applicant at common service points to permit service throughout the United States.

Note.—Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission.

MC 77061 (Sub-6–4TA), filed March 10, 1980. Applicant: SHERMAN BROS., INC., 29534 Airport Rd., Eugene, OR 97402. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. *Boards and Sheets and Lumber* from Jackson County, OR to Portland, OR and Pierce and King Counties in WA; for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Weldwood of Canada, P.O. Box 2179, Vancouver, B.C.; Medford Corporation, P.O. Box 550, Medford, OR.

MC 124692 (Sub-6–1TA), filed March 8, 1980. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: James Hovland, Suite M–20, 400 Marquette Ave, Minneapolis, MN 55402. *Lumber,* from Weippe, ID to El Monte, CA, for 180 days. Supporting shipper: Thomas Perkins, President, Fence Craft Co., Box 37, Rosemead, CA 91770.

MC 150259 (Sub-6–1TA), filed March 12, 1980. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, Utah 84110. Representative: Melvin J. Whitear (same as applicant). *Contract carrier:* Irregular routes: 1. *Ammonium Nitrate, bulk dry.* 2. *Sodium Perchlorate, bulk liquid 60 to 64%.* 3. *Di Nitro Tolulene, bulk liquid.* 1. From Hardin, MT, Cheyenne and Casper, Wy and Benson, AZ to Pelican Point, UT and points within 7 miles. 2. From Henderson, NV to Pelican Point, UT, and points within 7 miles and Gilbert, MN. 3. From Pasadena, TX to Pelican Point, UT and points within 7 miles and Gilbert, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Cook Associates, Inc., d.b.a. Cook Slurry Company, 2226 Beneficial Tower, Salt Lake City, UT 84111.

MC 150208 (Sub-6–1TA), filed March 12, 1980. Applicant: S. AND S. BROKERS AND DISTRIBUTORS LTD., 236 Manora Crescent NE, Calgary, Alberta T2A 4S5, Canada. Representative: John A. Anderson, Suite 1440, 200 S.W. Market Street, Portland, OR 97201. *Inedible offal,* from the Port of Entry on the International Boundary Line between the United States and Canada located at or near Eastport, ID, to the facilities of Protein Products, Inc. at Newberg, OR for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Protein Products, Inc., P.O. Box 328, Newberg, OR 97132.

MC 150256 (Sub-6–1TA), filed March 11, 1980. Applicant: CAL COAST TRUCKING, INC., 4520 Everett Street, Vernon, California 90058. Representative: David P. Christianson of Knapp, Grossman & Marsh, 707 Wilshire Boulevard, Suite 1800, Los Angeles, California 90017, (213) 627–8471. *Contract carrier:* Irregular routes: *Magazines and printed materials,* between Los Angeles County and Orange County, CA, on the one hand, and, on the other, points in California, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Periodical Distributors, Inc., 6303 Corsair Street, City of Commerce, CA 90040; and Playgirl, Inc., 3420 Ocean Park Boulevard, Santa Monica, CA 90405.

MC 77061 (Sub-6–5TA), filed March 10, 1980. Applicant: SHERMAN BROS., INC., 29534 Airport Rd., Eugene, OR. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. *Iron and Steel Articles* from Multnomah and Washington Counties, OR to Ada and Canyon Counties, ID. RESTRICTED to shipments for the account of American Steel, a Division of American Industries, 4033 N. W. Yeon Ave., Portland, OR 97210, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: American Steel, a Division of American Industries, 4033 N. W. Yeon Ave., Portland, OR 97210.

MC 136818 (Sub-6–2TA), filed March 11, 1980. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. *Cheese, cheese products and synthetic cheese,* from the facilities of L. D. Schreiber Cheese Co. in Barry, Newton, Jasper and Lawrence Counties, MO, to points in AL, AR, FL, GA, KY, LA, MS, OK, TN, NC, SC, VA, WV, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: L. D. Schreiber, 425 Pine Street, Green Bay, WI 54305.

MC 134599 (Sub-6–6TA), filed March 11, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, Utah 84127. Representative: Mr. Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NB 68501. *Contract Carrier:* irregular routes: *Chemicals used in the manufacture of rubber products* (except commodities in bulk) from Laredo, TX to the facilities of The Armstrong Rubber Company at or near Little Rock, AR; Hanford, CA; West Haven, CT; Des Moines, IA; Natchez, MS; and Clinton and Madison, TN, for 180 days. Supporting shipper: The Armstrong Rubber Company, 500 Sargent Drive, West Haven, CT 06507. An underlying ETA seeks 90 days authority.

MC 134599 (Sub-6–5TA), filed March 11, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, Utah 84127. Attorney: Mr. Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. *Contract Carrier:* irregular routes: *Rubber and plastic hose and hose fittings and equipment, materials, and supplies used in the manufacture of such commodities,* between the facilities of Electric Hose and Rubber Co., in Marion County, FL on the one hand, and, on the other, points in the United States (except AK and HI) for the account of Dayco Corporation of Dayton, OH under continuing contract with Dayco Corporation of Dayton, OH, for 180 days. Supporting shipper: Dayco Corporation, P.O. Box 1004, Dayton, OH 45401. An underlying ETA seeks 90 days authority.

MC 147662 (Sub-6–1TA), filed March 10, 1980. Applicant: KMC TRANSPORT, INC., P.O. Box 962, Caldwell, ID 83605. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier,* irregular routes, (1) *Fiberglass products,* from the facilities of Fiberstrong Products, Inc. at or near Caldwell, ID to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY. (2) *Materials, supplies and equipment* used in the manufacture, sale and distribution of fiberglass products (except commodities in bulk), from points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA and WY to the facilities of Fiberstrong Products, Inc. at or near Caldwell, ID, for 180 days. RESTRICTION: Restricted to a transportation service to be performed under continuing contract(s) with Fiberstrong Products, Inc. An underlying ETA seeks 90–day authority. Supporting shipper: Fiberstrong Products, Inc., Mr. Ted L. Carter, President, 202 Albany Avenue, Caldwell, ID 83605.

MC 143812 (Sub-6–1TA), filed March 10, 1980. Applicant: VAN DIEST TRUCKING INC., 1415 East Ninth Avenue, Pomona, CA 91766. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Agricultural minerals, auxiliary soil nutrients* and *commercial fertilizers,* in bulk, in tank vehicles, from Bakersfield, CA to points in AZ, LA, NV, NM, and TX for 180 days. An underlying ETA seeking up to 90 days of operating authority has also been filed.

MC 117786 (Sub-6–4TA), filed March 10, 1980. Applicant: RILEY WHITTLE, INC., Post Office Box 19038, Phoenix, AZ 85009. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. *Paper and paper products including paper labels or tags* from points in WI, PA, TX to Dayton, OH for 180 days. Supporting shipper: Monarch Marking Systems, P.O. Box 608, Dayton, OH 45401.

MC 125433 (Sub-6–11TA), filed March 10, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). *Games, toys, juvenile furniture, playground apparatus and clothing* from AR, LA, MS, TN, AL, GA, KY, VA, SC, NC and KY to Bensonville, IL; Southgate, MI; Secaucus, NJ; Mansfield, MA and Beltsville, MD, for the account of Toys R Us, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Toys R Us, 395 West Passaic Street, Rochelle Park, NJ 07662.

MC 115826 (Sub-6–1TA), filed March 12, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. *Such commodities as are dealt in and used by producers and distributors of alcoholic beverages, liquors and wines,* from the facilities of Heublein, Inc., at or near Hartford, CT to points in AZ, CA, CO, GA, ID, IL, IN, KS, KY, MI, MN, MO, MT, NE, NV, OK, SD, TN, UT, WI & WY. (Restriction: The above authority is restricted to the movement of traffic originating at the named facilities) for 180 days. Supporting shipper: Heublein, Inc., 330 New Park Avenue, Hartford, CT 06101.

MC 150259 (Sub-6–2TA), filed March 12, 1980. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, UT 84101. Representative: William S. Richards Post Office Box 2465, Salt Lake City, UT 84110. *Contract Carrier:* Irregular routes: *Chemicals, in bulk,* between Salt Lake City, UT, and points within 50 miles, on the one hand, and points and places in the Continental United States west of the Mississippi River, on the other, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Nalco Chemical Company, 2901 Butterfield Road, Oak Brook, IL 60521.

MC 150084 (Sub-6–1TA), filed February 19, 1980. Applicant: PRIDE TRANSPORT, INC., 1005 Jewell St., Salt Lake City, UT 84104. Representative: James H. Faust, Kearns Building, Salt Lake City, UT 84111. *Juvenile furniture, broken down, in cartons.* From the facilities of Graco Children's Products, Inc., at or near Blue Hall, Elverson and Hallam, PA, Rochester NY and West Rutland VT to states in and west of CO, MT, NM and WY, for 180 days. An underlying ETA seeks 90 days to operate. Supporting shipper: Graco Children's Products, Inc., Elverson PA 19529

MC 2862 (Sub-6–1TA), filed February 19, 1980. Applicant: ARROW TRANSPORTATION CO. of Delaware d.b.a. ARROW TRANSPORTATION COMPANY, Post Office Box 10106, Portland, OR 97210. Representative: Jerry R. Woods, Suite 1440, 200 Market St., Portland, OR 97201. *Jet fuel,* in bulk, in tank vehicles, from facilities of West Aire, Inc., at or near Hayden Lake, ID to Walla Walla, WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: West Aire, Inc., P.O. Box 26, Hayden Lake, ID 83835.

MC 141033 (Sub-6–1TA), filed February 19, 1980. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, 15045 East Salt Lake Avenue, City of Industry, CA 91749. Representative: James I. Mendenhall, President, P.O. Box 1257, 15045 East Salt Lake Avenue, City of Industry, CA 91749. (1) *Such merchandise as is dealt in or distributed by pharmaceutical houses* (except commodities in bulk); from Norwich and North Norwich, NY, and Greenville, SC, to points in the U.S. (except AK and HI). (2) *Materials, supplies and equipment used in the manufacture, sale and distribution of the commodities in (1) above (except commodities in bulk;* from points in the U.S. (except AK and HI), to Norwich and North Norwich, NY, and Greenville, SC, for 180 days. Supporting shipper: Norton-Eaton Pharmaceuticals, Division of Morton-Norwich, 13 Eaton Ave., Norwich, N.Y. 13815.

By the Commission.

Agatha L. Mergenovich

Secretary.

[FR Doc. 80-8839 Filed 3-21-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Contract Detention Grant Program

AGENCY: Law Enforcement Assistance Administration.

ACTION: Notice of Grant Program.

SUMMARY: The Corrections Division of the Office of Criminal Justice Programs, Law Enforcement Assistance Administration, is publishing the announcement of an additional program under the category of its Discretionary Programs for Fiscal Year 1980. This program is supported by Federal funds authorized by the Justice System Improvement Act of 1979.

Contract Detention Program

The Contract Detention Program is a pilot effort designed to demonstrate that local jail overcrowding can be alleviated in a cost effective and timely manner by purchasing detention services for low risk inmates through contracts between local jails and private entities.

The program is intended primarily as a housing alternative for low risk offenders incarcerated in a city or county jail that has been cited by a local, state or federal court as being overcrowded. The contract for alternative detention must reduce the jail population to a level that will satisfy a court order or consent decree. Funds for this purpose may be used only for the contracting of housing, custodial services, and minor security-related renovation.

Applicants are encouraged to seek out new and innovative service providers (e.g. private social service agencies, hotel/motels, colleges, etc.) to accomplish these objectives. A copy of the draft contract between the jail officials and the detention service

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provider must be included with the application. Applicants must also document that a wide range of programs offering alternatives to incarceration (diversion projects, early release mechanisms) have already been implemented in an effort to reduce overcrowding.

Allocations: In FY80, $450,000 has been allocated for this pilot effort.

Number and Dollar Range of Grants: Two sites will be awarded funds at an amount up to $225,000 per site for a period of 15 months. The 15 months includes three months to finalize the contractual arrangements and 12 months of contractual detention services. No continuation awards are anticipated under this program.

Match Requirement: No specific amount of matching funds will be required for these grants. Applicants must document, however, how total costs for housing the excess inmate population will be covered during the grant period.

Eligibility: Eligibility for participation in this program is limited to city and county jails that are under some form of court order or formal consent decree to reduce their jail populations. The use of contractual services must fully satisfy the court order or decree by maintaining the jail population under the maximum level set by the order or decree.

Submission Deadline: Applications (including the draft contract) must be received by LEAA by June 6, 1980.

Contact: For further information and details, potential applicants should contact: Peter L. Regner, Chief, Offender Services Branch, Corrections Division, Office of Criminal Justice Programs, Law Enforcement Assistance Administration, Washington, D.C. 20531, Telephone: 202/724-5859.

Other Criteria: In addition to the criteria discussed in the previous sections, there are other requirements and criteria that must be included in a formal application submission for this program. Applicants should contact the program manager for further details.

Homer F. Broome, Jr.,

Acting Administrator, Law Enforcement Assistance Administration.

[FR Doc. 80-8870 Filed 3-21-80; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Atmospheric Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Atmospheric Sciences.
Date: April 10 and 11, 1980.
Time: 9 a.m.–5 p.m. each day.
Place: Room 642, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.
Type of Meeting: Open.
Contact Person: Dr. Eugene W. Bierly, Division Director, Division of Atmospheric Sciences, Room 644, National Science Foundation, Washington, D.C. 20550, telephone: (202) 634–1490.
Summary Minutes: May be obtained from the above stated contact person.
Purpose of Committee: The Advisory Committee for Atmospheric Sciences provides advice, recommendations, and oversight concerning support for research and research-related activities in the atmospheric sciences area.
Agenda: April 10–11, 1980.

April 10, 1980

9 a.m. Opening remarks and introduction of new members—Bierly.
9:15 a.m. Approval of minutes from ACAS meeting, 31 Oct.–2 Nov. 1979—Dessler.
9:30 a.m. Remarks by AD/AAEO—Dr. Francis Johnson.
10 a.m. Coffee break.
10:15 a.m. Activities since last meeting: Reorganization of ATM, FY 81 Budget, Long range plans for ATM, and Update on NSF Circular—Bierly.
11 a.m. UCAR/NCAR Relations, Director NCAR—R. M. White.
12 Noon. Lunch.
1:30 p.m. Instrumentation/Facility Needs and Use in Atmospheric Sciences, Policy for independent facilities (e.g.—T–28 A/C, CHILL Radar), Incoherent Scatter Radar, and Instrumentation needs—Staff.
3:15 p.m. Coffee break.
3:30 p.m. Manpower needs—Dessler/Bierly.

April 11, 1980

9 a.m. Proposal processing, NSF system, and Program problems.
10 a.m. Coffee break.
10:15 a.m. NCAR cost recovery initiatives—R. M. White.
12 Noon. Lunch.
1:30 p.m. ATM Organizational Response to GARP and the World Climate Program, ATM reaction—Greenfield.
2 p.m. Oversight discussion, ACAS responsibility, Aeronomy and GARP reports, Suggested programs for October, Meteorology and Solar Terrestrial Studies, and Appointment of chairpeople and members to oversight committees—Bierly.
3 p.m. Coffee break.
3:15 p.m. Continue discussing—Dessler.
4 p.m. Next meeting.
4:15 p.m. Adjournment.

M. Rebecca Winkler,

Committee Management Coordinator.

March 19, 1980.

[FR Doc. 80-8822 Filed 3-21-80; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee on Ecological Sciences; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Ecological Sciences of the Advisory Committee for Environmental Biology.
Date and Time: April 9, 10 and 11, 1980; 8:30 a.m. to 5:00 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G St NW, Washington, D.C. 20550.
Type of Meeting: Closed.
Contact Persons: Dr. David W. Johnston, Program Director, Ecology Program (202) 632–7324, and Dr. Melvin I. Dyer, Program Director, Ecosystem Studies Program (202) 632–5854, Room 336, National Science Foundation, Washington, D.C. 20550.
Purpose of Subcommittee: To provide advice and recommendations concerning support for research in ecological sciences.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 1980.

[FR Doc. 80-8819 Filed 3-21-80; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee on Electrical, Computer, and Systems Engineering; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Electrical, Cimputer, and Systems Engineering of the Advisory Committee for Engineering and Applied Science.
Date and Time: April 23, 1980–9 a.m. to 5 p.m. April 24, 1980—9 a.m. to 2 p.m.
Place: Room 543, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.
Type of meeting: Open—April 23—9 a.m. to 12 noon. April 24—9 a.m. to 2 p.m. Closed—April 23—1:30 p.m. to 5 p.m.
Contact Person: Mr. Norman Caplan, Acting Director, Division of Electrical Computer, and Systems Engineering, Room 416, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 632–5881.
Summary Minutes: May be obtained from Mr. Norman Caplan, Acting Director, Division of Electrical, Computer, and Systems Engineering, Room 416, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 632–5881.
Purpose of Subcommittee: To provide advice and recommendations concerning support for research in the area of Electrical, Computer, and Systems Engineering.

Agenda

Wednesday, April 23, 1980—Open—9 a.m. to 12 noon

9:00—Introduction by Division Director and Status Report.
10:00—Questions and answers.
10:15—Briefing of Division programs.
11:45—Questions and answers.
12 noon—Recess.

Wednesday, April 23, 1980—Closed—1:30 p.m. to 5 p.m.

1:00—Discussion of proposal review and decision making processes, followed by separate subgroup discussions of individual programs, including review of peer review material and other privileged material.
5:00—Adjourn.

Thursday, April 24, 1980—Open—9 a.m. to 2 p.m.

9:00—Oral reports from Subcommittee.
9:30—Subcommittee discussion of future directions of programs.
10:30—Subcommittee discussion of division-wide concerns.
11:30—Drafting of preliminary Subcommittee response.
12:00 Further Discussion of division wide concerns.
2:00—Adjourn.

Reason for Closing: The Subcommittee will be reviewing grants and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to Close Meeting: This determination was made by the Director, NSF, pursuant to provisions of Section 10(d) of Pub. L. 92–463.

M. Rebecca Winkler,

Committee Management Coordinator.

March 19, 1980.

[FR Doc. 80-8820 Filed 3-21-80; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee on Long-Term Ecological Research; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Long-Term Ecological Research of the Advisory Committee for Environmental Biology.
Date and Time: April 21 and 22, 1980; 8:30 a.m. to 5:00 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550.
Type of Meeting: Closed.
Contact Person: Dr. James T. Callahan, Associate Program Director, Ecosystem Studies Program, (202) 632–5854, Room 336, National Science Foundation, Washington, D.C. 20550.
Purpose of Subcommittee: To provide advice and recommendations concerning support for long-term ecological research.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 19, 1980.

[FR Doc. 80-8821 Filed 3-21-80; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Measurement Methods and Data Resources of the Advisory Committee for Social and Economic Science; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Measurement Methods and Data Resources of the Advisory Committee for Social and Economic Science.
Date and Time: April 25 and 26, 1980; 1:30 p.m. to 5:30 p.m., April 25; 9:00 a.m. to 3:00 p.m., April 26.
Place: Room 338, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.
Type of Meeting: Part Open—1:30 p.m. to 3:30 p.m., April 25, 1980. Closed—3:30 p.m. to 5:30 p.m., April 25, 1980, and 9:00 a.m. to 3:00 p.m., April 26, 1980.
Contract Person: Dr. Murray Aborn, Program Director, Measurement Methods and Data Resources, Room 312, National Science Foundation, Washington, D.C. 20550, telephone (202) 632–4216.
Summary of Minutes: May be obtained from the contact person, Dr. Murray Aborn, at the above address.
Purpose of Subcommittee: To provide advice and recommendations concerning support for research and research-related projects in Measurement Methods and Data Resources.
Agenda: Open: 1:30 p.m. to 3:30 p.m., April 25—Discussion of recent program activities. Closed: 3:30 p.m. to 5:30 p.m., April 25; and 9:00 a.m. to 3:00 p.m., April 26—To review and evaluate research proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority To Close Meeting: This determination was made by the Committee Management Officer pusuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 80-8822 Filed 3-21-80; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee on Systematic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Systematic Biology of the Advisory Committee for Environmental Biology.
Date and Time: April 17 and 18, 1980; 8:30 a.m. to 5:00 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550.
Type of Meeting: Closed.
Contact Person: Dr. John H. Beaman, Program Director, Systematic Biology Program, Room 336, National Science Foundation, Washington, D.C. 20550, telephone (202) 632–5846.
Purpose of Subcommittee: To provide advice and recommendations concerning support for research in systematic biology.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6)

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of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 19, 1980.

[FR Doc. 80-8818 Filed 3-21-80; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Babcock and Wilcox Water Reactors; Meeting

The ACRS Subcommittee on Babcock and Wilcox Water Reactors will hold a meeting on April 8, 1980 in Room 1046, 1717 H St., NW., Washington, DC 20555 to complete its review of the NRC Staff Study to determine whether construction should be halted on certain B & W plants because of sensitivity of the once-through-steam generator (OTSG) to feedwater transients.

Notice of this meeting was published March 19, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as praticable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Tuesday, April 8, 1980

8:30 a.m. Until the Conclusion of Business

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, Babcock and Wilcox, their consultants, and other interested persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Peter Tam (telephone 202/634–1413) between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 18, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-8877 Filed 3-21-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Ad Hoc Subcommittee on Three Mile Island, Unit 2 Accident Action Plan; Meeting; Change

The April 1–2, 1980 meeting of the ACRS Ad Hoc Subcommittee on Three Mile Island, Unit 2 Accident Action Plan will be held in Room P–118, Phillips Building, 7920 Norfolk Avenue, Bethesda, MD, starting at 8:30 a.m. each day. Notice of this meeting was published on March 17 (45 FR 17097) and all other items pertaining to the meeting remain the same as published.

Dated: March 19, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-8876 Filed 3-21-80; 8:45 am]

BILLING CODE 7590-01-M

Announcement by Automatic Telephone Answering Service

AGENCY: Nuclear Regulatory Commission.

During the next 60 days, the NRC will test the effectiveness of an automatic Telephone Answering Service as an additional method of providing current information to the public concerning the scheduling of Commission meetings. The telephone number to call is (202) 634–1498.

The schedule of Commission meetings will be recorded daily on or before 3 PM of the date preceding the meeting and updated as required. The meeting schedule will also continue to be distributed through the current mailing service, the **Federal Register** and the Public Document Room, as before; no change is anticipated in this distribution.

The recording will operate 24 hours a day. Because the Commission schedule is subject to late changes, those who are planning to attend a meeting should re-verify the status of the meeting whenever possible.

Meetings will be at 1717 H Street unless otherwise indicated.

Further details of meetings are available from NRC staff during regular work hours at (202) 634–1410. At the end of the 60 day trial period, consideration will be given to extending this service to an "800" (Toll-Free) number.

Dated: March 18, 1980.

Walter Magee,

Office of the Secretary.

[FR Doc. 80-8878 Filed 3-21-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–325, 50–324]

Carolina Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 26 and 50 to Facility Operating License Nos. DPR–71 and DPR–62 issued to Carolina Power & Light Company (the licensee) which revised the Technical Specifications for operation of the Brunswick Steam Electric Plant, Units Nos. 1 and 2 (the facility), located in Brunswick County, North Carolina. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to (1) correct the table of safety related hydraulic snubbers, (2) provide for systematic implementation of instrumentation modifications, and (3) eliminate the requirement for removing the SRM "shorting links" during core alterations with control rods withdrawn.

The applications for amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated February 20, 1979, as supplemented January 14, 1980 and applications dated November 19, 1979 and January 24, 1980, (2) Amendment Nos. 26 and 50 to Licenses Nos. DPR–71 and DPR–62, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 14th day of March 1980.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 80-8879 Filed 3-21-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50–470F]

Combustion Engineering, Inc.; Receipt of a Standardized Final Safety Analysis Report

Combustion Engineering, Incorporated, (CE), has filed with the Nuclear Regulatory Commission (the Commission) its Final Safety Analysis report (CESSAR–FSAR), which was docketed on December 21, 1979. CESSAR describes the System 80 NSSS reference design.

The CESSAR–FSAR was tendered on October 27, 1978. During the acceptance review for completeness, Combustion Engineering, Incorporated submitted Amendments 1 through 4 by letters dated December 7, 1978, December 20, 1978, June 20, 1979 and August 13, 1979, respectively. These amendments were submitted in response to our requests for information required for docketing as set forth in letters from NRC dated March 23, 1979 and July 25, 1979.

Under the "Reference System" option, an entire facility design or major fraction of it can be identified as a standard design to be used in multiple applications. CESSAR describes and analyzes the nuclear steam supply system (NSSS) standard design for a pressurized water reactor nuclear power plant. The reactor is designed to operate at core thermal power levels up to 3800 megawatts. Major Design features described in CESSAR–FSAR are similar to those of CESSAR nuclear steam systems now under construction.

When its review of CESSAR–FSAR is complete, the Commission's staff will publish a Safety Evaluation Report (SER) documenting the results of the review. Moreover, CESSAR has been referred to the Advisory Committee on Reactor Safeguards (ACRS) for its review and a report thereon. Copies of the SER and ACRS report will be made available to the public. A notice relating to the availability of these documents will be published in the **Federal Register.**

All interested persons who desire to submit written comments for consideration by the staff and ACRS during their review of CESSAR should send them to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Docketing and Service Section by May 10, 1980.

A copy of CESSAR is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. When available, the Safety Evaluation Report and the report by the Advisory Committee on Reactor Safeguards will also be made available for public inspection at the above locations.

Dated at Bethesda, Md., this 6th day of March 1980.

For the Nuclear Regulatory Commission.

William F. Kane,

Acting Chief, Standardization Branch, Division of Project Management.

[FR Doc. 80-8880 Filed 3-21-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–295 and 50–304]

Commonwealth Edison Co. (Zion Station, Units 1 and 2); Issuance of Director's Decision

By letter dated April 27, 1979, Pollution and Environmental Problems, Inc. (PEPI) transmitted a request pursuant to 10 CFR 2.206 for the preparation of an environmental impact statement on Amendments Nos. 44 and 41 to the operating licenses at Zion Station, Units 1 and 2. After a review of the relevant information, the Director has determined that there is no basis for issuing an environmental impact statement. Accordingly, the request by PEPI has been *denied.*

Copies of the Director's decision are available for inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085. A copy of this decision will also be filed with the Secretary of the Commission for review by the Commission in accordance with 10 CFR 2.206(c) of the Commission's regulations.

As provided in 10 CFR 2.206(c), this decision will constitute the final action of the Commission twenty (20) days after the date of issuance, unless the Commission on its own motion institutes review of this decision within that time.

Dated at Bethesda, Md., this 13th day of March 1980.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 80-8881 Filed 3-21-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–320]

Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 2); Director's Decision

In a telegram dated February 27, 1980, Robert Gary of Philadelphia, Pennsylvania, requested under 10 CFR 2.206 that the Commission require installation of "cryogenic traps" before "any planned venting of radioactive gas" from the Three Mile Island Unit 2's containment. Mr. Gary claims that "[t]he reason for this is too obvious to specify in detail * * *"

On its face, Mr. Gary's request is insufficient, because it does not state the facts, as required under 10 CFR 2.206(a), which form the basis of his request. Facts or other substantiating reasons for taking certain action are necessary to establish a basis for such action, not only in a petition under 10 CFR 2.206, but also to justify proposed action by the Director of Nuclear Reactor Regulation at his own discretion. *See* 10 CFR 2.202(a)(1). In the absence of the petitioner's specification of the bases for proposed action, the Director will not entertain such requests under 10 CFR 2.206. *See Duke Power Company* (Oconee Nuclear Station, Units 1, 2 and 3), DD–79–8, 9 NRC 661 (1979). A statement that the reasons for taking certain action are "obvious" is clearly insufficient.

In all events, the staff has considered the use of a cryogenic processing system in its draft report for public comment, "Environmental Assessment for Decontamination of the Three Mile Island Unit 2 Reactor Building Atmosphere" (NUREG–0662, March

1980). For the reasons stated in that report, the staff has recommended to the Commission that it approve purging of the reactor building atmosphere as the decontamination option for disposal of Krypton-85 released in the reactor building during the accident at Three Mile Island Unit 2. Accordingly, Mr. Gary's petition is denied.

A copy of this decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations. As provided in 10 CFR 2.206(c), this decision will constitute the final action of the Commission twenty (20) days after the date of issuance, unless the Commission on its own motion institutes review of this decision within that time.

Dated at Bethesda, Md., this 18th day of March 1980.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 80-8662 Filed 3-21-80; 8:45 am]

BILLING CODE 7590-01-M

Privacy Act of 1974; Systems of Records; Minor Amendments

AGENCY: United States Nuclear Regulatory Commission (NRC).

ACTION: Proposed Minor Amendments of Systems of Records.

SUMMARY: The Nuclear Regulatory Commission is proposing minor amendments to the NRC Systems of Records, NRC–19. The amendments clarify and update the information contained in the NRC Systems of Records, necessitated by adding the Senior Executive Service training records to existing NRC training records.

COMMENT DATE: Comments are due on or before April 23, 1980.

ADDRESS: Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Sarah N. Wigginton, FOI/PA Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission. Phone: (301) 492–8133.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, the Nuclear Regulatory Commission has published notices of those systems of records maintained by the NRC which contain personal information about individuals and from which such information can be retrieved by an individual identifier. The notices were published as a document subject to publication in the annual compilation of Privacy Act documents.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 552a of Title 5 of the United States Code, as amended, notice is hereby given that adoption of the following amendments to the NRC System of Records is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch by April 23, 1980. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, DC.

1. The paragraphs of NRC–19 entitled "Categories of individuals covered by the system," "Categories of records in the system," "Authority for maintenance of the system," "Routine uses of records maintained in the system, including categories of uses and the purposes of such uses," "Retention and disposal," and "Record source categories" are amended to read as follows:

NRC–19

SYSTEM NAME:

Official Personnel Training Records—NRC

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for or were selected for either NRC or other government/nongovernment training courses or programs, including the NRC Senior Executive Service Candidate Development Program.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to the individual's educational background, work experience, performance appraisals, and training courses, including applications for training, training requests, authorizations for training, course grades, evaluations, and other related personnel information and correspondence.

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 5 U.S.C. 4103 (1976);

b. E. O. 11348, April 20, 1967, as amended by E. O. 12107, December 28, 1978;

c. Civil Service Reform Act of 1978, Pub. L. 95–454 (5 U.S.C. 4311 et seq.);

d. 5 U.S.C. 3396 (October 13, 1978).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Information may be extracted from the records and made available to the Office of Personnel Management; other Federal, state and local government agencies; and educational institutions for use in training programs related to NRC employees.

b. Information in these records may be disclosed for the routine uses specified in paragraph numbers 5 and 6 of the Prefatory Statement.

* * * * *

RETENTION AND DISPOSAL:

Retained for 5 years, or until no longer needed, then destroyed by shredding.

* * * * *

RECORD SOURCE CATEGORIES:

Information is provided by the individual to whom it applies, the employee's supervisors, and training groups, agencies, or educational institutions.

* * * * *

Dated at Bethesda, Md. this 14th day of March, 1980.

For the Nuclear Regulatory Commission.

William J. Dircks,

Acting Executive Director for Operations.

[FR Doc. 80-8692 Filed 3-21-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–529, 50–260, 50–296]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 60 to Facility Operating License No. DPR–33, Amendment No. 55 to Facility Operating License No. DPR–52 and Amendment No. 32 to Facility Operating License No. DPR–68 issued to Tennessee Valley Authority (the licensee), which revised the licenses for operation of the Browns Ferry Nuclear Plant, Units Nos. 1, 2 and 3, located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

These amendments authorize the license to temporarily store low-level radioactive waste in an existing covered pavilion that is situated outside the security fence, as presently located, but inside the site exclusion area. The total amount of low-level waste authorized to be stored is not to exceed 1320 curies of total activity. This authorization expires two years from the effective date of these amendments and is subject to conditions and restrictions specified in the licensee's application.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated January 21, 1980, as supplemented by letters dated February 25, 1980 and March 13, 1980, (2) Amendment No. 60 to License No. DPR–33, Amendment No. 55 to License No. DPR–52, and Amendment No. 32 to License No. DPR–68, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 17th day of March 1980.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 80-8683 Filed 3-21-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–280]

Virginia Electric and Power Co.; Availability of Draft Environmental Statement Related to Steam Generator Repair at Surry Power Station, Unit No. 1

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement (NUREG–0663) prepared by the Commission's Office of Nuclear Reactor Regulation related to steam generator repair at Surry Power Station, Unit No. 1, located in Surry County, Virginia, is being made available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Swem Library, College of William and Mary, Williamsburg, Virginia. The Draft Statement is also being made available at the Department of Intergovernmental Affairs, Division of State—Federal Relations, Fourth Street Office Building, 205 North Fourth Street, Richmond, Virginia, and at the Crater Planning District Commission, 2825 S. Crater Road, Petersburg, Virginia. Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Technical Information and Document Control.

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Draft Environmental Statement (local agencies may obtain these document upon request). Comments are due by May 5, 1980. Comment by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and the Swem Library, College of William and Mary, Williamsburg, Virginia. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the **Federal Register.**

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Bethesda, Md., this 14th day of March 1980.

For the Nuclear Regulatory Commission.

Ronald L. Ballard,

Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc. 80-8684 Filed 3-21-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

March 19, 1980.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them cut rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

V 45 / 58 MR 24 80 UMI

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201

New Forms

Food and Nutrition Service
Monthly report of the child care and summer food program for children
FNS 44
Monthly
State agencies; 714 responses, 863 hours
Charles A. Ellett, 395-5080

Revisions

Agricultural Stabilization and Conservation Service
Report of tobacco acreage
ASCS-311
Annually
Operators of farms with types 32 & 41 tobacco; 15,000 responses, 3,750 hours
Charles A. Ellett, 395-5080

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—William E. Carpenter—343-6716

New Forms

Bureau of Land Management
Private rental survey
On occasion
Landlords & renters of rental hsg. in all States & territories; 3,000 responses, 750 hours
Charles A. Ellett, 395-5080

FEDERAL RESERVE SYSTEM [1]

Agency Clearance Officer—Carolyn B. Doying—452-3512

New Forms

Monthly report of covered consumer credit outstanding
FR 2061B
Monthly
U.S. covered consumer creditors; 120,000 responses, 1 hour
Warren Topelius, 395-3211

Special credit restraint program—finance companies
FR 2062D
Monthly
Largest finance company lenders to businesses; 168 responses, 1 hour
Warren Topelius, 395-3211

Selected credit restraint program—selected companies
FR 2062E
Monthly
Selected large corporations; 4,104 responses, 1 hour
Warren Topelius, 395-3211

Investment asset report for special deposit requirements for short-term financial intermediaries
FR 2063A
Monthly
All short-term financial intermediaries; 960 responses, 96 hours
Warren Topelius, 395-3211

Base report of covered consumer credit outstanding
FR 2061A
Single time
U.S. covered consumer creditors; 10,000 responses, 1 hour
Warren Topelius, 395-3211

Supplement to special credit restraint program—finance companies
FR 2062D(S)
Single time
Largest finance company lenders to businesses; 14 responses, 1 hour
Warren Topelius, 395-3211

Supplement to selected credit restraint program—selected corporations
FR 2062E(S)
Single time
Selected large corporations; 342 responses, 1 hour
Warren Topelius, 395-3211

[1] These reports will be acted on before normal 10 day period. The clearance of these reports on an expedited basis is necessary to implement the President's program to help curb inflation. These reports are authorized under the terms of the Credit Control Act of 1969 and Executive Order 12201.

Base report for the calculation of special deposit requirements for short-term financial intermediaries
FR 2063B
Single time
All short-term financial intermediaries; 80 responses, 8 hours
Warren Topelius, 395-3211

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312/751-4692

New Forms

Application for substitution of payee—for employee, spouse or survivor annuitant
AA-5
On occasion
Applicant for administrating benefits of an annuitant; 3,000 responses, 500 hours
Barbara F. Young, 395-6132

C. Louis Kincannon,
Acting Deputy Assistant Director for Reports Management.

[FR Doc. 80-8829 Filed 3-21-80; 8:45 am]
BILLING CODE 3110-01-M

DEPARTMENT OF STATE

[CM-8/2781]

Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on April 15, 1980, at 9:30 a.m. in Room A106 of the Federal Communications Commission, 1229 20th Street, NW., Washington, D.C. This Study Group deals with matters in telecommunications relating to the development of international digital data transmission services.

The agenda for the April 15 meeting will include consideration of the following:

1. Report of February 1980; CCITT of Study Group VII;
2. Report of the Modem working party considerations of the reports of the April meeting of Study Group VII;
3. Any other business.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for further information should be directed to Richard H. Howarth, State Department, Washington, D.C. 20520, telephone (202) 632-1007.

Dated: March 14, 1980.

Richard H. Howarth,
Chairman, U.S. CCITT National Committee.

[FR Doc. 80-8887 Filed 3-21-80; 8:45 am]
BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 80-02]

Coast Guard Academy Advisory Committee; Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Coast Guard Academy Advisory Committee to be held at the U.S. Coast Guard Academy, New London, CT, on Monday, Tuesday, and Wednesday, April 21-23, 1980. The session on Monday will be held from 10:30 to 11:45 a.m. and from 2:00 to 3:15 p.m. An open session will also be held on Wednesday from 10:15 to 11:45 a.m.

The agenda for this meeting is as follows: (a) faculty, (b) curricula.

The Coast Guard Academy Advisory Committee was established in 1937 by Pub. L. 75-38 to advise on the course of instruction at the Academy, and to make recommendations as necessary.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend or present oral statements at the hearing should notify, not later than the day before the meeting: Capt. Roderick M. White, USCG, Dean of Academics/Executive Secretary of the Academy Advisory Committee, U.S. Coast Guard Academy, New London, CT 06320, phone (203) 443-8463.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on March 13, 1980.

J. B. Hayes,
Admiral, U.S. Coast Guard Commandant.

[FR Doc. 80-8895 Filed 3-21-80; 8:45 am]
BILLING CODE 4910-14-M

Federal Aviation Administration

[Summary Notice No. PE-80-7]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before April 14, 1980.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Petition Docket No. ———, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-24), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of section 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on March 14, 1980.

Edward P. Faberman,
Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
20171	Ohio State University	14 CFR § 91.169	To allow petitioner to operate small civil airplanes of U.S.-registry under the operating rules of § 91.183 through § 91.215 and the inspection provisions of § 91.217 and § 91.219.
20170	Air Transport Association	14 CFR § 121.434	Relief from the required one night takeoff and one night landing for all transitioning and upgrading pilots.
20172	Star Airways	14 CFR § 135.181	To allow petitioner to operate their aircraft using the drift down provisions of § 121.201(b) instead of the requirements of § 135.181.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
20165	British Midland Airways, Ltd	14 CFR Parts 21, 61, 63, and 91	To permit petitioner to operate a U.S. registered B707-321C aircraft, N448M, leased from Robert F. Beauchamp using foreign airmen, a minimum equipment list, and a continuous airworthiness maintenance program. *Granted 3/10/80.*
20074	American Eagle Airlines, Inc.	14 CFR § 121.291(a)(1) and Part 121 Appendix D.	To permit petitioner to operate B-707-321B Fan Jet aircraft without first performing a full seating capacity emergency evacuation demonstration. *Granted 3/10/80.*
NE 78-11-03	Dee Howard Co. and Ronair, Inc.	14 CFR Part 39 Amendment 39-3224.	To extend compliance date for requirement to perform a one-time blue etch anodize inspection of first stage fan blades on Pratt & Whitney JT3D series turbofan engines to March 31, 1980. *Both denied 2/29/80.*

[FR Doc. 80-8856 Filed 3-21-80; 8:45 am]
BILLING CODE 4910-13-M

V 45/58 MR 24 80 UMI

V 45/58 MAR 24 80 UMI

Engineering and Manufacturing District Offices at Des Plaines, Illinois; Indianapolis, Indiana; Muskegon, Michigan; and Minneapolis, Minnesota; Notice of Closing/Opening

Notice is hereby given that on or about March 28, 1980, the Engineering and Manufacturing District Offices at Des Plaines, Illinois; Indianapolis, Indiana; and Muskegon, Michigan, will be closed. Services to the aviation public of Northern Illinois, Wisconsin, and Minnesota and upper Michigan will be provided by Engineering and Manufacturing District Office in Minneapolis, Minnesota, with a satellite office in Milwaukee, Wisconsin. Services to the aviation public of Indiana and the lower two-thirds of Illinois will be provided by the Engineering and Manufacturing District Office in Vandalia, Ohio, with a satellite office in Indianapolis, Indiana. Services to the aviation public of lower Michigan will be provided by the Engineering and Manufacturing District Office in Cleveland, Ohio, with satellite offices in Grand Rapids, Michigan, and Ypsilanti, Michigan.

The Engineering and Manufacturing District Office in Minneapolis, Minnesota, will open on March 31, 1980, as will all four satellite offices. An appropriate change will be made to the FAA Field Organization statements to reflect this information.

Issued in Des Plaines, Illinois, on March 14, 1980.

William S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 80-8788 Filed 3-21-80; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Traffic Signals; Signal Timing Optimization Project; Solicitation of Interest

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The FHWA has developed a Signal Timing Optimization Project to document the effectiveness of improved traffic signal timing in the conservation of fuel. Public agencies are invited to contact FHWA if they are interested in this project. Each agency involved in the project will obtain traffic data, prepare new traffic signal timing plans, retime its traffic signals, evaluate the effectiveness of the retiming on fuel consumption and bus performance, and prepare a narrative report. Results of this pilot project will be made available to State and local agencies and the general public. With its successful completion, it is expected that this project will become the basis for a continuing FHWA program of training and assistance to facilitate the retiming of some 130,000 traffic signals in urban areas with a savings of an estimated 100,000 barrels of crude oil per day.

DATE: Letters of interest should be submitted to the appropriate State highway or transportation agency on or before May 8, 1980.

FOR FURTHER INFORMATION CONTACT: George W. Schoene, Office of Traffic Operations (HTO–22), Room 3419, 202–426–0411, or Stan Abramson, Office of the Chief Counsel (HCC–10), Room 4223, 202–426–0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION:

Introduction

Modern traffic control and computer technology, when used to develop traffic signal timing plans, have been effective in achieving fuel conservation and improved traffic and bus performance. It is estimated that nationwide application of this technology to develop optimal timing plans for 130,000 electrical and time-based coordinated traffic signals would result in saving 100,000 barrels of crude oil per day (based on available, limited data).

Unfortunately, this savings is not being attained. Traffic agencies seldom update their signal timing plans because of the overall level of effort required to accomplish retiming, manpower and budget restraints, the low priority generally assigned to retiming, and the level of sophistication required to use modern signal timing optimization computer programs.

There are several barriers to be overcome if this low cost, highly effective fuel conservation measure is to be implemented on a nationwide basis: (1) Credible data on the effectiveness of retiming needs to be available to citizens and public officials: (2) More needs to be known about the resources required to retime traffic signals so that decisionmakers can better configure their staffing plans and budget allocations for signal retiming; and (3) The level of effort to retime traffic signals needs to be minimized to the extent practicable. This need relates both to reducing the person-hours required and to easing the effort and time required to learn and to understand signal timing optimization methods.

The FHWA is undertaking a project designed to overcome these barriers. It will focus on the British optimization computer program TRANSYT (*TRA*ffic *N*etwork *S*tud*Y T*ool) to generate new traffic signal timing plans. An October 1977 article in "Transportation Engineering" (ITE Magazine) provided a description of the TRANSYT program and of the level of effort required to utilize it. The FHWA will make minor modifications to the computer program and its documentation, provide a short training course (3 to 4 days), and provide on-site and call-up technical assistance to agencies involved in the demonstration project. These parts of the project are designed to make it significantly easier for the typical traffic engineer to retime traffic signals using the TRANSYT computer program.

Project Management

The portion of the project addressed by this notice provides for signal retiming by a limited number of local or State government organizations such as metropolitan planning organizations (MPO's), cities, counties, States, etc. (all of which are hereinafter referred to as "local agencies"). The local agencies will be responsible for selection of the network of intersections, selection of personnel to attend the training course on the TRANSYT program, gathering traffic and inventory data, coding, key punching, running the program on a local computer, the actual retiming and fine tuning, making floating car runs on a sample of the demonstration network, and furnishing an evaluation report and data to FHWA. The FHWA will fund 100 percent of the eligible costs. A written agreement between the local agency and FHWA will be prepared.

Representatives of a local agency undertaking a project will attend a TRANSYT course conducted by FHWA. An additional day of hands-on training will be provided at the local site by FHWA. Assistance will also be available from FHWA.

The local agency will gather the traffic and inventory data required for the TRANSYT program. Very recent traffic counts (less than 6 months old and including turning movements) are required for each signalized intersection. The local agency will provide its own professional services. While consultant services for signal retiming are often appropriate, an objective of this project is to evaluate the utility of the FHWA procedures for local use.

The FHWA-local agency agreement will provide for 100 percent compensation on an agreed unit price basis, i.e., so much per intersection retimed. Progress payments can be provided. Travel and subsistence costs will be provided for attendance of one or two local agency people at the FHWA course on TRANSYT based on current government travel policy.

The FHWA-local agency agreement will provide for termination of the contract at FHWA's option upon failure of the local agency to accomplish a milestone in the agreed time. The FHWA will retain 20 percent of the estimated costs until the local project has been accepted by FHWA.

Eligible Participants

Any public agency with authority to retime traffic signals on all roads and streets within the study network is eligible to express its interest in the project, provided it meets ALL of the following requirements:

(1) It is a public agency such as a city, county, township, MPO or State having authority to enter into a contract with FHWA.

(2) It has a physically interconnected system (hard wire, radio, or leased) with the provision for synchronization and one or more timing plans.

(3) It has ready access to a large (32 bit) computer having the capability to run the TRANSYT program.

(4) Timing plans in the study area should not have been installed or updated recently or do not currently provide optimum operation.

(5) Total system(s) of about 25 to 100 signals. NOTE: The TRANSYT program is limited to about 50 signalized intersections. Thus, larger networks should be configured so that they can be divided into smaller sub-areas.

(6) Availability of, and willingness to dedicate, professionals with required capability, technicians, and aids to the project.

(7) Willingness to adhere to a rigid timetable.

(8) An intent to keep the timing plans within the demonstration network updated.

Selection Criteria

The following criteria, not necessarily in order of importance, will be used to determine which of the interested parties will be invited to participate in the project:

(1) Meets ALL of the requirements under "Eligible Participants."

(2) Probability of completing a project in a timely manner.

(3) Staff capability.

(4) Capability to obtain valid traffic data in a timely manner.

(5) High probability of achieving technical success.

(6) Probability of retiming other signals within a jurisdiction.

(7) In the case of a State, county, MPO, or other multi-jurisdictional organization, the probability of acting as a lead agency in retiming of traffic signals in several jurisdictions.

Letters of Interest

Letters of interest should be submitted to the appropriate State transportation agency on or before May 8, 1980. They will then be forwarded through the FHWA division offices in each State to the Director, Office of Traffic Operations, FHWA, Washington, D.C.

Letters of interest should not exceed ten pages and should include (in the following order):

(1) Introduction.

(2) A description of the network, traffic characteristics, physical characteristics, and the traffic signal control system.

(3) A clearly readable map, to scale, of the proposed networks. It should indicate signal locations, number of phases, and speed limits or other speed information.

(4) Any other figures related to (1) and (2).

(5) Adequate information to demonstrate that the agency meets ALL of the requirements under "Eligible Participants" presented in the same order as listed therein.

(6) Information to assist reviewers and selectors relative to the criteria, and in the same order listed, under "Selection Criteria." Information as to past performance in similar activities relative to items (2), (4), (5) and (7) will be of special value.

(7) Name and location of the agency, and the name, address and telephone number of one administrative manager and one technical manager who may be contacted.

(8) Other pertinent information.

The letter of interest should be sent to the appropriate State transportation agency, which will forward a copy to the FHWA division office.

Preliminary selection of the projects from the letters of interest will be made by FHWA and the announcement of selected projects will be made as soon thereafter as possible.

Issued on: March 17, 1980.

John S. Hassell, Jr.,

Deputy Administrator.

[FR Doc. 80-8877 Filed 3-21-80; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

Amtrak Employee Compensation and Incentive Commission; Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. I), notice is hereby given for the third and forth meetings of the Amtrak Employee Compensation and Incentive Commission in room 8238 of the U.S. Department of Transportation in Washington, D.C. to begin at 9:00 a.m. on April 8, and April 15, 1980. The purpose of the meetings is to discuss current salaries and incentives paid to officers and employees of Amtrak and other appropriate matters that may be brought before the Commission. Attendance is open to the interested public as limited by space available except for certain limited portions of meetings which will be closed by the Commission pursuant to authority granted by the Secretary of Transportation.

Further information may be obtained by contacting the Rail Passenger Programs Division, Federal Railroad Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C., 20590, telephone 202–755–9332.

Issued in Washington, D.C. on March 18, 1980.

William C. Harsh, Jr.,

Chief, Rail Passenger Programs Division.

[FR Doc. 80-8844 Filed 3-21-80; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

Safety, Bumper, and Consumer Information Programs; Public Meeting

The National Highway Traffic Safety Administration (NHTSA) will hold a meeting on Wednesday, April 16, 1980, to answer questions from the public and industry regarding the Agency's safety,

bumper, and consumer information programs. The meeting will begin at 10:30 a.m., run until 1:00 p.m., and reconvene at 2:00 p.m., if necessary. It will be held in the Conference Room of the Environmental Protection Agency's Motor Vehicle Environmental Laboratory Facility, 2565 Plymouth Road, Ann Arbor, Michigan.

At this meeting, representatives of the Department of Transportation (DOT) will answer questions received in writing from the industry and the public relating to NHTSA's vehicle safety, bumper, or consumer information programs which are technical, interpretative or procedural in nature. The questions may relate to the research and development, rulemaking, or enforcement (including defects) phases of these activities. (Questions regarding the Agency's fuel economy program will continue to be addressed at the EPA's meetings on vehicle emissions.)

Questions for the April 16 meeting must be submitted in writing by April 8 to Michael M. Finkelstein, Associate Administrator for Rulemaking, NHTSA, Room 5401, 400 Seventh Street SW., Washington, D.C. 20590. Every effort will be made to answer appropriate questions received. Questions received after the April 8 date may be answered at the meeting if sufficient time is available and a person from DOT knowledgeable in the subject matter is present. The individual, group, or company submitting a question does not have to be present for the question to be answered. A consolidated list of questions submitted by April 8 will be available at the meeting, and this list will serve as the agenda.

A transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section in Washington, D.C., within four weeks after the meeting. Copies of the transcript will be available in four to five weeks at twenty-five cents for the first page and five cents for each additional page (length has varied from 100 to 150 pages) upon request to NHTSA, Technical Reference Section, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

Issued in Washington, D.C., on March 20, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80-8970 Filed 3-21-80; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Hazardous Materials Advisory Council and Massachusetts Motor Truck Association, Inc., American Trucking Associations, Inc.; Application for Inconsistency Ruling; Public Notice and Invitation To Comment

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, Department of Transportation (DOT).

ACTION: Public Notice and Invitation to Comment.

SUMMARY: The Hazardous Materials Advisory Council (HMAC) and the Massachusetts Motor Truck Association, Inc. (MMTA) (joint applicants), and the American Trucking Associations, Inc. (ATA) have applied for an administrative ruling as to whether the City of Boston "Ordinance Regulating the Transportation of Hazardous Materials," which regulates the transportation of hazardous materials in or through the City of Boston, is inconsistent with and thus preempted by the Hazardous Materials Transportation Act or regulations issued thereunder. Public comment is solicited.

DATES: Comments received on or before May 9, 1980, will be considered before an inconsistency ruling is issued by the Associate Director for Operations and Enforcement.

ADDRESSES: The HMAC and the MMTA application and the ATA application and any comments received may be reviewed in the Dockets Branch, Materials Transportation Bureau, Room 8426, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, during the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday. Comments on the application(s) must be submitted to the Dockets Branch at the above address. Five copies are requested. A copy of each comment must also be sent to:

Honorable Kevin H. White, Mayor of City of Boston, 1 City Hall Square, Boston, Massachusetts 02201.

Mr. Christopher Ianella, President, City Council of Boston, 1 City Hall Square, Boston, Massachusetts 02201.

Mr. Lawrence W. Bierlein, Attorney, for HMAC and MMTA, 910 Seventeenth Street, NW., Washington, D.C. 20006.

Mr. William E. Johns, Technical Services Division, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

and that fact certified at the time the comment is submitted to the Dockets Branch. (The following format is acceptable: "I hereby certify that a copy of this comment has been sent to Honorable Kevin H. White, Messrs. Christopher Ianella, Lawrence W. Bierlein and William E. Johns at the addresses noted in the Federal Register publication.)

FOR FURTHER INFORMATION CONTACT: Jerry Boone, Office of the Chief Counsel, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, telephone (202) 755-4972, during the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION:

I. Background

The Hazardous Materials Transportation Act (49 U.S.C. 1801-1812) (HMTA) at section 112(a) (49 U.S.C. 1811(a)) expressly preempts "any requirement, of a State or political subdivision thereof, which is inconsistent with any requirement" of the HMTA or regulations issued under the HMTA. (The substantive regulations issued under the HMTA are found at 49 Code of Federal Regulations (CFR) Parts 171-179.) Section 112(b) (49 U.S.C. 1811(b)) provides that an inconsistent State or political subdivision requirement ceases to be preempted, however, if upon application the Secretary of DOT determines that the State or local requirement (1) provides an equal or greater level of public safety than the HMTA or regulations issued thereunder and (2) does not unduly burden commerce.

Regulations implementing Section 112 are codified at 49 CFR 107.201-107.225. These procedural regulations provide for the issuance of inconsistency rulings and nonpreemption determinations. Briefly, an inconsistency ruling, such as is being sought here, is an administrative opinion as to the relationship between a Federal requirement (in the HMTA or regulations issued thereunder) and a requirement of a State or political subdivision thereof. Title 49 CFR 107.209(c) sets forth the following factors that are to be considered in making the ruling:

(1) Whether compliance with both the State or political subdivision requirement and the Act or the regulations issued under the Act is possible; and

(2) To extent to which the State or political subdivision requirement is an obstacle to the accomplishment and execution of the Act and the regulations issued under the Act.

If a State or local requirement is found to be inconsistent with, and thus preempted by, a Federal requirement, the State or locality may seek a nonpreemption determination, i.e., a waiver of preemption, which results if the criteria of section 112(b) of the GMTA (49 U.S.C. 1811(b)) are met.

II. The HMAC and the MMTA and the ATA Applications for Inconsistency Ruling

On February 5 and February 20, 1980, the HMAC and the MMTA (joint applicants) (hereinafter referred to as HMAC/MMTA), and the ATA, respectively, filed applications for a ruling as to whether the Boston Ordinance pertaining to the transportation of certain hazardous materials in or through the City of Boston is inconsistent with the HMTA or regulations issued thereunder. On February 20, 1980, the HMAC/MMTA filed a supplement to its application.

A. *Synopsis of Boston Ordinance.*

The Boston requirements, entitled "An Ordinance Regulating the Transportation of Hazardous Materials," are included as an appendix to this document. In pertinent part, the Ordinance does the following: It defines terms used therein, including "carrier," "vehicle," and "hazardous materials" (§ 1).

The Ordinance orders the Fire Commissioner and Commissioner of Health to issue certain regulations (§ 2(A)). With the exception of section 2(A)(6), the Ordinance prescribes specific minimum requirements for such regulations. These regulations must include, but are not limited to, the following:

1. Prohibition on weekday travel, excluding holidays, within designated parts of Boston for all defined hazardous materials between the hours of 6:00 a.m. and 8:00 p.m. unless a specific permit is obtained from the Fire Commissioner (§ 2(A)(2)).

2. A ban on all through shipments of hazardous materials, excluding "flammable fluids," if a practical alternative route exists from origin to destination outside the City. A determination by the Fire Commissioner that no practical alternative route exists would result in his designation of routes within the City (§ 2[A](3)).

3. Designation of routes for hazardous materials transportation permitted within the City (§ 2[A](4)).

4. A permit requirement for otherwise unrestricted parts of Boston where the Fire Commissioner determines special precautions are necessary based on the hazardous materials and/or routes involved (§ 2(A)(5)).

5. Establishment of equipment and operating requirements, which may include the following (§ 2(A)(6)).

(a) Speed and stopping requirements;

(b) Restrictions on driver leaving vehicle unattended;

(c) Required minimum distance between hazardous materials vehicles while in transit;

(d) Equipment of vehicle with radio communications;

(e) Equipment of vehicle with warning lights and illumination;

(f) Placard reading "HAZARDOUS CARGO" with specific marking requirements for the contents.

6. A requirement to provide immediate notification of specified incidents to the City Fire Department and also, within 10 days of such incident, file a written report with the City Fire Commissioner (§ 2(A)(7)).

7. Establishment of a permit system for carriers desiring to operate in a manner inconsistent with the other City requirements. Under that system, a permit would issue only where compelling need is shown and where transporting hazardous materials is in the public interest. Such permits would be required to be carried in the vehicle with an identification marking required on the exterior of the vehicle (§ 2(A)(8)).

Additionally, authority is created to control transportation of hazardous materials other than those described in the definition section (§ 4).

The MTB notes that while the Boston Ordinance requires the issuance of regulations to implement its provisions, those regulations have not yet been promulgated. It is also noted that the MTB's procedural regulations, contained in 49 CFR Part 107, Subpart C, require that in order to be considered as the subject of an inconsistency ruling, State or local requirements must be officially in place—when the procedural regulations were issued, it was stated that the MTB "does not hold itself out as a legislative drafting or editorial service not will it provide legal research service for State or local governments or legislators." (41 FR 38167; Sept. 9, 1976). In this case, however, the Boston Ordinance has been formally enacted by the City Council and signed by the Mayor and it clearly delineates, with one exception (§ 2(A)(6)), specific requirements which the regulations must include. For these reasons, it is the determination of the MTB that the Boston requirements are sufficiently definite and procedurally complete and may properly be considered for an administrative ruling as to their consistency or inconsistency with Federal requirements.

B. *Synopsis of Applicants' Arguments for Inconsistency.*

The HMAC/MMTA and the ATA applications both contend that the entire Boston Ordinance is inconsistent with and thus preempted by the HMTA and regulations issued thereunder. In their respective applications, the applicants identify specific requirements of the Boston Ordinance which in their view deviate from the call of the HMTA and existing DOT regulations. These may be summarized as follows:

1. *Definitions (§ 1).* The ATA states that the Boston definitions of "carrier" and "vehicle" vary impermissibly from the definitions of "carrier" and "motor vehicle" in § 171.8 of the Hazardous Materials Regulations (the Regulations) (49 CFR 171.8), and that this variation will result in confusion among affected parties.

The HMAC/MMTA and the ATA state that the definition of "hazardous materials" in the Boston Ordinance also deviates from that in § 171.8 of the Federal Regulations. To begin with, they point out that not all DOT regulated classes of materials are included in the definition and certain classes are included incompletely. The variation, it is stated, includes using shipping names and hazard classifications as if they were equal categories of materials. It is claimed by the applicants that this is a likely source of confusion and is destructive to securing compliance with Federal provisions.

The HMAC/MMTA states that "Class A explosives" cannot be defined completely by reference to § 173.53 alone as Boston has done, but must include reference to §§ 173.50, 173.51, and 173.86, as well as §§ 173.53 through 173.87 generally. It states that "Class B explosives" likewise cannot be defined by Section 173.88 alone. Rather, that definition must take into account the same general sections as above, as well as §§ 173.89 through 173.95. The HMAC/MMTA also states that the definitions of the explosives classification must take into account other materials that are designated by DOT as falling within other classifications, e.g., oxidizers, organic peroxide, flammable solids, etc.

The HMAC/MMTA urges that the Boston definition of "Poisonous gases: Poison A (173.326)" is inherently defective, as it omits liquids.

Similarly, ATA urges that the Boston definition of "radioactive materials," which includes only those radioactive materials which bear a Yellow III label, is inconsistent with the Federal standard because it omits numerous radioactive materials included in the Federal definitions (49 CFR 173.389(e) and 173.390).

The ATA states that the Boston designation of "liquid natural gas" (LNG) as a specific category of hazardous materials creates a different classification than that ("Flammable

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Gas") established by the Federal regulations for the same material. In ATA's view, this designation is therefore inconsistent with the Federal standard.

The HMAC/MMTA and the ATA both state that the Boston definition of "flammable liquids" varies unacceptably from that in § 173.115 of the Regulations, in that it fails to include flammable liquids with flash points above 73° F. and below 100° F. Furthermore, the HMAC/MMTA contends that Boston has failed to recognize certain exceptions and exclusions provided for by the Federal definition.

2. *Prohibition on Transport During Specified Hours (§ 2(A)(2)).* The HMAC/MMTA and the ATA both urge that the weekday curfew requirement and the delay inherent in that curfew are inconsistent with the Federal principle of expeditious delivery of hazardous materials, as embodied in § 177.853 of the Regulations. The ATA urges that the curfew requirement may unreasonably burden commerce, in that it may result in unnecessary down-time which would result in increased operation expenses. The HMAC/MMTA application questions the possible effects of the curfew and presents unfavorable results that it sees as possibly emanating from such a requirement.

3. *Bans and Designation of Routes (§§ 2(A)(3) and (4)).* The HMAC/MMTA states that those Boston requirements which establish bans and call for designation of routes are designed only to change the identity of the populace (from that of Boston to that of neighboring jurisdictions) exposed to the commerce of hazardous materials. It states that these requirements improperly alter the balance between local safety and the wider demands of safety in interstate commerce. Finally, HMAC/MMTA urges that the above noted Boston requirements along with the bans of adjoining jurisdictions create a regional network of restrictions on the movement of hazardous materials that are inconsistent with a national program of hazardous materials safety.

4. *Regulation of Vehicle Operations (§ 2(A)(6)).* The ATA attacks several of the possible controls of the operations of vehicles authorized to be effectuated by regulations. First, ATA urges that a requirement which places restrictions on the distance between hazardous materials vehicles while in transit unduly burdens carriers who operate vehicles transporting hazardous materials and jeopardizes safety as well, particularly in urban traffic situations. Such a restriction in ATA's view is inconsistent with Section 102 of the HMTA, which enunciates the Federal policy to vest the Secretary of Transportation with wide authority to prescribe regulations to protect the Nation against the risks inherent in the transportation of hazardous materials.

Second, ATA states that the requirement to equip vehicles with radio communications in order to enter or pass through Boston places an unreasonably burden on commerce, in that carriers are not presently required to equip themselves similarly in any other jurisdiction. The ATA urges that Section 112 of the HMTA preempts State or local requirements that impose such burdens.

Third, ATA states that the Boston requirements for lighting and warning lights represent an intention to go beyond the Federal requirements set forth in §§ 393.11 through 393.33 of the Regulations. As such, it is the view of ATA that these requirements would detract from the effectiveness of the Federal requirements and, therefore, should be rules inconsistent.

Finally, ATA states that the Boston placard requirement complicates the Federal system embodied in 49 CFR Part 172, Subpart F by requiring a second placard reading "HAZARDOUS CARGO" and, therefore, is inconsistent with the Federal standard, specifically, § 172.502(b) which prohibits the display of placards whose content (among other things) could be confused with the Federal system. The HMAC/MMTA advances a similar argument, stating that the placard requirement and the vehicle marking requirement as well, represent specific intentions to add to and vary from the Federal requirements on hazard warning and materials identification. They state that the requirements are inconsistent with the Federal identification and warning system as implemented in Part 172, Subparts D and F, and the specific commodity entries throughout Part 173 of the Regulations.

5. *Accident Reports (§ 2(A)(7)).* The ATA states that the written accident reporting requirement contained in the Boston Ordinance is precluded by § 171.16 of the Federal Regulations, which prescribes the written notice requirements for hazardous materials accidents. The HMAC/MMTA offers a similar argument. In its view, the Boston requirement is redundant and unnecessary in light of the above section and, also, § 177.807.

6. *Permit Requirements (§§ 2(A)(2), (5), and (8)).* The HMAC/MMTA states that the manifold permit requirements called for in the Boston Ordinance as well as the permit requirements of adjoining jurisdictions threaten to impair the ability of carriers to meet the Federal objective of safe and expeditious delivery of cargo, as embodied in § 177.853 and, therefore, are inconsistent with that provision. As part of that contention, the HMAC/MMTA specifically requests that the requirements of the Boston Ordinance be considered against the framework of the bans and permit requirements of adjoining jurisdictions. Accordingly, those requirements (which are included as appendices to the HMAC/MMTA application) are identified and summarized as follows:

(i) City of Chelsea Ordinance, which requires advance written notification for shipment of LNG.

(ii) City of Everett Ordinance, which bans through shipments of liquefied energy gases (LEG).

(iii) City of Malden Ordinance, which bans movement and nonemergency stopping of LEG trailers without written approval of the chief of the fire department.

(iv) City of Somerville Ordinance, which bans through shipments of LNG and propane, as well as other hazardous cargo that may be designated by the chief engineer of the fire department, and requires non-through shipments travel under specific permit.

The HMAC/MMTA believes that Section 106(b) of the HMTA, which authorizes the registration of shippers, carriers, and others in the discretion of the Secretary of Transportation, forestalls any local permitting rules of the type to be imposed in Boston.

The ATA characterizes the Boston permit provisions as an exemption system to the requirements for transporting hazardous materials into or through the City of Boston. The ATA contends that as such the permit system is inconsistent with Section 107 of the HMTA, which governs exemptions.

III. Public Comment

Comments should be restricted to the question of whether Boston's Ordinance regulating the transportation of hazardous materials is inconsistent with the HMTA or regulations issued thereunder. Commenters may wish to address only certain requirements since it is possible that some of the City requirements are inconsistent and others are not.

Since the application being considered is for an inconsistency ruling and not a nonpreemption determination, comments on the effect on interstate commerce of the Boston requirements, as that effect relates to a waiver of preemption under 49 U.S.C. 1811(b), are inappropriate in this proceeding. There may, however, be considerations regarding the movement of hazardous materials in commerce that are relevant to the purposes and objectives of Congress in enacting the HMTA.

Persons intending to comment on the application should examine the HMTA (49 U.S.C. 1801–1812), the DOT Hazardous Materials Regulations (49 CFR Parts 171–179), and the procedures governing the Department's consideration of applications for inconsistency rulings (49 CFR 107.201–211), as well as the Boston requirements contained in the Appendix to this Notice. Each comment is to be accompanied by a certification that a copy of the comment has been sent to the Mayor of Boston, the City Council of Boston, the HMAC/MMTA and the ATA.

In order to assist commenters, the following facts are noted:

1. Title 49 CFR 177.804 requires persons subject to 49 CFR Part 177 to comply with applicable Federal Motor Carrier Safety Regulations (49 CFR Parts 390 through 397), exclusive of 49 CFR 397.3 and 397.9. The provisions of the Federal Motor Carrier Safety Regulations incorporated by reference at 49 CFR 177.804 may thus have their preemptive effect considered under the administrative procedures at 49 CFR Part 107, Subpart C. Title 49 CFR 390.30, part of the incorporation by reference, sets out the standard to be used in considering preemption under the Federal Motor Carrier Safety Regulations:

> Except as otherwise specifically indicated, Parts 390–397 of this subchapter are not intended to preclude States or subdivisions thereof from establishing or enforcing State or local laws relating to safety, the compliance with which would not prevent full compliance with these regulations by the person subject thereto.

The standard thus established is essentially identical to the first test used to determine preemption under the HMTA, i.e., the direct conflict test (49 CFR 107.209(c)(1)). Unless a different criterion is specifically set forth in the Federal regulation, a State or local requirement in a subject area addressed by the Federal Motor Carrier Safety Regulations, and being considered in an inconsistency ruling as a result of the incorporation of those regulations at 49 CFR 177.804, is preempted if it directly conflicts with a provision of the Federal Motor Carrier Safety Regulations.

2. The MTB recently issued an inconsistency ruling on the State of Rhode Island rules and regulations governing the transportation of LNG and LPG intended to be used by a public utility, IR–2, published in the **Federal Register** of December 20, 1979 (44 FR 75566). Certain of the Boston requirements are similar to Rhode Island requirements (some of which were found to be consistent with Federal requirements and some of which were found to be inconsistent). Commenters may wish to examine the Rhode Island inconsistency ruling, which was incorporated by reference in the HMAC/MMTA application and included as an appendix to the ATA application. It should be noted, however, that that ruling is in the process of being administratively appealed by the State of Rhode Island, Division of Public Utilities and Carriers.

(49 U.S.C. 1811; 49 CFR 1.53(b)(1); 49 CFR Part 1, App. A; 49 CFR Part 107, Subpart C.)

Issued in Washington, D.C., on March 17, 1980.

William H. Nalley,

Acting for the Associate Director for Operations and Enforcement.

Appendix

In the Year Nineteen Hundred and Seventy-Nine

City of Boston

An Ordinance Regulating the Transportation of Hazardous Materials

Be it ordained by the City Council of Boston, as follows:

Whereas: The wide-spread transportation of hazardous materials within or through the City of Boston creates a real and imminent danger that an accident involving hazardous materials may occur; and

Whereas: An accident involving hazardous materials could involve injury or destruction to the lives and properties of the people of Boston; and

Whereas: It is necessary to regulate the transportation of hazardous materials to protect the public health and safety; environment, property and general welfare of the people and City of Boston; and

Whereas: The Fire Commissioner and the Commissioner of Health and Hospitals have the authority pursuant to M.G.L.A. Ch. 148, S. 9 and Ch. 111, S. 122 respectively, to take steps to ensure the public health and safety; now, therefore, be it

Ordained: By the City Council of Boston, pursuant to the authority vested in it by law, as follows:

Section 1: Definitions

(A) *Carrier:* A person engaged in the business of transporting hazardous materials on streets and highways by motor vehicles; if the motor vehicle is leased, the lessee is the carrier.

(B) *City:* The City of Boston.

(C) *Hazardous Materials:* The following are designated hazardous materials for the purpose of this ordinance:

Class A Explosives: (173.53)—Numbers in parens. refer to Title 49 of the Code of Federal Regulations).
Class B Explosives: (173.88).
Poisonous Gases: Poison A (173.326).
Flammable Solid: (172.101).
Radioactive Materials with Radioactive Yellow III—label (172.403) excluding USA DOT—7AX type A Radioactive materials that are intended for use in, or incident to, research or medical diagnosis, or treatment.
Liquified Petroleum Gas (LPG).
Liquified Natural Gas (LNG).
Liquified Hydrogen: (173.316).
Flammable Liquids with flash points 73 deg. For less in gross quantities of 1,000 pounds or more.

Operate: To engage in the transport of hazardous materials in commerce on the streets and highways by motor vehicle.

Person: Any individual, corporation, firm, partnership, society, association, joint venture, or any other legal entity.

Vehicle: A motor vehicle used for the transportation of hazardous materials in commerce.

Section 2: Regulations Concerning the Transport of Hazardous Materials

(A) The Fire Commissioner and Commissioner of Health and Hospitals shall promulgate joint regulations under the authority of M.G.L.A. c. 148 § 9 and M.G.L.A. c. 111 § 122 and this ordinance and not inconsistent with such authority or regulations issued thereunder. A hearing shall be provided as required by law. Such regulations shall require but not be limited to the following:

(1) Adopt Massachusetts Department of Public Works regulation CMR Title 720 Sections 8 to ensure the application of those regulations to city streets.

(2) Prohibit the transportation of hazardous materials within designated parts of the City between the hours of 6 a.m. and 8 p.m., Saturdays, Sundays and holidays excluded. Drivers may operate their vehicles in the designated areas of the City during these restricted hours only if they obtain a permit from the Fire Commissioner to do so.

(3) Prohibit the transportation of hazardous materials excluding flammable fluids within the City if there is neither a point of origin nor a destination (delivery point) within the City and if a practical alternative route exists from origin to destinaton outside the City. Economic criteria shall not be determinative of whether or not an alternative route is practical. If a practical alternative route does not exist as determined by the Fire Commissioner he shall designate appropriate routes within the City.

(4) Designate routes within the City on which carriers may operate their vehicles. These routes shall not go through or near heavily populated areas, places where crowds are assembled, tunnels, narrow streets or alleys, unless no reasonable alternative exist.

(5) Require carriers to obtain permits to operate in the unrestricted parts of the City where, in the discretion of the Fire Commissioner and due to the nature of the hazardous materials and/or the routes and parts of the City involved, special precautions are considered necessary.

(6) Regulate the operation of all vehicles within the City. This regulation may extend to, but not limited to:

(a) The speed at which vehicles may operate in the City;

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(b) Vehicles stopping within the City;
(c) The degree to which a driver may leave a vehicle unattended;
(d) The distance that must be maintained between vehicles in transit;
(e) A requirement that vehicles be equipped with radio communications;
(f) A requirement that vehicles be provided with adequate illumination and warning lights;
(g) A requirement that vehicles be placarded "HAZARDOUS CARGO" with identification of that specific hazardous material.
(7) Require all carriers to report to the Fire Department every accident within the City involving that carrier's vehicle which results in any of the following:
(a) Injury or fatality,
(b) Continuing danger to life or health at the scene of the accident,
(c) The disabling of the vehicle,
(d) Estimated property damage exceeding one hundred dollars, and
(e) An unintentional release of hazardous material from the vehicle.

Note.—The carrier shall report the accident to the Fire Department—
(1) By phone or in person immediately after the occurrence of the accident, and
(2) In writing within ten days following the accident on a form to be furnished by the Fire Commissioner.

(8) Establish a permit system which requires the following:
(a) That any carriers who wish to operate their vehicles in a manner inconsistent with this ordinance and/or regulations hereunder be required to obtain a permit from the Fire Commissioner;
(b) That a permit issued only where compelling need is shown and where transporting hazardous materials is in the public interest;
(c) That permits be granted for a period of one year and be automatically renewed upon application unless revoked for cause after a hearing before the Traffic and Parking Commission;
(d) That permits be revocable and not transferable;
(e) That permits be carried in the cab at all times and that a suitable means be used to allow ready identification of carriers with permits from outside the vehicle;
(f) That annual fees for permits be set as required to defray administrative expenses and as permitted by law;
(9) The Fire Commissioner and the Commissioner of Health and Hospital shall have the authority to promulgate all regulations necessary to give full effect to the provisions of this ordinance.

Section 3: Suspension of Operations

The Fire Commissioner may temporarily suspend the operation of some or all vehicles within the City, without notice whenever road, weather, traffic or other special circumstances warrant that action.

Section 4: Authority to Restrict Other Hazardous Materials

The Fire Commissioner and the Commissioner of Health and Hospitals shall have the authority to promulgate regulations controlling the transportation of the following hazardous materials within the City:
Oxidizers (173.151).
Organic Peroxide (173.151a).
Flammable, Pyrophoric and Combustible. Materials (173.115).
Radioactive Materials with Radioactive White I or Yellow II label (172.403).
Certain Hazardous Materials which have been identified as posing more than one hazard, for example, uranium hexafloride which is corrosive and radioactive.

Section 5: Authority to Suspend Restriction

The Commissioner shall have the authority to suspend the aforementioned restrictions, in whole or in part, when extenuating circumstances severely limit transit around the City.

Section 6: Delivery of Gasoline and Home Heating Oil

Nothing in this ordinance shall be construed as prohibiting or interfering with the delivery of home heating oil or gasoline within the City of Boston.

Section 7: Reports

The Fire Commissioner shall compile and submit to the Boston City Council, by February 1 of each year, a written report describing the administration and enforcement of this ordinance, and the regulations issued hereunder, in the calendar year just concluded. This report shall include:
(a) A list of permits issued, expired and renewed,
(b) A list of accidents reported pursuant to subsection 2(A)(7) of this ordinance,
(c) A list of all noted violations of this ordinance,
(d) Other information the Commissioner considers pertinent.

Section 8: Violations

Any person who violates any provision of this ordinance and/or regulations promulgated hereunder shall be punished by a fine of not more than one thousand dollars in accordance with Mass. Gen. Laws Ann., Ch. 148, S. 10B.

Section 9: Severability

If any provision or clause of this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 10: Fees, Regulations and Effective Date

The Fire Commissioner and the Commissioner of Health and Hospitals shall establish a fee structure to cover the administrative costs of this ordinance.

To satisfy the requirement of publications, the Fire Commissioner shall hold public hearings to provide affected parties with the details of the regulations promulgated under this ordinance.

The effective date of regulations promulgated under this ordinance shall be ninety (90) days after the completion of said public hearings.

In City Council December 19, 1979. Passed.

Approved by the Mayor January 3, 1980.

Attest:

Barry Hynes,
City Clerk.

[FR Doc. 80-8628 Filed 3-21-80; 8:45 am]
BILLING CODE 4910-60-M

Study of Methods of Assuring Adequate Financial Responsibility for Certain LNG and LPG Activities; Request for Comments

AGENCY: Research and Special Programs Administration, Department of Transportation (DOT).

ACTION: Request for public comments.

SUMMARY: DOT is required by the Pipeline Safety Act of 1979 to conduct a study on the risks associated with the production, transportation, and storage of liquefied natural gas (LNG) and liquefied petroleum gas (LPG), and to assess methods for assuring the adequacy of insurance, bonding, or other financial responsibility to reimburse third parties to cover such risks. Public comment is invited on the various aspects of the study.

DATE: Comments must be received on or before May 9, 1980.

ADDRESS COMMENTS TO: Dockets Branch, Attention: J. S. Nalevanko, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC, 20590. It is requested that five copies be submitted.

SUPPLEMENTARY INFORMATION: The public is invited to submit comments which may address, but need not be limited to, the following topics:
(1) Use of mathematic models to estimate risks associated with the production, transportation and storage of LNG and LPG.
(2) Difficulties and uncertainties in estimating and assuring against low-probability/high consequence accidents involving third party claims.
(3) Impact of facility size and geographic/demographic factors on risk levels: general criteria.
(4) Liability coverage under current statutory and regulatory requirements.
(5) Ability of insurance market (domestic/international) to provide coverage for "maximum credible accident."
(6) Relationship between insurance premiums based on "maximum credible accident" and "estimated maximum loss."
(7) Definition of third party claims, eligible claimants, and adequate financial responsibility.
(8) Desirability of a federal fund as a device for risk and claims management for catastrophic accidents.

(9) Methods of obtaining adequate financial responsibility (e.g., self-insurance, State, or regional captive insurance companies, etc).
(10) Methods of assuring adequate financial responsibility (e.g., annual certification, financial statements, etc.)

Comments received will be taken into consideration when recommendations for action are drafted for the Secretary of Transportation to submit to Congress. Comments should be related to LNG and LPG risks by transportation mode or facility separately.

Issued in Washington, D.C., on March 18, 1980.

Leon D. Santman,
Director, Materials Transportation Bureau, Research and Special Programs Administration.

[FR Doc. 80-8627 Filed 3-21-80; 8:45 am]
BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 81 (Rev. 10), Amdt. 5]

Delegation of Authority Regarding Examining and Certification Personnel Authorities for Revenue Agents, GS-5/7/9/11

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: The authority vested in the Commissioner of Internal Revenue by the Department of the Treasury by memoranda dated October 2, 1979, and January 16, 1980, for examining and certification personnel authorities for Revenue Agents, GS-5/7/9/11 is delegated to the Director, Personnel Division and Regional Commissioners. The text of the delegation order appears below.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Richard F. Duncan, 1111 Constitution Ave., NW., Room 1514, Washington, D.C. 20224, (202) 566-6431 (not a Toll-Free telephone number).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978.

Philip P. Russo,
Acting Director, Personnel Division.

[Order No. 81 (Rev. 10), Amdt. 5]

Date of issue: March 19, 1980.
Effective Date: April 1, 1980.

Delegation of Examining and Certification Personnel Authorities for Internal Revenue Agents, GS-5/7/9/11

The authority vested in the Commissioner by the Department of the Treasury in memoranda dated October 2, 1979, and January 16, 1980, (for recruitment and examination of applicants for Internal Revenue Agents at the GS-5, GS-7, GS-9, and GS-11 levels, issuance and establishment of competitor inventories, and issuance of certificates of eligibles) is hereby delegated in the National Office to the Director, Personnel Division and in the regions to Regional Commissioners.

The authority of the Regional Commissioners may be redelegated no lower than Section Chief, Regional Personnel Branch.

To the extent that authority previously exercised consistent with this Amendment may require ratification, it is hereby affirmed and ratified.

This Amendment supplements Charts 1 and 2 of Attachment B to Delegation Order No. 81 (Rev. 10), issued April 16, 1979, which is printed in the Federal Register dated April 9, 1979, Vol. 44, Number 69, Pages 21110-21133.

This order supersedes Delegation Order No. 81 (Rev. 10), Amdt. 2, issued November 1, 1979, effective April 1, 1980.

Jerome Kurtz,
Commissioner.

[FR Doc. 80-8626 Filed 3-21-80; 8:45 am]
BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Medical Center; Land Acquisition and Construction of a Spinal Cord Injury Unit, Memphis, Tenn.; Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Impact Statement, Land Acquisition and Construction of a Spinal Cord Injury Unit, Veterans Administration Medical Center, Memphis, Tennessee" dated April 1980, has been prepared as required by Section 102(2)(C) of the National Environmental Policy Act of 1969.

The project proposes purchase of eight parcels of land plus a reserved accessway totaling approximately 3.6 acres along the eastern and northern boundaries of the existing Veterans Administration property and construction of a spinal cord injury unit.

The parcels considered for purchase contain apartment buildings and residential buildings. The land will be used for patient recreation, the proposed spinal cord injury unit, parking, and administrative reuse of existing buildings. The spinal cord injury unit will improve patient care and provide needed space in the existing hospital.

The document is being placed for public examination in the Veterans Administration office in Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420, (202-389-2526). Single copies of the final statement are available by request to the above office.

Dated: March 17, 1980.

By direction of the Administrator.

Maury S. Cralle, Jr.,
Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 80-8675 Filed 3-21-80; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 58
Monday, March 24, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Federal Energy Regulatory Commission	4
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1

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 17715, March 19, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., 10:30 a.m., 11 a.m., 11:30 a.m., March 21, 1980.

CHANGES IN THE MEETING: The times of the meetings have been changed to the following:

2:00 p.m. Judicial.
2:30 p.m. Legislative.
3:00 p.m. Surveillance.
3:30 p.m. Enforcement.

[S. 568-80 Filed 3-19-80; 4:04 pm]
BILLING CODE 6351-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, March 25, 1980.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the public

1. Title VII and Collective Bargaining; proposal and resolution to encourage voluntary efforts.
2. Additional Questions and Answers to Clarify and Provide a Common Interpretation of the Uniform Guidelines in Employee Selection Procedures.
3. Proposed Revisions to EEOC's Regulations to Implement Section 717: Removal of restrictions on the collection of race, sex and national origin data on applicants for Federal employment.
4. Report on Commission Operations by the Executive Director.

Closed to the public

Litigation authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued March 18, 1980.
[S-591-80 Filed 3-20-80; 10:25 am]
BILLING CODE 6570-06-M

3

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, March 25, 1980 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Personnel.

DATE AND TIME: Thursday, March 27, 1980 at 10 a.m.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.
Correction and approval of minutes.
Certifications.
Advisory opinions: Draft AO 1980-17, C. Peter Sorenson, Treasurer, The Alternatives Fund.
1980 election and related matters.
Appropriations and budget.
Pending legislation.
Classification actions.
Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone: 202-523-4065.

Lena L. Stafford,
Acting Secretary to the Commission.

[S-592-80 Filed 3-20-80; 3:15 pm]
BILLING CODE 6715-01-M

4

March 19, 1980.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., March 26, 1980.

PLACE: 825 North Capitol Street NE., Washington, D.C. 20426, Room 9306.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public information may be examined in the Office of Public Information.

Power Agenda—444th meeting, March 26, 1980, Regular Meeting (10 a.m.)

CAP-1. Docket No. ER80-227, Ohio Valley Electric Corp.

Miscellaneous Agenda—444th meeting, March 26, 1980, Regular Meeting

CAM-1. Incentive program to dismiss and cure patently deficient license applications for existing unlicensed projects.
CAM-2. Docket No. RM80-17, Revisions of monthly statements.
CAM-3. Docket No. RM80- , Recodification of certain Commission rules.
CAM-4. Docket No. RM79-22, Amendment and clarification of interim regulations under the Natural Gas Policy Act of 1978 and regulations under the Natural Gas Act.

Gas Agenda—444th meeting, March 26, 1980, Regular Meeting

CAG-1. Docket No. RA80-1-16 (PGA80-2 and IPR80-2), National Fuel Gas Supply Corp.
CAG-2. Docket No. TA80-2-36 (PGA80-1), Mountain Fuel Supply Co.
CAG-3. Docket No. RP80-78, Panhandle Eastern Pipe Line Co.
CAG-4. Docket No. RP80-76, West Texas Gathering Co.
CAG-5. Docket No. RP80-73, Texas Eastern Transmission Corp.
CAG-6. Docket No. RP75-79, Florida Gas Transmission Co.
CAG-7. Docket Nos. RP79-57 and TA80-2-37 (PGA80-3, IPR80-2 and DCA80-1), Northwest Pipeline Corp.
CAG-8. Docket Nos. RP79-10 and RP79-13, Great Lakes Gas Transmission Co.
CAG-9. Docket No. TA80-2-41 (PGA80-3), Southwest Gas Corp.
CAG-10. Docket No. TA80-2-33 (PGA, IPR80-2, AP, TT, LAFUT80-1), El Paso Natural Gas Co.
CAG-11. Docket No. TA80-2-31 (PGA80-2), (IPR80-2) (OFUT80-1), Arkansas Louisiana Gas Co.
CAG-12. Docket No. TA80-2-38 (PGA80-2), Oklahoma Natural Gas Gathering Corp.
CAG-13. Docket No. TA80-2-40 (PGA80-1), Raton Natural Gas Co.

CAG-14. Docket No. RP80-36, Mississippi River Transmission Corp.
CAG-15. Docket No. TA80-2-42 (PGA80-2, IPR80-2 and TT80-1), Transwestern Pipeline Co.
CAG-16. FERC Gas Rate Schedule Nos. 12, 55, 56, 116, 143, 144, 146, 326, 521, 526 and 540 and Docket Nos. CI78-1232, CI78-1173 and CI78-604, Gulf Oil Corp.
CAG-17. Docket No. CI79-618, CNG Producing Co.; Docket No. CI79-177, Sabine Corp.; Docket No. CI62-588, et al., Amoco Production Co., et al.; Docket No. CI80-108, Sun Oil Co., et al.; Docket No. G-19589, et al., Belco Petroleum Corp.; Docket No. CS80-38, Philip B. Berry P/A No. 2; Docket No. CI75-61, et al. Continental Oil Co., et al.; Docket No. CI76-670, Terra Resources, Inc.; Docket No. CI75-353, et al., Sun Oil Co., et al.; Docket No. CI75-354 (CI60-580), Sun Oil Co.; Docket No. G-6837, et al., Sun Oil Co., et al.; Docket No. CI80-138, Shell Oil Co.; Docket No. CI77-577, et al., Gulf Oil Corp., et al.; Docket No. CI80-104, Case-Pomeroy Oil Corp.; Docket No. CI80-105, Felmont Oil Corp.; Docket No. CI78-943, Quintana Offshore Inc.; Docket No. CI78-950, Quintana Oil and Gas Corp.; Docket No. CI80-60, CNG Producing Co.; Docket No. CI79-643, Tenneco Exploration Ltd.; Docket No. CI79-593, Texaco Inc.; Docket No. CI80-73, Arco Oil and Gas Co.; Docket No. G-3636, et al., Union Texas Petroleum, a division of Allied Chemical Corp., et al.; Docket No. CI78-1186 (G-2640), Mobil Oil Corp.; Docket No. G-13746, et al., Mobil Oil Exploration and Producing Southeast, Inc., et al.; Docket No. CI79-560, Pogo Producing Co.; Docket No. CI79-581, Pogo Producing Co.; Docket No. CI79-569, Pennzoil Oil and Gas, Inc.; Docket No. CI79-583, Pennzoil Oil and Gas, Inc.; Docket Nos. CI79-585, CI79-589, and CI79-590, Pennzoil Oil and Gas, Inc.; Docket No. CI80-57, Transco Exploration Co.; Docket No. G-7528, et al., Amoco Production Co., et al.; and Docket No. CI79-201, Mobil Oil Corp.
CAG-18. Docket No. RP72-6 (source of supply), El Paso Natural Gas Co.
CAG-19. Docket Nos. CP77-1, et al., McCulloch Interstate Gas Corp.
CAG-20. Docket No. CP77-478, Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.
CAG-21. Docket No. CP80-196, Columbia Gas Transmission Corp.
CAG-22. Docket No. CP80-82, Michigan Wisconsin Pipeline Co., Texas Eastern Transmission Corp., and Transcontinental Gas Pipe Line Corp.
CAG-23. Docket No. CP79-500, Southern Natural Gas Co., Tennessee Gas Pipeline Co., a division of Tenneco Inc., and Michigan Wisconsin Pipe Line Co.
CAG-24. Docket No. CP79-314, Southern Natural Gas Co.
CAG-25. Docket No. CP80-224, Union Texas Petroleum, a division of Allied Chemical Corp.; and Docket No. CP80-225, West Lake Arthur Corp.

Power Agenda—444th Meeting, March 26, 1980, Regular Meeting

I. Licensed Project Matters

P-1. Project No. 2928, South Columbia Basin Irrigation District

II. Electric Rate Matters

ER-1. Docket Nos. ER78-379, ER78-381, ER78-382 and ER78-383, Indiana & Michigan Electric Co.
ER-2. Docket Nos. ER79-559 and ER79-560, Niagara Mohawk Power Corp.
ER-3. Docket No. ER80-116, Niagara Mohawk Power Corp.
ER-4. Docket No. ER80-167, Washington Water Power Co.
ER-5. Docket No. ER80-220, New England Power Co.
ER-6. Docket Nos. ER80-38 and ER80-121, West Texas Utilities Co.
ER-7. Docket No. ER78-380, Indiana & Michigan Electric
ER-8. Docket No. ER77-411, et al., and ER77-23, et al., Illinois Power Co.
ER-9. Docket No. ER76-827, Minnesota Power and Light Co.
ER-10. Docket Nos. E-9520 and ER77-531, Illinois Power Co.
ER-11. Docket No. EL79-10, Wisconsin River Power Co.

Miscellaneous Agenda—444th Meeting, March 26, 1980, Regular Meeting

M-1. Docket No. RM79-49, Calculation of Cash Working Capital Allowance for Electric Utilities.
M-2. Docket No. RM79-28, amendments to part 32 of the regulations under the Federal Power Act; regulation governing interchange energy transmission rates for section 202(c) emergencies.
M-3. Docket No. RM79-29, amendments to part 35 of the regulations under the Federal Power Act; proposed limitations on adders for all electric rates.
M-4. Docket No. RM79-52, Continuance of service.
M-5. Reserved.
M-6. Reserved.
M-7. Docket No. RM79-42, Civil penalties.
M-8. Docket No. RM78-22 (part 11), Revision to Rules of Practice: Settlements.
M-9. Docket No. RM78-22 (part 12), Revision to Rules of Practice: Format for Briefs.
M-10. Docket No. RM79-48, New small boiler exemption from incremental pricing.
M-11. Docket No. RM79-3, Colorado Department of Natural Resources, Oil and Gas Conservation Commission and the U.S. Geological Survey applications for alternative filing requirements.
M-12. Docket No. GP80-63, State of Louisiana, section 102, NGPA determination, Mullins & Pritchard, Mable G. Myers No. 1 well, 9700' Miocene Sand Reservoir.

Gas Agenda—444th Meeting, March 26, 1980, Regular Meeting

I. Pipeline Rate Matters

RP-1. Docket Nos. OR79-1 and OR78-1, Williams Pipe Line Co. and Trans Alaska Pipeline System.
RP-2. Docket Nos. RP78-67 and RP79-5, Texas Eastern Transmission Corp.

II. Producer matters

CI-1. Docket No. G-17136, Trice Production Co.
Docket No. G-18516, Oleum Inc.
Docket No. RI80-234, Trice Production Co.
CI-2. Docket No. RI75-112, Certain producer and pipeline respondents.

III. Pipeline certificate matters

CP-1(A). Docket No. TC79-139, Texas Eastern Transmission Corp.
CP-1(B). Docket No. TC79-7, Texas Eastern Transmission Corp.
CP-2. Docket No. CP79-234, Algonquin Gas Transmission Co.
Docket No. CP79-338, Texas Eastern Transmission Corp.
Docket No. CP79-339, Texas Eastern Transmission Corp.
Docket No. CP79-368, Transcontinental Gas Pipeline Corp.
Docket No. CP79-369, Transcontinental Gas Pipeline Corp.
CP-3. Docket No. CP80-201, Caterpillar Tractor Co.
CP-4. Docket No. CP79-473, Alabama-Tennessee Natural Gas Co.
CP-5. CP78-123, et al., Northwest Alaskan Pipeline Co.

Kenneth F. Plumb,
Secretary.

[S-590-80 Filed 3-20-80; 10:22 am]
BILLING CODE 6450-85-M

5

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: March 19, 1980, 45 FR 17715.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., March 25, 1980.

CHANGE IN THE MEETING: Addition of the following item to the open session:

12. Agreement No. 8660-10: Petition of Pacific Coast European Conference for reconsideration of order of conditional approval.

[S-594-80 Filed 3-20-80; 3:30 pm]
BILLING CODE 6730-01-M

6

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., March 27, 1980.

PLACE: Hearing Room 1, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTER TO BE CONSIDERED: Docket No. 79-102: Sea-Land Service, Inc., proposed 25 percent general rate increases in the U.S. mainland, Puerto Rico-Virgin Islands trades; consideration of draft report.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523-5725.

[S-595-80 Filed 3-20-80; 3:30 pm]
BILLING CODE 6730-01-M

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NATIONAL MEDIATION BOARD.

TIME AND DATE: 2 p.m., Wednesday, April 2, 1980.

V 45/58 MR 24 80 UMI

PLACE: Board Hearing Room, 8th Floor, 1425 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Ratification of Board actions taken by notation voting during the month of March.

(2) Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's Office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary, Tel: (202) 523-5920.

Date of Notice: March 17, 1980.

[S-588-80 Filed 3-19-80; 4:47 pm]

BILLING CODE 7550-01-M

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NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: March 26 and March 27, 1980.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open/Closed.

Wednesday, March 26, 2 p.m.

1. Briefing on Low Power License for North Anna (approximately 1½ hours—public meeting).

2. Affirmation Session (approximately 10 minutes—public meeting).

a. Draft **Federal Register** Notice on immediate effectiveness study.

b. ENO determination for TMI.

c. Reporting of misadministration of byproduct material.

d. Director's denial re public service electric and gas (TENT).

3. time reserved for discussion of affirmation items (if required—15 minutes—public meeting).

Thursday, March 27, 2 p.m.

1. Briefing on enforcement action (approximately 1½ hours—closed—exemption 5).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634-1410.

Walter Magee,

Office of the Secretary.

[S-593-80 Filed 3-20-80; 3:15 pm]

BILLING CODE 7590-01-M

V45/58 MR24 80 UMI

federal register

Monday
March 24, 1980

Part II

Department of Defense

Corps of Engineers, Department of the Army.

Procurement Activities; Board of Contract Appeals Rules

V 45/58 MR 24 80 UMI

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 210

Procurement Activities; Board of Contract Appeals Rules

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: The Corps of Engineers Board of Contract Appeals is amending the rules of procedure concerning contract appeals to add a new Section 210.5 for cases subject to the Contract Disputes Act of 1978 (Public Law 95–563, 41 U.S.C. 601–613). This action is necessary to implement the Contract Disputes Act of 1978. The Board's existing rules in Section 210.4 will continue in force and will apply to appeals that are not subject to the Contract Disputes Act.

EFFECTIVE DATE: August 31, 1979.

FOR FURTHER INFORMATION CONTACT: Administrative Judge Charles J. Sheridan (202) 272–0369, or write to: Administrative Judge E. K. McFadden, Acting Chairman, Corps of Engineers Board of Contract Appeals, Washington, DC 20314.

SUPPLEMENTARY INFORMATION: The new rules specify agency procedures to be followed. Therefore, notice of proposed rulemaking and the procedures applicable thereto are not required. Furthermore, the new rules are in substantial conformance with the final guidelines for uniform Board rules published by the Office of Federal Procurement Policy (OFPP) pursuant to the Contract Disputes Act.

Authority: Pub. L. 95–563 (41 U.S.C. 601–613).

Dated: March 18, 1980.

Charles J. Sheridan,

Administrative Judge, Member, Corps of Engineers Board of Contract Appeals.

Accordingly, 33 CFR Part 210 is amended as follows:

1. By revising the heading of § 210.4 to read:

§ 210.4 Rules of the Corps of Engineers Board of Contract Appeals for cases not subject to the Contract Disputes Act of 1978.

* * * * *

2. By adding a new § 210.5 to read as follows:

§ 210.5 Rules of the Corps of Engineers Board of Contract Appeals for cases subject to the Contract Disputes Act of 1978.

(a) *Preface to rules.* (1) *Jurisdiction for Considering Appeals.* The Corps of Engineers Board of Contract Appeals (referred to herein as the "Board") shall consider and determine appeals from decisions of contracting officers pursuant to the Contract Disputes Act of 1978 (Public Law 95–563, 41 U.S.C. 601–613) relating to (i) Civil Works Contracts of the Corps of Engineers, (ii) contracts made by any other executive agency when such agency or the Administrator for Federal Procurement Policy has designated the Board to decide the appeal, or (iii) with the approval of the Chief of Engineers, contracts made by any other agency when such agency has designated the Board to decide the appeal.

(2) *Location and organization of the Board.* (i) The Board's address is Room 4108, Pulaski Building, 20 Massachusetts Avenue, N.W., Washington, D.C. 20314, telephone (202) 272–0369.

(ii) The Board consists of a chairman, vice chairman, and other members, all of whom are attorneys at law duly licensed by a state, commonwealth, territory, or the District of Columbia. In general, the appeals are assigned to a panel of at least three members who decide the case by a majority vote. Board members are designated Administrative Judges.

(3) *Applicability of the Contract Disputes Act of 1978.* (i) If a contract with an executive agency was awarded before 1 March 1979, and if the contracting officer's final decision was issued 1 March 1979 or thereafter, the contractor may elect to proceed under the Contract Disputes Act of 1978.

(ii) If a contract with an executive agency was awarded on 1 March 1979 or thereafter, the Contract Disputes Act is automatically applicable.

(iii) All other appeals are not subject to the Contract Disputes Act of 1978 and are controlled by the Board's rules published 14 January 1975 (Title 33, Code of Federal Regulations, Section 210.4).

(iv) If the Contract Disputes Act is applicable to the appeal, the contractor can elect an accelerated procedure if the disputed amount is $50,000 or less. If the disputed amount is $10,000 or less the contractor has a further right to elect a small claims (expedited) procedure. Both of these procedures are described in Rule 12. Particular note should be made of the 180 day limit on processing accelerated procedure cases and the 120 day limit on processing small claims (expedited) procedure cases.

(4) *General guidelines.* (i) Emphasis is placed upon the sound administration of these rules in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These rules will be interpreted so as to secure a just and inexpensive determination of appeals without unnecessary delay.

(ii) Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise. The parties are expected to cooperate and to voluntarily comply with the intent of such procedures without resort to the Board except on controversial questions. The Board expects the parties to exchange complicated exhibits prior to hearing in order to expedite the hearing.

(iii) Whenever reference is made to contractor, appellant, contracting officer, respondent, and parties, this shall include respective counsel for the parties as soon as appropriate notices of appearance have been filed with the Board.

(b) Rule 1. *Appeals, how taken.* (1) Notice of an appeal shall be in writing and mailed or otherwise furnished to the Board within 90 days from the date of receipt of a contracting officer's decision. A copy thereof shall be furnished to the contracting officer from whose decision the appeal is taken.

(2) Where the contractor has submitted a claim of $50,000 or less to the contracting officer and has requested a written decision within 60 days from receipt of the request, and the contracting officer has not done so, the contractor may file a notice of appeal as provided in paragraph (b)(1) of this section, citing the failure of the contracting officer to issue a decision.

(3) Where the contractor has submitted a claim to the contracting officer and the contracting officer has failed to issue a decision within a reasonable time, the contractor may file a notice of appeal as provided in paragraph (b)(1) of this section, citing the failure to issue a decision.

(4) Upon docketing of appeals filed pursuant to paragraph (b)(2) or (3) of this section, the Board may, at its option, stay further proceedings pending issuance of a final decision by the contracting officer within such period of time as is determined by the Board.

(5) In lieu of filing a notice of appeal under paragraph (b)(2) or (3) of this section, the contractor may request the Board to direct the contracting officer to issue a decision in a specified period of time, as determined by the Board, in the event of undue delay on the part of the contracting officer.

(c) Rule 2. *Notice of appeal, contents of.* A notice of appeal should indicate that an appeal is being taken and should identify the contract (by number), the agency involved in the dispute, the decision from which the appeal is taken, and the amount in dispute, if known. The notice of appeal should be signed personally by the appellant (the contractor taking the appeal), or by the appellant's duly authorized representative or attorney. The complaint referred to in Rule 6 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

(d) Rules 3. *Docketing of appeals.* When a notice of appeal in any form has been received by the Board, it shall be docketed promptly. Notice in writing shall be given to the appellant with a copy of these rules, and to the contracting officer.

(e) Rule 4. *Preparation, content, organization, forwarding, and status of appeal file.*

(1) *Duties of Contracting Officer.* Within 30 days of receipt of an appeal, or notice that an appeal has been filed, the contracting officer shall assemble and transmit to the Board an appeal file consisting of all documents pertinent to the appeal, including:

(i) The decision from which the appeal is taken;

(ii) The contract including specifications and pertinent amendments, plans and drawings;

(iii) All correspondence between the parties relevant to the appeal, including the letter or letters of claim in response to which the decision was issued;

(iv) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board; and

(v) Any additional information considered relevant to the appeal.

Within the same time above specified the contracting officer shall furnish the appellant a copy of each document he transmits to the Board, except those in paragraph (e)(1)(ii) of this section. As to the latter, a list furnished appellant indicating specific contractual documents transmitted will suffice.

(2) *Duties of the appellant.* Within 30 days after receipt of a copy of the appeal file assembled by the contracting officer, the appellant shall transmit to the Board any documents not contained therein which he considers relevant to the appeal, and furnish two copies of such documents to the government trial attorney.

(3) *Organization of appeal file.* Documents in the appeal file may be originals or legible facsimiles or authenticated copies, and shall be arranged in chronological order where practicable, numbered sequentially, tabbed, and indexed to identify the contents of the file.

(4) *Lengthy documents.* Upon request by either party, the Board may waive the requirement to furnish to the other party copies of bulky, lengthy, or out-of-size documents in the appeal file when inclusion would be burdensome. At the time a party files with the Board a document as to which such a waiver has been granted he shall notify the other party that the document or a copy is available for inspection at the offices of the Board or of the party filing same.

(5) *Status of documents in appeal file.* Documents contained in the appeal file are considered, without further action by the parties, as part of the record upon which the Board will render its decision. However, a party may object, for reasons stated, to consideration of a particular document or documents reasonably in advance of hearing or, if there is no hearing, of settling the record. If such objection is made the Board shall remove the document or documents from the appeal file and permit the party offering the document to move its admission as evidence in accordance with Rules 13 and 20.

(6) Notwithstanding the foregoing, the filing of the Rule 4 (1) and (2) documents may be dispensed with by the Board either upon request of the appellant in his notice of appeal or thereafter upon stipulation of the parties.

(f) Rule 5. *Motions.* (1) Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party. However, the Board may defer its decision on the motion pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own initiative to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

(2) The Board may entertain and rule upon other appropriate motions.

(g) Rule 6. *Pleadings.* (1) *Appellant.* Within 30 days after receipt of notice of docketing of the appeal, the appellant shall file with the Board an original and two copies of a complaint setting forth simple, concise and direct statements of each of its claims. Appellant shall also set forth the basis, with appropriate reference to contract provisions, of each claim and the dollar amount claimed, to the extent known. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form is required. Upon receipt of the complaint, the Board shall serve a copy of it upon the Government. Should the complaint not be received within 30 days, appellant's claim and appeal may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed to set forth its complaint and the Government shall be so notified.

(2) *Government.* Within 30 days from receipt of the complaint, or the aforesaid notice from the Board, the Government shall prepare and file with the Board an original and two copies of an answer thereto. The answer shall set forth simple, concise and direct statements of Government's defenses to each claim asserted by appellant, including any affirmative defenses available. Upon receipt of the answer, the Board shall serve a copy upon appellant. Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified.

(h) Rule 7. *Amendments of pleadings or record.* The Board upon its own initiative or upon application by a party may order a party to make a more definite statement of the complaint or answer, or to reply to an answer. The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend its pleading upon conditions fair to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings, are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances, motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings, it may be admitted within the proper scope of the appeal, provided, however, that the objecting party may be granted a continuance if necessary to enable it to meet such evidence.

(i) Rule 8. *Hearing election.* After filing of the Government's answer or notice from the Board that it has entered a general denial on behalf of the Government, each party shall advise whether it desires a hearing as prescribed in Rules 17 through 25, or whether it elects to submit its case on the record without a hearing, as prescribed in Rule 11.

(j) Rule 9. *Prehearing briefs.* Based on an examination of the pleadings, and its determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may, in its discretion, require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to Rule 8. If the Board does not require prehearing briefs either party may, in its discretion and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

(k) Rule 10. *Prehearing or presubmission conference.* (1) Whether the case is to be submitted pursuant to Rule 11, or heard pursuant to Rules 17 through 25, the Board may upon its own initiative, or upon the application of either party, arrange a telephone conference or call upon the parties to appear before an administrative judge or examiner of the Board for a conference to consider:

(i) simplification, clarification, or severing of the issues;

(ii) the possibility of obtaining stipulations, admissions, agreements and rulings on admissibility of documents, understandings on matters already of record, or similar agreements that will avoid unnecessary proof;

(iii) agreements and rulings to facilitate discovery;

(iv) limitation of the number of expert witnesses, or avoidance of similar cumulative evidence;

(v) the possibility of agreement disposing of any or all of the issues in dispute; and

(vi) such other matters as may aid in the disposition of the appeal.

(2) The administrative judge or examiner of the Board shall make such rulings and orders as may be appropriate to aid in the disposition of the appeal. The results of pre-trial conferences, including any rulings and orders, shall be reduced to writing by the administrative judge or examiner and this writing shall thereafter constitute a part of the record.

(l) Rule 11. *Submission without a hearing.* Either party may elect to waive a hearing and to submit its case upon the record before the Board, as settled pursuant to Rule 13. Submission of a case without hearing does not relieve the parties from the necessity of proving the facts supporting their allegations or defenses. Affidavits, depositions, admissions, answers to interrogatories, and stipulations may be employed to supplement other documentary evidence in the Board record. The Board may permit such submissions to be supplemented by oral argument (transcribed if requested), and by briefs arranged in accordance with Rule 23.

(m) Rule 12. *Optional SMALL CLAIMS (EXPEDITED) and ACCELERATED procedures. These procedures are available solely at the election of the appellant.*

(1) Sub-Rule 12.1 *Elections to utilize SMALL CLAIMS (EXPEDITED) and ACCELERATED procedures.* (i) In appeals where the amount in dispute is $10,000 or less, the appellant may elect to have the appeal processed under a SMALL CLAIMS (EXPEDITED) procedure requiring decision of the appeal, whenever possible, within 120 days after the Board receives written notice of the appellant's election to utilize this procedure. The details of this procedure appear in sub-Rule 12.2 of this Rule. An appellant may elect the ACCELERATED procedure rather than the SMALL CLAIMS (EXPEDITED) procedure for any appeal eligible for the SMALL CLAIMS (EXPEDITED) procedure.

(ii) In appeals where the amount in dispute is $50,000 or less, the appellant may elect to have the appeal processed under an ACCELERATED procedure requiring decision of the appeal, whenever possible, within 180 days after the Board receives written notice of the appellant's election to utilize this procedure. The details of this procedure appear in sub-Rule 12.3 of this Rule.

(iii) The appellant's election of either the SMALL CLAIMS (EXPEDITED) procedure or the ACCELERATED procedure may be made by written notice within 60 days after receipt of notice of docketing, unless such period is extended by the Board for good cause. The election may not be withdrawn except with permission of the Board and for good cause.

(2) Sub-Rule 12.2 *The SMALL CLAIMS (EXPEDITED) procedure.* (i) In cases proceeding under the SMALL CLAIMS (EXPEDITED) procedure, the following time periods shall apply:

(A) Within 10 days from the Government's first receipt from either the appellant or the Board of a copy of the appellant's notice of election of the SMALL CLAIMS (EXPEDITED) procedure, the Government shall send the Board a copy of the contract, the contracting officer's final decision, and the appellant's claim letter or letters, if any; remaining documents required under Rule 4 shall be submitted in accordance with times specified in that rule unless the Board otherwise directs;

(B) Within 15 days after the Board has acknowledged receipt of appellant's notice of election, the assigned administrative judge shall take the following actions, if feasible, in an informal meeting or a telephone conference with both parties: (*1*) identify and simplify the issues; (*2*) establish a simplified procedure appropriate to the particular appeal involved; (*3*) determine whether either party wants a hearing, and if so, fix a time and place therefor; (*4*) require the Government to furnish all the additional documents relevant to the appeal; and (*5*) establish an expedited schedule for resolution of the appeal.

(ii) Pleadings, discovery, and other prehearing activity will be allowed only as consistent with the requirement to conduct the hearing on the date scheduled, or if no hearing is scheduled, to close the record on a date that will allow decisions within the 120-day limit. The Board, in its discretion, may impose shortened time periods for any actions prescribed or allowed under these rules, as necessary to enable the Board to decide the appeal within the 120-day limit, allowing whatever time, up to 30 days, that the Board considers necessary for the preparation of the decision after closing the record and the filing of briefs, if any.

(iii) Written decision by the Board in cases processed under the SMALL CLAIMS (EXPEDITED) procedure will be short and contain only summary findings of fact and conclusions. Decisions will be rendered for the Board by a single administrative judge. If there has been a hearing, the administrative judge presiding at the hearing may, in the judge's discretion, at the conclusion of the hearing and after entertaining such oral arguments as deemed appropriate, render on the record oral summary findings of fact, conclusions, and a decision of the appeal. Whenever such an oral decision is rendered, the Board will subsequently furnish the parties a typed copy of such oral decision for record and payment purposes and to establish the starting date for the period for filing a motion for reconsideration under Rule 29.

(iv) A decision against the Government or the contractor shall have no value as precedent, and in the absence of fraud shall be final and conclusive and may not be appealed or set aside.

(3) Sub-Rule 12.3 *The ACCELERATED procedure.* (i) In cases proceeding under the ACCELERATED procedure, the parties are encouraged, to the extent possible consistent with adequate presentation of their factual and legal positions, to waive pleadings, discovery, and briefs. The Board, in its discretion, may shorten time periods prescribed or allowed elsewhere in these Rules, including Rule 4, as necessary to enable the Board to decide the appeal within 180 days after the Board has received the appellant's notice of election of the ACCELERATED procedure, and may reserve 30 days for preparation of the decision.

(ii) Written decisions by the Board in cases processed under the Accelerated procedure will normally be short and contain only summary findings of fact and conclusions. Decisions will be rendered for the Board by a single Administrative Judge with the concurrence of the Chairman or the Vice Chairman or other designated Administrative Judge, or by a majority among these two and an additional designated member in case of desagreement. Alternatively, in cases where the amount in dispute is $10,000 or less as to which the Accelerated procedure has been elected and in which there has been a hearing, the single Administrative Judge presiding at the hearing may, with the concurrence of both parties, at the conclusion of the hearing and after entertaining such oral arguments as he deems appropriate, render on the record oral summary findings of fact, conclusions, and a decision of the appeal. Whenever such an oral decision is rendered, the Board will subsequently furnish the parties a typed copy of such oral decision for record and payment purposes and to establish the date of commencement of the period for filing a motion for reconsideration under Rule 29.

(4) Sub-Rule 12.4 *Motions for reconsideration in Rule 12 Cases.* Motions for Reconsideration of cases decided under either the SMALL CLAIMS (EXPEDITED) procedure or the ACCELERATED procedure need not be decided within the original 120-day or 180-day limit, but all such motions shall be processed and decided rapidly so as to fulfill the intent of this Rule.

(n) Rule 13. *Settling the record.* (1) The record upon which the Board's decision will be rendered consists of the documents furnished under Rules 4 and 12, to the extent admitted in evidence, and the following items, if any: pleadings, prehearing conference memoranda or orders, prehearing briefs, depositions or interrogatories received in evidence, admissions, stipulations, transcripts of conferences and hearings, hearing exhibits, post-hearing briefs, and documents which the Board has specifically designated be made a part of the record. The record will, at all reasonable times, be available for inspection by the parties at the office of the Board.

(2) Except as the Board may otherwise order in its discretion, no proof shall be received in evidence after completion of an oral hearing or, in cases submitted on the record, after notification by the Board that the case is ready for decision.

(3) The weight to be attached to any evidence of record will rest within the sound discretion of the Board. The Board may in any case require either party, with appropriate notice to the other party, to submit additional evidence on any matter relevant to the appeal.

(o) Rule 14. *Discovery—Depositions.* (1) *General policy and protective orders.* The parties are encouraged to engage in voluntary discovery procedures. In connection with any deposition or other discovery procedure, the Board may make any order required to protect a party or person from annoyance, embarrassment, or undue burden or expense. Those orders may include limitations on the scope, method, time and place for discovery, and provisions for protecting the secrecy of confidential information or documents.

(2) *When depositions permitted.* After an appeal has been docketed and complaint filed, the parties may mutually agree to, or the Board may, upon application of either party, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(3) *Orders on depositions.* The time, place, and manner of taking depositions shall be as mutually agreed by the parties, or failing such agreement, governed by order of the Board.

(4) *Use as evidence.* No testimony taken by depositions shall be considered as part of the evidence in the hearing of an appeal until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify at the hearing. In such instances, however, the deposition may be used to contradict or impeach the testimony of the deponent given at the hearing. In cases submitted on the record, the Board may, in its discretion, receive depositions to supplement the record.

(5) *Expenses.* Each party shall bear its own expenses associated with the taking of any deposition.

(6) *Subpoenas.* Where appropriate, a party may request the issuance of a subpoena under the provisions of Rule 21.

(p) Rule 15. *Interrogatories to parties, admission of facts, and production and inspection of documents.* After an appeal has been docketed and complaint filed with the Board, a party may serve on the other party: (1) written interrogatories to be answered separately in writing, signed under oath and answered or objected to within 30 days after service; (2) a request for the admission of specified facts and/or the authenticity of any documents, to be answered or objected to within 30 days after service; the factual statements and the authenticity of the documents to be deemed admitted upon failure of a party to respond to the request; and (3) a request for the production, inspection and copying of any documents or objects not privileged, which reasonably may lead to the discovery of admissible evidence, to be answered or objected to within 30 days after service. Any discovery engaged in under this Rule shall be subject to the provisions of Rule 14(1) with respect to general policy and protective orders, and of Rule 35 with respect to sanctions.

(q) Rule 16. *Service of papers other than subpoenas.* Papers shall be served personally or by mail, addressed to the party upon whom service is to be made. Copies of complaints, answers and briefs shall be filed directly with the Board. The party filing any other paper with the Board shall send a copy thereof to the opposing party, noting on the paper filed with the Board that a copy has been so furnished. Subpoenas shall be served as provided in Rule 21.

(r) Rule 17. *Hearings: Where and when held.* Hearings will be held at such places determined by the Board to best serve the interests of the parties and the Board. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals, Rule 12 requirements, and other pertinent factors. On request or motion by either party and for good cause, the Board may, in its discretion, adjust the date of a hearing.

(s) Rule 18. *Notice of hearings.* The parties shall be given at least 15 days notice of the time and place set for hearings. In scheduling hearings, the Board will consider the desires of the parties and the requirements for just and inexpensive determination of appeals without unnecessary delay. Notices of hearings shall be promptly acknowledged by the parties.

(t) Rule 19. *Unexcused absence of a party.* The unexcused absence of a party at the time and place set for hearing will

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not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in Rule 11.

(u) Rule 20. *Hearings: Nature, examination of witnesses.* (1) *Nature of hearings.* Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Appellant and the Government may offer such evidence as they deem appropriate and as would be admissible under the Federal Rules of Evidence or in the sound discretion of the presiding administrative judge or examiner. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may require evidence in addition to that offered by the parties.

(2) *Examination of Witnesses.* Witnesses before the Board will be examined orally under oath or affirmation, unless the presiding administrative judge or examiner shall otherwise order. If the testimony of a witness is not given under oath, the Board may advise the witness that his statements may be subject to the provisions of Title 18, United States Code, sections 287 and 1001, and any other provision of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

(v) Rule 21. *Subpoenas.* (1) *General.* Upon written request of either party filed with the recorder, or on his own initiative, the administrative judge to whom a case is assigned or who is otherwise designated by the chairman may issue a subpoena requiring:

(i) Testimony at a deposition—the deposing of a witness in the city or county where he resides or is employed or transacts his business in person, or at another location convenient for him that is specifically determined by the Board;

(ii) Testimony at a hearing—the attendance of a witness for the purpose of taking testimony at a hearing; and

(iii) Production of books and papers—in addition to (i) or (ii), the production by the witness at the deposition or hearing of books and papers designated in the subpoena

(2) *Voluntary Cooperation.* Each party is expected (i) to cooperate and make available witnesses and evidence under its control as requested by the other party, without issuance of a subpoena, and (ii) to secure voluntary attendance of desired third-party witnesses and production of desired third-party books, papers, documents, or tangible things whenever possible.

(3) *Requests for subpoenas—*

(i) a request for subpoena shall normally be filed at least:

(A) 15 days before a scheduled deposition where the attendance of a witness at a deposition is sought;

(B) 30 days before a scheduled hearing where the attendance of a witness at a hearing is sought.

In its discretion the Board may honor requests for subpoenas not made within these time limitations.

(ii) A request for a subpoena shall state the reasonable scope and general relevance to the case of the testimony and of any books and papers sought.

(4) *Requests to quash or modify.* upon written request by the person subpoenaed or by a party, made within 10 days after service but in any event not later than the time specified in the subpoena for compliance, the Board may (i) quash or modify the subpoena if it is unreasonable and oppressive or for other good cause shown, or (ii) require the person in whose behalf the subpoena was issued to advance the reasonable cost of producing subpoenaed books and papers. Where ciurcumstances require, the Board may act upon such a request at any time after a copy has been served upon the opposing party.

(5) *Form; issuance.*

(i) Every subpoena shall state the name of the Board and the title of the appeal, and shall command each person to whom it is directed to attend and give testimony, and if appropriate, to produce specified books and papers at a time and place therein specified. In issuing a subpoena to a requesting party, the administrative judge shall sign the subpoena and may, in his discretion, enter the name of the witness and otherwise leave it blank. The party to whom the subpoena is issued shall complete the subpoena before service.

(ii) Where the witness is located in a foreign country, a letter rogatory or subpoena may be issued and served under the circumstances and in the manner provided in 28 U.S.C. 1781–1784.

(6) *Service.*

(i) The party requesting issuance of a subpoena shall arrange for service.

(ii) A subpoena requiring the attendance of a witness at a deposition or hearing may be served at any place. A subpoena may be served by a United States marshal or deputy marshal, or by any other person who is not a party and not less than 18 years of age. Service of a subpoena upon a person named therein shall be made by personally delivering a copy to that person and tendering the fees for one day's attendance and the mileage provided by 28 U.S.C 1821 or other applicable law; however, where the subpoena is issued on behalf of the Government, money payments need not be tendered in advance of attendance.

(iii) The party at whose instance a subpoena is issued shall be responsible for the payment of fees and mileage of the witness and of the officer who serves the subpoena. The failure to make payment of such charges on demand may be deemed by the Board as a sufficient ground for striking the testimony of the witness and the books or papers the witness has produced.

(7) *Contumacy or refusal to obey a subpoena.* In case of contumacy or refusal to obey a subpoena by a person who resides, is found, or transacts business within the jurisdiction of a United States District Court, the Board will apply to the Court through the Attorney General of the United States for an order requiring the person to appear before the Board or a member thereof to give testimony or produce evidence or both. Any failure of any such person to obey the order of the Court may be punished by the Court as a contempt thereof.

(w) Rule 22. *Copies of papers.* When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

(x) Rule 23. *Post-hearing briefs.* Post-hearing briefs may be submitted upon such terms as may be directed by the presiding administrative judge or examiner at the conclusion of the hearing.

(y) Rule 24. *Transcript of proceedings.* Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Waiver of transcript may be especially suitable for hearings under sub-rule 12.2. Transcripts or copies of the proceedings shall be supplied to the parties at the actual cost of duplication.

(z) Rule 25. *Withdrawal of exhibits.* After a decision has become final the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its descretion as a conditon of granting permission for such withdrawal.

(aa) Rule 26. Representation: *The Appellant.* An individual appellant may appear before the Board in person, a corporation by one of its officers; and a partnership or joint venture by one of its members; or any of these by an attorney at law duly licensed in any state, commonwealth, territory, the District of Columbia, or in a foreign country. An attorney representing an appellant shall file a written notice of appearance with the Board.

(bb) Rule 27. Representation: *The Government.* Government counsel may, in accordance with their authority, represent the interest of the Government before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or appellant's attorney in the form specified by the Board from time of time.

(cc) Rule 28. *Decisions.* Decisions of the Board will be made in writing and authenticated copies of the decision will be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions (except those required for good cause to to held confidential and not cited as precedents) shall be open for public inspection at the offices of the Board. Decisions of the Board will be made solely upon the record, as described in Rule 13.

(dd) Rule 29. *Motion for reconsideration.* A motion for reconsideration may be file by either party. It shall set forth specifically the grounds relied upon to sustain the motion. The motion shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

(ee) Rule 30. *Suspensions; dismissal without prejudice.* The Board may suspend the proceedings by agreement of counsel for settlement discussions, or for good cause shown. In certain cases, appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. Where the suspension has continued, or may continue for an inordinate length of time, the Board may, in its discretion, dismiss such appeals from its docket without prejudice to their restoration when the cause of suspension has been removed. Unless either party or the Board acts within three years to reinstate any appeal dismissed without prejudice, the dismissal shall be deemed with prejudice.

(ff) Rule 31. *Dismissal or default for failure to prosecute or defend.* Whenever a record discloses the failure of either party to file documents required by these rules, respond to notices or correspondence from the Board, comply with orders of the Board, or otherwise indicates an intention not to continue the prosecution or defense of an appeal, the Board may, in the case of a default by the appellant, issue an order to show cause why the appeal should not be dismissed or, in the case of a default by the Government, issue an order to show cause why the Board should not act thereon pursuant to Rule 35. If good cause is not shown, the Board may take appropriate action.

(gg) Rule 32. *Remand from court.* Whenever any court remands a case to the Board for further proceedings, each of the parties shall, within 20 days of such remand, submit a report to the Board recommending procedures to be followed so as to comply with the court's order. The Board shall consider the reports and enter special orders governing the handling of the remanded case. To the extent the court's directive and time limitations permit, such orders shall conform to these rules.

(hh) Rule 33. *Time, computation and extensions.* (1) Where possible, procedural actions should be taken in less time than the maximum time allowed. Where appropriate and justified, however, extensions of time will be granted. All requests for extensions of time shall be in writing.

(2) In computing any period of time, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall run to the end of the next business day.

(ii) Rule 34. *Ex parte communications.* No member of the Board or of the Board's staff shall entertain, nor shall any person directly or indirectly involved in an appeal, submit to the Board or the Board's staff, off the record, any evidence, explanation, analysis, or advice, whether written or oral, regarding any matter at issue in an appeal. This provision does not apply to consultation among Board members or to ex parte communications concerning the Board's administrative functions or procedures.

(jj) Rule 35. *Sanctions.* If any party fails or refuses to obey an order issued by the Board, the Board may then make such order as it considers necessary to the just and expeditious conduct of the appeal.

(kk) Rule 36. *Effective date.* These rules shall apply (1) mandatorily, to all appeals relating to contracts entered into on or after 1 March 1979, and (2) at the contractor's election, to appeals relating to earlier contracts, with respect to claims pending before the contracting officer on 1 March 1979 or initiated thereafter.

[FR Doc. 80-8917 Filed 3-21-80; 8:45 am]
BILLING CODE 3710-92-M

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Federal Register

Vol. 45, No. 58

Monday, March 24, 1980

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
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DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of /L10722736052800836Othe Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection service—

11796 2–22–80 / Importation of certain animals; deletion of the Canadian and Mexican border ports

Civil Rights Commission

13790 3–3–80 / Illinois Advisory Committee, Springfield, Ill. (open), 3–24–80

Federal Communications Commission

10348 2–15–80 / Commercial Television Broadcast Service assigned to Vancouver, Wash.

12439 2–26–80 / FM table of assignments; Caldwell, Ohio

11133 2–20–80 / Noncommercial education channel assignments under the United States-Mexico FM broadcast agreement; Santa Barbara, Calif.

10347 2–15–80 / Noncommercial educational channel assignments under the U.S.-Mexico FM Broadcast agreement (San Antonio, Tex.)

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

55169 9–25–79 / Discontinuance of certification of all 80-Unit Insulin products

LABOR DEPARTMENT

Employment and Training Administration—

11798 2–22–80 / Labor certification process for the temporary employment of aliens in the United States; increased meal charge

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing March 21, 1980

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THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WASHINGTON, D.C.

WHEN: April 18, May 2, 16, and 30; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202–523–5235.
Gwendolyn Henderson, Assistant Coordinator, 202–523–5234.

MEMPHIS, TENN.

WHEN: March 25 at 1 p.m.

WHO: The Office of the Federal Register in cooperation with Memphis State University.

WHERE: Assembly Room, Richardson Towers, Memphis State University.

RESERVATIONS: Call Dr. Frank Lewis, 901–454–2829.

LOS ANGELES, CALIF.

WHEN: April 14, 15, and 16; at 9 a.m.

WHERE: Room 8544, Federal Building, 300 N. Los Angeles Street, Los Angeles, Calif.

RESERVATIONS: Call the Los Angeles Federal Information Center, 213–688–3800.

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19209 **Development Assistance for Panama** Presidential determination

19211 **Sale of Defense Articles and Services to Dominica, St. Lucia, and St. Vincent** Presidential determination

19524 **Adult Jails and Lock-ups** Justice/LEAA requests comments on proposed guidelines for removing children; comments by 4-25-80 (Part IV of this issue)

19530 **Senior Community Service Employment Program** Labor/Sec'y proposes rules to improve program; comments by 6-23-80 (Part V of this issue)

19266 **Confined Work Spaces** Labor/OSHA requests information of value in development of standards for entry to, work in and rescue from confined spaces in construction; comments by 5-31-80

19216 **Federal Reserve** FRS issues rules regarding reserve requirements, deposit interest rate limitations, and advances of credit; effective 9-4-80

19222 **Mutual Mortgage Insurance and Insured Home Improvement Loans** HUD/FHC issues rules; effective 4-24-80

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Area Code 202–523–5240

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19215 **Nuclear Material** NRC extends dates for submitting security plans for physical protection of special material of moderate and low strategic significance; effective 3–25–80

19283 **1980 Urbanized Area** Commerce/Census proposes criteria for use in determining eligibility and definition; comments by 6–23–80

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19223 **Low-Income Public Housing Program** HUD/Sec'y publishes revised schedule of prototype cost limits; effective 3–25–80

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Presidential Documents

Title 3—

The President

Presidential Determination No. 80–13 of March 10, 1980

Determination Under Section 124 of the International Development Cooperation Act of 1979—Panama

Memorandum for the Administrator, Agency for International Development

Pursuant to Section 124 of the International Development Cooperation Act of 1979, I hereby determine that assistance to Panama is in the national interest of the United States.

You are requested on my behalf to report this Determination to the Congress.

This Determination shall be published in the **Federal Register.**

Jimmy Carter

THE WHITE HOUSE,
Washington, March 10, 1980.

[FR Doc. 80-9188
Filed 3-21-80; 4:34 pm]
Billing code 3195-01-M

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Presidential Documents

Presidential Determination No. 80–14 of March 13, 1980

Eligibility of Dominica, St. Lucia, and St. Vincent to Make Purchases of Defense Articles and Defense Services under the Arms Export Control Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me be Section 3(a)(1) of the Arms Export Control Act, I hereby find that the sale of defense articles and defense services to the Governments of Dominica, St. Lucia, and St. Vincent will strengthen the security of the United States and promote world peace.

You are directed on my behalf to report this finding to the Congress.

This finding, which amends Presidential Determination No. 73–10 of January 2, 1973 (38 FR 7211), as amended by Presidential Determinations No. 73–12 of April 26, 1973 (38 FR 12799), No. 74–9 of December 13, 1973 (39 FR 3537), No. 75–2 of October 29, 1974 (39 FR 39863), No. 75–21 of May 20, 1975 (40 FR 24889), No. 76–1 of August 5, 1975 (40 FR 37205), No. 76–11 of March 25, 1976 (41 FR 14163), No. 76–12 of April 14, 1976 (41 FR 18281), No. 77–5 of November 5, 1976 (41 FR 50625), No. 77–17 of August 1, 1977 (42 FR 40169), No. 77–20 of September 1, 1977 (42 FR 48867), No. 79–5 of February 6, 1979 (44 FR 12153), and No. 79–11 of June 21, 1979 (44 FR 38437), shall be published in the **Federal Register.**

Jimmy Carter

THE WHITE HOUSE,
Washington, March 13, 1980.

[FR Doc. 80–9189
Filed 3–21–80; 4:35 pm]
Billing code 3195–01–M

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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 317

Appointment, Reassignment, Transfer and Reinstatement in the Senior Executive Service

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: OPM is correcting a final rule on the Senior Executive Service, published on February 8, 1980, under authority of the Civil Service Reform Act of 1978. These are editorial changes only.

EFFECTIVE DATE: March 10, 1980.

FOR FURTHER INFORMATION CONTACT: Ann Ugelow, 202–632–6820.

SUPPLEMENTARY INFORMATION: On February 8, 1980, OPM published a final rule on the Senior Executive Service (45 FR 8541–8544; FR Doc. 80–4251). This document makes two editorial changes to that rule. The paragraph structure of § 317.302(a)(1)(ix) is revised; and a new internal reference is added to § 317.303(a).

Office of Personnel Management.

Kathryn Anderson Fetzer,

Asst. Issuance System Manager.

Accordingly, OPM is amending 5 CFR Part 317 as follows:

PART 317—APPOINTMENT, REASSIGNMENT, TRANSFER AND DEVELOPMENT IN THE SENIOR EXECUTIVE SERVICE

1. Section 317.302(a)(1)(ix) and the following undesignated paragraph are revised to read as follows:

§ 317.302 Conversion procedures.

(a) * * *
(1) * * *

(ix) A statement of the right of an employee who is aggrieved to appeal an action under this subpart to the Merit Systems Protection Board.

An employee whose involuntary reassignment or involuntary demotion to a designated position occurs less than 90 days before the operational date of the Senior Executive Service, shall be given this notice at the time of the personnel action. The employee shall have 90 calendar days from the date of receipt of the notice to make an election on conversion.

* * * * *

2. Section 317.303(a) is revised to read as follows:

§ 317.303 Status of employees who decline voluntary conversion to the Senior Executive Service.

(a) An employee who declines conversion pursuant to § 317.302(a)(4) or § 317.302(d)(4) shall remain in his/her current appointment and pay system, and shall retain the grade, seniority, and other rights and benefits associated with such type of appointment and pay system. The employee may continue in the current SES position or be reassigned to another position within or outside the Senior Executive Service.

* * * * *

Authority: Sec. 413[k], Pub. L. 95–454.

[FR Doc. 80-0064 Filed 3-24-80; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

Increase in Expenses Approved for Almond Board of California for the 1979–80 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes an increase in expenses for the Almond Board of California for the 1979–80 crop year by $22,000. The Board locally administers the Federal marketing order covering almonds grown in California.

DATES: Effective July 1, 1979, through June 30, 1980.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, (202) 447–5053.

SUPPLEMENTARY INFORMATION: *Findings:* This action recommended by the Board would increase the amount of the expenses previously approved (44 FR 50027) for the 1979–80 crop year. This action is pursuant to § 981.80 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The approved expenses in the amount of $8,885,869 are set forth in § 981.329(a) of Subpart—Budget of Expenses and Rate of Assessment (7 CFR 981.300; 981.329; 44 FR 50027). It now appears likely that the expenses of the Board will exceed those previously approved. This action increases these expenses by $22,000 to $8,907,869. The assessment rate for 1979–80 is not being changed because sufficient funds are available to meet the increased expenses.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective time until 30 days after publication in the **Federal Register**, (5 U.S.C. 553). To enable the Board to meet additional obligations during the current 1979–80 crop year, approval of this additional amount of expenses is necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses at an open meeting of the Board. It is necessary to effectuate the declared purposes of the act to make these provisions effective as specified.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comments. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from J. S. Miller (202) 447–5033.

Section 981.329(a) is amended as follows:

§ 981.329 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Board during the 1979–80 crop year, will amount to $8,907,869.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 20, 1980.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 80-9067 Filed 3-24-80; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Quality Service

7 CFR Part 2853

Uniforms—Federal Meat Graders

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This rule adds a requirement to the Department's meat grading regulations that Federal meat graders and their supervisory personnel wear clean, white, well-maintained outer frocks at all times while performing official duties involving contact with meat and meat products. This action is being taken to assist meat graders and their supervisors to maintain the requisite sanitary standards when working with meat and meat food products and to help maintain the professional appearance deemed appropriate for performing these functions.

EFFECTIVE DATE: July 1, 1980. This effective date will permit the orderly implementation of this regulation.

FOR FURTHER INFORMATION CONTACT: Mr David K. Hallett, Chief, Meat Grading Branch, Meat Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, First Floor Mezzanine, Annex Building, Washington, D.C. 20250, (202) 447–2210.

SUPPLEMENTARY INFORMATION: On October 30, 1979, the Food Safety and Quality Service published in the Federal Register (44 FR 62294) a proposal to amend the Federal meat grading regulations (7 CFR 2853) to require that Federal meat graders and their supervisors wear clean, white, well-maintained outer frocks at all times while performing official duties involving contact with meat and meat products. Twenty-four comments were received during the 60-day comment period. These comments were from meat graders, one meat packer, one State agency, and the general public. Twenty-one comments favored the proposal, one was unfavorable, one neither favored nor rejected the proposal, and one commenter apparently misunderstood the proposal's intent. Most favorable comments cited the sanitary aspects of wearing clean, white, well-maintained frocks. The unfavorable comment suggested that the wearing of uniforms in packing plants would cause personal discomfort for some workers and would not contribute to the sanitary handling of meat. One commenter favored requiring retail store meat department employees to wear clean white frocks while performing their duties. The commenter apparently misunderstood the proposed rule as it would apply only to Federal meat graders and their supervisors.

The duties of Federal meat graders and their supervisors regularly involve the handling of meat and meat food products in packing and processing plants. For several years, most of these employees have purchased and maintained, at their own expense, clean, white frocks in order to assure an acceptable appearance during working hours and to contribute to the sanitary handling of meat and meat products.

In order to assure the continued wearing of these frocks and to make sure that all meat graders and their supervisors do so, the Department has determined that a new rule be added to the Federal meat grading regulations requiring that all meat graders and their supervisors wear clean, white, well-maintained outer frocks while performing official duties involving contact with meat and meat products. Adoption of this rule will assist meat graders and their supervisors to maintain the requisite sanitary standards when working with meat and meat products and also maintain the professional appearance deemed appropriate for performing their functions.

This new requirement to the Department's meat grading regulations will result in a slight increase in costs of grading and acceptance services which will be reflected in fees to users of the service. Implementation of specific measures necessary to accomplish the intent of this rule will be the subject of negotiations between the National Meat Grader's Council, American Federation of Government Employees (AFGE) and the Department.

Options Considered

Two options were considered by the Department regarding this rule.

Option I—Continuation of status quo. Federal meat graders and their supervisors would provide their own outer frocks on a voluntary basis.

Option II—Require that Federal meat graders and their supervisors wear clean, white, well-maintained outer frocks at all times while performing offical meat grading duties.

Option II was selected for the reasons previously discussed in this document.

In consideration of the foregoing, the Federal meat grading regulations (7 CFR 2853) are amended by adding the title of a new § 2853.31 in the Table of Contents and adding a new § 2853.31 to read as follows:

§ 2853.31 Uniforms.

All meat graders and their supervisory personnel are required to wear clean, white, well-maintained outer frocks while performing any function under these regulations involving contact with or the handling of any meat or meat product.

(Agricultural Marketing Act of 1946, Sections 203, 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624).

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A final impact statement has been prepared and is available from Mr. David K. Hallett, Chief, Meat Grading Branch, Meat Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, First Floor Mezzanine, Annex Building, Washington, D.C. 20250.

Done at Washington, D.C., on March 19, 1980.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 80-9046 Filed 3-24-80; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

Revision of Regulations Pertaining to Documentary Requirements for Nonimmigrant Canadian Nationals

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This amendment clarifies the existing language in 8 CFR 212.1(a) making the regulation clear that an arriving nonimmigrant Canadian is not required to have a visa or waiver for entry into the United States after visiting outside the Western Hemisphere. And, only a passport is required for entry if such national had visited outside of the Western Hemisphere. The clarifying language is required to ensure that the intent of the regulation is clearly understood by the public and Service personnel to avoid any ambiguities which may have arisen in the past. Advance notice of rule making or publication as a proposed amendment to the regulation is not required because the rule is interpretative and editorial in nature and public particpation is not necessary.

EFFECTIVE DATE: March 25, 1980.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536. Telephone: (202) 633–3048.

For Specific Information: Alvin Braunstein, Immigration Inspector, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536. Telephone: (202) 633–2725.

SUPPLEMENTARY INFORMATION: In view of some instances of misinterpretation of the regulation regarding the necessity for visas for Canadian nationals entering the United States as nonimmigrants, the Service has reviewed 8 CFR 212.1(a) and added amendatory language to the existing regulation to clarify the text for readability. Canadian nationals who had previously visited outside the Western Hemisphere and were entering the United States as nonimmigrants were not sure whether or not they needed visas in addition to their passports. The new language in the regulations makes it clear that such nationals do not need visas although they visited outside the Western Hemisphere. They require passports only and it is not necessary to obtain visas or waivers under these circumstances. The amendment makes no change in the existing interpretation of the law and no substantive change in the regulation is intended by this amendment; therefore, notice of proposed rulemaking and delayed effective date is not required per 5 U.S.C. 553.

The following amendment is hereby made to Chapter I of Title 8 of the Code of Federal Regulations:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. In § 212.1, paragraph (a) is amended by revising the first and second sentences immediately following the paragraph heading into four separate sentences to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(a) *Canadian nationals, and aliens having a common nationality with nationals of Canada or with British subjects in Bermuda, Bahamian nationals or British subjects resident in Bahamas, Cayman Islands, and Turks and Caicos Islands.* A visa is not required of a Canadian national in any case. A passport is not required of such national except after a visit outside of the Western Hemisphere. A visa is not required of an alien having a common nationality with Canadian nationals or with British subjects in Bermuda, who has his or her residence in Canada or Bermuda. A passport is not required of such alien except after a visit outside of the Western Hemisphere.

* * * * *

(Sec. 103 and 212; 8 U.S.C. 1103 and 1182)

Effective date: This amendment becomes effective on March 25, 1980.

Dated: March 19, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-8906 Filed 3-24-80; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

Extension of Dates for Submitting and for Implementing Security Plans in Response to Requirements for the Physical Protection of Special Nuclear Material of Moderate and Low Strategic Significance.

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission extends from March 20, 1980, to May 18, 1980, the date for submitting physical security plans or amendments thereto in response to § 73.67(c)(1) of 10 CFR Part 73. The Nuclear Regulatory Commission also extends from July 24, 1980, to September 21, 1980, the date for implementing NRC approved security plans, as provided in paragraph 73.67(c)(2) of 10 CFR Part 73. These extensions are made because of a 50-day delay in publishing the final guidance needed for implementing the rule.

EFFECTIVE DATE: March 25, 1980.

FOR FURTHER INFORMATION CONTACT: James A. Prell, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 Telephone: 301–443–5904, or C. K. Nulsen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 Telephone: 301–427–4181.

SUPPLEMENTARY INFORMATION: On July 24, 1979, the U.S. Nuclear Regulatory Commission published in final form regulations entitled, "Safeguard Requirements for Special Nuclear Material of Moderate and Low Strategic Significance" (44 FR 43280). These regulations became effective 120 days later, with licensees being required to submit plans for protecting special nuclear material of moderate or low strategic significance by March 20, 1980, and to put into effect NRC approved security plans for implementing the rule by July 24, 1980. The 120-day delay was intended to allow time for (1) NRC to publish, for public comment, supporting guidance needed to implement the rule, the (2) NRC to incorporate comments received and to publish the guidance in final form. Because of extensive revisions to the guidance caused by both public and Commission comments, the final guidance was not published until January 10, 1980.

Since the publication of the guidance in final form was delayed by 50 days, licensees are being allowed 60 additional days for submitting security plans and for implementing the requirements of the rule. Accordingly, the Commission is amending its regulations by extending the date for submitting a security plan from March 20, 1980, to May 18, 1980, and the date for implementing the effective rule from July 24, 1980, to September 21, 1980.

Because this amendment relates solely to procedural matters, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon and for making the amendment immediately effective on March 25, 1980.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 73 is published as a document subject to codification

1. Section 73.67(c)(1) of 10 CFR Part 73 is amended to read as follows:

* * * * *

(c) * * *

(1) Submit by May 18, 1980, a security plan or an amended security plan describing how the licensee will comply with all requirements of § 73.67(d), (e), (f), and (g), as appropriate, including schedules of implementation.

* * * * *

2. Section 73.67(c)(2) of 10 CFR Part 73 is amended to read as follows:

* * * * *

(c) * * *

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(2) Within 300 days after the effective date of these amendments or 30 days after the plan(s) submitted pursuant to paragraph (c)(1) of this section is approved, whichever is later, implement the approved security plan.

* * * * *

(Sec. 161i Pub. L. 83-703 as amended, 68 Stat. 949 (42 U.S.C. 2201))

Dated at Washington, D.C. this 6th day of March 1980.

For the Nuclear Regulatory Commission.

William J. Dircks,

Acting Executive Director for Operations.

[FR Doc. 80-8694 Filed 3-24-80; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 201, 204, 211, and 217

[Regulations A, D, K, and Q; Docket No. R-0238]

Reserve Requirements, Interest Rate Limitations on Deposits, and Advances of Federal Reserve Credit for U.S. Branches and Agencies of Foreign Banks; Reserve Requirements of Edge Corporations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rules.

SUMMARY: Section 7 of the International Banking Act of 1978 ("IBA") (12 U.S.C. § 3105) imposes Federal reserve requirements and deposit interest rate limitations on Federal branches and agencies of parent foreign banks with total worldwide consolidated bank assets in excess of $1 billion and authorizes the Board to impose such requirements on State branches and agencies of parent foreign banks with total worldwide consolidated bank assets in excess of $1 billion. In order to implement the provisions of the IBA, the Board of Governors has amended Regulation D (Reserves of Member Banks) and Regulation Q (Interest on Deposits) to apply Federal reserve requirements and interest rate limitations currently applicable to member banks to such branches and agencies. Modifications to these regulations have been made to reflect certain operational and structural differences between branches and agencies and member banks. Reserve requirements will be phased-in for branches and agencies over a two-year period. Reserve requirements will be computed by aggregating the deposits of a foreign bank's branches and agencies operating in the same State. However, deposits of branches and agencies located in the same State but in different Federal Reserve Districts will not be aggregated. Regulation Q is being applied to Federal branches and agencies and State uninsured branches and agencies of foreign parent banks with total worldwide consolidated bank assets in excess of $1 billion. Under section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. § 1828(g)), all insured State branches and those insured Federal branches whose parents do not have total worldwide consolidated bank assets in excess of $1 billion will be subject to deposit interest rate limitations (12 CFR Part 329).

In addition, the IBA authorizes the Federal Reserve Banks to provide access to Federal Reserve credit, clearing, and settlement facilities to branches and agencies to the same extent as to member banks, subject to limitations, restrictions or regulations promulgated by the Board. Under the Board's action, branches and agencies subject to reserve requirements will be granted access to Federal Reserve services and credit in each Federal Reserve District in which they operate. Regulation A (Extensions of Credit by Federal Reserve Banks) has been amended to facilitate branch and agency borrowing from the Federal Reserve discount window.

The Board also has determined to apply to offices of Edge Corporations the same general rules with respect to maintenance of reserves, aggregation of deposits, and access to Federal Reserve services that are applicable to branches and agencies.

The Board believes that its actions to implement the provisions of the IBA will facilitate the conduct of monetary policy and will promote vigorous and fair competition between branches and agencies and domestic depository institutions to the fullest extent possible.

EFFECTIVE DATE: September 4, 1980. On that date, branch and agency reserve requirements will commence based upon deposits held during the seven-day computation period ending on Wednesday, August 27, 1980.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452-3625), Paul S. Pilecki, Attorney (202/452-3281), James S. Keller, Attorney (202/452-3582), or Sydney J. Key, Economist (202/452-3697), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On July 23, 1979, the Board requested public comment (44 FR 44876) on a proposal to apply Federal reserve requirements and deposit interest rate limitations to U.S. branches and agencies of foreign banks ("branches and agencies") with total world-wide consolidated bank assets in excess of $1 billion pursuant to section 7(a) of the International Banking Act of 1978 ("IBA") (12 U.S.C. § 3105). The IBA imposes Federal reserve requirements and deposit interest rate limitations on Federal branches and agencies of such foreign banks. The IBA authorizes the Board, after consultation and in cooperation with State bank supervisory authorities, to apply the reserve requirements and deposit interest rate limitations made applicable to Federal branches and agencies to State branches or agencies of such foreign banks.[1] The period for public comment expired on November 23, 1979.

After consideration of more than 40 comments received from the public (primarily from foreign banking institutions), the Board has adopted the proposal substantially as published, but with certain modifications as discussed below.

The primary objectives of the IBA are to facilitate the implementation of monetary policy and to promote competitive equality among depository institutions. To further these purposes, the Board of Governors has amended its regulations concerning extensions of credit by Reserve Banks (Regulation A; 12 CFR Part 201), reserves of member banks (Regulation D; 12 CFR Part 204), and interest on deposits (Regulation Q; 12 CFR Part 217) to apply these provisions to U.S. branches and agencies of foreign banks. The Board also has determined the manner in which branches and agencies may have access to Federal Reserve services.

Application of Regulation D

The scope of the activities and the balance sheet structure of branches and agencies suggest that they compete primarily with domestic money center banks, most of which are members of the Federal Reserve System. In order to facilitate the implementation of monetary policy and to promote competitive equality, the Board, after consideration of the character of business conducted by branches and agencies, has determined to apply the provisions of Regulation D (12 CFR Part

[1] Federal Reserve staff undertook extensive consultations with each of the State bank supervisory authorities that have responsibility for State branches or agencies of foreign banks. On March 10, 1979, the Board submitted a report to Congress, as required by the IBA, concerning the steps taken to consult with State bank supervisory authorities. Additional consultations with State supervisory authorities on the Board's proposal have taken place. A copy of the report is available from the Board's Office of Public Affairs (202/452-3215).

204) to branches and agencies, effective September 4, 1980, so that they generally will be computing and maintaining reserves in the same manner as members banks.[2] Regulation D has been modified to reflect certain operational and structural differences between member banks and branches and agencies.

Under Regulation D, required reserves are computed on the basis of daily average net deposit balances during a seven-day period ending each Wednesday (the "computation period"). Required reserves are satisfied by the maintenance of balances at a Federal Reserve Bank during the seven-day period that begins the second Thursday following the end of the computation period (the "maintenance period") and by the average daily U.S. currency and coin held during the computation period. Current Federal Reserve requirement ratios are listed in Table 1.

Table 1.—*Federal Reserve Requirement Ratios*

Type of deposit and deposit interval (in millions of dollars)	Ratios in effect March 1, 1980 (percent)
Net demand:	
$0–2	7
Over $2–10	9¾
Over $10–100	11¾
Over $100–400	12¾
Over $400	16¼
Savings	3
Time[a] by initial maturity:	
30–179 days:	
$0–5	3
Over $5	6
180 days to 4 years	2½
4 years or more	1
Marginal reserve requirement: (on managed liabilities in excess of the institution's managed liabilities base)	8

[a] A supplementary reserve requirement of 2 percent is applied to time deposits of $100,000 or more.

Aggregation for Reserve Requirement Calculation. The Board has determined to adopt a procedure of statewide aggregation for purposes of calculating reserve requirements for branches and agencies. Under this procedure, reserve requirements will be computed by aggregating the deposits of a foreign bank's branches and agencies operating in the same State. However, deposits of branches and agencies located in the same State but in different Federal Reserve Districts will not be aggregated. This represents a simplification of the Board's July 23 proposal, which contemplated that deposits at all branches and agencies of a foreign bank and of its foreign subsidiary banks would be aggregated nationally for purposes of calculating reserve requirements. The Board's determination to adopt a system of statewide aggregation is based principally on comments received indicating that national aggregation for calcualting reserves would be complex and costly and on estimates suggesting that it would have had very little effect on the reserves required of branches and agencies.

Under Regulation D, as amended, a foreign bank's branches and agencies operating in the same State will submit an aggregated report of deposits to, and maintain reserves with, the Federal Reserve Bank in whose District they operate. However, a foreign bank's branches and agencies operating in the same State but in different Federal Reserve Districts will report deposits and maintain reserves separately with their respective Reserve Banks. For example, if a foreign bank has a branch in Philadelphia and a branch in Pittsburgh, the former would submit reports to, and maintain reserves with, the Federal Reserve Bank of Philadelphia. Pittsburgh, however, is located in the Cleveland Federal Reserve District, and a branch located in that city would report deposits to, and maintain reserves with, the Pittsburgh Branch of the Federal Reserve Bank of Cleveland.

Under the Board's action, in reporting deposits for purposes of calculating reserve requirements, U.S. branches and agencies will exclude transactions with other U.S. branches and agencies of the same foreign bank. In other words, balances due to U.S. branches and agencies, wherever located, of the same foreign bank will not be treated as deposits due to banks, and balances due from U.S. branches and agencies, wherever located, of the same foreign bank will not be deductible from gross demand deposits as balances due from other banks.

The Board's action with regard to basic reserve requirements for branches and agencies does not affect procedures currently in place for the marginal reserve requirement program imposed on October 6, 1979 (12 CFR 204.5(f)(2); 44 FR 60071), which is intended as a temporary measure. Under that program, all reports on total managed liabilities of U.S. branches and agencies of the same "family" must be filed on a nationally consolidated basis by one office (the reporting office) at the Federal Reserve Bank of the District in which that office is located. The reporting office also is required to maintain the marginal reserves of the "family" in a reserve account at the Reserve Bank to which it reports. Under the marginal reserve program, "family" will continue to refer to the U.S. branches and agencies of a foreign bank and of its majority-owned foreign banking subsidiaries.

Credit Balances

Most States that permit the establishment of agencies provide that credit balances may be maintained for agency customers only in connection with the exercise of other lawful banking powers. Commentators stated that credit balances should not be reservable, since they do not serve the same purposes as deposits and they may not be used for ordinary transactions purposes. Credit balances arise primarily from crediting proceeds of loans extended by the agencies, from collections of foreign trade related paper, and from compensating balance requirements for agency services. There are, however, close parallels between credit balances at agencies and deposits at Edge Corporations, which are subject by statute to member bank reserve requirements and interest rate limitations. Moreover, if credit balances were maintained at a member bank, they would be regarded as reservable deposits.

The Board has determined that credit balances at agencies should be regarded as "deposits" for purposes of interest rate limitations and reserve requirements. The maturity of credit balances will determine the applicable reserve ratios and interest rate limitations, consistent with the treatment of deposits at member banks and Edge Corporations. Credit balances with a minimum maturity of 30 days or more, as specified in the agency's agreement with its customer, will be subject to time deposit reserve ratios and to the applicable time deposit interest rate ceilings under Regulation Q. Credit balances with shorter maturities will be treated as demand deposits, and the prohibition against payment of interest on demand deposits will be applied to such funds.

Officers' Checks

The Board believes that it is appropriate to treat officers' checks issued by or drawn by branches and agencies as demand deposits, since officers' checks of member banks are regarded as demand deposits. Accordingly, the Board has amended section 204.1(g) of Regulation D (12 CFR 204.1(g)) to treat officers' checks issued by a branch or agency, including those drawn as agent for its foreign bank (including its foreign offices), as demand deposits for reserve requirement

[2] The Board has been advised by its Legal Division that, in its view, Federal Reserve requirements imposed on branches and agencies under section 7 of the IBA (12 U.S.C. § 3105) preempt reserve requirements imposed on these institutions pursuant to State law.

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purposes. Branches and agencies will be required to conform their accounting practices with respect to officers' checks to those required of member banks under Regulation D.

Eurodollar Borrowings

Since 1969, deposits in the form of borrowings by domestic offices of member banks from foreign banks, foreign national governments, certain international organizations, and the bank's own foreign branches have been subject to Eurodollar reserve requirements. (See § 204.5 (c) and (d) of Regulation D (12 CFR 204.5 (c) and (d).) The applicable basic Eurodollar reserve ratio has been as high as 20 percent, but has been zero since August 24, 1978. (Eurodollar borrowings have been subject to marginal reserve requirements since October 6, 1979.) To provide treatment comparable to that of member banks, Eurodollar borrowings of branches and agencies will be subject to the same reserve ratios that apply to Eurodollar borrowings of member banks.

Net borrowings by a branch or agency from its foreign bank (including its foreign offices), except to the extent of the capital equivalency allowance described below, will be reservable at the Eurodollar reserve ratio even if the funds borrowed represent the proceeds of commercial paper issued in the United States by the foreign bank. Funds raised in the Unites States by a branch or agency directly, however, will be subject to basic domestic reserve requirements unless raised in a form specifically exempted by Regulation D, such as interbank borrowings or repurchase agreements on United States government or agency securities.

Much of the funding for branches and agencies is provided by advances from their foreign banks. Since a branch or an agency is part of its foreign bank's corporate entity, it has no separate capital account in the domestic banking sense. However, a portion of advances from the foreign bank serves purposes similar to that of capital of domestic banks, which is not subject to reserve requirements. Consequently, the Board has provided that, in determining reserve requirements, a branch or agency will be permitted to deduct a capital equivalency allowance equal to 8 percent of certain assets from the net advances from its foreign bank (including its foreign offices). However, the capital equivalency allowance that may be deducted may not exceed net advances. The asset base to which the 8 percent figure will be applied will be total branch or agency assets less United States coin and currency, cash items in process of collection and unposted debits, balances due from domestic banks and other foreign banks, balances due from foreign central banks, and net balances due from its foreign bank and the foreign bank's United States and foreign offices. Balances held at the Federal Reserve will not be deducted from total assets in computing the asset base for the 8 percent capital equivalency allowance. This capital equivalency allowance should contribute both to competitive equity and to the safety and soundness of branches and agencies. The capital equivalency allowance for basic reserve requirements differs from that used in connection with the managed liabilities program. However, if the marginal reserve program is in effect on September 4, 1980, the effective date, the capital equivalency allowance for managed liabilities will be eliminated.

Asset Sales

A domestic bank can fund its operations from deposits or borrowings in the money markets or from affiliates. It can also obtain funds by selling a portion of its assets. In each instance, the domestic bank obtains additional funds to lend in its banking business. Funds obtained by a member bank from the sale of domestic assets (such as loans to U.S. residents) to its foreign branches are subject to Eurodollar reserve requirements (§ 204.5(d) of Regulation D; 12 CFR 204.5(d)). In order to provide similar treatment for branches and agencies, the Board has determined that the proceeds of the sale of any domestic asset by a branch or agency to its foreign bank (including its non-U.S. offices) or foreign parent bank holding company will be subject to Eurodollar reserve requirements. However, domestic assets that are required to be sold for Federal or State supervisory purposes will not be subject to Eurodollar reserve requirements.

Regulation Q

Regulation Q (12 CFR Part 217) prescribes rules governing the payment of interest on deposits, including limitations on the rates of interest that may be paid by member banks on time and savings deposits. Regulation Q also includes provisions that (1) prohibit the payment of interest on deposits that are payable on demand or that have a maturity of less than 30 days; (2) specify the terms and conditions under which member banks may pay savings and time deposits before maturity; and (3) prescribe rules governing the advertisement of interest paid on deposits. The Federal Deposit Insurance Corporation has established substantially similar regulations (12 CFR Part 329) that apply to nonmember banks.

Effective September 4, 1980, the Board is applying Regulation Q to the following offices of parent foreign banks having total worldwide consolidated bank assets in excess of $1 billion: insured and uninsured Federal branches, uninsured State branches, and Federal and State agencies. Under section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. § 1828(g)), Part 329 will apply to all insured State branches and to insured Federal branches of foreign banks with total worldwide consolidated bank assets of $1 billion or less.

Access to Federal Reserve Services

The IBA states that, subject to restrictions, limitations, and regulations of the Board, each Federal Reserve Bank may provide services to a branch or agency in the same manner and to the same extent as to a member bank if such branch or agency is maintaining Federal reserves. The IBA also states that, in providing services to a branch or agency, each Federal Reserve Bank shall give due regard to account balances being maintained with it by the branch or agency and the proportion of the assets of such branch or agency being held as reserves (12 U.S.C. § 347d).

Under the Board's procedure of statewide aggregation for calculating reserve requirements for branches and agencies, reserve accounts will be maintained at Federal Reserve Banks in each District in which a foreign bank operates. Federal Reserve services will be made available to branches and agencies locally through the Reserve Banks with which they maintain accounts. The Board believes that access to Federal Reserve services on a local basis is appropriate in order to further the IBA's goal of promoting competitive equality between branches and agencies and domestic depository institutions. Federal Reserve services will be available to branches and agencies beginning September 4, 1980, the effective date of the reserve requirement regulation. As authorized by the IBA, Federal Reserve Banks may require branches and agencies to maintain a level of clearing balances consistent with the level of services being provided.

A branch or agency may make mutually agreeable arrangements with the Reserve Bank at which it maintains an account to hold a portion of its reserve balance in a nontransactional account that would be available to State or Federal supervisory authorities pursuant to various asset pledge requirements. Such an account could not be used for clearing purposes and could not be used to meet any clearing balance requirement established by a Reserve Bank.

Access to Discount Window

In accord with the IBA's policy of national treatment, extensions of credit from the Federal Reserve discount window generally will be made available to branches and agencies under the same policies applicable to domestic money center banks, their primary competitors. However, these policies will be modified somewhat in recognition of the operational and structural differences between branches and agencies and domestic money center banks. A branch or agency will be expected to draw upon other reasonable sources of funds, including its foreign bank and domestic and foreign money markets, before turning to the discount window for short-term adjustment credit. Moreover, adjustment credit will not normally be available to a branch or agency if it were funding or intended to fund other related institutions, foreign or domestic. As is the case with money center banks, a branch or agency will not normally be eligible for the Seasonal Borrowing Program. Emergency credit will be extended to a branch or agency only with prior Board approval.

The appropriateness of borrowing by a branch or agency will be determined by the needs of the individual office. Each branch or agency will be permitted to borrow from the Reserve Bank of the District in which the branch or agency is located. However, Reserve Bank lending to all U.S. offices of a foreign bank will be coordinated and monitored on a nationwide basis to assure compliance with the policies for borrowing from the Federal Reserve.

Implementation of Reserve Requirements

The Board recognizes that substantial revisions in the accounting procedures of branches and agencies may be required as a result of its action. On September 4, 1980, branch and agency basic reserve requirements will commence based on deposits held during the seven-day computation period ending on Wednesday, August 27, 1980. Federal branches and agencies will not be subject to basic reserve requirements until September 4, 1980.[3]

[3] Under § 7 of the IBA, a Federal branch or agency accepting deposits would be required to maintain Federal reserves in the same manner as a member bank. However, since State branches and agencies will not be subject to basic reserve requirements until September 4, 1980, the Board is waiving basic reserve requirements for Federal branches and agencies until that date.

At that time, branches and agencies will be required to report data necessary for the administration of reserve requirements, including data for the categories listed in Table 2. Data for these categories are required to be maintained on a daily basis for each computation period and filed with the appropriate Federal Reserve Bank once each week. These data and filing requirements are similar to those of member banks.

Current Board policy permits nonmember banks that become member banks to assume their reserve requirements gradually over a two-year period. The Board has determined that it is appropriate to phase-in reserve requirements for branches and agencies over a similar two-year period. Therefore, reserve requirements will be applied to these institutions on a graduated basis over a 24-month period in accordance with the following schedule:

Succeeding 3-month periods following application of basic reserve requirements	Percent[1]
1 September 4–December 3, 1980	0
2 December 4, 1980–March 4, 1981	5
3 March 5–June 3, 1981	15
4 June 4–September 2, 1981	25
5 September 3–December 2, 1981	40
6 December 3, 1981–March 3, 1982	55
7 March 4–June 2, 1982	75
8 June 3–September 1, 1982	95
9 September 2, 1982 forward	100

[1] Percentage of reserve requirement to be maintained.

For purposes of the phase-in of reserve requirements, marginal reserve requirements on managed liabilities will not be taken into account, since a branch or agency already is required to maintain such reserves.

Table 2.—*Reporting Categories for Branches and Agencies for Reserve Requirement Purposes—Continued**

17. Funds received from the sale of ineligible bankers acceptances that have remaining maturities of less than 30 days.
18. Funds received from the sale of ineligible bankers acceptances that have remaining maturities of 30 days or more but less than 180 days.
19. Funds received from the sale of ineligible bankers acceptances that have remaining maturities of 180 days or more but less than 4 years.
20. Funds received from the sale of ineligible bankers acceptances that have remaining maturities of 4 years or more.
21. Total assets less United States coin and currency, cash items in process of collection and unposted debits, balances due from domestic banks and other foreign banks, balances due from foreign central banks and net balances due from the foreign bank and the foreign bank's U.S. and foreign offices.

*"Deposits" includes credit balances.

Edge Corporations

Under section 25(a) of the Federal Reserve Act (12 U.S.C. § 615), Edge Corporations are required to maintain reserves in such amounts as the Board may prescribe for member banks. In addition, Congress has expressed the view in the IBA that Edge Corporations should have powers sufficiently broad to enable them to compete effectively with foreign-owned banking institutions in the United States and abroad. The Board has amended Regulations D and K in order to treat Edge Corporations and their branches for reserve purposes in generally the same manner as the agencies and branches of foreign banks. Under the Board's action, any two or more offices of an Edge Corporation operating in the same State will submit aggregated reports of deposits to, and maintain reserves with, the Federal Reserve Bank in whose District they operate. However, Edge Corporation offices located in the same State but in different Federal Reserve Districts will report deposits and maintain reserves separately with their Reserve Banks. In reporting deposits for purposes of calculating reserve requirements, Edge Corporation offices will exclude transactions with other offices of the same Edge Corporation. Federal Reserve services will be made available to Edge Corporation offices through the Reserve Banks with which they maintain their accounts. The Federal Reserve discount window, however, is unavailable to Edge Corporations.

If a foreign bank established an Edge Corporation, as permitted for the first time by the IBA, the deposits of the offices of the Edge Corporation would not be aggregated with those of the branches and agencies of that foreign bank for purposes of calculating reserve requirements. This treatment parallels the treatment of Edge Corporations owned by domestic banks, since, at present, deposits of Edge Corporations

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owned by U.S. banks are not aggregated with those of their parent bank for purposes of calculating reserve requirements. The capital equivalency allowance, however, will not be available to Edge Corporations.

These actions are taken pursuant to the Board's authority under section 7 of the International Banking Act of 1978 (12 U.S.C. § 3105), section 13 of the Federal Reserve Act (12 U.S.C. § 347d), section 19 of the Federal Reserve Act (12 U.S.C. §§ 371a, 371b, 461 *et seq.*), and section 25(a) of the Federal Reserve Act (12 U.S.C. §§ 611 *et seq.*).

Effective September 4, 1980, Regulation A (12 CFR Part 201), Regulation D (12 CFR Part 204), Regulation K (12 CFR Part 211), and Regulation Q (12 CFR Part 217) are amended as follows:

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

1. Section 201.1 of Regulation A (12 CFR 201.1) is revised to read as follows:

§ 201.1 Authority and scope.

This Part is issued under the authority of section 13 (12 U.S.C. §§ 343 *et seq.*) and other provisions of the Federal Reserve Act and relates to extensions of credit by Federal Reserve Banks. Except as may be otherwise provided, this Part shall be applicable to United States branches and agencies of foreign banks subject to reserve requirements under 12 CFR Part 204 in the same manner and to the same extent as to member banks.

2. Regulation D (12 CFR Part 204) is revised by adding a new § 204.0 as follows:

PART 204—RESERVE OF MEMBER BANKS

§ 204.0 Authority and scope.

(a) This Part is issued under the authority of section 19 (12 U.S.C. §§ 461 *et seq.*) and other provisions of the Federal Reserve Act and of section 7 of the International Banking Act of 1978 (12 U.S.C. § 3105).

(b) This Part relates to the reserves that member banks are required to maintain against deposits. A foreign bank's branch or agency located in the States of the United States or the District of Columbia is required to comply with the provisions of this Part in the same manner and to the same extent as if the branch or agency were a member bank, except as may be otherwise provided by the Board, if (i) its parent foreign bank has total worldwide consolidated bank assets in excess of $1 billion; (ii) its parent foreign bank is controlled by a foreign company which owns or controls foreign banks that in the aggregate have total worldwide consolidated bank assets in excess of $1 billion; or (iii) its parent foreign bank is controlled by a group of foreign companies that own or control foreign banks that in the aggregate have total worldwide consolidated bank assets in excess of $1 billion.

(c) The provisions of this Part do not apply to any deposit that is payable only at an office located outside the States of the United States and the District of Columbia.

3. Section 204.1 of Regulation D (12 CFR 204.1) is amended to read as follows:

§ 204.1 Definitions.

* * * * *

(b) *Time deposits.* * * * "Time deposits" does not include the liability of a United States branch or agency of a foreign bank to another United States branch or agency of the same foreign bank, or the liability of a United States office of an Edge Corporation to another United States office of the same Edge Corporation.

* * * * *

(g) *Gross demand deposits.* * * * "Gross demand deposits" also includes officers' checks issued by or drawn by a United States branch or agency of a foreign bank, including checks drawn as agent for or on behalf of its foreign bank or offices thereof located outside the States of the United States and the District of Columbia. "Gross demand deposits" does not include the liability of a United States branch or agency to another United States branch or agency of the same foreign bank, or the liability of a United States office of an Edge Corporation to another United States office of the same Edge Corporation.

* * * * *

(k) *Credit balances.* For purposes of this Part, the term "deposits" also includes the credit balances of a United States branch or agency of a foreign bank.

(l) *Foreign bank.* "Foreign bank" means any bank organized under the laws of any country other than the United States (including its States and the District of Columbia), or organized under the laws of Puerto Rico, Guam, American Samoa, the Virgin Islands, or a territory or possession of the United States.

4. Section 204.2(b) of Regulation D (12 CFR 204.2) is revised to read as follows:

§ 204.2 Computation of reserves.

* * * * *

(b) *Deductions allowed in computing reserves.* In determining the reserve balances required under the terms of this Part, the amounts of balances subject to immediate withdrawal due from other banks, including such amounts due from United States branches and agencies of foreign banks, and cash items in process of collection as defined in § 204.1(h) may be deducted from the amount of gross demand deposits. However, United States branches and agencies of a foreign bank may not deduct balances due from another United States branch or agency of the same foreign bank, and United States offices of an Edge Corporation may not deduct balances due from another United States office of the same Edge Corporation. Balances "due from other banks" do not include balances due from Federal Reserve Banks, or balances (payable in dollars or otherwise) due from banking offices located outside the States of the United States and the District of Columbia.[10]

* * * * *

5. Section 204.3 (e) and (f) of Regulation D (12 CFR 204.3) is revised to read as follows:

§ 204.3 Deficiencies in reserves.

* * * * *

(e) *United States branches and agencies of foreign banks.* A foreign bank's United States branches and agencies operating within the same State and within the same Federal Reserve District shall prepare and file a Report of Deposits on an aggregated basis, shall maintain required reserves with the Federal Reserve Bank of their District, and shall be assessed penalties in accordance with the provisions of paragraphs (a) through (d) of this section.

(f) *Edge Corporations.* An Edge Corporation's offices operating within the same State and within the same Federal Reserve District shall prepare and file a Report of Deposits on an aggregated basis, shall maintain required reserves with the Federal Reserve Bank of their District, and shall be assessed penalties in accordance with the provisions of paragraphs (a) through (d) of this section.

6. Section 204.5 of Regulation D (12 CFR 204.5) is amended to read as follows:

§ 204.5 Reserve requirements.

(a) *Reserve Percentages.* * * * In determining the deposits of United States branches and agencies of foreign banks against which reserve balances are required to be maintained, the deposits of United States branches and agencies of a foreign bank shall be aggregated for all offices operating

[10] * * *

within the same State and within the same Federal Reserve District. In determining the deposits of United States offices of Edge Corporations against which reserve balances are required to be maintained, the deposits of United States offices of an Edge Corporation shall be aggregated for all offices operating within the same State and within the same Federal Reserve District.

* * * * *

(d) *Foreign branch transactions with parent bank.*—(1) *Member banks.* During each week of the four-week period beginning May 22, 1975, and during each week of each successive four-week ("maintenance") period, a member bank having one or more foreign branches shall maintain with the Reserve Bank of its District, as a reserve against its foreign branch deposits, a daily average balance equal to zero per cent of the daily average total of—

(i) Net balances due from its domestic offices to such branches, and

(ii) Assets (including participations) held by such branches which were acquired from its domestic offices (other than assets representing credit extended to persons not residents of the United States), during the four-week computation period ending on the Wednesday fifteen days before the beginning of the maintenance period.

(2) *United States branches and agencies of foreign banks.* During each reserve maintenance period, a United States branch or agency of a foreign bank shall maintain a reserve against its deposits equal to a daily average balance of zero per cent of the daily average total of—

(i) Net balances due to its foreign bank (including offices thereof located outside the States of the United States and the District of Columbia) after deducting an amount equal to 8 per cent of the United States branch's or agency's total assets less United States coin and currency, cash items in the process of collection and unposted debits, balances due from domestic banks and other foreign banks, balances due from foreign central banks, and net balances due from its foreign bank and its United States and non-United States offices, however, the amount that may be deducted may not exceed net balances due to the foreign bank (including offices thereof located outside the States of the United States and the District of Columbia), and

(ii) Assets (including participations) held by its foreign bank (including offices of the foreign bank located outside the States of the United States and the District of Columbia) or its parent holding company that were acquired from the United States branch or agency (other than assets required to be sold by Federal or State supervisory authorities or assets representing credit extended to persons not residents of the United States [12]) during the computation period ending on the Wednesday eight days before the beginning of the maintenance period. Reserves that may be required against assets sold to nonbanking affiliates under § 204.1(f) of this section shall be maintained in accordance with § 204.5(a) of this section.

(e) *Foreign branch credit extended to United States residents.* * * * This paragraph does not apply to United States branches and agencies of foreign banks.

* * * * *

PART 211—INTERNATIONAL BANKING OPERATIONS

7. Section 211.4(d) of Regulation K (12 CFR 211.4(d)) is revised as follows:

§ 211.4 Issuance of obligations.

* * * * *

(d) *Reserve requirements and interest rate limitations.* The deposits of an Edge Corporation are subject to the reserve requirements of Part 204 (Regulation D) and the interest rate limitations of Part 217 (Regulation Q) in the same manner and to the same extent as if the Edge Corporation were a member bank, except as may be otherwise provided by the Board.

PART 217—INTEREST ON DEPOSITS

8. Section 217.0 of Regulation Q (12 CFR 217.0) is amended as follows:

§ 217.0 Authority and scope.

* * * * *

(c) Under authority of the provisions of section 7 of the International Banking Act of 1978 (12 U.S.C. § 3105), the provisions of this Part apply to a Federal branch or agency of a foreign bank and to a State uninsured branch or agency of a foreign bank in the same manner and to the same extent as if the branch or agency were a member bank, except as may be otherwise provided by the Board, if (i) its parent foreign bank has total worldwide consolidated bank assets in excess of $1 billion; (ii) its parent foreign bank is controlled by a foreign company which owns or controls foreign banks that in the aggregate have total worldwide consolidated bank assets in excess of $1 billion; or (iii) its parent foreign bank is controlled by a group of foreign companies that own or control foreign banks that in the aggregate have total worldwide consolidated bank assets in excess of $1 billion.

(d) The provisions of this Part do not apply to any deposit that is payable only at an office located outside of the States of the United States and the District of Columbia of a member bank or of a foreign bank.

9. Section 217.1 (i) and (j) of Regulation Q (12 CFR 217.1) is revised by adding the following:

§ 217.1 Definitions.

* * * * *

(i) *Credit balances.* For purposes of this Part, the term "deposits" also includes the credit balances of a United States branch or agency of a foreign bank.

(j) *Foreign bank.* "Foreign bank" means any bank organized under the laws of any country other than the United States (including its States and the District of Columbia), or organized under the laws of Puerto Rico, Guam, American Samoa, the Virgin Islands, or a territory of the United States.

By order of the Board of Governors, March 19, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-9063 Filed 3-24-80; 8:45 am]

BILLING CODE 6210-01-M

[12] A United States resident is: (a) Any individual residing (at the time the credit is extended) in any State of the United States or the District of Columbia; (b) any corporation, partnership, association or other entity organized therein ("domestic corporation"); and (c) any branch or office located therein of any other entity wherever organized. Credit extended to a foreign branch, office, subsidiary, affiliate or other foreign establishment ("foreign affiliate") controlled by one or more such domestic corporations will not be deemed to be credit extended to a United States resident if the proceeds will be used in its foreign business or that of other foreign affiliates of the controlling domestic corporation(s).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Subtitle A

[Docket No. N-80-990]

Operative HUD Regulation Implementing the Age Discrimination Act of 1975 (ADA)

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Operative Regulation.

SUMMARY: The Office of Fair Housing and Equal Opportunity announces that it is operating under the governmentwide regulation published by the Department of Health, Education and Welfare (44 FR 33788, June 12, 1979) to carry out the provisions of the Age Discrimination Act of 1975 (ADA), as amended, until such time as HUD has adopted its own specific implementing regulation. The

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effective date of the HEW regulation is July 1, 1979. The ADA prohibits discrimination on the basis of age in programs and activities receiving Federal financial assistance.

EFFECTIVE DATE: July 1, 1979

FOR FURTHER INFORMATION CONTACT: Director, Office of Regional Fair Housing and Equal Opportunity serving your area or Myra Kennedy, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 7th Street, S.W., Room 5230, Washington, D.C. 20410, (202) 755-5904. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Background Information

The Age Discrimination Act of 1975 (ADA), 42 U.S.C. 6101 et seq., as amended in 1978, prohibits discrimination on the basis of age in programs and activities receiving Federal financial assistance. On June 12, 1979, HEW published a final governmentwide regulation to implement the ADA (44 F.R. 33768) and to provide a guide for the development of regulations by specific agencies which administer financial assistance programs.

Purpose of the Notice

This notice is to inform recipients and beneficiaries of HUD financial assistance and the general public that HUD is operating under HEW's governmentwide regulation until such time as HUD has adopted its own regulation. The HEW regulation became effective on July 1, 1979; therefore, complaints alleging age discrimination in any program or activity receiving HUD financial assistance on or after July 1, 1979, may be filed with this Department. Any person, individually or as a member of a class or on behalf of others, may file a complaint alleging discrimination covered by the ADA. Complaints should be addressed to: The Assistant Secretary for Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 or the Director, Office of Regional Fair Housing and Equal Opportunity serving your area:

Boston Regional Office, Room 800, John F. Kennedy Federal Building, Boston, Massachusetts 02203.
New York Regional Office, 26 Federal Plaza, New York, New York 10007.
Philadelphia Regional Office, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.
Atlanta Regional Office, Richard B. Russell Federal Building, 75 Spring Street SW., Atlanta, Georgia 30303.
Chicago Regional Office, 300 South Wacker Drive, Chicago, Illinois 60606.
Fort Worth Regional Office, 221 West Lancaster Avenue, Post Office Box 2905, Fort Worth, Texas 76113.
Kansas City Regional Office, Professional Building, 1103 Grand Avenue, Kansas City, Missouri 64106.
Denver Regional Office, 1405 Curtis Street, Denver, Colorado 80202.
San Francisco Regional Office, Executive Tower Inn, 450 Golden Gate Avenue, San Francisco, California 94102.
Seattle Regional Office, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101.

HEW has determined that alleged acts of age discrimination which occurred prior to July 1, 1979 are not actionable. Therefore, complaints alleging age discrimination in HUD/assisted programs prior to that date will not be processed.

The HEW governmentwide regulation provides for mediation of complaints during a maximum period of 60 days from the date of filing. The Office of Fair Housing and Equal Opportunity will refer all complaints alleging age discrimination in HUD-assisted programs to the Federal Mediation and Conciliation Service FMCS] for mediation. The FMCS began mediating complaints on November 1, 1979. If mediation cannot resolve the complaint, it will be referred back to HUD, Office of Fair Housing and Equal Opportunity for investigation.

The ADA states that a complainant may file a civil action 180 days from the date the complaint was filed if the agency has taken no action, or the date the agency makes a determination in favor of the recipient. For purposes of exhaustion of administrative remedies within the Department of Housing and Urban Development, the 180 day period will run from the date the complaint is filed. In cases where the Department of Housing and Urban Development has made no finding with regard to the complaint within 180 days or has issued a finding in favor of the recipient, the complainant may file a civil action for injunctive relief.

Proposed HUD Regulation

HUD has drafted and will publish a regulation to implement the ADA with regard to its own programs and activities. This regulation will supplement the HEW governmentwide regulation. A public comment period will be provided when the proposed regulation is published. Because of the extensive public participation process which HEW followed in developing the governmentwide regulation and because the HUD regulation conforms to its standards, HUD does not plan to conduct public meetings on its implementing regulation.

Issued at Washington, D.C., March 19, 1980.

Moon Landrieu,
Secretary of Housing and Urban Development.

[FR Doc. 80-9013 Filed 3-24-80; 8:45 am]
BILLING CODE 4210-01-M

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 203, 213, and 234

[Docket No. R-79-69]

Housing; Mutual Mortgage Insurance and Insured Home Improvement Loans

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: These final regulations will change HUD's longstanding policy which prevents mortgagors from obtaining single family mortgage insurance from the Department if they have a second mortgage or other secondary lien on their property. The change will permit FHA insured loans on properties which have secondary liens if those liens are held by a Federal, State or local government agency or instrumentality, and the Federal Housing Commissioner gives his prior approval.

EFFECTIVE DATE: April 24, 1980

FOR FURTHER INFORMATION CONTACT: Mr. John J. Coonts, Acting Director, Single Family Development Division, Office of Single Family Housing, Department of Housing and Urban Development, Room 9270, Washington, DC 20410. (202) 755-6720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: By this action, the Department is changing three parts of the regulations, specifically Parts 203.32, 213.520 and 234.55, to allow secondary liens on properties involving FHA approved single family mortgage insurance in circumstances where a governmental instrumentality holds the secondary lien. The Department published a proposed rule to amend § 203.32 to permit secondary mortgages or liens in the **Federal Register** on August 9, 1979. Public comments were solicited at that time, and those comments are applicable to §§ 213.520 and 234.55 as well as to § 203.32. The Department received two responses on the proposed rule. The major comments were as follows:

1. *Comment:* The regulation requires HUD to make determinations regarding ability to pay and property valuation estimates. If these evaluations are required on each application, significant time delays will result.

Response: HUD makes underwriting determinations on each mortgage loan it commits to insure. The fact that a second trust is involved which will require an additional payment on the mortgagor's behalf will not increase the time necessary for HUD to either commit to insure a mortgage encumbering the property or approve the buyer from a mortgage credit standpoint.

2. *Comment:* Section 203.32(b)(3) limited principal obligation to the amount advanced. Certain local programs have provisions where no interest is charged but if the property is sold, the local government shares in any increase in the value of the property on a predetermined basis. This provision would preclude these types of programs.

Response: The Department recognizes the problem created by this requirement and has, therefore, deleted it from the final regulations.

One other change deletes the prohibition against the outstanding balances on the mortgages exceeding the Department's estimate of value. It was felt that such a restriction was not necessary since the second trust programs are being administered by governmental bodies which would not normally fund mortgages unless the economic potential of the area was such that repayment could be reasonably expected.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, Chapter II of CFR Title 24, is amended as follows:

1. Section 203.32 of Subpart A of Part 203 is revised as follows:

§ 203.32 Mortgage lien.

(a) Except as provided in paragraph (b) of this section, a mortgagor must establish that after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

(b) With the prior approval of the Commissioner, the mortgaged property may be subject to a secondary mortgage or loan made or insured, or other secondary lien, held by a Federal, State, or local governmental agency or instrumentality provided that the required monthly payments under the insured mortgage and the secondary mortgage or lien shall not exceed the mortgagor's reasonable ability to pay as determined by the Commissioner.

2. Section 213.520 of Subpart C of Part 213 is revised as follows:

§ 213.520 Mortgage lien.

(a) Except as provided in paragraph (b) of this section, a mortgagor must establish that after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

(b) With the prior approval of the Commissioner, the mortgaged property may be subject to a secondary mortgage or loan made or insured, or other secondary lien, held by a Federal, State, or local government agency or instrumentality provided that the required monthly payments under the insured mortgage and the secondary mortgage or lien shall not exceed the mortgagor's reasonable ability to pay as determined by the Commissioner.

3. Section 234.55 of Subpart A of Part 234 is revised as follows:

Section 234.55 Mortgage lien.

(a) Except as provided in paragraph (b) of this section, a mortgagor must establish that after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

(b) With the prior approval of the Commissioner, the mortgaged property may be subject to a secondary mortgage or loan made or insured, or other secondary lien, held by a Federal, State, or local governmental agency or instrumentality provided that the required monthly payments under the insured mortgage and the secondary mortgage or lien shall not exceed the mortgagor's reasonable ability to pay as determined by the Commissioner.

(Section 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., on March 19, 1980.

Lawrence B. Simons,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 80-9024 Filed 3-24-80; 8:45 am]
BILLING CODE 4210-01-M

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24 CFR Part 841

[Docket No. N-80-989]

Public Housing Program; Development Phase; Prototype Cost Limits for Low-Income Public Housing

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of Prototype Cost Determination Under 24 CFR Part 841, Appendix A.

SUMMARY: On June 6, 1979, the Department published a revised schedule of "Prototype Cost Limits for Low-Income Public Housing." After consideration of additional factual data, revisions are necessary to provide three new prototype areas in the State of New Mexico, and in the State of Arizona substitute three new prototype areas for an existing area and increase the per unit prototype cost limits for one additional area.

DATE: March 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Jack R. VanNess, Director, Technical Support Division, Office of Public Housing, Room 6248, 451 7th Street SW., Washington, D.C., 20410 (202) 755-4956 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: These schedules establish per unit limits on the dwelling construction and equipment costs (prototype costs) for the development of new low-income public housing under the United States Housing

Act of 1937 (Section 6(b)) as set forth in 24 CFR Section 841. Where prototype cost schedules are established for special Indian prototype cost areas in accordance with 24 CFR Section 805.213, they are identified by an asterisk (*) and only apply to the development of Indian housing.

Timely written comments will be considered and additional amendments will be published if the Department determines that acceptance of the comments is appropriate. Comments with respect to cost limits for a given location should be sent to the address indicated above.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, 451 7th Street, SW., Washington, D.C. 20410.

Accordingly, the per unit cost schedules setting Prototype Cost Limits for Low-Income Housing are amended as follows:

1. At 44 FR 32555, add the prototype per unit cost schedules for detached and semi-detached, row, walk-up and elevator dwellings, Region VI, Alamo, Nageezi, and Standing Rock, New Mexico.

2. At 44 FR 32571, revise the prototype per unit cost schedule for detached and semi-detached, row, walk-up and elevator dwellings, Region IX, Keams Canyon, Arizona.

3. At 44 FR 32572, delete the prototype per unit cost schedules for detached and semi-detached, row, walk-up and elevator dwellings, Region IX, Sawmill, Arizona.

4. At 44 FR 32572, add prototype per unit cost schedules for detached and semi-detached, row, walk-up and elevator dwellings, Region IX, Steamboat, Rough Rock and Kaibito, Arizona.

(Sec. 7(d), Department of HUD Act. 42 U.S.C. 3535(d); Sec. 6(b) U.S. Housing Act of 1937, 42 U.S.C. 1437(d))

Issued at Washington, D.C., on March 19, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

BILLING CODE 4210-01-M

REGION VI

NEW MEXICO

STANDING ROCK *	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	24,400	29,300	36,250	43,150	52,000	57,750	60,550
Row Dwellings	22,950	27,750	35,450	41,000	49,000	54,840	57,100
Walk-Up	19,850	24,800	31,300	37,100	42,750	47,100	49,600
Elevator-Structure	25,450	29,400	37,150				

NAGEEZI *	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	24,800	29,750	36,850	43,800	52,800	58,650	61,500
Row Dwellings	23,300	28,200	35,000	41,600	49,750	55,700	58,000
Walk-Up	20,150	25,150	31,800	37,650	43,400	47,800	50,400
Elevator-Structure	25,850	29,850	37,700				

ALAMO *	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	24,400	29,300	36,250	43,150	52,000	57,750	60,550
Row Dwellings	22,950	27,750	34,450	41,000	49,000	54,840	57,100
Walk-Up	19,850	24,800	31,300	37,100	42,750	47,100	49,600
Elevator-Structure	25,450	29,400	37,150				

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

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REGION IX

ARIZONA

STEAMBOAT *	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	26,650	32,000	39,600	47,100	56,750	63,050	66,100
Row Dwellings	25,100	30,300	37,600	44,750	53,500	59,800	62,350
Walk-Up	21,650	27,100	34,200	40,500	46,700	51,400	54,200
Elevator-Structure	27,800	32,100	40,550				

ROUGH ROCK *	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	28,000	33,650	41,650	49,550	59,700	66,300	69,550
Row Dwellings	26,400	31,850	39,550	47,100	56,300	62,950	65,550
Walk-Up	22,800	28,450	35,950	42,600	49,100	54,100	57,000
Elevator-Structure	29,200	33,750	42,650				

KAIBITO *	0 BR	1 BR	2 BR	3 BR	4 BR	3 BR	6 BR
Det. & Semi-Det.	29,450	35,350	43,750	52,050	62,700	69,700	73,050
Row Dwellings	27,700	33,500	41,550	49,450	59,150	66,150	68,900
Walk-Up	23,950	29,900	37,800	44,750	51,600	56,800	59,850
Elevator-Structure	30,700	35,450	44,800				

KEAMS CANYON *	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	25,550	30,650	37,950	45,150	54,400	60,450	63,350
Row Dwellings	24,050	29,050	36,050	43,900	51,300	57,400	59,400
Walk-Up	20,750	25,950	32,800	38,800	44,750	49,300	51,900
Elevator-Structure	26,600	30,750	38,850				

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

[FR Doc. 80-9014 Filed 3-24-80; 8:45 am]
BILLING CODE 4210-01-C

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 156

[DOD Directive 5200.2] [1]

DOD Personnel Security Program

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule establishes the Department of Defense Personnel Security Program and assigns responsibilities for its execution. It is issued in compliance with the Internal Security Act of 1950 to protect the rights of individuals, consistent with the law and the interest of national security.

EFFECTIVE DATE: December 20, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. W. R. Fedor, Office of the Deputy Under Secretary of Defense for Policy Review (Security Plans and Programs), Washington, D.C. 20301, telephone 202-697-3969.

SUPPLEMENTARY INFORMATION: In FR Doc 66-11536 appearing in the **Federal Register** on October 22, 1966 [31 FR 13642], the Office of the Secretary of Defense published Part 156 of this title, "Department of Defense Civilian Applicant and Employee Security Program." Since then, the following corrections and amendments were published in the **Federal Register:** (a) A correction on March 16, 1967 [32 FR 4114]; (b) Miscellaneous amendments on March 31, 1967 [32 FR 5420]; (c) Miscellaneous amendments on July 20, 1967 [32 FR 10644]; (d) A correction on March 13, 1968 [33 FR 4462]; and (e) An amendment on July 12, 1969 [34 FR 11544]. This document is a complete revision of the existing Part 156.

Accordingly, 32 CFR Chapter I, is amended by revising Part 156, reading as follows:

PART 156—DOD PERSONNEL SECURITY PROGRAM

Sec.

156.1 Purpose
156.2 Applicability and Scope
156.3 Policy
156.4 Responsibilities

Authority: The provisions of this Part 156 issued under 50 U.S.C. 781 et seq.

§ 156.1 Purpose.

This Part, under the authority of 50 U.S.C. 781, et seq., "Internal Security Act of 1950; Executive Order 10450, "Security Requirements for Government Employment," April 27, 1953; Executive Order 10865, "Safeguarding Classified Information Within Industry," February 20, 1960; Executive Order 12036, "United States Intelligence Activities," January 24, 1978; and Executive Order 12065, "National Security Information," June 28, 1978, establishes the DoD Personnel Security Program, supersedes existing Part 156 of this title; DoD Directive 5210.8, "Policy on Investigation and Clearance of DoD Personnel for Access to Classified Defense Information," February 15, 1962; DoD Directive 5210.9, "Military Personnel Security Program," June 19, 1956; and DoD Instruction 5210.31, "Uniform Guidelines for Arriving at Common Sense Determinations in the Military Personnel Security Program," January 16, 1957; and authorizes the issuance of DoD 5200.2-R, "DoD Personnel Security Program."

§ 156.2 Applicability and scope.

(a) The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, the Defense Agencies and activities administratively supported by OSD (hereafter referred to as "DoD Components"), except that, with respect to the National Security Agency, the provisions of the Part apply to that agency only to the extent that is consistent with policy and procedures prescribed by Public Laws 86-36, "National Security Agency—Officers and Employees" and 88-290, "Personnel Security Procedures in the National Security Agency," Executive Orders 10450 and 12036, and DoD Directive 5210.45,[1] "Personnel Security in the National Security Agency," May 9, 1964.

(b) Its provisions apply to DoD civilian personnel, members of the Armed Forces of the United States, excluding the Coast Guard in peacetime, and other personnel who are affiliated with the Department of Defense.

(c) Only the investigative provisions apply to contractor personnel. Clearance procedures pertaining to contractor personnel are contained in DoD 5220.22-R, "Industrial Security Regulation," January 29, 1979, and in Part 155 of this title.

§ 156.3 Policy.

(a) No person shall be appointed as a civilian employee of the Department of Defense, accepted for entrance into the Armed Forces of the United States, authorized access to classified information, or assigned to duties that are subject to investigation under the provisions of this Part unless such appointment, acceptance, clearance, or assignment is clearly consistent with the interests of national security.

(b) In furtherance of this policy, a Personnel Security Investigation shall be conducted in connection with:

(1) The appointment of each civilian employee in any DoD Component;

(2) The entry of a person in the Armed Forces of the United States;

(3) The granting of clearance for access to classified information; or

(4) The assignment of an individual to such other duties designated in accordance with DoD 5200.2-R which require a determination of trustworthiness.

(c) Criteria established by the Deputy Under Secretary of Defense for Policy Review shall be used in reaching a determination as to whether a person meets the personnel security standard set forth in subsection § 156.3(a). Determinations shall be made on a case-by-case basis, depending upon the particular facts and circumstances in each case.

(d) A final adverse determination may not be taken unless administrative procedures are made available that will give the individual an opportunity to refute allegations made against him or her. Implementing procedures in this connection shall be prescribed in DoD 5200.2-R.

§ 156.4 Responsibilities.

(a) The *Deputy Under Secretary of Defense for Policy review* shall be responsible for overall policy guidance and management of the DoD Personnel Security Program, and shall:

(1) Develop policies and plans for the DoD Personnel Security Program.

(2) Issue and maintain DoD 5200.2-R consistent with provisions of DoD Directive 5025.1,[1] "Department of Defense Directives System" November 18, 1977.

(3) Conduct an active oversight program to ensure that the DoD Personnel Security Program requirements are complied with.

(4) Submit recommendations to the Secretary of Defense bi-annually to correct any deficiencies in the program that are inconsistent with the interests of national security or the rights of an individual under the Constitution, the laws of the United States, or this Directive.

(b) The *General Counsel, DoD,* shall exercise surveillance over the DoD personnel Program to ensure that:

(1) The program is administered in a

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Code 301.

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(2) All proceedings are promptly initiated and expeditiously completed.

(3) The rights of individuals involved are protected, consistent with the interests of national security (DoD Directive 5145.3,[1] "Surveillance of DoD Security Programs," October 19, 1962).

(4) The Defense Investigative Service is operated in accordance with the provisions of Part 361 of this title.

(c) The *Heads of DoD Components* shall:

(1) Designate a senior official within their immediate office who shall be responsible for compliance with the implementation of this Directive.

(2) Ensure that the DoD Personnel Security Program is administered within their area of responsibility in a manner consistent with this Directive.

(3) Ensure that information and recommendations are provided the Deputy Under Secretary of Defense for Policy Review and the General Counsel, DoD, at their request, concerning any aspect of the program.

Dated: March 19, 1980.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 80-8971 filed 3-24-80; 8:45 am]

BILLING CODE 3810-70-M

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32 CFR Part 199

[DoD Regulation 6010.8-R]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Clarification of Medical Indications for Head and Body CT Scans

AGENCY: Office of the Secretary of Defense.

ACTION: Guidelines to rule.

SUMMARY: These are guidelines to Amendment No. 3 of Part 199 of this title. The purpose of Amendment No. 3 was to expand benefits under CHAMPUS regarding computer tomography (CT) scanning coverage. The purpose of these guidelines is to clarify those medical indications for which CT scan benefits are extended for head and body.

EFFECTIVE DATE: The provisions of these guidelines are effective retroactively for covered CT scans provided on or after October 1, 1978.

FOR FURTHER INFORMATION CONTACT: LTC L. Rowlette, Special Assistant for CHAMPUS, Office of the Deputy Assistant Secretary of Defense (Health Resources and Programs), telephone 202-695-6281.

[1] See footnote, page 19227.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the **Federal Register** of April 4, 1977 (42 FR 17972), the Department of Defense published its regulation, DoD 6010.8-R, "Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title. In this regulation, Computed Tomography Scanning (CT Scanning) diagnostic services limited CHAMPUS benefits to head scans only and required that the scanner equipment be located in, and owned and operated by, an acute general hospital, and be approved by the regional health planning agency.

In FR Doc. 80-6788, appearing in the **Federal Register** on March 4, 1980, the Office of the Secretary of Defense published Amendment No. 3 to Part 199 of this title (45 FR 14034) which expands CHAMPUS coverage to include scans of other anatomical regions of the body and revises the criteria for coverage of CT Scans, removing all requirements for hospital-based equipment.

§ 199.10(e)(14)(ii) of that amendment announces that the Director, OCHAMPUS, or designee, will issue specific guidelines and criteria for CHAMPUS coverage of medically necessary head and body part scans. These guidelines and criteria were developed from information received from the Department of Health, Education, and Welfare, and other professional sources.

Medical Indications for Head and Body Computed Tomography Scans (CT Scans) [1]

CT Scans are considered an appropriate diagnostic procedure for the following medical indications. CHAMPUS benefits may be considered for CT Scan procedures when the patient has signs, symptoms or complaints indicative of one or more of the following, and where other noninvasive and less costly diagnostic measures have been attempted or are not appropriate. All claims for CT Scan diagnostic services must be accompanied by documentation of the medical necessity. Any claim which does not appear to fall within the criteria set forth in the following will be reviewed by the CHAMPUS Fiscal Intermediary's Medical Review Staff.

1. *CT Scans of the Head*

1.1 Progressively severe headaches in the absence of neurological findings; more than 3 weeks duration (must be submitted to Medical Review).

1.2 Seizures, adult onset; in the absence of drug/alcohol withdrawal or recent head trauma.

1.3 Chronic, changing or progressive seizure pattern refractory to treatment or showing increasing or new neurological deficit.

1.4 Progressive organic mental deterioration (dementia) unexplained by systemic disease, including leukodystrophy.

1.5 Papilledema or suspected increased intracranial pressure.

1.6 Focal neurologic signs, when peripheral origin has been excluded, such as:
a. Aphasia
b. Visual field defects
c. Ataxia
d. Paresis or hemiparesis
e. Sensory deficit
f. Transient ischemic attack (TIA), when diagnosis is uncertain
g. Suspected acoustic neuroma

1.7 Proptosis, or suspicion of an intraorbital lesion, such as tumor, residual or orbital trauma, or inflammatory lesion.

1.8 Intracranial hemorrhage, such as:
a. Subarachnoid hemorrhage
b. Subdural hematoma
c. Bleeding arteriovenous malformation (AVM)
d. Bleeding aneurysm
e. Complications of anticoagulation (e.g., progressive headache in patient on Coumadin, Heparin)
f. Intracerebellar or intracerebral hematoma

1.9 Cerebral infarction (stroke) where CT Scan is necessary for management (must be submitted to Medical Review).

1.10 Inflammatory lesions, such as:
a. Brain abscess
b. Meningitis with focal findings or secondary hydrocephalus
c. Subdural or epidural empyema or effusion

1.11 Suspected lesion (significant head injury) secondary to trauma, such as:
a. Hematoma
b. Edema
c. Hydrocephalus
d. CSF leak
e. Depressed skull fracture
f. Facial fractures
g. Carotid-cavernous fracture
h. Basilar skull fracture

1.12 Neoplastic lesion, such as:
a. Primary brain or meningial tumor or cranial nerve tumor, or
b. Intracranial metastases
c. Neoplasms of paranasal sinuses, nasopharynx, and oral nasopharynx
d. Basilar skull lesions

1.13 Evaluation of effectiveness of treatment of cerebral lesion including:
a. Subdural hematoma
b. Neoplasm, after surgery, radiation and/or chemotherapy

[1] These guidelines will not appear in the Code of Federal Regulations.

c. Hematoma, arteriovenous malformation or aneurysm
d. Hydrocephalus after shunt
e. Management of brain abscess
f. When signs and symptoms suggest progression, recurrence or lack of response to therapy

1.14 Congenital lesions, such as:
a. Hydrocephalus
b. Encephaloceles
c. Anomaly of brain

1.15 Calverial lesions (skull):
a. Lesions not fully defined by other studies
b. Facial deformities

1.16 Neurocutaneous diseases (Sturge-Weber, etc.)

1.17 Prematurity (35-36 weeks gestation or less) where clinically indicated (must be submitted to Medical Review)

1.18 CT Scans of the head *are not covered* for the following:
a. Vertigo as an isolated symptom
b. Syncope as an isolated symptom
c. Neurological symptoms in the absence of neurological findings
d. Migraine headache
e. Benign febrile seizures under six years of age
f. A head injury followed by an alteration in level of consciousness without progression which clears within 24 hours without residual neurologic deficit (concussion)
g. Old completed stable cerebral infarction (stroke) (exception under 1.9)

2. *CT Scans of the Neck*

2.1 Determination of the extent of primary or secondary neoplasms of the neck, including thyroid, larynx, parathyroid, soft tissue origins, etc.

2.2 Evaluation of bony abnormalities of the cervical spine including neoplasms, fractures, dislocations or congenital anomalies.

2.3 Localization of foreign bodies in the soft tissues, hypopharynx or larynx and assessment of airway integrity in trauma.

2.4 Evaluation of retropharyngeal abscesses.

3. *CT Scans of the Chest*

3.1 *Pleura; Chestwall*

a. Determine extent of neoplastic disease.
(1) Assess bone, muscle and subcutaneous tissues.
(2) Detect intrusion into thoracic cavity or spinal canal.
b. Aid Percutaneous Needle Biopsy.
(1) Selected lesions when fluroscopic direction inadequate.
(a) Certain mediastinal masses.
(b) Mass low in costovertebral angle or obscured by overlying bone.

3.2 *Lung*

a. Detection of occult pulmonary metastases when:
(1) Extensive surgery is planned for a known primary neoplasm with a high propensity for lung metastases or for apparent solitary lung metastasis.
(2) Detection of primary tumor in patient with positive sputum cytology and negative chest radiography and fiberoptic bronchoscopy.
(3) Assessment of lung and mediastinum for underlying pleural effusion and the postpneumonectomy fibrothorax for recurrent disease.
b. Search for diffuse or central calcification in a pulmonary nodule when conventional tomography is indeterminate.
c. Determination of extent of intrathoracic spread in selected patients with bronchogenic carcinoma including mediastinal or pleural invasion.
d. CT Scan of the lung is *not* covered for the purpose of detecting pulmonary emboli.

3.3 *Mediastinum*

a. Evaluation of problems presented by chest radiograph.
(1) *Mass.*
(a) Differentiation among cystic, fatty or solid nature.
(b) Localization relative to other mediastinal structures.
(2) *Mediastinal Widening.*
(a) Assessment of whether cause is pathologic or anatomic variation.
(b) Distinction of solid mass, vascular anomaly, or aneurysm, and physiologic fat deposition.
(3) *Hilum.*
(a) Differentiation of enlarged pulmonary artery from solid mass when conventional tomography fails or is not capable of making this distinction.
(4) *Paraspinal Line Widening.*
(a) Distinction among lymph node enlargement, vascular cause, or anatomic variant.
b. Search for Occult Thymic Lesion.
(1) Detection of thymoma or hyperplasia in selected patients with myasthenia gravis when plain chest radiography is negative or suspicious.

4. *Breast*—CT Scans of the breast are not covered.

5. *Heart*—CT Scans of the heart are not covered.

6. *Great Vessels, including Abdominal Aorta.*

6.1 Evaluation and detection of thoracic aorta aneurysms.

6.2 Screening and measurement of abdominal aortic aneurysms when ultrasound fails or is unavailable.

6.3 Detection of intraluminal clots, chronic leakage, and rupture of thoracic and abdominal aneurysms.

6.4 Evaluation of aortoprosthetic disruption.

6.5 Evaluation of suspected infection of synthetic grafts of the major vessels.

6.6 Delineation of relation of major vessels to retroperitoneal tumors, infections, or other abnormalities.

6.7 Demonstration of invasion of vena cava by tumor.

7. *Spinal Column.*

7.1 Type I Exam: No contrast medium.

7.2 Type II Exam: Dilute Metrizamide.

7.3 Type III Exam: Concentrated Metrizamide instilled originally for conventional myeolography with subsequent secondary CT, performed within 4-6 hours after metrozamide instillation.

7.4 Evaluation (type I) of spinal stenosis to determine extent and specific causes of bony and soft tissue encroachment.

a. Diffuse spinal stenosis, congenital or acquired.

b. Localized spinal stenosis, associated with degenerative disease or malalignment.

c. Posttraumatic stenosis: detection of fracture fragments or hematoma.

d. Postspinal fusion stenosis: fusion bone overgrowth.

e. Detection of midline or foramenal spurs not seen on plain films.

f. Combined causes including degenerative, iatrogenic, traumatic, infection/tumor, as well as herniations of the nucleus pulposus.

7.5 Evaluation (types I and II) of congenital dystraphic abnormalities (spina bifida, meningomyelocele, meningocele, diastematomyelia).

7.6 Evaluation (Type I or II) of spinal cord and/or nerve root masses, usually as secondary procedure to further determine nature and extent of lesion.

7.7 Localization procedure (type I) for CT-guided biopsy or aspiration.

7.8 Evaluation (type I) of nature of extent of bony or paraspinal tumors and inflammatory masses.

7.9 Following nondiagnostic conventional/myelography (type I or II procedure) using myelogram and/or clinical findings to specify CT level(s).

7.10 Alternative procedure (type I) in situations precluding standard myelography as primary examination (allergic history, suspected arachnoiditis, mechanical difficulties, emotional factors).

8. *Abdomen*

8.1 *Kidney*

a. Evaluation of kidneys when excretory urography or angiography is contraindicated by risk of serious reaction to contrast medium.

b. Evaluation of renal mass or suspected mass detected on another imaging procedure.

(1) Differentiation of an anatomic variant from a pathologic process.

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(2) Differentiation of a benign fluid-filled cyst from a cyst and/or solid renal mass.

(3) Determination of the extent of renal neoplasm before and after treatment.

c. Evaluation of selected patients, suspected clinically of renel neoplasm, when excretory urogram is negative.

d. Evaluation of juxtrarenal (para- or perirenal) lesions seen or suspected on excretory urography.

(1) Differentiation of anatomic variant from pathologic process.

(2) Determination of the cause, location, and extent of a lesion.

e. Evaluation of urographic nonfunctioning kidney(s).

(1) Assessment of size, outline, and parenchymal thickness.

(2) Detection of obstruction, determination of site, cause, and extent of disease process.

(3) Documentation of congenital absence.

(4) Detection of minimally calcified renal calculi not demonstrated by conventional techniques.

f. Determination of cause of renal and perirenal calcification.

g. Assessment of extent of renal trauma.

h. Guidance for antegrade nephrostomy, renal biopsy, or mass aspiration.

8.2 *Gallbladder*

CT is not indicated at this time unless oral and intravenous cholecystography and ultrasonography are indeterminate or unobtainable.

8.3 *Biliary Tree*

a. Differentiation of obstructive from nonobstructive jaundice.

b. Determination of site and etiology of obstruction.

c. Determination of etiology of obstruction.

8.4 *Retroperitoneal Space*

a. Detection of primary malignancies such as those of mesenchymal, neural, lympathic, and embryonic rest origin, melanomas, and benign conditions, such as cysts that may mimic malignancies.

b. Staging of nodal and extranodal extension of lymphomas and other types of retroperitoneal metastases from various primary sites (e.g., initial staging or detection of recurrent metastatic testicular tumor).

c. Detection of retroperitoneal abscess or hemorrhage (hematoma): localization for needle aspiration.

d. Further evaluation when other radiologic studies unexpectedly suggest abnormality, such as deviated ureter by normal retroperitoneal fat.

e. Guidance for retroperitoneal biopsy.

8.5 *Peritoneum*

a. Detection and differential diagnosis of free or loculated intraperitoneal fluid collections and inflammatory processes.

b. Detection of primary or secondary peritoneal masses (neoplasms and abscesses, etc.)

c. Guidance for the aspiration of intraperitoneal fluid collection and peritoneal masses.

8.6 *Pancreas*

a. Evaluation for possible mass lesion.

(1) Detection of primary tumor and its extent.

(2) Search for primary lesion in patient with distant metastases.

(3) Evaluation of jaundiced patient.

(4) Evaluation of suspected pancreatitis.

(5) Evaluation of patient with possible upper adbominal masses.

(6) Serial assessment of regression or persistence of tumor during and after therapy.

b. Differentiation of pancreatic from parapancreatic mass.

(1) Distinction among solid, cystic, vascular, inflammatory, calcified, and fatty lesions.

c. Detection of complications of acute or subacute pancreatitis.

(1) Detection of pseudocysts, their number, size and extent.

(2) Serial assessment of pseudocysts following medical or surgical management.

(3) Detection of abscess: determination of size and extent.

d. Guidance of percutaneous pancreatic biopsy and aspiration procedures.

8.7 *Liver*

a. Evaluation of space-occupying lesions.

(1) Primary and secondary malignant neoplasms and clinically significant benign lesions, such as adenomas, cavernous hemangiomas, and abscesses.

(a) Initial detection: whether liver is primary organ of interest or examined as part of CT evaluation of other suspected abdominal disease, such as pancreatic carcinoma, in which knowledge of associated hepatic lesions is of clinical importance.

(b) Confirmation of the presence or clarification of the nature of hepatic lesion(s) suspected or found on other imaging procedure, such as an inconclusive or nonspecific radionuclide scan.

(c) Differentiation of solid, cystic, inflammatory, and vascular lesions.

(d) Assessment of location, extent, and number of lesions, when such information is of clinical importance.

(e) Guidance for hepatic biopsy and aspiration.

(f) Assessment of response to nonoperative therapy.

b. Evaluation of trauma.

(1) Detection of hepatic laceration and intrahepatic and subcapsular hematoma, and determination of extent of injury in cases of blunt or penetrating trauma.

c. Evaluation of diffuse liver disease.

(1) CT currently of limited value, but may be useful in specific circumstances, such as detection of fatty infiltration of the liver and conditions of excessive iron deposition (hemochromatosis) and glycogen storage disease in children.

8.8 *Spleen*

a. Detection and estimation of age of subcapsular hematoma.

b. Detection of intrasplenic mass and differentiation of solid, cystic, and inflammatory lesions.

c. Confirm accurate placement of biopsy needle for closed, percutaneous biopsy.

8.9 *Adrenal Gland*

a. Evaluation of patients with biochemical evidence of adrenal hyperfunction.

b. Evaluation of patients with suspicion of adrenal mass found on conventional radiographic examination.

c. Guidance for adrenal biopsy.

8.10 *Gastrointestinal Tract*

a. CT is useful in the assessment of extent or recurrence of tumor or tumorlike condition into the mesentery or adjacent organs. CT is not currently indicated for the detection of mucosal lesions.

9. *Pelvis*

9.1 *Bladder, Ureters, Prostate, and Seminal Vesicles*

a. Evaluation of primary and secondary tumor, including extent of tumor.

b. Differentiation of solid, cystic, inflammatory, vascular, or fatty tumors.

c. Detection of obstructing, minimally calcified ureteral calculi not detected by conventional studies.

d. Guidance for biopsy.

9.2 *Uterus and Ovaries*

a. Evaluation of mass detected by clinical examination, after positive biopsy, after failure of ultrasound examination, or when strong clinical suspicion exists for a mass lesion.

b. Evaluation of primary tumor and its extent of spread; and evaluation of secondary tumor.

c. Differentiation of solid, inflammatory, vascular, or fatty masses.

d. Guidance for uterine and ovarian biopsy.

9.3 *Flat Bones*

a. Evaluation of bone lesions, trauma, and accompanying soft tissue extent, when conventional techniques have failed to clarify the problem.

b. Evaluation of joint abnormalities difficult to detect by conventional methods.

10. *Musculoskeletal System*

a. Evaluation of selected patients with known or suspected primary bone tumors.

b. Evaluation of patients with suspected recurrence of bone tumors.

c. Evaluation of patients with suspected but indefinite signs of skeletal metastases when conventional studies fail to clarify.

d. Evaluation of joint abnormalities difficult to detect by conventional methods.

e. Evaluation of patients with soft tissue tumors, either known or suspected to confirm presence and determine extent.

f. Guidance for biopsy.

11. *Foreign Body Localization*

a. Foreign body localization anywhere in the body when other conventional techniques have failed to resolve the problem (e.g., foreign body in the chest, abdomen, orbit, globe of eye, intracranial or extremity).

12. *Therapy Planning and Follow-up*

a. Definition of cross-sectional anatomy and attenuation coefficients of bone and soft tissue in tumor bearing areas for the purpose of planning radiation therapy.

b. Provision of baseline prior to radiation therapy and chemotherapy from which effectiveness of these treatment modalities can be judged.

c. Conformance as part of an established and acceptable follow-up protocol.

d. Evaluation of signs and symptoms suggesting progression, recurrence, or failure of therapy.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 17, 1980.

[FR Doc. 80-9135 Filed 3-24-80; 8:45 am]

BILLING CODE 3810-70-M

Department of the Air Force

32 CFR Part 885

Appointment of Officers in the Regular Air Force

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force amendments reflect changes to the basic rule on appointment of officers in the Regular Air Force. The amendments increase the time dentists and physicians on extended active duty must serve on current tours prior to applying for Regular Air Force appointments; updates terminology; adds an exception to the active duty service commitment; and adds a new section on application procedures for promotion list transfers.

EFFECTIVE DATE: January 21, 1980.

FOR FURTHER INFORMATION CONTACT: M. Sgt. Mumpower, AFMPC/MPCAJB2, Randolph AFB, Texas 78148, telephone (512) 652-2975.

SUPPLEMENTARY INFORMATION: The provisions of this part are issued under authority of 10 U.S.C. 8012 and E. O. 9397, November 22, 1973.

The amendments will read as follows:

1. Section 885.3 is amended to revise paragraph (a)(4) to read as follows:

§ 885.3 Terms explained.

* * * * *

(4) The Commander, 1947 Administrative Support Group (HQ USAF).

2. Section 885.7 is amended to revise paragraph (d) to read as follows:

§ 885.7 Other appointments.

* * * * *

(d) Physicians and dentists on EAD who have served at least 12 months on their current tours may apply for RegAF appointments. Each individual sends a letter requesting appointment to the servicing CBPO. If not selected, the officer may reapply 1 year after being notified of the nonselection.

3. Section 885.14 is amended by adding the following at the end of this section.

§ 885.14 Active duty service commitment.

* * * * *

Exception: Line of the Air Force (LAF) officers selected for Regular appointment by the CY 1979 5- and 7-Year Regular Appointment Board, which convened April 23, 1979 or by a later board, will not incur an ADSC when they accept a Regular appointment. Officers, other than LAF, who accept a Regular appointment on or after October 1, 1979, will not incur an ADSC.

4. Section 885.17a is added to read as follows:

§ 885.17a Application procedures for promotion list transfers.

A Regular officer may request a promotion list transfer by submitting a letter to HQ AFMPC/MPCAJB1C. This request will include the promotion category which the officer desires to enter and the reasons for the transfer. Additional supporting documents, such as diplomas, transcripts of special college work or any other documents, may also be attached to this request.

(a) On receipt of the application, HQ AFMPC/MPCAJB1C will coordinate the application between the losing and gaining functional managers (FM) for their comments and recommendations. After coordination with FM, the application is sent to HQ AFMPC/MPCA for final approval or disapproval.

(b) If application is approved, the gaining and losing FM will establish an effective date. HQ AFMPC/MPCAJB1C will notify the individual and transfer the officer to the new promotion list, unless the officer is required to be reappointed. In these cases, HQ AFMPC/MPCAJB1C will take the actions required in § 885.17, before transferring the officer to the new promotion list.

(c) Disapprovals will be returned by HQ AFMPC/MPCAJB1C through command channels to the individual.

5. Section 885.20 is amended to revise lines A, B, and C, as follows:

§ 885.20 Basic eligibility for physicians and dentists.

In line A, delete "or medical intern"; in line B, delete "or dental intern"; and in line C, change "6" months to "12" months.

Carol M. Rose,

Air Force Federal Register, Liaison Officer.

[FR Doc. 80-9100 Filed 3-24-80; 8:45 am]

BILLING CODE 3910-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1443-1]

Approval and Promulgation of Implementation Plans; Texas Plan for Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Under this notice, EPA today announces its approval of portions of the State Implementation Plan (SIP) revisions for Texas which were submitted by the Governor on April 13, 1979 pursuant to the requirements of Part D of Title I of the Clean Air Act, as amended in 1977, with regard to nonattainment areas. EPA is also taking final action to conditionally approve certain elements of Texas' plan. In addition the Agency is taking no action on the following portions of the Texas SIP: the plans for those areas which EPA proposed approval of redesignation of attainment status (October 12, 1979, 44 FR 58922): Subchapters 131.07.52, .53, and .54 of Regulation V for the ozone nonattainment counties of Harris, Galveston, Brazoria, Bexar, Dallas, and

Tarrant, and; the TSP plan for the Houston 1 nonattainment area.

In this notice, issues resulting in SIP approval, conditional approval and no action are discussed, and EPA's responses to relevant comments received on its notice of availability (published in the **Federal Register** on May 21, 1979) and proposal are included. It should be noted that only the requirements with respect to Part D of the Act are addressed under this notice.

EFFECTIVE DATE: Effective on March 25, 1980.

FOR FURTHER INFORMATION CONTACT:
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SUPPLEMENTARY INFORMATION:

Introduction

On August 1, 1979 (44 FR 45204), EPA published a notice of proposed rulemaking on the revisions to the Texas State Implementation Plan (SIP) which had been submitted by the Governor on April 13, 1979 for the purpose of fulfilling the requirements of Part D of Title I of the Clean Air Act, as amended in 1977 (the Act), with regard to nonattainment areas. Under that notice and in its companion report, "EPA Review of Texas State Implementation Plan Revision" (June 1979), the Agency described the nature of the SIP revision, discussed certain provisions which in EPA's judgment did not comply with the requirements of Part D of the Act and the General Preamble, which was published in the April 4, 1979 **Federal Register** (44 FR 20372), and solicited public comment on EPA's proposed actions and deadlines.

EPA has reviewed the Part D revision and the comments in light of the Clean Air Act, EPA regulations and additional guidance. The criteria used in this review were detailed in the general preamble published in the April 4, 1979 **Federal Register** (44 FR 20372), supplemented on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182).

In response to that notice, the State submitted administrative revisions to the proposed SIP on August 9, 1979, and comments on EPA's proposed actions on August 14, 30 and September 14, 1979, which included clarification or committed to corrective actions on the previously outlined deficiencies. Numerous comments were also received from the general public.

The remainder of today's notice briefly summarizes the actions proposed in the August 1, 1979 notice, discusses the corrective action either taken or committed to by the State, and EPA's resulting action on the SIP. In addition, this notice includes EPA's response to all public comments received during the public comment period and under EPA's notice of availability. Where possible, the format of this notice follows that of the notice of proposed rulemaking, and reference is made to indicate such.

A discussion of conditional approval and its practical effect appears in two supplements to the General Preamble, 44 FR 38583 (July 2, 1979) and 44 FR 67182 (November 23, 1979). The conditional approval requires the State to submit additional materials by the deadlines proposed elsewhere in today's **Federal Register**. EPA will follow the procedures described below when determining if the State has satisfied the conditions.

1. If the State submits the required additional documentation according to schedule, EPA will publish a notice in the **Federal Register** announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the State's submission to determine if the condition is fully met. After review is complete, a **Federal Register** notice will be published proposing or taking final action either to find the condition has been met and approve the plan, or to find the condition has not been met, withdraw the conditional approval and disapprove the plan. If the plan is disapproved the Section 110(a)(2)(I) restrictions on construction will be in effect. Certain funds may also be withheld, conditioned or restricted if the plan is disapproved. *See* CAA § 316(b), § 176.

3. If the State fails to timely submit the required materials needed to meet a condition, EPA will publish a **Federal Register** notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and Section 110 (a)(2)(I) restrictions on growth are in effect. Certain funds may also be withheld, conditioned or restricted if the plan is disapproved. *See* CAA § 316(b), § 176.

Elsewhere in today's **Federal Register**, deadlines by which conditions must be met are being proposed. Although public comment is solicited on the deadlines, and the deadlines may be changed in light of comment, the State remains bound by its comitment to meet the proposed deadlines, unless they are changed.

Ozone

In the August 1, 1979 **Federal Register** notice, the section entitled "Ozone" specified the areas to which the plan revisions pertained. At the time the SIP was submitted, fifteen counties had been designated as not attaining the ozone standard. On April 6, 1979 the State submitted a revision to EPA, requesting redesignation of McLennan and Travis Counties to attainment, on the basis of changes to the ozone standard promulgated on February 8, 1979 (at 44 FR 8212). EPA proposed approval of the redesignation of these areas in the October 12, 1979 **Federal Register** (at 44 FR 58922). Therefore, EPA has chosen to take no action in these areas at this time. The State is not relieved of the requirement to submit a SIP for these areas until the redesignations are approved by EPA.

For the urban ozone nonattainment counties of Bexar, Dallas, El Paso, Nueces, and Tarrant, the State's control strategy predicted that attainment would be achieved by December 31, 1982 through the Federal Motor Vehicle Control Program (FMVCP) and the application of reasonably available control technology (RACT) to major stationary sources covered by the Control Technique Guidelines (CTGs) published by EPA prior to January 1, 1978. For Harris County, however, the State demonstrated that despite the implementation of all reasonably available control measures, attainment could not be achieved by December 31, 1982, and an extension until December 31, 1987 was requested. In the August 1, 1979 notice, EPA discussed seven additional measures which must be taken in conjunction with request for an extension, the manner in which the State addressed each of these additional measures, and any deficiencies in the State's approach (see 44 FR 45205 col. 2 through 44 FR 45207 col. 1). In regard to these points, the State has submitted clarification or committed to corrective action as follows:

1. In the August 1, 1979 notice, EPA proposed approval of the State's approach to the analysis of alternatives required under Section 172(b)(11)(A) of the Act on the condition that the Texas Air Control Board (TACB) revise its permit application form and that the TACB operate the program in such a manner as to assure that the required analyses would be performed. The TACB has submitted the language it intends to use in its revised permit application form, and has provided a written commitment to inform applicants who do not perform the required analyses that a permit meeting

federal requirements cannot be issued. EPA has been assured by officials of the TACB that the State will implement these changes in the permitting process for any permits issued after publication of this final rulemaking. EPA's final approval of the Texas SIP is premised on this understanding.

2. In the August 1, 1979 notice, EPA proposed conditional approval of that portion of the SIP that dealt with the establishment of an inspection/maintenance (I/M) program. On August 9, 1979, under signature of the Governor, the State submitted revisions to the SIP, portions of which, addressed and satisfied the conditions listed in the August 1, 1979 notice. EPA promulgated approval of this portion of the SIP on December 18, 1979, at 44 FR 74830. It should be noted that all public comments received relative to the I/M issue are discussed under that notice.

3. In the August 1, 1979 notice, EPA noted that the plan did not contain a formal commitment to public transportation improvement in Harris County, and the Agency proposed approval on the condition that such a commitment be submitted as part of the SIP by October 29, 1979. In response to this, the State submitted revisions to the proposed SIP on August 9, 1979, which included the text of the Metropolitan Transit Authority (MTA) Board Order 78–8, certifying the election in Harris Country which created the MTA, and levied a one cent sales tax to implement the MTA's programs. EPA considers this submittal as a commitment to use local funds for such programs, thereby satisfying the condition for approval. Therefore, EPA is today approving this portion of the SIP.

4. In the August 1, 1979 notice, EPA specified that the SIP did not identify or include any commitment to implement currently planned transportation control measures (TCMs) having beneficial air quality impacts, and that the State must do so within 90 days of the notice. The TACB stated to EPA that the information could not be provided by the October 29, 1979 deadline. EPA agreed to extend the deadline to December 31, 1979. The TACB provided this material to EPA on December 28, 1979. Since this material has not previously been subjected to notice and comment, EPA is conditionally approving this portion of the plan today. EPA is currently reviewing the adequacy of the submittal and notes that the conditional approval will remain in effect until EPA takes final action on this portion of the SIP.

As noted in the General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas, 44 FR 20376 (April 4, 1979), the minimum acceptable level of stationary source control for ozone SIPs, such as Texas, includes RACT requirements for VOC sources covered by CTGs the EPA issued by January 1978 and schedules to adopt and submit by each future January additional RACT requirements for sources covered by CTGs issued by the previous January. The submittal date for the first set of additional RACT regulations was revised from January 1, 1980 to July 1, 1980 by **Federal Register** notice of August 28, 1979 (44 FR 50371). Today's approval of the ozone portion of the Texas plan is contingent on the submittal of the additional RACT regulations which are due July 1, 1980 (for CTGs published between January 1978 and January 1979). In addition, by each subsequent January beginning January 1, 1981, RACT requirements for sources covered by CTGs published by the preceding January must be adopted and submitted to EPA. The above requirements are set forth in the "Approval Status" section of the final rule. If RACT requirements are not adopted and submitted to EPA according to the time frame set forth in the rule, EPA will promptly take appropriate remedial action.

In the August 1, 1979 notice, under the section which discussed Regulation V, "Control of Air Pollution from Volatile Organic Compounds," EPA identified ten issues (see 44 FR 45207) for which the State's regulation either was not supported by the information in the Control Techniques Guidelines (CTGs) or was not consistent with EPA's past policy concerning SIP revisions in general. In regard to these deficiencies, the State has submitted further clarification or committed to corrective action, as follows.

1. In regard to those control measures specified in Subchapter 131.07.51 which EPA determined to be inconsistent with RACT, the State, in its correspondence of August 14, 1979, has specified that it was not their intent to encourage or allow top cutoff and retrofit with external single seal floating roofs as a means of compliance with this subsection, and would require double seal external floating roofs in order to be equivalent to covered roof tanks equipped with internal floating roofs with single seals. Therefore, this subchapter is acceptable.

2. In regard to Subchapter 131.07.54, which pertains to the control of VOC emissions from the filling of gasoline storage vessels for motor vehicle dispensing facilities, EPA proposed disapproval of this subchapter for those nonattainment counties which are covered under the federal promulgation published in the July 21, 1977 **Federal Register** (at 42 FR 37376). In light of discussions with the State and the State's willingness to work toward developing a State regulation consistent with EPA guidance, the Agency has chosen to take no action on this portion of Regulation V at this time. The federally promulgated regulations will remain in effect.

It should be noted that while EPA did not propose disapproval of two related subchapters (i.e., 131.07.52 and 53) which deal with the control of VOC emissions from bulk gasoline plants and terminals, since the requirements of these subchapters are equivalent to RACT, the Agency clearly specified that the federal promulgation, which covers these source categories, would remain in effect in the designated nonattainment areas. This was done for the purpose of requiring sources presently in compliance with the federal promulgation to remain so and not attempt to delay compliance to the later dates specified in the State's regulation. Therefore, the Agency has chosen to take no action on these two subchapters at this time.

3. In their correspondence of August 14, 1979, the State specified that the exemption under Subchapter 131.07.55.105 for wastewater separators used exclusively in conjunction with the production of crude oil or condensate was intended to apply to field operations other than petroleum refineries and that the CTG document pertains only to the latter source category. EPA concurs with the State and finds the exemption acceptable. In addition, the State has committed to submit a demonstration in accordance with EPA's five percent rule for the exemption of those separators specified under Subchapter 131.07.55.103 located at refineries, receiving less than 200 gallons per day of VOC.

4. In regard to Subchapter 131.07.56, the State has committed to submit a demonstration that the exemption for vacuum producing systems emitting less than 100 pounds per day will be in accordance with EPA's five percent rule.

5. The State has committed, in their correspondence of August 14, 1979, to revise Subchapter 131.07.59.101, which pertains to the control of VOC emissions from the use of cutback asphalt in such a manner as to be consistent with the RACT requirements for this source category. In addition, the regulation will be revised to include all nonattainment counties in which the use of cutback asphalt consitutes 100 tons per year or more of VOC emissions on a countywide basis.

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6. In regard to Subchapters 131.07.59.102–104, the State has committed to revise the regulation so as to require Control System B for facilities with emissions greater than or equal to 18 tons per year in Harris County, and in all other nonattainment counties, for facilities which have degreasing operations emitting in excess of 100 tons per year. In addition, the State has committed to submit a demonstration that the exemption, as provided, for Harris County will be consistent with EPA's five percent rule.

7. In their correspondence of August 30, 1979, the State has specified that, under Subchapter 131.07.60.102, the extension of the final compliance date to December 31, 1985 was intended to apply to those can coating sources which could provide evidence of extreme hardship, and has committed to submit all such compliance schedules requesting an extension beyond December 31, 1982, along with full justification for the extension, to EPA for approval. The CAA requires that requests for extensions beyond final attainment dates meet the requirements of Sections 110 and 172.

8. The State has committed to include test procedures for determining compliance with the surface coating and gasoline terminal regulations in the Compliance Sampling Manual. The State does not intend to submit the Compliance Sampling Manual as part of the SIP. However, EPA finds this approach acceptable on the basis that 40 CFR 52.12 specifies applicable test methods. 40 CFR 52.12 applies to plan provisions which do not specify a test procedure and states that for purposes of federal enforcement, sources subject to such a SIP will be tested by means of the appropriate procedures and methods prescribed in Part 60.

9. In regard to those sources which were previously exempt from the requirements of Regulation V and which are now required to comply, as specified under Subchapter 131.07.62, the State has committed, in their correspondence of August 30, 1979, to submit compliance schedules for all affected sources in accordance with 40 CFR 51.15.

10. Subchapter 131.07.62.101 includes a provision which exempts methyl chloroform (1,1,1 trichloroethane). This VOC, while not appreciably affecting ambient ozone levels, is potentially harmful. Methyl chloroform has been identified as mutagenic in bacterial and mammalian cell test systems, a circumstance which raises the possibility of human mutagencity and/or carcinogencity.

Furthermore, methyl chloroform is considered one of the slower reacting VOCs which eventually migrates to the stratosphere where it is suspected of contributing to the depletion of the ozone layer. Since stratospheric ozone is the principal absorber of ultraviolet light (UV), the depletion could lead to an increase of UV penetration resulting in a worldwide increase in skin cancer.

With the exemption of this compound, some sources, particularly existing degreasers, will be encouraged to utilize methyl cholorform in place of other more photochemically reactive degreasing solvents. Such substitution has already resulted in the use of methyl chloroform in amounts far exceeding that of other solvents. Endorsing the use of methyl chloroform by exempting it in the SIP can only further aggravate the problem by increasing the emissions produced by existing primary degreasers and other sources.

The Agency is concerned that the State has chosen this course of action without full consideration of the total environmental and health implications. The Agency does not intend to disapprove the State SIP submittal if, after due consideration, the State chooses to maintain this exemption. However, we are concerned that this policy not be interpreted as encouraging the increased use of this compound nor compliance by substitution. The Agency does not endorse such approaches. Furthermore, State officials and sources should be advised that there is a strong possibility of future regulatory action to control this compound. Sources which choose to comply by substitution may well be required to install control systems as a consequence of these future regulatory actions.

EPA concurs with the State's findings and actions on each of these issues, and has determined that such action will be sufficient for the removal of the noted deficiencies. Therefore, EPA conditionally approves the revisions to Regulation V (with the exception of that portion for which EPA will take no action, at this time) provided that the State meets the following schedule.

1. All demonstrations needed to indicate compliance with EPA's five percent rule be submitted by December 31, 1979.

2. All required compliance schedules be submitted to EPA by March 30, 1980.

3. Adopt and submit to EPA, the necessary revisions to Regulation V by August 1, 1980. A notice soliciting public comment on the acceptability of this date appears elsewhere in today's **Federal Register**. The material required by December 31, 1979 has been received. EPA is reviewing the submission and the conditional approval remains in effect until EPA takes final action on this portion of the SIP.

Carbon Monoxide

In the August 1, 1979 notice of proposed rulemaking, the Agency identified the area designated as nonattainment for carbon monoxide (CO), and discussed the proposed control strategy in regard to its adequacy to achieve attainment. No deficiencies were identified and the plan was found to be adequate to demonstrate attainment. Therefore, EPA is approving this portion of the Texas SIP.

Particulate Matter

As noted in the August 1, 1979 notice, the State requested redesignation of eleven of the 25 areas originally designated as not attaining the National Ambient Air Quality Standards (NAAQS), for total suspended particulate (TSP), to either attainment or unclassified. These areas are as follows: Eagle Pass, Progresso, McAllen, Texas City, San Antonio, two areas in Harris County, three areas in Fort Worth, and one area in El Paso. A notice proposing approval of these redesignations was published by EPA in the October 12, 1979 **Federal Register** (at 44 FR 58922). Therefore, EPA has chosen to take no action on these eleven areas at this time. In addition, on November 26, 1979, the State requested redesignation of an additional area in El Paso from nonattainment to attainment. Since EPA will be proposing action on this redesignation in a separate **Federal Register** notice, soon to be published, the Agency will also take no action on this area at this time.

Under the above reference notice, EPA stated that for eight of the remaining nonattainment areas (now seven, due to the November 26, 1979 request for redesignation) the control strategy was inappropriate, since the Agency had reviewed the monitor sites and found them to be acceptable, in contrast to the State's contention that they were improperly sited. Therefore, EPA proposed to require that complete and relevant control strategies be developed for these areas, including as a minimum, emission inventories, design values, required percentages of reduction, and demonstrations of reasonable further progress (RFP) and attainment. In regard to this deficiency, the State committed to submit a draft SIP revision by August 13, 1979 which would include a schedule indicating the phases in which the control strategies would be developed and completed. However, in their correspondence of August 30, 1979, the State requested that

the schedule be renegotiated. The correspondence also included a clarification of the nonattainment areas which would be covered in this submittal and EPA has determined that the areas are commensurate with the areas that the Agency considers to be deficient.

EPA stated in the August 1, 1979 notice, that conditional approval could be granted provided that the draft SIP revision contained:

(1) An analysis of the impact of stationary sources on each of the nonattainment areas in question and a reasonable schedule to adopt controls if the analysis indicated the need for such, and

(2) An analysis of the impact of non-traditional sources on the nonattainment areas in question and a reasonable schedule to conduct studies to control the non-traditional sources.

On December 13, 1979, the State submitted a workplan for the development of the control strategies for these areas which would indicate attainment of the primary standards by December 1982 and the secondary standards by December 1987, and committed to a schedule for the completion of the major steps in their development.

Therefore, EPA is conditionally approving the TSP plans for San Benito, Brownsville, Corpus Christi 1,[1] Corpus Christi 2, Dallas 1, Dallas 3, and El Paso 4, based upon the State meeting the following schedule:

March 3, 1980—Draft SIP revision supplement submitted to EPA.

May 5, 1980—Public hearing completed.

August 1, 1980—Adopt revision, revised Regulation I as it pertains to control of nontraditional sources, if necessary, and submit to EPA.

Elsewhere in today's **Federal Register**, EPA is soliciting public comment on the acceptability of this schedule. While the State is developing these revisions, Regulation I as being acted on today, will apply to these areas.

For the remaining six areas for which the State developed control strategies (i.e., Aldine, Houston 1, Dallas 2, Fort Worth 1, El Paso 1, and El Paso 2), the August 1, 1979 notice identified several problems in the demonstrations of attainment.

First, EPA noted that the State had developed an emissions/air quality relationship that was not consistent with any EPA guideline for air quality estimates, and that the State must submit a demonstration indicating that their method would result in at least as stringent reductions as the linear rollback method, and that the nonattainment areas for which this method was used showed no significant industrial influence. In response to this condition, the State submitted information showing the derivation of their method which verified that it resulted in reductions at least as stringent as the linear rollback method. Therefore, EPA accepts the State's method for determining the required percentages of reduction as being equivalent to EPA's accepted method.

Secondly, EPA noted that an error had been made in the calculation of emissions from unpaved parking lots which affected the demonstrations of attainment for all but one of these six nonattainment areas. The State has revised their calculation of this factor in accordance with the method discussed in EPA's detailed report on the Texas SIP.

Thirdly, EPA identified a number of errors in the individual control strategies for several of the nonattainment areas. In their correspondence of November 21, 1979, the State submitted revised control strategies for these areas which corrected these errors.

In the August 1, 1979 notice, EPA specified that for certain of these TSP nonattainment areas showing significant industrial influence, dispersion modelling must be used rather than linear rollback in the attainment demonstrations. The State indicated, in their correspondence of September 14, 1979, difficulty in complying with this requirement, since dispersion models have limited application in areas that are predominantly influenced by fugitive dust sources due to such problems as characterization of such sources into traditional classifications, etc. In addition, the State has certified that Regulation I is equivalent to RACT, and is therefore precluded from developing further stationary source controls, since all reasonable controls are presently required. Therefore, in the State's judgment, the requirement for modelling appears to be unreasonable, since the nonattainment problem in these areas is of a localized nature and predominantly due to fugitive dust source.

EPA acknowledges the difficulties associated with the use of dispersion modelling in areas primarily influenced by fugitive dust sources. Therefore, since the state has certified that Regulation I is equivalent to RACT, and has committed to control fugitive dust sources to the extent needed to demonstrate RFP and attainment through Regulation I, as it is being approved today, EPA is eliminating the requirement for dispersion modelling in those TSP nonattainment areas identified as requiring such in the August 1, 1979 notice.

EPA concurs with the State's findings and actions on these nonattainment areas and the corrective action taken in regard to Regulation I. EPA is, hereby, approving the Texas plan for the TSP nonattainment areas of Aldine, Dallas 2, Fort Worth 1, El Paso 1, and El Paso 2.

For the Houston 1 TSP nonattainment area, EPA requires further assurance that RACT is in place for certain industrial categories. Therefore, EPA is taking no action on the control strategy for the Houston 1 area until the Agency is assured that RACT is in place for these categories.

New Source Review

In the proposed rulemaking, EPA reviewed the provisions of Regulation VI, "Control of Air Pollution by Permit for New Construction or Modification," which was revised by the State so as to incorporate the requirements of Section 173 of the Act into its permit system. In that notice (see 44 FR 45209 Column 3 through 44210 Column 1) EPA noted three issues on which the State's regulation deviated from the provisions of Section 173 of the Act. In their correspondence of August 30, 1979, and through negotiation, the State has committed to the following corrective actions, to be taken by August 1, 1980 except as noted:

1. Regarding Subchapter 131.08.00.003(a)(13) the State has committed to revise the rule to provide for application of offsets in all nonattainment areas, designated as such after March 3, 1978.

The offsets provision can remain in effect for no longer than nine months from the date of the area's nonattainment designation while the state develops and submits a nonattainment plan. If the state submits a plan within the nine month period, the offset policy can continue for an additional six months from the plan due date or until EPA takes action to approve or disapprove the plan, whichever comes first. However, if the state fails to submit a plan before the nine month period expires, the offset policy will expire when EPA acts to impose the construction moratorium specified in Section 110(a)(2)(I) of the Clean Air Act.

2. Regarding Subchapters 131.01.001. (29) and (30) of the general rules, the State has agreed to revise the definitions of "major source" and "major

[1] This notation was used in the Texas SIP to differentiate among the non-attainment areas within one city. For example, the two nonattainment areas in Corpus Christi are Corpus Christi 1 and Corpus Christi 2.

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modification" to be equivalent to EPA definitions, except that the date of this submission may be revised as a result of the ruling of the U.S. Court of Appeals for the District of Columbia Circuit in the case of *Alabama Power Company et al* v. *Douglas Costle.*

3. Regarding Subchapter 131.08.00.003(a)(14) the State has committed that the use of "significance levels" will apply only to areas which can be demonstrated to be clean areas and the interpretative ruling is applicable to all areas where NAAQS are being violated.

EPA considers these corrective actions, committed to by the State, to be sufficient for the removal of the noted deficiencies. Therefore, EPA is conditionally approving the revisions to Regulation VI provided that the State adopt and submit the regulation to EPA, revised in the manner committed to by the State, by August 1, 1980. Elsewhere in today's **Federal Register**, EPA is requesting public comment on the acceptability of the August 1, 1980 deadline.

Public Comments

Numerous comments were received from individuals representing private industry, environmental groups, private citizens, and state and local governments, covering a variety of issues addressed in the August 1, 1979 notice of proposed rulemaking on the Texas SIP.

Of these, a large number, either in part or in their entirety, took exception to EPA's proposed action on that portion of the Texas SIP which deals with the requirement for an analysis of alternatives for Harris County as specified under Section 172(b)(11)(A) of the Act. In general, these comments alleged a lack of any definitive means of requiring an applicant for a new or modified source to perform the analysis of alternatives.

According to Section 172(b)(11)(A), for areas which cannot attain the ozone standard by December 31, 1982, states are required to establish a program which requires, prior to issuance of any permit for construction or modification of major emitting facilities, an analysis of alternative sites, sizes, production processes, and control techniques which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification. Since the Agency has not issued definitive guidance on the nature of the program, states are free to develop programs which best fit the individual needs of their permitting operations. As specified elsewhere in this notice, the State has submitted the language it intends to use in its revised permit application form, and has provided a written commitment to inform applicants who do not perform the required analyses that a permit meeting federal requirements cannot be issued. Insofar as the State has committed to the operation of the program in a manner that is consistent with the intent of Section 172(b)(11)(A), EPA is approving this portion of the Texas SIP.

One commentor objected to EPA's redesignating a portion of Nueces County from "cannot be classified or better than national standards" to "nonattainment" for ozone in the September 11, 1978 **Federal Register** (at 43 FR 40433) which amended certain of the original designations made on March 3, 1978 (at 43 FR 8962). In the latter notice, EPA stated that the entire county was being redesignated as nonattainment since a review of the information used to support the original designation indicated that a partial county designation could not be supported with geographical or emission densities arguments. Since EPA policy on this issue has not changed, the Agency contends that the redesignation is justifiable.

Another commentor stated that in their judgment, the additional measures, identified by the State and listed at 44 FR 45206 (August 1, 1979), as potential measures for possible implementation in Harris County, are unrealistic and will not result in the predicted amount of VOC reductions.

It is EPA's intention to require states that cannot demonstrate attainment of the ozone standard in a given area by 1982, to submit revisions to the state plans in 1982 which will demonstrate attainment by 1987. The current requirement for states to identify potential measures which may be used in the 1982 revision comes from Section 172 of the Act and EPA policy, and is intended to initiate analysis of these measures, and allow for integration into the current plan. EPA agrees that the current estimates for these measures can be improved, and the Agency anticipates that this process will result in more accurate estimates to serve as the basis for the 1982 SIP revision. Neither EPA nor the State regards the identified measures or the estimated reductions as specific commitments. However, the 1982 revision must contain these or other legally enforceable measures which will result in sufficient VOC reductions to achieve attainment of the ozone standards in Harris County by 1987.

Two commentors objected to EPA's determination on Subsection 131.08.00.003(a)(13) under Regulation VI, which stated that it was in conflict with the Agency's Interpretative Ruling. Their objection was based on the fact that, requiring offsets in newly designated rural ozone nonattainment areas was unreasonable and inequitable since rural areas designated as such at this time are not subject to the offset requirement.

EPA does not agree that it is unreasonable or inequitable to apply the Interpretative Ruling concerning emission offsets to new sources that apply for permits during the period in which a rural area is newly designated as nonattainment for ozone, and a revised SIP is being prepared. In this period it is clear that the existing SIP provisions are inadequate to achieve attainment, and the comprehensive requirements of Part D of the Act have not yet been established in a revised SIP. Application of the Interpretative Ruling in this interim period works to limit the compounding of air quality control problems, and the continued deterioration of air quality past the standard. The commentor implies that emission offset is equivalent to the requirement for reasonable further progress (RFP) in a revised SIP for an urban non-attainment area, and because the RFP demonstration is not required for rural areas, emissions offset should not apply to rural areas. EPA's policy of not requiring RFP demonstrations for rural areas in the SIP does not imply that actual progress need not occur in the area. EPA allows the deletion of this requirement in the rural SIP because the demonstration of RFP in related urban areas and the other requirements on stationary sources contained in Part D would indicate that RFP will occur in the rural area as well.

One of the commentors felt that the General Preamble should have been subjected to the notice/hearing requirements of the Administrative Procedure Act (APA). Furthermore, the commentor noted that in referencing the requirements of EPA's Interpretative Ruling, the General Preamble failed to mention that the substance of the Interpretative rule was being litigated.

The General Preamble was issued to supplement EPA's proposal on each Part D SIP revision, including Texas. It identified major considerations guiding EPA's evaluation of the submittals and was to assist the public in commenting on the approvability of them. Therefore, the public had full opportunity to comment on the General Preamble with each Part D revision proposal. The

provisions of the Interpretative Ruling apply whether or not they are referenced in the General Preamble. Although the Interpretative Ruling may be under judicial review, its provisions remain in force until struck down or otherwise revised.

Another commentor addressed EPA's proposed approval of Regulation V, on the condition that affected sources (i.e., those sources previously exempt under Rule 507) submit compliance schedules to the State by the end of 1979 and to EPA by March 31, 1980. Such duplicative filing would in the commentor's opinion, result in unnecessary delays.

It was not EPA's intent to require duplicative filing of compliance schedules, but, rather to require the TACB to submit to the Agency the applicable compliance schedules.

Two commentors stated that the Texas SIP was deficient in that it failed to provide for citizen suits in pollution/violation matters. The commentors also alleged that the SIP did not provide for public participation in the enforcement process of the state program, citing *Citizens for a Better Environment vs. Environmental Protection Agency* 596 F.2d 720, (7th Cir. 1979).

EPA's response to these commentors is threefold. First, the Clean Air Act does not require that SIPs provide for citizen suits. Secondly, citizens may seek enforcement of SIP provisions under Section 304 of the federal Statute (42 U.S.C. 7604). Thirdly, *Citizens for a Better Environment, id.,* is inapplicable for the reason that that case deals with specific provisions of the Clean Water Act (33 U.S.C. 1251 *et seq.*) which are not found in the Clean Air Act.

The League of Women Voters of Texas submitted a number of comments on the proposed Revisions to the Texas SIP for nonattainment areas. These comments, outlined below, were generally favorable to the EPA position.

The League agreed with the reclassification of nonattainment areas based on the revision of the ozone standard, but urged careful monitoring in these areas to assess the impact of future population growth on air quality. The League concurred with ozone control strategies for the nonattainment areas, and the EPA position that no demonstration of RFP need be made in rural nonattainment areas. They urged, however, that the TACB make a stronger commitment to VOC emissions control by adopting RACT regulations for sources covered by further CTGs, demonstrating RFP in areas projected to attain the standard in 1982, and adopting RACT regulation for a variety of VOC sources. EPA notes that while the TACB states that they will consider further CTGs, they are required to adopt RACT regulations for CTG sources, either using the CTG controls as the "presumptive norm" for RACT, or demonstrating that other regulations are equivalent to RACT. EPA has addressed this issue elsewhere in this notice. The League suggested that TACB provide assurances that there were no VOC sources which could not be regulated under the SIP. EPA notes that its present guidelines do not require RACT control of all sources for nonattainment areas projected to attain the standard by 1982, but EPA does require RACT for all CTG sources, and such additional control of VOC sources as may be necessary for RFP.

In further comments on the ozone control strategy, the League of Women voters urged that the 5.1% reduction in the projected increase in vehicle miles travelled (VMT) be carefully monitored and verified, but concluded that this VMT reduction and the I/M program would provide sufficient reduction in mobile source emissions to result in RFP. However the League criticized the TACB for providing only the minimum necessary programs instead of strongly committing to attainment of the ozone standard.

The League offered comments urging stronger plans to improve Houston transit facilities, and suggested that HGAC could assume primary responsibility for improved public transportation planning. EPA notes that transportation planning is of necessity divided between the MTA, and HGAC and the TACB, but that the HGAC must approve and adopt all measures which are to be implemented.

The League made a number of comments directed at the TACB revisions to Regulation V concerning RACT controls for sources of VOC emissions. They recommended that EPA not approve the TACB regulations concerning loading and unloading facilities for VOCs, gasoline bulk plants and filling gasoline storage vessels because of the exemptions allowed. They also recommended disapproval of regulations relating to asphalt controls, degreasing, can coating, surface coating and gasoline terminals until it is demonstrated that RACT is being applied.

EPA's response to these issues, in addition to the State's commitment to corrective action on certain of these deficiences, can be found in this notice under the Section entitled "Ozone."

The League particularly noted its concern that the TACB regulations exempted methyl chloroform and/or methylene chloride, which are not photochemically reactive in the lower atmosphere, but which may have an impact on public health. Although the League urged disapproval of these regulations by EPA, it is EPA's position that until more is known about these compounds, EPA cannot disapprove a SIP for attainment of the ozone standard which exempts these non-reactive compounds.

The League comments included its agreement that the FMVCP would be adequate to attain the CO standard in the El Paso area, but they urged that the TACB track both VMT and emission reductions to assure RFP. The League also concurred with the designations of particulate nonattainment areas reported in the proposed rulemaking, and supported EPA's requirement that control strategies for particulate nonattainment areas include measures beyond those submitted by the State. The League pointed out their support for the particulate controls measures specified in Regulation I.

In its final comments, the League noted that the revised SIP would require cancellation of previously granted exemptions for certain VOC categories, and subsequent reapplication for exemption by the source to TACB. The League requested that TACB prepare a report to the public listing all applications resulting from this cancellation, and a report of exemptions allowed by the Board. In response to this comment, EPA notes that the TACB has committed to submit these exemptions to EPA for approval, and their availability would be established through EPA's information policies.

The Sierra Club, Lone Star Chapter, submitted a number of comments concerning the Texas proposal for control strategies in nonattainment areas. These comments and EPA's response are outlined in the following paragraphs.

The Sierra Club supported EPA's conditional approval of the Texas SIP on the basis of the deficiencies noted in the proposed rulemaking, and urged that EPA should expect timely compliance with all deadlines. Based on the State's request, elsewhere in today's **Federal Register**, EPA is proposing new deadlines. Although public comment is solicited, and the deadlines may be changed in light of comment, the State remains bound by its commitment to meet the proposed deadlines, unless they are changed.

The Sierra Club commented that the TACB did not provide adequate notice and public hearings, in that the November round of hearings did not address the revised ozone standard or the I/M program. In EPA's view the TACB hearings were not inadequate in

that, at the time, the TACB had not been delegated legal authority for I/M from the Texas legislature, and with the revision of the ozone standard, the more extensive I/M programs mentioned by Texas were scaled down to address the one nonattainment area for which an extension of the 1982 attainment deadline was requested. The Sierra Club also expressed concern that the agreement between the TACB and the HGAC would prevent citizen participation in the I/M planning process. It is EPA's understanding that this agreement does not preclude public involvement, and EPA supports and encourages such participation.

The Sierra Club supported EPA's conditional approval of the transportation planning portion of the SIP, but asked whether the commitment to public transportation improvement would come from local governments in Harris County, and further questioned whether it would be possible to get a commitment to implement currently planned TCMs by October 29, 1979. It is EPA's position that official commitment to public transportation improvement which is to be submitted to EPA in response to the conditional approval, must be adopted first by the HGAC, then appoved by the TACB, and then submitted as a SIP revision. The TACB has stated to EPA that the October 29, 1979 deadline for a commitment to the implementation of currently planned TCMs could not be met, and EPA has agreed to extend this deadline to December 31, 1979.

The Sierra Club supported EPA's conditional approval of the proposed particulate control strategy, but questioned the effectiveness of the FMVCP for attaining the carbon monoxide standard in EL Paso. At this time EPA does not have information that would indicate that the demonstration of attainment based on the FMVCP is not valid, and so cannot require TCMs in the State's plan.

The Sierra Club, Lone Star Chapter, also submitted under separate cover, comments on the TACB's rules and regulations. A number of the comments addressed portions of the regulations which are not pertinent to the requirements of Part D. EPA will reserve response to these and address them under a separate **Federal Register** notice dealing with non-Part D requirements, to be published at a later date.

The Sierra Club commented that with respect to Regulation I, Subchapters 131.03.04.001–.005 should apply statewide and not just to the TSP nonattainment areas. The Sierra Club also expressed concern that prior to their revision, these subchapters had applied to all areas, and their removal would actually result in a relaxation of the controls for TSP.

EPA has historically supported the concept of applying controls statewide, but cannot require such a provision. In addition, prior to this revision, Subchapters 131.03.04.001–.005 applied only to those Standard Metropolitan Statistical Areas (SMSAs) where the standards for TSP were exceeded. According to the April 4, 1979 General Preamble, (at 44 FR 20373), existing requirements may not ordinarily be relaxed or revoked, even when new requirements are being added to the SIP. EPA will review this change in the application of these subchapters from SMSAs to nonattainment areas, and should it result in the cancellation of this portion of Regulation I in previously controlled areas, the Agency will address this issue in a separate **Federal Register** notice dealing with non-Part D requirements, to be published at a later date.

The Sierra Club objected to that portion of Regulation I which exempts agricultural processes from certain subchapters of the regulation.

In regard to TSP control strategies, EPA policy has been that only the degree of control necessary to demonstrate attainment will be required. If the State can demonstrate attainment in the TSP nonattainment areas without imposing control on agricultural processes, they may do so.

The Sierra Club objected to Subchapter 131.07.52.101(3) Regulation V, because it did not specify that gasoline tank trucks must be vapor-tight at all times.

The measures specified by the Sierra Club, Control of VOC Leaks from Tank Trucks and Vapor Collection Systems, are Set II CTG controls. As such, the State is not required to adopt regulations to impose such controls until July 1980.

The Sierra Club supported EPA's proposed disapproval of subchapter 131.07.54, Regulation V. EPA's rationale for taking no action on this Subchapter of the regulation can be found in this notice under the section entitled "Ozone."

The Sierra Club commented that, in regard to the State's exemption of methyl chlooroform, they would oppose the unnecessary use of any mutagen/carcinogen.

EPA's position on the State's exemption of this VOC has been addressed in a previous comment.

The Exxon Company submitted comments concerning EPA's federally promulgated regulations for Stage I vapor recovery (40 CFR 52.2285 and 52.2286, July 1978) applicable to certain Texas counties. The commentor noted that the State's regulation required a vapor balance system which would meet the specified emission limitation if, in part, the only atmospheric emission during transfer into the storage container is through a storage container vent line, and the delivery vessel is kept vapor-tight at all times (except for gauging) until the captured vapors are discharged to a loading facility with vapor recovery equipment. In contrast, the federal regulations require that the delivery vessel be kept vapor-tight at all times. The commentor objected that this condition is too restrictive in that emergency vapor venting is prohibited, possibly leading to a hazardous situation, and visual verification of the contents of the delivery vessel compartments is not allowed. The commenter recommended that these two procedures be specifically exempted in the federal regulations. The commentor also submitted extensive discussions and calculations which indicated that a *de minimus* emission of VOC would occur as a result of exempting these procedures.

EPA has reviewed the State's regulation and, as noted in the August 1, 1979 notice, approved this provision of Regulation V, thereby indicating its equivalency with RACT, for those ozone nonattainment counties not covered by the federal regulations.

For those counties covered by the federal regulations, EPA has chosen to take no action, and the Agency's rationale for doing so is stated in this notice under the Section entitled "Ozone." At such time as EPA does take action, this comment will be taken into consideration and EPA's response will be included in a future **Federal Register** notice.

Several comments on the revisions to the Texas SIP were received from a group of citizens from Galveston, Texas, who were involved in proceedings before the TACB, relating to construction of facilities by the Pelican Terminal Corporation. As a result of contesting the application for construction, the group offered comment concerning the adequacy of the TACB's revisions to the SIP. First, they questioned whether Texas' use of Regulation VI, which did not include emissions from vessels, was consistent with EPA's regulations for SIPs, 40 CFR 51.18. Second, the group expressed the view that the revisions were not in compliance with Section 173(1)(A) of the act which requires a demonstration of RFP before permits for new sources can be issued. The group also questioned the adequacy of the Texas provisions for the application of EPA's Interpretative Ruling for emissions offset. Concerning the compliance of the revised SIP with 40 CFR 51.18, EPA has not yet resolved the issue of 40 CFR 51.18, applicability to offshore vessel emissions. In the absence of definitive policy with regard to offshore vessel emissions, EPA is currently approving this portion of Texas' Regulation VI since it fully complies with all applicable regulations. Furthermore, EPA is advising the public that, pending EPA's final determination on this issue, Texas must revise Regulation VI, if necessary, to be consistent with EPA policy.

With regard to the group's second point, it is EPA's view that the Texas revised regulations conform to the provisions of 173(1)(A) as they require the TACB to make a determination concerning RFP before a permit can be issued. Also the Texas regulations are consistent with EPA's guidance that RFP need not be demonstrated in rural nonattainment areas.

Comments were received from Mr. W. Thomas Buckle who expressed concern about deficiencies in the revisions to the SIP relating to attainment of the ozone standard and to new source review requirements.

Mr. Buckle first pointed out that the Texas SIP does not demonstrate attainment or reasonable further progress (RFP) for rural nonattainment areas. In Mr. Buckles' view, EPA's guidance that such a demonstration is not necessary is inconsistent with the requirements of the Act or EPA's existing SIP regulations, and is not supported by data or analysis.

Air quality in rural areas is strongly influenced by emissions from urban areas. Because of the dominance of transported ozone and hydrocarbon precursors from urban area sources in determining rural ozone levels, EPA believes that RFP and attainment in urban nonattainment areas along with RACT requirements on major stationary sources in rural nonattainment areas will result in RFP and attainment in rural nonattainment areas where there are relatively few emission sources.

Mr. Buckle also commented that the SIP does not identify the quantity of emissions which will be allowed from new sources in ozone nonattainment areas, as is required by Section 172(b)(3) and (5) of the Act.

In EPA's view, the Texas SIP revision meets these requirements of the Act. The SIP identified the required percentages of reduction and the actual percentages of reduction achieved for each of the urban nonattainment areas. Therefore, where the actual percentage of reduction was greater than the required, a growth allowance was provided. This information is shown in the August 1, 1979 notice at (44 FR 45205) in Table 1. Since the percentages of reduction were based on 1977 emissions, this growth allowance is easily quantified.

Another comment offered by Mr. Buckle is that the revised SIP does not require offsets for new sources in rural nonattainment areas, and therefore TACB cannot demonstrate RFP which is a requirement for granting permits for such sources under Section 173 of the Act. As noted previously, it is EPA's belief that nonattainment in rural areas is largely the result of transport of ozone and hydrocarbons from urban areas. EPA further believes that reductions of emissions in urban areas will result in air quality improvement in rural areas consistent with RFP, with an additional allowance for permiting new sources. Such new sources in rural areas are required to meet the other requirements of Part D, including LAER controls. This comment is primarily addressed to EPA's General Preamble which identifies the major consideration that would guide EPA's evaluation of SIP submittals.

Another comment made by Mr. Buckle is that the revised SIP does not comply with the requirements of Section 110(a)(4), which requires that permits for sources subject to NSPS emissions standards must have a demonstration that the source will not prevent attainment or maintenance of the NAAQS. This a comment which is directed to portions of the SIP other than those specifically relating to Part D of the Act. EPA will respond to non-Part D comments in a later **Federal Register** notice.

Mr. Buckle's final comment was that the proposed SIP revisions would allow increases in hydrocarbon emissions between the present and December 31, 1982 in nonattainment areas. He points out that the Texas definition for RFP does not require straight line reductions or application of RACM and that reductions of hydrocarbon emissions from Regulation V would not occur until December 1981. Further, the only incremental reductions that would occur are those attributable to the FMVCP. In response, EPA does not require straight line reduction in emission as a condition for demonstrating RFP, and RACM need not be applied to all sources, except CTG sources, where RFP can be established with less than RACM. EPA does not agree that absolute increases in emission are allowed, as Texas regulations require a determination by TACB that emissions will continue to follow RFP before permits for new sources can be issued. The Texas regulations do require RACT to the extent necessary, and LAER for new sources; and these regulations will be effective when promulgated, although final compliance is not required until December 31, 1981.

The Shell Oil Company submitted comments concerning EPA's requirement that the TACB must agree to adopt regulations for source categories covered by CTGs published in 1979 by January 1980, and furthermore to adopt by January 1981, regulations for sources covered by future CTGs which will be issued in 1980. The commentor stated that it appeared that this was required because the Texas SIP did not provide for RFP, and that the Agency was equating RACT with the CTGs. This, in the commentor's opinion was improper since the Agency is requiring compliance with standards that have not been adopted using the procedural safeguards of notice and comment.

EPA's policy on the need for RACT in the General Preamble is that, for ozone nonattainment areas where photochemical dispersion modeling is not used, RACT must be applied to all CTG source categories. A delay in the adoption of RACT has been provided to the states so that the Agency can provide guidance to the states in the form of the CTGs. Therefore, EPA does not contend that the CTGs represent RACT, but rather, represent the "presumptive norm" which does not take into account the unique circumstances within each state and allows for variation. The States are allowed to develop case-by-case determinations of RACT as specified in the September 17, 1979 **Federal Register** at (44 FR 53761).

The commentor also objected to the Agency expressing concern over the State's exemption for methyl chloroform, since, in the commentor's opinion, it was improper to encourage states to take action when EPA had the prime responsibility to address this issue, and had not yet done so.

The purpose of EPA's statement in the August 1, 1979 notice was to notify the states that, although regulatory control of certain VOCs was not required at this time, such control may be required in the future, and to inform the public of the potential health risks associated with these compounds.

The Texas State Department of Highways and Public Transportation (TSDHPT) submitted comments in reference to Subchapter 131.07.59.101 of Regulation V, which addresses the control of VOC emissions from cutback

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asphalt usage. The TSDHPT noted that the August 1, 1979 notice incorrectly identifies the subchapter as 131.08.59.101 rather than 131.07.59.101, and EPA acknowledges that this subchapter was incorrectly identified in that notice.

The TSDHPT also requested that reconsideration be given to the application of this subchapter to only those counties which cannot show attainment of the ozone standard by December 31, 1982, since the commentor believed this to be a rather severe restriction.

As the commentor noted, the application of cutback asphalts does not occur all at once at one particular point, but generally in small amounts at spatial locations. Therefore, to apply a 100 ton per year cutoff would, essentially, exempt the majority of cutback asphalt applications. EPA guidance has specified that this source category be treated as an area source, thereby eliminating the possibility of no control measures being applied in certain areas.

The TSDHPT then discussed the situations for which the use of emulsified asphalt are not appropriate, such as sealing or surface treatment in cold weather. The commentor stated that emulsified asphalts were being used to the extent possible and indicated that the use of cutback asphalt had been significantly reduced since 1969.

EPA acknowledges that emulsified asphalts are not appropriate for all applications and has allowed for states to specify in the regulations, and justify, those emulsions and/or applications where addition of solvent is necessary. It is the Agency's understanding that the State of Texas intends to revise Subchapter 131.07.59.101 in order to allow for those exemptions.

The Texas Air Control Board (TACB) submitted extensive comments on August 14, and 30, 1979, and September 14, 1979 which reviewed negotiated agreements on Regulation V, submitted comments on EPA's August 1, 1979 notice of proposed action on the Texas SIP, and submitted additional comments on EPA's companion report to the **Federal Register** notice, respectively. Each letter contained numerous comments which will be addressed issue by issue.

The August 14, 1979 correspondence contained a summary of the agreements made between EPA and the TACB in regard to the deficiencies in Regulation V, as delineated in the August 1, 1979 notice. The majority of these comments contained either clarifications or commitments to corrective action, to certain of the deficient portions of Regulation V. EPA has discussed these comments in detail, under this notice, in the section entitled "Ozone."

As previously noted the TACB letter of August 30, 1979 contained extensive comments on EPA's notice of proposed rulemaking and also contained commitments to take corrective action on certain deficiencies noted in the August 1, 1979 notice. The commitments are discussed under the pertinent sections of this notice. The remaining comments will be addressed point by point.

Comment: The TACB commented on EPA's statement requiring the State to provide documentation to justify the use of the 5.1 percent reduction in the projected increases in vehicle miles travelled (VMT), claimed for all urban areas. The TACB indicated that since the report, from which this figure was drawn, was EPA-sanctioned, that its use would be appropriate for making such estimates.

Response: In the August 1, 1979 notice, EPA specified that the assumed reduction in VMT be justified, not on the basis that the estimate itself was unreliable, but rather from the viewpoint of its applicability to the urban areas in Texas. The report was intended to be area specific, and, as such, developed the estimated reduction from such factors as driving conditions specific to a certain locality. Therefore, the State was requested to submit additional documentation justifying the use of this estimated reduction in terms of similarities between the transportation modes used, conditions in the report, and the transportation modes in the urban areas of Texas.

Comment: The TACB objected to EPA's statement proposing conditional approval provided that the State identify and commit to expeditious implementation of currently planned transportation control measures (TCMs). Their objection was based on the fact that specific measures, having a beneficial impact on air quality, could not be committed to, until an in-depth study and analysis of the measures listed in Section 108(f) of the Act had been completed. The TACB also stated that the inclusion of any TCM prior to the completion of its analysis would be premature and would appear to contravene the intent of Congress set forth in Section 174 of the Act which allows for local planning and public participation in the selection of reasonably available options.

Response: In order for a TCM to be placed in the Transportation Improvement Program (TIP), it must be subjected to review for consistency with the SIP. If the TCM is found to be consistent with the SIP, this implies that the measure would have a beneficial air quality impact. Therefore, EPA does not agree that the State is required to conduct in-depth studies of the currently planned TCM's, prior to their inclusion in the SIP.

Comment: The TCB stated that EPA's statement at (44 FR 45207) concerning the State's exemption for methylene chloride is in error, since Regulation V does not exempt this VOC. In addition, they stated that the TACB's Medical Resources Advisory Panel (MRAP) had reviewed the issue of exempting methyl chloroform, and concluded that additional studies are needed to better define the health risk, if any, associated with the emissions of this VOC.

Response: EPA contends that the statement in the August 1, 1979 notice is not in error since it refers to the exemption of either methylene chloride or methyl chloroform, or both. The language in that notice on this issue, is included for the purpose of stating EPA's position on the matter. Since the State has provided rationale for not regulating this compound at this time, no action is required. However, EPA is obligated to notify the public of the potential health risk associated with this VOC.

Comment: In regard to EPA's statement on the total suspended particulate (TSP) plan (see 44 FR 45208), the TACB submitted the following comments. They committed to develop control strategies for six of the eight TSP nonattainment areas identified by EPA as having inadequate control strategies. In addition, they committed to develop and negotiate a schedule for the two remaining TSP nonattainment areas in this group. However, they wished to point out that, while they had agreed to demonstrate attainment by 1982 or 1987 (as appropriate) at each of the monitors in question, they did not necessarily agree that these monitors were properly sited. The TACB also stated that, in their judgment, use of the 85 percent control effectiveness is justifiable since Regulation I requires such measures as are needed to attain the standards by the prescribed date. Therefore, if watering, oiling, etc., do not provide the necessary reductions, more stringent methods such as paving will be required. In addition, the TACB indicated that the use of the term "as necessary" in Regulation I points this out in a clear and unambiguous manner.

Response: In regard to the TACB's clarification concerning effectiveness of Regulation I in achieving 85 percent reduction, EPA accepts the 85 percent figure as reasonable in light of the fact that control to the extent necessary will be required in order to achieve attainment in the TSP nonattainment

areas. The remainder of the State's comments concerning the TSP portion of their plan are discussed in this notice under the section entitled "Particulate Matter."

Comment: The State objected to EPA's statement proposing approval of Regulation VI on the condition that the State revise Subchapter 131.08.00.003(a)(14) to reflect that the use of significance levels in allowing exemptions from certain portions of the Interpretative Ruling is applicable only in clean areas. The State based their views on the following excerpt from the Interpretative Ruling of January 16, 1979: "It will be assumed as the starting point in reviewing a permit application that every locality in a designated nonattainment area will exceed the NAAQS (as of the new source start-up date) *and* that any major source locating in the area will significantly contribute to the violation. However, if the applicant or any other participant presents a substantial and relevant argument (including any necessary analysis or other demonstration) why that assumption is incorrect, then the applicability of this ruling would be determined by the specific facts in the case."

Response: In EPA's judgment, the State has incorrectly assumed that this assumption can be disproved by the applicant demonstrating that the proposed source will not significantly contribute to a violation of the NAAQS. The intent of this statement was that both conditions of the assumption be disproved; that is, that every location is exceeding the NAAQS, and that the source will contribute significantly to the exceedance. If the applicant can show that the proposed source will be locating in an area that would not exceed the NAAQS (within a designated nonattainment area), this would constitute a showing that the location is a "clean" area.

Comment: The State requested further negotiation on the proposed deadlines specified in the August 1, 1979 notice.

Response: EPA has renegotiated these deadlines, and the time frames for submitting corrective action as specified in this notice, have been agreed to by the State. Elsewhere in today's **Federal Register**, EPA is soliciting public comment on these deadlines.

As previously noted, the September 14, 1979 correspondence contained extensive comments on EPA's companion report to the August 1, 1979 notice and reiterated certain agreements reached on Regulation V. Each of the relevant points raised by the TACB and EPA's response follows.

Comment: The State noted that the Evaluation Report called for a demonstration that the ozone standard is being attained as expeditiously as practicable, whereas such a requirement did not appear in the August 1, 1979 notice, and, therefore no action was required by the State.

Response: The requirement for demonstrating attainment as expeditiously as practicable is mandated under Section 172 of the Act, and was discussed as a condition for approval of the SIPs in the April 4, 1979 General Preamble. The August 1, 1979 notice referenced the General Preamble and stated that these requirements would not be reiterated in that notice. Regardless of whether or not such a statement appeared in the notice, the State is bound to comply with this statutory requirement.

Comment: The State noted that the report called for a demonstration of RFP in TSP, CO, and ozone nonattainment areas (other than Harris County), whereas the notice called for RFP demonstrations only for certain TSP nonattainment areas. Therefore, the State assumes no further action is required except for the TSP areas specified.

Response: Again, the requirement for demonstrating RFP is mandated under Section 172 of the Act. Therefore, EPA's response to the previous comment is also applicable to the demonstration of RFP.

Comment: The State noted that the report stated that provisions of Regulation V concerning counties not subject to Part D requirements would be evaluated at a later date. In the State's opinion, such action is unnecessary and inappropriate since those portions of Regulation V not specifically required under Part D are not to be considered as part of the federally approved SIP.

Response: In January of 1972, along with several supplemental submittals, the State of Texas submitted its original plan and in May of 1972 the Administrator approved this plan, in part, thereby creating a federally approved SIP, pursuant to Section 110 of the Act. The 1977 Amendments established, among other things, new requirements which were to be implemented in conjunction with, and not to replace, the provisions of the existing SIP. Insofar as EPA has approved the original SIP and certain subsequent revisions, regardless of the fact that such provisions may apply to areas designated as attainment under Section 107 of the Act, these provisions will remain in the federally approved SIP. In addition, under Section 110(a)(2)(A) and 110(a)(3), the Administrator is precluded from approving a SIP revision unless it provides for the attainment and maintenance of the standards. No provision of the applicable SIP may be relaxed or revoked unless it conforms to one or more of the conditions specified in the April 4, 1979 General Preamble (at 44 FR 20373), and the State can demonstrate that the standards will be attained and maintained.

Comment: The State noted that for ozone and CO, the Evaluation Report calls for the State to maintain an accounting of all factors influencing VMT, whereas this requirement is not specified in the notice. In addition, the State commented that VMT estimates are provided by the TDHPT, and such duplication of effort was not justified. Therefore, the State would take no further action on this item.

Response: EPA stated in the notice (at 44 FR 45205) that the State would be required "to track changes in VMT as a portion of their RFP reporting requirements." This requirement was specified under the discussion on the ozone portion of the SIP. Since the State relied heavily on the emission reductions predicted to occur through the FMVCP, and the Act requires annual updates indicating whether or not the State is complying with the RFP requirement, the State will be required to track changes in VMT in conjunction with the RFP reporting requirements.

Comment: The State noted that the report stated that formal redesignation of Travis and McLennan Counties would be necessary prior to relieving the State of the requirement to submit a SIP for these areas. Since EPA must proceed with the promulgation, no further action was planned by the State.

Response: EPA concurs with the State's conclusion that no further action on their part is necessary at this time.

Comment: The State noted that the Evaluation Report calls for the TACB to submit updated emission inventories for all urban ozone nonattainment areas and the CO nonattainment on an annual basis, so that compliance with RFP can be verified. The State contends that since this requirement is not discussed in the notice, the SIP is not deficient in this respect.

Response: The requirement to revise and resubmit emission inventories "as frequently as may be necessary" to assure that the requirements of RFP are being met is required under Section 172(b)(4). Since the SIP contained a current emission inventory, it is not, at this time, deficient. However, should the State fail to submit updates on an annual basis, it would be deficient.

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Comment: The State noted that the Evaluation Report reviewed Subchapters 131.07.52, .53, and .54 of Regulation V as compared to the Federally promulgated regulations (40 CFR 52.2285 and 52.2286). The State also commented that while the notice specified that the Federal regulation would remain in effect in certain ozone nonattainment areas, it only referred to disapproval of subchapter 131.07.54. The State also noted that the report stated that for certain other ozone nonattainment areas the State's Stage I rules were approvable. The State objected to this on the basis that, in their judgment, any requirement not specifically required by Federal law or regulation is not part of the SIP and not subject to Federal promulgation.

Response: In regard to the State's comments concerning Subchapters 131.07.52, .53, and .54, EPA has addressed this issue under this notice in the section entitled "Ozone." In regard to their comment concerning their Stage I rules, EPA has addressed this issue in a previous response.

In addition to these comments, this correspondence contained several issues of concern which the State wished to bring to EPA's attention. The majority of these issues were in regard to EPA's requirements for the TSP portion of the SIP, as specified in the August 1, 1979 notice and subsequent negotiation meetings. These issues and EPA's response are addressed under this notice in the section entitled "Particulate Matter."

The State also noted in the September 14, 1979 correspondence that guidance had, only recently, been provided on the manner in which the State was to determine compliance with EPA's five percent rule. Therefore, they would need additional time to prepare the required demonstrations, and could not comply with the proposed time frame specified in the August 1, 1979 notice.

EPA acknowledges that this guidance was supplied to the State only recently, and under this notice is specifying a submittal date of December 31, 1979 which the State has agreed to.

In addition to these comments, specific to the Texas SIP, one commentor submitted extensive comments which he requested be considered part of the record for each State plan. Each of the points raised by the commentor and EPA's response follow. Although some of the issues raised are not relevant to provisions in Texas' submission, EPA is notifying the public of its response to these comments at this time.

1. The Commentor asked that comments it has previously submitted on the Emission Offset Interpretative Ruling as revised on January 16, 1979 (44 FR 3274), be incorporated by reference as part of their comments on each State plan. EPA will respond to those comments in its response to comments on the Offset Ruling.

2. The commentor objected to general policy guidance issued by EPA, on grounds that EPA's guidance is more stringent than required by the Act. Such a general comment concerning EPA's guidance is not relevant to EPA's decision to approve or disapprove a SIP revision since that decision rests on whether the revision satisfies the requirements of Section 110(a)(2). However, EPA has considered the comment and concluded that its guidance conforms to the statutory requirements.

3. The commentor noted that the recent court decision on EPA's regulations for prevention of significant deterioration (PSD) of air quality affects EPA's new source review (NSR) requirements for Part D plans as well. (The decision is *Alabama Power Co. v. Costle*, 13 ERC 1225 (D.C. Cir., June 18, 1979). In the commentor's view, the court's rulings on the definition of "source," "modification," and "potential to emit" should apply to Part D as well as PSD programs. In addition, the commentor believes that the court decision precludes EPA from requiring Part D review of sources located in designated clean areas.

The preamble to the Emission Offset Interpretative Ruling, as revised January 16, 1979, explains that the interpretations in the Ruling of the terms "source," "major modification," and "potential to emit," and the areas in which NSR applies, govern State plans under Part D. (44 FR 3275 col. 3 through 3276 col. 1, January 16, 1979.) In proposed rules published in the **Federal Register** on September 5, 1979, (44 FR 51924), EPA explained its views on how the *Alabama Power* decision affects NSR requirements for State Part D plans. The September 5, 1979 proposal addressed some of the issues raised by the commentor. To the extent necessary, EPA will respond in greater detail to the commentor's concerns in its response to comments on the September 5, 1979, proposal and/or its response to comments on the Offset Ruling.

As part of the September 5, 1979 proposal, EPA proposed regulations for Part D plans in section 40 CFR 51.18 (j). EPA also proposed, for now, to approve a SIP revision if it satisfied either existing EPA requirements, or the proposed regulations. Prior to promulgation of final regulations, EPA proposed to approve State-submitted relaxations of previously-submitted SIPs, so long as the revised SIP meets all proposed EPA requirements. To the extent EPA's final regulations are more stringent than the existing or proposed requirements, States will have nine months, as provided in Section 406(d) of the Act, to submit revisions after EPA promulgates the final regulations.

In some instances, EPA's approval of a State's NSR provisions, are revised to be consistent with EPA's proposed or final regulations, may create the need for the State to revise its growth projections and provide for additional emission reductions. States will be allowed additional time for such revisions after the new NSR provisions are approved by EPA.

4. The commentor questioned EPA's alternative emission reduction options policy (the "bubble" policy). As the commentor noted, EPA has set forth its proposed bubble policy in a separate **Federal Register** publication. 44 FR 3720 (January 18, 1979). EPA has responded to the comments on the "bubble" approach in the final "bubble" policy statement. 44 FR 71780 (December 11, 1979).

5. The commentor questioned EPA's requirement for a demonstration that application of all reasonably available control measures (RACM) would not result in attainment any faster than application of less than all RACM. In EPA's view, the statutory deadline is that date by which attainment can be achieved as expeditiously as practicable. If application of all RACM results in attainment more expeditiously than application of less than all RACM, the statutory deadline is the earlier date. While there is no requirement to apply more RACM than is necessary for attainment, there is a requirement to apply controls which will ensure attainment as soon as possible. Consequently, the State must select the mix of control measures that will achieve the standards most expeditiously, as well as assure reasonable further progress.

The commentor also suggested that all RACM may not be "practicable." By definition, RACM are only those measures which are reasonable. If a measure is impracticable, it would not constitute a reasonably available control measure.

6. The commentor found the discussion in the General Preamble of RACT for VOC sources covered by Control Technique Guidelines (CTGs) to be confusing in that it appeared to equate RACT with the guidance in the CTGs. EPA did not intend to equate RACT with the CTGs. The CTGs provide recommendations to the States for determining RACT, and serve as a "presumptive norm" for RACT, but are not intended to define RACT. Although EPA believes its earlier guidance was clear on this point, the Agency has issued a supplement to the General Preamble clarifying the role of the CTGs in plan development. See 44 FR 53761 (September 17, 1979).

7. The commentor suggested that the revision of the ozone standard justified an extension of the schedule for submission of Part D plans. This issue has been addressed in the General Preamble, 44 FR 20377 (April 4, 1979).

8. The commentor questioned EPA's authority to require States to consider transfers of technology from one source type to another as part of LAER determinations. EPA's response to this comment will be included in its response to comments on the revised Emission Offset Interpretative Ruling.

9. The commentor suggested that if a State fails to submit a Part D plan, or the submitted plan is disapproved, EPA must promulgate a plan under Section 110(c), which may include restrictions on construction as provided in Section 110(a)(2)(I). In the commentor's view, the Section 110(a)(2)(I) restrictions cannot be imposed without such a federal promulgation. EPA has promulgated regulations which impose restrictions on construction on any nonattainment area for which a State fails to submit an approvable Part D plan. *See* 44 FR 38583 (July 2, 1979). Section 110(a)(2)(I) does not not require a complete federally-promulgated SIP before the restrictions may go into effect.

Comment: Another commentor, a national environmental group, stated that the requirements for an adequate permit fee system (Section 110(a)(2)(K) of the Act), and proper composition of State boards (Sections 110(a)(2)(F)(vi) and 128 of the Act) must be satisfied to assure that permit programs for nonattainment areas are implemented successfully. Therefore, while expressing support for the concept of conditional approval, the commentors argued that EPA must secure a State commitment to satisfy the permit fee and State board requirements before conditionally approving a plan under Part D. In those States that fail to correct the omission within the required time, the commenters urged that restrictions on construction under Section 110(a)(2)(I) of the Act must apply.

Response: To be fully approved under Section 110(a)(2) of the Act, a State plan must satisfy the requirements for State boards and permit fees for all areas, including nonattainment areas. Several States have adopted provisions satisfying these requirements, and EPA is working with other States to assist them in developing the required programs. However, EPA does not believe these programs are needed to satisfy the requirements of Part D. Congress placed neither the permit fee nor the State board provision in Part D. While legislative history states that these provisions should apply in nonattainent areas, there is no legislative history indicating that they should be treated as Part D requirements. Therefore, EPA does not believe that failure to satisfy these requirements is grounds for conditional approval under Part D, or for application of the construction restriction under Section 110(a)(2)(I) of the Act.

Comments were also received from the Asphalt Emulsion Manufacturers Association (AEMA) concerning the availability of emulsified asphalts with low solvent content for all applications in all regions of the country. Although some of the issues raised are not relevant to the Texas plan, EPA is notifying the public of its response to these comments at this time. AEMA's main point is that no general rule for regarding solvent content of emulsified asphalt for the nation is possible because of varying conditions. AEMA urges that EPA accept each State's emulsion specifications as RACT. AEMA also incorrectly concludes that EPA has been using a figure of 5 percent as nationwide RACT for maximum solvent content in emulsified asphalt.

EPA recognizes that varying conditions may require different solvent content asphalts. RACT for asphalt should be determined on a case basis in order to take varying conditions into account. Therefore, EPA has not set a nationwide standard for the solvent content of emulsified asphalt. However, EPA has accepted a 5 percent maximum solvent content regulation where a state has chosen to submit an across-the-board regulation for emulsified asphalt, rather than develop case-by-case RACT. The intent of EPA guidance has been for states to specify in the regulations, and justify, those emulsions and/or applications where addition of solvent is necessary. Since RACT can be determined on a case-by-case basis, states are free to specify necessary solvent contents on the basis of application or asphalt grade. Where a state demonstrates that these are RACT, EPA will approve the regulations. The following maximum solvent contents for specific emulsified asphalt applications have appeared in EPA guidance and are based on ASTM, AASHTO, and state specifications and on information recently received from the Asphalt Institute.

Use	Maximum solvent content (percent)
Seal coats in early spring or late fall	3
Chip seals when dusty or dirty aggregate is used	3
Mixing w/open graded aggregate that is not well washed	8
Mixing w/dense graded aggregate	12

Attainment Dates

The 1978 edition of 40 CFR Part 52 lists in the subpart for Texas the applicable deadlines for attaining ambient standards (attainment dates) required by Section 110(a)(2)(A) of the Act. For each nonattainment area where a revised plan provides for attainment by the deadlines required by Section 172(a) of the Act, the new deadlines are substituted on Texas' attainment date chart in 40 CFR Part 52. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the chart. Sources subject to plan requirements, and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements as well as with the new Section 172 plan requirements.

Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

> Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear congressional intent to construe part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under part D.
>
> (123 Cong. Rec. H 11958, daily ed. November 1, 1977).

To implement Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.[1]

In addition, sources subject to pre-existing plan requirements may be relieved of complying with such requirements only if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made on a case-by-case basis.

EPA finds that good cause exists for making this action immediately effective. EPA has a responsibility to take final action on these revisions as soon as possible in order to lift growth sanctions in those areas for which the State has submitted adequate plans in accordance with Part D requirements.

Under Executive Order 10244 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of final rulemaking is issued under the authority of Sections 110 and 172 of the Clean Air Act, as amended.

Dated: March 17, 1980.

Barbara Blum,
Deputy Administrator.
Douglas M. Costle,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart SS—Texas

1. In § 52.2270, paragraph (c) is amended by changing the number of paragraph (16), promulgated on September 24, 1979, at 44 FR 55005, to number (17), and adding new paragraphs (20), (21), (22), and (23) as follows:

[1] *See* General Preamble for Proposed Rulemaking, 44 FR 20373–4 (April 4, 1979).

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(20) Revisions to the plan for attainment of standards for particulate matter, carbon monoxide, and ozone (Part D requirements) were submitted by the Governor on April 13, 1979.

(21) Administrative revisions to the transportation control portion of the plan were submitted by the Governor on August 9, 1979 (non-regulatory).

(22) No action is being taken on Subchapters 131.07.52, .53, and .54 of Regulation V, submitted by the Governor April 13, 1979 for the ozone nonattainment counties of Harris, Galveston, Brazoria, Bexar, Dallas, and Tarrant.

(23) No action is being taken on the control strategy for the TSP nonattainment area of Houston 1, submitted by the Governor on April 13, 1979.

2. Section 52.2271 is amended by changing the heading "photochemical oxidants (hydrocarbon)" to "ozone".

3. Section 52.2272 is revised by adding a new paragraph (b) to read as follows:

§ 52.2272 Extensions.

* * * * *

(b) The Administrator hereby extends to December 31, 1987, the attainment date for ozone in Harris County.

4. Section 52.2273 is revised to read as follows:

§ 52.2273 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Texas' plan for the attainment and maintenance of the national standards under Section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title 1, of the Clean Air Act as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

5. In Subpart SS, § 52.2275 is revised by changing the title of § 52.2275, revoking paragraphs (a), and (b), adding a new paragraph (a), and renumbering paragraphs (c), (d), and (e) to (b), (c) and (d). As revised § 52.2275 reads as follows:

§ 52.2275 Control strategy and regulations: Ozone.

(a) *Part D Conditional Approval.* The Texas plan is conditionally approved until the following conditions are satisfied:

(1) With respect to Subchapter 131.07.55.103, the State submit by December 31, 1979, a demonstration that the specified exemption affects 5 percent or less of the emissions remaining after the application of controls specified in the applicable Control Technique Guideline.

(2) With respect to Subchapter 131.07.56, the State submit by December 31, 1979, a demonstration that the specified exemption affects 5 percent or less of the emissions remaining after the application of controls specified in the applicable Control Technique Guideline.

(3) Revise Subchapter 131.08.59.101 in such a manner as to be consistent with the RACT requirements for this source category, and extend the application of this subchapter to include all nonattainment areas in which the use of cutback asphalt constitutes 100 tons per year or more of volatile organic compounds on a countywide basis, and submit the revision to EPA.

(4) With respect to Subchapters 131.07.59.102 through 104, the State revise these subchapters in the following manner:

(i) Submit a demonstration to EPA by December 31, 1979, indicating that the specified exemption for Harris County affects 5 percent or less of the emissions remaining after the application of controls specified in the Control Technique Guideline and EPA guidance.

(ii) Revise these subchapters so as to require Control System B for facilities in Harris County, with emissions greater than or equal to the specified exemption, and in all other ozone nonattainment areas, for facilities which have degreasing operations emitting in excess of 100 tons per year, and submit these revisions to EPA.

(5) The State submit compliance schedules by March 30, 1980, for all can coating sources which request an extension beyond December 31, 1982, along with full justification for the extension, to EPA for approval.

(6) The State submit compliance schedules by March 30, 1980, for those sources previously exempt from Regulation V and now required to comply, as specified under Subchapter 131.07.62.

6. In Subpart SS, a new § 52.2276 is added and reads as follows:

§ 52.2276 Control strategy and regulations: Particulate matter.

(a) *Part D Conditional Approval.* The Texas plan for total suspended particulate (TSP) for the nonattainment areas of San Benito, Brownsville, Corpus Christi 1, Corpus Christi 2, Dallas 1, Dallas 3, and El Paso 4 is conditionally approved until the State satisfactorily completes the following items:

(1) Draft SIP revision supplement submitted to EPA.

(2) Public hearing completed.

(3) Adopt revision and revised Regulation I as it pertains to control of nontraditional sources, if necessary, and submit to EPA.

7. Section 52.2279 is revised to read as follows:

§ 52.2279 Attainment dates for national standards.

The table below presents the latest dates by which the national standards are to be attained. The dates reflect the information presented in Texas' plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Abilene-Wichita Falls Intrastate	b	b	b	b	a	a	a
Amarillo-Lubbock Intrastate	b	b	b	b	a	a	a
Austin-Waco Intrastate	b	b	a	a	a	a	*May 31, 1977*
Brownsville-Laredo Intrastate (except Cameron County).	b	b	a	a	a	a	a
Brownsville-Laredo Intrastate (Cameron County only).	[1]c	[1]d	a	a	a	a	a
Corpus Christi-Victoria Intrastate (except Nueces and Victoria Counties).	[1]b	[1]b	b	b	a	a	May 31, 1977
Corpus Christi-Victoria Intrastate (Nueces County only).	[1]c	[1]d	b	b	a	a	c
Corpus Christi-Victoria Intrastate (Victoria County only).	b	b	b	b	a	a	c
Midland-Odessa-San Angelo Intrastate (except Ector County).	b	b	b	b	a	a	a
Midland-Odessa-San Angelo Intrastate (Ector County Only).	b	b	b	b	a	a	a
Metropolitan Houston-Galveston Intrastate (except Brazoria, Harris and Galveston Counties).	b	b	b	b	a	a	May 31, 1977
Metropolitan Houston-Galveston Intrastate (Brazoria and Galveston Counties only).	b	b	b	b	a	a	c
Metropolitan Houston-Galveston Intrastate (Harris County only).	[1]c	[1]d	b	b	a	a	d
Metropolitan Dallas-Fort Worth Intrastate (except Dallas and Tarrant Counties).	b	b	a	a	a	a	d
Metropolitan Dallas-Fort Worth Intrastate (Dallas and Tarrant Counties only).	[1]c	[1]d	a	a	a	a	c
Metropolitan San Antonio Intrastate (except Bexar County).	b	b	a	a	a	a	c
Metropolitan San Antonio Intrastate (Bexar County only).	b	b	a	a	a	a	c
Southern Louisiana-Southeast Texas Interstate (except Jefferson and Orange Counties).	b	b	b	b	a	a	c
Southern Louisiana-Southeast Texas Interstate (Jefferson and Orange Counties only).	b	b	b	b	a	a	c
El Paso-Las Cruces-Alamogordo Interstate (except El Paso County).	b	b	b	b	a	b	*May 31, 1977*
El Paso-Las Cruces-Alamogordo Interstate (El Paso County only).	[1]c	[1]d	b	b	a	[1]c	c
Shreveport-Texarkana-Tyler Interstate (except Gregg County).	b	b	a	a	a	a	a
Shreveport-Texarkana-Tyler Interstate (Gregg County only).	b	b	a	a	a	a	c

NOTE.—Dates or footnotes which are italicized are prescribed by the Administrator because the plan does not provide a specific date.

(a) Air quality levels presently below secondary standards.
(b) July 1975.
(c) December 31, 1982.
(d) December 31, 1987.

NOTE.—Sources subject to plan requirements and attainment dates established under Section 110(e)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.2279 (1978).

[1] Portions of the county or counties.

§ 52.2284 [Revoked and Reserved]

8. Section 52.2284 is revoked and reserved.

§ 52.2287 [Revoked and Reserved]

9. Section 52.2287 is revoked and reserved.

§ 52.2288 [Revoked and Reserved]

10. Section 52.2288 is revoked and reserved.

11. In Subpart SS, a new § 52.2291 is added and reads as follows:

§ 52.2291 Transportation requirements.

(a) *Part D Conditional Approval.* The Texas plan for Harris County is conditionally approved until the following condition is satisfied:

(1) The State submit a list of currently planned transportation projects for Harris County to EPA by December 31, 1979.

12. Section 52.2299 is revised by revoking paragraphs (a) and (b), and adding a new paragraph (a). As revised, § 52.2299 reads as follows:

§ 52.2299 Review of new sources and modifications.

(a) *Part D Conditional Approval.* Regulation VI is conditionally approved until the following conditions are satisfied:

(1) Revise Subchapter 131.08.00.003 (a)(13) to provide for the application of offsets in all nonattainment areas, designated as such after March 3, 1978.

(2) Revise the definitions of "major source" and "major modification" to be equivalent to EPA's definitions.

[FR Doc. 80-8901 Filed 3-24-80; 8:45 am]
BILLING CODE 6560-01-M

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40 CFR Part 413

[FRL 1444-6]

Effluent Guidelines and Standards, Electroplating Point Source Category, Pretreatment Standards for Existing Sources; Correction

AGENCY: U.S. Environmental Protection Agency.

ACTION: Correction.

SUMMARY: The following corrections are to be made in the Agency's Electroplating pretreatment final regulation that appeared in the **Federal Register** on Friday, September 7, 1979 (44 FR 52590), and was later corrected on October 1, 1979 (44 FR 56330).

DATE: These corrections are effective March 25, 1980.

FOR FURTHER INFORMATION CONTACT: Richard Kinch. Effluent Guidelines Division, (WH–552), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 426–4617.

V45/59 MR 25 80 UMI

Correction

§ 413.01 [Corrected]

1. Section 413.01 has been corrected to read:

This part shall apply to any electroplating operations in which metal is electroplated on any basis material and to related metal finishing operations as set forth in the various subparts, whether such operations are conducted in conjunction with electroplating or conducted independently; provided, however, that until proposed § 403.6(e) of EPA's General Pretreatment Regulations (44 FR 62266, October 29, 1979) becomes effective, this Part does not apply to integrated facilities. An integrated facility is one that performs electroplating as only one of several operations necessary for manufacture of a product at a single physical location and has significant quantities of process wastewater from non-electroplating manufacturing operations. In addition, to qualify as an "integrated facility" one or more plant electroplating process wastewater lines must be combined prior to or at the point of treatment (or proposed treatment) with one or more plant sewers carrying process wastewater from non-electroplating manufacturing operations.

§ 413.03 [Corrected]

2. The second sentence of § 413.03(b) which previously read:

(b) * * * "In applying the pretreatment standards where more than one but less than 30 samples have been taken and analyzed during any month * * *"

has been corrected to read:

* * * * *

(b) * * * "In appling the pretreatment standards where more than one but less than 30 samples have been taken and analysed during any reporting period * * *"

3. Prior to paragraph (a) of § 413.12, § 413.22, § 413.42, § 413.52, and § 413.62 add:

* * * * *

This correction insures that the introductory paragraph before paragraph (a) will be printed in the Code of Federal Regulations.

4.(a) The explanatory note following § 413.12 has been corrected to read:

Note.—41 FR 53018, December 3, 1976, § 413.12 was suspended indefinitely and has not been repromulgated.

4.(b) The explanatory note following § 413.22 has been corrected to read:

Note.—41 FR 53018, December 3, 1976, § 413.22 was suspended indefinitely and has not been repromulgated.

4.(c) The explanatory note following § 413.42 has been corrected to read:

Note.—41 FR 53018, December 3, 1976, § 413.42 was suspended indefinitely and has not been repromulgated.

4.(d) The explanatory note following § 413.52 has been corrected to read:

Note.—41 FR 53018, December 3, 1976, § 413.52 was suspended indefinitely and has not been repromulgated.

4.(e) The explanatory note following § 413.62 has been corrected to read:

Note.—41 FR 53018, December 3, 1976, § 413.62 was suspended indefinitely and has not been repromulgated.

Dated: March 17, 1980.

Eckardt C. Beck,

Assistant Administrator for Water and Waste Management.

[FR Doc. 80-8887 Filed 3-24-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 536

[Docket No. 79-63; General Order No. 13; Amdt. 3]

Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States; Exemptions and Exclusions

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This rule provides for exemption of all common carriers by water from tariff filing requirements of section 18(b) of the Shipping Act, 1916, as to the carriage of Canadian or United States origin cargo moving in bulk without mark or count in rail cars on a local port-to-port basis between ports in British Columbia, Canada and United States ports on Puget Sound.

EFFECTIVE DATE: March 25, 1980.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTARY INFORMATION: This proceeding was initiated by a Notice of Proposed Rulemaking published in the **Federal Register** on July 3, 1979 (44 FR 38913), in response to an application from Foss Launch & Tug Co., for waiver of tariff filing requirements provided in section 18(b), Shipping Act, 1916. Foss requested an extension of the present set forth in 46 CFR 536.1(a)(5) applicable to intermodal cargo in rail cars moving under joint through rates between British Columbia, Canada and ports on Puget Sound in order to include in the exemption the movement of rail cars containing bulk cargo loaded into such cars without mark or count carried on a local port-to-port basis between North Vancouver, British Columbia, Canada and Seattle/Tacoma, Washington.

The proposed amendment to the above rule drafted to accommodate the Foss application drew comments from Sea-Land Service, Inc. This party alleged the exemption as contained in the proposed language would unintentionally include general cargo which could be moving on a port-to-port basis in the British Columbia, Canada/Alaskan trade. Recognizing this potential, the Commission has now determined that in lieu of amending the existing exemption in the manner proposed in this proceeding, it would be preferable for the sake of clarity to allow § 536.1(a)(5) to continue in its present form as it relates to exempting cargo moving on through joint rates and to add a new subparagraph (6) to provide for the exemption of cargo moving in bulk without mark or count in rail cars on a port-to-port rate basis.

This further exemption will not substantially impair effective regulation by the Commission, be unjustly discriminatory or be detrimental to commerce.

Now, therefore, it is ordered, Pursuant to section 4 of the Administrative Procedure Act, 5. U.S.C. 533; sections 18(b), 35 and 43, Shipping Act, 1916, 46 U.S.C. 817(b), 833(a), and 841(a); that Title 46 CFR 536.1 *Exemptions and exclusions* is amended effective March 25, 1980, by the addition of a new paragraph (a)(6) reading as follows:

§ 536.1 Exemptions and exclusions.

(a) * * *

(6) Transportation by water of cargo moving in bulk without mark or count in rail cars on a local port-to-port rate basis between ports in British Columbia, Canada and United States ports on Puget Sound: *Provided,* That the rates charged for any particular bulk type commodity on any one sailing will be identical for all shippers and provided that this exemption shall not apply to cargoes originating in or destined to foreign countries other than Canada; and further provided that the carrier will remain subject to all other provisions of the Shipping Act, 1916.

* * * * *

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80-8836 Filed 3-24-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[Docket No. 21005; FCC 79-844]

Interface of the International Telex Service With the Domestic Telex and TWX Services

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: This Order adopts, as the Commission's policy, a requirement for interconnection upon request of the international telex networks with each other and with all domestic telex-compatible networks. The Order also requires reformation of the unified rate structure under which international telex service has been offered to the public and institution of separate, cost-based charges for terminal equipment, network access (tieline) and transmission. While the Order continues the present practice of requiring the carriers to tariff their offering of terminal equipment, it institutes a rulemaking to explore the question whether the public interest will be better served by requiring the detariffing of telex terminal equipment. A notice of this proposed rulemaking is in the proposed rules section of this issue of the **Federal Register.**

DATES: The Order is effective March 25, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John F. Copes, International Facilities Planning Staff, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202/632-3214).

In the matter of Interface of the International Telex Service with the Domestic Telex and TWX Services, Docket No. 21005, 42 FR 46371, September 15, 1977.

Report, Order and Further Notice of Proposed Rulemaking

Adopted: December 12, 1979.

Released: February 15, 1980.

By the Commission: Chairman Ferris issuing a separate statement.

1. By Notice of Proposed Rulemaking released December 9, 1976, *Customer Use of Telex Service,* 62 F.C.C. 2d 414, we instituted the present proceeding to explore ways to enhance the usefulness to customers of international teleprinter exchange (telex) service.[1] We there expressed our belief that the structure of the United States telex industry and the arrangements under which service is offered unduly restrict the availability and usefulness of telex service, foster unnecessary and expensive duplication of facilities and discriminate against certain classes of users. To facilitate and focus comment, we included in our Notice a three-part proposed policy which we believed would provide a solution to the problem areas we had found: Briefly stated, we proposed to require (1) interconnection of the various international telex networks with each other; (2) full interconnection of the international telex networks with the domestic telex and teletypewriter exchange (TWX) networks;[2] and (3) reformation of the unified rate structure under which international telex service is currently offered to separate the provision of terminal equipment and network access from transmission and to require imposition of separate, cost-based charges for each. On May 16, 1977, comments on our proposed policy and the other matters which had led to this proceeding were filed by: ITT World Communications Inc. (ITTWC), RCA Global Communications, Inc. (RCAGC), TRT Telecommunications Corporation (TRT), and Western Union International, Inc. (WUI);[3] The Western Union Telegraph Company (Western Union); Graphnet Systems Inc. (Graphnet); The Governor and Department of Regulatory Agencies of the State of Hawaii; and the Puerto Rico Communications Authority (PRCA).[4] On August 8, 1977, Responses were filed by Graphnet, ITTWC, PRCA, RCAGC, TRT, WUI and Western Union. Replies were filed on September 19, 1977, by Graphnet,[5] the State of Hawaii, ITTWC, RCAGC, TRT, WUI and Western Union.

2. On July 11, 1979 by Transmittal No. 2191, ITTWC filed revisions to its Joint Tariff F.C.C. No. 12 (telex) which sought to establish an "unbundled" rate option for telex users who establish their own tieline with the ITTWC telex switch or to those who otherwise obtain access to the ITTWC switch at their own expense. The revised tariff offers customers paying their own access a reduction of the per minute charges while those who obtain terminals from ITTWC continue to pay the existing, higher usage charges. ITTWC's original proposal had provided for a reduction of $.30 per minute but later increased the size of the reduction to $.55 per minute for most classes of users. ITTWC sought to justify its rate option on the grounds that customers who provide their own access save ITTWC the cost of providing terminal connections. ITTWC further asserted that the unbundled rate option is "entirely consistent" with the proposed policy in Docket No. 21005 and that it, in fact, represents a "transitional step" toward the evolution of a fully unbundled telex rate structure.[6] Others of the IRCs and Western Union opposed ITTWC's proposed revisions. Finally, Trans-Lux Corporation, a non-carrier supplier of terminal equipment which opposed the ITTWC filing, placed in the unbundling question squarely at issue by arguing that partial unbundling does not go far enough and that it is therefore inconsistent with Docket No. 21005. By Memorandum Opinion and Order released October 16, 1979, ITT World Communications Inc., FCC 79-629, —— F.C.C. 2d ——, we denied the oppositions and allowed ITTWC's

[1] Telex refers to a customer-to-customer, switched communications service operating at 50 baud over the public telegraph network and characterized by a two-way, or conversational, communications capability.

[2] TWX refers to a customer-to-customer, switched record service which is similar to telex, but which uses different transmission circuits and which differs in engineering details such as speed of transmission and the pulse code used.

[3] In addition to the IRCs named here, international telex service is also provided by FTC Communications, Inc. (FTCC) between New York City and a number of overseas points. FTCC elected not to participate in this proceeding.

[4] Subsequently, on November 21, 1978, Trans-Lux Corporation, a manufacturer of telex terminal equipment filed comments in support of our proposed policy. In requesting acceptance of its late-filed comments, pursuant to §§ 1.1 and 1.415(d) of the Commission's rules and regulations, 47 CFR §§ 1.1 and 1.415(d) (1979), Tranx-Lux noted that it had learned of the pendency of this proceeding only shortly before the filing of its comments, and asserted that as a manufacturer of equipment it could provide information which would be helpful to us in resolving this matter. Finally, Trans-Lux noted that, inasmuch as we had yet taken no action resolving this docket, no one would be prejudiced by acceptance of its comments. Trans-Lux served copies of its comments on all parties of record in this proceeding. Since Trans-Lux clearly has an interest in the outcome of this proceeding and appears able to offer assistance in resolving the outstanding issues, we shall grant its request and accept it comments. We also include in the record of the proceeding the replies to the Trans-Lux comments filed by ITTWC, RCAGC and TRT.

[5] On September 19, 1977, Graphnet also filed a Contingent Motion to Clarify Issues in which it opposed the assertion in Western Union's reply that the question of including Graphnet in our proposed interconnection policy is outside the scope of this proceeding. Graphnet noted that in its comments on our Notice of Proposed Rulemaking it had formally proposed that any policy calling for interconnection of domestic and international telex networks include its network as well as all other telex-compatible networks and that the parties had commented on its proposal. Graphnet argues its proposal is relevant and properly before the Commission for action. Accordingly, Graphnet asks us to deny Western Union's attempt to exclude Graphnet's proposal or to grant Graphnet's motion formally to enlarge the issues to include it. We agree with Graphnet that the question has been properly placed before the Commission. Since Graphnet's Contingent Motion is therefore unnecessary we shall dismiss it as moot. We treat the substance of Graphnet's proposal beginning at paragraph 37, *infra.*

[6] *See* ITTWC Transmittal No. 2162, at pp. 4, 5.

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revision to become effective to permit customers to begin enjoying immediately the benefits we saw in the unbundling proposals. We did, however, take note of the question whether partial unbundling is sufficient to meet the problems of the unified rate structure and indicated that we would address it further in this docket. Furthermore, despite their opposition to ITTWC's revisions, the other IRCs filed similar unbundling tariffs which they sought to justify as necessary to remain competitive with ITTWC—but for which they also claimed a cost justification.[7] In our October 16, 1979 Order treating ITTWC's revisions, we also delegated to the Chief, Common Carrier Bureau, authority to act upon the other unbundling tariffs in a manner consistent with the policy expressed in that Order. Subsequently, the Chief of the Bureau allowed all such unbundling tariffs to become effective. However, because of the bearing of these tariffs on the proposed policy in the present proceeding, we shall incorporate all the unbundling tariffs and the comments associated therewith into the record of this proceeding.[8]

3. After reviewing the comments filed in response to our Notice of Proposed Rulemaking and the matters raised in connection with the unbundling tariffs, we conclude that we should modify our proposed policy as provided below, and that we should adopt the amended policy as our final policy in this docket. Specifically, we find that interconnection of the IRC networks with each other for international service will serve the public interest. We further find that the proposal of Graphnet to interconnect its network and those of other domestic telex-compatible networks with the IRCs' telex networks for the purposes of providing overseas service will serve the public interest. We shall at this time order reformation of the unified telex rate structure and shall require the IRCs to file new telex tariffs separating the provision of terminal equipment, network access (tielines) and transmission and imposing separate, cost-based charges for each element. We also set forth for notice and comment the issue of whether we should deregulate IRC provision of terminal equipment.

[7] *See, e.g.*, Western Union International, Transmittal No. 1377; Cable and Wireless/Western Union International, Transmittal No. 204; and TRT Transmittal No. 868. Subsequently, RCAGC also filed revisions to its telex tariff which are similar to those of ITTWC, but which increase the discount to $.55 per minute for some classes. *See* RCAGC Transmittal No. 4514. On September 12, 1979, ITTWC filed new revisions in response to RCAGC and TRT. *See* ITTWC Transmittal No. 2207. On September 19, 1979, WUI (Transmittal No. 1389) and C & W/WUI (Transmittal No. 207) filed revisions matching ITTWC No. 2207. *See* RCAGC Transmittal No. 4534. On October 11, 1979, FTCC filed revisions allowing a $.30 per minute discount for direct access. *See* FTCC Transmittal No. 53. On October 16, 1979, RCAGC filed revisions matching ITTWC No. 2191. *See* RCAGC Transmittal No. 4542.

[8] On November 8, 1979, ITTWC, and on November 13, 1979, RCAGC filed applications for Commission review of the Bureau's action allowing the TRT revisions to become effective. Essentially, the applicants believe the Bureau erred in not finding the TRT revisions unlawfully discriminatory under Section 202(a) of the Communications Act. In view of our action herein requiring all IRCs to file new tariffs providing for full unbundling of terminal equipment and tielines, the features of TRTs' tariff against which the RCAGC and ITTWC applications are addressed will be stricken. We believe that the ITTWC and RCAGC applications are therefore moot and shall dismiss them.

Background

4. As set forth more fully in our December 1976 Notice, 62 F.C.C. 2d at 414–17, this proceeding arises from two complaints filed with the Commission isolating aspects of the structure of the United States communications industry, particularly the telex service, which the complainants believe unduly restrict customer use. Because the history of this proceeding is set out in detail in that Notice, there is no need to repeat it here. The paragraph below, however, summarizes the issues set forth in our earlier Notice.

5. After reviewing the comments of the various parties concerning the complaints, we concluded in our Notice of Proposed Rulemaking that the complainants had raised substantial question that United States telex users are unduly restricted in the availability and flexibility of telex service. *See* 62 F.C.C. 2d at 420. We tentatively found that the industry arrangements of distinct, non-interconnected networks deny or impede user access to all overseas points and are thus undesirable. Second, we expressed our belief that the IRC unified telex rate structure encourages inefficient and potentially wasteful duplication of facilities. We then proposed what we believed would be a balanced solution to the deficiencies we had found. First, we proposed to require the IRCs to interconnect with each other so that a customer of one carrier could reach any of the overseas points with which telex service is available. Second, we proposed to require full interconnection with the domestic telex network so that IRC subscribers would be able to reach all other domestic telex users within the United States. Finally, we proposed to require the IRCs to separate the provision of terminal equipment and network access from transmission and to require them to impose separate, cost-based charges for each.

Overview

6. In addition to our Order herein, the Commission has today adopted seven other separate decisions which affect in differing degrees the provision of international services by communications common carriers.[9] The eight items and their respective issues are closely interrelated. While each decision stands on its own merits, when taken in concert they represent a coordinated examination of various regulatory issues pending before the Commission and an integrated approach to their resolution. We believe that the combined effect of these decisions will be an improved international communications system with more choices for consumers, more diverse service offerings, and lower rates.

7. In the provision of international communication services there is a domestic component and an international component. The domestic portion of the service encompasses the terminal equipment segment, local access loop, and landline transmission haul.[10] The international segment consists of the transmission between the domestic segment and various foreign points.

8. We have concluded that, at this time, the most beneficial and comprehensive method of addressing the international regulatory issues raised in these areas is to focus on the problematic market structure of the industry, as opposed to availing ourselves of other regulatory tools, such as formal ratemaking proceedings. As stated in the *Audit* order at paragraph 4:

> • • • Nonetheless, it seems clear to us that if there be excessive earnings, they result in large part from the problematic market structure of the industry. Further, some regulatory mechanisms and policies in the past have served only to reinforce that structure by creating barriers to entry or by inhibiting efficient use of international telecommunications facilities. Our decisions on other matters we voted on today will eliminate many of these barriers and help create a competitive market structure. We

[9] *See Preliminary Audit and Study of Operations of International Carriers and Their Communications Services* (Audit) Docket No. 20778, FCC 79–840; *International Record Carriers Scope of Operations* (Gateways), Docket No. 19860, FCC 79–841; *Dataphone*, Docket No. 19558, FCC 79–842; *Datel*, Docket No. 19558, FCC 79–843; *Western Union, New Telex Service Arrangements via Mexico and Canada* (Western Union), File No. C–L–2 FCC 79–845; *ITT World Comm. et al.* v. *CCI* (CCI), File Nos. TS–9–78, TS–10–78, TS–78–1945, FCC 79–846; *PMS*, CC Docket No. 78–96 FCC 79–847 (adopted December 12, 1979).

[10] The local access loop connects the subscriber's terminal equipment to a local central office or network entry point of the carrier. The landline transmission haul is the path between the subscriber's network entry point and a carrier's international switch.

believe that these decisions will result in improved conduct and performance by the industry and participants, with benefits to the consumer of lower costs, improved service and innovation.

9. To start with we note that the provision of international telecommunications service is subject to a number of strictures not present in the domestic sphere. The international component of the service is characterized by very few carriers and highly restricted entry that, unlike domestic markets, is not entirely within our control. The bottleneck or market concentration created by restricted entry on the overseas segment of international services has directly and, in some instances indirectly, given impetus to the problems before us for resolution. Added to this is the dichotamy which exists in international communications between voice and record (hard copy messages, data, facsimile, etc.) services as a result of the Commission's *TAT–4 Decision*. See 37 FCC 1151 (1964). In essence, AT&T is the single international voice caarrier for the U.S., while the overseas segment of international record services is divided between a handful of firms designated as international record carriers (IRCs). By contrast, in the domestic sphere, AT&T Provides Dataphone service and a panoply of specialized services, and other carriers provide a wide range of voice, record and data service.

10. The *Gateways* Order, like the Order adopted herein, primarily addresses issues relating to the domestic segment of international record communication services. In *Gateways* we consider, among other things whether to permit the IRCs to expand their operations into the domestic segment of the international service market. Granting the IRCs request to expand their domestic points of operation would increase competition in the domestic segment of international service by affording the IRCs the opportunity to pick up and deliver traffic to additional points by means of their own choosing.

11. However, in light of IRC market power in the international arena, permitting the domestic expansion of IRC operation provides IRCs the opportunity to subsidize the domestic portion of the service and thereby extend their market power.

12. Moreover, the IRCs have in the past competed among themselves through a marketing strategy of providing terminal equipment, local access loop, and the domestic and overseas transmission together under a single, bundled rate structure. This has enabled the IRCs to provide terminals to Gateway subscribers for free or at a nominal charge when minimum usage is achieved. Western Union, on the other hand, has been required to charge separately for its terminal equipment and local access loop. If the IRCs were permitted to expand their domestic points of operation and at the same time extend their all-inclusive bundled rate structure, the market for terminal machines would be further skewed by extension of the effects of IRC market power in the international segment to the terminal market. Moreover, this effect could occur in the local access portion which is also a severable component. Thus, the Commission has ordered the IRCs to unbundle both these componenets.

13. We expect that competition for the domestic haul of international traffic will involve both ultimate consumer and IRC selection between services presently provided pursuant to different pricing schemes, i.e., on a more or less distance sensitive basis, as employed, for example, by Western Union and on a postalized basis as employed by the IRCs currently. It may develop that because of the competitive forces exerted, the carriers will be required to modify their rate structures even further. While we will monitor this situation closely to assure that consumers participate in any cost savings that more efficient means of carrying domestic traffic generate, we believe we should leave the formulation of appropriate pricing approaches to the carriers in the first instance.

14. Therefore, in *Gateways*, the Commission is permitting domestic expansion of IRC operations. However, as a condition of expansion we are requiring the IRCs to unbundle (charge separately for) terminal equipment and the local access loop in order to insure fair competition among carriers operating in the domestic segment.

15. Our Order in the docket presently under consideration addresses in a more generic context the unbundling of the telex machine and the local access line, the interconnection of the IRCs with each other, and the interconnection of the IRCs with domestic carriers for the provision of international record services. Presently, the subscriber of a given IRC cannot communicate with an overseas party located in a country not served by the given IRC, and not all IRCs are authorized to serve all countries. Furthermore, the lack of interconnection among the IRCs means that duplicate terminal equipment, access lines, and landline haul facilities must necessarily be provided for those consumers who subscribe to services offered by different IRCs. In the interest of efficient utilization of facilities and encouraging lower rates for consumers, we herein require interconnection upon demand among the IRCs, thereby encouraging carriers to weigh the costs of interconnection against the costs of providing duplicate facilities. Moreover, we are requiring the unbundling of charges for both the telex machine and access line from the charges for the other components of international telex service. These steps should remedy the current inefficiencies which result from an IRC's telex machine being able to access only the particular IRC supplying the machine to the exclusion of all others. Western Union's machines presently have access to all IRCs; our order here guarantees that other domestic record carriers will have similar opportunities. In addition to the increased incentive carriers may have to share costs for facilities rather than to deuplicate them, we believe that in providing for interconnection upon demand greater flexibility will be afforded to consumers of international telex service.

16. The competitive impact of *Gateways* and our Order here is interrelated with our *PMS* order which eliminates unnecessary regulatory requirements related to the provision of public message services (PMS). Prior to the Commission's open entry policy in the domestic telegram market, Western Union was a monopoly supplier of PMS. International PMS originating or terminating outside the Gateway cities normally involved carriage on the domestic segment by Western Union, and carriage on the overseas segment by an IRC. As a result, the international formula was designed to distribute international outbound PMS traffic among the IRCs when a customner dealing through Western Union did not specify a particular IRC for the international segment. Based on our policy of open entry in the domestic record service market and our findings in *PMS* we conclude that the present international formula for the distribution of unrouted international PMS among the IRCs requires reassessment. In addition, our *PMS* order also eliminates the need for specific reporting and office closure requirements which were imposed upon Western Union when it was a monopoly supplier of PMS. These decisions are directed at fostering a competitive environment in the domestic segment of international telecommunications services and minimizing the potential that the prevailing market power in the international segment will distort the

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competitive evolution of the domestic portion. In addition, these decisions, particularly PMS, yield positive public interest benefits for *domestic* record services, independent of the international ramifications.

17. The remaining orders do not focus on the domestic segment *per se*. Rather, the *Dataphone, Datel, Western Union,* and *CCI* orders address restrictions imposed on consumer use of international facilities and the ability of entities other than established IRCs to provide international record services.

18. The *Dataphone Order* removes a current restriction on the use of the international MTS network for international record traffic. It allows consumers to use these facilities for the transmission of data as a permissive or secondary use and thus provides for a more flexible and efficient utilization of the MTS network. Furthermore, to the extent the use of AT&T's international MTS facilities may, in varying degrees, be substitutable for various record services offered by the IRCs, the potential for a greater degree of competition on the international segment is enhanced. This should work to stimulate innovation in services and lower rates for consumers.

19. *Datel* provides symmetry to the *Dataphone* decision by lifting the restrictions on voice traffic over IRC facilities to the extent that voice traffic would be allowed as a permissive or secondary use. Again, the policy thrust is to enhance consumer choice and to allow for a more efficient utilization of existing common carrier facilities. In both cases, however, the newly authorized service is permitted on a "secondary" basis. That is, customers are entitled to use the facilities in whatever way they find operationally acceptable, but the carriers may not build facilities which are designed to be most efficiently used to carry the "secondary" service. This characteristic arises from the fact that we did not, in this proceeding, begin to reassess the market segmentation, based on a voice/record distinction, announced in *TAT-4*.

20. The *CCI* and *Western Union* orders result from complaints filed with the Commission. In *CCI* it is argued that Consortium telecommunications service by using existing overseas MTS service to transmit third party record traffic for hire. Under established precedent, we are compelled to conclude that CCI is a communications common carrier and is required to comply with appropriate Commission rules in order to continue to operate. We recognize, however, that our findings in this regard may have broad implications, imposing on CCI unnecessarily burdensome requirements such as publicizing its prices ninety days in advance of their effectiveness, successful completion of prior authorization processess before its service can be offered and possible new requirements imposed by other entities. These and other similar possible effects of our finding that current policy includes CCI's service within "common carriage" not only have the disturbing aspects alluded to above, but also appear incongruent with our general policy inclination to maximize consumer choice. Thus, we believe it desirable to institute a proceeding looking into the regulatory implications and statutory requirements relative to resale of international services and facilities in the near future.

21. In the other complaint, Western Union is alleged to be illegally offering international record service directly through Canada and Mexico, rather than handing off traffic to the IRCs for international transmission. We found Western Union's participation in this service offering to be both legal and consistent with its existing authorizations. However, Western Union's tariff does not accurately reflect this offering, so we required Western Union to file an appropriate tariff in accordance with Section 203 of the Communications Act. The net result is that consumers are offered another alternative for the routing of international messages (via the Mexican and Canadian telecommunication authorities), and access to international services at rates potentially lower than currently available.

22. With the foregoing as an overview, we proceed to discuss the merits of the issues presently before us.

Requirement for oral hearing

23. As a preliminary matter, we shall address the argument of several of the parties that the "notice and comment" procedures we adopted in this proceeding do not grant them the "opportunity for hearing" guaranteed by Section 201(a) of the Act. The respondents apparently believe that the language "opportunity for hearing" used in Section 201(a) [11] gives them a right to oral or trial-type hearings in every case arising under that statute. It is now clear, however, that the statutory phrase "opportunity for hearing" in Section 201(a) is not the equivalent of "on the record" as used in the formal-procedure provisions of Sections 7 and 8 of the Administrative Procedure Act, 5 U.S.C. 556, 557 (1976), and that the statute, therefore, does not mandate an oral proceeding as a matter of right. *Bell Telephone Company of Pennsylvania* v. *F.C.C.*, 503 F. 2d 1250, 1264–6 (3d Cir. 1974), *cert. denied* 422 U.S. 1026 (1975). *See also United States* v. *Allegheny-Ludlum Steel Corporation*, 406 U.S. 224 (1973). *Resale and Shared Use of Common Carrier Services*, 60 F.C.C. 2d 261, 325–30 (Docket No. 20097) (1976).

24. In the alternative, a number of the parties also asserted that an evidentiary proceeding is required in this proceeding as the only way to resolve reasonably the issues at hand. In support, the parties have alleged without specification that there are factual issues in this proceeding which have not yet been resolved and which must be resolved before we can lawfully implement our proposed policy. However, none of the parties has made any showing of what those factual issues are, or why they can only be resolved through oral proceedings. Such conclusory allegations are insufficient to demonstrate the need for oral proceedings. *See RCA Global Communications, Inc.* v. *F.C.C.*, 559 F. 2d 881 (1976). There are no material or significant "adjudicatory" facts in dispute in this proceeding. Rather, we are concerned here with complex and interrelated questions of law and policy which are particularly susceptible to documentary proof and the written notice-and-comment procedures. We thus find that all participants have had the "opportunity to speak meaningfully to the issues before the Commission," *Bell of Pennsylvania, supra,* and that the procedures followed in this matter fully comply with the specific requirements of the Administrative Procedure Act and with due process generally.[12]

[11] 47 U.S.C. 201(a) (1970). That section provides in pertinent part that

[i]t shall be the duty of every common carrier engaged in interstate or foreign communication * * * to furnish such communication service upon reasonable request therefore; and * * * where the Commission, after opportunity for hearing, finds such action necessary or desirable in the public interest, to establish physical connections with other carriers * * *.

[12] The present case is clearly one of "general applicability" and "future effect" which is designed to "implement, interpret or prescribe law or policy," 5 U.S.C. 551(4), and is thus a rulemaking within the meaning of the APA. As we indicated in our Notice herein, 62 F.C.C. 2d at 425–6, this proceeding is addressed to the structure of the entire U.S. telex industry and the ways in which that structure and carrier practices may unduly restrict the customers' use of telex service. The proposed rule is similarly addressed to all suppliers of telex service and how they shall provide service in the future. The possibility that this proceeding may at some time result in our direction to a specific carrier to change the terms or conditions of its service does not change the character of this proceeding to an adjudication; nor does it impose any greater procedural requirements on this proceeding than those provided for in the APA for rulemaking. *See* Bell of Pa., *supra* at 1266.

Interconnection

25. In our Notice of Proposed Rulemaking, we had proposed two types of interconnection. First, we proposed a limited central-office interconnection of the IRC networks with each other to permit a user to reach all overseas points regardless of which IRC had provided the terminal and network access. Second, we also proposed to require full interconnection of the IRC and Western Union networks to permit all U.S. domestic telex and TWX subscribers (whether they subscribe to IRC or to Western Union service) access to all other domestic subscribers. Our policy proposal addressed in very general terms the public interest effect of the carriers' present failure to interconnect. The carrier comments in response to our proposal similarly addressed the issue of interconnection in general terms. On the basis of our analysis of those comments, we find that the public interest will be served by a general policy requiring interconnection upon demand. However, we have no proposal before us for any specific interconnection. We therefore adopt a policy by which carriers are required to accommodate requests for interconnection when such requests are made, and to submit the responsive interconnection tariffs for our review.[13]

26. *IRC Interconnection.* In our Notice, we had proposed a limited form of interconnection under which a customer who subscribes to IRC telex service would be limited to the facilities of the IRC from which it obtained service except for points the offering carrier does not serve. In such cases, the customer could, through some form of dialing code, select any other IRC able to carry his call. The parties, however, all addressed the broader question of universal interconnection—where the customer would have full choice of carrier for every overseas call. Since this is the form of interconnection which all respondents addressed, this is the form we shall consider herein.

27. The IRCs uniformly opposed interconnection of the IRC networks. Their chief argument against interconnection is their belief that the existence of a universal terminal would mean the end of competition among the IRCs. From their comments, however, it is unclear why increasing customer choice should lessen competition. The IRCs apparently equate "competition" with the preservation of separate and exclusive networks and tying the use of a terminal to one network. Under the existing arrangements, the IRCs compete for subscribers to their respective services. However, once the customer has been connected to a particular carrier, he may use his terminal only for service from that carrier. The IRCs argue that unless the customer is limited to the offering carrier's network, the carriers will have no incentive to maintain service quality or to make improvements—presumably because such improvements are the lure by which a carrier draws customers to its service.

28. Essentially, the problem the IRCs appear to have with interconnection is that since they use identical cable and satellite circuits, and virtually identical central-office equipment, there is little difference among the basic parameters of telex services. How they differentiate their services, apparently, is by the "service enhancement" each one adds. WUI states that these service enhancements, which it notes are often costly and "proprietary," are made for the benefit of its customers. WUI argues that forcing it to make those enhancements available to another IRC's subscriber under interconnection may violate its "proprietary rights" and thus would lessen its incentive to make service improvements. ITTWC and RCAGC also argue the benefit of exclusive networks. ITTWC argues that tying terminals to one network creates a strong link in the customer's mind between the grade of service received and the carrier which provides it. Interconnection, ITTWC states, by requiring the customer to select the carrier for each call (by use of number code), will break down that association and give the IRC less incentive to maintain service quality. RCAGC apparently agrees with ITTWC, since it argues that the only way to maintain competition in a regulatied service such as telex (where it believes price competition is not feasible) is to allow a carrier which improves its network to reap the commercial advantages of its improvements. RCAGC believes that interconnection will destroy any such advantage. RCAGC also argues that interconnection will effect a *de facto* partial merger of the IRCs and bring the most efficient carrier down to the level of the least efficient (what RCAGC calls the "least common denominator"). This also will deprive the carriers of any incentive to improve their networks, RCAGC argues, since other carriers would be able to rely, at least in part, on such improved facilities.

29. We do not find the carriers' arguments persuasive. We see no reason to believe interconnection will destroy, or even seriously impair, IRC competition. To the contrary, we believe that by increasing customer choice interconnection will likely increase competition among the carriers. In the first instance, from an operational point of view, interconnection should have little effect on the IRCs' basic mode of operation or relationship to their customers. At present, customers are connected by tieline to the switch of a particular IRC. This will continue to be the case under interconnection. As a result, "proprietary" or other service enhancements which relate to the customer's terminal or the connection of these terminals to the IRC switch will be unaffected. The IRCs can continue to offer these inducements to their subscribers without making them universally available through the interconnection arrangements. Other service enhancements relating to the overseas networks can be made available to subscribers as well as interconnected customers on the same basis as they are now made available (or denied) to Western Union subscribers. In any event, since customers, under the new rate structure we mandate below, will pay the IRCs separately for their tieline and terminal equipment, the use by a customer of that tieline to gain access to another IRC will not place any economic drain on the offering carrier. Similarly, if the carrier believes an improvement, such as a specially-conditioned tieline, will enhance its value to the customer, the IRC can make it available to its customers and will be able to recover the full costs of that improvement even if it is used with an interconnected IRC.

30. Similarly, we see no reason why the existence of choice will alter in any significant way the customers' perceptions of telex service or how they use it—there is certainly no reason to believe, as ITTWC asserts, that customers will exercise their choice in an irrational or random manner. On this subject, we note that Western Union customers, who account for the bulk of overseas telex traffic, currently have complete choice of IRC for each call. No one has suggested that Western Union customers behave irrationally. Indeed, no one even argued that the IRCs' market shares of Western Union-originated traffic differ markedly from their gateway traffic shares. The existence of easily exercised choice will enhance rather than destroy the IRCs'

[13] We wish to make clear that although we shall review the proposed interconnection tariffs to assure their consistency with the provisions of Sections 202–205 of the Communications Act and our general public interest finding herein, parties requesting interconnection need not make additional showing under Section 201(a) as to the necessity or desirability of the requested interconnection.

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incentive to maintain service quality and to make improvements. While RCAGC and ITTWC are correct that customers are not now "captive"—that they can choose a different IRC if they feel their service is inadequate,—this can be done only by discontinuing the service of one IRC and subscribing to that of another one. Thus, the simple inconvenience of such a course could impair exercise of that choice—assuming, of course, that under the present tying arrangements a customer has a basis for comparing the services of the various carriers. Under interconnection, however, the customer will be able freely to select any IRC and will be able to compare their services. Thus, the carriers will have a strong incentive to assure that service quality remains high.

31. The IRCs' argument is analogous to an argument that requiring customers who subscribe to MCI's Execunet, Southern Pacific's Sprint, as well as AT&T's regular MTS, to have separate tieline and terminals for each service will enhance competition and benefit consumers. At present, the same local loop and telephone can be used for all three services. Manifestly, however, competition exists among the services. The existence of separate access lines is essentially irrelevant to customer choice. The lack of separate terminals has not hurt the customer's identification of the various suppliers—if anything, the requirement to make an economic judgment as to which service to use in a particular case tends to intensify that identification. That process is likely to exist with respect to international telex service as well.

32. In our judgment, IRC interconnection will benefit consumers by giving them an alternative method of achieving universal access to all overseas points and by promoting full and fair competition among the IRCs. At present, telex customers can reach all points in the world only through subscriptions to multiple IRC services or through the Western Union domestic telex and TWX services. While no one suggests that the present alternatives do not give most customers adequate service, the existence of exclusive IRC networks limits the customer's choice or increases his cost for telex service (since he must either subscribe to Western Union or meet the revenue requirements of more than one IRC service). On the other hand, none of the parties presented any cogent evidence that interconnection will be particularly costly. Accordingly, it appears that this additional consumer choice and full service coverage can be achieved with little additional cost—and in any case, without the encouragement of inefficient uses of terminal equipment or network access lines that the current structure provides.

33. IRC interconnection should also benefit consumers by promoting full and open competition. One of the reasons this proceeding was instituted is that some carriers have been unwilling or unable to expand their service coverage to all overseas points. This problem becomes more acute under the proposal to expand the number of domestic points at which the IRCs will offer direct international service and the reformation of the unified rate structure we order herein. To the extent that a carrier is unable to convince an overseas entity to operate with it, the requirement for unbundled terminal and tieline charges could place that carrier at an economic disadvantage with respect to the other carriers. Examples of this are TRT and FTCC, which serve most of the overseas points served by the other IRCs but are apparently unable to serve a few high-volume points—the most important of which is Japan (the second largest international telex service point). TRT, for example, has indicated, a fear that its inability to serve such points will make its service less attractive to others and make it unlikely that a customer required to pay monthly charges for his terminal would choose TRT. Interconnection will give these carriers the ability to make full service available to their customers and remain viable forces for better service and lower costs. Interconnection will not reduce their incentive to reach agreement with overseas correspondents since they would obviously receive a greater share of revenues from direct service and provide faster, better quality service. Interconnection will thus assure that these carriers have the opportunity to remain competitive.

34. In sum, we find that none of the parties has shown that IRC interconnection would not enhance competition among the IRCs or that such interconnection would be unduly difficult or expensive to accomplish. Interconnection will give customers additional choice for reasonable universal access to all overseas points without the need for multiple IRC service. The additional inducements to the IRCs to maintain and improve service quality occasioned by interconnection should also benefit customers. Accordingly, we find that a requirement for interconnection of the IRC networks for overseas service will serve the public interest. However, we do not at this time order any specific interconnection. Since none of the parties to this proceeding offered a proposal for a specific interconnection, we have had no opportunity to review the terms under which interconnection would be effected to assure that they are consistent with our public interest finding. Rather, we shall here adopt a policy of requiring interconnection upon demand. Upon such a demand, the interested carriers shall work out suitable arrangements which they shall submit for our review in the form of proposed interconnection tariffs. We shall then examine the tariffs for consistency with our interconnection policy and overall compliance with the provisions of the Communications Act.

35. *Interconnection with Western Union.* Although Western Union indicated in its comments that it is not in principle opposed to interconnection, it does oppose the proposed central-office interconnection of the IRC and Western Union networks which would permit communication among the IRC subscribers and between IRC and Western Union subscribers. With the possible exception of ITTWC,[14] the IRCs opposed any form of further interconnection with Western Union. They do not, however, devote much attention to this point—basically asserting only that interconnection would introduce a large universe of Western Union subscribers (approximately 100,000) as potential communicators with the much smaller IRC systems (the total of all IRC systems is no more than 10,000 subscribers) and could thus place a significant strain on the IRC networks. Western Union took a somewhat similar view, equally without elaboration, that interconnection with the IRC networks would place a strain on its facilities. Western Union also objects to central-office interconnection because, in its view, such interconnection would involve the IRCs in domestic telex operations allegedly barred by Section 222 of the Act.

36. Western Union proposed an alternative form of interconnection on the customer premises—in which a customer's terminal could be hooked up both to an IRC tieline and to a Western Union tieline, with some sort of switch so that the customer can select between the two modes. The IRCs challenged Western Union's assertion that customer-premise interconnection would be easier or cheaper than central-office interconnection. They further asserted that a switch of the type Western Union proposed would be costly to develop and would cause a customer's terminal to be unavailable for use with one carrier's network when it was switched to the other network. This is undesirable, they argue, because callers trying to reach the unavailable teleprinter would tie up international facilities causing congestion without producing revenues. Finally, the IRCs challenge Western Union's argument that they are barred by Section 222 from engaging in domestic transmission.

37. Additionally, as we noted above, Graphnet argued for full interconnection of Western Union, Graphnet, and all other domestic telex-compatible networks with the IRCs. This proposal would result in full interconnection of all domestic telex-type networks permitting all domestic and international subscribers within the United States to communicate with one another. In view of the complexity of the domestic network, and the dramatic structural change such interconnection would bring about, we believe we need more information before we can form an appropriate policy thereon. Accordingly, we have concluded at this time to reserve judgment on this aspect of our policy proposal. We wish, however, to make clear that our decision to defer action should not be construed as a rejection of full domestic interconnection. Rather, we believe the issues of such interconnection must be considered fully in a proceeding addressed to that specific question, and we invite interested parties to petition us for such a rulemaking.

38. With respect to Graphnet's argument for the more limited form of interconnection with the IRCs for through international service, however, there is a basis in the present record for more affirmative action. Western Union and the IRCs have successfully interconnected for through international service for many years. This form of interconnection does not raise the complex issues that full domestic interconnection does. In view of the more highly-centralized networks of the IRCs, interconnection with Graphnet for international service should be relatively easy to effect. Indeed, the existing interconnection of Western Union and the IRCs serves as a model for such interconnection and indicates that it should be both successful and relatively inexpensive. In this connection, we note that none of the IRCs opposed interconnection with Graphnet and that two, ITTWC and TRT, strongly advocated it.[15]

39. Further, we agree with Graphnet that the fact that it and other similarly situated carriers are not interconnected with the IRCs severely limits the scope of services they can offer their customers and places them at a decided disadvantage in competing with the interconnected carrier—Western Union. Since we have already found that the public interest will be served by authorizing Graphnet to provide its telex-compatible services domestically,[16] we see no public benefit to be gained by continuing to place Graphnet or other authorized or potetential carriers at a competitive disadvantage with respect to the domestic haul of international telex. In fact, we see distinct potential rate and service benefits from making these carriers' innovative technology available as an additional consumer choice for such domestic haul.[17] Accordingly, to relieve the competitive restraint on Graphnet and other carriers offering telex-compatible service, we shall provide that such carriers may obtain interconnection with the IRCs for through international telex service upon demand and may file for our review a proposed interconnection tariff.

Rate Structure

40. Although we are concerned about the interconnection question, the more important problem, in some respects, is the matter of the unified rate structure. As the IRCs have noted, many IRC customers do not find the lack of full overseas coverage a great problem. All, however, are subject to the unified rate structure and the inefficiencies that structure has fostered. Furthermore, as ITTWC noted, we could answer much of our concern over the lack of universal overseas service solely through recasting of the rate structure—since service from all carriers, IRC as well as Western Union, would then be offered on virtually the same basis. As a result, customers who desire universal service would be able to select Western Union without the significant out-of pocket price penalty which they now appear to suffer by selecting that carrier. Conversely those to whom the more limited, but arguably more rapid, direct international service is suitable, or those generating sufficient volumes to justify more than one service, would be able to subscribe on the basis of an appropriate economic decision without hidden subsidies or discriminations.

41. At the outset, we shall consider the IRCs' argument that we have previously found the unified telex rate structure lawful and required by the public interest. The parties argue that *Mackay Radio and Telegraph Co., Inc.*, 26 F.C.C. 557 (Bd. of Commissioners 1958), *aff'd* 26 F.C.C. 566 (1959), constitutes such a finding. We cannot agree, however, that *Mackay* constitutes an affirmative approval of the unified rate structure or, even if our prior action were construed as "approval", that the decision would be controlling in the present matter.

42. Rather than an affirmative finding of lawfulness, the *Mackay* holding involved only a dismissal of certain objections to Mackay's tariff. Also, as indicated in our December 1976 Notice, the *Mackay* opinion specifically indicated that we would monitor the development of the international telex industry and require rate-structure changes where warranted. 62 F.C.C. 2d at 422, fn. 18. It is precisely this function in which we are engaged in this proceeding. Finally, assuming *arguendo* that *Mackay* was not limited to its particular facts, it is clear that we have the authority to review earlier rulings for continuing validity in serving the public interest. Indeed, that flexibility was expressly recognized in *Greater Boston Television Corp.* v. *F.C.C.* 444 F. 2d 841, (D.C. Cir. 1970), requiring only that in such a case we "supply a reasoned analysis indicating that prior policies and standards are being deliberately changed and not casually ignored." Our discussion in the Notice instituting this proceeding of the changes which have occurred in the industry since 1958 and the changes which we believe will ensue from our interconnection requirements

[14] In its comments, ITTWC opposed interconnection of the IRC networks. However, in its counter proposal (reformation of the rate structure without IRC interconnection), ITTWC proposed full interconnection of the IRC networks with all domestic telex and telex-compatible networks. This would include not only the Western Union telex and TWX networks, but also such networks as those of Graphnet and Telenet and those of United States Transmission Systems, Inc. and ITT Data Transmission, Inc.—both subsidiaries of ITTWC's parent, the International Telephone and Telegraph Company. See discussion at paras. 37–39, *infra*.

[15] WUI neither opposed nor supported Graphnet's proposal. RCAGC indicated that interconnection of Graphnet should be accorded the same treatment as our proposal to interconnect the IRCs. Indeed, the only opposition to interconnection of Graphnet and the IRCs was Western Union's assertion that it has a domestic telex monopoly. As was made clear in Domestic Public Message Service, 71 F.C.C. 2d 471 (1979) (CC Docket Nos. 78–95 and 78–96), however, Western Union does not have a monopoly of domestic telegraph services.

[16] *See* Graphnet Services, Inc., 61 F.C.C. 2d 685 (1976). *See also* Graphnet Services, Inc., 44 F.C.C. 2d 800 (1974).

[17] We have also found that the public interest will be served by Graphnet's offering its services internationally. *See* Graphnet Services, Inc., 63 F.C.C. 2d 402 (1977), *aff'd in part* and *remanded subnom.* ITT World Communications v. FCC, 595 F. 2d 897 (2d Cir. 1979). While Graphnet has not yet been able to conclude suitable agreements with its correspondents for direct service, the offering of interconnected international telex service will be consistent with the policy underlying our grant of authority.

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and other actions taken this day certainly indicate the rationale for our change of policy.

43. After reviewing the comments of the parties, we conclude that we should require the complete unbundling of terminal equipment, network access (the local access loop, or tieline) and transmission for international telex service. In the first instance, the provision of terminal equipment and tielines are not, conceptually, inextricable from overall telex service. None of the IRCs manufactures the terminal equipment used in connection with its telex service and none itself provides the access lines. Terminal equipment, rather, is supplied to the IRCs by a number of non-carrier suppliers who could—and in some cases do—provide it directly to the customer on either a sale or lease basis. Similarly, the access lines used in telex service are leased by the IRCs from the local telephone companies under such companies' regular exchange-facilities tariffs. Again, there is no reason why such facilities could not be made available directly to the customer.[18] Therefore, there appears no logical necessity that the cost of these items be recovered solely, or at all, from transmission charges. Further, the bundling of these fixed recurring costs into a usage sensitive charge serves only to confuse and mask what the true costs are.

44. This is, indeed, the crux of the problem represented by the unified rate structure—it does not naturally assure that the costs of providing terminals and tielines are recovered from those who receive the benefit of those costs. From the IRC comments, it appears that this problem has manifested itself in at least two ways. First, the IRCs note that many of their customers routinely take teleprinters and tielines from two, three or more of the IRCs. Second, it appears that there are a fair number of customers who generate very low annual traffic volumes—sufficiently low, in fact, that larger-volume IRC subscribers are required to make up the deficit.[19]

45. There is evidence that IRC-provided terminals and tielines are currently underused as a result of both of these phenomena. This is a matter of concern since telex terminal costs are not trivial. However, the precise level of current waste is not the most significant problem with the unified rate structure. Rather, the problem is that, by making those costs appear to be of no consequence, the rate structure does not force potential users to make an economic judgment as to what type of service meets their needs.

46. This concern becomes more acute in light of the proposal significantly to expand the number of domestic points at which the IRCs offer direct international service and thus where they will come into closer competition with Western Union. Indeed, with the addition of the 21 service points, the IRCs will be able to reach directly more than 75 per cent of Western Union's overseas telex customers. They will thus be able to expand the existing system of tielines passively attached to the IRC switch which the unified rate structure, has allowed them to develop. Were we to allow them to expand their domestic operations under the unified rate structure they would be able to offer large numbers of current Western Union customers the lure of what would appear to be free, or minimal-cost, terminals and undercut Western Union service.

47. There is nothing objectionable *per se* in a competitive market about the IRCs' desire to attract Western Union customers. However, the basis for their appeal to these customers should be that they can offer them better service—not just that their terminals are bundled while Western Union's are not. The IRCs' costs for providing terminals do not differ significantly from those of Western Union—indeed, the IRCs all assumed in their comments that if they were forced to charge monthly rentals for their terminals and tielines that the charges would be virtually identical to those of Western Union. If the IRCs are recovering their terminal costs overall, and some of those terminals are inefficiently used, it follows that at least for some customers the usage charges are too high. The only way for consumers to make rational choices, and for society to allocate its resources efficiently, is for the customers to know what each of their options costs. The unified rate structure, by masking those costs, prevents such a reasoned judgment. We believe that unbundling the terminal and access line from the transmission charges will be in the public interest because it will help to ensure that those who impose costs on society bear the burden of those costs. In turn, this will lead to a more efficient utilization of resources by forcing customer choice in the marketplace to reflect what it costs society to satisfy those choices. Ultimately, this will also result in more cost-effective plant investment and utilization by the carriers.

48. With the exception of ITTWC,[20] all of the IRCs opposed reformation of the unified rate structure. The chief argument they raised against our proposed unbundled rate structure is the familiar assertion that it would destroy competition among the IRCs. That is, the carriers apparently believe that customers will be unwilling to pay monthly charges for their more limited international telex service—or that they would take service from one carrier rather than the multiple carriers they now use. However, since the IRCs filed their opposition to our proposed new rate structure, they have also filed their optional unbundling tariffs.[21] In the pleadings associated with those tariffs, the IRCs make it clear that they incur a substantial cost in providing terminals and tielines and that they should extend to the customers their savings when the customer provides his own access.[22] Thus, whatever their prior positions, the IRCs now agree that the rate structure issue is who should bear the costs of providing terminals, not competitive necessity.

49. In fact the IRCs now agree that users who pay their own costs are disadvantaged by paying the bundled usage charges. For example, ITTWC (which filed the first unbundling proposal) stated that it already had a fair number of customers who provide their own terminals and tielines or otherwise obtain access to the ITTWC switch and have objected to paying the same usage charges as other customers. The other IRCs indicated that their tariffs were intended to keep them competitive with ITTWC, but also indicated that they enjoyed a substantial savings when the customer provides his own access—indeed, RCAGC increased the size of the reduction from $.30 to $.55 per minute—and that such saving should be extended to the customer. That the IRCs have recognized the problem of terminal costs and have granted their customers greater flexibility through the unbundled option is a step in the right direction. However, it does not go far enough. The bundled rate structure has led to a

[18] We note that tielines for leased-channel service are currently provided in this way—the customer leases a line directly from the telephone company under local tariffs and the IRC merely acts as the customer's agent. There seems to be no reason why such an arrangement would not be equally satisfactory for telex service.

[19] The IRCs in fact acknowledge that the structure has worked such a subsidy.

[20] *See* fn. 6, *supra.*

[21] *See* para. 2 *supra.*

[22] An exception is TRT. Although TRT allowed a reduction for those who pay for their own access, it also offered the reduction to those to whom it provides terminals. In filing its revisions, TRT made it clear that it was doing so only for the purpose of remaining competitive and that it still opposes departure from the unified rate structure.

proliferation of terminals and tielines and so long as some bundled rates exist there will be a danger of economic waste. The users, and society as a whole, will be better served when all users know the true costs of telex service and can weigh those costs against the benefit they expect to derive.

50. TRT argues that it will not be able to compete with the other IRCs unless it can offer service under bundled rates. Since it is unable to provide service to such high-volume service points as Japan and offshore U.S. points such as Hawaii, TRT argues that a customer required to pay monthly rental charges for terminals would pay for only one service and would select one of the more flexible ones. TRT argues that the unified rate structure has allowed it to place a number of terminals and thus to put a considerable amount of competitive pressure on the other IRCs. TRT believes that an end to the unified rate structure will lead to market dominance by one or two large IRCs.

51. We do not believe that TRT has shown that it will be unable to compete without the unified rate structure. We are aware that TRT's inability at present to serve certain high-volume points puts it at some disadvantage with respect to the other IRCs. We are also aware, however, that TRT serves the bulk of overseas points and that it continues to add new service points. We therefore see no reason to doubt that TRT service is valuable to its subscribers or to conclude that requiring cost-based terminal charges will cause it to lose all of its current subscribers. Moreover, our public interest finding in favor of interconnection of the IRCs will give all IRC telex customers universal access and should aid TRT in keeping its service viable. In the final analysis, however, although we see no reason to doubt that TRT will continue to grow and expand its service, our purpose here is not to protect the market positions of the carriers, but to assure the welfare of consumers and guarantee that the costs of telex service are borne by the appropriate users.[23]

52. We shall now briefly set out what we contemplate for a new international telex rate structure. At present, we shall order specification of charges separately for terminals, tielines, and transmission.[24] The term "terminal equipment" or "customer terminal equipment" is fairly well understood. The IRCs' present tariffs have little difficulty with this concept. By "network access" or "tielines" or the like, we refer generally to the physical connections necessary to link the terminal equipment on a customer's premises to a central office of a carrier—most generally, the "local loop" and such auxiliary items as the termination on the customer's premises into which the terminal is plugged and whatever connecting arrangements are necessary at the central office (for Western Union, this includes the signalling leads and network control interfaces). Finally, by transmission charges, we mean the charges to recover the costs for common portions of the network, switching, intergateway connections, payouts to foreign and domestic connecting carriers, and other items not directly attributable to a logical rate category.

54. The carriers are ordered to file new tariffs consistent with this order within 60 days of its release. We emphasize that we are not here seeking to make an exhaustive or rigid analysis of what items are included in each category. Rather, we are merely trying to effect a logical distinction between that which pertains to terminal connections, and what is, more traditionally, common carrier transmission.

55. Although we are here continuing the past practice of requiring the IRCs to tariff the provision of terminal equipment, we now question whether there is any need—particularly in light of our unbundling order here—for us to regulate the equipment. It appears to us that the provision of terminal equipment is not inextricably related to transmission, can be (and in fact is) offered by entities other than a common carrier providing transmission and is not what would traditionally be classified as a communications service. We therefore set out for further comment our tentative belief that we should deregulate the provision of terminal equipment in the international telex market.

56. There are several reasons for our tentative conclusion here. First, we believe that our order today will enhance competition in the provision of international teleprinter equipment, and thus the protection which regulation might otherwise afford the ratepayer would be not only unnecessary but unduly burdensome. Second, in the unlikely event that the IRCs attempt to offer equipment below cost, antitrust liability would attach. Finally, the detariffing of terminal equipment in this area would be consistent with other policies we have recently expressed. *See Second Computer Inquiry,* FCC 79-307, —— F.C.C. 2d —— (Tentative Decision released July 2, 1979). Parties are invited to address these and any other factors relevant to resolution of this question.

57. Accordingly, it is ordered pursuant to Section 4(i), 201–205, and 403 of the Communications Act of 1934, 47 U.S.C. 154(i) 201–205, 403 (1970), that a policy is hereby adopted by which all common carriers engaged in the provision of international telex service are required to interconnect with each other upon demand for such interconnection.

58. It is further ordered that upon demand any common carrier engaged in the provision of international telex service is required to interconnect with any domestic carrier providing a telex-compatible service for the purpose of providing joint through international telex service.

59. It is further ordered pursuant to Section 4(i) and 201–205, of the Communications Act, that C&W/WUI, Inc., FTC Communications Inc., ITT World Communications Inc., RCA Global Communications, Inc., TRT Telecommunications Corporation and Western Union International, Inc., shall, within 60 days of the release of this order, file revisions to the tariffs under which they offer international telex service to institute separate cost-based rate categories consistent with paras. 48–49 of this Order;[25]

[23] Both Western Union and Trans-Lux argue that the unified rate structure should be rejected because it frustrates our policies concerning interconnection of customer-supplied equipment. The IRCs argue that the rate structure does not harm those policies, and that their tariffs specifically provide for customer-supplied terminal equipment. We need not reach this question because we find that unbundling should be required on independent grounds.

[24] Our original Notice set forth for comment the issue of "whether we should separate terminals and transmission and require separate, cost-based charges for each." 82 F.C.C. 2d at 425. Thus, our Notice did not make clear whether we contemplated a variety of rate categories or whether the issue was limited to the separation of only two charges—terminals (terminal equipment and the tieline) and all other charges. Despite any arguable lack of clarity in our 1976 Notice, the comments have addressed unbundling of a variety of categories. The parties engaged in considerable debate as to the relevance of Western Union's unbundled rate structure as a model for the IRC tariffs. WU's rate structure, as discussed in the comments, contains a number of rate categories beyond the three we here order. Thus, it is clear that the parties had actual notice of the scope of our action today and have had reasonable opportunity to be heard. *See* Forester v. Consumer Product Safety Commission, 559 F. 2d 774 (D.C. Cir. 1977). *See also* Logansport Broadcasting Corp. v. F.C.C., 210 F. 2d 24 (1954), California Citizen's Band Ass'n v. U.S., 375 F. 2d 43 (9th Cir. 1967).

[25] In International Record Carriers Scope of Operations, *supra,* decided today, we provide that expansion of the number of domestic points of operation shall be conditioned upon the satisfactory unbundling of the telex rate structure. We wish to make clear that no carrier may begin operation in any new point covered by that decision unless and until that carrier has on file an effective tariff embodying the unbundling requirement.

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60. It is further ordered that further notice of rulemaking is hereby given to resolve the question whether the public interest will be served by deregulation of carrier provison of international telex terminal equipment, and that comments shall be filed by March 31, 1980 and replies by April 30, 1980.

62. It is further ordered that following Applications for Commission Review of the actions of the Common Carrier Bureau allowing revisions to Tariff FCC No. 64 of TRT Telecommunications corporation to become effective are hereby dismissed as moot:

(a) Application for Review filed by ITT World Communications Inc. and RCA Global Communications, Inc. with respect to TRT Transmittal No. 868; and

(b) Application for Review filed by RCA Global Communications with respect to TRT Transmittal No. 876.

Federal Communications Commission.[26]

William J. Tricarico,

Secretary.

December 12, 1979.

Separate Statement of Charles D. Ferris, Chairman

Re: Federal Communication Commission's Policies in the International Telecommunications Arena

The Commission has today adopted more pro-consumer policies in the field of international communications than we have since the FCC came into existence more than 45 years ago.

One consequence of the world's slow but steady development toward a "global village" is the ever increasing use of communications facilities linking the people of one country with the peoples of other countries. Today we have committed ourselves to a more competitive international record communications market because we believe that the growing number of users of international communications services should be able to choose among the greatest number of services at the lowest possible cost.

I believe that our international communications sector should be the most efficient and innovative anywhere. If today's actions help to achieve this we would have assisted the Nation's efforts to improve productivity, fight inflation, and balance our international account. Competition, I am convinced, will be more likely to bring this about that than the kind of government regulation used in the past. Today marks the start—but not the end—of our efforts to assure that American communications consumers receive all the benefits that advances in this field make possible.

There are other, more fundamental issues which are yet to be addressed. For example, I believe we should begin re-thinking past FCC decisions which seem to have the effect of separating potential competitors from one another. Current facilities ownership arrangements, present restrictions on types of third party uses of international lines, and the continuation of the distinction between record and voice services may all be examples of issues ripe for reevaluation.

In the meantime, the decisions adopted today take a fresh look at some accepted practices and find them wanting. Just as the Commission has undertaken a zero-based review of our radio regulations we should also reexamine our policies toward international communications and the practices in that marketplace. I, for one, am not surprised that some do not pass muster in the face of technological developments and changes in consumer demand.

We have begun removing restrictions on how a customer may use the circuits he or she pays for. We have sought to increase the customers ability to comparison shop for different parts on international service—terminals, access to international switches, and international transmission. We have introduced significant new competitors into the international data market. We have the authorized companies offering international services to expand their domestic networks, giving customers the option of connecting with them directly, rather than through AT&T or Western Union, if such connection is cheaper or of better quality.

We have rethought past FCC decisions which have interpreted our governing statute in what we believe is an unnecessarily restrictive way. In the past the Commission interpreted Section 222 as a bar to Western Union providing international service—an interpretation which has been sustained by the U.S. Court of Appeals for the Second Circuit. Two opinions handed down by judges of that circuit, however, have served as catalysts for our own review of this interpretation. Recognizing that our past interpretation has been upheld we have felt compelled to reexamine our policies as they become more and more strained by changes in the marketplace.

Our opinions today conclude that Section 222 does not bar the expansion of IRCs services in the United States, nor does it impose a perpetual bar on Western Union's expansion into international communications. I firmly agree that these conclusions are legally sound. I note the recent submission in the U.S. House of Representatives of a bill to repeal Section 222. Adoption of the proposed bills would clearly resolve any controversy created by our holdings today. Nevertheless, I agree with the Commission that it would be inappropriate to defer a desirable policy decision which we consider basically sound legally on the possibility that Congress may resolve some of the uncertainty associated with it.

The audit staff's report to the Chief, Common Carrier Bureau, which we release today, finds rates of return for international telex services which are very high. I am concerned about the possibility that telex service has subsidized other services, but I did not support a costly and protracted rate hearing which, due to the state of carrier records, might well be inconclusive. The structural decisions we have adopted today dead directly with the possibility of cross subsidization because real competition in this market will be the most effective way to assure just and reasonable prices for all services, new and old.

As with any field where the United States cooperates with other countries, we do not expect to unilaterally impose our views of what is right on our foreign correspondents. We are now engaged in a set of discussions with representatives of other countries which we hope will lead to greater cooperation in the introduction of new services and lower prices.

In conclusion I believe we have taken a significant step toward increasing competition in the international communications market. I am committed to examining other steps toward this goal. The carriers should be aware that the easy, and profitable, life inside the cartel is over.

[FR Doc. 80-9026 Filed 3-24-80; 8:45 am]

BILLING CODE 6712-01-M

[26] See attached separate statement of Chairman Charles D. Ferris.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 296

Fishermen's Contingency Fund

Correction

In FR Doc. 80-2325 appearing on page 6062 in the issue of Thursday, January 24, 1980 make the following correction:

On page 6078, 2nd column, after the sixth paragraph which is numbered "11.", insert the following material:

"E. *Metairie District*—The U.S. Geological Survey's Metairie District incorporates all, or the indicated portions, of the OCS areas shown on the following official maps:

1. OCS Leasing Map, West Delta Area. Louisiana Map No. 8 (Approved June 8, 1954). That portion more than three geographical miles seaward from the line described in the supplemental decree of the United States Supreme Court, June 16, 1975 (U.S. versus Louisiana, 422 US 13).

2. OCS Leasing Map, West Delta Area. South Addition, Louisiana Map No. 8A (Approved September 8, 1959; Revised November 24, 1961).

3. OCS Leasing Map, South Pass Area. Louisiana Map No. 9 (Approved June 8, 1954; Revised July 22, 1954; Revised May 11, 1973). That portion more than three geographical miles seaward from the line described in the supplemental decree of the United States Supreme Court, June 16, 1975 (U.S. versus Louisiana, 422 US 13).

4. OCS Leasing Map, South Pass Area. South and East Addition, Louisiana Map No. 9A (Approved September 8, 1959).

5. OCS Leasing Map, Breton Sound Area. Louisiana Map No. 10 (Approved June 8, 1954; Revised July 22, 1954). That portion more than three geographical miles seaward from the line described in the supplemental decree of the United States Supreme Court, June 16, 1975 (U.S. versus Louisiana, 422 US 13).

6. OCS Leasing Map, Main Pass Area. Louisiana Map No. 10 (approved June 8, 1954; Revised July 22, 1954). That portion more than three geographical miles seaward from the line described in the supplemental decree of the United States Supreme Court, June 16, 1975 (U.S. versus Louisiana, 422 US 13).

7. OCS Leasing Map, Main Pass Area. South and East Addition, Louisiana Map No. 10A (Approved September 8, 1959).

8. OCS Leasing Map, Chandeleur Area. Louisiana Map No. 11 (Approved June 8, 1954; Revised July 22, 1954). That portion more than three geographical miles seaward from the line described in the supplemental decree of the United States Supreme Court, June 16, 1975 (U.S. versus Louisiana, 422 US 13).

9. OCS Leasing Map, Chandeleur Area. East Addition, Louisiana Map No. 11A (Approved September 8, 1959).

10. OCS Official Protraction Diagram, NG 16-1 (Approved June 5, 1974; Revised December 2, 1976)."

BILLING CODE 1505-01-M

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Proposed Rules

Federal Register
Vol. 45, No. 59
Tuesday, March 25, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

9 CFR Part 320

Change in Reporting Frequency From Weekly to Annually of Processing Operations at Official Establishments

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Quality Service (FSQS) proposes to amend the Federal meat inspection regulations to require the operator of each official establishment to report annually the number of pounds of meat and meat food products produced. Currently, such information is submitted to FSQS each week. The Agency believes, however, that it can carry out its regulatory functions without imposing the current burden on the industry of reporting the data with the present frequency.

DATE: Comments must be received on or before May 26, 1980.

ADDRESS: Written comments to: Executive Secretariat, Attn: Annie Johnson, Food Safety and Quality Service, U.S. Department of Agriculture, Room 3807, South Agriclture Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Mr. John W. McCutcheon, Director, Policy Studies and Program Planning, Food Safety and Quality Service, U.S. Department of Agriculture, Room 327–E, Agriculture Administration Building, Washington, DC 20250, (202) 447–6525.

SUPPLEMENTARY INFORMATION:

Comments

Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to the Executive Secretariat. Comments should bear reference to the date and page number of this issue of the **Federal Register.** All comments submitted pursuant to this notice will be made available for public inspection in the office of the Executive Secretariat during regular hours of business.

Background

The requirement that statistics on the production volume of processed meat and meat food products be compiled and regularly submitted to the U.S. Department of Agriculture dates back to the inception of the Federal Meat Inspection Act of 1907. Since then, FSQS and ts predecessor agencies have received weekly reports from each official establishment indicating the amount, by category, of meat and meat food products produced.

The number of categories of products required to be reported on has increased over the years as the variety of products produced has increased. The number of products reported varied between 24 and 28 during 1917–1932 and 1935–1946. Sliced bacon production was incorporated into the processing report in 1937 and canning operations were specifically segregated and categorized in 1948.

Since that time the report has been continually expanded. It currently includes 110 product categories organized into nine major groups: Cured products, Smoked or Dried or Cooked Products, Sausage, Sliced/Packaged Products, Fresh or Frozen Products, Convenience Foods, Fats and Oils, Miscellaneous Meat Products, and Canned Products.

MP Form 404 serves some purposes in assisting the Food Safety and Quality Service (FSQS) to perform its regulatory function. The Meat and Poultry Inspection Program (MPI) management and field services occasionally use MP Form 404 data to supplement other information for inspection tasks and manpower planning. The Processed Products Inspection Division (PPID) of MPI uses information from MP Form 404 as a tool to monitor processed products production. Processing production data are also used by the Food Ingredient assessment Division in FSQS' Science Program and the Meat and Poultry Standards and Labeling Division in the Compliance Program. The data collected are used by FSQS for the President's Budget and Explanatory Notes and the Secretary's Report to Congress on the Meat and Poultry Inspection Program.

The data are also used by a number of other Federal agencies, the industry, and educational or research organizations. For a fuller explanation of the uses of MP Form 404 data, see the Draft Impact Anaylsis following this proposal and marked Appendix A.

Paperwork and Cost Reduction. The administration of the Meat and Poultry Inspection Program, including the maintenance of the MP Form 404 requirement, was transferred to the Food Safety and Quality Service (FSQS) in March 1977. In an effort to carry out previous commitments made by its predecessor agencies, FSQS scheduled a reduction in the reporting frequency of MP Form 404 on January 1, 1978, from weekly to monthly. Uncertainty over the fate of the weekly sliced bacon report and associated impacts on pork belly futures, however, led to a postponement of the action and further review. For the reasons herein stated, the Agency is again proposing a change in the reporting frequency of MP Form 404. This time, however, FSQS is proposing to change the frequencey of the report from weekly to annually.

The interest of the Federal Government in reducing the paperwork burden on industry has been most apparent in the last 4–5 years. In March 1976, the Office of Management and Budget (OMB) directed all executive departments and agencies to institute a two-phase plan to reduce the Federal paperwork burden on the public. The first phase called for a 10 percent reduction in the number of Federal forms and reports by June 30, 1976. The second phase called for a 5 and a 15–20 percent reduction in the number of hours spent by the public in official recordkeeping by September 1977 and 1978, respectively. Discussions of the MP Form 404 surfaced in the latter phase.

At the time the Federal paperwork reduction campaign came into being, the Meat and Poultry Inspection Program (MPI) was organizationally a part of the Animal and Plant Health Inspection Service (APHIS). MP Form 404 was one of the few recurring reports maintained by that Agency. At the time, the annual number of respondents for MP Form 404 was estimated at 5,800. Using 30 minutes as a preliminary estimate of the average time required to complete the form, the Department estimated its associated paperwork burden on the public to be 150,800 hours per year.[1]

The Administrator has determined that significant cost savings to industry and to the Agency could be realized if the reporting period for MP Form 404 were to be changed from a weekly basis to an annual basis. Agency figures reflected that a change to an annual reporting requirement could lead to annual cost savings to the Agency of over $170,000, and more importantly, a reduction in costs to industry and at least indirectly to consumers as well, of over $400,000 per year. The Administrator also has concluded that the Agency could satisfy most of its regulatory program needs by an annual reporting of these data.

Industry Viewpoints. Following the expansion of MP Form 404 in 1977 to encompass 110 product categories, the Department received strong criticism from the Pacific Coast Meat Association, Incorporated, which represents small meatpackers. This trade group maintained that it had been excluded from discussions concerning revisions of the form, and it questioned the continued use of the form by the Department as previously conceived. The group also stated that the adding of new product categories appeared to assist major meatpacking companies developing data for production and marketing needs. More generally, the requirement was characterized as an unnecessary intrusion in the marketplace which could jeopardize the condfidential nature of some production data.

The Department also received correspondence from trade associations representng the large meatpackers, the National Independent Meat Packers Association and the American Meat Institute, which are in support of retaining MP Form 404 on a weekly basis. Similarly, the Commodity Futures Trading Commission (CFTC) has indicated its strong concern at the prospect of reducing this report to less than a weekly basis. It believes that the commodity trader, who uses the figures to assess the flow of meat through the marketplace, would be disadvantaged by any change in reporting frequency.

The issue of confidentiality and the release of slaughter and processing data has been under review within the Department for over a year. In 1978, a determination was made by the Department that data concerning slaughtering operations more than 1 year old, and data concerning processing operations more than 2 years old, did not appear to meet exemption requirements of the Freedom of Information Act (FOIA), which protect trade secrets and certain confidential, commercial information (5 U.S.C. 552(b)(4)). Thereafter numerous representatives of meat processors, poultry processors, and trade associations objected to this requirement, contending such data were just as sensitive and confidential as more current data, and release of the data would injure competition. On December 15, 1978, the Department responded to the repesentatives' complaint by publishing a notice in the **Federal Register** (43 FR 58595) which stated that the Department's position was under review and requested interested persons to submit comments and arguments on the subject.

It is clear to the Administrator that there are a number of users of the MP Form 404 data other than FSQS. However, the Administrator believes that the role of this regulatory agency is to protect the public health and, therefore, it should not exercise its regulatory authority to gather data on its regulated industry unless the utility of the data can be directly linked to the regulatory mission. The Administrator believes that FSQS could satisfy most of its regulatory program needs by an annual reporting of MP Form 404 data. The remaining needs of the Agency do not appear to justify a continuation of burden upon industry or the Agency with the weekly reporting of these data. Other methods of operation could be used to satisfy these needs.

The Administrator also believes that the uses of the data outside the Agency do not justify the continuation of the weekly reporting requirement. Other methods either public or private can be developed for these purposes.

Impact of Proposal. The greatest impact would be on the 6,300 official establishments which now submit a weekly report of production figures. The total annual reporting burden for these establishments is estimated to be 70,000 persons/hours based on time estimates of 15 minutes per form. It is also likely that there would be a secondary impact on nongovernmental users of the statistical data. The full effect of the proposed regulation on these parties, however, cannot now be assessed by the Department.

In formulating this proposal, the Agency has considered four other options in addition to the proposed annual requirement. These were: 1. Retention of the weekly report; 2. Monthly reporting; 3. Quarterly reporting; and 4. Elimination of the requirement entirely.[2]

The Administrator has concluded that the option selected should be the one that provides the necessary regulatory information in the least burdensome manner and with the greatest cost savings possible.

In view of the concerns expressed by some segments of the regulated industry and the need to reduce the paperwork burden on the meat industry and the Federal Government, which will result in cost savings to both, the Administrator believes that Form MP–404 reporting requirements should be changed from weekly to annually. The Administrator believes, however, that a complete elimination of this reporting requirement would be inappropriate, since there is a continuing need to obtain this information on an annual basis for budget requests, reports to Congress, and other analyses that examine overall staff productivity in meat processing inspection. As a result, an annual requirement has been proposed.

Need for Amendment to the Code of Federal Regulations. The authority to require annual reports is contained in section 40 of the Federal Meat Inspection Act (21 U.S.C. 677, which incorporates by reference provisions of the Federal Trade Commission Act (15 U.S.C. 46, 48, 49 and 50). Under this authority, the failure to file a required report could result in a penalty of $100 a day each day the report is overdue (21 U.S.C. 677). Currently, the regulations do not specifically require reporting of production figures. In order to assure proper enforcement, the following proposal would amend § 320.6 of the Federal meat inspection regulations codified in 9 CFR to require that production reports be filed on an annual basis.

Therefore, it is proposed to amend the Federal meat inspection regulations at § 320.6 (9 CFR 320.6) by redesignating the present paragraph (b) as paragraph (c), and adding a new paragraph (b) as follows:

§ 320.6 Information and reports required from official establishments operators.

* * * * *

(b) The operator of each official establishment shall report annually the number of pounds of meat and meat food products produced at that establishment. The report shall be made on a form furnished by the Administrator and shall be submitted to

[1] Additional investigation found that it took approximately 15 minutes for plant personnel to complete MP Form 404 rather than the 30 minutes as preliminarily estimated.

[2] These options are discussed and analyzed in greater detail in the Agency's approved impact analysis (Appendix A).

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an inspector at the establishment. The report shall cover the period January 1 through December 31 and shall be filed by January 31 of the succeeding calendar year.

(c) * * *

(Secs. 21 and 407, 34 Stat. 1260, as amended, 21 U.S.C. 621, 677; 42 FR 35625, 35626, 35631)

This proposed rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been classified "significant." Because of the useful data contained therein, the approved Draft Impact Analysis is being published in Appendix A. In addition, this approved Draft Impact Analysis is available from Mr. John W. McCutcheon, Director, Policy Studies and Program Planning, Food and Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, DC, on March 18, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

Note.—This Appendix A is being published for informational purposes only. It will not be codified and will not be part of the Code of Federal Regulations.

Appendix A

Draft Impact Analysis

1. *Title:* Reduction of Reporting Frequency of Processing operations at Official Establishments.

2. *Nature of Proposed Action.* The proposed action will reduce the reporting frequency of one of the FSQS reporting forms required of the meat slaughter and processing industry from a weekly to an annual basis. This form, MP Form 404, Processing Operations at Offical Esatablishments, is a report on the number of pounds of meat, meat by-products and meat food product processed and canned by establishments under Federal inspection. The processing data solicited on MP Form 404 are solicited pursuant to Section 407 of the Federal Meat Inspection Act.

MP Form 404 is prepared in triplicate by plant management in federally inspected meat processing establishments. One copy is retained by the plant; the other two are given to the resident MPI inspector. The inspector reviews the report for accuracy, retains a copy, and forwards the original to the MPI Chicago Data Services Center where it is logged into the FSQS computer and transmitted to the Washington Computer Center where the MP Form 404 data base is maintained and output records generated.

Reports generated from the MP Form 404 data base include the following:

Report and title	Frequency of issuance
210 Meat and meat food products processed under Federal inspection.	Weekly, monthly, quarterly, calendar year.
211 Processed meat and meat food products by region, State circuit establishment and product.	Monthly, quarterly, calendar year.
212 Meat and meat food products processed under Federal inspection by State.	Monthly, quarterly, calendar year.
—Statistical summary Federal meat and poultry inspection.	Calendar year.

In Calendar Year 1978, the Agency processed 282, 189 MP Form 404 reports from 6,342 federally inspected meat processing establishments. Since production in many of the plants is seasonal, not all establishments report production every week; hence, the average number of plants reporting weekly is approximately 5,400.

The MP Form 404 contains 110 product entry codes. However, none of the establishments produce all of the products listed on the form, and few produce more than 20. In 1978, the weekly average number of product entries per establishment was 7.

3. *Purpose and Need for the Action.* The interest of the Federal Government in reducing the paperwork burden on industry has been most apparent in the last 4–5 years. In March 1976, the Office of Management and Budget (OMB) directed all executive departments and agencies to institute a 2 phase plan to reduce the Federal paperwork burden on the public. The first phase called for a 10 percent reduction in the number of Federal forms and reports by June 30, 1976. The second phase called for a 5 and a 15–20 percent reduction in the number of hours spent by the public in official recordkeeping by september 1977 and 1978, respectively. Discussion of the MP Form 404 surfaced in the latter phase. At the time the Federal paperwork reduction campaign came into being, the Meat and Poultry Inspection Program (MPI) was part of the Animal and Plant Health Inspection Program (APHIS). MP Form 404 was one of the regular reports maintained by that Agency at the time. At the time, the annual number of respondents for MP Form 404 was estimated at 5,800. Using 30 minutes as a preliminary estimate of the average time required to complete the form, the Department estimated its associated paperwork burden on the public to be 150,800 hours per year.[1]

The Meat and Poultry Inspection Program, and the associated responsibility for MP Form 404, was transferred to the Food Safety and Quality Service (FSQS) in March 1977. In an effort to carry out previous commitments FSQS planned to reduce the reporting frequency of MP Form 404 on January 1, 1978, from weekly to monthly. Uncertainty over the fate of the weekly sliced bacon report and any associated impacts on pork belly futures, however, led to a postponement of the action. In implementing the paperwork reduction campaign, the Agency is again proposing a change in the reporting frequency of MP Form 404. This time, however, the FSQS is proposing to change the frequency of the form from weekly to annual.

4. *Background/Legislative History.* The statistical compilation of the pounds of processed meat produced in federally inspected establishments dates back to 1906. The need for these data was predicated on the law of June 30, 1906. I.D. Forms 110, 110A, 110B, 110C, 110D, and 110E, predecessors to MP Form 404, were created in September 1906 to satisfy these needs. Processing data derived from these forms were used to determine processing inspection needs, costs of processing inspection and as a base upon which to compare the total pounds of processed meat product that was condemned. Total pounds of product processed were collected by stations and forwarded to Washington. Prior to 1906, following implementation of the law of 1891, the number of white meat stamps affixed to packages of meat and meat products and the number of cars sealed containing meats and meat products were recorded.[2]

The number of products reported varied between 24 and 28 items during 1917–1932 and 1935–1946. No reports were issued in 1933 and 1934 due to a temporary suspension in processing inspection for Emergency Slaughter work. Sliced bacon production was incorporated into the processing reports in 1937, and canning operations were segregated from other types of processing operations in 1946. A total of 46 products was reported on a periodic basis: 16 products were canned, 30 were processed.

In 1949, plant inspectors began to report processing production data to five recording stations where information was logged on Mark Sensed Cards. Increases in the number of processed products and concomitant production volumes led to the adoption of a new data collection system in 1962. Recording stations began to record production data on NCR paper tapes and mail them to Washington for computer processing and report preparation. MP Form 404 reports are currently forwarded to the Chicago Data Services Center for data entry and edit, and transmitted to the Washington Computer Center where an MP Form 404 data base is maintained, regular reports on processed production generated, and special requests for information prepared.

The number of product entry codes have increased over the years to reflect changing production patterns in the types of products processed. The latest change became effective in 1977 after a study of changing production patterns and data needs of users. The study revealed an increasing number of new meat food products whose formulation required periodic laboratory analyses to guarantee compliance with USDA standards of identity and an increasing popularity in existing meat food products that were formerly produced in low volumes. These meat food products were listed under broad or miscellaneous product categories in the existing MP Form 404. The study concluded that the segregation of these products by individual product categories would aid the Processed Products Inspection Division of

[1] Further study of the form has revealed that 15 minutes is a closer approximation of the average time required to complete the form.

[2] White meat stamps indicated post-mortem inspection. Cars referred to freight cars.

FSQS in tracking production and monitoring product compliance with Federal meat inspection regulations. A clearer delineation of MP Form 404 product categories would preclude many establishments from having to aggregate porduction volumes to conform to the broad or miscelleaneous MP Form 404 product categories that existed in 1977. It should be noted that industry was divided in its views about these revisions to the form. A fuller discussion on industry's positions is found in the "Trade Association/Industry" section of this analysis. MP Form 404 product entry codes were subsequently increased from 85 to 110 items. Additional entries included mechanically processed beef, pork, and other products; dry cured hams; dried sausages and semi-dried sausages which required laboratory analyses and/or quality control programs to insure compliance with existing regulations.

5. *Profile of MP Form 404 Users and Evaluation of Their Needs for Data.* A complete profile of all MP Form 404 users is difficult to compile since many users may obtain MP Form 404 information from secondary sources that are not tracked by FSQS. Moreover, the purposes for which users obtain these data are frequently not known to the staff that prepares the data.

A. *Government.* 1. *USDA.* The Department incorporates processing production data generated from the MP Form 404 in the Secretary's Report to Congress and also in the annual Agricultural Statistics series. Annual data satisfy all departmental regulatory needs.

FSQS. In the past, the Food Safety and Quality Service has utilized the kind of information generated by MP Form 404 in a variety of ways. Production data are used to support requests for additional program resources. The Budget Planning and Evaluation Division of FSQS uses meat processing production data and derived Program and inspector performance indicators as a basis for the development of the meat processing operations portion of the Zero Based Budget (ZBB) and in the President's Budget Explanatory Notes. Production data are also used in the Quarterly Budget Outlay Reports for the Office of Management and Budget (OMB). Adjustments in annual data can be made for the preparation of Quarterly Budget Reports; annual data that estimate total production are sufficient for other budgetary and reporting purposes.

Meat and Poultry Inspection Program management and field services occasionally use MP Form 404 data to supplement other information for inspection tasks and manpower planning. Given that production data are only occasionally used for these purposes, discontinuing the report would not reduce the effectiveness of MPI manpower planning.

The Processed Products Inspection Division (PPID) of MPI uses information from MP Form 404 as a tool to monitor processed product production. They also use the data to develop sampling plans for given populations of product that need to be surveyed for a particular characteristic or sampled to determine the extent of a health or safety hazard. Inspectors are generally instructed to pull a product sample every 30,000 pounds of product processed. Since that type of information may be obtained in the plant itself, inspector use of the MP 404 is not necessitated. Use of MP Form 404 data in product testing and sample surveys is generally confined to the Washington offices where information on total population and sample size is conveyed to appropriate FSQS Science Divisions for laboratory and personnel scheduling. For example, the one time these data were directly used was when FSQS decided it would monitor bacon for nitrosamines. The volume of bacon produced in the peak month was determined from data derived from MP Form 404. Given the volume of bacon produced in the peak month, the frequency of nitrosamines detected in previous sample surveys and the then existing laboratory capabilities, the needs for additional laboratory equipment and personnel were assessed.

The Processed Products and Inspection Division would also use processed production data from MP Form 404 as an aid to evaluate the proposed quality control plans of individual establishments to assess whether proposed quality control checks would be adequate to insure compliance within the system. The data are also used to insure that processing operations manufacturing products which require approved quality control plans comply accordingly. For example, the Federal meat inspection regulations require that establishments manufacturing mechanically processed (specie) products have an approved quality control plan on file prior to production. In order to guarantee compliance with this regulation, PPID tracks the production of MP(S)P by establishment number through monthly printouts of the 210 Report. The number of establishments producing the product is then compared with the number of approved quality control plans on file. If the number of establishments producing the product exceeds the number of approved quality control plans on file, then some of the establishment that are producing the product are out of compliance. The out-of-compliance plants are identified and the problem is rectified. To date, however, no plants have been found out of compliance in this regard.

Processing production data are also used by the Food Ingredient Assessment Division in the FSQS Science Program and the Meat and Poultry Standards and Labeling Division in the Compliance Program. The Food Ingredient Assessment Division uses production data to estimate per capita intakes of particular food ingredients, additives, and residues to evaluate their impact on the health of the consumer in risk assessments. The Standards and Labeling Division of the Compliance Program uses production data to assess the impact of possible changes in product standards on both the consumer and the industry. Both divisions require only annual data for their programs.

FSQS's Policy Studies and Public Participation Staff uses processing production data to assess the impact of proposed and final regulations on farmers, industry, and consumers in the impact statements required under Executive Order 12044. The annual data are sufficient to satisfy most assessment needs except when questions of seasonality occassionally arise.

AMS. The Agricultural Marketing Service (AMS) reprints all information contained in FSQS's 210 Report on the number of pounds of meat and meat food products processed under Federal inspection in their Livestock, Meat and Wool Weekly Summary and Statistics. This report is sent monthly to approximately 6,200 recipients. AMS also forwards to the American Meat Institute (AMI) and the National Independent Meat Packers Association (NIMPA) copies of the 210 report. AMS does not use the information contained in the 210 Report directly, but rather disseminates it to those parties that do. Hence, less frequent reporting of MP Form 404 data will not affect AMS directly, but it may affect those who subscribe to AMS publications.

ESCS. The Economics, Statistics, and Cooperation Service obtains FSQS processing production data from AMS Market New Reports. They also receive a monthly tape with production statistics from FSQS. Processing production statistics are published annually in ESCS's Livestock and Meat Statistics. Production data are used for forecasting purposes and production projections. Annual data will satisfy the Livestock and Meat Statistic publications needs, however, quarterly data are needed for forecasting and production projections when seasonality could be an issue.

SEA. The Meat Quality Laboratory in the Science and Education Administration uses processing production data for general background material in research report, to justify research projects, and to quantify impacts or given actions and events that involve the food industry. They generally use quarterly or annual production statistics and translate them into dollar figures. Annual reporting of MP Form 404 data should not adversely affect SEA except when seasonal factors are important.

2. *U.S. Department of Commerce.* The Bureau of the Census periodically uses MP Form 404 processing production data from ESCS publication to check the reliability of census servey statistics. The Processed Food Branch of the Consumer Goods and Services Division, Industry and Trade Administration, in turn, utilizes MP Form 404 production data from census material. Annual data should satisfy Commerce needs.

3. *U.S. Department of Labor.* The Food Branch of the Consumer Price Division in the Bureau of Labor Statistics (LS) occassionally utilizes MP Form 404 production data from AMS Market News Reports when they have difficulty explaining given price trends. The data are also used in special reports concerning given commodity price movements. To be of value in evaluating given price movements, production data must be reported at least quarterly so that seasonality can be assessed.

4. *Commodity Futures Trading Commission (CFTC).* CFTC used sliced bacon production data derived from MP Form 404 to develop price guiding supply indices to monitor pork belly futures. Production data are also used for daily market surveilance activities. While

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CFTC officials would prefer weekly statistics, they could manage with monthly statistics. Less frequent reporting of MP Form 404 statistics could impair the effectiveness of CFTC operations unless alternate sources of information were to be found. Presumably CFTC could gather its own data to meet its specific needs.

B. *Trade Associations/Industry.* Industry uses and views are divided on the value and burden of MP Form 404. Both the American Meat Institute (AMI) and the National Indpendent Meat Packers Association (NIMPA) receive a weekly copy of the 210 Report from the Agricultural Marketing Service (AMI). AMI publishes the production statistics and distributes them to its members.

Some of the industry uses these statistics for inventory control production scheduling and market planning. Currently, no consumption figures for processed meats exist. Since it is generally assumed that all meat processed is consumed, MP Form 404 statistics are used as a proxy for processed meat consumption. MP Form 404 statistics are used both as a scheduling tool for current production and as a marketing tool for future production. Current consumption surveys could be used to provide some estimates of per capita processed meat consumption, however, data obtained from such surveys fail to reliably estimate total consumption. If less frequent reporting of MP Form 404 data fails to satisfy industry needs, industry may need to find or provide for some alternate sources of data.

The Pacific Coast Meat Association (PCMA), a trade association representing small and medium-sized meat processors, believes that the reporting of MP Form 404 data is overly burdensom and fears that the possible release of MP Form 404 data under the Freedom of Information Act may cause competitive harm to its members. The American Meat Institute (AMI) and the National Independent Meat Packers Association (NIMPA), on the other hand, believe that the time and cost savings of reducing the reporting of MP Form 404 would be minimal since the data must be gathered, compiled and maintained regardless of how often it is reported. Moreover, both AMI and NIMPA feel that reducing the reporting frequency of the MP Form 404 would severely curtail its worth since members of both associations use the data as a barometer of industry activity. PCMA views the concerns of AMI and NIMPA as being representatives of large firms that are interested in expanding their market which PCMA assumes would be at the expense of the smaller firms. They view MP Form 404 data as detailed marketing information which is of little or no value to their members who serve local markets and who have already identified the needs of their customers. The American Association of Meat Processors shares PCMA's concerns to the extent that they also feel that the reporting of MP Form 404 data is burdensome.

C. *The General Public.* MP Form 404 weekly data are used most frequently by academic marketing specialists and agricultural economists for supply and demand estimates, trend and market forecasts, and as a basis for university research papers. In 1978, the Department received approximately 400 special requests from the public for MP Form 404 information. Annual data should satisfy the needs of the general public except in issues of seasonality.

6. *Options Considered.* a. *Brief description.*

A. *Option I—Weekly.* Retain status quo. Federally inspected meat processing plants would continue to report production statistics on a weekly basis.

B. *Option II—Monthly.* Reduce current reporting frequency to a monthly basis.

C. *Option III—Quarterly.* Reduce current reporting frequency to a quarterly basis [4 reports/year].

D. *Option IV—Annual.* Reduce current reporting frequency to an annual basis.

E. *Option V—Discontinue.* Discontinue the reporting of these data.

b. *Comparison of.* A. *USDA and other Federal Costs.* The following cost estimates are based on the number of MP Form 404 respondents in Calendar Year 1978. Since many of the meat processing establishments responding operate only part of the year, the average weekly number of meat processing establishments that responded, 5,400, was used in the weekly cost estimates. The total number of establishments responding in Calendar Year 1978, 6,300, was used in the monthly, quarterly, and annual cost estimates.

The three major FSQS costs involving MP Form 404 include printing, mailing and data processing. Inspector time is not included in these costs since inspectors review production data as a regular part of their duties. The data processing costs involved include ADP system and support costs, and costs for computer aids and specialists. Printing costs are $0.04 per form, and mailing costs, $0.15 per form. The following table is a summary of FSQS costs for MP Form 404 under each of the reporting options. Discontinuing the report would eliminate all costs.

FSQS Costs for MP Form 404

Costs	Options			
	I weekly	II monthly	III quarterly	IV annual
Printing	$11,286	$3,024	$1,008	$252
Mailing	42,120	11,340	3,780	945
Data processing	122,824	[1]31,173	[1]11,507	[1]3,472
Total FSQS cost	176,232	45,537	16,295	4,669

[1] Adjusted to compensate for economies of scale afforded in weekly processing.

Other Federal costs could include the costs of other Federal agencies to process their reports as outlined in earlier sections of the analysis. However, these costs were not available for analysis. Further, it was not possible to quantify the benefit to other Federal agencies in having these reports available on the different reporting periods examined.

B. *Expected Impacts. On main purpose to which action is addressed.* Most, if not all, meat processing establishments tally their production on a lot by lot basis and aggregate on a daily, weekly and annual basis. Other production aggregations are dependent on the individual needs of the plant and are not known at this time.

MP Form 404 product categories are generally broader than individual products marketed at retail. Some establishments may therefore need to aggregate production volumes of individual products to correspond to MP Form 404 product codes. Some canning establishments, moreover, record production on a can and/or case basis. These establishments must therefore convert production volumes to a pound figure to conform to government specifications. Given that the average number of MP Form 404 product entries totaled 7 codes per establishment in Calendar Year 1978, and taking all of the above factors in consideration, the average time required to complete the MP Form 404 is assumed to be 15 minutes per establishment. It should be noted that this time estimate is consistent with information obtained in an informal telephone survey of 7 different federally inspected establishments with varied production volumes and product categories and is less than the estimated 30 minutes used in the original Department analysis.

Using 15 minutes per form as the average time required to complete an MP Form 404, the amount of time industry devoted to this endeavor totaled 70,200 hours in Calendar Year 1978. This figure translates into 13 hours per plant per year. Option II will reduce the number of hours establishments devote to MP Form 404 73 percent or 51,300 hours per year. Option III will reduce industry's paperwork burden 91 percent or 63,900 hours per year. Option IV will reduce it 98 percent or 66,625 hours per year. The time individual establishments devote to MP Form 404 will be reduced by 10, 12, and 12¾ hours, respectively, under Options II, III, and IV.[1] Option V of course would eliminate the burden entirely.

Non-Federal cost impacts. The following industry cost and time estimates are based on 15 minutes per form, 5,400 forms per week, and 6,300 forms per reporting period for monthly, quarterly, and annual cost and time estimates. Personnel costs involved in processing the form are assumed equivalent to a GS–4, Step 5 plus benefits, or $6.07 per hour. The following is a summary of the estimated time and costs industry devotes to MP Form 404:

Costs and Time Industry Devotes to MP Form 404

	Options			
	I weekly	II monthly	III quarterly	IV annual
Time per year hours:				
Establishment	13	3	1	0.25
Industry	70,000	18,900	6,300	1,575
Dollar cost per year:				
Establishment	78.91	18.21	6.07	1.52
Industry	426,114	114,723	38,241	9,560

[1] The average number of establishments responding per week in Calendar Year 1978 was used in the weekly calculation. The total number of firms that responded in Calendar Year 1978 was used in the monthly, quarterly and annual calculations.

Over the years, and most recently when the MP Form 404 was revised to expand the number of product entry codes from 85 items to 110 in 1976, compliants were received from industry about the burden of reporting MP Form 404 data. The Pacific Coast Meat Association, for example, reported that its members were particularly concerned about the added reporting burdens and the possible disclosure of individual operations in the release of the 211 Report. The industry, however, is divided as to the value of this form; some believe the Federal burden is minimal since they collect similar data for their own purposes.

Alternative sources of data. The *Census of Manufacturers* provides similar data which are more agregated than those available from MP Form 404. Census data are obtained from survey samples and extrapolated to the total industrial population. They depict annual totals, and publication is 2 to 3 years after the reporting period. The Bureau of Census is the only other source for meat processing data currently available.

Other significant effects. It is clear that a number of users of the data do benefit from the MP Form 404 data. Reducing the frequency of the MP Form 404 to an annual basis could hinder research involving seasonal analysis as previously mentioned and could temporarily influence the stability of prices for the covered products in the marketplace until other sources of data were developed. However, the role of a regulatory agency is to protect the public health and it should not use its regulatory authority to gather data on its regulated industry unless utility of the data can be directly linked to the regulatory mission. Once the regulatory need for the data can be justified then having the data available for other users is reasonable so long as these uses do not interfere with the regulatory mission or cause harm to the firms that supplied the information.

7. *Synopsis of Options.* A. *Option I Weekly.* Option I currently costs the Government approximately $176,000 a year. It consumes approximately 70,000 hours of industry time, or 13 hours per establishment, per year. Option I's cost to industry is approximately $426,000, or $78 per establishment, per year. Weekly reporting of MP Form 404 data is not necessitated by any FSQS or other Government agency needs. While CTFC prefers weekly processing production data, effective operation probably is not precluded by less frequent data.

B. *Option II—Monthly.* Option II should reduce FSQS costs 74 percent, or $130,695 per year. Industry costs should be reduced approximately 73 percent, or $311,391 per year. The time devoted by industry to complete the MP Form 404 should also be reduced 73 percent, or 51,100 hours per year. Monthly reporting of MP 404 statistics will preserve seasonality.

C. *Option III—Quarterly.* Option III should reduce FSQS costs 90.6 percent, or $159,937 per year. Industry costs should be reduced 91 percent, or $387,873 per year. The time devoted by industry to complete the MP Form 404 should also be reduced 91 percent or 63,700 hours per year. Although quarterly data are not readily amenable to seasonal analysis, some adjustments can be made to give some indication of seasonality.

D. *Option IV—Annual.* Option IV should reduce FSQS costs by 97.4 percent, or $171,563 per year. Industry costs should be reduced 97.8 percent, or $416,554 per year. The time devoted by industry to complete the MP Form 404 should also be reduced 97.8 percent, or 68,425 hours per year. Annual data would preserve no indication of seasonality.

E. *Option V—Discontinue.* This option would eliminate all FSQS and industry costs associated with the MP Form 404. It would also eliminate all of its uses. The *Census of Manufacturers* data would be the only available source of production data. This source would satisfy many reporting requirements of total production statistics in the Department and in FSQS. However these data do not permit seasonal estimates, are late in publication, and do not permit estimates of production by single establishments. One could expect, however, the development by some industry of systems to benefit them at their own cost.

8. *Public Comment.* Public comment on the proposed action is being solicited.

9. *Approval.* Approved:

Dated: March 17, 1980.

Howard W. Hjort,

Director, Economics, Policy Analysis and Budget.

[FR Doc. 80-8965 Filed 3-24-80; 8:45 am]

BILLING CODE 3410-08-M

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

10 CFR Part 420

Minimum Criteria for Lighting Efficiency Standards for Existing Buildings: Results of August 6, 1979, Notice of Inquiry (NOI) About Possible Change

AGENCY: Department of Energy (DOE).

ACTION: Notice of inquiry; announcement of decision.

SUMMARY: The responses to DOE's NOI about possible changes in the minimum criteria for lighting efficiency standards (44 FR 45958, August 6, 1979) were divided almost evenly between those who favored retaining the current criteria or using less stringent ones and those who supported a change and preferred strong mandatory standards. After reviewing these comments, the Department decided to retain the existing minimum criteria. In addition, DOE:

1. Will prepare a summary of the comments about the NOI and release it to the public, and

2. Will hold a one-day State lighting standards implementation conference in 1980 for State lighting efficiency program specialists and other interested parties. (Date to be announced.)

FOR FURTHER INFORMATION CONTACT: Dorothy Cronheim, State Energy Conservation Program Division, Office of Conservation and Solar Energy, U.S. Department of Energy, 1000 Independence avenue SW., Mail Stop 2H027, Washington, DC 20585 (Tel: (202) 252–2353).

Issued in Washington, D.C., March 19, 1980.

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy

[FR Doc. 80-8964 Filed 3-24-80; 8:45 am]

BILLING CODE 6450-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 399

[Docket 37444]

Statements of General Policy

March 19, 1980.

AGENCY: Civil Aeronautics Board.

ACTION: Proposed rule; Extension of Comment Period.

SUMMARY: The CAB extends by 20 days the filing date for reply comments in a rulemaking proceeding proposing to adopt a policy of allowing international air cargo rate changes within a specified ceiling without review.

DATES: Reply comments by: April 9, 1980.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 37444, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Mark Frisbie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673–5423.

SUPPLEMENTARY INFORMATION: By notice of proposed rulemaking PSDR–65, 45 FR 3594, January 18, 1980, the Board proposed a new policy for evaluating international cargo rate proposals. The new policy would establish a ceiling in each market below which cargo rates would be presumed reasonable, and the Board would not ordinarily review proposed changes below that ceiling for economic reasonableness. The initial comment deadline was February 19, 1980, with reply comments due February

29, 1980. By PSDR-65A, 45 FR 9747, February 13, 1980, we extended those dates to March 10 and March 20, respectively, to allow more time for interested parties to comment.

The target for initial comments has passed, and comments were filed by several persons, including joint comments by 14 electronics shippers. Those electronic shippers have requested an extension of 20 days in the time for filing reply comments. They claimed that the 10 days presently allotted is not enough to duplicate, distribute, review, and respond to the comments that have been filed, expecially considering the shippers' scattered geographical locations across the United States.

We have decided to grant the requested extension in the interest of allowing full discussion of this controversial proposal. Accordingly, under the authority delegated in 14 CFR 385.20(d), the time for filing reply comments is extended to April 9, 1980.

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324.)

Richard B. Dyson,

Associate General Counsel.

[FR Doc. 80-9065 Filed 3-24-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 161

[Docket No. 78N-0360]

Quick Frozen Gutted Pacific Salmon, Notice of Intent to Establish Standard; Termination

AGENCY: Food and Drug Administration.

ACTION: Notice of termination of consideration.

SUMMARY: This notice terminates the review by the United States of the Codex Alimentarius Commission (Codex) "Recommended International Standard for Quick Frozen Gutted Pacific Salmon." The response to the Food and Drug Administration's (FDA's) request for comments on the provisions of the Codex standard and on the desirability of establishing U.S. standards for frozen, gutted Pacific salmon indicates that there is insufficient need for proposing U.S. standards for this food at this time. Therefore, FDA is terminating consideration of developing U.S. standards for frozen, gutted Pacific salmon until such time that adequate evidence is presented that the establishment of such standards would be in the interest of U.S. consumers.

EFFECTIVE DATE: March 25, 1980.

FOR FURTHER INFORMATION CONTACT: J. David Clem, Bureau of Foods (HFF-217), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1557.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 23, 1979 (44 FR 10738), FDA published an advance notice of proposed rulemaking that offered interested persons an opportunity to review the Codex "Recommended International Standard for Quick Frozen Gutted Pacific Salmon" and to comment on the desirability and need for U.S. standards for this food. The Codex standard was submitted to the United States for consideration for acceptance by the Joint Food and Agriculture Organization/World Health Organization Codex Alimentarius Commission.

Six letters were received by the Hearing Clerk, Food and Drug Administration, in reference to the advance notice of proposed rulemaking. One letter from the U.S. Metric Board advanced no position whether U.S. standards for the food are necessary, but, instead, spoke to other considerations. Letters favorable to establishing U.S. standards for frozen, gutted Pacific salmon were received from representatives of: (a) the state of New Jersey, Department of the Treasury—no reasons were given for its support of U.S. standards; (b) the State of Tennessee, Department of Agriculture—considered that U.S. standards would guarantee better quality for consumers and less deception in the marketplace; and (c) the Veterans Administration (Chillicothe, Ohio)—considered that U.S. standards would materially improve the quality of the food in both domestic and international trade. Letters opposing the establishment of standards were received from two trade associations purporting to represent the majority of Pacific salmon packers. Arguments against the establishment of U.S. standards included statements that frozen, gutted Pacific salmon is a trade item and that the present marketing system allows for the necessary flexibility based on market needs while at the same time maintaining satisfactory product quality. It was noted that products intended for export must meet the established specifications of the importing country.

Having considered the comments received, FDA has concluded that because of the nature of the product, i.e., essentially a trade item which is subjected to additional processing prior to sale to U.S. consumers, sufficient need has not been demonstrated to warrant proposing U.S. standards at this time. The agency believes that the general provisions of the Federal Food, Drug, and Cosmetic Act (the act) are sufficient to protect American consumers. FDA advises that frozen, gutted Pacific salmon which consists in whole or in part of filthy, putrid or decomposed material or which is otherwise unfit for food is subject to regulatory action under the adulterated food provisions of section 402 of the act (21 U.S.C. 342). Furthermore, a product which does not bear the appropriate common or usual name of the species used will be considered misbranded under the provisions of section 403 of the act (21 U.S.C. 343) and thereby subject to legal action.

Therfore, under the procedures in § 130.6 (21 CFR 130.6), notice is given that the Commissioner of Food and Drugs has terminated consideration of developing U.S. standards for frozen, gutted Pacific salmon based on the Codex standard. This action is without prejudice to further consideration of the development of U.S. standards for frozen, gutted Pacific salmon upon appropriate justification.

The Codex Alimentarius Commission will be informed that an imported food that complies with the requirements of the Codex standard for frozen, gutted Pacific salmon may move freely in interstate commerce in this country providing that it complies with applicable U.S. laws and regulations.

Dated: March 19, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-9042 Filed 3-24-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Parts 182, 184

[Docket No. 79-0209]

Sodium Hydroxide and Potassium Hydroxide; Proposed Affirmation of GRAS Status as Direct Human Food Ingredients

Correction

In FR Doc. 80-5518 appearing on page 11842 in the issue of Friday, February 22, 1980, make the following corrections:

(1) On page 11845, first column, in the first line of the paragraph amending §§ 182.70 and 182.90, ". . . § 182.79 . . ." should have read ". . . § 182.70 . . .".

(2) In the second column of page 11845, the thirteenth line of paragraph (d) of § 184.1763 now reading ". . . in § 170.3(n)(10) of this chapter; 0.15 . . ." should have read as follows:

". . . in § 170.3(n)(9) of this chapter; 0.1 percent for dairy product analogs as defined in § 170.3(n)(10) of this chapter; 0.15 . . ."

BILLING CODE: 1505-01-M

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21 CFR Part 310

[Docket No. 79N-0177]

Sweet Spirits of Nitre for Over-the-Counter Human Use

Correction

In FR Doc. 80-5325 appearing on page 11846 in the issue of Friday, February 22, 1980, make the following corrections:

In the third column of page 11846, in the third complete paragraph, in the eighth and twelfth lines, "Internal Panel" should have read "External Panel". Also, in the last line of the paragraph ". . . use unnecessary." should have read "use is unnecessary."

BILLING CODE: 1505-01-M

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21 CFR Part 320

[Docket No. 79N-0477]

Carbonic Anhydrase Inhibitors; Bioequivalence Requirements

Correction

In FR Doc. 80-5207 appearing on page 11849 in the issue of Friday, February 22, 1980, make the following corrections:

(1) In column three of page 11849, delete the footnote "Milligrams per day" from Table 2.

(2) In the third column of page 11850, Table 5, the third item in the "T_{max}" column now reading "2.9" should have read "2.0".

(3) The first line of the top of the first column of page 11851 should be completed as follows:

". . . of the new formulation with the old product and a solution of an . . ."

(4) In the second column of page 11851, three lines above Table 8, ". . . show on gross . . ." should have read ". . . show no gross . . .".

(5) In the third column of page 11851, in the last line of the first paragraph, "ethozazolamide" should have read "ethoxazolamide".

(6) In the eighth line of the fourth paragraph ". . . 0.1 *N* NCl . . ." should have read ". . . 0.1 *N* HCl . . .".

(7) In the first column of page 11852, in the ninth line of the paragraph designated "1", ". . . (T_{max} of the absorption . . ." should have read ". . . (T_{max}) or the absorption . . .".

BILLING CODE: 1505-01-M

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21 CFR Part 348

[Docket No. 78N-0301]

External Analgesic Drug Products for Over-the-Counter Drug Use; Establishment of a Monograph and Notice of Proposed Rulemaking; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction of proposed rule.

SUMMARY: The agency is making corrections to FR Doc. 79-36583, relating to external analgesic drug products for over-the-counter drug use published at 44 FR 69768, December 4, 1979.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: The Food and Drug Adminstration issued in the **Federal Register** of December 4, 1979 (44 FR 69678) a proposed rule regarding external analgesic drug products for over-the-counter drug use. The document would add a new Part 348 (21 CFR Part 348) to Chapter I of Title 21 of the Code of Federal Regulations. A correction document was published in the **Federal Register** of February 5, 1980 (45 FR 7820). This document makes further corrections. The following changes are made:

1. On page 69768 column 1, under "Dates," change "March 6, 1980" to "March 3, 1980."

2. On page 69771, column 2, line 15, delete "Benzethonium chloride."

3. On page 69776, column 3, reference (4), change "J. C. Hardy" to "J. D. Hardy."

4. On page 69782, column 2, reference (2), change "Beautner" to "Beutner."

5. On page 69786, column 3, last line in the table, insert superscript "1" after "Triethanolamine salicylate."

6. On page 69788, column 1, last line in the first complete paragraph, delete "(CM)."

7. On page 69840, column 1, reference (7), change "McKay" to "MacKay."

8. On page 69845, column 3, line 21, change "hydroscopic" to "hygroscopic."

9. On page 69845, column 3, line 23, insert "(Ref. 1)" after "hydration."

Dated: March 17, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-9022 Filed 3-24-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 357

[Docket No. 79N-0379]

Exocrine Pancreatic Insufficiency Drug Products for Over-the-Counter Human Use; Establishment of a Monograph; Extension of Time for Comments and Reply Comments

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment periods.

SUMMARY: The Food and Drug Administration (FDA) extends the comment period to April 21, 1980, and extends the reply comment period to May 21, 1980, on the proposal to establish conditions for the safety, effectiveness, and labeling of over-the-counter (OTC) exocrine pancreatic insufficiency drug products. This action is being taken to allow more time for the collection and assessment of data to provide more meaningful comments on the issue.

DATES: Written comments by April 21, 1980, and reply comments by May 21, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 21, 1979 (44 FR 75666), FDA proposed to establish conditions for the safety, effectiveness, and labeling of exocrine pancreatic insufficiency drug products for over-the-counter (OTC) human use. The proposed rule, based on the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products, is part of the ongoing review of OTC drug products conducted by the agency. Interested persons were given until March 20, 1980, to comment on the proposal and until April 21, 1980, for reply comments.

In response to the proposal, the Cystic Fibrosis Foundation requested a 30-day extension of the comment period. This extension of the comment period was

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requested to allow the Cystic Fibrosis Foundation sufficient time to develop a response to the Panel's recommendation that pancrelipase (now available only by prescription) be available over-the-counter. In support of its request, the Cystic Fibrosis Foundation pointed out that the "information copy" (preliminary final draft) of the Panel's report dated October 1978 did not alert persons to a change in the status of pancrelipase because the recommendation was not made by the Panel until the November 17–19, 1978 meeting. The Cystic Fibrosis Foundation also advised that its organization is a voluntary health agency with a very limited budget and a small staff and that could not respond quickly to issues of this type.

FDA has carefully considered the request. Because the comments of the Cystic Fibrosis Foundation will be in the public interest, the agency considers an extension of the comment period for 30 days to be appropriate.

Accordingly, the comment period is extended to April 21, 1980, and the reply comment period is extended to May 21, 1980. Comments may be seen in the office of the Hearing Clerk, Food and Drug Administration, at the address noted above, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 17, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8864 Filed 3-19-80; 3:43 pm]

BILLING CODE 4110-03-M

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21 CFR Part 357

[Docket No. 79N-0379]

Exocrine Pancreatic Insufficiency Drug Products for Over-the-Counter Human Use; Establishment of Monograph; Notice of Proposed Rulemaking; Correction

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; correction.

SUMMARY: In FR Doc. 79-39110 appearing at page 75666 in the issue of December 21, 1979, the changes listed below should be made.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION:

1. On page 75667, last paragraph of the second column, change "Category II" to "Category III."

2. On page 75667, in the third column, under "C. General Discussion" in the third line, change "ensymes" to "enzymes."

3. On page 75668, in the first column, in Reference (1), change volume "23" to "296."

4. On page 75668, in the second column, the last sentence of paragraph 2 should be reworded as follows: "At the present time the Panel is not aware of any such combination product which would satisfy the above requirements."

5. On page 75668, in the third column, in Reference (2) change volume "23" to "296."

6. On page 75669, in the first column, in Reference (3), change "Handscom" to "Hanscom."

Dated: March 17, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8866 Filed 3-24-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-107]

Entry and Work in Confined Spaces

AGENCY: Occupational Safety and Health Administration, U.S. Department of Labor.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Occupational Safety and Health Administration (OSHA) requests information of value in the development of standards for entry to, work in, and rescue from confined spaces in construction. Continuing reports of deaths and injuries to employees working in and rescuing employees from such work areas have been received by the Agency.

DATES: Comments should be received by May 31, 1980.

ADDRESS: Communications should be mailed to the Docket Officer, Docket S-107, Occupational Safety and Health Administration, U.S. Department of Labor, Room S6212, 200 Constitution Avenue, NW., Washington, D.C. 20210. The communications received will be available for public inspection and copying at the above location, between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Paul J. Bouley, Office of Construction and Civil Engineering Safety Standards, Occupational Safety and Health Administration, Room 3457, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, (202) 523-8161.

SUPPLEMENTARY INFORMATION: OSHA announced its intention to develop a proposal covering confined spaces in general industry in an Advance Notice of Proposed Rulemaking (ANPR) published on October 19, 1979 (44 FR 60334). In that notice, OSHA stated that information available to the Agency included continuing reports of death and serious injury attributable to working in confined spaces. OSHA also noted that it had received 107 responses to a previous ANPR published on July 25, 1975 (40 FR 30980) which had also requested data and recommendations for revisions to OSHA standards covering confined spaces in all industries. Based on information available to the Agency, OSHA believes that the hazards of work in confined spaces are also significant in the construction industry. Therefore, OSHA is developing a proposal to revise its existing standards in order to effectively cover hazards connected with these activities in construction.

In consideration of the diversity and complexity of the issues, OSHA has decided to request information of value to the development of its proposal on confined spaces in construction. "Confined spaces" include storage tanks, boilers, ventilation and exhaust ducts, underground utility vaults, sewers, and open top spaces more than 4 feet in depth such as pits and vaults.

This notice is intended to elicit comment and information covering confined spaces only in the construction industry. However, comments and data concerning conditions and hazards common to general industry and construction, as well as those unique to construction, are requested. Specifically, for consderation in the development of a proposed standard covering construction, the Agency is seeking information and answers to the following questions.

1. Currently, certain OSHA standards apply to confined spaces in construction. Reference to confined or enclosed spaces is made in the following sections: §§ 1926.21(b)(6), 1926.154(a)(2), 1926.350(b)(4), 1926.352(g), 1926.353(b), 1926.353(c) and 1926.354(c)(1). Additionally other sections in Part 1926 are related to hazards that may be encountered when working in confined spaces. These include §§ 1926.103(b)(3), 1926.104, 1926.250(b)(2), 1926.651(v), 1926.850(e), 1926.965(a), 1926.956(b), 1926.957(h)(2) and other provisions of a more general nature in Subparts C, D, E, and F. Information relating to the effectiveness of these existing provisions, their clarity, and any omissions of necessary or appropriate provisions is requested.

2. What is a suggested definition for a "confined space"?

3. What method is recommended for classifying confined spaces based on the degree of risk to employees?

4. How should radiation hazards that may be encountered in confined spaces be addressed in the proposed regulation?

5. What procedures are recommended for entry into confined spaces under inert atmospheric conditions?

6. How should working conditions in confined spaces that are at pressures greater or less than atmospheric be regulated?

7. How should confined space hazards encountered in tunneling and associated work areas be regulated?

8. What unique hazards of work with explosives are encountered in confined spaces?

9. What minimum dimensions of entry, exit, and working space should be required to insure safety in confined spaces?

10. How should a "hazardous atmosphere" be defined?

11. When should confined spaces be tested for hazardous atmospheres?

12. What procedures, methods and instruments are available, in use, or recommended for testing and monitoring confined spaces for oxygen content, toxic materials or flammable atmospheres?

13. When should continuous ventilation of confined spaces be required?

14. What conditions require standby ventilation capability or preparedness?

15. What is the safe minimum oxygen level for breathing? What adjustments in required oxygen level are necessary depending upon elevation above sea level?

16. What procedures for testing for oxygen should be specified?

17. What are the limitations of combustible gas analyzers? How can these limitations be compensated for?

18. What conditions require continuous monitoring of a confined space when persons are working in the space? What testing methods are used? How often should tests be performed?

19. What problems are encountered with the use of ventilation, purification, testing and monitoring equipment and procedures?

20. What training should be given to employees who work in confined spaces?

21. When should personnel be stationed at the entrance to a confined space to assist persons working within the space?

22. How should communications be maintained between personnel within the confined space and personnel on the outside?

23. What is the incidence of injury or death associated with working in confined spaces or attempting to rescue employees from confined spaces?

24. What are the costs of testing procedures and programs, ventilation or purification procedures and equipment, standby rescue equipment, training programs and recordkeeping?

25. What safety procedures and equipment should be used when entering or working in confined spaces (e.g. communication procedures, isolation and lockout procedures, safety harnesses, personal protective clothing, spark-resistant tools, lockout or tagout procedures)?

26. What are the problems with the implementation and administration of a permit system for work in confined spaces (e.g. who should have authority to issue such permits, how would such a system be enforced, what would the costs of such a system be, who would bear the responsibility of obtaining the permit)?

27. Should preemployment physicals be required for employees assigned to work in confined spaces? What problems of implementation and administration would be involved with such a requirement?

28. What hazards present chronic and/or acute health problems to employees working in confined spaces? How should these hazards be regulated?

29. What special precautions should be taken to protect against confined space hazards that may be created during construction.

30. What special considerations should be given to hot work, such as welding, in confined spaces?

31. What other related issues should be addressed by OSHA in developing a standard applying to confined spaces in construction?

This Advance Notice of Proposed Rulemaking is issued under section 6 of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655) and Secretary of Labor's Order No. 8-76 (41 CFR 25059).

Signed this 20th day of March, 1980.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 80-9027 Filed 3-24-80; 8:45 am]

BILLING CODE 4510-26-M

Mine Safety and Health Administration

30 CFR Part 55, 56 and 57

Review of Standards; Advance Notice of Proposed Rulemaking

AGENCY: U.S. Department of Labor, Mine Safety and Health Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Mine Safety and Health Administration (MSHA) invites public participation in the initial stages of its review of all standards contained in Parts 55, 56 and 57 of Title 30, Code of Federal Regulations, which are concerned with safety and health standards applicable to metal and non-metal mines. Specifically, MSHA solicits the views of interested persons concerning manner in which Parts 55, 56 and 57 should be reviewed for possible rulemaking activity to upgrade the standards contained in these various sections.

DATE: Comments must be received on or before May 27, 1980.

ADDRESS: Interested persons are invited to submit written comments and suggestions to the Office of Standards, Regulations and Variances, MSHA, Room 631, 4015 Wilson Boulevard, Arlington, Va. 22203.

FOR FURTHER INFORMATION CONTACT: Frank A. White, Director, Office of Standards, Regulations and Variances, MSHA, phone (703) 235-1910.

SUPPLEMENTARY INFORMATION: On August 17, 1979, MSHA published its final rule which revoked or revised existing advisory safety and health standards applicable to metal and nonmetal mines (44 FR 48490). This final rule converted those standards which were not revoked to mandatory standards as required under section 301(b)(2) of the Federal Mine Safety and Health Act of 1977. During the course of the rulemaking process MSHA determined that a more extensive review of many of the standards contained in Parts 55, 56 and 57 would be appropriate. In the preamble to the final rule, MSHA stated the following:

In conjunction with its long-term standards development policy and Presidential directives, such as Executive Order 12044, MSHA intends to conduct a comprehensive study of all the health and safety standards contained in 30 CFR Parts 55, 56 and 57 in

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order to assess their continued applicability and effectiveness. In addition, the agency will evaluate changes in technology, economic conditions and other factors which affect the applicability of its existing standards, and will revise them accordingly. An integral part of MSHA's review will be the development of new or revised health and safety standards under section 101 of the Mine Act. * * *

MSHA considers early public participation in this standards review process to be particularly important. The agency urges the mining community to describe any problems relating to organization, indexing, style and format, as well as particular areas of substantive concern. Certain standards may need to be clarified may no longer be technically applicable or otherwise necessary, may be duplicative of or overlapping with other MSHA standards, or may be inconsistent with other Federal or state agency standards. Commenters are invited to address these areas and to provide a list indicating which sections of Parts 55, 56 and 57, or other general areas of concern should be reviewed for possible rulemaking action and the order in which the review should occur. MSHA will then develop an agenda and timetable for further action.

MSHA's review will include all standards contained in Parts 55, 56 and 57 as of January 1, 1980.

Dated: February 29, 1980.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 80-8813 Filed 3-24-80; 8:45 am]

BILLING CODE 4510-43-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 924

Partial Approval/Partial Disapproval of the Permanent Program Submission From the State of Mississippi Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), (U.S.) Department of the Interior.

ACTION: Proposed Rule.

SUMMARY: On August 2, 1979, the State of Mississippi submitted to the Department of the Interior its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The purpose of the submission is to demonstrate the State's intent and the capability to administer and enforce the provisions of SMCRA and permanent regulatory program regulations, 30 CFR Chapter VII. After opportunity for public comment and thorough review of the program submission, the Secretary of the Interior has determined that the Mississippi program only partially meets the minimum requirements of SMCRA and the Federal permanent program regulations. Accordingly, the Secretary of the Interior has approved in part and disapproved in part the Mississippi program. Mississippi will not assume primary jurisidiction for implementing SMCRA until its program receives complete approval.

DATE: Mississippi has sixty days to submit revisions of the disapproved portions of the program for the Secretary's consideration.

FOR FURTHER INFORMATION CONTACT: Mr. Carl C. Close, Assistance Director, State and Federal Programs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone (202) 343-4225

ADDRESSES: Copies of the Mississippi program submission and the administrative record on the Mississippi program are available for public inspection and copying during business hours at:

Mississippi Department of Natural Resources, Bureau of Geology and Energy Resources, 2525 N. West Street, Jackson, Mississippi 39216, Telephone (601) 354-6228.

Office of Surface Mining Reclamation and Enforcement, Region II, Suite 500, 530 Gay Street, SW., Knoxville, Tennessee 37902, Telephone (615) 637-8060.

Office of Surface Mining, Room 135, Interior South Building, 1951 Constitution Avenue, Washington, D.C. 20240, Telephone (202) 343-4728.

SUPPLEMENTARY INFORMATION:

General Background on the Permanent Program

The environmental protection provisions of SMCRA are being enacted in two phases—the initial program and the permanent program—in accordance with Sections 501-503 of SMCRA. 30 U.S.C. 1251-1253. The initial program has been in effect since December 13, 1977, when the Secretary of the Interior promulgated interim program rules, 30 CFR Parts 710-725 and 795, 42 FR 62639.

The permanent program will become effective in each State upon the approval of a State program by the Secretary of the Interior or implementation of a Federal program within the State. If a State program is approved, the State will be the primary regulator of activities subject to SMCRA, rather than the Federal government.

The Federal rules for the permanent program, including procedures for States to follow in submitting State programs, and minimum standards and procedures the State programs must include to be eligible for approval, are found in 30 CFR Parts 700-707 and 730-865. Part 705 was published October 20, 1977 (45 FR 56064). Parts 795 and 865 (originally Part 860) were published December 13, 1977 (42 FR 62639). The other permanent program regulations were published at 44 FR 15385-15393 (March 13, 1979). Corrections were published at 44 FR 15485 (March 14, 1979), 44 FR 49673-49687 (August 24, 1979), 44 FR 53507-53509 (September 14, 1979) and 44 FR 66195 (November 19, 1979). Amendments to the rules, have been published at 44 FR 60969 (October 22, 1979), as corrected at 44 FR 75143 (December 19, 1979), at 44 FR 75303 (December 19, 1979), 44 FR 77440-77447 (December 31, 1979) and at 45 FR 2626-2629 (January 11, 1980). Portions of these rules have been suspended, pending further rulemaking. See 44 FR 67942 (November 27, 1979), 44 FR 77447-77455 (December 31, 1979), and 45 FR 6913 (January 30, 1980).

General Background on State Program Approval Process

Any State wishing to assume primary jurisdiction for the regulation of coal mining under SMCRA may submit a program for consideration. The Secretary of the Interior has the responsibility to approve or disapprove the submission.

The Federal rules governing State program submissions are found at 30 CFR Parts 730-732. After review of the submission by OSM and other agencies, opportunity for the State to make additions or modifications to the program, and opportunity for public comment, the Secretary may either approve the program unconditionally, approve it conditioned upon minor deficiencies being corrected in accordance with a timetable set by the Secretary, or disapprove the program in whole or in part. If any part of the program is disapproved, the State may submit a revision of that part of the program to correct the items which needed change to meet the requirements of SMCRA and the applicable Federal regulations. If any part of this revised program is also disapproved, the SMCRA requires the Secretary of the Interior to establish a Federal program in that State. The State may again request approval to assume primary

jurisdiction after the Federal program is implemented.

The Secretary, in reviewing State programs, is complying with the provisions of Section 503 of SMCRA, 30 U.S.C. 1253, and 30 CFR 732.15. With respect to the Mississippi program, the Secretary has used as criteria the Federal rules, as corrected, amended and suspended in the **Federal Register** notices cited above under "General Background on OSM Permanent Program."

State programs must contain provisions which regulate coal mining in accordance with the requirements of the Federal Surface Mining Act and consistent with the Secretary's regulations. With respect to suspended regulations, the following standards are being applied in reviewing State program submissions:

1. A State program need not contain provisions to implement a suspended regulation and no State program will be disapproved for failure to contain a suspended regulation.

2. A State program must be able to implement all provisions in the Surface Mining Act which are part of the regulation of coal mining during the permanent program, including those provisions of the Surface Mining Act upon which the suspended regulations were based.

3. A State program may not contain any provision which is inconsistent with the provision of the Surface Mining Act. A State program may not include provisions implementing a suspended regulation if that regulation was suspended because it was inconsistent with the Surface Mining Act. There were two such suspensions, relating to 30 CFR 805.13(d) and 808.12(c). See paragraphs "B" and "C" under finding (b)(6) relating to 30 CFR 732.15(b)(6).

4. Subject to public comment and agency analysis in the context of a particular State program, it would appear that any other suspended provisions, if included in a State program, could probably be characterized as more stringent than the Secretary's remaining rules. Accordingly, its includion in the State program could not ordinarily be grounds for disapproval under section 503 of the Surface Mining Act, 30 U.S.C. 1255. Alternatively, a State may delete or suspend its corresponding regulation as long as standard 2 was met.

5. Upon promulgation of new regulations to replace those which have been suspended, the Secretary will afford States which do not have approved programs a reasonable opportunity to amend their programs, as appropriate. In general, the provisions of 30 CFR 732.17 will govern this process for States with approved programs.

After the Secretary published the Federal regulations for the permanent program, they were challenged in a lawsuit brought in the United States District Court for the District of Columbia (*In re: Permanent Surface Mining Regulation Litigation)*, No. 79-1144 (D.D.C. February 26, 1980). Because of the large number of regulations being challenged the Court decided to hear the case in two rounds. Approximately half the issues were briefed in the first round and argued at a hearing held on November 16, 1979. The remaining issues were briefed and argued in the second round, which followed behind the first round schedule by approximately two months.

On February 26, 1980, the court ruled on the regulations challenged in the first round. The court upheld most of the challenged regulations but did remand the following regulations to the Secretary for further consideration and rulemaking:

1. 30 CFR 732.15(b)(7) and 840.13(a)—These sections state the State program must be consistent with 30 CFR Part 845, which establishes civil penalties; the court held that the Secretary could not require the States to establish a point system for penalty assessment;

2. 30 CFR 761.5(a)(2)(i)—This definition of "valid existing rights" requires that all permits necessary for mining must have been obtained before August 3, 1977, if an operation is to be eligible to mine in those areas where mining is prohibited under section 522(e) of SMCRA; the court held that it is only necessary for the operator to establish that a "good faith" effort was made to acquire the necessary permits before August 3, 1977;

3. Provisions of 30 CFR Parts 779, 780, 783, and 784 which require information for the "mine plan area" and the definition of that term set forth in Section 701.5—These provisions require information in the permit application and reclamation plan for areas which will not be in the permit area under the current application but which will be in future permit areas; the court held that the informational requirements of 30 CFR 779, 780, 783 and 784 should be limited to the permit area unless otherwise required by the Act;

4. 30 CFR 779.20 and 780.16—These regulations require that each permit application and reclamation plan contain detailed information on fish and wildlife resources, but the court held that there is no statutory authority for requiring this information;

5. 30 CFR 779.21 and 783.21—These sections require permit applications to include soil survey information where the lands do not qualify as prime farmlands; the court concluded that, under the Act, soil surveys can only be required for prime farmland;

6. 30 CFR 807.11(e)—This section was remanded because it does not provide that, in informal hearings on bond release, the regulatory authority may arrange for citizens to accompany an inspector on a mine site inspection;

7. 30 CFR 808.14(b)—This section allows forfeiture of the entire bond amount, even if this amount will exceed the cost of reclamation; but the court ruled that bond forfeitures should be limited to the amount needed to cover reclamation costs;

8. 30 CFR 785.19(d)(2)(iii) and (iv)—These paragraphs require one year of hydrologic data and water quality analyses for alluvial valley floors, but the court held that such data can be provided for a shorter period of time or on the basis of extrapolations from existing information rather than requiring one year of data in all cases;

9. 30 CFR 785.19(e)(1)—This paragraph defines as a "significant" effect on farming any mining on an alluvial valley floor which removes from production, over the life of the mine, sufficient acreage to decrease the farm's income from agricultural activity; the court held that the Act authorized permit approval when the mining activity will have a "negligible impact" on farm productivity;

10. 30 CFR 785.19(e)(1)—This section prohibits mining on alluvial valley floors if it will cause hydrologic damage to undeveloped range land or small farm land areas; instead, the court ruled that this regulation should incorporate the statutory exemption of section 510(b)(5)(A) to allow mining in such areas;

11. 30 CFR 816.115, 817.115, 823.11(c), 823.15(b) and (c)—These sections were remanded because they require that, after mining and before bond release, the land must actually be used for grazing or cropland as a measure of the success of revegetation; the court held that there was no statutory basis for such an actual use standards;

12. 30 CFR 816.116(b) and 817.116(b)—These sections were remanded because they require the operator to be responsible for revegetation for five years beginning with achievement of required vegetative cover, rather than beginning with the last year of augmented seeding and fertilizing;

13. 30 CFR 816.133(c)(4), (c)(9) and 817.133(c)(4), (c)(9)—These sections require that, before certain postmining land uses can be approved, the operator must provide written commitments of

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financing or management to the regulatory authority; the court held that only a reasonble likelihood of postmining land use is required by the Act and that letters of commitment should not be required.

The Mississippi program was submitted to the Department before the court's decision and contains provisions based on these remanded regulations. After the Secretary has had an opportunity to review the court's opinion in depth, he will determine what action to take while pursuing an appeal of the decision, if any is taken, or while reconsidering the remanded rules. To the extent any of the rules listed above are suspended or modified pending appeal or reconsideration, Mississippi will be given opportunity to amend its program to reflect the changes adopted by the Department.

Background on the Mississippi Program Submission

Mississippi's surface mining legislation was enacted in April 1979. The Mississippi permanent program submission was submitted to the OSM Region II office on August 2, 1979. Appropriate distribution was made within OSM and to other governmental agencies. Announcement of receipt of the submission was made in newspapers of general circulation in the State of Mississippi and published in the Federal Register on August 10, 1979 (44 FR 47173–47174). An appropriately announced public review meeting regarding completeness of the submission was held in Granada, Mississippi on September 18, 1979. Comments from the reviewers regarding completeness were coordinated and the submission was deemed incomplete. The State was so notified on October 2, 1979, and a determination that the State program was incomplete was published in the **Federal Register** on October 9, 1979 (44 FR 58000–58001). On November 14, 1979 additional material including information describing program systems was received from the Mississippi Department of Natural Resources (DNR) which completed the submission and corrected other deficiencies.

On November 20, 1979, the Regional Director published notice in the **Federal Register** (44 FR 66760–66761) and in newspapers of general circulation within the State that the amended Mississippi submission was complete. The notice set forth a summary of the amended State program, the times and locations for public review of the program, and procedures for the public hearing and comment period on the substance of the Mississippi program.

Comments from reviewers regarding content of the Mississippi program were coordinated by the Region II office, and a list of deficiencies and suggestions for corrections was forwarded to the Mississippi DNR on November 28, 1979.

The public hearing regarding the Mississippi permanent program submission was held in Meridian, Mississippi, on December 20, 1979.

The Mississippi DNR has advised Region II OSM that final regulations will be enacted by early May 1980. The Region II office has been advised by the Director of the DNR that, except for actual promulgation of the regulations, the DNR will have made all the corrections identified in this notice by the latter part of February 1980.

Following the December 20, 1979 public hearing, the Regional Director completed his program review on January 4, 1980, and forwarded the public hearing transcript, written presentations, exhibits and copies of all comments to the Director together with a recommendation that the program be conditionally approved.

On January 30, 1980, the Administrator of the Environmental Protection Agency transmitted his written concurrence on the portions of the Mississippi program that the Secretary approves.

On March 3, 1980, the Secretary publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies.

On February 19, 1980, the Director recommended to the Secretary that the program be approved in part and disapproved in part.

Secretary's Findings

In reaching his decision to approve in part and disapprove in part the Mississippi program submission, the Secretary makes the following findings pursuant to Section 503 of SMCRA and 30 CFR 732.15. These findings offer corrective action that may be utilized by Mississippi in revising disapproved parts of the program for resubmission. However, the resubmitted portions of the program will be subject to review and comment by the public prior to a final decision by the Secretary. (The sequence and numbering of the findings corresponds to Section 503 of SMCRA and 30 CFR 732.15.)

Section 503 of SMCRA Findings

(a) The Secretary makes the following findings for the provisions of section 503(a) of the Surface Mining Control and Reclamation Act (SMCRA):

(1) The Mississippi Surface Coal Mining and Reclamation Act (Mississippi SCMRA), and the Mississippi Administrative Procedures Law provide for the regulation of surface coal mining and reclamation operations on non-Indian and non-Federal lands in Mississippi in accordance with the requirements of SMCRA;

(2) The Mississippi SCMRA provides sanctions for violations of Mississippi laws, regulations or conditions of permits concerning surface coal mining and reclamation operations, and these sanctions meet the requirements of SMCRA, including civil and criminal actions, forfeiture of bonds, suspensions, revocations, and withholding of permits, and the issuance of cease-and-desist orders by the Mississippi DNR or its inspectors;

(3) The State program submission provides for the Mississippi DNR to have sufficient administrative and technical personnel and sufficient funding to enable Mississippi to regulate surface coal mining and reclamation operations in accordance with the requirements of SMCRA;

(4) Mississippi law provides for the effective implementation, maintenance and enforcement of a permit system that meets the requirements of SMCRA for the regulation of surface coal mining and reclamation operations on non-Indian and non-Federal lands within Mississippi;

(5) Based on information in the program and other relevant information the Secretary is unable to find that the Mississippi program establishes a process for the designation of areas as unsuitable for surface coal mining in accordance with Section 522 of SMCRA;

(6) Based on information contained in the program and other relevant information, the Secretary is unable to find that the program provides for the establishment, for the purpose of avoiding duplication, of a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with other Federal and State permit processes applicable to the proposed operations;

(7) The program does not include enacted rules and regulations consistent with regulations issued by the Secretary.

(b) As required by Section 503(b) of SMCRA the Secretary has taken the following actions:

(1) Solicited and obtained, through OSM, the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise pertinent to the proposed

Mississippi program. On March 3, 1980, the views of the above Federal agencies were publicly disclosed;

(2) Obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those aspects of the Mississippi program which relate to air or water quality standards promulgated under the authority of the Federal Clean Water Act, as amended (33 U.S.C. 1151–1175), and the Clean Air Act, as amended (42 U.S.C. 7401 *et seq.*);

(3) Held a public review meeting to discuss the Mississippi program submission and its completeness in Granada, Mississippi, on September 18, 1979, and held a public hearing on the Mississippi program submission in Meridian, Mississippi, on December 20, 1979; and

(4) Found that the State of Mississippi does not have the legal authority necessary for the enforcement of the environmental protection standards of SMCRA and 30 CFR Chapter VII because of the lack of enacted regulations. The Mississippi program does provide for qualified personnel necessary for the enforcement of environmental protection standards of SMCRA and 30 CFR Chapter VII.

30 CFR 732.15 Findings

In accordance with 30 CFR 732.15, the Secretary further finds, on the basis of information in the Mississippi program submission, public comments and testimony and written presentations at the public hearings, and other relevant information, that:

(a) The Mississippi permanent program submission does not provide complete authority for the DNR to assume responsibility over regulation of coal exploration and surface mining and reclamation operations as required in SMCRA and the Secretary's regulations, because a number of alternations, including enactment of proposed regulations and submission of additional information, should be made before accomplishment of the objectives and purposes of Section 102 of SMCRA can be assured. Before enactment, the proposed regulations should be revised as detailed in the following findings and as suggested by the OSM Regional Director regarding other minor corrections. Mississippi has not chosen to propose alternative approaches pursuant to 30 CFR 731.13; therefore, no findings are made regarding alternative provisions.

(b) The Secretary makes the following findings related to authority under Mississippi laws and regulations and provisions of the Mississippi program.

1. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations pertaining to coal exploration and surface coal mining and reclamation operations, and that the Mississippi program submission does not include the necessary provisions to implement, administer and enforce all applicable requirements consistent with Subchapter K of 30 CFR Chapter VII. This finding is based on the fact that the necessary regulations have not been fully enacted, as well as the items listed below in paragraphs A–C, which include omission of applicable Federal provisions in the proposed regulations and the lack of sufficient information in the program submission. Mississippi has incorporated provisions in accordance with SMCRA Sections 517 for inspection and monitoring and 521 for enforcement in Sections 22 and 29 of the Mississippi SMCRA. The provisions of 30 CFR Parts 840 and 843 of 30 CFR Chapter VII concerning inspection and enforcement are incorporated in the proposed Mississippi regulation Parts 240 and 243. The provisions for performance standards of Parts 810, 815, 816, 817, 818, 819, 823, 826, 827, and 828 are incorporated in the proposed Mississippi regulation Parts 210, 215, 216, 217, 218, 219, 223, 226, 227 and 228.

A. Neither the information contained in the Mississippi Systems Section under 30 CFR 731.14(g)(4) or 30 CFR 731.14(g)(6) regarding inspection and enforcement nor information elsewhere in the record provides a sufficient basis to make a finding for approval under 30 CFR 732.15(b)(1) relating to the applicable requirements of Subchapter K. The Systems Section for inspection and enforcement primarily refers back to the regulations without actually presenting a system. Information in the form of narrative, flow charts or other methods explaining how the provisions are to be carried out is one way that Mississippi might provide information necessary to allow the Secretary to make the required finding under 30 CFR 732.15(b)(1).

B. The word "minimum" has been omitted before "performance standards" in Mississippi regulation 210.1, causing it to be inconsistent with 30 CFR 810.1.

C. Mississippi regulation § 215.13 concerning required documents is inconsistent with 30 CFR 815.13 because it omits applicable Federal provisions stating that written permission for review shall be available to the Office (OSM).

D. There were no comments from the public, agencies or other Federal agencies regarding the Mississippi performance standards for implementing Subchapter K of SMCRA.

2. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations pertaining to coal exploration and surface coal mining and reclamation operations and that the Mississippi program submission does not include the necessary provisions to implement, administer and enforce a permit system consistent with the regulations of Subchapter G, nor to prohibit surface coal mining and reclamation operations without a permit issued by the DNR. This finding is based on the fact that the necessary regulations have not been enacted, as well as the items listed immediately below in paragraphs A-E which includes omission of applicable Federal provisions in the proposed regulations and the lack of information in the program submission.

Mississippi has incorporated applicable permit system provisions in accordance with sections 506, 507, 508, 510, 511, and 512 of SMCRA in sections 11, 12, 13, 15, 16 and 17 of the Mississippi SCMRA. The provisions of the Federal permitting regulations in Subchapter G of 30 CFR Chapter VII are incorporated in proposed sections 170, 171, 176, 178, 179, 180, 182, 183, 184, 185, 186, 187, and 188 of the Mississippi regulations.

A. Neither the information contained in the Mississippi Systems sections for 30 CFR 731.14(g) (1), (2) and (10), nor other information in the record provides a sufficient basis to make a finding for approval under 30 CFR 732.15(b)(2) concerning permit system requirements. Following are two ways to improve these system descriptions that should allow the Secretary to make a finding under 30 CFR 732.15(b)(2):

(i) Systems § 731.14(g)(2) should explain how the State determined that fees will be less than the cost of reviewing, administering and enforcing a permit.

(ii) The Systems § 731.14(g)(10) should more completely describe the proposed consultation procedures for consulting with State and Federal fish and wildlife agencies.

B. Mississippi regulation § 176.15 concerning coal exploration compliance duties, is inconsistent with Federal regulation 776.15 because there is no specific reference to State law. These references should be included as well as the broader

"* * * applicable * * * provisions * *

C. Mississippi regulation § 179.4, 180.4, 183.4 concerning permit requirements, are inconsistent with Federal regulations because they omit the

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requirement that the State regulatory agency provide information, as required.

D. Mississippi regulation § 185.13, concerning experimental practices mining, is inconsistent with 30 CFR 785.13 because all reference to approval or participation by the Director of OSM has been eliminated.

E. Mississippi regulation Subsection 185.17(b)(8) concerning prime farmlands is inconsistent with § 785.17(b)(8) of the Federal regulations because it omits a provision requiring consultation with Secretary of Agriculture.

F. Comments from the public, State agencies and other Federal agencies regarding Subchapter G follow:

(i) The Heritage Conservation and Recreation Service made several suggestions regarding the inclusion of provisions to assess potential historic or archeological resources which may be eligible for listing in the National Register of Historic Places and to restrict public dissemination of location maps on certain historic sites. These comments do not require changes in the proposed State regulations before they can be approved, because the Mississippi regulations currently correspond exactly to the wording in the Federal regulations, and, in the light of the recent Federal regulation suspensions (44 FR 67942), the Mississippi proposed regulations may be more stringent. Mississippi will be given ample opportunity to amend its program and adopt any appropriate additional requirements following promulgation of new Federal regulations to replace the suspended provisions on historic preservation.

(ii) The Bureau of Reclamation suggested that procedures be incorporated in the program for updating the application as various project features are developed. This suggestion is adequately handled under State regulation 188.12 (Permit Revisions) by describing how and under what circumstances permit revisions may be obtained.

(iii) The Bureau of Reclamation also made several suggestions regarding the wording of proposed State regulations 180.25 and 184.16 concerning the reclamation plan for ponds. These suggestions were not adopted because the State regulations are worded exactly as the Federal regulations.

(iv) The Environmental Protection Agency commented that proposed State regulation 185.13 concerning experimental practices omitted required references to the Director. The Secretary agrees (see paragraph D above).

3. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations and the Mississippi program submission does not include the necessary provisions to regulate coal exploration consistent with 30 CFR Parts 776 and 815 nor to prohibit coal exploration that does not comply with those requirements. This finding is based on the fact that the necessary regulations have not been enacted, as well as the items A–C listed immediately below which includes omission of applicable Federal provisions in the proposed regulations and the lack of sufficient information in the program submission.

Requirements in accordance with SMCRA sections 512 concerning coal exploration, 515 concerning environmental protection performance standards and 518 concerning penalties are incorporated in the language of sections 17, 20(2), 23, 24, 25 and 28 of the Mississippi SCMRA. Mississippi also has incorporated the provisions of 30 CFR Parts 776 and 815 of the Federal regulations concerning coal exploration and performance standards into proposed Parts 176 and 215 of the Mississippi regulations. These proposed parts when enacted will establish general requirements and performance standards for coal exploration operations.

A. Neither the information contained in the Mississippi systems section for regulating coal exploration, as required by Federal regulation 731.14(g)(1), nor any other information in the record, provides a sufficient basis to make a finding for approval under 30 CFR 732.15(b)(3) relating to coal exploration. Additional information is necessary regarding appropriate forms and methodology for the enforcement of exploration standards. Updated forms or provisions for their development would be useful, as well as narrative descriptions, flow charts or other mechanisms to demonstrate how the provisions will be met. Submission of this information is one way to allow the Secretary to make the findings required under 30 CFR 732.15(b)(3).

B. Mississippi regulatuion § 176.15 lacks specific references to State law corresponding to SMCRA section 518 concerning penalties or to appropriate State regulations (Parts 240, 243, and 245). These specific references should be included as well as the broader "* * * applicable * * * provisions * * *" as required in order to be consistent with 30 CFR 776.15 of the Federal regulations concerning coal exploration compliance duties.

C. Mississippi regulation § 215.13 is inconsistent with 30 CFR 815.13 concerning required documents for coal exploration because it fails to state that written permission for review shall be available to the Office (OSM).

D. There were no comments from the public, State agencies or other Federal agencies regarding the provisions of the State equivalent of 30 CFR Parts 776 or 815.

4. The Secretary finds that the Mississippi DNR has the authority under State laws to require that persons extracting coal incidental to government-financed construction maintain information on site consistent with 30 CFR Part 707. However, information in the Mississippi program submission does not sufficiently describe how that authority will be enforced so as to provide a sufficient basis to make a finding for approval under 30 CFR 732.15(b)(4) relating to maintenance of information.

Provisions consistent with 30 CFR Part 707 concerning exemption for coal extraction incidental to Government-financed construction are incorporated in section 55 of the Mississippi SCMRA.

A. Information describing the method of enforcing the requirement to maintain information on site could be included in the description of program systems as one way to provide information necessary to allow the Secretary to make the required finding under 30 CFR 732.15(b)(4).

B. There were no comments from the public, State agencies or other Federal agencies regarding the State program equivalent of 30 CFR Part 707.

5. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations and the Mississippi program submission does not include the necessary provisions to enter, inspect and monitor all coal exploration and surface coal mining and reclamation operations on non-Indian and non-Federal land within Mississippi consistent with requirements of Section 517 of SMCRA and 30 CFR Chapter VII, Subchapter L. This finding is based on the fact that the necessary regulations have not been enacted, as well as items A–I listed below which include omission of applicable Federal provisions in the proposed regulations and the lack of sufficient information in the program submission.

Mississippi has incorporated provisions in accordance with Section 517 of SMCRA, (Inspections and Monitoring), in Section 22 of the Mississippi SCMRA. Provisions of 30 CFR Part 840 concerning inspection and enforcement are incorporated in proposed Part 240 of the Mississippi regulations.

A. Neither the information contained in the Mississippi systems sections for

inspection and monitoring and enforcing under 30 CFR 731.14(g)(4) and (5) nor other information in the record provides a sufficient basis to make a finding for approval under 30 CFR 732.15(b)(5) relating to inspection and monitoring. These descriptions should explain how the systems are to be implemented and administered. Submission of this information is one way to provide a basis for the Secretary to make a finding under 30 CFR 732.15(b)(5).

B. Mississippi regulation Part 240 concerning inspection and enforcement is inconsistent with Federal regulations because it does not require public participation in as many areas as 30 CFR Part 840. This deficiency could be remedied by adding an additional Subsection 240.19 stating: "The Commission shall provide for public participation in enforcement of the State program consistent with 30 CFR Parts 842, 843 and 845 and 43 CFR Part 4, Subpart L."

C. Mississippi regulation Subsection 243.13(c) concerning suspension or revocation of permits is inconsistent with 30 CFR 843.13(c) because it omits a provision for filing show cause orders with the administrative hearing body and omits the requirement for posting notice.

D. Mississippi regulation Subsections 243.15(a) and (d) concerning informal public hearings are inconsistent with 30 CFR 843.15(a) because they omit provision for informal public hearing, to be held at the office closest to the minesite.

E. Mississippi regulation Subsection 243.15(e) relating to informal public hearings is inconsistent with 30 CFR 843.15(e) because it omits the provision that the requirement for a formal adjudicatory hearing shall not apply.

F. Mississippi regulations have omitted provisions corresponding to 30 CFR 843.17; the "lack of information" provision of this Subsection is necessary in order to be consistent with Federal regulations.

G. Mississippi regulation Subsection 245.15(b)(1) and (b)(2) concerning assessment of separate violations is inconsistent with 30 CFR 845.15(b)(1) and (b)(2) because it fails to make proper distinction between administrative review and judicial review.

H. Mississippi regulation Subsection 245.18(b)(1) concerning procedures for assessment conferences is not consistent with 30 CFR 845.18(b)(1) because it lacks the requirement that the assessment conference is not a formal adjudicatory hearing under the Mississippi equivalent provision of 5 U.S.C. 554.

I. Mississippi regulation Subsection 245.18(b)(2) is not consistent with 30 CFR 845.18(b)(2) because it does not state that notice will be posted at the DNR office closest to the mine.

J. Comments from the public, State agencies and other Federal agencies regarding Subchapter L follow:

(i) The Environmental Protection Agency noted that proposed State regulation 240.14 did not contain paragraphs similar to § 840.14(a) and (c) of the Federal regulations regarding the furnishing of records to OSM. The Secretary does not think that the Mississippi rules are deficient for omitting such language because the Federal regulations by themselves give OSM the authority to request documents without similar provisions in the State regulations.

(ii) The State has been advised to make a correction to proposed regulation 240.15 concerning public participation in inspection and enforcement by referencing 30 CFR Parts 842, 843, 845 and 43 CFR Part 4, Subpart L as suggested by the Environmental Protection Agency and required by 30 CFR 840.15.

(iii) The Environmental Protection Agency also suggested that 30 CFR 843.12 (a)(2), dealing with "other" Federal inspections, be included in the State regulations. The Secretary disagrees with this comment since Paragraph (a)(2) specifies only the required Federal action.

6. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations pertaining to coal explorations and surface coal mining and reclamation operations, and that the State program does not include the necessary provisions to implement, administer and enforce a system of performance bonds and liability insurance or other equivalent guarantees, consistent with the requirements of Subchapter J. This finding is based on the fact that the necessary regulations have not been enacted, as well as items A–D listed below regarding the proposed regulations and the lack of sufficient information in the program submission.

Mississippi has incorporated provisions in accordance with SMCRA sections 507, 509, 510, and 519 concerning application requirements, performance bonds, permit approval or denial and release of performance bonds in Sections 12, 14, 15, and 27 of the Mississippi SCMRA. The provisions of the Federal bonding and insurance requirements in Subchapter J of 30 CFR Chapter VII are incorporated in proposed Parts 200, 205, 208, 207, and 208 of the Mississippi regulations.

A. Neither the information contained in the systems section for 731.14(g)(3) nor other information in the record provides a sufficient basis to make a finding for approval under 30 CFR 732.15(b)(6) concerning bonding and insurance. More detail is necessary regarding methodology of implementation, administration and enforcement of a system of performance bonds and liability insurance. Also, additional information is needed in the form of narrative, flow charts or other means whereby the State explains how these provisions will be carried out. Submission of this information is one way to provide a basis for the Secretary to make the required finding under 30 CFR 732.15(b)(6).

B. 30 CFR 805.13(d) has been suspended as inconsistent with SMCRA insofar as it grants an exemption from revegetation requirements for a long term intensive agricultural land use, which requirements are specified as those "of 30 CFR Part 816." The reference to Part 216 in proposed Mississippi regulation 205.13(d) should be changed to 216.111(a) for it to be consistent with SMCRA and the suspended Federal regulation.

C. The following language of 30 CFR 808.12(c) has been suspended as inconsistent with SMCRA: "with respect to protection of the hydrologic balance." This language should be deleted from proposed Mississippi regulation 208.12(c) in order for it to be consistent with SMCRA and Federal regulations.

D. Mississippi regulation § 206.14(d) concerning terms and conditions for liability insurance is inconsistent with 30 CFR 806.14(d) in that it does not make clear what the "applicable State self-insurance requirements" are. If self-insurance is to be permitted, specific criteria should be formulated and included in the program.

E. The Department of Energy suggested that OSM consider the proposed amendments to the Federal regulations in reviewing the State regulations 200–209 on bonding and insurance. However, the Secretary's decision is based only on the regulations in place at the time of the decision, since the proposed rules may not be adopted in the form proposed. Once OSM's rules are amended, States will be afforded opportunities to amend their programs as appropriate.

7. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations pertaining to coal exploration and surface coal mining and reclamation operations, and that the

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Mississippi program submission does not include the necessary provisions to provide for civil and criminal sanctions for violations of Mississippi law, regulations and conditions of permits and exploration approvals, including civil and criminal penalties in accordance with Section 518 of SMCRA and consistent with 30 CFR Part 845, including the same or similar procedural requirements. This finding is based on the fact that the necessary regulations have not been enacted, as well as items A and B listed below.

Mississippi has incorporated applicable provisions in accordance with Section 518 of SMCRA (Penalties) in Sections 23 through 26 of the Mississippi SCMRA. In section 23(4) the Mississippi SCMRA has an additional sentence not found in Section 518(c) of SMCRA which requires the regulatory authority to forward money submitted for placement in an escrow account to the State Treasurer for investment. This sentence merely provides the State procedure for handling the escrow funds. Also, section 23(4) provides that a failure to pay a civil penalty shall result in a forfeiture of the bond to the extent of the amount of the penalty.

A. The information presently provided in Mississippi Systems § 731.14(g)(5) does not include any narrative descriptions, flow charts or other appropriate documents explaining how the State criminal and civil sanctions will be enforced. Until narrative descriptions, flow charts, or other explanatory documents are provided, the Secretary cannot approve the State enforcement scheme under 30 CFR 732.15(b)(7). An acceptable narrative description should include assurance that authorized representatives of the State will institute enforcement action for each violation of the Mississippi SCMRA. In light of the remand of § 732.15(b)(7) by the district court's decision *In re Permanent Surface Mining Regulation* on February 26, 1980, the State regulations and enforcement system need not contain a penalty point system similar to that set forth in 30 CFR 845.13. The State program need only incorporate the penalties and procedures of Section 518. If Mississippi decides, however, to retain in its revised program the point system set forth in Part 245.13 of the proposed Mississippi regulations, the Mississippi system could be approved, subject to further public comment and agency analysis, as a more stringent requirement so long as the revised program also contains the appropriate narrative documents or other descriptive materials concerning Mississippi's civil and criminal sanctions scheme.

B. Mississippi regulation Section 245.15(b)(2) concerning assessment of separate violations fails to make a proper distinction between administrative review and judicial review. Reference in Mississippi regulation 245.15(b)(2) should be to judicial review to be consistent with 30 CFR 845.15(b)(2).

C. There were no comments from the public, State agencies, or other Federal agencies regarding the State equivalent of section 518 of Pub. L. 95–87 or 30 CFR 845.

8. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations pertaining to coal exploration and surface coal mining and reclamation operations, and that the Mississippi program submission does not include the necessary provisions to issue, modify, terminate and enforce notices of violation, cessation orders and show cause orders in accordance with Section 521 of the Act and consistent with the requirements of Subchapter L, including the same or similar procedural requirements. This finding is based on the fact that the necessary regulations have not been enacted, as well as the lack of sufficient information in the program submission.

Mississippi has incorporated applicable provisions in accordance with section 521 of SMCRA (Enforcement) in section 29 of the Mississippi SCMRA. The applicable provisions of Subchapter L of 30 CFR Chapter VII are incorporated in proposed Parts 240 and 243 of the Mississippi Surface Coal Mining Regulations.

9. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations pertainng to coal exploration and surface coal mining and reclamation operations, and that the State program does not include the necessary provisions to designate areas as unsuitable for surface coal mining consistent with Subchapter F. This finding is based on the fact that the necessary regulations have not been enacted as well as the lack of sufficient information in the program submission.

Section 30 of the Mississippi SCMRA concerning designation of areas as unsuitable for surface coal mining is in accordance with section 522 of SMCRA. Section 30(4)(b) prohibits mining within the boundaries of any state park, forest, etc., and section 30(5) provides that those lands that have already been designated for surface mining pursuant to the existing Mississippi Surface Mining and Reclamation Law shall be deemed to be unsuitable for surface coal mining. Provisions contained in Subchapter F of 30 CFR Chapter VII are incorporated in Subchapter F of the proposed Mississippi regulations.

A. Neither the information contained in the systems section for designation of lands unsuitable as required under 30 CFR 731.14(g)(11) nor other information in the record provides sufficient basis to make a finding for approval under 30 CFR 732.15(b)(9) concerning designating lands unsuitable for surface coal mining. Information regarding procedures to be used in implementation should be included in the systems description.

B. The single comment regarding Subchapter F follows:

The Heritage Conservation and Recreation Service made several suggestions regarding the inclusion of provisions to assess potential historic or archeological resources which may be eligible for listing in the National Register of Historic Places and to restrict public dissemination of location maps on certain historic sites. The Secretary does not agree that the Mississippi regulations are inadequate, because the proposed State regulations correspond exactly to the wording of the Federal regulations. In addition, the Federal regulations dealing with sites eligible for listing has been suspended, so that the Mississippi regulation may be more stringent than the Federal requirements.

10. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations pertaining to coal exploration and surface coal mining and reclamation operations to provide for public participation in the State program consistent with the public participation requirements of SMCRA and the Secretary's regulations. This finding is based on the fact that the necessary regulations have not been enacted, as well as the items A and B listed below which include the omission of applicable Federal provisions in the proposed regulations.

The Secretary finds that the description under the system for 30 CFR 731.14(g)(14) in the State program includes provisions to provide for public participation in the development and revision of State regulations and the State program, consistent with the public participation requirements of SMCRA and the Secretary's regulations. The Mississippi DNR has actively solicited public participation during development of the State program and under the State Administrative Procedures Law the Mississippi Commission on Natural Resources must

provide yet another opportunity for public review and comment before final consideration of necessary regulations. The Mississippi statute requires State program public participation in accordance with SMCRA. It is included for revision and enforcement of regulations and in the administration of the regulatory program.

The Mississippi Act also contains a citizen suit provision, section 28, that is in accordance with section 520 of SMCRA.

A. Mississippi regulation Subsection 243.13(c) is inconsistent with 30 CFR 843.13(c) because it omits the applicable Federal provision for filing with the administrative hearing body, providing for written notice by publication, and posting notice.

B. Mississippi regulations Subsections 243.15 (a) and (d) and 245.18(b)(2) are inconsistent with 30 CFR 843.15 (a) and (d) and 845.18(b)(2) relating to conferences and hearings because they omit the applicable Federal provisions that such meetings be held at the office at or reasonably close to the minesite.

C. No comments were received relating to public participation.

11. The Secretary finds that the Mississippi DNR does not have the authority under enacted State regulations pertaining to coal exploration and surface coal mining and reclamation operations and that the State program does not include the necessary provisions to monitor, review and enforce the prohibition against indirect or direct financial interest in coal mining operations, by employees of the Mississippi DNR performing any function or duty under the Act. This finding is based on the fact that the necessary regulations have not been enacted, as well as the lack of sufficient information in the program submission.

Provisions in accordance with SMCRA Section 517(g) concerning conflict of interest are incorporated in Section 10 of the Mississippi Surface Coal Mining and Reclamation Act. The State equivalent of 30 CFR Part 705 is omitted from the proposed regulations. Regulations consistent with 30 CFR Part 705 should be added to the program.

A. Information should be submitted describing the proposed system for monitoring, reviewing and enforcing restrictions against direct and indirect financial interests in order to provide a sufficient basis to make a finding under 30 CFR 732.15(b)(11) concerning conflict of interest.

B. The Department of Energy and the Bureau of Mines correctly pointed out that Mississippi's proposed regulations omitted the required conflict of interest provisions. Appropriate regulations consistent with 30 CFR Part 705 should be enacted and included in the program.

12. The Secretary finds that the Mississippi DNR has authority under State laws to require training, examination and certification of persons engaged in or responsible for blasting and the use of explosives in accordance with Section 719 of SMCRA. However, information in the program submission and otherwise available does not provide a sufficient basis to make a finding for approval under 30 CFR 732.15(b)(12), concerning blaster's certification and training. Because the Secretary has no final regulations for this matter and because Mississippi has no present surface coal mining and expects none for 3–6 years, Mississippi is not required to enact regulations on this subject until the Secretary issues his final regulations for training, examination and certification of persons engaged in or responsible for blasting and the use of explosives.

A. Information detailing the intention of the State regulatory authority to develop a system and enact regulations within six months of the date that the Secretary issues final blaster certification regulations may be submitted by Mississippi under 30 CFR 731.14(g)(13). Submission of this information is one way to allow the Secretary to make the findings under 30 CFR 732.15(b)(12).

B. The Department of Energy made reference to the possibility that the proposed State regulations on training and certifying blasters may require changing when the Federal Regulations are finalized. The Secretary refers the commenter to the discussion above.

13. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations pertaining to coal exploration and surface coal mining and reclamation operations and that the Mississippi program submission does not include the necessary provisions to provide for small operator assistance consistent with Part 795. This finding is based on the fact that the necessary regulations have not been enacted, as well as the items A–C listed below which consist of inconsistencies and omission of application Federal provisions in the proposed regulations and the lack of sufficient information in the program submission.

Mississippi has incorporated applicable provisions in accordance with SMCRA section 507(c) concerning small operator assistance in section 12(4) of the Mississippi SCMRA. The provisions of 30 CFR Part 795 are incorporated in proposed Section 195 of the proposed Mississippi regulations. The Mississippi SCMRA obligates the State to carry out the provisions of a small operator assistance program consistent with section 507(c) of SMCRA.

A. Information contained in the system description of the small operator assistance program under 30 CFR 731.14(g)(16) does not provide sufficient basis to make a finding for approval under 30 CFR 732.15(b)(13). This system description does not give sufficient information with regard to methodology. Mississippi predicts that it will not have small operators and does not plan budget or personnel in this area. In this regard the Secretary could find the program acceptable under 30 CFR 732.15(b)(13) should Mississippi either include information in the system description or state that a system for implementation of a small operator assistance program would be proposed under 30 CFR 732.17 for State program amendments prior to the need of assistance by small operators.

B. Mississippi regulation Subsection 195.12 is inconsistent with section 507(c) of SMCRA which requires that the cost of the preparation of the eligible determination of probable hydrologic consequences and statement of the results of test borings or core samplings shall be assumed by the regulatory authority. Mississippi regulation Subsection 195.12 should be revised to conform with SMCRA.

C. The Mississippi regulations are inconsistent with 30 CFR Part 795 concerning small operator assistance because they do not contain language consistent with applicable Federal provision 30 CFR 795.4 relating to small operator assistance responsibilities.

14. The Mississippi SGMRA Section 36 adequately provides for the protection of State employees of the DNR in accordance with protection afforded Federal employees under Section 704 of SMCRA.

15. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations pertaining to coal exploration and surface coal mining and reclamation operations to provide for administrative review of State program actions in accordance with Section 525 of SMCRA and Subchapter L of 30 CFR Chapter VII. This finding is based on the fact that the necessary regulations have not been fully enacted, as well as the inconsistencies listed below and in items C–F listed under (b)(5) pursuant to findings for 30 CFR 732.15(b)(5).

Mississippi has incorporated provisions for administrative and judicial review in accordance with sections 525 and 526(e) of SMCRA in

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sections 33 and 34 of the Mississippi SCMRA. Information under § 731.14(g)(15) of the program description contains adequate description of the proposed system for administrative and judicial review of State program actions.

Mississippi regulation § 245.15 is inconsistent with applicable Federal provision 30 CFR 845.15 because it does not make a distinction between administrative review and judicial review similar to the distinction made in the Federal regulation.

16. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations pertaining to coal exploration and surface coal mining and reclamation operations to cooperate and coordinate with and provide documents and other information to the Office of Surface Mining under the provisions of 30 CFR Chapter VII. This finding is based on the fact that the necessary regulations have not been enacted, as well as the items A and B listed below which include omission of applicable Federal provisions in the proposed regulations.

The Secretary finds that the State program includes provisions to cooperate and coordinate with and provide documents and other information to the Office of Surface Mining under provisions of 30 CFR Chapter VII.

A. Mississippi regulation Section 185.13 concerning experimental practices is inconsistent with 30 CFR 785.13 of the Federal regulations because it omits the applicable Federal provision referencing approval or participation by the Director of OSM.

B. Mississippi regulation Section 164.19 concerning procedures for a decision on designations of unsuitability is inconsistent with 30 CFR 764.19 because it omits the applicable Federal provision for sending a copy of the decision to the Regional Director of OSM.

C. The Environmental Protection Agency pointed out that the Mississippi regulation Section 240.14 did not contain paragraphs similar to (a) and (c) of 30 CFR 840.14 of the Federal regulations regarding the furnishing of records to OSM. The Secretary believes that no addition is necessary because the Federal regulations by themselves give OSM the authority to request documents without similar provisions in the State regulations.

(c) The Mississippi Surface Coal Mining and Reclamation Act and the Mississippi Administrative Procedures Law, with which the Mississippi DRN's regulations and procedures must comply, and the law creating the Mississippi DNR do not contain provisions which would interfere with or preclude implementation of the provisions of SMCRA and 30 CFR Chapter VII. Accordingly there are no Mississippi laws inconsistent with SMCRA which must be set aside. Because the necessary regulations have not been fully enacted the Secretary has not been able to make a finding for approval under 30 CFR 832.15(c) with regard to the regulations.

(d) At present, there is no coal mining in Mississippi and none is expected until about 1985. The Regulatory Authority is the Mississippi DNR. There are adequate legal, administrative and technical personnel available and committed to program development and eventual implementation in preparation for regulating the single large coal mining operation that is anticipated. Expansion plans will go into effect some time prior to submission of the first permit application and further expansion will continue through the beginning of the first actual coal (lignite) mining operation. These expansion plans include adequate legal, technical and administrative personnel and the present and anticipated funding level is adequate to implement, administer and enforce the provisions of the program, the requirements of the proposed regulations and other applicable State and Federal laws.

Disposition of Other Public Comments

1. The comments received on each substantive portion of the Mississippi program relating to the Findings under 30 CFR 732.15 have been discussed in connection with the corresponding findings on each program section. Other public comments received which relate to other areas of the submission are discussed below. All comments received during the public comment periods were considered in the Secretary's evaluation of the Mississippi program as indicated.

2. The Environmental Protection Agency suggested that the DRN enter into an agreement with the Mississippi Bureau of Pollution Control regarding the National Pollutant Discharge Elimination System (NPDES) permitting. Although the State Program Section 731.14(g)(9) does not discuss the coordination between the two agencies in great detail, it is sufficient for the number of permit actions anticipated in the next few years. In addition, the MOU between the Environmental Protection Agency (EPA) and OSM is expected to result in additional regulations regarding NPDES, and it is logical for the Regulatory Authority to delay the negotiation of specific agreements on NPDES until the EPA–OSM agreement and resulting regulations are finalized.

3. The Heritage Conservation and Recreation Service suggested that a more complete description of the Mississippi DNR's proposed consultation with the Mississippi Department of Archives and History (SHPO) be included in the State Program along with provisions and staffing to maintain an inventory system for historic lands. The Secretary agrees with this comment, in part. A combination of State program § 731.14(g)(1) and 731.14(g)(9) adequately address consultation on permitting, but the consultation under 731.14(g)(11) is inadequate regarding the designation of lands unsuitable for mining. More information on how the DNR intends to maintain a data system regarding lands unsuitable has been requested. However, it should be noted that Mississippi has not eliminated the possibility that a specific element of the data base, such as the historic site inventory, may be maintained by another agency and used by the DNR.

4. The Fish and Wildlife Service suggested that the original program submission was lacking in the narrative description in Program § 731.14(g)(10) of the proposed system for consulting with State and Federal fish and wildlife agencies. The Secretary agrees with this comment and modifications received November 14, 1979, from Mississippi, contained on adequate narrative.

5. The Fish and Wildlife Service also suggested that the State's permit application form did not give adequate space for fish and wildlife information. The Secretary agrees with this comment and suggestions for improvements on the form in this and other areas were forwarded to the Mississippi DNR on November 28, 1979.

6. The U.S. Army Corps of Engineers commented that the Mississippi program was deficient to some extent in compliance with 30 CFR 816.93, concerning coal processing wastes used in the construction of dams and embankments. This appears to be a misinterpretation of the Mississippi program. The Secretary disagrees with this comment since section 20 (2) of the Mississippi Act is in accordance with SMCRA and proposed rule 216.93 is worded exactly as corresponding 30 CFR 816.93.

7. The Mississippi Chapter of the Sierra Club suggested that the definition of prime farmland in the State proposed regulation 101 be revised to eliminate the reference to "historically used for cropland." The Secretary disagrees with this comment since Mississippi's proposed definition is worded exactly as the OSM regulations and these are based on the specific wording in SMCRA.

Approval in Part/Disapproval in Part

The Mississippi Program is approved in part/disapproved in part. As indicated above, under the Secretary's findings, certain of the program parts meet the criteria for State program approval in 30 CFR 732.15 and certain of the program parts do not meet the criteria. Partial approval means that Mississippi may revise and resubmit the disapproved portions of the program within 60 days of the effective date of this decision. The resubmission will then be reviewed and approved or disapproved under procedures in 30 CFR Part 732. Until the entire program is approved, however, the State will not assume primary jurisdiction to implement and enforce the permanent program under SMCRA.

The following program parts are approved: (a) The Mississippi Surface Coal Mining and Reclamation Act (enacted April 13, 1979).

(b) The Mississippi Administrative Procedures Law, Mississippi Cod. Ann. Section 25–43–1 *et seq.* (1976).

(c) The Program plans for the State regulatory authority to have sufficient, qualified administrative, legal and technical personnel and sufficient funding for the regulation of surface coal mining and reclamation operations and enforcement of the environmental protection standards.

The following program parts are disapproved: (a) The proposed rules and regulations contained in the Mississippi program submission.

(b) The program provisions to:

(1) Coordinate the review and issuance of permits for surface coal mining and reclamation operations with any other Federal or State permit process applicable to the proposed operations,

(2) Implement, administer and enforce all applicable performance standards,

(3) Implement, administer and enforce a permit system and prohibit surface coal mining and reclamation operations without a permit issued by the regulatory authority,

(4) Regulate coal exploration and prohibit coal exploration that does not comply,

(5) Require that persons extracting coal incidental to government financed construction maintain information on site,

(6) Enter, inspect and monitor all coal exploration and surface coal mining and reclamation operations,

(7) Implement, administer and enforce a system of performance bonds and liability insurance, or other equivalent guarantees,

(8) Provide for civil and criminal sanctions for violations of State law, regulations and conditions of permits and exploration approvals including civil and criminal penalties,

(9) Issue, modify, terminate and enforce notices of violations, cessation orders and show cause orders,

(10) Designate areas as unsuitable for surface coal mining,

(11) Provide for public participation in the development, revision and enforcement of State regulations and the State program,

(12) Monitor, review and enforce the prohibition against indirect or direct financial interests in coal mining operations, by employees of the State regulatory authority,

(13) Require the training, examination and certification of persons engaged in or responsible for blasting and the use of explosives,

(14) Provide for small operator assistance,

(15) Provide for administrative review of State program actions,

(16) Cooperate and coordinate with and provide documents and other information to the Office.

Effect of this Action

Mississippi is not now eligible to assume primary jurisdiction to implement the permanent program. Mississippi may submit additions or revisions to its proposed program to correct those parts of the program being disapproved within 60 days from the date of the decision. No additional laws or descriptions of regulatory program funding and personnel are necessary. Approvable regulations, which must be in effect before the Secretary's final decision, are required. Also, additional information is needed as identified in the Secretary's findings, to supplement the narrative descriptions of certain program systems as required by 30 CFR 731.14(g).

If no revised submission is made within 60 days, the Secretary will take the appropriate steps to promulgate and implement a Federal program for the State of Mississippi. If the disapproved portions of the State regulatory program are revised and resubmitted within the 60 day time limit, the Secretary will have an additional 60 days to review the revised program, solicit comments from the public, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture and the heads of other Federal agencies and to approve, disapprove, or conditionally approve the final Mississippi program submission.

This approval in part/disapproval in part relates at this time only to the permanent regulatory program under Title V of SMCRA. The partial approval does not constitute approval or disapproval of any provisions related to implementation of Title IV of SMCRA, the abandoned mine lands reclamation program. In accordance with 30 CFR Part 884 (State Reclamation Plans), Mississippi may submit a State AML reclamation plan at any time. Final approval of an AML plan, however, cannot be given by the Director of OSM until the State has an approved permanent regulatory program.

There are no coal bearing Indian lands in Mississippi. In addition, no coal development is anticipated on Federal lands in the State. In the event that surface mining and reclamation operations on Federal lands are proposed, however, the initial Federal lands program will be governed by regulations in 30 CFR Part 211. When a State regulatory program is approved, the Federal lands program, if one is necessary, will be governed by 30 CFR Part 740.

The Secretary intends not to promulgate rules in 30 CFR Part 924 until the Mississippi program has been either finally approved or disapproved following opportunity for resubmission.

Additional Findings

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no Environmental Impact Statement will be prepared on this partial approval/partial disapproval.

The Secretary has determined that this document is not a significant rule under E.O. 12044 or 43 CFR Part 14, and no regulatory analysis is being prepared on this approval in part/disapproval in part.

Dated: March 18, 1980.

Cecil D. Andrus,

Secretary of the Interior.

[FR Doc. 80–8822 Filed 3–24–80; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1443–8]

Proposed Rulemaking on Conditional Approval of Texas State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: Elsewhere in today's Federal Register EPA is conditionally approving

the Texas plan where there are deficiencies and the State has provided assurances that it will submit corrections. This notice solicits comments on the deadlines specified in this notice. This conditional approval will mean that Section 176, Section 316 of the Clean Air Act, and new source growth sanctions will not apply unless the State fails to submit the necessary SIP revisions by the scheduled dates, or unless the revisions are not approved by EPA.

DATES: Comments must be received on or before April 24, 1980.

ADDRESSES: Comments should be directed to: Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270, Attn: Jerry Stubberfield.

Copies of the State's submittal are available for inspection during normal business hours at the address above and at the following locations:
Environmental Protection Agency, Public Information Unit, Room 2922, EPA Library, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
Jerry M. Stubberfield, Chief Implementation Plan Section, Environmental Protection Agency Region 6, Air and Hazardous Materials Division, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767–2742.

SUPPLEMENTARY INFORMATION: The deficiencies discussed elsewhere in today's **Federal Register** and the time schedule in which the State must correct them are:

1. Regulation V, Control of Air Pollution from Volatile Organic Compounds—The State must revise portions of this regulation, and submit the revised regulation by August 1, 1980.

2. TSP Control Strategy and Regulation I—The State must submit complete control strategies and revisions to Regulation I for for San Benito, Brownsville, Corpus Christi 1, Corpus Christi 2, Dallas 1, Dallas 3, and El Paso 4 by August 1, 1980. In the interim, they must meet the following schedule: March 3, 1980—Draft SIP developed; May 5, 1980—Public hearing completed: August 1, 1980—Adopt revision, and revised Regulation I, and submit to EPA.

3. Regulation VI, Control of Air Pollution by Permit for New Construction or Modification—The State must revise portions of this regulation, and submit the revised regulation by August 1, 1980.

This notice of proposed rulemaking is issued under authority of Section 110 of the Clean Air Act as amended.

Dated: March 17, 1980.

Adlene Harrison,
Regional Administrator.

[FR Doc. 80-8990 Filed 3-24-80; 8:45 am]
BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1444-7]

Approval and Promulgation of Implementation Plans; Alabama: Proposed Revision of Emergency Episode Plan and Oxidant Alert Level

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA today proposes to approve changes in the Alabama State Implementation Plan (SIP) which will (1) update the emergency episode procedures, and (2) raise the level of the Alert Stage in the emergency episode procedures to 0.15 ppm for ozone, to be consistent with the revised National Ambient Air Quality Standard of 0.12 ppm.

DATES: To be considered, comments must be submitted on or before April 24, 1980.

ADDRESSES: The Alabama submittal may be examined during normal business hours at the following EPA offices:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.
Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30308.

In addition, the Alabama revisions may be examined at the offices of the Division of Air Pollution Control, Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36104. Comments should be addressed to Mr. Roger Pfaff, EPA Region IV Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30308.

FOR FURTHER INFORMATION CONTACT:
Mr. Roger Pfaff, Air Programs Branch, EPA Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30308, 404/881–3286 or FTS 257–3286.

SUPPLEMENTARY INFORMATION: On August 23, 1979, EPA asked the State of Alabama to update its emergency episode procedures to reflect changes in monitoring methods, persons to be contacted, likely episode locations, and accidental spill guidelines. On January 11, 1980, the State submitted the final version of the plan revision complying with EPA's request.

In addition, the proposed changes raise the alert level of ozone episodes from 0.1 ppm to 0.15 ppm, a fifty percent increase. The reason for the increase is a corresponding increase in the National Ambient Air Quality Standard, promulgated by EPA on February 8, 1979 (44 FR 8202).

Proposed Action: Based on the above information, EPA is proposing to approve the changes to the Alabama plan as being consistent with requirements of the Clean Air Act and Federal regulations promulgated thereunder.

Dated: March 17, 1980.

John A. Little,
Acting Regional Administrator.

[FR Doc. 80-8995 Filed 3-24-80; 8:45 am]
BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[Docket No. 21005; FCC 79-844]

Interface of the International Telex Service With the Domestic Telex and TWX Services

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Elsewhere in Today's issue of the **Federal Register**, the FCC promulgates an Order which deals with several aspects of the international telex networks and domestic telex and TWX services. While the Order continues the present practice of requiring the carriers to tariff their offering of terminal equipment, the Commission wants to explore whether the public interest would be served by requiring the detariffing of telex terminal equipment. This document requests public comment on this issue.

DATES: Comments on the proposal to detariff telex terminal equipment are due April 30, 1980. Reply comments are due May 30, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
John F. Copes, International Facilities Planning Staff, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554. (202) 632–3214.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission voted on December 12, 1979, to require all common carriers engaged in the provision of international telex service to interconnect upon demand with one another and with domestic telex and teletypewriter exchange (TWX) networks for the purpose of providing international record service.

(Telex is a customer-to-customer switched service using telegraph-grade connecting facilities and characterized by one-way, or conversational communications capability. TWX is a customer switched record service similar to telex but which uses different transmission circuits and which differs in engineering details such as speed of transmission and the pulse code used.)

It ordered that all pending tariffs filed for international telex service unbundle rates contain separately cost-based rate categories, i.e., terminals, tielines and transmissions.

The Commission also instituted a further rulemaking to resolve the question of whether the public interest would be served by deregulation of carrier provision of telex terminal equipment.

There are two important consumer benefits from International Record Carrier (IRC) interconnection, the Commission said. Such interconnection provides additional consumer choice options for international telex and public message service without the necessity and possible added expense of subscription to the Western Union Telegraph Company's telex/TWX service or to more than one IRC. This is likely to result in a more efficient use (less duplication) of terminal, access line and landline haul transmission facilities by the carrier. IRC interconnection, together with a policy of requiring unbundling of terminal equipment and access lines, and permitting the IRCs—ITT World Communications Inc., RCA Global Communications, Inc., Western Union International, Inc., French Telegraph Cable Company, United States–Liberia Radio Corporation, Cable & Wireless/Western Union International, Inc., and TRT Telecommunications Corporation—additional domestic points of operation as authorized today in Docket 19660 provide an environment conducive to enhance competition on the domestic and overseas portion of international telex traffic. It said that to the extent that enhanced competition develops, the consumer is likely to be served through more efficient service and lower rates.

The Commission said it did not see a great difference operationally under interconnection from the current arrangements. IRC subscribers are now connected to the switch of a particular IRC and this option will continue to be available under interconnection. The customer will also retain his fundamental subscriber relation to the carrier. (Subscribers of Western Union Telegraph Company will be able to access all the IRCs for international record service in the same manner as they enjoy at present.)

Concerning interconnection with the domestic telex and TWX networks, the Commission said, since it had opened entry into the domestic public message market, and since Western Union and the IRCs are interconnected at this time for providing joint-through service for international traffic, to the extent that this arrangement might work an unfair advantage to Western Union all other domestic carriers providing telex and TWX type services should be afforded this same type of interconnection if they so request.

In deciding to require the unbundling of international telex rates, the Commission said it did not find that departure from the unified rates structure would prevent competition among the IRCs. It said its purpose was not to protect the market positions of carriers but to assure the welfare of consumers and guarantee that costs for telex service are borne by the appropriate users.

It said the unbundling tariffs must specify charges separately for terminals, tielines and transmission. The meaning of "terminal equipment" or "customer terminal equipment" is clear in this context in current IRC tariffs. "Network access" or "tielines" refer generally to the physical connections to link terminal equipment on a customer's premises to a carrier's central office. Transmission charges are those to recover the costs for common portions of the network, switching, integrating connections, payouts to foreign and domestic connecting carriers and other similar items.

The Commission said it is not trying to make a rigid analysis of what items are included in each category but to effect a logical distinction between what pertains to terminal connections where there will be full competition and what is logically common carriage. If a carrier requests interconnection, the FCC noted, it will be necessary to arrange a suitable division of tolls for jointly handled traffic. The matter will be left to the carriers under the system of carrier-initiative tariffs under the Communications Act.

Although it is continuing the requirement of having IRCs provide terminal equipment by tariff, the Commission questioned the need of regulating this equipment market, particularly in light of the unbundling order. The Commission therefore wants comment on whether the provision of terminal equipment in the international telex market should be deregulated.

The present constitutes notice of the Commission's proposal to consider adoption of a new policy governing the basis on which the international record carriers offer international telex service and the terminal equipment used in connection with that service. The full text of the Commission's action is published in the rules section of this issue of the **Federal Register.** Those desiring more information concerning the nature of the Commission's action or those intending to file comments on the question of the tariffing of international telex terminal equipment should refer to the referenced text.

Comments are due by April 30, 1980, and replies by May 30, 1980.

Action by the Commission December 12, 1979 by Report, Order and Further Notice of Proposed Rulemaking (FCC 79–844). Commissioners Ferris (Chairman), Lee, Quello, Washburn, Fogarty, Brown, Jones, with Chairman Ferris issuing a separate statement.

Federal Communications Commission.

William J. Tricarico,
Secretary.

[FR Doc. 80-9025 Filed 3-24-80; 8:45 pm]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-11; RM-3149]

FM Broadcast Station in Effingham, Ill.; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposal rule: order extending comment dates.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding involving the proposed assignment of an FM channel to Effingham, Illinois. Petitioner, Olen M. Evans, states that the time is needed to complete its engineering showing.

DATES: Comments must be filed on or before March 31, 1980, and reply comments must be filed on or before April 21, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:
Adopted: March 11, 1980.
Released: March 13, 1980.

By the Chief, Policy and Rules Division:

V45/59 MR 25 80 UMI

V 45 / 59 MR 25 80 UMI

1. On January 16, 1980, the Commission adopted a *Notice of Proposed Rule Making*, 45 FR 6122, in the above-entitled proceeding. The dates for filing comments and reply comments are March 17, and April 7, 1980, respectively.

2. On March 10, 1980, counsel for Olen M. Evans, filed a request seeking the extension of time for filing comments and reply comments to and including March 31, and April 21, 1980, respectively. Counsel states that the additional time is needed in order to complete the engineering showing requested in the *Notice*.

3. We are of the view that the public interest would be served by this extension of time so that Olen M. Evans may file any information which may be helpful to the Commission in reaching a decision in this proceeding.

4. Accordingly, it is ordered, that the dates for filing comments and reply comments in BC Docket No. 80–11 (RM–3139) are extended to and including March 31, and April 21, 1980, respectively.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-8972 Filed 3-24-80; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1041

[Ex Parte No. MC–136]

Direct Routes for Regular Route Movements

March 17, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to adopt a temporary rule of construction which would for 180 days, permit regular-route motor carriers of property to operate vehicles over the most direct routes between terminal points on their systems. If the rule is adopted, the Commission will consider making the rule permanent. The Commission is seeking comments on the desirability of adopting the rule on a permanent basis. The rulemaking is in response to the current shortage of diesel fuel supplies in the United States. We believe that adoption of this proposal would reduce the amount of fuel consumed by regular-route motor carriers of property.

DATES: Written comments are due on or before April 24, 1980.

ADDRESS: Send an original and 15 copies, if possible, of any comments to: Ex Parte No. MC–136. Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423.

PROPOSED EFFECTIVE DATE: Upon publication of final rule in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Howell L. Sporn (202) 275–7575 or Donald J. Shaw, Jr. (202) 275–7292.

SUPPLEMENTARY INFORMATION: A fuel energy crisis exists within the United States. We believe that it is in the national interest for the Commission to adopt measures designed to achieve fuel conservation. Otherwise, shortages in fuel supplies and the increases in the price of diesel fuel could cause serious disruptions in service to those shippers dependent on motor carrier transportation.

The adequacy of supply available to users of middle distillates for heating, for diesel truck supplies, and other uses continues to be tenuous and appears likely to worsen as trucking operations grow. Limited opportunity exists to shift refining capacity to increase total diesel supply. Recent events have heightened the national concern regarding the limitations in supply. The President has made the need to reduce consumption an urgent national mandate.

Immediate action is required to assure that adequate transportation services in the regular-route property motor carrier industry are maintained and that maximum fuel efficiencies are achieved. To this end, we are here determining whether there is a need to permit, on a temporary or permanent basis, all motor carriers authorized to transport property over regular service routes to move vehicles between terminal points on their systems over the most direct practical highway routing available to them.

Proposed Rule

We are proposing to adopt the following temporary rule as a subpart to 49 CFR 1041:

Subpart 1041. . Operating Authority Over Direct Routes for Regular-Route Carriers.

"All certificates of public convenience and necessity authorizing the transportation of property over a regular service route or routes shall be construed as permitting the movement of vehicles between terminal points over the most direct highway routing available. This rule shall be in effect until (180 days from the date of publication in the **Federal Register**)."

This temporary rule of construction would be in addition to the provisions for regular-route carriers to traverse shorter routes by taking advantage of the Commission's Superhighway and Deviation rules (49 CFR 1042.3) or by filing a specific alternate-route application (49 CFR 1042.4). The proposed rule does not permit intermediate point service nor would it in any manner alter a carrier's obligation to provide reasonable and adequate service over its specifically authorized service route or routes.

Background of Proposal

Today's energy situation is one with which our Nation will have to cope for the foreseeable futue. Alternate sources, fuels, or consumption mechanisms may take years of development. While such activity is being directed toward ultimate solutions, it behooves us to implement every possible plan to conserve current energy supplies. Availability and cost have both become critical considerations.

This proposal attempts to provide regular-route motor carriers with a more economical and fuel efficient manner in which to move traffic. Carriers will still be required to serve the points designated in their regular-route certificates.

There is no method for determining the total amount of circuity which might be eliminated through adoption of this proposal; all regular-route carriers would have some potential for savings. In the *Jones Motor* case, Docket No. MC–4963—R–13, decided May 10, 1979, the Commission authorized operation over a deviation route which the applicant indicated would result in a savings of 49,073 gallons per year. By an informal letter, Pilot Freight Carriers has furnished information which projects an annual savings of 126,519 gallons of fuel should they be allowed to operate over the most direct routes in just two areas of their operation (between western New York and Virginia, and between Springfield, MA, and their other terminal points). These two carriers are not necessarily representative of all operations, yet they are indicative of potentials.

Commission figures indicate that (as of September 30, 1978) there were 1,045 class-I property carriers and 2,929 class-II property carriers subject to annual reporting. The June 1965, *Profile of Motor Carriers of Property Industry Subject to ICC Regulation* study indicated that 35 percent of all grants were regular route. Assuming this ratio still exists, we project 1,390 regular route class-I and class-II current operations. An average annual savings of only 5,000 gallons by each carrier would equate to 6.95 million total gallons, which could conceivably be a conservative estimate of energy savings under this proposal.

While we are convinced that the adoption of this rule would result in major fuel savings, we cannot predict the extent to which carriers will take advantage of it, or the impact which elimination of circuity might have on regular-route carrier services. This is a situation in which we see a few month's of experience as being worth a year of hearings—and worth many pages of speculative analysis. We expect to learn from this experience, and we will solicit information concerning the carriers' operations under it. We are prepared to revise any rule finally adopted should its application prove, unexpectedly, deleterious to the broader public interest.

Procedural Matters

It is imperative that comments be filed within 30 days. The adequacy of supply available for users of middle distillates for heating, diesel fuel, and other uses is at present tenuous. The demand for heating oil, which will rise sharply in the coming months could adversely affect the supply of diesel fuel. Because of the urgent need for fuel conservation, which the proposed rule is designed to achieve, it would be impractical and contrary to the public interest to provide for a longer comment period. Consequently, an extension of the due date will be granted only for extraordinary reasons. We would, however, consider extending the comment period to obtain additional views on the desirability of making this change permanent.

The Commission intends to reach a decision on this matter within a short period of time after the comments have been received. If a final 180-day rule is adopted, we propose that it be made effective upon publication in the **Federal Register.** As noted above, the purpose of the proposed rule is to achieve fuel conservation. If there were a delay in the effective date of the rule, affected carriers would be unable to take full advantage of this proposed fuel conservation measure when it is most needed. Therefore, if a 180-day final rule is adopted, we believe that there would be good cause to make it effective upon its publication. See 5 U.S.C. 553(d)(3).

Under 49 U.S.C. 10321, this Commission is empowered to administer, execute, and enforce all provisions of the Interstate Commerce Act, to make all necessary orders, and to prescribe rules, regulations, and procedures for such administration. In turn, 49 U.S.C. 11101(b) empowers the Commission to prescribe requirements for continuous and adequate transportation service by motor common carriers. While ordinarily the Commission performs its functions on a case-by-case basis, we perceive the appropriate exercise of our rulemaking authority as a vital means of efficiently carrying out the statutory mandate.

The United States supreme Court has recognized the propriety of rulemaking by a regulatory agency charged with licensing duties as a necessary alternative to the case-by-case adjudication method where the litigation of certain issues would only be time-wasteful and where the comprehensive treatment of these issues through the rulemaking process may be required to afford expeditious, effective relief in the public interest.[1] This Commission has in the past through rulemaking, made a general finding of public convenience and necessity on a nationwide basis to address a specific problem or inequitable situation.[2] In view of the immediacy of the fuel crisis, we believe that rulemaking presents the only viable approach for achieving significant fuel conservation.

We do not foresee that the proposed rule will have an adverse effect on the quality of the human environment. This is, however, a major regulatory action under the Energy Policy and Conservation Act of 1975. Affected carriers will be able to improve their operating efficiencies, which will lead to substantial energy savings. Due to the exigent circumstances under which we are proposing the temporatry rule, however, it is extremely difficult to quantify the potential energy savings at this time beyond the data and assumptions already set forth in this decision. The data now available indicate that the rules will have no adverse energy impact and can be expected to produce substantial fuel savings. Statements filed on the proposed temporary rule should specifically comment on the energy policy and conservation issue. A more detailed energy analysis will be issued subsequently.

[1] See *Weinberger* v. *Hynson, Westcott & Dunning*, 412 U.S. 609 (1973), *U.S.* v. *Storer Broadcasting Co.*, 351 U.S. 192 (1955), and *Federal Power Comm'n.* v. *Texaco*, 377 U.S. 33 (1964).

[2] See e.g. *Special Relief for Motor Carriers*, 112 M.C.C. 323 (1970), *Removal of Truckload Lot Restrictions*, 106 M.C.C. 455 (1968), and *Motor Service on Interstate Highways-Passengers*, 110 M.C.C. 514 (1969).

If the proposed 180-day rule is adopted, the Commission will study carefully the effects of its implementation to determine whether to make the rule permanent. Parties should comment now, however, on the desirability of making the rule permanent.

Written matrials submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C., during regular business hours.

This document is promulgated under the authority contained in 49 U.S.C. 10321, 10922, and 11101, and 5 U.S.C. 553.

Dated: March 11,1980.

By the Commission. Chairman Gaskings, Vice Chairman Gresham, and Commissioners Stafford, Clapp, Trantum and Alexis. Vice Chairman Gresham concurring inpart with a separate expression and Commissioner Clapp concurring with a separate expression.

James H. Bayne,

Acting Secretary.

VICE CHAIRMAN GRESHAM, concurring inpart:

Similar proposals have been considered and rejected by the Commission under the present statute on at least five occasions in the past twenty years. See *Motor Common Carriers of Property-Routes and Service*, 88MCC 415 (1961; *Motor Service on Interstate Highways-Passengers*, 107MCC 95, 116–17, 121 (1968); *Regulations Governing Hazardous Materials*, 111 MCC 575 (1970); *Gateway Elimination*, 119 MCC 530, 548 (1974); and *Enalrgment of Operational Circuity Reduction*, 121 MCC 685, 705, 709, (1975). I would urge the parties to address this background, which may put today's cactioh on a different posture from its energy-related companion proposals, Ex Parte Nos. MC–131 and MC–132.

I have agreed to the insitution of this proceeding largely because the information gathered may be useful to the Congress as it reexamines motor carrier regulation. In particular, draft legislation now before the Senate (S. 2245) and the House of Representatives (H.R. 6418) deals with the question of eliminating circuitous routes.

COMMISSIONER Clapp, concurring:

I think it important for the Commission to develop contingency plans for dealing with fuel shortages. As this one has been on the drawing board for a year now, my own inclination would be to put it on a standby basis for immediate use if and when another fuel shortage occures. I will reserve judgement, however, until we have received comments.

[FR Doc. 80-9023 Filed 3-24-80; 8:45 am]

BILLING CODE 7035-01-M

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 8F2106/P130; FRL 1445-8]

Propanil; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for residues of the herbicide propanil on wheat grain at 0.2 part per million (ppm) and wheat straw at 0.75 ppm. The proposal was submitted by Rohm and Haas Co. This amendment would establish maximum permissible levels for residues of propanil on wheat grain and straw.

DATE: Comments must be received on or before April 24, 1980.

ADDRESS: Send comments to: Robert Taylor, Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert Taylor (202-755-2196).

SUPPLEMENTARY INFORMATION: On November 2, 1978, notice was given (43 FR 51132) that Rohm and Haas Co., Independence Mall West, Philadelphia, PA 18105, had filed a petition (PP 8F2106) with the EPA under provisions of the Federal Food, Drug, and Cosmetic Act. This petition proposed to amend 40 CFR 180.274 by establishing tolerances for combined residues of the herbicide propanil (3',4'-dichloropropionanilide) and its metabolites (calculated as propanil) in or on the raw agricultural commodities wheat grain at 0.05 ppm and wheat straw at 0.5 ppm.

Subsequently, the petitioner amended the petition by increasing the proposed tolerances in or on wheat grain from 0.05 ppm to 0.2 ppm and in or on wheat straw from 0.5 ppm to 0.75 ppm. Because of the potential increase in exposure of humans to residues as a result of the higher tolerances, the tolerances are being proposed at this time to provide an opportunity for public comment.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances include an acute oral LD_{50} on rats with a no-observed-effect level (NOEL) of 2,270 milligrams (mg)/kilogram (kg) of body weight (bw), a three-generation rat reproduction study with an NOEL of greater than 1,000 ppm, a two-year ocogenic/chronic toxicity rat feeding study with an NOEL of 400 ppm (20 mg/kg bw/day), and a two-year chronic toxicity dog feeding study with an NOEL of 600 ppm (15 mg/kg bw/day).

Tolerances have previously been established (40 CFR 180.274) in or on rice straw at 75 ppm; rice at 2 ppm; meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.1 ppm; and eggs and milk at 0.05 ppm. The currently established tolerances contribute 0.68 percent of the acceptable daily intake (ADI), which is 0.15 mg/kg bw/day. The present tolerance on wheat will contribute only an additional 0.34 percent of the ADI for a total of 1.02 percent of the ADI. The ADI is based on the NOEL of 600 ppm (15 mg/kg bw/day) in the most sensitive species (dog) for which toxicity data is available with a 100-fold safety factor.

Desirable data lacking from the petition are an oncogenic study on a second rodent species, two teratology studies, and mutagenicity studies. The company is currently performing the teratology and oncogenicity studies and has been informed that mutagenic evaluation is also required. In a letter of September 7, 1979, Rohm and Haas agreed that if the oncogenicity study results indicate that an unreasonable adverse effect might exist, the use for wheat will be withdrawn from the label. Other considerations in establishing the tolerances are that no compound-related tumors were observed in the rat oncogenicity study and no compound-related organ or tissue changes were found in the examined F3b weanlings in the rat reproduction study. There are no regulatory actions pending against the pesticide. The nature of the residues of the pesticide is adequately delineated, and an adequate analytical method (a gas chromatographic procedure using an electron capture detector) is available for enforcement purposes. Residues could occur in the eggs, milk, and the meat, fat, and meat byproducts of livestock, but such residues would be adequately covered by existing tolerances (40 CFR 180.6(a)(2) applies).

The pesticide is considered useful for the purpose for which tolerances are sought, and it is concluded that the tolerances of 0.2 ppm on wheat grain and 0.75 ppm on wheat straw established by amending 40 CFR 180.274 will protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before April 24, 1980, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP 8F2106/P130". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of PM 25, Room 359, East Tower, from 8:30 a.m. to 4 p.m. Monday through Friday.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This proposed rule has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 408(e), 68 Stat. 514. (21 U.S.C. 346a(e))

Dated: March 20, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

It is proposed that Part 180, Subpart C, § 180.274 be revised (1) in the heading by changing "3',4'-Dichloropropionanalide" to its common name "Propanil," (2) by editorially reformatting the section into an alphabetized columnar listing, and (3) by alphabetically inserting wheat grain at 0.2 ppm and wheat straw at 0.75 ppm in the table as follows:

§ 180.274 Propanil; tolerances for residues.

Tolerances are established for combined residues of the herbicide propanil (3',4'-dichloropropionanilide) and its metabolites (calculated as propanil) in or on the following raw agricultural commodities:

Commodity:	Parts per million
Cattle, fat	0.1 (N)
Cattle, mbyp	0.1 (N)
Cattle, meat	0.1 (N)
Eggs	0.05 (N)
Goats, fat	0.1 (N)
Goats, mbyp	0.1 (N)
Goats meat	0.1 (N)
Hogs, fat	0.1 (N)
Hogs, mbyp	0.1 (N)
Hogs, meat	0.1 (N)
Horses, fat	0.1 (N)
Horses, mbyp	0.1 (N)
Horses, meat	0.1 (N)
Milk	0.05 (N)
Poultry, fat	0.1 (N)
Poultry, mbyp	0.1 (N)
Poultry, meat	0.1 (N)
Rice	2
Rice, straw	75
Sheep, fat	0.1 (N)
Sheep, mbyp	0.1 (N)
Sheep, meat	0.1 (N)
Wheat, grain	0.2
Wheat, straw	0.75

[FR Doc. 80-9133 Filed 3-24-80; 11:11 am]

BILLING CODE 6560-01-M

Notices

Federal Register

Vol. 45, No. 59

Tuesday, March 25, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Dockets 33363, 36489, and 36490]

Former Large Irregular Air Service Investigation and Applications of Four Seas Airlines, Inc.; Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on March 25, 1980 (45 FR 15243, March 10, 1980) is hereby postponed indefinitely.

William H. Dapper,

Administrative Law Judge.

[FR Doc. 80-9038 Filed 3-24-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Criteria for the 1980 Urbanized Area Definition

The following criteria are proposed for use in determining the eligibility and the definition of 1980 urbanized areas.[1]

Urbanized Area Criteria

An urbanized area comprises an incorporated place [2] and adjacent densely settled surrounding area that together has a minimum population of 50,000.[3] The densely settled surrounding area consists of:

1. Contiguous incorporated or census designated places having:

a. A population of 2,500 or more; or,

b. A population of less than 2,500, but having either a population density of 1,000 persons per square mile, a closely settled area containing a minimum of 50 percent of the population, or a cluster of at least 100 housing units.

2. Contiguous unincorporated area which is connected by roads and has a population density of at least 1,000 persons per square mile.[4]

3. Other contiguous unincorporated area with a density of less than 1,000 persons per square mile, provided that it:

a. Eliminates an enclave of less than 5 square miles which is surrounded by built-up area.

b. Closes an indentation in the boundary of the densely settled area that is no more than 1 mile across the open end and encompasses no more than 5 square miles.

c. Links an outlying area of qualifying density, provided that the outlying area is:

(1) Connected by road to, and is not more than 1½ miles from, the main body of urbanized area.

(2) Separated from the main body of the urbanized area by water or other undevelopable area; is connected by road to the main body of the urbanized area; and is not more than 5 miles from the main body of the urbanized area.

4. Large concentrations of nonresidential urban area (such as, industrial parks, office areas, and major airports), which have at least one-quarter of their boundary contiguous to an urbanized area, will also be included.

Urbanized Area Title

The title of an urbanized area includes:

1. The name of the incorporated place with the largest population in the urbanized area.

2. The names of up to two additional incorporated places with eligibility determined as follows:

a. Those with a population of at least 250,000.

b. Those with a population of 15,000 to 250,000, provided that they are at least one-half the population of the largest place in the urbanized area.

3. Area titles that include the names of more than one incorporated place will start with the name of the largest and list the others in descending order of their population.

4. In addition to incorporated place names, the area title contains the name of each State into which the urbanized area extends.

5. Regional titles may be used to identify urbanized areas with populations over 1 million, in which case only the largest city of the urbanized area is included in the title.

Central Cities

Central cities will be those named in the titles except where regional titles are used. In such cases the central cities will be those that would have met the title criteria under items 1 and 2 above.

Explanation of Revisions to the Urbanized Area Criteria for the 1980 Census

Since the introduction of "urbanized areas" (UA's) into Census Bureau Statistics in 1950, the objective of defining these areas has been to identify separately the densely settled urban concentrations of the United States from the less densely settled "rural" areas for purposes of statistical analysis. Since its introduction, the urbanized area criteria have been adjusted each decade to reflect changes in the nature of urban growth within the country.

Initially, in 1950, the principle incorporated city of an urbanized area had to have at least 50,000 population. The urban settlement pattern in the United States at that time was heavily oriented toward cities. Since that time, urban growth has essentially been a suburban rather than a central city phenomenon. As a result the eligibility requirements before the 1960 census were adjusted to permit the use of a city of at least 35,000 if there was an adjacent city of at least 15,000, and following the 1970 census, the definition was changed further by recognizing a city of 25,000 with an adjacent incorporated place(s) and/or census defined "unincorporated place(s)" that together had a total population of at least 50,000. While there have been changes each decade in the population size requirements for the core city, there has also been a continued recognition that the population concentration must

[1] All reference to population counts and densities relate to data from the 1980 Census of Population and Housing.

[2] In Hawaii and Puerto Rico, incorporated places do not occur in the sense of functioning local governmental units. In Hawaii, census designated places are used in defining a central place and for applying urbanized area criteria; in Puerto Rico, zonas urbanas and aldeas are used.

[3] The rural portions of extended cities, as defined in the Census Bureau's extended city criteria, are excluded from the urbanized area. In addition, in order for an urbanized area to be recognized, it must include a population of at least 25,000 that does not reside on a military base.

[4] The area of extensive nonresidential urban land uses, such as railroad yards, airports, factories, parks, golf courses and cemeteries, is excluded in computing the population density.

total at least 50,000 regardless of the jurisdictional situation.

The following revisions are being proposed for the 1980 census:

1. The major change is the deletion of the requirement that there be a primary incorporated place of a specified population size (item 1a and 1b in the current criteria). This modification is being made in order to eliminate the inequities caused by the use of corporate limits. Laws and practices governing incorporation and annexation, which affect the population size of a city, vary significantly between the States. For example, while cities in New England have generally maintained stable corporate boundaries regardless of population growth in adjacent areas, in many other States, adjacent areas are annexed to cities as quickly as they undergo urban development. Many instances also exist where a municipality cannot annex because the surrounding areas are already under the jurisdiction of some other governmental unit.

These differences have resulted in some urban areas having nearly all of the dense population cluster included within the jurisdiction of a single city, while in other areas, the largest city has a relatively small population in relation to the total built-up area. Deletion of the population size requirement for the primary incorporated place eliminates this inequity. Considering this from another viewpoint, if one were to fly over two types of areas, one which has a city with restricted corporate boundaries and a large adjacent built-up area and the other with approximately the same size population but corporate boundaries encompassing most of the built-up community, one would not be able to distinguish between the two.

Depending on the population results of the 1980 census, it is estimated that up to 24 additional areas may qualify under the proposed new criteria than would do so under the current criteria. It also should be noted that in order to qualify under the new SMSA (MSA) criteria, there must be an urbanized area as defined by the Census Bureau. The county(s) in which the urbanized area is located and which qualifies for the MSA definition must also have a minimum population of 100,000. Since total county population is not a relevant criterion for the existence of an urbanized area, if the proposed UA criteria are approved, there will be UA's outside of MSA's for the first time.

2. Undevelopable areas, such as rivers, bays, and floodpaths, will no longer be considered barriers to extending the urbanized area, as long as the gap created by these undevelopable areas does not exceed 5 miles (i.e., between the main body of the urbanized area and the outlying area) and there is a transportation link (e.g., a bridge) between the two.

This modification is being made in order to permit the inclusion of a concentration of population that appears to be part of a UA, but the territory separating the population concentration from the main body of the UA could never be developed. Two examples of this situation are:

a. Evansville, Indiana-Kentucky—approximately 4 miles across the Ohio River and its floodplain, from Evansville to Henderson.

b. Memphis, Tennessee-Arkansas-Mississippi—approximately 2.7 miles across the Mississippi River and its floodplain, from Memphis to West Memphis.

3. The stipulation that all places or areas within an urbanized area must be connected by road is not really a change in the current criteria; rather it is a written expression of a practice which was followed in past censuses but which was not stated previously within the body of the criteria. Because of the number of questions that had been raised over this point in the past decade, we believe that it should now be stated explicitly in the criteria.

4. Large concentrations of nonresidential urban land use that do not have population but are at the fringe of the urbanized area will be included in the UA if at least one quarter of their boundary is contiguous to the urbanized area. These additions will be restricted to such land uses as industrial plants, office complexes, and major airports; that is, areas that are considered an integral part of the urban landscape.

5. Even though the criteria permits up to three names in the title, the recommended change:

b. Those with a population of 15,000 to 250,000 provided that they are at least one-half the population of the largest place in the urbanized area.

is intended to reduce the complexity and length of UA titles by reducing the number of additional incorporated place names.

Persons wishing to comment or obtain additional information should contact Mr. Jacob Silver, Chief, Geography Division, Bureau of the Census, U.S. Department of Commerce, Washington, D.C. 20233.

Comments submitted on or before June 23, 1980 will receive consideration in developing the final criteria.

Dated: March 20, 1980.

Vincent P. Barabba,

Director, Bureau of the Census.

[FR Doc. 80-8078 Filed 3-24-80; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Certain Steel Pipe and Tubing From Japan; Initiation of Antidumping Investigation

AGENCY: U.S. Department of Commerce.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that the Department of Commerce has determined that a formal antidumping investigation is warranted for the purpose of determining whether imports of certain steel pipe and tubing from Japan are being, or are likely to be, sold at less than fair value. The International Trade Commission is being notified of this action so that it may, in accordance with the Tariff Act of 1930, as amended, make a determination, within 45 days of notification, of whether there is a reasonable indication of material injury by reason of imports of this merchandise.

EFFECTIVE DATE: March 25, 1980.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of Investigations, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–566–5492).

SUPPLEMENTARY INFORMATION: On February 28, 1980, a petition in proper form was received from counsel on behalf of Babcock and Wilcox Company, Tubular Products Division, Beaver Falls, Pennsylvania, alleging that certain steel pipe and tubing are being, or are likely to be, sold at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (93 Stat. 162, 19 U.S.C. 1673) (hereinafter referred to as "the Act").

For purposes of this investigation, the term "certain steel pipe and tubing" means welded pipes of steel provided for in item numbers 610.3205 of the Tariff Schedules of the United States Annotated (TSUSA) and seamless pipes and tubes of steel, of circular cross section, provided for in TSUSA items 610.4920, 610.5210, 610.5215 or 610.5270.

Although included in the petition, mechanical tubing provided for in TSUSA item 610.4600 will not be covered by this investigation. Insufficient information has been supplied to support the allegations of less than fair value sales of this particular product.

Based on petitioner's information on home market prices and prices for export to the U.S., margins appear to exist on certain items ranging from a low of approximately 2 per cent to a high of approximately 21 per cent.

There is evidence on the record concerning material injury or likelihood of material injury as a result of imports of certain steel pipe and tubing from Japan. The evidence is based primarily on the reduced profitability, declining sales, reduced capacity utilization, unemployment and underemployment experienced solely by the petitioner, because the petitioner claims that industry-wide data on these factors can not be provided.

In accordance with section 732(c) of the Act (93 Stat. 162, 19 U.S.C. 1673a(c)), I hereby determine an investigation should be initiated to determine whether imports of steel pipe and tubing from Japan are being, or are likely to be sold at less than fair value.

Pursuant to section 732(d) of the Act (93 Stat. 163, 19 U.S.C. 1673a(d)), the U.S. International Trade Commission ("U.S.I.T.C.") is being notified of this determination. A copy of the information upon which the investigation is being initiated is being delivered to the U.S.I.T.C. All nonprivileged and nonconfidential information in the files of the International Trade Administration is being made available to the U.S.I.T.C., and all privileged and confidential information in the files will be made available upon confirmation that the confidentiality of such information will be maintained and that it will not be disclosed, either publicly or under an administrative protective order, without the express written consent of the Assistant Secretary for Trade Administration.

In accordance with section 733(a) of the Act (93 Stat. 163, 19 U.S.C. 1673b(a)), the U.S.I.T.C. will make a determination within 45 days after the date on which the petition was filed (February 28, 1980) as to whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of certain steel pipe and tubing from Japan. If that determination is negative, this investigation will be deemed terminated and no further notice will be published by the International Trade Administration. Otherwise, the investigation will continue to conclusion.

Pursuant to section 733 of the Act and § 353.39 of the Commerce Regulations (19 CFR 353.39, 45 FR 8200), the International Trade Administration normally is required to issue a preliminary determination as to whether or not there is a reasonable basis to believe or suspect that merchandise which is the subject of this investigation is being sold or is likely to be sold at less than fair value within 160 days after the date on which the petition was filed. Pursuant to section 735 of the Act and section 353.44 of the Commerce Regulations (19 CFR 353.44, 45 FR 8203), a final decision normally is required within 75 days after the preliminary determination. Therefore, a preliminary determination on this petition will be made no later than August 5, 1980, as to whether certain steel pipe and tubing from Japan is being sold or is likely to be sold at less than fair value within the meaning of the Act. A final determination will be issued no later than October 20, 1980.

If the time periods for making these decisions are extended pursuant to sections 733 and 735 of the Act and §§ 353.39 and 353.44 of the Commerce Regulations, (19 CFR 353.39 and 353.44, 45 FR 8200, 8203), a preliminary determination will be made not later than September 24, 1980 and a final determination not later than January 26, 1981.

This notice is published pursuant to section 732 of the Act and § 353.37(b) of the Commerce Regulations, (19 CFR 353.37(b), 45 FR 8199).

Stanley J. Marcuss,

Acting Assistant Secretary for Trade Administration.

March 19, 1980.

[FR Doc. 80-9006 Filed 3-24-80; 8:45 am]

BILLING CODE 3510-22-M

University of Utah; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666–11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79–00398. Applicant: University of Utah, Room 136 South Biology, Salt Lake City, Utah 84112. Article: Co_2 Infrared Gas Analyzer and Accessories. Manufacturer: Analytical Development Co., United Kingdom. Intended use of article: The article is intended to be used for photosynthetic studies of desert plants. These studies are to be conducted in the field under natural environmental conditions. Planned experiments include measurements of net photosynthesis as function of irradiance and water stress as well as diurnal measurements of net photosynthesis. The article will also be used in the course, "Plant Adaptation," Biology No. 586 which includes a laboratory where field measurements of plant physiological processes are taught.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides accurate measurement (1% full scale reading) from zero to 1000 ppm carbon dioxide and accuracy when operated on variable frequency (60±3 Hertz using an internal frequency standard) portable generator power sources. The Department of Health, Education, and Welfare advises in its memorandum dated January 2, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-8702 Filed 3-24-80; 8:45 am]

BILLING CODE 3510-25-M

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e)).

A copy of the record pertaining to each of the applications in this consolidated decision is available for

public review between 8:30 a.m. and 5:00 p.m. at 666–11th Street, N.W. (Room 735), Washington, D.C.

Docket No. 79–00405. Applicant: Columbia University, Department of Anatomy, College of Physicians and Surgeons, 630 West 168th Street, New York, N.Y. 10032. Article: Electron Microscope, Model JEM–100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the ultrastructural cytochemical characterization of a variety of tissues including CNS, gut and endocrine gland during fetal, neonatal and adult periods. Experiments to be carried out will involve obtaining samples of these various tissues at different periods of development from both normal and experimentally manipulated animals and correlating the cytochemical and ultrastructural appearance of the 2 sets of animals. Members of the staff will use the article for ultrastructural research and to instruct pre-doc and post-doc in the ultrastructural characterization of CNS, gut and endocrines during development. Application received by Commissioner of Customs: August 20, 1979.

Docket No. 79–00409. Applicant: The Children's Memorial Hospital, Department of Pathology, 2300 Children's Plaza, Chicago, Illinois 60614. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for medical diagnoses on suitably prepared biologic material, primarily tissues from pediatric patients studied and treated; and examination of adequately processed biologic materials, primarily cells and tissues, employed in medical research performed by investigators of the same institution, and tending to advance medical knowledge in various fields of specialization. Post-graduate students of Medicine (Pediatrics) and Pathology, specialized medical technologists, and physicians-in-training will receive training and nonstructured education in the use of this article as a tool in modern medical diagnosis. Application received by Commissioner by Customs: September 4, 1979.

Docket No. 79–00410. Applicant: Middletown Hospital Association, 105 McKnight Drive, Middletown, Ohio 45042. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the study of human tissues and fluids obtained for diagnostic purposes from surgical specimens and post mortem examinations. The purposes of these investigations are to identify and understand disease processes, reveal etiologic factors and agents peculiar to certain illnesses and to identify the exact cell of origin of certain cancers that are unclassifiable at present by any other means. The article will also be used for educational purposes relative to the research purposes described above. Article ordered: July 2, 1979.

Docket No. 79–00411. Applicant: Veterans Administration Hospital, Southfield and Outer Drive, Allen Park, Michigan 48101. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the special medical program with the primary goal to enhance the delivery of patient care, and the secondary goal of training and research support. Specimens are processed for examination in the electron microscope, for diagnostic pathology. The article will also be used to introduce E.M. techniques and methodologies to the inhouse staff which rotates through the various services, and to instruct this staff on ultrastructural criteria for differential diagnosis by electron microscopy. Article ordered: June 20, 1979.

Docket No. 79–00416. Applicant: New York University Medical Center, 500 First Avenue, New York, N.Y. 10016. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for diagnostic renal biopsies and research in experimental nephritis. Animal kidneys will be examined to determine sites of immune complex deposition and tracers that are injected such as ferritin. The article will also be used in an on-going training program which is part of residency in Pathology. Article ordered: July 17, 1979.

Docket No. 79–00422. Applicant: Sidney Farber Cancer Institute, 44 Binney Street, Boston, Mass. 02115. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in research involving the study of the structure of various molecules such as nucleic acids (DNA and RNA), proteins and ultrastructural features of eucaryotic cells like mitochondria, chloroplasts, centrioles virus particles etc. The objectives of the research are to investigate various aspects of the metabolism and growth of viruses, macromolecular aspects of genetic processes and factors involved in the control of cellular growth. All of this research is cancer related. Application received by Commissioner of Customs: September 19, 1979.

Docket No. 80–00008. Applicant: Case Western Reserve University, University Circle, Cleveland, Ohio 44106. Article: Electron Microscope, Model EM 400T. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for microdiffraction or microchemical analysis in the following projects:

1. Composition of coherent precipitates in partially-stabilized ZrO_2.
2. Crystallography of the TiO_2 precipitate in star sapphire.
3. Grain boundary segregation.
4. M/O ratios in non-stoichimetric oxides.
5. Composition of oxide scales.
6. Diffusion-controlled phase transformations.
7. Studies of electrocatalysis.
8. Thin film microanalysis.

The article will also be used in the courses EMMS 509 and EMMS 312 to teach students the practical use, theory, and applications of electron microscopy to metallurgy and materials science, particularly the advanced applications of transmission electron microscopy (TEM), scanning transmission electron microscopy (STEM), x-ray energy dispersive spectrometry (XEDS), and electron energy loss spectrometry (EELS). Article ordered: August 29, 1979.

Docket No. 80–00009. Applicant: The Ohio State University Research Foundation, 1314 Kinnear Road, Columbus, Ohio 43212. Article: Electron Microscope, Model EM 109R. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the various studies of the following organisms:

1. Nuclear polyhedrosis viruses of insects—use of insect pathogens (viruses) as possible agents in insect control.
2. Hydra, algae and marine snails—an understanding of how foreign articles are retained or removed by cells; an understanding of sensory organs in mollusca.
3. Salamanders—An understanding of how vertebrate limb regeneration is controlled.
4. Mosquitoes—Control of mosquitoes through an understanding of cell structure and physiology.
5. Parasitic nematodes—Control of parasites of commercially important fish species.
6. Rats and trout; chambered nautilus—An understanding of how insulin activity may be related to atherosclerosis.
7. Protozoan parasites—Understanding of physiology/biochemistry of mammalian parasites, including tapeworms and the causative agent of toxoplasmosis.
8. Rats and humans—An understanding of the relationship between hormone receptors and breast cancer.
9. Various vertebrates—Documentation of the effects of various pesticides on the structure and function of endocrine organs in wildlife and domestic animal species.

Article ordered: September 6, 1979.

Docket No. 80–00012. Applicant: Rutgers, The State University, Waksman Institute of Microbiology, P.O. Box 759, Piscataway, New Jersey 08854. Article: Electron Microscope, Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of viruses—structure of avian coronaviruses, localization and structure of spiroplasma viruses, morphogenesis of bacteriophages, and characterization of baculovirus polyhedra in mammalian cells—cytochemical and immunological studies of yeast alkaline phosphatase, factors affecting yeast mating types, taxonomical studies of actinomycetes, characterization of developmental mutants of the fungus *aspergillus Nidulans*, bacteriophage DNA structure and replication, and factors affecting release of the enzyme penicillianase from *Bacillus licheniformis*. Experiments will be conducted seeking a better understanding of the molecular bases of such phenomena as cellular differentiation, protein transport across cell membranes, hormone interactions with cell surfaces, plant pathogenesis associated with Spiroplasmas, viral morphogenesis, and the symbiotic relationships involved in nitrogen fixation between specific plants and actinomycetes. The article will be used in the course "Practical Microscopy" to introduce students to modern electron microscopical techniques, so that they may successfully undertake appropriate research projects with a minimum of additional instruction. Article ordered: September 15, 1979.

Docket No. 80–00014. Applicant: North Dakota State University, College Station, Fargo, North Dakota 58105. Article: Electron Microscope, Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in the following studies (1) use of chloroplast mutants as a tool in elucidating the genetic factors governing photosynthesis and the ultrastructural development of plastids, (2) examination of the morphological and cytological changes in bacterial and fungal spores when airborne and specific studies of spore germination, penetration, susceptibility and relationships between host cells and pathogens, (3) evaluate the purity of various research preparations and the cytological effects due to virus infections, (4) detection of polio, IBR, and other herpes viruses in river and water sediments, (5) taxonomy and classification of insects and (6) determine the ultrastructure of bat kidney to determine the mechanism by which they can tolerate a diet of meal worms without drinking water. The article will also be used to teach a course entitled "Techniques in Electron Microscopy". Article ordered: October 10, 1979.

Docket No. 80–00015. Applicant: Columbia University, College of Physicians and Surgeons, 630 W. 168th Street, New York, N.Y. 10032. Article: The article is intended to be used for studies of sections of muscle and other biological specimens embedded in epoxy resins. The experiments will be physiological or pharmacological treatments of muscle fiber bundles or of single muscle cells to determine the alterations of muscle fiber structure produced. In addition, the article will be used for the training of advanced graduate students or post-doctoral fellows who will already be familiar with ordinary electron microscopes. Article ordered: July 31, 1979.

Docket No. 80–00016. Applicant: Miami University, Oxford, Ohio 45056. Article: Electron Microscope, Model JEM 100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the investigation of structural details of single nerve and muscle to understand how nerve and muscle cells become connected together morphologically. The article will be used for individualized instruction of graduate students in the techniques of electron microscopy. Article ordered: July 25, 1979.

Docket No. 80–00019. Applicant: Veterans Administration Medical Center, Highway 6, Iowa City, Iowa 52240. Article: Electron Microscope Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of a wide variety of tissues both animal and human such as: endothelium of blood vessels, epithelial surfaces, developing tooth dentin, bacterial, cell and viral cultures, muscle, nerve, kidney, liver and lung. The properties to be investigated will in general be the developmental pathological and experimental ultrastructural features in the various tissues. These include: specialized structures of neoplasms, the geometry and elemental constitution of early crystalline phases in dentin, the formation and differentiation of endothelial junctional complexes, antibody response of endothelial cells and cell cultures, insulin receptor sites, cell surface response to bacterial toxins and other agents, the presence and concentration of particular elements such as copper in cases of Wilson's disease. These investigations will be conducted in order to understand the effects of antiendothelial antibodies on brain vessels, obtain a 3-dimensional and elemental model of the crystalline components of dentin, develop treatment modalities for infectious diseases, and to understand the reactions and interrelationships of vessel wall components in injury and vascular disease. Article ordered: September 4, 1979.

Docket No. 80–00021. Applicant: Louisiana State University Medical Center, 1440 Canal Street, Suite 1510, New Orleans, LA 70112. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the study of eye tissue and other biological tissue. The wide range of phenomena to be studied include pathological changes in biological tissue, virus-induced changes, physiological processes, drug induced changes particularly in ocular and ocular adnexal tissue requiring electron microscopic examination. Article ordered: August 27, 1979.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

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The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-9032 Filed 3-24-80; 8:45 am]

BILLING CODE 3510-25-M

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e)).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666-11th Street, N.W. (Room 735), Washington, D.C.

Docket No. 79-00417. Applicant: University of Pennsylvania School of Medicine, 454 Johnson Pavilion/G2, 36th and Hamilton Walk, Philadelphia, Pennsylvania 19104. Article: LKB 2128-010 Ultrotome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for sectioning biological materials that have been embedded in epoxy. Especially important are studies using monolayers of normal and neoplastic cells. These studies will be conducted to further basic knowledge of the cellular pathways of toxins and growth factors. The article will also be used to teach electron microscopy techniques to pre- and post-doctoral students in Neuropathology and physicians who specialize in neuropathology. Advice submitted by the Department of Health, Education, and Welfare: January 3, 1980. Article ordered: December 29, 1978.

Docket No. 79-00433. Applicant: University of Alabama in Birmingham, University Station, Birmingham, Alabama 35294. Article: LKB 2088 Ultrotome V Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section human and animal tissues such as enamel, dentin, bone, tumors and soft tissues of oral cavity which have been embedded in hardened epoxy resins for examination by electron microscopy. One research project will involve the investigation of ultrastructure and cytochemistry of leukocyte growth and division in normal and pathological conditions with the following objective: (1) to determine the location and function of complex carbohydrates in leukocyte lysosomal granules; (2) to characterize dysgranulopoietic conditions in congenital neutropenia and (3) to identify abnormalities of granulogenesis in leukemia granulocytes. Another project is the investigation of the ultrastructure and cytochemistry of iron and lead metabolism with the following objectives: (1) to develop cytochemical and autoradiographic techniques for the ultrastructural identification of iron and lead; (2) to identify mechanisms for normal and pathologic deposition of tissue iron and lead; (3) to determine the subcellular location of iron release from transferrin and (4) to determine the pathway and mechanism of iron and lead uptake in duodenal absorptive cells. The article is also to be used in the courses entitled "Selected topics in physiology related to dental research" and "Special topics in Biomaterials" and post-doctoral training programs in Caries Research and applicants in Pathology. The courses will involve a study of general principles of techniques and the use of the electron microscope to study the fine structure of cells and various subcellular organelles and the employment of cytochemical staining methods to localize various enzymes. Advice submitted by the Department of Health, Education, and Welfare: January 3, 1980. Article ordered: July 27, 1978.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each of the foreign articles provides a range of cutting speeds equal to or better than 0.1 to 20 millimeters per second. The MT/5000 ultramicrotome manufactured domestically by the DuPont/Sorvall Division of the DuPont Company (Sorvall) became available on April 24, 1979. The MT/5000 has a cutting speed range of 0.1 to 39.9 mm/sec. However, at the time the foreign articles were ordered, the most closely comparable domestic instrument was Sorvall's Model MT-2B ultramicrotome. The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments. We, therefore, find that the Sorvall Model MT-2B ultramicrotome was not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-9033 Filed 3-25-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Richard Scott Borgus (P234).

b. Address: 614B 15th Place #13, Kenosha, Wisconsin 53140.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Atlantic bottlenose dolphins (Tursiops truncatus), 6.

4. Type of Take: To capture and maintain for the purpose of public display.

5. Location of Activity: West Coast of Florida.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described applications have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before April 24, 1980. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Blvd., St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: March 19, 1980.

William Aron,

Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 80-9062 Filed 3-24-80; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Zoo Duisburg AG.

b. Address: Mulheimer Strasse 273, 4100 Duisburg 1, West Germany (P226).

2. Type of Permit: Public Display.

3. Name and Number of Animals: Atlantic bottlenose dolphins (*Tursiops truncatus*), 2.

4. Type of Take: Animals will be captured for permanent maintenance in a public display facility.

5. Location of Activity: Copano Bay, Gulf of Mexico.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before April 24, 1980. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11614, March 12, 1975). In this regard, the application:

(a) Was submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the Veterinaramt of West Germany, that Department being responsible, among other things, for ensuring the suitable care of animals in captivity;

(b) Includes a statement that the Veterinaramt:

i. Has verified the information set forth in the application;

ii. Will monitor compliance with the terms and conditions of the permit, and will do so, if and when necessary; and,

iii. Will have no objection to a National Marine Fisheries Service decision to amend, suspend, or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Veterinaramt have been found appropriate and sufficient to allow consideration of this permit application.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Adminstrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: March 19, 1980.

William Aron,

Director, Officer of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 80-9061 Filed 3-24-80; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Issuance of Permit

On January 30, 1980, Notice was published in the **Federal Register** (45 FR 6819), that an application had been filed with the National Marine Fisheries Service by the University of Guelph, Department of Pathology, Ontario Veterinary College, Guelph, Ontario, Canada N1G 2W1, to take four (4) Atlantic bottlenose dolphins (*Tursiops truncatus*) for scientific research.

Notice is herby given that on March 17, 1980, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Scientific Research Permit for the above taking to the University of Guelph, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administator for Fisheries, National Marine Fisheries, Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: March 17, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-9059 Filed 3-24-80; 8:45 am]

BILLING CODE 3510-22-M

V45/59 MAR 25 80 UMI

National Marine Fisheries Service; Issuance of Permit

On February 4, 1980, Notice was published in the **Federal Register** (45 FR 7610), that an application had been filed with the National Marine Fisheries Service by Ocean Park Limited, Wong Chuk Hang Road, Aberdeen, Hong Kong, for a permit to take five (5) rehabilitated beached/stranded California sea lions *(Zalophus californianus)* for the purpose of public display.

Notice is hereby given that on *March 17, 1980* and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Public Display permit for the above taking to Ocean Park, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 17, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-9060 Filed 3-24-80; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Scientific and Statistical Committee of the Pacific Fishery Management Council, established under Section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), has changed its meeting times and location (FR Vol. 45, No. 42, Friday, February 29, 1980, page 13498).

DATES: The meeting will convene on Tuesday, April 8, 1980, at 1 p.m., Wednesday, April 9, 1980, at 8 a.m.; adjourning at 5 p.m. on both days.

ADDRESS: The meeting will take place at the Oregon Department of Fish and Wildlife Building, S.W. 6th and Mill Streets, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201, Telephone: (503) 221–6352.

Dated: March 19, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-9058 Filed 3-24-80; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Commerce Technical Advisory Board; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976) notice is hereby given that the Commerce Technical Advisory Board will hold a meeting on Thursday, April 10, 1980 from 9:00 a.m. until 5:00 p.m. and on Friday, April 11, 1980 from 9:00 a.m. until 12 o'clock noon in Room 3868–A, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community.

Tentative agenda items include: 1. Presentation of Final Report on Development of Human Resources for Technological Innovation.

2. Progress Report on Development of a Structure for U.S. Science and Technology Information.

3. Implementation and Plans for the Office of Productivity, Technology and Innovation.

The meeting will be open to public observation. The public may submit written statements or inquiries to the Chairman before or after the meeting. A limited number of seats will be available to the public and to the press on a first-come, first-served basis.

Copies of minutes and materials distributed will be made available for reproduction followig certification by the Chairman, in accordance with the Federal Advisory Committee Act, in Room 3867, Department of Commerce, Washington, D.C. 20230.

Further information may be obtained from Mrs. Florence S. Feinberg, Administrator, Room 3867, U.S. Department of Commerce, Washington, D.C. 20230. Telephone (202) 377–5065.

Dated: March 18, 1980.

Jordan J. Baruch,

Assistant Secretary for Productivity, Technology, and Innovation.

[FR Doc. 80-9053 Filed 3-24-80; 8:45 am]

BILLING CODE 3510-17-M

[Dept. Organization Order 10–4]

Assistant Secretary for Economic Development; Statement of Organization, Functions, and Delegation of Authority

This order effective March 1, 1980 further amends the materials appearing at 40 FR 56702 of December 4, 1975, 40 FR 58878 of December 19, 1975, 41 FR 37829 of September 8, 1976, 42 FR 1064 of January 5, 1977, 42 FR 33051 of June 21, 1977, 42 FR 33052 of June 21, 1977, and 44 FR 55026 of September 24, 1979.

Department Organization Order 10–4 of September 30, 1975, is hereby further amended as shown below. The purpose of this amendment is to update the designation of Deputy Assistant Secretary positions (Section 3.).

In Section 3. Designation of positions, paragraph .02 is revised to read as follows:

".02 The following Deputy Assistant Secretarial positions are principal assistants of the Assistant Secretary: Deputy Assistant Secretary for Economic Development, Deputy Assistant Secretary for Economic Development Operations, Deputy Assistant Secretary for Economic Development Policy and Planning, and Deputy Assistant Secretary for Development Finance."

Effective date: March 1, 1980.

Guy W. Chamberlin, Jr.,

Acting Assistant Secretary for Administration.

[FR Doc. 80-8957 Filed 3-24-80; 8:45 am]

BILLING CODE 3510-17-M

[Dept. Organization Order 45–1; Amdt. 2]

Economic Development Administration; Statement of Organization, Functions, and Delegation of Authority

This order effective March 1, 1980 further amends the materials appearing at 44 FR 9414 of February 13, 1979 and 44 FR 55026 of September 24, 1979.

Department Organization Order 45–1 dated January 11, 1979 is hereby amended as shown below. The purpose of this amendment is to reorganize headquarters development finance activities under a newly established Deputy Assistant Secretary for Development Finance.

1. In Section 6. Deputy Assistant Secretary for Economic Development Operations. a. In pen and ink, change subparagraph .01b.2. to read "Technical Assistance, except with respect to the Development Finance Program;"

b. In pen and ink, delete subparagraph .01b.5. and renumber subparagraphs .01b.6. and 7., as .01b.5. and 6.

c. In pen and ink, delete subparagraph 6.02b. and renumber subparagraphs 6.02c., d., and e., as 6.02b., c., and d.

2. A new Section 7. is added to read as follows:

In Section 7. Deputy Assistant Secretary for Development Finance.

".01 The Deputy Assistant Secretary for Development Finance shall be responsible for implementing the Development Finance Program (DFP) which uses financial incentives such as loans and loan guarantees to encourage business investment in economically distressed areas, to provide employment and to improve the tax base. The functions of the Office are to:

"a. Develop policies and procedures for implementing the following program authorities:

"1. Business loans, loan guarantees and technical assistance for development finance under the Public Works and Economic Development Act of 1965, as amended; and

"2. Direct loans and loan guarantees under the Trade Act of 1974.

"b. Develop, recommend and implement standards, policies, and criteria for the technical evaluation and processing of project applications for assistance under the above authorities.

"c. Review and recommend approval or denial of project applications to the Assistant Secretary and approve amendments to loan guarantees, direct loan packages, and DFP technical assistance grants.

"d. Evaluate activities of the Regional Offices in their implementation of DFP policies, standards, and procedures for processing project applications, for administering approved projects and for providing technical assistance grants.

"e. Monitor on a continuing basis the overall effectiveness of the development finance projects at the national and regional level, and recommend and implement new policy and program approaches.

"f. Provide direction to ensure coordination of DFP activities with EDA public works, revolving loan funds, planning, policy, research, evaluation and other technical assistance activities.

"g. Provide direction to ensure coordination of the DFP with other Federal bodies, State and local governments, national organizations and private sector institutions; participate with the Office of Policy, Evaluation and Research in analytical presentations and discussions with the White House staff, OMB, other Federal agencies, the Congress and members of the financial and business development communities, and public officials.

".02 The Deputy Assistant Secretary for Development Finance shall direct and supervise the activities of the following organizational elements:

"a. The Office of Development Finance Management shall be responsible for providing overall guidance and coordination of DFP activities to ensure that Regional and Headquarters offices effectively implement the DFP. The functions of the Office are to:

"1. Develop, implement and evaluate the policies, standards and procedures for the operation of the DFP in Headquarters and the Regional Offices.

"2. Translate these policies and procedures into basic operating standards and performance measures for Headquarters and Regional Offices.

"3. Recommend national and regional DFP program objectives; coordinate, manage and monitor the DFP portfolio to ensure compliance with program standards and objectives, and recommend the redirection of resources to ensure achievement of the DFP overall goals.

"4. Develop and implement policies and programs to establish the nationwide DFP delivery system and administer the DFP technical assistance program.

"5. Develop and manage EDA's broad-based DFP outreach program; provide guidance and assistance to Regional Offices and other EDA and non-EDA organizations about the DFP delivery system; and provide resource persons for this outreach program.

"6. Develop and administer a nationwide DFP training program for EDA Headquarters, Regional Offices, and non-EDA public and private participants; periodically review and recommend continuation or changes to the training program.

"7. Serve as the primary contact between the Deputy Assistant Secretary for Development Finance and officials of other EDA offices, Federal executive and legislative offices, State and local governments, public interest groups and private sector organizations and institutions to ensure effective coordination of the DFP and related activities.

"8. Represent the Deputy Assistant Secretary for Development Finance on inter- and intra-agency committees and task forces related to the formulation of Agency-wide and Administration development policy and programs; ensure coordination and implementation of DFP related inter- and intra-agency agreements.

"9. Develop, implement and evaluate demonstration efforts relevant to the DFP to improve its operations.

"10. Serve as the primary contact between the Deputy Assistant Secretary for Development Finance with the Office of Operational Planning and Control (OOPAC) on all activities affecting the DFP; in coordination with OOPAC, provide guidance to the Regional Offices in the development of their regional strategies; review and monitor the strategies; develop the management information system requirements to define and monitor performance measures, to provide budget program information to track investments and to ensure consistency among program activities and regional strategies, allocation plans and agency policies.

"11. In coordination with the Office of Policy, Evaluation and Research, participate in recommending and monitoring contracts for research and evaluation of DFP program and policies.

"12. Conduct postapproval reviews of selected DFP projects to determine adherence to EDA policy and guidelines; develop, in conjunction with the Office of the Inspector General, criteria for audits of the DFP, including adherence to EDA policy and programmatic requirements.

"13. Develop DFP program handbooks, bulletins and directives for DFP offices; prepare materials relating to the policies and operation of DFP, its delivery system and related programs for briefings, testimony and reports for the Congress, other Federal agencies, and the public.

"14. Provide the administrative support for the DFP including such functions as the control of funds for travel, supplies, repairs; control of all DFP correspondence; the coordination of budget and personnel information; and forms development, printing and dissemination.

"15. Review proposed legislation and materials involving EDA and non-EDA programs for impact on the DFP; and, in coordination with the Chief Counsel's staff, recommend responses and draft legislation as appropriate.

"b. The *Office of Development Finance Projects* shall be responsible for the processing of projects in headquarters and making recommendations to assist the Office of Development Finance Management in establishing feasible policies and procedures for field and headquarters processing of development finance projects. The functions of the Office are to:

"1. Develop, negotiate and process projects of a special investment, national prototype and industrial sector

nature, and those referred to the Office of Development Finance Projects (ODFP) for processing by the Regional Offices.

"2. Review the recommendations made by Regional Offices for the approval of applications for direct loans, loan guarantees, and other forms of financial assistance, and advise the Deputy Assistant Secretary on such recommendations.

"3. Make final recommendations to the Deputy Assistant Secretary to deny, approve or restructure loans and loan guarantees, as well as all amendments and actions on them which require approval prior to transferring them to the Office of Portfolio Administration for servicing.

"4. Advise, assist and make recommendations to applicants preparing national, prototype, special or industrial sector project applications.

"5. Evaluate and make recommendations regarding comprehensive financing, after processing of such applications.

"6. On projects processed by the ODFP, provide supervision and construction monitoring for private sector investment projects, including certifications for loan disbursements.

"7. Monitor the construction and disbursement status of all undisbursed and partially disbursed private sector investment projects as reported by the Regional Offices.

"8. Deobligate loan funds not required because of withdrawals, cancellations and underruns.

"9. Assist the Office of Development Finance Management in the development of standards and procedures for construction monitoring of and disbursement for private sector investment projects.

"10. Perform the headquarters processing responsibilities for the Special Incentives program, which will include such projects as employee stock ownership plans and new technology commercialization demonstration projects.

"11. Assist the Office of Development Finance Management in the development, review and evaluation of operation of the Special Incentives program to ensure uniform implementation of the program policies, guidelines, standards, forms and procedures.

"12. Ensure that actions taken to accept, develop, process, review and approve development financing projects are consistent with OMB Circulars, Executive Orders, pertinent statutes and the CFR.

"13. Assist the Office of Development Finance Management to provide appropriate oversight, training, and technical expertise to the Regional Offices for the uniform implementation of the development financing program policies and requirements.

"14. Maintain liaison with other Federal agencies having grant-in-aid programs which may supplement or impact on Special Incentives projects, and other EDA development financing programs.

"15. Provide project oversight taking into account program and policy compliance, and take appropriate measures to correct noncompliance.

"c. The *Office of Portfolio Administration* shall be responsible for the management of the business loan and loan guarantee portfolio, assisting the Office of Development Finance Management in the development and evaluation of effective loan administration policies and procedures carried out by Regional Offices and the Office of Portfolio Administration, and the orderly liquidation of DFP projects requiring such action. The functions of the Office are to:

"1. Perform such analysis and establish such means of communications so as to be familiar with and be able to report in a timely manner on the significant aspects of each EDA loan/guarantee including, but not limited to: economic impact, repayment ability, EDA collateral and security position, and Borrower's/Lender's compliance with loan/guarantee terms and conditions.

"2. Conduct the loan administration of EDA loans/guarantees requiring special servicing so as to sustain or restore EDA projects as viable operations through appropriate action, which may include the processing and recommendations of applications for new EDA financial and technical assistance, and/or modifications of existing loan/guarantee terms and conditions.

"3. Conduct activities in connection with obtaining appraisals, lien searches and title searches.

"4. Conduct the orderly liquidation of EDA projects incapable of continuing viable operations so as to dispose of the project assets acquired at foreclosure to the best advantage of the government, taking into consideration EDA's economic development goals.

"5. Direct all activities in connection with the care and preservation of EDA's collateral and security position in EDA loans/guarantees.

"6. Request the assistance of, and work with, EDA's Office of Chief Counsel and other Federal agencies toward the orderly liquidation of EDA loans/guarantees.

"7. Analyze and recommend for approval or denial modification actions to existing EDA loan/guarantee terms and conditions if requested by the Regional Offices.

"8. Assist the Office of Development Finance Management in the development of appropriate policy and procedural changes or corrective actions necessary to enhance the administration of EDA's loan/guarantee portfolio.

"9. Assist, advise and oversee the Regional Offices' Business Development Divisions in carrying out Office of Portfolio Administration loan administration program responsibilities; this may include assisting the Office of Development Finance Management in the development, implementation and administration of training programs for appropriate Regional Office personnel."

3. In pen and ink, renumber the existing Sections 7. through 13. as Sections 8. through 14., respectively.

4. The organization chart dated August 12, 1979 is superseded by the chart attached to this amendment. A copy of the organization chart is on file with the original of this document in the Office of the **Federal Register.**

Effective: March 1, 1980.

Guy W. Chamberlin, Jr.,

Acting Assistant Secretary for Administration.

[FR Doc. 80-8952 Filed 3-24-80; 8:45 am]

BILLING CODE 3510-17-M

[Dept. Organization Order 25-5B, Amdt. 5]

National Oceanic and Atmospheric Administration; Statement of Organization, Functions, and Delegation of Authority

This order effective March 5, 1980 further amends the materials appearing at 43 FR 51438 of November 3, 1978, 44 FR 3303 of January 16, 1979, 44 FR 15522 of March 14, 1979, 44 FR 24623 of April 26, 1979 and 44 FR 63128 of November 2, 1979.

Department Organization Order 25-5B dated October 16, 1978 is hereby further amended as shown below. The purpose of this amendment is to revise the functional statement of the Assistant Administrator for Policy and Planning to formalize the focal point within NOAA for the review of ecological and environmental conservation matters, and to include NOAA's assigned responsibilities by Section 4. of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978.

In *Section 6., Assistant Administrator for Policy and Planning,* a new sentence is added at the end of this paragraph to read as follows: "The Assistant Administrator shall act as a focal point for the review of all NOAA activities relating to ecological and environmental conservation matters and shall carrry out NOAA's responsibilities under Section 4. of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 (Pub. L. 95-273), which include the biennial preparation of a five-year Federal Plan and the inter-agency coordination necessary to develop and implement recommendations made by that plan."

Effective date: March 5, 1980.

Guy W. Chamberlin, Jr.,

Acting Assistant Secretary for Administration.

[FR Doc. 80-8951 Filed 3-24-80; 8:45 am]

BILLING CODE 3510-17-M

COUNCIL ON ENVIRONMENTAL QUALITY

Fourth Progress Report on Agency Procedures Implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions" (January 4, 1979)

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Information Only: Publication of Fourth Progress Report on Agency Procedures Implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions".

SUMMARY: On January 4, 1979, President Carter issued Executive Order 12114 entitled "Environmental Effects Abroad of Major Federal Actions." Executive Order 12114 requires all Federal agencies taking major Federal actions outside the U.S. which are encompassed by and not exempted from the Order, to have in effect procedures implementing the Order within 8 months after January 4, 1979 (i.e., by September 4, 1979). The Order requires agencies to consult with the Council on Environmental Quality and the Department of State before putting their implementing procedures in effect. The Council has previously published certain explanatory documents concerning implementation of E.O. 12114 (44 FR 18722, March 29, 1979). On September 26, 1979 the Council published its first progress report on agency procedures implementing the Executive Order (44 FR 55410), on November 6, 1979 a second progress report (44 FR 64101) and on January 29, 1980 a third progress report (45 FR 6638). The purpose of this fourth progress report is to provide an update on where affected agencies stand in this process.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006; (202) 395-5750.

Fourth Progress Report on Agency Procedures Implementing E.O. 12114

The progress report lists federal agencies in two categories. In Category 1 are agencies that have published proposed or final procedures implementing Executive Order 12114. Category 2 lists agencies that have prepared draft procedures or are in the process of developing such procedures, and contains an estimated time such procedures will be published in the **Federal Register.**

Category 1—Federal Agencies That Have Published Proposed or Final Procedures Implementing E.O. 12114

Department of Defense—Final Procedures issued April 12, 1979 (44 FR 21786).

Export-Import Bank of the United States—Final [1] Procedures issued August 20, 1979 (44 FR 50813).

Overseas Private Investment Corporation—Final [1] Procedures issued August 31, 1979 (44 FR 51385).

National Oceanic and Atmospheric Administration—Proposed Revised NOAA Directive Implementing NEPA and E.O. 12114, October 22, 1979 (44 FR 60779).

Department of Commerce—Proposed Procedures issued February 12, 1980 (45 FR 9307).

Department of Energy—Proposed Guidelines issued September 6, 1979 (44 FR 52146).

Department of State—(1) Foreign Affairs Manual Circular No. 807A, Procedures Implementing E.O. 12114,[1] (except nuclear actions) November 21, 1979 (44 FR 67004). (2) "Unified Procedures Applicable To Major Federal Actions Relating To Nuclear Activities Subject To Executive Order 12114," [1] November 13, 1979 (44 FR 65560).

Agency for International Development—Proposed Environmental Regulations, October 1, 1979 (44 FR 56378).

Department of Transportation—Contained in NEPA procedures (DOT Order 5610.1C) issued October 1, 1979 (44 FR 56420), Paragraph 16.

National Aeronautics and Space Administration—Contained in NEPA procedures, Section 1216.321 issued July 30, 1979 (44 FR 44490-44491).

Department of Agriculture—Proposed amendments (containing procedures implementing E.O. 12114) to departmental NEPA procedures, November 15, 1979 (44 FR 65768).

Environmental Protection Agency—Proposed procedures implementing E.O. 12114, November 29, 1979 (44 FR 68776).

[1] Although not published in proposed form for public review and comment, the preamble provides an opportunity for public comment on final procedures.

Category 2—Federal Agencies Scheduled To Publish Procedures Implementing E.O. 12114 in the Near Future

Department of Treasury—Proposed procedures implementing E.O. 12114 are awaiting final approval. (Publication anticipated by February 15, 1980).

Department of Interior—Draft procedures implementing E.O. 12114 are under preparation. These procedures are expected to be published in the near future.

Dated: March 20, 1980.

Nicholas C. Yost,

General Counsel.

[FR Doc. 80-9045 Filed 3-24-80; 8:45 am]

BILLING CODE 3125-01-M

Noncoal Minerals Mining and Reclamation; Extension of Time for Written Comments

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Extension of time for written comments on non-coal minerals mining and reclamation.

SUMMARY: On Tuesday, February 12, 1980 the Council published a notice in the **Federal Register** inviting public comments on a report entitled *Surface Mining of Non-Coal Minerals.* This report was prepared for the Council by the Committee on Surface Mining and Reclamation (COSMAR) of the National Research Council/National Academy of Sciences as required by Section 709 of the Surface Mining Control and Reclamation Act of 1977.

That notice stated that written comments on the COSMAR report would be accepted through *March 21, 1980.* Because the report and its appendices are lengthy, and because some persons had difficulty in obtaining the report from the Publications Office of the National Academy of Sciences, the Council has decided to extend the period for submission of written comments on the COSMAR report and related suggestions for legislative recommendations.

DATE: The comment period is hereby extended until *April 15, 1980.* All public comments must be received by that date.

ADDRESS: Comments should be sent to: Robert B. Smythe, Senior Staff Member for Natural Resources, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006. Additional information may be obtained from Mr. Smythe or Dr. Erik Rifkin at the above address; their telephone number is 202/395-4540.

V 45 / 59 MR 25 80 UMI

Dated: March 20, 1980.
Edward L. Strohbehn, Jr.,
Executive Director.
[FR Doc. 80-9057 Filed 3-24-80; 8:45 am]
BILLING CODE 3125-01-M

Publication of Seventh Progress Report on Agency Implementing Procedures Under the National Environmental Policy Act

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Information Only: Publication of Seventh Progress Report on Agency Implementing Procedures Under the National Environmental Policy Act.

SUMMARY: In response to President Carter's Executive Order 11991, on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act ("NEPA") (43 FR 55978–56007; 40 CFR 1500–08) Section 1507.3 of the regulations provides that each agency of the Federal Government shall have adopted procedures to supplement the regulations by July 30, 1979. The Council has indicated to Federal agencies its intention to publish progress reports on agency efforts to develop implementing procedures under the NEPA regulations. The purpose of these progress reports, the seventh of which appears below, is to provide an update on where agencies stand in this process and to inform interested persons of when to expect the publication of proposed procedures for their review and comment.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006; 202–395–5750.

Seventh Progress Report on Agency Implementing Procedures Under the National Environmental Policy Act

At the direction of President Carter (Executive Order 11991), on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act ("NEPA"). These regulations appear at Volume 43 of the **Federal Register**, pages 55978–56007 and in forthcoming revisions to Volume 40 of the Code of Federal Regulations, Sections 1500–1508. Their purpose is to reduce paperwork and delay associated with the environmental review process and to foster environmental quality through better decisions under NEPA.

Section 1507.3 of the NEPA regulations provides that each agency of the Federal government shall adopt procedures to supplement the regulations. The purpose of agency "implementing procedures," as they are called, is to translate the broad standards of the Council's regulations into practical action in Federal planning and decisionmaking. Agency procedures will provide government personnel with additional, more specific direction for implementing the procedural provisions of NEPA, and will inform the public and State and local officials of how the NEPA regulations will be applied to individual Federal programs and activities.

In the course of developing implementing procedures, agencies are required to consult with the Council and to publish proposed procedures in the **Federal Register** for public review and comment. Proposed procedures must be revised as necessary to respond to the ideas and suggestions made during the comment period. Thereafter, agencies are required to submit the proposed final version of their procedures for 30 day review by the council for conformity with the Act and the NEPA regulations. After making such changes as are indicated by the Council's review, agencies are required to promulgate their final procedures. Although CEQ's regulations required agencies to publish their procedures by July 30, 1979 a number of Federal agencies did not meet this deadline. We stress, however, that the CEQ regulations are in effect now and are binding on all agencies of the Federal government now, whether or not the agencies are on time or laggard with their own procedures.

The Council published its first progress report on agency implementation procedures on May 7, 1979, its second report on July 23, 1979, its third report on September 26, 1979, its fourth report on November 2, 1979, its fifth report on December 14, 1979 and its sixth progress report on January 29, 1980. (44 FR 26781–82; 44 FR 43037–38; 44 FR 55408–55410; 44 FR 63132–63133; 44 FR 72622–72623; 45 FR 6638–6640.) The seventh progress report appears below. The Council hopes that concerned members of the public will review and comment upon agency procedures to insure that the reforms required by President Carter and by the Council's regulations are implemented. Agencies preparing implementing procedures are listed under one of the following four categories:

Category 1: Final Procedures Have Been Published

This category includes agencies whose final procedures have appeared in the **Federal Register:**

Advisory Council on Historic Preservation, 45 FR 4353 (Jan. 22, 1980).
Central Intelligence Agency, 44 FR 45431 (Aug. 2, 1979).
Department of Agriculture, 44 FR 44802 (July 30, 1979).
  Animal and Plant Health Inspection Service, 44 FR 50381 (Aug. 28, 1979) [correction: 44 FR 51272 (Aug. 31, 1979)].
  Forest Service, 44 FR 44718 (July 30, 1979).
  Soil Conservation Service; 44 FR 50576 (Aug. 29, 1979).
  Rural Electrification Administration, 45 FR 6592 (Jan. 29, 1980).
Department of Defense, 44 FR 46841 (Aug. 9, 1979).
Department of Transportation, 44 FR 56420 (Oct. 1, 1979).
  Federal Aviation Administration, 45 FR 2244 (Jan. 10, 1980).
Department of the Treasury, 45 FR 1828 (Jan. 8, 1980).
Environmental Protection Agency, 44 FR 64174 (Nov. 6, 1979).
Export-Import Bank, 44 FR 50810 (Aug. 30, 1979).
General Services Administration, 45 FR 83 (Jan. 2, 1980).
  Public Buildings Service (see 44 FR 65675, Nov. 14, 1979).
International Communications Agency, 44 FR 45489 (Aug. 2, 1979).
Marine Mammal Commission, 44 FR 52837 (Sept. 11, 1979).
National Aeronautics and Space Administration, 44 FR 44485 (July 30, 1979) [corrections: 44 FR 49650 (Aug. 24, 1979); 44 FR 69920 (Dec. 5, 1979)].
National Capitol Planning Commission 44 FR 64923 (Nov. 8, 1979).
National Science Foundation, 45 FR 39 (Jan. 2, 1980).
Overseas Private Investment Corporation, 44 FR 51385 (Aug. 31, 1979) [NEPA Procedures are contained in this agency's procedures implementing Executive Order 12114 cited above].
Postal Service, 44 FR 63524 (Nov. 5, 1979).
Small Business Administration, 45 FR 7358 (Feb. 1, 1980).
Water Resources Council, 44 FR 69921 (Dec. 5, 1979).

Category 2: Proposed Procedures Have Been Published

This category includes agencies whose proposed procedures have appeared in the **Federal Register**. Those agencies whose final procedures are expected within 30 days are marked with a single asterisk (*); those expected within 60 days by a double asterisk (**):

ACTION, 44 FR 60110 (Oct. 18, 1979).
Agency for International Development, 44 FR 56378 (Oct. 1, 1979).*
Civil Aeronautics Board, 44 FR 45637 (Aug. 3, 1979).* [reissuance of part: 45 FR 16132 (Mar. 12, 1980)].

Consumer Product Safety Commission, 44 FR 62526 (Oct. 31, 1979).
Department of Agriculture—
  Agriculture Stabilization and Conservation Service, 44 FR 44167 (July 27, 1979) [correction: 44 FR 45631 (Aug. 3, 1979)].*
  Science and Education Administration, 45 FR 11147 (Feb. 20, 1980).
Department of Defense—
  Department of the Air Force, 44 FR 44118 (July 26, 1979).*
  Department of the Army, Corps of Engineers, 44 FR 38292 (June 29, 1979)*.
  Department of the Army, 45 FR 1086 (Jan. 4, 1980).
Department of Commerce—
  National Oceanic and Atmospheric Administration, 44 FR 60779 (Oct. 22, 1979).*
Department of Energy, 44 FR 42136 (July 18, 1979).*
  Federal Energy Regulatory Commission, 44 FR 50052 (Aug. 27, 1979).*
Department of Health, Education, and Welfare, 45 FR 14651 (Mar. 6, 1980).
  Food and Drug Administration, 44 FR 71742 (Dec. 11, 1979).
Department of Housing and Urban Development, 44 FR 67906 (Nov. 27, 1979).*
  Community Development Block Grant Program 44 FR 45568 (Aug. 2, 1979).*
Department of the Interior, 44 FR 40436 (July 10, 1979).*
  Water and Power Resources Service, 44 FR 47627 (Aug. 14, 1979).*
  Heritage Conservation and Recreation Service, 44 FR 49523 (Aug. 23, 1979).*
  Fish and Wildlife Service, 44 FR 65822 (Nov. 15, 1979).**
  Bureau of Mines, 45 FR 10043 (Feb. 14, 1980).
  Office of Surface Mining Reclamation and Control, 45 FR 10043 (Feb. 14, 1980).
Department of Labor, 44 FR 69675 (Dec. 4, 1979).
Department of Justice, 44 FR 43751 (July 26, 1979).*
  Drug Enforcement Agency, 44 FR 43754 (July 26, 1979).*
  Immigration and Naturalization Service, 44 FR 43754 (July 26, 1979).*
  Bureau of Prisons, 44 FR 43753 (July 26, 1979).*
Department of State, 44 FR 66838 (Nov. 21, 1979).*
Department of Transportation—
  Coast Guard, 44 FR 59306 (Oct. 15, 1979).*
  Federal Highway Administration, 44 FR 59438 (Oct. 15, 1979).*
  Federal Railroad Administration, 44 FR 40174 (July 9, 1979).*
  Urban Mass Transportation Administration, 44 FR 59438 (Oct. 15, 1979).*
Federal Communications Commission, 44 FR 38913 (July 3, 1979).**
Federal Emergency Management Agency, 44 FR 70197 (Dec. 6, 1979).
Federal Maritime Commission, 44 FR 29122 (May 18, 1979).*
Federal Trade Commission, 44 FR 42712 (July 20, 1979).
International Boundary and Water Commission (U.S. Section), 44 FR 61665 (Oct. 26, 1979).*
Interstate Commerce Commission, 45 FR 15236 (Mar. 10, 1980).
National Credit Union Administration, 45 FR 12211 (Feb. 25, 1980).
Nuclear Regulatory Commission, 45 FR 13739 (Mar. 3, 1980).
Pennsylvania Avenue Development Corporation, 44 FR 45925 (Aug. 6, 1979).
Tennessee Valley Authority, 44 FR 39679 (July 6, 1979).*
Veterans Administration, 44 FR 48281 (Aug. 17, 1979).*

Category 3: Anticipate Publication of Proposed Procedures by May 1, 1980

This category includes agencies that are expected to publish proposed procedures in the **Federal Register** by May 1, 1980.

Arms Control and Disarmament Agency.
Bureau of Indian Affairs.
Bureau of Land Management.
Department of Health, Education, and Welfare.
Economic Development Administration.
Federal Reserve System.
Geological Survey.
Law Enforcement Assistance Administration.
National Park Service.

Category 4: Publication of Proposed Procedures Delayed Beyond May 1, 1980

This category includes agencies that are *not* expected to publish proposed procedures in the **Federal Register** by May 1, 1980.

Appalachian Regional Commission.
Community Services Administration.
Department of the Navy.
Defense Logistics Agency.
Farm Credit Administration.
Farmers Home Administration.
Federal Deposit Insurance Corporation.
Federal Home Loan Bank Board.
Federal Savings and Loan Insurance Corporation.
METRO.
National Highway Traffic Safety Administration.
Saint Lawrence Seaway Corporation.
Securities and Exchange Commission.

The development of agency implementing procedures is a critical stage in Federal efforts to reform the NEPA process. These procedures must, of course, be consistent with the Council's regulations and provide the means for reducing paperwork and delay and producing better decisions in agency planning and decisionmaking.

Interested persons will have the opportunity to make their suggestions for improving agency procedures when they are published in the **Federal Register** in proposed form. Broad public participation at this crucial juncture could go a long way toward ensuring that the goals of the NEPA regulations are widely implemented in the day-to-day activities of government.

Nicholas C. Yost,
General Counsel.
March 20, 1980.
[FR Doc. 80-9044 Filed 3-24-80; 8:45 am]
BILLING CODE 3125-01-M

DEPARTMENT OF DEFENSE

Defense Advisory Committee on Women in the Services (DACOWITS); Meeting

Pursuant to Pub. L. 92–463 notice is hereby given that a meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held 21–25 April 1980 at the Hotel Washington, and the Pentagon, Washington, DC.

The purpose of the DACOWITS Committee is to assist and advise the Secretary of Defense on matters relating to women in the Services. The Committee meets semi-annually.

Sessions will be conducted daily as indicated and will be open to the public. The agenda will include the following meetings and discussions:

Monday, 21 April 1980—Hotel Washington

4:00 p.m. to 10:00 p.m.—Registration.
To be determined—Executive Committee Meeting.
6:00 p.m. to 7:00 p.m.—Orientation Briefing for New Members.
7:00 p.m. to 8:30 p.m.—"No-Host" Cocktail Buffet.

Tuesday, 22 April 1980—Capitol Hill

9:00 a.m. to 5:00 p.m.—Seminar on "Women in the Military," co-sponsored by the DACOWITS and the Congresswomen's Caucus.

Wednesday, 23 April 1980—OSD Conference Room, 1E801, the Pentagon and Hotel Washington

9:00 a.m. to 9:45 a.m.—Official Opening.
10:00 a.m. to 12:00 a.m.—OSD/Service Briefings.
12:00 noon to 1:30 p.m.—Luncheon (By invitation only).
1:30 p.m. to 5:00 p.m.—Subcommittee Meetings.
7:00 p.m.—Executive Committee and Military Representatives to DACOWITS Meeting.

Friday, 25 April 1980—Hotel Washington

9:00 a.m. to 10:45 a.m.—General Business Session. Presentations by members of the Public.
10:45 a.m.—Adjourn.

Members of the public will not be permitted to go on the field trip or attend the social functions.

The following rules and regulations will govern the participation by members of the public at the meeting:

V45/59 MR 25 80 UMI

V 45 / 59 MR 25 80 UMI

(1) All business sessions, to include Executive Committee sessions, will be open to the public.

(2) Interested persons may submit a written statement and/or make an oral presentation for consideration by the committee during the meeting.

(3) Persons desiring to make an oral presentation or submit a written statement to the committee must notify Captain Mary J. Mayer, USAF, DACOWITS, Executive Secretary, OASD (Manpower, Reserve Affairs, and Logistics), Room 3D322, the Pentagon, Washington, D.C. 20301, (202) 697–5655/5656 by 10 April 1980.

(4) Length and number of oral presentations to be made will depend on the number of requests received from the members of the public.

(5) Oral presentations by members of the public will be permitted only from 9:00 a.m. to 9:30 a.m. on Friday, 25 April 1980 before the full committee.

(6) Each person desiring to make an oral presentation or submit a written statement must provide the DACOWITS Secretariat with 40 copies of the presentation/statement by 10 April 1980.

(7) Persons submitting a written statement only for inclusion in the minutes of the meeting must submit one (1) copy either before or during the meeting or within five (5) days after the close of the meeting.

(8) Members of the public will not be permitted to enter into the oral discussion conducted by the committee members at any of the sessions; however, they will be permitted to reply to questions directed to them by the members of the committee.

(9) Members of the public will be permitted to orally question the scheduled speakers if time allows after the official participants have asked questions and/or made comments.

(10) Questions from the public will not be accepted during the subcommittee sessions, the Executive committee sessions, or the final general session on Friday, 25 April 1980.

Additional information regarding the committee and/or this meeting may be obtained by contacting the DACOWITS Executive Secretary, OASD (MRA&L), The Pentagon, Washington, D.C. 20301.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters, Department of Defense.

March 20, 1980.

[FR Doc. 80-8975 Filed 3-24-80; 8:45 am]

BILLING CODE 3810-70-M

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, May 6, 1980; Tuesday, May 13, 1980; Tuesday, May 20, 1980 and Tuesday, May 27, 1980 at 10:00 a.m. in Room 3D–325, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b (4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D–281, The Pentagon, Washington, D.C.

Dated: March 19, 1980.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 80-8975 Filed 3-24-80; 8:45 am]

BILLING CODE 3810-70-M

Task Force on Evaluation of Audit, Inspection and Investigative Components of the Department of Defense; Advisory Committee Meeting

Pursuant to the Federal Adivsory Committee Act, as amended, Section 10, 5 U.S.C. app. Section 10 (1976), notice is hereby given that a meeting of the Task Force on Evaluation of Audit, Inspection and Investigative Components of the Department of Defense will be held on April 7, 1980 from 1000 to 1200 and 1330 to 1600, in Room 3D973, The Pentagon, Washington, D.C.

The mission of the Task Force is to advise Congress and the Secretary of Defense with respect to the effectiveness of the audit, inspection and investigative components of the Department of Defense.

The meeting will be open to the public.

Dated: March 19, 1980.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 80-8977 Filed 3-24-80; 8:45 am]

BILLING CODE 3810-77-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Energy Supply and Environmental Coordination Act, Intention To Rescind Prohibition Orders

The Department of Energy (DOE) [1] hereby gives notice that, acting under the authority granted to it in Section 2(f) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended (15 U.S.C. 792(f)) and implemented by 10 CFR § 303.130(b), it intends to rescind the Prohibition Orders issued on June 30 1977, to the units named below. This action is taken in accordance with the provisions of 10 CFR Part 303, Subpart J ("Modification or Rescission of Prohibition Orders and Construction Orders") of the ESECA regulations.

[1] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*)

Docket No.	Owner	Plant and units	Location
OCU–0786	International Paper Company.	Pine Bluff, 1 and 2.	Pine Bluff, Arkansas.

The Prohibition Orders, if made effective by the issuance of a Notice of Effectiveness (NOE) would have prohibited these units from burning natural gas of petroleum products as their primary energy source.

By the terms of the Clean Air Act Amendments of 1977 (Pub. L. 95–95), the written concurrence of the Governor of the State in which a subject facility is located must be obtained before the Environmental Protection Agency (EPA) may certify to DOE that the outstanding Prohibition Orders can take effect. By letter of July 16, 1979, Arkansas Governor Bill Clinton advised EPA that, because of environmental problems involving the disposal of solid wastes by the local jurisdications surrounding the Pine Bluff Plant and his desire to see Pine Bluff Plant, Units 1 and 2 burn solid waste as their primary energy source, he did not intend to concur on the Prohibition Orders requiring the conversion of the units to coal. Accordingly, by letter of February 6, 1980, EPA advised DOE that it could not certify the earliest date upon which Pine Bluff Plant, Units 1 and 2 would be able to burn coal as their primary energy source and be in compliance with applicable air pollution control requirements, as required by Section 2 of ESECA and Section 112(b)(2) of the Clean Air Act Amendments of 1977.

Based upon this information, DOE has determined that the outstanding, Prohibition Orders issued to Pine Bluff Plant, Unites 1 and 2 cannot be made effective without the EPA certification, as required by 10 CFR § 303.37(b)(1), and accordingly, DOE hereby proposed to rescind the orders.

Comments on DOE's intention to rescind the Prohibition Order are invited. Interested persons may submit written data, views or arguments with respect to the proposed action to the Office of Public Hearing Management, Room 2313, 2000 M Street, NW., Washington, D.C. 20461 (Attn: D. Kidwell). All comments and other documents should be identified both on the outside of the envelope and on the document itself with the designation, "Proposed Rescission Orders, International Paper Company, Pine Bluff Plant, Units 1 and 2." All written comments must be received no later than ten (10) days after the date of publication of this notice in order to receive consideration. In making its decision regarding the proposed rescission action, DOE will consider all relevant information submitted to it or otherwise available to it.

Any information considered to be confidential by the person furnishing it must be so identified at the time of submission in accordance with 10 CFR 303.9(f). DOE reserved the right to determine the confidential status of the information and to treat it in accordance with the determination.

Question regarding this proposed action should be directed to DOE as follows: Steven A. Frank, ESECA Programs Branch, Department of Energy, Economic Regulatory Administration, Room 3318, 2000 M Street, NW., Washington, D.C. 20461 (telephone: (202) 634–6536). Written questions should be identified on the envelope and in the correspondence with the designation set out above.

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–620; Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–91; Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*); E.O. 11790 (39 F.R. 23185); E.O. 12009 (42 FR 46267).)

Issued in Washington, D.C., March 17, 1980

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-8955 Filed 3-24-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 52855-1336-25-77]

Sunflower Unit S–5; Sunflower Electric Co-op., Inc.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Determination to classify the Sunflower Electric Cooperative, Inc., Sunflower Unit S–5 as an existing facility.

SUMMARY: On June 7, 1979, Sunflower Electric Cooperative, Inc. (Sunflower) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify Sunflower Unit S–5 as an existing facility pursuant to 515.6 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979 (44 FR 17464), and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA).

ERA has completed its analysis of Sunflower's request and has determined that Sunflower has satisfactorily demonstrated that the cancellation, rescheduling, or modification of Sunflower Unit S–5 would result in a significant impairment of system reliability. Due to transmission limitations, Sunflower's ability to provide reliable service without Sunflower Unit S–5 would be adversely affected within the meaning of Section 515.6 of the Revised Interim Rule.

ERA has classified Sunflower Unit S–5 as an "existing" facility and it is therefore subject to the provisions of Title III of FUA.

FOR FURTHER INFORMATION CONTACT:

William L. Webb, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B–110, Washington, D.C. 20461, Phone: (202) 653–4055

James W. Workman, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3128, Washington, D.C. 20461, Phone: (202) 653–3637

Marx M. Elmer, Office of the General Counsel, Department of Energy, 1000 Independence Ave. SW., Room 6G–087, Washington, D.C. 20585, Phone: (202) 252–2967

Robert L. Davies, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128L, Washington, D.C. 20461, Phone: (202) 653–3649

SUPPLEMENTARY INFORMATION:

(1) On June 7, 1979, pursuant to ERA's Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979, Sunflower requested that ERA classify Sunflower's Unit S–5 as an "existing" facility. On November 8, 1979, ERA published a summary of Sunflower's request for classification in the **Federal Register** and requested comments by interested persons on or before November 29, 1979. ERA has received comments in support of Sunflower's request from the Federal Energy Regulatory Commission and the Kansas State Corporation Commission. ERA did not receive any comments in opposition to Sunflower's request.

(2) ERA has consulted with the Federal Energy Regulatory Commission, and the Kansas State Corporation Commission and has performed an analysis of the material submitted by Sunflower applicable to Sunflower Unit S–5. ERA has classified the unit as "existing" on the basis that there would be a significant impairment of system reliability. Due to transmission limitations, Sunflower's ability to provide reliable service without Sunflower Unit S–5 would be adversely affected within the meaning of Section 515.6 of the Revised Interim Rule.

A copy of ERA's Summary of Analysis dated January 10, 1980, is available for examination in the Office of Public Information at the above address.

Issued in Washington, D.C., March 18, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-8954 Filed 3-24-80; 8:45 am]

BILLING CODE 6450-01-M

Vaughn Petroleum, Inc.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and Provides and opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: February 21, 1980.

COMMENTS BY: April 24, 1980.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 76235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 (214) 767–7745.

SUPPLEMENTARY INFORMATION: On February 21, 1980, the Office of Enforcement of the ERA executed a proposed Consent Order with Vaughn Petroleum, Inc. of Dallas, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Vaughn Petroleum, Inc., with its office located in Dallas, Texas, is a firm engaged in crude oil production, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of crude oil sales, the Office of Enforcement, ERA, and Vaughn Petroleum, Inc., entered into a Consent Order, the significant terms of which are as follows:

II. Disposition of Refunded Overcharges

In this Consent Order, Vaughn Petroleum, Inc. agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $1,250,000.00 within six months after the effective date of the Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. these funds will remain in a suitable account pending the determination of their proper disposition. The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of indentifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Vaughn Petroleum, Inc.'s Consent Order." We will consider all comments we recieve by 4:30 p.m., local time, on ———. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 13th day of March, 1980.

Wayne I. Tucker,

District Manager for Enforcement, Southwest District Economic Regulatory Administration.

I, Thomas A. Fry III, Chief Enforcement Attorney, Southwest District Enforcement, concur in the issuance of the Consent Order to Vaughn Petroleum, Inc., and in the Notice prepared for publication in the **Federal Register.**

Dated: March 11, 1980.

Thomas A. Fry III,

Chief Enforcement Attorney, Southwest District Enforcement.

[FR Doc. 80-8956 Filed 3-24-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP80-272]

Cities Service Gas Co.; Application

March 19, 1980.

Take notice that on March 5, 1980, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP80-272 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of certain pipeline taps, measuring, regulating and appurtenant facilities to enable Applicant to render natural gas service to authorized local gas distribution companies for resale to seven right-of-way grantors, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to tap certain of its existing transmission pipeline and provide right-of-way service as follows:

(1) Tap Applicant's Copan 3-inch transmission pipeline in Washington County, Oklahoma, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Dan Gallery.

(2) Tap Applicant's Arkla 20-inch transmission pipeline in McDonald County, Missouri, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Larry Gardner.

(3) Tap Applicant's Belle Plain 4-inch transmission pipeline in Sumner County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Billy R. Phipps.

(4) Tap Applicant's Platte City 4-inch transmission pipeline in Platte County, Missouri, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Marvin Sloan.

(5) Tap Applicant's Blackwell-Grabham 26-inch transmission pipeline in Kay County, Oklahoma, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Etta Smith.

(6) Tap Applicant's Ottawa-Sedalia 20-inch Loop transmission pipeline in Miami County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Archie G. Stiles.

It is stated that these sales would be made to The Gas Service Company for resale to the right-of-way grantors. Applicant further asserts that the annual sales for each rural domestic service would average approximately 250 Mcf.

Applicant states the estimated cost of the proposed construction would be $5,448 which would be paid from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 10, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9049 Filed 3-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-267]

Columbia Gulf Transmission Co. and Southern Natural Gas Co.; Application

March 19, 1980.

Take notice that on March 4, 1980, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP80-267 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 17.8 miles of 16-inch pipeline and appurtenant facilities originating on a production platform in East Cameron Block 23 and extending to an onshore connection to be installed in Cameron Parish, Louisiana, on an existing 16-inch pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state Columbia Gulf is the sole owner of the existing 16-inch pipeline which extends from Cameron Parish, Louisiana, to a tie-in with its existing West Lateral line in Jefferson Parish, Louisiana. It is stated that the proposed facilities would have a capacity to handle the maximum anticipated volumes of gas to be produced from East Cameron Block 23, offshore Louisiana, estimated to be 62,000 Mcf per day. It is further stated that the facilities would be used to aid in the transportation of gas from the East Cameron area to a liquid separating plant to be constructed by Chevron U.S.A. Inc., one of the producers of the East Cameron area.

Applicants state the estimated cost of constructing the proposed facilities would be $9,450,600, which cost would be financed with working funds. It is stated that the facilities would be owned 75 percent by Columbia Gulf and 25 percent by Southern.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 10, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

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unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9050 Filed 3-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. G-15243]

El Paso Natural Gas Co.; Tariff Filing

March 19, 1980.

Take notice that on March 12, 1980, El Paso Natural Gas Company (El Paso") filed, pursuant to Part 154 of the Commission's Regulations Under the Natural Gas Act, Fourth Revised Sheet No. 118 and Fifth Revised Sheet No. 119 to its FERC Gas Tariff, Third Revised Volume No. 2, which tariff sheets, when accepted for filing and permitted to become effective, will serve to revise Exhibit B attached to special Rate Schedule X-10 contained in said Tariff.

El Paso states that special Rate Schedule X-10 is comprised of the Vinegarone-Sonora Exchange Agreement ("Exchange Agreement") dated February 11, 1958, as amended, between El Paso and Northern Natural Gas Company ("Northern"), providing for the exchange of natural gas in Val Verde and Sutton Counties, Texas. El Paso further states that the subject tariff filing provides for the revision of Exhibit B to said rate schedule so as to include El Paso's interest in the Cauthorn 1-F well as a part of said Exchange Agreement, pursuant to a revised Exhibit B dated February 20, 1980, between the parties.

El Paso requested that the tendered tariff sheets be accepted for filing and permitted to become effective after thirty (30) days following the date of filing.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before April 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9051 Filed 3-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-274]

Mountain Fuel Supply Co. and Mountain Fuel Resources, Inc.; Application

March 19, 1980.

Take notice that on March 7, 1980, Mountain Fuel Supply Company (Mountain Fuel), 180 East First South Street, Salt Lake City, Utah 84139, and Mountain Fuel Resources, Inc. (Resources), 36 South State Street, Salt Lake City, Utah 84111, filed in Docket No. CP80-274 a joint application pursuant to Section 7 of the Natural Gas Act for permission and approval for the abandonment by Mountain Fuel, for Transfer to Resources, of certain interstate transmission facilities and appurtenances, gas purchase agreements, sales for resale, and other transmission services; and for a certificate of public convenience and necessity authorizing the acquisition and operations by Resources of the transmission facilities to be abandoned, and the continuation by Resources of the interstate sales and other transmission services to be abandoned by Mountain Fuel, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that the purpose of the application is to restructure Mountain Fuel's existing operations along functional lines, such that all interstate transmission operations would be in Resources, leaving intrastate distribution operations in Mountain Fuel. It is further stated that a companion application filed concurrently with the instant application would continue such restructuring to provide that Mountain Fuel's present and future exploration, development and production activities would be in Celsius Energy Company, a subsidiary of Resources.

Pursuant to the agreement of purchase and sale, the properties are proposed to be transferred and conveyed to Resources at depreciated book cost. Applicants further provide that the purchase price of the transferred facilities and properties would be payable by Resources through issuance of (1) common stock to Mountain Fuel and (2) an agreement to assume the responsibility for a portion of each of the outstanding issues of Mountain Fuel's long-term debt and preferred stock. It is stated that the amounts of the stock issued and the debt and preferred stock responsibility assumed would be calculated such that the resulting capital structure of Resources would be reasonably identical to that of Mountain Fuel.

It is further stated that the proposed restructuring of the transmission function would reflect the changing nature of Mountain Fuel's transmission system to transport gas for other interstate pipelines, and should serve to reduce the transmission costs paid by consumers presently served therefrom.

It is asserted that two agreements between Mountain Fuel and Resources provide the basis for the proposed restructuring of the interstate transmission function. Applicants state the agreement of purchase and sale dated March 5, 1980, sets forth the terms of the sale of the subject facilities and other properties from Mountain fuel to Resources. Applicants further state that two service agreements dated March 5, 1980, set forth the terms pursuant to which Resources would render sales for resale to Mountain Fuel's distribution markets in Utah and Wyoming in continuation of the transmission service to be abandoned by Mountain Fuel. It is asserted that the purchase price of the subject facilities is net depreciated book cost.

It is stated that in order to accomplish the proposed transfer, only minor metering and regulating facilities would be constructed at a total cost of $104,130, which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 10, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9052 Filed 3-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3036]

Municipal Energy Agency of Mississippi; Application for Preliminary Permit

March 19, 1980.

Take notice that on February 5, 1980, the Municipal Energy Agency of Mississippi (MEAM) filed an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. Section 791(a)-825(r), for proposed Project No. 3036 to be known as the North Mississippi Flood Contral Water Power Project in DeSoto, Tate, Panola, LaFayette, Yalobusha, and Grenada Counties, Mississippi. The project would consist of four developments each utilizing an existing Corps of Engineers flood control dam. The developments would be located on the Coldwater, Tallahatchie, Yocona, and Yalobusha Rivers, respectively.

Correspondence with the Applicant should be addressed to: Richard W. Webster, Jr., Chairman, Municipal Energy Agency of Mississippi, P.O. Box 866, Greenwood, Mississippi 38930.

Purpose of the Project.—Power generated by the project would be marketed by MEAM to its member cities.

Proposed Scope and Cost of Studies under Permit.—Applicant seeks issuance of a preliminary permit for a period of three years, during which time ti would perform surveys and geologic investigations, negotiate with the U.S. Army Corps of Engineers for water rights at the project, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the projects, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be less than $200,000.

Project Description.—The North Mississippi Flood Control Water Power Project would consist of the following four developments:

(a) The Arkabutla development located near Coldwater, Mississippi would utilize the Corps' existing Arkabutla flood control dam and reservoir on the Coldwater River, and would consist of a new powerhouse containing turbine-generator units with a total rated capacity of from 4 to 10 MW. The Arkabutla development would generate up to 24,000 MWh annually;

(b) The Sardis development located near Sardis, Mississippi would utilize the Corps' existing Sardis flood control dam and reservoir on the Tallahatchie River and would consist of a new powerhouse containing turbine-generator units with a total rated capacity of from 8 to 22 MW. The Sardis development would generate up to 60,000 MWh annually;

(c) The Enid development located near Enid, Mississippi would utilize the Corps' existing Enid flood control dam and reservoir on the Yacona River and would consist of a new powerhouse containing turbine-generator units with a total rated capacity of from 3 to 8 MW. The Enid development would generate up to 18,000 MWh annually;

(d) The Grenada development located near Grenada, Mississippi would utilize the Corps' existing Grenada flood control dam and reservoir on the Yalobusha River and would consist of a new powerhouse containing turbine-generator units with a total rated capacity of from 8 to 14 MW. The Grenada development would generate up to 45,000 MWh annually.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information needed to prepare an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of the permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before *May 19, 1980,* either the competing applicaton itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than *July 18, 1980.* A notice of intent must conform with the requirements of 18 C.F.R. 4.33 (b) and (c), (*as amended* 44 *Fed. Reg.* 61328, October 25, 1979). A competing application must conform with the reqirements of 18 C.F.R., 4.33 (a) and (d), (*as amended,* 44 *Fed. Reg.* 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, Section 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before *May 19, 1980.* The Commission's address is: 825 North Capitol Street, N. E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9053 Filed 3-24-80; 8:45 am]

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V 45 / 59 MR 25 80 UMI

[Docket No. ES80-35]

Pacific Power & Light Co.; Application

March 19, 1980.

Take notice that on March 7, 1980, Pacific Power & Light Company (Applicant), a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it to issue up to $75 million of First Mortgage Bonds and exempting the issuance thereof from the competitive bidding requirements of Section 34.1a of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to this application should, on or before April 7, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission Rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-9054 Filed 3-24-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP80-276]

Texas Gas Transmission Corp.; Application

March 19, 1980.

Take notice that on March 7, 1980, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP80-276 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity granting Applicant blanket authority to transport liquefiable hydrocarbons, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant requests blanket authority to transport liquefiable hydrocarbons in interstate commerce in those cases in which (1) a processing reservation is included in the gas purchase contract between the producer and Applicant and (2) the producer is not required to obtain a certificate of public convenience and necessity from the Commission because the sale is exempt from this requirement under the Natural Gas Policy Act of 1978. It is further stated that the blanket authorization would apply only to the transportation service itself and would not include authority to construct facilities necessary to effectuate the transportation arrangement. Applicant states that the requisite authorization would be obtained prior to the construction of such facilities.

Applicant asserts that it would charge the Commission approved transportation rates as set forth in its FERC Gas Tariff, Third Revised Volume No. 1.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 10, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-9055 Filed 3-24-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP80-271]

United Gas Pipe Line Co.; Application

March 19, 1980.

Take notice that on March 5, 1980, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-271 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of compression facilities in Panola County, Texas, and Bienville Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate (1) a 6,000 horsepower compressor station, consisting of three 2,000 horsepower compressor units and appurtenant facilities, including 0.5 mile of 16-inch pipeline in the T. Applewhite Survey A-37, Panola County, Texas (Carthage Junction Compressor Station), and (2) a 1,300 horsepower compressor station, consisting of two 650 horsepower compressor units and appurtenant facilities in Section 34, Township 14 North, Range 9 West, Bienville Parish, Louisiana (Ringgold Compressor Station).

Applicant asserts that without the Carthage Junction Compressor Station, the gas purchased by Applicant in the East Texas area would be unable to buck Applicant's line pressure and enter Applicant's system. The construction of the Carthage Junction Compressor Station would enable Applicant to move an additional 90,000 Mcf of gas per day out of the East Texas area.

Volumes of approximately 150,000 Mcf per day in excess of anticipated average daily demands in the East Texas area would be transported through Applicant's 20-24-inch Carthage-Sterlington pipeline from the proposed Carthage Junction Compressor Station to West Monroe Junction, it is stated. During the winter heating season, Applicant asserts that it also injects gas withdrawn from its Bistineau Storage Field into the Carthage-Sterlington line, said gas reaching the Bistineau tap on the Carthage-Sterlington line at 930 psig, whereas the gas from the proposed Carthage Junction Compressor Station would reach the Bistineau tap at only approximately 862 psig. In order to match the delivery pressure of the gas withdrawn from Bistineau Storage Field, the gas flowing from the Carthage Junction must, it is asserted, be compressed to 930 psig in the vicinity of the Bistineau tap. Accordingly, Applicant proposes to construct and operate the 1,300 horsepower Ringgold Compressor Station at a point on its Carthage-Sterlington line near the Bistineau tap.

The estimated cost of the proposed Ringgold Compressor Station is $2,528,319, to be financed from funds on hand and/or short-term bank loans. The estimated cost of the proposed Carthage Junction Compressor Station is $6,279,976, also to be financed from funds on hand and/or short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 10, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-9056 Filed 3-24-80; 8:45 am]
BILLING CODE 6450-85-M

Southwestern Power Administration

System Power Rate Extension; Notice of Order Extending Confirmation and Approval of Power Rates on an Interim Basis

AGENCY: Department of Energy, Southwestern Power Administration.

ACTION: Notice of Power Rate Order.

SUMMARY: The Assistant Secretary for Resource Applications has extended, on an interim basis, the effective period for System Rates of the Southwestern Power Administration. This action is authorized under Delegation Order No. 0204-33, 43 FR 60636 (December 28, 1978) and provides a 12-month continuation of the System Rates that have been in effect on an interim basis since the issuance of Rate Order No. SWPA-1. The System Rates are pending final confirmation and approval of the Federal Energy Regulatory Commission (FERC) while in effect on an interim basis, and are authorized by Rate Order No. SWPA-4 to remain in effect on an interim basis until a decision is reached by the FERC regarding their adequacy, unless the time required for FERC review exceeds the 12-month extension or action is taken by the FERC to establish the System Rates or substitute rates on a final basis. In the event final FERC action has not materialized within the 12-month extension provided by Rate Order No. SWPA-4, future extensions of the System Rates on an interim basis by the Assistant Secretary for Resource Applications are not limited.

EFFECTIVE DATES: Rate Order No. SWPA-4 specifies April 1, 1980, as the effective date for a 12-month extension of Rate Schedules P-3, F-2, F-3, EE-2, IC-2, and Section 2 of the Tex-La Electric Cooperative, Inc., Contract No. 14-02-001-864.

FOR FURTHER INFORMATION CONTACT:

Walter M. Bowers, Chief, Division of Power Marketing, Southwestern Power Administration, Department of Energy, P.O. Drawer 1619, Tulsa, Oklahoma 74101, (918) 581-7529.

John J. DiNucci, Office of Power Marketing Coordination, Resource Applications, Department of Energy, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633-8380.

SUPPLEMENTARY INFORMATION: The present System Rates were approved initially on an interim basis March 1, 1979, by the Assistant Secretary for Resource Applications through Rate Order No. SWPA-1 and became effective April 1, 1979, for one year unless an extension occurred or unless the Federal Energy Regulatory Commission confirmed and approved these or substitute rates on a final basis. The extension provided in Rate Order No. SWPA-4 was necessary to enable the present System Rates to remain effective after March 31, 1980, which was the date specified in the initial interim approval by the Assistant Secretary for Resource Applications for expiration of the current System Rates without the benefit of an extension by the Assistant Secretary for Resource Applications or final action by the Federal Energy Regulatory Commission. Rate Order No. SWPA-4 did not provide for any change in the structure of the System Rates from that contained in Rate Order No. SWPA-1. Neither were the Aluminum Contract Rates affected by Rate Order No. SWPA-4 since Rate Order No. SWPA-1 provided January 1, 1979, as their effective date for a period of 5 years.

Issued in Washington, D.C., March 19, 1980.

Ruth M. Davis,
Assistant Secretary, Resource Applications.

Assistant Secretary for Resource Applications

[Rate Order No SWPA-4]

Order Extending Confirmation and Approval of Power Rates on an Interim Basis

March 19, 1980.

In the matter of: Southwestern Power Administration—system rates; aluminum contract rates.

Pursuant to Sections 302(a) and 301(b) of the Department of Energy Organization Act, Pub. L. 95-91, the functions of the Secretary of the Interior and the Federal Power Commission under Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, relating to the Southwestern Power Administration (SWPA) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-33, effective January 1, 1979, 43 FR 60636 (December 28, 1978) the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis,

and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. This rate order is issued pursuant to the delegation to the Assistant Secretary.

Background

On March 1, 1979, the Assistant Secretary for Resource Applications issued Rate Order No. SWPA–1, an Order Confirmifg, Approving and Placing Increased Power Rates in Effect on an Interim Basis in the matter of: Southwestern Power Administration—System Rates; Aluminum Contract Rates. The rates, along with the Rate Order, basic studies, comments, transcripts, and other materil concerning the SWPA system power rate adjustment, were submitted to the FERC for confirmation and approval on a final basis pursuant to the authority vested in the FERC by Delegation Order No. 0204–33. The rates which were the subject of Rate Order No. SWPA–1 superseded the following SWPA rates:

Rate Schedule F–1, Firm Power
Rate Schedule P–2 (Revised), Peaking Power
Rate Schedule EE, Excess Energy
Rate Schedule IC, interruptible Capacity
Contract Rate in Section 2, Contract No. 14–02–001–864, Tex-La electric Cooperative, Inc. (through TP&L)
Contract Rates in Section 1.05(A) and 1.06, Contract No. Ispa–514, Arkansas Power & Light Company/Reynolds Metals Company.

The public was invited to review and comment on the development of new system rates through Federal Register Notices published during 1978. The public participation process produced numerous and varied questions and comments, all of which were considered and many of which were accepted and incorporated in developing the revised rates which were confirmed, approved and placed in effect on an interim basis by Rate Order No. SWPA–1.

The text of Rate Order No. SWPA–1 provided responses to the major comments, criticisms and alternatives offered during the comment period. The order confirmed, approved and placed in effect on an interim basis new system rate schedules which increased average annual revenues by $16.5 million, or about 33 percent above then-current rate levels for the integrated system in order to accomplish repayment. By Rate Order No. SWPA–1 the Assistant Secretary for Resource Applications confirmed and approved on an interim basis; the following five Rate Schedules and one Contract Rate for SWPA, to become effective April 1, 1979, and replace the four rate schedules and the first contract rate listed previously:

Rate Schedule P–3, Peaking Power
Rate Schedule F–2 Firm Power from Integrated System
Rate Schedule F–3, Firm Power through Oklahoma Utility Companies
Rate Schedule EE–2, Excess Energy
Rate Schedule IC–2, interruptible Capacity
Contract No. 14–02–001–864, Section 2, Tex-La Electric Cooperative (through TP&L).

These rates were to remain in effect on an interim basis for a period of 12 months unless such period were extended or until the FERC confirmed and approved these or substitute rates on a final basis.

Also confirmed and approved on an interim basis, effective January 1, 1979, was the application of Rate Schedule P–3 under Section 1.05(A) of Contract No. Ispa–514, Arkansas Power & Light Company/Reynolds Metals Company (Aluminum Contract), to power and energy sales provided under Section 1.02 of that contract, and the application of Rate Schedule EE–2 under Section 1.06 to secondary energy sales provided under Section 1.04 of that contract. These rates were to remain in effect on an interim basis for five years or until the FERC confirmed and approved these or substitute rates on a final basis.

Discussion

The FERC has informed us that confirmation and approval of Federal power rates on a final basis normally can be expected within a year. Due to the extraordinary number of Federal power rate orders submitted to the FERC within the past calendar year, it is apparent that this schedule cannot be met. It is necessary, therefore, for the Assistant Secretary for Resource Applications to extend interim approval of the SWPA Integrated System Rate Schedules and the Tex-La Electric Cooperative Contract Rate for an additional 1-year period. Because the Aluminum Contract Rates were confirmed and approved on an interim basis for a 5-year period, they require no extension.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby extend confirmation and approval on an interim basis, effective April 1, 1980, of Rate Schedules P–3, F–2, F–3, EE–2, IC–2 and the Contract Rate under Section 2 of the Tex-La Electric Cooperative, Inc. Contract No. 14–02–001–864. These rates shall remain in effect on an interim basis for a period of 12 months unless such period is again extended or until the FERC confirms and approves these or substitute rates on a final basis.

Issued at Washington, D.C., this 19th day of March 1980.

Ruth M. Davis,

Assistant Secretary, Resource Applications.

[FR Doc. 80–9034 Filed 3–24–80; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1445–5]

Approval of PSD Permit to Pendleton Construction Corp.

Notice is hereby given that on January 2, 1980, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to Pendleton Construction Corp. for approval to construct an asphalt concrete plant in Lynchburg, Virginia.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the asphalt concrete plant subject to certain conditions, including:

1. Emissions of particulate matter will be limited to a maximum of 13.5 pounds per hour.

2. Visible emissions are limited to 20 percent or less.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Fourth Circuit Court of Appeals. A petition for review must be filed on or before May 27, 1980.

Copies of the permit are available for public inspection upon request at the following location:

Air Programs Branch, Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106. Attention: Mr. Robert J. Blaszczak (215–597–8186).

Dated: March 13, 1980.

Jack J. Schramm,

Regional Administrator, EPA—Region III.

[FR Doc. 80–8963 Filed 3–24–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1445–6]

Approval of PSD Permit to S & S Asphalt Corp.

Notice is hereby given that on November 2, 1979, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to S & S Asphalt Corporation for approval to construct and operate an asphalt batch plant in Berkeley County, West Virginia.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the asphalt batch plant subject to certain conditions, including the following emission limit action: 1. Particulate matter shall not exceed 0.04 gr/dscf and 5.42 lbs./hr.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Fourth Circuit Court of Appeals. A petition for review must be filed on or before May 27, 1980.

Copies of the permit are available for public inspection upon request at the following location: Air Programs Branch, Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106.

Attention: Mr. Robert J. Blaszczak (215–597–8186).

Dated: March 13, 1980.

Jack J. Schramm,

Regional Administrator, EPA, Region III.

[FR Doc. 80–8962 Filed 3–24–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1445–4]

Approval of PSD Permit to Maryland Materials, Inc.

Notice is hereby given that on October 4, 1979, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to Maryland Materials, Inc. for approval to modify a stone-crushing facility in Cecil County, Maryland.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the stone-crushing facility subject to certain conditions, including:

1. For particulate matter control, the following processing rates and emission limitations shall not be exceeded:

Source	Process rate tons of stone crushed per hr.	Particulate emission rate lbs./hr.
Primary crushing	500	12.5
Secondary crushing and screening	55	34.1
Secondary crushing and screening	425	31.9
Tertiary crushing and screening	[1]360	6.48
Total		84.98

[1] 180 ea. crusher.

2. The maximum annual capcity of stone crushed at this facility shall not exceed 1,125,000 tons per year. Production records shall be maintained in accordance with the provisions of this approval to ensure that this condition is complied with.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Fourth Circuit Court of Appeals. A petition for review must be filed on or before May 27, 1980.

Copies of the permit are available for public inspection upon request at the following location: Air Programs Branch, Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106.

Attention: Mr. Robert J. Blaszczak (215–597–8186).

Dated: March 13, 1980.

Jack J. Schramm,

Regional Administrator, EPA, Region III.

[FR Doc. 80–8993 Filed 3–24–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1445–3]

Approval of PSD Permit to International Minerals & Chemical Corp. (IMC)

Notice is hereby given that on September 12, 1979, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to IMC for approval to construct and operate a new formaldehyde plant in South Whitehall Township, Lehigh County, Pennsylvania.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the new formaldehyde plant subject to certain conditions, including:

1. *Emission Limitations:* Emissions shall not exceed the following limits:

	Hydrocarbons	Carbon monoxide
a. Catalytic afterburner new formaldehyde plant.	10.1 lb./hr. and 40.4 tons/yr.	2.03 lb./hr. and 8.1 tons/yr.
b. New 150,000 gallon formaldehyde storage tank.	0.04 lb./hr. and 0.16 tons/yr.	
c. New 100,000 gallon methanol storage tank.	0.1 lb./hr. and 0.44 tons/yr.	

2. The catalytic afterburner shall maintain a minimum temperature of 900°F during plant operation with a retention time at this temperature of 0.3 seconds or more. Continuous temperature sensing devices are required at the inlet and outlet of the catalytic converter and a record indicating operating conditions shall be kept.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Third Circuit Court of Appeals. A petition for review must be filed on or before May 27, 1980.

Copies of the permit are available for public inspection upon request at the following location: Air Programs Branch (3AH10), Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106.

Attention: Mr. Robert J. Blaszczak (215–597–8186).

Date: March 13, 1980.

Jack J. Schramm,

Regional Administrator, EPA, Region III.

[FR Doc. 80–8994 Filed 3–24–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1445–2]

Approval of PSD Permit to International Metals Reclamation Co. (INMETCO)

Notice is hereby given that on October 2, 1979, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to INMETCO for approval to construct a metals reclamation facility in Ellwood City, Pennsylvania.

This permit has been issued under EPA Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the metals reclamation facility subject to certain conditions, including the following emission limitations:

Facility	Particulate matter lbs./hr.
Mill scale preparation w/baghouse	0.86
Rotary hearth furnace feed preparation w/baghouse	0.41
Pneumatic unloading w/baghouse	0.06
Pellet dryer w/baghouse	0.15
Electric arc furnace w/scrubber	6.5
Rotary hearth furnace w/scrubber	2.4

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Third Circuit Court of Appeals. A petition for review must be filed on or before May 27, 1980.

Copies of the permit are available for public inspection upon request at the following location: Air Programs Branch (3AH10), Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106.

Attention: Mr. Robert J. Blaszczak (215–597–8186).

Dated: March 13, 1980.

Jack J. Schramm,

Regional Administrator, EPA, Region III.

[FR Doc. 80–8964 Filed 3–24–80; 8:45 am]

BILLING CODE 6560–01–M

V45/59 MAR 25 80 UMI

[FRL 1445-1]

Approval of PSD Permit to Berks Products Corp.

Notice is hereby given that on September 12, 1979, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to Berks Products Corporation for approval to construct a drum mix asphalt plant in Temple Township, Berks County, Pennsylvania.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the drum mix asphalt plant subject to certain conditions, including: 1. The emissions of particulate matter shall be limited to a maximum of 6.0 pounds per hour and 0.040 grains per standard cubic foot on a dry basis.

The PSD Permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Third Circuit Court of Appeals. A petition for review must be filed on or before May 27, 1980.

Copies of the permit are available for public inspection upon request at the following location: Air Programs Branch (3AH10), Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106.

Attention: Mr. Robert J. Blaszczak (215-597-8186).

Dated: March 13, 1980.

Jack J. Schramm,

Regional Administrator, EPA, Region III.

[FR Doc. 80-8985 Filed 3-24-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1444-8]

Approval of PSD Permit to Allen Products Company, Inc.

Notice is hereby given that on September 4, 1979, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to Allen Products Company, Inc. for approval to construct and operate a grain unloading station in South Whitehall Township, Lehigh County, Pennsylvania.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52.21) regulations applicable to the grain unloading station subject to certain conditions, including:

1. Emission control equipment shall be as specified in the application.

2. Particulate matter emissions shall not exceed 1.0 lb/hr from the unloading station and 0.5 lb/hr from the grinding and blending station.

The PSD Permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Third Circuit Court of Appeals. A petition for review must be filed on or before May 27, 1980.

Copies of the permit are available for public inspection upon request at the following location: Air Programs Branch (3AH10), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106.

Attention: Mr. Robert J. Blaszczak (215-597-8186).

Dated: March 13, 1980.

Jack J. Schramm,

Regional Administrator, Region III.

[FR Doc. 80-8986 Filed 3-24-80; 8:45 am]

BILLING CODE 6560-01-M

[Docket Nos. 495, 496, 497, 498, and 499 Consolidated With Docket No. 415 etc.]

Denial of Applications for Federal Registration of Intrastate Pesticide Products Containing 2, 4, 5-T and Silvex; Filing of Written Responses to Notice of Denial and Request for Hearing

Notice is hereby given, pursuant to § 164.8 of the rules of practice (40 CFR 164.8) issued under Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq.), that written responses to one or both of the notices of Denial of Applications for Federal Registration of Intrastate Pesticide Products, filed on January 8, 1980, by Steven D. Jellinek, Assistant Administrator for toxic Substances (45 FR 2895-2,4,5-T and 45 FR 2899-Silvex). Bel Chemical & Supply Co., Inc. and Velsicol Chemical Corporation each requested a hearing with respect to such denial of registration of its products containing silvex and 2,4,5-T, respectively, and Gro-Green Products, Inc. objected to such denial of registration of its product containing silvex. The Dow Chemical Company responded by withdrawing the applications identified in its response and did not request a hearing on such applications.

For information concerning these and other details of this proceeding, interested persons are referred to the dockets of these proceedings on file with the Hearing Clerk (A-110), United States Environmental Protection Agency, Room 3708, 401 M Street, SW., Washington, D.C. 20460 (202/755-5476).

Edward B. Finch,

Administrative Law Judge.

March 19, 1980.

[FR Doc. 80-8988 Filed 3-24-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1444-4; OPTS-51013A]

Premanufacture Notice; Extension of Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On December 13, 1979, EPA received six premanufacture notices (PMN's), submitted under section 5 of TSCA. EPA assigned them the identification numbers 5AHQ-1279-0079, 0080, 0081, 0082, 0083, and 0084. The PMN's describe six related chemical substances that would be used as plasticizers in polyvinyl chloride (PVC) plastics. The manufacturer requested that its company name be kept confidential.

In reviewing these PMN's and other information pertinent to the new chemical substances, EPA has found that good cause exists under section 5(c) of TSCA to extend the notice review period for the following reasons:

1. EPA is concerned about potential risks associated with the substances, especially regarding environmental release and exposure and possible toxicity to aquatic organisms;

2. EPA needs more time to determine whether regulatory controls respecting these new chemical substances are necessary, especially regarding what further information and data are needed to evaluate the risks that the new chemical substances may present.

FOR FURTHER INFORMATION CONTACT: Paul Wilson, Premanufacturing Review Division (TS-794), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Telephone 202/426-3980.

SUPPLEMENTARY INFORMATION:

Background

Under section 5 of TSCA, any person who intends to manufacture in or import into the United States a new chemical substance for commercial purposes must submit a premanufacture notice (PMN) to EPA at least 90 days prior to commencement of such manufacture or import. On December 13, 1979, EPA received six PMN's describing six new chemical substances that are to be used as plasticizers for polyvinyl chloride (PVC) plastics. The manufacturer has asked EPA to keep its identity confidential. The new chemical substances described in the PMN's are as follows:

PMN No.	Substance
5AHQ-1279-0079	Polymer of phthalic anhydride, ethylene glycol, heptanol, and 2-ethylhexanol.
5AHQ-1279-0080	Polymer of phthalic anhydride, 1,2-propylene glycol, 1,4-butanediol, 1-octanol, and 1-decanol.
5AHQ-1279-0081	Polymer of phthalic anhydride, ethylene glycol, heptanol, 1-octanol, and 1-decanol.
5AHQ-1279-0082	Polymer of phthalic anhydride, 1,2-propylene glycol, 1,4-butanediol, and 2-ethylhexanol.
5AHQ-1279-0083	Polymer of phthalic anhydride, 1,3-butylene glycol, 1-octanol, and 1-decanol.
5AHQ-1279-0084	Polymer of phthalic anhydride, 1,3-butylene glycol, 2-ethylhexanol.

Pursuant to section 5(d)(2) of TSCA, EPA published a summary of the six PMN's in the **Federal Register** on December 28, 1979 (44 FR 76856). In addition to its corporate identity, the submitter claimed certain process-related information (such as impurities and manufacturing block diagram) and projected production volumes to be confidential.

During the initial evaluation of the PMN substances, EPA staff reviewed the information that was submitted in the PMN's and that was supplied during telephone conversations with the manufacturer. Also during this period the Agency conducted literature searches on the PMN substances, on structurally similar substances (structural analogues), and on substances with similar use patterns.

EPA assessed all information and data thus collected to extract information on seven major areas of potential concern: process chemistry, use, worker and consumer exposure, environmental release, health effects, environmental fate, and ecological effects. The Agency also considered other factors such as economics and technological innovation that are not directly associated with the assessment of the risk presented by the PMN substances to human health or to the environment. When this initial screening of the substances was completed, EPA concluded that it needed to study further certain areas that were central to the Agency's assessment of the risks that the PMN substances may present to human health and the environment. For this reason, the PMN's were entered into another series of analyses, the Detailed Review process, and EPA staff conducted detailed examinations of the following: (1) The degree to which structural analogues of the PMN chemicals could be relied upon to assess the risks presented by the new chemicals; (2) the nature and character of those risks; and (3) the exposures associated with the PMN substance.

Summary of Information on the PMN Substances

The PMN substances are clear yellow liquids with specific gravities ranging from 1.06 to 1.10 gm/cc. EPA described the substances in detail in the December 28 **Federal Register** notice (44 FR 76856). They will be entering a large and well-established market as plasticizers for PVC plastics and will be competing with existing alkyl phthalate plasticizers. PVC plastics consume two-thirds of all plasticizers used in the United States, and approximately 1.5 billion pounds of plasticizers are produced annually in this country.

Plasticizers are used to give flexibility to a large variety of plastic products (such as plastic wraps, garden hoses, and floor tiles). In the case of PVC plastics, the liquid plasticizers are blended with either a powdered or pelleted form of the PVC resin, and the resulting PVC plastic (generally in rod or pellet form) is then made into the final products. Usually, four different companies would be involved in this process—the producer of the plasticizer, the producer of the bulk PVC resin, the producer of the bulk PVC plastic, and the producer of the plastic products. When the final products have outlived their useful lives, they are disposed of chiefly through landfills. These PVC articles may contain as much as 70 percent plasticizer by weight. EPA has no direct data on the extent to which the PMN substances will be released into the environment. However, available monitoring data for existing alkyl phthalates have found these substances to be present at significant levels in a wide variety of environmental samples, including ambient water and air, food, and drinking water.

EPA has examined the potential for human exposure to the PMN substances as plasticizers at all stages of their life cycles. During initial production, workers will be exposed to the PMN substances chiefly through dermal contact, but also through low-level inhalation (the submitter has claimed the exact number of workers involved to be confidential). The low vapor pressure of the plasticizer reduces the likelihood of exposure from this latter route. The number of workers involved in the two stages of processing is substantially larger: EPA estimates that 300 to 400 people could be exposed to the plasticizers during the manufacture of the PVC plastic, and as many as 1,000 to 10,000 workers could be exposed during the manufacture of PVC articles. Because both processing steps occur at elevated temperatures, the risk of inhalation exposure is increased. With regard to consumer exposure, EPA expects a high potential for low-level dermal exposure to the plasticizer, a small quality of which will leach from the plastic articles during use by consumers.

Despite the significant potential for environmental release of and human exposure to the PMN substances, the manufacturer has submitted no data relevant to their persistence or bioaccumulation in the environment, effects on aquatic or other organisms, or effects on human health. In the absence of such data, EPA evaluated the PMN chemicals on the basis of available data on structurally analogous dialkyl phthalates.

EPA is concerned with the potential risks the new chemicals may present to ecological populations, particularly with respect to the potential for bioconcentration and for causing both acute and chronic effects in juvenile fish and aquatic invertebrates. This concern is based upon a review of data about several dialkyl phthalates (esters of mono alcohols) that the Agency considers to be good structural analogues of the PMN chemicals. The PMN substances have anticipated high octanol/water partition coefficients, low water solubilities, and reduced rates of metabolic breakdown. Therefore EPA expects the new substances to exhibit the same or greater potential for bioconcentration in plants and aquatic invertebrates than the analogous dialkyl phthalates. Likewise, based upon structural similarities, estimated octanol/water partition coefficients, and other analogous features, EPA expects the new substances to be as toxic or more toxic to aquatic invertebrates and juvenile fish than the existing dialkyl phthalates. There are indications that such toxic effects in the aquatic environment can occur at very low concentrations—in the range of parts per billion, the concentrations at which dialkyl phthalates are now being found in natural waters. EPA also expects the new substances to behave like the analogous phthalates in terms of their environmental transport and fate; for example the PMN compounds are expected to adsorb strongly to soil and sediments. These substances are expected to degrade slowly in the environment.

Underscoring the Agency's concern in these areas is the recommendation by the Interagency Testing Committee (ITC), established under section 4(e) of TSCA, that dialkyl phthalates be tested for environmental effects under TSCA section 4 testing rules. In addition to its concern about the high production

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volume of dialkyl phthalates, the ITC based its recommendation upon the potential for environmental release, environmental persistence, and aquatic toxicity. With the exception of the production volume issue, these same concerns hold for the PMN substances.

The submitter also provided no information or data in the PMN's concerning health effects of the PMN substances. Again, therefore, EPA based its assessment of those effects on available data for dialkyl phthalates structurally analogous to the PMN substances. Studies conducted with dialkyl phthalates have shown certain of these compounds to be capable of causing decreased fertility and embryonic abnormalities in laboratory animals. Other effects demonstrated in the laboratory include mutagenicity, possible hepatotoxicity, and disruption of energy metabolism. Possible neurological effects were suggested in an epidemiological study. In most of the studies in which these effects were demonstrated, however, high doses of the compounds, approaching the LD_{50} for the test species, were required to produce the effects.

While the precise extent of the risk and any potential benefits cannot be confirmed without appropriate test data, the Agency's concern about potential health effects presented by the new chemical substances is mitigated by physical and chemical data that indicate that direct human exposure to these substances is likely to be less than exposure to existing dialkyl phthalate plasticizers. This is based upon data submitted by the manufacturer that show that the new chemicals are less extractable into hexane and are lost from the plastic upon heating less readily than an existing dioctyl phthalate plasticizer. Based upon these data, the Agency's knowledge about existing dialkyl phthalates, and the assumptions that the new substances will be metabolized within the body at a rate similar to the dialkyl phthalates and that the new substances present no unique human toxicological effects, there should be reduced exposure and a reduced likelihood of absorption of the new substances from the gastrointestinal tract. Therefore, based on available data, the PMN chemicals present are not expected to present a greater risk of adverse human health effects than the existing dialkyl phthalate plasticizers.

Extension of the Notice Review Period

In general, section 5 provides that EPA must complete its review of a PMN within 90 days of its receipt by the Agency. However, under section 5(c) for good cause EPA may extend the notice period for additional periods, not to exceed an aggregate of 90 days. EPA proposed rules to implement the premanufacture notification authority given it by TSCA published in the **Federal Register** of January 10, 1979 (44 FR 2263). Section 720.35 of the proposed regulations addressed the section 5(c) extension in which EPA believed there would be good cause to extend the notice period. Although EPA has not yet promulgated these rules, the provisions of the proposal that is applicable in this case that:

> EPA has received the notice and has determined that there is a significant possibility that the chemical will be regulated under section 5(e) or section 5(f) of the Act, but the Agency is unable to initiate regulatory action within the initial 90-day period (44 FR 2273).

On the basis of the concerns raised during EPA's evaluation of the PMN substances, and because of the limited time before the end of the review period (which closes on March 12, 1980), EPA has determined that good cause exists to extend the notice period for an additional 45 days, until April 26, 1980.

During the additional 45 days, EPA will: (1) Evaluate the need for additional data on the PMN substances, (2) examine possible control options, and (3) determine the need for control in the light of EPA's concerns about the PMN substances. Extension of the notice period preserves EPA's authority to initiate a regulatory action, if the Agency's deliberations conclude that such an action is appropriate.

The PMN's, summaries of communications between the submitter and EPA, and other written material, are available for public inspection in Room 447 East Tower at the EPA headquarters address given above. The public record is available from 8 a.m. to 4 p.m. on normal business days. All information that the manufacturer has claimed to be confidential has been deleted from the documents in the public record.

Dated: March 12, 1980.

Steven D. Sellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-8982 Filed 3-24-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. A-9]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: March 19, 1980.

Cut-off Date: May 5, 1980.

Notice is hereby given that the following applications are hereby accepted for filing, and will be considered ready and available for processing after May 5, 1980. These applications request authority to restore AM broadcast services formerly provided by stations WLLE, Raleigh, North Carolina, and WBRL, Berlin, New Hampshire. The Commission will accept for consolidation with these applications other applications which propose essentially the same facilities. An application, in order to be considered with these applications, must be substandially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on May 5, 1980.

Peitions to deny any application on this list must be on file with the Commission not later than the close of business on May 5, 1980.

BP-800201AL (new), Raleigh, North Carolina, New Sound, Inc., Req: 570 kHz, 500 W, D.

BP-800215AP (new), Berlin, New Hampshire, McLaughlin Broadcasting Company, Inc., Req: 1400 kHz, 250 W, 1 kW-LS, U

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-9001 Filed 3-24-80; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 80-99, 80-100; File Nos. BP-21-261, BP-790207AA]

Columbia Broadcasting Corp. and Columbia Radio Broadcasting, Inc.; Hearing Designation Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: March 7, 1980.

Released: March 14, 1980.

In re applications of Columbia Broadcasting Corporation, Columbia, Pennsylvania, BC Docket No. 80-99, File No. BP-21, 261; Req: 1580 kHz, 0.5 kW, Day, Columbia Radio Broadcasting, Inc., Columbia, Pennsylvania, BC Docket No. 80-100, File No. BP-790207AA; Req: 1580 kHz, 0.5 kW, Day. For Construction Permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications. Both applicants have specified the deleted facilities of Station WCLY.

2. *Columbia Broadcasting Corporation.* Analysis of the financial data submitted by Columbia Broadcasting Corporation (hereafter Columbia Broadcasting) reveals that $34,723 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	$2,779
Equipment payments with interest	2,350
Building	1,000
Miscellaneous	11,000
Operating costs	17,600
Total	34,723

Columbia Broadcasting plans to finance construction and operation with the following funds: $30,000 new capital, a $40,000 bank loan, and $10,000 advertising revenues. However, the balance sheets submitted by principals Ralph H. Gaze and Ted and Lynne Perkins do not show the availability of sufficient net liquid assets to support their commitments, which total $20,000. The exact amount of net liquid assets cannot be determined since these balance sheets do not segregate current and long-term liabilities and do not itemize the securities they show. The applicant apparently is relying on a June 30, 1978 letter from National Central Bank, Lancaster, Pennsylvania for its $40,000 bank loan. This letter states that approval of the loan application will be withheld until receipt of satisfactory financial statements and collateral, and thus does not show reasonable assurance that the loan will be forthcoming. Next, the applicant cannot rely on anticipated advertising revenues. *Financial Qualifications Standards for Aural Broadcast Applicants*, 69 FCC 2d 407, 43 RR 2d 1101 (1978); *Amber Productions, Inc.*, FCC 79-549, 46 RR 2d 448 (1979). Finally, the following necessary documentation has not been submitted: (1) A stock subscription agreement from Lynne Perkins, (2) a current balance sheet of the corporation, (3) a copy of the transmitter site and equipment lease, and (4) a copy of the studio lease. A general financial issue will be specified.

3. Columbia Broadcasting has also failed to comply with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971). From the information before us, it appears that the applicant has failed to survey leaders of significant population groups set forth in its demographic study as required by Questions and Answers 10 and 13(a) of the *Primer*. For example, no leaders of blacks, labor, or agriculture were interviewed. A limited ascertainment issue will be specified.

4. *Columbia Radio Broadcasting, Inc.* Analysis of the financial data submitted by Columbia Radio Broadcasting, Inc. (hereafter Columbia Radio) reveals that $28,037 had been budgeted to construct the proposed station and operate for three months, itemized as follows:

Equipment	$1,800
Building	950
Miscellaneous	13,600
Operating costs	11,687
Total	28,037

Columbia Radio's estimated costs include $1,050 for lease of the antenna and site. However, the lease agreement provides that Columbia Radio pay $200 per month for the period from November 1, 1978 to June 1, 1979, and $350 per month from June 1, 1979 to June 1, 1982. Accordingly, even assuming that Columbia Radio could construct and commence operation now, its lease cost would be at least $5,600. In addition, the applicant has made no provision for obtaining a studio facility and has not submitted an itemization of its costs of operation for the first three months. Columbia Radio plans to finance construction and operation with $4,568 existing capital and new capital of $36,250. Principal Gordon Mould would rely on a bank loan to meet his $6,250 commitment, but the bank's letter fails to contain the necessary terms regarding rate of interest, collateral, if any, and repayment. A general financial issue will be specified.

5. Columbia Radio has also failed to comply with the requirements of the *Primer, supra*, by failing to survey leaders of significant population groups set forth in its demographic study. No leaders of groups representing blacks, women, labor, or agriculture were interviewed. In addition, Question and Answer 6 of the *Primer* requires applicants to ascertain the problems of major communities outside the cities of license they seek to serve. Question and Answer 7 states that ascertainment in such communities should consist of consultations with leaders who can be expected to have a broad overview of community problems. In the alternative, if an applicant chooses not to serve a community, it must explain why. Columbia Radio's application indicates that Mount Joy (population 5,041) and Wrightsville (population 2,668) are within the proposed service area. Considering the size of the proposed community of license (12,263 in 1970), Mount Joy and Wrightsville appear to be major communities as contemplated by the *Primer*. Since the applicant has neither interviewed appropriate leaders in Mount Joy and Wrightsville nor explained why it does not intend to serve these communities, a limited ascertainment issue will be specified.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

7. *Accordingly, it is ordered,* That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Columbia Broadcasting Corporation is financially qualified to construct and operate the proposed station.

2. To determine whether Columbia Broadcasting Corporation interviewed leaders of blacks, labor, and agriculture in connection with its ascertainment effort.

3. To determine whether Columbia Radio Broadcasting, Inc. is financially qualified to construct and operate the proposed station.

4. To determine with respect to the efforts of Columbia Radio Broadcasting, Inc. to ascertain the needs of its proposed service area:

(a) Whether the applicant interviewed leaders of blacks, women, labor, and agriculture; and

(b) Whether the applicant has adequately ascertained community problems outside its proposed community of license.

5. To determine which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

8. *It is further ordered,* that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. *It is further ordered,* That the applicants herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing (either individually or, if feasible, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the

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publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.
Richard J. Shiben,
Chief, Broadcast Bureau.

[FR Doc. 80-8999 Filed 3-24-80; 8:45 am]
BILLING CODE 6712-01-M

[BC Docket Nos. 80-101, 80-102; File Nos. BP-20, 834, BP-781205AF]

Good Times, Inc., and Temujin Corp.; Hearing Designation Order Designating Associations for Consolidated Hearing on Stated Issues

Adopted: March 7, 1980.
Released: March 17, 1980.

In re applications of Good Times, Inc., Chubbuck, Idaho, Req: 1490 kHz, 250W, 1 kW-LS, U, BC Docket No. 80-101, File No. BP-20,834; Temujin Corporation, Chubbuck, Idaho, Req: 1490 kHz, 250W, 1 kW-LS, U, BC Docket No. 80-102, File No. BP-781205AF, for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Good Times, Inc. (GTI) and Temujin Corporation (Temujin).

2. *Good Times, Inc.* Analysis of the financial data submitted by GTI reveals that $25,606 will be required to construct its proposed station and operate for three months, itemized as follows:

Lease and rental costs during construction	$2,656
Building	500
Miscellaneous	4,171
Operating costs (three months)	18,279
Total	25,606

However, GTI has not submitted any documentation to support the availability or cost of the realty and equipment it proposes to lease and rent. Further, applicant has allocated only $1,000 for legal expenses, an amount clearly insufficient to meet the actual cost of a comparative hearing.

3. GTI plans to finance construction and operation with $5,000 in existing capital and $75,000 in loans from its stockholders. However, while each stockholder is to lend GTI $25,000, according to the application, no written agreements have been submitted evidencing binding obligations on their part to extend credit, and showing the amount, rate of interest, terms of repayment, and any security required. Further, no balance sheet has been furnished for stockholder Johnson, and the balance sheets of the other two stockholders are defective. It is not possible to determine whether stockholder Erck's current assets exceed his current liabilities since neither his liabilities nor all of his receivables are segregated into long- and short-term categories, as required by Paragraph 4(b), Section III of the application form. It is also not possible to determine the total amount of stockholder Goddard's current liabilities since the current portions of his mortgage liabilities are not separately stated, and in any event his balance sheet does not show sufficient net current assets to make a $25,000 loan. In view of the foregoing, a general financial issue will be specified.

4. GTI has also failed to comply with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971). From the information before us, it appears that the applicant may have failed to interview a cross-section of community leaders who accurately reflect the composition of Chubbuck. Of the 72 persons interviewed, 31 were not identified in any manner as to the organizations or community leadership categories they represent. Many of the others were not identified sufficiently to establish their leadership positions in their communities. With such deficient information, it is not possible to determine whether the requirements of the *Primer* have been met with respect to leaders of either Chubbuck or outlying communities to be served. Accordingly, an issue will be specified.

5. GTI's application is also deficient in that its response to Question 16 of Section IV-A does not clearly indicate a commitment to comply with the Fairness Doctrine, and it does not contain an equal employment opportunity program. An amendment must be filed remedying these deficiencies.

6. *Temujin Corporation.* Analysis of the financial data submitted by Temujin reveals that $32,405 will be required to construct its proposed station and operate for three months, itemized as follows:

Lease and rental costs during construction	$5,128
Building	1,200
Miscellaneous	2,200
Operating costs (three months)	23,877
Total	32,405

However, Temujin has not documented the availability and cost of the real estate it proposes to lease or rent. Nor does the $1,000 allocated for legal costs appear sufficient for a comparative hearing.

7. Temujin plans to finance construction and operation with $1,000 in existing capital and $109,375 net proceeds from a loan. However, the existing capital has not been shown available because the applicant's balance sheet is undated and, in fact, does not balance. Further, the loan has not been shown available because it is wholly undocumented as to source, terms, or financial capacity of the lender. In view of the foregoing, a general financial issue will be specified.

8. Temujin's ascertainment also appears to be deficient. Its compositional study fails to analyze the proposed community of license (Chubbuck) as an independent entity, but addresses itself *in toto* to the composite community of Chubbuck-Pocatello. In addition, Temujin does not list either the names of the community leaders it interviewed or the organizations which they represent, contrary to the instruction of Question and Answer 20 of the *Primer*. Thus it is not possible to determine whether the applicant interviewed leaders representing significant groups in Chubbuck and having a broad overview of problems in outlying communities served. Further, the dates of both its community leader and general public surveys are not specified, so it is not possible to determine whether the currency requirements of Question and Answer 15 have been met. Accordingly, an ascertainment issue will be specified.

9. Finally, it is noted that Robert Billings, a vice-president, director, and one-third owner of Temujin's stock, is currently employed as chief engineer at stations KSEI and KRBU(FM) in Pocatello, Idaho, both of which would compete with Temujin's proposed facility. Billings should state his intentions with respect to that management-level position in the event Temujin's application is granted by the Commission.

10. Data submitted by the applicants indicate there would be a significant difference in the size of the populations which would receive service from the proposals. However, the difference in the areas which would receive service is slight, and it appears that the population difference is more likely due to different methods of computing populations served than to actual population differences. Thus, comparison of the areas or populations of the proposed service areas is not warranted.

11. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

12. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Good Times, Inc. is financially qualified to construct and operate its proposed station.

2. To determine whether Temujin Corporation is financially qualified to construct and operate its proposed station.

3. To determine with respect to the efforts of Good Times, Inc. to ascertain the needs of its proposed service area:

(a) Whether the applicant interviewed leaders who reflect the composition of Chubbuck; and

(b) Whether the applicant adequately ascertained problems outside its proposed community of license.

4. To determine with respect to the efforts of Temujin Corporation to ascertain the needs of its proposed service area:

(a) Whether the applicant adequately determined the composition of its proposed community of license;

(b) Whether the applicant interviewed leaders who reflect the composition of Chubbuck;

(c) Whether the applicant adequately ascertained problems outside its proposed community of license; and

(d) Whether the applicant complied with Question and Answer 15 of the *Primer*.

5. To determine which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which if either of the applications should be granted.

13. *It is further ordered,* that Good Times, Inc. and Temujin Corporation shall file the amendments specified in paragraphs 5 and 9, above, with the presiding Administrative Law Judge within 30 days after this Order is published in the **Federal Register.**

14. *It is further ordered,* that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

15. *It is further ordered,* That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing (either individually or, if feasible, jointly) within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.
Richard J. Shiben,
Chief, Broadcast Bureau.

[FR Doc. 80-8998 Filed 3-24-80; 8:45 am]
BILLING CODE 6712-01-M

[BC Docket Nos. 80-96—80-98; File Nos. BPH-10,382 etc.]

Muncie Broadcasting Corp. et al.; Hearing Designation Order Designating Applications For Consolidated Hearing on Stated Issues

Adopted: February 29, 1980.
Released: March 14, 1980.

In re applications of Muncie Broadcasting Corporation, Muncie, Indiana. Req: 104.9 MHz, Channel 285, 3kW (H&V), 300', BC Docket No. 80-96. File No. BPH-10,382; Bendel Broadcasting Corporation, Muncie, Indiana, Req: 104.9 MHz, Channel 285, 3 kW (H & V), 300', BC Docket No. 80-97. File No. BPH-10,655; Hoosier Favorite Station, Inc., Muncie, Indiana. Req: 104.9 MHz, Channel 285, 3kW (H&V), 300', BC Docket No. 80-98. File No. BPH-10,661; for construction permits.

1. The Commission, by its Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (a) The above-captioned mutually exclusive applications of Muncie Broadcasting Corporation (MBC), BenDel Broadcasting Corporation (BenDel) and Hoosier Favorite Station, Inc. (Hoosier); (b) petitions to specify issues filed by all three parties; and (c) related pleadings thereto.

2. *MBC.* In response to pleadings by Hoosier, and BenDel, and to a staff deficiency letter, MBC has amended its application to show that it has a commitment letter from the Merchants National Bank of Muncie for a loan of up to $200,000 to cover its estimated costs of construction and operation; that it has a letter from the equipment supplier which gives reasonable assurance of the availability of deferred credit from the supplier; and that it has sufficient assets to pay for legal fees incident to a hearing. In addition, MBC has amended its ascertainment survey to put it in substantial compliance with the Primer. Therefore, no issues will be specified against MBC.

3. *BenDel.* Analysis of the financial portion of BenDel's application, including amendments, reveals that BenDel will require $115,019.48 to construct its proposed facility and operate for three months, without revenue, itemized as follows:

Equipment down payment	$24,760.80
Equipment payments with interest (four months)	8,418.68
Land	1,200.00
Loan payment	11,001.00
Miscellaneous (legal fees, engineering costs, modifications, and life insurance)	26,139.00
Three months operating costs	43,500.00
Total	$115,019.48

4. To meet these requirements, BenDel states that it has available to it a loan from the Eaton National Bank and Trust Company of Eaton, Ohio in the amount of $200,000 which will be 90% guaranteed by the Small Business Administration. To obtain the SBA guarantee, BenDel must comply with certain terms, which, among other things, are, that the loan must be personally guaranteed by Larry D. Benes, president of BenDel; that Larry D. Benes must inject not less than $50,000 from his own funds into the business; and that BenDel assign to the SBA its FCC license as part of the collateral required to obtain the loan. The SBA agreement limited the use of the proceeds of the loan to equipment purchases, operating expenses, and leasehold improvements.

5. BenDel has not supplied any statement from Mr. Benes stating that he is willing to personally guarantee the bank loan, nor has it shown, by a balance sheet or other documentation, that Larry D. Benes is financially able to inject $50,000 from his own funds into BenDel. BenDel points to the fact that the Eaton National Bank and Trust Company has stated that it is satisfied that Mr. Benes will be able to meet this term of the loan., However, this is not enough. The instructions to Question 4, Section III of FCC Form 301 state that for each person who has agreed to furnish funds that are relied upon by the applicant to establish its financial qualifications, that person must submit a balance sheet or a financial statement showing all liabilities and current and liquid assets.

6. In addition, the other two terms of the loan mentioned in paragraph 3 present certain difficulities. SBA's requirement that BenDel Assign its FCC license to it as collateral is in conflict with Section 310 of the Communications Act, and SBA's limitation on the use of the proceeds of the loan renders BenDel incapable of paying certain debts, such as legal fees, and engineering fees. BenDel states that it recognizes these problems and has requested that the SBA modify its terms. BenDel states that the SBA has agreed to such modifications, but offers no documentation to support its statement. The SBA authorization and loan agreement states that no provision "shall be waived without the prior written consent of SBA." Therefore, a

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statement from the SBA stating it agrees to the modifications of the agreement asked for by BenDel is required. In light of the above-mentioned deficiencies found in BenDel's financial plan, we are specifying a general financial issue against BenDel.

7. *Hoosier.* Analysis of the financial portion of Hoosier's application reveals that Hoosier will require $88,304 to construct its proposed facility and operate for three months, without revenue, itemized as follows:

Down payment on equipment	$16,676
Equipment payments with interest	4,128
Building	2,500
Miscellaneous	27,000
Operating costs (three months)	18,000
Total	968,304

8. Hoosier intends to rely on $150,000 in stockholder subscriptions, and deferred credit from its equipment supplier to meet its estimated costs. The credit letter from the equipment supplier gives reasonable assurance that credit is available. As for the stockholder subscriptions, Hoosier has submitted letters from two banks, the Merchants National Bank of Muncie, and the First National Bank of Decatur. These banks have agreed to lend to the stockholders, 460,000 and $90,000, respectively, to enable them to subscribe to 500 shares of common voting stock with a stated value of $300 per share. In return, each stockholder has expressed his or her acceptance of the terms and conditions of the bank loan, and will pledge his or her stock to the bank as security for the loan.

9. Hoosier did not submit the personal balance sheets for each of the stock subscribers. Both BenDel and MBC argue that this is necessary to assure the Commission that the stockholders are financially able to purchase stock from Hoosier. In response, Hoosier argues that the fact that the banks have determined that the prospective stockholders present an acceptable credit risk should be sufficient evidence for the Commission to be assured that funding will be available to Hoosier as proposed. We agree with Hoosier. As the Commission stated in *Atlantic Broadcasting Co.*, 5 FCC 2d 161, 8 RR 2d 791 (Rev. Bd. 1966), "(W)here stock subscriptions are necessary to a finding of financial qualifications, the ability of an individual subscriber to meet his commitment is established by a showing limited to a bank loan commitment for the sum required." Therefore, it appears that Hoosier is financially qualified and no financial issue will be specified.

10. *Other matters.* Certain procedural matters are presented by the applicants. Hoosier has petitioned the Commission to dismiss BenDel's application for failure to respond to a Commission request for information. Specifically, Hoosier states that in response to the staff's deficiency letter which pointed out certain inadequacies in BenDel's financial showing, BenDel responded that it was still negotiating for a financial arrangement which would satisfy the Commission's requirements, and, further, Hoosier notes, that even as of the date of the cut-off for filing amendments as of right, BenDel could only state that it was in the process of getting a firm loan commitment. Hoosier considers this an inadequate response and petitions for the dismissal of BenDel's application as patently defective as defined by § 73.3566 of the Commission's rules or for failure to prosecute as defined by § 73.3568 of the rules.

11. BenDel states in reply to Hoosier that it has diligently replied to Commission correspondence, and that if Hoosier finds BenDel's response inadequate, its procedural remedy lies in a petition to specify issues. We agree with BenDel. Hoosier has relied upon the Commission's declaratory judgement in *Indianapolis Broadcasting, Inc.*, 65 FCC 2d 166, 41 RR 2d 21, (1977) for support for its petition, but there the Commission only discussed a failure by an applicant to respond to a Commission letter. BenDel has responded to Commission correspondence. Therefore, we can neither find BenDel's application patently defective nor find that BenDel's action constitutes a failure to prosecute.

12. BenDel has petitioned the Commission to strike the petition to specify issues submitted by MBC as untimely filed. MBC agrees that its petition was filed one day late, but states that there was no prejudice to either party caused by the late filing, and that MBC's petition raises matters of probable decisional significance which should be considered on their merits regardless of the petition's timeliness. Inasmuch as the procedures regarding the consideration of pleadings to specify issues are no longer applicable, it is unnecessary to determine the acceptability of MBC's petition. We have, to the extent that MBC's petition raises matters of decisional significance, considered MBC's petition, and to the extent that we have not, MBC is free to raise these matters at a later time before an Administrative Law Judge.

13. BenDel and MBC object to Hoosier's petitions for leave to amend its application in regard to certain information which BenDel and MBC claim will tend to improve Hoosier's comparative status. The background of their objection is as follows. As of the cut-off date for amending its application as of right, Hoosier had reported that Stephen Bellinger, a 20% owner of Hooiser, had "entered into an agreement, in principle, to sell, subject to FCC approval, his entire (43%) interest in Prairieland Broadcasters, Inc., licensee of WILY(AM) and WRXX(FM), Centralia, Illinois." Subsequent to the cut-off date, Hoosier petitioned for leave to amend its application on February 28, 1979 to report the filing of an application with the Commission for consent to the transfer of Stephen Bellinger's properties. On April 5, 1979, Hoosier petitioned for leave to amend its application to report the granting of consent by the Commission to the transfer, and on June 14, 1979, Hoosier petitioned for leave to amend its application to report that all acts necessary for the transfer of Stephen Bellinger's interest in WILY(AM) and WRXX(FM) had been consummated. BenDel and MBC agree that the information Hoosier has petitioned to add to its application is required by § 1.65 of the Commission's rules, but argue that the amendments should be accepted for their information only, and that Hoosier should be held for comparative purposes to its status as of the cut-off date.

14. In reply, Hoosier states that the two competing applicants were on notice before the cut-off date that an agreement, in principle, had been entered into by Stephen Bellinger, and that it was reporting only the consummation of the agreement, and that the Commission has stated in two cases, under these circumstances, that it prefers to engage in a comparative evaluation of the applicants based on actual fact rather than on a fiction based on the principal's previous ownership interest. *Bie Broadcasting Co.*, FCC 78M–1825, 44 RR 2d 1346 (Admin. L. J., 1978), *Town and Country Radio, Inc.*, FCC 77M–1465, 41 RR 2d 627 (Admin. L. J., 1977).

15. MBC distinguishes these two cases, first, by stating that since they are decisions by Administrative Law Judges they are not binding precedent, and secondly, that in the facts of both cases, the applicants had a binding commitment to sell their broadcast interests before designation (the time under the old procedures at which applicants could no longer amend their application as of right), whereas here Hoosier only had an agreement "in principle." Hoosier responds that acceptance of Hoosier's amendments for all purposes would in this case cause less disruption to Commission procedures, than in either of the two cited cases, because, here all amendments were filed prior to designation, where as in *Bie Broadcasting* and *Town and Country*, the amendments at issue were amendments filed post-designation.

16. We agree with Hoosier. Although *Bie Broadcasting* and *Town and Country* are not binding precedent we choose to follow their reasoning that the Commission should base its comparison of applicants wherever possible on fact rather than fiction. The fact is that Hoosier has divested itself of two of its broadcast interests. All transactions were completed and reported before the staff began to prepare this designation order, and therefore no disruption of Commission procedures occurred. This is far different from the situation in *Bie Broadcasting* and *Town and Country* where an applicant sought to change its status after the designation order had been prepared and issued, and it is important to note that Hoosier had reported its intention to divest prior to the cut-off date for amendments as of right.

17. Hoosier has also asked leave to amend its application to report that two of its principals are involved in antitrust litigation. MBC asks that the Commission specify in its hearing designation order that if the Hoosier application is granted, the grant will be without prejudice to any action which the Commission might deem appropriate in view of the final disposition of the lawsuit, and cites *Peoples Broadcasting Corporation*, 68 FCC 2d 1569 (1978) as precedent. The Commission will so specify.

18. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

19. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

20. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether BenDel is financially qualified to construct and operate the proposed station.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

21. It is further ordered, that the petitions to specify issues filed by MBC, BenDel and Hoosier are granted to the extent indicated above and are denied in all other respects.

22. It is further ordered, that the petitions for leave to amend filed by MBC, BenDel and Hoosier are granted, and the corresponding amendments are accepted.

23. It is further ordered, that any grant to Hoosier Favorite Station, Inc., is without prejudice to any action the Commission might deem appropriate as a result of the final disposition of the antitrust litigation involving its principals.

24. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

25. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the pulication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 80-9000 Filed 3-24-80; 8:45 am]

BILLING CODE 6712-01-M

Privacy Act of 1974; Systems of Records

Notice is hereby given that the Federal Communications Commission has under consideration an additional system which it intends to adopt in accordance with the Privacy Act of 1974, 5 U.S.C. 552a.

It is proposed that this will be established and maintained for records of individuals interested in professional employment within the Office of Plans and Policy.

The system notice, as it is proposed, is attached.

Comments on the proposed notice may be submitted to the Privacy Act Liaison Officer, Records Management Branch, Room A–102, comments received on or before April 21, 1980, will be considered. Copies of any comments received may be inspected in Room A–102, 1229–20th Street, N.W., Washington, D.C.

William J. Tricarico,

Secretary.

FCC/OPP–2

SYSTEM NAME:

Applications for Employment File.

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554, Room 838.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals interested in employment within the Office of Plans and Policy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard Forms 171 and/or resumes containing name, address, social security number, references, educational background, work experiences.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

None.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Chief and Deputy Chief for possible employment for professional positions for which outside recruitment is necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records filed in file folders.

RETRIEVABILITY:

Chronologically and then by name.

SAFEGUARDS:

Records are located in metal file cabinets with access limited to designated personnel and office is locked after normal duty hours.

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RETENTION AND DISPOSAL:

Retained for one year and the destroyed in accordance with existing FCC records control schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Plans and Policy, 1919 M Street, N.W., Room 838, Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Applicant.

[FR Doc. 80-9006 Filed 3-24-80; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

Washington Federal Savings & Loan Association of University Heights, Ohio; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464(d)(6)(A)), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as receiver for Washington Federal Savings and Loan Association of University Heights, Ohio, effective as of March 18, 1980.

Dated: March 20, 1980.

J. J. Finn,
Secretary.

[FR Doc. 80-9017 Filed 3-24-80; 8:45 am]
BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 16, 1980.

A. *Federal Reserve Bank of Boston* (Richard E. Randall, Vice President) 30 Pearl Street, Boston, Massachusetts 02106:

Manufacturers Hanover Corporation, New York, New York (second mortgage lending, servicing, and insurance activities; Virginia): to engage through its subsidiary The Financial Source, Incorporated, of Virginia in arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit secured by second mortgages on residential real property such as would be made by a consumer finance company; servicing such loans and other extensions of credit for any person; acting as an agent or broker for the sale of credit life insurance which is directly related to such loans and extensions of credit and, through its subsidiary Ritter Life Insurance Company, reinsuring such credit life insurance. These activities would be conducted from the offices of The Financial Source, Incorporated, of Virginia located in and serving the following counties as well as portions of continuous counties: Prince William, Appomattox, Bedford, Tazewell, Caroline, Montgomery, Rockingham, Campbell, Wise, Albermarle, Mecklenburg, Culpeper, Northampton, Nottoway, Alleghany, Buchanan, Greensville, Prince Edward, Brunswick, Russell, Louisa, Accomack, Prince George, Franklin, Halifax, Loudoun, York, Richmond, Fauquier, Shenandoah, Frederick and Sussex Counties, all of which are located in Virginia.

B. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Commercial National Corporation, Peoria, Illinois (finance and insurance activities, Illinois): a bank holding company, proposes to establish a *de novo* office of its subsidiary, Commercial National Loan Centers, Inc. to engage in the following activities: making and acquiring for its account secured and unsecured installment loans, and other extensions of credit, primarily to individuals, and selling participation in (but not acting as underwriter, agent, or broker with respect thereto) group credit life and credit health and accident insurance coverage directly related to such loans and other extensions of credit. Such activities will be conducted from an office in Peru, Illinois and will serve the City of Peru and all of LaSalle County, Illinois.

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. Bankamerica Corporation, San Francisco, California (financing and servicing loans; Nationwide): to engage through its subsidiary, BA Business Credit Corporation, a Delaware corporation, in making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by both a consumer finance company and a commercial finance company; and servicing loans and other extensions of credit. Such activities will include but not be limited to making consumer installment loans; making loans and other extensions of credit of a commercial nature to businesses; all said loans may be unsecured or secured by personal assets and residential and commercial real estate. These activities would be conducted from offices in San Diego, California and Richmond, Virginia and the area to be served is national.

2. Security Pacific Corporation, Los Angeles, California (industrial loan, loan servicing, financing and credit-related insurance activities; Utah): to engage, through its subsidiary Security Pacific Finance Money Center, Inc., an industrial loan corporation organized under Utah law, in the activities of making, acquiring and servicing loans and other extensions of credit; accepting time and savings deposits and issuing thrift certificates and thrift passbook certificates; and acting as agent for the sale of credit-related accident and health and casualty insurance as authorized by Utah law. These activities would be conducted from an office in Midvale, Utah, serving the State of Utah.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 17, 1980.
William N. McDonough,
Assistant Secretary of the Board.

[FR Doc. 80-9036 Filed 3-24-80; 8:45 am]
BILLING CODE 6210-01-M

Colorado Springs Banking Corp.; Formation of Bank Holding Company

Colorado Springs Banking Corporation, Colorado Springs, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 95 percent of the voting shares of First Bank, Colorado Springs, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 18, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 18, 1980.
William N. McDonough,
Assistant Secretary of the Board.

[FR Doc. 80-9041 Filed 3-24-80; 8:45 am]
BILLING CODE 6210-01-M

Jefferson Bancorp, Inc.; Formation of Bank Holding Company

Jefferson Bancorp., Inc., Peoria, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Jefferson Trust and Savings Bank, Peoria, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 18, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 18, 1980.
William N. McDonough,
Assistant Secretary of the Board.

[FR Doc. 80-9039 Filed 3-24-80; 8:45 am]
BILLING CODE 6210-01-M

Manufacturers Bancorp, Inc.; Formation of Bank Holding Company

Manufacturers Bancorp, Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to Manufacturers Bank & Trust Company of St. Louis, St. Louis, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 17, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 18, 1980.
William N. McDonough,
Assistant Secretary of the Board.

[FR Doc. 80-9040 Filed 3-24-80; 8:45 am]
BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on March 18, 1980.

See 44 U.S.C. 3512 (c) and (d). the purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before April 14, 1980, and should be addressed to Mr. Jonh M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

Interstate Commerce Commission

The ICC requests an extension-without-change clearance of Form QPA, Quarterly Report of Revenues, Expenses, and Statistics, required to be filed by some 61 Class I Motor Carriers of Passengers, pursuant to Section 11145 of the Interstate Commerce Act. Data collected by Form QPA are used for economic regulatory purposes. Reports are mandatory and available for use by the public. The ICC estimates that reporting burden for carriers averages 6 hours per report.

Norman F. Heyl,
Regulatory Reports, Review Officer.

[FR Doc. 80-9007 Filed 3-24-80; 8:45 am]
BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

Center for Disease Control Programs and Policies Advisory Committee (Ad Hoc); Establishment

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, the Center for Disease Control (CDC) announces the establishment by the Secretary of Health, Education, and Welfare, on March 12, 1980, of the following Federal advisory committee:

Designation: CDC Programs and Policies Advisory Committee (*Ad Hoc*).

Purpose: The CDC Programs and Policies Advisory Committee (*Ad Hoc*) will evaluate CDC's progress in

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implementing its recommendations and, based on the results of their evaluation, make recommendations to the Secretary, HEW, the Assistant Secretary for Health, and the Director, CDC, pertaining to future direction, programs, and policies for CDC.

Authority for this Committee will expire August 31, 1980, unless the Secretary formally determines that continuance is in the public interest.

Dated: March 19, 1980.

William H. Foege, M.D.,

Director, Center for Disease Control.

[FR Doc. 80-9016 Filed 3-24-80; 8:45 am]

BILLING CODE 4110-86-M

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by LeRoy M. Gomez, District Director, Denver District Office, Denver, CO.

DATE: The meeting will be held at 7:30 p.m., Thursday, April 17, 1980.

ADDRESS: The meeting will be held at the U.S.D.A. Building, 4930 9th Ave. S., Great Falls, MT 59405.

FOR FURTHER INFORMATION CONTACT: Helen C. Kraveny, Consumer Affairs Officer, Food and Drug Administration, Department of Health, Education, and Welfare, 500 U.S. Courthouse, Denver, CO 80202, 303–837–4915.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to indentify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Denver District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: March 17, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-9014 Filed 3-24-80; 8:45 am]

BILLING CODE 4110-03-M

Blood-Banking and Transfusion Programs; Memorandum of Understanding With the Public Health Service and the Health Care Financing Administration

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with the Public Health Service and the Health Care Financing Administration (HCFA). The purpose of the understanding is to consolidate responsibilities for inspecting and surveying blood-banking and transfusion programs.

DATES: The FDA and HCFA finalized the agreement and began to administratively implement it as of October 1, 1979. The Secretary approved this MOU on January 21, 1980, which shall be the effective date.

FOR FURTHER INFORMATION CONTACT: Gary Dykstra, Regulatory Operations Section (HFC–22), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3470.

SUPPLEMENTARY INFORMATION: Pursuant to the notice published in the **Federal Register** of October 3, 1974 (39 FR 35697) stating that future memoranda of understanding and agreements between FDA and others would be published in the **Federal Register**, the Commissioner of Food and Drugs is issuing the following memorandum of understanding.

Memorandum of Understanding for Administration of Blood-Banking and Transfusion Service Programs

I. Purpose and Background

Since 1966, hospitals and independent laboratories participating in the program of Health Insurance for the Aged and Disabled established by Title XVIII of the Social Security Act (Medicare), have been surveyed by HEW, most recently including the Health Care Financing Administration (HCFA), for compliance with the applicable provisions of the Medicare statute and regulations. These regulations include requirements affecting the blood banking and transfusion services of hospitals and independent laboratories. (Hospitals accredited by the Joint Commission on the Accreditation of Hospitals (JCAH) or the American Osteopathic Association (AOA) are deemed under the Medicare Act and regulations to meet most of the Medicare requirements.)

Since 1973, the Food and Drug Administration (FDA) has concurrently conducted administrative inspections of blood banks and transfusion services engaged in the collection, processing, storage, compatibility testing, or distribution of blood and blood components under the drug provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and the biological products provisions of the Public Health Service Act (42 U.S.C. 262).

Most nongovernmental hospitals and independent laboratories with blood-banking or transfusion service capabilities approved by the Medicare program are also subject to inspection by FDA. In early 1979, HCFA and FDA proposed to coordinate all Federally authorized inspections of hospital blood banks and transfusion services in order to minimize duplication of effort and to reduce the burden on affected facilities. This Memorandum of Understanding finalizes the consolidation within HCFA of all responsibilities for the inspection and surveying of approximately 3,000 transfusion services. However, other blood establishments, as defined below, will remain subject to inspection under the Public Health Service (PHS)/FDA program, and will also be subject to HCFA requirements if they choose to participate in the Medicare program.

PHS/FDA and HCFA shall continue to act under existing delegations of authority, and no transfer of statutory functions or authority is made here. HCFA shall, however, conform many of its program requirements for the survey of blood banks and transfusion services to those issued by PHS/FDA. This includes the adoption of certain of the PHS/FDA regulations applicable to blood and blood component products set forth at 21 CFR Part 606.

Additionally, PHS/FDA shall no longer inspect on a routine basis clinical laboratories or portions thereof which perform tests such as hepatitis tests, serum protein electrophoresis, or quantitative immunoglobulin determinations in support of the preparation of biological products by a firm registered with PHS/FDA, if the clinical laboratory is approved under the HCFA program.

II. Substance of Agreement

A. *Definitions:* For the purpose of this agreement, the following definitions apply:

1. A "transfusion service" is a facility, which is part of either a hospital or an independent clinical laboratory, and which performs compatibility tests for, but is not engaged in the routine collection or processing of, blood or plasma (except recovered plasma) except for therapeutic collections, and the hospital or the independent testing laboratory is approved by HCFA for participation in the Medicare program.

2. A "blood establishment" is any other facility or portions of a facility registered as such with FDA pursuant to 21 U.S.C. Part 510 and 21 CFR Part 607. Blood establishments include hospital and nonhospital blood banks, plasmapheresis centers, and the clinical laboratories performing required testing for these establishments.

B. *Transfusion service survey and approval.* HCFA shall be responsible for:

1. Surveying hospitals and independent laboratories, including the transfusion service, and applying the Medicare conditions of participation and conditions for coverage through the Medicare survey, certification, and facility approval process, including the utilization of HCFA's system of Medicare State survey agency agreements;

2. Approving and disapproving hospitals and independent laboratories for purposes of Medicare.

3. Surveying the transfusion service of hospitals and independent laboratories in conjunction with PHS/FDA, when such a survey is appropriate to certify and document any alleged significant deficiency or deficiencies, which would, if confirmed to be present, adversely affect the health and safety of patients.

4. Conducting special surveys of the transfusion services of hospitals and independent laboratories concerning administrative, procedural, licensure, technical certification or related matters as needed, or when requested by PHS/FDA or others, as appropriate.

5. Conducting enforcement activities, such as the investigation and referral of cases to the Inspector General of the Department of Health, Education, and Welfare for further action.

6. Negotiating, approving, and administering agreements with the Medicare State survey agencies; and

7. Applying the administrative review and hearing provisions applicable to hospitals and independent laboratories under Medicare.

C. *Survey of good manufacturing practices in facilities performing emergency blood collections only.* HCFA shall survey the procedures related to the collection and processing (including labeling) of blood and blood components for transfusion at transfusion services in hospitals and independent clinical laboratories participating in the Medicare program. Once HCFA adopts the FDA standards as indicated in paragraph D below, these facilities will not be registered as blood establishments with PHS/FDA.

D. *Development of technical and scientific standards.* PHS/FDA shall be responsible for the promulgation and interpretation of technical and scientific standards relating to transfusion services and blood establishments and for responding to inquires concerning these standards except as indicated in paragraph E below. HCFA shall undertake to adopt these standards for use in the Medicare program.

E. *Application of personnel and proficiency testing standards.* For purposes of the Medicare program, the HCFA standards for personnel (42 CFR 405.1028(d), (g), and (i) for hospitals and 42 CFR 405.1310 through 405.1315 for independent clinical laboratories) and proficiency testing (42 CFR 405.1314(a)) shall apply. For purposes of the PHS/FDA program, the PHS/FDA standards for personnel (21 CFR 600.10 for licensed establishments and 21 CFR 606.20 of registered blood establishments) shall apply to registered, licensed and unlicensed blood establishments.

F. *Special investigations of clinical laboratories.* PHS/FDA shall no longer routinely inspect clinical laboratories or portions thereof which perform hepatitis tests or other laboratory procedures for registered blood establishments when the laboratory is surveyed by and meets the requirements of the HCFA program. When a special investigation is required by PHS/FDA to document the presence of any alleged significant deficiency or deficiencies which would, if confirmed, adversely affect the safety or efficacy of products, or the safety or health of donors, the investigation by FDA will be coordinated with regional HCFA personnel.

G. *Adverse transfusion reaction reporting.* The provisions of 21 CFR 606.170(b) require that fatal transfusion reactions related to the administration of blood or blood components be reported as soon as possible to PHS/FDA. PHS/FDA evaluates these reports and, when indicated, may undertake special investigations to determine whether remedial action has been or needs to be undertaken by the blood establishment.

PHS/FDA shall continue to receive these reports from blood banks and transfusion services in hospitals and independent laboratories participating in the Medicare program. Those reports received by FDA from transfusion services will be transmitted to HCFA for evaluation and followup under that program. In addition, PHS/FDA shall transmit to HCFA those reports which involve fatalities resulting from errors and accidents in areas of a hospital unrelated to the collection or processing of blood or blood components.

H. *Research and development.*

1. PHS/FDA shall be responsible for conducting studies related to the technical and scientific aspects of the administration and regulation of transfusion services and blood establishments, including studies for standards' development, improved quality control practices and testing, and evaluation methodologies.

2. HCFA shall be responsible for conducting studies pertaining to the Medicare coverage and amount of reimbursement to hospitals and independent laboratories stemming from the activities of their transfusion services and blood banks, the survey and approval of such services, the appropriate utilization of services, and the related administrative processes.

I. *Training.*

1. PHS/FDA shall furnish technical assistance to HCFA for the training of laboratory surveyors of the Medicare State survey agencies and other HCFA survey personnel with respect to the technical and scientific standards applicable to transfusion services and blood banks.

2. HCFA, in conjunction with PHS/FDA, shall be responsible for training laboratory surveyors of the Medicare State survey agencies and HCFA personnel concerning blood banking administration and procedure.

J. *Amendments.* This agreement may be modified at any time in writing by the Assistant Secretary for Health, the Commissioner of Food and Drugs, and the Administrator of the Health Care Financing Administration, or their authorized delegates. PHS/FDA and HCFA shall review his memorandum of understanding within 2 years after its effective date. Either party in the interim has a right to an earlier review of this agreement or any of its provisions.

K. *Resolution of differences.* In any case in which PHS/FDA and HCFA find that the resolution of significant differences with respect to this agreement cannot be achieved, the matter will be referred by the Assistant Secretary for Health, the Commissioner of Food and Drugs, and the Administrator, HCFA, to the Undersecretary or the Secretary for decision.

For the Public Health Service.

Charles Miller,

Acting Assistant Secretary for Health, Public Health Service.

Date: October 15, 1979.

For the Health Care Financing Administration.

Leonard Schaeffer,

Administrator, Health Care Financing Administration.

Date: January 1, 1980.

For the Food and Drug Administration.
Joseph P. Hile,
Associate Commissioner for Regulatory Affairs, Food and Drug Administration.

Approved:
Patricia Roberts Harris,
Secretary of the Department of Health, Education, and Welfare.

Date: January 21, 1980.

Effective date: January 21, 1980.

Dated: March 18, 1980.
William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8944 Filed 3-24-80; 8:45 am]
BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Irwin B. Berch, District Director, San Francisco District Office, San Francisco, CA.

DATE: The meeting will be held at 2 p.m., Tuesday, April 15, 1980.

ADDRESS: The meeting will be held at 300 Ala Moana Blvd., Rm. 7323, Honolulu, HI.

FOR FURTHER INFORMATION CONTACT: Camilla Gray McGowan, Consumer Affairs Officer, Food and Drug Administration, Department of Health, Education, and Welfare, 50 U.N. Plaza, San Francisco, CA 94102, 415-556-2062.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's San Francisco District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: March 17, 1980.
William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8940 Filed 3-24-80; 8:45 am]
BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Thomas L. Hooker, District Director, Baltimore District Office, Baltimore, MD.

DATE: The meeting will be held at 10:30 a.m., Wednesday, April 16, 1980.

ADDRESS: The meeting will be held at the Lord Fairfax Room of the War Memorial Building, Winchester, VA.

FOR FURTHER INFORMATION CONTACT: Charity E. Singletary, Consumer Affairs Officer, Food and Drug Administration, Department of Health, Education, and Welfare, 701 W. Broad St., Falls Church, VA 22046, 703-557-0389.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Baltimore District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: March 17, 1980.
William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8941 Filed 3-24-80; 8:45 am]
BILLING CODE 4110-03-M

[FDA-225-80-8401]

Good Laboratory Practices; Memorandum of Understanding With the Federal Office for Foreign Economic Affairs, Federal Department of Public Economy of the Swiss Confederation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with the Federal Office for Foreign Economic Affairs of the Swiss Confederation. The purpose of the understanding is to set forth cooperative working arrangements to develop standards or guidelines of good laboratory practices for nonclinical laboratories and to establish programs of inspection to implement those standards or guidelines.

DATE: The understanding became effective March 5, 1980.

FOR FURTHER INFORMATION CONTACT: Ernest L. Brisson, Office of Regulatory Affairs (HFC-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2390.

SUPPLEMENTARY INFORMATION: Pursuant to the notice published in the **Federal Register** of October 3, 1974 (39 FR 35697) stating that future memoranda of understanding and agreements between FDA and others would be published in the **Federal Register** (see § 20.108(c) (21 CFR 20.108(c)), the agency is publishing the following memorandum of understanding:

Memorandum of Understanding Between Federal Office for Foreign Economic Affairs, Federal Department of Public Economy of the Swiss Confederation and Food and Drug Administration, U.S. Department of Health, Education, and Welfare

In a significant number of cases the safety evaluation data submitted to one national authority are based on studies conducted by laboratories located in the country of another national authority. Therefore, the standards observed by laboratories conducting nonclinical experiments in each country that engage in such research and that produce data which are submitted to the authorities of the other country should be those universally recognized in the applicable research fields as good laboratory practices (GLP's) so that there is substantial uniformity between the two countries as to the standards observed by laboratories conducting nonclinical experiments located therein. Where the safety evaluation data submitted to one national authority originate from a laboratory within the country of another national authority, the latter should be able to provide the former with the kind of information that the former may need to be assured that the laboratory is operated in accordance with recognized good laboratory practices.

I. Purpose

This Memorandum of Understanding consitututes a statement of intent by the responsible agencies of Switzerland and the United States to develop standards or guidelines of good laboratory practices for laboratories conducting nonclinical experiments and to establish national programs of inspection to implement those standards or guidelines. This Memorandum reflects the concern of the parties for assuring the quality and integrity of safety evaluation data submitted to national authorities with respect to products within their respective areas of responsibility.

II. Cooperation Between the Parties and Exchange of Information

To promote mutual understanding of their respective inspection programs and consistency of inspection practices and assessments as well as to facilitate the implementation of their respective regulations or guidelines, the parties agree to exchange information on

matters concerning GLP's. To this effect they will in particular:

Consult upon and communicate standards or guidelines they develop.

Share experiences made in implementing such standards or guidelines.

Exchange records and reports relating to inspections or data audits of laboratories conducting nonclinical experiments to the extent necessary for the implementation of their respective regulations or guidelines and under the provisions of paragraph 3, section III below.

III. Items for Future Discussion

By this Memorandum the parties aim at reaching a position in which they will respectively establish substantially consistent GLP standards or guidelines applicable to laboratories conducting nonclinical experiments within their respective jurisdictions including mutually acceptable programs of inspections of such laboratories, to determine compliance with such standards or guidelines. These inspections are to be carried out by the respective national authorities.

This Memorandum will serve as the framework for future negotiations concerning future memoranda between the parties to provide for reciprocal recognition of nonclinical laboratory inspection programs and reports. Such memoranda shall provide for the following specific matters:

(1) Adequate inspection programs by national authorities, which would involve inspection approximately every two years of laboratories conducting studies intended to be submitted to the authorities of the other country. Inspections shall include an assessment of laboratory procedures and operations, and also where appropriate, audits of data from completed studies submitted to the authorities of the other country.

(2) Procedures by which either party to this agreement can request the other to conduct an inspection or data audit of a nonclinical study.

(3) Procedures for exchange and acceptance of records and reports relating to inspections, data audits or other relevant matters. The parties understand that adequate account must be taken of the laws of each country, e.g. with respect to confidentiality and freedom of information. The parties recognize the need to protect trade secrets.

(4) Consultation between the parties to resolve differences of views with respect to GLP compliance matters that may be occasioned by the differences in practices between the two countries.

(5) Consultation between the parties on contemplated changes in GLP standards or guidelines.

IV. Liaison

The parties respectively appoint the following officials to serve as liaisons for all communications regarding matters relative to this Memorandum of GLP's generally.

For the Federal Office for Foreign Economic Affairs: Director, Intercantonal Office for the Control of Medicaments (currently Dr. Peter Fischer) through the Embassy of Switzerland, 2900 Cathedral Avenue, N.W., Washington, D.C. 20008.

For the Food and Drug Administration: Director, Bioresearch Monitoring Staff (currently Mr. Ernest L. Brisson), Office of Regulatory Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Approved and accepted for the Federal Office for Foreign Economic Affairs.
Raymond Probst.
Ambassador.

Date: March 5, 1980.

Approved and accepted for the Food and Drug Administration.
Jere Goyan.
Commissioner.

Date: March 5, 1980.

Effective date: This memorandum of understanding became effective March 5, 1980.

Dated: March 19, 1980.
William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8943 Filed 3-24-80; 8:45 am]
BILLING CODE 4110-03-M

Health Care Financing Administration

Blood-Banking and Transfusion Programs; Memorandum of Understanding with the Public Health Service and the Food and Drug Administration

Cross Reference: For a document on an agreement with the Public Health Service and the Food and Drug Administration see FR Doc. 80-8944 in the notices section of this issue of the **Federal Register.**

BILLING CODE 4110-35-M

National Institutes of Health

Cancer Control and Rehabilitation Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control and Rehabilitation Advisory Committee, National Cancer Institute, May 5, 1980, Blair Building, Room 110, 8300 Colesville Road, Silver Spring, Maryland 20910.

The entire meeting will be open to the public from 9:00 a.m. to adjournment, to review planning for several projects and the reorganization of the Division. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496/5708) will provide summaries of the meeting and rosters of committee members, upon request.

Mr. H. C. Noyes, Acting Executive Secretary, National Cancer Institute, Blair Building, Room 720, Silver Spring, Maryland 20910 (301/427-8635) will furnish substantive program information.

Dated: March 18, 1980.
Suzanne L. Fremeau,
Committee Management Officer, National Institutes of Health.

[FR Doc. 80-8973 Filed 3-24-80; 8:45 am]
BILLING CODE 4110-08-M

Pulmonary Diseases Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart, Lung, and Blood Institute, on May 17, 1980 at the Washington-Sheraton Hotel, Washington, D.C.

The entire meeting, from 8:30 a.m. to 5:00 p.m., will be open to the public. The Committee will review initiatives proposed by the Division of Lung Diseases for Fiscal 1981, and will plan Committee activities for the coming year. Attendance by the public will be limited to the space available.

Mr. York Onnen, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Malvina Schweizer, Executive Secretary of the Committee, Westwood Building, Room 6A16, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.838, National Institutes of Health)

V45/59 MR 25 80 UMI

Dated: March 18, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-8974 Filed 3-24-80; 8:45 am]

BILLING CODE 4110-08-M

Public Health Service

Blood-Banking and Transfusion Programs; Memorandum of Understanding with the Food and Drug Administration and the Health Care Financing Administration

Cross Reference: For a document on an agreement with the Food and Drug Administration and the Health Care Financing Administration see FR Doc. 80-8944 in the notices section of this issue of the Federal Register.

BILLING CODE 4110-84-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-14]

Intended Environmental Impact Statements

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: Downtown Redevelopment Shopping Center, San Buenaventura (Ventura), California; Arrowhead Ranch Subdivision, Glendale, Arizona; Creekside Planned Residential Development, Ontario, California. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Issued at Washington, D.C., March 20, 1980.

Francis G. Hess

Deputy Director, Office of Environmental Quality.

Appendix—EIS on Downtown Redevelopment Shopping Center, San Buenaventura (Ventura), Calif.

The City of San Buenaventura (Ventura), California intends to prepare an EIS and an Environmental Impact Report (EIR) on the project described below and solicits information and comments for consideration in the EIS.

Purpose of Federal Action.—A combined EIS/EIR is to be undertaken to address the impacts attributable to the specific shopping center development and an expanded Downtown Redevelopment Project Area. HUD Community Development Block Grant Funds and potentially Economic Development Administration funding or other federal funding may be requested in FY 1980 to finance project activities.

Project Description and Location.—The proposed Downtown Redevelopment Shopping Center is to be located on an approximately 13.7 acre site and to include 5–6 one story buildings with a cumulative floor area of approximately 161,660 square feet. There will be two major tenants comprising 117,620 square feet: a major supermarket and an undetermined neighborhood commercial one. Approximately 44,040 square feet of space for satellite stores will be available.

The project is located in the Downtown area of the City of San Buenaventura near the intersection of Highway 101 and Highway 33 and adjacent to the Ventura River. The existing land uses are a mix of commercial, industrial and residential.

Need.—It has been determined that an environmental impact statement is necessary due to the size and scope of project activities proposed with such determination being made in response to Section 102(2) of Public Law 91–190, the National Environmental Policy Act of 1969, and the Department of Housing and Urban Development Environmental Review Procedures for the Community Development Block Grant Program (24 CFR Part 58).

Alternatives.—The alternatives perceived to be available and which will be given consideration are: accept the project as submitted, accept the project with modifications, or no project.

Scoping.—A scoping meeting may be held at a date to be announced. The purpose of this notice is to solicit from all interested persons and Federal agencies, recommendations or comments regarding any issues that should be addressed in the proposed environmental impact statement. Potential significant environmental impacts so far identified to be addressed in an EIS/EIR have been determined to be:

Circulation and Traffic, Sewers, Water Resources, Police Protection, Fire Protection, Schools, Drainage, Parks and Recreation, Geologic Hazards, Soils, Land Use, Biological Resources, Historical, Paleontological, and Archeological, Demorgraphy and Housing, Energy Resources, Air Quality, Noise, Glare, and Scenic Resources.

Comments.—Comments or recommendations should be sent within 21-days of publication of this notice in the Federal Register to: Susa Gates, Planning Division, City of San Buenaventura, P.O. Box 99, Ventura, California 93002, (805) 648-7881, extension 335.

Appendix—EIS on Arrowhead Ranch Subdivision, Glendale, Ariz.

The Hud Area Office in Los Angeles, California, intends to prepare an EIS on the project described below and solicits information and comments for consideration in the EIS.

Description.—The Arrowhead Ranch planned residential community project is a proposed land development of approximately 3824 acres. This planned development project will provide for an approximate 13,000 new dwelling units in a mixture of housing densities and types. Community recreation facilities, both public and private; functional open space, certain supporting commercial uses and an employment commercial use which will permit offices, corporate headquarters and very-light industrial will form the remaining major land uses.

The project site is located in the northwest portion of the Phoenix basin just south of the Hedgepath Hills and Thunderbird Regional Park, approximately four miles west of Black Canyon Highway (89). The site has recently been annexed to the City of Glendale and is generally bounded by Deer Valley Drive (north), Union Hills Drive (south), 51st Avenue (east), and 81st Avenue (west).

HUD's participation in this land development project is through its Federal morgage insurance program which is intended to facilitate homeownership and the construction and financing of housing. By insuring commercial lenders against loss, HUD encourages such lenders to invest capital in the home morgage market.

Need.—An EIS is proposed due to HUD threshold requirements in accordance with housing program environmental regulations and probable impact on: water resources, energy, transportation systems and community services.

Alternatives Perceived.—At this time the HUD alternatives include: no project, accept project as proposed, accept project with conditions, or modification of project.

Scoping.—HUD held a pre-project "scoping" meeting as provided for under Section 1501.7 of the regulations for implementing the National Environmental Policy Act. In accord with departmental environmental regulations under 24 CFR Part 50.35(b)(2) invitations were forwarded to an approximate 66 individuals and organizations (Federal, State and private). The scoping meeting was held on March 3, 1980 at 1:30 p.m. in the HUD Phoenix Service Office located at 101 North First Avenue, Suite 1800, Phoenix, Arizona.

Comments.—Comments regarding this proposal should be sent within 21 days of the publication of this Notice in the Federal Register, to: Paul R. Kemp, Acting Area Manager, Attention: John Bonkoski, Environmental Clearance Officer, HUD Area Office, 2500 Wilshire Boulevard, Room 600, Los Angeles, California 90057 (or Call (213) 688–5899).

Appendix—EIS on Creekside Planned Residential Development, Ontario, Calif.

The HUD Area Office in Los Angeles, California, intends to prepare an EIS on the project described below and solicits information and comments for consideration in the EIS.

Description.—The Creekside planned residential community project is a proposed land development of approximately 414 acres. This planned development project will provide for approximately 2,500 new dwelling units in a mixture of housing densities and types. Community recreation facilities (both public and private), functional open space, and certain supporting commercial uses will form the remaining major land uses.

The project site is located in the southeast portion of the City of Ontario, 38 miles east of Los Angeles. The site is bounded by the Pomona Freeway (I–60) on the north, Riverside Drive on the south, Turner Avenue on the west, and Miliken Avenue on the east.

HUD's participation in this land development project is through its Federal mortgage insurance program which is intended to facilitate homeownership and the construction and financing of housing. By insuring commercial lenders against loss HUD encourages such lenders to invest capital in the home mortgage market.

Need.—An EIS is proposed due to HUD threshold requirements in accordance with housing program environmental regulations and probable impact on: water resources, energy, transportation systems and community services.

Alternatives Perceived.—At this time the HUD alternatives include: no project, accept project as proposed, accept project with conditions, or modification of project.

Scoping.—HUD will hold a pre-project "scoping" meeting in accordance with Section 1501.7 of the regulations for implementing the National Environmental Policy Act. At this meeting, open to all individual persons, groups, Federal, State and local agencies, HUD wishes to identify all significant issues to be analyzed in the environmental impact statement. Time and place of this "scoping" meeting will be announced at a later date.

Possible significant environmental effects identified to date include:

Conversion of 414 acres of vacated-dairyland to urban uses. Introduction of approximately 7,000 new residents in approximately 2,500 new dwelling units to the city of Ontario over an estimated seven year period. Increases in motor vehicle traffic, noise, air-pollution omissions and urban-water runoff impacts.

Conversion of 3824 acres of rural land to urban uses.

Development of substantial areas of productive agricultural soils.

Introduction of approximately 37,000 new residents in approximately 13,000 new dwelling units to the City of Glendale over an estimated seven year period.

Potential impact of a 100-year floodplain.

Disposal of waste treatment plant effluent into surrounding area. Possible subsidence problems from continued groundwater removal.

Comments.—Comments regarding this proposal should be sent within 21 days of the publication of this Notice in the Federal Register to: Paul R. Kemp, Acting Area Manager, Attention: John Bonkoski, Environmental Clearance Officer, HUD Area Office, 2500 Wilshire Boulevard, Room 600, Los Angeles, California 90057 (or call (213) 688–5899).

[FR Doc. 80-8915 Filed 3-24-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Determination for Federal Acknowledgment of the Grand Traverse Band of Ottawa and Chippewa Indians as an Indian Tribe

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 54.9(h) notice is hereby given that the Assistant Secretary acknowledges that the Grand Traverse Band of Ottawa and Chippewa Indians, c/o Miss Ardith Harris, Post Office Box 37, Suttons Bay, Michigan 49682, exists as an Indian tribe. This notice is based on a determination that the group satisfied the criteria set forth in 25 CFR 54.7.

The Grand Traverse Band of Ottawa and Chippewa Indians is the modern successor of several bands of Ottawas and Chippewas which have a documented continuous existence in the Grand Traverse Bay area of Michigan since as early as 1675. Evidence indicates these bands, and the subsequent combined band, have existed autonomously since first contact, with a series of leaders who represented the band in its dealings with outside organizations, and who both responded to and influenced the band in matters of importance. The membership is unquestionably Indian, of Ottawa and Chippewa descent. No evidence was found that the members of the band are members of any other Indian tribes, or that the band or its members have been terminated or forbidden the Federal relationship by an Act of Congress.

Proposed findings that the band exists as an Indian tribe were published on page 60171 of the Federal Register of October 18, 1979.

Interested parties were given 120 days in which to submit factual or legal arguments to rebut evidence used to support the findings that the Grand Traverse Band of Ottawa and Chippewa Indians exists as an Indian tribe. The 120-day comment period ended February 16.

One response to the proposed findings was received. It suggested that one of the groups which formed the Grand Traverse Band of Ottawa and Chippewa Indians had come most immediately from Allegan County, although not disputing the earlier origin of this group in the north. It also suggested that there was no pressure from white settlement in the area until 1840, although not disputing the occurrence of significant

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cultural changes among the Indians beginning by 1800.

These comments do not factually or legally rebut the evidence used to support the proposed findings and do not take issue with the proposed findings. Consequently, they do not affect the Assistant Secretary's determination that the Grand Traverse Band of Ottawa and Chippewa Indians exists as an Indian tribe.

This determination shall become effective May 27, 1980 unless the Secretary of the Interior requests the determination be reconsidered pursuant to 25 CFR 54.10.

Rick Lavis,

Deputy Assistant Secretary-Indian Affairs.

[FR Doc. 80-8698 Filed 3-24-80; 8:45 am]

BILLING CODE 4310-02-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Request for Amendment of Application

Applicant: Florida Game and Fresh Water Fish Commission, Tallahassee, Florida 32301.

The applicant requests an amendment to the "Notice of Receipt of Application" published on March 13, 1980, FR Vol. 45(51): 16358. The second paragraph of the notice should have read: The requested amendment would authorize the removal from the wild of all existing dusky seaside sparrows (*Ammospiza maritima nigrescens*) for safe keeping in a captive breeding program.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-4329. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before April 23, 1980; this extends the period for receipt of comments by 10 days. Please refer to the file number when submitting comments.

Dated: March 20, 1980.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 80-8832 Filed 3-24-80; 8:45 am]

BILLING CODE 4310-55-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before March 14, 1980. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by April 9, 1980.

Sarah G. Oldham,

Acting Chief, Registration Branch.

ALABAMA

Calhoun County

Anniston, *Lyric Theatre*, 1302 Noble St.

Clarke County

Gosport, *Woodlands (Fredrick Bloust Plantation)* Off U.S. 84

Lee County

Auburn, *Burton, Robert Wilton, House*, 315 E. Magnolia St.

Montgomery County

Montgomery, *Gerald-Dowdell House*, 405 S. Hull St.

Morgan County

Decatur, *Dancy, Col. Francis, House*, 901 Railroad St., NW.

Pickens County

Aliceville, *Aliceville Elementary and High School*, 420 3rd Ave., NE.

Tuscaloosa County

Northport, *Northport Historic District*, 25th, 26th, 28th and 30th Aves. Main, 5th and 6th Sts.

Tuscaloosa, *Wheeler House*, 2708 7th St.

GEORGIA

Georgia County Courthouses Thematic Resources. Reference—see individual listings under Appling, Atkinson, Bacon, Baker, Banks, Barrow, Bartow, Ben Hill, Berrien, Bleckley, Brooks, Bulloch, Burke, Butts, Camden, Candler, Carroll, Charlton, Chattooga, Clay, Clinch, Colquitt, Columbia, Coweta, Crawford, Dade, Dawson, Decatur, DeKalb, Dodge, Dooly, Early, Effingham, Elbert Evans, Fayette, Floyd, Franklin, Fulton, Gilmer, Glascock, Grady, Greene, Gwinnett, Haralson, Harris, Henry, Irwin, Jackson, Jasper, Jeff Davis, Jefferson, Jenkins, Johnson, Jones, Lamar, Lee, Liberty, Lincoln, Long, Lowndes, Lumpkin, Macon, Madison, Marion, Meriwether, Monroe, Montgomery, Murray, Newton, Paulding, Peach, Pierce, Pike, Pulaski, Schley, Seminole, Stephens, Stewart, Talbot, Taliaferro, Terrell, Thomas, Tift, Treutlen, Turner, Twiggs, Union, Upson, Walker, Walton, Warren, Washington, Wayne, Webster, Wheeler, Wilcox, Wilkes, and Worth Counties.

Appling County

Baxley, *Appling County Courthose (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Atkinson County

Pearson, *Atkinson County Courthouse (Georgia County Courthouses Thematic Resources)* Austin at Main St.

Bacon County

Alma, *Bacon County Courthose (Georgia County Courthouses Thematic Resources)* Main St.

Baker County

Newton, *Baker County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Banks County

Homer, *Banks County Courthouse (Georgia County Courthouses Thematic Resources)* Off U.S. 441.

Barrow County

Winder, *Barrow County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Bartow County

Cartersville, *Bartow County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Cartersville, *Old Bartow County Courthouse (Georgia County Courthouses Thematic Resources)* 4 E. Church St.

Ben Hill County

Fitzgerald, *Ben Hill County Courthouse (Georgia County Courthouses Thematic Resources)* E. Central Ave.

Berrien County

Nashville, *Berrien County Courthouse (Georgia County Courthouses Thematic Resources)* Town Sq. (previously listed in the National Register).

Bleckley County

Cochran, *Bleckley County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Brooks County

Quitman, *Brooks County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Bulloch County

Statesboro, *Bulloch County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Burke County

Waynesboro, *Burke County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Butts County

Jackson, *Butts County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Camden County

Woodbine, *Camden County Courthouse (Georgia County Courthouses Thematic Resources)* 4th and Camden Aves.

Candler County

Metter, *Candler County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Carroll County

Carrollton, *Carroll County Courthouse (Georgia County Courthouses Thematic Resources)* Newnan and Dixie Sts.

Charlton County

Folkston, *Charlton County Courthouse (Georgia County Courthouses Thematic Resources)* Off GA 40.

Chattooga County

Summerville, *Chattooga County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Clay County

Fort Gaines, *Clay County Courthouse (Georgia County courthouses Thematic Resources)* Off GA 37.

Clinch County

Homerville, *Clinch County Courthouse (Georgia County Courthouses Thematic Resources)* U.S. 84.

Colquitt County

Moultrie, *Colquitt County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Columbia County

Appling, *Columbia County Courthouse (Georgia County Courthouses Thematic Resources)* GA 47.

Coweta County

Newnan, *Coweta County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Crawford County

Knoxville, *Crawford County Courthouse (Georgia County Courthouses Thematic Resources)* U.S. 80.

Dade County

Trenton, *Dade County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Dawson County

Dawsonville, *Dawson County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Decatur County

Bainbridge, *Decatur County Courthouse (Georgia County Courthouses Thematic Resources)* West and Water Sts.

DeKalb County

Decatur, *Old DeKalb County Courthouse*, Court Sq. (previously listed in the National Register).

Dodge County

Eastman, *Dodge County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Dooly County

Vienna, *Dooly County Courthouse (Georgia County Courthouses Thematic Resources)* GA 27.

Early County

Blakely, *Early County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Effingham County

Springfield, *Effingham County Courthouse (Georgia County Courthouses Thematic Resources).*

Elbert County

Elberton, *Elbert County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Evans County

Claxton, *Evans County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Fayette County

Fayetteville, *Fayette County Courthouse (Georgia County Courthouses Thematic Resources)* GA 85.

Floyd County

Cave Spring, *Cave Spring Multiple Resource Area (Partial Inventory).* This area includes: *Cave Spring Commercial Historic District*, Alabama, Rome and Cedartown Rds., Broad and Padlock Sts.; *Cave Spring Residential Historic District*, U.S. U.S. 411 and GA 100; *Georgia School for the Deaf Historic District*, Padlock St.; *Rolator Park Historic District*, Off U.S. 411; *Carroll-Harper House*, Cedartown St.; *Carroll, John M., House*, Park St.; *Carroll-Richardson Grist Mill*, Mill St.; *Cave Spring Female Academy*, Rome St.; *Cave Spring High School*, Rome St.; *Cave Spring Railroad Station*, Alabama St.; *Conner, Wesley O., House*, Cedartown St.; *Cowdry, William D., Plantation*, Rome Rd.; *Fannin, Oliver P., House*, Cedartown St.; *Ford, Joseph, House*, Love and Alabama Sts.; *Mann, John T., House*, Rivers St.; *McKinney, Dr. W. T., House*, Cedartown St.; *Rivers Farm*, Rome St.; *Robbins, Samuel W., House*, Rome St.; *Roving House*, Rome St.; *Simmons House*, Cedartown St.; *Simmons, William S., Plantation*, Alabama St.; *Watts, George T., House*, Love St.; *Wharton-Trout House*, Rome St.

Rome, *Floyd County Courthouse (Georgia County Courthouses Thematic Resources)* 5th Ave. and Tribune St.

Franklin County

Carnesville, *Franklin County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Fulton County

Atlanta, *Fulton County Courthouse (Georgia County Courthouses Thematic Resources)* 160 Pryor St., SW.

Atlanta, *WEST PACES FERRY ROAD MULTIPLE RESOURCE AREA (Partial Inventory).* This are includes: *Haynes Manor*, Peachtree Battle Ave., Sagamore, Dellwood, and Manor Ridge Drs.; *Peachtree Heights Park*, Peachtree, Habersham, and Wesley, Rds., Andrews Dr. and Peachtree Battle Ave.; *Tuxedo Park*, Habersham, W. Paces Ferry, Tuxedo, Valley and Blackland Rds., and Northside Dr.; *West Andrews Historic District*, Arden Habersham, and Chatham Rds., Austell Way, Andrews and W. Andrews Dr.; *Arden*, 456 W. Paces Ferry Rd., NW. *Brawner, Dr. James N., House*, 2800 Peachtree Rd.; *Broadlands*, 3600 Northside Dr., NW. *Canton Apartments*, 2846—2840 Peachtree Rd.; *Craigellachie*, 155 W. Paces Ferry Rd., NW.; *English-Chambers House*, 428 W. Paces Ferry Rd., NW.; *Gately-Loridans House*, 1060 Paces Forest Dr., NW.; *Hearst-Seydel House*, 1154 W. Paces Ferry Rd., NW.; *Howell-Kilpatrick House*, 400 W. Paces Ferry Rd., NW.; *Jackson-Alsop-Arnold House*, 490 W. Paces Ferry Rd., NW.; *Jones, Bolling, House*, 1145 W. Paces Ferry Rd., NW.; *Jones, Willis, House*, 520 W. Paces Ferry Rd., NW.; *Newcastle*, 801 W. Paces Ferry Rd., NW.; *Nunnally-Hodgson House*, 1311 W. Paces Ferry Rd., NW.; *Proctor, A. Lee, House*, 1151 W. Paces Ferry Rd., NW.; *Randall, Luther, House*, 1061 W. Paces Ferry Rd., NW.; *Richardson-Howell House*, 675 W. Paces Ferry Rd., NW.; *Thornton, Albert E., House*, 105 W. Paces Ferry Rd., NW.; *Trygveson*, 3418 Pinestream Rd., NW.

Fairburn, *Campbell County Courthouse (Georgia County Courthouses Thematic Resources)* E. Broad and Cole Sts. (previously listed in the National Register)

Gilmer County

Ellijay, *Gilmer County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Glascock County

Gibson, *Glascock County Courthouse (Georgia County Courthouses Thematic Resources)* Main St.

Grady County

Cairo, *Grady County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Greene County

Greensboro, *Green County Courthouse (Georgia County Courthouses Thematic Resources)* GA 12.

Gwinnett County

Lawrenceville, *Gwinett County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Haralson County

Buchanan, *Haralson County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

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Harris County

Hamilton, *Harris County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Henry County

McDonough, *Henry County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Irwin County

Ocilla, *Irwin County Courthouse (Georgia County Courthouses Thematic Resources)* 2nd St.

Jackson County

Jefferson, *Jackson County Courthouse (Georgia County Courthouses Thematic Resources)* GA 1.

Jasper County

Monticello, *Jasper County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Jeff Davis County

Hazelhurst, *Jeff Davis County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Jefferson County

Louisville, *Jefferson County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Jenkins County

Millen, *Jenkins County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Johnson County

Wrightsville, *Johnson County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Jones County

Gray, *Jones County Courthouse (Georgia County Courthouses Thematic Resources)* GA 49.

Lamar County

Barnesville, *Lamar County Courthouse (Georgia County Courthouses Thematic Resources)* Thomaston St.

Lee County

Leesburg, *Lee County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Liberty County

Hinesville, *Liberty County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Lincoln County

Lincolnton, *Lincoln County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Long County

Ludowici, *Long County Courthouse (Georgia County Courthouses Thematic Resources)* GA 99.

Lowndes County

Valdosta, *Lowndes County Courthouse (Georgia County Courthouses Thematic Resources)* Central and Ashley Sts.

Lumpkin County

Dahlonega, *Lumpkin County Courthouse (Georgia County Courthouses Thematic Resources)* U.S. 19.

Macon County

Oglethorpe, *Macon County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Madison County

Danielsville, *Madison County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Marion County

Buena Vista, *Marion County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Tazewell, *Old Marion County Courthouse (Georgia County Courthouses Thematic Resources)* GA 137.

Meriwether County

Greenville, *Meriwether County Courthouse (Georgia County Courthouses Thematic Resources)* Court Sq. (previously listed in the National Register).

Monroe County

Forsyth, *Monroe County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Montgomery County

Mount Vernon, *Montgomery County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Murray County

Chatsworth, *Murray County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Newton County

Covington, *Newton County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Paulding County

Dallas, *Paulding County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Peach County

Fort Valley, *Peach County Courthouse (Georgia County Courthouses Thematic Resources)* Off GA 49.

Pierce County

Blackshear, *Pierce County Courthouse (Georgia County Courthouses Thematic Resources)* Main St.

Pike County

Zebulon, *Pike County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Pulaski County

Hawkinsville, *Pulaski County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Schley County

Ellaville, *Schley County Courthouse (Georgia County Courthouses Thematic Resources)* GA 26.

Seminole County

Donalsonville, *Seminole County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Stephens County

Toccoa, *Stephens County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Stewart County

Lumpkin, *Stewart County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Lumpkin vicinity, *Old Chattahoochee County Courthouse (Georgia County Courthouses Thematic Resources).*

Talbot County

Talbotton, *Talbot County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Taliaferro County

Crawfordville, *Taliaferro County Courthouse (Georgia County Courthouses Thematic Resources)* GA 12.

Terrell County

Dawson, *Terrell County Courthouse (Georgia County Courthouses Thematic Resources)*

Thomas County

Thomasville, *Thomas County Courthouse (Georgia County Courthouses Thematic Resources)* N. Broad St.

Tift County

Tifton, *Tift County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Treutlen County

Soperton,, *Treutlen County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Turner County

Ashburn,, *Turner County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Twiggs County

Jeffersonville,, *Twiggs County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Union County

Blairsville, *Old Union County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Upson County

Thomaston,, *Upson County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Walker County

LaFayette, *Walker County Courthouse (Georgia County Courthouses Thematic Resources)* Duke St.

Walton County

Monroe, *Walton County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Warren County

Warrenton, *Warren County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Washington County

Sandersville, *Washington County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Wayne County

Jesup, *Wayne County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Webster County

Preston, *Webster County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

Wheeler County

Alamo, *Wheeler County Courthouse (Georgia County Courthouses Thematic Resources)* Pearl St.

White County

Cleveland, *Old White County Courthouse (Georgia County Courthouses Thematic Resources)* GA 115.

Nacoochee and Sautee, *Nacoochee Valley,* GA 17, GA 75 and GA 255.

Wilcox County

Abbeville, *Wilcox County Courthouse (Georgia County Courthouses Thematic Resources)* U.S. 280 and U.S. 129.

Wilkes County

Washington, *Wilkes County Courthouse (Georgia County Courthouses Thematic Resources)* Court St.

Worth County

Sylvester, *Worth County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq.

KENTUCKY

Hardin County

Elizabethtown vicinity, *Hart, John, House,* E of Elizabethtown.

Woodford County

Versailles, *Morgan Street Historic District,* Morgan St.

MAINE

Aroostook County

Presque Isle, *Double Eagle II Launch Site,* Sprague ville Rd.

Hancock County

Bar Harbor, *West Street Historic District,* West St.

Kennebec County

Gardiner, *Gardiner Historic District,* Water St.

Lincoln County

Bristol vicinity, *Nehanada Village Site.*

York County

Biddeford, *Tarr, John, House,* 29 Ferry Lane.

MARYLAND

Cecil County

Conowingo, vicinity, *Octorara Farm,* S of Conowingo.

MONTANA

Missoula County

Huson vicinity, *U.S. Forest Service Remount Depot (Ninemile Ranger Station)* 2.4 mi. SW of Huson on I–90.

Missoula, *Gibson, A. J., House,* 402 S. 2nd St.

Ravalli County

Hamilton, *Hamilton Town Hall,* 175 S. 3rd St.

NEBRASKA

Dodge County

Hooper, *Hooper Historic District,* Main, Elk, Myrle and Fulton Sts.

Otoe County

Nebraska City vicinity, *Ware, Jasper A., House,* S of Nebraska City on Steinhart Park Rd.

NEW JERSEY

Burlington County

Georgetown vicinity, *Newbold, William and Susannah, House,* E of Georgetown on Herman Black and Sykesville Rds.

Cumberland County

Seabrook vicinity, *Deerfield Presbyterian Church,* NE of Seabrook.

Essex County

Millburn, *Short Hills Park Historic District,* Off NJ 24.

Millburn, *Wyoming Historic District,* Sagamore Rd., Glen and Wyoming Aves., Chestnut, Linden, Cedar and Cypress Sts.

Newark, *St. Rocco's Roman Catholic Church,* 212–216 Hunterdon St.

Hunterdon County

Milford vicinity, *Everittstown Historic District,* E of Milford on SR 12, SR 15, and Palmyra Rd.

Mercer County

Lawrenceville vicinity, *Princessville Inn,* E of Lawrenceville at 3510 Princeton Pike

Trenton, *Hog Island Cranes,* Lamberton St.

Middlesex County

Cranbury, *Cranbury Historic District,* Off U.S. 30.

Helmetta, *Helme, G. W., Snuff Mill District,* Irregular pattern along Main St.

Monmouth County

Imlaystown, *Salter's Mill,* Imlaystown-Davis Station Rd.

Morris County

Caldwell vicinity, *Steppel Site.*

Dover, *Delaware, Lackawanna and Western Railroad Station,* N. Dickerson St.

Passaic County

Paterson, *Ferguson, John W., House,* 421 12th Ave.

Union County

New Providence vicinity, *Feltville Historic District,* S of New Providence.

Williamson County

Brentwood vicinity, *Fewkes Group Archeological Site,* Moore's Lane.

TENNESSEE

Davidson County

Nashville, *Belmont-Hillsboro Historic District,* Roughly bounded by Primrose and Twentieth Aves., Magnolia and Belmont Blvds.

Nashville, *Geist, John, and Sons Blacksmith Shop and House,* 309, 311 and 313 Jefferson St.

Haywood County

Brownsville vicinity, *Cedar Grove,* W of Brownsville.

UTAH

Daggett County

Manila vicinity, *Ute Mountain Fire Tower,* SW of Manila.

VIRGINIA

Charlotte County

Charlotte Court House, *Charlotte County Courthouse,* VA 40 and VA 47.

Chesterfield, County

Ettrick, *Vawter Hall and Old President's House,* College Ave.

Culpeper County

Mitchells, *Mitchells Presbyterian Church,* VA 652.

Orange County

Orange vicinity, *Berry Hill,* S of Orange on VA 647.

Petersburg (independent city)

Petersburg Old Town Historic District, U. S. 1 and VA 36.

Powhatan County

Powhatan vicinity, *Norwood,* NE of Powhatan.

Richmond (independent city)

St. Sophia Home of the Little Sisters of the Poor, 16 N. Harvie St.

Richmond County

Warsaw vicinity, *Bladensfield,* NE of Warsaw off VA 203.

Roanoke (independent city)

Crystal Spring Steam Pumping Station, 2016 Lake St., SE.

Surry County

Surry vicinity, *Rich Neck Farm,* E of Surry.

Virginia Beach (independent city)

Bayville Farm, Off VA 650.

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Okanogan County

Conconully vicinity, *Salmon Meadows Ski Lodge District*, NW of Conconully.

[FR Doc. 80-8721 Filed 3-24-80; 8:45 am]

BILLING CODE 4310-03-M

Water and Power Resources Service

Contract Negotiations With the City of Reno, Truckee-Carson Irrigation District, and the Fish and Wildlife Service; Availability of a Proposed Short-Term Contract for Public Review and Comment

The Department of the Interior, through the Water and Power Resources Service, has completed the negotiation of a proposed short-term contract among the Water and Power Resources Service; the Fish and Wildlife Service; the City of Reno, Nevada; and the Truckee-Carson Irrigation District, Fallon, Nevada. The proposed contract was prepared pursuant to the Act of June 17, 1902 (32 Stat. 388), the Act of August 1, 1956 (70 Stat. 775), and the Act of February 21, 1911 (36 Stat. 25), and acts amendatory thereof or supplementary thereto. The purpose of this proposed storage contract is to provide water for flow agumentation for the city of Reno while the city is expanding its Reno-Sparks Joint Water Pollution Control Plant (JWPCP). The proposed contract will be a short-term water storage contract effective for a period not to exceed 5 years, unless the city's JWPCP expansion is completed or an alternative contingency plan is developed by the city within that 5-year period.

The Reno-Sparks JWPCP is the primary sewage treatment facility for the Reno-Sparks area. According to the Environmental Protection Agency (EPA), the Reno-Sparks, JWPCP is experiencing severe difficulties in achieving consistent compliance with the National Pollutant Discharge Elimination System (NPDES) permit discharge requirement. Because of the rapid growth rate in the Reno-Sparks area, the Reno-Sparks JWPCP is currently operating at plant capacity, and it is estimated that additional capacity will be required within the year. the cities of Reno and Sparks are expanding and upgrading the Reno-Sparks JWPCP with funding from the EPA. The proposed expansion will be accomplished in two stages—the "Early Start Project" and the "Master Project." The Early Start Project is an interim measure to expedite improvement of water quality conditions in the Truckee River until the Master Project is constructed and operational. The Master Project will bring the JWPCP into full compliance with the final effluent limitations contained in the NPDES permit.

To be eligible for grant assistance from EPA for construction of the Early Start Project, the city of Reno must satisfy Condition 10(d) of the Special Conditions to the Early Start Project, Step 3 Grant. Condition 10(d) will require sufficient water be made available to the city of Reno for dilution of sewage effluent to maintain the current quality of the Truckee River during the Early Start Project. It is estimated that 10,000 acre-feet should be available annually for flow augmentation to be used during low flow periods in the Truckee River.

Pursuant to the proposed contract, the Truckee-Carson Irrigation District has agreed to annually store up to 10,000 acre-feet of Little Truckee River water belonging to the district in Stampede Reservoir to be made available to the city for flow augmentation purposes. The Water and Power Resources Service has agreed to provide up to 10,000 acre-feet of excess storage space in Stampede Reservoir, provided excess storage space is available.

Storage of district water in Stampede Reservoir for flow agumentation purposes will be accomplished during the period of March 1 through June 30 of each year unless the March 1 forecast by the Soil Conservation Service indicates the estimated runoff for the period April 1 through July 31 of Little Truckee River water is equal to or greater than 115,000 acre-feet. If this occurs, storage of flow augmentation water will not begin until April 1 of that year.

The district will request the Water and Power Resources Service to store for flow augmentation after first consulting with the Fish and Wildlife Service to determine if storage of district water for flow augmentation purposes will jeopardize spawning or other operations being conducted by the Fish and Wildlife Service in the Truckee River upstream from Derby Diversion Dam. The Water and Power Resources Service will request actual storage be directed by the local Federal water master. When the district requests storage of district water in Stampede Reservoir from available flows in the Little Truckee River, the district will simultaneously reduce its deversions into the Truckee Canal by an equivalent amount of that being stored in Stampede Reservoir because that stored water would otherwise have been diverted into the Truckee Canal. If flow augmentation water is stored in Stampede Reservoir and it is determined by the Water and Power Resources Service that space is needed for flood control requirements or for storage of Federal water, the flow augmentation water stored pursuant to this contract will be spilled first.

The Nevada State Division of Environmental Protection has indicated it will monitor the water quality of the Truckee River in accordance with Condition 10(c) of the EPA grant and will furnish Truckee River water quality data to the Fish and Wildlife Service. The Fish and Wildlife Service will determine whether the Truckee River requires flow augmentation and, if so, the quantity of water necessary for release from Stampede Reservoir to achieve water quality requirements. The Fish and Wildlife Service will notify the city and the district of the quantity of water to be released and the district will notify the Water and Power Resources Service who will request the release be directed by the Federal water master.

Because the district owns the water, the district has agreed to pay the Water and Power Resources Service $33,000 annually for use of 10,000 acre-feet of excess storage space in Stampede Reservoir. The city has agreed to reimburse the district for any charges the district incurs in connection with the storage of district water for flow augmentation purposes pursuant to this contract. If less than 10,000 acre-feet is stored, the annual payment will be reduced proportionately.

It is agreed by all parties that nothing in the proposed contract shall affect the rights of the district or the United States or any party claiming rights to the use of Carson and Truckee River water except for claims and rights arising under this contract.

For further information and copies of the proposed contract, please contact Mrs. Betty Riley, Division of Water and Power Resources Management, Water and Power Resources Service, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 484-4620. Comments on the proposed contract will be received up to 15 days following the date of this notice. All written correspondence concerning the proposed contract is available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

Dated: March 17, 1980.

Clifford I. Barrett,

Commissioner of Water and Power Resources.

[FR Doc. 80-8787 Filed 3-24-80; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR §1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an application which does not intend to timely prosecute its application shall promptly request that it be dimissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 22

Decided: Feb. 22, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 2202 (Sub-612F), filed October 29, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Seneca, MO, as an off-route point in connection with applicant's regular routes. (Hearing site: Springfield, MO.)

MC 2202 (Sub-613F), filed October 29, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Olney, TX, as an off-route point in connection with

applicant's regular routes. (Hearing site: Dallas, TX.)

MC 2202 (Sub-614F), filed October 29, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Mt. Holly Springs, PA, as an off-route point in connection with applicant's present authority. (Hearing site: Harrisburg, PA.)

MC 2202 (Sub-616F), filed October 24, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. To operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Manheim, PA as an off-route point in connection with applicant's present authority. (Hearing site: Harrisburg, PA.)

MC 2202 (Sub-617F), filed October 24, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. To operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Bermuda Hundred, VA as an off-route point in connection with applicant's regular routes. (Hearing site: New York City, NY.)

MC 7843 (Sub-3F), filed October 30, 1979. Applicant: AMENDOLA TRUCKING & RIGGING, INCORPORATED, 2781 State Street, Hamden, CT 06517. Representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Transporting *machinery, and factory equipment*, between points in CT, on the one hand, and, on the other, points in RI, MA, ME, NH, VT, NY, NJ, PA, OH, MI, IN, IL, and WI. (Hearing site: Hartford, CT.)

MC 8973 (Sub-86F), filed October 25, 1979. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, NJ 07047. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *General commodities* (except Class A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, commodities in bulk and articles of unusual value) between points in the United States, restricted to the transportation of traffic originating at or destined to facilities used by ICI Americas, Inc. (Hearing site: New York, NY.)

MC 24583 (Sub-31F), filed October 29, 1979. Applicant: FRED STEWART COMPANY, P.O. Box 665, Magnolia, AR 71753. Representative: James M. Duckett, 927 Pyramid Life Building, Little Rock, AR 72201. Transporting *Plastic Pipe and Plastic Fittings*, from the facilities of Can Tex Industries, Inc., at Mineral Wells, TX to points in the United States on and east of U.S. Highway 85. (Hearing site: Little Rock, AR or Dallas, TX.)

MC 24583 (Sub-32F), filed October 30, 1979. Applicant: FRED STEWART COMPANY, P.O. Box 665, Magnolia, AR 71753, Representative: James M. Duckett, 927 Pyramid Life Building, Little Rock, AR 72201. Transporting *Plastic Pipe and Plastic Fittings*, from the facilities of Can Tex Industries, Inc., at Columbia, MS, to points in the United States on and east of U.S. Highway 85. (Hearing site: Little Rock, AR, or Jackson, MS.)

MC 24583 (Sub-33F), filed October 30, 1979. Applicant: FRED STEWART COMPANY, P.O. Box 665, Magnolia, AR 71753. Representative: James M. Duckett, 927 Pyramid Life Building, Little Rock, AR 72201. Transporting *Plastic and Plastic Fittings*, from the facilities of Can Tex Industries, Inc., at Sparta, TN, to points in the United States on and east of U.S. Highway 85. (Hearing site: Little Rock, AR, or Nashville, TN.)

MC 24583 (Sub-34F), filed October 30, 1979. Applicant: FRED STEWART COMPANY, P.O. Box 665, Magnolia, AR 71753. Representative: James M. Duckett, 927 Pyramid Life Building, Little Rock, AR 72201. Transporting *Plastic pipe and plastic fittings*, from the facilities of Can Tex Industries, Inc., at Magnolia, AR, to points in the United States on and east of U.S. Highway 85. (Hearing site: Little Rock, or El Dorado, AR.)

MC 29883 (Sub-9F), filed October 30, 1979. Applicant: FISCHER MOTOR LINES, INC., 925 Louisiana, Detroit, MI 48203. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting *printed matter, paper and paper products, and materials and supplies used in the manufacture of printed matter*, paper and paper products, (except in bulk), between points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NJ, NH, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. (Hearing site: Detroit, MI.)

MC 43963 (Sub-26F), filed October 26, 1979. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, Lake Station, IN 46405. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *iron and steel articles*, from Chicago, IL to the facilities of Deere & Company in Scott County, IA. (Hearing site: Chicago, IL.)

MC 58902 (Sub-17F), filed October 15, 1979. Applicant: MANLEY TRANSFER CO., INC., P.O. Box 1575 SSS, Springfield, MO 65806. Representative: A. J. Whisler (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *regular routes*, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving points in Woodson, Allen, Wilson, Neosho, Montgomery, Labette, and Cherokee Counties, KS as off-route points in connection with carrier's otherwise regular route authority. (Hearing site: Kansas City, MO, or Coffeyville, KS.)

MC 59292 (Sub-31F), filed October 30, 1979. Applicant: THE MARYLAND TRANSPORTATION COMPANY, a corporation, 1111 Frankfurst Ave., Baltimore, MD 21225. Representative: Charles J. Braun, Jr. (same address as applicant). Transporting (1) *iron and steel articles*, from the facilities of Commercial Shearing, Inc., at Youngstown, OH, to points in the United States in and east of WI, IL, KY, TN, MS, and LA; (2) *structural steel plate*, from the facilities of Dura Bond Protective Covering Company, Inc., at Export, PA, to points in the United States in and east of WI, IL, KY, TN, MS, and LA; and (3) *structural steel plate*, from the facilities of Hanlon-Gregory Company at Pittsburgh, PA, to points in the United States in and east of WI, IL, KY, TN, MS, and LA, restricted in (1), (2), and (3) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC or Pittsburgh, PA.)

MC 59292 (Sub-32F), filed October 25, 1979. Applicant: THE MARYLAND TRANSPORTATION COMPANY, a corporation, 1111 Frankfurst Ave., Baltimore, MD 21225. Representative: Charles J. Braun, Jr. (same address as applicant). Transporting (A) *refractories and refractory products* (1) from the facilities of Harbison Walker Refractories at Baltimore, MD, to points in OH on and east of a line beginning at Sandusky, OH, and proceeding along OH Hwy 4 to Marion, OH, then along U.S. Hwy 23 to Portsmouth, OH, and points in WV on and north of WV Hwy 89, and (2) from the facilities of Harbison Walker Refractories at Portsmouth and Windham, OH, to points in MD, NJ, PA, WV, and DC, on and north of WV Hwy 89, and (B) *materials and supplies* used in the manufacture and installation of the commodities in (A) above (except in bulk), in the reverse direction, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC or Pittsburgh, PA.)

MC 59292 (Sub-35F), filed October 15, 1979. Applicant: THE MARYLAND TRANSPORTATION COMPANY, a corporation, 1111 Frankfurst Ave., Baltimore, MD 21225. Representative: Charles J. Braun, Jr. (same address as applicant). Transporting (1) *paper and paper products* from the facilities of Union Camp Corporation, near or at Franklin and Richmond, VA to points in OH, NY, CT, MD, DE, NJ, PA and DC, and (2) *materials, equipment and supplies* (except in bulk) used in the manufacture of commodities in (1) in the reverse direction, restricted in (1) and (2) to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC or Baltimore, MD.)

MC 59292 (Sub-36F), filed October 26, 1979. Applicant: THE MARYLAND TRANSPORTATION COMPANY, a corporation, 1111 Frankfurst Ave., Baltimore, MD 21225. Representative: Charles J. Braun, Jr. (same address as applicant). Transporting building materials from the facilities of H. H. Robertson Company at Ambridge, PA, to points in DE, MD, NJ, VA, WV and DC. Restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Washington, DC or Pittsburgh, PA.)

MC 61592 (Sub-472F), filed October 30, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting *General Commodities* (except in bulk) Between points in the United States (except AK and HI). Restricted to traffic originating at or destined to the facilities of Union Camp Corporation, and to the extent the commodity description embraces Classes A and B explosives, the authority will be limited in point of time to 5 years from the effective date of the issuance of a certificate. (Hearing site: Washington, DC.

MC 68123 (Sub-7F), filed October 16, 1979. Applicant: MARIE R. CAVALLERI, d.b.a. M & J TRUCKING, 20 Atlantic Street, Bridgeport, CT 06604. Representative: James M. Burns, 1383 Main Street—Suite 413, Springfield, MA 01103. Transporting *iron and steel, electrical conduit, pipe and accessories*, from Brookfield, OH, to points in CT, ME, MD, MA, NH, NJ, NY, PA, RI and VT. (Hearing site: Washington, DC.)

MC 69833 (Sub-150F), filed October 19, 1979. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue, NW., 6th Floor, Grand Rapids, MI 49503. Representative: Harry Pohlad (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *regular routes*, transporting *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving Claremont and Sumner, IL as off-route points in connection with applicant's presently authorized regular route authority. (Hearing site: Springfield, IL or St. Louis, MO.)

MC 80443 (Sub-30F), filed October 30, 1979. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting (1) *Plastic articles*, and (2) *Materials, equipment and supplies* used in the manufacture of plastic articles, between the facilities of Norwesco, Inc., at Grundy Center, IA; Belle Plaine and St. Bonifacius, MN; Gastonia, NC; and Spartanburg, SC, on the one hand, and on the other points in the United States (except AK, HI and ME), restricted to the transportation of traffic originating at or destined to the named facilities of Norwesco, Inc. (Hearing site: Minneapolis or St. Paul, MN.)

MC 103373 (Sub-9F), filed October 25, 1979. Applicant: HOWARD MARTIN, INC., 4315 Meyer Rd., Fort Wayne, IN 46801. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. Transporting (1) *machinery and such commodities* which require special equipment or specialized handling because of size or weight, and (2) *equipment, materials, and supplies* used in the manufacture of the commodities in (1) above, between the facilities of International Harvester Co., at or near Fort Wayne, IN, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of International Harvester Co. (Hearing site: Fort Wayne, IN.)

MC 103993 (Sub-1014F), filed October 28, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting *Portable bleachers* from the facilities of Port-A-Bleacher at or near Phoenix, AZ, to points in the United States in and west of ND, SD, NE, KS, OK, and TX. (Hearing site: Columbus, OH.)

MC 106603 (Sub-214F), filed October 22, 1979. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain St. SW, P.O. Box 8099, Grand Rapids, MI 49508. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. Transporting (1) *such commodities* as are dealt in by grocery and food business houses and agricultural feed business houses, *soy products, paste*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in IL, IN, IA, KY, MI, MO, OH, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Ralston Purina Company. (Hearing site: Washington, DC or Chicago, IL.)

MC 107012 (Sub-448F), filed October 22, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *Air coolers, air conditioners, heat pumps, and parts and accessories for air coolers, air conditioners, and heat pumps*, from the facilities of General Electric Company, at or near Fort Smith, AR, to points in AZ, CA, CO, ID, IA, KS, LA, MN, MS, MT, ND, NM, NV, OK, OR, SD, TX, UT, WA and WY. (Hearing sites: Dallas, TX or Washington, DC.)

MC 107012 (Sub-449F), filed October 22, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *Screenhouses*

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from the facilities of General Aluminum Products, Inc., at or near Charlotte, MI to points in the United States (except AK and HI). (Hearing sites: Detroit, MI or Washington, DC.)

MC 107012 (Sub-451F), filed October 25, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *Air coolers, air conditioners, humidifiers, heat pumps, air cleaners, and parts and accessories for air coolers, air conditioners, humidifiers, heat pumps, and air cleaners,* from the facilities of General Electric Co., at or near Tyler, TX to points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, KS, KY, LA, MN, MS, MT, NC, ND, NM, NV, OK, OR, SC, SD, TN, UT, VA, WA, and WY. (Hearing site: Dallas, or Houston, TX.)

MC 107012 (Sub-453F), filed October 25, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting (1) *foodstuffs* (except commodities in bulk and commodities requiring the use of vehicles equipped with mechanical refrigeration) and (2) *materials,* equipment and supplies used in the manufacture and distribution of foodstuffs, between points in the United States, restricted to the transportation of traffic originating at or destined to the facilities of Frito-Lay, Inc. (Hearing sites: Dallas, TX or Washington, DC.)

MC 107012 (Sub-480F), filed October 29, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *Mist eliminators, asbestos cooling tower media, plastic baffles and plastic articles,* from the facilities of The Munters Corporation at or near Fort Meyers, FL, and Tampa, FL, to points in the United States (except AK and HI). (Hearing sites: Miami or Jacksonville, FL.)

Note.—Common control may be involved.

MC 110563 (Sub-306F), filed October 30, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 N., Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Transporting *Meats, meat products, meat by-products,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Cudahy and Milwaukee, WI, to points in CT, DE, DC, MD, MA, NH, NJ, NY, PA, RI, VA, and WV. (Hearing site: Milwaukee, WI or Chicago, IL.)

MC 111812 (Sub-689F), filed October 26, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). Transporting *Furniture,* from Phoenix, AZ, and Los Angeles, CA, to Sioux Falls, SD. (Hearing site: Sioux Falls, SD.)

MC 111812 (Sub-692F), filed October 29, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks (same address as applicant). Transporting (1) *Pet food mix* (except in bulk), from the facilities of Geo. A. Hormel & Co. at Davenport, IA, to points in IL, KS, MN, MO, NE, SD and WI; and (2) *Hog and pig skins and trimmings,* from points in IL, KS, MN, MO, NE, SD and WI to the facilities of Geo. A. Hormel & Co. at Davenport, IA. (Hearing site: Omaha, NE.)

MC 112063 (Sub-21F), filed October 15, 1979. Applicant: P. I. & I. MOTOR EXPRESS, INC., Broadway Ave. Extension, Masury, Oh., P.O. Box 685, Sharon, PA 16146. Representative: Milan Tatalovich, 11 West Liberty St., Girard, OH 44420. Transporting (1) *iron and steel articles,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, between Sharon, PA, and points within five miles of Sharon, PA, on the one hand, and, on the other, points in WI, MO, WV, KY, IA, MN, OH, and the lower Peninsula of MI. (Hearing site: Cleveland, OH or Pittsburgh, PA.)

MC 112713 (Sub-287F), filed October 29, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: Robert E. DeLand (same address as applicant). Transporting *General Commodities* (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities of unusual value, and those requiring special equipment) serving the facilities of Monsanto Company at Chocolate Bayou, TX, as an off-route point in connection with carrier's otherwise authorized operations. (Hearing site: Chicago, IL or Kansas City, MO.)

MC 113362 (Sub-370F), filed October 22, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533, Representative: Milton D. Adams, 1105½ Eight Avenue NE., P.O. Box 429, Austin, MN 55912. Transporting *MEATS MEAT PRODUCTS, MEAT BYPRODUCTS, and ARTICLES DISTRIBUTED BY MEAT—PACKING HOUSES* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk) and FOODSTUFFS (except in bulk), from the facilities of Geo. A. Hormel & Co., at or near Austin, and Owatonna, MN and Beloit, WI, to points in TN. Restricted to the Transportation of Traffic originating at the facilities at the above-named origins and destined to the named destinations. (Hearing site: Minneapolis, MN or Des Moines, IA.)

MC 114273 (Sub-672F), filed October 30, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Care (same address as applicant). Transporting *Agricultural implements and parts,* from Grinnell, IA, to Hagerstown, MD. (Hearing site: Chicago, IL or Washington, DC.)

Note.—Common control may be involved.

MC 114273 (Sub-671F), filed October 30, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *Flat glass,* from the facilities of PPG Industries, Inc. at or near Mt. Hollys Springs, PA, and Cumberland, MD, to points in IL, WI, IA, MN, NE, MO, KS and CO. (Hearing site: Chicago, IL or Washington, DC.)

Note.—Common control may be involved.

MC 114273 (Sub-674F), filed October 30, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting (1) *Such merchandise* as is sold by grocery, department and food business houses; and (2) *Equipment, materials and supplies* used in the conduct of such businesses (except in bulk, in tank vehicles), from Baltimore, MD, to points in OH and MI. (Hearing site: Chicago, IL or Washington, DC.)

Note.—Common control may be involved.

MC 114632 (Sub-263F), filed September 25, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *frozen bakery goods,* from Saugatuck and Holland, MI to points in CO, CT, DE, GA, ID, IL, IN, IA, KS, KY, TN, MD, MA, MN, MS, MO, MT, NE, NJ, NY, ND, OH, OK, PA, RI, SD, UT, VA, WV, WI & WY. (Hearing site: Chicago, IL or Minneapolis MN.)

MC 115162 (Sub-512F), filed October 30, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same as above). Transporting *(1) Iron and steel articles* from Gerald, MO, to points in the United States (except AK and HI); and *(2) Materials and supplies used in the manufacture and distribution of iron and steel articles* (except commodities in bulk, in tank vehicles) from points in the United States (except AK and HI) to Gerald, MO. (Hearing site: St. Louis, MO or Chicago, IL.)

MC 116763 (Sub-614F), filed October 30, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same as above). Transporting *such materials, equipment and supplies used in the manufacturing, processing and distribution of paper and paper products, and paper and paper products* (except commodities in bulk, in tank vehicles), from points in the United States (except AK, HI and), to the facilities of (a) Georgia Banta Company, Inc., at or near Neenah and Menasha, WI, and (b) Wisconsin Tissue Mills, Inc., at or near Menasha, WI. Restricted to traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Milwaukee, WI.)

MC 117823 (Sub-61F), filed October 15, 1979. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 1915 South 900 West, Salt Lake City, UT 84104. Representative: Don L. Bryce, 5565 East 52nd Avenue, Commerce City, CO 80022. Transporting *foodstuffs,* (except in bulk) from Phoenix, AZ to Salt Lake City, UT. (Hearing site: Denver, CO.)

Note.—Common control may be involved.

MC 118263 (Sub-97F), filed October 15, 1979. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN. Representative: William P. Whitney, Jr., 708 McClure Bldg., Frankfort, KY 40601. Transporting *foodstuffs,* in vehicles equipped with mechanical refrigeration, (1) between the facilities of the Delaware Freezer Center at or near Newark, DE, and of the Bay Central Freezer at or near Milford, DE, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, AR, and LA; and (2) between the facilities of the Delaware Freezer Center at or near Newark, DE, and the facilities of the Bay Central Freezer at or near Milford, DE, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Delaware Freezer Center at or near Newark, DE, or the facilities of Bay Central Freezer at or near Milford, DE. (Hearing site: Louisville, KY.)

MC 119493 (Sub-328F), filed October 26, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same as above). Transporting *stainless steel, nickel alloys,* and *materials and supplies,* used in the manufacture, processing, and distribution thereof (except commodities in bulk) between Ft. Worth, TX, on the one hand, and, on the other, points in the United States in and east of MT, WY, CO, and NM (except AK and HI.)

Note.—No dual operation will be involved. (Hearing site: Ft. Worth or Dallas, TX.)

MC 121793 (Sub-3F), filed October 15, 1979. Applicant: JESSE EASLEY d.b.a. VAL VERDE CARTAGE & STORAGE, Box 302, Socorro, NM 87801. Representative: James E. Snead, P.O. Box 2228, 215 Lincoln Ave., Santa Fe, NM 87501. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over *regular routes,* transporting *general commodities* (except commodities in bulk, household goods as defined by the Commission, articles of unusual value, classes A and B explosives, and commodities the transportation of which because of size or weight require the use of special equipment), (1) between Albuquerque, NM and Las Cruces, NM: over Interstate Hwy 25, serving all intermediate points; (2) between Albuquerque, NM and Las Cruces, NM: from Albuquerque, NM over U.S. Hwy 85 to junction U.S. Hwy 85 and Interstate Hwy 25 at or near Isleta, NM, then over Interstate Hwy 25 to junction NM Hwy 85 and Interstate Hwy 25 at or near Arrey, NM, then over NM Hwy 85 to Las Cruces, NM and return over the same route, serving all intermediate points; (3) between Albuquerque, NM and Las Cruces, NM: from Albuquerque, NM, over NM Hwy 47 to junction NM Hwy 47 and Interstate Hwy 25 at or near La Joya, NM, then over Interstate Hwy 25 to Las Cruces, NM, and return over the same route, serving all intermediate points. (Hearing site: Socorro or Albuquerque, NM.)

MC 123133 (Sub-7F), filed October 26, 1979. Applicant: DENNY TRANSPORT, INC., 3405 Industrial Parkway, Jeffersonville, IN 47130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting *paint,* in bulk, in tank vehicles, from facilities of Inmont Corp., at or near Cincinnati, OH, to Baltimore, MD. (Hearing site: Cincinnati, OH.)

Note.—Dual operations may be involved.

MC 123272 (Sub-41F), filed October 26, 1979. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *Plastic bottles,* from Vandalia, IL, Jeffersonville, IN and Louisville, KY to points in IA, IL, IN, KY, MI, MO, OH, TN and WI, restricted to traffic originating at the facilities of IMCO Container Company at the above-named points. (Hearing site: Chicago, IL.)

MC 123383 (Sub-91F), filed October 10, 1979. Applicant: BOYLE BROTHERS, INC., R.D. 2, Box 329C, Medford, NJ 08055. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *Lumber and composition board,* from Penobscot County, ME to points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, OH, DC, MD, DE, VA, WV, and NC. (Hearing site: New York, NY.)

MC 124673 (Sub-44F), filed October 15, 1979. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: Thomas F. Sedberry, 801 Vaughn Building, Austin, TX 78701. Transporting (1) *liquid fertilizer* (a) from points in Hutchinson and Moore Counties, TX, to points in KS, OK, CO and NE; and (b) between points in KS, those points in OK north and west of Interstate Highways 40 and 35, and points in Prowers and Baca Counties, CO, (2) *pot ash,* in bulk, from points in Eddy County, NM, to points in OK, KS, MO, NE and TX, and (3) *dry fertilizer,* in bulk, from points in Chaves, Lea and Eddy Counties, NM, and points in Hale and Brazoria Counties, TX, to points in OK and KS. (Hearing site: Kansas City, KS, or Oklahoma City, OK.)

MC 127042 (Sub-284F), filed October 25, 1979. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, IA 51108. Representative: Joseph B. Davis (same address as applicant). Transporting *meats, meat products, meat by-products and articles distributed by meatpacking houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Wilson Foods Corp., at Des Moines, IA to points in IN, KS, and MO, restricted to the transportation of traffic originating at the above named origins and destined to the above-named destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

MC 127042 (Sub-285F), filed October 30, 1979. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, IA 51108. Representative: Joseph B. Davis (same as above). Transporting *Meats, meat products and meat by-products, and articles distributed by meat*

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packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and except commodities in bulk) from the facilities of Hyplains Beef, Inc. at or near Dodge City, KS to points in the United States (except AK and HI). (Hearing site: Wichita, KS.)

MC 128273 (Sub-367F), filed October 15, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same as above). Transporting *such commodities as are used or dealt in by manufacturers and distributors of furniture and bedding products* (except commodities which because of size or weight require the use of special equipment, and except commodities in bulk, in tank vehicles), between points in the United States (except AK and HI). (Hearing site: Kansas City, MO, or Washington, DC.)

MC 135953 (Sub-7F), filed October 15, 1979. Applicant: CHEROKEE LINES, INC., P.O. Box 152, Cushing, OK 74023. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *foodstuffs* (except in bulk) from the facilities of International Multifoods Corporation at or near Melrose Park, IL to points in OK and TX. (Hearing site: Chicago, IL or Oklahoma City, OK.)

MC 136343 (Sub-186F), filed October 26, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166 (100 Pine Street), Harrisburg, PA 17108. Transporting *Starch and chemicals* (except in bulk) from the facilities of National Starch and Chemical Corporation, at or near Indianapolis, IN, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and DC. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 136553 (Sub-90F), filed October 24, 1979. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *Malt beverages* from Dubuque, IA, to points in MI and WI. (Hearing site: Chicago, IL or Des Moines, IA.)

MC 136553 (Sub-92F), filed October 24, 1979. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, IA 52001. Representative: William L Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *Salt*, (1) From Chicago, IL, to points in IA and WI, and (2) from Milwaukee, WI, to points in IA. (Hearing site: Chicago, IL.)

MC 136773 (Sub-6F), filed October 30, 1979. Applicant: S.T.S. MOTOR FREIGHT, INC., 107 Evergreen Road, Stratford, NJ 08084. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *General commodities* (except those of unusual value, and except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment) between the carrier's terminals in Pennsauken, NJ and Philadelphia, PA, on the one hand, and, on the other, points in DE, Baltimore, MD, and points in Baltimore, Carroll, Cecil, Frederick, and Hartford Counties, MD, those in NJ north of the northern boundaries of Burlington and Ocean Counties, NJ, those in the New York, NY, Commercial Zone as defined by the Commission, and those in PA on and east of US Hwy 15 from the MD–PA State Line to Harrisburg, PA, and on and south of US Hwy 22 from Harrisburg, PA, to Easton, PA. (Hearing site: Philadelphia, PA.)

MC 138882 (Sub-319F), filed October 31, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting (1) *plumbing goods* (2) *bathroom vanities*, and *accessories* for bathroom vanities, and (3) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above (except commodities in bulk), between the facilities of Universal-Rundle Corporation at Phoenix, AZ, Redlands, CA, Union Point and Monroe, GA, Rensselaer and Crawfordsville, IN, Leominster, MA, Ottumwa, IA, Salem, OH, New Castle, PA, Hondo and Corsicana, TX, and Milwaukee, WI, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the designated facilities. (Hearing site: Pittsburgh, PA or Birmingham, AL.)

MC 138882 (Sub-320F), filed October 31, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting (1) *furniture, furniture parts, components, and accessories* for furniture and furniture parts, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Leggett Platt Incorporated in the United States, on the one hand, and, on the other, points in the United States (except AK and HI), restricted in (1) and (2) above to the transportation of commodities in bulk, in tank vehicles, and commodities which because of size or weight, require the use of special equipment, and further restricted to the transportation of traffic originating at or destined to the named shipper facilities. (Hearing site: Joplin, MO or Birmingham, AL.)

MC 139822 (Sub-6F), filed October 24, 1979. Applicant: FOOD CARRIER, INC., P.O. Box 2287, Savannah, GA 31402. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., NW., Washington, DC 20004. Transporting *raw sugar*, in bulk, in vans, from points in FL to Port Wentworth, GA. (Hearing site: Savannah, GA or Washington, DC.)

MC 139882 (Sub-6F), filed October 29, 1979. Applicant: BARNEY TRUCKING, INCORPORATED, 850 West Main Street, Salina, UT 84654. Representative: D. Michael Jorgensen, Post Office Box 2465, Salt Lake City, UT 84110. Transporting *decorative rock*, between points in AZ, CA, CO, ID, NV, NM, OR, UT, WA and TX. (Hearing site: Salt Lake City, UT.)

MC 139973 (Sub-79F), filed October 24, 1979. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting (1) *electrical applicances, electrical equipment, electrical parts, poleline hardware, crane and derrick parts and accessories;* and (2) *materials and supplies used in the manufacture and distribution of the commodities in (1)*, between the facilities of A.B. Chance and Company at or near South Plainfield, NJ, Parkersburg, WV, Houston, TX, Dallas, TX, Mesquite, TX, Birmingham, AL, San Jose, CA, and West Chicago, IL, on the one hand, and, on the other, points in the United States (except AK and HI), (3) restricted to the transportation of shipments originating at or destined to the facilities of A.B. Chance and Company at the named points and, (b) restricted in (1) and (2) against the transportation of (1) commodities which because of their size or weight require the use of special equipment, and (2) commodities in bulk. (Hearing site: St. Louis, MO.)

MC 141443 (Sub-40F), filed October 15, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *such commodities as are dealt in or used by manufacturers distributors of waterbeds*, from Colorado Springs, CO and Los Angeles, CA to points in CO, KS, LA, MO, NM, OK and TX, restricted to the transportation of traffic originating at the facilities of Waterbed Palace, Inc. at the named origins. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 141443 (Sub-45F), filed October 30, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting (1) *alcoholic beverages* (except in bulk), from Tulsa, OK to points in CA; and (2) *wine* (except in bulk), from points in CA to Tulsa, OK. (Hearing site: Tulsa, OK.)

MC 141532 (Sub-46F), filed October 16, 1979. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. Transporting (1) *cooling towers and condensers*, and (2) *accessories, materials and supplies* used in conjunction with the commodities in (1) above, from the facilities of Baltimore Aircoil of CA, at or near Madera, CA to points in AZ, CO, ID, MT, NM, NV, OR, UT, WA and WY. (Hearing site: San Francisco, CA.)

MC 141532 (Sub-50F), filed October 26, 1979. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. Transporting *iron and aluminum pipe and pipe fittings* from the facilities of Picoma Industries at or near Martins Ferry and Cambridge, OH, to points in CA, OR, and WA. (Hearing site: Seattle, WA.)

MC 142592 (Sub-3F), filed October 30, 1979. Applicant: H. L. STANSELL, INC., 1221 U.S. Alternate Highway 19, P.O. Box 158, Palm Harbor, FL 33563. Representative: David C. Venable, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting *such merchandise as is dealt in and used by wholesale and retail hardware stores*, from Paramount, CA; Chicago, IL; Indianapolis, IN; Boston, MA: Jackson, MI; St. Louis, MO; Corning, NY; Marysville, OH; Pawtucket, RI; and Parkersburg, WV to points in Florida. (Hearing site: Tampa, FL.)

Note.—Dual operations may be involved.

MC 142592 (Sub-4F), filed October 30, 1979. Applicant: H. L. STANSELL, INC., 1221 U.S. Alternate Highway 19, P.O. Box 158, Palm Harbor, FL 33563. Representative: David C. Venable, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting *welding supplies and equipment* (except commodities in bulk) from Monticello, IN; Appleton, WI; and Hanover, PA, to points in Hillsborough and Pinellas Counties, FL. (Hearing site: Tampa, FL.)

Note.—Dual operations may be involved.

MC 142592 (Sub-5F), filed October 30, 1979. Applicant: H. L. STANSELL, INC., 1221 U.S. Alternate Highway 19, P.O. Box 158, Palm Harbor, FL 33563. Representative: David C. Venable, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting *turf maintenance equipment*, from Atlanta, GA, and Racine, WI, to Tampa, FL. (Hearing site: Tampa, FL.)

Note.—Dual operations may be involved.

MC 143482 (Sub-4F), filed October 25, 1979. Applicant: THOMAS D. SHOUP, R.D. #1, Strattanville, PA 16258. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Transporting *coal*, in bulk, in dump vehicles, from points in Clarion County, PA to points in NY on and west of Interstate Hwy 81. (Hearing site: Washington, DC.)

MC 143522 (Sub-1F), filed October 25, 1979. Applicant: CONSOLIDATED CARRIERS, INC., 121 Sunrise Drive, Irwin, PA 15642. Representative: Partick E. Quinn, 1716 Estrellita Circle, Chattanooga, TN 37421. Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), from the facilities of Empire State Shippers Association at Buffalo, NY to points in KY, VA, TN, NC, SC, MS, AL, GA, FL, LA, AR, MO, IL, IA, WI, MN, ND, SD, NE, KS, OK, TX, MT, WY, CO, NM, UT, and ID. (Hearing site: Buffalo, NY.)

MC 143563 (Sub-8–F), filed October 18, 1979. Applicant: R. C. MOORE, INC., Box 346, Waldoboro, ME 04572. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005. Transporting *materials, supplies, and equipment* used in the manufacture and distribution of footwear (except commodities in bulk), from points in the United States (except AK and HI), to Wilton, ME. (Hearing site: Portland or Bangor, ME.)

MC 144122 (Sub-6F), filed October 19, 1979. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, NJ 07652. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Transporting *plastic products and plastic materials* (except in bulk), from the facilities of the Union Carbide Corporation in NJ to points in AZ, AR, CA, CO, GA, IL, IN, IA, KS, MI, MO, NE, NV, NM, NC, OK, SC, TX, UT, and WI. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 145072 (Sub-25F), filed October 26, 1979. Applicant: M. S. CARRIERS, INC., 7372 Eastern Avenue, Germantown, TN 38137. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower 5100 Poplar Avenue, Memphis, TN 38137. Transporting *petroleum products* (except in bulk), automotive parts and materials, equipment and supplies used in service station operation, from the facilities of Exxon Company, U.S.A., at or near Baton Rouge, LA, to points in AL, AR, MS, and TN. (Hearing site: Memphis, TN.)

MC 145882 (Sub-3F), filed October 12, 1979. Applicant: KUVASZOK TRANSPORT, INC., 1630 Rhonda Road, St. Joseph, MI 49085. Representative: J. Joseph Daly, P.O. Box 558, St. Joseph, MI 49085. Transporting (1) *Sand*, in bulk, from the facilities of Manley Bros. of Indiana, Inc., in Berrien County, MI, and LaSalle County, IL, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI; and (2) *dry fertilizer, fertilizer material*, and *dry urea*, from the facilities of C.F. Industries, Inc., at or near Terre Haute, IN, and Mapleton, IL, to points in MI. (Hearing site: Chicago, IL.)

MC 146243 (Sub-1F), filed October 15, 1979. Applicant: STEPHEN HROBUCHAK d.b.a. TRANS-CONTINENTAL REFRIGERATED LINES, P.O. Box 1456, Scranton, PA 18503. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. Transporting *nitric, sulfuric and hydrochloric acids*, in shipper owned tank vehicles, between Phillipsburg, NJ and Hayward, CA. (Hearing site: Philadelphia, PA.)

MC 146623 (Sub-2F), filed October 15, 1979. Applicant: STAMEY ENTERPRISES, INC., 7350 102nd Place, South, Boynton Beach, FL 33435. Representative: Richard B. Austin, Esq., Suite 214, Palm Coast II Building, 5255 N.W. 87th Avenue, Miami, Florida 33178. Transporting *foodstuffs, prepared foods and drink mixers* between New York, NY, Chicago, IL, Newark, Ridgefield and Pennsauken, NJ, Berwick, Monteville and York, PA, Cleveland, OH, Boston, MA, Oconomowac, WI, Birmingham, AL, and Atlanta, GA, on the one hand,

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and, on the other, points in Dade County, FL. (Hearing site: Miami, FL.)

MC 146753 (Sub-4F), filed October 19, 1979. Applicant: SAM YOUNG, INC., P.O. Box 337, Wolcott, IN 47995. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *Cosmetics and jewelry products,* and (2) *materials used in the distribution of* the commodities in (1) above, From Morton Grove and Glenview, IL, to Monrovia and Pasadena, CA, Chamblee, GA, and Kansas City, MO. (Hearing site: Chicago, IL.)

MC 147003 (Sub-5F), filed October 28, 1979. Applicant: RAWHIDE CARRIERS, INC., P.O. Box 1171, Grand Island, NE 68807. Representative: Darryl Pauly (same address as above). Transporting *Metal pipe and tubing,* from the facilities of Titan Tube & Metal, Inc. at or near Mt. Olive, IL to points in CO, IA, NE and KS. (Hearing site: Springfield, IL or St. Louis, MO.)

MC 147032 (Sub-3F), filed October 15, 1979. Applicant: GENERAL MOTOR LINES, INC., P.O. Box 9583, Baltimore, MD 21237. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Transporting *general commodities* (except classes A and B explosives), between points in the commercial zone of Baltimore, MD, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Baltimore, MD.)

MC 147232 (Sub-6F), filed October 17, 1979. Applicant: A. L. SMITH TRUCKING, INC., 8984 Murphy Road, Versailles, OH 45380. Representative: James Duvall, Post Office Box 97, 220 West Bridge Street, Dublin, OH 43017 . Transporting *Feed, feed ingredients and materials, equipment and supplies used in the manufacture, sale and distribution of feed and feed ingredients,* between St. Marys, OH, on the one hand, and, on the other, points in IN. (Hearing site: Columbus, OH.)

MC 147322 (Sub-1F), filed October 17, 1979. Applicant: NOR–PAC DISTRIBUTING CORP., P.O. Box 429, Cosmopolis, WA 98537. Representative: George Kargianis, 2120 Pacific Building, Seattle, WA 98104. Transporting *shakes and shingles,* between (1) Aberdeen, Hoquiam, Raymond, South Bend, Humptulips, Aloha, Tacoma, Seattle, Cosmopolis, Bellingham, Arlington, Snohomish, Everett, Olympia, Longview, Kelso, Vancouver, DuPont, Kent, Puyallup, Auburn, Renton, Bremerton, Bellevue, Port Angeles, and Spokane, WA, and Portland, Beaverton, Gaston, Springfield, Albany, Eugene, Salem, Roseburg, Grants Pass, Medford, and The Dalles, OR, and between those points named in (1) above, on the one hand, and, on the other, the port of entry on the international boundary line between the United States and Canada at Blaine, WA. (Hearing site: Seattle, WA.)

MC 147343 (Sub-4F), filed October 18, 1979. Applicant: TREADWAY CARRIERS, INC., P.O. Box 364, Westfield, IN 46074. Representative: Orville G. Lynch (same address as applicant). Transporting *Loudspeakers, and materials used in the manufacture of loudspeakers, (except commodities in bulk) from Tiffin, OH, to Los Angeles, CA, Miami, FL, Atlanta, GA, Chicago, IL, Santa Claus, IN, Baltimore, MD, Boston, Newburyport, and North Adams, MA, Minneapolis, MN, St. Louis, MO, Albany and New York, NY, Shawnee, OK, and Dallas and Houston, TX. (Hearing site: Indianapolis, IN.)*

Note.—Dual operations may be involved.

MC 147442 (Sub-4F), filed October 15, 1979. Applicant: LAVIERO TRUCKING, INC., 70 Maureen Drive, Bristol, CT 06010. Representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Transporting *circuit breakers, and circuit breaker parts and components,* between Plainville, CT and Elizabeth, NJ, restricted to the transportation traffic having a prior or subsequent movement by water, and *circuit breakers* from Plainville, CT to North Bergen, NJ. (Hearing site: Hartford or New Haven, CT.)

MC 147793 (Sub-2F), filed October 25, 1979. Applicant: C. L. HALL, Route 2, Cumby, TX 75433. Representative: Lawrence A. Winkle, P.O. Box 45536, Dallas, TX 75245. Transporting *Feed supplements,* between points in LA, TX, AR, OK, MO, and KS. (Hearing site: Dallas, TX.)

MC 148273 (Sub-1F), filed October 15, 1979. Applicant: FIRST SERVICE DRIVEWAY, INC., 127 South Cornell Circle, Fort Wayne, IN 46007. Representative: Constance J. Goodwin, Suite 800, Circle Tower, Five East Market Street, Indianapolis, IN 46204. Transporting *motor homes, travel trailers and automobiles,* between points in Claiborne and Grainger Counties, TN, on the one hand, and, on the other, points in the United States (except AK and HI).

MC 148583 (Sub-1F), filed October 17, 1979. Applicant: LOOP CARTAGE, INC., 1818 North Commerce, Milwaukee, WI 53212. Representative: Lawrence P. Kahn, 161 West Wisconsin Ave., Suite 5170, Milwaukee, WI 53202. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities, which because of size or weight, require the use of special equipment), between Milwaukee, WI, and Chicago, IL, restricted to the transportation of traffic having a prior or subsequent movement by air or water. (Hearing site: Milwaukee, WI.)

MC 148613F, filed October 26, 1979. Applicant: I. PETERS TRANSPORT, LTD., 95 Douglas Rd., Winnipeg, Manitoba, Canada R2J 3B8. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *liquid fertilizer and liquid fertilizer ingredients,* in bulk, from points in MN and ND to ports of entry on the international boundary line between the United States and Canada in MN and ND, and (2) *potash,* in bulk, from ports of entry on the international boundary line between the United States and Canada in MN and ND to points in MN and ND. (Hearing site: Fargo, ND or St. Paul, MN.)

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Decided: February 15, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen.

MC 2202 (Sub-611F), filed October 9, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Washington, D.C. 20014. Transporting *general commodities (except those of unusual value Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,* serving Nacogdoches, TX as an off-route point in connection with applicant's present authority. (Hearing site: Dallas, TX.)

MC 2202 (Sub-615F), filed October 5, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *general commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,* over regular routes: 1. Between Rogers and Mountain Home, AR over US Hwy 62 serving all intermediate points, 2. Between Conway, AR and Springfield, MO over US Hwy 65 serving all intermediate points and serving Springfield for joinder only. (Hearing site: Little Rock, AR.)

MC 2392 (Sub-131F), filed October 18, 1979. Applicant: WHEELER TRANSPORT SERVICE, INC., P.O. Box 14248, West Omaha Station, Omaha, NE 68124. Representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Transporting *tallow* from Oakland, IA, Omaha and Schuyler, NE, to points in AR, CO, IL, IN, IA, KS, LA, MN, MS, MO, NE, ND, OK, SK, TX, TN, and WI. (Hearing site: Omaha, NE.)

MC 4963 (Sub-81F), filed October 23, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street & Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Building, 1111 E Street NW., Washington, DC 20004. Transporting *iron and steel articles,* and *metals (except iron and steel articles)* between the plantsite of Bethlehem Steel Corporation at or near Johnstown, PA and points in NY, OH, WV, KY, IN, IL, MI, WI, and MD, restricted against the transportation of traffic which, because of size or weight require the use of special equipment. (Hearing site: Washington, DC.)

MC 14702 (Sub-83F), filed August 22, 1979. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, OH 44482. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Transporting *iron and steel articles,* between the facilities of Republic Steel Corporation at Chicago, IL, on the one hand, and, on the other, points in the Lower Peninsula of MI. (Hearing site: Columbus, OH.)

Note.—Applicant intends to tack at Chicago, IL.

MC 16903 (Sub-74F), filed August 22, 1979. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 46474. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *building materials,* and (2) *accessories and supplies* used in the installation of the commodities in (1) above, between the facilities of masonite Corporation, in Wysox Township (Bradford County), PA, on the one hand, and, on the other, those points in the United States in and east of WI, IL, KY, TN, and MS. (Hearing site: Washington, DC.)

MC 20722 (Sub-39F), filed July 2, 1979. Applicant: M & G CONVOY, INC., 590 Elk Street, Buffalo, NY 14240. Representative: Eugene C. Ewald, 100 West Long Lake Road—Suite 102 Bloomfield Hills, MI 48013. Transporting *motor vehicles* (except trailers), in initial movements, in truckaway service, from the facilities of Chrysler Corporation at Newark, DE, to points in IN, IL, KY, MI, OH, and TN. (Hearing site: Detroit, MI or Washington, DC.)

Note.—Dual operations may be involved.

MC 41432 (Sub-164F), filed October 15, 1979. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., P.O. Box 10125, Dallas, TX 75207. Representative: Wayland Little P.O. Box 10125, Dallas, TX 75207. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as described by the Commission, commodities in bulk, and those requiring special equipment): (1) serving the facilities of Champion Laboratories, Inc., at or near Albion and West Salem, IL; (2) serving the facilities of Pyroil, Division of Champion Laboratories, Inc., at or near Albion, IL; and (3) serving the facilities of Luber-Finer, Inc., at or near Albion, IL, as off-route points in connection with carrier's authorized regular-route operations. (Hearing site: St. Louis, MO or Dallas, TX.)

MC 43963 (Sub-25F), filed October 9, 1979. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, Lake Station, IN 46405. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *(1) agricultural implements, and parts therefor and (2) iron and steel articles,* between Davenport, IA, on the one hand, and, on the other, Waupaca, Berlin, Milwaukee, Racine and Kenosha, WI. (Hearing site: Chicago, IL.)

MC 47583 (Sub-115F), filed October 31, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Transporting: *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk or in tank vehicles), between points in the United States (except AK and HI). Restricted to shipments originating at or destined to the facilities of Union Camp Corporation. (Hearing site: Kansas City, MO.)

MC 52793 (Sub-33F), filed August 7, 1979. Applicant: BEKINS VAN LINES CO., a corporation, 3090 Via Mondo, Compton, CA 90221. Representative: David P. Christianson, 1800 United California Bank Building, 707 Wilshire Boulevard, Los Angeles, CA 90017. Transporting *furniture, furnishings, and household, office and institutional fixtures and equipment,* crated, from points in Los Angeles County, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 59292 (Sub-33F), filed October 9, 1979. Applicant: THE MARYLAND TRANSPORTATION COMPANY, a corporation, 1111 Frankfurst Avenue, Baltimore, MD 21225. Representative: Charles J. Braun, Jr. (same address as applicant). Transporting (1) *paper* and *woodpulp,* from the facilities of Penntech Papers, Inc. at Johnsonburg, PA, to points in DE, DC, MD, VA and WV, (2) *printing paper,* from the facilities of Hammermill Papers Group at Lock Haven, PA, to points in DC, MD and VA, and (3) materials, equipment and supplies (except in bulk) used in the manufacture and distribution of paper in (1) and (2) above in the reverse direction, restricted in (1), (2) and (3) to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC or Baltimore, MD.)

MC 59292 (Sub-34F), filed October 9, 1979. Applicant: THE MARYLAND TRANSPORTATION COMPANY, a corporation, 1111 Frankfurst Avenue, Baltimore, MD 21225. Representative: Charles J. Braun, Jr. (same address as applicant). Transporting *cobalt, copper cathodes, ferro alloys, ferro nickel ingots, fluorspar, graphite electrodes, nickel, nickel briquettes, nickel cathodes, nickel granules, nickel powder* (except in bulk) from Baltimore, MD to points in OH on and east of a line beginning at Sandusky, OH, then over OH Hwy 4 to Marion, OH, then over Interstate Hwy, 23 to Portsmouth, OH and to points in PA (restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC or Baltimore, MD.)

MC 61403 (Sub-274F), filed October 16, 1979. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, NY 10017. Transporting *liquid synthetic latex* and *resins,* in bulk, in tank vehicles, from the plant site on Union Chemical Div., Union Oil Co. of California at or near Charlotte, NC, to points in AL, DE, FL, GA, KY, MD, MS, NJ, NY, OH, PA, SC, TN, VA, and WV. (Hearing site: Chicago, IL.)

MC 61592 (Sub-473F), filed October 9, 1979. Applicant: JENKINS TRUCK LINES INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting (1) *scrap* and *salvage* material, (2) and *materials, equipment* and *supplies* used in the sale, distribution, collection, preparation, recycling of scrap and salvage materials (except commodities in bulk, in tank

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vehicles) between points in the United States (except HI), restricted to shipments originating at or destined to the facilities used by Commercial Metals Company, Newell Salvage, and Glow Metals. (Hearing site: Dallas, TX.)

MC 87103 (Sub-39F), filed June 29, 1979. Applicant: MILLER TRANSFER AND RIGGING CO., P.O. Box 6077, Akron, OH 44312. Representative: Edward P. Bocko (same address as applicant). Transporting (1) *commodities* which, because of size or weight, require the use of special handling or special equipment; (2) *self-propelled articles*, each weighing 15,000 pounds or more; (3) *such commodities* which, because of size or weight do not require the use of special handling or special equipment when moving with the commodities in (1) above; (4) *machinery;* (5) *machine parts;* (6) *heavy machinery;* (7) *iron and steel articles;* and (8) *contractors equipment, materials, and supplies*, between points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC, on the one hand, and, on the other, points in the United States (except AK and HI).(Hearing site: Washington, DC.)

MC 98952 (Sub-75F), filed October 9, 1979. Applicant: GENERAL TRANSFER COMPANY, a corporation, 2880 North Woodford Street, Decatur, IL 62526. Representative: Charles Carnahan, Jr., (same address as applicant). Transporting *confectionery* (except in bulk) in vehicles equipped with mechanical refrigeration, from the facilities of Standard Brands, Inc., at or near Ft. Wayne, IN, to the facilities of Standard Brands, Inc., at Chicago, IL, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 103993 (Sub-1005F), filed October 9, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting *lumber, lumber products, wood products,* and *millwork*, from the facilities of Pluswood, Inc., at or near Oshkosh, WI to points in ME, VT, MA, NJ, CT, RI, NY, PA, MD, SC, VA, NH, WV, NC, and DC. (Hearing site: Madison, WI.)

MC 103993 (Sub-1013F), filed October 23, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting (1) *iron and steel articles*, from the facilities of Century Tube Corporation at or near Pine Bluff, AR, to those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and (2) *materials, equipment and supplies* (except commodities in bulk), used in the manufacture and distribution of commodities named in (1) above, in the reverse direction. (Hearing site: Little Rock, AR.)

MC 105813 (Sub-267F), filed October 9, 1979. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 12th St., P.O. Box 2009, Ocala, FL 32670. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting *medicines*, from Monticello, IL, to points in FL and GA. (Hearing site: New York, NY.)

MC 107012 (Sub-420F), filed August 22, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns, P.O. Box 988, Fort Wayne, IN 46801. Transporting (1)(a) *bicycles, tricycles, exercise equipment, motorized vehicles, snow throwers, and lawn and garden equipment, and (b) parts and accessories*, for the commodities in (a), from (a) Lawrenceburg, TN, to points in the United States (except AK and HI), and (b) from Fullerton, CA, to points in AZ, CO, ID, MT, NM, NV, OR, UT, WA, and WY, and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above, from points in CA, CT, IN, KS, KY, LA, MI, NC, OH, PA, TX, and WI to Lawrenceburg, TN, restricted to the transportation of traffic originating at or destined to the facilities of The Murray Ohio Manufacturing Company at (a) Fullerton, CA, and (b) Lawrenceburg, TN. (Hearing site: Nashville, TN or Washington, DC.)

MC 107012 (Sub-No. 450F), filed October 27, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, 46801. Representative: David D. Bishop (same address as applicant). Transporting *paper, paper products, and related articles*, from the facilities of Scott paper Co. located in DE, ME, MA, NJ, NY, and PA, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Philadelphia, PA or New York, NY.)

MC 107103 (Sub-23F), filed October 18, 1979. Applicant: ROBINSON CARTAGE CO., a Corporation, 2712 Chicago Drive, SW., Grand Rapids, MI 49509. Representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. Transporting *rough cast iron castings*, between the facilities of East Jordan Iron Works at East Jordan, MI and Siloam Springs, AR (Hearing site: Lansing or Detroit, MI.)

MC 107403 (Sub-1268F), filed October 1, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting (1) *paint and paint products*, in bulk, in tank vehicles, from Toledo, OH to Flint and Pontiac, MI and Louisville, KY, (2) *hydrobromic acid*, in bulk, in tank vehicles, from El Dorado, AR to Viterbo, TX and Gulfport, MS; and (3) *wine vinegar*, in bulk, in tank vehicles, from Newark, NJ to Winchester, VA. (Hearing site: Washington, DC.)

MC 107882 (Sub-47F), filed October 23, 1979. Applicant: ARMORED MOTOR SERVICE CORP., 160 Ewingville Road, Trenton, NJ 08638. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *coins* between Atlantic City, NJ and Las Vegas, NV, under a continuing contract(s) with Boardwalk Regency Corporation, Atlantic City, NJ. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 107993 (Sub-64F), filed October 18, 1979. Applicant: J. J. WILLIS TRUCKING CO., P.O. Box 226186, Dallas, TX 75266. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, Suite 301, Dallas, TX 75237. Transporting (A)(1) *machinery, equipment, materials,* and *supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and there products and by-products; machinery, equipment, materials, and supplies used in connection with the construction, operations, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; (2) *commodities*, which because of size or weight, require the use of special equipment; and (3) *Self-propelled articles*, each weighing 15,000 pounds or more, restricted to commodities which are transported on trailers, between points in CA, AZ, and NM. (B)(1) *pipe* and *fittings* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (2) *commodities*, which because of size or weight, require the use of special equipment, between CA, on the one hand, and, on the other, points in CO. (C)(1) *machinery, equipment, materials,* and *supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, equipment, materials, and supplies used in connection with the construction, operations, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; between CA, on the one hand, and, on the other, points in Larimer, Denver, Pueblo, Los Animas, Otero, Crawley, Lincoln, Washington, Logan, Bent, Baca, Prowers, Kiowa, Cheyenne, Kit Carson, Yuma, Phillips and Sedgewick Counties, CO. (Hearing site: Dallas, TX or Los Angeles, CA.)

Note.—Operations are now being conducted by applicant's tacking regular and irregular route authority. The purpose of this application is to eliminate Blythe and Winterhaven, CA as gateway points. Applicant proposes to interchange traffic with Wales Transportation, Inc., at any point in NM or CO, to conduct operations east of NM and CO.

MC 109632 (Sub-31F), filed October 12, 1979. Applicant: LOPEZ TRUCKING, INC. 131 Linden St., Waltham, MA 02154. Representative: Joseph M. Klements, 84 State St., Boston MA 02109. Transporting *iron and steel wire rods*, in coils, from Perth Amboy, NJ to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA and DC. (Hearing site: Newark, NJ or New York, NY.)

MC 112063 (Sub-22F), filed October 15, 1979. Applicant: P. I. & I. MOTOR EXPRESS, INC., Broadway Avenue Extension, Masury, OH, P.O. Box 685, Sharon, PA 16146. Representative: Milan Tatlovich, Esq., 11 West Liberty St., Girard, OH 44420. Transporting *iron and steel articles* and *materials, equipment and supplies* used in the manufacture and distribution of iron and steel articles, between the plant sites of Sharon Steel Corporation at (a) Sharon, Farrell, and Greenville, PA, (b) Warren, OH, and (c) Dearborn, MI, and points in WI, MO, WV, KY, IA, MN, and Lower Peninsula of MI. (Hearing site: Cleveland, OH or Pittsburgh, PA.)

MC 112713 (Sub-286F), filed October 15, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: John M. Records (same address as applicant). Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving (a) points in Sandoval, Valencia and McKinley, Counties NM; and (b) facilities of (1) Kerr McGee Corporation near Gore, OK; and (2) Allied Chemical Corporation near Metropolis, IL, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Alburquerque, NM; Gallup, NM.)

MC 114123 (Sub-49F), filed October 18, 1979. Applicant: HERMAN R. EWELL, INC., East Earl, PA 17519. Representative: J. Bruce Walter, 410 North Third Street, P.O. Box 1146, Harrisburg, PA 17108. Transporting *corn products and blends containing corn products* from the facilities of Archer Daniels Midland Company at or near Bayway (Elizabeth) NJ, to points in PA, MD, VA, WV, DE, CT, NY, MA, NC, RI, ME and DC. (Hearing site: Harrisburg, PA or Washington, DC.)

MC 114273 (Sub-665F), filed October 9, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's Representative: Kenneth L. Core (same address as applicant). Transporting *truck bodies* from Milton, IA to Decatur, IL. (Hearing Site: Chicago, IL or Washington, DC.)

Note.—Common control may be involved.

MC 114273 (Sub-673F), filed October 30, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting (1) such *merchandise* as is sold by grocery, department and food business houses; and (2) *equipment, materials* and *supplies* used in the conduct of such business (except in bulk, in tank vehicles) from Baltimore, MD to points in IL, MO, and MN. Applicant states it holds authority to perform the service via a combination of regular and irregular routes. The purpose of this application is to enable applicant to perform a direct service. (Hearing site: Chicago, IL or Washington, DC.)

Note.—Common control may be inolved.

MC 115092 (Sub-92F), filed October 23, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Transporting *canned goods* from Los Angeles, CA to points in AZ. (Hearing site: Los Angeles, CA or Phoenix, AZ.)

MC 115162 (Sub-511F), filed October 18, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting *cement and lime* from Jefferson, Marengo, St. Clair and Shelby Counties, AL to points in FL, GA, MS and TN. (Hearing site: Birmingham or Montgomery, AL.)

MC 115162 (Sub-512F), filed October 9, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting *general commodities* (except commodities in bulk and classes A and B explosives) between points in the United States (except AK and HI), restricted to traffic moving to or from the facilities of Union Camp Corporation. (Hearing site: New York, NY or Washington, DC.)

MC 116632 (Sub-28F), filed August 22, 1979. Applicant: H. O. BOUCHARD, INC., MRC 141 A, Bangor, ME 04401. Representative: John R. McKernan, Jr., Two Canal Plaza, P.O. Box 586, Portland, ME 04112. Transporting *coal* from points in Schuylkill County, PA to points in ME. (Hearing site: Portland, ME or Boston, MA.)

MC 116763 (Sub-601F), filed October 9, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *equipment, materials & supplies used in the manufacture and distribution of lighting fixtures and lighting fixtures* (except commodities in bulk, in tank vehicles), from Madisonville, KY, Paterson, NJ, Mendenhall, MS, Bellevue, OH, Elk Grove Village and Danville, IL, Bridgeport, CT and Evansville and Crawfordsville, IN, to the facilities of Lithonia Lighting, Division of National Service Industries, Inc., at or near Conyers, & Cochran, GA, and Crawfordsville, IN, restricted to traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Atlanta, GA.)

MC 116763 (Sub-602F), filed October 9, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *such commodities as are used in the manufacturing and processing of building mortar, concrete surface curing compounds, adhesives and building materials* (except commodities in bulk, in tank vehicles), between those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to traffic originating at or destined to the facilities of The Upco Co., in the authorized territory. (Hearing site: Tampa, FL.)

MC 116763 (Sub-606F), filed October 15, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH, 45380. Representative: Gary J. Jira (same address as applicant). Transporting *glass containers and closures for glass containers*, from the

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facilities used by Glass Containers Corporation, at or near Dayville and Hartford, CT to Paducah, KY, restricted to the transportation of traffic originating at the named origins and destined to the indicated destination. (Hearing site: Indianapolis, IN.)

MC 116763 (Sub-607F), filed October 15, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *malt beverages in containers*, from the facilities of F & M Schaeffer Brewing Co., at or near Fogelsville, PA, to points in CT, RI, MA, ME, and VT restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Philadelphia, PA.)

MC 116763 (Sub-608F), filed October 15, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting (1) *foodstuffs* (except frozen and commodities in bulk, in tank vehicles), from the facilities of Westward Industries, Inc., at or near Wichita, KS, to Atlanta, GA and (2) *Soy Protein and soy flour* (except commodities in bulk, in tank vehicles), from Decatur, IL and Dawson, MN, to the facilities of Westward Industries, Inc. at or near Wichita, KS, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Wichita, KS.)

MC 116763 (Sub-615F), filed October 23, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *(1) chemicals, plastics and plastic products*, (except commodities in bulk, in tank vehicles), and *(2) materials, equipment and supplies used in the manufacturing, distribution or sale of commodities in (1) above* (except commodities in bulk, in tank vehicles), between the facilities of Northern Petrochemical Company at or near (a) Mankato, MN; (b) Newark, OH, (c) Clinton, MA; and (d) Chicago, Morris and Mapleton, IL on the the one hand, and, on the other, points in AL, FL, GA, LA, MS, NC, and SC. Restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 116202 (Sub-139F), filed October 16, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, MN 55987. Representative: Eugene A. Schultz (same address as applicant). Transporting *dairy products* from Blair and Portage, WI to IN, MI, and OH, restricted to shipments originating at the facilities of Associated Milk Producers, Inc. at the above named origins. (Hearing site: St. Paul, MN.)

MC 118263 (Sub-90F), filed August 6, 1979. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. Transporting photographic materials, in vehicles equipped with mechanical refrigeration, from Baltimore, MD, Charleston, SC, New York, NY, Norfolk, VA, and Philadelphia, PA, to points in IL, IN, KY, MI, MN, MO, and OH. (Hearing site: Chicago, IL or Louisville, KY.)

MC 118263 (Sub-98F), filed October 22, 1979. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. Transporting *Frozen foodstuffs, in vehicles equipped with mechanical refrigeration*, from the facilities of Diamond Ice and Cold Storage, Inc. at Wilmington, DE to those points in the US east of MN, IA, MO, AR, and LA. (Hearing site: Wilmington, DE or Baltimore, MD.)

MC 119012 (Sub-16F), filed October 17, 1979. Applicant: RIVER TERMINALS TRANSPORT, INC., 202 George St., Aurora, IN 47001. Representative: Fred Schmits (same address as applicant). Transporting (1) *sand-blasting materials* (except commodities in bulk, in tank vehicles), and (2) *sand*, from the facilities of Gibbco, Inc., at Lawrenceburg, IN, to points in IN, KY, and OH. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 119422 (Sub-71F), filed October 22, 1979. Applicant: EE–JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, IL 62204. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting (1) *corn products*, in bulk, from Kankakee, IL and Mt. Vernon, IN, to those points in the U.S. in and east of KS, ND, NE, OK, SD and TX. (Hearing site: St. Louis, MO.)

MC 119493 (Sub-325F), filed October 8, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, 64801. Representative: Thomas D. Boone (same address, as applicant). Transporting *zinc dust* (except in bulk) and *materials* and *supplies* used in the manufacture and distribution thereof (except in bulk), between points in NJ, on the one hand, and, on the other, points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Newark, NJ or Chicago, IL.)

MC 123272 (Sub-42F), filed October 18, 1979. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Avenue, Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Transporting *foodstuffs* (except in bulk), from Louisville, KY to points in IL, IN, ON, and WI (Hearing site: Chicago, IL or Louisville, KY.)

MC 123812 (Sub-5F), filed October 15, 1979. Applicant: SULLIVAN FREIGHT LINES, INC., P.O. Box 276, Athens, TN 37303. Representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. Transporting (1) *farm implements, accessories, and parts, and (2) materials, supplies, components, and equipment used in the manufacture, assembly, or servicing of farm implements, accessories and parts, (except commodities in bulk)* between points in Dallas County, TX and McMinn County, TN on the one hand, and, on the other, all points in the U.S. (except AK and HI). (Hearing site: Knoxville or Chattanooga, TN.)

MC 123872 (Sub-113F), filed October 23, 1979. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Allen E. Bowman (same address as applicant). Transporting: (1) *Such commodities as are dealt in by grocery and food business houses (except in bulk); and (2) meats, meat products, meat byproducts, and articles distributed by meat packing houses except hides and commodities in bulk and those described in (1) above*, as defined in Sections A and C *of* Appendix *I* to the report *in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766.*, between Kansas City, KS and points in GA, NC, SC, TN and VA. (Hearing site: Kansas City, KS.)

Note.—Dual operations may be involved.

MC 124003 (Sub-4F), filed October 22, 1979. Applicant: DAYS MOVING & STORAGE, INC., P.O. Box 668, County Rd. 3, Elkhart, IN 46514. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *heavy machinery*, between the facilities of (1) Modine Manufacturing Co. at (a) Whittier, CA, (b) Bloomington and McHenry, IL, (c) LaPorte and Logansport, IN, (d) Emporia, KS, (e) Paducah, KY, (f) Jefferson City, Joplin and Trenton, MO, (g) Pemberville, OH, (h) Clinton, Knoxville and Lawrenceburg, TN, (i) Buena Vista, VA and (j) New Berlin and Racine, WI, and (2) Days Moving & Storage, Inc. at Elkhart, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 124692 (Sub-304F), filed August 23, 1979. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transporting (1) *refractories*, and (2) *materials and equipment* used in the installation, from Fulton and Vandalia, MO, to points in AZ, CA, NM, OR, WA, UT, ID, MT, NV, and WV. (Hearing site: Pittsburgh, PA.)

MC 124813 (Sub-219F), filed October 22, 1979. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *concrete products and forms*, between Omaha, NE, on the one hand, and, on the other, points in IA, and (2) *interlocking paving stone*, from St. Joseph, MN, to points in IA, IL, KS, MO, NE, ND, and SD. (Hearing site: St. Paul, MN or Omaha, NE.)

Note.—Dual operations may be involved.

MC 125433 (Sub-324F), filed October 1, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *aluminum cans* and *aluminum lids*, from the facilities of Ball Metal Container Group at or near Golden and Denver, CO, to points in the United States (except AK and HI). (Hearing site: Denver, CO or Salt Lake City, UT.)

MC 125433 (Sub-325F), filed October 1, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *portable conveyors, stackers, silos, belt loaders and vibrating screens*, (2) *parts, attachments and accessories* for the commodities in (1) above, from the facilities of Kolberg Manufacturing Corporation, at or near Yankton, SD to points in the United States (except AK and HI), and (3) *equipment, materials and supplies* used in the manufacture of the commodities in (1) and (2) above (except commodities in bulk), in the reverse direction. (Hearing site: Denver, CO or Salt Lake City, UT.)

MC 125433 (Sub-335F), filed October 16, 1979. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *scaffolding* and *parts* thereof from the facilities of Kwikform America, Huntington Beach, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

Note.—Common Control may be involved.

MC 125433 (Sub-339F), filed October 1, 1979. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *aluminum flexible conduit*, from Long Beach, CA to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Alflex Corporation. (Hearing site: Los Angeles, CA).

MC 125433 (Sub-340F), filed October 1, 1979. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *household and commercial laundry and kitchen appliances*, and *related repair parts*, from Newton, IA to points in the United States (except AK, HI, IA, IL, Upper Peninsula of MI, MN, MO, NE, ND, SD and WI), restricted to the transportation of traffic originating at the facilities of The Maytag Company. (Hearing site: Chicago, IL or Denver, CO.)

MC 125433 (Sub-342F), filed October 9, 1979. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *commodities* dealt in or used by manufacturers of heating and cooling systems (except in bulk), between points in the United States (except AK and HI), restricted to shipments originating at or destined to the facilities of Lennox Industries, Inc. (Hearing site: Dallas, TX.)

Note.—Common control may be involved.

MC 125433 (Sub-343F), filed October 9, 1979. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *lead scrap*, from Ontario, CA, to East Helena, MT. (Hearing site: Washington, DC.)

Note.—Common control may be involved.

MC 126473 (Sub-41F), filed August 23, 1979. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Representative: Kenneth F. Dudley, 1501 E. Main Street, P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *petroleum products*, in bulk, in tank vehicles and (2) *alcohol*, in bulk, in tank vehicles, between points in IA, IL, MN, MO, NE and WI. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 128273 (Sub-361F), filed July 2, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting *such commodities as are dealt in by manufacturers of printed matter* (1) between Harrisonburg, VA, Spartanburg, SC, and Dwight, IL, on the one hand, and, on the other, points in the United States (except AK and HI), (2) from points in the United States in and east of ND, SD, NE, KS, OK and TX, to Chicago and Mattoon, IL, Warsaw, IN, Glasgow, KY and Gallatin, TN, and (3) from points in the United States (except AK and HI) to Crawfordsville, IN, and Willard, OH. Restricted to the transportation of traffic originating at or destined to the facilities of R. R. Donnelley & Sons Company, and further restricted against the transportation of commodities in bulk and commodities which, because of size or weight, require the use of special equipment. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved.

MC 128273 (Sub-366F), filed October 9, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting *such commodities* as are used or dealt in by manufacturers or distributors of outdoor recreational equipment and heating and air conditioning equipment between Wichita, KS, Oceanside, CA, and New Braunfels, TX, on the one hand, and, on the other, points in the United States (except AK and HI), restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted to traffic which originates at or is destined to the facilities of The Coleman Company, Inc. (Hearing site: Wichita, KS, or Washington, DC.)

MC 128273 (Sub-368F), filed October 16, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting *printed matter* from Dayton, OH, to points in the United States (except AK, HI, and OH). Restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted to the transporation of traffic originating at the or destined to facilities of Dayton Press, Inc., at or near Dayton, OH. (Hearing site: Columbus, OH, or Washington, DC.)

MC 128273 (Sub-376F), filed October 23, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting *such commodities* as are used or dealt in by manufacturers or

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distributors of animal foods between El Paso, TX, on the one hand, and, on the other, points in the United States (except AK, HI and TX). Restricted to the transportation of traffic originating at the facilities of Star-Kist Foods, Inc., at El Paso, TX. (Hearing site: Los Angeles, CA, or Washington, DC.)

MC 134783 (Sub-59F), filed October 9, 1979. Applicant: DIRECT SERVICE, INC., 940 East 66th Street, P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 8020. Transporting *meats, meat products, meat by-products,* and *articles distributed by meat packinghouses,* as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), from the facilities of John Morrell & Co., at or near Montgomery, AL to points in CT, DE, FL, GA, LA, MD, MA, NJ, NY, NC, OH, PA, RI, SC, TX, VA, WV and DC, restricted to the transportation of traffic originating at the facilities of John Morrell & Co. (Hearing site: Chicago, IL or Dallas, TX.)

Note.—Common control and dual operations may be involved.

MC 134813 (Sub-15F), filed October 26, 1979. Applicant: WESTERN CARTAGE, INC., 2921 Dawson Road, Tulsa, OK 74110. Representative: Michael R. Vanderburg, 5200 South Yale, Suite 400, Tulsa, OK 74135. Transporting *such commodities* as are dealt in by retail stores between points in AL, AR, GA, IL, KS, KY, LA, MS, MO, OK, TN and TX, under continuing contract(s) with Wal-Mart Stores, Inc., of Bentonville, AR. (Hearing site: Bentonville, AR, or Tulsa, OK.)

Note.—Dual operations may be involved.

MC 136553 (Sub-91F), filed October 22, 1979. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *steel,* from Chicago, IL, to Dyersville, IA, and (2) *steel pipe and pipe fittings,* from Bellevue, IA, to points in CO, IL, IN, KS, MI, MN, MO, NE, ND, SD, and WI. (Hearing site: Chicago, IL or Des Moines, IA.)

MC 138313 (Sub-63F), filed October 16, 1979. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street S.W., Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Transporting *railroad ties,* from points in MT to points in OR, WA, ID and WY. (Hearing site: Billings, MT.)

MC 138313 (Sub-64F), filed October 1, 1979. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street S.W., Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Transporting, *Solar panels* and *materials and supplies* used in the manufacture, distribution, and installation of solar panels, from Great Falls, MT to CA, CO, ID, IA, MN, NV, ND, OR, SD, UT, WA, and WY. (Hearing site: Great Falls, MT or Washington, DC.)

MC 138882 (Sub-305F), filed October 5, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). *Transporting unfrozen bakery goods,* from Marietta, OK, to New Rochell, NY, Louisville KY, Los Angeles, CA, Pheonix, AZ, Corona, San Diego, and LaHabre, CA, Biddleford, ME, Seattle, WA, and Woburn, MA. (Hearing site: Oklahoma City, OK or Birmingham, AL.)

MC 138882 (Sub-306F), filed October 5, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting *Iron and steel articles* from the facilities of Southwestern Ohio Steel, Inc., at Butler City, OH, to points in AL, AR, FL, GA, IL, IN, KY, LA, MI, MO, MS, NC, SC, TN, VA, and WV. (Hearing site: Hamilton, OH or Birmingham, AL.)

MC 138882 (Sub-307F), filed October 5, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting *foodstuffs* (except in bulk) from the plantsite of Duffy-Mott Co., Inc., at Hamlin, Holley and Williamson, NY to points in IL, IN, MI, MN, MO, WI, SD, and ND. (Hearing site: New York, NY or Birmingham, AL.)

MC 138882 (Sub-308F), filed October 5, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting (1) *appliances, heating and air conditioned equipment, vending machines,* (2) *materials, equipment* and *supplies* used in the manufacture, sales and distribution of the commodities in (1) above (except commodities in bulk) between the facilities of Magic Chef, Inc., on the one hand, and on the other, points in the U.S. (except AK and HI). (Hearing site: Knoxville, TN or Birmingham, AL.)

MC 138882 (Sub-309F), filed October 5, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting *scrap* from the facilities of Sapp Battery Services, Inc., at or near Alford, FL and Sanders Lead Co., Inc., at Troy, AL, to points in and east of MN, IA, MO, AR, and LA. (Hearing site: Montgomery or Birmingham, AL.)

MC 138882 (Sub-317F), filed October 23, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting *lumber and lumber mill products* (except in bulk), from Evansville, IN to Oklahoma City and Tulsa, OK; Joplin, MO; Hutchinson, KS; Dakota City, Ft. Dodge, and Calmar, IA; Minot, ND; Provo, UT; Garnet, KS; Little Rock, AR; and Lincoln and Omaha, NE. (Hearing site: St. Louis, MO or Birmingham, AL.)

MC 138882 (Sub-318F), filed October 23, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting *household liquid bleach* and *dish detergents, materials, equipment and supplies* used in the manufacturing, and distribution of the commodities in above (except commodities in bulk), between the facilities of National Marketing Associates, Inc., at or near New Orleans, LA and points in MS, AL, GA, TN, and FL. (Hearing site: New Orleans, LA or Birmingham, AL.)

MC 139822 (Sub-5F), filed October 23, 1979. Applicant: FOOD CARRIER, INC., P.O. Box 2287, Savannah, GA 31402. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St., N.W., Washington, D.C. 20004. Transporting (1) *foodstuffs* (except in bulk in tank vehicles) from the facilities of Sunaid Food Products, Inc. at or near Miami, FL. to points in AL, AR, GA, KY, LA, MD, MS, NC, SC, TN, TX and VA; and (2) *equipment, materials, and supplies* used in the manufacture and distribution of commodities named in (1) above (except in bulk in tank vehicles) in the reverse direction. (Hearing site: Miami, FL or Washington, DC.)

MC 141212 (Sub-7F), filed October 9, 1979. Applicant: JOHN M. RADKE, Route 2, Box 93, Marathon, WI 54448. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Transporting *feed and feed ingredients,* in bulk, from Minneapolis, MN to points in WI. (Hearing site: Minneapolis, MN.)

MC 141443 (Sub-41F), filed October 18, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, 2801 Northwest Expressway, Oklahoma City, OK 73112. Transporting (1) *such commodities* as are dealt in by wholesale, retail, chain grocery and food business houses (except in bulk) and (2) *meats, meat products, meat by-products,* and *articles distributed by meat packing houses* (except those in (1) above) (except hides and commodities in bulk) as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, between Kansas City, KS, on the one hand, and, on the other, points in the United States (except AK, HI and KS.) (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 141443 (Sub-43F), filed October 22, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615, East, 2801 Northwest Expressway, Oklahoma City, OK 73112. Transporting *alcoholic beverages,* (1) from points in KY to Oklahoma City, OK and (2) from Oklahoma City, OK to points in CA. (Hearing site: Oklahoma City, OK or Dallas, TX.)

Note.—Dual operations may be involved.

MC 141723 (Sub-4F), filed October 15, 1979. Applicant: FEDERALSBURG TRANSIT CO., INC., Davis Mill Pond Road, Route #1, Federalsburg, MD 21632. Representative: Brian S. Stern, 2425 Wilson Boulevard, Suite 327, Arlington, VA 22201. Transporting *lumber, woodchips, lumber products and forest products* (except commodities in bulk, in tank vehicles), between points in AL, CT, DE, FL, GA, MA, ME, MD, MS, NC, NH, NJ, NY, PA, RI, SC, VA, VT, and DC. (Hearing site: Baltimore, MD or Washinton, DC.)

MC 141742 (Sub-8F), filed October 5, 1979. Applicant: FLOWERS TRANSPORTATION, INC., P.O. Box B, Station A, Auburn, CA 95603. Representative: Walter H. Walker, III, 100 Pine Street, San Francisco, CA 94111. Transporting *gypsum wallboard* and *materials and supplies* used in the installation of Gypsum wallboard from Sigurd, UT to points in CA and NV. (Hearing site: San Francisco, CA or Reno, NV.)

MC 141932 (Sub-22F), filed October 9, 1979. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner (same address as applicant). Transporting (1) *frozen foodstuffs,* and (2) commodities otherwise exempt from regulations when moving in the same vehicle with the commodities in (1) from Syracuse, NY to points in CT, ME, MA, NH, RI, and VT, restricted to shipments originating at the facilities of Empire Freezers of Syracuse, Inc., Syracuse, NY. (Hearing site: Boston, MA.)

Note.—Applicant holds Permit Nos. MC-129600 and subs thereto. If appropriate, applicant will convert its permits into certificates.

MC 142672 (Sub-86F), filed October 9, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Post Office Box 159, Rogers, AR 72756. Transporting *malt beverages* from Ft. Worth, TX, to the facilities of Burford Distributing Company, Inc., at or near Ft. Smith, AR. (Hearing site: Ft. Smith, AR or Dallas, TX.)

MC 143503 (Sub-28F), filed October 9, 1979. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC.; P.O. Box 5067 Oxnard, CA 93031. Representative: T. M. Brown, P.O. Box 1540 Edmond, OK 73034. Transporting *such commodities as are dealt in by retail department stores* from points in PA and VA (except Frederick, Clarke, Loudon, Fairfax, Arlington, Prince William, Fauquier, Stafford, King George, Spotsylvania, Orange, Madison, Culpeper, Rappahannock, and Shenandoah, counties) to the facilities of May Department Stores Company, in Howard County, MD and DC. (Hearing site: Washington, D.C.)

MC 144503 (Sub-24F), filed October 5, 1979. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *paper and paper products,* between Savannah and Tifton, GA, on the one hand, and, on the other, points in MO, KS, NE, IA, WI, IL, OH, MI, and KY, restricted to the facilities of Union Camp Corporation. (Hearing site: Atlanta, GA.)

MC 144572 (Sub-22F), filed August 23, 1979. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717, 17th Street, Suite 2600, Denver, CO 80202. Transporting (1) *chemicals,* (2) *laboratory, graphic arts, electroplating, laundry, dry cleaning and swimming pool supplies and equipment,* (3) *Materials used in manufacture, sale, and distribution of commodities in (1) and (2) above* from points in CA, DE, IL, IN, KS, KY, LA, MD, MI, MO, NJ, NY, OH, PA, TN, TX, WA, and WV to the facilities of Chemical Sales Company at Denver, CO. Restricted in (1), (2) and (3) above against the transportation of commodities in bulk. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 144572 (Sub-27F), filed October 22, 1979. Applicant: MONFORT TRANSPORTATION COMPANY, a corporation P.O. Box G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 717, 17th Street, Suite 2600, Denver, CO 80202. Transporting: *plastic and iron pipe fittings, plastic pipe, roof flashing and adhesive cement,* from the facilities of U-Brand Corporation at or near Shelby, OH to points in AZ, CA, CO, KS, MO, NE, NV, OR, UT, and WA. (Hearing site: Denver, CO or Chicago, IL).

Note.—Dual operations may be involved.

MC 144572 (Sub-28F), filed October 22, 1979. Applicant: MONFORT TRANSPORTATION COMPANY, a corporation P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717, 17th Street, Suite 2600, Denver, CO 80202. Transporting: *malt beverages,* in containers from Secaucus, NJ to points in CO, IL, IA, and NE. (Hearing site: Washington, D.C.).

Note.—Dual operations may be involved.

MC 144672 (Sub-19F), filed October 23, 1979. Applicant: VICTORY EXPRESS, INC., P.O. Box 26189, Trotwood, OH 45426. Representative: Richard H. Schaefer (same address as applicant). Transporting (1) *chemicals, plastic materials and petroleum products,* and (2) *Materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above Between Points in the US (except AK and HI). Restricted to the transportation of traffic originating at or destined to the facilities of U.S. Industrial Chemicals Co., Division of National Distillers and Chemicals Corporation. (Hearing site: New York City, NY.)

Note.—Dual operations may be involved.

MC 144682 (Sub-32F), filed October 22, 1979. Applicant: R. R. Stanley, 1738 Empire Central, Dallas, TX, 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX, 75245. Transporting *prepared foodstuffs (except in bulk) in vehicles equipped with mechanical refrigeration* from the facilities of The Pillsbury Company at Denison, TX, to points in AL, AR, OK, MS, MO, NE, LA, and KS. (Hearing site: Dallas, TX.)

Note.—Dual operations may be involved.

MC 144912 (Sub-3F), filed May 7, 1979. Applicant: LEON R. GOLDSMITH, d.b.a. TERMINAL MOTOR EXPRESS, 1711 East 15th Street, Los Angeles, CA 90021. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *general commodities*

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(except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Los Angeles, CA, on the one hand, and, on the other, points in the United States in and east of MN, IA, NE, KS, OK, and TX, restricted to the transportation of traffic moving on bills of lading of freight forwarders as defined in 49 U.S.C. 10102(8). (Hearing site: Los Angeles, CA.)

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Decided: Feb. 5, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 1515 (Sub-275F), filed September 18, 1979. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins, (same address as applicant). Transporting: *passengers and their baggage*, and express and newspapers, in the same vehicle with passengers, in one-way and round-trip special operations between Port Deposit, MD and junction of U.S. Hwy 222 and U.S. Hwy 40 at Perryville, MD, serving no intermediate points: From Port Deposit, MD over U.S. Hwy 222 to junction U.S. Hwy 40 and return over the same route. (Hearing site: Baltimore, MD.)

Note.—Common control may be involved.

MC 2095 (Sub-25F), filed September 18, 1979. Applicant: KEIM TRANSPORTATION, INC., 420 N. Sixth, RFD 2, Sabetha, KS 66534. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting: (1) *dry feed ingredients*, (2) *soy bean meal* and *dry feed*, (1) From the facilities of Ralston-Purina Corp. at North Kansas City, MO, to points in AR, CO, IA, KS, LA, NE, OK, TX, and Flagstaff, AZ. (2) From the facilities of Ralston-Purina Corp at Kansas City, MO, to points in AR; CO; IA; KS; LA; NE; OK; TX, and Flagstaff, AZ. (Hearing site: Kansas City, MO.)

MC 4405 (Sub-614F), filed September 14, 1979. Applicant: DEALERS TRANSIT, INC., a corporation, P.O. Box 236, Tulsa, OK 74101. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *trailers* and *trailer chassis*, except those designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Boise, ID, to points in the United States (except AK and HI). (Hearing site: Boise, ID.)

MC 8535 (Sub-99F), filed September 17, 1979. Applicant: GEORGE TRANSFER AND RIGGING CO., INC., P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth Street, N.W., Washington, DC 20036. Transporting *Refractory products*, from Greensboro, NC, to points in IL, IN, MI, and TN. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 10675 (Sub-56F), filed September 14, 1979. Applicant: BRANCH MOTOR EXPRESS CO., a corporation, 114 Fifth Avenue, New York, NY 10011. Representative: G. G. Heller (same address as applicant). Transporting: *general commodities*, (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving points in Cheshire, Hillsboro, Belknap, Merrimack, Rockingham and Strafford Counties NH, as off-route points in connection with applicants authorized regular routes. (Hearing site: Washington, DC, or Boston, MA.)

MC 14215 (Sub-70F), filed September 15, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, 1396 West Fifth Avenue, P.O. Box 12241, Columbus, OH 43212. Transporting: (1) *Roofing and roofing materials*, (except in bulk, in tank vehicles) from the facilities of Koppers Company, Inc. at or near Youngstown, Wickliffe and Heath, OH, to points in IN, KY, MI, NY, PA and WV. (2) *Coal tar pitch*, in bulk, in dump vehicles, from Follansbee, WV and Youngstown, OH to St. Marys and Punxsutawney, PA. (3) *Coke and coke breeze*, in bulk, in dump vehicles, from the facilities of Koppers Company, Inc. at Toledo, OH and Erie, PA to points in CT, DE, DC, IL, IN, IA, KY, ME, MA, MD, MI, MN, MO, NH, NY, NJ, OH, PA, RI, VA, VT, WI, and WV.

MC 52704 (Sub-249F), filed September 14, 1979. Applicant: GLENN McCLENDON TRUCKING CO., INC., Post Office Drawer "H", LaFayette, AL 36862. Representative: John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *containers, container ends and closures*, and (2) *commodities* manufactured by or used in the manufacture and distribution of containers, container ends and closures, (except commodities in bulk, in tank vehicles), between points in the United States in and east of MN, IA, MO, OK, and TX, restricted to traffic orginating at or destined to a Chattanooga Glass Company facility. (Hearing site: Atlanta, GA.)

MC 61825 (Sub-114F), filed September 17, 1979. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone, P.O. Box 385, Collinsville, VA 24078. Transporting *mineral wool insulation (fibreglass)* (except in bulk), (1) from the facilities of CertainTeed Corporation at or near Kansas City, KS and Memphis, TN to points in AL, AR, CT, DE, DC, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA and WV, and (2) from Clarke County, GA to points in FL, NC and SC. (Hearing site: Washington, DC.)

MC 105045 (Sub-116F), filed September 14, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington Building, Washington, DC 20005. Transporting *commodities* the transportation of which, because of size or weight requires the use of special equipment, from the facilities of The Union Corporation at Dallastown, PA, to points in ME, NH, VT, MA, CT, RI, NY, NJ, DE, PA, MD, VA, WV, NC, SC, DC, and those points in the United States in and west of MN, SD, WY, CO, and NM, restricted to the transportation of traffic originating at the above-named facilities. (Hearing site: Washington, DC.)

MC 107295 (Sub-939F), filed September 19, 1979. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. Transporting *pipe and tubing*, from South Lyons, MI, to points in the United States (except AK and HA). (Hearing site: Chicago, IL.)

MC 107515 (Sub-1286F), filed September 14, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. Transporting *such commodities* as are dealt in or used by chemical manufacturers and distributors (except commodities in bulk), from the facilities of Oxford Chemicals, at or near Chamblee, GA to the facilities of Oxford Chemicals, at or near Memphis, TN. (Hearing site: Atlanta, GA.)

Note.—Dual operations and/or common control may be involved.

MC 107515 (Sub-1287F), filed September 14, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. Transporting *magazines and periodicals* from the facilities of U.S. News & World Report at or near Nashville, TN, to Jacksonville, FL; Atlanta, GA; Houston, TX; Dallas, TX; and Denver, CO. (Hearing site: Chicago, IL.)

Note.—Dual operations and/or common control may be involved.

MC 110525 (Sub-308F), filed September 13, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting *Chemicals*, in bulk, in tank vehicles between Acton, South Acton, Cambridge, MA and Nashua, NH on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Boston, MA.)

MC 114725 (Sub-105F), filed September 17, 1979. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 N. 11th St., Omaha, NE 68110. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *liquid fertilizer*, in bulk, in tank vehicles, from Audubon, IA, to points in KS, MO and NE. (Hearing site: Omaha, NE.)

MC 116544 (Sub-185F), filed September 14, 1979. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Road, Pala Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting (1) *bananas and (2) agricultural commodities exempt from regulation under Section 10526(a)(6) of the Interstate Commerce Act when transported in mixed loads with bananas*, from the facilities of Del Monte Banana Company at Port Hueneme, CA to points in AZ, CO, NM, NV, OR, TX, and WA, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Los Angeles, CA.)

MC 117415 (Sub-5F), filed September 17, 1979. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 402, American Fork, UT 84003. Representative: Jack L. Jensen, President, P.O. Box 402, American Fork, UT 84003. Transporting *barite and refractories*, from Salt Lake City, UT, Battle Mountain, NV, and Casper, WY, to WA, OR, CA, AZ, TX, and OK. (Hearing site: Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 121654 (Sub-33F), filed September 17, 1979. Applicant: COASTAL TRANSPORT & TRADING CO. a corporation, P.O. Box & 7438, Savannah, GA 31408. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor, Atlanta, GA 30326. Transporting *Lumber and lumber products, building materials, roofing and roofing materials*, and *equipment, materials and supplies used or useful in the installation thereof* (except those which because of size or weight require the use of special equipment, and except commodities in bulk) between points in AR, AL, FL, GA, KY, LA, MS, NC, SC, TN and VA. (Hearing site: Atlanta, GA.)

Note.—Dual operations and/or common control may be involved.

MC 121794 (Sub-6F), filed September 18, 1979. Applicant: JAMES WILKETT, d.b.a., WILKETT TRUCKING COMPANY, P.O. Box 209, Stigler, OK 74462. Representative: John J. McMackin, Jr., Suite 500, 1101 Connecticut Ave. NW., Washington, D.C. 20036. Transporting *coal*, from points in Haskell, Le Flore, Muskogee, Latimer and Pittsburg Counties, OK, to points in Bosque, Morris, Freestone and Harris Counties, TX. (Hearing site: Stigler, Muskogee, or Oklahoma City, OK.)

MC 123255 (Sub-217F), filed September 17, 1979. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Rd., Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). Transporting *paper and paper products*, and *materials, equipment and supplies* used in the manufacture and distribution thereof, and *plastic articles* expanded, between the facilities of Scott Paper Company situated at points in the United States east of a line commencing at the mouth of the Mississippi River and extending northward along the Mississippi to the boundary of Itasca County, MN, then northward to the boundary of Koochiching County, MN, and along said boundary to the United States-Canadian internation boundary, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site: Columbus, OH.)

MC 123744 (Sub-65), filed September 14, 1979. Applicant: BUTLER TRUCKING COMPANY, a corporation, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting *refractories*, from Chicago Heights, IL; Siloam, KY; St. Louis and Vandalia, MO, to points in IL, IN, OH, NY, PA, WV, VA, DE, MD, MI, and NJ. (Hearing site: Philadelphia, PA.)

MC 124774 (Sub-120F), filed September 18, 1979. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting *electrical transformers, parts and accessories*, from the facilities of Saban Electric Corp. at Warner, NH, to points in IL, IN, MI, MO, OH, and WI. (Hearing site: Boston, MA or Omaha, NE.)

MC 125335 (Sub-83F), filed September 17, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *foodstuffs* (except frozen foods and commodities in bulk), (1) from the facilities of Vlasic Foods, Inc., at or near Millsboro, DE, to points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VT, VA, WV, and DC, and (2) between the facilities of Vlasic Foods, Inc., at or near Millsboro, DE, on the one hand, and, on the other, the facilities of Vlasic Foods, Inc., at or near Imlay City, Bridgeport, and Memphis, MI. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a) (1978), or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Detroit, MI, or Harrisburg, PA.)

MC 125335 (Sub-84F), filed September 17, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *foodstuffs* (except frozen foods and commodities in bulk), (1) From the facilities of Vlasic Foods, Inc., at or near Greenville, MS, to points in FL, TN, GA, AL, and KY and (2) Between the facilities of Vlasic Foods, Inc., at or near Greenville, MS, on the one hand, and, on the other, the facilities of Vlasic Foods, Inc., at or near Millsboro, DE, and Imlay City, Bridgeport, and Memphis, MI. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343 (a) (1978), or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Detroit, MI, or Harrisburg, PA.)

MC 125804 (Sub-17F), filed September 17, 1979. Applicant: J & R SCHUGEL TRUCKING, INC., 301 North Water Street, New Ulm, Minnesota 56073. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *soybean products and soybean by-products* (except in bulk), from points in IA and MN to points in the United States (except AK and HI). (Hearing site: St. Paul, MN or Cedar Rapids, IA.)

MC 133655 (Sub-183F), filed September 17, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120.

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Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *such commodities* as are dealt in by discount and variety stores (except commodities in bulk) (1) between Ridgefield, NJ and points in LA; and (2) between Augusta, GA on the one hand, and, on the other, points in AL, LA, and TX, restricted in (1) and (2) above to traffic originating at or destined to the facilities of S. H. Kress and Company. (Hearing site: Chicago IL.)

MC 134755 (Sub-210F), filed September 18, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson, P.O. Box 3772, Springfield, MO 65804. Transporting *frozen foodstuffs*, from Wethersfield, or Hartford, CT, to points in NY, IL, GA, KS, TX, CA, ID, WI, MI, and PA. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 135895 (Sub-57F), filed September 19, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. Transporting: (1) *Plastic containers and fittings and closures* and (2) *equipment, materials and supplies* used in the manufacture and distribution of commodities described in (1) above (except commodities in bulk and those requiring special equipment) between the facilities of Letica Corporation of Oklahoma, Inc. at or near Oklahoma City, OK, on the one hand, and, on the other, points in AL, AR, LA, MO, MS, and TN. (Hearing sites: (1) Oklahoma City, OK; (2) New Orleans, LA; (3) Jackson, MS.)

MC 136285 (Sub-34F), filed September 14, 1979. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., Post Office Box 1375, Thomasville, GA 31792. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. Transporting: *raw sugar*, in bulk, from points in Florida to Port Wentworth, GA. (Hearing site: Atlanta, GA.)

MC 136595 (Sub-11F), filed September 17, 1979. Applicant: EASTSIDE ENTERPRISES, INC., 1440 South "A" Street, Springfield, OR 97477. Representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Avenue, Portland, OR 97210. Transporting *prefabricated modulars*, in sections, from the facilities of the Boise Cascade Corporation at or near Laurel, MT, to points in WY and SD. (Hearing site: Boise, ID.)

MC 139495 (Sub-485F), filed September 14, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting. *Such commodities* as are dealt in by variety, discount, and department stores from Long Beach and Los Angeles, CA to Kansas City and St. Louis, MO; and Chicago, IL. (Hearing site: Washington, DC.)

MC 140334 (Sub-3F), filed September 14, 1979. Applicant: AM-CAN TRANSPORT SERVICE, INC., 434 Sayre Street, P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 717—17th Street, Suite 2600, Denver, CO 80202. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: *Tires and materials, equipment, and supplies used in the manufacture, distribution and production of tires* (except commodities in bulk, in tank vehicles) (1) Between ports of entry on the international boundary line between the United States and Canada in Maine, on the one hand, and, on the other, points in SC; Dothan, AL; Edison, NJ; Baltimore, MD; Atlanta, GA and Jacksonville, FL; (2) Between Dothan, AL, on the one hand, and, on the other, points in SC; Atlanta, GA; Jacksonville, FL; and (3) Between points in SC on the one hand, and, on the other, Baltimore, MD; West Haven, CT; Richmond, VA; Edison, NJ and Boston, MA. under continuing contract(s) with Michelin Tire Corporation of New York, NY (Hearing site: Washington, DC.)

MC 140665 (Sub-67F), filed September 14, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting. *Plastic materials, and materials and supplies used in the marketing, distribution, or manufacturing of plastic* (except commodities in bulk), from Beaumont, TX, to points in AZ, CA, CO, NV, ID, NM, MT, WY, OR, UT, and WA. (Hearing site: Washington, DC, or Houston, TX.)

MC 141804 (Sub-274F), filed September 18, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. Transporting: *Bottled mineral water* from the facilities utilized by Vichy Springs Mineral Water Corp. at or near Ukiah, CA to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA.)

MC 142565 (Sub-3F), filed September 17, 1979. Applicant: DON RAY DRIVE-A-WAY COMPANY, INC., 305 North 13th Street, Decatur, IA 46733. Representative: Constance J. Goodwin, Suite 800, Circle Tower, Five East Market Street, Indianapolis, IN 46204. Transporting *passenger automobiles (van conversions), and trucks*, between Huntington County and Adams County, IN, on the one hand, and on the other points in the United States in and east of MN, IA, MO, OK, and TX.

MC 142935 (Sub-8F), filed September 19, 1979. Applicant: PLASTIC EXPRESS, a corporation, 2999 La Jolia St., Anaheim, CA 92806. Representative: Richard C. Celio, 1415 West Garvey Ave., Suite 102, West Covina, CA 91790. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, household goods as defined by the Commission, articles of unusual value and commodities, which because of size or weight, require the use of special equipment), between points in the United States in and west of MT, WY, CO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of the GAF Corporation. (Hearing site: Los Angeles, CA.)

MC 144345 (Sub-16F), filed September 14, 1979. Applicant: DON'S FROZEN EXPRESS, INC., 3820 Airport Ave., Caldwell, ID 83605. Representative: David E. Wishney, Attorney at Law, P.O. Box 837, Boise, ID 83701. Transporting: *such merchandise as is dealt in by grocery and food business houses, and equipment, materials and supplies used in the conduct of such businesses*, between points in CA, ID, NV, OR, UT and WA. Restricted to traffic originating at or destined to the facilities of Albertson's Inc.) (Hearing site: Boise, ID, or Salt Lake City, UT.)

MC 144484 (Sub-8F), filed September 17, 1979. Applicant: FREIGHTWAYS, INC., 412 East 2nd Street, Eldon, MO 65026. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting: (1) *Wood products, plastic products, rough lumber, glue, furniture parts, cedar closet linings, wood shavings, sawdust*, and (2) *equipment, materials, and supplies used in the manufacture, distribution and sale of the commodities in (1)*, between the facilities of Osage Products Company at or near Eldon, MO, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a) (1978) or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Kansas City, MO.)

MC 145474 (Sub-2F), filed September 14, 1979. Applicant: STAR SYSTEMS, INC., 12302 E. Wardman Street, Whittier, CA 90602. Representative: Miles L. Kavaller, 315 S. Beverly Drive, Suite 315, Beverly Hills, CA 90212. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce over irregular routes, transporting: *vinyl film and sheeting* from Lodi and Jamesburg, NJ and Everett, WA to Phoenix, AZ, Dallas, TX and to the facilities of Goss Plastic Film Corporation in Los Angeles, CA. (Hearing site: Los Angeles, CA.)

MC 145525 (Sub-9F), filed September 19, 1979. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, P.O. Box 6977, Cleveland, OH 44101. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *aluminum articles*, and (2) *materials, equipment and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above, (except commodities in bulk), between Joliet, IL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Intercontinental Alloys Corporation, of Joliet, IL, a subsidiary of Alcan Aluminum Corporation. (Hearing site: Chicago, IL.)

MC 145904 (Sub-18F), filed September 17, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Daniel O. Hands, Attorney at Law, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *iron and steel bars*, from the facilities of Wisconsin Steel Corporation at Chicago, IL to points in IA, restricted to the transportion of traffic originating at the named origin and destined to the named destination. (Hearing site: Chicago, IL.)

MC 145904 (Sub-19F), filed September 17, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *salad dressings*, from Grundy Center, IA, to points in AZ, NV, OR, UT and WA. (Hearing site: Des Moines, IA or Chicago, IL.)

MC 146525 (Sub-2F), filed September 19, 1979. Applicant: SAFE TRANSPORT, INC., 610 Cooper, Hamilton, IL 62341. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg. 411 North 7th St., St. Louis, MO 63101. Transporting *gasoline and fuel oil*, in bulk, in tank vehicles, from LaGrange and Palmyra, MO, to points in Adams, Brown, Hancock, Henderson, Schuyler, McDonough and Pike Counties, IL and Lee County, IA. (Hearing site: Springfield, IL, or St. Louis, MO.)

MC 146844 (Sub-3F), filed September 17, 1979. Applicant: NATIONAL TRUCK BROKERAGE, INC. d.b.a. HICKS MOTOR LINES, 219 West Main, P.O. Box 176, Humboldt, TN 38343. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave, Memphis, TN 38137. Transporting *cheese analog* and *calcium cassinate* (except in bulk) from the facilities of Anderson Clayton Foods at or near Humboldt, TN to points in the United States (except Alaska, Hawaii and Tennessee). (Hearing site: Memphis, TN, or Dallas, TX.)

MC 146945 (Sub-1F), filed September 17, 1979. Applicant: BROWN-HUFFSTETTER MATERIAL CO., Garst Avenue at Avenue "B", Greenville, OH 45331. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: (1) *Commodities* in bulk, in dump trucks, (a) from points in OH to points in IL, IN, KY, MI, PA, and WV, (b) from points in MI to points in IL, IN, KY, OH, PA, and WV, (c) from points in IN to points in IL, KY, MI, OH, PA, and WV, and (2) *Precast concrete products*, from the facilities of Permacrete Products Corporation at or near South Holland, IL and Columbus, Grove City, and Greenville, OH, to points in the United States on and east of U.S. Hwy. 85; RESTRICTED in part (1) to service performed under continuing contract(s) with American Aggregates Corporation and American Materials Corporation, and in part (2) to service performed under continuining contract(s) with Permacrete Products Corporation. (Hearing site: Columbus, OH.)

MC 147394 (Sub-5F), filed September 18, 1979. Applicant: COASTAL REFRIGERATED SERVICE INC., 34 Market St., Everett, MA 02149. Representative: Joseph F. Normile, 71 Gale Ave., Haverhill, MA 01830. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporing (1) *office equipment, steel office furniture, and components used in the manufacture and production of office equipment*, (2) *photo paper and film*, and (3) *photographic chemicals*, between Reading, MA, points in Middlesex and Essex Counties, MA, Pinebrook, NJ, Decator, GA, Arlington Heights and Chicago Proper, IL, Dallas, TX, Cerritos CA, Englewood, CO, Redmond, WA, Orlando, FL, Bloomington, MN, Hayward, CA, Springfield, VA, Shawnee Mission, KA, Cincinnati, OH, and Richmond, TX. (Hearing site: Boston, MA.)

MC 147625F, filed September 17, 1979. Applicant: AAA AIR ENTERPRISES, INC., P.O. Box 19130, Eppley Airfield, Omaha, NE 68119. Representative: Arlyn L. Westergren of Westergren & Hauptman, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) Between airport terminals at Omaha, NE, on the one hand, and, on the other, airport terminals at Lincoln, Norfolk, Columbus, Grand Island, Hastings, Kearney, and Lexington, NE; Yankton, SD; Sioux City, IA; and Kansas City, MO, restricted to traffic moving on air freight forwarder bills of lading and having a prior or subsequent movement by air. (Hearing site: Omaha, NE.)

MC 147794 (Sub-2F), filed September 17, 1979. Applicant: ROBERT WALLICK, d.b.a. R & W TRUCKING, 100 South Main, Park Rapids, MN 56470. Representative: William J. Gambucci, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58107. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes; transporting: *Agricultural and utility trailers and parts and accessories thereof*, (1) from the facilities of Kiefer Built, Inc., at or near Kanawha, IA to points in MN, MT, ND and SD, and (2) from the facilities of Kiefer Built, Inc., at or near Park Rapids, MN to points in IA, MT, ND and SD, restricted in parts (1) and (2) to a transportation service to be performed under continuing contract(s) with Kiefer Built, Inc., of Kanawha, IA. (Hearing site: Fargo, ND.)

MC 148275F, filed September 19, 1979. Applicant: J. L. McCOY, INC., P.O. Box 525, Ravenswood, WV 26164. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Transporting: (1) *Parts, materials, supplies and equipment* used in the manufacture of automobiles (except commodities in bulk) between the facilities of Volkswagen of America, Inc. at South Charleston, WV and Westmoreland, PA, on the one hand, and, on the other, Laredo, TX and ports of entry on the United States-Mexico Boundary at Laredo and Eagle Pass, TX;

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(2) *Steel pipe, pipe fittings, beams, piling, rails, railway rails, track accessories, bridge and highway railings, pile drivers, pile extractors,* and parts, and materials, equipment and supplies used in the manufacture, installation, dismantling or distribution of such commodities, (except commodities in bulk) between the facilities of L. B. Foster Company at Parkersburg and Washington, WV, on the one hand, and, on the other, points in and east of MN, IA, MO, OK and TX; and (3) *Iron and steel articles* and materials, supplies and equipment used in the manufacture thereof, (except commodities in bulk) between Huntington, WV on the one hand, and, on the other, points in United States, except AK and HI. (Hearing site: Detroit, MI.)

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Decided: February 2, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen. Member Jensen not participating.

MC 76 (Sub-20F), filed October 1, 1979. Applicant: MAWSON & MAWSON, INC., P.O. Box 248, Langhorne, PA 19047. Representative: Paul F. Sullivan, 711 Washington, Bldg., Washington, DC 20005. Transporting (a) *cable,* from the facilities of the Okonite Co., at or near North Brunswick, Paterson, and Passaic, NJ, to points in CT, OH, MA, NY, PA, RI, VA, WV, and those in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, and Bay Counties; and (b) *reels,* in the reverse direction. (Hearing site: Washington, DC.)

MC 1117 (Sub-23F), filed September 13, 1979. Applicant: M.G.M. TRANSPORT CORP., 70 Maltese Dr., Totowa, NJ 07512. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *wearing apparel,* from the facilities of K-Mart Apparel Corp at North Bergen, NJ, to Greensboro, NC, and Richmond, VA. (Hearing site: New York, NY.)

MC 21866 (Sub-131F), filed September 14, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, Esq., 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *television tubes,* and *parts and materials* used in the manufacture and distribution of television tubes, (except commodities in bulk), (1) between Circleville and Columbus, OH, on the one hand, and, on the other, Scranton, PA, and (2) between Marion, IN, on the one hand, and, on the other, Santa Ana, CA, and Lebanon and Nashville, TN, restricted in (1) and (2) to the transportation of traffic originating at or destined to the facilities of RCA Corporation. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 29886 (Sub-371F), filed November 2, 1979. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *commodities,* the transportation of which because of size or weight, require special handling or equipment, and (2) *iron and steel articles,* between points in IL, IN, and WI, on the one hand, and, on the other, points in DE, MD, VA, and DC. The sole purpose of this application is to substitute single-line for joint-line operations. (Hearing site: Milwaukee, WI or Washington, DC.)

MC 41116 (Sub-64F), filed September 13, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA, 70526. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX, 78701. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *newsprint, groundwood,* and *wrapping paper,* from the facilities of St. Regis Southland Division, at Sheldon and Herty, TX to points in AR, KS, LA, MS, MO, and OK, under a continuing contract(s) with St. Regis Paper Co., Southland Division, of Houston, TX. (Hearing site: Houston or Dallas, TX.)

Note.—Dual operations may be involved.

MC 41116 (Sub-65F), filed September 13, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA, 70526. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX, 78701. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products* (except commodities in bulk), and (2) *Materials and Supplies* used in the manufacture and distribution of the above named commodities (except commodities in bulk), between the plant site of WESTVACO at or near New Orleans, LA, on the one hand, and, on the other points in AL, AR, IA, IL, IN, KS, KY, MI, MO, MS, NE, OK, TN, and TX. (Hearing site: New Orleans, LA.)

Note.—Dual operations may be involved.

MC 41116 (Sub-66F), filed September 20, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA, 70526. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX, 78701. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products* (except commodities in bulk), and (2) *Materials and Supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Temple-Eastex, Inc., Eastex Division, at or near Evadale, TX, on the one hand, and, on the other, points in the United States (except AK and HI) under continuing contract(s) with Temple-Eastex, Inc., Eastern Division of Silsbee, TX. (Hearing site: Houston or Dallas, TX.)

Note.—Dual operations may be involved.

MC 42487 (Sub-945F), filed September 12, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except commodities in bulk and household goods as defined by the Commission), serving Olympia, WA, as an intermediate point in connection with carrier's presently authorized regular-route operations between Seattle, WA, and Medford, OR. (Hearing site: Seattle, WA.)

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future.

MC 51146 (Sub-754F), filed September 13, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting *non-hazardous chemicals,* in packages, and *equipment, materials, and supplies* used in the manufacture and distribution of non-hazardous chemicals from Detroit and Romulus, MI, to points in Juneau County, WI. (Hearing site: Chicago, IL.)

MC 51146 (Sub-766F), filed September 17, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of industrial, commercial, and home appliances, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Hobart Corporation. (Hearing site: Chicago, IL.)

MC 55896 (Sub-126F), filed November 2, 1979. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Rd., Taylor, MI, 48180. Representative: George E. Batty (address same as applicant). Transporting *plastic articles,* (A) from Florence, KY, to points in IL, IN, and OH, and (B) from Cincinnati, OH, to Buckner, KY. (Hearing site: Detroit, MI, or Columbus, OH.)

MC 57897 (Sub-19F), filed September 11, 1979. Applicant: LESTER SMITH TRUCKING, INC., 2845 East 51st Ave., Denver, CO 80216. Representative: David J. Lister, 3841 North Columbia Boulevard, P.O. Box 17039, Porland, OR 97217. Transporting *lumber, lumber mill products* and *wood products,* from the facilities of Cambria Forest Products at or near Newcastle, WY to points in AR, CO, IL, IN, IA, KS, MI, MN, MO, NE, NM, OK, PA, and WI. (Hearing site: Denver, CO.)

MC 57897 (Sub-20F), filed September 13, 1979. Applicant: LESTER SMITH TRUCKING, INC., 2845 East 51st Ave., Denver, CO 80216. Representative: David J. Lister, 3841 No. Columbia Blvd., P.O. Box 17039, Portland, OR 97217. Transporting *refractory and refractory products, and materials, equipment, and supplies* used in the manufacture of the foregoing commodities (except commodities in bulk), between points in Calloway and Audrain Counties, MO, on the one hand, and, on the other, those points in and west of ND, SD, NE, KS, OK and TX. (Hearing site: Denver, CO.)

MC 59367 (Sub-No. 143F), filed September 17, 1979. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, IA 50501. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *such commodities* as are dealt in by retail grocery and drug stores (except in bulk), from the facilities of The Proctor & Gamble Distributing Company at Chicago, IL, to points in IA, MN, NE, ND and SD, restricted to the transportation of traffic originating at the named facilities and destined to the named States. (Hearing site: Chicago, IL.)

MC 66746 (Sub-No. 26F), filed September 11, 1979. Applicant: SHIPPERS EXPRESS, INC., 1651 Kerr Drive, P.O. Box 8308, Jackson, MS 39204. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting *tire tubes,* between the facilities of Cooper Tire and Rubber Co. at or near Clarksdale, MS and the facilities of Cooper Tire and Rubber Co. at or near Texarkana, AR. (Hearing site: Jackson, MS.)

MC 74416 (Sub-24F), filed November 1, 1979. Applicant: LESTER M. PRANGE, INC., Box 1, Kirkwood, PA 17536. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, DC 20005. Transporting (1) *fabricated sheet metal products,* (2) *heating and air conditioning systems,* and (3) *equipment, materials, and supplies* used in the installation of the commodities in (1) and (2) above, from Medina, NY, to Lithonia, GA, and points in ME, NH, VT, MA, CT, RI, NJ, PA, DE, MD, VA, WV, and DC. (Hearing site: Washington, DC.)

MC 94876 (Sub-16F), filed September 10, 1979. Applicant: RICHARD ACERRA, INC., 38-09 Vernon Blvd., Long Island City, NY 11101. Representative: J. Aiden Connors, 325 East 201 St., Brooklyn, NY 10458. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paint and paint materials, road-pavement marking materials,* between Westwood, MA, on the one hand, and, on the other, Washington, DC, Jackson and Memphis, TN, and Indianapolis, IN, under continuing contract(s) with Safety Lines Marking, Inc., of Westwood, MA.

MC 95876 (Sub-308F), filed September 12, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave., No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting *lumber, lumber products, wood, wood products, and millwork,* from points in CA, Phoenix, AZ, El Paso, TX and Fruitland, Caldwell and Homedale, ID, to those points in the United States on and east of U.S. Hwy. 85. (Hearing site: San Francisco, or Los Angeles, CA.)

MC 95876 (Sub-309F), filed September 12, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting *fiberboard, pulpboard, and wallboard,* from Meridian, MS, to points in CO, CT, DE, IA, ID, IL, IN, MA, MD, ME, MI, MN, MT, ND, NE, NH, NJ, NY, OH, OR, PA, RI, SD, VT, WA, WI, WV, and WY. (Hearing site: Chicago, IL, or Minneapolis, MN.)

MC 95876 (Sub-310F), filed September 12, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting *high tension machines,* and *absorbers,* from Fort Worth, TX to points in the United States (except AK and HI). (Hearing site: Fort Worth, or Dallas, TX.)

MC 95876 (Sub-311F), filed September 12, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting *plastic pipe and fittings,* from the facilities of CertainTeed Corporation at or near Eads, TN, to points in CT, DE, IA, IL, IN, KY, MA, MD, ME, MI, MN, ND, NH, NJ, NY, OH, PA, RI, SD, VT, WI and WV. (Hearing site: Philadelphia, PA, or Chicago, IL.)

MC 102676 (Sub-15F), filed September 14, 1979. Applicant: FOX BUS LINES, INC., P.O. Box 1042, Worcester, MA 01613. Representative: David M. Marshall, 101 State St., Suite 304. Springfield, MA 01103. Transporting *passengers and their baggage,* in special operations, beginning and ending at Auburn, Oxford, Charlton, Webster, Dudley, Southbridge and Sturbridge, MA, and extending to the facilities of Pratt & Whitney Aircraft Group, Division of United Technologies Corp., at East Hartford, CT. (Hearing site: Hartford, CT.)

MC 105566 (Sub-207F), filed August 29, 1979. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kolroy, Suite 406, Executive Bldg., 6901 Old Keene Mill Rd., Springfield, VA 22150. Transporting *printed matter and materials, equipment and supplies* used by printing companies, between Chicago, IL, Corinth, MS, and Dresden, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 105566 (Sub-208F), filed August 29, 1979. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Bldg., 6901 Old Keene Mill Rd., Springfield, VA 22150. Transporting (1) *chemicals, chemical compounds, antifreeze, plastic and plastic products* (except in bulk), and (2) *materials, equipment and supplies* used in the manufacture, distribution or sale of the commodities in (1) above (except commodities in bulk), between the facilities of Northern Petrochemical Company, at or near Mankato, MN, Newark, OH, Clinton, MA, and Chicago, Morris and Mapleton, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 107496 (Sub-1237F), filed September 7, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting (1) *caustic potash,* in bulk, from Ashtabula, OH, to points in IL, IN, IA, KY, MI, NJ, NY, PA, OH, and WI, and (2) *acids and chemicals* (except cryogenics), from the facilities of Northern Petrochemical Co., in Grundy County, IL, to points in GA, NC, SC, TN, and KY. (Hearing site: Kansas City, MO, or Des Moines, IA.)

MC 107496 (Sub-1238F), filed September 11, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *petroleum products* (except chemicals), in bulk, from Kansas City, MO, to points in AR, IN, LA, MI, NC, OH, OK, SC, TN, TX, and VA. (Hearing site: Kansas City, MO, or Des Moines, IA.)

MC 107496 (Sub-1239F), filed September 17, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *commodities* in bulk, between Janesville, WI, and Mapleton, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 107496 (Sub-1243F), filed September 1, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *fly ash*, in bulk, from Genoa, WI, to points in MN and IA. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 109126 (Sub-15F), filed September 13, 1979. Applicant: LA SALLE TRUCKING COMPANY, a corporation, 690 Anita St., Chula Vista, CA 92011. Representative: Fred H. Mackensen, 9454 Wilshire Bldg., Suite 400, Beverly Hills, CA 90212. Transporting *beer* from the port of entry on the international boundary line between the United States and Mexico, at Tecate, CA, to the facilities of Wisdom Import Sales Company, Inc., at or near San Francisco, CA. (Hearing site: Los Angeles, CA.)

MC 110656 (Sub-13F), filed September 13, 1979. Applicant: PARKER MOTOR FREIGHT, INC., 1505 Steele Ave., S.W., Grand Rapids, MI 49507. Representative: Rex Eames, 900 Guardian Bldg., Detroit, MI 48226. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). A. (1) between Gaylord, MI, and Alpena, MI, over MI Hwy M–32, (2) between Alpena, MI, and Mackinaw City, MI, over U.S. Hwy 23, (3) between Mackinaw City, MI, and Gaylord, MI, over Interstate Hwy 75, (4) service is authorized at all intermediate points along the above-described routes except Atlanta and Vanderbilt, MI, and points within their commercial zones. Service to Cheboygan, MI, shall be limited to interlining traffic with other carriers, (5) service is authorized to all off-route points in Alpena County. Service is authorized to those off-route points within the counties of Cheboygan, Presque Isle, Montmorency and Otsego on and east of Interstate Hwy 75 and north of MI Hwy 32 except Atlanta and Vanderbilt, MI, and points within their commercial zones. Service at Cheboygan, MI, and points within its commercial zone shall be limited to interlining traffic with connecting carriers. Service is authorized to all off-route points within three miles of MI Hwy 32.

B. (1) between Gaylord, MI, and Detroit, MI, as follows: (a) from Gaylord over Interstate Hwy 75 to junction U.S. 27, then over U.S. Hwy 27 to junction Interstate Hwy 96, then over Interstate Hwy 96 to Detroit, and return over the same route, (b) between Gaylord, MI, and Detroit, MI, over Interstate Hwy 75, (c) from Gaylord, MI, over Interstate Hwy 75 to junction U.S. Hwy 27, then over U.S. Hwy 27 to junction U.S. Hwy 10, then over U.S. Hwy 10, to Detroit, and return over the same route, (2) between junction U.S. Hwy 23 and U.S. Hwy 10 and junction U.S. Hwy 23 and Interstate Hwy 96, from junction U.S. Hwy 10 and U.S. Hwy 23 over U.S. Hwy 23 to junction Interstate Hwy 96, and return over the same route, (3) service over the above routes set forth in paragraph B(1) (a), (b), (c), and (2) is authorized to all intermediate points and off-route points within 3 miles thereof and including the commercial zones of such points except those points along U.S. Hwy 27 and Interstate Hwy 75 north of Lansing, those along U.S. Hwy 10 north of Midland and those along Interstate Hwy 75 north of Bay City. Service is restricted to the transportation of traffic which the carrier either originates at or delivers to its authorized points in Paragraph A above.

C. (1) between Grand Rapids, MI, and the junction of MI Hwy 57 and Interstate Hwy 75, from Grand Rapids over U.S. Hwy 131 to junction MI Hwy 57, then over MI Hwy 57 to junction Interstate Hwy 75, and return over the same route, (2) between Bay City, MI, and Alpena, MI, over U.S. Hwy 23, and (3) service over the routes in this paragraph C shall include the right to join such routes with otherwise authorized routes and shall be restricted for operating convenience only in the performance of service and subject to the same restictions between points otherwise authorized. (Hearing site: Lansing, or Detroit, MI.)

MC 111307 (Sub-11F), filed September 12, 1979. Applicant: OVERLAND WESTERN LIMITED, 5200 Maingate Drive, Mississauga, Ontario, Canada L4W 1G5. Representative: Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, MI 48226. Transporting *general commodities* (except those of unusual value, classes A and B exlosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the international boundary line between the United States and Canada at Port Huron, MI, on the one hand, and, on the other, Port Huron, MI. (Hearing site: Detroit or Lansing, MI.)

Note.—The purpose of this application is to remove the restriction in Applicant's Sub-2 Certificate restricting it to handling traffic interchanged with other carriers at Port Huron, MI.

MC 111956 (Sub-51F), filed August 30, 1979. Applicant: SUWAK TRUCKING COMPANY, a Corporation, 1105 Fayette Street, Washington, PA 15301. Representative: Michael G. Namie, 1105 Fayette Street, Washington, PA 15301. Transporting (1) *Corrugated fiberboard boxes and parts for the foregoing commodities,* from Shapresburg, PA and its commercial zone, to points in DE, MD, NJ, NY, OH and WV. (Hearing site: Washington, D.C. or Pittsburgh, PA.)

MC 115557 (Sub-20F), filed May 31, 1979, and previously noticed in the FR issue of January 10, 1979. Applicant: CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, PA 16242. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting (1)(a) *artificial Christmas trees, decorations and ornaments,* and (b) *equipment, materials and supplies* used in the manufacture and distribution of the commodities named in (1)(a), (2)(a) *plastic articles* and (b) *equipment, materials and supplies* used in the manufacture and distribution of the commodities named in (2)(a), between Lexington, KY, on the one hand, and, on the other, points in the United States, including AK and HI. (Hearing site: Lexington, KY, or Washington, DC.)

Note.—This republication is to correctly reflect the territorial description.

MC 115826 (Sub-544F), filed September 11, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) *such commodities as are dealt in by manufacturers of power tools,* and (2) *materials, supplies and equipment* (except commodities in bulk) used in the conduct of such business, between Hampstead and Easton, MD, Tarbora and Fayetteville, NC, Lancaster, PA, and ports of entry on the international boundary line between the United States and Canada, at points in MI and NY, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Black and Decker U.S. Inc., or Black and Decker Manufacturing Co. Ltd. (Hearing site: Denver, CO.)

MC 116077 (Sub-424F), filed September 17, 1979. Applicant: DSI TRANSPORTS, INC., 4550 Post Oak Place Dr., P.O. Box 1505, Houston, TX 77001. Representative: James M. Doherty, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767. Transporting (1) *chemicals,* in bulk, in tank vehicles, from the facilities of Union Carbide Corporation, at or near North Seadrift, TX, to points in the United States (except AK and HI), and (2) *acids, chemicals, and petroleum products,* in bulk, in tank vehicles, from points in the United States (except AK and HI), to the facilities of Union Carbide Corporation at or near North Seadrift, TX. (Hearing site: Houston or Dallas, TX.)

MC 116077 (Sub-425F), filed September 17, 1979. Applicant: DSI TRANSPORTS, INC., 4550 Post Oak Place Dr., P.O. Box 1505, Houston, TX 77001. Representative: James M. Doherty, 500 West 16th St., P.O. Box 1945, Austin, TX 78767. Transporting (1) *acids and chemicals,* in bulk, in tank vehicles, from the facilities of Union Carbide Corporation, at or near Brownsville, TX, to points in the United States (except AK and HI), and (2) *acids, chemicals and petroleum products,* in bulk, in tank vehicles, from points in the United States (except AK and HI), to the facilities of Union Carbide Corporation, at or near Brownsville, TX. (Hearing site: Houston or Dallas, TX.)

MC 116457 (Sub-48F), filed September 7, 1979. Applicant: GENERAL TRANSPORTATION CORPORATION, 1804 S. 27th Ave., Phoenix, AZ 85005. Representative: D. Parker Crosby, P.O. Box 6484, Phoenix, AZ 85005. Transporting (1) *such commodities* as are dealt in by wholesale, retail, chain grocery and feed business houses, (2) *materials ingredients and supplies* used in the manufacture, distribution and sale of the commodities in (1) above, (3) *feeds,* (4) *salt,* (except in bulk), and (5) *fertilizer,* in containers, (a) between the facilities of Ralston Purina Company, at or near Denver, CO, and Flagstaff, AZ, on the one hand, and, on the other, points in and west of MN, TX, MO, AR, and LA, and (2) from points in TX, CO, and CA to points in AZ. (Hearing site: Phoenix, AZ.)

MC 118516 (Sub-3F), filed September 13, 1979. Applicant: MAMMOTH OF ALASKA, INC., 429 Industrial Way, Anchorage, AK 99501. Representative: Arthur R. Hauver, P.O. Box 2782, Anchorage, AK 99510. Transporting *general commodities* (except classes A and B explosives), between points in the commercial zone of Anchorage, AK, restricted to the transportaion of traffic having a prior or subsequent movement by water. (Hearing site: none.)

MC 118696 (Sub-24F), filed August 30, 1979. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46324. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting *carpet padding and materials, equipment and supplies* used in the sale and installation of carpet padding (except in bulk) from Ft. Wayne, IN, to points in IL, IA KY, MI, MN, MO, OH, TN, WV and WI. (Hearing site: Chicago, IL.)

MC 118776 (Sub-42F), filed September 17, 1979. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Herman W. Huber, Attorney, 101 East High St., Jefferson City, MO 65101. Transporting *rubber, rubber products and such commodities* as are manufactured, processed, or dealt in by manufacturers of rubber and rubber products, and *equipment, materials and supplies* used in the manufacture and distribution of rubber and rubber products (except commodities in bulk) between the facilities of The Goodyear Tire & Rubber Company at Hannibal, MO on the one hand, and, on the other, points in CA, GA, IL, IN, IA, MI, NE, NJ, OH, TX, WI, restricted to the transportation of traffic originating at or destined to the named facilities at Hannibal, MO. (Hearing site: St. Louis, or Kansas City, MO.)

MC 120427 (Sub-32F), filed September 13, 1979. Applicant: WILLIAMS TRANSFER, INC., 2128 East Hwy #30, Grand Island, NE 68801. Representative: John K. Walker (same address as applicant). Transporting *iron and steel articles, scaffolding, conveyors, and parts* for the foregoing commodities, between Yankton, SD, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Morgen Manufacturing Company, at or near Yankton, SD. (Hearing site: Yankton, SD, or Lincoln, NE.)

MC 121517 (Sub-10F), filed August 8, 1979. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., P.O. Box 15627, Tulsa, OK 74112. Representative: Wilburn L. Williamson, Suite 615-E, The Oil Center, 2601 NW Expressway, Oklahoma City, OK 73112. Transporting (1) *general commodities* (except articles of unusual value and classes A and B explosives) between points in OK; and (2) cement, from the facilities of Martin-Marietta Cement Western Division, at or near Tulsa, OK, to points in AR, KS, MO, and those in Sherman, Hansford, Ochiltree, Lipscomb, Moore, Hutchinson, Roberts, Hemphill, Potter, Carson, Gray, Wheeler, Randall, Armstrong, Donely, Collingsworth, Childress, Hardeman, Wilbarger, and Wichita Counties, TX. NOTE: Part (1) seeks to convert certificate of registration in MC 121517, which presently authorizes; livestock; farm products, including baled cotton; cottonseed and cottonseed products (except food products thereof), bagging and ties, gin machinery and repair parts, peanuts, soy beans and products thereof (except food products thereof), coal, sand and gravel, lumber, building materials and supplies, used emigrant movables including household goods in use, office furniture in use, removal of entire stock of goods, wares, merchandise, fixtures, and equipment of an established business, petroleum and petroleum products, glass and glassware including tops and caps, salt, boats, acids and gases, oilfield equipment and supplies, including pipe, tanks and tank materials, grain and grain products, beer, contents of carload shipments, including distribution to one or more consignees, commodities which carrier may have held in storage in a warehouse owned or controlled by carrier for at least five (5) days prior to the beginning of such transportation, such commodities as require special equipment, or which may require extraordinarily expeditious and rapid transportation; to a certificate of public convenience and necessity. (Hearing site: Oklahoma City, OK, or Dallas, TX.)

MC 123157 (Sub-46F), filed September 12, 1979. Applicant: CTI, a Corporation, P.O. Box 397, Rillito, AZ 85246. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting: *lime,* from Arrowline (Apex), NV, to Fruita, CO. (Hearing site: Phoenix, AZ.)

MC 124296 (Sub-3F), filed September 25, 1979. Applicant: GEORGE L. BIGELOW TRUCKING, INC., P.O. Box 421, 135 Wright Street, Delavan, WI 53115. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid fertilizer,* in bulk, in tank vehicles, (1)(a)

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from Milwaukee, WI, to those points in IL, on and north of Interstate Hwy 80; (b) from Marseilles, IL, to points in WI; (c) from Dubuque, IA, to points in WI and those in IL on and north of Interstate Hwy 80, and (d) from Winona, MN, and Cordova, IL, to points in WI and IA, all under continuing contract(s) with Kaiser Agricultural Chemicals Division of Kaiser Aluminum & Chemicals Corp., of Savannah, GA. (2)(a) from Marseilles, IL, to points in WI; and (b) from East Dubuque, IL, to points in WI and IA, all under continuing contract(s) with Royster Company, of Madison, WI, and (3) from Fulton, Lemont and Pekin, IL to points in WI, all under continuing contract(s) with Agrico Chemical Company, of Sturtevant, WI. (Hearing site: Chicago, IL, or Milwaukee, WI.)

Note.—Dual operations may be involved.

MC 126276 (Sub-206F), filed September 13, 1979. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container ends, and (2) materials and supplies* used or useful in the manufacture or distribution of containers, from the facilities of American Can Company at Pevely, MO, to points in the United States (except AK and HI), under continuing contract(s) with American Can Company, of Oak Brook, IL. (Hearing site: Chicago, IL.)

MC 134387 (Sub-78F), filed September 13, 1979. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Representative: Patrica M. Schnegg, 707 Wilshire Blvd., 1800 United California Bank Bldg., Los Angles, CA 90017. Transporting *polyurethane board*, from Kent, WA, to points in OR, CA, and NV. (Hearing site: Los Angeles, CA.)

MC 134547 (Sub-7F), filed September 17, 1979. Applicant: BILBO TRANSPORTS, INC., 2722 Singleton Blvd., Dallas, TX, 75212. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX, 78701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, *irregular* routes, transporting: *building board*, of Masonite Corporation at or from the facilities near Grand Prairie, TX, to points in OK, under continuing contracts with Masonite Corporation, of Grand Prairie, TX. (Hearing site: Dallas or Fort Worth, TX.)

MC 134806 (Sub-61F), filed September 26, 1979. Applicant: B–D–R Transport, Inc., P.O. Box 1277, Brattleboro, VT 05301. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, DC 20014. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *parts, supplies, and equipment* used in the manufacture of aircraft and aircraft sub-assemblies, from points in CA to points in CT, under continuing contract(s) with Sikorsky Aircraft Division, United Technologies Corporation, of Stratford, CT. Hearing site: Boston, MA or Washington, D.C.

MC 134806 (Sub-63F), filed September 17, 1979. Applicant: B-D-R Transport, Inc., P.O. Box 1277, Brattleboro, VT 05301. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, DC 20014. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *parts, and accessories for aircraft*, from points in CA to points in CT, under continuing contract(s) with Hamilton Standard Division, United Technologies Corporation, Windsor Locks, CT. (Hearing site: Boston, MA or Washington, DC.)

MC 136077 (Sub-19F), filed September 14, 1979. Applicant: REBER CORPORATION, a corporation, 2216 Old Arch Road, Norristown, PA 19401. Representative: Sheri B. Friedman, 1600 Land Title Bldg., 100 South Broad St., Philadelphia, PA 19110. Transporting *fly ash, in bulk, in pneumatic tank vehicles*, between points in PA, on the one hand, and, on the other, points in WV, VA, NY, CT, RI, MA and OH. (Hearing site: Philadelphia, PA.)

MC 136407 (Sub-25F), filed September 13, 1979. Applicant: COORS TRANSPORTATION CO., 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from points in CA, OR, WA, and ID, to Denver, CO, under continuing contract(s) with Associated Grocers of Colorado, Inc., of Denver, CO. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 136786 (Sub-183F), filed November 2, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. Transporting (1) *animal feed, feed ingredients, additives, and materials* and (2) *supplies* used in the manufacture and distribution of animal feeds (except in bulk), between the facilities of Kal-Kan Foods, Inc., (A) Columbus, OH, and (B) Ogden, UT, and (C) points in Los Angeles, and Orange Counties, CA, on the one hand, and, on the other, points in the United States (except AK and HI) restricted to traffic originating at or destined to the facilities of Kal-Kan Foods, Inc. (Hearing site: Minneapolis, MN or Los Angeles, CA).

MC 136796 (Sub-5F), filed September 17, 1979. Applicant: CHARLES OTTO d.b.a. OTTO TRANSFER, 417 Elm Street, Delano, MN 55328. Representative: John B. Van de North, Jr., 2200 First National Bank Building, Saint Paul, MN 55101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal shoring and scaffolding, and materials, equipment and supplies* used in the installation (except commodities in bulk), between points in the United States (except AK and HI), under continuing contract(s) with Advanced Shoring Co., of St. Paul, MN. (Hearing site: St. Paul, MN; or Minneapolis, MN.)

MC 136977 (Sub-3F), filed August 31, 1979. Applicant: EDWARD W. SKINNER & EDWARD W. SKINNER, JR. d.b.a. SKINNER TRUCKING, P.O. Box 709, Twin Falls, ID 83301. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *irrigation pipe, and fittings and accessories for irrigation pipe*, from Twin Falls, ID, to points in AZ, CA, CO, MT, NV, OR, UT, WA, and WY, under continuing contract(s) with Aulmax Irrigation Products, of Twin Falls, ID. (Hearing site: Boise, ID, or Salt Lake City, UT.)

MC 139006 (Sub-14F), filed September 13, 1979. Applicant: RAPIER SMITH, Rural Route 5, Loretto Rd., Bardstown, KY 40004. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602. Transporting *such commodities* as are dealt in and used by producers and distributors of alcoholic beverages, liquors and wines (except commodities in bulk, in tank vehicles), between points in KY and TN, one the one hand, and, on the other, those points in the United States in and east of IA, KS, MN, MO, OK, and TX. (Hearing site: Louisville, KY.)

MC 139276 (Sub-11F), filed August 30, 1979. Applicant: ALOHA FREIGHTWAYS, INC., 1069 Bryn Mawr Avenue, Bensenville, IL 60106 Representative: Grace Kasallis (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over

irregular routes, transporting: *iron and steel articles*, from the facilities of Inland Steel Company at East Chicago, IN, to points in IL and MI, under a continuing contract(s) with Inland Steel Co., of Chicago, IL. (Hearing site: Chicago, IL.)

MC 139906 (Sub-71F), filed October 1, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORP., a DE Corp., 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting *titanium dioxide*, from Savannah, GA, to points in AR, CT, DE, IL, IN, IA, KS, LA, MI, MN, MS, MO, NY, TN, TX, WI, and WY. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 140366 (Sub-1F), filed August 30, 1979. Applicant: CREASY TRUCKING, INC., P.O. Box 447, Hwy 231, Westmoreland, TN 37186. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats and meat by-products*, from the facilities of Packerland Packing Co., Inc., at Green Bay, Eau Claire, Chippewa Falls, WI, to points in AL, TN, SC, GA, and FL, under continuing contract(s) with Packerland Packing Co., Inc. of Green Bay, WI. (Hearing site: Washington, DC, or Indianapolis, IN.)

MC 140366 (Sub-2F), filed September 17, 1979. Applicant: CREASY TRUCKING, INC., P.O. Box 447, Hwy 231, Westmoreland, TN 37186. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *printed matter, and materials, supplies, and equipment* used in the operation of printing plants (except commodities in bulk, in tank vehicles), between the facilities of R. R. Donnelley & Sons Company, at or near (a) Gallatin, TN, (b) Glasglow, KY, (c) Warsaw and Crawfordsville, IN, (d) Dwight, Mattoon and Chicago, IL, (e) Willard, OH, (f) Harrisonburg, VA, (g) Spartansburg, SC, and (h) Lancaster, PA, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MI, MN, MS, MO, NE, NC, SC, TN, TX, and WI, under continuing contract(s) with R. R. Donnelley & Sons Company of Chicago, IL. (Hearing site: Washington, DC, or Indianapolis, IN.)

MC 142686 (Sub-26F), filed September 20, 1979. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *mixing machines* and *cement pumps*, and (2) *materials* and *supplies* used in the manufacture, installation, and maintenance of the commodities in (1) above, between points in the United States (except AK and HI), under continuing contract(s) with Challenge-Cooke Brothers, Inc. of City of Industry, CA. (Hearing site: Los Angeles, or San Diego, CA.)

MC 142976 (Sub-2F), filed September 17, 1979. Applicant: JOHN D. PERFETTI, R.D. #4, Box 265–C, Blairsville, PA 15717. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cast iron ingot molds and counter weights* (a) between the facilities of Vulcan Mold & Iron Company at or near Latrobe, PA, Lansing, IL and Trenton, MI, (b) from the facilities named in (1) above, to points in CT, DE, FL, IL, IN, IA, KY, MD, MI, NJ, NY, NC, OH, PA, MA, MN, RI, TN, TX, VA, WV, SC, and WI, and (2) *materials, supplies* and *equipment* used in the manufacture of the commodities named in (1) above (a) from points in the destination states named in (1)(b) above, to the facilities of Vulcan Mold & Iron Company at or near Latrobe, PA, Lansing, IL, and Trenton, MI, under continuing contract(s) in (1) and (2) with Vulcan Mold & Iron Company, of Latrobe, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 143027 (Sub-7F), filed October 1, 1979. Applicant: MICHAEL J. RESUDEK, d.b.a. CAPITAL AIR FREIGHT, 3533 International Lane, Madison, WI 53704. Representative: Michael S. Varda, 121 South Pinckney St, Madison, WI 53701. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Juneau, LaFayette, Marquette, Richland, Rock, Sauk, and Walworth Counties, WI, on the one hand, and, on the other, O'Hare International Airport, at Chicago, IL, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Madison, WI, or Chicago, IL.)

MC 143127 (Sub-54F), filed September 12, 1979. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Linda A. Calvo (same address as applicant). Transporting (1) *foodstuffs, pet foods, and animal feeds*, and (2) *such commodities* as are used in the processing, milling, packaging, manufacture, or sale of foodstuffs, pet foods, and animal feeds (except frozen commodities and commodities in bulk), between points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of the Carnation Company. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 143267 (Sub-87F), filed September 12, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, Ohio 44255. Representative: Neal A. Jackson, 1155 15th St., N.W., Washington, DC 20005. Transporting *building materials* and *materials, equipment and supplies* used in or incidental to the manufacture, installation and distribution of building materials, between the facilities of Georgia-Pacific Corporation, at or near Hampton, GA on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 143286 (Sub-2F), filed September 20, 1979. Applicant: RAYMOND R. WITTROCK, INC., 10111 North 143rd Street, Waverly, NE 68462. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, from points in CA, OR, and WA, to the facilities of Hughes Brothers, Inc., at Seward, NE, under continuing contract(s) with Hughes Brothers, Inc. of Seward, NE. (Hearing site: Lincoln, NE.)

MC 143456 (Sub-5F), filed September 13, 1979. Applicant: THEODORE ROSSI TRUCKING CO., INC., 9 South Vine Street, Barre, VT 05641. Representative: William L. Rossi, P.O. Box 332, Barre, VT 05641. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *stone* (except finished monuments) and (2) *materials, machinery*, and *supplies* used in stone working, (a) between points in VT and NH, retricted to the transportation of traffic originating at or destined to the facilities of Rock of Ages Corporation and Rock of Ages Building Granite

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Corp., (b) between the facilities of Rock of Ages Building Granite Corp., at or near Concord, NH, on the one hand, and, on the other, points in TX, and those in the United States in and east of WI, IL, KY, TN, MS, and LA, (c) from points in TX and those in the United States in and east of WI, IL, KY, TN, MS, and LA to the facilities of Rock of Ages Corporation located in VT, and (d) from the facilities of Rock of Ages Corporation located in VT to points in PA, OH, MD, VA, and DC, under continuing contract(s) with Rock of Ages Corporation, of Barre, VT, and Rock of Ages Building Granite Corp., of Concord, NH. (Hearing site: Barre, VT, or Washington, DC.)

Note.—Dual operations may be involved.

MC 143607 (Sub-16F), filed September 26, 1979. Applicant: BAYWOOD TRANSPORT, INC., ROUTE 6, Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 605 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs*, and *meats, meat-products*, and *meat by-products*, and *articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), and (2) *materials, equipment and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of or used by Swift & Company, all under continuing contract(s) with Swift & Company, of Chicago, IL. (Hearing site: Washington, DC, Chicago, IL.)

MC 143687 (Sub-11F), filed September 13, 1979. Applicant: DAVID DALE TRANSPORT, INC., 2 Franklin Street, West Medway, MA 02053. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *flat glass*, from Providence, RI, New York, NY, Chicago, IL, Cleveland, OH, Detroit, MI, Philadelphia, PA, Baltimore, MD, New Orleans, LA, Charleston, SC, Savannah, GA, and Portage, IN, to points in the United States (except AK and HI), contract(s) with Associated Imports, Inc., of Providence, RI. (Hearing site: Boston, MA, or Providence, RI.)

MC 143956 (Sub-7F), filed November 1, 1979. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner (address same as applicant). Transporting *dried pet foods*, from El Paso, TX, to points in the United States (except AK and HI). (Hearing site: Washington, DC, or Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 144676 (Sub-3F), filed September 14, 1979. Applicant: M&S TRANSPORT LINES, INC., P.O. Box 417, Sultana, CA 93666. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St, N.W., Washington, D.C. 20001. Transporting *foodstuffs*, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Seabrook Foods, Inc. (Hearing site: San Francisco, CA.)

MC 144747 (Sub-6F), filed September 24, 1979. Applicant: INTERSTATE EQUIPMENT CO., INC., 22821 N. 61st Ave., Peoria, AZ 85345. Representative: Phil B. Hammond, 3003 N. Central, Suite 1705, Phoenix, AZ 85003. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce over irregular routes, transporting *meats, and meat products and meat by-products*, from Minden, NE, to points in CT, NJ, NY, and PA, under continuing contract(s) with Minden Beef Company, of Minden, NE. (Hearing site: Omaha, NE.)

MC 144876 (Sub-2F), filed September 13, 1979. Applicant: J. & R. TRUCKING, INC., 300 2nd Ave., NW, Montgomery, MN 56065. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Contract carrier transporting *such commodities* as are dealt in or used by manufacturers and distributors of cellulose materials and cellulose products (except commodities in bulk, in tank vehicles), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Diversified Insulation, Inc., under continuing contract(s) with Diversified Insulation, Inc., of Hamel, MN. (Hearing site: Minneapolis or St. Paul, MN.)

MC 144876 (Sub-3F), filed September 24, 1979. Applicant: J. & R. TRUCKING, INC., 300 2nd Ave., NW, Montgomery, MN 56065. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Contract carrier transporting (1) *plastic articles* and *rubber articles*, and (2) *materials, equipment*, and *supplies* used in the manufacture of the commodities in (1) above, between Chippewa Falls, WI, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Amoco Foam Products Company, of Chicago, IL. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 144897 (Sub-7F), filed September 13, 1979. Applicant: SUN FREIGHWAYS,INC., P.O. Box 5386, Lubbock, TX 79417. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Carlsbad, NM, and El Paso, TX, over U.S. Hwy 62, serving all intermediate points, (2) between El Paso, TX, and Roswell, NM: from El Paso, over Interstate Hwy 10 to junction U.S. Hwy 70 at or near Las Cruces, NM, then over U.S. Hwy 70 to Roswell, and return over the same route, serving all intermediate points, and (3) between El Paso, TX, and Artesia, NM: from El Paso, TX, over U.S. Hwy 54 to junction U.S. Hwy 82 at or near Alamogordo, NM, then over U.S. Hwy 82 to Artesia, and return over the same routes, serving all intermediate points (Hearing site: Lubbock or El Paso, TX.)

MC 145267 (Sub-11F), filed September 12, 1979. Applicant: CAMPBELL TRANSPORT, INC., P.O. Box 386, Vineland, NJ 08360. Representative: Mark D. Russell, Suite 348, Pennsylvania Bldg., 425 15th St., NW, Washington, DC 2004. Contract carrier, transporting (1) *paper and paper products, and plastic articles*, (except commodities in bulk), and (2) *such commodities* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of Malanco East, Inc., at Vineland, NJ, on the one hand, and, on the other, points in KS and TX, and those points in the United States in and east of WI, KY, IL, TN, and MS (except ME, NH, NJ, and VT), under continuing contract(s) with Malanco East, Inc., of Vineland, NJ. (Hearing site: Philadelphia, PA. or Washington, DC.)

MC 145507 (Sub-2F), filed September 11, 1979. Applicant: TRUCKING SERVICES, INC., 26400 Van Born Road, Dearborn Heights, MI 48125. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting *commodities* (except in bulk) *as are dealt in by retail lumber and building materials stores and home improvement and home furnishings stores*, between points in MI, restricted to the transportation of traffic originating at or destined to the facilities

of Wickes Corporation. (Hearing site: Lansing, MI.)

MC 145536 (Sub-1F), filed September 21, 1979. Applicant: LARRY HENDERSON, d.b.a. HENDERSON TRUCKING, 1037 2nd St., SE, Multrie, GA 31768. Representative: Larry A. Henderson (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer and fertilizer ingredients*, between the facilities of Pelham Phosphate Company, at Pelham, GA, on the one hand, and, on the other, points in AL and FL, under continuing contract(s) with Pelham Phosphate Company, of Pelham, GA. (Hearing site: Jacksonville, FL.)

MC 145746 (Sub-4F), filed September 26, 1979. Applicant: MINDEMANN TRUCKING, INC., N63 W22985 Main Street, Sussex, WI 53089. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, transporting *stone, and gravel, and stone products*, between points in Waukesha County, WI, on the one hand, and, on the other hand, points in IA, IL, IN, MI, MO, MN, and OH, under continuing contract(s) with Halquist Stone Co., Inc., of Sussex, WI. (Hearing site: Milwaukee, WI.)

MC 145797 (Sub-9F), filed September 11, 1979. Applicant: NANCY TRANSPORTATION, INC., 429 Stablestone Drive, Chesterfield, MO 63017. Representative: Herbert Alan Dubin, Sullivan & Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *foodstuffs* (1) from the facilities of Sunmark, Inc. at or near Itasca, IL, to points in GA, NJ, and TX, and (2) from the facilities of Sunmark, Inc., at or near St. Louis, MO, to points in GA, IL, IN, and TX. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 145967 (Sub-2F), filed September 13, 1979. Applicant: W. O. WOOD & SONS, INC., Route 1, Box 73, Sandy Ridge, NC 27406. Representative: Terrell C. Clark, P.O. box 25, Stanleytown, VA 24168. To operate as a *contract carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting *fertilizer, and fertilizer ingredients* in bags, from Danville, VA, to points in NC, under continuing contract(s) with Smith-Douglas Division of Borden Chemical, Borden, Inc., of Norfolk, VA. (Hearing site: Greensboro, NC.)

MC 146516 (Sub-3F), filed September 14, 1979. Applicant: ALEXANDER TRUCKING, INC., 1209 South Woodland Drive, Dothan, AL 36301. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting: *(1) bananas* and *(2) commodities otherwise exempt from economic regulation under 49 USC Section 10526 (a)(6)*, when transported in mixed loads with bananas, from Mobile, AL, to points in TX, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Miami, FL, or Washington, DC.)

MC 146646 (Sub-29F), filed September 13, 1979. Applicant: BRISTOW TRUCKING CO., a Corporation, P.O. Box 6355 A, Birmingham, AL 35217. Representative: Mr. Henry Bristow, Jr. (same address as applicant). Transporting *building and construction materials* (except commodities in bulk) from Memphis, TN, to points in KY, IN, IL, MO, KS, OK, AR, LA, MS, TX, AL, NE, and IA. Condition: Person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Tampa, FL, or Birmingham, AL.)

MC 146646 (Sub-35F), filed September 13, 1979. Applicant: BRISTOW TRUCKING CO., a Corporation, P.O. Box 6355 A, Birmingham, AL 35217. Representative: Mr. Henry Bristow, Jr. (same address as applicant). Transporting *building and construction materials* (except commodities in bulk) from the facilities of Celotex Corporation, at or near Pennsauken, NJ, to points in OH, WV, MI, IN, IL, KY, TN, MS, AL, FL, GA, NC and SC. Condition: Person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Tampa, FL, or Birmingham, AL.)

MC 146646 (Sub-41F), filed September 13, 1979. Applicant: BRISTOW TRUCKING CO., a Corporation, P.O. Box 6355 A, Birmingham, AL 35217. Representative: Mr. Henry Bristow, Jr. (same address as applicant). Transporting *Roofing and roofing products and materials* used or useful in the installation of the foregoing commodities (except commodities in bulk) from the facilities of Celotex Corporation at or near Camden, AR to those points in the United States in and west of ND, SD, NE, KS, OK, and TX. Condition: Person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Tampa, FL, or Birmingham, AL.)

MC 146646 (Sub-54F), filed November 1, 1979. Applicant: BRISTOW TRUCKING CO., a Corporation, P.O. Box 6355 A, Birmingham, AL 35217. Representative: Mr. Henry Bristow, Jr. (same address as applicant). Transporting (1) *plastic pipe, fittings, valves, irrigation systems, pollution control equipment, steel and concrete tanks, and pumping stations*, (2) *materials, equipment, and supplies* used in the manufacture, distribution and construction of the commodities in (1) above, (except commodities in bulk) between the facilities of Davis Waste and Water Industries, at Thomasville, GA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Jacksonville, FL or Birmingham, AL.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. 11343 (a) or submit an affidavit indicating why such approval is unnecessary.

MC 146646 (Sub-55F), filed November 1, 1979. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 63558, Birmingham, AL 35217. Representative: John R. Frawley, Jr., 5506 Crestwood Blvd., Birmingham, AL 35212. Transporting (1)*containers*, and (2) *materials and supplies*, used in the manufacture, and distribution of containers, (except commodities in bulk), between the facilities of National Can Corporation, at or near (A) Pascagoula, MS, (B) Birmingham, AL, (C) Bishopville, SC, Memphis, TN, Winston-Salem, NC, Baltimore, MD, Cambridge, MD, on the one hand, and, on the other, all points in AL, FL, GA, KY, LA, MS, NC, SC, TN and VA. (Hearing site: Birmingham, AL, or Piscataway, NJ.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 147106 (Sub-1F), filed September 13, 1979. Applicant: R. H. LUDWIG & CO., INC., 400 Jackson Park Dr., Seymour, IN 47274. Representative: Beverly J. Williams, 46 East Ohio St., Indianapolis, IN 46204. Transporting *ironing caddies and tables, bed frames, clothes racks, shopping and laundry carts, laundry sorters, and step stools*, from Seymour, IN, to Los Angeles and San Francisco, CA, Phoenix, AZ,

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V 45/59 MR 25 80 UMI

Denver, CO, Twin Falls and Boise, ID, Seattle and Vancouver, WA, Sparks, NV, Salt Lake City, UT, and Portland, OR. (Hearing site: Chicago, IL, or Washington, DC.)

MC 147377 (Sub-2F), filed September 21, 1979. Applicant: T & W CONTRACT CARRIERS, INC., 54 Furnace Street, Danielson, CT 06239. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *Office furniture, and furnishings*, between Taftville, CT, on the one hand, and, on the other, Denver and Pueblo, CO, Dover, Newark, and Wilmington, DE, Minneapolis, MN, Oklahoma City and Tulsa, OK, Seattle and Spokane, WA, Madison, Milwaukee, and Racine, WI, and points in AL, AZ, AR, CA, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MO, NJ, NY, NC, OH, OR, PA, TN, TX, VA, and DC, and (2) *Materials and supplies* used in the manufacture and distribution of commodities named in (1), from New York, NY, Grand Rapids, MI, and Allentown, PA, to Taftville, CT, under continuing contracts with Helikon Furniture Company, Inc., of Taftville, CT. (Hearing site: Hartford, CT or Providence, RI.)

MC 147417 (Sub-2F), filed September 11, 1979. Applicant: NEALY ENTERPRISES OF MISSISSIPPI, INC., 4749½ Hwy 80 West, P.O. Box 2474, Jackson, MS 39205. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22828, Jackson, MS 39205. Contract carrier, transporting *automotive parts* and *accessories*, from the facilities of NAPA Distribution Center at Jackson, MS, to points in LA, under continuing contract(s) with NAPA Distribution Center. (Hearing site: Jackson, MS, or New Orleans, LA.)

MC 147667 (Sub-2F), filed September 11, 1979. Applicant: J. H. STEWART & SON TRUCKING CO., 735 Laidlaw Ave., Cincinnati, Ohio 45237. Representative: John L. Alden, 1396 West Fifth Ave., P.O. Box 12241, Columbus, Ohio 43212. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, commodities in bulk, and those injurious or contaminating to other lading, between Cincinnati, OH, on the one hand, and, on the other, points in IN, KY, OH, restricted to the transportation of tariffs having a prior or subsequent movement by rail. (Hearing site: Columbus, OH, or Washington, DC.)

MC 147857 (Sub-1F), filed September 9, 1979. Applicant: FERMAR TRUCKING, INC., 2 West 45th St., New York, NY 10001. Representative: Ronald I. Shappe, 450 Seventh Ave., New York, NY 10001. *Contract carrier*, transporting *gypsum products, and materials and supplies* used in the manufacture and distribution of gypsum products, between Burlington, NJ, on the one hand, and, on the other, New York, NY, and points in Suffolk County, NY, under continuing contract(s) with Gold Bond Building Products Division of National Gypsum Company of Charlotte, NC. (Hearing site: New York, NY.)

MC 147876 (Sub-1F), filed September 26, 1979. Applicant: SHAY COMPANY, INC., P.O. Box 2081, Clarksville, IN 47130. Representative: Ralph B. Matthews, P.O. Box 56387, Atlanta, GA 30343. To operate as a *contract carrier*, by motor vehicle in interstate or foreign commerce over irregular routes, transporting *paper and paper products*, (1) from Port Huron, MI, and Leitchfield, KY, to points in WA, CA, NV, ID, MT, WY, UT, AZ, CO, OR, LA, TX and NM, and (2) from Casa Grande, AZ, to points in WA, CA, NV, ID, MT, WY, UT, CO, OR, NM, and TX, under continuing contract(s) with Port Huron Paper Company, of Port Huron, MI. (Hearing site: Detroit, MI, or Los Angeles, CA.)

MC 147887 (Sub-1F), filed September 11, 1979. Applicant: K. M. COLLINS CO., INC., 262 North Belt, Suite 210, Houston, TX 77060. Representative: Clint Oldham, 1106 Continental Life Building, Fort Worth, TX 76102. Transporting (1) *drilling rigs and parts for drilling rigs*, and (2) *materials and equipment* (except commodities in bulk) used in the installation, manufacture and distribution of the commodities in (1) above, between the facilities of Skytop Brewster Company, at or near Conroe, TX, on the one hand, and, on the other, points in AR, CO, KS, LA, NM, OK, TX, UT, and WY. (Hearing site: Houston or Dallas, TX.)

MC 147896 (Sub-3F), filed September 18, 1979. Applicant: WESTERN SONTEX, INC., P.O. Box 667, Seal Beach, CA 90740. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *solvents and chemicals*, (except commodities in bulk), (1) from Brunswick and Savannah, GA, E. St. Louis, IL, Hammond, IN, Baton Rouge and Harvey, LA, St. Louis, MO, Hattiesburg, MS, Midland, MI, Bridgeport, Burlington and Parlin, NJ, Cleveland and Cincinnati, OH, Tulsa, OK, Clairton, Pittsburgh, Philadelphia, and State College, PA, Memphis, TN, Deer Park and Houston, TX, Hopewell, VA, and Berkeley Springs and Morgantown, WV, to Phoenix and Tucson, AZ, and points in CA, OR, UT, and WA, and (2) from the facilities of Central Solvents & Chemicals Co., located in CA, to points in OR, UT and WA, under continuing contract(s) in (1) and (2) with Central Solvents & Chemicals Company, of Santa Fe Springs, CA. (Hearing site: Chicago, IL.)

MC 147896 (Sub-5F), filed September 25, 1979. Applicant: WESTERN SONTEX, INC., P.O. Box 667, Seal Beach, CA 90740. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *abrasive and refractory grains*, from the facilities of General Abrasives, Division of Dresser Industries in Niagara Falls, NY to points in AZ, CA, IL, IN, MO, OH, OK, and TX, under continuing contract(s) with General Abrasives, Division of Dresser Industries of Niagara Falls, NY. (Hearing site: Buffalo, NY.)

MC 147967 (Sub-2F), filed August 31, 1979. Applicant: OTC TRANSPORT CORPORATION, 2307 Oregon Street, Oshkosh, WI 54901. Representative: Norman A. Cooper, 145 West Wisconsin Ave., Neenah, WI 54956. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *trucks, truck tractors, and truck chassis*, in initial movements, in driveaway services, from Oshkosh, WI to points in the United States (including AK, but excluding HI), under continuing contract(s) with Oshkosh Truck Corporation, of Oshkosh, WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 147997 (Sub-2F), filed September 20, 1979. Applicant: W.T.S. OF MICHIGAN, INC., 1609–109th Street, Grand Prairie, TX 75050. Representative: E. Larry Wells, P.O. Box 45538, Dallas, TX 75245. *Contract carrier*, transporting (1) *copying, duplicating, and word processing machines, uncrated*, and (2) *materials and supplies as used in the manufacture, sale, and installation of the commodities:* (1) above, from the facilities of The Xerox Corporation at or near Livonia, MI, to points in Defiance, Erie, Fulton, Hancock, Henry, Huron, Lucas, Ottawa, Paulding, Putnam, Sandusky, Seneca, Williams, and Wood Counties, OH, under continuing contract(s) with The Xerox Corporation, of Des Plaines, IL. (Hearing site: Dallas, TX.)

MC 148186 (Sub-2F), filed September 24, 1979. Applicant: K. K. & T., INC., 2464 S. Scenic, Springfield, MO 65807. Representative: Lavern R. Holdeman, 521 S. 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: *Such commodities* as are dealt in by automotive supply houses (except commodities in bulk), between points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MS, MO, NE, OH, OK, PA, TN, TX, and WV, under continuing contract(s) with Keltner Enterprises, Inc., of Springfield, MO. (Hearing site: Springfield, MO.)

MC 148216 (Sub-2F), filed August 30, 1979. Applicant: L & D TRUCK LEASING, INC., 19871 State Highway 231, Nevada, OH 44849. Representative: Richard H. Brandon, Post Office Box 97, 220 West Bridge Street, Dublin, OH 43017. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *prepared meats and meat products and materials, equipment, and supplies* used in the manufacture and distribution of prepared meats and meat products, in vehicles equipped with mechanical refrigeration, between the facilities of Honey Creek Provisions Company, in Wyandot County, OH, on the one hand, and, on the other, points in the United States (except AK and HI), and (2)(a) *Refrigeration compressors, and machinery parts*, and (b) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (2)(a) above, between Marion, OH, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) in (1) above with Honey Creek Provisions Company, of Nevada, OH and in (2) above with Tecumseh Products, Marion Division, of Marion, OH. (Hearing site: Columbus, OH.)

MC 148266F, filed September 13, 1979. Applicant: NATIONWIDE MAGAZINE AND BOOK DISTRIBUTORS, INC., 2111 Rose Lane, Irving, TX 75061. Representative: Sam Hallman, 4555 First National Bank Building, Dallas, TX 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce over irregular routes, transporting *magazines and books*, from Dallas, TX, to El Dorado, Fayetteville, Fort Smith, Jonesboro, Little Rock, and Pine Bluff, AR, Baton Rouge, Crowley, LaFayette, New Orleans, and Shreveport, LA, Gulfport, MS, Albuquerque, Carlsbad, Gallup, and Tucumcari, NM, Oklahoma City and Tulsa, OK, and Amarillo Austin, Beaumont, Bryan, Corpus Christi, El Paso, Galveston, Harlingen, Houston, Laredo, Lubbock, Lufkin, Midland, Paris, San Antonio, Temple, Tyler, Victoria, Waxahachie, and Wichita Falls, TX, under continuing contract(s) with Nationwide Driver Service, Inc. (Hearing site: Dallas, or Fort Worth, TX.)

MC 148277F, filed September 24, 1979. Applicant: LOUIS R. VINCENT, an Individual, d.b.a. L. R. Vincent Trucking, 229 Harrison Street, P.O. Box 266, Iron Mountain, MI 49801. Representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *motor vehicle parts and accessories*, and (2) *materials and supplies* used in the distribution of the commodities in (1) above, between Milwaukee, WI, on the one hand, and, on the other, Florence, Jackson, Marinette, and Sheboygan Counties, WI, and Chippewa, Delta, Dickinson, Iron, Luce, Mackinac, Marquette and Schoolcraft Counties, MI, under continuing contract(s) with the Ford Motor Company, of Dearborn, MI. (Hearing site: Chicago, IL.)

MC 148627F, filed November 1, 1979. Applicant: CONCRETE CARRIERS CORPORATION, P.O. Box 68, 415 Lilac St., Lino Lakes, MN 55014. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *precast concrete products*, from Lino Lakes, MN, to points in IL, IA, MN, ND, and SD; and (2) *equipment, materials, and supplies* used in the manufacture of precast concrete products, in the reverse direction, under continuing contract(s) with Molin Concrete Products Co., of Lino Lakes, MN. (Hearing site: St. Paul, MN.)

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Decided: February 26, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 1824 (Sub-109F), filed October 22, 1979. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, MD 21655. Representative: Charles S. Perry (same as above). Transporting *general commodities*, (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Pittsburgh, PA, and Point Marion, PA, restricted to the transportation of shipments originating at or destined to the facilities of Houze Glass Corporation. (Hearing site: Washington, DC.)

MC 8535 (Sub-103F), filed October 18, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth Street NW., Washington, DC 20036. Transporting *hardboard, fibreboard, and wallboard, and equipment and supplies* used in their installation and distribution thereof, from the facilities of Homasote Company at Trenton, NJ, to points in IL, and IN. (Hearing site: Trenton, NJ, Philadelphia, PA, or Washington, DC.)

MC 14305 (Sub-2F), filed October 19, 1979. Applicant: BOULEVARD STORAGE & MOVING CO., INC., 2620 W. Wisconsin Ave., Milwaukee, WI 53233. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. Transporting *household goods* as defined by the Commission, between points in WI, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, and OH. (Hearing site: Milwaukee, WI.)

MC 20824 (Sub-45F), filed October 19, 1979. Applicant: COMMERCIAL MOTOR FREIGHT, INC., OF INDIANA, 2141 S. High School Rd., Indianapolis, IN. 46241. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204 Transporting *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), over regular routes, between St. Louis, MO, and Evansville, IN, from St. Louis over Interstate Hwy 64 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Evansville, and return over the same route, serving no intermediate points. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 30844 (Sub-663F), filed October 23, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). Transporting *salad dressings* and *food sauces*, in containers, from the facilities of Western Dressing, Inc., at Grundy Center, IA, to points in and west of ND, SD, WY, UT and NM, (except AK and HI) restricted to the transportation of shipments originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 50935 (Sub-29F), filed October 17, 1979. Applicant: WOLVERINE TRUCKING COMPANY, 1020 Doris Road, Pontiac, MI 48057. Representative: Robert E. McFarland, 999 West Big

Beaver Road, Suite 1002, Troy, MI 48084. Transporting *malt beverages*, from St. Paul, MN, to Toledo, OH. (Hearing site: Detroit, or Lansing, MI.)

MC 60014 (Sub-154F), filed October 18, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *iron and steel articles*, from the facilities of DuBose Steel, Inc., at (1) Roseboro, NC, (2) Darlington, Florence, Georgetown, and Richland Counties, SC, and (3) Atlanta, GA, to points in and east of MN, WI, IL, KY, TN, MS, and LA. (Hearing site: Washington, DC.)

MC 60014 (Sub-155F), filed October 18, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Transporting *polyvinyl chloride* (except in bulk), and *plastic pipe and fittings*, from the facilities of Tridyn Industries, Inc., at Colfax, NC, to points in the United States. (Hearing site: Washington, DC.)

MC 60014 (Sub-157F), filed October 18, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus OH 43215. Transporting *fiberglass products*, from the facilities of Wallace Murray Corp., at Wilson, NC, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 73165 (Sub-496F), filed October 22, 1979. Applicant: EAGLE MOTOR LINES, INC., 830 33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting *iron and steel articles*, from the facilities of Atlantic Steel Company, at or near Atlanta and Cartersville, GA, to points in MO, IL, WI, and KY. CONDITION: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a) (1978), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Atlanta, GA.)

MC 81495 (Sub-5F), filed October 18, 1979. Applicant: GRAYPORT TRANSFER & STORAGE CO., INC., P.O. Box 1499, 500 South Alder, Aberdeen, WA 98520. Representative: George Kargianis, 2120 Pacific Bldg., Seattle, WA 98104. Transporting *wood pulp*, in bales or rolls, between Cosmopolis, WA, on the one hand, and, on the other, Everett, Seattle, Tacoma, Longview, WA, and Portland, OR and port of entry on the International Boundary line at or near Blaine, between the United States and Canada and Sumas, WA. (Hearing site: Seattle, WA.)

MC 105045 (Sub-123F), filed October 22, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington Building, Washington, DC 20005. Transporting *metal products*, and *parts and accessories* therefor, from the facilities of Gallaway Aluminum Products, Inc., at Gallaway, TN, to points in the United States (except AK and HI). (Hearing site: Memphis, TN.)

MC 106674 (Sub-440F), filed October 19, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting (1) *glass containers* and *closures* therefor, from the facilities of Ball Corporation, at or near (a) Asheville, NC, (b) El Monte, CA, (c) Muncie, IN, (d) Mundelein, IL, and (e) Ukmulgee, OK, to points in the US (except AK and HI), (2) *metal containers* and *ends* therefor, from the facilities of Ball Corporation, at or near (a) Fairfield, CA, (b) Findlay, OH, (c) Golden, CO, and (d) Williamsburg, VA, to points in the US (except AK and HI), (3) *glass containers* and *closures* therefor, from warehouse facilities of Ball Corporation, in Cook and Lake counties, IL, to points in the US (except AK and HI), (4) *materials, supplies and equipment* used in the manufacture of glass and metal containers and closures therefor, from points in the US (except AK and HI) and destined to the facilities of Ball Corporation at or near, (a) Asheville, NC, (b) El Monte, CA, (c) Fairfield, CA, (d) Findlay, OH, (e) Golden, CO, (f) Muncie, IN, (g) Mundelein, IL, (h) Okmulgee, OK, and (i) Williamsburg, VA. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 111045 (Sub-179F), filed October 11, 1979. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same address as applicant). Transporting *pulpmill liquids*, in bulk, in tank vehicles, (1) between Mobile, AL, on the one hand, and, on the other, Redwood and Moss Point, MS, Panama City and Cantonment, FL, and (2) between Moss Point, MS, on the one hand, and, on the other, Panama City and Cantonment, FL. (Hearing site: Mobile, AL.)

MC 114604 (Sub-91F), filed October 22, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE, Atlanta, GA 30326. Transporting *citrus products*, from the facilities of Citrus Central, Inc., at or near Bartow Winter Haven, Lakeland, Howey-in-the-Hills, Plymouth, Haines City, and Umatilla, FL, to points in AL, GA, IL, IN, KY, LA, MI, MS, NC, OH, PA, SC, TN, VA, and WV. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-92F), filed October 22, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE, Atlanta, GA 30326. Transporting *frozen foodstuffs* (except in bulk), from Memphis and Rossville, TN, to points in AL, NC, SC, GA, MS, KY, VA, and WV. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-93F), filed October 22, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE, Atlanta, GA 30326. Transporting *sugar* (except in bulk), from points in LA, to points in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-94F), filed October 22, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE, Atlanta, GA 30326. Transporting *frozen bakery products*, from the facilities of Tennessee Doughnut Corporation, at or near Nashville, TN, to points in AR, TX, LA, MS, AL, FL, GA, SC, NC, VA, and WV. (Hearing site: Atlanta, GA.)

MC 115654 (Sub-181F), filed October 22, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 Thirteenth St., NW., Washington, DC 20004. Transporting *such articles* as are dealt in by wholesale and retail grocery houses, from the facilities of Standard Brands, Inc., at or near Columbus, OH, to points in KY. (Hearing site: Nashville, TN.)

MC 115654 (Sub-182F), filed October 19, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 Thirteenth St., NW., Washington, DC 20004. Transporting (1) *petroleum products* and *lubricating oils*, (except in bulk), and (2) *automotive accessories* dealt in by service stations, from the facilities of Exxon, U.S.A., at Baton Rouge, LA, to points in TN and KY. (Hearing site: Nashville, TN.)

MC 117765 (Sub-275F), filed October 17, 1979. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). Transporting *salt* and *salt products, mineral feed mixtures*, from Port of Catoosa, OK, to points in AR, KS, MO, OK, and TX. (Hearing site: Oklahoma City, OK.)

MC 117815 (Sub-330F), filed October 17, 1979. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th St., Des Moines, IA 50317. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *charcoal briquettes and wood chips* (except commodities in bulk), from the facilities of The Kingsford Company, at Burnside, KY, to points in IL, IN, IA, MI, MN, OH, and WI. (Hearing site: Louisville, KY, or Chicago, IL.)

MC 119654 (Sub-80F), filed October 17, 1979. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th St., P.O. Box 509, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *containers* and *accessories* therefor, and *equipment, materials and supplies*, used in the manufacture, sale or distribution of these commodities (except in bulk), between points in IL, IN, OH, MI, MO, KY, WI, and those in that part of PA on and west of a line beginning at the NY-PA State line and extending along U.S. Hwy. 219 to junction U.S. Hwy. 119, then along U.S. Hwy. 119 to the PA-MD State line, restricted to traffic originating at or destined to the facilities of Crown Cork & Seal Co., Inc. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119974 (Sub-91F), filed October 22, 1979. Applicant: L. C. L. TRANSIT COMPANY, 949 Advance St., Green Bay, WI 54304. Representative: L. F. Abel, P.O. Box 949, Green Bay, WI 54305. Transporting *meats, meat products, meat by-products* and *articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), from the facilities of Swift and Company, at Kansas City, KS, to points in IL, IN, IA, KY, MI, MN, MO, OH, and WI, restricted to traffic originating at the above named origin and destined to the above named destinations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 124964 (Sub-61F), filed October 18, 1979. Applicant: J. M. BOOTH TRUCKING, INC., P.O. Box 265, Tavares, FL 32778. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier* transporting *foodstuffs*, as are dealt in by retail, wholesale, chain grocery, and food business houses, from Starkville, MS, to points in FL, GA, and NC, under a continuing contract(s) with Borden Foods, Division of Borden, Inc., of Columbus, OH. (Hearing site: Jacksonville, FL, or Columbus, OH.)

MC 126555 (Sub-74F), filed October 19, 1979. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. Transporting *soda ash*, from points in Sweetwater County, WY, to Denver, CO. (Hearing site: Denver, CO.)

MC 126555 (Sub-75F), filed October 22, 1979. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, SD 57709. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. Transporting (1) *beer* and *carbonated beverages*, from St. Paul, MN, Milwaukee, WI, and Peoria, IL, to Rapid City, SD, and (2) *glassware* from St. Paul, MN, to Rapid City, SD. (Hearing site: Rapid City, SD, or Denver, CO.)

Note.—Dual operations may be involved.

MC 134105 (Sub-76F), filed October 18, 1979. Applicant: CELERYVALE TRANSPORT, INC., 208 East 28th St., Chattanooga, TN 37410. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *confectionery* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars, at Hackettstown, NJ, and Elizabethtown, PA, to points in IL, KY, MD, MI, OH, PA, and TN, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Philadelphia, PA, or Newark, NJ.)

MC 134105 (Sub-77F), filed October 18, 1979. Applicant: CELERYVALE TRANSPORT, INC., 208 East 28th Street, Chattanooga, TN 37410. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *foodstuffs* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars, at Cleveland, TN, to points in CA, KY, MD, MN, NJ, OH, PA, VA, and WI, restricted to traffic originating at the named origin and destined to the named destinations. (Hearing site: Nashville, TN, or Atlanta, GA.)

MC 134835 (Sub-4F), filed October 19, 1979. Applicant: WINSTON CARRIERS, INCORPORATED, P.O. Box 347, Double Springs, AL 35553. Representative: E. Stephen Heisley, 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *trailers* designed to be drawn by passenger automobiles, in initial movements, *modular buildings*, and *buildings, in sections*, moving on wheeled undercarriages; (2) *parts and accessories therefor*; and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above; and (4) *wheeled undercarriages* between Moses Lake, WA, on the one hand, and, on the other, points in the United States (except AK and HI) under continuing contract(s) with Lancer Homes, Inc., of Corona, CA. (Hearing site: Los Angeles, CA.)

MC 135454 (Sub-29F), filed October 19, 1979. Applicant: DENNY TRUCK LINES, INC., 803 Ridge Rd., Webster, NY 14580. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton MA 02187. Transporting *containers* and *closures*, from Baltimore, MD, to points in NJ. (Hearing site: Washington, DC.)

MC 135524 (Sub-81F), filed October 22, 1979. Applicant: G. F. TRUCKING CO., P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *aluminum and wood stepladders and extensions and straight ladders*, from the facilities of Davidson Manufacturing Corporation, at or near Nashville, TN, to points in AL, AR, FL, GA, IL, IN, KY, LA, MD, MS, MO, NC, OH, PA, SC, TX, VA, and WV. (Hearing site: Columbus, OH, or Nashville, TN.)

MC 135895 (Sub-70F), filed October 18, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. Transporting (1) *glass containers and closures* and (2) *materials, equipment* and *supplies* (except commodities in bulk and those requiring special equipment) used in the manufacture, sale and distribution of the commodities in part (1) above; between the facilities of Ball Corporation, at or near Okmulgee, OK, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MO, MS, NC, SC, TN, and TX. (Hearing site: Muncie, IN, or Jackson, MS.)

MC 136315 (Sub-92F), filed October 22, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. Transporting *lumber*, between the facilities of Holder-

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Northern Lumber Sales, Inc., in Davidson County, TN, on the one hand, and on the other, those points in the United States in and east of TX, OK, KS, NB, SD, ND, (except MD, VT, and NH). (Hearing site: Nashville, TN, or Washington, DC.)

Note.—Dual operations may be involved.

MC 138104 (Sub-88F), filed October 22, 1979. Applicant: MOORE TRANSPORTATION CO., INC., 3500 N. Grove St., Fort Worth, TX 76105. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Transporting *iron and steel articles* and *pipe*, from Laredo and Eagle Pass, TX, to points in AL, AZ, AR, CA, CO, IL, KS, LA, MS, MO, NM, OK, TN, and UT. (Hearing site: Fort Worth or Dallas, TX.)

MC 138304 (Sub-19F), filed October 19, 1979. Applicant: NATIONAL PACKERS EXPRESS, INC., 3445 Patterson Plank Rd., North Bergen, NJ 07047. Representative: Craig B. Sherman, Barnett Bank Building, 1108 Kane Concourse, Bay Harbor Islands, FL 33154. Transporting (1) *Packaging supplies* and *products* used in the manufacture thereof, from Aiken, SC, Hammond and Indianapolis, IN, Hudson, NY, Slatersville, RI, Camden, AR, Longview, WA, Pensacola, FL, Mobile, AL, Bellows Falls, VT, to Linden, NJ, and (2) *Packaging supplies* and *products* used in the manufacture thereof, *tapes, reinforced paper, polyethylene bags, tubings, sheets, adhesives, reinforced mailers,* and *ink,* from Linden, NJ, to points in the United States (except AK and HI), restricted in parts 1 and 2 to traffic originating at and destined to the named points. (Hearing site: New York, NY, or Washington, DC.)

MC 138635 (Sub-96F), filed October 19, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW, Washington, DC 20005. Transporting *general commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) which are at the time moving on bills of lading of freight forwarders operating pursuant to 49 U.S.C. 10923,* between points in the United States (except between points in CA, WA, OR, NV, ID, UT, and AZ, on the one hand, and, on the other, points in AR, LA, MS, MD, KY, TN, AL, FL, GA, SC, NC, VA, and DC). (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 139495 (Sub-495F), filed October 11, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting (1) *Pipe fittings* and *connections, hangers, indicator posts, hydrants, pipe, bars, connectors, rods, values, castings, flanges, nipples, facings, gaskets, water motor alarms, pipe cement, joint compound, automatic sprinkler heads, fire protection and prevention systems, air heaters, blowers, insulated wire, electrical plug and cord sets, power supply cords, lighting fixtures, plumbing fixtures,* and *plumbing equipment;* and (2) *materials* and *supplies* used in the manufacture and distribution of the commodities specified in (1) above, (except commodities which because of size or weight require the use of special equipment, and commodities in bulk) between points in the US (except AK and HI). (Hearing site: Washington, DC.)

MC 139504 (Sub-6F), filed October 18, 1979. Applicant: SHEA/RUSTIN TRANSPORT CO., P.O. Box 93567, Martech Station, Atlanta, GA 30318. Representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, DC 20001. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *tempered flat glass,* from the facilities of Temp Glass Eastern, at or near Norcross, GA, to points in FL, GA, SC, NC, AL, KY, VA, TN, AR, TX, MO, MI, OH, MS, LA, and NY; and (2) *materials, equipment and supplies,* used in the manufacture, distribution, and sale of tempered flat glass (except commodities in bulk), in the reverse direction, under a continuing contract(s) with Temp Glass Eastern, of Norcross, GA. (Hearing site: Atlanta, GA.)

MC 140024 (Sub-167F), filed October 22, 1979, Applicant: J. B. MONTGOMERY INC., 5565 East 52nd Avenue, Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting *hides* from Spencer, IA, and Schuyler, NE, to points in TX. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343 (a) (1978), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Denver, CO or Omaha, NE.)

MC 140484 (Sub-64F), filed October 17, 1979, Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69 Fort Meyers, FL 33902. Representative: Frank T. Day, (same as above). Transporting *plastic film,* in vehicles equipped with mechanical refrigeration, from Aurora, OH, and Huntsville, AL, to points in the United States (except AK and HI). (Hearing site: Cleveland, OH, or Washington, DC.)

MC 141205 (Sub-38F), filed October 17, 1979. Applicant: HUSKY OIL TRANSPORTATION COMPANY, a Corporation, 600 South Cherry St., Denver, CO. 80222. Representative: F. Robert Reeder, P.O. Box 11898, Salt Lake City, UT 84147. *Contract carrier* transporting *crude oil, scrubber oil and condensate* from points in Billings County, ND, to the pipeline facilities of the Portal Pipeline Company, near Stanley, ND, the pipeline facilities of the Portal Pipeline Company near Reserve, MT, the pipeline facilities of the Butte Pipeline Company near Baker, MT, the pipeline facilities of the Continental Pipeline Company near Douglas, WY, the pipeline facilities of the Platte Pipeline Company near Casper, WY, and the Husky Oil Company refinery, at Cheyenne, Wy, under continuing contract(s) with Husky Oil Company, of Denver, CO. (Hearing site: Denver, CO.)

MC 141205 (Sub-39F), filed October 17, 1979, Applicant: HUSKY OIL TRANSPORTATION COMPANY, a Corporation, 600 South Cherry St., Denver, CO. 80222. Representative: F. Robert Reeder, P.O. Box 11898, Salt Lake City, UT 84147. *Contract carrier* transporting *crude oil, scrubber oil and condensate* from points in Yellowstone County, MT, to the Husky Oil Refinery, at Cody, WY, and the pipeline injection facilities of Marathon Pipeline Company, at Oregon Basin, WY, under continuing contract(s) with Husky Oil Company, of Denver, CO. (Hearing site: Denver, CO.)

MC 143775 (Sub-119F), filed October 19, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same as applicant). Transporting *meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in *Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Swift & Company, at Rochelle, Bradley, St. Charles, and East St. Louis, IL, to CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved.

MC 146964 (Sub-4F), filed October 18, 1979. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Avenue, York, PA 17403. Representative: Michael Valencik (same as applicant). Transporting *wrapping paper, woodpulp board, woodpulp,* and *scrap paper,*

between West Point, VA, on the one hand, and, on the other, points in CT, DE, IL, IN, MA, MD, MI, NH, NJ, NY, OH, PA, RI, and WV. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 148344 (Sub-3F), filed October 11, 1979. Applicant: TRAVIOLI AND SONS TRUCKING, INC., R.R. No. 31, Box 169A, Terre Haute, IN 47803. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. *Contract carrier* transporting *magazines, catalogs and printed matter,* from Sparta, Effingham, Salem and Mt. Vernon, IL, to points in FL, GA, and AL, under continuing contract(s) with World Color Press, Inc., of Effingham, IL. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 148405 (Sub-2F), filed October 22, 1979. Applicant: BODIE CORP., 3350 Olive Ave., P.O. Box 7097, Long Beach, CA 90807. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *sucker rods and accessories,* from points in Tulsa County, OK, to points in CA, and (2) *sub-surface pump barrels,* from points in CA and NM, to points in Tulsa County, OK, under continuing contract(s) with Dover Corporation/ Norris Division, of Tulsa, OK. (Hearing site: Los Angeles, CA.)

MC 148575F, filed October 18, 1979. Applicant: ALUMINUM DISTRIBUTION CO., 1007 Jersey Ave., New Brunswick, NJ 08902. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. *Contract carrier* transporting *aluminum extrusions, supplies, materials* and *equipment* (except in bulk) used in the production and distribution of aluminum extrusions and *scrap aluminum,* between Phoenix, AZ, Irvine, CA, Burlington and Winton, NC, and New Brunswick and Parlin, NJ, on the one hand, and, on the other, points in the United States, (except AK and HI), under continuing contract(s) with New Jersey Aluminum Co., of North Brunswick, NJ. (Hearing site: New York, NY.)

MC 148585F, filed October 18, 1979. Applicant: CARAVAN MOTOR SERVICE, INC., 1800 Mannheim Rd., Westchester, IL 60153. Representative: Joel H. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting *iron and steel articles,* between Gary, IN, on the one hand, and, on the other, points in IL. (Hearing site: Chicago, IL.)

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Decided: February 20, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen.

MC 263 (Sub-230F), filed November 5, 1979. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Representative: Wayne S. Green (same address as applicant). Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A) Between Salt Lake City, UT, and Minneapolis, MN. Serving the intermediate point of Casper, WY. From Salt Lake City over Interstate Hwy 80 to junction U.S. Hwy 287, then over U.S. Hwy 287 to junction WY Hwy 220, then over WY Hwy 220 to junction Interstate Hwy 25, then over Interstate Hwy 25 to junction U.S. Hwy 18, then over U.S. Hwy 18 to junction SD Hwy 79, then over SD Hwy 79 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction MN Hwy 15, then over MN Hwy 15 to junction MN Hwy 60 then over MN Hwy 60 to junction U.S. Hwy 169, then over U.S. Hwy 169 to Minneapolis, and return over the same route, (2) From Salt Lake City to junction Interstate Hwy 90 and MN Hwy 15 as described in (1) above, then over Interstate Hwy 90 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Minneapolis, and return over the same route. (B) Between Denver, CO, and Billings, MT, serving the intermediate point of Casper, WY: From Denver over Interstate Hwy 25 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Billings, and return over the same route. (Hearing site: Casper, WY.).

MC 4963 (Sub-89F), filed November 13, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, 501 Perpetual Building, 1111 E Street NW., Washington, DC 20004. Transporting pipe and steel products, iron and steel articles, between the facilities of Altoona Pipe and Steel at Altoona, PA, on the one hand, and, on the other, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Ohio, North Carolina, New Jersey, New Hampshire, Missouri, Michigan, Maryland, Massachusetts, Maine, Kentucky, Iowa, Indiana, Illinois, Georgia, Connecticut, Delaware, and District of Columbia. (Hearing site: Washington, DC.).

MC 4963 (Sub-90F), filed November 13, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Building, 1111 E Street NW., Washington, DC 20004. Transporting (1) *plumbing fixtures* between the facilities of Artesian Industries at Mansfield and Shelby, OH on the one hand, and, on the other, points in WI, IN, KY, TN, and IL. (2) *metals* between the facilities of Apex International Alloy in MI, PA, KY, IN, TN, and NY. Restriction: (3) *iron and steel articles,* between the facilities of Copperweld Steel Company other points in AL, KY, IL, IN, PA, and TN. (Hearing site: Cleveland, OH.)

MC 5623 (Sub-51F), filed November 2, 1979. Applicant: ARROW TRUCKING CO., P.O. Box 7280, Tulsa, OK 74105. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *lumber, lumber products, lumber mill products, forest products, wood products, and sawmill products,* from points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY to points in the United States (except AK and HI). (Hearing site: San Francisco, CA, or Denver, CO.)

MC 43963 (Sub-27F), filed November 6, 1979. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, Lake Station, IN 46405. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *metal and metal articles* (except those which because of size or weight require the use of special equipment), between Northbrook, IL, St. Louis, MO, Indianapolis, IN and Middletown, OH, on the one hand, and, on the other, points in and east of MN, IA, MO, AR and LA. (Hearing site: Chicago, IL.)

MC 61403 (Sub-276F), filed November 8, 1979. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, NY 10017. Transporting *resins, paints, varnishes, lacquers, and enamels,* in bulk, in tank vehicles, from Louisville, KY, to points in AL, AR, FL, GA, IL, IN, IO, KS, MS, NC, NJ, OK, PA, SC, TN, TX, VA, and WI. (Hearing site: Louisville, KY.)

MC 61403 (Sub-277F), filed November 7, 1979. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, NY 10017. Transporting *chemicals,* in bulk, in tank vehicles, between the facilities of Union Carbide Corp. at or near Charleston, WV, and points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 61592 (Sub-475F), filed November 4, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville,

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IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting (1) commodities the transportation of which because of size or weight requires special handling or the use of special equipment (2) rock crushing equipment and construction equipment and (3) parts and materials for the commodities in (1) and (2) above (except commodities in bulk), between points in Linn County, IA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 61592 (Sub-476F), filed November 5, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting (1) *plastic bags, plastic can liners, plastic containers, plastic articles, plastic film, plastic sheeting, plastic drop cloths, and plastic tarpaulins*, from points in McDonough County, IL, to points in CA, CO, ID, IN, IA, KS, MI, MN, MO, MT, NE, NV, ND, OH, OR, SD, UT, WA, WI, and WY; (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles), from points in the destination States in (1) above, to points in McDonough County, IL; (3) *plastic bags, plastic can liners, plastic containers, plastic articles, plastic film, plastic sheeting, plastic drop cloths, and plastic tarpaulins*, from points in Lawrence County, TN, to points in AL, FL, GA, KY, LA, MS, NC, SC, TX, VA, and WV; and (4) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles), from points in the destination States in (3) above, to points in Lawrence County, TN. (Hearing site: Washington, DC.)

MC 61592 (Sub-477F), filed November 12, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting such commodities as are dealt in or used by, dealers and manufacturers of agricultural equipment, industrial equipment, and lawn and leisure products (except commodities in bulk, and automobiles, trucks, buses, as described in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 and 760 from the facilities of Sperry New Holland Division, Sperry Corporation at or near Columbus, NE to points in IL, IN, IA, KS, MI, MN, MO, ND, SD, and WI. Restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC or Chicago, IL.)

MC 69322 (Sub-9F), filed November 30, 1979. Applicant: DOBSON CARTAGE AND STORAGE COMPANY, 5024 So. Garfield Road, Auburn, MI 48611. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, DC 20036. Transporting household goods as defined by the Commission between points in MI, IL, IN, NY, OH, PA, WI, and ports of entry on the international boundary line between U.S. and Canada and Detroit and Port Huron, MI, and (2) between points in MI, IL, IN, NY, OH, PA, WI, on the one hand, and, on the other, NY, PA, NI, OH, IN, MI, IL, WI, IA, MO, KY, NC, TN, AR, OK, NM, AZ, CA, TX, MS, AL, GA, SC, NC, LA, and FL. (Hearing site: Detroit, MI.)

MC 71652 (Sub-41F), filed November 5, 1979. Applicant: BYRNE TRUCKING, INC., P.O. Box 1124, Medford, OR 97501. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Transporting *building materials*, between points in CA, OR, WA and ID. (Hearing site: Medford, OR or San Francisco, CA.)

Note.—Applicant seeks to substitute single-line service for joint-line operation involving applicant and Don Paffile dba Paffile Truck Lines.

MC 71772 (Sub-4F), filed November 9, 1979. Applicant: MT. PLEASANT TRANSFER, INC., P.O. Box 267, Columbia Hwy, Mt. Pleasant, TN 38474. Representative: Stephen L. Edwards, 808 Nashville Bank and Trust Bldg., Nashville, TN 37201. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Mt. Pleasant, TN and Chattanooga, TN, from Mt. Pleasant, TN over U.S. Hwy 42 to junction U.S. Hwy 43 and TN Hwy 50, then over TN Hwy 50 to junction TN Hwy 50 and U.S. Hwy 431, then over U.S. Hwy 431 to junction U.S. Hwy 64, then over U.S. Hwy 64 to junction Interstate Hwy 24, then over Interstate Hwy 24 to junction TN Hwy 28, then over TN Hwy 28 to junction U.S. Hwys 41, 64, and 72, then over U.S. Hwys 41, 64, and 72 to junction Interstate Hwy 24, then over Interstate Hwy 24 to Chattanooga, and return over the same routes, serving no intermediate points, but serving all points in Maury County, TN, as off-route points. (Hearing site: Nashville, TN.)

Note.—Applicant proposes to tack this authority with its other authority in certificates MC 71772 and MC 71772 (Sub-2).

MC 98992 (Sub-19F), filed November 2, 1979. Applicant: HIGHWAY PIPELINE TRUCKING CO., a corporation, P.O. Box 1517, Edinburg, TX 78539. Representative: Kenneth R. Hoffman, 801 Vaughn Bldg., Austin, TX 78701. Transporting (1) *petroluem, petroleum products, vehicle body sealer, and sound deadener compounds* (except in bulk, in tank vehicles), and *filters*, from points in Warren County, MS to points in AL, AR, FL, GA, LA, and TX; and (2) *petroleum, petroleum products, vehicle body sealer, sound deadener compounds, filters, and materials, supplies, and equipment* used in the manufacture, sale, and distribution of the commodities in (1) above (except in bulk, in tank vehicles), from points in AL and GA to points in Warren County, MS, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Quaker State Oil Refining Corporation in Warren County, MS. (Hearing site: New Orleans, LA or Dallas, TX.)

MC 98992 (Sub-20F), filed November 2, 1979. Applicant: HIGHWAY PIPELINE TRUCKING CO., P.O. Box 1517, Edinburg, TX 78539. Representative: Kenneth R. Hoffman, 801 Vaughn building, Austin, TX 78701. *Transporting petroleum, petroleum products, vehicle body sealers, sound deadening compounds, and acoustical control items*, in bulk, in tank vehicles, from points in Warren County, MS, to points in AL, AR, FL, GA, LA, and TX, restricted to the transportation of traffic originating at the facilities of Quaker State Oil Refining Corporation in Warren County, MS. (Hearing site: New Orleans, LA, or Dallas, TX.)

MC 103993 (Sub-1015F), filed November 6, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting *lumber, lumber mill products, wallboard, particleboard, composition board, insulation, piling, posts, poles and construction materials* (except commodities in bulk), (1) from the facilities of A.D.E. Lumber and Supply Company at or near Kansas City, MO, to points in KS, and (2) from points in TX, AR, and OK to the facilities of A.D.E. Lumber and Supply Company at or near Kansas City, MO. (Hearing site: Kansas City, MO.)

MC 103993 (Sub-1016F), filed November 6, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting *trailers* (except those designed to be drawn by passenger automobiles), between points in the United States (including AK but excluding HI). (Hearing site: Philadelphia, PA.)

MC 105813 (Sub-268F), filed November 6, 1979. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 12th St., P.O. Box 2009, Ocala, FL 32670. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting *such merchandise* as is dealt in by wholesale or retail food business houses from points in MI to points in AL, FL, GA, MS, NC, SC, and TN. (Hearing site: Detroit, MI.)

MC 105813 (Sub-265F), filed November 6, 1979. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 12th St., P.O. Box 2009, Ocala, FL 32670. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting (1) *frozen foods*, from the facilities of Termicold, Inc., at or near Bettendorf, IA, to points in FL and GA; and (2) *can ends*, from the facilities of General Foods Corporation at or near Winter Haven, FL, to Topeka, KS. (Hearing site: New York, NY.)

MC 107012 (Sub-433F), filed September 7, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *coolers, picnic jugs, lunch kits, vacuum bottles, display racks, and parts* for vacuum bottles and picnic jugs, from the facilities of Thermos Division of King-Seely, at or near (a) Norwich, CT and (b) Macomb, IL, to points in the United States (except AK and HI). (Hearing site: Hartford, CT or Washington, DC.)

MC 107012 (Sub-434F), filed September 7, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *floor cleaning and maintenance equipment* from the facilities of White Mop Wringer Company at or near Fultonville, NY, to Los Angeles and Daly City, CA, Dallas, TX, Chicago, IL, and Charlotte, NC. (Hearing site: Albany, NY or Washington, DC.)

MC 107012 (Sub-437F), filed September 27, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *new furniture* in cartons, from the facilities of Keller Industries, Inc., at or near Caldwell, TX, to points in AZ, CA, CO, KS, NM, and OK. (Hearing site: Miami, FL or Washington, DC.)

MC 107012 (Sub-438F), filed September 25, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting (1) *Such commodities* as are dealt in by discount and variety stores (except foodstuffs, furniture, and commodities in bulk), and (2) *foodstuffs and furniture*, in mixed loads with the commodities in (1) above, from the facilities of Chicago Shippers Association and U.S. Packing and Shipping Co., at or near Jersey City, NJ, to points in AL, FL, GA, IL, IN, KS, LA, MI, NC, SC, and TN. (Hearing site: New York, NY or Washington, DC.)

MC 107012 (Sub-461F), filed November 6, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Stephen C. Clifford (same as applicant). Transporting *paper cups, plates, and dishes, and paper and plastic drinking straws*, from the facilities of Sweetheart Cup, Division of Maryland Cup Corporation, at or near Baltimore, MD to the facilities of Sweetheart Cup, Division of Maryland Cup Corporation, at or near Chicago. (Hearing site: Baltimore, MD or Washington, DC.)

Note.—Common control may be involved.

MC 107012 (Sub-482F), filed November 6, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, 46801. Representative: Bruce W. Boyarko (same address as applicant). Transporting (1) *stereo speakers and stereo components with cabinets*, from the facilities of Winona Industires, Inc., at or near Winona, MN, to Phoenix, AZ, Denver, CO, Oklahoma City, OK, and Richmond, VA, and points in CA, NC and SC, and (2) *furniture*, from the facilities of Winona Industries, Inc. at or near Winona, MN, to Denver, CO, and Oklahoma City, OK. (Hearing site: Minneapolis, MN, or Chicago, IL.)

Note.—Common control may be involved.

MC 107403. (Sub-1284F), filed November 5, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting *anhyudrous ammonia*, in bulk, in tank vehicles, from Grand Forks and Velva, ND, and Glenwood and Pine Bend, MN, to points in MN, ND, and MT. (Hearing site: Washington, DC.)

MC 107043 (Sub-1303F), filed November 27, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting *liquid chemicals*, in bulk, in tank vehicles, from the facilities of United States Steel Corporation at Neville Island, PA to points in CT, DE, MD, NJ, NY, RI and DC. (Hearing site: Washington, DC.)

MC 109593 (Sub-11F), filed September 11, 1979. Applicant: H. R. HILL, Box 675, 2007 West Shawee, Muskogee, OK 74401. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles and such equipment, materials, and supplies as are used in the manufacture and distribution of the commodities named above* (except commodities in bulk, and those which because of size or weight require the use of special equipment), between the facilities of Fort Howard Paper Company at or near Muskogee, OK, on the one hand, and, on the other, points in AR, CO, IL, KS, LA, MO, NE, NM, OK, TX, and WI, under continuing contract(s) with Fort Howard Paper Company, of Muskogee, OK. (Hearing site: Washington, DC or Tulsa, OK.)

MC 110393 (Sub-38F), filed November 27, 1979. Applicant: GEM TRANSPORT, INC., 930 Wall Street, Jeffersonville, IN 47130. Representative: Rudy Yessin, P.O. Drawer B, Frankfort, KY. 40602. Transporting: meats packinghouse products and commodities used by packinghouses as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) between the facilities of Lauridsen Foods, Inc., at or near Britt, IA and the facilities of Armour and Company at Mason City, IA on the one hand, and, on the other, those points in the US in and east of ND, SD, NE, KS, OK, AR and LA, under a continuing contract(s) with Armour and Company, of Phoenix, AZ. (Hearing site: Louisville, KY or Washington, DC.)

MC 110563 (Sub-305F), filed September 10, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 N., Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Transporting *frozen foods*, from the facilities of (a) Empire Freezers of Syracuse, Inc., at or near Syracuse, NY, and (b) General Foods Corporation, at Avon and Fulton, NY, to points in IL, IN, IA, MI, MN, and OH. (Hearing site: New York, NY or Washington, DC.)

MC 110563 (Sub-308F), filed November 6, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State

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Route 29 N., Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Transporting *cheese and cheese products*, from the facilities of Leprino Foods Company at Horseheads and Waverly, NY, to points in FL, GA, IL, IN, KS, MD, MN, MS, MO, NC, OH, PA, SC, TN, TX, VA and WI. (Hearing site: Denver, CO, or Washington, DC.)

MC 110563 (Sub-309F), filed November 6, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 N., Sidney, OH 45365. Representative: Mr. Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Transporting *petroleum and petroleum products, vehicle body sealer, and sound deadner compounds*, (except in bulk), and *filters*, from Buffalo and North Tonawanda, NY, North Warren, Kimberton, Emlenton, New Kensington, Farmers Valley, and Bakerstown, PA, Kansas City, KS, and Congo and St. Marys, WV, to points in the United States (except AK and HI). (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 111812 (Sub-700F), filed November 3, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). Transporting (1) *meats, meat products, meat byproducts, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); (2) *foodstuffs*, when transported in mixed loads with the commodities in (1), from the facilities of Oscar Mayer & Co., Inc. at (A) Beardstown, IL, to points in AL, AZ, CA, CT, DE, DC, FL, GA, ID, ME, MD, MA, MT, NV, NH, NJ, NM, NY, NC, OR, PA, RI, SC, TN, UT, VT, VA, WA, WV, and WY, (B) Madison, WI, to points in AL, AZ, CT, DE, DC, FL, GA, ME, MD, MA, NH, NJ, NM, NY, NC, PA, RI, SC, TN, VT, VA, WV, and WY, (C) Davenport, Des Moines, and Perry, IA to points in AL, AZ, NM, NC, SC, TN, and WY, and (D) Sherman, TX, to points in the United States (except AL, AZ, AR, CO, LA, MS, NM, and OK); and (3) *Foodstuffs*, when transported in mixed loads with meats (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Des Moines and Perry, IA, to points in CA, CT, DE, DC, ID, ME, MD, MA, MT, NV, NH, NJ, NY, OR, PA, RI, UT, VT, VA, WA, and WV, restricted in (1), (2), and (3), above to the transportation of traffic originating at the facilities of Oscar Mayer & Co., Inc. and destined to the named destination States. (Hearing site: Madison, WI.)

MC 111812 (Sub-701F), filed November 20, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks, P.O. Box 1233, Sioux Falls, SD 57101. Transporting: *foodstuffs*, (1) between Hermiston, OR, on the one hand, and, on the other, points in AZ, CA, UT and WA; and (2) between Aberdeen, Caldwell, Burley, Heyburn and Idaho Falls, ID, on the one hand, and, on the other, points in AZ, CA, OR, UT, and WA; restricted to the transportation of traffic originating at or destined to the facilities of the J. R. Simplot Company. (Hearing site: Portland, OR or Seattle, WA.)

MC 112713 (Sub-290F), filed November 5, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: John M. Records (same address as applicant). Transporting *automobile parts and accessories*, between San Antonio, TX, and Laredo, TX, over Interstate Hwy 35, serving no intermediate points. (Hearing site: Detroit, MI, or Washington, DC.)

Note.—Common control may be involved.

MC 113362 (Sub-367F), filed September 4, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, 1105½ Eighth Ave., NE, P.O. Box 429, Austin, MN 55912. Transporting *confectionery and cough drops*, from the facilities of Luden, Inc., at Reading, PA, to points in IL, IN, KY, MO, MI, MN, OH, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC or Harrisburg, PA.)

MC 113362 (Sub-375F), filed November 6, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, 1105½ Eighth Ave., NE, P.O. Box 429, Austin, MN 55912. Transporting *foodstuffs* (except in bulk), from the facilities of Sanna, Division of Beatrice Foods Co., at Menomonie, Cameron, Vesper, Wisconsin Rapids, and Eau Claire, WI, to points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at the above-named origins and destined to the above destination. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 114323 (Sub-24F), filed November 21, 1979. Applicant: PAUL MARCKESANO AND SONS CO., INC., 36 Ferris Street, Brooklyn, NY 11231. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting: *Newsprint*, from the facilities of Paul Marckesano and Sons Co., Inc. in Brooklyn, NY to points in CT, NY, NJ, DE, PA and MD. (Hearing site: New York, NY.)

MC 114632 (Sub-265F), filed November 12, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson, P.O. Box 287, Madison, SD 57042. Transporting: *Iron and steel articles, and materials, equipment and supplies used in the manufacture and distribution of trailers*, between Elk Point, SD and Sioux City, IA, on the one hand, and, on the other, points in OH, PA, KS, NE, MI, IN, MO, MN, IL, IA, LA, TX, and WI. (Hearing sites: Sioux Falls, SD or Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 114632 (Sub-266F), filed November 12, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson, P.O. Box 287, Madison, SD 57042. Transporting: *Foodstuffs* between the facilities of Louisville Freezer Center at Louisville, KY on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO and MN. (Hearing site: Louisville, KY, or Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 115093 (Sub-19F), filed September 14, 1979. Applicant: MERCURY MOTOR EXPRESS, INC., 2511 North Grady Avenue, Tampa, FL 33607. Representative: William D. Favell (same address as applicant). Transporting *general commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) between Savannah, GA and Jacksonville, FL, on the one hand, and, on the other, points in GA, SC, AL and TN; and between Charleston, SC, on the one hand, and, on the other, points in GA, SC, and AL, restricted to the transportation of shipments having a prior or subsequent movement by water. (Hearing site: Jacksonville, FL.)

MC 115162 (Sub-511F), filed November 2, 1979. Applicant POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate, (same address as applicant). Transporting *fuel wood and compressed logs* from Pocahontas, AR, and Memphis, TN, to points in the United States in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Memphis, TN, or Birmingham, AL.)

MC 116092 (Sub-7F), filed November 23, 1979. Applicant: E. J. PERSONS TRANSPORT LTD., 411 Riviere, Cowansville, Quebec J2K IN4 Canada. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Transporting (1) *synthetic resin and plastic* articles between the ports of entry on the United States-Canada international boundary line at or near Champlain and Rouses Point, NY, and Highgate Springs, Richford and Troy, VT, on the one hand, and, on the other, Chatham, NY, and (2) *toilet preparations, cosmetics*, and materials, supplies, and equipment used in the manufacturing, packaging, and sales of toilet preparations and cosmetics (except in bulk) between ports of entry on the United States-Canada international boundary line at or near Champlain and Rouses Point, NY, and Highgate Springs, Richford and Troy, VT, on the one hand, and, on the other, Stamford, CT. (Hearing site: Montpelier, VT.)

MC 116763 (Sub-599F), filed September 21, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting (1) *animal feed ingredients and pesticides* (except commodities in bulk, in tank vehicles), and (2) *materials and supplies* used in the manufacture, distribution and sale of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between the facilities of American Cyanamid at Princeton, NJ, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO and NM, restricted to the transportation of traffic originating at and destined to the indicated points. (Hearing site: New York, NY.)

MC 116763 (Sub-623F), filed November 20, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *laundry and kitchen appliances and parts* on laundry and kitchen appliances between those points in the United States in and east of MN, IA, MO, KS, OK and TX, restricted to the transportation of traffic originating at or destined to the facilities used by the Maytag Co. (Hearing site: Des Moines, IA.)

MC 117883 (Sub-260F), filed November 21, 1979. Applicant: SUBLER TRANSFER, INC., One Vista Drive, Versailles, OH 45380. Representative: Neil E. Hannan, P.O. Box 62, Versailles, OH 45380. Transporting *foodstuffs* (except in bulk) from the facilities of Seneca Foods Corporation at (1) Williamson, East Williamson, Marion, Newark, Oak Corners, Sterling, Dundee, Himrod, and Penn Yan, NY, to New York, NY and points in NJ, those in PA on and east of U.S. Hwy 15, and Suffolk, Westchester and Rockland Counties, NY. (2) Himrod, Sterling, Dundee, and Penn Yan, NY to points in IL, IN, IA, KA, KY, MI, MN, MO, NE, OH, and WI, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Buffalo, NY or Washington, DC.)

MC 117883 (Sub-265F), filed November 27, 1979. Applicant: SUBLER TRANSFER, INC., One Vista Drive, Versailles, OH 45380. Representative: Neil E. Hannan, P.O. Box 62, Versailles, OH 45380. Transporting *foodstuffs* (except in bulk) from the facilities of Sanna Division of Beatrice Foods Co., at Menomonie, Cameron, Vesper, Wisconsin Rapids, and Eau Claire, WI to points in CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MO, NE, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC., restricted to the transportation of traffic orginating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL or Washington, DC.)

MC 117972 (Sub-8F), filed November 5, 1979. Applicant: GROWERS COLD STORAGE CO., INC., Route 279, Waterport, NY 14571. Representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, NY 14202. Transporting *frozen foods*, (a) from Fulton and Syracuse, NY, to points in OH on and east of U.S. Hwy 75 and points in PA, and (b) from Cleveland and Columbus, OH, to Buffalo, Elmira Heights, Jamestown, Liverpool, Rochester, Syracuse and Waterport, NY, and Erie, PA. (Hearing site: Buffalo, NY.)

MC 119493 (Sub-333F), filed November 23, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, Traffic Manager (same as above). Transporting: *lumber, wood products*, and *materials and supplies* used in the processing and distribution of lumber and wood products (except commodities in bulk) between: Points in AR on the one hand, and on the other: points in AL and MI. (Hearing site: Little Rock, AR, or Fort Smith, AR.)

MC 123872 (Sub-114F), filed November 6, 1979. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Allen E. Bowman (same address as applicant). Transporting *meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Emporia and Wichita, KS, to points in FL, GA, NC, SC, TN and VA. (Hearing site: Washington, DC or Sioux City, IA.)

Note.—Dual operations may be involved.

MC 123993 (Sub-66F), filed November 23, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX 78701. Transporting: (1) *Malt beverages;* and (2) *materials, supplies and equipment* used in the manufacture, and distribution of malt beverages between Ft. Worth, TX, on the one hand, and, on the other, points in AR. Hearing sites: Little Rock, AR or Dallas, TX.

Note.—Dual operations may be involved.

MC 124423 (Sub-9F), filed November 19, 1979. Applicant: JET MESSENGER SERVICE, INC., P.O. Box 99, Metuchen, NJ 08840. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017. Transporting (1) *plastic plumbing fixtures, and accessories*, and (2) *supplies and equipment used in the manufacture and distribution of the commodities* in (1) above from Piscataway, NJ to points in CT, DE, MD, NY, PA and RI. (Hearing site: Newark, NJ.)

MC 125433 (Sub-351F), filed November 6, 1979. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). *Transporting power tools and accessories for power tools*, (except commodities the transportation of which requires the use of special equipment), from Reno, NV, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Rockwell International Power Tool Division, at Reno, NV. (Hearing site: San Francisco, CA.)

Note.—Common control may be involved.

MC 124692 (Sub-308F), filed September 4, 1979. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transporting (1)(a) *machinery and tractor cabs*, and (b) *parts and accessories* for the commodities in (1)(a) above, (2) *bale trailers, two-wheel travel trailers, bean roasters, wood splitters, tractor fenders, and cab mates* and (3) *equipment, materials, and supplies* used by fur farmers and fur ranches, from points in Meeker County, MN, to those points in

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the United States in and west of ND, SD, KS, NE, OK, TX, and LA (except AK and HI). (Hearing site: St. Paul, MN.)

MC 125433 (Sub-354F), filed November 13, 1979. Applicant: F-B TRUCK LINE COMPANY, a coproration, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *commodities, the transportation of which because of size or weight requires the use of special equipment* between the facilities of Oxford Construction Company at or near Marion, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Louis, MO.)

MC 125433 (Sub-355), filed November 13, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). Transporting *plastic and styrofoam articles* (except in bulk), from the facilities of Thompson Industries Co., at or near (1) Phoenix, AZ, (2) City of Industry, CA, (3) Stone Mountain, GA, (4) Des Plaines, IL, (5) Shreveport, LA, (6) Higginsville, MO, (7) Milford, NH, (8) Tinton Falls, NJ, (9) Mt. Sterling, OH, (10) Monroeville, OH, (11) Fort Worth, TX, (12) San Antonio, TX, (13) points in Wharton Country, TX, (14) Alexandria, VA, and (15) Renton, WA to points in the US (except AK and HI). (Hearing site: Phoenix, AZ.)

MC 125433 (Sub-356F), filed November 2, 1979. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *garage door operators*, and (2) *parts and accessories for the foregoing commodities* (except commodities in bulk), from Nogales, AZ, and Alsip, IL, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Chamberlain Manufacturing Company. (Hearing site: Chicago, IL.)

Note.—Common control may be involved.

MC 126822 (Sub-72F), filed November 5, 1979. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: Kenneth E. Smith (same address as applicant). Transporting *(1) plastic, plastic articles, plastic pipe, tubing, fittings and connections, and (2) materials, supplies and accessories, used in the manufacture and installation of the foregoing commodities (except in bulk, in tank vehicles)* between points in the United States (except in AK and HI), of restricted to the transportation of traffic originating at or destined to the facilities of Robintech, Inc. (Hearing site: Ft. Worth, TX.)

MC 127042 (Sub-278F), filed September 4, 1979. Applicant: HAGEN, INC., P.O. Box 98–Leeds Station, Sioux City, IA 51108. Representative: Joseph B. Davis (same address as applicant). Transporting *carcass beef*, from Coffeyville, KS, to points in WI. (Hearing site: Kansas City, KS.)

MC 127042 (Sub-291F), filed November 12, 1979. Applicant: HAGEN, INC., P.O. Box 98–Leeds Station, Sioux City, IA 51108. Representative: Joseph B. Davis, Director of Traffic, (same as applicant). Transporting *meats, meat products and meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and except commodities in bulk), from the facilities of Illini Beef Packers, Inc., at or near (a) Joslin, IL and (b) Davenport, IA to points in AZ, CA, NE, NV, NM, and TX. (Hearing site: Moline, IL.)

MC 128273 (Sub-376F), filed November 2, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting *such commodities* as are used or dealt in by manufacturers or distributors of cleansing or purifying products (except commodities in bulk, in tank vehicles, and commodities the transportation of which because of size or weight requires the use of special equipment) between the facilities of Blue Cross Laboratories at or near North Hollywood, CA, on the one hand, and, on the other, points in the United States (except AK, CA, and HI), restricted to the transportation of traffic originating at or destined to the facilities of Blue Cross Laboratories. (Hearing site: Los Angeles, CA or Washington, DC.)

MC 129032 (Sub-117F), filed November 2, 1979. Applicant: TOM INMAN TRUCKING, INC., 5656 South 129th East Avenue, Tulsa, OK 74121. Representative: David R. Worthington (same address as applicant). Transporting *canned and preserved foodstuffs*, from the facilities of Heinz USA at or near Iowa City and Muscatine, IA, to the facilities of Heinz USA at Stockton and Tracy, CA, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Pittsburgh, PA, or Chicago, IL.)

MC 129613 (Sub-29F), filed November 8, 1979. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Transporting *plastic articles*, (1) from Beech Island and Spartanburg, SC, to points in FL, AL, GA, VA, NC, SC; and (2) from Franklin Park, IL, to Detroit, MI; and (3) from Winchester, VA, to points in MI, VA, PA, WV, OH, MD, NY, MA, CT and RI, under a continuing contract(s) with Amoco Chemicals Corporation, of Chicago, IL. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 136343 (Sub-189F), filed November 11, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. Transporting (1) *highway marking strip glass, ballotini, and (2) materials, equipment and supplies used in the manufacture and sale of the commodities* named in (1) above (except commodities in bulk, in tank vehicles), between the facilities of Potters Industries, Inc., at or near (a) Apex, NC; (b) Potsdam, NY; (c) Cleveland, OH; (d) Brownwood (Brown County), TX; and (e) Carlstadt, NJ, on the one hand, and, on the other, points in TX and those points in the US in and east of MN, IA, MO, AR, and LA. (Hearing site: New York, NY or Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 139973 (Sub-80F), filed November 9, 1979. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *paint, varnish, paint and varnish removers, stain, grout, adhesives, paste, plaster, cleaning compounds, masonry cement, glazing compounds, roofing cement, and caulking compounds* from Scranton, PA, to Lincoln, IL. (Hearing site: Philadelphia, PA.)

MC 141443 (Sub-51F), filed November 21, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting: *canned goods*, from points in OR to Oklahoma City, OK. (Hearing site: Oklahoma City, OK.)

Note.—Dual operations may be involved.

MC 141532 (Sub-55F), filed November 12, 1979. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. Transporting *lime and lime products* from the facilities of Flintkote Lime Company in Tooele County, UT to points in OR and WA. (Hearing site: Los Angeles, CA.)

MC 141932 (Sub-20F), filed September 11, 1979. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner (same address as applicant). Transporting (1) *foodstuffs and materials, equipment and supplies* used in the manufacture and distribution of foodstuffs and (2) *commodities otherwise exempt from economic regulation under Section 49 U.S.C. 10526(a)(6) of the Interstate Commerce Act* in mixed shipments with commodities described in (1) (except in (1) and (2) commodities in bulk and commodities, the transportation of which, because of size and weight, require the use of special equipment) between points in the United States (except AK and HI), restricted to the transportation of the traffic originating at or destined to the facilities used by Ocean Spray Cranberries, Inc. and Diamond/Sunsweet, Inc. (Hearing site: Boston, MA.)

Note.—Applicant holds Permit No. MC-129600 and Subs thereto. If appropriate, applicant will convert its permits into certificates.

MC 142672 (Sub-101F), filed November 9, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Post Office Box 1065, Fayetteville, AR 72701. Transporting (1) *such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses;* and, (2) *materials, ingredients and supplies used in the manufacture, distribution and sale of the commodities named in (1) above*—(1) Between the facilities of Ralston Purina Company at or near San Diego, CA, and Flagstaff, AZ, on the one hand, and, on the other, points in and west of FL, GA, KY, OH, PA, and TN; (2) between the facilities of Ralston Purina Company at or near Sparks, NV, on the one hand, and, on the other, points in CA, OR, and WA; (3) between the facilities of Ralston Purina Company at or near Oklahoma City, OK, on the one hand, and, on the other, points in IA, MI, NY, OH, and PA; and (4) between the facilities of Ralston Purina Company at or near Clinton and Davenport, IA, on the one hand, and, on the other, points in IL, IN, MI, and OH. (Hearing site: St. Louis, MO or Fayetteville, AR.)

MC 142672 (Sub-102F), filed November 20, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. Transporting (1) *paint and paint remover* and (2) *materials, equipment and supplies used in the manufacture and distribution of paint and paint remover* (except in bulk)—from the facilities of Red Devil Paints and Chemicals Company, at or near Mt. Vernon, NY to points in AR, CA, CO, IA, ID, IL, IN, KS, KY, LA, MI, MN, MT, ND, NE, NM, OH, OK, OR, SD, TX, UT, WA, WI and WY. (Hearing site: Mt. Vernon, NY or Ft. Smith, AR.)

Note.—Dual operations may be involved.

MC 143002 (Sub-13F), filed November 6, 1979. Applicant: C.D.B., INCORPORATED, 155 Spaulding, SE., Grand Rapids, MI 49506. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. Transporting (1) *household and personal care products* and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, between Ada, MI, on the one hand, and on the other Aurora, CO and Des Moines, IA under continuing contract(s) with the Amway Corporation of Ada, MI. (Hearing site: Grand Rapids, MI; Lansing, MI.)

Note.—Dual operations may be involved.

MC 143002 (Sub-14F), filed November 9, 1979. Applicant: C.D.B., INCORPORATED, 155 Spaulding, SE., Grand Rapids, MI 49506. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. Transporting *household and personal care products and materials and supplies used in the manufacture and distribution of household and personal care products* between Ada, MI, on the one hand, and on the other, Aurora, CO and Davenport, IA under continuing contract(s) with the Amway Corporation of Ada, MI. (Hearing site: Grand Rapids, MI; Lansing, MI.)

MC 143062 (Sub-3F), filed November 8, 1979. Applicant: ALLEN LEE, d.b.a. A & L TRANSPORT, 11722 S. Halsted St., Chicago, IL 60628. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting: *printed matter, materials, equipment* and *supplies*, used in the manufacture, and distribution of printed matter (except commodities in bulk); between points in the United States (except AK and HI), under a continuing contract(s) with R. R. Donnelley & Sons Company, Inc., Chicago, IL and Rand McNally Company, of Skokie, IL. (Hearing site: Chicago, IL.)

MC 143383 (Sub-4F), filed November 27, 1979. Applicant: DALE E. NICHOLSON, P.O. Box 97, Potosi, MO 63664. Representative: Dale E. Nicholson (same address as applicant). Transporting: *Granulated slag and copper residue*, in bulk, in dump vehicles, from Alton, Grants City and Hartford, IL, to Joplin, MO. (Hearing site: St. Louis or Jefferson City, MO.)

MC 144303 (Sub-12F), filed September 19, 1979. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave., NW., Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *electrical distribution transformers, and parts*, and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above, between the facilities of RTE Corporation at or near Waukesha, WI, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, AR, and LA, under a continuing contract(s) with RTE Corporation, of Waukesha, WI. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 144442 (Sub-11F), filed November 19, 1979. Applicant: ESSEX EXPRESS, INC., 1200 Hammondville Road, Pompano Beach, FL 33060. Representative: Don A. Allen, 2550 M Street, N.W., Washington, D.C. 20037. Transporting *frozen berries* from the facilities of Theresa Friedman & Sons, Inc., at Philadelphia, PA to Jacksonville and Miami, FL. Under a continuing contract(s) with Theresa Friedman & Sons, Inc. of Philadelphia, PA. (Hearing site: Washington, D.C., or Miami, FL.)

MC 144622 (Sub-118F), filed November 5, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *gift wrapped and packaged foods, and food products* and *commodities* dealt in by retail gift shops (except frozen), and (2) *plants and bulbs*, when transported in mixed loads with the commodities in (1) above, from the facilities of Harry and David at or near Medford, OR, to points in the United States (except AK and HI). (Hearing site: Portland, OR, or Chicago, IL.)

MC 144622 (Sub-119F), filed November 7, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *household products, dessert preparations, milk food liquid, beverage preparations, noncarbonated water, hair care toiletries and hair care equipment, drugs, shampoo, soap and*

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toilet articles, from the facilities of Bristol-Myers Company, and its subsidiaries Clairol, Inc., Drackett Company, Mead-Johnson & Company, Monarch Crown Corporation, and Westwood Pharmaceuticals, Inc., at Dallas, TX, to points in LA. (Hearing site: Dallas, TX, or Washington, DC.)

MC 144622 (Sub-120F), filed November 23, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant); and Applicant's attorney: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting: *Charcoal, charcoal briquettes, hickory chips, lighter fluid, and materials and supplies used in the manufacture of charcoal.* From Branson, MO; Dickinson, ND; Pachuta, MS; Waupaca, WI to points in AL, AZ, CA, CO, GA, IA, IL, IN, KY, LA, MI, MN, MT, MO, ME, NC, NY, OH, OK, PA, SC, SD, TN, TX, VA, WI and WV. (Hearing site: Atlanta, GA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 144622 (Sub-121F), filed November 23, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant); and Applicant's attorney: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting: chemicals, products from the facilities of Foseco, Inc. at or near Cleveland, OH to points in CA, ID, IL, OR, TX, and WI. (Hearing site: Cleveland, OH, or Washington, DC.)

Note.—Dual operations may be involved.

MC 144643 (Sub-9F), filed November 5, 1979. Applicant: VINGI BROTHERS TRUCKING CO., INC., 28 Oakdale Avenue, Johnston, RI 02919. Representative: Joseph R. Vingi, 28 Oakdale Avenue, Johnston, RI 20919. Transporting *Clay,* in bags, from the plantsite of Waverly Mineral Products Company, at or near Quality, GA to points in PA, DE, NJ, NY, ME, NH, VT, MA, CT and RI. Under a continuting contract(s) with Waverly Mineral Products Company, Philadelphia, PA. (Hearing site: Washington, DC.)

MC 144842 (Sub-6F), filed November 7, 1979. Applicant: CLIFFORD L. RIGGINS d.b.a. RIGGINS TRUCKING, 1004 West Maple Street, Springdale, AR 72764. Representative: Nancy Pyeatt, 615 15th St. N.W., Washington, DC 20005. Transporting *alcoholic beverages* (except in bulk), (1) from New York, NY, to points in CA, AZ, and NV; and (2) from points in CA to New York, NY. (Hearing site: New York, NY, or Washington, DC.)

MC 144883 (Sub-7F), filed November 13, 1979. Applicant: EARL MOORE, d.b.a. S & M MARKETING, 1133 Chess Drive, P.O. Box 4020, Foster City, CA 94404. Representative: James T. Proctor, P.O. Box 668, Mountain View, CA 94042. Transporting *bananas* in vehicles equipped with mechanical refrigeration, from Wilmington and Long Beach, CA, to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY. (Hearing site: San Francisco, CA.)

MC 144953 (Sub-6F), filed September 21, 1979. Applicant: MULLEN TRUCKING, LTD., 6204–A Burbank Road, S.E., Calgary, Alberta, Canada T2H 2C2. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202. Transporting, in foreign commerce only, *lignite coal, barite and drilling mud additives,* (except in bulk), between points in UT, on the one hand, and, on the other, ports of entry on the international boundary between the United States and Canada in MT. (Hearing site: Denver, CO.)

MC 145072 (Sub-31F), filed November 5, 1979. Applicant: M.S. CARRIERS, INC., 7372 Eastern Avenue, Germantown, TN 38138. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Transporting (1) *paper and textile bags* from Memphis, TN, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MO, MS, NM, NC, OH, OK, SC, TX and VA, and (2) *materials, equipment, and supplies (except commodities in bulk) utilized in the manufacture, processing, or distribution of the above-named commodities* from points in AL, AR, FL, GA, LA, MS, SC, TX and VA to Flintstone, GA, Sumter, SC and Memphis, TN; restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of McDowell Industries, Inc. (Hearing site: Memphis, TN.)

MC 145072 (Sub-33F), filed November 5, 1979. Applicant: M.S. CARRIERS, INC., 7372 Eastern Avenue, Germantown, TN 38138. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Transporting *salt,* except in bulk, between points in Ft. Bend and Harris Counties, TX, and AR, LA, MS, and TN. (Hearing site: Memphis, TN.)

MC 145072 (Sub-34F), filed November 2, 1979. Applicant: M.S. CARRIERS, INC., 7372 Eastern Avenue, Memphis, TN 38138. Representative: Michael S. Starnes (same address as applicant). Transporting (1) *such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses and agricultural feed business houses, soy products, paste, flour products, dairy based products,* and (2) *materials, ingredients, equipment* and *supplies* used in the development, manufacture, distribution and sale of the items in (1) above (except commodities in bulk), between the facilities of Ralston Purina Company at or near Oklahoma City, OK, and points in AR, LA, MS, TN, and TX. (Hearing site: Memphis, TN.)

MC 145072 (Sub-35F), filed November 6, 1979. Applicant: M. S. CARRIERS, INC., 7372 Eastern Ave., Germantown, TN 38138. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Transporting *tires, tubes, wheels, rims, caps, lugnuts, and materials, equipment and supplies (except in bulk) used in the manufacture* of the foregoing commodities between Memphis, TN, and Des Moines, IA, on the one hand, and, on the other, points in IA, IL, IN, MA, MI, MN, NJ, NY, OH, PA, WI, and WV. (Hearing site: Memphis, TN.)

MC 145152 (Sub-134F), filed November 5, 1979. Applicant: BIG THREE TRANSPORTATION, INC., Post Office Box 706, Springdale, AR 72764. Representative: Don Garrison, Post Office Box 1065, Fayetteville, AR 72701. Transporting *chemicals, and meterials, equipment and supplies used in the manufacture and distribution of chemicals (except in bulk)* from the facilities of National Starch and Chemical Corporation at or near Meredosia, IL, to points in AZ, AR, CA, CT, DE, MD, MA, ME, NH, NY, PA, RI, VA and VT. (Hearing site: Bridgewater, NJ, or Fayetteville, AR.)

MC 145152 (Sub-135F), filed November 5, 1979. Applicant: BIG THREE TRANSPORTATION, INC., Post Office Box 706, Springdale, AR 72764. Representative: Don Garrison, Post Office Box 1065, Fayetteville, AR 72701. Transporting *petroleum products (except in bulk),* from Toledo, OH, to the facilities of Siegel Oil Company at or near Denver, CO. (Hearing site: Denver, CO, or Fayetteville, AR.)

MC 145152 (Sub-136F), filed November 6, 1979. Applicant: BIG THREE TRANSPORTATION, INC., Post Office Box 706, Springdale, AR 72764. Representative: Kent L. Tharel, 103 North College, P.O. Box 334, Fayetteville, AR 72701. Transporting *meats, meat products, meat by-products and articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M. C. C. 209 and 766 (except hides and commodities in bulk), from the facilities of Del Pero-Mondon Meat Co., of Arkansas, at or near Booneville, AR, to points in the United States (except AK and HI), and from points in the United States (except AK and HI) to the facilities of Del Pero-Mondon Meat Co., at or near Booneville, AR. (Hearing site: Wichita, KS or Washington, DC.)

MC 145152 (Sub-137F), filed November 6, 1979. Applicant: BIG THREE TRANSPORTATION, INC., Post Office Box 706, Springdale, AR 72764. Representative: Don Garrison, Post Office Box 1065, Fayetteville, AR 72701. Transporting bread from the facilities of Iverson Baking Company at or near Rogers, AR, to points in IL. (Hearing site: Fayetteville or Little Rock, AR.)

MC 145213 (Sub-5F), filed November 21, 1979. Applicant: DEEP SOUTH TRUCKING, INC., Hwy 11 North, P.O. Box 304, Purvis, MS 39475. Representative: Kent F. Hudson, 202 Main Street, P.O. Box 696, Purvis MS 39475. Transporting *lumber* from the facilities of Newman Lumber Company, Inc., Gulfport, MS, to points in the KY, IL, IN, IA, MD, MI, MO, NC, NJ, NY, OH, OK, PA, SC, TN, TX, VA, WI, and WV under a continuing contract or contracts with Newman Lumber Company, Inc., of Gulfport, MS. (Hearing site: Hattiesburg, MS, or biloxi, MS.)

MC 145503 (Sub-4F), filed November 19, 1979. Applicant: ART ANDERSON, INC., P.O. Box 138, Oakford, IL 62673. Representative: Edward D. McNamara, Jr., 907 South Fourth Street, Springfield, IL 62703. Transporting *liquid feed* from the facilities of Ralston Purina Feed Co. at Olin, IA to points in IL, MN, MD, and WI. (Hearing site: Springfield, IL, or St. Louis, MO.)

MC 145912 (Sub-3F), filed November 8, 1979. Applicant: TRUCK SERVICE, INC., 303 Vance St., Forest City, NC 28043. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting (1) *plastic pellets,* between Forest City, NC, and Leominster, MA, on the one hand, and, on the other, those points in the United States in and east on MN, IA, MO, AR, and LA, and (2) *materials, equipment, and supplies* used in the manufacture and sale of plastic pellets in the reverse direction, under a continuing contract(s) with Polysar Incorporated, of Leominster, MA. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 146222 (Sub-6F), filed September 24, 1979. Applicant: ILCO TRUCKING, INC., P.O. Box 57087, Birmingham, AL 35209. Representative: Marc A. Pearl, 3390 Peachtree Road, N.E. Fifth Floor, Atlanta, GA 30326. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials, machinery, equipment and supplies used in the manufacture, distribution and sale of iron and steel products and parts,* from points in the United States in and east of MT, WY, CO, and NM, to the facilities of American Cast Iron Pipe Company, at or near Birmingham, AL, under a continuing contract(s) with American Cast Iron Pipe Company, of Birmingham, AL. (Hearing site: Birmingham, AL or Atlanta, GA.)

MC 146293 (Sub-44F), filed November 29, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial Park Circle NE., Lawrenceville, GA 30245. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers South, 3390 Peachtree Road NE., Atlanta, GA 30326. Transporting (1) *carpet tack strips, adhesive cement, racks, stands, nails, rims, strips,* and tools and (2) materials, equipment and supplies used in the manufacture and distribution and sale (except commodities in bulk), of the commodities in (1) above, between Conyers, GA and Asheville, NC and points in the US (except AK and HI). (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

Note.—The instant application is, in part, a conversion of a contract carrier permit No. MC 141849 (Sub-5) which authorized the transportation involved commodities from a named plantsite in Conyers, GA.

MC 146293 (Sub-46F), filed November 1, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial Park Circle NE., Lawrenceville, GA 30245. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers South, 3390 Peachtree Road NE., Atlanta, GA 30326. Transporting (1) *fluorescent lighting fixtures, and parts and accessories* for fluorescent lighting fixtures, and (2) *equipment, materials, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) and (2) above, between the facilities of Lithonia Lighting, Div. of National Service Industries, Inc. at or near Cochran and Conyers, GA, on the one hand, and, on the other, those points in the United States in and east of NY, PA, WV and VA. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 146643 (Sub-21F), filed November 6, 1979. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INCORPORATED, 655 E. 114th Street, Chicago, IL 60628. Representative: Donald B. Levine, 39 S. LaSalle Street, Chicago, IL 60603. Transporting: *steel sheets and coils,* from the facilities of Basic Steel Corporation at or near Riverdale, IL to points in IN, IA, KS, KY, MI, MN, MO, OH, PA and WI, under continuing contract(s) with Basic Steel Corporation of Riverside, IL. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 146643 (Sub-22F), filed November 20, 1979. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INCORPORATED, 655 East 114th Street, Chicago, IL 60628. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. Transporting: *(1) flour, in bags,* from Mankato, MN to points in IL, IN, KY, MO, OH, PA & WI; and *(2) animal food* from Louisville, KY and Minneapolis and Mankato, MN to points in IL, IN, KY, MO, OH, PA, WI & MN under a continuing contract(s) with Hubbard Milling Company, of Mankato, MN. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 146753 (Sub-5F), filed November 20, 1979. Applicant: SAM YOUNG, INC., P.O. Box 337, Wolcott, IN 47995. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting: *such commodities as are used, by or dealt in by manufacturers and distributors of sound recordings except in bulk,* (A) From Danbury, CT, New York, NY and points in NJ, to Terre Haute, IN, Carrollton, GA and points in CA. (B) from Terre Haute, IN to Danbury, CT, New York, NY, Carrollton, GA, and points in GA and NJ. (C) From points in CA, to Terre Haute, IN, Carrollton, GA, and points in NJ. (D) From Carrollton, GA to Danbury, CT, Terre Haute, IN, and points in CA and NJ. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 147062 (Sub-5F), filed November 5, 1979. Applicant: EXPRESS TRANSPORTATION CO., INC., P.O. Box 789, Chattanooga, TN 37401. Representative: Ralph B. Matthews, Attorney, Watkins & Daniell, P.C., P.O. Box 56387, Atlanta, GA 30343. Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring the use of special equipment) between points in AL, GA, and TN on the one hand, and, on the other points in IL, IN, MI, MO, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Action Shippers Association Inc. (Hearing site: Chattanooga, TN.)

MC 147333 (Sub-1F), filed November 20, 1979. Applicant: McGEE TRUCKING COMPANY, P.O. Box 297, Bostic, NC 28018. Representative: Judy Baldwin McGee, P.O. Box 297, Bostic, NC 28018. Transporting: *furniture and furniture parts* from the facilities of G F Business Equipment, Inc., at or near Forest City,

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NC, to Commerce and San Francisco, CA, and Reno, NV, under a continuing contract(s) with G F Business Equipment, Inc., of Forrest City, NC. (Hearing site: Bostic, NC.)

MC 147913 (Sub-1F), filed November 8, 1979. Applicant: ACME TRANSFER AND STORAGE CO., INC., 2500 Kennedy Street NE., Minneapolis, MN 55413. Representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, DC 20036. Transporting *general commodities* (except those of unuual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the facilities of Minnesota Inter-Modal Shippers Association, Inc., at or near Minneapolis, MN, on the one hand, and, on the other, Denver, CO, Atlanta, GA, Chicago, IL, Detroit, MI, New York, NY, Philadelphia, PA, Providence, RI, Dallas and Houston, TX, and Durand, WI. (Hearing site: Washington, DC.)

MC 148312 (Sub-1F), filed September 17, 1979. Applicant: N.D.T., INC., 4171 Winters Chapel Road, Doraville, GA 30340. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *such commodities* as are dealt in by wholesale or retail grocery stores (except frozen commodities and commodities in bulk), between Fulton County, GA, on the one hand, and, on the other, points in AL and those points in TN on and east of Interstate Hwy 65, restricted to the transportation of traffic originating at or destined to the facility of Jewel T Discount Grocery Stores, Division of Jewel Companies, Inc. (Hearing site: Atlanta, GA.)

MC 148503 (Sub-2F), filed November 6, 1979. Applicant: BERKSHIRE CHEMICAL HAULERS, INC., 1 Cook Street, Adams, MA 01220. Representative: Frank J. Weiner, 15 Court Squre, Boston, MA 02108. Transporting *alum, sodium aluminate, and rosin sizing*, in bulk, from the facilities of Holland Company, Inc., at Adams, MA to points in CT, ME, NH, NY, RI, and VT, restricted to the transportation of traffic originating at the above-named facilities and destined to points in the above-named destination States. (Hearing site: Boston, MA.)

MC 148633F, filed November 9, 1979. Applicant: RIPLEY TRUCKING, LTD., P.O. Box 118, College Springs, IA 51637. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *lumber, plywood, particle board, flakeboard, and lumber products*, from points in CA, OR, WA, ID, and MT to points in IA and NE. (Hearing site: Omaha, NE.)

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Decided: Feb. 14, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 41406 (Sub-159F), filed November 23, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Drive, Merrillville, IN 46410. Representative: Wade H. Bourdon (same address as applicant). Transporting (1) *iron and steel articles*, from Alliance, OH, East Chicago, and Hammond, IN, Granite City, IL, Hammond, IN, to points in AL, AR, FL, GA, LA, MD, SC, TN, TX, and VA, and (2) *materials, equipment and supplies*, used in the manufacture of the commodities named in (1) above, in the reverse direction. (Hearing site: Chicago, IL.)

MC 59457 (Sub-52F), filed November 15, 1979. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., Old Amity Road, Bethany, CT 06525. Representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Transporting (1)(a) *ice cream, ice products, dairy products, and desserts, and (b) materials and supplies used in the production thereof*, from Stratford, CT, to Norfolk and Portsmouth, VA, and (2) *concentrated frozen citrus juices, in containers*, from Lake Wales, FL, to Menands, NY. (Hearing site: Hartford, CT.)

MC 61396 (Sub-379F), filed November 16, 1979. Applicant: HERMAN BROS., INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, NE 68101. Representative: Duane L. Stromer (same address as applicant). Transporting *cement*, from the facilities of Missouri Portland Cement Company at or near (1) Decatur, AL to points in MS and TN; (2) Memphis, TN to points in AR and MS; (3) Nashville, TN to points in AL and KY; and (4) Chattanooga, TN to points in AL, FL, GA, NC and SC. (Hearing site: Omaha, NE, or St. Louis, MO.)

Note.—Dual operations may be involved.

MC 93147 (Sub-10F), filed November 14, 1979. Applicant: DELTA TRANSPORT CORPORATION, 844 Union St.—P.O. Box 546, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main St.—Suite 413, Springfield, MA 01103. Transporting (1) *plastic, plastic articles, paper articles and chemicals* (except in bulk in tank vehicles), and (2) *materials, equipment and supplies* used in the manufacture of the commodities named in (1) above (except in bulk in tank vehicles), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Mobil Chemical Company, Ricard Plastics Products Company, Allplas Distributors, Inc., Stearns Plastic Products, Inc., Equitable Paper Bag Company, Inc., and Perstorp Inc. (Hearing site: Boston, MA, or New York, NY.)

MC 93147 (Sub-12F), filed November 15, 1979. Applicant: DELTA TRANSPORT CORPORATION, 844 Union St.—P.O. Box 546, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main St.—Suite 413, Springfield, MA 01103. Transporting (1) *vending machines*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above (except in bulk in tank vehicles), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Choice-Vend, Inc. (Hearing site: Hartford, CT, or Washington, DC.)

MC 95876 (Sub-326F), filed November 16, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting *pipe, pipe fittings* and *couplings, building materials*, and *materials and supplies* used in the installation thereof, from the facilities of CertainTeed Coproration (1) at or near Hillsboro, TX, to points in the United States (except AK and HI), and (2) at or near Waco, TX, to points in CO, IA, MN, MT, NE, ND, SD, WI, and WY. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 95876 (Sub-329F), filed November 23, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address applicant). Transporting (1) *rubber tires and tubes* (except those used in connection with motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act), from the facilities of Uni-Royal, Inc. at Eau Claire, WI, to Chicago, IL, and points in AL, AR, CT, DE, FL, GA, ID, KS, KY, LA, MA, MD, ME, MS, NE, NH, NJ, NY, NC, OH, OR, PA, RI, SC, TN, VA, VT, WV, and (2) *equipment, materials and supplies* used in the manufacture of the commodities named in (1) above, from points in the United States (except AK and HI) to Eau Claire, WI. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 98327 (Sub-37F), filed November 11, 1979. Applicant: SYSTEM 99, a corporation, 8201 Edgewater Drive; Oakland, CA 94621. Representative: Ray V. Mitchell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lordsburg and Las Cruces, NM, over Interstate Hwy 10, serving the junction of Interstate Hwy 10 and US Hwy 180 as an intermediate point, as an alternate route for operating convenience only. (Hearing site: San Francisco, CA, or Las Cruces, NM.)

MC 98327 (Sub-38F), filed November 19, 1979. Applicant: SYSTEM 99, a corporation, 8201 Edgewater Drive, Oakland, CA 94621. Representative: Ray V. Mitchell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, and commodities requiring special equipment), between Idaho Falls, ID and junction U.S. Hwy 91 (Interstate Hwy 15) and MT Hwy 324, over U.S. Hwy 91 (Interstate Hwy 15) serving no intermediate points, as an alternate route for operating convenience only. (Hearing site: San Francisco, CA or Idaho Falls, ID.)

MC 100666 (Sub-506F), filed November 14, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *cement, pipe*, and *fittings therefor*, from the facilities of Cement Asbestos Products Company, a subsidiary of ASARCO Incorporated, at or near Ragland, AL, to points in CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC. (Hearing site: Birmingham, AL.)

MC 102567 (Sub-248F), filed November 17, 1979. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Fwy., Suite 130, Houston, TX 77040. Transporting *liquid chemicals*, in bulk, in tank vehicles, from the facilities of Monsanto Company at or near Chocolate Bayou and Texas City, TX, to those points in the United States in and east of LA, AR, MO, IA, and MN. (Hearing site: Houston, TX.)

MC 105007 (Sub-65F), filed November 15, 1979. Applicant: MATSON TRUCKING LINES, INC., 1407 St. John Avenue, Albert Lea, MN 56007. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *wood and metal trusses*, and (2) *accessories, parts and supplies* used in the installation of the commodities named in (1) above, from the facilities of Trus-Joist Corporation at Delaware, OH, to points in IL, IN, IA, KS, MN, MO, NE, ND, SD, and WI. (Hearing site: Columbus, OH, or St. Paul, MN.)

MC 105007 (Sub-66F), filed November 16, 1979. Applicant: MATSON TRUCKING LINES, INC., 1407 St. John Avenue, Albert Lea, MN 56007. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *hides, skins and pelts* from points in CO, IL, IA, MI, NE, and SD to points in Minneapolis, MN. (Hearing site: St. Paul, MN.)

MC 107496 (Sub-1280F), filed November 23, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *chemicals*, in bulk, (a) from Watertown, WI, to Davenport, IA, (b) from St. Louis, MO, to points in NM, (c) from Cincinnati, OH to St. Louis, MO, (d) from Cedar Rapids, IA to points in the U.S. (except AK and HI), (e) from Garland, TX to points in KS, OK, and WY, (f) from Casper, WY to points in AZ, CA, NV, NM, OR, and WA. (Hearing site: (1) Chicago, IL, or Des Moines, IA.)

MC 107496 (Sub-1281F), filed November 23, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting (1) *oil*, in bulk, (a) from McFarland, WI, to Marshalltown, IA, and (b) from St. Joseph, MI, to points in IN, and (2) *alcohol*, in bulk, from Rock Port, MO, and Decatur, IL, to points in IA. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 108676 (Sub-154F), filed November 23, 1979. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., NE, Knoxville, TN 37917. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *iron and steel articles*, between the facilities of Volunteer Structures, Inc., at or near Nashville, TN, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Nashville, TN.)

MC 112617 (Sub-458), filed November 17, 1979. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same address as applicant). Transporting *petroleum oil and petrochemicals*, in bulk, in tank vehicles, from the plantsite of Amoco Chemicals, at Natchex, MS, to the plantsite of Amoco Chemicals, at Wood River, IL. (Hearing site: Louisville, KY, or Washington, DC.)

MC 112617 (Sub-459F), filed November 16, 1979. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same address as applicant). Transporting *muriatic acid*, in bulk, in tank vehicles, from the plantsite of Cabott Chemicals, at Tuscola, IL, to points in IN, KY, MO, IA, WI, OH, and TN. (Hearing site: Louisville, KY, or Washington, DC.)

MC 115496 (Sub-127F), filed November 15, 1979. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Transporting (1) *building materials* and (2) *materials, equipment* and *supplies* used in the manufacture, installation and distribution of roofing and building materials, (except commodities in bulk), between Frederick, MD, on the one hand, and, on the other, those points in the United States in and east of SD, ND, NE, KS, OK, and TX. (Hearing site: Atlanta, GA.)

MC 117786 (Sub-75F), filed November 14, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting (1) *paint, paint ingredients, putty, caulking and glazing compounds, adhesive cement and glue*, and (2) *such commodities* as are used in the manufacture, production, and distribution thereof (except in bulk in tank vehicles), between Dayton and Tipp City, OH, Alsip, IL, Baltimore, MD, Boston, MA, Atlanta, GA, Miami, FL, Dallas, TX, and La Mirada and San Jose, CA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of DAP, Inc. (Hearing site: Phoenix, AZ.)

MC 120737 (Sub-59F), filed: November 19, 1979. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *such commodities* as are dealt in or used by manufacturers of shopping carts and other material handling carts (except commodities in bulk and those which because of size or weight require the use of special

equipment), from Memphis, TN, to Fogelsville, PA. (Hearing site: Chicago, IL, or Oklahoma City, OK.)

MC 121496 (Sub-40F), filed November 17, 1979. Applicant: CANGO CORPORATION, Suite 2900, 1100 Milam Building, Houston, TX 77002. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW. Washington, DC 20001. Transporting *liquid chemicals*, in bulk, in tank vehicles, from the facilities of PPG Industries, Inc., at Beaumont, Houston and LaPorte, TX, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 124236 (Sub-103F), filed: November 23, 1979. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 North Central Expressway, Dallas, TX 75205. Representative: Sam Hallman, 4555 First National Bank Building, Dallas, TX 75202. Transporting (1) *motor fuels*, in bulk, from Arcadia and Shreveport, LA, to points in TX; (2) *liquid asphalt and liquid asphaltic products*, in bulk, from Beaumont, Houston and Port Neches, TX, to points in LA, and (3) *gasoline and jet fuel*, in bulk, from Dallas and Fort Worth, TX, to points in AR and LA. (Hearing site: Dallas, TX).

MC 126736 (Sub-130F), filed November 23, 1979. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, Jacksonville, FL 32206. Representative: John D. Baker, II, P.O. Box 1559, Jacksonville, FL 32201. Transporting *crude zirconian silicate sand*, in bulk, from Starke, FL, to points in TX. (Hearing site: Jacksonville, FL.)

MC 128997 (Sub-2F), filed: November 16, 1979. Applicant: VALLEY VAN & STORAGE COMPANY, 504 South Western Avenue, Santa Maria, CA 93454. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, DC 20006. Transporting *used household goods* in containers, having a prior or subsequent movement by water, (1) between Oakland, San Francisco, Los Angeles, Wilmington, and San Diego, CA, on the one hand, and, on the other, points in CA, and (2) between the airports of Norton Air Force Base and Travis Air Force Base, CA, on the one hand, and, on the other points in CA. Condition: Person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval in unnecessary. (Hearing site: Los Angeles, CA.)

MC 133566 (Sub-150F), filed November 16, 1979. Applicant: GANGLOFF & DOWNHAM CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Thomas J. Beener, One State Street Plaza, New York, NY 10004. Transporting *foodstuffs* (except in bulk) from St. Elmo, IL, to points in OH, MI, CO, and MN. (Hearing site: New York, NY.)

MC 134387 (Sub-61F), filed November 16, 1979. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Boulevard, 1800 United California Bank Building, Los Angeles, CA 90017. Transporting *containers and closures* from Denver, CO, to points in CA. (Hearing site: Los Angeles, CA.)

MC 134477 (Sub-391F), filed November 19, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *swimming pools, swimming pool accessories*, and *materials and supplies* used in the installation of swimming pools, from points in CT, DE, GA, IL, IN, KY, MD, MA, MI, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, and WV to Rosemount, MN. (Hearing site: St. Paul, MN.)

MC 135797 (Sub-282F), filed November 16, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting (1) *chemicals* (except in bulk) and (2) *materials, equipment and supplies* used in the manufacture and distribution of chemicals (except in bulk) between points in the United States (except AK and HI) restricted to traffic originating at or destined to the facilities of Degussa Corporation. (Hearing site: Washington, DC.)

MC 135797 (Sub-283F), filed November 16, 1979. Applicant: J. B. HUNT, TRANSPORT INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting *fiber glass insulation and insulating products* (except commodities in bulk) from the plantsite of Johns-Manville Sales Corp. at or near McPherson, KS, to points in CO, MN, NE, ND, and SD. (Hearing site: Chicago, IL, or Washington, DC.)

MC 139906 (Sub-80F), filed November 13, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West, 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, 521 South, 14th St., Lincoln, NE 68501. Transporting *footwear, and materials, equipment and supplies* used in the manufacture and distribution of footwear (except in bulk), between the facilities of or used by the Keds Corporation, at or near (a) Naugatuck, Beacon Falls, and Waterbury, CT, (b) Atlanta, Dublin, and Thomson, GA, (c) Port Clinton, OH, and (d) San Francisco, CA, on the one hand, and, on the other, points in the United States (except AK and HI.) (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 140176 (Sub-21F), filed November 21, 1979. Applicant: POWELL TRUCKING COMPANY, INC., Route 3, Box 13, Sumrall, MS 39482. Representative: John A. Crawford, 17th floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Contract carrier, transporting *lumber* from the facilities of Masonite Corporation at or near (a) Crosby, Hermanville, Hattiesburg, Wiggins, Laurel, and Quitemen, MS, and (b) Melvin, AL, to points in MS, AL, GA, FL, LA, TN, KY, TX, AR, MO, NE, IA, OK, KS, IL, IN, OH, PA, MI, WI and MN, under continuing contract(s) with Masonite Corporation of Jackson, MS. (Hearing site: Jackson, MS.)

MC 140647 (Sub-5F), filed November 19, 1979. Applicant: CHARLES J. VAUGHN, 561 5th St. North, Havre, MT 59501. Representative: Charles E. Johnson, 418 East Rosser Ave., P.O. Box 1982, Bismarck, ND 58501. Contract carrier, transporting *fiberboard or pulpboard boxes*, from the facilities of International Paper Co., at Minneapolis, MN, to points in MT, ND, SD, WY, UT, ID, WA, and OR under continuing contract(s) with International Paper Co., of Minneapolis, MN. (Hearing site: Minneapolis, MN, or Billings, MT.)

MC 141197 (Sub-42F), filed November 19, 1979. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, MO 64151. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *coal*, from points in Craig County, OK, to Riverton and Fredonia, KS, and Asbury, MO. (Hearing site: Kansas City, MO.)

MC 141867 (Sub-14), filed November 15, 1979. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. Transporting *particle board and fiberboard* from Columbia Falls, MT, to Seattle, WA. (Hearing site: Seattle, WA, or Columbia Falls, MT.)

MC 142186 (Sub-8F), filed November 5, 1979. Applicant: WHEELS WEST, INC., 11631 Waddle Creek Road S.W., Olympia, WA 98502. Representative: Henry C. Winters, 525 Evergreen

Building, Renton, WA 98055. *Contract carrier*, Transporting (1) *parts and accessories for automobiles, trucks, utility trailers, mobile homes, off-highway pneumatic-tired machinery, and* (2) *materials and supplies* used in the production thereof, between Siloam Springs, AR, Lebanon, IN, and Longview, TX, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Webb Division, Marmon Industries, Inc., of Lebanon, IN. (Hearing site: Olympia, WA.)

MC 142857 (Sub-4F), filed November 26, 1979. Applicant: MCC TRANSPORTATION CO., INC., Route 2, Box 107–B, Hope, AR 71801. Representative: Mark J. Andrews, Suite 1100, 1660 L Street, N.W., Washington, DC 20036. *Such commodities as are dealt in by retail greeting card stores and equipment, materials and supplies* used in the manufacture or distribution thereof (except commodities in bulk), (1) from the facilities of American Greetings Corp. at or near Corbin, KY, to the facilities of American Greetings Corp. at or near McCrory and Osceola, AR, and (2) from the facilities of American Greetings Corp. at or near Osceola, AR, and Ripley, TN, to the facilities of American Greetings Corp. at or near Cleveland, OH, under continuing contract(s) with American Greetings Corp., of Cleveland, OH. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 143287 (Sub-93F), filed November 23, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th Street, N.W., Washington, DC 20005. Transporting *granite slabs and marble slabs*, from North Bergen, NJ to those points in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 143286 (Sub-3F), filed November 19, 1979. Applicant: RAYMOND R. WITTROCK, INC., 10111 North 143rd Street, Waverly, NE 68462. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier*, Transporting *cranes and crane equipment*, from Houston, TX, and Portland, OR, to points in LA and TX, under a continuing contract(s) with Cranes of Houston, Inc., of Houston, TX. (Hearing site: Houston, TX.)

MC 143417 (Sub-8F), filed November 27, 1979. Applicant: FLASH INTERSTATE DELIVERY SYSTEM, INC., 4711 West 16th Street, Cicero, IL 60605. Representative: Barry Roberts, 888 17th Street, N.W., Washington, DC 20006. Transporting *canned goods*, from Jessup, MD, and Secaucus, Newark, and Port Elizabeth, NJ, to points in PA, OH, MI, IN, and IL. (Hearing site: Chicago, IL.)

MC 143607 (Sub-20F), filed November 12, 1979. Applicant: BAYWOOD TRANSPORT, INC., Route 6, P.O. Box 2611, Waco, TX 76706. Representative: E. STEPHEN HEISLEY, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastics and resins* (except in bulk), from Pineville, NC, to Cleburne, TX, under a continuing contract(s) with Rubbermaid Commercial Products, of Cleburne, TX. (Hearing site: Dallas, TX.)

Note.—Dual operations may be involved.

MC 143656 (Sub-4F), filed November 20, 1979. Applicant: GOLD LEAF TRUCKING COMPANY, a corporation, 2927 Retnag Road, Petersburg, VA 23803. Representative: William H. Robinson, Jr., 1400 Ross Building, Richmond, VA 23219. *Contract carrier*, transporting *lumber* from Petersburg, Richmond, Suffolk, Lawrenceville, and Stony Creek, VA, to points in MD, DE, PA, NJ, and DC, under continuing contract(s) with Payne & Gunderson Lumber Company, of Petersburg, VA. (Hearing site: Richmond or Norfolk, VA.)

MC 143897 (Sub-2F), filed November 6, 1979. Applicant: LOOMIS ARMORED CAR SERVICE, LTD., 3057 Grandview Highway, Vancouver, B.C., Canada V5M 2E4. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Contract carrier, transporting *bonds, securities* and *bullion* between ports of entry on the U.S.-Canada international boundary line in ND and MN, on the one hand, and, on the other, points in ND and MN, restricted to traffic moving in Foreign commerce, under continuing contracts, with banks and banking institutions. (Hearing site: Seattle, WA.)

MC 143926 (Sub-3F), filed November 2, 1979. Applicant: CONSOLIDATED CARRIERS CORPORATION, P.O. Box 5624, Charlotte, NC 28212. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425–13th Street, N.W., Washington, DC 20004. *Contract carrier*, transporting (1) *synthetic fiber, textile waste, plastic pellets, plastic waste, wool, wool waste*, and (2) *materials* used in the manufacture thereof (except in bulk, in tank vehicles), between Johnsonville, Hemingway, Florence, and Charleston, SC, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Wellman, Inc., of Boston, MA. (Hearing site: Charlotte, NC or Washington, DC.)

Note.—Dual operations may be involved.

MC 149137 (Sub-1F), filed December 3, 1979. Applicant: MASTER TRANSPORT SERVICES, INC., 5000 Wyoming-Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting *health care materials dealt in or used by pharmaceutical and medical supply manufacturers and distributors* from Detroit, MI, to points in CA, CO, CT, GA, MD, MO, NJ, OH, PA, TX and WA. (Hearing site: Detroit, MI.)

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Decided: Feb. 22, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 4963 (Sub-85F), filed November 15, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street & Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Building, 1111 E St., NW, Washington, DC 20004. Transporting (1) *cast iron pipe, pipe fittings, parts, and accessories*, and (2) *plastic pipe, pipe fittings, parts, and accessories*, between the facilities of Charlotte Pipe and Foundry Company at Charlotte and Bakers, NC, on the one hand, and, on the other, points in AL, GA, IL, IN, IA, KY, MD, MO, NJ, NY, PA, SC, TN, WV, and WI. (Hearing site: Washington, DC.)

MC 4963 (Sub-86F), filed November 15, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street & Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Building, 1111 E St., NW, Washington, DC 20004. Transporting (1)(a) *wooden molding, wooden staircases, lumber and millwork*, and (b) *materials and supplies* used in the installation of commodities in (1) above, between the facilities of Driwood Molding Co., Inc., at Florence, SC, on the one hand, and, on the other, points in NC, VA, MD, DE, PA, NJ, NY, CT, RI, MA, NH, ME, TV, OH, WV, TN, KY, GA, AL, IN, MI, IL, WI, IA, MO, and DC, and (2) *iron and steel articles*, between the facilities of Edgewater Steel Company, at or near (i) Oakmont, PA, and (ii) York, SC, on the one hand, and, on the other, points in PA, NY, OH, WI, KY, MD, WV, IL, IN, and MI, and (3) *dock levelers and dock leveler parts*, between the facilities of C.M.F., Inc., at Clare, MI, on the one hand, and, on the other, points in OH, IN, IL, and WI. (Hearing site: Washington, DC.)

MC 16903 (Sub-76F), filed November 23, 1979. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Representative:

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Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *composition boards and wood fiber products*, from the facilities of United States Gypsum Company at Greenville, MS, Auburn and Lisbon Falls, ME, and Danville, VA, to points in the U.S. in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Indianapolis, IN.)

MC 41432 (Sub-166F), filed November 6, 1979. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., P.O. Box 10125, Dallas, TX 75207. Representative: Wayland Little (same address as applicant) over regular routes: Transporting *general commodities* (except household goods as defined by the Commission), *commodities of unusual value, commodities requiring special equipment*, and *petroleum products, in bulk, in tank vehicles*): serving the facilities of Payson Display Fixture, Division of AG Industries, Inc., at or near Payson, UT, as an off-route point in connection with carrier's authorized regular route operation. Applicant intends to tack with MC-41432 and subs thereto and to interline. (Hearing site: Salt Lake City, UT or Dallas, TX.)

MC 59332 (Sub-10F), filed November 15, 1979. Applicant: TAYLOR'S EXPRESS, INC., 425 North 37th Street, Pennsauken, NJ 08810. Representative: Michael R. Werner, Esq., 167 Fairfield road, P.O. box 1409, Fairfield, NJ 07006. Transporting *steel and tin plate* between the facilities of Doolan Steen Leasing at Hainesport, NJ, on the one hand, and, on the other, New York, NY, and points in MD and PA. (Hearing site: Philadelphia, PA.)

MC 61592 (Sub-479F), filed November 28, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting (1) *bricks*, from the facilities of Streator Brick Systems, Inc., at or near Streator, IL, to points in IN, IA, MI, MO, OH, and WI, (2) *clay products* from Brazil, IN, to points in IL, KY, MI, OH, IA, and WI, (3) *bricks*, from points in MD, NC, and VA, to points in CT, MA, NJ, PA, RI, VT, and ME, (4) *clay*, crushed or ground, in bags, from the facilities of Maltan, Inc., at or near Middleton, TN, to points in MO, TN, MS, AR, AL, TX, KY, LA, FL, IN, IL, OK, CO, MI, WI, MN, GA, NC, VA, WV, PA, MD, NY, and MA, and (5) *masonry supplies*, from Bethany, CT, to points in VA, MD, PA, WV, TX, CA, WA, OR, NV, IL, IN, KY, AL, FL, OK, and DC, restricted against the transportation of bulk commodities, in tank vehicles. (Hearing site: Chicago, IL or Washington, DC.)

MC 71652 (Sub-36F), filed September 26, 1979. Applicant: BYRNE TRUCKING, INC., P.O. Box 1124, Medford, OR 97501. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. Transporting *roofing materials*, from the facilities of Consolidated Fiber Glass Products Company, at or near Tumwater, WA, to points in CA, ID, MT, OR, and UT, and ports of entry on the international boundary line between the United States and Canada in ID, MT, and WA. (Hearing site: Portland, OR or San Francisco, CA.)

MC 71652 (Sub-39F), filed November 26, 1979. Applicant: BYRNE TRUCKING, INC., P.O. Box 280, 4669 Crater Lake Hwy., Medford, OR 97501. Representative: David J. Stewart, (same address as applicant). Transporting (1) *iron or steel articles*, and (2) *general commodities*, in mixed loads with iron or steel articles, between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WV, and WY, restricted to the transportation of traffic originating at or destined to the facilities or Metra Steel. (Hearing site: Portland, OR or San Francisco, CA.)

MC 80252 (Sub-21F), filed January 29, 1980. Applicant: SOUTHWESTERN MOTOR TRANSPORT, INC., 4600 Goldfield, San Antonio, TX 78285. Representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, TX 75202. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) (a) over irregular routes, between Laredo, Corpus Christi, Brownsville, Hidalgo, Harlingen, McAllen, Eagle Pass, Del Rio and San Antonio, TX, on the one hand, and, on the other, points in OH, IN, IL, WI, PA, MO, WV, and points in MI, on and south of MI Hwy 55, and (b) over regular routes, between San Antonio, TX, and Del Rio, TX, over U.S. Hwy 90, serving all intermediate points and serving the site of the Medina Project Installation near San Antonio, TX, the Amisted Dam Site West of Del Rio, TX and Laughlin Field near Del Rio as off-route points: Between San Antonio, TX, and Laredo, TX, over U.S. Hwy 81 serving all intermediate points: Between the junction of U.S. Hwy 81 and U.S. Hwy 57 near Moore, TX, and Eagle Pass, TX, serving all intermediate points: From the junction of U.S. Hwy 81 and U.S. Hwy 57 over U.S. Hwy 57 and return over the same route. Between Dilley, TX, and Eagle Pass, TX, serving all intermediate points: From Dilley over U.S. Hwy 85 to Carrizo Springs, then over U.S. Hwy 277 to Eagle Pass and return over the same route. Between Uvalde, TX, and junction of U.S. Hwy 83 and U.S. Hwy 81 north of Laredo, TX, serving all intermediate points: From Uvalde over U.S. Hwy 83 to junction U.S. Hwy 81 and return over the same route. Between Del Rio, TX, and Eagle Pass, TX, serving all intermediate points: From Del Rio to Eagle Pass over U.S. Hwy 277 and return over the same route. Between Uvalde, TX, and Batesville, TX, over TX Ranch Road 117 serving all intermediate points: From Batesville, TX, to Big Wells, TX, serving all intermediate points: From Batesville over TX Ranch Road 117 to junction TX Ranch Road 1025, then over TX Ranch Road 1025 to junction TX Ranch Road 1867, then over TX Ranch Road 1867 to Big Wells and return over the same route. Between the junction of TX Ranch Road 1025 and TX Ranch Road 1867 and the junction of U.S. Hwy 83 and TX Ranch Road 1025, serving all intermediate points: From the junction of TX Ranch Road 1025 and TX Ranch Road 1867 over TX Ranch Road 1025 to junction U.S. Hwy 83 and return over the same route. Between Crystal City, TX, and Brundage, TX, over TX Ranch Road 65 serving all intermediate points: Between Brackettville, TX and the junction of TX Hwy 131 and U.S. Hwy 277 near Normandy, TX, serving all intermediate points: From Brackettville over TX Hwy 131 to junction U.S. Hwy 277 and return over the same route. Between the junction of U.S. Hwy 90 and TX Ranch Road 1572 near Cline, TX and the junction TX Ranch Road 1908 and U.S. Hwy 277 near Quemado, TX, serving all intermediate points: From the junction of U.S. Hwy 90 and TX Ranch Road 1572 over TX Ranch Road 1572 to junction TX Ranch Road 1908, then over TX Ranch Road 1908 to junction U.S. Hwy 277 and return over the same route. Between Eagle Pass, TX, and El Indio, TX, over TX Ranch Road 1021 serving all intermediate points: Between Pearsall, TX and junction U.S. Hwy 57 and TX Ranch Road 140, serving all intermediate points. From Pearsall over TX Ranch Road 140 to junction U.S. Hwy 57 and return over the same route. Between the junction of U.S. Hwy 90 and Ranch Road 1022 approximately 3 miles east of Cline, TX, and Blewett, TX, serving the intermediate points of Uvalde Rock Asphalt Mines and White's Uvalde Mines: From the junction of U.S. Hwy 90 and Ranch Road 1022 over Ranch Road 1022 to Blewett and return over the same route. Between Brackettville, TX, and the entrance to Alamo Village, TX, over Farm Road 674 serving all intermediate points: Between the junction of U.S. Hwy 83 and TX Ranch Road 191 near Crystal City, TX, and the junction of TX Ranch Road 191 and U.S. Hwy 277, serving all intermediate points: From the junction of U.S. Hwy 83 and TX Ranch Road 191, over TX Ranch Road 191 to junction U.S. Hwy 277 and return over the same route. Serving the site of the Eagle Pass Airport, Eagle Pass, TX, as an off-route point in connection with carrier's authorized regular route operations to and from Eagle Pass, TX. Serving the site of the Del Rio Airport, Del Rio, TX, as an off-route point in connection with carrier's authorized regular route operations to and from Del Rio, TX. Between Sabinal, TX, and Concan, TX, serving all intermediate points: From Sabinal over TX Hwy 127 to Concan and return over the same route. Between Uvalde, TX, and the junction of U.S. Hwy 83 and TX Hwy 21, serving all intermediate points and the off-route points of Rio Frio, Garner State Park, and Frio Baptist Encampment: From Uvalde over U.S. Hwy 83 to junction TX Hwy 41 and return over the same route. Between Sabinal, TX, and Vanderpool, TX, over Ranch Road 187 serving all intermediate points: Between Utopia, TX, and the junction of TX Ranch Road 1050 and U.S. Hwy 83, serving all intermediate points: From Utopia over TX Ranch Road 1050 to junction U.S. Hwy 83 and return over the same route. Between Vanderpool, TX and Leakey, TX, over TX Ranch Road 337 serving all intermediate points: Between Del Rio, TX, and San Angelo, TX, over U.S. Hwy 277, serving all intermediate points: Between Barksdale, TX and the junction of TX Hwy 55 and U.S. Hwy 277, serving all intermediate points: From Barksdale over TX Hwy 55 to junction U.S. Hwy 277 and return over the same route. Restriction: Carrier's operations under the last two described routes are restricted against and carrier is prohibited from handling (1) any freight tonnage originating at or moving through San Antonio destined to or through San Angelo, and (2) any freight tonnage originating at or moving through San Angelo destined to or through San Antonio. Between Barksdale, TX, and Uvalde, TX, over TX Hwy 55 serving all intermediate points: Between San Saba, TX, and San Antonio, TX, serving all intermediate points: From San Saba over TX Hwy 16 to Fredericksburg, then over U.S. Hwy 87 to San Antonio and return over the same route. Between San Saba, TX, and Lampasas, TX, over U.S. Hwy 190 serving all intermediate points: Between Llano, TX, and Buchanan Dam, TX, over TX Hwy 29 serving no intermediate points. Restriction: Service under this authority is restricted to the handling of shipments which originate at Llano and are destined to Buchanan Dam or which originate at Buchanan Dam and are destined to Llano. Between Lampasas, TX, and Buchanan Dam, TX, serving no intermediate points: From Lampasas over U.S. Hwy 281 to Burnet, then over TX Hwy 29 to Buchanan Dam. Restriction: Service under this authority is restricted to the handling of shipments which originate at Lampasas and are destined to Buchanan Dam or which originate at Buchanan Dam and are destined to Lampasas. Between Corpus Christi, TX, and Hebbronville, TX, serving all intermediate points: From Corpus Christi over TX Hwy 44 to San Diego, then over TX Hwy 359 to Hebbronville and return over the same route. Between San Diego, TX, and Freer, TX, over TX Hwy 44 serving no intermediate points, and serving San Diego as a point of joinder only: Between junction of TX Hwy 44 and U.S. Hwy. 59 near Freer, TX, and the junction of TX Hwy 44 and U.S. Hwy. 83, serving the intermediate point of Encinal, TX: From the junction of TX Hwy 44 and U.S. Hwy 59 near Freer, over TX Hwy 44 to junction U.S. Hwy. 83 and return over the same route. Between the junction of U.S. Hwy 59 and TX Hwy 9 and George West, TX, serving no intermediate points, and serving George West, TX, and the junction of U.S. Hwy 59, and TX Hwy 9 as points of joinder only as an alternate route for operating convenience only: From the junction of U.S. Hwy 59 and TX Hwy 9 over U.S. Hwy 59 to George West and return over the same route. Between Three Rivers, TX, and Big Wells, TX, serving no intermediate points, and serving Three Rivers, TX as a point of joinder only: From Three Rivers over TX Hwy 72 to junction TX State Hwy 97, then over TX Hwy 97 to Cotulla, then over TX Ranch Road 468 to junction TX Hwy 85, then over TX Hwy 85 to Big Wells and return over the same route. Between Riviera, TX, and Brownsville, TX, serving all intermediate points: From Rivera over TX Hwy 285 to Falfurrias, then over U.S. Hwy 281 via Pharr to Brownsville and return over the same route. Between San Antonio, TX, and Falfurrias, TX, over U.S. Hwy 281, serving the intermediate point of Alice and off-route point of the King Ranch Gas Plant of Exxon, Inc.: Between the junction of U.S. Hwy 281 and TX Hwy 186 near San Manuel, TX, and Raymondville, TX, serving all intermediate points: From the junction of U.S. Hwy 281 and TX Hwy 186 over TX Hwy 186 to Raymondville and return over the same route. Between Benavides, TX, and Freer, TX, serving no intermediate points, and serving Benavides, TX as a point of joinder only, as an alternate route for operating convenience only: From Benavides over TX Hwy 339 to junction TX Hwy 16, then over TX Hwy 16 to Freer and return over the same route. Between Falfurrias, TX, and Laredo, TX, serving all intermediate points: From Falfurrias over TX Hwy 285 to Hebbronville, then over TX Hwy 359 to Laredo and return over the same route. Between George West, TX, and Freer, TX, serving no intermediate points, and serving George West, TX, as a point of joinder only, as an alternate route for operating convenience only: From George West over U.S. Hwy 59 to Freer and return over the same route. Between Freer, TX, and Laredo, TX, over U.S. Hwy 59 serving all intermediate points: Between the junction of U.S. Hwy 281 and TX Hwy 9, north of Three Rivers, TX, and Corpus Christi, TX, serving no intermediate points and serving the junction of U.S. Hwy 281 and TX Hwy 9 as a point of joinder only, as an alternate route for operating convenience only. From junction U.S. Hwy 281 and TX Hwy 9, north of Three Rivers, over TX Hwy 9 to Corpus Christi and return over the same route. Between the junction of U.S. Hwy 77 and TX Hwy 9 at Corpus Christi, TX, and Raymondville, TX, serving no intermediate points, as an alternate route for operating convenience only: From the junction of U.S. Hwy 77 and TX Hwy 9 at Corpus Christi, over U.S. Hwy 77 to Raymondville and return over the same route. Between Raymondville, TX, and Harlingen, TX, over U.S. Hwy 77 serving all intermediate points: Between Corpus Christi, TX, and Gregory, TX, over U.S. Hwy 181 serving all intermediate points: Between San Antonio, TX, and Freer, TX, over TX Hwy 16 serving no intermediate points, as an alternate route for operating convenience only: Between Freer, TX, and Hebbronville, TX, over TX Hwy 16 serving no intermediate points, as an alternate route for operating convenience only: Between Mission, TX, and Brownsville, TX, serving all intermediate points and the off-route points of the site of the U.S. Air Corps Gunnery School near Harlingen, TX, and the site of the U.S. Naval Auxiliary Landing Field near Port Isabel, TX: From Mission over U.S. Hwy 83 Expressway to Brownville, TX, using all frontage roads paralleling U.S. Hwy 83 Expressway and return over the same route. Between Mission, TX, and Pharr, TX, over U.S. Hwy 83 serving all intermediate points: Between Edinburg, TX, and Mission, TX, over TX Hwy 107 serving all intermediate points and the off-route points of Cantu, TX, and the

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U.S. Army Base-Air Corps Gunnery School site near Cantu, TX: Between San Antonio, TX, and Laredo, TX, over Interstate Hwy 35 serving all intermediate points: Between San Antonio, TX, and Corpus Christi, TX, over Interstate Hwy 37 serving no intermediate points: Between San Antonio, TX, and Comfort, TX, over Interstate Hwy 10 serving all intermediate points. Applicant proposes to and will tack the irregular route authority sought in Part A with the regular route authority described in and for which Certificate of Public Convenience and Necessity in lieu of Certificates of Registration is sought in Part B. Condition: Applicant presently holds Certificates of Registration in MC 80252 Sub-14, issued February 14, 1968; Sub-15, issued October 14, 1968; Sub-16, issued July 14, 1970; Sub-18, issued May 5, 1971; Sub-19, issued April 14, 1971; and Sub-20, issued November 1, 1974. Since applicant is no longer engaged in motor carrier operations solely within a single state, issuance of a certificate of public convenience and necessity in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of all the outstanding Certificates of Registration. (Hearing site: San Antonio, and Laredo, TX.)

Note.—Applicant presently operates over the routes described in Part B above under Certificates of Registration.

MC 100892 (Sub-11F), filed November 8, 1979. Applicant: TRANS-SOUTHWEST CARRIERS, INC., 1074 South 500 West, Salt Lake City, UT 84101. Representative: Lee Redman (same address as applicant). Transporting *wooden kitchen cabinets*, from the facilities used by Olympia Mfg. & Sales Company, at Salt Lake City, UT, to points in AZ, CA, CO, ID, MT, NV, OR, and WA. (Hearing site: Salt Lake City, UT or Denver, CO.)

MC 103993 (Sub-1027F), filed November 6, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting *lumber and lumber mill products* (except commodities in bulk), from the facilities of Walnut Products, Inc., at or near St. Joseph, MO, to points in the US in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Kansas City, MO.)

MC 107012 (Sub-463F), filed November 16, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop, P.O. Box 988, Fort Wayne, IN 46801. Transporting (a) *dishes, household appliances*, and (b) *part and accessories* for the commodities, (1) from Decatur, AL, and Columbia, TN, to the facilities of General Electric Company, at or near Little Rock, AR, and (2) from the facilities of General Electric Company at or near Little Rock, AR, to points in LA, MS, NM, OK and TX. (Hearing site: Memphis, TN; or New Orleans, LA.)

MC 107012 (Sub-464F), filed November 16, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko, P.O. Box 988, Fort Wayne, IN 46801. Transporting (1) *containers, container accessories, and parts* from Jacksonville, FL, Homerville, Morrow, and Valdosta, GA, and Picayune, MS, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk), in the reverse direction, transportation restricted to the traffic originating at or destined to the facilities of Standard Container Company. (Hearing sites: Atlanta, GA or Washington, D.C.)

MC 108393 (Sub-145F), filed November 12, 1979. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Ave., Hinsdale, IL 60521. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Transporting *electrical and gas applicances, parts of electrical and gas appliances, and equipment, materials, and supplies*, used in the manufacture, distribution and repair of electrical and gas appliances (except commodities in bulk), between Cullman, AL, on the one hand, and, on the other, St. Joseph, MI, Clyde, Marion, and Findlay, OH, Danville, KY, and LaPorte, IN, under continuing contract(s) with Whirlpool Corporation, of Benton Harbon, MI. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 108523 (Sub-13F), filed November 14, 1979. Applicant: POLMAN TRANSFER, INC., Rt. 3, Wadena, MN 56482. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *cut timber, wooden posts, pilings, poles, snow fences, and culverts, wooden bridges, bridge parts, bridge accessories, wood treating compounds* and *salt* (except commodities in bulk), between points in the United States (except AK and HI) under continuing contract(s) with Wheeler Division-St. Regis Paper Company, of West Des Moines, IA. (Hearing site: St. Paul, MN.)

Note.—Dual operations may be involved.

MC 109533 (Sub-122F), filed November 30, 1979. Applicant: OVERNITE TRANSPORTATION CO., 1000 Semmes Avenue, Richmond, VA 23224. Representative: E. T. Liipfert, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036; C. H. Swanson, (same address as applicant). Transporting *general commodities* (except those unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Bridgeport, Cincinnati, Columbus, Dayton, Kanauga, Marietta and Portsmouth, OH and Richmond, IN, on the one hand, and, on the other, points in Allen, Ashland, Ashtabula, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Erie, Fulton, Gallia, Geauga, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Holmes, Huron, Jefferson, Knox, Lake, Lawrence, Logan, Lorain, Lucas, Mahoning, Medina, Meigs, Mercer, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Portage, Putnam, Richland, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, Wood, and Wyandot Counties, OH. (Hearing site: Columbus, OH, or Washington, DC.)

Notes.—(1) Applicant intends to tack the authority sought with regular and irregular routes it is or may be authorized to serve. (2) Applicant presently holds irregular route authority between Cincinnati, OH and points in the above counties in No. MC-109533 (Sub 71), and the purpose of this application is to add alternate gateways and eliminate a West Virginia restriction in Sub. 71.

MC 112223 (Sub-130F), filed November 24, 1979. Applicant: QUICKIE TRANSPORT CO., a corporation, 1700 New Brighton Blvd., MInneapolis, MN 55413. Representative: Earl Hacking (same address as applicant). Transporting *liquefied petroleum gas*, in bulk, in tank vehicles, from (1) Minneapolis and Vernon Center, MN, to points in IA, WI, and Upper Peninsula of MI, and (2) Clear Lake and Sanborn, IA, to points in MN. (Hearing site: Minneapolis, MN.)

MC 112813 (Sub-10F), filed November 13, 1979. Applicant: T. ACHENBERG TRANSPORTATION CO., 208 Sheridan St., Perth Amboy, NJ 08861. Representative: Morton E. Kiel, 2 World Trade Center, New York, NY 10048. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, those of unusual value, and those in bulk and those requiring special equipment), between the facilities of Chesebrough-Ponds, Inc., at Perth Amboy, NJ, and Clinton, CT, on

the one hand, and, on the other, Baltimore, MD, Boston, MA, Philadelphia, PA, and New York, NY, under continuing contract(s) with Chesebrough-Ponds, Inc., of Clinton, CT. (Hearing site: New York, NY.)

MC 113843 (Sub-277F), filed November 8, 1979. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, MA 02210. Representative: Lawrence T. Sheils (same address as applicant). Transporting *can liners, plastic articles, sheeting, drop cloths, tarps, and materials and supplies* used in the manufacture of plastic articles, between Peabody, MA, Lawrenceburg, TN, and Macomb, IL, on the one hand, and, on the other, points in CT, DE, IA, IL, IN, KS, KY, MA, MD, ME, MI, MN, MO, NE, NH, NJ, NY, OH, PA, RI, TN, VA, VT, WI, WV, and DC, restricted to the transportation of traffic to and from the facilities of Webster Industries. (Hearing site: Boston, MA.)

MC 114632 (Sub-271F), filed November 28, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *meat byproducts and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Dakota City, NE, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC. (Hearing site: Omaha, NE, or Kansas City, KS.)

MC 118202 (Sub-145F), filed November 26, 1979. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge St., P.O. Box 406, Winona, MN 55987. Representative: Thomas J. Beener, One State St. Plaza, New York, NY 10004. Transporting *foodstuffs* (except in bulk), from St. Elmo, IL, to points in OH, MI, CO, and MN. (Hearing site: New York, NY.)

MC 119702 (Sub-74F), filed November 16, 1979. Applicant: STAHLY CARTAGE CO., a corporation, 119 S. Main Street, Edwardsville, IL 62025. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting *petroleum products and petro-chemicals*, from the facilities of Amoco Chemicals Corporation at Wood River, IL, to points in NC, SD, NE, KS, OK, TX, MN, IA, MO, AR, LA, WI, MS, MI, IN, KY, TN, AL, and OH. (Hearing site: Chicago, IL.)

MC 123993 (Sub-69F), filed November 28, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX 78701. Transporting (1) *Poultry and animal feed*, and *mineral and vitamin mixtures* for poultry and animal feeding (except in bulk), and (2) *materials and supplies* used in the manufacture, distribution and sale of the commodities named in (1) above, between the facilities of Allied Mills in Ft. Worth, TX and Memphis, TN, on the one hand, and, on the other, points in AL, AR, KY, LA and MS. (Hearing site: Dallas or Ft. Worth, TX.)

MC 124892 (Sub-325F), filed December 27, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transporting *lumber, wood products, posts, and poles*, between Wilmar, MN, on the one hand, and, on the other, points in ND, SD, NE, KS, IA, CO, MO, WI, IL, IN, OH, and MN. (Hearing site: St. Paul, MN.)

MC 124802 (Sub-18F), filed November 19, 1979. Applicant: ACE MOTOR FREIGHT, INC., Box 127, Summerville, PA 15864. Representative: Kent S. Pope, 10 Grant St., Clarion, PA 16214. Transporting (1) *clay and refractory products*, (a) from Summerville, PA, to points in the United States (except CT, DE, IL, MA, MD, NC, NJ, NY, OH, RI, WV, VA, AK, HI, and DC), and (b) from Lewis Run, PA, to points in KY, ME, NH, and RI, and those points in the United States in and west of MN, IA, MO, TN, GA, and FL (except AK and HI); and (2) *materials, supplies, and equipment* used in the manufacture and distribution of clay of refractory products, from points in the United States (except AK and HI), to Summerville and Lewis and Lewis Run, PA. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 125433 (Sub-360F), filed November 9, 1979. Applicant: F–B TRUCK LINE CO., a corporation, 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *vacuum pressure vessles*, (2) *truck mounted pressure vessles, (3) parts, attachments, and accessories* for the commodities in (1) and (2) above, from the facilities of Thompson Tank & Mfg. Co., Inc., at or near Long Beach, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 125872 (Sub-13F), filed November 16, 1979. Applicant: C. H. DREDGE & CO., INC., 918 South 2000 West, Syracuse, UT 84041. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. Transporting *foodstuffs*, in vehicles equipped with mechanical refrigeration, between the facilities of J. R. Simplot Company at or near (a) Hermiston, OR, (b) Caldwell, Nampa, Burley, Aberdeen, Idaho Falls, and Heyburn, ID, and (c) Clearfield, UT, on the one hand, and, on the other, points in AZ, ID, OR, UT, and WA, under continuing contract(s) with J. R. Simplot Company, of Boise, ID. (Hearing site: Boise, ID or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 125952 (Sub-45F), filed November 30, 1979. Applicant: INTERSTATE DISTRIBUTOR CO., a corporation, 6311 Durango St. S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. Tranporting *such commodities* as are dealt in and used by grocery and food business houses, and agricultural feed houses and soy products (except commodities in bulk), between points in WA, OR, CA, ID, MT, NV, AR, WY, NM, TX, CO, UT, KA, and OK, under continuing contract(s) with Ralston Purina Company, of St. Louis, MO. (Hearing site: Seattle, WA.)

Note.Dual operations may be involved.

MC 126822 (Sub-77F), filed December 28, 1979. Applicant: WESTPORT TRUCKING CO., a corporation, 15580 South 169 Hwy, Olathe, KS 66061. Representative: Kenneth E. Smith (same address as applicant). Transporting (1) *abrasive grain*, in containers, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between Little Falls, NY and Oklahoma City, OK, on the one hand, and, on the other, points in the United States (except AK and HI). Hearing site: Oklahoma City, OK.)

MC 126822 (Sub-78F), filed December 8, 1980. Applicant: WESTPORT TRUCKING CO., a corporation, 15580 South 169 Hwy, Olathe, KS 66061. Representative: Kenneth E. Smith (same address as applicant). Transporting *brick*, from the facilities of L. B. Industries, Inc., at or near Los Angeles, CA, to points in the United States (except AK, CA, and HI). (Hearing site: Los Angeles, CA.)

MC 128273 (Sub-383F), filed December 4, 1979. Applicant: MIDWEST DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting *such commodities* as are used or dealt in by manufacturers and distributors of mineral micronutrients (except commodities in bulk, in tank vehicles), between Beckemeyer and Rosiclare, IL, Lakeland, Lake Alfred and Groveland, FL, Baltimore, MD, Bowling Green, KY, Brington, MI, Clearwater and Jericho, SC, and Cedartown, Bainbridge and Tifton, GA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to traffic

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originating or destined to the facilities of Imperial Products, Inc. (Hearing site: Orlando, FL, or Washington, DC.)

MC 129032 (Sub-118F), filed November 14, 1979. Applicant: TOM INMAN TRUCKING, INC., 5656 South 129th East Avenue, Tulsa, OK 74121. Representative: David R. Worthington (same address as applicant). Transporting *flat glass* from the facilities of Guardian Industries at or near Corsicana, TX, to points in the United States (Except AK and HI). (Hearing site: Detroit, MI, or Chicago, IL.)

MC 129032 (Sub-120F), filed November 30, 1979. Applicant: TOM INMAN TRUCKING, INC., 5656 S. 129th East Ave., Tulsa, OK 74121. Representative: David R. Worthington (same address as applicant). Transporting *transport racks*, from the facilities of Sooner Fabricating and Sales Company at or near Broken Arrow, OK to points in AZ, CA, NM, NV, OR, and UT, restricted to the transportation of traffic originating at the above-named facilities and destined to points in the above-named states. (Hearing site: Oklahoma City, OK or Dallas, TX.)

MC 134783 (Sub-62F), filed November 9, 1979. Applicant: DIRECT SERVICE, INC., 940 East 66th St., P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *meats, meat products, meat byproducts, and articles distributed by meatpacking houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities used by John Morrell & Co., at or near Shreveport, LA, to points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the facilities of John Morrell & Co. (Hearing site: Chicago, IL, or Dallas, TX.)

Note.—Dual operations are involved.

MC 134872 (Sub-16F), filed December 3, 1979. Applicant: GOSSELIN EXPRESS, LTD., 141 Smith Blvd., Thetford Mines, Quebec, Canada G6G 5R7. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting *snowmobiles*, from points in NE, to ports of entry on the United States-Canada international boundary line in MI and NY. (Hearing site: Albany or Plattsburg, NY.)

MC 136343 (Sub-208F), filed November 2, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166 (100 Pine Street), Harrisburg, PA 17108. Transporting *foodstuffs*, not frozen (except in bulk), from the facilities of DCA Food Industries Inc., at or near Hillsdale and Jonesville, MI, to points in CT, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and DC. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 136343 (Sub-210F), filed November 6, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. Transporting *foodstuffs, canned or preserved*, (1) from the facilities of Heinz USA, Division of H. J. Heinz Company at Fremont and Toledo, OH, to points in NY on and north of Interstate Hwy 84, NJ on and south of NJ Hwy 33, and points in VT, DE, PA (except Oaks, King of Prussia, and Philadelphia), MD, VA, NC, SC, and DC; (2) from facilities of Heinz USA, Division of H. J. Heinz Company at Pittsburgh, PA, to points in ME, NH, VT, MA, CT, RI, NY, NJ, DE, MD, VA, NC, SC, and DC; (3) from the facilities of Heinz USA, Division of H. J. Heinz Company at Mechanicsburg, PA, to points in ME, NH, VT, MA, CT, RI, NY, and NJ, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Pittsburgh or Harrisburg, PA.)

MC 136553 (Sub-97F), filed November 29, 1979. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *construction materials and (2) materials, equipment and supplies* used in the manufacture and distribution of construction materials, between Dubuque, IA, on the one hand, and, on the other, points in IL, IN, Lower MI, OH and WI. (Hearing site: Chicago, IL, or Tampa, FL.)

MC 138882 (Sub-333F), filed November 7, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). Transporting *malt beverages*, from Laredo, TX, to points in NY, MN, and WI. (Hearing site: New York, NY or Birmingham, AL.)

MC 138882 (Sub-334F), filed November 13, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). Transporting *lead, lead scrap, and lead slag*, from Jacksonville, FL, to the facilities of Refined Metals, Inc., at Memphis, TN. (Hearing site: Memphis, TN or Birmingham, AL.)

MC 138882 (Sub-335F), filed November 14, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *containers* and *container ends, caps, and covers* and (2) *materials, and equipment, and supplies* used in the manufacture and sale of (1) above, between points in AL, AR, FL, KS, LA, MS, NC, SC, OK, and TX. (Hearing site: New York, NY or Washington, DC.)

MC 138882 (Sub-342F), filed January 7, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John D. Dykema (same address as applicant). Transporting *alcoholic liquors, and materials, equipment and supplies* used in the manufacture and distribution of alcoholic liquors (except commodities in bulk in tank vehicles), between Ft. Smith, AR, Bardstown, KY, Louisville, KY, New Orleans, LA, and Plainfield, IL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Hiram Walker and Sons, Inc. (Hearing site: Peoria, IL or Birmingham, AL.)

MC 139482 (Sub-167F), filed January 2, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *corn products* (except commodities in bulk), from Muscatine, IA, to points in the United States (except AK and HI). (Hearing site: Minneapolis, or St. Paul, MN.)

MC 139482 (Sub-168F), filed January 2, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Transporting (1) *bananas*, and (2) *agricultural commodities*, the transportation of which is otherwise exempt from economic regulation, in mixed loads with bananas, from Baltimore, MD, and New York, NY, to points in IL, IN, MI, OH, PA, and WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 139772 (Sub-4F), filed November 6, 1979. Applicant: ROBERTS TRUCKING, INC., Route 1, Eldorado, WI 54932. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *cheese*, from the facilities of Swift & Company, at Green Bay, Monroe, Marathon and Wausau, WI, to points in IL, IN, MI, NJ, NY, OH, and PA, under continuing contract(s) with Swift & Company, of Chicago, IL. (Hearing site: Chicago, IL or Milwaukee, WI.)

MC 140403 (Sub-2F), filed September 10, 1979. Applicant: FRANCISCAN LINES, INC., 375 Illinois Street, San Francisco, CA 94107. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. Transporting *Passengers and their baggage*, in same vehicle with passengers, in charter and special operations, beginning and ending at Alameda, Albany, Berkeley, Emeryville, Piedmont, and San Francisco, CA, and those parts of Oakland north of a line commencing at the intersection of Doolittle Drive and the city limits of Oakland and extending along Doolittle Drive to its intersection with 98th Avenue, then along 98th Avenue to its intersection with Golf Links Road, then along Golf Links Road to its intersection with Grass Valley Road, then along Grass Valley Road to its approach to the city limits of Oakland, CA; and extending to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, WY. (Hearing site: San Francisco, CA.)

MC 140902 (Sub-11F), filed November 12, 1979. Applicant: DPD, INC., 3600 N.W. 82nd Ave., Miami, FL 33152. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *prefabricated buildings* and *parts* of buildings, *materials, equipment, and supplies*, used in the construction of prefabricated buildings between the facilities of National Homes Corporation, at or near Tyler, TX, on the one hand, and, on the other, points in AR, CO, IN, KS, KY, LA, MS, MO, NM, OK, TN, TX, and WY, under continuing contract(s) with National Homes Corporation, of Lafayette, IN. (Hearing site: Miami, FL or Washington, DC.)

MC 140902 (Sub-13F), filed November 13, 1979. Applicant: DPD, INC., 3600 N.W. 82nd Ave., Miami, FL 33152. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *prefabricated buildings* and *component parts* thereof, and *materials, equipment, and supplies* used in the construction of prefabricated buildings, between the facilities of National Homes Corporation, at or near Effingham, IL, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OK, SD, TN, WI, under continuing contract(s) with National Homes Corporation, of Lafayette, IN. (Hearing site: Miami, FL or Washington, DC.)

MC 141033 (Sub-63F), filed November 9, 1979. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, 15045 East Salt Lake Ave., City of Industry, CA 91749. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Transporting *plastic and plastic articles, materials and supplies* used in the manufacture of plastic articles (except commodities in bulk, and in tank and hopper type containers), between Hudson, NC, and points in IL, IN, KS, MN, CA, OK, OR, SD, WI, WA, TX, and UT. (Hearing site: New York, NY or Washington, DC.)

MC 141402 (Sub-47F), filed November 14, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *chemicals* and *materials and supplies* used in the manufacture of chemicals, between Ludington, MI, on the one hand, and, on the other, points in WI, IA, MO, IL, IN, OH, WV, KY, PA, and MI, under continuing contract(s) with Dow Chemical U.S.A. of Ludington, MI. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 141522 (Sub-2F), filed November 14, 1979. Applicant: NORTH WEST COMMERCIAL HAULING LTD., 10753 180th St., Edmonton, Alberta Canada T5S 1C6. Representative: Ray F. Koby, 314 Montana Bldg., Great Falls, MT 59401. Transporting *new construction equipment*, from points in IA, IL, and MO, to ports of entry on the international boundary line between the United States and Canada, under continuing contract(s) with North West Commercial Sales (1973) Ltd., of Edmonton, Alberta, Canada. (Hearing site: Great Falls, MT.)

MC 142393 (Sub-2F), filed November 26, 1979. Applicant: ROBBIE D. WOOD, INC., P.O. Box 125, Dolomite, AL 35061. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Building, Birmingham, AL 35023. Transporting (1) *coke* from points in AL to points in the US in and east of ND, SD, NE, KS, and TX and (2) *coal* from points in AL to points in MO, AR, TX, and LA. (Hearing site: Birmingham or Montgomery, AL.)

MC 142483 (Sub-4F), filed November 16, 1979. Applicant: W&L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting *foodstuffs* (except in bulk) in vehicles equipped with mechanical refrigeration, between Rocky Mount and Forest City, NC, and Mason City, IA, on the one hand, and, on the other, points in CO, IL, IA, KS, MN, MO, and NE, under continuing contract(s) with Fast Food Merchandisers, Inc., of Rocky Mount, NC. (Hearing site: Charlotte, NC.)

Note.—Dual operations may be involved.

MC 142603 (Sub-20F), filed November 15, 1979. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: S. Michael Richards, 44 North Ave., P.O. box 225, Webster, NY 14580. Transporting (1) *rubber compounds, chemicals, adhesives, resins, oils, and plastic materials*, and (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of the commodities in (1) above, between points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada, under continuing contract(s) with Dow Corning Corp., of Midland, MI. (Hearing site: Lansing or Detroit, MI.)

MC 142672 (Sub-100F), filed November 14, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72947. *Common carrier* Transporting *steel drums* from points in IL, IN, MO, OH, and TN to Dayton and Houston, TX. (Hearing site: Houston, TX, or Fayetteville, AR.)

Note.—Dual operations may be involved.

MC 143423 (Sub-11F), filed November 16, 1979. Applicant: WILLIAM T. AUSTIN d.b.a. AUSTIN TRUCKING COMPANY, 2026 Clayton Ave. SW, Decatur, AL 35601. Representative: D. H. Markstein, Jr., 512 Massey Bldg., Birmingham, AL 35203. Transporting *household refrigerators*, from the facilities of General Electric Company, of Decatur, AL, to Little Rock, AR and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada. (Hearing site: Birmingham, AL.)

MC 143623 (Sub-5F), filed December 28, 1979. Applicant: CITY COAL AND SUPPLY CO., INC., South Second St., Princeton, WV 24740. Representative: Kemper S. Powell (same address as applicant). Transporting *lumber* and *equipment, supplies, and materials* used

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in the processing of lumber, between Princeton, WV, Winchester, KY, Gresham, OR, and Los Angeles, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Roanoke, VA or Washington, DC.)

MC 144293 (Sub-14F), filed December 10, 1979. Applicant: DUANE MCFARLAND, P.O. Box 1006, Austin, MN 55912. Representative: Thomas J. Beener, One State St. Plaza, New York, NY 10004. Transporting *foodstuffs* (except in bulk), from the facilities of Welch Foods, Inc., at or near Lawton, MI, to points in WI, MN, IA, ND, SD, and NE. (Hearing site: Chicago, IL or New York, NY.)

MC 144672 (Sub-21F), filed December 3, 1979. Applicant: VICTORY EXPRESS, INC, P.O. Box 26189, Trotwood, OH 45426. Representative: Richard H. Schaefer (same address as applicant). Transporting (1) *plastics and plastic articles*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Indianapolis, IN and Reading, PA, on the one hand, and, on the other, points in the United States on and east of U.S. Hwy 87, restricted to traffic originating at or destined to the facilities of W. R. Grace & Co. (Hearing site: Columbus, OH or Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 144842 (Sub-7F), filed December 4, 1979. Applicant: CLIFFORD L. RIGGINS, d.b.a. RIGGINS TRUCKING, 1004 West Maple St., Springdale, AR 72764. Representative: Nancy Pyeatt, 815 15th St. NW, Washington, DC 20005. Transporting *candy* and *bakery goods*, from Chicago IL to Los Angeles, CA. (Hearing site: Chicago, IL or Washington, DC.)

MC 145152 (Sub-133F), filed November 14, 1979. Applicant: BIG THREE TRANSPORTATION, INC., Post Office Box 706, Springdale, AR 72764. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. Transporting *confectionery* and *cough drops* from the facilities of Luden's, Inc., at or near Reading, PA, to points in AR, IA, KS, KY, LA, MS, MO, NE, OK, TN, TX, and WV. (Hearing site: Philadelphia, PA, or Fayetteville, AR.)

MC 145152 (Sub-166F), filed January 7, 1980. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *printed matter*, and *materials, equipment, and supplies* used in the manufacture and distribution of printed matter, (1) from Ashdown, AR, to Adrian, MI, and (2) from Adrian, MI, to Chicago, IL and Cleveland, OH. (Hearing site: Adrian, MI or Fayetteville, AR.)

MC 145713 (Sub-4F), filed December 12, 1979. Applicant: TAURUS TRUCKING CORP., 199 Calcutta Street, Port Newark, NJ 07114. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting *general commodities*, (except those of unusual value), classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between New York, NY, on the one hand, and, on the other, Boston, MA, Philadelphia, PA, Baltimore, MD, and Norfolk, VA, restricted to traffic having a prior or subsequent movement by water. (Hearing site: New York, NY.)

MC 145992 (Sub-3F), filed November 2, 1979. Applicant: THE TOWN TOUR FUN BUS COMPANY, INC., d.b.a. FUN BUS SYSTEMS, 304 Katella Way, Anaheim, CA 92802. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between Buena Park, CA, and Las Vegas, NV, from Buena Park over CA Hwy 91 to junction CA Hwy 57, then over CA Hwy 57 to junction Interstate Hwy 10, then over Interstate Hwy 10 to junction Interstate Hwy 15, then over Interstate Hwy 15 to Las Vegas, and return over the same route, serving Fullerton, CA, as an intermediate point. (Hearing site: Los Angeles, CA.)

MC 146293 (Sub-41F), filed November 6, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrence Industrial Park Circle, N.E., Lawrenceville, GA 30245. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, N.E., Atlanta, 30326. Transporting (1) *Charcoal* and *charcoal products, woodchips, sawdust, wax impregnated fireplace logs, and lighter fluid*, and (2) *materials, equipment* and *supplies* (except commodities in bulk), used in the manufacture, distribution, and sale of the commodities in (1) above, between points in the United States (except AK and HI). (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 146293 (Sub-48F), filed December 27, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrence Industrial Park Circle, NE., Lawrenceville, GA 30245. Representative: Richard M. Tettelbaum, 3390 Peachtree Rd. NE., Atlanta, GA 30326. Transporting *paper, paper products*, and *materials, equipment, and supplies* used in the manufacture of paper and paper products (except commodities in bulk), between the facilities of International Paper Co., at or near Jay, ME, on the one hand, and, on the other, points in NC, VA, GA, and TN, restricted to traffic originating at or destined to the named facilities. (Hearing site: Atlanta, GA.)

(Note.—Dual operations may be involved.

MC 146293 (Sub-49F), filed December 27, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrence Industrial Park Circle, NE., Lawrenceville, GA 30245. Representative: Richard M. Tettelbaum, 3390 Peachtree Rd. NE., Atlanta, GA 30326. Transporting *such commodities* as are dealt in by manufacturers and distributors of chemical and plastic products (except in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Amoco Chemicals Corporation or Amoco Foam Products Company. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 146402 (Sub-14F), filed November 28, 1979. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (same address as applicant). Transporting *copper and copper products* (except commodities in bulk, in tank or hopper vehicles) from the facilities of Cerro Copper Products Company at Sauget, IL to points in CA, OR and WA. (Hearing site: St. Louis, MO or Washington, DC.)

MC 146592 (Sub-2F), filed November 26, 1979. Applicant: AVERY TRANSPORT, INC., 11026 Roswell, Pomona, CA 91766. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Transporting *travel trailers and 5th wheel trailers* from points in Riverside and San Bernardino Counties, CA, to points in AZ, CO, ID, MT, NV, NM, OR, TX, UT, and WA. (Hearing site: Los Angeles, CA.)

MC 146623 (Sub-5F), filed November 5, 1979. Applicant: STAMEY ENTERPRISES, INC., 7350 102nd Place, South, Boynton Beach, FL 33435. Representative: Richard B. Austin, Esq., Suite 214, Palm Coast II Building, 5255 N.W. 87th Avenue, Miami, FL 33178. Transporting *frozen foods* and *candies* between Newark, NJ, New York, NY, and Richmond, VA on the one hand, and, on the other, points in Dade County, FL. (Hearing site: Miami, FL.)

MC 146722 (Sub-3F), filed November 19, 1979. Applicant: JOE PRYOR d.b.a. JOE TRANSPORT, 1616 E. 78th Ave., Space 72, Denver, CO 80229. Representative: Joe Pryor (same address as applicant). Transporting *iron and steel articles, parts for iron and steel articles, scrap metal*, and *brick*, (1) from Denver, CO, to points in CA, NV, and UT, and (2) from Los Angeles, CA, to Denver, CO. (Hearing site: Denver, CO.)

MC 146773 (Sub-2F), filed November 25, 1979. Applicant: CON-EX, INC., 369 Mast Road, Manchester, NH 03102. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Manchester, NH, to points in the United States (except AK and CT, DE, HI, ME, MD, MA, NH, NJ, NY, PA, RI, VA, VT, WV, and DC), restricted to the transportation of traffic originating at the facilities of N. H. Shippers Cooperative, Inc., at Manchester, NH. (Hearing site: Boston, MA or Concord, NH.)

MC 146782 (Sub-25F), filed November 6, 1979. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, Nashville, TN 37201. Transporting (1) *construction adhesives* and *paint*, and (2) *materials, supplies* and *equipment* used in the manufacture of the commodities in (1) above (except commodities in bulk) between the facilities of Warren Paint and Color Company at Nashville, TN, on one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Nashville, TN.)

MC 146853 (Sub-2F), filed November 6, 1979. Applicant: FRANK P. SLOAN d.b.a. HAWKEYE WOODSHAVINGS, Route 1, Runnels, IA 50327. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Transporting *sawdust and shavings*, from Belle Fourche, SD, to points in IA. (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 147112 (Sub-4F), filed December 18, 1979. Applicant: L. H. BRYAN, d.b.a. BRYAN TRUCKING COMPANY, Route 4, Circle Creek Drive, Stockbridge, GA 30281. Representative: Alan E. Serby, 3390 Peachtree Road, NE., Atlanta, GA 30326. Transporting *lumber and lumber products*, (except commodities in bulk), between points in GA, AL, NC, SC, FL, TN, KY, VA, LA and MS. (Hearing site: Atlanta, GA.)

MC 147202 (Sub-2F), filed November 6, 1979. Applicant: KENNECO, INC., P.O. Box 813, Janesville, WI 53545. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. Transporting (a) *dirt, sand, gravel, stone, cinders, ashes, batch cement, or asphalt mix*, in bulk, in dump vehicles, and (b) *construction machinery, equipment and supplies*, between points in WI, on the one hand, and, on the other, points in IL on and north of a line beginning at the IL–IA State line and running along IL Hwy 64 to its junction with IL Hwy 59 and on and east of a line running from the junction of IL Hwy 59 with IL Hwy 64 to the IL-WI State line. (Hearing site: Madison, WI.)

MC 147323 (Sub-7F), filed December 18, 1979. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming Ave., Dearborn, MI 48126. Representative: John P. Haddad (same address as applicant). Transporting (1) *iron and steel articles*, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), between the facilities of Aspen Steel Corp., at Clawson, MI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Detroit, MI, or Washington, DC.)

Note.—Dual operations may be involved.

MC 147712 (Sub-9F), filed December 3, 1979. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as applicant). Transporting *confectionery products* and *cough drops*, from the facilities of Ludens', Inc., at Reading, PA, to points in AZ, CA, CO, ID, NV, NM, OK, OR, TX, UT, and WA. (Hearing site: Los Angeles or San Diego, CA.)

MC 147973 (Sub-1F), filed November 6, 1979. Applicant: B. J. TRANSPORT, INC., Suite 112—Livestock Exhange Building, South St. Paul, MN 55075. Representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, MN. Transporting *printed paper, paper, and paper products*, from Minneapolis, MN, to points in the United States (except AK and HI). (Hearing site: Minneapolis-St. Paul, MN.)

MC 148183 (Sub-7F), filed November 19, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30501. Representative: Pauline E. Myers, Suite 348-Pennsylvania Bldg., 425-13th St., N.W., Washington, DC 20004. Transporting *frozen, fresh, and canned fruit juices, frozen fruit juice concentrate, fresh canned vegetable juices, fruit sections and fruit salads*, in refrigerated vehicles (except in bulk), from the facilities of Citrus Central, Inc., at Bartow, Winter Haven, Haines City, Lakeland, Howey-in-the-Hills, Plymouth, and Umatilla, FL to points in IL, IN, KY, MI, MN, OH, TN, and WI. (Hearing site: Jacksonville or Miami, FL.)

MC 148183 (Sub-12F), filed November 6, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30501. Representative: Pauline E. Myers, Suite 348-Pennsylvania Bldg., 425-13th St., N.W., Washington, DC 20004. Transporting *cheese* and *cheese products* (except frozen or in bulk), from Plymouth, WI, to points in AL, FL, GA, NC, and SC. (Hearing site: Washington, DC or Atlanta, GA.)

MC 148183 (Sub-13F), filed November 8, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30501. Representative: Pauline E. Myers, Suite 348-Pennsylvania Bldg., 425-13th St., N.W., Washington, DC 20004. Transporting *canned fruit juices*, from the facilities of Juice Bowl Products, Inc., at Lakeland, FL, to points in AL, GA, NC, and SC. (Hearing site: Atlanta, GA or Washington, DC.)

MC 148212 (Sub-1F), filed November 26, 1979. Applicant: LAURENCE M. DARNELL t/a LENRAD LEASING CO., Box 222, Fairview Village, PA 19409. Representative: Harris T. Bock, 1915 Three Penn Center Plaza, Philadelphia, PA 19102. Transporting *fly ash*, in tank vehicles, between Washingtonville Borough and Martic Township, PA, on the one hand, and, on the other, points in DE, MD, NJ, VA, WV, NY, CT, RI, MA, OH, DC, and between Trenton, NJ, on the one hand, and, on the other, points in PA, DE, MD, VA, WV, NY, CT, RI, MA, OH, and DC. (Hearing site: Philadelphia, PA.)

MC 148352 (Sub-1F), filed November 16, 1979. Applicant: R & B TRUCKING CO., INC., P.O. Box 351, Millport, AL 35576. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Brimingham, AL 35203. Transporting *forest products and lumber mill products*, (1) from Fulton, MS, and points in Lamar County, AL, to those points in the United States in and east of TX, OK, KS, NE, IA, and MN, and (2) from Points in GA, MS, and SC, to points in Lamar County, AL. (Hearing site: Birmingham or Tuscaloosa, AL.)

MC 148393 (Sub-3F), filed November 15, 1979. Applicant: ABLE EXPRESS CO., INC., 2170 Buck Street, Cincinnati, OH 43214. Representative: Jerry B.

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Sellman, 50 West Broad Street, Columbus, OH 43215. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati, OH, on the one hand, and, on the other, Baltimore, MD, Philadelphia, PA, and New York, NY restricted to traffic moving on bills of lading issued by shippers cooperative association as defined in 49 U.S.C. 10526(5). (Hearing site: Columbus, OH or Washington, DC.)

MC 148512 (Sub-2F), filed December 3, 1979. Applicant: WESTERN TANK LINE, INC., 2222 North 11th Street, Omaha, NE 68110. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *liquified petroleum gases*, in bulk, in tank vehicles, from points in IA, to points in MN and SD. (Hearing site: Omaha, NE or Minneapolis, MN.)

MC 148662F, filed November 14, 1979. Applicant: RONALD J. VASEK TRUCKING, INC., P.O. Box 591, Hereford, TX 79045. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting (1) *meat and bone meal* and (2) *dry rendered tankage*, in bulk from points in Hale and Parmer Counties, TX, to points in AR, KS, OK, and MO. (Hearing site: Wichita, KS, or Amarillo, TX.)

MC 148663F, filed November 14, 1979. Applicant: EAST SIDE MOVERS, INC., 251 Freeman St., Brooklyn, NY 11222. Representative: Arthur J. Piken, 95–25 Queens Blvd., Rego Park, NY 11374. Transporting *furniture*, between New York, NY, on the one hand, and, on the other, points in CT, NJ, MD, DE, PA, NY, ME, NH, VT, MA, RI, and DC. (Hearing site: New York, NY.)

MC 148793 (Sub-2F), filed December 21, 1979. Applicant: M & L MESSENGER SERVICE, INC., Jewel Lane, New Fairfield, CT 06810. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in CT, on the one hand, and, on the other, points in MA, NH, NJ, NY, PA, and RI. (Hearing site: Hartford, CT or New York, NY.)

MC 149322F, filed September 13, 1979. Applicant: ROBERT L. SMITH, 315 Allen Street, Alma, MI 48801. Representative: Andrew Jay Burholder, 275 East State Street. Transporting *iron and steel articles* from the facilities of Armco, Inc., at or near South Bend, IN to points in MI and OH.) (Hearing site: Columbus, OH

MC 114123 (Sub-50F), filed November 29, 1979. Applicant: Herman R. Ewell, Inc., East Earl, PA 17519. Representative: J. Bruce Walter, 410 North Third Street, P.O. Box 1146, Harrisburg, PA 17108. *Contract carrier* transporting *vegetable oils, animal oils and animal fats; vegetable oil products, animal oil products and animal fat products; and blends of the named commodities*, between Philadelphia, PA, on the one hand, and, on the other, points in NJ, DE, MD, VA, ME, NH, VT, MA, CT, RI, NY, WV, KY, NC, SC, GA, FL, AL, MS, TN, OH, IN, IL, MI and WI, under continuing contract(s) with C. F. Simonin's Sons, Inc., of Philadelphia, PA. (Hearing site: Harrisburg, PA or Washington, DC.)

MC 135213 (Sub-19F), filed July 2, 1979. Applicant: JOE GOOD, d.b.a. GOOD TRANSPORTATION, P.O. Box 335, 830 Shoshone Ave., Lovell, WY 82431. Representative:John T. Wirth, 717–17th St. Suite 2600, Denver, CO 80202. Contract carrier transporting *gypsum, gypsum wall board, joint compounds, and materials and supplies* used in the application of the named commodities (except commodities in bulk), (1) from the facilities of Georgia-Pacific Corporation at or near Acme, TX to points in CO; (2) from the facilities of Georgia-Pacific Corporation at or near Lovell, WY, to points in MT, under continuing contracts(s) with Georgia-Pacific Corporation, of Portland, OR. (Hearing site: Portland, OR.)

MC 146893 (Sub-7F), filed November 27, 1979. Applicant: BROWN TRANSPORT, INC., Box 327A; R.R. #3, West Alexandria, OH 45381. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215. Contract carrier. Transporting slag (except scrap metal, in bulk in dump vehicles) from the facilities of Gibbco at Lawrenceburg, IN to the facilities of Georgia-Pacific Corporation at Franklin, OH, under continuing contract(s) with Georgia-Pacific Corporation, Gypsum Division, of Rosemont, PA. (Hearing site: Cincinnati, OH.)

MC 147033 (Sub-3F), filed May 9, 1979. Applicant: STORY, INC., Route #1, Box 122, Henager, AL 35978. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203. Contract carrier transporting *such commodities* as are dealt in or used by grocery houses, drugstores and variety stores, between the facilities of Peyton's Southeastern, Inc., at or near Cleveland, TN, on the one hand, and, on the other, points in AL, AR, GA, KY, MS, NC, SC, OH, TN, TX, VA, WV, IN, and MO, under continuing contract(s) with Peyton's Southeastern, Inc., of Cleveland, TN. (Hearing site: Birmingham, AL.)

Note.—Dual operations may be involved.

MC 147543 (Sub-2F), filed November 26, 1979. Applicant: L & M TRUCKING, INC., 28 12th St., Lakewood, NJ 08701. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410. Contract carrier transporting *rough iron forgings or castings*, from Easton and Forks Twp., PA, to Littleton, MA, under continuing contract(s) with Victaulic Company of America, of S. Plainfield, NJ. (Hearing site: New York, NY or Newark, NJ.)

MC 148283 (Sub-1F), filed November 21, 1979. Applicant: ABC TRANSPORTATION COMPANY, a corporation, State Docks Road, Eufaula, AL 36027. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Contract carrier transporting (1) *metal surface condensers, feedwater heaters, and moisture separator reheaters;* (2) *parts and accessories* for the commodities in (1); and (3) *materials, equipment, and supplies* (except in bulk), used in the manufacture and distribution of the commodities in (1), between the facilities of Southwestern Engineering Company at or near Charleston, Kanawha County, WV; Joplin, Jasper County, MO; and Los Angeles, Los Angeles County, CA, on the one hand, and, on the other, points in the US (except AK and HI), under continuing contract(s) with Southwestern Engineering Company of Los Angeles, CA. (Hearing site: Birmingham, AL.)

MC 148283 (Sub-4F), filed November 21, 1979. Applicant: ABC TRANSPORTATION COMPANY, a corporation, State Docks Road, Eufaula, AL 36027. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Contract carrier transporting (1) *metal livestock feeding and watering equipment;* (2) *parts and accessories* for the commodities in (1); and (3) *materials, equipment and supplies* (except in bulk) used in the manufacture and distribution of the commodities in (1), between the facilities of Hawkeye Steel Products, Inc., and Marlor, Inc., at or near Waterloo, and Council Bluffs, IA, on the one hand, and, on the other, points in the US (except AK and HI), under continuing contract(s) with Hawkeye Steel Products, Inc., of Waterloo, IA, and Marlor, Inc., of Council Bluffs, IA. (Hearing site: Birmingham, AL.)

MC 149332 F, filed October 18, 1979. Applicant: MIDWAY CARTAGE, INC., 4900 S. Merrimac Ave., Chicago, IL 60638. Representative: Joel H. Steiner, 39 South LaSalle St., Chicago, IL 60603. Contract carrier transporting *aluminum articles* (except in bulk), from the facilities of Reynolds Metals Co., at McCook, IL, to points in IN, MI, OH, KY, TN, IA, WI, MN, and MD, under continuing contract(s) with Reynolds Metals Company, of Richmond, VA. (Hearing site: Chicago, IL.)

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Decided: March 1, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 26396 (Sub-332F), filed October 23, 1979. Applicant: THE WAGGONERS TRUCKING, a Corporation, P.O. Box 31357, Billings, MT 59107. Representative: Barbara S. George (same address as applicant. Transporting *chemicals and additives* (except commodities in bulk), from points in the US (ecept AK and HI) to ports of entry on the international boundary line between US and Canada, in MN, ND, MT, ID, and WA. (Hearing site: Indianapolis, IN, or Billings, MT.)

MC 26396 (Sub-333F), filed November 2, 1979. Applicant: THE WAGGONERS TRUCKING, a Corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *canned and preserved foodstuffs*, from the facilities of Heinz U.S.A. at or near Muscatine and Iowa City, IA, and Fremont and Toledo, OH, to points in TX, restricted to the transportation of traffic originating at the named origins and destined to the named destinations (Hearing site: Philadelphia, PA, or Billings, MT.)

MC 26396 (Sub-334F), filed November 6, 1979. Applicant: THE WAGGONERS TRUCKING, a Corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *corn flour, starch, and sealing compounds*, (except in bulk, in tank vehicles), from McPherson, KS, to points in CO, ID, LA, MN, MT, NV, ND, OK, TX, UT and WY. (Hearing site: Minneapolis, MN, or Billings, MT.)

MC 26396 (Sub-335F), filed November 6, 1979. Applicant: THE WAGGONERS TRUCKING, a Corporation, P.O. Box 31357, Billings, Montana 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. Transporting *lumber, lumber products and wood products*, from points in Flathead and lake Counties, MT, to points in NC, PA, VA, and WV. (Hearing site: Billings, MT.)

MC 41116 (Sub-73F), filed December 13, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX 78701. Contract carrier, transporting (1) *paper and paper products*, and (2) *materials, and supplies* used in the manufacture, sale and distribution of the foregoing commodities, (except in bulk), between Dallas, TX, and Cincinnati, OH, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IL, IN, KS, KY, LA, MS, MO, NE, NM, OH, OK TN, and TX, under continuing contract(s) with Angleboard, Inc. (Hearing site: Cincinnati, OH, or Dallas, TX.)

MC 42146 (Sub-27F), filed November 16, 1979. Applicant: A. G. BOONE COMPANY, a Delaware Corporation, 1812 W. Morehead St., Charlotte, NC 28266. Representative: Floyd C. Hartsell (same address as applicant). Contract carrier, transporting *such commodities* as are dealt in by wholesale, retail, and chain business houses and materials, equipment, and supplies used in the conduct of such business, between points in NC, SC, GA, VA, TN, KY, WV, IN, MO, IL, MI, MS, AR, LA, AL, FL, PA, MD, DE, NJ, NY, OH, and TX, under continuing contract(s) with the Kroger Co. (Hearing site: Charlotte, NC, or Atlanta, GA.)

MC 51146 (Sub-777F), filed October 22, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting *such commodities* as are dealt in, or used by, manufacturers or converters of paper and paper products (except commodities in bulk) between the facilities of The Mead Corporation at Otsego, MI on the one hand, and, on the other, points in the US (except AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Chicago, IL.)

MC 86247 (Sub-24F), filed October 18, 1979. Applicant: I.C.L. INTERNATIONAL CARRIERS LIMITED, 1333 College Ave., Windsor, Ontario, Canada N9C 3Y9. Representative: Joseph P. Allen, 7701 West Jefferson, Detroit, MI 48209. Transporting, in foreign commerce only, *steel bars and billets*, and *used refractory brick* in dump vehicles, between Chicago, IL, and Gary, IN, on the one hand, and, on the other, ports of entry on the international boundary of the United States and Canada, at Detroit and Port Huron, MI. (Hearing site: Detroit, MI, or Chicago, IL.)

MC 94876 (Sub-17F), filed September 24, 1979. Applicant: RICHARD ACERRA, INC., 38–09 Vernon Blvd., Long Island City, NY 11101. Representative: J. Aiden Connors, 325 East 201 St., New York, NY 10458. Contract carrier, transporting *bakery products*, between New York, NY, and Wayne, NJ, on the one hand, and, on the other, points in New Castle County, DE, Baltimore and Montgomery Counties, MD, Delaware, Lehigh, Montgomery, Northampton, and Philadelphia Counties, PA, Fairfax County, VA, and the District of Columbia. (Hearing site: New York, NY, or Washington, DC.)

MC 105457 (Sub-101F), filed December 4, 1979. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Rd., Charlotte, NC 28206. Representative: John V. Luckadoo (same address as applicant). Regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), 1. Between Memphis, TN, and Little Rock, AR, over US Hwy 70 (also over Interstate Hwy 40), serving all intermediate points in AR between Little Rock and the Prairie-Monroe County line, and serving Stuttgart, AR, and points in Conway, Faulkner, Grant, Jefferson, Lonoke, Pulaski, Saline and White Counties, AR, as off-route points in connection with the above routes. 2. Between Little Rock, AR and Texarkana, TX, over US Hwy 67 (also over Interstate Hwy 30), serving intermediate points in AR between Little Rock and the Saline-Hot Springs County line, and serving Texarkana for joinder purposes only. 3. Between Texarkana, TX, and Ft. Worth, TX from Texarkana over US Hwy 67 (also over Interstate Hwy 30) to junction Interstate Hwy 20, then over Interstate Hwy 20, to Ft. Worth and return over the same route, serving all intermediate points in TX between Ft. Worth and the Hunt-Hopkins County line and serving Texarkana for joinder purposes only. 4. Between Texarkana, TX and Galveston, TX from Texarkana over US Hwy 59 to Houston, then over US Hwy 75 to Galveston, serving all intermediate points between Houston and Galveston and serving Texarkana for joinder purposes only. 5. Between Dallas, TX and Houston, TX, over US Hwy 75 (also over Interstate Hwy 45), to serving Corsicana as an intermediate point. 6. Between Atlanta, GA and Jackson, MS, over Interstate Hwy 20, no intermediate points and serving Jackson for joinder purposes only. 7. Between

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Jackson, MS and Dallas, TX, over Interstate Hwy 20, serving no intermediate points and serving Jackson for joinder purposes only. 8. Between Atlanta, GA to Mobile, AL, from Atlanta over Interstate Hwy 85 to junction Interstate Hwy 65, then over Interstate Hwy 65 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Mobile and return over the same route, serving no intermediate points and serving Mobile for joinder purposes only. 9. Between Mobile, AL and Houston, TX, over Interstate Hwy 10, serving the intermediate points of Beaumont and Orange, TX and serving Mobile for joinder purposes only. 10. Serving points in Collin, Dallas, Denton, Ellis, Galveston, Harris, Hunt, Jefferson, Johnson, Kaufman, Orange, Rockwall and Tarrant Counties, TX, as off-route points in connection with routes (2) through (9) above. 11. Authority is sought (a) to operate over all combinations of routes described above and (b) to join the operating authority sought herein with applicant's existing authority and thereafter perform a through service. Charlotte, NC, Little Rock, AR, Dallas, TX.

MC 107496 (Sub-1220F), filed June 18, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting (1) *pulpmill liquid,* in bulk, from Mosinee, WI, to points in FL and GA, (2) *aluminum sulphate,* in bulk, from (a) Wisconsin Rapids, WI, to Dubuque, IA, and (b) from Menasha, WI, to Republic, MI, (3) *liquid citric acid,* in bulk, from Elkhart, IN, to points in TX, and (4) *synthetic liquid resin,* from Sheboygan, WI, to points in IL, IN, MI, MN, IA, and MO. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 109397 (Sub-477F), filed October 1, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, MO 64801. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. Transporting *explosives, blasting agents, blasting materials* and supplies, from Biwabik, MN, to points in CT, DE, MA, ME, MD, NH, NJ, NY, PA, RI, VA, VT, and WV. CONDITION: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it will expire 5 years from the date of issuance. (Hearing site: Washington, DC.)

MC 109397 (Sub-490F), filed December 10, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., A Delaware Corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting *metal pipe, metal sheet, metal plate, billet, metal strips, and metal bars,* from points in Weber County, UT, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Western Zirconium, Inc. (Hearing site: Salt Lake City, UT.)

MC 111687 (Sub-38F), filed November 9, 1979. Applicant: BEN RUEGSEGGER TRUCKING SERVICE, INC., Rt. No. 1, Kawkawlin, MI 48631. Representative: Benjamin H. Ruegsegger (same address as applicant). Transporting *malt beverages,* from Newport, KY and Evansville, IN, to points in MI. (Hearing site: LaCrosse, WI, or Chicago, IL.)

MC 113106 (Sub-90F), filed August 23, 1979. Applicant: THE BLUE DIAMOND COMPANY, A Corporation, 4401 East Fairmont Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., WAshington, DC 20005. Transporting *glass containers,* from Salem, NJ, to points in PA and NY. (Hearing site: Washington, DC.)

MC 115557 (Sub-23F), filed October 1, 1979. Applicant: CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, PA 16242. Representative: Larry D. McCauley (same address as applicant). Transporting *cooling boxes, beer coolers and beer cooler tanks, and materials, equipment and supplies* used in the manufacture, sale or distribution of the above commodities, between Brookville, PA, and Spartansburg, SC, on the one hand, and, on the other, points in the US (including AK and HI). (Hearing site: Pittsburgh, Pa, or Washington, DC.)

MC 118806 (Sub-71F), filed December 28, 1979. Applicant: ARNOLD BROS. TRANSPORT, LTD., Suite 200, 851 Lagimodiere Blvd., Winnipeg, Manitoba, Canada R2J3K. Representative: Bernard J. Kompare, Suite 1600, 10 S. LaSalle St., Chicago, IL 60603. Transporting, in foreign commerce only (1) *lawn and garden implements,* and (2) *parts and attachments* for lawn and garden implements, from the facilities of J. I. Case Co. at or near Winneconne, WI, to ports of entry on the international boundary line between the United States and Canada, in ND, MN, and MI, restricted to the transportation of traffic originating at the above-named origin. (Hearing site: Chicago, IL.)

MC 123407 (Sub-621F), filed November 14, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *flat glass,* from the facilities of M. L. Burke Company, at or near Cornwells Heights, PA, to points in the US (except AK and HI). (Hearing site: Washington, DC.)

MC 125777 (Sub-286F), filed December 10, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46406. Representative: Allan C. Zuckerman, 39 So. LaSalle St., Chicago IL 60603. Transporting *slag, ferric sulphate, and iron ore concentrates,* in dump vehicles, from Copperhill, TN, to points in the US in and east of MN, IA, NE, KS, OK, and TX. (Hearing site: Chicago, IL.)

MC 139906 (Sub-99F), filed November 2, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 So., P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 So. 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting *slides, films, and slide and film viewers and projectors, and materials, equipment and supplies* used in the manufacture, sale, distribution or operation of the foregoing commodities, (except in bulk), from the facilities of GAF Corporation, at or near Portland, OR, to Binghamton, NY, Clifton and Palisades, NJ, and Atlanta, GA. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Note.—Dual operatons may be involved.

MC 142126 (Sub-5F), filed December 13, 1979, Applicant: FOAM TRANSPORT, INC., 201 Ballardvale St., Wilmington, MA 01887. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Contract carrier, transporting *expanded polystyrene and rubberized coir,* from South Plainfield, NJ to points in ME, NH, VT, MA, CT, RI, and NY under continuing contract(s) with Blocksom & Company, South Plainfield, NJ. (Hearing site: Boston, MA, or New York, NY.)

MC 144547 (Sub-7F), filed December 28, 1979, Applicant: DURA-VENT TRANSPORT CORPORATION, 2525 El Camino Real, Redwood City, CA 94604. Representative: Barry Roberts, 888 17th St., NW., Washington, DC 20006. Contract carrier, transporting *ventpipe and fittings, flashings, chimney assemblies, stovepipes, woodburning fireplaces and stoves,* from Vicksburg, MS, to points in the US (except AK and HI), under continuing contract(s) with Dura-Vent Corporation, of Redwood City, CA. (Hearing site: Washington, DC.)

MC 146536 (Sub-8F), filed June 17, 1979. Applicant: WALTER SHORT AGENCY, INC., 5000 Wyoming, Dearborn, MI 48128. Representative: Edwin M. Snyder, 22385 Haggerty Rd., P.O. Box 400, Northville, MI 48167. Transporting *iron rotary blowers and gear and speed increasing and reducing machines, and parts* for all the foregoing commodities, from the facilities of American Standard Industrial Division, at or near Dearborn, MI, to points in LA, TX, AR, KY, TN, NC SC, VA, WV, GA, FL, AL, and MS. (Hearing site: Detroit, MI, or Chicago, IL.)

MC 146937 (Sub-2F), filed October 3, 1979, Applicant: ALL STAR AIR FREIGHT, INC., 7001 W. 20th Ave., Hialeah, FL 33014. Representative: John P. Bond, 2766 Douglas Rd., Miami, FL 33133. *Contract carrier,* transporting *yarn and fabrics,* from Greenville, SC, Montgomery, AL, Charlotte, Belmont, Gastonia, Landis, Salisbury, Reidsville, Maiden and Swannanoa, NC, and Washington, GA, to points in Dade County, FL, under continuing contract(s) with Niki-Lu Ind., Inc., of Miami, FL. (Hearing site: Miami, FL.)

MC 147897 (Sub-3F), filed September 25, 1979, Applicant: J. C. ROSS, d.b.a. ROSS TRUCKING COMPANY, Rt. 3, John Hall Rd., Knoxville, TN 37920. Representative: John J. Duncan, Jr., Suite 350, City and County Bank, One Regency Square, Knoxville, TN 37915. Transporting (1) *lumber, wood chips, and cross ties,* from the facilities of Tenn-land Wolf, Inc., at or near Knoxville, TN, to points in AL, GA, KY, NC, SC, and VA, (2) *lumber and wood chips,* from the facilities of East Tennessee Stave & Heading Co., at Knoxville, TN, to points in AL, GA, KY, NC, SC, and VA, and (3) *lumber,* from the facilities of Stewart Lumber Co., Inc., Emmett Vaughn Lumber Company, and Arthur Wright Lumber Company, at or near Knoxville, TN, to points in AL, GA, KY, NC, SC, and VA. (Hearing site: Knoxville, TN.)

MC 148117 (Sub-1F), filed November 14, 1979. Applicant: CABOOL TRANSPORT, INC., P.O. Box 350, Cabool, MO 65689. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *fruit juces and fruit juice concentrates,* in bulk, between Springdale, AR, Brocton, Naples and Westfield, NY, Lawton, MI, North East, PA, and Grandview and Kennewick, WA. (Hearing site: Chicago, IL, or Washington, DC.)

MC 148127 (Sub-8F), filed October 18, 1979. Applicant: LINEHAUL EXPRESS CORPORATION, P.O. Box 5078, Manchester, NH 03108. Representative: Gregg M. Lewis (same address as applicant). Transporting *plastic articles and equipment and supplies* used or useful in the manufacture of plastic materials, in vehicles equipped with mechanical refrigeration, (except commodities in bulk, in tank vehicles), between the facilities of Borden Chemical Company, Division of Borden, Inc., at points in MA, NY, NJ, MD, VA, NC, GA, FL, TX, IL, OH, MN, CA, and WA, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Concord, NH, or Boston, MA.)

MC 148657F, filed November 16, 1979. Applicant: RAYMOND & HIGGINS TRANSPORTATION CO., INC., 78/80 Judith St., Providence, RI 02902. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th St., NW., Washington, DC 20004. Contract carrier, transporting *petroleum and petroleum products* in bulk, in tank vehicles, (1) from Providence, RI, to points in CT and MA, under continuing contract(s) with Sunmark Industries, a Division of Sun Oil Company, of PA, and (2)(a) from East Providence, RI, to points, in CT and MA, and (b) from Boston, MA, to points in CT and RI, under continuing contract(s) in (2)(a) and (b) with Mobil Oil Corporation. (Hearing site: Washington, DC.)

MC 148836 (Sub-2F), filed December 17, 1979. Applicant: DONALD A. SMITH, 5722 Underwood Dr., Greensboro, NC 27409. Representative: Donald A. Smith (same address as applicant). Transporting *clay, ore, and refractory products, and materials, equipment and supplies* used in the manufacture of refractory products, between points in IN, AL, FL, GA, KY, MS, NC, OH, PA, SC, TN, VA, and WV. (Hearing site: Raleigh or Charlotte, NC.)

MC 149016 (Sub-1F), filed December 14, 1979. Applicant: ABSORBENT SALES, INC., 2545 Conner, Detroit, MI 48215. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting *malt beverages* from Detroit, MI, to the facilities of Arrow Distributing Co., Inc. at Nashville, TN. (Hearing site: Detroit, MI.)

MC 149026 (Sub-3F), filed February 4, 1980. Applicant: TRANS-STATES LINES, INC., 2604 Industrial Park Rd., Van Buren, AR 72956. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Transporting (1) *pumps, pipe fittings, valves, and iron and steel articles,* and (2) *materials, equipment and supplies* used in the manufacture, installation and distribution of the commodities named in (1) above (except commodities in bulk), between Cudahy and Kenosha, WI, Chicago, IL, Cynthiana and Lexington, KY, Cincinnati, OH, Russellville, AR, and Houston, TX, and points in the U.S. (except AK and HI). (Hearing site: Fort Smith, AR, or Washington, DC.)

MC 149096F, filed December 27, 1979. Applicant: SEAPORT TRANSPORTATION COMPANY, a corporation, 312 West End, Detroit, MI 48209. Representative: Alex J. Miller, P.O. Box 244, 1520 No. Woodward Ave., Bloomfield Hills, MI 48013. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chicago, IL, on the one hand, and, on the other, points in MI bounded by and including those points on and east of US Hwy 127 commencing at the MI-OH State line and extending north to the intersection of US Hwy 127 and US Hwy 27, those points on and east of US Hwy 27 extending from the intersection of US Hwy 127 and 27 to the intersection of US Hwy 27 and US Hwy 10, those points on and south of US Hwy 10 beginning at the intersection of US Hwy 27 and US Hwy 10 extending east to US Hwy 10 at Bay City, MI, to Saginaw Bay, and those points otherwise encompassed by the water boundaries of MI including the Saginaw Bay, Lake Huron, St. Clair River, Lake St. Clair, Detroit River and Lake Erie back to the MI-OH state lines, restricted to the transportation of traffic having prior or subsequent movement by rail in rail owned or operated trailers. (Hearing site: Detroit, MI, or Chicago, IL.)

MC 149097F, filed December 21, 1979. Applicant: COLUMBIA BASIN TRUCKING CORPORATION, P.O. Box 1191, Pasco, WA 99301. Representative: David C. White, 2400 SW. Fourth Ave., Portland, OR 97201. Transporting *general commodities* (except those of unusual value, classes A and B explosives and household goods as defined by the Commission), in containers or in trailers, having a prior or subsequent movement by air, rail or water, and *empty containers, trailers* and *trailer chassis,* between points in Asotin, Benton, Franklin, Yakima, Walla Walla and Whitman Counties, WA, Umatilla and Morrow Counties, OR, and points in ID, on the one hand, and, on the other, points in Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Lincoln, Spokane, Walla Walla, Whitman and Yakima Counties, WA, Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union and Wallowa Counties, OR, and points in ID. (Hearing site: Pasco, WA.)

MC 149276F, filed August 31, 1979, December 18, 1979. Applicant: SIMPSON AND LANE SCHOOL BUS LTD., 472, 25th Street, Battleford, Saskatchewan, Canada. Representative: Horst H. Dahlem, 1165, 100th Street, North

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Battleford, Saskatchewan, Canada, S9A OV3. Contract carrier, transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada, and extending to points in the United States (including AK but not excluding HI). (Hearing site: Billings, MT or Minot, ND.)

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By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 41116 (Sub-71F), filed November 28, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Contract carrier, transporting (1) *wrapping paper, pulpboard, multiwall paper bags and poly film*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above (except in bulk), between the facilities of International Paper Co., at or near Camden, AR, on the one hand, and, on the other, points in LA, MO, NM, OK, and TX, under continuing contract(s) with International Paper Co., of New York, NY. (Hearing site: Dallas, TX, or Little Rock, AR.)

MC 41136 (Sub-27F), filed November 26, 1979. Applicant: FLEET CARRIER CORPORATION, 525 South Boulevard East, Pontiac, MI 48053. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Transporting *motor vehicles*, from Fort Wayne, IN, and Springfield, OH, to points and places in the United States (except AK and HI.) (Hearing site: Chicago, IL, or Detroit, MI.)

MC 42487 (Sub-958F), filed November 26, 1979. Applicant: CONSOLIDATED FREIGHTWAYS, CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Over regular routes, transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) Between Wilmington, DE and Salisbury, MD, over U.S. Hwy 13, (2) Between Washington, D.C. and Salisbury, MD, over U.S. Hwy 50, (3) Between Baltimore, MD and junction MD Hwy 2 and U.S. Hwy 50, over MD Hwy 2, (4) Between junction U.S. Hwy 113 and U.S. Hwy 13 (near Dover, DE) and Salisbury, MD: From junction U.S. Hwy 113 and U.S. Hwy 13 (near Dover, DE) over U.S. Hwy 113 to junction U.S. Hwy 13 (at or near Pocomoke City, MD), then over U.S. Hwy 13 to Salisbury, and return over the same route. (5) Between junction U.S. Hwy 50 and U.S. Hwy 301 (at or near Queenstown, MD) and junction DE Hwy 299 and U.S. Hwy 13 (at or near Odessa, DE): From junction U.S. Hwy 50 and U.S. Hwy 301 (at or near Queenstown, MD) over U.S. Hwy 301 to junction DE Hwy 299 (at or near Middletown, DE), then over DE Hwy 299 to junction DE Hwy 299 and U.S. Hwy 13 (at or near Odessa, DE), and return over the same route. (6) Between Ocean City, MD and junction MD Hwy 1 and U.S. Hwy 113 (near Milford, DE): From Ocean City over MD Hwy 526 to the MD–DE state line, then over MD Hwy 1 to junction MD Hwy 1 and U.S. Hwy 113, (near Milford, DE) and return over the same route. (7) Between Ocean City, MD and junction U.S. Hwy 50 and U.S. Hwy 113 (near Berlin, MD), over U.S. Hwy 50. Serving all intermediate points in connection with the routes described in (1) to (7) above and all points in Kent, New Castle, Sussex Counties, DE, and Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico and Worchester Counties, MD, as either intermediate or off-route points. (Hearing site: Washington, DC.)

Note.—Applicant intends to tack the authorities described above. Also, applicant intends to tack to its existing authority and any authority it may acquire in the future.

MC 46406 (Sub-4F), filed November 28, 1979. Applicant: JOHNSON TRUCK SERVICE, INC., 537 South Watertown Street, Waupun, WI 53963. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. Over regular routes, transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Beaver Dam, WI and Milwaukee, WI, from Beaver Dam over U.S. Hwy 151 to its junction with WI Hwy 26, then over WI Hwy 26 to its junction with WI Hwy 60, then over WI Hwy 60 to its junction with WI Hwy 175, then over WI Hwy 175 to Milwaukee, and return over the same route, serving all intermediate points and the off-route point of Waupun, WI. (Hearing site: Madison or Milwaukee, WI.)

MC 51146 (Sub-782F) filed November 27, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting *electrical and gas appliances, parts* of electrical and gas appliances, and *equipment, materials, and supplies* used in the manufacture, distribution, and repair of electrical and gas appliances, (1) from the facilities of Whirlpool Corporation at Marion, OH to points in the U.S. in and east of MN, IA, MO, AR, and LA, and (2) from the facilities of Whirlpool Corporation at Evansville, IN to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC. (Hearing site: Chicago, IL.)

MC 51146 (Sub-787F), filed November 29, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting *animal feed, feed ingredients, additives, and materials and supplies* used in the manufacture and distribution of animal feed (except commodities in bulk) between the facilities on Kal Kan Foods, Inc. at or near Mattoon, IL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Chicago, IL.)

MC 59247 (Sub-11F), filed November 25, 1979. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1500 Lower Rd., Linden, NJ 07036. Representative: William Biederman, 371 Seventh Ave., New York, NY 10001. Transporting *dry caustic potash*, in packages, and plastics and plastic materials, from the facilities of Diamond Shamrock Corporation, at New Castle and Delaware City, DE, to points in CT, RI, MA, NJ, those in NY on east and south of a line beginning at the NY–VT State line and extending over NY Hwy 7 to junction US Hwy 11, and then over US Hwy 11 to the NY–PA State line, and those in PA on and east of a line beginning at the NY–PA State line and extending along US Hwy 11 to Harrisburg, PA, then along Interstate Hwy 83 to York, PA, then along unnumbered Hwy (formerly portion of U.S. Hwy 111) to the PA–MD State line. (Hearing site: New York, NY, or Washington, DC.)

MC 59336 (Sub-28F), filed November 28, 1979. Applicant: U.S. TRUCK COMPANY, INC., 2290 24th Street, Detroit, MI 48216. Representative: Wilber M. Brucker, Jr., 38th Floor, City National Bank Building, Detroit, MI 48226. Over regular routes, transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Muskegon and Owosso, MI from Muskegon over Interstate Hwy 96 to junction MI Highway M21, then over MI Hwy M21 to Owosso, and return over the same route, severing all intermediate points and the off-route points of Lyons and Coopersville, MI. (Hearing site: Lansing or Detroit, MI.)

Note.—Applicant intends to tack this authority with its regular route authority.

MC 63417 (Sub-256F), filed November 27, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *new furniture*, from Trumann, AR, to points in the United States (except AK and HI), and *Materials, supplies, and equipment* used in the manufacture of new furniture (except commodities in bulk), in the reverse direction. (Hearing site: Washington, DC, or Roanoke, VA.)

MC 75406 (Sub-49F), filed October 26, 1979. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis, MO 63118. Representative: Joseph E. Rebman, 314 North Broadway, Suite 1330, St. Louis, MO 63102. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those commodities requiring special equipment), (1) between junction US Hwys 67 and 64 and Conway, AR over US Hwy 64, serving over no intermediate points, and (2) between North Little Rock, AR, and Conway, AR, from North Little Rock over US Hwy 65 to its junction with Interstate Hwy 40, then over Interstate Hwy 40 to Conway, and return over the same route, serving all intermediate points. (Hearing site: Little Rock, AR, or Memphis, TN.)

MC 106707 (Sub-19F), filed November 26, 1979. Applicant: ADAMS TRUCKING, INC., 1711 West Second St., Webster City, IA 50595. Representative: Ronald D. Adams (same address as applicant). Transporting *glass and glass products*, from the facilities of Libbey-Owens-Ford Co., at or near Toledo, OH to points in IA, IN, IL, WI, MN, ND, SD, KY, and MO. (Hearing site: Chicago, IL.)

MC 106707 (Sub-20F), filed November 28, 1979. Applicant: ADAMS TRUCKING, INC., 1711 West Second St., Webster City, IA 50595. Representative: Ronald D. Adams (same address as applicant). Transporting (1) *stationary or mobile refuse compactors, trash receiving containers and carts, and parts and accessories* therefor from Jackson, MI to points in IA, IL, IN, KY, MN, NE, ND, SD, and WI, and (2) *materials and supplies* used in the manufacturing of the commodities named in (1) above from points in IA, IL, IN, KY, NM, NE, ND, SD, and WI to Louisville, KY, restricted in Part (1) above to shipments orginating at the facilities of Kletro Corp. at Jackson, MI and in Part (2) to shipments destined to K & R Corp. at Louisville, KY. (Hearing site: Chicago, IL.)

MC 109397 (Sub-484F), filed November 27, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a Delaware corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting *metal shelving* and *metal shelving parts* from Boulder County, CO, to points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 123407 (Sub-623F), filed November 27, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *wooden and plastic articles* from the facilities of Abitibi Corporation at or near Middlebury, IN, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 124887 (Sub-103F), filed November 27, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Rt. 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting (1) *iron and steel articles*, and (2) *materials equipment and supplies*, used in the production of iron and steel articles, between Aberdeen, NC, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 124987 (Sub-23F), filed November 7, 1979. Applicant: EARL L. BONSACK AND ELAINE M. BONSACK, a partnership, d.b.a. EARL L. BONSACK, 512 West Plainview Rd., LaCrosse, WI 54601. Representative: Joseph E. Ludden, 324 Exchange Bldg., P.O. Box 1567, LaCrosse, WI 54601. Contract carrier, transporting *wood and fibre crating material*, from Aurora, IL to Madison, WI, under continuing contract(s) with Aurora Container Corp., of Aurora, IL. (Hearing site: Chicago, IL, or Madison WI.)

MC 125508 (Sub-35F), filed November 13, 1979. Applicant: JOSEPH ELETTO TRANSFER, INC., 33 W. Hawthorne Avenue, Valley Stream, NY 11580. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Contract carrier, transporting *such merchandise* as is dealt in by retail department stores (except in bulk), between New York, NY and points in NJ, on the one hand, and, on the other, points in NJ and PA, under a continuing contract(s) with Gimbel Bros. Inc. of Philadelphia, PA. (Hearing site: Philadelphia, PA.)

MC 126276 (Sub-210F), filed November 26, 1979. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Contract carrier*, transporting *Containers, container ends and closures, container accessories and paper and plastic articles, and materials, equipment and supplies* used in the manufacture, sale and distribution of containers, container ends and closure and container accessories and paper and plastic articles (except commodities in bulk and those which, because of size or weight, require the use of special equipment), between points in the United States (except AK and HI), under continuing contract(s) with American Can Company, of Greenwich, CT. (Hearing site: Washington, DC.)

MC 134477 (Sub-392F), filed November 27, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *paints, stains varnishes and compounds* used for reducing, removing, thickening or thinning the above commodities (except commodities in bulk) (1) from the facilities of The Valspar Corporation at or near Kansas City, MO to points in IL, IA, MN, NE, ND, SD, and WI and (2) from the facilities of The Valspar Corporation at or near Baltimore, MD to points in IL, IN, IA, MN, MO, NE, ND, SD, and WI. (Hearing site: St. Paul, MN.)

MC 134716 (Sub-11F), filed November 28, 1979. Applicant: RUSH TRUCKING, INC., 200 Southwest 19th St., Ft. Lauderdale, FL 33315. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30343. Contract carrier, transporting *merchandise, equipment and supplies*, used by manufacturers of cosmetics and toilet preparations, from points in Orange County, FL, to Brevard, Citrus, Flagler, Hernando, Indian River, Lake, Okeechobee, Osceola, Orange, Polk, Seminole, St. Lucie, Sumter, and Volusia counties, FL, under continuing contract(s) with Avon Products, Inc., of Atlanta, GA. (Hearing site: Orlando or Ft. Lauderdale, FL.)

MC 135007 (Sub-81F), filed November 16, 1979. Representative: AMERICAN TRANSPORT, INC., 7850 F St., Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. Contract

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carrier transporting *meat products, meat by products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and *commodities in bulk*), from the facilities of Beef Nebraska, Inc., at Omaha, NE, to points in NY, NJ, PA, DE, RI, NH, MA, ME, CT, IL, IN, OH and DC, under continuing contract(s) with Beef Nebraska, Inc., of Omaha, NE. (Hearing site: Omaha, NE.)

MC 135326 (Sub-24F), filed November 27, 1979. Applicant: SOURTHERN GULF TRANSPORT, INC., Post Office Box 7959, Shreveport, LA 71107. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75210. Transporting *building materials*, (2) *construction materials, equipment, and supplies*, and (3) *equipment, materials, and supplies* used in the manufacture, distribution, or installation of the commodities named in (1) and (2) above, between points in TX, LA, AR, and OK, Restricted against the transportation of commodities in bulk, and further restricted against the transportation of commodities which, because of size or weight, require the use of special equipment. (Hearing site: Dallas, TX.)

MC 135726 (Sub-4F), filed November 27, 1979. Applicant: INLAND CONTRACT CARRIERS, INC., 2805 Highway 143, West Bend, IN 53095. Representative: William L. Slover, Slover & Loftus, 1224 17th St., N.W., Washington, DC 20036. Contract carrier, transporting *general Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) from the facilities of S.C. Johnson and Son, Inc., at Burlingame, CA, Los Angeles, CA and Portland, OR, to facilities of S.C. Johnson and Son, Inc. at Wasdale, WI, under a continuing contract(s) with S.C. Johnson and Son, Inc. of Racine, WI. (Hearing site: Washington, DC.)

MC 136407 (Sub-27F), filed November 19, 1979. Applicant: COORS TRANSPORTATION CO., a corporation, 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln Street, Denver, CO 80264. Contract carrier, transporting *memory storage machines*, and parts related to the operation, maintenance, and manufacturer thereof between Boulder, Jefferson and Denver Counties, CO., on the one hand and, on the other points in AZ, AR, CA, CT, IL, IN, LA, MD, MA, MN, MO, NJ, NY, OH, OR, TX, WA, and WI, continuing contract(s) with Storage Technology Corporation, of Broomfield, CO. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 138206 (Sub-12F), filed November 27, 1979. Applicant: TRULINE CORPORATION, 4455 South Cameron Avenue, Las Vegas, NV 89103. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. Transporting *iron and steel articles*, between points in Los Angeles County, CA, on the one hand, and, on the other, points in CO. (Hearing site: Las Vegas, NV.)

MC 138297 (Sub-9F), filed November 26, 1979. Applicant: CENTRAL FLORIDA COACH LINES, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Joseph F. Hoary, 121 So. Main St., Tayor, PA 18517. Transporting *automobiles*, in secondary movement, between Hazleton, PA, Orlando, Cocoa Beach, St. Augustine, and Tallahassee, FL, St. Louis, MO, Lexington, KY, Atlantic City, NJ, and Fredericksburg, VA, and Lima, OH. (Hearing site: Orlando, FL.)

MC 138367 (Sub-4F), filed November 16, 1979. Applicant: TMI TRANSPORT CORP., 050 Third Avenue West, Dickinson, ND 58601. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Contract carrier, transporting *new furniture*, from Jacksonville, AR, Denver, CO, Dublin, Chatsworth, Elton, and Rome, GA, Delphi, Dubois, Ferdinand, Lafayette, Tell City, IN, Louisville, KY, Benton Harbor, MI, Blue Mountain, Senatobia, Neshoba, MS, Lenoir, Thomasville, Hickory, NC, Celina, and Canton, OH, Martinsville, Bassett, Pulaski, and So. Boston, VA, to points in MN, ND, and SD under a continuing contract(s) with Oral A. Olson, and Kordel Furniture, both of Moorhead, MN. (Hearing site: Bismarck, or Fargo, ND.)

MC 139206 (Sub-66F), filed November 20, 1979. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Dr., Maryland Heights, MO 63043. Representative: R. C. Mitchell (same address as applicant). Contract carrier, transporting *iron pipe fittings, iron body valves, iron stop cock or valve boxes, brass valves, brass fittings bdls, iron meter box covers, fire hydrants and parts and materials* used in the production and distribution of these commodities, between the facilities of the Mueller Company, in Decatur, IL, Chattanooga, TN, Albertsville, AL, and Clinton, SC, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Mueller Company, of Decatur, IL. (Hearing site: St. Louis or Jefferson City, MO.)

MC 140827 (Sub-14F), filed November 28, 1979. Applicant: MARKET TRANSPORT, LTD., 33 N.E. Middlefield Road, Portland, OR 97211. Representative: Michael J. O'Neill (same address as applicant). Transporting (1) *bananas and* (2) *agricultural commodities* otherwise exempt from economic regulation under Section 20526(a)(6) of the Interstate Commerce Act when transported in mixed loads with bananas, from facilities of Del Monte Banana Company at Port Hueneme, CA to points in OR, WA, and UT, restricted to traffic having a prior movement by water. (Hearing site: Portland, OR, or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 143267 (Sub-94F), filed November 28, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, Ohio 44255. Representative: Neal A. Jackson, 1156 15th Street, N.W., Washington, DC. Transporting *aluminum alloy ingots and zinc alloy ingots* from Maple Heights, OH, to points in the US in east of MN, IA, MO, OK, and TX. (Hearing site: Cleveland, OH or Washington, D.C.)

MC 143236 (Sub-46F), filed November 28, 1979. Applicant: WHITE TIGER TRANSPORTATION CO. INC., 40 Hackensack Avenue, Kearny, NJ 07032. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg, 425 13th Street, NW, Washington, DC 20004. Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Alberto-Culver Company, at or near Melrose Park, IL, Atlanta, GA and Milltown, NJ, on the one hand, and, on the other, points in and east of MN, IA, NE, CO, OK, and TX. (Hearing site: Washington DC.)

MC 143267 (Sub-95F), filed November 27, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, Ohio 44255. Representative: Neal A. Jackson, 1156 15th Street, N.W., Washington, DC 20005. Transporting *tractors, agricultural implements, farm machinery, industrial and construction machinery and equipment, and parts and attachments for the foregoing*, from the facilities of AVCO New Idea Farm Equipment Division, The Paul Revere Corporation, at or near Coldwater, OH, to points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NJ, NH, NY, NC, PA, RI, VA, VT, and WV. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 143267 (Sub-96F), filed November 28, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th Street, NW., Washington, DC 20005. Transporting *plastic extrusions* from Bound Brook, NJ to points in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 144827 (Sub-45F), filed November 27, 1979. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, P.O. Box 18423, Memphis, TN 38118. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Transporting *general commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), from Boston, MA, Cranston, RI, and Milford, CT, and points in OH, to Dallas, Houston, and San Antonio, TX, restricted to shipments moving on bills of lading of freight forwarders. (Hearing site: Dallas, TX.)

MC 145516 (Sub-6F), filed November 27, 1979. Applicant: T. G. STEGALL TRUCKING CO., INC., 8100 East Independence Bldg., Matthews, NC 28105. Representative: T. Gene Stegall, Jr. (same address as applicant). Transporting *bananas*, from (1) Charleston, SC, to Salisbury, NC, and (2) from Baltimore, MD, to Salisbury and Charlotte, NC. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 145827 (Sub-6F), filed November 27, 1979. Applicant: LONG ROCK CO., a Corporation, P.O. Box 188, Princeville, IL 61559. Representative: Douglas G. Brown, The INB Center-Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. Transporting *silicon carbide and aluminum oxide*, from points in Erie Country, NY, to points in IL, IN, MI, MN, OH, and WI. (Hearing site: St. Louis, MO.)

MC 145997 (Sub-18F), filed November 28, 1979. Applicant: JEM EQUIPMENT, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box 396, Fayetteville, AR 72701. Transporting (1) *alcoholic liquors*, and (2) *material and supplies* used in the manufacturing of beverage products, between points in IL, on the one hand, and, on the other, Bardstown, Clermont, Cox's Creek, Frankfort and Louisville, KY. (Hearing site: Peoria, IL, or Ft. Smith, AR.)

MC 146387 (Sub-4F), filed November 26, 1979. Applicant: VANS BUILDERS SUPPLY, INC., 1422 Western Ave., Las Vegas, NV 89102. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. Transporting *building materials* from points in Clark County, NV, and Los Angeles County, CA, to points in Marion, Lane, Multnomah and Deschutes Counties, OR. (Hearing site: Las Vegas, NV.)

MC 146807 (Sub-7F), filed November 26, 1979. Applicant: S N W ENTERPRISES, INC., 1 Passan Dr., Wilkes Barre, PA 18702. Representative: Joseph F. Hoary, 121 So. Main St., Taylor, PA 18517. Transporting (1) *steel wire rope*, (2) *steel rods*, (3) *grease*, (4) *steel wire coils*, (1) from Hanover Township, PA, to Culpepper, VA, (2) from Aliquippa, PA, to Culpepper, VA, (3) from Chicago, IL, to Culpepper, VA, and (4) from Culpepper, VA, to Evansville, IN, Houston, TX, and Pittsburgh, PA. (Hearing site: Washington, DC.)

MC 146807 (Sub-8F), filed November 26, 1979. Applicant: S n W ENTERPRISES, INC., 1 Passan Dr., Wilkes Barre, PA 18702. Representative: Joseph F. Hoary, 121 So. Main St., Taylor, PA 18517. Transporting *foodstuffs* (except in bulk), (1) between Johnson City, and Brooklyn, NY, Philadelphia and Pittsburgh, PA, Gloucester, Jersey City, and Vineland, NJ, and (2) from Johnson City, and Brooklyn, NY, Philadelphia, and Pittsburgh, PA, Gloucester, Jersey City, and Vineland, NJ, to points in AL, FL, GA, IL, IN, KS, LA, MD, MI, MN, NY, NC, PA, SC, TN, TX, VA, and WI. (Hearing site: New York, NY.)

MC 147807 (Sub-6F), filed November 26, 1979. Applicant: TERESI TRUCKING, INC., 900½ Victor Rd., P.O. Box 819, Lodi, CA 95240. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. Transporting *iron and steel articles*, from Pittsburg and Torrance, CA, to points in AZ, CA, and NV. (Hearing site: San Francisco, or Stockton, CA.)

MC 147996 (Sub-2F), filed November 27, 1979. Applicant: BRUCE WARD TRUCKING COMPANY, P.O. Box 105, Fort Calhoun, NE 68023. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. Transporting *meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Dugdale Packing Company, at Norfolk, NE, to points in AR, CO, IL, IN, IA, KS, KY, MI, MN, MO, ND, OH, OK, SD, TN, TX, and WI. (Hearing site: Omaha or Lincoln, NE.)

MC 148027 (Sub-2F), filed November 26, 1979. Applicant: MARVIN KLFVBERG, Northwood, ND 58267. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting *Prestressed concrete products*, from the facilities of Concrete, Inc., at Grand Forks, ND, to points in MN, SD, WI, and those in the Upper Peninsula of MI. (Hearing site: Fargo, ND, or Minneapolis, MN.)

MC 148707 (Sub-2F), filed November 26, 1979. Applicant: SELLAND LIVESTOCK, INC., RR 1, P.O. Box 71, Letcher, SD 57359. Representative: A. J. Swanson, P.O. Box 1103, 300 S. Thompson Avenue, Sioux Falls, SD 57101. Transporting *such commodities* as are dealt in by farm supply stores and cooperatives, grain elevators, hardware stores, and farm equipment dealers, from points in MN, WI, IL, IA, IN, NE, KS, MO, ND, MT, CO, OK, WY, LA, TX, MI, OH, OR, WA, and CA to points in Brule, Jerauld, Sanborn, Davison, Aurora, Hanson and Beadle Counties, SD. (Hearing site: Sioux Falls, SD or Mitchell, SD.)

MC 148967F, filed November 27, 1979. Applicant: HOLIDAY COACH LINES, INC., 320 Graham Ave., Eau Claire, WI 54701. Representative: Patrick Stoffers, 721 W. Columbia, Chippewa Falls, WI 54729. Transporting *passengers and their baggage* in the same vehicle with passengers in round-trip special and charter operations, beginning and ending at points in Ashland, Columbia, Crawford, Dane, Dodge, Green, Iowa, Jefferson, Juneau, La Crosse, Marathon, Milwaukee, Monroe, Richland, Rock, Sauk, Trempeleau, Vernon, Vilas, Waukesha, and Wood Counties, WI, and extending to points in the United States, including AK, but excluding HI. (Hearing site: Eau Claire, or Chippewa Falls, WI.)

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Decided: Feb. 14, 1980

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 11207 (Sub-508F), filed November 9, 1979. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Transporting (1) *fiberglass pipe, fittings, valves, hydrants and (2) accessories* for the commodities described in (1) above, from the facilities of Clow Corporation near Lincoln, (Talladega County) AL to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 11207 (Sub-511F), filed November 13, 1979. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101

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Wisconsin Avenue, Washington, D.C. 20014. Transporting *prefabricated log buildings, knocked down, and materials and supplies used in the construction of prefabricated log buildings* between Cohuta, GA, on the one hand, and, on the other, points in AL, AR, FL, IN, KY, LA, MS, MO, NC, OH, OK, SC, TN, TX, VA and WV. (Hearing site: Chattanooga, TN or Washington, DC.)

MC 13087 (Sub-55F), filed November 12, 1979. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street, S.W., Mason City, IA 50401. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *Crushed glass*, from Mason City, IA, to points in MN, and (2) *empty barrels* in the reverse direction. (Hearing site: St. Paul, MN, or Des Moines, IA.)

MC 26377 (Sub-No. 29F), filed November 9, 1979. Applicant: LEONADO TRUCK LINES, INC., 511 South 1st Street, Selah, WA 98942. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. Transporting *general commodities* (except classes A and B explosives) between points in the commercial zone of Portland, OR, Tacoma, WA and Seattle, WA, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Yakima, WA.)

MC 42487 (Sub-930F), filed July 11, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce over regular routes, transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Fort Smith, AR and Joplin, MO, over U.S. Hwy 71, serving the intermediate points of Van Buren, Fayetteville, Springdale, Rogers, Bentonville, AR and the off-route point of Siloam Springs, AR and serving Gateway, AR for purpose of joinder only: (2) Between Memphis, TN and Fort Smith, AR, serving the intermediate points of Forrest City, Brinkley, Hazen, Carlisle, Lonoke, Little Rock, North Little Rock, Morrilton, Conway, Russellville, Clarksville, Ozark, and Van Buren, AR: From Memphis over U.S. Hwy 70 to junction Interstate Hwy 30, then over Interstate Hwy 30 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Fort Smith, and return over the same route. (3) Between Houston, TX and St. Louis, MO, serving the intermediate points of Texarkana, Hope, Prescott, Gurdon, Arkadelphia, Malvern, Benton, Little Rock, North Little Rock, Jacksonville, Cabot, Bald Knob, Newport, Walnut Ridge, Pocahontas, Corning and the off-route points of Lake Catherine, Magnet, Hot Springs Beauxite, Bryant, Beebe, Searcy, Heber Springs and Piggott, AR, also serving Jones Mills plant site in connection with carrier's regular route operations; from Houston over U.S. Hwy 59 to junction U.S. Hwy 67 to Texarkana, AR, then over U.S. Hwy 67 to St. Louis, MO and return over the same route. (4) Between Memphis, TN and Bald Knob, AR, serving the intermediate points of Earle, Wynne, McCrory and Augusta, AR; From Memphis over Interstate Hwy 55 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Bald Knob and return over the same route. (5) Beween Little Rock, AR and Springfield, MO, over U.S. Hwy 65 serving the intermediate points of Harrison, and Conway, AR; (6) Between Memphis, and Springfield, MO serving the intermediate points of Marked Tree, Jonesboro, Walnut Ridge, Truman, and the off-route point of Paragould, AR and serving Hardy, AR for purpose of joinder only; From Memphis over Interstate Hwy 55 to junction U.S. Hwy 63 near Gilmore, AR, then over U.S. Hwy 63 to junction U.S. Hwy 60 near Willowsprings, MO, then over U.S. Hwy 60 to junction U.S. Hwy 160 at Springfield, MO, then over U.S. Hwy 160 to junction U.S. Hwy 13, at Springfield, MO and return over the same route. (7) Between Memphis, TN and Springdale, AR, serving the intermediate points of Mountain Home, Gassville, Flippin and Yellville, and Harrison, AR and serving Gateway and Hardy, AR and the junction U.S. Hwy 167 and U.S. Hwy 162 at Ash Flat, AR for purpose of joinder only; From Memphis over Interstate Hwy 55 to junction U.S. Hwy 63 near Gillmore, AR, then over U.S. Hwy 63 to junction U.S. Hwy 62 near Hardy, AR then over U.S. Hwy 62 to Springdale, AR, and return over the same route. (8) Applicant seeks authority to serve Osceola, AR and Blytheville, AR as intermeidate points in connection with carrier's presently authorized regular route. (9) Between Bald Knob, AR and junction U.S. Hwy 167 and U.S. Hwy 62, serving the intermediate point of Batesville and the off-route point of Magness, AR; From Bald Knob over U.S. Hwy 167 to junction U.S. Hwy 62 at Ash Flat and return over the same route. (10) Between Brinkley, AR and junction U.S. Hwy 49 and U.S. Hwy 61, serving the intermediate points of West Helena and Helena; From Brinkley over U.S. Hwy 49 to junction U.S. Hwy 49 and U.S. Hwy 61, and return over the same route. (11) Between Memphis, TN and Magnolia, AR over the U.S. Hwy 79, serving the intermediate points of Mariana, Stuttgart, Pine Bluff, Fordyce, Camden, and the off-route point of England, AR; (12) Between Little Rock, AR and Lake Village, AR over U.S. Hwy 65, serving the intermediate points of Pine Bluff, Dumas and McGehee, AR and the off-route points of Monticello and Warren, AR; (13) Between Little Rock and El Dorado, AR over U.S. Hwy 167, intermediate point of Fordyce, AR; (14) Between Texarkana, AR and Lake Village, AR over U.S. Hwy 82, serving the intermediate points of Magnolia, El Dorado, and Crossett, AR; (15) Between Jonesboro, AR and Brinkley, AR over U.S. Hwy 49, intermediate point of Harrisburg, AR and serving Fair Oaks, AR for purpose of joinder only; Alternate routes (1) Between Memphis, TN and junction U.S. Hwy 61 and U.S. Hwy 49, serving no intermediate points as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations; From Memphis, over U.S. Hwy 61 to junction U.S. Hwy 49 and return over the same route. (2) Between Memphis, TN and New Orleans, LA, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations but serving the junction U.S. Hwy 82 and Interstate Hwy 55 for purpose of joinder only; From Memphis over Interstate Hwy 55 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route. (3) Between Lake Village, AR and junction U.S. Hwy 82 and Interstate Hwy 55, serving no intermediate points as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations; From Lake Village, AR over U.S. Hwy 82 to junction Interstate Hwy 55, and return over the same route. (Hearing site: Little Rock, AR or Memphis, TN.)

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future. Applicant intends to tack the above described authorities.

MC 51146 (Sub-775F), filed October 22, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting *such commodities* as are dealt in, or used by, manufacturers and distributors of motor vehicles (except commodities in bulk), between Kenosha, WI on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago IL)

MC 59317 (Sub-14F), filed November 9, 1979. Applicant: BISOM TRUCK LINE, INC., 725 First Street North, Newton, IA 50208. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *weed and brush cutters and hydraulic log. splitters* from Forrest, IL, to points in IA. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 61396 (Sub-378F), filed November 5, 1979. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, NE 68101. Representative: Duane L. Stromer (same address as applicant). Transporting *fly ash*, in bulk, from the facilities of American Electric Power Service Corporation, at or near Cleveland, VA, to points in NC and SC. (Hearing site: Omaha, NE, or Richmond, VA.)

Note.—Dual operations may be involved.

MC 95876 (Sub-322F), filed November 5, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). To operate as a *common carrier*, by motor vehicle, in foreign commerce only, transporting (1) *vehicles* designed for off highway use, and *parts, attachments* and *accessories* for the vehicles described in (1) above, from Detroit, MI to points in the United States (except AK and HI), and (2) *materials, equipment* and *supplies* used in the manufacture and distribution of commodities in (1) above (except commodities in bulk) in the reverse direction. (Hearing site: Washington, DC, or Chicago, IL.)

MC 95876 (Sub-323F), filed November 13, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting *agricultural implements*, and *parts and attachments* thereof, from Armstrong, IA to points in the U.S. (except AK and HI) (Hearing site: Minneapolis, MN, or Des Moines, IA.)

MC 96607 (Sub 20F), filed November 6, 1979. Applicant: RUCKER BROTHERS TRUCKING, INC., 1820 Stewart Street East, Tacoma, WA 98421. Representative: Michael D. Duppenthaler, 211 South Washington Street, Seattle, WA 98104. Transporting *utility manholes, vaults and median barriers*, between Auburn, WA and Wilsonville, OR on the one hand, and, on the other, points in ID, MT, OR and WA. (Hearing site: Seattle, WA.)

MC 98187 (Sub-5F), filed November 7, 1979. Applicant: FREDERICK M. JACOBS, d.b.a. WALDRON TRUCK LINE, 443 North 47th Street, Ft. Smith, AR 72903. Representative: Frederick M. Jacobs (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except Classes A and B explosives, household goods, commodities in bulk and those requiring special equipment), (1) between Ft. Smith, AR and Muskogee, OK, from Ft. Smith, AR over U.S. Hwy 64 to Sallisaw, thence over U.S. Hwy 59 to Westville, thence over U.S Hwy 62 to Muskogee, (2) between Ft. Smith, AR and Tahlequah, OK, from Fort Smith over I–40 to Sallisaw, thence over U.S. Hwy 59 to Stilwell, thence over OK Hwy. 51 to Eldon, then over U.S. Hwy 62 to Tahlequah, (3) between Sallisaw, OK and Muskogee, OK from Sallisaw over I–40 and the Muskogee Turnpike to Muskogee, and return over the same routes 1, 2, and 3 above serving all intermediate points on routes 1 and 2, above. (Hearing site: Ft. Smith, AR.)

MC 102616 (Sub-1017F), filed November 6, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting *talc*, in bulk, in tank or hopper-type vehicles, from Grand Island, NE to points in IL, IA, KY, MI, and OH. (Hearing site: Omaha, NE, or Des Moines, IA.)

Docket No. 103786 (Sub-6–8F), filed November 12, 1979. Applicant: SCHJONEMAN TRUCKING, INC., P.O. Box 237, Colby, WI 54421. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Transporting (1) *paper* and *paper products* and (2) *pulpboard products, plastic film, foil* and *cellulose film* from the facilities of American Can Company at or near Neenah, Menasha, and Wausau, WI, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: (1) Milwaukee, WI, or (2) Chicago, IL.)

MC 105007 (Sub-64F), filed November 12, 1979. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Avenue, Albert Lea, MN 56007. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *moulded rubber inflations*, from Johnson Creek, WI to Albert Lea, MN. (Hearing site: Minneapolis-St. Paul, MN.)

MC 105016 (Sub-12F), filed November 12, 1979. Applicant: PELLISSIER TRUCKING, INC., P.O. Box 192, The Dalles, OR 97058. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Transporting *materials, equipment and supplies* (except commodities in bulk) used in the growing, processing and harvesting of fruit, between the facilities of Stadleman Fruit Co., in Wasco and Hood River Counties, OR, on the one hand, and, on the other, points in WA. (Hearing site: Portland, OR.)

MC 105586 (Sub-206F), filed August 10, 1979. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Transporting *glassware and glass containers*, from Muskogee, OK, to points in AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, UT, WA, and WY. (Hearing site: Washington, DC.)

MC 108587 (Sub-30F), filed November 7, 1979. Applicant: SCHUSTER EXPRESS, INC., 48 Norwich Avenue, Colchester, CT 06415. Representative: S. Harrison Kahn, Suite 733, Investment Building, 1511 "K" Street, N.W., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Syracuse, NY and Philadelphia, PA, from Syracuse over Interstate HWY 81 to its intersection with Interstate HWY 380, then over Interstate HWY 380 to its intersection with Interstate HWY 80, then via Interstate HWY 80 to its Intersection with PA HWY 33, then over PA HWY 33 to its intersection with U.S. HWY 22, then over U.S. HWY 22 to its intersection with Interstate HWY 78, then over Interstate HWY 78 to its intersection with NJ HWY 31, then over NJ HWY 31 to its intersection with Interstate HWY 95, then over Interstate HWY 95 to Philadelphia, and return over the same route, serving no intermediate points as an alternate route for operating convenience in connection with carriers authorized regular-route operations. (Hearing site: New York, NY.)

Note.—Applicant will tack authority sought here with existing authority at Philadelphia, PA and Syracuse, NY.

MC 109397 (Sub-482F), filed November 6, 1979. Applicant: TRI–STATE MOTOR TRANSIT CO., a corporation, P.O. Box

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113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting (1) *heat exchangers or equalizers for air, gas, or liquids,* (2) *machinery and equipment for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas or liquids,* and (3) *parts, attachments, and accessories for use in the installation or operation of the commodities named in (1) and (2) above,* from the facilities of The Trane Company, in Fayette County, KY, to points in AZ, CO, CA, CT, DE, ID, IN, ME, MD, MA, MI, MT, NV, NH, NJ, NM, NY, ND, OR, PA, RI, SD, UT, VT, VA, WA, WV, WY, and DC. (Hearing site: Louisville, KY.)

MC 115496 (Sub-125F), filed November 13, 1979. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Transporting *building materials,* and *materials, equipment and supplies* used in the manufacture, installation and distribution of building materials, between the facilities of Georgia-Pacific Corporation, Gypsum Division, at or near Hampton (Henry County), GA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Atlanta, GA.)

MC 115826 (Sub-561F), filed November 13, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *foodstuffs,* and *materials, equipment and supplies,* used by a manufacturer of foodstuffs (except commodities in bulk) (A) from Los Angeles, CA to Dallas, TX and points in OH, GA and KY; (B) from Cincinnati, OH to Los Angeles, CA, Atlanta, GA and Dallas, TX; (C) from Atlanta, GA to Los Angeles, CA and Cincinnati, OH. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 116506 (Sub-5F), filed November 6, 1979. Applicant: JOHNSTOWN–PITTSBURGH EXPRESS, INC., 859 Progress St., Pittsburgh, PA 15219. Representative: Arthur J. Kiskin, 806 Frick Bldg., Pittsburgh, PA 15219. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Pittsburgh, PA, on the one hand, and, on the other, points in Fayette, Westmoreland, Armstrong, Clarion, Elk, Forest, Jefferson, Indiana, Somerset, Cambria, Mifflin, Clearfield, Cameron, Clinton Centre, Franklin, Blair, Bedford, Fulton, Huntington, Snyder, Juniata, Perry, Cumberland, York and Counties, PA (Hearing site: Pittsbugh, PA, or Washington, DC.)

MC 116628 (Sub-14F), filed November 7, 1979. Applicant: C. W. EANES, INC., P.O. Box 1006, Gretna, VA 24557. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. Transporting *lumber, landscape ties* and *timbers* and *treated wood products,* (a) from points in NC to points in VA, (b) from points in NY, to points in VA and NC; and (c) from points in VA, to points in CT, DE, IL, IN, KY, MD, MA, NJ, NY, NC, OH, PA, RI, TN, WV and DC. (Hearing site: Washington, DC.)

MC 117557 (Sub-24F), filed June 5, 1979. Applicant: MATSON, INC., P.O. Box 43, Cedar Rapids, IA 52406. Representative: Kenneth F. Dudley, 1501 E. Main, P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *such machinery and equipment* as are used in constructions, road building, mining, logging, farming, and industrial (except boats), (2) *parts, attachments and accessories* for the commodities described in (1) above, and (3) *materials, equipment, and supplies,* (except commodities in bulk), used in the manufacture sale, and distribution of the commodities in (1) and (2) above, beteen the facilities of Iowa Manufacturing Company at Cedar Rapids, IA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, MN, OR, UT, WA, and WY. (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 119656 (Sub-69F), filed November 27, 1979. Applicant: NORTH EXPRESS, INC., 219 Main Street, Winamac, IN 46996. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *mold and steel repair, hot tops, fluxing compounds and materials, equipment and supplies* used in the manufacture and distribution of mold and steel repair, hot tops, and fluxing compounds, between North Judson, IN, on the one hand, and on the other, points in IA, MO, IL, KY, OH, MI, NY, PA, WV, GA, and AL. (Hearing site: Indianapolis, IN.)

MC 119917 (Sub-54F), filed March 29, 1979, and previously noticed in the **Federal Register** issues of October 4, 1979, and January 8, 1980. Applicant: DUDLEY TRUCKING CO., INC., 724 Memorial Drive, S.E., Atlanta, GA 30316. Representative: Barry L. Dudley (same address as applicant). Transporting *charcoal, hickory chips, charcoal lighter fluid, fireplace logs, and barbeque equipment,* from the facilities of Husky Industries, Inc., at (a) Branson , MO, (b) Pachuta, MS, and Ocala, FL, to points in AL, AR, FL, GA, LA, MS, NC, SC, OK, TN, TX, and VA. (Hearing site: Atlanta, GA, or Richmond, VA.)

Note.—This republication is to correctly reflect the territorial description.

MC 121496 (Sub-38F), filed November 6, 1979. Applicant: CANGO CORP., Suite 2900, 1100 Milam Building, Houston, TX 77002. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting *calcium bromide,* in bulk, in tank vehicles, from the facilities of Velsicol Chemical Corp., at or near Beaumont, TX, to points in LA. (Hearing site: Chicago, IL.)

MC 121626 (Sub-21F), filed November 27, 1979. Applicant: BAYVIEW TRUCKING, INC., 7080 Florin-Perkins Road, Sacramento, CA 95828. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *foodstuffs, pet foods,* and *material, equipment and supplies* used in the manufacture and distribution of foodstuffs and pet foods (except commodities in bulk), between those points in the United States (except AK and HI) on and west of a line beginning at Sault Ste. Marie, MI, thence over I–75 to Cincinnati, OH, thence over I–71 to Louisville, KY, thence over I–65 to Mobile, AL (including the commercial zones of all points located on said highways), restricted to the transportation of traffic originating at or destined to facilities used by Campbell Soup Company, Inc. (Hearing site: Philadelphia, PA, or San Francisco, CA.)

MC 123476 (Sub-51F), filed November 9, 1979. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). Transporting *plastic bottles, plastic bottle cups,* and *accessories* (except in bulk in tank vehicles) between Bedford Park, IL and those points in the United States on or east of U.S. Hwy 85. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 123987 (Sub-32F), filed November 13, 1980. Applicant: JEWETT SCOTT TRUCK LINE, INC., P.O. Box 267, Mangum, OK 73554. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *asphalt and building materials,* from the facilities of (1) GAF Corporation at (a) Kansas City and Annapolis, MO, to points in KS, NM, OK and TX, (b) Dallas, TX, to points in AZ, CO, KS, LA, MO and NM, and (c) Denver, CO, to points in KS, NE, NM, OK, TX and WY, and (2) Roofers Service Supply, Inc., at

Wichita, KS, to points in OK, TX, CO, NM and TN. (Hearing site: Oklahoma City, OK, or Kansas City, MO.)

MC 124017 (Sub-8F), filed November 8, 1979. Applicant: R JEFFREY & SONS, INC., R.D. #1, Elysburg, PA 17824. Representative: John M. Musselman, 410 North Third Street, P.O. Box 1146, Harrisburg, PA 17108. Transporting *pig iron, coke, ferrous silicon* and *scrap,* between points in Niagara County and Erie County, NY, on the one hand, and, on the other, points in MD, DE, NJ, and those in PA on and east of U.S. Highway 220 and U.S. Highway 15. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 124236 (Sub-102F), filed November 9, 1979. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 North Central Expressway, Dallas, TX 75205. Representative: Sam Hallman, 4555 First National Bank Building, Dallas, TX 75202. Transporting *barite,* in bulk, between points in AR, LA, MS, MO, OK and TX. (Hearing site: Dallas, TX.)

MC 125687 (Sub-19F), filed November 13, 1979. Applicant: EASTERN STATES TRANSPORTATION PA, INC., 1060 Lafayette Street, York, PA 17405. Representative Jeremy Kahn, Suite 733, Investment Building, 1511 "K" Street, N.W., Washington, DC 20005. Transporting (1) *malt beverages,* from the facility of the Genessee Brewing Company at or near Rochester, NY to points in NJ; and (2) *empty, used malt beverages containers,* from points in NJ to the facilities of the Genessee Brewing Company at or near Rochester, NY. (Hearing site: Washington, DC.)

MC 128007 (Sub-148F), filed November 12, 1979. Applicant: HOFER, INC., 20th & 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Transporting: *Feed and Feed Ingredients,* from points in Labette County, KS, to points in AR, MO, NM, OK and TX. (Hearing site: Omaha, NE or Kansas City, MO.)

MC 129537 (Sub-43F), filed November 6, 1979. Applicant: REEVES TRANSPORTATION CO., Rt. 5—Dews Rond Rd., Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, FL 33602. Transporting (1) *carpeting, floor covering, and carpet padding,* and (2) *materials, supplies and equipment used in the manufacture* of the commodities described in (1) above, between points in GA, on the one hand, and, on the other points in NM. (Hearing site: Albuquerque, NM.)

MC 133917 (Sub-5F), filed November 7, 1979. CARTHAGE FREIGHT LINE, INC., P.O. Box 315, Carthage, TN 37030. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, transporting such *commodities* as are dealt in by grocery and food businesses, retail chain department stores, and drug stores (except frozen commodities and commodities in bulk) between Chattanooga, TN and Atlanta, GA over Interstate Hwy 65, serving no intermediate points, and serving Chattanooga, TN for purposes of joinder only. (Hearing site: Louisville, KY or Nashville, TN.)

MC 134477 (Sub-380F), filed November 9, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *matches* and *woodenware* (except commodities in bulk) from Dixfield and Oakland, ME and Springfield, MA, to points in AZ, CO, ID, MT, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-381F), filed November 9, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *toilet preparations* and such commodities used in the sale ot toilet preparations; (except in bulk), from Glenview and Morton Grove, IL to points in IA, MN, ND, and SD, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-383F), filed November 9, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *such commodities* as are dealt in or used by department stores, hardware stores, building material supply centers, home improvement stores and farmer cooperative associations (except commodities in bulk), (1) from points in AL, AR, CO, CT, DE, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and DC, to points in IA, MN, NE, ND, SD, and WI, and (2) between points in IA, MN, NE, ND, SD, and WI, restricted in (1) and (2) to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: St. Paul, MN.)

MC 138237 (Sub-11F), filed November 9, 1979. Applicant: METRO HAULING INC., 20848 77th Avenue South, Kent, WA 98031. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. Transporting *general commodities* (except household goods as defined by the commission and Classes A and B explosives), between points in the Portland, OR, Longview, and Tacoma, and Vancouver, WA Commercial Zone, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Seattle, WA.)

MC 141867 (Sub-15), filed November 13, 1979. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. Transporting *manufactured foodstuffs,* from the facilities used by Granny Goose Foods in Alameda County, CA to points in OR, UT, and WA. (Hearing site: Seattle, WA, or Oakland, CA.)

Note.—Dual operations may be involved.

MC 145106 (Sub-4F), filed November 9, 1979. Applicant: JOHN BREITWEISER TRUCKING, INC., R.R. #1, Dow, IL 62022. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *carbonated beverages and flavored syrups,* from Granite City, IL to points in WI, under continuing contract(s) with Shasta Beverages, Div. of Consolidated Foods Company, of Hayward, CA. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 145907 (Sub-3F), filed November 22, 1979. Applicant: RICHARD KILLIAN, d.b.a. KILLIAN TRUCKING, 13575 St. Charles Rock Rd., St. Louis County, MO 63044. Representative: B.W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Contract carrier, transporting (1) *meats,* from the facility of Diamond Meat Packing Company, at or near Carlinville, IL, to points in the U.S. (except AK, HI, NC, SC, ND, ME, NH, VT, MA, CT, RI, DE, MD and DC), and (2) *new restaurant fixtures, prefabricated interior fixtures and precut limber,* from the facilities of Marian Lumber Co., at or near St. Louis, MO, on the one hand, and, on the other, points in IA, WI, MN, NE, NV, IL, FL, MI and KS, under continuing contract(s) with Diamond Meat Packing Company, of Carlinville, IL and Marian Lumber Co., of St. Louis, MO. (Hearing site: St. Louis, MO, or Springfield, IL.)

MC 146616 (Sub-8F), filed November 9, 1979. Applicant: B & H MOTOR FREIGHT, INC., 3314 East 51st Street, Suite B, Tulsa, OK 74135. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Transporting (1) *agricultural machinery* and *materials,*

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equipment, parts and supplies used in the distribution of agricultural machinery; (2) *materials and supplies* used in the production of the commodities named in (1) above, between the facilities of Hay Van Company at or near Boswell, OK, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Hay Van Company, of Dallas, TX. (Hearing site: Dallas, TX, or Tulsa, OK.)

MC 147697 (Sub-3F), filed November 8, 1979. Applicant: KEN-G TRANSPORT, INC., 1920 Riverdale Drive, Pfafftown, NC 27040. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting, *Foodstuffs* (except frozen and in bulk), from Cambridge, MD, to Tampa, FL, under a continuing contract, or contracts, with RJR Foods, Inc., of Winston-Salem, NC. (Hearing site: Winston-Salem, NC.)

MC 147797 (Sub-2F), filed November 16, 1979. Applicant: WALGREEN CO., 200 Wilmot Rd., Deerfield, IL 60015. Representative: John T. O'Connell, 521 S. La Grange Rd., La Grange, IL 60525. Contract carrier, transporting *carbonated beverages, beverage preparations, flavoring compounds, beverage containers,* and *can ends,* from (1) Tampa, FL to Birmingham, AL (2) from Birmingham, AL, to points in MS and TN, under continuing contract(s) with Shasta Beverages, Inc., of Hayward, CA. (Hearing site: San Francisco, CA.)

MC 148016 (Sub-3F), filed November 26, 1979. Applicant: McWHORTER-GRAY ENTERPRISES, INC., 1010 Highway 15 North, Ripley, MS 38663. Representative: Robert H. Taylor, Post Office Box 1728, Jackson, MS 39205. Contract carrier, transporting *bentonite, cat litter and clay products,* from Blue Moutain and Aberdeen, MS to points in the United States (except AK, AZ, CA, CO, HI, ID, MT, NV, NM, OR, UT, WA and WY), under continuing contract(s) with International Minerals & Chemical Corporation, of Mundelein, IL. (Hearing site: Memphis, TN.)

MC 148076F, filed June 18, 1979. Applicant: RICHARD LIGHT, d.b.a. PRONTO PARCEL, 145 Palisade St., Dobbs Ferry, NY. Representative: Michael R. Warner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. *Contract carrier,* transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of new furniture, between the facilities of Architectural Supplement, Inc., at (a) Dobbs Ferry, NY, and (b) Danbury, CT, on the one hand, and, on the other, points in CT, DE, MA, ME, NH, NJ, PA, RI, and VT, under continuing contract(s) with Architectural Supplement, Inc.; and (2) *electric medical equipment and supplies,* between points in Westchester County, NY, on the one hand, and, on the other, points in CT, DE, MA, ME, NH, NJ, PA, RI, and VT, under continuing contract(s) with Machlett-Grafax, of Elmsford, NY, and Cambridge Instruments, of Ossining, NY.

MC 148328 (Sub-2F), filed November 18, 1979. Applicant: THIES TRANSPORTATION, INC., P.O. Box 49, South Highway 281, Great Bend, KS 67530. Representative: William B. Barker, 641 Harrison Street, Topeka, KS 66603. Motor vehicle, over irregular routes, transporting (1) *meats, meat products and meat by-products, dairy products, and articles* distributed by meat packinghouses, as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 706 (except commodities in bulk), from the facilities of Thies Packing Company, Inc. and Ohse Meat Products, Inc. in Topeka, Great Bend and Wichita, KS, to points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, WA, WI and WY. (2) *materials and supplies* used in the manufacturing and process of the commodities in (1) above, in the reverse direction, under continuing contract(s) with Thies Packing Company, Inc. and Ohse Meat Products, Inc., of Great Bend, KS. (Hearing site: Wichita, KS, or Kansas City, MO.)

MC 148466F, filed November 19, 1979. Applicant: WESTARK SPECIALTIES, INC., 7209 Jenny Line, Fort Smith, AR 72906. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Contract carrier, transporting *plastic articles and paper products,* from the facilities of American Can Co.-Dixie Products, at Fort Smith AR, to the facilities of American Can Co.-Dixie Products at Dallas, TX, under continuing contract(s) with American Can Co., of Ft. Smith, AR. (Hearing site: Dallas, TX, or Washington, DC.)

MC 148666F, filed November 19, 1979. Applicant: ARK TRANSPORTATION, INC., 3227 N. Canyon Road, Provo, UT. Representative: Michael J. Norton, P.O. Box 2135, Salt Lake City, UT 84110. Contract carrier, transporting *petroleum products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Telum, Inc. and True Value Oil Company, Inc. both of Provo, UT. (Hearing site: Salt Lake City, UT.)

MC 148936F, filed November 19, 1979. Applicant: LECO CORPORATION, 3000 Lakeview Ave., St. Joseph, MI 49085. Representative: James E. Christenson, 740 Old Kent Building, Grand Rapids, MI 49503. Contract carrier, transporting *printed business forms, raw paper stock, looseleaf binders and accessories* from Kalamazoo, MI, to Valdosta, GA, and Norman, OK, under continuing contract(s) with Master-Craft Corporation of Kalamazoo, MI. (Hearing site: Lansing, or Detroit, MI.)

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Decided: Feb. 14, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill

MC 13087 (Sub-56F), filed November 30, 1979. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second St. SW., Mason City, IA 50401. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *meats, meat products, meat byproducts, and articles distributed by meat packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk) (1) From Marshalltown, IA, to Chicago, IL, and (2) from Omaha, NE, to Marshalltown, IA. (Hearing site: St. Paul, MN, or Omaha, NE.)

MC 20356 (Sub-16F), filed November 19, 1979. Applicant: BRADGER FREIGHTWAYS, INC., 2720 No. 19th Ave., Sheboygan, WI 53021. Representative: Edward G. Bazelon, 39 So. LaSalle St., Chicago, IL 60603. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Rockford, IL, and Portage, WI, over U.S. Hwy 51 serving the intermediate points of Beloit, Janesville, Edgerton, Madison, Arlington and Poynette, (2) between Beloit, WI, and Milwaukee, WI, over U.S. Hwy 15 serving all intermediate points, (3) between Harvard, IL, and Janesville, WI, over U.S. Hwy 14, serving all intermediate points, (4) between Richmond, IL, and Madison, WI, over U.S. Hwy 12 serving all intermediate points, (5) between Janesville, WI, and Racine, WI, over U.S. Hwy 11 serving all intermediate points, (6) between Lake Geneva, WI, and Milwaukee, WI, over WI Hwy 36 serving all intermediate points, (7) between North Chicago, IL and Milwaukee, WI, from North Chicago over IL Hwy 42 to the WI–IL state line, then over WI Hwy 42 from the WI–IL state line to Milwaukee, and return over the same route, serving all intermediate points, (8) between Racine, WI and Whitewater, WI, over WI Hwy 20 serving all intermediate points, (9) between Milwaukee, WI and Madison, WI, over U.S. Hwy 18 serving all intermediate points, (10) between Madison, WI and Milwaukee, WI, over Interstate Hwy 94 serving all intermediate points, (11) between Shorewood, WI, and Portage, WI, from Shorewood over WI Hwy 190 to Pewaukee, WI, then over U.S. Hwy 16 to Portage, and return over the same route, serving all intermediate points, (12) between Watertown, WI, and Madison, WI, over WI Hwy 19 serving all intermediate points, (13) between Grafton, WI, and Arlington, WI, over WI Hwy 60, serving all intermediate points, (14) between Port Washington, WI and Beaver Dam, WI, over WI Hwy 33 serving all intermediate points, (15) between Milwaukee, WI and Manitowoc, WI, over Interstate Hwy 43, serving all intermediate points, (16) between Chilton, WI and Milwaukee, WI over WI Hwy 57, serving all intermediate points, (17) between Sheboygan, WI and Plymouth, WI over WI Hwy 23, serving all intermediate points, (18) between Oconomowoc, WI and Mayville, WI over WI Hwy 67, serving all intermediate points (19) between Fort Atkinson, WI and Jct. WI Hwy 33 over WI Hwy 26, serving all intermediate points, and (20) between Kenosha, WI and Burlington, WI, from Kenosha over WI Hwy 50 to Jct. WI Hwy 83, then over Hwy 83 to Burlington, and return over the same route, serving all intermediate points, service in connection with Route (1) through (20), supra, is authorized at points in Kenosha, Racine, Walworth, Jefferson, Waukesha, Dodge, Washington and Ozaukee Counties as off-route points in connection with said carrier's regular route operations. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—Applicant proposes to tack the requested authority with its existing authority.

MC 26396 (Sub-314F), filed November 30, 1979. Applicant: THE WAGGONERS TRUCKING, a Corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *irrigation systems* from the facilities of Olson Brothers Manufacturing Company, Inc. in Holt County, NE, to points in the United States (except NE, AK and HI), and (2) *materials, supplies and equipment* used in the manufacture, sale and distribution of irrigation systems (except commodities in bulk) from points in the United States (except NE, AK and HI), to the facilities of Olson Brothers Manufacturing Company, Inc. in Holt County, NE. (Hearing site: Billings, MT, or Lincoln, NE.)

MC 31298 (Sub-6F), filed November 19, 1979. Applicant: HAMMON STAGE LINES, INC., 844 Front St., N.E., Salem, OR 97301. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Transporting *passengers and their baggage* in the same vehicle with passengers in charter and special round trip operations, between points in Lincoln and Tillamook Counties, OR, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Salem or Portland, OR.)

MC 42487 (Sub-957F), filed November 20, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and assembled automobiles), between Danville, IL and Urbana, IL, or Interstate Hwy 74, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chicago, IL, or Indianapolis, IN.)

Note.—Applicant extends to tack to its existing authority and any authority it may acquire.

MC 42487 (Sub-959F), filed November 30, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Over regular routes transporting *general commodities* (except commodities in bulk and household goods as defined by the Commission), serving the facilities of Washington Public Power Supply System at or near Elma, WA, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Seattle, WA.)

Note.—Applicant intends to tack to its existing authority and any authority it may acquire.

MC 42487 (Sub-960F), filed November 30, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Over regular routes transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, cement in packages, and those requiring special equipment), between Douglas, AZ and Rodeo, NM, over U.S. Hwy 80, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's otherwise authorized regular route operations. (Hearing site: Phoenix, AZ.)

Note.—Applicant intends to tack to its existing authority and any authority it may acquire.

MC 51146 (Sub-786), filed November 29, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting *flat glass and materials and supplies* used in the manufacture of flat glass (except commodities in bulk), between the facilities of Guardian Industries, at or near Corsicana, TX on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 51146 (Sub-788F), filed November 29, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting *such commodities* as are dealt in or, used by, manufacturers and distributors of games, and toys (except commodities in bulk) between Minneapolis, MN, on the one hand, and, on the other points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 52657 (Sub-749F), filed November 21, 1979. Applicant: ARCO AUTO CARRIERS, INC., 16 W. 151 Shore Court, Burr Ridge, IL 60521. Representative: James Bouril (same address as applicant). Transporting *converted new foreign automobiles,* from Troy, MI, to points in NY, NJ, CT, PA, and MD. (Hearing site: Chicago, IL.)

MC 52657 (Sub-751F), filed November 29, 1979. Applicant: ARCO AUTO CARRIERS, INC., 16 W. 151 Shore Court, Burr Ridge, IL 60521. Representative: James Bouril (same address as applicant). Transporting *reconsigned motor vehicles* in secondary movements, in truckaway service (1) between points in CT, MD, NY, NJ and PA, (2) between points in OH and WV, on the one hand, and, on the other points in CT, MD, NY, NJ and PA, (3) between points in IL, KS, NB, and OK, and (4) between points in IA and MO, on the one hand, and, on the other points in KS, NB and OK, restricted to the transportation of traffic having a prior movement from the facilities of

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American Motors Corporation, Kenosha, WI, Jeep Corporation, a subsidiary of American Motors Corporation in Toledo, OH, American Motors (Canada) Ltd., Brampton, Ontario, Canada and Regie Nationale-Des-Usiness Renault, France. (Hearing site: Chicago, IL.)

MC 52657 (Sub-752F), filed November 21, 1979. Applicant: ARCO AUTO CARRIERS, INC., 16 W. 151 Shore Court, Burr Ridge, IL 60521. Representative: James Bouril (same address as applicant). Transporting *motor vehicles,* in secondary movements, in truckaway service, from Kansas City, MO, to points in OK. (Hearing site: Kansas City, KS, or Chicago, IL.)

MC 58667 (Sub-5F), filed November 28, 1979. Applicant: LEITCHFIELD TRANSFER CO., a corporation, P.O. Box 366, Leitchfield, KY 42754. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting (1) *steel castings,* from the facilities of Campbell-Hausfeld, Inc. at Leitchfield, KY to Harrison, OH, and Richmond, IN, and (2) *equipment, tools, and supplies,* except in bulk, used in the manufacture and distribution of air compressors, from Harrison, OH and Richmond, IN to the facilities of Campbell-Hausfeld, Inc., at Leitchfield, KY, restricted in (1) and (2), above, to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Louisville, KY.)

MC 71296 (Sub-9F), filed November 20, 1979. Applicant: FORT TRANSPORTATION & SERVICE CO., INC., 1600 Janesville Ave., Fort Atkinson, WI 53538. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Fort Atkinson, WI and Beloit, WI, from Fort Atkinson, over WI Hwy 26 to its junction with US Hwy 51, then over US Hwy 51 to Beloit, WI, and return over the same route, serving all intermediate points, (2) between Fort Atkinson, WI and Madison, WI over US Hwys 12 and 18, serving all intermediate points, (3) between Beloit, WI and Madison, WI over US Hwy 51, serving all intermediate points, (4) between Fort Atkinson, WI and Beaver Dam, WI, from Fort Atkinson over WI Hwy 26 to its junction with WI Hwy 33, then over WI Hwy 33 to Beaver Dam, and return over the same route, serving all intermediate points, (5) between Madison, WI and Beaver Dam, WI over US Hwy 151, serving all intermediate points, (6) between Beloit, WI and Milwaukee, WI over WI Hwy 15, serving all intermediate points, (7) between Watertown, WI and Milwaukee, WI, from Watertown over US Hwy 16 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Milwaukee, and return over the same route, serving all intermediate points, (8) between Fort Atkinson, WI and Whitewater, WI over US Hwy 12, serving all intermediate points, (9) between Whitewater, WI and Milwaukee, WI, from Whitewater, over WI Hwy 59 to junction US Hwy 18, then over US Hwy 18 to Milwaukee, serving all intermediate points, and return over the same route, (10) between Jefferson, WI and Columbus, WI over WI Hwy 89, serving all intermediate points, and (11) between the junction of US Hwy 151 and WI Hwy 19 and Watertown, WI, over WI Hwy 19, serving all intermediate points. (Hearing site: Milwaukee or Madison, WI.)

MC 95876 (Sub-328F), filed November 20, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting (1) *iron and steel articles,* and (2) *materials, equipment and supplies* used in the manufacture of commodities in (1) above (except commodities in bulk), between points in TX, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Dallas or Houston, TX.)

MC 95876 (Sub-330F), filed November 20, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting *iron and steel articles,* between Hope, AR, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Little Rock, AR, or Memphis, TN.)

MC 100666 (Sub-507F), filed November 19, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *iron and steel articles,* from Baytown, TX to points in AL, AR, FL, GA, LA, MS, TN and TX. (Hearing site: Dallas, TX.)

MC 100666 (Sub-508F), filed November 19, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *lumber and building materials,* between facilities of Schutte Lumber Company at Kansas City, MO, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Kansas City, MO.)

MC 108676 (Sub-153F), filed November 21, 1979. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., NE, Knoxville, TN 37917. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *iron and steel articles,* between the facilities of Boyce Steel, at or near Kingston Springs, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Nashville, TN.)

MC 109376 (Sub-19F), filed November 19, 1979. Applicant: SKINNER TRANSFER CORPORATION, P.O. Box 284, Reedsburg, WI 53959. Representative: Nancy J. Johnson, 103 East Washington St., Box 218, Crandon, WI 54520. Transporting (1) *waferboard,* from the Township of Hayward, Sawyer County, WI, to points in MI, IN, IL, MN, IA, NE, KS, KY, MO, OH, PA, SD, and ND, and (2) *materials, equipment and supplies* used in the manufacture and distribution of waferboard, from points in MI, IN, IL, MN, NE, KS, KY, MO, OH, PA, ND, and SD, to the township of Hayward, Sawyer County, WI, restricted in (1) and (2) to the transportation of traffic originating at or destined to the facilities of Louisiana-Pacific Corporation, Seaway Division. (Hearing site: Escanaba, MI, or Madison, WI.)

MC 113106 (Sub-84F), filed October 30, 1979. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St. N.W., Washington, DC 20005. Transporting *paper and paper products, and materials, supplies, and equipment* used in the manufacture and distribution of the commodities (except commodities in bulk), between points in the United States in and east of MN, IA, MO, AR, and LA; restricted tro the transportation of traffic originating at or destined to the facilities of Scott Paper Company. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 115826 (Sub-564F), filed November 30, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) *floor coverings,* and (2) *materials, equipment and supplies* used in the installation and maintenance of floor coverings, from East Hempfield Township and Lancaster, PA, to points in GA, IL, NC, SC and points in the US in and west of MN, IA, MO, AR, and LA (except AK, HI, AZ, CA, NV, and OR). (Hearing site: Denver, CO.)

MC 115917 (Sub-36F), filed November 20, 1979. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 247, Corssnore, NC 28616. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting *salt and salt products* (except in bulk, from points in Harris and Ft. Bend Counties, TX to points in AL, FL, GA, MS, NC, SC, and TN. (Hearing site: Houston, TX.)

MC 117676 (Sub-19F), filed November 20, 1979. Applicant: HERMS TRUCKING, INC., 620 Pear St., Trenton, NJ 08648. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *wax impregnated fireplace logs, boxed cord wood, charcoal briquets and lighting fluid* (except in bulk), from the facilities of or used by Sebring Forest Industries, Inc., at Alliance, Canton and Sebring, OH, to points in the US in and east of MI, IL, KY, TN, and AL. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 117786 (Sub-72F), filed October 30, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *tires, tubes, and commodities* dealt in by tire manufacturers, distributors or dealers, between points in the US (except AK and HI), restricted to the transportation of traffic originating at the facilities of or those used by Pirelli Tire Co. (Hearing site: Phoenix, AZ.)

MC 117786 (Sub-76F), filed November 19, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85014. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *commodities* used or useful in the mining, milling, smelting, refining, manufacturing, sale or distribution of copper ore, from points in NJ, TN, PA, OH and IL to the facilities of Magma Copper Company, a subsidiary of Newmont Mining Corporation, at San Manuel and Superior, AZ. (Hearing site: Phoenix, AZ.)

MC 119777 (Sub-432F), filed November 30, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85–East, Madisonville, KY 42431. Representative: Carl U. Hurst P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) *aluminum and aluminum products,* (2) *parts and accessories* used in the installation of the commodities in (1), and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, (except in bulk), between the facilities of V.A.W. of America, Inc., in St. Johns County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Jacksonville, FL.)

MC 119917 filed November 30, 1979. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, SE Atlanta, GA 30316. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *lighting fixtures and parts and accessories* for lighting fixtures, from the facilities of Lithonia Lighting, Inc., a Division of National Service Industries, Inc., at or near Conyers, GA, Cochran, GA and Crawfordsville, IN to points in the United States in and east of ND, SD, NE, CO and NM. (Hearing site: Atlanta, GA.)

MC 123407 (Sub-622F), filed November 21, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *iron and steel articles* from the facilities of Atlantic Steel Co., at Atlanta and Cartersville, GA, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 124887 (Sub-101F), filed November 19, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Rt. 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *lumber, lumber mill products, plywood and particleboard,* between points in AL, FL, GA, and MS, on the one hand, and, on the other, points in AR, KY, LA, IL, IN, IA, MD, MI, MO, NC, OH, PA, SC, TN, VA, WV, and TX. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 124887 (Sub-102F), filed November 29, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Rt. 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *nails and construction mesh,* between Quincy, FL, on the one hand, and, on the other, points in NC, SC, GA, AL, TN, MS, AR, LA, TX, and OK. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 124887 (Sub-107F), filed November 30, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Rt. 1, Box 230 Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *iron and steel articles, and metals,* between points in the US in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Triangle Steel Service Corporation. (Hearing site: Jacksonville or Tampa, FL.)

MC 128837 (Sub-12F), filed November 29, 1979. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62656. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting (1) *composition board, plywood, and accessories,* and (2) *materials* used in the installation and sale of the commodities in (1), from the facilities of Abitibi Corporation, in Lucas County, OH, to points in IL, IA, MN, MO, NE, ND, SD, and WI. (Hearing site: Chicago, IL.)

MC 129387 (Sub-103F), filed November 30, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant). Transporting *general commodities* (except those of unusual value, Classess A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which by reason of size or weight require the use of special equipment), from Seattle, WA, to points in MT, WI, and Chicago, IL, restricted to the transportation of traffic having an immediately prior movement by water. (Hearing site: Seattle, WA.)

MC 134467 (Sub-55F), filed November 29, 1979. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203, (303) 839–5856. Transporting *materials, equipment and supplies* used in the manufacture and distribution of poultry and poultry products, from points in GA, IA, IL, MA; MS, NY, NC, NJ, OH, PA, TN, TX, and WV, to points in Benton, Carroll, Howard, Pulaski, and Washington Counties, AR; Webster Parish, LA, Barry and Lawrence Counties, MO, and Grundy County, TN, restricted to the transportation of destined to the facilities Tyson Foods, Inc. (Hearing site: Fayetteville, or Little Rock, AR.)

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Decided: Feb. 8, 1980.

By the Commission, Review Board Number 2. Members Eaton, Liberman and Jensen. Member Jensen not participating.

MC 1117 (Sub-24F), filed October 30, 1979. Applicant: M.G.M. TRANSPORT CORP., 70 Maltese Dr., Totowa, NJ 07512. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *such commodities* as are dealt in or used by department stores (except commodities in bulk), from points in NJ and NY, to

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Henderson, NC. (Hearing site: Raleigh, NC.)

MC 1117 (Sub-25F), filed October 30, 1979. Applicant: M.G.M. TRANSPORT CORP., 70 Maltese Dr., Totowa, NJ 07512. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *chemicals and chemical products* (except commodities in bulk), from points in NY, NJ, PA, DE, and MD, to points in NC and Lynchburg, VA. (Hearing site: Raleigh, NC.)

MC 11207 (Sub-507F), filed October 29, 1979. Applicant: DEATON, INC., 317 Ave. W., P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting (1) *wood products* and (2) *accessories* for wood products, from Center, TX, and Jackson and Nashville, TN to points in AL, AR, FL, GA, IL, IN, KY, LA, MS, NC, OH, OK, SC, TN, TX, VA, and WV. (Hearing site: Dallas, TX, or Washington, DC.)

MC 42487 (Sub-955F), filed October 24, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94024. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Amerace Corp., Wheel Products, Division, at or near Lineville, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Birmingham, AL.)

Note.—Applicant states it intends to tack to its existing authority and any authority it may acquire in the future.

MC 51146 (Sub-778F), filed October 29, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting *canned goods*, between Hastings, MN, and Alton, IL, on the one hand, and, on the other, points in WI. (Hearing site: Chicago, IL.)

MC 55896 (Sub-125F), filed October 29, 1979. Applicant: R–W SERVICE SYSTEM, INC., 20225 Goddard Rd., Taylor, MI 48180. Representative: George E. Batty (same address as applicant). Transporting *iron and steel articles*, from the facilities of Inland Steel Company, at East Chicago, IL, to points in IL, IA, OH and the Lower Peninsula of MI. (Hearing site: Chicago, IL.)

MC 73866 (Sub-7F), filed October 26, 1979. Applicant: LOUIS J. GARDELLA, INC., 111 Harbor Ave., Norwalk, CT 06852. Representative: Winthrop E. DeLapp (same address as applicant). Transporting *malt beverages*, between Merrimack, NH, on the one hand, and, on the other, Hartford, West Haven, CT, and Orange, CT. (Hearing site: New Haven or Hartford, CT.)

MC 78687 (Sub-87F), filed October 30, 1979. Applicant: LOTT MOTOR LINES, INC., West Cayuga St., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, DC 20001. Transporting *coal*, between points in PA and NY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 95876 (Sub-321F), filed October 28, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting (1)(a) *iron and steel articles, fabricated metal articles, pumps, heaters, pressure vessels, pollution control equipment, windmills* and *drilling equipment* and (b) *parts and accessories* for the commodities in (1)(a) above, and (2) *materials, equipment and supplies* used in the manufacture, distribution and installation of the commodities in (1) above (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Valley Industries, Inc. Hartford, West Haven, CT, and Orange, CT. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 96607 (Sub-19F), filed October 23, 1979. Applicant: RUCKER BROTHERS TRUCKING, INC., 1820 Stewart St. East, Tacoma, WA 98421. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. Transporting *machinery*, from Seattle, WA to points in ID, MT, and OR. Condition: Person or persons who appear to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Seattle, WA.)

MC 100666 (Sub-499F), filed October 25, 1979. Applicant: MELTON TRUCK LINE, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615 East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *Wire rope*, from St. Joseph, MO, to points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 101186 (Sub-18F), filed October 25, 1979. Applicant: ARLEDGE TRANSFER, INC., Hwy 34 West, P.O. Box 157, Burlington, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Over *regular routes*, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Burlington, IA, and Memphis, TN: from Burlington over U.S. Hwy 61 to junction Interstate Hwy 270, then over Interstate Hwy 270 to junction Interstate Hwy 55, then over Interstate Hwy 55 to Memphis, and return over the same route, serving no intermediate points. (Hearing site: Des Moines, IA, or Memphis, TN.)

Note.—Applicant states it intends to tack with its other authority.

MC 102567 (Sub-244F), filed October 29, 1979. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Fwy., Suite 130, Houston, TX 77040. Transporting *calcium bromide*, in bulk, in tank vehicles, from the facilities of Velsicol Chemical Corporation, at or near Beaumont, TX, to points in LA. (Hearing site: Houston, TX.)

MC 105566 (Sub-213F), filed October 31, 1979. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Bldg., 6901 Old Keene Mill Rd., Springfield, VA 22150. Transporting *printed matter*, and *materials, equipment, and supplies* used by printing companies, between Old Saybrook, CT, Chicago, Dwight, and Mattoon, IL, Crawfordsville and Warsaw, IN, Glasgow, KY, Willard, OH, Lancaster, PA, and Gallatin, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 105566 (Sub-214F), filed October 31, 1979. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Bldg., 6901 Old Keene Mill Rd., Springfield, VA 22150. Transporting *printed matter*, and *materials, equipment, and supplies* used by printing companies, between Spartanburg, SC, and Harrisonburg, VA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 108207 (Sub-537F), filed October 31, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). Transporting *yogurt* (except in bulk), in vehicles equipped with mechanical refrigeration, from Reed City and Otsego, MI to Logan, Murray, Ogden, Provo, Salt Lake City, UT and East Milwaukee, Clackamus, Medford, Salem, and Portland, OR. (Hearing site: Chicago, IL.)

MC 108676 (Sub-150F), filed October 9, 1979. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave. NE., Knoxville, TN 37917. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *fired clay cat litter* (except in bulk, in tank vehicles), from the facilities of O.C.P.C., Inc., at or near Stroud, OK, to points in the United States (except AK and HI). (Hearing site: Oklahoma City, OK.)

MC 108937 (Sub-61F), filed October 30, 1979. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Rd., St. Paul, MN 55113. Representative: Jerry E. Hess, P.O. Box 43640, St. Paul, MN 55164. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Toro Company, at or near Tomah, WI, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: St. Paul, MN.)

Note.—Applicant states it intends to tack with other authority.

MC 109126 (Sub-17F), filed October 28, 1979. Applicant: LA SALLE TRUCKING COMPANY, a corporation, 690 Anita St., Chula Vista, CA 92011. Representative: Fred H. Mackensen, 9454 Wilshire Blvd. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between ports of entry on the international boundary line between the United States and the Republic of Mexico, on the one hand, and, on the other, points in CA, in foreign commerce only. (Hearing site: San Diego, or Los Angeles, CA.)

MC 110166 (Sub-23F), filed October 29, 1979. Applicant: TENNESSEE CAROLINA TRANSPORTATION, INC., P.O. Box 100943, Nashville, TN 37210. Representative: Donald E. Cross, 918 16th St. NW., Washington, DC 20006. Over *regular routes*, transporting *general commodities* (except those of unusual value, classes A and B explosives, contractors' equipment, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Asheville and Charlotte, NC, over U.S. Hwy 21, serving all intermediate points, and off-route points in NC on and west of U.S. Hwy 21, and serving Asheville for purposes of joinder only. (Hearing site: Nashville, TN, or Charlotte, NC.)

Note.—The purpose of this application is to move applicant's gateway from Charlotte, NC to Asheville, NC.

MC 112107 (Sub-13F), filed October 29, 1979. Applicant: NEW ENGLAND MOTOR FREIGHT, INC., 454 Main Ave., P.O. Box 3427, Wallington, NJ 07057. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. Over *regular routes*, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Pittsfield, MA and Niagara Falls, NY: from Pittsfield over U.S. Hwy 20 to Buffalo, NY, then over Interstate Hwy 190 to Niagara Falls, and return over the same route, (2) between Albany and Niagara Falls, NY: from Albany over Interstate Hwy 90 to junction Interstate Hwy 290, then over Interstate Hwy 290 to junction Interstate Hwy 190, then over Interstate Hwy 190 to Niagara Falls, and return over the same route, (3) between Buffalo, NY, and Pittsburgh, PA, from Buffalo over U.S. Hwy 219 to junction U.S. Hwy 119, then over U.S. Hwy 119 to junction U.S. Hwy 522, then over U.S. Hwy 522 to junction U.S. Hwy 22, then over U.S. Hwy 22 to Pittsburgh, and return over the same route, (4) between Westfield, NY, and Newark, NJ: from Westfield over NY Hwy 17 to the NY-NJ state line, then over NJ Hwy 17 to Newark, and return over the same route, (5) between the ports of entry on the international boundary line between the United States and Canada at or near Rouses Point, NY, and New York, NY over U.S. Hwy 9 (also Interstate Hwy 87), (6) between Scranton, PA and Watertown, NY, over Interstate Hwy 81, (7) between Waterbury, CT, and Scranton, PA, over Interstate Hwy 84, (8) between Scranton, PA, and Washington, DC: from Scranton over Interstate Hwy 81 to Harrisburg, PA, then over Interstate Hwy 83 to Baltimore, MD, and then over U.S. Hwy 1 to Washington, DC, and return over the same route, (9) between Scranton, PA, and Baltimore, MD: from Scranton over PA Hwy 309 to Dunmore, PA, then over U.S. Hwy 611 to Philadelphia, PA, and then over U.S. Hwy 1 to Baltimore, and return over the same route, (10) between Washington, DC and Pittsburgh, PA: from Washington over Interstate Hwy 270 to Frederick, MD, then over U.S. Hwy 40 to Uniontown, PA, and then over U.S. Hwy 119 to Pittsburgh, and return over the same route, (11) between Corning, NY and Frederick, MD, over U.S. Hwy 15, (12) between the port of entry on the international boundary line between the United States and Canada at or near Champlain, NY, and the MD–WV state line at or near Martinsburg, WV, over U.S. Hwy 11, (13) between Wilmington, DE and Salisbury, MD, over U.S. Hwy 13, (14) between Washington, DC and Ocean City, MD, over U.S. Hwy 50, (15) between New York, NY and Harrisburg, PA, (a) from New York over U.S. Hwy 1 to Newark, NJ, then over U.S. Hwy 22 to Harrisburg, and return over the same route, and (b) from New York to Newark as described in (a) above, then over Interstate Hwy 78 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Harrisburg, and return over the same route, (16) between New York, NY and Pittsburgh, PA: from New York over Interstate Hwy 80 to junction Interstate Hwy 79, then over Interstate Hwy 79 to Pittsburgh, and return over the same route, (17) between Cumberland, MD and Williamsport, PA over U.S. Hwy 220; serving, in all routes described above, all intermediate points and all off-route points in DE, MD, NY, and PA. (Hearing site: New York, NY, or Philadelphia, PA.)

MC 113106 (Sub-83F), October 30, 1979. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive, 1030 15th St. NW., Washington, DC 20005. Transporting *glass containers*, from Baltimore, MD, to points in NY, NJ, PA, DE, VA, WV, and DC. (Hearing site: Washington, DC.)

MC 115826 (Sub-559F), filed October 19, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *such commodities* as are dealt in by retail shoe stores, and *materials, supplies, and equipment* used by retail shoe stores, from the facilities of Kinney Service Corporation, at or near Camp Hill and Mechanicsburg, PA, to points in AZ, CA, CO, NM, NV, OR, TX, UT, and WA. (Hearing site: Denver, CO.)

MC 115826 (Sub-560F), filed October 26, 1979. Applicant: W. J. DIGBY, INC.,

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6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Phillips Petroleum Company, Phillips Fibres Corporation, Phillips Chemical Company, or Phillips Products Company. (Hearing site: Denver, CO.)

MC 116077 (Sub-429F), filed October 29, 1979. Applicant: DSI TRANSPORTS, INC., 4550 Post Oak Pl. Dr., P.O. Box 1505, Houston, TX 77001. Representative: James M. Doherty, 500 West 16th St., P.O. Box 1945, Austin, TX 78767. Transporting *chemicals*, in bulk, in tank vehicles, from Dallas, TX, to points in AL, AZ, AR, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MT, MO, NE, NV, NM, NC, ND, OH, OK, SC, SD, TN, UT, VA, WI, and WY. (Hearing site: Dallas or Houston, TX.)

MC 119777 (Sub-426F), filed October 26, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY, 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY, 42431. Transporting *carbon products*, and *graphite products*, from points in Christian County, KY to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 119777 (Sub-427F), filed October 29, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *pulp and paper mill equipment*, and *wood-handling equipment*, from Meridian, MS to those points in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site: Birmingham, AL, or New Orleans, LA.)

MC 119917 (Sub-61F), filed October 25, 1979. Applicant: DUDLEY COMPANY, TRUCKING INC., 247 Memorial Dr. S.E., Atlanta, GA 30316. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *paper and paper products*, and *materials, equipment, and supplies*, used in the manufacture and distribution of paper and paper products (except commodities in bulk), between those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Gilman Paper Company. (Hearing site: Atlanta, GA.)

MC 124896 (Sub-99F), filed October 30, 1979. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, NC 27893. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *meats and meat products, and meat by-products and articles distributed by meat packinghouses*, as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk) from the facilities of Wilson Foods Corporation at (a) Logansport, IN, (b) Marshall, MO, (c) Monmouth, IL and (d) Omaha, NE, to points in AL, GA, NC, SC, VA. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 125916 (Sub-12F), filed October 30, 1979. Applicant: NORWOOD TRANSPORTATION, INC., 2232 South 7200 West, Magna, UT 84044. Representative: Macoy A. McMurray, Suite 800, Beneficial Life Tower, 36 South State St., Salt Lake City, UT 84111. Transporting (1) *salt and salt products*, and (2) *mineral mixtures*, in mixed shipments with salt and salt products, from points in Salt Lake, Tooele, and Weber Counties, UT, to points in CA, ID, OR, and WA. (Hearing site: Salt Lake City, UT, or Boise, ID.)

MC 129387 (Sub-102F), filed October 26, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant). Transporting *meats, meat products, and meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Carroll, Denison, Des Moines, Fort Dodge, Iowa Falls, and Sioux City, IA, and Crete, Lincoln, and Omaha, NE, to those points in the United States in and west of MI, OH, KY, MO, OK, and TX (except AK and HI). (Hearing site: Omaha, NE, or Chicago, IL.)

MC 133757 (Sub-3F), filed October 26, 1979. Applicant: CAROLINA EAST FURNITURE TRANSPORT, INC., P.O. Box 1426, Sumter, SC 29150. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 169 Jefferson Ave., Memphis, TN 38103. Transporting *new furniture*, from the facilities of the Barcalounger Division of the Futorian Corporation, a Division of Mohasco Industries, at Rocky Mt. and Turkey, NC, to points in AL, AR, LA, MS, OK, TX, TN, FL, and GA. (Hearing site: Sumter, SC.)

MC 136357 (Sub-5F), filed October 25, 1979. Applicant: BEST TRANSPORTATION CORP., INC., River St. and S. Washington Ave., Scranton, PA 18503. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. Transporting (1) *range and stove hoods, exhaust fans, and non-portable electric heaters*, and (2) *parts* used in the installation of the commodities in (1) above, (a) between Old Forge, PA, and Hartford, WI, and (b) from Old Forge, PA, to Atlanta, GA, Wilkesboro, NC, Fort Lauderdale, FL, and points in NY, NJ, CT, VT, ME, NH, MA, and RI, and (3) *materials and supplies* used in the manufacture of the commodities in (1) and (2) above, from Atlanta, GA, to Old Forge, PA. (Hearing site: Wilkes Barre, PA.)

MC 136786 (Sub-184F), filed October 30, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55345. Transporting *foodstuffs (except frozen), cleaning, scouring, and washing compounds, solidified methanol, paper articles, plastic articles, scourers, toothpicks, chef hats and straws*, from Dorsey, MD, to Elk Grove Village, IL, Kansas City, KS, Minneapolis, MN, and Dallas and Houston, TX. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 138777 (Sub-9F), filed October 29, 1979. Applicant: FETZ INCORPORATED, P.O. Box 47685, Doraville, GA 30362. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326. Transporting *chemicals, in bulk, in tank vehicles*, between points in Georgia, on the one hand, and, on the other, points in AL, SC, NC, TN, FL, MS, LA, VA, and WV. (Hearing site: Atlanta, GA.)

MC 139906 (Sub-78F), filed October 25, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting (1) *such commodities* as are dealt in by grocery, hardware, and drug stores (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above (except commodities in bulk), between Dallas, TX, on the one hand, and, on the other, Los Angeles, CA, Atlanta, GA, Chicago, IL, New York, NY, and Portland, OR, restricted to the transportation of traffic originating at or destined to the facilities used by Boyle-Midway, Division of American Home Products Corporation, at or near the named points. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 141867 (Sub-12F), filed October 29, 1979. Applicant: SPECIALIZED TRUCKING SERVICES, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting *such commodities* as are dealt in or used by manufacturers of containers and packaging materials, between points in AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY. (Hearing site: Seattle, WA.)

Note.—Dual operations may be involved.

MC 143267 (Sub-92F), filed October 30, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th St. NW., Washington, DC 20005. Transporting (1) *plastic pipe and pipe fittings*, (2) *accessories* for plastic pipe, and (3) *materials and supplies* used in the manufacture and installation of the commodities in (1) above (except commodities in bulk, in tank vehicles), between points in Geneva County, AL, on the one hand, and on the other, those points in the United States in and east of MN, IA, MO, AR, and TX. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 144117 (Sub-49F), filed October 24, 1979. Applicant: TLC LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Gregory A. Stayart, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *paper and paper products*, from the facilities of Scott Paper Company, S.D. Warren Division, at or near Muskegon, MI, to points in AZ, CA, CO, ID, MT, NM, NV, OK, OR, TX, UT, WA and WY, restricted to the transportation of traffic originating at the named origin. (Hearing site: Detroit, MI or Chicago, IL.)

MC 144927 (Sub-25F), filed October 25, 1979. Applicant: REMINGTON FREIGHT LINES, INC., P.O. Box 315, Remington, IN 47977. Representative: Gerald R. Morlan (same address as applicant). Transporting *corn starch and dehydrated corn syrup* (except commodities in bulk), from Hammond, IN, to points in MN, IA, MO, WI, IL, IN, KY, TN, MI, OH, NY, PA, WV, VA, NC, SC, MA, CT, NJ, DE, and MD. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 146646 (Sub-50F), filed October 29, 1979. Applicant: BRISTOW TRUCKING COMPANY, a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting *dry cleaning and laundry equipment, materials, and supplies* (except commodities in bulk, and those which by reason of size or weight require the use of special equipment), and (2) parts for the commodities in (1) above (except commodities which by reason of size or weight require the use of special equipment), from the facilities of W. M. Cissell Mfg. Co., at (a) Louisville, KY, and (b) Cincinnati, OH, to points in AZ, CA, FL, GA, NV, NM, OR, TX, UT, and WA. Condition: The person or persons which appear to be in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Louisville, KY, or Birmingham, AL.)

MC 146646 (Sub-51F), filed October 29, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting *canned and bottled foodstuffs*, and *pepper pulp*, in drums, from Cade and Lozes, LA, Wilson, NC, to points in AL, FL, GA, NC, SC, TN, LA, and MS. Condition: The person or persons which appear to be in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Lafayette, LA, or Birmingham, AL.)

MC 146646 (Sub-52F), filed October 29, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting (1) *zinc, zinc oxide, zinc dust, lead sheet, metallic cadmium, zinc dross, zinc residue, zinc skimmings*, and (2) *materials, equipment, and supplies* used in the production of the commodities in (1) above, between the facilities of St. Joe Zinc Company, at Josephtown, PA, on the one hand, and, on the other, points in AL, FL, GA, IL, KY, and IN. Condition: Person or persons which appear to be in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Josephtown, PA, or Birmingham, AL.)

MC 146646 (Sub-53F), filed October 29, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting *automobile transmissions* and *parts and accessories* for automobile transmissions, between the facilities of Transmissions Unlimited, Inc., at or near Fairhope, AL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the indicated points. Condition: Person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Birmingham, AL, or Montgomery, AL.)

MC 147536 (Sub-19F), filed October 29, 1979. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as applicant). Transporting (1) *plumbing goods*, (2) *bathroom vanities*, and *accessories* for bathroom vanities, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above (except commodities in bulk), between Phoenix, AZ, Redlands, CA, Union Point and Monroe, GA, Rensselaer and Crawfordsville, IN, Leominster, MA, Ottumwa, IA, Salem, OH, New Castle, PA, Hondo and Corsicana, TX, and Wilwaukee, WI, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Universal-Rundle Corporation. (Hearing site: Pittsburgh or New Castle, PA.)

MC 148107 (Sub-1F), filed October 28, 1979. Applicant: JESSE J. MESA, d.b.a. J. J. MESA TRUCKING CO., 1500 South Zarzamora St. Representative: Kenneth R. Hoffman, 801 Vaughn Bldg., Austin, TX 78701. Transporting (1) *tile*, from San Antonio, TX, to points in AZ, CA, CO, NM, OK, and UT, and (2) *materials, equipment, and supplies* used in the manufacture, sale, or distribution of tile (except commodities in bulk), in the reverse direction. (Hearing site: San Antonio, TX.)

MC 148306 (Sub-2F), filed October 30, 1979. Applicant: DAROLD R. TABOR, INC., Box 11354, Pueblo, CO 81001.. Representative: John H. Lewis, The 1650 Grant St. Bldg., Denver, CO 80203. Transporting *sodium sulfate*, from Farmington, NM, and Seagraves, TX, to points in CO. (Hearing site: Denver, CO.)

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Decided: March 7, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

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MC 2229 (Sub-234F), filed December 7, 1979. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75247. Representative: Jackie Hill (same address as applicant). Transporting *machinery* from Grand Prairie, TX to points in CA, FL, IL, IA, NV, OR, WA and WY. (Hearing site: Dallas or Ft. Worth, TX.)

MC 2368 (Sub-102F), filed December 10, 1979. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Rd., P.O. Box 495, Richmond, VA 23204. Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Transporting (1) *brewers condensed solubles in bulk*, from the facilities of Anheuser-Busch, Inc., at or near Williamsburg, VA, to Manheim, PA, Albany, and Buffalo, NY, and the facilities of Anheuser-Busch, Inc. at or near East Brunswick, NJ, and (2) *inedible animal oils and greases and products and by-products of inedible animal oils and greases* from (a) points in NC to points in DE and MD, and (b) from Linville, VA to Pawtucket, RI, and (c) between Linville, VA on the one hand, and, on the other, points in IL and IN. (Hearing site: Washington, DC.)

MC 2998 (Sub-29F), filed December 10, 1979. Applicant: WOLVERINE EXPRESS, INC., 1920 West First Street, Winston-Salem, NC 27104. Representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Freedman Artcraft Engineering Corp. at or near Charlevoix, MI, as an off-route point in connection with carrier's regular route operations. (Hearing site: Detroit, MI or Chicago, IL.)

Note.—Dual operations may be involved.

MC 3468 (Sub-175F), filed December 3, 1979. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Flint, MI 48501. Representative: Harry C. Ames, Jr., 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Transporting *motor vehicles*, except trailers and motor homes, in secondary movements, in truckaway service, from Baltimore, MD, Newark, NJ, and Wilmington, DE, to points in CT, ME, NH, RI, and VT. (Hearing site: New York, NY, or Washington, DC.)

MC 19778 (Sub-105F), filed December 11, 1979. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation 516 West Jackson Boulevard, Suite 508, Chicago, IL 60606. Representative: Robert F. Munsell, 516 West Jackson Boulevard, Suite 508, Chicago, IL 60606. Transporting *cement* from Rapid City, SD, to points in CO, MT, NE, and WY.

MC 22509 (Sub-27F), filed December 6, 1979. Applicant: MISSOURI–NEBRASKA EXPRESS, INC., 5310 St. Joseph Ave., St. Joseph, MO 64505. Representative: R. Wayne Farmer, City Center Square 27th Floor, 12th & Baltimore, P.O. Box 26010, Kansas City, MO 64196. Transporting *general commodities*, (except those of unsual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special handling) (1) between the facilities of Geeco, Inc., at St. Joseph, MO, and the facilities of Acoustics Development Corporation at Northbrook, IL, and (2) between the facilities of The Quaker Oats Company at (a) Pekin, IL, (b) Peoria, IL, and (c) St. Joseph, MO, restricted in (1) and (2) to the transportation of shipments originating at or destined to the named facilities. (Hearing site: Chicago, IL.)

MC 25798 (Sub-390F), filed December 4, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). Transporting *such commodities* as are dealt in and used by grocery and food business houses; between points in the United States (except AK and HI). (Hearing site: Tampa, FL.)

MC 25798 (Sub-392F), filed December 5, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same as applicant). Transporting *Dairy products* as described in Section B of Appendix 1 to the report in *Descriptions in Motor Carriers Certificates* 61, M.C.C. 209 and 766, from Green Bay, WI, to Denver and Grand Junction, Co.

MC 25869 (Sub-167F), filed December 3, 1979. Applicant: NOLTE BROS, TRUCK LINE, INC., 6217 Gilmore Avenue, P.O. Box 7184, Omaha, NE 68107. Representative: Irwin Schwartz (same as applicant). Transporting *meats, meat products, meat byproducts and articles distributed by meat-packing houses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation at Omaha, NE to points in IN, OH, MI, MD, NJ, NY, PA, VA, and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations.

MC 25869 (Sub-168F), filed December 4, 1979. Applicant: NOLTE BROS. TRUCK LINES, INC., a corporation, 6217 Gilmore Ave., Omaha, NE 68107. Representative: Irwin Schwartz (same address as applicant). Transporting *meats, meat products, meat-byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 from the facilities of Wilson Foods Corporation at Cedar Rapids and Cherokee, IA to Denver, CO, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 26639 (Sub-3F), filed December 13, 1979. Applicant: DEL TRANSPORT, INC., 4 Crow Point Road, Lincoln, RI 02865. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting *machined parts*, between Warwick, RI, on the one hand, and, on the other, points in CT. (Hearing site: Providence, RI.)

MC 29079 (Sub-163F), filed December 4, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street, NW., Washington, DC 20006. Transporting (1) *fertilizer, ice melting compound, insulation materials, and vermiculite* from the facilities of Koos, Inc., at or near Kenosha, WI, to points in AL, DE, GA, IL, IN, KY, MD, lower peninsula of MI, MS, MO, NY, NJ, NC, OH, PA, SC, TN, VA, WV, LA, (except those west of the Mississippi River), and DC and (2) *materials, equipment and supplies* used in the manufacture, and distribution of the commodities in (1) above in the reverse direction. (Hearing site: Washington, DC.)

MC 29079 (Sub-164F), filed December 4, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street, NW., Washington, DC 20006. Transporting (1) *silo roofs and accessories for silo roofs* from the facilities of Railoc Company, Inc., at or near Plainfield, IL. to points in AL, DE, GA, IN, KY, LA (except those west of the Mississippi River), MO, NY, NJ, NC, OH, PA, MD, lower peninsula of MI, MS, SC, TN, VA, WV, WI, and DC and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1)

above, in the reverse direction. (Hearing site: Washington, DC.)

MC 29079 (Sub-166F), filed December 10, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street, NW., Washington, DC 20006. Transporting *iron and steel articles, and equipment, materials and supplies* used in the manufacturing of iron and steel articles, between the facilities of Southeastern Steel at or near (1) Florence and Charleston, SC and (2) Lumberton, NC, on the one hand, and, on the other, points in AL, DE, GA, IL, IN, KY, LA (except those on and west of the Mississippi River), MD, MI, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC. (Hearing site: Washington, DC.)

MC 29079 (Sub-167F), filed December 12, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street, NW., Washington, DC 20006. Transporting (1) *iron and steel articles* and (2) *materials, equipment and supplies* used in their manufacture, sale and distribution, between Guntersville, AL, Michigan City, IN, and Carlinville, IL, on the one hand, and, on the other, points in AL, DE, GA, IL, IN, KY, LA (on and east of the Mississippi River), MD, the lower peninsula of MI, MS, MO, NJ, NC, OH, PA, SC, TN, VA, WV, WI, and DC. (Hearing site: Washington, DC.)

MC 30319 (Sub-151F), filed December 4, 1979. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA, 1766 El Camino Real, P.O. Box 990, Burlingame, CA 94010. Representative: Lloyd M. Roach, 7600 South Central Expressway, P.O. Box 226187, Dallas, TX 75266. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between San Antonio, TX and Laredo, TX, over Interstate Hwy 35, serving no intermediate points and (2) between the junction of U.S. Hwys 81 and 83 and Eagle Pass, TX, from the named junction to Carrizo Springs, TX, then over U.S. Hwy 277 to Eagle Pass, and return over the same routes, serving Carrizo Springs, TX, as an intermediate point, and, for the purposes of joinder only, the junction of U.S. Hwy 81 and 83. (Hearing site: Dallas, TX or San Antonio, TX.)

Note.—Applicant's affiliate, Pacific Motor Trucking Company, holds motor contract carrier authority in No. MC–78787 and subs.

MC 31389 (Sub-289F), filed December 3, 1979. Applicant: McLEAN TRUCKING COMPANY, a corporation, 1920 West First Street, Winston-Salem, NC 27104. Representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Fisher Price Toys at or near Medina and Holland, NY as off-route points in conjunction with carrier's presently authorized regular-route operations.

Note.—Dual operations may be involved.

MC 31389 (Sub-292F), filed December 12, 1979. Applicant: McLEAN TRUCKING COMPANY, a corporation, 1920 West First Street, Winston-Salem, NC 27104. Representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Arkla Industries, Inc., at or near Paragould, AR, as an off-route point in conjunction with carrier's regular-route operations.

Note.—Dual operations may be involved.

MC 35359 (Sub-51F), filed December 4, 1979. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive NE, Minneapolis, MN 55421. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *radios, phonographs, televisions, tape players, recorders and other such commodities as dealt in by Home Entertainment Centers, and (2) parts and accessories and components for the above described commodities*, between the facilities of Team Central Inc. in Minneapolis, MN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Minneapolis, MN.)

MC 35358 (Sub-52F), filed December 10, 1979. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive NE., Minneapolis, MN 55402. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *furniture, fixtures and laboratory furnishings and equipment*, from Auburn, AL to points in the US (except AK and HI). (Hearing site: Birmingham, AL or Chicago, IL.)

MC 43448 (Sub-4F), filed December 10, 1979. Applicant: SAM BERTUCCI d.b.a. TACOMA RAINIER AUTO FREIGHT, 512 54th Ave., East, Tacoma, WA 98424. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. Transporting *general commodities* (except classes A and B explosives) between Tacoma, WA on the one hand, and, on the other, points in Pierce, Thurston and Lewiston Counties, WA. (Hearing site: Seattle, WA or Olympia, WA.)

MC 48958 (Sub-209F), filed December 21, 1979. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, CO 80216. Representative: Lee E. Lucero (same address as applicant). Over *regular* routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment) (1) between Cheyenne, WY, and Sacramento, CA, (a) over Interstate Hwy 80 (US Hwy 40) and (b) from Cheyenne, WY over Interstate Hwy 80 and Interstate Hwy 80–N to Ogden, UT, then over Interstate Hwy 15 to Salt Lake City, UT, then over Interstate Hwy 80 to Sacramento, and return over the same routes, serving the intermediate points of Reno, NV, and Salt Lake City and Ogden, UT, and (2) between Denver, CO, and Salt Lake City, UT, from Denver over Interstate Hwy 70 to jct. US Hwys 6 and 50, then over US Hwys 6 and 50 to jct. Interstate Hwy 15, then over Interstate Hwy 15 to Salt Lake City, and return over the same route, serving the intermediate point of Grand Junction, CO Applicant intends to tack and interline this authority. (Hearing sites: Denver and Grand Junction, CO, Salt Lake City, UT, Reno, NV, and Sacramento, CA.)

MC 50069 (Sub-555F), filed December 5, 1979. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Transporting *coal tar* and *coal tar products*, in bulk, in tank vehicles, from Detroit, MI to points in IL, IN, NJ, NY, OH, PA and WI.

Note.—Dual operations may be involved.

MC 52709 (Sub-384F), filed December 13, 1979. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (address same as applicant). Transporting (1) *insulation material* (a) from McPherson, KS, to points in CO, and (b) from Pueblo, CO, to points in KS, MT, NE, ND, SD, and WY, and (2) *plastic bottles*, from Denver, CO, to Sweetgrass, MT. (Hearing site: Denver, CO.)

MC 56679 (Sub-152), filed December 7, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW.,

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Atlanta, GA 30310. Representative: Leonard S. Cassell (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (a) between points in AL, on the one hand, and, on the other, points in FL, and (b) between points in TN, on the one hand, and, on the other, points in FL, NC, and SC, restricted in (b) against the transportation of shipments between Memphis, TN, on the one hand, and, on the other points in FL, NC, and SC. (Hearing site: Birmingham, AL or Atlanta, GA.)

MC 56679 (Sub-153F), filed December 17, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave, SW., Atlanta, GA 30310. Representative: David L. Capps (same as applicant). Transporting (a) *sand* from Ottawa, IL to points in Elbert County, GA; and (b) *crude silicon carbide* from points in Niagara and Erie Counties, NY to Salisbury, NC. (Hearing site: Atlanta, GA or Washington, D.C.)

MC 56679 (Sub-154F), filed December 17, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave, SW., Atlanta, GA 30310. Representative: David L. Capps (same as applicant). Transporting *malt beverages*, from the facilities of Anheuser-Busch, Inc., at Jacksonville and Tampa, FL to points in AL, CT, DE, GA, MD, ME, MI, MS, MO, NH, NJ, NY, NC, OH, PA, SC, TN, TX and VA. (Hearing site: St Louis, MO or Atlanta, GA.)

MC 56679 (Sub-155F), filed December 17, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave, SW., Atlanta, GA 30310. Representative: David L. Capps (same as applicant). Transporting *frozen meats and meat by-products*, from the facilities of East Tennesee Packing Co., at or near Knoxville, TN to points in AL, MS and LA. (Hearing site: Knoxville, TN or Atlanta, GA.)

MC 56679 (Sub-156F), filed December 17, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave, SW., Atlanta, GA 30310. Representative: David L. Capps (same as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) in containers or trailers, having an immediately prior or subsequent movement by water, (a) between Port Everglades, FL, on the one hand, and, on the other, points in FL, (2) between Panama City, FL, on the one hand, and, on the other, points in FL, and those in AL, on and south of U.S. Hwy. 80 (Hearing site: Atlanta, GA or Washington, DC.)

MC 56679-157F, filed December 4, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW., Atlanta, GA 30310. Representative: Leonard S. Cassell (same as applicant). Transporting *chewing gum*, from the facilities of Fleer Corporation, Philadelphia, PA to points in IL, IN, MI, and OH.

MC 56679 (Sub-159F), filed December 28, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW., Atlanta, GA 30310, Representative: Leonard S. Cassell (same as applicant). Transporting *canned and preserved foodstuffs (except in bulk)* from the facilities of Cliffstar Corp. at Dunkirk, NY, to points in KY, TN, and TX. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 64808 (Sub-44F), filed December 12, 1979. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, WV 26554. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Transporting *cullet* from the facilities of AFG Industries, Inc., at Kingsport and Greenland, TN, to the facilities of AFG Industries, Inc., at Clarksburg and at or near Flemington, WV. (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 65429 (Sub-10F), filed December 11, 1979. Applicant: J & T TRANSPORT, INC., 7990 National Highway, Pennsauken, NJ 08110. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. Transporting *engraved or etched rollers* (except rolling machines) between Norwich, CT, points in NJ, and those points in PA on and east of the Susquehanna River. (Hearing site: Camden, NJ, or Philadelphia, PA.)

MC 78116 (Sub-53F), filed December 11, 1979. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, PA 17602. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Transporting (1) *paper and paper products*, and (2) *materials, supplies and equipment* used in the manufacture and distribution thereof (except in bulk) between those points in the United States in and east of MI, IN, KY, TN and MS (except NY, ME, NH, VT, CT, MA and RI), restricted to traffic originating at or destined to the facilities of Scott Paper Company. (Hearing site: Washington, DC or Harrisburg, PA.)

MC 78228 (Sub-154F), filed December 7, 1979. Applicant: J MILLER EXPRESS, INC., 962 Greentree Road, Pittsburg, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburg, PA 15219. Transporting *activated carbon, in dump vehicles*, between the facilities of ICI Americas Inc. in Marshall, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC, or Wilmington, DE.)

MC 88368 (Sub-43F), filed December 3, 1979. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Ave., Grandview, MO 64030. Representative: Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902. Transporting (1) *bar, kitchen, and foodservice furniture, fixtures, and furnishings*, (2) *accessories* for the commodities described in (1) above, and (3) *materials, equipment, and supplies* (except foodstuff) used in the manufacture and distribution of the commodities described in (1) and (2) above, (a) between points in IL, IN, MO, OH, and WI, and (b) from points in IL, IN, MO, OH, and WI to points in the United States (except AK and HI). (Hearing site: Kansas City, MO or Washington, DC.)

MC 97658 (Sub-4F), filed December 10, 1979. Applicant: N & B EXPRESS, INC., Deerfield Industrial Park, South Deerfield, MA 01373. Representative: James M. Burns, 1383 Main Street—Suite 413, Springfield, MA 01103. Transporting *wood stoves*, and *equipment, materials and supplies* used in the manufacture, sale and distribution of wood stoves, between Rocky Hill, CT and points in MA, restricted to traffic originating at or destined to the facilities of Tekton Design Corp. (Hearing site: Springfield, MA or Hartford, CT.)

MC 99149 (Sub-14F), filed October 12, 1979. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., 8400 New Benton Highway, Little Rock, AR 72219. Representative: Charles J. Lincoln II, 1550 Tower Building, Little Rock, AR 72201. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those commodities requiring special equipment), between Y City, AR, and Fort Smith, AR over U.S. Hwy 71, serving no intermediate points. Applicant intends to tack with its existing authorities. (Hearing site: Fort Smith, AR.)

MC 99888 (Sub-7F), filed December 3, 1979. Applicant: MAYFIELD TRANSFER CO., INC., 3200 West Lake St., Melrose Park, IL 60160. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over regular routes, (1) between Rockford, IL, and Portage, WI, over U.S. Hwy 51 serving all intermediate points, (2) between Portage, WI, and Port Washington, WI, over WI Hwy 33 serving all intermediate points, (3) between Milwaukee, WI, and Two Rivers, WI, from Milwaukee over Interstate Hwy 43 to junction U.S. Hwy 141, then over U.S. Hwy 141 to junction WI Hwy 42, then over WI Hwy 42 to Two Rivers, and return over the same route, serving all intermediate points, (4) between Sheboygan, WI, and Chilton, WI, from Sheboygan over WI Hwy 42 to junction WI Hwy 32, then over WI Hwy 32 to Chilton, and return over the same route, serving all intermediate points, (5) between Sheboygan, WI, and Plymouth, WI, over WI Hwy 23, serving all intermediate points, serving Random Lake, Cedar Grove, and Gibsonville, WI, and all points in WI on and east of U.S. Hwy 51 and south of WI Hwy 33 as off-route points in connection with each of the above routes. Applicant proposes to tack the requested authority with its existing authority. (Hearing site: Chicago, IL.)

MC 100449 (Sub-116F), filed December 10, 1979. Application of: MALLINGER TRUCK LINE, INC., R.R. 4, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses* (except hides and commodities in bulk) as defined in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation at (a) Cedar Rapids and Cherokee, IA, and (b) Monmouth, IL, to points in TX restricted to the transportation of traffic originating at the origins and destined to the indicated destinations. (Hearing site: Dallas, TX; Kansas City, MO.)

MC 100449 (Sub-117F), filed December 10, 1979. Applicant: MALLINGER TRUCK LINE, INC., R.R. 4, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses* (except hides and commodities in bulk) as defined in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation at (a) Marshall, MO, and (b) Omaha, NE, to points in OK and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

MC 103798 (Sub-49F), filed December 4, 1979. Applicant: MARTEN TRANSPORT, LTD., Rural Route 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *cheese* from Luana, IA, to Chicago, IL, and points in UT. (Hearing site: Des Moines, IA or Minneapolis, MN.)

MC 106398 (Sub-1048F), filed December 31, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Fred Rahal, Jr., 525 South Main, Tulsa, OK 74103. Transporting *trailers designed to be drawn by passenger automobiles* from Henderson, NC, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 107678 (Sub-77F), filed December 6, 1979. Applicant: HILL & HILL TRUCK LINE, INC., P.O. Box 9698, Houston, TX 77015. Representative: David A. Sutherland, 1150 Connecticut Ave., NW., Suite 400, Washington, DC 20036. Transporting *iron and steel articles* between the facilities of Georgetown Texas Steel Corporation at or near Beaumont, TX, on the one hand, and, on the other, and points in the United States (including AK but excluding HI). (Hearing site: Houston, TX.)

MC 108119 (Sub-216F), filed December 3, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *cranes and parts, attachments and accessories* for cranes from the facilities of Koehring Company, Lorain Division at Chattanooga, TN, to points in CO, IL, IN, IA, KY, MD, OH, VA, and WI, restricted to traffic originating at the above-named facilities. (Hearing site: Chattanooga, TN or Atlanta, GA.)

MC 108119 (Sub-217F), filed December 17, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *(1)(a) forestry, agricultural, and mining machinery, and (b) parts, attachments and accessories for the commodities named in (1)(a) above*, from the facilities of Rome Industries at Cedartown, GA, to points in the United States (except AK and HI), and *(2) materials, equipment and supplies used in the manufacture of the commodities named in (1) (a) and (b) above*, in the reverse direction. (Hearing site: Atlanta, GA.)

MC 108119 (Sub-220F), filed December 31, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting *(1) air and water pollution control equipment, (2) parts, attachments and accessories* therefore *and (3) materials, equipment and supplies used in the manufacture, distribution, and installation of the commodities named in (1) and (2) above*, between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Carborundum Company, Environmental Products Division. (Hearing site: Nashville, or Knoxville, TN.)

MC 109448 (Sub-28F), filed December 4, 1979. Applicant: PARKER TRANSFER COMPANY, Telegraph Road, R.D. #2, P.O. Box 256, Elyria, OH 44035. Representative: Robert W. Gardier, Jr., 100 East Broad Street, Columbus, OH 43215. Transporting *steel, steel products, and brass stock* between Elyria, OH, and points in IL, IN, MI, PA and NY. (Hearing site: Columbus, OH.)

MC 109538 (Sub-32F), filed April 23, 1979, previously published in the **Federal Register** issue of September 27, 1979. Applicant: CHIPPEWA MOTOR FREIGHT, INC., 1000 East 41st Street, Sioux Falls, SD 57105. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). (1) between Chicago, IL, and points in IA: (a) from Chicago over Interstate Hwy 55 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Davenport, IA, then over U.S. Hwy 6 to Des Moines, IA (also from Davenport over Interstate Hwy 80 to Des Moines), and return over the same route, and (b) from Chicago over U.S. Hwy 34 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 169, then over U.S. Hwy 169 to Ft. Dodge, IA, and return over the same route, serving in (1)(a) and (1)(b), all

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intermediate points in IA, and the off-route point of Belle Plaine, IA, (2) between points in IA: (a) from Davenport over U.S. Hwy 61 to junction IA Hwy 92, then over IA Hwy 92 to junction U.S. Hwy 218, then over U.S. Hwy 218 to Mt. Pleasant, then over U.S. Hwy 34 to Ottumwa, then over U.S. Hwy 63 to Oskaloosa, then over IA Hwy 163 to Des Moines (also from junction IA Hwy 92 and U.S. Hwy 218 over IA Hwy 92 to Oskaloosa); (b) from Mt. Pleasant over U.S. Hwy 218 to junction U.S. Hwy 61, then over U.S. Hwy 61 to Keokuk, (c) from Davenport over U.S. Hwy 61 to Maquoketa, then over IA Hwy 64 to Cedar Rapids, (d) from junction U.S. Hwys 6 and 218 over U.S. Hwy 218 to junction U.S. Hwy 18, then over U.S. Hwy 18 to Clear Lake, (e) from Cedar Rapids over IA Hwy 150 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Waterloo, (f) from Oskaloosa over U.S. Hwy 63 to Waterloo, (g) from Des Moines over U.S. Hwy 65 to junction IA Hwy 330, then over IA Hwy 330 to Marshalltown, then over IA Hwy 14 to junction IA Hwy 57, then over IA Hwy 57 to Waterloo, (h) from junction U.S. Hwy 65 and IA Hwy 330 over U.S. Hwy 65 to Mason City, (i) from junction U.S. Hwy 65 and IA Hwy 175 over IA Hwy 175 to junction IA Hwy 14, (j) from Ft. Dodge over U.S. Hwy 20 to Waterloo, and (k) from Clear Lake over U.S. Hwy 18 to junction U.S. Hwy 69, then over U.S. Hwy 69 to Des Moines (also from junction U.S. Hwy 18 and Interstate Hwy 35 to Des Moines), in (2)(a) through (2)(k), and return over the same route, serving all intermediate points, and the off-route point of Ft. Madison, IA, (3) between Chicago, IL and points in MI: (a) from Chicago over U.S. Hwy 12 to St. Joseph, MI, then over U.S. Hwy 31 to South Haven, MI, (b) from Chicago over Interstate Hwy 94 to Kalamazoo, MI, and (c) from Chicago over Interstate Hwy 94 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction IN Hwy 2, then over IN Hwy 2 to South Bend, IN, then over U.S. Hwy 31, to Niles, MI, then over MI Hwy 60 to junction U.S. Hwy 131, then over U.S. Hwy 131 to Kalamazoo, MI, in (3)(a) through (3)(c), and return over the same route, serving all intermediate points in MI, and Michigan City and South Bend, IN, and the off-route points of Three Oaks, Buchanan and Dowagiac, MI, (4) between South Bend, IN, and Benton Harbor, MI, over U.S. Hwy 31, serving all intermediate points in MI, (5) between Chicago, IL, and Independence, IA, over U.S. Hwy 20, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations, (6) between Iowa City, IA, and junction U.S. Hwy 218 and IA Hwy 92, over U.S. Hwy 218, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations, and (7) serving the facilities of Minnesota Mining and Manufacturing Company, at or near Knoxville, IA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chicago, IL, or Des Moines, IA.)

Note.—Applicant intends to tack these authorities to others.

MC 109689 (Sub-370F), filed December 13, 1979. Applicant: W. S. HATCH CO., a corporation, P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, Suite 400, 10 Broadway Bldg., Salt Lake City, UT 84101. Transporting *chemicals*, in bulk, from Casper, WY, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, ND, and WY.

MC 110828 (Sub-6F), filed December 4, 1979. Applicant: RITCHEY TRANSPORTATION COMPANY, 210 South Monroe St., P.O. Box 1602, Butler, PA 16001. Representative: Samuel P. Delisi, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Transporting *passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Allegheny County, PA and extending to points in the United States (including AK, but excluding HI). (Hearing site: Pittsburgh, PA.)

MC 113388 (Sub-131F), filed December 31, 1979. Applicant: LESTER C. NEWTON TRUCKING CO., a Corporation, P.O. Box 618, Seaford, DE 19973. Repreaentative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth Street, NW., Washington, DC 20005. Transporting (1) *such merchandise* as is dealt in by chain grocery stores and food business houses, and (2) *materials, equipment, and supplies* used in the manufacture and distribution thereof (except in bulk), between Omaha, NE, and those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to traffic originating at or destined to the facilities of Campbell Soup Company. (Hearing site: Washington, DC.)

MC 113678 (Sub-858F), filed December 3, 1979. Applicant: Curtis, Inc., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as applicant). Transporting *meats, meat products, meat by-products* and *articles* distributed by meat packinghouses (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation located at Albert Lea, MN, Cedar Rapids, Cherokee and Des Moines, IA, to points in CA, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

MC 113678 (Sub-859F), filed December 3, 1979. Applicant: Curtis, Inc., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as applicant). Transporting *chemicals and chemical compounds* (except commodities in bulk) from points in CA and OR to Salt Lake City, UT.

MC 113678 (Sub-861F), filed December 31, 1979. Applicant: Curtis, Inc., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as applicant). Transporting *foodstuffs* from points in CA to points in MN, WI, MS, AL, TN, SC, NC, KY, WV, NH, VT, ND, and ME, (2) *foodstuffs* (except frozen), from points in CA to points in SD, NE, KS, OK, IA, MO, AR, IL, MI, IN, OH, VA, MD, DE, NJ, NY, PA, CT, RI, MA, and DC, (3) *foodstuffs* (except canned goods, frozen foods, and meats) from points in CA to points in OR and WA, and (4) *foodstuffs* (except frozen meats) from points in CA to points in FL, restricted in parts (1), (2), (3), and (4) against the transportation of commodities in bulk.

MC 113908 (Sub-488F), filed December 17, 1979. Applcant: ERICKSON TRANSPORT CORP., P.O. Box 10068 G.S., 2255 N. Packer Road, Springfield, MO 65804. Representative: Jim G. Erickson (same address as applicant). Transporting *tallow*, in bulk, from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in TX, LA, OK, AR, TN, MO, IA, IL, IN, MN, WI, OH, CO, NJ, MA, AZ, CA, NV, UT, WA, OR, NM, NE, WY and PA. (Hearing site: Omaha, NE, or Sioux City, IA.)

MC 114569 (Sub-366F), filed December 10, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). Transporting: *Oleomargarine* (except in bulk) from the facilities of Osceola Foods, Inc. at or near Osceola, AR to points in NY, NJ, MA, CT, RI, PA, VA, MD, DE, and DC. (Hearing site: Little Rock, AR or Washington, DC.)

Note.—Dual operations may be involved.

MC 114848 (Sub-63F), filed December 3, 1979. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, P.O. Box 13068, Memphis, TN 38113. Representative: James M Wharton, (same as applicant).Transporting *clay and clay blends*, from Ripley, MS and Ochlocknee, GA to points in IL, IN, KY, TN, OH, WV, VA, NC, SC, GA, FL, AL, MS, LA, AR, TX, MO, OK, KS, NE, IA, MN, WI, MI, PA, NY, NJ, DE, MD, CO, and DC.

MC 117068 (Sub-119F), filed July 31, 1979, published in **Federal Register** issue February 7, 1980. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, Rochester, MN 55901. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Transporting (1) *self-propelled compaction equipment, maintenance equipment* and *sweepers* between New Ulm, MN, on the one hand, and on the other, points in the U.S. (except AK and HI); and (2) *parts* and *accessories* for the commodities named in (1) above between New Ulm and Minneapolis, MN, on the one hand, and on the other, points in the United States (except AK and HI). This republication broadens part (2).

MC 117119 (Sub-802F), filed December 8, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (Same address as applicant). Transporting: Such commodities as are dealt in by department stores (except commodities in bulk) between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Target Stores, Division of Dayton-Hudson Corporation. (Hearing site: Minneapolis, MN or Washington, DC.)

MC 117119 (Sub-804F), filed December 28, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: Martin M. Geffon, P.O. Box 156, Mt. Laurel, NJ 08054. Transporting (1) *plastic articles* and *plastic materials*, and (2) *materials, supplies and equipment* used in their manufacture, distribution and sale (except in bulk), between the facilities of Tupperware Company, Division of Dart Industries, Inc., at Jerome, ID, on the one hand, and on the other, the facilities of Tupperware Company at (a) Halls, TN, (b) N. Smithfield, RI, (c) Hemingway, SC, and (d) Birmingham, AL.

MC 117589 (Sub-71F), filed December 11, 1979. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Ave., S., Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. Transporting *meats, meat products and meat by-products and articles distributed by meat-packing houses*, as described in section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Grand Island, NE to points in ID, MT, OR, UT and WA. (Hearing site: Seattle, WA.)

MC 117589 (Sub-72F), filed December 11, 1979. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Ave., S., Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. Transporting *general commodities* (except classes A and B explosives) between points in the commercial zone of Seattle, WA, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Seattle, WA.)

MC 118159 (Sub-368F), filed December 3, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting (1) *self-propelled lawn and garden tractors, self-propelled lawn mowers and engines combined, self-propelled snow throwers, and parts, accessories, and attachments therefor;* and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above between McDonough, GA on the one hand, and, on the other, points in NE, IA, MN, WI, IL, IN, MI, OH, KY, TN, MS, AL, GA, FL, SC, NC, VA, WV, PA, MD, DE, NJ, NY, CT, RI, MA, VT, NH, ME, and DC. (Hearing site: Chicago IL.)

MC 118159 (Sub-369F), filed December 3, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *such commodities* as are dealt in by manufacturers and distributors of drugs, pharmaceuticals, and feed additives between Somerville, NJ, St. Louis, MO, and Des Moines, IA, on the one hand, and, on the other, points in the United States (except AK and HI).

MC 118838 (Sub-63F), filed December 4, 1979. Applicant: GABOR TRUCKING, INC., R.R. 4, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *railway car parts*, from Sharon, PA, to points in CA, NE, MT and SD.

MC 118838 (Sub-64F), filed December 5, 1979). Applicant: GABOR TRUCKING, INC., Route 4, Box, 124B, Detroit Lakes, MN, 56501. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *vegetable meals* and *by-products* thereof, between the facilities of Cargill, Inc., at or near Riverside, ND, on the one hand, and on the other points in the United States (except AK and HI).

MC 119399 (Sub-120F), filed December 3, 1979). Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Representative: Thomas P. O'Hara (same address as applicant). Transporting *livestock feeders*, (except plastic containers or commodities in bulk) from the facilities of Poli-Tron, Inc., Crawford County, KS, to points in the United States (except AK and HI), and *materials and supplies* used in the manufacturing of the above commodity from points in the United States (except AK and HI) to the facilities of Poli-Tron, Inc., Crawford County, KS. (Hearing site: Kansas City, MO or Wichita, KS.)

MC119689 (Sub-27F), filed December 3, 1979). Applicant: PEERLESS TRANSPORT CORP., 2701 Railroad Street, Pittsburgh, PA 15222. Representative: Robert T. Hefferin (same address as applicant). Transporting *chemicals*, (except in bulk), (1) between Chester, PA, on the one hand, and on the other points in IL, IN, KY, MI, MN, MO, OH, WV and WI and (2) between LaSalle, IL, and Anderson, IN, on the one hand, and on the other points in PA. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 119789 (Sub-655F), filed December 4, 1979). Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting *foodstuffs* (other than frozen) from Turkey, NC, to points in CT, ME, MA, NH, NJ, NY, OH, PA, RI, and VT. (Hearing site: Peoria or Chicago, IL.)

MC 119789 (Sub-656F), filed December 17, 1979). Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting *plastic articles* from Atlanta, GA, to Dayville, and East Hartford, CT, and Mt. Vernon, OH. Hearing Site: Atlanta, GA.

MC 119789 (Sub-658F), filed December 12, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. Transporting *non-alcoholic cocktail mixes*, in containers, from Long Beach, CA, to points in AR, LA, and TX. (Hearing site: Dallas, TX.)

MC 119789 (Sub-659F), filed December 13, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O.

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Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. Transporting (1) *such commodities* as are dealt in by wholesale and retail chain grocery stores, drug stores, and hardware stores, in containers, and (2) *materials and supplies* used in their manufacture (except in bulk) between Atlanta, GA, and Dallas, TX, on the one hand, and, on the other, points in CA. (Hearing site: New York City, NY.)

MC 119988 (Sub-231F), filed December 6, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Transporting *plastic materials, plastic products and chemicals* between points in the United States (except AK and HI), restricted to shipment originating at or destined to the facilities of Amoco Chemical Corporation. (Hearing site: Houston or Dallas, TX.)

MC 119988 (Sub-232F), filed December 13, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Towers, Dallas, TX 75201. Transporting (1) *pulpboard boxes* from Dallas, TX, to points in the United States (except AK and HI) and (2) *materials, equipment, and supplies* used in their manufacture and distribution from points in the United States (except AK and HI) to Dallas, TX. (Hearing site: Dallas, TX.)

MC 119988 (Sub-235F), filed December 10, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Towers, Dallas, TX 75201. Transporting: *chemicals (except in bulk),* and *materials, equipment, and supplies* used in the manufacture and distribution of chemicals between Dallas, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing: Dallas, TX.)

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-8979 Filed 3-24-80; 8:45 am]
BILLING CODE 7035-01-M

[Application No. MC-1494]

Household Goods Carriers' Bureau Tariffs; Released Value Rates

AGENCY: Interstate Commerce Commission.

ACTION: Notice Released Rates Application No. MC-1494.

SUMMARY: Neptune World Wide Moving, Inc., seeks authority to modify Released Rates Order No. MC-770 by publishing in Household Goods Carriers' Bureau Tariffs released value rates between points and places in Arizona, California, Colorado, Connecticut, Illinois, Indiana, Maine, Massachusetts, Minnesota, New Hampshire, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont and Washington, on commodities used in the manufacture of computers and computer equipment, in mixed loads with household goods tendered for transportation.

ADDRESSES: Anyone seeking copies of this application should contract: Mr. S. S. Eisen, Eisen and Mitchell, 370 Lexington Avenue, New York, NY 10017.

FOR FURTHER INFORMATION CONTACT: Mr. Harold Ward, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, Tel. (202) 275-7447.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 U.S.C. 10730, formerly Sections 20(11) and 219 of the Interstate Commerce Act, to publish released value rates based on value, in the tariffs of the Household Goods Carriers' Bureau.

James H. Bayne,
Acting Secretary.

[FR Doc. 80-9003 Filed 3-24-80; 8:45 am]
BILLING CODE 7035-01-M

[Directed Service Order No. 1398 and Authorization Order No. 26]

Kansas City Terminal Railway Co.—Directed To Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided: March 18, 1980.

Under Directed Service Order No. 1398 and 1398 (Sub-Nos. 1 and 2), the Commission directed Kansas City Terminal Railway Company (KCT) to provide service as a directed rail carrier (DRC) under 49 U.S.C. 11125 over the lines of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("RI"). See *Kansas City Term. Ry. Co.—Operate—Chicago, R. I. & P.*, 360 I.C.C. 289, 478, 718 (1979-80); 44 FR 56343, 70733 and 45 FR 14578 (1979-80). Directed service is currently scheduled to extend through 11:59 p.m. (central time), March 23, 1980.

Supplement Order No. 4 to DSO No. 1398 required the DRC to obtain prior Commission approval for all rehabilitation for freight cars and other non-locomotive equipment which exceeds $1,200 per unit. *See* Supplement Order No. 4 (served October 15, 1979) [44 FR 61127, Oct. 23, 1979]. Accordingly, the DRC submitted an urgent request for authority to pay for repairs to a crane. *See* wire to Joel E. Burns, dated March 12, 1980.

RI operates a Drott Crane Model 85 RM2 identified as Unit No. 302. This unit is assigned to the mechanical department at Peoria, IL, and is used for adjusting loads, loading and unloading of material, and other general work associated with bad order car repair operations. This is specialized equipment which is not available for lease in this area.

Certain repairs to the crane were necessary and through a misunderstanding, the repairs were performed without prior Commission approval.

More specifically, these repairs consisted of rebuilding the transmission at an actual cost of $2,242.16, and were performed by the M.H. Equipment, Inc., at Peoria, IL. Payment to the repair shop has not been made and the vehicle has not yet been released to the DRC.

The DRC needed to have this crane repaired on the following grounds: (1) it is used for adjusting loads: (2) it is used for loading and unloading material; and (3) it is used for other general work associated with bad order car repair operations.

We believe the DRC should be authorized to tender payment for the repairs already made to Drott Crane, Model 85 RM2, identified as Unit No. 302.

We find: 1. This action will not significantly affect either the quality of the human environment or the conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

It is ordered:

1. The DRC is authorized to pay for repairs already made to Drott Crane Model 85 RM2, identified as Unit No. 302, located at Peoria, IL, at a maximum cost of $2,242.16, as requested in a telegram from the DRC to Joel E. Burns dated March 12, 1980.

2. This decision shall be effective on its service date.

By the Commission, Railroad Service Board, Members Joel E. Burns, Robert S. Turkington, and John R. Michael.

James H. Bayne,
Acting Secretary.

[FR Doc. 80-9002 Filed 3-24-80; 8:45 am]
BILLING CODE 7035-01-M

[No. 37343]

U.S. Railroads—Petition for Declaratory Order—Elimination of Grain Tables From General Rate Increase—Master Tariff

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Petition Filing.

SUMMARY: The Commission invites public comment on the proposed elimination of grain tables from master tariffs published in connection with rail general rate increases. The proposal, filed by certain U.S. railroads, is designed to reduce costs and simplify tariffs.

DATES: Comments must be received on or before April 24, 1980.

ADDRESSES: An original and 15 copies of comments should be sent to: Office of Proceedings—Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder, (202) 275-7693.

SUPPLEMENTARY INFORMATION: The United States railroads (petitioners) filed a petition on December 21, 1979, seeking the institution of a declaratory order proceeding to eliminate grain tables from master tariffs publishing rail general rate increases. According to 5 U.S.C. 554(e), the Commission has discretionary authority to issue a declaratory order to terminate a controversy or remove uncertainty. Since neither a controversy nor an uncertainty as contemplated by that section is involved here, the railroads' petition for the issuance of a declaratory order will be treated as a general petition to eliminate the use of grain tables.

Since 1946, the Commission has required that master tariffs applying general rate increases contain special grain tables which round off the approved percentage increases on grain and grain product rates to the nearest half cent. *Increased Railway Rates, Fares, and Charges,* 266 I.C.C. 537, 617 (1946). For all other commodities, percentage increases are rounded off to the nearest whole cent.

The reason given for maintaining half cent grain tables was that the western grain rate structure was in such delicate balance that a difference of a half cent determined to which market grain would be shipped. *Increased Freight Rates, 1969,* 337 I.C.C. 436, 439 (1970).

Petitioners contend that the current rate of inflation has made half cent differences in freight rates meaningless. While they concede that grain tables may have served a useful purpose in the past, they believe that the tables have outlived their usefulness.

Furthermore, petitioners are convinced that the half cent differences resulting from the elimination of the grain tables will not exacerbate rate differentials within a region. They explain that from any given origin some rates may be higher, some lower and some unchanged but no origin is likely to be disadvantaged to all destinations. Additionally, they observe that the half cent change is too insignificant to affect the grain flow in this country, which they claim is influenced by factors such as world and domestic supply and demand, elevator storage capacity and the availability of ships at various ports. Therefore, they conclude that the elimination of the grain tables will not disrupt the grain freight rate structure.

Petitioners declare that elimination of grain tables will not result in windfall profits to carriers. This is illustrated by the fact that, according to petitioners, the maximum impact this proposal could have would be to increase carrier profit by nine dollars on a typical 90 ton load of grain.

Petitioners detail the cost savings to both shippers and carriers if the grain tables are eliminated. Carriers' costs of publishing the tariffs will be reduced, as will the costs to all shippers who subscribe to railroad tariffs. Additionally, they claim that there will be a reduction in the cost of programming computers to update rates following a general increase. Reduced costs will also result from the time saved by rate quotation clerks and accounting staffs in consulting separate increase tables, according to petitioners. Finally, they assert that shippers' freight bill auditing costs will be diminished.

Arguably, tariff simplification would also be furthered by eliminating grain tables. Petitioners maintain that this proposal will reduce the current complexity of calculating rates by reference to the grain tables. In turn, this will substantially reduce the possibility of rate computation error and will eliminate the differing application of the grain tables between territories. Petitioners also claim that the elimination of grain tables will further simplify tariffs by solving the problem of dual rate items, which provide for straight and grain table increases on different commodities listed in the same item. They note that this problem of dual rates is carried over to basic commodity tariffs as increases contained in the master tariffs are incorporated into the rates in those tariffs. Additionally, they point out that the rating of mixed carload shipments containing both grain and grain products, on the one hand, and non-grain commodities, on the other, will be greatly simplified by the use of a single increase table for all commodities. Currently, in order to rate a mixed carload, it is necessary to consult both the regular commodity ex parte increase and the grain table application.

Petitioners request that the protest of Miller Brewing Company (Miller) filed in Ex Parte No. 368, *Increased Freight Rates and Charges, Nationwide—1979* be made a part of the record in this proceeding. In that protest, Miller urged the Commission to eliminate grain tables. The reasons advanced by Miller are basically the same as those suggested here by petitioners. Since the protest is verified and there has been no objection to its being made a part of the record, petitioners' request will be granted.

Finally, petitioners stress the fact that they have publicized their intent to seek this relief in dockets in all three regional rate bureaus and have received responses indicating overwhelming shipper support for the elimination of grain tables.

We believe that petitioners have identified numerous public and private benefits which warrant instituting a proceeding to consider the request in a formal proceeding.

This proceeding does not appear to be a major Federal action significantly affecting the quality of the human environment or the consumption of energy. However, comments regarding environmental issues, if any, should be included in statements filed with the Commission in response to this notice.

Decided: March 10, 1980.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis.

James H. Bayne,
Acting Secretary.

[FR Doc. 80-9005 Filed 3-24-80; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided March 18, 1980.

In our decisions of February 26, March 4, and March 11, 1980, a 13-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

V 45 / 59 MR 25 80 UMI

Although the weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 13.3 percent, we are authorizing that the 13-percent surcharge remain in effect. All owner-operators are to receive compensation at the 13-percent level. No change will be made in the existing authorization of a 2.3-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, nor in the 1.3-percent surcharge for United Parcel Service. However, a 5.0-percent surcharge is authorized for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered: This decision shall become effective Friday 12:01 a.m., March 21, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

James H. Bayne,

Acting Secretary.

Appendix—*Fuel Surcharge*

Base date and price per gallon (including tax)

January 1, 1979 ..... 69.5¢

Date of current price measurement and price per gallon (including tax)

March 17, 1980 ..... 113.4¢

	(1) From transportation performed by owner-operators [1]	(2) Other [2]	(3) Bus carrier	(4) UPS
Average percent: Fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	13.3	2.3	5.0	[3] 2.1
Percent surcharged allowed	13.0	2.3	5.0	[4] 1.3

[1] Apply to all truckload rated traffic.

[2] Including less-than-truckload traffic.

[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to the UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

[4] The developed surcharge figure is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 80-9004 Filed 3-24-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; New Extended Benefit Period in the State of Wisconsin

This notice announces the beginning of a new Extended Benefit Period in the State of Wisconsin, effective on March 23, 1980.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State or the nation, to furnish up to 13 weeks of additional benefits to eligible individuals who have exhausted their rights to regular benefits under permanent State and Federal unemployment compensation laws. Part 615 of Title 20, Code of Federal Regulations, implements the statute (20 CFR Part 615).

In accordance with section 203(e) of the Act, the Wisconsin unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines, in accordance with 20 CFR 615.12(e), that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment under the State unemployment compensation law equalled or exceeded the State trigger rate. 20 CFR 615.12 (b) or (c). The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "On" Indicator

The head of the employment security agency of the State of Wisconsin has determined that, for the period consisting of the week ending on March 8, 1980, and the immediately preceding 12 weeks, the rate of insured unemployment in the State equalled or exceeded the State trigger rate.

Therefore, an Extended Benefit Period commenced in that State with the week beginning on March 23, 1980.

Information for Claimants

The duration of Extended Benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensaton law. The State employment security agency will furnish a written notice of potential entitlement to Extended Benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to Extended Benefits in the State of Wisconsin, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest district office of the Wisconsin Job Service Division in their locality.

Signed at Washington, D.C., on March 20, 1980.

Ernest G. Green,

Assistant Secretary for Employment and Training.

[FR Doc. 80-9003 Filed 3-24-80; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; New Extended Benefit Period in the State of Indiana

This notice announces the beginning of a new Extended Benefit Period in the State of Indiana, effective on March 23, 1980.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State or the nation, to furnish up to 13 weeks of additional benefits to eligible individuals who have exhausted their rights to regular benefits under permanent State and Federal unemployment compensation laws. Part 615 of Title 20, Code of Federal Regulations, implements to statute (20 CFR Part 615).

In accordance with section 203(e) of the Act, the Indiana unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines, in accordance with 20 CFR 615.12(e), that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment under the State unemployment compensation law equalled or exceeded the State trigger rate. 20 CFR 615.12(b) or (c). The Extended Benefit Period actually begins with the third week following the week for which there is an "On" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of the State of Indiana has determined that, for the period consisting of the week ending on March 8, 1980, and the immediately preceding 12 weeks, the rate of insured unemployment in the State equalled or exceeded the State trigger rate.

Therefore, an Extended Benefit Period commenced in that State with the week beginning on March 23, 1980.

Information for Claimants

The duration of Extended Benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensaton law. The State employment security agency will furnish a written notice of potential entitlement to Extended Benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to Extended Benefits in the State of Indiana, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest local office of the Indiana Employment Security Division in their locality.

Signed at Washington, D.C., on March 20, 1980.

Ernest G. Green,

Assistant Secretary for Employment and Training.

[FR Doc. 80-9030 Filed 3-24-80; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-80-4-C]

T.A.C. & C. Energy, Inc.; Petition for Modification of Application of Mandatory Safety Standard

T.A.C. & C. Energy, Inc., P.O. Box 237, Gilbert, West Virginia 25621 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Mine No. 1 located in Pike County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The petition concerns the use of canopies on haulage and face equipment of the petitioner's mine.

2. Petitioner states that the height of the coal seam ranges from 40" to 50".

3. Petitioner further states that installation of canopies on its haulage and face equipment would result in a diminution of safety because canopies would block the operators' vision as well as cramp the operators.

4. For this reason, petitioner requests a modification of the standard for his mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 24, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 17, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9029 Filed 3-24-80; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL ALCOHOL FUELS COMMISSION

Open Meeting

Agency: National Alcohol Fuels Commission.
Date: April 9, 1980.
Time: 10 a.m.—4 p.m. MST.
Place: Intermountain Science Experience Center, 1776 Science Center Drive, Idaho Falls, Idaho.
Type of meeting: Open.
Contact Person: Doug Durante, Public Information Officer, 202/426-6490.
Written statements: National Alcohol Fuels Commission, 412 First Street SE., Washington, D.C. 20003.
Purpose of commission: The National Alcohol Fuels Commission was established under Section 170 of the Surface Transportation Assistance Act of 1978 (Pub. L. 95-599) to make a full and complete investigation and study of the long- and short-term potential for alcohol fuels from biomass and coal to contribute to meeting the nation's energy needs.
Tentative agenda: Take testimony from individuals, government agencies, corporations and interest groups in the geographic region on research, experience, policies, and approaches to alcohol fuels development.

James M. Childress,

Executive Director.

March 19, 1980.

[FR Doc. 80-9018 Filed 3-24-80; 8:45 am]

BILLING CODE 6820-AN-M

Open Meeting

Agency: National Alcohol Fuels Commission.
Date: April 8, 1980.
Time: 9 a.m.–5 p.m. CST.
Place: WBAY Auditorium, 115 S. Jefferson Street, Green Bay, Wis.
Type of meeting: Open.
Contact person: Doug Durante, Public Information Officer, 202/426-6490.
Written statements: National Alcohol Fuels Commission, 412 First School Street SE., Washington, D.C. 20003.
Purpose of commission: The National Alcohol Fuels Commission was established under Section 170 of the Surface Transportation Assistance Act of 1978 (Pub. L. 95-599) to make a full and complete investigation and study of the long- and short-term potential for alcohol fuels from biomass and coal to contribute to meeting the nation's energy needs.
Tentative agenda: Take testimony from individuals, government agencies, corporations and interest groups in the geographic region on research, experience, policies, and approaches to alcohol fuels development.

James M. Childress,

Exceutive Director.

March 19, 1980.

[FR Doc. 80-9019 Filed 3-24-80; 8:45 am]

BILLING CODE 6820-AN-M

V 45/59 MR 25 80 UMI

Open Meeting

Agency: National Alcohol Fuels Commission.
Date: April 11, 1980.
Time: 9:30 a.m.—4 p.m. MST.
Place: Holiday Inn, Aberdeen, S. Dak.
Type of meeting: Open.
Contact person: Doug Durante, Public Information Officer, 202/426–6490.
Written statements: National Alcohol Fuels Commission, 412 First Street SE., Washington, D.C. 20003.
Purpose of commission: The National Alcohol Fuels Commission was established under Section 170 of the Surface Transportation Assistance Act of 1978 (Pub. L. 95–599) to make a full and complete investigation and study of the long- and short-term potential for alcohol fuels from biomass and coal to contribute to meeting the nation's energy needs.
Tentative agenda: Take testimony from individuals, government agencies, corporations and interest groups in the geographic region on research, experience, policies, and approaches to alcohol fuels development.

James M. Childress,
Executive Director.
March 19, 1980.
[FR Doc. 80-9020 Filed 3-24-80; 8:45 am]
BILLING CODE 6820-AN-M

Open Meeting

Agency: National Alcohol Fuels Commission.
Date: April 12, 1980.
Time: 1 p.m.—4 p.m. MST.
Place: Auditorium, Montana Power Co., Colstrip, Montana.
Type of meeting: Open.
Contact person: Doug Durante, Public Information Officer, 202/426–6490.
Written statements: National Alcohol Fuels Commission, 412 First Street SE., Washington, D.C. 20003.
Purpose of commission: The National Alcohol Fuels Commission was established under Section 170 of the Surface Transportation Assistance Act of 1978 (Pub. L. 95–599) to make a full and complete investigation and study of the long- and short-term potential for alcohol fuels from biomass and coal to contribute to meeting the nation's energy needs.
Tentative agenda: Take testimony from individuals, government agencies, corporations and interest groups in the geographic region on research, experience, policies, and approaches to alcohol fuels development.

James M. Childress,
Executive Director.
March 19, 1980.
[FR Doc. 80-9021 Filed 3-24-80; 8:45 am]
BILLING CODE 6820-AN-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Power and Electrical Systems; Meeting

An ACRS Subcommittee on Power and Electrical Systems will hold a meeting on April 9, 1980 in Room 1046, 1717 H Street NW., Washington, D.C. to discuss the nuclear data line (NDL), presently being considered by NRC as part of the TMI–2 Accident Action Plans. Notice of this meeting was published March 19, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979 (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for this meeting shall be as follows: Wednesday, April 9, 1980, 2 p.m. until the conclusion of business.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted for the presentations can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Gary Quittschreiber (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m. EST.

Dated: March 20, 1980.

John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 80-9010 Filed 3-24-80; 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Ad Hoc Subcommittee on Three Mile Island, Unit 2 Accident Implications; Meeting

An ACRS Ad Hoc Subcommittee on the Three Mile Island, Unit 2 Accident Implications will hold a meeting on April 9, 1980 in Room 1167, 1717 H St., NW, Washington, DC 20555 to discuss implications of the TMI–2 Accident as they relate to construction permit applications. Notice of this meeting was published March 19, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Wednesday, April 9, 1980

8:30 a.m. Until the Conclusion of Business

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Public Law 92–463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling or requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard K. Major (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

Background information concerning items to be discussed at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street, N.W., Washington, DC 20555 and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Street, Harrisburg, PA 17126.

Dated: March 20, 1980.

John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 80-9009 Filed 3-24-80; 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Safety Research; Meeting

The ACRS Subcommittee on Reactor Safety Research will hold an open meeting on April 9, 1980 in Room 1046, 1717 H St., N.W., Washington, D.C. to review the NRC Office of Nuclear Regulatory Research response to ACRS recommendations to Congress on NRC research (NUREG–0657); also, the FY–82 budget review and preparation of the ACRS report to NRC will be discussed. Notice of this meeting was published March 19, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979 (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for this meeting shall be as follows:

Wednesday, April 9, 1980

4:00 p.m. Until the Conclusion of Business

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, their consultants, and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted for the presentation can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Thomas G. McCreless (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m. EST.

Dated: March 20, 1980.

John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 80-9008 Filed 3-24-80; 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Regulatory Activities; Meeting

The ACRS Subcommittee on Regulatory Activities will hold an open meeting on April 9, 1980, in Room 1046, 1717 H St., N.W., Washington, DC 20555. Notice of this meeting was published in the **Federal Register** March 19, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979 (44 FR 56408) oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Wednesday, April 9, 1980

The Meeting Will Commence at 8:45 a.m.

The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following:

(1) Regulatory Guide 1.58, Revision 1, "Qualifications of Inspection, Examination, and Testing Personnel for Nuclear Power Plants." (Post Comment)

(2) Regulatory Guide 1.XXX, "Qualification of Quality Assurance Program Audit Personnel for Nuclear Power Plants." (Post Comment)

(3) Proposed Regulatory Guide 1.139, Revision 1, "Guidance for Residual Heat Removal to Achieve and Maintain Cold Shutdown." (Pre Comment)

Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities may be discussed following this session.

Persons wishing to submit written statements regarding Regulatory Guides 1.58, Revision 1, and 1.XXX may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. However, to insure that adequate time is available for full consideration of these comments at the meeting, it is desirable to send a readily reproducible copy of the comments as far in advance of the meeting as practicable to Mr. Sam Duraiswamy (ACRS), the Designated Federal Employee for the meeting, in care of ACRS, Nuclear Regulatory Commission, Washington, D.C. 20555 or telecopy them to the Designated Federal Employee (202–634–3319) as far in advance of the meeting as practicable. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Sam Duraiswamy (telephone 202/634–3267), between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 20, 1980.

John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 80-9007 Filed 3-24-80; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50–445 and 446]

Texas Utilities Generating Co., et al. (Comanche Peak Steam Electric Station, Units 1 and 2); Order Scheduling Prehearing Conference

There will be a prehearing conference commencing at 9:30 a.m. (local time) on

V 45 / 59 MR 25 80 UMI

April 30, 1980, at the U.S. Federal Courthouse, 10th and Lamar Streets, Fort Worth, Texas. The conference will be continued the next day, if necessary.

The purpose of the conference is for the Board to hear the position of the parties on those contentions that have not yet been ruled on by the Board. We will also hear oral argument as to whether it is appropriate to refine the language of the quality assurance contention admitted by the Board.

The parties have been meeting and have had telephone conference calls discussing the various contentions. Apparently, agreement has been reached on some of the contentions but has not been reached on others. The parties are on notice that they must submit to the Board not later than twenty (20) days prior to the prehearing conference a complete report on their position on each contention—identifying those on which agreement was or was not reached. The Board's consideration will not be limited to those contentions in dispute but will encompass all contentions.

It is so ordered.

Dated at Bethesda, Maryland, this 19th day of March 1980.

For the Atomic Safety and Licensing Board.

Elizabeth S. Bowers,

Chairman.

[FR Doc. 80-9012 Filed 3-24-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-280]

Virginia Electric and Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Facility Operating License No. DPR-32, issued to Virginia Electric and Power Company (the licensee), which revised license conditions related to operation of the Surry Power Station, Unit No. 1 (the facility) located in Surry County, Virginia. This amendment is effective as of the date of issuance.

This amendment requires the next steam generator tube inspections for Surry Unit 1 to be conducted within six months of equivalent (reactor coolant above 350°F) operation from October 25, 1979.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant envrionmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 6, 1979 as supplemented May 31, 1979, (2) Amendment No. 55 to License No DPR-32, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 5th day of February, 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-9011 Filed 3-24-80; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 16670; SR-CSE-80-2]

Cincinnati Stock Exhange; Order Approving Proposed Rule Change

March 17, 1980.

On February 5, 1980, the Cincinnati Stock Exchange ("CSE") 209 Dixie Terminal Building, Cincinnati, Ohio 45202 filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which applies the Uniform Code of Arbitration ("Code") to disputes between members of that Exchnage, allied members, and/or member organizations as well as to disputes involving investors.[1]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 34-16608 (Feb. 25, 1980), 19 SEC Docket 760 (March 11, 1980)) and by publication in the **Federal Register** (45 FR 13857 (March 3, 1980)). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9037 Filed 3-24-80; 8:45 am]

BILLING CODE 8010-01-M

[1] On January 8, 1980, the CSE adopted the Code with respect to disputes involving investors. *See* Securities Exchange Act Release No. 16472, 19 SEC Docket 148 (January 22, 1980), 45 FR 2722 (January 14, 1980).

[Release No. 34-16667; March 17, 1980; File No. SR-PSE-79-13]

Pacific Stock Exchange Inc.; Proposed Rule Change

Pursuant to Sec. 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-24, 16 (June 4, 1975), notice is hereby given that on March 5, 1980, the above-mentioned self-regulatory organization ("SRO") filed with the Securities and Exchange Commission amendments to proposed rule change SR-PSE-79-13 [1] as follows: *SRO's Statement of the Terms of Substance of the Proposed Rule Change.*

The following proposed amendments to the Rules of the Pacific Stock Exchange Incorporated ("The PSE") attached hereto reflect the uniform response of a joint SRO task force to certain recommendations of the SEC Options Study, departing from the uniform response only to the extent necessary to conform to the style of the PSE's rules. In certain instances, proposed revisions relate to amendments previously filed by the PSE (SR-PSE-79-13). In other instances, revisions to existing rules are proposed in this filing for the first time.

[1] Notice of filing of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 16234, October 2, 1979) and by publication in the **Federal Register** (44 FR 57563, October 5, 1979).

The full text of the proposed rule change is attached as Exhibit 1-A to the Notice. (Brackets indicate deletions, italics indicate new material.)

The basis and purpose of the foregoing proposed rule change is as follows:

The rule changes filed herewith represent responses to the recommendations of the Special Study of the Options Markets as promulgated by the Commission in Release No. 34-15575.

A discussion of the purpose of each of the rule changes included in this filing is presented below.

Rule X, Sec. 18(b) Proposed Interpretation .01(8)(d) has been amended to require customer account records to indicate whether the accounts have been approved for discretionary trading.

Rule X, Sec. 18(j) The Rule is proposed to be amended to require customer account statements to disclose any special account charges that are not itemized and disclosed on confirmations. The proposed revision would also require disclosure on margin account statements sent to options customers of the mark-to-market and market value of each security position in the account, the outstanding balance in the account and account equity. Under the proposed rule, these statements must also contain a legend indicating that further information concerning options commissions and similar execution charges will be provided on request. A new Commentary .01 is proposed which would prescribe the manner of calculating margin account equity.

Rule X, Sec. 18(l) A new subsection (2) is proposed to be added to the Rule to require members to send all options-related complaints pertaining to the member or its associated persons, and a report of any action taken in response thereto, to a designated joint self-regulatory organization complaint registry. The rule describes the complaint registry as containing all such complaints as well as option-related complaints received by the Exchange and other self-regulatory organizations and the SEC.

Rule X, Sec. 18(d) This Rule is proposed to be amended to require members to develop and implement a written program under the supervision of the Senior ROP for review of customer accounts and options orders in such accounts. Subsection (4) of the Rule is proposed to be amended to require each member firm to maintain, at the principal supervisory office having jurisdiction over the office servicing the customer's account, sufficient information to permit a timely review of each customer's options account to determine that options transactions are compatible with customer objectives and the terms of the account's approval, the size and frequency of options transactions, commission activity in the account, profit or loss in the account, undue concentration in any options class or classes, and compliance with FRB Regulation T.

Rule VI, Sec. 35 This Rule is proposed to be amended to clarify that standards governing communications to customers apply to persons associated with members as well as to the members themselves. The amendment also clarifies that these standards apply to communications to a single individual as well as to the general public. Commentary .01 is proposed to be amended to require prescribed disclosures in adverstising and sales literature and to establish specific guidelines for other written communications. Commentary .03 is proposed to be amended to provide that sales literature must state that supporting documentation will be supplied on request. Subparagraph C of Commentary .03 is proposed to be revised to permit balanced representations regarding past performance that pertain to the firm as a whole. The use of summaries or averaged past performance records is proposed to be permitted without the disclosure of detailed supporting data if certain basic information is disclosed along with an offer to provide complete documentation. Finally, subparagraph F of Commentary .03 is proposed to be revised to prohibit the use of nonstandard worksheets for a particular options strategy where a standard worksheet has been adopted.

Educational Circular on Front-Running This circular is proposed to be revised to delete the examples previously provided.

II. *Self-Regulatory Organization's Statements of Purpose and Statutory Basis of Proposed Rule Change*

In its filing with the Commission, PSE included the following statements concerning the purpose and basis of the proposed rule changes and discussed comments it received on the proposed rule change. Such statements are reproduced in Sections (A), (B), and (C) below.

(A) *Self-Regulatory Organization's Statement of Purpose of and Statutory Basis for Proposed Rule Changes*

This amendment to the original filing (SR-PSE-79-13) is for the purpose of proposing rule amendments in response to certain recommendations of the Special Study of the Options Markets that were not addressed in the original filing, as well as proposing certain editorial and minor substantive amendments to previously filed proposals.

The statutory basis for all of these proposed rule changes remains as stated in the original filing. The purpose of each of the substantive proposed rule changes included in this filing is as follows:

Rule X, Sec. 18(b) The minimum information that must be reflected in customers' account records has been expanded to include whether the account is approved for discretionary orders.

Rule X, Sec. 18(j) In response to Options Study Recommendation I.A.2.a., we propose to revise Rule X, Sec. 18(j) to expand the information which member organizations must disclose in the statement sent to customers having a general (margin) account. By limiting this requirement to margin accounts, the information will be furnished to most options customers without imposing undue burdens on member firms. The proposal will require that statements of margin accounts sent to such customers reflect the mark-to-the-market price and market value for all security positions in the account, the total of market value of all positions in the account, the debit (or credit) balance, and account equity. We have defined general (margin) account equity in proposed Commentary .01 to Rule X, Sec. 18(j), as the difference between the total of long security values, including any credit balance, and the total of short security values, including any debit balance.

Finally, we propose to require a legend on account statements to the effect that information concerning commissions and other charges has been included in confirmations, and will be furnished to customers upon request.

Rule X, Sec. 18(l) In response to Options Study recommendation I.A.2.g. for the self-regulatory organizations to establish and maintain a central customer complaint file showing all complaints received by each SRO and the disposition thereof, we propose adding a new subsection (2) to Rule X, Sec. 18(l), that would require each member firm to forward a copy of every options-related complaint pertaining to the member firm and its associated persons, and a report of any action taken in response thereto, to a central complaint registry to be maintained by either the NASD or NYSE. The rule describes the complaint registry as containing all such complaints as well as options-related complaints received by the Exchange and other self-regulatory organizations and the SEC.

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Rule X, Sec. 18(d) Options Study recommendation I.A.2.e. calls for the adoption of rules requiring that the headquarters office of every options broker-dealer be in a position to timely review each customer's account to determine the extent of commissions and realized and unrealized losses relative to account equity, the existence of unusual credit extensions and unusual account risks or trading patterns.

In response, Rule X, Sec. 18(d), is proposed to be revised to impose in explicit terms the obligation for firms to develop and implement headquarters account review procedures, and to impose record-keeping requirements to facilitate such review. Recognizing the decentralized supervisory structure which many large securities firms have adopted, the proposed amendment is keyed to review by the "principal supervisory office having jurisdiction over the office supervising the customer's account."

Rule VI, Sec. 35 The proposed rule amendments as previously filed regarding customer communications have been modified in certain respects. First, the general rule regarding customer communications in paragraph (a) of the Rule has been clarified to cover communications by persons associated with member organizations and to apply to communications with an individual customer or member of the public. Also, the applicability of the various standards of the Rule to different categories of communications (advertising, sales literature and other communications) has been further clarified. The circumstances and conditions under which past performance information may be used have also been clarified to emphasize that representations concerning past performance must be made in a balanced manner and must pertain to the member organization as a whole. Representations concerning the past performance of a particular registered representative are, thus, prohibited. We have also added specific requirements concerning the furnishing of supporting detail whenever statements involving past performance are made. Finally, a new requirement has been added to Commentary .03 to Rule VI, Sec. 35, barring the use of non-standard options worksheets where a member organization has adopted a standard form of worksheet for a particular options strategy.

(B) *Self-Regulatory Organization's Statement on Burden on Competition*

PSE does not believe that the rule changes proposed in this Amendment No. 2 to File No. SR–PSE–79–13 will impose any burdens on competition.

(C) *Self-Regulatory Organization's Statement on Comments Received from Members Participants, or Others on Proposed Rule Changes*

Comments on rule changes previously proposed were summarized in PSE's prior filing SR–PSE–79–13. Editorial revisions to those proposals reflected herein and proposed rule changes presented herein for the first time were not submitted to members for comments.

III. *Date of Effectiveness of Proposed Rule Change and Timing for Commission Action*

Within 35 days of the date of publication of this notice in the **Federal Register**, April 29, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the PSE consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. *Solicitation of Comments*

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of U.S.C. 522, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within twenty-one days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 17, 1980.

EXHIBIT 1–A

Rule X—Conduct of Accounts; Doing a Public Business in Options

Sec. 18

(b) Opening of Accounts

Commentary .01 *In fulfilling its obligations pursuant to paragraph (b)(1) of Section 18 with respect to options customers that are natural persons, a member organization shall seek to obtain the following information at a minimum (information shall be obtained for all participants in a joint account):*

Items 1–7 No Change

8. Investment experience and knowledge (e.g., number of years, size, frequency and type of transaction) for options, stocks and bonds, commodities, other.

In addition, the customers' account records shall contain the following information, if applicable:

a. No Change

b. No Change

c. No Change

d. Nature and types of transactions for which account is approved (e.g., buying, covered writing, uncovered writing, spreading, *discretionary transactions).*

(j) *Statement of Accounts*

Every member organization shall send to its customers statements of account showing security and money positions, entries interest charges and any special charges that have been assessed against such account during the period covered by the statement; provided, however, that such charges need not be specifically delineated on the statement if they are otherwise accounted for on the statement and have been itemized on transaction confirmations. With respect to options customers having a general (margin) account, such statement shall also provide the market-to-market price and market value of each option position and other security position in the general (margin) account, the total market value of all positions in the account, the outstanding debit or credit balance in the account, and the general (margin) account equity. The statement shall bear a legend stating that further information with respect to commissions and other charges related to the execution of listed option transactions has been included in confirmations of such transactions previously furnished to the customer, and that such information will be made available to the customer promptly upon request.

Statements of account [required by Sec. 15 of this Rule] shall be sent *at least quarterly to all accounts having a money or a security position during the preceding quarter* and not less frequently than once every month to each customer in whose account there has been an entry during the preceding month with respect to an option contract.

The statement shall also bear a legend requesting the customer to promptly advise the member of any material change in the customer's investment objectives or financial situation.

Commentary

.01. *For purposes of the foregoing Section, general (margin) account equity shall be computed by subtracting the total of the "short" security values and any debit balance from the total of the "long" security values and any credit balance.*

(1) *Customer Complaints*

(1) Every member organization conducting a non-member customer business shall make and keep current a separate central log, index or other file for all options-related complaints, through which these complaints can easily be identified and retrieved. The term "options-related complaint" shall mean any written statement by a customer or person acting on behalf of a customer alleging a grievance arising out of or in connection with listed options. The central file shall be located at the principal place of business of the member organization or such other principal office as shall be designated by the member organization. At a minimum, the central file shall include: (i) Identification of complainant, (ii) Date complaint was received, (iii) Identification of Registered Representative servicing the account, (iv) A general description of the matter complained of, and (v) A record of what action, if any, has been taken by the member organization with respect to the complaint. Each options-related complaint received by a branch office of a member organization shall be forwarded to the office in which the separate, central file is located not later than thirty days after receipt by the branch office. A copy of every options-related complaint shall be maintained at the branch office that is the subject of the complaint.

(2) *In addition to maintaining a central file of options-related complaints as required by (a) above, every member organization conducting a non-member customer business shall forward a copy of every options-related complaint pertaining to* [the options selling practices of] *the member organization and its associated persons, within 30 days after receipt, to the designated custodian of the joint-regulatory organization options complaint registry, and shall also promptly forward advice of any action taken by the member organizations in response to such complaints. The options complaint registry is maintained by the . Copies of complaints should be forwarded to the* [NASD at 1735 K Street, N.W., Washington, D.C. 20006.] *The options complaint registry is a data bank consisting of a record of options-related complaints received by members of the Exchange and other SROs and the Securities and Exchange Commission ("SEC"). Information in the options complaint registry will be made available only for bona fide regulatory purposes to national securities exchanges or associations, the SEC or other governmental regulatory agencies.*

(d) Supervision of Accounts

Every member organization shall comply with the provisions of Section 1(b) of Rule X in exercising its supervisory responsibilities. In addition to such provisions, every member organization shall comply with the following provisions as they relate to its options business.

[(1) Senior Registered Options Principal. Every member organization shall designate and specifically identify to the Exchange a Senior Registered Options Principal who is an officer (in the case of a corporation) or general partner (in the case of a partnership) of the member organization who shall supervise all of the organization's non-member customer accounts and all orders in such accounts, insofar as such accounts and orders relate to option contracts.]

(1) *Senior Registered Options Principal*

Every member organization shall develop and implement a written program for the review of the organization's non-member customer accounts and all orders in such accounts, insofar as such accounts and orders relate to option contracts. This program shall be under the supervision of a designated Senior Registered Options Principal ("Senior ROP") who is an officer (in the case of a corporation) or general partner (in the case of a partnership) of the member organization and who is specifically identified to the Exchange as the Senior ROP.

Rule VI—Communications To Customers

Sec. 35

(a) General Rule

No member or member organization, [and no partner or employee thereof] *or person associated therewith,* shall utilize any advertisement, sales literature or other communications to any customer or member of the public concerning options which:

Commentary .01 The special risks attendant to options transactions and the complexities of certain options investment strategies shall be reflected in any *advertisement or sales literature* [communication] which discusses the uses or advantages of options. *All advertisements and sales literature discussing the use of options should include a warning to the effect that options are not for everyone.* In the preparation of *written* communications respecting options, the following guidelines should be observed:

A. No Change

B. It should not be suggested that options are suitable for all investors. [All communications discussing the use of options should include a warning to the effect that options are not for everyone.]

.03 Written communications [other than advertisements] pertaining to options shall conform to the following standards:

A. [Such communications] *Sales literature* shall state that supporting documentation for any claims (including any claims made on behalf of options programs or the options expertise of sales persons), comparisons, recommendations, statistics or other technical data, will be supplied upon request.

B. No Change

C. Such communications may feature records and statistics which portray the performance of past recommendations or of actual transactions *of the member organization (but not of an individual Registered Representative),* provided that:

(i) Any *such portrayal is done in a balanced manner, and consists of* records or statistics *that are* [must be] confined to a specific "universe" that can be fully isolated and circumscribed and that covers at least the most recent 12-month period;

(ii) Such communications include [or offer to provide] the date of each initial recommendation or transaction, the price of each such recommendation or transaction as of such date, and the date and price of each recommendation or transaction at the end of the period or when liquidation was suggested or effected, whichever was earlier; *provided that if the communications are limited to summarized or averaged records or statistics, in lieu of the complete record there may be included the number that declined, together with an offer to provide the complete record upon request;*

(iii) No Change

[(iv) In the event such records or statistics are summarized or averaged, such communications include the number of items recommended or transacted, the number that advanced and the number that declined;]

[Note.—Items v–vii will be renumbered iv–vi]

D. No Change

E. No Change

F. *If a member organization has adopted a standard form of worksheet for a particular options strategy, non-standard worksheets for that strategy may not be used.*

[F] *G.* Communications that portray performance of past recommendations or actual transactions and completed worksheets shall be kept at a place easily accessible to the sales office for the accounts or customers involved.

Educational Circular Under Rule I Section 12(k) FRONT-RUNNING OF BLOCKS

This educational circular presents the Exchange's enforcement policy with respect to certain practices generally referred to as "front-running of blocks." Because a block transaction in an underlying security may have an impact on the market for that security or the options covering that security (or vice versa), the Exchange would be concerned if its members were to engage in the practice of trading in options or in underlying securities when they are in possession of material non-public information concerning block transactions in these securities. In keeping with its responsibility to assure the fariness of its market, the Exchange wishes to emphasize that this kind of activity on the part of market professionals is conduct inconsistent with just and equitable principles of trade and will be dealt with in disciplinary proceedings.

Although it is not possible to provide an all-inclusive definition of front-running in all of its forms, the Exchange believes that it is important to provide standards describing the kind of conduct that will not be permitted, both in order to provide guidance for members and to avoid interfering with entirely legitimate transactions that do not involve front-running. For this purpose, the Exchange has prepared this educational circular discussing the kind of conduct involving the front-running of blocks that would be considered to be in violation of Rule I, Section 12(k). It must be recognized that the following discussion of prohibited conduct is not exclusive, and that conduct not specifically described in this circular may

nonetheless constitute front-running that comes within the broad prohibition of Rule I, Section 12(k). Although this circular concentrates on proprietary trading of members, front-running violations may also occur in certain agency situations, such as where a member passes on non-public information concerning block transactions to a customer who then trades on the basis of the information.

The Exchange considers it to be conduct inconsistent with just and equitable principles of trade in violation of Rule I, Section 12(k) for a member or person associated with a member, for an account in which such member or person has an interest, or for an account with respect to which such member or person exercises investment discretion, to cause to be executed

(1) An order to buy or sale an option when such member or person causing such order to be executed has knowledge of a block transaction in the underlying security, or

(2) An order to buy or sell an underlying security when such member or person causing such order to be executed has knowledge of a block transaction in an option covering that security,

prior to the time information concerning the block transaction has been made publicly available. Front-running may be based upon knowledge that all of the material terms of the transaction have been or will imminently be agreed upon. Notwithstanding the foregoing, if a member firm receives at or about the same time a customer's order of block size relating to both an option and the underlying security, the member may position the other side of one or both components of the order, subject to applicable exchange rules governing crosses. However, the member firm would not be able to cover any resulting proprietary position by entering an offsetting order until information concerning all block transactions involved has been made publicly available.

The application of this circular is limited to transactions that are required to be reported on the last sale reporting systems administered by CTA or OPRA, and information as to a block transaction shall be considered to be publicly available when it has been disseminated via the tape or high speed communication line of one of those systems. Public outcry on the Exchange Floor shall not be deemed to make such information publicly available except in unusual circumstances with the advance approval of two Floor Officials.

Effectiveness Timetable [1]

Rule and No. of Days Following Commission Approval
X, Section 18(b)(1)—30 days [2]
X, Section 18(b)(4)—30 days for initial verification, 60 days for subsequent verification [3]
X, Section 18(c)—30 days
X, Section 18(d)(1)—30 days
X, Section 18(d)(2)—60 days
X, Section 18(d)(3)—60 days
X, Section 18(d)(4)—60 days
X, Section 18(e)(1)—60 days
X, Section 18(e)(4)—90 days
X, Section 18(j)—180 days
X, Section 18(l)(1)—60 days
X, Section 18(l)(2)—60 days following effectiveness of Commission rule authorizing central complaint registry
X, Section 18(m)—60 days
III, Section 11—30 days
Proposed Rule XX, Section 1—Immediately
VI, Section 35(a)—Immediately
VI, Section 35(b)—60 days; until then, approval under present Rule X, Section 35(a)
VI, Section 35(c), (d) and (e)—Immediately
VI, Section 31(a)—60 days
VI, Section 31(b)—Immediately
VI, Section 31(c)—60 days
VI, Section 81(a) and (b)—60 days
Front Running Circular—Immediately

[FR Doc. 80-9000 Filed 3-24-80; 8:45 am]

BILLING CODE 8010-01-M

[1] The Exchange may grant members additional time to comply with certain of these rules on a case-by-case basis, but no extension of time will be granted for more than months after the effectiveness of the rule in question as stated in this table. In granting or denying requests for extension of time, the Exchange will act jointly with other self-regulatory organizations that have comparable rules insofar as the requesting parties are members of the Exchange and such other SROs.

[2] Within 12 months following their effectiveness as stated in this table, Rule X, Section 18(b)(1) and (4) must be complaint with in respect of customers' accounts that where approved for options transactions prior to the effectiveness of these rules in order for those accounts to remain so approved.

[Release No. 16675; SR-Phlx-79-10]

Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

March 18, 1980.

On November 14, 1980, the Philadelphia Stock Exchange, Inc., 17th Street and Stock Exchange Plaza, Philadelphia, PA 19103 ("Phlx") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change which sets forth detailed listing and delisting standards for securities listed or admitted to trading on the Phlx. The standards would not be mandatory but would be considered by the Exchange in judging the qualifications of each applicant.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34–16505 (Jan. 16, 1980), 19 SEC Docket 329 (Jan. 29, 1980)) and by publication in the **Federal Register** (45 FR 5861, (Jan. 24, 1980). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-8940 Filed 3-24-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11092; 812-4608]

Societe Generale North America, Inc., Filing of Application for an Order Pursuant to Section 6(c) of the Act Exempting the Applicant From All Provisions of the Act

March 17, 1980.

In the matter of Societe Generale North America, Inc., c/o William F. Kroener, III, Esq., Davis Polk & Wardwell, One Chase Manhattan Plaza, New York, New York 10005.

Notice is hereby given that Societe Generale North America, Inc. ("Applicant"), filed an application on February 1, 1980, and an amendment thereto on March 3, 1980, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized under the laws of the State of Delaware on January 25, 1980, solely for the purposes described more fully below. According to the application, all of Applicant's outstanding shares of capital stock were purchased for $10,000 by Societe Generale pour favoriser le developpement du Commerce et de l'Industrie en France ("Societe Generale"), a French commercial bank. It is further stated that no other common or capital stock will be issued, and that to the extent Applicant's capital is not needed to meet expenses, it will be placed on deposit with, or loaned to Societe Generale. In connection with a proposed issuance of commercial paper in the United States, Societe Generale filed an application for an order of the Commission pursuant to Section 6(c) of the Act exempting Societe Generale from all provisions of the Act, which was granted on August 7, 1979 (Investment Company Act Release No. 10615). The pending application states that if commercial paper were issued directly by Societe Generale, a French withholding tax could be imposed on payments constituting interest on the commercial paper notes. It is further stated that if a French withholding tax were imposed, Societe Generale's commercial paper, to be marketable, would have to bear a higher interest rate than commercial paper of similar maturities with a similar credit rating, the interest payments on which were not subject to withholding tax.

Applicant asserts that many potential investors would be reluctant to purchase commercial paper subject to withholding tax because of the uncertainties and paperwork involved to claim a refund of the tax withheld. The application states that, unlike Societe Generale, certain other foreign bank commercial paper issuers may issue commercial paper not subject to the above withholding tax. Thus, Societe Generale has organized Applicant to act solely as a vehicle through which Societe Generale could obtain funds in the United States through the sale by Applicant of commercial paper unconditionally guaranteed by Societe Generale by means of a guaranty, keep-well arrangement, back to back loan or otherwise. Applicant contemplates that substantially all of its assets (other than cash) in the future will be deposits with or loans to Societe Generale. The application states that the holders of the notes could be considered holders of obligations of Societe Generale. Certain information with respect to Societe Generale, including a description of its business and French banking regulation, is included in Societe Generale's application for an exemption from all provisions of the Act, and is summarized in Investment Company Act Rel. No. 10769.

According to the application, upon full implementation of the International Banking Act of 1978, it is expected that Societe Generale will be required to file with the Board of Governors of the Federal Reserve System ("Federal Reserve Board") an annual report containing information with respect to Societe Generale and its United States subsidiaries, including Applicant. The application states further that in the view of the staffs of the Federal Reserve Bank of New York and the Federal Reserve Board, Applicant is a service company, ownership of which by Societe Generale is permitted by the Bank Holding Company Act of 1956 ("1956 Act"). Applicant asserts that as a non-bank subsidiary of a foreign bank having United States branches, Applicant is generally restricted to furnishing services to or performing services for Societe Generale. Applicant also states that the 1956 Act provides that, under certain circumstances, the Federal Reserve Board may terminate certain United States activities by Applicant or Societe Generale's control of Applicant.

According to the application, Applicant proposes to issue and sell prime quality commercial paper notes in minimum denominations of $100,000 through United States commercial paper dealers. Applicant represents that it will secure an undertaking from each such dealer that the notes will be sold to institutional investors and other entities and individuals that ordinarily purchase commercial paper notes. Applicant states that it expects the average amount of commercial paper outstanding during the year after the program commences to be approximately $500,000,000. The application states that the proceeds of the sale of the notes would be placed on short-term deposit with, or loaned to, Societe Generale and thus made available to it for current transactions. The application states further that the deposits, or loans, with interest, as the case may be, would be withdrawn by, or repaid to Applicant, as required to pay commercial paper notes at maturity.

Applicant plans to sell the notes without registration under the Securities Act of 1933 ("1933 Act"), in reliance upon an opinion of its special counsel in the United States that the offering will qualify for an exemption from the registration requirements of the 1933 Act provided for certain short-term commercial paper by Section 3(a)(3) thereof. Applicant will not proceed with its proposed offering until it has received such opinion letter. Applicant does not request Commission review or approval of such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the presently proposed issue of securities and any future issue of it debt securities in the United States shall have received, prior to issuance, on of the three highest investment grade ratings from at least one of the nationally recognized statistical rating organizations, and that its American counsel shall have certified that such rating has been received; provided however, that no such rating shall be required to be obtained, if in the opinion of American counsel for Applicant, such counsel having taken into account for the purposes thereof the doctrine of "integration" referred to in various releases and no-action letters made public by the Commission, an exemption from registration is available with respect to such issue under Section 4(2) of the 1933 Act. Applicant represents that the notes will rank *pari passu* among themselves and equally with all other unsecured unsubordinated indebtedness of Applicant and superior to rights of shareholders. The application states that the guaranty of Societe Generale will rank *pari passu* with all other unsecured unsubordinated indebtedness of Societe Generale, including its deposit liabilities, and superior to rights of shareholders.

Applicant undertakes to ensure that the dealer will provide each offeree, prior to any sale of the commercial paper to such offeree, with a memorandum describing the business of Applicant and Societe Generale and containing the most recently available audited financial statements of Societe Generale, audited in accordance with French auditing practices. Applicant states that the offering memorandum will include a paragraph highlighting the material differences between French accounting standards applicable to French banks and generally accepted accounting principles employed by U.S. banks. Applicant represents that such memoranda will be at least as comprehensive as those customarily used in offering commercial paper in the United States, and will be updated periodically to reflect material changes in the business or financial status of Applicant or Societe Generale. Applicant further represents that any future offering of its debt secutities in the United States will be done on the basis of disclosure documents which are at least as comprehensive in their description of Applicant and Societe Generale, and the businesses of Applicant and Societe Generale, as those customarily used in United States offerings of such securities and which contain the financial statements of Societe Generale. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its and Societe Generale's compliance with the foregoing undertakings concerning disclosure documents.

Applicant and Societe Generale represent that they will appoint a bank or trust company, the Commission or a corporation providing corporate services for lawyers as agent to accept service of process in any suit, action, or proceeding, brought on, respectively, the short-term notes or the guaranty or with respect to the offer and sale of short-

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term notes by means of the offering memorandum and instituted in any state or federal court by the holder of any short-term note. The application states that Applicant and Societe Generale will expressly submit to the jurisdiction of state or federal courts in the City and State of New York in respect of any such suit, action or proceeding. The application states further that such appointments of an agent to accept service of process and such consents to jurisdiction shall be irrevocable until all amounts due and to become due in respect of the notes have been paid. The application also states that Applicant and Societe Generale will similarly consent to jurisdiction and appoint an agent for service of process in any such suit, action, or proceeding arising from any future offerings of such debt securities that it may make in the United States.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of government securities and cash items) on an unconsolidated basis." Applicant states that it may be considered to be an investement company as defined under the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that the purchase of its notes will be the equivalent of purchasing obligations of Societe Generale because of Societe Generale's unconditional guaranty. Applicant also states that Societe Generale, by Commission order, has been granted an exemption under Section 6(c) of the Act but has decided not to sell commercial paper in the United States because of the tax questions outlined above that have arisen under French law. Applicant states that it will serve as a vehicle to facilitate Societe Generale's obtaining of funds through Applicant's sale of its debt securities in the United States, and its only business will be to sell its commercial paper in the United States and to deposit with or lend to Societe Generale the proceeds of such sales. Applicant asserts further that under present Federal banking laws, there is no advantage to a foreign bank in issuing securities through a wholly-owned domestic subsidiary rather than issuing such securities directly. Finally, Applicant argues that as a result of the disclosure memoranda that offerees of its commercial paper will receive investors will be adequately protected, and it would therefore not be in the public interest to treat the Applicant as an investment company under the Act. Applicant submits that granting its requested exemptive order pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 10, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be adressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9048 Filed 3-24-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21478; 70-6426]

Southern Co. Proposed Issuance of Common Stock Pursuant to Dividend Reinvestment and Stock Purchase Plan and Employee Savings Plan

March 17, 1980.

In the matter of the Southern Company, Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30346.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Southern proposes to issue and sell from time to time through April 30, 1982, up to 8,500,000 shares of its authorized but unissued common stock, par value $5 per share ("Additional Common Stock"), pursuant to a Dividend Reinvestment and Stock Purchase Plan ("Dividend Plan"). Such shares herein proposed to be issued and sold would be in addition to the balance of 1,958,731 shares at December 31, 1979, remaining under the authorization granted by the Commission by order dated March 2, 1979 (HCAR No. 20941). Southern intends to apply the proceeds estimated not to exceed $106,250,000, from the sale for further equity investments in its operating subsidiaries as may be authorized by this Commission in separate filings (File No. 70–6414) and for other corporate purposes.

The Additional Common Stock will be offered to all holders of Southern's common stock pursuant to the Dividend Plan, a voluntary plan whereby shareholders may elect to (1) have cash dividends on all of their shares of Southern commn stock automatically reinvested in shares of such common stock at a price equal to 95% of the average ("Market Price Average") of the high and low sales prices of Southern's common stock, as published in The Wall Street Journal in its NYSE Composite Transactions, on the dividend payment date, or (2) reinvest less than all their cash dividends in shares of Southern's common stock at a price equal to 95% of the Market Price Average, or (3) reinvest all or less than all of their cash dividends as described above and, in addition, make optional cash payments (not less than $25 per payment nor more than a total of $3,000 per quarter) to

invest in shares of Southern's common stock at a price equal to 100% of the Market Price Average, or (4) continue to receive cash dividends on all shares held and invest only optional cash payments.

Cash dividends on shares credited to a participant's account under the Dividend Plan will be reinvested in shares of Southern's common stock at a price equal to 95% of the Market Price Average. No shares will be sold under the Dividend Plan at less than the par value of such shares. The First National Bank of Atlanta currently administers the Dividend Plan and purchases the shares of Southern's common stock under the Dividend Plan as agent for the participants. No service charge or commission will be paid by participant in connection with purchases under the Dividend Plan.

Participants will retain all voting rights relating to shares purchased under the Dividend Plan and credited to their accounts, and shares will be voted in accordance with the instructions of the participant to whose account they are credited. A participant will be able to withdraw from the Dividend Plan at any time upon written notice. Upon withdrawal, the participant will be issued without charge, a certificate for the number of shares credited to his account and will receive a cash payment for the value of any fractional share. Without withdrawing from the Dividend Plan, a participant will be entitled to demand and receive a certificate representing the full shares of common stock credited to his account. Southern reserves the right to suspend, modify (subject to Commission approval), or terminate the Dividend Plan at any time.

Southern also proposes to issue and sell from time to time through April 30, 1982 a maximum of 1,500,000 shares of its authorized but unissued common stock, par value $5 per share, ("New Stock") pursuant to the Employee Savings Plan for The Southern Company System (the "Savings Plan"). Southern proposes to apply the proceeds from the sale of the New Stock (estimated not to exceed approximately $18,750,000) to such further equity investments in its operating subsidiaries as may be authorized by this Commission in separate filings (See File No. 70–6414) and for other corporate purposes.

The New Stock will be offered to employees of Southern's subsidiaries pursuant to the Savings Plan, a voluntary plan under which employees may contribute, through payroll deductions, not less than 2% nor more than 12% of their compensation (base salary or wages). Each employing company will contribute, on behalf of each of the Savings Plan members in its employ, an amount equal to 50% of such of the member's contributions as are not in excess of 6% of the member's compensation. The First National Bank of Atlanta acts as Trustee for the trust which is part of the Savings Plan, and the Savings Plan is administered by the Savings Plan Committee, the members of which are appointed by the Board of Directors of Southern Company Services, Inc.

An employee is eligible to participate in the Savings Plan if: (a) he is at least 21 years of age and (b) he has completed at least one year of service (in which he has completed at least 1,000 hours of service) with one or more Southern subsidiaries. Any employee represented by a collective bargaining agent may not participate in the Savings Plan unless the representatives of his bargaining unit and the employing company mutually agree to participation in the Savings Plan by members of the bargaining unit.

Each Savings Plan member must direct that his contributions be invested in one or more of three funds: (1) Company Stock Fund—consisting of Southern's common stock; (2) Equity Fund—consisting of common or capital stocks and securities convertible into common or capital stock (other than securities issued by or convertible into securities issued by Southern or any of its subsidiaries), short-term investments, and investments in certain commingled trust funds; (3) Fixed Income Fund—consisting of direct obligations of the U.S. Government and its agencies, corporate bonds, debentures, notes, certificates of indebtedness, evidences of indebtedness of Southern or its subsidiaries or affiliates, savings account deposits, and investments in certain commingled trust funds. All employing company contributions are invested in the Company Stock Fund.

The amount to the credit of a member's account attributable to his own contributions is fully vested in the member at all times. Amounts attributable to employing company contribuions are fully vested in the member upon his death or retirement pursuant to the pension plan of his employing company. Prior to those events, the amount to the credit of a member's account attributable to employing company contributions is vested in the member in accordance with a schedule which begins with a 50 percent vesting after five years of service and increases by 5 percent with each year of service thereafter, until after 15 years of service, these amounts are fully vested. Any amounts not vested upon a member's termination of employment are forfeited and will be applied as a credit to reduce subsequent contributions of the employing company.

The Trustee will vote the shares of common stock of Southern held by it in accordance with written directions received from the individual members on whose behalf such shares are held and will not vote any such shares for which voting instructions are not received. The Trustee has the authority to vote all other securities in its discretion.

The Board of Directors of Southern Company Services, Inc. has the right to amend or terminate the Savings Plan in whole or in part. Any employing company may, by action of its board of directors and approval by the Board of Directors of Southern Company Services, Inc., suspend or terminate the making of contributions of members in the employ of such employing company and of contributions by such employing company. In the event of termination or partial termination or upon complete discontinuance of contributions under the Savings Plan by all employing companies or by any one employing company, the amount to the credit of the accounts of each member whose employing company shall be affected by such termination or discontinuance shall become nonforfeitable and will be distributed to the member as soon as practicable after such termination or discontinuance.

Fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment. It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 10, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the

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Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-8947 Filed 3-24-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 706]

Claims Against the Provisional Military Government of Socialist Ethiopia; Time for Filing

Notice is hereby given that the Department of State will receive at its Office of the Legal Adviser, located at 2201 C Street, N.W., Washington, D.C. 20520, during the period April 1, 1980, and ending September 30, 1980, claims against the Provisional Military Government of Socialist Ethiopia by U.S. nationals for nationalization, expropriation, sequestration, or other taking of property or contract rights, by the Provisional Military Government of Socialist Ethiopia.

(22 U.S.C. §§ 2656, 2658)

Dated: March 18, 1980.

For the Secretary of State.

Ben H. Read,

Under Secretary for Management.

[FR Doc. 80-8945 Filed 3-24-80; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF THE TREASURY

Customs Service

[521741]

American Manufacturer's Petition; Extension of Time for Comments Concerning an American Manufacturer's Petition To Reclassify Certain Footwear Known as Moon Boots

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of extension of time for comments.

SUMMARY: This notice extends the period of time permitted for the submission of comments in response to a recent American manufacturer's petition to the Customs Service to reclassify certain footwear known as moon boots. This extension will permit the preparation and submission of more detailed comments by interested members of the public.

DATES: Comments must be received on or before April 30, 1980.

ADDRESS: Comments, preferably in triplicate, should be addressed to the Commissioner of Customs, Attention: Regulations and Research Division, Room 2335, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Donald F. Cahill, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8181).

SUPPLEMENTARY INFORMATION:

Background

On January 30, 1980, the Customs Service published in the **Federal Register** (45 FR 6881) a notice of receipt of an American manufacturer's petition, filed under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516), requesting that certain footwear known as moon boots be reclassified as other footwear which is over 50 percent by weight of rubber or plastics under item 700.60, Tariff Schedules of the United States (TSUS), or in the alternative, as other protective footwear under item 700.53, TSUS. It is currently the position of Customs that the particular moon boots in question, as well as footwear of the same class or kind, are classifiable as other footwear which is over 50 percent by weight of rubber or plastics and having uppers of which over 90 percent of the exterior surface area is rubber or plastics under item 700.58, TSUS.

Comments

Comments concerning the American manufacturer's petition were to have been received on or before March 31, 1980. However, the Customs Service has been requested to extend the period of time for the submission of comments in order to allow additional time for the preparation of a response to the American Manufacturer's petition. As a result, the period of time for the submission of comments is extended to April 30, 1980.

Dated: March 19, 1980.

Salvatore E. Caramagno,

Acting Director, Office of Regulations and Ruling.

[FR Doc. 80-9043 Filed 3-24-80; 8:45 am]

BILLING CODE 4810-22-M

[T.D. 80-89; 521600]

Change of Practice Concerning the Tariff Classification of the Rock Super X-11, Rock Super X-15, Traction Super X-11, and Traction Super X-15 Tire Protection Chains

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This document announces that the Customs Service is changing the current uniform and established practice of classifying the Rock Super X-11, Rock Super X-15, Traction Super X-11, and Traction Super X-15 tire protection chains manufactured by Erlau of West Germany as chains with links of stock which is essentially round in cross section under items 652.24 through 652.33, Tariff Schedules of the United States (TSUS). Pursuant to this change of practice, the Customs Service will classify the enumerated tire protection chains as other chains under item 652.35, TSUS, inasmuch as the subject tire protection chains consist predominantly of links of stock which is not essentially round in cross section.

DATES: This change of practice will be effective with respect to merchandise entered or withdrawn from warehouse for consumption on or after 90 days from the date of publication of this notice in the Customs Bulletin.

FOR FURTHER INFORMATION CONTACT: Leonard J. Emmert, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8181).

SUPPLEMENTARY INFORMATION:

Background

In T.D. 78-367, the Customs Service noted that a uniform and established practice existed of classifying the Rock Super X-11, Rock Super X-15, Traction Super X-11, and Traction Super X-15 tire protection chains manufactured by Erlau of West Germany under the provisions for chain and chains, and parts thereof, all the foregoing of base metal not coated or plated with precious metal, of iron or steel, with links of stock which is essentially round in cross section, in items 652.24 through 652.33, Tariff Schedules of the United States (TSUS), depending upon the diameter of the link stock. This finding of practice was limited to the tire protection chains enumerated above.

On October 4, 1979, notice of a proposed change of practice concerning the enumerated tire protection chains was published in the **Federal Register** (44 FR 57248). The notice advised that the Customs Service was reviewing the current uniform and established practice of classifying the Rock Super X-11, Rock Super X-15, Traction Super X-11, and Traction Super X-15 tire protection chains as chains with links of stock which is essentially round in cross section under items 652.24 through 652.33, TSUS. Although comments with respect to the proposal were invited, no comments were received.

Each of the enumerated Erlau tire protection chains consists of a chain mesh having two distinct link types. One is a welded ring or link of stock essentially round in cross section with a uniformly measurable diameter. The other link is a forged steel wear link which is the essential tire protection element. The forged wear links are of stock which is not essentially round in cross section. Inasmuch as the forged wear links predominate in both area and weight over the links of stock which is essentially round in cross section, it is the position of the Customers Service that the subject tire protection chains are precluded from classification as chains with links of stock which is essentially round in cross section under items 652.24 through 652.33, TSUS. This position is consistent with T.D. 78-367 which stated that tire protection chains with links of stock which is not essentially round in cross section are properly classifiable under item 652.35, TSUS.

Change of Practice

The Customs Service is changing its practice of classifying the Rock Super X-11, Rock Super X-15, Traction Super X-11, and Traction Super X-15 tire protection chains manufactured by Erlau of West Germany as chains with links of stock which is essentially round in cross section under items 652.24 through 652.33, TSUS. The Customs Service will henceforth classify the enumerated tire protection chains under the provision for chain or chains, other, in item 652.35, TSUS. This change of practice shall be effective as to merchandise entered or withdrawn from warehouse for consumption on or after 90 days from the date of publication of this notice in the Customs Bulletin.

Drafting Information

The principal author of this notice was Harold I. Loring, Regulations and Research Division, U.S. Customs Service. However, personnel from other offices of the U.S. Customs Service participated in developing this notice, both on matters of style and substance.

William T. Archey,

Acting Commissioner of Customs.

Approved: March 10, 1980.

Richard J. Davis,

Assistant Secretary of the Treasury.

[FR Doc. 80-8933 Filed 3-24-80; 8:45 am]

BILLING CODE 4810-22-M

VETERANS ADMINISTRATION

Central Office Education and Training Review Panel; Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Central Office Education and Training Review Panel authorized by Section 1790(b), Title 38, United States Code, will be held in Room 444E, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C., on April 9, 1980, at 10 a.m. The meeting will be held for the purpose of reviewing the decision of the Director, Veterans Administration Regional Office, Denver, Colorado, that benefits to all eligible persons enrolled in programs offered by Real Estate Training Center of Colorado, 7350 West 44th Avenue, Wheat Ridge, Colorado 80033, be discontinued.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Larry R. Stockmoe, Education and Rehabilitation Service, Veterans Administration Central Office (phone 202-389-2850), prior to March 31, 1980.

Dated: March 18, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

[FR Doc. 80-8937 Filed 3-24-80; 8:45 am]

BILLING CODE 8320-01-M

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Sunshine Act Meetings

Federal Register
Vol. 45, No. 59
Tuesday, March 25, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:45 a.m., Friday, March 28, 1980.

PLACE: 2033 K Street NW., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matters.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-602-80 Filed 3-21-80; 3:17 pm]

BILLING CODE 6351-01-M

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FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 11 a.m., Wednesday, March 19, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Emergency Closed Commission Meeting following Special Open Meeting which commenced at 9:30 a.m.

MATTER TO BE CONSIDERED: Discussion of OMB Mark.

The prompt and orderly conduct of Commission business did not permit announcement of this meeting prior to the meeting.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: March 20, 1980.

[S-600-80 Filed 3-21-80; 11:03 am]

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March 19, 1980.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, March 26, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Pittsburg & Midway Coal Mining Company, Docket No. BARB 74-666, IBMA 76-57 (Issues include whether imminent dangers existed under conditions cited).
2. Act Drilling Coal Company, Docket No. PITT 75-1-P, IBMA 76-60 (Issues include whether violations of 30 CFR § 77.1605(d) occurred and whether operator is charged with negligence of foreman).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-603-80 Filed 3-21-80; 3:28 pm]

BILLING CODE 6820-12-M

4

[USITC SE-80-17]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Friday, March 28, 1980.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Public works castings from India (Inv. 303-TA-13 [Preliminary])—briefing.
2. Roses (Inv. TA-201-42)—briefing.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-598-80 Filed 3-21-80; 10:28 am]

BILLING CODE 7020-02-M

5

[USITC SE-80-18]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Monday, March 31, 1980.

PLACE: Room 117, 701 E Street, NW., Washington, D.C 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
   a. Hydraulic control valves (Docket No. 635).
5. Public works castings from India (Inv. 303-TA-13 [Preliminary]—vote.
6. Roses (Inv. TA-201-42)—vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-599-80 Filed 3-21-80; 10:28 am]

BILLING CODE 7020-02-M

6

POSTAL RATE COMMISSION.

TIME AND DATE: 1:30 p.m., Tuesday, March 25, 1980.

PLACE: Commission Conference Room, Room 500, 2000 L Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket No. MC78-3 (E-COM).

Closed pursuant to 5 U.S.C. 552b(c)(10).

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L. Street, NW., Washington, D.C. 20268, telephone (202) 254-5614.

[S-601-80 Filed 3-21-80; 12:30 pm]

BILLING CODE 7715-01-M

7

POSTAL SERVICE.

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 USC § 552b), hereby gives notice that it intends to hold meetings at 2 p.m. on Monday, March 31, in Room 329 and at 9 a.m. on Tuesday, April 1, 1980, in Room 401B of the Management Sectional Center, 900 E. Fayette Street, Baltimore, Maryland. Except as indicated in the following paragraphs, the meetings are open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

On March 4, 1980, the Board of Governors voted to close to public observation its next meeting, scheduled for 2 p.m. on March 31, 1980. Each of the members of the Board except Mr. Hardesty, who was absent when the vote was taken, voted in favor of closing this meeting, which is expected to be attended by the following persons: Governors Wright, Hardesty, Allen, Camp, Ching, and Sullivan; Postmaster General Bolger; Deputy Postmaster General Conway; Senior Assistant Postmaster General Finch; and Secretary of the Board Cox.

The meeting which is to be closed will consist of a continuation of the discussion of the Postal Service's possible strategies concerning future postal ratemaking which was commenced at the Board's meeting of December 4, 1979, and continued at its meetings on January 7 and March 4, 1980.

Agenda

Monday Afternoon Session

1. Discussion of Postal Service ratemaking strategy. (The Board will discuss Postal Service ratemaking plans. As stated above in the Notice of Meetings, the session on this matter will be closed to the public.)

Tuesday Morning Session

1. Minutes of the previous meeting.
2. Remarks of the Postmaster General. (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
3. Report of the Regional Postmaster General. (Mr. Carlin, Regional Postmaster General, will report on postal conditions in the Eastern Region.)
4. Report on Finance Group Programs. (Mr. Finch, Senior Assistant Postmaster General, Finance Group, will brief the Board on current developments in the Finance Group.)
5. Report on Energy Conservation Programs. (Mr. Conway, Deputy Postmaster General, will present a report on the status of Postal Service programs to reduce the consumption of energy.)
6. Temporary classification change proposal for Merchandise Return Service. (Under the Postal Reorganization Act (39 U.S.C. § 3641(e)), if the Postal Rate Commission does not transmit a recommended decision on a change in the Mail Classification Schedule to the Governors of the Postal Service within ninety days after the Postal Service has submitted to the Commission a request for such a recommended decision, the Postal Service, upon ten days notice in the Federal Register, may place into effect temporary changes in the Mail Classification Schedule in accordance with proposed changes under consideration by the Commission. The Postal Service requested a recommended decision on August 13, 1979, to change the Domestic Mail Classification Schedule to include a Merchandise Return Service. Since it does not appear that the Postal Rate Commission will transmit its recommended decision on this matter in the immediate future, the Board will consider the question of whether the Postal Service should place a Merchandise Return Service into effect on a temporary basis.)

If the Board does not complete its consideration of current Postal Service ratemaking plans at the Monday afternoon session, it will resume consideration of this matter in closed session on Tuesday, following its consideration of the foregoing agenda items.

Louis A. Cox,

Secretary.

[S-604-80 Filed 3-21-80; 3:28 pm]

BILLING CODE 7710-12-M

8

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [To be published].

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, March 17, 1980.

CHANGES IN THE MEETING: Additional items and deletion.

The following additional items were considered at a closed meeting held on Wednesday, March 19, 1980, following the 3:30 p.m. open meeting:

Regulatory matter bearing enforcement implications.

Legislative matter bearing enforcement implications.

The following item will not be considered at a closed meeting scheduled for Tuesday, March 25, 1980, at 10 a.m.:

Litigation matter.

Chairman Williams and Commissioners Loomis, Evans, and Pollack determined that Commission business required the above changes and that no earlier notice thereof was possible.

At time changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: George Yearsich at (202) 272-2178.

March 20, 1980.

[S-606-80 Filed 3-20-80; 5:04 pm]

BILLING CODE 8010-01-M

9

[Meeting No. 1238]

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 7 p.m., c.s.t., Thursday, March 27, 1980.

PLACE: Parkway Junior High School, 1341 North Parkway, Jackson, Tennessee.

STATUS: Open.

MATTERS FOR ACTION:

A—Project Authorizations

1. No. 3500—Interagency research and development on the environmental effects of energy systems (in collaboration with the Environmental Protection Agency).
2. No. 3461.1—Amendment to project authorization for modification of the urea unit at Muscle Shoals, Alabama.
3. No. 3503—Decommissioning of Edgemont, South Dakota, uranium mill.

B—Purchase Awards

1. Amendment to Contract No. 78P66-148567 with Silver King Mines, Inc., for project management services for TVA uranium/vanadium mill site and properties in Edgemont, South Dakota.
2. Req. No. 550800—Indefinite quantity term contract for CRT terminals, printers, and terminal controllers for Computer Operations Branch.
3. Rejection of bids received in response to Invitation No. 826692 for Computer Center Building for the TVA Chattanooga Office Complex.

C—Power Items

1. Adoption of supplemental resolution authorizing 1980 Series B Power Bonds.
2. Resolution authorizing the Chairman and other Executive Officers to take further action relating to issuance and sale of 1980 Series B Power Bonds.
3. New power contract with West Point, Mississippi.
4. Letter agreement with Chattanooga, Tennessee, covering arrangements for establishment of a 161-kV delivery point to Chattanooga's Falling Water 161-kV Substation.

D—Personnel Items

1. Personal service contract with CDI Corporation, Philadelphia, Pennsylvania, for engineering support services, requested by the Office of Engineering Design and Construction.
2. Personal service contract with Consultants & Designers Inc., New York, New York, for engineering support services, requested by the Office of Engineering Design and Construction.
3. Personal service contract with H. L. Yoh Company, Philadelphia, Pennsylvania, for engineering support services, requested by the Office of Engineering Design and Construction.
4. Renewal of consulting contract with Dr. Karl Z. Morgan, Atlanta, Georgia, in connection with the evaluation of radiological hygiene issues and policies and new program directions, requested by the Division of Occupational Health and Safety.

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5. Renewal of consulting contract with Dr. Harald H. Rossi, New York, New York, in connection with the evaluation of radiological hygiene issues and policies and new program directions, requested by the Division of Occupational Health and Safety.

6. Renewal of consulting contract with Dr. Frank E. Perkins, Cambridge, Massachusetts, for advice and assistance in the field of hydraulic engineering, requested by the Office of Natural Resources.

E—Real Property Transactions

1. Filing of condemnation suits.

F—Unclassified

1. Supplemental letter agreement with Tishomingo County, Mississippi, providing for TVA's financial assistance for law enforcement and sanitation services as part of the impact mitigation program for Yellow Creek Nuclear Plant.

2. Resolution authorizing the Comptroller to write off certain uncollectible accounts receivable.

3. Resolution adopting a final TVA regulation under Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap in programs and activities receiving TVA financial assistance.

4. Payment from nonpower proceeds for fiscal year 1979 to the Treasury of the United States pursuant to Section 26 of the TVA Act.

5. Revised budget plan for fiscal year 1980.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: March 20, 1980.

[S-567-80 Filed 3-21-80; 9:27 am]

BILLING CODE 6120-01-M

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federal register

Tuesday
March 25, 1980

Part II

Office of Personnel Management

Executive Personnel Financial Disclosure Requirements

V 45 / 59 MAR 25 1980 UMI

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 734

Executive Personnel Financial Disclosure Requirements

AGENCY: Office of Personnel Management.

ACTION: Proposed Rulemaking.

SUMMARY: Section 203(g) of the Ethics in Government Act of 1978, as amended (the Act), directs the Office of Government Ethics (OGE) to develop and make available financial disclosure forms for reporting the information required of top ranking personnel in the executive branch under Title II of the Act. The Office of Personnel Management is proposing regulations establishing procedures for the filing, review and public availability of the forms filed by such officers and employees.

DATE: To be considered, comments must be received by May 27, 1980.

ADDRESS: Comments, views and opinions concerning the proposed regulations may be submitted to the Office of Government Ethics, Room 436H, 1900 E Street, NW, Washington, D.C. 20415. This material will be available for public inspection during normal business hours at the Office of Government Ethics.

FOR FURTHER INFORMATION CONTACT: Norman B. Smith or Jane S. Ley at (202) 632-7642.

SUPPLEMENTARY INFORMATION: In accordance with section 404 of the Act and pursuant to 5 U.S.C. 553, this notice is published in the **Federal Register** to inform the Federal agencies, Federal employees and the public generally that the Office of Personnel Management propose to issue regulations pertaining to the financial reporting requirements for the President and Vice President of the United States, presidential appointees and top ranking executive personnel in the grade of GS–16 and above (and equivalent positions), including comparable officers in the uniformed and foreign services.

The proposed regulations state in greater detail than the Act the information which must be contained in the financial disclosure report. Actual situations are described in the form of examples, where appropriate and practicable. The proposed regulations cover, among other subjects, the persons required to file reports; the availability of the reports to the public; potential civil liability in the event the reports are used commercially, or for establishing credit rating or, directly or indirectly, in the solicitation of money for any political, charitable or other purpose; the requirements for qualifying a trust under the Act; limited waiver procedures; and remedial action which can be taken by agencies where the financial reports disclose conflicts of interest, actual or apparent.

The Office of Personnel Management has determined that this is a significant regulation for the purposes of Executive Order 12044.

Office of Personnel Management.

Kathryn Anderson Fetzer,

Assistant Issuance System Manager.

Accordingly, the Office of Personnel Management proposes to amend Title 5, Code of Federal Regulations, as follows:

(1) A new Part 734 is added, to read as follows:

Part 734—Executive Personnel Financial Disclosure Requirements

Subpart A—General Provisions

Sec.
734.101 Authority.
734.102 Purpose.
734.103 Agency regulations.
734.104 General policies.
734.105 Definitions.

Subpart B—Persons Required To File

734.201 General requirements for filing.
734.202 Reporting individual; defined.
734.203 Certain individuals excluded from reporting requirements.
734.204 Employment of sixty days or less.
734.205 Special waiver of reporting requirements.

Subpart C—Contents of Reports

734.301 Reports of incumbents.
734.302 Reports of other reporting individuals.
734.303 Special rules.
734.304 Property categories.

Subpart D—Trusts

734.401 Qualified trusts; general considerations.
734.402 Special rules in the case of certain trusts.
734.403 Qualified blind trusts.
734.404 Qualified diversified trusts.
734.405 Certification of trusts proposed for qualification; other matters.
734.406 Independent trustee; defined.
734.407 Special filing requirements in the case of qualified trusts.
734.408 Effective date.

Subpart E—Special Provisions

734.501 Outside earned income.
734.502 Waivers.

Subpart F—Procedure

734.601 Report forms.
734.602 Filing of reports.
734.603 Custody of and public access to reports.
734.604 Review of reports.
734.605 Advice and opinions.

Subpart G—Penalties and Remedial Action

734.701 Failure to file or falsifying reports.
734.702 Certain actions in the case of qualified trusts.
734.703 Misuse of reports.

Appendix A—Certificate of Independence

Appendix B—Certificate of Compliance

Authority: Titles II and IV of Pub. L. 95–521 (October 26, 1980, as amended by Pub. L. 96–19 (June 13, 1979).

Subpart A—General Provisions

§ 734.101 Authority.

The regulations in this part are issued pursuant to the authority of Titles II and IV of the Ethics in Government Act of 1978, as amended, hereinafter referred to as the Act (Pub. L. 95–521, as amended).

§ 734.102 Purpose.

These regulations supplement and implement Title II of the Act, set forth more specifically certain procedures provided in that title and furnish examples, where appropriate.

§ 734.103 Agency regulations.

Each agency may, subject to the prior approval of the Office of Government Ethics, issue regulations implementing this part. These regulations—

(a) Shall be consistent with the Act and with this part, and

(b) Shall impose no additional reporting requirements on individuals subject to the Act, except as may be specifically authorized by statute or by approval of the Office of Government Ethics. Requests for such approval shall be submitted in writing to the Office, setting forth the need for any additional reporting requirements by the agency involved.

§ 734.104 General policies.

(a) (1) Title II of the Ethics in Government Act of 1978 requires high-level Federal executives to disclose their personal financial interests and thereby demonstrate that they are able to carry out their duties without compromising the public trust. Public confidence in Government goes hand in hand with an open Government. Title II extends the cleansing principle of "Sunshine" to the area of conflicts of interest.

(2) Title II, as amplified and implemented by these regulations of this Part 734, will serve to deter conflicts of interest from arising and to identify potential conflicts of interest in the case of newcomers to Government service by providing for a systematic review of the financial holdings of both current and prospective officers and employees.

(3) Statements of income, assets and liabilities must be reported by the President and Vice President of the United States, all presidential appointees and civil service employees in the grade of GS–16 and above (and the equivalent), including comparable officers in the uniformed and foreign services. These reports are available to the public. If anyone uses them for commercial or credit rating reasons or in connection with the solicitation of money for any political, charitable or similar purpose, the Attorney General may institute a civil action against such a person which may result in a penalty not to exceed $5,000.

(4) The reports are not net worth statements. Only assets held as investments and certain other items must be recorded—not items for personal use, such as a residence or jewelry not held for sale. And in most instances, specific values are not called for but rather items may be reported by categories of value ranging from "$1,000" to "greater than $250,000" as the upper limit.

(5) The reports do not cover contributions under the Federal Election Campaign Act or gifts under the Foreign Gifts Act.

(6) Nothing in the Act or this part requiring reporting of information or the filing of any report shall be deemed to authorize the receipt of income, gifts, or reimbursements, the holding of assets, liabilities, or positions, or involvement in transactions that are prohibited by law, Executive order or regulation.

(7) Personnel below the grade of GS–16 continue to remain subject to the financial reporting requirements contained in the Office of Personnel Management's regulations contained in Part 735 of this Title. These statements, however, are confidential and are not available for public inspection.

(b) The provisions of Title II of the Act and this part requiring the reporting of information shall supersede any general requirement relating to individuals specified by § 734.202, under any other provision of law or regulation with respect to the reporting of information required for purposes of preventing conflicts of interest or apparent conflicts of interest. Such provisions of Title II and this part shall not supersede the requirements of 5 U.S.C. 7342 (relating to the Foreign Gifts Act).

§ 734.105 Definitions.

For purposes of this part:

(a) *Act.* The term "Act" means the Ethics in Government Act of 1978 (Pub. L. 95–521, as amended).

(b) *Agency.* The term "agency" means any executive department, military department, Government corporation or independent establishment or agency.

(c) *Dependent child.* The term "dependent child" means, when used with respect to any reporting individual, and individual who is a son, daughter, stepson, or stepdaughter and who—

(1) Is unmarried and under age 21 and is living in the household of such reporting individual, or

(2) Is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1954.

(d) *Designated agency official.* The term "designated agency official" means an officer or employee who is designated by the head of the agency to administer the provisions of Title II of the Act and this part within an agency.

(e) *Executive branch.* The term "executive branch" includes each executive department, military department, Government corporation and independent establishment and any other entity or administrative unit in the executive branch unless such agency, entity or unit is specifically included in the coverage of Title I (relating to the legislative branch) or Title III (relating to the judicial branch) of the Act.

(f) *Gift.* The term "gift" means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include—

Bequests and other forms of inheritance,

(2) Suitable mementos of a function honoring the reporting individual,

(3) Food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government,

(4) Food and beverages consumed at banquets, receptions, or similar events, or

(5) Communications to the offices of a reporting individual including subscriptions to newspapers and periodicals.

(g) *Honoraria.* The term "honoraria" has the meaning given such term for purposes of the Federal Election Campaign Act of 1971. An honorarium is defined in the regulations of the Federal Election Commission as a payment of money or anything of value received by an officer or employee of the Federal Government, if it is accepted as consideration for an appearance, speech, or article. The term does not include payment for or provision of actual travel and subsistence, including transportation, accommodations, and meals of an officer or employee and spouce or an aide, and does not include amounts paid or incurred for any agent's fees or commissions. See also the definitions of "Gift" in paragraph (d) and "Reimbursement" in paragraph (i) of this section.

(h) *Income.* The term "income" means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees, commissions, and similar items; gross income derived from business and net income if the individual elects to include it; gains derived from dealings in property including capital gains; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust. The term includes items, whether or nor taxable for Federal income tax purposes, such as interest on municipal bonds. Generally, income means "gross income" as determined in conformity with the principles of 26 CFR §§ 1.61–1 through 1.61–15.

(i) *Personal hospitality of any individual.* The term "personal hospitality of any individual" means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or the family of such individual or on property or facilities owned by that individual or the family of such individual.

(j) *Personal residence.* The term "personal residence" means any real property used exclusively as a private dwelling by the reporting individual or his or her spouse, which is not rented for any period during a calendar year. There may be more than one personal residence, and the term may include a vacation home. The term is not limited to domicile.

(k) *Reimbursement.* The term "reimbursement" means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are—

(1) Provided by the United States Government,

(2) Required to be reported by the reporting individual under 5 U.S.C. 7342 (relating to the Foreign Gifts Act), or

(3) Required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (relating to reports of campaign contributions).

(l) *Relative.* The term "relative" means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, husband, wife, grandfather,

grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, halfbrother, halfsister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiance or fiancee of the reporting individual.

(m) *Reporting individual.* For the definition of "reporting individual", see § 734.202.

(n) *Reviewing official.* The term "reviewing official" means the designated agency official, the Secretary concerned or the Director, Office of Government Ethics, as the case may be.

(o) *Secretary concerned.* The term "Secretary concerned" has the meaning set forth in 10 U.S.C. 101(8) (relating to the Secretaries of the Army, Navy and Air Force, and certain other Secretaries), and, in addition, means—

(1) The Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration, and

(2) The Secretary of Health and Human Services, with respect to matters concerning the Public Health Service.

(p) *Value.* The term "value" means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual. In the case of any interest in property, such estimation shall be made in accordance with the principles of § 734.303(a).

Subpart B—Persons Required To File

§ 734.201 General requirements for filing.

(a) *Incumbents.* A reporting individual who, during any calendar year, performs the duties of his position or office for a period in excess of sixty days shall file a report containing the information prescribed in Subpart C of this part on or before May 15 of the succeeding year.

(b) *New entrants.* Within thirty days of assuming a position or office described in § 734.202, a reporting individual shall file a report containing the information prescribed in Subpart C of this part, unless such individual—

(1) Has left another position described in § 734.202 (with respect to which a report under this section has previously been filed) within the thirty days prior to his assumption of such new position, or

(2) Has already filed such a report—

(i) As a nominee for the new position, or

(ii) As a candidate for the position.

Example (1). *Y*, a GS–16 employee of the Treasury Department (who has previously filed reports in accordance with the rules of the section) terminates employment with that Department on January 12, 1980, and begins employment with the Commerce Department on February 10, 1980, in a Senior Executive Service position. *Y* is not a new entrant since he has assumed a position described in § 734.202 within thirty days of leaving another position so described. Accordingly, he need not file a new report with the Commerce Department.

Note: While *Y* did not have to file a new report with the Commerce filed with the Treasury Department so that Commerce coulc determine whether or not there would be any conflicts or potential conflicts in connection with *Y*'s new employment.

Example (2): If in *Example (1)*, *Y* had left a position with the Legislative branch in which he had been compensated at a rate equal to or in excess of GS–16, *Y* would, nevertheless, be a new entrant as his former position would not been one described in § 734.202. *Y* would have to file a report with the Commerce Department.

(c) *Nominees.* Within five days of the transmittal by the President to the Senate of the nomination of an individual to a position, appointment to which requires the advice and consent of the Senate, such individual shall file a report containing the information prescribed in Subpart C of this part. The preceding sentence shall not apply to any individual who is nominated to a position as:

(1) A judicial officer or employee covered by section 301(b) of the Act,

(2) An officer of the uniformed services, or

(3) A foreign service officer in the State Department.

See § 734.604(c), relating to expedited procedure in the case of individuals described in the first sentence of this paragraph (c); however, those individuals referred to in paragraph (c)(2) or (c)(3) of this section, shall file their reports in accordance with paragraph (b) of this section.

(d) *Candidates.* Within thirty days of becoming a candidate in a calendar year for nomination or election to the office of President or Vice President, as determined by the Federal Election Commission, or

(2) On or before May 15 of that calendar year, whichever is later, and on or before May 15 of each successive year an individual continues to be a candidate, such individual except for an incumbent President or Vice President shall file a report containing the information prescribed in Subpart C of this part. Notwithstanding the preceding sentence in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he or she become a candidate for another vacancy in that office or another office during that year.

(e) *Termination of employment.* On or before the thirtieth day after termination of employment from a position or office described in § 734.202, a reporting individual shall file a report containing the information prescribed in Subpart C of this part for the period from the end of the calendar year with respect to which a report was last filed pursuant to paragraph (a) of this section to the date on which the individual left such office or position. Notwithstanding the preceding sentence, in a case in which the individual assumes employment in another position or office described in § 734.202 within thirty days of such termination, no report shall be required by the provisions of this paragraph. See *Example (1)* in paragraph (b) of this section.

(f) *Extensions.* The reviewing official may, for good cause shown, grant to any employee or class of employees an extension of up to 45 days. The Office of Government Ethics for good cause shown, may grant an additional extension of up to 45 days. The employee shall set forth specific reasons for an additional extension which shall be forwarded to the Office, through the reviewing official, who shall also submit his or her comments on the request.

§ 734.202 Reporting individual defined.

For purposes of this part the term "reporting individual" includes—

(a) The President;

(b) The Vice President;

(c) Each officer or employee in the executive branch, including a special Government employee as defined in 18 U.S.C. 202, whose position is classified at GA–16 or above of the General Schedule prescribed by 5 U.S.C. 5332, or the rate of basic pay for which is fixed, other than under the General Schedule, at a rate equal to or greater than the minimum rate of basic pay fixed for GS–16; each member of a uniformed service whose pay grade is at or in excess of O–7 under 37 U.S.C 201; and each officer or employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification;

Example (1): Foreign service officers in the State Department rated as FSO 1 or 2 must file a report since they have a rate of basic pay equal to or greater than the basic rate of pay fixed for GS–16.

(d) Each employee who is an administrative law judge appointed pursuant to 5 U.S.C. § 3105;

(e) Any employee not described in paragraph (c) of this section who is in a position in the executive branch which is excepted from the competitive service by reason of being of a confidential or policymaking character;

(f) The Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the United States Postal Service and each officer or employee of the United States Postal Service or Postal Rate Commission whose basic rate of pay is equal to or greater than the minimum rate of basic pay fixed for GS–16; and

(g) The Director of the Office of Government Ethics and each designated agency official.

Notwithstanding the provisions of paragraph (e) of this section, any employee excluded from the reporting requirements of this part by virtue of a determination pursuant to § 734.203 shall not be deemed to be a reporting individual. For purposes of § 734.201(e), status as a reporting individual shall be deemed to continue for a period of thirty days after termination of employment from a position or office to which this section applies.

§ 734.203 Certain individuals excluded from reporting requirements.

(a) *In general.* Any individual or group of individuals described in § 734.202(e) (relating to positions of a confidential or policymaking character) may be excluded from the reporting requirements of this part in cases in which the Director, Office of Government Ethics, determines, in his or her sole discretion, that such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government.

(b) *Exclusion determinations.* The determination described in paragraph (a) of this section has been made for the following individuals and groups of individuals and, therefore, they may be excluded from the reporting requirements of this part pursuant to the provisions of paragraph (c) of this section:

(1) Individuals in any position classified below GS–16, or the rate of basic pay for which is less than the minimum rate of basic pay fixed for GS–16, who have no role in advising or making policy determinations with respect to agency programs or policies. Such individuals may include chauffeurs, private secretaries, stenographers and those who hold positions of similar nature where consistent with the basic criterion set forth in the preceding sentence.

(c) *Procedure.*—(1) The exclusion of any individual from reporting requirements pursuant to this section will be effective as of the time the employing agency or other governmental entity files with the Office of Government Ethics a list and description of each position for which exclusion is sought, as well as the identity of its current occupant. Such a list must be filed with the Office of Government Ethics on or before the date on which such reports are due under this part.

(2) In the event that the Office of Government Ethics finds that one or more positions has been improperty excluded, it will so advise the agency or other governmental entity and set a date for the filing of the report.

§ 734.204 Employment of sixty days or less.

(a) *In general.* Any reporting individual who—

(1) As determined by the designated agency official or Secretary concerned, in a case to which the provisions of § 734.201 (b) or (e) would otherwise apply, or

(2) As determined by the Director, Office of Government Ethics, in a case to which the provisions of § 734.201(c) would otherwise apply, is not reasonably expected to perform the duties of his or her office or position for more than sixty days in a calendar year, shall not be subject to the reporting requirements of § 734.201 (b), (c), or (e), respectively.

(b) *Exception.* Notwithstanding the provisions of paragraph (a) of this section, if the reporting individual does perform the duties of his or her office or position for more than sixty days in a calendar year, the report otherwise required by—

(1) Section 734.201 (b) or (c) shall be filed within fifteen calendar days after the sixty-first day of such performance unless the individual has filed a request for a waiver under § 734.205(b), and

(2) Section 734.201(e) (relating to termination reports) shall be filed as provided in such paragraph.

§ 734.205 Special waiver of reporting requirements.

(a) *General rule.* In unusual circumstances, the Director, Office of Government Ethics, may grant a request for a waiver of any reporting requirement otherwise applicable under this part for an individual who is reasonably expected to perform, or has performed, the duties of his or her office or position for less than one hundred and thirty days in a calendar year, but only if the Director determines that—

(1) Such individual is a special Government employee (as defined in 18 U.S.C. § 202) who performs temporary duties either on a full-time or intermittent basis,

(2) Such individual is able to provide services specially needed by the Government,

(3) It is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

(4) Public financial disclosure by such individual is not necessary in the circumstances.

(b) *Procedure.* (1) The individual must file a request for a waiver with the Office of Government Ethics within 10 days after—

(i) The individual knows that he or she will serve more than 60 days in any calendar year, or

(ii) The expiration of the 60 days, whichever is earlier. The request shall state the reasons the individual believes the conditions of paragraph (a)(1) through (4) of this section are met in the particular case, and such request shall be filed with the report otherwise required by this part. The report shall bear the legend at the top of page 1: "Confidential: Waiver Request Pending Pursuant to 5 CFR § 734.205."

(2) The Office of Government Ethics shall seek advice from the agency in which the individual serves as to its views with respect to the justification for the waiver.

(3) In the event the waiver is granted, the report shall not be subject to the public disclosure requirements of § 734.602; however, the waiver request and grant of waiver shall be so subject. In the event that the waiver is not granted, all such legends shall be removed and the report shall be subject to the public disclosure requirements; however, the waiver request shall not be so subject.

Subpart C—Contents of Reports

§ 734.301 Reports of incumbents.

Each report filed pursuant to § 734.201(a) shall include a full and complete statement, on the form prescribed by the Office of Government Ethics and in accordance with instructions issued by the Office, with respect to the following:

(a) *Income.* (1) *In general.* The source and amount or value of—

(i) Income, including type of income, other than that referred to in paragraph (a)(2) of this section and other than that from current employment by the United States Government, and

(ii) Any honoraria, including the date, received during the preceding calendar year which total $100 or more in value. For special rules with respect to spouses and dependent children, see § 734.303(b).

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Example (1): The types of income which should be disclosed include:

(i) Outside earned income,

(ii) Pensions, and

(iii) A partner's distributive share of partnership income from a commercial venture.

Example (2): An official is asked to speak at a banquet in Washington about his hobby which is unrelated to his public duties. He is given $200 for doing so. Whether or not acceptance of the payment is permitted by the regulations of his agency, the $200 received must be reported as income pursuant to paragraph (a)(1)(ii) of this section, as it is an honorarium (as defined in § 734.105(g)). The value of the meal received at the banquet need not be disclosed. (See § 734.105(d)(4) and (e)).

(2) *Certain income.* The source and type of income which consists of dividends, rents, interest, and capital gains from any source, received during the preceding calendar year which exceeds $100 in amount or value, which shall be categorized as to the total amount or value of each item in accordance with the following table:

(i) Not more than $1,000;

(ii) Greater than $1,000 but not more than $2,500;

(iii) Greater than $2,500 but not more than $5,000;

(iv) Greater than $5,000 but not more than $15,000;

(v) Greater than $15,000 but not more than $50,000;

(vi) Greater than $50,000 but not more than $100,000; and

(vii) Greater than $100,000.

Example (1): An official rents out a portion of her residence. She receives rental income of $600 from one individual for four months and $1200 from another individual for the remaining eight months of the year covered by the report. She must identify the property, and indicate the category of the amount of rent received pursuant to paragraph (a)(2) of this section.

Example (2): An official has three savings accounts with Bank A. One is in his name and earned $85 in interest. One is in a joint account with his wife and earned $120 in interest. One is in his name and his dependent daughter's name and earned $35 in interest. The official must disclose the name of the bank and the category of the total amount of interest earned from all three accounts. He must also disclose the accounts under paragraph (d) of this section if in the aggregate they total more than $5,000 in that bank.

(b) *Purchases, sales and exchanges of certain property.* A brief description (including the date) of any purchase, sale, or exchange during the preceding calendar year, in any case in which the fair market value of such purchase or the gain or loss realized on such sale or exchange exceeds $1,000—

(1) Of real property, other than a personal residence of the reporting individual or spouse, and

(2) Of stocks, bonds, commodities futures, and other forms of securities, which shall be categorized as to each transaction in accordance with § 734.304. Notwithstanding the preceding sentence, any transaction solely by and between the reporting individual, the spouse, and dependent children need not be reported.

Example (1): An official sells her personal residence in Virginia for $100,000 and purchases a residence in the District of Columbia for $200,000. She realized a gain on the sale of the Virginia home of $30,000. She need not report the sale of the Virginia residence or the purchase of the D.C. residence under paragraph (b) of this section.

Example (2): An official sells his beach home in Maryland for $50,000. He has rented it out for one month every summer so it does not qualify as a personal residence. He must disclose the sale under paragraph (b) of this section and any capital gain realized on the sale under paragraph (a)(2) of this section.

Example (3): An official sells a ranch to his dependent daughter. The official need not report the sale under paragraph (b) of this section because it is a transaction between the reporting individual and a dependent child. If the daughter was no longer a dependent child the sale and any capital gain, except for that portion attributable to a personal residence, would have to be disclosed.

Example (4): An official sells an apartment building and realizes a loss of $100,000. He must report the sale of the building under paragraph (b) of this section, but he need not disclose the sale under paragraph (a)(2) of this section, as it did not result in a capital gain.

(c) *Gifts and reimbursements.*—

(1) *In general.* The identity of the source, a brief description, and the value of all gifts (other than gifts described in paragraph (c)(2) of this section) from any source other than a relative of the reporting individual, received during the preceding calendar year which total $100 or more in value. Gifts received must be reported pursuant to the requirements of this paragraph. See § 734.104(a).

Example (1): An official accepts a print, a bottle of perfume, and a letter opener from a community service organization she has worked with solely in her private capacity. If any one of the gifts is valued at at least $100, she must disclose the gift. If any one gift is valued at less than $100 she need not report the gift unless the organization had during that same reporting year given her other item(s) whose value when aggregated would equal $100 or more. For purposes of aggregation she need not count items valued at $35 or less; see paragraph (c)(5) of this section. For method of valuation see paragraph (c)(4).

Gift 1, print, value $75

Gift 2, perfume, value $40

Gift 3, letter opener, value $20

The official must disclose Gifts 1 and 2, but not Gift 3.

(2) *Certain gifts.* The identity of the source, a brief description, and the value of any gifts of transportation, lodging, food, or entertainment from any source other than a relative of the reporting individual, received during the preceding calendar year which total $250 or more in value. Notwithstanding the preceding sentence, any food, lodging, or entertainment received as the "personal hospitality of any individual" need not be reported. (See § 734.105(i).)

Example (1): An offical receives the following items from an individual whom he does not deal with in his official capacity:

1. Dinner at a restaurant—$50
2. Leather case—$200
3. Dinner at donor's home—(value uncertain)
4. Weekend at donor's country home including duck hunting and tennis match—(value uncertain)
5. Engraved pen—$30

The official need only disclose Gifts 1 and 2. Gifts 3 and 4 need not be disclosed because they fall within the exception for "personal hospitality of an individual." (See § 734.105(i)) Gift 5 while otherwise disclosable need not be aggregated with Gifts 1 and 2 because it is valued less than $35. (See paragraph (c)(4) of this section.)

Example (2): An official accepts a number of invitations for dinner at restaurants in the city. The dinners are valued at more than $35 and in the aggregate are more than $250. The invitations are for purely personal reasons and are from one individual. Nevertheless, the official must report these dinners because they do not fall within the definition of "personal hospitality of any individual." See § 734.105(i). The official can request a waiver of this reporting requirement pursuant to § 734.303(g). If granted, the waiver is public.

(3) *Reimbursements.* The identity of the source, a brief description, and the value of any reimbursements not otherwise reportable under the provisions of this subpart received during the preceding calendar year which total $250 or more in value from any source.

Example (1): An official is asked to speak at an out-of-town meeting on a matter which is unrelated to his official duties and his agency. The round trip airfare is more than $250. If the official pays for the ticket and is then reimbursed by the organization to which he spoke, he must disclose this reimbursement under paragraph (c)(3) of this section. If the organization simply provided the ticket, this must be disclosed as a gift under paragraph (c)(2) of this section.

(4) *Valuation of gifts and reimbursements.* The value to be assigned to a gift or reimbursement is its fair market value. For most reimbursements this will be the amount actually received. For gifts and non-cash reimbursements the value should be determined in one of the following manners:

(i) If the gift has been newly purchased or is readily available in the market, the value shall be its retail price. The reporting individual need not contact the donor but may and should contact a retail establishment selling similar items to determine the present cost in the market.

(ii) If the item is not readily available in the market, such as a piece of art, a hand made item, or antique, the individual can, as in the case of property in § 734.303(a)(2), make a good faith estimate of the value of the item.

For purposes of this paragraph (c)(4) the term "readily available in the market" means that an item generally is available for retail purchase in the metropolitan area in which the official resides.

Examples:

Items such as a bottle of perfume, letter opener, leather case or engraved pen are generally available in the market and can be determined by contacting stores which sell like items and ascertaining the retail price of each.

The value of a dinner at a restaurant can either be the actual cost of the reported dinners or the approximate value of the dinner given the posted fare of the restaurant. The reporting individual need not ask the donor to see the check.

(5) *De minimis exception.* Any gift with a fair market value of $35 or less need not be aggregated for purposes of this paragraph. The acceptance of these gifts is subject to the restrictions imposed by Executive Order 11222 and regulations promulgated thereunder as is the acceptance of the gifts of $35 or more.

(6) *Cross-reference.* For special waiver in the case of certain gifts see § 734.303(g).

(d) *Interests in property.*—(1) *In general.* A brief description of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, having a fair market value in excess of $1,000 as of the close of such preceding calendar year, which shall be categorized as to the fair market value of each item in accordance with § 734.304. Each item of real and personal property shall be disclosed separately.

(2) *Exceptions.* Notwithstanding the provisions of paragraph (d)(1) of this section, the following shall not be reported:

(i) Any personal liability owed to the reporting individual by a relative,

(ii) Personal savings accounts in a single financial institution, in the case of a reporting individual, spouse, and dependent children who have deposits aggregating $5,000 or less in that institution, and

(iii) A personal residence of the reporting individual or spouse.

For purposes of this paragraph, the term "personal savings account" means a certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

Example (1): The following items are examples of property required to be disclosed. This list is not inclusive but is presented to show typical items: (A) Real estate other than a personal residence of reporting individual, (B) Stocks, bonds, securities, and commodities contracts, (C) Animals owned for commercial purposes, (D) Commercial crops, those growing and those held in storage, (E) Antiques owned for resale, (F) Beneficial interests in trusts and estates (see § 734.303(d)), and (G) Art held for investment.

Example (2): An official has a $4,000 savings account in Bank A. His wife has a $2,500 certificate of deposit issued by Bank B and his daughter has a $200 savings account in Bank C. The official does not have to disclose the deposits as the total value of the deposits in any one bank do not exceed $5,000.

Example (3): Reporting individual *R* has a collection of post-impressionist paintings which have been carefully selected over the years. From time to time, as new paintings have been acquired to add to the collection, *R* has made intermittent sales of both less desirable post-impressionist works from his collection and paintings of various schools which he acquired through inheritance. Under these circumstances, *R* would report purchases and sales of any paintings pursuant to paragraph (b) of this section, income from sales of paintings pursuant to paragraph (a)(2) of this section, and all the paintings he retains as interests in property pursuant to paragraph (b) of this section. The Office of Government Ethics deems intermittent sales from a collection or related holdings to remove the collection and such holdings from the exemption for purely personal items from public financial disclosure under section 202 of the Act.

Example (4): Reporting individual *Q* owns a valuable collection of antique crystal. *Q* purchases several pieces each year, but she acquired her most valuable pieces in 1976 through inheritance. *Q*'s only sales of crystal were through an auction held by a dealer in 1977. *Q* need not report her crystal purchases or the holdings in her collection pursuant to the rules of this section. The Office of Government Ethics does not deem occasional sales from a collection or related holdings prior to October 26, 1978 (the effective date of the Act), to remove the collection and such holdings from the exemption for purely personal items from public financial disclosure under section 202 of the Act.

Example (5): Reporting individual *R* has several commodity transactions in calendar year 1979, as follows:

Positions	Date of purchase	Date of sale (includes short sales)
No. (1)–3 contracts April 1980 Gold (Comex).	4/18/79	Open position (carried over to 1980).
No. (2)–2 contracts June 1980 Gold (Comex).	12/13/79	6/19/79.
No. (3)–1 contract February 1980 Gold (Comex).	Open position (carried over to 1980).	8/17/79.
No. (4)–3 contracts June 1980 Gold (Comex).	5/13/79	9/19/79.

(i) *Position No. (1)* is an interest in property which, since it was held as of the close of calendar year 1979, is reported under paragraph (d) of this section as an interest in property (if the $1,000 fair market value criterion of paragraph (d) is met). The fair market value of a commodity contract, for purposes of this section, is determined by the amount of the net unrealized gain or loss. (This is in accordance with standard accounting practices with respect to such interests.) This item is also reported under paragraph (b) of this section as a purchase, if the $1,000 fair market value criterion of paragraph (b) is met.

(ii) The gain or loss realized with respect to the transactions relating to *Position No. (2)* (a short sale) is reported under paragraph (b) of this section as a completed purchase and sale (if the $1,000 threshold criterion of paragraph (b) is met). With respect to a completed purchase and sale such as *Position No. (2)*, the threshold criterion is applied against the net realized gain or loss. The completed purchase and sale is also reported under paragraph (a)(2) of this section (relating to income items), if the $100 threshold criterion of paragraph (a)(2) is met. Accordingly, if the completed purchase and sale had resulted in a loss, it would not have been reportable under paragraph (a)(2).

(iii) *Position No. (3)* (notwithstanding that it is a short sale) is an interest in property which, since it was held as of the close of calendar year 1979, is reported under paragraph (d) of this section as an interest in property (if the $1,000 threshold criterion of paragraph (d) is met). This item is also reported under paragraph (b) of this section as a sale, if the $1,000 threshold criterion of paragraph (b) is met.

(iv) The gain or loss realized with respect to the transactions relating to *Position No. (4)* is reported under paragraph (b) of this section as a completed purchase and sale (if the $1,000 threshold criterion of paragraph (b) is met). The completed purchase and sale is also reported under paragraph (a)(2) of this section (relating to income items), if the $100 threshold criterion of paragraph (a)(2) is met.

(v) It should be noted that the principles of this example are applicable with respect to the purchase and sale of options contracts.

(e) *Liabilities. (1) In general.* A brief description of the total liabilities owed to any creditor, other than a relative, to whom, at any time during the preceding calendar year, over $10,000 is owed, which shall be categorized as to the

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amount of any such liability in accordance with § 734.304.

(2) *Exceptions.* Notwithstanding the provisions of paragraph (e)(1) of this section:

(i) Any mortgage secured by a personal residence of the reporting individual or spouse,

(ii) Any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it, and

(iii) Any revolving charge account with an outstanding liability which does not exceed $10,000 as of the close of such preceding calendar year, need not be reported.

Example (1): An official has the following loans outstanding at the end of the calendar year: 1. Mortgage on personal residence, $80,000; 2. Mortgage on rental property, $15,000; 3. VISA Card, $1,000; 4. Master Charge Card, $11,000; 5. Family automobile loan, $5,000; 6. Loan secured by antique furniture purchased for $8,000, $10,000; 7. Loan from parents, $20,000.

Loans indicated in terms 2, 4, and 6 must be disclosed. Loan 1 is exempt from disclosure because it is secured by the personal residence. Loan 3 need not be disclosed because it is considered a revolving charge account and it is less than $10,000. Loan 7 need not be disclosed because the creditor is a relative.

(f) *Other positions.*—(1) *In general.* Identification of all positions held, on or before the date of filing, during the current calendar year as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any non-profit organization, any labor organization, or any educational or other institution other than the United States. Notwithstanding the preceding sentence, the following need not be reported:

(i) Positions held without compensation in any religious, social, fraternal, or political entity, and

(ii) Positions solely of an honorary nature, such as *emeritus* members.

(2) *Initial reports; special rules.* In the case of a reporting individual who has not filed a report pursuant to § 734.201 during the preceding calendar year—

(i) For purposes of paragraph (f)(1) of this section, all such positions held during such preceding two calendar years shall also be reported, and

(ii) Except in the case of the President and the Vice President, identification and a brief description of the nature of the duties performed or services rendered with respect to each source of compensation which exceeded $5,000 in either of such preceding two calendar years.

Notwithstanding the provisions of paragraph (f)(2)(ii) of this section, information need not be reported which is considered confidential as a result of a privileged relationship, established by law, between the reporting individual and any person, or with respect to any person for whom services were provided by any firm or association of which the reporting individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

Example (1): A partner or employee of a law firm who has worked on a matter involving a client from which the firm received over $5,000 in fees during a calendar year must report the name of the client only if the value of the services rendered by the partner or employee was more than $5,000. The name of the client, except in unusual situations, would not be considered confidential.

(g) *Certain agreements and arrangements.* Identification of the parties to, and a brief description including the date of any agreement or arrangement, in existence at any time during the period beginning on January 1 of the preceding calendar year and ending on the date of filing, with respect to—

(1) Future employment,

(2) A leave of absence during the period of the reporting individual's Government service,

(3) Continuation of payments by a former employer other than the United States Government, and

(4) Continuing participation in an employee welfare or benefit plan maintained by a former employer. (See 18 U.S.C. § 209(b)).

§ 734.302 Reports of other reporting individuals.

(a) *New entrants, nominees, and candidates.* Each report filed pursuant to § 734.201(b), (c), or (d) shall include a full and complete statement, on the form prescribed by the Office of Government Ethics and in accordance with instructions issued by the Office, pursuant to the provisions of § 734.301, except for paragraphs (b) (relating to purchases, sales and exchanges of certain property) and (c) (relating to gifts and reimbursements) of that section; however, the following shall be reported:

(1) *Income.*—for purposes of § 734.301(a), relating to income, all such income items specified in such paragraph received during a period which begins on January 1 of the preceding calendar year and ends on the date on which such report is filed,

(2) *Interests in property.*—for purposes of § 734.301(d), relating to interests in property, all such interests specified in such paragraph held during a period which begins on January 1 of the preceding calendar year and ends less than thirty-one days before the date on which such report is filed, and

(3) *Liabilities.*—for purposes of § 734.301(c), relating to liabilities, all such liabilities specified in such paragraph owed during a period which begins on January 1 of the preceding calendar year and ends less than thirty-one days before the date on which such report is filed.

(b) *Termination reports.* Each report filed pursuant to § 734.301(e), shall include a full and complete statement, on the form prescribed by the Office of Government Ethics and in accordance with instructions issued by the Office, pursuant to the provisions of § 734.301; except that in any case in which information is required by that section to be reported for the preceding calendar year with respect to any item, transaction, or occurrence, all such information for a period which begins on January 1 of the current calendar year and ends on the date on which that report is filed, shall also be reported.

§ 734.303 Special rules.

(a) *Valuation of interests in property.* This paragraph sets forth detailed rules for determining the value of interest in property for purposes of § 734.301(d). A good faith estimate of value may be made in lieu of a determination pursuant to paragraph (a)(1) or (2) of this section, in any case in which such a determination cannot be obtained without undue hardship or expense to the reporting individual.

(1) *Real property.*—If the current value of an interest in real property or an interest in a real estate partnership is not ascertainable without an appraisal, a reporting individual may report

(i) The date of purchase and the purchase price of the interest in the real property, or

(ii) The assessed value of the real property for tax purposes, adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at less than 100 percent of such market value.

(2) *Other property.* If the current value of any item, other than real property referred to in paragraph (a)(1) of this section, is not ascertainable without an appraisal, a reporting individual may report (as appropriate)—

(i) The book value of a corporation whose stock is not publicly traded,

(ii) The net worth of a business partnership other than a real estate partnership,

(iii) The equity value of an individually owned business,

(iv) With respect to items not referred to in the preceding subdivisions of this paragraph (a)(2), any recognized indication of value accompanied by a full and complete description of the method used in determining such value, or

(v) In lieu of any indication of value referred to in this paragraph (a)(2), the assessed value of any such item for tax purposes, adjusted in the manner prescribed in paragraph (a)(1)(ii) of this section.

In any case in which the assessed value for tax purposes of any item is reported pursuant to paragraph (a)(1)(ii) or (a)(2)(v) of this section, in lieu of a categorization of the fair market value of such item in accordance with § 734.304, a full and complete description of the method used in determining such assessed value shall be reported.

(b) *Spouses and dependent children.* Each report required by the provisions of this subpart shall include—

(1) *Income.*—for purposes of § 734.301(a), relating to income,—

(i) With respect to a spouse, only the source of items of outside earned income (as defined in § 734.501(b)) which exceed $1,000; and in the case of such items derived from a spouse's self-employment in a business or profession, only the nature of such business or profession need be reported, and

(ii) With respect to interests in property of a spouse or dependent child, only income derived from such interests which are reported or reportable pursuant to § 734.301(d).

Example (1): The spouse of a reporting individual is employed as a teller at Bank X and earns $15,000 per year. The reporting individual must disclose that the spouse is employed by Bank X; however, the individual need not report the $15,000 earnings.

Example (2): The spouse of a reporting individual is self-employed as a pediatrician. The reporting individual need only disclose that the spouse is a physician.

(2) *Purchases, sales and exchanges of certain property.*—for purposes of § 734.301(b), relating to purchases, sales and exchanges, with respect to interests in property of a spouse or dependent child reported or reportable pursuant to § 734.301(d), any such purchase, sale, or exchange specified in § 734.301(b) with respect to any such interest;

(3) *Gifts and reimbursements.*—for purposes of § 734.301(c), relating to gifts and reimbursements, with respect to a spouse or dependent child, only gifts and reimbursements specified in that section received by such spouse or dependent child (to any extent) by reason of such spouse's or dependent child's relationship to the reporting individual;

Example (1): A reporting official and her spouse were taken to dinner by an individual the official dealt with as a Federal employee. The value of the spouse's dinner must be reported as a gift.

Example (2): The employer of the spouse of a reporting individual takes the spouse and such individual to dinner. The employer does not do business with the reporting individual's agency. The reporting individual is invited because of the marriage relationship. The reporting individual need not report the spouse's dinner as a gift under § 734.301(c). Only the reporting individual's dinner is reportable, if the threshold limitations of such section are satisfied.

(4) *Interests in property and liabilities.*—for purposes of § 734.301(d) and (e), relating to interests in property and liabilities, respectively, all information with respect to any such interests or liabilities specified in those paragraphs of a spouse or dependent child, other than with respect to items—

(i) Which the reporting individual certifies,

(A) Represent the spouse's or dependent child's sole financial interest or responsibility, and

(B) That the reporting individual has no specific knowledge of,

(ii) Which are not in any way, past or present, derived from or related to the income, assets or activities of the reporting individual, and

(iii) From which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

Example (1): The spouse of a reporting individual has acquired some securities from money earned in a part-time job. The securities have been set aside to provide funds to contribute to the cost of a grandchild's education. The reporting individual is not familiar with the holdings. Therefore, because the grandchild's education is not a legal obligation of the reporting individual, the securities are not reportable under the rules of this paragraph (b)(4).

(c) *Trusts.* Each report required by the provisions of this subpart shall include the information otherwise required by such provisions, with respect to the holdings of and the income from any trust or other financial arrangement—

(1) From which income is received by, or

(2) With respect to which a beneficial interest in principal or income is held by, the reporting individual, spouse, or any dependent child. Notwithstanding the preceding sentence, in the case of a trust referred to in § 734.402(a), only the information described in § 734.402(b) shall be reported.

(d) *Divorce and separation.* Notwithstanding any other provision of this subpart, no information shall be required to be reported by a reporting individual with respect to—

(1) A spouse living separate and apart from such individual with the intention of terminating the marriage or providing for permanent separation,

(2) A former spouse or a spouse from whom such individual is permanently separated, or

(3) Any income or obligations of such individual arising from the dissolution of his or her marriage or the permanent separation from his or her spouse.

(e) *Political campaign funds.* Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this part.

(f) *Gifts received when not in government employment.* In the case of a reporting individual to whom the provisions of § 734.201 (a) or (e) apply, the report need not contain any information with respect to gifts and reimbursements to which the provisions of § 734.301(c) would otherwise apply, which are received during a period in which such reporting individual was not an officer or employee of the Federal Government.

(g) *Special rule in the case of certain gifts.* (1) *In general.* In unusual cases, a gift as defined in § 734.105(d) need not be aggregated under § 734.301(c), if the Director, Office of Government Ethics, determines—

(i) That the basis of the relationship between the grantor and grantee and the motivation for the gift are purely personal, and

(ii) that no countervailing public purpose requires public disclosure of the nature, source, and value. In the event of any such determination, the waiver request and the grant of waiver shall be subject to the public disclosure requirements of § 734.603.

(2) *Procedure.* An individual seeking an exemption pursuant to this section shall file a request with the Office of Government Ethics which sets forth:

(i) The identity and occupation of the donor;

(ii) A statement that the relationship between the donor and the reporting individual is purely personal in nature; and

(iii) A statement that neither donor nor any person or organization for whom the donor actually works or serves as a representative conducts business with, or is subject to regulation by, or is directly affected by action taken by, the agency by which the reporting individual is employed.

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In the event that the immediately preceding statement cannot be made without qualification, the reporting individual may indicate such qualifications along with a statement demonstrating that he or she plays no role in any official action which might directly affect the donor or any organization for which the donor works or serves as a representative.

§ 734.304 Property categories.

The valuation categories specified for property items are as follows:

(a) Not more than $5,000;

(b) Greater than $5,000 but not more than $15,000;

(c) Greater than $15,000 but not more than $50,000;

(d) Greater than $50,000 but not more than $100,000;

(e) Greater than $100,000 but not more than $250,000; and

(f) Greater than $250,000.

Subpart D—Trusts

§ 734.401 Qualified trusts; general considerations.

(a) *In general.* (1) Prior to enactment of the Act's qualified trust provisions, there was no accepted definition of what constituted a properly formulated blind trust. However, there was general agreement that the use of blind trusts frequently could ameliorate potential conflict of interest situations. An underlying concept is that if a Government official does not know the identity of his or her financial interests, his or her official actions should not be subject to collateral attack by questions of conflict of interest or the appearance of such a conflict. In other words, if the Government official does not know what he or she owns, it is impossible for him or her intentionally to take actions to benefit specifically his or her own personal interests. Therefore, the general public policy goal to be achieved through the use of blind trusts is an actual "blindness" or lack of knowledge by the Government official with respect to the holdings held in trust. In unusual cases, this goal is deemed by the Act to have been achieved with respect to an official appointed to a position by the President, by and with the advice and consent of the Senate, where there is a general dispersion of securities held in trust among individual entities and economic sectors under circumstances in which it is unlikely that official actions taken by him will affect individual holdings to such a degree that the overall value of the entire portfolio will be materially enhanced. The result of wide diversification under the conditions prescribed is considered tantamount to actual blindness.

(2) Trusts qualified pursuant to the provisions of this Subpart D are not subject to the general rules of Subpart C of this part, which normally require the public financial disclosure report of a reporting individual to indicate the contents of a trust's portfolio. Further, as described in paragraph (b)(3) of this section, in the case of trusts which are qualified, the normal application of 18 U.S.C. 208 and other Federal conflict of interest laws is ameliorated by the Act in accordance with the concepts discussed in paragraph (a)(1) of this section.

(b) *Nature of qualified trusts.* The public policy concerns and objectives indicated in paragraph (a) of this section are fulfilled by the major requirements of this subpart as follows:

(1) *A truly independent trustee.* Under § 734.406, the individual or institution in charge of a qualified trust, and therefore of investing the assets of the trust, must be independent of the Government official in reality and appearance. The trustee must not be subject to control or influence in the administration of the trust by any interested party: the official, his or her spouse, or dependent children. Permissible trustees are limited to members of professional groups with standards of conduct governing their actions as fiduciaries (financial institutions, attorneys, accountants, investment advisers and brokers). The trustee cannot be a relative, employee, or business partner of the official, spouse, or dependent children. The standards of § 734.406 will be applied to specific cases by the Office of Government Ethics.

(2) *A trust document meeting certain minimum standards.* Under § 734.403 with respect to qualified blind trusts and § 734.404 with respect to qualified diversified trusts, the trust document must, except for limited exceptions, expressly prohibit communications between the trustee and the Government official (and other interested parties) with respect to the trust's holdings and activities. The trustee must be empowered to make investment decisions independent of any consultation with or control by the interested parties. All communications with respect to the trust between the interested parties and the trustee must be in writing. Copies of all written communications must be filed with the Office of Government Ethics. The trust document must also provide that the interested parties will not attempt to obtain information about the trust holdings and activities except as specifically provided therein.

(3) *Relationship to conflict of interest laws.* (i) *Qualified blind trusts.* In the case of a qualified blind trust (§ 734.403), an asset placed in trust by an interested party is considered a financial interest of the Government official for the purposes of 18 U.S.C. 208 and any other conflict of interest statutes or regulations of the Federal Government until such time as the party is notified by the trustee that the asset has been disposed of, or has a value of less than $1,000. Thus, the trust is considered blind only as to assets subsequently purchased by the trustee. The interested parties will have no knowledge of the trustee's acquisitions, and thus these holdings will be truly blind with respect to the Government official and the other interested parties.

(ii) *Qualified diversified trusts.* In the case of a qualified diversified trust (§ 734.404), the trust's holdings are not deemed financial interests of the Government official for purposes of 18 U.S.C. 208 or any other Federal conflict of interest law. This type of trust may only be utilized by an official appointed by the President, by and with the advice and consent of the Senate. It must be established to the satisfaction of the Director, Office of Government Ethics, pursuant to § 734.404(b), that the assets of a diversified trust proposed for qualification consist of a well-diversified portfolio of readily marketable securities. None of the assets initially placed in the trust may consist of securities. None of the assets initially placed in the trust may consist of securities of issuers having substantial activities related to the reporting individual's primary area of responsibility.

(4) *Relationship to Subpart C reporting requirements.* Qualified trusts are not subject to the normally applicable reporting requirements of Subpart C of this part. The less inclusive rules of § 734.402(b) are applied with respect to qualified trusts pursuant to the Act.

(5) *Prior approval of trust document and assets placed in the trust.* Before a trust can be "qualified", every proposed trust document (see § 734.405) and proposed trustee (see § 734.406) must be approved by the Office of Government Ethics. This is essential so that the Office can ensure in advance that the proposed trust arrangement satisfies the letter and spirit of the established standards.

(6) *Effective sanctions and enforcement.* Under the provisions of Subpart G of this part, civil and criminal sanctions are provided for any Government official or trustee who violates his or her obligations under a qualified trust. In addition, the Office of Government Ethics can impose appropriate administrative or other sanctions pursuant to the authority of the Act.

§ 734.402 Special rules in the case of certain trusts.

(a) *In general.* Notwithstanding the provisions of Subpart C of this part, a reporting individual need not, except as otherwise provided in this subpart, report the holdings of or the source of income from any of the holdings of—

(1) Any qualified blind trust, as defined in § 734.403,

(2) Any qualified diversified trust, as defined in § 734.404, or

(3) Any "excepted trust," one—

(i) Which was not created directly by such individual, his or her spouse, or any dependent child, and

(ii) The holdings or sources of income of which such individual, his or her spouse, and any dependent child have no knowledge.

(b) *Subpart C reporting requirements.*—(1) *Income.* In the case of a trust referred to in paragraph (a) of this section except for a qualified diversified trust, a reporting individual shall report the category of the aggregate amount of the trust's income attributable to the beneficial interest in the trust of the individual, his spouse, or any dependent child pursuant to the rules of Subpart C of this part. In the case of a qualified diversified trust, only amounts actually received in respect of such a trust by such individual, his or her spouse, or any dependent child (or applied for the benefit of any such interested party) shall be deemed income derived from such trust for purposes of this part.

(2) *Holdings and sources of income.* In the case of a trust referred to in—

(i) Paragraph (a)(1) or (2) of this section, no report under Subpart C of this part with respect to holdings and sources of income is required, or

(ii) Paragraph (a)(3) of this section, holdings and sources of income shall be reported under the rules of Subpart C of this part only to the extent that the reporting individual has knowledge of such holdings and sources of income with reasonable specificity.

Example (1): A reporting individual, *R*, is the beneficiary of a family trust created by his grandfather. *R*—(i) has never seen the trust instrument, (ii) receives a monthly payment of $500 from the trustee, and (iii) has been told by his grandfather that the trust assets include large holdings of Canadian mining stock. *R* does not have any further specific knowledge about the trust and its holdings, and the grandfather and trustee have declined to provide further information. This trust would be considered by the Office of Government Ethics to be an excepted trust described in paragraph (a)(3) of this section. *R* is obligated to report $6,000 as income from the trust in his annual financial disclosure report filed pursuant to Subpart C, and pursuant to § 734.301(d) he would report that he is a beneficiary of an excepted trust which he believes to have Canadian mining stock among its holdings.

Example (2): During 1979, the trustee of reporting individual *M*'s qualified diversified trust makes payments as follows:

(i) A monthly distribution of $1,000 to *M* as specified in the trust instrument,

(ii) $4,000 to *M*'s wife for medical expenses pursuant to the trustee's discretion under the terms of the trust instrument, and

(iii) $2,500 to *M*'s son for educational expenses pursuant to the trust instrument.

For 1979, $18,500 is deemed to be the income derived from the trust and should be reported pursuant to Subpart C of this part; notwithstanding, that the actual income attributable to the interests of *M*, his spouse, and dependent children in the qualified diversified trust might be a greater amount. The actual amount must be kept confidential by the trustee and, pursuant to § 734.404, not revealed to the interested parties.

Example (3): Note that $18,500 would be the income deemed to have been derived from the qualified diversified trust in *Example (2)*, even if the actual income attributable to the interests of the interested parties was less than $18,500 or even if the trust had a net loss for the year.

§ 734.403 Qualified blind trusts.

(a) *Definition.* For purposes of § 734.402, the term "qualified blind trust" means a trust certified as approved by the Director, Office of Government Ethics, pursuant to § 734.405 which includes the provisions described in paragraph (b) of this section and has an independent trustee (as defined in § 734.406). See section 202(f)(3) of the Act.

(b) *Required provisions.* The trust instrument which establishes a trust to which this section applies must provide that—

(1) The trustee in the exercise of his or her authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

(2) The trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

(3) The trustee shall promptly notify the reporting individual and the Director, Office of Government Ethics, when any particular asset transferred to the trust by any interested party has been completely disposed of or when the value of such asset becomes less than $1,000;

(4) The trust tax return shall be prepared by the trustee or his or her designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed publicly or to any interested party;

(5) An interested party shall not receive any report on the holdings and sources of income of the trust, except that the trustee shall—

(i) Make quarterly reports of the aggregate market value of the assets representing such interested party's interest in the trust,

(ii) Report the net income or loss of the trust and make any other reports necessary to enable the interested party to complete an individual tax return required by law, and

(iii) Provide the information described in § 734.402(b) (relating to reporting of income).

(6) There shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only—

(i) To a request for a distribution from the trust,

(ii) To the general financial interest and needs of the interested party including, but not limited to, an interest in maximizing income or long-term capital gain,

(iii) To the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or

(iv) To directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual but nothing in the trust instrument shall require any such direction;

(7) The interested parties shall not take any action to obtain, and shall take appropriate action to avoid receiving, information with respect to the holdings of, and the sources of income of, the trust, including obtaining a copy of any trust tax return filed by the trustee or any information relating thereto, except for the reports and information specified in paragraph (b)(5) of this section; and

(8) The trustee (and any other person designated in the trust instrument as an investment adviser) shall fulfill the filing requirements of § 734.407 (b) and (c).

Example (1). Paragraph (b)(7) of this section prohibits any activity by interested parties to obtain, directly or indirectly, any information which under the rules of this

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section is precluded from interested parties. The paragraph also specifically prohibits the passive receipt of precluded information by interested parties. Accordingly, interested parties and trustees, their staffs, and professionals who may be employed by them are required to exercise a high degree of diligence to safeguard against inadvertent disclosure of precluded information to the interested parties. Thus, for example:

(A) Professionals employed by the trustee to prepare the trust tax return should be cautioned against sending informational copies to any interested party, and

(B) An interested party who inadvertently receives in the mail a broker's confirmation of a transaction for the trust should send the confirmation to the trustee with an accompanying letter instructing the trustee to take steps to assure that the party will not receive such confirmations in the future (a copy of such a letter must be sent to the Office of Government Ethics pursuant to § 734.407(c)).

(c) *Transitional rule.* In the case of an individual who, before October 26, 1978, had a trust which constitutes a good faith attempt to create a blind trust, such a trust may, under the rules of section 202(f)(7) of the Act, be certified pursuant to the provisions of § 734.405, as an approved qualified blind trust notwithstanding any provision of this section to the contrary.

§ 734.404 Qualified diversified trusts.

(a) *Definition.* For purposes of § 734.402, the term "qualified diversified trust" means a trust certified as approve by the Director, Office of Government Ethics, pursuant to § 734.405 which has a portfolio as specified in paragraph (b) of this section, includes the provisions described in paragraph (c) of this section, and has an independent trustee (as defined in § 734.406). Such approval may be granted only in the case of individuals described in paragraph (e) of this section. See section 202(f)(4)(B) of the Act.

(b) *Required portfolio.* (1) *In general.* It must be established to the satisfaction of the Director, Office of Government Ethics, that the assets of the trust proposed for qualification consist of a well-diversified portfolio of readily marketable securities. Accordingly, the reporting individual, or a representative of such individual, shall provide the Director with a detailed listing of the securities proposed for inclusion in the portfolio, specifying their market values and demonstrating that the requirements of this paragraph have been met. None of the assets initially placed in the trust may consist of securities of issuers having substantial activities related to the reporting individual's primary area of responsibility. No limitations are established under this paragraph with respect to—

(i) Cash, or

(ii) Debt instruments issued by the United States or its non-corporate instrumentalities.

(2) *Well-diversified.*—

(i) *Portfolios which exceed $250,000.* In the case of a trust which has assets with a total market value which exceeds $250,000, the portfolio will not be deemed well-diversified, for purposes of this section, if the trust holds—

(A) Securities of any issuer which have a market value which exceeds twenty percent of the total market value of the portfolio, or

(B) Securities substantially related to any industry or economic sector which have a market value which exceeds thirty percent of the total market value of the portfolio.

Notwithstanding the preceding sentence, the Office of Government Ethics may authorize limited deviations from the standards of this paragraph (b)(2)(i) with respect to the holdings initially transferred to the trust in cases where, under all the facts and circumstances, the Office determines that overall portfolio balance has been achieved.

Example (1): A proposed initial portfolio with a total market value of $350,000 is determined by the Office of Government Ethics to have overall balance and is deemed well-diversified even though securities of three utilities represent 32 percent of the portfolio's total market value and the securities of one bank represent 23 percent. However, the trustee may not purchase additional utility or bank securities while the percentages of portfolio market value they represent continue to exceed the standards of paragraph (b)(2)(i) of this section.

(ii) *Portfolios which do not exceed $250,000.* The Office of Government Ethics recognizes that it is impractical in the case of smaller trusts to expect the same quantitative diversification with respect to initial holdings that is required in the case of larger trusts. Consequently, in the case of a trust which has assets with a total market value which does not exceed $250,000, the Office may authorize a lesser degree of diversification than the standards of paragraph (b)(2)(i) with respect to the holdings initially transferred to the trust in cases where, under all the facts and circumstances, the Office determines that overall portfolio balance has been achieved.

Example (1): A proposed initial portfolio with a total market value of $100,000 contains four listed securities, each representing a different industry or economic sector. Two of the securities each have a market value of $24,000, and the other two securities each have a market value of $26,000. The portfolio will be deemed to be well-diversified.

(iii) *Consultation.* Interested parties and their representatives are invited to consult with the Office of Government Ethics on the question of whether overall portfolio balance has been achieved in particular cases.

(3) *Readily marketable.* A security will be deemed readily marketable, for purposes of this section, if—

(i) Daily price quotations for such security appear regularly in newspapers of general circulation, such as the Wall Street Journal, New York Times, and Washington Post, and

(ii) The trust holds the security in a quantity which does not unduly impair liquidity.

(c) *Required provisions.* The trust instrument which establishes a trust to which this section applies must provide that—

(1) The trustee in the exercise of his or her authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

(2) The trustee shall not acquire any securites in excess of the diversification standards of paragraph (b)(2)(i) of this section;

(3) The trustee shall not disclose publicly or to any interested party information as to the acquisition, retention, or disposition of any particular securities.

(4) The trust tax return shall be prepared by the trustee or his delegate, and such return and any information relating thereto shall not be disclosed publicly or to any interested party;

(5) An interested party shall not receive any report on the holdings and sources of income of the trust; except that the trustee shall—

(i) Make quarterly reports of the aggregate market value of the assets representing such interested party's interest in the trust, and

(ii) Provide the information described in § 734.402(b) (relating to reporting of income).

(6) There shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only—

(i) To a request for a distribution from the trust,

(ii) To the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), or

(iii) To information, documents, and funds provided by, or needed from, the interested party to effectuate the provisions of paragraph (d) of this section.

(7) The interested parties shall not take any action to obtain, and shall take appropriate action to avoid receiving, information with respect to the holdings of, and the sources and amounts of income of the trust including obtaining a copy of any trust or personal tax return filed by the trustee or any information relating thereto, except for the reports and information specified in paragraph (c)(5) of this section, and

(8) The trustee (and any other person designated in the trust instrument as an investment adviser) shall fulfill the filing requirements of § 734.407(b) and (c).

(d) *Personal income tax returns.* In the case of a trust to which this section applies, the trustee shall be given power of attorney to prepare, and shall file, on behalf of any interested party the personal income tax returns and similar returns which may contain information relating to such trust. IRS Form 2848 (power of attorney) shall be used for this purpose. (See Rev. Proc. 79–43, 1979——C.B.——.) Communications regarding decisions such as whether to file joint or separate returns, the portions of a tax obligation to be borne by each spouse, the amounts and timing of tax payments, and the sources of funds therefore, shall be subject to paragraph (c)(6)(iii) of this section.

(e) *Applicability.* The provisions of this section shall be applicable only in the case of a trust created for the benefit of a reporting individual appointed to his or her office by the President, by and with the consent of the Senate, or the spouse or dependent child of such a person. In the case of a reporting individual whose nomination is before a Senate committee, the individual must inform the Committee of his or her intention to establish a qualified diversified trust at the time his or her financial disclosure report is filed with such Committee. This notification is not required of a reporting individual who is already in office. This section shall not apply to members of the uniformed services or foreign service officers in the State Department.

(f) *Transitional rule.* In the case of an individual who, on October 26, 1978, had a trust existing before such date which constitutes a good faith attempt to create a blind trust, such a trust may, under the rules of section 202(f)(7) of the Act, be certified pursuant to the provisions of § 734.405, as an approved qualified diversified trust, notwithstanding any provision of this section to the contrary.

§ 734.405 Certification of trusts proposed for qualifications; other matters.

(a) *General rule.* In any case in which an interested party desires to have a trust certified as a qualified blind trust or qualified diversified trust pursuant to the provisions of § 734.403 or § 734.404, respectively, such party or his or her representative should consult with the Director, Office of Government Ethics (or his or her delegate), as to the appropriateness of and requirements for certification in the particular case. In order to assure timely trust qualification, the interested party shall be responsible for the expeditious submission to the Office of all required documents and responses to requests for information. A trust will be certified as approved by—

(1) The Director in the case of a qualified blind trust, or

(2) The Director in concurrence with the Attorney General in the case of a qualified diversified trust,

only if it is established to the Director's satisfaction that the requirments of section 202 of the Act and this subpart have been met and that certification in such case is consistent with the policies established by such provisions and other applicable laws and regulations. Certification shall be indicated by a letter of approval from the Director to the interested party or his or her representative.

(b) *Absence of control by interested party.* Except as expressly approved by the Director, Office of Government Ethics, in the case of a trust proposed for qualification pursuant to the provisions of § 734.403, any asset transferred to a trust under this subpart shall be free of any restriction with respect to its transfer or sale. Accordingly, interests in tax shelters, partnerships, and close corporations are subject to detailed scrutiny.

(c) *Interested party, defined.* For purposes of this subpart, the term "interested party" means a reporting individal, the spouse, and any dependent child in a case in which such individual, such spouse, or any such dependent child has a beneficial interest in the principal or income of a trust proposed for qualification.

(d) *Restrictions applicable to trustees.* The trustee of a qualified blind trust or qualified diversified trust shall not knowingly or negligently—

(1) Disclose any information to an interested party with respect to such trust that may not be disclosed pursuant to any provision or requirement of this subpart,

(2) Acquire any holding the ownership of which is prohibited by, or not in accordance with the terms of, the trust instrument,

(3) Solicit advice from any interested party with respect to such trust, which solicitation is prohibited by any provision or requirement of this subpart or the trust instrument, or

(4) Fail to file any document required by this subpart.

(e) *Restrictions applicable to reporting individuals.* In the case of a qualified blind trust or qualified diversified trust, a reporting individual shall not knowingly or negligently—

(1) Solicit or receive any information with respect to such trust of which he is an interested party that may not be disclosed pursuant to any provision or requirement of this subpart, or

(2) Fail to file any document required by this subpart.

§ 734.406 Independent trustee, defined.

(a) *General rule.* For purposes of this subpart, the term "independent trustee" shall be deemed to include any person referred to in paragraph (c) of this section who, under all the facts and circumstances, is determined by the Director, Office of Government Ethics, in his or her sole discretion, to be independent of any interested party with respect to a trust proposed for qualification under this subpart. The Director shall indicate his or her approval of a proposed trustee, and of any person in addition to a party to the trust designated in the trust instrument as an investment adviser, by his signature on properly executed Certificates of Independence submitted to the Office of Government Ethics in the form prescribed by Appendix A of this part.

(b) *Eligible person.* A person, to be eligible to serve as a trustee under this section, must be:

(1) A financial institution, which is a "bank" as defined in 15 U.S.C. 80b–2(a)(2);

(2) An attorney, who is admitted to practice before the highest court of any jurisdiction.

(3) A certified public accountant;

(4) A "broker", as defined in 15 U.S.C. 78c(a)(4); or

(5) An "investment adviser", as defined in 15 U.S.C. 80b–2(a)(11).

(c) *Requirements.* No eligible person shall be determined to be independent pursuant to this section unless such person (or any officer or employee thereof, involved or to be involved in the management or control of the trust)—

(1) Is independent of and unassociated with any interested party so that such person cannot be controlled or influenced in the administration of the trust by any interested party.

(2) Is not or has not been an employee of an interested party, or any organization affiliated with any interested party and is not a partner of, or involved in any joint venture of other

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investment with, any interestd party, and

(3) Is not a relative of any interested party. Accordingly, an otherwise eligible person who shares in a business enterprise or other undertaking with any interest party shall not be deemed to be independent under the rules of this paragraph.

Example (1). Reporting individual *R* terminates his partnership in a law firm upon nomination to a full-time government position. *R* wishies to have *T*, a partner in *R*'s former firm, serve as his trustee. *T* may serve as *R*'s trustee.

Example (2). In *Example (1)*, *T* would have been precluded from serving as *R*'s trustee if additionally—

(i) they both serve on the board of a local bank,

(ii) they are each limited partners in a tax shelter or operating business venture, or

(iii) their spouses jointly operate a commercial venture.

Example (3). In *Example (1)*, *T* would not have been precluded from serving as *R*'s trustee if additionally—

(i) they both serve on a committee of their country club,

(ii) they each bought XYZ Corp. listed stock, after it was discussed by them during a golf weekend several months ago, or

(iii) *R* had purchased an office building from *T*.

§ 734.40 Special filing requirements in the case of qualified trusts.

(a) *Reporting individuals.* In the case of any qualified blind trust or qualified diversified trust, the reporting individual shall—

(1) *Execution.*—within thirty days after such trust is pursuant to § 734.405(a) certified as approved by the Director, Office of Government Ethics, file with such Director a copy of—

(i) The executed trust instrument of such trust, and

(ii) A list of the assets which were transferred to such trust, categorized as to value in accordance with § 734.304. The provisions of any trust filed with the Director pursuant to this paragraph which relate to the testamentary disposition of the trust assets need not be reported. If reported, these provisions shall not be subject to public disclosure.

(2) *Transfer of assets.*—within thirty days of tranferring an asset (other than cash) to such a trust, file a report with the Director, Office of Government Ethics, which shall briefly describe each such asset, categorized as to value in accordance with § 734.304.

(3) *Dissolution.*—within thirty days of the dissolution of such a trust—

(i) file a report of such dissolution with the Director, Office of Government Ethics, and

(ii) file with such Director, a list of assets of the trust at the time of such dissolution, categorized as to value in accordance with § 734.304. Any document filed pursuant to the requirements of this paragraph shall be subject to the public disclosure requirements of § 734.602.

(b) *Trustees.* The trustee of a qualified blind trust or qualified diversified trust, and any person in addition to a party to the trust designated in the trust instrument as an investment adviser, shall file with the Director, Office of Government Ethics, by the May 15 following any calendar year during which such trust was in existence a properly executed Certificate of Compliance in the form prescribed by Appendix B of this part. In addition, the trustee shall maintain and make available for inspection by the Office of Government Ethics, as it may from time to time direct, the trust's books of account and other records and copies of the trust's tax returns for each taxable year of the trust. Any document (and the information contained therein) inspected pursuant to the requirements of this paragraph (other than a Certificate of Compliance) shall not be subject to the public disclosure requirements of § 734.602, and shall not be disclosed to any interested party.

(c) *Written communications.* In the case of any written communication with respect to a qualified blind trust or qualified diversified trust, which is described in § 734.403(b)(6) or § 734.404(c)(6), respectively, a copy of such communication shall, within five days of its date, be filed by the person initiating the communication with the Director, Office of Government Ethics.

§ 734.408 Effective date.

The provisions of this subpart shall be applicable with respect to trusts certified as approved qualified blind trusts or qualified diversified trusts after these regulations become final.

Subpart E—Special Provisions

§ 734.501 Outside earned income.

(a) *Limitation.* Any reporting individual—

(1) Who occupies a full-time position in the Executive branch, appointment to which is required to be made by the President by and with the advice and consent of the Senate, and

(2) Who is compensated at a rate of pay which equals or exceeds the lowest rate of pay specified for GS–16 of the General Schedule prescribed by 5 U.S.C. 5332,

may not have in any calendar year outside earned income attributable to such calendar year which is in excess of 15 percent of such compensation.

(b) *Defined.* For purposes of this section, the term "outside earned income" means wages, salaries, commissions, professional fees and other compensation received for personal services actually rendered, other than for services for the United States Government described in paragraph (a) of this section. Income received by an inactive partner or income from royalties for a published book or from investments shall not be deemed outside earned income for purposes of this section.

(c) *Outer employment limitations.* The provisions of this section shall not preclude the application of limitations on outside employment which may be imposed with respect to employees of a particular agency.

Example: the Department of Justice by its regulations does not allow its employees to practice law, no matter what the amount of income may be.

§ 734.502 Waivers.

(a) With respect to reporting requirements—Section 201(i) of the Act authorizes the Director to grant a waiver for officers and employees where they have served less than 130 days in a calendar year. For the rules relating to this waiver, see § 734.205.

(b) With respect to gifts—Section 202(a)(2)(D) of the Act authorizes the Director to grant a waiver in an unusual case with respect to the necessity for aggregating gifts. For the rules relating to this waiver, see § 734.303(g).

Subpart F—Procedure

§ 734.601 Report forms.

The Office of Government Ethics makes available standard forms for reporting the information required by this part.

§ 734.602 Filing of reports.

(a) Except as otherwise provided in this section, a reporting individual shall file the report required under this part with the designated agency ethics official at the agency in which the individual:

(1) Is employed,

(2) Was employed prior to termination of employment, or

(3) Will serve.

The designated agency official shall note on any report or supplemental report the date it is received.

(b) The President and Vice President shall file their reports with the Director of the Office of Government Ethics.

(c) The designated agency official shall transmit to the Director, Office of Government Ethics, copies of the reports required to be filed by the Postmaster General, the Deputy Postmaster General, the governors of the Board of Governors of the United States Postal Service, designated agency officials, candidates for the office of President or Vice President and officers and employees in, and nominees to, offices or positions which require confirmation by the Senate other than those required of members of the uniformed services. Prior to transmitting a copy of the report to the Director, the designated agency official shall, except in the case of the official's own report, which shall be reviewed by the head of the agency, review the report in accordance with § 734.604(b). The Director shall forward a copy of the report of each nominee to the Senate committee considering the nomination. (See § 734.604(c) for procedures regarding the Director's review of such reports.)

(d) The Director shall file his or her report in the Office of Government Ethics. Upon receipt, the report will be made immediately available to the public in accordance with this part.

(e) Candidates for President and Vice President identified in § 734.201(d), other than an incumbent President or Vice President, shall file their reports with the Federal Election Commission which in turn shall send copies of such reports to the Office of Government Ethics pursuant to paragraph (c) of this section.

(f) Members of the uniformed services identified in § 734.202(c) shall file their reports with the Secretary concerned.

§ 734.603 Custody of and public access to reports.

(a) Each agency shall make each report filed with it under this part available to the public in accordance with the provisions of this section, together with a copy of the official position description of the Government office or position held by the reporting individual involved, if available. The position description shall be added to such report by such individual's designated agency official or by the Secretary concerned.

(b) This section does not require public availability of the report filed by any individual in the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, by revealing the identity of the individual or other sensitive information, compromise the national interest of the United States. Such individuals may be authorized, notwithstanding § 734.701(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds that such filing is necessary in the national interest.

(c) Each agency shall, within fifteen days after any report is actually received by the agency, permit inspection of such report by, or furnish a copy of such report to any person who makes a written application stating—

(1) The person's name, occupation and address,

(2) The name and address of any other person or organization on whose behalf the inspection or copy is requested, and

(3) That such person is aware of the prohibitions on the obtaining or use of the report, as set forth in paragraph (e) of this section.

Any such application shall be made available to the public throughout the period during which the report itself is made available to the public. The reviewing officials and the support staffs used in maintaining the files and the staff of the Office of Government Ethics need not submit the application provided for by this paragraph.

(d) The agency may require a reasonable fee, established by appropriate regulation, to be paid in any amount which is found necessary to recover the direct cost of reproduction or mailing of such report, excluding any salary of any employee involved in such process. A copy of the report may be furnished without charge or at a reduced charge if the agency determines that waiver or reduction of the fee is in the public interest. The criteria used by an agency to determine when a fee will be reduced or waived shall be established by an appropriate regulation.

(e) It is unlawful for any person to obtain or use a report—

(1) For any unlawful purpose;

(2) For any commercial purpose, other than by news and communications media for dissemination to the general public;

(3) For determining or establishing the credit rating of any individual; or

(4) For use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

Example (1): The deputy general counsel of an agency is responsible for reviewing the public financial disclosures filed by officials within that agency. The personnel director for that agency wishes to review the disclosure of an individual within the agency. The personnel director must file an application to review the disclosure.

Example (2): A law enforcement agent is conducting an investigation which involves the private financial dealings of an individual who has filed a public disclosure. The agent must complete a written application in order to review or obtain a copy of the statement.

Example (3): A copy of a report is obtained b a reporter for use in a general newspaper article. This copy is seen on the reporter's desk by an editor who is in charge of a local charity drive. The editor observes that the reporting individual owns a business in his community and sends a personal note to the individual referring to the business and soliciting a contribution for the charity. This use is prohibited.

Example (4): A financial institution has received an application for a loan from an official indicating her present financial status. The official has filed a public financial disclosure with her agency. The financial institution can not review the disclosure for purposes of checking the information contained on the report against that which appears on the application.

(f)(1) Any report filed with an agency, or transmitted to the Director, Office of Government Ethics, pursuant to this section, shall be retained by such agency or the Office of Government Ethics, or both, as the case may be. Such report shall be made available to the public for a period of six years after receipt of the report. After such six-year period the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to § 734.201(c) and was not subsequently confirmed by the Senate, or who filed the report pursuant to § 734.201(d) and was not subsequently elected, such reports shall be destroyed one year after the individual either is no longer under consideration by the Senate or is no longer a candidate for nomination or election to the Office of President or Vice President unless needed in an ongoing investigation.

(2) For purposes of paragraph (f)(1) of this section, in the case of a reporting individual with respect to whom a trust has been qualified pursuant to Subpart D of this part, a copy of the qualified trust agreement, the list of assets initially placed in such trust, and all other publicly available documents relating to such trust shall be retained until the periods for retention of all other reports pertaining to the reporting individual have lapsed pursuant to paragraph (f)(1).

§ 734.604 Review of reports.

(a) *In general.* Reports shall be reviewed by the appropriate reviewing official within 60 days after the date of filing. Reports reviewed by the Director, Office of Government Ethics, shall be reviewed within 60 days from the date each report was transmitted by the agency to OGE.

(b) *Responsibilities of reviewing officials*—(1) *Initial review.* The reviewing official shall review each

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report to determine to his or her satisfaction that—

(i) Each item is completed, and

(ii) No interest or position disclosed on the form violates or raises an appearance of violating—

(A) Any applicable provision of Chapter 11 of 18 U.S.C. Part 1,

(B) The Ethics in Government Act of 1978, as amended, and the regulations promulgated thereunder,

(C) Executive Order 11222 and applicable regulations promulgated thereunder, or

(D) Any other statute or regulation applicable to the employees of the reviewing official's agency.

The reviewing official shall not sign and date the report until this complete review is made. A reviewing official need not audit the report to ascertain whether the disclosures are correct; disclosures are to be taken at "face value" unless there is a patent omission or ambiguity or the official has independent knowledge of matters outside the report. A report which is signed by a reviewing official, however, shall signify that the agency in which the reporting individual serves has found that on the basis of the information disclosed on the report the individual is in compliance with applicable laws and regulations and that the report fulfills the requirements of this paragraph (b)(1).

(2) *Requests for additional information.* If the reviewing official believes that additional information is required to be submitted, the official shall request this information indicating a date by which the information must be submitted. Information contained in the response which should initially have been disclosed shall be attached to the report. Explanatory information which dispels a possible appearance problem about which the reviewing official was concerned shall not be attached, but the reviewing official shall note in the comment section that the disclosed interest which created the question has been investigated and does not create a problem under the criteria established in paragraph (b)(1) of this section.

(3) *Review on basis of additional information.* If the reviewing official concludes on the basis of the information disclosed on the report and any additional information which was required pursuant to paragraph (b)(2) that—

(i) The individual is in compliance with the criteria established in paragraph (b)(1), the reviewing official shall sign and date the report and shall send to the reporting individual written notification of such action including the addition of any comment written or attached to the form, or

(ii) The individual is not in compliance with the criteria established in paragraph (b)(1) of this section, the official shall—

(A) Notify the reporting individual of this opinion,

(B) Afford the reporting individual a reasonable opportunity for an oral or written response, and

(C) Determine on the basis of the response whether or not the individual is in compliance.

(4) *Review to determine remedial action.* If the reviewing official concludes, after following the procedure set forth in paragraph (b)(3)(ii), that—

(i) The reporting individual is in compliance with the criteria established in paragraph (b)(1), the reviewing official shall sign and date the report and notify the reporting individual in writing that such action was taken; or

(ii) The reporting individual is not in compliance with the criteria established in paragraph (b)(1) of this section, the reviewing official shall—

(A) Notify the individual of that opinion,

(B) Afford the individual an opportunity for personal consultation, if practicable,

(C) Determine what remedial action should be taken to bring the individual into compliance, and

(D) Notify the individual in writing of the remedial action required, indicating a date by which such action should be taken. Except in unusual situations which must be fully documented to the satisfaction of the reviewing official, remedial action shall be completed within 90 days from the date the individual was notified that such action would be required.

(5) *Remedial steps.* Remedial steps may include, as appropriate:

(i) Divestiture of the conflicting interest,

(ii) Restitution,

(iii) The establishment of a qualified trust under section 202(f) of the Act,

(iv) Request for an exemption under 18 U.S.C. 208(b),

(v) Recusal, or

(vi) Voluntary request by the individual for transfer, reassignment, limitation of duties or resignation.

(6) *Compliance or referral.*—

(i) If the reporting individual complies with a written request fo remedial action required under paragraph (b)(4)(ii), the reviewing offical shall indicate that such action has been taken in the comment section of the report and shall sign and date the report. The reviewing offical shall send written notification of the signing and of the addition of the comment to the form to the reporting individual.

(ii) If the reporting individual does not comply with a written request for remedial action transmitted pursuant to paragraph (b)(4)(ii), the reviewing official shall notifiy the Office of Government Ethics and refer the matter for appropriate action to—

(A) The President, where the reporting individual is in a position (other than in the uniformed services), appointment to which requires the advice and consent of the Senate

(B) The Secretary concerned, for a member of the uniformed services, or

(C) The head of the agency, for any other officer or employee, except in the case of the Postmaster General or Deputy Postmaster General, the Director of the Office of Government Ethics (OGE) shall recommend to the Governors of the Board of Governors of the United States Postal Service the action to be taken. In unusual circumstances, the Office of Government Ethics may order corrective action pursuant to its authority under section 402(b)(9) of the Act.

(7) *Appropriate action.* Appropriate action includes changes in assigned duties or adverse action in accordance with the procedures set forth in 5 CFR Part 752.

(8) *Scope of this paragraph.* The provisions of this paragraph (b) shall not apply in the case of President or Vice President, or a candidate or nominee for such office.

(c) *Expedited procedure in the case of individuals appointed by the President with concurrence of the Senate.* Notwithstanding paragraph (a) of this section, in the case of a report filed by an individual described in § 734.201(c) who is nominated to a position, by the President, by and with the advice and consent of the Senate:

(1) The Executive Office of the President shall furnish the financial disclosure reporting forms to the nominee and shall forward the completed form to the designated agency official at the agency in which the nominee will serve or is serving or when appropriate, the nominee shall file the completed report directly with such designated agency official.

(2) The designated agency official shall review the report upon receipt and, only after the official completes and initial review in accordance with paragraph (b)(1) of this section and concludes that there is no conflict of interest under applicable laws and regulations, the official shall—

(i) Attach to the report a copy of the official position description (when available) of the position to be filled by the nominee;

(ii) Personally sign such report and date the approval;

(iii) Write a letter to the Director, Office of Government Ethics, stating that there is no conflict of interest under applicable laws and regulations, and discussing—

(A) Any problems which the official encountered in connection with the report and describing the resolution of such problems, and

(B) Any specific commitment, agreement, or other undertaking by the nominee to resolve any such problem through recusal, divestiture or similar action; and

(iv) Deliver the letter and report to the Director, Office of Government Ethics, within three days after the receipt of the report by the agency in which the nominee will serve or is serving.

(3) The Director of the Office of Government Ethics shall review the report and the letter from the designated agency official and, if satisfied that there is no unresolved conflict, the Director shall sign the report and date the approval. The Director shall submit the report with a letter to the Senate Committee involved expressing the Director's opinion that on the basis of information contained in the report the nominee is in compliance with applicable laws and regulations.

(4) If for any reason the expedited procedure specified in this paragraph (c) cannot be completed within the time set forth in paragraph (c)(2)(iv), the designated agency official shall so inform the Director.

§ 734.605 Advice and opinions.

For purposes of assisting both current and former employees in avoiding situations in which they would not be in compliance with applicable laws and regulations and to inform members of the public—

(a) The Director, Office of Government Ethics, will render advisory opinions on matters of general applicability or on important matters of first impression after, to the extent practicable, providing interested parties with an opportunity to transmit written comments with respect to the request for such advisory opinion, and whereby such advisory opinions are compiled, published, and made available to agency ethics counselors and the public; and

(b) Each Secretary concerned and designated agency official, including the President in the case of individuals employed in the Executive Office of the President, will maintain a list of those circumstances or situations which have resulted or may result in non-compliance with such laws or regulations; such list shall be periodically published, and shall be furnished to those individuals employed within the agency who are required to file reports under this part, however, the absence of any situation or circumstance from such a list shall not be construed as an indication that an individual in such circumstance or situation would be in compliance with such laws or regulations.

Subpart G—Penalities and Remedial Action

§ 734.701 Failure to file or falsifying reports.

(a) *Civil action.* The Attorney General may bring a civil action in any appropriate United States District Court against any individual who knowingly and willfully falsifies or who knowingly or willfully fails to file or report any information that such individual is required to report pursuant to this part. The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed $5,000.

(b) *Referral of cases.* The head of each agency, each Secretary concerned, or the Director, Office of Government Ethics, as the case may be, shall refer to the Attorney General the name of any individual he or she has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully fail to file information required to be reported.

(c) *Administrative remedies.* The President, the Vice President, the Director, Office of Government Ethics, the Secretary concerned, the head of each agency, and the Office of Personnel Management, may take any appropriate personnel or other action in accordance with applicable law or regulation against any individual failing to file a report or falsifying or failing to file information required to be reported. Such action includes adverse action under 5 CFR Part 752.

§ 734.702 Certain actions in the case of qualified trusts.

(a) The Attorney General may bring a civil action in any appropriate United States District Court against any individual who knowingly and willfully violates the provisions of § 734.407(a) or (b). The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed $5,000.

(b) The Attorney General may bring a civil action in any appropriate United States District Court against any individual who negligently violates the provisions of § 734.407(a) or (b). The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed $1,000.

§ 734.703 Misuse of reports.

The Attorney General may bring a civil action against any person who obtains or uses a report filed pursuant to this part for any purpose prohibited by section 205(c)(1) of the Act and § 734.603(e). The court in which such action is brought may assess against such person a penalty in any amount, not to exceed $5,000. Such remedy shall be in addition to any other remedy available under statutory or common law.

Appendix A

The Certificate of Independence required by § 734.406(a) shall be executed as follows:

Certificate of Independence

With respect to the trust of ———— (Settlor), which has been proposed to the Office of Government Ethics for qualification pursuant to the Ethics in Government Act of 1978 (Pub. L. 95–521, as amended), the undersigned proposed Trustee of such trust, or person in addition to a party to the trust designated in the trust instrument as an investment adviser, is eligible to serve in such fiduciary capacity in accordance with section 202(f)(3)(A) of such Act:

First: The undersigned is (check one)—

☐ a financial institution, which is a "bank" as defined in 15 U.S.C. § 80b–2(a)(2);

☐ an attorney, who is admitted to practice before the highest court of ————;

☐ a certified public accountant;

☐ a "broker", as defined in 15 U.S.C. § 78c(a)(4);

☐ an investment adviser, as defined in 15 U.S.C. § 80b–2(a)(11); or

☐ a person in addition to a party to the trust designated in the trust instrument as an investment adviser.

Second: The undersigned (and any officer or employee, of the undersigned, involved or to be involved in the management or control of the trust)—

(A) Is independent of and unassociated with any interested party so that the undersigned (and any such officer and employee) cannot be controlled or influenced in the administration of the trust by any interested party;

(B) Is not or has not been an employee of an interested party, or any organization affiliated with any interested party and is not a partner of, or involved in any joint venture or other investment with, any interested party;

(C) Is not a relative of any interested party; and

(D) Does not share actively in a business enterprise or other undertaking with any interested party.

The undersigned certifies that the statements contained herein are true,

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complete and correct to the best of such undersigned's knowledge and belief.

Date ———— ————
(firm)
By: ————
———— (title)
Approved by ———— Director, Office of Government Ethics
Date ————

Appendix B

The Certificate of Compliance required by § 734.407(b) shall be executed as follows:

Certificate of Compliance

With respect to the qualified blind trust [qualified diversified trust] of ———— (Settlor), the undersigned, the approved Trustee of such trust or approved person in addition to a party to the trust designated in the trust instrument as an investment adviser pursuant to 5 CFR § 734.406, has served in such fiduciary capacity during the calendar year ———— (or for the period beginning ———— and ending ————) and is eligible to continue in such capacity by virtue of the following:

The undersigned (and any officer or employee involved in the management or control of the trust) has not knowingly or negligently, and will not—

(A) disclose any information to an interested party with respect to such trust that may not be disclosed pursuant to 5 CFR § 734.403(b)(5) [5 CFR § 734.404(c)(5), in the case of a qualified diversified trust] or any other provision or requirement of subpart D of 5 CFR Part 734,

(B) acquire any holding the ownership of which is prohibited by, or not in accordance with, 5 C.F.R. § 734.403(b)(2) [5 C.F.R. § 734.404(c)(2), in the case of a qualified diversified trust] or the terms of the trust instrument,

(C) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by 5 C.F.R. § 734.403(b)(1) [5 C.F.R. § 734.404(c)(1), in the case of a qualified diversified trust] or any other provision or requirement of subpart D of 5 C.F.R. Part 734 or the trust instrument,

(D) fail to file any document required by 5 C.F.R. § 734.407(b) and (c) or any other provision of subpart D of 5 C.F.R. Part 734, or

(E) violate or fail to comply with any provision or requirement of subpart D of 5 C.F.D. Part 734 or the trust instrument.

The undersigned certifies that the statements contained herein are true, complete and correct ot the best of such undersigned's knowledge and blief.

Date ———— ————
(firm)
By: ————
———— (title)

(2) Subpart E of 5 CFR Part 735 is revoked.

(**Authority:** Titles II and IV of Pub. L. 95–521 (October 26, 1978), as amended by Pub. L. 96–19 (June 13, 1979).)

[FR Doc. 80–9035 Filed 3–24–80; 8:45 am]
BILLING CODE 6325–01–M

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federal register

Tuesday
March 25, 1980

Part III

Federal Trade Commission

Use of Energy Cost and Consumption Information in the Labeling and Advertising for Consumer Appliances Under the Energy Policy and Conservation Act; Comparability Ranges; Correction

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FEDERAL TRADE COMMISSION

16 CFR Part 305

Use of Energy Cost and Consumption Information in the Labeling and Advertising for Consumer Appliances Under the Energy Policy and Conservation Act; Comparability Ranges; Correction

AGENCY: Federal Trade Commission.

ACTION: Technical corrections to final rule and comparability ranges.

SUMMARY: On November 19, 1979, the Federal Trade Commission issued a final rule that requires the disclosure of energy efficiency information for the following categories of appliances: refrigerators and refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters, room air conditioners and furnaces. Section 305.8 of the rule requires affected members of the appliance industry to submit to the Commission information relating to the energy cost or energy efficiency rating of covered appliances. Using this information, the Commission recently published (45 FR 13998, March 3, 1980) the ranges of energy cost or energy efficiency ratings for the appliances covered by the rule. This information will be used by the industry to prepare required labels and fact sheets. This notice corrects certain technical errors that appeared in the ranges published on March 3, 1980, and corrects certain other technical errors in the rule.

EFFECTIVE DATE: These corrections are effective on March 25, 1980.

FOR FURTHER INFORMATION CONTACT: Lucerne D. Winfrey, 202–724–1560 or James Mills, 202–724–1491, Attorneys, Federal Trade Commission, 414—11th Street, N.W., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: The Commission published the final rule on November 19, 1979 (44 FR 66466). Information respecting the annual ranges of comparability was published in the **Federal Register** on Monday, March 3, 1980 (45 FR 13998). The published ranges are applicable to refrigerators and refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters, room air conditioners and furnaces.

Appendix F of the final rule failed to define correctly the classification of clothes washers. Section 305.7(f) of the rule provides a basis for establishing the size of a clothes washer by converting tub capacity into gallons of water with a conversion factor of eight gallons per cubic foot. This measurement does not clearly reflect the Department of Energy test procedure definitions for compact and standard clothes washers.

Section 305.7(f) and Appendix F of the rule are corrected to read as follows:

"Compact includes all household clothes washers with a tub capacity of less than 1.6 cubic feet or 13 gallons."

"Standard includes all household clothes washers with a tub capacity of 1.6 cubic feet or 13 gallons or more."

A second technical correction amends Appendix D1—Water Heater—Gas—to incorporate the ranges of comparability for all propane-fueled water heaters. This correction is necessitated by Department of Energy test procedure classifications and information provided by the water heater industry.

The ranges of comparability for furnaces (which incorporate residential boilers as well) incorrectly failed to delineate ranges of energy efficiency ratings by fuel type: electric, oil, and gas. Appendix G—Furnaces—is thus amended to provide ranges of comparison of the energy efficiency ratings of furnaces by each fuel type.

Finally, a number of technical corrections have been made so that the ranges of comparability for refrigerators and refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters and room air conditioners now reflect information submitted by industry members following initial preparation of the ranges by the Commission.

The revised appendices follow:

Appendix A1—*Refrigerators*

Manufacturer's rated total refrigerated volume in cubic feet	Ranges of estimated yearly energy costs; electricity	
	Low	High
Less than 2.5	$18.00	$25.00
2.5 to 4.4	20.00	31.00
4.5 to 6.4	22.00	31.00
6.5 to 8.4	22.00	23.00
8.5 to 10.4	22.00	35.00
10.5 to 12.4	24.00	37.00
12.5 to 14.4	28.00	41.00
14.5 to 16.4	(1)	(1)
16.5 and over	(1)	(1)

[1] No data submitted.

Appendix A2—*Refrigerator-Freezers*

Manufacturer's rated total refrigerated volume in cubic feet	Ranges of estimated yearly energy costs; electricity	
	Low	High
Less than 10.5	$27.00	$38.00
10.5 to 12.4	31.00	90.00
12.5 to 14.4	31.00	89.00
14.5 to 16.4	33.00	92.00
16.5 to 18.4	45.00	88.00
18.5 to 20.4	51.00	91.00
20.5 to 22.4	64.00	99.00
22.5 to 24.4	63.00	94.00
24.5 to 26.4	79.00	109.00
26.5 to 28.4	94.00	94.00
28.5 and over	(1)	(1)

[1] No data submitted.

Appendix B—*Freezers*

Manufacturer's rated total refrigerated volume in cubic feet	Ranges of estimated yearly energy costs; electricity	
	Low	High
Less than 5.5	$18.00	$34.00
5.5 to 7.4	17.00	30.00
7.5 to 9.4	25.00	37.00
9.5 to 11.4	25.00	41.00
11.5 to 13.4	26.00	50.00
13.5 to 15.4	35.00	70.00
15.5 to 17.4	40.00	76.00
17.5 to 19.4	44.00	78.00
19.5 to 21.4	46.00	84.00
21.5 to 23.4	49.00	109.00
23.5 to 25.4	53.00	58.00
25.5 to 27.4	54.00	65.00
27.5 to 29.4	64.00	64.00
29.5 and over	84.00	134.00

Appendix C.—*Dishwashers*

Ranges of comparability	Ranges of estimated yearly energy costs; heated water			
	Electrically		Natural gas	
	Low	High	Low	High
Compact	(1)	(1)	(1)	(1)
Standard	$41.00	$60.00	$19.00	$39.00

[1] No data submitted.

Appendix D1—*Water Heater—Gas*

First hour rating	Ranges of estimated yearly energy cost	
	Low	High
Less than 21	(1)	(1)
21 to 24	(1)	(1)
25 to 29	(1)	(1)
30 to 34	$103.00	$192.00
35 to 40	111.00	204.00
41 to 47	110.00	197.00
48 to 55	101.00	205.00
56 to 64	102.00	262.00
65 to 74	110.00	244.00
75 to 86	113.00	255.00
87 to 99	123.00	206.00
100 to 114	124.00	285.00
115 to 131	141.00	234.00
Over 131	(1)	(1)

[1] No data submitted.

Appendix D2—*Water Heater—Electric*

First hour rating	Ranges of estimated yearly energy cost; electricity	
	Low	High
Less than 21	$254.00	$327.00
21 to 24	257.00	311.00
25 to 29	254.00	350.00
30 to 34	257.00	353.00
35 to 40	259.00	345.00
41 to 47	261.00	345.00
48 to 55	261.00	338.00
56 to 64	261.00	392.00
65 to 74	261.00	414.00
75 to 86	264.00	474.00
87 to 99	273.00	423.00
100 to 114	278.00	514.00
115 to 131	280.00	412.00
Over 131	322.00	372.00

Appendix D3—*Water Heater—Oil*

First hour rating	Ranges of estimated yearly energy cost	
	Low	High
Less than 65	(1)	(1)
65 to 74	(1)	(1)
75 to 86	(1)	(1)
87 to 99	$173.00	$222.00
100 to 114	204.00	205.00
115 to 131	199.00	214.00
Over 131	(1)	(1)

[1] No data submitted.

Appendix E—*Room Air Conditioners*

Manufacturer's rated cooling capacity in BTU's/hr.	Ranges of energy efficiency ratings; electricity	
	Low	High
Less than 4,000	(1)	(1)
4,000 to 4,299	5.10	7.50
4,300 to 4,799	5.20	5.20
4,800 to 5,299	5.60	8.80
5,300 to 5,799	5.20	8.70
5,800 to 6,299	5.50	8.70
6,300 to 6,799	6.00	8.80
6,800 to 7,299	5.80	10.20
7,300 to 7,799	5.20	8.70
7,800 to 8,299	5.50	9.40
8,300 to 8,799	6.10	9.30
8,800 to 9,299	4.70	10.50
9,300 to 9,799	5.78	10.20
9,800 to 10,299	6.40	10.70
10,300 to 10,799	4.70	7.70
10,800 to 11,299	5.70	8.80
11,300 to 11,799	6.00	8.80
11,800 to 12,299	5.10	8.50
12,300 to 12,799	6.30	9.10
12,800 to 13,299	5.80	9.00
13,300 to 13,799	5.90	9.20
13,800 to 14,299	5.20	9.60
14,300 to 14,799	6.00	8.60
14,800 to 15,299	5.40	9.10
15,300 to 15,799	5.50	8.40
15,800 to 16,499	6.90	8.30
16,500 to 17,499	6.10	9.10
17,500 to 18,499	5.90	8.70
18,500 to 19,499	6.10	8.50
19,500 to 20,499	6.40	7.50
20,500 to 21,499	6.00	7.50
21,500 to 22,499	6.10	8.60
22,500 to 24,499	5.90	9.00
24,500 to 26,499	6.30	7.50
26,500 to 28,499	6.40	8.20
28,500 to 32,499	5.90	7.60
32,500 to 36,000	6.60	7.20

[1] No data submitted.

Appendix F—*Clothes Washers*

Ranges of comparability	Ranges of estimated yearly energy costs; heated water			
	Electrically		Natural gas	
	Low	High	Low	High
Compact	$32.00	$60.00	$9.00	$26.00
Standard	34.00	163.00	13.00	58.00

Appendix G1—*Furnaces—Gas*

Comparability (BTU per hour)	Ranges of energy efficiency ratings	
	Low	High
5,000 to 10,000	(1)	(1)
11,000 to 16,000	(1)	(1)
17,000 to 25,000	68.30	70.68
26,000 to 42,000	65.00	66.30
43,000 to 59,000	55.00	61.19
60,000 to 76,000	55.00	60.49
77,000 to 93,000	55.00	78.76
94,000 to 110,000	55.00	77.46
111,000 to 127,000	60.40	78.77
128,000 to 144,000	60.40	78.77
145,000 to 161,000	63.37	77.06
162,000 to 178,000	63.73	78.76
179,000 to 195,000	63.79	77.93
196,000 and over	63.92	78.79

[1] No data submitted.

Appendix G2—*Furnaces—Electric*

Comparability (BTU per hour)	Ranges of energy efficiency ratings	
	Low	High
5,000 to 10,000	100.00	100.00
11,000 to 16,000	100.00	100.00
17,000 to 25,000	99.60	100.00
26,000 to 42,000	99.20	100.00
43,000 to 59,000	98.60	100.00
60,000 to 76,000	98.50	100.00
77,000 to 93,000	99.20	100.00
94,000 to 110,000	99.20	100.00
111,000 to 127,000	100.00	100.00
128,000 to 144,000	100.00	100.00
145,000 to 161,000	(1)	(1)
162,000 to 178,000	100.00	100.00
179,000 to 195,000	100.00	100.00
196,000 and over	100.00	100.00

[1] No data submitted.

Appendix G3—*Furnaces—Oil*

Comparability (BTU per hour)	Ranges of energy efficiency ratings	
	Low	High
5,000 to 10,000	(1)	(1)
11,000 to 16,000	(1)	(1)
17,000 to 25,000	(1)	(1)
26,000 to 42,000	(1)	(1)
43,000 to 59,000	71.00	75.61
60,000 to 76,000	68.00	76.20
77,000 to 93,000	66.00	82.58
94,000 to 110,000	71.00	83.77
111,000 to 127,000	66.10	83.43
128,000 to 144,000	68.00	83.08
145,000 to 161,000	72.56	82.42
162,000 to 178,000	73.40	86.00
179,000 to 195,000	71.93	82.28
196,000 and over	74.30	83.62

[1] No data submitted.

Issued:

Carol M. Thomas,

Secretary.

[FR Doc. 80–8825 Filed 3–24–80; 8:45 am]

BILLING CODE 6750–01–M

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federal register

Tuesday
March 25, 1980

Part IV

Department of Justice

Law Enforcement Assistance Administration

Requests for Comments on the Proposed LEAA Guideline: Removing Children From Adult Jails and Lock-Ups

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Requests for Comments on the Proposed LEAA Guideline: Removing Children From Adult Jails and Lock-Ups

AGENCY: Law Enforcement Assistance Administration (LEAA).

ACTION: Request for Public Comment.

SUMMARY: Notice is hereby given that the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5601, et seq., proposes to issue an addition to the National Priority Program and Discretionary Program Announcement, published in the **Federal Register** on February 15, 1980. It will not in any way impact upon the programs or regulations presently set out in that announcement or affect the eligibility of those individuals applying for previously announced programs.

SUPPLEMENTARY INFORMATION: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is inviting interested persons to comment on the proposed guideline and will consider all such written comments before the final publication of this guideline. A weighting factor will be assigned to the selection criteria in the final publication. Thus, any views and suggestions regarding the weighting factors are sought. The period for public comment on this proposed guideline is 30 days. This 30 day external review period was approved by Homer F. Broome, Acting Administrator of LEAA, because it is deemed in the best interest of the public to provide for award of grants before October 1, 1980. After development of the final guideline, which is expected to be published in the **Federal Register** in Spring 1980, it is anticipated that interested persons will have approximately 60 days to develop applications.

This notice and opportunity to submit written views and comments is provided pursuant to Executive Order No. 12044, Improving Government Regulations, to ensure that interested organizations, agencies and individuals have an opportunity to review the proposed guideline. Interested persons are invited to submit written comments or suggestions to Doyle A. Wood, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW, Room 442, Washington, DC 20531, on or before April 15, 1980. Mr. Wood's telephone number is 202/724–7775.

Ira M. Schwartz,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

Removing Children From Adult Jails and Lock-Ups

A. Program Objective

Pursuant to Section 224(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is sponsoring a program to support the development and implementation of projects which will address the problems of removing juveniles from adult jails and lock-ups. This program is consistent with the mandate of Section 223(a)(13) of the JJDP Act of 1974, as amended, which provides that juveniles shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges. This program is intended to provide the necessary resources, including both financial and technical, to jurisdictions which will assist them in planning and implementing a viable strategy to remove juveniles from adult jails and lock-ups.

B. Program Description

1. Background

The detention of juveniles in adult jails and lock-ups has long been a moral issue in this country which has been characterized by sporadic public concern and minimal action toward its resolution.

It is suspected that the general lack of public awareness, and the low level of official action are exacerbated by the absence of meaningful information, and the low visibility of juveniles in jails and lock-ups. This situation is perpetuated by official rhetoric which cloaks the practice of jailing juveniles in a variety of poorly-conceived rationales. In fact, the time-honored but unsubstantiated "rationales" of public safety, protection from themselves or their environments, and lack of alternatives break down under close scrutiny.

In reality, the aggressive and unpredictable threat to public safety perceived by the community is often just the opposite. A recent survey of a nine-state area by the Children's Defense Fund indicates that 18 percent of the juveniles in jails have not even been charged with an act which would be a crime if committed by an adult. Four percent have committed no offense at all. Of those jailed on criminal-type offenses, 85 percent are there on property and minor offenses.

Not until 1971, with the completion of the National Jail Census, did a clearer and more comprehensive picture of jails surface. By its own admission, the Census showed only a snapshot of American jails and the people who live in them. Significantly, it excluded those facilities holding persons less than 48 hours. This is critical with respect to juveniles because it is the police lock-up and the drunk tank to which alleged juvenile offenders are so often relegated awaiting court appearance.

The Census did, however, give us the first nationwide indication of the number of juveniles held in jail. On March 15, 1970, 7,800 juveniles were incarcerated in 4,037 jails. A comparable census in 1974 estimated that the number had grown to 12,744. The inadequacy of the data is more apparent when a determination of the number of juveniles admitted to adult jails and lock-ups each year is sought. Recent surveys indicate that this figure ranges up to 500,000. The Children's Defense Fund states that even the half-million figure is "grossly understated" and that "there is an appalling vacuum of information . . . when it comes to children in jails." Regardless of the true figure, it is clear that the practice of jailing juveniles has not diminished during the last decade. People who do not belong in jail, and jail conditions that are not suitable for people, were the concerns that impelled representatives from more than 30 national organizations (including the American Bar Association, the National Association of Counties, the National Sheriff's Association, the National League of Cities, and others) to establish the National Coalition for Jail Reform. Its recent statement of position, which was agreed to by each organization of the coalition, is that no child should be held in an adult jail.

2. Problem Addressed

Many communities have not been able to fully implement Section 223(a)(13). The limited number of alternative resources available to them has resulted in a heavy reliance on city lock-ups and county jails for youth who are held pending court appearance. This lack of resources is particularly serious since there is a significant number of juveniles, including both delinquents and status offenders, held in jails and lock-ups.

This program is aimed at providing alternative programs and services, to alleviate the use of adult jails and lock-ups for the detention of children. It is also intended to challenge the policies and practices which result in the inappropriate placement of juveniles in adult jails and lock-ups. Persistent indicators consistently identify the less visible and often more brutal practice of inappropriate confinement of juveniles in jails and lock-ups which needs immediate attention and recitification. In virtually all of the rural areas of the country, the sole resource for those alleged juvenile offenders who cannot immediately be returned to their own homes pending court appearance is the local jail or municipal lock-ups. These antiquated facilities are often unsuitable for adult offenders, much less juvenile offenders. The substandard living conditions found in many are the subject of widespread litigation under the Eight Amendment.

The major areas of concern include: A general lack of alternative residential and non-residential programs for youth awaiting court appearance; lack of community resources to deal effectively with status offenders and non-offenders in the schools and within the family structure; legal services are often inaccessible on an immediate basis and/or unavailable even in the long run; lower public visibility of the practice of jailing juveniles brought on by a lack of organized or informal youth advocacy efforts geared to the deinstitutionalization issues; the existence of unique situations which greatly increase the incidence of status offenses in certain areas, particularly those involving out-of-state runaways on interstate highways and seasonal migration to resort areas; a lack of 24-hour intake screening and a lack of objective intake criteria.

3. Assumptions

a. Regular contact between juveniles and adult offenders is detrimental and should be eliminated in detention and correctional facilities.

b. Mere separation of a juvenile from an adult offender in a jail or lock-up does not guarantee that children held in jails will receive services geared to their special needs. Alternative strategies should be developed which include the consideration of emergency foster care, home detention, 24-hour intake screening, crisis intervention services, shelter care, and, where appropriate, regional juvenile detention as indicated by a comprehensive survey and analysis of the juvenile detention population and available community resources.

c. There are dangers inherent in any level of separation short of complete removal. These dangers include the potential for isolation of juveniles in adult facilities which is counterproductive to the development of the child. Also, efforts to separate often result in costly renovation of facilities which still do not meet the needs of the community and the child.

d. Alternatives to incarceration are often scarce in rural communities, as the number of youth served is relatively small in comparison with urban areas.

4. Target Population

The population expected to benefit from this initiative is juveniles (delinquents, status offenders, and non-offenders) who are currently held in regular contact with adult criminal offenders in jails and lock-ups.

5. Result Sought

a. The removal of juveniles from adult jails and lock-ups.

b. The development of a flexible network of service and placement options for alleged juvenile offenders and non-offenders based upon: (1) The least restrictive alternative, and (2) maintenance of a juvenile's family and community ties.

c. A planning and implementation process for removal which: (1) Is based upon a recognition of youth rights and due process and which promotes the advocacy of such, and (2) uses active citizen participation and youth involvement.

d. The development and adoption of intake criteria, consistent with the standards of the National Advisory Committee for Juvenile Justice and Delinquency Prevention and other nationally recommended standards, for alleged juvenile offenders and non-offenders who are awaiting court appearance.

e. An enhanced capacity for parents, schools, and police to resolve problems of youth in a non-judicial manner and thus alleviate the use of jails and lock-ups. This includes, where appropriate, the coordination and integration of public and private child welfare services.

f. An identification and description of viable alternatives to the use of jails and lock-ups.

C. Program Strategy

This program employs a two-phased approach. Phase I is a planning and analysis period during which local jurisdictions, with OJJDP assistance, will develop a systematic plan for removing juveniles from adult jails and lock-ups.

Phase II is the implementation of the plan in a selected number of those jurisdictions whose planning process and results support the need for program and service alternatives.

A National Program Coordinator (NPC), through a cooperative agreement with OJJDP, will receive an award of funds to implement this program. The National Program Coordinator will thus act as the conduit for funds to the local jurisdictions and provide jurisdictions assistance with data collection and analysis, training, designing survey instruments, facilitating community and citizen participation, developing alternative programs and services with the local jurisdiction, and program implementation.

1. Phase I: Planning and Analysis

a. Phase I is directed toward planning and analysis which will result in an action plan for removing juveniles from adult jails and lock-ups. Participants, with technical assistance and other support from the National Program Coordinator, will undertake a planning process consisting of problem perspective and definitions, needs assessment, policy and plan development, plan implementation, and follow-up assessment and monitoring.

b. During Phase I the following problems should be addressed:

(1) Need for the use of intensive supervision in the child's home as a placement alternative.

(2) Lack of emergency foster care, shelter care and independent living arrangements.

(3) Lack of crisis intervention services and short term residential crisis intervention programs which can be used for conflict mediation, emergency holding and provision of emergency attention for youth with physical or emotional problems.

(4) Need for the development of objective intake criteria which are based upon a presumption of release, promote utilization of the least restrictive alternative, assure the protection of a child's right to due process, and maintain a child's ties to the family and community.

(5) Lack of coordination and cooperation between law enforcement officials, the judicial sector, public and private service providers, the community in general, etc., which attributes to the inappropriate placement of juveniles in jails and lock-ups.

(6) Need to develop a flexible network of services and programs which is amenable to the individual local jurisdiction's needs and capabilities.

(7) Need for 24-hour intake screening services.

2. Phase II: Program Implementation

Phase II is directed toward implementing a comprehensive strategy

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to remove juveniles from adult jails and lock-ups based upon the plan developed in Phase I. OJJDP, with the assistance of the National Program Coordinator, will provide financial and program assistance to support implementation of such plans.

3. National Program Coordinator

The National Program Coordinator (NPC) will be the conduit for financial, planning, and program assistance to the local jurisdiction during both Phase I and Phase II. The NPC will provide the jurisdictions assistance in the following activities:

a. Collection of information on trends for intake processing, intake criteria, alternatives to incarceration, planning strategies and cost.

b. Training of data collectors.

c. Design of survey instruments.

d. Information and data analysis.

e. Establishment of objective intake criteria.

f. Survey of standards relative to implementation and operational aspects of alternative programs.

g. Facilitating citizen participation.

h. Developing alternative programs and services.

i. Program implementation

j. Program follow-up.

k. Assisting local jurisdictions in securing additional financial support from general revenue services, foundations, other Federal gencies, or other sources of financial support.

The National Program Coordinator (NPC), in cooperation with OJJDP, provides general guidance as to goals and organization of local projects; it assists with development of planning strategies and may work directly with particular key officials; it provides specialized assistance in relation to technical tasks of each phase; and finally it provides sites with a substantial amount of technical assistance material and assistance in financial accountability. The NPC, in cooperation with OJJDP, will be responsible for identification and description of viable alternatives to the use of jails and lock-ups for the detention of juveniles. The National Program Coordinator will assist OJJDP with screening of potential sites; selections will be made by the NPC with final approval authority in OJJDP. The NPC and OJJDP will jointly develop selection criteria for Phase II participation.

D. Dollar Range and Number of Grants

1. The period for this program is two years with a total funding commitment of $3,000,000. The National Program Coordinator will be selected by OJJDP with financial support through a cooperative agreement between OJJDP and the NPC. Support for the National Program Coordinator shall not exceed $360,000 (i.e., 12%) of the total $3,000,000 award. The remainder of the award will be contracted by the National Program Coordinator to local jurisdictions for implementation of Phase II of the initiative. Financial assistance provided under this program requires no matching contribution except as provided in Section D–3 of this announcement regarding construction funds.

2. Up to 20 local jurisdictions will be selected by OJJDP to participate in Phase I. Each local site will receive technical assistance for Phase I from OJJDP and the National Program Coordinator which should be completed over a six-month period.

3. Fifteen to eighteen jurisdictions participating in Phase I will be selected to participate in Phase II. Phase II financial support will range from $50,000 to $200,000 and will be made directly by the National Program Coordinator to the local sites. Project periods for Phase II will range from 12 to 18 months. No additional funding is contemplated beyond the established project period.

Up to one-third of the funds received by a jurisdiction for Phase II may be used for construction or renovation purposes. All construction funds must be used for innovative, non-secure community-based facilities for less than 20 persons and must be matched dollar for dollar by the local jurisdiction. The local jurisdiction will be held accountable for adherence to Section 227 of the JJDP Act and the requirements for construction programs which are contained in LEAA Fiancial Guideline M 7100.1A, Change 3, Chapter 7, Paragraph 9 entitled "Identification of Construction Programs." In addition, the erection of new buildings or the renovation of jails will not be permitted with funds acquired through this program.

E. Project Eligibility/Applicant Capability

1. National Program Coordinator

Applications are invited from public agencies and private non-profit organizations which have extensive knowledge and at least two years of experience in developing and/or implementing alternatives to the detenion of children in adult jails and lock-ups.

The applicant must: a. Demonstrate knowledge of and experience with juvenile justice systems, local jails and lock-ups in which changes are to be sougth, and the problems, strategies and program alternatives necessary to remove children from adult jails and lock-ups;

b. Have the demonstrated capability or experience to develop management and fiscal systems necessary for the proper administration of Federal funds;

c. Demonstrate its ability to fulfill the activities identified in Section C3 of this announcement;

d. Have available experienced administrative and professional staff who demonstrate a commitment to and experience in providing alternatives to the detention of juveniles in jails and lock-ups; and

e. Provide a detailed task specific description of activities which includes a proposed level of OJJDP involvement in each task.

2. Phase I

a. Concept papers are invited from local agencies and private non-profit organizations and must contain the elements of Section G within this program announcement.

b. Concept papers must demonstrate the following: (1) A documented history of placement of alleged juvenile offenders, status offenders and non-offenders in adult jails or lock-ups.

(2) Willingness on the part of the court, community groups and local governments to support positive change with regard to adoption of objective intake criteria, placement of children in the least restrictive alternative, and a regard for maintenance of family and community ties.

(3) Willingness to develop community-based or other release options for juveniles.

(4) Documented willingness to apply local financial resources to this effort.

(5) Evidence of willingness to adhere to nationally recognized standards, regulations and guidelines pertaining to interim status of youth awaiting court appearance.

F. Application Submission Procedures and Deadlines

1. National Program Coordinator

Prospective applicants for the National Program Coordinator must mail or hand deliver one (1) original and two (2) copies of the application, using Standard Form 424, to the Office of Juvenile Justice and Delinquency Prevention, LEAA, Room 442, 633 Indiana Avenue, NW, Washington, DC 20531, by ————. Applications sent by mail will be considered to be received on time if sent by registered mail or certified mail no later than ————, as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service.

2. Phase I Concept Papers

Those eligible jurisdictions who propose to participate in Phase I must submit concept papers by ————. An original and two (2) copies must be sent to the Office of Juvenile Justice and Delinquency Prevention, LEAA, Room 442, 633 Indiana Avenue, NW, Washington, DC 20531. Section G of this program announcement identifies what must be contained in the Phase I concept papers.

G. Contents and Selection of Criteria for Phase I Concept Paper

1. Concept papers for Phase I should not exceed 15–20 pages and must include the information numbered and labeled, according to the following:

a. Name and address of jurisdiction; include name, address and phone number of contact persons.

b. Brief description of the jurisdiction's interest in the program.

c. Description of the project jurisdiction, size and the juvenile population.

d. Description of the current juvenile intake and detention processes, intake criteria, resources, constraints, legal framework (including a summary of all relevant laws and formal administrative policies and procedures bearing on the issue of detaining children in jails and lock-ups), and financial or funding sources.

e. Statement as to the number of adult jails and lock-ups in the jurisdiction and the holding capacity for both juveniles and adults in each.

f. Statement of need including a brief description as to the causes for which children are held in the local jails or lock-ups.

g. Total number of juvenile and adult arrests within jurisdiction for the latest 12-month period.

h. Total number of juveniles detained in each of the jurisdiction's facilities for the latest 12-month period; total number of these detained or incarcerated with adults and description of the facilities in which they are commingled.

i. A brief description of the existing jail alternatives.

j. Assurance that the court of jurisdiction is willing to reexamine its intake criteria and experiment with alternative criteria.

k. A documented statement of willingness to develop community-based or other release options, to apply local financial resources to the effort, and to adhere to nationally recognized standards, regulations, and guidelines pertaining to juveniles awaiting court appearance.

l. Letter of support from local juvenile court officials, law enforcement officials and local child service providers which demonstrate a commitment to removing children from adult jails and lock-ups.

2. Phase I participants will be selected according to the extent they meet the eligiblity criteria contained in Section E of this announcement and to the extent they demonstrate the need and willingness to remove juveniles from adult jails and lock-ups. Preferential consideration will be provided to those concept papers from jurisdictions in which the following exist:

a. The geography and the absence of alternatives to the use of jails are major obstacles in removing children from adult jails and lock-ups.

b. A contiguous group of counties or jurisdictions has jointly cooperated in the development and submission of one concept paper.

c. Local jurisdictions are currently under court order to remove children from adult jails and lock-ups.

d. There exists a documented history and an exceptionally high rate of juveniles being detained and/or placed in the local jails and lock-ups.

H. Evaluation Requirement

1. An independent evaluation of this program is planned, to be undertaken by an independent evaluator selected by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The evaluator and OJJDP will select projects for intensive evaluation. All projects must indicate a commitment to participate in the evaluation.

2. In addition to the normal self-assessment and monitoring activities all Phase II participants must propose an evaluation plan for their project.

3. Participants may be required to modify their proposed project specific evaluation plans in order to be integrated into the national level program evaluation design to be developed by the independent national evaluator.

4. All participants must indicate in advance their willingess to cooperate fully with the national evaluator and to participate in the program evaluation.

I. Civil Rights Compliance Requirements

Those who are selected for funding under this program will be required to comply with the following:

Each recipient of OJARS assistance within the criminal justice system which has 50 or more employees and which has received grants or subgrants of $25,000 or more pursuant to and since the enactment of the Safe Streets Act of 1968, as amended, and which has a service population with a minority representation of 3% or more is required to formulate, implement and maintain an EEOP. Where a recipient has 50 or more employees, and has received grants or subgrants of $25,000 or more and has a service population with a minority representation of less than 3% such recipient is required to formulate, implement and maintain an EEOP relating to employment practices affecting women. This requirement shall be satisfied prior to the receipt of funds.

Applicants that do not meet any of the above criteria, educational institutions, public and/or private non-profit agencies, shall maintain such records and submit to the OJARS upon request timely, complete and accurate racial and ethnic data establishing the fact that no person or persons will be or have been denied or prohibited from participation in, benefits of, or denied or prohibited from obtaining employment in connection with any program or activity funded in whole or in part with funds made available under this initiative because of their race, color, national origin, religion, or handicap status.

In the case of any program under which a primary recipient of Federal funds extends financial assistance to any other recipient or subcontracts with any other person or groups, such other recipient, person or group shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out and assure its civil rights compliance obligations under the award.

J. Contact

For further information contact: Mr. Doyle A. Wood, Formula Grants and Technical Assistance Division, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Washington, DC 20531, (2) 724–7775.

[FR Doc. 80–8982 Filed 3–24–80; 8:45 am]

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Tuesday
March 25, 1980

Part V

Department of Labor

Office of the Secretary

Senior Community Service Employment Program; Proposed Guidelines

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DEPARTMENT OF LABOR

Office of the Secretary of Labor

29 CFR Part 89

Senior Community Service Employment Program

AGENCY: Department of Labor.

ACTION: Proposed Rules.

SUMMARY: This document proposes revised rules for the Senior Community Service Employment Program (SCSEP) (42 U.S.C. 3056) under the Older Americans Act of 1965 (42 U.S.C. 3001, *et seq.*), hereinafter, the "Act." The "Comprehensive Older Americans Act Amendments of 1978" (Pub. L. 95–478) redesignated Title IX of the Act as Title V and made certain other changes in the SCSEP. The purpose of this publication is to implement the "Comprehensive Older Americans Act Amendments of 1978" (Pub. L. 95–478) and to improve the program.

DATES: Comments on the proposed rulemaking are due on or before May 27, 1980.

ADDRESSES: Comments should be addressed to: Chief, Older Worker Work Group, Office of National Programs, Employment and Training Administration, U.S. Department of Labor, Room 6122, 601 D Street, NW, Washington, DC 20213.

FOR FURTHER INFORMATION CONTACT: Paul A. Mayrand, telephone (202) 376–6232.

SUPPLEMENTARY INFORMATION: Comprehensive regulations governing the Senior Community Service Employment Program were last published in the **Federal Register** on March 2, 1976. Since that time, funding and participants have grown nearly four-fold. The number of grantees is now nearly 12 times the number in 1976. Grants are now made both to units of government and private nonprofit organizations. Moreover, the Comprehensive Older Americans Act Amendments of 1978 (Pub. L. 95–478) revised and added some new provisions to the Senior Community Service Employment Program (42 U.S.C. 3056). These proposed regulations are based on Title V of the Older Americans Act of 1965, as amended; our experience with this program which has been thoroughly reviewed by the Older Worker Work Group staff of the Employment and Training Administration; and the recommendations of a specially-formed project sponsors' work group. Major changes proposed include a requirement for more cooperation among all project sponsors, an increase in the private or other unsubsidized placement goal to at least 15 percent, a reordering of the priorities for enrollment, a State residency requirement, a provision to allow project sponsors to establish a time limitation on enrollment with written authorization from the Assistant Secretary, a stricter limitation on payment of Federal funds into a retirement fund for enrollees, and an increase to 75 percent of that share of Federal funds that must be used for wages and fringe benefits for enrollees. These and other changes of consequence are recounted in the Summary of Changes, where appropriate section references are also given. It is contemplated that, after the review and comment period, the final rules will be published as a part of Title 20 of the Code of Federal Regulations as part of the effort by the Employment and Training Administration to consolidate all rules for programs administered by it under one Title of the Code of Federal Regulations.

This proposed rulemaking implements requirements prescribed and/or authorized by Title V of the Older Americans Act, as amended. Based on the Department's guidelines which implement Executive Order 12044 (44 Federal Register 5570, *et seq.*, January 26, 1979), it is concluded that although the regulations are significant, they are not "Major" requiring a regulatory analysis. That is, it is not likely that the changes made to these grant regulations will cause or result in a cost of $100 million or more in any one year for the national economy, nor any of the other effects identified for major regulations at 44 FR 5576.

SUMMARY OF CHANGES: Several section numbers are proposed to be changed and, in a few instances, changed section titles are proposed to reflect content more accurately. Significant proposed changes in the regulations as a result of amendments to the Act and the review of experience include:

In § 89.5, *Allotment of Federal funds,* language is proposed to define the Assistant Secretary's review of the equitable distribution of community service employment authorized slots within a State, as required by Section 502(d)(2) of the Act, and language is proposed to establish conditions for the awarding of discretionary grants for the purpose of assuring transition of SCSEP enrollees to employment opportunities with private business concerns, as authorized in Section 506(a)(1)(B) of the Act.

In § 89.7, *Submitting an application,* language is proposed to make applicable to all SCSEP grant applications the procedures for grant application review and comment contained in Department regulations at 41 CFR 29–70.214–2.

In § 89.8, *Application requirements,* language is proposed to require grant applicants to explain the rationale for selecting the areas within a State that will be provided community service employment opportunities.

In § 89.17, *Cooperative relationships,* language is proposed to require a project sponsor to notify the appropriate State agency on aging of the location of a project 30 days before it is initiated, as required in Section 502(d)(1) of the Act. In addition, language is proposed to provide that when there is a lack of agreement on equitable distribution, the Assistant Secretary will review and decide as provided in Section 502(d)(2) of the Act and at § 89.5(d) of this part.

In § 89.19, *Eligibility for enrollment in SCSEP,* language is proposed to add a State residency requirement and to require annual eligibility recertification for continuing enrollees. Annual recertification of enrollee eligibility, not heretofore required, is intended to assure that the maximum number of eligible individuals participate in accordance with Section 502(b)(1)(H) of the Act.

In § 89.20, *Enrollment priorities,* language is proposed which would give first priority for enrollment in work opportunities under SCSEP to persons 60 years old or older in accordance with Section 507(2) of the Act. Second priority would be accorded to persons seeking reenrollment because of extended illness or engaging in private or other unsubsidized employment. Within these priorities first consideration would be given to those persons who have the greatest economic need.

In § 89.21, *Physical examinations,* language is proposed to allow for a physical examination within 30 days prior to participating in training or employment, to require that no enrollee may remain in SCSEP more than 15 continuous months without a physical examination, and to allow for an examination waiver where an enrollee objects to such an examination. Physical examinations are intended as a service to participants and to comply with Section 502(b)(1)(J) of the Act which requires safe and healthy working conditions.

In § 89.25, *Community service employment,* language is proposed to make clear that the limit of 1,300 hours per year applies to the total number of paid hours for an individual enrollee, even though employment may be by more than one project sponsor, and to make clear that the limit of 1,300 hours includes any paid hours of sick leave, vacation, orientation, or training.

In § 89.26, *Training during community service employment and for other employment,* language is proposed to permit, within time and cost limits stated, training that will result in a reasonable expectation of private or other unsubsidized employment.

In § 89.29, *Placement into private or other unsubsidized employment,* the placement goal for project sponsors is proposed to be raised from the present 10 percent of community service employment authorized slots to 15 percent. Experience indicates a substantial number of project sponsors now meet this higher goal.

In § 89.30, *Duration of enrollment,* language is proposed to allow project sponsors to establish a time limitation on enrollment within a project if they have received written authorization from the Assistant Secretary. This change is proposed in order to enable project sponsors to serve as many eligible individuals as possible with limited program resources.

In § 89.33, *Enrollee fringe benefits,* contribution of Federal funds into a retirement system or plan on the behalf of enrollees is proposed to be prohibited unless the project sponsor can demonstrate that such contribution bears a reasonable relationship to the cost of providing such benefits to enrollees and that there is a reasonable likelihood that enrollees will receive the value of such contributions. This change is being proposed in order to prevent the unnecessary expenditure of SCSEP funds for retirement benefits that will never be realized by enrollees.

In § 89.43, *Limitations on Federal funds,* the amount of Federal funds required to be used for enrollee wages and fringe benefits is proposed to be raised from the present 70 percent to 75 percent. Experience indicates a substantial number of project sponsors already use 75 percent of Federal funds for enrollee wage and fringe benefits. This change will permit more participants.

In existing SCSEP regulations, Subparts D and E provide various administrative and procedural requirements and standards. In these proposed regulations, language is proposed for a revised Subpart D, Administrative Standards and Procedures for SCSEP Grants, which references the Department's uniform procedures set forth at 41 CFR Part 29–70, "Administrative Requirements Governing All Grants and Agreements by which Department of Labor Agencies Award Funds to State and Local Governments, Indian and Native American Entities, Public and Private Institutions of Higher Education and Hospitals, and Other Quasi-Public and Private Nonprofit Organizations." The proposed Subpart D, thus, provides all necessary administrative and procedural standards for all SCSEP grants.

This document was prepared under the direction of Paul A. Mayrand, Chief, Older Worker Work Group, Office of National Programs.

Accordingly, Title 29 of the Code of Federal Regulations, Part 89, is proposed to be amended and revised to read as follows:

PART 89—SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Subpart A—General

Sec.
89.1 Scope and purpose.
89.2 Definitions.

Subpart B—Allotment and Award of Federal Funds

89.5 Allotment of Federal funds.
89.6 Soliciting aplications for Federal funds.
89.7 Submitting an application.
89.8 Application requirements
89.9 Review.
89.10 Rejection.
89.11 Negotiation.
89.12 Award of Federal funds.

Subpart C—Project Operations

89.15 General.
89.16 Basic responsibilities of the project sponsor.
89.17 Cooperative relationships.
89.18 Recruitment and selection.
89.19 Eligibility for enrollment in SCSEP.
89.20 Enrollment priorities.
89.21 Physical examinations.
89.22 Orientation.
89.23 Assessment.
89.24 Training in preparation for community service employment.
89.25 Community service employment.
89.26 Training during community service employment and for other employment.
89.27 Enrollee supportive services.
89.28 Enrollee transportation.
89.29 Placement into private or other unsubsidized employment.
89.30 Duration of enrollment.
89.31 Adverse actions against enrollees.
89.32 Enrollee wages.
89.33 Enrollee fringe benefits.
89.34 Temporary slots.
89.35 Working conditions for enrollees.
89.36 Non-Federal status of enrollees.
89.37 Nondiscrimination.
89.38 Political patronage.
89.39 Political activities.
89.40 Nepotism.
89.41 Maintenance of effort.
89.42 Sponsor share of the cost of the project.
89.43 Limitations on Federal funds.
89.44 Subproject agreements.

Subpart D—Administrative Standards and Procedures for SCSEP Grants

Sec.
89.50 General.
89.51 Methods of payment.
89.52 Cash depositories.
89.53 Financial management standards.
89.54 Bonding and insurance.
89.55 Project income.
89.56 Property management standards.
89.57 Procurement standards.
89.58 Matching share.
89.59 Financial reporting requirements.
89.60 Monitoring and reporting project performance requirements.
89.61 Modification and budget revision procedures.
89.62 Retention of records.
89.63 Suspension and termination procedures.
89.64 Grant closeout procedures.

Subpart E—Interagency Agreements

89.70 Administration.

Subpart F—Assessment and Evaluation

89.80 General.
89.81 Limitation.

Authority: Section 502(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3001 *et seq.*), as amended.

Subpart A—General

§ 89.1 Scope and purpose.

(a) This Part 89 contains the regulations of the Department of Labor for the Senior Community Service Employment Program, which is authorized by Title V of the Older Americans Act of 1965 (42 U.S.C. 3056), as amended. The Senior Community Service Employment Program is designed to provide, foster, and promote useful part-time opportunities in community service employment for low-income persons who are 55 years of age or older and, to the extent feasible, to assist and promote the transition of program enrollees to private or other unsubsidized employment.

(b) Statutory authority for these regulations is in Section 502(b)(2) of Title V of the Older Americans Act of 1965 (42 U.S.C. 3056), as amended.

§ 89.2 Definitions.

The following definitions apply to all sections of this part:

"Act" means the Older Americans Act of 1965 (42 U.S.C. 3001) as amended.

"Assistant Secretary" means the Assistant Secretary of Labor for Employment and Training Administration or the Assistant Secretary's designee.

"Authorized slot" means an enrollment opportunity during a program year derived by dividing the total amount of funds allocated during a program year by the national average unit cost per enrollee for that program

year. The national average unit cost includes all administrative costs, other enrollee costs, and enrollee wage and benefit costs. This procedure computes the total number of authorized slots for each project agreement.

"Cash welfare payment" means public assistance through Federal, State, or local government cash payments for which eligibility is determined by a need or income test.

"CETA" means the Comprehensive Employment and Training Act.

"Community service" means social, health, welfare, and educational services, legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; and other types of services which the Assistant Secretary may include in a project agreement. It excludes building and highway construction (except that which is normally performed by the project sponsor) and work which inures primarily to the benefit of private, profit-making organizations.

"Department" means the United States Department of Labor and includes each of its operating agencies and other organizational units.

"Eligible organization" means an organization which is legally capable of receiving and using Federal funds under the Act and entering into a project agreement with the Assistant Secretary. Eligible organizations are limited to:

(a) States and designated agencies of States;

(b) Units of local government and their agencies and combinations of such units within a State;

(c) Public and private nonprofit agencies and organizations other than political parties;

(d) Federal establishments and agencies; and

(e) Indian and Alaskan entities.

"Enrollee" means an individual who is eligible, receives services, and is paid wages for engaging in community service employment under a project.

"Host agency" means a public agency or a private nonprofit organization, other than a political party, exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954, which provides a work-site and work supervision for an enrollee.

"Indian or Alaskan entity" means any Indian tribe, band or group, or an Alaskan native village or corporation (not organized for profit) or a private nonprofit Indian or Alaskan organization.

"Local government" means a local unit of government, including specifically, a county, municipality, city, town, township, local public authority, special district, intrastate district, council of governments, sponsor group representative organization, and other regional or interstate government entity, and for the purposes of § 89.8 and Subpart D of this part, includes any agency or instrumentality of a local government, except institutions of higher education and hospitals.

"Low income" means, for purposes of this part, an income which during the preceding 6 months on an annualized basis, does not exceed by more than 125 percent the poverty levels established and periodically updated by the U.S. Office of Management and Budget. In addition, an individual who receives or is a member of a family which receives regular cash welfare payments shall be deemed to have a low income for purposes of this part.

"Project" means an undertaking by a project sponsor pursuant to a project agreement between the Assistant Secretary and the project sponsor which provides for the employment or eligible individuals and the delivery of associated services.

"Project agreement" means a legally binding agreement in document form which is a grant or other form of agreement entered into between the Assistant Secretary and an eligible organization and which awards Federal funds and provides for authorized activities under Title V of the Act.

"Project sponsor" means an eligible organization which has entered into a project agreement with the Department.

"SCSEP" means Senior Community Service Employment Program as authorized under the Act.

"State agency on aging" means that sole State agency designated by the State, in accordance with regulations of the Commissioner on Aging, pursuant to Section 305(a)(1) of the Act.

"Subproject agreement" means an agreement entered into between a project sponsor and an eligible organization which provides for the transfer of Federal funds to the eligible organization for the purpose of carrying out activities authorized in the project agreement.

"Subproject sponsor" means an eligible organization which has entered into a subproject agreement with a project sponsor.

"Temporary slot" means an enrollment opportunity over and above the authorized slot level made available during a project year when a portion of project funds is not being used due to such factors as enrollee absenteeism, attrition, or enrollees who work fewer hours per week than planned. Requirements for utilizing temporary slots are provided in §§ 89.20(b) and 89.34 of these regulations.

Subpart B—Allotment and Award of Federal Funds

§ 89.5 Allotment of Federal Funds.

(a) The Assistant Secretary shall allot funds for projects in each State in accordance with the distribution requirements of Section 506 of Title V of the Act.

(b) The Assistant Secretary may reallocate funds from one State to another State only as permitted in Section 506(b) of Title V of the Act.

(c) The amount alloted for authorized slots within a State shall be apportioned among areas within the State in an equitable manner, taking into consideration the proportion which the number of eligible persons in each area bears to the total number of such persons in that State and taking into consideration the relative distribution of eligible individuals residing in rural and urban areas.

(d) The Assistant Secretary shall review the distribution of authorized slots under Title V of the Act within a State, including the distribution between rural and urban areas within the State. The review shall be at the Assistant Secretary's initiative, at the request of any public or private nonprofit agency operating or planning to operate a project in the affected State, or at the request of an agency of the affected State. For each proposed reallocation of authorized slots within a State, the Assistant Secretary shall give notice and opportunity for a hearing on the record by all interested individuals and make a written determination of the findings and decision.

(e) From sums appropriated under Title V of the Act, the Assistant Secretary may reserve an amount not to exceed 1 percent of the amount appropriated in excess of the amount appropriated for Fiscal Year 1978 for the purpose of entering into agreements under Section 502(e) of the Act designed to assure the transition of individuals employed in community service employment to employment opportunities with private business concerns. The Assistant Secretary may pay all costs of such agreements. Project agreements under this paragraph shall be made with eligible organizations based upon factors such as proposing the most efficient and effective methods of transition to employment

opportunities with private business concerns.

§ 89.6 Soliciting applications for Federal funds.

(a) The Assistant Secretary may, at any time, solicit or request eligible organizations to submit applications for funds. The Assistant Secretary may limit solicitation to organizations which are determined to have special or unique capabilities to undertake a project or which, under the Act, must receive special consideration in the award process.

(b) A solicitation for an application is not an assurance or commitment that an application will be approved for funding.

(c) In soliciting applications, the Assistant Secretary will specify project requirements to which the applicant must assure adherence as a condition for approval or acceptance. These requirements may include, but are not limited to:

(1) The performance period of the project;

(2) The amount of Federal funds to be awarded;

(3) The geographic locations where community service employment authorized slots are to be provided;

(4) The minimum required project sponsor contribution to the costs of the project; and

(5) Performance goals, including the number of community service employment authorized slots to be established, the date or dates by which authorized slots are to be filled, and the number of placements to be achieved in private or other unsubsidized employment.

§ 89.7 Submitting an application.

(a) Before submitting an unsolicited application, eligible organizations should contact the Department for information concerning availability of funds and procedures involved in the preparation and submission of an application. Interested organizations may contact: U.S. Department of Labor, Employment and Training Administration, Office of National Programs, Washington, DC 20213.

(b) The State and areawide planning and development clearinghouse notification and review procedures set forth in Department regulations at 41 CFR 29–70.214–2 apply to all projects under this Part. Clearinghouse submission requirements vary among States. Applicants are responsible for being familiar with varying requirements and for complying with them. A preapplication for Federal Assistance (Standard Form 424) filed as a result of 41 CFR 29–70.214–2 shall contain an attachment which, as a minimum, lists the number of community service employment authorized slots planned in each city, county, or other appropriate jurisdiction within the affected State.

(c) The Assistant Secretary shall annual establish the date by which eligible organizations seeking funds under Title V of the Act shall submit completed grant applications.

§ 89.8 Application requirements.

(a) When the applicant is a Federal agency, State, any agency or instrumentality of a State, exclusive of institutions of higher education and hospitals, or a unit of local government, the application shall be prepared as prescribed in Department regulations at 41 CFR 29–79.214, "Applying for Federal Financial Assistance."

(b) When the applicant is an organization other than those described in paragraph (a) of this section, the application shall also conform to 41 CFR 29–70.214a, "Applying for Federal Financial Assistance—Special Requirements, Nonprofit Organizations."

(c) As a condition for approval an application for funds must indicate or contain the following:

(1) The performance period of the project;

(2) The project budget for both the Department's share and the applicant's share which accounts for planned expenditures by these cost categories: Administration, Enrollee Wages, Enrollee Fringe Benefits, and Other Enrollee Costs;

(3) A description of the need for the project and its objectives;

(4) A description of the results and benefits to be derived from the project, including benefits which will accrue to project enrollees and to the community or communities in which the project is to operate;

(5) A description of the methods, procedures, and arrangements which will be used to carry out the following project functions:

(i) Recruitment and selection of enrollees;

(ii) Physical examinations for enrollees;

(iii) Initial income and place of residence certification and schedule for annual recertification for continued eligibility;

(iv) Orientation of enrollees;

(v) Orientation of host agencies and arrangements for enrollee supervision;

(vi) Assessment of enrollees' aptitudes, skills and occupational preferences for community service employment;

(vii) Training of enrollees in preparation for engaging in community service employment;

(viii) Development of community service employment jobs and assignment of enrollees to those jobs;

(ix) Training, if any, of enrollees during community service employment;

(x) Training, if any, of enrollees to assist enrollees to transition to private or other unsubsidized employment;

(xi) Supportive services for enrollees;

(xii) Transportation for enrollees;

(xiii) Job development and related efforts to place enrollees into unsubsidized employment;

(xiv) Schedule for follow-up on former enrollees placed in private or other unsubsidized employment.

(6) A detailed description of the applicant's procedures for hearing and resolving complaints that may arise between the applicant and an enrollee or an individual applying for enrollment. Such procedures shall include an opportunity for an informal conference and prompt determination of issues. Such procedures shall also include a written notice setting forth the grounds for any adverse action proposed by the applicant and an opportunity for a response by the individual applying for enrollment or the enrollee. Such procedures shall also include informing the enrollee or the individual applying for enrollment that, if the complaint is not resolved at the project sponsor level, a review of the project sponsor's actions and determinations by the Assistant Secretary may be requested.

(7) Quantitative performance goals; including:

(i) The number of authorized slots to be established;

(ii) The date or dates by which authorized slots are to be filled; and

(iii) The number of placements to be achieved in private or other unsubsidized employment.

(8) A description of the steps to be taken by the applicant to evaluate project performance in light of anticipated results and benefits;

(9) A description of the applicant's compliance with § 89.17 of this part;

(10) A description of and justification for those activities, if any, to be carried out under subproject agreements;

(11) The specific geographic location or locations by city, county, or other appropriate jurisdiction of project activity, and, in cases of multi-State projects, an additional State-by-State breakout of funds budgeted and number of community service employment authorized slots planned;

(12) The rationale used by the applicant to determine locations of proposed community service

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employment authorized slots within a State by cities, counties, or other appropriate jurisdictions;

(13) The applicant staff structure, including brief position descriptions for nonsecretarial and nonclerical staff;

(14) A description of the arrangements or agreements made with any labor organization; and

(15) A description of the applicant's methods of ensuring equitable participation of groups described in paragraph (c) of § 89.16 of this part, of ensuring nondiscrimination and equal opportunities as required in § 89.37 of this part, and when determined necessary, of establishing and implementing an affirmative action plan.

(16) When the applicant is an organization other than an eligible entity of government, a description of the structure of the organization, a description of the bonding and insurance arrangements required in the Department's grant regulations at 41 CFR 29–70.202a, and a statement by a Certified Public Accountant attesting to the adequacy of the applicant's financial management system.

§ 89.9 Review.

(a) The Assistant Secretary will review and consider for approval each application which is submitted by an eligible organization.

(b) In reviewing and considering an application, the Assistant Secretary will determine whether:

(1) Funds are available for the proposed project;

(2) The application demonstrates compliance with the requirements of the Act, and the regulations in this part;

(3) The application is complete and has been prepared in accordance with the instructions of the Department; and

(4) The application demonstrates that effective use will be made of funds.

(c) The Assistant Secretary shall approve the solicited application for a project for a geographical area which is determined to best meet the standards set forth in (b) above; except that the Assistant Secretary may negotiate with applicants as set forth at § 89.11 of this part.

§ 89.10 Rejection.

(a) When an application is not approved, the Assistant Secretary will notify the applicant in writing and state the reason or reasons for rejection.

(b) Rejection of a proposal or application is final agency action and is not subject to further administrative review.

(c) A rejection will not affect the consideration of any future application submitted by an eligible organization.

§ 89.11 Negotiation.

(a) The Assistant Secretary may negotiate with an eligible organization to arrive at a project agreement if the application generally meets the requirements for approval set forth in § 89.9 of this part.

(b) The subjects of negotiation may include, but are not limited to:

(1) Project components, including planned occupational categories for SCSEP employment and the location of authorized slots;

(2) Subproject sponsors, if any;

(3) Funding level, including all budget line items; and

(4) Performance goals.

(c) The Assistant Secretary may reject any proposed project component if it is determined that the component will not serve the purposes of the Act.

(d) The Assistant Secretary may, if negotiation does not produce a mutually acceptable conclusion, reject the application. In this event, the Assistant Secretary will provide written notification in accordance with the procedures for rejection of an application as set forth in § 89.10 of this part.

(e) If the Assistant Secretary rejects an application as set forth in paragraph (d), the Assistant Secretary may solicit applications from other eligible organizations in order to arrive at a project agreement.

§ 89.12 Award of Federal funds.

(a) The Assistant Secretary may, if an application assures an agreement which is advantageous, approve the application and award funds without negotiation.

(b) The Assistant Secretary may also approve an application as revised during negotiation.

(c) Award of funds will be accomplished through the execution of a project agreement prepared by the Department.

(d) When the applicant is a unit of State or local government, or a nonprofit organization, public or private, the Assistant Secretary shall use a grant agreement to implement the project and award funds.

(e) When the applicant is a unit of the Federal government other than the Department of Labor, the Assistant Secretary shall use an interagency agreement, in document form, to implement the project and award funds.

Subpart C—Project Operations

§ 89.15 General.

(a) This Subpart C states the basic standards which shall be followed by all project sponsors receiving funds under Title V of the Act.

(b) The basic purpose of a project, as outlined in this subpart, is to provide benefits to the enrollees and to the communities in which they work:

(1) *Benefits accruing to eligible persons who enroll in the Senior Community Service Employment Program:* The basic purpose of a project shall be to provide eligible enrollees with the benefits resulting from part-time community service employment, appropriate related supportive services, and, to the extent feasible, the benefits resulting from assistance in obtaining private or other unsubsidized employment. Specifically, benefits and services provided enrollees shall include but are not limited to:

(i) Wages and fringe benefits;

(ii) A continued sense of personal value arising from involvement in worthwile work and participation in the life of the community;

(iii) The acquisition, revitalization or continuation of specific job skills through short-term training in preparation for community service employment and continued training during community service employment;

(iv) A yearly physical examination except when the examination is waived by an applicant or an enrollee as provided for in § 89.21(c) of this part.

(v) Assistance with personal and job-related problems through counseling and referral to human service agencies;

(vi) Provision of important consumer related information in areas such as Social Security benefits, income tax requirements, nutrition, and personal health;

(vii) The acquisition and upgrading of job-seeking skills and other skills designed to enhance the prospects of transition to private or other unsubsidized employment; and

(viii) For as many enrollees as feasible, transition to private or other unsubsidized employment as a result of community service employment work experience, training, job development or other efforts.

(2) *Benefits to communities:* Projects shall provide the community or communities in which they operate with additional dimensions of skills and aptitudes which can be drawn upon to improve and upgrade existing human services or to estabish new human service efforts. Enrollees shall not displace already employed workers or provide services or perform work

assignments that inure mainly to the benefit of private profit-making organizations or that involve highway contruction. Project sponsors shall design community service employment work assignments which, to the extent feasible, respond to the enrollee's aptitudes and preferences and enhance the enrollee's prospects of obtaining private or other unsubsidized employment, thus placing more persons 55 years of age or older into the private work force at self-sustaining wage levels while creating opportunities to serve more individuals through useful community service employment assignments. Community service employment shall enable communities to enhance or establish human service activities that could not normally be enhanced or established with existing community resources.

§ 89.16 Basic responsibilities of the project sponsor.

The Department will hold the project sponsor responsible for: (a) Following and enforcing the requirements set forth in the Act, and regulations promulgated under the act:

(b) Implementing and carrying out the project in accordance with the provisions of the project agreement; and

(c) Assuring that the project enrolls and serves equitably minorities, Indians, individuals who are of limited English proficiency, women, and handicapped individuals.

§ 89.17 Cooperative relationships.

Each project sponsor shall, to the maximum extent feasible, cooperate with each other project sponsor operating or planning to operate a project in the same State.

(a) Objectives of cooperation shall include but not be limited to:

(1) Equitable distribution of community service employment authorized slots among cities, counties, or other appropriate areas in accordance with § 89.5(c) of this part; and

(2) Selection of community service employment occupational categories to provide a variety of work opportunities for enrollees and to produce the most benefits to the community.

(b)(1) Each project sponsor shall, to the extent feasible, establish and maintain cooperative relationships and working linkages with:

(i) Employment and training agencies and, in particular, with agencies operating programs through the Department, including State employment security agencies, CETA prime sponsors, and State employment and training services councils; and

(ii) State and area agencies on aging and other programs and projects being conducted under the Act.

(2) Further, each project sponsor is encouraged to cooperate with other agencies whose cooperation would enhance project success.

(c) Whenever a national organization or other project sponsor plans to conduct a project or projects within a State, that organization or project sponsor shall submit to the State agency on aging for review and comment a description of such planned project or projects to be conducted in the State, including the location of the project, 30 days prior to the effective date of the project agreement authorizing that project. In areas where there is lack of agreement following mutual efforts at cooperation, differences shall be resolved by the Assistant Secretary as provided in § 89.5(d) of this part.

§ 89.18 Recruitment and selection.

Each project sponsor shall recruit and select eligible individuals in sufficient numbers to fill promptly and keep filled to the extent feasible all authorized slots. All vacancies for enrollees shall be listed with an appropriate office of the State employment security agency. Recruitment efforts shall be so designed as to assure equitable participation of groups listed in § 89.16(c) of this part.

§ 89.19 Eligibility for enrollment in SCSEP.

(a) *General.* Eligibility criteria set forth in this section apply to all SCSEP applicants and enrollees. Each project sponsor is responsible for assuring and documenting the eligibility of each enrollee.

(b) *Eligibility criteria.* To be eligible for initial enrollment, reenrollment, or certification for continued enrollment, each individual shall meet the criteria for age, place of residence except for certification for continued enrollment, capacity to perform, and income. These are:

(1) *Age.* Each individual must be no less than 55 years of age. No person shall be determined ineligible solely because of advanced age, and no upper age limit shall be imposed for continued enrollment.

(2) *Place of residence.* Each individual must have a place of residence in the State in which the project sponsor is authorized to operate the project. For the purpose of defining place of residence for this paragraph, the term place of residence shall mean an individual's permanent dwelling place at the time of enrollment. In determining whether a particular place is an individual's permanent dwelling place, the intention of the individual is the key element. No requirement pertaining to length of residency prior to enrollment in a project shall be imposed.

(3) *Capacity to perform.* Each individual must be determined capable of performing the tasks involved in the community service employment assignment proposed during enrollment. Project sponsors should exercise utmost caution and care before reaching unfavorable determinations in this area, since project sponsors should structure worksite tasks suited to the capacities of eligible individuals. Unfavorable determinations in this area shall be documented to the fullest extent possible by project sponsors using objective criteria.

(4) *Income.* The income of a family, including a family of one, shall not exceed the low income standard defined in § 89.2 of these regulations and shall be applied to:

(i) Each individual seeking initial enrollment; and

(ii) Each individual seeking reenrollment after termination from the SCSEP; and

(iii) Each enrollee seeking certification for continued enrollment.

(c) *No additional eligibility criteria.* Project sponsors and their agents shall not impose any additional condition or requirement for enrollment eligibility.

(d) *Special responsibilities of the project sponsor.* (1) Project sponsors shall obtain the personal information necessary for a proper determination of eligibility for each individual.

(i) The information shall be obtained primarily through personal interview and shall be recorded on an intake or application form.

(ii) The information shall be verified by the dated signature of the individual on an intake or application form. Project sponsors are responsible for assuring that the required personal information reported by individuals appears reasonably reliable and consistent.

(2) Project sponsors shall record each determination (preferably on the same form used for intake or application purposes in the case of a prospective enrollee and on a termination form in the case of an enrollee) by indicating the date, the name and title of the project official who made the determination (with the official's written signature), and the grounds for any unfavorable determination.

(3) Each project sponsor shall recertify the income of each enrollee at least once each year between July 1 and June 30, according to the schedule set forth in the project agreement. Enrollees found to be ineligible for continued enrollment because of income shall be given immediate written notice that enrollment

will be terminated 30 days after the notice. Project sponsors shall be responsible for assuring that ineligible enrollees are terminated at the end of this 30-day period.

(4) If at any time the project sponsor discovers that an individual was incorrectly determined to be eligible as a direct result of false information knowingly given by that individual, the individual's enrollment shall be terminated immediately and the project sponsor shall notify the Assistant Secretary.

(5) If at any time the project sponsor determines that an individual was incorrectly determined to be eligible through no fault of the individual, the project sponsor shall give immediate written notice that enrollment will be terminated 30 days after the notice. Project sponsors shall be responsible for assuring that ineligible enrollees are terminated at the end of this 30-day period.

(6) When a project sponsor makes an unfavorable determination on continued eligibility, the sponsor shall explain in writing to the enrollee the reason or reasons for the determination. The project sponsor shall inform each individual affected by an unfavorable determination that the determination may be appealed pursuant to § 89.31(b) of this part.

(7) When a project sponsor makes an unfavorable determination of enrollment eligibility pursuant to paragraphs (d)(3), (d)(5) and (d)(6) of this section, the project sponsor should assure that the individual is referred to other sources of assistance, such as potential private or other unsubsidized employment, employment and training programs, particularly programs operated under CETA, the State employment security agency, social service agencies, the area agency on aging, or to any other agency that may be capable of assisting the individual.

§ 89.20 Enrollment priorities.

(a) In selecting eligible individuals for SCSEP enrollment, the project sponsor shall serve those most in need in the following order:

(1) *First.* Individuals who are 60 years old or older, and within this group of individuals top priority shall be given to those applicants who are the most needy as described in paragraph (a)(3) of this section.

(2) *Second.* Individuals applying for reenrollment following termination from SCSEP because of extended illness or engaging in private or other unsubsidized employment, and within this group of individuals top priority shall be given to those applicants who are the most needy as described in paragraph (a)(3) of this section.

(3) *Third.* Consideration should be given to the remaining applicants most in need. Criteria for determining the most needy applicants may include: the extent to which the applicant's income is below the low income standard defined in § 89.2 of this part, the amount of financial assistance available to the applicant from other sources, and the urgency of the applicant's immediate economic needs, including but not limited to income for subsistence, housing, and medical expenses.

(b) An enrollee in a temporary slot, as defined in §§ 89.2 and 89.34 of these regulations, shall be given first consideration for enrollment in an authorized slot whenever such slot becomes available. Selection for conversion to an authorized slot shall be based on greatest economic need as described in paragraph (a) of this section and on seniority established by time spent in community service employment in a temporary slot.

§ 89.21 Physical examinations.

(a) In order to ensure that enrollees are not assigned to work that will endanger their health or safety; except as provided in paragraph (c) of this section:

(1) Each individual selected for enrollment shall have a physical examination no more than 30 days prior to participating in training or community service employment under the project; and

(2) Each enrollee shall have an additional physical examination at least once each year while engaging in community service employment. No enrollee may participate in community service employment for more than 15 continuous months without a physical examination.

(b) Project sponsors must seek medical services through locally available resources at no cost to the project. Costs of obtaining necessary examinations are allowable only in instances where the service is not otherwise available.

(c) When an individual objects to a physical examination, that individual may waive the examination. In such instances, the project sponsor shall obtain from the individual a signed waiver of an examination.

§ 89.22 Orientation.

(a) Each project sponsor shall, as soon as practicable, provide each individual enrolled in community service employment formal orientation to the project. The orientation shall provide the new enrollee with information related to:

(1) Project objectives;

(2) Available community service employment assignments;

(3) Available training;

(4) Available supportive services;

(5) Plans for transition to private or other unsubsidized employment through job development and related efforts, if appropriate;

(6) The responsibilities of the enrollee; and

(7) The rights of the enrollee.

(b) Project sponsors shall also conduct orientation sessions for host agencies and particularly for those individuals who will supervise enrollees to assure that enrollees will receive adequate supervision, treatment similar to that accorded non-enrollees engaged in similar duties, and opportunities for transitioning to the host agency staff or other private or unsubsidized employment, where possible.

§ 89.23 Assessment.

(a) Project sponsors shall assess each new enrollee to determine the most suitable SCSEP assignment for the individual. The assessment shall be made in consultation with the new enrollee and should consider the individual's:

(1) Preference of occupational category;

(2) Work history;

(3) Skills;

(4) Aptitudes;

(5) Capacity to perform proposed community service employment duties; and

(6) Potential for transition to private or other unsubsidized employment.

(b) The project sponsor shall take specific steps to develop for each individual a community service employment assignment that will be personally rewarding and permit the most effective use of the enrollee's skills and aptitudes.

(c) The project sponsor shall make periodic assessments, no less frequently than once each year, to determine the enrollee's potential for transition to private or other unsubsidized employment.

(d) The assessments required by this section shall be documented and be a part of the enrollee's permanent record.

§ 89.24 Training in preparation for community service employment.

(a) Project sponsors may provide new enrollees with job-related training prior to and as preparation for their actual community service employment under the project. This training may be delivered through lectures, seminars, classroom instruction, or other arrangements including but not limited to arrangements with prime sponsors under CETA. Project sponsors are encouraged to obtain training services through locally available resources, including host agencies, at no cost or reduced cost to the project.

(b) Training in preparation for community service employment, combined with time spent in orientation, shall be completed by the fourth week of the individual's enrollment, except when extended periods are specifically authorized in the project agreement or authorized in writing by the Department of Labor.

(c) Project sponsors shall enroll each individual in the project prior to orientation and training in preparation for community service employment under the project and shall pay such enrollees at no less than the Federal or State minimum wage, whichever is higher.

§ 89.25 Community service employment.

(a) As soon as possible after the completion of an enrollee's orientation and training, if any, the project sponsor shall assign the enrollee to useful part-time community service employment. A community service employment assignment may be:

(1) Developed by or in consultation with a qualifying host agency and supervised by the host agency; or

(2) Created and supervised by the project sponsor or subproject sponsor.

(b) *Hours of community service employment.* (1) Community service employment provided by a project sponsor or project sponsors under the Act shall not exceed 1,300 hours, including paid hours of orientation, training, sick leave and vacation, during the 12-month period beginning with the date of enrollment or the yearly anniversary date of enrollment. The limit of 1,300 hours per 12-month period shall apply to each individual enrollee even though the total hours provided may be provided by more than one project sponsor.

(2) Project sponsors shall not require an enrollee to work more than 20 hours during one week.

(3) Each enrollee shall be offered an average of no fewer than 20 hours of paid participation per week. Shorter periods may be specifically authorized by the project agreement, or in writing by the Department of Labor, or by written agreement between an enrollee and a project sponsor.

(4) The project sponsor shall, to the extent possible, ensure that enrollees work during normal business hours if they so desire.

(c) *Location.* Enrollees shall be employed at worksites in or near the communities where they reside.

(d) *Work assignments.* Enrollees may be employed in projects or at facilities which involve community services such as social, health, welfare and eductional services, legal and other counseling services, including tax assistance and financial counseling, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; environmental quality efforts; and other services which are not only essential and necessary to the community, but which benefit the enrollees in terms of their assessed aptitudes and preferences as described in § 89.23 of these regulations and enhance their potential for transition into private or other unsubsidized employment; except that (1) enrollees shall not be employed in projects involving the construction, operation or maintenance of any facility used as a place for sectarian religious instruction or worship, and (2) enrollees shall not be assigned work involving the building and construction of highways or work which inures primarily to the benefit of private, profitmaking organizations. Project sponsors shall give demonstrable emphasis to work assignments which involve activities delivering direct services to the low-income elderly and the elderly in general and which deliver direct services to the economically disadvantaged. Furthermore, project sponsors shall, to the extent feasible, give enrollees first consideration for work assignments involving the operation of the project.

(e) *Supervision.* Project sponsors shall ensure that host agencies provide adequate orientation and instruction to enrollees regarding job responsibilities and job safety. Project sponsors shall ensure that enrollees receive at least the same level of supervision as regular employees performing similar jobs for the project sponsor, subproject sponsor or host agency. Where an enrollee has been assigned to a host agency, the project sponsor or its agent shall make periodic visits to the enrollee's job site to determine that host agency supervision is adequate, that the enrollee's job duties and hours are consistent with the requirements of this section, that the enrollee's work performance is satisfactory, and to assess the enrollee's potential for transition to private or other unsubsidized employment.

§ 89.26 Training during community service employment and for other employment.

(a) Project sponsors are encouraged to provide enrollees with continued training during community service employment under the project. This training, when conducted, should be concerned mainly with teaching and upgrading job skills to enable enrollees to make the most effective use of their talents and abilities. Training may also provide jobseeking skills in preparation for unsubsidized employment and consumer information in such areas as Social Security benefits, personal health, nutrition, tax requirements, and retirement laws. Such training may be delivered through lectures, seminars, classroom instruction, or through other arrangements. Project sponsors are encouraged to seek and obtain such training services through locally available resources, including host agencies and CETA prime sponsors, at no cost or at reduced cost to the project.

(b) Such training shall be conducted during normal working hours or in lieu of normal working hours. Time spent by an enrolless in such training is enrollment under the project and shall be paid at the enrollee's established rate of pay.

(c) The amount of time spent by an enrollee's in such training shall be reasonable and consistent with the enrollee's work assignment. It is recognized that certain work assignments may require considerable and continuous training or technical instruction. For this reason, no arbitrary time limitation for training is imposed on an individual enrollee. However, project sponsors shall not schedule training for an enrollee which exceeds 20 percent of the total enrollee hours to be worked during the project year without prior written approval from the Assistant Secretary.

(d) Project sponsors able to identify useful training that will result in a reasonable expectation of private or other unsubsidized employment may provide such training, provided that the time limit on total training set forth in paragraph (c) of this section is observed and provided that tuition or any other training-related costs are (1) sought from other sources, and (2) charged to the cost category of Other Enrollee Costs if paid from project funds.

§ 89.27 Enrollee supportive services.

(a) Project sponsors shall provide job-related and personal counseling to enrollees to assist them in successfully participating in community service employment and, where appropriate, to prepare them for private or other

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unsubsidized employment. This assistance shall be readily available to enrollees and, as a minimum, shall provide referral to capable local public or private nonprofit service agencies.

(b) If necessary for successful participation and if not available from other sources, project sponsors may provide incidentals. Examples of items that may be provided include but are not limited to: work shoes, badges, uniforms, safety glasses, eye glasses, and hand tools.

(c) Enrollees engaging in training may be reimbursed at reasonable rates described in the project agreement for the cost of travel and room and board necessary to engage in training.

§ 89.28 Enrollee transportation.

(a) Project sponsors, prior to expending project funds for enrollee transportation, must first seek enrollee transportation from other sources at no cost to the project. Project sponsors may make arrangements and expend project funds for transportation of enrollees, provided that the transportation is: (1) In the direct performance of employment or employment-related activities, or (2) to and from worksites. Such transportation shall be from central pick-up points or along established routes through car pools or through other forms of group transportation.

(b) When enrollee transportation is provided by privately-owned automobile, reimbursement shall not exceed the mileage rate currently in effect for Department of Labor staff.

§ 89.29 Placement into private or other unsubsidized employment.

(a) Project sponsors shall continually work to transition enrollees into private or other unsubsidized employment, thereby creating opportunities for additional persons to enroll in and benefit from community service employment.

(b) Project sponsors shall have as a goal the placement in private or other unsubsidized employment the number of enrollees which equals at least 15 percent of the number of community service employment authorized slots enumerated in the project agreement.

(c) In pursuing this goal, project sponsors are encouraged to: (1) Seek the assistance of the appropriate office of the State employment security agency and local employment and training programs and agencies, including CETA prime sponsors, in identifying unsubsidized job openings, training opportunites, or other job-seeking assistance the agencies are capable of providing;

(2) Encourage host agencies to employ enrollees in their regular work force; and

(3) Contact private and public employers directly to develop or identify suitable job openings.

(d) Project sponsors shall follow up on enrollees who are placed into unsubsidized employment or into a job training program and shall document such followup at least twice during the first 3 months after placement. Followup should be provided as often as necessary to assist in successful participation in unsubsidized employment. Former enrollees who are subsequently discovered to be unemployed are entitled to reenrollment consideration provided that they meet the eligibility criteria as set forth in § 89.19 of this part.

§ 89.30 Duration of enrollment.

No time limitation on enrollment may be established or used within any project except when specifically authorized in writing by the Assistant Secretary.

§ 89.31 Adverse actions against enrollees.

(a) Each project sponsor shall establish and describe in the project agreement, as required in § 89.8(c)(6) of this part, *Application requirements*, procedures for resolving complaints arising between the project sponsor and an enrollee or an individual applying for enrollment.

(b) If a complaint cannot be resolved within 60 days as a result of the project sponsor's procedures, the enrollee or individual applying for enrollment may request a review by the Assistant Secretary of the project sponsor's actions and determinations.

(c) Complaints alleging discrimination on the basis of race, color, religion, sex, national origin, handicap, or age (except when age is a valid consideration under §§ 89.19 and 89.20 of this part) which are not resolved as a result of the project sponsor's procedures, may be filed with the Director, Office of Investigation and Compliance, Employment and Training Administration, U.S. Department of Labor, Washington, D.C. 20213. Such complaints shall be handled in accordance with the procedures at 29 CFR Part 31 and any amendments thereto. When a complaint which has not been resolved as a result of the project sponsor's procedures alleges both discrimination and other violations, those portions of the complaint alleging discrimination shall be handled by the Director of the Office of Investigation and Compliance under the procedures at 29 CFR Part 31; those portions of the complaint alleging other violations shall be subject to paragraph (b) of this section, provided that any hearings and adjudications may be joined.

§ 89.32 Enrollee wages.

(a) While engaged in orientation or training in preparation for community service employment, enrollees shall be paid no less than the Federal or State minimum wage, whichever is higher.

(b) Upon engaging in part-time community service employment under the project, enrollees shall receive wages at a rate no less than the highest of the following:

(1) The minimum wage under Section 6(a)(1) of the Fair Labor Standards Act of 1938;

(2) The State or local minimum wage for that employment or the most nearly comparable employment covered under the State or local minimum wage law; or

(3) The prevailing rate of pay for persons employed in similar public occupations by the project sponsor, the subproject sponsor, or the host agency, as appropriate.

§ 89.33 Enrollee fringe benefits.

(a) Within a project or subproject, fringe benefits shall be administered uniformly to all enrollees, including enrollees in temporary slots.

(b) Project sponsors shall ensure that enrollees receive all fringe benefits required by law.

(c) Where enrollees are not covered by the State Worker's Compensation Law, the project sponsor shall provide enrollees with worker's compensation benefits equal to that provided by law for covered employment.

(d) The project sponsor shall ensure that enrollees in jobs which are covered by the State Unemployment Insurance laws participate in the State Unemployment Insurance program.

(e) The following fringe benefits shall be allowable provided they are administered uniformly to all enrollees within a project or subproject and conform to the established policy of the project sponsor or subproject sponsor for regular employees:

(1) Annual leave;

(2) Sick leave;

(3) Holidays;

(4) Health insurance; and

(5) Any other fringe benefit provided pursuant to the established policy of the project sponsor or subproject sponsor for regular employees, except as limited by paragraph (f) of this section.

(f) Expenditures of Federal funds for contributions into a retirement system or plan is prohibited unless the project sponsor can demonstrate that:

(1) Such contributions bear a reasonable relationship to the cost of providing such benefits to enrollees; and

(2)(i) The enrollees are reasonably likely to receive the value of such contributions because such contributions vest at the time they are made on behalf of the enrollees; or

(ii) The retirement system or plan is of a "defined benefit" type (a system or plan under which a specified benefit is promised employees at retirement) and a separate acturial determination has been made that there is a reasonable likelihood the enrolles will actually receive benefits as a result of the contribution.

§ 89.34 Temporary slots.

Where a portion of project funds is not being used as a result of enrollee absenteeism, attrition, or enrollees who work fewer hours per week than planned, the project sponsor may use these funds during the period of the project agreement to enroll additional eligible individuals in temporary slots. The number of temporary slots may not, without the written approval of the Department, exceed 20 percent of the total number of authorized slots established under the project agreement. In no case may payments to enrollees in temporary slots exceed the amount of the unused funds available. Each individual enrolled in a temporary slot must be informed in writing that the employment is of a temporary nature and may be terminated. Project sponsors shall give enrollees in temporary slots first consideration for enrollment in authorized slots when they become available as required in § 89.20(b) of this part), which deals with enrollment priorities. Project sponsors shall judiciously seek to prevent large numbers of terminations at the completion of a project period.

§ 89.35 Working conditions for enrollees.

No enrollee may be permitted to work in buildings or surroundings or under conditions which are unsanitary, hazardous or dangerous to the enrolle's health or safety.

§ 89.36 Non-Federal status of enrollees.

Enrollees who are employed in any project funded under the Act are not Federal employees as a result of such employment.

§ 89.37 Nondiscrimination.

(a) No person shall on the grounds of race, color, religion, sex, national origin, handicap, or age (except where age is a valid consideration under §§ 89.19 and 89.20 of this part), be excluded from participation in, be denied the benefits of, or be subjected to discrimination in connection with any program or activity funded in whole or in part with funds made available under Title V of the Act. Project sponsors shall comply with the Department of Labor's nondiscrimination requirements at 29 CFR Part 31 and any amendments thereto.

(b) The project sponsor shall be responsible for assuring that no discrimination prohibited by this section occurs in any project for which it has responsibility and shall establish an effective mechanism for this purpose. Any project sponsor which has been determined by the Department of Labor or another Federal, State, or local government agency to have discriminated in its SCSEP project, shall take affirmative action to overcome the effects of that discrimination. Other project sponsors are also encouraged to undertake affirmative action in order to increase the participation of previously underrepresented groups.

(c) Each project agreement made pursuant to the Act shall contain an assurance signed by the project sponsor concerning nondiscrimination in all activities undertaken with funds from the Act.

§ 89.38 Political patronage.

(a) No project sponsor or subproject sponsor may select, reject, or promote an enrollee based on that individual's political affiliation or beliefs. The selection or advancement of enrollees as a reward for political services or as a form of political patronage, whether or not the political service or patronage is partisan in nature, is prohibited.

(b) There shall be no selection of subproject sponsors or host agencies based on political affiliation.

§ 89.39 Political activities.

(a) No project under the Act may involve political activities.

(1) No enrollee may engage in partisan or nonpartisan political activities during hours for which the enrollee is paid with SCSEP funds.

(2) No enrollee may, at any time, engage in partisan political activities in which such enrollee represents himself/herself as a spokesperson of the SCSEP project.

(3) No enrollee may be employed or outstationed in the Office of a member of Congress or a State or local legislator or on any staff of a legislative committee.

(4) No enrollee may be employed or outstationed in the immediate office of any chief-elected executive officer (or officials, if the office of chief executive is shared by more than one person) of a State or unit of general local government except that:

(i) Units of local government in rural areas may employ enrollees in such positions provided that documentation is presented to and approved by the Assistant Secretary which makes clear, that such positions are nonpolitical; and

(ii) Where positions are technically in such office, but are actually program activities not in any way involved in political functions, documentation attesting to the nonpolitical nature of the positions is to be provided to the Assistant Secretary for approval prior to enrollment of enrollees in such positions.

(5) No enrollee may be employed or outstationed in positions involving political activities in the offices of other elected executive officials. However, since under the responsibility of such elected officials are nonpolitical activities, placement of enrollees in such nonpolitical positions is permissible. Project sponsors shall develop safeguards to ensure that enrollees placed in these positions are not involved in political activities. These safeguards shall be described in the project agreement and will be subject to review and monitoring.

(b) Persons governed by Chapter 15 of Title 5, United States Code, the Hatch Act, shall comply with its provisions as interpreted by the United States Office of Personnel Management. These provisions apply:

(1) To persons (including enrollees) employed by States and local government in the administration of the SCSEP projects; and

(2) Generally to any enrollee whose principal employment is in connection with any activity financed by other Federal grants or loans.

§ 89.40 Nepotism.

(a) No project or subproject sponsor or host agency may hire a person in an administrative capacity, staff position, or community service employment slot funded under the Act if a member of that person's immediate family is engaged in an administrative capacity for that project or subproject sponsor or host agency.

(b) For purposes of this section: (1) The term "immediate family" means wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, and stepchild.

(2) The term "person in an administrative capacity" includes those persons who in the administration of projects, subprojects or host agencies have responsibility for or authority over those responsible for the selection of

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enrollees from among eligible applicants.

§ 89.41 Maintenance of effort.

(a) Employment of enrollees funded under the Act shall be only in addition to employment which would otherwise be funded by the project sponsor, the subproject sponsor, and the local host agencies without assistance under the Act.

(b) Projects funded under the Act:

(1) Shall result in an increase in employment opportunities over those which would otherwise be available;

(2) May not result in the displacement of currently employed workers, including partial displacement such as a reduction in hours of non-overtime work, wages, or employment benefits;

(3) May not impair existing contracts for service or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed;

(4) May not substitute project jobs for existing federally-assisted jobs; and

(5) May not employ or continue to employ any enrollee to perform work the same or substantially the same as that performed by any other person who is on layoff.

§ 89.42 Sponsor share of the cost of the project.

The Assistant Secretary will pay not more than 90 percent of the cost of any project which is the subject of an agreement entered into under this Part, except that the Assistant Secretary is authorized to pay all of the costs of any such project which is (a) an emergency or disaster project, (b) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Community Services Administration, or (c) a project permitted under Section 502(e) of the Act.

§ 89.43 Limitations on Federal funds.

(a) No more than 15 percent of the Federal funds provided to a project sponsor under the Act may be expended for administrative costs. Administrative costs include, but are not limited to salaries, wages and fringe benefits for project administrators and staff; costs of consumable office supplies used by project staff; costs incurred in the development, preparation, presentation, management and evaluation of the project; the costs of establishing and maintaining accounting and management information systems; costs incurred in the establishment and maintenance of advisory councils; travel of project administrators; rent, utilities, custodial services and indirect costs allowable to the project; training of staff and technical assistance to subproject sponsor staff; costs of equipment and material for use by staff and enrollees performing staff functions; and audit services. Project sponsors may lower these costs by assigning enrollees in the administration of the project provided that the other provisions of these regulations are met. In such event, enrollee wage and fringe benefit costs shall be charged to the cost category of Enrollee Wages and Fringe Benefits. However, the costs of travel, supplies or related costs incurred by enrollees which, if incurred by a project staff member, would be charged to the cost category of Administration or the cost category of Other Enrollee Costs, shall be charged to the category of Administration or Other Enrollee Costs, as appropriate.

(b) No less than 75 percent of the Federal funds provided to a project sponsor under the Act may be expended for enrollee wages and fringe benefits. Enrollee wages are the wages paid to enrollees for their hours of community service employment, as defined in §§ 89.25(b)(1) and 89.32 of this part; and enrollee fringe benefits as defined in § 89.33 of this part.

(c) Federal funds provided a project sponsor under the Act which are not budgeted or expended for the cost categories of Administration or Enrollee Wages and Fringe Benefits may be budgeted and expended for the cost category of Other Enrollee Costs including, but not limited to:

(1) Physical examinations for enrollees as provided for in § 89.21 of this part;

(2) Orientation of enrollees and host agencies as provided in § 89.22 of this part;

(3) Assessment of enrollees for participation in community service employment and for possible transition to private or other unsubsidized employment as provided in § 89.23 of this part;

(4) Training of enrollees as provided in §§ 89.24 and 89.26 of this part;

(5) The development of community service employment assignments as provided in § 89.25 of this part;

(6) Providing supportive services and materials as provided in § 89.27 of this part;

(7) Providing enrollee transportation as provided in § 89.28 of this part; and

(8) Developing private or other unsubsidized jobs to which enrollees will transition as provided in § 89.29 of this part.

(d) No Federal funds provided to a project sponsor under the Act may be expended directly or indirectly for the purchase, erection or repair of any building except for:

(1) Minor remodeling of a public building necessary to make it suitable for use by project administrators;

(2) Minor repair and rehabilitation of publicly used facilities for the general benefit of the community, and

(3) Minor repair and rehabilitation of low-income housing. For purposes of this paragraph, low-income housing means a dwelling which is occupied by an individual or a family with a low income as defined in § 89.2 of this part and which is owned by the occupant, or is publicly owned, or is owned by a private nonprofit organization.

(e) Within the limitations stated in paragraphs (a) through (d) of this section, no Federal project funds may be expended for purposes other than those permitted by the applicable Federal cost principles which are set forth at 41 CFR 29–70.103.

§ 89.44 Subproject agreements.

(a) Project sponsors may award project funds and enter into agreements with other organizations to implement subprojects only if specifically authorized to do so by the project agreement.

(b) Project sponsors may enter into subproject agreements only with eligible organizations as defined in § 89.2 of this part.

(c) Subproject agreements may not provide for any activity past the completion date of the project agreement.

(d) Project sponsors shall be held directly responsible for the performance and manner of performance of all activity implemented under subproject agreements.

Subpart D—Administrative Standards and Procedures for SCSEP Grants

§ 89.50 General.

(a) This Subpart D describes Federal requirements relating to the administration of grants by project sponsors of Senior Community Service Employment Program projects under Title V of the Act.

(b) As referenced in this Subpart, the requirements set forth at 41 CFR Part 29–70, "Administrative Requirements Governing All Grants and Agreements By Which Department of Labor Agencies Award Funds to State and Local Governments, Indian and Native American Entities, Public and Private Institutions of Higher Education and Hospitals, and Other Quasi-Public and Private Nonprofit Organizations," shall apply to grants (except for the

administration of interagency agreements as set forth at § 89.70) under Title V of the Older Americans Act of 1965, as amended.

(1) The requirements at 41 CFR 29–70.1 set forth the policies which apply to all grants.

(2) The requirements at 41 CFR 29–70.2 implement Office of Management and Budget Circulars A–102 and A–110, and apply to all SCSEP grants and agreements.

§ 89.51 Methods of payment.

Payments will be made to all project sponsors according to provisions of 41 CFR 29–70.210, "Grant or Agreement Payment Requirements."

§ 89.52 Cash depositories.

The standards covering the use of banks and other institutions as depositories for SCSEP funds shall be those set forth at 41 CFR 29–70.201, "Cash Depositories."

§ 89.53 Financial management standards.

Each project sponsor shall establish and maintain a financial management system which meets the standards set forth at 41 CFR 29–70.207, "Standards for Grantee Financial Management Systems." These systems will include audit procedures in conformance with 41 CFR 29–70.207–4, "Federal and Non-Federal Audit Requirements."

§ 89.54 Bonding and insurance.

Each project sponsor shall comply with bonding and insurance requirements set forth at 41 CFR 29–70.202, "Bonding and Insurance."

§ 89.55 Project income.

All income realized as a result of SCSEP activities shall be subject to the provisions of 41 CFR 29–70.205, "Program Income and Interest Earned."

§ 89.56 Property management standards.

Property management standards for project sponsors are those set forth at 41 CFR 29–70.215, "Property Management Standards."

§ 89.57 Procurement standards.

Procurement standards for project sponsors are those set forth at 41 CFR 29–70.216, "Procurement Standards, Required Provisions for Recipient Contracts." For purposes of this Part, "procurement" does not include the award of subproject agreements described in § 89.44 of this part.

§ 89.58 Matching share.

The criteria and procedures for evaluating and determining the allowability of cash and in-kind contributions by project sponsors to satisfy the 10 percent matching requirements are those described at 41 CFR 29–70.206, "Matching Share."

§ 89.59 Financial reporting requirements.

Each project sponsor shall submit to the Department those financial reports described at 41 CFR 29–70.208, "Financial Reporting Requirements."

§ 89.60 Monitoring and reporting project performance requirements.

(a) Each project sponsor shall monitor and report project performance as required at 41 CFR 29–70.209, "Monitoring and Reporting of Program Performance."

(b) Each project sponsor shall periodically submit a Senior Community Service Employment Program Quarterly Progress Report (QPR). This report shall be prepared to coincide with the ending dates for Federal fiscal year quarters and shall be submitted to the Department no later than 30 days after the end of the quarterly reporting period. If the grant period ends on a date other than the last day of a Federal fiscal year quarter, a final report covering the entire grant period shall be submitted no later than 30 days after the ending date. The Department will provide specific instructions for the preparation of this report. The QPR shall provide:

(1) Enrollment level, enrollment turnover and placements into private or other unsubsidized employment;

(2) The allocation of authorized slots among specific community service areas;

(3) The characteristics of enrollees by race, color, sex, national orgin, age, handicap, education, veteran status, and income;

(4) The average wage paid enrollees; and

(5) A brief narrative account of significant project accomplishments and problem areas.

§ 89.61 Modification and budget revision procedures.

Modifications to SCSEP project agreements and revisions of SCSEP project budgets shall be in accordance with 41 CFR 29–70.211, "Modifications and Budget Revision Procedures."

§ 89.62 Retention of records.

Each project sponsor shall be responsible for all records, documents and files required under these regulations. Retention of and access to those records, reports, documents, and files shall be as provided at 41 CFR 29–70.203, "Retention of and Custodial Requirements for Records."

§ 89.63 Suspension and termination procedures.

(a) Suspension of a project agreement is an action by the Assistant Secretary which temporarily suspends Federal Assistance under the agreement pending corrective action by the project sponsor or pending a decision by the Assistant secretary to terminate the agreement. In the event that the Assistant Secretary determines that a project sponsor has failed to comply with stipulations, standards, or conditions of the project agreement, the Assistant Secretary may, on reasonable notice to the project sponsor, suspend the agreement and withhold further payments, or prohibit the project sponsor from incurring additional obligations against Federal funds pending corrective action or a decision to terminate in accordance with paragraph (b)(1) of this section. The Assistant Secretary may allow all necessary and proper costs which could not reasonably be avoided during the period of suspension provided that the costs meet the provisions of applicable cost principles.

(b) The termination of an agreement is the cancellation of Federal assistance, in whole or in part, under an agreement at any time prior to the completion date. An agreement may be terminated under the following conditions:

(1) The Assistant Secretary may terminate any agreement, in whole or in part, at any time before the date of completion whenever it is determined that the project sponsor has failed to comply with the conditions of the agreement. The Assistant Secretary will promptly notify the project sponsor in writing of the determination and the reasons for the termination, together with the effective date.

(2) An agreement may be terminated in whole or in part when both the project sponsor and the Assistant Secretary agree that the continuation of the project will not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The project sponsor shall not incur new obligations for the terminated portion after the effective date and shall cancel as many outstanding obligations as possible. The assistant Secretary will allow full credit to the project sponsor for the Federal share of the noncancellable obligations properly incurred by the project sponsor prior to terminations.

§ 89.64 Grant closeout procedures.

(a) Subsequent to the completion date of the project agreement, the grant must

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be closed out. Grant closeout is the process by which the Department determines that all required administrative actions and all required grant work have been completed by the project sponsor and the Department. The Department will notify each project sponsor of the procedures involved in the closeout of the grant. These procedures include:

(1) If grant payments are made on a letter of credit, the Department will notify the project sponsor that the letter of credit is to be cancelled and that following cancellation, any further payments under the grant will be made by treasury check upon submission and approval of the required payment requests.

(2) Upon receipt and approval of the necessary requests, the Department will make prompt payment to the project sponsor for allowable costs under the grant being closed out.

(3) Upon the Department's request, the project sponsor shall immediately refund any unencumbered balance of cash drawn down from the letter of credit or advanced by Treasury check.

(4) Within 90 days after the project agreement completion date or on a date set by the Department, the project sponsor shall submit the following financial and inventory reports:

(i) A final Financial Status Report;

(ii) A copy of the final Senior Community Service Employment Program Quarterly Progress Report;

(iii) The Grantee's Assignment of Refunds, Rebates, and Credits;

(iv) Bank Statement or Financial Account;

(v) Cancellation or Adjustment of Fidelity Bond;

(vi) A list of possible claimants, if any, for unclaimed checks cancelled or payment stopped;

(vii) Grant Closeout Tax Certification;

(viii) Government Property Inventory; and

(ix) Inventory Certificate.

(5) Within 90 days after the completion date, or on a date set by the Department, the project sponsor shall submit a Grantee's Release form.

(6) After receipt of the documents and final reports described in paragraphs (a)(4) and (a)(5) of this section, the Department will make settlement for any upward or downward adjustment to the Federal share of costs.

(7) In the event a final audit has not been performed prior to closeout of the grant, the Department retains the right to recover disallowed costs, if any, resulting from the final audit.

Subpart E—Interagency Agreements

§ 89.70 Administration.

(a) The Assistant Secretary will require other Federal establishments which receive and use funds under the Act to submit financial reports and project progress reports. However, the Assistant Secretary will not require these reports to be submitted more frequently than quarterly.

(b) The Assistant Secretary will require other Federal establishments which receive and use funds under the Act to maintain the standard records on individual enrollees and enrollee activities.

(c) In all aspects of project administration other than those described in paragraphs (a) and (b) of this section, Federal establishments which receive and use funds under the Act may use their normal administrative procedures.

Subpart F—Assessment and Evaluation

§ 89.80 General.

The Department will assess project sponsors to determine whether they are carrying out the purposes and provisions of the Act in accordance with their project agreements. The Assistant Secretary will also evaluate the overall program conducted under the Act to aid in the overall administration of the Act.

§ 89.81 Limitation.

The Assistant Secretary shall not, in arranging for the assessment of the project sponsors or the evaluation of the overall program under the Act, use for such assessment or evaluation any nongovernmental individual, institution, or organization which is associated with any project sponsor under the Act as a consultant, technical advisor, or in any similar capacity.

Signed at Washington, D.C., this 18th day of March 1980.

Ray Marshall,

Secretary of Labor.

[FR Doc. 80-8981 Filed 3-24-80; 8:45 am]

BILLING CODE 4510-30-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
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DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner—

13069 2–28–80 / Use of Materials Bulletin No. 77a for cast iron sanitary drainage system with hubless pipe and fittings

NUCLEAR REGULATORY COMMISSION

68184 11–28–79 / Physical protection upgrade rules
[Corrected at 45 FR 10328, 2–15–80]

PERSONNEL MANAGEMENT OFFICE

6114 1–25–80 / Training regulations

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1980)

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19697 **Confidentiality of Statistical and Research Data** Justice announces competitive research solicitation; apply by 4–28–80

19868 **Fair Market Rents** HUD/FHC issues regulations regarding median gross rents charged for available standard units; effective 4–26–80, retroactive to 3–29–80 (Part VI of this issue)

19708 **Gifts to Federal Employees** State submits listing of gifts to Federal employees from Foreign Governments in calendar year 1979

19546 **Income Tax** Treasury/IRS issues regulation regarding percentage to be used by foreign life insurance companies in computing income tax for the taxable year 1979 and estimated tax for taxable year 1980; effective 3–15–80

19741, 19743 **Treasury Notes** Treasury announces interest rate on Notes of Series Q–1982 and auction of Treasury bonds of 1995 (2 documents)

19590 **Interest Rates** USDA/Sec'y issues notice of proposed policy change of interest rates awarded in reparation proceedings; comments by 5–1–80

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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19550 **Foreign Government Information** Information Security Oversight Office requires that guidelines for systematic review of foreign government information be developed; effective 3–26–80

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Presidential Documents

Title 3—

The President

Memorandum of March 24, 1980

Determination Under Section 202(b) of the Trade Act; Leather Wearing Apparel

Memorandum for the United States Trade Representative

Pursuant to section 202(b)(1) of the Trade Act of 1974 (P.L. 93–618, 88 Stat. 1978), I have determined the action I will take with respect to the report of the United States International Trade Commission (USITC), transmitted to me on January 24, 1980, concerning the results of its investigation of a petition for import relief filed by the National Outerwear and Sportswear Association, the Amalgamated Clothing and Textile Worker's Union, the International Ladies' Garment Workers Union, the United Food and Commercial Workers Union, and the Tanners' Council of America, Inc., on behalf of the domestic industry producing leather wearing apparel, provided for in item 791.76 of the Tariff Schedules of the United States (TSUS).

After considering all relevant aspects of the case, including those considerations set forth in section 202(c) of the Trade Act of 1974, I have determined that expedited adjustment assistance is the most effective remedy for the injury suffered by the domestic leather wearing apparel industry, and that import relief is not in the national economic interest.

Expedited adjustment assistance is the only positive action that would aid the adjustment process of the industry without being inflationary or possibly causing a further erosion in consumer demand by further increasing prices. Firm adjustment assistance would facilitate the purchase of new equipment and the implementation of new marketing techniques that the industry has stated would be its primary adjustment actions if import relief were granted.

The imposition of import relief itself would have an inflationary impact and consumer cost that I consider unacceptable in light of the strong emphasis that this Administration places on its anti-inflation efforts.

Also, it is not clear that the industry would be in a position to compete once relief expires.

I have directed the Secretaries of Commerce and Labor to give expeditious consideration to any petitions for adjustment assistance filed by firms producing leather wearing apparel, by their workers, and by communities impacted by imports of such articles.

This determination is to be published in the **Federal Register.**

Jimmy Carter

THE WHITE HOUSE,
Washington, March 24, 1980.

[FR Doc. 80–9360
Filed 3–24–80; 4:18 pm]
Billing code 3195–01–M

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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 204

Transfer of Service Office From Tokyo, Japan to Seoul, Korea, Establishment of Service Office in Bangkok, Thailand, and Resulting Changes in Responsibility for Approving Relative Petitions by Consular Officers at These Locations

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rulemaking order amends the regulations of the Immigration and Naturalization Service to reflect the transfer of the Service's Tokyo, Japan foreign office to Seoul, Korea, the opening of a new office at Bangkok, Thailand, and the resulting changes in authority for approving Form I–130 relative petitions by State Department consular officers in the related foreign States.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT

For general information: Stanley J. Kierszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536. Telephone: (202) 633–3048.

For specific information: Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536. Telephone: (202) 633–3946.

SUPPLEMENTARY INFORMATION: This final rulemaking order amends 8 CFR 204.1(a) by deleting reference to Tokyo, Japan and adding Seoul, Korea and , Bangkok, Thailand as new foreign offices of the Service. By agreement with the Department of State, American consular officers who issue visas are also authorized to approve Form I–130 relative petitions when the Service does not have a foreign office in that country. The two foreign offices of the Service at Seoul and Bangkok have relieved the consular offices of this added responsibility at these locations. The large volume of petitions the consular offices were required to process necessitated this realignment. In the absence of a Service office in Tokyo, consular officers in Japan are now authorized to approve relative petitions when the petitioner and beneficiary are physically present in the consular district, and the Department of State proposes to amend its regulations to assign this responsibility to its consular officers in Japan.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is hereby amended.

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

1. In Part 204, § 204.1(a) the fourth sentence is amended by deleting "Japan" and adding "Korea" and "Thailand" and rearranging the named countries therein in alphabetical sequence. As amended the fourth sentence of § 204.1(a) reads as follows:

§ 204.1 Petition.

(a) *Relative.* * * * American Consular Officers assigned to visa issuing posts abroad, except those in Austria, Germany, Greece, Hong Kong, Italy, Korea, Mexico, the Philippines, and Thailand are also authorized to approve any petition on Form I–130 when the petitioner and beneficiary are physically present in the area over which the consular officers have jurisdiction.

* * * * *

(Sec. 103, 204, 8 U.S.C. 1103, 1154)

This amendment is published pursuant to 5 U.S.C. 552 as amended by Pub. L. 93–502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1. Compliance with the provisions of 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment in this order relates to agency organization and procedure.

Effective date: This amendment becomes effective on April 25, 1980.

Dated: March 19, 1980.

David Crosland,
Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80–9183 Filed 3–25–80; 8:45 am]
BILLING CODE 4410–10–M

8 CFR Parts 212 and 235

Mexican Border Visitor's Permit; Redesignation of Form SW–434 as Form I–444

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the regulations of the Immigration and Naturalization Service by redesignating the form number of the Mexican Border Visitor's Permit from Form SW–434 to Form I–444 wherever the former appears in the regulations. The change is necessary for administrative purposes to update the regulations.

EFFECTIVE DATE: March 25, 1980.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: In order to include in the regulations reference to Form I–444 as the Mexican Border Visitor's Permit, the following amendments are hereby prescribed to Chapter I of Title 8 of the Code of Federal Regulations:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.6 [Amended]

1. § 212.6(a) is amended by changing "SW–434" to "I–444" in the fourth sentence.

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

§ 235.1 [Amended]

2. § 235.1(f)(iii) is amended by changing "SW–434" to "I–444" in the last sentence.

3. § 235.1(f)(iv) is amended by changing "SW–434" to "I–444" in the second sentence.

4. § 235.1(g) is amended by changing "SW–434" to "I–444", wherever it appears in the title or text of the paragraph.

(Sec. 103, 8 U.S.C. 1103)

These amendments are published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93–502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendments contained in this order are editorial in nature.

Effective date: These amendments become effective on March 25, 1980.

Dated: March 19, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-9162 Filed 3-25-80; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 276

[Docket No. RM79-30]

Reports for Sales of Natural Gas Under Sections 105, 106(b) and 109 of the NGPA Order Extending Filing Date for 1979 Reports Until Further Notice

AGENCY: Federal Energy Regulatory Commission.

ACTION: Extension of due date for 1979 Part 276 annual reports.

SUMMARY: Section 276.102 through 276.106 of the Commission's Regulations provide that annual reports under the Natural Gas Policy Act of 1978 are to be filed by April 1st of each year. This order extends the April 1, 1980 filing deadline for the annual reports for calendar year 1979. The Commission believes that a review of the Part 276 regulations is necessary in order to reevaluate the regulatory need for reports on an annual basis and to address problems experienced in the past year associated with initial reports.

DATE: The April 1, 1980 filing deadline is extended until further notice.

FOR FURTHER INFORMATION CONTACT: Scott E. Koves, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357–8317.

SUPPLEMENTARY INFORMATION:

Issued: March 14, 1980.

Sections 276.102, 276.103, 276.104, 276.105, and 276.106 provide that annual reports under Part 276 of the Commission's regulations are to be filed by April 1st of each year. The first such annual reports are due April 1, 1980.

The Commission believes that a review of the Part 276 regulations is necessary in order to reevaluate the regulatory need for reports on an annual basis and to address problems experienced in the past year associated with initial reports. We believe that a reduction in future reporting burdens may be possible without reducing the effectiveness of our compliance program.

Accordingly, we find that good cause exists to extend the upcoming April 1, 1980, filing deadline for Part 276 annual reports until further notice.

The Commission orders:

The April 1, 1980, filing deadline for part 276 annual reports is extended until further notice.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9075 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Income Tax: Taxable Years Beginning After Dec. 31, 1953; Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for the Taxable Year 1979 and Estimated Tax for the Taxable Year 1980

AGENCY: Department of the Treasury.

ACTION: Proclamation.

SUMMARY: This proclamation announces the percentage to be used to compute the income tax liability of foreign corporations carrying on life insurance business in the United States.

EFFECTIVE DATE: March 15, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Hudson Milner, Office of Tax Analysis, U.S. Treasury Department, Washington, D.C. 20220, (202–566–2705), not a toll free call.

SUPPLEMENTARY INFORMATION: This proclamation, issued each year by the Secretary of the Treasury, announces the percentage to be used to compute the income tax liability of foreign corporations carrying on life insurance business in the United States.

Proclamation

For purposes of computing the 1979 income tax of foreign coporations carrying on a life insurance business, a percentage of 13.9 shall be used in determining the "minimum figure" under section 819. The same percentage shall be used for purposes of computing the estimated tax and the installment payments of estimated tax for the taxable year 1980. No additions to tax shall be made because of any underpayment of estimated tax for the taxable year 1980 which results solely from the use of this percentage.

This proclamation is issued without notice and public procedure because the public cannot effectively participate in the determination of the percentage. It is computed from information contained in income tax returns that are not open to the public. The proclamation was not published prior to its effective date because the percentage is computed on the basis of data which was not then available.

Donald C. Lubick,

Assistant Secretary (Tax Policy).

March 12, 1980.

[FR Doc. 80-9099 Filed 3-25-80; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 368

[DoD Directive 5100.1] [1]

Functions of the Department of Defense and Its Major Components

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule establishes policy, provides guidance and prescribes the functions of the Department of Defense and its Components under the authority of the National Security Act of 1947, which provides a comprehensive program for the security of the United States.

EFFECTIVE DATE: January 26, 1980.

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelpia, PA 19120. Attention: Code 301.

FOR FURTHER INFORMATION CONTACT: Mr. H. Becker, Office of the Assistant Secretary of Defense (Comptroller), Organizational and Management Planning, The Pentagon, Washington, D.C. 20301, telephone: 202–695–4281.

Accordingly, 32 CFR Chapter I, is amended by the addition of Part 368, reading as follows:

PART 368—FUNCTIONS OF THE DEPARTMENT OF DEFENSE AND ITS MAJOR COMPONENTS

Sec.

368.1 Purpose.
368.2 Organizational relationships in the Department of Defense.
368.3 Functions of the Department of Defense.
368.4 Functions of the Joint Chiefs of Staff.
368.5 Functions of the military departments and the Military Services.
368.6 Functions of DoD Agencies.

Authority: 50 U.S.C. 401; 10 U.S.C. 125.

§ 368.1 Purpose.

(a) Under the authority of Title 50, U.S.C., Section 401, Section 2 of the National Security Act of 1947, as amended, Congress described the basic policy embodied in the Act as follows:

"In enacting this legislation, it is the intent of Congress to provide a comprehensive program for the future security of the United States; to provide for the establishment of integrated policies and procedures for the departments, agencies, and functions of the Government relating to the national security; to provide a Department of Defense, including the three military departments of the Army, the Navy (including naval aviation and the United States Marine Corps), and the Air Force under the direction, authority, and control of the Secretary of Defense; to provide that each military department shall be separately organized under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense; to provide for their unified direction under civilian control of the Secretary of Defense but not to merge these departments or services; to provide for the establishment of unified or specified combatant commands, and a clear and direct line of command to such commands; to eliminate unnecessary duplication in the Department of Defense, and particularly in the field of research and engineering by vesting its overall direction and control in the Secretary of Defense; to provide more effective, efficient, and economical administration in the Department of Defense; to provide for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces but not to establish a single Chief of Staff over the armed forces nor an overall armed forces general staff."

(b) To provide guidance in accordance with the policy declared by Congress, the Secretary of Defense, with the approval of the President, hereby promulgates the following statement of the functions of the Department of Defense and its major components.

§ 368.2 Organizational relationships in the Deparment of Defense.

(a) All functions in the Department of Defense and its component agencies are performed under the direction, authority, and control of the Secretary of Defense.

(b) The Department of Defense includes the Office of the Secretary of Defense, the Military Departments and the Military Services within those Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and such other agencies as the Secretary of Defense establishes to meet specific requirements.

(1) In providing immediate staff assistance and advice to the Secretary of Defense the Office of the Secretary of Defense and the Organization of the Joint Chiefs of Staff, though separately identified and organized, function in full coordination and cooperation in accordance with DoD Directive 5158.1,[1] "Organization of the Joint Chiefs of Staff and Relationships With the Office of the Secretary of Defense," January 26, 1980.

(i) The Office of the Secretary of Defense includes the offices of the Under Secretaries of Defense; Assistant Secretaries of Defense; the General Counsel of the Department of Defense; the Assistants to the Secretary of Defense; and such other staff offices as the Secretary of Defense establishes to assist him in carrying out his duties and responsibilities. The functions of the heads of these offices shall be as assigned by the Secretary of Defense in accordance with existing laws.

(ii) The Joint Chiefs of Staff, as a group, are directly responsible to the Secretary of Defense for the functions assigned to them. Each member of the Joint Chiefs of Staff, other than the Chairman, is responsible for keeping the Secretary of his Military Department fully informed on matters considered or acted upon by the Joint Chiefs of Staff.

(2) Each Military Department (the Department of the Navy to include naval aviation and the United States Marine Corps) shall be separately organized under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense. The Secretary of a Military Department shall be responsible to the Secretary of Defense for the operation of such Department as well as its efficiency. Orders to the Military Departments shall be issued through the Secretaries of these Departments, or their designees, by the Secretary of Defense or under authority specifically delegated in writing by the Secretary of Defense or provided by law.

(3) Commanders of Unified and Specified Commands are responsible to the President and the Secretary of Defense for the accomplishment of the military missions assigned to them. The chain of command runs from the President to the Secretary of Defense and through the Joint Chiefs of Staff to the commanders of Unified and Specified Commands. Orders to such commanders shall be issued by the President or the Secretary of Defense, or by the Joint Chiefs of Staff by the authority and direction of the Secretary of Defense. These commanders shall have full operational command over the forces assigned to them and shall perform such functions are are prescribed by the Unified Command Plan and other directives issued by competent authority.

(c) The functions assigned hereafter may be transferred, reassigned, abolished, or consolidated by the Secretary of Defense in accordance with the procedures established and the authorities provided in the National Security Act of 1947, as amended (10 U.S.C. 125).

§ 368.3 Functions of the Department of Defense.

As prescribed by higher authority, the Department of Defense shall maintain and employ armed forces to:

(a) Support and defend the Constitution of the United States against all enemies, foreign and domestic.

(b) Ensure, by timely and effective military action, the security of the United States, its possessions, and areas vital to its interest.

(c) Uphold and advance the national policies and interests of the United States.

(d) Safeguard the internal security of the United States.

§ 368.4 Functions of the Joint Chiefs of Staff.

The Joint Chiefs of Staff, consisting of the Chairman; the Chief of Staff, U.S. Army; the Chief of Naval Operations; the Chief of Staff, U.S. Air Force; and the Commandant of the Marine Corps, and supported by the Organization of the Joint Chiefs of Staff, constitute the immediate military staff of the Secretary of Defense. The Joint Chiefs of Staff are the principal military advisers to the President, the National Security Council, and the Secretary of Defense. In performance of their functions of advising and assisting the Secretary of Defense, and subject to the authority

[1] See footnote.

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and direction of the President and the Secretary of Defense, it shall be the duty of the Joint Chiefs of Staff to:

(a) Serve as advisers and as military staff in the chain of operational command with respect to Unified and Specified Commands, to provide a channel of communications from the President and Secretary of Defense to Unified and Specified Commands, and to coordinate all communications in matters of joint interest addressed to the commanders of the Unified or Specified Commands by other authority.

(b) Prepare strategic plans and provide for the strategic direction of the armed forces, including the direction of operations conducted by commanders of Unified and Specified Commands and the discharge of any other function of command for such commands directed by the Secretary of Defense.

(c) Prepare joint logistic plans and assign logistic responsibilities to the Military Services and Defense Logistics Agency in accordance with those plans; ascertain the logistic support available to execute the general war and contingency plans of the commanders of the Unified and Specified Commands; review and recommend to the Secretary of Defense appropriate logistic guidance for the Military Services which, if implemented, shall result in logistic readiness consistent with the approved strategic plans.

(d) Prepare integrated plans for military mobilization.

(e) Provide adequate, timely, and reliable joint intelligence for use within the Department of Defense.

(f) Review major personnel, materiel, and logistic requirements of the armed forces in relation to strategic and logistic plans.

(g) Review the plans and programs of commanders of Unified and Specified Commands to determine their adequacy, feasibility, and suitability for the performance of assigned missions.

(h) Provide military guidance for use by the Military Departments, the armed forces, and the defense agencies in the preparation of their respective detailed plans.

(i) Participate, as directed, in the preparation of combined plans for military action in conjunction with the armed forces of other nations.

(j) Recommend to the Secretary of Defense the establishment and force structure of Unified and Specified Commands in strategic areas.

(k) Determine the headquarters support, such as facilities, personnel, and communications, required by commanders of Unified and Specified Commands, and recommend the assignment to the Military Departments of the responsibilities for providing such support.

(l) Establish doctrines for unified operations and training, and for coordination of the military education of members of the armed forces.

(m) Recommend to the Secretary of Defense the assignment of primary responsibility for any function of the armed forces requiring such determination and the transfer, reassignment, abolition, or consolidation of such functions.

(n) Prepare and submit to the Secretary of Defense, for information and consideration in connection with the preparation of budgets, statements of military requirements based upon U.S. strategic considerations, current national security policy, and strategic war plans. These statements of requirements shall include tasks, priority of tasks, force requirements, and general strategic guidance for developing military installations and bases and for equipping and maintaining military forces.

(o) Advise and assist the Secretary of Defense in research and engineering matters by preparing: statements of broad strategic guidance to be used in the preparation of an integrated DoD program; statements of overall military requirements; statements of the relative military importance of development activities to meet the needs of the Unified and Specified commanders; and recommendations for the assignment of specific new weapons to the armed forces.

(p) Prepare and submit to the Secretary of Defense for information and consideration general strategic guidance for the development of industrial mobilization programs.

(q) Prepare and submit to the Secretary of Defense military guidance for use in the development of military aid programs and other actions relating to foreign military forces, including recommendations for allied military force, materiel, and facilities requirements related to U.S. strategic objectives, current national security policy, strategic war plans, and the implementation of approved programs; and make recommendations to the Secretary of Defense, as necessary, to keep the Military Assistance program in consonance with agreed strategic concepts.

(r) Provide U.S. representation on the Military Staff Committee of the United States Mission to the United Nations, in accordance with the provisions of the Charter of the United Nations, and representation on other properly authorized military staffs, boards, councils, and missions.

(s) Perform such other duties as the president or the Secretary of Defense may prescribe.

§ 368.5 Functions of the Military Departments and the Military Services.

(a) The chain of command for purposes other than the operational direction of Unified and Specified Commands runs from the President to the Secretary of Defense to the Secretaries of the Military Departments.

(b) The Military Departments, under their respective Secretaries and in accordance with § 368.2 and 4, shall:

(1) Prepare forces and establish reserves of equipment and supplies for the effective prosecution of war, and plan for the expansion of peacetime components to meet the needs of war.

(2) Maintain mobile reserve forces in readiness, properly organized, trained, and equipped for employment in an emergency.

(3) Provide adequate, timely, and reliable departmental intelligence for use within the Department of Defense.

(4) Organize, train, and equip forces for assignment to Unified or Specified Commands.

(5) Recommend appropriate logistic guidance to the Secretary of Defense for their respective Military Departments that, if implemented, will result in logistic readiness consistent with approved strategic guidance; and verify the continuing adequacy of approved logistic guidance and the resources available to their respective Military Departments.

(6) Prepare and submit budgets to the Secretary of Defense for their respective Departments; justify budget requests before the Congress as approved by the Secretary of Defense; and administer the funds made available for maintaining, equipping, and training the forces of their respective Departments, including those assigned to Unified and Specified Commands. The budget submissions to the Secretary of Defense by the Military Departments shall be prepared, among other considerations, on the basis of the advice of commanders of forces assigned to Unified and Specified Commands. Such advice, in the case of component commanders of Unified Commands, will be in agreement with the plans and programs of the respective Unified Commanders.

(7) Conduct research; develop tactics, techniques, and organization; and develop and procure weapons, equipment, and supplies essential to fulfill the functions hereafter assigned.

(8) Develop, garrison, supply, equip, and maintain bases and other installations, including lines of communication, and provide

administrative and logistic support for all forces and bases.

(9) Provide, as directed, such forces, military missions, and detachments for service in foreign countries as may be required to support the national interest of the United States.

(10) Assist in training and equipping the military forces of foreign nations.

(11) Assist each other in the accomplishment of their respective functions, including the provision of personnel, intelligence, training, facilities, equipment, supplies, and services.

(c) The forces developed and trained to perform the primary functions set forth hereafter shall be employed to support and supplement the other Military Services in carrying out their primary functions, where and whenever such participation shall result in increased effectiveness and shall contribute to the accomplishment of the overall military objectives. As for collateral functions, while the assignment of such functions may establish further justification for stated force requirements, such assignment shall not be used as the basis for establishing additional force requirements.

(1) *Functions of the Department of the Army.* (i) The Department of the Army is responsible for the preparation of land forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated mobilization plans, for the expansion of the peacetime components of the Army to meet the needs of war.

(ii) The Army, within the Department of the Army, includes land combat and service forces and such aviation and water transport as may be organic therein.

(iii) The primary functions of the Army are to:

(A) Organize, train, and equip Army forces for the conduct of prompt and sustained combat operations on land; specifically, forces to defeat enemy land forces and to seize, occupy, and defend land area.

(B) Organize, train, and equip Army air defense units, including the provision of Army forces as required for the defense of the United States against air attack, in accordance with doctrines established by the Joint Chiefs of Staff.

(C) Organize, equip, and provide Army forces in coordination with the other Services, for joint amphibious and airborne operations, and to provide for the training of such forces, in accordance with doctrines established by the Joint Chiefs of Staff.

(*1*) Develop, in coordination with the other Services, doctrines, tactics, techniques, and equipment of interest to the Army for amphibious operations not provided for in § 368.5(c)(2)(iii)(B)(*3*) and § 368.5(c)(2)(iii)(D).

(*2*) Develop, in coordination with the other Military Services, the doctrines, procedures, and equipment employed by Army and Marine Forces in airborne operations. The Army shall have primary interest in the development of those airborne doctrines, procedures, and equipment that are of common interest to the Army and the Marine Corps.

(D) Provide an organization capable of furnishing adequate, timely, and reliable intelligence for the Army.

(E) Provide forces for the occupations of territories abroad, to include the initial establishment of military government pending the transfer of this responsibility to other authority.

(F) Formulate doctrines and procedures for the organizing, equipping, training, and employment of forces operating on land, except that the formulation of doctrines and procedures for the organization, equipping, training, and employment of Marine Corps' units for amphibious operations shall be a function of the Department of the Navy, coordinating as required by § 368.5(c)(2)(iii)(B)(*3*).

(G) Conduct the following activities:

(*1*) Functions relating to the management and operation of the Panama Canal as assigned by the Secretary or Deputy Secretary of Defense.

(*2*) The authorized civil works program, including projects for improvement of navigation, flood control, beach erosion control, and other water resource developments in the United States, its territories, and its possessions.

(*3*) Certain other civil activities prescribed by law.

(d) The collateral functions of the Army are to train forces to interdict enemy sea and air power and communications through operations on or from land.

(2) *Functions of the Department of the Navy.* (i) The Department of the Navy is responsible for the preparation of Navy and Marine Corps forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated mobilization plans, for the expansion of the peacetime components of the Navy and Marine Corps to meet the needs of war.

(ii) Within the Department of the Navy, the Navy includes naval combat and service forces and such aviation as may be organic therein, and the Marine Corps includes not less than three combat divisions and three air wings and such other land combat, aviation, and other services as may be organic therein.

(iii) The primary functions of the Navy and the Marine Corps are to:

(A) Organize, train, and equip Navy and Marine Corps forces for the conduct of prompt and sustained combat operations at sea, including operations of sea-based aircraft and land-based naval air components, specifically, forces to seek out and destroy enemy naval forces and to suppress enemy sea commerce, to gain and maintain general naval supremacy, to control vital sea areas, to protect vital sea lines of communication, to establish and maintain local superiority (including air) in an area of naval operations, to seize and defend advanced naval bases, and to conduct such land and air operations as may be essential to the prosecution of a naval campaign.

(B) Maintain the Marine Corps, whose specific functions are to:

(*1*) Provide Fleet Marine forces of combined arms, together with supporting air components, for service with the Fleet in the seizure or defense of advanced naval bases and for the conduct of such land operations as may be essential to the prosecution of a naval campaign. These functions do not contemplate the creation of a second land Army.

(*2*) Provide detachments and organizations for service on armed vessels of the Navy, and security detachments for the protection of naval property at naval stations and bases.

(*3*) Develop, in coordination with the other Military Services, the doctrines, tactics, techniques, and equipment employed by landing forces in amphibious operations. The Marine Corps shall have primary interest in the development of those landing force doctrines, tactics, techniques, and equipment that are of common interest to the Army and the Marine Corps.

(*4*) Train and equip, as required, Marine Forces for airborne operations in coordination with the other Military Services and in accordance with doctrines established by the Joint Chiefs of Staff.

(*5*) Develop, in coordination with the other Military Services, doctrines, procedures, and equipment of interest to the Marine Corps for airborne operations not provided in § 368.5(c)(1)(iii)(C)(2).

(C) Organize and equip, in coordination with the other Military Services, and provide naval forces, including naval close air-support forces, for the conduct of joint amphibious operations, and be responsible for the amphibious training of all forces

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assigned to joint amphibious operations, in accordance with doctrines established by the Joint Chiefs of Staff.

(D) Develop, in coordination with the other Military Services, the doctrines, procedures, and equipment of naval forces for amphibious operations, and the doctrines and procedures for joint amphibious operations.

(E) Furnish adequate, timely, and reliable intelligence for the Navy and Marine Corps.

(F) Organize, train, and equip naval forces for naval reconnaissance, antisubmarine warfare, and the protection of shipping and minelaying, including the air aspects thereof, and controlled minefield operations.

(G) Provide air support essential for naval operations.

(H) Provide sea-based air defense and the sea-based means for coordinating control for defense against air attack, coordinating with the other Military Services in matters of joint concern.

(I) Provide naval forces, including naval air forces, for the defense of the United States against air attack, in accordance with doctrines established by the Joint Chiefs of Staff.

(J) Furnish aerial photography, as necessary, for Navy and Marine Corps operations.

(iv) The collateral functions of the Navy and the Marine Corps are to train forces to:

(A) Interdict enemy land and air power and communications through operations at sea.

(B) Conduct close air and naval support for land operations.

(C) Furnish aerial photography for cartographic purposes.

(D) Participate in the overall air effort, when directed.

(E) Establish military government, as directed, pending transfer of this responsibility to other authority.

(3) *Functions of the Department of the Air Force.* (i) The Department of the Air Force is responsible for the preparation of the air forces necessary for the effective prosecution of war, except as otherwise assigned, and, in accordance with integrated mobilization plans, for the expansion of the peacetime components of the Air Force to meet the needs of war.

(ii) The Air Force, within the Department of the Air Force, includes aviation forces, both combat and service, not otherwise assigned.

(iii) The primary functions of the Air Force are to:

(A) Organize, train, and equip Air Force forces for the conduct of prompt and sustained combat operations in the air, specifically, forces to defend the United States against air attack in accordance with doctrines established by the Joint Chiefs of Staff, to gain and maintain general air supremacy, to defeat enemy air forces, to control vital air areas, and to establish local air superiority, except as otherwise assigned herein.

(B) Develop doctrines and procedures, in coordination with the other Military Services, for the unified defense of the United States against air attack.

(C) Organize, train, and equip Air Force forces for strategic air warfare.

(D) Organize and equip Air Force forces for joint amphibious and airborne operations, in coordination with the other Military Services, and provide for their training in accordance with doctrines established by the Joint Chiefs of Staff.

(E) Furnish close combat and logistical air support to the Army, to include air lift, support, and resupply of airborne operations, aerial photography, tactical reconaissance, and interdiction of enemy land power and communications.

(F) Provide air transport for the armed forces, except as otherwise assigned.

(G) Develop, in coordination with the other Military Services, doctrines, procedures, and equipment for air defense from land areas, including the continental United States.

(H) Formulate doctrines and procedures for the organizing, equipping, training, and employment of Air Force forces.

(I) Provide an organization capable of furnishing adequate, timely, and reliable intelligence for the Air Force.

(J) Furnish aerial photography for cartographic purposes.

(K) Develop, in coordination with the other Military Services, tactics, techniques, and equipment of interest to the Air Force for amphibious operations not provided in § 368.5(c)(2)(iii)(B)(*3*) and § 368.5(c)(2)(iii)(D).

(L) Develop, in coordination with the other Military Services, doctrines, procedures, and equipment employed by Air Force forces in airborne operations.

(iv) The collateral functions of the Air Force are to train forces to:

(A) Interdict enemy sea power through air operations.

(B) Conduct antisubmarine warfare and protect shipping.

(C) Conduct aerial minelaying operations.

§ 368.6 Functions of DoD Agencies.

(a) Defense Advanced Research Projects Agency (DARPA). See Part 358 of this title.

(b) Defense Audit Service (DAS). See DoD Directive 5105.48,[1] October 14, 1976.

(c) Defense Audiovisual Agency (DAVA). See Part 205 of this title.

(d) Defense Communications Agency (DCA). See Part 362 of this title.

(e) Defense Contract Audit Agency (DCAA). See Part 357 of this title.

(f) Defense Intelligence Agency (DIA). See Part 354 of this title.

(g) Defense Investigative Service (DIS) See Part 361 of this title.

(h) Defense Logistics Agency (DLA). See Part 359 of this title.

(i) Defense Mapping Agency (DMA). See Part 360 of this title.

(j) Defense Nuclear Agency (DNA). See DoD Directive 5105.31,[1] November 3, 1971.

(k) Defense Security Assistance Agency (DSAA). See Part 363 of this title.

(l) The National Security Agency and the Central Security Service. See DoD Directive S–5100.20, December 23, 1971.

Dated: March 21, 1980.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 80-9181 Filed 3-25-80; 8:45 am]

BILLING CODE 3810-70-M

[1] Footnote precedes.

INFORMATION SECURITY OVERSIGHT OFFICE

32 CFR Part 2002

Guidelines for Systematic Review of Foreign Government Information 30 Years Old or Older

AGENCY: Information Security Oversight Office.

ACTION: Final rule.

SUMMARY: Executive Order 12065 (43 FR 28949, July 3, 1978) Section 3–404 and Information Security Oversight Office Directive No. 1 (43 FR 46280, October 5, 1978) require that guidelines for sytematic review of foreign government information be developed. The purpose of this rule is to achieve consistency in the declassification of foreign government information by promulgating a single guideline rather than having each agency with original classification authority publish its own version.

EFFECTIVE DATE: March 26, 1980.

FOR FURTHER INFORMATION CONTACT: Robert W. Wells, Acting Director, ISOO, at (202) 633–6880.

SUPPLEMENTARY INFORMATION: These guidelines have been coordinated with all agencies having original classification authority and were proposed at 44 FR 71842, December 12, 1979. A minimal number of comments were received from the public and executive branch agencies. These comments were given full consideration during the finalization of the guidelines. Most changes recommended were minor in nature and the final rule is substantially the same as the proposed rule.

Robert W. Wells,

Acting Director, Information Security Oversight Office.

March 24, 1980.

PART 2002—GUIDELINES FOR SYSTEMATIC REVIEW OF FOREIGN GOVERNMENT INFORMATION 30 YEARS OLD OR OLDER

Sec.

2002.1 Purpose.
2002.2 Definitions.
2002.3 Scope.
2002.4 Agency responsibilities.
2002.5 Effect of publication.
2002.6 Categories requiring item-by-item review.
2002.7 Referral and decision.
2002.8 Downgrading.

Authority: Sec. 3–404, E.O. 12065, 43 FR 28949, July 3, 1978.

§ 2002.1 Purpose.

These Guidelines for the systematic review and declassification of foreign government information have been developed in accordance with the provisions of Section 3–404 of Executive Orders 12065, "National Security Information," and § 2001.32 of Information Security Oversight Office Directive No. 1. All foreign government information constituting permanently valuable records of the United States Government, for which a prior declassification date has not been established, shall be systematically reviewed for declassification as it becomes thirty years old. Foreign government information found to be within one of the specific categories of information listed in § 2002.6 shall be reviewed item-by-item by authorized personnel of the agency or agencies concerned to determine whether continued protection beyond thirty years is needed. All foreign government information not identified in these Guidelines as requiring item-by-item review and for which a prior declassification date has not been established shall be declassified at the end of thirty years from the date of original classification.

§ 2002.2 Definitions.

"Foreign government information" as used in these Guidelines consists of:

(a) Documents or material provided by a foreign government or governments international organization of governments, or any element thereof in the expectation, expressed or implied, that the document, material, or the information contained therein is to be held in confidence;

(b) Documents originated by the United States that contain classified information provided, in any manner, to the United States by foreign governments, international organizations of governments, or elements thereof, with the expectation, express or implied, that the information will be held in confidence;

(c) Classified information or material produced by the United States pursuant to or as a result of a joint arrangement, evidenced by an exchange of letters, memorandum of understanding, or other written record, with a foreign government or organization of governments requiring that the information, the arrangement, or both be kept in conficence.

§ 2002.3 Scope.

(a) These Guidelines apply to 30-year old foreign government information which has been received or classified by the United States Government or its agents.

(b) Atomic energy information (including that originated prior to 1947 and not marked as such, that received from the United Kingdom or Canada marked "Atomic," and that received from NATO marked "Atomal") which is defined and idetified as Restricted Data or Formerly Restricted Data in Sections 11y and 142d of the Atomic Energy Act of 1954, as amended, is outside the scope of these Guidelines and is not subject to systematic review and may not be automatically downgraded or declassified. Any document containing information within the definition of Restricted Data or Formerly Restricted Data that is not so marked will be referred to the Department of Energy Office of Classification for review and appropriate marking, except for licensing and related regulatory matters which shall be referred to the Division of security, U.S. Nuclear Regulatory Commission.

§ 2002.4 Agency responsibilities.

(a) Foreign government information transferred to the General Services Administration for accession into the National Archives of the United States shall be reviewed for declassification by the Archivist of the United States in accordance with Executive Order 12065, the directives of the Information Security Oversight Office, these Guidelines, any applicable terms of accession, and any supplemental guidelines provided by the agency with classification jurisdiction over the information.

(b) Foreign government information constituting permanently valuable records of the government (as defined in 44 U.S.C. 2103) that is 30 years old and undergoing systematic review for declassification while in the custody of an agency shall, except as provided in § 2002.3 be reviewed for declassification and downgrading by that agency in accordance with Executive Order 12065, the directives of the Information Security Oversight Office, these Guidelines, and any supplemental internal agency guidelines.

(c) Foreign government information falling within any of the categories listed in § 2002.6 of these Guidelines shall be declassified or downgraded only upon specific authorization of the agencies to which the information was furnished by the foreign government or international organization of governments concerned and/or which have classification jurisdiction over it. When such information is in the custody of an agency but was furnished to or classified by, or is otherwise under the classification jurisdiction of another agency or agencies the information shall be referred thereto for review. Information so referred shall remain classified until all reviewing agencies have authorized its declassification. If the custodial agency cannot readily identify the agency or agencies having classification jurisdiction, the information shall be referred in accordance with § 2002.7 of these Guidelines for review or further referral.

(d) Consultations with foreign governments concerning the proposed declassification of foreign government information shall be the responsibility of the agency having classification jurisdiction over the information affected.

(e) Foreign government information falling within any of the categories listed in § 2002.6 of these Guidelines appearing in White House documents, which is either identifiable as having been furnished or appears to have been frunished by a foreign government shall be reviewed by designated White House personnel and further referred for review to any other agencies whose classification interest is indicated by the nature or content of the documents.

§ 2002.5 Effect of publication.

(a) Foreign government information shall be considered declassified when published in an unclassified United States Government executive branch publication (e.g., the Foreign Relations of the United States series) or when cleared for such publication by United

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States Government executive branch officials authorized to declassify the information; or if officially published as unclassified by the foreign government(s) or international organization(s) of governments that furnished the information unless the fact of the U.S. Government's possession of the information requires continued protection.

(b) The unofficial publication, in the United States or abroad, of foreign government information contained in United States or foreign documents, or of substantially similar information, does not in or of itself constitute or permit the declassification of such documents. Although prior unofficial publication is a factor to be considered in the systematic review process and may affect determinations as to continuation of classification, there may be valid reasons for continued protection of the information which could preclude its declassification. In particular, the classification status of foreign government information which concerns or derives from intelligence activities, sources or methods shall not be affected by any unofficial publication of identical or similar information. The final determination as to the declassification of foreign government information similar to or identical with unofficially published information shall be made by the agency or agencies having classification jurisdiction over it.

§ 2002.6 Categories requiring item-by-item review.

Foreign government information falling into the specific categories listed below shall be reviewed for declassification in accordance with § 2002.1.

(a) Information exempted from declassification under any joint arrangement evidenced by an exchange of letters, memorandum of understanding, or other written record, with the foreign government or international organization of governments, or element(s) thereof, that furnished the information. Questions concerning the existence or applicability of such arrangements shall be referred to the agency or agencies holding classification jurisdiction over the records under review.

(b) Information related to the safeguarding of nuclear materials or facilities, foreign and domestic, including but not necessarily limited to vulnerabilities and vulnerability assessments of nuclear facilities and Special Nuclear Material.

(c) Nuclear arms control information (see also paragraph (k) of this section).

(d) Information regarding foreign nuclear programs (other than Restricted Data and Formerly Restricted Data), such as:

(1) Nuclear weapons testing.

(2) Nuclear weapons storage and stockpile.

(3) Nuclear weapons effects, hardness, and vulnerability.

(4) Nuclear weapons safety.

(5) Cooperation in nuclear programs including, but not limited to, peaceful and military applications of nuclear energy.

(6) Exploration, production and import of uranium and thorium from foreign countries.

(e) Information concerning intelligence or counterintelligence sources, methods or activities including but not limited to intelligence, counterintelligence and covert action programs, plans, policies, operations, or assessments; or which would reveal or identify:

(1) Any present, past or prospective undercover personnel, installation, unit, or clandestine human agent, of the United States or a foreign government;

(2) Any present, past or prospective method, procedure, mode, technique or requirement used or being developed by the United States or by foreign governments, individually or in combination, to produce, acquire, transmit, analyze, correlate, assess, evaluate or process intelligence or counterintelligence, or to support an intelligence or counterintelligence source, operation, or activity;

(3) The present, past or proposed existence of any joint United States and foreign government intelligence, counterintelligence, or covert action activity or facility, or the nature thereof.

(f) Information that could result in or lead to actions which would place an individual in jeopardy attributable to disclosure of the information, including but not limited to:

(1) Information identifying any individual or organization as a confidential source of intelligence or counterintelligence.

(2) Information revealing the identity of an intelligence, counterintelligence or covert action agent or agents.

(g) Information about foreign individuals, organizations or events which, if disclosed, could be expected to:

(1) Adversely affect a foreign country's or international organization's present or future relations with the United States.

(2) Adversely affect present or future confidential exchanges between the United States and any foreign government or international organization of governments.

(h) Information related to plans (whether executed or not, whether presented in whole or in part), programs, operations, negotiations, and assessments shared by one or several foreign governments with the United States, including but not limited to those involving the territory, political regime or government of another country, and which if disclosed could be expected to adversely affect the conduct of U.S. foreign policy or the conduct of another country's foreign policy with respect to a third country or countries. This item would include contingency plans, plans for covert political, military or paramilitary activities or operations by a foreign government acting alone or jointly with the United States Government, and positions or actions taken by a foreign government alone or jointly with the United States concerning border disputes or other territorial issues.

(i) Information concerning arrangments with respect to foreign basing of cryptologic operations and/or foreign policy considerations relating thereto.

(j) Scientific information such as that concerning space, energy, climatology, communications, maritime, undersea, and polar projects, that could be expected to adversely affect current and/or future exchanges of such information between the United States and any foreign governments or international organizations of governments.

(k) Information on foreign policy aspects of nuclear matters, the disclosure of which could be expected to adversely affect cooperation between one or more foreign governments and the United States Government.

(l) Nuclear propulsion information.

(m) Information concerning the establishment, operation, and support of nuclear detection systems.

(n) Information concerning or revealing military or paramilitary escape, evasion, cover or deception plans, procedures, and techniques whether executed or not.

(o) Information which could adversely affect the current or future usefulness of military defense policies, programs, weapon systems, operations, or plans.

(p) Information concerning research, development, testing and evaluation of chemical and biological weapons and defense systems; specific identification of chemical and biological agents and munitions; and chemical and biological warfare plans.

(q) Technical information concerning weapons systems and military equipment that reveals the capabilities, limitations, or vulnerabilities of such systems or equipment and that could be exploited to destroy, counter, render ineffective or neutralize such weapons or equipment.

(r) Cryptologic information, including cryptologic sources and methods, currently in use. This includes information concerning or revealing the processes, techniques, operations, and scope of signal intelligence comprising communications intelligence, electronics intelligence, and telemetry intelligence, the cryptosecurity and emission security components of communications security, and the communications portion of cover and deception plans.

(s) Information concerning electronic warfare (electronic warfare support measures, electronic counter-countermeasures) or related activities, including but not necessarily limited to:

(1) Nomenclature, functions, technical characteristics or descriptions of communications and electronic equipment, its employment/development, and its association with weapon systems or military operations.

(2) The processes, techniques, operations or scope of activities involved in the acquisition, analysis and evaluation of such information, and the degree of success achieved by the above processes, techniques, operations or activities.

(t) Present, past or proposed protective intelligence information relating to the sources, plans, techniques, equipment and methods in carrying out assigned duties of protecting United States Government officials or other protectees abroad and foreign officials while in the United States or United States possessions. This includes information concerning the identification of witnesses, informants and persons suspected of being dangerous to persons under protection.

(u) Information on deposits of foreign official institutions in United States banks and on foreign official institutions' holdings, purchases and sales of long-term marketable securities in the United States.

(v) Information concerning economic and policy studies and sensitive assessments or analyses of economic conditions, policies or activities of foreign countries or international organizations of governments received through the Multilateral Development Banks and Funds or through the International Monetary Fund (IMF) and the Organization for Economic Cooperation and Development (OECD).

(w) Information described in § 2002.6 (a) through (v) contained in correspondence, transcripts, memoranda of conversation, or minutes of meetings between the President of the United States or the Vice President of the United States and foreign government officials.

(x) Information described in § 2002.6 (a) through (v) contained in documents originated by or sent to the Assistant to the President for National Security Affairs, his Deputy, members of the National Security Council staff, or any other person on the White House or the Executive Office of the President staffs performing national security functions.

(y) Federal agency originated documents bearing Presidential, National Security Council, or White House or Executive Office of the President staffs comments relating to categories of information described in § 2002.6 (a) through (v).

(z) Information as described in § 2002.6 (a) through (v) contained in correspondence to or from the President or the Vice President, including background briefing memoranda and talking points for meetings between the President or the Vice President and foreign government officials, and discussions of the timing and purposes of such meetings.

(aa) Information as described in § 2002.6 (a) through (v) contained in agency message traffic originated by White House or Executive Office of the President staffs members but sent through agency communication networks.

§ 2002.7 Referral and decision.

(a) When the identity of agencies having classification jurisdiction over foreign government information is not apparent to the agency holding the information, or when reviewing officials do not possess the requisite expertise, classification jurisdiction for systematic review shall be transferred as follows:

(1) Categories § 2002.6 (b) through (d), Department of Energy or Nuclear Regulatory Commission (as appropriate).

(2) Categories § 2002.6 (e) and (f), Central Intelligence Agency.

(3) Categories § 2002.6 (g) through (k), Department of State.

(4) Categories § 2002.6 (l) through (s), Department of Defense.

(5) Categories § 2002.6 (t) and (v), Department of the Treasury.

(6) Categories § 2002.6 (w) through (aa), National Security Council.

(b) Agencies shall declassify information when it is determined after any necessary consultation with other United States agencies and, as appropriate, with foreign governments and international organization of governments that the information no longer requires classification protection. If it is determined that classification must be extended beyond 30 years, the provisions of § 2001.32 of Information Security Oversight Office Directive No. 1 apply.

§ 2002.8 Downgrading.

Foreign government information classified Top Secret may be downgraded to Secret after 30 years unless an agency with classification jurisdiction over it determines on its own authority, or after consultation, as appropriate, with the foreign government or international organization of governments which furnished the information, that it requires continued protection at the Top Secret level.

[FR Doc. 80-9187 Filed 3-25-80; 8:45 am]
BILLING CODE 6820-27-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL 1446-2]

Air Quality Control Regions, Criteria and Control Techniques; Section 107—Attainment Status Designations—Pennsylvania

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces final designation of air quality status in three Pennsylvania regions. The Harrisburg Air Basin is designated nonattainment for the secondary total suspended particulate (TSP) ambient air quality standard, and the Cities of Sharon and Farrell are designated nonattainment for the primary TSP standard. The Saron and Farrell designations affect only two persons that challenged earlier designation.

EFFECTIVE DATE: For the Harrisburg air basin March 26, 1980; for the city of Sharon and the city of Farrell on or before April 25, 1980.

ADDRESSES: Copies of the written and oral public hearing testimony are available for public inspection during normal business hours at the following locations:

Air, Toxics and Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, Curtis Building, 10th floor, 6th & Walnut Streets, Philadelphia, PA 19106;

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental

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Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:
Mr. Harold A. Frankford (3AH12), Air Programs Branch, Air, Toxics & Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, 10th Floor, Curtis Building, Philadelphia, PA 19106 (215) 597–8392.

SUPPLEMENTARY INFORMATION:

I. Background

The 1977 Amendments to the Clean Air Act added Section 107(d) which directed each State, within 120 days after the Amendments were enacted, to submit to the Administrator a list describing the National Ambient Air Quality Standards attainment status for all areas within the State. The Administrator was then required to promulgate the State lists, with any necessary modifications, as a final rule within sixty days of their submittal.

On December 5, 1977, the Commonwealth of Pennsylvania submitted to EPA a list of air quality attainment designations. For total suspended particulate (TSP), the designations were based on either modeling data or monitoring data. In its designations, the Commonwealth of Pennsylvania designated the Allentown-Bethlehem-Easton Air Basin, the Harrisburg Air Basin, the City of Sharon and City of Farrell as nonattainment areas for primary TSP standards.

On March 3, 1978, 44 FR 8962, the Administrator published Pennsylvania's designations as final agency action effective immediately, and solicited comments in the 60-day period following publication.

On May 1, 1978, the Bethlehem Steel Corporation and the Sharon Steel Corporation filed petitions for review in the United States Court of Appeals for the Third Circuit challenging the Administrator's March 3, 1978 designations of the Allentown-Bethlehem-Easton Air Basin, the Harrisburg Air Basin, the City of Farrell, and the City of Sharon as nonattainment areas. The Third Circuit decided April 25, 1979 that the Administrator lacked good cause to dispense with the Administrative Procedure Act's requirements of prior notice and an opportunity to comment and the Court remanded the matter to the Administrator with its instructions "* * * that the Administrator shall forbear from applying to Sharon and Bethlehem any of the requirements or sanctions imposed on nonattainment areas by the 1977 amendments to the Clean Air Act until the Administrator shall have conducted a limited legislative hearing in which he gives these two companies the required statutory notice and opportunity for participation and comments as provided by the EPA, 5 U.S.C. 553 (1976)." *Sharon Steel Corp.* v. *EPA*, 597 F.2d 377 381–82 (1979). The Commonwealth of Pennsylvania subsequently asked EPA to redesignate the Harrisburg Air Basin nonattainment for secondary, rather than primary, TSP standards. 44 FR 38585 (1979).

II. Public Hearings

On May 25, 1979, EPA published a notice, 44 FR 30338, of public hearings which were held on June 25, 1979 and June 28, 1979, in Philadelphia and Pittsburgh, respectively, for the purpose of allowing the Bethlehem Steel Corporation, Sharon Steel Corporation and other interested persons the opportunity to comment on EPA's nonattainment designations for these areas. The Administrator provided for a ten-day period following each public hearing during which written comments could be submitted.

III. Evaluation of Written and Oral Testimony

A. Harrisburg Air Basin

Although the Harrisburg Air Basin is currently designated as a nonattainment area for primary TSP standards, the State requested, and EPA proposed, that this air basin be redesignated as nonattainment for the secondary TSP standard, 44 FR 38585 (1979). In the May 25, 1979 notice of public hearing, EPA announced that any comments submitted for the record of the June 25, 1979 public hearing would be considered in taking final action on this proposed redesignation.

At the public hearing, Bethlehem Steel presented testimony stating that only one monitor (Middletown) located according to the SAMWG requirements (40 CFR Part 58) showed nonattainment, yet several monitors located between the Bethlehem Steel Plant and Middletown showed attainment of the TSP standards. Therefore, Bethlehem Steel contended that only Middletown Borough, rather than the entire air basin, should be considered as a nonattainment area for the secondary TSP standard. Bethlehem Steel further contended that the Middletown monitor may not be valid because it is too close to the roadway.

The Pennsylvania DER submitted testimony in favor of designating the entire Harrisburg Air Basin as a nonattainment area for the secondary TSP standard. The Commonwealth contended that modeling studies predicted violations of the secondary TSP standard throughout the air basin. The State also argued that the measured violations are caused by a multitude of sources rather than specific point sources. Further, the State considers the Middletown modeling site to be valid.

Upon the review of comments received at the public hearing and during the public comment period, and upon the record of its earlier determinations, EPA has determined that the State modeling study is valid in its assumptions, and that the location of the Middletown monitor is an acceptable site. Therefore, the Administrator is today designating the Harrisburg Air Basin as a nonattainment area for the secondary TSP standard. The Administrator finds good cause to make this designation immediately effective in order to lift the growth restrictions that would be applicable in nonattainment areas without approved state implementation plans. The state has revised its implementation plan to achieve the secondary TSP standard, but not the primary TSP standard. Consequently, this redesignation from nonattainment of the primary TSP standard to the secondary TSP standard needs to have immediate effect.

B. City of Sharon/City of Farrell

At the June 28, 1979 public hearing held in Pittsburgh, the Sharon Steel Corporation presented testimony contending that the Cities of Sharon and Farrell, both of which are currently designated as primary nonattainment areas for TSP, should be redesignated as "unclassified" for the following reasons:

1. Localized construction activity took place near the Sharon monitor during 1976, the year for which Pennsylvania submitted air quality data which showed violations of primary TSP standards.

2. In 1977, the street adjacent to the building on which the monitor is located was resurfaced. Sharon Steel argued that fugitive dust from the above mentioned activities caused the violations recorded at the Sharon monitor site.

3. In 1978, traffic was rerouted to streets adjacent to the building on which the TSP monitor is located because of highway construction.

4. Air quality data from the Farrell monitor should be discounted because the monitor was not located in accordance with the requirements of 40 CFR Part 58. Sharon Steel further contended that the air quality data should be considered invalid because of poor quality assurance procedures.

5. Of the particulates concentration measured by the high-volume sampler, the measured contributions from "settleable particulates" is 30 ug/m³. Therefore, the TSP level is only 45 ug/m³.

6. EPA has accepted other redesignations because of improperly located or improperly operated monitors.

7. There are apparent discrepancies between recorded air quality data and the predicted air quality levels from Pennsylvania's modeling study.

The Shenango Valley Chamber of Commerce presented testimony in favor of redesignating the City of Sharon and the City of Farrell as "unclassified" because of the poor location of the Farrell monitor and the probable impact of the construction activities on the Sharon monitor.

The Pennsylvania Department of Environmental Resources presented testimony supporting the current nonattainment designation. While the Sate recognized that air qualtiy data from the Farrell monitor may be invalid, the air quality data from the Sharon monitor is valid. The air quality data from the Sharon monitor show violations of the primary TSP standards. In addition, modeling studies performed by DER predict violations of primary TSP standards in both Sharon and Farrell.

Upon the close of the public comment period, EPA reviewed both the oral and written testimony and has determined that the modeling submitted by the State is valid in its assumptions. EPA also reviewed the monitoring sites in Sharon and in Farrell. The Sharon monitor is a rooftop monitor located approximately 18 meters (60 feet) above the ground, and therefore would not be influenced by vehicle-related TSP emissions. Therefore, EPA today approves the designation of the City of Sharon a primary nonattainment area with respect to TSP, as it affects the petitioners in *Sharon Steel Corp.* v. *EPA*. The designation as to all other persons is not affected by this action.

The Farrell monitor does not meet the siting requirements of 40 CFR Part 58 and should be relocated. However, in view of the fact that the modeling study is judged to be valid, and in view of the fact that Section 107 designation may be based on either modeling or monitoring data, EPA today approves the degination of the City of Farrell a primary nonattainment area with respect to TSP so far as this designation affects Sharon Steel and Bethlehem Steel. The designation changes for both Sharon and Farrell will take effect 30 days from the date of publication of this notice. The existing designation of nonattainment of primary TSP standards as to all other persons is not affected by this action.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and, therefore, subject to the procedural requirements of the Order, or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 107, 301, Clean Air Act as amended (42 U.S.C. 7407, 7601))

Dated: March 20, 1980.

Douglas M. Costle,
Administrator.

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended to read as follows. Section 81.339 is revised to read as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.339 Pennsylvania.

Pennsylvania—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
I. Metropolitan Philadelphia Interstate AQCR				
(A) City of Philadelphia				
Census tracts: 1–12, 125–142, 144–157, 162–177, 190–205, 293, 294, 298–302, 315–321, 323, 325, 326, 329–332.		X		
Census tracts: 13–75, 143, 158–161, 178–189, 295–297, 322, 324, 327.			X	
Balance of City				X
(B) Montgomery County				
Conshohocken Boro		X		
West Conshohocken Boro			X	
Lower Merion Boro			X	
Narberth Boro			X	
Upper Merion Twp			X	
Bridgeport Boro			X	
Norristown Boro			X	
Plymouth Twp			X	
Whitemarsh Twp			X	
Lansdale Boro				X
Montgomery Twp			X	
Upper Gwynedd Twp			X	
North Wales Boro			X	
Towamencin Twp			X	
Hatfield Twp			X	
Hatfield Boro			X	
Pottstown Boro		X		
West Pottsgrove Twp			X	
Upper Pottsgrove Twp			X	
Lower Pottsgrove Twp			X	
Upper Providence Twp			X	
(C) Chester County				
South Coatesville Boro		X		
City of Coatesville			X	
Caln Twp			X	
East Fallowfield Twp			X	
Modena Boro			X	
Valley Twp			X	
North Coventry Twp			X	
East Coventry Twp			X	
Phoenixville Boro		X		
Schuylkill Twp			X	
(D) Remaining Pennsylvania Portion of AQCR				X
II. Northeast Pennsylvania Interstate AQCR				
(A) Allentown, Bethlehem, Easton Air Basin	X			
(B) Reading Air Basin		X		
(C) Scranton, Wilkes-Barre Air Basin		X		
(D) Remaining Pennsylvania Portion of AQCR				X
III. South Central Pennsylvania Intrastate AQCR				
(A) Lancaster Air Basin	X			
(B) Harrisburg Air Basin		X		
(C) York Air Basin	X			
(D) Remainder of AQCR				X
IV. Central Pennsylvania Intrastate AQCR				
(A) Johnstown Air Basin	X			
(B) Lycoming County		X		
City of Williamsport			X	
South Williamsport Boro			X	
Duboistown Boro			X	
Armstrong Twp			X	
Susquehanna Twp			X	
Woodward Twp			X	
Old Lycoming Twp			X	
Loyalsock Twp			X	
Montoursville Boro			X	

Pennsylvania—TSP—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
(C) Blair County				
City of Altoona		X		
Logan Twp			X	
Allegheny Twp			X	
(D) Remainder of AQCR				X
V. Southwest Pennsylvania Interstate AQCR				
(A) Monongahela Valley Air Basin	X			
(B) Allegheny County Air Basin	X			
(C) Beaver Valley Air Basin	X			
(D) Remainder of AQCR				X
VI. Northwest Pennsylvania Interstate AQCR				
(A) Erie Air Basin	X			
(B) Mercer County				
City of Sharon	X			
City of Farrell	X			
Hickory Twp			X	
Sharpsville Boro			X	
Wheatland Boro			X	
(C) Beaver Valley Air Basin	X			
(D) Remaining Pennsylvania Portion of AQCR				X

[FR Doc. 80-9132 Filed 3-25-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 403

[FRL 1446-7]

General Pretreatment Regulation; Extension of Deadlines for Electroplaters Discharging to Publicly Owned Treatment Works and Sampling Guidance

AGENCY: Environmental Protection Agency.

ACTION: Extension of Deadlines for Electroplaters.

SUMMARY: Pretreatment standards for the Electroplating Point Source Category (40 CFR Part 413) were published in the **Federal Register** on September 7, 1979 (44 FR 52590) and became effective on October 9, 1979. The promulgation of these standards triggered certain requirements and activities for electroplaters under the General Pretreatment Regulations (40 CFR Part 403). The United States Environmental Protection Agency is today extending the deadlines for completion of activities and requirements under the General Pretreatment Regulations which were triggered by the promulgation of the electroplating standards. The periods allowed to make categorical determination requests (§ 403.6), fundamentally different factors variance requests (§ 403.13), and for submission of the baseline monitoring report (§ 403.12) will now commence 14 days after the effective date of this notice. In addition, this notice serves to extend the deadline for seeking a Net/Gross credit as provided for in the Electroplating Standard (44 FR 52619). The period during which this credit may be requested will commence 14 days after the effective date of this notice. This notice does not extend the final compliance date of October 12, 1982. Additionally, this notice provides guidance on the sampling required for preparation of the baseline monitoring report by industrial users subject to the Electroplating Categorical Pretreatment Standard.

EFFECTIVE DATE: March 26, 1980.

FOR FURTHER INFORMATION CONTACT: William R. Diamond, Office of Water Enforcement (EN-336), Environmental Protection Agency, 401 "M" Street, S.W., Washington, DC 20460 (202) 755-0750.

SUPPLEMENTARY INFORMATION: Time frames for the completion of certain requirements and activities by industries under the General Pretreatment Regulations are triggered by the promulgation of categorical pretreatment standards for those industries. Industrial users who wish to request a written certification of their applicable subcategory must do so within 30 days after the effective date of a pretreatment standard under which they believe themselves to be included (40 CFR 403.6(a)(1)). Industrial users desiring a variance from a categorical pretreatment standard for fundamentally different factors must submit the request within 90 days after promulgation of the standard (40 CFR 403.13(e)). Existing industrial users subject to a categorical pretreatment standard are required to submit a baseline monitoring report within 180 days after promulgation of the standard (40 CFR 403.12 (b)).

The categorical pretreatment standard for electroplaters discharging into POTWs became effective October 9, 1979. This standard includes a provision allowing electroplaters to request credit for regulated pollutants present in intake waters (44 FR 52619). The provision requires that any industrial user wishing to obtain this credit apply for it within 60 days after the effective date of the standard.

Although the electroplating standard took effect on October 9, 1979, the development document supporting that standard was not available for the general public. The information contained in the development document is important to an industrial user both in deciding whether or not to submit any of these requests and as evidence in support of a submission. The electroplating development document became available to the public on January 10, 1980. It may be obtained from the Effluent Guidelines Division, (WH-522), Attention: Ms. Denise Beverly, Environmental Protection Agency, 401 "M" St. S.W., Washington, D.C. 20460.

To allow electroplaters a reasonable period of time to consider their options under the standard in light of the development document, EPA will extend the relevant deadlines. The 30, 60, and 90 day periods for requesting subcategory determinations, Net/Gross credits and fundamentally different factors variances, respectively, and the 180 day period for submitting the baseline monitoring report will commence 14 days after the effective date of this notice. The October 12, 1982 deadline for compliance with the electroplating pretreatment standard is not extended by this notice.

In addition to extending the above deadlines, EPA recommends the following procedures as guidance for preparing the baseline monitoring report. The General Pretreatment Regulation does not specify the nature or frequency of sampling for pollutants for purposes of this report. The monitoring schedule in the categorical pretreatment standard for electroplaters is not intended to apply to this initial report. The only requirement is for sampling sufficient to provide "The nature and concentration of the pollutants in the discharge from each regulated process * * *" (40 CFR 403.12(b)(5)).

Sampling and analysis should be performed for each pollutant or pollutant property regulated in the applicable Pretreatment Standard. The samples shall be representative daily composite samples collected over a single operating day. Three samples, within a two week period, are sufficient for processes with flow rates less than 250,000 gallons per day. Six samples, within a two week period, are sufficient for processes with greater flow rates. If an existing facility is shut down or for some other reason it is impossible to obtain representative samples during the 180 day period, the industrial user should file the baseline report as soon as the necessary samples can be obtained.

Samples should be taken immediately downstream from the pretreatment facility if such exists, or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with regulated wastewaters prior to pretreatment, the total flow through the pretreatment facility should be given as well as the flow from each regulated process. This is necessary for use of the formula for calculating revised Pretreatment Standards, which appears in 40 CFR 403.6(e).

While the regulation requires monitoring at each regulated process, EPA is considering other approaches, such as allowing monitoring of combined wastestreams, where feasible.

There is presently no prepared form for use in fulfilling the baseline monitoring report requirements of 40 CFR 403.12. In preparing this first required report, industrial users should simply provide the information required by the seven subparagraphs of § 403.12(b) in the order given with as much detail and clarity as possible. Any legible submission containing all of the required information will be considered adequate.

EPA intends to formally address the monitoring requirements of § 403.12(b) at a later date. That action will not be retroactive. Industrial users relying on this interim guidance will not be required to re-do this report.

Dated: March 19, 1980.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 80-9129 Filed 3-25-80; 8:45 am]

BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

Automated Data and Telecommunications Service

41 CFR Ch. 101

[FPMR Temp. Reg. F-491, Supp. 1]

Listening-in and Recording of Telephone Conversations by Federal Agencies; Temporary Regulation

AGENCY: Automated Data and Telecommunications Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This supplement clarifies the information to be provided to GSA by the agencies when reporting their use of telephone listening-in and recording equipment and extends the expiration date of FPMR Temporary Regulation F-491 to July 31, 1981.

DATES: Effective date: March 26, 1980. Expiration date: July 31, 1981.

ADDRESS: Comments should be addressed to: General Services Administration (CPEP), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Robert R. Johnson, Procurement Policy and Regulations Branch (202-566-0834).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 Chapter 101, this temporary regulation is listed in the appendix at the end of Subchapter F.

Dated: March 17, 1980.

R. G. Freeman III,

Administrator of General Services.

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation F-491 and describes the information that agencies shall provide to the General Services Administration (GSA) for inventory and management requirements concerning the listening-in and/or recording of telephone conversations program.

2. *Effective date.* This regulation is effective upon publication in the **Federal Register.**

3. *Expiration date.* This regulation expires July 31, 1981, unless sooner superseded or canceled.

4. *Explanation of changes.*

a. The expiration date contained in paragraph 3 of FPMR Temporary Regulation F-491 is revised to July 31, 1981.

b. Paragraph 7 is amended to read as follows:

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7. *Documentation requirements.* All listening-in or recording of telephone conversations performed under the provisions of paragraphs 6c, 6d, or 6e of this regulation, shall have a written determination approved by the agency head or the agency head's designee prior to operation. Copies of the agency documentation, determinations, and procedures supporting these operations at each location shall be forwarded to the Commissioner, Automated Data and Telecommunications Service prior to the operational date (mailing address: General Services Administration (C), Washington, DC 20405).

8. *Additional agency information and action.* The application and use of any telephone listening-in or recording equipment must be documented in accordance with paragraphs 6c, 6d, or 6e. All applications not meeting these criteria shall have been removed by November 30, 1979. Only those applications that have been documented and reported to GSA can be retained. GSA Bulletin FPMR F–114, dated December 7, 1979, requested agencies to report such information to GSA by January 21, 1980. All agencies that responded as not using telephone listening-in or recording equipment need not respond again unless, of course, they subsequently initiate telephone monitoring. They are then obligated, as are all other agencies, to report such changes to their use of telephone listening-in or recording equipment to GSA as prescribed by Temp. Reg. F–491. All other agencies shall respond by May 30, 1980. Agencies shall notify GSA when the status of any telephone listening-in application changes within their agency.

9. *Effect on other directives.* GSA Bulletin FPMR F–114 is canceled.

10. *Information and assistance.* For further information or assistance, please telephone the Procurement Policy and Regulations Branch (202–566–0834).

[FR Doc. 80-9096 Filed 3-25-80; 8:45 am]

BILLING CODE 6820-25-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 80–120]

Amending Part 0 of the Rules Reflecting a Transfer of Responsibility

AGENCY: Federal Communications Commission.

ACTION: Adoption of order (Final rule).

SUMMARY: The Commission adopted an Order amending Section 0.121(a) of the rules which would transfer the responsibility for the Field Operations Bureau's Hawaii and Pacific Island installations from the San Francisco Regional Office to the Seattle Regional Office.

EFFECTIVE DATE: April 1, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Sylvia B. Sternstein, Office of Bureau Chief, Field Operations Bureau, (202) 632–7591.

Order

Adopted: March 12, 1980.

Released: March 18, 1980.

By the Commission: Commissioner Lee absent.

1. To improve operational efficiency of the Field Operations Bureau, the Commission is ordering the transfer of responsibility for Hawaii and the Pacific Island field installations from the San Francisco Regional Office to the Seattle Regional Office.

2. It was believed initially that on the basis of proximity these installations should be included in the San Francisco region. However, it has been determined through experience that a normal work and travel flow exists in the triangle made up of Hawaii and the Pacific Islands at one point, Alaska at another, and the Seattle Regional Office as the coordinating point. The transfer of responsibility for the Pacific Islands to this latter regional office would under these circumstances enhance the Bureau operation. Section 0.121(a) of the Commission's Rules, which delineates the areas of responsibilities, is therefore being amended to reflect these changes.

3. The amendments adopted herein pertain to agency organization. The prior notice, procedure and effective date provisions of Section 4 of the Administrative Procedure Act, 5 U.S.C. 553 are therefore inapplicable. Authority for the amendments adopted herein is contained in Section 4(i) and 5(b) of the Communications Act of 1934, as amended.

4. In view of the foregoing, it is ordered, effective April 1, 1980, that Section 0.121(a) of the Rules and Regulations is amended as set forth in the Appendix hereto.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 0 of Chapter 1 of Title 47 of the Code of Federal Regulations is hereby amended as indicated below:

1. Section 0.121(a) is amended to read as follows:

§ 0.121 Location of Field installations.

(a) Regional Offices are located at the following addresses:

Address of the Regional Director	States
California, San Francisco 94105, Room 537, 211 Main St.	Arizona. California. Nevada. Utah.
* * * * *	
Washington, Seattle 98174, 3080 Federal Bldg., 915 Second St.	Alaska. American Samoa. Guam. Hawaii. Idaho. Mariana Islands. Midway Island. Montana. Oregon. Pacific Trust Territories and Commonwealth. Swains Island. Wake Island. Washington.
* * * * *	

[FR Doc. 80-9095 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1125

[Ex Parte No. 293 (Sub No. 2)]

Standards for Determining Rail Service Continuation Subsidies

AGENCY: Rail Services Planning Office, Interstate Commerce Commission.

ACTION: Amendments to the Standards, final rule.

SUMMARY: On December 19, 1979, the Rail Services Planning Office (RSPO) published a notice of proposed rulemaking regarding the Standards for Determining Rail Service Continuation Subsidies (Standards), 44 FR 75188. The notice of proposed rulemaking contained three proposed amendments to the Standards that would: (1) Ensure that all charges to accounts are just and reasonable; (2) alter the calculation of the management fee; and (3) preclude a rail carrier entitled to reimbursement for General Administrative Expenses from receiving an additional administrative fee. RSPO has reviewed the comments received and has decided that the proposed amendment to the calculation of the management fee should be withdrawn. The other amendments proposed in the December 19, 1979 notice will be adopted.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Stephen M. Grimm (202) 275–0838.

SUPPLEMENTARY INFORMATION: On December 19, 1979, RSPO published a notice of proposed rulemaking that would: (1) Ensure that all charges to accounts are just and reasonable; (2) alter the calculation of the management fee; and (3) preclude a rail carrier from receiving both an administrative fee and reimbursement for General Administrative Expenses. RSPO has reviewed the comments received from concerned parties and has decided that the proposed amendment to the calculation of the management fee should be withdrawn. The other proposed amendments will be adopted without change. A significant number of comments were submitted regarding the change in the management fee and the inclusion of the definition of a just and reasonable charge. Since no substantive comments were received on the proposed change in the administrative fee, that issue will not be discussed in this report.

Charges to Accounts Should Be Just and Reasonable

A number of comments were received on RSPO's proposal to include a definition of a just and reasonable charge in the Standards. The Consolidated Rail Corporation (Conrail) and the Designated Operator Committee of the American Short Line Railroad Association (DOC) were concerned that the proposed definition was too vague and subject to numerous interpretations. Conrail stated that the proposed definition could be interpreted to mean that "expenses actually incurred be considered for reimbursement only if they are just and reasonable". In Conrail's view this would be contrary to law and would lead subsidizers to question the validity of a variety of actual expenses such as the charges for the circuitous routing of a freight car.

The U.S. Department of Transportation (DOT) was also concerned that the proposed definition was somewhat vague and open to interpretation. DOT suggested that RSPO provide more guidance to the parties as to what charges are and are not just and reasonable. DOT submitted a number of suggestions of the types of charges that it would consider includable and excludable as just and reasonable. DOT also suggested that RSPO establish an arbitration procedure for handling conflicts between the parties.

RSPO believes that the parties are legitimately concerned that the proposed definition is vague and may promote unwarranted conflicts between the subsidizer and the operator. RSPO does not, however, accept the view of Conrail that all charges actually incurred should automatically be considered as just and reasonable. It was noted in the notice of proposed rulemaking that RSPO has always intended that the amounts of any charges incurred in the provision of subsidized rail service and included as avoidable costs be just and reasonable. The proposed amendment merely formalizes the existing responsibility of operators to provide "honest and efficient operation and management." RSPO does not intend that this definition be used to question every management decision, and it is certainly not intended as a vehicle to disallow valid operating costs such as those associated with necessary circuitous routing of freight cars.

After considering DOT's suggestion that a special arbitration procedure be established for the issue of "just and reasonable" charges, RSPO has decided that such a provision is unnecessary at this time. RSPO believes that the existing provision for interpretation of the Standards, section 1125.4(c), has worked well in the past and will continue to provide a forum for the formal resolution of conflicts between the parties. As always, RSPO is available on an informal basis to assist the parties in resolving the differences that arise regarding the avoidability or validity of specific cost items. RSPO will entertain further comments on this issue in the event that severe and continuing conflicts occur between the parties on the definition of a "just and reasonable" charge.

RSPO agrees with the DOT recommendation that more guidance be provided to the parties. A discussion of a variety of illustrative charges that are and are not "just and reasonable" follows. Any charges that involve illegal activities are, of course, not considered to be just and reasonable. This would include any payments or gratuities to public officials or shippers. Federal, state or local income or gross profit taxes that may accrue in the event of the profitable management of a rail line operated under a subsidy agreement are not just and reasonable expenses. Donations or contributions to charitable organizations are also not just and reasonable expenses. Certain other charges may or may not be just and reasonable. Certain fines or penalties may be just and reasonable provided they are beyond the immediate control of the carrier. An example of a just and reasonable penalty might be one incurred for the late payment of real estate taxes where the carrier did not receive the interim payment from the subsidizer and did not have funds available to meet the statutory deadline. Bad debts are considered to be just and reasonable provided that they are incurred in the provision of transportation services rather than in other financial areas of the carrier's corporate activities. Additionally, the carrier should not continue to extend credit to a shipper with an established history of nonpayment and should make a concentrated effort to collect the debt. Reasonable entertainment and traffic solicitation charges are normally considered as just and reasonable. However, RSPO cautions the designated operator to clearly specify in the subsidy estimate provided to the subsidizer, the amounts to be allotted for these activities and to inform the subsidizer on a timely basis of any significant changes in the anticipated charges.

Management Fee

The majority of the comments received were directed at the proposed change in the calculation of the management fee for carriers whose entire rail operations are conducted under a subsidy agreement.

The operators of subsidized rail lines and their investors were opposed to the amendment and, in general, their views were represented by the Designated Operator Committee. The DOC polled its members and consolidated the comments for submission to RSPO. The DOC reported that some operators believe that the present "floor" should be increased, not reduced, and that the current "fee was an essential part of their compensation and is used wisely." The DOC advanced the view that the designated operator incurs the same risks as a larger carrier and that no potential operator, private investor or shipper would devote the time, money, and energy into the start-up and operation of a subsidized line without the hope of a reasonable return. The DOC noted that the management fee could be subject to Federal, state and local income taxes which would further reduce the carrier's "profit". Additionally, the DOC stated that the fee was needed to cover the liability for catastrophic events not covered by insurance, pay interest on debt obligations, pay for necessary non-reimbursable operating expenses and to set aside reserves for future contingencies, among others. The DOC also believed that the reduction in the management fee will destroy the financial base of certain operators and indicated that RSPO had established an unfair and artificial distinction between the operation of subsidized lines by small and large carriers. Aside from these specific objections, the DOC stated that the amendment would have a significant environmental impact. The

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DOC formally requested that RSPO hold oral hearings on the amendment in order to more fully present its views.

The Ontario Midland, Ontario Central, Maryland and Delaware, and Virginia and Maryland Railroads (V & M) also filed responses opposing the RSPO proposal. V & M pointed out that subsidizers have already achieved a substantial savings in management fees actually paid by contracting with short line carriers as opposed to larger ones. The savings, V & M stated, result from the reduction in the total revenues attributable to the subsidized rail line upon which the management fee is based. V & M indicated that short line designated operators were created to operate lines on a long term, possibly permanent basis, and stated that it is highly unlikely that any operators will be found if the proposed amendment becomes the rule. The V & M expressed concern that the two percent minimum will become the maximum amount that subsidizers will be willing to pay, particularly in light of tight state budgets. Additionally, V & M pointed out that a new rail carrier must have a substantial amount of working capital available prior to the commencement of operations. This working capital, V & M stated, bears a cost either as a return on equity or as the interest on debt and these charges can only be recovered through the funds derived from the management fee. V & M also believed that any incentive program should be addressed separately from the management fee.

The New York State Department of Transportation (NYDOT) expressed its opposition to the proposed change in the management fee. NYDOT indicated its belief that the proposal will not provide a greater impetus for the negotiation of incentive agreements and may prove to be unattractive to future short line operators. NYDOT stated that the Standards do not mandate a set "floor" for the management fee and that the current 4.5 percent fee provided a point from which the operator and the subsidizer could negotiate upward or downward as warranted by local needs. NYDOT indicated that the Standards should be a guide that "places the responsibility for determining what reasonable price should be paid for [the] service on the shoulders of those closest to the circumstances at hand."

Both the Michigan Department of Transportation (MDOT) and the Maryland Department of Transportation (MD DOT) stated their opposition to any management fee that provides a set "floor". MDOT stated that the "willingness of a subsidized short line carrier to enter into a contract agreement is evidence that the statutory requirement of reasonableness of the management fee is met." MD DOT agreed with the MDOT position and added that the subsidizer should have the "opportunity to realize the lowest * * * management fee through periodic bidding or negotiated bidding of rail service agreements among prospective operators."

RSPO considered the views of the parties and shares many of the concerns expressed. Consequently, RSPO reviewed the need for a change in the calculation of the management fee at this time and has decided that the proposed amendment should be withdrawn.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

This rule is published under the authority of 49 U.S.C. 10362.

Issued: March 18, 1980, by Alexander Lyall Morton, Director, Rail Services Planning Office.

By the Commission.

Agatha Mergenovich,

Secretary.

Part 1125, Subchapter B, Chapter X, Title 49, Code of Federal Regulations is amended as follows:

1. Section 1125.2 is amended by adding a new definition as follows:

§ 1125.2 Definitions of terms used in the standards.

* * * * *

"Just and Reasonable Charge" means that a charge to an account shall not exceed an amount necessary to the honest and efficient operation and management of carrier business.

* * * * *

2. § 1125.7(b) and (j) are revised to read as follows:

§ 1125.7 Calculation of avoidable costs and management fee.

* * * * *

The avoidable costs of providing freight service on a branch shall be the total of the just and reasonable charges assigned to the branch in accordance with this section. Those expenses apportioned under this section shall be derived from the latest Form R–1 or R–2 or R–3 of the railroad filed with the ICC prior to the conclusion of the subsidy year, and assigned to the branch according to the procedures set forth in § 1125.8 of these regulations.

* * * * *

Administrative Fee. A carrier shall be entitled to receive an administrative fee only if the carrier is not entitled to include General Administrative Expenses, § 1125.7(d), as an avoidable cost. The administrative fee shall be calculated as one percent of the total revenues attributed to the branch under § 1125.6 and shall be allowed as an avoidable cost to the railroad to cover all costs of administering the subsidy program.

* * * * *

[FR Doc. 80-9186 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Parts 1201, 1202, 1240, and 1241

[No. 37345]

Revision to Accounting and Reporting Requirements for Electric Railway Companies

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission is revising and simplifying the accounting and reporting requirements to reduce the burden on electric railway companies. The Commission has eliminated the Uniform System of Accounts for Electric Railways (49 CFR 1202) and designated all carriers currently classified electric railways as Class III railroads.

DATE: Effective for the reporting year beginning January 1, 1980.

ADDRESS: Send comments to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275–7448.

SUPPLEMENTARY INFORMATION: The Commission has a continuing policy to minimize the accounting and reporting burden of all carriers while ensuring that essential information is provided for regulatory purposes. The Commission's Data Task Force (DTF), which was established to review current accounting and reporting requirements, has recommended that electric railroads be redesignated Class III railroads. The Commission supports this recommendation since the Class III Annual Report R–3 will continue to provide us with essential information.

There are currently four electric railroads that maintain the Uniform System of Accounts for Electric Railways (49 CFR 1202) and file the Electric Railway Annual Report Form R–5 (49 CFR 1241.21). A fifth electric railroad, the Chicago South Shore and South Bend Railroad, requested its designation be changed from an electric railway to a Class II railroad (49 CFR 1201, Subpart A) effective January 1, 1979. The Commission's Accounting and Valuation Board has approved this request; this final rule does not change the Class II railroad designation for Chicago South Shore and South Bend Railroad.

The Commission prescribed the Class III railroad designation under Docket No. 36730, served June 23, 1978 (43 FR 28204, June 29, 1978). Class III railroads are not required to maintain a uniform system of accounts. They file an abbreviated annual report (R–3) (49 CFR 1201, Subpart A; 1240; 1241). Electric railroads shall comply with these Class III requirements, thus significantly reducing each carrier's reporting burden while providing an adequate source of information at minimal cost to the Commission.

The Commission finds that this revision does not require a rulemaking proceeding pursuant to section 553 of the Administrative Procedure Act (5 U.S.C. 553). The rules involved are procedural in nature and revisions will actually lessen the reporting requirements for electric railway companies. However, in keeping with our belief that any rule can benefit from public scrutiny, we are requesting that the public study the rule and report any suggested changes. If the Commission concludes after reviewing the comments that it is necessary to make changes in the final rule, a further notice will be published in the **Federal Register** identifying these changes.

This decision does not significantly affect either the quality of the human environment or the conservation of energy resources.

We adopt the changes to 49 CFR Parts 1201, 1202, 1240 and 1241, set forth in the Appendix to this notice.

This action is taken under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553. The regulations shall apply to the reporting of data for calendar year 1980 provided that the Comptroller General of the United States finds that they comply with the Federal Reports Act.

Decided: March 14, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

James H. Bayne,

Acting Secretary.

Appendix A

PART 1201—RAILROAD COMPANIES

1. Revise Part 1201, Subpart A, General Instruction 1–1, by adding a new paragraph (e) at the end thereof as follows.

1–1 *Classification of carriers.*

* * * * *

(e) Unless provided for otherwise, all electric railway carriers, regardless of operating revenues, will be designated as Class III railroads.

PART 1202—[DELETED]

2. Delete Part 1202, Uniform System of Accounts for Electric Railways.

PART 1240—CLASSES OF CARRIERS

3. Revise § 1240.1 by adding a new paragraph (e) at the end thereof as follows.

§ 1240.1 [Amended]

* * * * *

(e) Unless provided for otherwise, all electric railway carriers, regardless of operating revenues, will be designated as Class III railroads.

Subpart C—[Deleted]

4. Delete Part 1240, Subpart C.

PART 1241—ANNUAL, SPECIAL OR PERIODIC REPORTS; CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

§ 1241.21 [Deleted]

5. Delete § 1241.21.

[FR Doc. 80-9180 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 655

Squid Fishery of the Northwest Atlantic; Reallocation of Atlantic Squid

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Notice of reallocation of squid.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, hereby reallocates unharvested *Illex* and *Loligo* squid from the annual domestic quotas to the annual quotas established for fishing vessels of foreign nations. These genera of squid are reallocated in the following manner: (1) the annual domestic quota for *Illex* is reduced from 10,000 metric tons (mt) to 5,270 mt and the annual foreign quota is increased from 20,000 mt to 24,730 mt; and (2) the annual domestic quota for *Loligo* is reduced from 14,000 mt to 8,500 mt and the foreign quota is increased from 30,000 mt to 35,500 mt. These allocations are only for the fishing year 1979–1980 and expire on March 31, 1980.

EFFECTIVE DATE: March 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Allen Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone: (617) 281–3600.

SUPPLEMENTARY INFORMATION: Domestic and foreign fishing for *Illex* (short-finned) and *Loligo* (long-finned) squid in the Atlantic portion of the fishery conservation zone of the United States is managed in accordance with regulations (44 FR 77174) implementing the Fishery Management Plan for the Squid Fishery of the Northwest Atlantic Ocean (FMP). This FMP was prepared by the Mid-Atlantic Fishery Management Council (Council) and approved by the Assistant Administrator for Fisheries under authority of the Fishery Conservation and Management Act of 1976, as amended (the Act), 16 U.S.C. 1801 et. seq.

Foreign and domestic catch quotas for *Illex* and *Loligo* for the fishing year 1979–1980 (April 1, 1979–March 31, 1980) were established by those regulations. Based on data on domestic landings of squid, and in accordance with the regulatory procedure set forth in Section 655.22, the Assistant Administrator is reallocating portions of the unharvested annual domestic quotas to the annual foreign quotas.

The amounts of squid reallocated are 4,730 mt of *Illex* and 5,500 mt of *Loligo*. These quantities were determined by taking the reported domestic landings and subtracting them from the projected domestic annual harvest, and then taking 50 percent of that amount as prescribed in Section 655.22.

Response to Public Comments

Notice of intent to reallocate squid was published in the February 26, 1980, **Federal Register** (45 FR 12461), and public comment was invited for 15 days. Written comments were received from the National Fisheries Institute and from the New England Fisheries Steering Committee. The commenters objected to the proposed reallocation and expressed concern that any U.S. allocations to foreign nations will hinder potential U.S. export markets. Comments were also received from the Squid Committee of the Council stating that the reallocation proposal was in compliance with the reallocation procedures of the FMP. They further stated that available data indicated that the reallocation will not have a significant impact on domestic

fishermen. Thus, the Committee did not object to the reallocation.

If unused portions of the domestic annual harvests (DAHs) are not allocated to foreign nations, the optimum yields (OYs) cannot be achieved in this fishing year. Allocation to foreign nations is in accordance with the FMP developed by the Council and National Standard 1 of Act. Although NOAA agrees that export market development for U.S. caught squid is a desirable objective, this reason is not sufficient for withholding the unused DAH from allocation to the total allowable level of foreign fishing (TALFF). In addition, squid are short lived organisms; without the allocation of TALFF, this food resource would be lost to human consumption.

NEPA and E.O 12044 Compliance

An Environmental Impact Statement (EIS) was prepared for the Atlantic squid FMP, which authorizes this in-season adjustment. A notice of availability of the final EIS was published on June 9, 1978 (43 FR 25183). A notice of availability of a supplement to the final EIS was published on January 22, 1979 (44 FR 4545). A final regulatory analysis on the final regulations was also prepared.

Signed at Washington, D.C. this 21st day of March, 1980.

(16 U.S.C. 1801 et. seq.)

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-9299 Filed 3-25-80; 8:45 am]

BILLING CODE 3510-22-M

V 45/60 MR 26 80 UMI

Proposed Rules

Federal Register
Vol. 45, No. 60
Wednesday, March 26, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 109

Employment Authorization

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This proposed rule adds a new Part 109 to Chapter I of the existing regulations to codify procedures and criteria for the grant of employment authorization to aliens in the United States. Service procedures for the grant of employment authorization are contained in various sections of the Service's Operations Instructions and in numerous policy statements direct to Service field offices. The proposed regulations are intended to codify the various procedures and criteria in one place in the regulations so that the public may conveniently locate the rules on employment authorization for aliens and the standards which are applicable.

DATE: Representations must be received on or before May 27, 1980.

ADDRESSES: Please submit representations, in duplicate, to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street, NW., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:

For general information:

Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536. Telephone: (202) 633-3048.

For specific information:

Harry Klajbor, Deputy Assistant Commissioner, Adjudications, Immigration and Naturalization Service. Telephone: (202) 633-3229.

SUPPLEMENTARY INFORMATION: On July 25, 1979 proposed regulations were initially published in the **Federal Register** (44 FR 43480) proposing to add a new Part 109 to the regulations codifying the procedures and criteria for the grant of employment authorization to aliens in the United States. Under the initial proposal, nonimmigrant aliens maintaining status were to continue to comply with existing regulations relating to permissible employment for their particular nonimmigrant status. Other aliens were to apply to the district director for discretionary grants of employment authorization if prima facie entitled to an immigration benefit (such as adjustment of status, suspension of deportation, asylum) which if granted, would make the alien eligible to remain in the United States permanently or for an indefinite period of time. The proposed regulation also provided that the discretionary grant of employment authorization was dependent upon establishing financial necessity for such employment.

Interested persons were given until September 24, 1979, to submit written comments, suggestions, or arguments. Careful consideration was given to all written responses received by the Service. In view of these comments the proposed rule has been significantly modified so as to require publication again as a proposed rule for public comment.

The current proposal amending Chapter I of Title 8 of the Code of Federal Regulations adds a new § 109.1(a) General, which sets forth the classes of aliens who are authorized to be employed in the United States as a condition of their admission without specific authorization from the Service. Paragraph (b) of § 109.1 describes the classes of aliens who may apply for discretionary work authorization based upon their financial needs and that of their families. Section 109.2, consisting of two subsections, sets forth the criteria to be used by the district director in revoking previously granted discretionary work authorizations, and the requirement to serve notice of intent to revoke as well as a fifteen day period within which to submit rebutal evidence by the alien.

The Attorney General's authority to grant employment authorization stems from section 103(a) of the Immigration and Nationality Act which authorizes him to establish regulations, issue instructions, and perform any actions necessary for the implementation and administration of the Act. The Attorney General's authority has been delegated to the Commissioner of Immigration and Naturalization by 28 CFR 0.105. The authority of the Attorney General to authorize employment of aliens in the United States as a necessary incident of his authority to administer the Act was specifically recognized by the Congress in the enactment of section 6 of P.L. 95-571. That provision amended section 245(c) of the Act to bar from adjustment of status any alien (other than an immediate relative of a United States citizen) who after January 1, 1977 engages in unauthorized employment prior to filing an application for adjustment of status.

Therefore, it is proposed to amend Chapter I of Title 8 of the Code of Federal Regulations by adding a new Part 109 as set forth below:

PART 109—EMPLOYMENT AUTHORIZATION

Sec.
109.1 General.
109.2 Revocation of employment authorization.

Authority: Sec. 103 and 245(c); (8 U.S.C. 1103 and 1255(c))

§ 109.1 General.

(a) The following classes of aliens are authorized to be employed in the United States as a condition of their admission or subsequent change to one of the indicated classes, and specific authorization need not be requested:

(1) A lawful permanent resident alien.

(2) An alien permitted conditional entry under section 203(a)(7) of the Act.

(3) An alien paroled into the United States as a refugee.

(4) An alien who has been granted asylum pursuant to 8 CFR Part 108.

(5) An alien who has been admitted as a nonimmigrant fiance/fiancee.

(6) An alien who has been admitted as a nonimmigrant in one of the following classifications, or whose status has been changed to such classification pursuant to section 247 or 248 of the Act, but only to the extent described in 8 CFR Part 214 for such classification:

(i) A treaty trader or investor (E-1, E-2).

(ii) A temporary worker or trainee (H-1, H-2, H-3).

(iii) An information media representative (I).

(iv) An exchange visitor (J).

(v) An intra-company transferee (L).

(b) The classes of aliens listed below may apply for employment authorization to a district director under the

circumstances set forth below. The decision of the district director shall be final and no appeal shall lie from his denial of an application for employment authorization:

(1) An alien maintaining a lawful nonimmigrant status in one of the following classes may be granted permission to be employed to the extent permitted by 8 CFR 214.1 and 8 CFR 214.2.

(i) An alien dependent of a nonimmigrant having A–1, A–2 or G–4 classification.

(ii) An alien student (F–1).

(iii) An alien spouse of an exchange visitor (J–2).

(2) A deportable alien who has been granted voluntary departure prior to commencement of hearing pursuant to 8 CFR 242.5(a)(2) (v), (vi), (vii), or (viii), may be granted permission to be employed for the period of voluntary departure: *Provided,* The alien establishes to the satisfaction of the district director that he is financially unable to maintain himself (and family, if any) without employment.

(3) An alien who has been granted voluntary departure by an immigration judge to be effected as of a date 60 days or more thereafter, may be granted permission to be employed for the period of voluntary departure, provided the alien establishes to the satisfaction of the district director that he is financially unable to maintain himself without employment.

(4) An alien who has filed an application for asylum pursuant to 8 CFR Part 108 may be granted permission to be employed for the period necessary to decide the case, provided the application is prima facie approvable and provided the alien establishes to the satisfaction of the district director that he is financially unable to maintain himself (and family, if any) without employment.

(5) An alien who has properly filed an application for adjustment of status pursuant to section 245 of the Act may be granted permission to be employed for the period necessary to decide the case.

§ 109.2 Revocation of employment authorization.

(a) Employment authorization which has been granted pursuant to § 109.1(b) may be revoked by the district director when it shall appear that one or more of the conditions upon which it was granted no longer obtains.

(b) When the district director determines that employment authorization should be revoked, he shall serve notice of his reasons and intention to revoke on the alien, who will be granted a period of fifteen days in which to submit evidence why the authorization should not be revoked. The decision by the district director shall be final and no appeal shall lie from his decision to revoke employment authorization.

Public Comment Invited

In accordance with 5 U.S.C. 533, the Service invites representations of interested parties on this proposed rule. All relevant data, views, or arguments submitted on or before May 27, 1980, will be considered. Representations should be submitted in writing, in duplicate, to the Commissioner of the Immigration and Naturalization Service at the address shown at the beginning of this notice.

Dated: March 20, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-9181 Filed 3-25-80; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 19

Informal Conference During Inspection; Notice of Proposed Rulemaking

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing an amendment to its regulations which is intended to facilitate the exchange of information during and after inspections of licensed facilities and to expedite the resolution of inspection findings. The amendment under consideration would establish a procedure for holding informal conferences at any time during or after an inspection to which both the NRC inspector and licensee could invite, as either determines appropriate, individuals with legitimate interests in matters pertaining to the inspection.

DATES: Comment period expires May 12, 1980.

ADDRESSES: Interested persons are invited to submit written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Mr. Robert E. Alexander, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone 301–444–5975).

SUPPLEMENTARY INFORMATION: Paragraph 19.14(a) of 10 CFR 19 states that "each licensee shall afford to the Commission at all reasonable times opportunity to inspect materials, activities, facilities, premises, and records pursuant to the regulations in this chapter." Procedures established by the Office of Inspection and Enforcement of the NRC include entrance and exit meetings with licensee representatives for the purpose of discussing matters pertaining to inspections. These meetings are necessary for an orderly and complete inspection process, and are used by the NRC inspectors to clarify inspection objectives and procedures and discuss inspection findings, including the resolution of apparent items of noncompliance with regulatory requirements.

The intent of this proposed rulemaking is twofold: first, to codify in the regulations the current practice of holding meetings with licensee representatives during NRC inspections and second, to allow NRC inspectors to invite to these meetings, individuals with specific and legitimate interest in the inspection. Under Part 19, licensees have the prerogative of choosing representatives, including their own employees and consultants, to attend inspection meetings with the NRC inspectors. The NRC, on the other hand, has essentially no option (under the rule) concerning who should attend such meetings. The proposed rule change would give NRC the prerogative of having present individuals that have a specific and legitimate interest in attending the meeting; for example:

a. A representative of the workers who has submitted a request for inspection under § 19.16 of the regulations; or

b. A worker who has an expressed interest in the inspection which has been brought to the attention of the NRC according to §§ 19.15 or 19.16 of the regulations.

The proposed rulemaking responds to a request from several unions interested in being involved in inspections related to radiological conditions in the work environment. In addition, the NRC Office of Inspection and Enforcement believes that having the option to invite interested individuals and, in some cases, expert consultants to meetings with licensee representatives would increase the effectiveness of inspection conferences. These informal conferences have considerable value in terms of clarifying inspection objectives and procedures, and discussing inspection findings including the resolution of possible items of non-compliance with regulatory requirements. Office of Inspection and Enforcement personnel have indicated that on several occasions licensees have rejected requests for the attendance of workers or representatives of workers with legitimate interests. These incidents have resulted in greater difficulty in resolving health and safety considerations.

Under the proposed rule, it should be clear that it is not the intent to require the attendance of interested persons and/or expert consultants. The licensees, however, could not refuse permission to their employees, or contractors, or consultants to attend, and would be obligated to send a management representative to the informal conference if requested by NRC. Likewise the proposed rule is not intended to open inspection conferences to the general public; inspection findings and the licensee's position expressed in correspondence become matters of public record under existing practice. The proposed rule would simply facilitate resolution of matters in the inspection conference.

It is common practice for licensee management to discuss corrective actions for regulatory violations during inspection meetings. These might include proposed correction of the management control procedures which permitted a violation to occur. In the case of significant health and safety deficiencies, NRC inspectors expect the licensee to make a commitment to expediting corrective actions in the interest of health and safety without waiting for an enforcement letter. Licensees might be reluctant to discuss such matters in the presence of worker representatives. In addition, information concerning proprietary matters might be relevant to discussions of inspection findings, and licensee would not choose to discuss these matters in an open meeting. These problems should be obviated by the fact that the NRC inspector and the licensee would have the prerogative of inviting only persons with legitimate, specific interests.

The Commission also believes that this practice should not be limited to holders of operating licenses under Part 50 but should include all Part 50 licensees including construction permits and limited work authorizations. Accordingly, the scope of Part 19 will be slightly modified.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that the adoption of the following amendments to 10 CFR Part 19 are contemplated:

1. An amendment to § 19.2 by adding a sentence to the end thereof:

§ 19.2 Scope

* * * * *

* * * The provisions in § 19.14 shall also apply to the holders of construction permits and limited work authorizations for production and utilization facilities pursuant to Part 50 of this chapter.

2. A new paragraph (h) to be added to § 19.14, to read as follows:

§ 19.14 Presence of representatives of licenses and workers during inspections.

* * * * *

(h) At the request of the NRC inspector, an informal conference with a representative of licensee (including holders of construction permits and limited work authorizations) management shall be held at any time during an inspection to discuss tentative inspection findings, complaints of individuals involved in the licensed activities concerning radiological working conditions, safety, safeguards and environmental impacts and resulution of matters pertaining to inspection findings. The NRC inspector and the licensee shall each have the option of inviting, as either determines appropriate, individuals with legitimate interests in matters pertaining to the inspection. (Action taken under this subparagraph shall not affect the option of confidentiality afforded any individual who provides information to the NRC, to the extent authorized by law.)

(Secs. 81, 161, Pub. Law 83–703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201); Sec. 201, Pub. Law 93–438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Washington, D.C. this 20th day of March 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-9272 Filed 3-25-80; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 3 and 260

[Docket No. RM80-20]

Proposed Rulemaking To Revise FERC Form No. 16 Report of Gas Supply and Requirements; Change of Proposed Implementation Date

Issued March 20, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of change of proposed implementation date.

SUMMARY: The Commission gives public notice that the proposed implementation date for the revised Form No. 16, "Report of Gas Supply and Requirements," is moved from April 30, 1980 to September 30, 1980. This is to permit analysis of comments received on the proposal and to provide adequate time to implement changes to the existing form prior to submission of the revised form.

DATES: Current Form No. 16 due by April 30, 1980; revisions proposed to be implemented for the September 30, 1980 reporting date.

FOR FURTHER INFORMATION CONTACT: Robert Schroeder, Office of Pipeline and Producer Regulation, Curtailment Branch, Room 7300–B, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8828.

SUPPLEMENTARY INFORMATION: On January 18, 1980 the Commission issued a notice of proposed rulemaking to revise FERC Form No. 16, "Report of Gas Supply and Requirements", 45 FR 5309 (January 23, 1980). By that notice, the Commission proposed to change the number of schedules contained in that form, the format of those schedules and their accompanying instructions. Further, it was proposed to have the changes implemented in time for the report due April 30, 1980.

Several comments were received to the January notice which, in addition to providing technical suggestions to the proposed form, advocated delay in the implementation of any proposed changes. The delay, it was argued, would provide the time necessary to conform current record-keeping and reporting methods to the proposed changes.

To provide more time for the evaluation of the comments received, and to permit more time to implement any proposed change so that those who will submit the revised form can become familiar with any changes, the proposed implementation date of any revision would be September 30, 1980 instead of April 30, 1980.

By direction of the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9097 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM80-21]

Proposed Regulations Under Sections 110, 105, and 106(b) of the Natural Gas Policy Act of 1978; Public Hearing

March 21, 1980.

AGENCY: The Federal Energy Regulatory Commission.

ACTION: Notice of public hearing.

SUMMARY: On January 18, 1980 [45 FR 5747, January 24, 1980] the Federal Energy Regulatory Commission (the Commission) issued a notice of proposed rulemaking to amend the interim regulations under section 110 of the Natural Gas Policy Act of 1978 (NGPA) to provide for the treatment of State severance taxes imposed on gas subject to section 105(b)(1) of the NGPA. In the preamble to the notice of proposed rulemaking the Commission stated that it intended to hold a public hearing on the proposed rule. Notice is hereby given that a public hearing will be held in Washington, D.C., on April 10, 1980. The exact time and location is set forth below.

DATES: Requests to participate by April 4, 1980. Hearing to be held on April 10, 1980 at 10:00 a.m.

ADDRESSES: Send requests to participate to:

The Office of the Secretary, The Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426

The hearing will be held at:

The Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426

The room number will be posted on the day of the hearing.

FOR FURTHER INFORMATION CONTACT:

The Office of the Secretary, The Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Telephone: (202) 357-8400; or

Teresa Ponder, The Office of the General Counsel, The Federal Energy Regulatory Commission, Room 8100, 825 North Capitol Street, N.E., Washington, D.C. 20426. Telephone: (202) 357-8151

SUPPLEMENTARY INFORMATION: The hearings will be held for the purpose of receiving oral comments on the proposal of the Commission to amend the interim regulations under section 110 of the Natural Gas Policy Act of 1978 (NGPA) to provide for the treatment of State severance taxes imposed on gas subject to section 105(b)(1) of the NGPA.

Requests to participate in the hearing should reference Docket No. RM80-21, and should indicate the amount of time required for the oral presentation, and the telephone number at which the person making the presentation can be reached. Persons participating in the public hearing should, if possible, bring copies of their testimony to the hearing. A list of the participants in the hearing will be available in the Commission's Division of Public Information, Office of Congressional and Public Affairs, three days before the hearing and will be available at the site of the hearing on the morning it is convened.

Members of the hearing panel will be designated by the Chairman of the Commission. The hearing will not be judicial or evidentiary-type hearings. There will be no cross-examination of persons presenting statements. However, the panel may question such persons and any interested person may submit questions to the presiding officer to be asked of persons making statements. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented. Any further procedural rules will be announced by the presiding officer at the hearing. Transcripts of the hearing will be available through the Commission's Division of Public Information, Office of Congressional and Public Affairs.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9162 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 3282

[Docket No. R-80-786]

Mobile Home Procedural and Enforcement Regulations; Definition of Recreational Vehicle; Transmittal of Bulletin to Congress

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of interim interpretative bulletin to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the **Federal Register.** This Notice lists and summarizes for public information an interim interpretative bulletin which the Secretary is submitting to Congress for such review. This interpretative bulletin is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

FOR FURTHER INFORMATION CONTACT:

Mr. Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION:

Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

Part 3282—Mobile Home Procedural and Enforcement Regulations—Definition of Recreational Vehicle—Interpretative Bulletin

This interpretative bulletin would specify the types of plumbing, heating and electrical systems which would be necessary to exempt a large recreational vehicle from compliance with the Mobile Home Procedural and Enforcement Regulations.

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Section 324 of the Housing and Community Development Amendments of 1978).

Issued at Washington, D.C., March 20, 1980.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 80-9163 Filed 3-25-80; 8:45 am]

BILLING CODE 4210-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1445-7]

Approval and Promulgation of Implementation Plans; Disapproval of Proposed Revision to Michigan Plan

AGENCY: Environmental Protection Agency.

ACTION: Disapproval of proposed revision.

SUMMARY: This action disapproves a proposed revision to the Michigan State Implementation Plan (SIP) submitted to the U.S. Environmental Protection Agency (USEPA) by the Michigan Department of Natural Resources (MDNR) pursuant to Section 110(a)(3) of the Clean Air Act, 42 U.S.C. 7410(a)(3). The revision, in the form of a Final Order issued February 13, 1979 by the Michigan Air Pollution Control Commission (MAPCC), proposed to extend the compliance date to December 31, 1982 for Dow Chemical Company (Dow) of Midland, Michigan to meet the State emission limits for the sulfur dioxide, particulate matter, and visual emissions. In order to control emissions before December 31, 1982 the Order permitted Dow to utilize a Supplementary Control System (SCS).

FOR FURTHER INFORMATION CONTACT:

Gary Gulezian, Acting Chief, Regulatory Analysis Section, Air Programs Branch, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6053.

SUPPLEMENTARY INFORMATION:

I. Background

On February 14, 1979 the Michigan Air Pollution Control Commission (MAPCC) submitted to USEPA a proposed revision to Michigan's State Implementation Plan (SIP). The revision was in the form of a Final Order issued by MAPCC after Dow and the MDNR had entered into a Stipulation for Entry of a Consent Order.

In the Consent Order Dow acknowledged "that it is presently the source of the emissions which result in all significant ambient air concentrations of sulfur dioxide in and around Midland, Michigan," and agreed with the MAPCC that "Federal Ambient Air Quality Standards for sulfur dioxide are presently being met in and around Midland, Michigan, because of the operation of an SCR [Supplementary or Intermittent Control System] by Dow." Supplementary or Intermittent Control Systems are described in the Order as "systems which limit the rate of pollutant emissions during periods when meterological conditions conducive to ambient ground level concentrations in excess of levels specified in subparagraph (iii) are anticipated." The ambient ground level concentrations specified in subparagraph (iii) are the same as the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (a running 24-hour average of 0.14 ppm, an annual arithmetic mean of 0.03 ppm, and a running 3-hour average of 0.50 ppm) with the exception that no exceedances are allowed. In order to keep from exceeding these concentrations, subparagraph (iii) of the Order provides further that "Dow shall utilize low sulfur fuel, load reduction, plant shut down, or other measures * * *" The Order provided that by December 31, 1982, Dow would be in continuous compliance with the present State emission standards through the purchase of process steam and electricity or by burning fuel which would result in compliance; but, until that time Dow would be exempt from the State emission limitations for sulfur dioxide, particulates and opacity.

At the present time the federally-approved Michigan Implementation Plan provides that Dow achieve compliance with sulfur dioxide emission standards by July 1, 1975, and with particulate emission standards by April 1, 1975. See 40 CFR 52.1175(d).

On May 17, 1974 Dow and MAPCC entered into a Consent Order which provided that Dow could temporarily operate a SCS until July 1, 1980, to meet NAAQS for sulfur dioxide; that, until July 1, 1980, Dow was exempt from the State emission limitations for sulfur dioxide (SO_2) and, that Dow would, in the interim, purchase and install equipment on its coal-fired boilers so as to enable Dow to shift the use of fuels from coal to oil or natural gas when it was determined through the use of its SCS that the weather was conducive to ground level concentrations in excess of NAAQS. This Consent Order was never submitted to USEPA as a SIP revision.

On July 21, 1977, Dow and MAPCC entered into a new Consent Order. This Order authorized Dow to continue operation of its existing system (switching from coal to oil or gas when meteorological conditions conducive to ground level concentrations in excess of NAAQS exist) until July 1, 1980, at which time Dow agreed to eliminate coal as a fuel in its power plants and substitute compliance fuels, primarily oil.[1] The 1977 Consent Order was the subject of litigation (*Dow Chemical v. Costle,* No. 78-10019, E.D. Mich.), wherein the District Court determined that the review of the Consent Order as a proposed SIP revision by USEPA could not be accomplished until the MAPCC had completed the record and submitted it to USEPA for review. Instead of completing the record for the 1977 Consent Order, Dow and the MAPCC entered into negotiations for a new Consent Order and on February 14, 1979 Consent Order APC No. 01-1979 was formally submitted by MAPCC to USEPA as a proposed SIP revision.

In August 1977, Congress amended the Clean Air Act (Act) to require the designation of areas in each state where the National Ambient Air Quality Standards (NAAQS) for total suspended particulates (TSP), sulfur dioxide (SO_2), carbon monoxide (CO), photochemical oxidents (ozone), and nitrogen dioxide (NO_2) were not being met. See Section 107(d) of the Act, 42 U.S.C. § 7407. An area in Midland County, Michigan, where Dow is located, was designated as a nonattainment area for both the primary and secondary SO_2 NAAQS and for the secondary TSP NAAQS. See 43 FR 8692, dated March 3, 1978, and 43 FR 45993 dated October 5, 1978. Thereafter, the State of Michigan submitted its part D implementation plan to attain and maintain sulfur dioxide and particulate NAAQS in the nonattainment areas. In its submittal the State indicated that its part D control strategy for SO_2 nonattainment areas was to eliminate supplemental control systems and to require "constant emission control systems."[2] This was to be accomplished by Consent Orders, such as APC No. 01-1979 previously submitted February 14, 1979, to USEPA as a proposed SIP revision. USEPA's review of Order No. 01-1979 as a part D SIP review is the subject of a separate notice of proposed rulemaking published 45 FR 9752 (February 13, 1980).

On June 19, 1979 USEPA published at 44 FR 35263 a Proposed Disapproval of the proposed site specific SIP revision on the basis that the Consent Order did not contain constant control devices for the continuous reduction of emissions but, instead, permitted Dow to vary its emissions of sulfur dioxide and particulates according to atmospheric conditions.

II. Public Comments

In response to the proposed disapproval of the proposed SIP revision comments were received from Dow Chemical Company and from the American Lung Association of Michigan. Dow's comments urged approval of the proposed SIP revision and made the following arguments:

1. The proposed revision is approvable because it meets the requirements of Sections 110(a)(2) and Sections 302(k) and (m) of the Clean Air Act.

2. In the event that Dow's system is determined to be a SCS and barred by Section 123 of the Act as a final means of compliance, Section 123 does not bar the use of the SCS as an interim means of compliance.

3. The designation of the Midland, Michigan area as a nonattainment area for sulfur dioxide and particulate NAAQS is in error.

4. The proposed revision should be approved because of equitable considerations.

5. Since the supplementary control system enables Dow to keep from

[1] Comments by the Dow Chemical Company, August 2, 1979, p. 6.

[2] State of Michigan Air Quality Implementation Plan dated May 1, 1979, p. 5-2.

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violating NAAQS, "no significant health effects would be presented by controlling Dow-Midland sulfur dioxide emissions below the SCS level." [3]

The comments of the American Lung Association of Michigan supported disapproval of the Consent Order as a SIP revision and stressed the following points:

(1) The Order is contrary to law in that it permits reliance on a SCS for control of emissions from the Dow-Midland complex.

(2) The period during which Dow is permitted to use the SCS to control emissions does not qualify as an interim period under the Clean Air Act or case law.

(3) The Consent Order does not satisfy the SIP requirements of Section 172 of the Clean Air Act for nonattainment areas.

(4) The Consent Order does not provide for adequate emission monitoring for enforcement purposes.

(5) It would be inequitable to approve the Consent Order as a SIP revision.

As set forth below, the comments of Dow do not justify approval of the Consent Order as a SIP revision.

1. Requirements of Section 110(a)(3)(A) and Sections 302(k) and 302(m) of the Clean Air Act

A. Section 110(a)(3)(A) of the Clean Air Act provides for approval of SIP revisions by the Administrator if the revision "meets the requirements of paragraph (2) and has been adopted by the State after reasonable notice and public hearings." Paragraph (2) refers to Section 110(a)(2) which requires in subparagraph (B) that the revision contain "emission limitations * * * and such other measures as may be necessary to insure attainment of such primary or secondary standard * * *." Section 302(k) defines "emission limitation" and "emission standard" as "a requirement * * * which limits the quantity, rate or concentration of emissions of air pollutants on a continuous basis * * *;" and Section 302(m) defines "means of emission limitation" as "a system of continuous emission reduction (including the use of specific technology or fuels with specified pollution characteristics)."

Although Dow and the MAPCC continuously refer to Dow's means of emission limitation as a Supplementary Control System,[4] Dow claims in its comments that Dow's system is not a SCS and that the Consent Order contains a proper "emission limitation" in that it establishes a "concentration" of pollutant which Dow is required to achieve. The "emission limitation", and/or "concentration", in the Consent Order are the primary and secondary National Ambient Air Quality Standards for sulfur dioxide with the exception that any exceedance of the Standards is considered a violation. Dow comments further that its system is not a SCS because it reduces emissions and insures continuous compliance with the NAAQS numerical limitations.[5]

Dow describes its SCS as a process by which information from eight SO_2 analyzers located in the City of Midland, from meteorological instruments in a tower located near the company, and from its boiler operation are fed into a computer which provides data to a consultant in Boston. The consultant uses this information to forecast the air quality impact of Dow's planned boiler operations. When the consultant determines which fuel must be burned in order to maintain NAAQS under the meteorological conditions in Midland, the information is sent back to the Dow computer for transmission to the Dow Utilities Control Room. The individuals in charge of the boiler operations then switch certain boilers to the fuel necessary to maintain NAAQS. Dow, in its comments stressed the ability of its SCS to keep Dow from violating NAAQS and alleged that because of this effectiveness Dow's SCS was not the type of SCS that Congress intended to ban by adding Section 123 of the Clean Air Act.

The Act requires more than continuous compliance with the NAAQS. Section 110(a)(2)(B) requires the use of emission limitations to insure attainment and maintenance of the NAAQS. Emission limitation, as defined in Section 302(k) and 302(m) of the Act requires "continuous emission reduction." Under Section 123 of the Act the degree of emission limitation required to meet the standards cannot be affected by a dispersion technique.

It is USEPA's determination, that Dow's system does not require continuous emission reduction and that it is designed so as to allow Dow to vary the fuel mix used by its boilers to the extent that it is necessary to keep from exceeding NAAQS.[6]

Such a system is a "dispersion technique" as described in Section 123 of the Act, i.e., "any intermittent or supplemental control of air pollutants varying with atmospheric conditions", and thus cannot be considered in determining the degree of emission limitation that Dow is required to meet. Furthermore, the Consent Order states that "Dow and the Commission agree that Federal Ambient Air Quality Standards are being met in and around Midland, Michigan, because of operation of an SCS by Dow."

Dow comments that the use of fuels may be a means of emission limitation. For the use of fuels, however, to be a proper means of compliance, the proposed SIP revision must identify the specific fuel mix to be used and include a demonstration that use of specific fuels at maximum operating conditions and "worst case" meteorology would not cause a violation of the NAAQS for either sulfur dioxide or particulates.

The proposed SIP revision that MAPCC has submitted to USEPA for approval/disapproval is deficient in that it contains no demonstration that the sulfur dioxide and particulate NAAQS would be protected without the use of Dow's SCS, a "dispersion technique."

B. Dow comments that the proposed revision contains a proper emission limitation because Dow cannot exceed the SO_2 NAAQS. Dow claims this limitation [NAAQS] is a "concentration" of pollutant which Dow is required to achieve and thus is an "emission limitation" which meets the requirements of Sections 110(a)(2) and 302(k) of the Act. It is USEPA's position that the Clean Air Act not only requires compliance with the national ambient air quality standards, which are ground level concentrations, but also with emission limitations, which limit the amount of pollutants emitted by a source (42 U.S.C. 7410(a)(2) (A) and (B). Emission limitations, as applied to a source, must "assure continuous emission reduction" 42 U.S.C. 7602 (k) and (m). Dow is required to comply with both ground level concentrations (ambient standards) and emission limitations designed to attain the ambient standards. Compliance by Dow with ground level concentrations of the SO_2 NAAQS does not constitute compliance with its emission limitation in the federally approved SIP. The Order which requires only compliance with the ground level concentrations of the SO_2 NAAQS does not meet the statutory requirements of Section 110(a)(2)(B) (42 U.S.C. 7410(a)(2)(B)).

The proposed revision is also deficient in that it does not contain any emission limitations for particulates or visual emissions.

2. Interim Use of Supplementary Control Systems

Dow comments on page 3 of its July 20, 1979 counsel's letter to USEPA that "Regardless, therefore, of whether the System is continous means of emission control, EPA should permit the use of it in the interim;" and that nothing in the Clean Air Act nor case law prohibits the use of SCS on an interim basis. In support or its position Dow cites several cases decided prior to the 1977 Amendments. Congress was aware of those cases when it passed the 1977 Amendments and chose to narrow substantially the circumstances where dispersion techniques were permissible.

USEPA has stated that "apart from the limited circumstances of sections 113(d) and 119, and the narrow exceptions of Section 123, dispersion technology cannot be employed in lieu of constant controls for any purpose under the Act." See 1977 Clean Air Act Amendments for Stack Heights, Notice of Proposed Rulemaking 44 FR 2608, January 12, 1979. It is USEPA's position that Congress, in the 1977 Amendments to the Act, permitted interim use of a SCS only as part of a Section 113(d) delayed compliance order or a primary nonferous smelter order under Section 119. Sections 113(d) and 119, 42 U.S.C. 7413(d), and 7419. American Lung in its comments agrees with USEPA's position.

3. Nonattainment Designation and Requirements of Part D of the Act

Dow maintains that the area in which its plant is located in Midland, Michigan, is an attainment area for NAAQS because of monitoring data recorded while Dow was using its SCS. USEPA has designated the area as a nonattainment area because Dow has failed to comply with its required emission limitations. Dow's reliance on SCS to avoid ambient standard violations is an impermissible way to attain national standards. See Sections 110(a)(2)(B), 123(a) and 302 (k) and (m).

American Lung's comments stressed disapproval of Dow's Order No. 01–1979 under Part D of the Act. USEPA agrees and has proposed disapproval of the Order for failure to meet Part D requirements in a Notice of Proposed Rulemaking published February 13, 1980 (45 FR 9752).

American Lung's comments, which pertain to the requirements of Part D, and other comments received in response to the proposed disapproval under Part D will be considered in USEPA's final rulemaking on that proposed disapproval.

4. Equitable Considerations

Dow stresses that USEPA's position is inequitable in that Dow is being penalized for its use of less than "Good Engineering Practice" stacks; that USEPA's disapproval will not result in any improvement in the public health and welfare in the public area; and that it would waste a critical national resource.

Dow's policy has been to rely on the possibility of purchasing process steam from a nuclear plant to be constructed by Consumers Power Company near Dow's Midland, Michigan industrial facilities. The nuclear facility was to have been operational by 1974–1975. When it became obvious that this operational date was not possible Dow sought to extend its compliance date for meeting the sulfur dioxide and particulate emission limits in the Michigan State Implementation Plan through Stipulation and Entry of Consent Orders with the MAPCC, which Consent Orders permitted Dow to attain and maintain NAAQS through the use of a SCS. These Consent Orders were not submitted to USEPA as SIP revisions. Dow has insisted on this approach even though it has been informed by both the MAPCC and USEPA that operation of a SCS in lieu of continuous emission controls was not an acceptable means of emission control.[7]

In the July 21, 1977 Consent Order, Dow agreed to achieve compliance by July 1, 1980 with the State emission limits for particulate matter, opacity, and sulfur dioxide. Compliance was to have been achieved through the use of compliance fuels. In this Order Dow did not make any claim that it was economically infeasible to achieve compliance by switching to compliance fuels in 1980. Instead of taking steps which would enable Dow to achieve final compliance by switching to compliance fuels in 1980, the Company negotiated further Consent Orders, the last of which extended the compliance date to December 31, 1982. Instead of implementing its SCS, Dow could have chosen other means of compliance in the early 1970's when it became apparent that the start up of the nuclear plant was beyond Dow's control. Dow can still select other means of compliance which meet the requirements of the Clean Air Act, i.e., continuous emission reduction.

Dow claims that it is inequitable for USEPA to expect Dow to comply with the requirements of the Clean Air Act. The Act does not empower USEPA to consider equities in fulfilling its statutory mandate. The Act provides that USEPA is to approve a SIP revision if, among other things, it contains a demonstration that NAAQS, both primary and secondary, will be attained and maintained through emission limitations. Such a demonstration must be made by approved modeling or monitoring techniques which cannot be affected by any dispersion techniques as defined by Section 123 of the Act. The February 14, 1979, Consent Order submitted as a proposed SIP revision does not contain this demonstration. Because the proposed revision permits Dow to use a SCS to attain standards, rather than providing for immediate compliance with the emission limitations that Dow was required to meet in 1975, the revision does not satisfy the statutory requirements and cannot be approved by USEPA.

5. Health Effects From Use of Supplementary Control System as Compared to Continuous Emission Controls

Dow submitted various opinions from individuals concerning the health and welfare effects to be gained by requiring Dow to implement continuous emission controls as opposed to permitting Dow to continue to use its SCS to keep from violating the SO_2 NAAQS. DOW claims that "no significant health effects will be prevented by controlling DOW-Midland SO_2 emissions below the SCS level." Congress considered health and welfare effects in passing the Clean Air Act Amendments of 1970 and 1977. Congress determined that use of dispersion techniques may result in adverse health and welfare impacts hundreds of miles from a source and therefore required use of continuous emission reduction technology to attain the standards. See H.R. Rep. No. 95–294, 95th Cong. 1st. Sess. (1977) at 79–94. USEPA has no authority to override that congressional judgment.

The comments of American Lung Association of Michigan have been addressed in USEPA's response to Dow's comments with the exception of

[3] Health and Welfare Benefits of Continuous Control of Sulfur Dioxide emissions, prepared for Dow Chemical Co., November 17, 1978.

[4] Consent Order APC No. 1–1979 and Dow's Comments dated August 2, 1979.

[5] The concentration levels in the Consent Order will be referred to as to NAAQS hereafter for purposes of brevity although it is understood that the difference between the requirements in the Consent Orders and NAAQS is that the Consent Order states that any exceedance of the 24-hour standard is a violation, whereas NAAQS permit one exceedance of the 24-hour and 3-hour standards before the exceedances are considered a violation.

[6] See Dow's comments (July 20, 1979, p. 6) "This mixture of fuel varies as the concentration of the pollutant varies so that at no time is the limitation [SO_2 NAAQS] violated."

[7] 41 FR 7450, Stack Height Increase Guidelines Issued February 18, 1976; Notice of Violation EPA–5–77–A–13 issued November 18, 1976 by James O. McDonald, Director of Enforcement, Region V, USEPA; Answer of MAPCC to Dow's Complaint filed in *Dow Chemical Co. v. Reizen, et al.*, Michigan Court of Appeals No. 77–4792, United States District Court, Western District of Michigan, Southern Division (December, 1977), and USEPA correspondence with Dow in 1977.

No. 4 which asserted that the proposed SIP revision does not provide for emission monitoring as required in Section 114(a) of the Act and in State regulations. Section 114(a)(1) of the Act provides the Administrator with discretionary authority to require a source to perform in-stack monitoring of emissions in order to assist in the determination of whether or not compliance is being achieved.

American Lung also cites Michigan rules which require in-stack monitoring as a condition for obtaining relief from sulfur emission limits beyond 1980. The discretionary authority found in Section 114(a)(1) is not applicable to this situation inasmuch as it does not establish criteria for SIP approval or disapproval. In addition, State requirements for extending compliance dates are a matter of State law and do not establish Federal requirements for the approval or disapproval of a SIP by USEPA.

USEPA has determined the proposed SIP revision, Consent Order No. 01–1979, dated February 13, 1979, lacks a demonstration that the primary and secondary National Ambient Air Quality Standards will be attained and maintained without use of a supplementary or intermittent control system, does not provide for continuous emission reduction, and does not contain emission limitations for sulfur dioxide and particulates.

Therefore, the revision is disapproved as not complying with the requirements of Sections 110(a)(2) and (3). (42 U.S.C. 7410(a)(2) and (3)).

Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels these other regulations as "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This Final Rulemaking is issued under the authority of Section 110 of the Clean Air Act as amended. (42 U.S.C. 7410, *et. seq.*)

Dated: March 18, 1980.

Douglas Costle,

Administrator.

[FR Doc. 80–8980 Filed 3–25–80; 8:45 am]

BILLING CODE 6560–01–M

40 CFR Part 52

[FRL 1446–4]

Proposed Revision to the Implementation Plan of the Commonwealth of Puerto Rico

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The purpose of this notice is to discuss the results of the Environmental Protection Agency's (EPA's) review of revisions to the Implementation Plan of the Commonwealth of Puerto Rico, and to invite public comment on EPA's proposed determinations regarding the adequacy of these revisions. The 1977 Amendments to the Clean Air Act require that the State Implementation Plan (SIP) applicable to an area not in attainment of a national ambient air quality standard be revised by January 1, 1979 to provide for attainment of the standard. The revisions received from the Commonwealth of Puerto Rico are intended to meet this requirement. They pertain to the following pollutants and to the following areas:

(1) Catano Air Basin—Total suspended particulates (primary and secondary standards).

(2) Guayanilla Air Basin—Total suspended particulates (secondary standard).

DATES: Comments must be submitted by May 27, 1980.

ADDRESSES: Copies of the proposed SIP revisions are available during normal business hours for inspection at the following locations:

Environmental Protection Agency, Air Programs Branch, Region II, Room 908, 26 Federal Plaza, New York, New York 10007

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460

Environmental Protection Agency, Caribbean Field Office, Fernandez Juncos Avenue, Stop 8½, Pta. De Tierro, San Juan, Puerto Rico 00902

Puerto Rico Environmental Quality Board, 204 Del Parque Street, corner of Pumarada, Santurce, Puerto Rico 00910

Written comments should be sent to:

Charles S. Warren, Regional Administrator, Environmental Protection Agency—Region II, 26 Federal Plaza, New York, New York 10007

FOR FURTHER INFORMATION CONTACT:

William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency—Region II, 26 Federal Plaza, New York, New York 10007 (212) 264–2517

SUPPLEMENTAL INFORMATION:

A. Background

Pursuant to the requirements of Section 107(d) of the Clean Air Act, on January 25, 1979 the Environmental Protection Agency (EPA) published in the **Federal Register** at 44 FR 5119 a designation of the attainment status with respect to each national ambient air quality standard for every area within the Commonwealth of Puerto Rico. These designations represented revisions, corrections and elaborations to designations originally published in the March 3, 1978 issue of the **Federal Register** at 43 FR 8962. The reader is referred to the January 25, 1979 **Federal Register** for a detailed description of the geographic areas covered by today's proposed action.

Part D of the Clean Air Act requires that, for each area designated as not meeting a national ambient air quality standard, a State Implementation Plan (SIP) revision be developed by the State and submitted to EPA by January 1, 1979. The SIP revision must provide for attainment of the contravened standard as expeditiously as practicable but no later than December 31, 1982 or, for certain pollutants, no later than December 31, 1987. In the case of the pollutant covered by the Commonwealth's plan revisions, particulate matter, the earliest deadline applies. The required contents of such SIP revisions are described in Part D and, more generally, in Section 110(a) of the Clean Air Act. These requirements are further discussed and elaborated upon in the April 4, 1979 issue of the **Federal Register** at 44 FR 20372. The reader is referred to this **Federal Register** notice for a complete discussion of SIP revision requirements; these are not repeated in great detail in this notice. The reader is also referred to two supplements to this April 4, 1979 notice which were published in the **Federal Register** on July 2, 1979 at 44 FR 38583 and November 23, 1979 at 44 FR 67182. These notices discuss the concept of "conditional approval." EPA is proposing to conditionally approve the Commonwealth's plan where minor deficiencies have been found and the Commonwealth has provided assurance that is will submit corrections by specified deadlines. Today's notive solicits comment on the items proposed for conditional approval and on their associated deadlines. Comments on additional items which should be conditionally approved and on deadlines for correction are also solicited. Current restrictions on new Major source construction, discussed in two July 2, 1979 **Federal Register** notices (44 FR 38583 and 44 FR 38471), will not apply where conditional approval is granted unless the Commonwealth fails to submit the necessary SIP revisions by the scheduled dates, or unless the revisions are not approved by EPA.

On June 29, 1979 the Governor of the Commonwealth or Puerto Rico formally adopted a SIP revision entitled, "Clean Air For Puerto Rico—1979." This document was intended to meet Clean Air Act requirements for certain areas of the Commonwealth designated as not meeting a national ambient air quality standard. A notice of availablility of the adopted revision was published on August 3, 1979 in the **Federal Register** at 44 FR 45647. This revision was subsequently reviewed by EPA and discussed with the Puerto Rico Environmental Quality Board (EQB). As a result of these discussions, several changes to the June 29 SIP revision have been proposed by EQB and a public hearing on these changes was held on November 14, 1979. A proposed revision including these changes was submitted to EPA by letter of transmittal dated October 30, 1979 and is the subject of this proposed rulemaking. Applicable material which is part of this SIP revision was submitted by the Commonwealth on October 30, 1979 in a letter from Mr. Pedro Gelabert, President of the Puerto Rico Environmental Quality Board to Dr. Richard T. Dewling, Acting Regional Administrator, USEPA Region II, and contained the following:

A copy of revised regulations and a revised SIP document which were the subject of a public hearing held on November 14, 1979.

Policy statements of EQB with regard to: Their objective to attain both the primary and secondary total suspended particulate air quality standards by December 31, 1982, assurances with regard to meeting the requirements of reasonable further progress, verification of the detail of their annual reporting effort, clarification of the operation of their offset program and correction of related inventory and graphical presentations.

In summary, attainment of the primary and secondary particulate matter standards is demonstrated in the revision document submitted by the Commonwealth as a result of expected emission reductions due to:

New regulations for the control of emissions from agricultural burning, asphalt dryers, open burning, non-process industrial sources, and a program to offset emissions from new major source growth.

Continued enforcement of existing Commonwealth rules and regulations.

The remainder of this notice describes the content of the proposed SIP revision with respect to each of the major criteria used by EPA to evaluate approvability. The deficiencies found by EPA and the corrective actions which should be undertaken by the Commonwealth in order to make the revisions fully approvable are also discussed.

B. Part D Requirements

(1) *SIP revisions shall be adopted by the State after reasonable notice and public hearing.*

The proposed SIP revision was the subject of a public hearing held in San Juan, on November 14, 1979, after at least 30 days of notice. The Commonwealth has provided documentation to identify that the necessary notice and public hearing were carried out in such a manner as to be found acceptable to EPA.

(2) *The SIP revisions shall demonstrate that both primary and secondary total suspended particulate matter national ambient air quality standards (NAAQS) will be attained within the nonattainment area no later than the following final deadlines:*

Primary NAAQS, December 31, 1982.

Secondary NAAQS, within a reasonable time.

• *Catano Air Basin*—The Commonwealth demonstrates that the area designated as not meeting the primary and secondary standards (44 FR 5126, January 25, 1979) will be in attainment by 1982. The demonstration was based on diffusion modeling analysis and is found acceptable by EPA.

• *Guayanilla Air Basin*—The Commonwealth demonstrates that the area designated as not meeting secondary standard (44 FR 5126, January 25, 1979) will be in attainment by 1982. The demonstration was based on diffusion modeling analysis and is found acceptable by EPA.

As part of the SIP revision, the Commonwealth has proposed in its "Regulation for the Control of Atmospheric Pollution" procedures and emission control strategies which provide for attainment of NAAQS by 1982. While EPA finds that the Commonwealth's demonstration is acceptable in this regard, it is noted that these regulations are yet to be adopted. On this basis, EPA proposes to condition its approval of the Commonwealth's plan revision. As discussed more fully in Subsection B(10) of this notice, EPA has been requested by the Commonwealth to propose action on these regulations in their current status as submitted to EPA on October 30, 1979. Provided that the finally adopted regulations do not substantively differ from the proposed regulations submitted at this time, EPA will not propose action or solicit further public comment prior to final rulemaking.

(3) *The SIP revision shall require reasonable further progress in the period before attainment, including regular consistent reductions sufficient to assure attainment of the total suspended particulate NAAQS by the required date.*

The Commonwealth has presented tables and graphs depicting the change in emissions which will occur over time as the plan is implemented. These "reasonable further progress" charts identify the results of carrying out the categorical strategies for control of emissions to provide for attainment of primary and secondary standards by 1982. In its supplementary submittal of October 30, 1979, EQB provided a policy statement which summarizes its policy with regard to reasonable further progress; they "* * * intend to pursue the meeting of the requirements for reasonable further progress including consistent reductions which are sufficient to assure attainment of the NAAQS for total suspended particulate by the required deadlines." In addition, EQB has provided new "reasonable further progress" charts in its revised submittal of October 30, 1979. The new charts provide a clear indication of the intention to meet primary and secondary particulate standards. EPA finds this demonstration to be acceptable.

(4) *The SIP revision shall provide for implementation of all reasonably available control measures as expeditously as practicable insofar as necessary to assure reasonable further progress and attainment of total suspended particulate NAAQS by the required date.*

Attainment of the primary and secondary standards is demonstrated as a result of continued enforcement of existing Commonwealth rules and regulations and the proposed adoption of new and revised regulations. The regulations are considered by EPA to be reflective of reasonably available control measures.

The submitted regulations provide for new and revised provisions to cover agricultural burning, open burning, asphalt dryers and non-process industrial sources:

Agricultural Burning—Rule 208, "Agricultural Burning Authorized," is a new regulation directed at controlling open burning of sugar cane, pineapple prunings, and rice hulls via a permitting system to be implemented by the Environmental Quality Board.

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Open Burning—Rule 402, "Open Burning," is a revised regulation which prohibits open burning.

Asphalt Dryers—Rule 408, "Asphaltic Concrete Batching Plants," is a new regulation which provides a specific emission limitation for asphaltic concrete batching plants. Previously, this source category was regulated through enforcement of general visible emission standards and emission standards for "non-process" sources.

Non-Process Industrial Sources—Rule 409, "Non-Process Sources," is a revised regulation providing a more restrictive (99 percent) emissions control requirement on sources from which emissions are not "the result of a manufacturing process that produces a chemical change in any of the materials or substances used in that process."

It is found that these regulations adequately represent the control strategies that were utilized in the air quality dispersion analysis demonstration identified in Subsection B(2) of this notice. However, there is one change that EPA considers to be necessary in order to make these regulations approvable:

• Under Part I, Rule 102, "Definitions," the definition of "Air Pollution Control Equipment" is modified by the phrase "according to the Board," EPA believes that this phrase may preclude EPA from enforcing certain provisions of the Commonwealth's regulations. This is because legal as well as technical issues can arise concering the definition of what constitutes "air pollution control equipment," as differentiated from other equipment and, consequently, EPA could be impeded in enforcement actions where it is interpreted that the resolution is only to be made by the Environmental Quality Board. Since EPA must retain independent enforcement jurisdiction, the phrase "according to the Board" must be removed or rewarded to eliminate this problem. Therefore, EPA proposes to condition its approval of the Commonwealth's SIP revision on the adoption by April 1, 1980 of an acceptable revision to the definition of the term, "air pollution control equipment."

In addition, for the sake of clarity, the following change should be made:

• Under the same rule, the definition of "Modification" contains a statement that * * * the Board may allow up to 180 days for shakeup of the new emission unit * * *". The word "shakeup" is incorrectly used and should be replaced with "shakedown," which is proper with regard to the operation that is referenced.

(5) *The SIP revisions shall include an accurate, current inventory of total suspended particulate matter emission that have an impact on the nonattainment area, and provide for annual updates to indicate emissions growth and progress in reducing emissions from existing sources.*

The emissions inventory data contained in the Commonwealth's plan revision document provides the necessary breakdown to depict the impact of implementing the various control strategies. EPA finds the total suspended particulate inventories contained in the plan to be acceptable.

In the SIP revision document the Commonwealth has agreed to provide various reports with regard to air quality monitoring, major source emissions, plan enforcement, new SIP revisions, enforcement orders and certain plan-prescribed actions. In its October 30, 1979 letter, EQB has identified that its annual reports to EPA will also identify: (1) The changes in emissions as required to track reasonable further progress, (2) progress in updating emission inventories and (3) the results of ongoing air quality studies related to the plan. EPA finds that the Commonwealth's commitment with regard to Annual Reporting to be acceptable.

(6) *The SIP revision shall expressly quantify the emissions growth allowance, if any, that will be allowed to result from new major sources of major modifications of existing sources, which may not be so large as to jeopardize reasonable further progress toward attainment by the required date. The SIP revision shall require preconstruction review permits for new major sources and major modifications of existing sources, to be issued in accordance with Section 173 of the Act.*

In order to assure that emission increases from new stationary sources or modifications of existing stationary sources will not exceed the requirements for reasonable further progress, the Commonwealth has submitted procedures providing for "offsetting" of emissions from major sources or major modifications and has identified a commitment to track all minor and area source emission changes. The emission "offsets" will be required in accordance with a currently proposed Commonwealth regulation, Rule 201, "Location Approval."

This regulation requires new major sources and major modifications located in or significantly impacting a nonattainment area to offset new emissions by providing reductions of existing sources beyond those available from control strategies in the SIP. Also, Section 173 of the Clean Air Act mandates that such new sources be required to meet the "lowest achievable emissions rate" (LAER) and that all other major sources, owned or operated by the same "person" and located in the Commonwealth, be required to be in compliance or meeting the requirements of an approved compliance schedule. The proposed regulation satisfies these requirements.

The Commonwealth has indicated that the "offsetting" of emissions from major sources and major modifications and the tracking of all minor and area source emission changes will be implemented. For total suspended particulates, the Commonwealth will offset all major source emission growth; minor source and area source emission growth will be tracked against the annual emissions accommodated for in the reasonable further progress demonstrations discussed under Subsection B(3) of this notice. If minor and area source growth exceeds these annual emission allowances, the Commonwealth will required new major sources and major modifications to obtain emission reductions not already relied upon in the plan so as to provide for reasonable further progress toward attainment of standards. EQB provides further identification of its emission offset policy in its October 30, 1979 letter.

It should be noted that the proposed Rule 201, "Location Approval" has not been legally adopted by the Commonwealth as yet. On this basis, EPA proposes to condition its approval of the plan revision. As discussed more fully in Subsection B(10) of this notice, EPA has been requested by the Commonwealth to propose action on Rule 201, "Location Approval," in its current status. Provided that the finally adopted regulation does not substantively differ from the proposed regulation submitted at this time, EPA will not propose action or solicit further public comment prior to final rulemaking.

EPA also finds that the Commonwealth SIP does not provide a commitment to submit external offsets as SIP revisions. Continued satisfaction of the requirements of Part D is contigent on such submittals. Therefore, EPA proposes to condition its approval of the plan on such a commitment being submitted to EPA by April 1, 1980.

(7) *The SIP revisions shall provide identification and commitment of the necessary resources to carry out the Part D provisions of the plan.*

These requirements were adequately addressed by the Commonwealth. In its SIP revision, the Commonwealth of Puerto Rico has presented the necessary identification of and commitment to the financial and manpower resources needed to carry out its plan and the plan's associated future studies.

(8) *The SIP revisions shall provide evidence of public, local government, and state legislative involvement and consultation.*

Public Participation and Consultation—In the SIP revision, reference is made to the fact that the affected public, as well as the interested public, were informed and asked for recommendations concerning pollution control activities. Legal advertisements, public hearings and responsiveness summaries have been identified as the three public information mechanisms used to inform and involve the public. Specific reference is also made regarding the public information mechanisms to be implemented with respect to application for new source construction.

Intergovernmental Consultation—The public participation section of the Puerto Rico SIP revision mention "a new aspect in public participation which requires the involvement of selected officials through intergovernmental consultation." However, the actual participation by elected officials appears to have been minimal. The extent of participation by elected officials, such as the mayors from nonattainment areas or the chairmen of the key environmental committees of the Puerto Rico legislature, throughout the SIP planning process is unclear. Mentioned in the plan were four meetings held with elected officials and routine mailings of public notices and hearings to the mayors.

Based on its review, EPA has determined that the participation and consultation element of the SIP, though minimally acceptable, could have been better. However, the Commonwealth is committed to institute improvements in these areas. EPA intends to monitor the Commonwealth progress in this regard.

(9) *The SIP revisions shall provide an identification and brief analysis of the air quality, health, welfare, economic, energy, and social effects of the plan provisions chosen and the alternatives considered and a summary of the public comments on the analysis.*

EPA finds that the Commonwealth has satisfactorily addressed the above criteria. In the SIP revision, Puerto Rico has discussed the effects of proposed regulations on public health and welfare in the Catano and Guayanilla air basins, and the economic and energy impact of proposed control strategies for Puerto Rico.

(10) *The SIP revisions shall provide written evidence that the State and other governmental bodies have adopted the necessary requirements in legally enforceable form, and are committed to implement and enforce the appropriate elements of the SIP.*

As discussed in Sections B(2) and B(6) of this notice, the Commonwealth has submitted proposed regulations as part of its SIP revision and has requested that EPA review and present comments on them in their present unadopted status. Since the proposed regulations have not been adopted as of yet, presently they are not legally enforceable.

Under Commonwealth administrative procedures, the proposed SIP revision has been subject to public hearing. Following completion of the public response period, the Environmental Quality Board will receive the hearing examiner's report. The Board will then take final action by virtue of the authority bestowed on EQB by the Commonwealth's Environmental Policy Act (Law No 9, June 18, 1970). This action will be followed by filing with the Secretary of State of Puerto Rico. The SIP revision becomes effective 30 days after this filing. As a result of these adoption procedures, the proposed SIP revisions should, according to Commonwealth estimates, be effective on or about April 1, 1980.

The Commonwealth has indicated that they do not anticipate that further revisions will occur during the time period leading to adoption. If the finally adopted SIP revision is not substantively different from that which was subject to public hearing, EPA will not repropose action on it or provide for further public comment prior to final rulemaking. It should be noted that EPA will not consider steps by the Commonwealth to correct those regulatory deficiencies discussed in Section B(4) of this notice as "substantive changes." Consequently, EPA urges interested members of the public to review the proposed SIP revision in light of Clean Air Act requirements and to submit comments during the comment period established by this notice. EPA currently is proposing to find this element of the Commonwealth's SIP revisions acceptable on the condition that substantively unchanged regulations are made effective and submitted to EPA by April 1, 1980.

C. Unfulfilled Requirements

The following summary identifies plan improvement actions which EPA found to be necessary for full, unconditioned approval of the Commonwealth of Puerto Rico's plan revision. These proposed conditions of approval are discussed in Section B of this **Federal Register** notice entitled, "Part D Requirements." The appropriate subsection is referenced after each proposed condition.

(1) On or before April 1, 1980 the Commonwealth must submit to EPA an acceptable revision to its regulatory definition of the terms, "air pollution control equipment," as found in Rule 102, "Definitions." The phase, "according to the Board," should be deleted or reworded so as to give EPA enforcement authority (Section B(4)).

(2) On or before April 1, 1980, the Commonwealth must submit to EPA a commitment to submit external offsets as SIP revisions (Section(b)(6)).

(3) On or before April 1, 1980, the Commonwealth must certify to EPA that its "Regulation for the Control of Atmospheric Pollution" has been adopted and is legally enforceable. EPA acceptance of this certification will be based on a determination that the air pollution control requirements containec therein have not been substantively changed from those submitted as a part of the plan revision. Correction of regulatory or other deficiencies discussed in this action shall not be considered "substantive changes." A copy of the adopted regulation must be submitted along with the Commonwealth's certification (Subsection B(10)).

D. Public Comment

Interested persons are invited to comment on any element of the subject revisions and on whether or not the proposed Commonwealth of Puerto Rico Implementation Plan revision meets Clean Air Act requriements. Comments received by (60 day following publication) will be considered in EPA's final decision. All comments received will be available for inspection at the Region II office of EPA at 26 Federal Plaza, Room 908, New York, New York 10007.

This notice of proposed rulemaking is issued under the authority of Sections 110, 172 and 301 of the Clean Air Act, as amended.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requiements of the Order or whether it may follow other specialized development procedures. EPA has reviewed this package and determined that it is a specialized regulation not

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subject to the procedural requirements of Executive Order 12044.

(Sec. 110, 172, 301, Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601)).)

Dated: February 23, 1980.

Charles S. Warren,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 80-9131 Filed 3325-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-106; RM 3327]

FM Broadcast Station in Livingston, Mont.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes to substitute Class C FM Channel 248 for Channel 249A at Livingston, Montana; modify the license of the station currently operating on Channel 249A to specify Channel 248; and delete Channel 249A to avoid short-spacing and intermixture. A first and second FM and second nighttime aural services would be provided.

DATES: Comments must be filed on or before May 12, 1980, and reply comments must be filed on or before June 2, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 11, 1980.

Released: March 18, 1980.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making [1] was filed on behalf of Yellowstone Broadcasting Services, Inc. ("petitioner"), licensee of FM Station KYBS (Channel 249A), Livingston, Montana, proposing the substitution of Class C Channel 248 for Channel 249A, on which it operates, at Livingston, Montana. Petitioner submitted numerous letters in support of the Class C assignment from citizens in the area. No oppositions to the petition have been received.

2. *Community Data:* (a) *Location:* Livingston, seat of Park County, is located approximately 153 kilometers (96 miles) southeast of Butte, Montana.

(b) *Population:* Livingston—6,883;[2] Park County—11,197.

(c) *Local Broadcast Service:* Livingston is served locally by daytime-only AM Station KPRK and FM Station KYBS, Channel 249A.

3. *Economic Data:* Petitioner states that the economy of Livingston is based on ranching, farming, tourism, and lumber and milling. In support of its petition, it has submitted information with respect to Livingston in order to demonstrate its need for a Class C assignment.

4. *Preclusion Study:* Assuming Channel 249A is deleted from Livingston, the proposed Class C channel would cause preclusion to twelve communities with populations greater than 1,000. Of these, six have no AM stations or FM assignments.[3] Petitioner states that an alternate channel is available for assignment to Harlow (pop. 1,375) but does not indicate whether alternate channels are available for the remaining five communities. It is requested that it do so in its comments to this *Notice*.

5. *Additional Considerations:* Petitioner claims that the proposed Class C station would provide the following service: [4] first FM service to 9,868 persons in a 3,470 square kilometer (1,356 square miles) area; a second FM service to 4,352 persons in a 2,143 square kilometer (837 square miles) area; and a second nighttime aural service to 9,581 persons in a 1,560 square kilometer (610 square miles) area. Staff studies indicate that the use of *Roanoke Rapids* criteria changes the above population fiures to approximately 500 (first FM service), 9000 (second FM service) and 3000 (second nighttime service).

6. Petitioner asserts that the substitution of Channel 248 for Channel 249A at Livingston would permit Station KYBS to provide a needed service to many people who do not now receive any local service, particularly in the early morning or evening hours.

7. In view of the additional and substantial first and second FM and second nighttime aural services that could be provided by the proposed Class C channel, we feel that consideration of the proposal described above is warranted. We are also proposing the deletion of Channel 249A from Livingston to avoid short-spacing and intermixture.

8. Regarding modification of petitioner's license to Channel 248, if assigned, our policy, as expressed in *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976), is that the public interest is best served where interested parties are afforded an equal opportunity to apply for such a Class C channel newly assigned to a community. However, since no party has expressed an interest in the proposed assignment of Channel 279 to Livingston thus far, we are proposing to modify the license of Station KYBS to the Class C channel. Should an opposition to the proposed modification together with a proper expression of interest be submitted in comments, appropriate comparative consideration must be afforded.

9. An *Order to Show Cause* to the petitioner will not be necessary since assent of the licensee of the station whose authorization is to be modified is clearly indicated by its request for rule making.

10. Since Livingston is located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment of Channel 248 to Livingston requires coordination with the Canadian Government.

11. In view of the above, the Commission proposes to amend the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) with regard to the city listed below as follows:

City	Channel No.	
	Present	Proposed
Livingston, Mont	249A	248

12. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

13. Interested parties may file comments on or before May 12, 1980, and reply comments on or before June 2, 1980.

14. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-9093 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

[1] Public Notice of the petition was given on March 2, 1979, Report No. 1166.

[2] Population figures are taken from the 1970 U.S. Census.

[3] *Montana:* Big Timber (1,592) (Channel 248); Harlow (1,375) (Channels 248, 249); Fort Benton (1,863) (Channel 248); Three Forks (1,188) (Channel 249A); White Sulphur Springs (1,200) (Channel 249A); and Townsend (1,371) (Channel 249A).

[4] According to petitioner, these area and population figures have been reached assuming Channel 249A is deleted from Livingston and Station KBZN in Bozeman, for which there is a construction permit issued, is to operate at 100 kW, 221 feet HAAT.

47 CFR Part 73

[BC Docket No. 80-105; RM-3319]

FM Broadcast Station in Cobleskill, N.Y.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a first FM channel to Cobleskill, New York, in response to a petition filed by John C. Chaney. The proposed assignment could provide first and second FM and second nighttime aural services.

DATES: Comments must be filed on or before May 12, 1980, and reply comments must be filed on or before June 2, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Molly Pauker, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 11, 1980.

Released: March 18, 1980.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:* (a) A petition for rulemaking [1] was filed by John C. Clancy ("petitioner"), proposing the assignment of Class B FM Channel 278 to Cobleskill, New York, as that community's first aural service.[2]

(b) Channel 278 can be assigned to Cobleskill in conformity with the minimum distance separation requirements, if the transmitter is located 28 kilometers (17.6 miles) north of the community. Canadian concurrence must be obtained since Cobleskill is located within 402 kilometers (250 miles) of the U.S.-Canada border.

(c) Petitioner states that he will apply for the channel, if assigned. No other comments have been received.

2. *Community Data:* (a) *Location:* Cobleskill is located in Schoharie County, approximately 56 kilometers (35 miles) west of Albany.

(b) *Population:* Cobleskill—4,368;[3] Schoharie County—24,750.

(c) *Present Local Aural Broadcast Service:* None.

(d) *Economic Data:* Petitioner states that Cobleskill's population has increased by 21.2% in the 1970's and that Schoharie is New York's second fastest growing county. He further states that Cobleskill is located in the northern, urbanized area of the county which is otherwise primarily rural and sparsely populated. County industry includes dairy farming, excavation, tourism and light manufacturing. Cobleskill is the location of several major employers in the millwork, dairy and quarrying industries. Petitioner has presented sufficient economic data to warrant our consideration of assignment of an FM channel to Cobleskill to provide a needed first local aural service.

3. Petitioner argues that a Class B assignment is justified at Cobleskill because Channel 278 is the only channel of all Class A and B commercial FM channels that would comply with the minimum distance separation requirements while supplying the required city-grade signal over the entire community of Cobleskill. In its *Roanoke Rapids/Anamosa* study, petitioner shows that a Class B station operating with 50 kW of power at an antenna height of 152 meters (500 feet) would provide first FM and second nighttime aural service to 2,032 persons in a 513

[1] Public Notice of the petition was given on February 16, 1979, Rept. No. 1164.

[2] In response to a request from the Broadcast Bureau, petitioner submitted additional information purporting to show that the assignment of a Class B channel to Cobleskill would be in the public interest. This data is considered herein.

[3] Population figures are taken from the 1970 U.S. Census.

V 45/60 MR 26 80 UMI

square kilometer (198 square miles) area and a second FM service to a population of 9,903 in a 855 square kilometer (330 square miles) area. Petitioner further points out that Class B assignments have been made to smaller communities, such as in *Burlington, Colorado*, 43 FR 4613, 42 RR 2d 231 (1978).[4]

4. *Preclusion Studies.* Preclusion would occur on Channels 276A, 278, and 280A. No communities of over 1,000 population are located in the newly precluded areas.

5. Based on our examination of petitioner's proposal, there appears to be a basis for considering an exception to our general policy of assigning Class B channels to larger communities. The proposed assignment of an FM channel to this small community could provide first and second FM and second nighttime aural service.

6. In view of the apparent need for a first local aural broadcast service in Cobleskill and the first and second services which could be provided, the Commission proposes to amend the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) as it relates to Cobleskill, New York, as follows:

City	Channel No.	
	Present	Proposed
Cobleskill, N.Y.		278

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before may 12, 1980, and reply comments on or before June 2, 1980.

9. For further information concerning this proceeding, contact Molly Pauker, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court reveiw, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-9094 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

[4] Petitioner also cites *Summersville, West Virginia*, Dkt. 21037, 42 FR 24272, 40 RR 2d 929 (1977), and *Hobart, Oklahoma*, Dkt. 20900, 42 FR 30371, 40 RR 2d 231 (1977).

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47 CFR Part 73

[BC Docket No. 80-107; RM-3309]

FM Broadcast Station in Milbank, S. Dak.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a first FM channel to Milbank, South Dakota, in response to a petition filed by Sturgis Radio, Inc. The proposed assignment could provide first FM service to a significant number of persons.

DATES: Comments must be filed on or before May 12, 1980 and reply comments must be filed on or before June 2, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Molly Pauker, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 11, 1980.

Released: March 18, 1980.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by Sturgis Radio, Inc. ("petitioner"), requesting the assignment of Class C FM Channel 282 to Milbank, South Dakota, as that community's first FM assignment.

(b) Channel 282 can be assigned to Milbank in conformity with the minimum distance separation requirements.

(c) In comments, petitioner states that it will apply for the channel, if assigned. No other pleadings were filed. We have received a letter in support.

2. *Community Data:*

(a) *Location:* Milbank, seat of Grant County, is located near the South Dakota-Minnesota border, approximately 264 kilometers (165 miles) west of Minneapolis, Minnesota.

[1] Public Notice of the petition was given on January 30, 1979, Report No. 1162.

(b) *Population:* Milbank—3,727;[2] Grant County—9,005.

(c) *Local Aural Broadcast Service:* Milbank is served by daytime-only AM Station KMSD, 1510 kHz.

3. *Economic Considerations:* Petitioner states that Milbank, seat of Grant County, is in the center of the Whetstone Valley, one of South Dakota's largest dairy areas. Its principal industries are farming, manufacturing, quarrying and meat processing. The proposed station would serve Grant County and the adjacent counties of Roberts, South Dakota, Big Stone, Minnesota, and Lac Qui Parle, Minnesota, which are said to be primarily rural with identical demographics. The closest FM service operates from Watertown, South Dakota, 45 miles distant. In its *Roanoke Rapids* showing, petitioner indicates that a Class C station operating with 75 kW power at an antenna height of 152.5 meters (500 feet) would provide a first FM service to 18,906 persons in a 5,314 square kilometer (2,076 square miles) area and a second FM service to 24,777 persons in a 2,979 square kilometer (1,164 square miles) area.

4. *Preclusion Studies.* Twenty-nine communities of over 1,000 population are located in one or more of the newly precluded areas. Of these, 20 have no local aural service, as follows:

Community	Population	Channels precluded
Canby, Minn.	2,061	280A
Minneota, Minn.	1,320	280A
Appleton, Minn.	1,769	280A
Madison, Minn.	2,242	280A
Dawson, Minn.	1,699	280A
Ashley, N. Dak.	1,236	281, 282, 283
Ellendale, N. Dak.	1,517	281, 282, 283
Lidgerwood, N. Dak.	1,000	281
Hankinson, N. Dak.	1,125	281
Lisbon, N. Dak.	2,090	281
Wishek, N. Dak.	1,275	282
Eureka, S. Dak.	1,547	282
Gettysburg, S. Dak.	1,915	282
Britton, S. Dak.	1,465	281, 282
Sisseton, S. Dak.	3,094	281
Groton, S. Dak.	1,021	281, 282
Ipswich, S. Dak.	1,187	281, 282, 283
Clark, S. Dak.	1,356	279, 280A
Webster, S. Dak.	2,252	279, 280A, 282, 285A
Clear Lake, S. Dak.	1,157	280A

Petitioner states that alternate channels (224A, 237A, 249A, 252A, 257A and 269A) are available for assignment within the precluded areas.

5. Based on an examination of petitioner's proposal, there appears to be a basis for considering an exception to our general policy of assigning Class C channels only to a large community. The proposed assignment of a first FM channel to this small isolated community could provide for substantial first and second FM broadcast services to people residing in sparsely populated areas. The extent of these services, particularly first FM service, would be significantly less, if a Class A channel were assigned.

6. Accordingly, the Commission proposes to amend the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) as it relates to Milbank, South Dakota, as follows:

City	Channel No.	
	Present	Proposed
Milbank, S. Dak.		282

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before May 12, 1980, and reply comments on or before June 2, 1980.

9. For further information concerning this proceeding, contact Molly Pauker, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-9092 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

[2] Population figures are taken from the 1970 U.S. Census.

V 45 / 60 MR 26 80 UMI

V 4 5 / 6 0 M R 2 6 8 0 UMI

47 CFR Part 76

[Docket No. 21006; FCC 80-126]

Adding Frequency Channeling Requirements and Restrictions and Requiring Monitoring for Signal Leakage From Cable Television Systems

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: On August 8, 1977 the FCC issued its First Report and Order adopting an interim set of rules designed to prevent cable signal leakage from interfering with aeronautical services and left open the question of frequency channeling plans. Subsequently, the Commission appointed an Advisory Committee to do a study and make recommendations on cable signal leakage. The final report was presented to the Commission and released January 24, 1980. The Notice of Proposed Rulemaking proposes to adopt a new set of rules based generally on the Advisory Committee's recommendations. The frequency channelization plan is postponed until permanent rules are adopted.

DATES: Comments must be received on or before April 25, 1980 and Reply Comments must be received on or before May 12, 1980.

ADDRESSES: Federal Communications Commission Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Clifford H. Paul, Cable Television Bureau (202) 254-3420.

Adopted: March 12, 1980.

Released: March 24, 1980. (*See* 42 FR 41284)

By the Commission: Commissioner Lee absent.

I. Scope of Proceeding

1. In the original Notice of Proposed Rulemaking in this Docket (61 FCC 2d 1022 (1976)), the Commission addressed two questions: (1) How can it be assured that cable television systems operating on frequencies used by air navigation and aeronautical and marine emergency radio services do not cause harmful interference to those safety of life services, and (2) What frequency channeling plan or plans should be used by cable television systems for equipment compatibility, for prevention of interference to over-the-air services, and for other purposes? By its first Report and Order in this Docket (65 FCC 2d 813 (1977)), this Commission adopted a set of Rules designed to prevent interference to aeronautical radio services, and closed that part of the Docket relating to the first of two questions addressed. The Docket was left open insofar as it concerned frequency channeling plans for cable television systems. It was recognized that the rules adopted in 1977 were only an interim solution (*ibid.* at paragraph 54), and that a research program was needed to obtain "* * * more information about propagation mechanisms, enforcement and maintenance procedures, and monitoring techniques * * *" than was available at that time. The Commission expressed its intent to begin, in cooperation with all interested parties, such a research program.

2. Subsequently, the Commission did appoint an Advisory Committee on Cable Signal Leakage and partially funded a research program in this area. The Advisory Committee provided suggestions and guidance throughout the research program, examined the results of the research, drew technical conclusions, and recommended a new regulatory approach to preventing interference based on those conclusions.[1] Other active participants in the research program included the Federal Aviation Administration, the National Cable Television Association, the National Telecommunications and Information Administration, and individual members and observers of the Advisory Committee.

3. In this Further Notice of Proposed Rulemaking we propose to adopt a new set of Rules to prevent cable television interference to aeronautical radio services.[2] We propose that the new rules should generally reflect the recommendations of the Advisory Committee on Cable Signal Leakage, with some clarifications, modifications, and additions. We again postpone consideration of a standard frequency channelling plan for cable television systsms until permanent rules for use of aeronautical radio frequencies have been adopted by the Rulemaking process we are initiating today.

II. The Research Program

4. The primary objective of the research program was to determine the relationship between cable television system signal leakage as measured at ground level and the probability of interference to aeronautical radio services. Measurements of electromagnetic fields due to leakage of cable television signals were made at ground level and in the airspace above the cable system. Several different methods of measurement and analysis were used, both on the ground and in the air. It was found by the Advisory Committee that acceptable correlation can be obtained between certain ground based measurements and certain airspace measurements, which in turn can be related to the probability of interference to aeronautical radio services. Therefore, it is possible to control airspace interference on the basis of ground based measurements which can feasibly be made by cable operators or enforcement personnel. We refer to the Report of the Advisory Committee for details of those measurements and the correlations between them *(op. cit.)*. The technical conclusions reached by the Advisory Committee are summarized in the Appendix B of this Notice of Proposed Rulemaking.

5. The existing rules for prevention of interference to aeronautical radio prohibit the use by cable systems of visual or aural carrier frequencies near those used by aeronautical radio services in the vicinity of the cable system. While these regulations will indeed prevent interference if followed rigorously, implementation of these regulations is a significant burden on cable operations as well as staff of the Commission, the Federal Aviation Administration, and the Department of Defense. Furthermore, these regulations unnecessarily hinder the full utilization of the potential offered by cable television technology. Based on the technical conclusions of the research program, the Advisory Committee recommends a different regulatory approach.

6. The Committee concludes that the relationship between ground measurements of signal leakage and the probability of interference in the airspace is now sufficiently well understood that it is possible to determine with high reliability whether a given cable system is sufficiently free of leakage that airspace interference will not occur. Furthermore, the results of the research program indicate that most modern cable systems, which generally are built with due regard for system integrity, do not exhibit excessive signal leakage. This is an important conclusion—prevention of interference would probably be a hopeless task if every cable system operator had to make extraordinary effort beyond normal construction and maintenance procedures in order to maintain adequate system integrity.

7. Given these conclusions, the Advisory Committee suggests that the Commission adopt quantitative criteria, detailed by the Committee, for differentiating acceptable and unacceptable levels of cable signal leakage. Then cable systems which meet the stated criteria may be permitted to use any desired frequency within the aeronautical radio communications frequency bands.[3]

III. Proposed Rules

8. We hereby propose to adopt a new set of rules for prevention of airspace interference due to cable signal leakage, based essentially on the proposals of the Advisory Committee. We do, however, invite comments from the public on each and every point of the program recommended by the Committee, as well as on additional points which we specify below. To clarify aspects upon which we would especially like to invite comments, we address now each of the items in the Committee's recommended program. The numbered paragraphs below are recommendations of the Advisory Committee. Each recommendation is followed by our comment on the recommendation, or requests for specific public comments. Appendix A to this Notice includes definitions of unfamiliar terms used in these recommendations.

(1) In the aeronautical communications frequency bands, adopt signal leakage performance criteria for cable television systems. Allow use of any frequencies in those bands by any cable system showing that those criteria are met. (Exceptions may be appropriate near aeronautical emergency frequencies 121.5 and 243.0 MHz and the marine emergency frequency 156.8 MHz.)

Our present regulations require cable systems to avoid frequencies used by aeronautical communications services near the cable system, regardless of the actual leakage integrity of the cable plant. Implementation of this approach imposes significant burdens upon the cable system, staff of the Commission, the Federal Aviation Administration, and the Department of Defense. More importantly, our present rules may impair or prevent services to the public, particularly as the channel capacity of cable systems becomes more fully occupied with new services. These difficulties can be avoided in cases where cable signal leakage is so low that no harmful interference will occur.

We propose to retain prohibitions against cable system use of frequencies near the aeronautical frequencies 121.5 and 243.0 MHz and near the marine emergency frequency 156.8 MHz. However, we propose to modify our present rules as follows: (1) The power level above which the prohibitions becomes effective will be changed from the present 10^{-5} watts to 10^{-4} watts; and (2) consistent with our separation requirements for other aeronautical services, the frequency bands from which cable signals will be excluded will be 121.5 ±0.095 MHz, 156.8 ±0.045 MHz, and 243.0 ±0.045 MHz. (See paragraph 9 of this Notice.) Thus, the nominal frequency of a cable signal or signal component greater than 10^{-4} watts will be required to differ from 121.5 MHz by at least 95 kHz pluse the frequency tolerance of the cable signal, and must differ from 156.8 MHz and 243.0 MHz by at least 45 kHz plus the frequency tolerance.

(2) In the aeronautical radionavigation bands, adopt the same signal leakage criteria, but add a frequency restriction for any signal component having a peak power level greater than a specified threshold. Nay such signal components should be restricted to frequencies which are odd multiples of 25 kHz (for example, 108.205, 108.075, 108.125 MHz, etc.), with a frequency tolerance of ±5 kHz.

We agree with Committee's recommendation that in addition to the system integrity standards, a frequency offset criterion (for signals above the power threshold specified) should be required in the radionavigation bands. A requirement that cable signals must be on frequencies which are odd multiples of 25 kHz (for example, 108.025, 108,075, 109.225, or 109.275 MHz) with a frequency tolerance of ±5 kHz would not be burdensome to cable operators, and would provide an offset of at least 20 kHz from any radionavigation frequency assignment which is envisioned by the Federal Aviation Administration or the Department of Defense anywhere in the country in the foreseeable future. This additional protection is desirable in the radionavigation bands because radionavigation receivers may be slightly more sensitive to certain kinds of interference than are communications receivers, and the consequences of interference could be severe.

(3) The basic leakage performance criterion should be that the 90th percentile power output at the test signal frequency from an aircraft antenna such as that used in the research reviewed herein, at an altitude of 450 meters above the cable system, should be less than −100 dBm when the cable system is energized with an unmodulated test signal having power equal to the peak power of the highest cable television carrier within the VHF television bands.

The proposed rules would not themselves specify a 90th percentile level of less than −100 dBm at 450 meters altitude, since neither the cable operator nor the Commission will generally be able to make a direct measurement of that parameter. Rather, the rules will specify the required valves of ground-based measurements or much simpler airspace measurements. The specified values will be chosen on the basis of research reported by the Advisory Committee in such a way that the *expected* 90th percentile power level at 450 meters will be −100 dBm or less.

(4) Direct measurement of the criterion of Item (3) is not usually feasible. Acceptable evidence that the criterion is met can be derived from any of several methods:

(a) Show that 10 log I3000 is equal to or less than −7, prior to carriage of signals in the aeronautical radio bands and at least once a year thereafter, based on a sampling of at least 75% of the cable strand, and including any portions of the cable system known or expected by the cable operator to have less leakage integrity than the average of his system.[4] The unmodulated test carrier should be within the VHF aeronautical radio bands, and at the level of the peak power of the highest signal component within those bands.

(b) Show that 10 log I_∞ is equal to or less than 34, prior to carriage of signals in the aeronautical radio bands and at least once a year thereafter, based on a sampling of at least 75% of the cable strand, and including any portions of the cable system known or expected by the cable operator to have less leakage integrity than the average of his system. The unmodulated test carrier should be within VHF aeronautical radio bands, and at the level of the peak power of the highest signal component within those bands.

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[1] Report of the FCC Advisory Committee on Cable Signal Leakage, presented to the Commission and released on January 24, 1980. This report is available as item number PB80 119605 from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, Telephone 703/557-4650.

[2] Results of the research project indicate that the primary potential for interference exists in the airspace in the immediate vicinity of the cable system. Therefore the potential for interference to maritime radio services seems quite low. We do, however, intend to retain a prohibition against cable signals within 45 kHz of the maritime emergency frequency 156.8 MHz, if the signals have maximum peak power greater than 10^{-4} watts.

[3] An additional frequency offset criterion is recommended in the radionavigation bands. But unlike the case under the present rules, this offset criterion can easily be met by any cable system in any location. Therefore, ad hoc frequency prohibitions dependent upon aeronautical radio assignements in a given area are not necessary.

[4] A footnote in the Advisory Committee Report suggests that "[i]t may require some care to specify in FCC Rules how the 75% to be covered must be chosen."

V 45 / 60 MR 26 80 UMI

(c) Show by measurement in the airspace that the equivalent field from cable signal leakage does not exceed 10 microvolts per meter at an altitude of 450 meters above the average terrain of the cable system. The measurement system (including the receiving antenna) should be calibrated against a known field of 10 microvolts per meter produced by a well characterized antenna and ground plane at ground level. The half-power bandwidth of the detector should be 25 kHz or less. If an aeronautical receiver is used for this purpose it should meet the standards of the Radio Technical Commission for Aeronautics (RTCA) for aeronautical communications receivers. The unmodulated test carrier should be within the VHF aeronautical radio bands, and at the level of the peak power of the highest signal component within those bands.

We propose that any of the three test procedures recommended by the Advisory Committee may be used at the cable system's option to demonstrate adequate system integrity. We agree with the Committee that it is not always feasible to examine 100% of the cable system each time the examination is performed. We specifically request comments on two points: (a) Is it reasonable to require that 75% of the cable plant be examined to show compliance, both from the point of view of feasibility of measurement and from the point of view of assuring a sufficiently complete sampling, and (b) What specifications, if any, should be included in the Rules to assure that the portion of the plant chosen by the cable operator (or FCC enforcement personnel) for measurement is a representative sample of the system as a whole? If, for example, 25% of the plant were old and the rest were new, it would not be a representative sample if the operator examined only the new plant.

(5) Measurements upon which calculation of I3000 or I_{∞} are based must either be made with a dipole and a field intensity meter as described in Section 76.609(h) of the Commission's rule or by means of another device which is calibrated in a realistic fashion against such a dipole and field intensity meter.

We request comment on whether it is necessary to specify in the Rules a procedure for calibrating a cable operator's measurement process against the use of a field intensity meter and a dipole. If so, what procedure or procedures should be specified? We are inclined to leave this unspecified, depending upon a common Commission, and industry understanding of professional engineering practice and allowing maximum flexibility for adoption of new measurement techniques as they arise. The research reported by the Advisory Committee does indicate that alternative procedures for leakage measurement can provide acceptable results.

We note that at present Section 76.609(h) requires that the dipole measurement be positioned 10 feet (3 meters) from the cable in most instances. But in some cases (where the cable is more than 6 meters (20 feet) above the ground) the cable dipole distance is required to be more than 3 meters. We propose to modify Section 76.609(h) to require a separation of 3 meters in all cases.

(6) The Commission should retain the authority to terminate cable system operation should harmful interference occur, independent of whether ground or air measurement criteria are met.

The authority to terminate operation of sources of actual interference is fundamental to the Commission's responsibilities and will remain in place.

(7) Advance notification to the Commission of intended use of frequencies in the aeronautical radio bands, if maximum peak power is to be above the specified threshold, should be a continued requirement.

Notification of intent to use aeronautical frequencies will remain an important part of our regulatory program. However, since ad hoc frequency prohibitions will not be necessary under the proposed scheme, notification 60 days in advance of use would no longer be essential. A statement that leakage tests have been made according to FCC rules, and that the cable system meets the integrity criteria would be required.

(8) The threshold cable system power level at which leakage integrity and frequency offset rules become applicable should be changed from the present 10^{-5} watts to 10^{-4} watts (38.75 dBmV, or −10 dBm). The threshold for notification of FCC should remain at 10^{-5} W (29.75 dBmV or −20 dBm).

One of the technical conclusions reached by the Advisory Committee was that aural carriers (having low power levels) have a very low probability of causing interference, even under conditions of "worst case" leakage. Therefore, such low level signals may reasonably be excluded from the existing frequency offset requirements, even without showing that the cable system is as free of leakage as would be required under the proposed new rules. The Committee recommends that we temporarily leave in place our present rules and procedures, for optional use by existing systems that cannot meet the new requirements. (See item (11), below.) We propose to do this, but with some modification of the existing rules. One of those modifications would be to raise the threshold power level at which the rules become applicable, so that aural carriers and signals of similar power level are excluded. Aural carriers on cable television systems typically have peak power levels in the range 27 to 37 dBmV (7×10^{-6} to 7×10^{-5} watts).

(9) The existing requirement for regular and routine monitoring of any cable system using any frequencies in the aeronautical radio bands should be maintained.

Routine monitoring and maintenance will be even more important under the proposed new regulations than under existing rules. We are undecided, however, as to the degree of detail with which our rules should specify how monitoring is to be done. We propose that "routine" monitoring, using leak detectors on at least one service vehicle (or in one fourth of the total number of vehicles in use, whichever number is larger) should be required, and that the cable operator should be required to inspect the entire cable system at least once every three months. We invite comment on details of monitoring requirements.

(10) The upper allowable limit for individual cable leakage sources should be changed from the present levels to the level of 100 μV/m as measured at 3 meters from the cable by the method now described in Section 76.609(h) of the Commission's Rules, independent of the frequency at which the leakage occurs. (This recommendation does not address interference to ground-based radio services or aeronautical receivers on the ground; however, even in that case the current 20 μV/m limit may be unnecessarily stringent.)

The Committee's recommendation of a permissible level of 100 μV/m for individual leakage sources is based entirely on observations with respect to interference in the airspace, and does not address problems of interference to ground level radio reception. Because our experience with cable television systems indicates that leakage sources of about 20 μV/m are difficult to measure and are generally very conservative in terms of interference potential, we do expect to increase the permissible level to something higher than 20 μV/m. However, we do not want to raise the limit to a level such that ground level interference becomes significant even though our leakage criterion is met. Unlike the use in the airspace, where virtually all leakage

sources in the cable system can contribute to interference, only cable leakage sources in the immediate vicinity of a ground-based radio receiver offer interference to that receiver. Therefore, it may be that prevention of interference to ground-based radio services could be achieved by leakage limits similar to limits we impose on other sources (such as TV receivers) in the same frequency bands. We do, however, intend to remain conservative in our individual leakage source criterion as it relates to airspace interference potential. Comments on the level at which the standard should be set are invited.

(11) Cable television systems which presently use aeronautical frequencies should be allowed either to continue complying with the existing frequency offset rules, or to meet the new requirements. This grandfathering period should terminate after a period of five to ten years. New users (and all users after the grandfathering period) must meet the new standards or avoid all use of the aeronautical radio frequencies.

We agree with the Advisory Committee that some period of time to allow existing systems to improve their leakage performance to comply with the proposed new rules is appropriate. During that time, those systems not meeting the new requirements would, of course, have to continue the present practice of avoiding locally used aeronautical radio frequencies. We would like this time period to be as short as possible, but long enough to allow most existing systems which desire to use the aeronautical frequencies to meet the new standards in the normal course of their rebuilding programs. We would welcome substantiated comments on how long a time might be required. Since it seems to be well within the state of the art to build cable systems which will meet the proposed new standards, and since virtually all new systems are being constructed to those standards for many reasons in addition to protection of aeronautical radio services, we see no reason to permit new systems the option of the existing "frequency avoidance" procedure.

9. In addition to the recommendations of the Advisory Committee, we propose further modification of the existing "frequency avoidance" procedure. We believe, on the basis of our present experience and the research reported by the Advisory Committee, that that procedure can be greatly simplified without increasing the risk of interference. Raising the threshold power level to 10^{-4} watts, as recommended by the Committee, will eliminate at least half of the difficulty of avoiding aeronautical frequencies. In the communications bands the present requirements is 100 kHz plus the cable system's frequency tolerance. In the radionavigation bands the separation requirement is 50 kHz plus the tolerance. We propose to reduce the requirement to 45 kHz plus the tolerance in both cases. For example, a nominal separation of 50 kHz with a tolerance of ±5 kHz would meet the proposed criterion.

10. In the radionavigation bands, the proposed separation is consistent with the proposal made by the FAA in 1977, when we adopted our present rules. We believe that the same separation should be applied to the communications bands since the majority of communications receivers provide interference susceptibility which is 60 db better than that achievable at a zero frequency separation.[5] Since the worst leakage observed in the research was no more than about 11 db above the level of detectability, it probably would not be observed by a communications receiver if the frequency were offset by 45 kHz or more.

11. The proposed reduction of the offset requirement to 45 kHz will eliminate about 80% of the existing problems of choosing appropriate frequencies for cable operations. In practice, for instance, the present rules forbid cable operation on the conventional Channel A visual carrier frequency (121.250 MHz) if there is a nearby aeronautical service on 121.150, 121.200, 121.250, 121.300, or 121.350 MHz. (Still other aeronautical frequencies are possible, but these are the most common ones in the vicinity of 121.250 MHz.)[6] The proposed reduced offset requirement would require the cable operator to change his frequency or avoid Channel A only if there were an aeronautical assignment on 121.250 MHz (if the frequency tolerance were ±5 kHz), and aeronautical assignments on the other 4 of the 5 frequencies would be immaterial. Thus, the combination of ignoring aural carriers and reducing frequency offset requirements to 45 kHz would eliminate approximately 90% of the existing difficulties with the "frequency avoidance" approach to protection of aeronautical radio services. (Of course, the administrative effort associated with advance notification to the FCC and FCC response to those notifications would not be eliminated; only the difficulty of identifying "clear" frequencies for cable use would be cut by about 90%).

12. We have found some difficulty in double checking cable operators' efforts to avoid conflict with aeronautical assignments because it is not clear from the notifications we receive exactly where the cable television system is, geographically. We therefore propose to add to the requirement for advance notification of intent to use aeronautical frequencies (whether under the existing rules or the proposed new rules) the requirement that the cable operator define a circle which encloses the entire cable plant, existing or planned, for which notice is being given. The specification of latitude and longitude, in degrees, minutes, and seconds, of a point near the center of the cable system, together with the distance from that point to the most remote point on the cable plant, would specify such a circle. Additional geographical information could be provided at the cable operator's option, but specifications of a circle would generally be adequate.

13. Finally, we note that the present rules have not completely succeeded in preventing interference. Since the present rules were adopted, there has been detection of cable television leakage by aeronautical receivers in three cases, and in at least one of those cases interference to aeronautical communications did occur. Aeronautical radio does take precedence over cable television use of the aeronautical radio frequency bands. The results of whatever rules are adopted as a result of this Notice will be monitored closely, and further steps will be taken if needed to preserve air traffic safety.

[5] Older "100 kHz" receivers which are generally more prone to receive interference in normal operation will also be more susceptible to interference from cable systems. Such receivers are less sensitive by 8–10 db to a 50 kHz offset signal than to an on-frequency signal.

[6] Even the older "100 kHz" receivers, very few of which are still in use, and which we understand are rarely if ever used near major air traffic centers, are less sensitive by 8 to 10 db to a 50 kHz offset signal than to an on-frequency signal.

IV. Authority

14. Authority for the rulemaking proposed here is contained in 47 U.S.C. 151, 152, 154 (i) and (j), 301, 303, and 307. All interested parties are invited to file written comments on this rulemaking proposal on or before April 25, 1980, and reply comments on or before May 12, 1980. In reaching a decision on this matter, the Commission may take into account any other relevant information before it, in addition to the comments invited by this Notice of Proposed Rulemaking.

15. In accordance with the provisions of 1.419 of this chapter, an original and 5 copies of all comments, replies,

pleadings, briefs or other documents filed in this proceeding shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Docket Reference Room (Room 239) at its Headquarters in Washington, D.C. (1919 M Street, N.W.).

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A—Definition of Leakage Indices

1. The most important of the ground based measurements performed during the research program were done by measuring the electric field intensity at a distance of 3 meters from the cable leakage source, according to the method described in Section 76.609 of the FCC Rules. When other methods were used for measurement of individual leakage sources, they were related to these standard measurements by means of a calibration process. It was necessary to define some single parameter to characterize the leakage behavior of each cable system, on the basis of the ground measurements. Two different parameters were defined for this purpose, I_{3000} and I_∞ (we refer to the full report of the Committee, cited in the main text of this Notice, for detailed discussion):

$$I_{3000} = \frac{1}{\phi} \sum_{i=1}^{n} \frac{E_i^2}{R_i^2}, \qquad (A\text{-}1)$$

and

$$I_\infty = \frac{1}{\phi} \sum_{i=1}^{n} E_i^2, \qquad (A\text{-}2)$$

where

$$R_i^2 = r_i^2 + (3000)^2, \qquad (A\text{-}3)$$

r_i^2 is the distance (in meters) between the leakage source and the center of the cable television system, and ϕ is an estimate of the fraction of the cable system which was actually examined for leakage sources. R_i, then, is the slant height distance, in meters, from a cable leakage source i to a point 3000 meters above the center of the cable television system.

2. The contribution of each leakage source i to the leakage index I_∞ is proportional to the power flux density produced by leak i at a point 3000 meters above the center of the cable system, assuming isotropic radiation from the leak. The contribution each leakage source makes to the leakage index I is proportional to the total power available from the leak. Research results show that either leakage index can give adequate representation of cable system integrity. I_{3000} gives a somewhat more accurate indication of airspace fields, but I_∞ also gives adequate results and is much simpler to compute from measurement data.

3. The principal airspace measurements consisted of automated recording of power input to a narrow band airborne receiver at a rate of 200 data points per second. The receiver was tuned to the same frequency as was a CW carrier imposed on the cable television system below the aircraft.

4. The airspace leakage field, for purposes of estimating whether or not interference would be detected by an aeronautical radio receiver, was represented by the receiver input power which was exceeded by 10% of the data points recorded over the cable system. In the Advisory Committee report and in this Notice, this is called the "90th percentile level" of airspace leakage field.

Appendix B—Technical Conclusions of the FCC Advisory Committee on Cable Signal Leakage

The following is Section 4.2, *Technical Conclusions*, taken from the final report of FCC's Advisory Committee on Cable Signal "Leakage". (References are omitted here.)

4.2 Technical Conclusions

The Advisory Committee reaches the following technical conclusions on the basis of the research reported in previous sections:

(1) It is possible to determine, within acceptably narrow limits, the level of cable television signal leakage fields which exist in the airspace over the cable system by means of reasonably simple measurements made at ground level.

(2) Specifically, if the value of 10 log I_{3000} is less than −7 for a given cable television system, then we would expect to be in error only one time in twenty by stating that the 90th percentile level of the airspace fields at 450 meters altitude is less than −100 dBm, which is below the level of detectability for virtually all aeronautical communications received as they are operated in practice. Navigation receivers, being more sensitive to interference in some cases, should be given additional protection by means of frequency offsets.

(3) Of the thirteen cable television systems examined, only two showed measured airspace fields which would be expected to cause interference to aeronautical radio receivers. Both these systems were old systems, and clearly in poor condition with respect to signal leakage. To the extent that our sample is representative of all cable television systems, it can be expected that cable television systems using modern leak prevention equipment and techniques would not cause aeronautical radio interference. However, this conclusion should be checked by monitoring the performance of newer systems over a period of years.

(4) Ground-based measurement of signal leakage, although not a trivial chore, is feasible for most cable television operators who want to use aeronautical radio frequencies.

(5) It is feasible for FCC enforcement personnel to perform rapid spot checks which have a high probability of identifying an excessively leaky cable television system.

(6) At least under the controlled conditions of this experiment, a small number of artifically created leaks, each about 40 times greater in power than the largest leaks discovered in operating cable systems, was insufficient to cause harmful interference to ground-air communication services, although in some circumstances such leakage fields could be detected in the airspace. If such a large leakage source did occur in an operating cable TV system, it would be highly likely that service downstream from the leak would be seriously degraded. In that case the leak would very soon come to the attention of a cable television system operator. In practice, interference potential arises from a large collection of leakage sources, each of which is too small to cause interference by itself. (7) For the systems tested, which are considered to be representative, leakage sources equal to or less than 100 uV/m at three meters do not contribute significantly to a cable system's potential for causing harmful interference to aeronautical radio services.

(8) Simple airspace measurements using the AGC (automatic gain control) voltage of an aeronautical radio receiver provide an alternative to the process of making ground measurements of signal leakage. This alternative may be expecially important for cable systems serving large numbers of high rise buildings.

(9) Signal leakage on frequencies used for aural carriers is unlikely to cause interference even under the worst cable leakage conditions. The worst cable system observed . . . exhibited airspace fields (due to visual carriers) about 11 dB higher than detectable by aeronautical receivers; aural carriers are 13 to 17 decibels lower in level than visual carriers, and therefore would not be observable even in [the worst case city].

(10) The phenomenon of "phase addition" of cable leakage signals, as compared to addition on a power basis, was not observed and is not believed to be significant.

[FR Doc. 80-9090 Filed 3-25-80; 8:45 am]

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47 CFR Part 83

[Gen. Docket No. 80-108; FCC 80-121]

Implementing a Provision of the New (1974) Safety Convention Regarding Compulsory Carriage of Radar on Board Vessels of 1,600 Tons Gross Tonnage and Over

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Federal Communications Commission proposes an amendment of Part 83 of the rules to implement a requirement of the new 1974 Safety Convention requiring mandatory carriage aboard ships of 1,600 tons gross tonnage and over of radar equipment meeting minimum standards. These standards are proposed in the notice.

DATES: Comments must be received on or before April 25, 1980, and Reply Comments must be received on or before May 12, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Irvin Hurwitz, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Adopted: March 12, 1980.

Released: March 21, 1980.

By the Commission: Commissioner Lee absent.

1. On May 25, 1980, the International Convention for the Safety of Life at Sea, 1974 (SOLAS, 74) comes into force, thereby replacing and abrogating the old 1960 Safety Convention. Regulation 12(a) of Chapter V of the new Convention reads as follows:

All ships of 1,600 tons gross tonnage and upwards shall be fitted with a radar of a type approved by the Administration. Facilities for plotting radar readings shall be provided on the bridge in those ships.

The Commission has been charged, in Section 303(r) of the Communications Act of 1934 as amended, with responsibility for making "such rules and regulations . . . as may be necessary to carry out the provisions of . . . any treaty or convention insofar as it relates to the use of radio, to which the United States is or may hereafter become a party". Radar, which is an acronym for *RA*dio *D*etection *A*nd *R*anging, has been judged to be "radio" within the meaning of Section 303(r) of the Act and was so understood by the U.S. Senate when, as part of the ratification process, it granted its Advice and Consent on the occasion of compulsory radar requirements' initial introduction and integration into the Safety Convention.

2. This Notice of Proposed Rule Making is being used in order to propose specifications to be met by the types of radar this Administration has been called on to approve. The proposed rule modifications are set forth in the attached appendix. They are largely based on radar specifications that were developed over the past several years—with the present rulemaking in mind—by Special Committee 65 of the Radio Technical Commission for Marine Services, an advisory committee to the Federal Communications Commission. This Committee, which included in its makeup all segments of the marine industry as well as of consumer interests, arrived at a consensus with respect to radar operational specifications, and it is these specifications that formed the basis for the instant proposed rulemaking.

3. Specific comment is requested concerning the approval of these radars by the Commission. In order to determine compliance with the proposed new Section 83.465, approval procedures will be required. Since the procedure required will determine the resource impact upon the Commission, we are interested in implementing a program which will provide the maximum assurance of compliance with the proposed standards for the minimum amount of money and manpower. The program could vary from one under which all necessary testing is done by the Commission, to one which is based upon review of data submitted by the manufacturer with no testing by the Commission. When commenting on this matter, a suitable cost-benefits analysis should be provided, keeping in mind the safety aspects of the equipment.

4. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to procedures set out in Section 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before April 25, 1980, and reply comments on or before May 12, 1980. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

5. In accordance with the provisions of Section 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

6. Regarding questions on matters covered in this document contact Irvin Hurwitz, (202) 632-7175.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. Section 83.70(b) is amended by adding the following sentence to the end of the text to read as follows:

§ 83.70 Application for inspection and certification.

* * * * *

(b) * * *

In the case of ship radar stations, the license of the service representative shall, in addition, bear the radar endorsement.

* * * * *

2. Section 83.107(a) is amended to read as follows:

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V 45/60 MR 26 80 UMI

§ 83.107 Antenna requirements.

(a) The antenna(s) of each ship station and ship radar station compulsorily provided on board a vessel for safety purposes pursuant to statute or international agreement shall, insofar as is practicable in each case, have electrical characteristics that will, in conjunction with the particular transmitting apparatus employed, assure good efficiency in the conversion of antenna power to radiated power.

* * * * *

3. Section 83.110 is amended to read as follows:

§ 83.110 Maintenance of transmitter power.

(a) The actual power of each radio transmitter in a ship station or ship radar station shall, insofar as is practicable, be no more than that necessary to carry on the service for which the station is licensed and in no event more than 20 percent above the power specified in the license.

(b) Except for transmitters using single sideband and independent sideband emissions, each radio transmitter in a ship station, rated by the manufacturer as being capable of a plate input power in excess of 200 watts or carrier power in excess of 100 watts, shall be fitted with the instruments necessary to determine the transmitter power during its operation.

4. In § 83.115, paragraphs (a)(1), (a)(2) and (e) are amended to read as follows:

§ 83.115 Retention of radio station logs.

(a) * * *

(1) Station logs involving communications or other entries incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry;

(2) Station logs which include entries of communications or other matter incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them;

* * * * *

(e) The logs of the bridge-to-bridge and ship radar stations shall be retained at their respective principal operating locations on board the vessel for a period of not less than 30 days from the date of entry. After the 30-day period these logs may be removed from the principal operating locations of their respective stations and filed at a place where it will be readily available to an authorized representative of the Commission upon request, and shall be retained as stipulated by paragraph (a) of this section.

5. The title of Subpart R is amended to read as follows:

Subpart R—Radiotelegraph and Ship Radar Stations Provided for Compliance With Part II of Title III of the Communications Act or the Radio Provisions of the Safety Convention

6. Section 83.442 is amended to read as follows:

§ 83.442 Radio station.

The radio station required to be provided on a ship by reason of the provisions of part II of title III of the Communications Act, or on a U.S. ship by reason of the Safety Convention, shall comply in an efficient manner with the provisions of this subpart in addition to all other applicable requirements of this part. The radio station consists of a radiotelegraph station and a ship radar station. The radiotelegraph station comprises a main and a reserve radiotelegraph installation, electrically separate and electrically independent of each other (except as otherwise provided in paragraph (b) of § 83.443), a radiotelephone installation[1] and such other equipment as may be necessary for the proper use and operation of these installations. The ship radar station comprises a radar installation and such other equipment and facilities as may be necessary for its proper use and operation.

7. A new § 83.446a is added as follows:

§ 83.446a Requirements of radar installations.

All radar installations provided to meet the requirements of the Safety Convention shall comply with the following conditions in addition to all other applicable requirements of Part 83 of this chapter.

(a) The main display position of the radar station shall be located in the wheelhouse and the radar shall be capable of being switched on and off and operated from that position. The installation shall be such that the radar functions normally within the guidelines set by § 83.465.

(b) If the radar becomes inoperative, or if its output becomes in any way suspect, the occurrence shall immediately be reported to the master and to the radio officer and entered into the ship radar station log by the radio officer.

(c) Clearance of all radar faults and the means by which the clearance was accomplished shall be entered into the ship radar station log by the radio officer. An entry shall also be made whenever routine or extraordinary maintenance is carried out.

(d) A reflection plotter shall be available and facilities for plotting provided as necessary.

8. Section 83.447 is amended to read as follows:

§ 83.447 Routing of power supply wiring.

The conductors connecting the main power supply to the main installation, and those connecting the reserve power supply to the reserve installation, and finally those connecting the radar power supply to the ship radar station, shall be so routed as to ensure adequate protection form mechanical injury, shall be protected from overload, and shall be kept clear of electrical grounds.

9. Add new § 83.465 as follows:

§ 83.465 Ship radar station.

All compulsorily installed ship radar stations shall, in addition to meeting all other relevant provisions of this chapter, comply with the applicable radar specifications issued by the Radio Technical Commission for Marine Services under date of July 18, 1978, as given in the Final Report of Special Committee 65—Ship Radar. These specifications may be obtained from the Radio Technical Commission for Marine Services c/o Federal Communications Commission Washington, D.C. 20554 or from the Commission's Aviation and Marine Branch. The applicable specifications hereby incorporated by reference in this subpart are the following:

(a) For radar equipment installed after May 25, 1980, the applicable document is entitled "Performance Specification for a General Purpose Navigational Radar Set for Oceangoing Ships of 1600 Tons Gross Tonnage and Upwards, *For New Radar Installations.*" This specification including its Appendix A—Design and Testing Specifications—may be found in Part I of Volume II of the SC–65 Final Report.

(b) For equipment installed before May 25, 1980, the applicable document is entitled "Performance Specification for a General Purpose Navigational Radar Set For Oceangoing Ships of 1600 Tons Gross Tonnage and Upwards *For Ships Already Fitted.* This specification may be found as Part II of Volume II of the SC–65 Final Report.

(c) Requirements for Tools, Test Instruments Spares and Technical Manuals may be found in Appendixes I, II, III and IV of Part IV of Volume III of the SC–65 Final Report.

(d) Specifications for reliability testing may be found in Part V of Volume III of the SC–65 Final Report under the title "Equipment Reliability Specification for Design and Production of Radar, Collision Avoidance, and Marine Radar Interrogator—Transponder Equipment."

[1] Effective January 1, 1980, radiotelephone installations are required.

[FR Doc. 80-9091 Filed 3-25-80; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1120A

[Finance Docket No. 28990F]

Common Carrier Status of States, State Agencies and Instrumentalities, and Political Subdivisions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rules and proposed exemptions.

SUMMARY: We propose (1) to exempt States that acquire rail lines which have been abandoned or approved for abandonment, and operators that provide service over the lines, from some of the requirements of the Interstate Commerce Act which apply to common carriers and (2) to adopt special rules which will apply to the States and to those who operate service over these lines. These actions are being proposed in response to a petition for a declaratory order which was filed by thirteen States and one transportation district. Our intention is to insure that Commission regulations do not prevent any State from participating in a subsidy program.

DATES: Comments should be filed by April 25, 1980.

ADDRESSES: An original and 12 copies of all comments should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423. Attention: Finance Docket No. 28990F.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, (202) 275–7245.

SUPPLEMENTARY INFORMATION: On March 20, 1979, the States of Arizona, Delaware, Georgia, Illinois, Massachusetts, Mississippi, North Carolina, Ohio, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin, and the Accomack-Northampton Transportation District of Virginia (petitioners) filed a petition for a declaratory order concerning our authority under 49 U.S.C. 10901. The petitioners want to know whether they would qualify as common carriers under the Interstate Commerce Act (the Act) as a result of their acquisition or operation of rail lines which have been lawfully abandoned or approved for abandonment. If we conclude that the petitioners would qualify as common carriers, then petitioners request that we use our authority under 49 U.S.C. 10505 to exempt them from certain requirements of the Act applicable to common carriers.

The Michigan Department of Transportation (MDOT) has petitioned for leave to intervene in the proceeding, and the United States Department of Transportation (DOT) has submitted a letter indicating its intent to participate. We grant the petition of MDOT, and welcome the participation of DOT.

As used throughout this notice, "State" means a State and any political subdivisions of a State and "abandoned rail lines" means a line that has been lawfully abandoned or approved for abandonment.

Background

Petitioners state that the passage of the Regional Rail Reorganization Act of 1973 (3–R Act), the Railroad Revitalization and Regulatory Reform Act of 1976 (4–R Act), and the Local Rail Service Act of 1978 has placed States and other government agencies in the forefront of rail service continuation programs. They cite a Commission staff opinion, contained in a memorandum dated June 1, 1978, from Edward J. Schack, Acting Deputy Director, Section of Finance to Madeline S. Bloom, Director, Office of State Assistance Programs, Federal Railroad Administration, which indicated that States or political subdivisions seeking to continue rail service through such programs, by offering to purchase and operate lines authorized for abandonment, must apply for a common carrier certificate from the Commission.

Although the petitioners recognize that the opinion is not binding, they contend that it has had a chilling effect on State participation in rail programs since most States are unwilling or unable to assume common carrier status. They request advice as to whether a State or political subdivision would become a common carrier if it acquired or leased a line and (1) provided a subsidy payment to an operator, (2) contracted with a nonsubsidized operator, or (3) operated the line. If the State would become a common carrier in any of these instances, petitioners request that the Commission exempt them from some of the common carrier obligations they would incur.

The petitioners maintain that we lack jurisdiction to require States or political subdivisions to obtain common carrier certification unless they are providing transportation services for compensation; that, to be a common carrier, a State owning a railroad must actually perform transportation services; and that only a governmental body which owns and operates a railroad must therefore be a common carrier.

Petitioners argue that States will not be able to participate in subsidy programs if they must become common carriers. To illustrate the problems they would encounter, they point out that, as common carriers, they would have to go through the Commission's abandonment procedures before they could terminate service over a subsidized line. However they have no guaranteed source of subsidy funds, and, if subsidy funds were cut off, they believe they would have to be able to terminate subsidized service without going through the Commission's abandonment procedures. Otherwise, they could find themselves with an obligation to continue to provide costly service with no source of funds to pay for the service.

There are constitutional provisions which would prohibit many States from becoming common carriers and common carrier status could place an intolerable administrative burden on them. For example, they might be required to secure Commission permission to issue bonds. Another concern is that all State employees might become subject to the employee protection conditions of the Act (49 U.S.C. 11347).

These concerns and others are raised in ten specific questions which the petitioners have included in their petition. The questions and our responses to them are contained in Appendix A. In some instances we have rephrased the original question to reflect our understanding of the petitioners' concern.

Jurisdiction

First, we consider the issue of whether the Commission has jurisdiction over the acquisition and operation by a government entity of an abandoned rail line. If a line has been lawfully abandoned, acquisition lies outside our jurisdiction as the line is not considered rail property. However, except as provided in 49 U.S.C. 10907, *operation* of a rail line requires prior approval from us under 49 U.S.C. 10901 and the operator incurs all common carrier obligations and responsibilities. Whether the operator of a rail line is a private organization or a State does not alter its common carrier status. In addition, we have found a nonoperating owner of a rail line to be a common carrier where the nonoperating owner

holds or participates in the control and management of the operating entity. See *Pittsburgh & W. Va R.-Pur.-Pittsburgh & W. Va. Ry. Co.*, 330 ICC 593 (1967); *Texas & N.O.R. Co. Abandonment*, 317 ICC 245 (1960). Thus, under present law, in many instances, both the State and the operator of the rail line would be considered common carriers.

Exemption Authority

We are authorized by 49 U.S.C. 10505 to exempt from our regulation a class of persons, or a transaction or service where appropriate "because of the limited scope of the transaction or service." This exemption is available when we find that continued regulation:

(1) Is not necessary to carry out the transportation policy contained in Section 10101 of the Act;

(2) Would be an unreasonable burden on a person, class of persons, or interstate and foreign commerce; and

(3) Would serve little or no useful public purpose.

This general exemption authority has been used to exempt companies operating exclusively as designated operators from the requirements of 49 U.S.C. 11343. See: *Exemption of Certain Designated Operators From 11343*, 361 ICC 379 (1979). In that same decision, we also exempted the officers and directors of those companies from the provisions of 49 U.S.C. 11322(a). We reasoned that companies operating exclusively as designated operators are generally small financially, have no major impact, singularly or in combination, on the competitive situation of other common carriers by railroad, and preserve a service which would otherwise be discontinued 361 ICC at 382. Also designated operators serving abandoned lines pursuant to the 3–R Act are not required to obtain our approval before commencing or abandoning operations. See: *Continuation of Rail Service Under Subsidy by Designated Operators*, 41 FR 10528 (1976).

The same arguments which favor exempting designated operators from some of the common carrier obligations of the Act favor exempting States and operators in this proceeding. The purpose of the exemptions would be the same, i.e., to remove unnecessary restrictions which might impede the success of the subsidy program established by Congress. The exemption would be based on findings that continued application of some of our regulations to States that acquire abandoned rail lines and to those who operate them would not be necessary to carry out the national transportation policy, would be burdensome on the States and the operators, and would serve no public purpose. In fact, application of some of our regulations may operator to thwart the public purpose of continuing rail service to shippers on abandoned lines through the subsidy program.

We propose to exempt States which acquire abandoned rail lines (and do not undertake to operate the lines themselves) from all of the Act's regulatory requirements relating to the acquisition of the lines and the start up, conduct, and termination of service over them. We also propose to exempt the States from the requirements of section 11301 relating to the issuance of securities by a common carrier.

We propose to exempt operators of abandoned rail lines (whether the States themselves or operators with whom the States contract) from only those provisions of the Act governing acquisition and start up and termination of service. Conduct of operations would still be subject to the requirements of the Act concerning provision of service by common carriers by rail, with the exceptions discussed below.

We propose partially to exempt operators from the provisions of section 11101(a) of the Act concerning the provision of service upon reasonable request. This action would allow the States and the operators to limit the service provided over the line. For example, some States would like to be able to require that to receive subsidized service, a shipper must agree to contribute to the subsidy payment. States should have the leeway to adopt limitations on service.

As to employees of the State, the only employees who would be subject to the employee protection provisions of the Act would be those employees engaged in the actual operation of a rail line. Thus, if the State does not operate a line, none of its employees could be governed by the Act; if it does operate a line, only those employees involved in the actual operation might be subject to the Act's employee protection provision.

Proposed Rules

In the place of the requirements from which we propose to exempt States and operators, we propose to establish a new procedure governing the start up and termination of operations over abandoned lines. Appendix B contains rules which we propose to adopt to implement the new procedures. The State and the operator, if different from the State, would be required to file a joint application with the Commission for a special license (Special Service Certificate). The application would have to be filed before operations were begun.

Some States and operators will have begun service before these proposed rules become final. These States and operators should file an application for a special service certificate within sixty days of the effective date of final rules in this proceeding. They should attach to their application a request that the certificate of public convenience and necessity, under which they have been performing operations, be rescinded at the same time that the special service certificate is issued.

The proposed rules would require that certain information about the operator, the service to be provided, and the subsidizer be included in any application for a special certificate. In addition, the proposed rules would require that, before a State terminates service on a line, it must give sixty days' notice to the Commission and to all shippers who have used the line in the preceding twelve months.

The rules would require that States report any preconditions which shippers must meet to be eligible for subsidized service. If a State sets preconditions for service on a line, it must make the preconditions known to all of the shippers on that line, and any shipper that meets the State's requirements must be provided service by the operator.

We believe that this approach would provide a fair solution for the problems raised in the States' petition. It would eliminate the obstacles which the States believe would prevent them from participating in the subsidy program. It also would allow States to require shippers to contribute to the subsidy costs to receive service by permitting the States and the operators to limit service on the line. At the same time, it would insure that operators who do provide service over the lines will be required to adhere to the fundamental common carrier service requirements of the Act, such as the prohibition of rate discrimination. The States will be able to terminate service in a short time if their subsidy funds run out, and, at the same time, shippers will be assured of at least sixty days' notice before the service is actually terminated.

Because of the need to expedite this matter, we intend to issue a decision on the proposed exemptions as soon as possible after the close of the comment period.

We propose to issue the exemptions discussed in this notice and to adopt the rules set forth in Appendix B below.

The public is invited to file comments on all aspects of these proposals.

This action does not appear to affect significantly the quality of the human environment or conservation of energy resources.

Issued under the authority of 5 U.S.C. 553 and 49 U.S.C. 10321 and 10505.

Dated: March 18, 1980.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioner Trantum concurring with a separate expression.

James H. Bayne,

Acting Secretary.

Commissioner Trantum (Concurring)

It is not surprising that, having observed the results of 93 years of railroad regulation by the Federal Government, the petitioner States describe themselves as "not willing or able to assume common carrier status." Yet while Congress, the Executive Branch, and this Commission have finally begun to recognize the need for less government interference in the railroad business, direct participation by States seems to be expanding.

This proceeding should not be conducted without consideration of the implications of government funding of operations over abandoned rail lines. A legislature may, of course, devote a portion of a State's financial resources to assisting shippers during a transition period following an abandonment. But long-term operations, and particularly Federal subsidies, present a clear risk of expanding government involvement (ultimately more Conrails or nationalization). The parties to this proceeding should recognize that the public interest would be better served if private-sector railroad companies, as well as the States and their designated operators, were relieved of some of the legal obligations and financial burdens that come with common carrier status.

[F.D. 28990F]

Appendix A—Response to Petitioners' Questions

(1) Q: When an agreement is reached between a railroad seeking to abandon a line and an offeror of assistance (subsidy), the Commission postpones abandonment authorization as long as the agreement is in effect; the agreement is a contract for service which the railroad supplies. Does the contract extend that common carrier obligation to the subsidizer?

A: The contract for subsidized service between the railroad and the subsidizer would not extend the common carrier obligation to the subsidizer. If the subsidizer acquired the line and contract with a railroad to provide service, the subsidizer could be considered a common carrier.

(2) Q: If an agreement is reached between a State and an operator, can the operator refuse to extend the contracted service to a user of the line if the user does not provide any subsidy? Again, who holds the common carrier obligation?

A: Under the Act, the operator could not refuse to extend service in this situation. Under our proposal in this notice, the State and the operator would be able to refuse service to users who are not prepared to meet certain preconditions such as contributing to the subsidy. The operator would have to make known to all potential users the conditions under which service would be offered and would have to provide service to anyone willing to meet those conditions.

(3) Q: If an agreement is reached and the certificate of public convenience and necessity permitting abandonment is held, does the certificate have a statute of limitations? Currently, if the certificate is not exercised within one year, the certificate is void. Does the agreement mitigate this 1-year expiration?

A: The issuance of an abandonment certificate is postponed while a subsidy agreement is in effect. Upon termination of the subsidy agreement, a certificate will be issued automatically, and it must be exercised within one year of the date that it is issued, unless a specific extension of time is granted.

(4) Q: If a subsidy is terminated, do those users who are/were served have any legal rights or recourse before the Commission, and if so, against whom?

A: Under our proposal, the only right that the users of the line would have in such a situation would be the right to sixty days' notice from the State before service is terminated.

(5) Q: If the Commission authorizes an operator to continue service over a rail line after a finding permitting abandonment, who holds the responsibility for providing the service—the railroad operating the line, those who ask for the order, or the Commission itself?

A: When operations are continued as a result of a subsidy agreement, the operator of the line incurs the obligation to provide service.

(6) Q: In the situation described above, does that confer upon the operator the ability to establish joint rates and through routes as a common carrier?

A: The operator of the subsidized line has the same rights and responsibilities with respect to rates and routing as any other common carrier.

(7) Q: In the situation described in question 5. when the service is terminated, does an affected user have any recourse?

A: No; under our proposal the duration of the subsidized service would be determined by the subsidy agreement, and there would be no recourse against the operator.

(8) Q: Issuance of an abandonment certificate can only be delayed for six months until an agreement is reached between a railroad and a subsidizer. What happens if no agreement can be reached?

A: The Act provides that, if an agreement is not reached by the end of a six-month period, the Commission must issue a certificate unless the railroad agrees to extend the negotiation period.

(9) Q: Does ownership of a line in and of itself impose a common carrier obligation?

A: Ownership of a line that has been abandoned or approved for abandonment would not per se impose a common carrier obligation.

(10) Q: If a State or its subdivision owns and operates a line previously abandoned by a common carrier, can it cease service on reasonable notice if the state legislature or Congress fails to provide funds to keep the line in operation?

A: Under the proposals in this notice, it could, provided it gave sixty days' notice those who used the line in the preceding 12 months.

Appendix B

We propose to adopt the following new rules as 49 CFR Part 1120A.

PART 1120A—SPECIAL RULES FOR THE OPERATION OF ABANDONED RAIL LINES ACQUIRED BY A STATE

Sec.

1120A.1 Scope of special rules.
1120A.2 Common carrier status and exemptions.
1120A.3 Special Service Certificate.
1120A.4 Termination of service.

Authority: 5 U.S.C. 553 and 49 U.S.C. 10321 and 10505.

§ 1120A.1 Scope of special rules.

These special rules apply only when a State or a political subdivision of a State acquires a line of railroad, which has been legally abandoned or has been approved for abandonment, and either provides service over the line itself or contracts with an operator to provide the service. As used in these rules, the term "State" includes States and political subdivisions of States and "abandoned rail line" means a line which has been legally abandoned or has been approved for abandonment.

§ 1120A.2 Common carrier status and exemptions.

When a State acquires an abandoned rail line, and operates the line itself or contracts with an operator to provide service over the line, the State and the operator become common carriers under Chapter 105 of the Interstate Commerce Act. We have, however, exempted States and operators of abandoned rail lines from the statutory and regulatory requirements, applicable to common carriers, that govern the acquisition of these lines and the start up and abandonment of operations over them. We have also permitted the States and the operators to limit the service provided by exempting them from the requirement that they provide service to anyone who makes a reasonable request for it (citation to decision granting exemptions). States and operators exempted from these requirements must comply with the requirements of this Part 1120A.

§ 1120A.3 Special Service Certificate.

(a) Before operations may begin over an abandoned rail line, the acquiring State and the operator (if different from the State) must file a joint request with the Commission for a Special Service Certificate. If a State and an operator have begun service over a line before

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these rules become effective, they should file a request for a certificate within sixty days of the effective date of these rules and attach a request that the certificate for public convenience and necessity, under which they have been performing operations, be rescinded at the same time that the special service certificate is issued.

(b) Requests for Special Service Certificates shall be filed in accordance with the Commission's rules of practice (49 CFR Part 1100).

(c) A request for a Special Service Certificate shall include the following information:

(1) The name and address of the operator and, unless the operator is an existing rail carrier:

(i) Its certificate of incorporation or, if it is unincorporated, the facts and organizational documents relating to its formation;

(ii) The names and addresses of all of its officers and directors and a statement from each which indicates any present affiliation they may have with a rail carrier; and

(iii) Sufficient information to establish the financial responsibility of the operator.

(2) The exact dates of the period of operation which have been agreed upon by the operator and the State which owns the line;

(3) A description of the service to be performed (if there is an operating agreement, it should be provided) and any additional information which is necessary to provide the Commission with a description of:

(i) The line over which service is to be performed;

(ii) All interline connections, including the names of the connecting railroads;

(iii) The nature and extent of all liability insurance coverage, including binder or policy number and name of insurer; and

(iv) Any preconditions which shippers must meet in order to receive service.

(4) The name and address of the subsidizer; and

(5) Sufficient information to establish the financial responsibility of the subsidizer (if the subsidizer is a State, the information should show that it has authority to perform the service or to enter into the agreement for subsidized operations).

(d) The service offered and the applicable rates, charges, and conditions must be described in tariffs published by the operator pursuant to the Commission's rules. The operator has an obligation to provide the services described in the tariffs.

(e) States must notify users of a line of any preconditions which the users must meet to be eligible to receive subsidized service. Operators must provide service to all users who meet the State's preconditions.

§ 1120A.4 Termination of service.

The duration of the service provided over an abandoned rail line may be determined in the contract between the State and the operator. A State may not terminate service over a line unless it first provides 60 days' notice of its intent to terminate the service. The notice of intent must be: (a) Filed with the Commission; (b) published in a newspaper of general circulation in each county in which the line is located; and (c) mailed to all persons that have used the line within the twelve months preceding the date of the notice.

[FR Doc. 80-9158 Filed 3-25-80; 8:45 am]
BILLING CODE 7035-01-M

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49 CFR Part 1125

[Ex Parte No. 293 (Sub-2)]

Standards for Determining Rail Service Continuation Subsidies

Cross reference: On December 29, 1979, the Rail Services Planning Office proposed rules regarding the standards for determining rail service continuation subsidies. For a document withdrawing the proposed amendment to the calculation of the management fee, see FR Doc. 80-9186, issued by the Interstate Commerce Commission, in the Rules section of this issue. For the correct page number, see the Table of Contents in the front of the issue.

BILLING CODE 7035-01-M

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49 CFR Part 1201

[No. 37281]

Railroads Performing Depreciation Studies

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Interstate Commerce Commission is proposing to revise its regulation pertaining to developing depreciation rates for railroads' road and equipment property. This proposed rule will give railroads more independent involvement in the depreciation study process. The Commission has in the past prepared depreciation studies and provided railroads with annual composite depreciation rates. The proposed regulation will require individual railroads to perform depreciation studies and develop depreciation rates for Commission review and approval every 3 years, effective June 1, 1980.

DATE: Comments are due by May 12, 1980.

ADDRESS: An original and 10 copies, if possible, should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr. 202-275-7448.

SUPPLEMENTARY INFORMATION: The objective of this NPR is to revise the regulations pertaining to developing depreciation rates for railroads' road and equipment property. We propose that Instruction 4-2, "Rates of depreciation," be revised so that individual railroads shall begin to perform depreciation studies that will provide the basis for formulating annual composite depreciation rates for each class of property. We also propose that railroads submit the depreciation studies and proposed depreciation rates every 3 years for Commission review and approval.

Currently the Commission prepares depreciation studies and annual composite depreciation rates for individual railroads. The proposed change is based on the following considerations:

(1) Individual roads know first-hand the internal policies that impact upon depreciation rates (e.g., rebuilding maintenance, operations, etc.).

(2) Many railroads now possess computer capabilities to calculate rates and accumulated depreciation with only minimal technical assistance and expenses.

This NPR would require railroads to develop depreciation rates and maintain data bases using prescribed procedures. Railroads shall then submit study results to the Commission for review and approval. A major consideration in the Commission's review process will be the impact that changes in the depreciation expense and accumulated depreciation accounts have on financial statements.

In general, a depreciation study shall contain the following components:

(1) Actuarial methods or semiactuarial methods for determining service lives for road and equipment properties;

(2) Salvage value calculations for road and equipment properties;

(3) Reserve calculations for each account or subaccount as appropriate; and

(4) A commentary on adjustments and judgmental factors used in the study.

Depreciation studies shall be submitted to the Commission on a 3-year cycle. For example, railroads for which rates were prescribed in calendar year 1978 will be scheduled to submit depreciation studies for the Commission's review in 1981. For those who had rates prescribed in 1979, the proposed submission year is 1982, and so on. The cycle can be interrupted if a railroad submits a study prior to its scheduled year, in which case a new 3-year cycle will begin.

Class II railroads may request waiver of the 3-year cyclical review, and depreciation studies would then be submitted when required by the Commission.

The Commission will assist railroads in implementing the proposed policy. The Bureau of Accounts will issue Accounting Series Circulars (ASC) to provide guidelines for depreciation studies when necessary. The Bureau will also make available to railroads computer software packages containing detailed documentation of data requirements and programs used by the Commission in depreciation analyses. Requesting railroads can receive the packages on either magnetic tapes or hard copy publications. The Commission, however, shall not be responsible for the conversion of the programs to specific computer systems.

The computer software packages are also available to Class III railroads; however, they are not required to submit depreciation studies.

Class I and Class II railroads are still required to submit annual data by June 30 of each year on Form ACV-159.

The effective date for this policy is June 1, 1980.

The public and the affected carriers are requested to study this proposal and submit their views and comments. Because regulatory costs are a major concern, we are asking railroads specifically to furnish estimates of additional costs to perform the depreciation studies. After the comments are reviewed, the Commission will publish a further notice which will discuss the general responses and make clarifications and notifications, if necessary.

We propose to adopt the revised Instructions 4-2 and 4-3 of Part 1201 as set forth in Appendix A.

The proposed rules do not appear to significantly affect the quality of the human environment or the consumption of energy.

This NPR is under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: March 4, 1980.

By the Commission, Chairman Gaskins; Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

Agatha L. Mergenovich,
Secretary.

Appendix A

PART 1201—RAILROAD COMPANIES

Revise Instructions 4-2, "Rates of depreciation," and 4-3, "Depreciation records to be kept," paragraph (a), to read as follows:

4-2 *Rates of depreciation.* (a) A separate composite annual percentage rate for each depreciable property account, or a subgroup in that account, shall be used in computing annual depreciation expenses and accumulated depreciation. The composite rates shall be based on the results of railroads' depreciation studies. A depreciation study shall, in general, contain the following components:

(i) Acutarial methods for determining service lives for road and equipment properties;

(ii) Salvage value calculations for road and equipment properties;

(iii) Accumulated depreciation for each account or subaccount as appropriate;

(iv) Other factors and related calculations involving the depreciation process; and

(v) A commentary on any adjustments and judgmental factors used in the study.

(b) Railroads shall submit to the Commission a report on depreciation studies and proposed depreciation rates every 3 years for review and approval. Railroads can, however, submit depreciation studies prior to its scheduled year, in which case a new 3-year cycle will begin.

(c) In computing monthly depreciation charges, the annual percentage rates shall be applied to the depreciation base of the first of each month and the results shall be divided by twelve.

4-3 *Depreciation records to be kept.* (a) The carrier shall maintain for each class of property in convenient and accessible form engineering and other data bearing on prospective service lives.

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[FR Doc. 80-9159 Filed 3-25-80; 8:45 am]
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Notices

Federal Register
Vol. 45, No. 60
Wednesday, March 26, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Interest Rates Awarded in Reparation Proceedings; Proposed Policy Change

AGENCY: Office of the Secretary.

ACTION: Notice.

SUMMARY: The Department proposes to increase the interest rates to be applied to reparation awards issued under the Perishable Agricultural Commodities Act and the Packers and Stockyards Act.

DATES: Comments due on or before May 1, 1980.

ADDRESSES: Written comments, in triplicate, should be submitted to: Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: John Flanagan 202–447–3212.

SUPPLEMENTARY INFORMATION: Since June 1, 1980, (35 FR 6718) reparation awards issued pursuant to the provisions of the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. 499a *et seq.*), and the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), have provided for the payment of interest at the rate of 8 percent per annum in addition to payment of damages. Public notice is hereby given that the Secretary of Agriculture, through the Judicial Officer, proposes to award interest at the rate of 13 percent per annum on reparation awards issued under these Acts beginning June 1, 1980, in order to bring such rate more in line with current rates of interest.

All persons who want to send written comments about the proposed suspension should send three copies to the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before May 1, 1980.

The comments that are sent will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., March 21, 1980.

Donald A. Campbell,

Judicial Officer.

[FR Doc. 80–9219 Filed 3–25–80; 8:45 am]

BILLING CODE 3410–02–M

Soil Conservation Service

Plymouth Coastal Dunes Critical Area Treatment; R.C. & D. Measure, Massachusetts

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact

FOR FURTHER INFORMATION CONTACT: Mr. Clifton E. Mills, Acting State Conservationist, Soil Conservation Service, 29 Cottage Street, Amherst, Massachusetts 01002, telephone 413–549–0650.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Plymouth Coastal Dunes Critical Area Treatment RC&D Measure, Plymouth County, Massachusetts.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Clifton E. Mills, Acting State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for streambank protection and erosion control. The planned works of improvement include vegetative plantings and snow fence to control wind erosion and encourage dune development, the erection of traffic control devices, and structural measures to control bank erosion along a 500 foot section of the Eel River. These structural measures will consist of a paved apron and berm along the parking lot with a number of paved waterways on the riverbank to safely convey flows into the river.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Clifton E. Mills, Acting State Conservationist, Soil Conservation Service, 29 Cottage Street, Amherst, Massachusetts 01002, telephone 413–549–0650. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until April 25, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87–703, 16 U.S.C. 590a–f, q)

Dated: March 13, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80–9071 Filed 3–25–80; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Scales and Weighing Machinery From Japan; Final Countervailing Duty Determination

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Final countervailing duty determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a determination that the Government of Japan has given benefits which constitute subsidies within the meaning of the countervailing duty law on the manufacture, production, or exportation of certain scales and weighing machinery. Suspension of liquidation of entries shall continue, and cash deposit, bond or other security equal to the amount of the aggregate net subsidy set forth herein will be required at the time of entry in addition to duties normally collected on dutiable shipments of this merchandise.

EFFECTIVE DATE: March 26, 1980.

FOR FURTHER INFORMATION CONTACT: Charles F. Goldsmith, Office of Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 566–2951.

SUPPLEMENTARY INFORMATION: On August 23, 1979, a notice of "Preliminary Countervailing Duty Determination" was published in the **Federal Register** (44 FR 49549). The notice stated that benefits bestowed by the Government of Japan on the manufacture, production, or exportation of certain scales and weighing machinery contstitute the payment of bounties or grants within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to as the "Act").

In a notice published in the **Federal Register** on February 27, 1980 (45 FR 12860), the Department informed the public that under the terms of section 102(a) of the Trade Agreements Act of 1979 (93 Stat. 189, 19 U.S.C. 1671 note) investigations under section 303 of the Act (19 U.S.C. 1303) which were pending when Title I of the Trade Agreements Act became effective on January 1, 1980 terminated. Furthermore, in investigations such as scales and weighing machinery where a preliminary, but not a final, determination had been made by January 1, the matter was to be treated as if a preliminary determination under section 703 of the Act (93 Stat. 152, 19 U.S.C. 1671(b)) had been made on January 1, 1980. In accordance with section 703(d) of the Trade Agreements Act (93 Stat. 153, 19 U.S.C. 1671(d))), the aggregate net amount of the subsidies provided, directly or indirectly, upon the manufacture, production or exportation of this merchandise was estimated to be 1 percent *ad valorem*, liquidation of entries was suspended effective January 1, 1980, and from January 1 until further notice a cash deposit, bond or other security in an amount equal to the net subsidy was required on all entries, or withdrawals from warehouse, for consumption. Imports covered by this investigation enter the United States under item numbers 662.26 and 662.30 of the Tariff Schedules of the United States Annotated (TSUSA).

The preliminary determination stated that benefits were provided under the following programs:

(1) A 5-year deferral of income tax to be paid on export earnings through the operation of the Overseas Market Development Reserve (OMDR).

(2) Export promotional assistance from the Japan External Trade Organization (JETRO).

It was also preliminarily determined that certain other programs did not constitute subsidies because the programs were not utilized by members of the industry under investigation. These programs are established under the "Temporary Measures Act for Small and Medium-Sized Businesses with Regard to the High Yen Exchange Market" (High Yen Act). The High Yen Act includes provisions relating to: (1) financing at interest rates lower than those commercially available; (2) deferred repayment of loans for up to 3 years for firms which had previously been granted loans under a preexisting program; (3) export insurance at premium rates lower than those commercially available; and (4) provisions for carryback of current year losses over a 3-year period on corporate and local taxes.

It was also preliminarily determined that certain incentives, such as preferential financing made by the People's Finance Corporation, the Bank for Commerce and Industrial Cooperatives, and the Small Business Finance Corporation, provided to small and medium-sized businesses did not constitute a subsidy. This finding was based on the facts that the programs involved were strictly domestic in nature, and a significant share of production of the subject merchandise was not exported. However, on November 29, 1979, the Court of Customs and Patent Appeals overturned the use of the administrative practice applied in this conclusion (*ASG Industries* v. *United States*, C.A.D. 1237). Accordingly, the existence and utilization of such benefits must be examined in the instant case.

Section 776 of the Tariff Act of 1930, as amended (93 Stat. 186, 19 U.S.C. 1677e) requires that all information used in final determinations be verified. Whenever such information is not produced in the form required and in a timely manner, the Department shall use the best information otherwise available. Verification in this case did not occur in time for its consideration in the final determination. The estimated countervailing duty reached in this determination may be revised after the opportunity has been taken to analyze the results of this verification.

It is hereby determined that the Government of Japan provides subsidies with respect to all programs discussed above, regardless of the conclusions presented in the preliminary determination. Based on the best information available to Commerce, in accordance with sections 355.33(d) and 355.39(b) of the Commerce Regulations (19 CFR 355.33(d), 355.39(b), 45 FR 4946, 4947), and until further notice, the net amount of the subsidies provided on the merchandise subject to this determination has been estimated to be 4 percent of the f.o.b. value of the subject merchandise imported from Japan.

Effective on or after the publication date of this notice, and until further notice, upon the entry, or withdrawal from warehouse, for consumption of such scales and weighing machinery imported directly or indirectly from Japan, which benefit from these subsidies, there shall be collected, in addition to any other duties determined or estimated to be due, estimated countervailing duties in the form of cash deposit, bond or other security in the amount ascertained in accordance with the above declaration. The suspension of liquidation ordered in the notice published in the **Federal Register** of February 27, 1980 (45 FR 12860), remains in effect until further notice. However, the cash deposit, bond or other security required for entries made subsequent to the date of publication of this final determination shall be in an amount equal to the estimated net subsidies declared herein. To the extent that it can be established to the satisfaction of the Assistant Secretary for Trade Administration that imports of the subject merchandise from Japan are benefiting from a subsidy smaller than the amount which otherwise would be applicable under the above declaration, the smaller amount so established shall be collected.

This determination has been referred to the U.S. International Trade Commission under section 705(c) of the Act (93 Stat. 160, 19 U.S.C. 1671d(c)).

Any merchandise subject to the terms of this order shall be deemed to have benefited from a subsidy if such subsidy has been or will be provided, directly or indirectly, upon the manufacture, production or exportation of scales and weighing machinery from Japan.

This final determination is published pursuant to section 705(a)(1), Tariff Act of 1930, as amended (93 Stat. 159, 19 U.S.C. 1671d(a)(1)).

Stanley J. Marcuss,

Acting Assistant Secretary for Trade Administration.

March 17, 1980.

[FR Doc. 80–9067 Filed 3–25–80; 8:45 am]

BILLING CODE 3510–22–M

V 4 5 / 6 0 M R 2 6 8 0 UMI

National Institutes of Health; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. at 666 11th Street, N.W. (Room 735) Washington, D.C.

Docket No.: 79–00396. Applicant: National Institutes of Health—Department of Health, Education, and Welfare, National Institute of Allergy and Infectious Diseases, Building 10, Room 11–R–311, Bethesda, Maryland 20205. Article: Gammacell–40, Cesium 137—Irradiation Unit GC–40, and Accessories. Manufacturer: Atomic Energy of Canada, Canada. Intended use of article: The article is intended to be used as a general purpose irradiator for mice, rats, hampsters, guinea pigs and rabbits as well as for tissue cultures and cellular products such as DNA molecules, etc. The greatest use will involve investigation of immunologic functions of various types from the administration of relatively low doses (200–300 rads) which permits the transplantation of foreign neoplasms to lethal dose in the 800–900 rad range followed by the transplantation of hematopoietic cells.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article, with a uniform dose rate of plus or minus 5 percent over a 30.5 cm diameter, has the capability of accurately duplicating experimental results and of providing a two-directional radiation source. The National Bureau of Standards advises in its memorandum dated January 9, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80–9138 Filed 3–25–80; 8:45 am]

BILLING CODE 3510–25–M

University of Arizona; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666–11th Street, N.W. (Room 735) Washington, D.C.

Docket No.: 79–00412. Applicant: University of Arizona, Room 220, New Chemistry Building, Tucson, Arizona 85721. Article: LKB 2127–001 Tachophor, Complete with Power Supply and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to separate and identify small molecular weight compounds from various biological samples. Specifically, the article will be used to measure the levels of various nucleotides (ATP, ADP, AMP, CTP, etc.) and pyridine nucleotides ($NADP^+$, NAD^+) in muscle and plant extracts and to determine the purity of synthetic compounds.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for counter flow isotachophoresis. The Department of Health, Education, and Welfare advises in its memorandum dated January 3, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other insturment or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Program Staff.

[FR Doc. 80–9139 Filed 3–25–80; 8:45 am]

BILLING CODE 3510–25–M

University of Illinois; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666–11th Street, N.W. (Room 735) Washington, D.C.

Docket No.: 79–00450. Applicant: University of Illinois—Urbana-Champaign Campus, Purchasing Division, 223 Administration Building, Urbana, Illinois 61801. Article: Ion Microanalyzer System, Model IMS–3F. Manufacture: Cameca Instruments, France. Intended use of article: The article is intended to be used for research involving the study of the three dimensional chemical composition of a wide variety of materials. The major areas of study are:

(1) Studies for understanding the critical role of dopant and impurity distribution and redistribution in the electronic and photoelectronic properties and electronic materials, i.e., silicon and the III–V semiconductors such as gallium arsenide, indium phosphide, and compounds grown epitaxially on these materials as substrates.

(2) Studies of the lateral and in-depth distributions of impurity elements in metals chosen for their structural and engineering importance.

(3) Determination of the lateral distribution of biologically important elements, particularly metals.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a mass resolving power of 5000 in the spectroscopy mode and 10,000 in the spectography mode. It is also equipped with an ultra high vacuum sample chamber with a capability 10^{-8} torr. The National Bureau of Standards advises in its memorandum dated January 14, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director Statutory Import Programs Staff.

[FR Doc. 80–9140 Filed 3–25–80; 8:45 am]

BILLING CODE 3510–25–M

Certain Firearms and Parts Thereof From Brazil, and Certain Ferroalloys From Brazil; Termination of Countervailing Duty Investigations

AGENCY: International Trade Administration; Commerce Department.

ACTION: Termination of countervailing duty investigations.

SUMMARY: This notice is to advise the public that the Department of Commerce is terminating its countervailing duty investigations with regard to certain firearms and parts thereof as well as certain ferroalloys from Brazil.

EFFECTIVE DATE: March 26, 1980.

FOR ADDITIONAL INFORMATION CONTACT: Robert Robeson, Office of Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 566–2323.

SUPPLEMENTARY INFORMATION: On April 5, 1979, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" with respect to certain firearms and parts thereof from Brazil was published in the **Federal Register** (44 FR 20537). On September 14, 1979, it was determined preliminarily that certain programs of the Government of Brazil provided benefits on the production, manufacture or export of this merchandise (44 FR 53597). On January 1, 1980, the provisions of the Trade Agreements Act of 1979 (Pub. L. 96–39, 93 Stat. 144), amending the Tariff Act of 1930, became effective. Pursuant to section 703(d), Tariff Act of 1930, as amended (93 Stat. 153, 19 U.S.C. 1671b), (hereinafter referred to as the "Act"), on January 1, 1980, liquidation of duties on all entries, or withdrawals from warehouse, of the subject merchandise was suspended, and a cash bond, deposit or other security equal to the estimated net subsidy was ordered collected on each entry. The petitioners in this case, the Winchester Group of the Olin Corporation, and Harrington and Richardson, Incorporated, have withdrawn their respective petitions and have requested that the investigation be terminated.

On May 11, 1979, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" with regard to certain ferroalloys from Brazil was published in the **Federal Register** (44 FR 27782–3). On September 25, 1979, it was determined preliminarily that certain programs of the Government of Brazil provided benefits on the production, manufacture or export of this merchandise (44 FR 55263–4). Pursuant to section 703(d) of the Act, on January 1, 1980, liquidation of duties on all entries, or withdrawals from warehouse, of the subject merchandise was suspended, and a cash bond, deposit or other security equal to the estimated net subsidy was ordered collected on each entry. The petitioner in this case, the Ferroalloys Association, has withdrawn the petition and requested that the investigation be terminated.

The Department of Commerce has consulted with the appropriate officials from the International Trade Commission with regard to each of the above-named cases. It has been determined that a termination is in the public interest, and, therefore, pursuant to § 355.30, Commerce Regulations (19 CFR 355.30(a), 45 FR 4944) notice is hereby given that the countervailing duty investigations with regard to certain firearms and parts thereof as well as certain ferroalloys from Brazil. Accordingly, suspension of liquidation of duties with regard to the subject merchandise in each case is terminated, and such cash deposits, bonds or other securities which have been collected on entries of the subject merchandise pursuant to section 703(d)(2) of the Act are ordered refunded.

This notice is published pursuant to section 355.30(a), Commerce Regulations (19 CFR 355.30(a), 45 Fed. Reg. 4944).

Stanley J. Marcuss,

Acting Assistant Secretary for Trade Administration.

March 17, 1980.

[FR Doc. 80–9084 Filed 3–25–80; 8:45 am]

BILLING CODE 3510–22–M

Certain Textiles and Textile Mill Products From Pakistan

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that as a result of a determination on March 17, 1980, by the United States Trade Representative's Office that Pakistan is to be considered a country covered by the Agreement on Subsidies and Countervailing Measures, a preliminary determination is being issued that subsidies are being paid on the manufacture, production or exportation of men's and boys' apparel and textile mill products of cotton, wool and man-made fibers from Pakistan. A final determination is due no later than June 5, 1980, although it is anticipated that the final determination will be made well in advance of that date. The case is being referred to the United States International Trade Commission for a determination concerning injury to an industry in the United States.

EFFECTIVE DATE: March 17, 1980.

FOR FURTHER INFORMATION CONTACT: Donald W. Eiss, Office of Policy, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C., 20230; telephone (202–566–8256).

SUPPLEMENTARY INFORMATION: On July 20, 1979, a notice of "Initiation of Countervailing Duty Investigation and Preliminary Determination" was published in the **Federal Register** in this case. This action involved the re-opening of an earlier countervailing duty case with respect to certain Pakistani textile and textile mill products. That case was concluded on July 13, 1979, with the issuance of a final affirmative determination. The re-opening of that proceeding was necessary in order to permit an investigation of a program discovered too late in the original investigation to be included in the initial final determination. Given the size of the possible subsidy involved (7.5 percent–12.5 percent *ad valorem*) and the fact that the program was introduced specifically to promote Pakistani textile exports, a simultaneous preliminary affirmative determination was issued.

On January 1, 1980, section 103 of the Trade Agreements Act of 1979 (Pub. L. 96–39; 93 Stat. 144, 190) (hereinafter referred to as the "TAA"), amended section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) (hereinafter referred to as "the Act") which section applies to all countries not a party to the Agreement on Subsidies and Countervailing

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Measures. Section 303(b), as amended by section 103 of the TAA, requires the suspension of liquidation of all entries and the deposit of a cash deposit, bond or other security in an amount equal to the estimated net subsidy at the time of a preliminary determination that a subsidy is being bestowed. Therefore, on February 27, 1980, a notice was published in the **Federal Register** suspending liquidation and requiring a bond on all entries of Pakistani men's and boys' apparel and textile mill products made on or after January 1, 1980, the effective date of Title I of the TAA.

For purposes of this notice, "textile mill products" include yarns, fabrics, household textiles, miscellaneous products of textile mills, and certified handloomed and folklore products, made of cotton, wool and man-made fibers as specified in U.S. bilateral textile agreements and described by the Tariff Schedules of the United States Annotated (TSUSA) set forth in the appendix to the **Federal Register** notice published on October 13, 1978 (43 FR 47340). "Men's and boys' apparel" includes those items described by TSUSA item numbers in the appendix to the above-cited **Federal Register** notice.

On March 17, 1980, the U.S. Trade Representative's Office informed the Commerce Department on behalf of the President that Pakistan had been determined to be a "country under the Agreement" as set out in section 701(b) of the Act (93 Stat. 151, 19 U.S.C. 1671(b)). Therefore the provisions of Title VII of the Tariff Act of 1930 become applicable to this pending countervailing duty investigation. Section 102 of the TAA (93 Stat. 189, 19 U.S.C. 1671 note) provides that upon the effective date of the application of Title VII of the Tariff Act of 1930 with respect to a country, any pending investigation under section 303 of the Act shall terminate. In investigations where a preliminary, but not a final, determination had been made under section 303, the matter is to be treated as if a preliminary determination under section 703 of the Tariff Act of 1930 (93 Stat. 152, 19 U.S.C. 1671(b)), had been made on the date of application of Title VII to that country.

In the instant case, therefore, the preliminary affirmative determination and suspension of liquidation effective January 1, 1980, under section 303(b), as amended, is terminated. As a result of the affirmative "Preliminary Countervailing Duty Determination" which is hereby published today and is effective as of March 17, 1980, the date upon which Pakistan was declared a "country under the Agreement" as defined in section 701(b) of Title VII of the Act (19 U.S.C. 1671), liquidation of entries will again be suspended effective March 17, 1980.

The suspension of liquidation, ordered in July 1979 will not serve to extend the period of potential liability for the payment of countervailing duties for benefits received under the export rebate program to a time earlier than the effective date of this preliminary determination; March 17, 1980.

Pursuant to section 703(d) of the Act (93 Stat. 153, 19 U.S.C. 1671(d)), the liquidation of entries of certain textiles and textile mill products from Pakistan will be suspended and, until further notice, a cash deposit, bond or other security, as deemed appropriate, in an amount equal to the estimated net subsidy as set out below shall be collected on all entries, or withdrawals from warehouse, for consumption of such merchandise which has been imported directly or indirectly from the country where manufactured or produced and has been determined preliminarily to receive subsidies. The estimated subsidies for purposes of this preliminary determination are as follows: (1) cotton yarn—7.5 percent; (2) grey cloth—10.0 percent; and (3) other cloth, thread, hosiery, towels, garments and made-ups—12.5 percent.

Pursuant to section 705(a) of the Act (93 Stat. 159, 19 U.S.C. 1671(d)), a final determination as to whether a subsidy is being provided with respect to certain textiles and textile mill products from Pakistan shall be made no later than June 9, 1980. However, in view of the present status of this investigation and the analysis already completed in this case, it is anticipated that a final determination will be issued significantly in advance of that date. The U.S. International Trade Commission is being notified of this action.

This notice is published pursuant to section 703(f) of the Act.

(93 Stat. 154, 19 U.S.C. 1781(b)(f)) and section 355.28, Commerce Regulations (19 CFR 355.28).

Stanley J. Marcuss,

Acting Assistant Secretary for Trade Administration.

March 17, 1980

[FR Doc. 80-9083 Filed 3-25-80; 8:45 am]

BILLING CODE 3510-22-M

Discrete Semiconductor Device Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Discrete Semiconductor Device Subcommittee of the Semiconductor Technical Advisory Committee will be held on Tuesday, April 15, 1980, at 9:30 a.m. in Room 1626, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Assistant Secretary for Industry and Trade established the Discrete Semiconductor Device Subcommittee on February 9, 1979, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Discrete Semiconductor Device Subcommittee was formed to study transistor, diode, photoconductive, and thyristor semiconductor devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittee thereof was published in the **Federal Register** on December 21, 1978 (43 FR 59537).

For further information contact Mrs. Margaret Cornejo, Office of Export Administration, International Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, Phone (202) 377-2583.

Dated: March 21, 1980.

Kent Knowles,

Director, Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 80-9207 Filed 3-25-80; 8:45 am]

BILLING CODE 3510-25-M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Partially Closed Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Hardware Subcommittee of Computer Systems Technical Advisory Committee will be held on Tuesday, April 15, 1980, at 9:30 a.m. in Room 6802, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee. And, on October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee meeting agenda has four parts:

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Final review of the performance analysis forms.

Executive Session

4. Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public; a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any Subcommittees thereof, was published in the **Federal Register** on September 14, 1978 (43 FR 41073).

Copies of the minutes of the General Session can be obtained by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, phone 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: March 21, 1980.

Kent N. Knowles,

Director, Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 80-9206 Filed 3-25-80; 8:45 am]

BILLING CODE 3510-25-M

Microcircuit Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

Pursuant to sectin 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Microcircuit Subcommittee of the Semiconductor Technical Advisory Committee will be held on Tuesday, April 15, 1980, at 9:30 a.m. in Room 3708, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On

December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extention of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Microcircuit Subcommittee was established on December 28, 1977. On February 9, 1979, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Microcircuit Subcommittee was formed to study microcircuit and acoustic wave devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(c)(1). Such matters are specifically authorized under critieria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed during the Executive Session of the meeting have have properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the **Federal Register** on December 21, 1978 (43 FR 59537).

For further information contact Mrs. Margaret Cornejo, Office of Export Administration, International Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, phone 202–377–2583.

Dated: March 21, 1980.

Kent Knowles,

Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 80-9204 Filed 3-25-80; 8:45 am]

BILLING CODE 3510-25-M

Semiconductor Manufacturing Materials and Equipment Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Semiconductor Manufacturing Meterials and Equipment Subcommittee of the Semiconductor Technical Advisory Committee will be held on Tuesday, April 15, 1980, at 9:30 a.m. in Room 5611, Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Assistant Secretary for Industry and Trade established the Semiconductor Manufacturing Materials and Equipment Subcommittee on February 9, 1979, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Semiconductor Manufacturing Materials and Equipment Subcommittee was formed to study the technical and strategic value of semiconductor device production equipment and materials for the purpose of maintaining a continuous review of the export control technical parameters, and the formulation of recommendations to the Commerce Department for parameter updating as appropriate for reasons of national security.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittee thereof was published in the **Federal Register** on December 21, 1978 (43 FR 59537).

For further information contact Mrs. Margaret Cornejo, Office of Export Administration, International Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, Phone (202) 377–2583.

Dated: March 21, 1980.

Kent Knowles,

Director, Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 80-9205 Filed 3-25-80; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Levels of Restraint for Certain Cotton and Man-Made Fiber Textile Products Exported From Haiti

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Amending the bilateral agreement to establish a new specific ceiling for cotton and man-made fiber brassieres merged into Category 349/649 at an increased level; and (2) increasing that level by the application of swing taken from the level of restraint for Category 632 (hosiery), both during the agreement year which began on May 1, 1979.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172).)

SUMMARY: The Governments of the United States and Haiti have exchanged notes amending the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 17, 1979, between the two governments, to establish a specific ceiling for merged Categories 349 and 649 at the increased level of 1,168,819 dozen. Pursuant to the terms of the amended bilateral agreement and at the request of the Government of Haiti, swing is being applied to the new level for Category 349/649, increasing it to 1,250,636 dozen. The level of restraint for Category 632 from which the swing is being taken is thereby reduced to 1,545,060 dozen pairs.

EFFECTIVE DATE: March 26, 1980.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On November 14, 1979, there was published in the **Federal Register** (44 FR 65620) a letter dated November 7, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements establishing levels of restraint for certain categories of cotton and man-made fiber textile products, including Categories 632 and 649, which may be entered into the United States or withdrawn from warehouse for consumption during the twelve-month period which began on May 1, 1979, pursuant to the terms of a new multifiber textile agreement with Haiti. In the letter published below the Chairman for the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the level of restraint for the newly-merged Category 349/649 and reduce the previously established level for Category 632 to the amounts designated.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

March 21, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of November 7, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry during the twelve-month period beginning on May 1, 1979 and extending through April 30, 1980 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in Haiti, in excess of designated levels of restraint. The directive of November 7, 1979 further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 17, 1979, as amended between the Governments of the United States and Haiti; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on March 26, 1980 and for the twelve-month period beginning on May 1, 1979 and extending through April 30, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of Categories 349/649 and 632, produced or manufactured in Haiti, in excess of the following levels of restraint:

Category	Amended twelve-month level of restraint
349/649	1,250,636 dozen
632	1,545,060 dozen pairs

Textile products in Category 349 which have been exported to United States prior to May 1, 1979 shall not be subject to this directive.

Textile products in Category 349 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The actions taken with respect to the Government of Haiti and with respect to imports of cotton and man-made fiber textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Custom, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-9123 Filed 3-25-80; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 17, 1979, as amended, between the Governments of the United States and Haiti which provide, in part, that: (1) for the second and third agreement years, each specific limit, except for Category 349/649, may be increased by seven percent annually; (2) any specific ceiling may be exceeded in any agreement year by not more than seven percent of its square yards equivalent total, provided that the amount of the increase is compensated for by an equivalent decrease in one or more specific limits; (3) specific limits may also be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 17, 1980.

The USAF Scientific Advisory Board Armament Division Advisory Group will meet on April 28 and 29, 1980, from 8:30 a.m. to 4:30 p.m. at the Armament Division, Eglin AFB, Florida, in Building 1, Room 204.

The group will receive classified briefings and participate in classified discussions relating to Air Force Anti-Armor and Airfield Attack Technology Programs.

The meetings concern matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

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For further information, contact the Scientific Advisory Board Secretariat at (202) 697–8404.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80-9074 Filed 3-25-80; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Corps of Engineers

Second Bridge Crossing Over the Chesapeake and Delaware Canal at Chesapeake City, Md.; Draft Environmental Impact Statement

AGENCY: U.S. Army Corps of Engineers, Philadelphia District.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. The proposed action studies the need for, and alternative methods of, providing additional highway traffic capacity across the Chesapeake and Delaware Canal.

2. Alternatives considered include a group of four bridge alignments for a new two-lane bridge, tunnels, utilization of other bridges, the no action alternative and rerouting truck traffic.

3. The scoping process for this project was initiated at the early study stages and continues throughout each iteration. Agency contributions to the work presently include the U.S. Fish and Wildlife Service, the Maryland Historical Trust, the Maryland State Highway Administration, the Mayor and Council of Chesapeake City, Maryland and the Cecil County (Maryland) Board of Commissioners. In addition, the Association of Maryland Pilots, the Maryland Departments of Natural Resources and State Planning, the U.S. Coast Guard and the Federal Highway Administration were consulted. The appropriate Congressmen and State Legislators have been apprised of these actions along with other Federal and State Officers.

Public involvement commenced lat in February with the first of a program of public meetings and workshops. Transcripts of those events will become public documents and knowledge resulting from the meetings included in the DEIS.

Significant issues surfacing in the study stages include concern for strip commercialization of approach roads, degradation of community well-being and cultural resources, reduction of tax-ratables, real determination of need and environmental impact on adjacent waterways and agricultural lands.

In conjunction with the study participants cited above, a mailing list of local, regional and Federal agencies and individuals is utilized for additional participation in and review of this project. Each of these sources will be utilized in circulation of the DEIS.

4. It is not anticipated that further scoping meetings will be necessary.

5. It is anticipated that the DEIS will be available for public comment December, 1980.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Dr. John A. Burnes, Chief, Environmental Resources Branch, U.S. Army Corps of Engineers, Philadelphia District, Custom House, 2d and Chestnut Streets, Philadelphia, PA 19106.

Dated: 18 March 1980.

John A. Burnes,

Chief, Environmental Resources Branch.

[FR Doc. 80-9072 Filed 3-25-80; 8:45 am]

BILLING CODE 3710-GR-M

DEPARTMENT OF ENERGY

National Petroleum Council; Oil Supply, Demand, and Logistics Task Group, Refinery Capability Task Group and the Coordinating Subcommittee of the Committee on Refinery Flexibility; Meetings

Notice is hereby given that the Oil Supply, Demand and Logistics Task Group, the Refinery Capability Task Group and the Coordinating Subcommittee of the National Petroleum Council's (NPC) Committee on Refinery Flexibility will meet on Monday, April 7; Tuesday, April 8 and Friday, April 11, 1980, respectively in Suite 601 of the NPC Headquarters, 1625 K Street, N.W., Washington, D.C. Both Task Group meetings will begin at 9:00 a.m. The Coordinating Subcommittee meeting will begin at 10:00 a.m.

The National Petroleum Council provides technical advice and information to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries. Accordingly, the Committee on Refinery Flexibility has been requested by the Secretary to undertake an analysis of the factors affecting crude oil quality and availability and the ability of the refining industry to process such crudes into marketable products. This analysis will be based on information and data to be gathered by the Oil Supply, Demand, and Logistics Task Group and the Refinery Capability Task Group, whose efforts will be coordinated by the Coordinating Subcommittee. The tentative agendas and exact locations of the meetings are as follows:

Agenda for the Oil Supply, Demand and Logistics Task Group meeting, Monday, April 7, 1980, beginning at 9:00 a.m.:

1. Review and discuss revised supply/demand aggregations.
2. Review and discuss crude quality data.
3. Review data requirements of the Refinery Capability Task Group.
4. Discuss assignments and schedule for completion of the Task Group's assignments.
5. Discuss any other matters pertinent to the overall assignment of the Task Group.

Agenda for the Refinery Capability Task Group meeting, Tuesday, April 8, 1980, beginning at 9:00 a.m.:

1. Review and approve minutes of the February 6, 1980 meeting of the Task Group.
2. Review and discuss progress of individual Task Group members' assignments.
3. Discuss any other matters pertinent to the overall assignment of the Task Group.

Agenda for the Coordinating Subcommittee Meeting, Friday, April 11, beginning at 10:00 a.m.:

1. Review and discuss the progress of the Refinery Capability Task Group.
2. Review and discuss the progress of the Oil Supply, Demand and Logistics Task Group.
3. Discuss assignments and schedule for completion of the Subcommittee's assignments.
4. Discuss any other matters pertinent to the overall assignment of the Coordinating Subcommittee.

All meetings are open to the public. The Chairmen of the Task Groups and the Subcommittee are empowered to conduct the meetings in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with either the Task Groups or the Subcommittee will be permitted to do so, either before or after the meetings. Members of the public who wish to make oral statements at any of the meetings should inform Mr. Marshall Nichols, National Petroleum Council, (202) 393–6100, prior to the meeting, and provision will be made for the appearance on the respective agendas. Transcripts of the Coordinating Subcommittee meeting will be available for public review at the Freedom of Information Public Reading Room, Room 5B–180, Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on March 20, 1980.

R. Dobie Langenkamp,

Deputy Assistant Secretary for Resource Development and Operations.

[FR Doc. 80-9068 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-01-M

Alaska Power Administration

Order Confirming and Approving Extension of Power Rate for Snettisham Project On an Interim Basis

AGENCY: Alaska Power Administration (APA), Department of Energy.

ACTION: Notice of Extension of Power Rate on an Interim Basis, Snettisham Project.

SUMMARY: The Federal Energy Regulatory Commission (FERC) has not taken action on the Snettisham Project rate submitted by the Assistant Secretary for Resource Applications on March 9, 1979. The current power rate remains in effect only through March 31, 1980, in the absence of action by the FERC. Such action is not expected prior to April 1, 1980. For this reason, it is necessary to confirm and approve an extension of the Snettisham Project Power Rate Schedule SN–F–1 as provided in the attached APA–3 rate order.

DATES: Extension of approval of rate on an interim basis is effective April 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Robert J. Cross, Administrator, Alaska Power Administration, Department of Energy, P.O. Box 50, Juneau, Alaska 99802 (907) 586–7405

James A. Braxdale, Office of Power Marketing Coordination, Department of Energy, 12th and Pennsylvania Avenue, NW., Washington, DC 20461 (202) 633–8338

SUPPLEMENTARY INFORMATION: The Snettisham Project Power Rate Schedule SN–F–1 was approved by the Secretary of the Interior for the 5-year period from December 1, 1973, through November 30, 1978. On November 28, 1978, the Assistant Secretary for Resource Applications of the Department of Energy extended the rate schedule for a period of 4 months through March 31, 1979. By Delegation Order No. 0204–33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to confirm, approve, and place in effect power and transmission rates on an interim basis and delegated to the FERC the authority to confirm and approve such rates on a final basis.

On March 9, 1979, the Assistant Secretary for Resource Applications confirmed and approved, on an interim basis, an extension of Rate Schedule SN–F–1 for wholesale firm power service from the Snettisham Project, Alaska, effective April 1, 1979, 44 FR 16470 (March 19, 1979). This rate was to remain in effect on an interim basis for a period of 12 months unless such period was extended or until the FERC confirmed and approved it on a final basis.

Issued in Washington, DC March 20, 1980.

Ruth M. Davis,

Assistant Secretary, Resource Applications.

United States of America, Department of Energy, Assistant Secretary for Resource Applications

In the Matter of: Alaska Power Administration—Snettisham Project Power Rates; Rate Order No. APA–3

Order Confirming and Approving Extension of Power Rates On an Interim Basis (March 20, 1980)

Pursuant to Section 302(a) of the Department of Energy Organization Act, Public Law 95–91, the functions of the Secretary of the Interior under Section 204 of the Flood Control Act of 1962, Public Law 87–874, 76 Stat. 1173, 1193, for the Snettisham Project were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204–33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis and delegated to the Federal Energy Regulatory Commission the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. This rate order is issued pursuant to the delegation to the Assistant Secretary.

Backgound

Rate Schedule SN–F–1, for wholesale firm power service from the Snettisham Project was approved by the Secretary of the Interior, effective December 1, 1973, through November 30, 1978. The rate schedule was subsequently extended on November 28, 1978, through March 31, 1979, under the authority of the Assistant Secretary for Resource Applications.

On March 9, 1979, the former Assistant Secretary for Resource Applications confirmed and approved a 12-month extension of the existing rate on an interim basis, effective April 1, 1979, 44 FR 16470 (March 19, 1979), and requested confirmation and approval on a final basis by the Federal Energy Regulatory Commission of an extension of Rate Schedule SN–F–1. The intent of the rate order was to request final approval for the period April 1, 1979, through November 30, 1983.

Inasmuch as the Federal Energy Regulatory Commission is not expected to complete its confirmation and approval of the Snettisham Project power rate by March 31, 1980, a further extension of the interim rate is necessary.

Information regarding the March 9, 1979, rate extension and this rate extension, including studies, comments, transcripts and other supporting material, is available for public review in the offices of the Alaska Power Administration, Room 825, Federal Building, 709 West Ninth Street, Juneau, Alaska 99802 and in the office of the Director, Office of Power Marketing Coordination, 12th and Pennsylvania Avenue, NW., Washington, DC 20461.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on the interim basis, effective April 1, 1980, an extension of attached Rate Schedule SN–F–1 for the sale of power from the Snettisham Project by the Alaska Power Administration. This rate shall remain in effect on an interim basis for a period of 12 months unless such period is extended or until the Federal Energy Regulatory Commission confirms and approves it or a substitute rate on a final basis.

Issued at Washington, D.C., March 20, 1980.

Ruth M. Davis,

Assistant Secretary, Resource Applications.

United States Department of Energy, Alaska Power Administration; Snettisham Project, Alaska

Schedule of Rates for Wholesale Firm Power Service

Effective: December 1, 1973.

Available: In the area served by the Snettisham Project, Alaska.

Applicable: To wholesale power customers for general power service.

Character of Service: Alternating current, 60 hertz, three-phase.

Monthly Rate: Capacity charge: None.

Energy Charge: All energy at 15.6 mills per kilowatt-hour.

Minimum Annual Capacity Charge: None.

Minimum Annual Energy Charge: As provided for under appropriate contract terms.

Adjustments.—*For Transformer Losses:* If delivery is made at the high-voltage side of customer's substation but metered at the low-voltage side, the meter readings will be increased two percent to compensate for transformer losses.

For Power Factor: The customer will normally be required to maintain a power factor at the point of delivery of no less than 90 percent. Adjustments for low power factor will be provided for under appropriate contract terms.

For Auxiliary Power Service: Auxiliary power supplies may be used in conjunction with the service hereunder if the parties hereto, prior to the Contractor's utilization of any such auxiliary power supply, have entered into a written operating agreement defining the procedure by which the amount of power and energy supplied by the United States will be determined.

[FR Doc. 80-9206 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Mandan Project: Notice of Intent To Prepare an Environmental Impact Statement and Conduct Public Scoping Meetings

AGENCY: Department of Energy, Economic Regulatory Adminstration.

V45/60 MAR 26 80 UMI

V 45/60 MR 26 80 UMI

ACTION: Notice is hereby given that the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) intends to prepare an Environmental Impact Statement (EIS) to assess the environmental implications of a proposed ERA action: to grant or deny a permit authorizing the Nebraska Public Power District (NPPD) to construct, connect, operate and maintain electric transmission facilities in North Dakota at the international border between the United States and Canada.

SUMMARY: On December 21, 1979, the Nebraska Public Power District (NPPD) filed an application with the Economic Regulatory Administration (ERA) for a Presidential Permit, pursuant to Executive Order No. 10485, as amended. NPPD requests authority to construct, connect, operate and maintain a 500-kilovolt interconnection at the United States-Canadian border. In addition, NPPD proposes to construct more than 400 miles of overhead transmission line from Nebraska through South Dakota and North Dakota to interconnect with a similar line owned and operated by the Manitoba Hydro Electric Board.

Interested agencies, organizations, and the general public desiring to submit written comments or suggestions for consideration in connection with the preparation of this EIS are invited to do so and/or to attend one of the public scoping meetings which will be held during the week of April 21, 1980, in order to assist DOE in identifying significant environmental issues and the appropriate scope of the EIS. Parties who desire to present oral comments at one of the scoping meetings should provide advance notice to ERA as described below under Comments and Scoping Meeting. Upon completion of the draft EIS, its availability will be announced in the **Federal Register**, at which time comments will be solicted.

Written comments may be addressed to:

Mr. James M. Brown, Jr., System Reliability & Emergency Response Branch, Economic Regulatory Administration, Room 4110–E, 2000 M Street, NW., Washington, D.C. 20461

For general information on the EIS process contact:

NEPA Affairs Division, Office of the Assistant Secretary for Environment, U.S. Department of Energy, ATTN: Ms. Susan Walker, Room 4G–064, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585

DATES: Scoping meeting: 7:00 p.m., April 21, and 9:00 a.m., April 22, 1980, in Jamestown, North Dakota at the Holiday Inn located at 111 2nd St., NE.;

1:00 p.m. and 7:00 p.m., April 23, 1980, in Mitchell, South Dakota at the Mitchell City Hall located at 612 N. Main;

2:00 p.m. and 7:00 p.m., April 24, 1980 in Norfolk, Nebraska at the Best Western Villa Inn located at 1227 Omaha Ave., Norfolk, Nebraska.

WRITTEN COMMENTS DUE: May 30, 1980.

BACKGROUND INFORMATION: The impetus for the project, as perceived by NPPL, arises from two principal considerations. First, the different seasonal variation of electric power load between Manitoba Hydro (peak load in winter) and most mid-continent U.S. electric utilities (peak load in summer) would allow seasonal diversity exchanges of electric energy between Manitoba Hydro and U.S. utilities, if adequate transmission facilities were provided. Several benefits to U.S. and Canadian consumers could be expected from such exchanges, including lower costs for electricity and the reduced use of petroleum fuels for generation.

Second, during years of normal or better water supply, Manitoba Hydro should have excess electric energy available for sale to U.S. utilities. The production cost of such energy is low and the purchases of this electricity by utilities in the United States could result in some additional savings to consumers. Also, no consumption of oil, gas or coal is required for such generation, and no air pollution results. Another potential benefit is the possibility of increased reliability of electric service by the United States utilities linked to the proposed transmission line.

The proposed project will have associated cost and risk which should be weighed against potential benefits, including the cost of constructing some 400 miles of 500 kV transmission line within the U.S. and the energy losses in transmission. NPPD has estimated the construction cost at about $500 million (1979 dollars). Transmission energy losses likely would be of the order of ten percent. Environmental costs also would be incurred, and a major purpose of the EIS is to assess these for the proposed project and for alternatives to it.

In addition, there are inherent risks in any project involving significant reliance on a foreign country for firm power deliveries because DOE and the Federal Energy Regulatory Commission lack the jurisdiction to compel conformance to a negotiated contract as they have over domestic utilities. DOE has been assured that the policy of the National Energy Board of Canada is explicit on the sanctity of contractual obligations regarding firm power exports; however, a government policy may change at any time Accordingly, there is the possibility of future price increases by the canadian suppliers and the potential ordered curtailment of foreign electricity exports by Canada's National Energy Board which must be considered. The Economic Regulatory Administration of the DOE has these same authorities as to electricity exports from the United States.

ERA is involved with the proposed project because a Presidential Permit is specifically required for construction, connection, operation and maintenance of electric transmission facilities at an international boundary of the U.S., under Executive Order No. 10485 and No. 12038. Authority to grant (or deny) such permits has been delegated to the Secretary of Energy and, by the Secretary, to the Administrator of ERA. NPPD applied for a permit in connection with the project on December 21, 1979. ERA has accepted the application subject to the supplemental filing of certain materials. One of the actions required of NPPD prior to an ERA decision is preparation of an Environmental Report.

Preliminary Definition of Environmental Issues.—The purpose of this notice is to solicit comments and suggestions for consideration in preparation of the EIS. As background for public comment and suggestions, either written or made orally at one of the scoping meetings, it is useful to list those environmental issues which have been tentatively identified for analysis and assessment in the EIS. This list is not intended to be all-inclusive nor to imply any predetermination of impacts. Additional issues for analysis may be identified as the result of public comment.

Environmental Issues Associated with Transmission Line Construction.—A number of environmental effects would result from construction of the proposed line including:

(1) temporary disruption of wildlife communities, agricultural production and other land uses along the line route during actual construction;

(2) temporary interference with aquatic life at and downstream of construction crossings, and long term effects from induced stream sediment deposits and from induced erosion;

(3) permanent removal of tall growing vegetative species from the right of way, and of all vegetation from tower footings, access roads and substation sites;

(4) temporary socio-economic perturbations due to the influx of construction workers into sparsely populated areas;

(5) temporary noise and air pollution resulting from operation of construction equipment and from burning of right-of-way slash; and

(6) permanent visual impacts.

Environmental Issues Associated with Transmission Line Operation and Maintenance include:

(1) continuing limitation on the feasibility or efficiency of some agricultural activities within the right-of-way, particularly of irrigation devices;

(2) periodic interference with plant and wildlife communities along the right-of-way, due to the required maintenance activities, particularly vegetation control;

(3) generation of acoustic noise and electromagnetic interference to radio and television reception along the right-of-way;

(4) possible biological effects such as reduced growth or viability for plant and animal species resident within or in proximity to the right-of-way;

(5) possibly long term effects due to the use of herbicides for vegetation control; and

(6) indirect ecological and socio-economic effects resulting from easier unauthorized human access to some areas via access roads and right-of-way, such as increased hunting or use by motorcycles of snowmobiles.

Other Specific Environmental Issues.—A number of other specific environmental issues will be addressed in the EIS. Such issues include:

(1) The possibility of affecting threatened or endangered species or critical habitats for such species;

(2) Identification and review of alternatives to construction within a 100-year floodplain or identified wetland and identification and review of migating measures to be taken if it is found that there are no practicable alternatives to construction in a floodplain or wetland;

(3) Possible direct and adverse effects on the values for which a wild scenic or recreational river was established;

Environmental factors relevant to any proposed construction in or over navigable rivers, or to any proposed actions resulting in the discharge of dredge of fill materials into any waters of the U.S.;

(5) Actions having an impact on the continued use and viability of prime and unique farmlands;

(6) Possible effects on sites or properties incuded on, nominated for, or eligible for inclusion in the National Register of Historic Places, on or historical, architectural or archeological sites of national significance.

Preliminary Definition of Alternatives.—Consideration of alternatives to the proposed action, and the assesment of the environmental impacts to be expected from each alternative, including the proposed action, is the major purpose of each EIS. As background for public comments and suggestions concerning reasonable alternatives to be considered, the broad classes of alternatives which have been tentatively identified are described briefly below. Three alternative Federal actions are possible: (a) to grant a permit on the basis of NPPD's completed application (including supporting materials such as the ER which will not be completed until December 1980), (b) to deny the permit, or (c) to grant a permit subject to conditions on the applicant's future actions beyond adherence to the actions proposed in the application. However, substantive environmental consequences of each of the possible Federal decisions would result from the subsequent course of action followed by NPPD (and other affected utilities) in response to the decision. It is, therefore, the reasonable alternatives available to NPPD and other mid-continent U.S. utilities which must be considered in the EIS.

Major Types of Utility Alternatives.—Several major types of alternatives have been tentatively identified. These are not mutually exclusive. That is, each utility, could implement more than one type of alternative.

(1) *The proposed action,* construction and operation of the MANDAN transmission system, which would reduce the maximum level of generation required in the mid-continent region at seasonal peal loads and perhaps the average annual energy generated by U.S. utilities;

(2) *The traditional course of action* of continuing the operation of oil and coal fueled generating plants as necessary to meet load, and the construction of new plants as necessary to satisfy future increases in load;

(3) *Develop and construct new types of generating plants,* for example, driven by sun and wind, which could reduce the need for generation fueled by oil or coal or for future construction of conventional generating plants; and/or

(4) *Load management* by energy storage or conservation, or replacement of some end uses of electricity by other sources of energy, which would reduce seasonal variations in load and total annual electrical energy requirements.

(5) *Purchases from utilities within the United States.*

Mitigation Alternatives.—The environmental impacts which would result from construction and operation of the proposed MANDAN project would depend on the choice among a number of alternative choices as to where, when and how the project was constructed, as well as the choice of alternative maintenance and repair procedures during operation. Tentatively identified groups of alternatives for consideration in the EIS include (a) design, (b) route selection, (c) construction practices and (seasonal) timing, (d) right-of-way clearing procedures, and (e) right-of-way maintenance practices.

Comments and Scoping Meeting.—The scoping meetings will be conducted informally with the presiding officer affording all interested individuals in attendance an opportunity to speak. A transcript of the meetings will be recorded. The Economic Regulatory Administration has designated Mr. James M. Brown, Jr., as presiding officer at these meetings. The presiding officer will establish the order of speakers and provide any additional procedures necessary for the conduct of the meetings.

Speakers will be allotted approximately fifteen minutes for their oral statements. Should any speaker desire to have additional time or to provide further information for the record, such additional information may be submitted in writing by May 30, 1980. Written comments will be considered and given equal weight with oral comments.

A transcript of the scoping meetings will be retained by DOE and made available for inspection at the Freedom of Information Library, Room GA152, Forrestal Bldg., 1000 Independence Ave., N.W., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. In addition, anyone may make arrangements with the reporter to purchase a copy of the transcripts.

Draft EIS Schedule and Availability.—The draft EIS (DEIS) will be completed by June 30, 1981, at which time its availability will be announced in the **Federal Register** and public comment will again be solicited.

Those individuals who do not wish to submit comments or suggestions at this time but who would like to receive a copy of the DEIS for review and comments when it is issued should notify J. M. Brown at the address given in the *Summary* section above. Those seeking further information may inquire of either Mr. Brown or Ms. Susan Walker.

Copies of the applicants' Environmental Report and other documents to be used in preparation of the DEIS will be made available for public inspection at several public libraries or reading rooms within North

Dakota, South Dakota and Nebraska, and at a number of DOE locations throughout the U.S. A notice of the locations for such availability will be published in the **Federal Register** during January, 1981, when the permit application is expected to be complete.

Dated: March 21, 1980.

Carl A. Eifert,

Acting Assistant Secretary for Environment.

[FR Doc. 80-9209 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 2812]

Appalachian Power Co.; Grant Additional Time

March 18, 1980.

On March 10, 1980, the Virginia Council on the Environment requested telephonically that additional time until March 26, 1980, be allowed for submitting comments on staff's Environmental Assessment (EA) and Finding of No Significant Impact (FNSI) for the preliminary permit application to study the feasibility of the proposed Brumley Gap Pumped-Storage Hydroelectric Project No. 2812. The Council states that it needs additional time in order to secure and coordinate the comments from various State agencies interested in the application.

The applicant and the Sierra Club and Coalition of Appalachian Energy Consumers, intervenors in this proceeding, have advised staff counsel that they do not object to setting March 26, 1980, as the cut-off date for receipt of comments. Accordingly, it appears to be in the public interest to receive and consider comments on the staff's EA and FNSI for the Brumley Gap Project No. 2812 until March 26, 1980.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9111 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-1-22 (PGA80-2, 2a, 2b) (IPR80-1) (R&D80-1) (LFUT80-1) and RP80-61]

Consolidated Gas Supply Corp.; Order Accepting for Filing and Suspending Certain Tariff Sheets, Subject to Conditions and Granting Waivers

Issued March 19, 1980.

On February 1, 1980, as amended February 19, 1980, Consolidated Gas Supply Corporation (Consolidated) filed revised rates [1] reflecting the revised suspended base tariff rates in Docket No. RP80-61 as adjusted for a PGA rate increase. The revised base tariff rates reflected in the filing are being filed pursuant to the Commission order issued January 30, 1980, which accepted for filing and suspended the Docket No. RP80-61 filing for one day until February 1, 1980, subject to refund and certain condition.[2]

The February 19th filing's rates were revised to include Consolidated's PGA increase effective January 1, 1980, that reflected the implementation of the incremental pricing surcharges on Consolidated's system. The alternate rates[3] filed February 1, 1980 track a higher revised PGA rate increase effective January 1, 1980, which reflected the elimination of incremental pricing surcharges that was rejected by letter order issued February 7, 1980.

Based upon a review of the filings in Docket No. RP80-61, the Commission finds that Alternate Second Substitute Alternate Seventeenth Revised Sheet No. 16 to FERC Gas Tariff, Third Revised Volume No. 1, shall be accepted for filing, waiver of the 30 day notice provision shall be granted and the tariff sheets shall become effective February 1, 1980, subject to refund and subject to the outcome of the proceedings in Docket No. RP80-61.

On February 4, 1980, as amended February 6, 1980, and February 19, 1980, Consolidated filed revised rates [3] containing a 28.78¢ per Dth net rate increase in the commodity component for effectiveness March 1, 1980, reflecting the following adjustments:

(1) A $66,152,008 (26.11¢ per Dth) increase in the cost of gas purchased from five pipeline suppliers;

(2) A $4,893,158 (1.93¢ per Dth) increase in the cost of gas purchased from various producer suppliers that reflects the elimination of the incremental pricing surcharges; [4]

(3) A 2.21¢ per Dth increase (from 5.26¢ to 7.47¢) in the regular surcharge to recover $18,930,946 in deferred purchased gas costs;

(4) A 1.43¢ per Dth reduction (from 0.68¢ to negative 0.75¢) to return $1,904,094 in LAFUT overcollections; and

(5) A 0.04¢ per Dth decrease (from 0.51¢ to 0.47¢) in RD&D costs.

The amended filing of February 6, 1980, was made to correctly state Consolidated's alternate rates since the February 4th filing mistakenly reflected identical rate levels with different pagination. These alternate rates differed by .12¢ per Dth relative to the projected incremental surcharge effective January 1, 1980. One alternate rate included the impact of such surcharge; the other alternate eliminated this surcharge. The amended filing of February 19th reflected the elimination of the incremental surcharge [5] and reflected the restatement of the RP80-61 underlying base rate revisions previously discussed.

Based upon a review of Consolidated's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Consolidated's filing, grant waiver of the 30-day notice requirements and suspend the effectiveness such that it shall become effective on March 1, 1980, subject to refund and subject to the conditions described below.

Consolidated's filing includes increases pursuant to area rate clauses in the contracts between Consolidated and its producers. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. That determination shall be made in accordance with the procedures prescribed in Order 23, as amended by subsequent orders, in Docket No. RM79-22. Should it be ultimately determined that a producer is not entitled to an NGPA price under an area rate clause,

[1] On February 1, Consolidated filed Substitute Alternate Seventeenth Revised Sheet No. 16 and Alternate Substitute Alternate Seventeenth Revised Sheet No. 16 to FERC Gas Tariff, Third Revised Volume No. 1. These sheets have been superseded. On February 19, Consolidated filed Alternate Second Substitute Alternate Seventeenth Revised Sheet No. 16 to FERC Gas Tariff, Third Revised Volume No. 1. This sheet is accepted by this order.

[2] The revisions discussed herein do not affect other tariff sheets filed by Consolidated on December 28, 1979.

[3] Eighteenth Revised Sheet No. 16, Alternate Eighteenth Revised Sheet No. 16, [Second Revised Sheet No. 72-C] and [Substitute First Revised Sheet No. 72C to FERC Gas Tariff] Third Revised Volume No. 1 were filed on February 4. Substitute Alternate Eighteenth Revised Sheet No. 16 was filed on February 6 and Second Substitute Alternate Eighteenth Revised Sheet No. 16 was filed on February 19.

[4] State Commission actions raising natural gas prices have effectively eliminated Consolidated's jurisdictional incremental pricing surcharges. This results in a unit loss of approximately 0.12¢ per Dth. Consolidated's incremental pricing filing of January 1, 1980, reflected this amount (.12¢ per Dth) as the estimated incremental surcharge attributable to its system.

[5] By Commission order issued February 7, 1980, in Docket No. TA80-1-22 (PGA80-1a), Consolidated was premitted to eliminate the projected incremental surcharge in this semi-annual PGA adjustment if it no longer had any MSAC.

the refunds made by the producer to the pipeline shall be flowed through to ratepayers in accordance with the procedures prescribed in the pipeline's PGA clause.

Consolidated's filing also reflects increases due to costs associated with purchases from pipeline production and affiliated production priced at NGPA levels. The Commission is unable to determine from the information submitted herein whether the proposed purchase prices assigned to its affiliate production and the NGPA value assigned to its new pipeline production price at NGPA levels satisfy the affiliated entities limitation set forth in section 601(b)(1)(E) of the NGPA. That section provides that in the case of any first sale between any interstate pipeline and any affiliate of such pipeline, any amount paid shall be deemed just and reasonable if in addition to not exceeding the applicable maximum lawful pricing ceiling, such amount does not exceed the amount paid in comparable first sale transactions between persons not affiliated with such pipeline. Under the rule proposed in Docket No. RM80-6, that same standard would apply to pipeline production valued at NGPA levels. Accordingly, the Commission's acceptance of this increase is conditioned upon Consolidated's filing within thirty days data demonstrating that its purchases from its affiliates and the price assigned to its NGPA valued pipeline production meet the affiliated entities test and is subject further to Commission review of that data.

The PGA rate increase also tracks increases in the cost of gas resulting from a rate change by a pipeline affiliate, Consolidated System LNG Company (LNG) [6] to $3.929 per Dth. LNG's rate effective September 1, 1979, in Docket No. RP79-73, was $2.9099 per Dth. The Commission is unable to determine from the information submitted herein whether LNG's rate is just and reasonable, or otherwise appropriate. Accordingly, Consolidated shall be required to file data within 30 days of the issuance of this order which demonstrates the appropriateness of such costs.

The Commission Orders: (A) Consolidated's Alternate Second Substitute Alternate Seventeenth Revised Sheet No. 16 to FERC Gas Tariff, Third Revised Volume No. 1 is accepted for filing and suspended, permitted to become effective February 1, 1980, subject to refund and subject to the outcome of the proceedings in Docket No. RP80-61.

(B) Consolidated's Second Substitute Alternate Eighteenth Revised Sheet No. 16 and Substitute First Revised Sheet No. 72-C are accepted for filing and waiver of the notice requirements is granted such that they shall become effective March 1, 1980, subject to refund and subject to the condition enumerated in the body of this order and the ordering paragraphs below.

(C) Consolidated shall file data within 30 days of the issuance of this order to show that the pricing of gas purchased from its affiliates and the value assigned to its NGPA-priced pipeline production are in accordance with section 601(b)(1)(E) of the NGPA and that the pricing of gas purchased from Consolidated System LNG Company is appropriate.

(D) The costs associated with Consolidated's purchases from its producer affiliates, its NGPA-priced pipeline production, and from Consolidated System LNG shall be collected subject to refund and subject to: (1) Consolidated's filing within 30 days of the issuance of this order the data called for in Paragraph (B) above, and (2) review of such data by the Commission to determine what further action is appropriate.

(E) Eighteenth Revised Sheet No. 16, Alternate Eighteenth Revised Sheet No. 16, Substitute Alternate 18th Revised Sheet No. 16, and Second Revised Sheet No. 72-C are rejected because they are moot in light of the action taken above.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9112 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[6] Consolidated filed revisions to its PGAC to provide for PGA treatment for LNG's costs. These revisions are treated by separate order.

[Docket No. RP77-62]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Extension of Time

March 18, 1980.

On March 13, 1980, Commission Staff Counsel filed a request for an extension of time to file objections to an "actual cost/actual revenue" study filed January 29, 1980, by the Tennessee Gas Pipeline Company, as required by the settlement agreements approved February 23 and August 13, 1979, in the above-docketed proceeding. The motion states that additional time is needed because staff auditors have had to analyze additional detailed background information not contained in Tennessee's original filing.

Upon consideration, notice is hereby given that an extension is granted to and including April 14, 1980, for the filing of objections in this proceeding.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9113 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2305]

Sabine River Authority of Texas; Application for Approval of Exhibit R

March 20, 1980.

Take notice that an application was filed on January 21, 1980, under the Federal Power Act, 16 U.S.C. 791a-825r, by the Sabine River Authority of Texas (SRAT), joint Licensee for the Toledo Bend Project No. 2305, for approval of its recreation use plan, Exhibit R. The project is located on the Sabine River in Newton, Sabine, and Shelby Counties, Texas, and Sabine and DeSoto Parishes, Louisiana. The project occupies lands of the Sabine National Forest.

Correspondence with the Applicant should be directed to: Mr. Joe Love, Assistant Operation Manager, Sabine River Authority of Texas, P.O. Box 579, Orange, Texas 77630.

As described in the revised recreation use plan, seven sites would be developed by SRAT for the Texas portion of the project. The U.S. Forest Service (USFS) has developed four additional sites on the Texas shore.

Among the existing recreational facilities are boat ramps, hiking trails, and primitive camping and motorbiking sites. Planned facilities include picnic tables, group camping facilities, boat ramps, trap and skeet shooting ranges, marina, tennis courts and motorbike trails. At four of the SRAT sites extensive private recreational development would include cabins, cabanas, a swimming pool, and boat rental facilities.

Facilities already developed by the USFS at four of the existing sites include an amphitheater, boat ramps, restrooms, camping sites, shower facilities, and barbecue grills.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure (Rules), 18 CFR, 1.8 or 1.10 (1979). Comments not in the nature of protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or

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other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be filed on or before May 12, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9197 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-73]

State of New Mexico; Petition To Reopen Final Well Category Determination

March 21, 1980.

Take notice that on January 30, 1980, Texaco Inc. (Texaco) Section 108 NGPA Determination, Texaco Inc., J. C. Estlack #1 Well, JD No. 79-20379, filed with the Commission a petition to reopen the final well category determination for the above-captioned well, pursuant to 18 CFR 275.202.

Texaco states that the following sequence of events occurred with respect to the above-captioned well: (1) In March of 1979 Texaco filed an application with the New Mexico Oil Conservation Division (New Mexico) for a determination that the well qualified as a stripper well under section 108 of the Natural Gas Policy Act of 1978 (NGPA); (2) In August of 1979 New Mexico made an affirmative determination and forwarded notice of such determination to the Commission for review; (3) The determination became final forty-five days after the Commission received the notice, pursuant to the provisions of 18 CFR 275.202(a); (4) On January 18, 1980, the Commission issued an order directing an investigation with respect to two other stripper well applications filed by Texaco[1]; (5) Upon issuance of this order Texaco requested its Producing Divisions to review all stripper well applications made by the company to determine whether there existed any additional filings for wells which might not qualify for the stripper well price; (6) As a result of this survey, Texaco determined that certain production data[2] for the above-captioned well had not been filed along with the stripper well application.

Texaco requests that the Commission reopen the final stripper well determination for this well in order that the record may be supplemented. Texaco states that it believes the outcome of the determination will not be affected, but that the additional data should be submitted in order to comply with the Commission's regulations.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 21, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to this proceeding, or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9198 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-72]

State of New Mexico; Petition To Reopen Final Well Category Determination

March 21, 1980.

Take notice that on January 30, 1980, Texaco Inc. (Texaco), Section 108 NGPA Determination, Texaco Inc., E.H.B. Phillips "B" No. 2 Well, JD No. 79-20332, filed with the Commission a petition to reopen the final well category determination for the above-captioned well, pursuant to 18 CFR 275.202.

Texaco states that the following sequence of events occurred with respect to the above-captioned well: (1) In March of 1979 Texaco filed an application with the New Mexico Oil Conservation Division (New Mexico) for a determination that the well qualified as a stripper well under section 108 of the Natural Gas Policy Act of 1978 (NGPA); (2) In August of 1979 New Mexico made an affirmative determination and forwarded notice of such determination to the Commission for review; (3) The determination became final forty-five days after the Commission received the notice, pursuant to the provisions of 18 CFR 275.202(a); (4) On January 18, 1980, the Commission issued an order directing an investigation with respect to two other stripper well applications filed by Texaco[1]; (5) Upon issuance of this order Texaco requested its Producing Divisions to review all stripper well applications made by the company to determine whether there existed any additional filings for wells which might not qualify for the stripper well price; (6) As a result of this survey, Texaco determined that certain required production data for the above-captioned well had not been filed along with the stripper well application.[2]

Texaco states that the additional production data indicate that total production from the well exceeded the volumes of gas permitted for stripper wells under section 108. Texaco requests that the Commission reopen the final determination for this well in order that Texaco may withdraw the application upon which such determination was based.

Any person desiring to be heard or to make any protest with reference to said peition should on or before April 21, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commissions' rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to this proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9199 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP80-65 etc.]

Tennessee Gas Pipeline Co. et al.; Technical Coference

March 20, 1980.

Tennessee Gas Pipeline Company, a Division of Tenneco Inc., National Fuel Gas Supply Corp. and National Gas Storage Corporation, *et al.*, Consolidated Gas Supply Corp., Honeoye Storage Corporation, Docket Nos. CP80-65, CP76-492, *et al.*, CP80-260, CP80-277.

Take notice that on April 11, 1980, at 10 a.m., the Commission Staff will convene an informal technical conference at the offices of the Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, to discuss the issues raised in the above-captioned dockets. By its application in Docket No. CP80-65 Tennessee seeks certificate authorization from the Commission to construct and operate certain facilities and to render certain transportation services for a number of its existing customers located in New England, New York and Pennsylvania in connection with related natural gas storage services which such customers propose to purchase from Consolidated Gas Supply Corporation (Consolidated), Honeoye Storage Corporation (Honeoye) and National Gas Storage Corporation (National). Tennessee proposes to transport top storage injection and withdrawal volumes for certain of its customers on a long-term firm basis and for others on a long-term best efforts basis in connection with such storage services. Tennessee also proposes to transport base gas injection volumes for certain of its customers on a short-term best efforts basis in connection with both Honeoye and National storage service.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as a party in these proceedings.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9200 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-279]

Texas Eastern Transmission Corp.; Application

March 21, 1980.

Take notice that on March 12, 1980, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP80-279 and application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline, compression, and related facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to construct, in two phases over a two-year period, and to operate: 113.4 miles of 30-inch pipeline loop which would be added parallel to Applicant's existing 30-inch pipeline extending from its Gillis, Louisiana, compressor station to a point near New Roads, Louisiana, and passing through the parishes of Beauregard. Allen, Evangeline, St. Landry and Pointe Coupee (Phase 1); an additional compression unit of up to 12,150 horsepower at Applicant's Gillis, Louisiana, station; and three loop extensions of 36-inch pipeline in Mississippi totaling 58.5 miles in length, which would extend existing partial loops on Applicant's main line between Applicant's St. Francisville, Louisiana, and the Kosciusko, Mississippi, compressor stations, which would be located parallel to and adjacent to Applicant's existing pipelines, and would traverse the Mississippi counties of Franklin, Amite, Wilkinson, Hinds, Copiah and Madison (Phase II). Applicant states that, in constructing the proposed facilities, it would utilize existing rights-of-way to the extent possible, and would parallel existing rights-of-way where multiple-line rights are not owned.

The estimated total capital cost of the proposed facilities expansion is $125,710,000 which cost Applicant would finance initially with funds on hand and/or borrowing under its revolving credit agreement, which may later be replaced with long-term financing, it is said.

Applicant states that the proposed expansion of facilities would increase its capacity by approximately 400,000 Mcf per day between Gillis and St. Francisville and approximately 200,000 Mcf per day between St. Francisville and Kosciusko. Applicant asserts that the increased capacity which would be provided by the proposed facilities is required to alleviate a supply-capacity imbalance on Applicant's system which has resulted from a shift in its main supply area to the west. It is asserted that such a shift has been brought about by curtailment by United States Gas Pipe Line Company and declining production in the Main Pass and southeastern Louisiana areas, coupled with additional volumes of gas from offshore production, from new commitments, Mexican gas purchases, and new onshore commitments and intrastate supply sources. These additional volumes are delivered into the western portion of Applicant's system and utilize almost all of the available capacity, it is said. Applicant further asserts that inasmuch as the majority of further additional volumes are anticipated to be attached from the western portion of the system, the proposed additions would insure the integrity of the system and Applicant's ability to meet its contractual obligations.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 11, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9201 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. E-8851]

Alabama Power Co.; Informal Conference

March 20, 1980.

Take notice that the Staff has scheduled an informal conference in this proceeding pursuant to 18 CFR 1.18. This conference, scheduled at the request of

[1] Public Order Directing Private Investigation, Docket No. IN80-7, issued January 18, 1980.

[2] The required production information pertains to other reservoirs in a multi-completion well.

cooperative and municipal intervenors, will be for the purpose of discussing the compliance filing made in this docket by Alabama Power Company on October 31, 1979. The conference will occur on April 17, 1980, commencing at 10 a.m.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9190 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CS80-92, *et al.*]

Dietrich Petroleum Corp., et al.; Applications for "Small Producer" Certificates [1]

March 21, 1980.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission in its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

Docket No.	Date filed	Applicant
CS80-92	3/3/80	Dietrich Petroleum Corp., 1741 Crestridge, Littleton, Colo. 80121
CS80-93	3/4/80	J. R. McGinley, 530 Beacon Building, Tulsa, Okla. 74103
CS80-94	3/4/80	A. L. Sauder, Jr., P. O. Drawer 5008, Wichita Falls, Tex. 76307
CS80-95	3/4/80	Zulema T. McGinley, 530 Beacon Building, Tulsa, Okla. 74103
CS80-96	3/6/80	Frank B. Westerman, 1100 Milam Bldg. Suite 580, Houston, Tex. 77002
CS80-97	3/6/80	LRF Corp., 3232 Liberty Tower, Oklahoma City, Okla. 73102
CS80-98	3/6/80	Reed D. Voran, Trustee, 320 South High Street, Muncie, Ind. 47305
CS80-99	3/17/80	Carl W. Moore, Suite 1555, Dallas Federal Savings Bldg. 8333 Douglas Avenue, Dallas, Tex. 75225
CS80-100	3/18/80	Robert H. Cole, 10110 Chevy Chase, Houston, Tex. 77042

[FR Doc. 80-9191 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G18671, et al.]

Dorchester Gas Producing Co., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

March 21, 1980.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-18671, D, Mar. 13, 1980	Dorchester Gas Producing Company, Bank of Southwest Building, P.O. Box 750, Amarillo, Texas 79105.	Northern Natural Gas Company, Section 44, Block 7, I&GN Survey, Carson County, Texas.	Depleted	
C180-240, A, Mar. 13, 1980	Hondo Oil & Gas Company, P.O. Box 2819, Dallas, Texas 75221.	Natural Gas Pipeline Company of America, Hondo State Com. No. 1 Well located in the Burton Flat Area, Eddy County, New Mexico.	[1]	14.65
C180-241, A, Mar. 14, 1980	Marathon Oil Company, 539 South Main Street, Findlay, Ohio 45840.	Panhandle Eastern Pipe Line Company, Valley Center West Field, Dewey County, Oklahoma.	[2]	14.65
C180-242, B, Mar. 14, 1980	Enterprise Resources, Inc., 1100 Milam Building, Suite 776, Houston, Texas 77002.	Texas Gas Transmission Corporation, Sec. 41-T12S-R5E, Iberia Parish, Louisiana, Jefferson Island Field.	Well was plugged and abandoned	
C180-243, A, Mar. 14, 1980	General American Oil Company of Texas, Meadows Building, Dallas, Texas 75206.	Columbia Gas Transmission Corporation, Blocks 287 and 276 Vermilion Area, Offshore Louisiana.	[3]	14.73
C180-244, A, Mar. 17, 1980	Transco Exploration Company, P.O. Box 1396, Houston, Texas 77001.	Michigan-Wisconsin Pipe Line Company, High Island Area Block A-312 (SW/4), Offhore Gulf of Mexico.	[4]	14.73

[1] Applicant is filing under Gas Purchase Contract dated 8-24-79.

[2] Applicant is filing under Gas Purchase and Sales Agreement dated 1-14-80, said agreement adopting and ratifying the terms and conditions of Gas Purchase and Sales Agreement dated 9-21-78, between Exploration Associates, as Seller, and Panhandle Eastern Pipe Line Company, as Buyer. Applicant's working interest was acquired through reversionary rights under a farmout agreement to Exploration Associates upon well payout effective 6-1-79 and Applicant respectfully requests that the Commission issue to it a Certificate of Public Convenience and Necessity effective 6-1-79.

[3] Applicant is filing under Gas Purchase and Sales Agreement dated 2-22-80.

[4] Applicant is willing to accept a certificate conditioned upon the maximum applicable rate as allowed by the NGPA of 1979.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 80-9192 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 925]

City of Ottumwa, Iowa; Issuance of Annual License

March 20, 1980.

On September 13, 1978, the City of Ottumwa, Iowa, Licensee for Project No. 925, located on the Des Moines River in Wapello County, Iowa, filed an application for a new license pursuant to the Federal Power Act and Commission regulations thereunder.

The license for Project No. 925 was issued effective May 1, 1928, for a period ending April 30, 1978. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the City of Ottumwa, Iowa.

Take notice that an annual license has been issued to the City of Ottumwa, Iowa for the period May 1, 1978 to April 30, 1979, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 925, subject to the terms and conditions of the original license. Take further notice that if issuance of a new license does not take place on or before April 30, 1979, a new annual license will be in effect each year thereafter, effective May 1 of each year, until such time as a new license is issued, or other appropriate action is taken by the Commission, without further notice being given by the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9198 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CS71-631 and CS76-842]

Eason Oil Co. and Devon Corp.; Order Clarifying Order and Denying Rehearing

March 21, 1980.

By order issued January 8, 1980, in the above-captioned dockets, the Commission granted the requests of Eason Oil Company (Eason) and Devon Corporation (Devon) to have certain sales of natural gas covered under their small producer certificates, but the Commission denied small producer rate treatment for the sales. On February 7, 1980, Devon filed an application for rehearing of the Commission's order. By order issued March 4, 1980, the Commission granted rehearing for purposes of further consideration.

In June 1973 Eason and Devon acquired certain natural gas producing properties from Commonwealth Gas Corporation, Southwest Gas Producing Company, Inc., and Monla Gas Company (the Commonwealth Group), an affiliated group of producers within the meaning of § 157.40 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.40).

The Commission found in its January 8, 1980 order that the status of the Commonwealth Group producers as large or small producers at the time of the conveyances to Devon and Eason was dependent on their total jurisdictional sales volumes for 1972, the full calendar year preceding the transfer of the properties. Since the Commonwealth Group producers made jurisdictional sales in excess of 10,000,000 Mcf in the calendar year 1972, the Commission concluded that they were not small producers at the time of the conveyances. As a result, the Commission denied small producer rate treatment for sales made by Devon and Eason from the acquired reserves on the ground that the reserves were acquired by the purchase of developed reserves in place from a large producer.

In its February 7, 1980 application, Devon seeks rehearing on two grounds. First, Devon continues to argue that the Commonwealth Group producers were small producers at the time of the conveyances in June 1973, and contends that the Commission erred in determining the status of the Commonwealth Group producers on the basis of their 1972 calendar year jurisdictional sales volumes. However, Devon cites no new facts or principles of law that might warrant a modification of our decision on this issue. Consequently, we see no need to address the question any further.

With respect to Devon's second ground for rehearing, Devon states that there are wells located on the acreage acquired from the Commonwealth Group which produce from reserves developed by Devon, rather than by the Commonwealth Group producers. Devon asserts that the Commission's order is in error to the extent that it prohibits Devon from obtaining small producer rate treatment for sales of gas produced from such reserves.

We did not intend by our January 8, 1980 order to preclude Devon and Eason from collecting small producer rates for sales of gas produced from reserves that they developed. Under § 157.40 of the Commission's Regulations, as the regulations existed prior to the issuance of Order No. 568,[1] small producer rates

[1] § 157.40 was revised by the Commission in Order No. 568, Docket No. RM76-15, issued July 14, 1977, subsequent to the filing of Devon's original application and Eason's original petition in these

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were not to apply to jurisdictional sales made by a small producer from reserves "acquired by the purchase of developed reserves in place from a large producer." However, where a small producer acquired *undeveloped* reserves from a large producer, and later developed those reserves while still a small producer, the small producer was entitled to sell gas from such reserves at small producer rates.[2] Accordingly, we wish to clarify our January 8, 1980 order as to the rate that Devon and Eason may collect for sales made from the reserves acquired from the Commonwealth Group. For sales made from those reserves that were developed by Devon and Eason while they were small producers, Devon and Eason may collect the applicable small producer rates. In all other respects, including the refund requirements, the order of January 8, 1980 remains in effect.

The Commission orders: (A) The Commission's order issued January 8, 1980, in the above-captioned dockets, is clarified as set forth hereinabove.

(B) Devon's application for rehearing of the order issued January 8, 1980, filed on February 7, 1980, is hereby denied, except as provided in Ordering Paragraph (A) above.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9193 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-268]

Equitable Gas Co.; Application

March 21, 1980.

Take notice that on March 4, 1980, Equitable Gas Company (Applicant), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 51219, filed in Docket No. CP80-268 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of the Skin Creek Compression Station and connecting pipelines at a replacement site and for permission and approval for the subsequent abandonment of the existing compressor site on West Virginia Highway 30 at the juncture of Skin Creek and the West Fork River to accommodate the Stonewall Jackson Lake project, West Fork River and tributaries, Lewis County, West Virginia, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the existing Skin Creek Compressor Station, which was constructed to supply gas from adjoining gas fields to the transmission network of Applicant's predecessor company would be completely flooded by the creation of Stonewall Jackson Lake, a project being constructed by the U.S. Army Corps of Engineers.

This compression station is an integral component of Applicant's natural gas supply and transmission system and the construction of a replacement station would be required in order to maintain the present delivery capacity, it is said. Applicant asserts that it must have a replacement station which is completely operable prior to taking the existing station out of service in order to prevent an interruption in the supply of gas to Applicant's system.

The proposed location for the replacement facility is on West Virginia Highway 17 (Copely Road) approximately one-half mile west of its intersection with U.S. Highway 19.

Applicant proposes to abandon its existing Skin Creek Compression Station, including three steam-powered and three natural gas-powered compressors all totaling 5,880 horsepower, together with certain related pipeline segments of diameters ranging from 6 to 16 inches and associated equipment. The replacement station would be equipped with gas-powered compressors totaling 6,210 horsepower at 100°F, which Applicant considers to be the most comparable sizing arrangement, and would be linked to replacement pipelines of 6-inch to 16-inch diameter, it is stated. Applicant estimates the cost of the project to be $15,248,050, a portion of which would be borne by the Federal Government.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 11, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9194 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-278]

Great Lakes Gas Transmission Co.; Application

March 21, 1980.

Take notice that on March 7, 1980, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP80-278 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 30.1 miles of 36-inch pipeline loop on its existing pipeline system, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate 30.1 miles of 36-inch pipeline loop in northern Minnesota. It is asserted that the loop would be added parallel to Applicant's existing pipeline network, which is used to provide natural gas service to its existing interstate and foreign customers, and would be constructed in two segments: one segment would be 11.5 miles in length and would run from mile post 21.9 to mile post 33.4 on the line, which is between Applicant's existing compressor stations Nos. 1 and 2 and St. Vincent and Thief River Falls, Minnesota, respectively; the other segment would stretch 18.6 miles and would extend from mile post 131.4 to mile post 150.0, which is situated between Applicant's existing compressor stations Nos. 3 and 4 at Shevlin and Deer River, Minnesota, respectively. It is said that these proposed loops would complete valve sections and provide additional security along Applicant's existing pipeline system. The total cost of the proposed loop is estimated to be $18,700,000 which cost Applicant would finance with funds generated internally, together with short-term borrowing from banks if required, it is said.

Applicant asserts that the addition of the proposed loop to its system would result in an annual savings of 1,240,000 Mcf of natural gas.

Applicant further requests that it be permitted to offset its incremental costs incurred in owning and operating the loop proposed herein by appropriate adjustment to the Fuel Adjustment Provisions agreed to by all parties in Applicant's pending rate proceeding in Docket No. RP79-10, *et al.*

Any person desiring to be heard or to make any protest with reference to said application should on or before April 11, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9195 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

Footnotes continued from last page

proceedings. The Commission provided in Order No. 568 that all cases pending before the Commission prior to the issuance of Order No. 568 were to be decided on their merits under the regulations as they existed prior to the issuance of that order. See Order No. 568, *mimeo* at 2. However, the result reached here would be the same under the current regulations.

[2] *See* "Order Granting Rehearing," *James T. Cliburn*, Docket No. CS77-728, issued April 24, 1978; "Order Granting Petition For Declaratory Order," *Burk Royalty Co., Tom Darling and Jon H. Bear*, Docket No. CI74-750, issued September 25, 1974. This result is in accord with the present small producer regulations adopted in Order No. 568. *See* § 157.40(a), (c) of the Commission's Regulations under the Natural Gas Act.

ENVIRONMENTAL PROTECTION AGENCY

[80T-95; FRL 1444-3]

Premanufacture Notices; Status Report for February 1980

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publishe a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PNM's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for February 1980.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on a specific chemical substance.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Paige Beville, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-426-8816.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import. A "new" chemical substance is any substance that is not on the Inventory of exsting substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** on May 15, 1979 (44 FR 28558). The requirement to submit PMN's for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may for good cause, extend the review period up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

The monthly status report required under section 5(d)(3) will identify: (a) PMN's received during the month; (b) PMN's received previously and still under review at the end of the month; (c) PMN's for which the notice review period has ended during the month; and (d) chemical substances that EPA has added to the inventory during the month.

Therefore, under TSCA (Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)), EPA is publishing the status of PMN's for February 1980.

PMN No.	Identity/generic name	FR citation	Expiration date
I. Premanufacture Notices Received During the Month			
5AHQ-0280-0143	Polymer of: Epichlorohydrin; bisphenol A; *N*-methyl morpholine; acetic acid; and linseed fatty acid.	45 FR 12902 (2/27/80).	May 4, 1980.
5AHQ-0280-0144	Polymer of: Epichlorohydrin-Bis A; bisphenol A; *N*-Bis A; bisphenol A; *N*-methyl morpholine; and acetic acid.	In preparation	Do.
5AHQ-0280-0150	Generic Name: Bis (substituted-6,6,6-triacryloyloxymethyl-4-oxahexyl) dimethyl-disubstituted heteromonocycle.	do	Do.
5AHQ-0280-0154	Lithium ferrite	do	Do.
5AHQ-0280-0158	*N*-(3, 5-Dibromo-4-hydroxyphenyl) benzenesulfonamide	45 FR 13530 (2/29/80).	Do.
5AHQ-0280-0129	Polymer of butyl acrylate, methyl methacrylate, hydroxyethyl methacrylate, hydroxyl propyl acrylate, and acrylic acid.	In preparation	Do.
5AHQ-0280-0159	Generic Name: Chloroorganoamino-fluoran dye	do	May 10, 1980.
5AHQ-0280-0166	Generic Name: Zinc salt of dialkyl dithiophosphate	do	May 12, 1980.
5AHQ-0280-0165	Generic Name: Vegetable oil fatty acid ester	do	May 13, 1980.
5AHQ-0280-0169	Polymer of butyl acrylate, methyl acrylate acrylonitrile, and 2-hydroxyethyl acrylate.	do	Do.
5AHQ-0280-0174	Generic Name: Alkyl ammonium salt of a halogen oxyacid	do	May 20, 1980.
5AHQ-0280-0175	Generic Name: Alkyl ammonium salt of a halogen oxyacid	do	Do.
5AHQ-0280-0179	Generic Name: Tetra-substituted phosphonium salt of dihydroxy substituted propene.	do	May 25, 1980.
5AHQ-0280-0182	Generic Name: Alpha alkene copolymer with alpha alkene	do	May 28, 1980.
5AHQ-0280-0186	Generic Name: Alkyl-substituted phenol	do	Do.
II. Premanufacture Notices Received Previously and Still Under Review at the End of the Month			
5AHQ-1279-0038A	Polymer of styrene, 2-ethylhexyl methacrylate, isobutoxymethyl acrylamide, dimethylaminopropyl methacrylamide.	45 FR 1675 (1/8/80).	Mar. 5, 1980.
5AHQ-1279-0076	Generic name: 4-Amino-*N*-substituted benzene sulfonamide	do	Mar. 9, 1980.
5AHQ-1279-0078	Polymer of phthalic anhydride, ethylene glycol, heptanol, and 2-ethylhexanol.	44 FR 76856 (2/28/79).	Mar. 12, 1980.
5AHQ-1279-0080	Polymer of phthalic anhydride, 1,2-propylene glycol, 1,4-butanediol, 1-octanol, and 1-decanol.	do	Do.
5AHQ-1279-0081	Polymer of phthalic anhydride, ethylene glycol, heptanol, 1-octanol, and 1-decanol.	do	Do.
5AHQ-1279-0082	Polymer of phthalic anhydride, 1,2-propylene glycol, 1,4-butanediol, and 2-ethylhexanol.	do	Do.
5AHQ-1279-0083	Polymer of phthalic anhydride, 1,3-butylene glycol, 1-octanol, and 1-decanol.	44 FR 76856 (12/28/79).	Do.
5AHQ-1279-0084	Polymer of phthalic anhydride, 1,3-butylene glycol, and 2-ethylhexanol.	do	Do.
5AHQ-1279-0077	Magnesium acrylate	45 FR 1674 (1/8/80).	Do.
5AHQ-1279-0057A	Polymer of 5-substituted-1,3-benzenedicarboxylic acid; ethylene glycol; and e-caprolacton.	45 FR 2387 (1/11/80).	Mar. 17, 1980
5AHQ-1279-0059A	Polymer of 5-substituted-1,3-benzenedicarboxylic acid; 1,4-cyclohexanedimethanol; ethylene glycol; -caprolacton; tolylene-2, 4-diisocyanate; and 2-butenedioic acid.	do	Do.
5AHQ-1279-0060A	Polymer of 1,4-cyclohexane dimethanol and 2-butenedioc acid.	do	Do.
5AHQ-1279-0085	Generic name: Alkenyltrialkoxysilane	do	Do.
5AHQ-1279-0086	1,3-benzenedicarboxylic acid, a polymer with 2,2-dimethyl-1,3-propanediol; 2-ethyl-2-(hydroxymethyl)-1,3-propanediol; nonanoic acid; and 3a,4,7,7a-tetrahydro-1,3-isobenzofurandione.	45 FR 2387 (1/11/80).	Do.
5AHQ-1279-0087	Generic Name: Polyacrylate	45 FR 6159 (1/25/80).	Mar. 17, 1980.
5AHQ-1279-0089	Generic name: Amido amine	45 FR 2387 (1/11/80).	Mar. 26, 1980.
5AHQ-1279-008	Generic name: Ring halogenated cyclic dicarboxylic salt	45 FR 3967 (1/21/80).	Apr. 1, 1980.
5AHQ-0180-0096	Generic name: 3-Alkoxy(C_{16}–C_{21}-2-hydroxypropyl ester of dimer/trimer acids (fatty ester).	45 FR 3967 (1/21/80).	Do.
5AHQ-0180-0099	Fatty acid, tall oil, epoxidized mixed C_7–C_9 alkyl ester	45 FR 6999 (1/31/80).	Apr. 8, 1980.
5AHQ-0180-0032A	Neopentyl glycol-cyclohexane-dimethanol-trimethylpropane-O-phthalate-adipate.	45 FR 6833 (1/30/80).	Apr. 15, 1980.
5AHQ-0180-0015A	Generic name: Dialkyl (C_{12}–C_{14}) substituted polycarboxylate	45 FR 6833 (1/30/80).	Do.
5AHQ-0180-0105	Polyester with dipropylene glycol of byproduct from, manufacture of the dimethyl ester of 1,4-benzenedicarboxylic acid.	do	Do.
5AHQ-0180-0111	Polymer of dehydrated castor oil, trimethylolethane, phthalic anahydride, and benzoic acid.	45 FR 12901 (2/27/80).	Apr. 28, 1980.
5AHQ-0180-0112	Generic name: Substituted-N-alkylquinoline	45 FR 12906 (2/27/80).	Apr. 20, 1980.
5AHQ-0180-0113	Generic name: 1,2-Disubstituted-4,5-dimethoxybenzene	45 FR 11902 (2/20/80).	Do.
5AHQ-0180-0114	Generic name: Substituted ketone pyran	45 FR 12904 (2/27/80).	Do.
5AHQ-0180-0115	Generic name: Monosubstituted-4,5-dimethoxy phenyl ethanol.	45 FR 12900 (2/27/80)/	Do.
5AHQ-0180-0116	Generic Name: Monosubstituted-4,5-dimethoxy benzyl chloride.	45 FR 11898 (2/27/80).	Do.
5AH-0180-0117	Generic Name: Tetrasubstituted quinoline	45 FR 12909 (2/27/80).	Do.
5AHQ-0180-0118	Generic Name: Tetrasubstituted-*N*-alkyl quinoline	45 FR 12907 (2/27/80).	Do.
5AHQ-0180-0119	Generic Name: Trisubstituted acetophene	In preparation	Apr. 20, 1980.
5AHQ-0180-0126	Stearly stearamide	45 FR 11904 (2/20/80).	Apr. 21, 1980.

II. Premanufacture Notices Received Previously and Still Under Review at the End of the Month—Continued			
5AHQ-0180-0131	Anhydro 3,10-bis(2-(4-(3-pyrodinio)-6-(2,5-disulfophenylamino)-1,3,5-triazin-2-ylamino) ethylamino)-6,13-dichloro-4,11-disulfotripheno-dioxazine dihydroxide, hexasodium salt.	45 FR 11903 (2/20/80).	Do.
5AHQ-0180-0133	1-p-Nitrobenzoyl-1-(4' carboxypyridyl) hydrazide	45 FR 13531 (2/29/80).	Do.
5AHHQ-0180-0134	Polymer of fumaric acid, isophthalic acid, adipic acid, neopentyl glycol, diethylene glycol, and propylene glycol.	45 FR 13529 (2/29/80).	Do.
5AHQ-0180-0034A	Generic Name: Polymer of, alkyl amino methacrylic acid ester, alkyl acrylate, and alkyl methacrylate.	In preparation	Apr. 27, 1980.
5AHQ-0180-137	Copolymer of mthacrylic acid and diacetone acrylamide	45 FR 12897 (2/27/80).	Apr. 28, 1980.
III. Premanufacture Notices for Which the Notice Review Period Has Ended During the Month			
5AHQ-1179-0007A	(Alkyl hydroxymethyl alkanediol polymer with chloromethyl oxirane) alkenoate.	44 FR 70216 (12/6/79)	Feb. 13, 1980.
5AHQ-1179-0010A	2-Ethyl hexyl-2-propenoate polymer with 2-methyl-2-propenoate and alkyl 2-propenoate.	do	Do.
5AHQ-1179-0070	Claimed Confidential	44 FR 76855 (12/28/79)	Feb. 14, 1980.
5AHQ-1179-0073	1,3-Benzenedicarboxylic acid, polymer with E 2-butenedioic acid, 1,2-propanediol, and 1,3-butadiene.	44 FR 70921 (12/10/79)	Feb. 21, 1980.
5AHQ-1179-0074	1,3-Benzenedicarboxylic acid, polymer with E 2-butenedioic acid, 1,2-propanediol, and 1,3-butadiene acrylonitrile.	do	Do.
IV. New Chemical Substances That EPA Has Added to the Inventory During the Month			
None.			

Interested persons may submit written comments on the specific chemical substance no later than 30 days before the applicable notice period ends to the Document Control Officer (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, 401 M St., SW., Washington, DC 20460. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number (80T–95) and the specific PMN number. Nonconfidential portions of the PMN's written comments received, and other documents in public record may be seen in the above office between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

Dated: March 18, 1980.

Marilyn C. Bracken,

Deputy Assistant Administrator for Program Integration and Information.

[FR Doc. 80-8969 Filed 3-25-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1446-1]

Science Advisory Board, Subcommittee on Energy-Related Health Effects Research; Open Meeting

Under Pub. L. 92–463, notice is hereby given that a meeting of the Subcommittee on Energy-Related Health Effects Research of the Science Advisory Board will be held on April 11, 1980 in Conference Room 1137, North Building, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. The meeting will start at 9:00 a.m. Conference Room 1137 is located on the main floor.

The purpose of the meeting will be to review and comment on Agency plans for redirecting certain portions of the Energy-Related Health Effects Research Program in order to make the program more responsive to specified needs and objectives of EPA's Office of Air Quality Planning and Standards (OAQPS). Specifically, the portion of the Energy-Related Health Effects Research Program to be reviewed and discussed addresses the health effects of pollutants from fossil fuel combustion and complements research carried out under the Air Health Research Program (Base Program) of EPA's Office of Research and Development.

Pertinent background information follows. This is the third meeting of the Subcommittee. At a meeting on November 13 and 14, 1979, the Subcommittee was briefed on and discussed (1) programs and needs of EPA's Office of Air Quality Planning and Standards (OAQPS) as regards health effects of energy-related air pollutants, (2) relevant aspects of the Air Health Research Program (Base Program) of EPA's Office of Research and Development, and (3) research carried out or planned under the Energy-Related Health Effects Research Program. At a subsequent meeting on December 18 and 19, 1979, the Subcommittee discussed the relevance of the on-going or proposed research to Agency needs and commented on tentative plans for redirecting the program. Further meetings of the Subcommittee will be scheduled if needed.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper, or wishing further information should contact the Secretariat, Science Advisory Board (A–101), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. April 7, 1980. Please ask for Mr. Kenneth Goggin. The telephone number is (202) 472–9444.

Richard M. Dowd,

Staff Director, Science Advisory Board.

March 19, 1980.

[FR Doc. 80-9125 Filed 3-25-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-50456A, FRL 1446-5]

Issuance of Experimental Use Permit; Correction

On Monday, March 3, 1980 (45 FR 13184), information appeared pertaining to the issuance of an experimental use permit, No. 400–EUP–59, to Uniroyal, Inc. In the SUMMARY and SUPPLEMENTARY INFORMATION sections the active ingredient should have read "2[[1-[2,5-dimethylphenyl]ethyl]sulfonyl] pyridine 1-oxide." (PM–25, Robert J. Taylor, Room: E–359, Telephone: 202–755–2196).

Dated: March 20, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-9127 Filed 3-25-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL1446-3]

Water Programs; Determination of Primary Enforcement Responsibility

This public notice is issued under section 1413 of the Safe Drinking Water Act of 1977, Pub. L. 95–190 (amending 42 U.S.C. 300f et seq.), and 40 CFR 142.10, National Interim Primary Drinking Water Regulations, published at 41 FR 2918 (January 20, 1976).

An application, dated March 12, 1980 has been received from Dr. Lloyd F. Novick, Commissioner, State of Vermont, Department of Health requesting that the Department of Health be granted primary enforcement responsibility for public water systems in Vermont, in accordance with the provisions of the Safe Drinking Water Act. Supplementing the application there have also been received (1) two opinions from the Vermont Attorney General dated October 25, 1979 and January 23, 1979, clarifying certain provisions of the Vermont Statutes, (2) a letter dated March 13, 1980 and an

V45/60 MR26 80 UMI

attachment making changes to the January 23, 1979 Attorney General's opinion, (3) a memorandum of agreement between the Environmental Protection Agency and the Vermont Department of Health concerning enforcement against federal facilities and (4) a letter dated March 17, 1980, from the Commissioner.

In response, I have determined as Regional Administrator of the U.S. Environmental Protection Agency, Region I, the Vermont Department of Health has met all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for public water systems in Vermont. Vermont:

(1) Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;

(2) Has adopted and will implement adequate procedures for the enforcement of such regulations, including:

a. Maintenance of an inventory of public water systems.

b. A systematic program for conducting sanitary surveys of public water systems.

c. Availability of laboratory facilities certified by EPA and capable of performing analytical measurements of all contaminants specified in the regulations.

d. Establishment and maintenance of an activity to assure that the design and construction of new or substantially modified facilities will be capable of compliance with the regulations.

(3) Has adopted statutory or regulatory enforcement authority to compel compliance with the regulations;

(4) Will keep such records and make such reports as required;

(5) Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency circumstances.

All documents relating to this determination are available for public inspection during normal business hours, Monday through Friday, at the following offices:

Vermont Department of Health, Division of Environmental Health, 60 Main Street, Burlington, Vermont 05401

U.S. Environmental Protection Agency, Region I, Drinking Water Branch, John F. Kennedy Federal Building, Boston, Massachusetts 02203

All interested parties are invited to submit written comments on this determination. Written comments must be received within 30 days of publication of this notice.

Further information may be obtained by writing the Drinking Water Branch of the U.S. Environmental Protection Agency, Region I or the Division of Environmental Health, Vermont Department of Health, or by calling Jerome J. Healey at (617) 223-6486 or Kenneth M. Stone at (802) 862-5701.

A public hearing may be requested by any interested person. Frivolous or insubstantial requests for a public hearing may be denied; however, if a substantial request is received within 30 days of publication of this notice, a public hearing will be held and notice given in the **Federal Register** and newspaper of general circulation. Such requests shall be addressed to:

William R. Adams, Jr., Regional Administrator, U.S. Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203

and shall include the following information:

(1) The name, address, and telephone number of the individual, organization or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request; or if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

If no timely request for a hearing is received, my determination shall become effective 30 days after the publication of this notice.

If there is a substantial request for a hearing this notice shall not become effective until after such hearing, at which time I shall issue an order affirming or rescinding my determination. If the determination is affirmed it shall become effective as of the date of that order.

Dated: March 20, 1980.

William R. Adams, Jr.,

Regional Administrator.

[FR Doc. 80-9128 Filed 3-25-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 79-63]

American Telephone & Telegraph Co.; Petition for Modification of Prescribed Rate of Return

Order (44 FR 60158)

Adopted: March 14, 1980.

Released: March 19, 1980.

By the Chief, Common Carrier Bureau:

1. On March 3, 1980, the American Telephone and Telegraph Company Long Lines Department (AT&T) filed Transmittal Nos. 13424, 13425 and 13426 in which it proposed higher tariff rates for all its services and equipment. These rates are designed to produce a rate-of-return in excess of the 9.5% prescribed in 1976. These tariff changes are scheduled to become effective serially on June 1, 1980, July 1, 1980, and October 1, 1980. Nineteen Bell operating companies also filed tariff changes.[1]

2. In order for the Commission to answer the questions associated with the above tariff filings, it may be necessary to have part or all of the record in this docket certified to the Commission. AT&T has presented its direct case and has been subjected to cross-examination. The hearing schedule provides for the non-AT&T parties to present their direct cases in a bifurcated fashion on April 4, 1980, and April 18, 1980. Cross-examination of the non-AT&T parties' witnesses is scheduled to begin on May 5, 1980. If it should develop that the Commission desires to have the record certified to it to aid in resolving the issues arising from AT&T's filing revised higher tariff rates, it is important that the record be as complete as possible.

3. Section 4(i) of the Act, 47 U.S.C. 154(i), provides that the Commission may "issue such orders, not inconsistent with this chapter, as may be necessary in the execution of its functions," and Section 4(j) of the Act, 47 U.S.C. 154(j), provides for the Commission to "conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice." In order to insure that the Commission retains the necessary flexibility to act on AT&T's tariff application, we find that the public interest requires strict adherence to the hearing schedule set forth in paragraph 2 above and that any extensions of time must be supported by a strong showing of need. We will therefore require that any request for an extension of time in the hearing schedule shall be directed to the Commission.

4. Accordingly, it is ordered, pursuant to authority delegated by Section 0.91(h) and 0.291 of the Commission's Rules, 47 C.F.R. 0.91(h) and 0.291, that any motions for extensions of time in this proceeding filed prior to the resolution of the referenced AT&T tariff filing shall be directed to the Commission.

5. It is further ordered, pursuant to authority delegated by Section 0.91(h) and 0.291 of the Commission's Rules, 47 C.F.R. 0.91(h) and 0.291, that any motions for extension of time filed during this period with the presiding Administrative Law Judge shall be denied, or, at the discretion of the presiding Administrative Law Judge, certified to the Commission if the presiding Administrative Law Judge believes good cause may exist for the granting of an extension of time.

Federal Communications Commission.

Philip L. Verveer,

Chief, Common Carrier Bureau.

[FR Doc. 80-9079 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

[1] These filings were as follows: Bell of Pennsylvania, TR No. 625; C & P Telephone, TR No. 35; Cincinnati Bell, TR No. 272; Illinois Bell, TR No. 634; Indiana Bell, TR No. 644; Michigan Bell, TR No. 406; Mountain Bell, TR No. 582; New England Telephone, TR No. 620; New Jersey Bell, TR No. 330; New York Telephone Company, TR No. 54; Northwestern Bell, TR No. 856; Ohio Bell Telephone Company, TR No. 570; Pacific Northwest Bell, TR No. 25; Pacific Telephone, TR No. 928; South Central Bell, TR No. 40; Southern Bell, TR No. 1193; Southern New England Telephone TR No. 226; Southwestern Bell, TR No. 1143; and Wisconsin Telephone, TR No. 455.

[Report No. A-11]

Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: March 18, 1980.

Cut-off Date: April 30, 1980.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered ready and available for processing after April 30, 1980. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on April 30, 1980 which involves essentially the same facilities as any application on this list must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on April 30, 1980.

Petitions to deny any application on this list must be on file with the Commission no later than the close of business on April 30, 1980.

It should be noted that the Commission has granted the listed applicants for interim authority permission to operate the facilities specified on a temporary basis. Thus, the invitation specified herein is for authority to operate the facilities listed on an interim basis only. Potential applicants who desire to operate the facilities as regular licensees will be given opportunity to apply at a later date, if they have not done so already.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BPI-800220AD Berlin, New Hampshire, Berlin Chamber of Commerce, Inc., Req. 1400 KHz, 250 W, 1 kW-LS, U, facilities of former station WBRL, Berlin, N.H., on an interim basis.

BPI-800304AA Berlin, New Hampshire, Community Broadcasting Association of Berlin, Inc., Req. 1230 KHz, 250 W, 1 kW-LS, U, facilities of former station WMOU, Berlin, N.H. on an interim basis.

BPHI-800304AB Berlin, New Hampshire, Community Broadcasting Association of Berlin, Inc., Req. 103.7 MHz, Channel 279C, 17 kW, 160 FT (H & V), facilities of former station WXLQ, Berlin, N.H., on an interim basis.

[FR Doc. 80-9081 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

FM and TV Translator Applications Ready and Available for Processing Pursuant to Section 73.3572(c) and 73.3573(d) of the Commission's Rules

Adopted: March 12, 1980.

Released: March 19, 1980.

By the Chief, Broadcast Facilities Division:

Notice is hereby given pursuant to Section 73.3572(c) and 73.3573(d) of the Commission's Rules, that on April 29, 1980, the TV and FM translator applications listed in the attached Appendix will be considered ready and available for processing. Pursuant to Sections 1.227(b)(1) and 73.3591(b) of the Rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on April 28, 1980, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on April 28, 1980.

Any party in interest desiring to file pleadings concerning any pending TV or FM translator application, pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, is directed to Section 73.3584(a) of the Rules, which specifies the time for filing and other requirements relating to such pleadings.

Federal Communications Commission.

William J. Tricarico,

Secretary.

UHF TV Translator Applications

BPTT-790416IH (new), Parowan, Utah, Iron County, Req: Channel 50, 686-692 MHz, 20 watts. Primary: KUTV-TV, Salt Lake City, Utah

BPTT-790420IF (new), Parowan, Utah, Iron County, Req: Channel 46, 662-668 MHz, 20 watts. Primary: KSL-TV, Salt Lake City, Utah

BPTT-790420IG (new), Parowan, Utah, Iron County, Req: Channel 48, 674-680 MHz, 20 watts. Primary: KTVX-TV, Salt Lake City, Utah

BPTT-790604JI (new), Capitola Watsonville and Santa Cruz, California, Santa Clara County Board of Education. Req: Channel 25, 536-542 MNz, 1000 watts. Primary: KTEH-TV, San Jose, California

BPTT-791129IA (new), Poway and Surrounding Areas in San Diego, California, Global Television, Inc. Req: Channel 48, 674-680 MHz, 100 watts. Primary: KSCI-TV, San Bernardino, California

BPTT-791217IO (new), Kaneohe and Kailua (Honolulu), Hawaii, Hawaii Public Broadcasting Authority. Req: Channel 38, 614-620 MHz, 1000 watts. Primary: KMEB-TV, Wailuku (Maui), Hawaii

BPTT-791221IM (new), Lovell and Greybull Rural Areas, Wyoming, Harriscope Broadcasting Corporation. Req: Channel 61, 752-758 MHz, 100 watts. Primary: KULR-TV, Billings, Montana

BPEX-791113ID (new), Washington, D.C., Los Cerezos Television Company. Req: Channel 56, 722-728 MHz, 1000 watts. Primary: KWEX-TV, San Antonio, Texas

BPEX-791113IE (new), Denver, Colorado, Spanish International Communications Corporation. Req: Channel 31, 572-578 MHz, 1000 watts. Primary: KWEX-TV, San Antonio, Texas

BPTT-790503IE (new), Flagstaff, Arizona, Arizona Television Company. Req: Channel 55, 716-722 MHz, 100 watts. Primary: KTVK-TV, Phoenix, Arizona

BPTT-790514IC (new), Cripple Creek and Mountain Estates, Colorado, Cripple Creek Mountain Estates Property Owner's Association. Req: Channel 55, 716-722 MHz, 10 watts. Primary: KOA-TV, Denver, Colorado

BPTT-790514ID (new), Cripple Creek and Mountain Estates, Colorado, Cripple Creek Mountain Estates Property Owner's Association. Req: Channel 57, 728-734 MHz, 10 watts. Primary: KMGH-TV, Denver, Colorado

BPTT-790514IE (new), Cripple Creek, Mountain Estates, Colorado, Cripple Creek Mountain Estates Property Owner's Association. Req: Channel 59, 740-746 MHz, 10 watts. Primary: KBTV-TV, Denver, Colorado

BPTT-790607ID (K56AU), Columbia & Boone City, Missouri, New Wave Corporation. Req: Change frequency to Channel 23, 524-530 MHz, specify principal communities as Columbia and Boone County, Missouri

BPTT-791203IA (new), Dundee, New York, Village of Dundee, New York. Req: Channel 56, 722-728 MHz, 10 watts. Primary WCNY-TV, Syracuse, New York.

VHF TV Translator Applications

BPTTV-790521IK (new), Alamo, Ash Springs, and Hiko, Nevada, Pahranagat Valley Television District. Req: Channel 2, 55-60 MHz, 5 watts. Primary: KORK-TV, Las Vegas, Nevada

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BPTTV–790521IL (new), Alamo, Ash Springs, Hiko in Pahranagat Valley, seasonal ranch facilities in Delamar Valley, Nevada, Pahranagat Valley Television District. Req: Channel 7, 175–180 MHz, 1 watt. Primary: KORK–TV, Las Vegas, Nevada

BPTTV–790418IA (K04IG), Kiana, Alaska, City Of Kiana. Req: Add KTVA–TV, Channel 11, KIMO, Channel 13, KENI–TV, Channel 2 & KAKM, Channel 7, All Anchorage, Alaska to present primary TV Stations

BPTTV–790419IC (K04HV), Sand Point, Alaska, City Of Sand Point. Req: Add KIMO, Channel 13, KENI–TV, Channel 2, KTVA–TV, Channel 7, All Anchorage, Alaska to present primary TV Stations

BPTTV–790419ID (K02JI), Angoon, Alaska, Angoon Public Schools. Req: Add KYUK–TV, Channel 4, Bethel, & KUAC–TV, Channel 9, Fairbanks, Alaska to present primary TV Stations

BPTTV–790423IL (new), Girdwood Valley and Vicinity, Alaska, Northern Television, Inc. Req: Channel 12, 204–210 MHz, 10 watts. Primary: KTVA–TV, Anchorage, Alaska

BPTTV–790820IF (new), Venetie, Alaska, Venetie Village Council. Req: Channel 2, 54–60 MHz, 10 watts. Primary: KUAC–TV, Fairbanks, KYUK–TV, Bethel, KTOO–TV, Juneau, KAKM–TV, KIMO–TV, KTVA–TV, KENI–TV, Anchorage, Alaska

BPTTV–790828IA (new), Allakaket, Alaska, Allakaket City, Council. Req: Channel 2, 54–60 MHz, 10 Watts. Primary: KUAC–TV, Fairbanks KYUK–TV, Bethel, KTOO–TV, Juneau, KAKM–TV, KIMO–TV, KTVA–TV, KENI–TV, Anchorage, Alaska

BPTTV–790911IB (new), Hughes, Alaska, Hughes Community Council. Req: Channel 2, 54–60 MHz, 10 watts. Primary: KUAC–TV, Fairbanks KYUK–TV, Bethel, KTOO–TV, Juneau, KAKM–TV, KIMO–TV, KTVA–TV, KENI–TV, Anchorage, Alaska

BPTTV–7910151B (new), Sleetmute, Alaska, Sleetmute, Village Council. Req: Channel 12, 204–210 MHz, 10 watts. Primary: KUAC–TV, Fairbanks KYUK–TV, Bethel, KTOO–TV, Juneau, KAKM–TV, KIMO–TV, KTVA–TV, KENI–TV, Anchorage, Alaska

BPTTV–7911051B (new), Minto, Alaska, Minto Village Council. Req: Channel 7, 174–180 MHz, 10 watts. Primary: KUAC–TV, Fairbanks, KYUK–TV, Bethel, KTOO–TV, Juneau, KENI–TV, KAKM–TV, KIMO–TV, KTVA–TV, KENI–TV, Anchorage, Alaska

BPTTV–791126IC (new), Hooper Bay, Alaska, Hopper Bay City, Council. Req: Channel 7, 174–180 MHz, 100 watts. Primary: KUAC–TV, Fairbanks, KYUK–TV, Bethel, KTOO–TV, Juneau, KAKM–TV, KIMO–TV, KTVA–TV, KENI–TV, Anchorage, Alaska

BPTTV–791129IB (new), Seward, Alaska, City of Seward. Req: Channel 3, 60–66 MHz, 10 watts. Primary: KUAC–TV, Fairbanks, KYUK–TV, Bethel, KTOO–TV, Juneau, KAKM–TV, KIMO–TV, KTVA–TV, KENI–TV, Anchorage, Alaska

BPTTV–791211ID (new), Ashland and Rural Area, Montana, Ashland Television District. Req: Channel 9, 186–192 MHz, 10 watts. Primary: KTVQ–TV, Billings, Montana

BPTTV–791212IB (new), Glenallen and Copper Center, Alaska, State Of Alaska. Req: Channel 5, 76–82 MHz, 100 watts. Primary: KTVA–TV, KENI–TV, KIMO–TV, KAKM–TV, Anchorage, KTOO–TV, Juneau, KYUK–TV, Bethel, KUAC–TV, Fairbanks

BPTTV–7912141B (new), St. Mary's Alaska, City of Saint Mary's Req: Channel 9, 186–192 MHz, MHz, 10 watts. Primary: KUAC–TV, Fairbanks, KYUK–TV, Bethel, KTOO–TV, Juneau, KAKM–TV, KIMO–TV, KTVA–TV, KENI–TV, Anchorage, Alaska

BPTTV–791214IC (new), Red Devil, Alaska, Red Devil Village Council. Req: Channel 13, 210–216 MHz, 10 watts. Primary: KUAC–TV, Fairbanks, KYUK–TV, Bethel, KTOO–TV, Juneau, KAKM–TV, KIMO–TV, KTVA–TV, KENI–TV, Anchorage, Alaska

BPTTV–791214ID (new), Galena, Alaska, City of Galena. Req: Channel 10, 192–198 MHz, 10 watts. Primary: KUAC–TV, Fairbanks, KYUK–TV, Bethel, KTOO–TV, Juneau, KAKM–TV, KIMO–TV, KTVA–TV, KENI–TV, Anchorage, Alaska

BPTTV–791214IE (new), Alakanuk, Alaska, Alakanuk City Council. Req: Channel 4, 66–72 MHz, 10 watts. Primary: KUAC–TV, Fairbanks, KYUK–TV, Bethel, KTOO–TV, Juneau, KAKM–TV, KIMO–TV, KTVA–TV, KENI–TV, Anchorage, Alaska

BPTTV–7912271C (new), Mountain Village, Alaska, Azachorak Corporation. Req: Channel 7, 174–180 MHz, 10 watts. Primary: KUAC–TV, Fairbanks, KYUK–TV, Bethel, KTOO–TV, Juneau, KAKM–TV, KIMO–TV, KTVA–TV, KENI–TV, Anchorage, Alaska

BPTTV–800129IA (new), Crooked Creek, Alaska, Crooked Creek Tradional Council. Req: Channel 7, 174–180 MHz, 10 watts. Primary: KUAC–TV, Fairbanks, KYUK–TV, Bethel, KTOO–TV, Juneau, KAKM–TV, KIMO–TV, KTVA–TV, KENI–TV, Anchorage, Alaska

BPTTV–800129IB (new), Pilot Station, Alaska, Pilot Station City Council. Req: Channel 13, 210–216 MHz, 10 watts. Primary: KUAC–TV, Fairbanks, KYUK–TV, Bethel, KTOO–TV, Juneau, KAKM–TV, KIMO–TV, KTVA–TV, KENI–TV, Anchorage, Alaska

FM Translator Applications

BPFT–790503ID (new), Cottonwood, Clarkdale and Cornville, Arizona, Arizona Television Company. Req: Channel 38, 614–620 MHz, 100 watts. Primary: KTVK–FM, Phoenix, Arizona

BPFT–790808IG (new), Tok, Tanacross and Adjacent Areas, Alaska, Evangelistic Missionary Fellowship. Req: Channel 285, 104.9 MHz, 10 watts. Primary: KJNP–FM, North Pole, Alaska

BPFT–791113IB (new), Inyokern, Randsburg, Cantil, California, Kitchen Production, Inc. Req: Channel 285, 100.9 MHz, 1 watt. Primary: KIOQ–FM, Bishop, California

BPFT–791119IE (new), Inyokern, California, Kitchen Productions. Req: Channel 221, 92.1 MHz, 1 watt. Primary: KTOT–FM, Big Bear Lake, California

BPFT–791213IA (new), Homewood, Vestavia Hills, and Cahaba Heights, Alabama, Briarwood Continuing Presbyterian Church. Req: Channel 237, 95.3 MHz, 1 watt. Primary: WMBW–FM, Chattanooga, Tennessee

BPFT–7912171A (new), Rochester, Minnesota, Southern Minnesota Broadcasting, Company. Req: Channel 280, 103.9 MHz, 10 watts. Primary: KROC–FM, Rochester, Minnesota

BPFT–791107IB (new), Homer, Alaska, KGTL–FM, Peninsula Communications, Inc. Req: Channel 272, 102.3 MHz, 10 watts. Primary: KGTL–FM, Homer, Alaska

BPFT–791009IJ (new), Craig, Klawock & Hydaburg, Alaska, Craig City Schools. Req: Channel 281, 100.1 MHz, 15 watts. Primary: KRBD–FM, Ketchikan, Alaska

UHF TV Translator Applications

BPTT–790906ID (new), La Cruces & Organ, New Mexico, Marsh Media Of El Paso. Req: Channel 57, 728–734 MHz, 100 watts. Primary: KVIA–TV, El Paso, Texas.

[FR Doc. 80-9080 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

[PR Docket No. 80–111; File Nos. 22769/70/71–IB–TV89]

Mello's Sheet Metal, Inc.; For Authorization for New Facilities in the Business Radio Service; Designating Application for Hearing on Stated Issues

Memorandum Opinion and Order

Adopted: March 17, 1980.

Released: March 20, 1980.

By The Chief, Private Radio Bureau:

1. The Chief, Private Radio Bureau (the Bureau) has before him for consideration the above-captioned authorizations of Mello's Sheet Metal, Inc. (Mello) 104 Railroad Avenue Antioch, California 94509, for authorization of new radio facilities in the Business Radio Service. The applications, initially filed August 20, 1979, were returned as defective October 18, 1979. They were resubmitted November 6, 1979. Also before the Bureau is information concerning an investigation conducted by the San Francisco District Office of the Commission's Field Operations Bureau into Mello's unlicensed operations of the radio facilities proposd in its applications.

2. It appears from the San Franciso office's investigation that Mello's unlicensed operation commenced on September 24, 1979, and continued until it was discovered by the Field Operations Bureau on November 1, 1979. It also appears that Mello was aware that its operation was unlicensed.

3. The information before the Bureau concerning Mello's unlicensed operations raises serious questions as to whether Mello possesses the requisite character qualifications or is sufficiently competent or shows sufficient interest with respect to the licensing and implementation of radio facilities to receive a grant of the authorizations which it here seeks. Because the Bureau cannot make the necessary finding, pursuant to Section 309(a) of the Communications Act of 1934, as amended, that a grant of the above-referenced applications would serve the public interest, convenience and necessity, the applications must, in accordance with Section 309(e) of the Act, be designted for hearing.

4. Accordingly, it is ordered, that in accordance with the provisions of Section 309(e) of the Communications Act of 1934, as amended (47 U.S.C. 309(e)), the above-captioned applications of Mello's Sheet Metal, Inc., File Nos. 22769/70/71–IB–TV89, for authorization of new facilities in the Business Radio Service are, pursuant to authority delegated in Sections 0.131(a) and 0.331 of the Commission's Rules, designated for hearing, at a time and place to be specified at a later date, on the following issues:

(a) To determine whether Mello's Sheet Metal, Inc. operated radio facilities in the Business Radio Service which were not licensed to it.

(b) To determine whether any unlicensed operations by Mello's Sheet Metal, Inc. was knowing or willingful or negligent.

(c) To determine, in light of the evidence adduced pursuant to issues (a) and (b) hereinabove, whether Mello's Sheet Metal, Inc. possesses the requisite character qualifications to receive a grant of the applications which are the subject of this proceeding.

(d) To determine, in light of the evidence adduced pursuant to issues (a) and (b) hereinabove, whether Mello's Sheet Metal, Inc. has exhibited such lack of interest or carelessness concerning conduct of its affairs with respect to the licensing and implementation of radio facilities that it should not be entrusted with the radio authorizations which it is here seeking.

(e) To determine, in light of the evidence adduced pursuant to each of the foregoing issues, what disposition of the above-captioned applications of Mello's Sheet Metal, Inc. will best serve the public interest, convenience and necessity.

5. It is further ordered, that Mello's Sheet Metal, Inc. and the Chief, Private Radio Bureau are made parties in this proceeding.

6. It is further ordered, that the burden of proceeding with the introduction of evidence and the burden of proof are, pursuant to Section 309(e) of the Communications Act of 1934, as amended, and Sections 1.254 and 1.973(e) of the Commission's Rules, upon Mello's Sheet Metal, Inc. with respect to the issues set forth in paragraph 4 hereinabove.

7. It is further ordered, that each of the parties named in paragraph 5 hereinabove, in order to avail itself of the opportunity to be heard, shall within 20 days of the mailing of this notice of designation by the Secretary of the Commission, file with the Commission, in triplicate, a written notice of appearance that it will appear on the date fixed for hearing and present evidence on the issues specified in this Order, as prescribed in Section 1.221 of the Commission's Rules.

8. It is further ordered, that the Secretary of the Commission shall serve a copy of this Order, by Certification Mail, Return Receipt Requested, upon Mello's Sheet Metal, Inc. at the address furnished in its applications.

Federal Communications Commission.

Carlos V. Roberts,

Chief, Private Radio Bureau.

[FR Doc. 80-9078 Filed 3-25-80; 8:45 am]

Billing Code 6712-01-M

[Report A–7]

TV Broadcast Applications Accepted for Filing and Notification of Cut off Date

Released: March 18, 1980.

Cut off date: May 16, 1980.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. They will be considerd to be ready and available for processing after May 16, 1980. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on May 16, 1980 which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than May 16, 1980.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on May 16, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Report A–7

BPCT–790914KE (new), Mobile, Alabama, Alabama Orion, Inc., Channel 216, ERP: Vis. 1240 kW; HAAT: 620 feet

BPCT–790928KK (new), North Little Rock, Arkansas, Christian Center, Inc., Channel 16, ERP: Vis. 253 kW; HAAT: 202 feet

BPCT–791218KF (new), Little Rock, Arkansas, Gemini Broadcasting Company, Channel 16, ERP: Vis. 2404 kW; HAAT: 1557 feet

BPCT–790920KH (new), Roanoke, Virginia, Western Virginia Television Company, Channel 27, ERP: Vis. 1296 kW; HAAT: 2050 feet

BPCT–790718KE (new), Kannapolis, North Carolina, Community Actions Communications, Inc., Channel 64, ERP: Vis. 12.4 kW; HAAT: 318 feet

BPCT–790928KI (new), Kannapolis, North Carolina, Cabarrus Television Corporation, Channel 64, ERP: Vis. 977 kW; HAAT: 1400 feet

BPCT–791004KF (new), Topeka, Kansas, Capcom, Channel 49, ERP: Vis. 1070; HAAT: 986 feet

BMPCT–800102KF (WVGA–TV), Valdosta, Georgia, Peachtree Telecasting, Inc., Channel 44, Change site, change ERP to 1285 kW, change HAAT to 920 feet

[FR Doc. 80-9082 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 80–103; File No. BPH–10,373; BC Docket No. 80–104; File No. BPH–10,918]

Scott Davis; Designating Applications for Consolidated Hearing on Stated Issues

HEARING DESIGNATION ORDER

Adopted: March 7, 1980.

Released: March 18, 1980.

In re applications of Scott & Davis Enterprises, Inc., Bryan, Texas, Req: 104.9 MHz, Channel 285 3 kw (H&V), 300 feet; Brazos Metro, Inc., Bryan, Texas, Req: 104.9 MHz, Channel 285 3 Kw (H&V), 300 feet, for construction permits for a new FM station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (a) the above-captioned mutually exclusive applications, filed by Scott & Davis Enterprises, Inc. (Scott), and Brazos Metro, Inc. (Brazos), (b) petitions to specify issues, and (c) responsive pleadings thereto.

2. *Scott.*—Analysis of the financial data submitted by Scott reveals that $114,800 will be required to construct and operate the proposed station for three months, itemized as follows:

Equipment	$54,137
Building	6,000
Miscellaneous (including legal fees)	30,000
Operating costs (three months)	24,663
Total	114,800

3. Scott plans to finance its cost with a loan of $119,500 from the First National Bank of Bryan. However, the loan will only be extended once Scott receives a construction permit, and therefore, Scott cannot rely upon it to pay pre-grant costs, most notably the legal fees incident to the hearing.

4. Scott has estimated that its legal fees will be $25,000. To meet this, Bob Bell, owner 55% of the stock in Scott, intends to contribute the necessary funds. For $10,000 of that amount, Bell

V45/60/MR26800 UMI

submits a letter from Radio Paris stating its willingness to pay to him upon demand $10,000 of a $43,000 Radio Paris note he holds. However, it is not shown that Radio Paris has the net liquid assets to fulfill its commitment to Bell. Bob Bell has also submitted a letter from the First Bank and Trust Company of Bryan, Texas, offering to loan him $7,500 for hearing expenses. This offer expired November 7, 1979. No updated bank letter has been submitted. Bell also proposes to pay $7,500 from his personal assets. However, the most recent balance sheet Bell submitted, dated June 30, 1978, does not establish that current assets exceed current liabilities by at least $7,500, and therefore, it is still a question whether Scott has the financial ability to pay legal expenses incident to a hearing. A limited financial issue will be included.

5. *Brazos.*—Analysis of the financial data submitted by Brazos in its application, and its amendment dated July 13, 1979, reveals that $86,254 will be required to construct and operate the proposed station for three months, as follows:

Equipment	$21,666
Down payment on tower	5,483
Payments on tower (five months)	2,833
Studio and Transmitter Site Lease	1,000
Miscellaneous (including legal fees)	27,600
Operating expenses (three months)	27,650
Total	86,254

6. To meet this cost, Brazos intends to rely on a loan of $50,000 from the City National Bank, a loan of $25,000 for legal fees from the Merchants and Planters National Bank, and loans of $30,000 each from stockholders Thomas Spellman and Boyd Kelly. The two bank loans have been shown to be available. However, Brazos did not submit the terms and conditions of the loans from its two stockholders, nor did it submit a personal balance sheet for the two. It is therefore not established that Spellman and Kelly have the funds available to loan Brazos $30,000 each (especially in light of the fact that Seplman and Kelly are also personal guarantors for the two bank loans to Brazos). A limited financial issue will be specified to determine whether Brazos has available any funds above the bank loans of $50,000 and $25,000.

7. It does not appear that Brazos has interviewed leaders of industry, military, or professional groups (Brazos did report interviews with four professional persons, but none were identified as leaders of professional groups), though its compositional study indicates that all three groups are significant in Bryan, Texas. While the absence of interviews for any one of these groups might not render the survey by Brazos deficient, certainly with the absence of three key groups of Bryan, Brazos' survey is not in substantial complaince with the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (1971). Therefore, a limited ascertainment issue will be specified against Brazos.

8. Brazos has requested that an inquiry be conducted under the standard comparative issue to determine which of the program formats proposed by the applicants would better serve the needs of Bryan, Texas. To merit such an inquiry, Brazos must show that it has proposed a specialized format, and that this format is not available in the Bryan-College Station market in a substantial amount. *George E. Cameron, Jr., Communications*, 71 FCC 2d 460, 45 RR 2d 689 (1979). However, under the new procedures for processing mutually exclusive applications, a party to a proceeding may not file such requests prior to the issuance of the hearing designation order, but will be allowed to put forward its petition for an inquiry at the appropriate time before the presiding Administrative Law Judge. *Fletcher, Heald and Hildreth*, FCC 80–33, released February 7, 1980. Therefore, we decline Brazos' request without prejudice to Brazos raising the issue at hearing.

9. Other issues requested by Brazos and Scott, except to the extent that they are the same as the financial and ascertainment deficiencies indicated above, are not discussed in this order but many be raised later by the parties at hearing in a petition to enlarge issues.

10. Data submitted by the applicants indicate that there would be no significant difference in the size of the areas which would receive service from the proposals. The contour of Brazos' signal would cover 660 square miles, and the contour of Scott's signal would cover 666 square miles. However, there is a significant difference in the estimated populations to be served. Brazos says its signal would serve 58,716 persons and Scott says its signal would serve 83,647 persons. An analysis of the two contours shows that they cover nearly identical areas; therefore, either one party made an error in its estimation of population, or the two parties based their estimates on different figures (one, perhaps, using the 1970 census, and the other using a more recent estimate). Consequently, the areas and populations which would receive service from the proposals will not be considered under the standard comparative issue.

11. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

12. Accordingly, IT IS ORDERED, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to Scott:

(a) the source and availability of funds to pay legal fees incident to a hearing; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to Brazos:

(a) the source and availability of additional funds over and above the $75,000 indicated; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine whether Brazos interviewed leaders of industry, professional groups, and military groups in connection with its ascertainement effort.

4. To determine which of the proposals would, on a comparative basis, better serve the public interest.

5. To determine in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

13. It is further ordered, That the petitions to specify issues filed by Brazos and Scott are granted to the extent indicated above, ARE DENIED to the extent discussed above, and that petitions to enlarge on issues not discussed above may be filed at the appropriate time before the Administrative Law Judge for further action.

14. It is further ordered, That the petitions for leave to amend filed by Brozos are granted and the corresponding amendments are accepted.

15. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

16. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73,3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 80-9077 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

First Savings and Loan Association, Honolulu, Hawaii; Corrected Notice of Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(2) of the National Housing Act, as amended (12 U.S.C. 1729(c)(2)), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for First Savings and Loan Association, Honolulu, Hawaii, effective upon compliance with the provisions of Federal Home Loan Bank Board Resolution No. 80–114, dated February 25, 1980. The appointment was effected on February 25, 1980.

Submitted: March 21, 1980.
Dated: March 5, 1980.

J. J. Finn,

Secretary.

[FR Doc. 80-9153 Filed 3-25-80; 8:45 am]

BILLING CODE 6720-02-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than April 16, 1980.

A. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

Sandy Holding Company, Sandy, Utah (industrial loan, loan servicing, and credit-related insurance activities; Utah): to engage, through its subsidiary, Alta First Thrift, in operating a thrift and loan as authorized by Utah Law, including the acceptance of time and savings deposits; making, acquiring, and servicing loans and other extensions of credit; and selling life, accident and health insurance directly related to extensions of credit. These activities would be conducted from an office in Sandy, Utah, servicing Sandy City and the southern part of Salt Lake County. Comments on this application must be received by April 16, 1980.

B. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York 10045:

Manufacturers Hanover Corporation, New York, New York (second mortgage lending and insurance activities; North Carolina): to engage through a *de novo* indirect subsidiary, The Financial Source, Inc., of North Carolina, in arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit secured by second mortgages on residential real property such as would be made by a consumer finance company; servicing such loans and other extensions of credit for any person; acting as agent or broker for the sale of credit life insurance which is directly related to such loans and extensions of credit and, through its subsidiary Ritter Life Insurance Company, reinsuring such credit life insurance. These activities would be conducted from the existing offices of Ritter Finance Company, Inc., of North Carolina located in and serving the following counties as well as portions of contiguous counties: Moore, Pender, Alamance, Bladen, Robeson, Cumberland, Lenoir, Wilkes, Halifax, Person, Rutherford, Lee, Brunswick, Edgecombe, Anson, Duplin, New Hanover and Yadkin Counties.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 19, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9106 Filed 3-25-80; 8:45 am]

BILLING CODE 6210-01-M

Indiana National Corp.; Proposed Retention of Indun Realty, Inc.

Indiana National Corporation, Indianapolis, Ind., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain voting shares of Indun Realty, Inc., Indianapolis, Ind.

Applicant states that the proposed subsidiary would continue to engage in the activities of leasing real property or acting as agent, broker or adviser in leasing such property. These activities would be performed from offices of Applicant's subsidiary in Indianapolis, Ind., and the geographic area to be served is the Cincinnati SMSA. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

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The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 18, 1980.

Board of Governors of the Federal Reserve System, March 19, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9107 Filed 3-25-80; 8:45 am]

BILLING CODE 6210-01-M

National Detroit Corp.; Acquisition of Bank

National Detroit Corporation, Detroit, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of West Michigan Financial Corporation, Cadillac, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 21, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 20, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9108 Filed 3-25-80; 8:45 am]

BILLING CODE 6210-01-M

Rexford Investment Co., Inc.; Proposed Continuation of General Insurance Agency Activities

Rexford Investment Company, Inc., Rexford, Kansas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act [12 U.S.C. 1843(c)(8)] and 225.4(b)(2) of the Board Regulation Y (12 CFR 225.4(b)(2)), for permission to retain voting shares of the Rexford State Bank, Rexford, Kansas.

Applicant states that the existing subsidiary would continue to engage in general insurance agency activities. These activities would be performed from offices of Applicant's susidiary in Rexford, Kansas, and the geographic areas to be served are the City of Rexford, Kansas, and portions of Sheridan, Thomas, Rawlins, and Decatur counties; Kansas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank, not later than April 21, 1980.

Board of Governors of the Federal Reserve System, March 19, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9109 Filed 3-25-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Stanley Works; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: The Stanley Works is granted early termination of the waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of all stock of Mac Tools, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Stanley Works. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: March 13, 1980.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-9212 Filed 3-25-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Human Development Services Office

Model State Adoption Act and Model Adoption Procedures; Public Meetings

On April 24, 1978 the Child Abuse Prevention and Treatment and Adoption Reform Act (Pub. L. 95-266) was signed into law. Section 203 of Title II—Adoption Opportunities mandated the creation of an independent expert panel to recommend to the Secretary model legislation and procedures relating to adoption.

The panel's recommendations, which are in the form of a Model State Adoption Act and Model Adoption Procedures, were published in the **Federal Register** for public comment on February 15, 1980. In addition to soliciting written comment by publishing the recommendations in the **Federal Register**, the Department will hold a public meeting in each of the Federal regions to solicit additional comment during the period of public comment which closes May 16, 1980.

A schedule of these public meetings follows. For more information on specific meetings, please contact the regional Adoption Resource Center (ARC) at the number listed.

Region I

JFK Federal Building, Boston, MA, April 30; 9:00 am-5:30 pm, ARC (617) 426-8573

Region II

International Affairs Building, Columbia University, Ney York, NY, May 1; 9:00 am-7:30 pm, ARC (212) 280-5182

Region III

William Green Building, 6th and Arch Streets, Philadelphia, PA, May 8; 10:00 am-6:00 pm, ARC (215) 925-0200

Region IV

Walter B. Russell Building, 75 Spring St. NW, Atlanta, GA, April 10; 10:00 am-6:00 pm, ARC (919) 966-2646

Region V

Detroit Plaza Hotel, Renaissance Center, Detroit, MI, April 9; 9:00 am-8:00 pm, ARC (313) 763-4260

Region VI

Earl Cabell Building, 1100 Commerce Street, Dallas, TX, April 14; 8:00 am-8:00 pm, ARC (512) 471-4067

Region VII

Federal Office Building, 601 E. 12th Street, Kansas City, MO, May 9; 10:00-9:00 pm, ARC (314) 882-4707

Region VIII

Holiday Inn—Airport, Denver, CO, April 14; 9:00 am-9:00 pm, ARC (303) 399-8652

Region IX

Los Angeles County Health Department, 313 Figueroa, Los Angeles, CA, April 23, 10:00 am-9:00 pm, ARC (213) 381-2761

Region X

Pier 66 Commission Chambers, Seattle, WA, April 25; 10:00 am-9:00 pm, ARC (206) 624-5480

Arnold Sampson,

HDS Committee Management Officer.

March 19, 1980.

[FR Doc. 80-9134 Filed 3-25-80; 8:45 am]

BILLING CODE 4110-92-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Plan for the Use and Distribution of Kickapoo Tribe of Kansas and Kickapoo Tribe of Oklahoma Judgment Funds

March 11, 1980.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian Tribe. Funds were appropriated on March 1, 1979, in satisfaction of the award granted to the Kickapoo Tribe of Kansas and the Kickapoo Tribe of Oklahoma in Indian Claims Commission Dockets 315 and 338. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated October 30, 1979, and was received (as recorded in the Congressional Record) by the Senate and the House of Representatives on November 1, 1979. Congress not having adopted a resolution disapproving it, the plan became effective on February 3, 1980, as provided by Section 5 of the 1973 Act, supra.

The plan reads as follows:

"The funds appropriated on March 1, 1979, in satisfaction of the awards granted to the Kickapoo Tribe of Oklahoma and the Kickapoo Tribe of Kansas in Dockets Nos. 315 and 338, before the United States Court of Claims, including all interest and investment income accrued, less attorney fees and litigation expenses, shall be used and distributed as herein provided.

The Kickapoo Tribe of Kansas and the Kickapoo Tribe of Oklahoma shall each bring their membership rolls current as of the effective date of this plan. The rolls shall be prepared under tribal enrollment criteria and procedures of the respective tribes and shall include the names of all persons born on or prior to and living on the effective date of this plan.

There shall be a 30-day filing period, beginning on the date of official confirmation of the effective date of the plan, for eligible persons who are not already enrolled to file for enrollment. Appeals from rejected applicants shall be handled in accordance with 25 CFR 42—Enrollment Appeals.

When action has been completed on all enrollment applications of the two tribes and the appeal period has expired on all rejected applications, the Secretary of the Interior [herein after 'Secretary'], shall divide such funds between the two tribes on the basis of the number of eligible enrollees of each tribe, reserving sufficient shares in an escrow account to pay each appellant.

Per Capita Aspect

The Secretary shall make a per capita distribution of eighty (80) percent of the apportioned share of the funds of each tribe, including all interest and investment income accrued, in a sum as equal as possible, to all persons on the approved membership rolls of the respective tribes.

The Secretary, in arranging for the per capita payments to the enrollees of the tribes, shall hold at interest in an escrow account the apportioned share of the funds of the appellants pending determination of enrollment appeals. The amount of any shares not used to pay successful appellants and any balance remaining after the per capita share amount has been computed, shall be apportioned among the two tribes on the basis of their respective rolls, corrected to include the names of successful appellants. The apportioned shares of the funds of each tribe shall be available for use in the program aspect of this plan.

Program Aspect

The judgment funds, including the interest and investment earnings accrued, for the program aspects of the plans of the respective tribes shall be available for utilization by the tribes when membership rolls brought current to the effective date of this plan have been approved and the apportionment of the judgment funds between the Kickapoo Tribe of Kansas and the Kickapoo Tribe of Oklahoma has been determined.

Kickapoo Tribe of Kansas

Land Acquisition Program. Of the funds so apportioned, fifteen (15) percent of the total share to the tribe, including the interest and investment income accrued thereon, shall be utilized in a Land Acquisition Program. The administrative guidelines for the program shall be developed by the Tribal Council for a five-year period and shall be subject to approval by the Secretary.

Of said fifteen percent portion seventy-five (75) percent of such funds, including the interest and investment income thereon, shall be utilized in land loan payments and land purchases.

Tribal Burial Program. The remaining five (5) percent of the total share shall be utilized for a Tribal Burial Program. The administrative guidelines of the program shall be developed by the Tribal Council for a five-year period and shall be subject to approval by the Secretary. Of said five percent portion, twenty-five (25) percent of such funds, including the interest and investment income thereon, shall be available to implement the program.

The balances remaining in the two program accounts shall be invested by the Secretary, and only the interest and

investment income accruing shall be available for use in the continuation of the land acquisition and tribal burial programs. At the end of the five-year program period, the Kickapoo General Council shall have the opportunity to evaluate tribal needs as concerns the remaining balances in the two program accounts, and any changes proposed shall be subject to approval by the Secretary.

Kickapoo Tribe of Oklahoma

The principal portion of the twenty (20) percent program funds shall be held and invested by the Secretary pursuant to 25 U.S.C. 162a. The interest and investment income accruing on the twenty (20) percent program funds shall be utilized in the programs set forth for the benefit of the tribe as a whole, and in the following percentages:

Land Purchase—50%
Administration—20%
Education—20%
Social Services—5%
Community Development—5%

Such funds may be withdrawn semi-annually, to be deposited in the tribe's designated depository, with the exception of the Land Purchase portion, which shall be placed in the tribe's Individual Indian Money Account (IIM) at the Shawnee Agency.

In the administration of the programs, administrative guidelines shall be adopted by the Kickapoo General Council, and shall be subject to approval by the Secretary. The tribe shall review the programs annually, including the question of expenditure of any of the principal funds, to meet the social and economic needs of the tribe. Any changes in the programs shall be subject to approval of the Tribal General Council and the Secretary of the Interior.

General Provisions

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of minors shall be handled pursuant to 25 CFR 60.10(a) and (b)(1) and 104.4. The per capita shares of legal incompetents shall be placed in individual Indian money (IIM) accounts and handled under 25 CFR 104.5. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

None of the funds distributed per capita or made available under the programming aspects of this plan shall be subject to Federal or State income taxes or be considered income or resources in determining eligibility for assistance under Federal, State or local program.

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-9223 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[INT DES 80-15]

Improved Grazing Management Program for Southwest Montana; Availability of Draft Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Availability of Mountain Foothills Grazing Management Draft Environmental Impact Statement for Southwest Montana.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement for southwest Montana. The proposed action includes implementing an improved grazing management program in the Dillon Resource Area, Butte District, Bureau of Land Management. The statement analyzes a proposed action (Alternative A) to implement 138 new detailed grazing plans or Allotment Management Plans (AMPs), revision of 22 AMPs, continued operation of 28 existing AMPs, less intensive grazing management on 281 allotments where AMPs are not proposed, and continuation of unallotted status (not allotted to livestock grazing) on approximately 41,000 acres of public land.

Five other alternatives were considered in addition to the proposed action: Alternative B, Limited Action, or continuation of the present management program, including a 12 percent reduction in livestock use;

Alternative C, Improved Watershed Values and Wildlife Habitat, including a 41 percent reduction in livestock use; Alternative D, Accelerated Livestock Forage Development, including a 30 percent increased in Livestock Use; Alternative E, No Action, or continuation of the present livestock use; and Alternative F, Elimination of Livestock Grazing from Public Lands. The final grazing management plan selected will be implemented within a four-year period.

DATES: The Public Review Period will extend for 45 days from the date of this notice. The Department of the Interior invites written comments on the adequacy of the draft statement to be submitted by May 16 to: District Manager, Bureau of Land Management, P.O. Box 308, Butte, Montana 59701.

Public meetings on the draft statement have been scheduled as follows:

April 14, 1980—7:00 p.m., BLM District Office, 106 N. Parkmont, Butte, Montana.

April 15, 1980—7:00 p.m., Elementary School, Sheridan, Montana.

April 16, 1980—7:00 p.m., St. Rose Center, Multi-purpose Room, Dillon, Montana.

April 17, 1980—7:00 p.m., Lima School, Multi-purpose Room, Lima, Montana.

FOR FURTHER INFORMATION CONTACT:

R. Gregg Berry, Project Manager, Butte District Office, P.O. Box 308, Butte, Montana 59701, or telephone (406) 723-6561, extension 2419.

A limited number of copies are available upon request at this address.

Public reading copies will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, NW, Washington, D.C. 20240. Telephone: (202) 343-5717.

Bureau of Land Management, Montana State Office, 222 North 32nd Street, Billings, Montana 59101.

Bureau of Land Management, Butte District Office, 106 N. Parkmont, Butte, Montana 59701.

Bureau of Land Management, Dillon Resource Area, Highway 41 North of Dillon, Dillon, Montana 59725.

University of Montana, Missoula, Montana 59801.

Butte-Silver Bow Public Library, Butte, Montana 59701.

Montana College of Mineral Science and Technology, Butte, Montana 59701.

Western Montana College, Dillon, Montana 59725.

College of Great Falls, Great Falls, Montana 59403.

Great Falls Public Library, Great Falls, Montana 59403.

Lewis and Clark Public Library, Helena, Montana 59601.

City-Country Library, Missoula, Montana 59801.

Montana State University, Bozeman, Montana 59715.

SUPPLEMENTAL INFORMATION: In the proposed action (Alternative A) the AMPs include provisions for construction of additional fences, livestock watering facilities, and vegetative treatments. An overall reduction in livestock use on public lands of 12 percent is projected. On an allotment basis, the changes in livestock use on public rangelands range from a 100 percent reduction to a 583 percent increase. However, no operator would realize either a reduction or increase in exceeding 15 percent of the grazing

requirements of his total ranch operation.

It is expected that the proposed program would increase the amount of rangeland in good to excellent condition by 74,000 acres and result in an overall 13 percent increase in available livestock forage by the year 2010.

This would amount to an additional 16,500 animal unit months (AUMs) and increase total ranch income within the study area by $53,000 annually. Other benefits would be that (1) sediment yield caused by water runoff from the area would be reduced by an estimated 14 percent annually, (2) there would be an increase in desirable species of vegetation and in the vigor and reproductive capacity of desirable plants, and (3) wildlife habitat would be maintained or improved under the proposed action so that some increase in wildlife could be expected. However, some concentrations of livestock use would contiue near water developments.

Dated: March 20, 1980.

Ed Hastey,

Associate Director.

[FR Doc. 80-9180 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-84-M

Colorado; Craig District Advisory Board Meeting; Correction

In FR Doc. 80-3858, appearing at page 8363 in the **Federal Register** of February 7, 1980, in the last line in the first paragraph, the meeting date of April 3, 1980, is corrected to read April 23, 1980.

Dated: March 17, 1980.

Marvin W. Pearson,

District Manager.

[FR Doc. 80-9069 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-84-M

Vale District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Vale District Advisory Board will be held on April 9, 1980.

The meeting will begin at 9:00 a.m. in the Conference Room of the Bureau of Land Management at 365 "A" Street West, Vale, Oregon 97918.

The agenda for the meeting will include: (1) Proposed expenditure of range betterment funds in fiscal year 1981 and (2) Discussions on the development of Allotment Management Plans, subject to the completion of the Ironside Environmental Impact Statement.

The meeting is open to the public. Interested persons may make oral statements to the board, or may file written statements for the board's consideration. Anyone wishing to make oral statement must notify the District Manager, Bureau of Land Management, 365 "A" Street West, Vale, Oregon 97918, by April 8, 1980. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available during regular business hours for public inspection and reproduction within 30 days following the meeting.

Fearl M. Parker,

District Manager.

February 20, 1980

[FR Doc. 80-9073 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: North Carolina Botannical Garden, Chapel Hill, N.C. 27514.

The applicant requests a permit to export six individual plants of *Sagittaria fasciculata* to J.L.S. Keesing of the Royal Botanic Gardens, Kew, Richmond, Surrey, England. These plants will be taken from a cultivated population maintained at the North Carolina Botanical Gardens, Chapel Hill, N.C.

Proper care during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-6386. Interested persons may comment on this application on or before April 25, 1980, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: March 20, 1980.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 80-9229 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: National Zoological Park, Washington, D.C. 20008.

The applicant requests a permit to import one female Eld's deer (*Cervus eldi thamin*) from Canada to Front Royal, Virginia for the purpose of minimizing inbreeding in their present stock of Eld's deer.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during the normal business hours in Room 601, 1000 N. Clebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT-6401. Interested persons may comment on this application on or before April 25, 1980, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: March 21, 1980.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 80-9228 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to be authorized to conduct the specified activity with the indicated Endangered Species:

Applicant: Hawaii Department of Lands and Natural Resources (PRT 2-727) Honolulu, Hawaii 96813.

The applicant requests a permit to capture, band mark, harass, and propagate Hawaiian crows or alala (*Corvus Tropicus*) on the Island of Hawaii for enhancement of propagation and survival and for scientific research. This study will be conducted in cooperation with the Fish and Wildlife Service.

Applicant: Alaska Area Director, U.S. Fish & Wildlife Service (PRT 2-4046) Ancorage, Alaska 99503.

The applicant requests a permit to capture peregrine falcons (*Falco peregrinus tundrius* and *F. p. anatum*) from Alaska to attach radio transmitters to for a radio-telemetry study. The study is for scientific research and enhancement of survival. Data gained will be valuable in Section 7 consultations involving oil development activities on the North Slope of Alaska.

Applicant: Dr. Shelia Conant, Department of General Science, University of Hawaii, (PRT 2-6377) Honolulu, Hawaii 96822.

The applicant requests a permit to take, capture, band, observe, and harass

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individuals of the Nihoa millerbird (*Acrocephalus familiaris kingi*) and the Nihoa finch (*Telespyza ultima*) in their native habitat on the Island of Nihoa for enhancement of survival and scientific research. Birds will be captured with mist nets.

Applicant: Section of Wildlife Ecology on Public Lnads, U.S. Fish & Wildlife Service (PRT 2-6362) Denver, Colorado 80225.

The applicant requests a permit to import form Mexico addled Peregrine falcon (*Falco peregrinus anatum*) eggs, egg parts, molted feathers, and peregrine falcons found dead as part of an on-going study of the species in Baja, California, Mexico. The applicant also requests authorization to band live peregrine falcons in Mexico, The purpose of the proposed activities are for enhancement of survival and scientific research.

Humane care and treatment during transport, if applicable, has been indicated by the applicant.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish & Wildlife Service, WPO, Washington, D.C. 20240.

Interested persons may comment on these applications on or before April 25, 1980, by submitting written data, views, or arguments to the Director at the above address.

Dated: March 21, 1980.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, Fish & Wildlife Service.

[FR Doc. 80-9227 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-55-M

Heritage Conservation and Recreation Service

Availability for the Missouri National Recreational River Management Plan and Cooperative Agreement

Section 707 of Pub. L. 95-625 designated a 59-mile segment of the Missouri River between Gavins Point Dam, South Dakota, and Ponca State Park, Nebraska, as a Recreational River Component of the National Wild and Scenic Rivers System. The section further called for development of a management plan and a cooperative agreement between the U.S. Department of the Interior and the U.S. Army Corps of Engineers.

Specifically, the management plan provides a conceptual management program for the administration of the Missouri Recreational River. Additional advanced planning, however, will be required to implement the programs proposed in this document. As presented, the management plan provides for the construction of recreational river developments, and streambank stabilization structures along the river segment. The stabilization efforts are to protect agricultural lands, recreational areas and facilities, scenic values, wildlife habitat, and historical and cultural features. In addition, and in conjuction with the plan, the cooperative agreement was developed to manage, to protect, and to make available the rivers resources for public use. The plan will become effective 90 days from the date of this notice. Copies are available for review at: Heritage Conservation and Recreation Service, Mr. Derrell P. Thompson, Denver Federal Center, Post Office Box 25387, Denver, Colorado 80225.

Dated: March 20, 1980.

Paul C. Pritchard,

Deputy Director.

[FR Doc. 80-9098 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-03-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D. C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers Of Property

Notice No. 13

MC 21866 (Sub-138TA), filed December 6, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, Esq., 1920 Two Penn Center Plaza, Philadelphia, PA 19102. *Food, food products, and restaurant supplies, and equipment,* from the facilities of Proficient Food Co., Inc. in Orlando, FL, and the facilities of Delly Food Co., Inc. in Arlington, TX, to points in CT, DE, MA, MD, ME, NH, VT, NY, PA, and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Proficient Food Co., Inc., 17872 Cartwright Rd., Irvine, CA. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 21866 (Sub-139TA), filed January 22, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, Esq., 1920 Two Penn Center Plaza, Philadelphia, PA 19102. *Paper and paper products* from the facilities of Wyomissing Corporation at Reading, PA to Salt Lake City, UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wyomissing Corp., Reading, PA 19603. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 26396 (Sub-346TA), filed January 18, 1980. Applicant: POPELKA TRUCKING CO. d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. (1) *Livestock handling equipment and feeders* from the facilities of Westguard Industries, Inc., at or near Cheyenne, WY to points in and west of LA, AR, MO, IL and WI; and (2) *Materials, equipment and supplies* used in the production and distribution of commodities named in (1) above from points in and west of LA, AR, MO, IL and WI to the facilities of Westguard Industries, Inc., at or near Cheyenne, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Westguard Industries, Inc., P.O. Box 2696, Cheyenne, WY 82001. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings MT 59101.

MC 42266 (Sub-3TA), Applicant: LANCASTER & NEW YORK MOTOR FREIGHT SERVICE, INC., R.D. No. 2, Box 208, Elizabethtown, PA 17022. Representative: James W. Hagar, Esq., McNees, Wallace & Nurick, P.O. Box 1166, (100 Pine Street), Harrisburg, PA 17108. Authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *cocoa beans, coca butter, cocoa press cake, chocolate liquor,* in blocks and in bags, and *cocoa crumb* in bags, from Philadelphia, PA and its commercial zone, to Elizabethtown, PA and its commerical zone, Camp Hill, PA and its commercial zone, and Mechanicsburg, PA and its commercial zone. (2) *confectionery* (except in bulk) in mechanically refrigerated equipment. (a) from Elizabethtown, PA to points in MD, NJ, VA, Philadelphia, PA and DC. (b) from Hackettstown, NJ to points in MD, NJ, PA, VA and DC. Restriction: Restricted to traffic originating at or destined to the facilities of M & M Mars, Inc. at Hackettstown, NJ, Elizabethtown, PA and its commercial zone, Camp Hill, PA and its commerical zone, and Mechanicsburg, PA and its commercial zone. Applicant has filed an underlying ETA, seeking up to 90 days of operating authority. Supporting shipper: M & M Mars, High Street, Hackettstown, NJ 07840. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Building, 101 North Seventh Street, Room 620, Philadelphia, PA 19106.

MC 42487 (Sub-975TA), filed January 21, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Common carrier; regular routes: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment),* serving Chatsworth, GA as an off-route point in connection with carrier's otherwise authorized regular route operations for 180 days. Applicant seeks to serve all points in the Chatsworth, GA Commercial Zone. Applicant intends to tack with its existing authority and any authority it may acquire in the future. Chatsworth, GA will be off-route to the following service route of Applicant: MC 42487 (Sub-744(A)), *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Cincinnati, OH and Columbus, GA, serving all intermediate points, the off-route point of Rossville, GA, those within ten (10) miles of Chattanooga, TN, and those within fifteen (15) miles of Atlanta, GA, and all points in the Cincinnati, OH, Commercial Zone as defined by the Commission: From Cincinnati over U.S. Hwy 25 to Corbin, KY, thence over U.S. Hwy 25-W to Knoxville, TN, thence over U.S. Hwy 11 via Cleveland, TN, to Chattanooga, TN, thence over U.S. Hwy 41 via Dalton, GA, to Macon, GA, thence over U.S. Hwy 80 to Columbus (also from Cleveland over TN Hwy 60 to the TN-GA State line, thence over GA Hwy 71 to Dalton), and return over the same route. Supporting shipper(s): There were 22 shipper support statements filed with this application which may be inspected at the offices of the Interstate Commerce Commission, Washington, DC or at the District Office named below. Send protests to: D/S Neil C. Foster, Suite 500, 211 Main Street, San Francisco, CA 94105.

MC 42487 (Sub-977TA), filed January 21, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative E. T. Liipfert, Suite 1000, 1660 L St., NW, Washington, DC 20036. Common carrier; regular routes: *General commodities (except those of unusual value), Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment.* Between Houston, TX and New Orleans, LA, serving the intermediate points of Beaumont and Orange, TX, and points in the Beaumont and Orange Commercial Zones: From Houston over U.S. Hwy 90 to Iowa, LA, then over U.S. Hwy 165 to Kinder, LA, then over U.S. Hwy 190 to Baton Rouge, LA, and then over U.S. Hwy 61 to New Orleans and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack with its existing authority. There is no support offered by a shipper. Send protests to: Mr. Neil C. Foster, Suite 500, 211 Main Street, San Francisco, CA 94105.

MC 51146 (Sub-826TA), filed December 13, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, P.O. Box 2298, Green Bay, WI 54306. (1) *Appliances* from West Bend, WI to Trenton, NJ; and (2) *equipment, materials, and supplies used in the manufacture and distribution of appliances* from Muskogee, OK; Ozark, MO; Johnson City, TN; Lancaster, OH; Benton Harbor, MI; Newton Falls and Bowling Green, OH; and Vineland and Trenton, NJ to West Bend, WI, for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): The West Bend Company, West Bend, WI 53095. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 51146 (Sub-827TA), filed January 7, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (address same as applicant). (1) *Carpet and room fresheners, pet fresheners, and solid block deodorants* from Houston, TX to Montgomery, AL; and (2) *equipment, materials and supplies used in the manufacture and distribution of the commodities named in (1) above* from Delaware City, DE; Natrium, WV; and Philadelphia, PA to Houston, TX for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Presto Products, Inc., P.O. Box 2399, Appleton, WI 54913. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 59557 (Sub-18TA), filed November 28, 1979. Applicant: AUCLAIR TRANSPORTATION, INC., 333 March Ave., Manchester, NH 03108. Representative: Elliott Bunce, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209. *General commodities, except those of unusual value and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Commercial Zones of* Atlanta, GA; Chicago, IL; Dallas, TX; Ft. Worth, TX; Houston, TX; Jacksonville, FL; Los Angeles, CA; Miami, FL; Oakland, CA; Orlando, FL; St. Petersburg, FL; San Francisco, CA; and Tampa, FL, for 180 days. Supporting shipper(s): There are 68 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 59856 (Sub-86TA), filed January 30, 1980. Applicant: SALT CREEK FREIGHTWAYS, P.O. Box 39, Casper, WY 82602. Representative: John R. Davidson, Davidson, Veeder, Baugh, Broeder & Poppler, P.C., Suite 805 Midland Bank Building, Billings, MT 59101. *Common carrier;* regular route;

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Transporting *General commodities,* except those of unusual value, Classes A & B Explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Casper, WY and Minneapolis-St. Paul, MN and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. From Casper over combined Interstate Hwy 25 and U.S. Hwy 87 to their junction with WY Hwy 387, then over WY Hwy 387 to its junction with WY Hwy 59, then over WY Hwy 59 to its junction with Interstate Hwy 90 at or near Gillette, WY, then over Interstate Hwy 90 to its junction with Interstate Hwy 35, then over Interstate Hwy 35 to its intersection into Interstate Hwys 35 W and 35 E., then over Interstate Hwy W to Minneapolis and Interstate Hwy 35 E. to St. Paul, and return over the same route, serving the intermediate points of Gillette, WY and Rapid City, SD. Supporting shipper(s): There are 176 shippers. Their statements may be examined at the office listed below or at Headquarters Office. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission Rm. 105 Federal Bldging and Crt. House, 111 South Wolcott, Casper, WY 82601.

Note.—Applicant requests waiver of restrictions against tacking, interline and service to commercial zones.

MC 60186 (Sub-66TA), filed December 31, 1979. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, CT 06066. Representative: Clifford J. O. Nelson (same address as applicant). *Common carrier: irregular routes:* foodstuffs (except frozen and in bulk) and materials, equipment and supplies used in the manufacturing, packaging and distribution of foodstuffs, between the facilities of William Underwood, located at or near Portland, ME, on the one hand, and, the facilities of William Underwood at or near Hannibal, MO, on the other; and from the facilities of William Underwood located at or near Hannibal, MO, to points in NY, NJ, PA and MD, for 180 days. Supporting shipper(s): William Underwood Company, One Red Devil Lane, Westwood, MA 02090. Send protests to: J. D. Perry, Jr., District Supervisory, Interstate Commerce Commission, 135 High Street, Hartford, CT 06103.

MC 71296 (Sub-8TA), filed November 13, 1979. Applicant: FORT TRANSPORTATION AND SERVICE CO., INC., 1600 Janesville Ave., Ft. Atkinson, WI 53538. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. Common carrier; Regular routes; *General commodities, except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,* General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Fort Atkinson, WI and Beloit, WI serving all intermediate points. From Fort Atkinson, WI over W.S. Hwy. 26 to its junction with U.S. Hwy. 51 at or near Janesville, WI; then over U.S. Hwy. 51 to Beloit, WI and return over the same route. (2) Between Fort Atkinson, WI and Madison, WI serving all intermediate points. From Fort Atkinson, WI over U.S. Hwy. 12–18 to Madison, WI and return over the same route. (3) Between Beloit, WI and Madison, WI serving all intermediate points. From Beloit, WI over U.S. Hwy. 51 to Madison, WI and return over the same route. (4) Between Fort Atkinson, WI and Beaver Dam, WI serving all intermediate points. From Fort Atkinson, WI over W.S. Hwy. 26 to its junction with W.S. Hwy. 33 at or near Minnesota Junction, WI, then over W.S. Hwy. 33 to Beaver Dam, WI and return over the same route. (5) Between Madison, WI and Beaver Dam, WI serving all intermediate points. From Madison, WI over U.S. Hwy. 151 to Beaver Dam, WI and return over the same route. (6) Between Beloit, WI and Milwaukee, WI serving all intermediate points. From Beloit, WI over W.S. Hwy. 15 to Milwaukee, WI and return over the same route. (7) Between Watertown, WI and Milwaukee, WI serving all intermediate points. From Watertown, WI over U.S. Hwy. 16 to its intersection with I–94 at or near Pewaukee, WI, then over I–94 to Milwaukee, WI and return over the same route. (8) Between Fort Atkinson, WI and Whitewater, WI serving all intermediate points. From Fort Atkinson, WI over U.S. Hwy. 12 to Whitewater, WI and return over the same route. (9) Between Whitewater, WI and Milwaukee, WI serving all intermediate points. From Whitewater, WI over W.S. Hwy. 59 to its intersection with U.S. Hwy. 18 at or near Waukesha, WI, then over U.S. Hwy. 18 to Milwaukee, WI and return over the same route. (10) Between Jefferson, WI and Columbus, WI serving all intermediate points. From Jefferson, WI over W.S. Hwy. 89 to Columbus, WI and return over the same route. (11) Between the junction of U.S. Hwy. 151 and W.S. Hwy. 19 at or near Token Creek, WI and Watertown, WI, serving all intermediate points. From the junction of U.S. Hwy. 151 and W.S. Hwy. 19 at or near Token Creek, WI, then over W.S. Hwy. 19 to Watertown, WI and return over the same route. Supporting shipper(s): There are 27 statements in support attached to this application which may be examined at the Field Office in Milwaukee, WI. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 75406 (Sub-48TA). Applicant: SUPERIOR FORWARDING COMPANY, INC., 2800 South Fourth Street, St. Louis, Missouri 63118. Representative: Joseph E. Rebman, 314 North Broadway, Suite 1330, St. Louis, Missouri 63102. *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those commodities requiring special equipment), (1) between jct. U.S. Highways 67/167 and U.S. Highway 64, on the one hand, and, on the other, Conway, AR and points in its commercial zone, over U.S. Highway 64 serving no intermediate points; and (2) between North Little Rock, AR, and Conway, AR, and its commercial zone, over U.S. Highway 65 and Interstate Highway 40, serving all intermediate points for 180 days. Note: Applicant proposes to tack the authority in routes 1 and 2 with its existing authority and to interline with other carriers. There are 25 supporting shippers whose Certificates of Support can be viewed at the Field Office in St. Louis, MO. Send Protests to: Peter E. Binder, District Supervisor, Interstate Commerce Commission, 210 North 12th Street, St. Louis, Missouri 63101.

MC 89617 (Sub-22TA), filed December 13, 1979. Applicant: LEWIS TRUCK LINES, INC., P.O. Box 1494, Conway, SC 29526. Representative: Herbert Alan Dubin, Sullivan & Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. *Wood particle board or hardboard* from the facilities of Celotex Corp. at or near Marion, SC to points in AL, GA, N, TN, VA and WV, for 180 days. Supporting shipper(s): Jim Walter Corporation, P.O. Box 22601, Tampa, FL 33622. Send protests to: E. E. Strotheid, D/S, ICC, 866 Strom Thurmond Fed. Bldg., 1835 Assembly St., Columbia, SC 29201.

MC 93147 (Sub-17TA), filed January 21, 1980. Applicant: DELTA TRANSPORT CORPORATION, 844 Union Street, P.O. Box 546, West Springfield, Massachusetts 01089. Representative: James M. Burns, 1383 Main Street, Springfield, MA 01103. *Such commodities as are manufactured, processed or dealt in by manufacturers of glass and glass products,* between the facilities of Anchor Hocking Corporation and its subsidiaries located in IL, IN, OH, PA, WV, MN, TX, CA, NJ, MD and FL, and points in the contiguous 48 states, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s):Anchor Hocking Corporation, Consumer Industrial Division, 109 North Broad Street, Lancaster, OH 43130. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 96607 (Sub-21TA), filed November 2, 1979. Applicant: RUCKER BROTHERS TRUCKING, INC., 1820 Stewart Street East, Tacoma, WA 98421. Representative: Michael D. Duppenthaler, 211 South Washington Street, Seattle, WA 98104. *Utility manholes, vaults and median barriers,* between Auburn, WA and Wilsonville, OR on the one hand, and, on the other, points in ID, MT, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Utility Vault Company, P.O. Box 588, Auburn, WA 98002. Send Protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 98327 (Sub-40TA), filed January 18, 1980. Applicant: SYSTEM 99, 8201 Edgewater Drive, Oakland, CA 94621. Representative: Ray V. Mitchell, (415) 632–4700 (same address as applicant). *Common carrier,* regular routes: general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Roswell, NM and Ft. Worth, TX, serving no intermediate points, and serving the commercial zones of Roswell and Ft. Worth (from Roswell over US Hwy 380 to junction US Hwy 84, then over US Hwy 84 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Ft. Worth, and return over same route), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): No supporting shipper. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Fradriguez, CA 94105.

MC 107107 (Sub-483TA), filed February 1, 1980. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Ave., Opa Locka, FL 33054. Representative: Sidney Alterman (same address as applicant). Common Carrier—Regular Route: *General commodities,* except those of unusual value, Class A & B explosives, household goods as defined by the commission, commodities in bulk and those requiring special equipment, between points in FL (1) from Jacksonville, FL over U.S. Hwy 1 to Key West and return over same route (2) from Miami over Interstate Hwy 95 to Jacksonville and return over same route (3) from Miami over U.S. Hwy 27 to Tallahassee and return over the same route (4) from Miami over U.S. Hwy 41 to Brooksville and return over same route (5) from Miami over FL Turnpike to Junction I–75 at or near Wildwood and return over same route (6) from West Palm Beach over U.S. Hwy 98 to Perry and return over same route (7) from Tampa, FL over I–4 to Daytona Beach and return over same route (8) from Tampa over I–75 to Junction I–10 near Lake City and return over same route, (9) from Ocala over U.S. Hwy 301 to Jacksonville and return over same route (10) from Jacksonville over I–10 and/or U.S. Hwy. 90 to Pensacola and return over same route (11) from Orlando Over U.S. Hwy 17 to Punta Gorda and return over same route, serving all intermediate points on routes 1 through 11 and all other points in FL as off-route points for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are twelve supporting shippers. Their statements may be examined at the office listed below and headquarters. Send protests to: Donna M. Jones, T/A, ICC–BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 107576 (Sub-29TA), filed November 9, 1979. Applicant: SILVER WHEEL FREIGHTLINES, INC., 1321 S.E. Water Avenue, Portland, OR 97214. Representative: Ben D. Browning or Ronald D. Browning, 1321 S.E. Water Avenue, Portland, OR 97214. General commodities (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk in tank vehicles, and those requiring special equipment), over regular routes (1) between Goldendale, WA and Ellensburg, WA serving all intermediate points and off-route points located in Kittitas, Klickitat and Yakima Counties, WA, from Goldendale via U.S. Hwy 97 to Ellensburg and return over the same route; and (2) between Kennewick, WA and Ellensburg, WA, serving all intermediate points and off-route points located in Benton, Kittitas and Yakima Counties, WA, from Kennewick via U.S. Hwy 12 to Junction U.S. Hwy 97 then U.S. Hwy 97 to Ellensburg and return over the same route. Also requested is authority to tack, interline and serve the commercial zones of the above-named points. Supporting shipper(s): There are 48 statements of support. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, 555 S.W. Yamhill St., Portland, OR 97204.

MC 108207 (Sub-543TA), filed November 26, 1979. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz St. (Mailing: P.O. Box 225888), Dallas, TX 75265. Representative: M. W. Smith (address same as applicant). *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, and foodstuffs from points in TX and Memphis, TN to points in CO on and east of Continental Divide for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): There are eight (8) supporting shippers. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 114457 (Sub-561TA), filed January 5, 1980. Applicant: DART TRANSIT CO., 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills, 2102 University Ave., St. Paul, MN 55114. *Sugar, in packages* from St. Paul, MN to Royce, NJ for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Have A Portion, Inc., 2624 N. Cleveland Ave., Roseville, MN 55113. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 114457 (Sub-562F), filed December 26, 1979. Applicant: DART TRANSIT CO., 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (address same as applicant). *General commodities (except in bulk, those requiring special equipment, and Classes A & B explosives)* from Tamarac, FL to Chicago, IL; Clifton, NJ; Los Angeles, CA; and Dallas, TX, for 180 days. Supporting shipper(s): Visual Graphics Corp., 5701 N.W. 94th Ave., Tamarac, FL 33321. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 114896 (Sub-83TA), filed January 8, 1980. Applicant: PUROLATOR ARMORED INC., 255 Old New Brunswick Road, Piscataway, NJ 08854. Representative: Carl T. Kessler, 255 Old New Brunswick Road, Piscataway, NJ 08854. *Contract carrier,* over irregular routes, *New currency* (1) From Washington, D.C. to Atlanta, GA; Baltimore, MD; Birmingham, AL; Boston, MA; Buffalo and New York, NY; Charlotte, NC; Chicago, IL; Cincinnati and Cleveland, OH; Culpeper and Richmond, VA; Dallas, El Paso, Houston, and San Antonio, TX; Denver, CO; Detroit, MI; Helena, MT; Jacksonville and Miami, FL; Kansas City and St. Louis, MO; Little Rock, AR;

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Louisville, KY; Memphis and Nashville, TN; Los Angeles and San Francisco, CA; Minneapolis, MN; New Orleans, LA; Oklahoma City, OK; Omaha, NB; Philadelphia and Pittsburgh, PA; Portland, OR; Salt Lake City, UT and Seattle, WA., and (2) From Culpeper, VA to Atlanta, GA; Baltimore, MD; Birmingham, AL; Boston, MA; Buffalo and New York, NY; Charlotte, NC; Chicago, IL; Cincinnati and Cleveland, OH; Dallas, El Paso, Houston and San Antonio, TX; Denver, CO; Detroit, MI; Helena, MT; Jacksonville and Miami, FL; Kansas City and St. Louis, MI; Little Rock, AR; Louisville, KY; Memphis and Nashville, TN; Los Angeles and San Francisco, CA; Minneapolis, MN; New Orleans, LA; Oklahoma City, OK; Omaha, NB; Philadelphia and Pittsburgh, PA; Portland, OR; Richmond, VA; Salt Lake City, UT; Seattle, WA and Washington, D.C. An underlying ETA seeks 90 days authority. Supporting shipper(s): Board of Governors of the Federal Reserve System, 20th & Constitution Avenue NW., Washington, D.C. 20551. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 115826 (Sub-576TA), filed January 30, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Foodstuff, pet food and ingredients used in the manufacture of pet foods* (except commodities in tank vehicles) between the facilities of McK Limited at or near Loveland, CO and points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): McK Limited, 7311 East U.S. Highway 34, Loveland, CO 80537. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 117786 (Sub-91TA), filed January 14, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: Baldo J. Lutich, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Fabric reinforced rubber hose and rubber products,* from the plantsite of the H. K. Porter Co., Inc. in Bellefontaine, OH to points in CA, for 180 days. Supporting shipper: H. K. Porter Co., Inc., Thermoid Division, Bellefontaine Works, Bellefontaine, OH 43311. Send Protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 117786 (Sub-92TA), filed January 18, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: Baldo J. Lutich, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Such merchandise as is dealt in by mail order houses,* from the warehouses of Ambassador International, a division of Amba Marketing Systems, Inc., in Philadelphia, PA to warehouses of Ambassador International, a division of Amba Marketing Systems, Inc., in Phoenix, AZ, for 180 days. Supporting shipper: Amba Marketing Systems, Inc. and divisions thereof, 711 W. Broadway, Tempe, AZ 85282. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 117786 (Sub-93TA), filed January 28, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Alcoholic beverages, in temperature controlled equipment,* from New York City, NY, Jersey City and Dayton, NJ to points in AZ, CA and NV, for 180 days. Supporting shipper: Carillon Importers, 1290 Ave. of Americas, New York City, NY 10019. Sent protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 117786 (Sub-94TA), filed February 1, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Such merchandise as is dealt in and distributed by retail department stores (except commodities in bulk),* between Cincinnati, OH on the one hand and on the other, points in OH, KY, IN, WV, MI and IL, for 180 days. Supporting shipper: Van Leunens, 621 Wilmer Ave., Cincinnati, OH 45226. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 121457 (Sub-3TA), filed January 31, 1980. Applicant: MERCURY TRANSPORTATION, INC., P.O. Box 844, Crosby, TX 77532. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. *(1) Oilfield equipment and supplies and (2) pipe* between Houston, TX on the one hand, and on the other points in LA, MS, NM, OK, and WY for 180 days. Underlying ETA filed. Supporting shipper(s): There are 11 supporting shippers. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St. Suite 600 Fort Worth, TX 76102.

MC 125996 (Sub-92TA), filed January 10, 1980. Applicant: GOLDEN TRANSPORTATION, INC., 2200 S. 400 West, Salt Lake City, UT 84115. Representative: William J. Lawson, P.O. Box 9248, Fresno, CA 93791. *Snack Foods,* from Fresno, CA to ID, OR, NV, and WA, for 180 days. Supporting shipper(s): Tom's Foods, P.O. Box 12144, Fresno, CA 93776. Send protests to: Patricia Allgier, ICC., 5301 Fed Bldg., 125 S. State St., Salt Lake City, UT 84138.

MC 129387 (Sub-112TA), filed January 10, 1980. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye, P.O. Box 1271, Huron, SD 57350. *Meat, meat products and meat by products and articles distributed by meat packinghouses,* as described in Section A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides) from Huron, SD and its Commericial Zone to Louisville, KY and its Commerical Zone. Restricted to the facilities of Armour & Co. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour Food Co., Huron, SD. Send protests to: Transportation Assistant, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 133566 (Sub-155TA), filed November 15, 1979. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Thomas J. Beener, One State Street Plaza, New York, NY 10004. *Foodstuffs, (except in bulk)* from St. Elmo, IL to points in OH, MI, CO and MN for 180 days. Supporting shipper: Stella D'oro Biscuit Co., Inc., 184 West 237 Street, Bronx, NY 10463. Send protests to: ICC, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 134286 (Sub-163TA), filed December 28, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as applicant) (1) *Adhesives, sealants, solvents, stains and wood preservatives and* (2) *Material, equipment and supplies used in the installation, maintenance and distribution of floors and floor coverings and walls and wall coverings in vehicles equipped with mechanical refrigeration (except commodities in bulk)* between the facilities of Roberts Consolidated Industries, Inc. at or near Dayton, OH; Kalamazoo, MI; and Los Angeles County, CA, on the one hand, and, on the other, WA, OR, CA, ID, NV, MT, WY, UT, AZ, ND, SD, OK, TX, AR, LA, WI, IL, MI, IN, OH, PA, KY, TN, MS, AL, FL, ME, NH, VT, MA, RI, CT, DE, VA, WV, NC, NM, SC and D.C. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Roberts Consolidated Industries, Inc., Tom Paterson, Traffic Manager, 600 N. Baldwin Park Blvd., City of Industry, CA 91749. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 134637 (Sub-3TA), filed September 26, 1979. Applicant: SILICA TRANSPORT, INC., Highway 69 East, Melbourne, Arkansas 72556. Representative: Louis Tarlowski, 401 Union Life Building, Little Rock, Arkansas 72203. *Granulated boiler slag, bulk, in pneumatic tank trailers and in bags* from Memphis, TN to points in AL, AR, GA, IL, IN, KY, LA, MS, MO, NC, OK, SC and TX for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): H. B. Reed & Company, Inc., 8149 Kennedy Avenue, Highland, IN 46322. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 136246 (Sub-40TA), filed January 25, 1980. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Pneumatic conveyor equipment, parts and accessories and such commodities as are used in the manufacture and production of the aforementioned commodities* between the facilities of Cyclonaire Corp. at Henderson, NE and points in the U.S. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cyclonaire Corp., Jerry L. Elfring, Administrative Manager, 1210 Oak Street, Henderson, NE 68371. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 136366 (Sub-4TA), filed January 14, 1980. Applicant: BEE LINE, INC., 17 Commerce Road, Fairfield, NJ 07006. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Railway Car, Locomotive and Automotive Equipment, and materials, equipment, and supplies used in the manufacture and sale of Railway Car, Locomotive and Automotive Equipment (except commodities in bulk),* Between Totowa and Parsippany, NJ on the one hand, and, on the other, points in the US (except AK and HI). Supporting shipper(s): Ellcon-National, Inc., 30 King Road, Totowa, NJ 07512. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 136786 (Sub-199TA), filed January 18, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Suite 411, 7400 Metro Blvd., Edina, MN 55435. *Such merchandise as is dealt in by retail general merchandise stores (except commodities in bulk)* between points in the U.S. (except AK and HI), for 180 days, restricted to traffic originating at or destined to the facilities of Best Products Company, Inc. Supporting shipper(s): Best Products Company, Inc., P.O. Box 26303, Richmond, VA 23260. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 136786 (Sub-200TA), filed January 11, 1980. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50309. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. *Frozen bagels (except commodities in bulk)* from the facilities of Lender's Bagel Bakery, Inc. at or near Buffalo, NY, to points in and west of MI, OH, VA, WV, NC, SC, GA, and FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lender's Bagel Bakery, Inc., 75 Empire Drive, Buffalo, NY 14224. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 136786 (Sub-201TA), filed December 17, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Suite 411, 7400 Metro Blvd., Edina, MN 55435. *Foodstuffs and materials and supplies used in the manufacture, distribution, and sale of foodstuffs (except commodites in bulk)* from Portland and Milwaukee, OR, and Aberdeen and Markham, WA, to points in AZ, CA, CO, ID, MT, NV, OR, and UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ocean Spray Cranberries, Inc., Star Route, Box 195, Aberden, WA 98520. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 136786 (Sub-202TA), filed January 24, 1980. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50306. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. (1) *such commodities as are dealt in buy wholesale, retail, chain grocery and food business houses and feed businesses; soy products; paste; flour products; dairy products and* (2) *materials, ingredients, and supplies used in the manufacture, distribution, and sale of products in (1) above (except commodities in bulk)* between the facilities of Ralston Purina Company at or near Oklahoma City, OK, on the one hand, and, on the other, points in AR, LA, NM, TN, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Company, 13700 N. Lincoln Blvd., Edmond, OK 73034. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 136786 (Sub-203TA), filed January 24, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Suite 411, 7400 Metro Blvd., Edina, MN 55435. *Frozen foodstuffs* from Martinsburg, WV, and Bedford, VA, to Chicago, IL; Kansas City, KS; Jefferson, LA; Detroit and Romulus, MI; Minneapolis and St. Paul, MN; Kansas City, MO; Cleveland, Solon, and Tallmadge, OH; Bellmawr, NJ; Westbury, NY; Devault, Philadelphia, and Claysberg, PA; and Milwaukee, WI, and points in each of the above-named commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Golden West Foods, Inc., P.O. Box 1088, Gilroy, CA 95020. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 136786 (Sub-204TA), filed January 25, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Suite 411, 7400 Metro Blvd., Edina, MN 55435. *Meat, meat products, meat byproducts, diary products, articles distributed by meat packinghouses, and commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in Sections A, B, C, and D of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* between the facilities of Lauridsen Foods, Inc. at or near Britt, IA, and the facilities of Armour and Company at Mason City, IA, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, AR, and LA, for 180 days, restricted to the transportation of traffic originating at and/or destined to the facilities of Lauridsen Foods, Inc. and/or Armour and Company. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour and Company, Greyhound Tower, Phoenix, AZ 85077. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 138796 (Sub-2TA), filed January 3, 1980. Applicant: NELSON, INC., Box 38, Deerwood, MN 56444. Representative: Hubert Nelson, Box 38, Deerwood, MN 56444. *Contract carrier:* irregular routes: *Wood crating, pallets, and rough lumber* from Aitkin, MN to or between Port Washington, WI; Madison area, WI; Racine, WI; Galesburg, IL; Moline, IL; Marion, IL; Chicago area, IL; Newton, IA; Des Moines, IA; Amana, IA; Webster City, IA; Marshalltown, IA; Grand

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Rapids, MI; Greenville, MI; Lincoln, NE; IN (all points) and Fargo, ND for 180 days. Supporting shipper(s): Burns Mfg. Co., P.O. Box 10, Aitkin, MN 56431. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 139276 (Sub-9TA), filed August 24, 1979. Applicant: ALOHA FREIGHTWAYS, INC., 1069 Bryn Mawr Ave., Bensenville, IL 60106. Representative: Grace Kasallis (Same address as applicant). *Contract carrier:* irregular routes: *Iron and steel products,* between the facilities of Joseph T. Ryerson & Son, Inc. at Elk Grove Village and Chiago, IL and destinations in MI on and south of U.S. 96, Muskegon to Lansing, U.S. 69 to Flint and U.S. 75 to Detroit, such as Grand Rapids, Battle Creek, Jackson, Lansing, Flint, Kalamazoo, and Detroit and destinations in IN such Angola, Indianapolis, Terre Haute, South Bend, Logansport, Ft. Wayne, Berne, Elkhart, Andrews, New Albany, Seymour, Evansville, Bedford and Bloomington for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Joseph T. Ryerson & Son, Inc., 2621 West 15th Place, Chicago, IL 60608. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 139917 (Sub-13TA), filed November 16, 1979. Applicant: SEARAIL, INC., 701 South Royal Street, Mobile, AL 36601. Representative: George M. Boles, 727 Frank M. Nelson Building, Birmingham, AL 35203. General commodities (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment). *Description of area to be served:* Between Pensacola, FL and New Orleans, LA: (1) From Pensacola over U.S. Hwy. 90 and/or Interstate Hwy. 10 to New Orleans and return over the same route. (2) From Pensacola over U.S. Hwy. 29 to junction thereof with U.S. Hwy. 31 at or near Flomation, AL, and over U.S. Hwy. 31 to junction thereof with U.S. Hwy. 90 and Interstate Hwy. 10 at or near Spanish Fort, AL then over U.S. Hwy. 90 and/or Interstate 10 to New Orleans and return over the same route. Applicant intends to interline with other carriers at Pensacola, FL, Pascagoula, Gulfport, MS, Mobile, AL, and New Orleans, LA. Applicant intends to tack at Mobile and Flomaton, AL, with its other authority. Supporting shipper(s): There are 48 supporting shipper approx. all of which can be examined at the Washington, DC office or the office list below. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 140086 (Sub-7TA), filed December 31, 1979. Applicant: DELARIA TRANSPORT, INC., 327 8th Avenue, N.W., New Brighton, MN 55112. Representative: James M. Christenson, 4444 IDS Center, 80 South 8th St., Minneapolis, MN 55402. *Lard and animal fats in bulk and tank vehicles* (1) from Huron, SD to IA, MN and WI and (2) from Worthington, MN to IA and SD. Representative destinations are Sioux City, Mason City and Dubuque, IA; St. Paul, Minneapolis, Sleepy Eye and Albert Lea, MN; Cudahy and Madison, WI; Sioux Falls, SD, for 180 days. Supporting shipper(s): Armour Fresh Meat Co., 111 W. Clarendon, Greyhound Tower, Phoenix, AZ 85077. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 140186 (Sub-32TA), filed May 2, 1979. Applicant: TIGER TRANSPORTATION, INC., P.O. Box 2248, Missoula, MT 59801. Representative: Joel E. Guthals, P.O. Box 2533, Billings, MT 59103. *Building materials, and parts, accessories and supplies* used in the installation, and construction of buildings, or building materials; *tanks,* iron or steel, metal plate and/or sheet, kd., From Kansas City, MO, Kansas City, KS and Galesburg, IL to points in CA, CO, ID, MN, MT, ND, OR, SD, WA, WY, and UT, for 180 days, there is an underlying ETA seeking 90 days authority. Supporting shipper: Butler Mnfg. Co., 7400 E. 13th St., Kansas City, MO 64126. Send protests to: Paul J. LaBane, Rm. 222, 2602 First Ave., Billings, MT 59101.

MC 142686 (Sub-34TA), filed January 22, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker Avenue, Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address). *Contract;* irregular; *plasticizers, paint lacquer, varnish, gum, resin, or plastic; solvents, paint, lacquer, varnish, gum, resin, plastic, rubber, or adhesive; compounds, paint, lacquer, varnish, gum, resin, plastic, or adhesive increasing, reducing, removing, thickening, or thinning,* above commodities to be transported from the facilities of the Chemical Products Division of Cargill at or near Lynwood, California to Chicago, IL, Carpentersville, IL and Forest Park, GA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Chemical Product Division-Cargill, Distribution Manager, 2801 Lynwood Road, Lynwood, CA 90262. Send protests to: Irene Carlos, TA, ICC, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 143127 (Sub-67TA), filed January 29, 1980. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Foodstuffs, except in bulk,* from the facilities of Bay Central Freezer Center, at Milford, DE, Brookside Distribution Center, at Brookside, DE, Delaware Freezer Center, at Newark, DE, Louisville Freezer Center, at Louisville, KY, and Louisville Distribution Center, at Louisville, KY, to points in the United States, in and east of MN, IA, MO, AR, and LA. Restricted to the transportation of traffic originating at said facilities and destined to said points, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Omniway, 2000 South Ninth Street, Louisville, KY 40208. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 143666 (Sub-1TA), filed January 24, 1980. Applicant B Z ENTERPRISES, INC., 6951 Hannegan Road, Lynden, WA 98264. Representative: Bob Sweegman (same address as above). *Clay brick,* between points on the International Border between the U.S. and Canada at or near Sumas, WA and points in CO and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clayburn, Inc., No. 507, 10655 N.E. 4th, Bellevue, WA 98004. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174. •

MC 147286 (Sub-4TA), Applicant: A & L TRUCKING, INC., P.O. Box 103, Rocky Face, GA 20740. Represenatative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *carpets and materials and supplies used in the sale thereof* from the facilities of Carpet Crafts, Inc., Indian Springs Carpet Mills and Grass More, Inc. located at or near Chatsworth, GA to points in CA and in and east of NM, CO, NE, SD, and ND (except GA) for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shippers: Grass More, Inc., Carpet Crafts, Inc., Indian Springs Carpet Mills, Rt. 2, Chatsworth, GA 30705. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree St., NW., Room 300, Atlanta, GA 30309.

MC 147627 (Sub-3TA), filed January 5, 1980. Applicant: ROADRUNNER DELIVERY SERVICE, INC., BWI Airport, Box 8765, Baltimore, MD 21240. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *General commodities* (except Classes A & B Explosives, commodities in bulk, household goods and commodities requiring special equipment), between Philadelphia, PA and its commercial zone, on the one hand, and, on the other, Washington, DC, and its commercial zone. Restricted to traffic having prior or subsequent movement by air, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Imperial Air Freight Service, Inc., 57 Freeman St., Newark, NJ. Send protests to: ICC, 620 Fed. Res. Bank Bldg., 101 N. 7th St., Philadelphia, PA 19106.

MC 148247 (Sub-1TA), filed January 22, 1980. Applicant: JOHNNY M. JENKINS and ARTHUR L. JENKINS d.b.a. KENTUCKY TENNESSEE GEORGIA EXPRESS, 304 Oothcaloga Street, Calhoun, Georgia 30701. Representative: M. C. Ellis, Practitioner, % Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, Tennessee 37402. *Carpet, floor coverings, related articles, and materials and supplies used in the manufacture thereof (Except commodities in bulk or Class A, B, and C explosives),* between all points in GA and Hamilton County, TN, on the one hand, and on the other hand (1) all points in KY, and (2) all points in TN on and East of U.S. Interstate Highway 75 from the KY–TN state line to its intersection with U.S. Highway 129 then on and East of U.S. Highway 129 to the TN–NC state line, for 180 days. An underlying ETA seeks 90 days authority. There are 25 statements of support which can be viewed at the Commission's Regional office in GA. Send protests to: Sara K. Davis, ICC, 1252 West Peachtree St., Rm. 300, Atlanta, GA 30309.

MC 148347 (Sub-1TA), filed January 4, 1980. Applicant: FLORILLI ENTERPRISES, INC., 8002 1st Street West, Rock Island, IL 61201. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. *Pancreas glands and packing house by-products* from Davenport and Sioux City, IA, Omaha, NE, and Milwaukee, WI, to New Orleans, LA and Norfolk, VA for 180 days. Supporting shipper(s): Herbert A. Salzman & Co., Davenport, IA. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 148556 (Sub-1TA), filed October 31, 1980. Applicant: KEEBLER COMPANY, One Hollow Tree Lane, Elmhurst, IL 60126. Representative: Theodore Polydoroff, 1307 Dolley Madison Boulevard, McLean, VA 22101. *Contract Carrier:* irregular routes: *Foodstuffs (other than frozen and except in bulk),* from the facilities of (See attachment—Appendix II) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kellogg Company, Battle Creek, MI 49016. Send protests to: Transportation Assistant, ICC, 219 Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 148737 (Sub-1TA), filed November 13, 1979. Applicant: SUNSET EXPRESS CORPORATION, 3665 West 1987 South, Salt Lake City, UT 84104. Representative: Marvin Friedland, 376 East 4th South, Salt Lake City, UT 84111. *Mined ore, finished milled products, and equipment, materials and supplies used in mining* and milling *operations,* between the facilities utilized by Borex Corporation located in ID, NV and UT, on the one hand, and, on the other, CA, CO, ID, MT, ND, NV, OK, TX, UT and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Barex Corporation, 1405 East 2011 South, Salt Lake City, UT 84105. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 149087 (Sub-1TA), filed February 1, 1980. Applicant: LOU BAKER, an individual, d.b.a. A.E.A. COWBOY EXPRESS, 4601 W. 4th Street, Reno, NV 89503. Representative: Same as applicant. *General commodities,* in express service, between Nevada on the one hand, and on the other hand, points in Oregon and Washington, for 180 days. Supporting shipper(s): There are 6 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: W. J. Huetig, DS, I.C.C., 705 N. Plaza Street, Carson City, NV 89701.

MC 149137 (Sub-2TA), filed February 6, 1979. Applicant: MASTER TRANSPORT SERVICES, INC., 5000 Wyoming Ave., Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 21635 E. Nine Mile Rd., St. Clair Shores, MI 48080. *Health car materials dealt in or used by pharmaceutical and medical supply producers and distributors,* from Detroit, MI, to CA, CO, CT, GA, MD, MO, NJ, OH, PA, TX, and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Parke Davis, Division of Warner Lambert Co., 182 Tabor Rd., Morris Plains, NJ 07950. Send protests to: Transportation Assistants, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 149157 (Sub-2TA), filed January 2, 1980. Applicant: STYLE CRAFT TRANSPORT, INC., Highway 71 South, Milford, IA 51351. Representative: Foster L. Kent, P.O. Box 1017, Omaha, NE 68101. Contract carrier, irregular routes: *(1) New furniture and (2) Materials, equipment and supplies used in the manufacture and distribution of items in (1) above* (1) from Milford and Bancroft, IA to points in the U.S. (except AK and HI) and (2) from points in the U.S. (except AK and HI) to Milford and Bancroft, IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Style Craft Inc., Richard D. Johnson, Plant Manager, Hwy. 71 South, Milford, IA 51351. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 149167 (Sub-1TA), filed January 30, 1980. Applicant: MAVERICK RENTING & LEASING, INC., 105 Howell, Street, Jersey City, NJ 07306. Representative: Piken & Piken, Esqs., 95–25 Queens Boulevard, Rego Park, NY 11374. Contract carrier, irregular routes for 180 days. Bakery products (except commodities in bulk) between the facilities of Entenmann's, Inc., at North Lake, IL, on the one hand, and, on the other, St. Louis, MO, Detroit and Grand Rapids, MI, Solon, Cincinnati and Columbus, OH, Milwaukee and Madison, WI, Indianapolis, and Fort Wayne, IN, Peoria, IL and Louisville, KY and Cedar Rapids, IA. Between the facilities of Entenmann's Inc. at or near Miami, FL & Atlanta, GA. An underlying ETA seeks 90 days authority. Supporting shipper(s): Entenmann's, Inc., 1724 Fifth Avenue, Bay Shore, NY 11706. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 149197 (Sub-1TA), filed January 8, 1980. Applicant: GARDNER TRUCKING CO., INC., 820 Ave. E, Pratt City, AL 35214. Representative: Gerald D. Colving, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Contract, Irregular: Metal products, and materials, equipment and supplies used in the manufacture, distribution and sale of metal products,* between the facilities of Alabama Metal Industries Corp., at or near Birmingham, AL, on the one hand, and, on the other, all points in the U.S. in and east of the States of TX, OK, KS, NE, SD and ND, under a continuing contract with Alabama Metal Industries Corp., for 180 days. Supporting shipper(s): Alabama Metal Industries Corp., 3245 Fayette Ave., Birmingham, AL 35208. Send protests to: Mabel E. Holston, TA, ICC, Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 149216 (Sub-1TA), filed January 23, 1980. Applicant: MANE TRUCKING, INC., 67 Andrew Street, Newton Highlands, MA 02161. Representative:

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James E. Mahoney, 148 State Street, Boston, MA 02109. *Contract carrier;* irregular route; *meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766* between the facilities of Wellington, Cold Storage and Warehouse Corp., located in MA, on the one hand and, on the other, points in the US in and east of MN, IA, MO, AR, LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wellington Cold Storage and Warehouse Corp., 50 Revere Beach Parkway, Medford, MA 02155. Send protests to: John B. Thomas, D/S, ICC, 150 Causeway Street, Boston, MA 02114.

MC 149227 (Sub-1TA), filed January 22, 1980. Applicant: LONG TRANSPORTATION, INC., 212 Depo St., Goodlettsville, TN 37072. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Contract carrier:* irregular routes: *Steel sheets and steel coils,* between Davidson County, TN, on the one hand, and, on the other, points in and east of MN, IA, MO, AR and LA, for 180 days. Supporting shipper(s): King Metal Sales, 147 Elm Hill Pike, Nashville, TN 37210. Send protests to: Glenda Kuss, TA, ICC, A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 149237 (Sub-1TA), filed January 22, 1980. Applicant: WATSON TRUCKING CO., 8412 Lou Court, Louisville, KY 40219. Representative: Wm. P. Whitney, Jr., Attorney, P.O. Box 19097, Louisville, KY 40219. Carpet, from LaGrange, Cartersville, Dalton, Calhoun and Chatsworth, GA to Louisville, Lexington, and Bowling Green, KY, and Clarksville, Madison and Columbus, IN, and their respective commercial zones. Supporting shipper(s) Stephen E. Carter, VP and Comptroller, Kinnaird & Francke Interiors, Inc., 207 Louisville Air Park, Louisville, KY 40219, and 3 retail outlets located in above destination points. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 149247 (Sub-2TA), filed January 23, 1980. Applicant: JOHNNY M. JENKINS AND ARTHUR L. JENKINS, d.b.a. KENTUCKY TENNESSEE GEORIGA EXPRESS, 304 Oothcaloga Street, Calhoun, GA 30701. Representative: M. C. Ellis, 1001 Market St., Chattanooga, TN 37402. *Carpet, floor coverings, related articles and materials and supplies used in the manufacture thereof, except commodities in bulk or Class A, B and C explosives,* between all points in GA and Hamilton County, TN, on the one hand, and on the other, (1) all points in KY and (2) all points in TN on and east of U.S. Interstate Hwy. 75 from the KY–TN state line to its intersection with U.S. Hwy. 129 then on and east of U.S. Hwy. 129 to the TN–NC state line, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 25 shippers. Their statements may be examined at the office listed below and Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 149274 (Sub-TA), filed January 15, 1980. Applicant: HARRAN TRANSPORTATION CO., INC., 1417 Jerusalem Avenue, North Merrick, NY 11565. Representative: Owen B. Katzman, 1800 M Street, N.W.—Suite 800 South, Washington, D.C. 20036. *Contract carrier,* irregular routes: *Passengers and their baggage,* between points in Queens, Nassau and Suffolk Counties, NY, on the one hand, and, on the other, the facilities of Resorts International, Inc., at Atlantic City, NJ, under a continuing contract with Resorts International, Inc.; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Resorts International, Inc., Atlantic City, NJ. Send protests to: Maria Kejss, ICC, 26 Fed Plaza, Bldg. Rm 1807, NY, NY 10007.

MC 149276 (Sub-1TA), filed January 23, 1980. Applicant: SIMPSON AND LANE SCHOOL BUS LTD., 472 25th Street, Battleford, SK, CD SOM OEO. Representative: Horst H. Dahlem, 1165 100th Street, North Battleford, SK, CD. *Passengers* and their *baggage* in the same vehicle with passengers, in round trip charter operations, from the U.S.-Canada International Boundary line to points in the U.S., except HI, and return, for 180 days. Supporting shipper(s): Maher Agencies, Ltd., 1121 100th Street, North Battleford, SK, CD S9A OV4. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 149297 (Sub-1TA), filed January 17, 1980. Applicant: H. C. CROKER WRECKER SERVICE, INC., P.O. Box 403, Lavonia, GA 30553. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Disabled vehicles & replacement tractors, trucks and/or trailers by use of towing vehicles, cranes, towbar and dollies,* between points in GA on the one hand, and, on the other, points in OH, IN, IL, MO, AR, LA, MS, AL, FL, SC, NC, VA, WV, KY & TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 7 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 149306 (Sub-TA), filed January 31, 1980. Applicant: JOSEPH C. KOCHANSKI, d.b.a. MIKE'S TRANSFER, 9229 Saddlebrook, St. Louis, MO 63126. Representative: Joseph C. Kochanski, 9229 Saddlebrook, St. Louis, MO 63126. Contract carrier over regular routes, *hardware and related items between a hardware cooperative central warehouse and its dealer-members* for 180 days. (See attachment for described areas.) Supporting shipper(s): General Mercantile & Hardware, Inc., 3965 Park Ave., St. Louis, MO 63110. Send protests to: Opal M. Jones, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC (Sub-149346TA), filed May 31, 1979. Applicant: STAGECOACH WEST, INC., P.O. Box 264, Rapid City, SD 57709. Representative: James W. Olson, P.O. Box 1552, Rapid City, SD 57709. *Common carrier:* regular route: *Passengers and their baggage and express and newspapers in the same vehicle with passengers* from Rapid City, SD and Spearfish, SD, serving all intermediate points over regular routes: From Rapid City, SD, over U.S. I–90 to Sturgis, SD, then east over Hwy SD 34 to Ft. Meade, SD and return over the same route to Sturgis, SD, then on U.S. I–90 to Spearfish, SD, and return over same route. Supporting shipper(s): Arrow Stage Lines, P.O. Box 568, Sioux City, IA 51102. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

Note.—Applicant proposes to Tack the authority sought here at Point of Rapid City and Deadwood, SD with its existing authority in Sub 1. An underlying ETA seeks 90 days authority.

MC 150008 (Sub-1TA), filed January 31, 1980. Applicant: RICHARD L. JENKINS AND WARDELL E. JENKINS, A Partenership, d.b.a. JENKINS BUILDING SUPPLY, P.O. Box 6, Alpine, WY 83128. Representative: Richard L. Jenkins (same address as applicant). Contract carrier, irregular routes, transporting *Bentonite, barite, drilling componds, lost circulation materials, and commodities* dealt in or used by mud companies, between points in Lincoln County, WY and points in WY, ID, UT & NV for 180 days. An underlying ETA seeks 90 days authority. Transportation to be conducted under a continuing contract or contracts with Milchem, Incorporated. Supporting shipper(s): Milchem Incorporated, P.O. Box 838, Denver, CO 80202. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce

Commission, Room 105 Federal Bldg and Crt House, 111 South Wolcott, Casper, WY 82601.

MC 67646 (Sub-65F), filed June 4, 1979. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: John E. Fullerton, Esquire, 407 N. Front St., Harrisburg, PA 17101. *Common carrier,* regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Boston, MA, and Wilkes Barre, PA: from Boston over Interstate Hwy 90 to junction Interstate Hwy 86, then over Interstate Hwy 86 to junction Interstate Hwy 84, then over Interstate Hwy 84 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Wilkes Barre, and return over the same routes, serving all intermediate points in CT and MA, and all points in CT, MA and RI as off-route points; (2) between Harrisburg, PA and Wilkes Barre, PA, over Interstate Hwy 81, serving all intermediate points; (3) between West Middlesex, PA and Wilkes Barre, PA: from West Middlesex over PA Hwy 318 to junction PA Hwy 60, then over PA Hwy 60 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Wilkes Barre, and return over the same routes, serving all intermediate points; (4) between junction U.S. Hwy 22 and PA Hwy 33 and Wilkes Barre, PA: from junction U.S. Hwy 22 and PA Hwy 33 over PA Hwy 33 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Wilkes Barre, and return over the same routes; serving in connection with routes (1) through (4) above, all points in Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Susquehanna, Wayne and Wyoming Counties, PA, as intermediate or off-route points.

Notice No. 17

MC 4963 (Sub-118TA), filed November 21, 1979. Applicant: JONES MOTOR CO., INC., Bridge St. and Schuylkill Rd., Spring City, PA 19475. Representative: William H. Peiffer (same address as applicant). *Structural steel supplies and materials used in the manufacture of these commodities* between Nashville, TN, on the one hand, and, on the other, points in IA, MO, AL, GA, SC, NC, TN, WI, IL, IN, KY, MI, OH, WV, VA, PA, MD, DE, NJ, NY, VT, CT, RI, MA, NH, and ME, for 180 days, with service at Nashville, TN being restricted to the plantsite and other facilities of Volunteer Structures, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): Volunteer Structures, Inc., 4108 Dakota Ave., Nashville, TN. Send Protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., Room 620 101 North 7th St., Philadelphia, PA 19106.

MC 4963 (Sub-119TA), filed December 10, 1979. Applicant: JONES MOTOR CO., INC., Bridge St. and Schuylkill Rd., Spring City, PA 19475. Representative: Wm. H. Peiffer (same address as applicant). *Plastic pipe and fittings and iron or steel articles,* between points in MI, for 180 days. Restriction: Applicable from or to points east and south of the Ohio State Line. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jones Motor Co., Inc., Bridge St. and Schuylkill Rd., Spring City, PA 19475. Send Protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St., Room 620, Philadelphia, PA 19106.

MC 32882 (Sub-139TA), filed December 28, 1979. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Blvd., Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Tractors, except truck tractors, and attachments, parts and accessories for tractors when moving at the same time and in the same equipment with tractors from the rail ramps at or near Seattle, WA and Portland, OR to points in WA, OR and ID, including points of entry on the United States and Canadian Boundary. Restriction: Restricted to the transportation of traffic having a prior movement by rail, for 180 days. A corresponding ETA has been granted and a permanent will be filed. Supporting shipper(s): Ford Tractor Operations, 2500 E. Maple Rd., Troy, MI 48084. Send Protests to: D. Merine Galbraith, T/A, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 58902 (Sub-20TA), filed January 24, 1980. Applicant: MANLEY TRANSFER COMPANY, INC., P.O. Box 1575 SSS, Springfield, MO 65806. Representative: A. J. Whisler (address same as applicant). Common, regular routes; *General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading* (1) between Joplin, MO and Fort Smith, AR, serving all intermediate points and the off-route points in Newton and McDonald Counties, MO and Benton, Washington, Crawford, Sebastian Counties, AR; from Joplin over U.S. Hwy 71 to Fort Smith and return over the same route; (2) between Springfield, MO and Fort Smith, AR, serving all intermediate points; from Springfield over U.S. Hwy 60 to Junction U.S. Hwy 71, then over U.S. Hwy 71 to Fort Smith and return over the same route; (3) between Tulsa, OK and Fort Smith, AR, serving no intermediate points and serving the junction of U.S. Hwys 64 and 69 for purposes of joinder only; from Tulsa over U.S. Hwy 64 to Fort Smith and return over the same route; (4) between Neosho, MO and Miami, OK; from Neosho over U.S. Hwy 71 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Junction MO Hwy 43, then over MO Hwy 43 to Junction MO County Hwy U, then over MO County Hwy U to MO/OK border and Junction OK Hwy 10 C, then over OK Hwy 10 C to Junction OK Hwy 10, then over OK Hwy 10 to Miami and return over the same route; (5) between Springdale, AR and Tulsa, OK, serving all intermediate points in AR and the junction of OK Hwy 33 and U.S. Hwy 69 for purposes of joinder only; from Springdale over AR Hwy 68 to Junction OK Hwy 33, then over OK Hwy 33 to Tulsa, and return over the same route; (6) between Muskogee, OK and Junction U.S. Hwys 69 and 66, serving the junction of U.S. Hwys 69 and 66 and the junction of OK Hwy 33 and U.S. Hwy 69 for the purpose of joinder only and serving Muskogee for the purpose of joinder only; from Muskogee over U.S. Hwy 69 to Junction U.S. Hwy 66 and return over the same route, for 180 days. Supporting shipper(s): 72 supporting shippers. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

Note.—Applicant proposes to serve all commercial zones of all specified points and intermediate points as shown in Routes (1) through (5) above.

MC 63562 (Sub-72TA), filed January 21, 1980. Applicant: BN TRANSPORT INC., 6775 East Evans Ave., P.O. Box 22694, Wellshire Sta., Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. *Plastic containers and materials and supplies used or useful in the production and marketing thereof* (except commodities in bulk), from Denver, CO to points in CA, for 180 days. Identical ETA seeks 90 days authority. Supporting shipper(s): Hoover Universal, Inc., P.O. Box 39307, 4990 Ironton Street, Denver, CO 80239. Send protests to: Roger L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 64932 (Sub-610TA), filed December 26, 1979. Applicant: ROGERS

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CARTAGE CO., 10735 S. Cicero Ave., Oak Lawn, IL 60453. Representative: William F. Farrell (address same as applicant). *Latex, in bulk* from Avon Lake, OH to Valley Forge, PA, for 180 days. Supporting shipper(s): B. F. Goodrich Co. Chemical Group, 6100 Oak Tree Blvd., Cleveland, OH 44131. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 88203 (Sub-12TA), filed November 30, 1979. Applicant: OTIS WRIGHT & SONS, INC., 700 E. Wayne St., P.O. Box 277, Lima, OH 45802. Representative: Earl N. Merwin, 85 E. Gay St., Columbus, OH 43215. Contract carrier, irregular routes: *Auto parts, accessories, machinery, materials, and equipment necessary for the production of motor vehicles,* between points in OH, on the one hand, and, on the other, points in the states in or east of the Mississippi River, for 180 days, under continuing contract(s) with Sheller-Globe Corporation. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sheller-Globe Corp., 1300 E. Kibby St., Lima, OH 45802. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St., Room 620, Philadelphia, PA 19106.

MC 96992 (Sub-26TA), filed January 25, 1980. Applicant: HIGHWAY PIPELINE TRUCKING CO., P.O. Box 1517, Edinburg, TX 78539. Representative: Kenneth R. Hoffman, 801 Vaughn Bldg., Austin, TX 78701. *Gasoline, in bulk, in tank vehicles* from Tyler, and Longview, TX to Alexandria, Bossier City, Haughton, Monroe and Shreveport, LA, for 180 days. ETA for 90 days has been filed. Supporting shipper(s): Southland Corp., 3645 Southern Ave., Shreveport, LA 71104. Send protests to: Interstate Commerce Commission, 9A27 Fritz Garland, Lanham Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 96992 (Sub-27TA), filed January 29, 1980. Applicant: HIGHWAY PIPELINE TRUCKING CO., P.O. Box 1517, Edinburg, TX 78539. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. *Meat, meat products, meat byproducts and articles distributed by meat packing houses as described in Sections A and C of Appendix I to report in Descriptions of MC Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk)* from the facilities used by H & H Meat Products Company, Inc. in Cameron and Hidalgo Counties, TX, to points in AR, KS, LA, MO, NM and OK, for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s): H & H Meat Products Company, Inc., P.O. Box 358, Mercedes, TX 78570. Send protests to: Ruth Allport, TCS, ICC 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 100892 (Sub-12TA), filed January 7, 1980. Applicant: TRANS-SOUTWEST CARRIERS, INC., 1074 S. 500 West, Salt Lake City, UT 84101. Representative: Lee Redman (same address). *Ores in barrels or bulk; ore concentrates in barrels; mining machinery, equipment and supplies used in mining, except hazardous materials; ores and mining machinery, equipment & supplies* between points in Maricopa and Pinal Counties, AZ and Davis and Salt Lake Counties, UT. *Ore concentrates* from Davis and Salt Lake Counties, UT to smelter sites in Kellogg, ID and Blythe, CA, for 180 days. There is an underlying 90-day ETA authorized. Supporting shipper(s): Advanced Materials Company, 404 Ironwood Dr., Box 15548, Salt Lake City, UT 84115. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 102012 (Sub-492TA), filed December 10, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (address same as applicant). *Fixtures, furniture, food service equipment, parts and accessories for fixtures, furniture and food service equipment,* from the facilities of H. H. Thompson Co., located at or near Jacksonville, FL to points in AL, GA, LA, NC, PA, SC, TX and VA for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): E. H. Thompson Company, 8230 Bay Center Road, Jacksonville, FL 32216. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 107403 (Sub-1318TA), filed January 25, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes (same address as applicant). *Synthetic resins, in bulk, in tank vehicles,* from Wilmington, DE to Mays Landing, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Container Corp. of America, 1204 E. 12, Wilmington, DE 19899. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St., Room 620, Philadelphia, PA 19106.

MC 107403 (Sub-1319TA), filed December 20, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes (same address as applicant). *Wheat flour,* in bulk, in tank vehicles from Columbus, OH to points in IL, for 180 days. Supporting shipper(s): International Multifoods, 1200 Multifoods Bldg., Minneapolis, MN 55402. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St., Room 620, Philadelphia, PA 19106.

MC 109533 (Sub-123TA), filed January 28, 1980. Applicant: OVERNITE TRANSPORTATION CO., 1000 Semmes Ave., Richmond, VA 23224. Representative: E. T. Liipfert, 1660 L St., NW, Washington, 20036; C. H. Swanson (same address as applicant). *General commodities* (except those of unusual value Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring specials equipment) between Bridgeport, Cincinnati, Columbus, Dayton, Kanauga, Marietta and Portsmouth, OH and Richmond, IN, on the one hand, and, on the other points in the following counties in OH: Allen, Ashland, Ashtabula, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Erie, Fulton, Gallia, Geauga, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Holmes, Huron, Jefferson, Knox, Lake, Lawrence, Logan, Lorain, Lucas, Mahoning, Medina, Meigs, Mercer, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Pauldings, Perry, Portage, Putnam, Richland, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, Wood, Wyandot, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack the authority sought with regular and irregular routes it is or may be authorized to serve. Applicant presently holds irregular route authority between Cincinnati, OH and the above counties in MC 109533 (Sub 71), and the purpose of this application is to add alternate gateways and eliminate a WV restriction in Sub 71. Supporting shipper(s): There are 127 supporting shippers, which can be reviewed at headquarters at Washington, DC or field office listed below: Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St., Room 620, Philadelphia, PA 19106.

MC 109533 (Sub-124TA), filed January 17, 1980. Applicant: OVERNITE TRANSPORTATION CO., 1000 Semmes Ave., Richmond, VA 23224. Representative: John C. Burton, Jr., (same address as applicant). Common carrier, regular routes: *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the

Commission, commodities in bulk, and those requiring special equipment), from the facilities of Old Dominion Beef, Inc., at or near Jarratt, VA, as an off route point in connection with carriers existing regular route operations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Old Dominion Beef, Inc., 125 F & M Center, Richmond, VA 23277. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St., Room 620, Philadelphia, PA 19106.

MC 111812 (Sub-718TA), filed December 21, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., 1600 East Benson Road, P.O. Box 1233, Sioux Falls, SD 57104. Representative: Lamoyne Brandsma, 1600 East Benson Road, P.O. Box 1233, Sioux Falls, SD 57104. *Such commodities as are dealt in by retail and wholesale automotive supply houses (except commodities in bulk),* from the facilities of AMS Oil located at Superior, WI to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): AMS Oil, AMS Oil Building, Superior, WI 54880. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 112893 (Sub-62TA), filed September 12, 1979. Applicant: BULK TRANSPORT COMPANY, P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004. *Asphalt and asphalt products* from Chicago, IL to points in WI north of a line beginning at the IL–WI State line and extending along WI Hwy, 69 to Verona, WI thence along US Hwy. 151 to Jct. US 51, thence along US 51 to Stevens Point, WI, thence along US 10 to Appleton, WI, thence along US 41 to Green Bay, WI, thence along WI Hwy. 54 to Lake Michigan, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Struck & Irwin, Inc., 826 Williamson St., Madison, WI 53711. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 114552 (Sub-251TA), filed January 24, 1980. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, SC 29108. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Waste news paper* from Harrison and Hackensack, NJ; Harrisburg and Philadelphia, PA to the plantsite of Southeast Paper Manufacturing Co., Dublin, GA, for 180 days. Supporting shipper(s): Southeast Paper Manufacturing Co., P.O. Box 1169, Dublin, GA 31021. Send protests to: E. E. Strotheid, D/S, ICC, 866 Strom Thurmond Fed. Bldg., 1835 Assembly St., Columbia, SC 29201.

MC 115413 (Sub-2TA), filed January 7, 1980. Applicant: BLISSFIELD TRUCK LINES, INC., P.O. Box 245, Archbold, OH 43502. Representative: Jesse L. Short (same address as applicant). *New furniture, furniture parts and materials, equipment, and supplies used in the manufacture of new furniture, except commodities in bulk,* between Archbold, OH, on the one hand, and, on the the other, points in GA, IL, IN, KY, MI, PA, TN, and St. Louis, MO and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sauder Woodworking Co., 502 Middle St., Archbold, OH 43502. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St., Room 620, Philadelphia, PA 19106.

MC 114632 (Sub-278TA), filed December 12, 1979. Applicant: APPLE LINES, INC., 212 S.W. Second Street, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *Meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A & C of Appendix I to the Report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk),* from points in NE on and east of US Hwy 281, points in MN on and south of a line beginning at the SD/MN border and extending along MN Hwy 28 to Jct. 194, thence along 194 to Jct. MN Hwy 23, thence along MN Hwy 23 to Jct. MN Hwy 94, thence along MN Hwy 95 to the MN/WI border, and from points in the Chicago, IL Commercial Zone to points in the US in and east of ND, SD, NE, KS, OK and TX for 180 days. Supporting shipper(s): Weinstein International Corp., 5738 Olsen Highway, Minneapolis, MN 55422. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 114632 (Sub-279TA), filed December 12, 1979. Applicant: APPLE LINES, INC., 212 S.W. Second Street, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *Malt beverages,* from the facilities of Miller Brewing Company at Milwaukee, WI to points in IL, IN, MI, NE, ND, & SD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Miller Brewing Company, 3939 West Highland Blvd., Milwaukee, WI 53201. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 114632 (Sub-280TA), filed December 17, 1979. Applicant: APPLE LINES, INC., 212 S.W. Second Street, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses (except frozen commodites and commodities in bulk),* originating from The Clorox Company facilities located at Kansas City, MO and destined to NE and SD for 180 days. Supporting shipper(s): The Clorox Company, 1221 Broadway St. Oakland, CA 94612. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 114632 (Sub-281TA), filed December 17, 1979. Applicant: APPLE LINES, INC., 212 S.W. Second Street, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *Foodstufs,* between the facilities of Delaware Freezer Center, located at Newark, DE on the one hand, and, on the other, points in and east of ND, SD, NE, CO & NM for 180 days. Supporting shipper(s): Louisville Freezer Center, 2000 South 9th St., Louisville, KY 40208. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 115092 (Sub-100TA), filed September 11, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Machinery and parts thereof and iron and steel articles* (except commodities which because of size or weight require specialized equipment) between Torrance, CA, on the one hand, and, on the other, Phoenix, AZ; Casper, WY; Albuquerque, NM; Pueblo and Denver, CO; Salt Lake City, UT Portland, OR; Cleveland, Columbus and Cincinnati, OH; Missoula, MT and Richmond, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Industrial Parts Depot, Inc., 1309 W. Sepulveda Blvd., Torrance, CA 90501. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115162 (Sub-516TA), filed December 20, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (address same as the address of the applicant). (1) *Alcohol anti-freeze, anti-freeze proprietory compounds, de-icing proprietory, windshield washer solvent (except in bulk, tank vehicles) containers and*

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enclosures, from points in Montgomery Co., AL to points in the United States in and east of ND, SD, NE, KS, OK, and TX; and (2) *Materials, supplies and equipment as are used in the manufacture, sale and distribution of the commodities named above (except in bulk, in tank vehicles),* from points in the United States in and east of ND, SD, NE, KS, OK, and TX to points in Montgomery Co., AL, for 180 days. Supporting shipper(s): Kinpak, Inc., P.O. Box 3594, Montgomery, AL 36109. Send protests to: Mabel E. Holston, TA, ICC, Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 115162 (Sub-517TA), filed January 3, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (address same as the address of the applicant). *Such commodities as are dealt in or used by manufacturers and dealers of agricultural equipment and machinery, industrial equipment and machinery, and lawn and leisure products (except commodities in bulk),* from the rail ramps at or near Ashburn, GA, to points in AL, FL, GA, MS, SC, and TN, for 180 days. An underlying ETA seeks 90 days authority. *Restriction:* Restricted to the transportation of shipments having a prior movement by rail. Supporting shipper(s): Deere & Co., John Deere Rd., Moline, Ill 61265. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616, 2121 Bldg., Birmingham, Al 35203.

MC 115413 (Sub-3TA), filed January 7, 1980. Applicant: BLISSFIELD TRUCK LINES, INC., 1–22155 SH2, P.O. Box 245, Archbold, OH 43502. Representative: Jesse L. Short, P.O. Box 245, Archbold, OH 43502. *Ramps boarding, uncrated; stands, viz; baggage loading, uncrated; maintenance, uncrated; tubular steel scaffolding, uncrated; tubular steel scaffolding accessories and supplies used in the manufacture of scaffolding* between (1) Archbold, OH and IL, IN, IN, KY, MI; St. Louis, MO and its commercial zone, and TN; (2) Erin, TN and IL, IN, KY, MI, OH and St. Louis, MO and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bil-Jax, Inc., E. Lugbill Rd., Archbold, OH 43502. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., Room 620, 101 North 7th St., Philadelphia, PA 19106.

MC 118202 (Sub-151TA), filed December 31, 1979. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge St., P.O. Box 406, Winona, MN 55987. Representative: Eugene A. Schultz (address same as applicant). *Such merchandise as is dealt in by wholesale and retail gift stores* (1) from Addison, TX to Oklahoma City and Tulsa, OK; Kansas City, MO and its commercial zone, St. Louis, MO, Louisville, KY; Memphis, IN; Little Rock, AR; Atlanta, GA and DC. (2) from New York City, NY and its commercial zone; Boston, MA; Baltimore, MD and Blanchard, OH to Addison, TX. Restricted to shipments originating at or destined to the facilities utilized by Tuesday Morning, Inc. at the above named origins and destinations for 180 days. Supporting shipper(s): Tuesday Morning, Inc., 14621 Inwood Rd., Addison, TX 75240. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 119793 (Sub-15TA), filed December 28, 1980. Applicant: DEWEY L. WILFONG, d.b.a. D & W TRUCK LINES, 209 First St., Parsons, WV 26287. Representative: Dwight L. Koerber, 666 11th St., Washington, DC 20001. Contract carrier, irregular routes: *Charcoal briquettes* from the facilities of The Kingsford Co., at or near Burnside, KY; St. Louis, MO; Belle, MO; Columbus, and Cleveland, OH; Dothan, AL; Atlanta, GA; Charlotte, NC; and Chicago, IL to points in and east of MN, IA, MO, AR, and LA, under continuing contract(s) with The Kingsford Co., Louisville, KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Kingsford Co., 1700 Commonwealth Bldg., Louisville, KY 40202. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St., Room 620, Philadelphia, PA 19106.

MC 121733 (Sub-2TA), filed January 15, 1980. Applicant: SEA-RAIL TRUCKLOADS, INC., 4632 Shiela Avenue, Los Angeles, CA 90040. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *New furniture in cartons,* from Booneville, Houston, Okolona, Pontotoc, Tupelo and Sherman, MS; Sanford, Liberty, Hickory and Lenoir, NC; and Austin and El Paso, TX to points in AZ, CA, CO, NM, NV, TX, OK, OR, WA and (2) from Los Angeles County, CA to points in AZ, CA, CO, NM, NV, TX, OK, OR, and WA, restricted to traffic originating at or destined to the facilities of Grantree Furniture Rental Corp., for 180 days. Supporting shipper(s): Grantree Furniture Rental Corporation, 201 S.W. Arthur Street, Portland, OR 97201. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 124692 (Sub-329TA), filed January 25, 1980. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). (1) *Building and construction materials* (except in bulk), and (2) *materials and supplies* used in the maufacture and distribution of construction materials, between the facilities of Celotex Corporation at or near Tracy, CA on the one hand, and, on the other, points in the U.S. in and west of MN, IA, MO, AR and LA, for 180 days. Supporting shipper(s): Jim Walter Corporation, 1500 North Dale Mabry Hwy., Tampa, FL 33607. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 126822 (Sub-81TA), filed January 31, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 S. 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt, 15580 S. 169 Highway, Olathe, KS 66061. *Nonalcoholic cocktail mixes* from Byhalia, MS to points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Master of Mixes, Inc., 10975 Grandview St., Suite 120, Corporate Woods 27, Overland Park, KS 66210. Send protests to: Ruth Allport, TCS, ICC, Suite 600, 411 W. 7th St., Fort Worth, TX 76102.

MC 129862 (Sub-22TA), filed January 21, 1980. Applicant: JUR CORPORATION, d.b.a. RAJOR, INC., P.O. Box 756, 100 Beta Drive, Franklin, TN 37064. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract carrier:* irregular routes: *Air conditioning and heating units (except commodities which because of size or weight require the use of special equipment)* from points in Davidson County, TN to points in DC and NJ and those points in DE on and north of U.S. Hwy 40, in MD on and east of I–81 and on, west and north of U.S. Hwy 301 and in PA on, east and south of I–81 from the MD-PA state line to Jct. I–80 at or near St. Johns, then on and south of I–80 to the PA-NJ state line, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heil Quaker Corporation, 1714 Heil Quaker Blvd., LaVergne, TN 37086. Send protests to: Glenda Kuss, TA, ICC, A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 138732 (Sub-35TA), filed January 3, 1980. Applicant: OSTERKAMP TRUCKING, INC., 764 North Cypress Street, P.O. Box 5546, Orange, CA 92667. Representative: Michael R. Eggleton, 2500 Old Crow Canyon Road, Suite 325, San Ramon, CA 94583. *Empty glass containers,* from points in California to points in Arizona, for 180 days. Supporting shipper(s): Kerr Glass Manufacturing Corp., Shipping

Supervisor, P.O. Box 2365, Santa Ana, CA 92707; Brockway Glass Co., Inc., Traffic Manager, West Coast Division, 8717 G Street, Oakland, CA 94621. Send protests to: Irene Carlos, TA, ICC, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 138732 (Sub-36TA), filed January 15, 1980. Applicant: OSTERKAMP TRUCKING, INC., 764 N. Cypress St., P.O. Box 5546, Orange, CA 92667. Representative: Michael R. Eggleton, 2500 Old Crow Canyon Rd., Suite 325, San Ramon, CA 94583. *Empty wooden pallets, and wood products,* from the facilities of Hunter Woodworks, at Carson, California, to points in Arizona and Nevada, for 180 days. Supporting shipper(s): Hunter Woodworks, P.O. Box 4937, Carson, CA 90749. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 138762 (Sub-53TA), filed January 30, 1980. Applicant: MUNICIPAL TANK LINES, LIMITED, P.O. Box 3500, Calgary, AB, CD T2P 2P9. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59401. *Decant oil,* in bulk, in tank vehicles, from Toledo, OH to the International Boundary line between the U.S. and Canada at or near ports of entry in MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Columbian Chemicals Canada, Ltd., P.O. Box 3398, Station C, Hamilton, ON CD L8H 7M2. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 138882 (Sub-349TA), filed January 22, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *(1) Roofing and roofing materials,* from the facilities of Elk Corporation of Alabama, at or near Tuscaloosa, AL, to points in KY and SC; and *(2) materials, equipment and supplies utilized in the manufacture or distribution of roofing and roofing materials, and roofing and roofing materials,* from points in AR, MS, LA, KY and SC, to the facilities of Elk Corporation of Alabama, at or near Tuscaloosa, AL, for 180 days. Supporting shipper(s): Elk Corporation of Alabama, P.O. Box 2450, Tuscaloosa, AL 35401. Send protests to: Mabel E. Holston, TA, ICC, Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 138882 (Sub-350TA), filed November 6, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) Containers and container end, caps, and covers and (2) Materials, equipment, and supplies used in the manufacture and sale of (1) above, between the facilities of National Can Corporation, its customers and suppliers located at points in the States of AL, AR, FL, KS, LA, MS, NC, SC, OK, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Can Corporation, Route 287 and Randolphville Road, Piscataway, NJ 08854. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 138882 (Sub-351TA), filed January 28, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). *Lumber,* from the facilities of Union Camp Corporation at or near Saco, AL, to points in FL, GA and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Camp Corporation, 1600 Valley Road, Wayne, NJ 07470. Send protests to: Mabel E. Holston, TA, ICC, Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 139482 (Sub-173TA), filed December 31, 1979. Applicant: NEW ULM FRIGHT LINES, P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. *Bananas, and bananas when moving in mixed loads with exempt agricultural commodities* from Baltimore, MD and New York City, NY to points in IL, IN, MI, OH, PA and WI for 180 days. Supporting shipper(s): Castle & Cooke Foods, P.O. 3929, San Francisco, CA 94119. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 139642 (Sub-6TA), filed January 7, 1980. Applicant: BAMA TRANSPORTATION COMPANY, INC., 5247 East Pine, Tulsa, OK 74115. Representative: Jack R. Anderson, 9 East Fourth Street, Suite 305, Tulsa, OK 74103. *Contract* carrier: *Irregular* routes: *General commodities,* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Rouses Point, NY and Swanton, VT, to all points in AR, IL, IN, KS, KY, MI, MO, OK, OH, TN, & TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Champlain Valley International Shippers and Receivers Association, Inc., P.O. Box 277, Rouses Point, NY 12979. Send protests to: Connie Stanley, ICC, Rm 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 140612 (Sub-82TA), filed January 31, 1980. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour (same address as applicant). *Such merchandise as is dealt in or used by retail stores (except foodstuffs and commodities in bulk, in tank vehicles)* between points in the U.S. (except AK and HI), for 180 days, restricted to traffic orginating at or destined to the facilities of the Ardan Co. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ardan Wholesale, Inc., 2320 Euclid, Des Moines, IA 50310. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 142383 (Sub-42TA), filed November 19, 1979. Applicant: KUJAK TRANSPORT, INCORPORATED, 6366 West 6th Street, Winona, MN 55987. Representative: Gary Huntbatch (same as applicant). *Salt, (in bulk),* from LaCrosse, WI to pts in MN on and east of Hwy 71 and on and south of Hwy 19, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Maldot, Area Maintenance Eng., Hwy 14, Owatonna, MN 55060. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.

MC 142703 (Sub-26TA), filed January 7, 1980. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., Post Office Box 14072, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between Macon, GA, on the one hand, and, on the other, points in GA, restricted to transportation of shipments having a prior or subsequent movement by rail. Supporting shipper(s): Sears, Roebuck & Co., Sears Tower, Chicago, IL 60684; Ohio Valley Shippers Association, 1428 Dalton St., Cincinnati, OH 45214. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St., Room 620, Philadelphia, PA 19106.

MC 144682 (Sub-38TA), filed January 7, 1980. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Suite 1125 Exchange Park, Dallas, TX 75245. (1) Malt beverages and related advertising materials from Jefferson County, CO, to ID, OK, and TX; (2) Empty used beverage containers for recycling and materials and supplies used in and dealt with by breweries

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from ID, OK, and TX to Jefferson County, CO for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s): Adolph Coors Company, Golden, CO 80401. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th Street, Suite 600, Ft. Worth, TX 76102.

MC 144682 (Sub-39TA), filed January 16, 1980. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. (1) *Foodstuffs, frozen or unfrozen,* from the facilities used by Texsun Corporation at Weslaco, TX, Plymouth, IN and points in FL to points in the states of WA, CA, OK, CO, KY, TN, AR, MS, LA, UT, NM, KS, IA, MO, IN, AL, OR, NE, AZ, IL, MI, WI, OH, NV, MT, MN, ND, and TX. (2) *Supplies, equipment, and materials used in the manufacture of foodstuffs* from points in the U.S. to the facilities used by Texsun Corp. at Weslaco, TX, Plymouth, IN, and points in FL, for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s): Texsun Corporation, 522 S. Texas St., Weslaco, TX 78596. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th Street, Suite 600, Ft. Worth, TX 76102.

MC 145102 (Sub-51TA), filed January 14, 1980. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Such commodities as are manufactured or distributed or used by manufacturers or distributors of plastic, wooden and health care products* from the facilities of Bemis Manufacturing Company at or near Sheboygan Falls, WI to points in AL, AZ, CA, CO, FL, GA, ID, MT, NV, NM, OK, OR, TX, UT, and WA for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Bemis Manufactring Co., 300 Mill Street, Sheboygan Falls, WI 53085. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 147723 (Sub-1TA), filed January 12, 1980. Applicant: E. B. COMPANY, INC., 5100 W. 164th St., Brook Park, OH 44142. Representative: Edward J. Bammerlin (same address as applicant). *Cleaning compound products and equipment,* except in bulk, between the facilities of State Chemical Mfg. Co., located at or near Los Angeles, CA, Newark, NJ, Atlanta, GA and Cleveland, OH, on the one hand, and, on the other, points in the US (except AL and HI); and *materials, equipment and supplies used in the manufacture and transportation of cleaning compounds, except in bulk, and empty containers, such as are used in the transportation of cleaning compounds* on return, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): State Chemical Mfg. Co., 3100 Hamilton Ave., Cleveland, OH 44114. Send protests to: ICC, 620 Fed. Res. Bank Bldg., 101 N. 7th St., Phila., PA 19106.

MC 147842 (Sub-1TA), filed January 23, 1980. Applicant: COLEMAN BROS. TRUCKING, INC., Route 1, P.O. Box 203, Potosi, MO 63664. Representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, MO 63101. Contract, irregular, *Iron ore and iron oxide,* from the facilities of St. Joe Lead Company at or near Sullivan, MO to Shawnee, OK, Elizabethtown, KY, and Washington, IN, under continuing bilateral contract with St. Joe Lead Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): St. Joe Lead Company, 7733 Forsyth Blvd., Clayton, MO 63105. Send protests to: Marianne Minnich, TCS, ICC, Suite 600, 411 W. 7th, Ft. Worth, TX 76102.

MC 148192 (Sub-2TA), filed September 28, 1979. Applicant: H. GOODMAN & SONS, INC., 969 Newark Turnpike, Kearny, NJ 07032. Representative: Thomas F. Kilroy, Suite 406 Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Contract carrier, irregular routes for 180 days. Printed matter and printing paper from Chicago, IL to points in CT, GA, MD, NY, PA, VA and the District of Columbia. Supporting shipper(s): Time, Inc., Time-Life Bldg:, 19th Floor, 303 East Ohio Street, Chicago, IL 60611. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NY 07102.

MC 148292 (Sub-4TA), filed September 28, 1979. Applicant: J. POSA, INC., One North First Street, Fulton, NY 13069. Representative: Piken & Piken, 95–25 Queens Blvd., Rego Park, NY 11374. *Malt beverages and related advertising materials,* from New York, NY and Elizabeth, Secaucus and Newark, NJ and points in their commercial zones, to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, VT, VA and DC. *Empty barrels, pallets and supplies,* from points in destination states above to points shown as origins above, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Van Munching & Co., Inc., 51 W. 51st St., New York NY 10019. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 West Huron St., Buffalo, NY 14202.

MC 148292 (Sub-6TA), filed January 21, 1980. Applicant: J. POSA, INC., One North First Street, Fulton, NY 13069. Representative: Piken & Piken, 95–25 Queens Blvd., Rego Park, NY 11374. *Malt beverages and related advertising materials,* between Baltimore, MD; Richmond, VA; and points on the US-Canadian border in NY, on the one hand, and, on the other, points in CT, MA, RI, ME, NH, VT, NY, NJ, PA, DE, MD, VA, NC, SC, GA and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Van Munching & Co., Inc., 51 W. 51st Street, New York, NY 10019. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 148352 (Sub-2TA), filed November 1, 1979. Applicant: R & B TRUCKING COMPANY, INC., P.O. Box 351, Millport, AL 35576. Representative: Ronald L. Stichweh, 727 Frank Nelson Building, Birmingham, AL 35203. *Treated and untreated lumber and plywood* (1) From Lamar County, AL, and Fulton, MS, to points located in AL, AR, CT, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NC, OH, OK, PA, SC, TN, TX, VA, and WV; and (2) from all points in the states of GA, MS, and SC to Lamar County, AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weyerhaeuser Co., Inc., P.O. Box W, Millport, AL 35576. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 148373 (Sub-2TA), filed January 22, 1980. Applicant: WARNER ROSS TRUCKING, INC., Route 1, Box 282, Toone, TN 38381. Representative: R. Connor Wiggins, Suite 909, 100 N. Main St., Memphis TN 38103. (1) *Crossties, lumber and lumber mill products,* between points in TN on and west of the TN River on the one hand, and, on the other, IN, KY, GA, MO, MS, AL, IL and AR and (2) *Log homes and components thereof,* in straight or mixed shipments, from Mooreville, MS to points in AL, AR, GA, IL, IN, KY and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are five supporting shippers, which can be reviewed at Washington, DC. or office listed below: Send protests to: Diana J. Porter, Suite 2006, 100 N. Main St., Memphis, TN 38103.

MC 148443 (Sub-4TA), filed January 4, 1980. Applicant: SOUTH SHORE EQUIPMENT CORP. 1294 Miller Rd., Avon, OH 44011. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. (1) *Cleaning compounds, rust preventing compounds, proprietary electroplating additives, paint, paint products, metal and metal products, petroleum products, nickel, chemicals,* and (2) *materials and supplies used in the manufacturing, marketing, and distribution of commodities in (1) above* (except in bulk) between Cleveland, OH, CT, SC, FL, MI, MN, IL, MO, TX, LA, CO, AZ, CA, and WA, on the one hand, and, on the other, points in the continental U.S., for 180 days. Supporting shipper(s): R. O. Hull & Co., 23000 St. Clair Ave., Cleveland, OH 44117. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St. Room 620, Philadelphia, PA 19106.

MC 148552 (Sub-1TA), filed November 19, 1979. Applicant: MOTOR HOME TRANSPORT INC. CA, 3401 Etiwanda Ave., Space #941, Mira Loma, CA 91752. Representative: David L. Steinhagen (same address as above). *Motor homes,* between Riverside, Orange and Los Anbles Counties CA. and points in the United States (except Hawaii), for 180 days. An underlying ETA granted up to 90 days operating authority. Supporting shipper(s): There are approximately 8 supporting shippers. Their statements may be seen at the office below or at Headquarter. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 148802 (Sub-1TA), filed January 21, 1980. Applicant: R.P.M. MESSENGER SERVICE, 3387 Quakerbridge Road, Mercerville, NJ 08619. Representative: Russell B. Hiner, 3387 Quakerbridge Road, Mercerville, NJ 08619. (1) Interoffice communications (2) books and brochures (3) machinery and aircraft parts (4) computer tapes (5) legal documents (6) materials as are used in operations of business offices. The described commodities shall not exceed 3500 lbs. in any one shipment, not shall it require any vehicle larger than a parcel van. Between points in NJ, PA and NY, for 180 days. Supporting shipper(s): Wall Colmonoy Corporation, 149 Newbold Road, Fairless Hills, PA 19030 Sibson & Company, Inc., 1101 State Road, Princeton, NJ 08540. Send protests to: Robert J. Latarewicz, TR&TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 149072TA, filed December 28, 1979. Applicant: ROBERT L. BELL, Skaar Route, Box 264, Sidney, MT 59270. Representative: Otto T. Habedank, Attorney, 302 W. Main, Sidney, MT 59270. *General Commodities* with the usual exceptions, from Glendive, MT to Sidney, MT via MT Hwy 16 and return over the same route, serving all intermediate points; and from Fairview, MT to Circle, MT via MT Hwy 200 and return over the same route, serving all intermediate points, for 180 days. Supporting shipper(s): Sunrise Equipment, Inc., Hwy 16 North, Sidney, MT 59270; Larson Motor Co., 215 East Main, Sidney, MT 59270; Valley Motor Supply Co., 216 North Central, Sidney, MT 59270; Gem City Motor Co., 203 So. Central Ave., Sidney, MT 59270; Texas Refinery Corp., P.O. Box 711, Ft. Worth, TX 76101. Send Portests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 149253 (Sub-1TA), filed January 30, 1980. Applicant: THE HONEY CREEK EXPRESS CO., Blakesburg, IA 52536. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. (1) *meats, meat products, and meat byproducts, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) and (2) materials, equipment, and supplies (except commodities in bulk) used in the processing and distribution of meats, meat products, and meat byproducts* between the facilities of Honey Creek Provisions Co. at or near Nevada, OH, on the one hand, and, on the other, points in and west of MI, IN, KY, TN, and MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Honey Creek Provisions Co., P.O. Box 7, Nevada, OH 44849. Send Portests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 149342TA, filed January 28, 1980. Applicant: THOMAS H. TAUNTON, Rt. 1 Box 182, Butler, GA 31006. Representative: Verna C. Taunton, Rt. 1 Box 182, Butler GA 31006. *Farm products (soybeans, corn, wheat, oats, rye, fruits and vegetables), fertilizer and fertilizer materials; agricultural limestone, land plaster, basic slag, fertilizer compounds (manufactured fertilizers), NOI, dry,* between points in GA, FL, AL, NC, and SC. for 180 days. Supporting shipper(s): Schley County Agri-Services, Inc., Ellaville, GA 31806. Send protests to: Sara K. Davis, T/A, Interstate Commerce Commission, 1252 West Peachtree Street, NW., Suite 300, Atlanta, GA 30309.

MC 147862 (Sub-1TA), filed November 21, 1979. Applicant: G. L. NICHOLS TRUCKING, INC., P.O. Box 86, Flora, IL 62839. Representative: Michael W. O'Hare (attorney-at-law), 300 Reisch Bldg., Springfield, IL 62701. *Contract:* irregular: meats, meat products, meat by-products and articles distributed by meat packaging houses as described in Motor Carrier Certificates 61, M.C.C. 209 and 766 except hides and commodities in bulk for the account of Swift and Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift & Co., 115 W. Jackson Blvd., Chicago, IL 60604. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60404.

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MC 908 (Sub-12TA), filed December 13, 1979. Applicant: CONSOLIDATED CARTAGE COMPANY, INC., P.O. Box 171, Argo, IL 60501. Representative: Eugene L. Cohn, One North LaSalle St., Chicago, IL 60602. *Electrical and electronics group: sets, television and related articles including, wooden and plastic cabinets and parts thereof, materials, equipment, supplies used in the manufacture and distribution of aforementioned articles, also, same rejected material being returned to vendors,* between the Chicago, IL commercial zone, on the one hand, and on the other hand points in IN Louisville, KY, Cincinnati, OH, and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Matsushita Industrial Co., 9401 W. Grand Avenue, Franklin Park, IL 60131. Send protests to: Jackie Banks, TA., ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 908 (Sub-13TA), filed December 13, 1979. Applicant: CONSOLIDATED CARTAGE COMPANY, INC., P.O. Box 171, Argo, IL 60501. Representative: Eugene L. Cohn, One North LaSalle St., Chicago, IL 60602. *Containers sheet steel group; and materials, equipment and supplies used in the manufacture and distribution of containers,* between Chicago, IL commercial zone on the one hand, and, on the other hand, points in IN, Louisville, KY, Detroit, MI, St. Louis, MO, and Cincinnati, OH, and their respective commercial zones. Restricted against commodities in bulk, class A and B explosives, and household goods, 180 days, an underlying ETA seeks 90 days authority. Supporting shipper(s): Brenton P. Hirsch, 3200 S. Kilbourn Ave., Chicago, IL 60623. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 143868 (Sub-9TA), filed January 3, 1980. Applicant: R.E.T.E.N.O. CARRIERS, INC., P.O. Box 1438, Willmar, MN 56201. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract carrier:* Irregulr routes: (1) *Equipment, materials, and parts used in the manufacture or assembly of components for chain saws, in vehicles equipped with mechanical refrigeration,* between the port of entry on the international boundary line between the United States and Canada located at or near Blaine, WA, on the one hand, and on the other, Dyer and Jackson, TN, and (2) *bar, coil and extruded steel, in vehicles equipped*

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with mechanical refrigeration, from Detroit, MI, Palmer, MA, and points in PA (except Aliquippa and Farrell) to the port of entry on the internal boundary line between the United States and Canada located at or near Blaine, WA for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Windsor Machine Co., Ldt., 5771 Production Way, Langley, BC, Canada. Send protests to: Transportation Assistant, ICC 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 146438 (Sub-7TA), filed January 4, 1980. Applicant: ETV, INC., P.O. Box 393, Comstock Park, MI 49321. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. (1) *Frozen foods and* (2) *Materials and supplies used in the manufacture and distribution of frozen foods (except commodities in bulk),* (1) from the facilities of Chef Pierre Inc. at or near traverse City, MI to its facilities at Forest, MS and (2) from MI, IN, OH, IL and WI to the facilities of Chef Pierre Inc. at Forest, MI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chef Pierre, Inc., Box 1009, Traverse City, MI 49684. Send protests to: Transportation Assistant. ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

Notice No F–12

The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 119118 (Sub-2–1TA), filed February 11, 1980. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, PA 15650. Representative: Craig B. O'Rourke (same address as applicant). *Malt beverage in containers, empty malt beverage containers and pallet on return and materials and supplies used in the manufacture of malt beverages,* between Latrobe, PA, on the one hand, and, on the other, points in ME, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Latrobe Brewing Co., Box 350, Latrobe, PA 15650.

MC 150035 (Sub-2–1TA), filed February 7, 1980. Applicant: KALL-WALKER ENTERPRISES, INC., d.b.a. TERMINAL DISTRIBUTION SERVICE, P.O. Box 156 Mid-City Station, 20–60 Eaker St., Dayton, OH 45402. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Such commodities as are distributed or dealt in by food distribution centers or by wholesale, retail and chain grocery and food business houses,* between the facilities of Terminal Cold Storage at Dayton, OH, on the one hand, and, on the other, points in IL, IND, KY, MI, PA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Terminal Cold Storage Co., P.O. Box 156, Mid-City Station, 20–60 Eaker St., Dayton, OH 45402; Sell, Inc., 836 Westbrook Rd., Dayton, OH 45415.

MC 150182 (Sub-2–1TA), filed February 8, 1980. Applicant: DONALD SANTISI TRUCKING COMPANY, 1024 N. Main St., Niles, OH 44446. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Building materials* (except commodities in bulk), between Cuyahoga Falls, Wadworth and West Salem, OH, on the one hand, and, on the other, points in AZ, CA, ID, MT, NV, OK, OR, TX, UT and WA, for 180 days. An underlying ETA requests 90 days authority. Supporting shipper(s): Alside, Inc., 3773 Akron-Cleveland Rd, POB 2010, Akron, OH 44309.

MC 144188 (Sub-2–1TA), February 8, 1980. Applicant: P. L. LAWTON, INC., Box 325, Berwick PA 18603. Representative: J. Bruce Walters, P.O. Box 1146, 410 North Third St., Harrisburg, PA 17108. (1) *Agricultural and horticultural supplies made of molded pulp or peat with or without other ingredients, I.E. egg cartons, filler flats (filler flats combined), cup flats, interior packing forms, trays, packing partitions, peat pots, seedling blocks, propogating shapes, till boxes, and articles used in the manufacture and packaging of such articles,* between the facilities utilized by Keyes Fibre Company at or near Hammond, IN, and points in MN, WI, MI, IA, IL, IN, OH, PA, WV, KY, MO, OK, AR, TN, AL (except points on and north of U.S. Hwy 78), MS, TX, KS and LA, and, between the facilities utilized by Keyes Fibre Company at or near New Iberia, LA, and points and places in MN, WI, MI, IA, IL, IN, OH, PA, WV, KY, MO, OK, AR, TN, AL, MS, TX, LA, and FL; and (2) *expanded or foam plastic egg cartons* and *food service containers,* between the facilities utilized by Keyes Fibre Company at or near Troy, OH, Dayton, OH, Waterville, ME, Hammond, IN, and Memphis, TN, and points in CT, DE, FL, GA, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VT, VA, and WI, with (1) and (2) above restricted to traffic originating at or destined to the facilities of Keyes Fibre Company, for 180 days. Supporting shipper: Keyes Fibre Company, Waterville, ME 04091.

MC 55847 (Sub-2–3FA), filed February 14, 1980. Applicant: TRP, INC., 3320 South Third St., Philadelphia, PA 19148. Representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 19107. *Contract carrier; irregular routes:* (1) *Unprinted paper* from the facilities of Roosevelt Paper Co. at Philadelphia, PA to New York and Suffolk County, NY, DC and points in DE, MD and NJ; (2) *Materials, equipment and supplies used in the manufacture and distribution of unprinted paper (except in bulk)* from the destinations set forth in (1) above to the facilities of Roosevelt Paper Co. at Philadelphia, PA, under continuing contract(s) with Roosevelt Paper Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Roosevelt Paper Co., 7601 State Road, Philadelphia, PA 19136.

MC 124821 (Sub-2–2TA), filed February 14, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. *Foodstuffs, pet foods, and animal feeds,* between the facilities of Carnation Co. at or near Ft. Wayne, IN; Kokomo, IN; Jacksonville, IL; Jefferson, WI; Mechanicsburg, PA and South Dayton, NY, on the one hand, and, on the other, points in IL, IN, WI, NY, NJ and PA, for 180 days. Restricted to the transportation of traffic originating at or destined to the facilities of Carnation Co. Supporting shipper(s): Carnation Co., 5045 Wilshire Blvd., Los Angeles, CA 90036.

MC 126255 (Sub-2–1TA), filed February 13, 1980. Applicant: BUTLER–JONES AIR FREIGHT, INC., Salisbury-Wicomico Airport, P.O. Box 1964, Salisbury, MD 21801. Representative: Peter A. Greene, 900 17th St., NW., Washington, D.C. 20006. *General commodities,* (except those of unusual value, Classes A and B explosives, commodities in bulk, houshold goods as defined by the Commission, and those requiring special equipment), between Baltimore-Washington International Airport, Anne Arundel County, MD and Washington National Airport, Gravelly Point, VA, on the one hand, and, on the other, points in Kent County, DE, restricted to the transportation of traffic having an immediately prior or subsequent movement by air, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Consolidated Thermpolastics, Inc., P.O. Box 27, Harrington, DE 19952; International Playtex, Inc., P.O. Box 631, Dover, DE 19901.

MC 21866 (Sub-2–2TA), filed February 12, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., 100 S. Broad St., Phila., PA. 19110. *Laminated panels,* from the facilities of Laminators, Inc. in Hatfield, PA to Houston, TX and Buffalo, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Laminators, Inc., P.O. Box 266, Hatfield, PA 19440.

MC 126119 (Sub-II–1TA), filed February 21, 1980. Applicant: EASTERN MOTORS TRANSPORT, INC., P.O. Box 501, Richmond, VA 23204. Representative: Mel P. Booker, Jr., 110 S. Columbus St., Alexandria, VA 22314. *Petroleum and petroleum products* (except petrochemicals), in bulk, from the Colonial Pipeline at or near Montvale, VA to Tazewell and Buchanan Counties, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gulf Oil Co.—U.S., P.O. Box 3706, Houston, TX 77001.

MC 115703 (Sub-II–1TA), filed February 11, 1980. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, 220 Park Road North, Wyomissing, PA 19610. Representative: Robert D. Gunderman, Suite 710 Statler Bldg., Buffalo, NY 14202. (1) *Air filtration equipment requiring transportation on specialized equipment only,* and (2) *return shipments in the reverse direction of raw materials supplies and equipment used in the manufacture, production, sale or distribution of air filtration equipment,* between Pineville, NC, on the one hand, and, on the other, points in AL, FL, GA, IN, MD, MI, NY, OH, PA and SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Aeronca Inc., P.O. Box 688, Pineville, NC.

MC 150056 (Sub-2–1TA), filed February 4, 1980. Applicant: EDWARD E. GARBER, d.b.a. CUSTOM TRANSPORT, 6600 Sweet Air Lane, Sykesville, MD 21784. Representative: Chester A. Zybult, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, DC 20005. *Insecticides, herbicides, pesticides, fertilizer and agricultural chemicals (except in bulk) and applicators therefor,* from South Plainfield, NJ and Lebanon, PA to points in FL, GA, NC and SC, for 180 days. Supporting shipper(s): Chevron Chemical, 1200 State St., Perth Amboy, NJ 08861.

MC 149021 (Sub-2–1TA), filed February 11, 1980. Applicant: HODGES TRUCKING CO., INC., P.O. Box 128, Axtron, VA 24054. Representative: Earnest Hodges (same address as applicant). *New furniture,* from Martinsville, VA to points in AX, CA and UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippper(s): Hooker Furniture Corp., P.O. Box 4708, Martinsville, VA 24112.

MC 150011 (Sub-2–1TA), filed February 11, 1980. Applicant: SOUTHWEST QUALITY FOODS, INC., Route 2, Box 160–H, Wytheville, VA 24382. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. (1) *Foodstuffs, not frozen, cleaning, scouring and washing compounds, methanol solidified, paper articles, plastic articles, scourers, toothpicks, chef hats, and straws,* from the facilities of John Sexton & Co. at or near Dorsey, MD to the facilities of John Sexton & Co. at Elk Grove Village, IL; and (2) *foodstuffs, frozen,* from the facilities of John Sexton & Co. at Baltimore, MD to the facilities of John Sexton & Co., at Lyons, IL; and (3) *foodstuffs, frozen or chilled,* from the facilities of John Sexton & Co. at Lyons, IL to Applalachia, VA, Greensboro, NC and Somerset, KY; and (4) *foodstuffs, not frozen,* from the facilities of John Sexton & Co. at or near Indianapolis, IN to Appalachia, VA and Somerset, KY; and (5) *foodstuffs, cleaning, scouring and washing compounds, methanol solidified, paper articles, plastic articles, scourers, toothpicks, chef hats, and straws,* from Greensboro, NC to Appalachia, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Somerset Foods, Box 799, Somerset, KY 42501, Quality Supply Inc., Box 189, Appalachia, VA and John Sexton & Co., P.O. Box JS, Chicago, IL 60690.

MC 128371 (Sub-2–1TA), filed February 11, 1980. Applicant: BELLEVUE AGGREGATE HAULERS, INC., 9410 Airport Hwy., Box 296, Holland, OH 43528. Representative: Kevin R. Reichley, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of metal containers, in dump vehicles,* between the facilities of American Can Co. at or near Whitehouse, OH, on the one hand, and, on the other, East Chicago and Gary, IN and Weirton, WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Can Co., American Lane, Greenwich, CT 06830.

MC 123744 (Sub-2–1TA), filed February 11, 1980. Applicant: BUTLER TRUCKING COMPANY, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. *Refractories,* from Wellsville, OH, and points in its commercial zone to ports of entry on the international boundary line between the US and Canada, at or near Buffalo, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swank Refractories Co., 400 Rouser Rd., Coraopolis Heights, PA; Empire Wholesale Lumber Co., Miami & Gault Sts., P.O. Box 249, Akron, OH 44309; Globe Refractories, Inc., Drawer D, Newell, WV 26050.

MC 110659 (Sub-2–1TA), filed February 11, 1980. Applicant: COMMERCIAL CARRIERS, INC., 975 Virginia St. West, Charleston, WV 25302. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. (1) *Beer and malt beverages* from Columbus, OH to points in Greenbrier County, WV; and (2) *used empty containers* from points in Greenbrier County, WV to Columbus, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Donald R. Runyon, President, Runyon Distributing, Inc., U.S. 219, Fairlee, Lewisburg, WV 24902.

MC 79550 (Sub-2–1TA), filed February 11, 1980. Applicant: ERSKINE TRUCKING, INC., 6210 Center Rd., Lowellville, OH 44436. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Reinforced concrete pipe* from the facilities of Price Brothers Co. at or near Dayton, OH to points in Allegheny and Washington Counties, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Erskine Contracting Corp., 8231 Pittsburgh Rd., Poland, OH 44514.

MC 150040 (Sub-2–1TA), filed February 11, 1980. Applicant: AUTUMN INDUSTRIES INC., Route 2, Southington, OH 44470. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Scrap metals,* in dump vehicles, between Akron, Cleveland, Fairport Harbor, Niles, Warren and Youngstown, OH, on the one hand, and, on the other, points in IN, MI, NY and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anndale Scrap Co., P.O. Box 1148, Akron, OH 44309; Dartron Corp. P.O.B. 1023, Fairport Harbor, OH 44077; Ohio Scrap Co., 326 Main Southwest, Warren, OH 44482 Warren Scrap Co., 641 Griswold, Warren, OH 44482; The Wilkoff Co., 1609 Wilson Ave., Campbell, OH 44405.

MC 138000 (Sub-II–1TA), filed February 22, 1980. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. *Paints, stains and varnishes, materials and supplies used in the manufacture thereof, except commodities in bulk,* Between Chicago, IL, Baltimore, MD and Atlanta, GA and their respective commercial zones, on the one hand, and, on the other, points in the United States, in and east of MN, IA, MO, AR and LA. An underlying ETA seeks 90 days authority. Supporting shipper(s):

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Coatings Division, Dutch Boy, Inc., 2325 Hollands Ferry Road, Baltimore, MD 21230.

MC 143924 (Sub-II–1TA), filed February 21, 1980. Applicant: GENE C. FUGATE, d.b.a. FUGATE TRUCKING, P.O. Box 14, Danville, VA 24541. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Glass containers and pallets,* between points in Henry County, VA. on the one hand, and, on the other, points in Rockingham County, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Midland Glass Co., Inc., P.O. Box 5577, Cliffwood, NJ 07721.

MC 115703 (Sub-21TA), filed October 4, 1979, originally published in **Federal Register** of January 28, 1980. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, 220 Park Rd. N., Wyomissing, PA 19610. Representative: Robert D. Gunderman, 710 Statler Bldg., Buffalo, NY 14202. *(1) Fiberglass shelters, the transportation of which, because of size or weight, requires the use of special equipment and (2) related parts and accessories* between the facilities of Virginia Fiberglass Products, Inc., at or near Roanoke, VA on the one hand and, on the other, points in CA, KS, NE, NV, TN, VA, UT, and MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Virginia Fiberglass Products, Inc., P.O. Box 1330, Roanoke, VA 24007. The purpose of this re-publication is to show the origin and destination points as were previously omitted in the first publication.

MC 123744 (Sub-78TA), filed December 14, 1979, originally published in **Federal Register** of February 25, 1980. Applicant: BUTLER TRUCKING CO., P.O. Box 88, Woodland, PA 16881. Representative: Dwight L Koerber, Jr., 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. *Materials and supplies used in the mining or land reclamation industries, machine parts and feed (except commodities in bulk)* from points in and east of ND, SD, NE, KS, OK, and TX to points in Clearfield, Indiana, Centre, Cambria, Clinton, Clarion, Elk, Blair, and Jefferson Counties, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): K & J Coal Co., Inc., P.O. Box 189, Westover, PA 16692; Mitchell Milling Co., Leavy Ave., Clearfield, PA 16830. The purpose of this re-publication is to show Indiana as a county in PA and not as a destination state as was originally published.

MC 2202 (Sub-626TA), filed December 17, 1979, originally published in **Federal Register** of February 19, 1980. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309. Representative: Wm. O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Common carrier, regular route: *General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* serving Tom's River, NJ and points in its commercial zone as an off-route point in connection with applicant's regular routes. Applicant intends to tack authority sought herein with authority held under MC 2202 and all Subs thereto and will affect all points served. Applicant intends to interline at all points of interchange, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Outdoor Sports Headquarters, Inc., 2290 Arbor Blvd., Dayton, OH 45439. The purpose of this re-publication is to reflect the tacking and interlining statements previously omitted in the first publication.

MC 119670 (Sub-II–1TA), filed December 31, 1979. Applicant: THE VICTOR TRANSIT CORPORATION, 5250 Este Ave., Cincinnati, OH 45232. Representative: Wm. R. Dally (same address as applicant). *Commodities dealt in or used by manufacturers of paper and paper articles (except commodities in bulk or waste paper)* between points in IL, IN, KY, MI, MO, OH, PA, VA, WV, and WI, provided that the authority herein authorized to the extent it duplicates any heretofore granted to applicant shall not be construed as conferring more than one operating rights, for 180 days. Supporting shipper(s): Inland Container Corp., 151 N. Delaware St., Indianapolis, IN 46206; Alton Box Board Co., 401 Alton St., Alton, IL 62002.

MC 48302 (Sub-II–1TA), filed December 6, 1979. Applicant: TONY TERAMANA, P.O. Box 850, Steubenville, OH 43701. Representative: Jerry B. Sellman, 50 W. Broad, Columbus, OH 43215. *Coal,* from Jefferson County, OH to Beaver County, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Schiappa Coal Co., Inc., P.O. Box 728, Steubenville, OH 43952.

MC 5470 (Sub-II–2TA), filed January 17, 1980. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Ronald E. Chutz (same address as applicant). *Sponge iron,* in dump vehicles, from Georgetown, SC to points in the United States, for 180 days. Supporting shipper(s): Georgetown Ferreduction, 1201 Front St., Georgetown, SC 29440.

MC 5470 (Sub-II–1TA), filed January 10, 1980. Applicant: TAJON, INC., R.D. 5 Mercer, PA 16137. Representative: Mary Chutz-Eshenbaugh (same address as applicant). *Crude clay,* in bulk, from Albany, NY to Aspers, PA, for 180 days. Supporting shipper(s): Hammill & Gillespie, Inc., 78 Elmwood Dr., Livingston, NJ 07039.

MC 5470 (Sub-II–3TA), filed January 17, 1980. Applicant: TAJON, INC., R.D. 5 Mercer, PA 16137. Representative: Mary Chutz-Eshenbaugh (same address as applicant). *Coal,* in dump vehicles, from Armstrong, Clarion and Jefferson Counties, PA to Ogdensburg, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kittanning Freeport Coal Co., P.O. Box 460, Brookville, PA 15825.

MC 135234 (Sub-II–1TA), filed December 20, 1979. Applicant: TRENCO, INC., P.O. Box 697, Williamsport, PA 17701. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., Washington, DC 20001. Contract carrier-irregular routes: *Electric cable and aluminum articles,* from the facilities of Alcan Aluminum Corporation, at or near Sedalia, MO, to points in and east of WI, IL, KY, TN, and MS, for 180 days. An underlying ETA seeks 30 days authority. Supporting shipper(s): Alcan Aluminum Corp., P.O. Box 6977, Cleveland, OH 44101.

MC 10115 (Sub-II–1TA), filed January 14, 1980. Applicant: C. D. ZIMMERMAN, INC., R.D. 3, Mifflintown, PA 17059. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. *Clay and refractory products and materials and supplies used in the manufacture, installation and processing of clay and refractory products* between the facilities of General Refractories Co. at or near Warren, OH, on the one hand, and, on the other, points in CT, MD, NJ, NY, PA, VA, and WV and between the facilities of General Refractories Co. at or near Baltimore, MD, on the one hand, and, on the other, points in NY, OH, VA, PA, and WV, for 180 days. Supporting shipper(s): General Refractories Co., 50 Monument Rd., Bala Cynwyd, PA 19004.

MC 8958 (Sub-II–3TA), filed January 11, 1980. Applicant: YOUNGSTOWN CARTAGE COMPANY, P.O. Box 119, 825 West Federal St., Youngstown, OH 44501. Representative: Philip J. Cianciolo (same address as applicant). *Iron and steel articles viz wire rods and coils,* from the facilities of Raritan River Steel Company in Perth Amboy, NJ on the one hand to points in FL, GA, IL, IN, KY, MD (West of Route 15), MI, WV, NC, PA (West of Route 15), SC, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Raritan River Steel Company, P.O. Box 309, Perth Amboy, NJ 08862.

MC 21866 (Sub-II–4TA), filed January 10, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, Esq., 1920 Two Penn Center Plaza, Philadelphia, PA 19102. *Food and food products,* between the facilities of Bachman Foods, Inc. located in (1) Reading, PA, and (2) Terre Haute, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bachman Foods, Inc., P.O. Box 898, Reading, PA 19603.

MC 21866 (Sub-II–3TA), filed January 10, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, Esq., 1920 Two Penn Center Plaza, Philadelphia, PA 19102. *Plastic containers,* from the facilities of Woodstream Corporation in Lititz, PA to Cleveland, OH, for 180 days. An underlying ETA seeks 90 days extension. Supporting shipper(s): Woodstream Corp., Lititz, PA 17543.

MC 9914 (Sub-II–1TA), filed January 15, 1980. Applicant: WARREN TRUCKING COMPANY, INC., P.O. Box 5224, Martinsville, VA 24112. Representative: Richard L. Hollow, P.O. Box 550, Knoxville, TN 37901. *New furniture,* from points in Henry and Smyth Counties, VA to points in KY and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Furniture Company Martinsville, VA 24112.

MC 144986 (Sub-II–1TA), filed December 28, 1979. Applicant: STAHLER TRUCKING & LEASING, INC., 208 E. Harrison St., Wapakoneta, OH 45895. Representative: John L. Alden, 1396 W. 5 Ave., Columbus, OH 43212. Contract carrier, irregular routes: *Foodstuffs, except in bulk,* between the facilities of Lancaster Colony Corporation and its subsidiaries and divisions T. Marzetti Co., New York Frozen Foods, Inc., and Quality Bakery Co., Inc., at or near Bedford Hts. and Columbus, OH, on the one hand, and, on the other, points in AL, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NE, NJ, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, VA, WA, WV, and WI, for 180 days, under continuing contract(s) with Lancaster Colony Corp. and its owned subsidiaries. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lancaster Colony Corp., 37 W. Broad St., Columbus, OH 43215.

MC 61825 (Sub-II–3TA), filed January 18, 1980. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Dr., P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). (1) *Salt and salt products, in containers, (2) pepper, in containers, in mixed loads with salt in containers, and (3) materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, in mixed loads with salt in containers,* from (1) Jefferson Island and Weeks, LA to points in AL, FL, GA, KY, MS, NC, SC, and TN and from (2) Watkins Glen, NY to points in VA located north and east of a line beginning at the WV–VA state line and extending along U.S. Hwy 60 to junction U.S. Hwy 15, and then along U.S. Hwy. 15 to the VA–NC State line, for 180 days. Supporting shipper(s): Diamond Crystal Salt Co., 916 S. Riverside Ave., St. Clair, MI 48079; Cargill, Inc./Salt Division, 518 E. Fourth St., Watkins Glen, NY 14891; Morton Salt, Division of Morton-Norwich Products Inc., 110 North Wacker Drive, Chicago, IL 60606.

MC 148831 (Sub-II–1TA), filed January 7, 1980. Applicant: STUMPS REFRIGERATED EXPRESS, INC., R.D. #1, Tiro, OH 44887. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. (1) *meats, meat products and meat byproducts as described in Section A of Appendix I to the Report in Descriptions in Motor Carrier Certificate 61 MCC 209 and 272 and (2) materials, equipment and supplies (except in bulk) used in the processing and distribution of the commodities in (1) above,* between facilities of Honey Creek Provisions Co. at or near Nevada, OH, on the one hand, and, on the other, points in CT, DE, IA, IL, IN, KY, MD, MA, MI, MN, NJ, NY, PA, RI, TN, VA, WV, WI, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Honey Creek Provisions, Co., 17739 S.H. 231, P.O. Box 7, Nevada, OH 44849.

MC 61825 (Sub-II–2TA), filed January 28, 1980. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). *Glass containers and container accessories* from Shakopee, MN to Eden, NC and Martinsville, VA, for 180 days. Supporting shipper(s): Midland Glass Co., Inc., P.O. Box 557, Cliffwood, NJ 07721.

MC 144986 (Sub-II–2TA), filed December 28, 1979. Applicant: STAHLER TRUCKING & LEASING, INC., 208 E. Harrison St., Wapakoneta, OH 45895. Representative: John Alden, 1396 W. 5th Ave., Columbus, OH 43212. Contract carrier, irregular routes: *Plastic and rubber articles, candles, printed forms and cartons, aluminum kitchenware, pottery, gloves, television and cathode ray tubes, glass lenses, and glassware,* except commodities in bulk, between the facilities of Lancaster Colony Corporation and its subsidiaries and divisions, Barr, Inc., Candlelite, Inc., Colony Printing & Labeling, Inc., Enterprise Aluminum Co., Indiana Glass Company, Jackson Corporation, Koneta Rubber Co., American Mat Corporation, Lancaster Glass Co., National Glove, Inc., The Nelson McCoy Pottery Co., and Pretty Products Co., at or near Eaton and Dunkirk, IN, Sandusky, Leesburg, Massillon, Jackson, Wapakoneta, Lancaster, Mt. Sterling, Roseville and Coshocton, OH, on the one hand, and, on the other, points in AL, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NE, NJ, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, VA, WA, WV, and WI, under continuing contract(s) with Lancaster Colony Corporation and its owned subsidiaries, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lancaster Colony Corporation, 37 W. Broad St., Columbus, OH 43215.

MC 1824 (Sub-II–3TA), filed January 14, 1980. Applicant: PRESTON TRUCKING CO., INC., 151 Easton Blvd., Preston, MD 21655. Representative: Thomas M. Auchincloss, Jr., 700 World Center Bldg., Washington, DC 20006. Common carrier, regular routes: *General commodities,* except those of unusual value, classes A & B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite and/or warehouse facility of SKF Industries at Altoona, PA, as an off-route point in conjunction with applicant's presently authorized regular route between Baltimore, MD and Pittsburgh, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): SKF Industries, Inc., 1100 First Ave., King of Prussia, PA; SKF Warehouses, Inc., P.O. Box 4191, Austintown, OH 44515.

Note.—Application intends to tack authority sought herein with authority held under MC 1824 and related subs thereunder. Applicant intends to interline traffic with present connecting carriers at authorized points as provided in tariffs now on file with the Commission.

MC 145022 (Sub-II–1TA), filed November 1, 1979. Applicant: MARSH BROTHERS TRUCKING SERVICE, INC., 1811 Howell Ave., Dayton, OH 45407. Representative: Jerry B. Sellman, 50 W. Broad, Columbus, OH 43215. *Coal* from Jackson, KY to Sandusky, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Motors Corp., 30007 Van Dyke Ave., Warren, MI 48090.

MC 3104 (Sub-II-1TA), filed January 30, 1980. Applicant: Z & M MOTOR LINE, INC., P.O. Box 2345, Cumberland, MD 21502. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Equipment, machinery and supplies as are used and dealt in by a manufacturer of rubber products* (1) between Cumberland, MD and its commercial zone on the one hand, and, on the other, points in IL, IN, KY, MI and OH; (2) from Freeport, IL and its commercial zone on the one hand, and, on the other, points in IL, IN, MD, MI, NY, OH, PA, WV, VA and DC; (3) between Mascedonia, OH and its commercial zone and points in MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Kelly Springfield Tire Co., Kelly Rd., Cumberland, MD 21502.

MC 108589 (Sub-2-2TA), filed January 18, 1980. Applicant: EAGLE EXPRESS CO., P.O. Box 12047, Lexington, KY 40580. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Common carrier, regular routes: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Russell Springs, KY and Nashville, TN and its commercial zone, serving no intermediate points, from Russell Springs over Cumberland Pkwy to junction I–65, thence over I–65 to Nashville, TN and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 19 supporting shippers. Statements can be examined at the Philadelphia ICC office.

MC 143522 (Sub-2–2TA), filed December 28, 1979. Applicant: CONSOLIDATED CARRIERS, INC., 121 Sunrise Dr., Irwin, PA 15642. Representative: Patrick E. Quinn, 1718 Estrellita Circle, Chattanooga, TN 37412. *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), from facilities of Empire State Shippers Association at Buffalo, NY to points in KY, VA, TN, NC, SC, MS, AL, GA, FL, LA, AR, MO, IL, IA, WI, MN, ND, SD, NE, KS, OK, TX, MT, WY, CO, NM, UT, and ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Empire State Shippers Association, 360 Dingens St., Buffalo, NY.

MC 110659 (Sub-2–2TA), filed December 5, 1979. Applicant: COMMERCIAL CARRIERS, INC., 975 Virginia St., W, Charleston, WV 25302. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Beer and malt beverages and used empty containers on return* from the warehouse facilities of the Stroh Brewing Company, Wood County, OH to points in WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stroh Brewery Co., One Stroh Dr., Detroit, MI 48226; Central Dist. Co., 108 4th Ave., Huntington, WV; Central Dist. Co., 905 7th Ave., Charleston, WV 25302.

MC 102616 (Sub-2–2TA), filed January 9, 1980. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Rd., Akron, OH 44313. Representative: W. M. Kiefaber (same address as applicant). *Crude oil*, in bulk, in tank vehicles, from points in KY to Princeton, IN, for 180 days. Supporting shipper(s): Bigheart Tri-States Corp., P.O. Box 153, Mt. Carmel, IL 62863.

MC 102616 (Sub-2–1TA), filed January 16, 1980. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Rd., Akron, OH 44313. Representative: Wendell M. Kiefaber (same address as applicant). *Crude light oil*, in bulk, in tank vehicles, from Vigo County, IN to Chicago, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Oil Company of California; 1650 E. Golf Road, Schaumburg, IL 60196.

MC 110525 (Sub-2–1TA), filed January 28, 1980. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Representative: Thomas J. O'Brien, 520 East Lancaster Ave., Downingtown, PA 19335. *Animal fatty acids, inedible, vegetable fatty acids, inedible, fatty acid esters of animal or vegetable oils and glycerin, in bulk, in tank vehicles*, from the facilities of Emery Industries, Cincinnati, OH to points in TN, for 180 days. An underlying ETA seeks 25 days authority. Supporting shipper(s): Emery Industries, Inc., 1300 Carew Tower, Cincinnati, OH 45202.

MC 143267 (Sub-2–1TA), filed January 7, 1980. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th St., NW., Washington, DC 20005. *Iron and steel articles*, between the facilities of LaBarge, Inc. at or near Bellevue, OH; Wagoner, OK; St. Louis, MO; Memphis, TN and Houston, TX, on the one hand, and, on the other, points in the US in and east of MN, IA, MO, OK and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): La Barge, Inc., Tubular Division, 20 S. Fourth St., St. Louis, MO 63102.

MC 109533 (Sub-2–4), filed March 12, 1980. Applicant: OVERNITE TRANSPORTATION CO., 1000 Semmes Ave., Richmond, Virginia 23224. Representative: Eugene T. Liipfert, suite 1000, 1660 L St., N.W., Washington, D.C. 20036. *Common; regular and irregular: General Commodities (except those of unusual value, class A and B explosives. Household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* (1) Between Lynchburg, Va. and Washington, D.C. over U.S. Hwy 29 serving all intermediate points. (2) Between Lynchburg, Va. and Lexington, Va. serving all intermediate points; from Lynchburg, over U.S. Hwy 501 to jct. U.S. Hwy 60 then over U.S. Hwy 60 to Lexington and return over same route. (3) Between Norfolk, Va. and Richmond, Va. over U.S. Hwy 60 serving the intermediate points of Lightfoot and Williamsburg, Va. (4) Between Richmond, Va. and Staunton, Va. over U.S. Hwy 250 serving all intermediate points. (5) Between Portsmouth, Va. and Petersburg, Va. over U.S. Hwy 460 serving no intermediate points. (6) Between Fredericksburg, Va. and Winchester, VA over U.S. Hwy 17 serving all intermediate points. (7) Between Lexington, VA and Harrisburg, PA serving all intermediate points; from Lexington over U.S. Hwy 11 to jct. of Harrisburg Expressway then over Harrisburg Expressway to jct. Interstate Hwy 83 then over Interstate Hwy 83 to Harrisburg and return over same route. (8) Between jct. U.S. Hwy 29 and U.S. Hwy 50 and jct. U.S. Hwy 17 and U.S. Hwy 50 over U.S. Hwy 50 serving all intermediate points. (9) Between Winchester, VA and Alexandria, Va. over Va Hwy 7 serving all intermediate points. (10) Between Frederick, Md. and jct. U.S. Hwy 15 and U.S. Hwy 29 over U.S. Hwy 15, serving all intermediate points. (11) Between Winchester, Va. and New Creek, W. Va. over U.S. Hwy 50 serving all intermediate points. (12) Between Staunton, Va. and Huttonsville, W.V. over U.S. Hwy 250 serving all intermediate points. (13) Serving the following points as off-route points in connection with carrier's regular route operations: Points in Franklin Cy, Pa., Bedford (Bedford Cy), Fairfield (Adams Cy) and Pleasantville (Bedford Cy), Pa., Smithfield and West Point, Va., points in Maryland on and east of the Frederick-Washington County line and on and west of a line starting at the Maryland-Pennsylvania state line at U.S. Hwy 15, then over U.S. Hwy 15 to jct. Md. Hwy 140 east of Emmitsburg, then about 2 miles over Md. Hwy 140 to jct. unnumbered Hwy, then south over unnumbered Hwy to jct. Md. Hwy 194 near Keymar, then over Md. Hwy 194 to Keymar the over Md. Hwy 77 to jct. Md. Hwy 550 east of Thurmont, then over Md. Hwy 550 to Woodsboro then over Md. Hwy 194 to Ceresville, then over Md. Hwy 26 to jct. Md. Hwy 355, then over Md. Hwy 355 to Little Seneca Creek (about 3 miles south of Clarksburg) then along Little Seneca Creek and Seneca Creek to the Potomac River and the Md.-Va. state line. Points in the following Va. counties: Albemarle, Alleghany, Amelia, Amherst, Appomattox, Augusta, Bedford, Botetourt, Buckingham, Campbell, Caroline, Chesterfield, Clarke, Culpeper, Cumberland, Fairfax, Fauquier, Fluvanna, Frederick, Giles, Goochland, Greene, Hanover, Henrico, King George, Loudoun, Louisa, Madison, Montgomery, Nelson, Nottoway, Orange, Page, Powhatan, Prince William, Rappahannock, Roanoke, Rockbridge, Rockingham, Shenandoah, Spotsylvania, Stafford and Warren. (14) Between Bluefield, Bristol, Lynchburg, Norfolk, Pulaski, Richmond and Roanoke, Va. and Greenssboro and Norlina, N.C. on the one hand, and, on the other, points in Va. on and south of a line beginning at Norfolk, Va. and extending along U.S. Hwy 460 to Roanoke, Va. then along U.S. Hwy 11 to the Va.-Tn. state line, for 180 days. Applicant intends to tack authority sought herein with authority in MC 109533 and Subs 13, 14, 16, 22, 31, 60, 63 and 64. Applicant also intends to interline at Atlanta, GA; Baltimore, MD; Baton Rouge, LA; Chattanooga, TN; Chicago, IL; Cincinnati, OH; Houston, TX; Indianapolis, In; Jacksonville, FL; Kansas City, MO; Knoxville, TN; Lexington, KY; Louisville, KY; Nashville, TN; New Orleans, LA; Richmond, VA; St. Louis, MO; Washington, PA. Supporting shippers: There are 104 supporting shippers. Their statements may be examined at the office listed below.

MC 150240 (Sub-2–1), filed March 7, 1980. Applicant: FREIGHT SALES, INC., 447 James Pkwy., P.O. Box 1176, Newark, OH 43055. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212. *Contract; irregular: Petroleum and petroleum products*, between points in WV, PA on and south of Hwy. I–76 and on and west of Hwy. I–70, and OH on and south of Hwy I–76 and on and east of I–71 for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): River Oil Co., P.O. Box 513, Marietta, OH 45750.

MC 94265 (Sub-2–4), filed March 10, 1980. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Rt. 460 W, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Unfrozen bakery goods* from the facilities of Interbake Foods, Inc. at Richmond, VA to points in Springdale, Jonesboro, Fayetteville, and Little Rock, AR; Midland, Paris, and McAllen, TX; Detroit, Battle Creek, Kalamazoo, Lansing and Grand Rapids, MI; Des Moines, Sioux City, Council Bluffs, and Marshalltown, IA; Minot, Bismark, and Grand Forks, ND; Huron and North Sioux City, SD; Ogallala, Lincoln, and Omaha, NE; and points in their commercial zones for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Interbake Foods, Inc., P.O. Box 27487, Richmond, VA 23261.

MC 115703 (Sub-2–2), filed March 7, 1980. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 275, 220 Park Rd., North Wyomissing, PA 19610. Representative: Robert D. Gunderman, 710 Statler Bldg., Buffalo, NY 14202. *Furnace electrodes, and carbon refractory materials fire brick shape* from St. Marys, PA to points in AL, AZ, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NV, NY, NC, OH, OK, SC, TN, TX, VA, WA, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Airco Speer Corporation—Graphite, 4861 Packard Rd., Niagara Falls, NY 14302.

MC 1824 (Sub-2–4), filed March 7, 1980. Applicant: PRESTON TRUCKING CO., INC., 151 Easton Blvd., Preston, MD 21655. Representative: Charles S. Perry (same address as applicant). *Foodstuffs* from Buffalo, NY to points in the states of CT, IL, IN, KY, ME, MD, MA, MI, NH, OH, RI, VT, WV, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): U.S. Sugar Co., 54 Fulton St., Buffalo, NY 14204.

MC 147538 (Sub-2–1), filed March 13, 1980. Applicant: PARAMOUNT DELIVERY, INC., 4252 Rising Sun Ave., Philadelphia, PA 19140. Representative: Elliott Tolan, 42 S. 15th St., Robinson Bldg., Philadelphia, PA 19102 *Contract; irregular: Furniture, appliances and other related items* between Philadelphia and its commerical zone on the one hand, and, on the other points in the states of PA, NJ, DE, MD, VA, NY, and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): F. W. Woolworth Co., 162 E. Chelten Ave., Philadelphia, PA.

MC 110563 (Sub-2–2), filed March 14, 1980. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, OH 45365. Representative: Victor J. Tambascia (same as applicant). *Foodstuffs*, except in bulk, from St. Louis, MO to all points in the U.S. (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J & R Custom Foods, 27 Produce Row, St. Louis, MO 63102; Merchants Refrigerating Co., 8501 Page Blvd., Vinita Park, St. Louis, MO; Slimmery, 1889 Craig Rd., Box 28742, Creve Coeur, MO 63141.

MC 113828 (Sub-2–5), filed February 27, 1980. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. *Salt cake*, from Delaware City, DE to points in VA, ME, SC, NC, NY, NH, and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Ashland Chemical, P.O. Box 2219, Columbus, OH 43216.

MC 107403 (Sub-2–2TA), filed March 13, 1980. Applicant: MATLACK INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Salt cake, in bulk, in tank vehicles*, from Weeks, LA to Mulford, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Morton Chemical Company, Div. of Morton-Norwich, Products Co., 2 N. Riverside Plaza, Chicago, IL 60606.

MC 107403 (Sub-2–9TA), filed March 5, 1980. Applicant: MATLACK INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Hexamethylene Diamine, in bulk, in tank vehicles*, from Orange and Victoria, TX to Chattanooga, TN; Camden, SC; Seaford, DE; and Martinsville, Waynesboro and Richmond, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): E. I. du Pont De Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.

MC 61977 (Sub-2–1TA), filed March 13, 1980. Applicant: ZERKLE TRUCKING CO., 2400 Eight Avenue, Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Glass containers* and *closures for glass containers* from Joliet, IL; Coventry, RI and Vienna, WV to points in the U.S. in and east of the States of ND, SD, NB, KS, OK and TN for 180 days. Supporting shipper(s): Richard D. Moreland, Manager of Distribution, National Bottle Company, 1 Bala Cynwyd Plaza, Bala Cynwyd, PA 19004.

MC 119531 (Sub-2–1), filed March 13, 1980. Applicant: SUN EXPRESS, INC., P.O. Box 1031, Warren, OH 44482.

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Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215. *Fertilizer in containers* from Lexington, KY to points in MO, IL, MN, WI, IN, MI, MD, PA, NJ, and NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Spike, Inc., 817 E. Third St., Lexington, KY 40593.

MC 102616 (Sub-2–5), filed March 13, 1980. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Rd., Akron, OH 44313. Representative: David F. McAllister (same as applicant). *Petroleum and petroleum products, in bulk, in tank vehicles,* from Niles, OH to Clarion County, PA for 180 days. Supporting shipper(s): Boron Oil Co., Div. of Subsidiary of Standard Oil Company of Ohio, 313 Midland Bldg., Cleveland, OH 44115.

MC 52861 (Sub-2–1), filed March 13, 1980. Applicant: WILLS TRUCKING, INC., 3185 Columbia Rd., Richfield, OH 44286. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Iron and steel, iron and steel articles, and equipment, materials and supplies used in the manufacture of iron and steel and iron and steel articles* between Monroe, MI, on the one hand, and, on the other, points in OH, PA, IN, IL, KY, NY, WV, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): North Star Steel Co., 2901 Metro Dr., Minneapolis, MN 55420.

MC 124111 (Sub-2–2TA), filed March 14, 1980. Applicant: OHIO EASTERN EXPRESS, INC., 300 West Perkins Ave., Sandusky, OH 44870. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. (1) *food stuffs, and (2) materials, equipment and supplies used in the processing and distribution of the commodities in (1) above (except commodities in bulk)* between Sandusky, Toledo, Columbus and Cleveland, OH and Caryville and Knoxville, TN, on the one hand, and, on the other, pts. in the U.S. (except AK and HI), for 180 days. Restricted to traffic originating at or destined to the facilities of Chef's Pantry, Inc. Supporting shipper: Chef's Pantry, Inc., 1031 Pierce St., Sandusky, OH 44870.

MC 135364 (Sub-II–2TA), filed March 5, 1980. Applicant: MORWALL TRUCKING, INC., R.D. No. 3, Box 78C, Moscow, PA 18444. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Contract carrier, irregular routes, *unfinished synthetic piece goods,* from Sylvester, GA; Blacksburg, SC and Gastonia, NC to Easton and Bangor, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Blue Ridge-Winkler Textiles Div. of Lehigh Valley Industries, Inc., Forks Industrial Park, 3700 Glover Rd., Easton, PA 18042.

MC 150123 (Sub-II–1TA), filed February 19, 1980. Applicant: AIRPORT SPECIAL DELIVERY, INC., 15411 Chatfield Ave., Cleveland, OH 44111. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of automobiles and trucks and automobile and truck parts, (except automobiles and trucks and commodities in bulk);* between points in the State of OH and Cleveland, OH; and between points in the State of OH and the facilities of American Motors Corp., located at or near Southbend, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Motors Corp., Southbend, IN.

MC 142559 (Sub-2–3TA), filed January 14, 1980. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. (1) *Household and kitchen appliances and accessories, (2) audio electric products and accessories, (3) personal care appliances, and (4) materials and supplies used in the manufacture, sale and distribution of (1), (2), and (3) (except commodities in bulk)* between Ontario, CA, Brockport, NY, Asheboro, NC, Allentown, PA, and Seattle, WA, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 180 days. Supporting shipper(s): General Electric Co., 1285 Boston Ave., Bridgeport, CT 06602.

MC 142559 (Sub-2–6TA), filed January 7, 1980. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. (1) *Commercial, household and institutional applicances; and (2) material, equipment and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in the US (except AK and HI), restricted to shipments originating at or destined to the facilities of Speed Queen Company, for 180 days. Supporting shipper(s): Speed Queen Company, Doty Street, Ripon, WI 54971.*

MC 123744 (Sub-2–3TA), filed December 17, 1979. Applicant: BUTLER TRUCKING COMPANY, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 666 Eleventh St., NW., Washington, DC 20001. *Scrap metal,* from points in PA on and west of US Hwy 15 to Buffalo, NY and Hagerstown, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): N and T Auto Salvage, Inc., P.O. Box 445, Philipsburg, PA 16866.

MC 149259 (Sub-2–1TA), filed February 19, 1980. Applicant: RON BIGLER, INC., 610 Fair Ave., NW., New Philadelphia, OH 44663. Representative: Robert W. Gardier, Jr., 100 E. Broad St., Columbus, OH 43215. Contract carriage-irregular routes: (1) *Store equipment, store fixtures and component parts thereof;* (2) *materials and supplies used in outfitting retail stores and office furniture and fixtures when being transported in a mixed load with articles in (1) above,* between points in the US under a continuing contract or contracts with Top Value Enterprises, Inc., restricted to shipments originating at and destined to facilities of Top Value Enterprises, Inc. Supporting shipper(s): Top Value Enterprises, Inc., 3085 Woodman Dr., Kettering, OH 45420.

MC 124333 (Sub-2–1TA), filed January 10, 1980. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, DC 20005. Contract carrier-irregular routes: *Petroleum and petroleum products,* in bulk, in tank vehicles, from Pennsauken, NJ to Dover, DE, for the account of General Foods Corp., for 180 days. Supporting shipper(s): General Foods Corp., Dover Operations Box 1200, Dover, DE 19901.

MC 2368 (Sub-2–1TA), filed January 16, 1980. Applicant: BRALLEY-WILLETT TANK LINES, INC., P.O. Box 495, Richmond, VA 23204. Representative: William T. Marshburn (same address as applicant). *Inedible animal oils and greases and products and by-products of animal oils and greases in bulk,* in tank vehicles, from Rose Hill, NC and its commercial zone to Delmar, Frankfort, Millsboro and Seaford, DE and Bishop, Easton, Princess Anne and Snow Hill, MD and their commercial zones, for 180 days. Supporting shipper(s): By Products Inc., P.O. Box 7411, Wilmington, DE 19803.

MC 133405 (Sub-2–1TA), filed January 7, 1980. Applicant: BOWIE HALL TRUCKING, INC., P.O. Box 1470, LaPlata, MD 20646. Representative: Daniel B. Johnson, 4304 East-West Hwy., Washington, DC 20014. (1) *Malt beverages* from Detroit, MI; Trenton, NJ, Baltimore, MD; Pittsburgh, Latrobe, Allentown, and Philadelphia, PA to DC and its commercial zone; and from Allentown, PA to Baltimore, MD and DC and its commercial zone; (2) *wine* from Baltimore, MD to DC and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting

shipper(s): Forman Distributing of Virginia, Inc., 700 S. Ball St., Alexandria, VA 22202; Potomac Dist. Co., Inc., 3434 Bladensburg Rd., Colmar Manner, MD; Winner Dist. Co., 7616 Canton Center Dr., Baltimore, MD 21224.

MC 117613 (Sub-2–1TA), filed December 3, 1979. Applicant: D. M. BOWMAN, INC., Route 2, Williamsport, MD 21740. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Leather and material, supplies and equipment used in the manufacture and distribution thereof* between facilities of Walter Kidde Corp., located at or near Williamsport, MD, Reading and Fleetwood, PA, on the one hand, and, on the other, points in and east of WI, IA, IL, KY, TN, and AL, for 180 days. Supporting shipper(s): Walter Kidde Corp., 215 Lexington Ave., New York, NY 10016.

MC 60014 (Sub-2–1TA), filed January 11, 1980. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 E. Broad, Columbus, OH 43215. *Iron and steel articles* from the facilities of Oceana Corporation at or near Darlington, SC to all points in and east of MN, WI, IL, KY, TN, MS, and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Oceana Corp., P.O. Box 273, Pawleys Island, SC.

MC 14883 (Sub-2–2TA), filed December 3, 1979. Applicant: PAUL E. ACE TRUCKING, INC., 930 Clay Ave., Stroudsburg, PA 18360. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. Contract carrier, irregular routes: *Paperboard and pulpboard* from Delaware Water Gap, PA to points in MD, MA, NH, NJ, NY, DE, OH, VA, CT, RI, IL, IN, and DC, and such commodities as are used in the manufacture, distribution and sale of paperboard and pulpboard on return, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Packaging Corp. of America, 1603 Orrington Ave., Evanston, IL 60204.

MC 148522 (Sub-2–1TA), filed January 28, 1980. Applicant: PAUL E. ACE TRUCKING, INC., 930 Clay Avenue, Stroudsburg, PA 18360. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. *Malt beverages,* in containers, from Winston Salem, NC to Union, NJ; Little Silver, NJ; Williamsport, Coatsville, State College, Lewistown & Lock Haven, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are (7) supporting shippers. Their statements may be examined at the office listed below and Headquarters.

MC 112304 (Sub-2–9TA), filed December 20, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). (1) *Iron and steel articles, and (2) equipment, materials and supplies (except in bulk),* used in the manufacture and processing of iron and steel articles, (1) from the facilities of LaBarge, Inc., at St. Louis, MO; Bellevue, OH; Wagoner, OK; Memphis, TN; New Orleans, LA; and Houston, TX, to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and (2) in the reverse direction, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): LaBarge, Inc., 20 S. 4th St., St. Louis, MO.

MC 112304 (Sub-2–8TA), filed December 10, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). *Cast iron pipe, fittings and valves* from facilities of US Pipe & Foundry Co. at or near Bessemer and Birmingham, AL to Cincinnait, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): US Pipe & Foundry Co., 3300 1st Ave., Birmingham, AL 35202.

MC 112304 (Sub-2–7TA), filed December 14, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). *Brick* from Stanton, KY to points in IL, IN, MI, MN, MO, OH, PA, WV, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sipple Brick, Inc., Box 567, State Route 213, Stanton, KY 40380.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 600, Fort Worth, TX 76102.

Republication

MC 120181 (Sub-5–1TA), filed February 12, 1980. Applicant: MAIN LINE HAULING CO., INC., P.O. Box C, St. Clair, MO 63077. Representative: Ralph Howard (address same as applicant). *Hats, caps, foodstuffs, feed containers, container closures, glassware, packaging products, container components and scrap materials and materials, equipment and supplies used in the manufacture, sale and distribution of the foregoing commodities* between AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NC, OH, OK, SC, TN, TX, VA, WV, and WI for 180 days. Supporting shippers: 6.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 110325 (Sub-6–29TA), filed March 13, 1980. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Esq., Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. *Common carrier,* regular routes, *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving all points in Carrol, Kent, Queen Annes, Caroline, Talbot, Dorchester, Wicomico, and Sumerset Counties, MD, as off-route points in connection with carrier's otherwise authorized regular route operation for 180 days.

Note.—Applicant proposes to tack the authority sought with its authority in MC 100325 and Subs thereto, and proposes to interline with other motor carriers. There are nine supporting shippers. The statements of support may be examined at the office listed below.

MC 114290 (Sub-6–1TA), filed March 12, 1980. Applicant: EXLEY EXPRESS, INC., 2610 SE. Eighth, Portland, Oregon 97202. Representative: Nick I Goyak and Peter H. Glade, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, Oregon 97258. *Chemicals* and *plastic materials* (except in tank or hopper vehicles) from the facilities of Union Carbide Corporation at Torrance, CA, to points in OR and WA, for 180 days. Supporting shipper: Union Carbide Corporation, 1 California Street, San Francisco, CA 94111.

MC 119710 (Sub-6–1TA), filed March 11, 1980. Applicant: SHUPE BROS. CO., P.O. Box 929, Creeley, CO 80631. Representative: Richard C. McGinnis, 711 Washington Building, Washington, DC 20005. *Contract carrier,* irregular routes: *feed and feed ingredients* between Duncan, NE, on the one hand, and, on the other, IL, WI, MN, and MO, restricted to service performed under continuing contract with Farr Better Feed Division, W. R. Grace & Co., for 180 days. Supporting shipper: Farr Better Feed Division, W. R. Grace & Co., P.O. Box 52, Lucerne, CO. 80646.

MC 134387 (Sub-6–1TA), filed March 12, 1980. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, California 90280. Representative: Patricia M. Schnegg, Knapp, Grossman & Marsh, 707 Wilshire Boulevard, Suite 1800, Los Angeles,

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California 90017. *Aluminum can ends* from Alameda County, CA, to Adams, Arapahoe, Douglas and Jefferson Counties, CO., for 180 days. Supporting shipper: National Can Corporation, 1657 Rollins Road, Burlingame, California 94010.

MC 115092 (Sub-6-1TA), filed March 12, 1980. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Illinois 60174. *(1) Building and construction materials (except in bulk) and (2) materials and supplies used in the manufacture and distribution of building and construction materials (except in bulk)* between the facilities of the Celotex Corporation at or near Tracy, CA, on the one hand, and, on the other, points in the United States in west of MN, IA, MO, AR and LA for 180 days. Supporting shipper, Jim Walter Corporation, 1500 N. Dale Mabry Hy., Tampa, FL 33607.

MC 110325 (Sub-6-30TA), filed March 13, 1980. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Esq., Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. *Common carrier,* regular routes, *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving all points in Putnam, Jackson, Roane and Cabell Counties, WV, as off-route points in connection with carrier's otherwise authorized regular route operations for 180 days. NOTE: Applicant proposes to tack the authority sought with its authority in MC-110325 and Subs thereto, and proposes to interline with other motor carriers. There are 11 supporting shippers. The statements of support may be examined at the office listed below.

MC 147041 (Sub-6-1TA), filed March 12, 1980. Applicant: P.T.C./N.D.S. FREIGHT SYSTEMS INC., 1051 So. Industrial Pkwy., Clearfield, UT 84015. Representative: William E. Bird (same as applicant). *General Commodities,* except commodities in bulk or in tank vehicles, having a prior and/or subsequent movement by Rail TOFC; from, to or between Clearfield, UT; Ogden, UT and Salt Lake City, UT on the one hand and all points within Box Elder, Weber, Davis, Morgan, Salt Lake, Tooele, Wasatch and Utah Counties, UT on the other hand; for 180 days. Supporting shipper(s): American Greeting Cards, 10500 American Rd., Cleveland, OH 44144; General Electric Co., 1051 So. Industrial Pkwy, Clearfield, UT 84015; Clipper Express Co., 3401 W. Pershing Rd., Chicago, IL 60632.

MC 115826 (Sub-6-2TA), filed March 13, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. *General commodities (except Classes A and B explosives, commodities in bulk, commodities which because of size and weight require special equipment and household goods as defined by the Commission)* between points in the United States except AK and HI. Restriction: The above authority is restricted to the movement of traffic originating at and/or destined to the facilities utilized by W. W. Grainger, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: W. W. Grainger, Inc., 5959 West Howard Street, Chicago, Illinois 60648.

MC 52709 (Sub-6-3TA), filed March 13, 1980. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, Co. 80207. Representative: Rick Barker (same as applicant). *Foodstuffs* (except in bulk), from Tacoma, WA to Mt. Summit, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Nalleys Fine Foods, 3303 S. 35th St., Tacoma, WA 98411.

MC 147587 (Sub-6-1TA), filed March 13, 1980. Applicant: S & E TRUCKING, INC., 12202 Crewe St., North Hollywood, CA 91605. Representative: Milton W. Flack, 4311 Wilshire Blvd., No. 300, Los Angeles, CA 90010. *Contract Carrier:* Irregular routes: (1) *Grocery bags, paper sacks and roll paper,* from the facilities of The St. Regis Paper Co., Consumer Products Division, located at Vernon, CA, to Phoenix, AZ; (2) *Paper plates,* from the facilities of The St. Regis Paper Co., Consumer Products Division, located at Phoenix, AZ, to the facilities of The St. Regis Paper Co., Consumer Products Division, located at San Jose and Vernon, CA, for the account of The St. Regis Paper Co., Consumer Products Division, of Vernon, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The St. Regis Paper Co., Consumer Products Division, 4530 Loma Vista Ave., Vernon, CA 90058.

MC 26396 (Sub-6-6TA), filed March 13, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. (a) *Cane Pulp and Cellophane Fiber* (except in bulk) From Junction, TX to ports of entry on the International Boundary line between the U.S. and Canada located in MT; (b) *Boric Acid* (except in bulk) From West End, CA to ports of entry on the International Boundary line between the U.S. and Canada located in MT; and (c) *Drilling Mud and Drilling Mud Additives* (except in bulk) From Gascoyne, ND to ports of entry on the International Boundary line between the U.S. and Canada located in MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: United Mud Supply, Ltd., 4316 D 64th Avenue S.E., Calgary, Alberta T3C 2B3.

MC 116457 (Sub-6-1TA), filed March 14, 1980. Applicant: GENERAL TRANSPORTATION INC., 1804 S. 27th Avenue (P.O. Box 6484), Phoenix, Arizona 85005. Representative: D. Parker Crosby (same). (1) Building and construction materials (except in bulk), and (2) materials and supplies in the manufacture and distribution of construction materials (except in bulk), between the facilities of the Celotex Corporation at or near Tracy, CA, on the one hand, and on the the other, those points in the United States in and west of MN, IA, MO, AR and LA, for 180 days.

MC 147807 (Sub-6-1TA), filed March 14, 1980. Applicant: TERESI TRUCKING INC., P.O. Box 619 (900½ Victor Road), Lodi, CA 95240. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. *Military equipment, and all support equipment and supplies necessary to test tank artillery.* Between Pomona, CA and the Fort Bliss Military Reservation, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: General Dynamics/Pomona Division, P.O. Box 2507, Pomona, CA 91766.

MC 5267 (Sub-6-1TA), filed March 14, 1980. Applicant: ATWOOD TRUCK LINE, INC., 9151 Welby Road, Thornton, CO 80229. Representative: Leslie R. Kehl, Jones, Meiklejohn, Kehl & Lyons, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. *Fly ash;* from Jefferson County, CO to Kimball County, NE. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Halliburton Services, P.O. Box 459, Brighton, CO.

MC 150293 (Sub-6-1TA), filed March 14, 1980. Applicant: CLARE L. BENDER, (an individual), 809 Flora, Prescott, AZ 86301. Representative: Andrew V. Baylor, 337 East Elm Street, Phoenix, Arizona 85012. *Alcoholic Beverages, including malt beverages, wines and spirits* (except in bulk) from Lost Angeles, Irwindale, Azusa, Ontario, San Francisco, San Jose, Madera, Sacramento, CA to Prescott, Parker, Holbrook and Flagstaff, AZ for 180 days.

Supporting shippers: George Fornora, President, Mile Hi Distributors, Inc., P.O. Box 272, Prescott, AZ 86302; Robert Preston, President, Yavapai Distributors, Inc., 730 Elrod Road, Prescott, AZ 86301.

MC 42487 (Sub-6-9TA), filed March 14, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, California 94025. Representative: V. R. Oldenburg, P.O. Box 3062 Portland, Oregon 97208. *Common carrier,* regular routes: *General commodities (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, and those requiring special equipment),* (1) Serving Oconomowoc, WI as an intermediate point in connection with carrier's presently authorized regular route operations over WI Hwy 16, (formerly U.S. Hwy 16). (2) Between Waukesha, WI and Oconomowoc, WI, serving no intermediate points: From Waukesha over U.S. Hwy 18 to junction WI Hwy 67, then over WI Hwy 67 to Oconomowoc, and return over the same route, for 180 days. Supporting shipper(s): There were nine (9) shipper support statements filed with this application.

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future. The proposed authority will tack will present authority of Applicant at Waukesha, WI found in Docket MC 42487 (Sub-578). Also, Oconomowoc, WI will be an intermediate point in connection with a present service route found in Docket No. MC 42487 Sub 578. Docket No. MC 42487 Sub 578, in turn, will be joined with other authorities of Applicant at common service points to permit service throughout the United States.

MC 149256 (Sub-6-1TA), filed March 13, 1980. Applicant: KEN-WAY TRUCKING, INC., 110 Brannan St., San Francisco, CA 94107. Representative: Milton W. Flack, 4311 Wilshire Blvd., #300, Los Angeles, CA 90010. *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) from, to and between Los Angeles International Airport, located in Los Angeles County, CA, and San Francisco International Airport, located in San Mateo County, CA, and points within 5 miles of the air terminals of said airports, restricted to the transportation of traffic having a prior or subsequent movement by air, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): West Coast Expediters, Inc., 8647 Aviation Blvd., Los Angeles, CA 90045; SIR Air Freight, Inc., 5438 W. 104th St., Los Angeles, CA 90045; Comet Air Freight, 708 S. Isis, Inglewood, CA 90301.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9142 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 5]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, Intrastate Applications, Gateways, and Pack and Crate

March 7, 1980.

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be *rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277.

Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 1846 (Sub-13) (M1F) (notice of filing of petition to modify the commodity description), filed December 17, 1979. Petitioner: W. D. KIBLER TRUCKING COMPANY, a corporation, 60 South State St., Indianapolis, IN 46201. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Petitioner holds motor contract carrier authority in Permit MC-1846 Sub 13, issued July 3, 1979, authorizing transportation, over irregular routes, of *dry corn and soybean products,* (except commodities in bulk), from the facilities of A. E. Staley Manufacturing Co., at Decatur, IL, to Indianapolis, IN, under continuing contract(s) with A. E. Staley Manufacturing Co., of Decatur, IL. By the instant petition, petitioner seeks to delete the word "dry" from the commodity description.

MC 3717 (M1F) (notice of filing of petition to modify a certificate), filed November 6, 1979. Petitioner: SERVICE WAREHOUSE COMPANY, INC., 112 Poinier St., Newark, NJ 07114. Representative: George A. Olsen, P.O. Box 357, Gladstone, Nj 07934. Petitioner holds motor *common carrier* authority in Certificate MC 3717, issued March 24, 1978, authorizing transportation, as pertinent, over irregular routes, of *foods,* in vehicles equipped with mechanical refrigeration, (a) between Boston, Gloucester and Cambridge, MA, Jersey City, Newark, and Bridgeton, NJ, Philadelphia, PA, New York, Waterport, Mt. Morris, Syracuse, and Sayville, NY, and Baltimore, MD, (b) from Boston, MA, and Jersey City, NJ, to Albany, NY, and (c) between Boston AND Gloucester, MA, on the one hand, and, on the other, Westbury, Long Island, NY. By the instant petition, petitioner seeks to modify the territorial description above so as to read: "between points in MA, NJ, NY, PA and MD".

MC 7698 (M2F) and (Sub-11) (M1F) (Notice of filing of petition to modify

certifications), filed November 12, 1979. Petitioner: FOWLER & WILLIAMS, INC., 1300 Meylert Ave., Scranton, PA 18501. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Petitioner holds motor *common carrier* Certificates in (1) MC-7698 issued March 28, 1956, authorizing transportation, as pertinent, over (I) regular routes, or (A) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Scranton, PA, and Philadelphia, PA, serving the intermediate points of Stroudsburg, PA, and those west and north of Stroudsburg, and the off-route points in Luzerne County, PA, north of a line drawn east and west through Nanticoke, PA, and those in Lackawanna County, PA: (1) from Scranton over US Hwy 611 to junction Alternate US Hwy 611, then over Alternate US Hwy 611 to junction US Hwy 611, and then over US Hwy 611 to Philadelphia, and return over the same route: (2) from Scranton over US Hwy 611 to Bartonsville, then over PA Hwy 12 to Snydersville, then over US Hwy 209 to Sciota, then over PA Hwy 12 to junction PA Hwy 115, then over PA Hwy 115 to Easton, then over US Hwy 611 to Pipersville, then over PA Hwy 413 via Buckingham and Langhorne, to Bristol, and then over US Hwy 13 to Philadelphia, and return over the same route; (3) from Scranton over US Hwy 611 to Stroudsburg, then over US Hwy 209 to Sciota, then over PA Hwy 12 to junction PA Hwy 115, then over PA Hwy 115 to Easton, then over US Hwy 611 to Pipersville, then over PA Hwy 413 to Buckingham, then over PA Hwy 263 to Willow Grove, and then over US Hwy 611 to Philadelphia, and return over the same route; (4) from Scranton over US Hwy 611 to junction Alt. US Hwy 611, then over Alt. US Hwy 611 to Portland, then across the Portland Bridge to Columbia, NJ, then over NJ Hwy 94 to junction US Hwy 46, then over US Hwy 46 to Butzville, NJ, then over NJ Hwy 69 to Trenton, NJ, and then over US Hwy 1 to Philadelphia, and return over the same route; and (5) from Scranton over the route specified immediately above to Portland, PA, than over US Hwy 46 to Butzville, NJ, then over NJ Hwy 69 to Trenton, NJ and then over US Hwy 1 to Philadelphia, and return over the same route; (b) between Binghamton, NY, and Wilkes-Barre, PA, serving the intermediate points of Harding, West Pittston, New Milford, Scranton, Kingston, and Forty Fort, PA, those between New Milford and Scranton, PA, and those between Scranton and Wilkes-Barre, PA, and the off-route points of Olyphant, PA, and Port Dickinson, Hillcrest, Port Crane, Chenango Bridge, Johnson City, and Endicott, NY: (1) from Binghamton over US Hwy 11 to Nicholson, PA, then over PA Hwy 92 via Tunkhannock, PA, to West Pittston, PA, then over US Hwy 11 to Kingston, PA, and then across the Susquehanna River to Wilkes-Barre, and return over the same route, and (2) from Binghamton over US Hwy 11 to Pittston, PA, and then over unnumbered Hwy to Wilkes-Barre, and return over the same route, and (B) *general commodities* (except those of unusual value, classes A and B explosives, liquor, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Philadelphia, PA and Bordentown, NJ, serving all intermediate points, and the off-route points of Merchantville, Maple Shade, Bridgeboro, and Mount Holly, NJ: from Philadelphia across the Delaware River to Camden, NJ, then over unnumbered Hwy via Riverton, Riverside, and Beverly, NJ, to Burlington, NJ, and then over US Hwy 130 to Bordentown, and return over the same route; and (II) regular and irregular routes, of *general commodities* (except bulk coal, sand, stone, and extra large articles), between Binghamton, NY, and points in the New York, NY commercial zone, as defined by the Commission, serving the intermediate points of Hallstead and Scranton, PA, and Newark, NJ, and the off-route points of Wilkes-Barre and Pittston, PA: from Binghamton over US Hwy 11 to Scranton, PA, then over US Hwy 611 to junction Alternate US Hwy 611, then over Alt. US Hwy 611 to Portland, PA, then over US Hwy 46 to junction NJ Hwy 69, then over NJ Hwy 69 to junction US Hwy 22, then over US Hwy 22 to junction US Hwy 1, then over US Hwy 1 to Jersey City, NJ, and then over irregular routes to points in the New York, NY commercial zone, as defined by the Commission, and return over irregular routes to Jersey City, NJ, and then over the above-specified routes to Binghamton, NY; and (2) MC-7698 Sub 11 issued March 25, 1969, authorizing transportation, as pertinent, over regular and irregular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, New automobiles, commodities in bulk, and those requiring special equipment), (a) between Pennsburg, PA and New York, NY, serving the intermediate points of Newark, NJ, Easton, PA, those between Pennsburg and Easton, PA, including Emmaus, PA, and off-route points in PA within 30 miles of Pennsburg: From Pennsburg over PA Hwy 29 to Allentown, PA, then over US Hwy 22 to junction NJ Hwy 82, then over NJ Hwy 82 to Elizabeth, NJ, and then over city streets to Ny, and return over the same route, and (b) between Philadelphia, PA, and Pennsburg, PA, serving all intermediate points, from Philadelphia over PA Hwy 73 to junction PA Hwy 29 (also from Philadelphia over US Hwy 422 to junction PA Hwy 29), and then over PA Hwy 29 to Pennsburg, and return over the same routes. By the instant petition, petitioner seeks to modify the above commodity and territorial description in both certificates to read as follows: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between New York, NY, and the PA–OH State line, serving all intermediate points and all points in NJ and PA as off-route points, (a) from New York, NY over I-Hwy 80 to the PA–OH State line, and return over the same route, and (b) from New York, NY over I-Hwy 95 to junction I-Hwy 78, then over I-Hwy 78 to junction I-Hwy 76, then over I-Hwy 76 to the PA–OH State line, and return over the same route; (2) between New York NY, and the PA–WV State line, serving all intermediate points, and all points in NJ and PA as off-route points, from New York, NY to junction I-Hwy 76 as specified in (1)(b) above, then over I-Hwy 76 to junction I-Hwy 70, then over I-Hwy 70 to the PA–OH State line, and return over the same route; (3) between the NY-Canadian Boundary line and the PA–MD State line, serving all intermediate points and all points in NY and PA as off-route points, (a) from the NY-Canadian Boundary line over I-Hwy 81 to the PA–MD State line, and return over the same route, (b) from the NY-Canadian Boundary line over I-Hwy 87 to junction I-Hwy 84, then over I-Hwy 84 to junction I-Hwy 81, then over I-Hwy 81 to the PA–MD State line, and return over the same route, and (c) from the NY-Canadian Boundary line over I-Hwy 81 to junction I-Hwy 90, then over I-Hwy 90 to junction I-Hwy 79, the over I-Hwy 79 to the PA–MD State line, and return over the same route; (4) between the NY-Canadian Boundary line and the DE–MD State line, serving all intermediate points and all points in DE, NY, and PA, as off-route points: (a) from the NY-Canadian Boundary line over I-Hwy 81 to junction I-Hwy 380, then over I-Hwy 380 to junction PA Hwy 611, then over PA Hwy 611 to junction I-Hwy 95 at or near Philadelphia, PA, then over I-Hwy 95 to junction US Hwy 13 at or near Wilmington, DE, then over US Hwy 13 to the DE–MD State line, and return over the same route, and (b) from the NY-Canadian Boundary line to junction US Hwy 13 as specified in (4)(a) above, then over US Hwy 13 to junction US Hwy 113, then over US Hwy 113 to the DE–MD State line, and return over the same route; and (5) between the NY-Canadian Boundary line, and the DE–MD State line, serving all intermediate points, and points in NY, NJ, and DE as off-route points: (a) from the NY-Canadian boundary line over I-Hwy 87 to junction I-Hwy 95, then over I-Hwy 95 to junction US Hwy 13, then over US Hwy 13 to the DE–MD State line, and return over the same route, (b) from the NY-Canadian Boundary line to junction US Hwy 13 as specified in (5)(a) above, then over US Hwy 13 to junction US Hwy 113, then over US Hwy 113 to the DE–MD State line, and return over the same route, and (c) from the NY-Canadian Boundary line over I-Hwy 190 to junction I-Hwy 90, then over I-Hwy 90 to junction I-Hwy 87, then over I-Hwy 87 to the DE–MD State line as specified in (5)(a) above, and return over the same route.

MC 11207 (Sub-411) (MIF) (notice of filing of petition to modify territorial description), filed September 24, 1979. Petitioner: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, AL 35201. Representative: W. Bruce White, Jr., Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Petitioner holds motor *common carrier* certificate in No. MC 11207 Sub 411, authorizing transportation over irregular routes, of (1) *plastic containers*, from Longwood, FL, to points in AL, GA, LA, MS, NC, SC, and TX, and (2) *materials and supplies* used in the manufacture of plastic containers (except in bulk), from points in AL, GA, LA, MS, NC, SC, and TX, to Longwood, FL. By the instant petition, petitioner seeks to modify the territorial description so as to read: in (1) from Longwood, FL, and the facilities of B & S Plastic Company, at or near Jacksonville, FL, to points in AL, GA, LA, MS, NC, SC, and TX, and in (2) from points in AL, GA, LA, MS, NC, SC, and TX, to Longwood, FL, and the facilities of B & S Plastic Company, at or near Jacksonville, FL.

MC 42487 (Sub-787) (MIF) (notice of filing of petition to remove restriction), filed September 13, 1979. Petitioner: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Petitioner holds a motor *common carrier* certificate in No. MC 42487 Sub 787, issued March 12, 1973, authorizing transportation over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Atlanta, GA, and Kansas City, MO, as an alternate route for operating convenience only in connection with carrier's presently authorized regular-route operations, serving no intermediate points: from Atlanta over U.S. Hwy 278 to junction U.S. Hwy 231 (near Brooksville, AL), then over U.S. Hwy 231 to junction Alabama Hwy 67 (near Summit, AL), then over Alabama Hwy 67 to junction U.S. Hwy 31 (near Decatur, AL), then over U.S. Hwy 31 to junction U.S. Hwy 72 (at Decatur, AL), then over Alternate U.S. Hwy 72 to junction U.S. Hwy 72 (near Tuscumbia, AL), then over U.S. Hwy 72 to junction Interstate Hwy 240 (near Memphis, TN), then over Interstate Hwy 240 to junction Interstate Hwy 55 (at Memphis, TN), then over Interstate Hwy 55 to junction U.S. Hwy 63 (near Gilmore, AR), then over U.S. Hwy 63 to junction U.S. Hwy 60 (near Willow Springs, MO), then over U.S. Hwy 60 to junction U.S. Hwy 160 (at Springfield, MO), then over U.S. Hwy 160 to junction MO Hwy 13 (at Springfield, MO), then over MO Hwy 13 to junction MO Hwy 7 (near Clinton, MO), then over MO Hwy 7 to junction U.S. Hwy 71 (near Harrisonville, MO), then over U.S. Hwy 71 to Kansas City, and return over the same route, the operations authorized herein are restricted against the transportation of traffic originating at, destined to, or received from or delivered to connecting carriers at Kansas City, MO-Kans., and Wichita, KS, or points in the Commercial Zones thereof as defined by the Commission. By the instant petition, petitioner seeks to modify the authority herein by deleting the restriction.

MC 42487 (Sub-799) (MIF) and 832 (MIF) (notice of filing of petition to modify the certificates) filed September 10, 1979. Petitioner: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linwood Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Petitioner holds motor *common carrier* authority authorizing transportation over specified alternate routes, as pertinent, in Certificates Nos. (1) MC 42487 Sub 799, issued November 7, 1973, of *general commodities* (except those of unusual value, classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Restriction: the operations authorized herein are restricted against the transportation of traffic originating at, or destined to, or received from or delivered to connecting carriers at Kansas City, MO-Kans., and Wichita, KS, or points in the Commercial Zones thereof as defined by the Commission, and (2) MC 42487 Sub 832, issued October 23, 1975, of *general commodities* (except those of unusual value, classes A and B explosives, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Restriction: the operations authorized hereinabove are restricted against the transportation of traffic originating at, or destined to, or received from or delivered to connecting carriers at Kansas City, MO, or Wichita, KS, or points in their respective Commercial Zones as defined by the Commission. By the instant petition, petitioner seeks to modify the certificates in Nos. MC 42487 Sub 799 (MIF), and MC 42487 Sub 832 (MIF), by deleting the above indicated restrictions.

MC 42487 (Sub-821) (MIF), (notice of filing of petition to modify the territorial description), filed September 17, 1979. Petitioner: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Petitioner holds motor *common carrier* authority in Certificate No. MC 42487 Sub 821, issued March 28, 1975, authorizing transportation, over alternate route for operating convenience only, of *general commodities* (except those of unusual value, classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between St. Louis, MO, and Nashville, TN, in connection with carrier's presently authorized regular-route operations, serving no intermediate points: (1) from St. Louis over U.S. Hwy 460 to Evansville, IN, then over U.S. Hwy 41 to Nashville, and return over the same route, and (2) from St. Louis over U.S. Hwy 50 to junction Interstate Hwy 57, at or near Salem, IL, then over Interstate Hwy 57 to junction U.S. Hwy 460 at or near Mt. Vernon, IL, then over U.S. Hwy 460 to Evansville, IN, then over U.S. Hwy 41 to junction Pennyrile Parkway, then over Pennyrile Parkway to junction Alternate U.S. Hwy 41 near Hopkinsville, KY, then over Alternate U.S. Hwy 41 to Nashville, and

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return over the same route, restriction: the authority granted herein is restricted to the transportation of traffic moving from to or through AK, AZ, CA, CO, HI, ID, MT, NV, NM, OR, UT, WA, and WY. By the instant petition, petitioner seeks to modify the territorial description by adding an additional territory which reads as follows: and (3) from St. Louis over Interstate Hwy 55 to junction Interstate Hwy 64, then over Interstate Hwy 64 to junction U.S. Hwy 41, then over U.S. Hwy 41 via Evansville, IN to junction Pennyrile Parkway, then over Pennyrile Parkway to junction Alternate U.S. Hwy 41 near Hopkinsville, KY, then over Alternate U.S. Hwy 41 to junction Interstate Hwy 24, then over Interstate Hwy 24 to Nashville, and return over the same route.

MC 42487 (Sub-885) (M2F), (notice of filing of petition to delete a restriction), filed December 20, 1979. Petitioner: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linwood Dr., Menlo Park, CA 94025. Representative: Eugene T. Liipfert, Suite 1100, 1660 L St., N.W., Washington, DC 20036. Petitioner holds motor *common carrier* authority in Certificate MC–42487 Sub 885, issued April 17, 1979, authorizing transportation, over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Houston, TX, and New Orleans, LA, serving the points of Orange and Beaumont, TX, with service at points in the Orange, Beaumont, and Houston, TX, commercial zones, as defined by the Commission, restricted to the transportation of traffic moving to or from points on the below-described route in LA, serving all intermediate points in LA, with service at Baton Rouge, LA, restricted to traffic moving to or from points west of the LA–TX State line, over specified routes. By the instant petition, petitioner seeks to modify the territorial description above so as to read: "between Houston, TX, and New Orleans, LA, serving the intermediate points of Orange and Beaumont, TX, and serving all intermediate points in LA, with service at Baton Rouge, LA, restricted to traffic moving to or from points west of the LA–TX State line".

MC 48409 (M1F) and Sub-1 (M1F) and Sub-3 (M1F) (notice of filing of petition to modify certificates), filed April 19, 1979. Petitioner: MAHON'S EXPRESS, a corporation, P.O. Box 550 Newark, NJ 07101. Representative: George A. Olsen, 69 Tonnele Ave., Jersey City, NJ 07306. Petitioner holds motor *common carrier* Certificates in (1) MC 48409 issued May 13, 1949, authorizing transportation over irregular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) From Newark, NJ, to points in Orange and Rockland Counties, NY, and points in NJ; (b) from New York, NY, to points in that part of NJ on and north of a line extending from Trenton through Seaside Park to the Atlantic Ocean, including the points named; and (c) between Newark, NJ, on the one hand, and, on the other, New York, NY, and points in Nassau and Westchester Counties, NY; (2) MC–48409 Sub 1, issued August 6, 1948, authorizing transportation over irregular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Bound Brook, Fords, Grasselli, Guttenberg, Little Ferry, Mountain View, and Paterson, NJ, to Newark, NJ; and (3) in MC–48409 Sub 3 issued February 27, 1952, authorizing transportation, over irregular routes of *general commodities* (except those of unsual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in NJ on and north of a line extending from Trenton, NJ, through Seaside Park, NJ, to the Atlantic Ocean, including points named (except Bound Brook, Fords, Grasselli, Guttenberg, Little Ferry, Mountain View and Paterson, NJ), to Newark, NJ. By the instant petition, petitioner seeks to modify the certificates by adding the additional territorial points of the "facilities of K Mart of King of Prussia, PA and Poughkeepsie, NY" (A) to the destination in (a) and (b), and as additional radial points in (c) with respect to the lead; (B) as additional destination points with respect to the Sub 1; and (C) as additional origin points with respect to Sub 3.

MC 70832 (Sub-13) (M1F), (notice of filing of petition to modify certificate), filed September 10, 1979. Petitioner: NEW PENN MOTOR EXPRESS, INC., P.O. Box 630, Lebanon, PA 17042. Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 K Street, NW, Washington, DC 20005. Petitioner holds a motor *common carrier* certificate in MC–70832 Sub-13, issued March 2, 1972, to operate in interstate of foreign commerce, over *regular* routes, transporting (in part A of certificate) *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between New Haven, CT, and New York, NY, serving all intermediate points; and the off-route points of New Canaan, South Norwalk, and West Haven, CT, points in the New York, NY., Commercial Zone as defined by the Commission in 1 M.C.C. 665 and points in NJ within 25 miles of New York, NY, From New Haven over US Hwy 1 via Bridgeport, CT, to New York and return over the same route. By the instant petition, petitioner seeks to modify the authority as follows: authorize service to an from all points in CT as off-route points to petitioner's authorized routes.

MC 87109 (M1F) and Sub-21 (M1F) (notice of filing petition for modification of certificates), filed November 14, 1979. Petitioner: TIDEWATER INLAND EXPRESS, INC., Rehoboth Blvd., Milford, DE 19963. Representative: Leonard A. Jaskiewicz, 1730 M St., NW., Washington, DC 20036. Petitioner hold motor *common carrier* certificates in (1) MC–87109 issued June 26, 1968, authorizing transportation, as pertinent, over regular routes, of (A) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Wilmington, DE, and Harrisburg, PA, from Wilmington over Delaware Hwy to junction Delaware Hwy 41, then over Delaware Hwy 41 to the DE–PA State line, then over PA Hwy 41 to junction US Hwy 30 at or near Gap, PA, then over US Hwy 30 to Lancaster, PA, then over PA Hwy 72 to junction U.S. Hwy 230, then over US Hwy 230 to Harrisburg, and return over the same route; (b) between Wilmington, DE, and Avondale, PA, from Wilmington over US Hwy 202 to junction US Hwy 1, then over US Hwy 1 to Avondale, and return over the same route; (c) between Wilmington, DE, and junction PA Hwy 52 and US Hwy 1 (at or near Hamorton, PA), from Wilmington over DE Hwy 52 to the DE–PA State line, then over PA Hwy 52 to junction US Hwy 1, and return over the same route; (d) between Wilmington, DE, and New York, NY, from Wilmington over DE Hwy 9 to junction US Hwy 40, then over US Hwy 40 to junction US Hwy 130, then over US Hwy 130 to junction US Hwy 1 (near New Brunswick, NJ), then over US Hwy 1 to New York, and return over the same route; and (e) serving all points in Cumberland, York, Lancaster, Lebanon, and Dauphin Counties, PA, as intermediate or off-route points in

connection with the operations authorized above, and serving Avondale, PA, and junction PA Hwy 52 and US Hwy 1 for purposes of joinder only, restricted in (A) above to the following conditions: Said regular-route operations shall not be severable, by sale or otherwise, from the irregular-route authority authorized hereinbelow. Said regular-route operations are restricted against the transportation of shipments between New York, NY, and the above-described points in PA; and (B) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Milford, DE, and Philadelphia, PA, serving all intermediate points; and the off-route points in that part of DE south of a line beginning at the PA–MD State line and extending through Hockessin and Wilmington, DE, to the Delaware River, including points in Caroline, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester Counties, MD, and those in Cecil County, MD, south of US Hwy 40, including points on the indicated portions of the highways specified: from Milford over US Hwy 113 to junction US Hwy 13, then over US Hwy 13 to Philadelphia, and return over the same route; (b) between Baltimore, MD, and Milford, DE, serving intermediate points (except that traffic from Baltimore and points on the said routes in MD west of the Susquehanna River and those west of the Chesapeake Bay is restricted to delivery at intermediate points on the authorized routes in MD and DE on the Delmarva Peninsula); and off-route points as specified next above: (1) from Baltimore over US Hwy 40 to Glasgow, DE, then over DE Hwy 896 to junction US Hwy 13, then over US Hwy 13 to junction US Hwy 113, then over US Hwy 113 to Milford, and return over the same route; and (2) from Baltimore over MD Hwy 2 to junction US Hwy 50, then over US Hwy 50 to Sandy Point, MD then across the Chesapeake Bay Metapeake, MD, then over US Hwy 50 to junction MD Hwy 404, then over MD Hwy 404 to junction MD Hwy 313, then north over MD Hwy 313 (one mile) to junction MD Hwy 317, then over MD Hwy 317 via Burrville, MD, to the MD–DE State line, then over DE Hwy 14 to Milford, and return over the same route; and (2) in MC–87109 Sub-21 issued June 18, 1968, authorizing transportation, as pertinent, over regular routes, of (A) (I) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) serving the site of the International Business Machines Corporation Distribution Center located in Hampden Township, Cumberland County, PA, as an off-route point in connection with carrier's otherwise authorized regular-route operations; (b) between Syracuse, NY, and Hanover, PA; from Syracuse over NY Hwy 5 to Fayetteville, NY, then over NY Hwy 92 to junction US Hwy 20, then over US Hwy 20 via Morrisville, NY, to Bouckville, NY, then over NY Hwy 12B via Randallsville, NY, to junction NY Hwy 12 (also from Morrisville over unnumbered highway via Eaton, NY, to Randallsville, then over NY Hwy 12B to junction NY Hwy 12), then over NY Hwy 12 via Oxford, NY, to Binghamton, (also from Oxford over NY Hwy 220 to junction NY Hwy 7, then over NY Hwy 7 to Binghamton), then over US Hwy 11 to Nicholson, PA, then over PA Hwy 92 to Tunkhannock, PA, then over US Hwy 309 to West Pittston, PA, then over US Hwy 11 to junction US Hwy 22, then over US Hwy 22 to Harrisburg, PA, then over Interstate Hwy 83 (formerly US Hwy 111) to York, PA, then over US Hwy 30 to junction PA Hwy 116, then over PA Hwy 116 to Hanover, and return over the same route; (c) between Endicott, NY, and Binghamton, NY, over NY Hwy 17C, and return over the same route; (d) between Lancaster, PA, and Harrisburg, PA, over US Hwy 230, and return over the same route; (e) between Lancaster, PA, and York, PA, over US Hwy 30, and return over the same route, serving in (b) through (e) above the intermediate points in Johnson City, Binghamton, Cazenovia, Nelson, Morrisville, Hamilton, Earlville, Sherburne, Norwich, Oxford, Greene, Aston, Bainbridge, and Guilford, NY, Danville, Bloomsburg, Berwick, Northumberland, Lancaster, Selingsgrove, Harrisgrove, Harrisburg, Camp Hill, Lemoyne, New Cumberland, Steelton, High Spire, Middletown, York, West York, North York, East York, Springrove, Columbia, Mount Joy, Hanover, Florin, Elizabethtown, and Rheems, PA, and the off-route points in Chenango Forks, Owego, Sanitaria Springs, Harpursville, Sidney, Tunnel, Johnson City, Endicott, Masonville, Bennetsville, NY, Lititz, Manheim, and Sunbury, PA; (f) between Syracuse, NY, and Chenango Forks, NY; with no service to or from intermediate points nor to or from termini: from Syracuse over US Hwy 11 to Whitney Point, then over NY Hwy 79 to Chenango Forks, and return over the same route; (g) between Tunkhannock, PA, and junction PA Hwy 92 and US Hwy 11, with no service to or from intermediate points, nor to or from termini: from Tunkhannock over PA Hwy 29 to Bowman Creek, PA, then over US Hwy 309 to junction US Hwy 11, and return over the same route; (h) between Manchester, MD, and Reistertown, MD; with no service to or from intermediate points, nor to or from termini, over MD Hwy 30 and return over the same route; (i) between Williamsport, PA, and New York, NY serving all intermediate points in PA, the intermediate and off-route points of Bangor and Northampton, PA, Newark, Jersey City, Hoboken, Plainfield, Ridgefield, Summit, and Morristown, NJ, and points in Bergen, Hudson, Union, and Essex Counties, NJ, and points in Passaic County, NJ, east of US Hwy 202, unrestricted; and the off-route points of Stroudsburg, PA, and Lyndhurst, NJ, restricted against the transportation of traffic originating at or destined to Stroudsburg and Lyndhurst: from Williamsport over US Hwy 220 to Halls, PA, then over PA Hwy 147 via Muncy, PA, to Sunbury, PA, (also from Muncy over PA Hwy 405 to junction PA Hwy 147 near Milton, PA, then over PA Hwy 417 to Sunbury), then over PA Hwy 61 to Hamburg, PA, then over US Hwy 22 to Elizabeth, NJ, and then over US Hwy 1 to NY, and return over the same route; (j) between Sunbury, PA, and Lewistown, PA, serving all intermediate points: from Sunbury over bridge to junction US Hwy 11, then over US Hwy to Selinsgrove, and then over US Hwy 522 to Lewistown, and return over the same route; (k) between Pottsville, PA, and Millersburg, PA, over US Hwy 209 and return over the same route, serving all intermediate points; (l) between Frackville, PA, and Hazleton, PA, serving all intermediate points: from Frackville over PA Hwy 924 via Gilberton, PA, to Shenandoah, then over PA Hwy 54 to Hometown, then over US Hwy 309 to Tamaqua, then return over US Hwy 309 to Hometown, and then continuing over US Hwy 309 to Hazleton, and return over the same route; (m) between Pottsville, PA, and Hazleton, PA, serving all intermediate points and the off-route points of Weatherly and Freeland, PA: from Pottsville over US Hwy 209 to Mauch Chunk, then over PA Hwy 29 to Hazleton, and return over the same route; (n) between Berwick, PA, and Northumberland, PA, over US Hwy 11 and return over the same route, serving all intermediate points; (o) between Cortland, NY, and Binghamton, NY, serving no intermediate points, but serving the off-route points of Homer and McGraw, NY: from Cortland over US Hwy 11 to Binghamton, and return over the same route; (p) between York,

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PA, and Baltimore, MD, as an alternate route for operating convenience only in connection with carrier's regular route operations between Washington, DC and Syracuse, NY, serving no intermediate points: from York over I-Hwy 83 to Baltimore, and return over the same route, (II) *general commodities*, (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Harrisburg, PA, and Baltimore, MD, serving no intermediate points; from Harrisburg over I-Hwy 83 (formerly US Hwy 111) to Lemoyne, PA, then over US Hwy 15 to York Springs, PA, then over PA Hwy 94 to the PA–MD State line, then over MD Hwy 30 to Manchester, MD, then over MD Hwy 31 to Westminster, MD, and then over US Hwy 140 to Baltimore, and return over the same route; (b) between Nicholson, PA, and West Pittston, PA, over US Hwy 11, and return over the same route, serving no intermediate points; (c) between Endicott, NY, and Binghamton, NY, serving not intermediate points; from Endicott over NY Hwy 17C to junction NY Hwy 26, then over NY Hwy 26 to junction NY Hwy 17, and then over NY Hwy 17 to Binghamton, and return over the same route; (d) between Lemoyne, PA, and Hershey, PA, serving no intermediate points: from Lemoyne over I-Hwy 83 to Harrisburg, then over US Hwy 322, to junction US Hwy 422, then over US Hwy 422 to Hershey, and return over the same route; and (e) between Baltimore, MD, and Alexandria, VA, serving all intermediate points, and off-route points in MD and VA within 5 miles of DC, and points within 6 miles of Baltimore: from Baltimore over US Hwy 1 to Alexandria, and return over the same route; and (III) *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Whitney Point, NY, and junction US Hwy 11 and NY Hwy 12, north of Binghamton, for operating convenience only, with no service to or from the termini or intermediate points: from Whitney Point over US Hwy 11 to junction NY Hwy 12, and return over the same route; and (B)(I) *general commodities* (except those of unusual value, classes A and B explosives, livestock, alcoholic liquors, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Reading, PA, and Baltimore, MD, serving no intermediate points, from Reading over PA Hwy 625 to junction PA Hwy 23 to Lancaster, PA, then over US Hwy 22 to Conowingo, MD, then over US Hwy 1 to Baltimore, and return over the same route; (II) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission commodities in bulk, and those requiring special equipment), (a) between New York, NY and Reading PA, serving the off-route points of Piermont, NY, New Brunswick, Bound Brook, and South Bound Brook, NJ, points in the New York, NY Commercial Zone, as defined by the Commission, points in that part of Westchester County, NY, that lies north of the New York, NY Commercial Zone, supra, and on and west of a line extending from Long Island Sound along the NY–CT State line to junction NY Hwy 120, then along NY Hwy 120 to junction NY Hwy 100, and then along NY Hwy 100 to junction US Hwy 202, and on and south of US Hwy 202; and points in Bergen, and Passaic Counties, NJ, on and east of US Hwy 202; in Morris County, NJ, on an east of US Hwy 202 and on and north of NJ Hwy 24; in Middlesex County, NJ, on and north of the Raritan River; and points in Union, Essex, and Hudson Counties, NJ: from NY over US Hwy 1 to Newark, NJ, then over US Hwy 22 to junction NJ Hwy 28 near Somerville, NJ, then over NJ Hwy 28 to junction unnumbered hwy, then over unnumbered hwy via North Branch, NJ, to junction US Hwy 22, then over US Hwy 22 to junction unnumbered hwy, then over unnumbered hwy via Whitehouse, NJ to junction US Hwy 22, then over US Hwy 22 to junction unnumbered hwy, then over unnumbered hwy via Lebanon, NJ, to junction US Hwy 22 then over US Hwy 22 to junction unnumbered hwy, then over unnumbered hwy via Annandale, NJ, to junction US Hwy 22, then over US Hwy 22 to junction Alt. US Hwy 22, then over Alt. US Hwy 22 via Phillipsburg, NJ, and Easton, PA, to junction unnumbered hwy, then over unnumbered hwy via Wilson, Butztown, and Bethlehem, PA to Allentown, PA, then over US Hwy 222 to Reading, and return over the same route, (b) between Reading, PA, and Hanover PA, serving the off-route points which are located west of the Sesquehanna River and within 5 miles north of that portion of the route (US Hwy 30 and PA Hwy 116) specified immediately below which is located west of the Susquehanna River: From Reading over US Hwy 222 to junction unnumbered hwy near Ephrata, PA, then over unnumbered hwy via Ephrata to junction US Hwy 222, then over US Hwy 222 to Lancaster, then over US Hwy 30 to junction PA Hwy 116, then over PA Hwy 116 to Hanover, and return over the same route, (c) between Reading, PA, and Harrisburg, PA, serving the off-route points located west of the Susquehanna River and within 5 miles of Harrisburg: From Reading over US Hwy 422 via Hershey, PA, to junction unnumbered hwy, then over unnumbered hwy to Hummelstown, then over unnumbered hwy to junction US Hwy 322, then over US Hwy 322 to Harrisburg, and return over the same route, (d) between Reading, PA, and Sunbury, PA, from Reading over PA Hwy 61 to Pottsville, then over US Hwy 209 to Mauch Chunk, then over PA Hwy 93 to Hazleton, then over US Hwy 309 to junction PA Hwy 54, then over PA Hwy 54 to Ashland, then over PA Hwy 61 to Sunbury, and return over the same route, (e) between Tamaqua, PA, and Hometown, PA over US Hwy 309, and return over the same route, (f) between Pottsville, PA, and Millersburg, PA, from Pottsville over US Hwy 209 to junction unnumbered hwy, then over unnumbered hwy via Williamstown, PA, to junction US Hwy 209, then over US Hwy 209 to Millersburg, and return over the same route, (g) between Lancaster, PA, and Harrisburg, PA, from Lancaster over US Hwy 230 to junction PA Hwy 722, then over PA Hwy 722 via Landisville, and Salunga, to junction US Hwy 230, then over US Hwy 230 to Harrisburg, and return over the same route, (h) between Reading, PA, and Phoenixville, PA, from Reading over US Hwy 422 to Pottstown, then over PA Hwy 100 to junction PA Hwy 724, then over PA Hwy 724 to junction PA Hwy 23, then over PA Hwy 23 to Phoenixville, and return over the same route, (i) between Allentown, PA and Mauch Chunk, PA, over PA Hwy 29, and return over the same route, (j) between Sunbury, PA, and Harrisburg, PA, from Sunbury over PA Hwy 147 to junction US Hwy 322, then over US Hwy 322 to Harrisburg, and return over the same route, (k) between Ashland, PA, and Pottsville, PA, over PA Hwy 61, and return over the same route, (l) between Easton, PA, and Bangor, PA, from Easton over PA Hwy 248 to junction PA Hwy 191, then over PA Hwy 191 to junction PA Hwy 115, then over PA Hwy 115 to junction unnumbered hwy (formerly portion PA Hwy 115), then over unnumbered hwy to Windgap, then over unnumbered hwy (formerly PA Hwy 702) to Bangor, and return over the same route, and (m) between Allentown, PA, and Souderton, PA, from Allentown over US Hwy 309 to junction PA Hwy 113, then over PA Hwy 113 to Souderton, and return over the same route, serving

all intermediate points in routes (a) through (m) above; over Alternate Routes for operating conveniences only (III) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission commodities in bulk, and those requiring special equipment), (a) between Lancaster, PA, and New York, NY, in connection with carrier's regular-route operations, serving intermediate points, from Lancaster over US Hwy 30 to Philadelphia, PA, then over US Hwy 1 to New York, and return over the same route, (d) between Sunbury, PA, and Harrisburg, PA in connection with carrier's regular-route operations, serving no intermediate points, from Sunbury south over PA Hwy 147 to first bridge, then across the Susquehanna River to junction US Hwy 15, north of Shamokin Dam, PA, then over US Hwy 15 to Wormleysburg, PA, then across the Susquehanna River to Harrisburg, and return over the same route, and (c) between Harrisburg, PA, and York, PA, in connection with carrier's regular-route operations, serving no intermediate points, from Harrisburg across the Susquehanna River, then over I-Hwy 83 to junction unnumbered hwy, then over unnumbered hwy via new Cumberland to junction I-Hwy 83 to junction unnumbered hwy, then over unnumbered hwy via Newberrytown, and Strinestown, PA, to junction I-Hwy 83, then over I-Hwy 83 to York, and return over the same route. By the instant petition, petitioner seeks to modify the regular route authority in each of the above certificates by adding the following: "Serving all points in PA east of US Hwy 220, and points in NJ as off-route points in connection with carrier's authorized regular routes".

MC 101219 (Sub-54) (M1F) (notice of filing of petition to modify certificate), filed January 25, 1980. Petitioner: MERIT DRESS DELIVERY, INC., 292 Eleventh; Ave., New York, NY 10001. Representative: Martin Werner, 888 Seventh Ave., New York, NY 10019. Petitioner holds a motor *common carrier* Certificate in MC 101219 (Sub-54) issued May 15, 1975, authorizing transportation over irregular routes, of *wearing apparel*, on hangers, in boxes and in cartons, and *supplies* used in the manufacture of wearing apparel, when moving in the same vehicle and at the same time with shipments of wearing apparel, on hangers, between points in that part of the New York, NY Commercial Zone, as defined in Commercial Zones and Terminal Areas, 54 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), CT (except Middletown), ME, MA, NH, and RI. By the instant petition, petitioner seeks to modify the above commodity description by adding *department store merchandise* when moving in the same vehicle and at the same time with shipments of wearing apparel on hangers.

MC 107227 (Sub-84) (M1F) (notice of filing of petition to modify certificate), filed November 9, 1979. Petitioner; INSURED TRANSPORTERS, INC. 45055 Fremont Boulevard, Fremont, CA 94538. Representative: John G. Lyons, 220 Bush Street, Room 1418, San Francisco, CA 94104. Petitioner holds motor *common carrier* certificate in MC 107227 (Sub-84), served June 20, 1962, authorizing transportation over irregular routes, of *trucks, truck tractors, truck chasses*, and *station wagons*, with or without bodies, in initial movements, in driveaway and truckaway service, from the site of the General Motors Corporation assembly plant in Fremont, CA, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY. By the instant petition, petitioner seeks to modify the commodity description by adding "automobiles" to the commodities transported.

MC 109397 (Sub-463) (M1F) (notice of petition to modify commodity description in part 1), filed September 13, 1979. Petitioner: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Petitioner holds motor *common carrier*, certificate in MC 109397 (Sub-362), issued July 27, 1979, authorizing transportation over irregular routes, of (1) *heavy industrial machinery and contractor's equipment materials and supplies* (except commodities in bulk, in tank vehicles), between points in MN, SD, ND, and WI, and (2) *crude verniculite ore*, in bulk, in dump vehicles, from Seneca, IL, to Minneapolis, MN, restricted against the transportation of traffic moving to ND having an immediately prior movement by rail. By the instant petition, petitioner seeks to modify the commodity description in part (1) so as to read: (1)(a) *commodities*, the transportation of which, because of their size or weight, requires the use of special equipment, (b) *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies moving in connection therewith (restricted to commodities transported on trailers), and (c) *heavy industrial machinery and contractor's equipment, materials and supplies* except commodities in bulk, in tank vehicles).

MC 110686 (Sub-32) (M1F) (notice of filing of petition to modify certificate), filed September 4, 1979. Petitioner: McCORMICK DRAY LINE, INC., Route 220, Avis, PA 17721. Representative: David A. Sutherlund, 1150 Connecticut Ave., NW., Suite 400, Washington, DC 20016. Petitioner holds a motor *common carrier* certificate in MC 110686 (Sub-32), issued July 11, 1967, authorizing transportation over irregular routes of *iron and steel and iron and steel articles* (except those commodities which because of size or weight require the use of special equipment), (1) between the plant sites of Avco Corporation, Darling Valve and Manufacturing Company, and Met-Fab, Inc., at Williamsport, PA, on the one hand, and, on the other, points in CT, DE, KY, MD, MA, NJ, NY, OH (except from Dover, OH), RI, TN, VA, WV, and DC, restricted with respect to service to or from points in OH and WV to the transportation of shipments originating at or destined to the above-named sites at Williamsport, PA, (2) from Alliance, OH, and Buffalo and Lackawanna, NY, to the plant site of E. Keeler Company, at Williamsport, PA, restricted with respect to service from Alliance, OH, to the transportation of shipments destined to said plant site at Williamsport, PA, (3) from Avis, PA, and the plant site of Jersey Shore Steel Company, at Williamsport, PA, to Louisville, KY, and (4) from points in KY, MA, OH (except Dover, OH), VA and WV, to Avis, PA, and the plant site of Jersey Shore Steel Company, at Williamsport, PA, restricted with respect to service from points in OH and WV, to the transportation of shipments destined to Avis, PA,and said plant site, at Williamsport, PA. By the instant petition, Petitioner seeks to modify the certificate MC 110686 (Sub-32) as follows: iron and steel and iron and steel articles, between Williamsport, PA, on the one hand, and, on the other, points in CT, DE, KY, MD, MA, NJ, NY, OH, RI, TN, VA, WV and DC.

MC 110988 (Sub-83) (M1F) (notice of filing of petition to remove restrictions), filed January 9, 1980. Petitioner: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: John R. Patterson, 2480 E. Commerce Blvd., Ft. Lauderdale, FL 33308. Petitioner holds a motor *common carrier* Certificate in MC 110988 (Sub-83) issued December 1, 1965, authorizing transportation over irregular routes, of *commodities in bulk*, having an immediate prior movement by rail or water (except cement), between points in WI (except Superior, WI), restricted

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against the transportation of dry phosphate, phosphate compounds, and salt, from Alma, La Crosse, and Prairie du Chien, WI, to points in WI. By instant petition, petitioner seeks to modify the above certificate by removing all restrictions, exceptions, and limitations so that it will read "commodities in bulk, between points in WI".

MC 112298 (Sub-2) (M1F) (notice of filing of petition to remove restriction), filed January 9, 1980. Petitioner: RAY'S GARAGE, INC., 14429 West Hwy 24, Hales Corner, WI 53130. Representative: Shirley Salentine (same address as applicant). Petitioner holds a motor *common carrier* Certificate in MC 112298 (Sub-2) issued April 6, 1973, authorizing the transportation by motor vehicle, of *wrecked and disabled vehicles, and replacement vehicles*, by use of wrecker equipment, between points in WI, on the one hand, and, on the other, points in AZ, AL, AR, CO, CT, NC, SC, ND, SD, DE, FL, GA, ID, IL, IA, KS, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NM, NJ, NY, OK, PA, RI, TN, TX, UT, VT, VA, WV, WI, WY, and DC. By the instant petition, petitioner seeks to modify the commodity description by deleting the restriction "by use of wrecker equipment".

MC 117119 (Sub-632) (M1F) (notice of filing of petition to modify certificate), filed May 10, 1979. Petitioner: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: Martin M. Geffon, P.O. Box 156, Mt. Laurel, NJ 08054. Petitioner holds a motor *common carrier* Certificate in MC 117119 (Sub-632) issued June 5, 1978, authorizing transportation over irregular routes, of *confectionery, cocoa, chocolate, and products related thereto, materials, equipment, and supplies* used in the manufacture, production, distribution, and sale of the above-named commodities, from the plantsites and storage facilities of Hershey Foods Corporation, at Derry Township, Dauphin County, PA, to points in OK, TX, WI, IL, IA, AR, OR, CA, MT, UT, AZ, CO, MN, NE, MO, ID, KS, ND, SD, WA, and Memphis, TN. By the instant petition, petitioner seeks (1) to change the commodity description to read "foodstuffs" and (2) to add the additional origin point of "East Hempfield Township, Lancaster County, PA" to the territorial description.

MC 130438 (M2F) (notice of filing of petition to modify broker's license), filed February 15, 1980. Petitioner: DELORES P. LARSON, d.b.a. AMERICAN MOTOR COACH TOURS, 1681 Cape Ave. East, St. Paul, MN 55109. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Petitioner holds a license in MC 130438, issued April 23, 1979, authorizing operations as a *broker*, at St. Paul, MN, of *passengers and their baggage*, in special and charter operations, between points in the United States, including AK, but excluding HI. By the instant petition, petitioner seeks to delete St. Paul, MN as the point at which it can engage in the above operations, and substitute in lieu thereof "points in Hennepin and Ramsey Counties, MN."

MC 133157 (M1F) (notice of filing of petition to delete a restriction), filed August 20, 1979. Petitioner: HOAGY WRECKER SERVICE, INC., 5418 South Calhoun St., Ft. Wayne, IN 46807. Representative: James E. Hoagland (same address as applicant). Petitioner holds motor *common carrier* certificate in MC 133157, issued January 10, 1978, authorizing transportation over irregular routes, of (1) *used motor vehicles*, to be used as replacements for wrecked or disabled motor vehicles, in truckaway service, and motor vehicle parts, accessories, supplies, and materials, for use in connection with repairing and reconditioning of disabled or wrecked motor vehicles, from points in Indiana, to points in Pennsylvania, Ohio, Michigan, Illinois, Wisconsin, Kentucky, and Tennessee; and (2) *wrecked or disabled motor vehicles*, from points in Pennsylvania, Ohio, Michigan, Illinois, Wisconsin, Kentucky, and Tennessee, to points in Indiana, restricted to the transportation of traffic by wrecker equipment only. By the instant petition, petitioner seeks to delete the restriction which reads "restricted to the transportation of traffic by wrecker equipment only".

MC 133259 (Sub-7) (M1F) (notice of filing of petition to modify certificate), filed January 23, 1980. Petitioner: ALLIED AIR FREIGHT CORPORATION, Griswold Industrial Park, Williston, VT 05495. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MO 01103. Petitioner holds a motor *common carrier* Certificate in MC 133259 (Sub-7), issued January 3, 1978, authorizing transportation over irregular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those which because of size or weight require the use of special equipment and alcoholic beverages), between Burlington, VT., on the one hand, and on the other, points in Vermont, points in Grafton, Sullivan, Merrimack, Cheshire and Coos Counties, NH, and points in Clinton, Essex, Franklin, St. Lawrence, Warren, Washington, Renselaer and Saratoga Counties, NY. By the instant Petition, petitioner seeks to modify that territorial description to read: "Between points in Grafton, Sullivan, Merrimack, Cheshire and Coos Counties, NH, and points in Albany, Clinton, Essex, Franklin, St. Lawrence, Warren, Washington, Renselaer and Saratoga Counties, NY, and points in VT.

MC 134477 (Sub-94) (M1) (notice of filing of petition to amend certificate), filed August 16, 1979. Petitioner: SCHANNO TRANSPORTATION, INC., P.O. Box 43496, St. Paul, MN 55164. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Petitioner holds motor *common carrier* authority in MC 134477 (Sub-94), issued May 16, 1977, authorizing the transportation over irregular routes of *foodstuffs* (except in bulk), from the plant site and warehouse facilities of Jeno's, Inc., located at or near Sodus, MI, to points in Arkansas, Connecticut, Delaware, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. By the instant petition, Petitioner seeks to change the facility name to Wilderness Foods, Inc., in lieu of Jeno's Inc.

MC 136899 (M1F) and (Sub-1) (M1F), 7 (M1F), and 12 (M1F) (notice of filing of petition to modify certificates), filed January 17, 1980. Petitioner: HIGGINS TRANSPORTATION, LTD., P.O. Box 192, Richland Center, WI 53581. Representative: Wayen W. Wilson, 150 East Gilman St., Madison, WI 53703. Petitioner holds motor *common carrier* Certificates in (1) MC 136899, issued July 23, 1973, as corrected, authorizing transportation, as pertinent, over irregular routes, of *signs, sign parts, sign poles, and electrical advertising displays*, from Los Angeles, CA, to points in the United States (except AK, CA, and HI); (2) MC 136899 (Sub-1), issued January 8, 1974, authorizing transportation, as pertinent, over irregular routes, of *signs, sign poles, electrical advertising displays, and fiber glass products*, from Elk Grove Village, Burr Ridge, and West Chicago, IL, to points in the United States (except AK and HI), restricted against the transportation of traffic originating at the plant site of Acme Wiley Corporation at Elk Grove Village, IL; (3) MC 136899 (Sub-7), issued September 10, 1974, authorizing transportation, as pertinent, over irregular routes, of *signs, sign poles, electrical advertising displays, and fiberglass products*, from Milwaukee, WI, to points in the United States (except AK and HI); and (4) MC 136899 (Sub-12), issued July 22, 1975, authorizing transportation over irregular routes, of *signs, sign parts, sign poles, sign pole parts, electrical advertising displays and accessories* when moving therewith, from Arlington, TX, to points in the United States (except AK and HI). By the instant petition, petitioner seeks in each of the above certificates to delete the commodity description "electrical advertising display," and substitute in lieu thereof "displays".

MC 139261 (M2F) (notice of filing of petition to modify permit); filed January 12, 1979. Petitioner: BUCKEYE EXPRESS, INC., P.O. Box 368, Willis Day Industrial Park, Perrysburg, OH 43551. Representative: Michael M. Briley, 1200 Edison Plaza, 300 Madison Ave., P.O. Box 2088, Toledo, OH 43603. Petitioner holds motor *contract carrier* authority in MC 139261, issued May 12, 1978, authorizing transportation, over irregular routes, of (1) *such merchandise as is dealt in by wholesale, retail, chain grocery, and food business houses, institutions, catalogue show room stores, and home center stores* (except commodities in bulk), and (2) *equipment, materials, and supplies* used in the prepartaion and distribution of the commodities described in (1) above (except commodities in bulk), between Perrysburg, OH, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing contract(s) in (1) and (2) above with International Automated Machines, Inc., and Seaway Foodtown, Inc., of Perrysburg, OH. By the instant petition, petitioner seeks to modify the above authority by adding Tara Foods Company, Inc. as an additional contracting shipper.

MC 140612 (Sub-60F) (M1F) (notice of filing of petition to modify certificate), filed December 20, 1979. Petitioner: ROBERT F. KAZIMOUR, P.O. Box 2201, Cedar Rapids, IA 52406. Representative: A. J. Swanson, 226 N. Phillips Avenue, P.O. Box 1103, Sioux Falls, SD 57103. Petitioner holds a motor *common carrier* certificate in MC 140612 (Sub-60F), issued December 13, 1979, to operate in interstate or foreign commerce, over irregular routes, transporting *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, in tank vehicles, and those requiring special equipment), between points in the United States (except AK and HI, restricted to the transportation of traffic originating at or destined to the facilities used by Ralston Purina Company. By the instant petition, petitioner seeks to modify the authority as follows: change the restriction to read: restricted to the transportation of traffic originating at or destined to the facilities used by (1) Ralston Purina Company, (2) Carnation Company, (3) DuraVent Corporation, (4) General Electric Company, (5) The Clorox Company, and (6) Cargill, Incorporated.

MC 141426 (M1F) (notice of filing of petition to remove restriction), filed November 6, 1979. Petitioner: WHEATON CARGAGE CO., a corporation, Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Petitioner holds a motor *contract carrier* permit in No. MC 141426, issued May 3, 1978, authorizing transportation over irregular routes, of *glass, metal, plastic, paper, wax, clay, feldspar, and wood products, foodstuffs, anti-pollution and biochemical apparatus, products used in radiological reseach, organic chemistry kits, talc, candles, pottery, chinaware, ceramics, gift items, materials and supplies used in the repair and maintenance of boats, machinery, parts and accessories for all of the above-described commodities, and materials, equipment and supplies used or useful in the production, sale, and distribution of the above-named commodities*, between the facilities utilized by Wheaton Industries, Decora, Inc., Dorchester Industries, Inc., and Wheaton Injection Molding Co., located in Cumberland, Ocean, Atlantic, Gloucester, Mercer, Salem, Camden, and Cape May Counties, NJ, on the one hand, and, on the other, points in NY, NJ, NH, MI, IN, KY, WV, IL, WI, MO, MN, KS, IA, NE, ND, SD, and WY. Restriction: the authority granted herein is subject to the following conditions: This authority is restricted against the transportation of commodities in bulk, in tank vehicles. The authority granted herein is limited to a transportation service to be performed under a continuing contract(s) with Wheaton Industries, Dorchester Industries, Inc., and Decorra, Inc., of Millville, NJ, and Wheaton Injection Molding Co., of Williamstown, NJ. By the instant petition, petitioner seeks to modify the authority herein by deleting the restriction which reads: restriction: "This authority is restricted against the transportation of commodities in bulk, in tank vehicles."

MC 141599 Sub-1 (M1F) (notice of filing of petition to modify certificate), filed June 3, 1979. Petitioner: MOUNTAIN PACIFIC TRANSPORT (EDMONTON), LTD., d.b.a. SHADOW LINES, 241 Schoolhouse St., Coquitlan, British Columbia, Canada V3K 4X9. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. Petitioner holds a motor *common carrier* Certificate in No. MC 141599 Sub 1 issued October 5, 1979, authorizing transportation over irregular routes, of *lumber* and *lumber and wood products*, (except commodities in bulk), between ports of entry on the United States-Canada Boundary line located at or near Blaine and Sumas, WA, on the one hand, and, on the other, points in OR and WA.

By the instant petition, petitioner seeks to eliminate the named ports of entry on the U.S./Canada boundary line in WA, so as to operate through any port of entry in WA.

MC 141932 Sub-6F (M1F), (notice of filing of petition to modify certificate), filed September 7, 1979. Petitioner: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: A. C. Gardner (same address as applicant). Petitioner holds a motor *common carrier* certificate in MC–141932 Sub 6F, issued September 26, 1979, to operate in interstate or foreign commerce, over irregular routes, transporting *paper, paper products, dispenser boxes, materials, equipment, and supplies* used in the operation of paper mills (except commodities in bulk, and commodities, the transportation of which, because of size and weight, require the use of special equipment), between facilities of Georgia-Pacific Corp., at points in IL, IN, IA, MI, (except Kalamazoo), MO, NY, OH, PA, VT, and WI, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX, (except Crosett, AR), restricted to the transportation of traffic originating at or destined to the named facilities. By the instant petition, petitioner seeks to modify the authority as follows: Shipper Georgia-Pacific Corp has acquired Hudson Pulp and Paper Corporation as a wholly owned subsidiary, with plants located in NC, FL, AR, VA and NY, modification to include service to new plant sites.

MC 142123 Sub-1 (M1F) (notice of filing of petition to modify certificate), filed September 4, 1979. Petitioner: WELTMEYER AND SONS, INC., 14800 Vine, Harvey, IL 60426. Representative: Joseph C. Freegeau (same address as applicant). Petitioner holds a motor common carrier Certificate in MC–

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142123 Sub 1, issued November 15, 1977, to operate in interstate or foreign commerce, over irregular routes, transporting *Wrecked, disabled, and repossessed vehicles,* and *replacement vehicles* for such wrecked or disabled vehicles, by wrecker equipment, between points in IL, IN, IA, KY, MI, MO, OH, PA, WV, and WI. This certificate is issued pursuant to an application filed after November 23, 1973, and in accordance with 49 CFR 1065 may not be tacked or joined with the carrier's other irregular-route authority unless specifically authorized herein. By the instant petition, petitioner seeks to modify the authority as follows: delete the wording *by wrecker equipment.*

MC 143707 (MIF) (Notice of filing of petition to remove restriction), filed September 13, 1979. Petitioner: KENNEDY ENTERPRISES, INC., 2420 Diana Dr., Hallandale, FL 33009. Representative: Frank J. Hathaway, 7615 Biscayne Blvd., Miami, FL 33138. Petitioner holds a motor common carrier certificate in No. MC 143707, issued November 30, 1978, authorizing transportation over irregular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Dade, Broward, and Palm Beach Counties, FL, restricted to the transportation of shipments having a prior or subsequent movement by rail. By the instant petition, petitioner seeks to modify the authority herein by deleting the restriction.

MC 144109 (M1F) (Notice of filing of petition to modify certificate), filed October 31, 1979. Petitioner: FINE ARTS EXPRESS, INC., P.O. Box 72, Wellesley Hills, MA 02181. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Petitoner holds a motor *common carrier* certificate in MC 144109 issued November 8, 1978, authorizing transportation by motor vehicle, in interstate or foreign commerce, over irregular routes, of *paintings, statues, cultural artifacts, antiques, tapestries, objects of art, and materials and supplies and equipment used in the display or distribution of the foregoing commodities,* in other than armored vehicles, between New York, NY, Philadelphia, PA, Baltimore, MD, Providence, RI, Massachusetts, and the District of Columbia, points in Connecticut, on the one hand, and, on the other, points in the United States east of Minnesota, Iowa, Missouri, Arkansas and Louisiana. By the instant Petition, the Petitioner seeks to modify that territorial description to read: "Between points in the United States."

MC 145106 (M1F), (Notice of filing of petition to add additional contracting shippers), filed November 6, 1979. Petitioner: EDINA CARTAGE CO., a corporation P.O. Box 42, Mauricetown, NJ 08329. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, DC 20001. Petitioner holds motor *contract carrier* authority in Permit MC–145106 Sub 8, issued July 6, 1979, authorizing transportation, by motor vehicle, in interstate or foreign commerce, over irregular routes, of (1) *empty containers,* (2) *parts and accessories for containers, and* (3) *materials, equipment, and supplies* used in the manufacture and sale of the commodities in (1) and (2) above, (except commodities in bulk), (a) between the facilities of Northwestern Bottle Company, at or near Little Rock, AR, and Lenexa, KS, on the one hand, and, on the other, points in the United States (except AK and HI), and (b) between points in IL, IN, MN, MO, NJ, NY, OH, OK, PA, and WI, on the one hand, and, on the other, points in the United States (except AL and HI), under continuing contract(s) in (1), (2), and (3) above, with Northwestern Bottle Compnay, of St. Louis, MO. By the instant petition, petitioner seeks to modify the permit by adding Wheaton Industries, and Decora, Inc., both of Millville, NJ, and Wheaton Injection Molding Co., of Williamstown, NJ, as additional contracting shippers in (1), (2), and (3) above.

MC 145487 Sub-2 (M1F) (notice of filing of petition to add a supporting shipper), filed December 11, 1979. Petitioner: D & N ENTERPRISES, INC., P.O. Box 2228, Idaho Falls, ID 83401. Representative: Timothy R. Stivers (same address as applicant). Petitioner holds motor *contract carrier* authority in Permit MC–145487 Sub 2, issued November 30, 1979, authorizing transportation, over irregular routes, of *lumber and lumber mill products,* from points in ID, WA, OR, those in MT west of Interstate Hwy 15, and those in CA north of Interstate Hwy 80, to points in WY and CO, under continuing contract(s) with Denver Reserve Supply Co., of Denver, Co. By the instant petition, petitioner seeks to modify the permit by adding Dier Lumber Co., Inc., of Oceanside, CA, as an additional contracting shipper.

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republiction, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 115669 Sub-187F (republication), filed May 8, 1979, published in **Federal Register** issue September 27, 1979. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Wilbur G. Hoyt (same address as applicant). A decision of the Commission, Division 1, decided February 11, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier,* by motor vehicle, transporting (1) anhydrous ammonia and *liquid fertilizer* (except anhydrous ammonia), from Aurora and Hoag, NE, to points in CO, IA, KS, MN, NE, MO, OK, SD, and WY. The purpose of this decision is to eliminate the facility restriction as published in the decision notice of September 27, 1979.

Motor Carrier Operating Rights Applications

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications *will be rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks

authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(1). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 Fed. Reg. 50908, as modified at 43 Fed. Reg. 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 109538 (Sub-35F), filed June 18, 1979. Applicant: CHIPPEWA MOTOR FREIGHT, INC., 100 East 41st Street, P.O. Box 850, Sioux Falls, SD 57101. Representative: Carl Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Barron, Buffalo, Burnett, Chippewa, Clark, Dunn, Eau Claire, Jackson, La Crosse, Marathon, Monroe, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, Washburn, and Wood Counties, WI, as off-route points in with applicant's otherwise authorized regular route operations. (Hearing site: Chicago IL, or Sioux Falls, SD.)

Office of Proceedings, Permanent Authority Decisions Volume; Decision-Notice

Decided: March 10, 1980.

The following broker, freight forwarder or water carrier applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Failure to file a protest within 30 days will be considered as a waiver of opposition to the application. A protest under these rules shall comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, as specifically noted below), and specify with particularity the facts, matters, and things relied upon. The protest shall not include issues or allegations phrased generally. A protestant shall include a copy of the specific portion of its authority which it believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use this authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission. A copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Liberman, Eaton, and Jensen. Member Jensen not participating.

Freight Forwarders

FF 518F, filed July 9, 1979. Applicant: TRANS-GULF FORWARDERS, INC., 120 South Central Ave., St. Louis, MO 63105. Representative: Edward K. Wheeler, 1729 H St., NW., Washington, DC 20006. To operate in interstate commerce, as a *freight forwarder,* through the use of the facilities of common carriers by water, of *general commodities,* from those points on the Mississippi River, the Harvey Canal, the Inner-Harbor Navigation Canal, and the Mississippi River—Gulf Outlet, in LA, to those points on the Cumberland River in TN and KY, those on the Mississippi River in AR, IL, IA, KY, MN, MS, MO, TN, and WI, those on the Missouri River

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in MO, KS, NE, and IA, those on the Ohio River in IL, IN, KY, OH, PA, and WV, those on the Tennessee River in AL, KY, MS, and TN, those on the Illinois Waterway and on Lake Michigan between and including South Chicago, IL, and Burns Harbor, IN, in IL and IN, and those on the McClellan-Kerr Arkansas River Navigation System in AR and OK. (Hearing site: Washington, DC, or St. Louis, MO.)

FF 520F, filed August 16, 1979. Applicant: PAN AMERICAN FORWARDING, INC., 18420 South Santa Fe Ave., Compton, CA 90221. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006. To operate in interstate commerce as a *freight forwarder* of (1) *used household goods and unaccompanied baggage*, and (2) *used automobiles*, between points in the United States (including HI, but excluding AK), restricted in (2) above to the transportation of import-export traffic. CONDITION: The person or persons engaged in common control of applicant and another regulated carrier must file an application for approval under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Los Angeles, CA.)

FF 521F, filed September 19, 1979. Applicant: HARBOUR FORWARDING CO., INC., 86 Maple St., P.O. Box 4, Sugar Grove, IL 60554. Representative: Wilmer D. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. To operate in interstate commerce as a *freight forwarder* of (1) *used household goods and unaccompanied baggage*, and (2) *used automobiles*, between points in the United States including AK and HI), restricted in (2) above to the transportation of import-export traffic. CONDITION: The person or persons engaged in common control of applicant and another regulated carrier must file an application for approval under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Chicago, IL, or Washington, DC.)

Brokers (Passenger)

MC 130771F, filed December 28, 1979. Applicant: STAGECOACH TOURS, INC., 40 Randolph Dr., Dix Hills, NY 11742. Representative: Arnold Heller (same address as applicant). To engage in operations, in interstate or foreign commerce, as a *broker*, at Dix Hills, NY, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at New York, NY, and extending to points in the US (including AK and HI). NOTE: Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension- New York, N.Y.*, 54 M.C.C. 291 (1952). (Hearing site: New York, NY.)

MC 130781F, filed February 8, 1980. Applicant: FRANK E. WETZEL, d.b.a. FRANKLIN TOURS, 1682 EL Cerrito Court, San Luis Obispo, CA 93401. To engage in operations, in interstate or foreign commerce, as a *broker*, at San Luis Obispo, CA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in San Luis Obispo, San Benito, and Santa Barbara Counties, CA, and extending to points in the US (including AK and HI). (Hearing site: San Luis Obispo or Los Angeles, CA.)

Note.—Applicant is cautioned that arrangements for charter parties or groups shoud be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension-New York, N.Y.*, 54 M.C.C. 291 (1952).

Office of Proceedings, Permanent Property Broker Authority Decisions; Decision-Notice

Decided: March 10, 1980.

The following applications are governed by 49 CFR 1045A. Applicants seek to obtain authority to operate as brokers of motor carrier transportation of general commodities (except household goods) between all points in the United States. The full text and explanation of the rules are contained at 44 F.R. 53513.

The sole issue upon which these applications can be protested is the fitness of applicant (or business associates) to perform the service. Protests (an original and one copy) must be filed with the Commission within 30 days of the **Federal Register** publication. The protest must contain the *specific facts* being relied upon to challenge fitness, and must contain a certification that it has been served concurrently upon applicant's representative, or, if none is listed, upon the applicant. Applicant may file a reply statement to any protest. The filing of these statements will complete the record, unless it is later determined that more evidence must be supplied.

Further processing steps will be by Commission notice, decision, or latter which will be served on each party of record.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved fitness questions), we find, preliminarily, that each applicant has demonstrated that its proposed service is consistent with the public interest and the transportation policy of 49 U.S.C. 10101, and that each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this action will not significantly affect the quality of the human environment or conservation of energy resources.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Liberman, Eaton, and Jensen. Member Jensen not participating.

MC 130665F, filed November 8, 1979. Applicant's name and address are JAMES A. EVANGELIST, P.O. Box 41490, Cincinnati, OH 45241. The name under which operations will be performed is JAMES A. EVANGELIST. Applicant is represented by Kevin R. Reichley in this proceeding whose address is 50 West Broad St., Columbus, OH 43215. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: None. The daily operations will be managed by applicant. Applicant is affiliated with the following shipper or warehouse: None.

MC 130789F, filed February 21, 1980. Applicant's name and address are GLOBAL VAN LINES, INC., Number One Global Way, Anaheim, CA 92803. The name under which operations will be performed is GLOBAL VAN LINES, INC. Applicant is represented by Alan F. Wohlstetter, in this proceeding, whose address is 1700 K St., NW., Washington, DC 20006. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Officers are (1) Herbert H. Caldwell, V.P. High Value Products (same address as applicant), (2) Herbert A. Clark, V.P. Traffic (same address as applicant), (3) James C. Corbett, V.P. Marketing & Advertising (same address as applicant), (4) Daniel B. Dempster, V.P. Agency Relations (same address as applicant), (5) Frank Fritch, Treasurer (same address as applicant), (6) Richard H. Gorbett, V.P. Sales (same address as applicant), (7) Robert O. Hasler, V.P. (same address as applicant), (8) D. D. Heydlauff, V.P. (same address as applicant), (9) C .A Kaczmarek, V.P. (same address as applicant), (10) Charles M. Kelly, V.P. West Region (same address as applicant), (11) Nick Lechiara, V.P. Transporting (same address as applicant), (12) James H. Leonard, V.P., 4610 Shattuck Ave., Oakland, CA 94609, (13) Kenneth S. Ogden, General Counsel/Assistant Secretary (same address as applicant), (14) E. W. Schumacher, President (same address as applicant), (15) E. Gordon Scott, Executive V.P. (same address as applicant), (16) T. E. Shelby, V.P. Southwest Region, P.O. Box 11, Nicoma Park, OK 73066, (17) Edward Sholtis, V.P. Operations (same address as applicant), (18) Larry A. Stanley, V.P. Operations (same address as applicant), (19) Eugene Taylor, V.P. Northeast Region, 653 Mountain Avenue, North Caldwell, NJ 07006, (20) James W. Thompson, V.P. Southeast Region, P.O. Box 47663, Doraville, GA 30340, (21) J.H. Waspi, V.P./Secretary (same address as applicant), (22) Robert Watson, V.P. Maintenance (same address as applicant), and (23) Carl Vance, V.P. Midwest Region, 1240 Atlas Lane, Naperville, IL 60540; Directors are (1) Donald D. Heydlauff, Chairman of the Board (same address as applicant), (2) E.W. Schumacher (same address as applicant), (3) E. Gordon Scott (same address as applicant), (4) B. Edwin Mills, 11480 Anaheim Drive, Dallas, TX 75229, and (5) Peter Kartovsky, 706 Howard Ave., Bridgeport, CT 06605; First five principal shareholders are (1) Donald D. Heydlauff (same address as applicant), (2) E. Gordon Scott (same address as applicant), (3) E. W. Schumacher (same address as applicant), (4) Pamela K. Frazee, 2610 Stamford Dr., Rancho Mirage, CA 92270, and (5) James R. Heydlauff, 13 Randolph Crescent, London W. 9, England. The daily operations will be managed by E. W. Schumacher whose business address is the same as applicant. Applicant is affiliated with the following shipper or warehouse: None.

Office of Proceedings Permanent Authority Decisions, Decision-Notice, Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: March 12, 1980.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission within 30 days of publication of this decision-notice.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occured within the one-year period immediately proceeding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendmetns to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requiremets of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice,

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or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 4, Members Fitzpatrick, Fisher, and Felder. Member Felder not participating.

MC 29910 (Sub-235F), filed October 15, 1979. Applicant: ARKANSAS–BEST FREIGHT SYSTEM, INC., 301 South 11th St., Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Forth Smith, AR 72902. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except commodities in bulk, those of unusual value, class A and B explosives, household goods as defined by the Commission, and those requiring special equipment), between New Orleans and Baton Rouge, LA (1) over U.S. Hwy 61 and (2) from New Orleans over LA Hwy 48 (formerly LA Hwy 1) to junction LA Hwy 44 (formerly LA Hwy 44 1), then over LA Hwy to junction LA Hwy 30 (formerly LA Hwy 1), then over LA Hwy 30 to junction LA Hwy 73 (formerly LA Hwy 1), then over LA Hwy 73 to junction U.S. Hwy 61 at or near Prairieville, LA, then over U.S. Hwy 61 to Baton Rouge, and return over the same route, serving all intermediate points. (Hearing site: New Orleans, LA.)

Note.—Applicant intends to tack this authority with its existing authority. The sole purpose of this application is to substitute single-line for joint-line operations.

MC 111231 (Sub-285F), filed September 25, 1979. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. To operate as a common carrier, by motor vehicle, in intertate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between Oklahoma City, OK and Amarillo, TX, from Oklahoma City, OK over I–40 and U.S. Hwy 66 to Amarillo, TX and return over the same route, service no intermediate points. (Hearing site: Oklahoma City, OK.)

Note.—Applicant intends to tack this authority with its existing authority. The sole purpose of this application is to substitute single-line for joint-line operations.

MC 111231 (Sub-287F), filed September 25, 1979. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between Fort Smith, AR and Booneville, AR, from Fort Smith over U.S. Hwy 71 to Jct, AR Hwy 10, then over AR Hwy 10 to Booneville, and return over the same route, serving no intermediate points. (Hearing site: Little Rock, AR.)

Note.—Applicant intends to tack this authority with its existing authority. The sole purpose of this application is to substitute single-line for joint-line operations.

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this **Federal Register** notice.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Property

MC 2512 (Deviation 1), filed March 3, 1980. Applicant: CITY TRANSFER & STORAGE CO., 1152 Marine Drive, Astoria, OR 97103. Representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Avenue, Portland, OR 97210. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Hwy 30 and OR Hwy 433 over U.S. Hwy 30 to Astoria, OR, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to carry the same commodities over a pertinent service route from junction of U.S. Hwy 30 and OR Hwy 433 over an interstate bridge to Longview, WA, then over WA Hwy 4 to junction WA Hwy 401, then over WA Hwy 401 to Megler, WA, then over Toll Bridge U.S. Hwy 101 to Astoria, OR.

MC 110683 (Deviation 7), SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401, filed March 7, 1980. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Evansville, IN over U.S. Hwy 41 to junction IN Hwy 67, then over IN Hwy 67 to junction Interstate Hwy 65, then over Interstate Hwy 65 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Chicago, IL and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Evansville, IN, over U.S. Hwy 41 to Henderson, KY, then over U.S. Hwy 60 to Louisville, KY, then over U.S. Hwy 31 to Indianapolis, IN, then over U.S. Hwy 52 to Kentland, IN, then over U.S. Hwy 41 to Chicago, IL.

MC 117465 (Deviation 1), filed March 3, 1980. Applicant: BEAVER EXPRESS SERVICE, INC., d.b.a. BEAVER EXPRESS, P.O. Box 151, Woodward, OK 73801. Representative: Lawrence T. Stone, (address same as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* (with usual exceptions), moving in express service, over a deviation route as follows: from Hugoton to Satanta, KS over U.S. Hwy 56 and return over the same route for operating convenience only. Carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Hugoton over U.S. Hwy 270 to Ulysses, thence over U.S. Hwy 160 to its jct. KS Hwy 190, thence over KS Hwy 190 to Satanta and return over the same route.

MC 117465 (Deviation 2), filed March 3, 1980. Applicant: BEAVER EXPRESS SERVICE, INC., d.b.a. BEAVER EXPRESS, P.O. Box 151, Woodward, OK 73801. Representative: Lawrence T. Stone (address same as applicant). Carrier proposes to operate as a *common carrier* by motor vehicle transporting *general commodities*, (with usual exceptions) moving in express service, over a deviation route as follows: from Johnson City to Elkhart, KS over KS Hwy 27 and return over the same route for operating convenience only. Carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Johnson City over U.S. Hwy 160 to Ulysses, thence over U.S. Hwy 270 to Hugoton, thence over U.S. Hwy 56 to Elkhart and return over the same route.

MC 117465 (Deviation 3), filed March 3, 1980. Applicant: BEAVER EXPRESS SERVICE, INC., d.b.a. BEAVER EXPRESS, 2120 Webster Avenue (Box 151), Woodward, OK 73801. Representative: Lawrence T. Stone, Beaver Express, 2120 Webster Avenue (Box 151), Woodward, OK 73801. Carrier proposes to operate as a *common carrier*, by motor vehicles, of *general commodities*, with usual exceptions, moving in Express Service, over a deviation route as follows: From Johnson City, KS over KS Hwy 27 to its junction KS Hwy 51 (near Ritchfield) thence over KS Hwy 51 to Rolla, KS and return over the same routes for operating convenience only. Carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Johnson City KS over US Hwy 160 to Ulysses, thence over US Hwy 270 to Hugoton, KS, thence over US Hwy 56 to Rolla, KS.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Louisiana Docket T–14570, filed February 28, 1980. Applicant: MURPHY BONDED WAREHOUSE, INC., 4002 Mainsfield Road (P.O. Box 3722), Shreveport, LA 71103. Representative: Edward A. Winter, 235 Rosewood River, Metairie, LA 70005. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation at irregular times in order to distribute in LTL or truckload quantities any and all merchandise handled through petitioner's warehouse in Shreveport, LA for the shippers, or from storage or pool distributions to destinations in Louisiana within a radius of 200 airline miles from peititoner's Shreveport warehouse. NOTE: Presently, applicant has authority under Docket No. MC–121718, same as above but limited to a radius of 125 airline miles from applicant's Shreveport warehouse. This application would extend the airline distance by 75 airline miles. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Louisiana Public Service Commission, Intrastate Program Manager, One American Place, Suite 1630, Baton Rouge, LA 70825, and should not be directed to the Interstate Commerce Commission.

New York docket T–942, filed January 28, 1980. Applicant: CLEVELAND'S TRUCK LINES, INC., R.D. 2, Hornell, NY 14843. Representative: William J. Hirsch, 43 Court Street, Buffalo, NY 14202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, between all points in Allegany, Broome, Cattaraugus, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Schuyler, Steuben, Tioga, Wyoming and Yates Counties. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to Department of Transportation, 1220 Washington Ave., State Campus Bldg. No. 4, Room G–21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket T–2746, filed December 28, 1979. Applicant: STARKWEATHER FREIGHT LINES, INC., South Main Street, Albion, NY 14411. Representative: William J. Hirsch, 43 Court Street, Buffalo, NY 14202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, between all points in Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Ontario, Wayne and Wyoming. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Department of Transportation, 1220 Washington Ave., State Campus Bldg. No. 4, Room G–21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

Office of Proceedings, Permanent Authority Notices, Substitution Applications: Single-Line Service for Existing Joint-Line Service

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2). These proposals are published as "service sought", (as opposed to decision-notices), because in each case it appears questionable as to whether all or part of the authority sought should be issued, weighing applicant's evidence under 49 CFR 1062.2. (For example, questions may be raised relating to applicant's contentions concerning why the involved joint-line service has been cancelled or is in a state of deterioration which warrant a decision on the merits,- regardless of whether the application is opposed.)

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission within 30 days of publication of this decision-notice.

Petitions for intervention without leave (i.e., automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately proceeding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition, however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e., applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not*

be accepted after the date of this publication.

MC 23618 (Sub-54F), filed July 25, 1979. Applicant: McALISTER TRUCKING COMPANY, a corporation, d.b.a. MATCO, 2041 South Treadway Blvd., P.O. Box 2377, Abilene, TX 79604. Representative: E. Larry Wells, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, TX 75245. Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, Transporting (1) *Machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof; (2) *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; (3) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection of removal of commodities into or from holes or wells; (4) *machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe; and (5) *machinery, equipment, materials, and supplies* used in, or in connection with, the drilling of water wells, between points in AZ, NM, TX, OK, KA, and LA, on the one hand, and on the other, points in CA. (Hearing site: Dallas or Fort Worth, TX.)

Note: The sole purpose of this application is to substitute single-line for joint-line operations.

MC 109638 (Sub-37F), filed June 6, 1979. EVERETTE TRUCK LINE, INC., P.O. Box 145, Washington, NC 27889. Representative: Cecil W. Bradley, P.O. Box 145, Washington, NC 27889. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *General Commodities*, from New York, NY; Newark, Bloomfield, and Sewaren, NJ; Biglerville and Philadelphia, PA; Wilmington, DE; Baltimore, MD; Richmond and Winchester, VA; to points and places in that part of North Carolina, west of U.S. Highway 1. From: Norfolk, VA to points and places in North Carolina. The sole purpose of this application is to substitute single line service for existing joint-line.

MC 121589 (Sub-5F), filed August 28, 1979. Applicant: N & W TRANSFER, INC., P.O. Box 188, Nehawka, NE 68413. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Chicago, IL, to points in NE. (Hearing site: Omaha, NE.)

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9141 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[No. 37369]

Arizona Intrastate Rates and Charges—1980 (Fuel Cost Increase)

Decided: March 11, 1980.

By joint petition filed February 8, 1980, petitioners, Atchison, Topeka and Santa Fe Railway Company (Santa Fe), and Southern Pacific Railroad Company (SP), common carriers by railroad operating in intrastate commerce in Arizona, request that this Commission institute an investigation of their Arizona intrastate freight rates and charges, under 49 U.S.C. 11501, 11502 and 10704. Petitioners seek an order authorizing them to increase their intrastate rates and charges to the same levels authorized by this Commission for interstate rates in Ex Parte No. 311 (Sub-Nos. 1, 1A and 1B), *Expedited Procedures for Recovery of Fuel Costs* (not printed), served June 4 and 29, and July 23, 1979, respectively.

Petitioners have stated grounds sufficient to warrant instituting an investigation. Petitioners show that on August 6, 1979, SP filed an application with the Arizona Corporation Commission requesting the same increases in its Arizona intrastate rates and charges. Subsequently, applications have been filed with the Arizona Commission by the other railroads serving Arizona, the last application by the Santa Fe on October 2, 1979. Hearings on these applications were held by the Arizona Commission on October 30, 1979. The Arizona Commission, however, has not finally acted on the applications within the 120-day period provided in 49 U.S.C. 11501.

It is ordered:

The petition for investigation is granted. An investigation, under 49 U.S.C. 11501, 11502, and 10704, is instituted to determine whether the Arizona intrastate rail freight rates cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between persons or localities in instrastate commerce and persons or localities in interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the present interstate rate level. In the investigation we shall also determine if any rates or charges, or maximum or minimum charges, or both, should be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

All persons who wish to participate in the proceeding and to file and receive copies of pleadings shall notify the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, DC 20423, on or before April 10, 1980. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should consolidate their presentations to the extent possible. This Commission desires participation of only those who intend to take an active part in this proceeding.

As soon as practicable, after the last day for indicating a desire to participate in this proceeding, this Commission will serve a list of names and addresses of persons upon whom service of all pleadings must be made. Thereafter, this proceeding will be assigned for oral hearing or handling under modified procedure, as appropriate.

A copy of this order shall be served upon each of the respondents. Arizona shall be notified of the proceeding by sending copies of this order by certified mail to the Governor or Arizona and the Arizona Corporation Commission. Further notice of this proceeding shall be given to the public by depositing a copy of this order in the Office of the Secretary of the Interstate Commerce Commission at Washington, DC, and by filing a copy with the Director, Office of the Federal Register, for publication in the **Federal Register.**

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

By the Commission, Gary J. Edles, Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-9147 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1398]

Kansas City Terminal Railway Co. Directed To Operate Over Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee); Compensation Agreement

Decided: March 17, 1980.

Our decision of September 26, 1979 directed the Kansas City Terminal Railway Company (KCT) to provide service as directed rail carrier (DRC) over the lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (RI) under 49 U.S.C. 11125. See DSO 1398, *Kansas City Term. Ry. Co.—Operate—Chicago, R.I. & P.*, 360 I.C.C. 289, 290–292 (1979), 49 FR 56343 (October 1, 1979). This action was necessary to prevent severe transportation and economic disruptions in the Midwest which would have resulted from RI's lack of sufficient cash to operate and meet its common carrier obligations.

We directed the RI Trustee and KCT to attempt to reach agreements in several areas including use and rental of equipment; use of existing inventories of fuel, materials and supplies; reassignment of fuel allocation; and the like. All such agreements were to be subject to Commission approval. Further, we reserved the right to establish just and reasonable terms in the event the parties failed to agree. KCT has submitted a draft compensation agreement with RI. In turn, the RI Trustee has submitted a proposal with certain alternate or additional clauses. Many areas have been agreed upon by the parties. Those issues where some divergence of opinion remains will be discussed in this decision. All other provisions will be adopted.

Existing RI Obligations to Shippers and States

Prior to the imposition of directed service, the RI Trustee had negotiated agreements with certain shippers and States under which the shippers and States advanced funds for track and car rehabilitation. There were two types of agreements: one bound RI to repay the shippers or States on the basis of the railroads actual *use* of the track or car, and the other, a form of installment contract, requires RI to repay the debt on a fixed schedule of installment payments.

Under Section two of its draft compensation agreement, KCT proposes to pay only those amounts due to shippers and States from outstanding agreements based on a use formula. That is, no payment would be required under the KCT draft agreement to shippers or States whose contract provides for repayment under the installment plan. KCT relies on language from our Supplemental Order No. 2 (44 FR 58581, Oct. 10, 1979) which requires KCT "* * * repayment of monies advanced for car and track rehabilitation on a use basis covering property used by it to provide directed service * * *." The Trustee objects to this proposal and contends that KCT should be responsible for both use and installment obligations.

KCT's interpretation of its obligation under directed service works an unfair distinction among shippers and States. Our language was meant to indicate a directed rail carrier's obligation to pay for the services it used. Here, both the use and installment contracts confer equal benefit. Funds advanced under both obligations were used for the rehabilitation of equipment and track. KCT is responsible for those charges incurred due to its operation under directed service. Therefore, we will approve the alternative proposal submitted by the RI Trustee which provides for KCT to pay amounts accruing during the period of directed service upon outstanding agreements between the Trustee and shippers or States on either an installment or use basis.

However, any payments relating to track and car rehabilitation made by KCT to shippers or States shall be credited against rental payments owed by KCT to RI covering the same equipment. In this manner KCT will not only bear the burden of these obligations but will be allowed to set-off the amount of its outlay against the payment of rent on this equipment.

Owned and Leased Equipment

KCT proposes to pay the RI Trustee for the use of its cars and locomotives (at the Commission established per diem and incentive per diem rates under Sections 3 and 4 of its draft compensation agreement). However, KCT does not propose to pay RI those rates for the use of cars and locomotives that were leased by the RI Trustee prior to directed service, but offers to pay only the existing rental payment for that equipment. KCT justifies this offer since lease payments are often substantially less than Commission established per diem and incentive per diem rates and payments of a higher sum to RI would result in a windfall.

Additionally, KCT does not propose to pay for cars and locomotives owned by RI that were in bad order on October 5, 1979, until the date that equipment was repaired and put in service. KCT also asserts a right against RI for lease payments it made on cars and locomotives leased by the Trustee prior to directed service that were in bad order or otherwise inoperable on October 5, 1979, until the property was repaired and put in service. This would be used as a set-off against lease payments due from KCT to RI on other equipment.

RI asserts that it should be compensated at per diem and incentive per diem rates for all cars and locomotives, whether owned or leased, for the total directed service period, except for those turned back to it by KCT pursuant to Supplemental Order No. 2. The RI Trustee argues that to rule otherwise would unfairly deprive the RI estate of any return it could have obtained by leasing non-owned cars and locomotives to other railroads. As to bad order cars and locomotives, the RI Trustee argues that he was deprived of the opportunity to repair and sublease those cars, whether KCT used them or not. Therefore, it is argued KCT should compensate RI at the higher rate.

KCT's proposal to pay only the rental amount for lease equipment appears sound. This places the Trustee in no worse a position than if there had been no directed service and RI had continued to use those cars and locomotives.

The Commission decision promulgating directed service regulations recognized a distinction between equipment owned by a defaulting carrier and equipment leased by it, and contemplated compensation only for the former. In *Implementation of Public Law 93–326, Section 601(c), Regional Rail Reorganization Act of 1973—Submission of Cost Data to*

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Justify Reimbursement, 348 I.C.C. 251, 263 (1975), we stated:

"The inclusion of rental payments for necessary rolling equipment as a compensable cost would cover all payments whether made to the other (defaulting) carrier for use of its *owned* equipment, to a third carrier or to the directed carrier itself for traditionally leased equipment, or to the *actual owner* of the equipment necessary to the performance of directed service." (emphasis added).

This indicates that KCT is only obligated to the actual owner of the equipment for the sum necessary to provide for the performance of that equipment. Further, at the time we issued our initial directed service order in this matter we stated that the DRC shall make payments in accordance with lease agreements. Although we have the authority and responsibility to provide for whatever reimbursable costs are fair and appropriate, we are of the opinion that to allow for payments greater than the rental amount on lease equipment is excessive.

As for bad order equipment, again we favor the KCT view. The purpose of directed service is to ensure the temporary continuation of essential rail services over the lines of an impaired carrier, pending the development of longe range solutions. The directed carrier need not assume responsibility for all of the impaired carrier's obligations and property. The overriding legislative concern is continuation of rail services essential to the public interest and interstate commerce, not wholesale economic relief for the impaired carrier at taxpayer expense. Certainly it is inconsistent to require a directed carrier to provide essential rail service while imposing an obligation on it to care for unneeded, defective, and inoperable equipment. This same rationale would, out of necessity apply to providing a credit to KCT for RI leased bad order equipment.

There has been no showing to support the proposition that a directed rail carrier must pay for unusable equipment until it becomes usable. Further, we see no distinction between equipment that was turned back to the RI Trustee whether for security purposes or not.

Another matter involves a group of freight cars, passenger cars, locomotives, and work equipment under lease arrangements from private owners. Most of this equipment is operated by RI subject to lease requiring quarterly payments. Some lease payments are made in advance of the designated time period of operation and some at the end of the time period. These time periods have not always coincided with the period of directed service. The failure to make timely payment on this equipment would result in its recall and the impairment of directed service.

In Authorization Order No. 4 [44 FR 63179, Nov. 2, 1979] we authorized KCT but did not order it to make payments on freight cars, passenger cars, locomotives, and work equipment leases as they became due during the period of directed service, including payments on leases covering the use of equipment which extended beyond the duration of directed service. Such payments were to be made directly to the lessor of the equipment. The cost of those payments was to be treated as a reimbursable cost of directed service.

KCT took the position that it would not make such payments so long as the Trustee retained the right to surrender the equipment as the end of directed service, enabling RI effectively to avoid any obligation for lease payments beyond the period of directed service.

Recently the Trustee agreed to give KCT a written statement that the lease payments by KCT attributable to a period after directed service may be offset against amounts due from KCT to the Trustee for use of equipment. Inasmuch as the amounts due the Trustee, even under KCT's conservative method of calculating compensation, are more than ample to cover the off-set, KCT is now prepared to make these payments. Therefore, the proviso included in Section 5 of the KCT draft compensation agreement will be stricken from the approved agreement.

Maintenance of Equipment

KCT accepts financial responsibility for repairs required to maintain serviceability of RI equipment, owned or leased, which has been used by KCT. However again, KCT proposes to exclude bad order stock. Additionally, KCT proposes a balancing test to determine the condition of the fleet before and after directed service to determine any liability to RI.

RI does not accept the KCT balancing test but proposes that KCT be held responsible for all repairs required to maintain the serviceability of all RI equipment. RI also objects to KCT's bad order exception arguing that KCT had a responsibility to repair bad order equipment. The Trustee also proposes that RI be paid "replacement cost new, less depreciation" for any equipment destroyed by KCT during the period of directed service.

Determining the condition of the fleet upon termination of directed service requires some balancing. In this manner, the condition of the fleet prior to directed service can be compared to its condition at the termination. From this, it can be learned if either KCT or RI has benefited from the overall maintenance and upkeep of the equipment and who shall be required to make the other whole. It should be clear that this balancing of the condition of the RI fleet will not override Commission requirements in our various decisions requiring certain equipment repairs by KCT to be offset against amounts owing to the Trustee. Therefore, we will substitute language in Section 7 of the compensation agreement noting this fact.

As to replacement of destroyed equipment by KCT during the period of directed service, the RI proposal is excessively costly. Parties are instructed to settle such claims using the prevailing industry practices taking into account things such as the age and condition of the equipment. Although it is apparent that RI is entitled to compensation from KCT for destroyed equipment, RI's method of "replacement cost new, less depreciation" is unfair. That proposal would take into account an inflation factor from the time the equipment had been purchased to the present.

Also, RI has advanced no reason why KCT should be responsible for the repair of bad order equipment. Therefore, this shall not be considered when the balancing process is conducted.

Vacation Pay and Accruals

Both KCT and RI have submitted similar draft provisions concerning this topic. We will adopt the statement of rights concerning vacation pay and accruals submitted by RI because it is more complete.

However, the provision for the payment to the Trustee of an amount to cover vacations taken during 1981 representing a pro rata share of the portion of those vacations earned as a result of days worked for the KCT during 1980 must be eliminated. The Trustee has made it clear he does not intend to recommence rail operations at the end of the period of directed service. Thus any amount paid to the Trustee for this item would appear to be a windfall. If as a result of the settlement of labor claims against the Trustee in the reorganization process or by legislation direct liability is imposed upon the Trustee for payment of 1981 vacations as a result of 1980 directed service, we will authorize the KCT to reimburse the Trustee with respect to any such liability.

Wind Down Expenses

KCT has acknowledged responsibility in the general area of wind down expenses, particularly in matters relating to the unloading of cars to make delivery to shippers, and getting foreign cars off-line and RI cars back on line. RI contends that KCT should be totally responsible for all expenses attributable to wind down of operations at the termination of directed service.

It is our view that KCT is responsible for wind down expenses associated with service to shippers and railroads, including clearing the line of all foreign and private cars by returning them to their owner. Foreign cars may also be delivered off-line at appropriate interchanges. All cars, both foreign and private shall be unloaded.

Further, any cost related to handling inbound cars shipped prior to the embargo date shall be borne by KCT when it requires spotting for the consignee; or diverting to alternate destinations, a nearby location or another railroad designated by shipper. If RI desired KCT to provide other services such as marshalling of equipment and securing cars, locomotives, and railroad facilities, they can be performed by KCT on a reimbursable basis.

Other Matters

In Section 2 of its draft compensation agreement KCT states that prepaid freight received by DRC during the period of directed service shall be allocated to the Trustee to the extent that the service covered by prepayment was not performed by DRC before the end of the directed service period. It appears likely RI will be unable to provide any service following the period of directed service and such a provision in the compensation agreement can only lead to confusion. Therefore, this statement will be struck.

We find that approval of the agreement, as modified, is essential to the provisions of directed service and that costs associated with implementation of the approved agreement are properly reimbursable costs of directed service under 49 U.S.C. 11125(b)(5). The approved agreement is set forth in the appendix to this decision.

Although we recognize that directed service is almost over, implementation of this agreement is necessary. It enumerates many of the financial rights and responsibilities of KCT and RI and establishes the division of fiscal responsibility.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. KCT's proposed compensation agreement is approved as modified above.

2. Costs associated with implementation of the approved compensation agreement shall be reimbursed pursuant to 49 U.S.C. 11125(b)(5).

3. This decision shall be effective on its service date.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

James H. Bayne,

Acting Secretary.

Appendix—Agreement

This Agreement made as of this 5th day of October, 1979, by and between William M. Gibbons, as Trustee of Chicago, Rock Island & Pacific Railroad Company, Debtor, and Kansas City Terminal Railway Company, a Missouri corporation, as Directed Rail Carrier under Interstate Commerce Commission Emergency Directed Service Order No. 1398:

1. *Definitions.* The following terms shall have the meanings specified below for all purposes of this Agreement:

DRC—Kansas City Terminal Railway Company, as Directed Rail Carrier under Emergency Directed Service Order No. 1398, as amended and supplemented.

Employee—Any person employed to perform services in connection with directed service operations for DRC during the period of directed service, other than personnel furnished by DRC's management team railroads.

FRA—Federal Railroad Administration

ICC—Interstate Commerce Commission

Order—ICC Emergency Directed Service Order No. 1398, service date September 26, 1979, and any ICC or Railroad Service Board orders or authorizations supplementing, construing or amending Order No. 1398, whether heretofore or hereafter issued.

Period of Directed Service—The period commencing 12:01 A.M. on October 5, 1979, to and including 11:59 P.M. of the date on which DRC last performs directed service pursuant to the Order.

RI—William M. Gibbons, Trustee of Chicago, Rock Island & Pacific Railroad Company, Debtor.

RTA—Regional Transportation Authority.

State Attorneys—Lawyers engaged by Trustee in various states to handle RI legal matters.

Trustee—RI. 2. *Allocation of Receipts and Expenses.* Revenues paid or accrued and expenses incurred or accrued during the period of directed service will be allocated between DRC and Trustee in accordance with generally accepted accounting principles, subject to the following:

(a) Revenue receipts from sources which normally enter into the computation of railroad operating receipts, such as, but not limited to freight, passenger, switching and demurrage revenues, and payments under joint facility agreements, irrespective of when earned or accrued, shall be deposited in DRC's bank accounts from and after 12:01 A.M. October 5, 1979, until the end of the period of directed service. Thereafter only such receipts as are attributable to DRC operations shall be deposited in DRC's bank accounts. All such receipts shall be allocated between DRC and Trustee, in accordance with generally accepted accounting principles, in order that the division of revenues will properly reflect the railroad operations performed by each party. Prepaid freight received by Trustee prior to the commencement of the period of directed service shall be charged against Trustee's share of revenues to the extent that the services covered by such prepayments were performed by DRC.

(b) Receipts from sources which do not normally enter into the computation of railroad operating receipts, such as, but not limited to rental payments for use of nonrailroad property crossings, use of air rights, easements and joint facility interest income, shall be solely vested in Trustee and deposited in his exclusive bank accounts.

(c) DRC is authorized to pay, through sight drafts or otherwise, obligations for services, materials and supplies:

(i) Which accrued partially before and partially ather the period of directed service;

(ii) Which accrued or became payable during the period of directed service, but all or part of which are properly allocable to Trustee's operations following the termination of the period of directed service; and

(iii) Which are solely a preexisting obligation of Trustee which accrued or became payable prior to the period of directed service;

Provided that DRC in its sole discretion determines the payment of such obligations which are properly chargeable to Trustee to be necessary to insure continuation of essential railroad service. Payments made by DRC under this subparagraph (c) of obligations properly chargeable to Trustee shall be made by DRC as agent for Trustee. Net amounts paid by DRC pursuant to this subparagraph (c) on account of obligations properly chargeable to Trustee shall be an offset against Trustee's share of revenue receipts in accordance with paragraph 20 hereof.

(d) DRC is obligated to pay the following:

(i) Unpaid bills rendered by suppliers for services or materials contracted for by Trustee on projects funded in whole or in part by third parties, such payments to be paid DRC only upon receipt of, and in amounts not in excess of, the amount of such funds received by DRC; and

(ii) Amounts accruing during the period of directed service upon outstanding agreements between Trustee and shippers or states providing for installment or use repayment of monies advanced to Trustee for car and track rehabilitation of property used by DRC to provide directed service during the period of directed service.

3. *Lease of RI Owned Cars, Trailers and Auto Racks.* DRC will lease from Trustee all of RI's owned cars, trailers and auto racks, excluding, however, heavy bad order cars returned to Trustee under DRC's Report No. 1 to the ICC, at an amount per day equal to the daily standard per diem rates, including incentive per diem, in effect from time to time

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during the period of directed service under ICC Docket 33–144, as hereafter amended or supplemented, or, if there are no applicable per diem rates specified for a particular leased item in ICC Docket 33–144, at prevailing industry rates for such item, for a term commencing at 12:01 A.M. October 5, 1979, and ending at 11:59 P.M. on the last day directed service is performed by DRC, except that (i) lease payments on any RI owned cars, trailers and auto racks which are bad order at 12:01 A.M. on October 5, 1979, will not begin to accrue on any such item until it has been repaired and returned to service by DRC; and (ii) lease payments, if any are accruing, on any RI owned cars, trailers or auto racks returned to Trustee under Supplemental Order No. 2 shall cease on the date any such return becomes effective. In the event any RI owned cars, trailers or auto racks returned to Trustee under Supplemental Order No. 2 are thereafter repaired by DRC, lease payments with respect thereto will begin to accrue on each such item when it has been repaired and returned to service by DRC.

4. *Lease of RI Owned Locomotives and Other Equipment.* DRC will lease all RI owned locomotives and other equipment, excluding, however, the heavy bad order locomotives returned to Trustee pursuant to DRC Report No. 1 to ICC for the same term as is provided above for the lease of RI cars, trailers and auto racks. For the purposes of this Agreement, "other equipment" shall include, but not be limited, the types of owned equipment described in ICC Accounts Nos. 16, 31, 44, 45, 54, 57, and 58. The lease rate per locomotive and per unit of other equipment will be as set out on Schedule A attached hereto, including locomotives used in run-through operations, except that (i) lease payments on any RI owned locomotives and other equipment which are bad order at 12:01 A.M. on October 5, 1979, will not begin to accrue on any such item until it has been repaired and returned to service by DRC; and (ii) lease payments, if any are accruing, on any RI owned locomotives and other equipment returned to Trustee under Supplemental Order No. 2 shall cease on the date any such return becomes effective. In the event any RI owned locomotives or other equipment returned to Trustee under Supplemental Order No. 2 are thereafter repaired by DRC, lease payments, with respect thereto will begin to accrue on each such item when it has been repaired and returned to service by DRC. Lease payments with respect to locomotives off line under lease to other carriers as of 12:01 A.M. October 5, 1979, or being used to equalize horsepower hours on run-through operations, shall not begin to accrue until such locomotives are delivered to and placed in service by DRC. Appropriate adjustments shall be made to compensate DRC or Trustee, as the case may be, with respect to differences in the amounts of horsepower or fuel deficits or credits as of the beginning and the end of the period of directed service with respect to locomotives used in run-through operations.

5. *RI Lease Payments on Cars, Trailers, Auto Racks, Locomotives and Other Equipment.* As provided in Authorization Order No. 1, decided October 12, 1979, and Authorization Order No. 4, decided October 23, 1979, DRC shall make payments on all RI car, trailer, auto rack, locomotive and other equipment leases as they become due during the period of directed service, including payments on leases covering the use of such equipment for such period beyond the duration of directed service as shall be specified in the Order as of the time any such payment is made. All such lease payments to be so made by DRC shall be made directly to the lessors of the equipment involved. To the extent that DRC, pursuant to the provisions of this paragraph 5, makes payments on leases for a period prior to or after the period of directed service, such payment shall be the responsibility of Trustee, and the amounts due from DRC to Trustee under this Agreement. DRC shall, where feasible, obtain an assigment to the United States of the rights of the lessors of any such equipment against the Trustee on account of any lease payments made for periods prior to or after the period of directed service. Trustee agrees that, to the extent that such payments are made by DRC, the United States shall be subrogated to the claims of the lessors of such equipment against Trustee, regardless of whether or not such assignments are obtained. DRC shall have no obligation to make payments to Trustee with respect to DRC's use of RI leased cars, trailers, auto racks, locomotives and other equipment, other than to make the payments to the lessors thereof provided for in this Agreement.

6. *Bad Order and Returned RI Leased Equipment.* Lease payments made by DRC for RI leased cars, trailers, auto racks, locomotives and other equipment shall be charged back to Trustee as provided in Supplemental Order No. 2 to the extent that such payments cover the following periods:

(a) With respect to RI leased equipment which was bad order or otherwise inoperable as of 12:01 A.M. October 5, 1979, the period from 12:01 A.M. October 5, 1979, until such equipment has been repaired and returned to service by DRC; and

(b) With respect to any such equipment which is not bad order or otherwise inoperable at 12:00 A.M. on October 5, 1979, but which is thereafter returned to Trustee under Supplemental Order No. 2, the period from and after the effective date of such return.

7. *Maintenance of RI Cars, Trailers, Auto Racks, Locomotives and Other Equipment.* DRC will be responsible for all repairs required to maintain the serviceability of all RI cars, trailers, auto racks, locomotives and other equipment, owned or leased, which is leased or used by DRC under this Agreement during the period of directed service, including, with respect to RI leased equipment, the performance of Trustee's obligations, as lessee, to repair, replace or pay damages for the destruction of the leased equipment, excluding, however, (i) any such equipment, owned or leased, returned to the Trustee under Supplemental Order No. 2; and (ii) any such equipment, owned or leased, which is bad order or otherwise inoperable as of 12:01 A.M. on October 5, 1979, which DRC does not elect to repair and return to service. To the extent that the bad order status of the equipment leased to or used by DRC under this Agreement, as of 12:01 A.M. October 5, 1979, is approximately equal to the bad order status of such equipment as of 11:59 P.M. on the date directed service terminates, Trustee will not be charged with the cost of repairs made by DRC to such equipment on account of its bad order or inoperable status at the commencement of directed service, and DRC shall not be charged with the cost of repairs to such equipment on account of its bad order or inoperable status as of the end of directed service; provided, however, if the estimated cost of such repairs to such equipment as of the beginning of directed service exceeds by more than 5 percent the estimated cost of such repairs to such equipment at the end of directed service, Trustee will be charged with such excess, and if the estimated cost of such repairs to such equipment at the end of directed service exceeds by more than 5 percent the estimated cost of such repairs to such equipment at the beginning of directed service, DRC will be charged with such excess. Nothing contained herein shall be deemed to alter the specific requirements of any Commission authorization orders that sums incurred in effecting Commission authorized repairs to RI equipment shall be offset against amounts to be paid by the DRC to the Trustee for use of RI equipment.

8. *FRA Car and Locomotive Repair Programs.* All FRA car and locomotive repair programs pursuant to agreements between FRA and the Trustee shall be considered to have recommended effective 12:01 A.M. October 5, 1979, subject to the terms and conditions of the October 5, 1979 Agreement-FRA Car and Locomotive Programs by and between Trustee and DRC. Upon the termination of any such program after October 5, 1979, subject to FRA's consent, Trustee will sell to DRC, and DRC will purchase from Trustee, at the replacement cost as of October 5, 1979, or at actual cost if purchased thereafter, any equipment, materials, and supplies purchased by Trustee with FRA funds which are required by DRC for equipment repairs pursuant to the Order. Payment for such pruchases shall be deposited in Trustee's dedicated funds account for FRA Program monies, without set off at the end of each month.

9. *Personnel.* During the period of directed service, DRC will employ all RI personnel except those listed in DRC's letter delivered to Trustee on October 5, 1979, subject to the right of DRC to lay off or furlough Employees, and to blank jobs pursuant to collective bargaining agreements, and to discharge nonagreement Employees. It is recognized that certain Employees and State Attorneys, during the period of directed service, will perform services for both DRC and Trustee and that, after the period of directed service, DRC will continue to require service of some Employees and State Attorneys until all accounts between DRC and Trustee have been settled, all claims and litigation arising from or attributable to directed service have been settled or terminated, and all necessary reports have been made by DRC to ICC and other governmental agencies. To eliminate the necessity of attempting to allocate the cost of services performed by Employees and State Attorneys for both DRC and Trustee during and after the period directed service, the parties agree that DRC shall be solely responsible for all wage, salary, related payroll costs and compensation of Employees and State Attorneys during the period of directed service, regardless of whether any such Employee or State Attorney may also be performing services for Trustee during that period, and Trustee shall be solely responsible for all wage, salary, payroll costs and compensation of Employees and State Attorneys after the period of directed service, regardless of the fact that some such persons may be performing services for DRC following such period; provided that, if Trustee does not have sufficient persons following the period of directed service to perform the services required by DRC, Trustee shall compensate DRC for the salary, payroll costs and compensation incurred by DRC attributable to performing such services and DRC's expense incurred for the performance of such services shall be offset in accordance with paragraph 20 hereto. Contributions to RI pension and other employee benefit plans for nonagreement Employees during the period of directed service shall be made by DRC to Trustee, in escrow as suggested by ICC on page 21 of the Order. DRC will give Trustee at least five days' notice before dispensing with the services of a nonagreement Employee in order to give Trustee an opportunity to hire the Employee.

10. *Vacation Pay and Vacation Accruals.* Accounting and payments for paid vacations of Employees taken, and for vacation accruals for Employees, during the period of directed service shall be as follows:

(a) *Paid Vacations.* The expense of any paid vacations taken by an Employee during the period of directed service is the responsibility of Trustee to the extent that the Employee earned or accured the right to the paid vacation (whether under a collective bargaining agreement, or under RI employment policies for nonagreement personnel) as a result of service rendered to RI prior to the commencement of directed service. DRC shall, nevertheless, without any right of setoff against Trustee compensate each Employee taking a paid vacation during the period of directed service pursuant to Supplemental Order No. 8 in accordance with applicable collective bargaining agreements, or RI employment policies.

11. *Computer and Office Equipment.* DRC shall be responsible for all rentals and obligations under leases of RI computer and other office equipment used by DRC which become due during the period of directed service, subject to adjustment as provided in Supplemental Order No. 2. It is recognized that some items of such equipment will be used by both Trustee and DRC during the period of directed service, and that DRC will also require the use of such equipment after the period of directed service. To eliminate the necessity of allocating the costs of such equipment in accordance with its actual use by the parties, it is agreed that DRC shall, subject to the adjustments provided for in Supplemental Order No. 2, be solely responsible for all such payments which are properly allocable to the period of directed service, regardless of any use by Trustee of such equipment during that period, and that Trustee shall be solely responsible for all such payments by DRC following the completion of directed service; provided that, if Trustee does not have sufficient personnel or equipment following the period of directed service to provide the computer and office equipment services required by DRC, Trustee shall compensate DRC for the salary, payroll costs, compensation, and computer and other equipment rental costs incurred by DRC and attributable to providing use of RI computer and other office equipment services to Trustee during the period of directed service, such costs to be offset in accordance with paragraph 20 hereof. DRC shall not be responsible for or incur any expense with respect to the upgrading of RI computer or office equipment, regardless of whether such upgrading is scheduled to take place during the period of directed service.

12. *RI Joint Facility Agreements and Leases of Real Estate or Facilities.* DRC shall be responsible for all payments due from and obligations of RI under agreements for the use or operation of joint facilities, or under leases or other agreements for the use of operation of tracks, real estate or other facilities included within RI's system, during the period of directed service, regardless of when bills are presented for such payments or obligations; provided, however, that any item billed for periods partially before or partially after the period of directed service shall be prorated between DRC and Trustee. Trustee assigns DRC its use or operating rights with respect to any such facilities or real estate during the period of directed service. If DRC shall determine that the property covered by any such agreement or lease is not necessary for its use during the period of directed service, it shall notify Trustee, any affected person (natural or otherwise) and ICC of its decision to that effect, and such notice shall be considered a notice to return the property to the Trustee pursuant to the provisions of the third paragraph of Supplemental Order No. 2. The parties recognize, however, that it is impossible for DRC to review the large number of RI contracts and leases during the period of directed service to determine which, if any, should be assumed by DRC during the period of directed service, and the parties agree that DRC shall have no liability to Trustee for any default under any such agreement or lease which results, whether due to inadvertance or otherwise, from a failure or inability of DRC to perform one or more obligations of RI under any such agreement or lease. In the event DRC is notified of any default in any such agreement or lease, DRC will promptly notify Trustee of such default.

DRC may arrange to make payments under joint facility agreements, or under leases or other agreements respecting the use of tracks, real estate or other facilities necessary for directed service, directly to the party to whom such payments are due, without regard to whether such payments may constitute lease payments in whole or in part. DRC shall not be charged, however, with any payments made under this paragraph 12 other than the portions of payments otherwise due from RI which are applicable to the actual period of directed service. In the event DRC, in order to obtain use of tracks, real estate or other facilities under any such agreement or lease, is required to make payments for a period extending beyond the period of directed service, DRC, to the extent of any such payment, shall have a right of setoff against sums due to Trustee under this Agreement. DRC shall not make payments under any such agreement or lease for any period prior to the period to the period of directed service, unless such payment is authorized under the provisions of subparagraph 2(c) hereof.

13. *Fuel, Materials and Supplies.* DRC shall pay Trustee for all RI fuel, materials and supplies on hand as of 12:01 A.M. October 5, 1979, which are used by DRC in directed service operations during the period of directed service, at the replacement cost for each item so used as of October 5, 1979. Trustee shall compenstate DRC for all fuel, materials and supplies purchased by DRC during the period of directed service which are on hand and which are turned back by DRC to RI at the end of the period of directed service, based on DRC's actual cost of such items; provided, however, that if Trustee does not require any such items for use in continued RI rail operations, Trustee will, at DRC's option, either pay to DRC the net liquidating value received by Trustee for the sale of such items, or return such items to DRC for removal and sale by DRC.

14. *FRA Track Repair Programs.* Trustee and DRC agree, subject to approval by FRA, that all FRA track programs with respect to RI tracks and facilities were suspended as of the beginning of, and shall remain suspended during, the period of directed service. Subject to FRA's consent, Trustee will sell to DRC, and DRC will purchase from Trustee, at replacement costs as of October 5, 1979, or at actual cost if purchased thereafter, any track materials and supplies purchased by Trustee from FRA funds which are required by DRC for track repairs pursuant to the Order. Payments for such purchases shall be deposited in Trustee's dedicated FRA funds account, without set off, at the end of each month.

15. *Interline and Other Accounts With Other Railroads.* The respective responsibilities of DRC and Trustee for interline accounts between RI and other railroads, arising from RI operations before and after the period of directed service and DRC's operations during the period of directed service, shall be handled as specified in the joint notice of DRC and Trustee to other carriers, a copy of which will be attached hereto as Schedule B. A similar joint notice shall be sent to affected carriers covering the termination of directed service operations.

16. *Agreements With RTA.* Trustee has entered into agreement with RTA for the performance of commuter service operations in the Chicage area, which services DRC will perform during the period of directed service. DRC shall enter into such agreements with RTA as may be necessary, or required by RTA, in order to provide for DRC's performance of commuter services, and to enable DRC to receive all payments which

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would otherwise have been paid or accrued to Trustee under his agreements with TRA and which are properly allocable to the commuter service performed by DRC during the period of directed service. Trustee waives any and all rights to receive any such payments.

17. *Property, Liability and Casualty Insurance and Bonds.* DRC shall cause itself to be named, by endorsement, as an additional insured on Trustee's existing property and liability and casualty insurance and employee's air travel insurance and may keep in force or become an additional insured on bonds, all of which Trustee has obtained from numerous underwriters. The present policy periods (or renewals thereof) for said insurance and bonds extend for a minimum of one year from various dates which do not coincide with the period of directed service. DRC will be charged with the proportionate part of the respective premium for each insurance policy and bond period which is represented by the ratio that the number of days of directed serive bears to each respective insurance policy or bond period. If it becomes necessary, in order to keep the insurance and bond coverages described in this paragraph 17 in effect during the period of directed service, for DRC to pay the premium and brokerage fees on any such insurance or bonds for a period either before or after the period of directed service, Trustee shall reimburse DRC for any premiums and brokerage fees paid by DRC with respect to such insurance or bonds to the extent that such payments cover a period other than the actual period of directed service.

18. *Nonoperating Properties.* Trustee shall retain care, custody and control of, and there shall be deposited in Trustee's exclusive bank accounts all revenues from all nonoperating RI properties, including rental real estate, mineral producing property, and stock ownership in wholly or partially owned subsidiaries. Trustee shall have the exclusive right to vote RI stock in any such subsidiaries during the period of directed service.

19. *Compensation for DRC Use of RI Lines and Facilities.* Deleted-presently the source of litigation.

20. *Rights of Setoff and Claims Against Estate.* In any instance where an account balance exists in favor of either party under this agreement or under any terms or provisions of the Order, and no specific provision has been made for set off, payment or claim against Trustee's estate, the parties shall have the right of set off against amounts owing by either of them to the other. Should the sums owed to DRC by Trustee be in excess of DRC's rights of setoff under this Agreement or any provision of the Order, DRC shall have a cost of administration claim against Trustee for such excess which it shall assign to the United States. Should the sums owed to Trustee by DRC be in excess of Trustee's rights of setoff under this Agreement or any provision of the Order, such sums shall be forthwith paid by DRC in cash to Trustee.

21. *Final Accounting and Disputes.* Upon conclusion of the period of directed service, the firm of Certified Public Accountants engaged by DRC, with the approval of ICC, to supervise accounting procedures during the period of directed service shall prepare, at DRC's expense, a final accounting of the net amount owed by DRC to Trustee or by Trustee to DRC, as the case may be, pursuant to the terms of this Agreement and of the Order, and as otherwise required by law. The final accounting so prepared shall be submitted to DRC, Trustee and ICC, and subject to such adjustments therein as may be made by ICC pursuant to law, shall be considered final and binding on both parties unless, within thirty days after receipt of such final accounting, either party shall file written exceptions thereto with ICC, and take the necessary action to cause such accounting to be reviewed by ICC with respect to such exceptions.

22. *Claims and Suits.* All claims and suits arising or accruing before the period of directed service, or which are not attributable to directed service operations, shall be the sole responsibility of Trustee, and shall be handled by Employees and State Attorneys, subject to Trustee's approval as to any settlements or other final disposition of such matters. All claims and suits arising or accruing during the period of directed service that are attributable to directed service operations shall be the sole responsibility of DRC, and may, at DRC's discretion, be handled by Employees and State Attorneys subject to DRC's approval as to any settlements or other final disposition of such matters. Each party shall be obligated to pay the fees and expenses of outside attorneys engaged by the party to handle claims or suits for which the party is responsible, unless the payment of such fees and expenses is authorized under the provisions of subparagraph 2(c) hereof.

23. *ICC and Court Approval.* This Agreement is subject to approval by ICC, and to an ICC Order, satisfactory to DRC, authorizing and directing DRC to incur all the expenses which are the responsibility of DRC under this Agreement, and finding that the incurring of such expenses are fully reimbursable to DRC under 49 U.S.C. 11125(b)(5). This Agreement is also subject to the approval of the United States District Court for the Northern District of Illinois in which the proceedings for the reorganization of the Debtor are pending.

24. *Reservation of Rights.* The parties hereto are entering into this Agreement solely because the Order directs them to do so in an effort to establish guidelines to facilitate directed service operations and an accounting between the parties. By entering into this Agreement, neither party hereto is waiving any right to seek the reversal, vacation or modification of the Order by regulatory or judicial proceedings. Each party hereto reserves all rights against the other and third parties to recover damages or other compensation from the other or from third parties for any matter regarding directed service operations which is not covered by the terms of this Agreement, and nothing herein shall constitute a waiver or release of any right to assert claims for or to recover damages or other compensation from the other party hereto or from third parties for any such matter; [provided, that any claim asserted by one party against the other with respect to matters covered by this Agreement shall be governed by, and the rights of the parties with respect thereto shall be determined under, this Agreement.] Each party hereto reserves all rights to recover damages or other compensation from the United States for any matter regarding directed service operations, and nothing herein contained shall constitute a waiver or release of any right to assert claims for or to recover damages or other compensation from the United States for any matter arising from directed service operations, including claims for compensation or damages other than specified or provided for in this Agreement, or for matters not covered by this Agreement.

25. *Binding Effect.* This Agreement shall be binding upon and inure to the benefit of Trustee, his successors as RI Trustee and assigns, and DRC, its successors as directed rail carrier under the Order and assigns.

26. *Counterparts.* This Agreement may be executed in several counterparts, each of which shall be considered an original but all of which shall constitute a single instrument.

In witness whereof, Trustee has executed this Agreement and DRC has caused this Agreement to be executed by one of its officers thereunto duly authorized as of the day and year first above written.

William M. Gibbons, Trustee.

Kansas City Terminal Railway Company—Directed Rail Carrier.

By _____

Its _____

[FR Doc. 80-9149 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1398; Authorization Order No. 27]

Kansas City Terminal Railway Co.—Directed to Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided: March 19, 1980.

Under Directed Service Order No. 1398 and 1398 (Sub-Nos. 1 and 2), the Commission directed Kansas City Terminal Railway Company (KCT) to provide service as a directed rail carrier (DRC) under 49 U.S.C. 11125 over the lines of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("RI") See *Kansas City Term. Ry. Co.—Operate—Chicago, R. I. & P.*, 360 I.C.C. 289, 478, 718 (1979–80); 44 FR 56343, 70733 and 45 FR 14578 (1979–80). Directed service is currently scheduled to extend through 11:59 p.m. (central time), March 23, 1980.

RI owns numerous locomotives which are in need of repairs. DSO NO. 1398 requires the DRC to obtain prior Commission approval for all rehabilitation of locomotives which exceeds $3,000 per unit. *See* DSO No. 1398, 360 I.C.C. at 304 [44 FR 56347]. Authorization Order No. 23 was served on February 14, 1980, [45 FR 11923, Feb. 22, 1980] and authorized the DRC to make repairs on 10 locomotives at a cost of $87,336, as listed on "DRC Report No. 19," and to make repairs to 25 locomotives listed on "DRC" Report No. 21" at a cost of $243,584, subject to the condition that KCT offset the cost of such repairs against any rental payments it owes the RI Trustee for equipment when the cost of repairs exceeds $3,000.

The DRC submitted a telegram to Joel E. Burns dated March 11, 1980, requesting authority to increase the cost of repairs on 5 locomotives as approved in Authorization Order No. 23. The DRC has commenced work on these locomotives and has discovered that the cost of repairs to 5 locomotives exceeds the previous cost estimate. The additional cost is due to further repair work that is required and that was not evident upon the first inspection of the units.

The 5 units and the additional cost is as follows:

Unit No.	Original cost estimate	Additional cost required	Total cost required	Status
4705	11,029	4,837	15,866	(1)
295	11,883	2,163	14,046	(1)
4472	6,149	1,159	7,308	(1)
765	10,932	3,301	14,233	(1)
356	11,029	5,684	16,713	(1)
Totals	51,022	17,144	68,166	

[1] Work stopped.

We believe the KCT should be authorized to make the required additional repairs to the 5 locomotives as requested in the DRC's wire to Joel E. Burns. The total cost of repairs is approximately $17,144.

The DRC shall be compensated for the expenditures authorized above, subject, however, to the condition that KCT offset the cost of such repairs against any rental payments it owes the RI Trustee for equipment when the cost of such repairs exceeds $3,000.

We find: 1. This will not significantly affect either the quality of the human environment or the conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

It is ordered: (1) The DRC is authorized to make additional repairs on the 5 locomotives at a cost of $17,144, subject to the above-described offset requirement as requested in a telegram from the DRC to Joel E. Burns dated March 11, 1980. The 5 locomotives are listed below.

Unit No.	Original cost estimate	Additional cost required	Total cost required	Status
4705	11,029	4,837	15,866	(1)
295	11,883	2,163	14,046	(1)
4472	6,149	1,159	7,308	(1)
765	10,932	3,301	14,233	(1)
356	11,029	5,684	16,713	(1)
Totals	51,022	17,144	68,166	

[1] Work stopped.

(2) The repairs authorized must be completed within the directed service period.

(3) This decision shall be effective on its service date. By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis. Commissioners Trantum and Alexis dissenting.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-9143 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1398]

Kansas City Terminal Railway Co.—Directed to Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee); Management Team Agreement

Decided: March 6, 1980.

In our initial order directing service over the lines of the Chicago, Rock Island, & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("Rock Island" or "RI"), we required the formation of a special management team to run directed service operations. *Kansas City Term. Ry. Co.—Operate—Chicago R. I. & P.*, 360 I.C.C. 289, 295–97 (1979). We selected Kansas City Terminal Railway Company (KCT) to head up this management team because of its ability to conduct RI operations efficiently, its familiarity with RI's operations, its proximity to RI lines, the competitive balance in the area, and our belief that KCT's ability to conduct its own operations would not be adversely affected.

However, recognizing that carriers other than KCT had an interest in directed service over the Rock Island, we charged KCT as follows:

> The KCT is expected to established a management team to manage the directed service operation. This team will consist of individuals from the KCT's owning railroads, supplemented by individuals from Southern Pacific Lines (SP), Western Pacific Railroad Company (WP), and Denver & Rio Grande Western Railroad Company (D&RG), at those railroads' options.
>
> We direct KCT to negotiate any requisite agreements with its owners or any of the three roads indicated above (SP, WP, or D&RG) which desire to participate on the RI directed service management team. Such agreements shall be subject to our approval. [*Id.* at 296]

KCT recently submitted a proposed management team agreement for our approval. Of the three carriers eligible to become members of the management team—SP, WP, and D&RG—only SP has objected to the terms proposed by KCT.

First, SP objects to the language in section 2 of the draft, under which members of the management team shall be "subject to the direction and control of [KCT's] President and Board of Directors." Second, SP objects to the provision in section 8 allowing KCT to terminate any member of the management team upon 10 days' written notice. We are unpersuaded by SP's first objection, but find merit to the second.

SP would have us dilute the ability of KCT effectively to manage directed service by removing the management team from KCT's control. Not only would this impair KCT's ability to run directed service on a day-to-day basis, but it could also increase the cost of directed service by eliminating an orderly chain of command, thereby increasing the time necessary to reach decisions and take needed action. Since KCT is the sole entity entitled to subsidization under 49 U.S.C. 11125(b)(5) and 49 CFR Part 1126 (1978), KCT necessarily must maintain control over the directed service management team.

Nonetheless, it is important that affected railroads have an opportunity to be represented on the management team. This not only will assure that competitors' interests are safeguarded, but will also provide additional checks and balances to ensure that public funds are utilized efficiently. Since section 8 of KCT's draft agreement would effectively nullify affected railroads' right of representation on the management team, this provision must be modified. Accordingly, our approval of the proposed agreement shall be conditioned on the addition of the following proviso to section 8:

> , *provided, however,* that DRC may not terminate the status of any employee of Railroad serving as a member of the management team at any time prior to the end of the period of actual directed service operations without Railroad's consent.

We find that approval of the agreement, as modified, is essential to the provision of directed service and that costs associated with implementation of the approved agreement are properly reimbursable costs of directed service under 49 U.S.C. 11125(b)(5). The approved agreement is

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set forth in the Appendix to this decision.

While we recognize that directed service is almost over, we believe that implementation of this agreement is imperative. It will enumerate the rights and responsibilities of those non-KCT participants who have served on the management team during the earlier phases of directed service. Further, it is necessary to establish the division of fiscal responsiblity for non-KCT participants on the management team and to determine the extent of government reimbursement for the management team.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered: (1) KCT's proposed management team agreement is approved as modified above.

(2) Costs associated with implementation of the approved management team agreement shall be reimbursed pursuant to 49 U.S.C. § 11125(b)(5).

(3) This decision shall be effective on its service date.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioners Stafford and Trantum were absent and did not participate.

Agatha L. Mergenovich,

Secretary.

Agreement

This agreement, made this ——— day of ———————, 1979, by and between KANSAS CITY TERMINAL RAILWAY COMPANY, a Missouri corporation (the "DRC"), and

, a ———————

corporation (the "Railroad"):

Recitals: A. DRC has been designated by the Interstate Commerce Commission ("ICC") under Emergency Directed Service Order No. 1398, service date September 26, 1979 (the "Order," which term as used herein shall include all orders of the ICC supplemental to Emergency Directed Service Order No. 1398), to operate, as a directed rail carrier, over Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, Trustee) (the "Rock Island"), and to establish a management team to manage the directed service operations.

B. Railroad is named in the Order as one of the carriers which has the option of participating in the management team to manage the directed service operations.

C. Railroad has elected to participate in the management team to manage the directed service operations as specified in the Order, and this Agreement is for the purpose of establishing the terms and conditions of that participation.

Now, therefore, in consideration of the mutual terms, covenants and conditions herein contained, the parties agree as follows:

1. Railroad agrees to participate in the management team to manage directed service operations under the Order, or any extension thereof made by the ICC, by providing DRC with the services of a member of the management team and such auxiliary personnel as is necessary. The following persons have been made available by Railroad to DRC as of the date of this Agreement.

Management Team Members(s)

Name

Capacity of service to DRC

Other personnel

2. The services to be performed by the above-named employee(s) of Railroad for DRC during the period of directed service operations shall be those customarily rendered by railroad executive and management personnel in similar capacities, subject to the direction and control of DRC's President and Board of Directors. All such employees shall be available to DRC on a full or part-time basis as required by DRC from time to time. Railroad's above-named member of the management team shall, at all times during the period of his service to DRC, have the right to participate fully with other members of the management team in managing directed service operations, including, without limitation, the right to attend and participate in all scheduled staff meetings of the management team, and the full right of access to all documents and records maintained by the management team. Railroad's above-named member of the management team shall be furnished reasonable notice of all meetings held by the management team.

3. Railroad shall furnish to DRC the full or part-time services of such additional employees of Railroad to assist DRC in performing directed service operations as may be agreed upon by Railroad and DRC from time to time.

4. Each employee of Railroad performing services for DRC under this Agreement shall, during the period he is performing such services, remain on the payroll of Railroad at his regular salary rate in effect at the date of this Agreement, subject to such changes or increases in such rate as shall, during the period of directed service, be made by Railroad pursuant to its normal and customary compensation practices. Railroad shall also, during the period in which such services are performed for the DRC, and with respect to each such employee's salary, make all deductions from such salary payments required by law for federal, state and local income or other taxes, pay all FICA and railroad retirement and unemployment insurance taxes due on such salary payments, and make any and all contributions or payments for and on behalf of such employee required by Railroad's current pension, profit sharing, health and welfare, or other employee benefit plans applicable to such employee.

5. To compensate Railroad for the loss of the services of its employees who perform services for DRC under this Agreement, DRC agrees to pay to Railroad, promptly upon the receipt of bills therefor, the full amount of the base salary of each such employee during the period, from and after September 26, 1979, in which such employee performs services for DRC, before any payroll deductions, including the deductions for federal, state and local income or other taxes, plus the amount of any payments made by Railroad for and on behalf of such employee with respect to the employee's salary during such period, for FICA or railroad retirement and unemployment insurance taxes, and for contributions required by the current pension, profit sharing, health and welfare, or other employee benefit plans of Railroad applicable to such employee. In case any such payments in addition to base salary are computed by Railroad on the basis of the employee's compensation over a period longer than the period during which employee performs services for DRC under this Agreement, such payments shall be prorated, in accordance with generally accepted accounting principles, to the amount of base salary paid by Railroad to such employee during the period in which the employee performs services for DRC.

6. During the period in which any employee of Railroad provides services for DRC, such employee shall remain an employee of Railroad, and shall be considered a consultant, with the status of an independent contractor, to DRC. DRC shall not be obligated to make any payment to or on behalf of any such Railroad employee other than as expressly provided herein.

7. Nothing contained in this Agreement shall be considered to cause or create any agency or partnership relationship between DRC and Railroad. Neither Railroad nor any employee of Railroad performing services for DRC shall be liable to DRC for any loss, cost or expense incurred by DRC as a result of any acts, errors or omissions by any such employee of Railroad in connection with the performance of directed service by DRC. DRC agrees to indemnify and hold harmless Railroad, and any employee of Railroad performing services for DRC, for all liabilities, claims, loss, cost and expense imposed on or incurred by Railroad, or any such employee, for acts, errors, or omissions in connection with the performance of directed service, or in any manner arising from or growing out of Railroad's or such employee's participation on DRC's management team.

8. The status of any employee of Railroad performing services for DRC under this Agreement as a consultant to DRC shall terminate when DRC's need for the services of such employee in connection with DRC's directed service under the Order shall cease (and shall include required services after the period of actual directed service operations have ceased), unless such status is sooner terminated by DRC upon ten days' written notice to Railroad and to such employee, or by Railroad or by employee upon ten days' written notice to DRC, or unless otherwise agreed to by Railroad and DRC, *provided, however,* that DRC may not terminate the status of any employee of Railroad serving as a member of the management team at any time prior to the end of the period of actual directed service operations without Railroad's consent.

9. DRC shall reimburse each employee of Railroad performing services for DRC for all reasonable expenses incurred in providing such services, including travel expenses, and the cost of meals and lodging while the employee is performing services for DRC at locations other than the city in which the employee resides. Such reimbursement shall be made either by direct payment to the employee, or by reimbursement to Railroad for any such expenses paid by Railroad. In special recognition of each such employee's status as professional advisors and consultants, DRC shall also pay directly to each such employee a consulting fee for services rendered to DRC in an amount equal to the greater of 10% of the base salary of the employee for which DRC reimburses Railroad under paragraph 5 hereof, or the sum of $50 per day for each day during which the employee performs services for DRC.

10. This agreement shall be binding upon the inure to the benefit of the parties hereto and their respective successors and assigns, and shall be effective as of September 26, 1979, subject to the approval of the ICC as provided in the Order and to a finding by the ICC that all expenditures made by DRC under this Agreement arise out of or are attributable to directed service, and are reimbursable to DRC under 49 U.S.C. § 11125(b)(5).

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the date and year first above written.

Kansas City Terminal Railway Company
By ———————
President

By ———————
Its ———————

The undersigned employee(s) of Railroad hereby acknowledge(s) receipt of a copy of the above Agreement, and agree(s) to perform services for DRC as specified and upon the terms and conditions stated therein.

Employee

Employee

Employee

[FR Doc. 80-9145 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Finance Application; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register**. Failure reasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed on or before April 25, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC-F-14307F, filed January 23, 1980. SHARPE MOTOR LINES, INC. (Sharpe) (P.O. Box 517, Hildebran, NC 28637)—control and merger—ANDERSON TRUCKING COMPANY OF ASHEVILLE, INC. d.b.a. ANDERSON TRANSFER CO. (Anderson) (P.O. Box 405, Hildebran, NC 28637). Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St., N.W., Washington, DC 20004. Sharpe seeks authority to acquire control of Anderson and for merger of the operating rights and property into Sharpe for ownership, management, and operation. Bickett Sharpe who controls Sharpe through ownership of all of its capitol stock, seeks to acquire control of Anderson through this transaction. The operating rights to be acquired by Sharpe are contained in Anderson's certificates issued in MC 4978 and sub-numbers thereunder which authorize the transportation as follows: over irregular routes, of *baskets,* from Suffolk, VA, to Hendersonville, NC, *canned citrus fruit products* from Tampa, FL, to points in TN, KY, VA and DC; *canned foods,* from Newport, Tellico Plains, Jefferson City,

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Sevierville and Dandridge, TN, to points in KY, NC, SC, VA and DC, from Henderson, NC, to Baltimore, MD, Philadelphia, PA, between Newport, Tellico Plains, Jefferson City, Sevierville and Dandridge, TN, and Greenwood, Peru, Tipton and Indianapolis, IN, from Jefferson City, Newport, Sevierville and Tellico Plains, TN, to points in GA and FL; *canned machinery, implements and supplies* between Jefferson City, Newport, Tellico Plains, Sevierville and Dandridge, TN, on the one hand, and, on the other, Indianapolis, Peru, Tipton, and Greenwood, IN, between Hendersonville, NC, on the one hand, and, on the other, Roanoke, VA, and Baltimore, MD; clothing, *clothing accessories, shoes, toys and store, restaurant and household furniture and fixtures,* between Asheville, NC, and Knoxville, Bristol and Kingsport, TN, *corrugated boxes,* from Louisville, KY, Newport, Tellico Plains, Jefferson City, Sevierville and Dandridge, TN, from Martinsville, VA, to Hendersonville, NC; *empty tin cans,* from Baltimore, MD, and Roanoke and Bedford, VA, to points in described counties in NC; *hides, animal fats and greases, rags, cotton, factory waste scrap metal, scrap rubber and scrap paper,* from Asheville, NC, to Louisville and Lexington, KY, Cincinnati, Chillicothe, Hamilton and Lockland, OH, Richmond, Roanoke and Norfolk, VA, Baltimore, MD, Philadelphia, PA, Chicago, IL, and Indianapolis, IN; *seed* from Lousville, KY, to points in a described portion of TN, a described portion in VA, a described portion in NC, and points in SC, from Winchester, KY, Knoxville, TN, Richmond and Norfolk, VA, Baltimore, MD, to points in described counties in NC; *such merchandise* as is dealt in and handled by food brokers and wholesale grocers from Charleston, SC, Waynesboro, Winchester, Norfolk, Suffolk, Richmond, Martinsville and Roanoke, VA, Knoxville and Chattanooga, TN, Louisville, KY, Chicago, IL, and Baltimore, MD, to Asheville, Morganton, Sprice Pine, No. Wilkesboro, Hickory and Hendersonville, NC; supplies, materials and machinery, used in a cannery between Jefferson City, Newport, Sevierville and Tellico Plains, TN, on the one hand, and, on the other, Tampa, FL; and toys and children's vehicles from Dayton, OH, to Asheville, NC, and Knoxville, Kingsport and Bristol, TN, and in MC 4978 (Sub-E–1) authority to transport over irregular routes (1) *canned critrus fruit products* from Tampa, FL, to Greenwood, Peru, Tipton and Indianapolis, IN; and (2) *canned goods* from Greenwood, Peru, Tipton and Indianapolis, IN, to points in GA, NC, SC and FL. Sharpe operates as a motor common carrier in interstate or foreign commerce pursuant to certificate MC 111548 and sub-numbers thereunder, transporting *general commodities,* with usual exceptions, and specified commodities, over irregular routes, in the continental United States. (Hearing site: Washington, DC.)

Note.—An application for temporary authority has been filed.

MC–F–14292F, Filed January 14, 1980. MATSON TRUCK LINES, INC. (Matson) (P.O. Box 328, 1407 St. John Avenue, Albert Lea, MN 56007)—purchase (portion)—FOODTRAIN, INC. (Foodtrain) (Spring and South Center Street, Ringtown, PA 17967). Representatives: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402, and Pauline E. Myers, Suite 348, Pennsylvania Bldg., Pennsylvania Ave. at 13th St., NW., Washington, DC 20004). Matson seeks authority to purchase a portion of the interstate operating rights of Foodtrain. Darryl E. Matson, Richard D. Matson, Dale E. Matson, Quentin E. Matson, and Gregory E. Matson, equal stockholders of Matson, also seek to acquire control of said operating rights through the transaction. Matson is seeking to purchase the interstate operating rights of Foodtrain that are contained in Certificates in MC 141776 (Sub-18 and 34F), which authorize the transportation, as a common carrier, over irregular routes, of (1) *medicines, chemicals, toilet preparations, diet preparations, sweetening compounds, bandages, and surgical dressings,* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Norwich Pharmaceutical Company, at Norwich and North Norwich, NY, to Chicago, IL, and Dallas, TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations; and (2) *confectionary and cough drops,* in vehicles equipped with mechanical refrigeration, from the facilities of Luden, Inc., at Reading, PA, to points in IL, IN, KY, MO, MI, MN, OH, WI, and WV. Matson is a motor common carrier pursuant to certificates issued in MC 105007 and sub-numbers thereunder. Ace Transportation Co., Inc., an affiliated company of Matson, is a motor passenger carrier pursuant to authority issued in MC 124370 and sub-numbers thereunder. Conditon: Authorization and approval of this transaction is conditioned upon the cancellation of Foodtrain's Certificate MC 141776 (Sub-4), issued August 24, 1978, which duplicates the authority being sold to Matson. (Hearing site: Washington, DC.)

Note.—Application for temporary authority has been filed.

Decided: March 17, 1980.

By the Commission, Review Board No. 5, Members Krock, Taylor, and Williams.

Agatha Mergenovich,

Secretary.

[FR Doc. 80-9151 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC–19 (Sub-23)]

Practices of Motor Common Carriers of Household Goods (Investigation into Estimating Practices)

February 19, 1980.

Notice to the parties:

This proceeding will be held in abeyance pending Congressional action on Senate Bill 1798, The Household Goods Transportation Act of 1979.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis. Commissioner Trantum concurring with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Trantum (Concurring)

Although timely Commission action on Ex Parte MC 19 (Sub-23) could have provided valuable input into the legislative process, the current status of the proceeding vis-a-vis the legislation is such that I shall reluctantly accede to holding the proceeding in abeyance.

[FR Doc. 80-9146 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29232]

Seaboard Coast Line Railroad Co.—Merger—Athens Terminal Co.—Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 11343–11347

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: The proposed transaction is the merger of Athens Terminal Company (Athens) into the Seaboard Coast Line Railroad Company (SCL). A petition was filed with the Interstate Commerce Commission on January 2, 1980, seeking an exemption from 49 U.S.C. 11343–11347, which requires prior approval of the transaction by the Commission.

DATES: Comments must be received no later than April 25, 1980.

ADDRESS: Send comments to: Interstate Commerce Commission, 12th & Constitution Ave. NW., Washington, D.C. 20423. All written submissions will be available for public inspection during regular business at the same address. Written submissions should refer to the above docket number.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, 202–275–7245.

SUPPLEMENTARY INFORMATION: On January 2, 1980, Seaboard Coast Line Railroad Company (SCL) and its wholly owned subsidiary Athens Terminal Company (Athens) filed a petition under 49 U.S.C. 10505 requesting that their proposed merger be exempted from the provisions of 49 U.S.C. §§ 11343–11347 on the basis that Commission review of the transaction is unnecessary.

Petitioners claim that the proposed transaction is one of limited scope, being "in essence no more than a 'paper' transaction which will have no effect on other carriers, employees or shippers" and which will in no way alter the transportation services now being offered by petitioners. They maintain that the proposed transaction is an attempt to simplify the SCL corporate family while continuing the nature, level, and extent of transportation services presently offered. Under these circumstances, petitioners contend, regulation (1) would not be required to carry out the transportation policy of 49 U.S.C. 10101, (2) would be an unreasonable burden on petitioners and interstate commerce, and (3) would serve little or no useful public purpose.

These assertions should be addressed in any comments.

The Transaction

SCL was incorporated in the Commonwealth of Virginia on January 26, 1944, as Seaboard Railway Company. Its present name was adopted on July 1, 1967, upon the merger of Seaboard Air Line Railroad Company and Atlantic Coast Line Railroad Company.

Athens Terminal Company was incorporated under the laws of the State of Georgia on October 4, 1906. It is a terminal railroad consisting of approximately 1.5 miles of tracks located entirely in the city of Athens, Clarke County, Georgia.

SCL owns all 250 shares of the outstanding capital stock of Athens. Athens also has outstanding bonded indebtedness in the principal amount of $200,000, consisting of 3 percent bonds, 100 percent of which are also owned by SCL.

If this transaction is consummated, all assets and property of Athens would vest in SCL, which would then assume all liabilities and obligations of Athens. All outstanding capital stock of Athens and all outstanding bonded indebtedness, all of which are owned by SCL, would be cancelled. No shares of capital stock, bonds or other securities or evidences of indebtedness shall be issued by SCL in connection with the merger.

Petitioners contend that since Athens is presently operated by SCL employees as an intergral part of SCL, this merger will involve no changes in operations and will have no impact on employees or shippers, or on rail service. Likewise, because SCL is presently responsible under the lease for maintenance, fire insurance, taxes, salaries, and all other expenses and obligations relative to Athens' business and property, no increased financial obligation will accrue to SCL as a result of the merger. The benefits, they contend, are limited to administrative and incidental savings resulting from corporate simplification.

Petitioners allege that the transaction will not adversely affect other carriers, shippers, the public, or the present operations. Petitioners contend that the usual regulatory requirements contained in 49 U.S.C. 11343–11347 would be an undue burden and would serve no useful public purpose. They argue that the proposed transaction is precisely the type of activity the Congress had in mind in enacting 49 U.S.C. 10505.

The Statute

The merger of two railway companies is a transaction which requires the approval and authority of the Commission under 49 U.S.C. 11343–11347.

We can exempt a matter related to a rail carrier under 49 U.S.C. 10505 when the transaction or service is of limited scope and the Commission finds that application of the provisions of subtitle IV (1) is not necessary to carry out the transportation policy of section 10101 of this title; (2) would be an unreasonable burden on a person, class of persons, or interstate and foreign commerce; and (3) would serve little or no useful public purpose. Before granting an exemption we are required to provide the opportunity for a proceeding. This request for comments on the proposed exemption of the proposed transactions is that opportunity. All comments filed in response to this notice, along with the petition, will be used to determine whether or not the exemption under 49 U.S.C. 10505 should be granted.

This proceeding is instituted under the authority of 49 U.S.C. 10505 and pursuant to 5 U.S.C. 553, 559.

This is not a major action significantly affecting either energy consumption or the quality of the human environment.

Dated: March 6, 1980.

By the Commission, Chairman Gaskins, Vice-Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9144 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[AB 55 (SDM)]

Seaboard Coast Line Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Seaboard Coast Line Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 55 (SDM). The Commission on March 4, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 55(SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9148 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29144; Service Order No. 1411; Supplemental Order No. 3]

St. Louis Southwestern Railway Co.—Temporary Authority and Authority to Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) Between Santa Rosa, N.M., and St. Louis, Mo.

Decided: March 14, 1980

Background

On December 6, 1979, we authorized the St. Louis Southwestern Railway Company (SSW)—a subsidiary of Southern Pacific Transportation Company (SPT)—to operate the "Tucumcari Line" [1] of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

[1] The "Tucumcari Line" extends from Santa Rosa, NM, to St. Louis MO (via Kansas City, MO/KS), a total distance of 965.2 miles. It includes the branch line from Bucklin to Dodge City, KS, a distance of 26.5 miles.

("Rock Island" or "RI") under 49 U.S.C. 11123. See *St. Louis S. W. Ry. Co.—Temp. Authority—Chicago, R. I. & P.*, 360 I.C.C. 539 (1979), 44 FR 72261 (December 13, 1979). This action was taken in partial response to the continuing emergency on the Rock Island rail system, which had earlier led us to direct Kansas City Terminal Railway Company (KCT)——the "directed rail carrier" (DRC)—to provide federally subsidized service under 49 U.S.C. 11125. See *Kansas City Term. Ry. Co.—Operate—Chicago, R. I. & P.*, 360 I.C.C. 289, 478, 718 (1979–1980); 44 FR 56343 and 70733 and 45 FR 14578 (1979–1980).

On February 11, 1980, SSW filed a petition seeking certain modifications to Service Order No. 1411. A number of parties filed replies to SSW's petition and counterrequests. For the reasons discussed below, we will modify Service Order No. 1411 to incorporate the parties' negotiated labor protection agreement and to clarify the terms of use of joint facilities.

Procedural Matters

Time extension requests.—SSW sought an extension of time limits through February 21, 1980, for its negotiations with the RI Trustee, employee representatives, and affected rail carriers.

Since the replies to SSW's petition were not due until March 3, 1980, we delayed action on SSW's time extension requests until we had an opportunity to hear all the pertinent evidence. We shall now retroactively modify the deadlines from which SSW sought relief to comport with this decision.

Pleadings.—In its petition of February 11, 1980, SSW sought a modification of negotiating periods and further relief regarding rent to the RI Trustee, employee protection, and joint facilities agreements. In reply, the RI Trustee requests payment of rent from SSW for SSW's use of the Tucumcari Line under Service Order No. 1411.

SSW has also submitted a report on joint facilities negotiations, and negotiations with the RI Trustee and KCT. Union Pacific Railroad Company (UP) filed a petition for an order setting terms of a temporary joint facilities agreement with SSW, to which SSW has replied. In addition, UP filed with us a copy of a telegram to SPT regarding possible joint facilities arrangements between UP and SSW in operating under Service Order No. 1411. SPT has filed a copy of its reply to UP's telegram.

Discussion and Conclusions

Overview.—There are four major issues before us: (1) rent from SSW to the RI Trustee; (2) employee protection; (3) joint facilities arrangements incidental to the operation of the Tucumcari Line; and (4) operational problems. We shall address each of these issues in turn.

Rent to RI Trustee

Arguments.—SSW objects to compensating the Trustee for its use of the Tucumcari Line and related facilities (other than cars and track equipment). In support of its position, SSW cites Directed Service Order No. 1398, where we noted that no compensation or rental for the use of RI lines and facilities would be required where a directed carrier's costs of providing directed service exceeded revenues. *KCT—Operate—CRI&P, supra*, 360 I.C.C. 289 at 307. Further, SSW argues that since it has an affirmative duty under Service Order No. 1411 to preserve the line's condition, the payment of rent to the Trustee for use of the line would constitute an unwarranted windfall to the Trustee.

The Trustee argues that SSW cannot rely on Directed Service Order No. 1398, since the issue of line-related rent in a directed service context has been appealed by the RI Trustee to the U.S. Court of Appeals for the Seventh Circuit which is currently considering the matter. Moreover, since the statutory basis for Service Order No. 1411 is entirely different than that for Directed Service Order No. 1398, the treatment of line-related rent in the latter cannot properly govern the former. Under 49 U.S.C. 11123, agreement on compensation by the carriers involved in a service order is clearly contemplated; only if the carriers cannot resolve their differences may the Commission set reasonable compensation terms for them. This is in marked contrast to directed service orders under 49 U.S.C. 11125, where there is no requirement that the involved carriers negotiate the compensation terms. Accordingly, the RI Trustee argues that SSW must compensate the estate for its use of RI's Tucumcari Line under Service Order No. 1411, whether the terms of such compensation are negotiated by SSW and RI, or are fixed by the Commission.

Conclusion.—We agree with the Trustee and reject SSW's contention that it owes no rent for its use of the Tucumcari Line and related facilities. Section 11123 clearly requires that compensation for the use of facilities under a service order either be negotiated by the affected carriers or set by the Commission. SSW's reliance on the rent issue in Directed Service Order No. 1398 is misplaced. Not only is that issue currently being litigated, but it involves a statutory basis entirely different from that underlying Service Order No. 1411.

Further, SSW's contention that the payment of line-related rent in Service Order No. 1411 would constitute a "windfall" to the RI Trustee does not negate the need to establish compensation terms, but merely goes to the amount of compensation reasonable under the circumstances.

We do not believe, however, that we should determine the level of line-related rent at this time. Rather, we shall afford the parties an opportunity to negotiate reasonable terms of use and compensation. If, at the end of Service Order No. 1411's effectiveness, the parties are still unable to agree, we will consider reasonable compensation terms.

Employee Protection

In its February 11, 1980 pleading, SSW sought to limit its liability for employee protection. However, in a pleading filed March 10, 1980, SSW altered its request regarding employee protection. In that submission, SSW stated that it is willing to enter upon and operate the Tucumcari Line at 12:01 a.m. (central time) March 24, 1980, if the Commission cancels its earlier employee protection requirements and substitutes for them the terms of an employee protection agreement negotiated between the parties. We agree with SSW's later request.

On March 4, 1980, a number of rail labor organizations and interested carriers, including SSW, signed an employee protection agreement entitled *Labor Protective Agreement between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association* (hereafter "employee protection agreement" or "March 4 accords") (Appendix A to this decision).

We have reviewed the employee protection agreement and find that it adequately safeguards the interests of affected employees. The protection afforded in that agreement is similar to that which we determined to be appropriate under 49 U.S.C. § 11347 in rail acquisition proceedings, in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979) *(New York Dock II)*. Indeed, the protection agreed to may be superior to that afforded by *New York Dock II*, since it is tailored specifically to the current RI situation. In any event, we do not believe we are legally required to provide more protection than the parties have themselves agreed to in the March 4 accords.

We commend the parties for negotiating a mutually acceptable private solution to the RI labor situation and encourage the development of similar negotiated settlements whenever possible in the future. Accordingly, we shall incorporate by reference the labor protection agreement—and any subsequent amendments to it—as the appropriate level of employee protection in this proceeding.

Use of Joint Facilities

Arguments.—In Supplemental Order No. 2 in this proceeding, we directed SSW to negotiate with carriers—such as KCT and UP—who hold a property interest in parts of RI's Tucumcari Line. These negotiations were to resolve such issues as joint operations and compensation over segments of the Tucumcari Line which RI operated under joint facilities agreements.

SSW has reported substantial progress in concluding these agreements, with one exception. SSW and UP have been unable to agree on the terms of an agreement regarding operations by SSW under Rock Island trackage rights over UP's line between Topeka, KS, and Kansas City. Accordingly, UP has asked us to set the terms of a temporary joint facilities agreement between UP and SSW.

UP has offered to let SSW operate over its Topeka/Kansas City line on terms of compensation similar to those prescribed by the Commission in earlier compensation cases under 49 U.S.C. § 11123 (formerly 49 U.S.C. 1(15)) and 49 U.S.C. 11103 (formerly 49 U.S.C. 3(4) and later 3(5)). SSW, however, contends that UP will be adequately compensated for SSW's use of this trackage if SSW subrogates itself to RI's position under the existing RI/UP trackage rights agreement and compensates UP pursuant to that agreement. Since UP and RI have already negotiated terms governing the use of UP's trackage by RI (and its "lessees, grantees and successors"), SSW agrues that the imposition of different compensation terms is both unwarranted and improper.

More specifically, SSW argues that UP is receiving adequate compensation under the agreement and that negotiation of new terms could delay, and possibly thwart, our attempt to expedite the provision of temporary emergency service over the Tucumcari Line. Further, a subrogation of SSW to RI's position under the existing trackage rights agreement would involve no taking of UP property. Rather it is an RI property interest (its leasehold interest under the agreement) which is being taken. Thus UP is not entitled to any more compensation than it is currently receiving.

UP challenges SSW's subrogation argument and contends that its express consent is necessary before SSW can operate the Topeka/Kansas City segment under RI's trackage rights. Subrogation of SSW to RI's position would purportedly be unfair to UP by requiring UP to "accept a major competitor as a tenant under an outdated [1887] agreement." Thus, UP requests us to set compensation terms, prior to any actual operations by SSW, governing SSW's operation of the Topeka/Kansas City segment. UP's proposed terms would allegedly require SSW to pay a trackage rental approximately 10 times higher than the present rental under the 1887 trackage rights agreement, and would purportedly be based on a trackage valuation approximately 9 times greater than ledger value.

Conclusion.—We must reject UP's arguments. While 49 U.S.C. 11123 contemplates that emergency Commission actions under that statute will be "on terms of compensation the carriers establish between themselves * * *," we do not believe that UP is one of the carriers entitled to statutory compensation in the present situation.

The compensation envisioned by section 11123—as well as the basic dictates of due process—is compensation between the carrier ordered to use the facilities of another and the carrier owning (or having a legal right to operate) those facilities. In Service Order No. 1411, we ordered SSW to operate RI's Tucumcari Line. While certain segments of the Tucumcari Line are not owned by RI, the Rock Island nonetheless has a property interest (trackage right) permitting it to use those line segments. The effect of Service Order No. 1411 was to allow SSW to subrogate itself to RI's legal right to operate over the Tucumcari Line and act as RI's surrogate in running that line during the present RI emergency. Thus, Service Order No. 1411 entails no taking of non-RI property rights and does not entitle other carriers to additional compensation for operations formerly performed by RI. Moreover, to grant UP's request would mean that compensation for the use of the Topeka/Kansas City line segment would flow from SSW to UP, rather than to RI, thereby depriving RI of its trackage rights in the line segment without just compensation.

RI has been operating over UP's Topeka/Kansas City segment of the Tucumcari Line under a trackage rights agreement which provides that RI's rights are fully assignable to RI's "lessees, grantees and successors." Under Service Order No. 1411, SSW is clearly a successor to RI for the duration of the emergency. Accordingly, SSW is entitled to operate over the segment and UP is entitled to no greater compensation than it agreed to in the 1887 contract. The only possible exception to this would be if SSW utilized RI's trackage rights in a manner not permitted by the 1887 agreement. In this event, SSW would be doing more than merely subrogating itself to RI's property interest under the trackage rights agreement, and would possibly be encroaching upon UP's property interest in the Topeka/Kansas City Line segment. In order to safeguard UP's due process rights, we expressly reserve jurisdiction to consider allegations of such misuse and to prescribe appropriate compensation for any encroachments upon UP's property interests.

Accordingly, absent a showing of improper use of RI's trackage rights by SSW, we believe UP will be adequately compensated by receiving the rent to which it is entitled under the existing RI/UP trackage rights agreement. We realize this approach deviates somewhat from our previous view of this issue in Supplemental Order No. 2, but we are persuaded by a closer examination of the pertinent facts and law. Further, no one is prejudiced by this change, since no major action has yet been taken in accordance with our earlier interpretation. Of course, SSW is not barred from negotiating with UP, KCT and any similarly situated carriers regarding joint operations and compensation, if it believes this would facilitate operations under Service Order No. 1411.

Operational Difficulties

In operating the Tucumcari Line under Service Order No. 1411, SSW may encounter certain operational difficulties. We encourage SSW to seek negotiated solutions to such problems, but reserve the right to resolve any particularly difficult problems through our Railroad Service Board (subject to certification to the entire Commission).

SSW and DCT–DRC have been negotiating an agreement to resolve operating problems and settle certain questions of liability regarding SSW's operations under Service Order No. 1411. As soon as practicable, we will review its merits and approve or reject the draft agreement.

SSW and KCT–DRC have not been able to agree on three significant areas

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and have requested us to resolve these matters now. The three areas are vacation indemnification, employee protection, and line rehabilitation.

Vacation indemnification.—SSW proposes that KCT–DRC pay a *pro rata* portion of 1981 vacation costs for RI employees hired by SSW under Service Order No. 1411 equal to the ratio that the number of days they worked for KCT–DRC bears to the total number of days worked in 1980. This would result in KCT–DRC paying (with directed service funds) between one-quarter and one-half of the vacation pay of such employees during 1981.[2]

We do not believe that KCT–DRC and, ultimately, the Federal taxpayers should be saddled with this liability. SSW has voluntarily sought authority to operate the Tucumcari Line and should bear all reasonably related costs. Vacation pay is a reasonably related expense of conducting rail operations. Moreover, since SSW seeks to purchase the Tucumcari Line in Finance Docket No. 28799, it is reasonable to assume that liabilities such as vacation pay have been factored into the purchase price. Accordingly, we see no reason for the Federal Treasury to reimburse SSW for this operation expense. While there is a possibility that SSW's purchase request may not be granted, this is a risk that SSW may appropriately be required to bear.

Employee protection.—Under DSO No. 1398 and Service Order no. 1411, both KCT–DRC and SSW are authorized to operate between Kansas City and Herington, KS. Accordingly, SSW may be asked to provide certain services to KCT–DRC, such as operating trains over this line segment for KCT–DRC's account or providing switching and yard services.[3] SSW proposes that KCT–DRC idemnify SSW for any labor claims (including employee protection claims) filed against it by employees hired by SSW to perform work for KCT–DRC.

We reject SSW's request for indemnification of labor claims for several reasons. KCT–DRC has no legal obligations to protect RI employees hired by SSW, regardless of whether or not those employees perform directed service–related activities. Moreover, any work which SSW chooses to perform for KCT–DRC on the Herington/Kansas City line segment should not require the hiring of special employees, but rather should be performable by employees already hired by SSW to operate that line segment under Service Order No. 1411. Finally, since SSW will benefit from the coordination of activities between itself and KCT–DRC over the pertinent line segment, we do not believe it appropriate to reimburse SSW with a Federal subsidy for coordinating such activities. This a particularly so in light of SSW's initial representations in this proceeding that it would fully protect affected employees with its own funds.

Line rehabilitation.—SSW proposes that KCT–DRC should undertake responsibility for prompt payment, with directed service funds, of all reasonable expenses incurred for repairing or restoring any facilities damaged or destroyed during KCT–DRC's operation of the RI system under directed service. We disagree.

Whatever the Government's obligations may be regarding the RI estate, we do not believe Federal funds should be used to enhance the quality of RI's Tucumcari Line for the benefit of SSW. Any contractual interest SSW may have in the line's conditions under its purchase contract with the RI Trustee is a matter for resolution between those parties exclusively.

We will consider, when appropriate, any claim by the RI Trustee that he is entitled to compensation for deterioration of the line is a result of directed service operations (normal wear and tear excepted). We are unwilling, however, to furnish SSW with Federal funds, through the medium of KCT–DRC, to rehabilitate the line for SSW's exclusive benefit.

Conclusion

For the foregoing reasons, we conclude that the petitions for modification of Service Order No. 1411 should be partially granted, as discussed in this decision.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

It is ordered:

(1) Service Order No. 1411 is modified and clarified in the manner indicated above.

(2) The various petitions for modification of Service Order No. 1411 are denied, except to the extent indicated above.

(3) Any difficulties regarding implementation of the matters encompassed by this decision shall be brought to the attention of the Commission's Railroad Service Board (with copies to the other Commission offices listed in Service Order No. 1411), which shall recommend to us an appropriate resolution of the difficulty or modification of this decision.

(4) This decision shall be effective on its service date.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioner Stafford concurring with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Stafford (concurring:)

I still question the legality of the transfer of the trackage rights and the grant of temporary operating authority.

[FR Doc. 80-9150 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 297 (Sub-No. 4)]

Reopening of Section 5a Application Proceedings To Take Additional Evidence

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Reopening to Take Additional Evidence.

SUMMARY: The Interstate Commerce Commission is reopening the record in Ex Parte No. 297 (Sub-No. 4), Application Nos. 22, 23, 25, 33, 34, 45,46, 48, 49, and 60 in order to accept additional evidence submitted by the Federal Trade Commission as well as comments on this evidence by other participants. The Commission believes that supplementing the record in this manner will provide a better record on which to reach a decision.

DATES: Comments on this evidence by prior participants in this proceeding and other interested persons must be filed by June 24, 1980.

ADDRESSES: An original and 15 copies, if possible, of comments should be forwarded to: Room 5356, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall (202)–275–7693.

SUPPLEMENTARY INFORMATION: The Federal Trade Commission (FTC) filed a petition on December 18, 1979, to reopen the record in this proceeding for the purpose of receiving additional evidence applicable to certain section 5a general commodity agreements. The evidence consists of an anaylysis of data obtained from the Continuous Traffic Study (CTS), which is an industry sampling of waybills from the ten major rate bureaus.

Historically, the CTS data was unavailable outside of the industry. However, after the record in this proceeding was closed, the rate bureaus submitted the data to the Senate Judiciary Committee for analysis. The Committee made the results of their analysis available to a number of federal agencies, including FTC. FTC then prepared an independent analysis of the Committee's results, concluding that rate bureau immunity is unnecessary for long-haul carriers of less-than-truckload (LTL) general commodities, because of the "near absence of competition provided by other sectors of the motor carrier industry or by other modes." It is this analysis which FTC wishes to introduce into the record.

A decision has not as yet been reached in this proceeding. We believe this evidence will be useful and, thus, will accept it into the record.

The Eastern Central Motor Carriers Association, Inc. filed a letter on January 2, 1980, requesting that the petition be rejected because FTC is not a party to that portion of the proceeding pertaining to their application, since it waived its opportunity to participate by not filing a statement before the close of the record. In the alternative, the Bureau requests at least 90 days in which to file comments on the FTC statement.

When we reopened the applications in this proceeding the Notice stated that applicants in all of the proceedings were to serve a copy of their evidence on the FTC, as well as the Department of Justice. Thus, we contemplated that FTC would be a party to these proceedings. FTC in fact filed comments in Application No. 23, Middle Atlantic Conference, No. 46, Southern Motor Carriers Rate Conference, and No. 60, Rocky Mountain Motor Tariff Bureau. In analyzing the evidence in Ex Parte No. 297 (Sub-No. 4), we have grouped the applications into seven categories so that we can consider the same types of agreements together. This is the most logical way to assess the effects of the agreements on the national transportation policy. It would serve no useful purpose to accept the FTC statement only for those applications in which it originally filed statements, since the evidence is applicable as well to the other general commodity agreements for which the FTC seeks reopening. However, we will grant the alternative relief requested by Eastern Central and allow 90 days for comments in response to the FTC statement.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10706 and 4 U.S.C. 553)

Decided: March 6, 1980.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9157 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 305 [1]]

Nationwide Increase of 10 Percent In Freight Rates and Charges, 1974

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposal to rescind orders.

SUMMARY: The Interstate Commerce Commission is giving consideration to rescinding orders which impose spending restrictions on revenues obtained from the 7 percent general increase in rates authorized in this proceeding. Special accounting instructions and reporting requirements associated with the spending restrictions also are under consideration for cancellation.

COMMENTS: Comments must be received on or before April 25, 1980.

ADDRESS: Send an original and 15 copies of comments to: Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder, Telephone: (202) 275–7693.

SUPPLEMENTARY INFORMATION: By order served June 3, 1974, the Commission suspended a 10 percent general rate increase. However, the Commission authorized the increase subject to the condition that revenues generated by 7 percent of the 10 percent increase be spent on deferred maintenance and delayed capital improvements.[2] The spending requirements were based upon the carriers' own representations in their justification for the increase. The Commission found that the proposed increases would have been unjust and unreasonable without the conditions. The order also imposed reporting and recordkeeping requirements on the carriers relating to deferred maintenance and delayed capital improvements.

Subsequently, on July 22, 1974, the Commission defined deferred maintenance and delayed capital improvements for the purposes of Ex Parte No. 305, issued more specific accounting instructions, including an allowance for increased income taxes; and set forth the details of the required reporting. All carriers were made subject to the accounting instructions; the reporting requirements were applied to class I railroads.[3]

The Commission made the increases permanent [4] on December 29, 1977, and authorized use of funds generated by the increase for the purpose of any capital improvement.

Carriers are required to meet the average base period (July 1, 1971–June 30, 1974) spending levels before using the Ex Parte No. 305 increase generated funds.[5] The Commission, on February 8, 1979, prescribed an inflation index factor to update the spending levels. At the same time new schedules were added to the Annual Report R–1 which eliminated the need for semi-annual reports.[6] This order is now under judicial review.[7]

The Commission is considering whether it should any longer hold carriers to conditions they agreed to in 1974 to avoid suspension and loss of potential revenues. Initially, the Commission found that without the conditions the increases would have been unjust and unreasonable and contrary to the dictates of the national transportation policy. Later, the increases were made permanent, with the Commission agreeing that the carriers needed the revenues to "prevent a precipitous decline in the railroads' overall financial condition." With the passage of time there is little to distinguish the justification for Ex Parte No. 305 general increases from the many which followed. Since Ex Parte No. 305, the Commission has approved increases cumulatively amounting to approximately 55 percent in 9 separate

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[1] Also embraces Ex Parte No. 305 RE, Increased Freight Rates and Charges, 1975, Recyclable Materials.

[2] Three percentage points were for increased material and supply costs, other than fuel.

[3] The Long Island Rail Road did not join in the increases and was exempted from the conditions.

[4] Originally, the increases were to expire June 30, 1975, unless otherwise ordered. The expiration date was subsequently extended to April 30, 1976, January 1, 1977, and January 1, 1978.

[5] Some carriers have a different base period.

[6] Originally, the reports were required quarterly. Semi-annual reports were prescribed December 28, 1976.

[7] United States Court of Appeals for the Fourth Circuit, No. 79–1220, *Norfolk and Western Railway Company, et al., v. Interstate Commerce Commission and the United States of America.*

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[2] Under the pertinent labor agreements, employee vacation rights accrue a year in advance. Moreover, an employee becomes entitled to his entire vacation (from 1 to 5 weeks, depending on seniority) after working 100 working days of the year. Thus, the right to take vacation during the first part of directed service (the last 3 months of 1979) was earned in the first part of 1978, and employees working in 1980 for KCT–DRC are accruing time toward the 100 working days they must work in 1980 to become entitled to their full vacation in 1981. For most employees utilized by KCT–DRC, the right to 1981 vacation will be earned between the middle and end of May 1980.

[3] While actual directed service operations by KCT–DRC are scheduled to expire on March 23, 1980, ancilary "clean-up" operations by KCT–DRC have been authorized to extend beyond this date. See *KCT—Operate—CRI&P, supra*, 360 I.C.C. 718 (1980).

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proceedings. In each of these cases, revenue levels which included the Ex Parte No. 305 increase have been evaluated. In no instance have we concluded that these overall revenue levels were unreasonable. A further increase of 3.4 percent is currently under consideration.

The Commission's policy in general rate increase cases has been to permit recovery of costs due to inflation. It has further stated that, "Revenue adequacy should not be sought, and will never be achieved, by across-the-board ratemaking alone." Since enactment of the 4R Act, the Commission has undertaken under section 205, to determine the adequacy of railroad revenues. Recently in this process the Commission stated that the key to attainment of revenue adequacy lies ultimately in improved economy and efficiency in all areas of performance, particularly through the elimination of excess capacity and through efficient pricing. While recognized the role of enlightened government action, that admonition gives primacy to improvements in all aspects of carrier management. The limitation on managerial discretion as represented by the spending restrictions may not be fully in accord with the Commission's view that the carrier earnings should eventually rise as the result of necessary restructing, pricing reforms, efficient management and sound investment decisions.

The Commission is further concerned that the spending norm established in Ex Parte No. 305 may no longer be an appropriate guide. The inflationary increases in prices since 1974 have substantially eroded the base period average data. Prescription of an inflation adjustment factor, while useful in restating the standard in more current dollars, leaves the more significant question of its validity unanswered. Operating and traffic conditions have undoubtedly changed over the intervening years and will continue to do so. In fact, as stated above, carriers are expected to effect necessary restructuring, pricing reforms and sound investments. Carriers' average spending actions in the base period may not stand the test of prudent management in 1980 and the years ahead. It is, therefore, questionable that the Commission should insist on this particular measure to determine whether carriers are reducing deferred maintenance and expanding capital improvements.

Consistent with the Commission's policy to keep carrier reporting burdens to a minimum essential for regulatory needs, elimination of the spending limitations should also eliminate the reporting requirements associated therewith.

It is apparent that the reporting requirements are burdensome to the carriers and produce information of questionable value. There is reason to believe that the reporting is neither uniform nor consistent among the railroads. The numerous general rate increases since Ex Parte No. 305 make it increasingly difficult for the carriers to identify the revenues generated by it. And, in practice, the reported data may have limited usefulness in gauging the carriers progress in reducing deferred maintenance and expanding capital investments.

The Commission has from time to time permitted a number of railroads to apply Ex Parte No. 305 funds to other corporate purposes. Classification of railroads for reporting purposes was changed January 1, 1978, which relieved additional carriers of the reporting requirements. Conrail is permitted to report that in a technical sense it has no deferred maintenance or delayed capital improvements. However, at the time the Ex Parte No. 305 increase was authorized, Conrail's predecessor railroads were a large source of deferred maintenance and delayed capital improvements. The result is that one of the major causes which led to the spending restrictions is now largely unaffected by it and is not included in the reporting. A similar situation exists for the Rock Island and the Milwaukee which were granted permission to use Ex Parte No. 305 funds for general corporate purposes. Another large Eastern Railroad consistently claims it has no deferred maintenance. And it is understood that from time to time some carriers reevaluate and revise lists of deferred maintenance items while others do not.

Apart from the reporting required under Ex Parte No. 305, the Annual Report R-1 (1979) requires submission of a considerable amount of information respecting track and traffic conditions and inventory of equipment. Data on serviceable and unserviceable equipment are reported to the Association of American Railroads by carriers on a periodic basis and are readily available for Commission use. The availability of these data raises the question of whether the Ex Parte No. 305 data, given their possible infirmities and limitations, are necessary to evaluate carriers' maintenance and capital investment trends. Further, the Securities and Exchange Commission requires detailed disclosure of deferred maintenance to potential rail investors. Section 504 of the 4R Act provided for a capital needs study by which each class I railroad disclosed to the U.S. Department of Transportation its deferred maintenance and delayed capital expenditure levels as of December 31, 1975, and estimates of condition through 1985. Related reporting is required in connection with section 505 of the 4R Act which provides for federal financing to rehabilitate deteriorated rail facilities.

The Commission has already stated that it does not expect the spending conditions to remain in effect in perpetuity. For the reasons indicated, it is now time to question whether anything further can be gained by their retention. By rescinding the Ex Parte No. 305 orders, the Commission would simply remove a requirement in 1980 and for the years ahead that may be for the carriers an unnecessarily burdensome complexity in exercising discretion in spending decisions. It would in no way relieve carriers of their primary responsibility effectively to manage their operations to promote improved service to the public.

Dated: March 6, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis. Vice Chairman Gresham concurring.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9289 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701-TA-1 (Final)]

Unlasted Leather Footwear Uppers From India

Determination

On the basis of the record [1] in investigation No. 701-TA-1 (Final), the Commission unanimously determined, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), that an industry in the United States is not materially injured, or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded, by reason of the importation of unlasted leather footwear uppers (provided for in item 791.27 of the Tariff Schedules of the United States) from India upon which the Department of the Treasury determined a bounty or grant of 1.01 percent ad valorem is being paid by the Government of India.

[1] The "record" is defined in sec. 207.2(j) of the Commission's *Rules of Practice and Procedure* (19 CFR 207.2(j)).

Background

The Commission received advice from Treasury on October 24, 1979, regarding the bounty or grant on unlasted leather footwear uppers and thereafter instituted an investigation (No. 303-TA-11) under section 303 of the Tariff Act of 1930. Because that investigation had not been completed at the time the new countervailing duty provisions became effective (Jan. 1, 1980), the investigation was terminated and reinstituted as investigation No. 701-TA-1 (Final) pursuant to section 102 of the Trade Agreements Act of 1979.

Notice of the termination of the earlier investigation and institution of the new investigation and of the public hearing to be held in connection therewith was duly given by posting copies of the notice at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's office in New York City, and by publishing the notice in the **Federal Register** of January 17, 1980 (45 FR 3402). The hearing was held in Washington, D.C., on February 4, 1980; all persons requesting the opportunity were permitted to appear in person or by counsel.

Statement of Reasons of Chairman Catherine Bedell and Commissioners George M. Moore and Paula Stern

On the basis of the record developed in this investigation, we determine, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671(b)), that an industry in the United States is not materially injured or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded, by reason of imports of unlasted leather footwear uppers [1] from India with respect to which the U.S. Treasury Department has found that a subsidy is being provided.

The Domestic Industry

In this investigation we have concluded that the appropriate domestic industry against which the impact of the subsidized imports from India should be measured consists of the facilities in the United States producing nonrubber footwear. There are approximately 350 domestic producers of nonrubber footwear.[2] There is no known trade in domestically produced unlasted leather footwear uppers; [3] it appears that virtually all such uppers are manufactured by domestic producers of nonrubber footwear and are captively consumed by those producers in the production of finished nonrubber footwear. [4] Domestic producers of nonrubber footwear do not maintain separate profit-and-loss, employment, and other key data on the shoe upper segment of their footwear production. [5] Thus, there is insufficient data to permit us to identify separately domestic production of such uppers in terms of the statutory criteria.

Our finding concerning the composition of the appropriate domestic industry is based on section 771(4) of the Tariff Act of 1930 (19 U.S.C. 1677(4)). Section 771(4)(A) defines the term "industry" to mean the domestic producers of a "like product", and section 771(10) defines the term "like product" to mean "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Section 771(4)(D) further provides that "If the domestic production of the like product has no separate identity in terms of [the statutory] criteria, then the effect of the subsidized . . . imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes a like product, for which the necessary information can be provided."

U.S. producers of nonrubber footwear are the importers and/or consumers of all the imported Indian uppers. [6] Section 771(4)(B) of the Tariff Act provides that the Commission may exclude from the industry producers related to the exporters or importers or producers which are themselves importers of the subsidized merchandise. However, because the domestic importers and consumers of the Indian uppers are among the largest producers of the types of footwear incorporating the Indian and like domestically produced uppers, exclusion from the industry of such firms would have the effect of excluding the more important producers of footwear incorporating this type of upper. It is therefore not appropriate to exclude such firms from the scope of the domestic industry in this case.

The Subsidy

The Department of the Treasury found aggregate benefits on leather uppers in the amount of 1.01 percent ad valorem. The benefits were in the form of cash rebates, preferential export financing, and income tax exemptions. [7]

The question of Injury [8]

We have found that domestic nonrubber footwear producers are not materially injured or threatened with material injury by reason of the 1.01 percent ad valorem Indian subsidy on leather uppers.

Imports of unlasted leather footwear uppers from India have increased considerably in recent year but remain insignificant when measured against estimated U.S. production and consumption of like uppers. Imports of such Indian shoe uppers increased from 340,000 pairs in 1977 to 630,000 pairs in 1978 and to 765,000 pairs in January-October 1979, but never accounted for as much as 0.5 percent of U.S. upper consumption during that period. [9]

There is little, if any, known trade in shoe uppers among U.S. producers since they use the uppers in their own production of nonrubber footwear. Thus, there are apparently no arm's-length sales of domestically produced uppers which would show price trends or indicate import-related price depression or suppression. Arm's-length sales occur only after the footwear is in finished form. Nevertheless, the impact of a subsidy of 1.01 percent ad valorem on the price of finished nonrubber footwear is inconsequential. The total value of all shoe upper imports from India was $3.1 million in 1978 and $5.5 million in 1979. [10] Sales of finished footwear by U.S. nonrubber footwear producers exceeded $3 billion in 1978, the last full year for which such data were available. [11] If the Indian subsidies had any effect on U.S. nonrubber footwear prices, it was to make them more competitive with prices of imported footwear, since it is U.S. nonrubber footwear producers which purchase the Indian shoe uppers.

It was also difficult to assess the impact of the imports from India on U.S.

[1] Specifically, uppers of leather cut or wholly or partly manufactured into forms or shapes suitable for conversion into footwear, provided for in item 791.27 of the Tariff Schedules of the United States.

[2] See attached Commission report, at p. A-8 (hereinafter report).

[3] Report, at pp. A-8-9.

[4] Id., at pp. A-8, A-13, A-16.

[5] See the report, particularly at pp. A-19-22.

[6] Report, at p. A-10.

[7] Id., at pp. A-7-8.

[8] Because there is an established domestic industry in this case, the issue of material retardation of the establishment of an industry is not before us. Commissioner Stern refers readers to her additional views on the state of the domestic industry which form part of the basis for her determination in this investigation.

[9] Report, at pp. A-11, A-18-19. Domestic production of unlasted leather footwear uppers, although unknown, approximates domestic production of leather because all leather footwear contains leather uppers and because imports and exports of such uppers are relatively small in comparision with leather footwear production. The United States produced about 226 million pairs of leather footwear in 1978 and about 212 million pairs in 1979. See the report, at p. A-13.

[10] Report, at p. A-17.

[11] Id., at p. A-21.

producers on the like product. As noted above, U.S. producers of the like product, which are also producers of finished nonrubber footwear, are the importers and/or consumers of the imported Indian shoe uppers. The bulk of the Indian shoe uppers are intended for use in men's moccasin-style footwear, and the importing/consuming firms are domestic producers of finished footwear of the type.[12] It is doubtful whether such firms would continue to import such shoe uppers if they found them to be injurious.

Conclusion

We therefore conclude that an industry in the United States is not materially injured or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded, by reason of imports of unlasted leather footwear uppers from India which the U.S. Treasury Department has found are being subsidized.

Additional Views of Commissioner Paula Stern

The State of the Domestic Industry

The Commission considered a wide variety of economic indicators, some of which indicated problems. Sec. 771(7)(C) of the Tariff Act of 1930 requires the Commission to examine material injury by evaluating "all relevant economic factors * * * including, but not limited to * * *" output, sales, market share, profits, productivity, return on investments, capacity utilization, factors affecting domestic prices, cash flow, inventories, employment, wages, growth, ability to raise capital, and investment.

U.S. output (production) of both leather and nonrubber footwear (the latter includes leather footwear) have both declined in recent years. Domestic leather footwear production was 226.7 million pairs in 1977, 228.3 million pairs in 1978, and 212.2 million pairs in 1979. Domestic nonrubber footwear production was 413.7 million pairs in 1977, 418.9 million pairs in 1978, and 381.4 million pairs in 1979.[13] Imports of Indian uppers, which were consumed in the production of such footwear and are thus indirectly reflected in the domestic leather and nonrubber footwear production statistics, never accounted for as much as 0.5 percent of the uppers used in the production of such footwear and there is no indication that they were a factor in the decline in such production. Because nonrubber footwear inventories have been relatively stable,[14] I believe trends in domestic nonrubber footwear sales have paralleled trends in domestic nonrubber footwear production in recent years.

Data available to the Commission show that the ratio of net operating profit to net sales for producers of nonrubber footwear increased from 4.4 percent to 5.0 percent between 1977 and 1978, the last year for which data were available.[15] Capacity utilization by nonrubber footwear producers declined irregularly during the period 1977–1979, from 75.0 percent to 73.3 percent.[16] Domestic nonrubber footwear inventories increased from 36.1 million pairs in 1977 to 40.0 million pairs in 1978, the last year for which such data were available.[17] Employment in the domestic nonrubber footwear industry declined form 159,900 workers in 1977 to 157,800 in 1978, to 148,900 in 1979.[18] Capital expenditures for new plant and equipment in the nonrubber footwear industry increased from $5 million in 1977 to $63 million in 1978, the last year for which such data were available.[19] There were no data available concerning industry productivity, return on investment, cash flow, wages, growth, and ability to raise capital. The absence of any factor which the Commission is required to evaluate does not give decisive guidance concerning the Commission's determination with respect to material injury. See sec. 771(7)(e)(ii) of the Tariff Act. I did not find the absence of these data decisive.

Despite some of these negative indications, there is no information that leads me to believe that any of the negative economic indices in this case are related to the 1.01 percent ad valorem Indian subsidy which Treasury found.

Views of Commissioners Alberger and Calhoun

In order for the Commission to reach an affirmative determination in this investigation, pursuant to Section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), it is necessary to find that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded by reason of imports of unlasted leather footwear uppers[20] from India with respect to which the Department of the Treasury has found a subsidy is being provided.[21]

Discussion

In this investigation, we have concluded that the appropriate domestic industry against which the impact of subsidized Indian imports should be measured is the nonrubber footwear industry as a whole. The record developed in this investigation establishes a clear basis for such a conclusion.

Section 771(4) of the Tariff Act of 1930 (19 U.S.C. 1677(4)) provides, in part, as follows:

"(A) In General.—The term 'industry' means the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product."

"(D) Product Lines.—The effect of subsidized or dumped imports shall be assessed in relation to the United States production of a like product if available data permit the separate identification of production in terms of such criteria as the production process or the producer's profits. If the domestic production of the like product has no separate identity in terms of such criteria, then the effect of the subsidized or dumped imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes a like product, for which the necessary information can be provided."

Section 771(10) (19 U.S.C. 1677(10)) provides that:

"The term 'like product' means a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title."

While the record reveals that there is production in this country of unlasted leather uppers used in the manufacture of nonrubber footwear, there can be little question that, in this case, the like product contemplated under Section 771(4)(D) is domestically produced unlasted leather uppers. But the record also reveals that virtually all domestically produced unlasted leather uppers are manufactured by domestic producers of nonrubber footwear for captive consumption in their manufacture of finished nonrubber footwear. Moreover, there is no known commerce involving domestically produced uppers, nor are there separate profit and loss, employment, or other key data maintained on the shoe upper aspect of domestic footwear production.

Consequently, since we are unable to assess the effect of subsidized Indian imports in relation to the domestically produced like product, we must look to the "narrowest group or range of products, which includes a like product, for which the necessary information can be provided."[22] In this case, the narrowest range of products is nonrubber footwear and we have concluded that domestic nonrubber footwear producers are not materially injured nor are they threatened with material injury by reason of subsidized imports of leather uppers from India. Because there is an established domestic nonrubber footwear industry, the question of material retardation of the establishment of an industry is not at issue.

The record of this investigation establishes a sound basis for this conclusion. Various footwear products have been considered by this Commission in recent years.[23] Some of these investigations have resulted in findings of injury to the domestic industry. This particular investigation is somewhat unique, however, with all importers being domestic producers of nonrubber footwear, including component parts. While the importation of component parts can lead to savings in labor and production costs, it does not necessarily mean layoffs by a particular company. Here, we have found no evidence of employment lost due to imports of leather uppers from India. The domestic production of the end product, nonrubber footwear, may arguably be increased by the importation of uppers. The end product is produced at a cost savings and becomes more competitive with imported footwear.

Although imports of unlasted leather uppers from India have increased considerably in recent years, the effect on the domestic industry has been inconsequential in light of the comparison between the volume of imports and the level of domestic production. The four-tenths of one percent share of the United States market controlled by these Indian imports is very small. Furthermore, the impact of the 1.01 percent *ad valorem* Indian subsidy on production costs of nonrubber footwear is also small. And finally, although the nonrubber footwear industry experienced a decline in capacity utilization and employment, coupled with an increase in inventories over the period of the Commission investigation, there is no information on the record which adequately relates these negative trends to the increase in Indian imports of unlasted uppers.

In view of these considerations, particularly in combining the low level of market penetration and the low level of the subsidy, the fact of material injury by reason of these subsidized imports cannot be established.

Findings of Fact

The conclusion that domestic producers of nonrubber footwear are not materially injured or threatened with material injury by reason of the 1.01 percent Indian subsidy on leather uppers is based on consideration of the economic factors required by Section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(7)). Our findings of fact are:

A. *Volume of imports.*—1. Total U.S. imports of unlasted leather footwear uppers increased from about 1 million pairs in 1977 to 9.4 million pairs in 1978 and to 9.5 million pairs in 1979. (Report at A–15)

2. In 1979, imports of leather uppers from India increased more than 9 times the amount imported in 1977. During 1979, India was the fifth largest supplier of leather uppers and accounted for 7 percent of total imports. (Report at A–16, 17 (Table 4).) Imports of such shoe uppers increased from 340,000 pairs in 1977 to 630,000 pairs in 1978 to 765,000 pairs in the first 10 months of 1979, but never accounted for as much as one-half of one percent of U.S. upper consumption during that period. (Report at A–11, A–16, A–19)

B. *Effect of imports on United States prices.*—3. No firm could be found in the United States which manufactures and sells unlasted leather uppers for third party use. Therefore, no price comparisons can be made on unlasted leather footwear uppers. Leather uppers are supplied primarily by domestic shoe manufacturers for their own use with the remainder of the need for this item being supplied exclusively by imports. (Report at A–22, 23)

4. A confidential 1979 cost-of-production comparison on a pair of men's moccasin-style shoes made from Indian and United States unlasted leather shoe uppers revealed that shoes made with Indian uppers cost less to produce than shoes made with domestic uppers. (But, the 1.01 percent subsidy does not begin to account for this price difference.) Furthermore, the producer's estimated retail price of the completed men's moccasin made with the Indian upper and the domestic upper was the same. (Report at A–23)

C. *Impact on affected industry.*—5. United States production of nonrubber footwear has declined in recent years. Domestic nonrubber footwear production was 413.7 million pairs in 1977, 418.9 million pairs in 1978, and 381.4 million pairs in 1979. (Report at A–13)

6. The ratio of imports of leather uppers from India to apparent domestic consumption increased from .1 percent in 1977 to .4 percent in 1979. (Report at A–18)

7. The ratio of net operating profits to net sales increased for producers of nonrubber footwear from 4.4 percent in 1977 to 5.0 percent in 1978, the last year for which data were available. (Report at A–20)

8. Utilization of plant capacity declined to 73.3 percent in 1979 from a level of 75.8 percent in 1978. (Report at A–13)

9. The production of uppers is the most labor-intensive stage of shoe construction, accounting for over 40 percent of direct labor costs. Total footwear employment levels declined from 160,000 in 1977 to 149,000 in 1979. There was no evidence submitted which indicated that there was a loss in employment in any of the firms which import leather uppers that could be directly linked to imports from India. (Report at A–19–20)

10. Inventories of nonrubber footwear rose from 36.1 million pairs in 1977 to 40.0 million pairs in 1978, an increase of 11 percent. (Report at A–14)

11. Capital expenditures for new plant and equipment in the nonrubber footwear industry increased from $51 million in 1977 to $63 million in 1978, the last year for which data were available. (Report at A–22)

12. No information was supplied with respect to productivity, return on investment, cash flow, wages, growth, or ability to raise capital of the nonrubber footwear industry.

Conclusions of Law

A. In this investigation the Commission has concluded that the appropriate domestic industry against which the impact of subsidized Indian imports should be measured is the nonrubber footwear industry.

B. The nonrubber footwear industry in the United States is not materially injured, or threatened with material injury, and the establishment of an industry in the United States is not materially retarded by reason of subsidized imports of unlasted leather footwear uppers from India.

[12] Id., at p. A–16.
[13] Report, at p. A–13.
[14] Id., at p. A–14.
[15] Id., at pp. A–20–21.
[16] Id., at p. 13.
[17] Id., at p. A–14.
[18] Id., at p. A–19.
[19] Id., at p. A–22.
[20] Specifically, uppers of leather cut or wholly or partly manufactured into forms or shapes suitable for conversion into footwear, provided for in item 791.27 of the Tariff Schedules of the United States. (19 U.S.C. 1202)
[21] The Department of the Treasury found aggregate benefits on leather uppers in the amount of 1.01 percent *ad valorem*. These benefits were in the form of cash rebates, preferential export financing and income tax exemptions. See Commission Report at pp. A–44–46 (hereinafter Report).
[22] Section 771(4)(A) and (D), Tariff Act of 1930, (19 U.S.C. 1677(4)(A) and (D)).
[23] Report at Appendix E, pp. A–48–50.

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By order of the Commission.
Issued: March 17, 1980.
Kenneth R. Mason,
Secretary.
[FR Doc. 80-9177 Filed 3-25-80; 8:45 am]
BILLING CODE 7020-02-M

[731-TA-1 (Final) and 731-TA-2 (Final)]

Spun Acrylic Yarn From Japan and Italy

Determination

On the basis of the record[1] developed in the investigations, the Commission unanimously determines pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) that an industry in the United States is being materially injured by reason of imports of spun acrylic yarn provided for in item 310.50 of the Tariff Schedules of the Untied States from Japan and from Italy,[2] which the Department of the Treasury has determined are being, or are likely to be, sold in the United States at less than fair value.

Background

On October 22 and December 17, 1979, the United States International Trade Commission received advice from the Department of the Terasury that spun acrylic yarn provided for in item 310.50 of the Tariff Schedules of the United States from Japan and Italy, respectively, is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921 (19 U.S.C. 160(a)). Accordingly, on Novembner 19 and December 27, 1979, the Commission instituted investigations Nos. AA1921-212 and AA1921-214, respectively, under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is pervented from being established, by reason of the importation of such merchandise from Japan and/or Italy into the United States. However, the Antidumping Act was repealed on January 1, 1980, by the Trade Agreements Act of 1979 (Public Law 96-39, 93 Stat. 144, July 26, 1979). Under section 102 of that act, the Commission was required to terminate antidumping investigations in progress on January 1, 1980, and reinstitute them under subtitle B of title VII of the Tariff Act of 1930, as added by the Trade Agreements Act of 1979. Accordingly, on January 1, 1980, investigations Nos. AA1921-212 and AA1921-214 were terminated and new investigations (Nos. 731-TA-1 (Final), Spun Acrylic Yarn From Japan, and 731-TA-2 (Final), Spun Acrylic Yarn From Italy) were instituted under the provisions of section 735 of the Tariff Act of 1930.

Copies of the notices of the institution of investigations Nos. AA1921-212 and AA1921-214 and of the hearing to be held in connection therewith were posted at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's office in New York City, and published in the **Federal Register** of November 28, 1979 (44 F.R. 68040), and January 3, 1980 (45 FR 858). Notice of the termination of investigations Nos. AA1921-212 and AA1921-214 and of the institution of investigations Nos. 731-TA-1 (Final) and 731-TA-2 (Final) was published in the **Federal Register** of January 17, 1980 (45 FR 3403). The public hearing was held in Washington, D.C., on January 22, 1980, and all persons who requests the opportunity were permitted to appear in person or by counsel.

Statement of Reasons for the Affirmative Determinations of Chairman Catherine Bedell and Commissioner George M. Moore

On the basis of the record developed in these investigations, we determine, pursuant to section 735 of the Tariff Act of 1930, that an industry in the United States is being materially injured by reason of imports of spun acrylic yarn from Japan and Italy sold at less than fair value (LTFV).

The domestic industry—In these investigations, we consider the relevant domestic industry to consist of the facilities in the United States used in the production of spun acrylic plied yarn for machine knitting. This yarn, made from acrylic fiber, is used primarily in the manufacture of sweaters, headwear, gloves, scarves, and socks (see Commission Report (C.R.), p. A-3). There are currently nine producers, hereinafter referred to as spinners, with manufacturing facilities concentrated in North and South Carolina (C.R., p. A-8).

LTFV sales—The administering authority's investigation covered exports of spun acylic plied yarn from Japan between January 1 and December 31, 1978. The investigation was limited to sales of three Japanese manufacturers, which collectively accounted for 83 percent of Japanese exports of spun acylic yarn to the United States during that year. All the sales examined were at less than fair value, with margins ranging from 0.50 to 58.21 percent and a weighted average margin of 23.19 percent (C.R., pp. A-5-6).

The administering authority's investigation of exports of spun acrylic plied yarn from Italy covered the period January 1 through June 30, 1979. It limited its investigation to four firms, three of which refused to supply information. On the basis of limited available data, it determined an LTFV margin of 48.05 percent on exports sales from Italy to the United States (C.R., p. A-7).

Material injury by reason of LTFV imports—During the period 1977-79, the U.S. market for spun acrylic plied yarn for machine knitting went through two stages. First, in 1977 and 1978, the period of highest import penetration, apparent consumption remained relatively constant, while the economic health of the industry started to manifest clear signs of deterioration. The Commission found that the impact of imports from Japan and Italy on U.S. spinners was further exacerbated in the second stage (1979), when consumer demand fell. One factor remained constant throughout the period—the suppressing influence of Japanese and Italian yarn on U.S. spinners' prices, and, thus, on their overall operations.

The industry under examination is highly price sensitive. Evidence has been developed that shows that domestic spinners' prices were suppressed by LTFV imports from Japan and Italy during the period under review, causing steady deterioration in the overall profitability of the U.S. industry. Other economic indicators also registered serious declines, such as production and shipments, utilization of capacity, and employment. Additionally, five firms were forced to cease operations; four of them cited low-priced imports from Japan and Italy as the principal reason for their termination of production of the subject yarn (C.R., pp. A-8-9).

At the Commission's hearing, domestic spinners reported losing sales for less than 2 cents a pound, or less than 1 percent of the cost of a pound of yarn. If U.S. spinners' prices for branded yarn were reduced by the 5- to 10-cent rebate sometimes accorded to knitter customers, such prices would have been competitive with those of U.S. spinners' unbranded yarn and comparable yarn imported from Japan and Italy (C.R., pp. A-22-26).[1] Without the substantial LTFV margins, imports from both Japan and Italy would have sold at much higher prices and would not have been competitive with U.S.-produced yarn. Under such circumstances, significant sales of the imported product from Japan and Italy would not have been made. Throughout 1977 and 1978, U.S. spinners' prices did not keep pace with inflationary increases in costs (C.R., p. A-17).

During 1977 and 1978, aggregate imports from Japan and Italy accounted for 16 percent of apparent consumption (C.R., p. A-22). The sustained presence of this significant volume of low-priced imports suppressed not only U.S. spinners' prices, but every other aspect of their operations as well. Profit for reporting firms declined from $4.4 million in 1977 to $2.8 million in 1978, the ratio of net operating profit to net sales declined from 6.3 percent to 4.0 percent, and other areas of financial performance such as cash flow from operations and investment in productive facilities followed the same trend (C.R., pp. A-16-20).[2] Production and shipments also declined, with shipments decreasing from 65 million pounds in 1977 to 53 million pounds in 1978, or by 19 percent (C.R., p. A-10). Utilization of capacity fell from 85.4 percent to 71.1 percent, substantially below an optimum capacity utilization level of 90 percent (C.R., p. A-11). Employment declined 4 percent, man-hours dropped 10 percent, and output per employee also decreased (C.R., pp. A-14-15). Inventories reached their highest level in 1978 (C.R., p. A-11).

Although imports from Japan and Italy declined in 1979 and accounted for low levels of import penetration, their impact from 1977 and 1978 was still sharply felt by U.S. spinners, which were occupied with trying to liquidate inventories in a period of relatively low consumer demand (C.R., p. A-22). By 1979, Japanese and Italian yarn became relatively scarce in the U.S. marketplace, and U.S. spinners' prices began to rise, despite low consumer demand. Such price increases, however, were too late to spare the domestic industry further deterioration (C.R., p. A-24).

Net operating profit declined 80 percent from January-September 1978 to the corresponding period of 1979. The ratio of net operating profit to net sales fell from 5.8 percent to 1.2 percent, while cash flow from operations and investment in productive facilities dropped severely (C.R., pp. A-16-20). Shipments declined 23 percent. Capacity declined 27 percent, largely by reason of plant shutdowns as capacity utilization decreased from 76.4 percent to 75.3 percent (C.R., pp. A-10-11). Employment dropped 17 percent, and man-hours and output per worker followed the same trend. Workers from one domestic firm that left the industry in early 1979 were granted adjustment assistance by the Department of Labor (C.R., pp. A-14-15).

There is evidence of sales lost to imports from Japan and Italy during the period under review. Twelve firms stated that the principal reason for purchase of the Japanese product in lieu of the domestic product was lower price. Two firms verified that the imported Italian yarn had been chosen over the domestic product. One firm cited lower price as its principal reason, while the other coupled lower price with availability. Further, major knitting purchasers of both U.S. and imported yarn offered lower prices as their principal reason for purchasing the Japanese and Italian yarn over the domestic product (C.R., pp. A-26-28).

On the basis of the foregoing considerations, we have determined that an industry in the United States is being materially injured by reason of imports of LTFV spun acrylic yarn from Japan and Italy.

Views of Commissioners Paula Stern and Michael J. Calhoun

On the basis of the record developed in these investigations, we have determined that an industry in the United States is materially injured[1] by reason of the imports of spun acrylic yarn from Japan and from Italy sold at less than fair value.[2]

In these investigations, we consider the relevant domestic industry to consist of the facilities in the United States used in the production of spun acrylic plied yarn for machine knitting. Made from acrylic fiber, this yarn is used primarily in the manufacture of sweaters, headwear, gloves, scarves, and socks.[3] There are currently nine producers, hereinafter referred to as spinners, with manufacturing facilities concentrated in North and South Carolina.[4]

Discussion—The law gives the Commission discretion in making its determination because no single checklist can work for all cases to determine the exact degree of injury experienced by an industry nor to ascertain the existence of a definitive causal link between imports and material injury. The Trade Agreements Act of 1979 does provide guidance for assessing the impact of LTFV imports for a given industry:

> the Commission shall consider, among other factors—
> (1) the volume of imports.
> (2) the effect of imports on prices in the United States, and
> (3) the impact of imports on domestic producers.[5]

The Act goes on to provide that in considering the impact on the affected industry:

> the Commission shall evaluate all relevant economic factors which have a bearing on the state of the industry, including but not limited to—
> (1) actual and potential decline in output, sales, market share, profits, productivity, return on investments, and utilization of capacity,
> (2) factors affecting domestic prices, and
> (3) actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment.[6]

In analyzing the information offered during our investigation, this case presented us with some difficulty because the question of the causal relationship between the LTFV imports and material injury to the domestic industry is an especially close one. The record developed in this case establishes a sound basis for the conclusion that the negative impact of LTFV imports of Japanese and of Italian spun acrylic plied yarn has not been inconsequential.

In reaching this conclusion, we are first of all confronted with an industry that, as a general matter, has been experiencing some difficulty, perhaps making the industry particularly vulnerable to the injury from LTFV

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[1] The record is defined in sec. 207.2(j) of the Commission's *Rules of Practice and Procedure* (19 CFR 207.2(j)).

[2] Chairman Bedell and Commissioner Moore voted affirmatively as to the cumulative imports from Japan and Italy. Vice Chairman Alberger and Commissioners Stern and Calhoun voted affirmatively as to the separate imports from Japan and from Italy.

[1] At the Commission's hearing, the average selling price for U.S. producers' yarn was reported to be considerably above the weighted average lowest net selling prices presented in the staff report.

[2] Declines in profitability are understated in view of the absence of data for firms that left the industry.

[1] Arguments were made for an affirmative finding of threat of material injury. However, having made our finding of present material injury, we did not find it necessary to reach the issue of threat.

[2] The Administering Authority's investigation of less-than-fair-value sales covered exports of spun acrylic plied yarn from Japan between January 1 and December 31, 1978. The investigation was limited to sales of three Japanese manufacturers which collectively accounted for 83 percent of Japanese exports of spun acrylic yarn to the United States during that year. All of the sales examined were at less than fair value, with margins ranging from 0.50 to 58.21 percent, and a weighted average margin of 23.19 percent.

The Administering Authority's investigation of U.S. imports of spun acrylic plied yarn from Italy covered the period January 1 through June 30, 1979. The Administering Authority limited its investigation to four firms, only one of which supplied information and, on the basis of limited available data, determined a LTFV margin of 48.05 percent on export sales from Italy to the United States.

[3] *See* Commission Report, Inv. Nos. 731-TA-1 and 2, p. A-3.

[4] *Ibid.*, p. A-8.

[5] Tariff Act of 1930, as amended by Trade Agreements Act of 1979, Section 771 (19 U.S.C. 1677(7)).

[6] Tariff Act of 1930, as amended by Trade Agreements Act of 1979, Section 771 (19 U.S.C. 1677(7)).

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sales.[7] During the period from 1977 to September 1979, the industry witnessed significant declines in production, shipments, capacity, capacity utilization, employment and profitability. Additionally, cash flow declined and the ratio of net operating profits to average investment in productive facilities declined. In 1978 and early 1979, five of the fourteen spinners ceased production of acrylic yarn altogether, four of which cited low priced imports from Japan and from Italy as the principal reason for their departure.[8]

More specifically, we note that, during the period 1977–78, profits for firms which responded to the Commission questionnaire declined from $4.4 million in 1977 to $2.8 million in 1978, and the ratio of net operating profits to net sales declined from 6.3 percent to 4.0 percent.[9] Production and shipments followed parallel trends with a 19 percent decline in shipments from 65 million pounds in 1977 to 53 million pounds in 1978.[10] Utilization of capacity fell from 85.4 percent to 71.1 percent, substantially below the optimum capacity utilization level of about 90 percent.[11] Employment declined 4 percent and man-hours dropped 10 percent, while output per employee also decreased.[12] Inventories reached their highest level of the period in 1978.[13]

In January–September 1979, compared to the corresponding period of 1978, net operating profits declined 80 percent, the ratio of net operating profits to net sales fell from 5.8 percent to 1.2 percent, while cash flow from operations and investments in productive facilities dropped severely.[14] Shipments declined 20 percent.[15] Capacity declined 27 percent, largely because of plant shutdowns; capacity utilization dipped from 76.4 percent to 75.3 percent.[16] Employment dropped 17 percent, while man-hours and output per worker followed the same trend. Workers from one domestic firm that exited the industry in early 1979 were granted adjustment assistance by the Department of Labor.[17]

Against this rather poor state of the domestic industry, information on the record regarding price and lost sales is nonetheless compelling in reaching the conclusion that the LFTV sales, under consideration here, caused material injury to the domestic industry. This adverse impact seems largely to have been achieved through influence on price.

Because spun acrylic plied yarn is basically a fungible product, it is extremely price sensitive. Indeed, price appears to be the chief factor of competition in the industry.[18] The record contains uncontroverted testimony that domestic sales have been lost to imports for as small a difference in price as two cents per pound, or less than one percent of the cost of a pound of yarn.[19] Moreover, the record reveals clear examples of underselling of the subject imports, and the margins of dumping more than adequately account for these differentials.[20]

The impact of these LTFV imports on the pricing strategies of the domestic industry is a most important consideration. During the period of importation, the cost of domestic production was increasing,[21] yet prices of spun acrylic plied yarn were relatively stagnant during most of the period from 1976 through 1978.[22] To exacerbate this circumstance, in 1977 imports of LTFV yarn from Japan surged. In 1978, while Japanese imports relaxed somewhat, LTFV imports from Italy surged. These surges occurred over a period when not only were costs to the domestic industry increasing but domestic demand, at least in 1978 and 1979, was in decline.[23]

The Commission investigation also produced clear information on lost sales. For the period January 1976–September 1979, five domestic spinners supplied information on specific lost sales to customers who had allegedly purchased spun acrylic yarn from Japan or Italy in lieu of U.S. produced yarn. With respect to imports from Japan, U.S. spinners alleged that sales of spun acrylic yarn totalling 5.1 million pounds were lost at 24 different firms. Twelve of these firms confirmed that the Japanese yarn was chosen over the domestic product. Two other firms did not supply the Commission with any information. The principal reason for purchase given by the twelve firms verified to have chosen spun acrylic yarn from Japan in lieu of the domestic product was lower price.

With respect to imports from Italy, U.S. spinners alleged that sales totalling 1.4 million pounds were lost at five different firms. Two of these confirmed that yarn from Italy had been chosen because of lower price. One also cited better availability [24] of the Italian yarn. While information on lost sales is normally difficult to obtain and actual occurrences are difficult for the Commission to verify, such instances, when confirmed, can be symptomatic of broader practice.

It is important to remember that although the Commission is to consider all the factors as to material injury and causation in relation to the specific industry involved, some factors, owing to the peculiarities of one industry, are more important than others. The Senate Finance Committee has anticipated just such a circumstance:

> For one industry, an apparently small volume of imports may have a significant impact on the market; for another, the same volume might not be significant.[25]

In this case, for example, the volume of imports from Italy was small, but the impact was injurious. The fluctuations of demand were such in this case that the small volume of imports from Italy led to price suppression and lost sales as a result of the large dumping margins.

An important link between the imports from Japan and from Italy and the injury to the domestic industry is seen in their apparent relationship in time. There is a strong indication that the injury from these imports to U.S. spinners flowed from the surge of imports from Japan and from Italy, but was subsequent in time. We see less than fair value imports from each of these countries taking a market share in 1977 and 1978 as demand in the market began to drop and producers were left trying to liquidate high inventory levels of the U.S., Japanese, and Italian yarn.[26]

As a final matter in making this determination that material injury to the industry is by reason of LTFV imports, the Commission must consider other factors which may demonstrate that the imports in question were not a cause. The House Ways and Means Committee has observed:

> Of course, in examinig the overall injury being experienced by domestic industry, the ITC will take into account evidence presented to it which demonstrates that the harm attributed by the petitioner to the subsidized or dumped imports is attributable to such other factors.[27]

The quantity of sweater imports is one such factor we considered because of the role it plays in determining the amount of spun acrylic plied yarn sold to domestic sweater producers. Imports of manmade fiber sweaters increased as a percentage of total market share in the 1960's and early 1070's, but remained relatively constant during the period of the investigation.[28] Thus, any injury caused to domestic producers of spun acrylic plied yarn by increasing imports of manmade fiber sweaters preceded the period of the Commission's review.

Another factor the Commission considerd in this case was imports from countries other than Japan and Italy. In 1977, when the ratio of all imports of spun acrylic plied yarn to domestic consumption was 19 percent, the LTFV imports from Japan accounted for 78 percent of all imports, while those from Italy came on stream in the U.S. marketplace and quickly accounted for 5 percent of all imports. In 1978 when total imports increased to 31 percent of apparent consumption, the LTFV imports from Japan accounted for 38 percent of the total, and those from Italy rose to 13 percent of all imports. In the period January–September 1979, overall imports and the LTFV imports from Japan and from Italy were declining. However, during this period, spinners were liquidating domestically produced and imported yarn. The large percentage of total imports accounted for by LTFV imports from Japan and from Italy cannot be discounted as a source of material injury.

Conclusion—Facts in this investigation indicate a definite link between LRFV imports and the material injury to the domestic industry. These facts form the basis for our determinations that the domestic industry is materially injured by reason of the LTFV imports from Japan and from Italy.

We make this determination mindful of comments made by the House Ways and Means Committee:

In short, the Committee does not view overall injury caused by unfair competition, such as dumping, to require as strong a causation link to unfairly competitive imports as would be required for determining the existence of injury under fair trade conditions.[29]

Views of Vice Chairman Bill Alberger

In order for the Commission to reach an affirmative determination in these investigations, pursuant to Section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), it is necessary to find that an industry in the United States is materially injured, or is threatened with material injury or that the establishment of an industry in the U.S. is materially retarded by reason of imports of spun acrylic plied yarn from Japan and/or from Italy, which have been found to be sold at less than fair value (LTFV)[1] by the Administering Authority, which was the Department of the Treasury (Treasury).

Discussion—The appropriate domestic industry against which the impact of Japanese and Italian LTFV imports should be measured is the nine producers (spinners) of spun acrylic plied yarn for machine knitting. Made from acrylic fiber, this yarn is used primarily in the manufacture of sweaters, headwear, gloves, scarves, and socks.

During the past four years this industry has experienced some serious problems. Five firms have ceased production, four of them citing low-priced imports from Japan and/or Italy as the principal reason. Prices have not increased sufficiently to keep pace with rising costs of production. Profits have declined significantly. Employment has dropped, production has declined, as has investment and cash flow.

It is clear that demand has dropped in the last two years, but it is also apparent that the problems the industry is encountering are related to imports from both Japan and Italy.[2] Imports from Japan were highest in 1977 and in the first three quarters of 1978. Imports from Italy were highest in 1978, throughout the year. Prices of imports from both Japan and Italy were at or lower than the lowest domestic yarn prices. It appears to be more than coincidence that domestic prices remained relatively constant until 1979 when imports from Japan virtually ceased and imports from Italy did likewise six months later.[3] In 1979, domestic prices increased, but with demand dropping sharply, were still not catching up to rising costs. With evidence that sales are lost for less than one percent of the cost of a pound of yarn, it is clear that this is a highly price-sensitive industry.

The declines in production, shipments, employment, capacity utilization and profits seem to follow closely the increases and continued high level of imports from Japan in 1977 and 1978, and the increasing level of imports from Italy in 1978. Specific examples of lost sales appear symptomatic of the difficulty encountered by domestic producers in meeting lower priced imports sold at LTFV. Additionally, major knitting purchasers of both U.S. and imported spun acrylic plied yarn indicated in response to a Commission questionnaire that lower price was the principal reason for the purchase of Japanese and/or Italian yarn over the domestic product. Without the substantial LTFV margins, imports from both Japan and Italy would not have been price competitive in the U.S. market. The level of inventories held by domestic producers peaked at the end of 1978 at the end of the quarter when imports from Italy peaked, and thus, 1979 production was even lower while inventories were sold off first. The sustained high level of imports from Japan in 1977 and 1978 and the increasing level of imports from Italy in 1978 played a key role in the material injury experienced by this industry.

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[7] We take note of the views of the Committee on Ways and Means in this matter:

> The law does not, however, contemplate that injury from such [LTFV] imports will be weighed against other factors . . . which may be contributing to overall injury to an industry. Any such requirement has the undesirable result of making relief more difficult to obtain for these industries facing difficulties from a variety of sources, *precisely those industries that are most vulnerable to subsidized or dumped imports* [emphasis added]. H.R. Rep. No. 96–317, 96th Cong., Sess. 1 [1979], p. 47.

See also the report of the Committee on Finance, S. Rep. 96–249, 96th Cong. Sess. 1 [1979], p. 88.

[8] *See* Commission Report, Inv. Nos. 731–TA–1 and 2, pp. A–8–9.

[9] *See* Commission Report, Inv. Nos. 731–TA–1 and 2, pp. A–16–17.

[10] *Ibid.*, pp. A–9–10.

[11] *See* Commission Report, Inv. Nos. 731–TA–1 and 2, p. 11.

[12] *Ibid.*, pp. A–14–15.

[13] *Ibid.*, p. A–11.

[14] *Ibid.*, pp. A–16–20.

[15] *Ibid.*, p. A–10.

[16] *Ibid.*, pp. A–10–11.

[17] *Ibid.*, pp. A–14–15.

[18] *Ibid.*, p. A–22 et seq.

[19] *See* Transcript of Hearing, p. 90.

[20] *See* Commission Report, Inv. Nos. 731–TA–1 and 2, p. A–24, Table 11.

[21] *Ibid.*, p. A–17, Table 6.

[22] *Ibid.*, p. A–24, Table 11.

[23] *Ibid.*, p. A–13 *et seq.* See also discussion *infra* at pp. 14 and 15, regarding timing.

[24] See Commission Report, Inv. Nos. 731–TA–1 and 2, p. A–26 *et seq.*

[25] S. Rep. No. 96–249, 96th Cong., Sess. 1 (1979), p. 88.

[26] See Commission Report, Inv. Nos. 731–TA–1 and 2, p. A–22.

[27] H.R. Rep. No. 96–317, 96th Cong. Sess. 1, (1979), p. 47.

[28] See Commission Report, Inv. Nos. 731–TA–1 and 2., p. A–7 and A–29.

[29] H.R. Rept. No. 96–317, 96th Cong., Sess. 1, (1979), p. 47.

[1] The Department of Treasury investigation of less than fair value sales covered exports of spun acrylic plied yarn from Japan between January 1 and December 31, 1978. All of the sales examined by Treasury were at less than fair value, with margins ranging from 0.50% to 58.21%, and a weighted average margin of 23.19%. Treasury's investigation of imports of the yarn from Italy covered the period January 1 through June 30, 1979. On the basis of limited available data, Treasury found a margin of 48.05% on export sales from Italy to the United States.

[2] The House Committee on Ways and Means Report on the Trade Agreements Act of 1979 states at p. 47:

> The law does not, however, contemplate that injury from such (LTFV) imports will be weighed against other factors . . . which may be contributing to overall injury to an industry. Any such requirement has the undesirable result of making relief more difficult to obtain for these industries facing difficulties from a variety of sources, *precisely those industries that are most vulnerable to subsidized or dumped imports.* (emphasis added) Committee Report on H.R. 4537, p. 47. See also Senate Finance Committee Report on the same bill, p. 88.

[3] The original petitions (complaints) in these investigations were filed with Treasury on November 22, 1978 (Japan) and May 21, 1979 (Italy). Often imports will decrease after the filing of the complaint. A critical period for the assessment of impact of LTFV sales is the period of analysis of those sales by the Administering Authority. In the case of Japan, 1978 was the critical period. For Italy, the first six months of 1979 was the period of analysis of sales.

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Findings of Fact—Section 771(7)(B) of the Tariff Act of 1930 requires the Commission to consider (i) the volume of the subject imports, (ii) their effect on the domestic price of the like product, and (iii) their impact on domestic producers of the like product. In Section 771(7)(C), the Act further specifies a series of economic factors the Commission must include in these considerations. The following are my findings of fact:

A. *Volume of imports*—(1) Imports from Japan rose from 3.5 million pounds in 1976 to a high of 12.1 million pounds in 1977. In 1978, Japanese imports amounted to 8.8 million pounds before dropping to 225,000 pounds in the first three-quarters of 1979. The latter figure compares with 8.4 million pounds in the first nine months of 1978. (Report at A–12; Table 3).

(2) Imports from Italy increased from 746,000 pounds in 1977 to 2.9 million pounds in 1978 and declined to 896,000 pounds for January–September 1979. During January–September 1978, 1.95 million pounds were imported, with nearly 1 million pounds being imported in the final quarter. (Report at A–12; Table 3).

(3) Imports from Japan accounted for 5 percent of U.S. consumption in 1976, 15 percent in 1977, and 12 percent in 1978. They declined to 1 percent of consumption in January–September 1979. (Report at A–21, 22; Table 10).

(4) Imports from Italy climbed from 1 percent of consumption in 1977 to 4 percent in 1978 before dropping to [illegible] percent of U.S. consumption in the first three-quarters of 1979. (Report at A–22; Table 10).

B. *Effect of imports on U.S. prices*—(5) Generally, from 1976 through 1978, prices of both Japanese and Italian spun acrylic yarn were as low or lower than those of the domestic product. When import prices were lower, the price difference was less than the average dumping margins found by Treasury. (Report at 24, Table 11)

(6) Price increases by domestic producers of spun acrylic yarn were limited from 1976 through 1978, the years of the highest import penetration by Japanese and Italian imports. In 1979, when Japan and Italy sharply reduced their imports, prices by domestic producers moved quickly upward. (Report at A–24; Table 11)

(7) Spun acrylic yarn is highly price sensitive with sales being lost for as little as 2 cents a pound at less than 1 percent of the cost of a pound of yarn (Transcript p. 90).

(8) Price indexes show limited price increases for acrylic yarn from 1976 through 1979. These increases are substantially less than those experienced by the textile industry as a whole (Supplemental document from Acting Director of Investigations, OP2–D–040, February 28, 1980).

(9) Of those firms alleged by petitioners to be lost sales, twelve firms reported they had purchased Japanese yarn over the domestic product and 2 indicated they has chosen the Italian product specifically for reasons of price. In the majority of cases, questionnaire responses received from major purchasers of both U.S. and imported yarn listed price as the chief reason for purchases of Japanese and Italian yarn.

C. *Impact on the affected industry*—(10) Domestic production rose from 61.7 million pounds in 1976 to 64.3 million pounds in 1977, before dropping to 53.2 million pounds in 1978 and 31.9 million pounds in the first three-quarters of 1979. January–September 1979 production was 26 percent lower than in the comparable period in 1978. (Report at A–9)

(11) Shipments by U.S. producers paralleled the pattern exhibited by production from 1976 through January–September 1979. Shipments rose from 61.4 million pounds in 1976 to 64.9 million pounds in 1977 then dropped to 52.9 and 34.7 million pounds for 1978 and January–September 1979, respectively. The latter figure is 20 percent less than in the comparable period of 1978. (Report at A–10)

(12) Consumption of spun acrylic yarn grew from 68 million pounds in 1976 to 81 million pounds in 1977. Consumption then dropped 5 percent to 76 million pounds in 1978 and declined another 36 percent to 41 million pounds in January–September 1979. (Report at A–13, 14)

(13) Imports from Japan represented 5 percent of consumption in 1976, before climbing to 15 percent in 1977. This figure declined to 12 percent in 1978 and 1 percent for January–September 1979. Italian imports accounted for 1 percent of U.S. consumption in 1977, 4 percent in 1978, and 2 percent for the first three-quarters of 1979. (Report at A–21, 22; Table 10)

(14) Net operating profits for four firms accounting for 59 percent of U.S. production increased from $945,000 in 1976 to $4.4 million in 1977. Nineteen seventy-eight profits dropped to $2.8 million and further declined to $613,000 for the first three-quarters of 1979. (Report at A–16, 17; Table 6)

(15) Productivity of workers producing spun acrylic yarn rose from 14.6 pounds per person-year-worked in 1976 to 15.2 pounds in 1977, then dropped to 13.0 pounds in 1978 and 9.4 pounds for January–September 1979. (Report at A–9, 15; Table 4)

(16) Domestic producers return on investment as measured by net operating profit before income taxes as a percentage of net assets (book value), rose form 9.0 in 1976 to 40.4 in 1977, before dropping to 24.0 in 1978. January–September 1979 figures were 5.9 compared to 25.7 for the same period in 1978. (Report at A–20; Table 9).

(17) Capacity utilization for U.S. producers moved upward from 79.5 percent in 1976 to 85.4 percent in 1977 and dropped to 71.1 percent in 1978. The 75.3 percent rate of capacity utilization for the first three-quarters fo 1979 is slightly lower than the figure for the comparable period of 1978. (Report at A–11)

(18) Cash flow (net operating profit plus depreciation) from four reporting firms increased from $2.9 million in 1976 to $6.4 million in 1977. Case flow in 1978 declined to $4.8 million and dropped further to $2.3 million for January–September 1979. (Report at A–19; Table 8)

(19) Inventories held by U.S. producers dropped from 5.6 million pounds in 1976 to 5.1 million pounds in 1977, before peaking at 7.8 million pounds in 1978. January–September 1979 inventories were 3.6 million, compared to 7.3 million pounds for the first three-quarters of 1978. (Report at A–11; Table 2)

(20) The number of production and related workers producing spun acrylic yarn increased very slightly from 4,226 in 1976 to 4,243 in 1977, before dropping to 4,085 in 1978. Employment for January–September 1979 fell to 3,385, a 17 percent drop from the same period of 1978. The number of hours worked by production and related workers followed the same trend. (Report at A–14, 15; Table 4 and 5)

(21) Research and development expenditures increased from $183,000 in 1976 to $260,000 in 1978. Almost all of this increase is due to the investment of one firm. (Report at A–21)

(22) Return on investment, as measured by the ratio of net operating profit to the average cost of investment in productive facilities, increased from 6.3 percent in 1976 to 28.8 percent in 1977, before declining to 17.1 percent in 1978. The January–September 1979 ratio ran at 3.8 percent. (Report at A–20; Table 9)

(23) Since 1976, five U.S. firms have ceased production of spun acrylic yarn. All but one firm cited increases in low-priced imports from Japan as a principal reason for their action; with those leaving the market after 1977 adding imports from Italy as another reason for the cessation of production. (Report at A–8, 9)

Conclusions of law—A. I determine that the domestic industry is materially injured by reason of imports of spun acrylic plied yarn from Japan.

B. I determine that the domestic industry is materially injured by reason of imports of spun acrylic plied yarn from Italy.

By order of the Commission.

Issued: March 17, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9176 Filed 3-25-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-69]

Certain Airtight Cast-Iron Stoves; Denial of Oriental Kingsworld Industrial Co., Ltd.'s Appeal

Having considered the Administrative Law Judge's Orders No. 14 and 16 in the above-captioned case, the application for review, and the oppositions of the Complainants and the Commission Investigative Attorney under Commission rule 210.60(b) (19 CFR 210.60(b)), the Commission Denies Oriental Kingsworld Industrial Co., Ltd.'s appeal from the ruling of the Administrative Law Judge, and DENIES its February 19, 1980 request for oral argument on these issues. The notice of investigation in this case was published in the **Federal Register** on July 12, 1979 (44 FR 40732). In its notice of institution the Commission stated that the scope of the investigation involved importations that violated section 337(a):

By reason that such stoves are—

(a) Violating Jotul's common law trademarks because such stoves are visually identical copies of Jotul's stoves;

(b) Being passed off as Jotul's product;

(c) Violating Jotul's registered U.S. trademarks; and

(d) Being falsely advertised, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to restrain trade and commerce in the United States.

The Commission does not consider its institution of this investigation to have conclusively decided either the question of whether a United States industry exists in this instance or whether the alleged unfair acts are evidence of "restraints of trade" under section 37. Rather, the Commission considers its institution of this investigation to express a willingness to consider evidence on these issues, and therefore instructs the presiding officer to continue gathering all evidence obtainable regarding both the industry and restraint of trade issues.

Issued: March 21, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9170 Filed 3-25-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-36]

Certain Plastic Fastener Assemblies; Termination and Order

Background

On August 31, 1979, complainant Dennison Manufacturing Company filed motion docket No. 36–26 pursuant to Commission rule 210.51(a) (19 CFR 210.51(a)) to terminate investimation No. 337–TA–36, Certain Plastic Fastener Assemblies. A supplement to the motion to terminate consisting of the settlement agreement between complainant and respondent, together with supporting affidavits, was filed by the complainant on October 26, 1979. The motion is based upon the August 13, 1979, final judgment of the U.S. District Court for the Southern District of New York in *Dennison Manufacturing Co.* v. *Ben Clements & Sons Inc.*, 74 Civ. 979 (CES) and *Ben Clements & Sons, Inc.*, v. *Dennison Manufacturing Co.*, 76 Civ. 3704 (CES). The final judgment of the district court found certain claims of complainant's U.S. Letters Patent No. 3,733,657, which is the subject of the Commission's investigation, valid and infringed by the only respondent, Ben Clements & Sons, Inc. Accordingly, the court issued a permanent injunction, preventing respondent from infringing the patent. The respondent and the Commission investigative attorney supported the motion to terminate.

Commission Order

Having considered complainant's motion, respondent's statement of no objection thereto, the Commission investigative attorney's statement supporting the motion, and the supplement to the motion to terminate the investigation, the Commission grants the motion and hereby orders the termination of investigation No. 337–TA–36, Certain Plastic Fastener Assemblies.

Discussion

The Commission terminates this investigation because the District Court's action in issuing a permanent injunction against the only respondent has rendered this investigation moot. Complainant has received in essence the remedy it sought in the Commission investigation from the District Court. Moreover, it does not appear that any public policy considerations are raised in the agreement between the parties submitted as a supplement. In voting to terminate this investigation the Commission made no determination as to violation.[1]

Notice of institution of the investigation was published in the **Federal Register** on August 11, 1977 (42 FR 40786). Because of pending litigation, the investigation had been in suspension most of the time since institution. The investigation was suspended from November 1, 1977, to April 28, 1978. Currently, the investigation has been suspended since publication in the **Federal Register** of the Commission's order of September 22, 1978, which granted complainant and respondent's joint motion for the suspension. No evidentiary hearing has been held.

Issued: March 20, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9174 Filed 3-25-80; 8:45 am]

BILLING CODE 7020-02-M

[731-TA-3 (Final)]

Sugars and Sirups from Canada

Determination

On the basis of the record [1] developed in the investigation, the Commission unanimously determines (Chairman Bedell not participating) pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673(b)) that an industry in the United States is being materially injured by reason of imports of sugars and sirups from Canada, which the Department of the Treasury has determined are being, or are likely to be, sold in the United States at less than fair value.

Background

On November 5, 1979, the United States International Trade Commission received advice from the Department of

[1] In voting to terminate this investigation, Commission Moore Determines that there is no present violation of section 337 of the Tariff Act of 1930, as amended. Commissioner Moore points out that, after the final judgment of the District Court enjoining the only respondent from infringing the patent in issue, the parties joined in filing a motion for termination of this investigation. Therefore, there is no evidence of a present violation of section 337. (See Commissioner Moore's footnotes in *Alternating Pressure Pads*, investigation No. 337–TA–48, *Certain Synthetic Gemstones*, investigation No. 337–TA–50; *Certain Swivel Hooks and Mounting Brackets*, investigation No. 337–TA–53; and *Certain Plastic Molding Apparatus and Components Thereof*, investigation No. 337–TA–66.

[1] The "record" is defined in sec. 207.2(j) of the Commission's *Rules of Practice and Procedure* (19 CFR 207.2(j)).

the Treasury that sugars and sirups from Canada, provided for in items 155.20 and 155.30 of the Tariff Schedules of the United States are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921 (19 U.S.C. 160(a)). Accordingly, on November 20, 1979, the Commission instituted investigation No. AA1921–213 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. The Antidumping Act, however, was repealed on January 1, 1980, by the Trade Agreements Act of 1979 (Pub. L. 96–39, 93 Stat. 144, July 26, 1979). Under section 102 of that act, the Commission was required to terminate anti-dumping investigations in progress on January 1, 1980, and reinstitute them under subtitle B of title VII of the Tariff Act of 1930, as added by the Trade Agreements Act of 1979. Accordingly, on January 1, 1980, investigation No. AA1921–213 was terminated and a new investigation (No. 731–TA–3 (Final)) was instituted under the provisions of section 735 of the Tariff Act of 1930.

Notice of the institution of investigation AA1921–213 and of the hearing to be held in connection therewith was duly given by posting copies thereof at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C. and at the Commission's office in New York City, and by publication in the **Federal Register** of November 28, 1979 (44 FR 68041). Notice of the termination of investigation No. AA1921–213 and of the institution of investigation No. 731–TA–3 (Final) was published in the **Federal Register** of January 17, 1980 (45 FR 3403). The public hearing was held in Washington, D.C. on February 13, 1980, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Statement of Reasons of Vice Chairman Bill Alberger and Commissioner Michael J. Calhoun

In order for the Commission to reach an affirmative determination in this investigation under Section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673(b)), it is necessary to find that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Canada of sugars and sirups which the Department of the Treasury (Treasury) has found are being, or are likely to be, sold in the United States at less than fair value (LTFV).[2]

Discussion

In this investigation, we consider the relevant domestic industry to consist of the facilities producing refined sugar located in the Northeastern States region.[3]

Section 771(4)(C) of the Tariff Act of 1930 (19 U.S.C. 1677(4)((C) provides as follows:

> In appropriate circumstances, the United States, for a particular product market, may be divided into 2 or more markets and the producers within each market may be treated as if they were a separate industry if—
>
> (i) The producers within such market sell all or almost all of their production of the like product in question in that market, and
>
> (ii) The demand in that market is not supplied, to any substantial degree, by producers of the product in question located elsewhere in the United States.
>
> In such appropriate circumstances, material injury, the threat of material injury, or material retardation of the establishment of an industry may be found to exist with respect to an industry even if the domestic industry as a whole, or those producers whose collective output of a like product constitutes a major proportion of the total domestic production of that product, is not injured, if there is a concentration of subsidized or dumped imports into such an isolated market and if the producers of all, or almost all, of the production within that market are being materially injured or threatened by material injury, or if the establishment of an industry is being materially retarded, by reason of the subsidized or dumped imports.

The record of this investigation establishes that appropriate circumstances exist for treating the Northeastern States region as a separate industry. An average of over 96 percent of the sales of plants located in the Northeastern States region were to customers in that region during the period 1975–79. This clearly constitutes "all or almost all of their production", as required by the Act. Only about 5.5 percent of the sales of producers located in states outside the region were to customers within the region. We consider this amount to be insubstantial. Finally, there is a concentration of dumped imports into this region, since less than one percent of Canadian imports enter customs districts in states outside the Northeastern States region. Of Canadian imports entering customs districts in the Northeastern States region, only about 3.3 percent were sold in states ouside the region.

We find that the refined sugar industry in the Northeastern States region is materially injured by reason of imported Canadian sugar sold at LTFV. The adverse impact of the LTFV imports on the domestic prices and government price support programs [4] has been particularly severe. The weighted average prices at which Canadian sugar was sold in the United States have been substantially below the weighted average selling prices of the domestic firms in the Northeastern States region that responded to the Commission's questionnaires.

Moreover, the lowest Canadian prices were lower than the lowest prices for domestic refined sugar producers in the Northeastern States region. The presence of low priced imports often forced domestic producers, in particular, those selling to the grocery market trade, to make substantial discounts from these list prices in order to meet competition. These facts lead us to the conclusion that LTFV imports of sugar from Canada have contributed materially to price suppression and price depression of sugar sold in the Northeast region. In addition, there have been several instances of lost sales as a result of LTFV imports where domestic refiners could not afford to sell below their cost of production.

The sugar price-support program of the U.S. Department of Agriculture has been in effect since 1977. In essence, this program allows beet sugar processors the option of pledging their product as collateral for government loans in an amount equal to the minimum support level. The loan may be redeemed at any time, but at maturity the processor has the option of forfeiting his collateral and keeping the loan proceeds, in effect creating a sale to the government at the minimum support price.

During the period of LTFV imports of sugar from Canada, large quantities of sugar have been placed under price-support loans and large quantities of sugar have been forfeited to the Commodity Credit Corporation in lieu of repaying such loans. Stocks of sugar held by the Commodity Credit Corporation have been rising. During the period when the 1978 beet sugar crop was marketed, weighted average prices for refined sugar imported from Canada were generally below the minimum support price in Michigan and Ohio. The volume of Canadian imports at LTFV depressed sugar prices below the minimum price-support level. As a consequence, beet sugar processors forfeited their product to the Department of Agriculture to obtain a price equal to the minimum support level. The Government was burdened with increased storage and maintenance costs in addition to the costs incident to forfeiture.

In addition to the adverse impact of LTFV imports on domestic prices and price-support programs, we are convinced by the downward trend in other economic and financial indicators that these imports from Canada have contributed materially to the ill health of the regional industry. For example, during accounting years 1976–79 the ratios of net profits before income taxes to net sales and net assets declined. Profits in general declined drastically in the Northeast region and several firms showed net losses for 1978 and 1979. This poor showing on profits and return on investment has impaired the ability of many firms to raise additional capital.

Capacity utilization in the Northeastern States region has hovered near the breakeven point for the period 1975–79, and was lower than the percent capacity utilization shown by plants in the rest of the country in ever year except 1978.

Findings of Fact

Section 771(7)(B) of the Tariff Act of 1930 requires the Commission to consider (i) the volume of the subject imports, (ii) their effect on the domestic price of the like product, and (iii) their impact on the domestic producers of the like product. In section 771(7)(C), the Act further specifies a series of economic facts that the Commission must include in these considerations. The following findings, based on the record in this investigation, set forth our evaluation of these factors.

A. *Volums of imports.*—(1) Imports from Canada of refined sugar increased from only 1 ton in 1974 to a high of 138,000 tons in 1977. For 1978, sugar imports from Canada decreased to 98,000 tons, and totalled 81,000 tons for the first three quarters of 1979 (Report at A–50; Table 19).

(2) Imports of sugar from Canada entering through customs districts in the Northeastern States region, as a share of the primary distribution of U.S. produced sugar in that region, increased from a negligible percentage in 1974 to 4.5 percent in 1977, and then decreased to 3.3 percent in 1978. For January-September 1979, the ratio was 4.0 percent (Report at A–50; Table 17).

(3) Imports of sugar entering through the five customs districts in the Northeastern States region accounted from more than 99 percent of the total quantity of imports from Canada in 1978 (Report at A–50; Table 22).

B. *Effect of imports on U.S. prices.*—(4) Generally, for the period October 1978 to March 1979, the weighted average spot prices, f.o.b. plant, for Canadian refined sugar in 100-pound bags sold to the United States were below the comparable prices of domestic prices in the Northeastern States region by a substantial margin of underselling, but less than the margin of dumping found by the Department of Treasury (approximately 20 percent) (Report at A–64; Table 25).

(5) In most of the months of the Treasury investigation, the lowest prices of Canadian firms for sugar sold in the United States were lower than the lowest prices reported for domestic refined sugar producers (Report at A–64; Table 25).

(6) On occasion, domestic firms offered substantial discounts to meet competition. This strategy was undertaken because refined sugar is a fungible commodity and aside from "brand name" product differentiation, sales of Canadian refined sugar at LTFV were fully price competitive with the domestic product. For example, domestic producers were required to meet the prices of LTFV Canadian sugar in grocery markets or lose shelf space, which, once lost, was very difficult to regain. Becuase of sugar's high turnover rate on grocery store shelves, product visibility and shelf space are crucial considerations. The presence of low priced imports, therefore, has a significant effect in suppressing prices. Only for the largest industrial users of sugar, who are concerned with dependability of supply as well as price, were the Canadian imports unable to compete effectively with domestic refined sugar. (Report at A–64; Answers to Commission questionnaires (Confidential); testimony of Ludlow Miller, National Sugar Refining Co. at Commission hearing on February 13, 1980, pp. 20, 35–37; Post-hearing Statement of National Sugar Refining Co., Feb. 20, 1980, pp. 3 and 4).

C. *Impact on affected industry.*—(7) There is a distinct regional industry which consists of refined sugar producers located in Connecticut, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pannsylvania, Rhode Island, and Vermont. Sales by plants located within this region to customers located in the region averaged over 96 percent of total sales of those plants from 1975 through 1979. Less than 0.1 percent of imported Canadian sugar entered the United States in customs districts outside the Northeastern States region. Of Canadian imports entering customs districts in the region only about 3.3 percent were sold in states outside the region. Sales of refined sugar producers for plants located outside the region to customers in the region were about 5.5 percent of total sales in the region for the period 1975 through 1979 (Report at A–17–19; Table 3).

(8) Production of refined sugar by 6 refiners in the Northeast region increased slightly from 4,948 million pounds in 1975 to 5,399 million pounds in 1978, and then decreased to 5,273 million pounds in 1979 (Report at A–36; Table 13).

(9) As measured by primary distribution, sales of sugar refiners located in the Northeastern States region declined from 3.4 million short tons in 1974 to an estimated 3.0 million tons in 1978. This was a larger decline than was experienced in other states (Report at A–46; Table 17).

(10) The market share of total consumption of sugar in the Northeastern States region held by imports from Canada follows closely the ratio of imports to primary distribution of U.S. produced sugar, which increased from negligible in 1974 to 4.46 percent in 1977. This ratio declined in 1978 but recovered to 4.0 percent from January through September 1979. (See Finding No. 2; Report at A–46; Table 17).

(11) Seven firms in the Northeastern States region showed a declining profitability with the ratrio of net profits to sales dropping from 5.55 percent in 1976 to 0.34 percent in 1979. Aggregate profits for these seven firms declined from $54 million in 1976 to $4 million in 1979. Three of these firms had net losses in both 1978 and 1979. This decline paralleled the trend of rapidly dropping profits in the entire United States sugar industry (Report at A–42; Table 15; Responses to Commission Questionnaires.)

(12) Productivity of workers in the Northeastern States region in pounds of sugar per person-hour worked increased steadily from 721.4 in 1975 to 780.4 in 1979. (Report at A–40).

(13) Return on investment for refined sugar producers in the Northeastern States region, as measured by net profit before income taxes as a percentage of net assets (book value) declined dramatically from 19.08 in 1976 to 1.39 in 1979 (Report at A–45).

(14) Capacity utilization for sugar producers located in the Northeastern

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[2] The Treasury investigation covered exports of sugar and sirups from Canada between October 1, 1978 and March 31, 1979. Weighted average margins were determined for the two largest exporters, Red Path Sugars, Ltd. (20.15 percent), and Atlantic Sugar, Ltd. (19.25 percent).

[3] This region consists of the states of Connecticut, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont (see Finding No. 7)

[4] In determining whether there is material injury, section 771(7)(D)(ii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(D)(ii)) directs the Commission to "consider any increased burden on government income or price support programs" resulting from LTFV imports.

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States region remained at or only slightly above the breakeven point of 85 percent from 1975 to 1979. Except for 1978, this region showed a lower rate of capacity utilization than that of producers located in other States (Report at A–35; Table 13).

(15) Capital expenditures, research and development expenditures and cash flow (increases of decreases in working capital) varied so much from firm to firm, reflecting individual firm decisions, that aggregated data on these factors is not a meaningful measure of injury (Report at A–42; Table 16).

(16) Inventories of domestic refined sugar producers in the Northeastern States region increased from 401 million pounds in 1974 to 444 million pounds in 1976. Inventories declined to 343 million pounds in 1979. However, stocks held by the Commodity Credit Corporation increased in the last two months of 1979 because of forfeitures of sugar held as collateral for price support loans. (Report at A–37).

(17) The number of production and related workers employed in producing refined sugar in the Northeastern States region peaked at 5,131 in 1977 and subsequently declined to 4,967 in 1979. This same trend occurred in the number of person-hours worked by production and related workers in the region. (Report at A–40).

(18) Wages paid per person-hour worked to production and related workers in refined sugar operations in the Northeastern States region increased steadily from $6.78 in 1975 to $9.23 in 1979. These wages were significantly higher than that paid to workers in other states, primarily because of the higher percentage of traditionally higher paid cane sugar refinery workers in the Northeastern region. (Report at A–41).

(19) Seven out of nine reporting firms noted their ability to raise capital had been impaired by declining profitability, due in part to LTFV imports and high interest rates. Four of these firms operated primarily in the Northeastern States region. (Report at A–42, 45).

D. *Impact of LTFV imports on the Sugar Price-Support Program.*—(20) During the period of LTFV imports of sugar from Canada, large quantities of sugar have been placed under price-support loan and large quantitiers of sugar have been forfeited to the Commodity Credit Corporation in lieu of repaying such loans. Stocks of sugar held by the Commodity Credit have been rising. (Report at A–56).

(21) The minimum support price for 1978 crop beet sugar in Michigan and Ohio was 17.68 cents per pound. During the period when the 1978 beet sugar crop was marketed, weighted average prices for refined sugar imported from Canada were below the minimum support price in the Michigan and Ohio beet processing region. (Report at A–56).

Conclusions of Law

(1) There exists a distinct regional industry as defined by section 771(4)(C) of the Tariff Act of 1930 (19 U.S.C. 1677) comprised of the sugar refinery facilities operating in the States of Connecticut, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island and Vermont (Northeastern States region).

(2) Less than fair value imports of sugar from Canada have materially increased the burden placed on the Department of Agriculture's sugar price-support program as a result of the large quantities of sugar placed under price-support loans and large quantities of sugar forfeited to the Commodity Credit Corporation in lieu of repaying such loans.

(3) The Northeastern States region, as defined above, is materially injured by reason of imports of sugar and sirups from Canada which the Department of Treasury has found are being, or are likely to be, sold in the United States at less than fair value.

Statement of Reasons of Commissioners George M. Moore and Paula Stern

On the basis of the record developed in this investigation, we determine, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673(b)), that an industry in the United States is materially injured by reason of imports of sugars and sirups from Canada which the Department of the Treasury has found are being, or are likely to be, sold in the United States at less than fair value (LTFV).

The Domestic Industry

In this investigation, we consider the relevant domestic industry, against which the impact of imports sold at LTFV must be measured, to consist of the facilities producing refined sugar located in the Northeastern States region.[5]

Section 771(4)(C) of the Tariff Act of 1930 (19 U.S.C. 1677(4)(C)) provides as follows:

> In appropriate circumstances, the United States, for a particular product market, may be divided into 2 or more markets and the producers within each market may be treated as if they were a separate industry if—
>
> (i) The producers within such market sell all or almost all of their production of the like product in question in that market, and
>
> (ii) The demand in that market is not supplied, to any substantial degree, by producers of the product in question located elsewhere in the United States.
>
> In such appropriate circumstances, material injury, the threat of material injury, or material retardation of the establishment of an industry may be found to exist with respect to an industry even if the domestic industry as a whole, or those producers whose collective output of a like product constitutes a major proportion of the total domestic production of that product, is not injured, if there is a concentration of subsidized or dumped imports into such an isolated market and if the producers of all, or almost all, of the production within that market are being materially injured or threatened by material injury, or if the establishment of an industry is being materially retarded, by reason of the subsidized or dumped imports.

The record of this investigation establishes that appropriate circumstances exist for treating the Northeastern States region as a product market served by a separate industry. Over 94 percent of the sales of plants located in the Northeastern States region were to customers in that region during the period 1975–79.[6] Only about 5.5 percent of the sales of producers located in the states outside the region were to customers within the region.[7] Less than one percent of Canadian imports entered customs districts in states outside the Northeastern States region.[8] Of Canadian imports entering customs districts in the Northeastern States region, only about 3.3 percent were sold in states outside the region.[9] Thus, the region's producers sell almost all their production within the region, and the region's demand is not satisfied to any substantial degree by product from elsewhere in the United States.

Sales at Less Than Fair Value

The Department of the Treasury found sales at less than fair value by Redpath Sugars, Ltd., with an average ratio of LTFV margin to purchase price of 20.33 percent, and by Atlantic Sugar, Ltd., with an average ratio of 19.25 percent.[10]

The Question of Injury

The financial performance of firms located primarily in the Northeastern States region has been unsatisfactory. During accounting years 1976–79 the ratios of net profits before income taxes to net sales and net assets declined from 5.55 percent to 0.34 percent, and from 19.08 percent to 1.39 percent, respectively.[11] Employment and person-hours worked declined during the period 1977–79 from 5,131 employees to 4,967 employees, and from 10.0 million hours to 9.7 million hours, respectively.[12] Capacity utilization has hovered near the breakeven point (85 percent capacity utilization) for the period 1975–79, never rising higher than 88 percent.[13]

Data on inventories in the case are inconclusive because of the existence of the price-support program covering beet sugar producers in the region. Yearend data reflect primarily beet sugar because cane sugar refineries maintain much lower inventories as raw sugar can be imported year round. Regional inventories rose in the years preceding the start of the program, but have fallen from 393 million pounds in 1977 to 343 million pounds in 1979.

Since its inception in late 1977, the sugar price-support program of the U.S. Department of Agriculture has been a burden on government income.[14] At the end of 1979, 1,981,377 short tons, raw value, of sugar had been placed under price-support loan and of this quantity 506,724 short tons had been forfeited to the Commodity Credit Corporation in lieu of repaying such loans.[15] Yearend stocks of sugar held by the Commodity Credit Corporation rose from 171,000 short tons in 1978 to 409,000 short tons in 1979.[16] Beet sugar processors in Michigan and Ohio faced with import competition from imported Canadian sugar had placed 100,500 short tons of sugar under price support loan at the end of 1979.[17] While some of the sugar placed under price-support loan was redeemed and sold at prevailing prices to maintain customers, some was also forfeited to the Commodity Credit Corporation. The minimum support price for 1978 crop beet sugar in Michigan and Ohio was 17.68 cents per pound. During the period when the 1978 beet sugar crop was marketed, the prevailing price in the Michigan and Ohio was generally below this minimum support price.[18]

The Question of Causation

Refined sugar is a fungible commodity and aside from "brand name" product differentiation, Canadian refined sugar was fully competitive with the domestic product on a price basis in the market place. For example, domestic producers were required to meet prices of Canadian sugar in grocery markets or lose shelf space which, once lost, is very costly to regain. Only for the largest industrial users of sugar, which are very concerned with the dependability of supplies as well as price, were the Canadian imports unable to compete effectively with domestic refined sugar.

The weighted average prices at which Canadian sugar was sold in the United States have been substantially below the weighted average selling prices of the domestic firms in the Northeastern States region that responded to the Commission's questionnaires.[19] Moreover, the lowest Canadian prices were lower than the lowest prices for domestic refined sugar producers in the Northeastern States region. On occasion, domestic firms offered substantial discounts to meet competition. This fact suggests price suppression and price depression as a result of Canadian sugar imports sold at LTFV.[20]

Domestic refiners located in the Northeastern States region indicated that they suffered lost sales as a result of Canadian sugar imports. Customer surveys conducted by the U.S. Department of Labor and Commerce in connection with adjustment assistance cases involving refiners in the Northeastern States region verified that decreased purchases of domestic refined sugar corresponded to increased purchases of imported refined sugar.[21] Since Canada supplied over 99 percent of all U.S. imports of refined sugar in 1978 and 1979, the increased purchases of imported refined sugar in the Northeastern states during those years consisted of sugar of Canadian origin.

We conclude that an industry in the United States is materially injured by reason of imports of sugar and sirups from Canada which the Department of the Treasury has found are being, or are likely to be, sold in the United States at less than fair value.

Issued: March 6, 1980.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9172 Filed 3-25-80; 8:45 am]

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[5] For the purposes of this investigation, this region consists of the states of Connecticut, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont.

[6] *Sugars and Sirups from Canada*, Report to the Commission in Investigation No. 731–TA–3 (FINAL) Under Section 735 of the Tariff Act of 1930, as amended, (hereinafter referred to as "Report"), pp. 17–19.

[7] Report, p. 19.

[8] Report, pp. 46–53.

[9] Posthearing Submission of Redpath Sugars, Ltd., Atlantic Sugar, Ltd., Confidential Exhibit B.

[10] Report, pp. 12–15.

[11] Report, pp. 42–45.

[12] Report, pp. 40–41.

[13] Report, pp. 35–36.

[14] In determining whether there is material injury, section 771(7)(D)(ii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(D)(ii)) directs the Commission to "consider any increased burden on government income or price support programs" resulting from LTFV imports.

[15] Report, p. 56.

[16] Report, p. 38.

[17] Report, p. 56.

[18] Report, p. 56. Commissioner Stern notes that the information on the record on other economic indicators which the Commission considers was inconclusive with respect to the health of this industry. Such factors included cash flow, wages, ability to raise capital and investment.

[19] Actual prices for both Canadian and domestic firms are confidential.

[20] Report, p. 63.

[21] Report, pp. 54–55.

[Investigation No. 701-TA-2 (Final)]

Pig Iron From Brazil

Determination

On the basis of the record [1] in investigation No. 701–TA–2 (Final), the Commission unanimously determined, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), that an industry in the United States is materially injured by reason of the importation of pig iron (provided for in item 606.13 of the Tariff Schedule of the United States) from Brazil upon which the administering authority determined that subsidies are being paid by the Government of Brazil.

Background

The Commission received advice from Treasury on November 20, 1979, regarding the bounty or grant being paid with respect to pig iron and thereafter instituted an investigated (No. 303–TA–12) under section 303(b) of the Tariff Act of 1930, as effective at that time. Because that investigation had not been completed at the time the new countervailing duty provisions became effective (Jan. 1, 1980), the investigation was terminated and reinstituted as investigation No. 701–TA–2 (Final) pursuant to section 102 of the Trade Agreements Act of 1979.

Notice of the termination of the earlier investigation and institution of the new investigation and of the public hearing to be held in connection therewith was duly given by posting copies of the notice at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's office in New York City, and by publishing the notice in the **Federal Register** of January 17, 1980 (45 FR 3402). The hearing was held in Washington, D.C. on February 6, 1980; all persons requesting the opportunity to appear were permitted to do so in person or by counsel.

Views of Commissioners Alberger, Stern and Calhoun

In order for the Commission to reach an affirmative determination in this

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[1] The "record" is defined in sec. 2072(j) of the Commission's *Rules of Practice and Procedure* (19 CFR 207.2(j)).

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investiagation, pursuant to Section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), it is necessary to find that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded by reason of imports of pig iron from Brazil with respect to which the Department of the Treasury (Treasury) has found a subsidy is being provided.[1]

The Domestic Industry

For the purposes of this investigation, we consider the relevant industry to be those facilities in the United States producing cold pig iron.

Section 771(4) of the Tariff Act of 1930 (19 U.S.C. 1677(4)) provides, in part, as follows:

"(A) In General.—The term 'industry' means the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product."

"(D) Product Lines.—The effect of subsidized or dumped imports shall be assessed in relation to the United States production of a like product if available data permit the separate identification of production in terms of such criteria as the production process or the producer's profits. If the domestic production of the like product has no separate identity in terms of such criteria, then the effect of the subsidized or dumped imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes a like product, for which the necessary information can be provided."

Section 771(10) (19 U.S.C. 1677(10)) provides that:

"The term 'like product' means a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title."

Although production methods for hot and cold pig iron are very similar and the same facilities may be used for both, cold pig iron satisfies a different type of demand. Over 96 percent of U.S. hot pig iron is used in captive steelmaking, the remainder primarily being used in the production of cast-iron products. Cold pig iron is also used in the production of cast-iron products and thus might be considered competitive with hot pig iron in this category.

[1] The Treasury Department found that subsidies to Brazilian producers of pig iron averaged 24.5 percent. The Commerce Department later revised this figure to 21.2. After Brazil began to phase out most of these subsidies, benefits were calculated to average 6.07 percent after December 7, 1979. These subsidies were calculated for 16 individual firms and range from 2.85 percent to 15.42 percent. *See* Commission Report, pp. A–2, A–3.

However, cold pig iron can be transported over long distances, unlike hot pig iron which is transferred in its molten state to nearby customers. In the United States, most producers of cold pig iron also produce hot pig iron for use in their own steelmaking operations, while their cold pig iron production is sold on a regular basis to others (the merchant market). These producers serve seven regional markets in the United States, making use of separate and distinct marketing and distribution channels, as well as storage facilities not required in the market for hot pig iron.

Data gathered by the Commission shows that while shipments of cold pig iron have declined over the course of the last ten years, shipments of hot metal merchant pig iron have remained relatively stable. These trends indicate that, as a matter of strategy, producers have not shifted resources back and forth between hot and cold production.

Six firms constitute the domestic cold pig iron industry. Their cold pig iron production is generally sold to cast iron foundries for the making of iron castings such as engine blocks, other cast-iron auto parts, and soil pipe. During the period under investigation by the Commission, U.S. Steel and Interlake, among the most diversified pig-iron producers, closed major plants in September 1978 and December 1979, respectively. Early this year, a third firm, Cyclops, announced its plans to close down its cold pig iron plant by June 1980.

Cold pig iron is the smallest segment of the total pig iron market and the only portion which has been directly impacted by imports. All imports from Brazil are cold pig iron.

Conditions of Trade and Development in the Industry

The Commission's investigation of conditions of trade and development in the industry indicates that domestic producers of cold pig iron faced difficulties from a variety of sources. Weakness in demand was evident as apparent U.S. consumption continued in its long-term decline from 2.9 million short tons in 1968 to just over one million short tons in 1979. From 1977–1979 apparent consumption declined by about 200,000 short tons. This trend was reinforced by the increasing substitution of scrap iron, which is usually cheaper, for pig iron in the raw material mix used by foundries in making cast-iron products. In addition, cost of goods sold has risen from 87.1 percent of sales in 1977 to 92.4 percent in 1979.

During this period the industry lost market share to total imports. Although in absolute terms, imports remained relatively stable, domestic production declined by 17 percent, from 936,000 short tons in 1977 to 782,000 short tons in 1979, and U.S. sales followed a similar pattern, dropping 15 percent in value in 1979 below their 1977 level. Total imports share of the domestic market thus increased from 29.3 percent in 1977 to 44.5 percent in 1979.

Antiquated machinery was the major reason for shutting down at least one of the two large plants that closed during the period. Taking both closures into account, employment in the industry declined by 37.1 percent from 1977–1979. With reduced capacity, capacity utilization reversed an earlier downward trend, increasing by eleven percentage points and productivity increased by 14.6 percent. Figures adjusted for plant closures revealed that inventory levels were up 125 percent in 1979 over 1977 levels.

Material Injury by Reason of the Subsidized Imports

The law requires the Commission to determine whether a domestic industry in the United States is materially injured by reason of imports of the subsidized product.[2]

In finding material injury, the Commission must attempt to distinguish between the role of imports and that of other factors in order to assess whether such injury is by reason of subsidized imports. However, the law does not intend that imports and other factors be weighed one against the other. Rather, it is contemplated that the Commission carefully examine whether or not subsidized imports account for material injury to the domestic industry.[3]

In examining the role of imports, the Commission considers all relevant economic data, including the criteria set out in Section 771 of the Tariff Act of 1930: volume of imports, their effect on U.S. prices and the impact of imports on the industry.

The volume of imports of the subsidized merchandise from Brazil increased significantly over the period. These imports jumped by 45 percent from 127,000 short tons in 1977 to 184,000 short tons in 1979. This trend was part of a longer period of increasing market penetration by Brazilian pig iron, which peaked in 1978 at approximately 650 percent of the quantity of imports entered into the United States in 1975. In absolute terms, imports from Brazil dropped slightly during 1979 after the filing of the countervailing duty petition in November 1978.

[2] Tariff Act of 1930, Section 705(b).
[3] *See* House Report, p. 47.

This increase in imports from Brazil can be contrasted with the rather flat trend register for absolute quantities of imports from all sources from 1975 to 1979. Brazil thus increased its share of the total import market from five percent in 1975 to 39 percent in 1979 in terms of quantity. From 1977 to 1979 the increase was 34 to 39 percent. Since U.S. consumption was declining during this period, imports from Brazil were displacing both domestic products and other imports. Imports from Brazil increased as a percentage of consumption from 1.9 percent in 1975 to 17.2 percent in 1979. From 1977 to 1979, imports from Brazil almost doubled their share of consumption.

When this growth by Brazilian imports in a declining market is viewed in conjunction with pricing data analyzed by the Commission, it indicates that price suppression and in some cases, price depression did occur. The Commission found that during the entire period from 1977 to 1979, the margin by which Brazilian cold pig iron undersold the domestic product averaged from $40 to $50 per short ton, narrowing appreciably only during the last two quarters of 1979. This pricing strategy gave Brazilians approximately a twenty percent price advantage over domestic producers. The subsidies found by Treasury and revised by Commerce account for a significant proportion of the margins of underselling.

Prices for domestically produced products have risen only slightly since 1975; [4] in fact, discounting has been a frequent practice. By contrast, the wholesale price index has risen over forty percent and prices for foundry forge products, for which cold pig iron is an input, have risen nearly fifty percent.

Coupled with rising costs of production and decreasing market share of a shrinking market, U.S. cold pig iron producers have experienced a profit squeeze. Data submitted by producers representing 75 percent of sales show that net profits droped by 70 percent. As a share of net sales, net operating profits fell sharply from 9.3 percent in 1977 to a loss of 1.5 percent in 1978, when plant closures occurred. Although the industry managed to improve its performance slightly in 1979, net profits remained at a significantly low level, only 3.4 percent of net sales.

The Commission was able to confirm claims by domestic producers of sales lost to Brazilian imports. Although declining in each year of the investigation, sales lost were of singificant value. A purchaser's survey conducted by the Commission places prime importance on price of Brazilian pig iron in making purchasing decisions.

[4] *See* Hearing Transcript, p. 20.

Conclusion

The Commission's investigation produced information which showed (1) that imports of cold pig iron entering the United States from Brazil have increased in a significant way; and (2) that these imports are a cause of material injury to the domestic industry, having produced price suppression and contributed significantly to low profitability in the industry.

Findings of Fact

The conclusion that domestic producers of cold merchant pig iron are materially injured by reason of subsidized Brazilian imports of pig iron is based on consideration of the economic factors required by Section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(4)). The findings of fact are:

A. *Volume of imports.* 1. Total U.S. imports of pig iron, most, if not all, of which are cold merchant pig iron, increased 37 percent from 1975 to 1978, from 478,000 short tons to 655,000 short tons. Imports dropped 27 percent in 1979 to 476,000 short tons. (Report at A–22; Table 8)

2. Imports from Brazil increased from 26,000 short tons or 5 percent of total imports in 1975 to 198,000 short tons or 30 percent of the total in 1978 and then decreased to 184,000 short tons or 39 percent of the total in 1979. (Report at A–22; Table 8)

B. *Effect of imports on United States prices.* 3. Pig iron from Brazil undersells domestic pig iron by a significant margin during almost the entire period of 1977–79. In dollar terms, these margins averaged from $40 to $50 per short ton. Only in the last two quarters of 1979 did margins narrow appreciably, and only then in certain market areas. Margins of underselling did vary from one market area to another. (Report at A–39–43)

4. Merchant pig iron prices increased only 16 percent during the 1975–79 period. (Report at A–47; Table 24) An attempt to increase domestic published prices in 1978 was rescinded and the reason alleged was low priced imports from Brazil. (Report at A–45)

5. Discounts in the range of 5 to 15 percent from published prices have been and are currently the rule rather than the exception. (Report at A–48)

6. According to domestic producers' cost data, input prices increased from Dec. 1975 to Dec. 1979 as follows: iron ore—39 percent; limestone—16 percent; coke—30 percent; fuel (oil)—72 percent; labor—55 percent. (Report at A–45)

C. *Impact on affected industry.* 7. Production of cold merchant pig iron declined from 935.5 thousand short tons in 1977 to 782 thousand short tons in 1979. (Report at A–18; Table 4)

8. Domestic shipments of cold merchant pig iron decreased from 962,000 short tons in 1977 to 812,000 short tons in 1978 to 703,000 short tons in 1979. (Report at A–29; Table 14)

9. As a share of total merchant pig iron shipments, hot metal has remained stable not only over the 1977–79 period but also over the long run period from 1968–79. At the same time, the share controlled by cold metal has declined over both the long and short run.

Year	Hot metal	Cold metal (1,000 net tons)
1968	1,150	2,096
1977	1,144	962
1979	1,151	703

(Report at A–26; Table 12.)

10. Sales of cold pig iron were 890,000 short tons in 1977, 900,000 short tons in 1978, and 715,000 short tons in 1979. The value of the sales was less in 1979 than in either of the other two years, being $138 million in 1979, $158 million in 1978, and $163 million in 1977. (report at A–20; Table 6)

11. Confidential questionnaire responses provided evidence of sales lost to imports from Brazil, the total amount of which were about $26 million in 1977, $8 million in 1978, and $5 million in 1979. (Report at A–50; Table 26)

12. The ratio of imports of pig iron from Brazil to apparent consumption of cold pig iron increased from 1.9 percent in 1975 to 9.9 percent in 1977 to 17.2 percent in 1979. (Report at A–36; Table 19)

13. Net operating profit on production of cold pig iron decreased by 70.2 percent from $11.9 million in 1977 to $3.6 million in 1979. Profit, as a percent of net sales, dropped from 9.3 percent in 1977 to a loss of 1.5 percent in 1978 before increasing to 3.4 percent in 1979. (Report at A–33; Table 16)

14. Productivity for the domestic producers of cold pig iron was 0.440 tons per person-hours in 1977, 0.365 tons in 1978, and 0.515 tons in 1979, a 14.6 percent increase over 1977. (Report at A–31)

15. Producers return on investment, measured both a ratio of net operating profits to book value and replacement value of net assets, decreased from 1977 to 1979. (Report at A–34; Table 17)

16. Capacity utilization decreased from 42.2 percent in 1975 to 36.9 percent in 1978 and increased to 54.1 percent in 1979. The increase was primarily attributable to the 900,000 ton decline in

production capacity in that year. (Report at A–18–19; Table 5)

17. Adjusted inventory data show an increase in end of period inventories from 104,000 short tons in 1977 to 233,000 short tons in 1979. The ratio of inventories to sales shows an increase from 11.7 percent in 1977 to 32.6 percent in 1979. (Report at A–21; Table 7)

18. The average number of production workers for cold pig iron decreased from 1,519 in 1977 to 956 in 1979, or by 37.1 percent. (Report at A–31; Table 15)

19. Wages, as measured by cost of direct labor per person-hour, increased 12.9 percent from 1977 to 1979 for the cold pig iron producers reporting to the Commission. (Report at A–31)

20. Capital expenditures by cold pig iron producers, increased from $3.6 million in 1977 to $7.7 million in 1978, then dropped sharply in 1979 to $1.6 million. (Report at A–34)

21. Demand, as measured by apparent consumption, has declined over the long run from 2.8 million short tons in 1968 to 1.3 million short tons in 1977 to 1.1 million short tons in 1979. As the market for cold merchant pig iron progressively declined, total imports' share increased from a level of 15–18 percent in the early 1970's to 35–46 percent in the late 1970's. (Report at A–28–29; Table 14)

22. In September 1978, U.S. Steel closed its plant at Cleveland, Ohio, and in December 1979, Interlake, Inc. closed its Toledo, Ohio plant. Cyclops Corp. and U.S. Steel are considering closure of their respective plants at Portsmouth, Ohio, and Geneva, Utah. (Report at A–19)

23. Foundries have been substituting cheaper steel scrap for cold pig iron with their raw material input shifting to an 87–88 percent scrap, 12–13 percent pig iron ratio. (Report at A–36–37; Table 20)

24. From 1975 through 1979, the wholesale price index rose 40 percent, with the index for foundry forge products rising 50 percent. At the same time, the price index for domestic pig iron rose only 10 percent. (Report at A–45; Figure 5)

Conclusions of Law

A. We determine that the domestic industry against which the impact of subsidized imports of pig iron from Brazil should be measured is the merchant producers of cold pig iron.

B. We determine that the domestic industry is materially injured by reason of subsidized imports of pig iron from Brazil.

Statement of Reasons of Chairman Catherine Bedell and Commissioner George M. Moore

On the basis of the record developed in this investigation, we determine, pursuant to section 705 of the Tariff Act of 1930, that an industry in the United States is being materially injured by reason of imports of pig iron from Bazil which the administering authority has found to be benefiting from countervailable subsidies of the Government of Brazil.

Contervailable subsidies

The administering authority determined that the following three programs of the Government of Brazil confer benefits on all pig iron exports which constitute the payment of a subsidy under U.S. countervailing duty law: the excessive remission of an industrial products tax on pig iron at the time of exportation, working capital financing at preferential rates, and advances of Brazilian curzeiros against foreign-exchange contracts and foreign-exchange receivables at preferential interest rates. These benefits were first found to average 24.5 percent, ad valorem, f.o.b. Vitoria, Brazil, and later corrected to read 21.22 percent. The average was determined on the basis of the weighted average benefits received by 16 specific Brazilian firms and is applicable to all Brazilian exporters not included in the 16 specific companies. However, the Government of Brazil is in the process of removing some of these benefits, and the administering authority has revised the magnitude of these benefits accordingly; they are now found to average 6.07 percent ad valorem, f.o.b. Vitoria, Brazil and range from 2.85 percent to 15.42 percent for the 16 individual Brazilian firms.

Domestic Industry.—In its letter of November 19, 1979, advising the Commission that a bounty or grant is being paid with respect to pig iron, the administering authority stated that the product with respect to which it had made its determination is pig iron imported from Brazil and entered under TSUS item 607.15. Pig iron entering under TSUS item 607.15 (reclassified as TSUS item 606.13) will be referred to in this opinion as merchant pig iron. Such imports consist almost entirely of cold merchant pig iron.

In making a determination under section 705(b) of the Tariff Act the Commission must determine whether an industry in the United States is materially injured or is threatened with material injury by reason of imports of the merchandise with respect to which the administering authority had made an affirmative determination.[1] Under section 771(4) of the act the term "industry" is defined as meaning "the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product." In assessing the effect of the subsidized imports on this industry, section 771(4)(D) directs that "[t]he effect of subsidized . . . imports shall be assessed in relation to the United States production of a like product if available data permit the separate identification of production in terms of such criteria as the production process of the producer's profits." Section 771(10) defines the term "like product" as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation * * *" Since there are domestic producers of cold merchant pig iron, a product "like" the imported product, we have considered the relevant domestic industry to consist of the facilities in the United States used in the production of cold merchant pig iron, and, inasmuch as the Commission has been able to obtain information which permits the separate identification of data with respect to the production of cold merchant pig iron, we have assessed the impact of the subject imports on the domestic production of this product. Currently there are six domestic producers, two of which are considering closing their plants and two of which have closed major pig iron facilities in the recent past but still operate other pig iron facilities.[2]

Material injury by reason of subsidized imports.—Pursuant to section 771(7) of the act, the term "material injury" means "harm which is not inconsequential, immaterial, or unimportant." In determining whether an industry is materially injured the Commission shall consider, among other factors—

(i) the volume of imports of the merchandise which is the subject of the investigation;

(ii) the effect of the imports of that merchandise on prices in the United States for like products, and

(iii) the impact of imports of such merchandise on domestic producers of like products.

As set forth below, subsection (C) provides further guidance to the

[1] Whether the establishment of an industry in the United States is materially retarded is also a possible issue under sec. 705(b) of the act, but it is not an issue in this investigation.

[2] See pp. A–7 and A–18 of the Commission Report (C.R.).

Commission with respect to the evaluation of these factors.

It is clear from the legislative history of the Trade Agreements Act of 1979 that in determining whether material injury is "by reason of" subsidized imports the Commission is to interpret this causation standard in the same manner as it was interpreted under prior law.[3] It is also clear from the legislative history that section 705 does not contemplate—

> that the effects from the subsidized imports be weighed against the effects associated with other factors *(e.g.,* the volume and prices of nonsubsidized imports, contraction in demand or changes in patterns in consumption, trade restrictive practices of and competition between the foreign and domestic producers, developments in technology, and the export performance and productivity of the domestic industry) which may be contributing to the overall injury to an industry. Nor is the issue whether subsidized imports are the principal, a substantial, or a significant cause of material injury.[4]

Volume of imports.—Section 771(7)(C)(i) directs that, in evaluating the volume of imports, "the Commission shall consider whether the volume of imports of the merchandise, or any increase in that volume, either in absolute terms or relative to production or consumption in the United States, is significant."

Data obtained by the Commission during its investigation indicate that imports from Brazil totaled about 26,000 short tons, or 5 percent of total imports, in 1975. These imports climbed to a level of about 184,000 short tons, or 39 percent of total imports, in 1979. The ratio of imports from Brazil to domestic production increased from 14.4 percent in 1977 to 20.3 percent in 1979, and the ratio of these imports to domestic consumption rose from 1.9 percent in 1975 to 9.9 percent in 1977 and to 17.2 percent in 1979.[5] Thus, it is clear that there has been a significant increase in imports both in absolute terms and relative to domestic production and consumption.

Price.—Section 771(7)(C)(ii) directs that, in evaluating the effect of subsidized imports on prices, the Commission shall consider whether—

> (I) there has been significant price undercutting by the imported merchandise as compared with the price of like products in the United States, and
>
> (II) the effect of imports of such merchandise otherwise depresses prices to a significant degree or prevents price increases, which otherwise would have occurred to a significant degree.

During the relevant period, margins of underselling were frequently as high as $40 to $50 per ton or there was a price advantage of often more than 20 percent.[6] Only in late 1979 did this margin narrow appreciably. Moreover, imported pig iron from Brazil sold at lower prices in areas more distant from domestic producers' locations.[7] At the Commission hearing, importers admitted that low prices were used as a tool for gaining access to the market, at least through 1978.[8] The price-suppressing impact of these subsidized imports sold at low prices is reflected in the minimal increase in producers' prices in the face of sharply increased costs of production.[9] The high level of imports from Brazil during 1977–79 not only suppressed prices, but in some instances resulted in price reductions by domestic producers.[10]

Impact on affected industry.—Section 771(7)(C)(iii) directs that, in examining the impact of subsidized imports on the domestic industry—the Commission shall evaluate all relevant economic factors which have a bearing on the state of the industry, including, but not limited to—

> (I) actual and potential decline in output, sales, market share, profits, productivity, return on investments, and utilization of capacity,
>
> (II) factors affecting domestic prices, and
>
> (III) actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment.

During 1977–79, there was a decline in demand for cold merchant pig iron as measured by the decline in apparent domestic consumption from 1.3 million short tons to 1.1 million short tons. However, the share of apparent domestic consumption accounted for by imports from Brazil increased sharply from 9.9 percent to 17.2 percent in the same period.[11] Information developed by the Commission during its investigation indicates that the increased presence of imports from Brazil intensified the adverse effects of an already-shrinking market.[12] The success of the low-priced sales effort is evident in import figures and in sales lost by domestic producers, as well as in production, shipments, inventories, and employment figures.

During 1977–79, domestic production fell about 17 percent,[13] producers' sales fell about 15 percent (by value),[14] and producers' inventories (adjusted) increased as a share of sales from 12 percent to 33 percent.[15] Utilization of capacity was low throughout the period, and only the exit of two firms and the resulting drop in capacity pushed capacity utilization to a level of 54 percent in 1979.[16] Employment in the industry declined 29 percent from 1977 to 1979, with a parallel drop in man-hours worked.[17] Productivity as measured by output per man-hour reported for six cold merchant pig iron producers increased 14.6 percent from 1977 to 1979.[18]

There is ample evidence of sales lost to imports from Brazil during the period under review. Domestic producers provided numerous specific instances of lost sales and lost revenues attributable to low-priced imports from Brazil, which were subsequently confirmed by the Commission.[19] According to data from the purchasers' questionnaire, the key factor in their decision to purchase Brazilian pig iron was price.[20]

Material injury to the industry stemming from the impact of low-priced imports of pig iron from Brazil is also sharply evident in data collected on profitability. Net operating profit of four cold merchant pig iron producers decreased from $11.6 million in 1977 to $3.6 million in 1979, or by 70 percent. The ratio of net operating profit to net sales dropped from 9.3 percent in 1977 to 3.4 percent in 1979, a loss of 1.5 percent occurred in 1978.[21] If Cyclops Corp. fulfills its announced intention to close its plant on May 31, 1980, the writeoff will apply to 1979 earnings and will result in a further decrease in the net operating profit for the cold merchant pig iron industry.[22]

Investment by the four cold merchant pig iron producers reporting to the Commission declined from $280 million in 1977 to $250 million in 1979. The ratio of return on investment for these producers (net operating project to

[3] *Trade Agreements Act of 1979: Report of the Committee on Finance . . .*, S. Rept. No. 96–249 (96 Cong., 1st Sess.), 1979, p. 57. *Trade Agreements Act of 1979: Report of the Committee on Ways and Means . . .*, H. Rept. No. 96–317 (96 Cong., 1st Sess.), 1979, pp. 46–47.

[4] Senate Report 96–249, p. 57.

[5] C.R., pp. A–25 and A–36.

[6] C.R., pp. A–37–48.

[7] C.R., pp. A–41–43.

[8] Transcript of hearing, pp. 144–145, 161, 170.

[9] C.R., p. A–45; petitioner's posthearing brief, p. 3.

[10] C.R., p. A–46; transcript of the hearing, pp. 17–19, 37–38.

[11] C.R., p. A–36.

[12] C.R., pp. A–29, A–48; petitioner's prehearing statement pp. 9–11; petitioner's posthearing brief, p. 2–3; transcript of the hearing, pp. 12–13.

[13] C.R., p. A–16.

[14] C.R., p. A–20.

[15] C.R., p. A–21.

[16] C.R., pp. A–18–19.

[17] C.R., p. A–31.

[18] C.R., p. A–31.

[19] C.R., pp. A–48–50.

[20] C.R., p. A–48–49.

[21] C.R., pp. A–32–33.

[22] C.R., p. A–32.

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investment) declined from 4.3 percent in 1977 to 1.6 percent in 1979.[23]

On the basis of these factors, we have determined that the domestic pig iron industry is materially injured by reason of subsidized imports.

Issued: March 21, 1980.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9173 Filed 3-25-80; 8:45 am]

BILLING CODE 7020-02-M

[332-73]

Release for Public Comment of Provisionally Adpoted Chapters of the Harmonized Commodity Description and Coding System

AGENCY: United States International Trade Commission.

ACTION: Release for public comment, pursuant to Commission investigation No. 332-73, under the authority of section 332(g) of the Tariff Act of 1930, as amended, of drafts of the following chapters of the Harmonized Commodity Description and Coding System as provisionally adopted by the Harmonized System Committee and the Nomenclature Committee of the Customs Cooperation Council.

Chapter 4—Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included.
Chapter 12—Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial and medical plants; straw and fodder.
Chapter 18—Cocoa and cocoa preparations.
Chapter 19—Preparations of cereals, flour or starch; pastrycooks' products.
Chapter 21—Miscellaneous edible preparations.
Chapter 22—Beverages, spirits and vinegar.
Chapter 23—Residues and waste from the food industries; prepared animal fodder.
Chapter 35—Albuminoidal substances; glues; enzymes.
Chapter 36—Explosives, pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations.
Chapter 37—Photographic and cinematographic goods.
Chapter 42—Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut).

WRITTEN SUBMISSIONS: Parties wishing to submit written comments should do so by July 1, 1980.

HEARING: Parties desiring the Commission to hold a hearing on these draft chapters of the Harmonized Code should contact the Secretary of the Commission by April 11, 1980, and show good cause for holding a hearing.

[23] C.R., p. A-34.

COPIES OF DOCUMENTS: Copies of the chapters which are the subject of this notice are available for public inspection at the offices of the Commission, 701 E Street, NW., Washington, D.C. 20436, or at 6 World Trade Center, New York, N.Y. 10048. The Commission will also send copies to interested parties upon request.

FOR FURTHER INFORMATION CONTACT: Eugene A. Rosengarden, Director, Office of Nomenclature, Valuation and Related Activities, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, Telephone: 202/523-0370.

SUPPLEMENTARY INFORMATION: In its public notice of February 8, 1980 (45 FR 9828 of February 13, 1980), the Commission identified 48 chapters of the Harmonized Commodity Description and Coding System (Harmonized System) for which texts had been provisionally adopted by the Harmonized System and Nomenclature Committees of the Customs Cooperation Council. The purpose of the above mentioned notice was to invite comments and views of interested parties with respect to the 48 chapters.

Since the release of the February 8, 1980 notice, provisionally adopted texts of eleven further chapters have been pubished by the Customs Cooperation Council. This notice hereby amends the previous notice by adding these eleven new chapter texts to the list of texts released for public comment.

This notice is being issued pursuant to Commission investigation No. 332-73, instituted on January 31, 1975 (40 FR 6329), under section 332(g) of the Tariff Act of 1930. The investigation was initiated in accordance with section 608 (c) of the Trade Act of 1974, which provides, in part, that the Commission shall institute an investigation which would provide the basis for—

(2) full and immediate participation by the United States International Trade Commission in the United States contribution to technical work of the Harmonized Systems [sic] Committee under the Customs Cooperation Council to assure the recognition of the needs of the United States business community in the development of a Harmonized Code reflecting sound principles of commodity identification and specification and modern producing methods and trading practices * * *.

The Harmonized Commodity Description and Coding System (Harmonized Code) is being developed by the Customs Cooperation Council (CCC), an 80-member international organization with headquarters in Brussels, as an international commodity classification system which will be adaptable for modernized customs tariff nomenclature purposes and for recording, handling, and reporting of transactions in international trade. The Harmonized Code will be based on, and in many respects will be an extension of, the Customs Cooperation Council Nomenclature (CCCN), formerly known as the Brussels Tariff nomenclature (BTN).

Currently, the Technical Team working under auspices of the CCC prepares drafts of the various chapters of the Harmonized Code for consideration by the Harmonized System Committee, which was established in order to develop the code. These drafts are forwarded to the members and observers of the Committee for their review and submission of written comments. The Committee meets three times a year to consider these drafts and the written comments and presentations of the various delegations. The review of a particular chapter or group of chapters may extend to more than one meeting.

In its public notices of May 4, 1976 (41 FR 18716 of May 6, 1976), August 9, 1976 (41 FR 34370 of August 13, 1976), December 20, 1976 (41 FR 55948 of December 23, 1976), September 1, 1977 (42 FR 44852 of September 7, 1977), February 7, 1978 (43 FR 5902 of February 10, 1978), October 16, 1978 (43 FR 48723 of October 19, 1978), February 14, 1979 (44 FR 10435 of February 20, 1979), May 16, 1979 (44 FR 29740 of May 22, 1979), and September 5, 1979 (44 FR 53112 of September 12, 1979), the Commission identified those chapters which have been considered thus far by the Harmonized System Committee, and the chapters for which a Technical Team draft has been released.

Following its deliberations on the draft chapters, the Harmonized System Committee forwards recommended texts for the chapters to the Nomenclature Committee. The Nomenclature Committee, which supervises the operations of the Convention on Nomenclature for the Classification of Goods in Customs Tariffs and is responsible for ensuring international uniformity in the interpretation and application of the CCCN, reviews the recommended texts for Harmonized System and returns the draft chapters which it has approved to the Harmonized System Committee. The draft chapters which have thusly been provisionally approved by both Committees are then held in abeyance pending final revision sessions. It is anticipated that the Harmonized System Committee will begin final revision sessions early in 1981.

The draft chapters released for public comment today have been provisionally

adopted by the Harmonized System Committee and the Nomenclature Committee according to the above described procedure. As further chapters are adopted, the Commission will issue future notices requesting public comment.

In 1971, the Department of the Treasury established an Interagency Advisory Committee on Customs Cooperation Council Matters in order to provide a basis for interested Federal agencies to participate with respect to CCC matters. In order to establish and develop U.S. programs and policies with respect to the Harmonized Code, the interagency committee has instituted procedures which take into account the provisions of section 608 (c) of the Trade Act of 1974, which call for the Commission to contribute to the U.S. technical input to the Harmonized System Committee. Under these procedures the Commission is preparing technical comments and proposals on the various chapters of the Harmonized Code for consideration by the interagency Committee in the determination of U.S. proposals with respect to the Harmonized Code.

In making proposals, the Commission is seeking and taking into consideration the views of trade and industry and other interested parties and of interested Government agencies.

By order of the Commission.

Issued: March 21, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9178 Filed 3-25-80; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 79-21]

Fullerton-Kedzie Pharmacy, Inc., Chicago, Ill., Hearing

Notice is hereby given that on October 18, 1979, the Drug Enforcement Administration, Department of Justice, issued to Fullerton-Kedzie Pharmacy, Inc., Chicago, Illinois, an Order To Show Cause as to why Respondent's application for registration under Sections 302 and 303 of the Controlled Substances Act (21 U.S.C. 822 and 823) should not be denied.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Wednesday, April 16, 1980, in the Occupational Safety and Health Review Commission Courtroom, Room 1530, 55 East Monroe Street, Chicago, Illinois.

Dated: March 19, 1980.

Peter B. Bensinger,

Administrator Drug Enforcement Administration.

[FR Doc. 80-9136 Filed 3-25-80; 8:45 am]

BILLING CODE 4410-09-M

Office of Justice Assistance, Research and Statistics

Bureau of Justice Statistics; Competitive Research Solicitation

Bureau of Justice Statistics announces a competitive research solicitation aimed at an analysis of issues involving the Confidentiality of statistical and research data.

The solicitation asks for proposals to be submitted for review in accordance with the criteria set forth in the solicitation. In order to be considered, all proposals must be postmarked no later than April 28, 1980. A grant or cooperative agreement for a 15 month research project is planned, with funding support not to exceed $200,000.

Copies of the solicitation may be obtained by sending a mailing label to: Carol G. Kaplan, Director, Privacy and Security Staff, Bureau of Justice Statistics, 633 Indiana Avenue, Washington, D.C. 20531.

For questions pertaining to this request for solicitations, contact the Privacy and Security Staff, Bureau of Justice Statistics, 633 Indiana Avenue, N.W., Washington, D.C. 20531, (301) 492-9036.

Dated: March 14, 1980.

Homer F. Broome, Jr.,

Acting Director, Bureau of Justice Statistics.

[FR Doc. 80-9070 Filed 3-24-80; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Advisory Panels; Annual Comprehensive Review

In accordance with Section 7(b) of the Federal Advisory Committee Act (Pub. L. 92-463), the National Endowment for the Arts is currently reviewing each advisory panel to determine:

(a) Whether the panel is carrying out is purpose;

(b) Whether consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;

(c) Whether it should be merged with other advisory committees; or

(d) Whether it should be abolished.

Public comments and recommendations concerning the advisory panels to the National Endowment for the Arts may be addressed to Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, (202-634-6070).

Comments should be received by April 15, 1980.

John H. Clark,

Advisory Committee Management Officer, Director, Office of council and Panel Operations, National Endowment for the Arts.

March 18, 1980.

[FR Doc. 80-9225 Filed 3-25-80; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Screening Committee for Lawyer, Members of the Atomic Safety and Licensing Board Panel; Initial Public Meeting

Notice is hereby given in accordance with Section 10 of the Federal Advisory Act that the initial public meeting of the Advisory Screening Committee for Lawyer Members of the Atomic Safety and Licensing Board Panel will be held on Wednesday, April 23, 1980, at 10:00 a.m., at East West Towers, 4350 East West Highway, Room 415, Bethesda, Maryland 20014. Notice of the establishment of this Committee may be found at 45 FR 8393, February 7, 1980.

The Advisory Screening Committee for Lawyer Members of the ASLBP will hear statements from the following persons or NRC offices:

1. John Ahearne, Chairman, USNRC;
2. NRC, Office of Management and Personnel;
3. NRC Office of Equal Opportunity;
4. NRC Office of Federal Women's Program.

The Committee will consider procedures by which it will function. The names and background material of those persons who responded to Vacancy Announcement No. SES-14 B and public notice for the position of Chairman, ASLBP, and Vacancy Announcement No. 80-0039 and public notice for Permanent Lawyer Member, ASLBP, will be presented to the Committee.

Summary minutes of this initial public meeting will be available for public inspection and copying in the NRC Public Document Room, 1717 H Street,

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N.W., Washington, D.C. 20555, after June 22, 1980.

For further information contact Charles J. Fitti, Assistant Executive Secretary, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated: March 20, 1980.

Charles J. Fitti,

Assistant Executive Secretary Atomic Safety and Licensing Board Panel.

[FR Doc. 80-9154 Filed 3-25-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Screening Committee for Technical Members of the Atomic Safety and Licensing Board Panel; Initial Public Meeting

Notice is hereby given in accordance with Section 10 of the Federal Advisory Act that the initial public meeting of the Advisory Screening Committee for Technical Members of the Atomic Safety and Licensing Board Panel will be held on Thursday, May 1, 1980, at 10:00 a.m. at East West Towers, 4350 East West Highway, Room 415, Bethesda, Maryland 20014. Notice of the establishment of this Committee may be found at 45 FR 8393, February 7, 1980.

The Advisory Screening Committee for Technical Members of the ASLBP will hear statements from the following persons or NRC offices:

1. NRC, Office of Management and Personnel;
2. NRC Office of Equal Opportunity;
3. NRC Office of Federal Women's Program.

The Committee will consider procedures by which it will function. The names and background material of those persons who responded to Vacancy Announcement No. 79-124, Permanent Member Technical (Environmental Scientist, ASLBP) will be presented to the Committee.

Summary minutes of this initial public meeting will be available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, on or after June 30, 1980.

For further information contact Charles J. Fitti, Assistant Executive Secretary, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated: March 20, 1980.

Charles J. Fitti,

Assistant Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc. 80-9155 Filed 3-25-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-265]

Commonwealth Edison Co., and Iowa-Illinois Gas and Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 to Facility Operating License DPR-30 issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Unit No. 2, located in Rock Island County, Illinois. The amendment becomes effective as of the date of issuance.

This amendment (1) authorizes changes to the plant Technical Specifications which you proposed to support your review of future reloads for Quad Cities Unit 2, under provisions of 10 CFR 50.59 and (2) modifies license condition 3.C. to assure a conservative MCPR operating limit during coastdown operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement, negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated August 30, 1979, as supplemented October 24, 1979 and March 7, 1980, (2) Amendment No. 51 to License No. DPR-30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library 504—17th Street, Moline, Illinois, for Quad Cities 1. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 20th day of March 1980.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito, *Chief,*

Operating Reactors Branch #3, Division of Operating Reactors.

[FR Doc. 80-9156 Filed 3-25-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

President's Commission for a National Agenda for the Eighties; Meeting

March 20, 1980.

AGENCY: Office of Management and Budget.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given for a meeting of Panel IV (Government and Social Justice) of the President's Commission for a National Agenda for the Eighties, scheduled to be held from 10:00 a.m. to 12:00 p.m. and 1:00 p.m. to 3:00 p.m., April 3, 1980 at 1790 Broadway, New York, New York.

The purpose of the meeting is to discuss health issues affecting quality of health care and national policy.

Because of limited space, those interested in attending are asked to call beforehand. Available seats will be assigned on a first-come basis.

The meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: President's Commission for a National Agenda for the Eighties, Office Administration, 744 Jackson Place, Northwest, Washington, D.C. 20006 (202) 275-0616.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 80-9101 Filed 3-25-80; 8:45 am]

BILLING CODE 3110-01-M

President's Commission for a National Agenda for the Eighties; Meeting

March 20, 1980.

AGENCY: Office of Management and Budget.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given for the Executive Steering Committee meeting of the President's Commission for a National Agenda for the Eighties, scheduled to be held from 7:30 p.m. to 9:30 p.m., April 10, 1980, in the offices of the Commission, located 744 Jackson Place, Northwest, Washington, D.C.

The purpose of this meeting will be to prepare an agenda for the full Commission meeting on April 11.

Because of limited space, those interested in attending are asked to call beforehand. Available seats will be assigned on a first-come basis.

The meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: President's Commission for a National Agenda for the Eighties, Office of Administration, 744 Jackson Place, Northwest, Washington, D.C. 20006 (202) 275-0616.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 80-9102 Filed 3-25-80; 8:45 am]

BILLING CODE 3110-01-M

President's Commission for a National Agenda for the Eighties; Meeting

March 20, 1980.

AGENCY: Office of Management and Budget.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given for a meeting of Panel III (Science and Technology) of the President's Commission for a National Agenda for the Eighties, scheduled to be held April 10 from 12:30 p.m. to 3:00 p.m. at 744 Jackson Place, Northwest, Washington, D.C.

The purpose of the meeting is to discuss Commission study of issues affecting science and technology.

Because of limited space, those interested in attending are asked to call beforehand. Available seats will be assigned on a first-come basis.

The meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: President's Commission for a National Agenda for the Eighties, Office of Administration, 744 Jackson Place, Northwest, Washington, D.C. 20006 (202) 275-0616.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 80-9103 Filed 3-25-80; 8:45 am]

BILLING CODE 3110-01-M

President's Commission for a National Agenda for the Eighties; Meeting

March 20, 1980.

AGENCY: Office of Management and Budget.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given for the fourth meeting of the President's Commission for a National Agenda for the Eighties is scheduled to be held from 9:30 a.m. to 12:00 p.m. on April 11, 1980, in the Amphitheatre, 2nd floor, East, Federal Home Loan Bank Board Building, 17th and G Streets, Northwest, Washington, D.C.

The purpose of the meeting is to review progress of the Commission's work to date and discuss Commission studies to be completed.

Because of limited space, those interested in attending are asked to call the Commission's office beforehand. Available seats will be assigned on a first-come basis.

The meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: President's Commission for a National Agenda for the Eighties, Office of Administration, 744 Jackson Place, Northwest, Washington, D.C. 20006 (202) 275-0616.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 80-9104 Filed 3-25-80; 8:45 am]

BILLING CODE 3110-01-M

President's Commission for a National Agenda for the Eighties; Meeting

March 20, 1980.

AGENCY: Office of Management and Budget.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given for a meeting of Panel III (Science and Technology) of the President's Commission for a National Agenda for the Eighties, scheduled for 1:00 p.m. to 3:00 p.m. in the offices of the Commission, located 744 Jackson Place, Northwest, Washington, D.C., April 11, 1980.

The purpose of the meeting is to discuss Commission study of issues affecting science and technology.

Because of limited space, those interested in attending are asked to call beforehand. Available seats will be assigned on a first-come basis.

The meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: President's Commission for a National Agenda for the Eighties, Office of Administration, 744 Jackson Place, Northwest, Washington, D.C. (202) 275-0616.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 80-9105 Filed 3-25-80; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF THE U.S. TRADE REPRESENTATIVE

Filing Charters for Advisory Committees for Services and International Steel Policy

On March 4, 1980, the U.S. Trade Representative gave notice in the **Federal Register** (45 FR 14173) of the intention to establish a Services Policy Advisory Committee and an International Steel Policy Advisory Committee. This announcement is to certify that the creation of these advisory committees is in the public interest in connection with the performance of duties imposed on the United States Trade Representative (USTR) by law. These committees will provide policy and technical advice to the USTR, the Secretary of Commerce, the Secretary of Agriculture, and the Secretary of Labor, on matters arising in connection with the administration of U.S. trade policy.

These committees are being created pursuant to the authority of the President under Section 135(c)(1) of the Trade Act of 1974 (19 U.S.C. 2155[c][1]), as amended, as delegated to the USTR under Section 4(d) of Executive Order No. 11846, March 27, 1975 (3 CFR Part 971). The charters are filed with the parties specified in the Federal Advisory Committee Act (5 U.S.C., App. I. Section 9[c]). Individuals interested in further information or who wish to be considered for appointment to the committees should contact:

Ms. Phyllis O. Bonanno, Director, Office of Private Sector Liaison, 1800 G Street NW., room 725, Washington, D.C. 20506 (202) 395-6120.

Robert C. Cassidy, Jr.,

General Counsel.

[FR Doc. 80-9152 Filed 3-25-80; 8:45 am]

BILLING CODE 3190-01-M

POSTAL RATE COMMISSION

Notice of Visits

March 21, 1980.

Notice is hereby given that the Officer of the Commission (OOC) and members of his staff will visit the facility of Time, Inc., in Chicago, IL, on March 24 for the purpose of acquiring general knowledge of magazine mailing and subscription fulfillment.

The OOC and staff members visited the facility of Mailman, Inc., in Hauppauge, L.I., N.Y., on March 18 for an orientation on third-class mail operations.

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Reports of the visits will be filed in the Commission's Docket Room.

David F. Harris,

Secretary.

[FR Doc. 80-9110 Filed 3-25-80; 8:45 am]

BILLING CODE 7715-01-M

PRESIDENT'S COMMISSION ON PENSION POLICY

Report of Staff Contacts

The President's Commission on Pension Policy has directed its staff to maintain and publish for the public record a listing of contacts of a substantive nature made with individuals, organizations, and groups interested in the activities of the Commission.

The following is the staff report of such contacts for the month of February.

Representatives of senior citizens' organizations (AARP, NCOA, Gray Panthers, Citizens' Commission on Pension Policy)

Representatives of State and local organizations (NCSL, NGA, State Retirement Plan Administrators, NACO, AFSME, Academy for Contemporary Studies)

Paul Wachtel, New York University

Marilyn Y. Brown and Ted Lilly, Financial Analysts Federation

Bill Smith and Tom Bleakney, Milliman & Robertson

Robert Beck, Ken Oboz and Steve Braswell, Prudential

Robert Scheerschmidt, Xerox Corp.

Terry Kendell, Commonwealth Research

Stephen Caulfield, Government Research Corp.

John Sullivan, *National Journal*

Larry Kotlikoff, National Bureau of Economic Research

Elizabeth Nachbauer, Bank of America

Jim Storey and Margaret Boeckman, Urban Institute

Irene Powell, University of Wisconsin

George Bishop, National Council of Life Insurance

David Richman, Connecticut General

Thea Marshall, ELI Corp.

Steve Pastore, *Bankers Magazine*

Michel Guay, Hay Associates

Representatives of the National Technical Information Service

Retirement Benefits Committee of the U.S. Chamber of Commerce

Institute on Federal Taxation, N.Y. University

Military Retirement System Administrators

Chicago Actuaries' Club

A. DiPietro, Department of Treasury

Gene Carter, Social Security Administration

Edith Fierst, Interagency Task Force on Women

D. Hough, Council on Wage and Price Stability

Ed Fu, Department of Labor

Dave Mathieson and Mary Barth, Office of Management and Budget

Marty Kendrick, Department of Health and Human Services

Perry Confalone, Representative McKay's Office

Phyllis Rovine, Representative Key's Office

Bill Kelly, Subcommittee on Social Security, House Ways and Means Committee

Signed at Washington, D.C., this 20th day of March 1980.

Thomas C. Woodruff,

Executive Director.

[FR Doc. 80-9137 Filed 3-25-80; 8:45 am]

BILLING CODE 6820-99-M

SELECT COMMISSION ON IMMIGRATION AND REFUGEE POLICY

Open Meeting; May 7, 1980

March 20, 1980.

The Select Commission on Immigration and Refugee Policy will hold its fourth meeting on:

Date: May 7, 1980.
Time: 9:00 a.m. to 10:00 a.m.
Place: U.S. Senate, Room 2228, Washington, D.C.

(The May 7th meeting replaces the April 9, 1980 Commission meeting which had to be postponed due to the Congressional recess.)

Included on the agenda will be organizational and business matters. The meeting is open to the public.

Written statements may be filed with the Commission before or after the meeting.

The Select Commission on Immigration and Refugee Policy was created by Pub. L. 95-412, signed October 5, 1978. The Commission is charged with a comprehensive review of U.S. immigration laws, policies, and procedures. Membership of the Commission includes four Cabinet members, four members of the House Commission on the Judiciary, four members of the Senate Judiciary Committee, and four members appointed by the President, including the Reverend Theodore M. Hesburgh, President, University of Notre Dame and Chairman of the Select Commission.

Address inquiries to: Select Commission on Immigration and Refugee Policy, New Executive Office Building, Suite 2020, 726 Jackson Place, N.W., Washington, D.C. 20506, Telephone (202) 395-5615.

Lawrence H. Fuchs,

Executive Director.

[FR Doc. 80-9202 Filed 3-25-80; 8:45 am]

BILLING CODE 6820-AR-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-16676 File No. SR-NYSE-79-45, Amendment No.1]

New York Stock Exchange, Inc.; Proposed Rule Change; Self-Regulatory Organizations Relating To Responses to the Recommendations of the Special Study of the Options Markets as Promulgated by the Securities and Exchange Commission in Release 34-15575

Commemts requests on or before April 16, 1980.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 10 1980, the New York Stock Exchange, Inc. ("NYSE") filed with the Securities and Exchange Commission amendments to the proposed rule change SR-NYSE-79-45[1] attached as Exhibit I-A which have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

Self-Regulatory Organization's Statement of Terms of Substance of the Proposed Rule Changes

The following is a summary of the rule changes proposed by NYSE. In certain instances, proposed revisions relate to amendements previously filed by the NYSE (SR-NYSE-79-45). In other instances, revisions to existing rules are proposed in this filing for the first time. The text of the proposed rule changes and the revised implementation scheduled is attached as Exhibit I-A to this notice.

Rule 721. Proposed Supplementary Material .10(d) has been amended to require customer account records to indicate whether the accounts have been approved for discretionary trading.

Rule 722. This Rule is proposed to be amended to require members to develop and implement a written program under the supervison of the Senior ROP for review of customer accounts and options orders in such accounts.

[1] Notice of filing of the proposed rule change was given by publication of a Commission release Securities Exchange Act Release No. 16359, (November 21, 1979) and by publication in the **Federal Register** (44 FR 66388, December 3, 1979).

Additionally, supplementary material is proposed to be added to require each member firm to maintain, at the principal supervisory office having jurisdiction over the office servicing the customer's account, sufficient information to permit a timely review of each customer's options account to determine that options transactions are compatible with customer objectives and the terms of the account's approval, the size and frequency of options transactions, commission activity in the account, profit or loss in the account, undue concentration in any options class or classes, and compliance with FRB Regulation T.

Rule 730. This Rule is propoed to be amended to require customer account statements to disclose any special account charges that are not itemized and disclosed on confirmations. The proposed revision would also require disclosure on margin account statements sent to options customers of the mark-to market and market value of each security position in the account, the outstanding balance in the account and account equity. Under the proposed rule, these statements must also contain a legend indicating that further information concerning options commissions and similar execution charges will be provided on request. New Supplementary Material is proposed which would prescribe the manner of calculating margin account equity.

Rule 791. This Rule is proposed to be amended to clarify that these standards apply to communications to a single individual as well as to the general public. Supplementary material .10 is proposed to be amended to require prescribed disclosures in advertising and sales literature. Supplementary material .30 is proposed to be amended to provide that sales literature must state that supporting documentation will be supplied on request. Subparagraph C of Supplementary Material .30 is proposed to be revised to permit balanced representations regarding past performance that pertain to the firm as a whole. The use of summaries or averaged past performance records is proposed to be permitted without the disclosure of detailed supporting data if certain basic information is disclosed along with an offer to provide complete documentation. Finally, subparagraph F of .30 is proposed to be revised to prohibit the use of nonstandard worksheets for a particular options strategy where a standard worksheet has been adopted.

Self-Regulatory Organziation's Statement of Purpose of and Statutory Basis for Proposed Rule Changes

This amendment to the original filing (NYSE-79-45) is for the purpose of proposing rules amendments in response to certain recommendations of the Special Study of the Options Markets that were not addressed in the original filing, as well as proposing certain editorial and minor substantiave amendments to previously filed proposals.

The statutory basis for all of these proposed rule changes remains as stated in the orignial filings. The purpose of each of the substantive proposed rule changes included in this filing is as follows:

Rule 721. The minimum information that must be reflected in customer's accounts records has been expanded to include whether the account is approved for discretionary orders.

Rule 722. Options Study Recommendation I.A.2.e. calls for the adoption of rules requiring that the headquarters office of every options broker-dealer be in a position to perform a timely review of each customer's account to determine the extent of commissions and realized and unrealized losses relative to account equity, the existence of unusual credit extensions and unusual account risks or trading patterns.

In addition to requiring the development and implementation of written supervisory procedures, Rule 722 is proposed to be revised to impose in explicit terms the obligation for firms to develop and implement headquarters account review procedures, and to impose record-keeping requirements to facilitate such review. Recognizing the decentralized supervisory structure which many large securities firms have adopted, the proposed amendment is keyed to review by the "principal supervisory office having jurisdiction over the office supervising the customer's account."

Rule 730. in response to Option Study Recommendation I.A.2.a., we propose to revise Rule 730 to expand the information which member organizations must disclose in the statement sent to customers having a general (margin) account. By limiting this requirement to margin accounts, the information will be furnished to most options customers without imposing undue burdens on member firms. The proposal will require that statements of margin accounts sent to such customers reflect the mark-to-market price and market value for all security positions in the account, the total of market value of all positions in the account, the debit (or credit) balance, and account equity. We have defined general (margin) account equity in proposed Supplementary Material .10 to Rule 730 as the difference between the total of long security values, including any credit balance, and the total of short security values, including any debit balance.

Finally, we propose to require a legend on account statements to the effect that information concerning commissions and other charges has been included in confirmations and will be furnished to customers upon request.

Rule 791. The proposal rule amendments as previously filed regarding customer communications have been modified in certain respects. First, the general rule regarding customer communication in paragraph (a) of the Rule has been clarified to apply to communications with an individual customer or member of the public. Also, the applicability of the various standards of the rule to different categories of communications (advertising, sales literature and other communications) has been further clarified to emphasize that representations concerning past performance must be made in a balanced manner and must pertain to the member organization as a whole. Representations concerning the past performance of a particular registered representative are, thus, prohibited. We have also added specific requirements concerning the furnishing of supporting detail whenever statements involving past performance are made. Finally, a new requirement has been added to Supplementary Material .20 to Rule 791 barring the use of non-standard options worksheets where a member organization has adopted a standard form of worksheet for a particular options strategy.

Self-Regulatory Organization's Statement on Comments Received From Members, Participants, or Others on Proposed Rule Changes

Comments on rule changes previously proposed were summarized in the Exchange's prior filing SR-NYSE-79-45. Editorial revisions to those proposals reflected herein were not submitted to members for comments. Comments on proposed rule changes presented herein for the first time were solicited in response to a preliminary draft of the proposals that was mailed to members firms. A large number of detailed comments were received in response to this mailing. Additionally, the Exchange believed it appropriate to solicit comments on the revised draft of the rules changes presented herein for the

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first time, and on January 15, 1980 sent copies of the final SRO Task Force Rules to all Members, Member Organizations and other interested parties (Information Memo 80–3). The following is a summary of comments that are relevant to the proposed rule changes in their present form.

Rule 722. The requirement that each principal supervisory office be in a position to make certain determinations with respect to options customers' accounts was generally supported in members' comments. Several commentators indicated that the proposed Supplementary Material is consistent with existing review programs. However, certain commentators criticized the cost of the proposal and sought more detailed standards for the inquiries required by the provision. One commentator felt that a conflict of interest would exist where a Senior Registered Options Principal performed both sales and compliance functions.

Rule 730. The proposals involving changes in customer account statements generated by far the greatest volume of member comments. However, most of the comments were directed toward the items which are not included in the proposal as filed (*e.g.*, disclosure regarding total commissions and aggregate account profit or loss). Most commentators opposed including information on the account statement that is already stated on confirmations. Members also criticized the mark-to-the-market requirement on the grounds that current prices may be unavailable in certain instances and, in any event, will be out of date by the time the statement is received. Small and medium-sized firms criticized the cost involved with putting the proposed account statement requirement into effect.

Rule 791. One commentator indicated that the level of documentation required is excessive and nerous and would make it extremely difficult for any organization to issue options related sales material. Another commentator indicated that the required cautionary statement is unreasonable for discount brokers whose business is unsolicited.

Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the rule changes proposed in this Amendment No. 1 to File No. SR–NYSE–79–45 will impose any burdens on competition.

Date of Effectiveness of Proposed Rule Change and Timing for Commission Action

On or before April 30, 1980, or within such period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NYSE consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of U.S.C. Section 522, will be available for inspection and copying in the Commission's Public Reference Section, 1100 "L" Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 16, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated Authority.

George A. Fitzsimmons,

Secretary.

March 18, 1980.

Exhibit I–A

Language deleted from previous filing in [brackets]. Language added to previous filing *italicized.*

721

Opening of Accounts

* * * * *

* * * Supplementary Material:

.10 In fulfilling its obligations pursuant to paragraph (b) of this Rule with respect to options customers who are natural persons, a member organization shall seek to obtain the following information at a minimum (information shall be obtained for all participants in a joint account).

* * * * *

In addition, the customer's account records shall contain the following information, if applicable:

* * * * *

d. *Nature and* types of transactions for which account is approved (e.g., buying, covered writing, uncovered writing, spreading, *discretionary transactions)*

* * * * *

722

Supervision of Accounts

Rule 722 (a) *Duty to Supervise;* Senior Registered Options Principal—[In addition to the requirements of Rule 405,] Every member organization shall [provide for the diligent supervision by] *develop and implement a written program for the review of the organization's non-member customer accounts and all orders in such accounts, insofar as such accounts and orders relate to option contracts. This program shall be under the supervision of* a general partner or officer of the member organization who is a Registered Options Principal and who has been specifically identified to the Exchange as the member organization's Senior Registered Options Principal [of all its customer accounts, and all orders in such accounts, to the extent such accounts and orders related to option contracts].

.20 *Each member organization shall maintain, at the principal supervisory office having jurisdiction over the office servicing the customer's account, information to permit review of each customer's options account, on a timely basis to determine (i) the compatability of options transactions with investment objectives and with the types of transactions for which the account was approved; (ii) the size and frequency of options transactions; (iii) commission activity in the account; (iv) profit or loss in the account; (v) undue concentration in any options class or classes, and (vi) compliance with the provisions of Regulation T of the Federal Reserve Board.*

730

Statement of Accounts

Rule 730 In addition to the statements of account required by Rule 409, statements shall be sent not less frequently than once every month to each customer in whose account there has been an entry during the preceding month with respect to an option contract *showing security and money positions,*

entries, interest charges and any special charges that may have been assessed against such account during the period covered by the statement; provided, however, that such charges need not be specifically delineated on the statement if they are otherwise accounted for on the statement and have been itemized on transaction confirmations. With respect to options customers having a general (margin) account, such statement shall also provide the market-to-market price and market value of each option position and other security positions in the general (margin) account, the total market value of all positions in the account, the outstanding debit or credit balance in the account, and the general (margin) account equity. The statement shall bear a legend stating that further information with respect to commissions and other charges related to the execution of listed option transactions has been included in confirmations of such transactions previously furnished to the customer, and that such information will be made available to the customer promptly upon request. The statement shall *also* bear a legend requesting the customer to promptly advise the member or member organization of any material change in the customer's investment objectives or financial situation.

* * * *Supplementary Material*

.10 *For purposes of the foregoing rule, general (margin) account equity shall be computed by subtracting the total of the "short" security values and any debit balance from the total of the "long" security values and any credit balance.*

* * * * *

Rule 791

Communications to Customers

General Rule—No member, member organization, allied member or employee shall utilize any advertisement, sales literature or other communications to *any* customer[s] *or member* of the public concerning options:

* * * * *

* * * Supplementary Material

.10 The special risks attendant to options transactions and the complexities of certain options investment strategies shall be reflected in any *advertisement or sales literature* [communication] which discusses the uses or advantages of options. *All advertisements and sales literature discussing the use of options should include a warning to the effect that options are not for everyone.* In the preparation of *written* communications respecting options, the following guidelines should be observed:

* * * * *

B. It should not be suggested that options are suitable for all investors. [All communications discussing the use of options should include a warning to the effect that options are not for everyone.]

* * * * *

.30 Written communications (other than advertisements) pertaining to options shall conform to the following standards:

A. [Such communications] *Sales literature* shall state that supporting documentation for any claims (including any claims made on behalf of options programs or the options expertise of sales persons), comparisons, recommendations, statistics or other technical data, will be supplied upon request.

* * * * *

C. Such communications may feature records and statistics which portray the performance of past recommendations or of actual transactions *of the member organization (but not of an individual Registered Representative), Provided that:*

(i) Any *such portrayal is done in a balanced manner, and consists of* records or statistics *that are* [must be] confined to a specific "universe" than can be fully isolated and circumscribed and that covers at least the most recent 12-month period;

(ii) Such communications include [or offer to provide] the date of each initial recommendation or transaction, the price of each such recommendation or transaction as of such date, and the date and price of each recommendation or transaction at the end of the period or when liquidation was suggested or effected, whichever was earlier; *provided that if the communications are limited to summarized or averaged records or statistics, in lieu of the complete record there may be included the number of items recommended or transacted, the number that advanced and the number that declined, together with an offer to provide the complete record upon request;*

* * * * *

[(iv) in the event such records or statistics are summarized or averaged, such communications include the number of items recommended or transacted, the number that advanced and the number that declined;]

[Renumber (v)-(vii) as (iv)-(vi).]

* * * * *

F. If a member organization has adopted a standard form of worksheet for a particular options strategy, non-standard worksheets for that strategy may not be used.

[Renumber paragraph F as paragraph G.]

* * * * *

Proposed Effectiveness Timetable *

NYSE rule	No. of days following Commission approval [1]
721 (b) [2]	30 days.
721 (c) [2]	30 days for initial verification. 60 days for subsequent verification.
730	180 days.
723	30 days.
722 (a)	30 days.
722 (b)	90 days.
722 (c)	90 days.
351	30 days.
477	Immediately.
791 (a)	Immediately.
791 (b)	90 days.
791 (c), (d) and (e)	Immediately.
781 (a)	60 days.
781 (b)	Immediately.
781 (c)	60 days.
722 (d)	90 days.
724 (a)	60 days.

* This timetable response to the Options Study Recommendations only. All other rules contained in this filing will become effective immediately upon approval.

[1] The Exchange may grant members additional time to comply with certain of these rules on a case-by-case basis, but no extension of time will be granted for more than 6 months after the effectiveness of the rule in question as stated in this table. In granting or denying requests for extensions of time, the exchange will act jointly with other self-regulatory organizations that have comparable rules insofar as the requesting parties are members of the Exchange and such other SROs.

[2] Within 12 months following their effectiveness as stated in this table, Rule 721(b) and (c) must be complied with in respect of customers' accounts that were approved for options transactions prior to the effectiveness of these rules in order for those accounts to remain so approved.

[FR Doc. 80–9116 Filed 3–25–80; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 16681; SR–NYSE–80–6]

New York Stock Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

March 20, 1980.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act"), notice is hereby given that on February 27, 1980, the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, New York 10005 filed with the Commission copies of a proposed rule change which would modify NYSE Rule 123A.32, to require that specialists make a more timely response to members' inquiries regarding the status of orders left with them for execution. In responding to inquiries, specialists would be able to use the Exchange's pneumatic tube system.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this publication. Persons desiring to make written comment should file six copies thereof with the Secretary of the

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Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–NYSE–80–6.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld form the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6 and subsection (b)(5) thereof relating to the facilitation of transactions in securities, and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. Immediate implementation of the proposed rule change will promote greater efficiency in the handling and execution of orders, which is particularly appropriate in light of the recent increase in trading volume on the NYSE.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9115 Filed 3-25-80; 8:45 am]

BILLING CODE 8010-01-M

Advisory Committee on Oil and Gas Accounting; Meeting

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting of the Securities and Exchange Commission Advisory Committee on Oil and Gas Accounting.

SUMMARY: A meeting of the Securities and Exchange Commission Advisory Committee on Oil and Gas Accounting will be held on Tuesday, April 29, 1980, at the Commission's headquarters in Washington, D.C., beginning at 9:30 a.m., and will be open to the public.

FOR FURTHER INFORMATION CONTACT: James L. Russell, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 25049 (202–272–2133).

SUPPLEMENTARY INFORMATION: The next meeting of the Securities and Exchange Commission Advisory Committee on Oil and Gas Accounting has been scheduled to be held in Room 776 of the Commission's headquarters office at 500 North Capitol Street, Washington, D.C. on Tuesday, April 29, 1980, beginning at 9:30 a.m. The summarized agenda for the meeting is as follows: Discussion of committee activities; status of staff review of 1979 disclosures; and a report on a recent study of reserve estimate variability.

George A. Fitzsimmons,

Secretary.

March 18, 1980.

[FR Doc. 80-9117 Filed 3-25-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21479; 70-6421]

American Electric Power Co., Inc.; Proposed Charter Amendment To Increase Authorized Common Stock; Order Authorizing Solicitation of Proxies in Connection Therewith

March 19, 1980.

Notice is hereby given that American Electric Power Company, Inc. ("AEP") 2 Broadway, New York, New York 10004, a registered holding company, has filed with this Commission a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7 and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

AEP proposes to amend its restated Articles of Incorporation ("Charter"), as heretofore amended, to increase its authorized common stock, par value $6.50 per share, from 150,000,000 shares to 175,000,000 shares. As of December 31, 1979, AEP had 121,340,747 common shares outstanding. The proposed Charter amendment will be submitted to its shareholders at its annual meeting scheduled to be held on April 23, 1980. AEP proposes to solicit proxies from its shareholders, through the use of proposed soliciting material, to obtain the required approval of the proposed Charter amendment, to elect directors and to select autitors. An affirmative vote of the holders of a majority of the outstanding shares of common stock issued and entitled to vote at the annual meeting is required for adoption of the amendment.

It is stated that the proposed increase in authorized shares is necessary to meet AEP's requirements for new capital and other corporate purposes. The current estimated costs of the construction program for the AEP system for 1980 and 1981 is approximately $1,900,000,000. It is estimated that AEP will have to invest approximately $400,000,000 in the equity of its subsidiaries during the same period, a substantial part of which may ultimately have to be obtained by AEP through the issuance and sale of additional shares of its common stock. In addition, this Commission authorized AEP to acquire by tender offer the common stock of Columbus and Southern Electric Company ("CSOE") by order dated February 13, 1980 (HCAR No. 21433), on the basis of 1.3 common shares of AEP for each share of CSOE. CSOE had outstanding 16,345,951 common shares as of December 31, 1979; successful consummation of the tender offer would thus require the issuance of approximately 21,250,000 common shares of AEP.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $508,000, including transfer agent fees of $330,000, printing expenses of $88,000 and New York state fees and taxes of $81,280. It is stated that no state commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may not later than April 15, 1980, request in writing that a hearing be held on such matter, stating the nature of his interst, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that the declaration, as amended, insofar as it proposes the solicitation of proxies from AEP's stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is oredered, pursuant to Rule 62, that the declaration, as amended, regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[FR Doc. 80-9121 Filed 3-25-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 16669; SR-AMEX-80-4]

American Stock Exchange, Inc., Order Approving Proposed Rule Change

March 17, 1980.

On February 25, 1980, the American Stock Exchange, Inc. ("Amex") 86 Trinity Place, Inc., New York, NY 10006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change which amends Rule 184(a) to remove the restrictions on the number of clerks an Amex specialist or specialist unit may employ and authorizes specialists to employ whatever number of clerks the Amex regards as reasonable in view of the anticipated volume in the specialists' registered securities.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act No. 34–16620 (Feb. 27, 1980), 19 SEC Docket 761 (March 11, 1980)) and by publication in the **Federal Register** (45 FR 14729 (March 6, 1980)). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9122 Filed 3-25-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 16671: SR-BSE-80-1]

Boston Stock Exchange, Inc.; Order Approving Proposed Rule change

March 17, 1980.

On February 13, 1980, the Boston Stock Exchange, Incorporated ("BSE") 53 State Street, Boston, MA 02109 filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rules 19b–4 thereunder, copies of a proposed rule change which adopts a set of rules that would conform its rules on arbitration [1] to the Uniform Code of Arbitration ("Code") [2] which was drafted by the Securities Industry Conference on Arbitration ("SICA") [3] and which provides arbitration procedures for the settlement of disputes arising between customers and broker-dealers. The proposal deletes or amends the existing BSE arbitration rules and adopts the entire Code as new Article XXXII of the Rules of the BSE Board of Governors. The proposal incorporates the simplified arbitration procedures that were drafted by the SICA regarding small claims not exceeding $2,500.[4] Additionally, the new arbitration rules will apply to claims between BSE members as well as to claims against members raised by customers and non-members.[5]

The purpose of this proposal is to provide investors with a simple and inexpensive procedure for resolution of their controversies with broker-dealers who are members of the BSE. Further, the proposal anticipates that the Code will be adopted by other self-regulatory organizations thereby providing a uniform system of arbitration throughout the securities industry.[6]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 16610 (Feb. 27, 1980), and by publication in the **Federal Register** 45 FR 14729 (March 6, 1980). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to securities exchanges and, in particular, the requirements of Section 6(b)(5) of the Act that the rules of an exchange be designed to promote just and equitable principles of trade.[7]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

[1] For the BSE's former arbitration rules, *see* BSE Constitution, Article IX. BSE Manual (CCH) §§ 1201–1203), at pages 1060–1061.

[2] The Code was published on December 28, 1979, as the *Second Report of the Securities Industry Conference on Arbitration to the Securities and Exchange Commission.*

[3] The SICA was organized on April 5, 1977, pursuant to the Commission's stated position that there was a need to implement a nationwide investor dispute resolution system. *See* Securities Exchange Act Release No. 12528 (June 9, 1976), 9 SEC Docket 833 (June 23, 1976), 41 FR 23803 (June 11, 1976); Securities Exchange Act Release No. 13470 (April 26, 1977), 12 SEC Docket 186 (May 10, 1977), 42 FR 23892 (May 11, 1977). The SIC members consist of: the American Stock Exchange, Inc.; the Boston Stock Exchange, Incorporated; the Chicago Board Options Exchange, Incorporated; the Cincinnati Stock Exchange; the Midwest Stock Exchange, Incorporated; the Municipal Securities Rulemaking Board; the National Association of Securities Dealers, Inc.; the New York Stock Exchange, Inc.; the Pacific Stock Exchange, Incorporated; the Philadelphia Stock Exchange, Inc., as well as the Securities Industry Association and three public representatives.

[4] *See* (new) Rules of the BSE Board of Governors, Chapter XXXII, Section 2.

[5] *See* (new) Article IX, Section 3(a) of the BSE Constitution and (new) Chapter XXXII, Section 32, of the Rules of the BSE Board of Governors.

[6] The Code has already been adopted by: the New York Stock Exchange, Inc. (Securities Exchange Act Release No. 16290 (November 30, 1979), 18 SEC Docket 1197 (December 18, 1979)); the Cincinnati Stock Exchange (Release No. 16472 (January 22, 1980), 45 FR 2722 (January 14, 1980)); the American Stock Exchange, Inc. (Release No. 16502 (January 16, 1980), 19 SEC Docket 326 (Jan. 29, 1980), 45 FR 5863 (January 24, 1980)); the Midwest Stock Exchange, Incorporated (Release No. 16503 (January 16, 1980), 19 SEC Docket 327 (January 29, 1980), 45 FR 5860 (January 24, 1980)); the Municipal Securities Rulemaking Board (Release No. 16606 (February 13, 1980), 19 SEC Docket 573 (February 26, 1980), 45 FR 11291 (February 20, 1980)); and the Chicago Board Options Exchange Incorporated (Release No. 16606 (February 25, 1980), 19 SEC Docket 759 (March 11, 1980), 45 FR 15352 (March 10, 1980)).

[7] The Commission emphasizes, however, that notwithstanding the proposed rule change, arbitration clauses contained in customers' agreements that purport to bind customers to arbitrate all future disputes raising claims under the federal securities laws cannot be enforced against those customers who choose to obtain a judicial determination of such claims. *See* Securities Exchange Act Release No. 15984 (July 2, 1979), 17 SEC Docket 1167 (July 17, 1979), 44 FR 40462 (July 10, 1979).

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9118 Filed 3-25-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21480; 70-6397]

Ohio Power Co.; Proposed Sale and Leaseback of River Transportation Headquarters and Repair Facility

March 19, 1980.

Notice is hereby given that Ohio Power Company ("Ohio, Power") 301 Cleveland Avenue, SW., Canton, Ohio 44701, an electric utility subsidiary of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed with this Commission an application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9 and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transactions.

Franklin Real Estate Company ("Franklin"), a real estate subsidiary of AEP, has caused the construction of a river transportation headquarters and repair facility ("Facility"), completed in 1977 on the northeastern bank of the Ohio River near Lakin, West Virginia, with funds furnished by Ohio Power. The Facility replaced a smaller AEP system river transportation operating headquarters and maintenance facilities, constructed in 1958, which were located on the Kanawha River at Cedar Grove, West Virginia. The Cedar Grove facilities were felt to be inadequate to handle the AEP system's expanded towing fleet for coal transportation, which fleet was augmented by the acquisition of 11 towboats and 248 river barges in 1973 and of 16 towboats and 260 river barges in 1976 and 1977. The Facility is designed to handle the increased supervision, operating personnel, maintenance and storeroom requirements of the expanded river transportation system.

It is proposed that Franklin sell the Facility to Mosley Associates Limited Partnership ("Mosley"), and that Franklin lease to Mosley the surface land thereunder. Mosley will then immediately lease the Facility and sublease the surface land thereunder to Ohio Power. The principal components of the Facility to be sold and leased back include the following: a shore based service building and related equipment; a water supply and fire protection system; roadways and parking area; piling dock cells, including mooring rings and hardware; two access bridges to the dock facilities; a floating service building and related equipment; a 2,000 ton floating dry dock; a 50 ton barge-mounted floating derrick; a tug-converted towboat; and a fender barge.

The surface land underlying the Facility (two tracts comprising approximately 14.71 acres) and certain easements relating thereto ("Land and Easements") would be leased by Franklin to Mosley pursuant to a net ground lease ("Ground Lease") for a primary term of 25 years, with up to four 5-year extended terms at lessee's option, at a basic annual rent of $30,000 per year, payable quarterly. The Facility would be sold by Franklin to Mosley for a price of $4,100,000. The original cost of the Facility (exclusive of the Land and Easements) was approximately $3,661,000. The proceeds of the sale will be used by Franklin to repay Ohio Power for funds advanced for construction and other costs.

The Facility and Land and Easements would then be respectively leased and subleased by Mosley to Ohio Power pursuant to a Lease and Sublease Agreement for a primary term of 25 years, with up to four 5-year extended terms at lessee's option. There would be an initial terms from the closing date to the end of the calendar quarter in which the closing occurs at a rent of $1,167.36 per day (based on a purchase price of $4,100,000 for the Facility). The basic annual rental during the primary term, payable quarterly in arreas, would be an annual constant amount equal to the following applicable percentage of the purchase price of the Facility: 5.966% for years one through five; 10.43% for years six through ten; 12.36% for years eleven through fifteen; and 13.11% for years sixteen through twenty-five. On a present value basis, the implicit annual equivalent interest cost to Ohio Power of its rental payments during the 25 year primary term is approximately 8.31%.

Under the Lease and Sublease Agreement the lessee will retain any investment tax credit. If the lessee exercises any option to extend, the rent will be the annual fair rental value as of the date of commencement of the extended term, payable quarterly, except that the annual rental during the first 5-year extended term will not exceed 11.37% of the purchase price of the Facility. If the lessee exercises its option for such first extended term, lessor may require lessee to prepay a certain portion of such five years rent. The lease will be a net lease, under which Ohio Power will also be responsible for the performance of all obligations of Mosely under the Ground Lease. Ohio Power may, at the end of the primary term or any extended term, purchase the Facility and Mosley's leasehold estate under the Ground Lease at a price equal to their fair market value, except that if such option is exercised at the end of the primary term, the minimum price would be 15% of the Lessor's cost of the Facility. The Lease and Sublease Agreement also contains provisions related to termination by reason of uneconomical use, defaults and other matters.

Approximately 95% of the purchase price of the Facility will be loaned to Mosley by Bankers Life Company, whose loan will be secured by a deed of trust encumbering the interests of Mosley in the Facility and in the leases.

It is stated that since the Facility and underlying land provide essential support for barge coal deliveries to AEP system plants to which coal deliveries are made in part or completely by barge, the lease costs will be allocated to the AEP system operating companies which benefit from such operations. The costs of operating the Facility, including leasing charges, will be allocated in proportion to the direct costs of barging movements (mainly the costs of leasing, operating, and maintaining the river towboats and barges used in specific coal deliveries). Ohio Power consents to a reservation of jurisdiction with respect to the accounting for and allocation of transportation charges to its affiliates in connection with the Facility.

The fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may not later than April 15, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date

the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9120 Filed 3-25-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 16668; SR-PHLX-79-11]

Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

March 17, 1980.

On January 24, 1980, the Philadelphia Stock Exchange, Inc. ("PHLX") 17th Street and Stock Exchange Place, Philadephia, PA 19103 filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which would rescind By-Law Sections 18-15 and 18-21 which provide for summary disciplinary proceedings and prohibit representation by counsel at PHLX disciplinary proceedings, respectively, and would amend By-Law Section 18-14, to provide that, in responding to disciplinary charges, a member has the right to be represented by counsel.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Release No. 34-16553, Feb. 4, 1980) and publication in the **Federal Register** (45 FR 9424, Feb. 12, 1980). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particluar, the requirements of Section 6(b)(7) and 6(d) relating to national securities exchange disciplinary proceedings.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9119 Filed 3-25-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 16672; SR-CSE-80-1]

Cincinnati Stock Exchange; Order Approving Proposed Rule Change

March 17, 1980.

On February 5, 1980, the Cincinnati Stock Exchange ("CSE"), 209 Dixie Terminal Building, Cincinnati, Ohio 45202, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which makes a security's ex-dividend date the day following its payable date with respect to stock splits and stock dividends that are 25% or greater, except for a security whose primary market is on another exchange that has a different rule or where the CSE Board of Trustees provides otherwise.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 34-16512 (Feb. 11, 1980), 19 SEC Docket 332 (Jan. 29, 1980)), and by publication in the **Federal Register** (45 FR 10496, (Feb. 11, 1980)). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the rquirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9124 Filed 3-25-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1809]

Oklahoma; Declaration of Disaster Loan Area

The area of the 200 block of West 6th Street and 100 block of Morton Street in the City of Okmulgee, Okmulgee County, Oklahoma, constitutes a disaster area because of damage resulting from a fire which occurred on January 17, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 16, 1980 and for economic injury until the close of business on December 17, 1980 at:

Small Business Administration, District Office, 200 N.W. 5th Street, Suite 670, Federal Building, Oklahoma City, Oklahoma 73102;

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: March 17, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-9226 Filed 3-25-80; 8:45 am]

BILLING CODE 8025-01-M

Region I Advisory Council Meeting; Public Meeting

The Small Business Administration Region I Advisory Council, located in the geographical area of Concord, New Hampshire, will hold a public meeting at 10:00 a.m., Wednesday, April 23, 1980, the Knox Room of the New Hampshire Highway Hotel, Concord, New Hampshire, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Bert Teague, District Director, U.S. Small Business Administration, 55 Pleasant Street, Concord, New Hampshire 03301 (603) 224-5588.

Dated: March 19, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-9218 Filed 3-25-80; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council Meeting; Public Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Charlotte, North Carolina, will hold a public meeting at 1 p.m., Wednesday, April 9, 1980 and 9 a.m., Thursday, April 10, 1980 at Charlotte District Office, Suite 700,

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230 South Tryon Street, Charlotte, North Carolina, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Larry D. Cherry, District Director, U.S. Small Business Administration, 230 South Tryon Street, Suite 700, Charlotte, North Carolina 28202, (704) 371-6561.

Dated: March 19, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-9214 Filed 3-25-80; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council Meeting; Public Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Atlanta, Georgia, will hold a public meeting from 9 a.m. to 1 p.m., Friday, April 25, 1980, at the Holiday Inn, 707 Turner McCall Boulevard, Rome, Georgia, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Clarence B. Barnes, District Director, U.S. Small Business Administration, 1720 Peachtree Road, N.W., 6th Floor, Atlanta, Georgia 30309, (404) 881-4749.

Dated: March 19, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-9215 Filed 3-25-80; 8:45 am]

BILLING CODE 8025-01-M

Region IX Advisory Council Meeting; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of Las Vegas, Nevada, will hold a public meeting from 9 a.m. to 12 noon, Friday, April 18, 1980, at the Environmental Protection Agency, Conference Room, 944 E. Harmon University of Nevada-Las Vegas Campus, Las Vegas, Nevada, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Robert S. Garrett, District Director, U.S. Small Business Administration, 301 E. Stewart, Las Vegas, Nevada 89101 (702) 598-6611.

Dated: March 19, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-9217 Filed 3-25-80; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council Meeting; Public Meeting

The Small Business Administration Region X Advisory Council, located in the geographical area of Boise, Idaho, will hold a public meeting at 9:30 a.m. (MST) Tuesday, April 22, 1980, at the Owyhee Plaza Motel "Green Room," 11th & Main, Boise, Idaho, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Verne A. Leighton, District Director, U.S. Small Business Administration, 1005 Main Street, Boise, Idaho 83702, (208) 334-1096.

Dated: March 19, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-9216 Filed 3-25-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0380]

TLC Funding Corp.; Issuance of a License To Operate as a Small Business Investment Company

On December 27, 1979, a Notice was published in the **Federal Register** (44 FR 76610) stating that TLC Funding Corp., 200 East 42nd Street, New York, New York 10017, had filed an application with the Small Business Administration pursuant to Section 107.102 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.102 (1979)), for a license to operate as a small business investment company.

Interested parties were given until the close of business January 11, 1980, to submit their comments. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA on February 29, 1980, issued License No. 02/02-0380 to TLC Funding Corp., pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 18, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-9213 Filed 3-25-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 707]

Gifts to Federal Employees From Foreign Governments Reported to Employing Agencies in Calendar Year 1979

The Department of State submits the following comprehensive listing of the statements which, as required by law, Federal employees filed with their employing agencies during calendar year 1979 concerning gifts received from foreign government sources. The compilation includes reports of both tangible gifts and gifts of travel or travel expenses of more than minimal value, as defined by statute.

Publication of this listing in the **Federal Register** is required by Section 7342(f) of Title 5, United States Code, as added by Section 515 (a)(1) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Pub. L. 95-105, August 17, 1977, 91 Stat. 865.)

Dated: March 8, 1980.

Ben H. Read,

Under Secretary for Management.

BILLING CODE 4710-29-M

AGENCY: White House - President and Mrs. Carter, and Other First Family Members

Name and Title of Recipient	Gift, Date of Acceptance, Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
President Carter	Assortment of 24 bottles of red and white vintage wine - 1962-1975. produced in Australia Recd September 6, 1979 Est. Value - $122.40 (combined) Retained for official use at residence	J. Malcolm Fraser Prime Minister of Australia	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Purple sari, raw silk with gold metallic overall design; approx. 4-1/2 yds x 44" wide Recd December 20, 1979 Est. Value - $400 Transferred and stored at Archives	Mrs. Tabarak Husain Wife of Ambassador of Bangladesh	Non-acceptance would have caused embarrassment to donor
President Carter	Jute carpet, overall red & black design on brown background, fringed 6'x9' Recd April 30, 1979 Est. Value - Over $100 Transferred and stored at Archives	Maj. Gen. Ziaur Rahman President of Bangladesh	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Jingdezhen porcelain vase (new), white background depicting pine tree & crane (bird, symbol of longevity) design in blue, handmade in original Ming Imperial kiln, 3' tall, displayed on carved ebony stand Recd February 1, 1979 Est. Value - $700 Retained for official use at Residence	Deng Xiaoping Vice Premier of State Council, People's Republic of China	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Double-sided Suzhou screen - a whire cat & praying mantis (traditional Chinese theme) embroidered & displayed within glass encased in ebony frame supported on carved stand, 16"x27-1/2" overall Recd February 1, 1979 Est. Value - $500 Retained for official use at Residence	Deng Xiaoping Vice Premier of State Council, People's Republic of China	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Beijing screen, handcarved & lacquered in red, entitled "Dream of the Red Chamber", depicting scene from Chapter 62 of book by same title (one of China's outstanding classical novels) inscribed on reverse in Chinese - displayed in rosew-od frame mounted on intricately carved rosewood stand, 20"x20" overall Recd February 1, 1979 Est. Value - $800 Retained for official use at Residence	Deng Xiaoping Vice Premier of State Council, People's Republic of China	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Hangzhou silk brocade fabric, 1 bolt, black & blue w/gold metallic overall floral motif, 6 yds, 2 ft. x 30" wide Recd February 1, 1979 Est. Value- $135 Transferred and stored at Archives	Deng Xiaoping Vice Premier of State Council, People's Republic of China	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Hangzhou silk brocade fabric, 1 bolt, white w/gold metallic overall floral motif, 6 yds x 30" wide Recd February 2, 1979 Est. Value - $132 Transferred and stored at Archives	Deng Xiaoping Vice Premier of State Council, People's Republic if China	Non-acceptance would have caused embarrassment to donor

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AGENCY: White House - President and Mrs. Carter, and Other First Family Members

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
President and Mrs. Carter	Egyptian porcelain vase, overlayed in 20KT gold, handpainted with black Egyptian motifs by Onsy Aboud and polished with agate, inscribed on bottom, 18" high Recd April 5, 1979 Est. Value - $5000 Transferred and stored at Archives	Minister of Industry and Mining of Arab Republic of Egypt and Mrs. Ibrahim A. Atallah	Non-acceptance would have caused embarrassment to donors
President Carter	Porcelain plate depicting Presidents Carter & Sadat vis-a-vis w/Statue of Liberty & Sphinx at Giza in background, inscription thereunder, commemorating President Carter's trip to Egypt March 8-10, 1979, engraved w/matt gold, polish w/agate, 12" diameter Recd April 19, 1979 Est. Value - Over $100 Transferred and stored at Archives	Abrahim A. Atallah Minister of Industry & Mining, Arab Republic of Egypt	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Oil Aladdin lamp, engraved silver replica of Egyptian original with raised handle, 9"x4" Recd April 9, 1979 Est. Value - $375 Transferred and stored at Archives	Abdel Fatah Azam Governor of Giza Egypt	Non-acceptance would have caused embarrassment to donor
President Carter	18KT gold key to city, 7-1/2" in length with seal of the Giza Governorate at top Recd April 6, 1979 Est. Value - $1,500 Transferred and stored at Archives	Abdel Fatah Azam Governor of Giza Egypt	Non-acceptance would have caused embarrassment to donor
President Carter	Small pennant w/gold fringe; hand embroidered in front on green satin with silver & gold threads "Giza Governorate" emblem of Egypt; on reverse, the flag of Egypt with center design in gold threads w/ inscription to President Carter Recd April 6, 1979 Est. Value - $800 Transferred and stored at Archives	Abdel Fatah Azam Governor of Giza Egypt	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	2 Parchments w/gold leaf design of Egyptian symbols "Life, Prosperity, & Health", personalized to each donee; glass enclosed in ornate oak frames 23"x 18" Recd April 6, 1979 Est. Value - $350 Transferred and stored at Archives	Abdel Fatah Azam Governor of Giza Egypt	Non-acceptance would have caused embarrassment to donor
President Carter	Model of ancient lighthouse of Alexandria Pharos, gold electroplate over brass, containing battery powered light in tower, mounted on wooden platform w/engraved plate, overall 12"x12"x14" Recd March 19, 1979 Est. Value - $250 Transferred and stored at Archives	Mohammed Helmi Governor of Alexandria Egypt	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	2 Albums with color photos of Carters and Sadats on occasion of trip to Egypt March 8-13, 1979, contained in green leather albums within cases Recd March 30, 1979 Est. Value - Over $100 Transferred and stored at Archives	Hassan Kamel Chief of Cabinet Cairo, Egypt	Non-acceptance would have caused embarrassment to donor

AGENCY: White House - President and Mrs. Carter, and Other First Family Members

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
President Carter	20KT solid gold key to city with Cairo Governorate emblem at top, 6" long Recd April 5, 1979 Est. Value - $750 Transferred and stored at Archives	Maj. Gen. Saad El Din Masmoun Governor of Cairo	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Solid silver tray, hand engraved w/Egyptian motifs overall, 11-1/2" diameter Recd April 5, 1979 Est. Value - $400 Transferred and stored at Archives	Maj. Gen. Saad El Din Masmoun Governor of Cairo	Non-acceptance would have caused embarrassment to donor
President Carter	2 Hassocks (without interior stuffing) tan and brown leather w/gold motifs stamped overall Recd April 2, 1979 Est. Value - Over $100 Transferred and stored at Archives	Mohamed Hosni Mobarak Vice President of Arab Republic of Egypt	Non-acceptance would have caused embarrassment to donor
President Carter	20-cup expresso coffeepot, gold-plated Zorivan over copper, machine-pressed overall design, 14½" tall w/matching tray, 19½ diameter Recd June 15, 1979 Est. Value - $500 Transferred and stored at Archives	Mohamed Hosni Mobarak Vice President of Arab Republic of Egypt	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Fig. dish, silver (999/1000), Rococo style on 3 legs, fig. leaf design, filigree gorder, 2-5/8" wide, 11-3/4 diameter, 2-1/4" high Recd June 15, 1979 Est. Value $450 Transferred and stored at Archives	Mohamed Hosni Mobarak Vice President of Arab Republic of Egypt	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	2 Portraits, in colored oils of Pres. and Mrs. Carter, by an Egyptian artist, 30"x35", originally framed Recd March 26, 1979 Est. Value - Over $100 Transferred and stored at Archives	President and Mrs. Anwar El Sadat Egypt	Non-acceptance would have caused embarrassment to donors
President Carter	Table, composed of black colored copper tray, 27½" diameter with hand-engraved silver and brass inlay w/Egyptian motifs overall, provided w/light colored, hand-carved wooden, collapsible stand, 17" tall Recd March 30, 1979 Est. Value - $1000 Transferred and stored at Archives	President Anwar El Sadat Egypt	Non-acceptance would have caused embarrassment to donor
President Carter	Decoration "The Great Order of the Nile", square & circular gold pieces, linked together set w/synthetic stones & inlaid enamelwork w/separate pendant included; each piece bears jeweler's hallmark Recd March 30, 1979 Est. Value - between $7,500 - $10,000 Transferred and stored at Archives	President Anwar El Sadat Egypt	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Turkish coffeepot, large replica, gold plated, ornately designed, used for decorative purposes, 28" high Recd April 6, 1979 Est. Value - $600 Transferred and stored at Archives	President Anwar El Sadat Egypt	Non-acceptance would have caused embarrassment to donor

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AGENCY: White House - President and Mrs. Carter, and Other First Family Members

Name and Title of Recipient	Gift, Date of Acceptance, Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
President and Mrs. Carter	Guava juice - 20 cartons containing 48, 200 Gr. size, foil packets, made in Egypt by "Edfina Co." Recd April 6, 1979 Est. Value - $3.25-$3.50 per packet Destroyed	President Anwar El Sadat Egypt	Non-acceptance would have caused embarrassment to donor
President Carter	Porcelain plate depicting Presidents Carter & Sadat vis-a-vis w/Statue of Liberty & Sphinx at Giza in background, inscription thereunder, commemorating Donee's trip to Egypt March 8-10, 1979, engraved w/matt gold, polished w/agate, 12" diameter Recd April 20, 1979 Est. Value - Over $100 Transferred and stored at Archives	President Anwar El Sadat Egypt	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Decoration "Al Kamal Award" - star motif pin & smaller pendant, silver w/gold overlay & rubies, turquoise, enamelware & synthetid sapphires, attached to blue & gold ribbon Recd March 30, 1979 Est. Value - $140-$150 Transferred and stored at Archives	Mrs. Anwar El Sadat Wife of President of Egypt	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Necklace, beaded & silver loops w/silver disc pendant bearing floral motif Recd March 30, 1979 Est. Value - $150 - $200 Retained by Donee for official use	Mrs. Anwar El Sadat Wife of President of Egypt	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	2 Drinking glasses, made in France by "Lalique", etched with "V. Giscard d'Estaing" thereon, 6½ " tall Recd January 27, 1979 Est. Value - Over $100 Transferred and stored at Archives	Mrs. Giscard d'Estaing Wife of President of France	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Silver tray, braided rope style handles, engraved and made in France by "Hermes" - 11"x14" Recd January 27, 1979 Est. Value - $500-$800 Transferred and stored at Archives	Mrs. Giscard d'Estaing Wife of President of France	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Music box - a stationary nativity scene with figures of 3 kings, soldiers, et al, revolving around it when the German Tune "Von Himmel Hoch" is played; handcarved of wood & mounted on wood decorated base, an original "Erzgebirge" design Recd. December 18, 1979 Est. Value - Over $100 Transferred and stored at Archives	Ambassador and Mrs. Horst Grunert German Democratic Republic	Non-acceptance would have caused embarrassment to donors
President Carter	Donegal "Killybegs" rug w/scalloped edges & false wool fringe, an Irish harp medallion in center, surrounded by a panelled Aubusson effect; colors are beige, charcoal grey and greens on ivory ground; 100% wool, newly made in Ireland; 72" diameter Recd November 15, 1979 Est. Value - $300 - $900 Transferred and stored at Archives	Jack Lynch Prime Minister of Ireland	Non-acceptance would have caused embarrassment to donor

AGENCY: White House - President and Mrs. Carter, and Other First Family Members

Name and Title of Recipient	Gift, Date of Acceptance, Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Mrs. Rosalynn Carter	Bowl - hand-thrown stoneware w/Batik glaze, crafted in Ireland, 8" diameter Recd November 15, 1979 Est. Value - $150 Transferred and stored at Archives	Jack Lynch Prime Minister of Ireland	Non -acceptance would have caused embarrassment to donor
President Carter	Gold-plated silver medallion depicting artwork of Salvador Dali, enclosed in olive wood case with engraved plaque inside lid Recd April 5, 1979 Est. Value - $150 Transferred and stored at Archives	M. K. Samuel Flatto-Sharon Member of Knesset Jerusalem, Israel	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalyn Carter	Necklace - Yeminite, filigree design in multiple peace dove motif, silver w/gold overlay, synthetic stones Recd March 29, 1979 Est. Value - $200-$400 Transferred and stored at Archives	Mrs. Yitzhak Navon Wife of President of Israel	Non-acceptance would have caused embarrassment to donor
President Carter	Perfume vial, Roman glass handblown in Israel during Herodian-Mishna Period (1st-4th century CE); 6" high, displayed on wooden stand w/engraved plate, & lucite cover Recd March 15, 1979 Est. Value - $1,500 Retained for official use at Residence	President Yitzhak Navon Israel	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Print, Limited Edition color lithograph of village of "Ain Karim" (reputed birthplace of John The Baptist) near Jerusalem by artist Reuven Rubin, signed, matted and framed under glass, 25"x35: Recd March 29, 1979 Est. Value - $600 Transferred and stored at Archives	President of Israel and Mrs. Yitzhak Navon	Non-acceptance would have caused embarrassment to donors
President Carter	Book "Under Milk Wood" (a Play for Voices) by Dylon Thomas, translated by Arie Aharoni (Hebrew text), cover bound in silver done in repousse Recd March 19, 1979 Est. Value - $175 (cover only) Transferred and stored at Archives	Shimon Peres Chairman of Labor Party The Knesset, Jerusalem	Non-acceptance would have caused embarrassment to donor
Amy Carter	Doll, felt covered body in pink organdy dress & hat by "Anili", 21" long Recd May 16, 1979 Est. Value - $108 Transferred and stored at Archives	Giulio Andreotti President of Council of Ministers - Italy	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	2 floral scarves, silk by "Gucci", both approx 34-1/2" square Recd May 16, 1979 Est. Value - $140 combined Transferred and stored at Archives	Giulio Andreotti President of Council of Ministers - Italy	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Gold charm set w/mother-of-pearl and lapis lazuli, designed as 4-leaf clover, crafted by "Bulgari" of Italy, 1" in diameter Recd May 22, 1979 Est. Value - $350 Retained for official use by donee	Maria Pia Fanfani Wife of President of the Senate, Rome, Italy	Non-acceptance would have caused embarrassment to donor
President Carter	Sculpture - piece of polished petrified wood mounted with silver plate bearing olive branch "Pax Tibi" (Peace to You) & Papal seal in mezzo relief, 13"x7" x 2" contained in white leather presentation box with double lid bearing Papal seal; included is silver medallion bearing likeness of Pope John Paul II & Papal seal on reverse, 2" diameter Recd October 1979 Est. Value - $185-$190 combined Transferred and stored at Archives	His Holiness John Paul II Vatican City	Non-acceptance would have caused embarrassment to donor

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AGENCY: White House - President and Mrs. Carter, and Other First Family Members

Name and Title of Recipient	Gift, Date of Acceptance, Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Mrs. Rosalynn Carter	Butterfly pin, 18KT gold, set w/colored mother-of-pearl & 18 diamond chips, made in Italy Recd May 18, 1979 Est. Value - $950 Transferred and stored at Archives	Alessandro Pertini President of Italy	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Ladies Kimono Recd July 19, 1979 Est. Value - Over $100 Retained for official use by donee	(Shimura) Aiko Anzai, Member of House of Councillors, Japan	Non-acceptance would have caused embarrassment to donor
Amy Carter	Kimono and accessories Recd July 19, 1979 Est. Value - $155 Transferred and stored at Archives	Miss Shiori Aoki Granddaughter of Mayor Aoki of Shimoda	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Doll, dressed in green & gold brocade costume w/long black hair, mounted on stand, 18" tall, displayed in glass case Recd July 19, 1979 Est. Value - $300 Transferred and stored at Archives	Yoshio Aoki Mayor of Shimoda Japan	Non-acceptance would have caused embarrassment to donor
President Carter	Plain lacquered box w/removable lid, 13-1/4"x9-3/4"x5" Recd July 19, 1979 Est. Value - $150 Transferred and stored at Archives	Yoshio Aoki Mayor of Shimoda Japan	Non-acceptance would have caused embarrassment to donor
Amy Carter	Doll, handpainted plaster of paris, on stand, 14" tall, displayed in glass case Recd July 19, 1979 Est. Value - $225 Transferred and stored at Archives	Yoshio Aoki Mayor of Shimoda Japan	Non-acceptance would have caused embarrassment to donor
President Carter	Sculpture - Shimoda drum, 1/8 scale model replica, designed as a float, 20" tall, displayed in glass case Recd July 19, 1979 Est. Value - $250 Transferred and stored at Archives	Yoshio Aoki Mayor of Shimoda Japan	Non-acceptance would have caused embarrassment to donor
President Carter	Chronograph wristwatch by "Seiko" stainless steel case & band, inscribed Recd Aug. 6, 1979 Est. Value - $250 Transferred and stored at Archives	Yoshio Aoki Mayor of Shimoda Japan	Non-acceptance would have caused embarrassment to donor
President Carter	Kutani porcelain vase with overall cherry blossom motif hand painted over white background, crafted by modern potter, Kizan Kamiide, 18" tall Recd July 17, 1979 Est. Value $800 Transferred and stored at Archives	His Imperial Majesty Emperor Hirohito Japan	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	2 black & white photographs of Emperor and Empress of Japan (includes album), autographed in Japanese, in silver frames bearing Imperial crest, 11" x 14-1/2" Recd July 17, 1979 Est. Value - Over $100 Transferred and stored at Archives	Emperor Hirohito and Empress of Japan	Non-acceptance would have caused embarrassment to donors
President and Mrs. Carter	Book "The Imperial Palace", navy blue cloth bound, printed in Tokyo in matching case w/accompanying booklet of same title Recd July 17, 1979 Est. Value - $300 Transferred and stored at Archives	Emperor Hirohito and Empress of Japan	Non-acceptance would have caused embarrassment to donors

AGENCY: White House - President and Mrs. Carter, and Other First Family Members

Name and Title of Recipient	Gift, Date of Acceptance, Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Amy Carter	Doll, dressed in Kimono on stand, 23" tall, in glass display case Recd July 18, 1979 Est. Value - $300 Transferred and stored at Archives	Emperor Hirohito and Empress of Japan	Non-acceptance would have caused embarrassment to donors
Mrs. Rosalynn Carter	Book "The Imperial Bonsai of Japan", Japanese text, color photos, brocade covered, in matching fitted case Recd July 18, 1979 Est. Value - $300 Transferred and stored at Archives	Her Majesty The Empress of Japan	Non-acceptance would have caused embarrassment to donor
President Carter	Cuff links, circular design, 18KT gold, in maroon leather case Recd May 3, 1979 Est. Value - $300 Transferred and stored at Archives	Takechiyo Kimura House of Representatives Tokyo	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Woodblock (woodprint) "Kamakura Gate (I)" by Kiyoshi Saito 1979, 101/130 Limited Edition, matted and framed under glass, 15-1/2"x21"x23"x28" overall Recd May 7, 1979 Est. Value $1130 Transferred and stored at Archives	Masayoshi Ohiro Prime Minister of Japan	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Floral motif handpainted on porcelain tile, mounted in shadowbox frame, 19-1/2" x 16-3/4" Recd July 19, 1979 Est. Value - $300 Transferred and stored at Archives	Prime Minister of Japan and Mrs. Masayoshi Ohira	Non-acceptance would have caused embarrassment to donors
President Carter	3 Large color albums of President and Mrs. Carter's State Visit to Japan June 1979; the Japan Summit; & Prime Minister Ohira's visit to Washington, DC Recd September 18, 1979 Est. Value - Over $100 Transferred and stored at Archives	Masayoshi Ohira Prime Minister of Japan	Non-acceptance would have caused embarrassment to donor
Amy Carter	Pentax camera, Auto 110 model w/24 MM lens Recd July 19, 1979 Est. Value - $189 Transferred and stored at Archives	Mrs. Masayoshi Ohira Wife of Prime Minister of Japan	Non-acceptance would have caused embarrassment to donor
President Carter	Make-up kit "C-Bon Color Collection" contained in suede covered carrying case w/brass fittings Recd July 10, 1979 Est. Value - $125 (case only) Cosmetics destroyed per USSS Case retained for official use by First Lady	Sunao Sonoda Minister of Foreign Affairs Japan	Non-acceptance would have caused embarrassment to donor
President Carter	Doll dressedin traditional Japanese costume, mounted on stand, displayed in glass case w/wood presentation plaque, inscribed in Japanese; doll 21" tall; case 25" tall Recd July 19, 1979 Est. Value - $300 Transferred and stored at Archives	Yoshihiko Tsuchiya Member, House of Councillors, Japan	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	4-strand cultured seed pearl necklace, baroque style w/14KT gold clasp containing 3 precious stoned Recd June 1979 Est. Value - $1400 Retained for official use by donee	Hisanari Yamada and Mrs Member of House of Representatives, Japan	Non-acceptance would have caused embarrassment to donor

AGENCY: White House - President and Mrs. Carter, and Other First Family Members

Name and Title of Recipient	Gift, Date of Acceptance, Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
President Carter	Round shaped vase (new), glazed porcelain with four seasons motif depicted, 10-1/2" tall Recd August 6, 1979 Est. Value - $350 Transferred and stored at Archives	Yasuhide Yamanokuchi Mayor of Kagoshima Japan	Non-acceptance would have caused embarrassment to donor
President Carter	Film "President Jimmy Carter: The United States visits Korea", 3 large reels (1 16MM and 2 36MM), english, produced by Korea Film Production Recd September 17, 1979 Est. Value - Over $100 Transferred and stored at Archives	H.E. Yong Shik Kim Ambassador of Korea	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	2 bolts silk fabric, white w/white satin striping, 6 yds 44" wide and fuschia w/overall "L" motif, 4 yds & 46" wide Recd July 24, 1979 Est. Value - $150 combined Retained for official use by donee	President of Republic of Korea and Miss Keun-Hae Park (daughter)	Non-acceptance would have caused embarrassment to donors
President and Mrs. Carter	Portrait of President and Mrs. Carter in colored oils, by Myung Mo Chung, gold leaf frame, 36-1/2" x 44" Recd July 24, 1979 Est. Value $1000 Transferred and stored at Archives	President of Republic of Korea and Miss Keun-Hae Park (daughter)	Non-acceptance would have caused embarrassment to donors
President Carter	Painting - watercolor rural scene of farmer working w/oxen in field by artist Song Hi Rim, signed, framed under glass w/engraved presentation plate Recd July 24, 1979 Est. Value - $300 Transferred and stored at Archives	President of Republic of Korea and Miss Keun-Hae Park (daughter)	Non-acceptance would have caused embarrassment to donors
President and Mrs. Carter	Bedspread "Country Cloth", handmade patchwork style w/"JC" and President "Jimmy Carter" lettered, green & white fringed, 95"x160", contained in light-colored polished wood carrying case with outline of Liberia inlaid in darker wood - key included Recd October 4, 1979 Est. Value - Over $100 Transferred and stored at Archives	Dr. William R. Tolbert, Jr. President of Liberia	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Suede jacket Recd July 1979 Est value - Over $100 Retained for official use by donee	Mrs. Cardenas Gonzalez Wife of Governor of State of Tamaulipas, Mexico	Non-acceptance would have caused embarrassment to donor
President Carter	Chamois colored suede jacket w/black leather cutout designs, fringed, made in Tamaulipas, Mexico Recd October 1, 1979 Est. Value - $150 Transferred and stored at Archives	Enrique Cardenas Gonzalez Governor of State of Tamaulipas, Mexico	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	2 Jogging suits, dark grey w/gold stripe down side and patch on frong, "Carter" across back Recd February 26, 1979 2 additional suits received July 1979 Est. Value - $70-$80 (Combined) Same value for additional suits Retained for official use	Alfonso de la Torre (Martinez) Brigadier Gen D.E.M. Cmte. CPO. Gdias, Presid.	Non-acceptance would have caused embarrassment to donor
President Carter	Statue (sculpture), replica of Independence Monument at which donee laid wreath during trip to Mexico, made of 18KT gold, mounted on onyx base, 5" high Recd February 28, 1979 Est. Value - $1600 Transferred and stored at Archives	Carlos Hank Gonzalez Mayor of Mexico City	Non-acceptance would have caused embarrassment to donor

AGENCY: White House - President and Mrs. Carter, and Other First Family Members

Name and Title of Recipient	Gift, Date of Acceptance, Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Mrs. Rosalynn Carter	Necklace, bracelet & earrings, handcrafted matched set made of silver with tiger eyes Recd February 27, 1979 Est. Value - $675 (combined) Transferred and stored at Archives	Mrs. Carmen Romano de Lopez Portillo Wife of President of Mexico	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Necklace & bracelet, handcrafted set in sterling silver Recd October 4, 1979 Est. Value - $675 (combined) Transferred and stored at Archives	Mrs. Carmen Romano de Lopez Portillo Wife of President of Mexico	Non-acceptance would have caused embarrassment to donor
President Carter	Bronze statue (sculpture) of Abraham Lincoln holding broken chain mounted on black marble base w/ engraved plate, displayed in hinged case Recd February 27, 1979 Est. Value - Over $100 Transferred and stored at Archives	Jose Lopez Portillo President of Mexico	Non-acceptance would have caused embarrassment to donor
President Carter	2 Books "Indumentaria Antigua Armas, Vestidos Guerreros Y Civiles de los Antiguos Mexicanos" (period dress -- Mexican civilian and military attire) by Dr. Antonio Penafiel; "Atlas de las Antiguedades Mexicanas" (Atlas of Mexican antiques); both large, leather bound and hand-tooled Recd February 27, 1979 Est. Value - Over $100 Transferred and stored at Archives	Jose Lopez Portillo President of Mexico	Non-acceptance would have caused embarrassmen to donor
President Carter	Sculpture "La Esperanza" (The Hope), 360 degree modernistic profile of Pres. Carter, sculpted in black marble, mounted on dquare beige marble base w/engraved plate, by Sergio Bologna 1977 Recd March 8, 1979 Est. Value - Over $100 Transferred and stored at Archives	Jose Lopez Portillo President of Mexico	Non-acceptance would have caused embarrassmer to donor
President and Mrs. Carter	15 gold burial objects - plated silver reproductions of 15th century A.D. originals which were taken from Tomb #7 at Monte Alban, Oaxaca, Mexico; 2 pectoral ornaments; cylindrical ear-plug; circular shaped tweezers; ax-shaped tweezers; 2 eye masks; cylindrical hammered bracelet; 2 elliptical-shaped bracelets; laminated bracelet - displayed in red, felt-lined, wood carrying chest, provided w/2 keys Recd October 4, 1979 Est. Value - $1500 (combined) Transferred and stored at Archives	Jose Lopez Portillo President of Mexico	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Necklace, bracelet, earrings (screw type) - a matched set in silver w/malachite settings Recd October 4, 1979 Est. Value - $800-$100 (combined) Transferred and stored at Archives	Jose Lopez Portillo President of Mexico	Non-acceptance would have caused embarrassment to donor
President Carter	Portrait of President Carter, composed of myriad American sites & objects, including President's birthplace, Majes Earl Carter Sr., 1928 Dry Goods Store, 4th of July parade, Statue of Liberty, Mount Rushmore, steamboats, state flags, etc. - oil on convas by Octavo Ocampo in polished wood frame 39" x 47" Recd October 4, 1979 Est. Value - Over $100 Retained at Residence for official use	Jose Lopez Portillo President of Mexico	Non-acceptance would have caused embarrassment to donor

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AGENCY: White House - President and Mrs. Carter, and Other First Family Members

Name and Title of Recipient	Gift, Date of Acceptance, Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Mrs. Rosalynn Carter	Carpet, machine made Pakistanian copy of Ferahan Iranian rug w/multi-colored tree of life & peacock design, fringed, made of chemically treated wool to simulate silk, 8'3" x 5' Recd August 16, 1979 Est. Value - $3500 Transferred and stored at Archives	Mrs. Shafia Zia-Ul-Haq Wife of President of Pakistan	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Coin - the 1978 Five Hundred Balboa gold coin of Panama - minted in limited edition w/full proof finish by the Franklin Mint Recd August 20, 1979 Est. Value - $510 Transferred and stored at Archives	Aristides Roya President of Panama	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Large flower arrangement of artificial "Everlasting" (native to the Philippines) with filler, made from white seashells, contained in silver mesh basket, 27" tall Recd January 8, 1979 Est. Value - Over $100 Retained for official use at Residence	President and Mrs. Marcos Philippines	Non-acceptance would have caused embarrassment to donors
President Carter	Set of 6 ingots each depicting in mezzo relief a major event in history of Portugal - die-struck in bronze, each 3-1/2"x4-1/4", contained in velvet covered compartmentalized box Recd June 29, 1979 Est. Value - $1500 (combined) Transferred and stored at Archives	Antonio Dos Santos Ramalho Eanes President of Portugal	Non-acceptance would have caused embarrassment to donor
President Carter	Woodcarving "Old Dacian Fighter", a mezzo relief of a warrier with drawn bow & arrows, mounted in darker wood frame, 18"x23" Recd December 26, 1979 Est. Value - $200 Transferred and stored at Archives	Ambassador Nicolae Ionescu Romania	Non-acceptance would have caused embarrassment to donor
President Carter	"Homage to Andres Segovia", bronze sculpture of hands of Spanish classical guitarist Andres Segovia, mounted on bronze & wooden base w/engraved plate, sculpted by Medina - campeny at Carnegia Hall, NY, 16"x15" Recd March 14, 1979 Est. Value - Over $100 Transferred and stored at Archives	Jose Llado Ambassador of Spain	Non-acceptance would have caused embarrassment to donor
President Carter	Wall hanging - jungle scene of trees, vines, elephants and other animals, intricately handcarved from 1 piece of wood, mounted in shadowbox frame, 38" x 82", provided w/detached, engraved silver presentation plate Recd February 8, 1979 Est. Value - Over $100 Transferred and stored at Archives	Kriangsak Chamanan Prime Minister of Thailand	Non-acceptance would have caused embarrassment to donor
President Carter	Jewelry or all-purpose box, made in Thailand of sterling silver decorated w/Niello and depicting a Chai crest on lid, lined w/polished brown colored wood, engraved brass presentation plate attached to inside lid, 11" x 7" x 3-1/2" Recd February 8, 1979 Est. Value $700 - $1200 Transferred and stored at Archives	Kriangsak Chamanan Prime Minister of Thailand	Non-acceptance would have caused embarrassment to donor

AGENCY: White House - President and Mrs. Carter, and Other First Family Members

Name and Title of Recipient	Gift, Date of Acceptance, Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Mrs. Rosalynn Carter	Thai celadon ceramicware, a green glazed ceramic tableware with Thai figures in low relief, consist-inf of: 1 coffee pot, 1 teapot, 12 teacups without handles, 12 coffee cups and 12 saucers, 2 large serving platters, 2 large serving bowls, 1 with lid, 1 urn, 12 large plates, 12 med. plates, 11 small plates, 2 large bowl, 2 med. bowls, 12 small bowls, 12 rice bowls with lids, 2 sugar bowls, 2 creamer pitchers, 4 salt shakers and 3 pepper shakers Recd February 8, 1979 Est. Value - Over $100 Transferred and stored at Archives	Kriangsak Chamanan Prime Minister of Thailand	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	4 pieces of fabric: 1 piece of woven cotton in orange, gold & grey colorings w/gold metallic stripe 184"x40"; 1 piece of finished silk in beige w/multi-colored floral design, 34" sq; 1 piece of silk w/green floral design on grey background 14'x4'; and 1 piece of raw silk w/green & blue design on dark blue background, 190" x 34" Recd November 19, 1979 Est. Value - $245 (combined) Transferred and stored at Archives	Kriangsak Chamanan Prime Minister of Thailand	Non-acceptance would have caused embarrassment to donor
President Carter	6 men's silk shirts, long sleeve coat-style, striped & patterned, by Jim Thompson of "The Thai Silk Col, Ltd", size medium Recd November 19, 1979 Est. Value - $360 (combined) Transferred and stored at Archives	Kriangsak Chamanan Prime Minister of Thailand	Non-acceptance would have caused embarrassment to donor
President Carter	Alcoholic beverages contained in polished wood chest consisting of 7 cut glass decanters with separate stoppers - 4 vodka, 1 konyak, 1 kodka and 1 gin - included are 5 20 oz. plain bottles: 4 vodka and 1 bal'zam; 6 cut glasses 2-1/2" high; 1 "Yava Moskva" pipe and 1 package of "Trubka Mira" tobacco, 50 grams Recd June 20, 1979 Est. Value - $400 (combined) Retained for official use	Leonid Il'ich Brezhnev President of Presidium of Supreme Soviet - USSR	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Palekh Box, handpainted Troika scene, lacquered, hinged lid 7-1/2"x5"x2" Recd June 20, 1979 Est. Value - $300 Transferred and stored at Archives	Leonid Il'ich Brezhnev President of Presidium of Supreme Soviet - USSR	Non-acceptance would have caused embarrassment to donor
President Carter	Minerals, collection of 24 from areas in Shaba (Zaire), contained in light colored chest w/incised design on hinged lid Recd September 12, 1979 Est. Value - $340 Transferred and stored at Archives	Sese Seko Mobutu President of Zaire	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Necklace, bracelet, ring, pin and earrings (pierced) - a matched set of 18 KT gold w/malachite stones Recd September 12, 1979 Est. Value - $2750 (combined) Transferred and stored at Archives	Sese Seko Mobutu President of Zaire	Non-acceptance would have caused embarrassment to donor

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AGENCY: White House Staff

Name and Title of Recipient	Gift, Date of Acceptance, Est. Value and Current Disposition of Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Henry Owen Assistant to the President for Economic Conferences	Make-up Kit, color collection by C'BON, contained in suede covered carrying case with brass fittings, 10" x 7-1/2" x 7" Recd August 30, 1979 Est. Value - $125 (case only) Retained at White House Gift Unit pending disposition by GSA	H.E. Sunao Sonoda Minister of Foreign Affairs, Japan	Non-acceptance would have caused embarrassment to donor

AGENCY: Office of the Vice President - Vice President and Mrs. Mondale, 1979

Name and Title of Recipient	Gift, Date of Acceptance, Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Vice President Mondale	Shell Tree Date rec'd: October 31, 1979 Est. Value: $200.00 VP Gift Storage Room EOB	Mrs. Imelda Marcos, Wife of President of the Philippines	Non-acceptance would have caused embarrassment to donor
Vice President Mondale	Silver Candelabra Date Rec'd: February 1979 Est. Value: $375.00 VP Residence	K. Chomanan, Prime Minister of Thailand	Non-acceptance would have caused embarrassment to donor
Mrs. Joan Mondale	Metal Artwork Date Rec'd: June 11, 1979 Est. Value: $1,000.00 Room 283, OEOB	Mr. Dusan Dzamonga Yugoslavian artist Yugoslavia	Non-acceptance would have caused embarrassment to donor

U.S. Senate

TANGIBLE GIFTS

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Frank Church, U.S. Senator	Acceptance in early 1979 of 5'x8' Moroccan rug, Moderne design, white with blue and tan, exceeding $100 in value deposited with Secretary of the Senate for transmittal to the Commission on Art and Antiquities of the United States Senate. Requested and given approval by the Select Committee on Ethics on June 28, 1979 for official use of item during tenure in Senate.	King Hassan II of Morocco through Ambassador Bengelloun	Refusal would likely cause offense or embarrassment
Frank Church, U.S. Senator	Acceptance on February 27, 1979 of a 3½"x8½" sterling silver cigarette box engraved with Thai dancers including a blue, velvet-lined presentation case with an estimated value of $275.00. Deposited with Office of the Secretary of the Senate. Requested and given approval by the Select Committee on Ethics on June 28, 1979 for official use of item during tenure in Senate.	Prime Minister of Thailand through the Embassy of Thailand	Refusal would likely cause offense or embarrassment to the donor
Thomas F. Eagleton, U.S. Senator	Acceptance on May 17, 1979 of Medal of St. Barnabas; value in excess of $100; deposited with Secretary of the Senate.	Archbishop Chrysostomos of Cyprus	Refusal to accept may have caused offense or embarrassment
Mark O. Hatfield, U.S. Senator	Acceptance on April 3, 1979 of wristwatch with an estimated fair market value in U.S. of $350.00. Deposited with the Office of the Secretary of the Senate for disposition by the U.S. Senate Commission on Art and Antiquities.	King Khalid of Saudi Arabia through Ambassador Ali Abdallah Alireza	Refusal would likely cause offense or embarrassment to the donor
Edward M. Kennedy, U.S. Senator	Acceptance of Medal of St. Barnabas; presented in May of 1979; estimated value in U.S. in excess of $100; deposited with Secretary of the Senate.	Archbishop of Cyprus at the request of the Government of Cyprus	Refusal would likely cause offense or embarrassment
Carl Levin, U.S. Senator	Acceptance in May, 1979 of box of cigars; $100 - $300 estimated value; deposited with Secretary of the Senate.	President of the Government of Panama	Refusal would likely cause offense or embarrassment
Claiborne Pell, U.S. Senator	Acceptance of gold Medal of St. Barnabas; value in excess of $100; deposited with Secretary of the Senate.	Archbishop Chrysostomos of Cyprus acting on behalf of the Government of Cyprus	Refusal would likely cause offense or embarrassment
Paul S. Sarbanes, U.S. Senator	Acceptance on May 17, 1979 of Medal of St. Barnabas; value in excess of $100; deposited with Secretary of the Senate.	Archbishop Chrysostomos of Cyprus	Refusal would likely cause offense or embarrassment

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TRAVEL OR EXPENSES OF TRAVEL

Name and Title of Recipient	Brief Description of Travel or Travel Expenses Occuring Entirely Outside United States	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Robert S. Foust, Legislative Aide to Claiborne Pell, U.S. Senator	Air travel from Montreal to La Grande to Montreal, Canada; ground transportation; hotel accommodations; and luncheon in connection with attendance at dedication ceremonies for the James Bay Hydroelectric Complex on October 27, 1979.	Government of Quebec	Refusal would likely cause offense or embarrassment
Carroll Leggatt, Administrative Assistant to Robert Morgan, U.S. Senator	August 4-18, 1979; air transportation from Toyko, Japan to Beijing to Hangzhou, People's Republic of China; rail transportation from Hangzhou to Shanghai to Wuxi to Shanghai, PRC; air transportation from Shanghai to Beijing to Toyko, Japan.	Government of the People's Republic of China	Refusal would likely cause offense or embarrassment
Adlai E. Stevenson, III, U.S. Senator	August 23 - August 27, 1979; meals and transportation by car in Sophia, Bulgaria; transportation by airplane, helicopter, and car, meals and lodging for a weekend trip to Silistra, Varna, Plovdiv, and Villica Turnova, Bulgaria to meet with President Tudor Zhivkov and to study Bulgarian economic and political policies.	Officials of Government of Bulgaria	Refusal would have given offense to the Bulgarian state and caused embarrassment to the United States
Elizabeth Taylor Warner, wife of John W. Warner, U.S. Senator	September 18, 1979; air transportation from Alexandria, Egypt to Tel Aviv, Israel	President Anwar Sadat, Government of Egypt	Request of President Sadat to extend visit in Egypt and visit city of Alexandria. Refusal would likely cause offense or embarrassment

AGENCY: U. S. HOUSE OF REPRESENTATIVES (GIFTS)

Name and Title of Recipient	Gift, Date of Acceptance, Estimated Value & Current Disposition or Location	Identity of Foreign Donor & Government	Circumstances Justifying Acceptance
John Brademas, Member of Congress	Medal of Saint Barnabas. Rec'd May 17, 1979. Over $100. Retained for official use in Office of Majority Whip.	Archbishop of Cyprus	Accepted under subsection (c) of Section 7342 of title 5, U.S.C.
Cardiss Collins, Member of Congress	Gold pendant on gold chain. Rec'd July 1978. Approx. $545. Deposited with Clerk of the House.	Government of Mali	Non-acceptance would have caused embarrassment to donor.
Clarence D. Long, Member of Congress	Oriental rug. Rec'd Aug. 1979. Approx. $360. Deposited with Clerk of the House	His Excellency Mohammad Ziaul Huq, President of Pakistan.	Accepted under subsection (c) of Section 7342 of title 5, U.S.C.
Benjamin S. Rosenthal, Member of Congress	Medal of Saint Barnabas. Rec'd May 17, 1979. Over $100. Deposited with Clerk of the House.	Archbishop of Cyprus	Accepted under subsection (c) of Section 7342 of title 5, U.S.C.
James H. Schauer, Member of Congress	Man's watch and ladies gold dinner ring. Rec'd Dec. 5, 1978. Over $100. Deposited with Clerk of the House.	Princess Basmah, Jordan	Non-acceptance would have caused embarrassment to donor.
Jim Wright, Member of Congress	54" x 8' rug. Rec'd Dec, 1978. Over $100. Deposited with Clerk of the House.	His Majesty King Hassan, Morocco	Non-acceptance would have caused embarrassment to donor.

AGENCY: U. S. HOUSE OF REPRESENTATIVES (TRAVEL/TRAVEL EXPENSES)

Name & Position of Employee	Brief Description of Travel or Travel Expenses Taken Place Entirely Outside of U.S.	Circumstances Justifying Acceptance	Identity of Foreign Donor & Government
Corinne C. Boggs, Member of Congress	a Vehicle transportation around city of Phnom Penh. Nov. 12, 1979	Congressional Delegation to inspect orphanage, school, & hospital.	Peoples Republic of Kampuchea (Heng Samrin)
Billy Lee Evans, Member of Congress	Jeep ride along China/Vietnam border. Feb. 22-24, 1979	Congressional Delegation to observe hostilities & impact on civilian population.	Vietnam
Hamilton Fish, Member of Congress	b Fixed wing aircraft in Malaysia and marine launch around Hong Kong harbor.	Congressional Delegation to inspect conditions in refugee camps.	Malaysia and Hong Kong.
Margaret M. Heckler, Member of Congress	See Ref. a		
Elizabeth Holtzman, Member of Congress	See Ref. a		
Elizabeth Holtzman, Member of Congress	See Ref. b		
James A. Mattox, Member of Congress	Surface transportation provided in and around Taipei, Dec. 15-24, 1978	Non-acceptance would have caused embarrassment to donor.	Government of Taiwan
Barbara A. Mikulski, Member of Congress	See Ref. a		
Patricia Schroeder, Member of Congress	See Ref. a		
Olympia J. Snowe, Member of Congress	See Ref. a		

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AGENCY: U. S. HOUSE OF REPRESENTATIVES (TRAVEL/TRAVEL EXPENSES)

Name & Position of Employee	Brief Description of Travel or Travel Expenses Taken Place Entirely Outside of U.S.	Circumstances Justifying Acceptance	Identity of Foreign Donor & Government
William A. Alfred, Staff of Rep. Robert W. Daniel, Jr.	c Round trip bus transportation between Ottawa and Montreal, Canada and $275 (Canadian) for travel reimbursements. Nov. 22-29, 1979	Invitation of Canadian Dept. of External Affairs to Staff Members of American Commonwealth Nations Assn.	Canada - J. deQuinpear, Dept. of External Affairs
Sally Brown, Staff of Rep. Patricia Schroeder	d Helicopter transportation from Bangkok to Aranyaprathet. Nov. 11, 1979	Congressional delegation to inspect Cambodian refugee camps.	Royal Thai Government
Sally Brown, Staff of Rep. Patricia Schroeder	See Ref. a		
Garner J. Cline, Committee on the Judiciary	See Ref. b		
Blake Lee Dod , Staff of Rep. Keith Sebel us	See Ref. c		
John Irwin Doherty, Staff of Rep. Robt. Agomarsino	See Ref. c		
Arthur P. Endres, Jr., Committee on the Judiciary	See Ref. b		
Arthur P. Endres, Jr., Committee on the Judiciary	See Ref. d		
Roger C. Hoover, Staff of Rep. John Buchanan	See Ref. c		
Alan D. Jaber), Staff of Rep. James Scheuer	See Ref. c		
Billie Gay Larson, Office of The Speaker	See Ref. d		
Billie Gay Larson, Office of The Speaker	See Ref. a		
Vincent L. Main, Committee on Foreign Affairs	See Ref. d		
Wm. J. Mecca ow, Jr., Staff of Rep. Dante B. Fascell	See Ref. c		
Billy E. Musgrave, II, Staff of Rep. E. Thomas Coleman	See Ref. c		
Wendy G. Menard, Staff of Rep. Robert W. Davis	See Ref. c		
William C. Norton, Staff of Rep. John L. Rousselot	See Ref. c		
Brian G. O'Grady, Staff of Rep. George V. Hansen	See Ref. c		
John W. Roberts, Staff of Rep. Norman F. ent	See Ref. c		
James J. Schweitzer, Committee on the Judiciary	See Ref. d		
James J. Schweitzer, Committee on the Judiciary	See Ref. a		
Arthur Stein, III, Committee on Ways & Means	Meals & travel provided in Japan, Nov. 17-26, 1979	Fact-finding mission and speaking tour	Japan - Policy Study Group
Sharon E. Stormes, Staff of Rep. Clarence J. Brown	See Ref. c		
Christine E. Sullivan, Office of The Speaker	See Ref. d		
Christine E. Sullivan, Office of The Speaker	See Ref. a		

TANGIBLE GIFTS

Administrative Office of the United States Courts

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Mrs. Roland E. Dahlin, II Spouse of Federal Public Defender for the Southern District of Texas	Gold brooch, accepted Sept. 15, 1979. Estimated value is $350. Now located on display at United States Courthouse, Houston, Texas.	Republic of Mexico	Gift was presented at reception celebrating independence of Mexico, to which recipient and her husband were invited as result of his work in representing imprisoned Mexican nationals seeking transfer to Mexico under Treaty on Execution of Penal Sentences. See 18 U.S.C. §§4107 and 4109(1).

TRAVEL AND EXPENSES OF TRAVEL

Administrative Office of the United States Courts

Name and Title of Recipient	Brief Description of Travel or Travel Expenses Occuring Entirely Outside United States	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Malcolm R. Wilkey Circuit Judge, U. S. Court of Appeals for the District of Columbia Circuit	Official guest of Association of Soviet Lawyers, June 18-30, 1979. Travel, lodging, and subsistence expenses paid in estimated amount of $850.	Association of Soviet Lawyers, Soviet Union	Member of American delegation headed by Attorney General

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FORMAT FOR REPORTING TANGIBLE GIFTS

AGENCY: Agency for International Development

Name and Title of Recipient	Gift, Date of Acceptance Estimated Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Patrick D. Dumongeot General Development Officer, USAID/Tunisia	Three small hand-made carpets were offered to each of the employees on May 21-22, 1979. The carpets are valued at approximately $100 for each of the four smaller ones and $200 for each of the two larger ones. The carpets have been retained for official use by USAID/Tunisia and added to the Mission's inventory of household furnishings.	Government of Tunisia - Nejib Drissi, Governor of Kasserine; Salah Bhouri, Governor of Sidi Bou Zid; and Youssef Saibi, Governor of Siliana	Carpets were offered while accompanying Ambassador Stephen W. Bosworth on a visit to Central Tunisia where AID is cooperating with Tunisian Government in an area development program. Larger carpets were offered to, and accepted by, the Ambassador. Therefore, it would have been inappropriate for Messrs. Gelabert and Demongeot to refuse the gifts.
William F. Gelabert Director, Office of Technical Support, Bureau for Near East, AID/Washington			
Harry H. Hourk Food for Peace Officer USAID/Indonesia	Piece of hand loomed cloth - 7/79 Gold ring - 7/79 - both of undetermined value. These gifts are presently in AID/Washington awaiting appraisal and final disposition.	Governor of West Timor Province, Indonesia	Gifts were presented upon completion of tour of duty in Indonesia by the "poor people" of Timor and have considerable sentimental value.

FORMAT FOR REPORTING TANGIBLE GIFTS

AGENCY: U.S. Department of Agriculture — Calendar Year 1979

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
(List recipients alphabetically)			
None			

FORMAT FOR REPORTING TRAVEL OR EXPENSES OF TRAVEL

AGENCY: U.S. Department of Agriculture

Name and Title of Recipient	Brief Description of Travel or Travel Expenses Occuring Entirely Outside United States	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
(List recipients alphabetically) Dalrymple, Dana G. Agricultural Economist Foreign Agricultural Service	Airfare (Roundtrip tourist) $ 938 Room (includes breakfast) 51 Meals 411 (estimate) Total $1,400	German Foundation for International Development and German Agency for Technical Cooperation	Mr. Dalrymple was an official participant in the International Conference on Agricultural Production, Research and Development Strategies for the 1980's which was held in Bonn, Germany, Oct. 7-12, 1979. His participation at this conference was consistent with the interests of the OICD and the Department of Agriculture.

LIST OF FOREIGN GIFTS FOR CALENDAR YEAR 1979

AGENCY: USAF

Name and Title of Recipient	Gift, Date of Acceptance, Estimated Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
General Lew Allen, Jr., Chief of Staff, USAF	1. Two ivory tusks mounted on bases received 26 Feb 79. Estimated value in excess of $100. Turned in for disposition to and are on display at AFMPC/MPCASA2, Randolph AFB TX 78148.	1. Presented by Air Vice Marshal John Nmadu Yisa Doko, Chief of Air Staff, Nigerian Air Force.	All items in this report were tendered as official courtesies. Refusal would have caused offense, embarrassment and adversely affected foreign relations of the United States.
	2. One embroidered silk screen (67" x 57") received in May 79. Estimated Value: $350.	2. Presented by General and Mrs Choo Young Bock, Chief of Staff, Korean AF.	
	3. One ladies' silver bracelet received 28 Aug 79. Estimated Value: $300.	Items 3, 4, and 5 presented by Lt Gen Badawi, Chief of Staff, Egyptian Armed Forces.	
	4. One ladies' silver necklace received 28 Aug 79. Estimated Value: $200.		
	5. One plate made of brass, copper, and silver received 28 Aug 79. Est Value: $1,000.		
	6. One decanter, silver with gold leafing received 30 Oct 79. Estimated Value: $1,500.	6. Presented by Lt Gen Asaad Al-Zuhair, Chief of Staff, Saudi Arabian AF.	
	Items 2-6 above are on display in Qtrs 7, Ft Myer VA 22211 for duration of Gen Allen's term as Chief of Staff, USAF, after which time they will be forwarded to AFMPC/MPCASA2 for disposition.		
Lt Gen James D. Hughes, Commander in Chief, Pacific Air Forces, and Mrs Hughes	7. Two Seiko Quartz watches received 19 Nov 79. Estimated Value in excess of $100. Authorized to be retained in possession of Gen and Mrs Hughes for duration of his term as Commander in Chief, PACAF, after which time the watches will be forwarded to AFMPC/MPCASA2 for disposition.	7. Presented by General Ryoichi Yamada, Chief of Staff, Japan Air Self Defense Force.	All items in this report were tendered as official courtesies. Refusal would have caused offense, embarrassment and adversely affected foreign relations of the United States.

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FORMAT FOR REPORTING TANGIBLE GIFTS

AGENCY: Department of the Army

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Major Richard S. Bassett; Adjutant General US Military Academy	Rolex Oyster Watch, model #1500 with Saudi Arabia national crest on face; 4 December 1978; $700; US Army Military Personnel Center, Room 3S63, Hoffman Building, Alexandria, VA	Lieutenant General Abdul Rahman al-Sheikh, Commander, Land Forces, Saudia Arabia	To preclude potential embarrassment to US Government and government of donor.
Mrs. John R. Guthrie, Wife of General John R. Guthrie, Commander, US Army Materiel Development and Readiness Command	Seiko Quartz Ladies watch model number YF011M, serial number 870609, 11 May 79 $165; US Army Military Personnel Center, Room 3S63, Hoffman Building, Alexandria, VA	Lieutenant General (Ret) Hisamoto Matsukane, Advisor to Japan Steel Works; Japan	To preclude potential embarrassment to US Government and government of donor.
Mrs. John R. Guthrie, wife of General John R. Guthrie, Commander, US Army Materiel Development and Readiness Command	Sterling silver brooch with eleven pearls; 23 May 1979; $150; US Army Military Personnel Center, Room 3S63 Hoffman Building, Alexandria, VA	General S. Nagano, Chief of Staff, Ground Self Defense Force; Japan	To preclude potential embarrassment to US Government and government of donor.
Mrs. Henry H. Harper, wife of Brigadier General Henry H. Harper; Deputy Commander US Army Armament Materiel Readiness Command	Seiko Quartz Ladies watch, model number YF011M, serial number 870281; 14 May 1979; $165; US Army Military Personnel Center, Room 3S63, Hoffman Building, Alexandria, VA	Lieutenant General (Ret) Hisamoto Matsukane, Advisor to Japan Steel Works; Japan	To preclude potential embarrassment to US Government and government of donor.

TANGIBLE GIFTS RECEIVED DURING CY-79

Central Intelligence Agency

Name and Title of Recipient	Gift, Date of Acceptance, Estimated Value, Current Disposition or Location of Gift	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
1. Frank Carlucci Deputy Director	Six-place setting pottery tableware, coffee pot, cream/sugar set, candlesticks, jar, some pieces damaged; January 79; estimated value $250.00, reported to GSA and presently held pending disposition.	Public Law 95-105 A(F)(4).	Non-acceptance would have caused embarrassment to donor.
2. Frank Carlucci Deputy Director	One 12" diameter lacquer tray; one 10" diameter flute-edge silver dish; one set silver jewelry-bracelet/broach/necklace; December 1978*; estimated value $150.00; to be reported to GSA.	" "	Non-acceptance would have caused embarrassment to donor.
3. Stansfield Turner Director	Gilded silver replica of palm tree and crossed swords with silver calligraphy on top; nine-piece silver coffee set-vermeil repousse; 20 September 1979; estimated value $3700.00; to be forwarded to GSA.	" "	Non-acceptance would have caused embarrassment to donor.
4. Stansfield Turner Director	One 11 1/2" diameter silver tray; one boleadora; one snakeskin purse; November 1979; estimated value $260.00; retained for official display.	" "	Non-acceptance would have caused embarrassment to donor.
5. Stansfield Turner Director	Two carved wooden heads; Mexican sterling silver set-choker and bracelet; one bound volume "Colleccion Prehispanica:; one paperback "The Maya"; 11 October 79; estimated value $150.00; retained for official display.	" "	Non acceptance would have caused embarrassment to donor.
6. Stansfield Turner Director	Carved ivory vase, sailboat and giraffe (damaged); ladies three-piece ensemble of fur-trimmed clutch purse, spiraling ivory ring, horsehair necklace with gold mounts and two animal teeth; 16 October 1979; estimated value $175.00; to be forwarded to GSA.	" "	Non-acceptance would have caused embarrassment to donor.
7. Stansfield Turner Director	Raw malachite ashtray, 8" x 7" x 3"; 21 June 1979; estimated value $225.00; retained for official display.	" "	Non-acceptance would have caused embarrassment to donor.
8. Agency employee	One 6' x 9' blue oriental rug; October 78*; estimated value $400.00; retained for official display.	" "	Non-acceptance would have caused embarrassment to donor.

*Items were reported after 31 January 1979.

TANGIBLE GIFTS

U. S. DEPARTMENT OF COMMERCE

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
HENRY GELLER, Asst. Secy/ Communications & Information	Pearl on Gold Chain $150; reported to GSA and being held by Commerce	Japan	Presented on official visit
JUANITA KREPS Secretary of Commerce	20 yards of brown and gold paisley print silk material $200 February 1979; reported to GSA & being held at Commerce	People's Republic of China	Presented at time of Vice Premier Deng's visit to the U. S.
	Cloisonne vase on teakwood base $1,000, February 1979; reported to GSA and being held at Commerce	People's Republic of China	Presented at time of Vice Premier Deng's visit to the U. S.
	Pair of silver plated decorative or ceremonial pieces. $150; March 31, 1979; reported to GSA & being held at Commerce	Prime Minister Hedi Nouira, Tunisia	SEcretary Krep's official visit to Tunisia
	Beige rug with brown & orange design 8'y 5'8"; April 1979; $500; reported to GSA and being held at Commerce	M. Azzedine Guessous Minister of Commerce & Industry, Morocco	Secy Krep's official visit to Morocco
	12 inch brown Mashiko plate made by Tatsuzo Shimaoka; October 1979; $150; reported to GSA and being held at Commerce	Masumi Esaki, Minister of International Trade & Industry, Japan	Sent by mail to the Secy from the Minister
	8¼ x 5" lacquered box black with yellow & orange scene, December 1977; $200; reported to GSA and being held at Commerce	Sergey A. Martumov Commercial Minister USSR	Christmas Gift, 1977
LUTHER HODGES Deputy Secretary of Commerce	10½ inch Mashiko plate, gray & brown, October 1979, $125; reported to GSA and being held at Commerce	Masumi Esaki, Minister of International Trade & Industry, Japan	Sent by mail to the Deputy Secretary from the Minister

FORMAT FOR REPORTING TANGIBLE GIFTS

AGENCY: Department of Defense

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Harold Brown Secretary of Defense	German-made Rifle February 11, 1979 Over $100 In office vault	Prince Sultan, Minister of Defense of the Kingdom of Saudi Arabia	Non-acceptance would have caused embarrassment to donor.
	3 Arab Art Books with Wood Book Stand. Books are 20" x 25", with hard cover. Stand is 19" x 15". February 12, 1979 Over $100 Donated to Freer Gallery of Art - January 22, 1980	Prince Bandar, Kingdom of Saudi Arabia	Non-acceptance would have caused embarrassment to donor.
	Miquelet Flintlock Pistol in case May 16, 1979 Over $100 In office vault	Vice President of Spain Mellado and MoD of Spain Sahagun	Non-acceptance would have caused embarrassment to donor.
Mrs. Harold Brown, wife of Secretary of Defense	Diamond necklace February 11, 1979 Appraised: $25,000 Donated to Smithsonian Institution - January 22, 1980	Prince Sultan, Minister of Defense of the Kingdom of Saudi Arabia	Non-acceptance would have caused embarrassment to donor.

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FORMAT FOR REPORTING TANGIBLE GIFTS

AGENCY: Department of Defense

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Harold Brown Secretary of Defense	Wooden tea cart October 1, 1979 Over $100 Retained in the Office of the Secretary of Defense for official display. Presently in Room 3E921, The Pentagon.	President Tolbert of Liberia	Non-acceptance would have caused embarrassment to donor.
	Bronze Egyptian tray, with design of man on chariot February 17, 1979 Over $100 Retained for official display. Presently in showcase across from the Secretary's office.	Commander, 93rd Air Missile Brigade Cairo, Egypt	Non-acceptance would have caused embarrassment to donor.
	Korean Gold Crown (in glass), A.D. 500-513 Silla Dynasty, National Treasure No. 87 July 26, 1978 Retained for official display in the Secretary's office.	MOD of Korea Ro	Non-acceptance would have caused embarrassment to donor.
W. Graham Claytor, Jr., Deputy Secretary of Defense, and Mrs. Claytor	Tray, Egyptian, gold, silver and bronze August 29, 1979 Over $100 Displayed in Mr. Claytor's office on dining table.	Chairman, Joint Chiefs of Staff, for Egypt	Non-acceptance would have caused embarrassment to donor.
	Statue of Lady with Water Jug, Bone September 11, 1979 Over $100 Displayed in Mr. Claytor's office on left end table by sofa.	President Mobutu of Zaire	Non-acceptance would have caused embarrassment to donor.
	Plate, colorful black with mother-of-pearl inlay October 9, 1979 Over $100 Retained in Mr. Claytor's safe for the time being.	Major General Gamal, Assistant Minister of Defense for Egypt	Non-acceptance would have caused embarrassment to donor.

FORMAT FOR REPORTING TANGIBLE GIFTS

AGENCY: Department of Defense

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Franklin D. Kramer Special Assistant to Assistant Secretary of Defense (International Security Affairs)	1 wooden box (10" x 6" x 3"), inlaid with Egyptian motif on 5 sides, red velvet lined. April 10, 1979 Cairo, Egypt Over $100 Stored in Office, Deputy Assistant Secretary of Defense (Administration), Room 3E843, The Pentagon. Reported to GSA on November 21, 1979.	Egyptian Minister of Defense, Minister Ali	Non-acceptance would have caused embarrassment to donor.
David E. McGiffert Principal Deputy Under Secretary of Defense for Policy and Assistant Secretary of Defense (International Security Affairs)	2 alabaster candelabra August 13, 1979, Cairo, Egypt Over $100 Stored in Space Management and Services Directorate, Washington Headquarters Services, Room 3C345, The Pentagon.	Egyptian Minister of Defense, Minister Ali	Non-acceptance would have caused embarrassment to donor.
	1 bronze and alloy tray, approx. 12" x 22", engraved with Egyptian motif December 17, 1979, Wash., D.C. Over $100 Stored in Space Management and Services Directorate (see above).	Military Attaches of Egypt	Non-acceptance would have caused embarrassment to donor.

FORMAT FOR REPORTING TANGIBLE GIFTS

AGENCY: Defense Communications Agency

Name and Title of Recipient (List recipients alphabetically)	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Samuel L. Gravely, Jr. Vice Admiral, USN Director	Pearl bracelet; February 1979; $500; displayed in DCA front lobby	President, Kokusai Denshin Denwa, LTD, Tokyo, Japan	Accepted on behalf of US Government. Refusal would cause offense or embarrassment. Agency approvals obtained April 1979.

FORMAT FOR REPORTING TRAVEL OR EXPENSES OF TRAVEL

AGENCY: _____

Name and Title of Recipient (List recipients alphabetically)	Brief Description of Travel or Travel Expenses Occuring Entirely Outside United States	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
N/A			

EXPORT-IMPORT BANK OF THE UNITED STATES

TANGIBLE GIFTS

Name and Title of Recipient	Gift, Date of Acceptance Estimated Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
1. John L. Moore, Jr. President and Chairman	Porcelain Tea Set, 8/16/79 Est. Value - $250 - 300 Retained at Bank for Official Use.	National Bank of Hungary	Chairman on Official Bank business.
2. John L. Moore, Jr. President and Chairman	Necklace of Silver and Amber Pendant, 8/16/79, Est. Value - $250 To be turned in to GSA for disposition.	Prime Minister of Poland	Chairman on Official Bank business.
3. John L. Moore, Jr. President and Chairman	Ivory Bust, 11/14/79 Est. Value - $250 Retained at Bank for Official Use.	National Firm for Petroleum Operations of the Ivory Coast	Chairman on Official Bank business.
4. John L. Moore, Jr. President and Chairman	Silver Tray, 11/30/79 Est. Value - $300 Retained at Bank for Official Use.	Chairman Nambiar, State Bank of India	Chairman on Official Bank business.

Report of Travel or Expenses of Travel
(P.L. 95-105)

U.S. GENERAL ACCOUNTING OFFICE

Name and Title of Recipient		Description of Travel or Travel Expenses Occuring Entirely Outside United States	Identity of Foreign Gov't.	Circumstances Justifying Acceptance
John F. Belz	Mgmt. Analyst	Non-commercial airflight from Kinshasa to Gbadolite, Zaire. Estimated value in excess of $100 per person.	Zaire	President Mobutu requested opportunity to express views on GAO work on foreign military sales and P.L. 480 food program. President Mobutu's views will be included in pertinent reports to Congress.
Brian T. Coniff	" "			
Martin F. Cullen	" "			
Susan Gibbs	" "			
Douglas P. Toxopeus	" "			
Gary K. Weeter	" "			

FORMAT FOR REPORTING TANGIBLE GIFTS

AGENCY: NASA

Name and Title of Recipient (List recipients alphabetically)	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance

None

FORMAT FOR REPORTING TRAVEL OR EXPENSES OF TRAVEL

AGENCY: NASA

Name and Title of Recipient (List recipients alphabetically)	Brief Description of Travel or Travel Expenses Occuring Entirely Outside United States	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Jaffe, Leonard Special Assistant to the NASA Chief Engineer	in-country travel, food and lodging in PRC. Nov 1-17, 1979	Chinese Society of Astronautics	Traveled as deputy head of American Institute of Astronautics and Aeronautics (AIAA) delegation on private passport as private citizen. Paid own international travel. Chinese hosted whole AIAA delegation. Not possible to separate his share.

AGENCY: National Endowment for the Arts

FOREIGN GIFTS OF TRAVEL/TRAVEL EXPENSES

Recipient	Description of Travel/ Travel Expenses	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Kathleen Bannon International Program Officer	Approx. $2,000.00 to cover transportation and other related travel expenses (hotel accommodations, etc.) in Japan (Tokyo, Nara, Osaku, Kyota) from March 5-16, 1979	Japan's Ministry of Culture (Bunkacho)--Japanese Government	Employee met (at the request of the Japanese Government) with members of the Ministry of Culture to discuss Endowment programs: "Japan Today" and artists exchanges.
Harold Horowitz	$294.00 to cover actual expenses (hotel, meals, etc.) incurred while in Ottawa, Canada from March 28-30, 1979	Statistics Canada was the sponsoring agency and organized meetings with staff of Statistics Canada, the Secretary of State, and the Canada Council on the Arts--Canadian Government	Employee served as consultant to the Canadian Government to review research methods and results in the U.S. that are relevant to the current research interests of the agencies of Canada that were visited.

FOREIGN GIFTS

AGENCY: Navy

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Rear Admiral Robert W. Chewning, USN, Director, Politico, Military Division (OP-61)	One knife (blade approximately 5 3/4 inches long) with hand carved handle, enclosed in a hand carved metal case. Accepted on 2 December 1977. Was placed in a file drawer and forgotten until 3 March 1979. Valued at approximately $150. Knife presently being held in Office of the Chief of Naval Operations (OP-09B19), Room 5E589, Pentagon awaiting further instructions from the General Services Administration.	Presented by Admiral Emilio E. Masseya, Commander General of the Argentine Navy	Refusal of gift probably would have caused embarrassment
Admiral Thomas B. Hayward, USN, Chief of Naval Operations.	One Turkish wool carpet (45" X 72"). Brown, blue and gray design on white background. Accepted on 26 February 1979. Valued at approximately $300. Presently in the custody of the Curator with the understanding that it will be permanently located in Tingey House, the official residence of the Chief of Naval Operations, with the understanding that it will be returned to the Curator of the Navy if, in the future, its use in the above area is no longer desired.	Admiral Bulend Ulusu, TN, Commander of Turkish Naval Forces.	Refusal of gift probably would have caused embarrassment
Admiral Alfred J. Whittle, Jr., USN, Chief of Naval Material.	Silver and gold incense burner with display case. Accepted on 21 May 1979. Valued at approximately $750. Gift is presently on official display in the Office of the Chief of Naval Material.	General Humaid (Minister of Defense) Saudi Arabia.	Refusal of gift would have caused embarrassment.
	Silver and gold tea set with display case. Accepted on 21 May 1979. Valued at approximately $900. Gift is presently on official display in the Office of the Chief of Naval Material.	General Humaid (Minister of Defense) Saudi Arabia.	Refusal of gift would have caused embarrassment.

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United States Postal Service

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
C. Neil Benson Senior Assistant Postmaster General, Operations Group	18k gold key chain and charm. Received October, 1979. Est. value over $100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous
F.X. Biglin Senior Assistant Postmaster General, Administration Group	18k gold key chain and charm. Received October, 1979. Est. value over $100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous
Mr. & Mrs. William F. Bolger, Postmaster General	18k gold key chain and charm. 18k gold neck chain and pendant. Received October, 1979. Est. value - over $100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous
Michael S. Coughlin Assistant Postmaster General, Mail Processing Department	18k gold key chain and charm. Received October, 1979. Est. value over $100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous
Mr. & Mrs. Edward J. McCaffrey, Assistant Postmaster General, Rates and Classification Department	18k gold key chain and charm. 18k gold neck chain and pendant. Received October, 1979. Est. value-over $100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous
Ramon J. Montero Postal Inspector	18k gold key chain and charm. Received October, 1979. Est. value-over $100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous
Michael J. Regan Manager, International Relations Branch, International Postal Affairs Department	18k gold key chain and charm. 18K gold neck chain and pendant. Received October, 1979. Est. value-over $100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous
H. Edgar S. Stock Assistant Postmaster General, International Postal Affairs Department	18k gold key chain and charm. Received October, 1979. Est. value-over $100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous
Augusto L. Vazquez, Postal Inspector	18k gold key chain and charm. Received October, 1979. Est. value-over $100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous
Edward S. Walker General Manager, International Mail Classification Division, Rates and Classification Department	18k gold key chain and charm. 18k gold neck chain and pendant. Received October, 1979. Est. value-over $100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous

AGENCY: Office of Science and Technology Policy

Name and Title of Recipient	Gift, Date of Acceptance, Est. Value and Current Disposition of Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Dr. Arthur Morrissey Senior Policy Analyst	Glazed ceramic vase Recd January 29, 1979 Est. Value - $125 1/Designated as U.S. Government Property and offered for use by office	Fang Yi Vice Premier of State Council of People's Republic of China	Non-acceptance would have caused embarrassment to donor
Dr. Frank Press Director	Porcelain, amphora-shaped vase Recd January 29, 1979 Est. Value - $600 Same disposition as 1/ above	Deng Xiaoping Vice Premier of State Council of People's Republic of China	Non-acceptance would have caused embarrassment to donor
Dr. Frank Press Director	Cinnabar vase Recd May 29, 1979 Est. Value - $200 Same disposition as 1/ above	Shien Kang Minister in Charge of State Economic Commission, State Council, People's Republic of China	Non-acceptance would have caused embarrassment to donor
Dr. Frank Press Director	Oil painting by Demidov Recd May 15, 1979 Est. Value - $1500 Same disposition as 1/ above	Vladimir A. Kirillin Chairman, US/USSR State Committee for Science and Technology	Non-acceptance would have caused embarrassment to donor
Dr. Frank Press Director	Historical Geographic Atlas, Peru Recd October 16, 1979 Est. Value - Over $100 but less than $200 Same disposition as 1/ above	Jorge CHAVEZ Quelopana Brigadier General Chief, National Planning Institute, Peru	Non-acceptance would have caused embarrassment to donor

AGENCY: Department of State

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
John Baldadian Special Agent Office of Security	Saudi Arabian gold commemorative coin Recd October 26, 1979 Est. Value - $175 Delivered to GSA	Sheik Yamani Saudi Arabia	Non-acceptance would have caused embarrassment to donor
Lucy Wilson Benson Under Secretary for Security Assistance, Science & Technology	14K gold Cartier wristwatch - brown lizard strap - Serial 6 058073 Recd November 30, 1979 Est. Value - $450 Delivered to GSA	A. Farid Eshra Chairman, Arab Industrial Organization, Egypt	To avoid any perceived ingratitude/discourtesy resulting through non-acceptance. An unsuccessful attempt was made to return the gift.
David Botsko Office of Security San Francisco Field Office	One (1) $100 bill (Federal Reserve Note) Recd October 25, 1979 Deposited with U.S. Treasury	Sheik Yamani Oil Minister Saudi Arabia	Unsuccessful attempt made to return gift
Charles R. Chase Office of Security Department of State	One (1) $100 bill (Federal Reserve Note) Recd August 29, 1979 Deposited with U.S. Treasury	Sheik Yamani Oil Minister Saudi Arabia	Attempts to decline gift were unsuccessful - further effort to refuse would have caused embarrassment to donor
William M. Chornyak Office of Security Resident Agent - Pittsburgh	One (1) $100 bill (Federal Reserve Note) Recd October 25, 1979 Deposited with U.S. Treasury	Sheik Yamani Oil Minister Saudi Arabia	Attempts to decline gift were unsuccessful - further effort would have caused embarrassment to donor
Warren Christopher Deputy Secretary	Hand woven Moroccan "Artisan" rug, approx 56"x86", red background w/ small design in center and blue floral border Recd January 1979 Est. Value - $900 Transferred to Blair House for Official Use	Amb. Ali Bengelloun Morocco	Gift delivered following departure of donor on official visit to U.S.

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AGENCY: Department of State

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Warren Christopher Deputy Secretary	Seiko Quartz clock, approx 10"x 7-1/2", with black & gold Roman numeral face Recd April 30, 1979 Est. Value $200 Retained for Official Use - 8th Flr. Dining Facilities - Dept. of State	Prime Minister Ohira Japan	Non-acceptance would have caused embarrassment to donor and to USGovt.
Warren Christopher Deputy Secretary	Rug, approx 8'x5', multicolor with beige background "Tree of Life" design Recd May 1979 Est. Value - $1,500 Retained for official use in office of Donee	President Zia-ul-Huq Pakistan	Non-acceptance would have caused embarrassment to donor and to USGovt.
Warren Christopher Deputy Secretary	Taiwan gold commemorative coin (embossed with bust of Chiang Kai-Shek) Recd January 16, 1979 Est. Value - $200 Reported to GSA and subsequently transferred to Smithsonian	H.K. Yang Vice Foreign Minister Taiwan	Non-acceptance would have caused embarrassment to donor
Warren Christopher Deputy Secretary	Polaroid SONAR One-step SX-70 Land Camera - Special Edition Recd December 1978 Est. Value - $200 Reported to GSA and subsequently transferred to Smithsonian	Amb. Ahmed Dia Addin Madfai - Libya	Presented as Xmas gift - rejection would have caused embarrassment to donor
Stephen Cohen Deputy Assistant Secretary Humanitarian Affairs	Green malachite ashtray Recd September 14, 1979 Est. Value - $150 Delivered to GSA	General Singa Commissioner of Shaba Zaire	Recd on official visit to Zaire - refusal would have caused embarrassment to donor
James T. Cronin, Jr. Special Agent Office of Security	Man's Baume & Mercier watch, No. 662493 37089 - black alligator strap, Roman numeral on face - inscribed to donee Recd December 6, 1978 Est. Value - $500 Delivered to GSA	Prince Moulay Abdallah Morocco	Delivered following departure of donor - no opportunity to refuse acceptance
James T. Cronin, Jr. Special Agent Office of Security	One (1) $100 bill (Federal Reserve Note) Recd October 25, 1979 Deposited with U.S. Treasury	Sheik Yamani Oil Minister Saudi Arabia	Unsuccessful attempt made to return gift
Walter L. Cutler U.S. Ambassador Kinshasa, Zaire	Carved ivory tusk, approx 42" long, signed "KPECBIA" Recd May 6, 1979 Est. Value - $200 Delivered to GSA	President Sese Seko Mobutu - Zaire	Refusal would have caused embarrassment to donor
Mrs. Walter L. Cutler Wife of U.S. Ambassador to Zaire	Malachite necklace, bracelet, earrings and ring in gold filigree setting Recd May 6, 1979 Est. Value - $400 Delivered to GSA	President Sese Seko Mobutu - Zaire	Refusal would have caused embarrassment to donor
Gary T. Denitto Special Agent Office of Security	Ladies ring, red garnet or ruby stone w/diamond chips off-set on each side of stone - gold setting Recd December 5, 1978 Est. Value - $450 Delivered to GSA	Prince Abdallah Morocco	Non-acceptance would have caused embarrassment to donor
Gary T. Denitto Special Agent Office of Security	One (1) $100 bill (Federal Reserve Note) Recd August 29, 1979 Deposited with U.S. Treasury	Sheik Yamani Oil Minister Saudi Arabia.	Non-acceptance would have caused embarrassment to donor
Francois M. Dickman U.S. Ambassador to United Arab Emirates	Ceremonial dagger, curved and encased in gold scabbard, enclosed in ivory inlaid wooden case Recd July 1979 Est. Value - Over $100 Placed on permanent inventory of Embassy for official display	Dr. Mana Sa'id al-Utayba Minister of Petroleum United Arab Emirates	Non-acceptance would have caused embarrassment to donor

AGENCY: Department of State

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Kit Dobelle Chief of Protocol	Gold filigree bracelet, approx. 3" wide with 19 stones Recd November 17, 1978 Est. Value - $4,500 Delivered to GSA	King Hassan II Morocco	Non-acceptance would have caused embarrassment to donor
Kit Dobelle Chief of Protocol	Silver and gold incense burner w/six stones, two green, four blue, approx. 10" tall Recd October 28, 1978 Est. Value - $2,000 Delivered to GSA	King Khalid Saudi Arabia	Non-acceptance would have caused embarrassment to donor
Kit Dobelle Chief of Protocol	Hand woven Moroccan rug, approx. 12-1/2'x8-1/2', salmon color field w/wide floral border, basically blue Recd December 1978 Est. Value $1,000 Transferred for official use in Office of Deputy Secretary of State	Amb. Ali Bengelloun on behalf of King of Morocco	Non-acceptance would have caused embarrassment to donor
Evan S. Dobelle Former Chief of Protocol	Antique glass oil bottle of Roman period, 1st Century A.D. - approx. 6-1/2" high Recd March 1977 Est. Value - Over $100 Delivered to GSA following termination of official use in Office of Chief of Protocol	Yitzhak Rabin Prime Minister of Israel	Non-acceptance would have caused embarrassment to donor
Herman F. Eilts U.S. Ambassador to Cairo, Egypt	Cartier silver cigarette lighter, approx. 5" long Recd December 1978 Est. Value - $150 Delivered to GSA	Dr. Ashraf Marwan Former Head of Arab Organization for Industrialization, Cairo	Non-acceptance would have caused embarrassment to donor
Mrs. Herman F. Eilts Wife of U.S. Ambassador to Cairo	Ladies Lanvin wristwatch, gold case, Ref No. 52358/2 Recd December 1978 Est. Value - $300 Delivered to GSA	Same as above	Same as above
Edwin W. Howard Special Agent Office of Security	Four (4) $50 bills (Federal Reserve Notes) Recd October 25, 1979 Deposited with U.S. Treasury	Prince of Morocco	All attempts to return gifts met with negative results
Billy Hughes Special Agent Office of Security	Saudi Arabian gold commemorative coin Recd October 26, 1979 Est. Value - $175 Delivered to GSA	Sheik Yamani Oil Minister Saudi Arabia	Non-acceptance would have caused embarrassment to donor
Henry Kissinger Former Secretary of State	Floral rug, approx. 41"x80" exclusive of fringe, bright red and blue background Approved for official use in Office of Under Secretary of State for Management	Information not available at time of publication	Non-acceptance would have caused embarrassment to donor
Henry Kissinger Former Secretary of State	Oriental rug, approx. 126" x 80" - light and dark blue background, floral design Approved for official use in Office of Under Secretary of State for Management	Information not available at time of publication	Non-acceptance would have caused embarrassment to donor
Mrs. Nancy M. Kissinger Wife of Former Secretary of State	Bib or collar style neckpiece, gold and silver color with 5 blue stones Reported to GSA and stored in Office of Protocol pending disposition by GSA	Information not available at time of publication	Non-acceptance would have caused embarrassment to donor
"	Round silver pin, approx. 2" diameter, sundial design and coral color stone in center Reported to GSA and stored in Office of Protocol pending disposition by GSA	Information not available at time of publication	Non-acceptance would have caused embarrassment to donor

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AGENCY: Department of State

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Mrs. Nancy M. Kissinger Wife of Former Secretary of State	Heavy necklace of turquoise colored stones and 5 silver filigree baubles; matching bracelet of same stones and silver charms Reported to GSA and stored in Office of Protocol pending disposition by GSA	Information not available at time of publication	Non-acceptance would have caused embarrassment to donor
"	Long chunky necklace with heavy, multicolor stones and 3 gold-colored baubles Reported to GSA and stored in Office of Protocol pending disposition by GSA	Information not available at time of publication	Non-acceptance would have caused embarrassment to donor
"	Bib necklace with multicolor stones in filigree-type setting	Information not available at time of publication	Non-acceptance would have caused embarrassment to donor
William Lamb Special Agent Office of Security	One (1) $100 bill (Federal Reserve Note) Recd October 25, 1979 Deposited with U.S. Treasury	Sheik Yamani Oil Minister Saudi Arabia	Non-acceptance would have caused embarrassment to donor
Patrick J. Lucey U.S. Ambassador to Mexico	Bronze statue of Morelos (Revolutionary soldier on horseback) - imperfect - sword missing Recd December 1978 Est. Value - Over $100 Placed on permanent inventory of Embassy for official display	Gen. Felix Galvan Lopez Secretary of Defense Mexico	Non-acceptance would have caused offense to donor
Michael J. Mansfield U.S. Ambassador to Japan	Two wooden chests, approx 2'x 1-1/2' high containing assorted souvenirs Recd February 1979 Placed on personal property inventory of Embassy - Chests to be used for storage	President Marcos Philippines	Non-acceptance would have caused embarrassment to donor
Daniel R. McCarthy Office of Security Department of State	Man's Baume & Mercier watch, No. 809116 37060, black alligator strap, inscribed on back from donor Recd December 5, 1978 Est. Value - 500 Delivered to GSA	H.R.H. Moulay Abdallah Morocco	Non-acceptance would have been considered insult to donor
Mary S. Olmsted U.S. Ambassador to Papua New Guinea	Brown crocodile handbag, approx. 10-1/2" x 8-1/4" (made in France but product of Papua New Guinea) Recd July 27, 1979 Est. Value - $175 Delivered to GSA	Prime Minister Somare Papua New Guinea	Non-acceptance would have caused embarrassment to donor

AGENCY: Department of State

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Robert H. Pelletreau U.S. Ambassador to Bahrain	3 pendants, 20 grams each of fine gold "Credit Suisse" with crest on Bahrain on back, pendant Nos. 000193, 000194 & 000199 - Gifts presented to children of donee Recd September 1979 Est. Value - $205 each Delivered to GSA	Shaikh Mohammed bin Sulman al-Khalifa Brother of Amir of Bahrain	Non-acceptance would have caused embarrassment to donor
Gordon R. Powers Deputy Chief of Mission Bahrain	Man's Rolex Oyster Perpetual Datejust watch (chronometer) #16013 - Registry No. 5650572 Recd February 1979 Est. Value - $500 Delivered to GSA	'Isa ibn Salman Al Khalifa Amir of Bahrain	Non-acceptance would have caused embarrassment to donor
Mrs. Gordon R. Powers Wife of Deputy Chief of Mission, Bahrain	Ladies gold and diamond watch, Chopard - serial No. 122656 5092 1 Recd February 1979 Est. Value - $2,000 Delivered to GSA	'Isa ibn Salmon Al Khalifa Amir of Bahrain	Non-acceptance would have caused embarrassment to donor
Mrs. Gordon R. Powers Wife of Deputy Chief of Mission, Bahrain	Five (5) gold wrist bangles with star design Recd February 1979 Est. Value - $500 Delivered to GSA	'Isa ibn Salmon Al Khalifa Amir of Bahrain	Non-acceptance would have caused embarrassment to donor
Rozanne L. Ridgway U.S. Ambassador to Finland	Table model loom Recd November 15, 1979 Est. Value - $140 Delivered to GSA	City of Pieksamaki Finland	Non-acceptance would have caused embarrassment to donors
James W. Symington Former U.S. Member of Congress	Oriental rug, red center, with red blue, beige and green design - approx. 83"x118", exclusive of fringe Recd February 1967 Est. Value - Over $100 Delivered to GSA following termination of official use in Office of Protocol	King of Morocco	Non-acceptance would have caused embarrassment to donor
Scott Tripp Special Agent Office of Security	One (1) $100 bill (Federal Reserve Note) Recd August 29, 1979 Deposited with U.S. Treasury	Sheik Yamani Oil Minister Saudi Arabia	Non-acceptance would have caused embarrassment to donor
Leo Urbaniak Special Agent Office of Security	One (1) $100 bill (Federal Reserve Note) Recd August 29, 1979 Deposited with U.S. Treasury	Sheik Yamani Oil Minister Saudi Arabia	Non-acceptance would have caused embarrassment to donor
Cyrus R. Vance Secretary of State	Engraving of Louvre Museum in black and white, approx 18"x22" Recd June 4, 1979 Est. Value - $125 Delivered to GSA	Foreign Minister Francois-Poncet France	Non-acceptance would have caused embarrassment to donor
Cyrus R. Vance Secretary of State	Russian Palekh box, approx. 10"x7"x3", black with painted cover depicting race of troikas in the snow Recd December 1978 Est. Value $225 Retained for official use in Office of Chief of Protocol	Amb. Anatoliy Dobrynin USSR	Non-acceptance would have caused embarrassment to donor
Cyrus R. Vance Secretary of State	Make-up kit - C'BON color Collection in brown suede carrying case w/brass fittings, approx 10"x7-1/2"x7" Recd August 29, 1979 Est. Value - $125 Delivered to GSA	Prime Minister Sunao Sonoda - Japan	Non-acceptance would have caused embarrassment to donor

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AGENCY: Department of State

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Mrs. Cyrus R. Vance Wife of Secretary of State	Silver fruit bowl with lid, approx. 8" in diameter, inlaid with blue and green non-precious stones Recd September 28, 1979 Est. Value - $250 Retained for official use in Office of Secretary of State	Mrs. Lopez Portillo Wife of President of Mexico	Non-acceptance would have caused embarrassment to donor

AGENCY: Department of the Treasury

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
Mr. George Roberts District Director, Customs Service	Seiko Watch Ser. #916108 November 20, 1979 $207 Submitted to Departmental Protocol Officer for official disposition	Mrs. Imelda R. Marcos First Lady, Republic of the Phillipines	Delivered through liaison officer to Governor of Hawaii, in appreciation for courtesies extended her in clearing Customs. Return of the gift was deemed potentially offensive or embarrassing to the Government of the Phillipines.

[FR Doc. 80-8672 Filed 3-25-80; 8:45 am]
BILLING CODE 4710-20-C

DEPARTMENT OF THE TREASURY

Customs Service

Reliquidation of Customs Entries Due to Recertification of Certain Exchange Rates Previously Certified by the Federal Reserve Bank of New York

The Secretary of the Treasury has been informed by the Federal Reserve Bank of New York that it plans to recertify certain exchange rates previously certified by the Bank under 31 U.S. Code, Section 372. Specifically, the recertifications involve several infrequently traded currencies covering certifications issued in the first half of 1979 for dates of export between the beginning of 1976 and the middle of 1979, and for certain other currencies of nations which employ multiple exchange rates.

Certified exchange rates are used by the United States Customs Service in the appraisement of merchandise for duty assessment purposes. Conversion is necessary when the appraisement is made in the foreign currency, principally in the relatively unusual situation where the transaction is denominated in the foreign currency, and more importantly, in the past, when the merchandise was on the Final List, T.D. 54521.

The Customs Service believes that some appraisements made in the past on the basis of the exchange rates to be recertified may have been adverse to importers. Moreover, the Customs Service has concluded that some such appraisements were the result of a mistake of fact or other inadvertence not amounting to an error in the construction of a law, and accordingly will entertain requests for reliquidation under Section 520(c) of the Tariff Act of 1930 (19 U.S. Code, Section 1520(c)).

Such requests would be limited to merchandise exported from and appraised in the currency of one of the countries identified below where the matter is brought to Customs attention within 1 year of liquidation. Reliquidation will be based only upon such exchange rates as are recertified by the Federal Reserve Bank of New York for the appropriate date of exportation.

The countries are:

Afghanistan	Kenya
China, Republic of (Taiwan)	Korea [1]
Costa Rica	Mauritius
Czechoslovakia	Morocco
Ghana	Nepal
Hungary	Poland
Indonesia	Rumania
Israel	Sierra Leone
Jamaica	Tunisia
	Turkey

[1] The Korean won has already been recertified for the period January 1, 1976—January 14, 1980 at the exchange rate $0.002070. (LIQ-3-TRODE)

Dated: March 14, 1980.
William T. Archey,
Acting Commissioner of Customs.
[FR Doc. 80-8576 Filed 3-25-80; 8:45 am]
BILLING CODE 4810-22-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular Public Debt Series No. 12-80]

Treasury Bonds of 1995; Auction

March 21, 1980.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $1,500,000,000 of United States securities, designated Treasury Bonds of 1995 (CUSIP No. 912810 CN 6). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each acceptance tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued for cash to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Descriptions of Securities

2.1. The securities will be dated April 8, 1980, and will bear interest from that date, payable on a semiannual basis on November 15, 1980, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature May 15, 1995, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of these amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, April 2, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, April 1, 1980.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from

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commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Tuesday, April 8, 1980, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the render was submitted, which must be received at such institution no later than:

(a) Friday, April 4, 1980, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, April 4, 1980, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payament for allotted securities are not required to be assigned if the new securities, are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80-9210 Filed 3-25-80; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular Public Debt Series—No. 10-80]

Notes of Series Q-1982; Interest Rate

March 21, 1980.

The Secretary announced on March 20, 1980, that the interest rate on the notes designated Series Q-1982, described in Department Circular—Public Debt Series—No. 10-80, dated March 13, 1980, will be 15 percent. Interest on the notes will be payable at the rate of 15 percent per annum.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Department procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80-9211 Filed 3-25-80; 8:45 am]

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Sunshine Act Meetings

Federal Register
Vol. 45, No. 60
Wednesday, March 26, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m. Friday, April 4, 1980.

PLACE: 2033 K Street NW., Washington, D.C. Eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-606-80 Filed 3-24-80; 10:29 am]

BILLING CODE 6351-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, March 27, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission Meeting following Open Meeting which is to commence at 9:30 a.m.

MATTERS TO BE CONSIDERED:

Agenda, Item Number, and Subject

Hearing—1—Motion for relief by distress sale in the Johnstown, New York, broadcast renewal proceeding (BC Docket Nos. 78-353 and 78-354).

Hearing—2—Petition for special relief filed pursuant to the Commission's Distress Sale Policy seeking assignment of Station KBSA(TV), Guasti, California, from Broadcasting Service of America, Inc., to Hispanic Broadcasters, Inc.

Hearing—3—A petition for special relief by distress sale in the Caro, Michigan, AM-FM renewal broadcast proceeding (BC Docket Nos. 78-214 and 78-216).

Hearing—4—Distress sale proposal to transfer stations WVAM and WVAM-FM to a minority purchaser in Altoona, Pennsylvania, renewal proceeding (BC Docket Nos. 78-254 and 78-255).

Hearing—5—Motion for Extraordinary Relief requesting distress sale relief in Salem, Virginia, AM radio proceeding (Docket No. 21280).

Hearing—6—Petition for expedited approval of renewal and assignment applications in the WTUP, Tupelo, Mississippi, proceeding (Docket No. 21430).

Hearing—7—Petition for Special Relief seeking distress sale of Stations KLBK-TV, KTXS-TV, KMOM-TV and KWAB-TV in the Grayson Enterprises, Inc. renewal proceeding (Docket No. 21283).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone (202) 632-7260.

Issued: March 21, 1980.

[S-611-80 Filed 3-24-80; 3:43 pm]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, March 27, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item Numbers, and Subject

General—1—*Title:* Second Memorandum Opinion and Order to revise the ban on external radio frequency power amplifiers in the 24 to 35 MHz band (Docket 21116). *Summary:* The Allegheny County Fire Radio Advisory Board and the Public Safety Communications Council have petitioned the FCC to allow the manufacture and marketing of external radio frequency power amplifiers that operate in the frequency range of 33 to 35 MHz and 30 to 35 MHz, respectively. Both petitioners have argued that such a change would allow the use of hand held transmitters with in-vehicle charger/amplifier units to increase communications effectiveness for operators in the Public Safety, Industrial and Land Transportation Radio Services.

General—2—*Title:* In re petition by RadioCall, Inc. (RM-2364) for amendment of Parts 2, 21 and 81 of the FCC's Rules and Regulations. *Summary:* RadioCall, Inc. has filed a petition with the FCC requesting the reallocation of UHF-TV channel 17 (488-494 MHz) for control and repeater operations in the State of Hawaii. The item before the Commission discusses the merits of that petition.

General—3—*Title:* Petitions for reconsideration of the First Report and Order—Technical Standards for Computing Devices, FCC Docket 20780. *Summary:* The Commission considers the subject petitions which request, among other things, the Commission to postpone the implementation date of the new rules for personal computers, data processing equipment and similar electronic equipment.

General—4—*Title:* Petition for waiver of § 15.120 filed by American Microlert, Inc. on August 14, 1979. *Summary:* FCC considers petition filed by American Microlert, Inc. to waive § 15.120 to permit marketing of three models of emergency medical alert transmitters. Waiver was requested to permit marketing of these devices during pendency of a rule making proceeding seeking to revise among other things this rule section.

Private Radio—1—*Title:* Petition to Revoke the Special Emergency Radio Service authorization of John S. Landes, M.D. Petition to Deny the Application for Renewal of the authorization of John S. Landes, M.D. *Summary:* The FCC has before it petitions from Intrastate Radio Telephone, Inc., of San Francisco to revoke the authorization for the Special Emergency Radio Service paging system licensed to Dr. John S. Landes and cooperatively shared by members of the local medical community, and to deny the application for renewal of this license. The system operates in San Mateo and Santa Clara Counties, California.

Common Carrier—1—*Title:* Docket No. 21039, Amendment of Part 21 (now Part 22) of the Rules to reflect the availability of land mobile channels in the 470-512 MHz band. *Summary:* Metropolitan RCC Corporation filed a Petition for Reconsideration of the Commission's October 16, 1978 order (69 FCC 2d 1555). The issues raised include: (1) Whether to increase the number of mobile units initially authorized to operate and whether to increase the maximum traffic loading permissible. (2) Whether to reinstate a time cutoff rule for filing applications. (3) Whether to modify some technical requirements previously adopted.

Common Carrier—2—*Title:* Elimination of licensing procedure for individual land mobile units in Domestic Public Land Mobile Radio Service. *Summary:* The FCC is considering eliminating the procedure for licensing individual land mobile-units in the Domestic Public Land Mobile Radio Service (DPLMRS). If this is done, all land mobile units will in the future be covered under the carrier's blanket authorization. An individual who is currently licensed will operate under the license until it expires. If an individual wishes to continue receiving service without individual license, the individual must so inform the carrier before the license expires. The individual subscriber who furnishes his own mobile unit will be responsible for its installation and maintenance. The FCC will retain its licensing procedure for individual aeronautical mobile units.

Common Carrier—3—*Title:* Amendment of Part 64, Subpart D, Appendix A—Priority System for the Restoration of Common Carrier Provided Intercity Private Line Services. *Summary:* The Commission is considering amendment of Part 64 of the Rules to provide a new system for assigning priorities for the restoration of vital private line services. This system specifies the order in which common carriers should restore service interrupted during emergencies.

Common Carrier—4—*Title:* Applications of Service Electric Company and Penn Service Microwave Company, Inc. for renewal of and licenses for point-to-point microwave radio stations. *Summary:* The Commission is considering objections filed by NEP Communications, Inc., Scranton Broadcasters and WBRE-TV, Inc., (all licensees of television stations in Pennsylvania) against the renewal applications of Service Electric and Penn Service Microwave. The broadcasters question the character qualifications of John Walson, the principal owner of these carriers. This item is issued in light of the findings resulting from the evidentiary hearing which examined allegations of the broadcasters that Service Electric Cable TV (also owned by Walson) violated certain cable television rules.

Cable Television—1—*Title:* Petition for rulemaking (RM-3528) filed by Midwest Cable Inc., requesting the adoption of rule limiting foreign ownership of cable television systems in the U.S. *Summary:* In 1976 the Commission, at the conclusion of a rulemaking proceeding declined to adopt rules limiting foreign ownership of U.S. cable television systems. Midwest Cable Inc. has requested that the Commission now re-evaluate this question and adopt foreign ownership restrictions. The growth in Canadianowned systems is noted along with argument that cable television system operators now have greater editorial control over the programming they carry. Supporting comments suggest that Canada limits U.S. ownership of cable in Canada so that a policy of reciprocity would be appropriate.

Cable Television—2—*Title:* Service Electric Cable TV, Inc., et al. Docket No. 20218. *Summary:* Report of Commission's findings regarding Section 403 evidentiary hearing which was held to investigate Service Electric's alleged violations of the Commission's cable television rules.

Assignment and Transfer—1—*Title:* Applications (1) of Newhouse Broadcasting Corporation for renewal of license of station WAPI-TV, Birmingham, Alabama and (2) for assignment of the licenses of stations WSYR-TV, Syracuse, New York; WSYE-TV, Elmira, New York; WAPI-TV, Birmingham, Alabama; WTPA-TV, Harrisburg, Pennsylvania; and KTVI-TV, St. Louis, Missouri from Newhouse Broadcasting Corporation to The Times Mirror Company. *Summary:* In connection with the proposed assignments, the Commission will consider issues of multiple ownership, continued parent-satellite status of WSYR-TV and WSYE-TV, tax certificates and citizen agreements.

Renewal—1—*Title:* Applications for renewal of licenses for stations KAIM and KAIM-FM, Honolulu, Hawaii, filed by Christian Broadcasting Association. *Summary:* A petition to deny these renewal applications was filed by William E. H. Tagupa. Tagupa claims that the stations have failed to implement an Equal Employment Opportunity Program, as evidenced by the complete lack of efforts to recruit minorities for jobs at the stations, and that this violation of our rules proscribes us from renewing the licenses.

Renewal—2—*Title:* Inquiry into the Employment Practices of Stations Licensed to the Charlotte, North Carolina Market. *Summary:* The petition for reconsideration requests the Commission to revise its equal employment opportunity (EEO) evaluative standards and reconsider the renewal grant of 16 Charlotte stations because of alleged employment discrimination violations.

Renewal—3—*Title:* EEO Goals and Timetables and Petition for Reconsideration. *Summary:* Agenda item asking the Commission to accept the goals and timetables for Station WEVU(TV), Naples, Florida, grant the Petition for Reconsideration and grant the license renewal application for the remainder of the license term to expire February 1, 1982.

Renewal—4—*Title:* In re application of Voice of Charlotte Broadcasting Co. for Renewal of License for station WQCC, Charlotte, North Carolina. *Summary:* The Charlotte Broadcast Coalition filed a petition to deny the license renewal of station WQCC, Charlotte, North Carolina because of alleged employment discrimination against women and minorities.

Broadcast—1—*Title:* Reregulation and Oversight of AM, FM, and TV Broadcast Rules *Order. Summary:* Reregulation and Rules Oversight of Radio and TV Reregulation and Rules Oversight of Radio and TV Broadcasting Order is being considered. The proposed amendments are intended to clarify, contemporize, and correct 40 separate rules. None of the proposed amendments would make substantive changes in broadcast rules relied upon by the public or licensees, some of the changes would simplify procedures used by licensees and the FCC in authorizing certain changes in FM and TV translator station facilities, delete the requirement that stations notify the FCC of chief operator designations, delete the requirement that stations obtain prior FCC approval to rebroadcast certain communications from U.S. Government stations, and modify the operating log keeping requirements for certain broadcast auxiliary microwave stations. It is proposed to clarify other rules for ease of understanding and use.

Broadcast—2—*Title:* Report and Order in BC Docket No. 78-252, In the matter of Origination of Solicitations for Contributions by VHF Translators and of Emergency Messages by TV and FM Translators. *Summary:* The National Tanslator Association filed a Petition for Rule Making requesting that the Commission amend its rules to permit VHF translator stations to originate transmission's soliciting and acknowledging contributions to defray their costs (RM-2739) and to permit both TV and FM translators to originate emergency warnings of imminent danger. (RM-2740). In a *Notice of Proposed Rule Making* released August 18, 1978, the Commission proposed such changes to Sections 74.731(f) and 74.1231(f) to permit these originations.

Broadcast—3—*Title.* Memorandum Opinion and Order (Reconsideration) in Docket No. 20539, In the Matter of Amendment of Part 74 to provide for the use of FM microwave by television translator relay stations. *Summary:* In 1977, the Commission adopted amendments to the television translators rules to allow translators to receive programming from any suitable source, such as modulated microwave relay stations, CARS, common carrier facilities, or intercity relays, Report and Order in Docket No. 20539, 67 FCC 2d 209 (1978). This item addresses and disposes of four petitions for reconsideration of that decision.

Broadcast—4—*Title:* Amendment of procedures and policies for amending the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. *Summary:* Commission proposes to amend its policies and procedures governing the handling of petitions for rulemaking to amend the FM Table of Assignments.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: March 21, 1980.

[S-612-80 Filed 3-24-80; 3:43 pm]

BILLING CODE 6712-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 19116; March 24, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 26, 1980.

CHANGE IN THE MEETING: The following items have been added:

V 45 / 60 MR 26 80 UMI

Item Number, Docket Number, and Company

ER-12—ER78-229, *et al.*, Indiana & Michigan Electric Company, *et al.*
M-13—RM79-44, High Cost Gas.
M-14—RM80-33, Final Regulations, Part 270, Subpart B, Sections 270.201, 202 and 204.

Kenneth F. Plumb,
Secretary.

[S-609-80 Filed 3-24-80; 1:13 pm]
BILLING CODE 6450-85-M

5

FEDERAL RESERVE SYSTEM. Board of Governors.
TIME AND DATE: 10 a.m., Monday, March 31, 1980.
PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.
STATUS: Closed.
MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 462-3204.

Dated: March 21, 1980.

Griffith L. Garwood,
Deputy Secretary of the Board.

[S-607-80 Filed 3-24-80 10:45 am]
BILLING CODE 6210-01-M

6

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of previously held emergency meeting.

TIME AND DATE: 10:15 a.m., (following recess of the Board from 10:05 a.m. to 10:15 a.m.), Thursday, March 20, 1980.
PLACE: 1776 G Street NW., Seventh floor board room.
STATUS: Closed.
MATTER CONSIDERED: 1. Administrative Action under Section 206 of the Federal Credit Union Act.
BACKGROUND:

The Board unanimously voted that the agency business required that a meeting be held with less than seven days advance notice.

The Board unanimously voted to close the meeting under exemptions (5), (8), (9)(A)(ii) and (10). The General Counsel certified that the meeting could be closed under these exemptions.

FOR MORE INFORMATION CONTACT: Beatrix D. Fields, Acting Secretary of the Board, telephone (202) 357-1030.

National Credit Union Administration: Notice of Meeting.

TIME AND DATE: 2 p.m., Monday, March 31, 1980.
PLACE: 1776 G Street NW., Seventh floor board room.
STATUS: Open.
MATTER TO BE CONSIDERED: 1. Proposed Rule 701.21; Loan Interest Rate Amendments.
FOR MORE INFORMATION CONTACT: Beatrix D. Fields, Acting Secretary of the Board, telephone (202) 357-1030.

[S-608-80 Filed 3-24-80; 10:47 am]
BILLING CODE 7535-01-M

7

NEIGHBORHOOD REINVESTMENT CORPORATION.
TIME AND DATE: 2:30 p.m., March 26, 1980.
PLACE: 1700 G Street, NW., Washington, D.C.
STATUS: Closed meeting, Personnel Committee.
CONTACT PERSON FOR MORE INFORMATION: Timothy McCarthy, Assistant Director, Communications.
AGENDA: Approval of Statement of Employee Responsibilities and Conduct.

No. 11 March 21, 1980.

Deborah W. Smith,
Assistant Secretary.

[S-605-80 Filed 3-21-80; 4:57 pm]
BILLING CODE None

8

NUCLEAR REGULATORY COMMISSION.
DATE: Week of March 24, 1980 (revised).
PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.
STATUS: Open/closed. Monday, March 24.

3 p.m.

1. Discussion of Legislative Testimony (tentative) (approximately 1½ hours, closed—Exemption 9).

Wednesday, March 26.

10 a.m.

1. Briefing on Policy Issues in the Emergency Planning Rule (approximately 1½ hours, public meeting) (previously announced for March 24).

2 p.m.

1. Briefing on Low Power License for North Anna (approximately 1½ hours, public meeting).
2. Affirmation Session (approximately 10 minutes, public meeting): (a) Draft FR Notice on Immediate Effectiveness Study; (b) ENO Determination for TIM; and (c) Reporting of Misadministration of Byproduct Material.
3. Time Reserved for discussion of Affirmation Items (if required) (15 minuted, public meeting).

Thursday, March 27.

2 p.m.

1. Briefing on Enforcement Action (approximately 1½ hours, closed—Exemption).

ADDITIONAL INFORMATION: The Briefing on Interim Actions on Performance Testing for Personnel Dosimetry previously announced for March 24 will be rescheduled for a later time.
CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.
AUTOMATIC TELEPHONE ANSWERING SERVICE FOR DAILY UPDATE: (202) 634-1498.

March 21, 1980.

Walter Magee,
Office of the Secretary.

[S-610-80 Filed 3-24-80; 1:13 pm]
BILLING CODE 7590-01-M

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.
"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 12355.
PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., March 27, 1980.
CHANGES IN THE MEETING: The matters to be discussed at this meeting also will include a discussion of the Commission's case backlog.

Dated: March 24, 1980.

[S-613-80 Filed 3-24-80; 3:47 pm]
BILLING CODE 7600-01-M

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federal register

Wednesday
March 26, 1980

Part II

Department of the Interior

Fish and Wildlife Service

Review of the Status of Shoshone Sculpin

V 45/60 MR 26 80 UMI

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Review of the Status of Shoshone Sculpin

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of review.

SUMMARY: The Service has received letters and supporting information from Dr. Peter Bowler indicating that the status of the Shoshone sculpin (Cottus greenei), a native Idaho fish, should be reviewed. Examination of the data submitted by this individual supports this status review. This notice announces that the Service is reviewing the status of the Shoshone sculpin and is soliciting additional comments and informations.

DATES: Comments from the public and other Federal agencies must be received by May 27, 1980. Comments from the Governor of Idaho must be received by June 30, 1980.

ADDRESSES: Interested persons or organizations are requested to submit comments to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this notice are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: For further information on this notice contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

The Shoshone sculpin, *Cottus greenei*, a native Idaho fish is a species endemic to the man Valley in southern Idaho. Its present distribution is restricted to short tributaries of the Snake River in the "Thousand Springs" formation, a spring system existing between Twin Falls and Bliss on the north bank of the Snake River Canyon. The Thousands Springs contribute approximately 6200 cubic feet per second of high quality outflow to the Snake River and comprise much of the volume of the river during certain periods of the year. At the present time, this species is known from segments of ten springs in the Thousand Springs formation: Billingsley Creek, Blue Heart Springs, Briggs Spring, Bickel Spring, Blind Canyon Spring, Banbury Spring, Riley Creek, Sand Springs Creek, Box Canyon, Lower White Spring, and an unnamed spring. The Shoshone sculpin likely had populations in the free-flowing Snake River prior to the construction of dams. The river probably served as a dispersal corridor for the species. Lower Salmon Falls Dam and Upper Salmon Falls Dam impounded most of the Snake River within the species distribution; Bliss Dam impounded water from a site below Bliss up to the down-river end of the Thousand Springs tributaries. Many of the springs presently inhabited by the scuplin may be adversely altered by proposed water development projects.

The Department is seeking comments from the Governor of Idaho, the only State where this species is know to occur. All other interested parties are hereby invited to submit any factual information which is pertinent to this review.

The primary author of this review is Dr. James D. Williams, U.S. Fish and Wildlife Service, Office of Endangered Species, Washington, D.C. 20240 (phone: 703/235–1975).

This notice is issued under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*: 87 Stat. 884, 92 Stat. 3751).

Dated: March 18, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80-9086 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-55-M

V 45/60 MR 26 80 UMI

federal register

Wednesday
March 26, 1980

Part III

Department of the Interior

Fish and Wildlife Service

Review of the Status of Bonneville Cutthroat Trout

V 45/60 MR 26 80 UMI

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Review of the Status of Bonneville Cutthroat Trout

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of review.

SUMMARY: The Service has received letters and supporting information from the Desert Fishes Council and the Bonneville Chapter of the American Fisheries Society indicating that the status of the Bonneville cutthroat trout should be reviewed. Examination of the data submitted by these organizations, indicates that substantial evidence has been presented which warrants this review. Based on this review, the Service will determine if a proposal to list this species as endangered or threatened is warranted. The Bonneville cutthroat trout is known to occur in Nevada, Wyoming, and Utah.

DATES: Comments from the public and other Federal agencies must be received by May 27, 1980.

ADDRESSES: Interested persons or organizations are required to submit comments to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this notice are available for public inspection during normal business hours at the Service's OES, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: For further information on this notice contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

The Desert Fishes Council and the Bonneville Chapter of the American Fisheries Society submitted letters and status information on this trout indicating that it is declining due to hybridization with introduced trout. Other factors affecting the status of the species involve habitat deterioration due to the loss of water and destruction of riparian vegetation. Some fishery management activities have been undertaken to provide enhancement for some populations. The information presently available to the Service indicates that additional management and habitat protection is needed to protect this species. Presently this species is known to occur in Lincoln County, Wyoming, White Pine County in Nevada, and Beaver, Jaub, Salt Lake, Sevier, and Washington counties in Utah.

One survey of the status of the Bonneville cutthroat trout indicates that beginning in the mid 1800's several environmental factors have contributed to a reduction in the number of Bonneville cutthroat trout populations. These factors include introduction of nonnative trouts, agricultural practices and mining activities. The introduction of the rainbow trout (*Salmo gairdneri*) has resulted in the replacement and hybridization of the Bonneville cutthroat trout. This problem is widespread since virtually every stream capable of supporting trout in the region have been stocked with rainbows. Brook trout (*Salvalinus fontinalis*) have also been introduced but are not as much of a threat since they spawn earlier and tend to be better adapted to small springfed headwater streams.

The problem of livestock grazing is a threat to existing populations as well as the habitat sites for possible future reintroductions. Heavy livestock grazing destroys and degrades riparian vegetation and streambank soil stability. This results in siltation, stream channel alteration and loss of cover. This problem can be alleviated by streamside fencing programs which protects riparian habitat of streams supporting populations of Bonneville cutthroat trout.

Impacts from mining activities in the past have been slight and of short duration. Most of the habitat damage has resulted from road construction and equipment movement to and from mine sites. Many of the streams inhabited by the Bonneville cutthroat trout are in narrow canyons where the stream bed is utilized as a road. Future impacts of mining in this area are presently being evaluated.

The Department is seeking comments from the Governors of Nevada, Wyoming, and Utah. All other interested parties are hereby invited to submit any factual information which is pertinent to this review.

The primary author of this review is Dr. James D. Williams, U.S. Fish and Wildlife Service, Office of Endangered Species, Washington, D.C. 20240 (Phone 703/235–1975).

This notice is issued under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*: 87 Stat. 884, 92 Stat. 3751).

Dated: March 10, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-9087 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-55-M

V 45/60 MR26 80 UMI

federal register

Wednesday
March 26, 1980

Part IV

Department of the Interior

Fish and Wildlife Service

Proposed Critical Habitat for the Palos Verdes Blue Butterfly

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal of Critical Habitat for One Species of Butterfly

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposal of Critical Habitat for the Palos Verdes blue butterfly.

SUMMARY: The Service proposes Critical Habitat for the Palos Verdes blue butterfly (*Glaucopsyche lygdamus palosverdesensis*). Endangered status was proposed for this species on July 3, 1978 (43 FR 28938–45). This rule proposes to determine Critical Habitat for this species, to comply with the 1978 Endangered Species Act Amendments.

DATES: Comments from the public must be received by May 27, 1980. Comments from the Governor of California must be received by May 27, 1980. A public meeting on this proposal will be held on April 18, 1980. A public hearing will be held on May 2, 1980.

ADDRESSES: Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Washington, D.C. 20240. Comments and materials relating to this rulemaking are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia 22201. The time and place of the public meeting on this proposal are presented in the table below.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

The Palos Verdes blue butterfly was proposed as an Endangered species on July 3, 1978 (43 FR 28938–45). Critical Habitat for the butterfly was not proposed at that time. The present rulemaking complies with the 1978 Endangered Species Act Amendments, which require, to the maximum extent prudent, that Critical Habitat be proposed at the time any regulation proposes any species to be Endangered or Threatened.

The Palos Verdes blue butterfly is known to have occurred at four restricted localities on the Palos Verdes peninsula, Los Angeles County, California. One of the localities has been developed for housing and the butterfly no longer occurs there. A report (Arnold, 1980) received since the July 3, 1978 proposal indicates that two of the three remaining localities have been adversely affected by weed control practices which threaten the butterfly's host plant, a species of *Astragalus*.

No information has been received that would warrant a change in the previously proposed status of the species.

Literature Cited

Arnold, R. A. 1980. Status of proposed Threatened or Endangered California Lepidoptera. Interior report on Contract #5–1620 with California Department of Fish and Game.

Opler, P. A., and L. K. Williams, 1978. Proposed Endangered or Threatened status or Critical Habitat for ten butterflies or moths. **Federal Register** 43 (128): 28938–45.

Summary of Factors Affecting the Species

The Palos Verdes blue butterfly is known to occur only at three localities on the Palos Verdes peninsula, Los Angeles County, California. The major threats to the remaining populations are land development for housing or recreational purposes. Examples of activities which could adversely affect the butterfly include:

(1) Weed control practices, including rototilling of weeds for fire prevention, which destroys the butterfly's host plant.

(2) Increased human disturbance from recreational development.

(3) Future development of housing.

Critical Habitat

The Act defines "Critical Habitat" as (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The Service believes that certain areas occupied by the Palos Verdes blue butterfly should be designated as Critical Habitat because they include a constituent element essential to the butterfly's conservation; the coastal chaparral colonies of *Astragalus trichopodus leucopsis* which is the butterfly's only host plant. This butterfly occupies an extremely limited range and is susceptible to changes in its habitat. Because changes in the areas occupied by this species could result in its extinction, designation of Critical Habitat is essential for the conservation of this butterfly.

Section (b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared a draft impact analysis and believes that economic and other impacts of this action are not significant in the foreseeable future. The Service is notifying Federal agencies that may have jurisdiction over the land and water under consideration in this proposed action. These Federal agencies and other interested persons or organizations are requested to submit information on economic or other impacts of this proposed action (see below).

The Service will prepare a final impact analysis prior to the time of final rulemaking, and will use this document as the basis for its decision as to whether or not to exclude any area from Critical Habitat for the Palos Verdes blue butterfly.

Effect of This Proposal if Published as a Final Rule

Section 4(f)(4) of the Act requires that any proposal to determine Critical Habitat be accompanied, to the maximum extent practicable, by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be impacted by such designation. Activities which may affect the proposed Critical Habitat are identified below for this species. It should be emphasized that Critical Habitat designation may not in turn affect each of the activities listed below, as Critical Habitat designation only affects Federal agency activities, through Section 7 of the Act.

1. With regard to the Palos Verdes blue butterfly, the major threat to its continued existence is land management practices in the limited areas where it occurs. Rototilling of weeds for fire prevention adversely affects the butterfly's host plant, a species of *Astragalus*.

2. Increased recreational use, especially at one locality which has been designated a city park, could adversely affect the butterfly and its food plant by trampling of the foodplant and habitat.

The Service has investigated these activities, and was unable to find any Federal involvements. Therefore, the Service's draft economic analysis anticipates no effect from Critical Habitat designation, as such designation only affects federal actions. The Service will consider any new information it receives concerning economic, and other, effects of designating Critical Habitat.

Public Meeting and Hearing

The Service hereby announces a public meeting and hearing on this proposed rule. The public is invited to attend these meetings and to present opinions and information on the proposal. Specific information relating to the public meetings is set out below:

Place	Date	Time	Subject
Public Meeting			
Public Personnel Building, 30940 Hawthorne Boulevard, Rancho Palos Verdes, California.	Apr. 18, 1980	7:30–10:30 p.m.	Palos Verdes blue butterfly.
Public Hearing			
Public Personnel Building, 30940 Hawthorne Boulevard, Rancho Palos Verdes, California.	May 2, 1980	7:30–10:30 p.m.	Palos Verdes blue butterfly.

Public Comments Solicited

The Director intends that the rules finally adopted be as accurate and effective as possible in the conservation of the Palos Verdes blue butterfly. Therefore, any comments or suggestions from the public, concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of this proposed rule are solicited. The Service particularly requests comments on the following:

1. Biological and other relevant data concerning any threat (or lack thereof) to this species;

2. Additional information concerning the range and the distribution of the species;

3. Current or planned activities in the subject areas;

4. The probable impacts on such activities if the area is designated as Critical Habitat, and

5. The foreseeable economic and other impacts of the Critical Habitat designation.

National Environmental Policy Act

A draft environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment will be the basis for a decision whether this determination is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this rule is Dr. Michael M. Bentzien, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

Note.—The Department of the Interior has determined that this is not a significant rule and does not require preparation of a regulatory analysis under Executive Act 12044 and 43 CFR Part 14.

Regulation Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

§ 17.95 [Amended]

1. It is proposed that § 17.95(i), Insecta, be amended by adding Critical Habitat of the Palos Verdes blue butterfly as follows:

Palos Verdes Blue Butterfly

(Glaucopsyche Lygdamus Palosverdesensis)

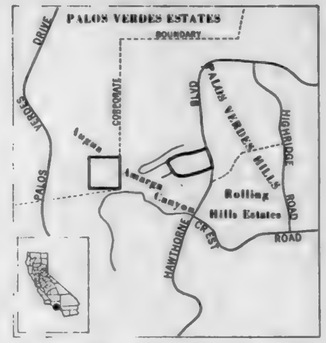
California. Los Angeles County. (1) Agua Amarga Canyon Zone. Palos Verdes Estates. A square area of land 0.4 × 0.4 kilometers located at the southeast corner of the southernmost corporate boundary of Palos Verdes Estates.

2. Frank Hesse Park Zone. Rancho Palos Verdes. An area enclosed by Hawthorne Boulevard and Locklema Lane.

Palos Verdes Blue Butterfly

(Augua Amarga Canyon and Frank Hesse Park Zones)

Los Angeles County, Calif.



3. Palos Verdes Drive Zone. Rancho Palos Verdes. The switchback area of Palos Verdes Drive East, bounded by a line connecting the two eastern curves, a line parallel to and 0.3 kilometers southwest of this line, and the upper and lower portions of Palos Verdes Drive East.

Palos Verdes Blue Butterfly

(Palos Verdes Drive Zone)

Los Angeles County, Calif.

Dated: March 20, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-9088 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-55-M

V 45/60 MR 26 80 UMI

V 45/60 MR 26 80 UMI

federal register

Wednesday
March 26, 1980

Part V

Department of the Interior

Fish and Wildlife Service

Reproposed Critical Habitat for the Oregon Silverspot Butterfly

V 45 / 60 MR 26 80 UMI

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reproposal of Critical Habitat for One Species of Butterfly

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reproposal of Critical Habitat for the Oregon silverspot butterfly.

SUMMARY: The Service reproposes Critical Habitat for the Oregon silverspot butterfly (*Speyeria zerene hippolyta*). Threatened status and Critical Habitat were originally proposed for this species on July 3, 1978 (43 FR 28938–45). The Critical Habitat portion of this proposal was withdrawn by the Service on March 6, 1979 (44 FR 12382–84) because of procedural and substantive changes in prior law made by the Endangered Species Act Amendments of 1978. This proposed rule complies with the changed requirements.

DATES: Comments from the public must be received by May 27, 1980. Comments from the Governor of Oregon must be received by May 27, 1980. A public meeting on this proposal will be held on April 15, 1980. A public hearing will be held on April 29, 1980.

ADDRESSES: Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Washington, D.C. 20240. Comments and materials relating to this rulemaking are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia 22201. The time and place of the public meeting on this proposal are presented in the table below.

FOR FURTHER INFORMATION CONTACT: For further information on this proposal, contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

The Oregon silverspot butterfly was proposed as Threatened, with Critical Habitat, on July 3, 1978. Before final action could be taken on this proposal, Congress passed the Endangered Species Act Amendments of 1978, which changed the procedures the Service must follow when designating Critical Habitat. The present rulemaking will comply with the amendments.

The Oregon silverspot butterfly formerly occurred in salt spray meadows from Washington to Oregon. The status of the Washington colony is uncertain. Most of the Oregon populations have been extirpated by real estate development. Since the original proposal, one of the areas proposed as Critical Habitat has been developed for housing and the reproposed Critical Habitat is therefore being modified from the original proposal. No additional information has been received by the Service that would warrant a change in the previously proposed status of this species.

Summary of Factors Affecting the Species

The major threats to the remaining Oregon silverspot butterfly populations are housing development and increased human disturbance from recreational use. Activities or factors which adversely affect this species include:

(1) Direct loss of habitat by land clearing for construction of housing.

(2) Trampling of habitat and the foodplant from increased recreational use, and

(3) Introduction of weeds which could change the nature of the plant community to which this species is adapted.

Comments on Critical Habitat

This reproposal of Critical Habitat includes the known habitat of the only known colony of the Oregon silverspot butterfly which is relatively undisturbed. This is the salt spray meadow between Big Creek and Rock Creek, Lane County, Oregon. Critical Habitat is hereby reproposed as follows:

Oregon, Lane County, T. 16 S., R. 12 W.
Section 15; south ½ of Section 10.

A detailed summary of comments responding to the original proposal for listing the species and to this reproposal of Critical Habitat will appear at the time of final rulemaking.

Critical Habitat

The Act defines "Critical Habitat" as (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The Service believes that certain areas within the geographical range of the Oregon silverspot butterfly should be designated Critical Habitat. The proposed Critical Habitat supports the host plant violet of the Oregon silverspot butterfly, a constituent element essential to the butterfly's continued survival.

This butterfly occupies a limited range and is susceptible to changes in its salt spray meadow habitat. Because changes in the area occupied by the species could result in its extinction, designation of Critical Habitat is prudent for this butterfly's conservation.

Section 4(b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared a draft impact analysis and believes at this time that economic and other impacts of the action are not significant in the foreseeable future. The Service is notifying Federal agencies that may have jurisdiction over the land and water under consideration in this proposed action. These Federal agencies and other interested persons or organizations are requested to submit information on economic or other impacts of this proposed action (see below).

The Service will prepare a final impact analysis prior to the time of final rulemaking, and will use this document as the basis for its decision as to whether or not to exclude any area from Critical Habitat for the Oregon silverspot butterfly.

Effect of this Proposal if Published as a Final Rule

Provisions for Interagency Cooperation are codified at 50 CFR Part 402. If published as a final rule this proposal would require Federal agencies not only to insure that activities they authorize, fund, or carry out, do not jeopardize the continued existence of the Oregon silverspot butterfly, but also to insure that their actions do not result in the destruction or adverse modification of the Critical Habitat which has been determined by the Secretary to be critical.

Section 4(f)(4) of the Act requires that any proposal to determine Critical Habitat be accompanied, to the maximum extent practicable, by a brief discussion and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be impacted by designation. Activities which may adversely modified the proposed habitat are identified below for this species. It should be emphasized that Critical Habitat designation may not in turn affect each of the activities listed below, as Critical Habitat designation only affects Federal agency activities, through section 7 of the Act.

1. With regard to the Oregon silverspot butterfly, a major threat to the continued existence of the species is real estate development in the coastal salt spray meadows where this species occurs. Several of the formal colonies have been extirpated or reduced in size by housing development.

2. Increased recreational use could adversely affect the butterfly's habitat. Detrimental activities could include trampling of the meadow habitat, damage from vehicles, and development of trails and other recreational facilities.

3. Modification of forest areas adjoining the salt spray meadows could eliminate refuge areas used for shelter by the butterfly.

The only apparent Federal involvement affecting the proposed Critical Habitat is the Forest Service's management of portions of Siuslaw National Forest. The Forest Service intends to protect the Oregon silverspot butterfly and its habitat. Therefore, the Fish and Wildlife Service's draft economic analysis indicates that there would be no adverse economic effect from Critical Habitat designation, as such designation affects only Federal actions. In its final analysis the Service will consider any new information it receives concerning adverse economic, or other, effects of designating Critical Habitat.

Public Meeting and Hearing

The Service hereby announces that a public meeting and hearing will be held on this proposed rule. The public is invited to attend these meetings and to present opinions and information on the proposal. Specific information relating to the public meeting and hearing is set out below:

Place	Date	Time	Subject
Public Meeting			
State Marine Science Center, Newport, Oregon	Apr. 15, 1980	7:30–10:00 p.m.	Oregon Silverspot butterfly.
Public Hearing			
State Marine Science Center, Newport, Oregon	Apr. 29, 1980	7:30–10:00 p.m.	Oregon Silverspot butterfly.

Public Comments Solicited

The Director intends that the rules finally adopted be as accurate and effective as possible in the conservation of the Oregon silverspot butterfly. Therefore, any comments or suggestions from the public, concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of this proposed rule are solicited. The Service particularly requests comments on the following:

1. Biological and other relevant data concerning any threat (or lack thereof) to these species;

2. Additional information concerning the range and the distribution of the species;

3. Current or planned activities in the subject areas;

4. The probable impacts on such activities if the area is designated as Critical Habitat; and

5. The foreseeable economic and other impacts of the Critical Habitat designation.

National Environmental Policy Act

A draft environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment will be the basis for a decision whether this determination is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the national Environmental Policy Act of 1969.

The primary author of this rule is Dr. Michael M. Bentzien, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

The Department of the Interior has determined that this is not a significant rule and does not require preparation of a regulatory analysis under Executive Act 12044 and 43 CFR Part 14.

Regulation Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

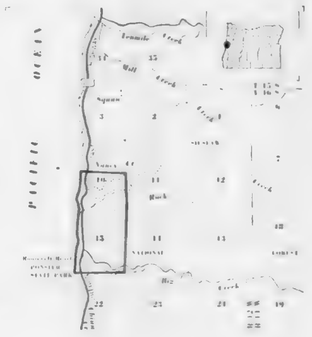
§ 17.95 [Amended]

1. It is proposed that § 17.95(i), Insecta, be amended by adding Critical Habitat for the Oregon silverspot butterfly as follows:

Oregon Silverspot Butterfly

(Speyeria zerene hippolyta)

Oregon, Lane County. T. 16 S., R. 12 W.
Section 15; south ½ of section 10.



Dated: March 20, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80–9089 Filed 3–25–80; 8:45 am]

BILLING CODE 4310–55–M

V 45/60 MR26 80 UMI

federal register

Wednesday
March 26, 1980

Part VI

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

Sections 8 and 23 Housing Assistance Payments Programs—Amendment of Fair Market Rent Schedules, Existing Housing

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 803 and 888

[Docket No. R-80-749]

Sections 8 and 23 Housing Assistance Payments Programs—Amendment of Fair Market Rent Schedules, Existing Housing

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: HUD is amending the schedules that set forth the Fair Market Rents (FMRs) for Existing Housing and for Mobile Home Spaces under the Section 8 and Section 23 Housing Assistance Payments Programs. The amended schedules reflect changes in median rent levels calculated for an additional period of one year projected forward to October 1, 1980, and include adjustments made in response to data and information provided in public comments. Fair Market Rents are intended to reflect the median gross rents charged for available standard units in the applicable county or Standard Metropolitan Statistical Area (SMSA).

EFFECTIVE DATE: April 26, 1980, retroactive to March 29, 1980 only for purposes of computing annual rent adjustments in accordance with regular procedures and the PHA administrative fees.

FOR FURTHER INFORMATION CONTACT: Nancy S. Chisholm, Director, Economic and Market Analysis Division, PD&R, HUD, Washington, D.C. 20410, 202–755–4977. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 21, 1979, (44 FR 76024) HUD published proposed revisions to the Fair Market Rents for sections 8 and 23 Existing Housing (Schedule B) and to the Fair Market Rents for Mobile Home Spaces (Schedule D). Interested parties were given until January 21, 1980, to submit written comments.

A total of 136 comments were received of which 12 were related to the Fair Market Rents for Mobile Home Spaces. Most of the comments recommended additional increases in the level of Fair Market Rents to be approved for specific areas. All comments were carefully reviewed. The Department was especially interested in comments and data reflecting rental market conditions and inflation trends during the past year, and in new information and additional data relating to the procedures by which the Annual Housing Survey (AHS) median rents were derived. In regard to the FMRs for Mobile Home Spaces, the Department was especially interested in additional data from mobile home park surveys, and information relating to median site rents for Mobile Home Spaces in specific non-metropolitan counties.

Based on the Department's evaluation of all public comments, the Fair Market Rent Schedules for Existing Housing in 100 market areas, including 27 SMSAs and 73 non-metropolitan counties, have been approved at a higher level than initially proposed in the **Federal Register** publication of December 21, 1979. The FMR Schedules for Mobile Home Spaces have been increased for 25 market areas. The FMR Schedules for Mobile Home Spaces now being approved for 1980 also reflect the modification of some rents based on comments received in response to the initial rents proposed for Mobile Home Spaces in the **Federal Register** of October 29, 1979 (44 FR 62200).

For all areas of the country, the FMR Schedules initially proposed for 1980 in the December 21, 1979, publication now have recalculated on the basis of revised inflation factors for shelter rent and for fuel and utilities developed from the most recent available Consumer Price Index (CPI) data, including data as of December 1979. For many areas of the country the use of the more recent CPI data results in the approval of higher FMR Schedules for 1980 than those initially proposed in the December 21 **Federal Register**.

NEPA

The Department has determined that these regulations do not constitute a major Federal action significantly affecting the quality of the human environment. Accordingly, a Finding of Inapplicability of Environmental Impact has been prepared and is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, Title 24, Part 803, Schedule B, and Part 888, Schedule D, are revised as set forth below.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., March 20, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

BILLING CODE 4210-01-M

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
SMSA: LEWISTON-AUBURN, ME					
SMSA PART:ANDROSCOGGIN STATE:ME	185	211	251	289	320
SMSA: PORTLAND, ME					
SMSA PART:CUMBERLAND STATE:ME	205	250	295	345	410
SMSA PART:YORK STATE:ME	205	250	295	345	410
NON SMSA					
NONSMSA PART:ANDROSCOGGIN STATE:ME	185	211	251	289	320
COUNTY:AROOSTOOK STATE:ME	195	235	275	315	355
NONSMSA PART:CUMBERLAND STATE:ME	182	221	260	299	338
COUNTY:FRANKLIN STATE:ME	176	200	238	265	291
COUNTY:HANCOCK STATE:ME	176	208	245	282	319
COUNTY:KENNEBEC STATE:ME	185	211	251	289	320
COUNTY:KNOX STATE:ME	192	218	259	289	317
COUNTY:LINCOLN STATE:ME	192	218	259	289	317
COUNTY:OXFORD STATE:ME	176	200	238	265	291
COUNTY:PENOBSCOT STATE:ME	182	221	260	299	338
COUNTY:PISCATAQUIS STATE:ME	176	200	238	265	291
COUNTY:SAGADAHOC STATE:ME	182	221	260	299	338
COUNTY:SOMERSET STATE:ME	192	218	259	289	317
COUNTY:WALDO STATE:ME	176	200	238	265	291
COUNTY:WASHINGTON STATE:ME	176	200	238	265	291
NONSMSA PART:YORK STATE:ME	182	221	260	299	338
SMSA: BOSTON, MA					
SMSA PART:ESSEX STATE:MA	264	299	355	409	462
SMSA PART:MIDDLESEX STATE:MA	264	299	355	409	462
SMSA PART:NORFOLK STATE:MA	264	299	355	409	462
SMSA PART:PLYMOUTH STATE:MA	264	299	355	409	462
COUNTY:SUFFOLK STATE:MA	264	299	355	409	462

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
SMSA: BROCKTON, MA					
SMSA PART:BRISTOL STATE:MA	201	246	293	341	388
SMSA PART:NORFOLK STATE:MA	201	246	293	341	386
SMSA PART:PLYMOUTH STATE:MA	201	246	293	341	386
SMSA: FALL RIVER, MA-RI					
SMSA PART:BRISTOL STATE:MA	208	240	285	331	362
SMSA: FITCHBURG-LEOMINSTER, MA					
SMSA PART:MIDDLESEX STATE:MA	191	234	277	322	365
SMSA PART:WORCESTER STATE:MA	191	234	277	322	385
SMSA: LAWRENCE-HAVERHILL, MA-NH					
SMSA PART:ESSEX STATE:MA	231	268	315	383	433
SMSA: LOWELL, MA NH					
SMSA PART:MIDDLESEX STATE:MA	216	246	289	334	365
SMSA: NEW BEDFORD, MA					
SMSA PART:BRISTOL STATE:MA	203	234	277	321	352
SMSA PART:PLYMOUTH STATE:MA	203	234	277	321	352
SMSA: PITTSFIELD, MA					
SMSA PART:BERKSHIRE STATE:MA	165	200	235	270	306
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA					
SMSA PART:BRISTOL STATE:MA	208	240	285	331	362
SMSA PART:NORFOLK STATE:MA	208	240	285	331	362
SMSA PART:WORCESTER STATE:MA	208	240	285	331	362
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT					
SMSA PART:HAMPDEN STATE:MA	198	243	290	337	381
SMSA PART:HAMPSHIRE STATE:MA	198	243	290	337	381
SMSA PART:WORCESTER STATE:MA	198	243	290	337	381
SMSA: WORCESTER, MA					
SMSA PART:WORCESTER STATE:MA	234	268	315	365	401
NON SMSA					
COUNTY:BARNSTABLE STATE:MA	253	288	344	401	448
NONSMSA PART:BERKSHIRE STATE:MA	192	235	278	321	348
NONSMSA PART:BRISTOL STATE:MA	205	235	278	323	354
COUNTY:DUKES STATE:MA	253	288	344	401	448

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
NON SMSA					
NONSMSA PART:ESSEX STATE:MA	222	258	314	364	421
COUNTY:FRANKLIN STATE:MA	216	256	303	338	373
NONSMSA PART:HAMPDEN STATE:MA	200	232	275	319	351
NONSMSA PART:HAMPSHIRE STATE:MA	200	232	275	319	351
NONSMSA PART:MIDDLESEX STATE:MA	216	247	288	332	364
COUNTY:NANTUCKET STATE:MA	247	281	335	391	436
NONSMSA PART:NORFOLK STATE:MA	180	219	260	302	343
NONSMSA PART:PLYMOUTH STATE:MA	211	244	292	342	390
NONSMSA PART:WORCESTER STATE:MA	191	234	277	322	365
COUNTY:ADDISON STATE:VT	205	245	288	348	397
COUNTY:BENNINGTON STATE:VT	205	245	288	348	397
COUNTY:CALEDONIA STATE:VT	195	230	273	330	382
COUNTY:CHITTENDEN STATE:VT	205	245	288	348	397
COUNTY:ESSEX STATE:VT	195	230	271	297	334
COUNTY:FRANKLIN STATE:VT	195	230	273	330	382
COUNTY:GRAND ISLE STATE:VT	195	230	273	330	382
COUNTY:LAMOILLE STATE:VT	195	230	271	297	334
COUNTY:ORANGE STATE:VT	195	230	273	330	382
COUNTY:ORLEANS STATE:VT	195	230	273	330	382
COUNTY:RUTLAND STATE:VT	205	245	288	348	397
COUNTY:WASHINGTON STATE:VT	195	230	273	330	382
COUNTY:WINDHAM STATE:VT	205	245	288	348	397
COUNTY:WINDSOR STATE:VT	205	245	288	348	397
SMSA: LAWRENCE-HAVERHILL, MA-NH					
SMSA PART:ROCKINGHAM STATE:NH	231	268	315	383	433

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
SMSA: LOWELL, MA NH					
SMSA PART HILLSBOROUGH STATE NH	216	246	289	334	365
SMSA: MANCHESTER, NH					
SMSA PART HILLSBOROUGH STATE NH	222	268	321	371	420
SMSA PART MERRIMACK STATE NH	222	268	321	371	420
SMSA PART ROCKINGHAM STATE NH	222	268	321	371	420
SMSA: NASHUA, NH					
SMSA PART HILLSBOROUGH STATE NH	222	268	321	371	420
NON SMSA					
COUNTY BELKNAP STATE NH	198	229	273	306	336
COUNTY CARROLL STATE NH	184	214	253	283	313
COUNTY CHESHIRE STATE NH	207	240	286	322	356
COUNTY COOS STATE NH	184	214	253	283	313
COUNTY GRAFTON STATE NH	188	221	261	297	333
NONSMSA PART HILLSBOROUGH STATE NH	198	228	273	317	349
NONSMSA PART MERRIMACK STATE NH	198	228	273	317	349
NONSMSA PART ROCKINGHAM STATE NH	206	236	283	327	359
COUNTY STRAFFORD STATE NH	198	229	273	306	336
COUNTY SULLIVAN STATE NH	198	229	273	306	336
SMSA: FALL RIVER, MA-RI					
SMSA PART NEWPORT STATE RI	208	240	285	331	362
SMSA: NEW LONDON-NORWICH, CT-RI					
SMSA PART WASHINGTON STATE RI	193	235	278	322	365
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA					
SMSA PART BRISTOL STATE RI	208	240	285	331	362
SMSA PART KENT STATE RI	208	240	285	331	362
SMSA PART NEWPORT STATE RI	208	240	285	331	362
SMSA PART PROVIDENCE STATE RI	208	240	285	331	362
SMSA PART WASHINGTON STATE RI	208	240	285	331	362

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR
6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
NON SMSA					
NONSMSA PART KENT STATE RI	204	235	279	325	356
NONSMSA PART NEWPORT STATE RI	220	248	298	331	367
NONSMSA PART PROVIDENCE STATE RI	204	235	279	325	356
NONSMSA PART WASHINGTON STATE RI	204	235	279	325	356
HARTFORD, CONNECTICUT AREA OFFICE					
SMSA: BRIDGEPORT, CT					
SMSA PART FAIRFIELD STATE CT	219	265	314	362	410
SMSA PART NEW HAVEN STATE CT	219	265	314	362	410
SMSA: BRISTOL, CT					
SMSA PART HARTFORD STATE CT	192	236	281	327	370
SMSA PART LITCHFIELD STATE CT	192	236	281	327	370
SMSA: DANBURY, CT					
SMSA PART FAIRFIELD STATE CT	246	300	354	408	462
SMSA PART LITCHFIELD STATE CT	246	300	354	408	462
SMSA: HARTFORD, CT					
SMSA PART HARTFORD STATE CT	226	276	329	380	431
SMSA PART LITCHFIELD STATE CT	226	276	329	380	431
SMSA PART MIDDLESEX STATE CT	226	276	329	380	431
SMSA PART NEW LONDON STATE CT	226	276	329	380	431
SMSA PART TOLLAND STATE CT	226	276	329	380	431

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR
6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HARTFORD, CONNECTICUT AREA OFFICE					
SMSA: MERIDEN, CT					
SMSA PART NEW HAVEN STATE CT	182	224	268	311	351
SMSA: NEW BRITAIN, CT					
SMSA PART HARTFORD STATE CT	192	236	281	327	370
SMSA: NEW HAVEN-WEST HAVEN, CT					
SMSA PART MIDDLESEX STATE CT	224	272	322	372	421
SMSA PART NEW HAVEN STATE CT	224	272	322	372	421
SMSA: NEW LONDON-NORWICH, CT-RI					
SMSA PART MIDDLESEX STATE CT	193	235	278	322	365
SMSA PART NEW LONDON STATE CT	193	235	278	322	365
SMSA: NORWALK, CT					
SMSA PART FAIRFIELD STATE CT	252	307	363	419	475
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT					
SMSA PART TOLLAND STATE CT	198	243	290	337	381
SMSA: STAMFORD, CT					
SMSA PART FAIRFIELD STATE CT	266	323	382	442	499
SMSA: WATERBURY, CT					
SMSA PART LITCHFIELD STATE CT	182	224	268	311	351
SMSA: WATERBURY, CT					
SMSA PART NEW HAVEN STATE CT	182	224	268	311	351
NON SMSA					
NONSMSA PART: FAIRFIELD STATE CT	183	224	268	311	351
NONSMSA PART: HARTFORD STATE CT	192	236	281	327	370
NONSMSA PART: LITCHFIELD STATE CT	172	210	250	292	330
NONSMSA PART: MIDDLESEX STATE CT	193	235	278	322	365
NONSMSA PART: NEW HAVEN STATE CT	182	224	268	311	351
NONSMSA PART: NEW LONDON STATE CT	176	217	258	299	340
NONSMSA PART: TOLLAND STATE CT	224	273	322	372	421
COUNTY: WINDHAM STATE CT	176	217	258	299	340

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS. 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BUFFALO, NEW YORK AREA OFFICE					
SMSA: ALBANY-SCHENECTADY-TROY, NY					
COUNTY: ALBANY STATE NY	188	229	271	313	355
COUNTY: MONTGOMERY STATE NY	188	229	271	313	355
COUNTY: RENSSELAER STATE NY	188	229	271	313	355
COUNTY: SARATOGA STATE NY	188	229	271	313	355
COUNTY: SCHENECTADY STATE NY	188	229	271	313	355
SMSA: BINGHAMTON, NY-PA					
COUNTY: BROOME STATE NY	165	190	225	271	313
COUNTY: TIOGA STATE NY	165	190	225	271	313
SMSA: SYRACUSE, NY					
COUNTY: MADISON STATE NY	170	209	247	287	325
COUNTY: ONONDAGA STATE NY	170	209	247	287	325
COUNTY: OSWEGO STATE NY	170	209	247	287	325
SMSA: UTICA-ROME, NY					
COUNTY: HERKIMER STATE NY	151	172	204	243	280
COUNTY: ONEIDA STATE NY	151	172	204	243	280
NON SMSA					
COUNTY: CAYUGA STATE NY	165	202	239	277	314
COUNTY: CHENANGO STATE NY	178	197	246	276	306
COUNTY: CLINTON STATE NY	168	195	231	259	287
COUNTY: COLUMBIA STATE NY	135	166	196	228	259
COUNTY: CORTLAND STATE NY	165	202	239	277	314
COUNTY: DELAWARE STATE NY	141	171	204	235	267
COUNTY: ESSEX STATE NY	166	192	224	258	285
COUNTY: FRANKLIN STATE NY	147	174	201	226	249
COUNTY: FULTON STATE NY	132	161	192	224	253
COUNTY: GREENE STATE NY	147	168	200	228	259
COUNTY: HAMILTON STATE NY	132	161	192	224	253

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BUFFALO, NEW YORK AREA OFFICE					
NON SMSA					
COUNTY: JEFFERSON STATE: NY	154	180	215	235	261
COUNTY: LEWIS STATE: NY	147	174	201	226	249
COUNTY: OTSEGO STATE: NY	141	171	204	235	267
COUNTY: ST LAWRENCE STATE: NY	157	184	221	247	275
COUNTY: SCHOHARIE STATE: NY	165	190	228	256	282
COUNTY: TOMPKINS STATE: NY	170	215	252	300	340
COUNTY: WARREN STATE: NY	132	162	192	224	253
COUNTY: WASHINGTON STATE: NY	132	161	192	224	253
SMSA: BUFFALO, NY					
COUNTY: ERIE STATE: NY	169	228	254	277	327
COUNTY: NIAGARA STATE: NY	169	228	254	277	327
SMSA: ELMIRA, NY					
COUNTY: CHEMUNG STATE: NY	175	202	253	292	330
SMSA: ROCHESTER, NY					
COUNTY: LIVINGSTON STATE: NY	214	262	310	358	406
COUNTY: MONROE STATE: NY	214	262	310	358	406
COUNTY: ONTARIO STATE: NY	214	262	310	358	406
COUNTY: ORLEANS STATE: NY	214	262	310	358	406
COUNTY: WAYNE STATE: NY	214	262	310	358	406
NON SMSA					
COUNTY: ALLEGANY STATE: NY	123	152	180	209	237
COUNTY: CATTARAUGUS STATE: NY	123	152	180	209	237
COUNTY: CHAUTAUQUA STATE: NY	139	174	206	233	258
COUNTY: GENESEE STATE: NY	149	171	204	226	250
COUNTY: SCHUYLER STATE: NY	162	194	235	250	296
COUNTY: SENECA STATE: NY	194	227	268	300	333
COUNTY: STEUBEN STATE: NY	162	187	226	261	295
COUNTY: WYOMING STATE: NY	123	152	180	209	237

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BUFFALO, NEW YORK AREA OFFICE					
NON SMSA					
COUNTY: YATES STATE: NY	165	202	239	277	314
NEW YORK, NEW YORK AREA OFFICE					
SMSA: NASSAU-SUFFOLK, NY					
COUNTY: NASSAU STATE: NY	288	356	415	479	543
COUNTY: SUFFOLK STATE: NY	288	356	415	479	543
SMSA: NEW YORK CITY, NY-NJ					
COUNTY: BRONX STATE: NY	260	316	375	432	490
COUNTY: KINGS STATE: NY	260	316	375	432	490
COUNTY: NEW YORK STATE: NY	260	316	375	432	490
COUNTY: PUTNAM STATE: NY	260	316	375	432	490
COUNTY: QUEENS STATE: NY	260	316	375	432	490
COUNTY: RICHMOND STATE: NY	260	316	375	432	490
COUNTY: ROCKLAND STATE: NY	260	316	375	432	490
COUNTY: WESTCHESTER STATE: NY	260	316	375	432	490
SMSA: POUGHKEEPSIE, NY					
COUNTY: DUTCHESS STATE: NY	207	238	272	316	357
NON SMSA					
COUNTY: ORANGE STATE: NY	197	238	285	316	351
COUNTY: SULLIVAN STATE: NY	180	219	260	301	341
COUNTY: ULSTER STATE: NY	180	219	260	301	341

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEWARK, NEW JERSEY AREA OFFICE					
SMSA: ATLANTIC CITY, NJ					
COUNTY:ATLANTIC STATE:NJ	174	212	251	290	328
SMSA: PHILADELPHIA, PA-NJ					
COUNTY:BURLINGTON STATE:NJ	223	271	321	372	420
COUNTY:CAMDEN STATE:NJ	223	271	321	372	420
COUNTY:GLOUCESTER STATE:NJ	223	271	321	372	420
SMSA: TRENTON, NJ					
COUNTY:MERCER STATE:NJ	194	236	279	323	367
SMSA: VINELAND-MILLVILLE-BRIDGETON, NJ					
COUNTY:CUMBERLAND STATE:NJ	194	237	281	324	368
SMSA: WILMINGTON, DE-NJ-MD					
COUNTY SALEM STATE NJ	222	269	317	367	414
NON SMSA					
COUNTY CAPE MAY STATE NJ	184	214	253	293	331
COUNTY OCEAN STATE:NJ	239	291	344	397	450
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ					
COUNTY WARREN STATE:NJ	212	252	293	339	384
SMSA: JERSEY CITY, NJ					
COUNTY HUDSON STATE:NJ	191	233	276	320	362
SMSA: LONG BRANCH-ASBURY PARK, NJ					
COUNTY:MONMOUTH STATE:NJ	228	279	330	381	432
SMSA: NEW BRUNSWICK-PERTH AMBOY-SAYREVILLE, NJ					
COUNTY:MIDDLESEX STATE:NJ	240	292	343	394	446
SMSA: NEW YORK CITY, NY-NJ					
COUNTY:BERGEN STATE:NJ	260	316	375	432	490
SMSA: NEWARK, NJ					
COUNTY:ESSEX STATE:NJ	252	282	337	374	412
COUNTY MORRIS STATE:NJ	252	282	337	374	412
COUNTY:SOMERSET STATE:NJ	252	282	337	374	412
COUNTY:UNION STATE:NJ	252	282	337	374	412
SMSA: PATERSON-CLIFTON-PASSAIC, NJ					
COUNTY:PASSAIC STATE:NJ	244	298	352	407	461
NON SMSA					
COUNTY HUNTERDON STATE:NJ	239	291	344	397	450

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEWARK, NEW JERSEY AREA OFFICE					
NON SMSA					
COUNTY:SUSSEX STATE:NJ	246	299	354	410	464
CARIBBEAN AREA OFFICE					
SMSA: CAGUAS					
MUNICIPIO:ALL STATE:PR	158	191	227	261	295
SMSA: MAYAGUEZ					
MUNICIPIO:ALL STATE:PR	195	237	280	323	364
SMSA: PONCE					
MUNICIPIO:ALL STATE:PR	240	292	344	396	447
SMSA: SAN JUAN					
MUNICIPIO:ALL STATE:PR	237	289	341	392	444
NON SMSA					
MUNICIPIO:ALL OTHER STATE:PR	150	183	216	249	281
:CHAR.AMALIE STATE:VI	266	323	381	439	497
:ST. CROIX STATE:VI	218	264	312	359	406
:ST. THOMAS STATE:VI	247	300	355	408	461

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BALTIMORE, MARYLAND AREA OFFICE					
SMSA: BALTIMORE, MD					
COUNTY ANNE ARUNDEL STATE MD	214	266	306	383	422
COUNTY BALTIMORE STATE MD	214	266	306	383	422
COUNTY CARROLL STATE MD	214	266	306	383	422
COUNTY HARFORD STATE MD	214	266	306	383	422
COUNTY HOWARD STATE MD	214	266	306	383	422
COLUMBIA(U) STATE MD	254	317	363	436	472
INDEP. CITY BALTIMORE STATE MD	214	266	306	383	422
SMSA: WASHINGTON, DC-MD-VA					
COUNTY CHARLES STATE MD	234	284	334	385	435
SMSA: WILMINGTON, DE-NJ-MD					
COUNTY CECIL STATE MD	222	269	317	367	414
NON SMSA					
COUNTY ALLEGANY STATE MD	141	171	202	233	264
COUNTY CALVERT STATE MD	212	259	305	352	397
COUNTY CAROLINE STATE MD	190	231	272	314	356
COUNTY DORCHESTER STATE MD	190	231	272	314	356
COUNTY FREDERICK STATE MD	197	241	283	326	369
COUNTY GARRETT STATE MD	141	171	202	233	264
COUNTY KENT STATE MD	190	231	272	314	356
COUNTY QUEEN ANNES STATE MD	190	231	272	314	356
COUNTY ST MARYS STATE MD	184	225	265	306	346
COUNTY SOMERSET STATE MD	190	231	272	314	356
COUNTY TALBOT STATE MD	190	231	272	314	356
COUNTY WASHINGTON STATE MD	184	225	265	306	346
COUNTY WICOMICO STATE MD	190	231	272	314	356
COUNTY WORCESTER STATE MD	190	231	272	314	356

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE					
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ					
COUNTY: CARBON STATE: PA	212	252	293	329	364
COUNTY: LEHIGH STATE: PA	212	252	293	329	364
COUNTY: NORTHAMPTON STATE: PA	212	252	293	329	364
SMSA: BINGHAMTON, NY-PA					
COUNTY: SUSQUEHANNA STATE: PA	165	190	225	271	313
SMSA: HARRISBURG, PA					
COUNTY: CUMBERLAND STATE: PA	210	243	291	339	373
COUNTY: DAUPHIN STATE: PA	210	243	291	339	373
COUNTY: PERRY STATE: PA	210	243	291	339	373
SMSA: LANCASTER, PA					
COUNTY: LANCASTER STATE: PA	175	212	261	310	340
SMSA: NORTHEAST, PA					
COUNTY: LACKAWANNA STATE: PA	142	162	203	233	264
COUNTY: LUZERNE STATE: PA	142	162	203	233	264
COUNTY: MONROE STATE: PA	142	162	203	233	264
SMSA: PHILADELPHIA, PA-NJ					
COUNTY: BUCKS STATE: PA	223	271	321	372	420
COUNTY: CHESTER STATE: PA	223	271	321	372	420
COUNTY: DELAWARE STATE: PA	223	271	321	372	420
COUNTY: MONTGOMERY STATE: PA	223	271	321	372	420
COUNTY: PHILADELPHIA STATE: PA	223	271	321	372	420
SMSA: READING, PA					
COUNTY: BERKS STATE: PA	170	194	243	279	316
SMSA: WILLIAMSPORT, PA					
COUNTY: LYCOMING STATE: PA	131	160	191	221	251
SMSA: YORK, PA					
COUNTY: ADAMS STATE: PA	180	218	259	324	368
COUNTY: YORK STATE: PA	180	218	259	324	368
NON SMSA					
COUNTY: BRADFORD STATE: PA	169	198	230	277	309
COUNTY: CENTRE STATE: PA	158	190	227	255	284

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE					
NON SMSA					
COUNTY CLINTON STATE PA	158	190	227	255	284
COUNTY COLUMBIA STATE PA	175	204	245	273	305
COUNTY FRANKLIN STATE PA	158	190	227	255	284
COUNTY JUNIATA STATE PA	137	174	208	233	262
COUNTY LEBANON STATE PA	161	186	222	259	288
COUNTY MIFFLIN STATE PA	137	174	208	233	262
COUNTY MONTOUR STATE PA	106	130	155	181	204
COUNTY NORTHUMBRLND STATE PA	158	184	220	246	275
COUNTY PIKE STATE PA	182	212	255	282	315
COUNTY SCHUYLKILL STATE PA	176	207	253	282	314
COUNTY SNYDER STATE PA	137	174	208	233	262
COUNTY SULLIVAN STATE PA	141	174	219	247	267
COUNTY TIOGA STATE PA	169	198	230	277	309
COUNTY UNION STATE PA	137	174	208	233	262
COUNTY WAYNE STATE PA	168	194	232	255	284
COUNTY WYOMING STATE PA	153	180	215	278	309
SMSA: WILMINGTON, DE-NJ-MD					
COUNTY NEW CASTLE STATE DE	222	269	317	367	414
NON SMSA					
COUNTY KENT STATE DE	190	231	272	314	356
COUNTY SUSSEX STATE DE	190	231	272	314	356

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE					
SMSA: CHARLESTON, WV					
COUNTY KANAWHA STATE WV	167	204	242	278	315
COUNTY PUTNAM STATE WV	167	204	242	278	315
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH					
COUNTY CABELL STATE WV	157	191	225	260	295
COUNTY WAYNE STATE WV	157	191	225	260	295
SMSA: PARKERSBURG-MARIETTA, WV-OH					
COUNTY WIRT STATE WV	172	210	247	285	322
COUNTY WOOD STATE WV	172	210	247	285	322
SMSA: STEUBENVILLE-WEIRTON, OH-WV					
COUNTY BROOKE STATE WV	152	185	219	253	286
COUNTY HANCOCK STATE WV	152	185	219	253	286
SMSA: WHEELING, WV-OH					
COUNTY MARSHALL STATE WV	162	186	227	267	294
COUNTY OHIO STATE WV	162	186	227	267	294
NON SMSA					
COUNTY BARBOUR STATE WV	161	196	231	267	302
COUNTY BERKELEY STATE WV	161	196	231	267	302
COUNTY BOONE STATE WV	128	156	184	213	241
COUNTY BRAXTON STATE WV	128	156	184	213	241
COUNTY CALHOUN STATE WV	128	156	184	213	241
COUNTY CLAY STATE WV	128	156	184	213	241
COUNTY DODDRIDGE STATE WV	161	196	231	267	302
COUNTY FAYETTE STATE WV	128	156	184	213	241
COUNTY GILMER STATE WV	128	156	184	213	241
COUNTY GRANT STATE WV	161	196	231	267	302
COUNTY GREENBRIER STATE WV	128	156	184	213	241
COUNTY HAMPSHIRE STATE WV	161	196	231	267	302
COUNTY HARDY STATE WV	161	196	231	267	302

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE					
NON SMSA					
COUNTY HARRISON STATE WV	161	196	231	267	302
COUNTY JACKSON STATE WV	128	156	184	213	241
COUNTY JEFFERSON STATE WV	161	196	231	267	302
COUNTY LEWIS STATE WV	161	196	231	267	302
COUNTY LINCOLN STATE WV	128	156	184	213	241
COUNTY LOGAN STATE WV	128	156	184	213	241
COUNTY MCDOWELL STATE WV	133	163	192	221	251
COUNTY MARION STATE WV	161	196	231	267	302
COUNTY MASON STATE WV	128	156	184	213	241
COUNTY MERCER STATE WV	133	163	192	221	251
COUNTY MINERAL STATE WV	141	171	202	233	264
COUNTY MINGO STATE WV	128	156	184	213	241
COUNTY MONONGALIA STATE WV	161	196	231	267	302
COUNTY MONROE STATE WV	128	156	184	213	241
COUNTY MORGAN STATE WV	161	196	231	267	302
COUNTY NICHOLAS STATE WV	128	156	184	213	241
COUNTY PENDLETON STATE WV	161	196	231	267	302
COUNTY PLEASANTS STATE WV	172	210	247	285	322
COUNTY POCAHONTAS STATE WV	128	156	184	213	241
COUNTY PRESTON STATE WV	161	196	231	267	302
COUNTY RALEIGH STATE WV	128	156	184	213	241
COUNTY RANDOLPH STATE WV	161	196	231	267	302
COUNTY RITCHIE STATE WV	172	210	247	285	322
COUNTY ROANE STATE WV	128	156	184	213	241

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE					
NON SMSA					
COUNTY SUMMERS STATE WV	128	156	184	213	241
COUNTY TAYLOR STATE WV	161	196	231	267	302
COUNTY TUCKER STATE WV	161	196	231	267	302
COUNTY TYLER STATE WV	141	171	202	233	264
COUNTY UPSHUR STATE WV	161	196	231	267	302
COUNTY WEBSTER STATE WV	128	156	184	213	241
COUNTY WETZEL STATE WV	141	171	202	233	264
COUNTY WYOMING STATE WV	128	156	184	213	241
SMSA: ALTOONA, PA					
COUNTY BLAIR STATE PA	158	191	225	259	293
SMSA: ERIE, PA					
COUNTY ERIE STATE PA	170	193	233	270	296
SMSA: JOHNSTOWN, PA					
COUNTY CAMBRIA STATE PA	157	185	224	252	280
SMSA: JOHNSTOWN, PA					
COUNTY SOMERSET STATE PA	157	185	224	252	280
SMSA: PITTSBURGH, PA					
COUNTY ALLEGHANY STATE PA	200	243	286	329	373
COUNTY BEAVER STATE PA	200	243	286	329	373
COUNTY WASHINGTON STATE PA	200	243	286	329	373
COUNTY WESTMORELAND STATE PA	200	243	286	329	373
NON SMSA					
COUNTY ARMSTRONG STATE PA	120	148	176	204	232
COUNTY BEDFORD STATE PA	136	155	186	215	240
COUNTY BUTLER STATE PA	163	191	225	251	276
COUNTY CAMERON STATE PA	131	160	191	221	251
COUNTY CLARION STATE PA	120	148	176	204	232
COUNTY CLEARFIELD STATE PA	152	182	216	240	268
COUNTY CRAWFORD STATE PA	126	154	182	212	241

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE					
NON SMSA					
COUNTY: ELK STATE: PA	131	160	191	221	251
COUNTY: FAYETTE STATE: PA	152	181	221	250	279
COUNTY: FOREST STATE: PA	126	154	182	212	241
COUNTY: FULTON STATE: PA	117	143	170	198	225
COUNTY: GREENE STATE: PA	107	132	156	182	206
COUNTY: HUNTINGDON STATE: PA	117	143	170	198	225
COUNTY: INDIANA STATE: PA	142	173	205	236	265
COUNTY: JEFFERSON STATE: PA	131	160	191	221	251
COUNTY: LAWRENCE STATE: PA	126	154	182	212	241
COUNTY: MCKEAN STATE: PA	144	175	196	227	261
COUNTY: MERCER STATE: PA	126	154	182	212	241
COUNTY: POTTER STATE: PA	144	178	209	241	275
COUNTY: VENANGO STATE: PA	126	154	182	212	241
COUNTY: WARREN STATE: PA	126	154	182	212	241

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA					
COUNTY: SCOTT STATE: VA	165	201	237	274	310
COUNTY: WASHINGTON STATE: VA	165	201	237	274	310
INDEP. CITY: BRISTOL STATE: VA	165	201	237	274	310
SMSA: LYNCHBURG, VA					
COUNTY: AMHERST STATE: VA	203	246	291	334	379
COUNTY: APPOMATTOX STATE: VA	203	246	291	334	379
COUNTY: CAMPBELL STATE: VA	203	246	291	334	379
INDEP. CITY: LYNCHBURG STATE: VA	203	246	291	334	379
SMSA: NEWPORT NEWS-HAMPTON, VA					
COUNTY: GLOUCESTER STATE: VA	195	237	280	323	365
COUNTY: JAMES CITY STATE: VA	195	237	280	323	365
COUNTY: YORK STATE: VA	195	237	280	323	365
INDEP. CITY: HAMPTON STATE: VA	195	237	280	323	365
INDEP. CITY: NEWPORT NEWS STATE: VA	195	237	280	323	365
INDEP. CITY: POQUOSON STATE: VA	195	237	280	323	365
INDEP. CITY: WILLIAMSBURG STATE: VA	195	237	280	323	365
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC					
INDEP. CITY: CHESAPEAKE STATE: VA	205	249	294	339	383
INDEP. CITY: NORFOLK STATE: VA	205	249	294	339	383
INDEP. CITY: PORTSMOUTH STATE: VA	205	249	294	339	383
INDEP. CITY: SUFFOLK STATE: VA	205	249	294	339	383
INDEP. CITY: VIRGINIA BEA STATE: VA	205	249	294	339	383
SMSA: PETERSBURG-COLONIAL HEIGHTS-HOPEWELL, VA					
COUNTY: DINWIDDIE STATE: VA	215	263	310	357	405
COUNTY: PRINCEGEORGE STATE: VA	215	263	310	357	405
INDEP. CITY: COLONIAL HEI STATE: VA	215	263	310	357	405
INDEP. CITY: HOPEWELL STATE: VA	215	263	310	357	405
INDEP. CITY: PETERSBURG STATE: VA	215	263	310	357	405

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
SMSA: RICHMOND, VA					
COUNTY CHARLES CITY STATE VA	208	252	298	344	389
COUNTY CHESTERFIELD STATE VA	208	252	298	344	389
COUNTY GOOCHLAND STATE VA	208	252	298	344	389
COUNTY HANOVER STATE VA	208	252	298	344	389
COUNTY HENRICO STATE VA	208	252	298	344	389
COUNTY NEW KENT STATE VA	208	252	298	344	389
COUNTY POWHATAN STATE VA	208	252	298	344	389
INDEP. CITY RICHMOND STATE VA	208	252	298	344	389
SMSA: ROANOKE, VA					
COUNTY BOTETCURT STATE VA	184	225	265	306	346
COUNTY CRAIG STATE VA	184	225	265	306	346
COUNTY ROANOKE STATE VA	184	225	265	306	346
INDEP. CITY ROANOKE STATE VA	184	225	265	306	346
INDEP. CITY SALEM STATE VA	184	225	265	306	346
NON SMSA					
COUNTY ACCOMACK STATE VA	190	231	272	314	356
COUNTY ALBEMARLE STATE VA	215	263	310	357	405
COUNTY ALLEGHANY STATE VA	184	225	265	306	346
COUNTY AMELIA STATE VA	215	263	310	357	405
COUNTY AUGUSTA STATE VA	161	196	231	267	302
COUNTY BATH STATE VA	161	196	231	267	302
COUNTY BEDFORD STATE VA	203	246	291	334	379
COUNTY BLAND STATE VA	133	163	192	221	251
COUNTY BRUNSWICK STATE VA	215	263	310	357	405
COUNTY BUCHANAN STATE VA	133	163	192	221	251
COUNTY BUCKINGHAM STATE VA	215	263	310	357	405

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR: 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE. THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
NON SMSA					
COUNTY CAROLINE STATE VA	215	263	310	357	405
COUNTY CARROLL STATE VA	148	181	214	247	279
COUNTY CHARLOTTE STATE VA	203	246	291	334	379
COUNTY CLARKE STATE VA	161	196	231	267	302
COUNTY CULPEPER STATE VA	184	227	275	310	347
COUNTY CUMBERLAND STATE VA	215	263	310	357	405
COUNTY DICKENSON STATE VA	163	178	213	236	298
COUNTY ESSEX STATE VA	215	263	310	357	405
COUNTY FAUQUIER STATE VA	184	225	269	318	373
COUNTY FLOYD STATE VA	184	225	265	306	346
COUNTY FLUVANNA STATE VA	215	263	310	357	405
COUNTY FRANKLIN STATE VA	146	178	209	243	274
COUNTY FREDERICK STATE VA	161	196	231	267	302
COUNTY GILES STATE VA	184	225	265	306	346
COUNTY GRAYSON STATE VA	148	181	214	247	279
COUNTY GREENE STATE VA	215	263	310	357	405
COUNTY GREENSVILLE STATE VA	215	263	310	357	405
COUNTY HALIFAX STATE VA	203	246	291	334	379
COUNTY HENRY STATE VA	184	225	265	306	346
COUNTY HIGHLAND STATE VA	161	196	231	267	302
COUNTY ISLE OFWIGHT STATE VA	146	178	209	243	274
COUNTY KING + QUEEN STATE VA	215	263	310	357	405
COUNTY KING GEORGE STATE VA	184	225	265	306	346
COUNTY KING WILLIAM STATE VA	215	263	310	357	405

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR: 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE. THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
NON SMSA					
COUNTY LANCASTER STATE VA	215	263	310	357	405
COUNTY LEE STATE VA	149	166	210	228	271
COUNTY LOUISA STATE VA	215	263	310	357	405
COUNTY LUNENBURG STATE VA	215	263	310	357	405
COUNTY MADISON STATE VA	215	263	310	357	405
COUNTY MATHEWS STATE VA	146	178	209	243	274
COUNTY MECKLENBURG STATE VA	215	263	310	357	405
COUNTY MIDDLESEX STATE VA	146	178	209	243	274
COUNTY MONTGOMERY STATE VA	184	225	265	306	346
COUNTY NELSON STATE VA	203	246	291	334	379
COUNTY NORTHAMPTON STATE VA	190	231	272	314	356
COUNTY NORTHUMBERLD STATE VA	215	263	310	357	405
COUNTY NOTTOWAY STATE VA	215	263	310	357	405
COUNTY ORANGE STATE VA	215	263	310	357	405
COUNTY PAGE STATE VA	161	196	231	267	302
COUNTY PATRICK STATE VA	184	225	265	306	346
COUNTY PITTSYLVANIA STATE VA	203	246	291	334	379
COUNTY PRINCEEDWARD STATE VA	215	263	310	357	405
COUNTY PULASKI STATE VA	184	225	265	306	346
COUNTY RAPPAHANNOCK STATE VA	184	225	265	306	346
COUNTY RICHMOND STATE VA	208	252	298	344	389
COUNTY ROCKBRIDGE STATE VA	161	196	231	267	302
COUNTY ROCKINGHAM STATE VA	161	196	231	267	302
COUNTY RUSSELL STATE VA	176	197	249	271	322

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE. THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
NON SMSA					
COUNTY SHENANDOAH STATE VA	161	196	231	267	302
COUNTY SMYTH STATE VA	149	166	210	228	271
COUNTY SOUTHAMPTON STATE VA	146	178	209	243	274
COUNTY SPOTSLVVANIA STATE VA	184	225	265	306	346
COUNTY STAFFORD STATE VA	184	225	265	306	346
COUNTY SURRY STATE VA	146	178	209	243	274
COUNTY SUSSEX STATE VA	215	263	310	357	405
COUNTY TAZEWELL STATE VA	176	197	249	271	322
COUNTY WARREN STATE VA	161	196	231	267	302
COUNTY WESTMORELAND STATE VA	215	263	310	357	405
COUNTY WISE STATE VA	176	197	249	271	322
COUNTY WYTHE STATE VA	184	225	265	306	346
INDEP. CITY BEDFORD STATE VA	203	246	291	334	379
INDEP. CITY BUENA VISTA STATE VA	161	196	231	267	302
INDEP. CITY CHARLOTTESVI STATE VA	215	263	310	357	405
INDEP. CITY CLIFTON FORG STATE VA	184	225	265	306	346
INDEP. CITY COVINGTON STATE VA	184	225	265	306	346
INDEP. CITY DANVILLE STATE VA	203	246	291	334	379
INDEP. CITY EMPORIA STATE VA	215	263	310	357	405
INDEP. CITY FRANKLIN STATE VA	184	225	265	306	346
INDEP. CITY FREDERICKBUR STATE VA	184	225	265	306	346
INDEP. CITY GALAX STATE VA	148	181	214	247	279
INDEP. CITY HARRISONBURG STATE VA	161	196	231	267	302
INDEP. CITY LEXINGTON STATE VA	161	196	231	267	302

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE. THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
NON SMSA					
INDEP. CITY MARTINSVILLE STATE VA	184	225	265	306	346
INDEP. CITY NORTON STATE VA	176	197	249	271	322
INDEP. CITY RADFORD STATE VA	184	225	265	306	346
INDEP. CITY SOUTH BOSTON STATE VA	203	246	291	334	378
INDEP. CITY STAUNTON STATE VA	183	218	261	331	388
INDEP. CITY WAYNESBORO STATE VA	161	196	231	267	302
INDEP. CITY WINCHESTER STATE VA	161	196	231	267	302
WASHINGTON, D.C. AREA OFFICE					
SMSA: WASHINGTON, DC-MD-VA					
COUNTY MONTGOMERY STATE MD	234	284	334	385	435
COUNTY PRINCE GEORG STATE MD	234	284	334	385	435
COUNTY WASHINGTON STATE DC	234	284	334	385	435
COUNTY ARLINGTON STATE VA	234	284	334	385	435
COUNTY FAIRFAX STATE VA	234	284	334	385	435
COUNTY LOUDOUN STATE VA	234	284	334	385	435
COUNTY PRINCEWILLIA STATE VA	234	284	334	385	435
INDEP. CITY ALEXANDRIA STATE VA	234	284	334	385	435
INDEP. CITY FAIRFAX STATE VA	234	284	334	385	435
INDEP. CITY FALLS CHURCH STATE VA	234	284	334	385	435
INDEP. CITY MANASSAS STATE VA	234	284	334	385	435
INDEP. CITY MANASSAS PRK STATE VA	234	284	334	385	435

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
SMSA: ALBANY, GA					
COUNTY DOUGHERTY STATE GA	146	178	209	243	274
COUNTY LEE STATE GA	146	178	209	243	274
SMSA: ATLANTA, GA					
COUNTY BUTTS STATE GA	206	252	295	339	384
COUNTY CHEROKEE STATE GA	206	252	295	339	384
COUNTY CLAYTON STATE GA	206	252	295	339	384
COUNTY COBB STATE GA	206	252	295	339	384
COUNTY DE KALB STATE GA	206	252	295	339	384
COUNTY DOUGLAS STATE GA	206	252	295	339	384
COUNTY FAYETTE STATE GA	206	252	295	339	384
COUNTY FORSYTH STATE GA	206	252	295	339	384
COUNTY FULTON STATE GA	206	252	295	339	384
COUNTY GWINNETT STATE GA	206	252	295	339	384
COUNTY HENRY STATE GA	206	252	295	339	384
COUNTY NEWTON STATE GA	206	252	295	339	384
COUNTY PAULDING STATE GA	206	252	295	339	384
COUNTY ROCKDALE STATE GA	206	252	295	339	384
COUNTY WALTON STATE GA	206	252	295	339	384
SMSA: AUGUSTA, GA-SC					
COUNTY COLUMBIA STATE GA	190	231	272	314	356
COUNTY RICHMOND STATE GA	190	231	272	314	356
SMSA: CHATTANOOGA, TN-GA					
COUNTY CATOOSA STATE GA	167	204	242	278	315
COUNTY DADE STATE GA	167	204	242	278	315
COUNTY WALKER STATE GA	167	204	242	278	315
SMSA: COLUMBUS, GA-AL					
COUNTY CHATTAHOOCHE STATE GA	162	198	233	269	304

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
SMSA: COLUMBUS, GA-AL					
COUNTY COLUMBUS STATE GA	162	198	233	269	304
SMSA: MACON, GA					
COUNTY BIBB STATE GA	146	178	209	243	274
COUNTY HOUSTON STATE GA	148	178	209	243	274
COUNTY JONES STATE GA	146	178	209	243	274
COUNTY TWIGGS STATE GA	146	178	209	243	274
SMSA: SAVANNAH, GA					
COUNTY BRYAN STATE GA	210	225	256	296	333
COUNTY CHATHAM STATE GA	210	225	256	296	333
COUNTY EFFINGHAM STATE GA	210	225	256	296	333
NON SMSA					
COUNTY APPLING STATE GA	148	181	214	247	279
COUNTY ATKINSON STATE GA	148	181	214	247	279
COUNTY BACON STATE GA	148	181	214	247	279
COUNTY BAKER STATE GA	146	178	209	243	274
COUNTY BALDWIN STATE GA	146	178	209	243	274
COUNTY BANKS STATE GA	166	202	239	276	313
COUNTY BARROW STATE GA	166	202	239	276	313
COUNTY BARTON STATE GA	137	168	198	229	258
COUNTY BEN HILL STATE GA	146	178	209	243	274
COUNTY BERRIEN STATE GA	146	178	209	243	274
COUNTY BLECKLEY STATE GA	146	178	209	243	274
COUNTY BRANTLEY STATE GA	160	195	230	265	300
COUNTY BROOKS STATE GA	146	178	209	243	274
COUNTY BULLOCH STATE GA	148	181	214	247	279
COUNTY BURKE STATE GA	167	204	242	278	315

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY CALHOUN STATE GA	146	178	209	243	274
COUNTY CAMDEN STATE GA	160	195	230	265	300
COUNTY CANDLER STATE GA	148	181	214	247	279
COUNTY CARROLL STATE GA	157	191	225	260	295
COUNTY CHARLTON STATE GA	160	195	230	265	300
COUNTY CHATTOOGA STATE GA	143	174	206	237	269
COUNTY CLARKE STATE GA	166	202	239	276	313
COUNTY CLAY STATE GA	146	178	209	243	274
COUNTY CLINCH STATE GA	146	178	209	243	274
COUNTY COFFEE STATE GA	148	181	214	247	279
COUNTY COLQUITT STATE GA	146	178	209	243	274
COUNTY COOK STATE GA	146	178	209	243	274
COUNTY COWETA STATE GA	157	191	225	260	295
COUNTY CRAWFORD STATE GA	146	178	209	243	276
COUNTY CRISP STATE GA	146	178	209	243	274
COUNTY DAWSON STATE GA	137	168	198	229	258
COUNTY DECATUR STATE GA	146	178	209	243	274
COUNTY DODGE STATE GA	146	178	209	243	274
COUNTY DOOLY STATE GA	146	178	209	243	274
COUNTY EARLY STATE GA	146	178	209	243	274
COUNTY ECHOLS STATE GA	146	178	209	243	274
COUNTY ELBERT STATE GA	166	202	239	276	313
COUNTY EMANUEL STATE GA	167	204	242	278	315
COUNTY EVANS STATE GA	148	181	214	247	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND UREAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FCR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA CFFICE					
NON SMSA					
COUNTY FANNIN STATE GA	137	168	198	229	258
COUNTY FLOYD STATE GA	137	168	198	229	258
COUNTY FRANKLIN STATE GA	166	202	239	276	313
COUNTY GILMER STATE GA	137	168	198	229	258
COUNTY GLASCCCK STATE GA	167	204	242	278	315
COUNTY GLYNN STATE GA	176	214	252	292	330
COUNTY GORDON STATE GA	143	174	206	237	269
COUNTY GRADY STATE GA	146	178	209	243	274
COUNTY GREENE STATE GA	166	202	239	276	313
COUNTY HABERSHAM STATE GA	137	168	198	229	258
COUNTY HALL STATE GA	166	202	239	276	313
COUNTY HANCOCK STATE GA	146	178	209	243	274
COUNTY HARALSON STATE GA	137	168	198	229	258
COUNTY HARRIS STATE GA	162	198	233	269	304
COUNTY HART STATE GA	166	202	239	276	313
COUNTY HEARD STATE GA	162	198	233	269	304
COUNTY IRWIN STATE GA	146	178	209	243	274
COUNTY JACKSCN STATE GA	166	202	239	276	313
COUNTY JASPER STATE GA	146	178	209	243	274
COUNTY JEFF CAVIS STATE GA	148	181	214	247	279
COUNTY JEFFERSON STATE GA	167	204	242	278	315
COUNTY JENKINS STATE GA	167	204	242	278	315
COUNTY JOHNSCN STATE GA	146	178	209	243	274
COUNTY LAMAR STATE GA	157	191	225	260	295

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND UREAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FCR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA CFFICE					
NON SMSA					
COUNTY LANIER STATE GA	146	178	209	243	274
COUNTY LAURENS STATE GA	146	178	209	243	274
COUNTY LIBERTY STATE GA	160	189	225	259	298
COUNTY LINCOLN STATE GA	167	204	242	278	315
COUNTY LONG STATE GA	148	181	214	247	279
COUNTY LOWNDES STATE GA	146	178	209	243	274
COUNTY LUMPKIN STATE GA	137	168	198	229	258
COUNTY MCDUFFIE STATE GA	167	204	242	278	315
COUNTY MCINTCSH STATE GA	160	195	230	265	300
COUNTY MACON STATE GA	146	178	209	243	274
COUNTY MADISCN STATE GA	166	202	239	276	313
COUNTY MARION STATE GA	162	198	233	269	304
COUNTY MERIWETHER STATE GA	162	198	233	269	304
COUNTY MILLER STATE GA	146	178	209	243	274
COUNTY MITCHELL STATE GA	146	178	209	243	274
COUNTY MONROE STATE GA	146	178	209	243	274
COUNTY MONTGCMERY STATE GA	148	181	214	247	279
COUNTY MORGAN STATE GA	166	202	239	276	313
COUNTY MURRAY STATE GA	143	174	206	237	269
COUNTY OCONEE STATE GA	166	202	239	276	313
COUNTY OGLETHORPE STATE GA	166	202	239	276	313
COUNTY PEACH STATE GA	146	178	209	243	274
COUNTY PICKENS STATE GA	137	168	198	229	258
COUNTY PIERCE STATE GA	160	195	230	265	300

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY: PIKE STATE: GA	157	191	225	260	295
COUNTY: POLK STATE: GA	137	168	198	229	258
COUNTY: PULASKI STATE: GA	146	178	209	243	274
COUNTY: PUTNAM STATE: GA	146	178	209	243	274
COUNTY: QUITMAN STATE: GA	162	198	233	269	304
COUNTY: RABUN STATE: GA	137	168	198	229	258
COUNTY: RANDOLPH STATE: GA	146	178	209	243	274
COUNTY: SCHLEY STATE: GA	162	198	233	269	304
COUNTY: SCREVEN STATE: GA	148	181	214	247	279
COUNTY: SEMINOLE STATE: GA	146	178	209	243	274
COUNTY: SPALDING STATE: GA	157	191	225	260	295
COUNTY: STEPHENS STATE: GA	166	202	239	276	313
COUNTY: STEWART STATE: GA	162	198	233	269	304
COUNTY: SUMTER STATE: GA	178	217	256	296	334
COUNTY: TALBOT STATE: GA	162	198	233	269	304
COUNTY: TALIAFERRO STATE: GA	167	204	242	278	315
COUNTY: TATTNALL STATE: GA	148	181	214	247	279
COUNTY: TAYLOR STATE: GA	146	178	209	243	274
COUNTY: TELFAIR STATE: GA	146	178	209	243	274
COUNTY: TERRELL STATE: GA	146	178	209	243	274
COUNTY: THOMAS STATE: GA	146	178	209	243	274
COUNTY: TIFT STATE: GA	146	178	209	243	274
COUNTY: TOOMBS STATE: GA	148	181	214	247	279
COUNTY: TOWNS STATE: GA	137	168	198	229	258

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY: TREUTLEN STATE: GA	146	178	209	243	274
COUNTY: TROUP STATE: GA	162	198	233	269	304
COUNTY: TURNER STATE: GA	146	178	209	243	274
COUNTY: UNION STATE: GA	137	168	198	229	258
COUNTY: UPSON STATE: GA	157	191	225	260	295
COUNTY: WARE STATE: GA	160	195	230	265	300
COUNTY: WARREN STATE: GA	167	204	242	278	315
COUNTY: WASHINGTON STATE: GA	146	178	209	243	274
COUNTY: WAYNE STATE: GA	148	181	214	247	279
COUNTY: WEBSTER STATE: GA	162	198	233	269	304
COUNTY: WHEELER STATE: GA	146	178	209	243	274
COUNTY: WHITE STATE: GA	137	168	198	229	258
COUNTY: WHITFIELD STATE: GA	143	174	206	237	269
COUNTY: WILCOX STATE: GA	146	178	209	243	274
COUNTY: WILKES STATE: GA	167	204	242	278	315
COUNTY: WILKINSON STATE: GA	146	178	209	243	274
COUNTY: WORTH STATE: GA	146	178	209	243	274

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR F 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE					
SMSA: ANNISTON, AL					
COUNTY:CALHOUN STATE:AL	128	156	184	213	241
SMSA: BIRMINGHAM, AL					
COUNTY:JEFFERSON STATE:AL	177	216	254	293	332
COUNTY:ST CLAIR STATE:AL	177	216	254	293	332
COUNTY:SHELBY STATE:AL	177	216	254	293	332
COUNTY:WALKER STATE:AL	177	216	254	293	332
SMSA: COLUMBUS, GA-AL					
COUNTY:RUSSELL STATE:AL	162	198	233	269	304
SMSA: FLORENCE, AL					
COUNTY:COLBERT STATE:AL	168	206	246	281	318
COUNTY:LAUDERDALE STATE:AL	168	206	246	281	318
SMSA: GADSDEN, AL					
COUNTY:ETOWAH STATE:AL	128	156	184	213	241
SMSA: HUNTSVILLE, AL					
COUNTY:LIMESTONE STATE:AL	176	214	253	292	330
COUNTY:MADISON STATE:AL	176	214	253	292	330
SMSA: HUNTSVILLE, AL					
COUNTY:MARSHALL STATE:AL	176	214	253	292	330
SMSA: MOBILE, AL					
COUNTY:BALDWIN STATE:AL	142	172	204	235	267
COUNTY:MOBILE STATE:AL	142	172	204	235	267
SMSA: MONTGOMERY, AL					
COUNTY:AUTAUGA STATE:AL	141	171	202	233	264
COUNTY:ELMORE STATE:AL	141	171	202	233	264
COUNTY:MONTGOMERY STATE:AL	141	171	202	233	264
SMSA: TUSCALOOSA, AL					
COUNTY:TUSCALOOSA STATE:AL	166	202	239	276	313
NON SMSA					
COUNTY:BARBOUR STATE:AL	160	195	230	265	300
COUNTY:BIBB STATE:AL	166	202	239	276	313
COUNTY:BLOUNT STATE:AL	128	156	184	213	241
COUNTY:BULLOCK STATE:AL	141	171	202	233	264

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR, LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE					
NON SMSA					
COUNTY:BUTLER STATE:AL	160	195	230	265	300
COUNTY:CHAMBERS STATE:AL	162	198	233	269	304
COUNTY:CHEROKEE STATE:AL	128	156	184	213	241
COUNTY:CHILTON STATE:AL	166	202	239	276	313
COUNTY:CHOCTAW STATE:AL	162	198	233	269	304
COUNTY:CLARKE STATE:AL	152	186	219	253	287
COUNTY:CLAY STATE:AL	128	156	184	213	241
COUNTY:CLEBURNE STATE:AL	137	168	198	229	258
COUNTY:COFFEE STATE:AL	160	195	230	265	300
COUNTY:CONECUH STATE:AL	152	186	219	253	287
COUNTY:COOSA STATE:AL	141	171	202	233	264
COUNTY:COVINGTON STATE:AL	160	195	230	265	300
COUNTY:CRENSHAW STATE:AL	160	195	230	265	300
COUNTY:CULLMAN STATE:AL	128	156	184	213	241
COUNTY:DALE STATE:AL	160	195	230	265	300
COUNTY:DALLAS STATE:AL	141	171	202	233	264
COUNTY:DE KALB STATE:AL	143	174	206	237	269
COUNTY:ESCAMBIA STATE:AL	185	226	267	308	348
COUNTY:FAYETTE STATE:AL	166	202	239	276	313
COUNTY:FRANKLIN STATE:AL	138	169	200	231	262
COUNTY:GENEVA STATE:AL	160	195	230	265	300
COUNTY:GREENE STATE:AL	166	202	239	276	313
COUNTY:HALE STATE:AL	166	202	239	276	313
COUNTY:HENRY STATE:AL	160	195	230	265	300

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR, LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE					
NON SMSA					
COUNTY HOUSTON STATE AL	160	195	230	265	300
COUNTY JACKSON STATE AL	143	174	206	237	269
COUNTY LAMAR STATE AL	166	202	239	276	313
COUNTY LAWRENCE STATE AL	138	169	200	231	262
COUNTY LEE STATE AL	162	198	233	269	304
COUNTY LOWNDES STATE AL	141	171	202	233	264
COUNTY MACON STATE AL	141	171	202	233	264
COUNTY MARENGO STATE AL	162	198	233	269	304
COUNTY MARION STATE AL	166	202	239	276	313
COUNTY MONROE STATE AL	152	186	219	253	287
COUNTY MORGAN STATE AL	176	214	253	292	330
COUNTY PERRY STATE AL	141	171	202	233	264
COUNTY PICKENS STATE AL	166	202	239	276	313
COUNTY PIKE STATE AL	160	195	230	265	300
COUNTY RANDOLPH STATE AL	162	198	233	269	304
COUNTY SUMTER STATE AL	162	198	233	269	304
COUNTY TALLADEGA STATE AL	148	181	213	246	280
COUNTY TALLAPOOSA STATE AL	141	171	202	233	264
COUNTY WASHINGTON STATE AL	152	186	219	253	287
COUNTY WILCOX STATE AL	152	186	219	253	287
COUNTY WINSTON STATE AL	166	202	239	276	313

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBIA, SOUTH CAROLINA AREA AFFICE					
SMSA: AUGUSTA, GA-SC					
COUNTY AIKEN STATE SC	190	231	272	314	356
SMSA: CHARLESTON, SC					
COUNTY BERKELEY STATE SC	196	240	282	326	368
COUNTY CHARLESTON STATE SC	196	240	282	326	368
COUNTY DORCHESTER STATE SC	196	240	282	326	368
SMSA: COLUMBIA, SC					
COUNTY LEXINGTON STATE SC	190	231	272	314	356
COUNTY RICHLAND STATE SC	190	231	272	314	356
SMSA: GREENVILLE-SPARTANBURG, SC					
COUNTY GREENVILLE STATE SC	161	196	231	267	302
COUNTY PICKENS STATE SC	161	196	231	267	302
COUNTY SPARTANBURG STATE SC	161	196	231	267	302
NON SMSA					
COUNTY ABBEVILLE STATE SC	141	171	202	233	264
COUNTY ALLENDALE STATE SC	167	204	242	278	315
COUNTY ANDERSON STATE SC	141	171	202	233	264
COUNTY BAMBERG STATE SC	167	204	242	278	315
COUNTY BARNWELL STATE SC	167	204	242	278	315
COUNTY BEAUFORT STATE SC	167	204	242	278	315
COUNTY CALHOUN STATE SC	151	184	218	251	284
COUNTY CHEROKEE STATE SC	160	194	228	264	298
COUNTY CHESTER STATE SC	152	186	219	253	287
COUNTY CHESTERFIELD STATE SC	150	183	216	249	282
COUNTY CLARENDON STATE SC	151	184	218	251	284
COUNTY COLLETON STATE SC	167	204	242	278	315
COUNTY DARLINGTON STATE SC	150	183	216	249	282
COUNTY DILLON STATE SC	150	183	216	249	282

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBIA, SOUTH CAROLINA AREA AFFICE					
NON SMSA					
COUNTY EDGEFIELD STATE SC	167	204	242	278	315
COUNTY FAIRFIELD STATE SC	151	184	218	251	284
COUNTY FLORENCE STATE SC	150	183	216	249	290
COUNTY GEORGETOWN STATE SC	150	183	216	249	282
COUNTY GREENWOOD STATE SC	141	171	202	233	264
COUNTY HAMPTON STATE SC	167	204	242	278	315
COUNTY HORRY STATE SC	167	203	239	274	311
COUNTY JASPER STATE SC	148	181	214	247	279
COUNTY KERSHAW STATE SC	151	184	218	251	284
COUNTY LANCASTER STATE SC	152	186	219	253	287
COUNTY LAURENS STATE SC	141	171	202	233	264
COUNTY LEE STATE SC	151	184	218	251	284
COUNTY MCCORMICK STATE SC	167	204	242	278	315
COUNTY MARION STATE SC	150	183	216	249	282
COUNTY MARLBORO STATE SC	150	183	216	249	282
COUNTY NEWBERRY STATE SC	151	184	218	251	284
COUNTY OCONEE STATE SC	160	194	228	264	298
COUNTY ORANGEBURG STATE SC	167	203	239	274	311
COUNTY SALUDA STATE SC	167	204	242	278	315
COUNTY SUMTER STATE SC	151	184	218	251	284
COUNTY UNION STATE SC	141	171	202	233	264
COUNTY WILLIAMSBURG STATE SC	150	183	216	249	282
COUNTY YORK STATE SC	152	186	219	253	287

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR. 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE					
SMSA: ASHEVILLE, NC					
COUNTY BUNCOMBE STATE NC	151	184	218	251	284
COUNTY MADISON STATE NC	151	184	218	251	284
SMSA: BURLINGTON, NC					
COUNTY ALAMANCE STATE NC	175	213	251	290	328
SMSA: CHARLOTTE-GASTONIA, NC					
COUNTY GASTON STATE NC	212	258	303	351	396
COUNTY MECKLENBURG STATE NC	212	258	303	351	396
COUNTY UNION STATE NC	212	258	303	351	396
SMSA: FAYETTEVILLE, NC					
COUNTY CUMBERLAND STATE NC	194	236	279	321	363
SMSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC					
COUNTY DAVIDSON STATE NC	175	213	251	290	328
COUNTY FORSYTH STATE NC	175	213	251	290	328
COUNTY GUILFORD STATE NC	175	213	251	290	328
COUNTY RANDOLPH STATE NC	175	213	251	290	328
COUNTY STOKES STATE NC	175	213	251	290	328
COUNTY YADKIN STATE NC	175	213	251	290	328
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC					
COUNTY CURRITUCK STATE NC	205	249	294	339	383
SMSA: RALEIGH-DURHAM, NC					
COUNTY DURHAM STATE NC	187	228	268	309	350
COUNTY ORANGE STATE NC	187	228	268	309	350
COUNTY WAKE STATE NC	187	228	268	309	350
SMSA: WILMINGTON, NC					
COUNTY BRUNSWICK STATE NC	162	198	233	269	304
COUNTY NEW HANOVER STATE NC	162	198	233	269	304
NON SMSA					
COUNTY ALEXANDER STATE NC	158	193	228	263	297
COUNTY ALLEGHANY STATE NC	158	193	228	263	297
COUNTY ANSON STATE NC	175	213	251	290	328

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR: 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE					
NON SMSA					
COUNTY:ASHE STATE:NC	158	193	228	263	297
COUNTY:AVERY STATE:NC	158	193	228	263	297
COUNTY:BEAUFORT STATE:NC	187	228	268	310	350
COUNTY:BERTIE STATE:NC	146	178	209	243	274
COUNTY:BLADEN STATE:NC	194	236	279	321	363
COUNTY:BURKE STATE:NC	158	193	228	263	297
COUNTY:CABARRUS STATE:NC	142	172	204	235	267
COUNTY:CALDWELL STATE:NC	158	193	228	263	297
COUNTY:CAMDEN STATE:NC	187	228	268	310	350
COUNTY:CARTERET STATE:NC	162	198	233	269	304
COUNTY:CASWELL STATE:NC	203	246	291	334	379
COUNTY:CATAWBA STATE:NC	158	193	228	263	297
COUNTY:CHATHAM STATE:NC	194	236	279	321	363
COUNTY:CHEROKEE STATE:NC	151	184	218	251	284
COUNTY:CHOWAN STATE:NC	187	228	268	310	350
COUNTY:CLAY STATE:NC	151	184	218	251	284
COUNTY:CLEVELAND STATE:NC	158	193	228	263	297
COUNTY:COLUMBUS STATE:NC	162	198	233	269	304
COUNTY:CRAVEN STATE:NC	162	198	233	269	304
COUNTY:DARE STATE:NC	187	228	268	310	350
COUNTY:DAVIE STATE:NC	175	213	251	290	328
COUNTY:DUPLIN STATE:NC	162	198	233	269	304
COUNTY:EDGECOMBE STATE:NC	146	178	209	243	274
COUNTY:FRANKLIN STATE:NC	146	178	209	243	274

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE					
NON SMSA					
COUNTY:GATES STATE:NC	187	228	268	310	350
COUNTY:GRAHAM STATE:NC	151	184	218	251	284
COUNTY:GRANVILLE STATE:NC	146	178	209	243	274
COUNTY:GREENE STATE:NC	187	228	268	310	350
COUNTY:HALIFAX STATE:NC	146	178	209	243	274
COUNTY:HARNETT STATE:NC	194	236	279	321	363
COUNTY:HAYWOOD STATE:NC	151	184	218	251	284
COUNTY:HENDERSON STATE:NC	151	184	218	251	284
COUNTY:HERTFORD STATE:NC	146	178	209	243	274
COUNTY:HOKE STATE:NC	194	236	279	321	363
COUNTY:HYDE STATE:NC	187	228	268	310	350
COUNTY:IREDELL STATE:NC	142	172	204	235	267
COUNTY:JACKSON STATE:NC	151	184	218	251	284
COUNTY:JOHNSTON STATE:NC	187	228	268	310	350
COUNTY:JONES STATE:NC	162	198	233	269	304
COUNTY:LEE STATE:NC	194	236	279	321	363
COUNTY:LENOIR STATE:NC	162	198	233	269	304
COUNTY:LINCOLN STATE:NC	152	186	219	253	287
COUNTY:MCDOWELL STATE:NC	157	191	225	259	293
COUNTY:MACON STATE:NC	151	184	218	251	284
COUNTY:MARTIN STATE:NC	187	228	268	310	350
COUNTY:MITCHELL STATE:NC	158	193	228	263	297
COUNTY:MONTGOMERY STATE:NC	175	213	251	290	328
COUNTY:MOORE STATE:NC	175	213	251	290	328

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE					
NON SMSA					
COUNTY NASH STATE NC	146	178	209	243	274
COUNTY NORTHAMPTON STATE NC	146	178	209	243	274
COUNTY ONSLOW STATE NC	162	198	233	269	304
COUNTY PAMLICO STATE NC	162	198	233	269	304
COUNTY PASQUOTANK STATE NC	187	228	268	310	350
COUNTY PENDER STATE NC	162	198	233	269	304
COUNTY PERQUIMANS STATE NC	187	228	268	310	350
COUNTY PERSON STATE NC	194	236	279	321	363
COUNTY PITT STATE NC	187	228	268	310	350
COUNTY POLK STATE NC	158	193	228	263	297
COUNTY RICHMOND STATE NC	175	213	251	290	328
COUNTY ROBESON STATE NC	194	236	279	321	363
COUNTY ROCKINGHAM STATE NC	148	181	214	247	279
COUNTY ROWAN STATE NC	142	172	204	235	267
COUNTY RUTHERFORD STATE NC	158	193	228	263	297
COUNTY SAMPSON STATE NC	194	236	279	321	363
COUNTY SCOTLAND STATE NC	142	172	204	235	267
COUNTY STANLY STATE NC	142	172	204	235	267
COUNTY SURRY STATE NC	175	213	251	290	328
COUNTY SWAIN STATE NC	151	184	218	251	284
COUNTY TRANSYLVANIA STATE NC	151	184	218	251	284
COUNTY TYRRELL STATE NC	187	228	268	310	350
COUNTY VANCE STATE NC	146	178	209	243	274
COUNTY WARREN STATE NC	194	236	279	321	363

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE					
NON SMSA					
COUNTY WASHINGTON STATE NC	187	228	268	310	350
COUNTY WATAUGA STATE NC	158	193	228	263	297
COUNTY WAYNE STATE NC	187	228	268	310	350
COUNTY WILKES STATE NC	158	193	228	263	297
COUNTY WILSON STATE NC	146	178	209	243	274
COUNTY YANCEY STATE NC	158	193	228	263	297
JACKSON, MISSISSIPPI AREA OFFICE					
SMSA: BILOXI-GULFPORT, MS					
COUNTY HANCOCK STATE MS	166	203	239	292	343
COUNTY HARRISON STATE MS	166	203	239	292	343
COUNTY STONE STATE MS	166	203	239	292	343
SMSA: JACKSON, MS					
COUNTY HINDS STATE MS	185	226	266	307	347
COUNTY RANKIN STATE MS	185	226	266	307	347
SMSA: MEMPHIS, TN-AR-MS					
COUNTY DE SOTO STATE MS	172	210	247	284	322
SMSA: PASCAGOULA-NOSS POINT, MS					
COUNTY JACKSON STATE MS	166	203	239	292	343
NON SMSA					
COUNTY ADAMS STATE MS	148	173	204	253	280
COUNTY ALCORN STATE MS	160	183	217	250	283
COUNTY AMITE STATE MS	148	173	204	253	280
COUNTY ATTALA STATE MS	161	179	214	260	285

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR. 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSON, MISSISSIPPI AREA OFFICE					
NON SMSA					
COUNTY: BENTON STATE: MS	161	194	227	260	295
COUNTY: BOLIVAR STATE: MS	162	175	215	254	282
COUNTY: CALHOUN STATE: MS	162	198	232	267	322
COUNTY: CARROLL STATE: MS	161	179	214	260	285
COUNTY: CHICKASAW STATE: MS	160	183	217	250	283
COUNTY: CHOCTAW STATE: MS	141	171	202	233	264
COUNTY: CLAIBORNE STATE: MS	161	179	214	260	285
COUNTY: CLARKE STATE: MS	162	198	233	269	304
COUNTY: CLAY STATE: MS	152	186	219	252	286
COUNTY: COAHOMA STATE: MS	164	200	236	273	307
COUNTY: COPIAH STATE: MS	161	179	214	260	285
COUNTY: COVINGTON STATE: MS	162	198	233	269	304
COUNTY: FORREST STATE: MS	162	198	233	269	304
COUNTY: FRANKLIN STATE: MS	148	173	204	253	280
COUNTY: GEORGE STATE: MS	159	194	227	262	299
COUNTY: GREENE STATE: MS	159	194	227	262	299
COUNTY: GRENADA STATE: MS	161	179	214	260	285
COUNTY: HOLMES STATE: MS	161	179	214	260	285
COUNTY: HUMPHREYS STATE: MS	162	175	215	254	282
COUNTY: ISSAQUENA STATE: MS	162	175	215	254	282
COUNTY: ITAWAMBA STATE: MS	160	183	217	250	283
COUNTY: JASPER STATE: MS	162	198	233	269	304
COUNTY: JEFFERSON STATE: MS	148	173	204	253	280
COUNTY: JEFFERSON DA STATE: MS	148	173	204	253	280

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR. 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSON, MISSISSIPPI AREA OFFICE					
NON SMSA					
COUNTY: JONES STATE: MS	162	198	233	269	304
COUNTY: KEMPER STATE: MS	162	198	233	269	304
COUNTY: LAFAYETTE STATE: MS	161	194	227	260	295
COUNTY: LAMAR STATE: MS	162	198	233	269	304
COUNTY: LAUDERDALE STATE: MS	162	198	233	269	304
COUNTY: LAWRENCE STATE: MS	148	173	204	253	280
COUNTY: LEAKE STATE: MS	140	170	202	233	264
COUNTY: LEE STATE: MS	152	186	219	252	286
COUNTY: LEFLORE STATE: MS	161	179	214	260	285
COUNTY: LINCOLN STATE: MS	148	173	204	253	280
COUNTY: LOWNDES STATE: MS	161	185	220	252	286
COUNTY: MADISON STATE: MS	161	179	214	260	285
COUNTY: MARION STATE: MS	140	169	200	231	263
COUNTY: MARSHALL STATE: MS	161	194	227	260	295
COUNTY: MONROE STATE: MS	162	198	232	267	322
COUNTY: MONTGOMERY STATE: MS	140	170	202	233	264
COUNTY: NESHOBA STATE: MS	162	198	233	269	304
COUNTY: NEWTON STATE: MS	162	198	233	269	304
COUNTY: NOXUBEE STATE: MS	152	186	219	252	286
COUNTY: OKTIBBEHA STATE: MS	175	214	252	291	329
COUNTY: PANOLA STATE: MS	161	194	227	260	295
COUNTY: PEARL RIVER STATE: MS	143	172	208	267	315
COUNTY: PERRY STATE: MS	162	198	233	269	304
COUNTY: PIKE STATE: MS	148	173	204	253	280

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR. 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSON, MISSISSIPPI AREA OFFICE					
NON SMSA					
COUNTY: PONTOTOC STATE: MS	160	183	217	250	283
COUNTY: PRENTISS STATE: MS	160	183	217	250	283
COUNTY: QUITMAN STATE: MS	161	194	227	260	295
COUNTY: SCOTT STATE: MS	140	170	202	233	264
COUNTY: SHARKEY STATE: MS	162	175	215	254	282
COUNTY: SIMPSON STATE: MS	161	179	214	260	285
COUNTY: SMITH STATE: MS	140	170	202	233	264
COUNTY: SUNFLOWER STATE: MS	162	175	215	254	282
COUNTY: TALLAHATCHIE STATE: MS	140	170	202	233	264
COUNTY: TATE STATE: MS	161	194	227	260	295
COUNTY: TIPPAH STATE: MS	164	200	236	273	307
COUNTY: TISHOMIGO STATE: MS	160	183	217	250	283
COUNTY: TUNICA STATE: MS	161	194	227	260	295
COUNTY: UNION STATE: MS	162	198	232	267	322
COUNTY: WALTHALL STATE: MS	148	173	204	253	280
COUNTY: WARREN STATE: MS	161	179	214	260	285
COUNTY: WASHINGTON STATE: MS	162	175	215	254	282
COUNTY: WAYNE STATE: MS	162	198	233	269	304
COUNTY: WEBSTER STATE: MS	152	186	219	252	286
COUNTY: WILKINSON STATE: MS	142	173	204	235	266
COUNTY: WINSTON STATE: MS	162	198	233	269	304
COUNTY: YALOBUSHA STATE: MS	140	170	202	233	264
COUNTY: YAZOO STATE: MS	161	179	214	260	285

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSONVILLE, FLORIDA AREA OFFICE					
SMSA: FORT LAUDERDALE-HOLLYWOOD, FL					
COUNTY: BROWARD STATE: FL	299	362	427	493	557
SMSA: FORT MYERS-CAPE CORAL, FL					
COUNTY: LEE STATE: FL	224	273	322	371	420
SMSA: MIAMI, FL					
COUNTY: DADE STATE: FL	276	335	395	455	513
SMSA: WEST PALM BEACH-BOCA RATON, FL					
COUNTY: PALM BEACH STATE: FL	251	305	359	414	468
NON SMSA					
COUNTY: CHARLOTTE STATE: FL	224	273	322	371	420
COUNTY: COLLIER STATE: FL	211	258	303	349	396
COUNTY: GLADES STATE: FL	177	216	255	294	333
COUNTY: HENDRY STATE: FL	177	216	255	294	333
COUNTY: MARTIN STATE: FL	177	216	255	294	333
COUNTY: MONROE STATE: FL	177	216	255	294	333
SMSA: GAINESVILLE, FL					
COUNTY: ALACHUA STATE: FL	177	216	255	294	333
SMSA: JACKSONVILLE, FL					
COUNTY: BAKER STATE: FL	187	228	268	310	350
COUNTY: CLAY STATE: FL	187	228	268	310	350
COUNTY: DUVAL STATE: FL	187	228	268	310	350
COUNTY: NASSAU STATE: FL	187	228	268	310	350
COUNTY: ST JOHNS STATE: FL	187	228	268	310	350
SMSA: PANAMA CITY, FL					
COUNTY: BAY STATE: FL	177	216	255	294	333
SMSA: PENSACOLA, FL					
COUNTY: ESCAMBIA STATE: FL	185	226	267	308	348
COUNTY: SANTA ROSA STATE: FL	185	226	267	308	348
SMSA: TALLAHASSEE, FL					
COUNTY: LEON STATE: FL	177	216	255	294	333
COUNTY: WAKULLA STATE: FL	177	216	255	294	333
NON SMSA					
COUNTY: BRADFORD STATE: FL	160	195	230	265	300

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSONVILLE, FLORIDA AREA OFFICE					
NON SMSA					
COUNTY CALHOUN STATE FL	177	216	255	294	333
COUNTY COLUMBIA STATE FL	160	195	230	265	300
COUNTY DIXIE STATE FL	177	216	255	294	333
COUNTY FLAGLER STATE FL	169	206	244	280	317
COUNTY FRANKLIN STATE FL	177	216	255	294	333
COUNTY GADSDEN STATE FL	177	216	255	294	333
COUNTY GILCHRIST STATE FL	177	216	255	294	333
COUNTY GULF STATE FL	177	216	255	294	333
COUNTY HAMILTON STATE FL	160	195	230	265	300
COUNTY HOLMES STATE FL	177	216	255	294	333
COUNTY JACKSON STATE FL	177	216	255	294	333
COUNTY JEFFERSON STATE FL	177	216	255	294	333
COUNTY LAFAYETTE STATE FL	160	195	230	265	300
COUNTY LEVY STATE FL	177	216	255	294	333
COUNTY LIBERTY STATE FL	177	216	255	294	333
COUNTY MADISON STATE FL	177	216	255	294	333
COUNTY MARION STATE FL	177	216	255	294	333
COUNTY OKALOOSA STATE FL	185	226	267	308	348
COUNTY PUTNAM STATE FL	177	216	255	294	333
COUNTY SUWANNEE STATE FL	160	195	230	265	300
COUNTY TAYLOR STATE FL	177	216	255	294	333
COUNTY UNION STATE FL	160	195	230	265	300
COUNTY WALTON STATE FL	185	226	267	308	348
COUNTY WASHINGTON STATE FL	177	216	255	294	333

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSONVILLE, FLORIDA AREA OFFICE					
SMSA: DAYTONA BEACH, FL					
COUNTY:VOLUSIA STATE:FL	169	206	244	280	317
SMSA: MELBOURN-TITUSVILLE-COCOA FL					
COUNTY:BREVARD STATE:FL	222	269	317	367	414
SMSA: ORLANDO, FL					
COUNTY:ORANGE STATE:FL	216	263	310	357	404
COUNTY:OSCEOLA STATE:FL	216	263	310	357	404
COUNTY:SEMINOLE STATE:FL	216	263	310	357	404
NON SMSA					
COUNTY:INDIAN RIVER STATE:FL	177	216	255	294	333
COUNTY:LAKE STATE:FL	169	206	244	280	317
COUNTY:OKEECHOBEE STATE:FL	177	216	255	294	333
COUNTY:ST LUCIE STATE:FL	177	216	255	294	333
SMSA: BRADENTON, FL					
COUNTY:MANATEE STATE:FL	224	273	322	371	420
SMSA: LAKELAND-WINTER HAVEN, FL					
COUNTY:POLK STATE:FL	184	225	265	306	346
SMSA: SARASOTA, FL					
COUNTY:SARASOTA STATE:FL	224	273	322	371	420
SMSA: TAMPA-ST PETERSBURG, FL					
COUNTY:HILLSBOROUGH STATE:FL	189	230	287	359	399
COUNTY:PASCO STATE:FL	189	230	287	359	399
COUNTY PINELLAS STATE:FL	189	230	287	359	399
NON SMSA					
COUNTY:CITRUS STATE:FL	184	225	265	306	346
COUNTY DE SOTO STATE:FL	224	273	322	371	420
COUNTY:HARDEE STATE:FL	224	273	322	371	420
COUNTY:HERNANDO STATE FL	184	225	265	306	346
COUNTY:HIGHLANDS STATE:FL	177	216	255	294	333
COUNTY:SUMTER STATE:FL	169	206	244	280	317

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
SMSA: CINCINNATI, OH-KY-IN					
COUNTY BOONE STATE KY	186	226	265	305	344
COUNTY CAMPBELL STATE KY	186	226	265	305	344
COUNTY KENTON STATE KY	186	226	265	305	344
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY					
COUNTY CHRISTIAN STATE KY	167	204	242	278	315
SMSA: EVANSVILLE, IN-KY					
COUNTY HENDERSON STATE KY	194	216	260	288	321
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH					
COUNTY BOYD STATE KY	157	191	225	260	295
COUNTY GREENUP STATE KY	157	191	225	260	295
SMSA: LEXINGTON-FAYETTE , KY					
COUNTY BOURBON STATE KY	179	218	268	317	368
COUNTY CLARK STATE KY	179	218	268	317	368
COUNTY FAYETTE STATE KY	179	218	268	317	368
COUNTY JESSAMINE STATE KY	179	218	268	317	368
SMSA: LEXINGTON-FAYETTE , KY					
COUNTY SCOTT STATE KY	179	218	268	317	368
COUNTY WOODFORD STATE KY	179	218	268	317	368
SMSA: LOUISVILLE, KY-IN					
COUNTY BULLITT STATE KY	166	202	238	275	311
COUNTY JEFFERSON STATE KY	166	202	238	275	311
COUNTY OLDHAM STATE KY	166	202	238	275	311
SMSA: OWENSBORO, KY					
COUNTY DAVIESS STATE KY	189	229	270	312	353
NON SMSA					
COUNTY ADAIR STATE KY	150	183	213	243	269
COUNTY ALLEN STATE KY	150	183	213	243	269
COUNTY ANDERSON STATE KY	179	218	256	296	335
COUNTY BALLARD STATE KY	142	172	204	235	267
COUNTY BARREN STATE KY	150	183	213	243	269

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
NON SMSA					
COUNTY BATH STATE KY	179	218	256	296	335
COUNTY BELL STATE KY	150	183	213	243	269
COUNTY BOYLE STATE KY	172	194	235	281	289
COUNTY BRACKEN STATE KY	189	229	270	312	353
COUNTY BREATHITT STATE KY	150	183	213	243	269
COUNTY BRECKINRIDGE STATE KY	183	222	263	304	343
COUNTY BUTLER STATE KY	150	183	213	243	269
COUNTY CALDWELL STATE KY	154	188	222	257	290
COUNTY CALLOWAY STATE KY	142	172	204	235	267
COUNTY CARLISLE STATE KY	142	172	204	235	267
COUNTY CARROLL STATE KY	189	229	270	312	353
COUNTY CARTER STATE KY	172	194	235	281	289
COUNTY CASEY STATE KY	133	160	187	217	238
COUNTY CLAY STATE KY	150	183	213	243	269
COUNTY CLINTON STATE KY	150	183	213	243	269
COUNTY CRITTENDON STATE KY	154	188	222	257	290
COUNTY CUMBERLAND STATE KY	150	183	213	243	269
COUNTY EDMONSON STATE KY	150	183	213	243	269
COUNTY ELLIOTT STATE KY	143	172	207	281	303
COUNTY ESTILL STATE KY	179	218	256	296	335
COUNTY FLEMING STATE KY	189	229	270	312	353
COUNTY FLOYD STATE KY	133	160	187	217	241
COUNTY FRANKLIN STATE KY	179	218	256	296	335
COUNTY FULTON STATE KY	142	172	204	235	267

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
NON SMSA					
COUNTY: GALLATIN STATE: KY	189	229	270	312	353
COUNTY: GARRARD STATE: KY	133	160	187	217	238
COUNTY: GRANT STATE: KY	189	229	270	312	353
COUNTY: GRAVES STATE: KY	142	172	204	235	267
COUNTY: GRAYSON STATE: KY	183	222	263	304	343
COUNTY: GREEN STATE: KY	150	183	213	243	269
COUNTY: HANCOCK STATE: KY	147	180	222	257	290
COUNTY: HARDIN STATE: KY	183	222	263	304	343
COUNTY: HARLAN STATE: KY	150	183	213	243	269
COUNTY: HARRISON STATE: KY	179	218	269	311	351
COUNTY: HART STATE: KY	183	222	263	304	343
COUNTY: HENRY STATE: KY	183	222	263	304	343
COUNTY: HICKMAN STATE: KY	142	172	204	235	267
COUNTY: HOPKINS STATE: KY	147	180	222	257	290
COUNTY: JACKSON STATE: KY	150	183	213	243	269
COUNTY: JOHNSON STATE: KY	133	160	187	217	241
COUNTY: KNOTT STATE: KY	150	183	213	243	269
COUNTY: KNOX STATE: KY	150	183	213	243	269
COUNTY: LARUE STATE: KY	183	222	263	304	343
COUNTY: LAUREL STATE: KY	150	183	213	243	269
COUNTY: LAWRENCE STATE: KY	143	172	207	281	303
COUNTY: LEE STATE: KY	150	183	213	243	269
COUNTY: LESLIE STATE: KY	150	183	213	243	269
COUNTY: LETCHER STATE: KY	150	183	213	243	269

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
NON SMSA					
COUNTY: LEWIS STATE: KY	189	229	270	312	353
COUNTY: LINCOLN STATE: KY	133	160	187	217	238
COUNTY: LIVINGSTON STATE: KY	142	172	204	235	267
COUNTY: LOGAN STATE: KY	154	188	222	257	290
COUNTY: LYON STATE: KY	154	188	222	257	290
COUNTY: MCCRACKEN STATE: KY	160	189	223	258	293
COUNTY: MCCREARY STATE: KY	150	183	213	243	269
COUNTY: MCLEAN STATE: KY	147	180	222	257	290
COUNTY: MADISON STATE: KY	179	218	269	311	351
COUNTY: MAGOFFIN STATE: KY	150	183	213	243	269
COUNTY: MARION STATE: KY	183	222	263	304	343
COUNTY: MARSHALL STATE: KY	160	189	223	258	293
COUNTY: MARTIN STATE: KY	133	160	187	217	241
COUNTY: MASON STATE: KY	189	229	270	312	353
COUNTY: MEADE STATE: KY	183	222	263	304	343
COUNTY: MENIFEE STATE: KY	150	183	213	243	269
COUNTY: MERCER STATE: KY	179	218	256	296	335
COUNTY: METCALFE STATE: KY	150	183	213	243	269
COUNTY: MONROE STATE: KY	150	183	213	243	269
COUNTY: MONTGOMERY STATE: KY	179	218	269	311	351
COUNTY: MORGAN STATE: KY	150	183	213	243	269
COUNTY: MUHLENBERG STATE: KY	147	180	222	257	290
COUNTY: NELSON STATE: KY	183	222	263	304	343
COUNTY: NICHOLAS STATE: KY	179	218	256	296	335

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
NON SMSA					
COUNTY OHIO STATE KY	147	180	212	245	277
COUNTY OWEN STATE KY	189	229	270	312	353
COUNTY OWSLEY STATE KY	150	183	213	243	269
COUNTY PENDLETON STATE KY	189	229	270	312	353
COUNTY PERRY STATE KY	150	183	213	243	269
COUNTY PIKE STATE KY	150	183	213	243	269
COUNTY POWELL STATE KY	150	183	213	253	269
COUNTY PULASKI STATE KY	150	183	213	243	269
COUNTY ROBERTSON STATE KY	189	229	270	312	353
COUNTY ROCKCASTLE STATE KY	150	183	213	243	269
COUNTY ROWAN STATE KY	133	160	187	217	241
COUNTY RUSSELL STATE KY	133	160	187	217	238
COUNTY SHELBY STATE KY	183	222	263	304	343
COUNTY SIMPSON STATE KY	150	183	213	243	269
COUNTY SPENCER STATE KY	183	222	263	304	343
COUNTY TAYLOR STATE KY	150	183	213	243	269
COUNTY TODD STATE KY	167	204	242	278	315
COUNTY TRIGG STATE KY	167	204	242	278	315
COUNTY TRIMBLE STATE KY	183	222	263	304	343
COUNTY UNION STATE KY	147	180	222	257	290
COUNTY WARREN STATE KY	150	183	213	243	269
COUNTY WASHINGTON STATE KY	183	222	263	304	343
COUNTY WAYNE STATE KY	150	183	213	243	269
COUNTY WEBSTER STATE KY	147	180	222	257	290

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
NON SMSA					
COUNTY WHITLEY STATE KY	150	183	213	253	269
COUNTY WOLFE STATE KY	133	160	187	217	238
KNOXVILLE, TENNESSEE AREA OFFICE					
SMSA: CHATTANOOGA, TN-GA					
COUNTY HAMILTON STATE TN	167	204	242	278	315
COUNTY MARION STATE TN	167	204	242	278	315
COUNTY SEQUATCHIE STATE TN	167	204	242	278	315
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA					
COUNTY CARTER STATE TN	165	201	237	274	310
COUNTY HAWKINS STATE TN	165	201	237	274	310
COUNTY SULLIVAN STATE TN	165	201	237	274	310
COUNTY UNICOI STATE TN	165	201	237	274	310
COUNTY WASHINGTON STATE TN	165	201	237	274	310
SMSA: KNOXVILLE, TN					
COUNTY ANDERSON STATE TN	167	204	242	316	346
COUNTY BLOUNT STATE TN	167	204	242	316	346
COUNTY KNOX STATE TN	167	204	242	316	346
COUNTY UNION STATE TN	167	204	242	316	346

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KNOXVILLE, TENNESSEE AREA OFFICE					
NON SMSA					
COUNTY BLEDSOE STATE TN	143	174	206	237	269
COUNTY BRADLEY STATE TN	143	174	206	237	269
COUNTY CAMPBELL STATE TN	133	163	192	221	251
COUNTY CLAIBORNE STATE TN	133	163	192	221	251
COUNTY COCKE STATE TN	133	163	192	221	251
COUNTY CUMBERLAND STATE TN	133	163	192	221	251
COUNTY FENTRESS STATE TN	133	163	192	221	251
COUNTY GRAINGER STATE TN	133	163	192	221	251
COUNTY GREENE STATE TN	165	201	237	274	310
COUNTY GRUNDY STATE TN	143	174	206	237	269
COUNTY HAMBLEN STATE TN	133	163	192	221	251
COUNTY HANCOCK STATE TN	165	201	237	274	310
COUNTY JEFFERSON STATE TN	133	163	192	221	251
COUNTY JOHNSON STATE TN	165	201	237	274	310
COUNTY LOUDON STATE TN	133	163	192	221	251
COUNTY MCMINN STATE TN	143	174	206	237	269
COUNTY MEIGS STATE TN	143	174	206	237	269
COUNTY MONROE STATE TN	133	163	192	221	251
COUNTY MORGAN STATE TN	133	163	192	221	251
COUNTY PICKETT STATE TN	127	154	183	211	238
COUNTY POLK STATE TN	143	174	206	237	269
COUNTY RHEA STATE TN	143	174	206	237	269
COUNTY ROANE STATE TN	133	163	192	221	251
COUNTY SCOTT STATE TN	133	163	192	221	251

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KNOXVILLE, TENNESSEE AREA OFFICE					
NON SMSA					
COUNTY:SEVIER STATE:TN	133	163	192	221	251
SMSA: MEMPHIS, TN-AR-MS					
COUNTY:SHELBY STATE:TN	172	210	247	284	322
COUNTY:TIPTON STATE:TN	172	210	247	284	322
NON SMSA					
COUNTY:BENTON STATE:TN	167	204	242	278	315
COUNTY:CARROLL STATE:TN	137	168	198	229	258
COUNTY:CHESTER STATE:TN	137	168	198	229	258
COUNTY:CROCKETT STATE:TN	137	168	198	229	258
COUNTY:DECATUR STATE:TN	137	168	198	229	258
COUNTY:DYER STATE:TN	137	168	198	229	258
COUNTY:FAYETTE STATE:TN	151	184	218	251	284
COUNTY:GIBSON STATE:TN	137	168	198	229	258
COUNTY:HARDEMAN STATE:TN	151	184	218	251	284
COUNTY:HARDIN STATE:TN	138	169	200	231	262
COUNTY:HAYWOOD STATE:TN	137	168	198	229	258
COUNTY:HENDERSON STATE:TN	137	168	198	229	258
COUNTY:HENRY STATE:TN	137	168	198	229	258
COUNTY:LAKE STATE:TN	142	172	204	235	267
COUNTY:LAUDERDALE STATE:TN	137	168	198	229	258
COUNTY:MCNAIRY STATE:TN	138	169	200	231	262
COUNTY:MADISON STATE:TN	150	184	217	251	283
COUNTY:OBION STATE:TN	142	172	204	235	267
COUNTY:WEAKLEY STATE:TN	137	168	198	229	258
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY					
COUNTY:MONTGOMERY STATE:TN	167	204	242	278	315
SMSA: NASHVILLE-DAVIDSON, TN					
COUNTY:CHEATHAM STATE:TN	203	246	291	334	379

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KNOXVILLE, TENNESSEE AREA OFFICE					
SMSA: NASHVILLE-DAVIDSON, TN					
COUNTY DAVIDSON STATE:TN	203	246	291	334	379
COUNTY:DICKSON STATE:TN	203	246	291	334	379
COUNTY:ROBERTSON STATE:TN	203	246	291	334	379
COUNTY:RUTHERFORD STATE:TN	203	246	291	334	379
COUNTY:SUMNER STATE:TN	203	246	291	334	379
COUNTY:WILLIAMSON STATE:TN	203	246	291	334	379
COUNTY:WILSON STATE:TN	203	246	291	334	379
NON SMSA					
COUNTY:BEDFORD STATE:TN	143	174	206	237	269
COUNTY:CANNON STATE:TN	127	154	183	211	238
COUNTY:CLAY STATE:TN	127	154	183	211	238
COUNTY:COFFEE STATE:TN	143	174	206	237	269
COUNTY:DE KALB STATE:TN	127	154	183	211	238
COUNTY:FRANKLIN STATE:TN	176	214	253	292	330
COUNTY:GILES STATE:TN	143	174	206	237	269
COUNTY:HICKMAN STATE:TN	143	174	206	237	269
COUNTY:HOUSTON STATE:TN	167	204	242	278	315
COUNTY:HUMPHREYS STATE:TN	167	204	242	278	315
COUNTY:JACKSON STATE:TN	127	154	183	211	238
COUNTY:LAWRENCE STATE:TN	143	174	206	237	269
COUNTY:LEWIS STATE:TN	143	174	206	237	269
COUNTY:LINCOLN STATE:TN	176	214	253	292	330
COUNTY:MACON STATE:TN	127	154	183	211	238
COUNTY:MARSHALL STATE:TN	143	174	206	237	269
COUNTY:MAURY STATE:TN	143	174	206	237	269

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KNOXVILLE, TENNESSEE AREA OFFICE					
NON SMSA					
COUNTY:MOORE STATE:TN	143	174	206	237	269
COUNTY:OVERTON STATE:TN	127	154	183	211	238
COUNTY:PERRY STATE:TN	127	154	183	211	238
COUNTY:PUTNAM STATE:TN	127	154	183	211	238
COUNTY:SMITH STATE:TN	127	154	183	211	238
COUNTY:STEWART STATE:TN	167	204	242	278	315
COUNTY:TROUSDALE STATE:TN	127	154	183	211	238
COUNTY:VAN BUREN STATE:TN	127	154	183	211	238
COUNTY:WARREN STATE:TN	127	154	183	211	238
COUNTY:WAYNE STATE:TN	138	169	200	231	262
COUNTY:WHITE STATE:TN	127	154	183	211	238

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE					
SMSA: CHICAGO, IL					
COUNTY:COOK STATE:IL	256	291	344	400	451
COUNTY:DU PAGE STATE:IL	256	291	344	400	451
COUNTY:KANE STATE:IL	256	291	344	400	451
COUNTY:LAKE STATE:IL	256	291	344	400	451
COUNTY:MCHENRY STATE:IL	256	291	344	400	451
COUNTY:WILL STATE:IL	256	291	344	400	451
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL					
COUNTY ROCK ISLAND STATE:IL	197	241	284	328	371
SMSA: KANKAKEE, ILLINOIS					
COUNTY:KANKAKEE STATE:IL	167	202	240	277	313
SMSA: ROCKFORD, IL					
COUNTY:BOONE STATE:IL	189	238	290	326	378
COUNTY:WINNEBAGO STATE:IL	189	238	290	326	378
NON SMSA					
COUNTY CARROLL STATE IL	166	202	240	277	313

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE					
NON SMSA					
COUNTY: DE KALB STATE: IL	189	229	271	313	354
COUNTY: GRUNDY STATE: IL	189	229	271	313	354
COUNTY: JO DAVIESS STATE: IL	150	183	216	250	283
COUNTY: KENDALL STATE: IL	189	229	271	313	354
COUNTY: LEE STATE: IL	172	210	247	286	324
COUNTY: OGLE STATE: IL	172	210	247	286	324
COUNTY: STEPHENSON STATE: IL	172	210	247	286	324
COUNTY: WHITESIDE STATE: IL	166	202	240	277	313
SMSA: BLOOMINGTON-NORMAL, IL					
COUNTY: MCLEAN STATE: IL	172	210	247	286	324
SMSA: CHAMPAIGN-URBANA-RANTOUL, IL					
COUNTY: CHAMPAIGN STATE: IL	191	232	274	316	358
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL					
COUNTY: HENRY STATE: IL	197	241	284	328	371
SMSA: DECATUR, IL					
COUNTY: MACON STATE: IL	180	219	259	299	339
SMSA: PEORIA, IL					
COUNTY: PEORIA STATE: IL	197	241	284	328	371
COUNTY: TAZEWELL STATE: IL	197	241	284	328	371
COUNTY: WOODFORD STATE: IL	197	241	284	328	371
SMSA: ST LOUIS, MO-IL					
COUNTY: CLINTON STATE: IL	193	235	276	319	364
COUNTY: MADISON STATE: IL	193	235	276	319	364
COUNTY: MONROE STATE: IL	193	235	276	319	364
COUNTY: ST CLAIR STATE: IL	193	235	276	319	364
SMSA: SPRINGFIELD, IL					
COUNTY: MENARD STATE: IL	180	219	259	299	339
COUNTY: SANGAMON STATE: IL	180	219	259	299	339
NON SMSA					
COUNTY: ADAMS STATE: IL	151	184	217	252	285

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE					
NON SMSA					
COUNTY: ALEXANDER STATE: IL	123	151	178	206	233
COUNTY: BOND STATE: IL	137	168	198	228	259
COUNTY: BROWN STATE: IL	151	184	217	252	285
COUNTY: BUREAU STATE: IL	166	202	240	277	313
COUNTY: CALHOUN STATE: IL	137	168	198	228	259
COUNTY: CASS STATE: IL	180	219	259	299	339
COUNTY: CHRISTIAN STATE: IL	180	219	259	299	339
COUNTY: CLARK STATE: IL	172	210	247	286	324
COUNTY: CLAY STATE: IL	137	168	198	228	259
COUNTY: COLES STATE: IL	191	232	274	316	358
COUNTY: CRAWFORD STATE: IL	172	210	247	286	324
COUNTY: CUMBERLAND STATE: IL	191	232	274	316	358
NON SMSA					
COUNTY: DE WITT STATE: IL	180	219	259	299	339
COUNTY: DOUGLAS STATE: IL	191	232	274	316	358
COUNTY: EDGAR STATE: IL	191	232	274	316	358
COUNTY: EDWARDS STATE: IL	126	155	183	211	240
COUNTY: EFFINGHAM STATE: IL	137	168	198	228	259
COUNTY: FAYETTE STATE: IL	137	168	198	228	259
COUNTY: FORD STATE: IL	191	232	274	316	358
COUNTY: FRANKLIN STATE: IL	144	174	207	238	270
COUNTY: FULTON STATE: IL	172	210	247	286	324
COUNTY: GALLATIN STATE: IL	126	155	183	211	240
COUNTY: GREENE STATE: IL	137	168	198	228	259
COUNTY: HAMILTON STATE: IL	126	155	183	211	240

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE					
NON SMSA					
COUNTY HANCOCK STATE IL	151	184	217	252	285
COUNTY HARDIN STATE IL	123	151	178	206	233
COUNTY HENDERSON STATE IL	151	184	217	252	285
COUNTY IROQUOIS STATE IL	166	202	240	277	313
COUNTY JACKSON STATE IL	167	216	275	315	380
COUNTY JASPER STATE IL	137	168	198	228	259
COUNTY JEFFERSON STATE IL	144	174	207	238	270
COUNTY JERSEY STATE IL	137	168	198	228	259
COUNTY JOHNSON STATE IL	123	151	178	206	233
COUNTY KNOX STATE IL	172	210	247	286	324
COUNTY LA SALLE STATE IL	189	229	271	313	354
COUNTY LAWRENCE STATE IL	126	155	183	211	240
NON SMSA					
COUNTY LIVINGSTON STATE IL	189	229	271	313	354
COUNTY LOGAN STATE IL	180	219	259	299	339
COUNTY MCDONOUGH STATE IL	172	210	247	286	324
COUNTY MACOUPIN STATE IL	137	168	198	228	259
COUNTY MARION STATE IL	137	168	198	228	259
COUNTY MARSHALL STATE IL	172	210	247	286	324
COUNTY MASON STATE IL	180	219	259	299	339
COUNTY MASSAC STATE IL	123	151	178	206	233
COUNTY MERCER STATE IL	166	202	240	277	313
COUNTY MONTGOMERY STATE IL	137	168	198	228	259
COUNTY MORGAN STATE IL	180	219	259	299	339
COUNTY MOULTRIE STATE IL	180	219	259	299	339

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE					
NON SMSA					
COUNTY PERRY STATE IL	144	174	207	238	270
COUNTY PIATT STATE IL	191	232	274	316	358
COUNTY PIKE STATE IL	151	184	217	252	285
COUNTY POPE STATE IL	123	151	178	206	233
COUNTY PULASKI STATE IL	123	151	178	206	233
COUNTY PUTNAM STATE IL	189	229	271	313	354
COUNTY RANDOLPH STATE IL	144	174	207	238	270
COUNTY RICHLAND STATE IL	137	168	198	228	259
COUNTY SALINE STATE IL	126	155	183	211	240
COUNTY SCHUYLER STATE IL	151	184	217	252	285
COUNTY SCOTT STATE IL	180	219	259	299	339
COUNTY SHELBY STATE IL	180	219	259	299	339
NON SMSA					
COUNTY STARK STATE IL	172	210	247	286	324
COUNTY UNION STATE IL	123	151	178	206	233
COUNTY VERMILION STATE IL	191	232	274	316	358
COUNTY WABASH STATE IL	126	155	183	211	240
COUNTY WARREN STATE IL	172	210	247	286	324
COUNTY WASHINGTON STATE IL	144	174	207	238	270
COUNTY WAYNE STATE IL	137	168	198	228	259
COUNTY WHITE STATE IL	126	155	183	211	240
COUNTY WILLIAMSON STATE IL	144	174	207	238	270

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBUS, OHIO AREA OFFICE					
SMSA: CINCINNATI, OH-KY-IN					
COUNTY: CLERMONT STATE: OH	186	226	265	305	344
COUNTY: HAMILTON STATE: OH	186	226	265	305	344
COUNTY: WARREN STATE: OH	186	226	265	305	344
SMSA: DAYTON, OH					
COUNTY: GREENE STATE: OH	189	229	271	313	354
COUNTY: MONTGOMERY STATE: OH	189	229	271	313	354
COUNTY: PREBLE STATE: OH	189	229	271	313	354
SMSA: HAMILTON-MIDDLETOWN, OH					
COUNTY: BUTLER STATE: OH	164	200	236	272	309
NON SMSA					
COUNTY: ADAMS STATE: OH	164	200	236	272	309
COUNTY: BROWN STATE: OH	164	200	236	272	309
COUNTY: CLINTON STATE: OH	164	200	236	272	309
COUNTY: HIGHLAND STATE: OH	164	200	236	272	309
SMSA: AKRON, OH					
COUNTY: PORTAGE STATE: OH	195	238	281	324	366
COUNTY: SUMMIT STATE: OH	195	238	281	324	366
SMSA: CANTON, OH					
COUNTY: CARROLL STATE: OH	175	212	250	287	325
COUNTY: STARK STATE: OH	175	212	250	287	325
SMSA: CLEVELAND, OH					
COUNTY: CUYAHOGA STATE: OH	185	225	266	308	348
COUNTY: GEAUGA STATE: OH	185	225	266	308	348
COUNTY: LAKE STATE: OH	185	225	266	308	348
COUNTY: MEDINA STATE: OH	185	225	266	308	348
SMSA: LIMA, OH					
COUNTY: PUTNAM STATE: OH	180	209	252	290	321
SMSA: LORAIN-ELYRIA, OH					
COUNTY: LORAIN STATE: OH	190	231	273	314	356
SMSA: MANSFIELD, OH					
COUNTY: RICHLAND STATE: OH	165	205	240	275	310

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR. 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBUS, OHIO AREA OFFICE					
SMSA: STEUBENVILLE-WEIRTON, OH-WV					
COUNTY: JEFFERSON STATE: OH	152	185	219	253	286
SMSA: TOLEDO, OH-MI					
COUNTY: FULTON STATE: OH	174	211	249	287	326
COUNTY: LUCAS STATE: OH	174	211	249	287	326
COUNTY: OTTAWA STATE: OH	174	211	249	287	326
COUNTY: WOOD STATE: OH	174	211	249	287	326
SMSA: YOUNGSTOWN-WARREN, OH					
COUNTY: MAHONING STATE: OH	166	202	240	277	313
COUNTY: TRUMBULL STATE: OH	166	202	240	277	313
NON SMSA					
COUNTY: ASHLAND STATE: OH	157	192	226	262	296
COUNTY: ASHTABULA STATE: OH	157	192	226	262	296
COUNTY: COLUMBIANA STATE: OH	138	169	199	230	261
COUNTY: CRAWFORD STATE: OH	160	195	229	265	300
COUNTY: DEFIANCE STATE: OH	150	183	216	250	283
COUNTY: ERIE STATE: OH	157	192	226	262	296
COUNTY: HANCOCK STATE: OH	157	192	226	262	296
COUNTY: HARRISON STATE: OH	122	149	177	204	231
COUNTY: HENRY STATE: OH	157	192	226	262	296
COUNTY: HOLMES STATE: OH	138	169	199	230	261
COUNTY: HURON STATE: OH	157	192	226	262	296
COUNTY: PAULDING STATE: OH	150	183	216	250	283
COUNTY: SANDUSKY STATE: OH	157	192	226	262	296
COUNTY: SENECA STATE: OH	157	192	226	262	296
COUNTY: TUSCARAWAS STATE: OH	138	169	199	230	261
COUNTY: WAYNE STATE: OH	157	192	226	262	296

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBUS, OHIO AREA OFFICE					
NON SMSA					
COUNTY WILLIAMS STATE OH	150	183	216	250	283
COUNTY WYANDOT STATE OH	160	195	229	265	300
SMSA: COLUMBUS, OH					
COUNTY DELAWARE STATE OH	185	225	266	307	346
COUNTY FAIRFIELD STATE OH	185	225	266	307	346
COUNTY FRANKLIN STATE OH	185	225	266	307	346
COUNTY MADISON STATE OH	185	225	266	307	346
COUNTY PICKAWAY STATE OH	185	225	266	307	346
SMSA: DAYTON, OH					
COUNTY MIAMI STATE OH	189	229	271	313	354
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH					
COUNTY LAWRENCE STATE OH	157	191	225	260	295
SMSA: LIMA, OH					
COUNTY ALLEN STATE OH	180	209	252	290	321
COUNTY AUGLAIZE STATE OH	180	209	252	290	321
COUNTY VAN WERT STATE OH	180	209	252	290	321
SMSA: PARKERSBURG-MARIETTA, WV-OH					
COUNTY WASHINGTON STATE OH	172	210	247	285	322
SMSA: SPRINGFIELD, OH					
COUNTY CHAMPAIGN STATE OH	155	188	220	255	288
COUNTY CLARK STATE OH	155	188	220	255	288
SMSA: WHEELING, WV-OH					
COUNTY BELMONT STATE OH	162	186	227	267	294
NON SMSA					
COUNTY ATHENS STATE OH	159	205	260	294	332
COUNTY COSHOCTON STATE OH	154	189	223	256	290
COUNTY DARKE STATE OH	147	179	211	244	276
COUNTY FAYETTE STATE OH	133	161	192	221	251
COUNTY GALLIA STATE OH	117	135	166	184	209
COUNTY GUERNSEY STATE OH	165	198	237	271	306

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBUS, OHIO AREA OFFICE					
NON SMSA					
COUNTY HARDIN STATE OH	150	183	216	250	283
COUNTY HOCKING STATE OH	150	183	216	250	283
COUNTY JACKSON STATE OH	133	161	192	221	251
COUNTY KNOX STATE OH	160	195	229	265	300
COUNTY LICKING STATE OH	157	192	226	262	296
COUNTY LOGAN STATE OH	147	179	211	244	276
COUNTY MARION STATE OH	133	161	192	221	251
COUNTY MEIGS STATE OH	110	135	159	184	209
COUNTY MERCER STATE OH	150	183	216	250	283
COUNTY MONROE STATE OH	122	149	177	204	231
COUNTY MORGAN STATE OH	150	183	216	250	283
COUNTY MORROW STATE OH	160	195	229	265	300
NON SMSA					
COUNTY MUSKINGUM STATE OH	158	192	225	260	294
COUNTY NOBLE STATE OH	150	183	216	250	283
COUNTY PERRY STATE OH	146	178	210	242	274
COUNTY PIKE STATE OH	153	179	217	242	269
COUNTY ROSS STATE OH	133	161	192	221	251
COUNTY SCIOTO STATE OH	152	177	215	239	265
COUNTY SHELBY STATE OH	157	184	223	262	286
COUNTY UNION STATE OH	133	161	192	221	251
COUNTY VINTON STATE OH	133	161	192	221	251

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DETROIT, MICHIGAN AREA OFFICE					
SMSA: ANN ARBOR, MI					
COUNTY WASHTENAW STATE MI	243	296	349	402	455
SMSA: DETROIT, MI					
COUNTY LIVINGSTON STATE MI	224	273	322	371	419
COUNTY MACOMB STATE MI	224	273	322	371	419
COUNTY OAKLAND STATE MI	224	273	322	371	419
COUNTY ST CLAIR STATE MI	224	273	322	371	419
COUNTY WAYNE STATE MI	224	273	322	371	419
SMSA: TOLEDO, OH-MI					
COUNTY MONROE STATE MI	174	211	249	287	326
NON SMSA					
COUNTY LENAWEE STATE MI	174	211	249	287	326
SMSA: BAY CITY, MI					
COUNTY BAY STATE MI	191	232	274	316	358
SMSA: DETROIT, MI					
COUNTY LAPEER STATE MI	224	273	322	371	419
SMSA: FLINT, MI					
COUNTY GENESEE STATE MI	200	244	287	331	375
COUNTY SHIAWASSEE STATE MI	200	244	287	331	375
SMSA: SAGINAW, MI					
COUNTY SAGINAW STATE MI	191	232	274	316	358
NON SMSA					
COUNTY ALCONA STATE MI	172	210	247	286	324
COUNTY ALPENA STATE MI	172	210	247	286	324
COUNTY ARENAC STATE MI	172	210	247	286	324
COUNTY GLADWIN STATE MI	172	210	247	286	324
COUNTY HURON STATE MI	172	210	247	286	324
COUNTY IOSCO STATE MI	172	210	247	286	324
COUNTY MIDLAND STATE MI	191	232	274	316	358
COUNTY MONTMORENCY STATE MI	172	210	247	286	324
COUNTY OGEMAW STATE MI	172	210	263	286	324
COUNTY OSCODA STATE MI	172	210	247	286	324

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DETROIT, MICHIGAN AREA OFFICE					
NON SMSA					
COUNTY PRESQUE ISLE STATE MI	172	210	247	286	324
COUNTY SANILAC STATE MI	172	210	247	286	324
COUNTY TUSCOLA STATE MI	172	210	247	286	324
SMSA: BATTLE CREEK, MI					
COUNTY BARRY STATE MI	171	209	246	284	321
COUNTY CALHOUN STATE MI	171	209	246	284	321
SMSA: GRAND RAPIDS, MI					
COUNTY KENT STATE MI	168	205	242	279	316
COUNTY OTTAWA STATE MI	168	205	242	279	316
SMSA: JACKSON, MI					
COUNTY JACKSON STATE MI	171	209	246	284	321
SMSA: KALAMAZOO-PORTAGE, MI					
COUNTY KALAMAZOO STATE MI	205	249	295	339	384
COUNTY VAN BUREN STATE MI	205	249	295	339	384
SMSA: LANSING-EAST LANSING, MI					
COUNTY CLINTON STATE MI	218	264	313	360	407
COUNTY EATON STATE MI	218	264	313	360	407
COUNTY INGHAM STATE MI	218	264	313	360	407
COUNTY IONIA STATE MI	218	264	313	360	407
SMSA: MUSKEGON-NORTON SHORES-MUSKEGON HEIGHTS, MI					
COUNTY MUSKEGON STATE MI	152	186	219	253	287
COUNTY OCEANA STATE MI	152	186	219	253	287
NON SMSA					
COUNTY ALGER STATE MI	152	186	219	253	287
COUNTY ALLEGAN STATE MI	152	186	219	253	287
COUNTY ANTRIM STATE MI	152	186	219	253	287
COUNTY BARAGA STATE MI	152	186	219	253	287
COUNTY BENZIE STATE MI	152	186	219	253	287
COUNTY BERRIEN STATE MI	175	213	251	289	328
COUNTY BRANCH STATE MI	171	209	246	284	321

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DETROIT, MICHIGAN AREA OFFICE					
NON SMSA					
COUNTY CASS STATE MI	175	213	251	289	328
COUNTY CHARLEVOIX STATE MI	152	186	219	253	287
COUNTY CHEBOYGAN STATE MI	172	210	247	286	324
COUNTY CHIPPEWA STATE MI	172	210	263	286	324
COUNTY CLARE STATE MI	172	210	263	286	324
COUNTY CRAWFORD STATE MI	172	210	263	286	324
COUNTY DELTA STATE MI	167	197	254	279	315
COUNTY DICKINSON STATE MI	167	197	254	279	315
COUNTY EMMET STATE MI	152	186	219	253	287
COUNTY GOGEBIC STATE MI	172	212	236	265	299
COUNTY GRD TRAVERSE STATE MI	209	241	273	317	392
COUNTY GRATICT STATE MI	172	210	247	286	324
COUNTY HILLSDALE STATE MI	171	209	246	284	321
COUNTY HOUGHTON STATE MI	167	197	254	279	315
COUNTY IRON STATE MI	167	197	254	279	315
COUNTY ISABELLA STATE MI	172	210	247	286	324
COUNTY KALKASKA STATE MI	152	186	219	253	287
COUNTY KEWEENAW STATE MI	152	186	219	253	287
COUNTY LAKE STATE MI	167	197	254	279	315
COUNTY LEELANAU STATE MI	152	186	219	253	287
COUNTY LUCE STATE MI	172	210	247	286	324
COUNTY MACKINAC STATE MI	172	210	263	286	324
COUNTY MANISTEE STATE MI	167	197	254	279	315
COUNTY MARQUETTE STATE MI	167	197	254	279	315

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DETROIT, MICHIGAN AREA OFFICE					
NON SMSA					
COUNTY MASON STATE MI	167	197	254	279	315
COUNTY MECOSTA STATE MI	152	186	219	253	287
COUNTY MENOMINEE STATE MI	152	186	219	253	287
COUNTY MISSAUKEE STATE MI	167	197	254	279	315
COUNTY MONTCALM STATE MI	152	186	219	253	287
COUNTY NEWAYGO STATE MI	152	186	219	253	287
COUNTY ONTONAGON STATE MI	172	212	236	265	299
COUNTY OSCEOLA STATE MI	167	197	254	279	315
COUNTY OTSEMC STATE MI	172	210	263	286	324
COUNTY ROSCOMMON STATE MI	172	210	263	286	324
COUNTY ST JOSEPH STATE MI	175	213	251	289	328
COUNTY SCHOOLCRAFT STATE MI	152	186	219	253	287
COUNTY WEXFORD STATE MI	167	197	254	279	315

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE					
SMSA: ANDERSON, IN					
COUNTY: MADISON STATE: IN	165	201	238	274	311
SMSA: BLOOMINGTON, IN					
COUNTY: MONROE STATE: IN	179	218	258	297	336
SMSA: CINCINNATI, OH-KY-IN					
COUNTY: DEARBORN STATE: IN	186	226	265	305	344
SMSA: ELKHART, IN.					
COUNTY: ELKHART STATE: IN	182	221	260	299	339
SMSA: EVANSVILLE, IN-KY					
COUNTY: GIBSON STATE: IN	194	216	260	288	321
COUNTY: POSEY STATE: IN	194	216	260	288	321
COUNTY: VANDERBURGH STATE: IN	194	216	260	288	321
COUNTY: WARRICK STATE: IN	194	216	260	288	321
SMSA: FORT WAYNE, IN					
COUNTY: ADAMS STATE: IN	193	235	277	321	362
COUNTY: ALLEN STATE: IN	193	235	277	321	362
COUNTY: DE KALB STATE: IN	193	235	277	321	362
COUNTY: WELLS STATE: IN	193	235	277	321	362
SMSA: GARY-HAMMOND-EAST CHICAGO, IN					
COUNTY: LAKE STATE: IN	178	217	256	296	335
COUNTY: PORTER STATE: IN	178	217	256	296	335
SMSA: INDIANAPOLIS, IN					
COUNTY: BOONE STATE: IN	184	224	264	305	345
COUNTY: HAMILTON STATE: IN	184	224	264	305	345
COUNTY: HANCOCK STATE: IN	184	224	264	305	345
COUNTY: HENDRICKS STATE: IN	184	224	264	305	345
COUNTY: JOHNSON STATE: IN	184	224	264	305	345
COUNTY: MARION STATE: IN	184	224	264	305	345
COUNTY: MORGAN STATE: IN	184	224	264	305	345
COUNTY: SHELBY STATE: IN	184	224	264	305	345
SMSA: KOKOMO, IN					
COUNTY: HOWARD STATE: IN	179	218	258	297	336

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE					
SMSA: KOKOMO, IN					
COUNTY: TIPTON STATE: IN	179	218	258	297	336
SMSA: LAFAYETTE-WEST LAFAYETTE, IN					
COUNTY: TIPPECANOE STATE: IN	189	229	271	313	354
SMSA: LOUISVILLE, KY-IN					
COUNTY: CLARK STATE: IN	166	202	238	275	311
COUNTY: FLOYD STATE: IN	166	202	238	275	311
SMSA: MUNCIE, IN					
COUNTY: DELAWARE STATE: IN	165	201	238	274	311
SMSA: SOUTH BEND, IN					
COUNTY: MARSHALL STATE: IN	189	229	271	313	354
COUNTY: ST JOSEPH STATE: IN	189	229	271	313	354
SMSA: TERRE HAUTE, IN					
COUNTY: CLAY STATE: IN	172	210	247	286	324
COUNTY: SULLIVAN STATE: IN	172	210	247	286	324
COUNTY: VERMILLION STATE: IN	172	210	247	286	324
COUNTY: VIGO STATE: IN	172	210	247	286	324
NON SMSA					
COUNTY: BARTHOLOMEW STATE: IN	179	218	258	297	336
COUNTY: BENTON STATE: IN	189	229	271	313	354
COUNTY: BLACKFORD STATE: IN	165	201	238	274	311
COUNTY: BROWN STATE: IN	179	218	258	297	336
COUNTY: CARROLL STATE: IN	189	229	271	313	354
COUNTY: CASS STATE: IN	179	218	258	297	336
COUNTY: CLINTON STATE: IN	189	229	271	313	354
COUNTY: CRAWFORD STATE: IN	159	193	228	263	298
COUNTY: DAVIESS STATE: IN	194	216	260	288	321
COUNTY: DECATUR STATE: IN	179	218	258	297	336
COUNTY: DUBOIS STATE: IN	194	216	260	288	321
COUNTY: FAYETTE STATE: IN	164	200	236	272	309

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDRCOM	2 BEDRCOMS	3 BEDRCOMS	4 BEDRCOMS
INDIANAPOLIS, INDIANA AREA OFFICE					
NON SMSA					
COUNTY:FOUNTAIN STATE:IN	189	229	271	313	354
COUNTY:FRANKLIN STATE:IN	164	200	236	272	309
COUNTY:FULTON STATE:IN	175	213	251	289	328
COUNTY:GRANT STATE:IN	165	20	238	274	311
COUNTY:GREENE STATE:IN	172	210	247	286	324
COUNTY:HARRISON STATE:IN	159	193	228	263	298
COUNTY:HENRY STATE:IN	165	201	238	274	311
COUNTY:HUNTINGTON STATE:IN	150	183	216	250	283
COUNTY:JACKSON STATE:IN	179	218	258	297	336
COUNTY:JASPER STATE:IN	166	202	240	277	313
COUNTY:JAY STATE:IN	165	201	238	274	311
COUNTY:JEFFERSON STATE:IN	159	193	228	263	298
COUNTY:JENNINGS STATE:IN	179	218	258	297	336
COUNTY:KNOX STATE:IN	143	160	192	211	240
COUNTY:KOSCIUSKO STATE:IN	175	213	251	289	328
COUNTY:LAGRANGE STATE:IN	175	213	251	289	328
COUNTY:LA PORTE STATE:IN	166	202	240	277	313
COUNTY:LAWRENCE STATE:IN	179	218	258	297	336
COUNTY:MARTIN STATE:IN	194	216	260	288	321
COUNTY:MIAMI STATE:IN	179	218	258	297	336
COUNTY:MONTGOMERY STATE:IN	189	229	271	313	354
COUNTY:NEWTON STATE:IN	166	202	240	277	313
COUNTY:NOBLE STATE:IN	150	183	216	250	283
COUNTY:OHIO STATE:IN	164	200	236	272	309

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDRCOM	2 BEDRCOMS	3 BEDRCOMS	4 BEDRCOMS
INDIANAPOLIS, INDIANA AREA OFFICE					
NON SMSA					
COUNTY:ORANGE STATE:IN	159	193	228	263	298
COUNTY:OWEN STATE:IN	179	218	258	297	336
COUNTY:PARKE STATE:IN	172	210	247	286	324
COUNTY:PERRY STATE:IN	194	216	260	288	321
COUNTY:PIKE STATE:IN	194	216	260	288	321
COUNTY:PULASKI STATE:IN	166	202	240	277	313
COUNTY:PUTNAM STATE:IN	179	218	258	297	336
COUNTY:RANDOLPH STATE:IN	165	201	238	274	311
COUNTY:RIPLEY STATE:IN	164	200	236	272	309
COUNTY:RUSH STATE:IN	179	218	258	297	336
COUNTY:SCOTT STATE:IN	159	193	228	263	298
COUNTY:SPENCER STATE:IN	194	216	260	288	321
COUNTY:STARKE STATE:IN	166	202	240	277	313
COUNTY:STEUBEN STATE:IN	150	183	216	250	283
COUNTY:SWITZERLAND STATE:IN	164	200	236	272	309
COUNTY:UNION STATE:IN	164	200	236	272	309
COUNTY:WABASH STATE:IN	150	183	216	250	283
COUNTY:WARREN STATE:IN	189	229	271	313	354
COUNTY:WASHINGTON STATE:IN	159	193	228	263	298
COUNTY:WAYNE STATE:IN	165	201	238	274	311
COUNTY:WHITE STATE:IN	189	229	271	313	354
COUNTY:WHITLEY STATE:IN	150	183	216	250	283

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE					
SMSA: APPLETON-OSHKOSH, WI					
COUNTY CALUMET STATE WI	181	222	261	301	341
COUNTY OUTAGAMIE STATE WI	181	222	261	301	341
COUNTY WINNEBAGO STATE WI	181	222	261	301	341
SMSA: DULUTH-SUPERIOR, MN-WI					
COUNTY DOUGLAS STATE WI	200	230	279	310	343
SMSA: EAU CLAIRE, WI					
COUNTY CHIPPEWA STATE WI	138	169	199	230	261
COUNTY EAU CLAIRE STATE WI	138	169	199	230	261
SMSA: GREEN BAY, WI					
COUNTY BROWN STATE WI	165	201	238	274	311
SMSA: JANESVILLE-BELOIT,WI					
COUNTY ROCK STATE WI	172	210	247	286	324
SMSA: KENOSHA, WI					
COUNTY KENOSHA STATE WI	190	231	273	314	356
SMSA: LA CROSSE, WI					
COUNTY LA CROSSE STATE WI	151	184	217	252	285
SMSA: MADISON, WI					
COUNTY DANE STATE WI	197	240	283	326	369
SMSA: MILWAUKEE, WI					
COUNTY MILWAUKEE STATE WI	211	256	303	350	396
COUNTY OZAUKEE STATE WI	211	256	303	350	396
COUNTY WASHINGTON STATE WI	211	256	303	350	396
COUNTY WAUKESHA STATE WI	211	256	303	350	396
SMSA: MINNEAPOLIS-ST PAUL, MN-WI					
COUNTY ST CROIX STATE WI	232	281	330	380	428
SMSA: RACINE, WI					
COUNTY RACINE STATE WI	190	231	273	314	356
NON SMSA					
COUNTY ADAMS STATE WI	160	195	229	265	300
COUNTY ASHLAND STATE WI	138	169	199	230	261
COUNTY BARRON STATE WI	138	169	199	230	261
COUNTY BAYFIELD STATE WI	138	169	199	230	261

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR. 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE					
NON SMSA					
COUNTY BUFFALO STATE WI	151	184	217	252	285
COUNTY BURNETT STATE WI	161	196	231	267	302
COUNTY CLARK STATE WI	168	205	243	280	317
COUNTY COLUMBIA STATE WI	160	195	229	265	300
COUNTY CRAWFORD STATE WI	150	183	216	250	283
COUNTY DODGE STATE WI	160	195	229	265	300
COUNTY DOOR STATE WI	165	201	238	274	311
COUNTY DUNN STATE WI	138	169	199	230	261
COUNTY FLORENCE STATE WI	152	186	219	253	287
COUNTY FOND DU LAC STATE WI	160	195	229	265	300
COUNTY FOREST STATE WI	152	186	219	253	287
COUNTY GRANT STATE WI	150	183	216	250	283
COUNTY GREEN STATE WI	172	210	247	286	324
COUNTY GREEN LAKE STATE WI	160	195	229	265	300
COUNTY IOWA STATE WI	160	195	229	265	300
COUNTY IRON STATE WI	138	169	199	230	261
COUNTY JACKSON STATE WI	151	184	217	252	285
COUNTY JEFFERSON STATE WI	160	195	229	265	300
COUNTY JUNEAU STATE WI	151	184	217	252	285
COUNTY KEWAUNEE STATE WI	165	201	238	274	311
COUNTY LAFAYETTE STATE WI	150	183	216	250	283
COUNTY LANGLADE STATE WI	168	205	243	280	317
COUNTY LINCOLN STATE WI	168	205	243	280	317
COUNTY MANITOWOC STATE WI	165	201	238	274	311

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE					
NON SMSA					
COUNTY MARATHON STATE WI	168	205	243	280	317
COUNTY MARINETTE STATE WI	152	186	219	253	287
COUNTY MARQUETTE STATE WI	160	195	229	265	300
COUNTY MENOMINEE STATE WI	152	186	219	253	287
COUNTY MONROE STATE WI	151	184	217	252	285
COUNTY OCONTO STATE WI	152	186	219	253	287
COUNTY ONEIDA STATE WI	168	205	243	280	317
COUNTY PEPIN STATE WI	138	169	199	230	261
COUNTY PIERCE STATE WI	161	196	231	267	302
COUNTY POLK STATE WI	161	196	231	267	302
COUNTY PORTAGE STATE WI	168	205	243	280	317
COUNTY PRICE STATE WI	168	205	243	280	317
COUNTY RICHLAND STATE WI	160	195	229	265	300
COUNTY RUSK STATE WI	138	169	199	230	261
COUNTY SAUK STATE WI	160	195	229	265	300
COUNTY SAWYER STATE WI	138	169	199	230	261
COUNTY SHAWANO STATE WI	152	186	219	253	287
COUNTY SHEBOYGAN STATE WI	160	195	229	265	300
COUNTY TAYLOR STATE WI	168	205	243	280	317
COUNTY TREMPEALEAU STATE WI	151	184	217	252	285
COUNTY VERNON STATE WI	151	184	217	252	285
COUNTY VILAS STATE WI	168	205	243	280	317
COUNTY WALWORTH STATE WI	160	195	229	265	300
COUNTY WASHBURN STATE WI	138	169	199	230	261

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE. THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE					
NON SMSA					
COUNTY WAUPACA STATE WI	152	186	219	253	287
COUNTY WAUSHARA STATE WI	160	195	229	265	300
COUNTY WOOD STATE WI	168	205	243	280	317
MINNEAPOLIS ST. PAUL, MINNESOTA AREA OFFICE					
SMSA: DULUTH-SUPERIOR, MN-WI					
COUNTY ST LOUIS STATE MN	200	230	279	310	343
SMSA: FARGO-MOORHEAD, ND-MN					
COUNTY CLAY STATE MN	189	216	262	326	348
SMSA: GRAND FORKS, N.D.-MN					
COUNTY POLK STATE MN	189	227	271	315	343
SMSA: MINNEAPOLIS-ST PAUL, MN-WI					
COUNTY ANOKA STATE MN	232	281	330	380	428
COUNTY CARVER STATE MN	232	281	330	380	428
COUNTY CHISAGO STATE MN	232	281	330	380	428
COUNTY DAKOTA STATE MN	232	281	330	380	428
COUNTY HENNEPIN STATE MN	232	281	330	380	428
COUNTY RAMSEY STATE MN	232	281	330	380	428
COUNTY SCOTT STATE MN	232	281	330	380	428
COUNTY WASHINGTON STATE MN	232	281	330	380	428

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE. THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE					
SMSA: MINNEAPOLIS-ST PAUL, MN-WI					
COUNTY:WRIGHT STATE:MN	232	281	330	380	428
SMSA: ROCHESTER, MN					
COUNTY:OLMSTED STATE:MN	210	255	300	345	410
SMSA: ST. CLOUD, MN					
COUNTY:BENTON STATE:MN	201	245	289	333	377
COUNTY:SHERBURNE STATE:MN	201	245	289	333	377
COUNTY:STEARNS STATE:MN	201	245	289	333	377
NON SMSA					
COUNTY:AITKIN STATE:MN	155	188	222	255	290
COUNTY:BECKER STATE:MN	161	196	231	267	302
COUNTY:BELTRAMI STATE:MN	155	188	222	255	290
COUNTY:BIG STONE STATE:MN	155	188	222	255	290
COUNTY:BLUE EARTH STATE:MN	201	245	289	333	377
COUNTY:BROWN STATE:MN	182	223	262	302	343
COUNTY:CARLTON STATE:MN	182	223	262	302	343
COUNTY:CASS STATE:MN	155	188	222	255	290
COUNTY:CHIPPEWA STATE:MN	155	188	222	255	290
COUNTY:CLEARWATER STATE:MN	161	196	231	267	302
COUNTY:COOK STATE:MN	150	183	216	249	282
COUNTY:COTTONWOOD STATE:MN	155	188	222	255	290
COUNTY:CROW WING STATE:MN	182	223	262	302	343
COUNTY:DODGE STATE:MN	182	223	262	302	343
COUNTY:DOUGLAS STATE:MN	155	188	222	255	290
COUNTY:FARIBAULT STATE:MN	182	223	262	302	343
COUNTY:FILLMORE STATE:MN	182	223	262	302	343
COUNTY:FREEBORN STATE:MN	182	223	262	302	343

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS. 5-BR = 115 PERCENT OF 4-BR FMR. 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE					
NON SMSA					
COUNTY:GOODHUE STATE:MN	161	196	231	267	302
COUNTY:GRANT STATE:MN	142	172	204	236	268
COUNTY:HOUSTON STATE:MN	151	184	217	252	285
COUNTY:HUBBARD STATE:MN	155	188	222	255	290
COUNTY:ISANTI STATE:MN	161	196	231	267	302
COUNTY:ITASCA STATE:MN	182	223	262	302	343
COUNTY:JACKSON STATE:MN	164	200	236	272	309
COUNTY:KANABEC STATE:MN	161	196	231	267	302
COUNTY:KANDIYOHI STATE:MN	182	223	262	302	343
COUNTY:KITTSON STATE:MN	161	196	231	267	302
COUNTY:KOOCHICHING STATE:MN	150	183	216	249	282
COUNTY:LAC QUI PARL STATE:MN	155	188	222	255	290
COUNTY:LAKE STATE:MN	150	183	216	249	282
COUNTY:LAKE OF WOOD STATE:MN	155	188	222	255	290
COUNTY:LE SUEUR STATE:MN	182	223	262	302	343
COUNTY:LINCOLN STATE:MN	164	200	236	272	309
COUNTY:LYON STATE:MN	164	200	236	272	309
COUNTY:MCLEOD STATE:MN	182	223	262	302	343
COUNTY:MAHNOMEN STATE:MN	161	196	231	267	302
COUNTY:MARSHALL STATE:MN	161	196	231	267	302
COUNTY:MARTIN STATE:MN	182	223	262	302	343
COUNTY:MEEKER STATE:MN	182	223	262	302	343
COUNTY:MILLE LACS STATE:MN	161	196	231	267	302
COUNTY:MORRISON STATE:MN	182	223	262	302	343

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

V45/60MR26801 UMI

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE					
NON SMSA					
COUNTY MOWER STATE MN	182	223	262	302	343
COUNTY MURRAY STATE MN	164	200	236	272	309
COUNTY NICOLLET STATE MN	182	223	262	302	343
COUNTY NOBLES STATE MN	164	200	236	272	309
COUNTY NORMAN STATE MN	161	196	231	267	302
COUNTY OTTER TAIL STATE MN	161	196	231	267	302
COUNTY PENNINGTON STATE MN	161	196	231	267	302
COUNTY PINE STATE MN	161	196	231	267	302
COUNTY PIPESTONE STATE MN	164	200	236	272	309
COUNTY POPE STATE MN	155	188	222	255	290
COUNTY RED LAKE STATE MN	161	196	231	267	302
COUNTY REDWOOD STATE MN	155	188	222	255	290
COUNTY RENVILLE STATE MN	155	188	222	255	290
COUNTY RICE STATE MN	161	196	231	267	302
COUNTY ROCK STATE MN	164	200	236	272	309
COUNTY ROSEAU STATE MN	161	196	231	267	302
COUNTY SIBLEY STATE MN	182	223	262	302	343
COUNTY STEELE STATE MN	182	223	262	302	343
COUNTY STEVENS STATE MN	155	188	222	255	290
COUNTY SWIFT STATE MN	155	188	222	255	290
COUNTY TODD STATE MN	155	188	222	255	290
COUNTY TRAVERSE STATE MN	142	172	204	236	268
COUNTY WABASHA STATE MN	182	223	262	302	343
COUNTY WADENA STATE MN	155	188	222	255	290

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR. 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE					
NON SMSA					
COUNTY WASECA STATE MN	182	223	262	302	343
COUNTY WATONWAN STATE MN	182	223	262	302	343
COUNTY WILKIN STATE MN	161	196	231	267	302
COUNTY WINONA STATE MN	166	202	239	277	313
COUNTY YELLOW MEDIC STATE MN	155	188	222	255	290
REGION 6					
DALLAS, TEXAS AREA OFFICE					
SMSA: ALBUQUERQUE, NM					
COUNTY BERNALILLO STATE NM	168	205	241	278	314
COUNTY SANDOVAL STATE NM	168	205	241	278	314
SMSA: LAS CRUCES, NM.					
COUNTY DONA ANA STATE NM	142	172	202	233	264
NON SMSA					
COUNTY CATRON STATE NM	142	172	202	233	264
COUNTY CHAVES STATE NM	142	172	202	233	264
COUNTY COLFAX STATE NM	168	205	241	278	314
COUNTY CURRY STATE NM	135	164	193	222	252
COUNTY DE BACA STATE NM	135	164	193	222	252
COUNTY EDDY STATE NM	142	172	202	233	264
COUNTY GRANT STATE NM	142	172	202	233	264
COUNTY GUADALUPE STATE NM	135	164	193	222	252
COUNTY HARDING STATE NM	135	164	193	222	252

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY HIDALGO STATE NM	142	172	202	233	264
COUNTY LEA STATE NM	142	172	202	233	264
COUNTY LINCOLN STATE NM	142	172	202	233	264
COUNTY LOS ALAMOS STATE NM	168	205	241	278	314
COUNTY LUNA STATE NM	168	205	241	278	314
COUNTY MCKINLEY STATE NM	168	205	241	278	314
COUNTY MORA STATE NM	168	205	241	278	314
COUNTY OTERO STATE NM	142	172	202	233	264
COUNTY QUAY STATE NM	135	164	193	222	252
COUNTY RIO ARRIBA STATE NM	168	205	241	278	314
COUNTY ROOSEVELT STATE NM	135	164	193	222	252
COUNTY SAN JUAN STATE NM	168	205	241	278	314
COUNTY SAN MIGUEL STATE NM	168	205	241	278	314
COUNTY SANTE FE STATE NM	168	205	241	278	314
COUNTY SIERRA STATE NM	142	172	202	233	264
COUNTY SOCORRO STATE NM	142	172	202	233	264
COUNTY TAOS STATE NM	168	205	241	278	314
COUNTY TORRANCE STATE NM	168	205	241	278	314
COUNTY UNION STATE NM	135	164	193	222	252
COUNTY VALENCIA STATE NM	168	205	241	278	314
SMSA: DALLAS-FORT WORTH , TX					
COUNTY COLLIN STATE TX	206	248	292	336	378
COUNTY DALLAS STATE TX	206	248	292	336	378
COUNTY DENTON STATE TX	206	248	292	336	378
COUNTY ELLIS STATE TX	206	248	292	336	378

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR. 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
SMSA: DALLAS-FORT WORTH , TX					
COUNTY:KAUFMAN STATE:TX	206	248	292	336	378
COUNTY:ROCKWALL STATE:TX	206	248	292	336	378
SMSA: KILLEEN-TEMPLE, TX					
COUNTY:BELL STATE:TX	171	207	245	283	320
COUNTY:CORYELL STATE:TX	171	207	245	283	320
SMSA: LONGVIEW-MARSHALL, TX					
COUNTY:GREGG STATE:TX	138	169	200	231	262
SMSA: SHERMAN-DENISON, TX					
COUNTY:GRAYSON STATE:TX	147	180	212	245	277
SMSA: TEXARKANA, TX-AR					
COUNTY:BOWIE STATE:TX	138	169	200	231	262
SMSA: TYLER, TX					
COUNTY:SMITH STATE:TX	138	169	200	231	262
SMSA: WACO, TX					
COUNTY:MCLENNAN STATE:TX	171	207	245	283	320
NON SMSA					
COUNTY:ANDERSON STATE:TX	138	169	200	231	262
COUNTY:CAMP STATE:TX	121	148	174	201	228
COUNTY:CHEROKEE STATE:TX	138	169	200	231	262
COUNTY:COOKE STATE:TX	147	180	212	245	277
COUNTY:DELTA STATE:TX	121	148	174	201	228
COUNTY:FALLS STATE:TX	171	207	245	283	320
COUNTY:FANNIN STATE:TX	147	180	212	245	277
COUNTY:FRANKLIN STATE:TX	121	148	174	201	228
COUNTY:FREESTONE STATE:TX	171	207	245	283	320
COUNTY:HENDERSON STATE:TX	138	169	200	231	262
COUNTY:HILL STATE:TX	171	207	245	283	320
COUNTY:HOPKINS STATE:TX	147	180	212	245	277
COUNTY:HUNT STATE:TX	151	184	216	249	280

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY: LAMAR STATE: TX	138	169	200	231	262
COUNTY: LIMESTONE STATE: TX	171	207	245	283	320
COUNTY: MILAM STATE: TX	158	193	228	263	297
COUNTY: NAVARRO STATE: TX	147	180	212	245	277
COUNTY: RAINS STATE: TX	147	180	212	245	277
COUNTY: RED RIVER STATE: TX	121	148	174	201	228
COUNTY: RUSK STATE: TX	138	169	200	231	262
COUNTY: TITUS STATE: TX	128	156	184	213	240
COUNTY: UPSHUR STATE: TX	138	169	200	231	262
COUNTY: VAN ZANDT STATE: TX	147	180	212	245	277
COUNTY: WOOD STATE: TX	138	169	200	231	262
SMSA: ABILENE, TX					
COUNTY: CALLAHAN STATE: TX	152	186	219	253	287
SMSA: ABILENE, TX					
COUNTY: JONES STATE: TX	152	186	219	253	287
COUNTY: TAYLOR STATE: TX	152	186	219	253	287
SMSA: DALLAS-FORT WORTH, TX					
COUNTY: HOOD STATE: TX	206	248	292	336	378
COUNTY: JOHNSON STATE: TX	206	248	292	336	378
COUNTY: PARKER STATE: TX	206	248	292	336	378
COUNTY TARRANT STATE: TX	206	248	292	336	378
COUNTY: WISE STATE: TX	206	248	292	336	378
SMSA: SAN ANGELO, TX					
COUNTY: TOM GREEN STATE: TX	152	186	219	253	287
SMSA: WICHITA FALLS, TX					
COUNTY: CLAY STATE: TX	167	204	242	278	315
COUNTY: WICHITA STATE: TX	167	204	242	278	315
NON SMSA					
COUNTY ARCHER STATE: TX	167	204	242	278	315

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY: BAYLOR STATE: TX	167	204	242	278	315
COUNTY: BOSQUE STATE: TX	171	207	245	283	320
COUNTY: BROWN STATE: TX	152	186	219	253	287
COUNTY: COKE STATE: TX	152	186	219	253	287
COUNTY: COLEMAN STATE: TX	152	186	219	253	287
COUNTY: COMANCHE STATE: TX	152	186	219	253	287
COUNTY: CONCHO STATE: TX	152	186	219	253	287
COUNTY: CROCKETT STATE: TX	161	196	231	267	302
COUNTY: EASTLAND STATE: TX	152	186	219	253	287
COUNTY: ERATH STATE: TX	147	180	212	245	277
COUNTY: FOARD STATE: TX	167	204	242	278	315
COUNTY: HAMILTON STATE: TX	171	207	245	283	320
COUNTY: HARDEMAN STATE: TX	167	204	242	278	315
COUNTY: HASKELL STATE: TX	152	186	219	253	287
COUNTY: IRION STATE: TX	152	186	219	253	287
COUNTY: JACK STATE: TX	167	204	242	278	315
COUNTY: KIMBLE STATE: TX	152	186	219	253	287
COUNTY: KNOX STATE: TX	152	186	219	253	287
COUNTY: LAMPASAS STATE: TX	171	207	245	283	320
COUNTY: MCCULLOCH STATE: TX	152	186	219	253	287
COUNTY: MASON STATE: TX	152	186	219	253	287
COUNTY: MENARD STATE: TX	152	186	219	253	287
COUNTY: MILLS STATE: TX	152	186	219	253	287
COUNTY: MONTAGUE STATE: TX	147	180	212	245	277

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS

PREPARED BY HUD - EMAD (CO). MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY: PALO PINTO STATE: TX	147	180	212	245	277
COUNTY: REAGAN STATE: TX	161	196	231	267	302
COUNTY: RUNNELS STATE: TX	152	186	219	253	287
COUNTY: SAN SABA STATE: TX	152	186	219	253	287
COUNTY: SCHLEICHER STATE: TX	152	186	219	253	287
COUNTY: SHACKLEFORD STATE: TX	152	186	219	253	287
COUNTY: SOMERVELL STATE: TX	147	180	212	245	277
COUNTY: STEPHENS STATE: TX	152	186	219	253	287
COUNTY: STERLING STATE: TX	152	186	219	253	287
COUNTY: SUTTON STATE: TX	152	186	219	253	287
COUNTY: THROCKMORTON STATE: TX	167	204	242	278	315
COUNTY: WILBARGER STATE: TX	167	204	242	278	315
COUNTY: YOUNG STATE: TX	167	204	242	278	315
SMSA: BEAUMONT-PORT ARTHUR-ORANGE, TX					
COUNTY: HARDIN STATE: TX	169	195	230	265	300
COUNTY: JEFFERSON STATE: TX	169	195	230	265	300
COUNTY: ORANGE STATE: TX	169	195	230	265	300
SMSA: BRYAN-COLLEGE STATION, TX					
COUNTY: BRAZOS STATE: TX	169	193	228	263	297
SMSA: GALVESTON-TEXAS CITY, TX					
COUNTY: GALVESTON STATE: TX	186	228	269	311	351
SMSA: HOUSTON, TX					
COUNTY: BRAZORIA STATE: TX	201	245	290	335	380
COUNTY: FORT BEND STATE: TX	201	245	290	335	380
COUNTY: HARRIS STATE: TX	201	245	290	335	380
COUNTY: LIBERTY STATE: TX	201	245	290	335	380
COUNTY: MONTGOMERY STATE: TX	201	245	290	335	380

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR. 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
SMSA: HOUSTON, TX					
COUNTY: WALLER STATE: TX	201	245	290	335	380
NON SMSA					
COUNTY: ANGELINA STATE: TX	144	169	200	231	262
COUNTY: AUSTIN STATE: TX	157	191	225	260	295
COUNTY: BURLESON STATE: TX	158	193	228	263	297
COUNTY: CHAMBERS STATE: TX	157	191	225	260	295
COUNTY: COLORADO STATE: TX	157	191	225	260	295
COUNTY: GRIMES STATE: TX	158	193	228	263	297
COUNTY: HOUSTON STATE: TX	144	169	200	231	262
COUNTY: JASPER STATE: TX	157	191	225	260	295
COUNTY: LEON STATE: TX	158	193	228	263	297
COUNTY: MADISON STATE: TX	158	193	228	263	297
COUNTY: MATAGORDA STATE: TX	157	191	225	260	295
COUNTY: NACOGDOCHES STATE: TX	144	169	200	231	262
COUNTY: NEWTON STATE: TX	157	191	225	260	295
COUNTY: POLK STATE: TX	157	191	225	260	295
COUNTY: ROBERTSON STATE: TX	158	193	228	263	297
COUNTY: SABINE STATE: TX	144	157	186	215	243
COUNTY: SAN AUGUSTIN STATE: TX	144	157	186	215	243
COUNTY: SAN JACINTO STATE: TX	157	191	225	260	295
COUNTY: SHELBY STATE: TX	144	157	186	215	243
COUNTY: TRINITY STATE: TX	144	169	200	231	262
COUNTY: TYLER STATE: TX	157	191	225	260	295
COUNTY: WALKER STATE: TX	157	191	225	260	295
COUNTY: WASHINGTON STATE: TX	157	191	225	260	295

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY WHARTON STATE TX	157	191	225	288	295
SMSA: AMARILLO, TX					
COUNTY POTTER STATE TX	146	178	209	243	274
COUNTY RANDALL STATE TX	146	178	209	243	274
SMSA: EL PASO, TX					
COUNTY EL PASO STATE TX	196	240	282	326	368
SMSA: LUBBOCK, TX					
COUNTY LUBBOCK STATE TX	152	186	219	253	287
SMSA: MIDLAND, TX					
COUNTY MIDLAND STATE TX	161	196	231	267	302
SMSA: ODESSA, TX					
COUNTY ECTOR STATE TX	161	196	231	267	302
NON SMSA					
COUNTY ANDREWS STATE TX	161	196	231	267	302
COUNTY ARMSTRONG STATE TX	146	178	209	243	274
COUNTY BAILEY STATE TX	152	186	219	253	287
COUNTY BORDEN STATE TX	161	196	231	267	302
COUNTY BREWSTER STATE TX	161	196	231	267	302
COUNTY BRISCOE STATE TX	146	178	209	243	274
COUNTY CARSON STATE TX	146	178	209	243	274
COUNTY CASTRO STATE TX	146	178	209	243	274
COUNTY CHILDRESS STATE TX	167	204	242	278	315
COUNTY COCHRAN STATE TX	152	186	219	253	287
COUNTY COLLINGSWORT STATE TX	146	178	209	243	274
COUNTY COTTLE STATE TX	167	204	242	278	315
COUNTY CRANE STATE TX	161	196	231	267	302
COUNTY CROSBY STATE TX	152	186	219	253	287
COUNTY CULBERSON STATE TX	151	184	218	251	284

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR. 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY DALLAM STATE TX	146	178	209	243	274
COUNTY DAWSON STATE TX	161	196	231	267	302
COUNTY DEAF SMITH STATE TX	146	178	209	243	274
COUNTY DICKENS STATE TX	152	186	219	253	287
COUNTY DONLEY STATE TX	146	178	209	243	274
COUNTY FISHER STATE TX	152	186	219	253	287
COUNTY FLOYD STATE TX	152	186	219	253	287
COUNTY GAINES STATE TX	161	196	231	267	302
COUNTY GARZA STATE TX	152	186	219	253	287
COUNTY GLASSCOCK STATE TX	161	196	231	267	302
COUNTY GRAY STATE TX	146	178	209	241	274
COUNTY HALE STATE TX	152	186	219	253	287
COUNTY HALL STATE TX	146	178	209	243	274
COUNTY HANSFORD STATE TX	146	178	209	243	274
COUNTY HARTLEY STATE TX	146	178	209	243	274
COUNTY HEMPHILL STATE TX	146	178	209	243	274
COUNTY HOCKLEY STATE TX	138	169	200	231	262
COUNTY HOWARD STATE TX	161	196	231	267	302
COUNTY HUDSPETH STATE TX	151	184	218	251	284
COUNTY HUTCHINSON STATE TX	146	178	209	243	274
COUNTY JEFF DAVIS STATE TX	151	184	218	251	284
COUNTY KENT STATE TX	152	186	219	253	287
COUNTY KING STATE TX	152	186	219	253	287
COUNTY LAMB STATE TX	152	186	219	253	287

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY: LIPSCOMB STATE: TX	146	178	209	243	274
COUNTY: LOVING STATE: TX	161	196	231	267	302
COUNTY: LYNN STATE: TX	152	186	219	253	287
COUNTY: MARTIN STATE: TX	161	196	231	267	302
COUNTY: MITCHELL STATE: TX	142	172	204	235	267
COUNTY: MOORE STATE: TX	146	178	209	243	274
COUNTY: MOTLEY STATE: TX	152	186	219	253	287
COUNTY: NOLAN STATE: TX	152	186	219	253	287
COUNTY: OCHILTREE STATE: TX	146	178	209	243	274
COUNTY: OLDHAM STATE: TX	146	178	209	243	274
COUNTY: PARMER STATE: TX	146	178	209	243	274
COUNTY: PECOS STATE: TX	161	196	231	267	302
COUNTY: PRESIDIO STATE: TX	151	184	218	251	284
COUNTY: REEVES STATE: TX	161	196	231	267	302
COUNTY: ROBERTS STATE: TX	146	178	209	243	274
COUNTY: SCURRY STATE: TX	152	186	219	253	287
COUNTY: SHERMAN STATE: TX	146	178	209	243	274
COUNTY: STONEWALL STATE: TX	152	186	219	253	287
COUNTY: SWISHER STATE: TX	146	178	209	243	274
COUNTY: TERRELL STATE: TX	161	196	231	267	302
COUNTY: TERRY STATE: TX	152	186	219	253	287
COUNTY: UPTON STATE: TX	161	196	231	267	302
COUNTY: WARD STATE: TX	161	196	231	267	302
COUNTY: WHEELER STATE: TX	146	178	209	243	274

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY WINKLER STATE: TX	161	196	231	267	302
COUNTY: YOAKUM STATE: TX	152	186	219	253	287
SMSA: LONGVIEW-MARSHALL, TX					
COUNTY: HARRISON STATE: TX	138	169	200	231	262
NON SMSA					
COUNTY CASS STATE: TX	121	148	174	201	228
COUNTY: MARION STATE: TX	129	157	186	215	243
COUNTY: MORRIS STATE: TX	121	148	174	201	228
COUNTY: PANOLA STATE: TX	129	157	186	215	243
LITTLE ROCK, ARKANSAS AREA OFFICE					
SMSA: FAYETTEVILLE-SPRINGDALE, AR					
COUNTY: BENTON STATE: AR	147	180	212	245	277
COUNTY: WASHINGTON STATE: AR	147	180	212	245	277
SMSA: FORT SMITH, AR-OK					
COUNTY: CRAWFORD STATE: AR	141	171	202	233	264
COUNTY: SEBASTIAN STATE: AR	141	171	202	233	264
SMSA: LITTLE ROCK-NORTH LITTLE ROCK, AR					
COUNTY: PULASKI STATE: AR	176	214	253	292	330
COUNTY SALINE STATE: AR	176	214	253	292	330
SMSA: MEMPHIS, TN-AR-MS					
COUNTY: CRITTENDEN STATE: AR	172	210	247	284	322
SMSA: PINE BLUFF, AR					
COUNTY: JEFFERSON STATE: AR	143	174	206	237	269
SMSA: TEXARKANA, TX-AR					
COUNTY: LITTLE RIVER STATE: AR	138	169	200	231	262
COUNTY: MILLER STATE: AR	138	169	200	231	262
NON SMSA					
COUNTY: ARKANSAS STATE: AR	143	174	206	237	269

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LITTLE ROCK, ARKANSAS AREA OFFICE					
NON SMSA					
COUNTY ASHLEY STATE AR	129	157	186	215	243
COUNTY BAXTER STATE AR	151	184	218	251	284
COUNTY BOONE STATE AR	151	184	218	251	284
COUNTY BRADLEY STATE AR	129	157	186	215	243
COUNTY CALHOUN STATE AR	129	157	186	215	243
COUNTY CARROLL STATE AR	151	184	218	251	284
COUNTY CHICOT STATE AR	129	157	186	215	243
COUNTY CLARK STATE AR	127	154	183	211	238
COUNTY CLAY STATE AR	142	172	204	235	267
COUNTY CLEBURNE STATE AR	127	154	183	211	238
COUNTY CLEVELAND STATE AR	143	174	206	237	269
COUNTY COLUMBIA STATE AR	129	157	186	215	243
COUNTY CONWAY STATE AR	127	154	183	211	238
COUNTY CRAIGHEAD STATE AR	142	172	204	235	267
COUNTY CROSS STATE AR	142	172	204	235	267
COUNTY DALLAS STATE AR	129	157	186	215	243
COUNTY DESHA STATE AR	129	157	186	215	243
COUNTY DREW STATE AR	129	157	186	215	243
COUNTY FAULKNER STATE AR	127	154	183	211	238
COUNTY FRANKLIN STATE AR	128	156	184	213	241
COUNTY FULTON STATE AR	127	154	183	211	238
COUNTY GARLAND STATE AR	127	154	183	211	238
COUNTY GRANT STATE AR	143	174	206	237	269
COUNTY GREENE STATE AR	142	172	204	235	267

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LITTLE ROCK, ARKANSAS AREA OFFICE					
NON SMSA					
COUNTY HEMPSTEAD STATE AR	121	148	174	201	228
COUNTY HOTSPRING STATE AR	127	154	183	211	238
COUNTY HOWARD STATE AR	121	148	174	201	228
COUNTY INDEPENDENCE STATE AR	127	154	183	211	238
COUNTY IZARD STATE AR	127	154	183	211	238
COUNTY JACKSON STATE AR	143	174	206	237	269
COUNTY JOHNSON STATE AR	127	154	183	211	238
COUNTY LAFAYETTE STATE AR	121	148	174	201	228
COUNTY LAWRENCE STATE AR	142	172	204	235	267
COUNTY LEE STATE AR	142	172	204	235	267
COUNTY LINCOLN STATE AR	143	174	206	237	269
COUNTY LOGAN STATE AR	128	156	184	213	241
COUNTY LONOKE STATE AR	143	174	206	237	269
COUNTY MADISON STATE AR	147	180	212	245	277
COUNTY MARION STATE AR	151	184	218	251	284
COUNTY MISSISSIPPI STATE AR	142	172	204	235	267
COUNTY MONROE STATE AR	143	174	206	237	269
COUNTY MONTGOMERY STATE AR	127	154	183	211	238
COUNTY NEVADA STATE AR	121	148	174	201	228
COUNTY NEWTON STATE AR	151	184	218	251	284
COUNTY OUACHITA STATE AR	129	157	186	215	243
COUNTY PERRY STATE AR	127	154	183	211	238
COUNTY PHILLIPS STATE AR	142	172	204	235	267
COUNTY PIKE STATE AR	127	154	183	211	238

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LITTLE ROCK, ARKANSAS AREA OFFICE					
NON SMSA					
COUNTY:POINSETT STATE:AR	142	172	204	235	267
COUNTY:POLK STATE:AR	128	156	184	213	241
COUNTY:POPE STATE:AR	127	154	183	211	238
COUNTY:PRAIRIE STATE:AR	143	174	206	237	269
COUNTY:RANDOLPH STATE:AR	142	172	204	235	267
COUNTY:ST FRANCIS STATE:AR	142	172	204	235	267
COUNTY:SCOTT STATE:AR	128	156	184	213	241
COUNTY:SEARCY STATE:AR	151	184	218	251	284
COUNTY:SEVIER STATE:AR	121	148	174	201	228
COUNTY:SHARP STATE:AR	127	154	183	211	238
COUNTY:STONE STATE:AR	127	154	183	211	238
COUNTY:UNION STATE:AR	129	157	186	215	243
COUNTY:VAN BUREN STATE:AR	127	154	183	211	238
COUNTY:WHITE STATE:AR	143	174	206	237	269
COUNTY:WOODRUFF STATE:AR	143	174	206	237	269
COUNTY:YELL STATE:AR	128	156	184	213	241

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEW ORLEANS, LOUISIANA AREA OFFICE					
SMSA: BATON ROUGE, LA					
PARISH:ASCENSION STATE:LA	218	264	312	359	407
PARISH:E BATON ROUG STATE:LA	218	264	312	359	407
PARISH:LIVINGSTON STATE:LA	218	264	312	359	407
PARISH:W BATON ROUG STATE:LA	218	264	312	359	407
SMSA: LAFAYETTE, LA					
PARISH:LAFAYETTE STATE:LA	165	201	237	274	310
SMSA: LAKE CHARLES, LA					
PARISH:CALCASIEU STATE:LA	165	201	237	274	310
SMSA: NEW ORLEANS, LA					
PARISH:JEFFERSON STATE:LA	202	246	290	333	377
PARISH:ORLEANS STATE:LA	202	246	290	333	377
PARISH:ST BERNARD STATE:LA	202	246	290	333	377
PARISH:ST TAMMANY STATE:LA	202	246	290	333	377
NON SMSA					
PARISH:ACADIA STATE:LA	131	159	188	217	246
PARISH:ALLEN STATE:LA	165	201	237	274	310
PARISH:ASSUMPTION STATE:LA	146	178	209	243	274
PARISH:BEAUREGARD STATE:LA	165	201	237	274	310
PARISH:CAMERON STATE:LA	165	201	237	274	310
PARISH:E FELICIANA STATE:LA	131	159	188	217	246
PARISH:EVANGELINE STATE:LA	131	159	188	217	246
PARISH:IBERIA STATE:LA	131	159	188	217	246
PARISH:IBERVILLE STATE:LA	131	159	188	217	246
PARISH:JEFFERSON DA STATE:LA	165	201	237	274	310
PARISH:LAFOURCHE STATE:LA	146	178	209	243	274
PARISH:PLAQUEMINES STATE:LA	146	178	209	243	274
PARISH:POINTE COUPE STATE:LA	131	159	188	217	246

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEW ORLEANS, LOUISIANA AREA OFFICE					
NON SMSA					
PARISH ST CHARLES STATE LA	146	178	209	243	274
PARISH ST HELENA STATE LA	131	159	188	217	246
PARISH ST JAMES STATE LA	146	178	209	243	274
PARISH ST JOHN THE STATE LA	146	178	209	243	274
PARISH ST LANDRY STATE LA	131	159	188	217	246
PARISH ST MARTIN STATE LA	131	159	188	217	246
PARISH ST MARY STATE LA	131	159	188	217	246
PARISH TANGIPAHOA STATE LA	146	178	209	243	274
PARISH TERREBONNE STATE LA	146	178	209	243	274
PARISH VERMILION STATE LA	131	159	188	217	246
PARISH WASHINGTON STATE LA	146	178	209	243	274
PARISH W FELICIANA STATE LA	131	159	188	217	246
SMSA: ALEXANDRIA, LA					
PARISH GRANT STATE LA	138	169	200	231	262
PARISH RAPIDES STATE LA	138	169	200	231	262
SMSA: MONROE, LA					
PARISH OUACHITA STATE LA	138	169	200	231	262
SMSA: SHREVEPORT, LA					
PARISH BOSSIER STATE LA	171	207	245	283	320
PARISH CADDO STATE LA	171	207	245	283	320
PARISH WEBSTER STATE LA	171	207	245	283	320
NON SMSA					
PARISH AVOYELLES STATE LA	138	169	200	231	262
PARISH BIENVILLE STATE LA	129	157	186	215	243
PARISH CALDWELL STATE LA	138	169	200	231	262
PARISH CATAHOULA STATE LA	138	169	200	231	262
PARISH CLAIBORNE STATE LA	129	157	186	215	243

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEW ORLEANS, LOUISIANA AREA OFFICE					
NON SMSA					
PARISH CONCORDIA STATE LA	131	159	188	217	246
PARISH DE SOTO STATE LA	129	157	186	215	243
PARISH EAST CARROLL STATE LA	138	169	200	231	262
PARISH FRANKLIN STATE LA	138	169	200	231	262
PARISH JACKSON STATE LA	138	169	200	231	262
PARISH LA SALLE STATE LA	138	169	200	231	262
PARISH LINCOLN STATE LA	138	169	200	231	262
PARISH MADISON STATE LA	138	169	200	231	262
PARISH MOREHOUSE STATE LA	138	169	200	231	262
PARISH NATCHITOCHES STATE LA	138	169	200	231	262
PARISH RED RIVER STATE LA	129	157	186	215	243
PARISH RICHLAND STATE LA	138	169	200	231	262
PARISH SABINE STATE LA	129	157	186	215	243
PARISH TENSAS STATE LA	138	169	200	231	262
PARISH UNION STATE LA	138	169	200	231	262
PARISH VERNON STATE LA	165	201	237	274	310
PARISH WEST CARROLL STATE LA	138	169	200	231	262
PARISH WINN STATE LA	138	169	200	231	262

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OKLAHOMA CITY, OKLAHOMA AREA OFFICE					
SMSA: ENID, OK.					
COUNTY GARFIELD STATE OK	147	180	212	245	277
SMSA: LAWTON, OK					
COUNTY COMANCHE STATE OK	167	204	242	278	315
SMSA: OKLAHOMA CITY, OK					
COUNTY CANADIAN STATE OK	172	209	246	283	320
COUNTY CLEVELAND STATE OK	172	209	246	283	320
COUNTY MCCLAIN STATE OK	172	209	246	283	320
COUNTY OKLAHOMA STATE OK	172	209	246	283	320
COUNTY POTTAWATOMIE STATE OK	172	209	246	283	320
NON SMSA					
COUNTY ALFALFA STATE OK	141	171	202	233	264
COUNTY BEAVER STATE OK	147	180	212	245	277
COUNTY BECKHAM STATE OK	147	180	212	245	277
COUNTY BLAINE STATE OK	141	171	202	233	264
COUNTY CADDO STATE OK	167	204	242	278	315
COUNTY CARTER STATE OK	132	160	190	219	249
COUNTY CIMARRON STATE OK	147	180	212	245	277
COUNTY COTTON STATE OK	167	204	242	278	315
COUNTY CUSTER STATE OK	147	180	212	245	277
COUNTY DEWEY STATE OK	141	171	202	233	264
COUNTY ELLIS STATE OK	141	171	202	233	264
COUNTY GARVIN STATE OK	132	160	190	219	249
COUNTY GRADY STATE OK	132	160	190	219	249
COUNTY GRANT STATE OK	141	171	202	233	264
COUNTY GREER STATE OK	167	204	242	278	315
COUNTY HARMON STATE OK	167	204	242	278	315

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OKLAHOMA CITY, OKLAHOMA AREA OFFICE					
NON SMSA					
COUNTY HARPER STATE OK	141	171	202	233	264
COUNTY JACKSON STATE OK	167	204	242	278	315
COUNTY JEFFERSON STATE OK	167	204	242	278	315
COUNTY JOHNSTON STATE OK	121	148	174	201	228
COUNTY KAY STATE OK	141	171	202	233	264
COUNTY KINGFISHER STATE OK	141	171	202	233	264
COUNTY KIOWA STATE OK	167	204	242	278	315
COUNTY LINCOLN STATE OK	141	171	202	233	264
COUNTY LOGAN STATE OK	141	171	202	233	264
COUNTY LOVE STATE OK	121	148	174	201	228
COUNTY MAJOR STATE OK	141	171	202	233	264
COUNTY MARSHALL STATE OK	147	180	212	245	277
COUNTY MURRAY STATE OK	121	148	174	201	228
COUNTY NOBLE STATE OK	141	171	202	233	264
COUNTY PAYNE STATE OK	167	204	242	278	315
COUNTY PONTOTOC STATE OK	132	160	190	219	249
COUNTY ROGER MILLS STATE OK	141	171	202	233	264
COUNTY SEMINOLE STATE OK	132	160	190	219	249
COUNTY STEPHENS STATE OK	167	204	242	278	315
COUNTY TEXAS STATE OK	147	180	212	245	277
COUNTY TILLMAN STATE OK	167	204	242	278	315
COUNTY WASHITA STATE OK	141	171	202	233	264
COUNTY WOODS STATE OK	141	171	202	233	264
COUNTY WOODWARD STATE OK	147	180	212	245	277

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OKLAHOMA CITY, OKLAHOMA AREA OFFICE					
SMSA: FORT SMITH, AR-OK					
COUNTY: LE FLORE STATE: OK	141	171	202	233	264
COUNTY: SEQUOYAH STATE: OK	141	171	202	233	264
SMSA: TULSA, OK					
COUNTY: CREEK STATE: OK	180	219	259	298	337
COUNTY: MAYES STATE: OK	180	219	259	298	337
COUNTY: OSAGE STATE: OK	180	219	259	298	337
COUNTY: ROGERS STATE: OK	180	219	259	298	337
COUNTY: TULSA STATE: OK	180	219	259	298	337
COUNTY: WAGONER STATE: OK	180	219	259	298	337
NON SMSA					
COUNTY: ADAIR STATE: OK	147	180	212	245	277
COUNTY: ATOKA STATE: OK	121	148	174	201	228
COUNTY: BRYAN STATE: OK	147	180	212	245	277
COUNTY: CHEROKEE STATE: OK	147	180	212	245	277
COUNTY: CHOCTAW STATE: OK	121	148	174	201	228
COUNTY: COAL STATE: OK	121	148	174	201	228
COUNTY: CRAIG STATE: OK	132	160	190	219	249
COUNTY: DELAWARE STATE: OK	147	180	212	245	277
COUNTY: HASKELL STATE: OK	132	160	190	219	249
COUNTY: HUGHES STATE: OK	121	148	174	201	228
COUNTY: LATIMER STATE: OK	132	160	190	219	249
COUNTY: MCCURTAIN STATE: OK	132	160	190	219	249
COUNTY: MCINTOSH STATE: OK	141	171	202	233	264
COUNTY: MUSKOGEE STATE: OK	147	180	212	245	277
COUNTY: NOWATA STATE: OK	141	171	202	233	264
COUNTY: OKFUSKEE STATE: OK	141	171	202	233	264

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OKLAHOMA CITY OKLAHOMA AREA OFFICE					
NON SMSA					
COUNTY: OKMULGEE STATE: OK	141	171	202	233	264
COUNTY: OTTAWA STATE: OK	132	160	190	219	249
COUNTY: PAWNEE STATE: OK	141	171	202	233	264
COUNTY: PITTSBURG STATE: OK	132	160	190	219	249
COUNTY: PUSHMATAHA STATE: OK	132	160	190	219	249
COUNTY: WASHINGTON STATE: OK	147	180	212	245	277
SAN ANTONIO, TEXAS AREA OFFICE					
SMSA: AUSTIN, TX					
COUNTY: HAYS STATE: TX	241	293	345	398	451
COUNTY: TRAVIS STATE: TX	241	293	345	398	451
COUNTY: WILLIAMSON STATE: TX	241	293	345	398	451
SMSA: BROWNSVILLE-HARLINGEN-SAN BENITO, TX					
COUNTY: CAMERON STATE: TX	180	219	259	298	337
SMSA: CORPUS CHRISTI, TX					
COUNTY: NUECES STATE: TX	176	214	253	292	330
COUNTY: SAN PATRICIO STATE: TX	176	214	253	292	330
SMSA: LAREDO, TX					
COUNTY: WEBB STATE: TX	185	226	267	308	348
SMSA: MC ALLEN-PHARR-EDINBURG, TX					
COUNTY: HIDALGO STATE: TX	180	219	259	298	337
SMSA: SAN ANTONIO, TX					
COUNTY: BEXAR STATE: TX	199	243	286	330	374
COUNTY: COMAL STATE: TX	199	243	286	330	374
COUNTY: GUADALUPE STATE: TX	199	243	286	330	374

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN ANTONIO, TEXAS AREA OFFICE					
NON SMSA					
COUNTY ARANSAS STATE TX	185	226	267	308	348
COUNTY ATASCOSA STATE TX	148	181	214	247	279
COUNTY BANDERA STATE TX	169	206	244	280	317
COUNTY BASTROP STATE TX	158	193	228	263	297
COUNTY BEE STATE TX	185	226	267	308	348
COUNTY BLANCO STATE TX	158	193	228	263	297
COUNTY BROOKS STATE TX	185	226	267	308	348
COUNTY BURNET STATE TX	158	193	228	263	297
COUNTY CALDWELL STATE TX	158	193	228	263	297
COUNTY CALHOUN STATE TX	148	181	214	247	279
COUNTY DE WITT STATE TX	148	181	214	247	279
COUNTY DIMMIT STATE TX	185	226	267	308	348
COUNTY DUVAL STATE TX	185	226	267	308	348
COUNTY EDWARDS STATE TX	148	181	214	247	279
COUNTY FAYETTE STATE TX	157	191	225	260	295
COUNTY FRIO STATE TX	148	181	214	247	279
COUNTY GILLESPIE STATE TX	148	181	214	247	279
COUNTY GOLIAD STATE TX	148	181	214	247	279
COUNTY GONZALES STATE TX	148	181	214	247	279
COUNTY JACKSON STATE TX	148	181	214	247	279
COUNTY JIM HOGG STATE TX	185	226	267	308	348
COUNTY JIM WELLS STATE TX	185	226	267	308	348
COUNTY KARNES STATE TX	148	181	214	247	279
COUNTY KENDALL STATE TX	148	181	214	247	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN ANTONIO, TEXAS AREA OFFICE					
NON SMSA					
COUNTY KENEDY STATE TX	185	226	267	308	348
COUNTY KERR STATE TX	148	181	214	247	279
COUNTY KINNEY STATE TX	148	181	214	247	279
COUNTY KLEBERG STATE TX	185	226	267	308	348
COUNTY LA SALLE STATE TX	185	226	267	308	348
COUNTY LAVACA STATE TX	148	181	214	247	279
COUNTY LEE STATE TX	158	193	228	263	297
COUNTY LIVE OAK STATE TX	185	226	267	308	348
COUNTY LLANO STATE TX	158	193	228	263	297
COUNTY MCMULLEN STATE TX	185	226	267	308	348
COUNTY MAVERICK STATE TX	148	181	214	247	279
COUNTY MEDINA STATE TX	148	181	214	247	279
COUNTY REAL STATE TX	148	181	214	247	279
COUNTY REFUGIO STATE TX	185	226	267	308	348
COUNTY STARR STATE TX	185	226	267	308	348
COUNTY UVALDE STATE TX	148	181	214	247	279
COUNTY VAL VERDE STATE TX	148	181	214	247	279
COUNTY VICTORIA STATE TX	188	228	269	310	351
COUNTY WILLACY STATE TX	185	226	267	308	348
COUNTY WILSON STATE TX	148	181	214	247	279
COUNTY ZAPATA STATE TX	185	226	267	308	348
COUNTY ZAVALA STATE TX	148	181	214	247	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
SMSA: KANSAS CITY, MO-KS					
COUNTY: CASS STATE: MO	185	225	266	307	347
COUNTY: CLAY STATE: MO	185	225	266	307	347
COUNTY: JACKSON STATE: MO	185	225	266	307	347
COUNTY: PLATTE STATE: MO	185	225	266	307	347
COUNTY: RAY STATE: MO	185	225	266	307	347
COUNTY: JOHNSON STATE: KS	185	225	266	307	347
COUNTY: WYANDOTTE STATE: KS	185	225	266	307	347
SMSA: ST JOSEPH, MO					
COUNTY: ANDREW STATE: MO	134	164	193	223	253
COUNTY: BUCHANEN STATE: MO	134	164	193	223	253
SMSA: SPRINGFIELD, MO					
COUNTY: CHRISTIAN STATE: MO	146	173	207	240	273
COUNTY: GREENE STATE: MO	146	173	207	240	273
NON SMSA					
COUNTY: ATCHISON STATE: MO	134	164	193	223	253
COUNTY: BARRY STATE: MO	132	160	189	219	248
COUNTY: BARTON STATE: MO	116	141	167	193	217
COUNTY: BATES STATE: MO	134	164	193	223	253
COUNTY: BENTON STATE: MO	134	164	193	223	253
COUNTY: CALDWELL STATE: MO	144	175	207	239	272
COUNTY: CAMDEN STATE: MO	162	197	232	269	304
COUNTY: CARROLL STATE: MO	134	164	193	223	253
COUNTY: CEDAR STATE: MO	116	141	167	193	217
COUNTY: CHARITON STATE: MO	162	197	232	269	304
COUNTY: CLINTON STATE: MO	134	164	193		
COUNTY: DADE STATE: MO	132	160	189	219	248
COUNTY: DALLAS STATE: MO	132	160	189	219	248

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY: DAVIESS STATE: MO	144	175	207	239	272
COUNTY: DE KALB STATE: MO	134	164	193	223	253
COUNTY: GENTRY STATE: MO	134	164	193	223	253
COUNTY: GRUNDY STATE: MO	144	175	207	239	272
COUNTY: HARRISON STATE: MO	144	175	207	239	272
COUNTY: HENRY STATE: MO	134	164	193	223	253
COUNTY: HICKORY STATE: MO	132	160	189	219	248
COUNTY: HOLT STATE: MO	134	164	193	223	253
COUNTY: JASPER STATE: MO	130	149	180	203	225
COUNTY: JOHNSON STATE: MO	150	174	215	236	262
COUNTY: LACLEDE STATE: MO	144	174	207	238	270
COUNTY: LAFAYETTE STATE: MO	134	164	193	223	253
COUNTY: LAWRENCE STATE: MO	132	160	189	219	248
COUNTY: LINN STATE: MO	144	175	207	239	272
COUNTY: LIVINGSTON STATE: MO	144	175	207	239	272
COUNTY: MCDONALD STATE: MO	116	141	167	193	217
COUNTY: MERCER STATE: MO	144	175	207	239	272
COUNTY: MILLER STATE: MO	162	197	232	269	304
COUNTY: MORGAN STATE: MO	162	197	232	269	304
COUNTY: NEWTON STATE: MO	130	149	180	203	225
COUNTY: NODAWAY STATE: MO	150	174	215	236	262
COUNTY: PETTIS STATE: MO	134	164	193	223	253
COUNTY: POLK STATE: MO	132	160	189	219	248
COUNTY: PULASKI STATE: MO	144	174	207	238	270

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY: PUTNAM STATE: MO	144	175	207	239	272
COUNTY: ST CLAIR STATE: MO	116	141	167	193	217
COUNTY: SALINE STATE: MO	134	164	193	223	253
COUNTY: STONE STATE: MO	132	160	189	219	248
COUNTY: SULLIVAN STATE: MO	144	175	207	239	272
COUNTY: TANEY STATE: MO	132	160	189	219	248
COUNTY: VERNON STATE: MO	116	141	167	193	217
COUNTY: WEBSTER STATE: MO	132	160	189	219	248
COUNTY: WORTH STATE: MO	134	164	193	223	253
SMSA: LAWRENCE, KS					
COUNTY DOUGLAS STATE: KS	197	231	277	324	353
SMSA: TOPEKA, KS					
COUNTY JEFFERSON STATE: KS	174	211	249	287	326
COUNTY: OSAGE STATE: KS	174	211	249	287	326
COUNTY: SHAWNEE STATE: KS	174	211	249	287	326
SMSA: WICHITA, KS					
COUNTY BUTLER STATE: KS	183	215	251	296	327
COUNTY SEDGWICK STATE: KS	183	215	251	296	327
NON SMSA					
COUNTY ALLEN STATE: KS	116	141	167	193	217
COUNTY ANDERSON STATE: KS	139	170	201	233	264
COUNTY ATCHISON STATE: KS	139	170	201	233	264
COUNTY BARBER STATE: KS	123	151	178	206	233
COUNTY BARTON STATE: KS	133	161	192	221	251
COUNTY BOURBON STATE: KS	116	141	167	193	217
COUNTY BROWN STATE: KS	139	170	201	233	264
COUNTY CHASE STATE: KS	123	151	178	206	233
COUNTY CHAUTAUQUA STATE: KS	123	151	178	206	233

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR, 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE. THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY: CHEROKEE STATE: KS	116	141	167	193	217
COUNTY: CHEYENNE STATE: KS	133	161	192	221	251
COUNTY: CLARK STATE: KS	123	151	178	206	233
COUNTY: CLAY STATE: KS	133	161	192	221	251
COUNTY: CLOUD STATE: KS	133	161	192	221	251
COUNTY: COFFEY STATE: KS	139	170	201	233	264
COUNTY: COMANCHE STATE: KS	123	151	178	206	233
COUNTY: COWLEY STATE: KS	123	151	178	206	233
COUNTY: CRAWFORD STATE: KS	116	141	167	193	217
COUNTY: DECATUR STATE: KS	133	161	192	221	251
COUNTY DICKINSON STATE: KS	133	161	192	221	251
COUNTY: DONIPHAN STATE: KS	139	170	201	233	264
COUNTY: EDWARDS STATE: KS	123	151	178	206	233
COUNTY ELK STATE: KS	123	151	178	206	233
COUNTY: ELLIS STATE: KS	133	161	192	221	251
COUNTY: ELLSWORTH STATE: KS	133	161	192	221	251
COUNTY: FINNEY STATE: KS	123	151	178	206	233
COUNTY: FORD STATE: KS	123	151	178	206	233
COUNTY: FRANKLIN STATE: KS	139	170	201	233	264
COUNTY GEARY STATE: KS	139	170	201	233	264
COUNTY GOVE STATE: KS	133	161	192	221	251
COUNTY: GRAHAM STATE: KS	133	161	192	221	251
COUNTY: GRANT STATE: KS	123	151	178	206	233
COUNTY: GRAY STATE: KS	123	151	178	206	233

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE. THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY GREELEY STATE KS	133	161	192	221	251
COUNTY GREENWOOD STATE KS	123	151	178	206	233
COUNTY HAMILTON STATE KS	123	151	178	206	233
COUNTY HARPER STATE KS	123	151	178	206	233
COUNTY HARVEY STATE KS	135	163	190	229	241
COUNTY HASKELL STATE KS	123	151	178	206	233
COUNTY HODGEMAN STATE KS	123	151	178	206	233
COUNTY JACKSON STATE KS	139	170	201	233	264
COUNTY JEWELL STATE KS	133	161	192	221	251
COUNTY KEARNY STATE KS	123	151	178	206	233
COUNTY KINGMAN STATE KS	123	151	178	206	233
COUNTY KIOWA STATE KS	123	151	178	206	233
COUNTY LABETTE STATE KS	116	141	167	193	217
COUNTY LANE STATE KS	133	161	192	221	251
COUNTY LEAVENWORTH STATE KS	174	211	249	287	326
COUNTY LINCOLN STATE KS	133	161	192	221	251
COUNTY LINN STATE KS	139	170	201	233	264
COUNTY LOGAN STATE KS	133	161	192	221	251
COUNTY LYON STATE KS	139	170	201	233	264
COUNTY MCPHERSON STATE KS	133	161	192	221	251
COUNTY MARION STATE KS	123	151	178	206	233
COUNTY MARSHALL STATE KS	139	170	201	233	264
COUNTY MEADE STATE KS	123	151	178	206	233
COUNTY MIAMI STATE KS	139	170	201	233	264

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY MITCHELL STATE KS	133	161	192	221	251
COUNTY MONTGOMERY STATE KS	116	141	167	193	217
COUNTY MORRIS STATE KS	133	161	192	221	251
COUNTY MORTON STATE KS	123	151	178	206	233
COUNTY NEMAHA STATE KS	139	170	201	233	264
COUNTY NEOSHO STATE KS	116	141	167	193	217
COUNTY NESS STATE KS	133	161	192	221	251
COUNTY NORTON STATE KS	133	161	192	221	251
COUNTY OSBORNE STATE KS	133	161	192	221	251
COUNTY OTTAWA STATE KS	133	161	192	221	251
COUNTY PAWNEE STATE KS	123	151	178	206	233
COUNTY PHILLIPS STATE KS	133	161	192	221	251
COUNTY POTTAWATOMIE STATE KS	139	170	201	233	264
COUNTY PRATT STATE KS	123	151	178	206	233
COUNTY RAWLINS STATE KS	133	161	192	221	251
COUNTY RENO STATE KS	123	151	178	206	233
COUNTY REPUBLIC STATE KS	133	161	192	221	251
COUNTY RICE STATE KS	133	161	192	221	251
COUNTY RILEY STATE KS	162	200	233	272	305
COUNTY ROOKS STATE KS	133	161	192	221	251
COUNTY RUSH STATE KS	133	161	192	221	251
COUNTY RUSSELL STATE KS	133	161	192	221	251
COUNTY SALINE STATE KS	133	161	192	221	251
COUNTY SCOTT STATE KS	133	161	192	221	251

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY:SEWARD STATE:KS	123	151	178	206	233
COUNTY:SHERIDAN STATE:KS	133	161	192	221	251
COUNTY:SHERMAN STATE:KS	133	161	192	221	251
COUNTY:SMITH STATE:KS	133	161	192	221	251
COUNTY:STAFFORD STATE:KS	123	151	178	206	233
COUNTY:STANTON STATE:KS	123	151	178	206	233
COUNTY:STEVENS STATE:KS	123	151	178	206	233
COUNTY:SUMNER STATE:KS	123	151	178	206	233
COUNTY:THOMAS STATE:KS	133	161	192	221	251
COUNTY:TREGO STATE:KS	133	161	192	221	251
COUNTY:WABAUNSEE STATE:KS	139	170	201	233	264
COUNTY:WALLACE STATE:KS	133	161	192	221	251
COUNTY:WASHINGTON STATE:KS	139	170	201	233	264
COUNTY:WICHITA STATE:KS	133	161	192	221	251
COUNTY:WILSON STATE:KS	116	141	167	193	217
COUNTY:WOODSON STATE:KS	116	141	167	193	217

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
SMSA: CEDAR RAPIDS, IA					
COUNTY:LINN STATE:IA	196	240	283	326	369
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL					
COUNTY:SCOTT STATE:IA	197	241	284	328	371
SMSA: DES MOINES, IA					
COUNTY:POLK STATE:IA	208	254	299	345	390
COUNTY:WARREN STATE:IA	208	254	299	345	390
SMSA: DUBUQUE, IA					
COUNTY:DUBUQUE STATE:IA	165	216	283	338	370
SMSA: IOWA CITY, IA					
COUNTY:JOHNSON STATE:IA	196	240	283	326	369
SMSA: OMAHA, NE-IA					
COUNTY:POTTAWATTAMI STATE:IA	190	230	272	314	355
SMSA: SIOUX CITY, IA-NE					
COUNTY:WOODBURY STATE:IA	172	223	276	322	357
SMSA: WATERLOO-CEDAR FALLS, IA					
COUNTY:BLACK HAWK STATE:IA	164	200	236	272	328
NON SMSA					
COUNTY:ADAIR STATE:IA	153	187	222	255	289
COUNTY:ADAMS STATE:IA	153	187	222	255	289
COUNTY:ALLAMAKEE STATE:IA	150	183	216	250	283
COUNTY:APPANOOSE STATE:IA	153	187	222	255	289
COUNTY:AUDUBON STATE:IA	148	180	213	245	279
COUNTY:BENTON STATE:IA	196	240	283	326	369
COUNTY:BOONE STATE:IA	153	187	222	255	289
COUNTY:BREMER STATE:IA	164	200	236	272	309
COUNTY:BUCHANAN STATE:IA	164	200	236	272	309
COUNTY:BUENA VISTA STATE:IA	147	179	211	244	276
COUNTY:BUTLER STATE:IA	164	200	236	272	309
COUNTY:CALHOUN STATE:IA	147	179	211	244	276
COUNTY:CARROLL STATE:IA	148	180	213	245	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY: CASS STATE: IA	147	179	211	244	276
COUNTY: CEDAR STATE: IA	196	240	283	326	369
COUNTY: CERRO GORDO STATE: IA	164	200	236	272	309
COUNTY: CHEROKEE STATE: IA	148	180	213	245	279
COUNTY: CHICKASAW STATE: IA	164	200	236	272	309
COUNTY: CLARKE STATE: IA	153	187	222	255	289
COUNTY: CLAY STATE: IA	147	179	211	244	276
COUNTY: CLAYTON STATE: IA	150	183	216	250	283
COUNTY: CLINTON STATE: IA	166	202	240	277	313
COUNTY: CRAWFORD STATE: IA	148	180	213	245	279
COUNTY: DALLAS STATE: IA	153	187	222	255	289
COUNTY: DAVIS STATE: IA	153	187	222	255	289
COUNTY: DECATUR STATE: IA	153	187	222	255	289
COUNTY: DELAWARE STATE: IA	150	183	216	250	283
COUNTY: DES MOINES STATE: IA	151	184	217	252	285
COUNTY: DICKINSON STATE: IA	149	179	211	244	276
COUNTY: EMMET STATE: IA	147	179	211	244	276
COUNTY: FAYETTE STATE: IA	164	200	236	272	309
COUNTY: FLOYD STATE: IA	164	200	236	272	309
COUNTY: FRANKLIN STATE: IA	164	200	236	272	309
COUNTY: FREMONT STATE: IA	147	179	211	244	276
COUNTY: GREENE STATE: IA	148	180	213	245	279
COUNTY: GRUNDY STATE: IA	164	200	236	272	309
COUNTY: GUTHRIE STATE: IA	148	180	213	245	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY: HAMILTON STATE: IA	147	179	211	244	276
COUNTY: HANCOCK STATE: IA	164	200	236	272	309
COUNTY: HARDIN STATE: IA	164	200	236	272	309
COUNTY: HARRISON STATE: IA	147	179	211	244	276
COUNTY: HENRY STATE: IA	151	184	217	252	285
COUNTY: HOWARD STATE: IA	150	183	216	250	283
COUNTY: HUMBOLDT STATE: IA	147	179	211	244	276
COUNTY: IDA STATE: IA	148	180	213	245	279
COUNTY: IOWA STATE: IA	196	240	283	326	369
COUNTY: JACKSON STATE: IA	150	183	216	250	283
COUNTY: JASPER STATE: IA	153	187	222	255	289
COUNTY: JEFFERSON STATE: IA	153	187	222	255	289
COUNTY: JONES STATE: IA	196	240	283	326	369
COUNTY: KEOKUK STATE: IA	153	187	222	255	289
COUNTY: KOSSUTH STATE: IA	164	200	236	272	309
COUNTY: LEE STATE: IA	151	184	217	252	285
COUNTY: LOUISA STATE: IA	166	202	240	277	313
COUNTY: LUCAS STATE: IA	153	187	222	255	289
COUNTY: LYON STATE: IA	164	200	236	272	309
COUNTY: MADISON STATE: IA	153	187	222	255	289
COUNTY: MAHASKA STATE: IA	153	187	222	255	289
COUNTY: MARION STATE: IA	153	187	222	255	289
COUNTY: MARSHALL STATE: IA	153	187	222	255	289
COUNTY: MILLS STATE: IA,	147	179	211	244	276

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY MITCHELL STATE IA	164	200	236	272	309
COUNTY MONONA STATE IA	148	180	213	245	279
COUNTY MONROE STATE IA	153	187	222	255	289
COUNTY MONTGOMERY STATE IA	147	179	211	244	276
COUNTY MUSCATINE STATE IA	166	202	240	277	313
COUNTY O BRIEN STATE IA	148	180	213	245	279
COUNTY OSCEOLA STATE IA	164	200	236	272	309
COUNTY PAGE STATE IA	147	179	211	244	276
COUNTY PALO ALTO STATE IA	147	179	211	244	276
COUNTY PLYMOUTH STATE IA	148	180	213	245	279
COUNTY POCAHONTAS STATE IA	147	179	211	244	276
COUNTY POWESHIEK STATE IA	153	187	222	255	289
COUNTY RINGGOLD STATE IA	153	187	222	255	289
COUNTY SAC STATE IA	148	180	213	245	279
COUNTY SHELBY STATE IA	147	179	211	244	276
COUNTY SIOUX STATE IA	148	180	213	245	279
COUNTY STORY STATE IA	167	194	234	264	289
COUNTY TAMA STATE IA	153	187	222	255	289
COUNTY TAYLOR STATE IA	153	187	222	255	289
COUNTY UNION STATE IA	153	187	222	255	289
COUNTY VAN BUREN STATE IA	153	187	222	255	289
COUNTY WAPELLO STATE IA	153	187	222	255	289
COUNTY WASHINGTON STATE IA	166	202	240	277	313
COUNTY WAYNE STATE IA	153	187	222	255	289

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY WEBSTER STATE IA	150	179	223	244	276
COUNTY WINNEBAGO STATE IA	164	200	236	272	309
COUNTY WINNESHIEK STATE IA	150	183	216	250	283
COUNTY WORTH STATE IA	164	200	236	272	309
COUNTY WRIGHT STATE IA	147	179	211	244	276
SMSA: LINCOLN, NE					
COUNTY LANCASTER STATE NE	196	239	282	325	368
SMSA: OMAHA, NE-IA					
COUNTY DOUGLAS STATE NE	190	230	272	314	355
COUNTY SARPY STATE NE	190	230	272	314	355
SMSA: SIOUX CITY, IA-NE					
COUNTY DAKOTA STATE NE	172	223	276	322	357
NON SMSA					
COUNTY ADAMS STATE NE	140	189	246	311	343
COUNTY ANTELOPE STATE NE	140	172	203	235	266
COUNTY ARTHUR STATE NE	140	172	203	235	266
COUNTY BANNER STATE NE	138	169	199	230	261
COUNTY BLAINE STATE NE	140	172	203	235	266
COUNTY BOONE STATE NE	140	172	203	235	266
COUNTY BOX BUTTE STATE NE	168	204	241	279	315
COUNTY BOYD STATE NE	140	172	203	235	266
COUNTY BROWN STATE NE	140	172	203	235	266
COUNTY BUFFALO STATE NE	140	172	203	235	266
COUNTY BURT STATE NE	147	179	211	244	276
COUNTY BUTLER STATE NE	147	179	211	244	276
COUNTY CASS STATE NE	147	179	211	244	276
COUNTY CEDAR STATE NE	148	180	213	245	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY CHASE STATE NE	161	196	231	267	302
COUNTY CHERRY STATE NE	140	172	203	235	266
COUNTY CHEYENNE STATE NE	138	169	199	230	261
COUNTY CLAY STATE NE	140	172	203	235	266
COUNTY COLFAX STATE NE	147	179	211	244	276
COUNTY CUMING STATE NE	148	180	213	245	279
COUNTY CUSTER STATE NE	140	172	203	235	266
COUNTY DAWES STATE NE	138	169	199	230	261
COUNTY DAWSON STATE NE	140	172	203	235	266
COUNTY DEUEL STATE NE	138	169	199	230	261
COUNTY DIXON STATE NE	148	180	213	245	279
COUNTY DODGE STATE NE	147	179	211	244	276
COUNTY DUNDY STATE NE	161	196	231	267	302
COUNTY FILLMORE STATE NE	147	179	211	244	276
COUNTY FRANKLIN STATE NE	140	172	203	235	266
COUNTY FRONTIER STATE NE	140	172	203	235	266
COUNTY FURNAS STATE NE	140	172	203	235	266
COUNTY GAGE STATE NE	172	210	247	285	322
COUNTY GARDEN STATE NE	138	169	199	230	261
COUNTY GARFIELD STATE NE	140	172	203	235	266
COUNTY GOSPER STATE NE	140	172	203	235	266
COUNTY GRANT STATE NE	140	172	203	235	266
COUNTY GREELEY STATE NE	140	172	203	235	266
COUNTY HALL STATE NE	140	172	203	269	297

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY HAMILTON STATE NE	140	172	203	235	266
COUNTY HARLAN STATE NE	140	172	203	235	266
COUNTY HAYES STATE NE	140	172	203	235	266
COUNTY HITCHCOCK STATE NE	140	172	203	235	266
COUNTY HOLT STATE NE	148	180	213	245	279
COUNTY HOOKER STATE NE	140	172	203	235	266
COUNTY HOWARD STATE NE	140	172	203	235	266
COUNTY JEFFERSON STATE NE	147	179	211	244	276
COUNTY JOHNSON STATE NE	147	179	211	244	276
COUNTY KEARNEY STATE NE	140	172	203	235	266
COUNTY KEITH STATE NE	140	172	203	235	266
COUNTY KEYA PAHA STATE NE	148	180	213	245	279
COUNTY KIMBALL STATE NE	138	169	199	230	261
COUNTY KNOX STATE NE	148	180	213	245	279
COUNTY LINCOLN STATE NE	140	172	203	235	266
COUNTY LOGAN STATE NE	140	172	203	235	266
COUNTY LOUP STATE NE	140	172	203	235	266
COUNTY MCPHERSON STATE NE	140	172	203	235	266
COUNTY MADISON STATE NE	148	180	213	245	279
COUNTY MERRICK STATE NE	140	172	203	235	266
COUNTY MORRILL STATE NE	138	169	199	230	261
COUNTY NANCE STATE NE	140	172	203	235	266
COUNTY NEMAHA STATE NE	147	179	211	244	276
COUNTY NUCKOLLS STATE NE	140	172	203	235	266

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR. 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY OTOE STATE NE	147	179	211	244	276
COUNTY PAWNEE STATE NE	147	179	211	244	276
COUNTY PERKINS STATE NE	161	196	231	267	302
COUNTY PHELPS STATE NE	140	172	203	235	266
COUNTY PIERCE STATE NE	148	180	213	245	279
COUNTY PLATTE STATE NE	147	179	211	244	276
COUNTY POLK STATE NE	147	179	211	244	276
COUNTY RED WILLOW STATE NE	140	172	203	235	266
COUNTY RICHARDSON STATE NE	147	179	211	244	276
COUNTY ROCK STATE NE	148	180	213	245	279
COUNTY SALINE STATE NE	147	179	211	244	276
COUNTY SAUNDERS STATE NE	147	179	211	244	276
COUNTY SCOTTS BLUFF STATE NE	169	205	241	277	313
COUNTY SEWARD STATE NE	147	179	211	244	276
COUNTY SHERIDAN STATE NE	138	169	199	230	261
COUNTY SHERMAN STATE NE	140	172	203	235	266
COUNTY SIOUX STATE NE	138	169	199	230	261
COUNTY STANTON STATE NE	148	180	213	245	279
COUNTY THAYER STATE NE	147	179	211	244	276
COUNTY THOMAS STATE NE	140	172	203	235	266
COUNTY THURSTON STATE NE	148	180	213	245	279
COUNTY VALLEY STATE NE	140	172	203	235	266
COUNTY WASHINGTON STATE NE	147	179	211	244	276
COUNTY WAYNE STATE NE	148	180	213	245	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY WEBSTER STATE NE	140	172	203	235	266
COUNTY WHEELER STATE NE	140	172	203	235	266
COUNTY YORK STATE NE	147	179	211	244	276
ST. LOUIS, MISSOURI AREA OFFICE					
SMSA: COLUMBIA, MO					
COUNTY BOONE STATE MO	172	210	247	285	322
SMSA: ST LOUIS, MO-IL					
COUNTY FRANKLIN STATE MO	193	235	276	319	364
COUNTY JEFFERSON STATE MO	193	235	276	319	364
COUNTY ST CHARLES STATE MO	193	235	276	319	364
COUNTY ST LOUIS STATE MO	193	235	276	319	364
INDEP. CITY ST. LOUIS STATE MO	193	235	276	319	364
NON SMSA					
COUNTY ADAIR STATE MO	162	197	232	269	304
COUNTY AUDRAIN STATE MO	162	197	232	269	304
COUNTY BOLLINGER STATE MO	126	155	183	211	240
COUNTY BUTLER STATE MO	126	155	183	211	240
COUNTY CALLAWAY STATE MO	162	197	232	269	304
COUNTY CAPE GIRARDE STATE MO	151	184	217	251	284

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ST. LOUIS, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY CARTER STATE MO	126	155	183	211	240
COUNTY CLARK STATE MO	151	184	217	252	285
COUNTY COLE STATE MO	162	197	232	269	304
COUNTY COOPER STATE MO	162	197	232	269	304
COUNTY CRAWFORD STATE MO	144	174	207	238	270
COUNTY DENT STATE MO	144	174	207	238	270
COUNTY DOUGLAS STATE MO	132	160	189	219	248
COUNTY DUNKLIN STATE MO	126	155	183	211	240
COUNTY GASCONADE STATE MO	144	174	207	238	270
COUNTY HOWARD STATE MO	162	197	232	269	304
COUNTY HOWELL STATE MO	132	160	189	219	248
COUNTY IRON STATE MO	144	174	207	238	270
COUNTY KNOX STATE MO	162	197	232	269	304
COUNTY LEWIS STATE MO	151	184	217	252	285
COUNTY LINCOLN STATE MO	144	174	207	238	270
COUNTY MACON STATE MO	162	197	232	269	304
COUNTY MADISON STATE MO	144	174	207	238	270
COUNTY MARIES STATE MO	144	174	207	238	270
COUNTY MARION STATE MO	151	184	217	252	285
COUNTY MISSISSIPPI STATE MO	126	155	183	211	240
COUNTY MONITEAU STATE MO	162	197	232	269	304
COUNTY MONROE STATE MO	162	197	232	269	304
COUNTY MONTGOMERY STATE MO	144	174	207	238	270
COUNTY NEW MADRID STATE MO	126	155	183	211	240

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ST. LOUIS, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY OREGON STATE MO	132	160	189	219	248
COUNTY OSAGE STATE MO	162	197	232	269	304
COUNTY OZARK STATE MO	132	160	189	219	248
COUNTY PEMISCOT STATE MO	126	155	183	211	240
COUNTY PERRY STATE MO	144	174	207	238	270
COUNTY PHELPS STATE MO	144	174	207	238	270
COUNTY PIKE STATE MO	144	174	207	238	270
COUNTY RALLS STATE MO	151	184	217	252	285
COUNTY RANDOLPH STATE MO	162	197	232	269	304
COUNTY REYNOLDS STATE MO	144	174	207	238	270
COUNTY RIPLEY STATE MO	126	155	183	211	240
COUNTY ST FRANCOIS STATE MO	144	174	207	238	270
COUNTY STE GENEVIEV STATE MO	144	174	207	238	270
COUNTY SCHUYLER STATE MO	162	197	232	269	304
COUNTY SCOTLAND STATE MO	162	197	232	269	304
COUNTY SCOTT STATE MO	151	184	217	251	284
COUNTY SHANNON STATE MO	132	160	189	219	248
COUNTY SHELBY STATE MO	162	197	232	269	304
COUNTY STODDARD STATE MO	126	155	183	211	240
COUNTY TEXAS STATE MO	144	174	207	238	270
COUNTY WARREN STATE MO	144	174	207	238	270
COUNTY WASHINGTON STATE MO	144	174	207	238	270
COUNTY WAYNE STATE MO	126	155	183	211	240
COUNTY WRIGHT STATE MO	132	160	189	219	248

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY ALBANY STATE WY	148	181	213	245	277
COUNTY BIG HORN STATE WY	155	189	222	256	289
COUNTY CAMPBELL STATE WY	148	181	213	245	277
COUNTY CARBON STATE WY	148	181	213	245	277
COUNTY CONVERSE STATE WY	148	181	213	245	277
COUNTY CROOK STATE WY	155	189	222	256	289
COUNTY FREMONT STATE WY	148	181	213	245	277
COUNTY GOSHEN STATE WY	148	181	213	245	277
COUNTY HOT SPRINGS STATE WY	155	189	222	256	289
COUNTY JOHNSON STATE WY	148	181	213	245	277
COUNTY LARAMIE STATE WY	207	243	286	329	372
COUNTY LINCOLN STATE WY	148	181	213	245	277
COUNTY NATRONA STATE WY	218	264	311	358	404
COUNTY NIOBRARA STATE WY	148	181	213	245	277
COUNTY PARK STATE WY	155	189	222	256	289
COUNTY PLATTE STATE WY	148	181	213	245	277
COUNTY SHERIDAN STATE WY	148	181	213	245	277
COUNTY SUBLETTE STATE WY	148	181	213	245	277
COUNTY SWEETWATER STATE WY	148	181	213	245	277
COUNTY TETON STATE WY	203	247	291	334	378
COUNTY UINTA STATE WY	148	181	213	245	277
COUNTY WASHAKIE STATE WY	155	189	222	256	289
COUNTY WESTON STATE WY	155	189	222	256	289
SMSA: COLORADO SPRINGS, CO					
COUNTY EL PASO STATE CO	177	216	254	292	330

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
SMSA: COLORADO SPRINGS, CO					
COUNTY TELLER STATE CO	177	216	254	292	330
SMSA: DENVER-BOULDER , CO					
COUNTY ADAMS STATE CO	231	280	330	381	430
COUNTY ARAPAHOE STATE CO	231	280	330	381	430
COUNTY BOULDER STATE CO	231	280	330	381	430
COUNTY DENVER STATE CO	231	280	330	381	430
COUNTY DOUGLAS STATE CO	231	280	330	381	430
COUNTY GILPIN STATE CO	231	280	330	381	430
COUNTY JEFFERSON STATE CO	231	280	330	381	430
SMSA: FORT COLLINS, CO					
COUNTY LARIMER STATE CO	188	228	268	309	349
SMSA: GREELEY, CO					
COUNTY WELD STATE CO	174	211	249	286	324
SMSA: PUEBLO, CO					
COUNTY PUEBLO STATE CO	183	222	261	301	340
NON SMSA					
COUNTY ALAMOSA STATE CO	183	222	261	301	340
COUNTY ARCHULETA STATE CO	148	181	213	245	277
COUNTY BACA STATE CO	183	222	261	301	340
COUNTY BENT STATE CO	183	222	261	301	340
COUNTY CHAFFEE STATE CO	183	222	261	301	340
COUNTY CHEYENNE STATE CO	174	211	249	286	324
COUNTY CLEAR CREEK STATE CO	174	211	249	286	324
COUNTY CONEJOS STATE CO	183	222	261	301	340
COUNTY COSTILLA STATE CO	183	222	261	301	340
COUNTY CROWLEY STATE CO	183	222	261	301	340
COUNTY CUSTER STATE CO	183	222	261	301	340
COUNTY DELTA STATE CO	148	181	213	245	277

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL:AREA OFFICE					
NON SMSA					
COUNTY DELORES STATE CO	148	181	213	245	277
COUNTY EAGLE STATE CO	148	181	213	245	277
COUNTY ELBERT STATE CO	174	211	249	286	324
COUNTY FREMONT STATE CO	183	222	261	301	340
COUNTY GARFIELD STATE CO	148	181	213	245	277
COUNTY GRAND STATE CO	174	211	249	286	324
COUNTY GUNNISON STATE CO	148	181	213	245	277
COUNTY HINSDALE STATE CO	148	181	213	245	277
COUNTY HUERFANO STATE CO	183	222	261	301	340
COUNTY JACKSON STATE CO	148	181	213	245	277
COUNTY KIOWA STATE CO	183	222	261	301	340
COUNTY KIT CARSON STATE CO	174	211	249	286	324
COUNTY LAKE STATE CO	174	211	249	286	324
COUNTY LA PLATA STATE CO	148	181	213	245	277
COUNTY LAS ANIMAS STATE CO	183	222	261	301	340
COUNTY LINCOLN STATE CO	183	222	261	301	340
COUNTY LOGAN STATE CO	174	211	249	286	324
COUNTY MESA STATE CO	220	268	315	362	410
SMSA: BISMARCK, N.D.					
COUNTY BURLEIGH STATE ND	194	227	271	315	343
COUNTY MORTON STATE ND	194	227	271	315	343
NON SMSA					
COUNTY MINERAL STATE CO	183	222	261	301	340
COUNTY MOFFAT STATE CO	148	181	213	245	277
COUNTY MONTEZUMA STATE CO	148	181	213	245	277
COUNTY MONTROSE STATE CO	148	181	213	245	277

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR. 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE. THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL:AREA OFFICE					
NON SMSA					
COUNTY MORGAN STATE CO	174	211	249	286	324
COUNTY OTERO STATE CO	183	222	261	301	340
COUNTY OURAY STATE CO	148	181	213	245	277
COUNTY PARK STATE CO	174	211	249	286	324
COUNTY PHILLIPS STATE CO	174	211	249	286	324
COUNTY PITKIN STATE CO	148	181	213	245	277
COUNTY PROWERS STATE CO	183	222	261	301	340
COUNTY RIO BLANCO STATE CO	148	181	213	245	277
COUNTY RIO GRANDE STATE CO	183	222	261	301	340
COUNTY ROUTT STATE CO	148	181	213	245	277
COUNTY SAGUACHE STATE CO	183	222	261	301	340
COUNTY SAN JUAN STATE CO	148	181	213	245	277
COUNTY SAN MIGUEL STATE CO	148	181	213	245	277
COUNTY SEDGWICK STATE CO	174	211	249	286	324
COUNTY SUMMIT STATE CO	174	211	249	286	324
COUNTY WASHINGTON STATE CO	174	211	249	286	324
COUNTY YUMA STATE CO	174	211	249	286	324
SMSA: FARGO-MOORHEAD, ND-MN					
COUNTY CASS STATE ND	189	216	282	326	348
SMSA: GRAND FORKS, N.D.-MN					
COUNTY GRAND FORKS STATE ND	189	227	271	315	343
NON SMSA					
COUNTY ADAMS STATE ND	151	179	228	256	279
COUNTY BARNES STATE ND	151	179	228	256	279
COUNTY BENSON STATE ND	151	179	228	256	279
COUNTY BILLINGS STATE ND	151	179	228	256	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE. THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY BOTTINEAU STATE ND	151	179	228	256	279
COUNTY BOWMAN STATE ND	151	179	228	256	279
COUNTY BURKE STATE ND	151	179	228	256	279
COUNTY CAVALIER STATE ND	151	179	228	256	279
COUNTY DICKEY STATE ND	151	179	228	256	279
COUNTY DIVIDE STATE ND	151	179	228	256	279
COUNTY DUNN STATE ND	151	179	228	256	279
COUNTY EDDY STATE ND	151	179	228	256	279
COUNTY EMMONS STATE ND	151	179	228	256	279
COUNTY FOSTER STATE ND	151	179	228	256	279
COUNTY GOLDEN VALLY STATE ND	151	179	228	256	279
COUNTY GRANT STATE ND	151	179	228	256	279
COUNTY GRIGGS STATE ND	151	179	228	256	279
COUNTY HETTINGER STATE ND	151	179	228	256	279
COUNTY KIDDER STATE ND	151	179	228	256	279
COUNTY LA MOORE STATE ND	151	179	228	256	279
COUNTY LOGAN STATE ND	151	179	228	256	279
COUNTY MCHENRY STATE ND	151	179	228	256	279
COUNTY MCINTOSH STATE ND	151	179	228	256	279
COUNTY MCKENZIE STATE ND	151	179	228	256	279
COUNTY MCLEAN STATE ND	167	189	244	267	295
COUNTY MERCER STATE ND	167	189	244	267	295
COUNTY MOUNTRAIL STATE ND	151	179	228	256	279
COUNTY NELSON STATE ND	151	179	228	256	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY OLIVER STATE ND	167	189	244	267	295
COUNTY PEMBINA STATE ND	151	179	228	256	279
COUNTY PIERCE STATE ND	151	179	228	256	279
COUNTY RAMSEY STATE ND	151	179	228	256	279
COUNTY RANSOM STATE ND	151	179	228	256	279
COUNTY RENVILLE STATE ND	151	179	228	256	279
COUNTY RICHLAND STATE ND	151	179	228	256	279
COUNTY ROLETTE STATE ND	151	179	228	256	279
COUNTY SARGENT STATE ND	151	179	228	256	279
COUNTY SHERIDAN STATE ND	151	179	228	256	279
COUNTY SIOUX STATE ND	151	179	228	256	279
COUNTY SLOPE STATE ND	151	179	228	256	279
COUNTY STARK STATE ND	167	189	244	267	295
COUNTY STEELE STATE ND	151	179	228	256	279
COUNTY STUTSMAN STATE ND	151	179	228	256	279
COUNTY TOWNER STATE ND	151	179	228	256	279
COUNTY TRAILL STATE ND	151	179	228	256	279
COUNTY WALSH STATE ND	151	179	228	256	279
COUNTY WARD STATE ND	162	189	244	310	343
COUNTY WELLS STATE ND	151	179	228	256	279
COUNTY WILLIAMS STATE ND	166	188	242	263	290
SMSA: BILLINGS, MT					
COUNTY YELLOWSTONE STATE MT	210	256	301	345	391
SMSA: GREAT FALLS, MT					
COUNTY CASCADE STATE MT	205	250	294	351	382
NON SMSA					
COUNTY BEAVERHEAD STATE MT	164	199	235	271	305

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL:AREA OFFICE					
NON SMSA					
COUNTY BIG HORN STATE MT	155	189	222	256	289
COUNTY BLAINE STATE MT	155	189	222	256	289
COUNTY BROADWATER STATE MT	155	189	222	256	289
COUNTY CARBON STATE MT	155	189	222	256	289
COUNTY CARTER STATE MT	155	189	222	256	289
COUNTY CHOUTEAU STATE MT	155	189	222	256	289
COUNTY CUSTER STATE MT	155	189	222	256	289
COUNTY DANIELS STATE MT	165	201	237	272	308
COUNTY DAWSON STATE MT	155	189	222	256	289
COUNTY DEER LODGE STATE MT	164	199	235	271	305
COUNTY FALLON STATE MT	155	189	222	256	289
COUNTY FERGUS STATE MT	155	189	222	256	289
COUNTY FLATHEAD STATE MT	181	219	258	297	335
COUNTY GALLATIN STATE MT	213	259	305	351	397
COUNTY GARFIELD STATE MT	155	189	222	256	289
COUNTY GLACIER STATE MT	155	189	222	256	289
COUNTY GOLDEN VALLE STATE MT	155	189	222	256	289
COUNTY GRANITE STATE MT	164	199	235	271	305
COUNTY HILL STATE MT	155	189	222	256	289
COUNTY JEFFERSON STATE MT	155	189	222	256	289
COUNTY JUDITH BASIN STATE MT	155	189	222	256	289
COUNTY LAKE STATE MT	164	199	235	271	305
COUNTY LEWIS+ CLARK STATE MT	232	282	332	382	432
COUNTY LIBERTY STATE MT	155	189	222	256	289

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL:AREA OFFICE					
NON SMSA					
COUNTY LINCOLN STATE MT	164	199	235	271	305
COUNTY MCCONE STATE MT	155	189	222	256	289
COUNTY MADISON STATE MT	164	199	235	271	305
COUNTY MEAGHER STATE MT	155	189	222	256	289
COUNTY MINERAL STATE MT	164	199	235	271	305
COUNTY MISSOULA STATE MT	190	231	272	312	353
COUNTY MUSSELSHELL STATE MT	155	189	222	256	289
COUNTY PARK STATE MT	205	250	294	338	382
COUNTY PETROLEUM STATE MT	155	189	222	256	289
COUNTY PHILLIPS STATE MT	155	189	222	256	289
COUNTY PONDERA STATE MT	155	189	222	256	289
COUNTY POWDER RIVER STATE MT	155	189	222	256	289
COUNTY POWELL STATE MT	164	199	235	271	305
COUNTY PRAIRIE STATE MT	155	189	222	256	289
COUNTY RAVALLI STATE MT	164	199	235	271	305
COUNTY RICHLAND STATE MT	184	223	264	303	342
COUNTY ROOSEVELT STATE MT	165	201	237	272	308
COUNTY ROSEBUD STATE MT	155	189	222	256	289
COUNTY SANDERS STATE MT	164	199	235	271	305
COUNTY SHERIDAN STATE MT	165	201	237	272	308
COUNTY SILVER BOW STATE MT	164	199	235	271	305
COUNTY STILLWATER STATE MT	155	189	222	256	289
COUNTY SWEET GRASS STATE MT	155	189	222	256	289
COUNTY TETON STATE MT	155	189	222	256	289

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR. 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY TOOLE STATE MT	155	189	222	256	289
COUNTY TREASURE STATE MT	155	189	222	256	289
COUNTY VALLEY STATE MT	155	189	222	256	289
COUNTY WHEATLAND STATE MT	155	189	222	256	289
COUNTY WIBAUX STATE MT	165	201	237	272	308
COUNTY YL-ST-NT-PK STATE MT	155	189	222	256	289
SMSA: PROVO-OREM, UT					
COUNTY UTAH STATE UT	174	211	249	286	324
SMSA: SALT LAKE CITY-OGDEN, UT					
COUNTY DAVIS STATE UT	188	228	268	309	349
COUNTY SALT LAKE STATE UT	188	228	268	309	349
COUNTY TOOELE STATE UT	188	228	268	309	349
COUNTY WEBER STATE UT	188	228	268	309	349
NON SMSA					
COUNTY BEAVER STATE UT	233	284	333	384	434
COUNTY BOX ELDER STATE UT	148	181	213	245	277
COUNTY CACHE STATE UT	148	181	213	245	277
COUNTY CARBON STATE UT	203	247	291	334	378
COUNTY DAGGETT STATE UT	148	181	213	245	277
COUNTY DUCHESNE STATE UT	148	181	213	245	277
COUNTY EMERY STATE UT	188	228	268	309	349
COUNTY GARFIELD STATE UT	233	284	333	384	434
COUNTY GRAND STATE UT	148	181	213	245	277
COUNTY IRON STATE UT	233	284	333	384	434
COUNTY JUAB STATE UT	148	181	213	245	277
COUNTY KANE STATE UT	233	284	333	384	434
COUNTY MILLARD STATE UT	148	181	213	245	277

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY MORGAN STATE UT	148	181	213	245	277
COUNTY PIUTE STATE UT	148	181	213	245	277
COUNTY RICH STATE UT	148	181	213	245	277
COUNTY SAN JUAN STATE UT	148	181	213	245	277
COUNTY SANPETE STATE UT	148	181	213	245	277
COUNTY SEVIER STATE UT	148	181	213	245	277
COUNTY SUMMIT STATE UT	148	181	213	245	277
COUNTY UINTAH STATE UT	148	181	213	245	277
COUNTY WASATCH STATE UT	148	181	213	245	277
COUNTY WASHINGTON STATE UT	233	284	333	384	434
COUNTY WAYNE STATE UT	148	181	213	245	277
SMSA: RAPID CITY, S.D.					
COUNTY MEADE STATE SD	183	224	263	303	344
COUNTY PENNINGTON STATE SD	183	224	263	303	344
SMSA: SIOUX FALLS, SD					
COUNTY MINNEHAHA STATE SD	193	234	277	319	361
NON SMSA					
COUNTY AURORA STATE SD	164	200	236	272	309
COUNTY BEADLE STATE SD	164	200	236	272	309
COUNTY BENNETT STATE SD	145	175	208	240	272
COUNTY BON HOMME STATE SD	148	180	213	245	279
COUNTY BROOKINGS STATE SD	164	200	236	272	309
COUNTY BROWN STATE SD	165	201	238	274	311
COUNTY BRULE STATE SD	145	175	208	240	272
COUNTY BUFFALO STATE SD	145	175	208	240	272
COUNTY BUTTE STATE SD	163	199	234	270	306
COUNTY CAMPBELL STATE SD	145	175	208	240	272

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

V 45 / 60 MR 26 80 UMI

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL:AREA OFFICE					
NON SMSA					
COUNTY CHARLES MIX STATE SD	148	180	213	245	279
COUNTY CLARK STATE SD	145	175	208	240	272
COUNTY CLAY STATE SD	172	210	247	285	324
COUNTY CODINGTON STATE SD	145	175	208	240	272
COUNTY CORSON STATE SD	145	175	208	240	272
COUNTY CUSTER STATE SD	175	212	251	289	327
COUNTY DAVISCN STATE SD	164	200	236	272	309
COUNTY DAY STATE SD	145	175	208	240	272
COUNTY DEUEL STATE SD	145	175	208	240	272
COUNTY DEWEY STATE SD	145	175	208	240	272
COUNTY DOUGLAS STATE SD	148	180	213	245	279
COUNTY EDMUNDS STATE SD	145	175	208	240	272
COUNTY FALL RIVER STATE SD	175	212	251	289	327
COUNTY FAULK STATE SD	145	175	208	240	272
COUNTY GRANT STATE SD	171	210	247	285	322
COUNTY GREGORY STATE SD	145	175	208	240	272
COUNTY HAAKON STATE SD	145	175	208	240	272
COUNTY HAMLIN STATE SD	145	175	208	240	272
COUNTY HAND STATE SD	164	200	236	272	309
COUNTY HANSON STATE SD	164	200	236	272	309
COUNTY HARDING STATE SD	145	175	208	240	272
COUNTY HUGHES STATE SD	195	238	281	324	366
COUNTY HUTCHINSON STATE SD	148	180	213	245	279
COUNTY HYDE STATE SD	145	175	208	240	272

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL:AREA OFFICE					
NON SMSA					
COUNTY JACKSCN STATE SD	145	175	208	240	272
COUNTY JERAULD STATE SD	164	200	236	272	309
COUNTY JONES STATE SD	145	175	208	240	272
COUNTY KINGSBURY STATE SD	164	200	236	272	309
COUNTY LAKE STATE SD	164	200	236	272	309
COUNTY LAWRENCE STATE SD	151	184	217	251	284
COUNTY LINCOLN STATE SD	164	200	236	272	309
COUNTY LYMAN STATE SD	145	175	208	240	272
COUNTY MCCOOK STATE SD	164	200	236	272	309
COUNTY MCPHERSON STATE SD	145	175	208	240	272
COUNTY MARSHALL STATE SD	145	175	208	240	272
COUNTY MELLETTE STATE SD	145	175	208	240	272
COUNTY MINER STATE SD	164	200	236	272	309
COUNTY MOODY STATE SD	164	200	236	272	309
COUNTY PERKINS STATE SD	145	175	208	240	272
COUNTY POTTER STATE SD	145	175	208	240	272
COUNTY ROBERTS STATE SD	145	175	208	240	272
COUNTY SANBORN STATE SD	164	200	236	272	309
COUNTY SHANNCN STATE SD	145	175	208	240	272
COUNTY SPINK STATE SD	145	175	208	240	272
COUNTY STANLEY STATE SD	195	238	281	324	366
COUNTY SULLY STATE SD	145	175	208	240	272
COUNTY TODD STATE SD	145	175	208	240	272
COUNTY TRIPP STATE SD	145	175	208	240	272

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY TURNER STATE SD	164	200	236	272	309
COUNTY UNION STATE SD	148	180	213	245	279
COUNTY WALWORTH STATE SD	160	194	229	265	299
COUNTY WASHABAUGH STATE SD	145	175	208	240	272
COUNTY YANKTON STATE SD	148	180	213	245	279
COUNTY ZIEBACH STATE SD	145	175	208	240	272
REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HONOLULU, HAWAII AREA OFFICE					
SMSA: HONOLULU, HI					
COUNTY HONOLULU STATE HI	291	350	417	491	547
NON SMSA					
COUNTY HAWAII STATE HI	335	407	478	551	623
COUNTY KAUAI STATE HI	335	407	478	551	623
COUNTY MAUI STATE HI	335	407	478	551	623
COUNTY GUAM STATE	294	356	419	482	546

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR. 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOS ANGELES, CALIFORNIA AREA OFFICE					
SMSA: BAKERSFIELD, CA					
COUNTY KERN STATE CA	196	246	277	369	431
SMSA: LOS ANGELES-LONG BEACH, CA					
COUNTY LOS ANGELES STATE CA	241	291	343	427	509
SMSA: OXNARD-SIMI VALLEY-VENTURA, CA					
COUNTY VENTURA STATE CA	225	275	330	407	460
SMSA: SANTA BARBARA-SANTA MARIA-LOMPOC, CA					
COUNTY SANTA BARBAR STATE CA	237	288	372	429	484
NON SMSA					
COUNTY SAN LUIS OBI STATE CA	221	267	336	385	435
SMSA: PHOENIX, AZ					
COUNTY MARICOPA STATE AZ	222	269	317	366	413
NON SMSA					
COUNTY APACHE STATE AZ	163	198	232	268	303
COUNTY COCONINO STATE AZ	170	200	280	340	385
COUNTY GILA STATE AZ	163	198	232	268	303
COUNTY MOHAVE STATE AZ	163	198	232	268	303
COUNTY NAVAJO STATE AZ	163	198	232	268	303
COUNTY PINAL STATE AZ	163	198	232	268	303
COUNTY YAVAPAI STATE AZ	163	198	232	268	303
COUNTY YUMA STATE AZ	163	198	232	268	303
SMSA: TUCSON, AZ					
COUNTY PIMA STATE AZ	204	248	292	337	380
NON SMSA					
COUNTY COCHISE STATE AZ	163	198	232	268	303
COUNTY GRAHAM STATE AZ	163	198	232	268	303
COUNTY GREENLEE STATE AZ	163	198	232	268	303
COUNTY SANTA CRUZ STATE AZ	163	198	232	268	303
SMSA: SAN DIEGO, CA					
COUNTY SAN DIEGO STATE CA	243	295	347	399	451
NON SMSA					
COUNTY IMPERIAL STATE CA	210	255	331	380	410

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOS ANGELES, CALIFORNIA AREA OFFICE					
SMSA: ANAHEIM-SANTA ANA-GARDEN GROVE, CA					
COUNTY ORANGE STATE CA	257	307	361	494	561
SMSA: RIVERSIDE-SAN BERNARDINO-ONTARIO, CA					
COUNTY RIVERSIDE STATE CA	228	270	318	404	472
COUNTY SAN BERNADIN STATE CA	228	270	318	404	472
NON SMSA					
COUNTY INYO STATE CA	168	205	241	278	314
COUNTY MONO STATE CA	168	205	241	278	314
SAN FRANCISCO, CALIFORNIA AREA OFFICE					
SMSA: FRESNO, CA					
COUNTY FRESNO STATE CA	190	231	273	358	391
SMSA: MODESTO, CA					
COUNTY STANISLAUS STATE CA	207	229	279	380	414
NON SMSA					
COUNTY KINGS STATE CA	168	205	241	278	316
COUNTY MADERA STATE CA	168	205	241	335	370
COUNTY MARIPOSA STATE CA	177	216	274	352	410
COUNTY MERCED STATE CA	181	202	283	383	424
COUNTY TULARE STATE CA	199	226	291	382	424
SMSA: RENO, NV					
COUNTY WASHOE STATE NV	279	335	408	492	531
NON SMSA					
COUNTY CHURCHILL STATE NV	233	284	333	384	434
COUNTY DOUGLAS STATE NV	233	284	333	384	434
COUNTY ELKO STATE NV	233	284	333	384	434

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN FRANCISCO, CALIFORNIA AREA OFFICE					
NON SMSA					
COUNTY ESMERALDA STATE NV	212	257	313	369	408
COUNTY EUREKA STATE NV	212	257	313	369	408
COUNTY HUMBOLDT STATE NV	233	284	333	384	434
COUNTY LANDER STATE NV	233	284	333	384	434
COUNTY LYON STATE NV	233	284	333	384	434
COUNTY MINERAL STATE NV	233	284	333	384	434
COUNTY NYE STATE NV	212	257	313	369	408
COUNTY ORMSLEY STATE NV	233	284	333	384	434
COUNTY PERSHING STATE NV	233	284	333	384	434
COUNTY STOREY STATE NV	233	284	333	384	434
COUNTY WHITE PINE STATE NV	212	257	313	369	408
INDEP. CITY CARSON CITY STATE NV	233	284	333	384	434
SMSA: SACRAMENTO, CA					
COUNTY PLACER STATE CA	199	241	284	326	369
COUNTY SACRAMENTO STATE CA	199	241	284	326	369
COUNTY YOLO STATE CA	199	241	284	326	369
SMSA: STOCKTON, CA					
COUNTY SAN JOAQUIN STATE CA	192	232	274	347	386
NON SMSA					
COUNTY ALPINE STATE CA	177	216	255	293	331
COUNTY AMADOR STATE CA	177	216	255	293	331
COUNTY BUTTE STATE CA	188	228	268	352	387
COUNTY CALAVERAS STATE CA	177	216	255	293	331
COUNTY COLUSA STATE CA	188	228	268	310	350
COUNTY EL DORADO STATE CA	186	228	268	310	350
COUNTY GLENN STATE CA	188	228	268	310	350
COUNTY LASSEN STATE CA	165	201	237	272	308

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

V45/60/MR26800 UMI

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN FRANCISCO, CALIFORNIA AREA OFFICE					
NON SMSA					
COUNTY MODOC STATE CA	165	201	237	272	308
COUNTY NEVADA STATE CA	188	228	268	310	350
COUNTY PLUMAS STATE CA	201	235	291	358	442
COUNTY SHASTA STATE CA	201	229	279	347	419
COUNTY SIERRA STATE CA	165	201	237	272	308
COUNTY SISKIYOU STATE CA	165	201	237	272	308
COUNTY SUTTER STATE CA	188	228	268	347	419
COUNTY TEHAMA STATE CA	165	201	237	272	308
COUNTY TRINITY STATE CA	165	201	237	272	308
COUNTY TUOLUMNE STATE CA	177	216	255	293	331
COUNTY YUBA STATE CA	188	228	268	310	350
SMSA: SALINAS-SEASIDE-MONTEREY, CA					
COUNTY MONTEREY STATE CA	215	275	325	433	471
SMSA: SAN FRANCISCO-OAKLAND, CA					
COUNTY ALAMEDA STATE CA	246	299	351	488	533
COUNTY CONTRA COSTA STATE CA	246	299	351	488	533
COUNTY MARIN STATE CA	246	299	351	488	533
COUNTY SAN FRANCISC STATE CA	246	299	351	488	533
COUNTY SAN MATEO STATE CA	246	299	351	488	533
SMSA: SAN JOSE, CA					
COUNTY SANTA CLARA STATE CA	206	323	380	481	526
SMSA: SANTA CRUZ, CA					
COUNTY SANTA CRUZ STATE CA	204	246	313	437	503
SMSA: SANTA ROSA, CA					
COUNTY SONOMA STATE CA	212	246	329	425	481
SMSA: VALLEJO-FAIRFIELD-NAPA, CA					
COUNTY NAPA STATE CA	210	256	301	425	470
COUNTY SOLANO STATE CA	210	256	301	425	470
NON SMSA					
COUNTY DEL NORTE STATE CA	165	201	237	272	308

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR; LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN FRANCISCO, CALIFORNIA AREA OFFICE					
NON SMSA					
COUNTY HUMBOLDT STATE CA	207	246	291	380	419
COUNTY LAKE STATE CA	210	256	301	347	391
COUNTY MENDOCINO STATE CA	201	257	319	403	447
COUNTY SAN BENITO STATE CA	193	235	276	318	359
SMSA: LAS VEGAS, NV					
COUNTY CLARK STATE NV	239	289	341	392	443
NON SMSA					
COUNTY LINCOLN STATE NV	212	257	313	369	408

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANCHORAGE, ALASKA AREA OFFICE					
SMSA: ANCHORAGE, AK					
DISTRICT ANCHORAGE STATE AK	332	404	475	546	618
NON SMSA					
DISTRICT ALEUTIAN I. STATE AK	360	438	515	592	670
DISTRICT ANGOON STATE AK	332	404	515	592	670
DISTRICT BARROW STATE AK	557	614	696	776	847
DISTRICT BETHEL STATE AK	332	404	515	592	670
DISTRICT BRISTOL B.B. STATE AK	332	404	515	592	670
DISTRICT BRISTOL BAY STATE AK	332	404	515	592	670
DISTRICT CORDOVA-MCCA STATE AK	332	404	515	592	670
DISTRICT FAIRBANKS STATE AK	332	404	515	592	670
DISTRICT HAINES STATE AK	332	404	515	592	670
DISTRICT JUNEAU STATE AK	332	404	515	592	670
DISTRICT KENAI-COOK STATE AK	332	404	515	592	670

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR; LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANCHORAGE, ALASKA AREA OFFICE					
NON SMSA					
DISTRICT:KETCHIKAN STATE:AK	332	404	515	592	670
DISTRICT:KOBUK STATE:AK	332	404	515	592	670
DISTRICT:KODIAK STATE:AK	360	438	515	592	670
DISTRICT:KUSKOKWIM STATE:AK	332	404	515	592	670
DISTRICT:MATANUSKA-SU STATE:AK	332	404	515	592	670
DISTRICT:NOME STATE:AK	332	404	515	592	670
DISTRICT:OUTER KETCHK STATE:AK	332	404	515	592	670
DISTRICT:PR. OF WALES STATE:AK	332	404	515	592	670
DISTRICT:SEWARD STATE:AK	332	404	515	592	670
DISTRICT:SITKA STATE:AK	332	404	515	592	670
DISTRICT:SKGWY-YKTT STATE:AK	332	404	515	592	670
DISTRICT:SE FAIRBANKS STATE:AK	332	404	515	592	670
DISTRICT:UPPER YUKON STATE:AK	332	404	515	592	670
DISTRICT:VLDZ-CHTN-WH STATE:AK	360	438	515	592	670
DISTRICT:WADE HAMPTON STATE:AK	332	404	515	592	670
DISTRICT:WRNGLL-PTRSB STATE:AK	332	404	515	592	670
DISTRICT:YKN-KCYKK STATE:AK	332	404	515	592	670

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PORTLAND, OREGON AREA OFFICE					
SMSA: BOISE CITY, ID					
COUNTY:ADA STATE:ID	202	229	287	315	347
NON SMSA					
COUNTY:ADAMS STATE:ID	183	222	261	301	340
COUNTY:BANNOCK STATE:ID	203	247	291	334	378
COUNTY:BEAR LAKE STATE:ID	148	181	213	245	277
COUNTY:BENEWAH STATE:ID	181	219	258	297	335
COUNTY:BINGHAM STATE:ID	203	247	291	334	378
COUNTY:BLAINE STATE:ID	203	247	291	334	378
COUNTY:BOISE STATE:ID	183	222	261	301	340
COUNTY:BONNER STATE:ID	181	219	258	297	335
COUNTY:BONNEVILLE STATE:ID	203	247	291	334	378
COUNTY:BOUNDARY STATE:ID	181	219	258	297	335
COUNTY:BUTTE STATE:ID	203	247	291	334	378
COUNTY:CAMAS STATE:ID	203	247	291	334	378
COUNTY:CANYON STATE:ID	183	222	261	301	340
COUNTY:CARIBOU STATE:ID	203	247	291	334	378
COUNTY:CASSIA STATE:ID	203	247	291	334	378
COUNTY:CLARK STATE:ID	203	247	291	334	378
COUNTY:CLEARWATER STATE:ID	181	219	258	297	335
COUNTY:CUSTER STATE:ID	203	247	291	334	378
COUNTY:ELMORE STATE:ID	183	222	261	301	340
COUNTY:FRANKLIN STATE:ID	148	181	213	245	277
COUNTY:FREMONT STATE:ID	203	247	291	334	378
COUNTY:GEM STATE:ID	183	222	261	301	340
COUNTY:GOODING STATE:ID	203	247	291	334	378

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PORTLAND, OREGON AREA OFFICE					
NON SMSA					
COUNTY IDAHO STATE ID	181	219	258	297	335
COUNTY JEFFERSON STATE ID	203	247	291	334	378
COUNTY JEROME STATE ID	203	247	291	334	378
COUNTY KOOTENAI STATE ID	181	219	258	297	335
COUNTY LATAH STATE ID	191	219	259	271	305
COUNTY LEMHI STATE ID	203	247	291	334	378
COUNTY LEWIS STATE ID	181	219	258	297	335
COUNTY LINCOLN STATE ID	203	247	291	334	378
COUNTY MADISON STATE ID	203	247	291	334	378
COUNTY MINIDOKA STATE ID	203	247	291	334	378
COUNTY NEZ PERCE STATE ID	191	219	259	271	305
COUNTY ONEIDA STATE ID	148	181	213	245	277
COUNTY OWYHEE STATE ID	183	222	261	301	340
COUNTY PAYETTE STATE ID	183	222	261	301	340
COUNTY POWER STATE ID	203	247	291	334	378
COUNTY SHOSHONE STATE ID	181	219	258	297	335
COUNTY TETON STATE ID	203	247	291	334	378
COUNTY TWIN FALLS STATE ID	203	247	291	334	378
COUNTY VALLEY STATE ID	163	222	261	301	340
COUNTY WASHINGTON STATE ID	183	222	261	301	340
SMSA: EUGENE-SPRINGFIELD, OR					
COUNTY LANE STATE OR	194	220	264	335	398
SMSA: PORTLAND, OR-WA					
COUNTY CLARK STATE WA	210	260	295	370	405
COUNTY CLACKAMAS STATE OR	210	260	295	370	405
COUNTY MULTNOMAH STATE OR	210	260	295	370	405

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PORTLAND, OREGON AREA OFFICE					
SMSA: PORTLAND, OR-WA					
COUNTY WASHINGTON STATE OR	210	260	295	370	405
SMSA: SALEM, OR					
COUNTY MARION STATE OR	212	257	303	349	394
COUNTY POLK STATE OR	212	257	303	349	394
NON SMSA					
COUNTY KLICKITAT STATE WA	165	201	237	272	308
COUNTY SKAMANIA STATE WA	165	201	237	272	308
COUNTY BAKER STATE OR	154	186	220	254	286
COUNTY BENTON STATE OR	212	257	303	349	394
COUNTY CLATSOP STATE OR	192	221	260	299	339
COUNTY COLUMBIA STATE OR	192	221	260	299	339
COUNTY COOS STATE OR	177	229	293	329	357
COUNTY CROOK STATE OR	182	221	260	299	339
COUNTY CURRY STATE OR	194	233	270	361	393
COUNTY DESCHUTES STATE OR	185	225	285	310	340
COUNTY DOUGLAS STATE OR	174	211	249	286	324
COUNTY GILLIAM STATE OR	154	186	220	254	286
COUNTY GRANT STATE OR	154	186	220	254	286
COUNTY HARNEY STATE OR	183	222	261	301	340
COUNTY HOOD RIVER STATE OR	165	201	237	272	308
COUNTY JACKSON STATE OR	174	211	249	286	324
COUNTY JEFFERSON STATE OR	185	225	285	310	340
COUNTY JOSEPHINE STATE OR	192	218	259	295	335
COUNTY KLAMATH STATE OR	174	211	249	286	324
COUNTY LAKE STATE OR	174	211	249	286	324
COUNTY LINCOLN STATE OR	212	257	303	349	394

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PORTLAND, OREGON AREA OFFICE					
NON SMSA					
COUNTY LINN STATE OR	212	257	303	349	394
COUNTY MALHEUR STATE OR	183	222	261	301	340
COUNTY MORROW STATE OR	154	186	220	254	286
COUNTY SHERMAN STATE OR	165	201	237	272	308
COUNTY TILLAMOOK STATE OR	192	221	260	299	339
COUNTY UMATILLA STATE OR	154	186	220	254	286
COUNTY UNION STATE OR	154	186	220	254	286
COUNTY WALLOWA STATE OR	154	186	220	254	286
COUNTY WASCO STATE OR	165	201	237	272	308
COUNTY WHEELER STATE OR	154	186	220	254	286
COUNTY YAMHILL STATE OR	179	223	279	338	410
SEATTLE, WASHINGTON AREA OFFICE					
SMSA: SEATTLE-EVERETT, WA					
COUNTY KING STATE WA	227	275	324	405	441
COUNTY SNOHOMISH STATE WA	227	275	324	405	441
SMSA: TACOMA, WA					
COUNTY PIERCE STATE WA	194	226	279	361	396
SMSA: YAKIMA, WA					
COUNTY YAKIMA STATE WA	154	186	220	254	286
NON SMSA					
COUNTY CHELAN STATE WA	184	242	306	389	441
COUNTY CLALLAM STATE WA	188	228	268	310	350
COUNTY COWLITZ STATE WA	168	248	279	384	414
COUNTY DOUGLAS STATE WA	184	242	306	389	441
COUNTY GRAYS HARBOR STATE WA	188	228	268	310	350
COUNTY ISLAND STATE WA	188	228	268	310	350
COUNTY JEFFERSON STATE WA	188	228	268	310	350

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR. 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SEATTLE, WASHINGTON AREA OFFICE					
NON SMSA					
COUNTY KITSAP STATE WA	207	246	296	415	492
COUNTY KITTITAS STATE WA	154	186	220	254	286
COUNTY LEWIS STATE WA	188	228	268	310	350
COUNTY MASON STATE WA	188	228	268	310	350
COUNTY OKANOGAN STATE WA	164	199	235	271	305
COUNTY PACIFIC STATE WA	188	228	268	310	350
COUNTY SAN JUAN STATE WA	188	228	268	310	350
COUNTY SKAGIT STATE WA	188	228	268	310	350
COUNTY THURSTON STATE WA	188	228	268	310	350
COUNTY WAHKIAKUM STATE WA	165	201	237	272	308
COUNTY WHATCOM STATE WA	195	222	268	386	432
SMSA: RICHLAND-KENNEWICK-PASCO, WA					
COUNTY BENTON STATE WA	202	247	301	386	435
COUNTY FRANKLIN STATE WA	202	247	301	386	435
SMSA: SPOKANE, WA					
COUNTY SPOKANE STATE WA	204	236	293	358	414
NON SMSA					
COUNTY ADAMS STATE WA	164	199	235	271	305
COUNTY ASOTIN STATE WA	175	207	295	354	391
COUNTY COLUMBIA STATE WA	164	199	235	271	305
COUNTY FERRY STATE WA	142	194	239	284	328
COUNTY GARFIELD STATE WA	164	199	235	271	305
COUNTY GRANT STATE WA	164	199	235	271	305
COUNTY LINCOLN STATE WA	164	199	235	271	305
COUNTY PEND OREILLE STATE WA	142	194	239	284	328
COUNTY STEVENS STATE WA	162	223	274	324	375
COUNTY WALLA WALLA STATE WA	162	223	313	397	425

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR. 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SEATTLE, WASHINGTON AREA OFFICE					
NON SMSA					
COUNTY WHITMAN	179	223	285	414	481
STATE WA					

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
BOSTON, MASSACHUSETTS AREA OFFICE		
NON METRO STATE: MAINE	80	92
SMSA: LEWISTON-AUBURN, ME	62	62
SMSA: PORTLAND, ME	98	112
SMSA: LAWRENCE-HAVERHILL, MA-NH	N/A	N/A
SMSA: LOWELL, MA NH	N/A	N/A
SMSA: MANCHESTER, NH	82	90
SMSA: NASHUA, NH	97	97
NON METRO STATE: VERMONT	75	86
NON METRO STATE: MASSACHUESETTS	97	97
SMSA: BOSTON, MA	91	97
SMSA: BROCKTON, MA	91	91
SMSA: FALL RIVER, MA-RI	62	62
SMSA: FITCHBURG-LEOMINSTER, MA	74	74
SMSA: LAWRENCE-HAVERHILL, MA-NH	N/A	N/A
SMSA: LOWELL, MA NH	N/A	N/A
SMSA: NEW BEDFORD, MA	84	84
SMSA: PITTSFIELD, MA	91	91
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA	83	83
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT	72	72
SMSA: WORCESTER, MA	64	64
NON METRO STATE: RHODE ISLAND	80	80
SMSA: FALL RIVER, MA-RI	62	62
SMSA: NEW LONDON-NORWICH, CT-RI	83	83
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA	83	83
HARTFORD, CONNECTICUT AREA OFFICE		
NON METRO STATE: CONNECTICUT	90	90
SMSA: BRIDGEPORT, CT	112	112
SMSA: BRISTOL, CT	N/A	N/A
SMSA: DANBURY, CT	86	86
SMSA: HARTFORD, CT	97	97
SMSA: MERIDEN, CT	83	83
SMSA: NEW BRITAIN, CT	97	97
SMSA: NEW HAVEN-WEST HAVEN, CT	88	88
SMSA: NEW LONDON-NORWICH, CT-RI	83	83
SMSA: NORWALK, CT	N/A	N/A
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT	72	72
SMSA: STAMFORD, CT	N/A	N/A
SMSA: WATERBURY, CT	N/A	N/A
BUFFALO, NEW YORK AREA OFFICE		
NON METRO STATE: NEW YORK	86	86
SMSA: ALBANY-SCHENECTADY-TROY, NY	97	97
SMSA: BINGHAMTON, NY-PA	66	66
SMSA: BUFFALO, NY	86	86
SMSA: ELMIRA, NY	69	69
SMSA: ROCHESTER, NY	97	97
SMSA: SYRACUSE, NY	80	80
SMSA: UTICA-ROME, NY	74	74

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SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NEW YORK, NEW YORK AREA OFFICE		
NON METRO STATE: NEW YORK	86	86
SMSA: NASSAU-SUFFOLK, NY	N/A	N/A
SMSA: NEW YORK CITY, NY-NJ	N/A	N/A
SMSA: POUGHKEEPSIE, NY	N/A	N/A
NON METRO STATE: NEW JERSEY	75	75
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ	74	74
SMSA: ATLANTIC CITY, NJ	114	114
SMSA: JERSEY CITY, NJ	145	145
SMSA: LONG BRANCH-ASBURY PARK, NJ	136	137
SMSA: NEW BRUNSWICK-PERTH AMBOY-SAYREVILLE, NJ	176	177
SMSA: NEW YORK CITY, NY-NJ	N/A	N/A
SMSA: NEWARK, NJ	N/A	N/A
SMSA: PATERSON-CLIFTON-PASSAIC, NJ	156	157
SMSA: PHILADELPHIA, PA-NJ	91	91
SMSA: TRENTON, NJ	116	116
SMSA: VINELAND-MILLVILLE-BRIDGETON, NJ	102	102
SMSA: WILMINGTON, DE-NJ-MD	86	86
BALTIMORE, MARYLAND AREA OFFICE		
NON METRO STATE: DELAWARE	53	53
NON METRO STATE: MARYLAND	91	91
SMSA: BALTIMORE, MD	129	129
SMSA: WILMINGTON, DE-NJ-MD	84	84
PHILADELPHIA, PENNSYLVANIA AREA OFFICE		
NON METRO STATE: PENNSYLVANIA	53	53
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ	73	73
SMSA: BINGHAMTON, NY-PA	65	65
SMSA: HARRISBURG, PA	64	64
SMSA: LANCASTER, PA	69	69
SMSA: NORTHEAST, PA	58	58
SMSA: PHILADELPHIA, PA-NJ	89	89
SMSA: READING, PA	69	69
SMSA: WILLIAMSPORT, PA	53	53
SMSA: YORK, PA	69	69
SMSA: WILMINGTON, DE-NJ-MD	84	84
PITTSBURGH, PENNSYLVANIA AREA OFFICE		
NON METRO STATE: PENNSYLVANIA	53	53
SMSA: ALTOONA, PA	66	66
SMSA: ERIE, PA	66	66
SMSA: JOHNSTOWN, PA	66	66
SMSA: PITTSBURGH, PA	64	64
NON METRO STATE: WEST VIRGINIA	64	64
SMSA: CHARLESTON, WV	69	69
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH	64	64
SMSA: PARKERSBURG-MARIETTA, WV-OH	64	64
SMSA: STEUBENVILLE-WEIRTON, OH-WV	55	55
SMSA: WHEELING, WV-OH	58	58

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SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
RICHMOND, VIRGINIA AREA OFFICE		
NON METRO STATE: VIRGINIA	66	66
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	64	64
SMSA: LYNCHBURG, VA	58	58
SMSA: NEWPORT NEWS-HAMPTON, VA	77	77
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC	92	92
SMSA: PETERSBURG-COLONIAL HEIGHTS-HOPEWELL, VA	70	70
SMSA: RICHMOND, VA	90	90
SMSA: ROANOKE, VA	64	64
WASHINGTON, D.C. AREA OFFICE		
SMSA: WASHINGTON, DC-MD-VA	117	117
ATLANTA, GEORGIA AREA OFFICE		
NON METRO STATE: GEORGIA	48	48
SMSA: ALBANY, GA	42	44
SMSA: ATLANTA, GA	67	72
SMSA: AUGUSTA, GA-SC	62	64
SMSA: CHATTANOOGA, TN-GA	42	58
SMSA: COLUMBUS, GA-AL	68	74
SMSA: MACON, GA	43	47
SMSA: SAVANNAH, GA	53	58
BIRMINGHAM, ALABAMA AREA OFFICE		
NON METRO STATE: ALABAMA	52	57
SMSA: ANNISTON, AL	54	58
SMSA: BIRMINGHAM, AL	74	81
SMSA: COLUMBUS, GA-AL	68	74
SMSA: FLORENCE, AL	58	64
SMSA: GADSDEN, AL	54	58
SMSA: HUNTSVILLE, AL	74	81
SMSA: MOBILE, AL	59	65
SMSA: MONTGOMERY, AL	59	64
SMSA: TUSCALOOSA, AL	70	77
COLUMBIA, SOUTH CAROLINA AREA AFFICE		
NON METRO STATE: SOUTH CAROLINA	48	48
SMSA: AUGUSTA, GA-SC	62	64
SMSA: CHARLESTON, SC	58	58
SMSA: COLUMBIA, SC	53	58
SMSA: GREENVILLE-SPARTANBURG, SC	53	53
GREENSBORO, NORTH CAROLINA AREA OFFICE		
NON METRO STATE: NORTH CAROLINA	43	53
SMSA: ASHEVILLE, NC	58	69
SMSA: BURLINGTON, NC	58	69
SMSA: CHARLOTTE-GASTONIA, NC	58	69
SMSA: FAYETTEVILLE, NC	58	69
SMSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC	58	69
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC	92	92
SMSA: RALEIGH-DURHAM, NC	58	69
SMSA: WILMINGTON, NC	58	69

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SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
JACKSON, MISSISSIPPI AREA OFFICE		
NON METRO STATE: MISSISSIPPI	59	70
SMSA: BILOXI-GULFPORT, MS	69	80
SMSA: JACKSON, MS	74	90
SMSA: MEMPHIS, TN-AR-MS	69	69
SMSA: PASCAGOULA-MOSS POINT, MS	58	69
KNOXVILLE, TENNESSEE AREA OFFICE		
NON METRO STATE: TENNESSEE	48	48
SMSA: CHATTANOOGA, TN-GA	42	58
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	58	64
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	64	64
SMSA: KNOXVILLE, TN	53	53
SMSA: MEMPHIS, TN-AR-MS	69	69
SMSA: NASHVILLE-DAVIDSON, TN	69	80
LOUISVILLE, KENTUCKY AREA OFFICE		
NON METRO STATE: KENTUCKY	55	61
SMSA: CINCINNATI, OH-KY-IN	80	83
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	58	64
SMSA: EVANSVILLE, IN-KY	53	57
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH	64	64
SMSA: LEXINGTON-FAYETTE , KY	70	78
SMSA: LOUISVILLE, KY-IN	60	66
SMSA: OWENSBORO, KY	65	75
JACKSONVILLE, FLORIDA AREA OFFICE		
NON METRO STATE: FLORIDA	64	64
SMSA: BRADENTON, FL	90	90
SMSA: DAYTONA BEACH, FL	80	80
SMSA: FORT LAUDERDALE-HOLLYWOOD, FL	133	133
SMSA: FORT MYERS-CAPE CORAL, FL	85	85
SMSA: GAINESVILLE, FL	64	64
SMSA: JACKSONVILLE, FL	58	69
SMSA: LAKELAND-WINTER HAVEN, FL	64	64
SMSA: MELBOURN-TITUSVILLE-COCOA, FL	74	74
SMSA: MIAMI, FL	106	106
SMSA: ORLANDO, FL	74	74
SMSA: PANAMA CITY, FL	64	64
SMSA: PENSACOLA, FL	64	64
SMSA: SARASOTA, FL	85	85
SMSA: TALLAHASSEE, FL	58	58
SMSA: TAMPA-ST PETERSBURG, FL	85	85
SMSA: WEST PALM BEACH-BOCA RATON, FL	106	106
CHICAGO, ILLINOIS AREA OFFICE		
NON METRO STATE: ILLINOIS	76	81
SMSA: BLOOMINGTON-NORMAL, IL	84	84
SMSA: CHAMPAIGN-URBANA-RANTOUL, IL	69	69
SMSA: CHICAGO, IL	151	162
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	92	97
SMSA: DECATUR, IL	92	92
SMSA: KANKAKEE, ILLINOIS	67	67
SMSA: PEORIA, IL	124	135
SMSA: ROCKFORD, IL	122	130
SMSA: ST LOUIS, MO-IL	70	81
SMSA: SPRINGFIELD, IL	81	86

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SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
COLUMBUS, OHIO AREA OFFICE		
NON METRO STATE: OHIO	54	54
SMSA: AKRON, OH	81	81
SMSA: CANTON, OH	59	59
SMSA: CINCINNATI, OH-KY-IN	80	83
SMSA: CLEVELAND, OH	86	86
SMSA: COLUMBUS, OH	75	86
SMSA: DAYTON, OH	59	59
SMSA: HAMILTON-MIDDLETOWN, OH	65	67
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH	64	64
SMSA: LIMA, OH	75	75
SMSA: LORAIN-ELYRIA, OH	92	92
SMSA: MANSFIELD, OH	70	70
SMSA: PARKERSBURG-MARIETTA, WV-OH	64	64
SMSA: SPRINGFIELD, OH	61	72
SMSA: STEUBENVILLE-WEIRTON, OH-WV	55	55
SMSA: TOLEDO, OH-MI	92	124
SMSA: WHEELING, WV-OH	58	58
SMSA: YOUNGSTOWN-WARREN, OH	70	70
DETROIT, MICHIGAN AREA OFFICE		
NON METRO STATE: MICHIGAN	81	90
SMSA: ANN ARBOR, MI	109	117
SMSA: BATTLE CREEK, MI	70	81
SMSA: BAY CITY, MI	82	85
SMSA: DETROIT, MI	106	114
SMSA: FLINT, MI	99	99
SMSA: GRAND RAPIDS, MI	75	80
SMSA: JACKSON, MI	81	81
SMSA: KALAMAZOO-PORTAGE , MI	85	88
SMSA: LANSING-EAST LANSING , MI	95	109
SMSA: MUSKEGON-NORTON SHORES-MUSKEGON HEIGHTS, MI	75	76
SMSA: SAGINAW, MI	86	86
SMSA: TOLEDO, OH-MI	92	124
INDIANAPOLIS, INDIANA AREA OFFICE		
NON METRO STATE: INDIANA	42	55
EXCEPTION COUNTY: BLACKFORD	49	55
EXCEPTION COUNTY: GRANT	49	55
EXCEPTION COUNTY: HENRY	49	55
EXCEPTION COUNTY: JAY	49	55
EXCEPTION COUNTY: RANDOLPH	49	55
EXCEPTION COUNTY: WAYNE	49	55
SMSA: ANDERSON, IN	48	48
SMSA: BLOOMINGTON, IN	45	45
SMSA: CINCINNATI, OH-KY-IN	80	83
SMSA: ELKHART, IN.	62	62
SMSA: EVANSVILLE, IN-KY	56	60
SMSA: FORT WAYNE, IN	53	69
SMSA: GARY-HAMMOND-EAST CHICAGO, IN	74	85
SMSA: INDIANAPOLIS, IN	65	75
SMSA: KOKOMO, IN	62	68
SMSA: LAFAYETTE-WEST LAFAYETTE, IN	57	82
SMSA: LOUISVILLE, KY-IN	60	66
SMSA: MUNCIE, IN	46	51
SMSA: SOUTH BEND, IN	68	72
SMSA: TERRE HAUTE, IN	45	55
MILWAUKEE, WISCONSIN AREA OFFICE		
NON METRO STATE: WISCONSIN	65	70
SMSA: APPLETON-OSHKOSH, WI	81	86
SMSA: DULUTH-SUPERIOR, MN-WI	62	67
SMSA: EAU CLAIRE, WI	76	82
SMSA: GREEN BAY, WI	79	84
SMSA: JANESVILLE-BELOIT,WI	79	84
SMSA: KENOSHA, WI	84	89
SMSA: LA CROSSE, WI	72	78
SMSA: MADISON, WI	118	123
SMSA: MILWAUKEE, WI	92	97
SMSA: MINNEAPOLIS-ST PAUL, MN-WI	97	97
SMSA: RACINE, WI	85	91

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE		
NON METRO STATE: MINNESOTA	60	60
SMSA: DULUTH-SUPERIOR, MN-WI	62	67
SMSA: FARGO-MOORHEAD, ND-MN	86	97
SMSA: GRAND FORKS, N.D.-MN	75	92
SMSA: MINNEAPOLIS-ST PAUL, MN-WI	97	97
SMSA: ROCHESTER, MN	83	83
SMSA: ST. CLOUD, MN	75	75
DALLAS, TEXAS AREA OFFICE		
NON METRO STATE: TEXAS	51	62
SMSA: ABILENE, TX	44	50
SMSA: AMARILLO, TX	78	83
SMSA: BEAUMONT-PORT ARTHUR-ORANGE, TX	74	85
SMSA: BRYAN-COLLEGE STATION, TX	72	80
SMSA: DALLAS-FORT WORTH , TX	64	80
SMSA: EL PASO, TX	82	93
SMSA: GALVESTON-TEXAS CITY, TX	85	96
SMSA: HOUSTON, TX	90	105
SMSA: KILLEEN-TEMPLE, TX	74	80
SMSA: LONGVIEW-MARSHALL, TX	69	77
SMSA: LUBBOCK, TX	77	80
SMSA: MIDLAND, TX	80	85
SMSA: ODESSA, TX	80	85
SMSA: SAN ANGELO, TX	69	74
SMSA: SHERMAN-DENISON, TX	64	74
SMSA: TEXARKANA, TX-AR	80	90
SMSA: TYLER, TX	64	67
SMSA: WACO, TX	66	74
SMSA: WICHITA FALLS, TX	48	53
NON METRO STATE: NEW MEXICO	66	75
SMSA: ALBUQUERQUE, NM	74	85
LITTLE ROCK, ARKANSAS AREA OFFICE		
NON METRO STATE: ARKANSAS	31	34
SMSA: FAYETTEVILLE-SPRINGDALE, AR	49	51
SMSA: FORT SMITH, AR-OK	28	31
SMSA: LITTLE ROCK-NORTH LITTLE ROCK, AR	41	43
SMSA: MEMPHIS, TN-AR-MS	69	69
SMSA: PINE BLUFF, AR	23	25
SMSA: TEXARKANA, TX-AR	80	90
NEW ORLEANS, LOUISIANA AREA OFFICE		
NON METRO STATE: LOUISIANA	59	70
SMSA: ALEXANDRIA, LA	58	69
SMSA: BATON ROUGE, LA	69	80
SMSA: LAFAYETTE, LA	64	74
SMSA: LAKE CHARLES, LA	68	78
SMSA: MONROE, LA	58	69
SMSA: NEW ORLEANS, LA	72	83
SMSA: SHREVEPORT, LA	64	74
OKLAHOMA CITY, OKLAHOMA AREA OFFICE		
NON METRO STATE: OKLAHOMA	56	62
SMSA: FORT SMITH, AR-OK	28	31
SMSA: LAWTON, OK	57	64
SMSA: OKLAHOMA CITY, OK	59	66
SMSA: TULSA, OK	64	69

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
SAN ANTONIO, TEXAS AREA OFFICE		
NON METRO STATE: TEXAS	51	62
SMSA: AUSTIN, TX	72	85
SMSA: BROWNSVILLE-HARLINGEN-SAN BENITO, TX	58	69
SMSA: CORPUS CHRISTI, TX	62	80
SMSA: LAREDO, TX	53	64
SMSA: MC ALLEN-PHARR-EDINBURG, TX	68	80
SMSA: SAN ANTONIO, TX	58	69
KANSAS CITY, MISSOURI AREA OFFICE		
NON METRO STATE: KANSAS	59	65
SMSA: KANSAS CITY, MO-KS	71	86
SMSA: LAWRENCE, KS	60	66
SMSA: TOPEKA, KS	59	65
SMSA: WICHITA, KS	66	71
OMAHA, NEBRASKA AREA OFFICE		
NON METRO STATE: IOWA	65	70
SMSA: CEDAR RAPIDS, IA	75	86
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	92	97
SMSA: DES MOINES, IA	79	84
SMSA: DUBUQUE, IA	75	86
SMSA: OMAHA, NE-IA	70	81
SMSA: SIOUX CITY, IA-NE	72	72
SMSA: WATERLOO-CEDAR FALLS, IA	75	86
NON METRO STATE: NEBRASKA	61	73
SMSA: LINCOLN, NE	80	84
SMSA: OMAHA, NE-IA	70	81
SMSA: SIOUX CITY, IA-NE	72	72
ST. LOUIS, MISSOURI AREA OFFICE		
NON METRO STATE: MISSOURI	47	52
SMSA: COLUMBIA, MO	65	70
SMSA: KANSAS CITY, MO-KS	71	86
SMSA: ST JOSEPH, MO	66	72
SMSA: ST LOUIS, MO-IL	70	81
SMSA: SPRINGFIELD, MO	49	53
DENVER, COLORADO REGIONAL:AREA OFFICE		
NON METRO STATE: NORTH DAKOTA	72	82
SMSA: BISMARCK, N.D.	101	113
SMSA: FARGO-MOORHEAD, ND-MN	89	100
SMSA: GRAND FORKS, N.D.-MN	77	95
NON METRO STATE: SOUTH DAKOTA	61	72
SMSA: RAPID CITY,S.D.	85	96
SMSA: SIOUX FALLS, SD	85	96

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
DENVER, COLORADO REGIONAL:AREA OFFICE		
NON METRO STATE: MONTANA	N/A	N/A
EXCEPTION COUNTY: BEAVERHEAD	85	96
EXCEPTION COUNTY: BIG HORN	85	96
EXCEPTION COUNTY: BLAINE	62	73
EXCEPTION COUNTY: BROADWATER	85	96
EXCEPTION COUNTY: CARBON	85	96
EXCEPTION COUNTY: CARTER	62	73
EXCEPTION COUNTY: CHOUTEAU	62	73
EXCEPTION COUNTY: CUSTER	85	96
EXCEPTION COUNTY: DANIELS	62	73
EXCEPTION COUNTY: DAWSON	85	96
EXCEPTION COUNTY: DEER LODGE	85	96
EXCEPTION COUNTY: FALLON	62	73
EXCEPTION COUNTY: FERGUS	62	73
EXCEPTION COUNTY: FLATHEAD	85	96
EXCEPTION COUNTY: GALLATIN	85	96
EXCEPTION COUNTY: GARFIELD	62	73
EXCEPTION COUNTY: GLACIER	62	73
EXCEPTION COUNTY: GOLDEN VALLE	62	73
EXCEPTION COUNTY: GRANITE	85	96
EXCEPTION COUNTY: HILL	62	73
EXCEPTION COUNTY: JEFFERSON	85	96
EXCEPTION COUNTY: JUDITH BASIN	62	73
EXCEPTION COUNTY: LAKE	85	96
EXCEPTION COUNTY: LEWIS+ CLARK	85	96
EXCEPTION COUNTY: LIBERTY	62	73
EXCEPTION COUNTY: LINCOLN	85	96
EXCEPTION COUNTY: MCCONE	62	73
EXCEPTION COUNTY: MADISON	85	96
EXCEPTION COUNTY: MEAGHER	85	96
EXCEPTION COUNTY: MINERAL	85	96
EXCEPTION COUNTY: MISSOULA	85	96
EXCEPTION COUNTY: MUSSELSHELL	85	96
EXCEPTION COUNTY: PARK	85	96
EXCEPTION COUNTY: PETROLEUM	62	73
EXCEPTION COUNTY: PHILLIPS	62	73
EXCEPTION COUNTY: PONDERA	62	73
EXCEPTION COUNTY: POWDER RIVER	85	96
EXCEPTION COUNTY: POWELL	85	96
EXCEPTION COUNTY: PRAIRIE	62	73
EXCEPTION COUNTY: RAVALLI	85	96
EXCEPTION COUNTY: RICHLAND	62	73
EXCEPTION COUNTY: ROOSEVELT	62	73
EXCEPTION COUNTY: ROSEBUD	85	96
EXCEPTION COUNTY: SANDERS	85	96
EXCEPTION COUNTY: SHERIDAN	62	73
EXCEPTION COUNTY: SILVER BOW	85	96
EXCEPTION COUNTY: STILLWATER	62	73
EXCEPTION COUNTY: SWEET GRASS	62	73
EXCEPTION COUNTY: TETON	62	73
EXCEPTION COUNTY: TOOLE	62	73
EXCEPTION COUNTY: TREASURE	85	96
EXCEPTION COUNTY: VALLEY	62	73
EXCEPTION COUNTY: WHEATLAND	62	73
EXCEPTION COUNTY: WIBAUX	62	73
EXCEPTION COUNTY: YL-ST-NT-PK	85	96
SMSA: BILLINGS, MT	107	119
SMSA: GREAT FALLS, MT	90	101
NON METRO STATE: WYOMING		
EXCEPTION COUNTY: ALBANY	85	102
EXCEPTION COUNTY: BIG HORN	85	102
EXCEPTION COUNTY: CAMPBELL	142	153
EXCEPTION COUNTY: CARBON	142	153
EXCEPTION COUNTY: CONVERSE	142	153
EXCEPTION COUNTY: CROOK	85	102
EXCEPTION COUNTY: FREMONT	142	153
EXCEPTION COUNTY: GOSHEN	85	102
EXCEPTION COUNTY: HOT SPRINGS	85	102
EXCEPTION COUNTY: JOHNSON	85	102
EXCEPTION COUNTY: LARAMIE	85	102
EXCEPTION COUNTY: LINCOLN	85	102
EXCEPTION COUNTY: NATRONA	142	153
EXCEPTION COUNTY: NIOBRARA	85	102
EXCEPTION COUNTY: PARK	85	102
EXCEPTION COUNTY: PLATTE	85	102
EXCEPTION COUNTY: SHERIDAN	142	153
EXCEPTION COUNTY: SUBLETTE	85	102
EXCEPTION COUNTY: SWEETWATER	142	153
EXCEPTION COUNTY: TETON	85	102
EXCEPTION COUNTY: UINTA	85	102
EXCEPTION COUNTY: WASHAKIE	85	102
EXCEPTION COUNTY: WESTON	85	102

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
DENVER, COLORADO REGIONAL AREA OFFICE		
NON METRO STATE: COLORADO	N/A	N/A
EXCEPTION COUNTY: ALAMOSA	73	85
EXCEPTION COUNTY: ARCHULETA	85	96
EXCEPTION COUNTY: BACA	73	85
EXCEPTION COUNTY: BENT	73	85
EXCEPTION COUNTY: CHAFFEE	85	96
EXCEPTION COUNTY: CHEYENNE	73	85
EXCEPTION COUNTY: CLEAR CREEK	85	96
EXCEPTION COUNTY: CONEJOS	73	85
EXCEPTION COUNTY: COSTILLA	73	85
EXCEPTION COUNTY: CROWLEY	73	85
EXCEPTION COUNTY: CUSTER	85	96
EXCEPTION COUNTY: DELTA	85	96
EXCEPTION COUNTY: DOLORES	85	96
EXCEPTION COUNTY: EAGLE	136	153
EXCEPTION COUNTY: ELBERT	73	85
EXCEPTION COUNTY: FREMONT	85	96
EXCEPTION COUNTY: GARFIELD	136	153
EXCEPTION COUNTY: GRAND	85	96
EXCEPTION COUNTY: GUNNISON	85	96
EXCEPTION COUNTY: HINSDALE	85	96
EXCEPTION COUNTY: HUERFANO	73	85
EXCEPTION COUNTY: JACKSON	85	96
EXCEPTION COUNTY: KIOWA	73	85
EXCEPTION COUNTY: KIT CARSON	73	85
EXCEPTION COUNTY: LAKE	85	96
EXCEPTION COUNTY: LA PLATA	85	96
EXCEPTION COUNTY: LAS ANIMAS	73	85
EXCEPTION COUNTY: LINCOLN	73	85
EXCEPTION COUNTY: LOGAN	73	85
EXCEPTION COUNTY: MESA	85	96
EXCEPTION COUNTY: MINERAL	73	85
EXCEPTION COUNTY: MOFFAT	136	153
EXCEPTION COUNTY: MONTEZUMA	85	96
EXCEPTION COUNTY: MONTROSE	85	96
EXCEPTION COUNTY: MORGAN	73	85
EXCEPTION COUNTY: OTERO	73	85
EXCEPTION COUNTY: OURAY	85	96
EXCEPTION COUNTY: PARK	85	96
EXCEPTION COUNTY: PHILLIPS	73	85
EXCEPTION COUNTY: PITKIN	136	153
EXCEPTION COUNTY: PROWERS	73	85
EXCEPTION COUNTY: RIO BLANCO	136	153
EXCEPTION COUNTY: RIO GRANDE	73	85
EXCEPTION COUNTY: ROUTT	136	153
EXCEPTION COUNTY: SAGUACHE	73	85
EXCEPTION COUNTY: SAN JUAN	85	96
EXCEPTION COUNTY: SAN MIGUEL	85	96
EXCEPTION COUNTY: SEDGWICK	73	85
EXCEPTION COUNTY: SUMMIT	136	153
EXCEPTION COUNTY: WASHINGTON	73	85
EXCEPTION COUNTY: YUMA	73	85
SMSA: COLORADO SPRINGS, CO	90	101
SMSA: DENVER-BOULDER , CO	124	142
SMSA: FORT COLLINS, CO	85	96
SMSA: GREELEY, CO	85	96
SMSA: PUEBLO, CO	85	96
NON METRO STATE: UTAH		
EXCEPTION COUNTY: BEAVER	62	73
EXCEPTION COUNTY: BOX ELDER	62	73
EXCEPTION COUNTY: CACHE	62	73
EXCEPTION COUNTY: CARBON	85	96
EXCEPTION COUNTY: DAGGETT	62	73
EXCEPTION COUNTY: DUCHESNE	62	73
EXCEPTION COUNTY: EMERY	85	96
EXCEPTION COUNTY: GARFIELD	62	73
EXCEPTION COUNTY: GRAND	85	96
EXCEPTION COUNTY: IRON	62	73
EXCEPTION COUNTY: JUAB	62	73
EXCEPTION COUNTY: KANE	62	73
EXCEPTION COUNTY: MILLARD	62	73
EXCEPTION COUNTY: MORGAN	62	73
EXCEPTION COUNTY: PIUTE	62	73
EXCEPTION COUNTY: RICH	62	73
EXCEPTION COUNTY: SAN JUAN	62	73
EXCEPTION COUNTY: SANPETE	62	73
EXCEPTION COUNTY: SEVIER	62	73
EXCEPTION COUNTY: SUMMIT	62	73
EXCEPTION COUNTY: UINTAH	85	96
EXCEPTION COUNTY: WASATCH	62	73
EXCEPTION COUNTY: WASHINGTON	62	73
EXCEPTION COUNTY: WAYNE	62	73
SMSA: PROVO-OREM, UT	85	96
SMSA: SALT LAKE CITY-OGDEN, UT	96	107

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
HONOLULU, HAWAII AREA OFFICE		
SMSA: HONOLULU, HI	N/A	N/A
LOS ANGELES, CALIFORNIA AREA OFFICE		
NON METRO STATE: ARIZONA	62	79
SMSA: PHOENIX, AZ	85	101
SMSA: TUCSON, AZ	62	85
NON METRO STATE: CALIFORNIA	96	125
SMSA: ANAHEIM-SANTA ANA-GARDEN GROVE, CA	186	186
SMSA: BAKERSFIELD, CA	90	135
SMSA: LOS ANGELES-LONG BEACH, CA	107	176
SMSA: OXNARD-SIMI VALLEY-VENTURA, CA	119	204
SMSA: RIVERSIDE-SAN BERNARDINO-ONTARIO, CA	90	142
SMSA: SAN DIEGO, CA	135	170
SMSA: SANTA BARBARA-SANTA MARIA-LOMPOC, CA	113	170
SAN FRANCISCO, CALIFORNIA AREA OFFICE		
NON METRO STATE: NEVADA	68	79
SMSA: LAS VEGAS, NV	142	158
SMSA: RENO, NV	130	153
NON METRO STATE: CALIFORNIA	96	125
EXCEPTION COUNTY: SAN LUIS OBI	109	136
SMSA: FRESNO, CA	135	153
SMSA: MODESTO, CA	142	153
SMSA: SACRAMENTO, CA	110	132
SMSA: SALINAS-SEASIDE-MONTEREY, CA	135	170
SMSA: SAN FRANCISCO-OAKLAND, CA	142	204
SMSA: SAN JOSE, CA	142	210
SMSA: SANTA CRUZ, CA	135	170
SMSA: SANTA ROSA, CA	135	164
SMSA: STOCKTON, CA	142	153
SMSA: VALLEJO-FAIRFIELD-NAPA, CA	130	147
ANCHORAGE, ALASKA AREA OFFICE		
NON METRO STATE: ALASKA	148	148
SMSA: ANCHORAGE, AK	145	145
PORTLAND, OREGON AREA OFFICE		
NON METRO STATE: IDAHO	73	73
SMSA: BOISE CITY, ID	78	89
NON METRO STATE: OREGON	91	96
SMSA: EUGENE-SPRINGFIELD, OR	107	109
SMSA: PORTLAND, OR-WA	124	137
SMSA: SALEM, OR	107	109
SEATTLE, WASHINGTON AREA OFFICE		
NON METRO STATE: WASHINGTON	79	91
SMSA: RICHLAND-KENNEWICK-PASCO, WA	107	107
SMSA: SEATTLE-EVERETT, WA	101	142
SMSA: SPOKANE, WA	85	96
SMSA: TACOMA, WA	90	107
SMSA: YAKIMA, WA	85	90

PREPARED BY HUD - EMAD (CO), MARCH 2[illegible], 1980

[FR Doc. 80-9185 Filed 3-25-80; 8:45 am]
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federal register

Wednesday
March 26, 1980

Part VII

Department of Health, Education, and Welfare

Public Health Service

Health Systems Agency and State Health Planning and Development Agency Reviews—Certificate of Need Programs

V 45/60 MR 26 80 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Parts 122 and 123

Health Systems Agency and State Health Planning and Development Agency Reviews-Certificate of Need Programs

AGENCY: Public Health Service, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend the regulations governing certificate of need reviews by State health planning and development agencies (State Agencies) and health systems agencies (HSAs). The proposed regulations would implement amendments to the Public Health Service Act made by the Health Planning and Resources Development Amendments of 1979 (Pub. L. 96–79). Under the amended provisions of the Public Health Service Act, the planning agencies are required to review and determine the need for proposed capital expenditures, institutional health services and major medical equipment. These regulations set forth proposed requirements for satisfactory certificate of need programs. Interested persons are invited to submit written comments and recommendations concerning these proposed rules, as well as suggestions for alternative methods of implementing any of the provisions of the amendments that affect the requirements for certificate of need programs. The Secretary has concluded that these regulations are policy significant.

DATE: The Secretary will consider comments received on or before May 27, 1980.

ADDRESS: Interested persons may submit written comments and recommendations on the proposed regulations to: Colin C. Rorrie, Jr., Ph. D., Director, Bureau of Health Planning, 3700 East-West Highway, Room 6–22, Hyattsville, Maryland 20782.

All comments received in timely response to this document will be considered and will be available for public inspection at the above address between the hours of 8:30 a.m. and 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Carol M. Larson, Chief, Certification Programs Branch, Division of Regulatory Activities, Bureau of Health Planning, 3700 East-West Highway, Room 6–50, Hyattsville, Maryland 20782, (301) 436–6140.

SUPPLEMENTARY INFORMATION: The present regulations governing certificate of need programs (42 CFR 122.301 *et seq.* and 123.401 *et seq.*, 44 FR 19315–26) are proposed to be revised to implement recent changes to Title XV of the Public Health Service Act ("the Act") that affect the requirements for those programs.

These changes were enacted by the Health Planning and Resources Development Amendments of 1979 (Pub. L. 96–79).

Under section 1523(a)(4)(B) of the Act, as amended, State Agencies are required to administer certificate of need programs which (1) apply to the obligation of capital expenditures, the offering of new institutional health services, and the acquisition of major medical equipment, and (2) are consistent with standards established by the Secretary by regulation. Given the changes to the statutory requirements for these programs under Title XV of the Act, it is necessary that the Secretary revise the present regulations to permit States to comply with the amended statute.

The changes made by Pub. L. 96–79 to the existing certificate of need program are primarily technical in nature. The basic requirements for satisfactory certificate of need programs, which were established by the National Health Planning and Resources Development Act of 1974, have been retained. Building on the structure of the existing certificate of need program, these statutory amendments (1) expand the procedural requirements, (2) add several criteria to those that health planning agencies must consider in their review of applications, and (3) clarify, with some changes, the projects for which certificate of need approval must be obtained. Accordingly, the Secretary believes the economic impact of the regulations implementing these statutory changes will be minimal.

On February 22, 1980, the Secretary published in the **Federal Register** a Notice which included information to assist State legislatures in the development of certificate of need legislation (see 45 FR 12174). The Secretary provided guidance at that time because many legislatures have a limited amount of time during which new legislation may be introduced and enacted. In the February 22 Notice, the Secretary suggested that State legislatures begin to develop (or revise) their certificate of need legislation on the basis of the statutory language of Pub. L. 96–79 and the material provided in that Notice. The Secretary also stated in that Notice an intention to publish regulations in interim final form within a few weeks, believing that final regulations would best aid State legislatures in enacting or revising their certificate of need statutes. However, after the Notice was published, many individuals and groups were vocal in their concerns about this course of action and argued that final regulations should not be adopted (even if subject to public comment and possible revision) without a prior public comment period. Accordingly, the Secretary has decided that the public interest will be better served by allowing public comment on these proposed rules before issuing final regulations.

The Secretary recognizes that the publication at this time of proposed, rather than final, rules does not provide State legislatures with definitive guidance on how the statutory provisions will be interpreted. Accordingly, she repeats the suggestion made in the February 22 Notice that States develop or revise their certificate of need legislation on the basis of the statutory language of Pub. L. 96–79 (set out in Appendix II of the February 22 Notice) and leaves their State Agencies sufficient administrative flexibility to comply with the Department's final regulations. For example, at least one State legislature has enacted a certificate of need bill that incorporates some of the Federal statutory provisions and authorizes the State Agency to adopt regulations to implement the certificate of need program. Another approach would be for the State legislatures to incorporate the Federal statute by reference and either do the same for the forthcoming Federal regulations or, as suggested above, permit the State Agency to take the necessary action to comply with those regulations.

States Agencies are required, among other things, to administer satisfactory certificate of need programs in order to be fully designated under section 1521(b)(3) of the Act. The continued eligibility of the State and of entities within the State for certain Federal health funding depends on there being a fully designated State Agency by a date determined by the State's legislative schedule. This date, hereafter referred to as the "effective date," is for most States one year after the start of the first State legislative session which begins after October 4, 1979, so that this effective date for most States will be in January, 1981. For some States, however, the effective date may be as early as October 4, 1980.

There have been, over time, several statutory and regulatory amendments modifying the requirements for satisfactory certificate of need programs, each amendment with its own effective dates. Because of the confusion which this may engender, the Secretary has attached to this document an Appendix (substantially the same as Appendix I of the February 22 Notice) which describes each set of requirements, discusses how they are related to each other, and explains how these requirements relate to requirements for designation of State Agencies under section 1521 of the Act. In particular, the Appendix discusses in detail requirements for full designation before a State's effective date.

When Title XV of the Act was originally enacted by Pub. L. 93–641 in 1975, Congress provided that in addition to reviews under certificate of need programs (section 1523(a)(4)(B) of the Act), State Agencies were authorized to conduct other reviews of new institutional health services (section 1523(a)(5)). These latter reviews were to be in substance and procedures the same as certificate of need reviews, except that they could be performed before a State had authority under State law to impose sanctions against an applicant who proceeded to offer a new institutional health service without a certificate of need. Because all States will have this authority when they comply with the certificate of need regulations, there is no need to refer in these proposed regulations to reviews under section 1523(a)(5). Accordingly, the Secretary has deleted all such references from the proposed regulations.

This document proposes to revise the regulations for both HSA and State Agency reviews under certificate of need programs (Part 122, Subpart D, and Part 123, Subpart E, respectively). Except where otherwise noted, discussion in this Preamble of provisions in the State Agency regulations applies to HSA reviews as well. Where feasible, the HSA regulations are proposed to be shortened by replacing repetitive provisions with appropriate cross-references to the State Agency regulations.

Set forth below is a summary of the major proposed changes to the regulations. In addition to the changes noted, the Secretary has proposed a number of editorial and conforming changes necessary to comply with either the amended provisions of the statute or the drafting principles of the Department's Operation Common Sense. In this regard, the Secretary invites public suggestions on how the regulations can be further simplified and clarified.

Definition of Health Care Facilities (§ 123.401)

To be reviewable, "capital expenditures" must be made by or on behalf of health care facilities. Similarly, health services are reviewable if they are provided in or through health care facilities. The amended Act, at section 1531(5), specifies that the definition of "health care facility" must include, at a minimum, public and private hospitals, nursing homes, and rehabilitation facilities. The Secretary proposes to define "health care facilities" to mean public and private hospitals, rehabilitation facilities, intermediate care facilities and skilled nursing facilities, ambulatory surgical facilities, and kidney disease treatment centers. This definition would add rehabilitation facilities (required by the amended statute), to the definition of health care facility used in the present certificate of need regulations. States may require reviews of proposals by other facilities if they wish to do so (but see § 123.405 of the proposed regulations for limitations on coverage of health maintenance organizations (HMOs) and facilities of HMOs, and § 123.401, proposing to exclude Christian Science sanatoriums).

Scope of Certificate of Need Review Programs (§ 123.404)

Section 1523(a)(4)(B) of the Act has been revised and now requires each State Agency to administer a State certificate of need program which applies to the obligation of capital expenditures, the offering of new institutional health services, and the acquisition of major medical equipment. Under the Act, the State Agency, after considering the recommendations of the appropriate HSA, must review and determine the need for proposed obligations, offerings, and acquisitions. Section 1527 of the Act sets out further requirements for these programs. Section 1531 of the Act contains statutory definitions, and section 1532 deals with required review procedures and criteria. Details of the proposed regulations implementing the statutory requirements for coverage of certificate of need proposals are as follows:

A. *Capital Expenditures that Exceed the Expenditure Minimum* (§ 123.404(a)(1))

Existing certificate of need regulations require that capital expenditures by or on behalf of a health care facility in excess of $150,000 be subject to certificate of need review. The amended Act requires (at section 1531(6)(B)(ii)(I)) that capital expenditures in excess of the "expenditure minimum be reviewed." Section 1531(6)(B)(ii)(I) further specifies that the expenditure minimum (presently $150,000) may, at the State's discretion, be adjusted annually to reflect the change in an index maintained or developed by the Department of Commerce and designated by the Secretary in regulation to make this adjustment. (See the definition of "expenditure minimum" at § 123.401.) The Secretary is proposing to designate the Department of Commerce Composite Construction Cost Index as the index to be used to adjust the expenditure minimum for capital expenditures, and would advise the State Agencies annually of the change in that index.

B. *Bed Capacity* (§ 123.404(a)(2))

The Act as amended specifies that any capital expenditure which "substantially changes the bed capacity" of a health care facility is subject to certificate of need review. (See section 1531(6)(B)(ii)(II).) The Secretary is proposing to define a capital expenditure which "substantially changes the bed capacity" of a facility as a capital expenditure which increases or decreases the total number of beds (or distributes beds among various categories, or relocates beds from one physical facility or site to another) by ten beds or ten percent. This definition retains the existing requirement of § 123.404(a)(3) that increases of more than ten beds or ten percent, whichever is less, over a two-year period, must be reviewed, and uses the same standard of ten beds or ten percent for bed decreases. However, unlike the present regulations, the proposed regulations require reviews of these bed changes only when they result from a capital expenditure.

C. *Health Services* (§ 123.404(a)(3))

Whereas in existing certificate of need regulations only additions of health services are subject to certificate of need review, the Secretary is now proposing to require that additions and terminations of health services must in certain cases be reviewed. In general, (1) the addition of a new service would be required to be reviewed if it constitutes the offering of a new "institutional health service" as defined by section 1531(5), and (2) a capital expenditure would be required to be reviewed if it "substantially changes the services of a facility" (see section 1531(6)(B)(ii)(III)).

Section 1531(5) defines an "institutional health service" as a health service which is provided through a health care facility and which entails an annual operating cost of at least the "expenditure minimum" (presently $75,000, which figure may be adjusted at the State's option on a yearly basis using an index designated by the Secretary: see the definition of this term at § 123.401). The Secretary is proposing to define a "health service" as a clinically related (i.e., diagnostic, treatment or rehabilitative) service. In addition, the Secretary is proposing to define the offering of a new institutional health service as the addition of a health service not provided in or through the facility within the previous twelve months. Because administrative services and other non-clinical services are not "health services," the offering of these non-clinically related services would not be required to be subject to review as an "institutional health service," although it may be reviewable if it results from a capital expenditure exceeding the expenditure minimum. The index to be used to adjust the operating cost expenditure minimum for institutional health services has not been proposed in these regulations. The Secretary is currently considering which index would be most suitable for this purpose and invites public comment on this matter. The index selected will be designated by regulation.

The Secretary is proposing to define a capital expenditure which "substantially changes the services of a facility" as any capital expenditure which results in the addition of a clinically related service not provided in or through the facility within the previous twelve months, or the termination of a service which had previously been provided in or through the facility.

In summary, the Secretary proposes to require certificate of need coverage of health services as follows:

(1) The addition of a health service must be reviewed if it either results from a capital expenditure (in any amount) or entails an annual operating cost of at least $75,000.

(2) The termination of a health service must be reviewed if it results from a capital expenditure (in any amount).

A State may, of course, impose stricter coverage requirements and subject a health service to certificate of need review regardless of whether it involves a capital expenditure or an annual operating cost of at least $75,000. In addition, a State may broaden its definition of "health service" to include services which are not clinically related.

D. *Major Medical Equipment* (§ 123.404(a)(4))

The Act, as amended, requires certificate of need coverage of major medical equipment. (Section 1527(e).) Major medical equipment not located in or owned by a health care facility must be reviewed if the equipment will be used to provide services for inpatients of a hospital.

The Secretary is proposing in these regulations that equipment need not be subject to review if it is intended to be used to provide services to inpatients of a hospital only on an occasional and irregular basis. This approach recognizes that under certain circumstances major medical equipment which does not ordinarily serve inpatients of a hospital may be diverted for a period of time to provide services for inpatients of a hospital. These circumstances may arise as a result of natural disasters, major accidents, or equipment failures. Other situations in which use of the equipment for hospital inpatients is both occasional *and* irregular would also be permitted without a certificate of need. Thus, a State program which proposes to exempt from review equipment which will serve inpatients on the basis of a specific maximum percentage or number of procedures to inpatients would not be satisfactory because it would not satisfy the limitation that the use also be irregular.

In addition to major medical equipment to be owned by or located in a health care facility or for inpatient use, a certificate of need will be required where a person fails to file a notice of intent to acquire the equipment at least 30 days before entering into a contract to do so. (Section 1527(e)(2).)

Under section 1527(e)(1)(B), a State program may have coverage of major medical equipment broader than that described above, if it adopts the broader coverage by September 30, 1982. Any State which acts by that date to broaden this coverage may retain the broader coverage.

E. *Acquisitions of Existing Facilities* (§ 123.404(a)(5))

The amended Act specifies (at section 1527(d)) that acquisitions of existing health care facilities need only be reviewed if a notice of intent is not filed, or if the acquisition will result in a change in the services or bed capacity of the facility to be acquired. The Secretary notes that States may, if they choose, cover additional (or all) acquisitions of health care facilities, in which case, because a regular certificate of need would be required, a notice of intent would not be required. States might consider extending their coverage to all acquisitions if they believe that acquisitions may be likely to lead to higher health care costs for consumers and third-party payors. In addition, capital expenditures for acquisitions of health care facilities are reviewable under section 1122 of the Social Security Act in States that participate in the section 1122 program.

F. *Subsequent Reviews* (§ 123.404(d))

The Secretary is proposing to require subsequent reviews under certain circumstances. The proposed regulations specify that after a certificate of need is granted for a capital expenditure which exceeds the expenditure minimum or substantially changes the services or bed capacity of a health care facility, if the facility proposes to change an approved activity within one year after the date that activity is undertaken, the change in the activity must be reviewed. Examples of this required coverage are listed at § 123.404(d)(1) of these proposed regulations. This section would not prevent a State from covering proposed changes to approved activities that are made beyond the one year period. State law may, of course, provide for a period longer than one year. In addition, State law may permit the State Agency to cover subsequent changes to approved projects that are made in an attempt to avoid certificate of need review.

The Secretary is also proposing to require subsequent reviews under certain circumstances if a person acquires major medical equipment not located in a health care facility or acquires an existing health care facility without obtaining a certificate of need, after filing the notice of intent required by § 123.406(a) or (b). Specifically, under the proposed regulations, if a person who acquired major medical equipment proposes at any time to use that equipment to serve inpatients of a hospital (on more than an occasional and irregular basis), the proposed change in service must be reviewed. Similarly, if a person acquired an existing health care facility after filing a notice of intent and proposes to change within one year of the acquisition (or any longer period of time established under the State program) the services or bed capacity of the facility, the proposed change must be reviewed.

G. *Refinancing Activities*

While refinancing activities are not separately described in the regulations, a certificate of need may be required when a health care facility refinances an existing debt. Certain costs may be incurred when a debt is refinanced, e.g., underwriters' expenses, attorneys' fees, and printing costs. If these costs are capital expenditures, as defined in § 123.401 of the proposed regulations, and exceed the expenditure minimum, a certificate of need would be required before the facility (or a person acting on its behalf) incurs an obligation for the capital expenditure. A health care facility might seek financing both to refinance existing debt and to fund new activities. For a capital expenditure which is only for refinancing of existing debt and will result in a net savings to the facility, the Secretary encourages State Agencies and HSAs to conduct expedited reviews of the expenditure (which may require obtaining an exception, under § 123.411, to required procedures). If the capital expenditure will include financing of new activities, the State Agency would be required to conduct standard reviews under § 123.404 or § 123.405 to the extent that these new activities result in the "obligation of capital expenditures, offering of institutional health services, or acquisition of major medical equipment."

Health Maintenance Organizations (HMOs) (§ 123.405)

The Secretary is proposing to add a new section, § 123.405, "Health Maintenance Organizations (HMOs)," to the regulations because of significant changes made by the 1979 Amendments with respect to coverage of HMOs and certain HMO facilities. In addition to changes in coverage, section 1527(b) of the Act states conditions which, if met, require the State to exempt projects from review. Although separate coverage of HMOs is no longer required (and in fact is not permitted), under the proposed regulations coverage of (1) activities undertaken by or on behalf of an *inpatient* health care facility owned or controlled by an HMO, and (2) the acquisition of major medical equipment by HMOs is the same as for any other entity (to the extent that these activities are not exempt). The Secretary notes that the method of payment for services (i.e., pre-paid or fee-for-service) is not relevant in determining whether an activity is subject to certificate of need review. In cases where HMO facilities and equipment are reviewed, section 1527(b)(5) limits the criteria which agencies may use in conducting those reviews. Several examples of the new proposed coverage provisions are included as an explanatory note, set forth after § 123.405(a) of the proposed regulations.

Section 123.403(e) would require the State Agency to approve or disapprove an application from an HMO for an exemption on the basis of procedures and criteria it has adopted. The Secretary encourages State Agencies to expedite reviews of exemption applications. Because an HMO's entitlement to an exemption is based on meeting the conditions at section 1527(b)(1) of the Act (also found at § 123.405(b)(1)), and a State Agency's determination whether these conditions are met will be a simple exercise, the Secretary suggests that the State Agency include in its procedures a requirement that it conduct these reviews in no more than 45 days. Thus, the State Agency will not delay unduly the HMO's ability to proceed with a project for which no certificate of need is required.

Except for minor organizational and editorial changes, certain provisions of this proposed section are the same as provisions in the statute. Paragraph (b), which addresses exemptions from required coverage, follows closely the language of section 1527(b) (1), (2), and (3) of the Act. Additionally, paragraphs (d) (required approval) and (e) (transfers of approved facilities) mirror the language of section 1527(b)(5).

Certain other provisions of this proposed section were drawn directly from the present certificate of need regulations. Paragraph (c), which prohibits disapprovals in certain cases, corresponds with a requirement specified in § 123.411(a)(2) of the present regulations. Additionally, the considerations that would be used in developing review criteria for HMO proposals specified in § 123.412(a)(13) are the same as those in § 123.409(a)(10)(i) and (ii) of the present regulations. The proposed regulations state that criteria used by the State Agency to review HMO and HMO-related proposals must be based solely on these considerations.

The Secretary is proposing that several HMO-related provisions that were included in the present regulations be deleted from these regulations. The provision which prohibited State Agencies from reviewing expenditures which are funded under section 1303 of the Act for feasibility surveys for HMOs or expenditures funded under section 1304 of the Act for planning of HMOs (§ 123.404(b)(1) of the present regulations) has not been included because there no longer is any basis on which State Agencies could review these activities under their certificate of need programs. The provision for required findings for HMO inpatient facilities at § 123.411(c) of the present regulations has also been deleted, because the statute now specifies when proposals for these facilities (when they are not exempt) must be approved. See section 1527(b) of the Act, implemented at § 123.405(d).

Special Reviews (§ 123.407)

The amended Act, at section 1527(c), and these proposed regulations, at § 123,407, specify that if an application for a certificate of need for a capital expenditure is made to (a) eliminate or prevent imminent safety hazards as defined by Federal, State, or local fire, building, or life safety codes or regulations, (b) comply with State licensure standards, or (c) comply with accreditation standards for purposes of reimbursement under Title XVIII of XIX of the Social Security Act, the application must be appoved unless the State Agency finds that (1) the facility or service for which the capital expenditure is proposed is not needed, or (2) the obligation of the capital expenditure is not consistent with the State health plan. The Secretary notes that an application for a special review under § 123,407 to remedy deficiencies that prevent the facility from being accredited (under one of the programs of the Joint Commission on Accreditation of Hospitals and the American Osteopathic Association) must be approved if the deficiencies must be eliminated in order for the facility to be able to enter into (or to prevent termination of) a Medicare agreement or to receive certification under the Department's conditions of participation for reimbursement under the Medicaid program.

These proposed regulations do not specify what information applicants must submit for reviews under section 1527(c). Each State Agency will be responsible for designating these information requirements. When States establish these requirements they should consider requiring that applicants submit documentation from the appropriate Federal, State, or local agency that the proposed project is necessary to eliminate or prevent safety hazards, comply with State licensure standards, or comply with accreditation standards.

The Secretary notes that the intent of section 1527(c) is to limit the necessity for planning agencies to go through a formalized and time-consuming review for those projects which are clearly needed. State Agencies are encouraged to establish expedited procedures for use in special reviews under this section. Before adopting procedures for an expedited review, State Agencies (in accordance with § 123.411 of these proposed regulations) may be required to obtain from the Secretary an exception to applicable required review procedures under § 123.410. If a State

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Agency does not grant a certificate of need under the special review section, the State Agency would be required to review the proposal using all applicable criteria under § 123.412

Procedures for Review (§ 123.410)

Section 1532(b)(13)(A) of the Act states that for certificate of need reviews by HSAs and State Agencies, review procedures must include a provision that all completed applications for similar types of services, facilities, or equipment which affect the same health service area will be considered in relation to each other (i.e., batched) at least twice a year. The Secretary believes that the focus of a State's batching procedures should be on similar services, regardless of the type of health care facility proposing them. Further, the Secretary is proposing (at § 123.410(a)(1)(ii)) the broad minimum categories of services which must be batched. The Secretary has proposed in these regulations that the State Agency have the responsibility for establishing the review schedule for applications which are batched.

Section 1532(b)(12)(C) of the Act states that if, after the review has begun, the State Agency or the HSA requires an applicant to submit information on the proposal, the review period, at the applicant's request, shall be extended fifteen days. The Secretary is proposing that this extension apply to all other applications which have been batched with the application for which additional information is required (§ 123.410(a)(3)(i)).

The Secretary is proposing (at § 123.410(a)(3)(ii)) that State Agencies adopt criteria for determining when it would not be practicable to complete a review within 90 days. In developing these criteria, State Agencies should consider the provision at § 123.410(a)(3)(i) for a 15 day extension for the submission of additional information, and whether a further extension is necessary to accommodate the meeting schedules of the HSA's and its own project review committees.

Section 1532(b)(13) of the Act requires agencies to establish a timetable for the submission of applications and to begin reviews in a timely fashion. Section 1532(b)(1), as amended, requires HSAs and State Agencies to provide timely written notification to affected persons of the beginning of a review. In addition to these requirements, the Secretary has proposed (at § 123.410(a)(8)(i)) that affected persons must be given at least 30 days after the notice of the start of the review is sent in which to request a public hearing on the application.

The present regulations define "affected person" for the purpose of notification of the beginning of a review, and "persons directly affected" for the purpose of requesting a public hearing in the course of a review. Since the distinction between "affected person" and "directly affected person" is minor, the Secretary is proposing to adopt the broader term, "affected person," for both purposes (§ 123.401).

Section 1532(b)(12)(A) of the Act requires that the agency that conducts the hearing during the course of review maintain a record of the proceeding. The secretary (at § 123.410(a)(8)(iii)) is proposing that the record, be verbatim, and that the manner in which the record is made, e.g., by a court reporter or tape recorder, be left to the discretion of the State Agency.

Section 1532(b)(12)(B) of the Act states that any decision of a State Agency to issue or not to issue a certificate of need shall be based solely on the review of the State Agency and on the record established in administrative proceedings. In addition, section 1532(b)(12)(C)(ii) states that if the State Agency fails to approve or disapprove an application within the applicable time limit, the applicant may bring an action in State court to require the State Agency to do so. These proposed regulations (at § 123.401(a)(17)) state that an application for a certificate of need or an exemption may not be approved or disapproved solely because the State Agency failed to reach a decision.

New section 1527(a)(4) of the Act requires that, in issuing a certificate of need, the State must specify the maximum capital expenditure which may be obligated under the certificate. The State's program must prescribe, in accordance with the Secretary's regulations, the extent to which an authorized project is subject to further review if the capital expenditure maximum is exceeded. The Secretary is proposing (at § 123.410(a)(12)) that the State Agencies prescribe the method used to determine capital expenditure maximums, establish procedures to monitor capital expenditures obligated under certificates, and establish procedures to re-review projects if the capital expenditure maximum is exceeded. The Secretary suggests that State programs specify that if a project exceeds the capital expenditure maximum by an established amount (for example, 20 percent of the expenditure maximum) the project must be re-reviewed.

Whereas before, the statute only required that the applicant and the HSA be allowed to obtain administrative review of the State Agency's decision, the statute now requires that *any* person directly affected must be allowed to request an administrative review. (See § 123.410(a)(13).) Section 1532(b)(12)(D) states that decisions to approve, disapprove or withdraw a certificate of need must, upon the request of any such person, "be administratively reviewed under an appeals mechanism consistent with State law governing the practices and procedures of administrative agencies or, if there is no such State law, by an entity (other than the State Agency) designated by the Governor."

For States that have an appeals mechanism for the administrative review of a State Agency's decision, the appeals entity (or person) must have independent authority to review the certificate of need decision. The Secretary intends to find that a State satisfies this requirement if the appeals entity (or person) is either (1) an entity of the State other than the State Agency or (2) if permitted by State law, a person within the State Agency who, or a component of the State Agency which, (i) did not participate in the certificate of need decision, and (ii) has authority to make a final decision on the appeal. If the State does not have a law that establishes such an appeal mechanism, then the appeals entity would have to be an entity, other than the State Agency, designated by the Governor.

The Secretary is proposing for States that do not have a time period provided for under State law (1) That the appeal must begin within 30 days after the request is submitted, and (2) that the reviewing agency must reach a decision within 45 days after the conclusion of the review (§ 123.410(a)(13)).

The addition of the term "administratively" to the statute makes unacceptable the current practice in some States of designating a State court as the reviewing agency. Thus, the Governors of those States will be required to designate an administrative agency to perform this function.

Section 1532(b)(12)(E) provides that after a decision is made (and any administrative review is completed), any "person adversely affected" by the decision and the HSA must be allowed to obtain a judicial review of the decision in an appropriate State court. The Secretary is proposing to adopt (at § 123.410(a)(14)(ii) the definition of "person adversely affected" which is contained in the Report of the Senate Committee on Labor and Human Resources on the 1979 Amendments. See S. Rep. No. 96–96, 96th Cong., 1st Sess., p. 72 (1979). This definition includes any person who lives in or uses health facilities in the area served by the

provider involved in the decision, any provider in the health service area or in a different health service area if the provider could be adversely affected by the proposal, and any person who participated in a proceeding before the State Agency.

Section 1527(a)(3) of the Act requires that certificate of need applications include a timetable for completion of the project. The State Agency is required to review periodically the progress of a holder of a certificate in meeting the specified timetable. If the State Agency determines that the holder is not making a good faith effort to meet the timetable, the State Agency may, after considering any recommendation made by the HSA, withdraw the certificate. The Secretary has proposed (at § 123.410(a)(18)) certain procedures which a State Agency must follow to withdraw a certificate.

Criteria for State Agency Review (§ 123.412)

The regulations propose that the criteria which the State Agency must adopt must be based on the considerations in § 123.412. The considerations specified in § 123.412 include and are limited to all those considerations specified in § 123.409(a) of the April 2 regulations and in sections 1527(c) and (f) of the Act. Section 1527(c) specifies the criteria for review of HMO proposals and these have been included at § 123.412(a)(13). The Secretary has included at § 123.412(a)(21) the requirements of section 1527(f), which addresses the need for and availability of services and facilities for osteopathic and allopathic physicians and their patients.

State Agencies may use, in addition to the criteria described above, only criteria which they adopt by regulation in accordance with an authorization under State law (see section 1527(a)(2) of the Act and § 123.412(a)).

Need for and Access to Services (§ 123.412(a) (5) and (6))

State Agencies and HSAs are required, both in developing their health plans and in conducting certificate of need reviews, to consider the extent to which the health needs of low income persons, racial and ethnic minorities, women, handicapped persons, and other underserved groups are being met and will be met by proposals under review.

Section 1532(c)(6)(E) of the Act specifies that States must include in their review criteria a criterion which addresses the extent to which the proposed service will be accessible to all the residents of the area to be served by the proposed service. The Secretary initially addressed the problem of access in § 123.409(a) (3) and (13) of the certificate of need regulations issued on April 2, 1979. These criteria have been included in and elaborated upon in these proposed regulations at § 123.412(a) (5) and (6).

The Secretary suggests that, in order to determine whether all members of the community to be served will have equal access to the service or equipment for which certificate of need approval is sought, planning agencies consider the following kinds of questions in reviewing applications: (1) if the facility (or portion thereof) to which a new service is to be added was constructed with Hill-Burton funds, has the applicant complied with its community service assurance?; (2) Has the facility demonstrated through population-based planning a relationship between the application and need in the community for the service proposed? Would approval of the application increase access for the medically underserved? Could the same expenditure be made for other services or equipment that would better serve the needs of the community?; (3) Does the facility participate in Federally funded third party reimbursement programs such as Medicare and Medicaid? What portion of the population of the facility's service area receives benefits under these programs?; (4) Does the applicant offer alternative means by which a person will have access to its services, other than through admission by a physician such as through a clinic or emergency room?; (5) Are the proportions of persons served by the facility who are minorities and handicapped in approximate parity to their proportions in the population of the facility's service area?

The Secretary proposes not to specify the types of data the planning agencies must require from applicants. However, planning agencies must have procedures specifying what data the applicant is required to provide. (See § 123.410(a)(4) for procedures regarding information which may be required of applicants.) This data might include (1) the composition of the population of the applicant's actual or potential service area by race, ethnic origin, and handicap; (2) estimates of high risk health indicators in the population in the applicant's service area; (3) current patient utilization data for the entire facility proposed (inpatient, outpatient, and emergency room) by race, ethnic origin, handicap, zip code, and method of payment; (4) the number and percent of physicians with admitting privileges who admit patients receiving Federal and State assistance for health care; and (5) projected utilization data by race, ethnic origin, and handicap. Additionally, a State Agency might require the applicant to provide an impact analysis statement showing the anticipated effect of the proposed project, equipment, or service on access to health care for medically underserved persons, indicating how approval of the application will reduce access barriers and the extent to which the approved service will be accessible to the medically underserved. State Agencies may wish to identify different or additional data to be required of the applicant.

Competition (§ 123.412(a) (17) and (18))

Section 1502(b) of the Act as amended provides that for health services for which competition does not or will not appropriately allocate supply consistent with health systems plans and State health plans, HSAs and State Agencies should, in the exercise of their functions, take actions to allocate the supply of these services. However, for health services for which competition does appropriately allocate supply consistent with these plans, HSAs and State Agencies should give priority to actions which would strengthen the effect of competition. The Secretary notes that Congress found in amended section 1502(b)(1) that the effect of competition on decisions of providers respecting the supply of health services and facilities is diminished. Furthermore, Congress found that "the primary source of the lessening of such effect is the prevailing methods of paying for health services by public and private health insurers, particularly for inpatient health services and other institutional health services. As a result, there is a duplication and excess supply of certain health services and facilities, particularly in the case of inpatient health services."

The Secretary believes that the effect of competitive forces may vary from location to location and from service to service, and that analyzing these effects may be best accomplished in the planning process at the State or local level.

Therefore, the Secretary intends to issue a notice of proposed rule making to revise the general regulations governing State Agencies to require that States identify in State health plans those services for which competition adequately allocates supply. The Secretary intends to issue further guidance on how to identify these services and areas.

Individual applications for certificate of need are to be reviewed against criteria developed in accordance with

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section 1532(c). In addition to other changes to section 1532(c), the Amendments add two considerations for criteria which deal specifically with competition (see sections 1532(c) (11) and (12)). These considerations have been incorporated at § 123.412(a) (17) and (18).

Required Findings on Access (§ 123.413)

The regulations propose at § 123.413 that State Agencies provide written findings on access in most cases of an approval of an application for a certificate of need. These findings on access would not be required for approvals of applications which are (i) to prevent or eliminate certain imminent safety hazards or to comply with certain licensure of accreditation standards (§ 123.407(a)), or (ii) for capital expenditures not directly related to the provision of health services, to beds or to major medical equipment, or (iii) proposed by or on behalf of an HMO or a health care facility which is controlled, directly or indirectly, by an HMO (criteria here being limited to the considerations at § 123.412(a)(13)).

The Secretary is proposing that the written findings indicate the extent to which the project will meet the access criteria which have been developed by the State Agency under § 123.412(a) (5) and (6). The Secretary recognizes that State Agency decisions on certificate of need proposals are to be based on the application of all the criteria the agency has adopted, and that this process may obscure instances in which obstacles to access do exist. For this reason and because of the Secretary's concern with equal access, the regulations propose required written findings on access. Further, where the proposal does not meet the access criteria, the proposed regulations require the State Agency to notify the applicant and the Department's Regional Office.

Accordingly, 42 CFR Part 122, Subpart D, and 42 CFR Part 123, Subpart E, is proposed to be amended in the manner set forth below.

Dated: March 20, 1980.

Julius B. Richmond,

Assistant Secretary for Health.

Approved: March 21, 1980.

Patricia Roberts Harris,

Secretary.

PART 122—HEALTH SYSTEMS AGENCIES

1. Part 122 of Title 42 CFR, is amended by revising Subpart D to read as follows:

Subpart D—Certificate of Need Reviews

Sec.

122.301 Definitions.
122.302 Purpose and applicability.
122.303 General.
122.304 Scope of certificate of need review programs.
122.305 Health Maintenance Organizations.
122.306 Special reviews.
122.307 Adoption and public notice of review procedures and criteria.
122.308 Procedures for health systems agency review.
122.309 Exceptions to use of procedures.
122.310 Criteria for health systems agency review.
122.311 Required findings on access.

Authority: Section 215 of the Public Health Service Act, 58 Stat. 690 (42 U.S.C. 216); sections 1501–1532 of the Public Health Service Act, 93 Stat. 592–630 (42 U.S.C. 300k–1—300n–1).

Subpart D—Certificate of Need Reviews

§ 122.301 Definitions.

Terms used in the subpart shall have the meanings given them in Subpart A of this Part and § 123.401 of this title.

§ 122.302 Purpose and applicability.

(a) Section 1513(f) of the Act requires each health systems agency to assist State Agencies in carrying out certificate of need programs under section 1523(a)(4)(B) of the Act. In doing so, health systems agencies are required to review and make recommendations to the appropriate State Agency respecting the need within the health service area for capital expenditures, new institutional health services, and major medical equipment.

(b) Section 1532(a) of the Act requires that in performing its review functions under section 1513(f) of the Act and in conducting any other reviews of proposed health services, each health systems agency shall (except to the extent approved by the Secretary) follow procedures and apply criteria developed and published by the health systems agency in accordance with regulations of the Secretary. This subpart sets forth requirements respecting these procedures and criteria.

§ 122.303 General.

Each recommendation by the health systems agency to a State Agency to issue or not to issue a certificate of need or to withdraw a certificate of need must be based solely (a) on the review by the health systems agency conducted in accordance with procedures and criteria it has adopted under this subpart and (b) on the record of the Administrative proceedings held on the application for the certificate or the State Agency proposal to withdraw the certificate.

§ 122.304 Scope of certificate of need review programs.

Each health systems agency shall conduct reviews of projects located or proposed to be located within its health service area and which are subject to review under the State certificate of need program under Subpart E of Part 123 of this title.

§ 122.305 Health Maintenance Organizations (HMOs).

(a) *Inclusion in health plans.* If an HMO or a health care facility which is controlled, directly or indirectly, by an HMO applies for a certificate of need, the health systems agency shall not recommend disapproval of the application (or otherwise make a finding under this section that the project is not needed) solely because the proposal is not discussed in the applicable health systems plan, annual implementation plan, or State health plan.

(b) *Required recommendation to approve.* Notwithstanding general review criteria established in accordance with § 123.412 of this title, if an HMO or a health care facility which is controlled, directly or indirectly, by an HMO applies for a certificate of need, the health systems agency shall recommend approval of the application if it finds (in accordance with § 123.412(a)(13)(i) and (ii) of this title) that (1) approval of the application is required to meet the needs of the members of the HMO and of the new members which the HMO can reasonably be expected to enroll, and (2) the HMO is unable to provide, through services or facilities which can reasonably be expected to be available to the HMO, its health services in a reasonable and cost-effective manner which is consistent with the basic method of operations of the HMO and which makes these services available on a long-term basis through physicians and other health professionals associated with it.

§ 122.306 Special reviews.

Under § 123.407 of this title, if an application is made for a certificate of need for a capital expenditure to eliminate or prevent safety hazards, or to comply with certain licensure, certification, or accreditation standards, a special review must be conducted. For those projects subject to review under § 123.407 of this title, the health systems agency is required to make recommendations to the State Agency on whether (a) the project meets any of the conditions in § 123.407(a), and (b) the facility or service for which the capital expenditure is proposed is needed, and (c) the obligation of the capital expenditure is consistent with the State health plan. For purposes of these special reviews, the criteria developed under § 123.412 of this title do not apply.

§ 122.307 Adoption and public notice of review procedures and criteria.

(a) Each health systems agency shall adopt, and review and revise as necessary, review procedures and criteria in accordance with the requirements of this subpart prior to conducting reviews.

(b) Before adopting the review procedures and criteria required by this subpart or any revisions of the procedures and criteria, the health systems agency shall give interested persons an opportunity to offer written comments on the procedures and criteria, or any revisions thereof, which it proposes to adopt.

(1) The health systems agency shall distribute copies of its proposed review procedures and criteria, and proposed revisions thereof, to the agencies, institutions and associations with which the agency must coordinate its activities under section 1513(d) of the Act and its Designation Agreement, to units of general local government within its health service area, to the State Agency and the Statewide Health Coordinating Council of each State in which all or any part of the agency's health service area is located, to health systems agencies designated for contiguous health service areas, and to any agency which establishes rates for health care facilities or HMOs in its health service area.

(2) The health systems agency shall publish, in one or more newspapers of general circulation in its health service area, a notice stating that review procedures and criteria, or revisions thereof, have been proposed for adoption and are available at specified addresses for inspection and copying.

(3) A health systems agency may request from the Secretary an exception to the requirement of paragraph (b)(2) of this section. The request must be in writing and must contain a detailed explanation of the reasons for the request and of the substitute publication procedures that the agency intends to follow if the exception is approved. The Secretary may grant an exception if the Secretary determines that the proposed substitute procedures are less costly or more effective and do not adversely and substantially affect the rights of affected persons.

(c) Each health systems agency shall distribute copies of its adopted review procedures and criteria, and any revisions thereof, to the agencies and organizations specified in paragraph (b)(1) of this section and to the Secretary, and shall provide copies to other persons upon request.

§ 122.308 Procedures for health systems agency review.

(a) The procedures adopted and used by a health systems agency for conducting the reviews covered by this subpart must include at least the following:

(1) *Review schedule.* Review of applications in accordance with a schedule established by the State agency under § 123.410(a)(1) of this title, including the consideration together of applications that have been batched under the State Agency schedule.

(2) *Notification of the beginning of a review.* Timely written notification to affected persons and to the State Agency of the beginning of a review, and, if a person has asked the health systems agency to place the person's name on a mailing list maintained by the health systems agency, notification to the person. Notification must include the proposed schedule for the review, the period within which a public hearing held by the health systems agency under paragraph (a)(8) of this section may be requested by persons affected by the review (as defined in § 123.401 of this title), and the manner in which notification will be provided of the time and place of any hearing so requested.

(i) For purposes of this paragraph, the date of notification is the date on which the notice is sent or the date on which the notice appears in a newspaper of general circulation, whichever is later.

(ii) Written notification to members of the public may be provided through newspapers of general circulation in the health service area and public information channels; notification to all other affected persons must be by mail (which may be as part of a newsletter).

(3) *Review period.* Schedules which provide that no review shall take longer than the period specified by the appropriate State Agency under § 123.410(a)(3) of this title. If, after a review has begun, the health systems agency requires the applicant to submit additional information, it shall give the applicant at least fifteen days to submit the information, and shall notify the applicant that the applicant may request that the State Agency extend the review period at least fifteen days.

(4) *Information requirements.* Provision for persons subject to a review to submit to the health systems agency, in the form and manner and containing the information which the health systems agency shall prescribe and publish, any information that the health systems agency may require concerning the subject of the review.

(i) The information requirements may vary according to the purpose for which a particular review is being conducted or the type of health service being reviewed.

(ii) The health systems agency may require no information of a person subject to review which is not prescribed and published as being required.

(iii) The health systems agency shall develop procedures to ensure that requests for information in connection with a review under this subpart are limited to only that information which is necessary for the health systems agency to perform the review.

(5) *Periodic reports.* Submission of periodic reports by providers of health services and other persons subject to review respecting the development of proposals subject to review.

(6) *Written findings and conditions.* Provision for written findings (including, as appropriate, the required findings under § 122.305(b)) which state the basis for any recommendation made by the health systems agency. The health systems agency shall send written findings to the applicant and to the State Agency for the State in which the project is proposed, and to others upon request. In the case of a project proposed by an HMO, the health systems agency shall also send these written findings to the appropriate Regional Office of the Department of Health, Education, and Welfare at the time these are sent to the applicant.

(7) *Notification of the status of a review.* Timely notification, upon request, of providers of health services and other persons subject to review under this subpart of the status of the health systems agency review, findings made in the course of the review, and other appropriate information respecting the review.

(8) *Public hearing in the course of review.* Provision for a public hearing in the course of review if requested by any affected person.

(i) The health systems agency shall provide at least 15 days from the date of written notification of the beginning of a review (see paragraph (a)(2) of this section) within which a public hearing during the course of the review may be requested by affected persons.

(ii) The health systems agency may not impose fees for the hearing.

(iii) Where a hearing is requested, the health systems agency shall, prior to the

hearing, provide notice of the hearing, in accordance with its procedure adopted under paragraph (a)(2) of this section.

(iv) The health systems agency shall provide an opportunity for any person to present oral or written arguments and evidence relevant to the matter which is the subject of the hearing.

(v) In cases where a State Agency has delegated the authority to hold hearings under § 123.410(a)(8) of this title to the health systems agency, the health systems agency shall comply with the procedures of § 123.410(a)(8).

(9) *Annual reports of the health systems agency.* Preparaton and publication, at least annually, of reports by the health systems agency of the reviews being conducted (including a statement concerning the status of each review) and of the reviews completed by the agency since the publication of the last report and a general statement of the findings and recommendations made in the course of those reviews.

(10) *Public access.* Access by the general public to all applications reviewed by the health systems agency and to all other written materials essential to any agency review.

(11) *Conflicts of Interest.* In the performance of any reviews under this subpart, no member of a governing body, executive committee, or any entity appointed by a governing body or executive committee may vote on any matter respecting an applicant with which the member has (or within the twelve months preceding the vote, had) any substantial ownership, employment, medical staff, fiduciary, contractural, creditor, or consultative relationship. A governing body, executive committee, and any entity appointed by a governing body or executive committee shall require each of its members who has or has had such a relationship to make a written disclosure of the relationship before any action is taken by the body, committee, or entity with respect to the applicant and to make the relationship public in any meeting in which action is to be taken with respect to the applicant.

(12) *Coordination within an SMSA.* Each health systems agency whose health service area includes part of a standard metropolitan statistical area (as determined by the Office of Management and Budget) shall coordinate its certificate of need review activities with all other health systems agencies whose health service areas include part of the standard metropolitan statistical area. This coordination shall include at least (i) an opportunity to offer written comments on the procedures and criteria, or any revisions thereof, which it proposes to adopt in accordance with § 122.307 and (ii) notification of the State Agency's certificate of need decisions respecting projects which were proposed to be located in its health service area.

(b) Procedures adopted for reviews in accordance with paragraph (a) of this section may vary according to the purpose for which a particular review is being conducted or the type of health service being reviewed.

(c) The procedures may provide that the requirements of paragraph (a)(2) of this section shall be deemed satisfied if the State Agency, in providing notice of the beginning of the review under § 123.410(a)(2) of this title, provides the information described in paragraph (a)(2) of this section.

(d) The procedures may provide that the requirements of paragraph (a) (4) or (5) of this section shall be deemed satisfied if the appropriate State Agency has provided for the corresponding procedure found at § 123.410(a) (4) or (5) of this title.

§ 122.309 Exceptions to use of procedures.

(a) The Secretary may approve an exception to any of the required review procedures under § 122.308 either in response to a written request from the health systems agency or as a general exception of which any health systems agency may avail itself. In approving a general exception the Secretary will establish substitute procedures where appropriate. Before availing itself of a general exception approved by the Secretary, the health systems agency shall follow the notice and comment procedures of § 122.307(b).

(b) Before submitting a written request for an exception under this section, the health systems agency shall follow the notice and comment procedures of § 122.307(b) and shall submit to the Secretary with its request copies of all comments which it receives. Before approving the request, the Secretary will (1) review copies of the comments submitted by the health systems agency and, (2) determine that the procedures which will be used are consistent with the purposes of the Act and will not adversely and substantially affect the rights of affected persons.

(c) The health systems agency shall, in accordance with the requirements of § 122.307(c), distribute a notice of the approved exceptions and of any substitute procedures established under this section.

§ 122.310 Criteria for health systems agency review.

(a) The health systems agency shall adopt, and use as appropriate, specific criteria for conducting the reviews covered by this subpart. The criteria may be based only on the general considerations listed under § 123.412(a) of this title, except that it may include any additional criteria which the State Agency has prescribed by regulation in accordance with an authorization under State law. In the case of an HMO or an ambulatory care facility or health care facility controlled, directly or indirectly, by an HMO or combination of HMOs, the criteria must be based only on the considerations set forth in § 123.412 of this title.

(b) Criteria adopted for reviews in accordance with paragraph (a) of this section may vary according to the purpose for which a particular review is being conducted or the type of health service reviewed.

§ 122.311 Required findings on access.

For each project described in § 123.413(a) of this title for which the HSA recommends approval, the HSA shall make a written finding (which may take into account the current accessibility of the facility as a whole) on the extent to which the project will meet the HSA's criteria based on the considerations in § 123.412(a) (5) and (6).

PART 123—STATE HEALTH PLANNING AND DEVELOPMENT AGENCIES

2. Part 123 of Title 42, CFR, is amended by revising Subpart E to read as follows:

Subpart E—Certificate of Need Reviews

Sec.
123.401 Definitions.
123.402 Purpose and applicability.
123.403 General.
123.404 Scope of certificate of need review programs.
123.405 Health Maintenance Organizations.
123.406 Notice of intent.
123.407 Special reviews.
123.408 Enforcement.
123.409 Adoption and public notice of review procedures and criteria.
123.410 Procedures for State Agency review.
123.411 Exceptions to use of procedures.
123.412 Criteria for State Agency review.
123.413 Required findings on access.

Authority: Section 215 of the Public Health Service Act, 58 Stat. 690 (42 U.S.C. 216); sections 1501–1532 of the Public Health Service Act, 93 Stat. 592–630 (42 U.S.C. 300k–1–300n–1).

§ 123.401 Definitions.

In addition to the terms defined in Subpart A of this Part, as used in this subpart:

The term "affected persons" includes, at a minimum, the person whose proposal is being reviewed; the health systems agency for the health service area in which the proposed project is to be located; health systems agencies serving contiguous health service areas, members of the public who are to be served by the proposed project; health care facilities and health maintenance organizations (HMOs) located in the health service area in which the project is proposed to be located which provide services similar to the services of the facility under review; health care facilities and HMOs which, prior to receipt by the agency of the proposal being reviewed, have formally indicated an intention to provide similar services in the future; and any agency which establishes rates for health care facilities or HMOs located in the health service area in which the project is proposed to be located.

The term "capital expenditure" means an expenditure made by or on behalf of a health care facility which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance.

The term "expenditure minimum," when used in connection with capital expenditures, means $150,000 for the twelve-month period beginning October 1, 1979, and for each twelve-month period thereafter, $150,000 or, at the discretion of the State, the figure in effect for the preceding twelve-month period, adjusted to reflect the change in the preceding twelve-month period in the Department of Commerce Composite Construction Cost Index.

The term "expenditure minimum," when used in connection with annual operating costs, means $75,000 for the twelve-month period beginning October 1, 1979, and for each twelve-month period thereafter, $75,000 or, at the discretion of the State, the figure in effect for the preceding twelve-month period, adjusted to reflect the change in the preceding twelve-month period in an index to be designated by the Secretary by regulations.

The term "health" includes physical and mental health.

The term "health care facility" means hospitals, skilled nursing facilities, kidney disease treatment centers (including freestanding hemodialysis units), intermediate care facilities, rehabilitation facilities, and ambulatory surgical facilities, but does not include Christian Science sanatoriums operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts. Further:

(1) The term "hospital" means an institution which primarily provides to inpatients, by or under the supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons. This term also includes psychiatric and tuberculosis hospitals.

(2) The term "psychiatric hospital" means an institution which primarily provides to inpatients, by or under the supervision of a physician, psychiatric services for the diagnosis and treatment of mentally ill persons.

(3) The term "tuberculosis hospital" means an institution which primarily provides to inpatients, by or under the supervision of a physician, medical services for the diagnosis and treatment of tuberculosis.

(4) The term "skilled nursing facility" means an institution or a distinct part of an institution which primarily provides to inpatients skilled nursing care and related services for patients who require medical or nursing care, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons.

(5) The term "intermediate care facility" means an institution which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility provides, but who because of their mental or physical condition require health related care and services (above the level of room and board).

(6) The term "rehabilitation facility" means an inpatient facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other health services which are provided under competent professional supervision.

(7) The term "ambulatory surgical facility" means a facility, not a part of a hospital, which provides surgical treatment to patients not requiring hospitalization. The term does not include the offices of private physicians or dentists, whether for individual or group practice.

The term "health maintenance organization" or "HMO" means a public or private organization organized under the laws of any State, (1) which is a qualified health maintenance organization under section 1310(d) of the Act, or (2) which:

(i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out of area coverage; and

(ii) Is compensated (except for copayments) for the provision of the basic health care services listed in paragraph (2)(i) of this definition to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and

(iii) Provides physicians' services primarily (A) directly through physicians who are either employees or partners of the organization, or (B) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

The term "health services" means clinically related (i.e., diagnostic, treatment, or rehabilitative) services, and includes—

(1) Alcohol, drug abuse, and mental health services; and

(2) Radiological diagnostic health services which are provided by fixed or mobile computed tomographic (CT) scanning equipment. A CT head scanner and a CT body scanner are considered to provide separate services. A CT fixed scanner and a CT mobile scanner are considered to provide separate services.

The term "major medical equipment" means medical equipment which is used to provide medical and other health services and which costs more than $150,000. This term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services, if the clinical laboratory is independent of a physician's office and a hospital and has been determined under title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of section 1861(s) of that Act. In determining whether medical equipment costs more than $150,000, the cost of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to acquiring the equipment shall be included.

The term "person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), a State, a political subdivision or an instrumentality (including a municipal corporation) of a State, or any other legal entity recognized by the State.

The term "physician" means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by a State.

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§ 123.402 Purpose and applicability.

(a) Section 1523(a)(4)(B) of the Act requires each State health planning and development agency (State Agency) to administer a State certificate of need program which (1) applies to the obligation of capital expenditures within the State, the offering within the State of new institutional health services, and the acquisition of major medical equipment, and (2) is consistent with regulations of the Secretary. This subpart sets forth the requirements and standards that a State certificate of need program must meet. A State certificate of need program may include additional provisions not inconsistent with the requirements of this subpart.

(b) Section 1532(a) of the Act requires that in performing its review functions under section 1523(a)(4)(B) of the Act, each State Agency shall (except to the extent approved by the Secretary) follow procedures and apply criteria developed and published by the State Agency in accordance with regulations of the Secretary. This subpart sets forth requirements respecting these procedures and criteria.

§ 123.403 General.

(a) Each State Agency shall administer within the State a certificate of need program meeting the requirements of this subpart.

(b) Only the State Agency (or the appropriate administrative or judicial review body) may issue, deny or withdraw certificates of need, grant exemptions from certificate of need reviews, or determine that certificate of need reviews are not required.

(c) In approving or disapproving applications for certificates of need or in withdrawing certificates of need, the State Agency shall take into account recommendations made by health systems agencies under Subpart D of Part 122 of this title.

(d) Each decision of the State Agency to issue a certificate of need must be consistent with the State health plan, except in emergency circumstances that pose an imminent threat to public health.

(e) Each decision of the State Agency to issue or not to issue a certificate of need or to withdraw a certificate of need must be based (i) on the review by the State Agency conducted in accordance with procedures and criteria it has adopted under this subpart, and (ii) on the record of the administrative proceedings held on the application for the certificate or the State Agency's proposal to withdraw the certificate. Each decision of a State Agency to approve or disapprove an application for an exemption under § 123.405 must be made in accordance with the State Agency's procedures for reviewing these applications and must be based solely on the record of the administrative proceedings held on the application.

§ 123.404 Scope of certificate of need review programs.

(a) *Required coverage.* The State certificate of need program must apply to the obligation of capital expenditures by or on behalf of a health care facility, the offering of new institutional health services provided in or through a health care facility, and the acquisition of major medical equipment. For purposes of this subpart, "the obligation of capital expenditures, offering of new institutional health services, and acquisition of major medical equipment" means the following:

(1) *Capital expenditures that exceed the expenditure minimum.* The obligation of any capital expenditure by or on behalf of a health care facility that exceeds the expenditure minimum (or any lesser amount the State may specify). The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if the expenditure exceeds the expenditure minimum.

(2) *Bed capacity.* The obligation of any capital expenditure by or on behalf of a health care facility which increases or decreases the total number of beds (or distributes beds among various categories, or relocates bed from one physical facility or site to another) by ten beds or ten percent, whichever is less, in any two-year period.

(3) *Health services.* (i) The obligation of any capital expenditure by or on behalf of a health care facility which results in (A) the addition of a health service not provided in or through the facility within the previous twelve months, or (B) the termination of a health service provided in or through the facility; and

(ii) The addition of a health service which is offered in or through a health care facility which was not offered on a regular basis in or through the facility within the twelve-month period before the month in which the service would be offered, and which entails annual operating costs of at least the expenditure minimum.

(4) *Major medical equipment.* (i) The acquisition by any person of major medical equipment that will be owned by or located in a health care facility; and

(ii) The acquisition by any person of major medical equipment not owned by or located in a health care facility, if (A) the notice of intent required by § 123.406(a) is not filed in accordance with that paragraph, or (B) the State Agency finds, within 30 days after the date it receives a notice in accordance with § 123.406(a), that the equipment will be used to provide services for inpatients of a hospital. However, an acquisition of major medical equipment need not be reviewed if it will be used to provide services to inpatients of a hospital only on an occasional and irregular basis. A State program may cover major medical equipment not owned by or located in a health care facility beyond the minimum coverage required by this subparagraph; however, after September 30, 1982, the certificate of need program of a State may not be changed to include additional requirements for coverage of this equipment.

(5) *Acquisitions of health care facilities.* (i) Except as provided in § 123.405(b), the obligation of a capital expenditure by any person to acquire an existing health care facility (A) if the notice of intent required at § 123.406(b) is not filed in accordance with that paragraph, or (B) if the State Agency finds, within 30 days after the date it receives a notice in accordance with paragraph § 123.406(b), that the services or bed capacity of the facility will be changed in being acquired.

(ii) Each State Agency shall specify, for purposes of the preceding sentence, what activities result in a change in the services or bed capacity of a health care facility; however, these activities must include at least (A) a change in the bed capacity which increases or decreases the total number of beds (or distributes beds among various categories, or relocates beds from one physical facility or site to another) by ten beds or ten percent, whichever is less, in any two-year period, (B) the addition of a health service not provided in or through the facility within the previous twelve months, and (C) the termination of a health service provided in or through the facility.

(b) *Leases, donations, and transfers.* An acquisition by donation, lease, transfer, or comparable arrangement must be reviewed if the acquisition would be subject to review under paragraph (a) of this section if made by purchase. An acquisition for less than fair market value must be reviewed if the acquisition at fair market value would be subject to review under paragraph (a) of this section.

(c) *Commitments for financing.* The term "obligation," when used in connection with capital expenditures, includes commitments made for financing a proposed project. Thus, a person must obtain a certificate of need before making a commitment for financing an activity described in paragraph (a)(1), (a)(2), (a)(3)(i), or (a)(5) of this section.

(d) *Subsequent reviews.*—(1) *Capital expenditures.* The State program must provide as follows: A proposed change in a project associated with a capital expenditure for which the State Agency has previously granted a certificate of need will require review if the change is proposed within one year (or any longer period established under the State Program) after the date the activity for which the expenditure was approved is undertaken. (As an illustration, where a hospital receives approval to construct a new wing for its facility, the hospital will "undertake the activity" when it begins to provide services in the wing.) This subparagraph applies to changes associated with capital expenditures that were subject to review under paragraph (a)(1), (a)(2) or (a)(3) of this section. A review is required under this subparagraph whether or not a capital expenditure is associated with the proposed change. A "change in a project" shall include any change in the bed capacity of a facility, the addition or termination of a health service, an expansion or reduction of an existing health service, and any other substantial change to the project.

Explanatory note.—Examples that illustrate coverage required by this paragraph are as follows: (1) A certificate of need is obtained for the obligation of a capital expenditure to establish administrative offices. Within one year of the date these offices are first used, the facility decides to convert this space to a psychiatric ward. The facility previously provided psychiatric services. A certificate of need is required for this change regardless of whether a capital expenditure will be associated with the change and the fact that the conversion results merely in an expansion of services and not the addition of a new service. (2) A certificate of need is obtained for the obligation of a capital expenditure which results in the addition of ten psychiatric beds. Withing one year, those beds are proposed to be converted to pediatric beds. Certificate of need review is required for the conversion, regardless of whether this later activity is tied to a capital expenditure. (3) A certificate of need is obtained for the obligation of a capital expenditure which results in the addition of a new psychiatric service. Within one year, this service is proposed to be converted to a new pediatric service. Certificate of need review is required, regardless of whether a capital expenditure associated with the new service will be incurred or annual operating costs of at least the expenditure minimum will result.

(2) *Major medical equipment.* If a person acquires major medical equipment not located in a health care facility without a certificate of need more than 30 days after filing the notice of intent required by § 123.406(a) and proposes at any time to use that equipment to serve inpatients of a hospital on more than an occasional and irregular basis, the proposed new use must be reviewed.

(3) *Existing facilities.* If a person acquires an existing health care facility without a certificate of need more than 30 days after filing the notice of intent required by § 123.406(b), and proposes to change within one year after the acquisition (or any longer period of time established under the State program) the services or bed capacity of the facility, the proposed change must be reviewed if it would have required review under paragraph (a)(5) of this section originally.

(e) *Dissemination of scope of coverage.* Before reviewing any project not previously within the scope of the State program's coverage, each State Agency shall disseminate to all health systems agencies, health care facilities, and HMOs within the State, and shall publish in one or more newspapers of general circulation in the State, a description of the scope of coverage of its program. The description must include at least the coverage required by § 123.404 and § 123.405 of this subpart. Whenever the scope of coverage is revised, the State Agency shall disseminate and publish revised description of it.

§ 123.405 Health maintenance organizations (HMOs).

(a) *Required coverage.* With respect to an HMO or a health care facility controlled, directly or indirectly, by an HMO or combination of HMOs, the State Agency shall review any activity specified in § 123.404 which is undertaken by or on behalf of an inpatient health care facility (unless these activities are exempt under paragraph (b)(1) of this section). In addition, the State Agency shall review the acquisition of major medical equipment by an ambulatory care facility of an HMO to the extent required by § 123.404(a)(4), regardless of whether the acquisition is on behalf of an inpatient health care facility (unless the acquisition is exempt under paragraph (b)(1) of this section). A State program may not exceed the coverage specified in this paragraph.

Explanatory note.—With respect to HMOs, State Agencies are required to review activities specified in § 123.404(a) (1), (2), (3), and (5) and in § 123.404(b) when undertaken by or on behalf of an inpatient health care facility (unless exempt under paragraph (b)(1) of this section). Further, they are required to review major medical equipment proposed to be acquired by HMOs as specified in § 123.404(a)(4) (unless exempt under paragraph (b)(1) of this section). A list of examples illustrating this coverage follows: (1) Major medical equipment acquired by HMOs which is not owned by or located in a health care facility and which is used primarily for inpatients of a hospital must be reviewed (unless the project is exempt); further, major medical equipment acquired by an HMO and located in a health care facility must be reviewed (unless the project is exempt). (2) An ambulatory clinic proposed by an HMO which is independent of an inpatient health care facility is not subject to review. (3) Any capital expenditure exceeding the expenditure minimum by or on behalf of an HMO's inpatient health care facility must be reviewed (unless the project is exempt). (4) A capital expenditure for the addition of ten beds to an HMO's hospital must be reviewed (unless the project is exempt).

(b) *Exemptions.*—(1) *Exemptions from review.* If an applicant has met the requirements of paragraph (b)(2) of this section for obtaining an exemption, a State Agency may not review any activity described in § 123.404 which is undertaken on behalf of an inpatient health care facility by the following:

(i) An HMO or a combination of HMOs if (A) the HMO or combination of HMOs has, in the service area of the HMO or the service areas of the HMOs in the combination, an enrollment of at least 50,000 individuals, (B) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to the enrolled individuals, and (C) at least 75 percent of the patients who can reasonably be expected to receive the health service will be individuals enrolled with the HMO or HMOs in the combination; or

(ii) A health care facility if (A) the facility primarily provides or will provide inpatient health services, (B) the facility is or will be controlled, directly orindirectly, by an HMO or a combination of HMOs which has, in the service area of the HMO or service areas of the HMOs in the combination, an enrollment of at least 50,000 individuals, (C) the facility is or will be geographically located so that the service will be reasonably accessible to the enrolled individuals, and (D) at least 75 percent of the patients who can reasonably be expected to receive the health service will be individuals enrolled with the HMO or HMOs in the combination; or

(iii) A health care facility (or portion thereof) if (A) the facility is or will be leased by an HMO or combination of

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HMOs which has, in the service area of the HMO or the service areas of the HMOs in the combination, an enrollment of at least 50,000 individuals and, on the date the application is submitted under paragraph (b)(2) of this section, at least fifteen years remain in the term of the lease, (B) the facility is or will be geographically located so that the service will be reasonably accessible to the enrolled individuals, and (C) at least 75 percent of the patients who can reasonably be expected to receive the health service will be individuals enrolled with the HMO.

(2) *Application for exemption.* (i) An HMO, combination of HMOs, or health care facility shall not be exempt under paragraph (b)(1) of this section unless—

(A) It has submitted, at the time and in the form and manner prescribed by the State Agency, an application for an exemption to the State Agency and the appropriate health systems agency,

(B) The application contains the information respecting the HMO, combination, or facility and the proposed offering, acquisition, or obligation that the State Agency may require to determine if the HMO or combination meets the requirements of paragraph (b)(1) of this section or the facility meets or will meet those requirements, and

(C) The State Agency approves the application.

(ii) If a proposed health care facility (or portion thereof) has not begun to provide health services on the date an application is submitted for an exemption for the facility (or portion thereof), the State Agency shall approve the application for an exemption if it determines that the facility (or portion thereof) will meet the applicable requirements of paragraph (b)(1) of this section when the facility first provides health services.

(3) *Sale, lease, acquisition, or use of exempt facilities or equipment.* The State program must provide that a health care facility (or portion thereof) or medical equipment for which an exemption was granted under paragraph (b)(1) of this section may not be sold or leased, a controlling interest in the facility or equipment or in a lease of the facility or equipment may not be acquired, and a health care facility described in paragraph (b)(1)(iii) of this section which was exempted under paragraph (b)(1) of this section may not be used by any person other than the lessee described in paragraph (b)(1)(iii), unless,

(i) The State Agency issues a certificate of need for the sale, lease, acquisition, or use, or

(ii) The State Agency determines, upon application, that (A) the entity which intends to buy or lease the facility or equipment, or acquire the controlling inerest in it, or which intends to use it, is an HMO or a combination of HMOs which meets the requirements of paragraph (b)(i)(i)(A) of this section; and (B) with respect to the facility or equipment, the entity meets the requirements of paragraph (b)(1)(i) (B) and (C) of this section or of paragraph (b)(1)(ii) (A) and (B) of this section.

(c) *Inclusion in health plans.* If an HMO or a health care facility which is controlled, directly or indirectly, by an HMO applies for a certificate of need, a State Agency shall not disapprove the application solely because the proposal is not discussed in the applicable health systems plan, annual implementation plan, or State health plan.

(d) *Required approval.* Notwithstanding general review criteria established in accordance with § 123.412, if an HMO or a health care facility which is controlled, directly or indirectly, by an HMO applies for a certificate of need, the State Agency shall approve the application if it finds (in accordance with § 123.412(a)(13) (i) and (ii) that (1) approval of the application is required to meet the needs of the members of the HMO and of the new members which the HMO can reasonably be expected to enroll, and (2) the HMO is unable to provide, through services or facilities which can reasonably be expected to be available to the HMO, its health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the HMO and which makes these services available on a long-term basis through physicians and other health professionals assoicated with it.

(e) *Sale, acquisition, or lease of approved facilities or equipment.* The State program must provide that except as provided in paragraph (b)(2) of this section and notwithstanding § 123.406, a health care facility (or portion thereof) or medical equipment for which a certificate of need was issued under this section may not be sold or leased, and a controlling interest in the facility or equipment or in a lease of the facility or equipment may not be acquired, unless the State Agency issues a certificate of need for the sale, acquisition, or lease.

§ 123.406 Notice of intent.

The State program must provide as follows:

(a) *Major medical equipment.* At least 30 days before any person enters into a contract to acquire major medical equipment which will not be owned by or located in a health care facility, the person shall notify the State Agency of the State in which the equipment will be located and the appropriate health systems agency of the person's intent to acquire the equipment and of the use that will be made of the equipment (see § 123.404(a)(4)(ii)). The notice must be in writing and contain all information the State Agency requires in accordance with § 123.410(a)(4).

(b) *Acquisition of health care facilities.* At least 30 days before any person acquires or enters into a contract to acquire an existing health care facility, the person shall notify the State Agency of the State in which the facility is located and the appropriate health systems agency of the person's intent to acquire the facility and of the services to be offered in the facility and its bed capacity (see § 123.404(a)(5)). The notice must be made in writing and must contain all information the State Agency requires in accordance with § 123.410(a)(4).

(c) *Construction projects.* The State Agency shall have procedures for persons proposing construction projects to submit to the State Agency and the appropriate health systems agency, as early as possible in the course of planning the project, a notice of intent in as much detail as may be necessary to inform the agencies of the scope and the nature of the project.

§ 123.407 Special reviews.

(a) The State Agency shall conduct a special review as specified in paragraph (b) of this section if an application for a certificate of need for a capital expenditure is made—

(1) To eliminate or prevent imminent safety hazards as defined by Federal, State, or local fire, building, or life safety codes or regulations, or

(2) To comply with State licensure standards, or

(3) To comply with accreditation or certification standards which must be met to receive reimbursement under Title XVIII of the Social Security Act or payments under a State plan for medical assistance approved under Title XIX of that Act.

(b)(1) In conducting special reviews under this section, the State Agency shall determine whether (i) the project meets any of the conditions in paragraph (a) of this section, and (ii) the facility or service for which the capital expenditure is proposed is needed, and (iii) the obligation of the capital expenditure is consistent with the State health plan.

(2) The State Agency shall issue a certificate of need if it determines that (i) the project meets any of the conditions in paragraph (a) of this section, and (ii) the facility or service for which the capital expenditure is proposed is needed, and (iii) the obligation of the capital expenditure is consistent with the State health plan. For purposes of special reviews under this section, the criteria developed under § 123.412 do not apply.

(3) The State Agency shall conduct a review using the procedures of § 123.410 and its criteria developed under § 123.412 if it determines that (i) the project does not meet any of the conditions in paragraph (a) of this section, or (ii) the facility or service for which the capital expenditure is proposed is not needed, or (iii) the capital expenditure is not consistent with the State health plan.

(c) The State Agency shall review those portions of a proposed project which are not essential to eliminate or prevent safety hazards or to comply with certain licensure, certification, or accreditation standards using the procedures in § 123.410 and its criteria developed under § 123.412.

§ 123.408 Enforcement.

(a) The State certificate of need program must provide that (1) State Agencies may only grant a certificate of need for those obligations of capital expenditures, offerings of institutional health services, and acquisitions of major medical equipment which are found to be needed; and (2) persons may only obligate capital expenditures, offer institutional health services or acquire major medical equipment after a certificate of need is granted or an exemption under § 123.405(b) is obtained; and (3) persons may not obligate capital expenditures, offer institutional health services, or acquire major medical equipment if a certificate of need authorizing that obligation, offering, or acquisition has been withdrawn by the State Agency.

(b) The State certificate of need program must provide sanctions, such as the denial or revocation of a license to operate, civil or criminal penalties, or injunctive relief, which the Secretary finds sufficient to ensure compliance with paragraph (a) of this section.

§ 123.409 Adoption and public notice of review procedures and criteria.

(a) Each State Agency shall adopt, and review and revise as necessary, review procedures and criteria in accordance with the requirements of this subpart prior to conducting reviews.

(b) The State Agency, the Statewide Health Coordinating Council, and the health systems agencies within the State shall cooperate in the development of procedures and criteria under this subpart to the extent appropriate to achieve efficient reviews and consistent criteria for reviews.

(c) Before adopting the review procedures and criteria required by this subpart or any revisions of the procedures and criteria, the State Agency shall give interested persons an opportunity to offer written comments on the procedures and criteria, or any revisions thereof, which it proposes to adopt.

(1) The State Agency shall distribute copies of its proposed review procedures and criteria, and proposed revisions thereof, to Statewide health agencies and organizations, the Statewide Health Coordinating Council, each health systems agency for a health service area located in the State, and any agency which establishes rates for health care facilities or HMO's in the State.

(2) The State Agency shall publish, in one or more newspapers of general circulation in the State, a notice stating that review procedures and criteria, or revisions thereof, have been proposed for adoption and are available at specified addresses for inspection and copying.

(3) A State Agency may request from the Secretary an exception to the requirement of paragraph (c)(2) of this section. The request must be in writing and must contain a detailed explanation of the reasons for the request and of the substitute publication procedures that the agency intends to follow if the exception is approved. The Secretary may grant an exception if the Secretary determines that the proposed substitute procedures are less costly or more effective and do not adversely and substantially affect the rights of affected persons.

(d) Each State Agency shall distribute copies of its adopted review procedures and criteria, and any revisions thereof, to the agencies and organizations specified in paragraph (c)(1) of this section and to the Secretary, and shall provide copies to other persons upon request.

§ 123.410 Procedures for State agency review.

(a) The procedures adopted and used by a State Agency for conducting the reviews covered by this subpart must include at least the following:

(1) *Schedules for submitting applications.* Establishment of a schedule for submission of applications to the State Agency. The schedule must provide for the review of all completed applications pertaining to similar types of services, facilities, or equipment affecting the same health service area to be considered in relation to each other ("batched") at least twice a year.

(i) Applications which satisfy the requirements of § 123.407(a) for special reviews are not required to be batched.

(ii) With respect to health services, the State Agency shall, unless the State establishes other categories satisfactory to the Secretary, batch applications, at least according to the following categories: general medical-surgical, psychiatric, obstetric, pediatric, skilled nursing, and intermediate care. State Agencies may subdivide these categories and may establish additional categories.

(2) *Notification of the beginning of a review.* Timely written notification to affected persons of the beginning of a review, and, if a person has asked the State Agency to place the person's name on a mailing list maintained by the State Agency, notification to the person. Notification must include the proposed schedule for the review, the period within which a public hearing during the course of the review may be requested by affected persons, and the manner in which notification will be provided of the time and place of any hearing so requested.

(i) For purposes of this paragraph, the date of notification is the date on which the notice is sent or the date on which the notice appears in a newspaper of general circulation, whichever is later.

(ii) Written notification to members of the public may be provided through newspapers of general circulation in the health service area and public information channels; notification to all other affected persons must be by mail (which may be as part of a newsletter).

(3) *Review period.* Schedules which provide for starting reviews in a timely fashion and which establish the period within which the State Agency will approve or disapprove applications for certificates of need and for examples under § 23.405(b).

(i) If, after a review has begun, the State Agency or the health systems agency requires the applicant to submit additional information, that agency shall give the applicant at least fifteen days to submit the information, and upon request of the applicant, the State Agency shall extend its review period at least fifteen days. This extension must apply to all other applications which have been batched with the application for which additional information is required.

(ii) The schedule must provide that no certificate of need review shall, to the extent practicable, take longer than 90 days from the date that notification is sent to all affected persons under

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paragraph (a)(2) of this section to the date of the written findings made under paragraph (a)(6) of this section. The State Agency shall adopt criteria acceptable to the Secretary for determining when it would not be practicable to complete a review within 90 days.

(iii) The schedule must set forth the period within which the appropriate health systems agency shall complete its review under § 122.308(a)(3) of this title, and provide it recommendation with respect to the project to the State Agency. However, the period allotted by the State Agency to the health systems agency for completion of its review and submission of its recommendation may not be less than 60 days, except with the written consent of the health systems agency.

(4) *Information requirements.* Provision for persons subject to a review to submit to the State Agency, in the form and manner and containing the information which the State Agency shall prescribe and publish, any information that the State Agency may require concerning the subject of the review.

(i) The information requirements may vary according to the purpose for which a particular review is being conducted or the type of health service being reviewed.

(ii) The State Agency may require no information of a person subject to review which is not prescribed and published as being required.

(iii) The State Agency shall develop procedures to ensure that requests for information in connection with a review under this subpart are limited to only that information which is necessary to the State Agency to perform the review.

(5) *Periodic reports.* Submission of periodic reports by providers of health services and other persons subject to review respecting the development of proposals subject to review.

(6) *Written findings and conditions.* Provision for written findings (including, as appropriate, the required findings under § 123.405(d) and § 123.413(a)) which state the basis for any final decision made by the State Agency. The State Agency may not make its final decision subject to any condition unless the condition directly relates to criteria established under § 123.412 or criteria prescribed by regulation by the State Agency in accordance with an authorization under State law. The State Agency shall send written findings to the applicant and to the health systems agency for the health service area in which the project is proposed, and shall make them available to others upon request. In the case of a project proposed by an HMO, the State Agency shall also send these written findings to the appropriate Regional Office of the Department of Health, Education, and Welfare at the time these are sent to the applicant.

(7) *Notification of the status of a review.* Timely notification, upon request, of providers of health services and other persons subject to review under this subpart of the status of the State Agency review, findings made in the course of the review, and other appropriate information respecting the review.

(8) *Public hearing in the course of review.* Provision for a public hearing in the course of agency review if requested by any affected person.

(i) The State Agency shall provide at least 30 days from the date of written notification of the beginning of a review (see paragraph (a)(2) of this section) within which a public hearing during the course of the review may be requested. The State Agency shall, prior to the hearing, provide notice of the hearing, in accordance with its procedure adopted under paragraph (a)(2) of this section.

(ii) In a hearing, any person shall have the right to be represented by counsel and to present oral or written arguments and evidence relevant to the matter which is the subject of the hearing. Any person affected by the matter may conduct reasonable questioning of persons who make relevant factual allegations.

(iii) The agency shall maintain a verbatim record of the hearing.

(iv) The agency may not impose fees for the hearing.

(v) Paragraph (c) of this section provides that the requirement for a public hearing in the course of review is satisfied if the State Agency delegates the hearing responsibility to the appropriate health systems agency and the health systems agency follows the procedures required by this subsection. In the event that a person qualifying under the State Agency definition of "affected person" is not provided an opportunity for a public hearing by the health systems agency, due to a difference in that agency's definition of "affected persons," the State Agency must provide that person an opportunity for a public hearing.

(9) *Ex parte contacts.* Provision that, after the commencement of a hearing under paragraphs (a)(8) and (a)(11) of this section and before a decision is made, there shall be no ex parte contacts between (i) any person acting on behalf of the applicant or holder of a certificate of need, or any person opposed to the issuance or in favor of withdrawal of a certificate of need and (ii) any person in the State Agency who exercises any responsibility respecting the application or withdrawal.

(10) *Statement of reasons.* Provision that if the State Agency makes a decision which is inconsistent with a recommendation made by the health systems agency, the goals of the applicable health systems plan, or the priorities of the applicable annual implementation plan, the State Agency shall submit to the health systems agency a written, detailed statement of the reasons for the inconsistency.

(11) *Public hearings for reconsideration of a State Agency decision.* Provision that any person may, for good cause shown, request in writing a public hearing for purposes of reconsideration by the State Agency of its decision.

(i) The agency may not impose fees for the hearing.

(ii) For purposes of this subparagraph, a request for a public hearing shows good cause if it (A) presents significant relevant information not previously considered by the State Agency, (B) demonstrates that there have been significant changes in factors or circumstances relied upon by the State Agency in reaching its decision, (C) demonstrates that the State Agency has materially failed to follow its adopted procedures in reaching its decision, or (D) provides any other basis which the State Agency determines constitutes good cause.

(iii) To be effective, a request for a hearing must be received within 30 days of the State Agency decision, and the hearing must commence within 30 days of receipt of the request, except that where any different time periods for these procedures are established under State law governing the practices and procedures of administrative agencies, the latter shall govern.

(iv) The State Agency shall send notification of the public hearing, prior to the date of the hearing, to the person requesting the hearing, the person proposing the project and the health systems agency for the health service area in which the project is proposed, and to others upon request.

(v) The State Agency shall make written findings which state the basis for its decision within 45 days after the conclusion of the hearing, except that where any different time period is established under State law governing the practices and procedures of administrative agencies, the latter shall govern.

(vi) A decision of the State Agency following a public hearing under this subparagraph shall be considered a decision of the State Agency for purposes of subparagraphs (6), (7), (10), (13), (14), and (15) of this paragraph.

(12) *Maximums on capital expenditures.* Provision that, in issuing a certificate of need, the State Agency shall specify the maximum capital expenditure which may be obligated under the certificate. The State Agency shall (i) prescribe the method used to determine capital expenditure maximums, (ii) establish procedures to monitor capital expenditures obligated under certificates, and (iii) establish procedures to review projects for which the capital expenditure maximum is exceeded or expected to be exceeded.

(13) *Administrative review.* Provision that upon request of any affected person, the decision of the State Agency to issue, not to issue, or to withdraw a certificate of need or to approve or disapprove an application for an exemption shall be administratively reviewed, under an appeals mechanism consistent with State law governing the practices and procedures of administrative agencies, or, if there is no such State law, by an entity (other than the State Agency) designated by the Governor.

(i) To be effective, the request must be received within 30 days of the State Agency decision, and the review must commence within 30 days of receipt of the request, except that where any different time periods for these procedures are established under State law governing the practices and procedures of administrative agencies, the latter shall govern.

(ii) The decision of the reviewing agency must be made in writing within 45 days after the conclusion of the review, except that where any different time period is required under State law governing the practices and procedures of administrative agencies, the latter shall govern. The State Agency shall send these written findings to the person proposing the project, the person requesting the review, the appropriate health systems agency, and to others upon request.

(iii) The decision of the reviewing agency shall be considered the final decision of the State Agency. However, if permitted by applicable State law, the reviewing agency may remand the matter to the State Agency for further action or consideration.

(14) *Judicial review.* Provision that any person adversely affected by a final decision of a State Agency with respect to a certificate of need or an application for an exemption may, within a reasonable period of time after the decision is made (and any administrative review of it completed), obtain judicial review of it in an appropriate State court.

(i) The State court shall affirm the decision of the State Agency unless it finds it to be arbitrary or capricious or not made in compliance with applicable law.

(ii) For purposes of this subparagraph, "person adversely affected" shall include any person residing within the geographic area served or to be served by the provider involved in the decision, any person who regularly uses health facilities within that geographic area, any provider in the health service area affected, any provider in a defferent health service area if the proposal under review would adversely affect that provider, the appropriate health systems agency, and any other person who participated in the proceeding before the State Agency.

(15) *Annual reports of the State Agency.* Preparation and publication, at least annually, of reports by the State Agency of the reviews being conducted (including a statement concerning the status of each review) and of the reviews completed by the agency since the publication of the last report and a general statement of the findings and decisions made in the course of those reviews.

(16) *Public access.* Access by the general public to all applications reviewed by the State Agency and to all other written materials essential to any agency review.

(17) *Failure to act on an application within the required time.* Provision that if the State Agency fails to approve or disapprove an application for a certificate of need or an exemption under § 123.405(b) within the applicable period, the applicant may, within a reasonable period of time following the expiration of that period, bring an action in an appropriate State court to require the State Agency to approve or disapprove the application. A certificate of need or an exemption may not be issued or denied solely because the State Agency failed to reach a decision.

(18) *Withdrawal of a certificate of need.* Provision that an application for a certificate of need shall specify the time the applicant will require to make the service or equipment available or to obligate the expenditure and a timetable for making the service or equipment available or obligating the expenditure. After the issuance of a certificate of need, the State Agency shall periodically review the progress of the holder of the certificate in meeting the timetable specified in the approved application. If on the basis of this review the State Agency determines that the holder of a certificate is not meeting the timetable and is not making a good faith effort to meet it, the State Agency may, after considering any recommendation made by the appropriate health systems agency, withdraw the certificate. In withdrawing a certificate of need, the State Agency shall follow the procedures at paragraph (a)(2), (6), (7), (8), (9), (10), (11), (13), (14), and (15) of this section.

(b) Procedures adopted for reviews in accordance with paragraph (a) of this section may vary according to the purpose for which a particular review is being conducted or the type of health service being reviewed.

(c) The procedures may provide that the requirements of paragraph (a)(4) or (5) of this section shall be deemed satisfied if the appropriate health systems agency has provided for the corresponding procedure found at § 122.308(a)(4) or (5) of this title. The procedures of paragraph (a)(8) of this section shall be deemed satisfied if the State Agency delegates the hearing responsibility to the appropriate health systems agency and the health systems agency follows the procedures at paragraph (a)(8) of this section.

§ 123.411 Exceptions to use for procedures.

(a) The Secretary may approve an exception to any of the required review procedures under § 123.410 either in response to a written request from a State Agency or as a general exception of which any State Agency may avail itself. In approving a general exception, the Secretary will establish substitute procedures where appropriate.

(b) Before availing itself of a general exception approved by the Secretary, the State Agency shall follow the notice and comment procedures of § 123.409(c). Before submitting a written request for an exception under this section, the State Agency shall follow the notice and comment procedures of § 123.409(c) and shall submit to the Secretary with its request copies of all comments which it receives. Before approving the request, the Secretary will (1) review copies of the comments submitted by the State Agency and (2) determine that the procedures ehich will be used are consistent with the purposes of the Act and will not adversely and substantially affect the rights of affected persons.

(c) The State Agency shall, in accordance with the requirements of § 123.409(d), distribute a notice of the approved exceptions and of any substitute procedures established under this section.

§ 123.412 Criteria for State agency review.

(a) The State Agency shall adopt, and use as appropriate, specific criteria for

conducting the reviews covered by this subpart. The criteria may be based only on the following general considerations, except that the State Agency may include any additional criteria which it prescribes by regulation in accordance with an authorization under State law. In the case of an HMO or an ambulatory care facility or health care facility controlled, directly or indirectly, by an HMO or combination of HMOs, the criteria must be based only on the considerations set forth in paragraph (a)(13) of this section.

(1) The relationship of the health services being reviewed to the applicable health systems plan, annual implementation plan, and State health plan.

(2) The relationship of services reviewed to the long-range development plan (if any) of the person providing or proposing the services.

(3) The availability of less costly or more effective alternative methods of providing the services to be offered, expanded, reduced, relocated, or eliminated.

(4) The immediate and long-term financial feasibility of the proposal, as well as the probable impact of the proposal or the costs of and charges for providing health services by the person proposing the service.

(5)(i) The need that the population served or to be served has for the services proposed to be offered or expanded, and the extent to which all residents of the area, and in particular low income persons, racial and ethnic minorities, women, handicapped persons and other underserved groups are likely to have access to those services.

(ii) In the case of a reduction or elimination of a service, including the relocation of a facility or a service, the need that the population presently served has for the service; the extent to which that need will be met adequately by the proposed relocation or by alternative arrangements; and the effect of the reduction, elimination or relocation of the service on the ability of low income persons, racial and ethnic minorities, women, handicapped persons, and other underserved groups to obtain needed health care.

(6) The contribution of the proposed service in meeting the health related needs of members of medically underserved groups which have traditionally experienced difficulties in obtaining equal access to health services (for example, low income persons, racial and ethnic minorities, women, and handicapped persons), particularly those needs identified in the applicable health systems plan, annual implementation plan, and State health plan as deserving of priority. In this regard, the State Agency shall consider:

(i) The extent to which medically underserved populations currently use the applicant's services in comparison to the percentage of the population in the applicant's service area which is medically underserved, and the extent to which medically underserved populations will use the proposed services if approved;

(ii) The past performance of the applicant in meeting its obligation, if any, under any applicable Federal regulations requiring provision of uncompensated care, community service, or access by minorities and handicapped persons to programs receiving Federal financial assistance (including the existence of any unresolvent civil rights access complaints against the applicant);

(iii) The extent to which physicians with admitting privileges at the applicant's facility admit Medicare and Medicaid patients; and

(iv) The extent to which the applicant offers alternative means, other than through admission by a physician, by which a person will have access to its services (e.g., admission through a clinic or emergency room).

(7) The relationship of the services proposed to be provided to the existing health care system of the area in which the services are proposed to be provided.

(8) The availability of resources (including health personnel, management personnel, and funds for capital and operating needs) for the provision of the services proposed to be provided and the availability of alternative uses of these resources for the provision of other health services.

(9) The relationship, including the organizational relationship, of the health services proposed to be provided to ancillary or support services.

(10) The effect of the means proposed for the delivery of health services on the clinical needs of health professional training programs in the area in which the services are to be provided.

(11) If proposed health services are to be available in a limited number of facilities, the extent to which the health professions schools in the area will have access to the services for training purposes.

(12) Special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas. These entities may include medical and other health professions schools, multidisciplinary clinics and specialty centers.

(13) The special needs and circumstances of HMOs. These needs and circumstances shall be limited to:

(i) The needs of enrolled members and reasonably anticipated new members of the HMO for the health services proposed to be provided by the organization; and

(ii) The availability of the new health services from non-HMO providers or other HMOs in a reasonable and cost-effective manner which is consistent with the basic method of operation of the HMO. In assessing the availability of these health services from these providers, the agency shall consider only whether the services from these providers:

(A) Would be available under a contract of at least five years duration;

(B) Would be available and conveniently accessible through physicians and other health professionals associated with the HMO. (For example—whether physicians associated with the HMO have or will have full staff privileges at a non-HMO hospital);

(C) Would cost no more than if the services were provided by the HMO; and

(D) Would be available in a manner which is administratively feasible to the HMO.

(14) The special needs and circumstances of biomedical and behavioral research projects which are designed to meet a national need and for which local conditions offer special advantages.

(15) In the case of a construction project—

(i) The costs and methods of the proposed construction, including the costs and methods of energy provision. and

(ii) The probable impact of the construction project reviewed on the costs of providing health services by the person proposing the construction project and on the costs and charges to the public of providing health services by other persons.

(16) The special circumstances of health care facilities with respect to the need for conserving energy.

(17) In accordance with section 1502(b) of the Act, the factors which affect the effect of competition on the supply of the health services being reviewed.

(18) Improvements or innovations in the financing and delivery of health services which foster competition, in accordance with section 1502(b) of the Act, and serve to promote quality assurance and cost effectiveness.

(19) In the case of health services or facilities proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed.

(20) In the case of existing services or facilities, the quality of care provided by those facilities in the past.

(21) When an application is made by an osteopathic or allopathic facility for a certificate of need to construct, expand, or modernize a health care facility, acquire major medical equipment, or add services, the need for that construction, expansion, modernization, acquisition of equipment, or addition of services shall be considered on the basis of the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The State Agency shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels.

(b) Criteria adopted for reviews in accordance with paragraph (a) of this section may vary according to the purpose for which a particular review is being conducted or the type of health service reviewed.

§ 123.413 Required findings on access.

(a) Under § 123.412(a) (5) and (6), the State Agency is required to develop criteria based on considerations relating to the need of the population to be served for the proposed project and the extent to which the residents of the area will have access to the project. For each project it approves, the State Agency shall make a written finding (which, where appropriate, shall take into account the current accessibility of the facility as a whole), on the extent to which the project will meet the State Agency's criteria developed based on the considerations in § 123.412(a) (5) and (6), except in the following cases:

(1) Where the project is one described in § 123.407(a) (projects to eliminate or prevent certain imminent safety hazards or to comply with certain licensure or accreditation standards); or

(2) Where the project is a proposed capital expenditure not directly related to the provision of health services or to beds or major medical equipment; or

(3) Where the project is proposed by or on behalf of an HMO or a health care facility which is controlled, directly or indirectly, by an HMO.

(Explanatory note.—To the extent that a project does not fall within one of these exceptions, a written finding on need and access is required if the project is approved. Where written findings are required, they need only apply to the project under review, however, where appropriate the accessibility of the project must be evaluated in light of the current accessibility of the facility as a whole. If the State Agency disapproves the proposal for failure to meet the need and access criteria, it must so state in its written findings under § 123.410(a)(6). Examples of when the written finding is required as to whether a project satisfies the State Agency's criteria for need and access are as follows: (1) The applicant proposes to make a capital expenditure of $400,000 required solely to comply with State licensure standards. The written finding is not required. (2) The applicant proposes to provide a new coronary care service with annual operating costs of more than the expenditure minimum. The written finding is required if the project is approved. (3) The applicant proposes to make a capital expenditure of $200,000 to repave its parking lot, or to acquire computerized data processing equipment, or to repair or upgrade its heating or air conditioning equipment. The written finding is not required. (4) The applicant proposes to make a capital expenditure to add fifteen beds to its obstetrical ward. The written finding is required if the project is approved.)

(b) In any case where the State Agency finds that an approved project does not satisfy the State Agency's criteria based on the considerations in § 123.412(a) (5) or (6), it may, if it approves the application, impose the condition that the applicant take affirmative steps to meet those criteria.

(c) In any case where the State Agency finds that a project does not satisfy the State Agency's criteria based on the considerations in § 123.412(a) (5) or (6), it shall so notify in writing the applicant and the appropriate Regional Office of the Department of Health, Education, and Welfare.

Appendix—Effective Dates

Because there have been, over time, a number of different sets of regulations identifying the requirements for satisfactory certificate of need programs, each set with its own effective dates, the Secretary discusses each of these below, together with Pub. L. 96–79 and an analysis of how the requirements for State health planning and development agency designation under section 1521 of the Public Health Service Act ("the Act") are related to compliance with the certificate of need requirements. There are involved three sets of certificate of need requirements:

1. *The original regulations.* These were published on January 21, 1977 (42 FR 4002), and amended slightly (primarily with respect to required reviews of changes in bed capacity) on April 8, 1977 (42 FR 18605).

2. *The amended regulations.* On April 2, 1979 (44 FR 19306), the original regulations were republished, with significant amendments applying to certificate of need reviews of proposals by health maintenance organizations (HMOs). These regulations required that State Agencies consider certain specific criteria and make certain findings in regard to HMO proposals.

The April 2 regulations also specified that States may not review expenditures for feasibility surveys for HMOs which are funded under section 1303 of the Act or expenditures for planning of HMOs which are funded under section 1304 of the Act.

The April 2, 1979, regulations also added two other important provisions. State Agencies were required (1) to consider the special circumstances of health care facilities and HMOs with respect to the need for conserving energy and (2) to give special consideration to (a) the health related needs of medically underserved groups and in particular members of groups which have traditionally experienced difficulties in obtaining equal access to health services, such as minorities, women, and the handicapped, and (b) the contribution of the proposal being reviewed in meeting those needs.

On April 25, 1979 (44 FR 24428), the regulations were further amended to specify that the offering of certain computed tomographic (CT) scanner services must be considered the offering of a health service, as defined by § 123.404(a)(3) of the regulations.

The dates by which the States were required to implement the amendments made by the April 2 and April 25, 1979, regulations were discussed in the preambles to those documents. These dates were to be determined by whether State legislative changes were required to implement those amendments. See 44 FR 19315, April 2, 1979, and 44 FR 24429–30, April 25, 1979.

Some of the requirements of these regulations have been superseded by the 1979 statutory amendments. These are discussed below, as is the Secretary's decision to revise these required implementation dates.

3. *The 1979 statutory amendments.* As noted above, Title XV of the Act was amended on October 4, 1979, by Pub. L. 96–79, so that the statutory requirements for certificate of need programs are substantially changed. The present regulations are proposed to be revised to implement the statutory amendments.

Under Section 129 of Pub. L. 96–79, the new certificate of need requirements that *do not require State legislative action* for their implementation were

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effective on October 4, 1979.[1] Under her authority to review the operation of and the performance of the functions by State Agencies, the Secretary is asking State Agencies, after consulting with their legal counsel, to identify the portions of Title XV of the Act as amended that do not require legislative change. As requested in the **Federal Register** Notice of February 22, each State Agency has been asked to submit this proposed list to the appropriate DHEW Regional Office by April 1, 1980. The Secretary is also requiring State Agencies to prepare a timetable for State implementation of these changes. This timetable must show the schedule for the State implementing these changes within the six months following publication of the final revised certificate of need regulations.

The effective date for those portions of the amendments that *require legislative changes* is determined as follows: (1) If the legislature of the State was in regular session on October 4, 1979, and the legislature will be in session for at least twelve months from that date, the effective date is October 4, 1980; (2) For all other States, the effective date is twelve months from the date of the beginning of the first regular session or the legislature beginning after October 4, 1979. Each State is required to enact by the effective date applicable to it whatever legislation is needed to implement the remaining requirements of the amendments.

The Secretary intends to require that each State complete the administrative action necessary to implement its legislation (i.e., have a functioning certificate of need program meeting the new requirements) within six months after the date of enactment of its legislative amendments, or by the effective date (as described in the preceding paragraph) applicable to that State, whichever is later. This deadline is referred to below as the "implementation date."

Applicability of April 2 and April 25, 1979, Regulations

The Secretary has concluded that it would be unreasonable to require States to implement those portions of the amendments made by the April 2 and 25, 1979, regulations which will in effect be superseded or replaced by the new regulations which will implement Pub. L. 96-79. In addition, as to those portions of the April regulations which will not be superseded or replaced, the Secretary has decided not to require their implementation according to the dates originally set for their implementation. Rather, the Secretary intends to incorporate those portions into the new regulations to be published and will require their implementation in accordance with the schedule for implementation of the new regulations.

As noted in the discussion above, the amendments made by Pub. L. 96-79 allow some HMOs to receive an exemption from review for certain proposals and to have their proposals which are not exempt reviewed under limited criteria. Accordingly, some of the special provisions of the April 2 regulations pertaining to HMO Proposals are no longer necessary or appropriate. The only HMO provisions added by the April 2 regulations which the Secretary has included in these proposed regulations are those which elaborate upon the criteria for review of HMO proposals. In addition, the Secretary proposes to retain the provisions respecting energy conservation and the needs of the medically underserved groups. The Secretary also proposes to retain the provision in the April 25 regulations pertaining to reviews of CT scanner services.

Designation Requirements Which Apply Prior to a State's Effective Date

The Secretary will review applications for full designation under section 1521(b)(3) of the Act from most States prior to the date on which those States are required to enact legislation necessary to implement the new certificate of need requirements of Pub. L. 96-79 ("effective date"). In that review (and until that date), as a condition for full designation, the Secretary will require that States satisfy one of the following: (1) the requirements effective prior to the April 1979 amendments to the certificate of need regulations; (2) the certificate of need regulatory requirements, as amended by the April 2 and April 25, 1979, regulations; (3) the Statutory requirements of the Act, as amended by Pub. L. 96-79; or (4) the requirements of the final revised regulations once they are published subsequent to these proposed regulations. The Secretary strongly urges States which must either amend their certificate of need legislation, or enact new legislation, in order to qualify for full designation, to enact legislation that satisfies the new statutory certificate of need requirements (option 3 above). By so doing, the legislatures of these States may avoid the need to amend their certificate of need laws an additional time.

As noted above, the Secretary is asking State Agencies, after consulting with their legal counsel, to identify in writing the portions of their certificate of need programs which can be revised to conform with Title XV of the Act as amended without legislative change. Under the authority to review the operation of and the performance of their functions by the State Agencies, the Secretary is also requiring State Agencies to prepare a timetable for State implementation of these portions of their programs, as well as other requirements for conforming certificate of need programs. Each State Agency has been requested to submit this timetable as part of its designation application, i.e., by April 1, 1980. The Secretary strongly requests that States implement these changes as soon as possible. As a condition for full designation, the Secretary is requiring, at a minimum, that the timetable show the schedule for the State implementing these changes within 6 months of publication of the final revised certificate of need regulations.

Finally, the Secretary calls attention to section 1521(d) of the Act. This section provides that the Department must reduce by 25 percent (for the first twelve months, and more thereafter), the amount of each allotment, grant, loan, loan guarantee, and contract awarded in the State under the Public Health Service Act and certain related Acts if the State Agency is not fully designated on the date by which legislation to implement the amendments must be enacted (the effective date). These related Acts are the Community Mental Health Centers Act, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, and the Drug Abuse Prevention, Treatment, and Rehabilitation Act (formerly the Drug Abuse Office and Treatment Act of 1972).

[FR Doc. 80-9337 Filed 3-25-80; 8:45 am]
BILLING CODE 4110-85-M

[1] A number of provisions were revised by Pub. L. 96-79, effective on October 4, 1980. States may, however, act in accordance with these changes immediately.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of **Rules Going Into Effect Today.**

NATIONAL CREDIT UNION ADMINISTRATION

12211 2–25–80 / Statement of policy—National Environmental Policy Act

Deadlines for Comments on Proposed Rules for the Week of March 30, 1980 through April 5, 1980

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

18013 3–20–80 / Milk in Eastern Ohio-Western Pennsylvania marketing area; comments by 4–4–80

15555 3–11–80 / Quantity of hops that may be freely marketed from the 1980 crop; comments by 3–26–80

Animal and Plant Health Inspection Service—

10752 2–19–80 / Re-entry and importation of pet birds, final rules; comments by 4–4–80

Farmers Home Administration—

6792 1–30–80 / Operating loan policies, procedures and authorizations; comments by 3–31–80

Food and Nutrition Service—

7227 2–1–80 / National School Lunch Program; School Breakfast Program, Summer Food Service Program for Children; submission of claims for reimbursement; comments by 3–31–80

CIVIL AERONAUTICS BOARD

7567 2–4–80 / Insurance requirements for U.S. and foreign air carriers; reply comments by 4–1–80

COPYRIGHT ROYALTY TRIBUNAL

14884 3–7–80 / Requirements for 1980 filing of claims to cable royalty fees; comments by 3–31–80

ENERGY DEPARTMENT

Economic Regulatory Administration—

6951 1–31–80 / Assignments and adjustments to firms; allocation level for mail hauling; comments by 4–4–80

Federal Energy Regulatory Commission—

12777 2–27–80 / Disclosed estimation methodology approach for determination of volumes of natural gas used for exempt purposes under the incremental pricing program; comments extended to 3–31–80

[Originally published at 45 FR 21, 1–2–80]

15556 3–11–80 / Exemption for small industrial boiler fuel facilities from incremental pricing provisions of the Natural Gas Policy Act of 1978; comments by 4–4–80

[*See also* 44 FR 57783, 10–5–79]

15563 3–11–80 / Permanent Rule Defining Agricultural uses exempt from incremental pricing under the Natural Gas Policy Act of 1978 and rule exempting agricultural uses from incremental pricing surcharges; comments by 4–4–80

15559 3–11–80 / Permanent Rule defining small existing industrial boiler fuel users exempt from incremental pricing under the Natural Gas Policy Act of 1978; comments from 4–4–80

15555 3–11–80 / Procedures to be used for the first ten months of the incremental pricing program by industrial users in calculating the volumes of natural gas subject to incremental pricing surcharges; comments by 4–4–80

[*See also* 45 FR 21, 1–2–80]

13122 2–28–80 / Treatment under incremental pricing program of natural gas used as boiler fuel to raise steam which forms a step in the manufacturing process for fertilizer; comments by 3–31–80

ENVIRONMENTAL PROTECTION AGENCY

7758 2–4–80 / Ammonium sulfate manufacture; standards of performance; comments by 4–5–80

13732 3–3–80 / Exclusion and exemption of motor vehicles and motor vehicle engines from certain prohibitions or requirements under the Clean Air Act; comments by 4–2–80

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14232 3–5–80 / Hazardous waste and hazardous waste management, availability of information on hazardous waste testing procedures; comments by 4–4–80

18208 3–13–80 / Ink formulating point source category effluent guidelines, pretreatment standards, and new source performance standards; comments for proposed ink formulating industry by 3–31–80

14072 3–4–80 / Montana; designation of areas for air quality planning purposes; comments by 4–3–80

1252 1–4–80 / Noise emission standards for interstate rail carriers; comments by 4–4–80

14232 3–5–80 / Polychlorinated biphenyls (PCB's); request for information on PCB transformers; comments by 4–4–80

7582 2–4–80 / Virginia; attainment status designations; comments by 4–4–80

FEDERAL COMMUNICATIONS COMMISSION

19902 3–7–80 / Authorization of use of low power radio transmitters by police radio service licenses in the 30–50 mHz 150–174 mHz and 450–470 mHz bands; comments by 3–31–80

2857 1–15–80 / Cellular mobile communication systems; band use; inquiry; comments by 4–1–80

14075 3–4–80 / Domestic public land mobile radio service; air-ground assignment to Tallahassee, Fla.; comments by 4–4–80

7583 2–4–80 / Establishment of disaster radio response program in local government radio service for States, territories, and possessions; comments by 4–4–80

8673 2–8–80 / FM assignment to Big Rapids, Mich.; comments by 3–31–80

9755 2–13–80 / FM broadcast station in Los Osos—Baywood Park Calif.; proposed changes in table of assignments; comments by 3–31–80

17043 3–17–80 / FM broadcast station assignment to Malakoff, Tex.; reply comments period extended to 3–31–80
[*See also* 45 FR 1920, 1–9–80]

8674 2–8–70 / FM assignment to Olympia, Wash.; comments by 3–31–80

9023 2–11–80 / FM broadcast stations in Blue Ridge, Ga. and Murphy, N.C.; changes in table of assignments; comments by 4–4–80

9022 2–11–80 / FM broadcast station in Hudson Falls, N.Y.; changes in table of assignments; comments by 4–4–80

6419 1–28–80 / Operation of visual and aural transmitters of TV stations; comments by 3–31–80

3064 1–16–80 / Policy and rules on rates for competitive common carrier services and facilities authorizations; period for reply comments on Part XI extended to 4–4–80
[Originally published at 44 FR 67445, 11–26–79 and corrected at 44 FR 73130, 12–17–79]

14074 3–4–80 / Proposals received in cellular rulemaking; comments by 4–1–80

14074 3–4–80 / Public mobile radio services; revision and update of rules; comments by 3–31–80

12446 2–28–80 / Public mobile radio services; elimination of financial qualifications; comments by 4–4–80

9024 2–11–80 / Television broadcast station in Crossville, Tenn.; changes in table of assignments; comments by 4–4–80

FEDERAL ELECTION COMMISSION

13767 3–3–80 / Contributions to an expenditures by delegates to National Nominating Conventions; comments by 4–2–80

FEDERAL REGISTER ADMINISTRATIVE COMMITTEE

13715 2–29–80 / Identification of subjects in agency regulations; comments by 3–31–80
[*See also* 45 FR 2998, 1–15–80]

GENERAL SERVICES ADMINISTRATION

9267 2–12–80 / Commercial products; temporary regulations; comments by 3–31–80

National Archives and Records Service—

14073 3–4–80 / Fees for reproduction services and location of records and hours of use; comments by 4–3–80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Civil Rights Office—

14233 3–5–80 / Equal opportunity in employment provisions applicable to the Public Broadcasting Services, National Public Radio, and Telecommunications entities receiving Federal funds from the Corporation of Public Broadcasting; comments by 4–1–80
[*See also* 44 FR 75676, 12–21–79]

INTERIOR DEPARTMENT

Fish and Wildlife Service—

9028 2–11–80 / Migratory bird hunting; nontoxic shot zones for waterfowl hunting, for hunting seasons commencing in 1980; comments by 3–31–80

Land Management Bureau—

13968 3–3–80 / Exploration and mining wilderness review program; comments by 4–2–80

INTERSTATE COMMERCE COMMISSION

10386 2–15–80 / Administrative appeals in non-rail proceedings; comments by 3–31–80

13479 2–29–80 / Expansion of air terminal zones at specified major "air cargo centers"; comments by 3–31–80

14234 3–5–80 / Rail market dominance and related considerations; comments extended to 4–2–80
[*See also* 45 FR 3353, 1–17–80]

LABOR DEPARTMENT

Employment Standards Administration—

14070 3–4–80 / Farm labor contractor registration; documents acceptable as evidence of bona fide inquiry of employability status; comments by 4–3–80

NATIONAL CREDIT UNION ADMINISTRATION

15939 3–12–80 / Federal credit unions; loan interest rates; increase; comments by 3–31–80

6795 1–30–80 / Special share accounts and definition of gross income, risk assets and liquid assets; comments by 3–30–80

NUCLEAR REGULATORY COMMISSION

6793 1–30–80 / Domestic licensing of production and utilization facilities; operational data gathering; comments by 3–31–80

PERSONNEL MANAGEMENT OFFICE

7263 2–1–80 / Pay administration; back pay; clarification and simplification; comments by 4–1–80

POSTAL SERVICE

14605 3–6–80 / Solicitations in guise of bills, invoices, or statement of account; comments by 4–5–80

SECURITIES AND EXCHANGE COMMISSION

15941 3–12–80 / Requests for confidential treatment of records obtained by the Commission; comments by 4–4–80

TENNESSEE VALLEY AUTHORITY

11835 2–22–80 / Nondiscrimination with respect to aged; comments by 3–30–80

TRANSPORTATION DEPARTMENT

Coast Guard—

10814 2–19–80 / Cedar Point, Sandusky, Ohio; establishment of special anchorage area; comments by 4–1–80

10813 2–19–80 / Duluth-Superior Harbor, Duluth, Minn.; establishment of special anchorage area; comments by 4–1–80

10813 2–19–80 / Manatee River, Bradenton, Fla.; establishment of special anchorage area; comments by 4–1–80

10815 2–19–80 / Muskegon Lake East, Muskegon, Mich.; establishment of special anchorage area; comments by 4–1–80

10810 2–19–80 / Niagara River, Youngstown, N.Y.; enlargement of special anchorage area; comments by 4–1–80

10811 2–19–80 / San Francisco Bay; expansion of anchorage No. 5; comments by 4–1–80

10812 2–19–80 / San Juan Harbor, P.R.; reduction of temporary anchorage E; comments by 4–1–80

Federal Aviation Administration—

7540 2–4–80 / Air taxi operators and commercial operators; commuter pilot in command operating experience requirements; comments by 4–1–80
[*See also* 45 FR 7246, 2–1–80]

Federal Highway Administration—

69586 12–3–79 / Maximum weight of trucks on interstate highway system highways; comments by 3–30–80

National Highway Traffic Safety Administration—

77210 12–31–79 / Federal motor vehicle safety standards; improvement of seat belt assemblies; comments by 4–1–80

13785 3–3–80 / Federal motor vehicle safety standards; new pneumatic tires—passenger cars; loading schedules for certain tire sizes; increase of; comments by 4–2–80

77199 12–31–79 / Light truck average fuel economy standards for model years 1983–85; comments by 3–31–80

Research and Special Programs Administration—

8323 2–7–80 / Transportation of liquids by pipeline; addition of water to pipelines transporting anhydrous ammonia; comments by 4–1–80

72201 12–13–79 / Transportation of natural and other gas by pipeline; leakage surveys; comments by 3–31–80

TREASURY DEPARTMENT

Internal Revenue Service—

6800 1–30–80 / Income tax; election in certain liquidations for involuntary conversion; comments by 3–31–80

6800 1–30–80 / Option to capitalize or deduct intangible drilling and development costs in the case of wells drilled for any geothermal deposit; comments by 3–31–80

VETERANS ADMINISTRATION

14071 3–4–80 / Medical benefits; nursing home care in foreign countries; comments by 4–3–80

Deadlines for Comments On Proposed Rules for the Week of April 6 through April 12, 1980

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

8630 2–8–80 / Sugarcane diseases; comments by 4–8–80

8654 2–8–80 / West Indian Sugarcane Root Borer; comments by 4–8–80

Food and Nutrition Service—

8876 2–8–80 / Special Supplemental Food Program for Women, Infants and Children; eligibility; comments by 4–8–80

CHRYSLER CORPORATION LOAN GUARANTEE BOARD

8942 2–11–80 / Rules of Procedures; access to records; imposition of fees; comments by 4–11–80

COMMERCE DEPARTMENT

International Trade Administration—

8293 2–7–80 / Establishment of validated licensing requirement for export of marketable phosphate rock, phosphoric acid of all concentrations and phosphatic fertilizers of all concentrations to the U.S.S.R.; comments by 4–7–80

16202 3–13–80 / Titanium (DPS Order 3); possible amendment to schedule II of DPS Reg. 1; comments by 4–11–80

COMMODITY FUTURES TRADING COMMISSION

8312 2–7–80 / Arbitration of other dispute settlement procedures; amendment to allow appeals to an entity within a contract market in member-to-member arbitration; comments by 4–7–80

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

8462 2–7–80 / Standby Federal emergency energy conservation plan; comments by 4–7–80

ENVIRONMENTAL PROTECTION AGENCY

15591 3–11–80 / Air quality State implementation plans; revision to the Virgin Islands plan; comments by 4–10–80

8670 2–8–80 / Arizona plan revision; air quality control, region redesignation; comments by 4–8–80

14899 3–7–80 / Controls applicable to gasoline refiners; lead phase-down regulations; comments by 4–7–80

14606 3–6–80 / Delaware; schedules to correct deficiencies in nonattainment area plan revision; comments by 4–7–80

14886 3–7–80 / Discussion of proposed revisions to Massachusetts State Implementation Plan; comments by 4–7–80

14885 3–7–80 / Extension of revision to Massachusetts State Implementation Plan; comments by 4–7–80

14607 3–6–80 / Leather tanning and finishing point source category effluent limitations guidelines, pretreatment standards, and new source performance standards; comments by 4–10–80
[*See also* 44 FR 38746, 7–2–79]

15192 3–10–80 / Ohio Implementation Plan; comments by 4–9–80

FEDERAL COMMUNICATIONS COMMISSION

62216 10–24–79 / American Telephone & Telegraph Co. private line rate structure and volume discount practices; reply comments and counter proposals by 4–7–80
[*See also* 45 FR 13139, 2–28–80 and 45 FR 16214, 3–13–80]

2067 1–10–80 / Facilitating authorization of wide-area-mobile radio communications systems on frequencies allocated for trunked systems; comments by 4–7–80

2069 1–10–80 / Facilitating operation of low power, limited coverage systems in the 22,000–23,600 mHz bands; reply comments by 4–7–80

12456 2–26–80 / FM table of assignments; Ackerman, Miss.; comments by 4–7–80

12448 2–26–80 / FM table of assignments; Bethel, Alaska; comments by 4–7–80

12457 2–26–80 / FM table of assignments; Bridgeport, Nebr.; comments by 4–7–80

12454 2–26–80 / FM table of assignments; Chatham, Mass.; comments by 4–7–80

12451 2–26–80 / FM table of assignments; Coeur D'Alene, Idaho; comments by 4–7–80

12459 2–26–80 / FM table of assignments; Westover and Grafton, W.Va.; comments by 4–7–80

3349 1–17–80 / Implementing a system of temporary licensing for multiple licensed mobile relay systems operating in the business radio service; comments by 4–7–80

3086 1–16–80 / Mobile station, control point, and control station authorization procedures for 800 mHz common user systems; reply comments by 4–7–80

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3335 1-17-80 / Reimbursement of expenses for participation in commission proceedings; comments by 4-7-80

6124 1-25-80 / Television broadcast stations in Butte, Bozeman, and Anaconda, Mont.; reassignment of channel; reply comments by 4-7-80

12453 2-26-80 / Television table of assignments; Lexington, Ky.; comments by 4-7-80

12450 2-26-80 / Television table of assignments; Sebring, Fla.; comments by 4-7-80

FEDERAL MARITIME COMMISSION

15229 3-10-80 / Shippers' requests and complaints; reporting requirements; comments by 4-9-80

GENERAL SERVICES ADMINISTRATION

Public Buildings Service—

8028 2-6-80 / Accomodations for the physically handicapped; change in Federal standards; comments by 4-7-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Child Support Enforcement Office—

8316 2-7-80 / Aid to families with dependent children Child Support Enforcement Program; supplemental payment computation; comments by 4-7-80

Education Office—

8314 2-7-80 / Safe school program; identifying local educational agencies eligible to apply for assistance and criteria for selecting agencies for funding; comments by 4-7-80

Food and Drug Administration—

8970 2-8-80 / Devices used as a radiation source (in combination with a psoralen drug) in the photochemotherapy for psoriasis; comments by 4-8-80

Social Security Administration—

8316 2-7-80 / Aid to families with dependent children, Child Support Enforcement Program; supplemental payment computation; comments by 4-7-80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

2616 1-11-80 / Alaska National Wildlife Monuments; minerals management; comments by 4-10-80

15241 3-10-80 / Desert Tortoise; critical habitat for Beaver Dam Slope population; comments by 4-9-80

Land Management Bureau—

8672 2-8-80 / Off-road vehicles; conditions of use; comments by 4-8-80

National Park Service—

14601 3-6-80 / Glacier Bay National Monument; protection of humpback whales; comments by 4-7-80

Surface Mining Reclamation and Enforcement Office—

14881 3-7-80 / Announcement of receipt of permanent program submission from State of North Dakota; comments by 4-10-80

15189 3-10-80 / Maryland; permanent program submission; comments by 4-11-80

15575 3-11-80 / Receipt of Permanent Program submission from the Commonwealth of Pa.; comments by 4-11-80

15576 3-11-80 / Receipt of Permanent Program submission from Commonwealth of Va.; comments by 4-11-80

15583 3-11-80 / Receipt of Permanent Program submission from State of Illinois, Springfield, Ill. (open), 4-10-80

15190 3-10-80 / West Virginia; permanent program submission; comments by 4-11-80

INTERSTATE COMMERCE COMMISSION

15236 3-10-80 / Revision of National Environmental Policy Act guidelines; comments by 4-9-80

9027 2-11-80 / Routing of traffic; individual rerouting without prior Commission approval; advance notice; comments by 4-11-80

LABOR DEPARTMENT

Employment and Training Administration—

15914 3-11-80 / Establishment of a new methodology for computing the agricultural adverse effect wage rate; comments by 4-10-80

Pension and Welfare Benefits Programs Office—

8761 2-8-80 / Proposed Class Exemption for certain interest free loans to employee benefit plans; comments by 4-9-80

PERSONNEL MANAGEMENT OFFICE

7818 2-5-80 / Reduction in force; comments by 4-7-80

8630 2-8-80 / Reduction in force; retention preference; comments by 4-8-80

POSTAL SERVICE

6801 1-30-80 / Private express statutes; enforcement and suspension; comments period extended from 2-8-80 to 4-8-80

[Originally published at 45 FR 1427, Jan. 7, 1980]

SECURITIES AND EXCHANGE COMMISSION

7578 2-4-80 / "Money Market" funds; inclusion of standardized yield computation in prospectuses; comments by 4-7-80

TRANSPORTATION DEPARTMENT

Coast Guard—

15192 3-10-80 / Drawbridge operations; Atlantic Intracoastal Waterway, Palm Beach County, Fla.; comments by 4-11-80

11790 2-21-80 / Electronic relative motion analyzer; comments by 4-7-80

13138 2-28-80 / Unslaked lime shipping requirements; comments by 4-11-80

TREASURY DEPARTMENT

Comptroller of the Currency—

8025 2-6-80 / Indemnification of officers, directors and employees by national banks; comments by 4-7-80

Internal Revenue Service—

8668 2-8-80 / Changes in the deposit requirements for Social Security and withheld income taxes; comments by 4-8-80

8669 2-8-80 / Gas guzzler tax; manufacturers and retailers excise taxes; comments by 4-8-80

8589 2-8-80 / Gas guzzler tax; temporary excise tax regulations; comments by 4-8-80

Next Week's Meetings

ADMINISTRATIVE CONFERENCE OF UNITED STATES

15971 3-12-80 / Ratemaking and Economic Regulation Committee, Washington, D.C. (open), 3-31-80

18041 3-20-80 / Rulemaking and Public Information Committee, Washington, D.C. (open), 4-4-80

ARTS AND HUMANITIES NATIONAL FOUNDATION

11965 2-22-80 / Humanities Panel, Washington, D.C. (closed), 4-4-80

16362 3-13-80 / Theatre Panel, Washington, D.C. (partially open), 4-2 through 4-5-80

CIVIL RIGHTS COMMISSION

13789 3-3-80 / Delaware Advisory Committee, Dover, Delaware, (open), 3-28-80

17056 3-17-80 / Michigan Advisory Committee, Detroit, Mich. (open), 4-3-80

15972 3-12-80 / New Jersey Advisory Committee, New Brunswick, N.J. (open), 4-3-80

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

16521 3-14-80 / Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee, Philadelphia, Pa. (open), 4-3-80

DEFENSE DEPARTMENT

Office of the Secretary—

14619 3-6-80 / Defense Intelligence Agency Advisory Committee, Fort George Meade, Md. (closed), 4-1-80

11874 2-22-80 / DOD Wage Committee, Washington, D.C. (closed), 4-1-80

6640 1-29-80 / Organization of the Joint Chiefs of Staff, Joint Strategic Target Planning Staff Scientific Advisory Group, Offut Air Force Base, Nebr. (closed), 4-1 through 4-3-80

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

15944 3-12-80 / Supply of natural gas and fuel oil displacement opportunities, Washington, D.C. 4-2-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

15671 3-11-80 / Community Alcoholism Services Review Committee, Rockville, Md. (open), 3-30 and 3-31-80

Center for Disease Control—

8725 2-8-80 / Internation Symposium on Pelvic Inflammatory Disease, Atlanta, Ga. (open), 4-1 thru 4-3-80

Education Office—

10458 2-15-80 / Black Higher Education and Black Colleges and Universities National Advisory Committee, Washington, D.C. (open), 3-31 and 4-1-80

Food and Drug Administration—

15671 3-11-80 / Board of Tea Experts, Brooklyn, N.Y. (open), 3-31 thru 4-1-80

16562 3-14-80 / Circulatory System Devices Panel, Washington, D.C. (partially open), 3-31-80

National Institutes of Health—

15678 3-11-80 / Biometry and Epidemiology Contract Review Committee, Bethesda, Md. (partially open), 4-8-80

15678 3-11-80 / Cause and Prevention Scientific Review Committee, Bethesda, Md. (partially open), 4-3-80

16566 3-14-80 / Mental Retardation Research Committee of the National Institute of Child Health and Human Development, Bethesda, Md. (open), 4-7 and 4-8-80

15678 3-11-80 / Research Manpower Review Committee, Chevy Chase, Md. (open), 3-30, 3-31 and 4-1-80

Office of the Assistant Secretary for Health—

17073 3-17-80 / National Committee on Vital and Health Statistics, Washington, D.C. (open), 4-2 and 4-3-80

Office of the Secretary—

16567 3-14-80 / National Advisory Committee on the White House Conference on Families, special subcommittee on the appointment of at-large delegates, Washington, D.C. (partially open), 4-1-80

INTERIOR DEPARTMENT

Land Management Bureau—

8363 2-7-80 / Colorado; Craig District Advisory Board, Craig, Colo. (open) 4-3-80

15679 3-11-80 / Outer Continental Shelf Advisory Board North Atlantic Technical Working Group Committee, New York, N.Y. (open), 4-1 and 4-2-80

11916 2-22-80 / Intergovernmental Planning Program's Gulf of Mexico Regional Technical Working Group, New Orleans, La. (open), 4-1 and 4-2-80

14151 3-4-80 / Southern Appalachian Regional Coal Team, Alabama Subregion, Montgomery, Ala., 4-3-80

JUSTICE DEPARTMENT

Prisons Bureau—

14154 3-4-80 / National Institute of Corrections Advisory Board, Alexandria, Va., 3-30-80

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

16659 3-14-80 / Ad Hoc Informal Advisory Subcommittee on Geodynamics and Geology of the NAC-STAAC, Washington, D.C. (open), 4-1 and 4-2-80

16659 3-14-80 / Ad Hoc Informal Advisory Subcommittee on Satellite Communications Applications of the NAC-STAAC, Washington, D.C. (open), 4-3 and 4-4-80

15346 3-10-80 / NASA Advisory Council, Aeronautics Advisory Committee, Moffett Field, Calif. (open), 4-2 through 4-4-80

NATIONAL SCIENCE FOUNDATION

16659 3-14-80 / Advisory Committee for Astronomy, Washington, D.C. (partially open), 4-2 and 4-3-80

NUCLEAR REGULATORY COMMISSION

17097 3-17-80 / Advisory Committee on Reactor Safeguards, Ad Hoc Subcommittee on Three Mile Island, Unit 2 Accident Action Plan, Washington, D.C. (closed), 4-1 and 4-2-80

SMALL BUSINESS ADMINISTRATION

16662 3-14-80 / Region I Advisory Council, Providence, R.I. (open), 4-2-80

STATE DEPARTMENT

15742 3-11-80 / Study Group CMIT of the U.S. Organization for the International Radio Consultative Committee (CCIR), Washington, D.C. (open), 4-8-80

TRANSPORTATION DEPARTMENT

Coast Guard—

10172 2-14-80 / Deepwater port provisions; comments by 3-31-80

Research and Special Programs Administration—

13153 2-28-80 / Transportation of wet electric storage batteries on passenger-carrying aircraft, Washington, D.C. (open), 4-3-80

VETERANS ADMINISTRATION

18549 3-21-80 / Medical Research Service Merit Review Boards, Washington, D.C. (open), 4-8 through 4-10-80

17714 3-19-80 / Wage Committee, Washington, D.C. (closed), 4-3-80

Next Week's Public Hearings

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

15556 3-11-80 / Exemption for small industrial boiler fuel facilities from incremental pricing provisions of the Natural Gas Policy Act of 1978, Los Angeles, Calif. 4-1-80

[*See also* 44 FR 57783, 10-5-79]

15559 3-11-80 / Permanent rule defining small existing industrial boiler fuel users exempt from incremental pricing under the Natural Gas Policy Act of 1978, Los Angeles, Calif. 4-1-80

15555 3-11-80 / Procedures to be used for the first ten months of the incremental pricing program by industrial users in calculating the volumes of natural gas subject to incremental pricing surcharges, 4-4-80, Los Angeles, Calif.

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This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S. 2225 / Pub. L. 96–214 To provide that receipts from certain sales of items by the Sergeant at Arms of the Senate to Senators and committees and offices of the Senate shall be credited to the appropriation from which such items were purchased. (March 24, 1980; 94 Stat. 122) Price $1.00.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

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18123 3–20–80 / HEW/HDSO—Child Welfare Research and Demonstration Grants Program; availability of funds; apply by 5–19–80

17073 3–17–80 / HEW/NIE—Program of research grants on knowledge use and school improvement; applications by 5–13–80

18207 3–20–80 / Justice/NIJ—Law Enforcement Equipment Standards Program; competitive research cooperative agreement program to conduct assessment; preliminary proposals postmarked by 5–15–80

17702 3–19–80 / Justice/NIJ—Solicitation regarding competitive research grant/cooperative agreement to support two phase study of impact of community environments on supervised offenders; apply by 4–24–80

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18487 3–21–80 / HEW/OE—Application preparation workshops for the National Demonstrations for the New Concept Special Services and the Special Emphasis Upward Bound project applicants, Washington, D.C., 4–14 and 4–18–80

18207 3–20–80 / NFAH—Humanities Panel, Washington, D.C. (closed), rescheduled from 3–27 and 3–28–80 to 3–29–80

[*See also* 45 FR 11965, 2–22–80]

18207 3–20–80 / NFAH—Humanities Panel, Washington, D.C. (closed), 4–2, 4–3, 4–9, 4–10, 4–28 and 4–29–80

18208 3–20–80 / NFAH—Media Arts Panel (Challenge), Washington, D.C. (closed), 4–7–80

18208 3–20–80 / NFAH—Visual Arts Panel (Building Arts), Washington, D.C. (closed), 4–9 and 4–10–80

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18046 3–20–80 / CSA—Small Town Emphasis Program; waiver of non-Federal share requirement

18483 3–21–80 / HEW/Assistant Secretary for Planning and Evaluation—Revised notice of intent to initiate National Long-Term Care Channeling Demonstration Program and to solicit grant applications

18330 3–20–80 / HEW/HDSO—Cooperative research and demonstration grant priorities; fiscal year(s) 1980 and/or 1981; comments by 3–20–80 (NO applications at this time)

18353 3–20–80 / HEW/HDSO—Request for persons to serve on National Institute of Handicapped Research's scientific peer review committees to review grant applications, fiscal year 1980

17636 3–19–80 / HEW/OE—Elementary and Secondary Education grants; notice of intent to compromise a Title I, ESEA audit claim against New Jersey Department of Education; comments by 5–5–80

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Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.** and **Los Angeles, Calif.**, see announcement in the **Reader Aids** section at the end of this issue.

20402 **Emission Standards** EPA issues rules for new exhaust and evaporative emission standards which are voluntary for 1981 model year light-duty vehicles and trucks; effective 4–28–80 (Part II of this issue)

20157 **Air Quality Models** EPA issues notice summarizing current activities and future plans regarding guidance and conferences; letters of intent to provide models by 5–27–80

20103 **Motor Vehicle Safety** DOT/NHTSA deletes occupant crash protection requirement for certain emergency-locking or automatic-locking seat belt retractors

20412 **Pipeline Safety Enforcement** DOT/RSPA issues regulations prescribing procedures; effective 3–27–80 (Part III of this issue)

20154 **Canadian Crude Oil Allocation Program** DOE/ERA amends supplemental allocation notice for March 1980; appeals by 4–28–80

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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20109 **Bulk Electric Power Supply and Actions** DOE/ERA issues proposed rules regarding reporting requirements; comments by 4–30–80, requests for hearings by 4–21–80

20420 **Completely Denatured Alcohol** Treasury/ATF requests comments on temporary rule for new and revised formulas, and authorizes use of automotive gasoline as denaturant; effective 3–27–80, comments by 5–27–80 (Part IV of this issue) (2 documents)

20132 **Aid to Families With Dependent Children** HEW/SSA plans to develop rules regarding assistance payments when one or more dependent children receive supplemental security income benefits

20074 **Social Security** HEW/SSA restates rules on kinds of work and earnings included or excluded for purposes of coverage; effective 3–27–80

20117 **Social Security** HEW/SSA plans to issue proposed rules regarding payments of benefits to young husbands and surviving divorced fathers

20053 **Short Term Loans** SBA issues new form for guaranty fees payable for certain loans; effective 3–27–80

20096 **Controlled Substances** Justice/DEA issues order including moneys and other assets in definition of property; effective 3–27–80

20106 **Commuter Rail Service** ICC amends standards for continuation subsidies; effective 8–15–78

20123 **Federal Crime Insurance Program** FEMA proposes to amend rules; comments by 5–27–80

20071 **Export Licenses for U.S.S.R.** Commerce/ITA issues interpretation of Technical Data regulations to assure understanding of limits of general licenses; effective 3–24–80

20265 **Three Mile Island** NRC announces availability of Environmental Assessment for decontamination of Unit 2 Reactor Building atmosphere

20273 **Sunshine Act Meetings**

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20412 **Part III, DOT/RSPA**
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 485, Amdt. 1; Navel Orange Regulation 486]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 28-April 3, 1980, and increases the quantity of such oranges that may be so shipped during the period March 21–27, 1980. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective March 28, 1980, and the amendment is effective for the period March 21–27, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The Marketing policy was recommended by the committee following discussion at a public meeting on October 30, 1979. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicy on March 25, 1980, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is similar to last week.

It is further found that there is insufficient time between the date when information became available upon which this regulation and amendment are based and when the actions must be taken to warrant a 60 day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.786 Navel Orange Regulation 486.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period March 28, 1980, through April 3, 1980, are established as follows:

(1) District 1: 1,500,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

(b) As used in this section, "handle," "District 1," "District 2," "District 3," "District 4" and "carton" mean the same as defined in the marketing order.

Paragraph (a) in § 907.785 Navel Orange Regulation 485 (45 FR 17943), is hereby amended to read:

§ 907.785 Navel Orange Regulation 485.

* * * * *

(a) * * *

(1) District 1: 1,592,000 cartons;
(2) District 2: 158,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 25, 1980.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-9617 Filed 3-26-80; 11:53 am]
BILLING CODE 3410-02-M

7 CFR Part 908

[Valencia Orange Regulation 638]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period March 28-April 3, 1980. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044.

The marketing policy was recommended by the committee following discussion at a public meeting on January 22, 1980. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on March 25, 1980 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is normal.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 908.938 Valencia Orange Regulation 638.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period March 28, 1980 through April 3, 1980, are established as follows:

(1) District 1: Unlimited cartons;

(2) District 2: Unlimited cartons;

(3) District 3: 165,000 cartons.

(b) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" means the same as defined in the marketing order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 26, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-9018 Filed 3-26-80; 11:54 am]

BILLING CODE 3410-02-M

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7 CFR Part 904

[Docket No. AO–385]

Grapefruit Grown in a Designated Area in California; Order Regulating Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This order enacts a Federal marketing order regulating the handling of fresh grapefruit grown in southeastern California. Growers approved the marketing order in a referendum held October 9–19, 1979. The marketing order establishes a committee for local administration comprised of four producers, four handers, and one public representative. It provides for grade, quality, size, and maturity requirements for fresh grapefruit, based upon committee recommendations. It also authorizes the committee to engage in production and marketing research and in promotional activities designed to enhance distribution and consumption of grapefruit. Consumers should benefit from an improved product and producers by an expanded market.

EFFECTIVE DATE: April 28, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: Prior actions in this proceeding: Notice of Hearing issued February 1, 1979, and published February 7, 1979, in the **Federal Register** (44 FR 7729). Public hearing on proposed marketing agreement and order held March 8–9, 1979, at Coachella, California. Recommended Decision issued July 2, 1979, and published July 6, 1979, in the **Federal Register** (44 FR 39413). Decison and Referendum Order issued September 4, 1979, and published September 7, 1979, in the **Federal Register** (44 FR 52219).

This rule has been reviewed under the USDA criteria for implementing Executive Order 12044, and has been classified "significant." An Impact Analysis is available from Malvin E. McGaha, Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, DC 20250, Telephone: 202–447–5975.

Findings and Determinations

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order, regulating the handling of grapefruit grown in a designated area in California.

Upon the basis of the record, it is found that:

(1) The order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order regulates the handling of grapefruit grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing order upon which a hearing has been held;

(3) The order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping grapefruit covered by this order) of more than 80 percent of the volume of the California produced grapefruit covered by this order refused or failed to sign the proposed marketing agreement regulating the handling of grapefruit grown in the production area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign the proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the act of advancing the interests of the producers of grapefruit grown in the production area;

(3) The issuance of this order is favored or approved by at least three-fourths of the producers who participated in a referendum on the question of its approval and who, during the period September 1, 1978, through August 31, 1979 (which has been deemed to be a representative period), have been engaged within the designated area in California in the production of grapefruit for market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

Order Relative to Handling

It is therefore ordered, That on an after the effective date hereof, the handling of grapefruit grown in a designated area in California shall be in conformity to an in compliance with the following terms and conditons:

Therefore, Title 7 of the CFR is amended by adding a new Part 904 to read as follows:

PART 904—GRAPEFRUIT GROWN IN A DESIGNATED AREA IN CALIFORNIA

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904.3 Person.
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904.50 Compliance.
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904.54 Effect of termination or amendments.
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Authority: §§ 904.0 to 904.58, inclusive, issued under Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Definitions

§ 904.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated.

§ 904.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 904.3 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 904.4 Grapefruit.

"Grapefruit" means all varieties of Citrus paradisi, MacFayden, grown in the production area.

§ 904.5 Production area.

"Production area" means the following counties or their segments in the State of California described as follows: Imperial County; that part of San Bernardino County situated east of a line due north and south through Rice; that part of Riverside County situated east of a line due north and south through the Post Office in Whitewater; and that part of San Diego County situated east of a line due north and south through the Post Office in Julian.

§ 904.7 Producer.

"Producer" is synonymous with grower and means any person engaged in a proprietary capacity in the production of grapefruit.

§ 904.8 Handler.

"Handler" means any person (except a common or contract carrier of grapefruit owned by another person) who handles grapefruit in fresh form.

§ 904.9 Handle.

"Handle" means to sell, ship, consign, deliver, or transport grapefruit or cause grapefruit to be sold, shipped, consigned, delivered, or transported between the production area and any point outside thereof, or within the production area: *Provided,* That the term handle shall not include (a) the transporting or shipping of grapefruit by common carrier when such grapefruit is owned by another person; (b) the sale of grapefruit on tree; (c) the transporting of grapefruit from the point of production to a packinghouse within the production area for preparation for fresh market; or (d) the transporting of grapefruit from the point of production to a packinghouse outside the production area for preparation for fresh market under a special handling permit issued pursuant to § 904.45.

§ 904.10 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period beginning on September 1 of one year and ending on the last day of August of the following year or such other period as the committee, with the approval of the Secretary, may prescribe.

§ 904.11 Variety.

"Variety" or "varieties" means any one or more of the following classifications or groupings of grapefruit: (a) White or golden seeded and white or golden seedless grapefruit; and (b) pink or red seeded grapefruit and pink or red seedless grapefruit.

§ 904.12 Committee.

"Committee" means the California Grapefruit Administrative Committee established under § 904.20.

Administrative Body

§ 904.20 Establishment and membership.

(a) There is hereby established a California Grapefruit Administrative Committee consisting of nine members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he or she is an alternate. Four of the members and their alternates shall be producers or officers or employees of producers, henceforth referred to as "producer members" of the committee. To the extent practicable producer members shall not be handlers or directors or employees exercising a supervisory or managerial function of a handler, but members of a cooperative marketing organization shall not be considered as handlers because of such membership. Four of the members and their alternates shall be handlers or directors, officers, or employees of a handler, henceforth referred to as "handler members" of the committee. One member and alternate shall represent the public, henceforth referred to as "public member." The public member and his or her alternate shall be nominated by the committee and selected by the Secretary.

(b) Allocation of the producer member positions shall, to the extent practicable,

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be at least one member to represent producers affiliated with cooperative marketing organizations, henceforth referred to as "cooperative producers", and at least one member to represent growers who are not so affiliated, henceforth referred to as "independent producers." A second producer member shall be allocated to any group (cooperative or independent) which during the fiscal period preceding the fiscal period in which nominations are made produced more than 37.5 percent but not more than 62.5 percent of the total production of grapefruit; and any group whose production is more than 62.5 percent shall be allocated a third member. At least one producer alternate member shall be a producer from outside that portion of Riverside County which is east of a line due north and south through the post office at Whitewater and west of a line due north and south through Chiriaco Summit, and any such alternate member need not be of the same affiliation as the member.

(c) Allocation of handler member positions shall be at least one member to represent cooperative marketing organizations, henceforth referred to as "cooperative handlers", and at least one member to represent handlers who are not cooperative marketing organizations, henceforth referred to as "independent handlers." A second handler member shall be allocated to any group (cooperative or independent) which during the fiscal period preceding the fiscal period in which nominations are made handled more than 37.5 percent but not more than 62.5 percent of the total quantity of grapefruit handled by all handlers; and any group which handled more than 62.5 percent shall be allocated a third member.

(d) The committee may, with the approval of the Secretary, change the number of producer or handler positions on the committee, reapportion the membership between cooperatives and independents, and limit the number of positions that may be filled by persons affiliated with the same packinghouse or handling organization, as may be necessary to assure equitable representation.

§ 904.21 Term of office.

The term of office of the members and alternate members shall be two fiscal periods: *Provided,* That the term of office of initial members and alternates shall begin as soon as practicable subsequent to the effective date of this part and end August 31, 1981. Each member and alternate shall serve during the term of office for which that person is selected and has qualified and shall continue to serve until a successor is selected and has qualified.

§ 904.22 Nomination.

(a) *Initial producer and handler members.* Nomination for the initial members and alternate members of the committee for each position may be submitted to the Secretary by individual producers and handlers. Such nominations may be made by means of meetings of handlers and meetings of producers of the applicable groups (cooperative or independent). Any such nominations shall be filed with the Secretary not later than the effective date of this part. If such nominations are not filed as specified in this section, the Secretary may select initial members and alternate members, without regard to nomination, on the basis of the representation provided in § 904.20.

(b) *Successor producer members.* (1) The Secretary shall cause to be held, not later than July 1 of each odd-numbered year, meetings of producers for the purpose of making nominations for members and alternate members of the committee.

(2) Only producers, including duly authorized officers or employees of producers, who are present shall participate in the nomination of producer members and alternates. Each producer shall be entitled to cast only one vote for each nominee to be selected. To the extent practicable, only producers affiliated with cooperative marketing organizations may elect nominees affiliated with such organizations; and only producers not affiliated with cooperative marketing organizations may elect nominees not so affiliated. In the event some of a producer's grapefruit is handled through a cooperative marketing organization and some is handled through an organization that is not a cooperative marketing organization, such producer shall be eligible to participate only in the category (i.e., cooperative or independent) in which such producer's major volume of grapefruit is handled.

(c) *Successor handler members.* (1) The Secretary shall cause to be held, not later than July 1 of each odd-numbered year, meetings of handlers for the purpose of making nominations for members and alternate members of the committee.

(2) Only handlers, including duly authorized officers or employees of handlers, who are present and who are eligible to serve as handler members of the committee shall participate in the nomination of handler members and alternate handler members of the committee. Each handler shall be entitled to cast only one vote for each nominee to be selected.

(3) To the extent practicable, only handlers affiliated with cooperative marketing organizations may vote for nominees affiliated with such organizations, and only handlers not affiliated with cooperative marketing organizations may vote for nominees not so affiliated.

(d) *Reapportionment.* Any required reapportionment of committee membership shall be announced at nomination meetings prior to the making of any nomination.

(e) *Public member.* Nominations for the public member and alternate member shall be made by the committee, from qualified persons residing in the production area.

(f) *Failure to nominate.* In the event nominations are not made as specified in § 904.22, the Secretary may select members and alternate members, without regard to nominations, from any eligible persons.

§ 904.23 Selection.

The Secretary shall select members and alternates of the committee from persons nominated pursuant to § 904.22, § 904.26, or from other qualified persons.

§ 904.24 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 904.25 Alternate members.

An alternate member shall act in the place of the member during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, the alternate shall act for that member until a successor for such member is selected and has qualified. In the event that neither the member nor that member's alternate are able to attend a committee meeting, the chairman, with the concurrence of the majority of the members present may designate any other alternate present who is not acting as a member to serve in such member's place at the meeting. To the extent practicable, any such alternate so designated shall have the same affiliation as the absent member and only producer alternates may serve for absent producer members and only handler alternates may serve for absent handler members.

§ 904.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member, or as an alternate member of the committee to qualify, or in the event of the removal, resignation, disqualification or death of any member or alternate member, a successor for such person's unexpired term shall be nominated by a majority of the remaining committee members to provide, to the extent practicable, equitable representation as provided in § 904.20, and selected as provided in § 904.23. If nomination to fill any such vacancy is not made within 30 calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations.

§ 904.27 Powers.

The committee shall have the following powers:

(a) To administer this part in accordance with its terms and provisions;

(b) To make and adopt rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 904.28 Duties.

It shall be the duty of the committee:

(a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, which minutes, books, and records shall at all times be subject to the examination of the Secretary; and to mail a copy of the minutes to the Secretary promptly following each committee meeting and to any other interested person who has filed his or her name and address with the committee for such purpose;

(c) To act as intermediary between the Secretary and the producers and handlers;

(d) To furnish the Secretary with such available information as the Secretary may request;

(e) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(f) To cause its books to be audited by a competent public accountant at least once for each fiscal period, and at such other time as it deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports;

(g) To prepare a monthly statement of financial operations of the committee and to make such reports, together with the minutes of the meetings of the committee, available for inspection by any producer or handler at the office of the committee;

(h) To determine as near as practicable the total crop of grapefruit, and to make such determinations, including determinations by grade and size as it may deem necessary or as may be prescribed by the Secretary, in connection with the administration of this part;

(i) To investigate the growing, handling, and marketing conditions with respect to grapefruit and to assemble data in connection therewith;

(j) To prepare and mail, as soon as practicable after the close of each fiscal period, to the Secretary, and to each handler and grower who make requests therefor, an annual report covering the operation of the previous fiscal period;

(k) With the approval of the Secretary, to increase or decrease the membership of the committee;

(l) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper committee activities and objectives under this part; and

(m) To establish, with the approval of the Secretary, procedures for the nomination of and qualification for a public member and alternate.

§ 904.29 Compensation and expenses.

The members of the committee and alternates when acting as members, shall serve without compensation, but they shall be reimbursed for reasonable expenses, as approved by the committee, incurred by them in the performance of their duties under this part. Alternate members shall be reimbursed for expenses necessarily incurred by them in attending committee meetings at the request of the committee, notwithstanding that the committee member for whom they serve as alternate also attends such meeting, and for performing other committee business at the request of the committee.

§ 904.30 Procedure.

(a) Five members of the committee shall constitute a quorum, and any action of the committee shall require at least 5 votes: *Provided,* That if the number of committee members is changed purusant to § 904.20 or § 904.28, the committe may with the approval of the Secretary change the number of members required to constitute a quorum, or the number of affirmative votes required to take any action on behalf of the committee, or both.

(b) The committee shall give to the Secretary and to any other interested persons who have filed their names and addresses with the committee requesting such notice the same notice of meetings of the committee as is given to the members of the committee.

(c) At any assembled meeting each vote must be cast in person. At any meeting other than an assembled meeting, the committee may vote by telephone, telegraph, or other means, and any such vote cast by telephone shall be confirmed promptly in writing.

Expenses and Assessments

§ 904.34 Expenses.

The committee is authorized to incur such expenses, including inspection expenses, as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers, as provided in § 904.35.

§ 904.35 Assessments.

(a) Each handler who first handles grapefruit shall, with respect to the grapefruit so handled, pay to the committee, upon demand, such handler's pro rata share of expenses which the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning during each fiscal period.

(b) The Secretary shall fix the rate(s) of assessment to be paid by handlers and such rate(s) may be fixed by variety. At any time during or after a fiscal period, the Secretary may increase the rate(s) of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increased rate with respect to any particular variety shall be applicable to all grapefruit of that variety handled during that fiscal period. To provide funds for the administration of this part, the committee may accept the payment of assessments in advance, or may borrow money for such purpose.

(c) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

(d) Any assessment not paid by a handler within a period of time prescribed by the committee may be subject to an interest or late payment charge, or both. The period of time, rate of interest, and late payment charge shall be as recommended by the

committee and approved by the Secretary.

§ 904.36 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in paragraph (a)(2) of this section, it shall be refunded proportionately to the handlers from whom it was collected: *Provided,* That any sum paid by a handler in excess of his or her pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such handler.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That such reserve shall not exceed an amount approximating one full fiscal period's expenses, exclusive of inspection costs. Any such reserve may be maintained by variety. Such reserve funds may be used (i) to defray expenses, during any fiscal period, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, or (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the handlers from whom such funds were collected.

(b) All funds received by the committee shall be used solely for purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his or her possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

Research and Market Development

§ 904.37 Production research, marketing research, and market development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve or promote the marketing, distribution, consumption or efficient production of any variety or varieties of grapefruit. The expense of such activities shall be paid from funds collected under § 904.35. Such projects may provide for any form of marketing promotion, including paid advertising. Any such project for promotion and advertising may utilize an identifying mark or term which shall be made available for use by all handlers in accordance with such terms and conditions as the committee, with the approval of the Secretary, may prescribe.

Regulation

§ 904.38 Marketing policy.

Prior to submitting recommendations under § 904.39, the committee shall submit to the Secretary a report setting forth the marketing policy it deems advisable for the ensuing fiscal period. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new or modified marketing policy because of changes in the demand and supply situation for grapefruit. The committee shall publicly announce the submission of each marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market price by grade and size of each variety of grapefruit;

(b) Supply of grapefruit by grade and size of each variety of grapefruit;

(c) Supply of competing fruits;

(d) Expected demand conditions for grapefruit in different market outlets;

(e) Type of regulation expected to be recommended during the fiscal period;

(f) Trend and level of consumer income;

(g) Marketing conditions affecting grapefruit prices; and

(h) Other relevant factors.

§ 904.39 Recommendations for regulation.

Whenever the committee finds it advisable to regulate the handling of any particular grade, quality, size, or maturity, or any combination thereof, of any variety of grapefruit during any period, it shall recommend such regulation for that period. Recommendations may include different grade, quality, size, or maturity requirements, or any combination thereof, for any variety handled to any of the marketing zones established pursuant to § 904.43.

§ 904.41 Issuance of regulations.

(a) Whenever the Secretary finds from the recommendations and information submitted by the committee or from other available information, that limiting the handling of any variety of grapefruit to any particular grade, quality, size, or maturity, or any combination thereof, would tend to effectuate the declared policy of the act, the Secretary shall so limit the handling of the variety for a specified period; and the limitation may prescribe different grade, quality, size, or maturity requirements, or any combination thereof, for the handling of any such variety by the initial handler thereof directly to the marketing zones specified. The committee shall be informed immediately of any such regulation issued by the Secretary; and the committee shall promptly give adequate notice thereof to handlers.

(b) Whenever the Secretary finds from the recommendation and information submitted by the committee, or from other available information, that to establish and maintain in effect minimum standards of quality or maturity, or both, for the handling of grapefruit during any period would tend to effectuate the declared policy of the act and be in the public interest, the Secretary shall establish in terms of grades, sizes, or both, such standard, designate such period, and so limit the handling of such grapefruit. The Secretary shall immediately notify the committee of the issuance of any such regulation; and the committee shall promptly give adequate notice thereof to handlers.

§ 904.42 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued under § 904.41 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds from the recommendation and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of grapefruit in order to effectuate the declared policy of the act, the Secretary shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, the Secretary shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 904.43 Marketing zones.

(a) The committee, with the approval of the Secretary, may prescribe different grade, quality, size, or maturity requirements, or any combination thereof, for any variety of grapefruit handled for shipment to the following marketing zones:

(1) Zone 1: The State of California.

(2) Zone 2: The State of Arizona.

(3) Zone 3: The State of Florida.

(4) Zone 4: The State of Texas.

(5) Zone 5: The States of Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah.

(6) Zone 6: The States not included in Zones 1, 2, 3, 4, 5, and 7.

(7) Zone 7: All export markets including the States of Alaska and Hawaii.

(b) The committee, with approval of the Secretary, may redefine and establish any other combination of marketing zones.

§ 904.44 Grapefruit not subject to regulation.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 904.35, 904.41, and 904.42, and the regulations issued thereunder, ship grapefruit of any variety as follows: (1) to a charitable institution for consumption at such institution; (2) to a relief agency for disposition by such agency; (3) for conversion by a commercial processor into any processed or manufactured product, including canned or bottled grapefruit juice, frozen products or beverage base; or (4) by express, parcel post or common or contract carrier in units of five cartons or less.

(b) Upon the basis of recommendation and information submitted by the committee, or from other available information, the Secretary may relieve in whole or in part from any or all of the requirements under this part, the handling of grapefruit in such minimum quantities, in such types of shipments, in such types of outlets, or for such specific purposes as the committee may recommend.

(c) The committee shall, with the approval of the Secretary, prescribe rules, regulations, and safeguards necessary to assure compliance with this section. Such rules, regulations, and safeguards may include requirements that handlers shall file applications and receive approval from the committee for authorization to handle grapefruit under this section, and that such application be accompanied by certification by the intended purchaser or receiver that the grapefruit will not be used for any purpose not authorized by this section.

§ 904.45 Special handling permit.

The committee may issue special handling permits authorizing the transportation of grapefruit in bulk lots to packing facilities outside the production area for preparation for fresh market, which facilities will be handlers under the order. All such lots shall be handled in accordance with the rules and regulations prescribed by the committee with the approval of the Secretary, and shall be subject to assessments, regulations, and the inspection and certification requirements prescribed in §§ 904.35, 904.41, 904.43 and 904.46. Any special handling permit may be revoked by the committee if the holder of such permit fails to comply with the applicable rules and regulations.

Inspection and Certification

§ 904.46 Inspection and certification.

(a) During any period in which the Secretary has regulated the handling of any variety or varieties of grapefruit pursuant to §§ 904.41, 904.42 or 904.43, each handler shall, prior to the handling of any lot of such variety or varieties, cause such lot to be inspected by an authorized representative of the Federal or Federal-State Inspection Service. Promptly thereafter, such handler shall submit to the committee a copy of the inspection certificate issued thereon. The provisions of this section shall not be applicable to any lot which has been so inspected and a copy of such inspection certificate has been submitted to the committee.

(b) The committee may enter into an agreement with the Federal or Federal-State Inspection Service with respect to the costs of the inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata shares of such costs.

Reports

§ 904.47 Reports.

(a) The committee may require information from each handler regarding the grade, quality, size, maturity, and variety of each carton contained in each individual shipment, and may require such information to be delivered to the committee at such time and in such manner as the committee may request and upon forms prepared by it.

(b) The committee may require each handler to furnish the following information with respect to grapefruit: the quantity of each variety handled in interstate commerce and to Canada; the quantity of each variety handled by express and parcel post; the quantity of each variety handled for distribution to persons on relief, including donations for charitable purposes; the quantity of each variety handled for consumption in fresh form within the production area; the quantity of each variety exported to countries other than Canada; the quantity of each variety sold or otherwise disposed of for canning or for manufacturing into by-products; and the quantity of each variety disposed of otherwise.

(c) For the purpose of enabling the committee to perform its functions and duties under this part, each handler shall furnish to the committee such other information in such form and at such times and substantiated in such manner as shall be prescribed by the committee and approved by the Secretary.

(d) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of, one or more designated employees of the committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided,* That such data and information may be combined, and made available to any person, in the form of general reports in which the identities of the individual handler furnishing the information is not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

§ 904.48 Records.

Each handler shall maintain such records of all grapefruit handled, or otherwise disposed of as will substantiate the required reports and as may be prescribed by the committee. All such records shall be maintained for not less than two years after the termination of the fiscal period in which the transactions occurred or for such lesser period as the committee may direct.

§ 904.49 Verification of reports and records.

For the purpose of assuring compliance and checking and verifying

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the reports filed by handlers, the Secretary and the committee, through its duly authorized agents, shall have access to any premises where applicable records are maintained, where grapefruit are received, stored, or handled, and, at any time during reasonable business hours, shall be permitted to inspect such handlers' premises and any and all records of such handlers with respect to matters within the purview of this part.

Miscellaneous Provisions

§ 904.50 Compliance.

Except as provided in this part, no person shall handle grapefruit except in conformity to the provisions of this part and the regulations issued thereunder.

§ 904.51 Right of the Secretary.

The members of the committee (including successors and alternates), any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 904.52 Termination.

(a) The Secretary shall terminate or suspend the operation of any or all of the provisions of this part upon finding that such provisions do not tend to effectuate the declared policy of the act.

(b)(1) The Secretary shall terminate the provisions of this part at the end of the then current fiscal period whenever the Secretary finds that continuance is not favored by producers, but any such termination shall be announced before June 15 of such fiscal period.

(2) To determine whether continuance is favored by producers, the required percentages set forth in the act with respect to producer approval of the issuance of a marketing agreement and order regulating the handling of citrus fruits produced in any area producing what is known as California citrus fruits (approved by three-fourths of the producers who, during a representative period, determined by the Secretary, have been engaged within the production area in the production of grapefruit for market; or by producers who, during such representative period, have produced for market at least two-thirds of the volume of grapefruit produced within the production area for market) shall be used. In the event that a referendum is utilized to aid in making this determination, such required percentages for continuance shall be held to be complied with if, of the total number of producers, or the total volume of grapefruit produced for market, as the case may be, represented in such referendum, the percentage favoring continuance is equal to or in excess of the percentage required.

(c)(1) The Secretary shall conduct a referendum no later than May 15, 1985, and no later than that date every fifth year thereafter to ascertain whether continuance of this part is favored by producers: *Provided*, That if an intervening continuance or amendment referendum is conducted and the vote in that referendum is affirmative, the next continuance referendum shall be conducted five years after the date of such latest referendum.

(2) The committee may request that the Secretary conduct a referendum during any fiscal period, provided such request is made prior to March 15.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 904.53 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustee of all funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination. Any action by said trustee shall require the concurrence of a majority of the trustees.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligations imposed upon the committee and upon the trustees.

§ 904.54 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

§ 904.55 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 904.56 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 904.57 Personal liability.

No member or alternate of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for act of dishonesty, willful misconduct, or gross negligence.

§ 904.58 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 28, 1980.

Signed at Washington, D.C., on: March 21, 1980.

Jerry C. Hill,

Deputy Assistant Secretary for Marketing Services.

[FR Doc. 80-9237 Filed 3-26-80; 8:45 am]

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7 CFR Part 909

Grapefruit Grown in Arizona; in Imperial County, Calif.; and in That Part of Riverside County, Calif., Situated South and East of White Water, Calif.; Termination

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule terminates Marketing Order No. 909, which covers grapefruit grown in Arizona and southeastern California, and provides for the disposal of assets acquired under this marketing order program. A finding is made that this marketing order no longer tends to effectuate the declared policy of the act, and therefore it should be terminated.

EFFECTIVE DATE: April 28, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This final rule terminates Marketing Order 909 (7 CFR Part 909), regulating the handling of grapefruit grown in Arizona and a designated part of California, and provides for disposition of marketing order assets in the possession of or under control of the Administrative Committee which locally administers this marketing order program. These actions are in accordance with the provisions relating to termination in §§ 909.74 and 909.75 of this order, and section 8c(16) (7 U.S.C. 608c(16)) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), under which this marketing order is effective.

M.O. 909, which became effective May 26, 1941, authorizes grade and size regulations, minimum standards of quality and maturity, and marketing research and development projects. However, the order has been relatively inactive in the past 2 seasons, due primarily to the fact that the administrative committee for local administration was unable to agree upon a recommendation for regulation acceptable to both areas. Ultimately agreement was reached by the committee that the production area in each State should be covered by a separate marketing order, and that Marketing Order 909 should be terminated.

Public hearings were held in March 1979, on proposed separate marketing orders for grapefruit in each of the respective States. At each of the hearings the witnesses requested that the joint order be terminated. Witnesses at the Arizona hearing stated that marketing program needs for Arizona grapefruit can be met by an existing State order, and they do not wish to be regulated under a Federal order. Witnesses at the California hearing also requested that Order 909 be terminated, but presented evidence in favor of a Federal order for California grapefruit only. On September 4, 1979, the Secretary issued a decision favoring issuance of a marketing agreement and order regulating the handling of grapefruit grown in a designated area in California (44 FR 52219), subject to a referendum among growers. Consideration currently is being given to issuance of that order based upon the results of that referendum, and a finding in the Secretary's decision that the California area is the smallest practicable area consistent with the declared purposes of the act.

In view of the circumstances, it is concluded that continuance of the order would serve no constructive purpose. Persons affected by the order in the areas of coverage have requested that it be terminated. No interest is currently manifest to utilize the order, consequently it is found that the order does not tend to effectuate the declared policy of the act and should be terminated.

This final rule has been reviewed under the USDA criteria for implementing Executive Order 12044, and has been classified "significant." An Impact Analysis is available from Malvin E. McGaha, Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, Telephone: (202) 447–5975.

Order. (a) It is hereby ordered that Marketing Order 909 (7 CFR Part 909) be terminated, effective 30 days after publication of this final rule in the Federal Register.

(b) It is hereby further ordered that: (1) The members and alternate members of the Administrative Committee are hereby appointed as trustees for the purpose of liquidating the affairs of this committee, as provided in § 909.75; (2) these trustees shall satisfy any and all Administrative Committee liabilities, and dispose of all assets in the possession of or under control of the Administrative Committee by distributing such assets including funds in the committee's operating reserve to handlers, in a manner consistent with order provisions: *Provided*, That the trustees may use such funds as are reasonable and necessary to cover liquidation costs; (3) these trustees shall account for all receipts and disbursements and deliver any and all Administrative Committee records to the Los Angeles Marketing Field Office, F&V, AMS, USDA, 845 S. Figueroa St., Suite 540, Los Angeles, California 90017; and (4) upon completion of all of the specified duties and responsibilities the members and alternate members of the Administrative Committee are discharged as trustees and relieved of their powers and duties under this order.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated March 21, 1980, to become effective April 28, 1980.

Jerry C. Hill,

Deputy Assistant Secretary for Marketing Services.

[FR Doc. 80-9231 Filed 3-26-80; 8:45 am]

BILLING CODE 3410-02-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

[Rev. 6, Amdt. 25]

Loan Guaranty Agreement for Short Term Loans

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: Current SBA regulations refer to guaranty fees payable with respect to loans made with maturities of up to 12 months. A new SBA Form 750B has been issued for such loans and this regulation is necessary to implement such Form.

EFFECTIVE DATE: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: Arthur E. Armstrong, Director, Office of Financing, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, (202) 653–6574.

SUPPLEMENTARY INFORMATION: This final rule will conform SBA regulations to the provision of a new SBA Form 750B, Loan Guaranty Agreement (Deferred Participation) for Short Term Loans (loans with maturities of less than 12 months). Among other things, the new Form provides a lower guaranty fee rate for short term loans than is applicable to longer term loans, and it also provides for a simpler collection process.

The regulation provides that the one-time guaranty fee for short term loans shall be one-quarter of 1 percent of the guaranteed portion of the loan, payable by the lender when it submits the loan application to SBA. After SBA approves

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the loan, lender may charge the borrower the guaranty fee paid by the lender. In addition, the borrower may be charged a commitment fee of one-quarter of one percent of the unguaranteed portion of the loan, in accordance with banking practice. If the loan application is declined or withdrawn prior to approval SBA will return the guaranty fee to the lender. The regulation also sets rules for refunds, rebates and additional fees.

The guaranty fee rate is not new since the basic provision is already in the regulations. The commitment fee (one-quarter of one percent on the unguaranteed portion) acknowledges general banking practice. The charge to the borrower is not new since it is in the regulations currently. It is therefore in the public interest to promulgate this implementing regulation in final form, in order to be operative together with the new SBA Form 750B. Interested persons, however, are invited to submit written comments or suggestions. Material thus submitted will be given consideration and evaluation for possible SBA action.

To accommodate this amendment in orderly fashion, it (1) deletes the last sentence from § 120.3(b)(1)(iii), (2) combines the provisions in § 120.3(b)(1)(iii) and present (iv), and (3) adds a new § 120.3(b)(1)(iv) to deal solely with short term loans.

Accordingly, pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 USC 631 *et seq*), Part 120, Chapter 1, Title 13 of the Code of Federal Regulations, is amended by revising §§ 120.3(b)(1)(iii) and (iv) to read as follows:

§ 120.3 Terms and conditions of business loans and guarantees.

* * * * *

(b) *Fees and interest rates.* (1) *Guaranty fees.* * * *

(iii) For guaranties of loans with a maturity in excess of one year approved on and after October 1, 1978, the onetime guaranty fee shall be one (1%) percent of the authorized and guaranteed portion of the loan, and shall be payable by the lender within 90 calendar days of the date of the SBA's approval as stated in the loan authorization. If the guaranty fee is not paid by the lender within this time period, SBA will send the lender a written notice stating that the guaranty will be terminated if SBA does not receive the fee within the time period stated in the notice. If the lender does not pay the guaranty fee within the stated time period, then the guaranty on the loan will be automatically canceled. SBA, at its sole discretion, may reinstate the guaranty on the loan where SBA determines that the lender's failure to pay the guaranty fee before cancellation was not intentional and not part of a recurring pattern; *Provided, however,* That SBA will not reinstate the guaranty if the fee remains unpaid at the time of borrower's default in payment of principal or interest due on the loan, and if such default in payment continues uncured, or if there has been a substantial adverse change in borrower's condition. SBA shall refund the guaranty fee where the lender has not made any disbursement of the guaranteed loan and lender makes written request for the return of the guaranty fee and cancellation of the loan authorization. For guarantees approved on or after December 1, 1979, the guaranty fee may be charged to the borrower; *Provided, however,* That the lender has paid such fee to SBA pursuant to this paragraph, and the charge to the borrower is not made prior to first disbursement. The fee may be a part of the proceeds of the loan.

(iv) For guaranties approved on and after February 1, 1980, the onetime guaranty fee, with respect to loans with a maturity not in excess of 12 months, shall be one quarter of one (¼%) percent of the authorized and guaranteed portion of the loan, and shall be payable by the lender at the same time it submits the loan application to SBA. After SBA approves such short term loan, lender may charge the borrower the guaranty fee paid by lender and, in addition, lender may charge the borrower a commitment fee amounting to one quarter of one (¼%) percent of the unguaranteed amount of such short term loan. If the loan application is declined or withdrawn prior to approval, SBA will return the guaranty fee to lender. There will be no rebate of the guaranty fee at any time after the date of loan approval stated in the loan authorization where the application for guaranty is approved as submitted by the lender. If SBA approves the guaranty of the loan with any substantial modification or addition to the loan conditions submitted by the lender, SBA will return the guaranty fee to lender if SBA receives, within 30 calendar days after SBA's approval date, a written request from lender to cancel the loan guaranty and to return the guaranty fee. SBA will not charge an additional guaranty fee for loans extended beyond the original maturity date. Lender shall not make any disbursements after the original maturity date.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 59.012)

Dated: March 20, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-9427 Filed 3-26-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-CE-2-AD; Amendment 39-3724]

Gates Learjet 23, 24, 25, 28, 29, 35 and 36 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD) that requires safety wiring of certain bolts in the cabin main entrance upper door on certain Gates Learjet 23, 24, 25, 28, 29, 35 and 36 series airplanes. This AD is needed to prevent possible failure of the door locking mechanism which could prevent crew/passengers from opening the door in the event of an emergency.

EFFECTIVE DATE: May 1, 1980.

Compliance: Within the next 150 hours time-in-service after the effective date of this AD.

ADDRESSES: The applicable Airplane Modification Kit Number AMK79-9 may be obtained from Gates Learjet Corporation, Mid-Continent Airport, P.O. Box 7707, Wichita, Kansas 67277, Telephone Number (316) 946-2000. A copy of the Modification Kit Instructions is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Marvin Beene, Aerospace Engineer, Engineering and Manufacturing District Office #43, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209, telephone (316) 942-4219.

SUPPLEMENTARY INFORMATION: On January 28, 1980, the FAA proposed to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to certain Gates Learjet Models 23, 24, 25, 28, 29, 35 and 36 series airplanes (45 FR 6407, 6408). The proposal would require modification of the door locking mechanism which otherwise could prevent crew/passengers from opening the door in the event of an emergency. Interested persons were invited to participate in the proposed rule making by submitting written comments on the proposal to the FAA. No comments to the docket were received.

Prior to the FAA proposal to amend Part 39, a report was received showing that the crew on a Lear Model 35 airplane could not get the cabin main entrance upper door open after landing. The occupants exited the airplane via the emergency exit on the right side of the airplane. The visual and electric door warning system showed that the door was properly closed and locked throughout the flight. Investigation after the incident revealed that a bolt in the door linkage had backed out of its self-locking nut plate after the door was closed thereby making it impossible to open the door. If this happens at a time when there is a fire on the right side of the airplane in the vicinity of the emergency exit or if the emergency exit is otherwise unusable, an unsafe condition will result because the crew and passengers will be trapped inside the airplane. In order to prevent these possible unsafe conditions from occurring Gates Learjet Corporation has developed and made available Airplane Modification Kit Number AMK79-9 which includes hardware and instructions for safety wiring certain critical pivot bolts in the cabin main entrance upper door. Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is being issued which requires safety wiring of certain critical bolts in the cabin main entrance upper door on certain Gates Learjet 23, 24, 25, 28, 29, 35 and 36 series airplanes.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Learjet: Applies to the following models or series and serial number airplanes certificated in all categories:

Note.—A "series" includes all models in a number series, i.e., 25 series includes Models 25, 25A, 25B, 25C, etc.

Model or series	Serial numbers
23 (model)	23-003 through 23-099
24 (series)	24-100 through 24-357
25 (series)	25-003 through 25-291
28 (model)	28-001 through 28-005
29 (model)	29-001 and 29-002
35 (series)	35-001 through 35-274 and 35-276
36 (series)	36-001 through 36-044

Compliance: Required as indicated unless already accomplished.

To assure that the cabin main entrance upper door will open, in the event of an emergency, accomplish the following:

(A) Within the next 150 hours time-in-service after the effective date of this Airworthiness Directive (AD), modify the cabin main entrance upper door by, (1) Drilling access holes, installing new mechanism pivot bolts drilled for safety wire and drilling safety wire holes in surrounding structure, as applicable, and (2) safety wiring the bolts, all in accordance with instructions in Gates Learjet Corporation Airplane Modification Kit Number AMK 79-9.

(B) Issuance of a special flight permit in accordance with FAR 21.197 is permitted for the purpose of moving affected airplanes to a location where the modification required by this AD can be accomplished.

(C) Any equivalent means of compliance with this AD must be approved by the Chief, Wichita Engineering and Manufacturing District Office, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 942-4219.

This amendment becomes effective May 1, 1980.

Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89).

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on March 17, 1980.

Paul J. Baker,

Director, Central Region.

[FR Doc. 80-9239 Filed 3-26-80; 8:45 am]

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14 CFR Part 39

[Docket No. 80-NW-9-AD; Amdt. 39-3721]

Airworthiness Directives; Boeing Model 707/720/727/737/747 Series Airplanes With Certain Hydraulic Components Repaired or Parts Produced by Fortner Engineering and Manufacturing, Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment requires removal of certain hydraulic components that have been repaired or parts produced by Fortner Engineering and Manufacturing, Inc., of Glendale, California, hereinafter referred to as Fortner, and installed in Boeing 707/720/727/737/747 aircraft. In addition, a one time operational check is prescribed.

One component of a primary flight control actuator was found to exhibit reverse control during a bench functional test. This resulted in a companion Airworthiness Directive (AD), T80NW-4, issued by telegram on January 29, 1980, relating to Boeing 737 rudder power control unit (PCU) servo valves overhauled by Fortner. Additional investigation to date reveals that these components were repaired under questionable quality control practices and that none were repaired in accordance with FAA-approved data. They, therefore, are of undetermined airworthiness status. Since the components added by this amendment to Part 39 have also been identified as controlling flight critical surfaces as were the 737 rudder servo valves and no compensating factors (such as dual surfaces or otherwise) exist which could alleviate the effects of an unscheduled full deflection command to these control surfaces, the amendment is being adopted on an emergency basis. FAA contemplates issuing a separate Notice of Proposed Rulemaking (NPRM) requiring the removal of other components overhauled by Fortner which are not in the class of criticality defined above.

DATES: Effective date April 3, 1980. Compliance times as prescribed in the body of this AD.

FOR FURTHER INFORMATION, CONTACT: Mr. Mark I. Quam, Systems and Equipment Section, ANW-213, Engineering and Manufacturing Branch, FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION: Telegraphic Airworthiness Directive T80NW-4 was issued by the FAA on January 29, 1980, to require the removal from service of Boeing 737 rudder PCU servo valves, P/N 68010-5003, that had been overhauled by Fortner. That action stemmed from the results of a final PCU assembly bench test during which an operator discovered that a 737 rudder power control unit (PCU) exhibited reverse control. The problem was isolated to the PCU dual servo valve (serial number 18X) that had been overhauled by Fortner. This valve and two other overhauled valves were returned to Fortner for functional tests. Data gathered from these tests indicated that not all the functional tests had been

conducted as directed by the Fortner overhaul specification, even though, in some cases, entries in the original quality control records at Fortner for the valves indicated that they had passed the tests satisfactorily after the overhaul work had been completed.

The valves were overhauled by Fortner by honing out the housing that contains the primary and secondary slides and replacing the primary and secondary slides with slides manufactured by Fortner in accordance with Fortner data. These data had not received FAA approval as required for major repairs or major alterations. In fact, Fortner had manufactured various parts and made several unapproved modifications.

Subsequent FAA investigation has revealed that Fortner has repaired approximately 15,000 hydraulic lap assemblies. Of the lap assemblies involved, approximately 125 are Boeing and Boeing-vendor part numbers. In addition, the FAA has learned that one major airline has a history of rejections of complex valves, used on primary flight control actuators, that were repaired by Fortner and found by the airline (not Fortner) to be deficient.

Tests have been conducted on five other 737 rudder PCU servo valves that had been overhauled by Fortner. These FAA-witnessed tests indicate that these valves do not meet approved type design data or Fortner overhaul specifications. Additional hydraulic component tests conducted by the original manufacturer indicate other hydraulic components overhauled by Fortner do not meet type design.

The 737 PCU servo valve, S/N 18X, exhibited reverse control on five different PCU's on which it had been installed for tests; however, on one of the five PCU's the control did not reverse every time the input was applied; i.e., the reversal phenomenon was intermittent and could not be predicted. Moreover, the servo valve 18X failed every servo valve component bench test witnesses by the FAA indicating poor quality control by Fortner. The FAA is concerned that if a PCU servo valve is not properly tested, as an individual component, in accordance with the airframe manufacturer's overhaul specification, then there is a risk that a servo valve that exhibits intermittent reverse control characteristics may pass the overhaul functional test of the complete PCU assembly and may be introduced into service.

The hardover failure of the 737 PCU servo valve, S/N 18X, can be associated with faulty repair of the servo, secondary slide mistrim, and manufacturing dimensional variables. This AD will require that a rudder, elevator and aileron manual hardover test be conducted on a one time basis to exercise as many of the variables as possible to detect a valve that might exhibit reverse control.

The hydraulic component compliance schedule provides for removal of the most flight-critical valves. This evaluation has been based on dual concentric type valves that control a critical flight surface and for which there are no compensating factors (such as dual surfaces or otherwise) which could alleviate the effects of a hardover condition. Other valves not considered as critical will be handled by separate FAA rule making action that will contain an extended removal schedule to relieve some of the burden the operators may encounter when trying to obtain replacement parts.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Boeing: Applies to all Model 707/720/727/737/747 series airplanes that contain the hydraulic components, listed below, that have been repaired or parts produced by FORTNER ENGINEERING AND MANUFACTURING, INC., OF GLENDALE, CALIFORNIA under FAA Repair Station Certificate No. 417–5.

Accomplish the following:

a. To detect a control valve which could cause control surface reversal, within three days from the effective date of this AD, unless already accomplished within the last 14 days, conduct a one time manual input hardover test on the flight control systems containing parts listed in paragraph B below, as follows:

Rudder (yaw damper off), elevator (autopilot off) and aileron (autopilot off) and all associated hydraulic systems on. Apply an abrupt hardover command one way until the flight surface reaches full travel. The commanded rate must be rapid enough to saturate the control valve, as evidenced by a noticeable resistance in the control input. The flight control shall be held hardover in that position for 5 seconds. Repeat this procedure applying an abrupt command in the opposite direction.

1. On the 737, use of single hydraulic systems during the test can be an aid in isolation of individual actuators.

i. Use the "B" system electric pumps or an external hydraulic source to pressurize the "B" hydraulic system. (ground interconnect closed).

ii. Turn on the "B" Flight Control hydraulics circuit breaker.

iii. Conduct the elevator and aileron control checks. Failure of the test indicates that the right hand elevator actuator (as viewed from the airplane tail) or the upper aileron actuator is faulty.

iv. Open the ground interconnect or use an external hydraulic source to pressurize the "A" hydraulic system.

v. Turn "off" the "B" Flight Control hydraulic circuit breaker and turn "on" the "A" Flight Control hydraulic circuit breaker.

vi. Conduct the elevator and aileron control checks (failure of the test indicates that the left hand elevator actuator or lower aileron actuator is faulty).

2. On the 727 elevator, if a surface reversal occurs, isolation should be accomplished by removal of an actuator and the use of a bench functional test with a maximum rate input to confirm the fault. If the fault cannot be confirmed, the other actuator should be checked.

3. On the 707 Rudder package with the series yaw damper, it is recommended that only pedal inputs be made, since this is adequate to provide the necessary valve overtravel (up to 200% of active travel).

4. The 747 inboard elevator test procedure is as follows:

i. Turn on all four ADP's and pressurize #1 hydraulic system only.

ii. Pull column full aft into stops at maximum rate and hold for 3 to 5 seconds. Check for signs of abnormality such as column reversal. Repeat for full forward column.

iii. Turn off #1 hydraulic system and repeat max rate test with hydraulic systems #2, #3 and #4 individually.

iv. A malfunction in System #1 or #2 indicates a problem with the right hand inboard elevator: System #3 or #4 indicates the left hand inboard elevator.

During these tests, observe the appropriate aileron, elevator or rudder positions or their cockpit indicators. If the flight surface reverses direction or if the rudder pedals or flight control wheel back drive in the opposite direction of command, immediately notify the FAA Northwest Region (telephone (206) 767–2800) and remove the associated power control unit from service.

b. Within 30 days from the effective date of this airworthiness directive, remove from service any of the following valve assemblies, and their detail subassemblies, that have been overhauled or produced by Fortner Engineering and Manufacturing, Inc., and replace with units which are either new manufacture or have been over hauled in accordance with FAA approved data:

PCU unit (used on)	Valve assembly P/N[1]	Lap assembly P/N[2]	Supplier
707/720 Series Yaw Damper rudder PCU P/N 60000( )	60010–5003, –5005, –5007	60010–1/–9/–13	Bertea.
727 Elevator PCU P/N 68000–( )	68010–5001	68010–1	Bertea.
737 Aileron/Elevator PCU P/N 65–44761–( )	65–44828–2/–4	65–44671–1, –3	Boeing/Bertea.
737 Rudder PCU P/N 65–44861–( )	68010–5003. This part has been covered by FAA telegraphic AD T80NW–4 dated 1–29–80.	68010–11	Bertea.
747 Inboard Elevator PCU P/N 93600–( )	93610–5003	93610–11	Bertea.

[1] Component part numbers to be removed. Note: Some operators refer to the valve assembly as the lap assembly.

[2] These part numbers are the original Bertea or Bertea/Boeing detail subassembly part numbers These lap subassemblies may have been replaced with Fortner assemblies by the repair station or operator. The Fortner Engineering and Manufacturing parts are to be removed from service.

c. Airplanes may be flown, in accordance with FAR 21.199 to a maintenance base, for the purpose of complying with this AD.

This amendment becomes effective April 3, 1980.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044 and as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Wash., on March 14, 1980.

C. B. Walk, Jr,

Director, Northwest Region.

[FR Doc. 80–9166 Filed 3–26–80; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 80–WE–6–AD; Amdt. 39–3722]

Airworthiness Directives; Hiller Model UH–12 Series Helicopters

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection of certain elements of main rotor blade assemblies to establish configuration, and provides for removal from service of over-age parts on Hiller Model UH–12 Series Helicopters. The AD is needed to prevent retention in service of finite life components beyond the established finite life which could result in loss of the rotorcraft.

DATES: Effective March 31, 1980.

Compliance schedule—Initial compliance required within 10 hours' time in service from the effective date of this AD.

ADDRESSES: The applicable service information may be obtained from:

Hiller Aviation, 2075 W. Scranton Avenue, Porterville, California 93257

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT:

Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536–6351.

SUPPLEMENTARY INFORMATION: There have been reports that the serial number designation on the anti-node bars installed in Hiller Helicopter UH–12 Series Helicopter main rotor blade assemblies may not be consistent with the configuration identified for these serial numbered anti-node bars in the document which establishes the life limit for these parts. This condition is significant from a safety aspect since there are two thread configurations for the main rotor anti-node bars which have significantly different service lives, and which may not be distinguished by the serial number identification which was originally intended to serve this purpose. Specifically, the nominal situation is as presented below:

Anti-node bar Serial No.	Thread style	Service life[1]
3396 through 4260	Cut	2500
4261 and subsequent	Rolled	6670

[1] Service life per T.C. data sheets 4H10 and 4H11 (hours' time and service).

Reports have been received of serveral anti-node bars with cut thread end fittings with serial number identification (above 4260), which would indicate a longer service life than that substantiated for the cut thread configuration. Continuation of the cut thread anti-node bar configuration in service beyond 2500 hours constitutes an unsafe condition which could result in fatigue failure of the anti-node bar and loss of the rotocraft. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued which requires inspection of the main rotor anti-node rod threads for configuration, and removal from service of over-age anti-node bars on Hiller Model UH–12 Series Helicopters.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

Hiller Helicopters: Applies to Hiller Model UH–12D, UH–12E and UH–12 (4 place) helicopters including military models UH–23D, OH–23G, H–23F and turbine-powered models, equipped with main rotor blade assembly, Parsons P/N 2253–1101–03 or 2253–11–01–04 certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent fatigue failure of the main rotor blade anti-node bars accomplish the following:

a. Before the accumulation of 2,500 hours' time in service, or within 10 additional hours' time in service on main rotor blades with 2,500 or more hours' time in service on the effective date of this AD, whichever occurs sooner, inspect the threaded ends of the anti-node bar per instructions specified in Part II accomplishment instructions of Hiller Aviation Service Bulletin No. 51–5 dated January 22, 1980, to determine whether the threads are rolled or cut.

b. If the anti-node bar thread inspection of paragraph (a) of this AD reveals that the bar has cut threads, remove the anti-node bar from service and replace with like serviceable part in accordance with paragraph 4.55 of the UH–12E Structural Repair Manual.

c. If the inspection of paragraph (a) of this AD does not provide satisfactory evidence that the threads are either cut or rolled, remove the rod from service and replace with a like serviceable part.

d. If the inspection of paragraph (a) of this AD reveals that the bar has rolled threads and the total time on the bar is less than 6,670 hours, reinstall the bar in accordance with the instructions of paragraph 4.55 of the UH–12E Structural Repair Manual.

Note.—Caution: Use extreme care in reinstalling the anti-node bar assembly to ensure that the screws attaching the anchor nut to the anti-node bar are not sheared during insertion. Hand pressure is the maximum force allowed in installing the anti-node bar.

e. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate rotorcraft to a base for the accomplishment of inspections required by this AD.

f. Alternative inspections, modifications or other actions which provide an equivalent

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level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective March 31, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Los Angeles, Calif., on March 14, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-9167 Filed 3-25-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-RM-28]

Alteration of Control Zone and Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the control zone and 700' and 1,200' transition areas at Rawlins, Wyoming, to provide additional controlled airspace for aircraft executing the new VOR/DME runway 22 standard instrument approach procedure (SIAP) and new departure procedure developed for the Rawlins Municipal Airport, Rawlins, Wyoming.

EFFECTIVE DATE: 0901 G.m.t. May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

History

On Monday, January 28, 1980, the FAA published for comment (45 FR 6408) a proposal to alter the control zone and 700' and 1,200' transition areas at Rawlins, Wyoming. As a result of this proposal, only two comments were received which expressed no objections.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (FARs) alters the Rawlins, Wyoming, control zone and 700' and 1,200' transition areas. This action is necessary to provide additional controlled airspace for aircraft executing the new VOR/DME runway 22 standard instrument approach procedure and new departure procedure developed for the Rawlins Municipal Airport, Rawlins, Wyoming.

Drafting Information

The principal authors of this document are Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective May 15, 1980, as follows:

By amending Subpart F, § 71.171 (45 FR 356) so as to alter the following control zone to read:

Rawlins, Wyo.

With a 5-mile radius of Rawlins Municipal Airport (latitude 41°48'15" N., longitude 107°12'05" W.) and within 5 miles north and 3.5 miles south of the 089° bearing from the Sinclair radiobeacon (latitude 41°48'24" N., longitude 107°05'06" W.) extending from the 5-mile radius area to 2.5 miles east of the radiobeacon. This control zone is effective during the specific dates and times established in advance by a "Notice to Airmen." The effective date and time will, thereafter, be continuously published in the Airport/Facility Directory.

By amending Subpart G, § 71.181 (45 FR 445) so as to alter the following transition area to read:

Rawlins, Wyo.

That airspace extending upward from 700' above the surface within the 9-mile radius of the Rawlins Municipal Airport (latitude 41°48'15" N., longitude 107°12'05" W.) and within 5 miles each side of the 089° bearing from the Sinclair radiobeacon (latitude 41°48'24" N., longitude 107°05'06" W.) extending from the radiobeacon to 11.5 miles east; that airspace extending upward from 1,200' above the surface within 13 miles south and 8 miles north of the Cherokee VORTAC (latitude 41°45'21" N., longitude 107°34'53" W.) 261° radial extending on the north from the west edge of V-26 and on the south from the south edge of V-4 to a point 23 miles west of the Cherokee VORTAC; and that airspace east of the Cherokee VORTAC within an arc of the 46-mile radius circle centered on the Cherokee VORTAC bounded on the north by the north edge of V-26 and on the south by V-4.

By amending Subpart G, § 71.181 (45 FR 445) so as to *delete* the following transition area:

Cherokee, Wyo.

That airspace extending upward from 1,200' above the surface within 9 miles south and 6 miles north of the Cherokee VORTAC 261° radial extending from 8 miles east to 19 miles west of the VORTAC: and that airspace east of the Cherokee VORTAC within an arc of a 37-mile radius circle centered on the Cherokee VORTAC bounded on the north by the north edge of V-26 and on the south by the south edge of V-4, excluding that airspace within the Rawlins, Wyoming transition area.

(Sec. 307(a) Federal Aviation Act of 1958 as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Aurora, Colorado on March 12, 1980.

Isaac H. Hoover,

Acting Director, Rocky Mountain Region.

[FR Doc. 80-9165 Filed 3-25-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-ASW-63]

Alteration of Transition Area; Houma, La.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Houma, La. The intended effect of the action is to provide additional controlled airspace for aircraft executing instrument approach procedures to the Houma-Terrebonne Airport. The circumstance which created a need for the action is that a review of the current transition area revealed the controlled airspace is not properly described and inadequate for the protection of aircraft executing instrument approach procedures. In addition, higher performance aircraft are utilizing the airport which require additional controlled airspace.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On January 21, 1980, a notice of proposed rulemaking was published in the Federal Register (45 FR 3919) stating that the Federal Aviation Administration proposed to alter the Houma, La., transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. No objections were received to the proposal. Except for editorial changes, this amendment is that proposed in the notice..

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the Houma, La., transition area. This action provides controlled airspace for the protection of aircraft executing instrument approach procedures to the Houma-Terrebonne Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended, effective 0901 G.m.t., May 15, 1980, as follows.

In Subpart G, § 71.181 (45 FR 445), the Houma, La., transition area is amended by deleting the present description and substituting the following:

Houma, La.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Houma-Terrebonne Airport (latitude 29°34'03"N., longitude 90°39'37"W.) and within 2 miles each side of the 123° radial of the Tibby VORTAC (latitude 29°39'51"N., longitude 90°49'44"W.) extending from the 6.5-mile radius area to the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Forth Worth, Tex., on March 14, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80-9169 Filed 3-25-80; 8:45 am]

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CIVIL AERONAUTICS BOARD

14 CFR Part 221

[Reg. ER-1171; Amdt. No. 52 to Part 221; Docket Nos. 33113, 36202]

Statutory Notice for Tariff Filings; Special Tariff Permission To File on Less Than Statutory Notice

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: Airlines must file tariffs with the CAB, stating their prices and practices. These tariffs are ordinarily required by statute to be filed at least 30 or 60 days before they become effective. In this rulemaking the CAB (1) clarifies the scope of these "statutory notice" requirements; (2) establishes an alternative, 25-day statutory notice requirement for tariffs that are filed to match competition; and (3) liberalizes its policies on granting Special Tariff Permission to file on less than statutory notice. The liberalization is designed to speed up the introduction of innovative price reductions, and to eliminate delays of fare reductions and increases that the CAB has no authority to disapprove. This rulemaking also reflects changes in tariff filing deadlines that were made by the International Air Transportation Competition Act. These rules are adopted on the CAB's initiative.

DATES: Adopted: March 20, 1980. Effective: March 20, 1980.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, 202-673-5442; or Robert Klothe, Bureau of Domestic Aviation, 202-673-6064, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION:

Introduction

The Federal Aviation Act of 1958 requires airlines to file tariffs with the Board, describing the prices for the air transportation that they provide, and their practices ("classifications, rules, regulations, practices, and services") in connection with that air transportation (section 403(c)). Tariffs stating practices are often referred to as "rules tariffs," but should not be confused with proposed and final rules (regulations) adopted by the Board.

This issuance deals with the amount of notice that an airline must provide before a tariff may become effective. Section 403(c) of the Act specifies 60 days for some cases and 30 days for others, and explicitly authorizes the Board to establish an alternative notice requirement of 25 days for tariffs that match prices already filed in another airline's tariff. Instead of waiting out these "statutory notice" periods, airlines may in some cases obtain Special Tariff Permission from the Board to file on shorter notice, often as little as 1 day before a tariff's effective date.

This issuance is a final rule that concludes two distinct Board proceedings. The first is about the 60- and 30-day statutory notice requirements, and began with a final rule (ER-1104; 44 FR 9576; February 13, 1979) that was effective immediately and accompanied by a request for public comments (EDR-372/PDR-61; Docket 33113; 44 FR 9579; same date). The second proceeding is to establish the 25-day alternative statutory notice requirement for matching tariffs and to liberalize Board policies on granting Special Tariff Permission. It began with a notice of proposed rulemaking (EDR-386/PSDR-62; Docket 36202; 44 FR 44549; July 30, 1979).

I: The 60- and 30-Day Statutory Notice Requirements (ER-1104)

Background

ER-1104 was a final rule amending the advance notice provisions in our rule on tariff filing deadlines, 14 CFR 221.160(a), to resolve ambiguities and conform to changes made by the Airline Deregulation Act of 1978. A brief discussion of our authority over tariffs will aid in understanding ER-1104.

Before the Deregulation Act, we could suspend a tariff that stated a price or practice we suspected to be unlawful and, after an investigation and hearing, we could find the price or practice to be unlawful. If it was for international transportation, we could prohibit its use, and if for domestic, we could replace it with a prescribed lawful price or practice. For a price or practice to be unlawful, it had to be found either (a) unjust or unreasonable, or (b) unjustly discriminatory, unduly preferential, or unduly prejudicial.

While airline deregulation bills were being considered by Congress, we began a policy to encourage fare flexibility. In PS-80, we voluntarily established a broad zone within which we would ordinarily not suspend domestic passenger fares (43 FR 39522; September 5, 1978).

Then, the Deregulation Act amended the Federal Aviation Act ("the Act") to create a zone of reasonableness for domestic passenger fares. Similar to but somewhat narrower than the PS-80 zone, the statutory zone ranges from 50 percent below, to 5 percent above, a standard industry fare level. (For monopoly markets, the standard

industry fare level is the maximum.) Within this zone we can no longer find a fare unjust or unreasonable on the basis that the fare is too low or too high, except in the rare case that we find a decreased fare to be predatory. At the same time, our *suspension* power over domestic passenger tariffs was limited to those that we have authority to find unjust or unreasonable. Thus we can still find a fare within the zone to be unlawful on other grounds, but we cannot suspend the tariff while the investigation and hearing are in progress.

Congress was also concerned about the disruption to airlines and the traveling public that could occur when we exercise what is left of our suspension power. To minimize this, the Deregulation Act added a general requirement, not limited to domestic passenger fare tariffs, that we give an airline 30 days' notice when suspending its tariff (new section 403(c)(3)). To preserve a 30-day period before that so we can consider new tariff filings and decide whether suspension is necessary, the airline filing deadlines in section 403 (c)(1) and (c)(2) were amended to establish a 60/30 day scheme. The full text of section 403(c), as amended by the Airline Deregulation Act of 1978, Pub. L. 95-504, is—

(c)(1) Except as provided in paragraph (2) of this subsection, no change shall be made in any rate, fare, or charge, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, specified in any effective tariff of any air carrier until thirty days after notice of the proposed change has been filed, posted, and published in accordance with subsection (a) of this section, except the Board may establish an alternative notice requirement, of not less than twenty-five days, to allow an air carrier to match the fares or charges specified in another air carrier's proposed tariff. Any notice specified under this subsection shall plainly state the change proposed to be made and the time such change will take effect.

(2) If the effect of any proposed tariff change would be to institute a fare that is outside of the [zone of reasonableness] or would be to institute a fare to which such range of fares does not apply, then such proposed change shall not be implemented except after sixty days' notice filed in accordance with regulations prescribed by the Board.

(3) In exercising its power to suspend tariffs under sections 1002(g) and 1002(j) of this Act, the Board shall file and deliver a statement in writing of its reasons for such suspension, as required under section 1002(g), at least thirty days before the date on which the affected tariff would otherwise go into effect.

The Interpretation in ER-1104

For a tariff that states a domestic passenger fare outside the zone of reasonableness, or any international passenger fare not otherwise governed by a bilateral agreement, Congress clearly intended to require filing on 60 days' notice. Similarly, a tariff stating a domestic passenger fare within the zone, which we cannot suspend, may be filed on 30 days' notice. A literal reading of subsections (c)(1) and (c)(2) would also allow 30-day filing for many tariffs that are still subject to Board suspension, namely those stating practices or international cargo rates. (All filing of domestic cargo tariffs—rates and practices—was eliminated by ER-1080; 43 FR 53628; November 16, 1978; and ER-1094; 44 FR 6634; February 1, 1979.) But that reading of the filing requirements, when combined with the requirement in (c)(3) that we give an airline 30 days' notice when suspending under section 1002, would frustrate the exercise of our remaining responsibilities, a result that Congress could not have intended.

To resolve this ambiguity, we concluded that the statute should be read as if section 403(c)(2) had explicitly mentioned "rates," "charges," and "classifications, rules, regulations, practices, and services" along with fares. This interpretation was announced in ER-1104, which amended 14 CFR 221.160(a) to allow 30 days' notice for domestic passenger fares within the zone and require 60 days for all other tariffs. ER-1104 was the type of final agency rule for which prior notice and comment were not legally necessary. We decided to invite public comments nonetheless, with a view toward possible further amendments (EDR-372/PDR-61).

Two comments were filed. Trans World Airlines did not address the statutory notice requirement, but instead asked that we clarify our policies on Special Tariff Permission. This subject is discussed below in Part II of this issuance.

The other commenter, British Caledonian Airways, Ltd. (BCal), objected to ER-1104 on both procedural and substantive grounds. We reject BCal's legal challenges, but its comment has prompted us to revise one aspect of our statutory interpretation.

The Procedural Objection

BCal stated, without any further discussion, that

the procedure employed by the Board in promulgating new substantive rules (ER-1104) with immediate effect but without prior public notice or opportunity for comment is simply unlawful.

We assume that BCal was referring to the informal rulemaking provisions of the Administrative Procedure Act, 5 U.S.C. 553. That section generally requires notice and an opportunity for public comment before an agency adopts a rule, and a delayed effective date. But there are several exceptions, including two for interpretative rules. Interpretative rules are "statements as to what the administrative officer thinks the statute or regulation means." *Gibson Wine Co.* v. *Snyder*, 194 F.2d 329, 331 (D.C. Cir. 1952). In ER-1104, we amended the filing deadlines set out in Part 221 merely to reflect changes already made by the Deregulation Act, including an interpretation of those changes made necessary by ambiguities in the statute. Such a rule is plainly "interpretative." This justifies both the omission of prior notice and comment (section 553(b)(A)) and the immediate effective date (section 553(d)(2)).

Even if ER-1104 were not an interpretative rule, the procedure that we followed would have been fully justified on other grounds. The changes in the statutory filing periods and suspension notice requirements had become effective immediately upon passage of the Deregulation Act, on October 24, 1978. In the 3 months after that, there had been increasing uncertainty about how we would exercise our important substantive tariff review functions. In adopting ER-1104 to remove this uncertainty, we found for good cause that notice and public procedure were not only impracticable but contrary to the public interest (section 553(b)(B)), and that an immediate effective date was necessary (section 553(d)(3)). The growing risks include the frustration of pricing innovation, the prejudice of important procedural rights, and the prospect of public confusion should we have to suspend tariffs prematurely or after they had become effective. The need for immediate action was clear.

The Substantive Objection

BCal argued that in ER-1104 we had interpreted the Deregulation Act incorrectly by requiring 60 rather than 30 days' notice for rules tariffs, instead of merely for certain fares and rates. It stated in effect that we ignored the plain meaning of section 403(c)(1) and (c)(2). It also contended that the legislative history indicates Congressional intent that 30 days be the "general" requirement, with a 60-day exception only for pricing tariffs not covered by the zone of reasonableness.

But BCal itself departs from a literal reading of the statute in at least two ways. First, it apparently agrees with our view that the reference to "fare" in the 60-day notice provision (section 403(c)(2)) encompasses not only passenger fares but also international cargo rates. Second, BCal would even include some tariff rules in that provision. It distinguishes between rules that "appear in a rules tariff" and rules that are "textual provisions appearing in a fares or rates tariff which prescribe how the pricing provisions are to be constructed or applied." It assumes that such price-related rules would also have to be filed a full 60 days in advance whenever that notice period is required for the associated fare or rate.

More important, BCal's argument ignores entirely the reasons for our interpretation. The new filing deadlines simply cannot be read in isolation. They must be reconciled with the Deregulation Act's equally specific provision requiring 30-day notice of suspensions, in a manner that is consistent with the general intent of the Federal Aviation Act as a whole.

In fact, a too literal reading would present a significant obstacle to the full discharge of our continuing regulatory responsibilites, which contemplate the suspension of questionable tariffs before they would become effective. Under BCal's interpretation, any domestic or international tariff rule could be filed by an airline on 30 days' notice, leaving little or no time for analysis of the filing, much less effective Board action. For a domestic tariff, our options would be limited to (1) immediate suspension, subject to a possible reinstatement, or (2) invoking section 1002(g) of the Act to suspend as little as 15 days before the tariff's effective date. For an international tariff, the options would be (1) similar immediate suspension, (2) invoking a bilateral agreement that allows suspension on less than 30 days' notice (available only if such an agreement exists), and (3) invoking section 1002(j)(2) to suspend the tariff after it has become effective (available only if that is not prohibited by a bilateral).

None of these options would successfully harmonize the need for adequate time for complaints, answers, and our analysis with an equally important Congressional goal: to avoid the disruption often caused by the suspension of a tariff shortly before its effective date or, even worse, after it has already become effective. We believe that Congress did not intend to allow such late suspension any more than was necessary when it amended the filing deadlines. Rather, the general evolution of section 403(c) since 1938 shows that Congress has consistently followed a policy of allowing the Board a reasonable time to receive complaints and answers and to review suspendable tariff material.

Congress has historically given the Board 30 days for this. Until 1977, airlines could file any tariff on as little as 30 days' notice, but we did not have to give prior notice when suspending. Then, when it enacted the cargo deregulation amendments, Pub. L. 95-163, Congress amended the scheme for all tariffs. It required us to give notice of suspension at least 15 days before a tariff's effective date but, rather than letting that shrink our review period, it moved the filing deadline to 45 days for most tariffs and 60 days for the rest. (The 60 days were for direct carrier cargo tariffs, with the express purpose of giving indirect cargo carriers advance notice of rate changes before their tariffs had to be filed on 45 days' notice.)

The legislative history of the 1977 amendments makes clear the Congressional purpose in increasing the filing period to at least 45 days. The House Report on a bill that led to those amendments stated:

Testimony at the hearing indicated that in most cases the fault for last minute decisions does not lie with the CAB. The economic considerations underlying proposed fare changes are frequently complex and the process requires that interested persons have an opportunity to file comments with the CAB on a proposed change. Thirty days is not an unreasonable period for the CAB to analyze the voluminous pleadings it receives and to prepare and issue its decisions. Thus, *the solution to the problem is not to shorten the period for CAB action, but to move back the dates for both carrier filing and CAB decision, preserving the 30 day period for CAB action.* (Emphasis added.) (H.R. Rep. No. 95-014 on H.R. 26, p. 2.)

Nothing in the legislative history of the Airline Deregulation Act of 1978 or the recently passed International Air Transportation Competition Act suggests that Congress has reversed either its longstanding policy or its express findings on this point. It is more reasonable to read the Deregulation Act's 60/30 day scheme as indicating a basic Congressional intent to key 30-day filing to tariffs that could not be suspended, while requiring 60 days for all or most suspendable ones, so that we would continue to have enough time to review them in the face of the new 30-day suspension notice requirement. This approach best meets the requirements of sound statutory construction.

We are not dissuaded by BCal's reference to the Conference Report on the Deregulation Act (H.R. Rep. No. 95-1779, p. 69). All that can be gleaned from that brief description is a statement that "generally" an airline proposing a tariff change shall file on 30 days' notice. It is difficult to reconcile this sole reference to 30-day filing with the specific language of the 1977 House report. More plausible is that "generally" merely refers to the likelihood that most domestic passenger fare tariff filings will fall within the zone of reasonableness, and come under the 30-day provision for that reason. In any event, it is most unlikely that Congress would have intended to undercut its longstanding protection of the 30-day period for Board review of suspendable tariff filings, particularly without any discussion at all of the competing factors that would have prompted the change.

Revised Interpretation

Although we are not adopting BCal's suggested approach to filing deadlines, its comment has identified a potential ambiguity in the way that we stated our interpretation in ER-1104. Tariff rules that state practices or conditions of general applicability are subject to suspension, and should be filed on 60 days' notice. Examples of these rules include those relating to freight damage claims, baggage liability, rerouting, denied boarding compensation, interrupted trip amenities, and check-in times. These are usually located, as BCal noted, in a separate "rules tariff."

On the other hand, tariff rules that restrict, condition, or otherwise specifically affect a particular fare or rate are often considered to be a part of the fare or rate itself. Examples include advance purchase requirements, cancellation penalties, and other marketing restrictions on discount fares. When these rules are not separable from a specific fare or rate, they undoubtedly should be subject to the same filing deadline as the fare or rate itself.

We are therefore clarifying § 221.160(a) to state that when a rule applies only to a specific fare within the zone of reasonableness, it may be filed on 30 days' notice. All other tariff rules, including those that affect fares both within and outside the zone, must be filed on 60 days' notice. The fact that a rule is placed in a tariff stating a fare within the zone, rather than in a general "rules tariff," will ordinarily indicate that it qualifies for 30-day filing. This will not be conclusive, however, since the placement is largely within the control of the filing airline. The essential question is whether the rule is in substance so closely related to the fare that they cannot be separated.

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This clarifying amendment of § 221.160(a) is interpretative, so notice and public procedure are unnecessary and it may become effective immediately.

International Act

The President has recently signed the International Air Transportation Competition Act, Pub. L. 96–192. This Act established a zone of reasonableness for international passenger fares that is much like the existing domestic one. To complement the new zone, the Act also amended the filing deadlines in section 403(c) to bring international tariffs under the same 60/30 day scheme as domestic tariffs. We are revising § 221.160(a) to conform to that change. This amendment is also interpretative, so notice and public procedure are unnecessary and it may become effective immediately.

II: 25-Day Statutory Notice for Matching Tariffs And Special Tariff Permission

In notice of proposed rulemaking EDR–386/PSDR–62 ("the NPRM"), we proposed to establish a 25-day alternative statutory notice period for matching tariffs and to liberalize our policies on granting Special Tariff Permission ("STP"). Twenty-one comments were filed, by airlines, a group of shippers, 14 travel agents and an agents' organization, and the Commonwealth of Puerto Rico. A list is attached as an appendix. The comments are addressed by subject matter in the following discussion. We have decided to adopt the rule as proposed, except for editorial changes and others discussed below.

25-Day Statutory Notice for Matching Tariffs

In addition to the 60- and 30-day advance filing requirements in section 403(c) of the Act, section 403(c)(1) explicitly authorizes the Board to establish a 25-day alternative filing requirement for tariffs that match prices already filed in another airline's tariff. We proposed to allow such filings for fare and rate reductions, as long as the matching tariffs were scheduled to become effective on the same day as the original tariff. A competitor would have 5 days to match a 30-day filing, and 35 days to match a 60-day filing. If the competitor did not file in time, then it would have to wait the full 30- or 60-day period, as applicable. Thus, the initiating airline would have at least a 5-day marketing advantage. By allowing the simultaneous matching of low price initiatives, but only if the competitor acts quickly, this approach would simulate the conditions to be expected after tariffs are eliminated in 1983.

The commenters generally favored an easing of filing requirements for matching tariffs, but Delta Air Lines and American Airlines suggested that we go further than the NPRM. Delta suggested a 20-day requirement instead of 25, to give competing airlines more time to prepare their matching tariffs. Delta and American both suggested that we drop the proposed condition that the matching tariff must become effective on the same day as the original one. That way, a matching tariff could be filed 7 days after the original filing, for example, to become effective 2 days later than the original. American argued that airline costs would be increased if tariff preparation and filing had to be completed within 5 days.

We have decided to adopt the 25-day provision for matching tariffs as proposed. Although a rule without the requirement that the matching tariff have the same effective date may be simpler and less burdensome for the airline filing it, these are not the only considerations. During this interim period before complete deregulation, there are compromises to be made between free market practice and regulating airlines' attempts to compete. The more freedom that competitors have to match price reductions, the sooner the public will have the benefit of those reductions. On the other hand, the marketing advantage gained by the first airline to propose the reductions gives an incentive for innovation. On balance, we feel that the trade-off in the proposed approach is the right one at this time.

Delta also asked that we include a provision to allow U.S. airlines to match tariffs that Canadian airlines, under the U.S.-Canada bilateral agreement, can file on 30 days' notice. They can do this without further change in the proposed rule. It appears from the comment, however, that Delta's real request is for a blanket reduction of the advance filing period for U.S.-Canada tariffs to 30 days. We did that by a 2-year blanket exemption in Order 80–1–169, January 25, 1980.

Special Tariff Permission

The NPRM. Historically, we granted Special Tariff Permission to file on less than statutory notice only in limited cases, such as correcting clerical errors or for tariffs covering newly authorized transportation. We recently began to expand the grounds, case by case, to allow the speedy introduction of lower fares. The NPRM was designed to establish a uniform policy on this subject and remove unneeded regulatory obstacles to a more competitive and dynamic pricing system.

We tentatively concluded that the statutory changes made by cargo deregulation in 1977 and the Airline Deregulation Act of 1978, coupled with increasing competition in the airline industry, made it in the public interest to allow airlines more flexibility to change their tariffs on short notice, especially when offering reduced fares or rates. The NPRM proposed to establish by rule a policy of granting STP for prices within a statutory or Board-established zone of presumed lawfulness, and for price reductions that do not raise significant questions of lawfulness, even if the resulting prices are below an applicable zone. These are tariffs that we would not, and in most cases legally could not, suspend. The policy change would let airlines' pricing actions more closely approximate those in an unregulated environment, and limit the statutory notice requirement to those tariff filings for which it serves a real purpose. Also, to the extent that airlines took advantage of the new policy, it would reduce the incidence of price signalling, an anticompetitive side effect of long notice periods.

A proposed price reduction would present a significant question of lawfulness if under current Board or statutory guidelines it appeared likely to be found predatory, unjustly discriminatory, unduly preferential, unduly prejudicial, or (for reductions below the applicable zone) unjust or unreasonable. The NPRM contemplated the following procedure for these situations: If it appeared likely that such questions would be raised, we would deny STP and invite the airline to file the tariff with the applicable statutory delayed effective date (60 or 30 days away) along with a separate STP request to advance that effective date. That way we could receive any public objections during the standard 10-day period for complaints against a tariff (14 CFR 302.505). If we then decided to allow the price reduction, we could grant the STP request to advance the effective date. If the issues were still not clear enough after that initial review, we could let the statutory period continue to run (that is, deny the STP request) and issue an order, as we have done in the past, either approving the tariff or suspending it. We would do our best to grant or deny the STP request within 15 days after it was filed.

The NPRM used the term "clearly established zone," in order to encompass both existing and future statutory and Board-established zones. Statutory zones would include the one for domestic fares created by the Deregulation Act and the similar international one that has since been created by the International Air Transportation Competition Act. We had already voluntarily established a broader zone for passenger fares in continental U.S. markets (PS–80) and proposed similar ones for flights between the mainland and Hawaii, Puerto Rico, and the Virgin Islands. Since issuing the NPRM on Special Tariff Permission we have also proposed a similar zone for Alaska and range of flexibility for international cargo rates (PSDR–65; Docket 37444; 45 FR 3595; January 18, 1980).

Comments and response. American and World Airways opposed the NPRM on legal grounds. They argued that we no longer have authority to grant STP because the explicit authorization in section 403(c) was eliminated by the Deregulation Act. We disagree. That amendment cannot be read in isolation. The Deregulation Act also amended section 416 to substantially broaden our general exemption authority. Since that section now allows us to exempt any person or class of persons from any provision of Title IV of the Act when the exemption is "consistent with the public interest," no specific statutory mention of STP authority in section 403 is necessary. The amendment of section 416 continued that authority without interruption. And for the reasons discussed above and in the NPRM, we find it consistent with the public interest to grant STP in the situations described in this final rule.

World also asked that we defer action in this rulemaking while the U.S. Court of Appeals was considering its petition for review of Order 79–6–195. In that order we had dismissed World's complaint against tariffs filed on short notice by some of its competitors. World's petition has since been dismissed by the Court of Appeals, however, mooting the request for delay (D.C. Cir.; Case No. 79–1591; October 23, 1979).

Some of the commenters opposed an STP liberlization on practical grounds. As we stated in the NPRM,

> We are aware of complaints by travel agents that frequent changes in fares on short notice can be disruptive to their operations and, eventually, their customers. In general, we believe that it is the carrier's responsibility to ensure that notice of new fares is adequately disseminated to its agents, the length of regulatory notice nothwithstanding. We welcome any comments as to the effect of our proposed policies on the travel agent industry.

American Airlines, the American Society of Travel Agents, and the individual travel agents responed that a substantial lead time is needed to market new fares, particularly for alerting travel agents. Some of the agents argued that the advance notice period for tariff filings should be increased, not decreased. These commenters have not persuaded us to depart from the proposed approach. No airline will be required to file on short notice. We believe that each one should be able to make its own judgement about the amount of notice needed to market a new fare. The amount of notice actually needed for any particular fare is likely to vary, depending on the nature of the fare and the airline involved. Each airline will necessarily adopt its own marketing strategy, designed to inform the public about the new fare and equip its agents to sell it. Each airline has a strong interest in performing these tasks as efficiently as possible. To the extent that the airlines may not succeed in minimizing travel agent disruption, the remaining problem would not justify a regulatory requirement of notice. The prospect of innovative low fares being delayed and other anticompetitive side effects would make that solution worse than the problem.

Puerto Rico favored STP for fare reductions, but objected to allowing it for increases, even where the increase is within a zone of presumed lawfulness. Puerto Rico stated that this policy would subject its markets to fare increases without an opportunity for it to comment. But we have no legal authority to question the resonableness of a price increase within the statutory zone. The Commonwealth's primary concern appears to be with the broader zone for mainland-Puerto Rico markets that we proposed to establish in EDR–366/PDR–58/PSDR–52 (Docket 33836; 43 FR 51641; November 6, 1978). We are considering its comments in that proceeding. If we adopt that proposal, it will amount to a finding that fare increases within it are so likely to be lawful that they should not be suspended. Other than mere delay, therefore, little purpose would be served by requiring full statutory notice for price increases within a zone.

Since the STP policies described in the NPRM technically encompassed any zone of flexibility that might be created in the future, the Electronics Shippers and the Flying Tiger Line focused on international cargo rates. Flying Tiger suggested that we expressly liberalize our tariff policies in this area. The Electronics Shippers, on the other hand, opposed liberalized STP for cargo tariffs. They argued that it would undermine the notice, complaint, and review process that they believe is necessary to protect shippers in most international markets. After those comments were filed, we issued PSDR–65, proposing to establish a range of flexibility for international cargo rates and explicitly addressing the subject of Special Tariff Permission. We have decided to consider our policy on STP for cargo rate *increases* in that rulemaking proceeding. Cargo rate STP for rate *reductions*, however, is included in this final rule.

We are not similarly deferring action on international passenger fares. Legislation to establish zones of reasonableness for these fares was already being considered in Congress when the NPRM was issued, so STP policy for them was not only technically but practically within the scope of the proposal. Moreover, to the extent that the NPRM may be considered as not having given fair notice of the possiblity that the proposed policies would apply to international fares within the not-yet-established zone, we find that notice and opportunity for comment were unnecessary within the meaning of 5 U.S.C. 553(b), because the legal issues are the same. Airlines should note that the STP policy adopted here does not eliminate any requirement that they obtain special permission from another country for short notice tariff filings affecting that country.

The changes in our STP procedures are reflected in § 221.190 and in an amendment of 14 CFR Part 399, *Statements of General Policy*, that is also adopted today (PS–91). We are also adding a sentence in Part 399 to clarify that we will not grant STP to match a tariff that was filed on statutory notice. If the initial airline is willing to forgo short notice filing, other airlines must file their matching tariffs on the 25-day alternative statutory notice established for that purpose.

Notification to Interested Parties of STP Applications

The NPRM proposed toi require an airline to give telegraphic notice to its competitors whenever it asked for STP for a price reduction that appeared to raise significant questions of lawfulness. Then, as an interim measure, we required all airlines asking for STP believed to be controversial to give telegraphic or hand-delivered notice to all parties substantially affected by the proposed tariff change (Order 79–8–136, August 24, 1979). The order required that notice be given when the application if filed at the Board.

Only two of the commenters addressed this subject. Puerto Rico

asserted that airlines proposing price changes that affect the Commonwealth should be required to serve it, as well as competing airlines, whenever the change is an increase, whether within or outside the zone. Puerto Rico argued that its interest in the fare level to the Commonwealth is as great as, or greater than, that of a competing airline.

We see no need to require actual notice for fare changes, including increases, that are inside the statutory zones of reasonableness. We have no power to suspend domestic fares within the zone, and cannot suspend international fares within the zone on grounds of economic unreasonableness. We find that the burden of requiring any special notice in these cases outweighs any potential benefit to our remaining investigatory powers or to the normal mechanisms for disseminating pricing information to the traveling public.

To ensure fairness to potential complainants, however, we are requiring notice when STP is requested for a fare outside of the statutory zones. We are also continuing the standard used in Order 79–8–136, since (1) even a fare reduction within a zone might raise a significant question of lawfulness, (2) the zones do not apply to rules tariffs, and (3) no zone has been established yet for cargo rates. Therefore, notice must be given whenever the airline has reason to believe the tariff will be controversial. Since granting STP is discretionary, we can protect procedural fairness by withholding it whenever we are not satisfied that adequate notice has been given.

We also agree that civic parties in an area that would be particularly affected (such as Puerto Rico in the case of a fare involving that market) should be given the same notice as competing airlines. In some cases, however, telegraphic notice to affected civic parties may be impractical. For example, the burden might be unreasonable in the case of a system-wide fare, involving hundreds of communities. In these situations, we will allow alternative notice, such as advertising, that would have the practical effect of advising civic parties of the airline's proposed price changes. The alternative must be approved by the Board's Tariffs Division.

The requirement to notify civic parties creates no significant burden, and it is important to specify our STP policy without delay. We therefore find that, to the extent this requirement may be considered outside the scope of the NPRM, notice and opportunity for comment were unnecessary and contrary to the public interest.

To further ensure fairness to persons who would be adversely affected by a tariff change, the Tariffs Division will forward to the Bureau of Consumer Protection a copy of any STP application that appears likely to be controversial. In addition, if there are readily identifiable representatives of those persons (for example, an organization of shippers), the Tariffs Division will make sure that the airline has also notified those representatives.

Finally, Delta recommended that, instead of all airlines serving the markets affected by an STP application, an applicant should only have to notify those providing nonstop or single-plane one-stop service. We agree that there would be little value in requiring telegraphic notice to airlines with only a limited interest in the market. We believe, however, that the airlines with a substantial interest in competitors' STP applications are those holding nonstop or one-stop *authority* in the affected markets. The final rule therefore requires notice to these airlines. Applicants must also include in their STP applications a list of the airlines and civic parties that have been notified.

The provisions of this rule are all either interpretative rules, statements of general policy, or substantive rules that relieve a restriction. They can therefore become effective immediately.

Accordingly, the Civil Aeronautics Board retitles and amends 14 CFR Part 221, *Construction, Publication, Filing and Posting of Tariffs of Air Carriers and Foreign Air Carriers*, as follows:

PART 221—TARIFFS

1. Part 221 is retitled *Tariffs* as set forth above.

2. In § 221.160, paragraph (a) is amended to read:

§ 221.160 Required notice.

(a) *Statutory notice required.* Unless otherwise authorized by the Board or specified in a bilateral agreement between the United States and a foreign country, all tariff filings shall be made on the following schedule, whether or not they effect any changes:

(1) At least 30 days before they are to become effective, for tariffs stating a passenger fare within the zone created by section 1002(d)(4) of the Act (interstate and overseas) or the zone created by section 1002(j)(6) (foreign), or stating a rule that affects only such a fare;

(2) At least 25 days before they are to become effective, for matching tariffs that are to become effective on the same date as the tariff to be matched and that meet competition as described in § 221.165(d)(1)(iv); and

(3) At least 60 days before they are to become effective, for all other tariffs.

* * * * *

3. In § 221.190, new paragraphs (b)(5) and (b)(6) are added, to read:

§ 221.190 Grounds for approving or denying Special Tariff Permission applications.

* * * * *

(b) *Grounds for approval.* The following facts and circumstances constitute some of the grounds for approving applications for Special Tariff Permission in the absence of other facts and circumstances warranting denial:

* * * * *

(5) *Fares within a zone.* The fact that a passenger fare is within a statutory or Board-established zone of presumed lawfulness constitutes grounds for approving an application for Special Tariff Permission to file a tariff stating that fare, and any rules affecting only that fare, on less than statutory notice. The Board's policy on approving such applications is set forth in § 399.35 of this chapter.

(6) *Lowered fares, rates, and charges.* The prospective lowering of fares, rates, or charges to the traveling or shipping public constitutes grounds for approving an application for Special Tariff Permission to file on less than statutory notice a tariff stating the lowered fares, rates, or charges and any rules affecting only them. However, the Board will not approve the application if the proposed tariff raises significant questions of lawfulness, as set forth in § 399.35 of this chapter.

(c) [Revoked and Reserved]

4. Also in § 221.190, paragraph (c), *Competition not grounds for approval*, is revoked and reserved.

5. In § 221.191, new paragraphs (e) and (f) are added, to read:

§ 221.191 How to prepare and file applications for Special Tariff Permission.

* * * * *

(e) *When notice is required.* Notice in the manner set forth in paragraph (f) of this section is required when a carrier files an application for Special Tariff Permission to offer passenger fares that would be outside a statutory zone of reasonableness, or to file any tariff that the carrier believes is likely to be controversial.

(f) *Form of notice.* When notice of filing of a Special Tariff Permission application is required by paragraph (e) of this section, the carrier shall, when it files the application, give immediate telegraphic notice or other notice approved by the Chief of the Tariffs Division, Bureau of Domestic Aviation, to all certificated and foreign route carriers authorized to provide nonstop or one-stop service in the markets involved, and to civic parties that would be substantially affected. The application shall include a list of the parties notified.

(Secs. 204, 403, 416, 1002, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 771, and 788, as amended (49 U.S.C. 1324, 1373, 1386, and 1482))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

Appendix—Comments on EDR–386/PSDR–62 Were Filed By:

American Airlines
American Society of Travel Agents
Associated United Services
Commonwealth of Puerto Rico
Cranston Travel
Dayton's Travel Service
Delta Air Lines
Electronica Shippers (on behalf of 14 shippers)
Flying Tiger Line
Great Notch Travel & Cruises
Hereford Travel Center
Lee Travel
Lincoln Tour & Travel
Midwest Travel King, Inc.
Moore Tours
Murphy Travel
Riedl Travel Service
Royal Coach Travel Service
Starship Travel
Travel Unlimited
World Airways

[FR Doc. 80-9234 Filed 3-26-80; 8:45 am]
BILLING CODE 6320-01-M

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14 CFR Part 300

[Reg. PR–220; Docket No. 35197; Amdt. No. 4 of Part 300]

Rules of Conduct in Board Proceedings; Public Filing Informal Communications

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is requiring copies of all filings, in nonhearing cases dealing with essential air service, to be filed with concerned State and local officials, as a result of a comment filed by the State of Arizona.

DATES: Adopted: March 20, 1980. Effective: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Patrick V. Murphy, Jr., Essential Air Services Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673–5408.

SUPPLEMENTARY INFORMATION: In April 1979, the Board adopted an interim rule governing the type of notice that carriers must give before discontinuing service as described in sections 401(j) and 419 of the Federal Aviation Act. At the same time, it requested comments on the interim rule. Arizona submitted a comment that dealt primarily with Board procedures for publicly filing informal communications that it may have with interested parties regarding service levels at particular points. Although this matter is not within the scope of the interim rule, it is related, since both informal communications and notice requirements are important in assuring that U.S. communities receive essential levels of service. Arizona's comments affect only procedural matters, and they may therefore be treated without a separate notice of proposed rulemaking. We are adopting Arizona's suggestions in part, as discussed in FR–219, which makes the interim rule final.

The Board will evaluate this rule on the basis of complaints from and informal discussions with State and local government bodies, which it is intended to benefit.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 300, *Rules of Conduct in Board proceedings*, as follows:

A new paragraph (b)(4) is added to § 300.3 to read:

§ 300.3 Reporting of communications.

* * * * *

(b) *Public filing.* * * *

(4) Copies of all filings under this part dealing with discontinuances or reductions of air transportation shall be mailed to the directly affected local communities, State agencies, and airport managers.

(Secs. 204, 401, 419, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, 92 Stat. 1732 [49 U.S.C. 1324, 1371, 1389])

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9268 Filed 3-26-80; 8:45 am]
BILLING CODE 6320-01-M

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14 CFR Part 323

[Reg. PR–219; Amdt. No. 2 of Part 323; Docket No. 35197]

Terminations, Suspensions, and Reductions of Service

AGENCY: Civil Aeronautics Board.

ACTION: Finalization of Interim Rule.

SUMMARY: The CAB is making final its interim rule on terminations, suspensions, and reductions of service, with some amendments. This rule concerns the notice that carriers must give before discontinuing certain types of service, and it responds to comments that were requested when the interim rule was adopted.

DATES: Adopted: March 20, 1980. Effective: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: For interstate and overseas air transportation—Patrick V. Murphy, Jr., Essential Air Services Division, Bureau of Domestic Aviation; (202) 673–5408; for foreign air transportation—Regis P. Milan, Jr., Regulatory Affairs Division, Bureau of International Aviation; (202) 673–5092; Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: On October 24, 1978, Congress enacted the Airline Deregulation Act of 1978, Pub. L. 95–504. Among the changes made by the Act where the addition of sections 401(j) and 419 to the Federal Aviation Act, requiring air carriers to notify the Board, affected communities, and State agencies before reducing or discontinuing certain levels of service. Specifically, section 419 requires all carriers to give notice if they plan to reduce service below what the Board has determined to be the minimum essential level for that point. Certificated carriers or carriers receiving subsidy must give 90 days' notice; others must give 30 days' notice. Section 401(j) imposes additional requirements on certificated carriers. Under section 401(j)(1) they must give 90 days' notice whenever they terminate all service at a point, regardless of the essential level, and under section 401(j)(2) they must give 60 days' notice whenever they terminate the last certificated nonstop or single-plane service between any two points.

The Board has issued interim rules for complying with these notice requirements.[1] The rules were made effective immediately to give everyone the benefit of a uniform guide to their responsibilities, and comments were requested with the intent to issue a final rule taking those comments into account.[2] We have considered the comments in light of experience with the interim rule, and we are now issuing a final rule.

PR–200, the interim rule, defined in detail the notice requirements under the Act, and added under the Board's general rulemaking authority some new notice requirements for foreign service. In addition to the requirements described in the Act, it required carriers to give 60 days' notice of terminations of cargo service to foreign points, and 60

[1] 14 CFR Part 323, adopted in PR–200, 44 FR 20635, April 6, 1979.

[2] PDR–65, 44 FR 20717, April 6, 1979.

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days' notice of terminations of single-plane service between a U.S. point and a foreign point regardless of whether it was the last single-plane service in that market.

The interim rule specified the contents of notices and the persons on whom the notices must be served. It established a procedure for persons to object to a notice by asking the Board to prohibit the intended discontinuance of service. It provided exemptions from the section 401(j)(2) notice requirements in certain limited situations. Finally, the interim rule provided special requirements for involuntary temporary suspensions due to emergencies such as strikes and weather conditions.

Comments on the interim rule focused primarily on the exemption provisions and the content and service requirements for notices. There was also some discussion of the requirements for foreign service discontinuances, and a few other lesser issues.[3]

Exemption Issues

The interim rule relieves carriers from filing a 60-day notice of intent to discontinue the last certificated nonstop or single-plane service in a market in three situations: (1) Where the service has been operated less than 4 days per week for at least 90 days, (2) where the service has involved three or more intermediate stops for at least 90 days, and (3) where the service is being operated in one direction only between the two points. Even in these situations, the exemption does not apply if the discontinuance affects essential service to either of the points, and the exemptions do not apply to international flights.

The Airport Operators Council International (AOCI), representing the governmental owners and operators of major public airports, argued that the Board should allow no blanket exemptions from the statutory notice requirements, since service that generally seems minor may still be valuble to a community in some cases.

The air carrier commenters, on the other hand, welcomed the exemptions in the interim rule and suggested several others. Additional exemptions were recommended for flights involving two or more intermediate stops, situations where connecting service (involving a plane change) is available in the market, flights with 20 percent or more circuity in the routing, flights in markets with low traffic density, newly-inaugurated service, flights between two hub cities, and temporary discontinuances of service. Carriers also suggested applying the exemptions to international as well as domestic flights, and reducing the notice period to 30 days for international flights.

In providing for notices of service reductions, Congress foresaw that in a deregulated environment, entry and exit from markets and points would occur much more frequently than in the past, and that the public would need some warning of impending changes to their air service. While notice requirements inhibit scheduling flexibility and thus impose certain costs on the traveling public, notice also avoids the disruptions from unexpected losses of service. Notice requirements provide a measure of stability in a community's air service patterns, and allow the community and the Board time to arrange for replacements without a gap. Of course, the notice requirements also serve an important function in giving the Board time to investigate, and the public time to comment on, reductions in service that affect guaranteed essential air service levels.

Congress decided that the interest of the public in having advance notice of important service reductions outweighed the detriments of restricted flexibility, and that the public might not receive enough notice without a statutory requirement. Congress defined those requirements fairly explicitly, and we have been very cautious in deviating from them. Inevitably, in a large and complex air transportation system, some cases will arise that fall within the notice requirements, but are clearly not important enough to justify the inflexibility produced by the requirements. In those situations, the Board's exemption authority may be used to grant relief, provided the overall intent of the statute is followed.

But exemptions can be granted on either a blanket or an ad hoc basis, and we are much more hesitant to grant blanket exemptions than specific case-by-case exemptions. Specific exemptions can be evaluated with reasonable precision and shaped to the needs of the moment. Blanket exemptions, however, such as the ones the air carriers suggest, necessarily cover many different cases, and it is difficult to predict whether they will be appropriate in all circumstances. Therefore, where there is a likelihood that notice would be important in at least some situations encompassed by the suggested blanket exemptions, we have decided not to adopt those suggestions. We have also rejected AOCI's request to remove the blanket exemptions now in the interim rule. Our experience with them has produced no case in which the service exempted has proved significant to a community, and we conclude that they are justified.

We have decided not to allow blanket exemptions in any of the new areas in which they were requested. In some markets, particularly those involving small communities, two-stop service is quite important from the community's perspective, even though the traffic level may be small compared to an average market. Similarly, on routes combining service at several small communities, the circuity of the flight might exceed 20 percent, but the flight could still be important to the communities. A traffic level of 5 or 10 passengers a day might provide a sizeable share of a point's total traffic, although low in comparison with the majority of markets. And service between hubs may be considered very important by the affected communities, as it was in the Bakersfield-San Francisco and the Charleston-Pittsburgh markets. With respect to the requests for exemption where there is connecting service available in the market, Congress clearly considered single-plane service to be more important than connecting service. It wrote the notice requirement explicitly to include one but not the other, and we will carry out that decision. This is not to say that exemptions will never be justified on an ad hoc basis in similar cases, but we believe that blanket exemptions are not justified.

We recognize that in some cases the notice requirements may discourage carriers from starting new service on an experimental basis, since they may be "locked in" for 60 days or more if the experiment proves unsatisfactory. In general, we believe in encouraging innovative service ideas, and removing regulatory impediments. But even with newly inaugurated service, the public may need warning of its cessation in order to adjust travel plans or take action to maintain service. Similarly, the community should be apprised of even temporary suspension. We are therefore willing to consider these types of exemptions only on an individual basis.

Frontier and Piedmont objected to the requirement that three-or-more stop service or service operated less than 4 days per week must be performed for 90 days before it may be discontinued without notice. The "90-day proviso" is designed to prevent carriers from first reducing service below the exemption threshold, and shortly thereafter eliminating service entirely, all without notice. Frontier and Piedmont said that the "90-day proviso" is unduly cumbersome to verify, and probably unnecessary to prevent "phased" discontinuances without adequate notice. Frontier felt that the Board could accomplish the same result by simply requiring notice when a carrier reached the exemption threshold. The alternative suggested by Frontier appears to be an improvement over the 90-day proviso, since it gives communities notice whenever nonstop or single-plane service in a market is being reduced to a presumptively insignificant level. And it may well be simpler for the carriers to give notice on each of these occasions than to check past schedules whenever they terminate "insignificant" service. Therefore, we are adopting Frontier's alternative. A carrier will now be required to serve notice under section 401(j)(2) when it reduces the last certificated nonstop or single-plane service in a market so that it operates less than 4 days a week or with 3 or more stops. It need not then serve notice under 401(j)(2) when it eliminates such low-level service entirely. We emphasize, however, that carriers must still serve notice under section 401(j)(1) whenever a reduction or discontinuance affects essential service, even if the service eliminated is only low-level service. That is, discontinuances of low levels of service are excused from notice only when they do not affect essential service.

American Airlines felt that there is no reason to exempt certain low-level service for domestic markets only. We restricted the blanket exemptions in PR-200 to service performed within the 48 contiguous States and the District of Columbia, because even multistop, infrequent, or one-way air service outside that area may be important to U.S. communities. We reaffirm that decision. Service levels in overseas and international markets are generally lower than in the continental United States, so even low-level service is often significant to communities. Also, replacement carriers may be more difficult to find. Thus, the full statutory notice should be available for all discontinuances in those markets.

Service to Foreign Points

Braniff opposed all notice requirements for changes in international service. The challenge was on two levels. First, it argued that the Board has no statutory authority to impose notice requirements by rulemaking, apart from the specific statutory notice provisions. The notice requirements for cargo discontinuances at foreign points and for discontinuances of passenger service by a carrier that is not the last certificated carrier in a market were said to be invalid. Second, it argued that the Board incorrectly interpreted section 401(j)(2) to apply to international markets. We reject both positions.

In adopting the interim rule, we concluded that the section 401(j)(1) notice requirement for discontinuance of service *at a point* did not apply to international flights, since that provision was intended as an adjunct to the essential service provisions, which are relevant only to U.S. points. However, we said that the section 401(j)(2) provision for discontinuance of service *in a market* did apply to foreign as well as domestic markets. That is still our position. As already explained, the 401(j)(2) notice requirement performs important informational functions quite apart from essential service considerations. Those functions are relevant to international as well as domestic markets. Notice is valuable not only to enable the public to prepare for the change, but to allow the Board to request and authorize replacement service where necessary. Before the Deregulation Act changes, section 401(j) prohibited abandonment of any route, domestic or international, without Board approval. We do not think that in amending the Act, Congress intended to allow carriers to leave international markets without providing at least some notice to the Board and the public. Therefore, we conclude that section 401(j)(2) was meant to apply to international flights.

Braniff challenged the Board's authority to impose any notice requirements of its own that are not specified in the statute. Section 401(j)(2), even as the Board interprets it, only requires notice from the *last* certificated carrier to leave the market. Braniff argued that the Board, in requiring notice by any carrier leaving the market (and notice of cargo terminations, which are outside the Board's interpretation of section 401(j)), was using its rulemaking power improperly to expand the scope of the statute. We believe, however, that the statute supports our rulemaking. Many cases have upheld the authority of agencies to adopt reasonable regulations within the scope of their jurisdiction. One of the clearest is *Mourning v. Family Publications Service*, 411 U.S. 356 (1973):

> Where the empowering provision of a statute states simply that the agency may "make * * * such rules and regulations as may be necessary to carry out the provisions of this Act," we have held that the validity of a regulation promulgated thereunder will be sustained so long as it is "reasonable related to the purposes of the enabling legislation." (footnote and citations omitted) *Id.* at 369.

Section 204(a) of the Act is the very sort of provision described in *Mourning*. In section 102, Congress charged the Board with promoting an efficient and economic air transportation system. And section 401(e)(1) gives the Board authority to attach reasonable terms, conditions, and limitations to the exercise of certificate privileges. the notice provision to which Braniff objects enables the Board to make sure that foreign route authority is utilized to the fullest, without service disruptions. On some international routes, the number of U.S. carriers permitted to operate is limited. Where this is the case, and a carrier plans to discontinue service, the Board may need to take quick action to prevent those limited rights from lying dormant. Without a requirement insuring at least 60 days' notice, the Board may not have time to act before a discontinuance takes place. A 60-day notice requirement is, therefore, a reasonable means of carrying out our duties under the Federal Aviation Act, and we have concluded that it is in the public interest.

Pan American asked that the Board shorten the notice period in foreign markets to 30 days, but we have decided to keep it at 60 days, both to adhere to the statutorily-prescribed period and to allow enough time for action in the situation described above.

The notice requirement itself (§ 323.3(b)) has been reworded to express more clearly the Board's intent. For both domestic and international markets, carriers must give notice of discontinuance of the last nonstop service in the market, regardless of what other service is being provided. If no nonstop service is being provided, the last carrier providing single-plane service must give notice before discontinuing. And for international routes only, each certificated carrier must give notice before discontinuing direct (that is, not requiring a change of planes) service in the market, regardless of the service that other carriers might be providing.

Procedures

Commenters objected to numerous details of the notice filing and objection procedures established by the interim rule. Some of the objections dealt with service of the notices and subsequent pleadings. Commenters asked that service of notices by ordinary mail be allowed instead of by personal service or registered mail, as required in the interim rule. Others objected to required service on persons (airport managers,

[3] Comments were filed by Airport Operators Council International (AOCI), Allegheny Airlines (now USAair), American Airlines, State of Arizona, Braniff Airways, Delta Air Lines, Eastern Airlines, Hughes Air West, Pan American World Airways, Piedmont Aviation, and Trans World Airlines.

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CAB regional offices, other carriers, Postmaster General, U.S. Secretary of State) not specifically named in the Act. Allegheny (now USAir) requested that all carriers providing air transportation to a point be served, regardless of whether the point is a hub. The interim rule requires service only if the point is not a hub.

We have decided to require service by personal delivery or registered mail only for notices served on local communities, airport managers, State air transportation agencies, and the Board; other persons may be served by regular mail. Personal delivery or registered mail for State and local parties will virtually eliminate the chances of lost or misdelivered notices. At least one case has already arisen where a carrier claimed to have sent notice but the community claimed not to have received it. Since many communities are understandably concerned about possible service discontinuances, we feel that special precautions are needed here to ensure timely notice to them and the Board. However, the Postmaster General, U.S. Secretary of State, CAB regional offices, and other carriers do not appear to have such an overriding interest in service discontinuances as to need registered mail service. We are convinced, though, that all persons specified in the interim rule should continue to receive notices, including the U.S. Secretary of State, who should be informed on international terminations because they might affect pending negotiations of bilateral air service agreements.

The interim rule provides that all persons receiving notice should also receive copies of objections and subsequent pleadings. While it is important for many people to receive notice of a discontinuance, we think that only the carrier filing notice and the affected civic parties need to be served with copies of objections and subsequent documents. Therefore, the final rule provides for service of objections and answers only on those parties entitled to notice by personal delivery or registered mail. This change should save parties considerable time, trouble, and expense over present requirements.

We agree with USAir that all carriers at each affected point should be served with notices, even if the point is a hub. The notices are useful to these carriers in assessing their own notice obligations and in keeping informed of potential new markets.

One problem has arisen in practice, though not raised in the comments, concerning service on CAB field offices. The Board has two types of field offices: Bureau of Consumer Protection (BCP) field offices, and Office of Community and Congressional Relations (OCCR) field offices. The intended recipients of Part 323 notices are the OCCR offices. The interim rule is not specific on this point, and many notices have been delivered to BCP field offices. We are amending § 323.7 to specify OCCR field offices, and we have sent an industry letter to all scheduled carriers, with current OCCR address information.

Some of the comments dealt with the contents of the notices and related pleadings. Some carriers said that listing the other carriers serving the affected points in the notice was duplicative, since those carriers would also be named on the service list of parties receiving notice. It is true that the requirement of listing all the air carriers serving the affected points will duplicate names on the service list, but it will provide a more convenient reference for those who wish to know that other carriers could most easily replace the discontinued service. We cannot assume that all persons who receive notices will be familiar enough with the regulations to know that all carriers serving the affected points will be named on the service list. The usefulness of having them listed in the notice itself more than justifies requiring the small additional effort.

Commenters sought a clearer description of, or distinction between, the different types of information required for section 401(j)(1) and 401(j)(2) notices. The interim rules requires the same types of information to be listed for both. We will continue this policy, since the information that is relevant to the essential service purposes of section 401(j)(1) is also important information for 401(j)(2) discontinuances. Section 323.4(a)(4) is being clarified to require that both the schedule and the route for all discontinued service must be provided in the notice. The schedule is important because the time of a flight greatly affects its utility for many passengers. Also, 401(j)(2) notices as well as 401(j)(1) notices must discuss the essential service effects of the change, even though 401(j)(2)-type discontinuances do not normally have essential service implications. Many notice recipients may not be aware of the differences between the two types of notices, and we think they should be explicity told how the discontinuance fits into their essential service picture.

AOCI felt that the supporting information required for objections to notices was potentially burdensome, and should be made permissive. It argued that community and airport representatives would recognize the importance of that information and endeavor to provide it, but that the difficulty of providing it would effectively stifle the views of private individuals. We are amending § 323.9 to make the filing of factual data permissive, as AOCI suggested, but we reiterate the crucial importance of supporting factual data to the persuasiveness of any objection. The bare assertion that a party opposes some action, without a statement of reasons for the opposition, is seldom helpful in deciding an issue that will affect the community at large. To help the Board focus on the real basis of the objection and to consider the feasibility of the requested remedy, it is strongly recommended that objectors present specific facts and arguments.

Delta and AOCI each suggested changes to the time limits for filing objections and acting on notices. AOCI complained that the filing periods of 20, 15, and 12 days for objections (depending on how far in advance the notice must be filed) are too short to prepare adequate information when mailing time in each direction is taken into account. AOCI suggested excluding mailing time from the objection period.

We have decided not to change the time deadlines in the interim rule. The periods for filing objections must be short enough to allow the Board time to act to hold in an incumbent carrier, if necessary, or to find alternative carriers. The task of evaluating essential service levels can be complicated and time-consuming, and carriers often need some indication, in advance of the termination date, of whether they are likely to be permitted to end service, because of the many contracts and advance arrangements ancillary to commercial air service. We therefore conclude that the stated time limits for objections should not be extended. Even allowing for mailing time, they give objectors at least a week and usually two to marshal and present their views. And, as a practical matter, we are lenient to accepting late-filed objections, and we consider them to the extent practicable. The time deadlines mainly serve to mark when the Board will begin its evaluation of the essential air transportation implications.

Delta asked that the Board be required to take action within 5 days after the due date for answers to objections, to alleviate uncertainty for airlines about their reservations, aircraft and crew schedules, airport and equipment leases, contracts, and other arrangements. Alternatively, it suggested that the Board staff notify interested parties informally about the probable disposition of notices at least 30 days before the effective date of a 60-day notice and at least 60 days before the effective date of a 90-day notice. We felt that the time needed for thorough analysis and our policy of considering even late-filed objections militate against the decision deadline advocated by Delta. Although our staff usually advises a carrier when there is a possibility that it may be required to continue service, this informal practice should not be raised to the level of a requirement. The staff recommendation is not an official position of the Board, and acceptance of Delta's suggestions could lead to misunderstandings and legal problems. Therefore, we maintain our position that no action, formal or informal, need be taken until the effective date of the notice.

Miscellaneous Issues

Some commenters noted that the terms "termination," "suspension," and "reduction" are not defined in the Act or in the interim rule. In the preamble to the interim rule, however, the Board did say that a cutback of service to an insignificant level, such as 3 days a week or less, may in some cases be considered a termination, even though some service would remain. Some of the commenters asked for more specific definitions, and a distinction between "termination" and "suspension," and one commenter objected to the Board considering anything short of complete discontinuance to be a termination. Although the statute does not clearly distinguish between termination and suspension, the distinction seems academic at this time, and we see no need to establish one. We are amending the regulation to express our decision that discontinuance of service below the "insignificant" threshold defined by § 323.8 will be treated as a termination for the purposes of the notice requirements.

The State of Arizona argued that the Board should require all informal communications relating to service discontinuance to be summarized in detail and served on interested civic parties, so that they could submit "rebuttal comments." Arizona felt that, since communities have no right to an oral hearing, they might not otherwise have a fair opportunity to present their views, and that civic parties should not be required to monitor dockets in distant Washington for written summaries. The Board staff files, in the docket, communications that are relevant to the merits of each contested case. We agree that communities should receive copies of all these written *ex parte* communications and summaries that we file, and we are amending 14 CFR Part 300 to require service of communications relevant to service discontinuances on civic parties. We believe that the written summaries now being made are adequate, and interested persons may submit rebuttals to them at any time.

Section 323.3(f) provides that carriers who were granted temporary suspension authority prior to the Deregulation Act must file a notice of suspension under Part 323 when their temporary authority expires if they wish to continue the suspension. Eastern argued that the intent of Congress was to require notice only for service actually and presently being provided, since if service had already been temporarily suspended, the public was not actually relying on it. Eastern contended that a carrier whose temporary suspension authority expired should have no obligation to resume service. We disagree with Eastern's reasoning. The public may rely on an underlying obligation to serve a market as well as on actual service. If a carrier that still had service obligations in a market did not provide final notice to affected communities when it was about to abandon them permanently, it would be modifying the terms of its earlier limited suspension. We will therefore continue to require notice filings if a carrier does not wish to resume service after a temporary suspension expires.

Hughes Airwest and USAir noted that the notice procedures in PR-200 overlapped with, and to an extent made unnecessary, some of the provisions in 14 CFR Part 202 dealing with airport notices and procedures for changes in service patterns. However, there seem to be no immediate problems arising from the overlap, and it would be more convenient to deal with the harmonization of these different provisions in a separate proceeding.

One carrier sought confirmation of its view that notice for cargo terminations at foreign points is required only when a carrier discontinues all its cargo operations (both freighter and combination belly service) at the point, and that notice is not required when a carrier discontinues freighter but continues combination belly service. That interpretation is correct.

An issue that was not raised in the comments but has come to our attention while applying the interim regulation is whether notice should be required for discontinuance of service provided under exemption authority. The literal terms of § 323.3(a) indicate that it should. However, section 401(j) of the statute applies only to service being provided "under (a carrier's) certificate." Thus, we conclude that notice should not be required for discontinuance of air transportation provided by a certificated carrier under individual exemption authority, and we are amending the regulations accordingly.

Also, we note that carriers that hold certificate authority for some points, but provide service to others as commuter carriers under 14 CFR Part 298, are subject only to the notice requirements for commuter carriers (§ 323.3(c)) for those points they serve as commuters.[4] They are, of course, subject to certificated carrier notice requirements (§ 323.3(a)) for the points listed on their certificates.

Another issue not discussed in the comments but encountered in practice is the length of time that carriers may temporarily suspend service on account of a strike. Section 323.14 permits carriers to suspend service temporarily because of a strike, without filing notice, since such interruptions cannot be foreseen or controlled well in advance. However, some carriers have treated such temporary suspensions as opportunities to discontinue service indefinitely beyond the resolution of the strike. The temporary suspension authority is not intended to extend beyond the duration of the strike and a reasonable period afterward to allow for orderly resumption of operations. In the past, we have usually viewed 90 days as a reasonable time for resuming operations. Any more extended suspension is within the foresight and control of management, and must be accompanied by the normal notice. We are therefore amending §323.14(b) to specify that temporary suspension authority based on a strike expires 90 days after employees return to work.

Finally, we would like to state an interpretation of the Act and Part 323 that we have been following and intend to continue. We interpret the notice requirements to apply equally to certificated carriers and to any substitute service carriers that they may contract with to operate in their stead at some points. Normally, such substitute service agreements are approved by the Board on the condition that the certificated carrier stand ready to provide back-up service if the substitute discontinues its operations. If the certificated carrier and its substitute decide to reduce or discontinue service to a point so as to require notice under Part 323, *both* carriers are required to provide notice of their intentions, even though only one is presently providing the service. This will assure that both

[4] Order 80-3-70, issued March 13, 1980.

consumers, who will usually identify the substitute carrier with the existing air service, and city officials, who will ultimately rely on the certificated carrier for service, will be fully informed of the change. Certificated carriers and their substitutes may, however, file joint notices.

The Board will evaluate this rule on the basis of complaints from and informal discussions with air carriers, civic parties, and individuals affected by it.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 323, *Terminations, suspensions, and reductions of service*, as follows:

1. In § 323.3, paragraph (a) is amended to read:

§ 323.3 Who shall file notices. [Amended]

(a) *Terminations, suspensions, or reductions by certificated carriers.* The notice described in § 323.4(a) shall be filed by any certificated carrier that intends to:

(1) Terminate or suspend all passenger air transportation that it is providing under its certificate to any point in the United States. Whenever service is reduced to the levels described in § 323.8, it shall be considered to be terminated or suspended;

(2) Reduce passenger air transportation so that any eligible point listed on its certificate receives less than the level of essential air transportation determined by the Board;

(3) Reduce passenger air transportation to any eligible point listed on its certificate for which the Board has not determined the level of essential air transportation, other than a point in Alaska, so that there is no FAA-designated hub from which the point receives at least two round trip flights per day, 5 days per week;

(4) Reduce passenger air transportation to any eligible point in Alaska listed on its certificate for which the Board has not determined the level of essential air transportation so that the service between that point and every other point served by a certificated carrier is either—

(i) Less than two round trip flights per week, or

(ii) Less than the average weekly number of round trip flights actually provided during calendar year 1976, or

(iii) Less than the number of flights specified under an agreement between the Board and the State of Alaska; or

(5) Terminate or suspend all cargo air transportation that is providing to a point not in the United States.

* * * * *

§ 323.3 [Amended]

2. Also, in § 323.3, paragraph (b)(1) is amended by deleting the opening clause, and revising paragraphs (ii) and (iii), to read:

* * * * *

(b) *Nonstop or single-plane service by certificated carriers.* (1) The notice described in § 323.(4)(b) shall be filed by any certificated carrier that intends to terminate or suspend:

(i) * * *

(ii) Single-plane passenger air transportation between any two points in the United States, if no certificated carrier provides nonstop service, and no other certificated carrier provides single-plane service, between the two points; or

(iii) All nonstop and single-plane passenger air transportation that it provides between a point in the United States and a point not in the United States.

* * * * *

§ 323.3 [Amended]

3. Also in § 323.3, paragraph (b)(2) is amended to read:

* * * * *

(b) *Nonstop or single-plane service by certificated carriers.* * * *

(2) For the purposes of this paragraph, the following reductions in service will be considered to be terminations or suspensions of the affected flights:

(i) Discontinuance in one direction of nonstop or single-plane air transportation that is currently being provided in both directions;

(ii) Increase from less than three to three or more in the number of intermediate stops on a single-plane flight; or

(iii) Decrease in operation of a flight from more than 3 days to 3 or less days per week.

4. Paragraphs (i) and (iii) of § 323.4(a)(4) are amended to read:

§ 323.4 Contents of notices.

(a) The notice required under §§ 323.3(a) and 323.3(c) shall contain:

* * * * *

(4) Description of the service to be terminated, suspended, or reduced, including:

(i) Arrival and departure times at the affected points of the flights to be discontinued;

(ii)* * *

(iii) Routes of the flights to be discontinued, and a statement of which routes, if any, will be left without nonstop or single-plane service from a certificated carrier by the intended change, and

(iv) * * *

5. In § 323.7 paragraphs (a)(6), (a)(7), (b)(5), and (b)(6) are amended, and a new paragraph (c) added, to read:

§ 323.7 Service of notices.

(a) A copy of each notice required by §§ 323.3(a) and 323.3(c) shall be served upon:

* * * * *

(6) Each air carrier providing scheduled service to the affected point.

(7) The CAB Office of the Community and Congressional Relations Field Office for the region in which the affected point is located.

(8) * * *

(b) A copy of each notice required by § 323.3(b) shall, for each of the directly affected points, be served upon:

* * * * * *

(5) Each air carrier providing scheduled air transportation at either of the points;

(6) The CAB Office of Community and Congressional Relations Field Office for the regions in which the points are located; and

(7) * * *

(c) Local communities, State agencies, and airport managers shall be served personally or by registered or certificated mail. All other persons may be served by ordinary mail.

6. In § 323.8, the reference to the "preceding 90 days" is deleted from paragraphs (a)(1) and (a)(2), so that it reads:

§ 323.8 Exemption from 60-day notice for minor service.

(a) All certificated carriers are hereby exempted from complying with the requirements of section 401(j)(2) of the Act and § 323.3(b) for terminations or suspensions of nonstop or single-plane air transportation between any two points within the 48 contiguous States and the District of Columbia, if the service to be discontinued—

(1) Is operated less than 4 days per week;

(2) Is operated with three or more intermediate stops; or

(3) * * *

(b) * * *

7. In § 323.9, paragraph (b)(5) is deleted and reserved, the service requirements in paragraph (b)(7) are amended, and a new paragraph (c) is added, to read:

§ 323.9 Objections to notices.

(a) * * *

(b) Objections shall contain:

* * * * * *

(5) [Reserved]

(6) * * *

(7) Proof of service on the carrier filing the notice objected to, on all airport managers and State and local governments on whom the notice was filed, and on any other person designated by the Board. The proof of service shall include the names and addresses of all persons served.

(c) Objectors are strongly urged to include in their objections facts to support the suggested level of essential air transportation (e.g., traffic and enplanement data, other market studies, facts descriptive of the point's isolation or dependence on air transportation).

9. Section 323.14(b) is amended by adding a second sentence to read:

§ 323.14 Temporary suspension authority for involuntary interruption of service.

* * * * *

(b) In the case of an interruption of service caused by a strike, the carrier shall give immediate notice of the interruption to the Board. Suspension authority under this section due to a strike shall expire 90 days after employees return to work.

* * * * *

(Sec. 204, 401, 416, 419, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 92 Stat. 1710, 1731, 1732, (49 U.S.C. 1324, 1371, 1386, 1389))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9287 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 399

[Reg. PS-91, Amdt. No. 68 to Part 399; Docket No. 36202]

Special Tariff Permission To File on Less Than Statutory Notice

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB liberalizes its policies on allowing airlines to file tariffs on shorter notice than the 30 or 60 days that would otherwise be required by statute. Supplementary information about this rule appears in ER-1171,[1] also adopted today.

DATES: Adopted: March 20, 1980. Effective: March 20, 1980.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, 202-673-5442; or Robert Klothe, Bureau of Domestic Aviation, 202-673-6064, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

[1] See FR Doc. 80-9254, 14 CFR Part 221 also published in the Rules section of this issue.

The Civil Aeronautics Board amends 14 CFR Part 399, *Statements of General Policy*, as follows:

1. In the Table of Contents, a new § 399.35 is inserted in Subpart C, to read:

* * * * *

Subpart C—Policies Relating to Rates and Tariffs

* * * * *

Sec.

399.35 Special tariff permission.

* * * * *

2. A new § 399.35 is added, to read:

§ 399.35 Special Tariff Permission.

(a) As used in this section "to grant STP" means to approve a carrier's application for Special Tariff Permission to file a tariff on less than the statutory notice set forth in § 221.160(a) of this chapter.

(b) *Lower fares, rates, and charges.* It is the policy of the Board to grant STP for tariffs that state lower fares, rates, or charges and any rules affecting only those lower fares, rates, or charges, except that:

(1) The Board will not grant STP to match a tariff filed on statutory notice; and

(2) The Board will not grant STP if the proposed fares, rates, charges, or rules raise significant questions of lawfulness, that is, could reasonably be expected to be found unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or predatory, under current statutory or Board guidelines. In these situations, if the carrier files the tariff on statutory notice and at the same time applies for STP to advance the tariff's effective date, the Board will use its best efforts to act within 15 days to grant or deny STP.

(c) *Higher fares.* For tariffs that state higher passenger fares, and any rules affecting only those fares, the Board's policy on STP is, except in unusual or emergency circumstances:

(1) To grant STP if the resulting fares are within a statutory or Board-established zone of presumed lawfulness; and

(2) Otherwise, to deny STP.

(Secs. 204, 403, 416, 1002, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 771, and 788, as amended. (49 U.S.C. 1324, 1373, 1386, and 1482))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9255 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 379

Interpretation of Technical Data Regulations

AGENCY: Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Interpretation.

SUMMARY: Suspension of validated export licenses for the USSR has amplified the need for interpretations of the Technical Data regulations to assure that parties to transactions understand the limits of general licenses.

EFFECTIVE DATE: March 24, 1980.

ADDRESS: Written comments (six copies when possible) should be sent to: Richard J. Isadore, Acting Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, Room 1617M, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-5247 or 377-4811).

SUPPLEMENTAL INFORMATION: The suspension of all outstanding licenses and other authorizations for exports to the USSR announced in 45 FR 3027 (January 16, 1980) resulted in numerous inquiries from exporters who were having difficulties in understanding when technical data and repair parts may be exported under general licenses and when a validated license is required. To respond to these inquiries, a set of questions and answers has been added to Supplement No. 1 to Part 379. These questions and answers do not change the regulations in any way. Their sole purpose is to interpret and inform.

Public comments on these interpretations are solicited on a continuing basis.

Accordingly, the *Export Administration Regulations* (15 CFR Parts 368-399) are amended by adding the following to Supplement No. 1 to Part 379:

2. Distinction between General and Validated License Requirements for Shipment to QWY Destinations of Technical Data and Replacement Parts.

A number of exporters have recently asked where the line is drawn between general license and validated license exports to QWY destinations of technical data related to equipment exports.

V 45 / 61 MR 27 80 UMI

V 4 5 / 6 1 M R 2 7 8 0 UMI

The export of technical data under validated license is authorized only to the extent specifically indicated on the face of the license. The only data related to equipment exports that can be provided under general license is the publicly available data authorized by General License GTDA, or the assembly, installation, maintenance, repair, and operation data authorized by General License GTDR.

The following questions and answers are intended to further clarify this matter, as well as related problems involving other general licenses. These are clarifications only. Their issuance in no way affects the suspension of validated licenses for exports to the USSR of Jan. 11, 1980 (45 FR 3027).

Question: Can we send technicians to repair equipment even though we can no longer supply parts due to suspension or revocation of our validated export license?

Answer: You can make repairs only to the extent the technical know-how utilized by the technicians does not exceed that contained in the manuals and instructions provided with the equipment under GTDR. Under GTDR, the technical data must be transmitted within one year of shipment of the equipment. Once the GTDR data is transmitted, subsequent service visits can be made at any time and are not restricted to the first year after shipment, but the services performed must be based solely on the data provided under GTDR.

Question: Must we continue to fulfill visitation and reporting requirements imposed by our suspended (or revoked) validated export licenses even though we can no longer provide parts for repairs we have normally made during these visits?

Answer: Every effort must be made to continue visitations. If your technicians are not permitted to visit the site or are otherwise prevented from fulfilling your visitation and reporting obligations, you should present evidence of this with your visitation report.

Question: We have completed a plant, fully utilizing the licenses we were issued for technical data and equipment. For contractual and warranty reasons, our technicians remain on site. Can they continue to assist and advise the customer even though we no longer have a valid export license?

Answer: They may advise and assist, but only to the extent permitted by GTDA or GTDR. If the consignee has been furnished information on installation, operation, maintenance, or repair of equipment, your technicians can repeat that information or perform the needed work, provided they do not exceed the GTDR limitations. Your technicians can, for instance, monitor the operation of machines to assure that they are not misused in any way that could result in unfounded warranty claims and possible arbitration. However, your personnel may not perform plant operations or repair functions utilizing technical data requiring a validated license.

Question: We have been setting up a turnkey plant. The equipment is there but needs to be installed. Can we install the machines and teach the customer how to run them even though our license has been suspended (or revoked)?

Answer: Individual machines may be installed and put into operating order, but only to the extent permitted by GTDR. Instruction or assistance in combining the individual machines to perform the process for which the plant was intended, however, is not covered by the general license and this service cannot be performed while the requisite validated license for technical data is suspended.

In determining what constitutes an individual machine, exporters should consider as separate machines each of the basic pieces of equipment that join to provide a manufacturing process, but need not separate items such as machine tool/controller combinations or computer mainframe/peripheral systems designed and sold as functional units.

Question: If a validated export license is suspended, can a U.S. manufacturer have its field technicians install a product that was exported prior to the suspension?

Answer: If installation of the product involves no more knowledge than could be absorbed by a competent technician from manuals, instructions, and drawings that normally are delivered with the product under GTDR (i.e., necessary for assembly, installation, maintenance, repair, or operation) then the manufacturer's field technicians may install the product. If the field engineers would have to exceed this limitation to install the equipment, then they may not do so. In no case can the field engineers go beyond installation of individual machines to reveal how machines relate to each other to perform a manufacturing process, since process technology is subject to validated license.

Question: We applied for a license to export equipment, received a license, and shipped. Subsequently, all validated licenses for that destination were suspended. In our formal application, we described a list of activities that would be required to complete this consolidated business transaction, such as:

Detailed training schedule for the customer's technical personnel, for maintenance and operation of the equipment;

Direct support by our engineers for a period of several years to assure proper procedures and use of the equipment;

A contract for back-up maintenance and repair of equipment, until the customer's engineers gained sufficient experience to handle the job; and

A contract for study and analysis and design of their total plant (or a particular department) equipment requirements.

When we got the license for the export of equipment we understood that the license covered the total transaction and permitted the undertaking of the various ancilliary activities as represented in our application.

We have just started these activities, and are obliged under our contract to continue performance even though the license is suspended.

How does the suspension order affect our continued performance, where the equipment is already at the customer's facility waiting for our engineers to begin work and also train the customer's personnel?

Answer: In the situation you describe, it is not entirely clear how much of your work performance and training is covered by the suspension of your license. It seems likely that a good portion of the work should have been subject to a separate validated technical data license, which would be subject to the general suspension of validated licenses. As you did not approach the transaction (from a licensing procedure viewpoint) in this manner, we will need to review the case to determine what activities are directly related to the provision of technical data under GTDR (i.e. required for installation, assembly, maintenance, repair, and operation of the equipment shipped) and which activities go beyond this definition and will require a separate technical data approval for you to continue work.

Question: Our engineers sometimes provide technical advice on repair situations by telephone from a Western country to the customer in a country where our validated licenses have been suspended (or revoked). This is particularly likely to occur in difficult situations, where the customer will describe his problem in technical detail to our engineer, and our engineer tells him, based on experience and access to more complete equipment history information, where to look for the error. This is an exchange of information, where we also gain knowledge of specific problems with the equipment.

Can this procedure be viewed as GTDR information necessary for the repair of installed equipment?

Answer: This is a reasonable activity that may be covered by GTDR, subject to the restriction that it may not involve technical information beyond the scope provided in the manuals and instructions originally given to the customer: *i.e.* the exchange of information must have as its base of reference the knowledge as provided in those manuals and instructions. The exchange may not, for example, go into detail of component design or engineering of a specific standard part, where the manual does not provide such technical detail.

Provision of such advice may be made at any time, provided it is based solely on GTDR information that was furnished within one year of the equipment export.

The above clarification would not only apply to a telephone call from a Western country, but would also be applicable for on-site service calls where the engineer is at the customer location.

Question: Our customer installation in a country where our validated licenses have been suspended (or revoked) uses certain standard computer programs shipped sometime ago under validated license. The customer normally receives a programming service under warranty-type contract provisions to receive error corrections for these programs. When he has a problem, he identifies it to us (often via a magnetic tape) and a correction (revised program instruction) is sent back to the customer. This exchange is usually mutually advantageous, as we gain from customer experiences and he receives assistance in "fixing" his problem.

Can these exchanges be made under a general license? Can periodic updates (consolidated correction of errors) be provided to the customer?

Answer: Provided this is routine error correction with no new facilities or

performance enhancements provided above the original program specifications, it can be provided either under GLR (e.g. a "faulty" tape sent to the U.S. and corrected tape sent back to the customer), or under GTDR. These general licenses are available only for one year following export of the equipment, unless extended by the Office of Export Administration.

Question: We are required by our contract to provide for our equipment installed in a country where our validated licenses have been suspended (or revoked), even after warranty period, engineering changes based on continuing experience with and improvements to that equipment. These changes are for the purpose of, *e.g.*, assuring operation of the machines to the original equipment specifications, removing a particular error-prone condition, or in some cases for the safety of user or maintenance personnel. The transfer of technical data and in some instances new or exchange parts are involved. We consider some of these changes "mandatory" where safety is concerned.

Can we provide the technical data for this purpose under GTDR if extended beyond the one year limitation period, and can the requisite parts be provided under GLR provisions, where there is no charge to the customer?

Answer: This technical data may be exported provided it does not exceed the limitations of GTDR. However, formal waiver of the one year limitation must be obtained where such continued shipments are foreseen.

The provision of parts under GLR is restricted to warranty situations within one year of export. "Mandatory changes" provided under warranty at no charge are considered an appropriate use of GLR. We would consider waiving the one-year limit for export of parts under GLR based on the merits of the individual case.

To request extension of the time limit under GTDR or GLR, the applicant should submit a letter, in duplicate, to the Director, Operations Division, Office of Export Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230. The letter should specify the export license number, the date of export of the equipment, the reason the extension is needed, whether GTDR, GLR, or both should be extended, and the period of time for which the extension is desired. Extensions may not exceed one year, but further extensions may be sought if necessary. If approved, OEA will validate the copy of the letter and return it to the applicant.

Question: Our engineers, in installing or repairing equipment, use techniques (experience as well as proprietary knowledge of the internal componentry or specifications of the equipment) that exceed what is provided in the standard manuals or instructions (including training) given to the Soviet customer. In some cases, it is also a condition of the license that such information provided to the customer be constrained to the minimum necessary for normal installation, maintenance and operation situations.

Can we send an engineer (with knowledge and experience) to the customer site to perform the installation or repair, under the provisions of GTDR, if it is understood that he is restricted by our normal business practices to performing the work without imparting the knowledge or technical data to the customer personnel?

Answer: As defined in § 379.1, export of technical data includes release of U.S. origin data in a foreign country, and "release" includes "application to situations abroad of personal knowledge or technical experience acquired in the United States." As the release of technical data in the circumstances described here would exceed that permitted under GTDR, a validated export license would be required even though the technician could apply the data without disclosing it to the customer.

Question: We shipped equipment prior to the suspension (or revocation) of our validated licenses, and had planned according to our normal business practices to train customer engineers to maintain that equipment. The training is contractual in nature, provided for a fee, and is scheduled to take place in part in the customer's facility and in part in the U.S. Can we now proceed with this training at both locations under general license authority?

Answer: Provided that this is your normal training, and involves technical data contained in your manuals and standard instructions for the exported equipment, and meets the other requirements of § 379.4, the training may be provided within the limits of General License GTDR. The location of the training is not significant, as the export occurs at the time and place of the actual transfer or imparting of the technical data to the customer's engineers.

Any training beyond that covered in the GTDR provisions, but specifically represented in your license application as required for this customer installation, and in fact authorized on the face of the license or a separate technical data license, may not be undertaken while the validated license is suspended or revoked.

Question: We have contracted with our customer to provide a "customized" service for a fee (*i.e.*, write a program or an instruction manual for a specific customer requirement), and this was described in detail in our equipment export application. When we received our equipment export license under which we completed shipment and installation, we assumed that this work could commence, being directly related to the equipment and identified by us as necessary for the operation of that equipment for the specific customer.

Can we continue this work, which is already started, or is this impacted by the suspension of our equipment license?

Answer: In the case you have outlined, a separate validated license is required to cover technical data involved in such "specialized, custom service", unless the equipment validated license clearly specifies on its face that it covers the technical data. In any event, if all validated licenses are suspended to your customer's country the work must cease as it cannot be carried out under general license.

Question: In most cases, we ship parts under validated licenses. However, the Regulations do provide for parts shipments for warranty repair situations under the GLR provisions of § 371.17.

If our validated licenses are suspended or revoked, is it permissible to change our previous license procedure and to ship parts on a one-for-one replacement basis where the equipment and parts are under manufacturer's warranty?

Answer: It is permissible to use any general license (G-Dest, GLR, etc) that may apply to a given shipment.

Question: We have shipped equipment to our customer prior to suspension or revocation of our validated licenses, and have scheduled some management consultations with the customer relating to installation and operational planning, organization, and scheduling of the utilization of the exported equipment. The consultations may include meetings with the customer's management, discussion of specific problems, provision of generally available brochures or basic technical manuals, conducting introductory level training for the operations and support staff, etc.

These consultations, meetings, seminars, training sessions, and manuals are provided consistent with our standard business practices at no additional charge to customers, and are for the purpose of advising all customers of the basic management and organizational techniques involved in utilization of the equipment.

We have previously considered the level of technical data involved as generally available GTDA or GTDR, without drawing much precise distinction. Do we need a validated license?

Answer: Generally available published technical data may be provided under GTDA. Also, the provision of manuals and instructions beyond the definition of GTDA is permissible under GTDR, provided that such manuals and instructions are directly required for the installation, assembly, maintenance, repair, or operation of the exported equipment. A seminar, training course, or consultation with the customer based on and restricted to the contents of such GTDA or GTDR manuals, instructions, and materials would be governed by the provisions of those general licenses.

Also, it is recognized that dialogue with the customer involves transfer of technical data, often of a general nature. In such consultations or dialogues (in the context of training sessions, seminars, and working meetings), it is necessary to limit the content of these exchanges to identifiable published material (GTDA), or the manuals and instructions provided together with the equipment under GTDR.

Guidance from OEA should be obtained whenever you are in doubt. Where it is determined necessary by OEA, technical data license applications should be filed for situations where technical data exchange may exceed that clearly within the restrictions of GTDR.

Question: We have shipped computer equipment prior to the suspension or revocation of our validated licenses, but have not yet delivered the basic computer control programs (systems control software) required for the operation of the equipment.

Can we ship these programs, and assist the customer in getting it properly installed and operational?

Answer: Computer software that is not generally available as defined in General License GTDA requires a validated license for export, and thus may not be shipped in these circumstances. However, computer software that is both essential for operation of the system and specific to the application for which the system was licensed may be exported under the provisions of GTDR. This would include also the manuals or instructions necessary for the installation of such software. Assistance by your personnel in installation or use of GTDA or GTDR software is limited to the utilization of the materials provided to the customer and within the standard specifications of the software provided.

Additional training or instruction beyond the standard provisions would be subject to validated license.

Updates (error correction or software warranty services) to the original installed software are permissible under GTDR, provided that there is no enhancement of performance.

(Secs. 5, 6, 21, Pub. L. 96–72, to be codified at 50 U.S.C. App. 2401 *et seq.*; Department Organization Order 10–3, 45 FR 6141 (January 25, 1980); Department Organization Order 41–1, 45 FR 11862 (February 22, 1980)).

Donald A. Furtado,

Acting Under Secretary for International Trade.

[FR Doc. 80-9344 Filed 3-24-80; 3:39 pm]

BILLING CODE 3510-25-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 1

[Docket No. RM80-43; Order No. 71]

Rules of Practice and Procedure

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The amendment to § 1.4(d) of the Commission's regulations will permit the Commission to modify, to the extent permitted by law, its existing *ex parte* and separation of functions regulations by rule or order. The Commission will be issuing new *ex parte* and separation of functions rules of general applicability in the near future. In the interim, the Commission recognizes that it may need to modify its existing *ex parte* and separation of functions rules as they apply in certain proceedings.

DATES: Effective March 17, 1980.

FOR FURTHER INFORMATION CONTACT:
June G. Perin, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357–8473.

Issued March 17, 1980.

Before Commissioners: Charles B. Curtis, Chairman; Georgiana Sheldon, Matthew Holden, Jr., and George R. Hall.

The Federal Energy Regulatory Commission is amending § 1.4(d)(2) of its Rules of Practice and Procedure. The amendment will permit the Commission to modify its existing regulations on *ex parte* and separation of function by rule or order, to the extent permitted by law.

The amendment is merely a codification of the extant authority of the Commission to modify its rules at any time as long as the modification does not prejudice any party to a pending proceeding. As such, the amendment to § 1.4(d)(2) is procedural in nature.

The Commission's present *ex parte* and separation of functions rules are more restrictive than the Administrative Procedure Act would require. In addition, the present rules do not apply to oil pipeline proceedings conducted under the authority transferred to the Commission by virtue of the Department of Energy Organization Act. Existing Interstate Commerce Commission *ex parte* and separation of functions rules presently apply to those proceedings.

The Commission is actively considering and will be issuing new *ex parte* and separation of functions rules of general applicability in the near future. In the interim, the Commission recognizes that it may need to modify its existing *ex parte* and separation of functions rules as they apply to certain proceedings at the Commission, including oil pipeline proceedings. For this reason, the Commission finds that good cause exists to adopt the amendment of § 1.4(d)(2) effective immediately.

(Federal Power Act, *as amended*, 16 U.S.C. 792 *et seq.*; Natural Gas Act, *as amended*, 15 U.S.C. 717 *et seq.*; Interstate Commerce Act, *as amended*, 49 U.S.C. 1 *et seq.*; Department of Energy Organization Act, Pub. L. No. 95–91, 91 Stat. 565, *et seq.*, E.O. 12009, 42 FR 46267; Administrative Procedure Act, 5 U.S.C. §§ 500 *et seq.*)

In consideration of the foregoing, Part 1, Chapter I of Title 18 of the Code of Federal Regulations is amended as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 1—RULES OF PRACTICE AND PROCEDURE

Section 1.4 is amended in paragraph (d)(2) by adding after paragraph (d)(2)(ix) the following:

§ 1.4 Appearances and practice before the Commission.

* * * * *

(d) *Ex parte communications.* * * *

(2) * * *

(x) The Commission may, by rule or order modify, any provision of §§ 1.4(d), 1.30(f) or 49 CFR, Part 1100, Appendix C as it applies to all or part of a proceeding, to the extent permitted by law.

* * * * *

[FR Doc. 80-9274 Filed 3-26-80; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance; Employment, Wages, Self-Employment, and Self-Employment Income

AGENCY: Social Security Administration, HEW.

ACTION: Final rule.

SUMMARY: These final regulations restate the rules on the kinds of work and earnings that are included or excluded for purposes of social security coverage. We have rewritten and reorganized the existing regulations to make these regulations clearer and easier for the public to use. We have not changed the substance of our current regulations other than to reflect recent changes in the law. However, to simplify and reduce our regulations, we have deleted most rules that do not apply to current work. We have also eliminated some material about Internal Revenue Service forms and findings where the Internal Revenue Code is the primary basis for the rules.

EFFECTIVE DATE: These amendments are effective March 27, 1980.

FOR FURTHER INFORMATION CONTACT:
Dave Smith, Legal Assistant, Room 4234 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, Telephone (301) 594–7336.

SUPPLEMENTARY INFORMATION: HEW is revising its regulations as part of Operation Common Sense, which is a Department-wide effort to review, simplify, and reduce HEW's regulations. As part of this effort, we proposed a complete rewrite of Subpart K, Employment, Wages, Self-Employment, and Self-Employment Income. We published our proposed revision of Subpart K in the **Federal Register** with a Notice of Proposed Rule Making on July 16, 1979 (44 FR 41222), with a 60 day comment period. We did not receive any comments.

The Notice of Proposed Rule Making made a few changes in the substance of the existing regulations. The new rule in § 404.1059(i) conforms to section 3 of Pub. L. 95–472 which excludes from wages for social security coverage purposes certain payments under group legal services plans. Section 404.1007 contains a list of factors that tend to show whether a person is an employee under the common-law rules. We have also added a definition of a duly ordained, commissioned, or licensed minister in § 404.1023.

We have included in § 404.1047 on wages and section 404.1096 on self-employment income the amount of the contribution and benefit base for each calendar year from 1975–1981. The base is the amount of earnings that is subject to social security tax and that may be used in figuring social security benefits. The amounts for 1975–1978 were determined by the Secretary of Health, Education, and Welfare under the formula in section 230 of the Act and were appropriately published in the **Federal Register**. The amount of the base was raised by section 103(b) of the Social Security Amendments of 1977 (Pub. L. 95–216) to $22,900 for 1979, $25,900 for 1980, and $29,700 for 1981.

In the final regulations, we have corrected typographical errors made in the notice and have added a reference to a period of disability in the last sentence of § 404.1060(a) which was omitted in the notice.

Accordingly, the final rule is adopted as set forth below.

(Catalog of Federal Domestic Assistance Programs No. 13.803, Social Security-Retirement Insurance)

Dated: February 25, 1980.

William J. Driver,

Commissioner of Social Security.

Approved: March 21, 1980.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

Subpart K of Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows:

Subpart K—Employment, Wages, Self-Employment, and Self-Employment Income

Sec.
404.1001 Introduction.
404.1002 Definitions.

Employment

404.1003 Employment.
404.1004 What work is covered as employment.
404.1005 Who is an employee.
404.1006 Corporation officer.
404.1007 Common-law employee.
404.1008 Agent-driver or commission-driver, full-time life insurance saleman, home worker, or traveling or city salesman.
404.1009 Who is an employer.
404.1010 Farm crew leader as employer.

Work Excluded From Employment

404.1012 Work excluded from employment.
404.1013 Included—excluded rule.
404.1014 Domestic service by a student for a local college club, fraternity or sorority.
404.1015 Family services.
404.1016 Foreign agricultural workers.
404.1017 Sharefarmers.
404.1018 Work by civilians for the United States Government or its instrumentalities.
404.1019 Work as a member of a uniformed service of the United States.
404.1020 Work for States and their political subdivisions and instrumentalities.
404.1021 Work for the District of Columbia.
404.1022 American Samoa or Guam.
404.1023 Ministers of churches and members of religious orders.
404.1024 Election of coverage by religious orders.
404.1026 Work for religious, charitable, educational, or certain other organizations exempt from income tax.
404.1027 Railroad work.
404.1028 Student working for a school, college, or university.
404.1029 Student nurses.
404.1030 Delivery and distribution or sale of newspapers, shopping news, and magazines.
404.1031 Fishing.
404.1032 Work for a foreign government.
404.1033 Work for a wholly owned instrumentality of a foreign government.
404.1034 Work for an international organization.
404.1035 Work for a communist organization.
404.1036 Certain nonresident aliens.
404.1037 Work on or in connection with a non-American vessel or aircraft.

Wages

404.1041 Wages.
404.1042 Wages when paid and received.
404.1043 Facilities or privileges-meals and lodging.
404.1044 Vacation pay.
404.1045 Employee expenses.
404.1046 Pay for work by certain members of religious orders.
404.1047 Annual wage limitation.
404.1048 Contribution and benefit base after 1981.
404.1049 Payments under an employer plan or system.
404.1050 Retirement payments.
404.1051 Payments on account of sickness or accident disability, or related medical or hospitalization expenses, not made under a plan or system.
404.1052 Payments from or to certain tax-exempt trusts.
404.1053 Payments under or into certain annuity plans.
404.1054 Payments under or into certain bond purchase plans.
404.1055 Payments by an employer of employee's tax or employee's contributions under State law.
404.1056 Payments for agricultural labor.
404.1057 Explanation of agricultural labor.
404.1058 Domestic service in the employer's home.
404.1059 Special situations.
404.1060 Deemed wages for certain individuals interned during World War II.

Self-Employment

404.1065 Self-employment coverage.
404.1066 Trade or business in general.
404.1068 Employees who are considered self-employed.
404.1070 Christian Science practitioners.
404.1071 Ministers and members of religious orders.
404.1073 Public office.
404.1074 Farm crew leader who is self-employed.
404.1075 Members of certain religious groups opposed to insurance.
404.1077 Individuals under railroad retirement system.

Self-Employment Income

404.1080 Net earnings from self-employment.
404.1081 General rules for figuring net earnings from self-employment.
404.1082 Rentals from real estate; material participation.
404.1083 Dividends and interest.
404.1084 Gain or loss from disposition of property; capital assets; timber, coal, and iron ore; involuntary conversion.
404.1085 Net operating loss deduction.
404.1086 Community income.
404.1087 Figuring partner's net earnings from self-employment for taxable year which ends as a result of death.
404.1088 Retirement payment to retired partners.
404.1089 Figuring net earnings for residents and nonresidents of Puerto Rico.
404.1090 Personal exemption deduction.
404.1091 Figuring net earnings for ministers and members of religious orders.
404.1092 Figuring net earnings for United States citizens temporarily living outside the United States.
404.1093 Possession of the United States.
404.1094 Options available for figuring net earnings from self-employment.
404.1095 Agricultural trade or business.
404.1096 Self-employment income.

Authority: Secs. 205, 209, 210, 211, 229, 230, 231, and 1102 of the Social Security Act, 53 Stat. 1368, 49 Stat. 625, 64 Stat. 492, 81 Stat. 833, 86 Stat. 416, 86 Stat. 1367, 49 Stat. 647; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 631; 42 U.S.C. 405, 409, 410, 411, 429, 430, 431, and 1302; and 5 U.S.C. Appendix.

V 45 / 61 MR 27 80 UMI

V 45/61 MR 27 80 UMI

Subpart K—Employment, Wages, Self-Employment, and Self-Employment Income

§ 404.1001 Introduction

(a)(1) In general, your social security benefits are based on your earnings that are on our records. (Subpart I of this part explains how we keep earnings records.) Basically, you receive credit only for earnings that are covered for social security purposes. The earnings are covered only if your work is covered. If you are an employee, your employer files a report of your covered earnings. If you are self-employed, you file a report of your covered earnings. Some work is covered by social security and some work is not. Also, some earnings are covered by social security and some are not. It is important that you are aware of what kinds of work and earnings are covered so that you will know whether your earnings should be on our records.

(2) If you are an employee, your covered work is called "employment." This subpart explains our rules on the kinds of work that are covered as "employment" and the kinds that are not. We also explain who is an employee.

(3) If your work is "employment", your covered earnings are called "wages." This subpart explains our rules on the kinds of earnings that are covered as "wages" and the kinds that are not.

(4) If you work for yourself, you are self-employed. The subpart explains our rules on the kinds of self-employment that are covered and the kinds that are not.

(5) If you are self-employed, your covered earnings are called "self-employment income" which is based on your "net earnings from self-employment" during a taxable year. This subpart explains our rules on the kinds of earnings that are covered as "net earnings from self-employment" and the kinds that are not. We also explain how to figure your "net earnings from self-employment" and determine your "self-employment income" which is the amount that goes on our records.

(b) We include basically only the rules that apply to current work or that the law requires us to publish as regulations. We generally do not include rules that are seldom used or do not apply to current work because of changes in the law.

(c) The Social Security Act and the Internal Revenue Code (Code) have similar provisions on coverage of your earnings because the one law specifies the earnings for which you will receive credit for benefit purposes and the other the earnings on which you must pay social security taxes. Because the Code (Title 26 of the United States Code) has some provisions that are not in the Act but which may affect you, you may need to refer to the Code or the Internal Revenue Service regulations (Title 26 of the Code of Federal Regulations) to get complete information about your social security coverage.

(d) The rules are organized in the following manner:

(1) Sections 404.1003–404.1010 include the rules on employment. We discuss what we mean by employment, what work is covered as employment for social security purposes, and describe the kinds of workers who are considered employees.

(2) In §§ 404.1012—404.1037 we discuss various types of work that are not covered as employment for social security purposes.

(3) The rules on wages are found in §§ 404.1041–404.1060. We describe what we mean by the term "wages", discuss various types of pay that count as wages, and state when the pay counts for social security purposes. We include the explanations of agricultural labor and domestic services under "wages" because the coverage of the services depends on the pay that is received.

(4) Our rules on self-employment and self-employment income are found in §§ 404.1065–404.1096. We discuss what we mean by self-employment, what we mean by a trade or business, what types of activities are considered self-employment, how to determine self-employment income, and how net earnings from self-employment are figured.

§ 404.1002 Definitions.

(a) *General definitions.* As used in this subpart—

The "Act" means the Social Security Act, as amended.

The "Code" means the Internal Revenue Code of 1954, as amended.

"We", "our", or "us" means the Social Security Administration.

"You" or "your" means any person whose earnings from employment or self-employment are included or excluded under social security.

(b) *Other definitions.* For ease of reference, we have placed other definitions in the sections of this subpart in which they are used.

Employment

§ 404.1003 Employment.

Employment means, generally, any service covered by social security performed by an employee for his or her employer. The rules on who is an employee and who is an employer are contained in §§ 404.1005–404.1010. Section 404.1004 states the general rule on the kinds of work covered as employment. Exceptions to the general rule are contained in §§ 404.1012–404.1037 which explain the kinds of work excluded from employment. All of these rules apply to current work unless otherwise indicated.

§ 404.1004 What work is covered as employment.

(a) *General requirements of employment.* Unless otherwise excluded from coverage under §§ 404.1012–404.1037, the work you perform as an employee for your employer is covered as employment under social security if one of the following situations applies:

(1) You perform the work within the United States (whether or not you or your employer are a citizen or resident of the United States).

(2) You perform the work outside the United States and you are a citizen of the United States working for—

(i) An American employer; or

(ii) A foreign subsidiary of a domestic corporation that has in effect an agreement covering your work under section 3121(l) of the Code.

(3) You perform the work on or in connection with an American vessel or American aircraft and the conditions in paragraph (a)(3) (i) and (ii) are met. Your citizenship or residence does not matter. The citizenship or residence of your employer matters only if it affects whether the vessel is an American vessel.

(i) You enter into the contract of employment within the United States or the vessel or aircraft touches at a port or airport within the United States during the performance of your contract of employment on the vessel or aircraft.

(ii) You are employed on and in connection with the vessel or aircraft when outside the United States.

(b) *Explanation of terms used in this section.* (1) "American employer" means—

(i) The United States or any of its instrumentalities;

(ii) A State, a political subdivision of a State, or an instrumentality of any one or more States or political subdivisions of a State;

(iii) An individual who is a resident of the United States;

(iv) A partnership, if at least two-thirds of the partners are residents of the United States;

(v) A trust, if all of the trustees are residents of the United States; or

(vi) A corporation organized under the laws of the United States or of any State.

(2) "American aircraft" means an aircraft registered under the laws of the United States.

(3) "American vessel" means a vessel documented or numbered under the laws of the United States. It also includes a vessel neither documented nor numbered under the laws of the United States, nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States, or corporations organized under the laws of the United States or of any State.

(4) "Citizen of the United States" includes a citizen of the Commonwealth of Puerto Rico, the Virgin Islands, Guam or American Samoa.

(5) "Domestic corporation" refers to a corporation as determined under section 7701 of the Code.

(6) "Foreign subsidiary" refers to a foreign subsidiary as defined in section 3121(l) of the Code.

(7) "On and in connection with" refers to the performance of work on a vessel or aircraft which concerns the vessel or aircraft. Examples of this kind of work are the services performed on a vessel by employees as officers or crew members, or as employees of concessionaires, of the vessel.

(8) "On or in connection with" refers to work performed on the vessel or aircraft and to work which concerns the vessel or aircraft but not actually performed on it. For example, shore services in connection with repairing, loading, unloading, or provisioning a vessel performed by employees as officers or crew members, or as employees of concessionaires, of the vessel are included, since this work concerns the vessel though not performed on it.

(9) "State" refers to the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa.

(10) "United States" when used in a geographical sense means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa.

§ 404.1005 Who is an employee.

You must be an employee for your work to be covered as employment for social security purposes. You are an employee if you are—

(a) A corporation officer as described in § 404.1006;

(b) A common-law employee as described in § 404.1007; or

(c) An agent-driver or commission-driver, a full-time life insurance salesman, a home worker, or a traveling or city salesman as described in § 404.1008.

§ 404.1006 Corporation officer.

If you are an officer of a corporation, you are an employee of the corporation if you are paid or you are entitled to be paid for holding office or performing services. However, if you are a director of a corporation, we consider you to be self-employed when you work as a director.

§ 404.1007 Common-law employee.

(a) *General.* The common-law rules on employer-employee status are the basic test for determining whether you and the person or firm you work for have the relationship of employee and employer. Even though you are considered self-employed under the common-law rules, you may still be an employee for social security purposes under § 404.1006 (relating to corporation officers) or § 404.1008 (relating to workers in four specific jobs). In general, you are a common-law employee if the person you work for may tell you what to do and how, when, and where to do it. The person or firm you work for does not have to give these orders, but needs only the right to do so. Whether or not you are a common-law employee is not always clear. Several aspects of your job arrangement are considered in determining whether you are an employee or are self-employed under the common-law rules.

(b) *Factors that show employee status.* Some aspects of a job arrangement that may show you are an employee are as follows:

(1) The person you work for may fire you.

(2) The person you work for furnishes you with tools or equipment and a place to work.

(3) You receive training from the person you work for or are required to follow that person's instructions.

(4) You must do the work yourself.

(5) You do not hire, supervise, or pay assistants (unless you are employed as a foreman, manager, or supervisor).

(6) The person you work for sets your hours of work, requires you to work full-time, or restricts you from doing work for others.

(7) The person you work for pays your business or traveling expenses.

(8) You are paid by the hour, week or month.

(c) *Factors that show self-employed status.* Some aspects of a job arrangement or business venture that may show you are self-employed are as follows:

(1) You make a profit or suffer a loss.

(2) You are hired to complete a certain job and if you quit before the job is completed you may be liable for damages.

(3) You work for a number of persons or firms at the same time.

(4) You advertise to the general public that you are available to perform services.

(5) You pay your own expenses and have your own equipment and work place.

(d) *Questions about your status.* If there is a question about whether you are working as an employee or are self-employed, we or the Internal Revenue Service will make a determination after examining all of the facts of your case.

§ 404.1008 Agent-driver or commission-driver, full-time life insurance salesman, home worker, or traveling or city salesman.

(a) *General.* In addition to common-law employees and corporation officers, we consider workers in the four types of jobs described in paragraphs (b) through (e) of this section to be employees if their services are performed under the following conditions:

(1) Under the work arrangement the worker is expected to do substantially all of the work personally.

(2) The worker must not have a substantial investment in the facilities used to do the work. Facilities include such things as a place to work, storage space, equipment, machinery and office furniture. However, facilities do not include tools, equipment or clothing of the kind usually provided by employees nor transportation such as a car or truck.

(3) The work must be performed as part of a continuing work relationship between the worker and the person for whom the work is done. The work performed must not be a single transaction. Part-time and regular seasonal work may be performed as part of a continuing work relationship.

(b) *Agent-driver or commission-driver.* This is a driver hired by another person to distribute meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services. We consider you an agent-driver or commission-driver if you are paid a commission based on your sales or the difference between the price you charge your customers and the amount you pay for the goods or services. It makes no difference whether you drive your own truck or the company's truck or whether you solicit the customers you serve.

(c) *Full-time life insurance salesman.* A full-time life insurance salesman's main activity is selling life insurance or

annuity contracts, or both, mostly for one life insurance company. If you are a full-time life insurance salesman, you are probably provided office space, stenographic help, telephone, forms, rate books and advertising materials by the company or general agent, without cost to you.

(d) *Home worker.* A home worker is a person who works away from the place of business of the person he or she works for, usually at home. If you are a home worker and you work according to the instructions of the person you work for, on material or goods furnished by that person, and are required to return the finished product to that person (or another person whom he or she designates), you are an employee.

(e) *Traveling or city salesman.* The main activity of a traveling or city salesman is taking orders for merchandise for another person or firm. The salesman gets orders from wholesalers, retailers, contractors, or operators of hotels, restaurants or other firms whose main business is furnishing food or lodging or both. The salesman sells merchandise to others for resale or for use in their own business. We consider you a traveling or city salesman if most of your work is done for a single person or firm even though you have incidental sideline sales activities. However, you are not an employee under this paragraph as to those sideline sales. If you take orders for a number of persons or firms as a "multiple line" salesman, you are not a traveling or city salesman.

§ 404.1009 Who is an employer.

A person is an employer if he or she employs at least one employee. Sometimes it is not clear who a worker's employer is, since the employer does not always pay the worker's wages. When there is a question about who the employer is, we use the common-law rules to identify the employer (see § 404.1007).

§ 404.1010 Farm crew leader as employer.

A farm crew leader furnishes workers to do agricultural labor for another person, usually a farm operator. If the crew leader pays the workers (the money can be the crew leader's or the farm operator's), the crew leader is deemed to be the employer of the workers and is self-employed. However, the crew leader is not deemed the employer of the workers if there is a written agreement between the crew leader and the farm operator naming the crew leader as an employee. If the crew leader does not have this agreement and does not pay the workers, we use the common-law rules to determine the crew leader's status.

Work Excluded From Employment

§ 404.1012 Work excluded from employment.

Certain kinds of work performed by an employee are excluded from employment. They are described in §§ 404.1014–404.1037 and are exceptions to the general rule in § 404.1004 on the kinds of work that are covered as employment. In general, if the work performed by an employee is excluded from employment, the work is not covered under social security. However, certain kinds of work performed by an employee, even though excluded from employment, are covered as self-employment for social security purposes. In addition, if part of the work performed by an employee for the same employer is included as employment and part is excluded from employment, all the work may be included or all may be excluded as described in § 404.1013.

§ 404.1013 Included-excluded rule.

(a) If part of your work for an employer during a pay period is covered as employment and part excluded, all of your work during that period is considered covered if at least one-half of your time in the pay period is in covered work. If you spend most of your time in a pay period doing work that is excluded, all of your work in that period is excluded.

(b) A "pay period" is the period for which your employer ordinarily pays you. It cannot be more than 31 consecutive days. If the actual period is not always the same, your usual pay period will be used for applying the included-excluded rule.

(c) The included-excluded rule does not apply and your covered work will be counted if—

(1) Part of your work is covered by the Railroad Retirement Tax Act and part by the Social Security Act; or

(2) You have no usual "pay period" of 31 consecutive days or less, or you have separate pay periods for covered and excluded work.

§ 404.1014 Domestic service by a student for a local college club, fraternity or sorority.

(a) *General.* If you are a student and do work of a household nature in or about the club rooms or house of a local college club or local chapter of a college fraternity or sorority, and are enrolled and regularly attending classes at a school, college, or university, your work is not covered as employment.

(b) *Explanation of terms.* (1) "Work of a household nature" means the type of work done by cooks, waiters, butlers, maids, janitors, laundresses, furnacemen, handymen, gardeners, housekeepers and housemothers.

(2) A "local college club or local chapter of a college fraternity or sorority" does not include an alumni club or chapter. Also, if the club rooms or house are used mostly for supplying board or lodging to students or nonstudents as a business, the work done is not excluded by this section.

§ 404.1015 Family services.

(a) *General.* If you work as an employee of a relative, the work is excluded from employment if—

(1) You work as an employee of your spouse;

(2) You work while under age 21 in the employ of your parent;

(3) You do nonbusiness work as an employee of your son or daughter (see § 404.1059(a)(3) for an explanation of nonbusiness work); or

(4) You perform domestic service (as described in § 404.1058(b)) in your son's or daughter's private home as an employee of that son or daughter, unless—

(i) The son or daughter has a child (either natural, adopted or stepchild) living in the home who is under age 18 or, if older, has a mental or physical condition that requires the personal care and supervision of an adult for at least four continuous weeks in the calendar quarter in which the work is done; and

(ii) The son or daughter is a widower or widow, or is divorced and has not remarried, or has a spouse living in the home who, because of a physical or mental condition, is incapable of taking care of the child and the condition is present for at least four continuous weeks in the calendar quarter in which the work is done.

(b) *Family work for other than sole proprietor.* Work for a corporation is not excluded under this section, and work for a partnership is not excluded unless the required family relationship exists between the employee and each of the partners.

§ 404.1016 Foreign agricultural workers.

Farm work done by foreign workers lawfully admitted to the United States on a temporary basis to do farm work is not covered as employment. The excluded work includes any services connected with farm operations.

§ 404.1017 Sharefarmers.

(a) If you are a sharefarmer, your services are not covered as employment, but as self-employment.

(b) You are a sharefarmer if you have an arrangement with the owner or tenant of the land and the arrangement provides for all of the following:

(1) You will produce agricultural or horticultural commodities on the land.

(2) The commodities you produce or the income from their sale will be divided between you and the person with whom you have the agreement.

(3) The amount of your share depends on the amount of commodities you produce.

(c) If under your agreement you are to receive a specific rate of pay, a fixed sum of money or a specific amount of the commodities not based on your production, you are not a sharefarmer for social security purposes.

§ 404.1018 Work by civilians for the U.S. Government or its instrumentalities.

(a) *General.* If you work as a civilian employee of the United States Government or an instrumentality of the United States, your work is excluded from employment if that work is covered by a retirement system established by law. Your work for an instrumentality that is exempt from social security tax is also excluded. Certain other work for the United States or an instrumentality of the United States is specifically excluded and is described in this section.

(b) *Work covered by a retirement system.* Work you do as an employee of the United States or an instrumentality of the United States is excluded from employment if the work is covered by a retirement system established by a law of the United States. If you have a choice as to whether your work is covered by the retirement system, the work is not covered by that system until you choose that coverage. In order for the exclusion to apply, the work you do, rather than the position you hold, must be covered by the retirement system.

(c) *Work that is specifically excluded.* Work performed by an employee of the United States or an instrumentality of the United States is excluded if it is done—

(1) As the President or Vice President of the United States;

(2) As a Member of the United States Congress, a Delegate to Congress or a Resident Commissioner;

(3) In the legislative branch of the United States Government;

(4) By a student nurse, student dietitian, student physical therapist or student occupational therapist who is assigned or attached to a Federal hospital, clinic, or medical or dental laboratory;

(5) By a person designated as a student employee with the approval of the Office of Personnel Management who is assigned or attached primarily for training purposes to a Federal hospital, clinic, or medical or dental laboratory (other than a medical or dental intern or resident in training);

(6) By an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency;

(7) By a person to whom the Civil Service Retirement Act does not apply because the person's services are subject to another retirement system established by a law of the United States or by the instrumentality of the United States for which the work is done (other than the retirement system established by the Tennessee Valley Authority under the plan approved by the Secretary of Health, Education, and Welfare on December 28, 1956); or

(8) By an inmate of a penal institution of the United States, if the work is done in the penal institution.

(d) *Work for instrumentalities of the United States exempt from employer tax.* (1) Work performed by an employee of an instrumentality of the United States is excluded if—

(i) The instrumentality is exempt from the employer tax imposed by section 3111 of the Code or by section 1410 of the Internal Revenue Code of 1939; and

(ii) The exemption is authorized by another law specifically referring to these sections.

(2) Work performed by an employee of an instrumentality of the United States is excluded if the instrumentality was not on December 31, 1950, subject to the employer tax imposed by section 1410 of the Internal Revenue Code of 1939 and the work is covered by a retirement system established by the instrumentality, unless—

(i) The work is for a corporation wholly owned by the United States;

(ii) The work is for a Federal land bank association, a production credit association, a Federal Reserve Bank, a Federal Credit Union, a Federal land bank, a Federal intermediate credit bank, a bank for cooperatives, or a Federal Home Loan Bank;

(iii) The work is for a State, county, or community committee under the Agriculture Marketing Service and the Commodity Stabilization Service (formerly Production and Marketing Administration); or

(iv) The work is by a civilian, who is not paid from funds appropriated by the Congress, in activities conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of Defense or Secretary of Transportation at installations intended for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the Defense Department or the Coast Guard, such as—

(A) Army and Air Force Exchange Service;

(B) Army and Air Force Motion Picture Service;

(C) Coast Guard Exchanges;

(D) Navy Ship's Service Stores; and

(E) Marine Corps Post Exchanges.

(3) For purposes of paragraph (d)(2) of this section, if an employee has a choice as to whether his or her work is covered by a retirement system, the work is not covered by that system until he or she chooses that coverage. The work done rather than the position held, must be covered by the retirement system.

(e) *Work as Peace Corps Volunteer.* Work performed as a volunteer or volunteer leader within the meaning of the Peace Corps Act (22 U.S.C. 2501 ff) is covered as employment.

(f) *Work as Job Corps Enrollee.* Work performed as an enrollee in the Job Corps is considered to be performed in the employ of the United States.

(g) *Work by Volunteer in Service to America.* Work performed (including training) as a Volunteer in Service to America is considered to be performed in the employ of the United States if the volunteer in enrolled for a period of service of at least one year. If the enrollment is for less than one year, we use the common-law rules in § 404.1007 to determine the volunteer's status.

§ 404.1019 Work as a member of a uniformed service of the United States.

(a) If you work as a member of a uniformed service of the United States, the work is covered as employment after 1956, unless the work is done while you are on leave without pay or is creditable under the Railroad Retirement Act. The work must be done while you are on active duty or active duty for training as defined in Veterans' Benefits, 38 U.S.C. 101.

(b) You are a "member of a uniformed service" if—

(1) You are appointed, enlisted, or inducted into (or a retired member of)—

(i) One of the armed services (Army, Navy, Air Force, Marine Corps, or Coast Guard); or

(ii) A component of one of the armed services, including any reserve component as defined in Veterans' Benefits, 38 U.S.C. 101 (except the Coast Guard Reserve as a temporary member);

(2) You are a commissioned officer (including a retired commissioned officer) of the National Oceanic and Atmospheric Administration or the Regular or Reserve Corps of the Public Health Service;

(3) You are a member of the Fleet Reserve or Fleet Marine Corps Reserve;

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(4) You are a cadet at the United States Military, Coast Guard, or Air Force Academy, or a midshipman at the United States Naval Academy;

(5) You are a member of the Reserve Officers Training Corps, the Naval Reserve Officers Training Corps, or the Air Force Reserve Officers Training Corps, when ordered to annual training duty for 14 days or more including periods of authorized travel to and from that duty; or

(6) You are selected for active military or naval training under the Military Selective Service Act or are provisionally accepted for active duty in the military or naval service and you are ordered or directed to a place for final acceptance or entry upon active duty and are on the way to or from, or at, that place.

§ 404.1020 Work for States and their political subdivisions and instrumentalities.

(a) *General.* If you work as an employee of a State, a political subdivision of a State, or any wholly owned instrumentality of one or more of these, your work is excluded from employment unless—

(1) The work is covered under an agreement under section 218 of the Act (see Subpart M of this part); or

(2) The work is "covered transportation service" as defined in section 210(k) of the Act (see paragraph (b) of this section).

(b) *Covered transportation service.*— (1) *Work for a public transportation system.* If you work for a public transportation system of a State or political subdivision of a State, your work may be covered transportation service if all or part of the system was acquired from private ownership. You must work as an employee of the State or political subdivision in connection with its operation of a public transportation system for your work to be covered transportation service. This paragraph sets out additional conditions that must be met for your work to be covered transportation service. If you work for a public transportation system but your work is not covered transportation service, your work may be covered for social security purposes under an agreement under section 218 of the Act (see Subpart M of this part).

(2) *Transportation system acquired in whole or in part after 1936 and before 1951.* All work after 1950 for a public transportation system is covered transportation service if—

(i) Any part of the transportation system was acquired from private ownership after 1936 and before 1951; and

(ii) No general retirement system covering substantially all work in connection with the operation of the transportation system and guaranteed by the State constitution was in effect on December 31, 1950.

(3) *Transportation system operated on December 31, 1950, no part of which was acquired after 1936 and before 1951.* If no part of a transportation system operated by a State or political subdivision on December 31, 1950, was acquired from private ownership after 1936 and before 1951, work for that public transportation system is not covered transportation service unless performed under conditions described in paragraph (b)(4) of this section.

(4) *Addition after 1950 to existing transportation system.* Work for a public transportation system part of which was acquired from private ownership after 1950 as an addition to an existing transportation system is covered transportation service beginning with the first day of the third calendar quarter following the calendar quarter in which the addition was acquired if—

(i) The work is performed by an employee who—

(A) Worked in employment in connection with the operation of the addition before the addition was acquired by the State or political subdivision; and

(B) Became an employee of the State or political subdivision in connection with and at the time of its acquisition of the addition;

(ii) On that first day, work performed by that employee is—

(A) Not covered by a general retirement system; or

(B) Covered by a general retirement system which contains special provisions that apply only to employees described in paragraph (b)(4)(i)(B) of this section;

(iii) The existing transportation system was operated by the State or political subdivision on December 31, 1950; and

(iv) Work for the existing transportation system was not covered transportation service because—

(A) No part of the system was acquired from private ownership after 1936 and before 1951; or

(B) The general retirement system described in paragraph (b)(2)(ii) of this section was in effect on December 31, 1950.

(5) *Transportation system acquired after 1950.* All work for a public transportation system is covered transportation service if—

(i) The transportation system was not operated by the State or political subdivision before 1951;

(ii) All or part of the transportation system was first acquired from private ownership after 1950; and

(iii) At the time the State or political subdivision first acquired any part of its transportation system from private ownership, it did not have a general retirement system covering substantially all work performed in connection with the operation of the transportation system.

(6) *Definitions.* (i) The term "general retirement system" means any pension, annuity, retirement, or similar fund or system established by a State or by a political subdivision of a State for employees of the State, the political subdivision, or both. The term does not include a fund or system which covers only work performed in positions connected with the operation of the public transportation system.

(ii) A transportation system (or part of a system) is considered to have been acquired from private ownership by a State or political subdivision if—

(A) Before the acquisition, work performed by employees in connection with the operation of the system (or an acquired part) constituted employment under the Act; and

(B) Some of these employees became employees of the State or political subdivision in connection with and at the time of the acquisition.

(iii) The term "political subdivision" includes an instrumentality of a State, of one or more political subdivisions of a State, or of a State and one or more of its political subdivisions.

§ 404.1021 Work for the District of Columbia.

If you work as an employee of the District of Columbia or a wholly owned instrumentality of the District of Columbia, your work is covered as employment unless—

(a) Your work is covered by a retirement system established by a law of the United States; or

(b) You are—

(1) A patient or inmate of a hospital or penal institution and your work is for that hospital or institution;

(2) A student employee (a student nurse, dietitian, or physical or occupational therapist, but not a medical or dental intern or resident in training) of a District of Columbia hospital, clinic, or medical or dental laboratory;

(3) An employee serving temporarily in case of fire, storm, snow, earthquake, flood, or other similar emergency; or

(4) A member of a board, committee, or council of the District of Columbia paid on a per diem, meeting, or other fee basis.

§ 404.1022 American Samoa or Guam.

(a) *Work in American Samoa or Guam.* Work in American Samoa or Guam for a private employer is covered as employment the same as in the 50 States. Work done by a resident of the Republic of the Philippines working in Guam on a temporary basis as a nonimmigrant alien admitted to Guam under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act is excluded from coverage regardless of the employer.

(b) *Work for American Samoa or a political subdivision or wholly owned instrumentality of American Samoa.* Work as an officer or employee (including a member of the legislature) of the government of American Samoa, its political subdivisions, or any wholly owned instrumentality of any one or more of these, is covered as employment (unless the work is covered by a retirement system established by a law of the United States). The officer or employee is not considered as an employee of the United States, an agency of the United States, or an instrumentality of the United States, for purposes of title II of the Act. We consider any pay for this work to have been paid by the government of American Samoa, or the political subdivision or the wholly owned instrumentality of American Samoa.

(c) *Work for Guam or a political subdivision or wholly owned instrumentality of Guam.* Work as an officer or employee (including a member of the legislature) of the government of Guam, its political subdivisions, or any wholly owned instrumentality of any one or more of these, is excluded from coverage as employment. However, the exclusion does not apply to employees classified as temporary or intermittent unless the work is—

(1) Covered by a retirement system established by a law of Guam;

(2) Done by an elected official;

(3) Done by a member of the legislature; or

(4) Done in a hospital or penal institution by a patient or inmate of the hospital or penal institution.

§ 404.1023 Ministers of churches and members of religious orders.

(a) *General.* If you are a duly ordained, commissioned, or licensed minister of a church, the work you do in the exercise of your ministry is excluded from employment. However, it is treated as self-employment for social security purposes. If you are a member of a religious order who has not taken a vow of poverty, the same rule applies to the work you do in the exercise of your duties required by that order. If you are a member of a religious order who has taken a vow of poverty, the work you do in the exercise of duties required by the order (the work may be done for the order or for another employer) is covered as employment only if the order or autonomous subdivision of the order to which you belong has filed an effective election of coverage. The election is made under section 3121(r) of the Code. For the rules on self-employment coverage of ministers and members of religious orders who have not taken vows of poverty, see § 404.1071.

(b) *What is an ordained, commissioned, or licensed minister.* The terms "ordained, commissioned, or licensed" describe the procedures followed by recognized churches or church denominations to vest ministerial status upon qualified individuals. If a church or church denomination has an ordination procedure, the commissioning or licensing of a person as a minister may not make him or her a commissioned or licensed minister for purposes of this subpart. Where there is an ordination procedure, the commissioning or licensing must be recognized as having the same effect as ordination and the person must be fully qualified to exercise all of the ecclesiastical duties of the church or church denomination.

(c) *When is work by a minister in the exercise of the ministry.* (1) A minister is working in the exercise of the ministry when he or she is—

(i) Ministering sacerdotal functions or conducting religious worship (other than as described in paragraph (d)(2) of this section); or

(ii) Working in the control, conduct, and maintenance of a religious organization (including an integral agency of a religious organization) under the authority of a religious body constituting a church or church denomination.

(2) The following rules are used to decide whether a minister's work is in the exercise of the ministry:

(i) Whether the work is the conduct of religious worship or the ministration of sacerdotal functions depends on the tenets and practices of the religious body which is his or her church or church denomination.

(ii) Work in the control, conduct, and maintenance relates to directing, managing, or promoting the activities of the religious organization. Any religious organization is considered to be under the authority of a religious body constituting a church or church denomination if it is organized and dedicated to carrying out the tenets and principles of a faith according to either the requirements or sanctions governing the creation of institutions of the faith. The term "religious organization" has the same meaning and application as is given to the term for income tax purposes under the Code.

(iii) If a minister is working in the conduct of religious worship or the ministration of sacerdotal functions, the work is in the exercise of the ministry whether or not it is performed for a religious organization. (See paragraph (d)(2) of this section for an exception to this rule.)

Example. M, a duly ordained minister, is engaged to work as chaplain at a privately owned university. M spends his entire time working as chaplain. This includes the conduct of religious worship, offering spiritual counsel to the university students, and teaching a class in religion. M is working in the exercise of the ministry.

(iv) If a minister is working for an organization which is operated as an integral agency of a religious organization under the authority of a religious body constituting a church or church denomination, all work by the minister in the conduct of religious worship, in the ministration of sacerdotal functions, or in the control, conduct, and maintenance of the organization is in the exercise of the ministry.

Example. M, a duly ordained minister, is engaged by the N Religious Board as director of one of its departments. M performs no other service. The N Religious Board is an integral agency of O, a religious organization operating under the authority of a religious body constituting a church denomination. M is working in the exercise of the ministry.

(v) If a minister, under an assignment or designation by a religious body constituting a church, works for an organization which is neither a religious organization nor operated as an integral agency of a religious organization, all service performed by him or her, even though the service may not involve the conduct of religious worship or the ministration of sacerdotal functions, is in the exercise of the ministry.

Example. M, a duly ordained minister, is assigned by X, the religious body constituting M's church, to perform advisory service to Y company in connection with the publication of a book dealing with the history of M's church denomination. Y is neither a religious organization nor operated as an integral agency of a religious organization. M performs no other service for X or Y. M is working in the exercise of the ministry.

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(vi) If a minister is working for an organization which is neither a religious organization nor operated as an integral agency of a religious organization and the work is not performed under an assignment or designation by ecclesiastical superiors, then only the work done by the minister in the conduct of religious worship or the ministration of sacerdotal functions is in the exercise of the ministry. (See paragraph (d)(2) of this section for an exception to this rule.)

Example. M, a duly ordained minister, is engaged by N University to teach history and mathematics. M does no other work for N although from time to time M performs marriages and conducts funerals for relatives and friends. N University is neither a religious organization nor operated as an integral agency of a religious organization. M is not working for N under an assignment by his ecclesiastical superiors. The work performed by M for N University is not in the exercise of the ministry. However, service performed by M in performing marriages and conducting funerals is in the exercise of the ministry.

(d) *When is work by a minister not in the exercise of the ministry.* (1) Work performed by a duly ordained, commissioned, or licensed minister of a church which is not in the exercise of the ministry is not excluded from employment.

(2) Work performed by a duly ordained, commissioned, or licensed minister of a church as an employee of the United States, or a State, territory, or possession of the United States, or the District of Columbia, or a foreign government, or a political subdivision of any of these, is not in the exercise of the ministry, even though the work may involve the ministration of sacerdotal functions or the conduct of religious worship. For example, we consider service performed as a chaplain in the Armed Forces of the United States to be work performed by a commissioned officer and not by a minister in the exercise of the ministry. Also, service performed by an employee of a State as a chaplain in a State prison is considered to be performed by a civil servant of the State and not by a minister in the exercise of the ministry.

(e) *Work in the exercise of duties required by a religious order.* Work performed by a member of a religious order in the exercise of duties required by the order includes all duties required of the member of the order. The nature or extent of the work is immaterial so long as it is service which the member is directed or required to perform by the member's ecclesiastical superiors.

§ 404.1024 Election of coverage by religious orders.

A religious order whose members are required to take a vow of poverty, or any autonomous subdivision of that religious order, may elect to have social security coverage extended to the work performed by its members in the exercise of duties required by that order or subdivision. The rules on the election of coverage by these religious orders are described in 26 CFR 31.3121(r). The rules on determining the wages of members of religious orders for which an election of coverage has been made are described in § 404.1046.

§ 404.1026 Work for religious, charitable, educational, or certain other organizations exempt from income tax.

(a) *General.* Work done by an employee in the employ of a religious, charitable, educational, or other organization described in section 501(c)(3) of the Code which is exempt from income tax under section 501(a) of the Code (section 101(6) of the Internal Revenue Code of 1939) is excluded from employment. This exclusion does not apply to work done during the period for which a form SS–15, Certificate Waiving Exemption From Taxes Under the Federal Insurance Contributions Act, is filed under paragraph (b) of this section, or an organization is deemed to have filed a waiver certificate under paragraph (c) of this section.

(b) *Election of coverage by filing form SS–15 and form SS–15a.* Form SS–15, Certificate Waiving Exemption From Taxes Under the Federal Insurance Contributions Act, and form SS–15a, List of Concurring Employees, filed under section 3121(k) of the Code, have the effect of covering work done by an employee—

(1) Whose signature appears on the form SS–15a (or a supplemental list); or

(2) Who became an employee of the organization after the calendar quarter in which the form SS–15 was filed; or

(3) Who became a member of a group of employees as described in section 3121(k)(1)(E) of the Code after the calendar quarter in which the form SS–15 was filed for that group.

(c) *Deemed filing of waiver certificate.* Under certain conditions, an organization which has never filed a certificate waiving its exemption from social security taxes but has reported wages and paid social security taxes for its employees is deemed to have filed a waiver certificate and elected to cover the services of its employees under social security. Each employee listed on the filed wage reports is deemed to have concurred in the filing of the certificate. The authority and conditions for the deemed filing of a waiver certificate and employee coverage for social security purposes are found in section 3121(k) of the Code.

(d) *Coverage of individual employees.* (1) For the payments to employees or organizations described in paragraph (c) of this section to be considered wages as defined in § 404.1041(a), the employee must—

(i) Request that the payments be considered wages when a deemed filed certificate is not effective for certain periods because of section 3121(k)(4)(C) of the Code; or

(ii) Request that the payments be considered wages when, for periods between March 31, 1972, and the date a deemed filed certificate is effective, the payments were reported for social security purposes and the employer has obtained a refund or credit for the social security taxes paid on those payments.

(2) The request must be in writing and filed with either the Social Security Administration or the Internal Revenue Service on or before April 15, 1980. The written request should identify the employer or employers, the periods in which the work was done and the approximate amount of wages paid in these periods. The employee must show that the employee's share of the social security taxes due on his or her wages has been paid to the Internal Revenue Service or that arrangements have been made with the Internal Revenue Service to make the required payment.

§ 404.1027 Railroad work.

We exclude from employment any work you do as an employee or employee representative as described in the Railroad Retirement Tax Act. However, railroad compensation can be counted for social security purposes under the conditions described in Subpart O of this part.

§ 404.1028 Student working for a school, college, or university.

(a) For purposes of this section, a "school, college, or university" has its usual accepted meaning. It does not, however, include any school, college, or university that is an instrumentality or integral part of a State or a political subdivision of a State for which work can only be covered by an agreement under section 218 of the Act. (See Subpart M of this part.)

(b) If you are a student, any work you do as an employee of a school, college or university is excluded from employment, if you are enrolled in and regularly attending classes at that school, college, or university. The exclusion also applies to work you do for a private nonprofit auxiliary organization of the school, college, or university if it is organized and operated exclusively for the benefit of, to perform functions of, or to carry out the purposes of the school, college, or university. The organization must be operated, supervised, or controlled by, or in connection with, the school, college, or university.

(c) Whether you are a student for purposes of this section depends on your relationship with your employer. If your main purpose is pursuing a course of study rather than earning a livelihood, we consider you to be a student and your work is not considered employment.

§ 404.1029 Student nurses.

If you are a student nurse, your work for a hospital or nurses training school is excluded from employment if you are enrolled and regularly attending classes in a nurses training school which is chartered or approved under State law.

§ 404.1030 Delivery and distribution or sale of newspapers, shopping news, and magazines.

(a) *If you are under age 18.* Work you do before you reach age 18 delivering or distributing newspapers or shopping news is excluded from employment. This does not include delivery or distribution to some point for further delivery or distribution by someone else. If you make house-to-house delivery or sale of newspapers or shopping news (including handbills and similar kinds of advertising material), your work is not covered while you are under age 18. Related work such as assembling newspapers is also excluded.

(b) *If you are any age.* No matter how old you are, work you do in connection with and at the time of the sale of newspapers or magazines to consumers is excluded from employment if there is an arrangement under which—

(1) You are to sell the newspapers or magazines at a fixed price; and

(2) Your pay is the difference between the fixed selling price and the amount you are charged for the newspapers or magazines (whether or not you are guaranteed a minimum amount of compensation or receive credit for unsold newspapers or magazines).

(c) *If you are age 18 or older.* If you have attained age 18, you are self-employed if you work under the arrangement described in paragraph (b) of this section. See § 404.1068(b).

§ 404.1031 Fishing.

(a) If you work on a boat engaged in catching fish or other forms of aquatic animal life, your work is not employment if you have an arrangement with the owner or operator of the boat which provides for all of the following:

(1) You do not receive any cash pay (other than as provided in paragraph (a)(2) of this section).

(2) You receive a share of the catch or a share of the proceeds from the sale of the catch.

(3) The amount of your share depends on the size of the catch.

(4) The operating crew of the boat (or each boat from which you receive a share if the fishing operation involves more than one boat) is normally made up of fewer than 10 individuals.

(b) Work excluded from employment under this section is considered to be self-employment (§ 404.1068(e)).

§ 404.1032 Work for a foreign government.

If you work as an employee of a foreign government in any capacity, your work is excluded from employment. If you are a citizen of the United States and work in the United States as an employee of a foreign government, you are considered to be self-employed (§ 404.1068(d)).

§ 404.1033 Work for a wholly owned instrumentality of a foreign government.

(a) If you work as an employee of an instrumentality of a foreign government, your work is excluded from employment if—

(1) The instrumentality is wholly owned by the foreign government;

(2) Your work is similar to work performed in foreign countries by employees of the United States Government or its instrumentalities; and

(3) The Secretary of State certifies to the Secretary of the Treasury that the foreign government grants an equivalent exemption for services performed in the foreign country by employees of the United States Government or its instrumentalities.

(b) Your work will not be excluded under this section if any of the conditions in paragraph (a) of this section are not met.

(c) If you are a citizen of the United States and work in the United States as an employee of an instrumentality of a foreign government and the conditions in paragraph (a) of this section are met, you are considered to be self-employed (§ 404.1068(d)).

§ 404.1034 Work for an international organization.

(a) If you work as an employee of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (59 Stat. 669), your work is excluded from employment. The organization must meet the following conditions:

(1) It must be a public international organization in which the United States participates under a treaty or authority of an act of Congress authorizing, or making an appropriation for, participation.

(2) It must be designated by executive order to be entitled to enjoy the privileges, exemptions, and immunities provided in the International Organizations Immunities Act.

(3) The designation must be in effect, and all conditions and limitations in the designation must be met.

(b) Your work will not be excluded under this section if any of the conditions in paragraph (a) of this section are not met.

(c) If you are a citizen of the United States and work in the United States as an employee of an international organization that meets the conditions in paragraph (a) of this section, you are considered to be self-employed (§ 404.1068(d)).

§ 404.1035 Work for a communist organization.

If you work as an employee of an organization which is registered, or which is required by a final order of the Subversive Activities Control Board to register under the Internal Security Act of 1950 as a communist action, communist-front, or communist-infiltrated organization, your work is excluded from employment. The exclusion is effective with the calendar year in which the organization is registered or the final order is in effect.

§ 404.1036 Certain nonresident aliens.

(a) *Foreign students.* Foreign students (nonimmigrant aliens) may be temporarily in the United States under subparagraph (F) of section 101(a)(15) of the Immigration and Nationality Act to attend a school or other recognized place of study approved by the Attorney General. On-campus work or work under permission granted by the Immigration and Naturalization Service which is done by these students is excluded from employment. Other work done by these foreign students is not excluded from employment under this section.

(b) *Exchange visitors.* Exchange visitors (nonimmigrant aliens) may be temporarily in the United States under subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act to participate in exchange visitor programs designated by the Secretary of State. Work done by these exchange visitors to carry out the purpose for which they were admitted and for which permission

has been granted by the sponsor, is excluded from employment. Other work done by these exchange visitors is not excluded from employment under this section.

(c) *Spouse and children.* Work done by a foreign student's or exchange visitor's alien spouse or minor child who is also temporarily in the United States under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act is not excluded from employment under this section unless that spouse or child and the work that is done meets the conditions of paragraph (a) or (b) of this section.

§ 404.1037 Work on or in connection with a non-American vessel or aircraft.

If you work as an employee within the United States on or in connection with (as explained in § 404.1004(b)(8)) a vessel or aircraft that is not an American vessel (as defined in § 404.1004(b)(3)) or American aircraft (as defined in § 404.1004(b)(2)), your work is excluded from employment if—

(a) You are not a citizen of the United States or your employer is not an American employer (as defined in § 404.1004(b)(1)); and

(b) You are employed on and in connection with (as explained in § 404.1004(b)(7)) the vessel or aircraft when outside the United States.

Wages

§ 404.1041 Wages.

(a) The term "wages" means remuneration paid to you as an employee for employment unless specifically excluded. Wages are counted in determining your entitlement to retirement, survivors', and disability insurance benefits.

(b) If you are paid wages, it is not important what they are called. Salaries, fees, bonuses and commissions on sales or on insurance premiums are wages if they are remuneration paid for employment.

(c) The way in which you are paid is unimportant. Wages may be paid on the basis of piecework or a percentage of the profits. Wages may be paid on an hourly, daily, weekly, monthly, or yearly basis. (See § 404.1056 for special rules for agricultural labor.)

(d) Your wages can be in any form. You can be paid in cash or in something other than cash, as for example, goods, lodging, food, or clothing. If your employer pays you cash for your meals or lodging on a regular basis as part of your employment, those payments may be considered wages. Payments made in the form of items other than cash may be counted as wages on the basis of the fair value of the items when paid.

§ 404.1042 Wages when paid and received.

(a) *In general.* Wages are received by an employee at the time they are paid by the employer to the employee. Wages are paid by an employer at the time that they are actually or constructively paid unless they are deemed to be paid later (as described in paragraph (c)(3) of this section).

(b) *Constructive payment.* Wages are constructively paid when they are credited to the account of, or set aside for, an employee so that they may be drawn upon by the employee at any time although not then actually received. To be a payment—

(1) The wages must be credited to or set aside for the employee and must be made available without restriction so that they may be drawn upon at any time; or

(2) The employer must intend to pay or to set aside or credit, and have the ability to pay wages when due to the employee, and failure of the employer to credit or set aside the wages is due to clerical error or mistake in the mechanics of payment, and because of the clerical error or mistake the wages are not actually available at that time.

(c) *Deemed payment.* (1) The first $100 of cash paid, either actually or constructively, by an employer to an employee in a calendar year is considered paid at the time that the amount of the cash payment totals $100 for the year in the case of pay for—

(i) Work not in the course of the employer's trade or business (non-business work);

(ii) Work by certain home workers; and

(iii) Work for an organization exempt from income tax under section 501 of the Code.

(2) We also apply this rule to domestic work in a private home of the employer, except that the test is $50 paid in a calendar quarter.

(3) Cash of less than $150 that an employer pays to an employee in a calendar year, either actually or constructively, for agricultural labor is considered paid at the earliest of—

(i) The time in the calendar year that the employee's pay totals $150; or

(ii) The 20th day of the calendar year on which the employee works for cash pay computed on a time basis.

(4) If an employer pays cash to an employee for two or more of the kinds of work referred to in paragraph (c)(1) of this section, we apply the provisions of this paragraph to the pay for each kind of work.

(d) *Employee tax deductions.* We consider employee tax deductions under section 3101 of the Code to be part of the employee's wages and consider them to be paid at the time of the deduction. We consider other deductions from wages to be wages paid at the time of the deduction. It is immaterial that the deductions are required or permitted by an act of Congress or the law of any State.

(e) *Tips.* (1) Tips received by an employee in the course of employment, that are considered to be "wages", are deemed to be paid at the time the employee reports the tips to the employer in a written statement as provided under section 6053(a) of the Code. Tips that are not reported are deemed to be paid to the employee at the time they are received by the employee.

(2) We consider tips to be received in the course of employment whether they are received by the employee from the employer or from another person. Only tips employees receive and keep for themselves are considered to be the employees' pay. If employees split tips, each employee who receives part of the tip receives tips in the course of employment.

§ 404.1043 Facilities or privileges—Meals and lodging.

(a) Generally, facilities or privileges that an employer furnishes or offers to an employee are not considered wages if the facilities or privileges—

(1) Are of relatively small value; and

(2) Are offered or furnished by the employer merely as a means of promoting the health, good will, contentment, or efficiency of the employees.

(b) The term "facilities or privileges" includes such things as entertainment, medical services, and so-called "courtesy" discounts on purchases. The term does not usually include the value of meals or lodging furnished to employees. The value of these items is wages where—

(1) It is understood by the employer and employee that the employer is to furnish to the employee meals or lodging or both on a regular basis; or

(2) The value of the items is a large part of the total pay. For example, the value of meals or lodging furnished to hospital, restaurant, or hotel employees, or to seamen or other employees aboard vessels, is generally wages because either one or both of these conditions are met.

§ 404.1044 Vacation pay.

We consider your salary while on vacation, or a "vacation allowance" paid by your employer, to be wages.

§ 404.1045 Employee expenses.

Amounts that your employer pays you specifically—either as advances or reimbursements—for traveling or for other ordinary and necessary expenses incurred, or reasonably expected to be incurred, in your employer's business are not wages. The employer must identify these travel and other expenses either by making a separate payment or by specifically stating the separate amounts if both wages and expense allowances are combined in a single payment.

§ 404.1046 Pay for work by certain members of religious orders.

If you are a member of a religious order who has taken a vow of poverty (§ 404.1023), and the order has elected social security coverage under section 3121(r) of the Code, your wages are figured in a special way. Your wages, for social security purposes, are the fair market value of any board, lodging, clothing, and other items of value furnished by the order, or by another organization or person under an agreement with the order. However, the order must report at least $100 a month for each active member. If the fair market value of items furnished to all members of a religious order does not vary significantly, the order may consider all members to have a uniform wage.

§ 404.1047 Annual wage limitation.

Payments made by an employer to you as an employee in a calendar year that are more than the annual wage limitation are not wages. The annual wage limitation is—

(a) $3,600 for 1951 through 1954;
(b) $4,200 for 1955 through 1958;
(c) $4,800 for 1959 through 1965;
(d) $6,600 for 1966 and 1967;
(e) $7,800 for 1968 through 1971;
(f) $9,000 for 1972;
(g) $10,800 for 1973;
(h) $13,200 for 1974;
(i) $14,100 for 1975;
(j) $15,300 for 1976;
(k) $16,500 for 1977;
(l) $17,700 for 1978;
(m) $22,900 for 1979;
(n) $25,900 for 1980;
(o) $29,700 for 1981; and
(p) After 1981 an amount equal to the contribution and benefit base figured under § 404.1048 for that year.

§ 404.1048 Contribution and benefit base after 1981.

(a) *General.* The contribution and benefit base after 1981 is figured under the formula described in paragraph (b) of this section in any calendar year in which there is an automatic cost-of-living increase in old-age, survivors, and disability insurance benefits. The base remains the same if there is no cost-of-living increase in these benefits. The base for 1981 is $29,700. For purposes of this section, the calendar year in which the contribution and benefit base is figured is called the determination year. The base figured in the determination year applies to wages paid after (and taxable years beginning after) the determination year.

(b) *Formula for figuring the contribution and benefit base.* For wages paid after (and taxable years beginning after) the determination year, the contribution and benefit base is the larger of—

(1) The contribution and benefit base in effect for the determination year; or

(2) The amount determined by—

(i) Multiplying the contribution and benefit base in effect for the determination year by the ratio of—

(A) The average of the total wages (as described in paragraph (c) of this section) reported to the Secretary of the Treasury for the calendar year before the determination year to;

(B) The average of the total wages reported to the Secretary of the Treasury for the calendar year before the most recent calendar year in which an increase in the contribution and benefit base was enacted or a determination under this section resulting in an increase of the base was made; and

(ii) Rounding the result of the multiplication, if not a multiple of $300, to—

(A) The nearest multiple of $300; or

(B) The next higher multiple of $300 if the result is a multiple of $150.

(c) *Average of the total wages.* The average of the total wages means the amount equal to all payments to employees reported to the Internal Revenue Service for income tax purposes divided by the number of wage earners. The reported payments include earnings from work not covered under social security and earnings from work covered under social security that are more than the annual wage limitation described in § 404.1047.

§ 404.1049 Payments under an employer plan or system.

(a) Payments to, or on behalf of, you or any of your dependents under your employer's plan or system are excluded from wages. In order to be excluded the payments must be made because of—

(1) Your retirement; or

(2) Your or your dependent's—

(i) Sickness or accident disability;

(ii) Medical or hospitalization expenses connected with sickness or accident disability; or

(iii) Death.

(b) Payments to you or your dependents under your employer's plan at or after the termination of your employment relationship because of your death, retirement for disability, or retirement after reaching an age specified in the plan or in a pension plan of the employer are excluded from wages.

(c) The plan or system established by the employer must provide for the employees generally or for a class or classes of employees. The plan or system may also provide for these employees' dependents. Payments under a plan or system established only for your dependents are not excluded from wages. The plan or system established by the employer can provide for payments on account of one or more of the items in paragraphs (a) and (b) of this section.

(d) For purposes of this section, your dependents include your husband or wife, children, and any other members of your immediate family.

(e) It does not make any difference that the benefit payments are considered in arriving at the amount of your pay or are required by the employment agreement.

§ 404.1050 Retirement payments.

We do not include as wages any payment an employer makes to you (including any amount paid by an employer for insurance or annuities) because of your retirement. This exclusion is different from the one in section § 404.1049 because no plan or system is required.

§ 404.1051 Payments on account of sickness or accident disability, or related medical or hospitalization expenses, not made under a plan or system.

We do not include as wages any payment that an employer makes to you, or on your behalf, on account of your sickness or accident disability, or related medical or hospitalization expenses, if the payment is made 6 or more calendar months following the last calendar month in which you worked for that employer.

§ 404.1052 Payments from or to certain tax-exempt trusts.

(a) We do not include as wages any payment made—

(1) Into a tax-exempt trust by your employer on behalf of you or your beneficiary; or

(2) From a tax-exempt trust to, or on behalf of, you or your beneficiary.

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(b) The trust must be exempt from tax under sections 401 and 501(a) of the Code when the payment is made.

(c) The exclusion does not apply to payments to an employee of the trust for work done as an employee of the trust.

§ 404.1053 Payments under or into certain annuity plans.

(a) We do not include as wages any payment made—

(1) Into an annuity plan by your employer on behalf of you or your beneficiary; or

(2) Under an annuity plan to, or on behalf of, you or your beneficiary.

(b) The annuity plan must be a plan described in section 403(a) of the Code when the payment is made.

§ 404.1054 Payments under or into certain bond purchase plans.

(a) We do not include as wages any payment made—

(1) Into a bond purchase plan by your employer on behalf of you or your beneficiary; or

(2) Under a bond purchase plan to, or on behalf of, you or your beneficiary.

(b) The plan must be a qualified bond purchase plan described in section 405(a) of the Code when the payment is made.

§ 404.1055 Payments by an employer of employee's tax or employee's contributions under State law.

We do not include as wages any payment by an employer that is not deducted from your salary (or for which reimbursement is not made by you) of either—

(a) The tax imposed by section 3101 of the Code (employee's share of "social security tax"); or

(b) Any payment required from an employee under a State unemployment compensation law.

§ 404.1056 Payments for agricultural labor.

(a) *The cash-pay and 20-day tests.* Cash payments you receive from an employer for agricultural labor (see § 404.1057) are wages if they are $150 or more in a calendar year, or if you perform agricultural labor for the employer on 20 days or more during the year for cash payments computed on a time basis. Non-cash payments for agricultural labor are not counted as wages.

Example. On 18 days in 1977 A performs agricultural labor for X for cash pay of $8 per day, and X pays A $144 in the year. A performs no further service for X. Neither the $150-cash-pay test nor the 20-day test is met. Therefore, the payments by X to A are not wages. If in 1977 A had performed agricultural labor for X on 20 days for cash pay of $144, the $144 paid by X to A would have been wages because the 20-day test would have been met. Or if A had performed the 18 days of agricultural labor for cash pay of $8.50 per day and had been paid in full in 1977, his cash pay of $153 would have been wages because the $150-cash-pay test would have been met.

(b) *Application of cash-pay test.* (1) If you receive cash pay from an employer both for services which are agricultural labor and for services which are not agricultural labor, we only count the amounts paid for agricultural labor in determining whether cash payments of $150 or more have been made in the calendar year for agricultural labor.

Example. Employer X operates a store and also operates a farm. Employee A, who regularly works in the store, works, on X's farm when additional help is required for the farm activities. In calendar year 1977, X pays A $140 in cash computed on a time basis for agricultural labor performed on 19 different days in that year, and $2,280 for work in connection with the operation of the store. Since the cash payments by X to A in the calendar year 1977 for agricultural labor are less than $150, the cash-pay test is not met. Since A performed agricultural labor for X on less than 20 days in 1977, the 20-day test is not met. The $140 paid by X to A in 1977 for agricultural labor is not wages.

(2) The cash-pay test of $150 or more is based on cash paid in a calendar year rather than on amounts earned during a calendar year.

(3) If you receive cash pay for agricultural labor in any one calendar year from more than one employer, we apply the cash-pay test to payments you received from each employer.

(c) *Application of 20-day test.* (1) We count only agricultural labor for which cash pay is computed on a time basis when determining whether you meet the 20-day test during a calendar year. For purposes of the 20-day test, the amount of the cash pay is immaterial, and it is immaterial whether you also receive payments other than cash or payments that are not computed on a time basis. If cash paid to you for agricultural labor is computed on a time basis, the payments are not "wages" unless they are paid in a calendar year in which either the 20-day test or the $150-cash-pay test is met.

Example. Employer X employs A to construct fences on a farm owned by X. The work constitutes agricultural labor and is performed over 30 days in November and December 1977. A is not employed by X at any other time. A's pay consists of meals and lodging, and $10 cash per day. X pays A $140 cash in December 1977 and $160 cash in January 1978 in full payment for the work. Since A has performed agricultural labor for X on 30 days in 1977, for pay computed on a time basis, the 20-day test is met for 1977 and the $140 cash paid in 1977 is wages. It does not matter that the $150-cash-pay test is not met for 1977. Since X has paid A $160 in cash in 1978 for agricultural labor, the $150-cash-pay test is met for 1978 and the $160 cash paid in 1978 is wages. It does not matter that the 20-day test is not met for 1978. If the payments by X to A in January 1978 had been less than $150, neither the $150-cash-pay test nor the 20-day test would have been met for calendar year 1978, and A's pay in that year would not have been wages.

(2) For determining whether you perform agricultural labor for an employer on 20 days or more during any calendar year for cash pay computed on a time basis, we count as 1 day—

(i) Any day or part of a day on which you actually perform agricultural labor for cash pay computed on a time basis;

(ii) Any day or part of a day on which you do not work, but for which cash pay is paid or payable to you for agricultural labor, such as a day on which you are sick or on vacation; and

(iii) Any day you report for work at the direction of your employer and are ready to work, whether or not you actually perform labor on that day.

Example. During the period of 20 days beginning April 11, 1977, and ending April 30, 1977, employee A was employed by employer X to perform agricultural labor on X's farm. The agreement provided that A would be furnished room and board at the farm and would be paid in cash $150 per month. On 1 day during the 20-day period A was sick and unable to work, and on another day X told A not to work because of weather conditions. At the end of A's employment X paid A $100 in cash for the full 20-day period. The 20-day test had been met and the $100 cash pay is wages.

(3) If in any 1 calendar year you perform agricultural labor for more than one employer, the 20-day test is applied to each employer.

§404.1057 Explanation of agricultural labor.

(a) *What is agricultural labor.* (1) If you work on a farm as an employee of any person, you are doing agricultural labor if your work has to do with—

(i) Cultivating the soil;

(ii) Raising, shearing, feeding, caring for, training or managing livestock, bees, poultry, fur-bearing animals or wildlife; or

(iii) Raising or harvesting any other agricultural or horticultural commodity.

(2) If you work on a farm as an employee of any person in connection with the production or harvesting of maple sap, the raising or harvesting of mushrooms, or the hatching of poultry, you are doing agricultural labor. If you work in the processing of maple sap into maple syrup or maple sugar you are not doing agricultural labor even though you work on a farm. Work in a mushroom cave or poultry hatchery is agricultural labor only if the cave or hatchery is operated as part of a farm.

(3) If you work as an employee of the owner, tenant, or other operator of a farm, you are doing agricultural labor if most of your work is done on a farm and is involved with—

(i) The operation, management, conservation, improvement, or maintenance of the farm or its tools or equipment (this may include work by carpenters, painters, mechanics, farm supervisors, irrigation engineers, bookkeepers, and other skilled or semiskilled workers); or

(ii) Salvaging timber or clearing the land of brush and other debris left by a hurricane.

(4) You are doing agricultural labor no matter for whom or where you work, if your work involves—

(i) Cotton ginning;

(ii) Operating or maintaining ditches, canals, reservoirs, or waterways, if they are used only for supplying and storing water for farm purposes and are not owned or operated for profit; or

(iii) producing or harvesting crude gum (oleoresin) from living trees or processing the crude gum into gum spirits of turpentine and gum resin (if the processing is done by the original producer).

(5) Your work as an employee in the handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage, to a market or to a carrier for transportation to market, of any agricultural or horticultural commodity is agricultural labor if—

(i) You work for a farm operator or a group of farm operators (other than a cooperative organization);

(ii) Your work involves the commodity in its raw or unmanufactured state; and

(iii) The operator produced most of the commodity you work with during the period for which you are paid, or if you work for a group of operators, all of the commodity you work with during the pay period is produced by that group.

(6) If you do nonbusiness work or domestic work in the private home of your employer, it is agricultural labor if you do the work on a farm operated for profit. A farm is not operated for profit if the employer primarily uses it as a residence or for personal or family recreation or pleasure. (See § 404.1058 for an explanation of domestic work and § 404.1059(a) for an explanation of nonbusiness work.)

(7) The term "farm operator" means an owner, tenant, or other person, in possession of and operating a farm.

(8) Work is not "agricultural labor" if it is done in the employ of a cooperative organization, which includes corporations, joint-stock companies, and associations treated as corporations under the Code. Any unincorporated group of operators is considered to be a cooperative organization if more than 20 operators are in the group at any time during the calendar year in which the work is done.

(9) Processing work which changes the commodity from its raw or natural state is not agricultural labor. An example of this is the extraction of juices from fruits or vegetables. However, work in the cutting and drying of fruits or vegetables does not change the commodity from its raw or natural state and can be agricultural labor.

(10) The term "commodity" means a single agricultural or horticultural product. For example, all apples are a commodity, while apples and oranges are two commodities.

(11) Work connected with the commerical canning or freezing of a commodity is not agricultural labor nor is work done after the delivery of the commodity to a terminal market for distribution for consumption.

(b) *What is a farm.* For purposes of social security coverage, "farm" includes a stock, dairy, poultry, fruit, fur-bearing animal, or truck farm, plantation, ranch, nursery, range or orchard. A farm also includes a greenhouse or other similar structure used mostly for raising agricultural or horticultural products. A greenhouse or other similar structure used mostly for other purposes such as display, storage, making wreaths and bouquets is not a farm.

§ 404.1058 Domestic service in the employer's home.

(a) *Payments for domestic service.*—(1) *The $50 standard.* We do not inlcude as wages cash payments that an employer makes to you in any calendar quarter for domestic service in the employer's private home, unless the cash pay in that calendar quarter is $50 or more. Non-cash payments for domestic service are not counted as wages.

(2) *How evaluation is made.* We apply the $50 standard for a calendar quarter based on when the payments are made to you rather than when the pay is earned. To count toward the $50 amount, payment must be made to you in cash (including checks or other forms of money). We apply the $50 standard only to services performed as a domestic. if an employer pays you for performing other work, the cash pay for the nondomestic work does not count toward the $50 domestic service pay required for the remuneration to count as wages.

(3) *More than one domestic employer.* The $50 standard applies to each employer when you perform domestic services for more than one employer in a calendar quarter. The wages paid by more than one employer for domestic services may not be combined to decide whether you have been paid $50 or more in a calendar quarter. The standard applies to each employee when an employer has two or more domestic employees during a calendar quarter.

(4) *Rounding dollar amounts for reporting.* For social security purposes, an employer has an option in the way he or she reports cash wages paid for domestic service in his or her private home. The employer may report the actual wages paid or may round the wages to the nearest dollar. For purposes of rounding to the nearest dollar the cents are disregarded unless it amounts to one-half dollar or more, in which case it will be raised to $1. If an employer uses this method to report a cash payment to you for domestic service in his or her private home in a calendar quarter, he or she must use the same method to report payments to other employees in that quarter for similar services.

(b) *What is domestic service.* Domestic service is work of a household nature done by you in or about a private home of the employer. A private home is a fixed place of residence of a person or family. A separate dwelling unit maintained by a person in an apartment house, hotel, or other similar establishment may be a private home. If a house is used primarily for supplying board or lodging to the public as a business enterprise, it is not a private home. In general, services of a household nature in or about a private home include services performed by cooks, waiters, butlers, housekeepers, governesses, maids, valets, baby sitters, janitors, laundresses, furnacemen, caretakers, handymen, gardeners, footmen, grooms, and chauffeurs of automobiles for family use. Pay for these services does not come under this provision unless the services are performed in or about a private home of the employer. Pay for services not of a household nature, such as services performed as a private secretary, tutor, or librarian, even though performed in the employer's home, does not come under this provision.

§ 404.1059 Special situations.

(a) *Payments for service not in course of employer's trade or business (nonbusiness work) and payments to certain home workers.*—(1) *The $100 standard.* We do not include as wages

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cash pay of less than $100 paid to you in a calendar year by an employer for services not in the course of the employer's trade or business (nonbusiness work) and for services as a home worker.

(2) *How evaluation is made.* (i) We apply the $100 standard for a calendar year based on when the payments are made to you rather than when the pay is earned. To count toward the $100 amount, payment must be in cash (including checks or other forms of money). The $100 standard applies to each employer when you perform services not in the course of the employer's trade or business or as a homeworker for two or more employers.

(ii) If the employer has two or more employees, the standard applies to each employee. In applying the $100 standard, we disregard cash payments for any other type of services you perform for the employer.

(iii) The noncash payments an employer pays you for services not in the course of the employer's trade or business or as a homeworker are not counted as wages, even if the employer has paid you cash wages of $100 or more in the calendar year for services of that type.

(3) *Definitions.* The term "services not in the course of the employer's trade or business" (also called nonbusiness work) means services that do not promote or advance the trade or business of the employer. Services performed for a corporation do not come within this definition. A homeworker is described in § 404.1008(c).

(b) *Nonprofit, income-tax exempt organizations.*—(1) *The $100 standard.* We do not include as wages payments of less than $100 in a calendar year made by an employer that is an organization exempt from income tax under section 501 of the Code.

(2) *How evaluation is made.* We apply the $100 standard for a calendar year based on when the payments are made to you rather than when the pay is earned. To figure the $100 amount, both cash and noncash payments are counted. The $100 standard applies to each employer where you render services for two or more nonprofit, income-tax exempt organizations during a calendar year. The $100 standard also applies to each of you where a nonprofit, income-tax exempt organization has two or more employees. In applying the standard, the tax-exempt status of the employer and not the nature or place of your services is controlling.

(c) *Payments to members of the uniformed services.*—(1) *The standard.* We include as the wages of a member of the uniformed services the individual's basic pay as explained in paragraph (c)(3) of this section plus the wages deemed paid to the individual under paragraph (c)(2) of this section. Only the basic pay is taxable for social security purposes.

(2) *Wages deemed paid.* (i) After 1977, a member of the uniformed services is considered to have been paid additional wages of $100 for each $300 of basic pay paid to the individual in a calendar year. The amount of additional wages deemed paid cannot be more than $1,200 for any calendar year. No wages may be deemed paid for units of basic pay which are less than $300.

(ii) Before 1978, a member of the uniformed services is considered to have been paid additional wages of $300 for each calendar quarter after 1956 in which the individual is paid any amount of basic pay.

(3) *Basic pay.* "Basic pay" means the monthly pay prescribed by 37 U.S.C. 203 (Pay and Allowances for the Uniformed Services) for a member of the uniformed services on active duty or on active duty for training.

(d) *Payments to "volunteers and volunteer leaders" in the Peace Corps.* If you are a "volunteer" or "volunteer leader" under the provisions of the Peace Corps Act (*22 U.S.C. 2501ff*), payments for your services are wages with the exception of amounts in excess of the amounts certified as payable under section 5(*c*) or 6(*1*) of the Peace Corps Act. Amounts certified under those sections are considered to have been paid to the individual at the time the service is performed. See § 404.1018(*e*) on coverage of these services.

(e) *Moving expenses.* We do not include as wages amounts paid to, or on behalf of, an employee for moving expenses if it is reasonable to believe that a similar deduction is allowable under section 217 of the Code.

(f) *Payments by employer to survivor or estate of former employee.* We do not include as wages any payment by an employer to a survivor or the estate of a former employee after the calendar year in which the employee died.

(g) *Payments to employees for non-work periods.* (1) We do not include as wages any payment (other than vacation or sick pay) made by an employer to an employee for a period throughout which the employment relationship exists between the employer and the employee, but in which the employee does not work for the employer (including employees subject to call for the performance of work), nor any payment made to a corporate officer solely for holding office during a period in which no work was performed if the payment is made—

(i) After the calendar month in which the employee attains age 62; or

(ii) To an employee who is, at the time of payment, entitled to disability insurance benefits under the Act, and entitlement began before the calendar year in which the payment is made.

(2) Vacation or sick pay is not excluded from wages under this paragraph. If an employee does any work for the employer in the period for which the payment is made, no payments by the employer to the employee for that period are excluded from wages as vacation or "sick pay." The term "sick pay" as used in this paragraph, includes "sick leave" payments made by a State, a political subdivision, or an interstate instrumentality, to an employee for a period during which he or she was absent from work because of illness.

Example. Mrs. A, an employee of X, attained age 62 on September 15, 1976, and stopped working regularly for X on September 30, 1976. Their employment relationship continued for several years until Mrs. A's death, and X paid Mrs. A $50 per month as consideration for Mrs. A's agreement to work when asked by X. The payment for each month was made on the first day of the following month. After September 30, 1976, she worked one day in October 1976. The payment made by X to Mrs. A on November 1 (for October 1976) is not excluded from wages under this exception, but the payments made after November 1976 are excluded from wages. The payment on November 1 was not excluded because Mrs. A worked for X on 1 day in October 1976. (Since Mrs. A had attained age 62 in September 1976, the November 1 payment would have been excluded if Mrs. A had not worked for X in October 1976.)

(h) *Tips.* (1) We include as wages tips received by an employee if—

(i) The tips are paid in cash; and

(ii) The tips amount to $20 or more and are received in the course of employment by an employee in a calendar month.

(2) Cash tips include checks and other forms of money. Tips received in a form other than cash, such as passes, tickets, or other goods are not wages. If an employee works for more than one employer in a calendar month, we apply the $20 tip test to work done for each employer.

(i) *Payments by employer under group legal services plan.* We do not include as wages any contribution, payment, or service, provided by an employer under a qualified group legal services plan which is excludable from the gross income of an employee, or the

employee's spouse or dependents, under section 120 of the Code.

§ 404.1060 Deemed wages for certain individuals interned during World War II.

(a) *In general.* United States citizens of Japanese ancestry who were interned during any period of time from December 7, 1941, through December 31, 1946, by the United States Government at a place operated by the government within the United States are deemed to have been paid wages (in addition to the wages actually paid) as provided in paragraph (c) of this section during any period after attaining age 18 while interned. This provision is effective for determining entitlement to, and the amount of, any monthly benefit for months after December 1972, for determining entitlement to, and the amount of, any lump-sum death payment in the case of a death after December 1972, and for establishing a period of disability.

(b) *Information needed to process deemed wages.* Unless we have already made a determination on deemed wages for a period of internment of an individual, any person applying for a monthly benefit, a recalculation of benefits by reason of this section, or a lump-sum death payment, must submit certain information before the benefit or payment may be computed on the basis of deemed wages. This information is—

(1) The place where the individual worked before internment;

(2) The highest hourly wage before internment;

(3) The place and date of internment;

(4) Date of birth (if not previously furnished);

(5) Whether or not another Federal benefit is being received based wholly or in part upon the period of internment; and

(6) In the case of a woman, her maiden name.

(c) *Amount of deemed wages.* The amount of wages which may be deemed is determined as follows:

(1) *Employed prior to internment.* If the individual was employed before being interned, the deemed wages are the greater of—

(i) The highest actual hourly rate of pay received for any employment before internment, multiplied by 40 for each full week during the period of internment; or

(ii) The Federal minimum hourly rate in effect for the period of internment, multiplied by 40 for each full week during that period.

(2) *Self-employed or not employed prior to internment.* If the individual was self-employed or was not employed before the period of internment, the deemed wages are the Federal minimum hourly rate in effect for that period, multiplied by 40 for each full week during the period.

(d) *When wages are not deemed.* Wages are not deemed under this section—

(1) For any period before the quarter in which the individual attained age 18; or

(2) If a larger benefit is payable without the deemed wages; or

(3) If a benefit based in whole or in part upon internment is determined by any agency of the United States to be payable under any other law of the United States or under a system set up by that agency. However, this exception does not apply in cases where the failure to receive deemed wages reduces the primary insurance amount by 50 cents or less.

(e) *Certification of internment.* The certification concerning the internment is made by the Secretary of Defense or his representative. After the internment has been verified, wages are deemed to have been paid to the internee.

Self-Employment

§ 404.1065 Self-employment coverage.

For an individual to have self-employment coverage under social security, the individual must be engaged in a trade or business and have net earnings from self-employment that can be counted as self-employment income for social security purposes. The rules explaining whether you are engaged in a trade or business are in §§ 404.1066–404.1077. What are net earnings from self-employment is discussed in §§ 404.1080–404.1095. Section 404.1096 describes the net earnings from self-employment that are counted as self-employment income for social security purposes.

§ 404.1066 Trade or business in general.

For you to be covered as a self-employed person for social security purposes, you must be engaged in a trade or business. You can carry on a trade or business as an individual or as a member of a partnership. With some exceptions, the term "trade or business" has the same meaning as it does when used in section 162 of the Code.

§ 404.1068 Employees who are considered self-employed.

(a) *General.* Although we generally exclude services performed by employees from the definition of trade or business, certain types of services are considered a trade or business even though performed by employees. If you perform any of the services described in paragraphs (b) through (e) of this section, you are self-employed for social security purposes. Certain other services described in § 404.1071 (relating to ministers and members of religious orders) and § 404.1073 (relating to certain public officers) may be considered a trade or business even though performed by employees.

(b) *Newspaper vendors.* If you have attained age 18 and perform services as a newspaper vendor that are described in § 404.1030(b), you are engaged in a trade or business.

(c) *Sharefarmers.* If you perform services as a sharefarmer that are described in § 404.1017, you are engaged in a trade or business.

(d) *Employees of a foreign government, an instrumentality wholly owned by a foreign government, or an international organization.* If you are a United States citizen and perform the services that are described in § 404.1032, § 404.1033(a), or § 404.1034(a), you are engaged in a trade or business if the services are performed in the United States.

(e) *Certain fishermen.* If you perform services as a fisherman that are described in § 404.1031, you are engaged in a trade or business.

§ 404.1070 Christian Science practitioners.

If you are a Christian Science practitioner, the services you perform in the exercise of your profession are a trade or business unless you were granted an exemption from coverage under section 1402(e) of the Code. An exemption cannot be granted if you filed a valid waiver certificate under the provisions that apply to taxable years ending before 1968.

§ 404.1071 Ministers and members of religious orders.

(a) If you are a duly ordained, commissioned, or licensed minister of a church, or a member of a religious order who has not taken a vow of poverty, the services you perform in the exercise of your ministry or in the exercise of duties required by the order (§ 404.1023(c) and (e)) are a trade or business unless you filed for and were granted an exemption from coverage under section 1402(e) of the Code. An exemption cannot be granted if you filed a valid waiver certificate under the provisions that apply to taxable years ending before 1968.

(b) If you are a member of a religious order and have taken a vow of poverty, the services you perform in the exercise of your duties required by the order may be covered as employment. (See § 404.1023 (a) and (e)).

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§ 404.1073 Public office.

(a) *General.* The performance of the functions of a public office is not a trade or business except under the circumstances explained in paragraph (b) of this section. If you are an officer of a State or political subdivision, you are considered as employee of the State or political subdivision.

(b) *State and local governmental employees paid by fees.* (1) The services of employees of States and political subdivisions, including those in positions paid solely on a fee-basis, may be covered as employment only by a Federal-State agreement under section 218 of the Act (see Subpart M of this part). States, when entering into these agreements, have the option of excluding under the agreement coverage of services in positions paid solely by fees. If you occupy a position paid solely on a fee-basis and the State elects to exclude your services, you are considered to be engaged in a trade or business.

(2) If you are a notary public, you are not a public officer even though you perform a public function. Your services as a notary public are not covered for social security purposes.

§ 404.1074 Farm crew leader who is self-employed.

If you are a farm crew leader and are deemed the employer of the workers as described in § 404.1010, we consider you to be engaged in a trade or business. This includes services performed in furnishing workers to perform agricultural labor for others, as well as services performed as a member of the crew.

§ 404.1075 Members of certain religious groups opposed to insurance.

(a) You may file an application with the Internal Revenue Service for exemption from social security self-employment tax if—

(1) You are a member of a recognized religious sect or division of the sect; and

(2) You adhere to the tenets or teachings of the sect or division of the sect and for this reason are conscientiously opposed to receiving benefits from any private or public insurance that—

(i) Makes payments in the event of death, disability, old age, or retirement; or

(ii) Makes payments toward the cost of, or provides services for, medical care (including the benefits of any insurance system established by the Act).

(b) Your application must be filed under the rules described in 26 CFR 1.1402(h).

(c) Regardless of whether you meet all these conditions, your application for exemption will not be approved unless we find that—

(1) The sect or division of the sect has established tenets or teachings which cause you to be conscientiously opposed to the types of insurance benefits described in paragraph (a)(2) of this section;

(2) For a substantial period of time it has been the practice for members of the sect or division of the sect to make provision for their dependent members which is reasonable in view of their general level of living; and

(3) The sect or division of the sect has been in existence continuously since December 31, 1950.

(d) In addition, your application for exemption will not be approved if any benefit or other payment referred to in § 404.305(a) became payable to you or on your behalf at or before the time of the filing of your application for exemption.

§ 404.1077 Individuals under railroad retirement system.

If you are an employee or employee representative as defined in section 3231(b) and (c) of the Code, your work is not a trade or business. Your services are covered under the railroad retirement system.

Self-Employment Income

§ 404.1080 Net earnings from self-employment.

(a) *Definition of net earnings from self-employment.* If you are self-employed, you must first determine the amount of your net earnings from self-employment before figuring the amount of your earnings that count for social security purposes. Some of your earnings may not be included as net earnings from self-employment even though they are taxable for income tax purposes. If you are an employee but we consider you to be self-employed for social security purposes, you must figure your earnings as though you were actually self-employed. Subject to the special rules in §§ 404.1081–404.1095, the term "net earnings from self-employment" means—

(1) Your gross income, as figured under subtitle A of the Code, from any trade or business you carried on, less deductions attributed to your trade or business that are allowed by that subtitle; plus

(2) Your distributive share of income (or loss) from a trade or business carried on by a partnership of which you are a member, as described in paragraph (b) of this section.

(b) *Income or loss from a partnership.* (1) Your distributive share (whether or not actually distributed) of the income or loss from any trade or business carried on by a partnership of which you are a member, other than as a limited partner, is determined under section 704 of the Code.

(2) If you are a limited partner, your distributive share is included in your net earnings from self-employment if—

(i) The amount is payable to you for services you render to or on behalf of the partnerships; and

(ii) It is a guaranteed payment described in section 707(c) of the Code.

(3) You are a "limited partner" if your financial liability for the obligations of the partnership is limited to the amount of your financial investment in the partnership. Generally, you will not have to perform services in the operation of, or participate in the control of, the business carried on by the partnership for the taxable year involved.

(c) *Reporting methods.* Your gross income from a trade or business includes the gross income you received (under the cash method) or that accrued to you (under the accrual method) from the trade or business in the taxable year. It is immaterial that the income may be attributable in whole or in part to services you rendered or other acts you performed in a prior taxable year.

(d) *What is a taxable year.* (1) The term "taxable year" means—

(i) Your annual accounting period on which you regularly figure your income in keeping your books; or

(ii) A short period resulting from your death before the end of your annual accounting period or from a change of your annual accounting period.

(2) The term "annual accounting period" means—

(i) A calendar year, consisting of 12 months ending on December 31; or

(ii) A fiscal year, consisting of—

(A) 12 months ending on the last day of any month other than December; or

(B) A period, if elected under section 441 of the Code, that varies from 52 to 53 weeks and always ends on the same day of the week that occurs last in a calendar month or nearest to the last day of the calendar month.

(3) Your taxable year for figuring self-employment income is the same as your taxable year for the purposes of subtitle A of the Code. Your taxable year is a calendar year if—

(i) You keep no books;

(ii) You have no annual accounting period; or

(iii) You have an annual accounting period that differs from the definition of fiscal year as described in paragraph (d)(2)(ii) of this section.

§ 404.1081 General rules for figuring net earnings from self-employment.

(a) *Determining net earnings.* (1) In determining your gross income and the deductions attributable to your trade or business for the purpose of determining your net earnings from self-employment, the provisions that apply to the taxes imposed by sections 1 and 3 of the Code are used.

(2) If you use the accrual method of accounting to figure your taxable income from a trade or business, you must use the same method in determining your net earnings from self-employment.

(3) If you are engaged in a trade or business of selling property on the installment plan and elect, under the provisions of section 453 of the Code, to use the installment method of accounting in figuring your income, you must use the installment method in determining your net earnings from self-employment.

(4) Any income which can be excluded from gross income under any provision of subtitle A of the Code cannot be counted in determining your net earnings from self-employment, unless—

(i) You are a resident of Puerto Rico (see § 404.1089);

(ii) You are a minister or member of a religious order (see § 404.1091);

(iii) You are a United States citizen temporarily living outside the United States (see § 404.1092); or

(iv) You are a citizen of, or have income from sources within, certain possessions of the United States (see § 404.1093).

(b) *Trade or business carried on.* You must carry on the trade or business either personally or through agents or employees. Income from a trade or business carried on by an estate or trust is not included in determining the net earnings from self-employment of the individual beneficiaries of the estate or trust.

(c) *Aggregate net earnings.* If you are engaged in more than one trade or business, your net earnings from self-employment consist of the total of the net income and losses of all the trades or businesses you carry on. A loss in one trade or business you carry on offsets the income from another trade or business.

(d) *Partnerships.* When you have net earnings from self-employment from a partnership as described in § 404.1080 (a) and (b), those net earnings are combined with your other net earnings from self-employment in determining your total net earnings from self-employment for the taxable year.

(e) *Different taxable years.* If you are a partner and your taxable year is different from that of the partnership, you must include, in figuring your net earnings from self-employment, your distributive share of the income or loss of the partnership for its taxable year ending with or within your taxable year. For the special rule in case of the termination of a partner's taxable year as a result of death, see § 404.1087.

(f) *Meaning of partnerships.* A partnership for social security purposes is one that is recognized as a partnership for income tax purposes. For income tax purposes, the term "partnership" includes not only a partnership as known under common law, but also a syndicate, group, pool, joint venture, or other unincorporated organization that carries on any trade or business, financial operation, or venture, and which is not a trust, estate, or a corporation.

(g) *Proprietorship taxed as domestic corporation.* If you are a proprietor of an unincorporated business enterprise and have elected to be taxed as a domestic corporation, you must figure your net earnings from self-employment without regard to the election you have made.

§ 404.1082 Rentals from real estate; material participation.

(a) *In general.* Your rentals from real estate and from personal property leased with the real estate (including rentals paid in crop shares) and the deductions attributable to the rentals are excluded in figuring your net earnings from self-employment, unless you receive the rentals in the course of a trade or business as a real estate dealer. If you are an owner or lessee of land, rentals paid in crop shares include income you get under an agreement with another person if the arrangement provides for the following:

(1) The other person will produce agricultural or horticultural commodities on the land.

(2) The commodities produced, or the income from their sale, will be divided between you and the other person.

(3) The amount of your share depends on the amount of the commodities produced.

(b) *Real estate dealers.* (1) You are a real estate dealer if you are engaged in the business of selling real estate to customers for profit.

(2) If you merely hold real estate for investment or speculation and receive rental income from it, you are not considered a real estate dealer.

(3) If you are a real estate dealer, but also hold real estate for investment or speculation in addition to real estate you hold for sale to customers, only the rental income from the real estate held for sale to customers and the deductions attributable to it are included in determining your net earnings from self-employment. The rental income from real estate you hold for investment or speculation and the deductions attributable to it are not counted in figuring your net earnings from self-employment.

(c) *Special rule for farm rental income.*—(1) *In general.* If you own or lease land, any income you derive from it is included in figuring your net earnings from self-employment if—

(i) The income results from an arrangement between you and another person which provides for the other person to produce agricultural or horticultural commodities on the land that you own or lease and for you to materially participate in the production or the management of the production of the agricultural or horticultural commodities; and

(ii) You actually do materially participate.

(2) *Nature of arrangement.* (i) The arrangement between you and the other person may be either oral or written. It must provide that the other person will produce one or more agricultural or horticultural commodities and that you will materially participate in the production or the management of the production of the commodities.

(ii) The term "production," refers to the physical work performed and the expenses incurred in producing a commodity. It includes activities like the actual work of planting, cultivating, and harvesting crops, and the furnishing of machinery, implements, seed, and livestock.

(iii) The term "management of the production," refers to services performed in making managerial decisions about the production of the crop, such as when to plant, cultivate, dust, spray, or harvest, and includes advising and consulting, making inspections, and making decisions on matters, such as rotation of crops, the type of crops to be grown, the type of livestock to be raised, and the type of machinery and implements to be furnished.

(3) *Material participation.* (i) If you show that you periodically advise or consult with the other person, who under the rental arrangement produces the agricultural or horticultural commodities, and also show that you periodically inspect the production activities on the land, you will have presented strong evidence that you are materially participating.

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(ii) If you also show that you furnish a large portion of the machinery, tools, and livestock used in the production of the commodities, or that you furnish or advance monies, or assume financial responsibility, for a substantial part of the expense involved in the production of the commodities, you will have established that you are materially participating.

(4) *Employees or agents.* We consider any farm rental arrangement entered into by your employee or agent and another person to be an arrangement entered into by you. However, we do not consider the services of an employee or agent as your services in determining the extent to which you have participated in the production or management of production of a commodity.

(5) *Examples.*

Example 1. After the death of her husband, Ms. A rents her farm, together with its machinery and equipment, to B for one-half of the proceeds from the commodities produced on the farm by B. It is agreed that B will live in the tenant house on the farm and be responsible for the overall operation of the farm, such as planting, cultivating, and harvesting the field crops, caring for the orchard and harvesting the fruit and caring for the livestock and poultry. It also is agreed that Ms. A will continue to live in the farm residence and help B operate the farm. Under the agreement it is expected that Ms. A will regularly operate and clean the cream separator and feed the poultry flock and collect the eggs. When possible she will assist B in such work as spraying the fruit trees, penning livestock, culling the poultry, and controlling weeds. She will also assist in preparing the meals when B engages seasonal workers. The agreement between Ms. A and B clearly provides that she will materially participate in the overall production operations to be conducted on her farm by B. In actual practice, Ms. A regularly performs those services. The regularly performed services are material to the production of an agricultural commodity, and the services performed are material to the production operations to which they relate. The furnishing of a substantial portion of the farm machinery and equipment also supports the conclusion that Ms. A has materially participated. Accordingly, the rental income Ms. A receives from her farm should be included in her net earnings from self-employment.

Example 2. G owns a fully-equipped farm which he rents to H under an arrangement which provides that G will materially participate in the management of the production of crops raised on the farm under the arrangement. G lives in town about 5 miles from the farm. About twice a month he visits the farm and looks over the buildings and equipment. G may occasionally, in an emergency, discuss with H some phase of a crop production activity. In effect, H has complete charge of the management of farming operations regardless of the understanding between him and G. Although G pays one-half of the cost of the seed and fertilizer and is charged for the cost of materials purchased by H to make all necessary repairs, G's activities are not material in the crop production activities. Accordingly, G's income from the crops is not included in net earnings from self-employment.

(d) *Rental income from living quarters.*—(1) *No services provided for occupants.* Payments you receive for renting living quarters in a private residence, duplex, or multiple-housing unit are generally rental income from real estate. Except in the case of real estate dealers, these payments are excluded in determining net earnings from self-employment, even if the payments are in part attributable to personal property furnished under the lease.

(2) *Services provided for occupants.* (i) Payments you receive for renting living quarters where services are also provided to the occupant, as in hotels, boarding houses, or apartment houses furnishing hotel services, or in tourist camps or tourist homes, are included in determining your net earnings from self-employment. Any payments you receive for the use of space in parking lots, warehouses, or storage garages are also included in determining your net earnings from self-employment.

(ii) Generally, we consider services to be provided to the occupant if they are primarily for the occupant's convenience and are other than those usually provided in connection with the rental of rooms or other space for occupancy only. We consider the supplying of maid service to be a service provided to the occupant. However, we do not consider the furnishing of heat and light, the cleaning of public entrances, exits, stairways, and lobbies and the collection of trash, as services provided to the occupant.

Example. A owns a building containing four apartments. During the taxable year, A received $1,400 from apartments numbered 1 and 2, which are rented without services provided to the occupants, and $3,600 from apartments numbered 3 and 4, which are rented with services provided. A's fixed expenses for the four apartments are $1,200 during the taxable year. In addition, A has $500 of expenses attributable to the services provided to the occupants of apartments 3 and 4. In determining his net earnings from self-employment, A includes the $3,600 received from apartments 3 and 4, and the expenses of $1,100 ($500 plus one-half of $1,200) attributable to them. The rentals and expenses attributable to apartments 1 and 2 are excluded. Therefore, A has $2,500 of net earnings from self-employment from the building for the taxable year.

(e) *Treatment of business income which includes rentals from real estate.* If an individual or a partnership is engaged in a trade or business other than real estate, and part of the income is rentals from real estate, only that part of the income which is not rentals and the expenses attributable to that portion are included in determining net earnings from self-employment.

§ 404.1083 Dividends and interest.

(a) The dividends you receive on shares of stock are excluded in determining your net earnings from self-employment, unless you are a dealer in stocks and securities and receive the dividends in the course of your trade or business.

(b) The interest you receive on a bond, debenture, note, certificate, or other evidence of indebtedness issued with interest coupons or in registered form by any corporation (including one issued by a government or political subdivision) is excluded in determining your net earnings from self-employment, unless you are a dealer in stocks and securities and receive the interest in the course of your trade or business.

(c) If you hold stocks or securities for investment or speculation purposes, any dividends and interest you receive that are excludable under paragraphs (a) and (b) of this section are excluded in determining your net earnings from self-employment, whether or not you are a dealer in stocks and securities.

(b) A dealer in stocks or securities is a merchant with an established place of business who is regularly engaged in the business of purchasing stocks or securities and reselling them to customers. The dealer, as a merchant, buys stocks or securities and sells them to customers with a view to making a profit. Persons who buy and sell or hold stocks or securities for investment or speculation, regardless of whether the buying or selling constitutes a trade or business, are not dealers in stocks or securities.

§ 404.1084 Gain or loss from disposition of property; capital assets; timber, coal, and iron ore; involuntary conversion.

(a) If you are engaged in a trade or business, you must, in determining your net earnings from self-employment, exclude any gain or loss—

(1) That is considered a gain or loss from the sale or exchange of a capital asset;

(2) From the cutting of timber or from the disposal of timber or coal, even if held primarily for sale to customers, if section 631 of the Code applies to the gain or loss;

(3) From the disposal of iron ore mined in the United States, even if held primarily for sale to customers, if section 631 of the Code applies to the gain or loss; and

(4) From the sale, exchange, involuntary conversion, or other disposition of property that is not—

(i) Stock in trade or other property of a kind which would properly be included in inventory if on hand at the close of the taxable year; or

(ii) Property held primarily for sale to customers in the ordinary course of a trade or business;

(b) For purposes of paragraph (a)(4) of this section, it is immaterial whether a gain or loss is treated as a capital gain or as an ordinary gain or loss for purposes other than determining earnings from self-employment.

(c) For purposes of paragraph (a)(4) of this section—

(1) The term "involuntary conversion" means a compulsory or unintended change of property into other property or money as a result of such things as destruction, theft or seizure; and

(2) The term "other disposition" includes destruction or loss by fire, theft, storm, shipwreck, or other casualty, even though there is no change of the property into other property or money.

Example. During the taxable year 1976, A, who owns a grocery store, had a net profit of $1,500 from the sale of groceries and a gain of $350 from the sale of a refrigerator case. During the same year, he had a loss of $2,000 as a result of damage by fire to the store building. In figuring taxable income for income tax purposes, all of these items are considered. In determining net earnings from self-employment, however, only the $1,500 of profit derived from the sale of groceries is included. The $350 gain and the $2,000 loss are excluded.

§ 404.1085 Net operating loss deduction.

When determining your net earnings from self-employment, you disregard the deduction provided by section 172 of the Code that relates to net operating losses sustained in years other than the taxable year.

§ 404.1086 Community income.

(a) *In case of an individual.* (1) If community property laws apply to income that an individual derives from a trade or business (other than a trade or business carried on by a partnership), all of the gross income and the deductions attributable to the income are generally treated as the gross income and deductions of the husband. However, if the wife exercises substantially all of the management and control of that trade or business, all of the gross income and deductions are treated as the gross income and deductions of the wife.

(2) The term "mananagement and control" means management and control in fact, not the management and control given to the husband under the community property laws. For example, a wife who operates a beauty parlor without any significant help from her husband will be considered as having substantially all of the management and control of the business, despite the provision of any community property law giving the husband the right of management and control of community property. The income and deductions from the operations of the beauty parlor are considered the income and deductions of the wife.

(b) *In case of a partnership.* Even though only a portion of a partner's distributive share of the income or loss from a trade or business carried on by a partnership is community income or loss under the community property laws applicable to the share, all of the distributive share is included in figuring the net earnings from self-employment of that partner. No part of the share is taken into account in figuring the net earnings from self-employment of the spouse of the partner. In any case in which both spouses are members of the same partnership, the distributive share of the income or loss of each spouse is included in figuring the net earnings from self-employment of that spouse.

§ 404.1087 Figuring partner's net earnings from self-employment for taxable year which ends as a result of death.

(a) *General.* In the case of a deceased partner whose taxable year ends because of death, the deceased partner's net earnings from self-employment includes the amount of his or her distributive share of partnership ordinary income or loss for the partnership's taxable year that is attributable to an interest in the partnership through the month of death.

(b) *Computation.* (1) The deceased partner's distributive share of partnership ordinary income or loss for the partnership taxable year in which death occurred is determined by applying the rules contained in paragraphs (d) and (f) of § 404.1081.

(2) The portion of the distributive share to be included in the deceased partner's net earnings from self-employment for his or her last taxable year is determined by treating the ordinary income or loss constituting the distributive share as having been realized or sustained ratably over the partnership taxable year during which the deceased partner had an interest in the partnership and during which the deceased partner's estate, or any other person succeeding by reason of the death to rights to his partnership interest, held an interest in the partnership.

(c) *Deceased partner's distributive share.* A deceased partner's distributive share includes the distributive share of the estate or of any other person succeeding to the interest of a deceased partner. It does not include any share attributable to a partnership interest that was not held by the deceased partner at the time of death. If a deceased partner's estate should acquire an interest in a partnership in addition to the interest to which it succeeded upon the death of the deceased partner, the amount of the distributive share attributable to the additional interest acquired by the estate is not included in computing the deceased partner's distributive share of the partnership's ordinary income or loss for the partnership taxable year.

(d) *Options available to farmers.* In determining the applicability of the optional method of figuring net earnings from self-employment to a member of a farm partnership it is necessary to determine the partner's distributive share of partnership gross income or distributive share of income described in section 702(a)(8) of the Code.

§ 404.1088 Retirement payment to retired partners.

(a) *In general.* If you are a retired partner, in figuring your net earnings from self-employment you must exclude payments made to you on a periodic basis by a partnership on account of your retirement and which are to continue until your death. This exclusion applies only if the payments are made under a written plan which meets the requirements set out in 26 CFR 1.1402(a)–(17) and the conditions in paragraph (b) of this section are met. The necessary requirements and conditions must be met throughout the entire partnership's taxable year for the payments to be excluded so that either all or none of the payments are excluded.

(b) *Other conditions.* You must have been paid your full share of the partnership's capital before the close of the partnership's taxable year in which retirement payments are made. Also, no member of the partnership can have any financial obligations to you (in his or her capacity as a partner) except to make the retirement payments. Lastly, you cannot perform any services for the partnership in the partnership's taxable year which falls wholly or partially in your taxable year in which you receive the retirement payments.

Example. D, a partner in the DEF partnership, retired from the partnership as of

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December 31, 1976. The taxable year of both D and the partnership is the calendar year. During the partnership's taxable year ending December 31, 1977, D rendered no service to any trade or business carried on by the partnership. On or before December 31, 1977, all obligations (other than retirement payments under the plan) from the other partners to D were liquidated, and D's share of the capital of the partnership was paid to him. Retirement payments received by D under the partnership's plan in his taxable year ending December 31, 1977, are excluded in determining net earnings from self-employment (if any) for that taxable year.

§ 404.1089 Figuring net earnings for residents and nonresidents of Puerto Rico.

(a) *Residents.* If you are a resident of Puerto Rico, whether or not you are an alien, a citizen of the United States, or a citizen of Puerto Rico, you must figure your net earnings from self-employment in the same manner as would a citizen of the United States residing in the United States. In figuring your net earnings from self-employment you must include your income from sources in Puerto Rico even though you are a resident of Puerto Rico during the entire taxable year.

(b) *Nonresidents.* A citizen of Puerto Rico, who is also a citizen of the United States and who is not a resident of Puerto Rico must figure net earnings from self-employment in the same manner as other citizens of the United States.

§ 404.1090 Personal exemption deduction.

The deduction provided by section 151 of the Code, relating to personal exemptions, is excluded in determining net earnings from self-employment.

§ 404.1091 Figuring net earnings for ministers and members of religious orders.

(a) *General.* If you are a duly ordained, commissioned, or licensed minister of a church or a member of a religious order who has not taken a vow of poverty, we consider you to be engaged in a trade or business under the conditions described in § 404.1071 with regard to services described in § 404.1023 (c) and (e). In figuring your net earnings from self-employment from performing these services, you must include certain income (described in paragraphs (b) and (c) of this section) that may be excluded from your gross income for income tax purposes.

(b) *Housing and meals.* You must include in figuring your net earnings from self-employment the rental value of a home furnished to you and any rental allowance paid to you as payment for services performed in the exercise of your ministry or in the exercise of duties required by your order even though the rental value or rental allowance may be excluded from gross income by section 107 of the Code. Also, the value of any meals or lodging furnished to you in connection with the performance of these services is included in figuring your net earnings from self-employment even though their value is excluded from gross income by section 119 of the Code.

(c) *Services outside the United States.* If you are a citizen of the United States performing services outside the United States which are in the exercise of your ministry or in the exercise of duties required by your order, your net earnings from self-employment from the performance of these services is figured as described in paragraph (b) of this section. However, it is figured without regard to the exclusions from gross income provided in sections 911 and 931 of the Code, relating to income earned by individuals in certain camps and to income from sources within possessions of the United States.

§ 404.1092 Figuring net earnings for U.S. citizens temporarily living outside the United States.

If you are engaged in a trade or business and you derive earnings from self-employment outside the United States, but have been a resident of the United States during the entire taxable year, your net earnings from self-employment are figured without using the exclusion from gross income provided by section 911 (a)(2) of the Code. Even though all of your income was derived from sources outside the United States, and may for income tax purposes be excluded from gross income, that income is included in figuring your net earnings from self-employment.

§ 404.1093 Possession of the United States.

In using the exclusions from gross income provided under section 931 of the Code (relating to income from sources within possessions of the United States) and section 932 of the Code (relating to citizens of possessions of the United States) for purposes of figuring your net earnings from self-employment, the term "possession of the United States" shall be deemed not to include the Virgin Islands, Guam, or American Samoa.

§ 404.1094 Options available for figuring net earnings from self-employment.

(a) *General.* If you have income from a trade or business in certain situations, you have options for figuring your net earnings from self-employment. The options available to you depend on whether you have income from an agricultural trade or business or a non-agricultural trade or business. For a definition of agricultural trade or business see § 404.1095.

(b) *Agricultural trade or business.* The net earnings from self-employment you derive from an agricultural trade or business may, at your option, be figured as follows:

(1) *Gross income of $2,400 or less.* If your gross income is $2,400 or less you may, at your option, report 66⅔ percent of the gross income as net earnings from self-employment instead of your actual net earnings from your business.

(2) *Gross income of more than $2,400.* If your gross income is more than $2,400 and your actual net earnings from your business are less than $1,600 you may, at your option, report $1,600 as net earnings from self-employment instead of your actual net earnings. If your actual net earnings are $1,600 or more you cannot use the optional method.

(3) *Two or more agricultural trades or businesses.* If you carry on more than one agricultural trade or business as a sole properietor or as a partner, you must combine your gross income and net income from each trade or business to find out whether you may use the optional method of figuring net earnings.

(c) *Non-agricultural trade or business.* (1) The net earnings from self-employment you derive from a non-agricultural trade or business may be reported under an optional method if you are self-employed on a regular basis (as defined in paragraph (c)(4) of this section). You cannot use the optional method of reporting for more than 5 taxable years, and you cannot report less than your actual net earnings from self-employment.

(2) *Computation.* If your actual net earnings from self-employment are less than $1,600 and less than 66⅔ percent of your gross income, you may, at your option, report 66⅔ percent of your gross income (but not more than $1,600) as your net earnings from self-employment.

Example. A operates a grocery store and files income tax returns on a calendar year basis. A meets the "self-employed on a regular basis" requirement because actual net earnings from self-employment were $400 or more in 1976 and in 1977. Gross income and net profit from operating the grocery store in 1978 through 1980 are as follows:

	1978	1979	1980
Gross income	$2,800	$1,200	$1,000
Net profit	300	400	800

For the year 1978, A may report as annual net earnings from self-employment either—
(i) None. (Actual net earnings from self-employment are less than $400); or
(ii) $1,600. (Non-agricultural option, 66⅔ percent of $2,800, but not to exceed the $1,600 maximum.)

For the year 1979, A may report as annual net earnings from self-employment either—
(i) $400. (Actual net earnings from self-employment); or
(ii) $800. (Non-agricultural option, 66⅔ percent of $1,200.)
For the year 1980, A must report $800, the actual net earnings from self-employment. The non-agricultural option is not available because A's actual net earnings are not less than 66⅔ percent of the gross income.

(3) *Figuring net earnings from both non-agricultural and agricultural self-employment.* If you are self-employed on a regular basis, you may use the non-agricultural optional method of reporting when you have both non-agricultural and agricultural trades or businesses. However, in order to use this method, your actual net earnings from non-agricultural self-employment combined with your actual net earnings from agricultural self-employment, or your optional net earnings from agricultural self-employment, must be less than $1,600, and the net non-agricultural earnings must be less than 66⅔ percent of your gross non-agricultural income. If you qualify for using both the non-agricultural and agricultural option, you may report less than your actual total net earnings, but not less than your actual net earnings from non-agricultural self-employment alone. If you elect to use both options in a given taxable year, the combined maximum reportable net earnings from self-employment may not exceed $1,600.

Example. C was regularly self-employed. She derived actual net earnings from self-employment of $400 or more in 1975 and in 1976. Her gross income and net profit from operating both a grocery store and a farm in 1978 are:

Grocery Store	
Gross income	$1,000
Net profit	800
Farm	
Gross income	$2,600
Net profit	400

For the year 1978, C may report $1,200 (actual net earnings from self-employment from both businesses), or $2,400 ($1,600 agricultural option (66⅔ percent of $2,600 farm gross income not to exceed $1,600) and $800 grocery store profit). C cannot use the non-agricultural option for 1978 because her actual grocery store net exceeds 66⅔ percent of her grocery store gross income.

(4) *Self-employed on a regular basis.* For any taxable year beginning after 1972, we consider you to be self-employed on a regular basis, or to be a member of a partnership on a regular basis, if, in at least 2 of the 3 taxable years immediately before that taxable year, you had actual net earnings from self-employment of not less than $400 from agricultural and non-agricultural trades or businesses (including your distributive share of the net income or loss from any partnership of which you are a member).

(d) *Members of partnerships.* If you are a member of a partnership you may use the optional method of reporting. Your gross income is your distributive share of the partnership's gross income (after all guaranteed payments to which section 707(c) of the Code applies have been deducted), plus your own guaranteed payment.

(e) *Computing gross income.* For purposes of this section gross income means—

(1) Under the cash method of computing, the gross receipts from the trade or business reduced by the cost or other basis of property that was purchased and sold, minus any income that is excluded in computing net earnings from self-employment; or

(2) Under the accrual method of computing, the gross income minus any income that is excluded in figuring net earnings from self-employment.

(f) *Exercise of option.* For each taxable year for which you are eligible to use the optional method and elect to use that method, you must figure your net earnings from self-employment in that manner on your tax return for that year. If you wish to change your method of reporting after your tax return is filed, you may change it by filing an amended tax return with the Internal Revenue Service or by filing with us Form 2190, Change in Method of Computing Net Earnings from Self-Employment.

§ 404.1095 Agricultural trade or business.

(a) An agricultural trade or business is one in which, if the trade or business were carried on entirely by employees, the major portion of the services would be agricultural labor (§ 404.1057).

(b)(1) If the services are partly agricultural and partly non-agricultural, the time devoted to the performance of each type of service is the test used to determine whether the major portion of the services is agricultural labor.

(2) If more than half of the time spent in performing all the services is spent in performing services that are agricultural labor, the trade or business is agricultural.

(3) If half or less of the time spent in performing all the services is spent in performing services that are agricultural labor, the trade or business is not agricultural. The time spent in performing the services is figured by adding the time spent in the trade or business during the taxable year by every individual (including the individual carrying on the trade or business and the members of that individual's family).

(c) We do not apply the rules in this section if the non-agricultural services are performed in connection with a trade or business separate and distinct from the agricultural trade or business. A roadside automobile service station on a farm is a trade or business separate and distinct from the agricultural trade or business, and the gross income from the service station, less the deductions attributable to it, is to be considered in determining net earnings from self-employment.

(d) We consider a sharefarmer (see § 404.1068(c)) or a materially participating owner or tenant (see § 404.1082(c)) to be engaged in an agricultural trade or business. We use the rules in this section to determine whether a farm crew leader who is self-employed (see § 404.1074) is engaged in an agricultural trade or business.

§ 404.1096 Self-employment income.

(a) *General.* Self-employment income is the amount of your net earnings from self-employment that is subject to social security tax and counted for social security benefit purposes. The term "self-employment income" means the net earnings from self-employment you derive in a taxable year, except as described in paragraphs (b), (c) and (d) of this section.

(b) *Maximum self-employment income.* (1) The term "self-employment income" does not include that part of your net earnings from self-employment that exceeds (or that part of your net earnings from self-employment which, when added to the wages you received in that taxable year, exceeds)—
(i) For taxable years ending before 1955, $3,600;
(ii) For taxable years ending in 1955 through 1958, $4,200;
(iii) For taxable years ending in 1959 through 1965, $4,800;
(iv) For taxable years ending in 1966 and 1967, $6,600;
(v) For taxable years ending after 1967 and beginning before 1972, $7,800;
(vi) For a taxable year beginning in 1972, $9,000;
(vii) For a taxable year beginning in 1973, $10,800;
(viii) For a taxable year beginning in 1974, $13,200;
(ix) For a taxable year beginning in 1975, $14,100;
(x) For a taxable year beginning in 1976, $15,300;
(xi) For a taxable year beginning in 1977, $16,500;
(xii) For a taxable year beginning in 1978, $17,700;
(xiii) For a taxable year beginning in 1979, $22,900;

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(xiv) For a taxable year beginning in 1980, $25,900;

(xv) For a taxable year beginning in 1981, $29,700; and

(xvi) For taxable years beginning after 1981, an amount equal to the contribution and benefit base figured under § 404.1048.

(2) For the purpose of this paragraph the term "wages" includes remuneration paid to an employee for services covered by an agreement entered into under section 218 of the Act, or an agreement entered into under section 3121(l) of the Code, which would be wages under section 209 of Act if the services were considered employment under section 210(a) of the Act.

(c) *Minimum net earnings from self-employment.* (1) Self-employment income does not include your net earnings from self-employment when the amount of those earnings for the taxable year is less than $400. If you have only $300 of net earnings from self-employment for the taxable year you would not have any self-employment income.

(2) If you have net earnings from self-employment of $400 or more for the taxable year you may have less than $400 of creditable self-employment income. This occurs where your net earnings from self-employment is $400 or more for a taxable year and the amount of your net earnings from self-employment plus the amount of the wages paid to you during that taxable year exceed the maximum creditable earnings for a year. For example, if you had net earnings from self-employment of $1,000 for 1978, and were also paid wages of $17,500 during 1978, your creditable self-employment income for 1978 would be $200.

(d) *Nonresident aliens.* A nonresident alien never has self-employment income. We do not consider an individual who is a resident of the Commonwealth of Puerto Rico, the Virgin Islands, Guam or American Samoa to be a nonresident alien.

[FR Doc. 80-9295 Filed 3-26-80; 8:45 am]
BILLING CODE 4110-07-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1316

Inclusion of Moneys and Other Assets in Definition of Term "Property"

AGENCY: Department of Justice, Drug Enforcement Administration.

ACTION: Final order.

SUMMARY: On November 10, 1978, Pub. L. 95-633 became effective and authorized the seizure and forfeiture of moneys and other assets under Section 511 of the Controlled Substances Act (84 Stat. 1276; 21 U.S.C. 881). The purpose of this final order is to amend the definition of "property" as contained in § 1316.71 to reflect the additional authority to seize and forfeit such moneys and assets.

EFFECTIVE DATE: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: William M. Lenck, Chief Counsel, Drug Enforcement Administration, Department of Justice, Washington, D.C. 20537 (202-633-1276).

PART 1316—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

§ 1316.71(c) [Amended]

By virtue of the authority vested in me by 21 U.S.C. 881(d) and 28 CFR 0.100(b), § 1316.71(c) of Title 21, Code of Federal Regulations is amended by adding the words "money or other asset," between the words "equipment" and "vessel" in the existing text.

Dated: March 21, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 80-9314 Filed 3-26-80; 8:45 am]
BILLING CODE 4410-09-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Parts 52, 52a, 52b, 52c, 52d, 52e, 59a

Corrections to Grant-in-Aid Regulations

AGENCY: Public Health Service, HEW

ACTION: Final rule; corrections.

SUMMARY: On February 25, 1980, final rules concerning the subject grant-in-aid regulations of the National Institutes of Health were adopted (45 FR 12240). This notice corrects errors which appeared in that document. Section 52c.6(a) is also technically amended by deleting the statement relating to indirect costs to conform to current legislation.

FOR FURTHER INFORMATION CONTACT: Mr. Lowell D. Peart, NIH Regulations Officer, National Institutes of Health, Bethesda, Maryland 20205 (301) 496-4606

SUPPLEMENTARY INFORMATION: On page 12240: (a) Column 1, Part 52, table of contents, the following should be omitted: "52.30 Allocation of costs.; 52.31 Direct costs in general.; 52.32 Indirect costs.; and 52.33 Particular direct costs." (b) Column 2, § 52.1(b), second line, insert the word "support" between the words "research" and "grants."

On page 12241: (a) Column 1, § 52.4 delete "(a)" and change "(1)," "(2)," and "(3)" to "(a)," "(b)," and "(c)" respectively. (b) Column 1, § 52.4, third line, insert "requested" between the words "nature" and "project" and in the sixth line insert the word "other" between the words "any" and "key." (c) Column 1, § 52.5(a), sixth line, change "he" to "the Secretary." (d) Column 2, § 52.6(a), fifth line, change "his" to "the Secretary's." (d) Column 3, § 52.6(c), fourth line, change "so as to" to read "which" and, in the twelfth line, "he" to "the Secretary."

On page 12242: (a) Column 1, § 52.8, change "43 FR 60108" to "45 FR 6724." (b) § 52.9, fourth line, change "his" to "the Secretary's." (c) Column 3, § 52a.4(b), delete "In accordance with section 1-00-30 of the Department of Health, Education, and Welfare Grants," and capitalize the word "each."

On page 12243: (a) Column 1, § 52a.6(a), fifth line, change "his" to "the Director's." (b) Column 3, § 52a.8, after the colon "42 CFR Part 50 PHS grants appeal process" is moved to the first item and "43 FR 60108" is changed to "45 FR 6724."

On page 12244, column 3, § 52b.8, thirteenth line, change "he" to "the Director."

On page 12245: (a) Column 1, § 52b.8(i), second line, change "his" to "the Director's." (b) Column 1, § 52b.8(j), delete "'American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped', American National Standards Institute, Inc. (ANSI) No. A117.1 1961," and insert "'Federal Accessibility Standard' (41 CFR Subpart 101-19.6)." (c) Column 2, § 52b.9(a), fifteenth line, change "he" to "the Director." (d) Column 3, § 52b.11, twenty-third line, change "he" to "the Director."

On page 12246, column 3, § 52c.3(a)(4), second line, delete the word "and" between the words "body" and "which."

On page 12247: (a) Column 1, § 52c.5(a), seventh line, change "his" to "the Secretary's." (b) Column 2, § 52c.6(b), ninth line, delete the words "provided that only direct costs of biomedical research may be charged to a grant under this part." (c) Column 2, § 52c.7, move "42 CFR Part 50 PHS grant appeals process" to be the first item after the colon and change "43 FR 60108" to read "45 FR 6724." (d) Column 3, § 52d.2(f), fourth line, change "treatment or cancer" to "treatment of cancer."

On page 12249: (a) Column 1, § 52d.8, move "42 CFR Part 50 PHS grant appeals process" to be the first item after the colon. (b) Column 2, § 52e.1(a), seventh line, "treatement" should read "treatment."

On page 12250, column 2, § 52e.8, "45 CFR Part 50 PHS grant appeals process" should read "42 CFR Part 50 PHS grant appeals process" and this is moved to be the first item after the colon.

On page 12252: (a) Column 3, § 59a.36, in item 45 CFR 80, the word "program" is changed to "programs." (b) Column 3, § 59a.37, eighth line, change "he" to "the Secretary."

Dated: March 19, 1980.

Donald S. Fredrickson, M.D.,

Director, NIH.

[FR Doc. 80-9220 Filed 3-26-80; 8:45 am]
Billing Code 4110-08-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order No. 5713

[I-13259]

Idaho Public Land Order No. 5680, Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This document will correct two errors in the land description of No. 5680 of August 30, 1979, as published at 44 FR 52686 (September 10, 1979).

EFFECTIVE DATE: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: Evelyn Tauber, 202-343-6486.

By virtue of the authority contained in section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

The description of lands in Public Land Order No. 5680 of August 30, 1979, as published in 44 FR 52686-52688 of the issue of September 10, 1979, is hereby corrected by adding the S½SE¼ Sec. 16, T. 1 N., R. 43 E., which was inadvertently omitted, and by changing the SE¼SE¼ to read the NW¼SE¼ Sec. 5, T. 1 S., R. 43 E.

Guy R. Martin,

Assistant Secretary of the Interior.

March 19, 1980.

[FR Doc. 80-9308 Filed 3-26-80; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order No. 5714

[R 4558]

California; Withdrawal for Reclamation Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will withdraw 17.55 acres in San Bernardino County, California for control of the Colorado River and recreational uses in connection with the Water and Power Resources Service Colorado River Front Work and Levee System.

EFFECTIVE DATE: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: Evelyn Tauber, 202-343-6486.

By virtue of the authority contained in Sec. 204 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2751; 43 U.S.C. 1714), it is ordered as follows:

1. Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from settlement, sale, location, or entry, under the general land laws, including the mining laws (30 U.S.C., Ch. 2), and reserved for the Colorado River Front Work and Levee System.

San Bernardino Meridian

T. 8 N., R. 23 E.,
Sec. 10, Lot 6

The area described aggregates 17.55 acres in San Bernardino County, California.

2. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

March 19, 1980.

Guy R. Martin,

Assistant Secretary of the Interior.

[FR Doc. 80-9259 Filed 3-26-80; 8:45 am]
BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 173 and 175

[Docket No. HM-152; Amdt. Nos. 173-136, 175-13]

Requirements for Transportation of Radioactive Materials

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to amend the Hazardous Materials Regulations pertaining to the transportation of radioactive materials aboard aircraft by: (1) reducing the maximum and average radiation level in a passenger compartment of a passenger-carrying aircraft by increasing the separation distance required between the passenger compartment and any package(s) bearing a Radioactive Yellow-II or Radioactive Yellow-III label, and by reducing the maximum allowable transport index (T.I.) from 10.0 to 3.0 for any package of radioactive materials carried in any single compartment on a passenger-carrying aircraft; (2) providing for a system of predesignated areas ("spacing out") for stowage of radioactive materials packages aboard passenger-carrying aircraft based on the size and configuration of the particular aircraft involved; (3) increasing the allowable amount of radioactive materials aboard cargo-only aircraft when carried in accordance with specified loading requirements; and (4) establishing specific marking, labeling and T.I. limitations for radioactive materials packages combined in overpacks. The amendments are based primarily on a study conducted by the U.S. Atomic Energy Commission which recommended a reduction in the level of radiation exposure to passengers aboard aircraft.

EFFECTIVE DATE: October 1, 1980; however, shipments may be prepared, offered for transportation, and transported in accordance with these amendments beginning May 1, 1980.

ADDRESS: All written comments received under this rulemaking docket and the report specifically identified herein are available for examination in the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: R. R. Rawl, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, Telephone 202/426-2311.

SUPPLEMENTARY INFORMATION: On July 21, 1977, a notice of proposed rulemaking (Docket HM-152; Notice 77-6) was published in the **Federal Register** (42 FR 37427) announcing the Materials Transportation Bureau (MTB) intention of further restricting the transportation of radioactive materials aboard civil

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aircraft. These proposed changes to the regulations were prompted by a report titled "Recommendations for Revising Regulations Governing the Transportation of Radioactive Material In Passenger Aircraft" which was prepared by the U.S. Atomic Energy Commission (AEC) and transmitted to the Federal Aviation Administration (FAA) of the Department of Transportation (DOT) in July, 1974. The principal recommendation of this report is to reduce by approximately one-half the maximum permissible radiation level at seat height to 2 millirem per hour and the average radiation dose rate to 1 millirem per hour. In its subsequent discussions with the FAA and the successors of the AEC, the U.S. Nuclear Regulatory Commission (NRC) and the Energy Research and Development Administration (ERDA), the MTB determined that the proposed rules were necessary to attain a greater level of safety for passengers and crew members of passenger-carrying aircraft without unduly subjecting ground service personnel and crews of cargo-only aircraft to the threat of increased exposure to radiation.

Comments received in response to the notice of proposed rulemaking were evaluated on the basis of their: (1) applicability to this particular rulemaking; (2) effectiveness in helping to reduce radiation levels and (3) reasonableness of the methods by which this objective is to be realized. Comments were received from 37 different sources representing the views of air carriers and air carrier associations, organizations of airline employees, producers and associations of producers of nuclear materials, consumer interest groups, private individuals and various Federal agencies. The points raised by these commenters were generally reflective of the special interest each party foresaw as being impacted by such a rule change. The comments were very useful in preparing this final rule.

The most significant difference between the final rule and the proposed rulemaking is the absence of § 175.700(a)(5) which would have imposed restrictions for the transportation of radioactive materials based upon their half-life or susceptibility to rapid chemical deterioration. This particular issue drew the greatest amount of response with nearly one-third of the commenters objecting to it. Commenters pointed out that restricting radioactive materials according to half-life would not in and of itself be effective in reducing the level of radiation exposure since the prescribed limits will be effectively maintained through adherence of package transport index and distance separation factors. The MTB agrees with this conclusion and has therefore decided to eliminate the proposed restriction in this rulemaking.

One commenter who represents an international corporation which ships 20,000 radioactive shipments per month complained that "these regulations appear to be directed at our particular class of shipper for one mode of transportation." This commenter contended that "if a 'potential hazard' exists for air transportation, it would also exist for land and water transportation." Although the transportation of radioactive materials by modes other than air is not addressed in this docket, it must be pointed out that the short half-life of radiopharmaceuticals requires rapid delivery such as that provided by aircraft, particularly passenger-carrying aircraft. This rapid delivery requirement has resulted in approximately 800,000 packages of radioactive materials being transported by passenger-carrying aircraft in 1975 ("Final Environmental Statement on the Transportation of Radioactive Material by Air and Other Modes," Dec. 77, NUREG–0170, pp. 1–11,16), as a consequence of this increased shipping activity the annual population dose from direct radiation exposure has risen beyond levels which are not "as low as reasonably achievable (ALARA)." This is not the case with radioactive materials being transported in passenger-carrying motor vehicles, rail cars and vessels, and similar regulatory actions are not warranted for these modes at the present time. The contention that the proposed regulations would be discriminatory to a particular class of shipper by establishing certain requirements relating to the use of overpacks is well taken. Consequently, the proposal has been broadened to permit the consolidation of radioactive materials packages by persons other than the original shipper, with the condition that their determination of the T.I. for the overpack be made by addition of the individual package T.I.'s and not actual measurements.

In response to the commenter who pointed out a discrepancy which would exist between the air and highway modes through separate requirements for the labeling of overpacks, the amendment provides an exception in § 173.393(r) permitting a single label to be applied on nonrigid overpacks as well as the use of the term "mixed" on this label. Under the proposal, "mixed radioactive materials" was the proposed description for use on a label affixed to an overpack containing different radionuclides. In this final rule, the description has been changed to "mixed" because the terms "radioactive" and "contents" already appear as part of the label and because of the limited availability of space on the label. Although the proposed rule did not make reference to any changes in Part 173, the MTB subsequently recognized that the requirements originally contained in proposed § 175.703(b) were more appropriate to shippers than to air carriers. Therefore, § 173.393 has been amended to reflect these requirements. In this way also, handling, marking, and labeling requirements for packages of radioactive materials contained in overpacks are now addressed for all modes of transportation.

One commenter who objected to any requirement for the additional labeling of clear plastic overpacks argues correctly that other hazardous materials in similar transparent overpacks are not subject to this requirement; however, for the benefit of cargo handlers the MTB believes that the presence of a label which specifies the composite T.I. is valuable in helping to reduce exposure time which would otherwise be spent in making a close examination of the individual packages. The hazards associated with radioactive materials dictate that standard procedures which apply to hazardous materials generally are not always adequate in reducing unnecessary risks. Therefore, this requirement has been included in the revised regulation.

A comment urging the MTB to reconsider its decision on maximum radiation levels at seat height did not contain new information to support a change from the rule as proposed. As mentioned earlier, the MTB is adopting a standard which is based on a maximum of 2 millirem per hour and an average 1 millirem per hour at seat height. This is a 50 percent reduction of the previously authorized limit. While it is obvious that the reduction of any radiation exposure is desirable, the imposition of a lower limit has not been shown to be of a significant benefit commensurate with its cost. There is a cutoff point where benefits begin to diminish very rapidly when additional measures in the form of increased shielding, lower transport index limitations, and distance separation factors are applied. As it was pointed out in the "Assessment of the Environmental Impact of the FAA Proposed Rulemaking Affecting the Conditions of Transport of Radioactive Materials on Aircraft" (BNWL–B–421) the question then is what is a reasonably achievable exposure limit and package T.I. limit? The MTB believes that the present data indicate these amended limits are as low as reasonably achievable.

Many other comments were submitted in response to Notice 77–6, however, their content was not considered useful in meeting the objectives of this rulemaking of reducing radiation levels and population exposure rates associated with the transportation of radioactive materials by air. Expanding this rulemaking to include the substance of these comments was determined to be inappropriate at this time.

The following is a section by section summary of the revised regulations which address particular comments contained in the docket.

PART 175—CARRIAGE BY AIRCRAFT

Section 175.75: Specifies T.I. limits for passenger-carrying and cargo-only aircraft. Several commenters objected to the 200 T.I. limitation for cargo-only aircraft contending that the MTB "has failed to demonstrate that there is a compelling need for lifting the current restriction" and that most aircraft are not physically capable of safely handling such large volumes. It should be pointed out that the 200 T.I. is a quantity limit which applies to the largest of aircraft. Small and intermediate aircraft will naturally be restricted to smaller cargo storage areas. The MTB has purposely increased the T.I. limit so that shippers and carriers might be encouraged to divert radioactive materials from passenger-carrying flights, thereby reducing the annual population dose.

Section 175.85: Changes the reference in paragraph (d) to read "§ 175.701." Several carriers sought an exception for radioactive materials in paragraph (b) which would permit their stowage in an inaccessible location on cargo-only aircraft. This particular item has already been specifically addressed in another rulemaking, Docket No. HM–168; Amdt. 175–11, which appeared in the Federal Register on January 31, 1980 (45 FR 6946).

Section 175.700: Provides regulations specific to radioactive materials on passenger-carrying aircraft. As mentioned earlier, the proposed restriction of radioactive materials by half-life has been dropped from the final rule. In paragraph (a)(3) the wording has been revised to permit loading not only on the floor of the cargo compartment but on the floor of an airfreight container as well. This action is being taken in response to one commenter who pointed out the added safety benefits afforded by containerized cargo. A number of commenters suggested additional requirements which would have specified a free clearance of at least 20 inches from the topmost surfaces of all packages to the nearest surface of the partition separating the cargo compartment from the passenger compartment, and stowage in the rear most practicable position in the aircraft. In the opinion of the MTB, this is simply another means of meeting the objective of reducing radiation exposure levels and it does not appear necessary to impose such particular requirements since package T.I. limits and distance separation factors provide the level of safety desired while still allowing carriers the opportunity to comply in a manner which is most appropriate to their operations.

Another commenter not able to find a specific provision covering the shipment of a "large radioactive source" recommended retention of the wording previously contained in § 175.700(c). Present constraints in the regulations under § 173.391 limit the carriage of radioactive materials by passenger-carrying aircraft to only those materials which are intended for use in, or incident to, research, or medical diagnosis or treatment and thus already have the effect of limiting most packages to quantities considerably below permissible limits. Also, with the introduction of a 3.0 T.I. package limit, large quantity packages would be prohibited to be shipped by passenger-carrying aircraft. This same commenter also noted the absence of paragraph (d) concerning the limitation of radioactive materials to those intended for use in, or incident to, research, or medical diagnosis or treatment. This oversight has been corrected in redesignated paragraph (c).

Section 175.701: Specifies separation distances on passenger-carrying aircraft. A number of commenters supported a complete revision of this section which would tend to concentrate packages of radioactive materials in the rear of the aircraft at shorter separation distances. This would have resulted in an average radiation level in the passenger compartment of 0.5. millirem per hour, but this average would be at the expense of particular passenger seating areas being subjected to a maximum radiation level of 5 millirem per hour. Since this plan does not meet the primary objectives of this rulemaking it was not considered desirable.

With regard to paragraph (b)(1), one commenter suggested that the words "these packages" be substituted for the phrase "each individual package" as found in the second sentence. The MTB agrees that the intent and meaning is more clearly related and the suggestion has been adopted. Also, in response to the oversight pointed out by one commenter the words "or predesignated area" have been added to the table contained in paragraph (b)(2).

A great deal of criticism was received in response to the separation distances prescribed in paragraph (b). Commenters argued that such a system is too complex to be workable in real world conditions especially when one considers variables such as short loading times, other hazardous materials on board, the presence of animals in cargo compartments and general cargo already loaded on the floor of the aircraft. Another commenter argued that a total transport index (TTI) of 3.0 to 10.0 be assigned to each aircraft cargo compartment taking into account the aircraft size. None of these suggestions were sufficiently justified to be incorporated into the final rule. The provisions of § 175.701(b) in this rulemaking are not a substantive change of existing regulations but rather a regulatory refinement which will more evenly distribute the packages of radioactive materials so that lower levels of exposure will be realized. To assign a TTI to each cargo compartment would unnecessarily restrict the amount of radioactive materials that may be carried while not commensurately reducing the maximum allowable exposure levels.

One commenter suggested that "the time is opportune to eliminate requirements to apply separation distances relating to animals" as this requirement is not one of the considerations of the International Atomic Energy Agency (IAEA) Regulations on the Safe Transport of Radioactive Materials. Considering that the effects of radiation exposure are also damaging to animals and they in turn represent an element of property which is subject to protection from hazardous materials transported in commerce, it is the opinion of the MTB that current separation requirements remain unchanged.

The concept of "predesignated areas" also drew the attention of numerous commenters. One carrier protested the intervention of the DOT in the carrier's prerogative for utilizing available space. The carrier claimed this would amount to unnecessary government regulation and delay the implementation of

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changes prompted by aircraft modification, seasonal traffic flows or other influence from outside sources. It should be pointed out, however, that this is a voluntary election which the carrier is free to make and is only offered as an alternate means of safely transporting radioactive materials by passenger-carrying aircraft. To the commenter who objected to this proposal as being "not for safety but to increase the amount of radioactive packages which could be carried on passenger-carrying aircraft", the MTB notes that the utilization of predesignated areas must also insure an equivalent level of safety. In a similar manner the MTB rejects the lateral separation factor of 2 rather than 4 which was proposed by the same carrier who objected to the very idea of predesignated areas. There exists a threat of radiation level "peaking" from the additive effect of radiation emitted from each predesignated area when a factor of 2 is applied, possibly resulting in unacceptably high exposure levels.

Section 175.702: Comments received in response to this section were of a cursory nature. Some commenters questioned the 200 T.I. limit for cargo-only aircraft claiming that it is unrealistic since most aircraft can't handle more than 50 T.I. However, in order to provide an incentive which would be effective in helping to reduce the demand by shippers and carriers of radioactive materials for space on passenger-carrying aircraft, the 200 T.I. limit is considered reasonable for aircraft which are able to meet all separation requirements.

One commenter, who is a frequent shipper of radioactive materials, expressed a concern over the ability of specialized carriers of small parcels to comply with the distance separation requirements, as these carriers frequently use smaller aircraft in their operations. The problem is not a new one occasioned by the introduction of this section, and in fact one of the carriers mentioned by this commenter is presently operating under authority of exemption number E-7060 which provides relief from the 50.0 T.I. limitation, while requiring a documented radiation protection program for carrier personnel. Additionally, the kind of operations permitted by the terms of this exemption were proposed for authorization in Docket HM-166B; Notice 79-8 (44 FR 29503) but, due to numerous adverse comments, the proposal was deleted from the amendment. The provisions in this amendment are considered by MTB to be sufficient to meet the needs of shippers without unduly jeopardizing safety.

A comment also addressed the distance separation requirements established in paragraph (b)(2) (i) and (iii). The representative of a foreign flag air carrier sought DOT compatibility with those regulations currently set forth by the International Air Transport Association (IATA). Basically, this would provide a system of steps between 50 and 200 T.I. with corresponding increases in separation distance beginning at 15 feet, 4 inches (4.65 meters) and progressing to 28 feet, 10 inches (8.75 meters). While the MTB is interested in consistency with international standards for the safe and smooth flow of goods, the restriction imposed in this amendment is not seen as a burden to commerce especially when one considers the 200 T.I. ceiling and the relative ease with which most cargo-only aircraft operating in international service would be able to handle such a load, in compliance with the DOT minimum.

Section 175.703: The proposals in this section (now § 173.393(r)) drew the overwhelming majority of adverse comments. Specifically, the commenters objected to the proposals for compression testing, marking and labeling of overpacks. Commenters contended that there were inconsistencies in the use of overpacks for packages of radioactive materials when compared to those for other hazardous materials. One commenter pointed out that marking and labeling of clear plastic overpacks is currently excepted by § 173.25(a) when the markings and labeling of the inside packages are visible. The commenter viewed the added requirements as an example of over-regulation by the government. Despite the commenters arguments, the MTB does not believe that there was sufficient support provided for the points raised to make a revision of the rule as proposed. As was discussed earlier in this document the relationship of time is a critical factor in the accumulation of a dose of radiation, and the availability of a label(s) with the aggregate T.I. entered thereon is seen as an effective means for reducing the time spent by ground handlers in determining the activity of the package for proper placement in the aircraft, surface transport vehicle or storage area.

One commenter argued that subjecting overpacked packages of radioactive materials in non-specification packagings to Type A container test requirements for compression was highly impractical. The commenter further stated that "The plastic bag overpack which we used is placed over a variety of box shapes and sizes. Therefore, each shipment prepared would technically have to be tested 24 hours prior to movement." This commenter also suggested that the limited quantity of radioactive materials permitted in non-specification packagings is a sufficient safeguard in and of itself to eliminate the need for a performance standard greater than the standard requirements for all packages presently called for in § 173.24. The MTB agrees with these comments especially since most overpacks would be composed to Type A packages which are permitted, in part, because of their ability to withstand heavy loads. Accordingly, this proposed requirement in paragraph (b)(2)(iv) has been eliminated from the final rule.

Another commenter, objecting to the proposed restriction in paragraph (b)(2)(viii) which would have prohibited the consolidation of packages from more than one original shipper, claimed the proposal was confusing since it didn't specify who was to be considered the original shipper; that is the manufacturer, distributor, or central hospital serving satellite facilities. This proposed restriction has been removed from the final rule since it would have eliminated some safety benefits, such as reduced radiation levels achieved by shielding from surrounding packages. To address the comment directly, it should be noted that any person initiating a shipping paper is considered to be the original shipper.

Another commenter was concerned about the proposed option of entering the words "mixed radioactive materials" on the label of overpacks and shipping papers in place of specifically identifying the particular radionuclides. This proposal has been modified in part with the present requirement for specifying each package and its radioactive materials contents by activity, physical and chemical forms, transport index and the like on the shipping papers being retained. However, considering that each individual package label already specifies the particular radionuclide(s) contained therein, and considering further the limited space available for such information, use of the generic description "mixed" is determined to be sufficient on labels applied on overpacks and this element of the proposed regulation has been adopted. The required information available from shipping papers was recognized as being too valuable to emergency response personnel and other interested persons to justify deletion of the requirement. To avoid possible confusion in completing the labeling requirements for an overpack containing packages of radioactive materials, guidance has been taken by specifying that the number of curies entries must be a cumulative total of all such similarly labeled packages contained therein. For the purposes of these regulations the T.I. marked on the label of an overpack may be used in calculating maximum vehicle loading limitations and distance separation requirements.

A commenter suggested that the label entry "mixed radioactive materials" would be in conflict with parallel requirements found in the Official Air Transport Restricted Articles Tariff No. 6-D (CAB No. 82) which specify that each radionuclide must be identified on the Yellow-II and Yellow-III labels. This difference has been avoided by changing the sense of proposed § 175.703(b)(2)(i) from a mandatory requirement to a permissive use of the word "mixed" in the contents entry on the label.

In this section also, one commenter recommended compatibility with the IATA separation requirements from undeveloped film. As no evidence was presented which would support this commenter's desire to promote uniform standards while adequately protecting other property at the same time, the more restrictive distance separations imposed by this section have been retained. However, the units of measure have been revised to include meters.

It should be noted that this amendment does not include the previously authorized option contained in § 175.710(c)(3) applicable to the carriage of Fissile Class III radioactive materials. As the MTB has received no requests for approval of procedures other than those specified in subparagraphs (c)(1) and (2) it was determined that retention of this approval system was unnecessary.

In consideration of the foregoing, Parts 173 and 175 of Title 49, Code of Federal Regulations are amended as follows:

1. In § 173.393, paragraphs (q) and (r) are added to read as follows:

§ 173.393 General packaging and shipment requirements.

* * * * *

(q) No person may offer for transportation aboard a passenger-carrying aircraft any single package with a transport index greater than 3.0 nor an overpack with a transport index greater than 3.0.

(r) If an overpack is used to consolidate individual packages of radioactive materials, the packages must comply with the packaging, marking, and labeling requirements of this subchapter, and the following conditions must be met:

(i) The overpack must be labeled as prescribed in § 172.403 of this subchapter except as follows:

(i) The "contents" entry on the label may state "mixed" unless each inside package contains the same radionuclide(s).

(ii) The "number of curies" entry on the label must be determined by adding together the number of curies of the radioactive materials packages contained therein.

(iii) For a non-rigid overpack, the required label together with required package markings must be affixed to the overpack by means of a securely attached, durable tag. The transport index must be determined by adding together the transport indexes of the radioactive materials packages contained therein.

(iv) For a rigid overpack, the transport index must be determined by—

(A) Adding together the transport indexes of the radioactive materials packages contained in the overpack; or

(B) Except for fissile radioactive materials, direct measurements as prescribed in § 173.389(i)(1) which have been taken by the person initially offering the packages contained within the overpack for shipment.

(2) The overpack must be marked as prescribed in Subpart D of Part 172 of this subchapter and § 173.25(a).

(3) The transport index of the overpack may not exceed 3.0 for passenger-carrying aircraft shipments, nor 10.0 for cargo-only aircraft shipments.

2. In § 175.75 paragraph (a)(3) is revised to read as follows:

§ 175.75 Quantity limitations aboard aircraft.

(a) * * *

(3) Packages containing radioactive materials when their combined transport index number (determined by adding together the transport index numbers shown on the labels of the individual packages and/or overpacks)—

(i) In passenger-carrying aircraft, exceeds 50.0, or

(ii) In cargo-only aircraft, exceeds 200.0 (for fissile radioactive materials, see § 175.702(b)(3)).

* * * * *

3. In § 175.85 paragraph (d) is amended by changing the section reference 175.700 in the last line to read "§ 175.701."

4. § 175.700 is revised to read as follows:

§ 175.700 Special limitations and requirements; radioactive materials packages in passenger-carrying aircraft.

(a) In addition to other requirements, no person may carry in a passenger-carrying aircraft any package required to be labeled in accordance with § 172.403 of this subchapter with a Radioactive Yellow-II or Radioactive Yellow-III label unless—

(1) For a package required to be labeled Radioactive Yellow-II, the transport index does not exceed 1.0;

(2) For a package required to be labeled Radioactive Yellow-III, the transport index does not exceed 3.0;

(3) The package is carried on the floor of the cargo compartment, or freight container; and

(4) The package is carried in the aircraft in accordance with §§ 175.85(d), 175.701, and 175.703(c).

(b) In addition to the reporting requirements of § 175.45, the carrier must also notify the shipper at the earliest practicable moment following any incident in which there has been breakage, spillage, or suspected radioactive contamination involving radioactive materials shipments. Aircraft in which radioactive materials have been spilled may not again be placed in service or routinely occupied until the radioation dose rate at any accessible surface is less than 0.5 millirem per hour and there is no significant removable radioactive surface contamination as determined in accordance with § 173.397 of this subchapter. When contamination is present or suspected, the package and/or materials it has touched must be segregated as far as practicable from personnel contact until needed radiological advice or assistance is obtained. The Regional Office of the U.S. Department of Energy or appropriate State or local radiological authorities can provide advice or assistance, and should be notified in cases of obvious leakage, or if it appears likely that the inside container may have been damaged. For personnel safety the carrier must take care to avoid possible inhalation, ingestion, or contact with radioactive materials that may have leaked or spilled from its package. Any loose radioactive materials and associated packaging materials must be left in a segregated area pending disposal instructions from responsible radiological authorities.

(c) Except as provided in this paragraph, no person may carry aboard a passenger-carrying aircraft any radioactive material other than a radioactive material intended for use in, or incident to, research, or medical diagnosis or treatment. Prior to May 3,

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1981, this prohibition does not apply to materials which meet the requirements of § 173.391 (a), (b), or (c) of this subchapter in effect on May 3, 1979.

5. A new § 175.701 is added to read as follows:

§ 175.701 Separation distance requirements for packages containing radioactive materials in passenger-carrying aircraft.

(a) *General.* No person may carry in a passenger-carrying aircraft any package required by § 172.403 of this subchapter to be labeled Radioactive Yellow-II, or Radioactive Yellow-III unless the package is placed in the aircraft in accordance with the minimum separation distances prescribed in paragraph (b) or (c) of this section.

(b) *Separation distances.* (1) Except as provided in paragraph (c) of this secion, the minimum separation distances prescribed in paragraph (b)(2) of this section are determined by measuring the shortest distance between the surfaces of the radioactive materials package and the surfaces bounding the space occupied by passengers or animals. If more than one package of radioactive materials is placed in a passenger-carrying aircraft, the minimum separation distance for these packages shall be determined in accordance with paragraph (b)(2) of this section on the basis of the sum of the transport index numbers of the individual packages or overpacks.

(2) The following table prescribes minimum separation distances for the carriage of packages containing radioactive materials labeled Radioactive Yellow-II or Radioactive Yellow-III in passenger-carrying aircraft:

Transport index or sum of transport indexes of all packages in the aircraft or predesignated area	Minimum separation distances	
	Centimeters	Inches
0.1 to 1.0	30	12
1.1 to 2.0	50	20
2.1 to 3.0	70	28
3.1 to 4.0	85	34
4.1 to 5.0	100	40
5.1 to 6.0	115	46
6.1 to 7.0	130	52
7.1 to 8.0	145	57
8.1 to 9.0	155	61
9.1 to 10.0	165	65
10.1 to 11.0	175	69
11.1 to 12.0	185	73
12.1 to 13.0	195	77
13.1 to 14.0	205	81
14.1 to 15.0	215	85
15.1 to 16.0	225	89
16.1 to 17.0	235	93
17.1 to 18.0	245	97
18.1 to 20.0	260	102
20.1 to 25.0	300	118
25.1 to 30.0	330	130
30.1 to 35.0	360	142
35.1 to 40.0	390	154
40.1 to 45.0	420	166
45.1 to 50.0	450	177

(c) *Predesignated areas.* A package required by §172.403 of this subchapter to be labeled Radioactive Yellow-II or Radioactive Yellow-III may be carried in a passenger-carrying aircraft in accordance with a system of predesignated areas established by the aircraft operator. Each aircraft operator that elects to use a system of predesignated areas shall submit a detailed description of the proposed system to the Associate Director for Operations and Enforcement for approval prior to implementation of the system. A proposed system of predesignated areas is approved if the Associate Director for Operations and Enforcement determines that it is designed to assure that—

(1) The packages can be placed in each predesignated area in accordance with the minimum separation distances prescribed in paragraph (b)(2) of this section; and

(2) The predesignated areas are laterally separated from each other by minimum distance equal to at least four times the distances required by paragraphs (b)(1) and (b)(2) of this section for the predesignated area containing packages with the largest sum of transport indexes.

6. A new § 175.702 is added to read as follows:

§ 175.702 Requirements for carriage of packages containing radioactive materials in a cargo-only aircraft.

(a) As used in this section, the term "group of packages" means packages that are separated from each other in an aircraft by a distance of 20 feet (6 meters) or less.

Transport index	Minimum separation distance to nearest undeveloped film for various times of transit									
	Up to 2 hours		2 to 4 hours		4 to 8 hours		8 to 12 hours		Over 12 hours	
	Meters	Feet	Meters	Feet	Meters	Feet	Meters	Feet	Meters	Feet
0.1 to 1.0	0.3	1	0.6	2	0.9	3	1.2	4	1.5	5
1.1 to 5.0	0.9	3	1.2	4	1.8	6	2.4	8	3.3	11
5.1 to 10.0	1.2	4	1.8	6	2.7	9	3.3	11	4.5	15
10.1 to 20.0	1.5	5	2.4	8	3.6	12	4.8	16	6.6	22
20.1 to 30.0	2.1	7	3.0	10	4.5	15	6.0	20	8.7	29
30.1 to 40.0	2.4	8	3.3	11	5.1	17	6.6	22	9.9	33
40.1 to 50.0	2.7	9	3.6	12	5.7	19	7.2	24	10.8	36

(b) No person may accept for carriage in an aircraft packages of radioactive materials, other than limited quantities, contained in a rigid or non-rigid overpack, including a fiberboard box or plastic bag, unless they have been prepared for shipment in accordance with § 173.393(r) of this subchapter.

(c) No person may carry in an aircraft any package containing Fissile Class III radioactive materials (as defined in § 173.389(a)(3) of this subchapter), except—

(1) In a cargo-only aircraft which has been assigned for the sole use of the shipper for the specific shipment of fissile radioactive material. Instructions for the sole use must be developed by the shipper and carrier, and the instructions issued with the shipping papers; or

(2) In an aircraft in which there are no other packages required to bear a radioactive label as prescribed in § 172.403 of this subchapter. Specific arrangements must be made between the shipper and carrier, with instructions to that effect issued with the shipping papers.

§ 175.710 [Deleted]

8. § 175.710 is deleted.

(b) No person may carry in a cargo-only aircraft any package required by § 172.403 of this subchapter to be labeled Radioactive Yellow-II or Radioactive Yellow-III unless—

(1) The total transport index for all of the packages does not exceed 50.0 and the package is carried in accordance with § 175.701(a); or

(2) The total transport index for all of the packages exceeds 50.0 and—

(i) The separation distance between the surfaces of the radioactive materials packages and the surfaces bounding the space occupied by persons or animals is at least 30 feet (9 meters);

(ii) The transport index for any group of packages does not exceed 50.0; and

(iii) Each group of packages is separated from every other group in the aircraft by not less than 20 feet (6 meters), measured from the outer surface of each group; and

(iv) The total transport index for all packages containing fissile radioactive materials does not exceed 50.0.

7. § 175.703 is added to read as follows:

§ 175.703 Other special requirements for the acceptance and carriage of packages containing radioactive materials.

(a) No person may carry in an aircraft any package of radioactive materials required by § 172.403 of this subchapter to be labeled Radioactive Yellow-II or Radioactive Yellow-III closer than the distances shown in the following table to any package marked as containing undeveloped film:

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1)

Note.—The Materials Transportation Bureau has determined that this document will not result in a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation is available for review in the Docket.

Issued in Washington, D.C. on March 19, 1980.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 80-8958 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 78-16; Notice 3]

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Response to petitions for reconsideration.

SUMMARY: This notice responds to petitions for reconsideration of the November 29, 1979, notice (44 FR 68470) amending Standard No. 208, *Occupant Crash Protection.* In response to petitions from the Motor Vehicle Manufacturers Association and Chrysler Corporation, the agency is deleting the requirement for emergency-locking or automatic-locking seat belt retractors at the outboard seating positions of the second seat in forward control vehicles. The effect of this deletion is to permit manufacturers to continue to use manual adjusting devices for the seat belts at those seating positions.

EFFECTIVE DATE: March 27, 1980

FOR FURTHER INFORMATION CONTACT: Mr. William E. Smith, Office of Vehicle Safety Systems, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. (202-426-2242)

SUPPLEMENTARY INFORMATION: On November 29, 1979, NHTSA published a notice amending Standard No. 208, *Occupant Crash Protection* (44 FR 68470). The amendment deleted the exemption for forward control vehicles from several of the occupant restraint system requirements of the standard. (A forward control vehicle is one with a short front end. More than half of the engine is located to the rear of the forward point of the windshield base and the steering wheel hub is in the forward quarter of the vehicle.)

Chrysler Corporation and the Motor Vehicle Manufacturers Association (MVMA) filed petitions for reconsideration concerning the amendment. They argued that the November 1978 notice of proposed rulemaking for the amendment only proposed a change in the requirements for the safety belt systems in the front seat of forward control vehicles and did not give adequate notice about a change in the requirements for belts in the second seat of forward control vehicles (43 FR 52264). They said that the amendment adopted in the final rule requires forward control vehicles to have lap and shoulder belts in the front outboard designated seating positions and have automatic-locking or emergency-locking retractors at the outboard designated seating positions of the second seat of the vehicle.

The petitioners have correctly described the requirements added by the amendment. The amendment applies the requirements of § 4.2.2 of Standard No. 208 to all forward control vehicles manufactured after September 1, 1981. Section 4.2.2 requires a manufacturer to meet one of the following three occupant crash protection requirements: § 4.1.2.1, complete automatic protection, § 4.1.2.2, head-on automatic protection or § 4.1.2.3, lap and shoulder belt protection system. Manufacturers choosing to comply with section § 4.1.2.3 must install seat belt assemblies meeting the adjustment requirements of § 7.1 of the standard. The provisions of § 7.1 require that the seat belt assemblies installed at the outboard seating positions of the front and second seats adjust by means of an emergency-locking or automatic-locking retractor. Seat belt assemblies installed at all other seating positions can adjust either by an emergency-locking or automatic-locking retractor or by a manual adjusting device. Prior to the November 1979 amendment of Standard No. 208, forward control vehicles did not have to meet the requirements of § 4.2.1.3 but instead could meet § 4.2.1.2, which did not require the use of emergency-locking or automatic-locking retractors in the outboard seating positions of those vehicles.

The agency's November 1978 notice of proposed rulemaking was addressed to the specific portion of Standard No. 208 exempting forward control vehicles from the shoulder belt requirements. The final rule eliminating the exemption inadvertently changed the requirements for the second seats of light trucks and vans as well. Therefore, the agency is amending the standard to retain the current seat belt requirement for the second seat in light trucks and vans. The agency notes that one manufacturer (GM) of forward control vehicles voluntarily equips its vehicles with automatic-locking retractors and urges Chrysler to do the same. The agency will consider eliminating the remaining forward control exemptions from Standard No. 208 in future rulemaking.

The principal authors of this notice are Mr. William E. Smith, Office of Vehicle Safety Systems, and Mr. Stephen L. Oesch, Office of Chief Counsel.

In consideration of the foregoing, the following change is made in Part 571, Title 49 of the Code of Federal Regulations:

1. Section § 7.1.1.2 of Standard No. 208, *Occupant Crash Protection* (49 CFR 571.208), is amended to read as follows:

Section 7.1.1.2 (a) A seat belt assembly installed in a motor vehicle other than a forward control vehicle at any designated seating position other than the outboard positions of the front and second seats shall adjust either by a retractor as specified in § 7.1.1 or by a manual adjusting device that conforms to § 571.209. (b) A seat belt assembly installed in a forward control vehicle at any designated seating position other than the front outboard seating positions shall adjust either by a retractor as specified in § 7.1.1 or by a manual adjusting device that conforms to § 571.209.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on March 18, 1980.

Joan Claybrook,

Administrator.

[FR Doc. 80-9164 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-59-M

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 806

National Security Information Policy and Guidelines; Implementing Regulations

AGENCY: National Transportation Safety Board.

ACTION: Final Rule.

SUMMARY: In conformity with Executive Order 12065, 43 FR 28949, July 3, 1978, entitled "National Security Information," and the Information Security Oversight Directive No. 1, 43 FR 46280, October 5, 1978, this rule establishes the National Transportation Safety Board's (Board) policy regarding classified information, defines the types

of classified information, and establishes procedures for requests to declassify records in the custody of the Board.

EFFECTIVE DATE: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Charles H. Batten, National Security Oversight Officer, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, DC 20594 (202–472–6145).

SUPPLEMENTARY INFORMATION: Executive Order 12065 requires that implementing regulations establishing agency national security information policy and guidelines be published in the **Federal Register**. Consequently, the Board is publishing this rule, which creates a new Part 806 of Title 49, Code of Federal Regulations, in Order to comply with and implement Executive Order 12065.

Since these regulations are general statements of policy and "rules of agency organization, procedure or practice," notice and public procedure respecting these regulations are not deemed necessary or appropriate under 5 U.S.C. 553(b)(A).

Accordingly, the Board adopts new 49 CFR Part 806 to read as follows:

PART 806—NATIONAL SECURITY INFORMATION POLICY AND GUIDELINES, IMPLEMENTING REGULATIONS

Sec.
806.1 General Policy.
806.2 Applicability.
806.3 Definitions.
806.4 Mandatory Review for Declassification.

Authority: Sec. 304 of the Independent Safety Board Act of 1974, 88 Stat. 2168 (49 U.S.C. 1903). Executive Order 12065, 43 FR 28949, July 3, 1978.

§ 806.1 General Policy.

(a) The interests of the United States and its citizens are best served by making information regarding the affairs of Government readily available to the public. This concept of an informed citizenry is reflected in the Freedom of Information Act and in the current public information policies of the executive branch.

(b) Within the Federal Government there is some official information and material which, because it bears directly on the effectiveness of our national defense and the conduct of our foreign relations, must be subject to some constraints for the security of our Nation and the safety of our people and our allies. To protect against actions hostile to the United States, of both an overt and covert nature, it is essential that such official information and material be given only limited dissemination.

§ 806.2 Applicability.

This rule supplements Executive Order 12065 within the Board with regard to national security information. It establishes general policies and certain procedures for the classification and declassification of information which is generated, processed, and/or stored by the Board. In this connection, the Board does not have any original classification authority but infrequently does receive classified information from other agencies.

§ 806.3 Definitions.

(a) Classified Information—Information or material, herein collectively termed information, that is owned by, produced for or by, or under the control of, the United States Government and that has been determined pursuant to Executive Order 12065, or prior orders, to require protection against unauthorized disclosure and that is so designated. One of the following classifications will be shown:

(1) "Top Secret" means information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security.

(2) "Secret" means information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to national security.

(3) "Confidential" means information, the unauthorized disclosure of which reasonably could be expected to cause identifiable damage to the national security.

(b) "Foreign Government Information" means either (1) information provided to the United States by a foreign government or international organization of governments in the expectation, express or implied, that the information is to be kept in confidence; or (2) information produced by the United States pursuant to a written joint arrangement with a foreign government or international organization of governments requiring that either the information or the arrangements or both, be kept in confidence.

(c) "National Security" means the national defense and foreign relations of the United States.

(d) "Declassification Event" means an event which would eliminate the need for continued classification.

§ 806.4 Mandatory Review for Declassification.

(a) Requests for mandatory review for declassification under section 3–501 of E.O. 12065 must be in writing and should be addressed to: National Security Oversight Officer, National Transportation Safety Board, Washington, D.C. 20594.

(b) The requester shall be informed of the date of receipt of the request at the Board. This date will be the basis for the time limits specified by section 3–501 of E.O. 12065. If the request does not reasonably describe the information sought, the requester shall be notified that, unless additional information is provided or the request is made more specific, no further action will be taken.

(c) When the Board receives a request for information in a document which is in its custody but which was classified by another agency, it shall refer the request to the appropriate agency for review, together with a copy of the document containing the information requested, where practicable. The Board shall also notify the requester of the referral, unless the association of the reviewing agency with the information requires protection. The reviewing agency shall review the document in coordination with any other agency involved or which had a direct interest in the classification of the subject matter. The reviewing agency shall respond directly to the requester in accordance with the pertinent procedures described above and, if requested, shall notify the Board of its determination.

Signed at Washington, D.C., on this 20th day of March 1980.

James B. King,
Chairman.

[FR Doc. 80-9338 Filed 3-26-80; 9:45 am]
BILLING CODE 4910-58-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1013

[Ex Parte No. 366]

Legal Assistance Referral Service

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: These regulations govern Commission participation in the Legal Assistance Referral Service, a joint program of the Association of Interstate Commerce Commission Practitioners (AICCP) and the Motor Carriers Lawyers' Association (MCLA). The goal of the program is to provide representation for persons otherwise unable to bear expenses involved in Commission proceedings. The Commission will assist the program for a one-year trail period. A subsequent notice will be issued prior to the effective date which will name the liaison and establish the toll free telephone number for the Service.

EFFECTIVE DATE: These rules will become effective April 28, 1980.

FOR FURTHER INFORMATION CONTACT: Lee Alexander (202) 275–7597.

SUPPLEMENTARY INFORMATION: This is the culmination of a two-part rulemaking proceeding which was instituted by a petition filed jointly by AICCP and MCLA. The petition asked the Commission to develop regulations to facilitate the operation of a legal assistance program for parties who could not otherwise afford to participate in Commission proceedings. A notice of proposed rulemaking was published in the **Federal Register** on September 5, 1979 [44 Fed Reg. 51830 (1979)]. Comments were received from five individuals and organizations.[1]

In our prior notice, we indicated that we support the objectives of petitioners' innovative and worthwhile proposal. We also sought comments on certain questions about the practical operation of the program. These questions have been resolved as follows. Requests for assistance received by Commission personnel will be referred to the liaison to the Committee on Interstate Commerce Representation (CICR). The liaison will then provide the caller with the names and addresses of all attorneys and practitioners on CICR's list of panelists. CICR will require the services of only one Commission employee to receive calls on a telephone listed in the name of CICR. The liaison will also maintain the list of panelists, and keep records of all cases in which the service is used. The liaison will submit quarterly reports to the Commission during the one-year trial period of the program. During this trial year of operation, specific eligibility standards will not be employed. An applicant for assistance will simply declare on CICR's form that he or she is unable to pay the legal fees that will be involved in a proceeding. Legal assistance will be available in all proceedings except rulemaking proceedings and general investigations. Proposed rules 3, 5(b), and 5(c) will be altered to reflect these refinements.

In addition to these modifications, we will not waive the filing fee in application proceedings. The application fee is based on a requirement of the Independent Offices Appropriations Act of 1952 (31 USC 483a). This Act requires agencies to prescribe by regulation such fees as they shall determine "to be fair and equitable, taking into consideration direct and indirect cost to the Government, value to the recipient, and public policy or interest served, and other pertinent facts". The filing fee often does not cover the Commission's full cost of handling the application. Furthermore, while our requirement in motor carrier licensing of financial reliability is not generally considered to be a severe one, it would appear that applicants unable to pay the filing fee would have extreme difficulty establishing their financial fitness and also would not likely be in a position to undertake a successful motor carrier operation. See, Vice Chairman O'Neal's statement before Congressman Parren J. Mitchell on Minority Owned Concerns in the Trucking Industry, delivered on December 4, 1975, and reproduced at 125 M.C.C. at 334–37. Finally, the value of a certificate, permit, or license to the recipient under this program would be no less than those issued to any other applicant. In these circumstances, we have decided not to allow waivers of the filing fees.

We will not provide participants copies of pertinent transcripts at no charge as proposed. Rule 88 of the Commission's General Rules of Practice provides that "(n)o free copies of transcripts will be furnished to any party to any proceeding." In lieu of this assistance, we will ask the company currently providing the Commission with transcripts whether they will make available copies of transcripts at cost to participants in the Legal Assistance Referral Service. If this cooperation is not forthcoming, we will explore the attitudes of other reporting services.

Accordingly, we adopt the following rules at 49 C.F.R. Part 1013.

[1] The MCLA Committee on *Pro Bono* Legal Services, Office of Rail Public Counsel, Tank's Enterprises, Inc., Kenneth F. Dudley, Ltd., and The United States Office of Consumer Affairs.

PART 1013—SPECIAL REGULATIONS GOVERNING COMMISSION PARTICIPATION IN THE LEGAL ASSISTANCE REFERRAL SERVICE

Sec.
1013.1 Scope.
1013.2 Definitions.
1013.3 Function of CICR.
1013.4 Qualification for assistance.
1013.5 Commission assistance to CICR.
1013.6 Duration.

Authority: 49 U.S.C. 10321 and 5 U.S.C. 553

§ 1013.1 Scope.

These special rules govern the Commission's Legal Assistance Referral Service program. The goal of the program is to provide representation for persons otherwise unable to bear expenses involved in participating in Commission proceedings. The program does not apply to rulemaking proceedings and general investigations.

§ 1013.2 Definitions.

(a) *CICR.*—The Committee on Interstate Commerce Representation which consists of five members; two appointed by the Motor Carrier Lawyers' Association, two appointed by the Association of Interstate Commerce Commission Practitioners, and a fifth member appointed by the other four members to serve as Chairman.

(b) *Certification form.*—A form developed by CICR which documents the fact that a participant in Commission proceedings meets CICR eligibility requirements.

§ 1013.3 Function of CICR.

CICR shall supervise the Legal Assistance Referral Service. This includes the determination of eligibility standards to be used after the first year of the program's existence and the development of a certification form that the participant meets these requirements. The eligibility standards are subject to Commission approval. CICR shall also provide the Commission with a list of panelists for referral when a person requests free assistance under this program.

§ 1013.4 Qualification for assistance.

During the one-year trial period of this program, a declaration of inability to pay the legal fees and expenses that might be involved in the proceeding qualifies a person for assistance. After the trial period, qualification for assistance will be based upon the eligibility standards developed by CICR and approved by the Commission.

§ 1013.5 Commission assistance to CICR.

The Commission, through the Office of the Secretary, shall provide CICR assistance as follows:

(a) *Liaison.* The Commission shall provide administrative and clerical support to CICR by appointing an employee to serve as liaison to CICR. The liaison shall receive calls on a telephone listed in the name of CICR and keep records pertaining to the assignment and disposition of CICR cases. The liaison shall submit quarterly reports to the Commission during the one-year trial period of this program.

(b) *Referral.* The Commission shall refer any person requesting free representation or assistance not otherwise provided by Commission staff to the liaison with CICR. The liaison shall then provide the names and addresses of all attorneys and

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practitioners on the list of panelists developed by CICR.

(c) *Cooperation.* The Commission shall cooperate in CICR's evaluation process.

§ 1013.6 Duration.

Commission assistance to the Legal Assistance Referral Service program shall be provided for one year. At the end of this time, the Commission shall evaluate the program and institute a rulemaking proceeding, if necessary, to make any needed changes in the rules to assure the success of this program. Before they are put into use, the eligibility standards developed by CICR must be approved by the Commission.

This action will not significantly affect the quality of the human environment or the conservation of energy resources. Issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Dated March 19, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioner Trantum dissenting.

Agatha L. Mergenovich

Secretary.

Commissioner Trantum (dissenting)

The Commission should not participate in the Legal Assistance Referral Service that has evolved in this proceeding. First, to the extent government resources are involved, it is for Congress to determine whether the public interest requires free or low-cost legal assistance for private parties in proceedings before the Commission. Second, under the rules adopted by the majority, the Commission's involvement has been reduced to barely more than providing official sanction to a private referral service. Finally, we are setting ourselves up to rule on CICR's "eligibility standards" even though the Commission has no such expertise.

[FR Doc. 80-9354 Filed 3-26-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1127

[Ex Parte No. 293 (Sub No. 8)]

Standards for Determining Commuter Rail Service Continuation Subsidies

AGENCY: Rail Services Planning Office, Interstate Commerce Commission.

ACTION: Amendments to the standards, final rule.

SUMMARY: On December 21, 1979, the Rail Services Planning Office (RSPO) issued a further notice of proposed amendments to the Standards for Determining Commuter Rail Service Continuation Subsidies (Standards), 45 FR 55. The proposed amendment reflected a change in the cost responsibilities for personal injuries and property damage occasioned by RSPO's ruling in Interpretation No. 9 that the owner of a rail property is presumed to be the dominant user and should bear the base costs of the property. RSPO requested comments on the proposed amendment and after reviewing the comments received, has made several technical modifications in the proposed amendment.

EFFECTIVE DATE: This amendment is effective retroactively to August 15, 1978.

FOR FURTHER INFORMATION CONTACT: Stephen M. Grimm, (202) 275-0838.

SUPPLEMENTARY INFORMATION:

On December 21, 1979, RSPO issued a further notice of proposed amendments to the Standards for Determining Commuter Rail Service Continuation Subsidies (Standards). Included in this notice was a proposed amendment reflecting a change in the cost responsibilities for personal injuries and property damage occasioned by RSPO's ruling in Interpretation No. 9 that the owner of a rail property is presumed to be the dominant user and should bear the base costs of the property. Interpretation No. 9, RSPO found that a rulemaking proceeding would be required to develop the specific amendments necessary to implement the conceptual decision made in the interpretation. A notice of proposed rulemaking was issued on October 19, 1978 and after an evaluation of the comments and proposals received, RSPO published proposed regulations on July 6, 1979, 44 FR 39560. At that time, RSPO requested the parties to comment on whether the issue of the responsibility for personal injuries and property damage was critical to the revision of the Standards. RSPO considered the comments received and subsequently issued the proposed amendment.

The Maryland Department of Transportation (MD DOT) recommended that the parties share liability costs on a no-fault basis. MD DOT noted that such an agreement has been reached between Conrail and at least one commuter authority.

The Consolidated Rail Corporation (Conrail) submitted several comments on the proposed change in the regulations. Conrail notes that although the proposed amendment clearly establishes the responsibility of the minority user, no mention is made of the dominant user's liability. In Conrail's opinion:

> • • • RSPO has inadvertently narrowed the scope of this section. By only dealing with the liability of the minority user, the amendment is ambiguous with regard to the responsibility of commuter service for casualty losses when it is the dominant user. For example, if an accident occurs on the subsidizer's property which only involves commuter trains, it is Conrail's position that the subsidizer would continue to be responsible for the resulting injuries and damage.

Conrail recommends that RSPO clearly establish the subsidizer's responsibility for a solely commuter incident.

Additionally, Conrail notes that the proposed amendment does not specifically provide for a casualty reserve fund when the subsidizer is the dominant user. Conrail believes that RSPO should include a provision in the Standards that allows the subsidizer to establish a casualty reserve fund regardless of whether it is the dominant or minority user.

Conrail also suggests that RSPO modify the method for apportioning the insurance costs among the commuter services. Conrail notes that although the Standards provide for these costs to be apportioned on the basis of passenger-miles, the parties have agreed to share these costs on the basis of passenger revenues. Conrail suggests that section 1127.7(f)(3)(vii) be revised to read:

> Such amounts shall be apportioned between the several commuter services operated by the railroad on the basis of relative passenger revenues (including pass rider allowances).

After reviewing the comments, RSPO believes that MD DOT has presented one viable solution to the issue of liability. However, a non-fault agreement is only one solution to this issue and is properly a subject for negotiation between the subsidizer and Conrail.

RSPO has reviewed Conrail's suggestions and believes that Conrail has raised several valid issues. Conrail is correct in noting that section 1127.7 (f)(3)(vii) does not specifically define the liability of the dominant user for accidents that solely involve the dominant user's service. RSPO believes that it is implicit that the dominant user is responsible for personal injuries and property damage resultant from an accident that only involves the dominant user's services. However, RSPO agrees that the proposed amendment may be misread and has incorprated a provision into the final amendment to clarify this issue.

The Conrail suggestion that the proposed amendment permit the parties to establish a casualty reserve account regardless of which party is the dominant user is a valid one. Consequently, RSPO has reworded that portion of the section to conform with Conrail's suggestion. However, in

recognition of the dominant user's responsibility for the base costs, RSPO has added the provision that, where the subsidizer is the dominant user, the insurance premium will be determined as if the commuter service were the sole user. Additionally, where the commuter service is the minority user, RSPO has revised the method for apportioning insurance costs among the commuter services to reflect the actual agreement between the subsidizers and Conrail.

On February 8, 1980, the Southeastern Pennsylvania Transportation Authority (SEPTA) filed a brief response to the comments submitted by Conrail. On February 13, 1980, Conrail filed a motion to strike the SEPTA submission. Conrail argues that SEPTA's comments were filed well after the January 31, 1980 deadline for responses and that apparently no extension of time for the filing of comments was either requested or granted. Conrail states that SEPTA's comments are "irrelevant and immaterial" since SEPTA responded only to Conrail's submission and not to the proposed amendment itself. Finally, Conrail notes that the further notice of proposed amendments to the Standards did not indicate that the parties would be allowed to respond to each other's comments.

RSPO has examined SEPTA's comments and Conrail's motion to strike and agrees that SEPTA's reply should be stricken from the record. SEPTA's response is not germane to the proposed amendment and merely reiterates SEPTA's disagreement with the ruling on the liability of the parties for personal injuries and property damage.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

This rule is published under the authority of 49 U.S.C. 10362.

Issued: March 18, 1980, by Alexander Lyall Morton, Director, Rail Services Planning Office.

By the Commission.

Agatha Mergenovich,

Secretary.

§ 1127.7 [Amended].

1. Section 1127.7(f)(3)(vii) is revised to read as follows:

* * * * *

(f) * * *

(3) * * *

(vii) *Freight Lost or Damaged—Solely Related; Clearing Wrecks; Other Casualties and Insurance.* The minority user shall be responsible for any costs incurred under these accounts resulting from the operation of the minority service. The dominant user is responsible only for those costs incurred under these accounts resulting from an incident that solely involves the operation of the dominant service. The railroad shall, if the subsidizer agrees, establish a reserve for the purpose of holding the subsidizer harmless from any liabilities under these accounts arising out of the operation of commuter services. Where the commuter service is the minority user, the costs assigned to these accounts for commuter service insurance shall be determined by ascertaining from the railroad's underwriters: (A) the difference in the current premium if commuter service were not operated and (B) the additional premium required to hold the railroad and the subsidizers harmless from any liability. Such amounts shall be apportioned between the several commuter services operated by the railroad either on the basis of the relative passenger-miles (including pass riders) or on the basis of the relative passenger revenues (including pass rider allowances). Where the commuter service is the dominant user, the costs assigned to these accounts for commuter service insurance shall be determined by ascertaining from the railroad's underwriters the premium if the commuter service were operated as the sole user of the properties involved.

* * * * *

(49 U.S.C. 10362.)

[FR Doc. 80-9423 Filed 3-26-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

Commercial Tanner Crab Fishery Off the Coast of Alaska; Amendment to Fishery Management Plan and Final Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Department of Commerce.

ACTION: Final Regulations.

SUMMARY: The Director, Alaska Region, ("Regional Director"), National Marine Fisheries Service (NMFS) issues a final regulation (Field Order) applicable to fishing by vessels of the United States in the Alaska Tanner Crab Fishery, in accordance with the Fishery Management Plan (FMP) for the Commercial Tanner Crab Fishery off the Coast of Alaska, and regulations implementing this FMP [50 CFR 671.27(b)]. This Field Order closes (1) the Southeast section and (2) the Southwest section of the Kodiak district in the Westward registration area "J" to fishing for Tanner crab by vessels of the United States. These closures are effective beginning a 6:00 P.M. Alaska Standard Time (AST) on March 25, 1980 rather than on April 30, 1980, as currently provided in 50 CFR 671.26(f)(3)(i). The closure will remain in effect until November 1, 1980.

DATES: Effective date: 6:00 P.M. (AST), March 25, 1980. Public comments are invited until May 27, 1980. Comments may be sent to: Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Harry L. Rietze, Telephone: (907) 586-7221.

SUPPLEMENTARY INFORMATION: The FMP, which was extended by amendment through October 31, 1980 (45 FR 785), provided for in-season adjustments to season and area openings and closures. The implementing regulations in 50 CFR Part 671 specify in § 671.27(b) that these decisions shall be made by the Regional Director in accordance with the criteria set out in that section. On October 20, 1978, the Assistant Administrator for Fisheries, NOAA, with the approval of the Administrator, NOAA, delegated to the Regional Director authority to promulgate Field Orders making in-season adjustments.

50 CFR 671.28(f) creates four districts within Registration Area J. The districts were created, in part, to prevent overfishing of individual Tanner crab stocks by allowing closure of a particular district when the desired harvest level in that district is reached. One of these districts is the Kodiak district. Although the FMP states the optimum yield for the Kodiak district to be 35 million pounds, the Alaska Board of Fisheries during its December 1979 meeting established a 10 to 25 million pound guideline harvest level in this district. This harvest guideline was based on relative stock abundance indices observed from each of the eight fishing sections within the district during the 1979 crab index survey, together with the historical commercial fishery performance. Preseason assessments of stock abundance for the district indicate a desirable harvest level of approximately 15 million pounds for the 1979-80 fishing season. Each of eight fishing sections within the Kodiak district are evaluated individually based on their individual stock abundance trends and conditions.

The Southeast fishing section of the Kodiak district has a projected 1.0

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million pound harvest level for the 1979–80 fishing season. This harvest represents a 1.5 million pound reduction from the 1978–79 commercial catch of 2.5 million pounds and is the result of an 84 percent decrease in the relative abundance index of legal crabs observed in the crab indexing surveys since 1977. Since the start of the season, January 5, 1980, 764,000 pounds have been harvested by approximately 20 vessels with an average catch of 23 crabs per pot compared to 28 vessels averaging 41 crabs per pot during the 1978–79 season.

The Southwest fishing section has a projected 2.0 million pound harvest level for the 1979–80 season. This is a 3.2 million pound reduction from the 1978–79 commercial catch of 5.2 million pounds. This reduction resulted from a 78 percent decrease in the relative abundance index for legal crabs observed during the crab indexing surveys since 1977. Since the beginning of the season, 1.7 million pounds have been harvested by approximately 20 vessels averaging 26 crabs per pot compared to 37 vessels averaging 43 crabs per pot during the 1978–79 season.

It is expected that at the current rate of catch, the desired harvest level for both the Southeast and Southwest sections of the Kodiak district will be reached by 6:00 P.M. (AST) March 25, 1980; therefore, these sections will close to all Tanner crab fishing effective on that date.

In order to prevent overfishing of the Tanner crab stock in these sections of the Kodiak district, the Regional Director has determined, in accordance with 50 CFR 671.26(b) and Department Administrative Order 218–7 (43 FR 2083), and following consultation with the Commissioner, Alaska Department of Fish and Game, that an emergency exists; the Southeast section and the Southwest section of the Kodiak district in Registration Area J should be closed at 6:00 P.M. (AST) on March 25, 1980 rather than on April 30, 1980.

The Regional Director further finds that, in order to protect the resources, public comments prior to issuance of this Field Order are impracticable and contrary to the public interest. However, public comments on the necessity for, and extent of, these closures will be received by the Regional Director for a period of 60 days after the effective date of the Field Order. During this 60-day period, the data and information upon which this decision is based will be available for inspection during business hours at the NMFS, Alaska Regional Office, Federal Building, Room 453, 709 West 9th Street, Juneau, Alaska.

Should comments be received during the 60-day period, if appropriate, the Regional Director shall reconsider the necessity for each closure and, as soon as practicable after that reconsideration, shall publish in the **Federal Register** either: (A) a notice of continued effectiveness of the closure; or (B) a notice to modify or rescind the closure.

An enviornmental impact statement was prepared for the Commercial Tanner Crab Fishery off the Coast of Alaska FMP and is on file with the Environmental Protection Agency. A regulatory analysis has been prepared in compliance with Executive Order 12044.

Signed at Washington, D.C., this 20th day of March, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

In accordance with 50 CFR 671.27(b), 50 CFR 671.26(f)(3)(i) is amended by adding paragraphs (F) and (G) as follows:

§ 671.26 Season and gear restrictions.

* * * * *

(f) * * *

(3) * * *

(i) * * *

(F) In that portion of the Kodiak district southwest of a line extending 168° from Cape Barnabas (57°09′N latitude, 152°53′W longitude) and east of a line extending 222° from Cape Trinity (56°44′50″N latitude, 154°08′30″W longitude) from January 5 through 6:00 PM (AST) March 25, 1980 only; and

(G) In that portion of the Kodiak district west of a line extending 222° from Cape Trinity (56°44′50″N latitude, 154°08′30″W longitude), south of a line from Cape Ikolik (57°17′15″N latitude, 154°47′W longitude) on Kodiak Island to Cape Kilokak on the Alaska Peninsula (57°11′15″N latitude, 156°19′W longitude) and east of the longitude of Cape Kilokak from January 5 through 6:00 PM (AST) March 25, 1980 only.

[FR Doc. 80-9301 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 61
Thursday, March 27, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Ch. IX

[Docket No. AO–384]

Grapefruit Grown in Arizona; Termination of Proceeding AO–384

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice terminates a proceeding with respect to a proposed marketing agreement and order program for grapefruit grown in Arizona. No evidence was received at a public hearing on the need for the proposed marketing program.

EFFECTIVE DATE: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: Prior actions in this proceeding: A Notice of Hearing with respect to a proposed marketing agreement and order for grapefruit grown in Arizona was issued February 1, 1979, and it was published in the **Federal Register** (44 FR 7724) on February 7, 1979. The public hearing was held in Phoenix, Arizona, on March 12, 1979, to develop evidence on the need for the proposed marketing agreement and order.

This action has been reviewed under the USDA criteria for implementing Executive Order 12044, and has been classified "significant." An Impact analysis is available from Malvin E. McGaha, Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, Telephone: 202–447–5975.

FINDINGS AND DETERMINATIONS: (a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order, regulating the handling of grapefruit grown in Arizona. At the hearing, all witnesses who appeared in connection with the proposals stated that they wished to abandon them. Since the record contains no evidence in support of the proposed marketing agreement and order, there is insufficient basis for issuance.

(b) *Determination.* It is hereby determined that the issuance of the proposed marketing and order regulating the handling of grapefruit grown in Arizona would not tend to effectuate the declared policy of the act.

Order Relative To Termination of Proceeding

It is therefore ordered, That the proceeding with respect to the proposed marketing agreement and order for grapefruit grown in Arizona (Docket No. AO–384) be terminated, March 27, 1980.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 21, 1980.

Jerry C. Hill

Deputy Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 80-9258 Filed 3-26-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 205

Proposed Rule on Reports on Impending Major Electric Utility System Emergencies, Customer Load Reductions, and/or Significant Service Interruptions In Bulk Electric Power Supply and Actions To Minimize Their Impact

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a proposed rulemaking regarding the issuance of regulations pursuant to sections 202(a) and 311 of the Federal Power Act. Section 202(a) authorized the Federal Power Commission to take such action as necessary to assure an abundant supply of electric energy throughout the country. Section 311 of the Federal Power Act authorized and directed the Federal Power Commission to collect data for the purpose of reporting the problems and developments of the electric power industry to the Congress. The Department of Energy Organization Act transferred the responsibilities under sections 202(a) and 311 of the Federal Power Act to the Secretary of Energy. ERA has been delegated authority by the Secretary to receive reports of incidents on the electric power system. Pursuant to section 705 of the DOE Act, incidents have been reported to ERA in accordance with 18 CFR 141.58. ERA hereby proposes to reissue certain regulations from 18 CFR, Power and Resources, in 10 CFR, Energy. Some changes and additions have been made to the original reporting requirements in an effort to clarify reportable incidents. The regulations also encourage utilities to submit to ERA their plans to minimize the impacts of bulk power supply interruptions and shortages.

DATES: Comments on this proposed rule are invited and should be submitted on or before April 30, 1980. Requests for a public hearing are due by April 21, 1980.

ADDRESS: All comments to: Department of Energy, Docket Control Center, Docket No. ERA–R–80–04, Room 2313, 2000 M Street NW., Washington, D.C. 20461, (202) 653–3757.

FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr., Office of Utility Systems, Economic Regulatory Administration, U.S. Department of Energy, Room 4110, 2000 M Street NW., Washington, D.C. 20461, (202) 653–3825.

Lise Courtney M. Howe, Office of General Counsel, U.S. Department of Energy, Room 5E–064, Forrestal Building, 1000 Independence Avenue NW., Washington, D.C. 20585, (202) 252–2900.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose
II. Environmental Analysis
III. Significance Review
IV. Proposed Rule
V. Written Comment and Public Hearing Procedures
A. Written Comments
B. Public Hearing

I. Background and Purpose

The Department of Energy (DOE), upon its organization, assumed several programmatic activities that previously were within the jurisdiction of the Federal Power Commission. In

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accordance with section 202(a) of the Federal Power Act, DOE is responsible for encouraging actions to assure an abundant supply of electric energy throughout the country. Under section 311 of the Federal Power Act, DOE is authorized and directed to collect information regarding the generation, transmission and distribution of electric energy and to report the problems and developments of the electric utility industry to Congress. The information collected under the reporting requirements contained in § 141.58 of Title 18, Code of Federal Regulations (CFR) enabled the Federal Power Commission to fulfill a portion of the responsibilities under sections 202(a) and 311 of the Federal Power Act.

DOE proposes to amend the reporting requirements in 18 CFR 141.58 and to incorporate such rules into § 205.350 *et seq.* of title 10 of the CFR. The revisions are intended to clarify the reporting requirements and to include related reporting requirements formerly imposed by the Federal Power Commission.

II. Environmental Analysis

DOE is reviewing these proposed regulations pursuant to DOE's responsibilities under the National Environmental Policy Act of 1969, and expects to determine that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment. The final rules will not be issued until DOE has determined that no environmental impact statement is required.

III. Significance Review

DOE has determined that this is not a significant regulation and that it will not have a major impact within the meaning of the DOE procedures implementing Executive Order 12044 on "Improving Government Regulations (DOE Order 2030.1, 44 FR 1032, January 3, 1979). Therefore, a regulatory analysis is not required for this proposed regulation.

DOE further has determined that the proposed regulation will not substantially affect the goals of the National Energy Plan and are not of major concern to the public, the Congress, and the President. In addition, analysis shows the regulations would not result in any incremental costs in excess of $100 million per year. The impact of the proposed rules is expected to be minor because electric utilities report most of the proposed required information already under Title 18 of the CFR. Currently, ERA receives between ten and twenty incident reports each month. The proposed changes in the reporting requirements are expected to increase the average number of reports filed to between twenty and thirty each month.

IV. Proposed Rule

The proposed rule changes the existing rules as follows:

a. All references to "the Commission" have been changed to "ERA" in accordance with the DOE Organization Act and Delegation Order No. 0204–4 (42 FR 60728, November 29, 1977).

b. Reporting requirements under § 205.352 change the recipient of the reports from the appropriate Regional Office of the Commission to the DOE/ERA Electric Power Monitoring Center (EPMC).

c. Under § 205.352(d), more details and examples are provided to describe the phrase "of consequence on a regional or national basis or constituting an unusual hazard to the bulk electric power supply system." Other incidents that ERA considers to be "an unusual hazard to the bulk electric power supply" are reportable under §§ 205.352(f), (g) and (h).

d. Under § 205.352(f), ERA has included a reporting requirement for any widespread outage which affects over 50,000 customers for more than one hour. This event was added to inform ERA of any widespread outage affecting a significant number of consumers, regardless of the cause or the estimated amount of load loss.

e. Under § 205.352(g), ERA proposes to require that the extended forced outage of generating units 400 MW or larger and any ordered shutdown of generation be reported because the forced outage of such large units is considered by ERA to be a significant incident on the bulk power supply system. Such outages can have a hazardous impact on system reliability and security. Also, fuel requirements can be changed drastically.

f. Under § 205.352(h), ERA proposes to include fuel supply emergencies as reportable events. Such incidents were previously reported to the Federal Power Commission pursuant to Order 438A issued March 15, 1974. Reports of fuel supply emergencies have been incorporated into these regulations in an effort to reduce the number of regulations concerning emergency reporting.

g. Under § 205.352(i), ERA proposes to require that incidents in which bulk power system frequency declines to 59.7 hertz or lower for over 60 seconds be reported. ERA considers such an event to be hazardous to the bulk power system. An explicit statement of this requirement will further clarify incidents required to be reported.

h. Under § 205.354, references to the Federal Power Commission's Chief, Bureau of Power have been changed to ERA's director of the Division of Power Supply and Reliability.

i. Under the proposed § 205.355, electric utilities are requested to file voluntarily with ERA their load reduction contingency plans. A similar request was previously made by the Federal Power Commission in Order 445, issued January 11, 1972.

Pursuant to section 202(g) of the Federal Power Act, added by section 206 of the Public Utility Regulatory Policies Act of 1978, utilities under the jurisdiction of the Federal Energy Regulatory Commission (FERC) will be required to file with the FERC contingency plans concerning shortages of power and energy and to report anticipated power and energy shortages which may affect their ability to serve wholesale customers. An interim rule (Docket No. RM 79–52) was issued by the FERC on June 15, 1979 and amended on October 23, 1979. The reporting required herein is distinct from the section 202(g) requirement. Final ERA and FERC rules will be coordinated to minimize duplicate reporting.

V. Written Comment and Public Hearing Procedures

A. Written Comments

You are invited to participate in this proceeding by submitting information, opinions or arguments with respect to the proposals set forth in this Notice. Comments should be submitted by 4:30 p.m., E.S.T., April 30, 1980, to the address indicated in the "Address" section of this Notice and should be identified on the outside envelope and on documents submitted, with the designation "Electric Power System Outage/Incident/Disturbances Reporting Rule," Docket No. ERA–R–80–04. Five copies should be submitted. All comments received will be available for public inspection in the DOE Freedom of Information Office, GA–152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, and the ERA Office of Public Information, Room B–110, 2000 M Street, NW., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Any information or data submitted which is considered to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

B. Public Hearing

1. *Procedures for request to make oral presentation.* We do not plan to hold a public hearing unless requested to do so. The time and place for a public hearing would be published at a later date.

If you wish to request a public hearing, you should briefly describe your interest and, if appropriate, state why you are a proper representative of a group or class of persons having such interest. In addition, your request should include a daytime phone number where you may be contacted.

A request for a public hearing should be sent to the address shown in the "Address" section and must be received by April 21, 1980.

2. *Conduct of public hearing.* We reserve the right to schedule participants' presentations and to establish the procedures governing the conduct of a hearing. We may limit the length of each presentation, based on the number of persons requesting to be heard.

ERA will designate officials to preside at a hearing. This will not be a judicial-type hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement may be given the opportunity, if time permits and if he or she so desires, to make a rebuttal statement. Rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

If you wish to ask a question at the hearing, you may submit it in writing to the presiding officer at the hearing. The presiding officer will determine whether time limitations permit it to be presented for answer.

The presiding officer will announce any further procedural rules needed for the proper conduct of the hearing.

ERA will have a transcript made of the hearing, and ERA will retain the entire record of the hearing, including the transcript, and make it available for inspection at the DOE Freedom of Information Office, Room GA–152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., 20585 and the ERA Office of Public Information, Room B–110, 2000 M Street, NW., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. A copy of the transcript may be purchased from the reporter.

In consideration of the foregoing, the Department of Energy proposes to amend Part 205 of Chapter II, Title 10, Code of Federal Regulations to read as set forth below.

Issued in Washington, D.C., on March 19, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

Part 205, Chapter II of Title 10, Code of Federal Regulations is amended by establishing Subpart W.

Subpart W—Electric Power System Permits and Reports

Reports of Impending Major Electric Utility System Emergencies, Customer Load Reductions and/or Significant Service Interruptions in Bulk Electric Power Supply and Actions to Minimize their Impact

Sec.

205.350 General purpose.
205.351 Definitions.
205.352 Reporting requirements.
205.353 Information to be reported.
205.354 Special investigations and reports.
205.355 Contingency planning reports.

Authority: Department of Energy Organization Act, Pub. L. No. 95–91, 91 Stat. 565 (42 U.S.C. 7101). Federal Power Act, 41 Stat. 1063 (16 U.S.C. 791)

Subpart W—Electric Power System Permits and Reports

Report of Impending Major Electric Utility System Emergencies, Customer Load Reductions, and/or Significant Service Interruptions in the Electric Power Supply, and Actions To Minimize Their Impact

§ 205.350 General purpose.

The purpose of this rule is to establish a procedure for the Economic Regulatory Administration (ERA) to collect current information regarding generation, transmission, and distribution of electric energy.

§ 205.351 Definitions.

For the purpose of this rule:

(a) The phrase "impending major electric utility system emergency" refers to the situation where a utility or other subject entity expects to be unable to provide a reliable supply of electricity to a large portion (10 percent or greater) of its customers. This may be due to a variety of reasons such as fuel supply deficiency, ordered shutdown of nuclear units, or damaged generation or transmission facilities.

(b) The phrase "customer load reduction" refers to the temporary action to reduce either the capacity or energy loads of utilities' customers. Long-term load conservation actions and the routine use of load control equipment are not considered to be a reportable customer load reduction.

(c) A "significant electric power supply interruption" is any loss of service to over 50,000 customers or the loss of over 100 megawatts of load.

(d) "Forced outage" is the state in which a facility is not capable of operation but is not in the planned outage state.

§ 205.352 Reporting requirements.

For the purpose of this rule, a report or a part of a report may be made jointly by two or more entities. Every electric utility or other subject entity engaged in the generation, transmission or distribution of electric energy shall report promptly to the DOE/ERA Electric Power Monitoring Center (EPMC) any events as described in paragraphs (a) through (i) of this section.

(a) Any decision to issue a request to any customer or a general public request for reduction in use of electricity. (ERA shall be notified within one hour after issuance of any such request if practicable, or as soon thereafter as practicable.)

(b) Any action to reduce firm customer loads by reduction of voltage for reasons of maintaining adequacy of the reporting entity's bulk electric power supply system. (ERA shall be notified within one hour after such action is taken if practicable, or as soon thereafter as practicable.)

(c) Any action to reduce firm customer load by manual switching, automatic devices, or any other means for reasons of maintaining adequacy of the reporting entity's bulk electric power supply system. (ERA shall be notified within one hour after such action is taken if practicable, or as soon thereafter as practicable.)

(d) An electric power supply facility failure, that constitutes an unusual hazard to the reporting entity's bulk electric power supply system. (ERA shall be notified within one hour of the occurrence of the event if practicable.) Examples of failures which constitute an unusual hazard to the bulk electric power system are ones which:

(1) Cause the operating area to be dependent upon significant quantities of unscheduled quantities of unscheduled imported electricity to supply area loads for greater than one hour;

(2) Cause the bulk power system to be unable to withstand a single contingency without loss of service to customers or to be unable to satisfy the applicable reliability council operating criteria;

(3) Cause a significant increased use of natural gas or distillate oil; or

(4) Are caused by a suspected act of vandalism or sabotage.

(e) Any loss in service for 15 minutes or more by the electric power supply system of an aggregate of loads totaling 100 MW or more. See § 205.353 below for a description of information to be

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reported. (ERA shall be notified as soon as practicable without unduly interfering with service restoration and, in any event, within three hours after the beginning of the interruption.)

In determining the aggregate of loads which are interrupted, any load which is interrupted in accordance with the provisions of a contract permitting interruption in service shall not be included. The amount of load interrupted should be an estimate of the normal demand for those customers without service.

(f) Any widespread outage on either the bulk or distribution electric systems which affects over 50,000 customers or one half of the reporting entity's customers for more than one hour. Generally, widespread outages as a result of ice storms, hurricanes, or flooding are reportable under this provision. (ERA shall be notified within three hours of the occurrence if practicable, or as soon thereafter as practicable.)

(g) The forced outage of generating units with over 400 MW capacity for more than three days or any State, Federal or local regulatory agency ordered shutdown of any generating unit. (ERA shall be notified by the next working day after this outage.)

(h) Whenever a utility or other subject entity determines that a fuel supply emergency exists. A fuel supply emergency exists when supplies of fuels for generation are at a level which threatens projected operations or the reliability of electric service. The following factors shall be taken into account to determine whether a fuel emergency exists: (1) Fuel stock levels are 50 percent or less of normal for the particular time of the year; (2) a continued downward trend in fuel stocks is projected. Filed reports should indicate fuel stock levels considered to be a desirable minimum supply. (ERA shall be notified within three days after the determination of a fuel emergency.)

(i) In the event power system frequency declines to 59.7 hertz or lower for over 60 seconds and returns to normal operation. (ERA shall be notified within three hours after the occurrence of the event if practicable, or as soon thereafter as practicable.) The above events are to be reported to the DOE Electric Power Monitoring Center, in accordance with the current pamphlet on Reporting Procedures. This pamphlet is periodically updated and distributed to all electric utilities and other subject entities within the United States.

§ 205.353 Information to be reported.

The information supplied in the initial report should include the approximate territory affected, the time of occurrence, the duration or an estimate of the likely duration if service is still interrupted, an estimate of the number of customers and amount of load involved, and whether any known critical services such as hospitals, pumping stations, or air traffic control systems, were interrupted. To the extent known or suspected, the report is to include a description of the initial incident resulting in the disturbance. If islanding occurs, information regarding the geographical area, load, and population affected should be reported. The ERA may require further clarification during or after the period of interruption and restoration of service. Such clarifications are to be made by telephone or letter, as required.

§ 205.354 Special investigation and reports.

(a) If so directed by ERA's Director of the Division of Power Supply and Reliability, a utility or other subject entity experiencing a condition described in § 205.352 above shall submit a full report of the circumstances surrounding such occurrence and the conclusions the entity has drawn therefrom. The report shall be filed at such time subsequent to the submittal of the initial report by telephone or telegraph as may be directed by the Division of Power Supply and Reliability.

(b) The report shall be prepared in such detail as may be appropriate to the severity and complexity of the incident experienced and should include an account understandable to the general public in addition to the following technical and other information:

(1) The cause or causes of the incident clearly described, including the manner in which it was initiated.

(2) A description of any operating conditions of an unusual nature preceding the initiation of the incident.

(3) If the incident was an interruption and geographically widespread, an enumeration of the sequence of events contributing to its spread.

(4) An account of the measures taken which prevented further spreading in the loss of service, e.g., manual or automatic load shedding, unit isolation, or system sectionalization. These actions and all chronicled events should be keyed to a record of the coincident power frequencies which occurred.

(5) A description of the measures taken to restore service with particular evaluation of the availability of start-up power and the ease or difficulty of restoration.

(6) A statement of the capacity of the transmission lines into the area of load interruption, the generating capacity in operation in the area at the beginning of the disturbance, the actual loading on the generating units and, where available, the loading on the lines at that time. When actual loadings are not available, estimate the loadings at the time to the extent possible.

(7) A summary description of any equipment damage and the status of its repair.

(8) A description of the impact of any load reduction or interruption on people and industries in the affected area, including copies of articles in the printed news media which describe the impact.

(9) Information on the steps taken, being taken, or planned to prevent recurrence of conditions of a similar nature, to ease problems in service restoration, and to minimize impacts on the public and the customers in the event that a similar event occurs in the future.

(10) Additional follow-up information as requested by the Division of Power Supply and Reliability that would relate to the unique location and conditions at the time of the disturbance.

§ 205.355 Contingency planning reports.

When incidents and emergency situations occur, utilities or other subject entities may be required to continue to operate with power supply interruptions or shortages. The ERA encourages each electric utility or other subject entity to maintain contingency plans for operating in an emergency situation, for possible load reductions or curtailments, and for coordinating all such procedures with the procedures of other entities. Such plans should be in accordance with procedures or agreements reviewed or approved by appropriate State or local governmental authority. Because the contingency plans affect consumers and other utilities, and may require local, State or Federal government response, utilities and other subject entities should make their contingency plans available for review by the general public. Also, each electric utility system or other subject entity which participates in the work of a regional reliability council is requested to furnish, on a voluntary basis, such contingency plans or procedures to the ERA.

[FR Doc. 80-9291 Filed 3-26-80; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Docket No. 20164; Petition Notice No. PR 80-6]

Petitions for Rule Making of Owen Aviation and Liberal Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Publication of petition for rule making; request for comments.

SUMMARY: By letter dated September 6, 1979, Owen Aviation Company petitioned the Federal Aviation Administration (FAA) to amend § 135.181 of the Federal Aviation Regulations (FAR) to allow the operation of single-engine aircraft in Instrument Flight Rule conditions. On October 16, 1979, Liberal Aircraft, Inc., petitioned for a similar amendment to § 135.181.

DATES: Comments must be received on or before May 27, 1980.

ADDRESS: Send comments on the petition in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 20164, 800 Independence Avenue S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond E. Ramakis, Chief, Regulatory Projects Branch (AVS-24), Federal Aviation Administration, 800 Independence Avenue S.W., Washington, D.C. 20591; telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to submit such written data, views, or arguments on the petition for rule making as they desire. Communications should identify the regulatory docket number or petition notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue S.W., Washington, D.C. 20591. All communications received on or before May 27, 1980, will be considered by the Administrator before taking action on the petitions. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel will be filed in the docket.

Background Information

On September 6, 1979, and October 16, 1979, Owen Aviation and Liberal Aircraft, respectively, submitted petitions for rule making, in accordance with Part 11 of the FAR, to amend § 135.181. These petitions are published in their entirety as part of this notice.

Section 135.181 sets forth performance requirements for aircraft over-the-top operations or in IFR conditions.

The petitioners contend that this regulation is too restrictive as it pertains to single-engine aircraft.

Although this notice sets forth the contents of the petitions as received by the FAA without changes, it should be understood that publication to receive public comment is in accordance with FAA procedures governing the processing of petitions for rule making. It does not propose a regulatory rule for adoption, represent an FAA position, or otherwise commit the agency on the merits of the petition. The FAA intends to proceed to consider the petition under the applicable procedures of Part 11 and to reach a conclusion on the merits of the proposals after it has had an opportunity to carefully evaluate it in light of the comments received and other relevant matters presented. If the FAA concludes that it should initiate public rulemaking procedures on the petition, appropriate rulemaking action, including an evaluation of the proposal, will be published.

The Petition

Accordingly, the Federal Aviation Administration publishes verbatim for public comment the following petitions for rule making of Owen Aviation and Liberal Aircraft.

Issued in Washington, D.C., on March 19, 1980.

Edward P. Faberman,
Acting Assistant Chief Counsel, Regulations and Enforcement Division.

September 6, 1979.

Mr. William J. Sullivan,
Chief, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Ave., S.W., Washington, D.C.

Dear Mr. Sullivan: This is a petition which offers a rewrite of certain paragraphs in FAR Part 135 to more clearly state the limitations on the use of single engine aircraft. The regulation paragraph 135.181 is ambiguous and is not uniformly administered as to authorization for use of single engine aircraft in limited IFR conditions.

The use of single engine aircraft in air taxi operations is essential to provide passenger service from small remote airports to major airports for scheduled air carrier interchange. The single engine operator should be permitted to conduct limited IFR operations based upon reasonable safe minimums.

Safe single engine aircraft minimums as proposed in the attached material provide for a visual landing with 2 miles visibility outside of the clouds and 800 feet ceiling for adequate maneuver time to select an emergency landing field. This 800 and 2 is consistent with paragraph 135.205, VFR visibility. I do not propose nor recommend single engine aircraft IFR operations between sunset and sunrise. Single engine aircraft engines and their avionics provide adequate reliability and performance to compete favorably with multiengine aircraft for daylight IFR operations.

In order to more clearly define operating limitations I have proposed separating single engine and multiengine aircraft into two separate paragraphs. This is highly desirable to prevent misunderstandings by FSDOs, GADOs and air carrier operators. There is no need for me to reiterate the conflict in safety between existing paragraphs 135.181(a)(1) and 135.181(b)(2).

I have discussed my proposed changes to Part 135 with other operators and have found support for my proposals. A few did not agree with my night IFR restriction. We all have the same requirement to be able to takeoff visual, fly IFR enroute and letdown through clouds, fog, haze or precipitation to a visual landing. It is far safer to fly limited IFR enroute than to fly VFR enroute within 1200 AGL in a 2 mile visibility as currently authorized by 135.205.

I hope that this letter is adequate justification to initiate an NPRM immediately to change existing rules so that we single engine aircraft operators can continue to provide reliable safe passenger service. If this letter does not meet necessary petition requirements, please inform me as to what actions on my part are necessary.

Sincerely,

Jack O. Crooke,
President.

Jack O. Crooke, President, Owen Aviation Company, Inc., September 6, 1979

Recommended Change to FAR Part 135

Paragraph 135.180. Performance requirements: single engine aircraft operated over-the-top or in IFR conditions.

(a) Except as provided in paragraph (b) and (c) of this section, no person may operate a single engine aircraft carrying passengers from sunset to sunrise over-the-top or in IFR conditions.

(b) Without regard to paragraph (a) of this section a person may operate a single engine aircraft carrying passengers over-the-top in conditions allowing descent under VFR if the engine fails.

(c) Without regard to paragraph (a) of this section—

(1) If the latest weather reports or forecasts, or any combination of them, indicates that the weather along the route from takeoff to landing allows flight under VFR below the ceiling (if a ceiling exists) until one hour after ETA at destination, a person may—

(i) Takeoff from the departure airport between sunrise and sunset whenever the weather condition is not less than 800 AGL ceiling or 2 mile visibility;

(ii) Operate enroute in IFR condition between sunrise and sunset along a route from takeoff to landing allows flight under VFR below the ceiling (if a ceiling exists) if the aircraft engine fails;

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(iii) Approach for landing between sunrise and sunset in IFR conditions whenever the weather condition is not less than 800 AGL ceiling or 2 miles visibility or the authorized standard approach minimum whichever is higher.

(d) Without regard to paragraph (a) of this section, if unforecast IFR conditions are encountered enroute on a flight planned to be conducted under VFR, a person may—

(i) Operate an aircraft enroute in IFR conditions if unforecast weather conditions are encountered enroute on a flight planned to be conducted under VFR; and

(ii) Make an IFR approach at destination airport if unforecast weather conditions are encountered at the airport that do not allow an approach to be completed under VFR.

Paragraph 135.181. Performance requirements: multiengine aircraft operated over-the-top or in IFR conditions.

(a) Except as provided in paragraphs (b) and (c) of this section, no person may operate a multiengine aircraft carrying passengers over-the-top or in IFR conditions at a weight that will not allow the aircraft to climb, with the critical engine inoperative, at least 50 feet per minute when operating at the MEAs of the route to be flown or 5,000 feet MSL, whichever is higher.

(b) same, no change

(c) Without regard to paragraph (a) of this section, a person may operate a multiengine aircraft over-the-top under conditions allowing descent or continuance of the flight under VFR if the critical engine fails.

Paragraph amended 135.211 VFR: over-the-top carrying passengers; operating limitations

Subject to any additional limitations in paragraph 135.180 and paragraph 135.181, no person may operate an aircraft under VFR over-the-top carrying passengers unless * * * (remainder of 135.211 no change)

Liberal Aircraft, Inc., Municipal Airport, P.O. Box 943, Liberal, Kansas 67901, October 16, 1979

To: Federal Administration, Washington, D.C. 20591

Gentlemen: Suppose you were one of our customers (or one of our pilots for that matter) and you wanted to charter one of our single engine airplanes for a trip to Podunksville, U.S.A. Would you rather fly at 600 feet above the ground (or 1,500 feet at night) and only be able to see two miles ahead and have to dodge towns and obstructions; *or* would you rather be above all obstructions and possible above the clouds in the clear? In the latter situation you would probably have someone keeping track of you on radar, also.

According to the new 135.103 and 181 you are restricting us unnecessarily to the first situation. I didn't notice these subtle changes when the NPRM came out and I'll bet a lot of others didn't either.

I suggest that FAR 135.03 be revised to allow us without a co-pilot or auto-pilot to:

1. Fly on an IFR flight plan for the whole route.
2. Take off and climb out in IFR conditions.
3. Fly enroute in IFR conditions for short flights.
4. Make an instrument approach at the destination in IFR conditions.

I suggest also that FAR 135.181 be revised to allow us to:

1. Take off and climb out in IFR conditions.
2. Fly enroute IFR (subject 103) if the buffer zone exists beneath us.
3. Make an approach in IFR conditions.

The only reason for not flying IFR or on top in these types of conditions for any distance is to be legal, because it sure isn't safer.

You could accomplish the above proposals by returning FAR 135.103 to read as the old FAR 135.75 and FAR 135.181 to read as the old FAR 135.145 except that the old FAR 135.145 b.2.ii, iii and iv should be revised to allow flight in IFR conditions enroute and delete the on top requirement before making the approach. This latter subject only to the second in command requirements.

In addition, FAR 135.105 should allow a two axis auto-pilot with heading hold as sufficient for a single engine aircraft.

Sincerely,

Larry Quattrone,

Chief Pilot.

[FR Doc. 80-8967 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-SO-2]

Designation of Reporting Point

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate Greenville, Miss., VORTAC as a low altitude reporting point. This action would require pilots on instrument flight plans, when overflying this navigation aid, to report this position without being asked to do so by air traffic control (ATC).

DATES: Comments must be received on or before April 28, 1980.

ADDRESSES: Send comments on the proposal in triplicate to:

Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 80-SO-2, P.O. Box 20636, Atlanta, Ga. 30320.

The official docket may be examined at the following location:

FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Charles R. Horne, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 28, 1980 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

This notice proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate Greenville, Miss., VORTAC as a reporting point for low altitude air traffic. A reporting point is required at Greenville, Miss., to augment nonradar approach control procedures by requiring pilots to report the VORTAC without being asked to do so by Greenville ATC. Also, this reporting point will facilitate Memphis ARTC Center procedures in this area of limited radar coverage.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.203 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 645) as follows:

"Greenville, Miss." is added.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on March 19, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-8968 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 80-EA-11]

Proposed Designation of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate an airway (V-373) from Gordonsville, Va., to SABBI Intersection, which is east of Brooke, Va. This action would designate as an airway a route that is presently used as an arrival vector route to the Washington area thereby reducing the coordination and communication time required for its use.

DATES: Comments must be received on or before April 28, 1980.

ADDRESSES: Send comments on the proposal in triplicate to:

Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 80-EA-11, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430

The official docket may be examined at the following location:

FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Charles R. Horne, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 28, 1980 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C., 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would add a new airway numbered V-373. This airway would replace the present arrival vector route from Gordonsville via the INT of Gordonsville 065° radial to the INT of Richmond 009° and Brooke, Va., 075° radials. By designating this route as an airway it may be referred to by airway number rather than a lengthy description of intersections. This reduction in route definition would reduce the flight planning and communication time for both the pilot and the air traffic controller. Section 71.123 of Part 71 was republished in the **Federal Register** on January 2, 1980, (45 FR 307).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 307) as follows:

Under Section 71.123,

"V-373 From Gordonsville, Va., via the Gordonsville 065° radial to the intersection of Richmond, Va., 009° and Brooke, VA., 075° radials." is added.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on March 19, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-8969 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-SO-4]

Proposed Alteration of Transition Area, Henderson, Kentucky

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: A review of the proposed Standard Instrument Approach Procedure, NDB RWY 8, revealed a need for additional controlled airspace for the final approach course. It is, therefore, necessary to alter the transition area by adding an extension to reflect this need.

DATES: Comments must be received on or before: May 15, 1980.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

John W. Schassar, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

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SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before May 15, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Henderson, Kentucky, transition area. The proposed NDB RWY 8 Standard Instrument Approach Procedure at the Henderson City County Airport allows aircraft to descend from 1,500 feet AGL at 11 miles from the airport. It is necessary to designate a transition area extension in order to provide the required airspace protection for aircraft executing the approach procedure. If the proposed alteration is acceptable, a nonfederal nondirectional beacon will be established to serve the Henderson City County Airport.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (45 FR 445), of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

Henderson, Ky.

"• • • within three miles each side of the 267° bearing from the Geneva RBN (latitude 37°48'13"N., longitude 87°46'14"W.) from the 5.5-mile radius area to 8.5 miles west of the RBN • • •

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is as minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in East Point, Ga., on March 14, 1980.

Louis J. Cardinali,

Director, Southern Region.

[FR Doc. 80-9166 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 323

[PDR-70; Docket No. 37905; Dated: March 20, 1980]

Schedule Listings and Delays in Discontinuing Service

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB is proposing, on its own initiative, two amendments to its regulations that require carriers to provide notice before discontinuing certain types of air service. First, carriers would have to maintain all generally-distributed schedule listings of flights for which notice had been filed, until discontinuance is permitted by the Board. Second, carriers would have to discontinue service within 60 days after the intended date stated in the notice (unless required to serve longer by the Board) or else file a new notice of discontinuance.

DATES: Comments by: May 27, 1980.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by:

The Docket Section prepares the Service List and sends it to the persons listed on it, who then serve their comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 37905, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 as soon as they are received.

FOR FURTHER INFORMATION:

Mark Frisbie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673–5442.

SUPPLEMENTARY INFORMATION:

Air carriers are required by sections 401(j) and 419 of the Federal Aviation Act and by Part 323 of the Board's regulations to provide advance notice before they discontinue certain service in a market. If the discontinuance threatens to reduce service below what is considered to be the essential level, the Board may require the carrier to continue service until a replacement is found.

In this proceeding, the Board is making two proposals related to those requirements. The first is to require carriers to continue to list schedules for flights that they intend to discontinue, until the Board has decided not to require them to maintain service. The second is to require a carrier that does not implement a discontinuance within 60 days of the date stated in its notice, or 60 days after the Board permits it to discontinue service, whichever is later, to file a fresh notice before any later discontinuance.

These proposals are intended to solve problems that have already arisen and may arise again in administering the advance notice requirements. A requirement that a carrier continue to list flights until the Board has acted on a notice to discontinue service would insure the public of schedule information in the event that the Board required the carrier to maintain service beyond the intended termination date. Listings would have to be continued in the generally-distributed schedule publication that listed the flight before the notice was filed. The Official Airline Guide (OAG) and the carrier's own timetables are examples of such publications. In a recent case, a carrier filed a notice to discontinue service in a market, and withdrew its OAG filing as of the intended termination date. When the Board required the carrier to maintain service past the intended termination date, the flights were not listed in the OAG. While carriers are not required to publish their schedules in any prescribed manner, the great reliance placed by the public on schedule publications makes it reasonable to require carriers to maintain their schedule listings, as well as actual service, until the service may legally be discontinued. Listings may contain a note of the intended termination date with a caveat that it is subject to governmental approval. If a flight was not listed before the notice was filed, the proposed listing requirement would not apply.

We would also require a carrier that does not discontinue service within a reasonable time after its stated termination date, unless the Board requires extended service, to file a fresh notice. The carrier would then have to continue service for the new notice period while the Board, if necessary, reevaluated the effect of the discontinuance on essential service. This provision would serve two purposes. First, it would enable the Board and other carriers to keep abreast of "real" levels of service in a market in determining notice requirements and essential service needs. Under Part 323, air transportation that has been the subject of a notice cannot be considered in operation for the purposes of ascertaining other carriers'; notice requirements during the pendency of the notice period. This protection should not extend indefinitely. If a carrier continues to serve a market long past its stated termination date, other carriers should not be inhibited from leaving merely because the first carrier filed an early notice. After a time the notice, and decisions based on it, become stale, and a new notice should be filed.

The second purpose of the proposal is to protect the public's ability to rely on notices in planning for changes in service. After a period of time, the public will tend to rely on service that is continued in spite of a notice of discontinuance, and a sudden cessation of that service could be unduly disruptive. A new notice would keep the public up to date on the service intentions of carriers in their community. We have tentatively decided that 60 days after the stated date of termination is a reasonable interval for carriers to carry out their plans. Longer delays would require the filing of a new notice. Carriers would be subject to the same procedures under the new notice as they would have if the first notice had not been filed.

We base our actions here on our general rulemaking authority in section 204(a), as we use it to carry out the purposes of sections 401(j) and 419. The Supreme Court, in *Mourning* v. *Family Publications Service*, 411 U.S. 356, 369 (1973), has said:

> Where the empowering provision of a statute states simply that the agency may "make • • • such rules and regulations as may be necessary to carry out the provisions of this Act," we have held that the validity of a regulation promulgated thereunder will be sustained so long as it is "reasonably related to the purposes of the enabling legislation." [footnotes and citations omitted].

Section 204(a) of the Federal Aviation Act is such a provision. Clearly, public notice is an important component of providing air transportation services. We do not prescribe the form publicity must take, or even that it must be provided at all, but when it has been provided all along by a carrier, it is reasonable to require it to continue if the Board forces continuation of the air service itself. Otherwise the Board's legitimate objective of assuring essential service could be frustrated. Similarly, requiring carriers to perform their stated intentions within 60 days is reasonable, since the informational value of notices could be impaired by delay in implementation. We therefore consider the proposed rule necessary to carry out the provisions of the Act.

In addition, we view the actions sought to be prevented by this rulemaking as potential unfair or deceptive practices under section 411 of the Act, and we base our actions on that section as well.

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 323, *Terminations, suspensions, and reductions of service*, as follows:

1. The table of contents would be amended by adding two new sections, to read:

Sec.

* * * * *

323.16 Listings in schedule publications.
323.17 Delays in discontinuing service.

2. Two new sections would be added to read:

§ 323.16 Listings in schedule publications.

Each carrier filing a notice under this part shall continue to list the affected flights in all generally-distributed schedule publications in which the flight was listed before the notice. The listings shall continue until the Board permits the flights to be discontinued. The listings may include a notice stating that the flights are "to be discontinued as of [*date*] subject to government approval."

§ 323.17 Delays in discontinuing service.

If air transportation that is the subject of a notice under this part is not discontinued within 60 days of the intended date stated in the notice, a new notice must be filed before the service may be discontinued. However, if the Board requires the carrier to provide service beyond the stated date, the carrier need not file a new notice if it discontinues the service within 60 days after the Board permits it to do so.

(Secs. 204, 401, 411, 419, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 92 Stat. 1710, 72 Stat. 769, 92 Stat. 1732 (49 U.S.C. 1324, 1371, 1381, 1389))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9256 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance; Provision for Payment of Benefits to Young Husbands and Surviving Divorced Fathers

AGENCY: Social Security Administration, HEW.

ACTION: Notice of proposal to amend regulations.

SUMMARY: The Social Security Administration plans to publish proposed regulations which provide benefits to young husbands of entitled workers who have in their care a child entitled to benefits on the worker's earnings record. We also plan to publish proposed regulations which provide for benefits to surviving divorced husbands of entitled workers who have in their care their natural or adopted child entitled to benefits on the worker's earnings record.

On December 29, 1978, the District Court for the Eastern District of Pennsylvania held in *Cooper* v. *Califano* that sections 202(b)(1) and 202(c)(1) of the Social Security Act, taken together, unconstitutionally deny husband's benefits solely on the basis of gender. Section 202(b)(1)(B) provides benefits for a wife under 62 who has in her care a child entitled to child's benefits on the worker's earnings record; section 202(c) provides no comparable benefits for young husbands.

On January 26, 1979, the District Court for the Western District of Kentucky held in *Yates* v. *Califano* that the Act unconstitutionally denies benefits to a surviving divorced father. Section 202(g)(1)(F) of the Act provides benefits to a surviving divorced wife who has in

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her care her natural or adopted child entitled to child's benefits on the worker's earnings record; the Act provides no comparable benefits for surviving divorced fathers.

Regulations to implement these two decisions on a nationwide basis effective with the months of the respective court decisions are being proposed. The Department of Health, Education, and Welfare has classified the proposed regulations as policy significant.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Houseknecht, 1115 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland, 21235, telephone (301) 594–2858.

Dated: March 3, 1980.

William J. Driver,

Commissioner of Social Security.

[FR Doc. 80-9294 Filed 3-26-80; 8:45 am]

BILLING CODE 4110-07-M

POSTAL SERVICE

39 CFR Part 111

Poisons and Controlled Substances—Nonmailability—Revision of Regulations

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposal would amend regulations concerning the mailing of poisons, poisonous drugs and medicines, and controlled substances to reflect current administrative practices and eliminate ambiguity which might lead to mailings not permitted by statute.

DATE: Comments must be received on or before April 28, 1980.

ADDRESS: Written comments should be sent or delivered to the Assistant General Counsel, Consumer Protection Division, Law Department, Room 9014, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocopying between 9:00 AM and 4:00 PM, Monday through Friday, at the above location.

FOR FURTHER INFORMATION CONTACT: George C. Davis (202) 245–4385.

SUPPLEMENTARY INFORMATION: In recent years several States have established or have considered establishing programs to evaluate the efficacy of certain "controlled substances," as defined in the *Comprehensive Drug Abuse Prevention and Control Act of 1970*, 21 U.S.C. 801 (P.L. 91–513), in the treatment of disease.

Reflection has led us to conclude that our present regulation regarding the mailing of controlled substances may be phrased too broadly and may mislead the public as to the scope of permissible mailings of such substances under 18 U.S.C. 1716. Under 18 U.S.C. 1716(d) and (e), the Postal Service may permit mailings of dangerous medicinal substances limited to mailings between specified categories of senders and receivers, such as among manufacturers, dealers, and government officials. In addition, under 18 U.S.C. 1716(b), the Postal Service could permit the mailing, under such preparation and packing rules as it may prescribe, of poisonous or injurious articles which are not outwardly or of their own force dangerous or injurious to life, health, or property, without restriction as to sender or receiver. Nothing in section 1716 or other law seems to authorize the Postal Service to pick and choose who should be permitted to send or receive mailings of these substances, if we do not extend those privileges to everyone.[1] A general permission for mailers to send or receive these substances would not be in the public interest, in our opinion, as it might facilitate the abuse of controlled substances, frustrate the efforts of other agencies to control drug abuse, and encourage depredation of the mails. Accordingly, the proposal would modify present DMM section 124.5 to designate as authorized mailings of controlled substances only mailings between persons within the categories established by the statute.

In addition to the foregoing change, certain revisions are being proposed without intending substantive change. Foremost of these are the following:

1. Revised DMM section 124.51b would specifically incorporate the classification system for toxic substances developed by the Department of Transportation for its regulations concerning the interstate transportation of such substances (49 CFR 173.325 *et seq.*). This would codify current Postal Service practice.

2. The DMM provisions dealing with poisons and those dealing with controlled substances would be combined.

Thus, section 124.211d and 124.27 would be placed in sections 124.211a and 124.5, respectively. This treatment is consistent with the fact that 18 U.S.C. 1716 is intended to apply both to substances like strychnine or arsenic which are used as poisons and to controlled substances which can be injurious because they have mind-affecting, habit-forming or other harmful properties. (*Bruce* v. *United States*, 202 F. 98 (8th cir. 1912); see also H.R. Rep. No. 662, 66th Cong., 2d Sess. 1–2 (1920); S. Rep. No. 523, 66th Cong., 2d Sess. 1–3 (1920); 59 Cong. Rec. 5,212–5,213, 6,452–6,453, 7,230–7,231 (1920); (H.R. Rep. No. 1288, 70th Cong., 1st Sess. 1–2 (1928); S. Rep. No. 992, 90th Cong., 1st Sess. (1928)).

In addition, present DMM section 124.55, dealing with exempt shipments of small quantities of unknown matter suspected of containing controlled substances, is being renumbered 124.54 and retained with editorial revisions.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c) regarding proposed rulemaking by 39 U.S.C 410(a), the Postal Service invites public comments on the following proposed amendments of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register** at 39 CFR 111.1:

Part 124—Nonmailable Matter—Articles and Substances; Special Mailing Rules

1. In 124.2 delete .211d and redesignate .211e as .211d; delete and reserve .27; and amend .211a to read as follows:

124.2 Harmful Matter (18 U.S.C. 1716)

.21 General

.211 • • •

a. All kinds of poison including controlled substances (see 124.5)

2. Amend 124.5 to read as follows:

124.5 Poisons and Controlled Substances (18 U.S.C. 1716; 21 U.S.C. 801, et seq.)

.51 Definitions

.511 Poisons

a. For the purposes of these regulations, a poison or a material which may kill or injure within the intent and meaning of 18 U.S.C. 1716 is any highly toxic substance or a controlled substance.

b. All substances designated as Class A poisons for the purposes of 49 C.F.R. 173.325 *et seq.* are nonmailable. Substances designated as Class B poisons for the purposes of 49 C.F.R. 173.325 *et seq.* are mailable under the conditions specified in 124.531.

.512 Controlled Substances

A controlled substance is any narcotic, hallucinogenic, stimulant, or depressant drug in Schedules I through V of the *Comprehensive Drug Abuse Prevention and Controlled Act of 1970* (Public Law 91–513), 21 U.S.C. 801, *et seq.*, and the regulations thereunder, 21 C.F.R. 1300, *et seq.* Controlled substances are "poisons," "compositions containing poisons," "poisonous drugs and medicines," or materials which may kill or injure" within the intent and meaning of 18 U.S.C. 1716.

.52 Not Mailable

Except under the conditions specified in this section, poisons, and controlled substances, are nonmailable matter and must not be conveyed in the mails or delivered from any post office or station thereof nor by any letter carrier.

.53 Exceptions and Mailing Requirements

.531 Authorized Mailings: Poisons and Controlled Substances

a. Poisonous drugs and medicines, including those containing a controlled substance, are mailable only from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers, and veterinarians. .

b. Poisons, including controlled substances, which are intended for scientific use and which are not outwardly dangerous or of their own force dangerous or injurious to life, health or property, may be transmitted in the mails *only* between the manufacturers thereof, dealers therein, bona fide research or experimental scientific laboratories, and such other persons who are employees of the Federal, State, or local government, whose official duties are comprised, in whole or in part, of the use of such poisons, and who are designated by the head of the agency in which they are employed to receive or send such articles.

.532 Particular Requirements: Controlled Substances

a. Matter containing a controlled substance may be mailed in accordance with .531a and .531b only when prepared and packed in accordance with .532c, d, and e.

b. Nothing in this subsection may be deemed to authorize the shipment by mail of controlled substances in violation of the Controlled Substances Act and regulations thereunder. Use of the mails to violate the Controlled Substances Act is a crime. See 21 U.S.C. § 843(b).

c. The inner container of any parcel containing controlled substances must be marked and sealed in accordance with the applicable provisions of the Controlled Substances Act, 21 U.S.C. 801 *et seq.*, and the regulations promulgated thereunder, 21 C.F.R. 1300 *et seq.*

d. Every parcel containing controlled substances must be placed in a plain outer container or securely overwrapped in plain paper.

e. No markings of any kind which would indicate the nature of the contents may be placed on the outside wrapper or container of any parcel containing controlled substances.

.54 Exempt Mailings

Nothing in this section precludes the mailing of small quantities of unknown matter suspected of containing controlled substances to a Federal, State or local law enforcement agency for law enforcement purposes. However, such mailings must comply with 124.532d and e.

.55 Violations

Information concerning possible violations of this section must be reported to the Inspection Service.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401(2), 18 U.S.C. 1716)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 80-9346 Filed 3-26-80; 8:45]

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[1] *Bruce* v. *United States*, 202 F. 98 (8th Cir. 1912).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1448–4]

California Plan Revision: Imperial County Air Pollution Control District and Southeast Desert Air Basin Portion of the Riverside, Los Angeles, and San Bernardino County Air Pollution Control Districts

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to the Imperial County Air Pollution Control District's (APCD's) Regulation VI, "Emergency Regulations", and the Southeast Desert Air Basin portion of the Riverside, Los Angeles, and San Bernardino County APCDs' Regulation VII, "Emergencies," have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board (ARB) for the purpose of revising the California State Implementation Plan (SIP). The intended effect of these revisions is to provide an emergency episode contingency plan in accordance with 40 CFR 51.16, to prevent ambient air pollutant concentrations from reaching levels which could cause significant harm to public health and to abate such concentrations should they occur. The purpose of this rulemaking is to approve part of the SIP revisions, to take no action on part of the revisions, and to propose replacement regulations to correct deficiencies in the revised episode plans. EPA does not intend to hold a public hearing unless one is requested, and EPA invites written public comments concerning this proposed rulemaking.

DATES: Comments or requests for a public hearing may be submitted up to April 28, 1980.

ADDRESSES: Comments or requests for a public hearing may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Technical Branch, Regulatory Section (A–4–2), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

The EPA has established a rulemaking Docket 9A–79–7, which contains all the information on which the proposed rulemaking relies. Docket 9A–79–7, "Air Pollution Emergency Episode Plans," is available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the EPA Central Docket Section at the following address: EPA Central Docket Section, Waterside Mall, Room 2903 B, 401 "M" Street, S.W., Washington, DC 20460.

Copies of the proposed revisions and EPA's "Evaluation Report and Technical Support Document" for the appropriate agency's episode plan are also available for public inspection during normal business hours at the following locations:

South Coast Air Quality Management District, 9150 East Flair Drive, El Monte, CA 91731

Imperial County Air Pollution Control District, 940 W. Main Street, El Centro, CA 92227

California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95814

Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street, S.W., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Rodney L. Cummins, Chief, Technical Analysis Section, Air Technical Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, (415) 556–2002.

SUPPLEMENTARY INFORMATION:

Background

The ARB submitted Rules 601–614 on November 4, 1977 to EPA for the Imperial County APCD and Rules 701–715 on June 6, 1977 for the Southeast Desert Air Basin portion of the

Riverside, Los Angeles, and San Bernardino County APCDs. Revisions to Rule 701 for the Riverside County APCD and Rules 701, 702, 712, and 715 for the San Bernardino County APCD were submitted on November 4, 1977.

Under section 110(a) of the Clean Air Act and 40 CFR 51.16, SIPs are required to contain air pollution emergency episode contingency plans. The original SIP and subsequent revisions submitted by the State of California failed to meet the requirements specified in 40 CFR 51.16. As a result, the California Lung Association and others commenced a citizens' suit in March of 1975 against EPA and the ARB requesting the U.S. District Court for the Central District of California to order EPA to promulgate and enforce an emergency episode plan for the South Coast Air Basin (SCAB) of California (*California Lung Association et al.* v. *Train*, Civil No. 75–1044–WPG).

EPA lost the Court suit and a Joint Stipulation of Settlement was signed on December 5, 1977 by counsels for the Administrator and for the California Lung Association, which stated that EPA would review the emergency episode regulations of 42 APCDs in the State of California, approving or promulgating regulations as necessary.

In August 1979, counsels for the Administrator and for the California Lung Association signed a Stipulation for Modification of Joint Stipulation of Settlement and Order Modifying Findings of Fact and Conclusions of Law, which stated that EPA would have to review regulations for only 12 APCDs. This proposed rulemaking and its associated documents satisfy in part the Settlement between EPA and the California Lung Association. (For a more detailed description of the litigation, see 44 FR 30118.)

Description of Proposed Revisions

The episode regulations submitted to EPA establish procedures to be taken by industry, commerce, business, government and the public to prevent ambient pollutant concentrations from reaching levels which could cause significant harm to public health. For example, if it is determined that an episode stage specified in the regulations is predicted to be attained, is being attained, or has been attained; then that episode stage will be declared, the appropriate persons notified and abatement actions for that particular stage will be implemented. The abatement actions are designed to reduce the pollutant level to the next lower stage or level and to prevent pollutant concentrations from reaching levels which could cause significant harm to public health. To accomplish this, the abatement actions become more stringent as an episode is predicted to progress, or progresses from one stage to the next.

EPA's Proposed Actions

EPA evaluated each District's regulation by comparing it to 40 CFR 51.16, which sets forth the minimum requirements for an episode plan. In addition to this evaluation, EPA contracted with Engineering-Science, Inc., to complete a technical evaluation of the ambient data, emissions inventories and potential abatement strategies for each District. Both of these evaluations are presented in an "Evaluation Report and Technical Support Document," which is available for public inspection at the addresses above.

As a result of these evaluations, EPA determined that the episode regulations of the Imperial County APCD and Southeast Desert Air Basin portion of the Riverside, Los Angeles and San Bernardino County APCDs meet the requirements of 40 CFR 51.16, except for minor deficiencies. EPA is therefore proposing to approve the Districts' regulations and is proposing to promulgate replacement regulations to correct the deficiencies.

The rules that EPA is proposing to approve for inclusion into the California SIP are:

Imperial County APCD:

Rule 601, General
Rule 602, Episode Criteria Levels
Rule 603, Episode Stages
Rule 604, Divisions of Responsibility for Abatement Action
Rule 605, Administration of Emergency Program
Rule 606, Advisory of High Air Pollution Potential
Rule 607, Declaration of Episode
Rule 608, Episode Action Stage 1
Rule 609, Episode Action Stage 2
Rule 610, Episode Action Stage 3
Rule 611, Episode Termination
Rule 612, Stationary Source Curtailment
Rule 613, Episode Abatement Plan
Rule 614, Enforcement

Southeast Desert Air Basin portion of the Riverside, Los Angeles, and San Bernardino County APCDs:

Rule 701, General
Rule 702, Air Monitoring Stations
Rule 703, Air Monitoring Summaries
Rule 704, Episode Criteria
Rule 705, Episode Notification
Rule 706, Episode Declaration
Rule 707, Plans
Rule 708, Radio Communication System
Rule 709, First Stage Episode Action
Rule 710, Second Stage Episode Actions
Rule 711, Third Stage Episode Actions
Rule 712, Inter-District Coordination
Rule 713, Enforcement
Rule 714, Termination of Episodes
Rule 715, Scientific Advisory Committee (Advisory Council for the San Bernardino County APCD)

A discussion of the deficiencies and EPA's proposed replacement regulations is presented below.

Rule 602, Episode Criteria Levels, of the Imperial County APCD and Rule 704, Episode Criteria, of the Southeast Desert Air Basin portion of the Riverside, Los Angeles, and San Bernardino County APCDs do not contain criteria levels for particulate matter. To correct this deficiency, EPA is proposing to supplement Rule 602 and Rule 704 with 24-hour particulate matter episode criteria levels.

Rule 612, Stationary Source Curtailment, of the Imperial County APCD and Rule 707, Plans, of the Southeast Desert Air Basin portion of the Riverside, Los Angeles and San Bernardino County APCDs do not provide a time schedule for the Air Pollution Control Officers to initiate the call for the submittal of stationary source curtailment plans from major stationary sources, or a time schedule for the review of such plans. In addition, these rules do not specify adequate requirements for the contents of such plans. To correct these deficiencies, EPA is proposing regulations that call for the submittal and review of stationary source curtailment plans within a specified time frame.

EPA amended the requirements for emergency episode contingency plans on March 20, 1979 (44 FR 16911). Under these amendments, episode plans for nonurban areas are not required to contain any emission control actions other than major stationary sources curtailment. These amendments are intended to be used in those Priority I areas which are characterized by relatively few emission sources and by low population densities. Both of these characteristics apply to the Southeast Desert Air Basin. Therefore, EPA has determined that the episode plans for the Imperial County APCD and Southeast Desert Air Basin portion of the Riverside, Los Angeles and San Bernardino County APCDs are approvable with respect to the requirements for emission control actions, with the exception of actions involving stationary source curtailment.

EPA is taking no action on those portions of the regulations that refer to carbon monoxide and sulfur dioxide. The Southeast Desert Air Basin is classified as Priority III (40 CFR 52.221) for these pollutants and 40 CFR 51.16 requirements pertain only to areas designated Priority I or II.

Public Comments

Under section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions including rule deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Additionally, anyone wishing to request a public hearing may do so by writing EPA at the Region IX office. Comments received on or before 30 days after publication of this notice will be considered. Comments received will be available for public inspection in the EPA Region IX Office and the EPA Central Docket Section.

The Administrator's decision to approve, disapprove, or promulgate replacement regulations for the proposed revisions will be based on the comments received and on a determination of whether the amendments meet the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

(Sections 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a)))

Dated: March 17, 1980.

Paul De Falco, Jr.,

Regional Administrator.

Proposed Rulemaking

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(39)(ii)(E), (c)(39)(iii)(E), (c)(39)(iv)(E), (c)(42)(i)(C), (c)(42)(xiii)(C), and (c)(42)(xiv)(B) as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(39) * * *

(ii) * * *

(E) Rules 703, 704 (except those portions that pertain to the criteria levels for carbon monoxide and sulfur dioxide) 705, 706, 707, 708, 709, 710, 711, 713, and 714.

* * * * *

(iii) * * *

(E) Rules 701, 702, 703, 704 (except those portions that pertain to the criteria levels for carbon monoxide and sulfur dioxide) 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, and 715.

* * * * *

(iv) * * *

(E) Rules 702, 703, 704 (except those portions that pertain to the criteria levels for carbon monoxide and sulfur dioxide), 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, and 715.

* * * * *

(42) * * *

(i) * * *

(C) Rules 601, 602 (except those portions that pertain to the criteria levels for carbon monoxide and sulfur dioxide), 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, and 614.

* * * * *

(xiii) * * *

(C) Rules 701, 702, 712, and 715.

* * * * *

(xiv) * * *

(B) Rule 701.

* * * * *

2. Section 52.274 is amended by adding paragraphs (a)(10), (a)(11), (a)(12), (a)(13), (x), and (y) as follows:

§ 52.274 California air pollution emergency plan.

(a) * * *

(10) Los Angeles County Air Pollution Control District.

(11) Riverside County Air Pollution Control District.

(12) San Bernardino County Desert Air Pollution Control District.

(13) Imperial County Air Pollution Control District.

* * * * *

(x) The requirements of this chapter are met in the Los Angeles, San Bernardino, Riverside and Imperial County Air Pollution Control Districts with the following exceptions: (1) There is no time schedule to initiate the call for the submittal or the review of individual abatement plans from major stationary sources, as defined by section 169(1) of the Act; (2) the requirements for the content of the stationary source curtailment plans are not sufficiently specific to ensure that adequate plans are submitted; and (3) there are no episode criteria levels for particulate matter.

(y) *Regulation for prevention of air pollution emergency episodes—requirements for stationary source curtailment plans and particulate matter episodes.*

(1) The requirements of this paragraph are applicable in the Los Angeles County, Riverside County, San Bernardino County Desert and Imperial County Air Pollution Control Districts.

(2) For the purposes of this regulation, the following definitions apply:

(i) "Administrator" means the Administrator of the Environmental Protection Agency or an authorized representative.

(ii) "$\mu g/m^3$" means micrograms per cubic meter.

(iii) "Major national holiday" means a holiday such as Christmas or New Years Day.

(3) Stationary source curtailment plans shall be prepared by major stationary sources, as defined by section 169(1) of the Act:

(i) The plans required by this paragraph shall include the following information:

(A) The information requested in the California Air Resources Board's Criteria For Approval of Air Pollution Emergency Abatement Plans (Executive Order G–63).

(B) The total number of employees at the facility during each work shift on a normal weekday and on a major national holiday.

(C) The amount of energy (gas, fuel oil, and electricity) used on a normal weekday and on a major national holiday.

(D) For first-stage episodes:

(*1*) The measures to voluntarily curtail equipment emitting air pollutants.

(E) For second-stage episodes:

(*1*) The measures to curtail as much as possible, equipment operations that emit air pollutants specific to the type of episode and in the case of oxidant episodes, the equipment operations that emit hydrocarbons and nitrogen oxides.

(*2*) The measures to postpone operations which can be postponed until after the episode.

(F) For third-stage episodes:

(*1*) A list of equipment, with permit numbers if applicable, which can be shut down without jeopardizing the public health or safety, and an estimate of the resultant reductions in hydrocarbons, nitrogen oxides, and particulate matter emissions.

(*2*) A list of all equipment, with permit numbers if applicable, which must be operated to protect the public health or safety, and an estimate of the hydrocarbons, nitrogen oxides and particulate matter emissions from such equipment.

(4) A copy of the stationary source curtailment plan approved in accordance with the provisions of this paragraph shall be on file and readily available on the premises to any person authorized to enforce the provisions of this paragraph.

(5) The owner or operator of any governmental, business, commercial, or industrial activity or facility listed in subparagraph (3) of this paragraph shall submit a stationary source curtailment

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plan to the Administrator within 60 days after promulgation of final rulemaking.

(6) The plans submitted pursuant to the requirements of this paragraph shall be reviewed by the Administrator within 90 days.

(7) The owner or operator of any major stationary source required to submit a plan by this paragraph shall be notified by the Administrator or his authorized representative within 30 days after the plan has been evaluated as to whether the plan has been approved or disapproved. Any plan disapproved by the Administrator shall be modified to overcome the disapproval and resubmitted to the Administrator within 30 days of receipt of the notice of disapproval.

(8) All submittals or notifications required to be submitted to the Administrator by this regulation shall be sent to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Technical Branch, Technical Analysis Section (A–4–3), Environmental Protection Agency, 215 Fremont Street, San Francisco CA 94105.

(9) Any source that violates any requirement of this regulation shall be subject to enforcement action under section 113 of the Act.

(10) For the purposes of this regulation the following episode criteria shall apply to particulate matter episodes:

Pollutant	Averaging time (hours)	Stage 1	Stage 2	Stage 3
Particulate matter.	24	[1]375	[1]625	[1]875

[1] ug/m³.

[FR Doc. 80-9339 Filed 3-26-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1448-5]

Availability of Implementation Plan Revisions for Nonattainment Areas in the State of Indiana

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Notice of receipt and availability.

SUMMARY: This Notice announces the receipt of proposed revisions to the Indiana State Implementation Plan to meet Part D requirements of the Clean Air Act (Act). These revisions consist of a revised APC–15, Stationary Source Hydrocarbon Regulations, a Vigo County S02 Strategy (Appendix to APC–13), a redesignation request to change Vanderburgh County's ozone status to attainment/unclassifiable (APC–22), and a Marion County TSP strategy (Appendix to APC–23). These proposed revisions are available for public review at the offices listed below.

The State of Indiana submitted the above mentioned revised regulations to the USEPA on February 11, 1980.

The purpose of these revisions, as required by the Act, is to implement new measures for controlling air pollution and to demonstrate that these measures will provide for attainment of the primary National Ambient Air Quality Standards (NAAQS) as expeditiously as practicable, but no later than December 31, 1982. Under certain conditions extensions to not later than December 31, 1987, may be granted for attaining the primary standards for CO and 03. A notice of Proposed Rulemaking describing these revisions and the USEPA's rulemaking action will be published in the **Federal Register** at a later date.

DATES: See Supplementary Information.

ADDRESSES: The Indiana submittal may be examined during normal business hours at the following addresses:

Public Information Reference Unit, Library Systems Branch, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

U.S. Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Indiana Air Pollution Control Division, Indiana State Board of Health Building, 1330 West Michigan, Indianapolis, Indiana 46206

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

FOR FURTHER INFORMATION CONTACT: Robert Miller, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886–6031.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and on October 5, 1978 (43 FR 45994), USEPA designated areas in each State as nonattainment with respect to the criteria air pollutants pursuant to the requirements of the Clean Air Act. Part D of the Clean Air Act requires each State to revise its SIP to meet specific requirements in these nonattainment areas. These revisions to the SIP must demonstrate attainment of the primary NAAQS for TSP, S02, and NOx as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions, extensions may be granted for meeting the primary NAAQS for CO and 03.

On February 11, 1980, the Technical Secretary of the Indiana Air Pollution Control Board submitted to USEPA a proposed SIP revision for Indiana to address Part D requirements of the Clean Air Act. USEPA is currently reviewing the February 11, 1980, submittal. At the completion of this review, a notice will be published in the **Federal Register** proposing rulemaking action on the proposed revisions.

All interested persons are advised that the proposed revisions are available for review at the locations listed above. The proposed rulemaking notice referred to above will announce the last day for public comment.

This public comment period will extend for not less than 30 days from the date of publication in the **Federal Register** of USEPA's proposed rulemaking action.

Dated: March 17, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-9340 Filed 3-26-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[PP 9E2258/P127; FRL 1447-5]

Proposed Exemption From the Requirement of a Tolerance for the Pesticide Chemical Sulfur Dioxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes an exemption from the requirement of a tolerance for residues of sulfur dioxide on corn grain for feed only. The proposal was submitted by the United States Department of Agriculture.

DATE: Comments must be received on or before April 28, 1980.

ADDRESS: Send comments to: Mr. Henry Jacoby, Product Manager (PM), Office of Pesticide Programs, Registration Division (TS–767), Environmental Protection Agency, 401 M St., SW., Washington, DC, 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Henry Jacoby, (202–755–2562).

SUPPLEMENTARY INFORMATION: The United States Department of Agriculture, Agricultural Research, Science and Education Administration, North Central Region, Northern Regional Research Center, Peoria, IL 61604, has submitted a pesticide petition (PP 9E2258) to the EPA. This petition requests that the Administrator propose that 40 CFR 180.1013 be amended by establishing an exemption from the requirement of a tolerance for residues of the fumigant sulfur dioxide used for fungus control in ambient temperature drying of corn grain for feed use only.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed exemption from the requirement of a tolerance included several references to human-feeding studies. Sulfur dioxide as a fungicide is one of the most extensively used food additives and has been used on a wide variety of food products including fruits, vegetables, meat, fish, and alcoholic beverages with no adverse effects. The extensive human feeding of sulfated foods that occurred during World War II, which accelerated the use of sulfur dioxide in food products, failed to show any toxicological effects. A scientific status summary, by the Institute of Food Technologists, references the low toxicity of sulfur dioxide. Average solid sulfite consumption in the United States is approximately 2 milligrams (mg)/day while the acceptable daily intake (ADI) of sulfites as established by the United Nations Food & Agricultural Organization/World Health Organization is 0.70 mg of sulfur dioxide equivalent/kilogram (kg) of body weight (bw), which is equivalent to 50 mg/kg/day of sulfur dioxide for a 70-kg (155-pound) person. Sulfur dioxide is thus harmless when used in such doses, and toxic reactions in humans occur only when doses above the amount the body is capable of metabolizing (4 to 6 grams) are taken. The toxic dose is seldom reached since a dose of 3.5 mg/kg bw triggers the vomiting reaction in man. Sulfur dioxide is listed by the Food and Drug Administration as GRAS (generally recognized as safe) as a chemical preservative under 21 CFR 182.3862.

No data are lacking from the petition, nor are there any actions pending against continued registration of sulfur dioxide, nor are any other considerations involved in establishing the proposed exemption.

The pesticide is considered useful for the purpose for which an exemption from the requirement of a tolerance is sought, and it is concluded that the exemption from the requirement of a tolerance for residues of sulfur dioxide on corn for feed established by amending 40 CFR 180.1013 will protect the public health. It is proposed, therefore, that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request within 30 days after publication of this proposal in the **Federal Register** that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP 9E2258/P127". All written comments filed in response to this notice of proposed rulemaking will be available for public inspeciton in the office of PM 21, Room 305, east Tower, from 8:30 a.m. to 4 p.m. Monday through Friday.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procdures. EPA labels these other regulations "specialized". This proposed rule has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Therefore, it is proposed that Part 180, Subpart D, section 180.1013 be revised by designating the existing paragraph "Residues from the * * *" as paragraph (a) and by adding the new paragraph (b), as follows:

§ 180.1013 Sulfur dioxide from use in fumigants for stored grains; exemption from the requirement of a tolerance.

(a) * * *

(b) Residues of sulfur dioxide resulting from postharvest fungicidal use are exempted from the requirement of a tolerance in or on corn grain for feed use only.

(Sec. 408(e), 68 Stat. 514, 21 U.S.C. 346a(e))

Dated: March 20, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-9345 Filed 3-26-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 80, 81, 82, 83

[Docket No. FEMA-FIA-80]

Federal Crime Insurance Program

AGENCY: Office of Federal Insurance Administration, Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: These revisions to the Federal Crime Insurance Program Regulations propose to achieve the following principal purposes. The Nondiscrimination Clause is amended to specifically add sex, marital status, and age as grounds upon which discrimination under the Program is prohibited. Under the Residential Federal Crime Insurance Policy the insurer's liability for loss of property while unattended in or on any motor vehicle or trailer has been deleted and the insurer's liability for loss of jewelry, furs, fine arts, antiques, coin or stamp collections, and articles of gold, silver, or platinum is limited to an aggregate per occurrence of $500.00. Finally, the exclusion clause has been amended to make it more consistent with the insuring agreements and the procedure for determining the effective date of policies has been modified.

DATES: All comments received on or before May 27, 1980, will be considered before final action is taken on the proposed rule.

ADDRESSES: Persons wishing to comment should submit comments in duplicate to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472, Telephone Number (202) 566–1630.

FOR FURTHER INFORMATION CONTACT: Mr. James M. Rose, Jr., Federal Crime Insurance Program, (202) 755–6580), Room 5126, 451 Seventh Street, S.W., Washington, DC 20410.

Supplementary Information

These revisions, which are the results of experience gained in administering the Federal Crime Insurance Program and of suggestions received from interested parties, will make the Program more effective in serving the needs of those for whom it was intended and will benefit the government as well as insureds.

Because the current regulations fail to make any specific reference to sex, age, and marital status as grounds upon which discrimination under the Program is prohibited, this proposed rule change adds these factors to those grounds.

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FEMA has seen a need to eliminate its liability for loss of property while unattended in or on any motor vehicle or trailer and to reduce the limits of liability of the Federal government under the Residential Federal Crime Insurance Policy for the loss of jewelry and articles of gold, silver, or platinum, including flatware and hollowware, furs, fine arts, antiques, and coin or stamp collections in order to reduce the amount of subsidy required by the Program. The exclusions paragraph of the residential policy has been amended to make it more consistent with the insuring agreement.

To encourge prompt submission of policy applications and to provide a more consistent means of determining the inception date of policies, the regulations have been amended to utilize the date of the U.S. Post Office affixed postmark and to make coverage effective at noon of the following day. In addition, these regulations enable insureds who are successful in obtaining broader coverage in the private insurance market to cancel their Federal Crime Insurance Policy without incurring a reduction in the computation of their return premium.

Because the proposed rule, while reducing the government's liability for certain kinds of losses, confers benefits to insureds which would be to their immediate advantage, FEMA has determined that the effective date of this rule will be the date of publication of the final rule.

It has been determined that this proposed rule does not have a substantial impact upon the quality of the environment. A finding to that effect is included in the formal docket file and is available for public inspection and copying at the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Room 802, 1725 Eye Street, NW, Washington, D.C. 20472.

Accordingly 44 CFR Parts 80, 81, 82 and 83 are proposed to be amended as follows:

PART 80—DESCRIPTION OF PROGRAM AND OFFER TO STATE LICENSED PROPERTY INSURANCE AGENTS AND BROKERS ACTING ON BEHALF OF PURCHASERS OF FEDERAL CRIME INSURANCE

(1) Present Section 80.4 is amended to read as follows:

§80.4 Offer to pay commissions to State licensed property insurance agents and brokers for submitting applications on behalf of purchasers for Federal crime insurance.

(a) The insurer hereby offers to pay to an eligible State licensed property insurance agent or broker a commission in an amount equal to the specified percentage of the applicable policyholder preminum with respect to each Federal crime insurance policy procured for an eligible applicant in accordance with the provisions of this subchapter. The actual submission of a valid and complete application, together with the applicable premium, resulting in the issuance of a policy to an eligible insured, all on approved forms and in accordance with the provisions of this subchapter, shall be deemed an acceptance of this offer subject to avoidance from the inception of the policy in the event of fraud or misrepresentation and to cancellation by the insurer (for any of the reasons set forth in § 81.7 of this chapter) or by the insured, and provided the agent or broker promptly submits the application and transmits the gross amount of the policyholder premium then due to the insurer and complies with respect to such policy, with any additional procedural requirements the insurer may then have imposed. It shall be a further condition of this offer that the agent or broker must certify on the application that any duties set forth in the application have been fully carried out. The amount of the commission shall be prorated in the event of the cancellation of any validly issued policy, and the agent or broker shall repay to the insurer the amount of any unearned commission in excess of the minimum annual commission applicable to the then current term of the policy resulting from any such cancellation. Premiums must be paid by a check on money order made payable to the Federal Crime Insurance Program, and no agent or broker shall cause any applicant to make any Federal crime insurance premium payable to anyone other than the Federal Crime Insurance Program.

(b) Commissions earned by eligible agents and brokers under the authority of paragraph (a) of this section shall be paid to them in a lump sum by the insurer either monthly or on such other equitable basis as the insurer may approve.

(c) Subject to a minimum annual commission of $15 on each commercial policy and $5 on each residential policy, the specified commission percentages of the policy holder premium for both residential and commercial insurance coverages shall be the following: Initial policies, territory 01, 16 percent; 02, 15 percent; 03, 14 percent; and for all renewal business, the commission shall be 12 percent. The renewal commission rate shall apply to any property that has previously been insured under the Program unless the lapse of time since the termination of the previous policy is in excess of 1 year: Provided, that the commission for any such renewed policy shall be deemed payable only to the agent or broker, if any, who wrote the policy. A change of broker at other than an anniversary date must be accomplished by submission of a new application with applicable premium and cancellation of the previous policy.

(d) No service, placement, or other fee of whatsoever nature shall be charged by any agent, broker, or servicing company to any applicant or property owner under the Program as a condition of placement or for service on an existing policy; nor shall any applicant be compelled to purchase any other services or merchandise as a condition for having his application submitted. No fee may be collected, retained or shared by any agent or broker for the reporting or adjustment of any Federal crime insurance claim.

(e) For the purposes of this offer, an eligible agent or broker means an agent or broker who is at the time of making application for the policy and at the time of subsequent renewals, licensed and authorized to act as a property insurance agent or broker with respect to the State where the insured premises are located and who has not been suspended or debarred by the insurer. Such agent or broker is the agent or broker of the insured and is not an agent of the Federal government nor any Federal agency, except as otherwise expressly provided herein. An eligible applicant is one whose premises to be insured are located in a State then currently designated as eligible for the sale of Federal crime insurance in § 81.1 of this chapter.

(f) Insureds will be billed directly by the insurer for all installment and renewal payments and insureds should make payment by check or money order payable to the Federal Crime Insurance Program and mail such payment to the insurer and not to the agent or broker. But, nevertheless, in the event that an insured makes a timely installment payment of the current premium (after the initial payment submitted with the application) to any agent or broker, proof submitted by the insured, the agent or the broker of the timely receipt by the agent or broker may be deemed by the Administrator to be proof of timely payment to the insurer so that the insured will not be penalized because of an error or omission on the part of the agent or broker in forwarding the payment to the insurer.

(g) Neither this § 80.4 nor any acceptance of this offer shall be deemed to confer upon any agent or broker any authority to act for, represent, or bind the insurer or the United States except as otherwise expressly provided herein.

(h) Failure of any person to comply with any provision of these regulations may result in the immediate suspension or debarment of the violator from any further participation in the Program.

(2) Section 80.5 entitled *Duties of servicing companies* is amended in paragraph (b)(12) to read as follows:

§ 80.5 Duties of servicing companies.

(b) * * *

(12) Bill policyholders directly at least 30 days in advance of due dates, and send a copy of each premium or renewal notice to the agent or broker of record, if any;

§ 80.6 [Amended]

(3) Section 80.6 entitled *Names and addresses of servicing companies* is amended by the addition of the following sentence: In Puerto Rico and the Virgin Islands the toll-free number is (800) 638-6830.

PART 81—PURCHASE OF INSURANCE AND ADJUSTMENT OF CLAIMS

(4) Section 81.2 entitled *Eligibility requirements applicable to property owners* is amended in paragraph (a)(2) and (c) to read as follows:

§ 81.2 Eligibility requirements applicable to property owners.

(a) * * *

(2) Pay the annual premium or six-month premium installment at the time of application. Coverage will commence in accordance with §§ 83.5 and 83.25a.

* * * * * *

(c) Any false statement in the application or in connection with any claim submitted under the Program may, without limitation of any applicable statute, void the policy and result in the denial of such claim in its entirety.

(5) Section 81.7 entitled *Cancellations, modifications and renewals of coverage* is amended with respect to the first sentence of paragraph (b) and with respect to paragraph (c) which shall read as follows:

§ 81.7 Cancellations, modifications and renewals of coverage.

(b) A renewal notice will be sent by the servicing company to the insured at least 30 days prior to the expiration date of each policy.* * *

* * * * * *

(c) Changes in coverage or limits of coverage may be made at any time upon submission of a new application with the applicable semi-annual premium. If the ownership of an insured premises is changed, the new owner must submit a new application with the applicable semi-annual premium. Policy coverage ceases at the time of ownership change and a policy may not be transferred or assigned to a new owner or tenant except by submission of a new application. Policy coverage ceases at the time of any change in the ownership of or insurable interest in the premises specified in the application. Upon receipt of information indicating that such a change in ownership or insurable interest has occurred, the insurer shall issue a notice of cancellation effective the date of such change. Return of premium on a cancelled policy shall be on a prorata basis when such cancellation is made for the purpose of changing address or coverage or limits of coverage or for purchasing crime insurance coverage in the private insurance market. Short-rate cancellation procedures shall be applicable to any other cancellation during the term of any policy.

(6) Section 81.10 is amended to read as follows:

§ 81.10 Nondiscrimination.

The Federal Crime Insurance Program and all policies issued or serviced thereunder are subject to applicable Federal regulations and requirements issued from time to time pursuant thereto. No persons shall be excluded from participation in, denied the benefits of, or subjected to discrimination under the Program, on the grounds of race, color, sex, marital status, age or national origin. Any complaint or information concerning the existence of any such unlawful discrimination in any matter within the purview of this subchapter should be referred to the Administrator.

PART 82—PROTECTIVE DEVICE REQUIREMENTS

Subpart C—Nonresidential Properties

(7) Section 82.31 entitled *Minimum Standards for industrial and commercial properties* is amended in paragraph (f) to read as follows:

§ 82.31 Minimum standards for industrial and commercial properties.

* * * * * *

(f) the following types of establishments whose inventories pose a particularly serious risk shall, as a minimum, in addition to the requirements of paragraphs (a), (b) and (d) of this section, be protected by the type of alarm system indicated. If the system specified in (f)(1) of this section is not available in the community in which the premises are located, the type of system specified in paragraph (f)(2) of this section shall be permitted.

(1) Central station and supervised service, alarm systems shall be required for the following:

(i) Jewelry—manufacturing, wholesale, retail and storage

(ii) Guns and ammunition—wholesale and retail

(iii) Wholesale liquor including beer and wine

(iv) Wholesale tobacco

(v) Wholesale drug

(vi) Furs—manufacturing, wholesale, retail and storage

(vii) Precious metal—manufacturing, wholesale, retail and storage

(2) Silent Alarm systems shall be required for the following:

(i) Retail liquor store

(ii) Pawn shop

(iii) Electronic Equipment—wholesale and retail

(iv) Clothing (new) for persons over the age of twelve—wholesale and retail

(v) Coin and stamp shop

(vi) Cameras—wholesale and retail

(3) Local alarm systems shall be required for the following:

(i) Antique store

(ii) Art Gallery

(iii) Service Station

* * * * * *

PART 83—COVERAGES, RATES, AND PRESCRIBED POLICY FORMS

Subpart A—Residential Crime Insurance Coverage

(8) § 83.5, the first paragraph is amended to read as follows:

§ 83.5 Required residential policy form.

The following shall constitute the policy form for the residential crime insurance policy and no other policy form shall be used. Coverage will commence at 12:00 noon following the date of a U.S. Post Office affixed postmark or proof of Certified or Registered mailing. In the absence of such postmark or other proof sufficient to substantiate the date of mailing, coverage will be effective at 12:00 noon following receipt by the servicing company, unless a later date is specified in the application.

* * * * * *

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§ 83.5 [Amended]

(9) Section 83.5(a) Owner's or tenant's residential crime insurance policy application form is deleted and paragraph (b) is relettered as paragraph (a) Owner's or tenant's Residential Crime Insurance Policy form.

(10) Section 83.5(a) as relettered, is amended to delete clause I(b) of the paragraph entitled Insuring Agreements and to cause the paragraph entitled Exclusions to read as follows:

Exclusions

This Policy does not apply:

(a) to loss committed by an insured;

(b) to loss of (1) any aircraft, motor vehicle (other than motorized equipment designed for service purposes and not licensed for highway use), trailer, boat or the equipment thereof, (2) articles carried or held as samples or for sale or for delivery after sale, or (3) animals, fish or birds;

(c) to loss sustained by a person not related to an insured who pays board or rent to an insured;

(d) to loss of (1) property pertaining to a business of an insured;

(e) to loss if the premises are not protected in accordance with the regulations of the Federal Insurance Administration, as published at the time of the inception of the then current term of the Policy in Crime Insurance Program 44 CFR 80 et seq.

(11) Section 83.5(a), as relettered, is amended in Clause 3, of the paragraph entitled Conditions to read as follows:

3. *Limits of liability; settlement options.* The Insurer shall not be liable on account of any loss unless the amount of such loss shall exceed the amount of the deductible described in the Application which is made a part of this Policy and the Insurer shall then be liable only for such excess over and above the deductible, subject to and within the limit of insurance covered by the Policy. The limit of the Insurer's liability for loss or damage in any one occurrence shall not exceed the applicable limit of insurance stated in the Application, nor what it would cost at the time of loss to repair or replace the property with other of like kind and quality, nor the actual cash value thereof at the time of loss: Provided, however, that the limit of the Insurer's liability for loss of money is $100, and for loss of securities is $500, and for loss of jewelry, including without limitation, watches, necklaces, bracelets, rings, gems, precious and semi-precious stones, and articles of gold, silver or platinum, including flatware and hollowware, furs, fine arts, antiques, coin or stamp collections is, in the aggregate, $500.00 per occurrence.

If there is a loss of an article which is part of a pair or set, the measure of loss shall be a reasonable and fair proportion of the total value of the pair or set, giving consideration to the importance of said article, but such loss shall not be construed to mean total loss of the pair or set.

The applicable limit of insurance stated in the application is the total limit of the Insurer's liability with respect to all loss of property of one or more persons or organizations arising out of any one occurrence.

All loss incidental to an actual or attempted fraudulent, dishonest, or criminal act or series or related acts at the premises, whether committed by one or more persons, shall be deemed to arise out of one occurrence.

The Insurer may pay for the loss in money or may repair or replace the property and may settle any claim for loss of property either with the named insured or the owner thereof. Any property so paid for or replaced shall become the property of the Insurer. Any property recovered after settlement of a loss shall be applied first to the expense of the parties in making such recovery, with any balance applied as if the recovery had been made prior to said settlement, and loss readjusted accordingly. The insured or the Insurer, upon recovery of any such property, shall give notice thereof as soon as practicable to the the other.

(12) Section 83.5(a) as relettered, is amended in paragraph 4 of the paragraph entitled Conditions, so as to add, at the end of the paragraph 4 entitled *Insured's duties when loss occurs*, the following:

* * * The insured shall as a condition of continued coverage take reasonable actions immediately following the discovery of a loss to protect the premises from further loss.

* * * * * *

(13) Section 83.5(c) is relettered as § 83.5(b)

PART 83—COVERAGES, RATES, AND PRESCRIBED POLICY FORMS

Subpart B—Commercial Crime Insurance Coverage

(14) Section 83.24 entitled *Classification of commercial risks* is amended to add the following paragraph (d):

§ 83.24 Classification of commercial risk.

* * * * * *

(d) Warehouses and or other storage areas shall take the classification of the merchandise or inventory comprising the majority value of the contents.

(15) Section 83.25 is amended to read as follows:

§ 83.25 Commercial crime insurance rates.

(a) Premium rates for commercial crime insurance policies for risks having annual gross receipts of less than $2,000,000 shall be determined by reference to the rate charts contained in paragraph (f) of this section. The annual gross receipts shall be those contained in the insured's most recently filed Federal income tax return for the most recent taxable year. If the applicant is a non-profit or public entity whose gross receipts constitute less than its operating budget, its operating budget shall be used in lieu of gross receipts to determine the appropriate premium.

(b) *Option 1.* An applicant may apply for insurnace coverage under all of the Insuring Agreements, I, II, III, IV, V, VI, and VII of the Commercial Crime Insurance Policy. Agreements I and II deal with Robbery and Observed Theft inside and outside the premises, Agreements III and IV deal with Safe burglary and Theft from a Night Depository, Agreement V deals with Burglary and Robbery of a Watchman and Agreement VI deals with Damage. Agreement VII limits coverage to losses occurring within the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions and the trust territory of the Pacific Islands. This package provides a uniform limit of coverage for all Agreements and is referred to as Option 1.

(c) *Option 2.* An applicant may apply for insurance coverage under only Insuring Agreements, I, II, VI and VII of the Commercial Policy dealing with Robbery and Observed Theft inside and outside the premises and Damage resulting from losses under Insuring Agreements I and II only. Such coverage shall be referred to as Option 2.

(d) *Option 3.* An applicant may apply for insurance coverage under only Insuring Agreements III, IV, V, VI and VII of the Commercial Policy dealing with Safe Burglary, Theft from Night Depository, and Burglary or Robbery of a Watchman, and Damage resulting from losses under Insuring Agreements III and V only. Such coverage shall be referred to as Option 3.

(e) *Option 4.* An applicant may apply for varying limits of insurance coverage under both Option 2 and Option 3 but only in the same policy. Both Options 2 and 3 must be applied for at the same time. If one of these options has already been selected, the other option may be added upon a renewal or upon rewriting the original policy to add the new option.

(f) The following rate tables may be used to determine rates for commercial risks having annual gross receipts of less than $2 million annually.

BILLING CODE 4210-23-M

FEDERAL CRIME INSURANCE PROGRAM

Schedule 1

-- COMMERCIAL CRIME INSURANCE RATES

Annual Premium for--	Amount of Coverage											
Terr. 1 - Class 1	$1,000			$2,000			$3,000			$4,000		
	Options			Options			Options			Options		
Gross Receipts:	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Less than $25,000	$70	$42	$35	$133	$80	$67	$189	$113	$95	$238	$143	$119
25,000-49,999	70	42	35	133	80	67	189	113	95	238	143	119
50,000-99,999	70	42	35	133	80	67	189	113	95	238	143	119
100,000-299,999	105	63	53	200	120	100	284	170	142	357	214	179
300,000-499,999	140	84	70	266	160	133	378	227	189	476	286	238
500,000-999,999	175	105	88	333	200	167	473	284	237	595	357	298
1,000,000-1,499,999	280	168	140	532	319	266	756	454	378	952	571	476
1,500,000-1,999,999	315	189	158	599	359	300	851	511	426	1071	643	536
	$5,000			$6,000			$7,000			$8,000		
Less than $25,000	280	168	140	315	189	158	343	206	172	364	218	182
25,000-49,999	280	168	140	315	189	158	343	206	172	364	218	182
50,000-99,999	280	168	140	315	189	158	343	206	172	364	218	182
100,000-299,999	420	252	210	473	284	237	515	309	258	546	328	273
300,000-499,999	560	336	280	630	378	315	686	412	343	728	437	364
500,000-999,999	700	420	350	788	473	394	858	515	429	910	546	455
1,000,000-1,499,999	1120	672	560	1260	756	630	1372	823	686	1456	874	728
1,500,000-1,999,999	1260	756	630	1418	851	709	1544	926	772	1638	983	819
	$9,000			$10,000			$11,000			$12,000		
Less than $25,000	378	227	189	385	231	193	389	233	195	392	235	196
25,000-49,999	378	227	189	385	231	193	389	233	195	392	235	196
50,000-99,999	378	227	189	385	231	193	389	233	195	392	235	196
100,000-299,999	567	340	289	578	347	289	583	350	292	588	353	294
300,000-499,999	756	454	378	770	462	385	777	466	389	784	470	392
500,000-999,999	945	567	473	963	578	482	971	583	486	980	588	490
1,000,000-1,499,999	1512	907	756	1540	924	770	1554	932	777	1568	941	784
1,500,000-1,999,999	1701	1021	851	1733	1040	867	1748	1049	874	1764	1058	882
	$13,000			$14,000			$15,000					
Less than $25,000	396	238	198	399	239	200	403	242	202			
25,000-49,999	396	238	198	399	239	200	403	242	202			
50,000-99,999	396	238	198	399	239	200	403	242	202			
100,000-299,999	594	356	297	599	359	300	604	362	302			
300,000-499,999	792	475	396	798	479	399	805	483	403			
500,000-999,999	989	593	495	998	599	499	1006	604	503			
1,000,000-1,499,999	1582	949	791	1596	958	798	1610	966	805			
1,500,000-1,999,999	1780	1068	890	1796	1078	898	1811	1087	906			

Option (1) - Burglary and robbery coverage in uniform amount.
Option (2) - Robbery only coverage.
Option (3) - Burglary only coverage.

The rate for Option (4) consists of the sum of the rates for the selected amounts of coverage under Options (2) and (3).

Schedule 2

FEDERAL CRIME INSURANCE PROGRAM

-- COMMERCIAL CRIME INSURANCE RATES (Cont.)

Annual Premium for-- Terr. 1 - Class 2 and Terr. 2 - Class 1	Amount of Coverage											
	$1,000			$2,000			$3,000			$4,000		
	Options			Options			Options			Options		
Gross Receipts:	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Less than $25,000	$80	$48	$40	$152	$91	$76	$216	$130	$108	$272	$163	$136
25,000-49,999	80	48	40	152	91	76	216	130	108	272	163	136
50,000-99,999	80	48	40	152	91	76	216	130	108	272	163	136
100,000-299,999	120	72	60	228	137	114	324	194	162	408	245	204
300,000-499,999	160	96	80	304	182	152	432	259	216	544	326	272
500,000-999,999	200	120	100	380	228	190	540	324	270	680	408	340
1,000,000-1,499,999	320	192	160	608	365	304	864	518	432	1088	653	544
1,500,000-1,999,999	360	216	180	684	410	342	972	583	486	1224	734	612
	$5,000			$6,000			$7,000			$8,000		
Less than $25,000	320	192	160	360	216	180	392	235	196	416	250	208
25,000-49,999	320	192	160	360	216	180	392	235	196	416	250	208
50,000-99,999	320	192	160	360	216	180	392	235	196	416	250	208
100,000-299,999	480	288	240	540	324	270	588	353	294	624	374	312
300,000-499,999	640	384	320	720	432	360	784	470	392	832	499	416
500,000-999,999	800	480	400	900	540	450	980	588	490	1040	624	520
1,000,000-1,499,999	1280	768	640	1440	864	720	1568	941	784	1664	998	832
1,500,000-1,999,999	1440	864	720	1620	972	810	1764	1058	882	1872	1123	936
	$9,000			$10,000			$11,000			$12,000		
Less than $25,000	432	259	216	440	264	220	444	266	222	448	269	224
25,000-49,999	432	259	216	440	264	220	444	266	222	448	269	224
50,000-99,999	432	259	216	440	264	220	444	266	222	448	269	224
100,000-299,999	648	389	324	660	396	330	666	400	333	672	403	336
300,000-499,999	864	518	432	880	528	440	888	533	444	896	537	448
500,000-999,999	1080	648	540	1100	660	550	1110	666	555	1120	672	560
1,000,000-1,499,999	1728	1037	864	1760	1056	880	1776	1066	888	1792	1075	896
1,500,000-1,999,999	1944	1166	972	1980	1186	990	1998	1199	999	2016	1210	1008
	$13,000			$14,000			$15,000					
Less than $25,000	452	271	226	456	274	228	460	276	230			
25,000-49,999	452	271	226	456	274	228	460	276	230			
50,000-99,999	452	271	226	456	274	228	460	276	230			
100,000-299,999	678	407	339	684	410	342	690	414	345			
300,000-499,999	904	542	452	912	547	456	920	552	460			
500,000-999,999	1130	678	565	1140	684	570	1150	690	575			
1,000,000-1,499,999	1808	1085	904	1824	1094	912	1840	1104	920			
1,500,000-1,999,999	2034	1220	1017	2052	1231	1026	2070	1242	1035			

Option (1) - Burglary and robbery coverage in uniform amount.
Option (2) - Robbery only coverage.
Option (3) - Burglary only coverage.

The rate for Option (4) consists of the sum of the rates for the selected amounts of coverage under Options (2) and (3).

Schedule 3

FEDERAL CRIME INSURANCE PROGRAM

-- COMMERCIAL CRIME INSURANCE RATES (Cont.)

Annual Premium for-- Terr. 1 - Class 3, Terr. 2 - Class 2, and Terr. 3 - Class 1	Amount of Coverage											
	$1,000			$2,000			$3,000			$4,000		
	Options			Options			Options			Options		
Gross Receipts:	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Less than $25,000	$100	$60	$50	$190	$114	$95	$270	$162	$135	$340	$204	$170
25,000-49,999	100	60	50	190	114	95	270	162	135	340	204	170
50,000-99,999	100	60	50	190	114	95	270	162	135	340	204	170
100,000-299,999	150	90	75	285	171	143	405	243	203	510	306	255
300,000-499,999	200	120	100	380	228	190	540	324	270	680	408	340
500,000-999,999	250	150	125	475	285	238	675	405	338	850	510	425
1,000,000-1,499,999	400	240	200	760	456	380	1080	648	540	1360	816	680
1,500,000-1,999,999	450	270	225	855	513	428	1215	729	608	1530	918	765
	$5,000			$6,000			$7,000			$8,000		
Less than $25,000	400	240	200	450	270	225	490	294	245	520	312	260
25,000-49,999	400	240	200	450	270	225	490	294	245	520	312	260
50,000-99,999	400	240	200	450	270	225	490	294	245	520	312	260
100,000-299,999	600	360	300	675	405	338	735	441	368	780	468	390
300,000-499,999	800	480	400	900	540	450	980	588	490	1040	624	520
500,000-999,999	1000	600	500	1125	675	563	1225	735	613	1300	780	650
1,000,000-1,499,999	1600	960	800	1800	1080	900	1960	1176	980	2080	1248	1040
1,500,000-1,999,999	1800	1080	900	2025	1215	1013	2205	1323	1103	2340	1404	1170
	$9,000			$10,000			$11,000			$12,000		
Less than $25,000	540	324	270	550	330	275	555	333	278	560	336	280
25,000-49,999	540	324	270	550	330	275	555	333	278	560	336	280
50,000-99,999	540	324	270	550	330	275	555	333	278	560	336	280
100,000-299,999	810	486	405	825	495	413	833	500	417	840	504	420
300,000-499,999	1080	648	540	1100	660	550	1110	666	555	1120	672	560
500,000-999,999	1350	810	675	1375	825	688	1388	833	694	1400	840	700
1,000,000-1,499,999	2160	1296	1080	2200	1320	1100	2220	1332	1110	2240	1344	1120
1,500,000-1,999,999	2430	1458	1215	2475	1485	1238	2498	1499	1249	2520	1512	1260
	$13,000			$14,000			$15,000					
Less than $25,000	565	339	283	570	342	285	575	345	288			
25,000-49,999	565	339	283	570	342	285	575	345	288			
50,000-99,999	565	339	283	570	342	285	575	345	288			
100,000-299,999	848	509	424	855	513	428	863	518	432			
300,000-499,999	1130	678	565	1140	684	570	1150	690	575			
500,000-999,999	1413	848	707	1425	855	713	1438	863	719			
1,000,000-1,499,999	2260	1356	1130	2280	1368	1140	2300	1380	1150			
1,500,000-1,999,999	2543	1526	1272	2565	1539	1283	2588	1553	1294			

Option (1) - Burglary and robbery coverage in uniform amount.
Option (2) - Robbery only coverage.
Option (3) - Burglary only coverage.

The rate for Option (4) consists of the sum of the rates for the selected amounts of coverage under Options (2) and (3).

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Schedule 4

FEDERAL CRIME INSURANCE PROGRAM

-- COMMERCIAL CRIME INSURANCE RATES (Cont.)

Annual Premium for-- Terr. 2 - Class 3 and Terr. 3 - Class 2	Amount of Coverage											
	$1,000			$2,000			$3,000			$4,000		
	Options			Options			Options			Options		
Gross Receipts:	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Less than $25,000	$120	$72	$60	$228	$137	$114	$324	$194	$162	$408	$245	$204
25,000-49,999	120	72	60	228	137	114	324	194	162	408	245	204
50,000-99,999	120	72	60	228	137	114	324	194	162	408	245	204
100,000-299,999	180	108	90	342	205	171	486	292	243	612	367	306
300,000-499,999	240	144	120	456	274	228	648	389	324	816	490	408
500,000-999,999	300	180	150	570	342	285	810	486	405	1020	612	510
1,000,000-1,499,999	480	288	240	912	547	456	1296	778	648	1632	979	816
1,500,000-1,999,999	540	324	270	1026	616	513	1458	875	729	1836	1102	918
	$5,000			$6,000			$7,000			$8,000		
Less than $25,000	480	288	240	540	324	270	588	353	294	624	374	312
25,000-49,999	480	288	240	540	324	270	588	353	294	624	374	312
50,000-99,999	480	288	240	540	324	270	588	353	294	624	374	312
100,000-299,999	720	432	360	810	486	405	882	529	441	936	562	468
300,000-499,999	960	576	480	1080	648	540	1176	706	588	1248	749	624
500,000-999,999	1200	720	600	1350	810	675	1470	882	735	1560	936	780
1,000,000-1,499,999	1920	1152	960	2160	1296	1080	2352	1411	1176	2496	1498	1248
1,500,000-1,999,999	2160	1296	1080	2430	1458	1215	2646	1588	1323	2808	1685	1404
	$9,000			$10,000			$11,000			$12,000		
Less than $25,000	648	389	324	660	396	330	666	400	333	672	403	336
25,000-49,999	648	389	324	660	396	330	666	400	333	672	403	336
50,000-99,999	648	389	324	660	396	330	666	400	333	672	403	336
100,000-299,999	972	583	486	990	594	495	999	599	500	1008	605	504
300,000-499,999	1296	778	648	1320	792	660	1332	799	666	1344	806	672
500,000-999,999	1620	972	810	1650	990	825	1665	999	833	1680	1008	840
1,000,000-1,499,999	2592	1555	1296	2640	1584	1320	2664	1598	1332	2688	1613	1344
1,500,000-1,999,999	2916	1750	1458	2970	1782	1485	2997	1798	1499	3024	1814	1512
	$13,000			$14,000			$15,000					
Less than $25,000	678	407	339	684	410	342	690	414	345			
25,000-49,999	678	407	339	684	410	342	690	414	345			
50,000-99,999	678	407	339	684	410	342	690	414	345			
100,000-299,999	1017	610	509	1026	616	513	1035	621	518			
300,000-499,999	1356	814	678	1368	821	684	1380	828	690			
500,000-999,999	1695	1017	848	1710	1026	855	1725	1035	863			
1,000,000-1,499,999	2712	1627	1356	2736	1642	1368	2760	1656	1380			
1,500,000-1,999,999	3051	1831	1526	3078	1847	1539	3105	1863	1553			

Option (1) - Burglary and robbery coverage in uniform amount.
Option (2) - Robbery only coverage.
Option (3) - Burglary only coverage.

The rate for Option (4) consists of the sum of the rates for the selected amounts of coverage under Options (2) and (3).

Schedule 5

FEDERAL CRIME INSURANCE PROGRAM

-- COMMERCIAL CRIME INSURANCE RATES (Cont.)

Annual Premium for-- Terr. 3 - Class 3	Amount of Coverage											
	$1,000			$2,000			$3,000			$4,000		
	Options			Options			Options			Options		
Gross Receipts:	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Less than $25,000	$130	$78	$65	$247	$148	$124	$351	$211	$176	$442	$265	$221
25,000-49,999	130	78	65	247	148	124	351	211	176	442	265	221
50,000-99,999	130	78	65	247	148	124	351	211	176	442	265	221
100,000-299,999	195	117	98	371	223	186	527	316	264	663	398	332
300,000-499,999	260	156	130	494	296	247	702	421	351	884	530	442
500,000-999,999	325	195	163	618	371	309	878	527	439	1105	663	553
1,000,000-1,499,999	520	312	260	988	593	494	1404	842	702	1768	1061	884
1,500,000-1,999,999	585	351	293	1112	667	556	1580	948	790	1989	1193	995
	$5,000			$6,000			$7,000			$8,000		
Less than $25,000	520	312	260	585	351	293	637	382	319	676	406	338
25,000-49,999	520	312	260	585	351	293	637	382	319	676	406	338
50,000-99,999	520	312	260	585	351	293	637	382	319	676	406	338
100,000-299,999	780	468	390	878	527	439	956	574	478	1014	608	507
300,000-499,999	1040	624	520	1170	702	585	1274	764	637	1352	811	676
500,000-999,999	1300	780	650	1463	878	732	1593	956	797	1690	1014	845
1,000,000-1,499,999	2080	1248	1040	2340	1404	1170	2548	1529	1274	2704	1622	1352
1,500,000-1,999,999	2340	1404	1170	2633	1580	1317	2867	1720	1434	3042	1825	1521
	$9,000			$10,000			$11,000			$12,000		
Less than $25,000	702	421	351	715	429	358	722	433	361	728	437	364
25,000-49,999	702	421	351	715	429	358	722	433	361	728	437	364
50,000-99,999	702	421	351	715	429	358	722	433	361	728	437	364
100,000-299,999	1053	632	527	1073	644	537	1082	649	541	1092	655	546
300,000-499,999	1404	842	702	1430	858	715	1443	866	722	1456	874	728
500,000-999,999	1755	1053	878	1788	1073	894	1804	1082	902	1820	1092	910
1,000,000-1,499,999	2808	1685	1404	2860	1716	1430	2886	1732	1443	2912	1747	1456
1,500,000-1,999,999	3159	1895	1580	3218	1931	1609	3247	1948	1624	3276	1966	1638
	$13,000			$14,000			$15,000					
Less than $25,000	735	441	368	741	445	371	748	449	374			
25,000-49,999	735	441	368	741	445	371	748	449	374			
50,000-99,999	735	441	368	741	445	371	748	449	374			
100,000-299,999	1102	661	551	1112	667	556	1121	673	561			
300,000-499,999	1469	881	735	1482	889	741	1495	897	748			
500,000-999,999	1836	1102	918	1853	1112	927	1869	1121	935			
1,000,000-1,499,999	2938	1763	1469	2964	1778	1482	2990	1794	1495			
1,500,000-1,999,999	3305	1983	1653	3335	2001	1668	3364	2018	1682			

Option (1) - Burglary and robbery coverage in uniform amount.
Option (2) - Robbery only coverage.
Option (3) - Burglary only coverage.

The rate for Option (4) consists of the sum of the rates for the selected amounts of coverage under Options (2) and (3).

BILLING CODE 4210-23-C

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(g) The following procedure shall be used to determine the annual premium rates for commercial risks having annual gross receipts in excess of $2 million dollars.

(1) For risks having annual gross receipts between $2 million and $4,999,999, the base rate for the first $1,000 of combined burglary and robbery (Option 1) coverage shall be 0.00008 of such annual gross receipts (or operating budget, if applicable) multiplied by 5.00.

(2) For risks having annual gross receipts of $5 million or more the base rate for the first $1,000 of combined burglary and robbery coverage shall be .0001 of such annual gross receipts (or operating budget, if applicable) multiplied by 5.00.

(3) Rates for higher limits of coverage shall be determined by applying to the premium base derived in accordance with subparagraphs 1 & 2 of this paragraph the appropriate higher limits factor from the following table for the applicable amount of coverage.

Rate for applicable amount of coverage:	Higher limits factor
$1,000	1.00
$2,000	1.90
$3,000	2.70
$4,000	3.40
$5,000	4.00
$6,000	4.50
$7,000	4.90
$8,000	5.20
$9,000	5.40
$10,000	5.50
$11,000	5.55
$12,000	5.60
$13,000	5.65
$14,000	5.70
$15,000	5.75

(4) The premium for combined coverage under Option 1 shall be 100% of the premium rate computed under subparagraphs (1), (2) and (3) above.

(5) The premium for coverage under Option 2 shall be 60% of the premium rate computed under subparagraph (1), (2) and (3) above.

(6) The premium for coverage under Option 3 shall be 50% of the premium rate computed under subparagraphs (1), (2) and (3) above.

(7) The premium for combined coverage under Option 4 shall be the sum of the applicable premiums for the individual coverage under Option 2 and the coverage under Option 3, computed under subparagraphs (5) and (6) above.

(8) All premiums shall be rounded to the next higher dollar above $0.49 to obtain the chargeable annual policyholder premium. At or below $0.49 premiums shall be rounded down to the next lower dollar.

(16) Section 83.25a, entitled *Application and date of commencement of coverage* is revised to read as follows:

§ 83.25a Application and date of commencement of coverage.

Application for commercial Federal crime insurance shall be made only on forms approved by the Administrator. When a property is found by preinspection to comply with the applicable protective device requirements, coverage on property under a policy covering burglary losses will commence at 12:00 noon following the date of a U.S. Post Office affixed postmark, or proof of Certified or Registered mailing. In the absence of such postmark or other proof sufficient to substantiate the date of mailing, coverage will be effective at 12:00 noon following receipt by the servicing company, unless a later date is specified in the application. Coverage under a policy covering robbery only will commence as described above except that protective device preinspection is not applicable. When both robbery and burglary coverages are applied for on an application, an advance request may be submitted with the application to issue a policy for Option 2 Robbery Only insurance coverage if the premises fails to meet the protective device requirements which must be complied with as a prerequisite to obtaining burglary coverage. In such an event the Option 2 policy covering only robbery losses will commence as described above.

(Title XII of the Housing and Urban Development Act of 1969 (Pub. L. 90-488, 88 Stat. 476); Reorganization Plan No. 3 of 1978 (43 FR 41943) and Executive Order 12127, dated March 31, 1979 (44 FR 19367) and Delegation of Authority to Federal Insurance Administrator (44 FR 20963))

Issue date: March 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-9298 Filed 3-26-80; 8:45 am]

BILLING CODE 4210-23-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

45 CFR Part 233

Aid to Families With Dependent Children; Determination of the Assistance Payment When One or More Dependent Children in a Family Are SSI Beneficiaries

AGENCY: Social Security Administration, HEW.

ACTION: Notice of decision to develop regulations.

SUMMARY: The Social Security Administration plans to recommend to the Secretary publication of proposed regulations which would require States to make AFDC payments to an otherwise eligible parent, caretaker relative or parent's spouse when the only dependent child—or all of the dependent children—receives supplemental security income benefits.

The payments made to an eligible parent, caretaker relative, or parent's spouse will be federally matched as AFDC payments even though the only child (or all of the children) is not included in the assistance payment.

This proposed regulation will amend 45 CFR 233.20.

The Department of Health, Education, and Welfare has classified the proposed regulation as policy significant.

FOR FURTHER INFORMATION CONTACT: Mrs. Contance Katz, 330 C Street, SW., Washington, D.C. 20201, telephone (202) 245-0982.

Approved.

Dated: December 31, 1979.

Stanford G. Ross,

Commissioner of Social Security.

[FR Doc. 80-9293 Filed 3-26-80; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 150

[CGD 75-59]

Compatibility of Bulk Liquid and Liquefied Gas on Vessels

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to consolidate the existing requirements regarding compatibility of cargoes on tank vessels. The proposed consolidation would require that vessel operators load cargoes as prescribed by a compatibility table. The compatibility table is essentially the same as that found in Navigation and Vessel Inspection Circular 4-75, Guide to Compatibility of Chemicals. Because the requirements for carriage of combustible cargoes were promulgated at different times, they are inconsistent and in some cases vague. The requirements are also scattered throughout Title 46. This consolidation will bring all of the requirements together as well as clarify those that are vague.

DATE: Comments must be received on or before May 1, 1980.

ADDRESS: Comments should be submitted to: Commandant (G-CMC/TP24) (CGD 75-59), U.S. Coast Guard, Washington, D.C. 20593.

Comments will be available for examination at the Marine Safety Council (G-CMC/TP24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Robert M. Query, Office of Merchant Marine Safety (G-MHM/14), Room 1405, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202/426-1217).

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CGD 75-59), identify the specific section of the proposal to which each comment applies, and include sufficient detail to indicate the basis on which each comment is made. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the **Federal Register** if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

This proposal has been reviewed under the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034, February 26, 1979). A draft evaluation has been prepared and placed in the public docket.

Drafting Information

The principal persons involved in drafting this rule are: Robert M. Query, Project Manager, Office of Merchant Marine Safety and Michael N. Mervin, Project Attorney, Office of the Chief Counsel.

Discussion of the Proposed Regulations

The Coast Guard has published a number of requirements that are intended to prevent accidents arising from mixing incompatible cargoes. These may be found in 46 CFR 98.25-20(d), 151.13-5(b), 151.13-10, 151.45-4(d)(11), 153.963, and 154.1832. Because these requirements are scattered about in title 46 and because they were developed at different times, they are inconsistent and occasionally vague. In several instances no description is given as to how one determines whether two cargoes are compatible.

To simplify and clarify these requirements, the Coast Guard is proposing to consolidate them under a new rule. This rule would require that vessel operators load bulk liquid cargoes according to a compatibility table.

The compatibility table gives a yes or no answer to the question of whether two cargoes are compatible. The table has been patterned after similar tables developed and used by various chemical manufacturers. The Coast Guard has published the table for a number of years and has refined it several times. The latest version was published as Navigation and Vessel Inspection Circular (NVC) 4-75. Copies of NVC 4-75 are available from: Commandant (G-MHM-3/TP14), U.S. Coast Guard, Washington, D.C. 20593, Tel. No. (202) 426-6260.

Included in the proposal are testing methods enabling a person to determine whether two cargoes are compatible when either one or both are not listed in the compatibility table. To keep the information current, keep the table up to date, and ensure that the specified test procedures are followed, the Coast Guard would review any test data. A person wishing to ship a pair of cargoes other than as allowed by the proposed rule would submit test data to the Commandant (G-MHM) of the Coast Guard. The Commandant (G-MHM) would determine whether the pair was compatible after reviewing the test data.

Besides adding a new part and subpart, the proposed rule deletes references to compatibility in other regulations for bulk liquid cargoes. The compatibility related requirements that apply to ammonia in § 98.25-20(d) would remain since they address areas not covered by this proposal.

In consideration of the foregoing, the Coast Guard proposes to amend Title 46 of the Code of Federal Regulations as follows:

1. By adding a new part 150 to read as follows:

PART 150—OPERATIONAL REQUIREMENTS FOR HAZARDOUS WASTES AND INCOMPATIBLE BULK LIQUID CARGOES

Subpart A—Compatibility of Cargoes

Sec.

150.110 Applicability.
150.115 Definition of hazardous material.
150.120 Definition of incompatible cargoes.
150.130 Loading a cargo on vessels carrying cargoes with which it is incompatible.
150.140 Cargoes not listed in table I.
150.150 Exceptions to the compatibility chart.
150.160 Carrying a cargo as an exception to the compatibility chart.
Figure I—Compatibility chart.
Table I—Alphabetical list of cargoes.
Table II—Groupings of cargoes.
Appendix I—Exceptions to the chart.
Appendix II—Explanation of figure I.
Appendix III—Testing procedures for determining exceptions to the chart.
Appendix IV—Data sheet.

Authority: The regulations of this subpart are issued under 46 USC 391a; 49 U.S.C. 1803; 49 CFR 1.46(n)(4) and (t).

Subpart A—Compatibility of Cargoes

§ 150.110 Applicability.

This part prescribes rules for identifying incompatible hazardous materials (as defined in 46 U.S.C. 391a(2)(c)) and rules for carrying these materials in bulk as cargo in permanently attached tanks or in tanks that are loaded or discharged while aboard the vessel. The rules apply to all vessels subject to 46 U.S.C. 391a.

§ 150.115 Definition of hazardous material.

In this subpart "hazardous material" means—

(a) a flammable liquid as defined in § 30.10-22 or a combustible liquid as defined in § 30.10-15 of this chapter;

(b) a material listed in table 151.05, table 1 of part 153, or table 4 of part 154 of this chapter; or

(c) a liquid, liquefied gas, or compressed gas listed in 49 CFR 172.101.

§ 150.120 Definition of incompatible cargoes.

Except as described in § 150.150, a cargo of hazardous material is incompatible with another cargo listed in table I if the chemical groups of the two cargoes have—

(a) an "X" where their columns intersect in figure I and are not shown as exceptions in Appendix I; or

(b) a letter other than "X" where their columns intersect in figure I and are specifically listed in the footnote designated by the letter. (See also § 150.140.)

§ 150.130 Loading a cargo on vessels carrying cargoes with which it is incompatible.

Except as described in § 150.160, an operator of a vessel shall ensure that the containment system for a cargo that is a hazardous material meets the following requirements:

(a) The containment system must isolate the hazardous material from any cargo in table I with which it is incompatible by two barriers such as formed by a—

(1) cofferdam;

(2) empty tank;

(3) void space;

(4) cargo handling space;

(5) tank containing a compatible cargo; or

(6) piping tunnel.

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(b) The containment system for the hazardous material must not have a piping or venting system that connects to a containment system carrying a cargo 7with which it is incompatible. Any such piping or venting system must have been separated from the containment system carrying the incompatible cargo by—

(1) removing a valve or spool piece and blanking off the exposed pipe ends, or

(2) installing two spectacle flanges in series with a means of detecting leakage into the pipe between the spectacle flanges.

§ 150.140 Cargoes not listed in table I.

(a) A cargo of hazardous material not listed in table I must be handled as if incompatible with all other cargoes until the Commandant (G–MHM) (tel. no. (202) 426–6260) assigns the hazardous material to a compatibility group.

(b) A cargo of hazardous material must be handled as if incompatible with any cargo not listed in table I until the Commandant (G–MHM) (tel. no. (202) 426–6260) assigns the unlisted cargo a compatibility group.

§ 150.150 Exceptions to the compatibility chart.

The Commandant (G–MHM) authorizes on a case by case basis exceptions to the rules in this part if two cargoes shown to be incompatible in figure I meet the standards for a compatible pair in Appendix III.

§ 150.160 Carrying a cargo as an exception to the compatibility chart.

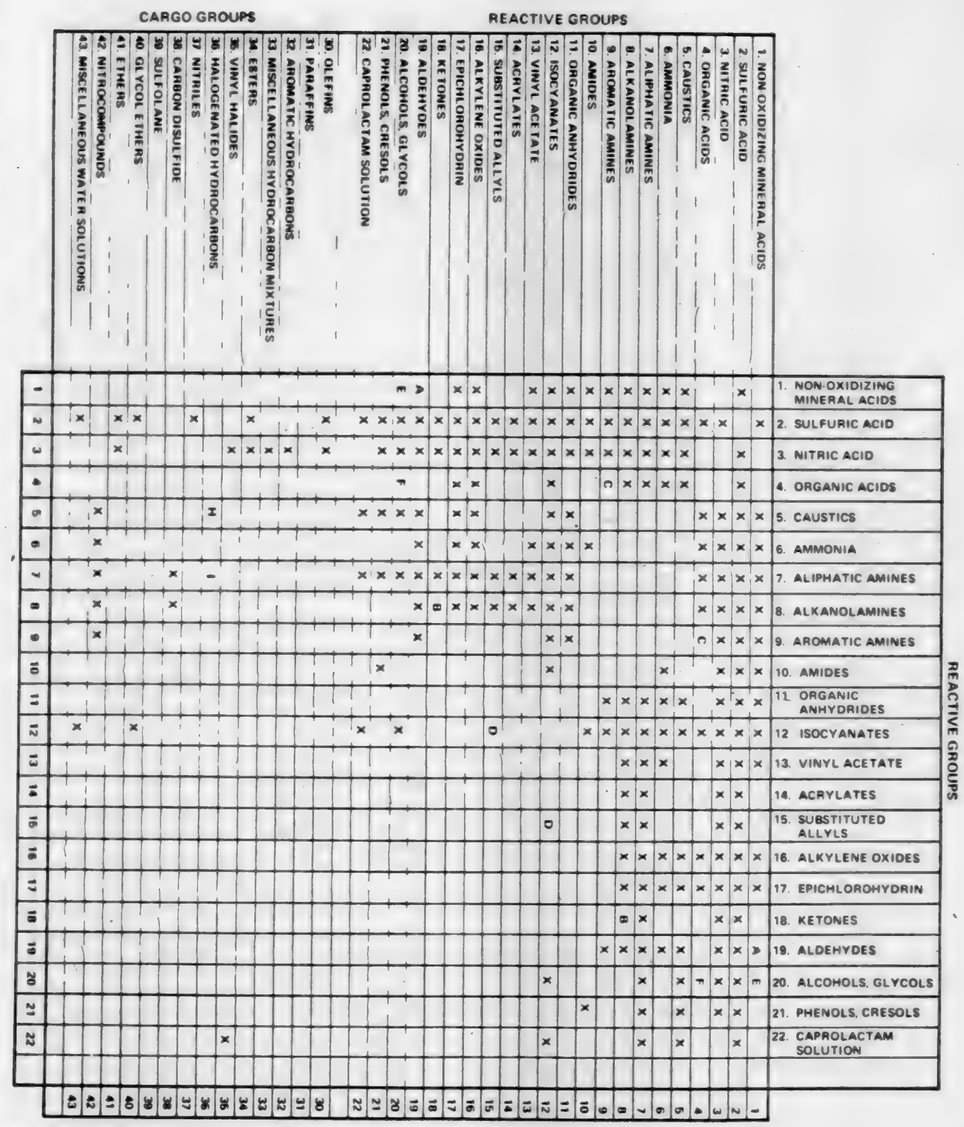
The operator of a vessel having on board a cargo carried as an exception under § 150.150 shall ensure that—

(a) the Commandant (G–MHM) has authorized by letter or message the loading arrangement as an exception to the compatibility chart; and

(b) a copy of the letter or message is on the vessel.

BILLING CODE 4910-14-M

Figure I - Compatibility chart



BILLING CODE 4910-14-C

Footnotes to Figure I

X Incompatible groups.

A Acrolein (19), Crotonaldehyde (19), and 2-Ethyl-3-propyl acrolein (19) are not compatible with Group 1, Non-Oxidizing Mineral Acids.

B Isophorone (18), and Mesityl Oxide (18) are not compatible with Group 8, Alkanolamines.

C Acrylic Acid (4) is not compatible with Group 9, Aromatic Amines.

D Allyl Alcohol (15) is not compatible with Group 12, Isocyanates.

E Furfuryl Alcohol (20) is not compatible with Group 1, Non-oxidizing Mineral Acids.

F Furfuryl Alcohol (20) is not compatible with Group 4, Organic Acids.

H Trichloroethylene (36) is not compatible with Group 5, Caustics.

I Ethylenediamine (7) is not compatible with Ethylene Dichloride (36).

Table I—Alphabetical list of cargoes

Name	Group No.
Acetaldehyde	19
Acetic Acid	4
Acetic Anhydride	11
Acetone	18
Acetonitrile	37
Acrolein (inhibited)	19
Acrylic Acid (inhibited)	4
Acrylonitrile (inhibited)	15
Adiponitrile	37
Allyl Alcohol	15
Allyl Chloride	15
Aminoethylethanolamine	8
Ammonia, Anhydrous	6
Ammonium Hydroxide (28% or less)	6
Ammonium Nitrate, Urea, Water Solutions (containing Ammonia)	6
Ammonium Nitrate, Urea, Water Solutions (not containing Ammonia)	43
Amyl Acetate	34
Amyl Alcohol	20
Amyl Talate	34
Amine	9
Asphalt	33
Asphalt Blending Stocks:	
Roofers Flux	33
Straight Run Residue	33
Benzene	32
Benzene, Toluene Xylene (crude)	32
Butadiene (inhibited)	30
Butane	31
Butyl Acrylate (inhibited)	14
Butyl Acetate	34
Butyl Alcohol	20
Butylamine	7
Butyl Benzyl Phthalate	34
Butylene	30
1,3-Butylene Glycol	20
Butylene Oxide	18
Butyl Ether	41
Butyl Methacrylate (inhibited)	14
Butyraldehyde	19
Butyric Acid	4
Camphor Oil (light)	18
Caprolactam Solution	22
Carbolic Oil	21
Carbon Disulfide	38
Carbon Tetrachloride	36
Caustic Potash Solution	5
Caustic Soda Solution	5
Chlorine	(1)
Chlorobenzene	36
Chloroform	36
Chlorosulfonic Acid	(1)
Corn Syrup	43
Creosote, Coal Tar	21
Cresols	21
Cresylate Spent Caustic Solution	5
Crotonaldehyde	19
Cumene	32
Cycloaliphatic Resins	31
Cyclohexane	31
Cyclohexanol	20
Cyclohexanone	18
Cyclohexylamine	7
Cymene	32
Decaldehyde	19
Decane	31
Decene	30
Decyl Alcohol	20

Table I—Alphabetical list of cargoes—Continued

Name	Group No.
Decyl Acrylate (inhibited)	14
Decylbenzene	32
Dextrose Solution	43
Diacetone Alcohol	20
Dibutylamine	7
Dibutyl Phthalate	34
Dichlorobenzene	36
Dichlorodifluoromethane	36
1,1-Dichloroethane	36
Dichloroethyl Ether	41
Dichloromethane	36
1,1-Dichloropropane	36
1,2-Dichloropropane	36
1,3-Dichloropropene	15
Dicyclopentadiene	30
Diethanolamine	8
Diethylamine	7
Diethylbenzene	32
Diethylene Glycol	40
Diethylene Glycol Monobutyl Ether	40
Diethylene Glycol Monobutyl Ether Acetate	34
Diethylene Glycol Monoethyl Ether	40
Diethylene Glycol Monomethyl Ether	40
Diethylenetriamine	7
Diethylethanolamine	8
Diheptyl Phthalate	34
Diisobutylene	30
Diisobutyl Carbinol	20
Diisobutyl Ketone	18
Diisodecyl Phthalate	34
Diisopropanolamine	8
Diisopropylamine	7
Dimethylamine	7
Dimethylethanolamine	8
Dimethylformamide	10
Dinonyl Phthalate	34
Dioctyl Phthalate	34
1,4-Dioxane	41
Diphenyl-Diphenyl Oxide	33
Diphenylmethane Diisocyanate	12
Di-n-propylamine	7
Dipropylene Glycol	40
Distillates:	
Straight Run	33
Flashed Feed Stocks	33
Diundecyl Phthalate	34
Dodecane	31
Dodecanol	20
Dodecene	30
Dodecylbenzene	32
Epichlorohydrin	17
Ethane	31
Ethanolamine	8
Ethoxylated Alcohols C_{11}-C_{15}	40
Ethoxy Triglycol	40
Ethyl Acetate	34
Ethyl Alcohol	20
Ethyl Acrylate (inhibited)	14
Ethylamine	7
Ethyl Benzene	32
Ethyl Butanol	20
Ethyl Chloride	36
Ethylene	30
Ethylene Chlorohydrin	20
Ethylene Cyanohydrin	20
Ethylenediamine	7
Ethylene Dibromide	36
Ethylene Dichloride	36
Ethylene Glycol	20
Ethylene Glycol Monobutyl Ether	40
Ethylene Glycol Monobutyl Ether Acetate	34
Ethylene Glycol Monoethyl Ether	40
Ethylene Glycol Monoethyl Ether Acetate	34
Ethylene Glycol Monomethyl Ether	40
Ethylene Oxide	(1)
Ethyl Ether	41
Ethylhexaldehyde	19
2-Ethyl Hexanol	20
2-Ethylhexyl Acrylate (inhibited)	14
Ethyl Hexyl Talate	34
Ethyl Methacrylate (inhibited)	14
2-Ethyl-3-Propyl Acrolein	19
Formaldehyde Solution (37–50%)	19
Formic Acid	4
Furfural	19
Furfuryl Alcohol	20
Gas Oil:	
Cracked	33
Gasoline Blending Stocks:	
Alkylates	33
Reformates	33

Table I—Alphabetical list of cargoes—Continued

Name	Group No.
Gasolines:	
Casinghead (natural)	33
Automotive (containing over 4.23 grams lead per gallon)	33
Aviation (containing not over 4.86 grams lead per gallon)	33
Polymer	33
Straight Run	33
Glutaraldehyde Solution	19
Glycerine	20
Glycol Diacetate	34
Glyoxal Solution	19
Heptane	31
Hexamethylenediamine	7
Hexane	31
Hexanol	20
Hexene	30
Hexylene Glycol	20
Hydrochloric Acid	1
Hydrofluoric Acid	1
Isophorone	18
Isoprene (inhibited)	30
Jet Fuels:	
JP-1 (Kerosene)	33
JP-3	33
JP-4	33
JP-5 (Kerosene, Heavy)	33
Kerosene	33
Latex, Liquid Synthetic	43
Mesityl Oxide	18
Methane	31
Methyl Acetate	34
Methyl Acetylene, Propadiene Mixture (Stabilized)	30
Methyl Acrylate (Inhibited)	14
Methyl Alcohol	20
Methylamine	7
Methyl Amyl Acetate	34
Methyl Amyl Alcohol	20
Methyl Bromide	36
3-Methyl Butyraldehyde	19
Methyl Chloride	36
Methyl Ethyl Ketone	18
2-Methyl-5-Ethyl Pyridine	9
Methyl Formal (Dimethyl Formel)	41
Methyl Isobutyl Ketone	18
Methyl Isobutyl Carbinol	20
Methyl Methacrylate (inhibited)	14
(alpha-) Methyl Styrene (inhibited)	30
Mineral Spirits	33
Monochlorodifluoromethane	36
Morpholine	7
Motor Fuel Antiknock Compounds Containing Lead Alkyls	(1)
Naphthe:	
Coal Tar	33
Solvent	33
Stoddard Solvent	33
Varnish Markers' and Painters' (75%)	33
Naphthalene (molten)	32
Nitric Acid (70% or less)	3
Nitric Acid (95%)	(1)
Nitrobenzene	42
1- or 2-Nitropropane	42
Nitrotoluene	42
Nonane	31
Nonene	30
Nonyl Alcohol	20
Nonyl Phenol	21
Nonyl Phenol (ethyoxylated)	40
Octane	31
Octene	30
Octyl Alcohol	20
Octyl Aldehyde	19
Octyl Epoxytallate	34
Oils:	
Clarified	33
Coal Oil	33
Crude Oil	33
Diesel Oil	33
Fuel Oils:	
No. 1 (Kerosene)	33
No. 1–D	33
No. 2	33
No. 2–D	33
No. 4	33
No. 5	33
No. 6	33
Residual	33
Road	33
Transformer	33
Edible Oils, including:	
Castor	34
Coconut	34

Table I—Alphabetical list of cargoes—Continued

Name	Group No.
Cotton Seed	34
Fish	34
Lard	34
Olive	34
Palm	34
Peanut	34
Safflower	34
Soya Bean	34
Soybean, Epoxidized	40
Tucum	34
Vegetable	34
Miscellaneous Oils, including:	
Absorption	33
Aromatic	33
Coal Tar	33
Heartcut Distillate	33
Linseed	33
Lubricating	33
Mineral	33
Mineral Seal	33
Motor	33
Neatsfoot	33
Penetrating	33
Range	33
Resin	33
Resinous Petroleum	33
Rosin	33
Sperm	33
Spindle	33
Spray	33
Tall	34
Tanner's	33
Turbine	33
Oleum	(1)
Pentadecanol	20
Pentane	31
Pentene	30
Pentyl Aldehyde	19
Perchloroethylene	36
Petrolatum	33
Petroleum Naphtha	33
Phenol	21
Pentachloroethane	36
Phosphoric Acid	1
Phosphorus	(1)
Phthalic Anhydride (molten)	11
Polybutene	30
Polyethylene Glycols	40
Polymethylene Polypheny isocyanate	12
Polypropylene	30
Polypropylene Glycol Methyl Ether	40
Polypropylene Glycols	40
Propane	31
Propanolamine	8
Propionaldehyde	19
Propionic Acid	4
Propionic Anhydride	11
Propyl Acetate	34
Propyl Alcohol	20
Propylamine	7
Propylene	30
Propylene Butylene Polymer	30
Propylene Glycol	20
Propylene Oxide	18
Propylene Tetramer	30
Propyl Ether	41
Pyridine	9
Sodium Hydrosulfide Solution (45% or less)	5
Sorbitol	20
Styrene (inhibited)	30
Sulfolane	39
Sulfur (molten)	(1)
Sulfuric Acid	2
Sulfuric Acid, Spent	2
Tallow	34
Tallow Fatty Alcohol	20
1,1,2,2-Tetrachloroethane	36
Tetradecanol	20
Tetradecene	30
Tetradecylbenzene	32
Tetraethylene Glycol	40
Tetraethylenepentamine	7
Tetrahydrofuran	39
Tetrahydronaphthalene	32
Tetrasodium Salt of EDTA Solution	43
Toluene	32
Toluene Diisocyanate	12
1,2,4-Trichlorobenzene	36
Trichloroethylene	36
Tridecanol	20
Tridecene	30
Tridecylbenzene	32

Table I—Alphabetical list of cargoes—Continued

Name	Group No.
Triethanolamine	8
Triethylamine	7
Triethyl Benzene	32
Triethylene Glycol	40
Triethylenetetramine	7
Tripropylene Glycol	40
Turpentine	30
Undecanol	20
Undecene	30
Undecylbenzene	32
Valeraldehyde	19
Vinyl Acetate (inhibited)	13
Vinyl Chloride (inhibited)	35
Vinylidene Chloride (inhibited)	35
Vinyl Toluene (inhibited)	30
Xylene	32

[1] Because of very high reactivity or unusual conditions of carriage, this product is not included in the Compatibility Chart. If compatibility information is needed for a shipment, contact Commandant (G-MHM-3/TP14), U.S. Coast Guard, 2100 Second St. SW., Washington, D.C. 20593 tel. no. (202) 426-6260.

Table II—Groupings of cargoes

1. *Non-Oxidizing Mineral Acids*
   - Hydrochloric Acid
   - Hydrofluoric Acid
   - Phosphoric Acid
2. *Sulfuric Acids*
   - Spent Sulfuric Acid
   - Sulfuric Acid (98% or less)
3. *Nitric Acid*
   - Nitric Acid (70% or less)
4. *Organic Acids*
   - Acetic Acid
   - Butyric Acid
   - Formic Acid
   - Propionic Acid
   - Acrylic Acid (inhibited)
5. *Caustics*
   - Caustic Potash Solution
   - Caustic Soda Solution
   - Cresylate Spent Caustic Solution
   - Sodium Hydrosulfide Solution (45% or less)
6. *Ammonia*
   - Ammonia, Anhydrous
   - Ammonium Hydroxide (28% or less)
   - Ammonium Nitrate, Urea, Water Solutions (containing Ammonia)
7. *Aliphatic Amines*
   - Butylamine
   - Cyclohexylamine
   - Dibutylamine
   - Diethylamine
   - Diethylenetriamine
   - Diisopropylamine
   - Dimethylamine
   - Di-n-propylamine
   - Ethylamine
   - Ethylenediamine
   - Hexamethyleneimine
   - Methylamine
   - Morpholine
   - Propylamine
   - Tetraethylenepentamine
   - Triethylamine
   - Triethylenetetramine
8. *Alkanolamines*
   - Aminoethylethanolamine
   - Diethanolamine
   - Diethylethanolamine
   - Diisopropanolamine
   - Dimethylethanolamine
   - Ethanolamine
   - Propanolamine
   - Triethanolamine
9. *Aromatic Amines*
   - Aniline
   - Pyridine
   - 2-Methyl-5-Ethylpyridine
10. *Amides*
    - Dimethylformamide
11. *Organic Anhydrides*
    - Acetic Anhydride
    - Phthalic Anhydride
    - Propionic Anhydride
12. *Isocyanates*
    - Diphenylmethane Diisocyanate
    - Polyphenyl Polymethyleneisocyanate
    - Toluene Diisocyanate
13. *Vinyl Acetate*
    - Vinyl Acetate (inhibited)
14. *Acrylates*
    - Butyl Acrylate (inhibited)
    - Butyl Methacrylate (inhibited)
    - Decyl Acrylate (inhibited)
    - Ethyl Acrylate (inhibited)
    - 2-Ethylexyl Acrylate (inhibited)
    - Ethyl Methacrylate (inhibited)
    - Methyl Acrylate (inhibited)
    - Methyl Methacrylate (inhibited)
15. *Substituted Allyls*
    - Acrylonitrile (inhibited)
    - Allyl Alcohol
    - Allyl Chloride
    - 1,3-Dichloropropene
16. *Alkylene Oxides*
    - Propylene Oxide
    - Butylene Oxide
17. *Epichlorohydrin*
    - Epichlorohydrin
18. *Ketones*
    - Acetone
    - Camphor Oil
    - Cyclohexanone
    - Diisobutyl Ketone
    - Isophorone
    - Mesityl Oxide
    - Methyl Ethyl Ketone
    - Methyl Isobutyl Ketone
19. *Aldehydes*
    - Acetaldehyde
    - Acrolein (inhibited)
    - Butyraldhyde
    - Crotonaldehyde
    - Decaldhyde
    - Ethylhexaldehyde
    - 2-Ethyl-3-Propyl Acrolein
    - Formaldehyde
    - Furfural
    - Glutaraldeyhyde Solution
    - Glyoxal Solution
    - Methylbutyraldehyde
    - Octyl Adlehyde
    - Pentyl Adlehyde
    - Propionaldehyde
    - Valeraldehyde
20. *Alcohols, Glycols*
    - Amyl Alcohol
    - Butyl Alcohol
    - 1,3-Butylene Glycol
    - Cyclohexanol
    - Decyl Alcohol
    - Diacetone
    - Alcohol Diisobutyl Carbinol
    - Dodecanol
    - Ethanol
    - Ethoxylated Alcohols C_{11}-C_{15}
    - Ethyl Alcohol
    - Ethylbutanol
    - Ethylene Chlorohydrin
    - Ethylene Cyanohydrin

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Ethylene Glycol
2-Ethyl Hexanol
Furfuryl Alcohol
Glycerin
Hexanol
Hexylene Glycol
Methanol
Methyl Alcohol
Methylamyl Alcohol
Methylisobutyl Carbinol
Octyl Alcohol
Nonyl Alcohol
Pentadecanol
Propyl Alcohol
Propylene Glycol
Sorbitol
Tallow Fatty Alcohol
Tetradecanol
Tridecanol
Undecanol

21. *Phenols and Cresols*
Carbolic Oil
Creosote, Coal Tar
Cresols
Nonyl Phenol
Phenol

22. *Caprolactam Solution*
Caprolactam Solution

23–29. *Unassigned*

30. *Olefins*
Butadiene (inhibited)
Butene
Butylene
Decene
Dicyclopentadiene
Diisobutylene
Dodecene
Ethylene
Hexene
Isoprene (inhibited)
Methyl Acetylene, Propadiene Mixture (stabilized) (alpha-) Methyl Styrene (inhibited)
Nonene
Octene
Pentene
Polybutene
Polypropylene
Popylene
Propylene Butylene Polymer
Propylene Tetramer
Styrene (inhibited)
Vinyl Toluene (inhibited)
Tetradecene
Tridecene
Turpentine
Undecene

31. *Paraffins*
Butane
Cycloaliphatic Resins
Cyclohexane
Decane
Dodecane
Ethane
Heptane
Hexane
Methane
Nonane
Octane
Pentane
Propane

32. *Aromatic Hydrocarbons*
Benzene
Benzene, Toluene, Xylene (crude)
Cumene
Cymene
Decylbenzene
Diethylbenzene
Dodecylbenzene
Ethylbenzene
Naphthalene
Tetradecylbenzene
Tetrahydronaphthalene
Toluene
Tridecylbenzene
Triethylbenzene
Undecylbenzene
Xylene

33. *Misc. Hydrocarbon Mixtures*
Asphalt
Asphalt Blending Stocks
Diphenyl-Diphenyl Oxide
Distillates
Gas Oil, Cracked
Gasoline Blending Stocks
Gasolines
Jet Fuels
Kerosene
Mineral Spirits
Naphtha
Naphtha, Varnish Makers' and Painters (75%)
Oils, Crude
Oils, Diesel
Oils, Clarified
Oils, Coal
Oils, Fuel (No. 1 through No. 6)
Oils, Residual
Oils, Road
Oils, Transformer
Petrolatum
Petroleum Naphtha

34. *Esters*
Amyl Acetate
Amyl Tallate
Butyl Acetate
Butyl Benzyl Phthalate
Castor Oil
Coconut Oil
Cottonseed Oil
Dibutyl Phthalate
Diethylene Glycol Monobutyl Ether Acetate
Diheptyl Phthalate
Diisodecyl Phthalate
Dinonyl Phthalate
Dioctyl Phthalate
Diundecyl Phthalate
Ethyl Acetate
Ethylene Glycol Monobutyl Ether Acetate
Ethylene Glycol Monoethyl Ether Acetate
Ethylhexyl Tallate
Fish Oil
Glycol Diacetate
Lard
Methyl Acetate
Methyl Amyl Acetate
Octyl Epoxy Tallate
Olive Oil
Palm Oil
Peanut Oil
Propyl Acetate
Safflower Oil
Soybean Oil
Tallow
Tucum Oil
Vegetable Oil

35. *Vinyl Halides*
Vinyl Chloride (inhibited)
Vinylidene Chloride (inhibited)

36. *Halogenated Hydrocarbons*
Carbon Tetrachloride
Chlorobenzene
Chlorodifluoromethane (mone-)
Chloroform
Dichlorobenzene
Dichlorodifluoromethane
1,1-Dichloroethane
Dichloromethane
1,1-Dichloropropane
1,2-Dichloropropane
Ethyl Chloride
Ethylene Dibromide
Ethylene Dichloride
Methyl Bromide
Methyl Chloride
Pentachloroethane
Perchloroethylene
1,1,2,2-Tetrachloroethane
1,2,4-Trichlorobenzene
Trichloroethylene

37. *Nitriles*
Acetonitrile
Adiponitrile

38. *Carbon Disulfide*

39. *Sulfolane*

40. *Glycol Ethers*
Diethylene Glycol
Diethylene Glycol Monobutyl Ether
Diethylene Glycol Monethyl Ether
Diethylene Glycol Monomethyl Ether
Dipropylene Glycol
Ethoxy Triglycol
Ethylene Glycol Monobutyl Ether
Ethylene Glycol Monoethyl Ether
Ethylene Glycol Monomethyl Ether
Nonylphenol, Ethoxylated
Polyethylene Glycols
Polypropylene Glycols
Polypropylene Glycol Methyl Ether
Soybean Oil, Epoxidized
Tetraethylene Glycol
Triethylene Glycol
Tripropylene Glycol

41. *Ethers*
Butyl Ether
Dichloroethylether
1,4-Dioxane
Ethyl Ether
Methyl Formal (Dimethyl Formal)
Propyl Ether
Tetrahydrofuran

42. *Nitrocompounds*
(mono-) Nitrobenzene
1- or 2-Nitropropane
Nitrotoluene

43. *Miscellaneous Water Solutions*
Ammonium Nitrate, Urea, Water Solutions (not containing Ammonia)
Corn Syrup
Dextrose Solution
Latex Solutions
Tetrasodium Salt of EDTA Solution

Appendix I—Exceptions to the Chart

The binary combinations listed below have been tested as prescribed in Appendix III and found not to be dangerously reactive. These combinations are exceptions to the Compatibility Chart (Figure 1) and may be stowed in adjacent tanks.

Member of reactive group	Compatible with—
Caustic soda, 50% or less	Butyl Alcohol. Diacetone Alcohol. Diethylene Glycol. Diethylene Glycol, Ethylene Glycol mixture.

Member of reactive group	Compatible with—
Ethylene Diamine	Ethylene Glycol (pure). Ethyl Alcohol. Ethyl Hexanol (Octyl Alcohol). Methyl Alcohol. Propyl Alcohol. Propyl Alcohol, Water mixture. Propylene Glycol. Ethyl Hexanol. Isophorone. Propyl Alcohol. Creosote. Propylene Glycol. Methyl Ethyl Ketone.
Sulfuric Acid, 98% or less	Choice White Grease.
Acrylonitrile	Triethanolamine.
Dodecyl and Tetradecylamine mixture.	Tall Oil Fatty Acid.

Appendix II—Explanation of Figure 1

Definition of a hazardous reaction—As a first approximation, a mixture of two cargoes is considered hazardous when, under specified condition, the temperature rise of the mixture exceeds 25°C or a gas is evolved. It is possible for the reaction of two cargoes to produce a product that is significantly more flammable to toxic than the original cargoes even though the reaction is non-hazardous from temperature or pressure considerations, although no examples of such a reaction are known at this time.

Chart format—There are different degrees of reactivity among the various cargoes. Many of them are relatively non-reactive: for example, aromatic hydrocarbons or paraffins. Others will form hazardous combinations with many groups: for example, the inorganic acids.

The cargo groups in the capatibility chart are separated into two categories: 1 through 22 are "Reactive Groups" and 30 through 43 are "Cargo Groups". Left unassigned and available for future expansion are groups 23 through 29 and those past 43. Reactive Groups contain products which are chemically the most reactive; dangerous combinations may result between members of different Reactive Groups and between members of Reactive Groups and Cargo Groups. Products assigned to Cargo Groups, however, are much less reactive; dangerous combinations involving these can be formed only with members of certain Reactive Groups. Cargo Groups do not react hazardously with one another.

Using the Compatibility Chart—The following procedure explains how the compatibility chart should be used to find compatibility infomation:

(1) Determine the group numbers of the two cargoes by referring to the alphabetical listing of cargoes and the corresponding groups (Table I). Many cargoes are listed under their parent names; unless otherwise indicated, isomers or mixtures of isomers of a particular cargo are assigned to the same group. For example, to find the group number for Isobutyl Alcohol, look under the parent name Butyl Alcohol. Similarly, the group number for para-Xylene is found under the entry Xylene. If a cargo cannot be found in this listing, contact the Coast Guard for a group determination (see § 150.140).

(2) If both group numbers are between 30 and 43 inclusive, the products are compatible and the chart need not be used.

(3) If both group numbers do not fall between 30 and 43 inclusive, locate one of the numbers on the left of the chart (Cargo Groups) and the other across the top (Reactive Groups). (Note that if a group number is between 30 and 43, it can only be found on the left side of the chart.) The box formed by the intersection of the column and row containing the two numbers will contain one of the following:

(a) *blank*—The two cargoes are compatible.

(b) "x"—The two cargoes are not compatible.

(c) *a letter other than* "x"—Reactivity varies among the group members. Refer to the footnotes following the chart to find whether the products in question are included in the footnotes. Unless the combination is specifically mentioned in these footnotes, it is compatible.

Examples

Combination	Groups	Compatible
Butyraldehyde/Acetic Acid	19/4	Yes.
Allyl Alcohol/Toluene Diisocyanate	15/12	No.
Decene/Ethyl Benzene	30/32	Yes.
Ethanolamine/Acetone	6/16	Yes.
Ammonia/Dimethylformamide	6/10	No.

Appendix III—Testing Procedures for Determining Exceptions to the Chart

Experimental Procedure for Evaluating Binary Chemical reactivity

General Safety Precautions—Chemical reactivity tests have, by their nature, serious potential for injuring the experimenter or destroying equipment. The experimenter should 1) have knowledge of the magnitude of the reactivity to be expected, 2) use adequate facilities and protective equipment to prevent injury from splatter of materials or release of fumes, and 3) start on a small scale so that unexpected reactions can be safely contained. All tests should be performed in a well-ventilated laboratory hood provided with shields.

Testing Chemicals other than Liquids—The procedure outlined below was developed for chemicals which are liquids at ambient temperatures. If one or both chemicals are normally shipped at elevated temperatures, the same procedure may be followed except the chemicals are tested at their respective shipping temperatures and the oil bath in Step 3 is maintained at a level 25°C above the higher temperature. This information is then indicated on the data sheet. If one of the chemicals is a gas at ambient temperatures, consult the Coast Guard for additional instructions before proceeding with the compatibility test.

Step 1

Objective—To determine if the test chemicals react violently and present a safety hazard in further tests.

Procedure—Place 0.5ml of one (A) of the test chemicals in a 25×150mm test tube. Clamp the test tube to a stand behind a safety shield (in a hood). Carefully add from a dropper 0.5ml of the other substance (B). Shake to induce mixing. If no immediate reaction occurs, retain the mixture for at least 10 minutes to check for a delayed reaction.

Results—If a violent reaction occurs, such as sputtering, boiling of reactants or release of fumes, record the results on the Data Sheet (appendix IV) and do not proceed to Step 2. If no reaction or a minor reaction occurs, proceed to Step 2.

Step 2

Objective—To determine the heat of reaction of two chemicals on mixing under specified conditions.

Procedure—Three separate mixes of the proposed binary combination will be tested. These are 2ml: 18ml, 10ml: 19ml, and 10ml: 2ml, respectively, to result in a final mixture of about 20ml in each case.

A reference-junctioned thermocouple is prepared by inserting two lengths of 20 gauge or finer iron-constantan or chromelalumel duplex thermocouple wire into glass capillilary sheaths. The common wire of each probe is joined, while the other wire of each is connected to a strip-chart recorder. The thermocouple probe which produces a negative pen deflection upon warming is the reference junction and is placed in a test tube of water at ambient laboratory temparature. The other probe is placed near the bottom of a Dewar flask of about 300ml capacity, such that the thermocouple will be below the surface of the test mixture. The Dewar flask is equpped with a magnetic stirrer having a stirring bar coated with an inert material such as a flourinated hydrocarbon.

Start the temperature recorder and stirrer. Deliver the test chemicals to the Dewar Flask simultaneously from separate graduated syringes. If an exothermic reaction occurs, continue the test until the maximum temperature is reached and begins to subside. If no apparent reaction occurs, continue the test for at least 30 minutes to check for a delayed reaction. Stop agitation and observe the mixture at five-minute intervals to determine if the mixture is miscible, if gases are evolved, or if other visible changes occur. In the interest of safety, a mirror can be used for these observations. Repeat the above test for the other mixture combinations.

Results—Record the results in the appropriate places on the Date Sheet. If no reaction occurs or if the temperature rise is less than 25°C, proceed to Step 3. If the observed temperature rise exceeds 25°C or gases are evolved, do not proceed to Step 3.

Step 3

Objective—To determine if exothermic reactions occur at temperatures up to 50°C.

Procedure—If a non-hazardous reaction occurred in Step 2, the ratio of chemicals which resulted in the greatest temperature rise will be tested. Fresh chemicals will be used with a total volume for this test of about 10ml (a ratio of 1ml:9ml, 5ml:5ml, or 9ml:1ml). If no reaction was observed in Step 2, use a ration of 5ml:5ml. Using the thermocouple perpared for Step 2, insert the reference probe into a 25×150mm test tube containing 10ml of water. Place the other probe into an empty test tube. Start the temperature recorder and add the two chemicals of the combination, one at a time, to the empty test tube. Lower the two test tubes into an oil bath maintain at 50 ± 2°C. Hold the samples in the oil bath until the maximum temperature differential is recorded, and in all cases at least 15 minutes. Observe the test

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mixture to determine if gases are evolved or if other visible changes occur. Follow prescribed safety precautions.

Results—Record the maximum differential temperature measured, the time required to reach this temperature, and any other observations in the proper space on the Data Sheet.

Send a copy of the Data Sheet for each binary chemical mixture tested to: Commandant (G-MHM-3/TP14), U.S. Coast Guard, 2100 Second St., S.W., Washington, D.C. 20593.

BILLING CODE 4910-14-M

Appendix IV - Data sheet

CHEMICAL REACTIVITY TEST DATA

Chemicals: A _____ B _____

Synonyms: _____ _____

Formula: _____ _____

Description of Products:	A	B
Manufacturer		
Sample Source		
Composition (by weight %)		
Inhibitors or Stabilizers		

Deviations from Prescribed Method (including special equipment)	

Step Number 1

Products miscible? _____ Gases evolved? _____

Other Observations:

Step Number 2

A/B Ratio:	2/18	10/10	18/2
Initial Temperature			
Maximum ΔT			
Time to reach Max. Temp.			
Products miscible?			
Gases evolved?			
Other Observations			

Size of Dewar Flask (inside measurements): Width _____mm Height _____mm

Step Number 3

A/B Ratio	
Oil Bath Temperature	
Maximum ΔT	
Time to reach Max. Temp.	
Gases evolved?	
Other Observations	

Date of Test: _____

Submitting Organization: _____

Test Data Approved By: _____

BILLING CODE 4910-14-C

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V 45/61 MR 27 80 UMI

PART 151—UNMANNED BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES

2. By deleting 151.13–5(b), 151.13–10, and 151.45–4(d)(11).

PART 153—SAFETY RULES FOR SELF-PROPELLED VESSELS CARRYING HAZARDOUS LIQUIDS

3. By deleting § 153.963.

PART 154—SAFETY STANDARDS FOR SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES

4. By deleting § 154.1832.

(46 U.S.C. 392a; 49 U.S.C. 1803; 49 CFR 1.46(n)(4) and (t))

Dated: March 11, 1980.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 80-8307 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 63

[CC Docket No. 78-72]

MTS and WATS Market Structure; Order Suspending Deadline for Filing Requests for Information

AGENCY: Federal Communications Commission.

ACTION: Suspension of time for the filing of request for information.

SUMMARY: The filing date for requests for information has been suspended pending further notice.

DATES: Suspension effective March 20, 1980.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Carl Lawson, Common Carrier Bureau (202) 632-9342

SUPPLEMENTARY INFORMATION:

[CC Docket No. 78-72]

Adopted: March 19, 1980.

Released: March 20, 1980.

By the Chief, Common Carrier Bureau:

In the Matter of MTS and WATS Market Structure.

1. A preliminary review of the industry model comments filed in this proceeding on March 3, 1980, indicates that it may be necessary for the Commission to reevaluate the nature and scope of this proceeding. That reevaluation conceivably might lead to the rescission or modification of the invitation to file requests for information with the Chief of the Common Carrier Bureau pursuant to Paragraph 43 of the *Supplemental Notice of Inquiry and Proposed Rulemaking*, 73 F.C.C. 2d 222, 244 (1979). Such requests for information are presently due on or before May 2, 1980. The suspension of that deadline will permit participants to defer preparation of such requests for information until the Commission has completed its reevaluation of the scope of the proceeding.

2. Accordingly, it is ordered, pursuant to the authority delegated in Section 0.291 of the Commission's Rules and Regulations, 47 C.F.R. 80.291, and the authority delegated in Paragraph 43 of the *Supplemental Notice of Inquiry and Proposed Rulemaking* in this proceeding, that the deadline for filing requests for information with the Chief of the Common Carrier Bureau is suspended until further notice.

Federal Communications Commission.

Philip L. Verveer,

Chief, Common Carrier Bureau.

[FR Doc. 80-8418 Filed 3-26-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-27; RM-3275]

FM Broadcast Station in Snowmass Village, Colo.; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding involving the assignment of an FM channel to Snowmass Village, Colorado. Pitkin County Broadcasters, Inc., requested the additional time to enable it to file its engineering data.

DATES: Comments must be filed on or before April 24, 1980, and reply comments must be filed on or before May 14, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

[BC Docket No. 80-27; RM-3275]

Adopted: March 18, 1980.

Released: March 20, 1980.

By the Chief, Policy and Rules Division:

In the matter of Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Snowmass Village, Colorado). Order extending time for filing comments and reply comments.

1. On January 22, 1980, the Commission adopted a *Notice of Proposed Rule Making*, 45 Fed. Reg. 6967, concerning the above-entitled proceeding. The dates for filing comments and reply comments are March 24, and April 14, 1980, respectively.

2. On March 17, 1980, counsel for Pitkin County Broadcasters, Inc., filed a timely request seeking an extension of time for filing comments to and including April 24, 1980. Counsel states that due to the illness and hospitalization of his client's consulting engineer, supporting engineering data cannot be made available in time for filing by March 24th.

3. We are of the view that the public interest would be served by this extension so that Pitkin County Broadcasters, Inc., may file any information which might be helpful to the Commission in reaching a decision in this proceeding. Also, as a result, it is necessary to extend the reply comment date.

4. Accordingly, it is ordered, That the dates for filing comments and reply comments in BC Docket No. 80-27 are extended to and including April 24, 1980, and May 14, 1980, respectively.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-9379 Filed 3-26-80; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192 and Part 195

[Docket PS-66; Notice 1]

Transportation of Natural and Other Gas by Pipeline, Transportation of Liquids by Pipeline; Placing Longitudinal Weld Seams in Upper Half of Pipe

AGENCY: Materials Transportation Bureau (MTB)

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This advance notice of proposed rulemaking invites comments on a recommendation by the National Transportation Safety Board (NTSB) to locate longitudinal weld seams in the upper half of the pipe as a means to reduce the potential for pipeline failures caused by corrosion in the longitudinal weld seams. Comments are solicited concerning the application of this recommendation to gas pipelines subject to Part 192 as well as interstate and intrastate pipeline facilities transporting hazardous liquids, as those terms are defined by the Hazardous Liquid Pipeline Safety Act of 1979.

DATE: Comments must be filed by May 30, 1980. Late filed comments will be considered so far as practicable.

ADDRESS: Comments should be sent in triplicate to: Dockets Branch, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. Comments will be available for review at the Docket Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, D.C. 20590, between 8:30 a.m. and 5:00 p.m. each working day.

FOR FURTHER INFORMATION CONTACT: Frank Robinson (202) 426-2392.

SUPPLEMENTARY INFORMATION: This advance notice of proposed rulemaking invites public comment on a recommendation made in two accident reports issued by the National Transportation Safety Board. The recommendation concerns placement of the longitudinal weld seams in the upper half of the pipe to minimize corrosion to the weld seam and the heat affected zone caused by corrosive elements that may be present in the bottom of the pipe.

One accident report, "Phillips Pipe Line Company, Propane Gas Explosion, Franklin County, Missouri, December 9, 1970 (NTSB-PAR-72-1)," concerned the rupture of a pipeline transporting liquid propane. The Board found the probable cause of the accident to be the rupture of an insufficiently bonded longitudinal weld further weakened by internal corrosions. During construction, the longitudinal welds were positioned in a random manner. Commodities with a significant water content and free water were present in the pipeline for 17 years. The water initiated a corrosion attack on the bottom of the pipe and on those longitudinal welds lying on the bottom of the pipe. In order to avoid failures of this type, the report recommended that Part 195 be amended to require longitudinal welds to be placed in the upper half of the pipe during construction or during pipe replacement.

The water accident report, "Texas Oil and Gas Corporation, 6-inch Natural Gas Gathering Pipeline Failure, Meridian, Missouri, May 21, 1974 (NTSB-PAR-76-1)," analyzes and describes a rupture and fire on a 6-inch gas gathering line near Meridian Mississippi, May 21, 1974.

The Board found that the probable cause of the accident was the rupture of a pipe which had been weakened by internal corrosion and hydrogen embrittlement. The internal corrosion was caused by an accumulation of water in the bottom of the pipe which combined with hydrogen sulfide and carbon dioxide in the natural gas and formed an acid. The location of the longitudinal seam weld at the bottom of the pipe in contact with the acid further weakened the pipe according to the report.

The report made several recommendations among which was one recommendation to Texas Oil and Gas Corporation to install pipe used in the construction or repair of its gas gathering lines with the longitudinal weld seam on the top half of the pipe.

Both of the reports just described are available to the public in the docket and through the National Technical Information Services, Springfield, Virginia 22151.

The MTB is considering the recommendation to locate the longitudinal weld seams in the upper half of the pipe. To make a proper evaluation of this recommendation, to define the safety problem, and to weigh the technical feasibility and economic practicability of the recommendation, the MTB needs more information than is presently available. The MTB is issuing this advance notice of proposed rulemaking as a means of getting the information it needs. This advance notice is not a proposal to change the regulations. Its only function is to generate information to use in evaluating the recommendation. If the information leads to the conclusion that the regulations should be amended, the MTB will publish a notice of proposed rulemaking setting forth the proposed changes and inviting comment on those proposals.

Each person should feel free to comment on any aspect of the recommendation, but the MTB specifically invites comments on the following: (1) Is industry experience with failures in the longitudinal weld seam consistent with the NTSB reports? (2) Is the recommendation applicable to modern pipe steels and welding techniques? (3) Would placing the longitudinal seam in the upper half of the pipe make bending the pipe or welding the pipe more difficult? (4) If corrosion in the longitudinal weld seam is a cause of or contributing factor to the cause of accidents, are there means other than locating the weld seams in the upper hald of the pipe which would prevent accidents, such as use of corrosion inhibitors or more frequent pigging? (5) Is corrosion in the longitudinal weld seam associated with the transportation of some commodities only? (6) Are there other safety advantages to this recommendation, such as facilitating the discovery of leaks in the longitudinal seams during hydrostatic tests? (7) What difficulties would an operator confront, either offshore or onshore, in placing longitudinal seams in the upper half of pipe? (8) What would be the costs resulting from a requirement to locate the longitudinal weld seams in the upper half of the pipe?

(49 USC 1672; 49 USC 1804, for offshore gas gathering lines; Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (Title II of Pub. L. 96-129, November 30, 1979, 93 Stat. 1003); 49 CFR 1.53 (a), Appendix A of Part 1 and Appendix A of Part 106)

Issued in Washington, D.C., on March 19, 1980.

Cesar De Leon,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 80-8899 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing Regulations; Proposed Waiver of Fishing Fees

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

SUMMARY: In two instances, unforeseen events have caused radical changes in foreign commercial fishing strategies for 1980. The Assistant Administrator for Fisheries, NOAA, has reviewed each case and has tentatively decided to waive the provisions of 50 CFR 611.22 so that certain vessel permit fees may be refunded to the U.S.S.R. and Japan. The Assistant Administrator has also decided to receive other refund requests should other countries find themselves similarly affected.

DATE: Comments are invited until April 15, 1980. Comments should be sent to Mr. Denton R. Moore, whose address is listed below. Please mark "Fishing Fees Waiver" on the envelope.

FOR FURTHER INFORMATION CONTACT: Mr. Denton R. Moore, Acting Chief, Permits and Regulations Division, National Marine Fisheries Service, 3300

Whitehaven, Street, Washington, DC 20235 Telephone: (202) 634–7432

SUPPLEMENTARY INFORMATION: The foreign fishing regulations published on December 28, 1979 (44 FR 76295) state that foreign vessel permit applications submitted on or after January 15, 1980 must be accompanied by the appropriate permit fees (see § 611.22(a)(1)(ii)). Those regulations also state that permit fees will be refunded only if the applications subsequently are not approved (see § 611.22(a)(1)(i)). Applications received before January 15, 1980, could have been withdrawn before that date if permits had not been issued, and any advance payment of permit fees would have been refunded. The reason for not refunding permit fees paid after January 15, 1980, is to reduce the enormous amount of time and paper work involved previously in processing applications subsequently withdrawn by foreign nations.

In the case of permits for which fee payments have been made and the permits issued, the regulations only provide for substitution of like vessels when the original vessels become disabled or otherwise cannot participate in the fishery.

The Assistant Administrator has tentatively decided to waive the requirement that permit fees are not refundable in the following two specific instances based upon the reasons stated in each case.

I. U.S.S.R.

The Soviet Union applied for and received permits for 80 catcher vessels, 37 other support vessels and one processing vessel prior to January 15, 1980. The permits authorized certain fishing activities in the Gulf of Alaska groundfish fishery and the Bering Sea and Aleutian Islands groundfish and herring fishery (BSA). On January 4, 1980, President Carter announced that the Soviet Union's preliminary allocations in the Bering Sea and Aleutian Islands fishery were not being made final. On January 18, 1980, a letter from the Soviet Union was received requesting that certain permit fees be refunded based upon the denial of a U.S.S.R. quota. Because the President's action served to deny the final 1980 allocation of 199,703 metric tons to the Soviets in the Bering Sea and Aleutian Islands fishery, the Assistant Administrator proposes to grant the U.S.S.R.'s request and to refund the permit fees and cancel the permits for 55 vessels. (Sixty-three Soviet vessels will remain permitted to fish for an allocation made in 1979 in the Gulf of Alaska and to support U.S. fishermen in "joint ventures.")

II. Japan

The Japan Fisheries Association originally obtained permits for 15 vessels to be used in the tanner crab fisheries of the Bering Sea in 1980. This was the same number of vessels which had been employed in that fishery in 1979. However, the allocation of Tanner crab was unexpectedly cut by 50 percent (from 15,000 m.t. in 1979 to 7,500 m.t. in 1980). Consequently, on January 14, 1980, the Japan Fisheries Association requested a refund of permit fees for 9 of those vessels. The Assistant Administrator proposes to grant the refund request and to cancel the permits for the 9 vessels, because the 1980 allocations were significantly lower than originally expected at the time the Japanese paid for and received their permits.

III. Other Nations

If other foreign nations believe themselves to be similarly disadvantaged because of unexpectedly reduced allocations they may also make application for vessel permit fee refunds by April 15, 1980.

Foreign nations are advised that there is no expectation that similar waivers will be granted in 1981 or beyond. These special waivers are being proposed in part because of possible confusion arising out of implementation of the new advance-payment procedural requirement in § 611.22(a)(1).

Signed at Washington, D.C. this 25th day of March 1980.

(16 U.S.C. 1801 *et seq.*)

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-9302 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 45, No. 61
Thursday, March 27, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Ratemaking and Economic Regulation; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Ratemaking and Economic Regulation of the Administrative Conference of the United States, to be held at 1:30 p.m., Monday, April 14, 1980 in the Library of the Conference, 2120 L Street, NW., Suite 500, Washington, D.C.

The Committee will meet to discuss tentative recommendations on remedial order procedures at the Department of Energy.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during or after the meeting.

For further information concerning this meeting, contact William C. Bush at the Office of the Chairman of the Administrative Conference, 2120 L Street, NW., Suite 500, Washington, D.C. 20037 (202–254–7020). Minutes of the meeting will be available on request.

Richard K. Berg,

Executive Secretary.

[FR Doc. 80-9085 Filed 3-26-80; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Deerlodge National Forest Grazing Advisory Board, Meeting

March 19, 1980.

The Deerlodge National Forest Grazing Advisory Board will meet at 10:00 a.m., Friday, April 25, 1980, in room 315 of the Federal Building, Corner of Main and Copper Streets, Butte, Montana. The purpose of the meeting is to adopt bylaws and to establish procedures for review of range improvement fund distribution.

Frank E. Salomonsen,

Forest Supervisor.

[FR Doc. 80-9347 Filed 3-26-80; 8:45 am]

BILLING CODE 3410-11-M

Finding of No Significant Impact; Control of Undesirable Species of Vegetation for the Purpose of Preparing Site for Planting and Release of Planted Seedlings Using Glyphosate (Roundup), Fosamine (Krenite), and Velpar Herbicide

An environmental assessment that discusses the proposed vegetative management on the Steamboat Ranger District involving the control of competing vegetation on 901 acres of conifer plantation has been prepared. All proposed treatment areas are located on lands administered by the Umpqua National Forest within Douglas (488 acres) and Lane (413 acres) Counties, Oregon. The report is available for public review at the Steamboat Ranger District Office and the Umpqua National Forest Office in Roseburg, Oregon.

This project involves hand application with backpack sprayer of herbicide on 226 acres, and aerial application with helicopter on 640 acres, and 35 acres of hand or aerial application on forest land for the purpose of reducing moisture competition and release for planted trees. Velpar will be applied in the spring by aerial or hand on 35 acres. Glyphosate will be applied in the fall by aerial on 559 acres and by hand on 134 acres. Fosamine will be applied in the fall by aerial on 81 acres and by hand on 92 acres. No wetlands or flood plains are involved.

I have determined through the environmental assessment analysis that this is not a major Federal action significantly affecting the quality of the human environment. Therefore, it has been determined that an environmental impact statement is not needed.

This determination was based upon consideration of the following factors which are discussed in detail in the environmental assessment: (a) There will be no irreversible or irretrievable loss of resource on the project areas, (b) the physical and biologial effects are limited to the project areas, and (c) no known threatened or endangered plants or animals have been recorded or observed within the project area.

Some public concern exists over the use of any chemical and the effect it has on water quality. The proposed project includes application measures designed to protect non-target areas and the water quality. State and Federal water quality standards will be met.

No action will be taken prior to April 28, 1980.

The responsible official is R. D. Swartzlender, Forest Supervisor, Umpqua National Forest, P.O. Box 1008, Roseburg, Oregon 97470.

Dated: March 14, 1980.

R. D. Swartzlender,

Forest Supervisor.

[FR Doc. 80-9230 Filed 3-26-80; 8:45 am]

BILLING CODE 3410-11-M

Science and Education Administration

Cooperative Forestry Research Advisory Board and Advisory Committee

In accordance with the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776), the Science and Education Administration announces the following meeting:

NAME: Cooperative Forestry Research Advisory Board and Advisory Committee.

TIME: April 22, 1980, 8:00 a.m.–April 24, 1980, 12:00 noon.

Joint Sessions Board and Committee: April 22, 1980—8:30 a.m.–3:00 p.m. and April 24, 1980—10:00 a.m.–12:00 noon.

PLACE: Hobcaw Barony, Georgetown, South Carolina Committee and Joint Sessions—Conference Room Board—Library.

TYPE OF MEETING: Open to the public. Persons may participate in the meeting as time as space permit.

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COMMENTS: Written statements may be filed with the Committee or Board before or after the meeting with the contact persons listed below and names of Board and Committee members may be obtained from them.

PURPOSE: The Advisory Board, in separate meeting, will consider recommendations on the allocation of research funds. The Advisory Committee, in separate meeting, will review program information, evaluate program activities, and identify research priorities. In joint sessions, the Board and Committee will review progress in regional-national planning and develop recommendations. Research of the host institution will be described and discussed with the Board and Committee.

CONTACT PERSON FOR AGENDA AND MORE INFORMATION: Executive Secretary of the Board: W. I. Thomas (202) 447–4423. Executive Secretary of the Committee: J. D. Sullivan (202) 447–3555.

Science and Education Administration, Cooperative Research, U.S. Department of Agriculture, Washington, D.C. 20250.

Done at Washington, D.C., this 20th day of March, 1980.

Anson R. Bertrand,

Director, Science and Education.

[FR Doc. 80-9307 Filed 3-26-80; 8:45 am]

BILLING CODE 3410-22-M

CIVIL AERONAUTICS BOARD

[Docket 26373]

Aerolineas El Salvador, S.A.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice or order to show cause: Order 80–3–129.

SUMMARY: The Board proposes to approve the following application: Applicant: Aerolineas El Salvador, S.A. Application date: January 31, 1974, Docket: 26373, September 5, 1979. Authority sought: Renewal of foreign air carrier permit authorizing foreign air transportation of property and mail between El Salvador and Miami, Florida.

OBJECTIONS: All interested persons having objections to the Board's tenative findings and conclusions that this authority should be granted, as described in the order cited above, shall, NO LATER THAN April 17, 1980, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State and the Ambassador of El Salvador in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

ADDRESSES FOR OBJECTIONS:

Docket 26373, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Applicant: David L. Vaughan, Koteen & Burt, Attorneys for Aerolineas, El Salvador, S.A., 1150 Connecticut Ave. NW., Washington, D.C. 20036.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION: CONTACT: The Regulatory Affairs Division of the Bureau of International Aviation, Civil Aeronautics Board; (202) 673–5211.

By the Civil Aeronautics Board: March 20, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9256 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

[Order 80–3–121; Docket 36941]

Boston Environmental Study; Order Denying Petitions for Reconsideration of Order 79–10–133

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of March, 1980.

We established the Boston Environmental Study by Order 79–10–133 on October 22, 1979. That order deferred action on all grants of new authority at Boston and directed the staff to prepare an environmental assessment of the effects of multiple authority on Boston's Logan Airport and surrounding neighborhoods.

Northwest Airlines and the Massachusetts Aeronautics Commission have filed petitions for reconsideration of Order 79–10–133.

Northwest requested that we reconsider the deferral of Boston authority as it affects one of its international flights.[1] It presently has three weekly Boston-Prestwick, Scotland, round trips and has requested authority to permit a stop at Shannon, Ireland, twice a week on the already scheduled flights to Scotland. The requested stop at Shannon would not change Northwest's Boston operations.

The Massachusetts Aeronautics Commission (MAC) requested us to reconsider our decision to defer authority at Boston on the grounds that the deferral may harm the local economy. The MAC petition for reconsideration has the support of the Governor of Massachusetts, the Massachusetts Secretary of the Executive Office of Transportation and Construction, and three business-oriented associations: The Greater Boston Chamber of Commerce, the New England Council, and Associated Industries of Massachusetts. Their petition challenges the deferral as a route moratorium and argues that Order 79–10–133 contravenes the Airline Deregulation Act of 1978 and makes us a party to Massport's alleged discrimination.

We affirm our decision to defer temporarily the grant of new Boston route authority. Our deferral of Boston awards is based on our obligations and authority under the National Environmental Policy Act of 1969 (NEPA). NEPA obligates all federal agencies to administer their policies, regulations, and statutes in accord with the environmental policies set forth in that Act. The Airline Deregulation Act did not alter our general obligation to consider the environmental effects of our actions before we take them. We must reconcile this responsibility with our obligation to apply the Federal Aviation Act's new standards for the grant of route authority. This is what we have attempted to do here.

NEPA generally requires that no federal action that would significantly affect the quality of the human environment be taken prior to disclosure of the environmental effects of that federal action. Cognizant of the environmental questions concerning Logan International Airport, we temporarily deferred action pending the investigation of whether new authority at Boston is a "major federal action significantly affecting the quality of the human environment." After the determination of the environmental effects, we can balance them against the economic cost of any action we might take to alleviate any adverse environmental effects. We believe that to continue routinely to make awards at Logan before the determination has been completed would be fundamentally at odds with NEPA.

MAC alleges that Order 79–10–133 was erroneous because it responds to the allegedly unconstitutional and discriminatory position Massport has taken. While we have taken seriously Massport's environmental concerns, our decision to study the environmental effect of increased route authority at Boston was based on our statutory obligations under NEPA, and our decision to review carefully the impact of new authority at Boston is valid whether or not Massport's conduct is improperly motivated.

MAC further alleges that we are prevented from deferring action in a route case because under the Deregulation Act new awards are "presumed to be consistent with the public convenience and necessity." The Deregulation Act provides for a transition to the complete marketplace regulation of routes. Under the previous regulatory system, the burden was on the applicant to show that the proposed service was required by the public convenience and necessity. During the transition period there is a rebuttable presumption in favor of new applications, which shifts the burden of proof from the applicant to the opponent. However, there remains the requirement that we determine that the service is consistent with the public convenience and necessity.[2] Environmental considerations are part of that determination, and we have an obligation to consider environmental concerns in our decisions.[3]

Within statutory limits, we retain the discretion to regulate the time for processing applications. We decided in the order establishing the Boston Environmental Study that a deferral of decisions on new Boston authority was the best course in light of our obligations under NEPA and *Palisades*. MAC has presented nothing to convince us that this decision should be reversed.

This is not an indefinite deferral of route authority. We have circulated our staff's environmental assessment for public comments which are due on April 7, 1980.[4] We will consider the staff study in light of those comments. For the interim period, we explicitly left open the possibility of granting exemption applications where unusual circumstances were demonstrated. To date, two exemption applications have been filed, and both granted.[5]

Accordingly, 1. We dismiss the petition for reconsideration of Northwest and deny that of the MAC; and

2. We will serve a copy of this order on all carriers listed in Appendix A of Order 79–10–133, Massachusetts Port Authority, Mayor of Boston; Massachusetts Aeronautics Commission; and the Airport Manager Logan International Airport.

We will publish this order in the **Federal Register.**

By the Civil Aeronautics Board.[6]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9263 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

[1] Northwest has also filed an exemption application, Docket 36609, requesting the same authority to stop at Shannon. That request has been granted. Order 80–1–132, issued under delegated authority January 21, 1980.

[2] *Ohio/Indiana Points Nonstop Service Investigation*, Docket 21162, Order 79–5–228, pp. 1–2.

[3] *Palisades Citizen Ass'n v. CAB*, 420 F.2d 188 (D.C. Cir. 1969).

[4] Order 80–3–33, March 6, 1980.

[5] Docket 36609, Order 80–1–132, January 21, 1980, granting Northwest Airlines an exemption authorizing it to make an additional stop on already scheduled Boston-Scotland flights; Docket 37004, Order 80–1–82, January 14, 1980, granting Braniff an exemption permitting it to operate unrestricted nonstop service in the Boston-Dallas/Ft. Worth market. The grant of Northwest's exemption application moots its petition for reconsideration, and we will dismiss it on that basis.

[6] All Members concurred.

[Docket 37481]

Capitol International Airways, Inc.; Scheduled Flight Cancellations; Prehearing Conference

Notice is hereby given that a prehearing conference will be held in the above-entitled matter on April 11, 1980, at 1:30 p.m. (local time), in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Argument concerning the motion filed by the Bureau of Consumer Protection on March 4, 1980, requesting consolidation of this proceeding with the consolidated proceedings in Dockets 36446 and 36946 will be entertained. Other matters to be presented and discussed will include simplification of the issues, offers of proof and stipulations as to facts, authentication of documents, future procedural dates, and such other matters as will contribute to the orderly and prompt conduct of this proceeding.

Dated at Washington, D.C., March 20, 1980.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 80-9720 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 36446 and 36946]

Lester Cohen and Stacey Schlau v. Capitol International Airways, Inc., and Gregory James Tharp v. Capitol International Airways, Inc.; Prehearing Conference

Notice is hereby given that a prehearing conference will be held in the above-entitled cases on April 11, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Matters to be presented and discussed will include simplification of the issues, offers of proof and stipulations as to facts, authentication of documents, future procedural dates, and such other matters as will contribute to the orderly and prompt conduct of this proceeding.

Dated at Washington, D.C., March 20, 1980.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 80-9269 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37873]

Golden West Airlines, Inc., Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Pope, II. Future communications should be addressed to Judge Pope.

Dated at Washington, D.C., March 20, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-9271 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 34774; Order 80–3–126]

Metro Airlines; Application for Compensation for Losses; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of March, 1980.

On February 21, 1979, Metro Airlines filed a 30-day notice under section 419 (a)(3)(B) of the Federal Aviation Act announcing its intent to suspend its operations at Paris, Texas, effective March 24, 1979. By Order 79–3–140, March 21, 1979, we prohibited Metro's suspension for 30 days, or until a fit, willing, and able carrier is in place.[1]

[1] By a series of orders, the most recent being Order 80–2–80, we have extended this obligation for additional 30-day periods through March 17, 1980. Order 79–8–53, August 9, 1979 invited carriers interested in providing service to Paris to file applications by September 12, 1979. Proposals by three applicants are now being reviewed.

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On October 22, 1979, Metro filed an application seeking compensation for losses pursuant to Part 324 of our Economic Regulations. Metro alleges that its total loss for the period March 24, 1979 through September 19, 1979, including return on investment, was $121,750.

The subsidy staff subsequently contacted Metro seeking additional data needed to evaluate the claim, and ultimately decided that it must await results of an audit before completing its analysis. Information contained in the audit resulted in a number of adjustments to Metro's claim. Major elements in most of these adjustments relate to apparent differences in the revenue block hours used in assigning costs to the Dallas-Paris segment. The hours developed by the audit—both the absolute number of hours for the Dallas-Paris segment and the percentage of those hours to total hours—are lower than claimed by Metro. Also, the unit costs used to construct Dallas-Paris expenses were adjusted on the basis of the audit.[2] Staff is contacting the carrier informally with a detailed description of those adjustments.

The recognized operating losses for the provision of essential air services for the period March 24, 1979 through September 19, 1979 are $56,955. We are establishing an interim level of compensation of this amount, plus $9,493 for the 30-day period ended October 19, 1979 (one-sixth of $56,955). Because Metro apparently substantially revised its flight schedule in November, varying both the equipment type used and the flight frequency, we need additional data from Metro in order to compensate it for losses sustained after October 19, 1979.

Because we are setting an interim rate of compensation, the carrier is free to pursue any adjustments to its claim which it disagrees. We note that a substantial part of the difference between Metro's claim and our adjusted data arises because we did not include an allowance for profit for the purpose of setting this interim rate. Since interim compensation rates are subject to adjustment, we elect to treat them as temporary rates and recognize only operating losses and interest on long term debt, which is consistent with § 399.30 of our Economic Regulations. A profit element will be considered after Metro's forced service requirement is terminated, and when we propose a final settlement of the carrier's claim.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 419, and 1002 (b), and the regulations promulgated in 14 CFR 302 and 324:

1. We set the interim level of compensation for losses sustained by Metro Airlines, by virtue of its provision of essential air service to Paris, Texas at $66,448 for the period March 24, 1979 through October 19, 1979;

2. This proceeding shall remain open pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than, or higher than the interim rate of compensation set here; and

3. We shall serve this order upon all parties to this proceeding.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.[3]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9264 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

[2] For example, Metro calculated its fuel expense on the basis of $1.00 price per gallon and a burn rate of 40.52 gallons per aircraft hour. According to the audit of Metro's records, it paid an average price per gallon of fuel of 83.5 cents and its burn rate was 37.5 gallons per aircraft hour.

[3] All Members concurred except Member Dailey who did not participate.

[Order 80-3-125; Docket 37751]

Nor East Commuter Airlines, Inc.; Petition for Advance Compensation for Losses; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of March, 1980.

On January 24, 1980, Nor East Commuter Airlines, Inc. (Nor East) filed a 30-day notice under section 419 of the Act announcing its intent to suspend service between New Bedford, Massachusetts, and Martha's Vineyard and Nantucket, Massachusetts, on February 20, 1980. By Order 80-2-89, February 15, 1980, we prohibited Nor East's suspension for 30 days.

On February 28, 1980, Nor East petitioned for advance compensation for losses pursuant to section 419 of the Act and Part 324 of our Procedural Regulations. Nor East provided a detailed explanation of its estimated traffic, revenue, cost, and compensation requirements for the last one-third of February, the months of March through May, and the year ended January 1981; and it seeks compensation of $15,835 [1] for the 30-day period ended March 21, 1980. Nor East alleges that its estimates are drawn from almost three years of operating experience on that route; that advance compensation is necessary because it is suffering operating losses of about $16,000 per month and cannot absorb those losses; that it had intended to terminate service because of those losses; and that its request for compensation was filed before the first 30-day compulsory service period was over because it has exhausted its sources of debt and equity needed to cover the deficit.

We have reviewed Nor East's petition and find that the information contained therein reasonably supports the requested compensation on an interim basis, with one exception. Nor East bases its claim solely on its estimate of compensation required for the first 30-day compulsory period. Since it seems likely that the carrier will be held in beyond then we will, instead, set an interim rate based on the estimated average compensation that would be required for operations through May 20, 1980, or two additional compulsory periods. This results in a rate of compensation of $14,681 per 30-day period. Should Nor East be held in beyond May 20, we will revise the interim level of compensation in view of the seasonal increase in traffic. We also note that in Order 80-2-89 we directed the staff to discuss New Bedford's essential air service needs with civic officials. Should those discussions lead to any changes in Nor East's service pattern we will promptly make any necessary revisions to its interim level of compensation.

Finally, we will not make the payments in advance as requested by Nor East. As we stated in the preamble to our interim rule governing compensation for losses sustained in providing forced service (Regulation PR-209, page 4), advance compensation will be made in instances where a carrier shows that without the advance its financial difficulties in continuing service are of a magnitude that it might not survive the 30-day period. Particularly in view of the carrier's years of operating experience at New Bedford and the reduced level of service required by Order 80-2-89, Nor East's bare assertion that it cannot now absorb losses estimated at about $15,000 per month does not justify the need for advance compensation. Nor East does not have to absorb such losses. It will be compensated for them usually within 10 days after each month's service is provided. In any event, Nor East's request was not received until several days into the compulsory period for which it seeks advance compensation. Even had the Board considered the application on an emergency basis—and there was nothing in the application to suggest such action was warranted—payment for the first compulsory period could not have been made appreciably before the end of the period.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 419, and 1002(b), and the regulations promulgated in 14 CFR 302 and 324;

1. We set the interim level of compensation for losses sustained by Nor East Commuter Airlines, Inc., by virtue of its provision of essential air service between New Bedford, Massachusetts, and Martha's Vineyard and Nantucket, Massachusetts, at $14,681.00 for each 30-day period beginning February 21, 1980, less $52.00 for each scheduled flight not completed;

2. This proceeding shall remain open pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than, or higher than the interim rate set here.

3. We shall serve this order upon all parties to this proceeding.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board: [2]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9262 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

[1] Calculated as one-third of the operating loss plus interest estimated for February plus two thirds of that estimated for March.

[2] All members concurred.

DEPARTMENT OF COMMERCE

Office of the Secretary

Advisory Committee for International Legal Metrology; Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976) and Office of Management and Budget Circular A-63 of March 1974, as amended, and after consultation with the General Services Administration, the Secretary of Commerce has determined that the renewal of the Advisory Committee for International Legal Metrology is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee, first established in March 1974 and renewed in March 1976 and March 1978, was to terminate on March 17, 1980. Its purpose was to advise the Department through the Director, National Bureau of Standards (NBS), on technical and policy matters relating to NBS' assigned general responsibility for the development of U.S. positions on technical issues arising in the International Organization of Legal Metrology (OIML). This objective was achieved. Its advice and recommendations—all of which were accepted and implemented by NBS—have meaningfully contributed to the Administration's program for increased export trade by ensuring that International Recommendations proposed by OIML do not contain restrictive technical requirements which act as non-tariff trade barriers.

In renewing the Committee, the Secretary has not changed its objective. The trade implications of OIML and the ambitious work program envisioned by the Organization mandate continued active participation by the U.S. and the continued need for timely action by Government and industry to assess the trade impact of proposed OIML actions. The Committee is uniquely suited to assist NBS in this task and its function cannot be accomplished by any organizational element or other committee of the Department.

As initially established (39 FR 6136 2-19-74) the Committee will continue with a balanced representation, presently of approximately 40 members, chaired by the United States representative to the International Organization of Legal Metrology (OIML). Membership on the Committee is balanced through representation from four major interest groups: (1) Federal agencies which use and/or regulate measurement instruments in commerce, or in the field of public health and safety; (2) State and local weights and measures jurisdictions which establish metrological requirements for instruments and which regulate the accuracy of these instruments in intrastate commerce; (3) Industry trade associations, professional metrologists and private standards bodies which manufacture, use and/or write private voluntary standards incorporating, or referencing, measurement devices or methods; and (4) Consumers. Additionally, Committee membership is open at any time to any interest group who demonstrates a desire to participate.

The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress and with the Library of Congress.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. David Edgerly, Chief, Office of Domestic and International Measurement Standards, Building 221, Room A353, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234, telephone: 301-921-3307.

March 20, 1980.

Guy W. Chamberlin, Jr.,

Acting Assistant Secretary for Administration.

[FR Doc. 80-9248 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-17-M

International Trade Administration

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, April 16, 1980, at 9:30 a.m. in room 3708, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee was established on February 4, 1974. On July 8, 1975, the Director, Office of Export Administration, approved the reestablishment of this Subcommittee, pursuant to the charter of the Committee. And, on October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls. The Licensing

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Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

The Subcommittee meeting agenda has four parts:

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Pending items of business:

a. Swiss Blue Import Certificate

b. Technical preevaluation of products

c. Qualified general license

d. Technical data regulations.

(4) Standard formatting of license applications.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202–377–2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Date: March 24, 1980.

Kent Knowles,

Director, Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 80-9341 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-25-M

Suspension of the Steel Trigger Price Mechanism

The Department of Commerce hereby announces the suspension of the steel trigger price mechanism (TPM). The TPM was established in December 1977 by the Department of the Treasury (see 42 FR 65214, Dec. 30, 1977). The TPM provided the Secretary of the Treasury, then the administering authority for the antidumping statute (the authority has since been transferred to the Secretary of Commerce under Reorganization Plan No. 3 of 1979), with information necessary for determining when the government should self-initiate steel antidumping investigations; normally investigations are commenced only upon receipt of a petition filed on behalf of the domestic industry.

The TPM was designed as a substitute for individual antidumping petitions by the domestic steel industry. Under the TPM the resources of the administering authority were utilized to continuously monitor all basic steel mill product imports instead of applying resources to the investigation of individual petitions that necessarily focus on specific products and countries.

On March 21, 1980, dumping petitions involving basic steel mill products from seven European countries were filed with the Department of Commerce by United States Steel Corporation on behalf of the domestic steel industry. The imports involved in these cases accounted for nearly one-third of U.S. imports of basic steel mill products in 1979.

With the filing of these major antidumping petitions, the basis upon which TPM was maintained no longer exists. Continuation of the TPM while investigating the industry complaints involving a major portion of U.S. imports would be largely redundant; consequently, effective March 24, the Department will devote its resources toward the expeditious investigation of the dumping alleged in the industry's petitions.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 80-9356 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-22-M

Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee; Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, April 16, 1980, at 1:30 p.m. in Room 3708, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Computer System Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975. On October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof was published in the **Federal Register** on September 14, 1978 (43 FR 41073).

For further information contact Mrs. Margaret Cornejo, Office of Export Administration, International Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, phone 202–377–2583.

Dated: March 24, 1980.

Kent Knowles,

Director, Office of Export Administration, International Trade Administration, Department of Commerce.

[FR Doc. 80-9343 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-25-M

Melamine in Crystal Form From Austria; Antidumping: Determination of Sales at Less Than Fair Value

AGENCY: U.S. Department of Commerce.

ACTION: Final determination of sales at less than fair value.

SUMMARY: This notice is to advise the public that it has been determined that melamine in crystal form from Austria has been sold to the United States at less than fair value within the meaning of section 735 of the Tariff Act of 1930, as amended. Sales at less than fair value generally occur when merchandise exported to the United States is sold in the United States at a price which is less than (a) the price of such or similar merchandise sold in the home market, (b) in the absence of a viable home market, the price at which it is sold in a third country, or (c) a constructed value.

EFFECTIVE DATE: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: Stuart Keitz, Office of Investigations, International Trade Administration, U.S. Department of Commerce, N.W., Washington, D.C. 20230, (202–566–5492).

SUPPLEMENTARY INFORMATION: On March 23, 1979, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of Melamine Chemicals, Inc. (MCI), Donaldsonville, Louisiana, alleging that imports of melamine in crystal form from Austria are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*). An "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to, or likelihood of injury to, an industry in the United States was published in the **Federal Register** of May 1, 1979 (44 FR 25555). A "Withholding of Appraisement Notice" was published in the **Federal Register** on November 13, 1979 (44 FR 65516–65517).

The merchandise under consideration is described as "melamine in crystal form" provided for in item 425.1020 of the Tariff Schedules of the United States Annotated (TSUSA). In accordance with section 102(b)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 1671 note), this matter is being treated as if a preliminary determination under section 733 of the Tariff Act of 1930, as amended (93 Stat. 163, 19 U.S.C. 1673b), had been made on January 1, 1980. Accordingly, liquidation has been suspended on all entries, or withdrawals from warehouse, for consumption of the subject merchandise from Austria, on or after the date of publication of the "Withholding of Appraisement Notice" in the **Federal Register.**

Final Determination of Sales at Less Than Fair Value

On the basis of the information developed in the investigation and for the reasons stated below, pursuant to section 735 of the Tariff Act of 1930, as amended (93 Stat. 169, 19 U.S.C. 1673d), I hereby determine that melamine in crystal form from Austria is being or is likely to be, sold in the United States at less than its fair value.

Statement of Reasons for This Determination

a. *Scope of the Investigation.* All of the subject merchandise from Austria sold for export to the United States during the investigatory period (November 1, 1978, through March 31, 1979) was sold by Chemie Linz, A.G. The investigation, therefore, was limited to this company.

b. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between the purchase price and the home market price of such merchandise. Purchase price, as defined in section 772 of the Tariff Act of 1930, as amended (93 Stat. 181, 19 U.S.C. 1677a), was used since all United States sales were made to one unrelated customer prior to the importation of the merchandise. Home market price, as defined in section 353.3, Commerce Regulations (19 CFR 353.3, 45 FR 8191), was used since such merchandise was sold in sufficient quantities in the home market to provide an adequate basis of comparison for fair value purposes.

In accordance with section 353.38(a), Commerce Regulations (19 CFR 353.38(a), 45 FR 8200), pricing information gathered concerning sales to the United States and home market sales during the period November 1, 1978, through March 31, 1979.

c. *Purchase Price.* For purposes of this determination, purchase price has been calculated on the basis of the CIF price to the unrelated United States customer. Deductions have been made for commissions, United States inland freight, ocean freight, insurance and foreign inland freight, where applicable.

Counsel for the petitioner has challenged the acceptance of the respondent's reported freight costs on grounds that the rates are too low to reflect all ocean freight and inland freight components. Information obtained during the investigation, however, supports the reported figures and their use in the determination of purchase price.

d. *Home Market Prices.* For the purposes of this determination, the fair value has been calculated on the basis of the weighted-average price in the home market to unrelated purchasers. A claim for use of a preponderant price instead of a weighted average price as the basis of fair value was not allowed because the volume of sales at that price did not meet the criteria set forth in section 353.20(b), Commerce Regulations (19 CFR 353.20(b), 45 FR 8195). In another approach, the respondent made a claim for use of that "preponderant" price to a particular purchaser as the basis of fair value on grounds that, of all home market purchasers, this purchaser represents a level of trade most similar to that of the U.S. purchaser. This claim was also disallowed, because no acceptable quantification or formalization of price differentials based on differences in level of trade was demonstrated as required for consideration under section 353.19, Commerce Regulations (19 CFR 353.19, 45 FR 8194). Deductions were made for inland freight and an offset against a commission allowed in the United States. Costs allowed in this offset included technical assistance and servicing, storage costs and sales costs. A claim for inclusion of a commission in the offset was allowed in the preliminary determination, but has been reexamined at the request of counsel for the petitioner. Review of the facts indicates that the commission was paid for services which do not qualify as other selling expenses for offset purposes under section 353.15(c), Commerce Regulations (19 CFR 353.15(c), 45 FR 8194). Accordingly, the commission has been disallowed in arriving at the final determination. The allowance for technical assistance and servicing was also challenged on grounds that the investigation failed to verify the amount claimed by the respondent. Nevertheless, the offset has been retained, because the existence of such customer services was verified by the investigation and the amount claimed was considered reasonable.

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Other adjustments were made for differences in credit terms and packing costs.

e. *Results of Fair Value Comparisons.* Using the above criteria, purchase price is lower than the home market price of such merchandise. Comparisons were made on 100 percent of the sales to the United States during the period of invetigation. Margins were found on 100 percent of the sales examined. The margins range from 7.76 to 27.53 percent and the weighted average margin is 12.16 percent.

Verification of submitted data was accomplished by random selection of response information and subsequent examination of related financial ledgers, records and commercial documents at the respondent's premises.

Interested persons have been provided an opportunity to present views in accordance with section 353.44(e), Commerce Regulations (19 CFR 353.44(e), 45 FR 8203).

This notice is published pursuant to section 353.44(f), Commerce Regulations (19 CFR 353.44(f), 45 FR 8203).

Dated: March 20, 1980.

Stanley J. Marcuss,

Acting Assitant Secretary for Trade Administration.

[FR Doc. 80-9304 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-22-M

Melamine in Crystal Form From the Netherlands; Antidumping: Dtermination of Sales at Less Than Fair Value

AGENCY: U.S. Department of Commerce.

ACTION: Final determination of sales at less than fair value.

SUMMARY: This notice is to advise the public that it has been determined that melamine in crystal form from the Netherlands has been sold to the United States at less than fair value within the meaning of section 735 of the Tariff Act of 1930, as amended. Sales at less than fair value generally occur when merchandise exported to the United States is sold in the United States at price which is less than (a) the price of such or similar merchandise sold in the home market, (b) in the absence of a viable home market, the price at which it is sold in a third country, or (c) a constructed value.

EFFECTIVE DATE: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: Stuart Keitz, Office of Investigations, International Trade Administration, U.S. Department of Commerce, N.W., Washington, D.C. 20230 (202-566-5492).

SUPPLEMENTARY INFORMATION: On March 23, 1979, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of Melamine Chemicals, Inc. (MCI), Donaldsonville, Louisiana, alleging that imports of melamine in crystal form from the Netherlands are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*). An "Antidumping Proceeding Notice" indicating that there was evidence on record concerning injury to, or likelihood of injury to, an industry in the United States was published in the **Federal Register** of May 1, 1979 (44 Fed. Reg. 25555). A "Tentative Determination of Sales at Not Less Than Fair Value" was published in the **Federal Register** on November 13, 1979 (44 Fed. Reg. 65517-65518). Subsequently after discovery of a computational error which changed the results, an "Amendment to Tentative Determination and Suspension of Liquidation" was published in the **Federal Register** of February 26, 1980 (45 Fed. Reg. 12466).

The merchandise under consideration is described as "melamine in crystal form" provided for in item 425.1020 of the Tariff Schedules of the United States Annotated (TSUSA). In accordance with section 102(b)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 1671 note), this matter is being treated as if a preliminary determination under section 733 of the Tariff Act of 1930, as amended (93 Stat. 163, 19 U.S.C. 1673b), had been made on January 1, 1980. Accordingly, liquidation has been suspended on all entries, or withdrawals from warehouse, for consumption of the subject merchandise from the Netherlands on or after the date of publication of the amended notice in the **Federal Register**.

Final Determination of Sales at Less Than Fair Value

On the basis of the information developed in the investigation and for the reasons stated below, pursuant to section 735 of the Tariff Act of 1930, as amended (93 Stat. 169, 19 U.S.C. 1673d), I hereby determine that melamine in crystal form from the Netherlands is being, or is likely to be, sold in the United States at less than the fair value.

Statement of Reasons for This Determination

a. *Scope of the Investigation.* All of the subject merchandise from the Netherlands sold for export to the United States during the investigatory period (November 1, 1978, through March 31, 1979) was produced and exported by Naamloze Vennootschap (DSM). The investigation, therefore, was limited to this company.

b. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between the purchase price and foreign market value based on sales to a third country of such merchandise. Purchase price, as defined in section 772 of the Tariff Act of 1930, as amended (93 Stat. 181, 19 U.S.C. 1677a), was used since all United States sales were made to unrelated customers prior to the importation of the merchandise.

Foreign market value, based on sales to a third country, as defined in section 353.5, Commerce Regulations (19 CFR 353.5, 45 Fed. Reg. 8191), was used since such or similar merchandise was sold in insufficient quantities in the home market to provide an adequate basis of comparison for fair value purposes (section 353.4, Commerce Regulations, 19 CFR 353.4, 45 Fed. Reg. 8191)).

In accordance with section 353.38(a), Commerce Regulations (19 CFR 353.38(a), 45 Fed. Reg. 8200), pricing information was gathered concerning sales to the United States and third country sales during the period November 1, 1978, through March 31, 1979.

c. *Purchase Price.* For purposes of this determination, purchase price has been claculated on the basis of the CIF duty paid price to unrelated United States customers. Deductions have been made for United States duties, United States inland freight, ocean freight, insurance, foreign inland freight, customs clearance and bank fees, where applicable.

Counsel for the petitioner has challenged the acceptance of the respondent's reported freight costs on grounds that the rates are too low to reflect all ocean freight and inland freight components. Information obtained during the investigation, however, supports the reported figures and their use in the determination of purchase price.

d. *Foreign Market Value.* For the purposes of this determination, fair value has been calculated on the basis of the weighted-average price to all unrelated purchasers in the largest third country market, West Germany. Selection of the West German market was made in accordance with section 353.5(c)(2), Commerce Regulations (19 CFR 353.5(c)(2), 45 Fed. Reg. 8191). Deductions were made for inland freight, insurance and a commission. Adjustments were also made for differences in packing costs. Counsel for the respondent contended that only bulk sales to West Germany should be considered in making comparisons with sales to the United States. This contention was based on two assertions: (1) that all sales to the United States are bulk sales and (2) that bulk sales constitute sales in the usual wholesale quantities as defined in section 771(17) Tariff Act of 1930, as amended (93 Stat. 181, 19 U.S.C. 1677). Neither assertion was supported by information developed during the investigation.

Petioner's counsel protested that the allowance for commission in West German sales was not offset by selling expenses in the United States market. Section 353.15(c), Commerce Regulations (19 CFR 353.15(c), 45 Fed. Reg. 8194) provides for such an offset of commissions in one makret with selling expenses in the other market if no commissions exist in such other market. A limitation is placed on the magnitude of the offset by the proviso that it not exceed the amount of the commission being offset or the actual amount of the selling expenses, whichever is less. In this instance, the investigation did not report any selling expenses incurred by the respondent in the United States. Consequently, no offset was made.

Results bf Fair Value Comparisons

Using the above criteria, purchase price is lower than the price to third countries of such merchandise. Comparisons were made on 100 percent of the sales to the United States during the period of investigation. Margins were found on 93.5 percent of the sales examined. The margins range from 1.97 percent to 4.64 percent and the weighted average margin over all sales considered was 2.18 percent.

Respondent's counsel contended that the margins were entirely due to a termporary surge in the rate of exchange of the West German mark. Examination of rates of exchange prior to and after the period of investigation do reveal significant and sustained increases in the value of the West German mark against the dollar during the fourth quarter of 1978 and the first quarter of 1979. Data obtained during the investigation reveals that, in spite of the fluctuation which became evident early in October 1978, the respondent did not act within a reasonable peiord of time to adjust prices accordingly. Consequently, the facts do not support disregard of the margins based on section 353.56(b), Commerce Regulations (19 CFR 353.56(b), 45 Fed. Reg. 8206).

Verification of submitted data was accomplished by random selection or response information and subsequent examination of related financial ledgers, records and commercial documents at the respondent's premises.

Interested persons have been provided an opportunity to present views in accordance with section 353.44(e), Commerce Regulations (19 CFR 353.44(e), 45 Fed. Reg. 8203).

This notice is published pursuant to section 353.44(f), Commerce Regulations (19 CFR 353.44(f), 45 Fed. Reg. 8203).

Stanley J. Marcuss,

Acting Assistant Secretary of Trade Administration.

March 20, 1980.

[FR Doc. 80-9305 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-22-M

Maritime Administration

[Docket No. S-666]

Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Crude Oil in the Domestic Trade; Application by American Petrofina, Inc.

Notice is hereby given that American Petrofina, Incorporated (Fina) has applied for written permission under section 506 of the Merchant Marine Act, 1936, as amended, for the temporary employment of the U.S.-flag tanker Williamsburgh in the carriage of crude oil in the domestic trade on two voyages from Alaska to the U.S. Gulf by way of the southern tip of South America. The Williamsburgh is of 225,100 deadweight tons and was built with construction-differential subsidy (CDS). The vessel is under long-term charter to Fina from Kingsway Tankers, Inc.

Fina states that it has a requirement to transport more than 3.2 million barrels of crude oil from Valdez, Alaska, to its refinery in Port Arthur, Texas. Fina states that it must lift about 1.6 million barrels at Valdez by the end of the second quarter of 1980 and at least the same volume by the end of the third quarter of 1980. Present plans call for the first lifting by the Williamsburgh to be made between May 15-31, and the second lifting by the Williamsburgh at the end of August or September.

It is Fina's belief that no non-CDS vessels of suitable size to meet the foregoing transportation requirement are available. The domestic movement requested by Fina does not coincide with either the Valdez/U.S. west coast or Valdex/Panama Canal trades specifically set forth in Part 250 of Chapter II, Title 46, of the Code of Federal Regulations. However, the Maritime Administration believes it is appropriate to provide an opportunity for interested parties to comment on the application.

Interested parties may inspect the application in the Office of the Secretary, Maritime Administration, Room 3099-B, Department of Commerce Building, 14th and E Streets, NW, Washington, D.C. 20230.

Any person, firm, or corporation who desires to protest such application should submit such protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20230. Protests must be received within five working days after the date of publication of this Notice in the **Federal Register**. If a protest is received, the applicant will be advised of such protest by telephone or telegram and will be allowed three working days to respond in a manner acceptable to the Assistant Secretary for Maritime Affairs. Within five working days after the due date for the applicant's response, the Assistant Secretary will advise the applicant, as well as those submitting protests, of the action taken, with a concise written explanation of such action. If no protest is received concerning the application, the Assistant Secretary will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.500 Construction-differential Subsidies (CDS))

By Order of the Assistant Secretary for Maritime Affairs.

Dated: March 21, 1980.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80-9275 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council's Groundfish Advisory Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), has established a Groundfish Advisory Subpanel (AP), which will meet to discuss the Groundfish Plan.

DATES: The meeting will convene at approximately 7:30 p.m. on April 4, 1980. The meeting is open to the public.

ADDRESS: The meeting will take place at the Holiday Inn, Route 25, Riverhead, New York 11901 (Exit 72 of Long Island Expressway). (516) 369-2200.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover,

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Delaware 19901, Telephone: (302) 674-2331.

Dated: March 24, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-9375 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Advisory Committee Meeting

The Defense Science Board will meet in closed session 30 April–1 May 1980 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Board has been scheduled for 30 April–1 May 1980 to discuss interim findings and tentative recommendations resulting from ongoing Task Force activities associated with Strategic, Tactical, Intelligence/Command, Control and Communication, and Technology issues. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with 5 U.S.C. App. I Sec. 10(d) (1976), it has been determined that this Defense Science Board meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 21, 1980.

[FR Doc. 9309 Filed 3-26-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 80-08-NG]

Valero Transmission Co. (Formerly Texas Gas Utilities Division); Receipt of Amended Petition To Amend Export Authorization and Motion to Substitute Petitioner

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of receipt of application and invitation to submit protests or petitions for intervention.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of an amended petition to amend export authorizations filed in FERC Docket Nos. CP61-280, CP61-281, CP62-288, CP65-270 and CP70-204 by its predecessor Texas Gas Utilities Division (TGUD) and to substitute Valero Transmission Company (Valero) for TGUD as the authorized exporter of natural gas.

DATES: Protests or petitions to intervene to be filed on or before March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Finn K. Neilsen, Director, Import/Export Division, Office of Petroleum Operations, Economic Regulatory Administration, 2000 M St., N.W., Room 4126, Washington, D.C. 20461, telephone (202) 653-3859, or Mr. Martin S. Kaufman, Deputy Assistant General Counsel for International Trade and Emergency Preparedness 1000 Independence Avenue, SW., Forrestal Building, Room 5E064, Washington, D.C. 20585, telephone (202) 252-2900.

SUPPLEMENTARY INFORMATION: Valero states that the petition filed by Valero's predecessor, TGUD, with the Federal Power Commission (FPC) on October 29, 1975 in the above captioned dockets is currently pending before the Federal Energy Regulatory Commission (FERC). It further states that the present amended petition is filed to update the information contained in the original petition.

Valero also requests ERA to substitute it as the applicant for continued export authorization to Compania Nacional de Gas, S. A. (Mexico) and gives notice of the discontinuance of sales and deliveries to Asarco and Altos Hornos which terminated upon the expiration of the sales contracts with those entities. Such continued deliveries to Compania Nacional would be made in the same manner and by means of the same facilities heretofore authorized in FPC Docket No. CP62-288.

OTHER INFORMATION: The ERA invites protests or petitions for intervention in this proceeding. Such protests or petitions are to be filed with the Economic Regulatory Administration, Room 4126, 2000 M Street, NW., Washington, D.C. 20461, in accordance with the requirements of the rules of practice and procedure of the FERC as modified by ERA (18 CFR 1.8 and 1.10). Such protests or petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., March 31, 1980.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened herein must file a petition to intervene. Any person desiring to make any protest with reference to the petition should file a protest with the ERA in the same manner as indicated above for petitions to intervene. All protests filed with ERA will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

A formal hearing will not be held unless a motion for such hearing is made by any party or intervener and is granted by ERA, or if the ERA on its own motion believes that such a hearing is required. If such hearing is required, due notice will be given.

A copy of Valero's petition is available for public inspection and copying in Room 4126, 2000 M Street, NW., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on March 20, 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-9347 Filed 3-26-80; 8:45 am]

BILLING CODE 6450-01-M

Canadian Crude Oil Allocation Program Amended Supplemental Allocation Notice; January 1 Through March 31, 1980, Allocation Period

In accordance with § 214.32(c) of the Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby amends the Supplemental Allocation Notice for the month of March 1980, issued February 22, 1980 (45 FR 13499, February 29, 1980). This action is necessary because a refiner has advised ERA that it will not use an allocation of 408 B/D of Canadian heavy crude oil assigned for its second priority refinery for March.

The February 22, 1980, Supplemental Notice adjusted the allocations of Canadian heavy crude oil for the month of March to correct an excess allocation to Koch Refining Company in January. Koch's allocation for March was reduced by 2,429 B/D and second priority refineries nominating for heavy crude oil were assigned rights pursuant to the formula in § 214.31(a)(3) to provide them the additional volumes they should have received in January. Ashland and Murphy's first priority refineries were not affected by this adjustment.

In the February 22, 1980, Supplemental Notice, Amoco's Whiting, Indiana, refinery, was assigned rights for 408 B/D of heavy Canadian crude oil for March. However, Amoco has advised ERA that it cannot use this additional volume of Canadian heavy crude oil in March. In order that the limited supply of Canadian heavy crude oil will be fully utilized, the remaining second priority refineries have been assigned rights to the 408 B/D of Canadian heavy crude oil pursuant to the formula in § 214.31(a)(3) to provide them the additional volumes they would have received if the Amoco-Whiting refinery had not been assigned these rights.

The allocations of heavy crude oil to Ashland, Koch, and Murphy's first priority refineries and the allocation of light crude oil to ICG Vista's (Thunderbird) second priority refinery remain at the level stated in the Supplemental Notice issued February 22, 1980 (45 FR 13499, February 29, 1980).

The issuance of Canadian heavy crude oil rights, expressed in B/D, for March 1980 to refiners and other firms is amended as follows:

Refiner/refinery	Priority	Base period volumes [1] Canadian total	Base period volumes [1] Canadian heavy crude	Nomination	Allocations
Amoco-Whiting, IN	II	26,751	1,191	[2] 10,000	[2] 0
Ashland-St. Paul Park, MN	I	44,707	4,803	31,000	12,787
Koch-Pine Bend, MN	I	74,383	68,692	95,000	[4] 67,401
Marathon-Detroit, MI	II	10,301	142	10,000	[3] 195
Mobil-Buffalo, NY	II	24,995	0	6,036	[3] 479
Mobil-Ferndale, WA	II	45,444	0	10,975	[3] 871
Mobil-Joliet, IL	II	14,606	12,474	12,989	[3] 41
Murphy-Superior, WI	I	25,625	5,372	8,000	8,000
Sohio-Toledo, OH	II	29,182	0	10,000	[3] 560
Total-Alma, MI	II	9,727	6,707	8,000	[3] 58
Union-Lemont, IL	II	11,711	0	20,000	[3] 225
Total Priority I					88,188
Total Priority II					2,429
Total I and II					90,617

[1] Base period volume for the purposes of this notice means average number of barrels of Canadian crude oil included in a refinery's crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the basis period (November 1, 1974, through October 31, 1975) on a barrels per day basis. For the base period volumes of all priority refineries, see Allocation Notice issued December 29, 1979, (45 FR 1664, January 8, 1980).

[2] Treated as 2,469 B/D for purposes of re-calculation of January allocation.

[3] Re-calculated adjustment to January allocation.

[4] As adjusted.

This notice is issued pursuant to Subpart G of ERA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before 30 days from the publication of this Notice.

Issued in Washington, D.C., on March 21, 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-9368 Filed 3-26-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1448-3]

Determination of Applicability of New Source Performance Standards (NSPS) to Potomac Electric Power Co. (PEPCO) Chalk Point Unit 4

Notice is hereby given that the Environmental Protection Agency (EPA) has determined that the Standards of Performance for Fossil Fuel-Fired Steam Generators proposed August 17, 1971 (40 CFR Part 60 Subpart D) apply to the Potmac Electric Power Company (PEPCO) Chalk Point Unit 4. EPA has determined, in response to PEPCO's request pursuant to regulation 40 CFR 60.5, that PEPCO's actions prior to August 17, 1971 did not constitute the commencement of construction as defined in the regulations in 40 CFR Part 60. What follows is th basis for this determination.

Section 111 of the Clean Air Act requires EPA to set technology based standards of performance for new sources of air pollutants. These New Source Performance Standards (NSPS) are promulgated for categories of sources which "cause or contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare."

Section 111(a)(2) of the Clean Air Act defines "new source" for the purposes of NSPS to be: any stationary source, the construction or modification of which is commenced after the publication of regulations (or, if earlier, proposed regulations) prescribing a standard of performance under this section which will be applicable to such source.

Regulation 40 CFR 60.1 states that the provisions of 40 CFR Part 60 "Standards of Performance for New Stationary Sources": apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.

The term "affected facility" is defined in regulation 40 CFR 60.2(e) as: "with reference to a stationary source, any apparatus to which a standard is applicable."

The term "construction" is defined in regulation 40 CFR 60.2(g) as: "the fabrication, erection, or installation of an affected facility."

The term "commenced" is defined in regulation 40 CFR 60.2(i) as: an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

Regulation 40 CFR Part 60 Subpart D "Standards of Performance for Fossil Fuel Fired Steam Generators" was proposed on August 17, 1971 (36 FR 15704). The affected facility to which the provisions of this Subpart apply, pursuant to regulation 40 CFR 60.40(a), is the "fossil fuel-fired steam generating unit" which is defined in regulation 40 CFR 60.41(a) as: "a furnace or boiler used in the process of burning fossil fuel for the purpose of producing steam by heat transfer."

The issue presented is whether PEPCO commenced construction of the boiler for Chalk Point Unit 4 prior to August 17, 1971, the proposal date for the applicable NSPS. If construction had not commenced, the unit would be a new source and subject to the NSPS requirements.

PEPCO has not taken the position that it commenced construction by

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undertaking a continuous program of construction, but that it commenced construction by entering into a contractural obligation to undertake and complete, within a reasonable time, a continuous program of construction. EPA has reviewed all or the information submitted by PEPCO and has concluded that PEPCO did not enter into a contractual obligation for the boiler for Chalk Point Unit 4 prior to August 17, 1971.

PEPCO and Combustion Engineering, Inc. (CE) began negotiations for the fabrication of what would eventually be the boiler for Chalk Point Unit 4 as early as August 1970. These negotiations continued through the first half of 1971 with CE providing price quotations and reserving production schedule space for the unit. On July 12, 1971 PEPCO sent a letter to CE expressing the intent to award the unit to CE "subject to a mutually satisfactory contract" and requesting from CE "copies of the Chalk Point No. 4 proposal as soon as possible after out engineering meeting with you on August 3, 1971.

On October 28, 1971 CE prepared a two (2) page "Contract Abstract" for Chalk Point Unit 4 which included descriptions of the major boiler components, the total price,and shipping and payment conditions. The final contract for the unit was signed on April 18, 1973.

EPA's consistent interpretation of the term "contractual obligation" in previous NSPS determinations has been that it can be in the form of a formal contract or an agreement which, if terminated, would result in a substantial loss due to an agreed upon cancellation fee after a date certain or due to an apparent liability to the manufacturer of the affected facility for actions taken in reliance upon the agreement. PEPCO and CE did not have a formal contract for the boiler until April 18, 1973. PEPCO has not been able to show by any documentation that there existed a cancellation date beyond which PEPCO could not terminate the agreement without incurring a cancellation fee. PEPCO has also not provided any documentation to show that they had incurred any apparent liability to CE for any action taken by CE in reliance upon the agreement.

PEPCO did not enter into a contractual obligation for the construction of the boiler for Chalk Point Unit 4 prior to August 17, 1971. PEPCO, then, did not commence construction prior to that date so Chalk Point Unit 4 is a new source for NSPS purposes and is subject to the requirements of 40 CFR Part 60 Subpart D.

This determination is reviewable under Section 307(b)(1) of the Clean Air Act in the United States Court of Appeals for the appropriate circuit. A petition for review must be filed on or before May 27, 1980.

Dated: March 13, 1980.

Jack J. Schramm,

Regional Administrator, Region III.

[FR Doc. 80-9316 Filed 3-26-80; 8:45 am]

BILLING CODE 6560-01-M

[60P-70; FRL 1447-4]

Chevron Chemical Co.; Filing of Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Chevron Chemical Co. has submitted a pesticide petition proposing to amend 40 CFR 180 by establishing tolerances for residues of thiobencarb on rice grain; eggs; and the meat, Fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.2 part per million (ppm); rice straw at 1 ppm; and milk at 0.05 ppm under the Federal Food, Drug, and Cosmetic Act.

FOR FURTHER INFORMATION CONTACT: Willa Garner, Product Manager (PM 23), (TS-767), Room E-351, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, 202-755-1397.

COMMENTS: Comments submitted should bear a notation indicating the petition number "PP OF2322". Written comments filed in connection with this notice will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

DATE: Comments may be made at any time while the petition is pending before the agency.

SUPPLEMETARY INFORMATION: Chevron Chemical Co., Ortho Div., 940 Hensley Street, Richmond, CA 94804, has submitted a pesticide petition (OF2322) proposing that 40 CFR 180 be amended by establishing tolerances for combined residues of the herbicide thiobencarb (*S*-[(4-chlorophenyl)methyl] diethylcarbamothioate) and its chlorobenzyl and chlorophenyl moiety-containing metabolites (4-chlorobenzyl methyl sulfone, 4-chlorobenzoic acid, and conjugates containing the 4-chlorobenzylthio moiety) in or on the raw agricultural commodities rice grain; eggs, and the meat, fat and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.2 ppm; rice straw at 1 ppm; and milk at 0.05 ppm. The proposed analytical method for determining residues is gas chromatography using a flame photometric detector and an electron detector. This action is being taken under section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 135))

Dated: March 20, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-9315 Filed 3-26-80; 8:45 am]

BILLING CODE 6560-01-M

[8 OP-22; FRL 1447-8]

Fairfield American; Experimental Use Permit for Permethrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an experimental use permit to Fairfield American for use of the insecticide permethrin on multiwall bags to evaluate control of stored products insects.

FOR FURTHER INFORMATION CONTACT: Mr. Franklin D. R. Gee, Product Manager, Room E-341 (PM-17), Office of Pesticide Programs, Environmental Protection Agency; 401 M St., SW., Washington, DC 20460 (202-426-9417).

SUPPLEMENTARY INFORMATION: Fairfield American, 3932 Salt Rd., Medina, NY 14103, has been issued experimental use permit No. 4816-EUP-1. This permit allows the use of 6.6 pounds of the insecticide permethrin as a coating on 278.7 square meters of paper used for multiwall paper bags to evaluate control of stored products insects. The program is authorized only in the State of Georgia. This experimental use permit is effective from February 6, 1980 to February 6, 1981.

Persons wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street S.W., Washington, D.C. 20460. Inquiries regarding this permit should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819 as amended, (7 U.S.C. 136))

Dated: March 20, 1980.

Douglas D. Campt,

Director, Registration Division Office of Pesticide Programs.

[FR Doc. 80-9318 Filed 3-26-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1447-7]

Guidelines on Air Quality Models

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In response to Clean Air Act requirements, EPA has published a Guideline on Air Quality Models and held a Conference on Air Quality Modeling. EPA currently is pursuing mechanisms by which (1) the technical community can take an active role in reviews and updates of the Guideline and (2) a wider range of models, including those developed by groups other than EPA, can be incorporated in the Guideline. To insure adequate public comment, revisions will be synchronized with the next Conference on Air Quality Modeling which must be held every three years and which is planned for early in 1981. This notice summarizes current activities and future plans regarding guidance and conferences on models. This notice also solicits well-documented models that can be considered refined analytical techniques for potential inclusion in planned revisions to the Guideline on Air Quality Models.

DATES: Letters of intent to provide refined air quality models that can be considered for inclusion in the Guideline on Air Quality Models should be submitted within sixty (60) days of the date of this notice.

ADDRESS: Letters of intent should be sent to: Source Receptor Analysis Branch (MD-14), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attn: Jerome B. Mersch.

FOR FURTHER INFORMATION CONTACT: Joseph A. Tikvart, Chief, Source Receptor Analysis Branch (MD-14), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Phone: (919) 541-5261.

SUPPLEMENTARY INFORMATION:

Background

"Air quality modeling" is a mathematical technique for estimating the effect of an air pollution source (or group of sources) on air quality at various locations. Air quality modeling may provide the basis for approving or denying a proposed pollution source's application to construct. It may also provide the basis for determining the control level required for existing pollution sources. Modeling thus plays an important role in the administration of the Clean Air Act.

In response to the Clean Air Act requirements, EPA has published a Guideline on Air Quality Models [1] and held a Conference on Air Quality Modeling.[2] The preface to the Guideline on Air Quality Models states that the guide will be periodically reviewed and updated. EPA's plans for conducting this review and for obtaining public comment in conjunction with the next Conference on Air Quality modeling are presented in this notice. A means by which well-documented and refined models can be considered for inclusion in the Guideline is also identified and non-EPA models are solicited.

Review of Current Activities

EPA has already taken several steps to update the Guideline and conduct the next Conference. First, several workshops have been held within EPA to insure consistency in the use of the Guideline and in the application of Guideline models.

Secondly, a cooperative agreement has been initiated with the American Meteorological Society to receive comments from the scientific community on a variety of technical issues. The specific tasks of the cooperative agreement are: (1) review and make recommendations on previous work by EPA concerning air quality models; (2) conduct a general review of the state of knowledge on air quality modeling; (3) offer suggestions concerning recommended air quality models and criteria for their selection; and (4) evaluate data base requirements for use with models.

In addition, EPA has undertaken a series of projects concerning the development and application of modeling techniques to provide better understanding of several unresolved issues that are identified in the current Guideline. These include complex terrain, turbulence characterization and atmospheric dispersion, long-range transport of pollutants, visibility impairment, photochemical transformation of pollutants on urban and regional scales, and evaluation/improvement of models. EPA is also reviewing and participating in, where possible, activities of other agencies and scientific groups in these technical areas. For example, EPA staff participated in the Atmospheric Dispersion Modeling Panel conducted by the National Commission on Air Quality; recommendations of that Panel are being carefully evaluated for their relevance to EPA's guidance on modeling. However, while EPA has on-going programs in a variety of problem areas, the Agency recognizes that the efforts of others should also provide answers. Since many of these problems are on the frontiers of scientific knowledge and understanding, research by the scientific community-at-large is an important part of achieving sound solutions.

Finally, EPA has an on-going program to review, revise and expand the mathematical models that are available for general application. The standard models made available by EPA for routine use are being reviewed to insure internal consistency. Incorporation of more recent techniques and developments is a continuing process. Additional models will be incorporated to allow a wider range of applications, viz, the Industrial Source Complex Model.[3]

Status of Conference and Guideline Revision

EPA is required to hold a Conference on Air Quality Modeling every three years and has begun planning for the next Conference to take place in early 1981. The four general activities discussed in the above section will form a basis for the Conference and for public comments concerning a revised Guideline on Air Quality Models.

The Conference will be preceded by public meetings in the fall of 1980. The purpose of these meetings will be to receive comments on proposed revisions to the Guideline. The proposed revisions will be based heavily on recommendations of EPA's Regional Office workshops and preliminary findings resulting from the cooperative agreement with the American Meteorological Society. Proposed changes to selected air quality models and the addition of new models will also be identified for comment at these

[1] Environmental Protection Agency. "Guideline on Air Quality Models." *Publication No. EPA-450/2-78-027.* Environmental Protection Agency, Research Triangle Park, North Carolina 27711, April 1978.

[2] Environmental Protection Agency. "Conference on Air Quality Modeling." Acme Reporting Company, Washington, D.C. 20005, December 1977.

[3] J. F. Bowers, *et al.*, "Industrial Source Complex (ISC) Dispersion Model User's Guide: Volumes I and II." Volume I, *Publication No. EPA-450/4-79-030;* Volume II, *Publication No. EPA-450/4-79-031.* Environmental Protection Agency, Research Triangle Park, North Carolina 27711, December 1979.

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public meetings. A progress report on current research efforts will be given. A complete report and review of all activities, findings and proposed changes will be presented for comment at the Conference in 1981.

Solicitation of Non-EPA Models

The activities outlined above are consistent with the intent of the Clean Air Act. They are also responsive to public comments received at the Conference on Air Quality Modeling held in December 1977. However, there is some concern, even though adequate precedent has been established for inclusion of non-EPA models in the Guideline on Air Quality Models, that few such models have been recommended for general use. The Texas Episodic Model and the Texas Climatological Model have been included in the Guideline from its earliest drafts. MULTIMAX, prepared by a private company, is included in the Guideline as a footnote. These models were incorporated as a result of their general consistency with models recommended in the Guideline and the availability of suitable documentation. Nevertheless, while some other non-EPA models have been utilized on a case-by-case basis for application to specific situations, there have been no firm requests from model developers that EPA consider and recommend such models for general use; nor in many cases do these models meet the requirements discussed in the following section of this notice. Thus, there is a need for a mechanism by which non-EPA models can be considered for inclusion in the Guideline.

This notice solicits models that can be considered refined analytical techniques and that have applicability to a general air quality problem. Models are sought that are applicable to issues associated with prevention of significant deterioration and new source review. Models applicable to a variety of stationary source categories with emissions of sulfur oxides and particulate matter in a range of terrain and climatic settings are of particular interest. However, models more generally applicable to SIP-revisions and non-attainment for multisource (urban) situations, for other criteria pollutants (CO, O_3, NO_2, Pb), and for hazardous or carcinogenic pollutants are also of interest. Models that can only be considered simple screening techniques or that do not directly consider atmospheric dispersion are not being requested at this time.

Refined models that are received will be reviewed by EPA and considered for inclusion in the Guideline. To be reviewed, the models submitted must meet the following requirements:

1. The model must be computerized and functioning in a common Fortran language suitable for use on a variety of computer systems.

2. The model must be documented in a user's guide which identifies the mathematics of the model, data requirements and program operating characteristics at a level of detail comparable to that available for currently recommended models, e.g., the Single Source (CRSTER) Model.[4]

3. The model must be accompanied by a complete test data set including input parameters and output results. The test data must be included in the user's guide as well as provided in computer-readable form.

4. the model must be useful to typical users, e.g., State air pollution control agencies, for specific air quality control problems. Such users should be able to operate the computer program(s) from available documentation.

5. The model documentation must include a comparison with air quality data or with other well-established analytical techniques.

6. The developer must be willing to make the model available to users at reasonable cost or make it available for public access through the National Technical Information Service; the model can not be proprietary.

EPA staff will review the models that are submitted and take one of the following actions: (1) Recommend that the model be included in the Guideline on Air Quality Models for routine use; (2) Recognize in the Guideline that the model exists, but require a case-by-case determination as to acceptability before the model can be used for a specific regulatory application. (3) Reject the model and return it to the developer. For the present it appears that criteria for selection of one of these actions are uncertain. this uncertainty results from a lack of performance standards that have been adopted by the scientific community, inadequate data bases for thorough model evaluation, and the need for regulatory consistency in the selection and use of models. EPA also solicits comment on the criteria that model developers believe to be appropriate in reviewing models.

Models that are candidates for inclusion in the Guideline will be identified and available for comment at the public meetings and Conference proposed above. The fact that a model has been submitted to the Agency or is being reviewed does not give it any particular status. The status of models will only be established by final revisions to the Guideline on Air Quality Models.

Letters of intent to submit refined air quality models that will be available in the next twelve (12) months are requested so that Agency resources can be planned for the necessary reviews. Letters of intent should be sent within sixty (60) days of the date of this notice to the Source Receptor Analysis Branch (MD–14), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, Attn: Jerome B. Mersch. Once work on the model is cocmpleted, formal submittal should consist of a magnetic tape containing the program source code for the model and the test data set written at 1600 bpi in EBODIC, three copies of the user's guide, any related documentation concerning past applications and performance of the model, and a statement on what arrangements will be made for public access to the model. Formal submittal of the model and of criteria that model developers believe should be used in developing agency recommendations on specific models should also be sent to the above address.

Dated: March 21, 1980.

David G. Hawkins,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 80-9319 Filed 3-26-80; 8:45 am]

BILLING CODE 6560-01-M

[4] Environmental Protection Agency. "User's Manual for Single Source (CRSTER) Model." *Publication No. EPA–450/3–77–013*, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, July 1977.

[80P–93; FRL 1448–1]

Miller-Morton Co.; Approval of Application To Register Pesticide Product Entailing a Changed Use Pattern

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces approval of an application to register the pesticide product Sergeant's Long-Lasting Household Insecticide containing the active ingredient naled.

FOR FURTHER INFORMATION CONTACT: William Miller, Product Manager (PM 16), Office of Pesticide Programs (TS–767), Room E–343, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, 202–426–9458.

SUPPLEMENTARY INFORMATION: On April 21, 1976, notice was given (41 FR 16686) that Miller-Morton Co., P.O. Box 6235, Richmond, VA 23230, had filed an application (EPA File Symbol 778–GI) with the EPA to register the pesticide product Sergeant's Long-Lasting Household Insecticide containing 25% of the active ingredient naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate). As stated in the April 21, 1976, notice, the applicant proposed that the use pattern of this pesticide be classified for general use as a household (continuous release) insecticide strip. Notice of this registration is given in accordance with 40 CFR 162.7(d)(2).

This application was approved June 5, 1979, and the product has been assigned the EPA Registration No. 778–38. Sergeant's Long-Lasting Household Insecticide is classified for general use as an insecticide. A copy of the approved label and the list of data references used to support registration are available for public inspection in the Product Manager's (PM 16) office, Room E–343, Registration Division (TS–767), Office of Pesticide Programs, 401 M Street, S.W., Washington, DC 20460, telephone number 202/426–9458. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) will be available for public inspection in accordance with section 3(c)(2) of FIFRA, within 30 days after the registration date of June 5, 1979. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), EPA, at the above address. Such request should: 1) identify the product by name and registration number and 2) specify the data or information desired.

Dated: March 14, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-9317 Filed 3-26-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP–50467; FRL 1447–6]

Union Carbide Corp.; Experimental Use Permit for the Sodium Salt of 2-(M-Chlorophenoxy)Propionic Acid

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an experimental use permit to Union Carbide for the use of the plant growth regulator sodium salt of 2-(*m*-chlorophenoxy)propionic acid on pineapples to evaluate reduction of crown growth and the increase in size of pineapple fruit on both plant and ratoon crops.

FOR FURTHER INFORMATION CONTACT: Ms. Willa Garner, Product Manager (PM–23), Rm. E–351 (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460 (202–755–1397).

SUPPLEMENTARY INFORMATION: Union Carbide Corp., Agricultural Products Co., Inc., Brookside Ave., Ambler, PA 19002, has been issued experimental use permit No. 264–EUP–52. This permit allows the use of 560 pounds of the plant growth regulator sodium salt of 2-(*m*-chlorophenoxy)propionic acid on pineapples to evaluate reduction of crown growth and the increase in size of pineapple fruit and plant and ratoon crops.

A total of 1,800 acres are involved; the program is authorized only in the State of Hawaii. This experimental use permit is effective from February 20, 1980, to February 20, 1982.

A temporary tolerance for residues of the active ingredient in or on pineapple fodder and forage and the kidneys and meat only of cattle, goats, hogs, horses, and sheep has been established.

Persons wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460. Inquiries regarding this permit should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819 as amended (7 U.S.C. 136))

Dated: March 20, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-9320 Filed 3-26-80; 8:45 am]

BILLING CODE 6560-01-M

[8OP–13; FRL 1446–6]

U.S. Department of Interior and U.S. Army Corps of Engineers; Filing of Food Additive Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Water and Power Resources Service, U.S. Department of Interior, Washington, DC 20240 and the U.S. Army Corps of Engineers, Washington, DC 20314, have submitted a petition (FAP OH5252) proposing to amend 21 CFR 193.100 by permitting residues of the herbicide 2,4-dichlorophenoxyacetic acid in potable water at 0.1 part per million (ppm) in connection with an experimental program under the Federal Food, Drug, and Cosmetic Act.

FOR FURTHER INFORMATION CONTACT: Willa Garner, Product Manager (PM–23), Rm. E–351, Office of Pesticide Programs (TS–767), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460 202–755–1397.

COMMENTS: Comments may be made at any time while the petition is pending before the Agency. Comments submitted should bear a notation indicating the petition number "FAP OH5252". Written comments filed in connection with this notice will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

SUPPLEMENTARY INFORMATION: Water and Power Resources Service, U.S. Department of Interior, Washington, DC 20240 and the U.S. Army Corps of Engineers, Washington, DC 20314, have submitted a food additive petition proposing that 21 CFR 193.100 be amended by permitting residues of the herbicide 2,4-dichlorophenoxyacetic acid with a tolerance limitation of 0.1 ppm in potable water in connection with an experimental program applying said herbicide in multiple use water systems to control Eurasian watermilfoil.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 135))

Dated: March 20, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-9128 Filed 3-26-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Friday, April 11, 1980.
Monday, April 28, 1980.

The meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW, Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman,

representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership in the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C., section 552b(c)(9)(B). These caucuses may, [illegible] depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW., Washington, D.C. 20415 (202–632–9710).

Jerome H. Ross,

Chairman, Federal Prevailing Rate Advisory Committee.

March 24, 1980.

[FR Doc. 80-9303 Filed 3-26-80; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL RESERVE SYSTEM

Chisago Holding Co.; Acquisition of Bank

Chisago Holding Company, Chisago City, Minnesota, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51.6 per cent of the voting shares of Tri-County National Bank, Forest Lake, Minnesota, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 18, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 19, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9310 Filed 3-26-80; 8:45 am]

BILLING CODE 6210-01-M

Concho Bancshares, Inc.; Formation of Bank Holding Company

Concho Bancshares, Inc., San Angelo, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of Southwest Bank of San Angelo, San Angelo, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 21, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 21, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9311 Filed 3-26-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Shelter Resources Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of all voting securities of Cole Consumer Products, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: March 12, 1980.

for further information contact:
Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202—523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agenices, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-9373 Filed 3-26-80; 8:45 am]

BILLING CODE 6750-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 20, 1980. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before April 14, 1980, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

Nuclear Regulatory Commission

The NRC requests clearance of a new, voluntary, Form NRC–353, Reference Appraisal of Applicant for Employment. The information to be submitted to NRC on Form NRC–353 will be used to determine the qualifications and suitability of applicants for employment with the Nuclear Regulatory Commission. The completed form will be used to examine, rate and/or assess the qualifications of prospective employees. The form will be sent to previous employers and instructors of persons applying for positions with the NRC. The data submitted to the NRC on the form will be reviewed by professional personnel of the Division of Organization and Personnel. In addition, engineers from NRC program offices will examine the evaluations from previous employers and instructors to assess the qualifications of persons applying for positions with the NRC. The NRC estimates that the respondent burden will average 15 minutes per response and that approximately 4,000 forms will be filled out annually.

John M. Lovelady,

Assistant Director, Regulatory Reports Review.

[FR Doc. 80-9312 Filed 3-26-80; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health

List of Qualified Health Maintenance Organizations; February

AGENCY: Public Health Service, HEW.

ACTION: Notice, February list of qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and date of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs).

FOR FURTHER INFORMATION CONTACT:
Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building—Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION:
Regulations issued under Title XIII of the Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the **Federal Register.** The following entities have been determined to be qualified HMOs under Section 1310(d) of the Public Health Service Act (42 U.S.C. 300e–9(d)):

Qualified Health Maintenance Organizations

Name, address, service area, and date of qualification

(Operational Qualified Health Maintenance Organizations: 42 CFR 110.603(a))

1. South Florida Group Health, Inc., (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 8001 N.W. 36th Street, Suite 103, Miami, Florida 33166. Service area: Dade County, Florida. Date of qualification: February 8, 1980. (Achieved preoperational qualification on February 7, 1980.)

2. Group Health Service Plan, dba Healthcare, (Medical Group Model, see Section 1310(b)(1) of the Public Health Service Act), 930 Alhambra Boulevard, Sacramento, California 95816. Service area: Sacramento County, California and zip codes in the following counties:

Placer	*El Dorado*	*Yolo*
95603	95613–4	95605
95617	95623	95612
95648	95651	95616
95650	95664	95645
95658	95672	95691
95663	95682	95695
95677–6		

Date of qualification: February 20, 1980.

3. HEALTH1ST, (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 250 Piedmont Avenue, NE., Suite 1226, Atlanta, Georgia 30308. Service area: Metropolitan Atlanta; and Clayton, Cobb, Dekalb, Fulton, Gwinnett, Henry, Douglas, and Rockdale Counties, Georgia. Date of qualification: February 20, 1980.
(Preoperational Qualified Health Maintenance Organizations: 42 CFR 110.603(c))

1. Health Plan of the Redwoods, (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 3033 Cleveland Avenue, Santa Rosa, California 95401. Service area: Sonoma County, California. Date of qualification: February 7, 1980.

2. Independent Health Association, Inc., (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 4511 Harlem Road, Buffalo, New York 14226. Service area: Erie and Niagara Counties, New York. Date of qualification: February 9, 1980.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m., and 5:00 p.m., on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Park Building, 3rd Floor, Rockville, Maryland 20857.

Questions about the review process or requests for information about qualified HMOs should be sent to the same office.

Dated: March 20, 1980.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

[FR Doc. 80-9232 Filed 3-26-80; 8:45 am]

BILLING CODE 4110-85-M

Public Health Conference on Records and Statistics

The Assistant Secretary for Health announces the dates and other information for the following conference scheduled to assemble during the month of August 1980:

NAME: Public Health Conference on Records and Statistics.

DATE AND TIME: August 4–6, 1980, 9:00 a.m.

PLACE: Capital Hilton Hotel, 16th and K Streets, N.W., Washington, D.C. 20036. Open to the Public (Registration required).

PURPOSE: The Eighteenth National Meeting of the Public Health Conference on Records and Statistics (PHCRS) sponsored by the National Center for Health Statistics will be held on August 4–6, 1980. This national Conference is recognized as one of the paramount meetings for workers in the field of public health statistics. The theme of the Conference is "New Challenges for Vital and Health Records," and the program will have presentations and discussions on the following subjects: new

challenges to vital records in terms of statistical and registration functions, data needs for health care technology assessment, utilization of vital statistics data in environmental and occupational health studies, application of records on medical care costs and expenditures to ascertain the health costs of environmental hazards, use of vital records in health promotional efforts, new applications for facilities and manpower statistics, applications of health record data to issues of cost containment, quality assurance, health status, and health planning, report on the 1980 Census.

Anyone wishing to obtain an agenda, registration information or other relevant information concerning the Conference should contact: Conference Management Branch, National Center for Health Statistics, Room 2–12, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone 301–436–7122.

Dated: March 17, 1980.

Wayne C. Richey, Jr.,

Associate Director for Program Support, Office of Health Research, Statistics, and Technology.

[FR Doc. 80-9252 Filed 3-26-80; 8:45 am]

BILLING CODE 4110-86-M

Office of the Secretary

National Advisory Committee on the White House Conference on Families; Meeting

The National Advisory Committee on the White House Conference on Families was established to advise the Secretary, the Chair of the Conference, and the Conference staff on matters pertaining to the Conference, including the development, implementation and execution of overall plans and procedures for the Conference.

In accordance with Pub. L. 92–463, notice is hereby given of a meeting to be held Friday, April 11, 1980 at 7:30 p.m.; and Saturday, April 12, 1980 at 9:00 a.m. in Room 800 of the Hubert H. Humphrey Building at 200 Independence Ave., S.W. Washington, D.C.

The agenda will include: reports on state activities, the Research Forum, national organization activities, and the Gallup Poll; possible convening of state activities subcommittees; development of format and agenda for the three White House Conferences; and a discussion of issue development activities.

All meetings will be open to the public; however, seating capacity will be limited.

Further information on the meetings may be obtained from the White House Conference on Families at 330 Independence Avenue, S.W., Washington, D.C. 20201; telephone number: (202) 245–6073.

Dated: March 21, 1980.

John L. Carr,

Executive Director.

[FR Doc. 80-9233 Filed 3-26-80; 8:45 am]

BILLING CODE 4110-12-M

Public Health Service

National Research Service Awards, and Studies Respecting Biomedical and Behavioral Research Personnel; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of July 20, 1979 by the Secretary of Health, Education, and Welfare, to the Assistant Secretary for Health (44 FR 46318), the Assistant Secretary for Health has delegated to the Deputy Assistant Secretary for Health Research, Statistics, and Technology, with authority to redelegate, the following authorities under Title IV of the Public Health Service Act, as amended (42 U.S.C. 281 *et seq.*):

1. Authority under section 472 of the Public Health Service Act, as amended (42 U.S.C. 289*l*–1), for National Research Service Awards, excluding the authority to promulgate regulations; and

2. Authority under section 473 of the Public Health Service Act, as amended (42 U.S.C. 289*l*–2), for studies respecting biomedical and behavioral research personnel, excluding the authority to submit reports to Congress or its committees.

These authorities are authorized to be exercised insofar as they pertain to the functions assigned to be carried out within the National Center for Health Services Research, National Center for Health Statistics, and National Center for Health Care Technology.

The delegation to the Deputy Assistant Secretary for Health Research, Statistics, and Technology became effective on March 18, 1980.

Dated: March 18, 1980.

Charles Miller,

Acting Assistant Secretary for Health.

[FR Doc. 80-9231 Filed 3-26-80; 8:45 am]

BILLING CODE 4110-86-M

DEPARTMENT OF HEALTH, EDUCATION, WELFARE

Office of Education

Petition Review Subcommittee of the Advisory Committee on Accreditation Institutional Eligibility; Public Meeting

AGENCY: Department of Health, Education, and Welfare Office of Education.

ACTION: Notice of Public Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of the next public meeting of the Petition Review Subcommittee of the Advisory Committee on Accreditation and Institutional Eligibility. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of its opportunity to attend and participate.

DATES: April 21, 1980, 9:00 a.m. to 4:45 p.m., local time; April 22, 1980, 8:30 a.m. to 4:00 p.m; and April 23, 1980, 9:00 a.m. to 3:00 p.m. Requests for oral presentations before the Advisory Committee must be received on or before April 11, 1980. All written materials which a party wishes to file may be submitted at any time and will be considered by the Advisory Committee.

ADDRESS: Holiday Inn, Silver Spring Convention Center, 8777 Georgia Avenue, Silver Spring, Maryland.

FOR FURTHER INFORMATION CONTACT: John R. Proffitt, Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB 3, 400 Maryland Avenue, S.W., Washington, D.C. 20202 (202/245–9873).

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (Chapter 33, Title 38, U.S. Code). The Committee advises the Commissioner of Education regarding the Commissioner's responsibilities to publish lists of nationally recognized accrediting agencies and associations; State agencies recognized for the approval of public postsecondary vocational education; and accrediting and State agencies recognized for the approval of nurse education. The Committee also advises the Commissioner regarding requests by Federal agencies and institutions seeking Congressional authority to grant degrees; regarding requests by institutions seeking eligibility based upon determinations of satisfactory assurance that they will meet accrediting standards within a reasonable period of time; and regarding policy affecting accreditation and institutional eligibility for participation in Federal funding programs.

The Petition Review Subcommittee is established pursuant to the Advisory Committee's Charter. The meeting on April 21, 22 and 23 will be open to the public. The Subcommittee will review petitions from accrediting and State approval agencies seeking initial or continued recognition, and a request for a satisfactory assurance determination. The Subcommittee also will hear presentations by representatives of the petitioning agencies and interested third parties. The Subcommittee will develop recommendations concerning each review and will submit them to the full Committee during its next meeting.

The Subcommittee will conduct the following reviews:

Accrediting Bureau of Health Education Schools (petition for renewal of recognition for accreditation of private medical assistant education institutions and programs and schools and programs for the medical laboratory technician; and petition for extension of scope of recognition to include accreditation of programs for the animal health technician, electrocardiograph technician, emergency medical technician, medical laboratory assistant, medical receptionist, medical secretary, nurse's aide/assistant, operating room technician [surgical], respiratory therapy technician, veterinarian assitant and ward clerk)

American Assembly of Collegiate Schools of Business, Accreditation Council (petition for renewal of recognition for accreditation of baccalaureate and graduate degree programs in business and administration)

American Association for Marriage and Family Therapy. Commission on Accreditation for Marriage and Family Therapy Education (petition for renewal of recognition for accreditation of graduate degree and clinical training programs in marriage and family counseling, with special emphasis on concerns related to administrative support and assessment of validity and reliability of standards; and clarification of scope of recognition to substitute marriage and family therapy for marriage and family counseling)

American Physical Therapy Association, Committee on Accreditation in Education (petition for renewal of recognition for accreditation of professional programs for the physical therapist and programs for the physical therapist assistant)

American Speech-Language-Hearing Association, American Boards of Examiners in Speech Pathology and Audiology (petition for renewal of recognition for accreditation of master's degree programs)

Liaison Committee on Medical Education (petition for renewal of recognition for accreditation, and preaccreditation as "Reasonable Assurance" and "Provisional Accreditation," of programs leading to the M.D. degree; with special emphasis on concerns about the agency's autonomy and impartiality)

Martin Center College, Indianapolis, Indiana (request for determination of satisfactory assurance that it will meet the accrediting standards of a nationally recognized accrediting agency within a reasonable period of time)

Minnesota State Board for Vocational-Technical Education (petition for renewal of recognition as a State agency for the approval of public postsecondary vocational education)

National Accreditation Association and the American Examining Board of Psychoanalysis, Inc., Education and Accreditation Committee (petition for initial recognition for accreditation of pyschoanalytic and psychoanalytic psychotherapy training programs)

National Home Study Council, Accrediting Commission (petition for renewal of recognition for accreditation of home study schools and petition for extension of scope of recognition to include accreditation of degree granting programs)

New York State Board of Regents (petition for renewal of recognition as a nationally recognized accrediting agency, for registration [accreditation] of collegiate degree-granting programs or curriculums offered by institutions of higher education; and petition for renewal of recognition as a State agency for the approval of public postsecondary vocational education)

New York Board of Regents (Nursing Education Unit) (petition for renewal of recognition as a State agency for the approval of nurse education, with special emphasis on concerns about the Board's requirements for institutional annual reports and annual audits, and procedures for revocation and reinstatement of accreditation)

Requests for oral presentations before the Advisory Committee should be submitted in writing to the Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB 3, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Requests should include the names of all persons seeking an appearance, the party or parties which they represent (if applicable), and the purpose for which the presentation is requested. Requests must be received by the Division of Eligibility and Agency Evaluation on or before April 11, 1980. Time constraints may limit oral presentations. However, all additional written material which a party wishes to file will be considered by the Advisory Committee.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Division of Eligibility and Agency Evaluation.

Signed at Washington, D.C. on March 21, 1980.

John R. Proffitt,

Director, Division of Eligibility and Agency Evaluation Office of Education.

[FR Doc. 80-9306 Filed 3-26-80; 8:45 am]

BILLING CODE 4110-84-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Caddo Tribe of Indians; Plan for the Use and Distribution of the Caddo Tribe of Indians Judgment Funds in Docket 226 Before the Indian Claims Commission

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on March 10, 1978, in satisfaction of the award granted to the Caddo Indian Tribe of Oklahoma in Indian Claims Commission Docket 226. The plan for the use and distribution of the funds were submitted to the Congress with a letter dated May 30, 1979, and was received (as recorded in the Congressional Record) by the House of Representatives on June 4, 1979 and by the Senate on June 5, 1979. Congress not having adopted a resolution disapproving it, the plan became effective on September 17, 1979, as provided by Section 5 of the 1973 Act, *supra.*

Publication of this plan has been delayed pending passage of S. J. Resolution 108 (which became Pub. L. 96–194 on February 21, 1980) to validate plans submitted after the deadlines specified in the 1973 Act, *supra.*

The plan reads as follows:

"The funds appropriated on March 10, 1978, in satisfaction of an award granted to the Caddo Tribe of Indians in Docket 226 before the Indian Claims Commission, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as provided herein.

Per Capita Payment Aspect

The Caddo Tribe of Indians' membership roll shall be brought current under procedures enacted by the tribe and approved by the Secretary of the Interior and in accordance with the criteria in Article III, Sections 1 through

V 45 / 61 MR 27 80 UMI

7 of the tribe's constitution, to include all eligible members born on or prior to and living on the effective date of this plan. Subsequent to the preparation and approval of the membership roll, the Secretary of the Interior (hereinafter 'Secretary') shall make a per capita distribution of eighty (80) percent of the funds, in a sum as equal as possible, to each tribal enrollee.

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be handled pursuant to 25 CFR 104.5. The per capita shares of minors shall be handled pursuant to § 60.10(a)(b)(1) and 104.4 of 25 CFR, 1977 edition. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

Programing Aspect

Twenty (20) percent of the funds shall be invested either in a private investment program, the terms of which shall be subject to the approval of the Secretary, or by the Secretary pursuant to the provisions of 25 USC 162a. The income plus interest accruing from the investment shall be made available for use in programs of social and economic benefits, as proposed in the tribe's plan of operation and annual budgets as recommended by the tribal membership, either under the terms of the private investment agreement or by approval of the Secretary. The tribe may utilize portions of the principal funds in the programs for which investment income is budgeted or in any other programs as are proposed by the tribal membership either under the terms of the private investment agreement or by approval of the Secretary.

The tribal membership shall have an opportunity for input in the development of all proposed programs and to discuss and take action upon them. The Tribal Council shall implement and administer the approved programs.

Rick Lavis,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 80-9234 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-03-M

Nisqually Tribe of Indians; Plan for the Use and Distribution of the Nisqually Tribe of Indians' Judgment Funds in Docket 197 Before the Indian Claims Commission

March 13, 1980.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on September 30, 1976, 90 Stat. 1415, in satisfaction of the award granted to the Nisqually Tribe of Indians in Indian Claims Commission Docket 197. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated July 24, 1979, and was received (as recorded in the Congressional Record) by the House of Representatives on July 30, 1979 and by the Senate on July 31, 1979. Congress not having adopted a resolution disapproving it, the plan became effective on October 10, 1979, as provided by Section 5 of the 1973 Act, *supra*.

Publication of this plan has been delayed pending passage of S. J. Resolution 108 (which became Pub. L. 96-194 on February 21, 1980) to validate plans submitted after the deadlines specified in the 1973 Act, *supra*.

The plan reads as follows:

"The funds appropriated by the Act of September 30, 1976, 90 Stat. 1415, in satisfaction of an award granted to the Nisqually Tribe of Indians in Docket 197 before the Indian Claims Commission, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall contine to be held and invested by the Secretary of the Interior pursuant to the provisions in 25 U.S.C. 162a until such time as the funds are needed for the tribe's land purchase program as outlined in the Nisqually Indian Tribal Council's Resolution 13-1979 and the accompanying plan adopted February 13, 1979. Each use of the funds for acquisition of land for the tribe under the tribe's land purchase program, as the program presently exists or may be modified with the approval of the Secretary of the Interior, shall be subject to the approval of the Secretary."

Rick Lavis,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 80-9235 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-02-M

Pyramid Lake Paiute Tribe; Plan for the Use and Distribution of Pyramid Lake Paiute Tribe Judgment Funds Awarded in Docket 87-B Before the Indian Claims Commission

March 13, 1980.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment to any Indian tribe. Funds were appropriated by the Act of December 16, 1975, 89 Stat. 826, 842, in satisfaction of the award granted to the Pyramid Lake Paiute Tribe in Indian Claims Commission Docket 87-B. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated March 21, 1979, and was received (as recorded in the Congressional Record) by the House of Representatives on March 21, 1979, and the Senate on March 22, 1979. Congress not having adopted a resolution disapproving it, the plan became effective on June 12, 1979, as provided by Section 5 of the 1973 Act, *supra*.

Publication of this plan has been delayed pending passage of S.J. Resolution 108 (which became Pub. L. 96-194 on February 21, 1980) to validate plans submitted after the deadlines specified in the 1973 Act, *supra*.

The plan reads as follows:

"The funds appropriated by the Act of December 16, 1975, 89 Stat. 826, 842, in satisfaction of an award granted to the Pyramid Lake Paiute Tribe in Docket 87-B before the Indian Claims Commission, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as provided herein.

A. Preparation of Pyramid Lake Paiute Tribal Roll

The Secretary of the Interior (hereinafter 'Secretary') shall prepare, in cooperation with the tribal governing body and enrollment committee, according to the enrollment criteria specified in Article II of the Pyramid Lake tribal constitution, and under procedures to be prescribed by the Secretary, a tribal roll containing the names of all eligibles persons born on or prior to and living on the effective date of this plan.

In order to prepare an official tribal roll the Secretary shall first construct the tribal base roll of January 1, 1935, by employing the Pyramid Lake Census of April 1, 1934, and the supplement of December 31, 1934, and removing therefrom the names of all persons deceased prior to January 1, 1935. The decision of the Secretary concering eligibility to appear on the constructed base roll or on the tribal roll brought current to the effective date of this plan shall be final.

B. Per Capita Payment Aspect

Eighty (80) percent of the funds shall be distributed in the form of per capita payments, in a sum as equal as possible, to all persons whose names appear on the tribal roll prepared as specified in Section A of this plan.

The per capita shares of living competent adults shall be paid directly to them. Per capita shares of deceased individual beneficiaries shall be determined and distributed pursuant to 43 CFR, Part 4, Subpart D. Per capita shares of legal incompetents shall be handled pursuant to 25 CFR 104.5. Per capita shares of minors shall be handled pursuant to 25 CFR 60.10(a) and (b)(1) and 104.4.

C. Programing Aspect

Twenty (20) percent of the funds, and any amounts remaining after the per capita payment provided above, shall be invested by the Secretary and only the interest and investment income accrued shall be utilized by the tribal governing body, subject to the approval of the Secretary, for social and economic programs. Such program funds shall be utilized on an annual budgetary basis and may include, but are not limited to, the following: Education, including Vocational Education, Benefits; Development of Economic Enterprises; Social Programs such as a Burial Fund and Child Care and Senior Citizen Centers; Improvement of Tribal Law Enforcement; Community Facilities for Wadsworth, Nixon and Sutcliffe; Land and Agricultural Development; Industrial Park Development; Tribal Legal Needs; Development of a Tribal Credit Union; and the Development of a Tribal Store.

None of the funds distributed per capita or made available under the programming aspect of this plan shall be subject to Federal or State income taxes or be considered income or resources in determining eligibility for assistance under Federal, State or local programs."

Rick Lavis,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 80-9236 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-02-M

Receipt of Petition for Reassumption of Jurisdiction Muckleshoot Indian Tribe, Auburn, Wash.

March 11, 1980.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary, Indian Affairs by 209 DM 8.

The Indian Child Welfare Act of 1978 provides, subject to certain specified conditions, that Indian tribes may petition the Secretary of the Interior for reassumption of jurisdiction over Indian child custody proceedings.

This is notice that a petition has been received by the Secretary from the Muckleshoot Indian Tribe, Auburn, Washington, for the tribal reassumption of jurisdiction over child custody proceedings. The petition is under review, and may be inspected and copied at the Puget Sound Agency Office, Bureau of Indian Affairs, Everett, Washington.

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-9233 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

California Desert Conservation Area; Public Meetings

Notice is hereby given that public meetings will be held in California at the times and places shown below for the purpose of taking public input on the Plan Alternatives and Draft Environmental Impact Statement for management of the lands and resources of the California Desert Conservation Area.

Interested persons are urged to obtain copies of the draft document and make comments thereon. Copies may be obtained by writing: Desert Plan, Box 5555, Riverside, CA 92507; or by calling (toll-free, California only) (800) 442-4946, or (outside California) (714) 787-1655. All meetings will run from 3 p.m. to 8 p.m.

Thursday, April 17—San Diego, S.D. Veterans Memorial Bldg., Park Blvd. & Zoo Drive. Balboa Park

Tuesday, April 22—Sacramento, Sutter-Placer Room, Sacramento Community Center, 14th & K Streets

Wednesday, April 23—Oakland, Kaiser Center Auditorium, 300 Lakeside Drive

Wednesday, April 30—Los Angeles, Board of Supervisors Hearing Room, 500 West Temple

Thursday, May 1—Palm Springs, International Hotel, International Room. 1800 S. Palm Canyon Drive

Thursday, May 1—San Bernardino, 303 North "E" Street, San Bernardino Convention Center

Monday, May 5—El Centro, Imperial Irrigation District Auditorium, 1285 Broadway

Monday, May 5—Bishop, City Council Chambers, 377 West Line Street

Tuesday, May 6—Ridgecrest, Burroughs High School, Multi-Use Room, Burroughs Access Road

Tuesday, May 6—Blythe, Ruth Brown School Auditorium, 241 North 7th Street

Wednesday, May 7—Barstow, City Council Chambers, 220 E. Mountain View Street

Wednesday, May 7—Needles, City Council Chambers, 1111 Bailey

Dated: March 19, 1980.

Ron Hofman,

Acting State Director.

[FR Doc. 80-9238 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-84-M

California Desert Conservaton Area Advisory Committee; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 and 94-579 that the California Desert Conservation Area Advisory Committee to the Bureau of Land Management, U.S. Department of the Interior, will meet April 18, 1980 in San Diego, California. The purpose of the meeting is to: review the work program leading to publication of the proposed plan and final Environmental Impact Statement for management of the California Desert Conservation Area; adopt procedures by which the Advisory Committee will give advice on the plan to the Secretary of the Interior; and discuss issues identified by Committee members which should be addressed in the proposed plan.

The meeting will be held in the Empire Room of the Hanalei Hotel, 2270 Hotel Circle North, San Diego, CA 92138, beginning at 8 a.m., Friday, April 18. The meeting is open to the public, and interested persons may attend and file statements with the Advisory Committee. Further information, including the meeting agenda, may be obtained from the Chairman, California Desert Conservation Area Advisory Committee, c/o Desert Plan Staff, 3610 Central Avenue, Suite 402, Riverside, CA 92506.

Dated: March 19, 1980.

Ron Hofman,

Acting State Director.

[FR Doc. 80-9239 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-84-M

[OR 23696(Wash)]

Washington; Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, on March 3, 1980, filed application Serial No. OR 23696(Wash), for withdrawal of the following described lands from location and entry under the mining laws, subject to valid existing rights:

Willamette Meridian

Gifford Pinchot National Forest

T. 10 N., R. 5 E.,
Sec. 6, that portion of MS 668 within said Sec. 6;

Sec. 7, that portion of MS 888 within said Sec. 7.
T. 11 N., R. 5 E.,
Sec. 26, that portion of MS 837 within said Sec. 26;
Sec. 29, that portion of MS 837 within said Sec. 29;
Sec. 31,, that portion of MS 859 within said Sec. 31;
Sec. 32, that portion of MS 837 within the N½N½ of said Sec. 32.

The areas described aggregate 406.81 acres in Skamania and Lewis Counties, Washington.

The purpose of the withdrawal is to protect the status of the lands to permit consummation of a pending National Forest System land exchange pursuant to the General Exchange Act of March 20, 1922, as amended, and Sec. 206 of the Federal Land Policy and Management Act of October 21, 1976.

On or before April 29, 1980, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address shown below, on or before April 29, 1980. If a public hearing is scheduled, a notice will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the **Federal Register**.

The above described lands are temporarily segregated from location and entry under the mining laws to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of the withdrawal application will terminate two years from the date of publication of this notice, unless sooner terminated by action of the Secretary of the Interior or by completion of the land exchange.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: March 13, 1980.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-9241 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-84-M

Final Decisions on the Intensive Wilderness Inventory of 30 Selected Units in Southeast Oregon

I hereby announce my final intensive inventory decisions on 30 selected inventory units in southeast Oregon. These decisions are issued under the authority of Section 603 of the Federal Land Policy and Management Act and in accordance with the guidelines in the September 27, 1978, BLM *Wilderness Inventory Handbook* and Organic Act Directive Number 78-61, change 3.

By publication in the October 4, 1979, **Federal Register**, pages 57229 and 57230, this office announced the beginning of a 90-day public review and comment period on 30 intensive inventory units containing approximately 1,208,153 acres. The public comment period ended on January 4, 1980. During the public comment period, six public meetings were held. All comments, whether mailed or presented at a public meeting in writing or verbally, as well as late comments received in time to be reviewed before the final decisions were made, were treated equally. They have been read, recorded, analyzed, and, where appropriate, field checked. The final intensive wilderness inventory report, including maps, is available upon request from the Oregon State Office, BLM, P.O. Box 2965, Portland, Oregon 97208.

Wilderness Study Areas

The following areas are identified as wilderness study areas.

a. Lands included in proposed wilderness study areas in the October 4, 1979, **Federal Register** notice.

Unit Number	Name	Acres
Lakeview District		
1-78	Orejana Rim	22,800
Burns District		
2-14	Malheur River-Bluebucket Creek	5,560
2-23L	Stonehouse	21,000
2-23M	Stonehouse	8,090
2-74F	Alvord Desert	96,430
2-81L	Pueblo Mountains	50,460
2-82H	Rincon	90,895
	Subtotal—Burns District	272,435
Vale District		
3-156A	Fifteenmile	48,400
	Grand total	343,635

b. Lands proposed to be eliminated from further wilderness review in the October 4, 1979, **Federal Register** notice but included in wilderness study areas after evaluation of public comments.

Unit Number	Name	Acres
Burns District		
2-74F*	Alvord Desert	59,540
2-81L*	Pueblo Mountains	16,970
2-82H	Rincon	6,500
	Subtotal—Burns District	83,010
Vale District		
3-156A	Fifteenmile	100
	Grand total	83,110

c. Lands not included in the proposed decisions but included in a wilderness study area because a mapping error in the location of the boundary of the proposed wilderness study area was corrected after the proposed decision was issued.

Unit Number	Name	Acres
Burns District		
2-74F	Alvord Desert	4,920
	Total acres in wilderness study areas	431,865

Lands Eliminated From Further Wilderness Review

The following areas are eliminated from further wilderness review because they lack wilderness characteristics.

a. Lands proposed to be eliminated from further wilderness review in the October 4, 1979, **Federal Register** notice.

Unit Number	Name	Acres
Lakeview District		
1-76	Steamboat Point	20,040
1-77	Juniper Canyon	9,920
1-78	Orejana Rim	5,400
1-105	Skokum Lake	30,000
1-111	East Coyote Hills	17,200
	Subtotal—Lakeview District	82,560
Burns District		
2-1*	Coleman Creek	62,665
2-2	Warm Springs-Black Butte	48,950
2-11	Dietrich Cabin	11,300
2-12*-	House Butte	32,940
2-13	Bartlett Mountain	8,850
2-14	Malheur River-Bluebucket Creek	120
2-15	Otis Mountain	40,470
2-16	Cottonwood Creek	7,670
2-17	Rocky Basin	12,700
2-21	Beaver Tables I	9,400
2-23*	Stonehouse	132,055
2-24	Fisher Flat	18,290
2-26*	Diamond Craters	15,045
2-74*	Alvord Desert	135,210
2-79*	Pueblo Slough	22,755
2-81	Pueblo Mountains	16,030
2-82*	Rincon	51,335
	Subtotal—Burns District	626,005
Vale District		
3-36	Roger's Place	13,020
3-451	Whitehorse Butte	9,120
3-154	Sand Dunes	6,680
3-156	Fifteenmile	12,340
3-199	Willow Butte	5,890
	Subtotal—Vale District	47,050
Prineville District		
5-57	Peter Well	10,966
5-58	Imperial Well	6,157
	Subtotal—Prineville District	17,123
	Grand total	772,738

b. Land proposed for identification as wilderness study areas in October 4, 1979, **Federal Register** notice but found to lack wilderness characteristics after public comment period.

Unit Number	Name	Acres
Burns District		
2-23M	Stonehouse	480
2-81L	Pueblo Mountains	30
	Subtotal—Burns District	510
Prineville District		
5-14	Steelhead Falls	3,240
	Grand total	3,750
	Total acres eliminated from further wilderness review.	776,488

*The sizes of these units were recalculated after the announcement of the proposed decisions.

Interstate Unit

Unit 2-81L is contiguous to 10,880 acres of BLM lands in Unit NV-020-642 in the Winnemucca District, Nevada. Public lands in both States were inventoried as one unit, and joint proposed decisions were issued by the Oregon and Nevada State Directors. The proposed decision was that 4,920 acres in Nevada be included in a wilderness study area and that 5,960 acres be eliminated from further wilderness review. The proposed decision for lands in Unit 2-81L is listed in the above table.

After the public comment period, the Nevada and Oregon State Directors arrived at a coordinated decision for all lands in the unit. The Nevada State Director announced the final decision for lands in Nevada in a **Federal Register** notice published on February 15, 1980, page 10461. The final decision is to identify 600 acres in Nevada as part of a wilderness study area extending into Oregon, and to eliminate 9,560 acres in Nevada from further wilderness review. (The total acreage cited in the report on the proposed decision was in error.) The final decision for lands in Unit 2-81L is listed in the above table.

Effective Date

The decision for each inventory unit is considered individually and separately from the decision for every other inventory unit. These decisions will become effective on April 28, 1980, unless timely protests are received by Oregon State Director.

Protest and Appeal Procedures

Persons wishing to protest any of the decisions announced herein must file a written protest with the State Director, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, on or before 4:15 PM. April 28, 1980. Only those protests received by the time and date specified will be accepted.

The protest must specify the inventory unit(s) to which it is directed. It must include a clear and concise statement of the reasons for the protest, as well as data to support the reason stated.

At the conclusion of the protest period, I will publish in the **Federal Register** a notice of those decisions that were not protested and therefore have become final, and those decisions which are under formal protest and will announce that the decision on the units will not become final pending a decision on the protest and any resulting appeal.

I will issue a written decision on any protest which is filed according to the above requirements and will publish a notice in the **Federal Register** of the action taken in response to the protest.

Any person adversely affected by my decision on a written protest may appeal such decision under the provisions of 43 CFR Part 4.

Frank A. Edwards,

Acting State Director.

[FR Doc. 80-9574 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-84-M

Proposed Decisions on the Intensive Wilderness Inventory of Public Lands in Oregon and Washington

I hereby announce my proposed decisions on the intensive wilderness inventory of public lands in Oregon and Washington. These decisions are issued under the authority of Section 603 of the Federal Land Policy and Management Act and in accordance with the guidelines in the September 27, 1978 BLM *Wilderness Inventory Handbook* and Organic Act Directive No. 78-61, change 3.

The BLM inventory process is divided into two major parts: Initial and intensive inventories. Final decisions on the initial inventory and the announcement of the beginning of the intensive inventory were published in the August 29, 1979, **Federal Register** notice, pages 50660 and 50661.

Proposed intensive inventory decisions for 30 inventory units containing about 1,208,200 acres in southeast Oregon were published in the October 4, 1979 **Federal Register**, pages 57229 and 57230. A 90-day public comment period extended through January 4, 1980. Final decisions on the 30 units are scheduled to be published in the **Federal Register** on the same date as this notice.

The proposed decisions included in this announcement pertain to all of the intensively inventoried land in Oregon not included in the inventory noted above and to all of the intensively inventoried land in Washington.

Publication of this notice in the **Federal Register** begins a 90-day public review and comment period on the 318

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intensive inventory units containing approximately 5,956,000 acres administered by the BLM in Oregon and Washington. The public comment period will end on June 25, 1980.

The public is invited to comment on the intensive wilderness inventory report and maps available upon request from the BLM Oregon State Office and to submit additional information in order to assist the BLM in the assessment of wilderness characteristics on these public lands. Public comment forms will be included with the report and maps. The inventory report and maps may be obtained by writing the Public Affairs Room, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208.

Public meetings will be held in 19 locations in Oregon and Washington during April.

Oregon

April 10—*Eugene*, 2:00 PM and 7:30 PM. Harris Hall, 125 East 8th Street.
April 15—*Baker*, 7:30 PM. Baker Community Center, 2810 Grove Street.
April 15—*Coos Bay*, 1:00 PM to 8:00 PM. Southwestern Oregon Community College, Tioga Hall.
April 16—*Enterprise*, 7:30 PM. Cloverleaf Hall.
April 16—*Brookings*, 1:00 PM to 8:00 PM. Brookings City Hall.
April 16—*Lakeview*, 7:30 PM. BLM District Office, 1000 South 9th.
April 16—*Ontario*, 7:30 PM, MST. Treasure Valley Community College, Weese Building, Room 10.
April 17—*Jordan Valley*, 7:30 PM, MST. Lion's Den.
April 17—*Burns*, 7:00 PM. BLM District Office, 74 South Alvord.
April 17—*Medford*, 6:30 PM to 8:30 PM. BLM District Office, 3040 Biddle Road.
April 19—*Prineville*, 2:00 PM. Crook County Courthouse, County Circuit Court Room.
April 22—*Grants Pass*, 6:30 PM to 8:30 PM. Josephine County Courthouse.
April 23—*Klamath Falls*, 7:30 PM. Klamath County Library, 126 South 3rd Street.
April 24—*McDermitt*, NV, 7:30 PM, PST. Community Hall.
April 28—*Grass Valley*, 2:00 PM. South Sherman Elementary School.
April 30—*Portland*, 2:00 PM and 7:30 PM. Portland Community College, Sylvania Campus, College Center (CC) Building, Cedar Room.

Washington

April 15—*Pasco*, 7:00 PM. Franklin County PUD Auditorium, 1411 West Clark.
April 17—*Everett*, 7:00 PM. Snohomish County Administration Building, County Hearing Room, 3000 Rockefeller.
April 21—*Okanogan*, 7:00 PM. Okanogan PUD, 1331 2nd Street North.

All public comments received during the 90-day comment period will be recorded, analyzed, evaluated and filed for future reference. All comments will be treated equally, whether they are mailed in or presented verbally or in writing at a public meeting. Comments received after the 90-day comment period may be considered as long as they can be reviewed with other public comments without delaying my final decision.

Proposed Intensive Wilderness Inventory Decisions

The following units, or portions of units, are proposed for identification as wilderness study areas:

Inventory Unit Number	Name	Acres
Oregon		
Lakeview District		
1-2	Devils Garden Lava Bed	29,640
1-3	Squaw Ridge Lava Bed	28,320
1-22	Four Craters Lava Bed	12,120
1-68	Diablo Mountain	113,120
1-117B	Monument Flat	16,520
1-136B	Spaulding Reservoir	65,720
1-146A	Hawkse Walkse	68,360
1-146B	Hawkse Walkse	6,520
Subtotal—Lakeview District		344,320
Burns District		
2-72C	Sheepshead Mountains	50,300
2-72I	Sheepshead Mountains	38,855
2-73A	Winter Range	21,395
2-73H	Winter Range	14,640
2-77B	Mahogany Ridge	23,780
2-78D	Red Mountain**	2,720
2-78F	Red Mountain	14,730
2-83A	Alvord Peak	14,655
2-85F	South Steens	67,320
2-86E	Blitzen River	52,060
2-86F	Blitzen River	9,360
2-98A	Strawberry Mountain	180
2-98C	Strawberry Mountain	720
2-98D	Strawberry Mountain	209
Subtotal—Burns District		310,943
Vale District		
3-27	Steamboat Rock	18,980
3-31	Camp Creek	15,520
3-32	Coleman Spring	7,040
3-33A	Gold Creek	13,500
3-35	Saddle Horse Spring	5,330
3-41A	Keeney Creek	12,780
3-44	Star Mountain	14,380
3-47	Cedar Mountain	43,380
3-53	Dry Creek	22,960
3-56	Dry Creek Buttes	43,700
3-57	Quartz Mountain	11,080
3-59A	Lower Owyhee River	12,800
3-73	Blue Canyon	12,360
3-74A	Bannock Ridge	3,200
3-75	Black Rock	8,800
3-77A	Honeycombs	36,500
3-77B	Honeycombs	12,000
3-110	Bull Creek	37,800
3-111	Saddle Butte	87,580
3-118A	Bowden Hills	50,800
3-120	Clarks Butte	31,000
3-121	Deadman Creek	8,440
3-128A	Jordan Craters	28,000
3-132	Paranip Peak	10,800
3-143A	Owyhee River	44,760
3-152	Whitehorse Creek	27,350
3-153	Disaster Peak**	13,420
3-157	Oregon Canyon	49,400
3-162A	Twelvemile	27,160
3-173A	Jack's Creek	78,920
Vale District—Continued		
3-195	Louse Canyon**	128,840
Subtotal—Vale District		916,260
Prineville District		
5-5	Lower John Day	19,370
5-8	North Pole Ridge	6,062
5-9	Spring Basin	5,962
5-21	Badlands	32,053
5-31	North Fork	10,791
5-33	South Fork	19,631
5-34	Sand Hollow	8,791
5-35	Gerry Mountain	20,703
5-42A	Hampton Butte	10,480
5-43	Cougar Well	17,026
Subtotal—Prineville District		150,799
Baker District		
6-1	McGraw Creek	1,610
6-2	Homestead	10,700
6-3	Sheep Mountain	6,350
6-10	Cache Creek Ranch	2,935
Subtotal—Baker District		21,595
Medford District		
11-1	Mountain Lakes	320
11-17	Soda Mountain	5,640
Subtotal—Medford District		5,960
Coos Bay District		
12-8A	North Sisters Rocks	3
12-14A	Zwagg Island	10
Subtotal—Coos Bay District		13
Grand total—Oregon		1,749,890
Washington		
Spokane District		
13-24	Little Palce Island	15
Grand total—Washington		15

The following units, or portions of units, are proposed for elimination from further wilderness review.

Inventory Unit Number	Name	Acres
Oregon		
Lakeview District		
1-4	Walker Cabin	34,080
1-6	Little Benjamin Lake	13,080
1-9	Bull Lake*	32,360
1-10	Benjamin Lake	16,200
1-11	Chicago Valley	7,080
1-12	Lost Forest*	6,240
1-21	South Green Mountain	14,720
1-24	Sand Dunes*	15,520
1-36	Cox Butte	41,200
1-52	Mack Cabin	24,000
1-53	Rawhide Creek	21,600
1-54	Monehan Lake	9,280
1-55	Pickett Spring	10,760
1-57	Robinson Lake	42,400
1-59	Whiskey Mountain	7,800
1-60	Coffee Lake	6,440
1-62	Whiskey Lake	48,560

Inventory Unit Number	Name	Acres
Lakeview District—Continued		
1-64	Twin Buttes	22,080
1-65	Saunders Rim	17,000
1-67	Nub	6,520
1-71	Gray's Butte	25,040
1-72	Juniper Mountain	11,760
1-73	Pack Saddle Draw	18,680
1-74	Juniper Creek	23,280
1-75	Egan Cabin	6,240
1-79	Balle Lake	6,000
1-80	Twin Lakes	17,920
1-82	North Euchre Butte	22,800
1-85	Eagle Butte	13,220
1-86	Natural Corral Draw	12,500
1-87	Horseshoe Rim	21,000
1-88	Sunstone Mine North	29,380
1-89	Bacon Camp	5,560
1-90	Sunrise Canyon	4,880
1-93	Spine Cob Butte	11,000
1-94	Poker Jim Flat	14,360
1-95	ZX Ranch	21,120
1-96	Coglan Buttes	32,000
1-98	Albert Burn South	18,200
1-101	Albert Rim	22,880
1-102	Bimbie Lake	13,440
1-106	Flint Hills	23,840
1-108	Rabbit Hills	15,360
1-114	Warner Lakes	33,680
1-115	Guano Slough	106,480
1-117	Monument Flat	16,240
1-118	Wakefield Cabin	28,880
1-120	Coleman Rim	11,280
1-124	Fish Canyon South	8,160
1-125	Horsehead Lake	12,000
1-126	Coleman Valley**	23,640
1-127	Wool Lake	5,360
1-128	Long Lake	9,000
1-129	Jack Lake	10,000
1-130	Little Reservoir	24,280
1-131	Clover Swale	7,640
1-132	Guano Creek	10,560
1-133	Guano Lake West	13,480
1-134	Lone Grave Butte	25,440
1-135	Guano Lake	11,680
1-136	Beatys Butte	5,580
1-137	Mohagany Mountain	8,000
1-138	Buckaroo Pass	12,640
1-139	Spaulding Reservoir	4,640
1-140	Sagehen Spring	13,440
1-142	Wilson Spring	16,040
1-143	Ryegrass Valley	31,880
1-144	Bald Mountain	14,040
1-145	Sagenhen Flat	15,715
1-146	Hawkse Walkse	760
1-146A	Hawkse Walkse	3,800
1-148	Miller Creek	8,480
1-149	Bumpheads	18,560
1-155	Swan Lake Rim	8,760
1-157	Coleman Valley West**	10,000
1-158	Breezy	6,240
1-159	Catlow Valley	58,000
1-164	Snuff**	1,440
Subtotal—Lakeview District		1,380,975
Burns District		
2-18	Skull Creek	8,795
2-19	Silvies River	7,520
2-30	Palomino Buttes	13,075
2-43	Wagontire Mountain	48,875
2-44	Tired Horse	8,275
2-47	Surprise Lake	21,940
2-48	Hay Lake	18,350
2-49	Sheep Lake	28,985
2-50	Claw Creek	8,600
2-52	Miller Canyon	5,805
2-53	Gum Boot Canyon	8,475
2-54	Saddle Butte	9,120
2-55	Frenchglen	65,925
2-56	Black Rim	13,555
2-57	Jackass Creek	19,255
2-58	Keg Springs	22,200
2-59	Taylor Cabin	14,850
2-60	Weed Lake	19,520
2-61	Foster Flat	42,780
2-62	Nothing There	10,620
2-63	Chicken Feek Lake	12,800
2-64	Buzzard Creek	34,495
2-65	Deep Canyon	6,215
2-67	Iron Mountain	13,580
2-68	Smokey Hollow	8,225
2-69	Devils Canyon	14,015
2-70	Wilson Butte	9,745
2-71	Goose Egg	15,930
2-72	Sheepshead Mountains	98,480
2-73	Winter Range	35,715
2-75	Black Point	51,300
2-77	Mahogany Ridge	18,588
2-78	Red Mountain **	10,420
2-78F	Red Mountain	3,740
2-80	Sand Hills **	14,990
2-83	Alvord Peak	8,280
2-83A	Alvord Peak	16,665
2-84	Basque Hills	148,290
2-85	South Steens	76,805
2-85F	South Steens	3,690
2-86	Blitzen River	8,560
2-86E	Blitzen River	6,500
2-87	Bridge Creek	28,470
2-88	Moon Hill	9,900
2-91	Guano Slough	22,165
2-92	Dead Horse	36,970
2-93	South Bollenbaugh	20,545
2-94	Walls Lake	51,130
2-98	Strawberry Mountain	2,400
2-98A	Strawberry Mountain	20
2-98D	Strawberry Mountain	2
2-103	Aldrich Mountain I	6,450
2-110	Cottonwood Creek	5,145
2-111	Hay Creek	7,610
2-114	Syrup Canyon	7,570
2-115	Alkali Flat	14,285
Subtotal—Burns District		1,226,130
Vale District		
3-6	DeArmond Mountain	45,510
3-8	Westfall Highlands	15,600
3-12	Hog Creek	20,480
3-16	Lower Bully Creek	19,080
3-18	Castle Rock	7,160
3-19	North Fork Malheur River	3,160
3-20	Mustang Basin	13,120
3-22	Cottonwood Creek	11,560
3-24	Buckbrush Creek	7,800
3-30	Slaughter Gulch	15,400
3-33	Gold Creek	900
3-34	Squaw Creek	3,040
3-35	Saddle Horse Spring	10
3-41	Keeney Creek	1,540
3-41A	Keeney Creek	1,960
3-50	Freezeout Ridge	13,140
3-51	Broken Rim	10,800
3-52	Rock Canyon	8,460
3-53	Dry Creek	9,520
3-54	Burnt Mountain	9,600
3-56	Dry Creek Buttes	2,720
3-57	Quartz Mountain	4,340
3-59	Lower Owyhee River	100
3-59A	Lower Owyhee River	200
3-68	McIntyre Ridge	14,540
3-70	Spring Mountain	23,960
3-73	Blue Canyon	1,160
3-74	Bannock Ridge	460
3-74A	Bannock Ridge	8,740
3-77	Honeycombs	920
3-77A	Honeycombs	5,500
3-79	Mahogany Mountain	10,800
3-80	Mud Flat	8,760
3-82	Washboard Reservior	7,040
3-100	Duck Pond	19,780
3-105	Piute	9,400
3-107	Obenchain	6,700
3-106	Turnbull Peak	13,240
3-110	Bull Creek	12,910
3-112	Scott's Butte	46,130
3-113	Rye Grass	21,300
3-114	Palomino Hills	54,900
3-116	Flat Top Mountain	16,000
3-118	Bowden Hills	280
3-118A	Bowden Hills	4,100
3-119	Barren Valley	63,120
3-120	Clarks Butte	8,300
3-124	Bogus Rim	5,680
3-127	Little Crater	20,300
3-128	Jordan Craters	1,930
3-128A	Jordan Craters	500
3-130	Whitehorse Butte	25,420
3-132	Paranip Peak	11,200
3-143	Owyhee River	2,200
3-143A	Owyhee River	6,290
3-144	Herdin	21,200
3-145	Winter Range	86,000
Vale District—Continued		
3-146	Indian Fort	27,500
3-148	Big Grassy Mountain	27,700
3-149	Hanson Canyon	15,960
3-152	Whitehorse Creek	14,970
3-157	Oregon Canyon	18,200
3-159	Tent Greek **	32,440
3-160	High Peak	14,040
3-162	Twelvemile	3,760
3-162A	Twelvemile	8,840
3-163	Blue Mountain	61,980
3-164	Alcorta Rim	15,560
3-171	Pole Creek	19,200
3-172	Deer Flat **	11,200
3-173	Jack's Creek	1,560
3-173A	Jack's Creek	1,160
3-178	Rattlesnake Creek	58,500
3-179	Rawhide	21,740
3-180	High Ridge	15,500
3-181	Antelope Creek	21,380
3-182	Red Rocks	22,400
3-183	Deadhorse	16,300
3-186	Field Creek	11,580
3-188	Star Valley	10,320
3-191	Cairn "C" **	7,960
3-194	Lookout Butte **	65,640
Subtotal—Vale District		1,287,110
Prineville District		
5-5	Horse Ridge **	4,855
5-6	Lower John Day	2,575
5-8	North Pole Ridge	6,120
5-9	Spring Basin	301
5-10	Mt. Misery	5,055
5-11	Fossil Beds	7,623
5-18	Rocky Canyon	8,486
5-19	Chimney Rock	5,120
5-20	Alkali Flat	7,035
5-21	Badlands	1,119
5-22	Dry River	6,221
5-23	West Butte	16,440
5-31	North Fork	379
5-33	South Fork	29
5-34	Sand Hollow	29
5-35	Gerry Mountain	1,137
5-36	Redman Rim	12,823
5-40	Sears Creek	11,980
5-42	Hampton Butte	1,740
5-42A	Hampton Butte	120
5-43	Cougar Well	289
5-46	Hampton	8,650
5-47	Stockpile	8,300
5-49	Hemstad	15,553
5-50	Whiskey Springs	6,792
5-51	Twin Pines	12,800
5-52	Dickerson Well	9,040
5-53	Two Post Lake	11,545
5-55	Lone Pine	17,175
5-56	Fredrick Butte	8,380
5-59	Grassy Lake	24,337
5-63	Stud Horse Butte	16,504
5-64	Glass Butte	10,911
5-65	Round Mountain	20,080
5-68	Steamboat Island	1
5-69	Eagle Butte Island	1
5-76	Kimberly Island	1
5-82	Nomanisa Island	1
5-83	Fantasy Island	2
Subtotal—Prineville District		269,329
Baker District		
6-1	McGraw Creek	290
6-2	Homestead	1,100
6-3	Sheep Mountain	1,850
6-11	Teepee Ridge	240
6-13	Island	5
6-14	Island	4
6-15	Island	6
6-38	Island	4
6-39	Island	2

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Number	Name	Acres
	Inventory Unit	
	Baker District—Continued	
6–40	Hooker Gulch	8,100
	Subtotal—Baker District	8,601
	Medford District	
11–16	Zane Grey	18,466
	Coos Bay District	
12–10A	Pistol River-Myers Creek Rocks	5
12–12A	Lone Ranch Rocks	6
12–13A	Harris Island	3
12–14A	Table Rock	1
12–15	Fish Rock	1
	Subtotal—Coos Bay District	16
	Grand total—Oregon	4,191,821
	Washington	
	Spokane District	
13–1	Juniper Forest	7,806
13–2	Chopaka Mountain	5,560
13–3	Lummi Rocks	9
13–4	Blind Island	2
13–5	Chuckanut Rocks	1
13–6	Faunderoy Rock	1
13–7	Dot Rock	1
13–9	Reed's Bay Island	3
13–10	Twin Rocks	2
13–11	Barnes Rocks	1
13–12	Clark Rocks	1
13–14	Mates Rock	2
13–15	Davis Bay Island and Rocks	2
13–16	Richardson Rock	2
13–17	Skull Island	3
13–18	Harbor Rocks	1
13–19	Trnka Rock	1
13–20	Oak Island and Rock	1
13–21	Victim Island	3
13–22	Jap Island	1
13–23	Freemen Island and Reach Haven Rock.	2
13–27	King Islands	1
13–28	Kanaka Bay Islands	3
13–29	Park Bay Island	2
13–30	North Pass and McConnell Rocks	2
13–31	Broken Point Island	1
13–32	Posey Island	1
13–33	Mitchells Bay Rocks and Guss Island.	4
13–34	Pudding Island	1
13–35	John's Pass Rock and Rock Island	1
13–36	Prevost Harbor Rocks	2
13–37	Reid Harbor Rock	1
13–38	John's Island Rock	1
13–39	Reservation Bay Rocks	1
13–40	Little Deadman and Deadman Islands.	6
13–41	Narrow Rocks	2
13–44	Rockport Island	30
13–50	Clallam County Islands	20
13–59	Indian Island	2
13–60	Prindle Island	185
13–62	Lawrence Lake Island	1
13–63	Eagle Island	10
13–67	Columbia River Islands	270
	Grand Total Washington	13,941

* Includes a portion of Lost Forest Instant Study Area.
** Interstate unit. The list includes only Oregon acreage. See section below on interstate units for acreage in other states.
*** Includes the Western Juniper Instant Study Area.

Interstate Units

Eleven of the units included in these proposed decisions are contiguous to public lands in inventory units in adjacent states:

Oregon and Adjacent States

Unit No.	Administering district	Unit No.	Proposed intensive inventory decision: Include in wilderness study area	Proposed intensive inventory decision: Eliminate from wilderness review
1–126	Susanville, CA	CA–020–1010 [1]		13,080
1–157	Susanville, CA	CA–020–1005 [1]		13,005
1–164	Susanville, CA	CA–020–1004 [1]		14,690
2–78E	Winnemucca, NV	NV–020–859		540
3–80	Winnemucca, NV	NV–020–809		16,821
3–153	Winnemucca, NV	NV–020–856	9,700	
3–159	Winnemucca, NV	NV–020–811		10,680
	Boise, ID	ID–108–70E [2]		
3–172	Winnemucca, NV	NV–020–808		500
3–191A	Winnemucca, NV	NV–020–810		2,700
3–194	Boise, ID	ID–108–48A [2]		
3–195	Boise, ID	ID–108–49B [2]		

[1] All of CA–020–1005 and CA–020–1010 and the eastern portion of CA–020–1004 are lands located in Nevada but administered by the Susanville District, California.
[2] See paragraph below on lands in Boise District.

The district offices which administer lands in these interstate units coordinated their inventories of the units, and the respective state directors developed joint proposed decisions.

The California State Director announced his proposed decisions on the intensive inventory outside of the California Desert Conservation Area in a notice published in the **Federal Register** on July 16, 1979, pages 41354 and 41355. The lands in the interstate units in the Susanville District were included in those proposed decisions. A 90-day public comment period followed the announcement. The California State Director will republish the proposed decision on the interstate units on or about March 31, 1980, to allow public review and comment on the entire units. Final decisions on the interstate units will be made after the close of the 90-day public comment period following that announcement.

The Nevada State Director will announce proposed decisions on the interstate units on April 1, 1980.

After the Vale, Oregon, and Boise, Idaho, District Managers had submitted joint recommendations on the intensive inventory of the three units crossing the Idaho-Oregon state line, and after the Oregon and Idaho State Directors had agreed on joint proposed decisions for the units, an appeal was filed on the final decisions for the initial inventory of the Idaho portions of the units. The Idaho State Director is postponing announcement of the proposed decisions on the intensive inventory of the units until after decisions are rendered on the appeals.

Summary of wilderness inventory in Oregon:	Acres
1. Total area subject to wilderness review	13,992,255
2. Area included in intensive inventory	7,149,684
a. Eliminated from further wilderness review in final decisions issued in another FEDERAL REGISTER notice published this date	776,498
b. Included in wilderness study areas in final decisions issued in another FEDERAL REGISTER notice published this date	491,965
c. Proposed in this notice for elimination from further wilderness review	4,191,821
d. Proposed in this notice for identification as wilderness study areas	1,749,860
3. Area previously identified as wilderness study area	7,568
Summary of wilderness inventory in Washington:	
1. Total area subject to wilderness review	316,239
2. Area included in intensive inventory	13,956
a. Proposed in this notice for elimination from further wilderness review	18,941
b. Proposed in this notice for identification as wilderness study area	15

Inventory Unit 11–6 in the Medford District is under formal appeal to the Interior Board of Land Appeals (IBLA) as a result of the initial inventory decision. The unit will be subject to the Interim Management Policy and Guidelines (IMP) until the IBLA issues a final decision and as long as the unit remains under wilderness review.

Following the public comment period, I will consider the inventory recommendations and the public comments received. My final decision identifying wilderness study areas as well as areas dropped from further consideration as wilderness will be announced by October 1, 1980.

Frank A. Edwards,

Acting State Director.

[FR Doc. 80–8575 Filed 3–26–80; 8:45 am]

BILLING CODE 4310–84–M

[F–14932–A through F–14932–C]

Alaska Native Claims Selections

On April 23, September 27, and October 18, 1974, the Shaktoolik Native Corporation, for the Native village of Shaktoolik, filed selection applications F–14932–A through F–14932–C under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Shaktoolik.

On December 15, 1975, Bering Straits Native Corporation filed selection application F–21915, as amended, pursuant to Sec. 14(h)(1) of ANCSA. Section 14(h) and Departmental regulations issued thereunder authorize the Secretary of the Interior to withdraw and convey only unreserved and unappropriated public lands. Since a portion of the lands encompassed in the subject Sec. 14(h)(1) application had been properly selected by Shaktoolik Native Corporation under Sec. 12 of ANCSA, these lands were not unreserved or unappropriated at the time of selection by Bering Straits Native Corporation. Therefore, selection application F–21915 must be and is hereby rejected as to the following described lands:

Kateel River Meridian, Alaska (Unsurveyed)

T. 11 S., R. 14 W.
Sec. 20, W½NW¼.
Containing approximately 80 acres.

Further action on the 14(h)(1) application F–21915 as to those lands not rejected herein, will be taken at a later date.

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 108,441 acres is considered proper for acquisition by Shaktoolik Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Kateel River Meridian, Alaska (Unsurveyed)

T. 11 S., R. 11 W.
Sec. 1, excluding Mineral Survey 1245 and Mineral Survey Applications F–23170 and F–23169;
Sec. 2, all;
Secs. 3 and 4, excluding Native allotment F–19341;
Sec. 5 (fractional), excluding Native allotment F–17912 Parcel B and Ungalik River;
Sec. 7 (fractional), all;
Sec. 8 (fractional), excluding Native allotments F–14570 Parcel A and F–17912 Parcel B;
Sec. 9, excluding Native allotments F–14570 Parcel A and F–19341;
Sec. 10, excluding Native allotment F–19341 and Mineral Survey Application F–23169;
Sec. 11, excluding Mineral Survey Application F–23169;
Sec. 12, excluding Mineral Surveys 1245 and 1894 and Mineral Survey Applications F–23168 and F–23170;
Sec. 13, excluding Mineral Survey 1894 and Mineral Survey Application F–23169;
Secs. 14 and 15, excluding Mineral Survey Application F–23169;
Secs. 16, 17 and 18, all.
Containing approximately 8,551 acres.
T. 13 S., R. 11 W.
Sec. 3, all;
Secs. 4 and 5, excluding Native allotment F–11980 Parcel B;
Sec. 6, all;
Sec. 7, excluding Shaktoolik River;
Sec. 8, excluding Native allotment F–11980 Parcel B and Shaktoolik River;
Sec. 9, excluding Native allotment F–11980 Parcel B, F–19200 and Shaktoolik River;
Secs. 10 and 11, excluding Shaktoolik River;
Sec. 15 and 16, all.
Secs. 17 and 18, excluding Shaktoolik River.
Containing approximately 7,680 acres.
T. 11 S., R. 12 W.
Sec. 12 (fractional), all;
Secs. 13 and 14 (fractional), excluding First Creek;
Sec. 15 (fractional), all;
Sec. 16 (fractional), excluding Native allotment F–17734;
Secs. 21 and 22 (fractional), all;
Sec. 23 (fractional), excluding First Creek;
Sec. 24, excluding First Creek;
Sec. 25, all;
Sec. 26, (fractional), excluding First Creek;
Secs. 27, 31 and 32 (fractional), all;
Sec. 33 (fractional), excluding Third Creek;
Sec. 34 (fractional), excluding Second and Third Creeks;
Secs. 35 and 36, excluding Second Creek.
Containing approximately 7,092 acres.
T. 12 S., R. 12 W.
Secs. 19 to 22, inclusive, all;
Secs. 25 to 36, inclusive, all.
Containing approximately 10,231 acres.
T. 13 S., R. 12 W.
Sec. 1, excluding Native allotment F–12007;
Secs. 2 to 6, inclusive, all;
Sec. 7, excluding U.S. Survey 2046 and Shaktoolik River;
Sec. 8, excluding Native allotment F–030533 and Shaktoolik River;
Sec. 9, excluding Native allotments F–11980 Parcel A, F–16810, F–18050, F–18410 and Shaktoolik River;
Sec. 10, excluding Native allotments F–18050, F–18410 and Shaktoolik River;
Sec. 11, excluding Shaktoolik River;
Sec. 12, excluding Native allotment F–12007 and Shaktoolik River;
Sec. 13, all;
Sec. 14, excluding Shaktoolik River;
Sec. 15, excluding Native allotment F–18410;
Sec. 16, excluding Native allotments F–11980 Parcel A, F–16810, F–18410 and Shaktoolik River;
Sec. 17, excluding Shaktoolik River;
Sec. 18, excluding Native allotment F–14570 Parcel B, F–18490 and Shaktoolik River;
Secs. 19 to 30, inclusive, all;
Sec. 31 (fractional), excluding U.S. Survey 3779 Tract 1;
Secs. 32 to 36, inclusive, all;
Containing approximately 21,641 acres.
T. 14 S., R. 12 W.
Secs. 1 to 4, inclusive, all;
Secs. 5, 6, 8 and 9 (fractional), all;
Secs. 10 and 11, all;
Secs. 13, 14 and 15, all;
Secs. 16 and 22 (fractional), all;
Secs. 23, 24 and 25, all;
Secs. 26, 27, 35 and 36 (fractional), all.
Containing approximately 11,155 acres.
T. 11 S., R. 13 W.
Secs. 19 and 20 (fractional), all;
Secs. 26 to 29 (fractional), inclusive, all;
Secs. 30 to 34, inclusive, all;
Secs. 35 and 36 (fractional), all.
Containing approximately 5,810 acres.
T. 12 S., R. 13 W.
Secs. 3 to 6, inclusive, all;
Sec. 7, excluding Sineak River;
Secs. 8, 9 and 10, all;
Secs. 15, 16 and 17, all;
Secs. 18 and 19, excluding Sineak River;
Secs. 20 to 25, inclusive, all;
Secs. 26 and 27, excluding unnamed river;
Secs. 28 and 29 (fractional), all;
Sec. 30, all;
Secs. 31, 32 and 33 (fractional), all;
Sec. 34 (fractional), excluding unnamed river;
Secs. 35 and 36, excluding unnamed river.
Containing approximately 16,775 acres.
T. 13 S., R. 13 W.
Sec. 1, all;
Sec. 2 (fractional), excluding Shaktoolik River;
Sec. 3, all;
Sec. 4 (fractional), all;
Sec. 9 (fractional), excluding Native allotment F–12019;
Sec. 10 (fractional), all;
Sec. 11 (fractional), excluding Shaktoolik River;
Secs. 12 and 13, excluding Shaktoolik River;
Sec. 14 (fractional), excluding Shaktoolik and Tagoomenik Rivers;
Sec. 15 (fractional), excluding ANCSA Sec. 3(e) Application F–23127;
Sec. 23 (fractional), excluding Tagoomenik River;
Sec. 24, all;
Sec. 25 (fractional), excluding U.S. Survey 3779, U.S. Survey 4085 and Tagoomenik River;
Sec. 26 (fractional), all;
Sec. 36 (fractional), excluding U.S. Survey 3779 Tract 1 and Toagoomenik River.
Containing approximately 6,254 acres.
T. 11 S., R. 14 W.
Secs. 13 and 24 (fractional), all;
Secs. 25 and 26, all.
Containing approximately 2,095 acres.
T. 12 S., R. 14 W.
Sec. 1, 2 and 3, all;
Secs. 4 and 9 (fractional), all;
Secs. 10 and 11, all;
Secs. 12 and 13, excluding Sineak River;
Secs. 14 and 15, all;
Secs. 16, 20 and 21 (fractional), all;
Sec. 22, all;
Secs. 23 and 24, excluding Sineak River;
Secs. 25 and 26 (fractional), excluding Sineak River;
Secs. 27 to 33 (fractional), inclusive, all;
Sec. 36 (fractional), all.

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Containing approximately 10,810 acres.
T. 13 S., R. 14 W.
Secs. 6 and 7 (fractional), all.
Containing approximately 207 acres.
T. 13 S., R. 15 W.
Secs. 1 and 12 (fractional), all.
Containing approximately 40 acres.
Aggregating approximately 108,441 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14932-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs., Gross Vehicle Weight (GVW)).

One Acre Site—The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

a. (EIN 3 D1, D3) An easement for an existing access trail, twenty-five (25) feet in width, from Sec. 1, T. 16 S., R. 12 W., Kateel River Meridian, northwesterly to the junction with trail EIN 5 C5, near the old village of Shaktoolik in Sec. 25, T. 13 S., R. 13 W., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

b. (EIN 3a D1, D3) An easement for an existing access trail, twenty-five (25) feet in width, from site EIN 17 C5, in Sec. 25, T. 13 S., R. 13 W., Kateel River Meridian, southerly to the junction with trail EIN 3 D1, D3, in Sec. 25, T. 13 S., R. 13 W., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 5 C5) An easement for an existing access trail, twenty-five (25) feet in width, from Shaktoolik in Sec. 25, T. 13 S., R. 13 W., Kateel River Meridian, northerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

d. (EIN 6 C1, C3, D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from Shaktoolik Roadhouse in Sec. 7, T. 13 S., R. 12 W., Kateel River Meridian, northeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

e. (EIN 16 C5) A one (1) acre site easement, upland of the ordinary high water mark in Sec. 7, T. 13 S., R. 11 W., Kateel River Meridian, on the right bank of the Shaktoolik River. The uses allowed are those listed above for a one (1) acre site easement.

f. (EIN 17 C5) A one (1) acre site easement, upland of the mean high tide line in Sec. 25, T. 13 S., R. 13 W., Kateel River Meridian, on the left bank of the Tagoomenik River. The uses allowed are those listed above for a one (1) acre site easement.

g. (EIN 22 C5) An easement for an existing access trail, twenty-five (25) feet in width, from the mean high tide line and trail EIN 3 D1, D3 in Sec. 12, T. 15 S., R. 12 W., Kateel River Meridian, northeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

h. (EIN 24 C5) An easement for a proposed access trail, twenty-five (25) feet in width, from public lands in Sec. 27, T. 11 S., R. 14 W., Kateel River Meridian, northeasterly to public lands in Sec. 23, T. 11 S., R. 14 W., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

i. (EIN 25 C5) An easement for a proposed access trail, twenty-five (25) feet in width, from public lands in Sec. 36, T. 11 S., R. 14 W., Kateel River Meridian, easterly to public lands in Sec. 2, T. 12 S., R. 13 W., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

j. (EIN 26 C5) An easement for an existing access trail, twenty-five (25) feet in width, from site EIN 16 C5 in Sec. 7, T. 13 S., R. 11 W., Kateel River Meridian, northerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

k. (EIN 27 C5) An easement for an existing access trail, twenty-five (25) feet in width, from site EIN 16 C5 in Sec. 7, T. 13 S., R. 11 W., Kateel River Meridian, southerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. CH. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and,

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Shaktoolik Native Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, 108,441 acres of this entitlement have been approved for conveyance. The remaining 6,759 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance to the subsurface estate of the lands described above shall be granted to the Bering Straits Native Corporation when conveyance is granted to Shaktoolik Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

Only the following inland water body is considered to be navigable within the described lands:

Shaktoolik River and Interconnecting Sloughs

The following water bodies are determined to be tidally influenced as follows:

Tagoomenik River through Sec. 36, T. 13 S., R. 13 W., Kateel River Meridian.
Sineak River through Sec. 12, T. 12 S., R. 14 W., Kateel River Meridian.
First Creek through Sec. 24, T. 11 S., R. 12 W., Kateel River Meridian.
Second Creek through Sec. 36, T. 11 S., R. 12 W., Kateel River Meridian.
Third Creek through Sec. 3, T. 12 S., R. 12 W., Kateel River Meridian.
Ungalik River through Sec. 5, T. 11 S., R. 11 W., Kateel River Meridian.
Unnamed river through Sec. 36, T. 12 S., R. 13 W., Kateel River Meridian.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the *Nome Nuggett*. Any party claiming a property interest in land affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate and any parties who failed or refused to sign the return receipt shall have until April 28, 1980, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

Shaktoolik Native Corporation, Shaktoolik, Alaska 99771.
Bering Straits Native Corporation, Box 1008, Nome, Alaska 99762.

Barbara A. Yoppke,

Acting Chief, Branch of Adjudication.

[FR Doc. 80-9276 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 29346]

Invitation for Coal Exploration License; Rocky Mountain Energy Co.

March 21, 1980

Members of the public are hereby invited to participate with Rocky Mountain Energy Company, a Utah Corporation, in a program for the exploration of coal deposits owned by the United States of America in the following described lands located in Elbert County, Colorado:

Township	Range	Section	Description
7 S.	58 W.	32	E½, NW¼.
8 S.	58 W.	4	All
8 S.	58 W.	6	NW¼, S½.
8 S.	58 W.	8	All
8 S.	58 W.	18	SE¼NW¼, N½SW¼, S½SW¼, SE¼.
8 S.	59 W.	20	All.
8 S.	58 W.	30	All.
8 S.	58 W.	32	All.
8 S.	59 W.	12	E½NE¼, W½NW¼, S½.
8 S.	59 W.	24	All.
9 S.	58 W.	6	All.
9 S.	58 W.	8	E½, NW¼, NE¼SW¼, S½SW¼.
9 S.	58 W.	18	All.
9 S.	58 W.	20	All.
9 S.	59 W.	12	All.

Containing 8,760.00 acres.

containing 8,760.00 acres.

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management and to Rocky Mountain Energy Company, to the attention of the following persons at the addresses shown:

Leader, Canon City and Grand Junction Team, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202; and

Kevin C. Jackson, Rocky Mountain Energy Company, 4704 Harlan Street, Denver, Colorado 80212.

Such written notice must be received by both of the above indicated persons at the addresses shown not later than April 27, 1980.

The proposed exploration program is more fully described in and will be conducted pursuant to an exploration plan, as such is approved by the U.S. Geological Survey and the Bureau of Land Management, agencies of the Department of the Interior. A copy of the exploration plan, as submitted by Rocky Mountain Energy Company is available for public review during normal business hours in the following office (under Serial No. C-29346):

Bureau of Land Management, Colorado State Office, Room 701, Colorado State Bank Building, 1600 Broadway, Denver, Colorado.

The foregoing notice is published in the Federal Register pursuant to 43 Code of Federal Regulation, Section 3410.2-1(d)(1), 43 FR 43584 at 42614 (No. 140, July 19, 1979).

Rodney A. Roberts,

Leader, Canon City and Grand Junction Team, Branch of Adjudication.

[FR Doc. 80-9348 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-84-M

Initiation of Planning Activity in Headwaters Resource Area; Butte District, Mont.

In accordance with 43 CFR 1601.3(g), notice is hereby given of resource planning activity now underway.

(1) Description of the proposed planning action: The proposed planning action is preparation of the Headwaters Resource Area Resource Management Plan (RMP). This RMP will carry out the requirements of the Federal Land Policy and Management Act of 1976 (FLPMA). The RMP and accompanying Environmental Impact Statement (EIS) will provide the basis for resource allocations and will define and guide subsequent management decisions within the Headwaters Resource Area. The RMP is scheduled for completion by September 1983.

(2) Identification of the geographic area to be planned: The subject area is generally located along the east slope of the Rocky Mountains and covers all or portions of Pondera, Teton, Cascade, Lewis and Clark, Meagher, Jefferson, Broadwater, Gallatin, and Park Counties in Montana. The majority of BLM-administered resources in the planning area are in the upper Missouri River basin, with smaller portions in the upper Yellowstone River basin.

(3) The general types of issues anticipated: The completed plan will make allocations of the various resources present, including (but not limited to) vegetation allocations to domestic livestock, watershed and wildlife based on the Bureau's Soil-Vegetation Inventory Method (SVIM). It will also address other issues such as lands and realty actions necessary, oil and gas exploration, off-road vehicle use, forestry, possible areas of critical environmental concern, and the future of those areas designated as Wilderness Study Areas through the Bureau's wilderness review program.

(4) The disciplines to be represented on the interdisciplinary Team: Wildlife biology, hydrology, soils science, range management, archeology, outdoor recreation planning, lands, minerals management, forestry, economics, and sociology.

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(5) The kind and extent of public participation activities to be provided: Public participation for the RMP process will be carried out in several ways. During the inventory phase, public participation will take place on an individual basis between interested parties and the BLM. As the planning process proceeds, the public will be asked to become more formally involved through workshops, open houses, and public meetings. If appropriate, mass mailings will be used to solicit comments on controversial issues. The district multiple use advisory council and the district grazing advisory board will offer their expertise in the plan preparation. Arrangements will be made to involve local planning agencies in the planning process, and state and other federal land management agencies will be contacted to assure maximum coordination of their plans and objectives with the RMP at both regularly scheduled and special meetings.

(6) The times, dates and locations scheduled or anticipated for any needed public meetings, hearings, conferences or other gatherings as known in March 1980: Two meetings were held with key individuals from the public sector to help define issues in the planning area in May and June 1979, in Helena. Various meetings will be held in the spring and summer of 1980 with local planning boards, federal and state land management agencies, the district grazing advisory board, and, upon its approval and chartering, the Butte District Multiple Use Advisory Council. A series of public meetings and/or open houses will be held to discuss management alternatives which will be presented for public review and comment in August 1982.

(7) The name, title, address, and telephone number of the Bureau of Land Management official who may be contacted for further information: Jack A. McIntosh, District Manager, P.O. Box 3388, Butte, Montana 59701 (406) 723–6561.

(8) The location and availability of documents relevant to the planning process: Documents will be generally available for public review and will be located at the Butte District Office, 106 North Parkmont (Industrial Park), Butte, Montana.

Dated: March 18, 1980.

Jack A. McIntosh,

District Manager.

[FR Doc. 80-9350 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-84-M

Socorro District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Public Law 94–579, that a meeting of the Socorro District Grazing Advisory Board will be held on Friday, April 25, 1980.

The meeting will begin at 9:00 a.m. in the Hospitality Room of the First State Bank at 103 Manzanares Avenue NE, Socorro, New Mexico.

The agenda for the meeting will include:

(1) Discussion of the East Socorro Rangeland Program Document.

(2) Public comment period.

(3) Arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 1:00 and 2:00 p.m. or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 198 Neel Avenue NW, P.O. Box 1217, Socorro, New Mexico 87801, by April 23, 1980. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Arlen P. Kennedy,

District Manager.

[FR Doc. 80-9351 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

National Capital Memorial Advisory Committee; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Tuesday, April 8, 1980, in Room 234 at the National Capital Region Headquarters, 1100 Ohio Drive, SW., Washington, D.C.

The Committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital Region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital Region.

The members of the Committee are as follows:

Mr. William J. Whalen (Chairman), Director, National Park Service, Washington, D.C.
Mr. George M. White, Architect of the Capitol, Washington, D.C.
General Mark W. Clark, Chairman, American Battle Monuments Commission, Washington, D.C.
Mr. J. Carter Brown, Chairman, Commission of Fine Arts, Washington, D.C.
Honorable Marion S. Barry, Mayor of the District of Columbia, Washington, D.C.
Mr. A. R. Marschall, Commissioner, Public Buildings Service, Washington, D.C.

The purpose of the meeting is to review alternative site locations for the proposed Vietnam Veterans Memorial and H.R. 4788 (Sec. 423(a)) which would authorize the Corps of Engineers Historic Foundation to design and erect a memorial to be located on public grounds in the District of Columbia or its environs. Also, site locations for the Meade Memorial and the Navy Memorial and the design for the 56 Signers Memorial will be reviewed. The meeting will conclude with a field trip to review examples of methods to clean outdoor bronze memorials.

The meeting will be open to the public. Any person may file with the Committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Mr. John G. Parsons, Associate Regional Director, Land Use Coordination, National Capital Region, at area code 202–426–7750. Minutes of the meeting will be available for public inspection 2 weeks after the meeting at the Office of National Capital Region, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: March 20, 1980.

Manus J. Fish, Jr.,

Regional Director, National Capital Region.

[FR Doc. 80-9297 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining and Reclamation

[Federal Lease No. W–0313668, W–0311610, W–0312311]

Surface Coal Mine Proposed by Kerr-McGee Coal Corp. for the East Gillette Mine, Campbell County, Wyo.; Public Meeting

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Notice of public meeting on a coal mining and reclamation plan.

SUMMARY: The Office of Surface Mining (OSM) has scheduled a public meeting in Gillette, Wyoming. The purpose of the meeting will be to inform the public of the proposed mining and reclamation plan changes that have occurred since the Draft Environmental Impact Statement was released on April 1, 1977 (DES–77–13) and to solicit comments from the public on areas of concern prior to completing the Final Environmental Impact Statement.

Time and Location of Public Meeting

Location: Campbell County Recreation Center, Gillette, Wyoming
Time: 7:00–9:00 p.m.
Date: Thursday, April 17, 1980

A Draft Environmental Impact Statement (DES) for the East Gillette Mine was issued by the U.S. Geological Survey on April 1, 1977 (DES 77–13). Since then, the Kerr-McGee Coal Corporation has revised their proposed mining and reclamation plan. Major changes include:

- Life of the mine was reduced from 35 to 25 years.
- Total production was reduced from 338.9 million tons to 258.4 million tons.
- Although lease W–311610 includes all of sec. 5 and 6, only W½ of sec. 6 would not be mined instead of the west half of sec. 5 and all of sec. 6. Consequently, Garner Lake Road would not have to be relocated.
- The W½SW¼ sec. 27, the NW¼NW¼ sec. 33, and the NW¼NW¼ sec. 34 would not be mined. Therefore, Donkey Creek would not be affected by the proposed operation.
- Total area to be disturbed has been reduced from 2,919 acres to 2,624 acres.
- No permanent waste piles would be left.
- Mining would affect no more than 1 or 2 producing oil wells rather than 7.
- The final contours after reclamation have been adjusted to more closely blend into adjacent areas.
- Coal would be stored in a 75,000-ton capacity V-notch barn or in silos.
- The number of ponds used to control sediment discharge from disturbed areas would be increased from 2 to 17 (including existing ponds).
- Maximum employment increased from 242 to 342.

The new proposed mining and reclamation plan has a number of other changes and more supporting data.

FOR FURTHER INFORMATION CONTACT: Floyd L. Johnson or John E. Hardaway, Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado, 80202 (303) 837–5656.

Donald A. Crane,

Regional Director.

[FR Doc. 80-9277 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules or Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant

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is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed on or before April 28, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 32

Decided: Feb. 13, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman, and Jensen. Member Jensen not participating.

MC 1924 (Sub-15F), filed November 2, 1979. Applicant: WALLACE-COLVILLE MOTOR FREIGHT, INC., North 400 Sycamore, Spokane, WA 99220. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. Transporting *general commodities* over irregular routes, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Hoerner Waldorf Division of Champion International Corp., at or near Schilling, MT, as an off-route point in connection with applicant's otherwise authorized regular route operations. (Hearing site: Missoula, MT.)

MC 13134 (Sub-76F), filed November 2, 1979. Applicant: GRANT TRUCKING, INC., Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215. Transporting *clay*, from Aberdeen, MS, to points in AL, IL, IN, IA, KY, MD, MI, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV and WI. (Hearing site: Chicago, IL.)

MC 13134 (Sub-78F), filed November 5, 1979. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Transporting *foundry sand additives*, from the facilities of The Hill & Griffith Co., at Cicero, IL, to those points in IN and OH on and north of U.S. Highway 70. (Hearing site: Columbus, OH.)

MC 13134 (Sub-79F), filed November 6, 1979. Applicant: GRANT TRUCKING, INC., Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215. Transporting *kyanite ore, bauxite ore, sand* and *magnesite*, from the facilities of C–E Minerals Division of Combustion Engineering, Inc., in (a) Wilkes and Sumter Counties, GA, and (b) Greene County, TN, to points in IL, IN, KY, MI, MO, NY, OH, PA, WV, and WI. (Hearing site: Columbus, OH, or Philadelphia, PA.)

MC 22484 (Sub-6F), filed November 5, 1979. Applicant: BROWN FROM WABASH, INC., 403 S. Cass Street, Wabash, IN 46992. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204. Transporting *mineral wool* and *mineral wool products*, from Wabash, IN, to points in IA. (Hearing site: Chicago, IL, or Washington, DC.)

MC 30844 (Sub-658F), filed November 2, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). Transporting *materials*, and *accessories* used in the manufacture and distribution of automotive oil and air filters, from Holbrook, MA, to the facilities used by Champion Laboratories, Inc., at West Salem and Albion, IL, restricted to the transportation of traffic destined to the named destinations. (Hearing site: Chicago, IL.)

MC 44735 (Sub-46F), filed November 6, 1979. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th St., Kansas City, MO 64126. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66603. Transporting *iron and steel articles*, from Dallas and Houston, TX, and Memphis, TN, to points in AR, CO, IL, IA, KS, MO, NE, and OK. (Hearing site: Kansas City, MO, or Tulsa, OK.)

MC 59444 (Sub-9F), filed November 2, 1979. Applicant: WALLER TRUCK CO., INC., Route 2, Box 5900, Richmond, MO 64085. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *plastic cups, caps, lids, tumblers, dishes*, and *cutlery*, from the facilities of Thompson Industries, at Higginsville, MO, to points in AR, IA, NE, KS, OK, IL, KY, TN, and TX. (Hearing site: Kansas City, MO.)

MC 69224 (Sub-49F), filed November 2, 1979. Applicant: H & W MOTOR EXPRESS COMPANY, A Corporation, 3000 Elm St., Dubuque, IA 52001. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. Transporting *iron castings*, from Marshalltown, IA, to Milwaukee and Racine, WI. NOTE: Applicant intends to join the authority sought here with its existing regular route authority at Marshalltown, IA, so as to provide a direct service between points on applicant's existing system in MN, WI, IL, and IA, and the destination points sought to be served by this application. (Hearing site: Des Moines, IA.)

MC 73165 (Sub-497F), filed November 2, 1979. Applicant: EAGLE MOTOR LINES, INC., 830—33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting (1) *iron and steel articles*, (2) *nuts, bolts*, and *scrap metals*, and (3) *materials, supplies* and *equipment* used in the manufacture and installation of the commodities in (1) and (2) above (except commodities in bulk), between points in the United States (except AK, and HI). (Hearing site: Birmingham, AL, or New Orleans, LA.)

MC 73165 (Sub-498F), filed November 2, 1979. Applicant: EAGLE MOTOR LINES, INC., 830—33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting (1) *iron and steel articles*, (2) *scrap metal*, and (3) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above, between Pittsburgh and Midland, PA, on the one hand, and, on the other, points in IL, IN, IA, WI, CA, WA, CO, UT, AZ, WY, and

OR. (Hearing site: Columbus, OH, or Pittsburgh, PA.)

MC 95084 (Sub-152F), filed November 6, 1979. Applicant: HOVE TRUCK LINE, A Corporation, Stanhope, IA 50246. Representative: Kenneth F. Dudley, 1501 East Main St., P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *agricultural implements, farm equipment, industrial equipment*, and (2) *parts* and *attachments* for the commodities in (1) above, and (3) *materials, equipment* and *supplies* used in the manufacture or distribution of the commodities in (1) and (2) above, between Hecla, SD, on the one hand, and, on the other, points in the United States, (except AK and HI). (Hearing site: Minneapolis, MN, or Pierre, SD).

MC 106644 (Sub-287F), filed November 6, 1979. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker, III (same address as applicant). Transporting (1) *commodities*, the transportation of which, because of size or weight, requires the use of special equipment; and (2) *self-propelled articles* (except automobiles), between points in OH, IL, IN, KY, MO, KS, IA, MI, and NE, on the one hand, and, on the other, points in NY, MA, RI, NJ, CT, PA, DE, MD, VA, WV, and DC, restricted in (2) above to the transportation of commodities on trailers. (Hearing site: Washington, DC, or Chicago, IL.)

MC 106674 (Sub-441F), filed November 2, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *fiberboard* and *wallboard*, from Lockport, NY, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 109584 (Sub-204F), filed November 5, 1979. Applicant: ARIZONA–PACIFIC TANK LINES, A Corporation, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). Transporting *animal fats and tallow*, in bulk, in tank vehicles, from San Angelo, TX, to points in AZ, and CA. (Hearing site: Los Angeles, CA, or San Angelo, TX.)

MC 112304 (Sub-221F), filed November 5, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., A Corporation, 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). Transporting *machinery* and *supplies*, and *parts, and attachments* for machinery from St. Louis, MO, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 112304 (Sub-222F), filed November 6, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., A Corporation, 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). Transporting *wrought steel pipe* and *steel tubing*, between those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 113434 (Sub-148F), filed November 2, 1979. Applicant: GRA-BELL TRUCK LINE, INC., A–5253 144th Ave., Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Transporting *aluminum or zinc ingots*, and *materials, equipment* and *supplies* used in the manufacture and distribution of aluminum or zinc alloy ingots, from Maple Heights, OH, to points in IL, IN, MI, and WI, (2) *plastic bottles* and *accessories for plastic bottles*, from points in OH, to Allegan, MI, restricted in both (1) and (2) to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Detroit MI, or Chicago, IL.)

MC 113434 (Sub-150F), filed November 5, 1979. Applicant: GRA–BELL TRUCK LINE, INC., A–5253—144th Ave., Holland, MI 49423. Representative: Miss Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Transporting (1) *glass containers*, and (2) *materials, equipment and supplies* used in the manufacture or distribution of glass containers (except commodities in bulk), between points in IA, IL, IN, KY, MO, NY, NJ, OH, PA, WI, WV, restricted to the transportation of traffic originating at and destined to the above named points. (Hearing site: Chicago, IL, or Washington, DC.)

MC 116544 (Sub-187F), filed November 2, 1979. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *cheese*, from St. Olaf, IA, to San Antonio, and Houston TX. (Hearing site: Chicago, IL, or Washington DC.)

MC 119654 (Sub-81F), filed November 4, 1979. Applicant: HI–WAY DISPATCH, INC., 1401 West 26th St., P.O. Box 509, Marion, IN 46252. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *paper and paper products*, and (2) *materials, equipment and supplies* (except commodities in bulk), between points in IL, KY, MI, MO, OH, and WI, and those points in PA on and west of a line beginning at the NY–PA State line, and extending along U.S. Hwy. 219 to junction U.S. Hwy. 119, and then along U.S. Hwy. 119 to the PA–MD State line, restricted to traffic originating at or destined to the facilities of Sonoco Products Co. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119765 (Sub-95F), filed November 5, 1979. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th St., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting *fire retardent chemicals*, in bags, from the facilities of H.J.H. Insulation Chemical, Inc., at Phoenix, AZ, to points in the United States (except AK and HI). (Hearing site: Phoenix, AZ, or Omaha, NE.)

MC 119894 (Sub-16F), filed November 5, 1979. Applicant: BOWARD TRUCK LINE, INC., 104 Roesler Rd., Glen Burnie, MD 21061. Representative: M. Bruce Morgan (same address as applicant). Transporting *paper* and *paper products*, between Newport, TN, on the one hand, and, on the other, points in NC and SC, and those points in VA on, south, and west of a line beginning at the VA–WV State line, and extending along Interstate Hwy 64 to junction U.S. Hwy 29 and then along U.S. Hwy 29 to the VA–NC State line. (Hearing site: Charlotte, NC.)

MC 120364 (Sub-25F), filed November 6, 1979. Applicant: A & B FREIGHT LINE, INC., 2800 Falund Street, Rockford, IL 61109. Representative: Robert M. Kaske (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between points in Columbia, Crawford, Grant, Iowa, LaFayette, Richland, and Sauk Counties, WI, on the one hand, and, on the other, Chicago, IL, and those points in IL, bounded by a line beginning at the IL–WI State line, and extending along IL Hwy 78, to junction IL Hwy 88, then along IL Hwy 88 to junction IL Hwy 92, then along IL Hwy 92 to junction U.S. Hwy 34, then along U.S. Hwy 34 to junction with IL Hwy 59, then along IL Hwy 59 to the IL–WI State line. (Hearing site: Chicago, IL, or Washington, DC.)

MC 121664 (Sub-107F), filed November 6, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 848, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35233 Transporting (1) *building materials* and (2) *materials, equipment* and *supplies* used in the manufacture,

installation, and distribution of building materials, between the facilities of Georgia-Pacific Corporation, Gypsum Division, at or near Hampton, GA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Birmingham, AL, or Philadelphia, PA.)

MC 123685 (Sub-31F), filed November 1, 1979. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Rd. SW., Massillon, OH 44646. Representative: Boyd B. Ferris, 50 West Broad St., Columbus, OH 43215. Transporting (a) *steel pipe, pipe fittings, beams, railing, railway track accessories, pile drivers, and pile extractors,* and (b) *materials, equipment,* and *supplies* used in the manufacture, installation, dismantling, or distribution of the commodities in (1)(a) above (except commodities in bulk), between the facilities of L.B. Foster Company, at Parkersburg and Washington, WV, on the one hand, and, on the other, points in KY, OH, PA, and VA; and (2) *such commodities* as are dealt in or used by manufacturers of metal buildings between the facilities of Walker Parkersburg, at or near Parkersburg, WV, on the one hand, and, on the other, points in WI, IL, IN, OH, MI, PA, NY, and KY. (Hearing site: Cleveland, OH, or Charleston, WV.)

MC 123744 (Sub-69F), filed November 2, 1979. Applicant: BUTLER TRUCKING COMPANY, A Corporation, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *refractory products, and materials and supplies* used in the manufacture or installation of refactory products, (1) from Claysburg, Salina, and Sproul, PA, to points in OH, and NY; (2) from Gary, IN, and Rockdale, IL, to points in MI; and (3) from Hitchins, KY, to points in IL, IN, OH, PA, WV, MI, NY, VT, NH, and ME. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 123744 (Sub-70F), filed November 2, 1979. Applicant: BUTLER TRUCKING COMPANY, A Corporation, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting *building board, wall board,* and *insulating board,* from Jamesburgh, NJ, and Florence, KY, to points in PA, NY, WV, OH, MI, IN, IL, CT, RI, MA, VT, NH, ME, NJ, and KY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 124004 (Sub-54F), filed November 5, 1979. Applicant: RICHARD DAHN, INC., 620 West Mountain Rd., Sparta, NJ 07871. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *recycled materials,* between Hempstead, NY, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and TX. (Hearing site: New York, NY, or Washington, DC.)

MC 134467 (Sub-32F), filed November 5, 1979. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) *paper* and *paper products* (except commodities in bulk); and (2) *materials, equipment* and *supplies* used in the manfuacture and distribution of paper and paper products, between the facilities of Scott Paper Company, located in AL, AR, DE, NJ, PA, and WI, on the one hand, and, on the other, points in PA, OH, IN, MI, IL, WI, MN, IA, MO, KS, CO, AR, TX, LA, MS, AL, FL, GA, NC, SC, and TN. (Hearing site: Philadelphia, PA, or Atlanta, GA.)

MC 134645 (Sub-31F), filed November 2, 1979. Applicant: LAKE STATE TRANSPORT, INC., P.O. Box 944, Highway 75, South, Saint Cloud, MN. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. Transporting (1) *bananas,* and (2) *agricultural commodities* the transportation of which is otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6), in mixed loads with bananas, from the facilities of Del Monte Banana Co., at Port Hueneme, CA, to points in CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, TX, and WI, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Los Angeles or San Francisco, CA.)

MC 134954 (Sub-6F), filed November 7, 1979. Applicant: INTERNATIONAL PRODUCTS CORP., 402 North Sixth St., P.O. Box 1158, Chickasha, OK 73018. Representative: Rufus H. Lawson, 2753 Northwest 22nd St., Oklahoma City, OK 73107. *Contract carrier,* in interstate or foreign commerce, transporting *dry fertilizer,* from Pasadena, TX, to points in OK, under continuing contract(s) with Smith-Douglass, Division of Borden Chemical, Borden, Inc., of Norfolk, VA.

MC 135895 (Sub-75F), filed November 5, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1259, Greenville, MS 38701. Transporting (1) *such commodities* as are dealt in or used by manufacturers or processors of paper (except commodities in bulk and those requiring special equipment), between the facilities of Boise Cascade Corporation, at or near DeRidder and Elizabeth, LA, on the one hand, and, on the other, those points in the United States in and east of NM, CO, NE, SD, and ND. (Hearing site: Denver, CO, or Dallas, TX.)

MC 135044 (Sub-3F), filed November 6, 1979. Applicant: ROGERS EXPRESS, INC., 1310 S. West St., Indianapolis, IN 46204. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *fruit flavored beverages and dry beverage preparation,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Penny Products, Inc., at Trafalger, IN, on the one hand, and, on the other Eldorado, IL, and those points in IL, on and south of Interstate Hwy 80 and on and north of Interstate Hwy. 70. (Hearing site: Indianapolis, IN.)

MC 136315 (Sub-97F), filed November 6, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22828, Jackson, MS 39205. Transporting (1) (a) *metal buildings and grain handling equipment,* and (b) *accessories* and *parts* for the commodities in (1)(a), from the facilities of Bantam Systems of Nebraska, at or near Hastings, NE, to those points in the United States in and east of TX, OK, KS, NE, SD, and ND, and (2) *materials, equipment and supplies* used in the manufacture and distribution of those commodities named in (1) above, in the reverse direction. (Hearing site: Omaha, NE, or Washington, DC.)

Note.—Dual operations may be involved.

MC 136635 (Sub-26F), filed November 5, 1979. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Rd., South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *lawn and garden tractors,* (2) *snow blowers,* (3) *parts and attachments* for the commodities in (1) and (2) above, and; (4) *materials and supplies* used in the manufacture and assembly of garden tractors, between the facilities of Wheelhorse Products, Inc., at (a) South Bend, IN, (b) Lansing, MI, (c) Hopkins, MN, (d) Leetsdale, PA, (e) West Springfiled, MA, (f) Little Rock, AR, and (g) Doraville, GA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 136635 (Sub-27F), filed November 5, 1979. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland, RD., South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *paper and paper products,* from Louisville, KY, to points in IN. (Hearing site: Louisville, KY.)

MC 138875 (Sub-249F), filed November 2, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83709. Representative: F. L. Sigloh, (same address as applicant). Transporting *ground clay, and floor sweeping compounds (except commodities in bulk),* from the facilities used by Oil-Dri Corp. of America, (a) at or near Ripley, MS and (b) at points in GA, to points in AL, AR, CT, DE, FL, IA, IL, IN, KS, KY, LA, MA, MD, MI, MN, MO, NC, NE, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, WV, WI, and DC. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-250F), filed November 2, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83709. Representative: F. L. Sigloh, (same address as applicant). Transporting *chemicals* (except in bulk), from points in AR, to points in ID. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-251F), filed November 2, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83709. Representative: F. L. Sigloh, (same address as applicant). Transporting *metal tool boxes, tanks, and material handling accessories,* from points in AR, to points in MI, MN, MT, NC, ND, OH, PA, SC, SD, VA, and WV. (Hearing site: Boise, ID, or Washington, DC.)

MC 141774 (Sub-31F), filed November 2, 1979. Applicant: R & L TRUCKING CO., INC., 105 Rocket Ave., Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *paper and plastic bags, wrapping paper, and materials and supplies* used in the manufacture, packaging, and distribution of paper bags (except commodities in bulk) from the facilities of International Paper Co., at or near Jackson, TN, to points in FL and GA. (Hearing site: Nashville, TN, or Birmingham, AL.)

MC 141804 (Sub-290F), filed November 2, 1979. Applicant: WESTERN EXPRESS, DIVISION, of INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, (same address as applicant). Transporting *such commodities* as are dealt in or used by distributors of motor vehicle parts and accessories, between Los Angeles, CA, Portland, OR, Houston, TX, North Brunswick, NJ, Atlanta, GA, Chicago, IL, and Denver, CO, on the one hand, and, on the other, points in the United States (except AK, and HI). (Hearing site: Los Angeles, CA.)

MC 142864 (Sub-25F), filed November 6, 1979. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, OH 44646. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. Transporting *frozen foodstuffs,* from the facilities of Kitchens of Sara Lee, at Deerfield and Chicago, IL, to those points in PA on and west of U.S. Hwy. 219, restricted to the transportation of traffic originating at the above-named facilities and destined to the named destinations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 145895 (Sub-2F), filed November 2, 1979. Applicant: STATE TRANSPORTATION, INC., Route #1, Bypass (P.O. Box 1349), Portsmouth, NH 03801. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. *Contract carrier,* Transporting (1) *paper and paper products,* and (2) *equipment, material and supplies used in the manufacture and distribution of the commodities named in (1), above,* between the facilities of Scott Paper Company, in ME, MA, and NY, on the one hand, and, on the other, points in CT, ME, MA, NH, NY, RI, and VT, under continuing contract(s) with Scott Paper Company, of Philadelphia, PA. (Hearing site: Boston, MA.)

MC 146194 (Sub-5F), filed November 6, 1979. Applicant: M.T.S. TRUCKING, INC., 113 Center St., Jackson, MN 56143. Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *tankage,* in bulk, from the facilities used by John Morrell & Co., at or near Estherville, IA, to points in AR, IL, MN, MO, NE, SD, and WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 147025 (Sub-2F), filed November 5, 1979. Applicant: KENNETH C. FREIBOTH d.b.a. FREIBOTH TRUCKING COMPANY, 24537 North Wind Rd., Wind Lake, WI 53185. Representative: David V. Purcell, 111 East Wisconsin Ave., Milwaukee, WI 53202. *Contract carrier,* transporting *polyethylene film and sheeting* from the facilities of Andmar Plastic Co., Inc., at Clifton, NJ, to points in IL, IN, the lower peninsula of MI, NY, OH, PA, and WI, under continuing contract(s) with Andmar Plastic Co., Inc. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 147664 (Sub-2F), filed November 5, 1979. Applicant TRANSCONTINENTAL REFRIGERATED EXPRESS, INC., 145 Crispen Blvd., Brunswick, GA 31520. Representative: W. Eugene Caldwell, 1528 Ellis St., P.O. Box 1496, Brunswick, GA 31520. Transporting (1) *frozen* and *canned foodstuffs,* (2) *materials, supplies,* and *equipment* used in the manufacture and distribution of foodstuffs (except commodities in bulk); from points in GA, to points in the United States (except AK and HI). (Hearing site: Jacksonville, FL or Savannah, GA.)

MC 148165 (Sub-2F), filed November 6, 1979. Applicant: GEORGE KUIPHOF, d.b.a. G. K. DISTRIBUTING CO., 13101 East Roesecrans Ave., Santa Fe Springs, CA 90670. Representative: George Kuiphof (same address as applicant). *Contract carrier,* transporting *plastic* or *copper tubing* and *plastic, brass iron* or *steel fittings adhesives, cement* and *cast iron valves,* from Los Angels, CA, to points in AZ and NV, under continuing contract(s) with Piping Products West of Vernon, CA. (Hearing site: Los Angeles, CA, or Santa Ana, CA.)

MC 148644F, filed November 5, 1979. Applicant: GARY W. GLASS, d.b.a. GLASS ENTERPRISES, 3117 Christine Rd., Memphis, TN 38118. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting (1) *meats, meat products, meat by-products, and articles distributed by meat packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. at 209 at 766, *(except hides and commodities in bulk)* and (2) *food stuffs* (except the commodities in (1) above, and commodities in bulk), in mixed loads from the facilities of Hernando Boneless Beef Company, at Hernando, MS, to St. Louis, MO, Little Rock, AR, New Orleans, LA, Louisville, KY, Atlanta, GA, and Nashville, TN. (Hearing site: Memphis, TN.)

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Decided: March 4, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 1515 (Sub-281F), filed November 28, 1979. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: Lat J. Celmins (same address as applicant). Over regular and irregular routes transporting (a) *passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) between Denver, CO and Cedar City, UT: From Denver CO over U.S. Hwy 6 to junction Int Hwy 70, then over Int Hwy 70 to junction US Hwy 6 at Frisco, CO, then over US Hwy 6 to Wheeler Jct., CO, then over Int Hwy 70 (portions of which are also designated US Hwy 6) to junction unnumbered hwy north of Eagle, CO, then over unnumbered hwy to Eagle, CO, then over US Hwy 6 (also

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designated Int Hwy 70) to junction Int Hwy 70 east of Glenwood Springs, CO, then over Int Hwy 70 to junction US Hwy 6 west of Rifle, CO, then over US Hwy 6 (also designated Int Hwy 70) to junction Int Hwy 70 and CO Hwy 65, then over Int Hwy 70 to junction US Hwy 6, then over US Hwy 6 (also designed Int Hwy 70) to junction Int Hwy 70, then over Int Hwy 70 to junction UT Hwy 4 south of Salina, UT, then over UT Hwy 4 to Salina, UT, then over US Hwy 89 to Sevier, UT, then over US Hwy 4 (also designated Int Hwy 70) to junction Int Hwy 70 east of Cove Fort, UT, then over Int Hwy 70 to junction Int Hwy 15, then over Int Hwy 15 to junction UT Hwy 130, then over UT Hwy 130 to Cedar City, UT and return over the same route, serving all intermediate points: (2) between junction US Hwy 6 and Int Hwy 70 and Idaho Springs, CO over US Hwy 6 serving all intermediate points: (3) between junction BR Int Hwy 70 and Int Hwy 70 and junction BR Int Hwy 70 and Int Hwy 70, from junction BR Int Hwy 70 and Int Hwy 70 over BR Int Hwy 70 to junction Int Hwy 70 and return over the same route, serving all intermediate points: (4) between junction unnumbered hwy and Int Hwy 70 and junction US Hwy 6 and Int Hwy 70: From junction unnumbered hwy and Interstate Hwy 70 over unnumbered hwy to Grand Junction, CO, then over US Hwy 6 to junction Int Hwy 70 and return over the same route, serving all intermediate points: (5) between junction unnumbered hwy and Int Hwy 70 and Fruita, CO over unnumbered hwy serving all intermediate points: (6) between junction UT Hwy 130 and Int Hwy 70, and Cedar City, UT: From junction UT Hwy 130 and Int Hwy 70 over Interstate Hwy 70 to junction UT Hwy 56, then over UT Hwy 56 to Cedar City, UT and return over the same route, serving all intermediate points; and (b) *passengers and their baggage* in one-way and round-trip charter and special operations: Between points in Denver, Jefferson, Clear, Creek, Summit, Eagle, Carfield and Mesa Counties, CO, and Grand, Emery, Sevier and Millard Counties, UT, on the one hand, and, on the other, points in the US (including Alaska but excluding Hawaii). Applicant proposes to tack the regular route authority south with its other authority in MC 1515. (Hearing site: Denver, CO, or Las Vegas NV.)

MC 1824 (Sub-111F), filed November 29, 1979. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Charles S. Perry (same address as applicant). Transporting *bananas*, from Albany, NY, Baltimore, MD, and Port Newark, NJ, to points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MO, MN, NE, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI, and DC. (Hearing site: Washington, DC.)

MC 2934 (Sub-53F), filed November 28, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: James L. Beattey, 130 East Washington St., Suite One Thousand, Indianapolis, IN 46204. Transporting *Television sets, cassette, recorders, video-tape recorders and accessories*, from Bloomington, IN, to points in AL, AR, CT, DE, FL, GA, IL, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, VT, WV, and DC. (Hearing site: Indianapolis, IN.)

MC 8538 (Sub-96F), filed August 9, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth Street NW., Washington, DC 20036. Transporting *iron and steel articles* (except in dump vehicles), (1)(a) from the facilities of United States Steel Corporation at or near Braddock, Clairton, Duquesne, Fairless, Homestead, Dravosburg, Johnston, McKeesport, McKees Rocks, Pittsburgh, and Vandergrift, PA, and Cleveland, Lorain, and Youngstown, OH, to points in IL and IN and (b) *materials, equipment and supplies* used in the manufacture of iron and steel articles from points in IL and IN to the above named facilities and (2)(a) from the facilities of United States Steel Corporation at or near Gary, IN, and Joliet and South Chicago, IL, to points in DE, IL, IN, KY, MD, NJ, NY, NC, OH, PA, SC, TN, VA, WV, and DC and (b) *materials, equipment and supplies* used in the manufacture of iron and steel articles, from above-named destination States to the above-named facilities. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 14215 (Sub-62F), filed August 13, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, 1396 West Fifth Avenue, P.O. Box 12241, Columbus, OH 43212. Transporting (1) *refractories and refractory products, and (2) materials, equipment and supplies used in the manufacture and installation of refractories and refractory products*, (except commodities in bulk, in tank vehicles), between points in Callaway and Audrain Counties, MO, on the one hand, and, on the other, points in AR, AL, CO, DE, DC, FL, GA, IL, IA, IN, KS, KY, LA, MD, MI, MN, MO, MS, NC, NE, ND, NJ, NY, OH, OK, PA, SC, SD, TX, TN, VA, WI, and WV. (Hearing site: Columbus, OH, or Washington, DC.)

MC 15155 (Sub-6F), filed August 13, 1979. Applicant: H & W MOTOR LINES, INC., 94 Pintard Ave., New Rochelle, NY 10805. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103. Transporting *such commodities as are dealt in by or used liquor business houses*, between the facilities of the Miller Brewing Company in Oswego and Onondaga Counties, NY, on the one hand, and, on the other, New York, NY, points in NY and NJ within 20 miles of New York, NY, points in MA in and west of Worcester County, and points in Hartford County, CT. (Hearing site: New York, NY.)

MC 15975 (Sub-23F), filed August 27, 1979. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). Transporting *glass containers, and materials, equipment*, and *supplies* used in the manufacture, sale, and distribution of glass containers (except commodities in bulk or those requiring the use of special equipment), between the facilities of Midland Glass Co., at Cliffwood, NJ, Warner Robins, GA, Henryetta, OK, Terre Haute, IN, and Shakopee, MN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Louis, MO, or Springfield, IL.)

MC 28825 (Sub-42F), filed November 27, 1979. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Transporting *room heating devices*, from Seattle, WA; and San Diego, Los Angeles, and San Francisco, CA to points in CA, OR and WA, restricted to the transportation of traffic having a prior movement by air or water. (Hearing site: Seattle, WA, or San Francisco, CA.)

MC 41064 (Sub-6F), filed November 28, 1979. Applicant: KENT EXPRESS, INC., Railroad & Gaff St., Aurora, IN 47001. Representative: Edward R. Kirk, 85 East Gay St., Columbus, OH 43215. Transporting *salt*, in bags, from Cincinnati, OH, to points in IN on and east of US Hwy 231 and south of US Hwy 24. (Hearing site: Cincinnati, OH.)

MC 49544 (Sub-1F), filed August 28, 1979. Applicant: BOYER-ROSENE MOVING & STORAGE, INC., 2512 So. Clearbrook Dr., Arlington Heights, IL 60005. Representative: Michael F. Sheehan, Jr., 29 South LaSalle St., Suite 830, Chicago, IL 60603. Transporting *household goods, articles included in Ex-Parte MC–19, new furniture, carpeting, appliances and store fixtures*, between points in OH, IN, MI, IL and WI, on the one hand, and, on the other, points in GA, FL, KS, OK and TX. (Hearing site: Chicago, IL.)

MC 50935 (Sub-30F), filed November 30, 1979. Applicant: WOLVERINE TRUCKING COMPANY, a corporation, 1020 Doris Rd., Pontiac, MI 48057. Representative: Robert E. McFarland, 999 West Big Beaver Rd., Suite 1002, Troy, MI 48084. Transporting *alcoholic beverages* in containers, from Plainfield, IL to Lincoln Park and Lansing, MI. (Hearing site: Detroit, or Lansing, MI.)

MC 50935 (Sub-31), filed November 30, 1979. Applicant: WOLVERINE TRUCKING COMPANY, 1020 Doris Rd., Pontiac, MI 48057. Representative: Robert E. McFarland, 999 West Big Beaver Rd., Suite 1002, Troy, MI 48084. Transporting *beverage compounds*, from the facilities of Faygo Beverages, Inc., at or near Detroit, MI, to points in NY. (Hearing site: Detroit, or Lansing, MI.)

MC 52704 (Sub-243F), filed August 27, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *paper and paper products*, and *materials, equipment and supplies used in the manufacture and distribution of paper and paper products* (except commodities in bulk, in tank vehicles), between points in the United States in and east of MN, IA, MO, OK and TX, restricted to the transportation of traffic originating at or destined to the facilities of Gilman Paper Company. (Hearing site: Atlanta, GA.)

MC 60014 (Sub-141F), filed August 13, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting (1) *Iron and steel fencing and (2) materials and supplies* used in the installation of fencing, from the facilities of Century Tube Corporation, in Jefferson County, AR, to points in the United States. (Hearing site: Washington, DC.)

MC 60014 (Sub-142F), filed August 27, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *backhoes, cranes, lift trucks, self-propelled vehicles, and parts, attachments, and accessories* of the foregoing commodities, between the facilities of Master Craft Industrial Equipment Corp., at Tifton, GA on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or Washington, DC.)

MC 61825 (Sub-119F), filed November 28, 1979. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Post Office Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Transporting (1) *Furances, solar collectors and air conditioners, and parts and accessories and (2) materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1), between Columbus and Lima, OH, on the one hand, and, on the other hand, points in AL, DE, FL, GA, KY, LA, MD, MS, NC, NJ, NY, PA, SC, TN, VA, WV, and DC, restricted to the transportation of traffic from or to the facilities of Lennox Industries, Inc. (Hearing site: Washington, DC.)

MC 61825 (Sub-120F), filed November 28, 1979. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Post Office Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Transporting *salt and salt products*, in packages, from Silver Springs, NY, to points in GA, KY, MD, NC, SC, TN, VA, and WV. (Hearing site: Washington, DC.)

MC 94265 (Sub-319F), filed August 14, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except in bulk, and hides); (a) from the facilities of MBPXL Corporation at or near Plainview, TX, to points in AL, FL, GA, NC, SC, TN, and VA; and (b) from the facilities of MBPXL Corporation, at or near Friona, TX, to points in AL, FL, GA, SC, and TN, restricted in (a) and (b) to the transportation of traffic originating at the named facilities and destined to the named destination points. (Hearing site: Kansas City, MO, or Washington, DC.)

MC 94265 (Sub-328F), filed November 28, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. Transporting *meats, meat products, and meat byproducts and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) from the facilities used by John Morrell & Co, at or near Montgomery, AL, East St. Louis, IL, Shreveport, LA, and Memphis, TN, to points in AL, FL, GA, MD, NC, SC, VA, WV, and DC, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Chicago, IL, or Washington, DC.)

MC 94265 (Sub-329F), filed November 28, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. Transporting *meats, meat products, and meat byproducts* as described in section A to Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from the facilities used by Country Smoked Meats, Inc. at or near Wooster, OH to points in MD, NC, VA, WV, and DC; (2) from points in VA to the facilities used by Country Smoked Meats, Inc., at or near Wooster, OH. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 94265 (Sub-330F), filed November 28, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *Meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Southampton County, VA, to points in GA, MD, NC, PA, SC, and DC. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 94265 (Sub-331F), filed November 28, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. Transporting *meats, meat products, meat byproducts and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles); from the facilities used by John Morrell & Co. at or near Amarillo, El Paso and Lubbock, TX to points in AL, FL, GA, MD, NC, SC, VA, WV, and DC, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 94265 (Sub-332F), filed November 29, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328.

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Transporting *Meats, meat products, and meat by products, dairy products, and articles distributed by meat-packing houses* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities used by John Morrell & Co. at or near Sioux Falls, SD to points in AL, FL, GA, MD, NC, SC, VA, WV, and DC, restricted to the transportation of traffic originating at the facilities named. (Hearing site: Chicago, IL, or Washington, DC.)

MC 105045 (Sub-135F), filed November 27, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *particle board, paneling and plywood*, from the facilities of Paneling Industries, Inc., at or near Fort Valley, GA, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) in the reverse directions. (Hearing site: Atlanta, GA.)

MC 106674 (Sub-425F), filed August 28, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *empty drums*, from points in IL, IN, KY, MI, OH, TN, WV, and WI, to Houston, TX, and Jefferson County, TX. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107295 (Sub-932F), filed August 27, 1979. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. Transporting *metal building panels*, from Pontiac, MI, to points in AZ, CA, ID, NV, OR, UT, and WA. (Hearing site: Chicago, IL.)

MC 110525 (Sub-1306F), filed August 13, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19355. Representative: Thomas J. O'Brien (same address as applicant). Transporting (1) *Liquid chemicals*, in bulk, in tank vehicles from Rensselaer, NY, to points in CT, MA, and VT and (2) *petroleum, petroleum products, petrochemicals, and chemicals*, in bulk, in tank vehicles, between the facilities of Ashland Oil, Inc., in Boyd County, KY, Lawrence County, OH, and Wayne County, WV, on the one hand, and, on the other, points in the US in and east of MN, IA, MO, AR, LA. (Hearing site: Columbus County, OH.)

MC 110525 (Sub-1318F), filed November 28, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting (1) *Dicalcium phosphate*, dry, in bulk, in tank vehicles, from Camden, NJ, to ports of entry on the international boundary line between the US and Canada, (2) *blended whiskey*, in bulk, in tank vehicles, from ports of entry on the international boundary line between the US and Canada to St. Louis, MO, (3) *Vegetable oils, animal fats and products* of the named commodities in bulk, in tank vehicles, from Pawtucket, RI, to ports of entry on the international boundary line between the US and Canada and *raw materials* used in the manufacture of the above named products, from points in MI, to Pawtucket, RI. (Hearing site: Boston, MA.)

MC 111274 (Sub-53F), filed August 28, 1979. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as application). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *materials and equipment used or useful in the manufacture, erection and completion of metal buildings and metal buildings*, between El Paso, IL, Ft. Collins, CO, and Houston, TX, and points in AL, AR, CO, CT, DE, FL, GA, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and WY, under continuing contract(s) with Marathon Metallic Bldg. Co., of El Paso, IL. (Hearing site: Springfield or Chicago, IL.)

MC 111274 (Sub-55F), filed August 13, 1979. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall, P.O. Box 356, Morton, IL 61550. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *furnace pipe elbows, duct work, register boots, register boxes, wall stack, gutters and rain carrying accessories, and (2) materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Champion Furnace Pipe Company, at Peoria, IL, on the one hand, and, on the other, points in AR, IN, IA, KS, KY, MI, MN, MO, NE, OH, OK, TN, WV, and WI, under continuing contract(s) with Champion Furnace Pipe Company, of Peoria, IL. (Hearing site: Springfield or Chicago, IL.)

MC 113434 (Sub-149F), filed November 27, 1979. Applicant: GRA-BELL TRUCK LINE, INC., A5253 144th Ave., Holland, MI 49423. Representative: Miss Wilhelmina Boersma, 1600 First Federal Bldg., 1001 Woodward Ave., Detroit, MI 48226. Transporting *edible flour, mixes, and bases for mixes* (except in bulk), from the Peavey Company at or near Alton, IL, to points in IA, IN, KY, MI, NJ, NY, OH, PA, TN, WI, and WV. (Hearing site: Chicago, IL, or Detroit, MI.)

MC 116544 (Sub-192F), filed November 28, 1979. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *foodstuffs*, from the facilities of Doric Foods Corporation at or near Findley, OH, to points in PA, NY, NJ, MA, CT, RI, MD, DE, CO, MO, KS, NE, ND, SD, MN, IA, IL, IN, OK, WI, and DC. (Hearing site: Orlando, FL, or Washington, DC.)

MC 117165 (Sub-57F), filed November 29, 1979. Applicant: ST. LOUIS FREIGHT LINES, INC., P.O. Box 2140, Michigan City, IN 46360. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *materials and supplies* used in the manufacture and distribution of building materials and insulating materials (except in bulk), from points in the United States in and east of ND, SD, NE, KS, OK, and TX, to (1) the facilities of Johns-Manville Sales Corp. at or near Alexandria, IN, Jackson, TN, Waukegan, IL, and Wilton, IA, and (2) the facilities of Johns-Manville Perlite Corp., at or near Rockdale, IL. (Hearing site: Chicago, IL.)

MC 117165 (Sub-58F), filed November 29, 1979. Applicant: ST. LOUIS FREIGHT LINES, INC., P.O. Box 2140, Michigan City, IN 46360. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *gypsum and gypsum products, and (2) materials and supplies* used in the manufacture, installation and distribution of commodities in (1), from the facilities of Georgia-Pacific Corporation, Gypsum Division, at Grand Rapids, MI, to points in IL, IN, KY, OH, WI, and WV. (Hearing site: Chicago, IL.)

MC 119755 (Sub-4F), filed November 27, 1979. Applicant: WEST-TRADE TRANSPORT LTD., 2453 Gilmore Ave., P.O. Box 5300, Vancouver, B.C., Canada V6B 4B6. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. In foreign commerce only transporting *equipment, materials, and supplies* used in the production of opera performances, between ports of entry on the

international boundary line between the US and Canada in WA, ID, MT, ND, MN, MI, NY, VT, NH, ME, on the one hand, and, on the other, points in the United States (excluding AK, and HI). Condition: The persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under Section 49 U.S.C. 11343(a), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Seattle, WA.)

MC 119755 (Sub-5F), filed November 27, 1979. Applicant: WEST-TRADE TRANSPORT LTD., 2453 Gilmore Ave., P.O. Box 5300, Vancouver, B.C., Canada V6B 4B6. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting in foreign commerce only *road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between ports of entry on the international boundary line between the US and Canada in WA, OR, CA, ID, NV, UT, and AZ. Condition: The persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under Section 49 U.S.C. 11343(a), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Seattle, WA.)

MC 119755 (Sub-6F), filed November 28, 1979. Applicant: WEST-TRADE TRANSPORT LTD., 2453 Gilmore Ave., P.O. Box 5300, Vancouver, B.C., Canada V6B 4B6. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. In foreign commerce only transporting *scrap metals*, for recycling only, between ports of entry on the international boundary line between the US and Canada in WA, ID, and MT, on the one hand, and, on the other, points in WA and OR. Condition: The persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under Section 49 U.S.C. 11343(a), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Seattle, WA.)

MC 119755 (Sub-7F), filed November 28, 1979. Applicant: WEST-TRADE TRANSPORT LTD., 2453 Gilmore Ave., P.O. Box 5300, Vancouver, B.C., Canada V6B 4B6. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. To transport in foreign commerce only *lumber and wood products*, between ports of entry on the international boundary line between the US and Canada in WA, ID, and MT, on the one hand, and, on the other, points in WA, OR, CA, ID, MT, WY, CO, NV, UT and AZ. Condition: The persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under Section 49 U.S.C. 11343(a), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Seattle, WA.)

MC 119755 (Sub-8F), filed November 28, 1979. Applicant: WEST-TRADE TRANSPORT LTD., 2453 Gilmore Ave., P.O. Box 5300, Vancouver, B.C., Canada V6B 4B6. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. To transport in foreign commerce only *iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 between ports of entry on the international boundary line between the US and Canada in WA, ID, and MT, on the one hand, and, on the other, points in WA, OR, CA, ID, MT, WY, CO, NV, UT, and AZ. Condition: The persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under Section 49 U.S.C. 11343(a), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Seattle, WA.)

MC 123255 (Sub-215F), filed August 27, 1979. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Rd., Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). Transporting *fiberglass products, fibrous glass mineral wool products, fibrous glass textile products, plastic materials and plastic products, and fibrous glass textile materials*, from the facilities of Owens-Corning Fiberglas Corporation, at of near Rotterdam, NY, to points in CT, DE, ME, MD, MA, NH, NJ, OH, PA, RI, VT, VA, WV, and DC. (Hearing site: Columbus, OH.)

MC 123744 (Sub-72F), filed November 30, 1979. Applicant: BUTLER TRUCKING TRUCKING COMPANY (a Corporation), P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. To transport *refractories, and materials and supplies* used in the manufacture of refractories, between East Canton, OH on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 123965 (Sub-11F), filed November 27, 1979. Applicant: KEAL DRIVEAWAY COMPANY (a Corporation), 852 East 73rd St., Cleveland, OH 44103. Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. To transport *automobiles, trucks, chassis, and commercial vehicles*, in driveaway service, (1) between points in the United States west of US Hwy 81, and (2) between points in (1), on the one hand, and, on the other, points in the United States in and east of US Hwy 81. (Hearing site: Washington, DC.)

MC 124154 (Sub-88F), filed August 26, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. Transporting *limestone* and *marble chips crushed* (except in bulk) between points in Talladega County, AL on the one hand, and, on the other, points in the United States in and east of TX, OK, KS, IA, and MN. (Hearing site: Atlanta GA.)

MC 124154 (Sub-89F), filed August 26, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, Post Office Box 1200, Tallahassee, FL 32302. Transporting *agricultural chemicals* and *materials, supplies* and *machinery* used in the manufacture and distribution of agricultural chemicals (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Helena Chemcial Company. (Hearing site: Atlanta GA.)

MC 128095 (Sub-37F), filed November 29, 1979. Applicant: IBCO TRUCK LINE, INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. Transporting (1) *kitchen and bathroom, cabinets, and vanities and (2) accessories for installation of commodities* in (1) from the facilities of Triangle Pacific Corporation, at or near McKinney, TX, to points in LA. (Hearing site: Dallas, TX, or Washington, DC.)

MC 133655 (Sub-193F), filed November 29, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting (1)(a) *self-propelled lawn and garden tractors, (2) lawn mowers and engines combined, and (3) snow throwers, and (b) parts, accessories, and attachments for commodities* in (a) and (2) *equipment, materials, and supplies* used

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in the manufacture and distribution of the commodities named in (1) above, (A) between McDonough, GA, on the one hand, and, on the other, points in LA, AR, MO, KS, OK, and TX, and (B) between Ft. Worth, TX, on the one hand, and, on the other, points in the United States in and east of MN, IA, NE, KS, OK, and TX. (Hearing site: Chicago, IL.)

MC 133655 (Sub-194F), filed November 29, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting (1) *wire, wire products, fencing,* and *fencing material,* and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities, in (1) above, between Van Buren, AR, on the one hand, and, on the other, points in AL, DE, GA, IL, IN, KS, KY, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, and WV. (Hearing site: Chicago, IL.)

MC 135524 (Sub-32F), filed August 13, 1979. Applicant: G. F. TRUCKING CO., a Corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *bituminous fibre pipe,* between the facilities of Bermico Company, at West Bend, WI, on the one hand, and, on the other hand, points in the United States in and east of MD, SD, NE, KS, OK, and TX. (Hearing site: Columbus, OH, or Milwaukee, WI.)

MC 133735 (Sub-10F), filed November 29, 1979. Applicant: AUDUBON TRANSPORT, INC., Wever, IA 52658. Representative: Richard D. Howe, 600 Bubbell Bldg., Des Moines, IA 50309. Transporting (1) *Caustic soda,* in bulk, in tank vehicles, (2) *Steepwater,* in bulk, in tank vehicles, (3) *Corn products,* in bulk, (1) From the facilities of North American Tank Terminal, at Lemont, IL, to the facilities of The Hubinger Company, at Keokuk, IA. (2) From the facilities of The Hubinger Company, at Keokuk, IA, to the facilities of Bristol-Myers at Syracuse, NY. (3) From the facilities of The Hubinger Company, at Keokuk, IA, to points in OH. (Hearing site: Des Moines, IA or Kansas City, MO.)

MC 136315 (Sub-98F), filed November 27, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting (1) *fiberglass and building materials,* from the facilities of Elk Corporation of TX at or near Ennis, TX, to points in the United States in and east of TX, OK, KS, NE, SD, and ND, and (2) *materials, supplies and equipment* used in the manufacture, and distribution of the commodities in (1) in the reverse direction, restricted to the transportation of traffic originating at or destined to the facilities of Elk Corporation of TX. (Hearing site: Dallas, TX, or Washington, DC.)

MC 136605 (Sub-132F), filed August 28, 1979. Applicant: DAVIS BROS. DIST., INC., Post Office Box 8058, Missoula, MT 59807. Representative: Donald F. Walters (same address as applicant). Transporting *charcoal and charcoal briquettes, and materials, equipment, and supplies* used in the manufacture and distribution of charcoal and charcoal briquettes, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Husy Ind., Inc.). (Hearing site: Denver, CO, or Billings, MT.)

MC 138054 (Sub-34F), filed November 28, 1979. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster Street, Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *(a) Adhesives and (b) materials, equipment and supplies used in the installation of floor coverings* (except commodities in bulk), from the facilities of Adhesive Industries Mfg. Company at or near Dallas, TX and Cerritos, CA and MNI Adhesive Products, Inc. at or near Dallas, TX to points in the US (except AK and HI); and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities in (1) (except commodities in bulk), in the reverse direction, under continuing contract(s) with Adhesive Industries Mfg. Company of Cerritos, CA and MNI Adhesive Products, Inc. of Dallas, TX. (Hearing site: Los Angeles, CA.)

Note.—Dual operations are involved.

MC 139495 (Sub-499F), filed November 29, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *beverage and dessert preparations* (except in bulk, in tank vehicles), from the facilities of The Jel Sert Co., at or near West Chicago, IL, to point in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 140024 (Sub-162F), filed August 27, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 East 22nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting *zinc, zinc oxide, zinc dust, zinc dross, zinc residue, zinc skimmings, metallic cadium and lead sheets* (except in bulk), between the facilities of St. Joe Zinc Company in Josephtown (Potter Township, Beaver County) PA, on the one hand, and, on the other, points in MD, NJ, NY, CT, MA, RI, VA, DE, GA, IN, AL, KY and SC. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a) (1978) or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Denver, CO, or Pittsburgh, PA.)

MC 140615 (Sub-50F), filed August 27, 1979. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as applicant). Transporting *foodstuffs,* from Arlington, Augusta, Bear Creek, Belgium, Cambria, Cleveland, Clyman, Durand, Eagle River, Eden, Fairwater, Fond du Lac, Galesville, Gillett, Fall River, Green Bay, Lodi, Lomira, Loyal, Manitowoc, Markesan, Marshfield, Mondovi, New Richmond, Oakfield, Pickett, Plover, Poynette, Pulaski, Random Lake, Reedsburg, Sauk City, Seymour, Sussex, and Theresa, WI, to points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to the transportation of traffic originating at the facilities used by American Farms Cooperative, Inc. (Hearing site: Milwaukee, WI.)

MC 140635 (Sub-24F), filed November 28, 1979. Applicant: ADAMS LINES, INC., 2619 N. St., Omaha, NE 68107. Representative: John L. Hornung (same address as applicant). Transporting *paper and paper products, plastic and plastic products, and commodities* manufactured and distributed by manufacturers and converters of paper and paper products, plastic, and plastic products, and *materials, equipment, and supplies* used in the manufacture and distribution of the named commodities (except in bulk), from Hodgkins and Shelbyville, IL to points in the United States in and east of CO, MT, NM, and WY. (Hearing site: Chicago, IL.)

MC 141124 (Sub-52F), filed September 13, 1979. Applicant: EVANGELIST COMMERCIAL CORPORATION, P.O. Box 15000, Wilmington, DE 19850. Representative: Boyd B. Ferris, 50 West Broad St., Columbus, OH 43215. Transporting *such commodities as are dealt in or used by retail department stores* (except in bulk), between points in Hudson County, NJ, and New York, NY, on the one hand, and, on the other, points in the United States, and between San Francisco and Los Angeles, CA,

Portland, OR, Seattle, WA, Denver, CO, Omaha, NE, Minneapolis and Saint Paul, MN, Milwaukee, WI, Chicago, IL, Detroit, MI, Indianapolis, IN, Cincinnati, Cleveland, and Columbus, OH, Dallas and Houston, TX, New Orleans, LA, Memphis, TN, Atlanta, GA, Jacksonville and Miami, FL, Charlotte, NC, Richmond, VA, Pittsburgh and Philadelphia, PA and Boston, MA, on the one hand, and, on the other, points in the United States (except AK, and HI). (Hearing site: Columbus, or Cincinnati, OH.)

MC 141124 (Sub-55F), filed November 27, 1979. Applicant: EVANGELIST COMMERCIAL CORPORATION, P.O. Box 15000, Wilmington, DE 19850. Representative: Boyd B. Ferris, 50 West Broad St., Columbus, OH 43215. Transporting *lumber and veneer, and commodities* used in the manufacture or distribution of, lumber and veneer between Winchester, KY, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Cincinnati, OH, or Louisville, KY.)

MC 141804 (Sub-297F), filed November 29, 1979. Applicant: WESTERN EXPRESS DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *electrical and electronic appliances and equipment,* from Seattle and Tacoma, WA, to points in TX. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-305F), filed November 27, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *foodstuffs,* from Chicago, IL to Phoenix, AZ, Chattanooga, TN, Lodi and Stockton, CA, and Dallas, TX. (Hearing site: Los Angeles, CA.)

MC 142864 (Sub-24F), filed August 14, 1979. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillion, OH 44646. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. Transporting (1) *containers, container ends and closures,* (2) *commodities* manufactured or distributed by manufacturers and distributors of containers in mixed loads with containers, and (3) *materials, equipment and supplies* used in the manufacture and distribution of containers, container ends and closures (except in bulk), between Cranbury and Elizabeth, NJ, on the one hand, and, on the other points in PA, IL, IN, MI, OH, MN, and KY, restricted to the transportation of traffic originating at or destined to the facilities of Milton Can Company, Division of Van Dorn Company, at Cranbury and Elizabeth, NJ. (Hearing site: Columbus, OH, or Washington, DC.)

MC 143264 (Sub-6F), filed November 28, 1979. Applicant: DAIRY LEASING SERVICE, INC., 803 Herring Avenue, Wilson, NC 27893. Representative: Thomas N. Willess, 1000 Sixteenth Street, NW, Washington, DC 20036. *Contract carrier* transporting such *commodities as are dealt in by chain grocery and food business houses* (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, FL, GA, LA, MD, MS, NY, PA, SC, TN, VA, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc., under continuing contract(s) with Kraft, Inc. (Hearing site: Chicago, IL or Washington, DC.)

MC 143775 (Sub-105F), filed August 6, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting (1) *Polyster body filler, polishing and cleaning compounds, buffing pads and cleaning cloths, putty and paint* (except in bulk) and (2) *tools, parts and accessories* used in the repair of authomotive chassis, from Canton and Gnadenhatten, OH, to points in the United States in and west of MN, IA, MO, AR, LA (except AK and HI). (Hearing site: Phoenix, AZ.)

Note.—Dual operations may be involved.

MC 143775 (Sub-122F), filed November 28, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting *wheat germ meal and grain flour,* from Monticello, IL, Michigan City, IN and Carthage, MO, to Buena Park, GA, Portland, OR, Houston, TX, St. Louis, MO, Chicago, IL, Pittsburgh, PA, Atlanta, GA, Richmond, VA, Philadelphia PA, and New York, NY. (Hearing site: Washington, DC.)

Note.—Dual operations are involved.

MC 145904 (Sub-23F), filed November 29, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Roger D. Herman (same address as applicant). Transporting *building materials* as described in Appendix VI to *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Chicago, IL to Cedar Rapids, IA, restricted to the transportation of traffic originating at the named origin and destined to the facilities used by Menard Cashway Lumber, at Cedar Rapids, IA. (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 145974 (Sub-6F), filed November 27, 1979. Applicant: HIDATCO, INC., P.O. Box 356, New Town, ND 58763. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract carrier,* transporting *lumber and wood products,* from points in WA, OR ID and MT, and ports of entry on the International boundary line between the US and Canada in WA, ID and MT, to points in ND, SD and MN under continuing contract(s) with North Star Forest Materials Co., of St. Paul, MN.) (Hearing site: Minneapolis, MN.)

MC 146795 (Sub-1F), filed August 10, 1979. Applicant: M.E.F. DISTRIBUTORS, INCORPORATED, P.O. Box 3044, CRS West Side Industrial Part #2, Johnson City, TN 37601. Representative: Eckener Pandzic (same address as applicant). Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Hawkins, Sullivan, Johnson, Carter, Washington, Unicoi and Greene counties in TN, and Washington, Scott, Lee and Smyth counties, in VA, restricted to the transportation of traffic having a prior or subsequent movement by rail. (Hearing site: Johnson City or Knoxville, TN.)

MC 147414 (Sub-2F), filed November 28, 1979. Applicant: GARY REESE TRUCKING, Route 2, Albert City, IA 50510. Representative: D. Douglas Titus, Suite 510 Benson Bldg., Sioux City, IA 51101. Transporting *sand, gravel, ag-lime, aggregates, crushed stone, and road and dam building materials,* between points in SD on and east of US Hwy. 83 and points in IA on and west of US Hwy. 69. (Hearing site: Sioux City, IA, or Omaha, NE.)

MC 147585 (Sub-4F), filed November 27, 1979. Applicant: DICK WELLER, INC., Shoham Road, P.O. Box 313, Warehouse Point, CT 06088. Representative: Thomas W. Murrett, 342 North Main St., West Hartford, CT 06117. Transporting *Steel coils,* from Pittsburgh, Allentown, and McKeesport, PA, and Canfield and Masay, OH, to the facilities of the Wiremold Co., at Rocky Hill and West Hartford, CT. (Hearing site: Hartford, CT.)

MC 148085F, filed August 8, 1979. Applicant: M. LOWENSTEIN & SONS, INC., P.O. Box 10352, Rock Hill, SC 29730. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, DC 20036. Transporting *chemicals, dyes, colors and dye intermediates* (1) from New

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York, NY, to Charleston and Rock Hill, SC, and (2) from Bayonne and Union, NJ, to Charleston and Rock Hill, SC, Atlanta and Dalton, GA. (Hearing site: Charleston, SC.)

MC 148085 (Sub-2F), filed August 26, 1979. Applicant: M. LOWENSTEIN & SONS, INC., P.O. Box 10352, Rock Hill, SC 29730. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, DC 20036. Transporting *electric appliances, ice cream freezers, mailbox kits, knife sets, tennis sets, soccer balls, electric and hand tools, hand and power tools, silverware and tableware,* from points in MA, NJ, VA, NY, MD, and CT to Rock Hill, SC. (Hearing site: Charleston, SC.)

MC 148114F, filed August 8, 1979. Applicant: E. S. MARTINS TRUCKING INC., R. D. #4, Box 334, Hanover, PA 17331. Representative: Robert O. Beers, 145 East Market St., York, PA 17401. Transporting *snack foods,* from points in PA, to points in MD, VA, NC, SC, GA, FL, NJ, NY, OH, CT, and DC. (Hearing site: Harrisburg, PA, or Baltimore, MD.)

MC 148115F, filed August 13, 1979. Applicant: A NU TRANSFER, INC., 2929 N.W. 73rd St., Miami, FL 33147. Representative: Bruce E. Mitchell, 3390 Peachtree Road, N.E., Atlanta, GA 30326. Transporting *general commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, articles of unusual value and those requiring special equipment), between points in Broward, Dade and Palm Beach Counties, FL, restricted to the transportation of traffic having an immediately prior or subsequent movement by water. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) (1978) or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Miami, FL, or Atlanta, GA.)

MC 148184 (Sub-2F), filed November 28, 1979. Applicant: SUMMIT TRUCK LINES, INC., 218 North 23rd St., Coeur d'Alene, ID 83814. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. Transporting *meats, meat products, meat byproducts, articles distributed by meat-packinghouses, and such commodities as are used by meat packers in the conduct of their business,* when destined to and for use by meat packers as defined in Sections A, C, and D of Appendix I to the Commission's Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between the facilities of Lauridsen Foods, Inc., at or near Britt, IA, and the facilities of Armour and Company, at or near Mason City, IA, on the one hand, and, on the other, points in IL, TX, KY, MI, MN, WI, OH, PA, NY, NJ, MD, VA, NC, SC, FL, WA, OR and CA. (Hearing site: Seattle, WA, or Phoenix, AZ.)

MC 148345 (Sub-2F), filed November 29, 1979. Applicant: H & S PACKAGE DELIVERY, INC., 3620 Bullock Rd., Medford, OR 7501. Representative: Jo Ann Robinson (same address as applicant). Transporting (1) *general commodities* (except classes A and B explosives), between Medford, OR, on the one hand, and, on the other, points in Jackson, Josephine, Douglas, and Klamath Counties, OR, restricted to the transportation of traffic having a prior or subsequent movement by air freight and (2) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and machinery in packages not exceeding 1,000 pounds a package) from Klamath Falls, OR, to points in Klamath County, OR. (Hearing site: Medford, OR.)

MC 148954F, filed November 30, 1979. Applicant: PAL TRANSPORTATION, INC., 556 Forest Road, Orange, CT 06477. Representative: William J. Meuser, 86 Cherry Street, P.O. Box 507, Milford, CT 06460. *Contract carrier,* transporting *plastic articles and materials equipment and supplies* used in manufacture and distribution of plastic articles, between the facilities of Owens-Illinois, Inc. at or near Milford, CT, and Newburyport, MA, on the one hand, and, on the other, points in RI, MA, NH, NJ, and those in NY east of the Hudson River under continuing contract(s) with Owens-Illinois, Inc., Plastic Products Division, of Toledo, OH. (Hearing site: Hartford, CT or New York, NY.)

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Decided: Feb. 14, 1980

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen. Member Jensen not participating.

MC 1824 (Sub-113F), filed November 16, 1979. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Charles S. Perry (same address as applicant). Transporting *foodstuffs,* in vehicles equipped with mechanical refrigeration, between the facilities of Equity Meat Corporation, at Folcroft, PA, and points in NC. (Hearing site: Washington, DC.)

MC 1824 (Sub-114F), filed November 16, 1979. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Charles S. Perry (same address as applicant). Transporting (1) *flat glass,* in containers, from Kebert Park, PA, to Baltimore, MD, Philadelphia, PA, and New York, NY, restricted to the transportation of traffic having a subsequent movement by water, and (2) *empty containers,* from Baltimore, MD, Philadelphia, PA, New York, NY, Cleveland, OH, and Pittsburgh, PA, to Kebert Park, PA. (Hearing site: Washington, DC.)

MC 4405 (Sub-618F), filed November 16, 1979. Applicant: DEALERS TRANSIT, INC., P.O. Box 236, Tulsa, OK 74101. Representative: Machael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting (1) *such commodities* as are dealt in or used by manufacturers of agricultural equipment and industrial equipment (except paper, paper products and commodities in bulk), from Tifton, GA, to points in the United States (except AK, and HI); and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Atlanta, GA.)

MC 14314 (Sub-37F), filed November 16, 1979. Applicant: DUFF TRUCK LINE, INC., P.O. Box 359, Lima, OH 45802. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Transporting *general commodities,* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), serving Owensboro, KY, an an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Columbus, OH.)

MC 61825 (Sub-118F), filed November 16, 1979. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Post Office Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Transporting *microfoam articles,* from Wurtland, KY, to points in CT, DE, MD, NJ, NY, PA, SC, WV, and DC. (Hearing site: Washington, DC.)

MC 69224 (Sub-50F), filed November 15, 1979. Applicant: H & W MOTOR EXPRESS COMPANY, a corporation, 3000 Elm St., Dubuque, IA 52001. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. Transporting *polyethylene film,* from Manchester, IA, to points in Racine, Waukesah, Milwaukee, Washington and Ozaukee Counties, WI. (Hearing site: Des Moines, IA.)

Note.—Applicant intends to join the authority sought at Manchester with its existing regular-route authority so as to provide a direct service between presently certificated points in MN, WI, IL, and IA, and the destination points now sought to be served.

MC 69224 (Sub-51F), filed November 15, 1979. Applicant: H & W MOTOR EXPRESS COMPANY, a corporation, 3000 Elm St., Dubuque, IA 52001. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Davenport, IA, and Peoria, IL, over Interstate Hwy 74, serving all intermediate points. (Hearing site: Davenport, IA.)

MC 105045 (Sub-132F), filed November 16, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *cast iron hydrants* and *valves;* and (2) *parts, attachments* and *accessories* for the commodities named in (1) above, from Beaumont, TX, to those points in the United States in and east of TX, OK, KS, NE, IA, and MN. (Hearing site: Houston TX, or Washington, DC.)

MC 105045 (Sub-133F), filed November 16, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *steel poles,* and (2) *parts* and *accessories* for steel poles, from the facilities of Power Enterprises, Inc., in Plaquemines Parish, LA, to points in the United States (except AK, and HI). (Hearing site: New Orleans, LA.)

MC 107064 (Sub-140F), filed November 15, 1979. Applicant: STEERE TANK LINES, INC., Post Office Box 220998, Dallas, TX 75222. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Transporting *nitrogen compounds,* in bags, from points in Eddy County, NM, to points in the United States (except AK, and HI). (Hearing site: Dallas, TX.)

MC 107445 (Sub-28F), filed November 19, 1979. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 W. Troy Ave., Indianapolis, IN 46225. Representative: K. Clay Smith, P.O. Box 33501, Indianapolis, IN 46203. Transporting (1) *environmental chambers,* and (2) *materials, equipment, and supplies* used in the operation, maintenance, and repair of environmental chambers, between the facilities of Webber Manufacturing Company, Inc., at Indianapolis, IN, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 111375 (Sub-121F), filed November 16, 1979. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Elaine M. Conway, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *inedible beef products and inedible animal offal products,* from Boise, ID, and Greeley, CO, to Jefferson, WI. (Hearing site: Chicago, IL.)

MC 111375 (Sub-122F), filed November 16, 1979. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Elaine M. Conway, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *washers and gaskets,* from Milwaukee, WI, to points in OR. (Hearing site: Chicago, IL.)

MC 114604 (Sub-95F), filed November 16, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326. Transporting *meats, meat products, meat by-products,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of John Morrell & Co., at or near Memphis, TN, to points in AR, AL, DC, FL, GA, IL, IN, KY, LA, MO, MS, MD, NC, SC, TX, VA, and WV, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-96F), filed November 16, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326. Transporting *meats, meat products, meat by-products,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Edwards Baking Co., at or near Atlanta, GA, to points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OH, SC, TN, VA, and WV. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-97F), filed November 16, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Box Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE, Atlanta, GA 30326. Transporting (1) *foodstuffs* (except frozen or in bulk), from Brundidge, AL, to points in FL, GA, SC, NC, TN, MS, and LA, and, (2) *materials, equipment* and *supplies* used in the manufacture or distribution of foodstuffs (except frozen or in bulk), in the reverse direction. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-98F), filed November 16, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta; GA 30326. Transporting *meat, meat products,* and *meat by-products, dairy products,* and *articles distributed by meat packinghouses,* as described in Sections A, B, and C of Appendix I to the report in *Description in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Swift & Company, at or near Cactus, and Ft. Worth, TX, to points in AL, FL, GA, MS, NC, SC, and TN. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-99F), filed November 16, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326. Transporting *frozen pies,* from the facilities of Edwards Baking Co., at or near Atlanta, GA, to points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OH, SC, TN, VA, and WV. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-100F), filed November 16, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta; GA 30326. Transporting *such commodities* as are dealt in by grocery and food business houses (except commodities in bulk, in tank vehicles), from the facilities of Geo. A. Hormel & Co., at or near Tucker, GA, to points in TX, LA, MS, FL, TN, and KY. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-101F), filed November 16, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta; GA 30326. Transporting *frozen foodstuffs,* from the facilities of Southern Frozen Foods, Division of Seabrook Foods, Inc., at or near Montezuma, GA, to points in AR, DC, IL, IN, KY, LA, MS, MI, MD, MO,

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OH, TX, VA, WV, and TN (except Chattanooga), and, those points in FL in and south of Citrus Sumter, Lake, and Volusia Counties. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-102F), filed November 16, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326. Transporting *preserved foodstuffs* (except in bulk), between the facilities of National Fruit Products Co., Inc., at or near (a) Martinsburg, WV, (b) Winchester and Timberville, VA, and (c) Lincolnton, NC; and (2) from the facilities named in (1) above to points in AL, FL, GA, LA, MS, NC, TN, SC, and VA. (Hearing site: Atlanta, GA.)

MC 115724 (Sub-8F), filed November 16, 1979. Applicant: J.W. PHILLIPS, INC., P.O. Box 18493, Oklahoma City, OK 73154. Representative: Donald L. Walker (same address as applicant). *Contract carrier* transporting (1) (a) *road construction machinery and equipment*, as defined by the Commission in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *asphalt mixing plants*, and (b) *equipment, parts, attachments and accessories* for commodities in (1)(a), from the facilities of CMI Corporation, at or near Oklahoma City, OK, to points in the United States (except AK, and HI), and (2) *materials, equipment and supplies* used in the manufacture and/or distribution of the commodities in (1) above (except commodities in bulk), in the reverse direction, under continuing contract(s) in (1) and (2) with CMI Corporation, of Oklahoma City, OK. (Hearing site: Oklahoma City, OK, or Dallas, TX.)

MC 120675 (Sub-12F), filed November 19, 1979. Applicant: ACME TRUCK LINE, INC., 2855 Lapalco Blvd., P.O. Box 183, Harvey, LA 70059. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. Transporting *iron* and *steel articles*, from Baytown, TX, to points in AL, AR, FL, GA, LA, MS, and TN. (Hearing site: New Orleans, LA, or Houston, TX.)

MC 124154 (Sub-98F), filed November 16, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, AL 31702. Representative: W. D. Wingate (same address as applicant). Transporting (1) *chemicals*, and (2) *materials and supplies* used in the manufacture of chemicals, between Albany, Atlanta, Augusta, Bainbridge, Brunswick, Columbus, Macon, Moultrie, Savannah, Tifton, and Valdosta, GA, Birmingham, Dothan, Huntsville, Mobile, Monroeville, and Montgomery, AL, Jacksonville, Lake City, Panama City, and Perry, FL, and points in Jefferson County, FL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Tallahassee, FL, or Washington, DC.)

MC 126255 (Sub-8F), filed November 16, 1979. Applicant: BUTLER-JONES AIR FREIGHT, INC., Salisbury-Wicomico Airport, P.O. Box 1964, Salisbury, MD 21801. Representative: Peter A. Greene, 900 17th St. NW., Washington, DC 20006. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Philadelphia, PA, on the one hand, and, on the other, Norfolk and Newport News, VA, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 126904 (Sub-36F), filed November 16, 1979. Applicant: H.C. PARRISH TRUCK SERVICE, INC. Rural Route 2, P.O. Box 264, Freeburg, IL 62243. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting *malt beverages*, between Frankenmuth, MI, and Belleville, IL. (Hearing site: St. Louis, MO.)

MC 134755 (Sub-214F), filed November 16, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry d. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *foodstuffs* (except commodities in bulk), from Johnson City, NY, and Philadelphia and Pittsburgh, PA, to points in the United States (except AK, HI, NY, and PA). (Hearing site: Kansas City, MO.)

Note: Dual operations may be involved.

MC 135924 (Sub-18F), filed November 16, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. Transporting *hardboard, particle board, plywood and plastic articles*, from the facilities used by abitibi Corporation, (a) in Wilkes County, NC, and (b) at Blountstown, FL, to those points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 135924 (Sub-19F), filed November 16, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. Transporting *hardboard, particle board, plywood and plastic articles*, from the facilities used by abitibi Corporation, in Lucas County, OH, to those points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 135924 (Sub-20F), filed November 16, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. Transporting *hardboard, particle board, plywood and plastic articles*, from the facilities used by abitibi Corporation, at Alpena, MI, to those points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 136635 (Sub-28F), filed November 15, 1979. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Rd. South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40148, Indianapolis, IN 46240. Transporting *clay products and clay cat litter*, from Ochlocknee, GA, to points in IL, IN, KY, MI, OH, PA, VA, WV, and WI. (hearing site: Atlanta, GA.)

MC 138635 (Sub-100F), filed November 15, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting *materials, equipment, and supplies* used in the manufacture and distribution of trucks and truck tractors, (1) from points in CA, OR, and WA, to Madison, TN, and Denton, TX, and (2) between Madison, TN, on the one hand, and, on the other, Denton, TX, restricted in (1) and (2) to traffic originating at or destined to the facilities of Peterbilt Motors Company. (Hearing site: Nashville, TN, or Charlotte, NC.)

MC 140484 (Sub-66F), filed November 14, 1979. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW, Washington, DC 20005. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States (except AK, and HI). (Hearing site: Cleveland, OH, or Washington, DC.).

MC 140615 (Sub-55F), filed November 16, 1979. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), when moving under bills of lading of freight forwarders as defined in 49 U.S.C. § 10102(8), from Chicago, IL, Philadelphia, PA, and Hoboken, NJ, to those points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Philadelphia, PA.)

MC 140615 (Sub-54F), filed November 16, 1979. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as applicant). Transporting *foodstuffs*, from Plover, WI, to those points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Milwaukee, WI.)

MC 140635 (Sub-23F), filed November 15, 1979. Applicant: ADAMS LINES, INC., 2619 N. St., Omaha, NE 68107. Representative: John L. Hornung (same address as applicant). Transporting (1) *plumbing goods*, (2) *bathroom vanities*, and *accessories* for bathroom vanities, and (3) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) and (2) above (except commodities in bulk), between Phoenix, AZ, Redlands, CA, Union Point and Monroe, GA, Rennsselaer, and Crawfordsville, IN, Leominister, MA, Ottumwa, IA, Salem, OH, New Castle, PA, Hondo and Corsicana, TX, and Milwaukee, WI, on the one hand, and, on the other, points in the United States (except AK, and HI), restricted to the transportation of traffic originating at or destined to the facilities of Universal-Rundle Corporation. (Hearing site: Pittsburgh, PA.)

MC 141804 (Sub-295F), filed November 16, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting (1) *insulating materials* and (2) *materials and supplies* used in the manufacture of insulating materials, from points in CA, to points in OR, WA, ID, NV, UT, AZ, NM, TX, CO, WY, and MT. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-302F), filed November 16, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *bicycles* and *bicycle parts*, from Azusa, City of Industry, and Torrance, CA, to points in OR and WA, restricted to the transportation of traffic originating at the facilities of the Huffy Corporation. (Hearing site: Los Angeles, Ca.)

MC 142364 (Sub-25F), filed November 16, 1979. Applicant: KENNETH SAGELY d.b.a. SAGELY PRODUCE, 2802 Kibler Rd., Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *canned foodstuffs*, from Alma, Ft. Smith, and Van Buren, AR, points in IL, IN, KY, MO, OH, and TX. (Hearing site: Ft. Smith, AR, or Tulsa, OK.)

MC 143775 (Sub-121F), filed November 16, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301 Representative: Michael R. Burke (same address as applicant). Transporting (1) *ice making machines; cooling equipment and supplies, and freezers;* and (2) *parts and accessories* used in the manufacture and distribution of the commodities in (1) above, from Easton and Erie, PA, Spirit Lake, IA, Louisville, KY, and Denton, TX, to points in WA, OR, NV, AZ, and CA. (Hearing site: Los Angeles, CA, or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 143775 (Sub-125F), filed November 16, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301 Representative: Michael R. Burke (same address as applicant). Transporting *expanded foam plastics, and materials or supplies* used in the manufacture of expanded foam plastics, from Ft. Wayne, IN, Eddystone, PA, Hyannis, MA, Hazelton, PA, and Rutherford, NJ, to points in Los Angeles County, CA. (Hearing site: Los Angeles, CA, or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 143775 (Sub-126F), filed November 16, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting (1) *automotive and industrial service equipment*, and (2) *supplies and materials* used in the maintenance of the commodities in (1) above, from San Diego, CA, to points in the United States (except AK, and HI). (Hearing site: Los Angeles, CA, or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 144715 (Sub-8F), filed November 19, 1979. Applicant: ANDERSON & WEBB TRUCKING CO., INC., P.O. Box 1523, 542 West Independence Blvd., Mt. Airy, NC 20703. Representative: Eric Meierhoefer, Suite 423 1511 K St., NW, Washington, DC 20005. Transporting *malt beverages*, from Williamsburg, VA, and Jacksonville, FL, to North Wilkesboro, NC. (Hearing site: Charlotte, NC.)

MC 146814 (Sub-7F), filed November 15, 1979. Applicant: VAN WYK, INC., C Street, Box 433, Sheldon, IA 51201. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Transporting *meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Hawarden of Iowa, Inc., at or near Hawarden, IA, to points in KS, MN, MO, NE, SD, and WI, restricted except for movements in foreign commerce, to the transportation of traffic originating at the named facilities and destined to the named destination states. (Hearing site: Omaha, NE.)

Note.—Dual operations may be involved.

MC 148005 (Sub-2F), filed November 16, 1979. Applicant: SAN'S TRUCKING COMPANY, INC., P.O. Box 1004, Chico, CA 95927. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract carrier*, transporting *foodstuffs*, (a) from the facilities of Chico-San, Inc. at Chico, CA, to points in the United States (except AK, and HI), and (b) from the facilities of Erewhon, Inc., at Cambridge, MA, to points in AZ, CA, CO, IL, IN, TN, and TX, under continuing contract(s) with Chico-San, Inc., of Chico, CA, in (a) above, and with Erewhon, Inc., in (b) above, of Cambridge, MA. (Hearing site: Chicago, IL, or San Francisco, CA.)

MC 148034 (Sub-2F), filed November 16, 1979. Applicant: EDWARD C. LOTT, INC., 2338 Slaterville Rd., Ithaca, NY 14850. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. *Contract carrier* transporting (1) *foodstuffs and animal feed* (except commodities in bulk), and (2) *materials, supplies, and equipment* used in the manufacture, packaging, and distribution of the commodities in (1) above (except commodities in bulk), between Friendship, NY, on the one hand, and, on the other, New York City, NY, and points in MA, PA, and NJ, under continuing contract(s) with Friendship Dairies, Inc., of Queens, NY. (Hearing site: Buffalo, or Rochester, NY.)

MC 148184 (Sub-2F), filed November 16, 1979. Applicant: JESSE MILLER TRUCKING CO., INC., 13000 Overlook Rd., Anoka, MN 55303. Representative: Earl Hacking, 1700 New Brighton Blvd., Minneapolis, MN 55413. Transporting *waste sludge*, in bulk, in dump vehicles, from St. Paul, MN to points in WI.

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(Hearing site: Minneapolis, or St. Paul, MN.)

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Decided: Feb. 20, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 1515 (Sub-272F), filed August 28, 1979. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: Lat J. Celmins (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *passengers and their baggage*, and express and newspapers, in the same vehicle with passengers, (1) between Newport News, VA, and Richmond, VA, over Interstate Hwy 64, serving all intermediate points: (2) between junction Interstate Hwy 64 and U.S. Hwy 11 north of Lexington, VA, and junction Interstate Hwy 64 and U.S. Hwy 60, at or near Sam Black Church, WV, over Interstate Hwy 64, serving all intermediate points: in conjunction with the above request for authority Applicant proposes to abandon a portion of its authority as contained in Greyhound Lines, Inc.'s Certificate No. MC 1501 Sub 172 (renumbered MC 1515 Sub 8 not yet reissued), Sheet 1, First Paragraph as follows: From Lexington, VA over U.S. Hwy 60 to Clifton Forge, VA, and return over the same route. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a) (1978) or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Richmond or Lexington, VA.)

MC 1934 (Sub-42F), filed August 17, 1979. Applicant: THE ARROW LINE, INC., 105 Cherry St., East Hartford, CT 06108. Representative: Dominick T. Bisesti (same address as applicant). Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip, special operations, beginning and ending at East Hartford, Hartford, and West Hartford, CT, and extending to the Yankee Stadium at New York, NY, and Fenway Park at Boston, MA. (Hearing site: Hartford, CT.)

MC 4024 (Sub-11F), filed August 23, 1979. Applicant: HORN TRUCKING CO., a corporation, 300 Schmetter Rd., Highland, IL 62249. Representative: Edward D. McNamara, Jr., 907 South Fourth Street, Springfield, IL 62703. Transporting *building materials*, from the facilities of Flintkote Company at or near Chicago Heights, IL, to points in MO. (Hearing site: Springfield, IL, or St. Louis, MO.)

MC 14215 (Sub-77F), filed November 1, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, 1396 West Fifth Avenue, P.O. Box 12241, Columbus, OH 43212. Transporting *lime and limestone products*, (except in bulk, in tank vehicles), between Manistee, MI, and Woodville, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, OH, PA, and WV. (Hearing site: Columbus, OH, or Washington, DC.)

MC 22195 (Sub-180F), filed November 1, 1979. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Ave., Sioux Falls, SD 57105. Representative: F. Fred Fischer (same address as applicant). Transporting *cement*, from the facilities of the South Dakota Cement Plant, at or near Rapid City, SD, to points in MT, WY, NE, and CO. (Hearing site: Rapid City, or Sioux Falls, SD.)

MC 31675 (Sub-24F), filed July 11, 1979. Applicant: NORTHERN FREIGHT LINES, INC., Box 34303, Charlotte, NC 28234. Representative: Garland V. Moore (same address as applicant). Transporting (1)(a) *pipe and pipe fittings*, from the facilities of Charlotte Pipe and Foundry Company, at Charlotte and Bakers, NC, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, (2) *iron and steel articles*, (a) from the facilities of Southwestern Ohio Steel, Inc., in Butler County, OH, to points in AL, AR, FL, GA, IL, IN, KY, LA, MI, MO, MS, NC, SC, TN, VA, and WV, and (b) from Brookville, PA, to Spartanburg, SC, and (3) *fibreboard boxes* and *non-corrugated boxes*, from Stone Mountain, GA, to those points in NC east of a line beginning at the NC-SC State line, then along U.S. Hwy 601 to junction NC Hwy 27, then along NC Hwy 27 to Carthage, NC, then along U.S. Hwy 15 to junction U.S. Hwy 1, then along U.S. Hwy 1 to the NC-VA State line. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 102285 (Sub-4F), filed August 24, 1979. Applicant: MIAMI TRANSFER CO., INC., 10340 Northwest 37 Ave., Miami, FL 33147. Representative: John T. Bond, Suite 410, Hollywood Federal Bldg., 909 S. State Road 7, Hollywood, FL 33023. Transporting *general commodities* (except commodities of unusual value, classes A and B explosives, commodities in bulk and commodities requiring mechanical refrigeration), in containers and in trailers, (1) between points in FL, and (2) from points in FL, to Charleston, SC, Savannah, GA, Mobile, AL, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Miami, FL.)

MC 110525 (Sub-1311F), filed August 27, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting *chemicals* and *petroleum products*, in bulk, in tank vehicles, between Ludington, MI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Detroit, MI.)

MC 117415 (Sub-4F), filed August 13, 1979. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 402, American Fork, UT 84003. Representative: Jack L. Jensen, P.O. Box 402, American Fork, UT 84003. Transporting *steel and prefabricated steel buildings*, from Spanish Fork, UT, to TX, NM, CO, WY, MT, NV, AZ, CA, WA, OR, ID. (Hearing site: Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 117574 (Sub-339F), filed September 26, 1979. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same address as applicant). Transporting (1) *Cooling equipment* and *parts* for cooling equipment, (2) *Materials, equipment and supplies* (except in bulk) used in the manufacture and distribution of the commodities named in (1) above, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named facilities and destined to the named destinations. (Hearing site: Dallas, TX, or New Orleans, LA.)

MC 119234 (Sub-4F), filed September 24, 1979. Applicant: MERCER MARINE TRANSIT CORP., P.O. Box 368-Belwood Rd., Calhoun, GA 31701. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30343. Transporting (1) *truck transmit mixers*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of truck transit mixers, between the facilities of Challenge-Cook Bros. of Georgia, Inc., at or near (a) Calhoun, GA, (b) Bryan, OH, and (c) Industry, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta, GA.)

MC 123254 (Sub-6F), filed August 13, 1979. Applicant: ALBERT PITZER AND JANE PITZER, d.b.a. PITZER BROTHERS, P.O. Box 633, Jeannette, PA 15644. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K Street, N.W., Washington, DC 20005. Transporting (1) *malt beverages* from the facilities of Jos. Schlitz Brewing Company, at Winston-Salem, NC, to those points in PA on and west of U.S. Hwy 15, and (2) *used malt beverage containers, in the reverse direction*. (Hearing site: Pittsburgh, PA.)

MC 123685 (Sub-30F), filed August 13, 1979. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road, S.W., Massillon, OH 44646. Representative: Boyd B. Ferris, 50 West Broad St., Columbus, OH 43215. Transporting *such commodities*, as are dealt in or used by manufacturers and distributors of salt and salt products, and plastic and plastic products, between Massillon, OH, and points in Tuscarawas County, OH, on the one hand, and, on the other, points in IN, IL, MD, KY, MI, NJ, NY, PA, TN, VA, WV, OH, and DC. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 124025 (Sub-16F), filed October 1, 1979. Applicant: GLASS TRUCKING COMPANY (a Corporation), P.O. Box 276, Newkirk, OK 74647. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. To operate as a *Contract Carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *flour*, in bulk, from Blackwell, OK, to Joplin, MO, under continuing contract(s) with International Multifoods Corporation, of Minneapolis, MN. (Hearing site: Oklahoma City, OK.)

MC 128095 (Sub-36F), filed September 13, 1979. Applicant: IBCO TRUCK LINE, INC., Senter Drive P.O. Box 1402, Tupelo, MS 38801. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22828, Jackson, MS 39205. Transporting (1) *polyethylene foam*, from Pontotoc, MS, to points in AL, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MN, MO, NC, OH, OK, PA, SC, TN, TX, WA, and WI, (2) *gussett bags, padded bags, macerated pads, sleeve pads and cellulose wadding*, from Salem, IL, and Granite Falls and High Point, NC, to Pontotoc, MS, and (3) *polyethylene foam* from Hanover, PA, to Pontotoc, MS. (Hearing site: Washington, DC, or Jackson, MS.)

MC 133095 (Sub-272F), filed September 24, 1979. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Ron Duncan (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), from points in TX to points in MS. (Hearing site: Dallas, TX.)

MC 133194 (Sub-13F), filed September 10, 1979. Applicant: WOODLINE MOTOR FREIGHT, INC., Airport Rd., Russellville, AR 72801. Representative: Scotty D. Douthit, Sr., P.O. Box 1047, Russellville, AR 72801. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Morrilton and Center Ridge, AR, over AR Hwy 9, serving all intermediate points, and (2) between Menifee and Vilonia, AR, from Menifee, over Interstate Hwy 40 to Conway, AR, then over U.S. Hwy 64 to Vilonia, and return over the same route, serving all intermediate points. (Hearing site: Little Rock, AR.)

MC 135524 (Sub-35F), filed August 23, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Road, Youngstown, OH 44509. Transporting *lumber, lumber mill products, forest products, wood products*, and *sawmill products*, (1) from points in CA, ID, MT, OR, and WA to points in AZ, AR, CA, CO, IL, IN, IA, KS, LA, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, PA, SD, TX, UT, WI, and WY, and (2) from points in AZ, CO, and NM to points in AR, IL, IN, IA, KS, LA, MI, MN, MO, NE, NV, ND, OH, OK, PA, SD, TX, UT, WI, and WY. (Hearing site: Columbus, OH, or Seattle, WA.)

MC 135895 (Sub-54F), filed September 11, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Sta., Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting (1) *air filters, air filter media*, and *insulating materials*, in containers, and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk, and those requiring special equipment), between the facilities of Precision Aire, Inc., at or near (a) Dallas, TX, (b) Kenner, LA, (c) St. Petersburg, FL, (d) Charlotte, NC, and (e) Atlanta, GA, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MO, MS, NC, OK, SC, TN, and TX. (Hearing site: St. Petersburg, FL, or New Orleans, LA.)

MC 135895 (Sub-55F), filed August 24, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Sta., Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting (1) *paper* and *paper articles* and *woodpulp*, and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk and those requiring special equipment), between those points in the United States in and east of ND, SD, NE, CO, and NM, restricted to the transportation of traffic originating at or destined to the facilities of Scott Paper Company. (Hearing site: Jackson, MS, or Mobile, AL.)

MC 139555 (Sub-9F), filed August 28, 1979. Applicant: MODULAR TRANSPORTATION CO., a Corporation, P.O. Box 1822, Grand Rapids, MI 49501. Representative: William D. Parsley, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Transporting (1)(a) *gypsum, gypsum products* and *plasterboard joint systems* and (b) *building materials*, (except those commodities in (a) above, and (2) *materials, equipment, and supplies* used in the manufacture, distribution and installation of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between the facilities of Grand Rapids Gypsum Co., at or near Grand Rapids, MI, on the one hand, and, on the other, points in IN, IL, OH, KY, and WI. (Hearing site: Lansing or Grand Rapids, MI.)

Note.—Dual operations may be involved.

MC 140024 (Sub-166F), filed October 1, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting *metal articles* (except in bulk), from points in NY, OH, PA, and WV, to points in CO, IL, IN, IA, KS, MI, MN, MO, NE, and OH. (Hearing site: Youngstown, OH, or Pittsburgh, PA.)

MC 140484 (Sub-60F), filed September 26, 1979. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Ave., P.O. Box 69, Fort Myers, FL 33092. Representative: Frank T. Day (same address as applicant). Transporting *such commodities* as are dealt in or used by restaurants (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Burger King Corporation. (Hearing site: Miami, FL, or Washington, DC.)

MC 143434 (Sub-3F), filed August 10, 1979. Applicant: CHARLES MCALPIN, d.b.a. CHARLES MCALPIN TRUCKING, 1420 Danville Rd. S.W., Decatur, AL 35601. Representative: D. H. Markstein, Jr., 512 Massey Bldg., Birmingham, AL 35203. Transporting (1) *paper* and *paper products*, and (2) *material, equipment and supplies* used in the manufacture of

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paper and paper products (except commodities in bulk), between the facilities of Champion International Corporation, at or near Courtland, AL, on the one hand, and, on the other, points in AZ, CA, NM, OR, TX, and WA. (Hearing site: Birmingham, AL.)

MC 144984 (Sub-4F), filed August 31, 1979. Applicant: ESSEX EXPRESS, INC., 1200 Hammondville Rd., Pompano Beach, FL 33060. Representative: John P. Bond, 2766 Douglas Rd., Miami, FL 33060. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in MA to points in FL, and GA, under a continuing contract(s) with New England Shipping Association Co-operative, of Brockton, MA. (Hearing site: Washington, DC, or Miami, FL.)

MC 146078 (Sub-13F), filed November 13, 1979. Applicant: CAL-ARK, INC., P.O. Box 394, Malvern, AR 72104. Representative: John Duncan Varda, 121 South Pinckney Street, Madison, WI 53703. Transporting *such commodities as are dealt in by manufacturers and converters of paper and paper products* (except commodities in bulk) from the facilities of Nekoosa Papers Inc. in Little River County, AR, to points in CO, FL, IL, KY, MI, MO, TX and WV. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved.

MC 147455 (Sub-1F), filed August 27, 1979. Applicant: W. F. BROADWATER, d.b.a. W. F. BROADWATER TRUCKING CO., Route 3, Box 39–D, Grantsville, MD 21536. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Transporting (1) *refractories;* and (2) *materials, equipment, and supplies* used in the manufacture of the refractories between the facilities of (a) Kaiser Refractories, at Frostburg, MD, and (b) Harbison Walker Refractories, at or near Jennings, MD, on the one hand, points in DE, MD, NJ, NY, OH, PA, VA, and WV. (Hearing site: Cumberland, MD.)

MC 148074 (Sub-3F), filed August 31, 1979. Applicant: FRUTH MOTOR TRUCK SERVICE, INC., 720 Scheel St., Belleville, IL 62221. Representative: Edward D. McNamara, Jr., 907 South Fourth St., Springfield, IL 62703. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass containers* and (2) *materials and supplies* used in the manufacture of glass containers, from the facilities of Kerr Glass Company, at or near Dunkirk, IN, to St. Louis, MO, under a continuing contract(s) with Kerr Glass Company, of Sand Springs, IN. (Hearing site: Springfield, IL, or St. Louis, MO.)

MC 148534F, filed October 1, 1979. Applicant: POMPEIAN, INC., 4201 Pulaski Highway, Baltimore, MD 21224. Representative: Milton Klein (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wine*, from Baltimore, MD, Philadelphia, PA, Richmond, Roanoke, and Norfolk, VA, and DC, under a continuing contract(s) with Musa, Inc., Baltimore, MD. (Hearing site: Baltimore, MD.)

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Decided: Feb. 15, 1980.

By the Commission, Review Board Number 2. Members Eaton, Liberman, and Jensen. Jensen not participating.

MC 14314 (Sub-36F), filed November 26, 1979. Applicant: DUFF TRUCK LINE, INC., P.O. Box 359, Broadway & Vine St., Lima, OH 45802. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), serving Wharton, OH, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Columbus, OH.)

Note.—Applicant intends to tack with other authority.

MC 16634 (Sub-19F), filed November 27, 1979. Applicant: STRANG TRANSPORTATION, INC., Center and Elmer St., Elmer, NJ 08318. Representative: Martin Werner, 888 Seventh Ave., New York, NY 10019. Transporting *animal and poultry feed, and animal and poultry feed ingredients*, between points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, VA, OH, and NC. (Hearing site: New York, NY.)

MC 52704 (Sub-257F), filed November 23, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", Lafayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of rubber and rubber products (except commodities in bulk, in tank vehicles), between the facilities of The Goodyear Tire & Rubber Company, at or near Gadsden, AL, on the one hand, and, on the other, points in NE. (Hearing site: Atlanta, GA.)

MC 95084 (Sub-155F), filed November 26, 1979. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, 1501 East Main St., P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *agricultural machinery and implements, industrial equipment*, and *tractors* (except truck tractors), and (2) *parts and accessories* for the commodities in (1) above, from Fargo, ND, to points in the United States (except AK and HI), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of commodities in (1) and (2) above, in the reverse direction. (Hearing site: Fargo, ND, or Minneapolis, MN.)

MC 105045 (Sub-130F), filed November 26, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *iron and steel articles*, from the facilities of MCM Industries, Inc., at or near (a) Pell City, Pelham, Vincent, Trussville, Birmingham, and Alexander, AL, (b) Starksville, MS, and (c) Memphis, TN, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 106674 (Sub-449F), filed November 27, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *insulating materials, and materials and supplies* used in the manufacture and installation of insulation, between Erwin, TN, on the one hand, and, on the other, points in the United States (except AK, and HI). (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107445 (Sub-25F), filed November 30, 1979. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 W. Troy Ave., Indianapolis, IN 46225. Representative: K. Clay Smith, P.O. Box 33051, Indianapolis, IN 46203. Transporting (1) *material handling lifts*, and (2) *materials, equipment, supplies and accessories* used in the manufacture, distribution, and installation of the commodities in (1) above, (except commodities in bulk), from the facilities of American Manufacturing Company, Inc., at Greensburg, IN, to points in the United States (including AK, but excluding HI). (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 107934 (Sub-37F), filed November 28, 1979. Applicant: BYRD MOTOR LINE, INCORPORATED, P.O. Box 787, Lexington, NC 27292. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. Transporting *methylene diphenyl diisocyanate*, in drums, from Geismar, and New Orleans, LA, to Chatham, VA, Charlotte, NC, and Atlanta, GA. (Hearing site: Washington, DC, or Charlotte, NC.)

MC 110325 (Sub-123F), filed November 23, 1979. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Building, 1221 Baltimore Ave., Kansas City, MO 64105. Over regular routes, transporting, *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the terminal facilities of Transcon Lines, at or near New Castle, IN, as an off-route point in connection with carrier's otherwise authorized regular-route operations.

Note.—Applicant intends to join this authority with its authority in Docket No. MC–110325. (Hearing site: Washington, DC.)

MC 111045 (Sub-180F), filed November 26, 1979. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same address as applicant). Transporting *chemicals*, in bulk, between Childersburg, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Montgomery, AL.)

MC 113974 (Sub-67F), filed November 27, 1979. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., 211 Washington Ave., Dravosburg, PA 15034. Representative: James D. Porterfield (same address as applicant). Transporting *marble, talc, limestone*, and *play sand*, from Florence, and Chester, VT, to points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, and VA. (Hearing site: Washington, DC.)

MC 114194 (Sub-213F), filed November 23, 1979. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Rd., East St. Louis, IL 62201. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *commodities in bulk*, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by Ralston Purina Company. (Hearing site: St. Louis, Mo.)

MC 119774 (Sub-107F), filed November 23, 1979. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Transporting (1) *electrical transformers, circuit breakers, switchgear, insulators, and air switches*, (2) *parts and accessories* for the commodities named in (1) above, (3) *transformers oil and paint*, in containers, and (4) *iron and steel forms* for the commodities named in (1) and (2) above, from Crystal Springs, MS, to points in the United States, (except AK, HI, AR, CO, KS, MT, NM, NV, OK, TX, UT, and WY). (Hearing site: Dallas, TX, or New Orleans, LA.)

MC 121664 (Sub-103F), filed November 26, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave. South, Birmingham, AL 35233. Transporting *treated poles, piling posts, and lumber*, from Pineville, and Alexandria, LA, to those points in the United States in and east of WI, IL, KY, TN, and MS. (Hearing site: Birmingham, AL, or Atlanta, GA.)

MC 127625 (Sub-35F), filed November 30, 1979. Applicant: SANTEE CEMENT CARRIERS, INC., P.O. Box 638, Holy Hill, SC 29059. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. Transporting (1) *lumber*, from the facilities of Woodkraft, Division of Kraft Company, at or near Greenville, and Madison, GA, to points in AR, FL, GA, IL, IN, KY, MD, MI, NC, OH, PA, SC, TN, VA, WI, and WV, and (2) *veneer*, in the reverse direction. (Hearing site: Columbia, SC, or Washington, DC.)

MC 128095 (Sub-38F), filed November 23, 1979. Applicant: IBCO TRUCK LINE, INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting *new furniture*, from the facilities of KOFABCO, Inc., at or near Peru, IN, to points in AL, AR, FL, GA, LA, MS, NC, SC, TN, and TX. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 128685 (Sub-35F), filed November 30, 1979. Applicant: DIXON BROS., INC., P.O. Drawer 8, Newcastle, WY 82701. Representative: Jerome Anderson, 100 Transwestern Bldg., Billings, MT 59101. Transporting (a) *lubricating oil*, in containers, from Ponca City, OK, to Gillette, Sheridan, Buffalo, Worland, and Cody, WY, (b) *anti-freeze*, in containers, from Omaha, NE, to Gillette, Sheridan, Buffalo, Worland and Cody, WY, and (c) *barrels*, from Gillette, Sheridan, Buffalo, Worland, and Cody, WY, to Kansas City, MO, and Tulsa, OK. (Hearing site: Rapid City, SD, or Casper, WY.)

Note.—Dual operations may be involved.

MC 134134 (Sub-53F), filed November 23, 1979. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Ave., Omaha, NE 68107. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Transporting *such commodities* as are dealt in or used by producers and distributors of alcoholic beverages (except commodities in bulk), between the facilities of Heublein, Inc., at or near Paducah, KY, on the one hand, and points in the United States (except AK, and HI), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Boston, MA.)

MC 134404 (Sub-60F), filed November 23, 1979. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier* transporting (a) *tin*, and *solder and solder residue;* and (b) *equipment, materials and supplies* used in the manufacture and distribution of the commodities in (1)(a) above, (except commodities in bulk, and those requiring special equipment), between New York, NY, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with Philipp Brothers, Division of Englehard Minerals & Chemicals Corp., of New York, NY, and Alpha Metals, Inc., of Jersey City, NJ, and (2) *iron and steel wire rods*, (a) from the facilities of Raritan River Steel Co., at or near Perth Amboy, NJ, to points in DE, MD, and PA, and (b) from Perth Amboy, NJ, to points in NJ, under continuing contract(s) with Raritan River Steel Co., of Perth Amboy, NJ, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 135524 (Sub-82F), filed November 26, 1979. Applicant: G. F. TRUCKING CO., P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *aircraft ground support equipment*, from Foley, and Glenwood, MN, and Fargo, ND, to points in CA, WA, TX, MO, TN, MI, OH, NY, PA, NC, and Miami, FL, Atlanta, GA, Newark, NJ, Boston, MA, Chicago, IL, New Orleans, LA, Mobile, AL, Jackson, MS, Richmond, VA, Columbia, SC, Manchester, NH, Windsor Locks, and Hartford, CT, Denver, CO, Salt Lake City, UT, Las Vegas NV, Fort Wayne, IN, Milwaukee, WI, Albuquerque, NM, Phoenix, AZ, and Omaha, NE. (Hearing site: Columbus, OH, or Minneapolis, MN.)

MC 135524 (Sub-83F), filed November 26, 1979. Applicant: G. F. TRUCKING

CO., P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *grain storage and drying equipment, and parts, equipment, supplies, and materials* (used in the manufacture of grain storage and drying equipment), between Assumption, IL, on the one hand, and, on the other, points in the United States (except AK, and HI). (Hearing site: Columbus, OH, or Springfield, IL.)

MC 135524 (Sub-89F), filed November 27, 1979. Applicant: G. F. TRUCKING CO., P.O. Box 229, 1028 West Rayen Avenue, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *chemicals*, and *plastic materials*, from Joliet and Willow Springs, IL, to points in OH, and PA. (Hearing site: Columbus, OH, or Chicago, IL.)

MC 136035 (Sub-17F), filed November 30, 1979. Applicant: TREADWAY CARRIERS, INC., P.O. Box 364, Westfield, IN 46074. Representative: Orville G. Lynch (same address as above). *Contract carrier* transporting *printed matter, and materials* used in the manufacture of printed matter (except commodities in bulk), (1) from Canoga Park, Montebello, San Francisco, and Tracy, CA, Chicago, IL, Kendallville, IN, East Millinocket and Jay, ME, Clinton, Forge Village, Lowell, and North Chelmsford, MA, Raymond, NH, Deferiet and Kingston, NY, and Allentown, and Philadelphia, PA, to points in the United States (except AK, and HI), and (2) *materials* used in the manufacture of books and printed matter (except commodities in bulk), in the reverse direction, under continuing contract(s) in (1) and (2) with Courier-Citizen, Inc., of Lowell, MA. Note: Dual operations may be involved. (Hearing site: Indianapolis, IN, or Boston, MA.)

MC 136315 (Sub-100F), filed November 23, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39305. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22828, Jackson, MS 39205. Transporting (1) *iron and steel articles, and pipe*, from the facilities of Fort Worth Pipe and Supply Company, at or near Conroe, TX, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction, restricted to the transportation of traffic originating at or destined to the named facilities. Note: Dual operations may be involved. (Hearing site: Forth Worth, TX, or Washington, DC.)

MC 139495 (Sub-500F), filed November 30, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *foodstuffs*, from points in Cameron, and Hidalgo Counties, TX, to points in the United States (except AK, and HI). (Hearing site: Washington, D.C.)

MC 140024 (Sub-170F), filed November 26, 1979. Applicant: J. B. MONTGOMERY, INC. (a Delaware corporation), 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting (1) *buildings and metal storage bins, knocked down*, and (2) *parts and accessories* for the commodities in (1) above, from Pheonix, AZ, Turlock, CA, La Grange, GA, Chicago, IL, Taylorville, IL, Terre Haute, IN, Sheffield, IA, Chetopa and Oswego, KS, Omaha, NE, Oklahoma City, OK, Van Wert, OH, Milton, PA, Memphis and Portland, TN, Houston, TX, Spanish Fork, UT, and Waukesha, WI, to points in the United States (except CT, DE, NJ, NY, ME, MD, MA, RI, NH, and VT). (Hearing site: Omaha, NE, or Denver, CO.)

MC 140174 (Sub-5F), filed November 30, 1979. Applicant: BROOKS TRUCKING, INC., Post Office Box 187, Vanlue, OH 45890. Representative: Richard H. Brandon, Post Office Box 97, 220 West Bridge St., Dublin, OH 43017. *Contract carrier*, transporting (1) *steel bars, steel tubing, and steel coils*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Shelby, OH, on the one hand, and, on the other, points in the United States (except AK, and HI), under continuing contract(s) with Ohio Steel Tubing Company of Shelby, OH. (Hearing site: Columbus, OH.)

MC 140484 (Sub-88F), filed November 26, 1979. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, 2671 East Edison Ave., Fort Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005. Transporting *meats, meat products, and meat by-products, dairy products, and articles disbributed by meat-packinghouses*, as described in Sections A, B, & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities used by John Morrell & Co., at or near (a) Estherville, and Sioux City, IA, and (b) Sioux Falls, SD, to points in AL, AZ, AR, CA, CO, GA, ID, KS, IA, MS, MO, MT, NE, NV, NM, OK, OR, TN, TX, UT, WA, and WY, and (2) from the facilities used by Pet, Incorporated, Frozen Foods Division, at Allentown, Chambersburg, and Fogelsville, PA, to points in AZ, AR, CA, CO, ID, IA, MI, MT, NV, NM, OK, OR, TX, UT, WA, and WY. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 140665 (Sub-74F), filed November 26, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting *frozen foods*, in vehicles equipped with mechanical refrigeration, (1) from the facilities used by Pet, Incorporated, Frozen Foods Division, at (a) Frankfort, Benton Harbor, and Hart, MI, and (b) South Bend, IN, to points in AL, AZ, AR, CA, CO, GA, ID, KS, IA, MS, MO, MT, NE, NV, NM, OK, OR, TN, TX, UT, WA, and WY, and (2) from the facilities used by Pet, Incorporated, Frozen Foods Division, at Allentown, Chambersburg, and Fogelsville, PA, to points in AZ, AR, CA, CO, ID, IA, MI, MT, NV, NM, OK, OR, TX, UT, WA, and WY. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 140665 (Sub-74F), filed November 26, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting *heating and cooling equipment*, and *materials and supplies* used in the manufacture or distribution of heating and cooling equipment (except commodities which because of their size and weight require the use of special equipment), between Cleveland, Medina, and Elyria, OH, on the one hand, and, on the other, those points in the United States in and west of ND, SD, NE, KS, OK, and TX (except AK, and HI). (Hearing site: Washington, DC, or Columbus, OH.)

MC 140665 (Sub-75F), filed November 27, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting (1) *lampblack, plastic materials, synthetic resins*, and (2) *materials and supplies* used in the manufacture and distrtibution of the commodities in (1) above, (except commodities in bulk), (A) from points in Douglas County, IL, Dayton, Fairport Harbor, and Xenia, OH, and Indianapolis, IN, to points in the United States (except AK and HI), and (B) from Houston, TX, to those points in the United States in and east of ND, SD, NE, KS, OK, AR, and LA. (Hearing site: Washington, DC, or Houston, TX.)

MC 140665 (Sub-79F), filed November 26, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting (1) *heating compounds, polishing compounds, deodorants, and disinfectants*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between points in Summit County, OH, on the one hand, and, on the other, points in the United States (except AK, HI, and OH). (Hearing site: Washington, DC, or Columbus, OH.)

MC 141514 (Sub-1F), filed November 26, 1979. Applicant: WILLIAM H. BURGENER, d.b.a. BURGENER CONTRACT CARRIERS, Route 3, Box 485, Merrill, WI 54452. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract carrier*, transporting, (1) *petroleum lubricants, fuel additives, hydrauylic fluids, and roof and driveway coatings and sealers*, in containers, from the facilities of Schaeffer Manufacturing Company, at or near St. Louis, MO, to points in ND, those in MN in and south of Lac Qui Parle, Chippewa, Renville, McLeod, Carver, Hennepin, Ramsey, and Washington Counties, and those in WI in and south of Grant, Iowa, Dane, Jefferson, Waukesha, and Milwaukee Counties, and (2) *cattle oilers, cattle oil*, and *hog oil*, from the facilities of Schaeffer Manufacturing Company, at or near St. Louis, MO, to points in MN, ND, WI, and the Upper Peninsula of MI, under continuing contract(s) in (1) and (2) with Schaeffer Manufacturing Company of St. Louis, MO. (Hearing site: Minneapolis, MN, or Milwaukee, WI.)

MC 141804 (Sub-306F), filed November 27, 1979. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting (1) *electronic products* and (2) *parts and accessories* used in the manufacture of electronic products, from the facilities of Matsushita Electronic Corporation America, at Franklin Park, IL, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Los Angeles, CA.)

MC 142364 (Sub-28F), filed November 26, 1979. Applicant: KENNETH SAGELY, d.b.a. SAGELY PRODUCE, 2802 Kibler Rd., Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *petroleum products*, in packages, from Maryland Heights, MO, to points in AR, IL, KS, LA, OK, and TX. (Hearing site: Oil City, PA, or Ft. Smith, AR.)

MC 143775 (Sub-129F), filed November 26, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting (1) *floor coverings and* (2) *materials and supplies* used in the maintenance and installation of floor coverings, from Lancaster and East Hempfield Township, PA, to those points in the United States in and west of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at the named origins. (Hearing site: Harrisburg, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 143775 (Sub-130F), filed November 26, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting *automotive electrical equipment and automotive accessories* from Los Angeles, CA, to those points in the United States in and east of MN, IA, MO, KS, OK, and TX. (Hearing site: Los Angeles, or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 143775 (Sub-131F), filed November 26, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting (1) *such commodities* as are dealt in by grocery and food business houses and agricultural feed business houses, *soy products, paste and flour products; and dairy based products* and (2) *materials equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by Ralston Purina Company. (Hearing site: St. Louis, MO, or Washington, DC.)

Note.—Dual operations may be involved.

MC 145054 (Sub-31F), filed November 26, 1979. Applicant: COORS TRANSPORTATION CO., 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Transporting *canned petfood and canned tuna*, from Terminal Island, CA, to points in CO, and MO. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 145054 (Sub-32F), filed November 26, 1979. Applicant: COORS TRANSPORTATION CO., 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Transporting *foodstuffs*, from Pasco, Walla Walla, Kennewick, and Grandview WA, to points in AZ, CA, CO, NV, UT, and WY. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 145115 (Sub-2F), filed November 26, 1979. Applicant: NY., NJ., CONN., FREIGHT & MESSENGER CORP., Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10001. *Contract carrier*, transporting *such commodities* as are dealt in by retail department stores, (except commodities in bulk), between Enfield, CT, on the one hand, and, on the other, points in the United States (except AK, and HI), under continuing contract(s) with Casual Corner, Inc., of Enfield, CT. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 148184 (Sub-3F), filed November 27, 1979. Applicant: SUMMIT TRUCK LINES, INC., 218 North 23rd St., Coeur d'Alene, ID 83814. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. Transporting *Canned and Preserved Foodstuffs*, from the facilities of Heinz, U.S.A. Division of H. J. Heinz Company, at or near (a) Muscatine and Iowa City, IA, (b) Holland, MI, and (c) Fremont,

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OH, to points in TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Seattle, WA.)

MC 148715 (Sub-1F), filed November 23, 1979. Applicant: DANIEL E. HAYNES d.b.a. HAYNES TRUCKING CO., Route 2, Box 102, Section, AL 35771. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. *Contract carrier*, transporting *store fixtures*, and *materials, equipment, and supplies* used in the manufacture and distribution of store fixtures, (except commodities in bulk, in tank vehicles), between the facilities of Lozier Corp., at or near Scottsboro, AL, on the one hand, and on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with Lozier Corp. (Hearing site: Birmingham, AL, or Atlanta, GA.)

MC 148955F, filed November 30, 1979. Applicant: PAL TRANSPORTATION, INC., 556 Forest Rd., Orange, CT 06477. Representative: William J. Meuser, 86 Cherry St., P.O. Box 507, Milford, CT 06460. *Contract carrier*, transporting *malt beverages*, from Merrimack, NH, and Newark, NJ, to Wallingford, West Haven, and Orange, CT, under continuing contract(s) with Dickello Distributors, Inc., of West Haven, CT. (Hearing site: Hartford, CT, or New York, NY.)

MC 148964F, filed November 30, 1979. Applicant: W. L. WAGGONER TRUCKING CO., #4 Caine Drive, Madison, IL 62060. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *Commodities, the transportation of which, because of their size or weight, require the use of special equipment*, between St. Louis, MO, on the one hand, and, on the other, points in KS, OK, AR, MO, IA, MI, IN, OH, IL, KY, NE, TN, and WI. (Hearing site: St. Louis, MO.)

MC 148965F, filed November 26, 1979. Applicant: CLARK BROS. TRANSPORTATION, INC., 1808 30th St., Birmingham, AL 35207. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *pipe, valves, hydrants, and fittings*, (2) *metal and metal articles* (3) *paper, plastic, and paper and plastic products*, (4) *lumber, lumber products, and particleboard*, (5) *containers*, and *container ends and closures*, and (6) *materials, equipment, and supplies* used in the manufacture and sale of the commodities in (1) through (5) above, (except commodities in bulk, in tank vehicles), between points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, and TX. (Hearing site: Birmingham, AL.)

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Decided: Feb. 21, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 2095 (Sub-27F), filed October 9, 1979. Applicant: KEIM TRANSPORTATION, INC., 420 N. Sixth, RFD 2, Box 10, Sabetha, KS 66534. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting (1) (a) *gypsum, gypsum products* (except binding materials), and (b) *building materials*, from points in Marshall County, KS, to points in the United States (except AK and HI), (2) (a) the commodities described in (1) above and (b) supplies used in the manufacture, installation and distribution of commodities in (1) above, in the reverse direction. (Hearing site: Kansas City, MO.)

MC 4405 (Sub-617F), filed October 10, 1979. Applicant: DEALERS TRANSIT, INC., P.O. Box 236, Tulsa, OK 74101. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting (1) *mining and tunneling equipment*, and (2) *parts for mining and tunneling equipment*, from Denver, CO, and Detroit, MI, to points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 29934 (Sub-24F), filed October 9, 1979. Applicant: LO BIONDO BROTHERS MOTOR EXPRESS, INC., P.O. Box 160, Bridgeton, NJ 08302. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409 Fairfield, NJ 07006. Transporting *such commodities* as dealt in by grocery and food business houses, from the facilities of Ralston-Purina Company, at Jersey City, NJ, to points in DE, MD, NY, PA, VA, and DC. (Hearing site: New York, NY.)

MC 30844 (Sub-659F), filed October 10, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Transporting (1) *such commodities* as dealt in by manufacturers of metal utility boxes, tool chests, tool cabinets, tool boxes, truck boxes, medical cabinets, work benches, and utility cabinets, (a) between Waterloo, IA, Sedalia, MO, Pocahontas, AR, Jonesboro, AR, Los Angeles, CA, and Portland, OR, and (b) from the points named in (a) above to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture and distribution of the commodities described in (1) above, from points in the United States (except AK and HI), to Waterloo, IA, Sedalia, MO, Pocahontas, AR, Los Angeles, CA, and Portland, OR, restricted in (1) and (2) above to shipments originating at or destined to facilities used by Waterloo Industries, Inc., and/or Lumidor Div. of Waterloo Industries, Inc. (Hearing site: Chicago, IL.)

MC 52704 (Sub-255F), filed October 9, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", Lafayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *metal containers, container ends, tinplate*, and *materials, equipment and supplies* used in the manufacture and distribution of metal containers, container ends, and tinplate, between the facilities of Crown Cork and Seal Company, Inc., at or near Atlanta, GA, on the one hand, and, on the other, points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, NC, NJ, OH, PA, SC, TN, TX, VA, and WV. (Hearing site: Atlanta, GA.)

MC 56244 (Sub-90F), filed October 9, 1979. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. #2, Gardners, PA 17324. Representative: J. Bruce Walter, 410 North Third St., P.O. Box 1146, Harrisburg, PA 17108. Transporting (1) *strapping and strapping accessories*, and (2) *strapping materials, supplies and equipment*, from the facilities of Samuel Strapping Systems, at Columbus, OH, to points in DE, MD, NJ, NY, PA, VA, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 61825 (Sub-115F), filed October 9, 1979. Applicant: ROY STONE TRANSFER CORPORATION, V.C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Transporting (1) *containers and container ends and such commodities manufactured or distributed by manufacturers and distributors of containers (except containers) when moving in mixed loads with containers*, and (2) *materials, equipment and supplies used in the manufacture and distribution of containers and container ends*, between those points in the United States in and east of MN, IA, MO, OK, and TX, restricted (a) against the transportation of commodities in bulk, in tank or dump vehicles, and (b) to the transportation of traffic originating at or destined to the facilities of Glass Containers Corporation. (Hearing site: Washington, DC.)

MC 107295 (Sub-943F), filed October 9, 1979. Applicant: PRE-FAB TRANSIT CO. a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. Transporting *insulation materials*, from Riverside, CA, to points in AZ, ID, NV, NM, OR, UT, and WA. (Hearing site: Los Angeles, CA.)

MC 107544 (Sub-150F), filed October 9, 1979. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, VA 24354. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh St., NW., Washington, DC 20001. Transporting *liquid coal treating compounds and liquid industrial water treating compounds*, in bulk, in tank vehicles, from Muscle Shoals, AL, to points in KY, TN, VA, and WV. (Hearing site: Washington, DC.)

MC 109595 (Sub-22F), filed October 11, 1979. Applicant: REX TRANSPORTATION COMPANY, a corporation, Suite 207 Clausen Bldg., 1520 Woodward Ave., Bloomfield Hills, MI 48013. Representative: William Elmer, 21635 East Nine Mile Rd., St. Clair Shores, MI 48080. Transporting *cement*, from Detroit, MI to points in OH, and IN. (Hearing site: Detroit, MI.)

MC 110325 (Sub-119F), filed October 9, 1979. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105. To operate as a *common carrier* by motor vehicle in interstate or foreign commerce, over regular routes, transporting, *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the junction of Interstate Hwy 20 and U.S. Hwy 81 and the junction of CA Hwys 99 and 58, from the junction of Interstate Hwy 20 and U.S. Hwy 81 over combined U.S. Hwys 81 and 287 to the junction of U.S. Hwy 287, then over U.S. Hwy 287 to the junction of Interstate Hwy 40, then over Interstate Hwy 40 to the junction of CA Hwy 58, then over CA Hwy 58 to the junction of CA Hwy 99, and return over the same route, serving no intermediate points as an alternate route for operating commodities only in connection with carrier's authorized regular-routes operations. (Hearing site: Los Angeles, CA.)

MC 111785 (Sub-63F), filed October 9, 1979. Applicant: BURNS MOTOR FREIGHT, INC., P.O. Box 149, Marlinton, WV 24954. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting *sawdust, wood chips and bark*, from points in WV, to Big Island, VA. (Hearing site: Washington, DC.)

MC 112304 (Sub-220F), filed October 9, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address). Transporting (1) *such commodities*, as are dealt in or used by agricultural equipment and industrial equipment dealers and manufacturers, from the facilities of J. I. Case Company, at or near Burlington and Bettendorf, IA, to those points in the United States in and east of MI, IN, KY, TN, and MS, and (2) *equipment, materials and supplies* used in the manufacture of commodities in (1) above, in the reverse direction. (Hearing site: Chicago, IL, or Washington, DC.)

MC 116254 (Sub-298F), filed October 11, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same address as above). Transporting *chemicals*, in bulk, in tank vehicles, from (1) the facilities of Union Carbide Corporation at or near Taft, LA, to points in the United States, (except AL, AK, LA, MS, and HI), and (2) points in the United States, (except AK and HI), to the facilities of Union Carbide Corporation at Taft, LA. (Hearing site: Washington, DC, or Nashville, TN.)

MC 118535 (Sub-46F), filed October 10, 1979. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, Butler, MO 64730. Representative: Jim Tiona, Jr. (same address as applicant). Transporting *salt and salt products*, from Catoosa, OK, to points in AR, KS, MO, OK, and TX. (Hearing site: Kansas City, MO.)

MC 119974 (Sub-90F), filed October 10, 1979. Applicant: L.C.L. Transit Company, a corporation, 949 Advance Street, Green Bay, WI 54304. Representative: L. F. Abel, P.O. Box 949, Green Bay, WI 54305. Transporting (a) *pet food mix* (except in bulk), and (b) *hog and pig skins and trimmings* (a) from the facilities of Geo. A. Hormel & Co. at Davenport, IA, to points in IL, KS, MN, MO, NE, SD, and WI, (b) from points in NE, to the facilities of Geo. A. Hormel & Co. at Davenport, IA. Chicago, IL (Hearing site: Chicago, IL.)

MC 121664 (Sub-99F), filed October 9, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35201. Transporting *building materials* (except in bulk), from Mableton, GA, and Jacksonville, FL, to points in AL. (Hearing site: Birmingham, AL.)

MC 121684 (Sub-100F), filed October 9, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35201. Transporting *cement*, from the facilities of Marquette Cement Co., in (a) Nashville and Cowan, TN, to points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OH, SC, VA, and TN, and (2) Memphis, TN, to points in AL, AR, KY, LA, MO, IL, MS, and TN (Hearing site: Birmingham, AL.)

MC 121684 (Sub-101F), filed October 9, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35201. Transporting *steel articles* from Tallapoosa, GA, to points in AL, MS, LA, TX, AR, FL, and TN. (Hearing site: Birmingham, AL.)

MC 125924 (Sub-7F), filed October 11, 1979. Applicant: MARIS TRANSPORT LIMITED, 1090 South Service Road, East, P.O. Box 158, Oakville, Ontario, Canada L6J 4Z5. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *motor vehicles*, (except trailers) in truckaway service, from Detroit, MI, to the port of entry on the international boundary line between the U.S.-Canada at Detroit, MI. (Hearing site: Detroit, MI.)

MC 129645 (Sub-77F), filed October 8, 1979. Applicant: BASIL J. SMEESTER and JOSEPH G. SMEESTER, a partnership, d.b.a. SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, MI 49801. Representative: John N. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting *construction materials, and materials* and *supplies* used in the manufacture and distribution of construction materials (except commodities in bulk), between the facilities of The Celotex Corporation, at or near Russellville, AL, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, and WI. (Hearing site: Tampa, FL, or Birmingham, AL.)

MC 133655 (Sub-188F), filed October 9, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *weed killing compounds and animal feed supplements* (except commodities in bulk), from Lafayette and Clinton, IN, to points in TX. (Hearing site: Chicago, IL.)

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MC 133855 (Sub-189F), filed October 11, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commisison, commodities in bulk, and those requiring special equipment), between the facilities of Texas Shippers Association, at Chicago, IL, and points in TX. (Hearing site: Chicago, IL.)

MC 134484 (Sub-28F), filed October 10, 1979. Applicant: EDWARDS BROS., INC., P.O. Box 1684, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting *frozen meat*, in boxes, from the facilities of Landmark Beef Processors, Inc., at or near Los Angeles, CA, to points in WA. (Hearing site: Los Angeles, CA.)

MC 135524 (Sub-73F), filed October 9, 1979. Applicant: G. F. TRUCKING CO., a corporation. P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *foodstuffs* (except in bulk) from the facilities of American Home Foods Division of American Home Products Corporation, at or near Milton, PA, to points in FL, GA, NC, and SC. (Hearing site: Columbus, OH, or New York, NY.)

MC 135524 (Sub-74F), filed October 9, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *lumber, lumber mill products, and sawmill products* from points in CA, ID, MT, OR, and WA, to points in AZ, AR, CO, IL, IN, IA, KS, LA, MI, MN, MO, NE, NM, ND, OK, SD, TX, WI, and WY. (Hearing site: Columbus, OH, or Eugene, OR.)

MC 135895 (Sub-68F), filed October 9, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting *glass containers* and *closures*, and *returned shipments* of glass containers and closures, (1) between Gulfport, MS, and Memphis, TN, and points in MO, MS, NC, and SC; (2) between Mineral Wells, MS, and points in AL, FL, GA, MO, MS, NC, and SC; (3) between Chattanooga, TN and Little Rock, AR, and points in MO, NC, and SC; and (4) between Corsicana, TX, and points in MO, NC, and SC, restricted to transportation of traffic originating at or destined to the facilities of Chattanooga Glass Company. (Hearing site: New Orleans, LA, or Dallas, TX.)

MC 135924 (Sub-14F), filed October 9, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Transporting *starch* (except in bulk in tank vehicles), from Cedar Rapids, and Clinton, IA, to Grand Rapids, MN. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 135924 (Sub-16F), filed October 9, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Transporting *tires and tire products*, from Chicago, IL, to Hibbing, MN. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 135924 (Sub-17F), filed October 11, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Transporting *crude slab rubber*, from Cumberland, MD, to Hibbing, MN. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 136315 (Sub-91F), filed October 9, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. Transporting (1)(a) *plastic articles*, and (b) *clay products and accessories* and (2) *materials, equipment and supplies* (except in bulk, in tank vehicles), used in the manufacture and distribution of the commodities named in (1), between those points in the United States in and east of TX, OK, KS, NE, SD, and ND, restricted to the transportation of traffic originating at or destined to the facilities of Can-Tex Industries. (Hearing site: Dallas, TX, or Washington, DC.)

Note.—Dual operations may be involved.

MC 136605 (Sub-137F), filed October 10, 1979. Applicant: DAVIS BROS. DIST., INC., Post Office Box 8058, Missoula, MT 59807. Representative: Allen P. Felton (same address as applicant). Transporting *lumber and wood products*, from Newcastle, WY, to points in IL, IN, MI, IA, and WI. (Hearing site: Denver, CO.)

MC 136844 (Sub-14F), filed October 9, 1979. Applicant: WESTERN DRYWALL TRANSPORT, INC., d.b.a. WESTERN DIRECT TRANSPORT, 2001 Broadway, Vallejo, CA 94590. Representative: R. D. Davis (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular route transporting (1) *gypsum board paper*, from Stockton, CA, to points in Clark County, NV, and (2) *gypsum wallboard, accessories and materials* used in the installation of gypsum wallboard, from points in Clark County, NV, to points in Sacramento County, CA, under continuing contract(s) with Pacific Court Building Products, of Sacramento, CA. (Hearing site: Sacramento or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 138304 (Sub-18F), filed October 9, 1979. Applicant: NATIONAL PACKERS EXPRESS, INC., 3445 Patterson Plank Rd., North Bergen, NJ 07047. Representative: Craig B. Sherman, Barnett Bank Building, 1108 Kane Concourse, Bay Harbor Islands, FL 33154. Transporting *steel nuts, bolts, screws and metal fastners*, from New Haven and Bridgeport, CT, and Baltimore, MD, to points in OH, IN, IL, WI, MN, IA, NE, KS, MO, and MI, restricted to the transportation traffic originating at and destined to the named points. (Hearing site: New York, NY, or Washington, DC.)

MC 138635 (Sub-95F), filed October 10, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. Transporting *citrus juices (except in bulk)*, from points in FL, to points in CT, IL, IN, MD, MA, MI, MN, NY, NC, OH, PA, SC, TX, and VA, restricted to the transportation of traffic originating at the facilities of TreeSweet Products Co. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138714 (Sub-4F), filed October 10, 1979. Applicant: VIRGINIA TRANSPORTATION, INC., Box 26449, Richmond, VA 23261. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. Transporting *general commodities*, (except those of unusual value, commodities in bulk, classes A & B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Richmond, and Ashland, VA, on the one hand, and, on the other, points in OH, NJ, PA, NC, and MD, under continuing contract(s) with Best Products Company, Inc., of Richmond, VA. (Hearing site: Richmond, VA.)

Note.—Dual operations may be involved.

MC 140635 (Sub-20F), filed October 9, 1979. Applicant: ADAMS LINES, INC., 2619 N St., Omaha, NE 68107. Representative: John L. Horning (same address as applicant). Transporting *meats, meat products, meat byproducts and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), between Britt and Mason City, IA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities used by Lauridsen Foods, Inc., at or near Britt, IA, and Armour & Co., at Mason City, IA. (Hearing site: Omaha, NE.)

MC 141804 (Sub-283F), filed October 11, 1979. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *cocktail mix*, from Los Angeles, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, or San Francisco, CA.)

MC 146174 (Sub-5F), filed October 9, 1979. Applicant: P. D. EXPRESS, INC., 817 West 5th Ave., Columbus, OH 43212. Representative: Gregory A. Stayart, 10 S. LaSalle St., Chicago, IL 60603. Transporting *processed foodstuffs* in containers, from the facilities of Libby, McNeill & Libby, at (a) Kokomo, IN, (b) Leipsic, OH, and (c) Morton and Alsip, IL, to points in OH, KY, PA, IN, MI, and WV, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Cleveland, OH, or Chicago, IL.)

MC 146355 (Sub-1F), filed October 9, 1979. Applicant: P–N–J KORNACKER, INC., 3050 West 10th St., Waukegan, IL 60085. Representative: Albert A. Andrin, 180 North LaSalle St., Chicago, IL 60601. Transporting (a) *canned, preserved or prepared foodstuffs, and* (b) *materials and supplies used in the manufacture and distribution of the commodities described in (a) above*, between the facilities of Ocean Spray Cranberries, Inc. at (1) Kenosha, WI, (2) Lake County, IL, and (3) Montgomery, AL, on the one hand, and, on the other, points in AL, MI, KY, IN, IL, MN, MO, WI, OH, TN, and GA. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 146464 (Sub-4F), filed October 9, 1979. Applicant: NEVADA GENERAL TRANSPORTATION, INC., P.O. Box 1239, Lamoille, NV 89828. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Transporting *malt beverages, wine, juices, cocktail mixes, carbonated beverages*, from Portland, OR, and points in CA, to points in MV. (Hearing site: Reno, NV, or Boise, ID.)

MC 146464 (Sub-5F), filed October 10, 1979. Applicant: NEVADA GENERAL TRANSPORTATION, INC., P.O. Box 1239, Lamoille, NV 89828. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Transporting *petroleum and petroleum products*, from points in Minidoka County, ID and Salt Lake County, UT, to points in Humbolt, Lander, Elko, Eureka, and Pershing Counties, NV. (Hearing site: Reno, NV, or Boise, ID.)

MC 146465 (Sub-4F), filed October 5, 1979. Applicant: LAWRENCE PILGRIM, d.b.a. PILGRIM TRUCKING COMPANY, P.O. Box 877, Cleveland, GA 30528. Representative: Jeffrey Kohlman, 1447 Peachtree St., NE, Suite 508, Atlanta, GA 30309. Transporting *lumber*, from the facilities of Woodkraft Wood Products, Division of Georgia Kraft Company, at or near Greenville, and Madison, GA, to those points in the U.S. in and east of TX, OK, KS, MO, ID, and WI. (Hearing site: Atlanta, GA, or Washington, D.C.)

Note.—Dual operations may be involved.

MC 146565 (Sub-2F), filed October 9, 1979. Applicant: DELMAR L. HAUCK, P.O. Box 66, R.D. #22, York, PA 17402. Representative: J. Bruce Walter, P.O. Box 1146, 410 North Third St., Harrisburg, PA 17108. Transporting *truck trailers and cargo containers*, between Middletown, PA, and points in CT, DE, MD, NJ, NY, RI, and VA. (Hearing site: Harrisburg, PA, or Washington, D.C.)

MC 147045 (Sub-4F), filed October 9, 1979. Applicant: CALIFORNIA TRANSPORTATION LABOR, INC., 6901 South Eastern Ave., Bell Gardens, CA 90201. Representative: Wyman C. Knapp, 1800 United California Bank Bldg., 707 Wilshire Boulevard, Los Angeles, CA 90017. Transporting *refined petroleum products*, in bulk, (except asphalts, and road oils, from points in Los Angeles County, CA, to points in Maricopa County, Casa Grande and Tucson, AZ, and, (2) *petroleum products*, in bulk, from Phoenix, Casa Grande, and Tucson, AZ, to points in Los Angeles County, CA. (Hearing site: Los Angeles, CA.)

MC 147955 (Sub-2F), filed October 11, 1979. Applicant: DELBERT G. HAMBLETON, d.b.a. JERRY HAMBLETON, P.O. Box 213, Tonkawa, OK 74653. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *portable horse stalls*, between points in the United States (except AK, and HI). (Hearing site: Wichita, KS.)

MC 148015 (Sub-2F), filed October 9, 1979. Applicant: SILVERLINE DIVISION ARCTIC ENTERPRISES, INC., 2300 Twelfth Avenue South, Moorhead, MN 56560. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. To operate as a *contract carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes transporting *boats*, from Anaheim, CA, and Austin, TX, to Alexandria, MN, under a continuing contract(s) with A B W, Inc., of Alexandria, MN. (Hearing site: Fargo, ND, or Minneapolis, MN.)

MC 148375 (Sub-2F), filed October 9, 1979. Applicant: LOWER COLUMBIA TRUCKING, INC., Route 1, Box 217, Cathlamet, WA 98612. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Over regular routes, transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Portland, OR, and Ilwaco, WA, from Portland, OR, to Kelso, WA, over Interstate Hwy 5, then over WA Hwy 4 to junction US Hwy 101, then over US Hwy 101 to Ilwaco, WA, and return over the same route, serving all intermediate points, between Kelso, WA, and Ilwaco, WA and off-route points of Altoona, Roseburg, Deep River Camp, Puget Island, Long Beach, Seaview, Chinook and Megler, WA. Restricted against the transportation of traffic between Longview, WA, and Kelso, WA, on the one hand, and, on the other, Portland, OR, and Vancouver, WA. (Hearing site: Longview, WA.)

MC 148565F, filed October 5, 1979. Applicant: SUPER JOHN'S TRUCKING, INC., 24 Fillmore St., Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting *such commodities as is dealt in by grocery stores and food business houses*, from points in MN, to the facilities of (a) Town & County I.G.A. of Black River Falls, Inc., d.b.a. Super John's Food Marts, at or near Black River Falls, WI, (b) Augusta Foods, Inc., at or near Augusta, WI, and (c) Super John's Food Mart, Inc., at or near Eau Claire, WI, restricted to the transportation of traffic originating at the named origins and destined to indicated destinations. (Hearing site: Madison, WI, or Eau Claire, WI.)

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Decided: Feb. 27, 1980.
By the Commission, Review Board Number

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3, Members Parker, Fortier, and Hill. Member Hill not participating.

MC 4484 (Sub-16F), filed December 17, 1979. Applicant: CROWN TRANSPORT, INC., R.D. #2, Wampum, PA 16157. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *iron and steel articles,* from the facilities of Connors Steel Company, Inc., at Huntington, WV, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the above-named facilities. (Hearing site: Charleston, WV.)

MC 8535 (Sub-112F), filed December 20, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., N.W., Washington, DC 20036. Transporting *hardboard, fibreboard, and pulpboard, and materials and supplies used in their installation and distribution,* from Towanda, PA, to points in GA, IL, IN, MI, and TN. (Hearing site: Scranton, PA, or Washington, DC.)

MC 30844 (Sub-675F), filed January 2, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 21222, Tulsa, OK 74121. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Transporting *such commodities* as are dealt in by gift stores, between Addison, TX, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to the transporting of traffic originating at or destined to the facilities of Tuesday Morning, Inc. (Hearing site: Dallas, TX.)

MC 59934 (Sub-13F), filed January 2, 1980. Applicant: MAIN TRUCKING & RIGGING CO., INC., Wallace St., Elmwood Park, NJ 07407. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Transporting *commodities* which because of size or weight require the use of special equipment, between the facilities of Henderson Industries, Inc., in NJ, on the one hand, and, on the other, points in the United States (except AK, CT, HI, MA, NJ, NY, and RI). (Hearing site: Newark, NJ, or New York, NY.)

MC 60014 (Sub-163F), filed December 17, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting (1) *lumber products, machinery, iron and steel articles, and commodities* which by reasons of size or weight require the use of special equipment, from the Port of Houston, TX, to those points in the United States in and east of MT, WY, CO, and NM, and (2) *valves, railway car, and truck body buffers,* from the facilities of ACF Industries, Inc., W-K-M Valve Division, at Houston, TX, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 105045 (Sub-136F), filed December 19, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *presses, press brakes, shears, and drills,* and (2) *parts and accessories* for the commodities in (1) above, from the facilities of Hydra Tool Corporation, at or near Greenwood, MS, and Topeka, KS, to points in the United States (except AK and HI). (Hearing site: Memphis, TN, or New Orleans, LA.)

MC 106674 (Sub-450F), filed December 19, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *insulating materials* and *equipment and supplies* (except in bulk), used in the manufacture and installation of insulation materials, between Newark, OK, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-451F), filed December 18, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *mineral wool insulation* and *materials and supplies* (except in bulk), used in the manufacture and distribution of mineral wool insulation, (1) between Memphis, TN, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, KY, LA, MO, MS, OH, OK, and TX, and (2) between Marion and Shelby, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, PA, WV, and WI. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106775 (Sub-44F), filed December 20, 1979. Applicant: ATLAS TRUCK LINES, INC., 15015 East Freeway, P.O. Box 9848, Houston, TX 77015. Representative: Jack L. Coke, Jr., 4555 First National Bank Bldg., Dallas, TX 75202. Transporting *iron and steel pipe, tubing,* and *conduit* (other than oil field pipe as described in *Mercer Extension,* 74 MCC 459) having an immediately prior movement by water, from Carpenters Bayou, TX (a point within the Houston, TX interstate commercial zone), to points in Morris County, TX. (Hearing site: Dallas or Houston, TX.)

MC 110325 (Sub-127F), filed December 17, 1979. Applicant: TRANSCON LINES, A Corporation, P.O. Box 92220, Los Angeles, CA 90245. Representative: Wentworth E. Griffin, Midland Building, 1221 Baltimore Ave., Kansas City, MO 64105. Over regular routes, transporting *general commodities* (except Classes A and B explosives, those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Murray, Whitfield, Catoosa, Walker, and Dade Counties, GA, and points in Jackson County, AL, as off-route points in connection with carrier's otherwise authorized regular-route operation. (Hearing site: Chattanooga, TN.)

MC 110325 (Sub-128F), filed December 17, 1979. Applicant: TRANSCON LINES, A corporation, P.O. Box 92220, Los Angeles, CA 90245. Representative: Wentworth E. Griffin, Midland Building, 1221 Baltimore Ave., Kansas City, MO 64105. Over regular routes, transporting *general commodities,* (except Classes A and B explosives, those of unusual value, household goods as defined by the Commission, and those requiring special equipment), serving Clinton and Maryville, TN as off-route points in connection with carrier's otherwise authorized regular route operations. (Hearing site: Knoxville, TN.)

MC (Sub-111375F), filed May 16, 1979. Applicant: PIRKLE REGRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Elaine M. Conway, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by manufacturers, converters, processors, distributors, and printers of paper and paper products (except commodities in bulk), from points in WI, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 111594 (Sub-89F), filed December 4, 1979. Applicant: C W TRANSPORT, INC., 610 High Street, Wisconsin Rapids, WI 54494. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. Over regular routes, transporting *general commodities,* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A)(1) between Milwaukee, WI, and Madison, WI, serving all intermediate points, from Milwaukee, WI, over Interstate Hwy 94 to the junction of U.S. Hwy 1, then over U.S. Hwy 16 to the junction of WI Hwy 19, then over WI Hwy 19 to Sun Prairie, WI, then over

U.S. Hwy 151 to Madison, WI and return over the same route; (2) between Milwaukee, WI, and South Beloit, IL, serving all intermediate points, from Milwaukee, WI, over WI Hwy 15 to Beloit, WI, then over U.S. Hwy 51 to South Beloit, IL, and return over the same route; (3) between Milwaukee, WI, and Burlington, WI, serving all intermediate points, from Milwaukee, WI, over WI Hwy 36 to Burlington, WI, and return over the same route; (4) between Racine, WI, and Janesville, WI, over WI Hwy 11, serving all intermediate points; (5) between Racine, WI, and the Junction of WI Hwy 3, serving all intermediate points, from Racine, WI, over WI Hwy 20 to the junction of WI Hwy 36 and return over the same route; (6) between Milwaukee, WI, and Janesville, WI, serving all intermediate points, from Milwaukee, WI, over WI Hwy 59 to the junction of WI Hwy 26, then over WI Hwy 26 to Janesville, WI, and return over the same route; (7) between Watertown, WI, and Portage, WI, (a) over U.S. Hwy 16, serving all intermediate points, and (b) from Watertown, WI, over WI Hwy 26 to the junction of WI Hwy 33, then over WI Hwy 33 to Beaver Dam, WI, then over U.S. Hwy 151 to Columbus, WI, then over U.S. Hwy 16 to Portage, WI, and return over the same route; (8) between Watertown, WI, and Whitewater, WI, serving all intermediate points, from Watertown, WI, over WI Hwy 26 to Fort Atkinson, WI, then over U.S. Hwy 12 to Whitewater, WI, and return over the same route; (9) between Kenosha, WI, and Burlington, WI, serving all intermediate points, from Kenosha, WI, over WI Hwy 50 to the junction of WI Hwy 8, then over WI Hwy 83 to Burlington, WI, and return over the same route; and (10) between Madison, WI, and South Beloit, IL, over U.S. Hwy 51, serving the intermediate points of Janesville, WI, and Beloit, WI. Service is authorized to and from Bristol, Brownsville, and Mayville, WI, as off-route points in connection with the above-described regular routes; and (B) Between Atlanta, GA, and Greenville, SC, over Interstate Hwy 85 serving no intermediate points, as an alternate route for operating convenience only. (Hearing site: Madison, or Milwaukee, WI.)

MC 112184 (Sub-71F), filed December 17, 1979. Applicant: THE MANFREDI MOTOR TRANSIT CO., A corporation, 11250 Kinsman Rd., Newbury, OH 44065. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. *Contract carrier,* transporting *corn starch* (except in bulk), from the facilities of Cargill, Inc., at or near Memphis, TN, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MS, MO, NC, OH, OK, SC, TX, VA, and WV, under continuing contract(s) with Cargill, Inc., of Memphis, TN. (Hearing site: Washington, D.C.)

MC 114015 (Sub-28F), filed December 17, 1979. Applicant: HUSS, INCORPORATED, Highway 47 West, P.O. Box 666, Chase City, VA 23924. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier,* transporting *shooks, lumber, and pallets,* between Chase City and Keysville, VA, on the one hand, and, on the other, points in GA, FL, AL, KY, TN, and WV, under a continuing contract(s) with Spaulding Lumber Co., Inc., at Chase City, VA. (Hearing site: Richmond, VA.)

MC 115554 (Sub-27F), filed December 17, 1979. Applicant: HEARTLAND EXPRESS, INC. OF IOWA, P.O. Box 89B, R.R. 6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting *gas* and *electrical appliances* and *parts, materials, supplies* and *equipment* used in the distribution or repair of appliances, from the facilities of Whirlpool Corporation, at St. Paul, MN, to points in AR, IN, IA, MI, MO, NE, OH, and WI. (Hearing site: Chicago, IL.)

MC 115554 (Sub-28F), filed January 2, 1980. Applicant: HEARTLAND EXPRESS, INC. OF IOWA, P.O. Box 89B, R.R. 6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting *electric motors,* from DeKalb, IL, and Murfreesboro, TN, to points in AZ, AR, IL, IN, IA, MI, OH, and WI. (Hearing site: Chicago, IL.)

MC 116254 (Sub-305F), filed December 12, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: M. D. Miller (same address as above). Transporting *titanium dioxide slurry,* from the facilities of E. I. duPont De Nemours Company, at New Johnsonville, TN, to points in MO, and WV. (Hearing site: Washington, DC.)

MC 117685 (Sub-3F), filed December 17, 1979. Applicant: CONSOLIDATED TRUCK SERVICE, INC., One Scout Ave., South Kearny, NJ 07032. Representative: Thomas J. Beener, One State St. Plaza, New York, NY 10004. Transporting *coffee* (1) from points in New York, NY, Harbor Limits (as defined in 49 CFR), to Houston and Laredo, TX, Los Angeles and San Francisco, CA, New Orleans, LA, Seattle, WA, Springfield, MO, and Baltimore and Landover, MD, (2) from New Orleans, LA, to Chicago, IL, Miami, FL, Springfield, MO, New York, NY, and Vancouver, WA, and (3) from Seattle and Vancouver, WA, Springfield, MO, Baltimore and Landover, MD, to New York, NY. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 119894 (Sub-18F), filed December 17, 1979. Applicant: BOWARD TRUCK LINE, INC., 104 Roesler Road, Glen Burnie, MD 21061. Representative: M. Bruce Morgan (same address as applicant). Transporting (1) *Paper and Paper Products,* and (2) *Materials and Supplies* used in the manufacture of Paper, and Waste Paper, between Canton and Waynesville, NC, on the one hand, and, on the other, points in SC, and points in VA on and south of Interstate Hwy 64, and on and west of U.S. Hwy 29. (Hearing site: Asheville, NC.)

MC 123375 (Sub-21F), filed January 2, 1980. Applicant: KIRK TRUCKING SERVICE, INC., 3100 Braun Ave., Westmoreland County, Murrysville, PA 15668. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *iron and steel articles,* from the facilities of the Raritan River Steel Company, at Perth Amboy, NJ, to points in OH, MI, IN, IL, NY, and KY. (Hearing site: Washington, DC.)

MC 123744 (Sub-75F), filed December 18, 1979. Applicant: BUTLER TRUCKING COMPANY, a corporation, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Transporting *scrap metal,* from points in PA and OH, to Buffalo, NY, and Hagerstown, MD. (Hearing site: Washington, DC.)

MC 124174 (Sub-164F), filed December 18, 1979. Applicant: MOMSEN TRUCKING CO., 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). Transporting (A) *electric cable,* from Omaha, NE, to points in CT, MA, and RI, and (B) *communications* and *telephone equipment, materials, supplies* and *such commodities* as are used in the installation, erection, and maintenance thereof, between Omaha, NE and Suffern, NY, restricted to the transportation of traffic originating at or destined to the facilities of Western Electric Co. (Hearing site: Omaha, NE, or Kansas City, MO.)

MC 125335 (Sub-96F), filed December 20, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *Foodstuffs* (except in bulk), from the facilities of M&M/

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Mars, Snack-Master Division, at or near Albany, GA, to points in GA, FL, IL, IN, LA, MA, MD, MI, MN, MO, NC, NJ, OH, PA, TN, TX, and UT. (Hearing site: Albany, GA, or Harrisburg, PA.)

MC 127115 (Sub-15F), filed December 20, 1979. Applicant: MILLER'S TRANSPORT, INC., 510 West 4th North, Hyrum, UT 84319. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. *Contract carrier,* transporting (1) *frozen foods* and (2) *commodities* except from economic regulation when moving in mixed truckloads with frozen foods, (A) from points in CA, OR, or WA, to Salt Lake City, UT, and Boise, ID, and (2) between Salt Lake City, UT and Boise, ID, under continuing contract(s) with Booth Fisheries, Inc., of Salt Lake City, UT. (Hearing site: Salt Lake City, UT.)

MC 127115 (Sub-16F), filed December 20, 1979. Applicant: MILLER'S TRANSPORT, INC., 510 West 4th North, Hyrum, UT 84319. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. *Contract carrier,* transporting *meats, meat products, and meat by-products,* and *articles dealt in by meat packinghouses,* as described in Sections A and C to Appendix I, in the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (1) from points in CA, CO, IA, NE, SD, WA, Boise, ID, and Portland, OR, to points in Weber, Salt Lake, Davis, and Cache Counties, UT, and (2) from Hyrum, UT, to points in AZ, CO, ID, IA, NE, SD, TX, and WY, under a continuing contract(s) with Tri-miller Packing of Hyrum, UT. (Hearing site: Salt Lake City, UT.)

MC 128205 (Sub-90F), filed December 17, 1979. Applicant: BULKMATIC TRANSPORT COMPANY, a corporation, 12000 South Doty Ave., Chicago, IL 60628. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601. Transporting *Phosphates, phosphate products, and phosphate by-products,* in bulk, from Riverdale, IL to points in IL, IA, IN, MI, OH, WI, MO, KS, NE, SD, ND, and MN. (Hearing site: Chicago, IL.)

MC 128964 (Sub-13F), filed December 17, 1979. Applicant: REES TRUCKING CO., INC., P.O. Box G, Houston, MO 65483. Representative: Herman W. Huber, 101 East High St., Jefferson City, MO 65101. Transporting *iron and steel articles,* from points in Lake, Porter, and LaPorte Counties, IN, and points in IL, to points in MO, AR, OK, points in KS within Kansas City, KS, commercial zone, and points in IL within the St. Louis, MO–IL commercial zone. (Hearing site: St. Louis, MO, or Jefferson City, MO.)

MC 133095 (Sub-286F), filed December 20, 1979. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Ron Duncan (same address as applicant). Transporting (1) *salt and salt products,* and (2) *materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, when shipper in mixed loads with salt and salt products,* from the facilities of Morton Salt Company of Grand Saline, TX, to points in LA, AR, MO, OK, KS, and NM. (Hearing site: Dallas, TX.)

MC 133315 (Sub-7F), filed December 17, 1979. Applicant: ASBURY SYSTEM, 2222 E. 38th St., Los Angeles, CA 90058. Representative: Fred H. Mackensen, 9454 Wilshire Blvd., Suite 400, Beverly Hills, CA 90212. Transporting *jet fuels,* (in bulk, in tank vehicles), between Arnett, OK, Big Springs, TX, and Salina, KS, on the one hand, and, on the other, Los Angeles, CA. (Hearing site: Los Angeles, CA.)

MC 133655 (Sub-196F), filed December 17, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *General commodities* (except in bulk), between points in the United States (except AK, and HI), restricted to the transportation of traffic originating at or destined to the facilities of Phillips Petroleum Company, Phillips Fibers Corporation, Phillips Chemical Company, and Phillips Products Company. The authority (to the extent it embraces classes A and B explosives or other dangerous commodities) is limited, in point of time, to 5 years from the effective date of the Certificate. (Hearing site: Chicago, IL.)

MC 133655 (Sub-197F), filed December 17, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting (1) *bakery racks,* from Broken Arrow, OK, to points in the United States (except AK, and HI), and (2) *equipment, materials, and supplies* used in the manufacture and distribution of bakery racks, in the reverse direction. (Hearing site: Chicago, IL.)

MC 133655 (Sub-199F), filed December 17, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *cookies,* from Abilene, TX, to points in AL, CA, GA, TN, SC, KY, IN, and FL. (Hearing site: Chicago, IL.)

MC 133415(Sub-9F), filed December 17, 1979. Applicant: SNR DELIVERY, INC., 913 McKinley St., Peekskill, NY 10566. Representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, NY 10528. *Contract carrier,* transporting *Brake shoes,* between Cheshire, CT, on the one hand, and, on the other, New York, NY, and points in Suffolk and Westchester Counties, NY, under continuing contract(s) with Raybestos Friction Materials Company, of Trumbull, CT. (Hearing site: White Plains, NY.)

MC 134134 (Sub-54F), filed December 19, 1979. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Ave., Omaha, NE 68107. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Transporting *Aluminum sheet, coil, foil, and scrap,* from the facilities of Aluminum Company of America, at or near Lebanon, PA, to points in IL, IN, IA, KY, MI, MO, NE, OH, TN, and WI. (Hearing site: Pittsburgh, PA.)

MC 135234 (Sub-18F), filed December 20, 1979. Applicant: TRENCO, INC., 2109 Marydale Ave., P.O. Box 697, Williamsport, PA 17701. Representative: E. Stephan Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. *Contract carrier,* transporting (1) *electric cable and aluminum articles,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities in (1) above, (except commodities in bulk), between the facilities of Alcan Aluminum Corporation, at or near Sedalia, MO, on the one hand, and, on the other, points in the United States (except AK, and HI), under contract(s) with Alcan Aluminum Corporation, of Cleveland, OH. (Hearing site: Cleveland, OH.)

MC 135524 (Sub-87F), filed December 17, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *lumber, lumber mill products, forest products, and wood products,* from points in ID, MT, OR, SD, WA, and WY, to those points in the United States and east of MO, AR, IA, LA, and MN. (Hearing site: Columbus, OH, or Portland, OR.)

MC 135524 (Sub-98F), filed December 20, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting (1) *gypsum, gypsum products, and building materials, and* (2) *materials, equipment and supplies used in the manufacture, installation and distribution of commodities named in* (1) *above,* between the facilities of Georgia Pacific Corporation, at or near (a) Akron and Buchanan, NY, (b) Delair, NJ, (c) Milford, VA, (d) Quakertown, PA, and (e) Wilmington, DE, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Columbus, OH, or Philadelphia, PA.)

MC 135524 (Sub-99F), filed December 20, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *lumber* from the facilities of Newman Lumber Company, at or near Gulfport, MS, to those points in the United States in and east of AL, IA, LA, MN, and MO. (Hearing site: Columbus, OH, or New Orleans, LA.)

MC 135524 (Sub-100F), filed December 20, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *residential heating and cooling units,* from Elyria, OH, to points in the United States (except AK, and HI). (Hearing site: Columbus, or Cleveland, OH.)

MC 135524 (Sub-102F), filed January 2, 1980. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *lumber, lumber mill products, forest products, wood products,* and *sawmill products,* from points in CA, ID, MT, OR, and WA, to points in the United States (except AK, and HI). (Hearing site: Columbus, OH or Portland, OR.)

MC 135185 (Sub-43F), filed December 19, 1979. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 15246, 1720 East Garry Ave., Santa Ana, CA 92705. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Contract carrier,* transporting (1) *Paints, stains, varnishes, and polyurethane finishings* (except in bulk), from Flora, IL, to the facilities of Lehn and Fink Products Co., a Division of Sterling Drug, Inc., at or near Belle Mead, NJ; (2) *Disinfectants and deodorant compounds* (except in bulk), from Chicago and North Chicago, IL, to points in WA, CA, TX, NJ, FL, and OH; (3) *Cannisters,* from the facilities of Milton Can Co., at or near Cranbury, NJ, to Chicago and North Chicago, IL; and (4) *Sodium sulfate* in bags, from the facilities of International Salt Co. at or near Loveland, TN, and the facilities of Prior Chemical Co., at or near Kings Mountain and Bessemer City, NC, to Chicago and North Chicago, IL, under a continuing contract(s) with Lehn & Fink Products, Co., a Division of Sterling Drug, Inc., of Montvale, NJ. (Hearing site: New York City, NY, or Chicago, IL.)

MC 139485 (Sub-20F), filed December 19, 1979. Applicant: TRANS CONTINENTAL CARRIERS, a corporation, 2761 East White Star, Anaheim, CA 92803. Representative: David P. Christianson, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. *Contract carrier,* transporting *building materials,* between points in MD and PA, and those in Medina County and Cuyahoga County, OH, on the one hand, and, on the other, points in the United States (except AK, and HI), under a continuing contract(s) with Donn Products, Inc., of Westlake, OH. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 139495 (Sub-511F), filed December 18, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in the United States (except AK, and HI), restricted to the transportation of traffic originating at or destined to the facilities of The Scott & Fetzer Company. (Hearing site: Washington, D.C.)

MC 139495 (Sub-512F), filed December 18, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative; Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *pipe, pipe fittings, castings, water and valve boxes and accessories,* from the facilities of The Central Foundry Company, at or near Holt, AL, to points in the United States (except AK, and HI). (Hearing site: Washington, DC.)

MC 139495 (Sub-513F), filed December 19, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *Meats, meat products, meat by-products, and articles distributed by meat packing houses,* from Palestine, TX, to points in the United States (except AK, and HI). (Hearing site: Washington, DC.)

MC 139615 (Sub-31F), filed December 12, 1979. Applicant: D. R. S. TRANSPORT, INC., P.O. Box 29, Oskaloosa, IA 52577. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *pipe, fittings, valves, and hydrants, and materials and supplies used in the installation of the foregoing commodities* (except commodities in bulk), from the facilities of Clow Corporation, at or near Coshocton, OH, to points in the United States (except AK, and HI). (Hearing site: Chicago, IL.)

MC 140665 (Sub-83F), filed December 20, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting *general commodities* (except articles of unusual value, class A and B explosives, household goods as defined by the Commission, articles requiring special equipment, and commodities in bulk), between the facilities used by the Union Carbide Corporation, Corporate Distribution Center, in Chicago, IL, on the one hand, and, on the other, those points in the United States in and west of ND, SD, IA, MO, AR, and LA (except AK, and HI), restricted to traffic originating at or destined to the above facility. (Hearing site: Washington, DC, or Chicago, IL.)

MC 141804 (Sub-321F), filed December 17, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *such commodities* as are dealt in or used by retail music stores and home entertainment stores, between points in the United States (except AK, and HI), restricted to the transportation of traffic originating at or destined to the facilities of Pickwick International and its vendors. (Hearing site: Los Angeles, CA.)

MC 143274 (Sub-5F), filed December 17, 1979. Applicant: BILLY P. RUPPE, d.b.a., RUPPE MOTOR LINES, 309 Kraft St., Gaffney, SC 29340. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *Contract carrier,* transporting (1) *bathroom cabinets, plastic articles, plastic materials,* and (2) *materials, equipment and supplies* used in the manufacture and sale of the commodities named in (1) above, between Norcross, GA, and Gaffney, Greenville, and Inman, SC, on the one hand, and, on the other, points in the United States (except AK, and HI), under a continuing contract(s) with

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Southeastern-Kusan, Inc. (Hearing site: Greenville, SC.)

MC 143394 (Sub-2F), filed December 20, 1979. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same address as applicant). *Contract carrier*, transporting *foodstuffs*, from the facilities of Knouse Foods, Inc. at points in Adams, Cumberland, Dauphin, Franklin and York counties, PA, to points in AL, FL, GA, LA, and MS, under a continuing contract(s) with Knouse Foods, Inc., of Peach Glen, PA. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 143775 (Sub-133F), filed December 18, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting (1) *Welding rods, castings, metal alloys, and electric welding machines* and (2) *parts, supplies and equipment used in the manufacture, sale, and distribution thereof*, between the facilities of Stoody Co., at or near City of Industry, CA, Santa Fe Springs, CA, Pittsburgh, PA, and Houston, TX, on the one hand, and, on the other, points in the United States (except AK, and HI). NOTE: Dual operations may be involved. (Hearing site: Los Angeles, or San Francisco, CA.)

MC 143775 (Sub-134F), filed December 18, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting *Toilet Preparations and Soap* (except in bulk), from Pittsburgh, PA, to LaMirada, CA, Atlanta, GA, Dallas, TX, Stamford, CT, and Chicago, IL, restricted to the transportation of traffic originating at or destined to the facilities of or used by Clairol, Inc. (Hearing site: New York City, NY, or Washington, DC.)

Note.—Dual operations may be involved.

MC 144805 (Sub-3F), filed December 19, 1979. Applicant: M–K TRUCKING, INC., 810 First St. South, Hopkins, MN 55343. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. *Contract carrier*, transporting (1) *Beehives*, from Polson, MT, to points in the United States (except AK, and HI) and (2) *Material, equipment and supplies* used in the manufacture of beehives, from points in the United States (except AK, and HI), to Polson, MT, under a continuing contract(s) with Western Bee Supplies, Inc., of Polson, MT. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 147014 (Sub-2F), filed December 19, 1979. Applicant: TOM DONAHUE TRUCKING, INC., 2463 West St. Paul Ave., Milwaukee, WI 53233. Representative: Roger S. Bessey, 735 North Water St., Milwaukee, WI 53202. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), restricted to transportation of traffic moving on bills of lading of freight forwarders as defined by the Commission, between Milwaukee, WI, and Chicago, IL. (Hearing site: Milwaukee, WI, and Chicago, IL.)

MC 147524 (Sub-2F), filed July 23, 1979. Applicant: SINED LEASING, INC., 108 High St., Mt. Holly, NJ 08060. Representative: John F. Gough, 17th Floor, 1234 Market St., Philadelphia, PA 19107. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *liquid sugar*, in bulk, (a) from Baltimore, MD, to Akron, Cleveland, Elyria, Youngstown, and Dayton, OH, Lynchburg, Hollins, and Roanoke, VA, Elkin, Winston-Salem, and Greensboro, NC, and Nitro, WV, (b) from Chicago, IL, to Dayton, Akron, Maple Heights, Athens, and Columbus, OH, and Detroit, MI, (c) from New York, NY, to Pittsburgh, PA, Chicago, IL, and Twinsburg, OH, (d) from Cincinnati, OH, to Dayton, OH, (e) from Yonkers, NY, to Cheverly, MD, (f) from Lafayette, IN, to Twinsburgh, OH, (h) from Argo, IL, to Cincinnati, Dayton, and Athens, OH, and (j) from Brooklyn, NY to Akron, Maple Heights, and Athens, OH, (2) *dry sugar*, in bulk, from New York, NY and Boston, MA, to Buffalo, NY, (3) *liquid corn syrup*, in bulk, (a) from Hammond, IN, to New York, NY, Fogelsville, PA, Baltimore, MD, and Frazer, PA, and (b) from Chicago, IL, to Fogelsville, NY, (4) *dry flour*, in bulk, from Buffalo, NY, to points in NH, CT, MA, PA, NJ, and MD, (5) *dry flour*, in bags, from Buffalo, NY, to New York, NY, and points in NJ and PA, and (6) *dry corn starch*, in bulk, from Hammond, IN, to Fogelsville, PA, under continuing contracts with (i) Beverage Management, Inc., of Columbus, OH, (ii) Revere Sugar Corp., of Brooklyn, NY, (iii) GCC Beverages, Inc., of Miami, FL, (iv) F & M Schaefer Brewing, Inc., of Fogelsville, PA, (v) Standard Milling Company, of Kansas City, MO, and (vi) American Maize Products Co., of Hammond, IN. (Hearing site: Philadelphia or Harrisburg, PA.)

MC 148435 (Sub-2F), filed December 17, 1979. Applicant: ED OCHYLSKI d.b.a. ERO TRANSIT LINES, P.O. Box 09093, 4224 S. Racine, Chicago, IL 60609. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting (1) *meats and meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from the facilities of The Illinois Meat Company, at or near Des Moines, IA and Chicago, IL, to points in MN, MO, IL, IN, IA, OH, PA, NY, MA, NJ, WI, NE, and MI; and (2) *packinghouse supplies and equipment* from points in MN, MO, IL, IN, IA, OH, PA, NY, MA, NJ, WI, NE, and MI, to the facilities of The Illinois Meat Company, at or near Des Moines, IA and Chicago, IL. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 148805 (Sub-1F), filed January 2, 1980. Applicant: POLAND SPRING LEASING CORPORATION, Poland Spring, ME 04274. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. To operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: (1) *Water*, in containers, and (2) *equipment, material and supplies* used in the bottling and distribution of water, between Poland Spring, ME, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA, under a continuing contract(s) with Poland Spring, Inc., of Poland Spring, ME. (Hearing site: Portland, ME.)

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Decided: Feb. 5, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman, and Jensen. Member Jensen not participating.

MC 2934 (Sub-49F), filed September 6, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: James L. Beattey, 130 East Washington Street, Suite One Thousand, Indianapolis, IN 46204. Transporting (1) *furniture and household fixtures*, and (2) *materials and supplies* used in the manufacture, installation, and distribution of the commodities in (1) above, (a) from the facilities of Triangle Pacific Corporation, at or near Union City, IN, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, and RI; (b) from the facilities of Excel Wood Products, at or near (i) Lakewood, NJ, and (ii) Shelbyville, IN, to points in the United States (except AK and HI), (c) from the facilities of Yorktown Kitchen Cabinets, at or near York and Mifflinburg, PA, to those points in the United States in and east of TX, OK, KS, NE, IA, and MN, and (3) from the facilities of Aristokraft, at or near Jasper, IN, to points in PA, NY, CT, MO, KS, AR, MA, MD and DC. (Hearing site: Indianapolis, IN.)

MC 5285 (Sub-8F), filed September 5, 1979. Applicant: BAYSE TRANSPORTATION SERVICE, INC., P.O. Box 1002, Salem, VA 24152. Representative: Charles W. Bayse (same address as applicant). Transporting (1) *industrial machinery* the transportation of which requires, by reason of size or weight, the use of special equipment, (2) *contractors' equipment, materials and supplies*, and (3) *storage vans*, between those points in VA on, south, and west of a line beginning at the VA–WV State line and extending along US Hwy 33 to junction US Hwy 29, and then along US Hwy 29 to the VA–NC State line, and points in WV, TN, and KY. (Hearing site: Roanoke, VA.)

MC 30844 (Sub-655F), filed September 7, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). Transporting *iron and steel castings*, from Chicago, IL, and Milwaukee, WI, to Waterloo and Charles City, IA. (Hearing site: Chicago, IL.)

MC 53965 (Sub-164F), filed September 7, 1979. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Post Office Drawer 1387, Salina, KS 67401. Representative: Bruce A. Bullock (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Ft. Worth, TX, and Amarillo, TX, over U.S. Hwy 287, serving no intermediate points, and serving Dallas, TX as an off-route point. (Hearing site: Dallas, TX.)

Note.—Applicant intends to tack this authority with presently held authority.

MC 60014 (Sub-146F), filed September 5, 1979. Applicant: AERO TRUCKING INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Transporting (1) *iron and steel articles*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of iron and steel articles, from the facilities of United States Steel Corporation, at (a) Fairfield, AL, and (b) Baytown, Garland, and Orange, TX, to those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Washington, DC.)

MC 60014 (Sub-150F), filed September 5, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Transporting *hydraulic cylinders, and components* for hydraulic cylinders, from the facilities of Iowa Industrial Hydraulics, Inc., at Pocahontas, IA, to Franklin, PA. (Hearing site: Washington, DC.)

MC 61955 (Sub-26F), filed September 7, 1979. Applicant: CENTROPOLIS TRANSFER CO., INC., 701 North Sterline, Sugar Creek, MO 64054. Representative: Frank W. Taylor, Jr., Suite 600, 1211 Baltimore Avenue, Kansas City, MO 64105. Transporting *cement*, in bulk, from the facilities of Missouri Portland Cement, at Kansas City, MO, to Woodson, AR, and points in Grant and Jefferson Counties, AR. (Hearing site: Kansas City or St. Louis, MO.)

MC 82735(Sub-5F), filed July 27, 1979, previously noticed in the Federal Register issue of February 26, 1980. Applicant: HUDSON-BERGEN TRUCKING CO., a corporation, 200 Central Ave., Teterboro, NJ 07608. Representative: Charles J. Williams, 1815 Front St., Scotch Plains, NJ 07076. *Contract carrier*, transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Marschall Warehouse Company, at Teterboro and South Hackensack, NJ, on the one hand, and, on the other, points in DE, IL, IN, ME, MD, MI NH, OH, VT, VA, WV, and DC, under continuing contract(s) with Marshall Warehouse Company, of Teterboro, NJ. (Hearing site: Newark, NJ, or New York, NY.)

Note.—This republication corrects the commodity description.

MC 97244 (Sub-3F), filed September 10, 1979. Applicant: MASS. TRANSPORTATION, INC., 167 Sidney Street, Cambridge, MA 02139. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting (1) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the commission, and commodities requiring special equipment), between points in MA; (2) *liquid chocolate*, in bulk, from Mansfield, MA, to Philadelphia, PA and points in Richmond County, NY; (3) *corn syrup*, in bulk, from Boston, MA, to points in ME and NH; (4) *liquid sugar*, in bulk, between Boston, MA, and New York, NY; (5) *corn sweeteners*, in bulk, from Boston, MA, to points in MA, ME, NH, VT, CT, and RI; and; (6) *vegetable oils and corn syrup*, in bulk, (a) from Cambridge, MA, to points in MA, ME, NH, CT, RI, NJ, NY, PA, and MD, and (b) from Elizabeth, NJ, to points in MA, ME, NH, CT, and RI. (Hearing site: Boston, MA.)

MC 106674 (Sub-67F), filed September 10, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting (1) *plastics, plastic articles, and facing tile*, (2) *materials, equipment, and supplies* used in the manufacture and installation of the commodities named in (1) above, between Overland Park, KS, Tustin, CA, Washington, IN, St. Louis, MO, and Xenia, OH, on the one hand, and, on the other, points in the United States, (except AK and HI). (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 110325 (Sub-109F), filed September 10, 1979. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Frank W. Taylor, Jr., Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Gibbons Creek Power Plant, at or near Carlos, TX as an off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Bryan or Houston, TX.)

MC 111375 (Sub-117F), filed September 7, 1979. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Bernard J. Kompare, Suite 1600, 10 S. LaSalle Street, Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by grocery, drug, and hardware business houses and retail chain stores (except commodities in bulk), from the facilities of Colgate-Palmolive Company, at or near Berkeley, CA, to points in OR and WA, restricted to the transportation of traffic originating at the above-named origins. (Hearing site: San Francisco, CA.)

MC 111545 (Sub-292F), filed September 10, 1979. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6428, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as above). Transporting (1) *new construction, road-building, earth-moving, excavating, loading, maintenance logging, and mining equipment*, tractors (except truck tractors), *pipelayers, generators, internal combustion engines, and*

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MC 135524 (Sub-65F), filed September 6, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Avenue, Youngstown, OH 44501. Representative: George F. Fedorisin, 914 Salts Springs Road, Youngstown, OH 44509. Transporting (1) *precut log and wooden buildings, knocked down,* and (2) *materials and supplies* used in the construction, installation and erection of the commodities in (1) above, from the facilities of Real Log Homes, near Missoula, MT, on the one hand, and on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Columbus, OH, or Billings, MT.)

MC 138875 (Sub-237F), filed September 5, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). Transporting *diatomaceous earth and ground clay* (except commodities in bulk), from points in OR, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-238F), filed September 5, 1978. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). Transporting *dehydrated potatoes* (except in bulk), from Rupert, ID, to the facilities used by Ore-Ida Foods, Inc., at or near Plover, WI, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-239F), filed September 5, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). Transporting *adhesives, caulking, cement, and cleaning compounds, mastic emulsions, sealing material and solvents* (except commodities in bulk), from points in IL, to points in AZ, CA, ID, MT, NV, OR, UT, and WA. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-240F), filed September 5, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). Transporting *pulpboard, fibreboard, and boxes*, from the facilities of Container Corporation of America, at points in CA, to points in Umatilla and Malheur Counties, OR, and points in ID and UT, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: San Francisco, CA, or Boise, ID.)

MC 138875 (Sub-241F), filed September 5, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). Transporting (1) *chemicals*, and (2) *materials* and *supplies* used in the manufacture, installation and distribution of roofing and energy conservation product, from points in CA, to points in ID. (Hearing site: Boise, ID, or Washington, DC.)

MC 139395 (Sub-8F), filed September 10, 1979. Applicant: BULK TRANSIT CORP., 7177 Industrial Parkway, Plain City, OH 43064. Representative: Andrew Jay Burkholder, 275 East State Street, Columbus, OH 43215. Transporting *lime*, in bulk, from points in Knox County, TN, to Carrollton, KY, and those points in OH and IN south of U.S. Highway 30. (Hearing site: Columbus, OH.)

MC 139495 (Sub-480F), filed September 6, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions In Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Illini Beef Packers, Inc., at or near Geneseo and Joslin, IL to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 139495 (Sub-482F), filed September 7, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *such commodities* as are dealt in or used by grocery, food business, and agricultural feed business houses (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Ralston Purina Company. (Hearing site: Washington, DC.)

MC 140484 (Sub-61F), filed September 10, 1979. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, 2671 East Edison Avenue, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant) Transporting *flour* and *donut sugar topping* (except commodities in bulk), from the facilities of The Pillsbury Company, at or near Martel, OH, to Fort Lauderdale, Hollywood, Miami, and Orlando, FL. (Hearing site: Minneapolis, MN, or Washington, DC.)

MC 141675 (Sub-6F), filed September 4, 1979. Applicant: ECONOMY TRUCKING SERVICE, INC., 1079 West Side Avenue, Jersey City, NJ. Representative: Arthur Liberstein, 888 Seventh Avenue, New York, NY 10019. To operate as a *contract carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by department stores (except commodities in bulk), between New York, NY, and points in NJ, CT, and MA, on the one hand, and, on the other, Shreveport, Baton Rouge, and Minden, LA, under continuing contract(s) with a Selber Brothers, Inc., (b) Goudchaux's, Inc. and (c) West & Company of La., Inc., Gibson Products Co. (Hearing site: New York, NY.)

MC 142935 (Sub-9F), filed September 7, 1979. Applicant: PLASTIC EXPRESS, a Corporation, 2999 La Jolla Street, Anaheim, CA 92806. Representative: Richard C. Celio, 1415 W. Garvey Avenue, Suite 102, West Covina, CA 91790. Transporting *petroleum products*, from points in Los Angeles and Orange Counties, CA, to points in AZ and NV. (Hearing site: Los Angeles, CA.)

MC 143775 (Sub-112F), filed September 6, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ. 85301. Representative: Michael R. Burke (same address as applicant). Transporting plastic pellets, *plastic granules and plastic flakes* (except commodities in bulk), from Houston and Beaumont, TX, to points in CA, UT, NV, OR, and WA. (Hearing site: Dallas, TX, or Washington, DC.)

Note.—Dual operations may be involved.

MC 143775 (Sub-113F), filed September 7, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting *general commodities*, (except classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in vehicles equipped with mechanical refrigeration, between the facilities of Baltimore Shippers and Receivers Association, Inc., at Baltimore, MD, on the one hand, and, on the other, those points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI). (Hearing site: Phoenix, AZ.)

Note.—Dual operations may be involved.

generator engines, (2) *accessories, attachments, and parts* for the commodities in (1) above, between Portsmouth, VA, on the one hand, and, on the other, points in the United States (including AK but excluding HI). (Hearing site: Chicago, IL, or Washington, PA.)

MC 112304 (Sub-214F), filed September 10, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: John D. Herbert (same address). Transporting (1)(a) *electric light poles and electric wire poles*, (b) *parts, accessories and supplies* used in the installation or operation of the commodities in (1)(a) from the facilities of K–W Industries, at Houston, TX, and (b) in Fort Bend County, TX, to points in the United States (except AK and HI), and (2) *equipment, materials and supplies* (except commodities in bulk) used in the manufacture or production of commodities in (1) above, in the reverse direction. (Hearing site: Houston, TX, or Washington, DC.)

MC 113974 (Sub-63F), filed September 5, 1979. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, PA 15034. Representative: James D. Porterfield (same address as applicant). Transporting *lumber* and *composition board*, from points in Penobsot County, ME, to points in CT, DE, FL, GA, IN, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WV, and DC. (Hearing site: Washington, DC.)

MC 113974 (Sub-65F), filed September 5, 1979. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, PA 15034. Representative: James D. Porterfield (same address as applicant). Transporting *sawmill machinery* and *parts* for sawmill machinery, from Concord, NH, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 114334 (Sub-66F), filed September 10, 1979. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3710 Trulane, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis,TN 38103. Transporting *iron and steel articles*, from the facilities of Inland Steel Company, at East Chicago, IN, to points in AR, KY, MO, and TN. (Hearing site: Memphis, TN.)

MC 115954 (Sub-1F), filed September 7, 1979. Applicant: CARTER'S OF CLOQUET, INC., D/B/A CARTER TRUCKING DIVISION, Industry Avenue, Cloquet, MN 55720. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *coal*, (1) from Duluth, MN, to those points in WI, on, west, and north of a line beginning at Hurley, WI, and extending along U.S. Hwy 51 to junction U.S. Hwy 8, and then along U.S. Hwy 8 to the WI–MN State line; and (2) from Superior, WI, to those points in MN, on and bounded by a line beginning at Onamia, MN and extending along MN Hwy 27 to junction U.S. Hwy 71, then along U.S. Hwy 71 to International Falls, MN, and then only U.S. Hwy 169 to Onamia. (Hearing site: Minneapolis, MN.)

MC 116254 (Sub-293F), filed September 7, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same address as above). Transporting *chemicals*, in bulk, in tank vehicles, from the facilities of Witco Chemical Corporation (Argus Division), at Taft, LA, to points in AR, DE, IL, IN, KY, MA, MI, NJ, NY, NC, OH, PA, SC, TN, VA, and TX. (Hearing site: Nashville, TN, or Washington, DC.)

MC 116254 (Sub-294F), filed September 7, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same address as above). Transporting (1) *cast iron pipe, fittings, valves, hydrants*, and *castings*, and (2) *accessories* and *parts*, for the commodities in (1) above, from the facilities of U.S. Pipe and Foundry, at Birmingham and Bessemer, AL, to points in IL, IN, MI, OH, and WI. (Hearing site: Nashville, TN, or Washington, DC.)

MC 116254 (Sub-295F), filed August 31, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same address as above). Transporting *steel piping* and *pile driving equipment*, between the facilities of Mississippi Valley Equipment Company, Inc., at (a) Belle Chase, LA, (b) Darien, CT, (c) Jacksonville, FL, (d) St. Louis, MO, (e) Louisville, KY, (f) Denver, CO, (g) Ontario, CA, (h) Seattle, WA, (i) Chicago, IL, (j) Kansas City, KS, (k) Harvey, and Reserve, LA, (l) Southfield, MI, (m) Pittsburgh, PA, (n) Memphis, TN, and (o) Houston, TX, on the one hand, and, on the other, points in the United States (including AK, but except HI). (Hearing Site: Jacksonville, FL or Washington, DC.)

MC 118535 (Sub-145F), filed September 7, 1979. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, Butler, MO 64730. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting (1) *lead, lead products* and *containers*, from Anoka and Minneapolis, MN, to Lonoke, AR, and (2) *lead shot*, from Lonoke, AR, to Anoka, MN. (Hearing Site: Minneapolis, MN.)

MC 121664 (Sub-97F), filed September 6, 1979. Applicant: HORNADY TRUCK LINE, INC., P. O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35201. Transporting *iron* and *steel articles* and *Aluminum articles*, from points in TX, LA, MS, AL, GA, MO, IL, TN, and IN, to Little Rock, AR. (Hearing site: Birmingham, AL.)

MC 123405 (Sub-73F), filed September 7, 1979. Applicant: FOOD TRANSPORT, INC., R. D. #1, Thomasville, PA 17364. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Transporting *cheese*, from the facilities, of Leprino Foods Company, at or near Horseheads and Waverly, NY, to points in FL, GA, IN, MD, MS, NC, OH, PA, SC, TN, TX, and VA, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Washington, DC.)

MC 124835 (Sub-19F), filed September 5, 1979. Applicant: PRODUCERS TRANSPORT CO., a corporation, P. O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same as applicant). Transporting *chemicals*, in bulk, in tank vehicles, from Cartersville, GA, to those points in the United States, in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Atlanta, GA or Washington, DC.)

MC 129305 (Sub-3F), filed September 10, 1979. Applicant: D & L CORPORATION, P.O. Box 58, Provo, UT 84601. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *iron* and *steel articles* from points in CA, to points in UT and CO under continuing contract(s) with Brown-Strauss, division of Azcon Corp., of Pleasant Grove, UT. (Hearing site: Salt Lake City, UT.)

MC 135524 (Sub-59F), filed September 6, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Avenue, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Road, Youngstown, OH 44509. Transporting *lumber, particleboard, composition board, poles, piling, pallets, timbers, and crossties*, from Mobile, AL, New Orleans, LA and Baltimore, MD, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Columbus, OH or Washington, DC.)

MC 144345 (Sub-15F), filed September 6, 1979. Applicant: DON'S FROZEN EXPRESS, INC., 3820 Airport Way, Caldwell, ID 83605. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Transporting (1) *foodstuffs, foodstuff containers, and supplies* used in the packaging of foodstuffs, in vehicles equipped with mechanical refrigeration, between the storage facilities of J. R. Simplot Company, at (a) Hermiston, OR, (b) Caldwell, Nampa, Burley, Aberdeen, Idaho Falls and Heyburn, ID, and (c) Clearfield, UT, on the one hand, and, on the other, points in AZ, CA, NV, UT, ID, and WA. (Hearing site: Boise, ID.)

MC 144635 (Sub-1F), filed September 6, 1979. Applicant: H AND S TRANSFER, INC., 710 Stony Hollow Boulevard, Steubenville, OH 43952. Representative: Andrew Jay Burkholder, 275 East State Street, Columbus, OH 43215. Transporting (1) *iron and steel articles* and (2) *equipment, materials and supplies* used in the manufacture of iron and steel and iron and steel articles, between points in Weirton, WV, and Steubenville, OH, on the one hand, and, on the other, points in OH, IN, MI, IL, and KY. (Hearing site: Columbus, OH.)

MC 145664 (Sub-13F), filed September 6, 1979. Applicant: STALBERGER, INC., 223 South 50th Avenue West, Duluth, MN 55808. Representative: John M. LeFevre, 4610 IDS Center, Minneapolis, MN 55403. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *plywood* and *laminated panels*, from the port of entry on the United States-Canada international boundary line, at or near Grand Portage, MN, to points in MN, KS, MI, NC, CA, IL, MD, VA, TN, IN, PA, OH, and WI. (Hearing site: Minneapolis or Duluth, MN.)

MC 146005 (Sub-1F), filed September 7, 1979. Applicant: BUTLER TRUCKING COMPANY, P.O. Box 88, Woodland, PA 16881. Representative: E. Steward Butler (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *lumber and lumber products*, between points in PA, VA, NC, SC, WV, KY, TN, IL, MA, CT, RI, VT, and NH, under continuing contract(s) with Matson Lumber Company, of Brookville, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 146875 (Sub-3F), filed September 5, 1979. Applicant: K. & L. GRAIN, INC., R. R. 2, Box 32A, Franklin, IN 46131. Representative: Richard E. Aikman, Jr., 300 Merchants Bank Building, Indianapolis, IN, 46204. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *dry fertilizer*, from the facilities of Smith-Douglas Division of Borden Chemical, Borden, Inc., at Streator, IL, to points in IN, under continuing contract(s) with Smith-Douglas Division of Borden Chemical, Borden, Inc., of Norfolk, VA. (Hearing site: Indianapolis, IN.)

MC 147505 (Sub-2F), filed September 10, 1979. Applicant: WILLIAM H. MARTIN, d.b.a. MARTIN TRUCKING, Route 3, Box 75, Council Bluffs, IA 51501. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Transporting *carbonated beverages*, from Omaha, NE, to points in MN, ND, SD, IA, and WI. (Hearing site: Omaha, NE.)

MC 148085 (Sub-1F), filed September 10, 1979. Applicant: M. LOWENSTEIN & SONS, INC., P.O. Box 10352, Rock Hill, SC 29730. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC. 20036. Transporting: *chemicals*, from the facilities of Pfister Chemical, Inc., at Newark and Ridgefield, NJ, to Charlotte, NC. (Hearingsite: Charleston, SC.)

MC 148255F, filed September 10, 1979. Applicant: FLORIDA-EASTERN U.S. VAN LINES, INC., 215 Wood Street, Conshohocken, PA. Representative: Robert J. Gallagher, Esq., 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. Transporting *household goods*, as defined by the Commission, between points in Philadelphia, Delaware, Chester, Montgomery, Bucks, Northampton, Lehigh, Berks, Lebanon, Lancaster, and Dauphin Counties, PA, points in NJ (except points in Sussex, Passaic and Bergen Counties), and points in New Castle County, DE, on the one hand, and, on the other, points in FL, GA, SC, and NC. (Hearing site: Philadelphia, PA, or Washington, DC.)

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Decided: March 4, 1980.

By the Commission, Review Board Number 1. Members Carleton, Joyce and Jones.

MC 2934 (Sub-50F), filed September 25, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, IN 46204. Transporting *new furniture*, from points in Worcester County, MA, to points in AL, AR, IA, KS, LA, MI, MN, MS, MO, OH, TX, and WI. (Hearing site: Indianapolis, IN.)

MC 4405 (Sub-615F), filed September 24, 1979. Applicant: DEALERS TRANSIT, INC., P.O. Box 236, Tulsa, OK 74101. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *incinerators, stacks, and parts* for incinerators and stacks, from the facilities of Consumat Systems, Inc., at or near Mechanicsville, VA, to points in the United States (except AK and HI). (Hearing site: Richmond, VA, or Washington, DC.)

MC 8544 (Sub-39F), filed September 24, 1979. Applicant: GALVESTON TRUCK LINE CORPORATION, 7415 Wingate, Houston, TX 77011. Representative: Joe G. Fender, 711 Louisiana, Suite 1150, Houston, TX 77002. Transporting *rubber*, and *rubber compounds*, from Port Neches, TX, to Stillwater, OK. (Hearing site: Dallas or Houston, TX.)

MC 13134 (Sub-73F), filed September 20, 1979. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45856. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Transporting *iron and steel articles*, from the facilities of Kentucky Electric Steel Co., at or near Coalton, KY, to points in AR, CA, CO, CT, DE, FL, ID, KS, ME, MD, MA, MT, NE, NV, NH, NJ, NM, NY, ND, OR, RI, SD, UT, VT, WA, WY, and DC. (Hearing site: Columbus, OH, or Charleston, WV.)

MC 30605 (Sub-166F), filed September 24, 1979. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman St., Wichita, KS 67202. Representative: J. M. Bourk (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Tyrone, NM, Holloman AFB, NM, and White Sands Missile Range, NM, as off-route points in connection with applicant's authorized regular-route operations. (Hearing site: Denver, CO.)

MC 52704 (Sub-250F), filed September 25, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Drawer H, LaFayette, AL 36862. Representative: Archie B. Gulbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. Transporting (1) *plastic containers, preforms*, and *base cups* for plastic containers, and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities in (1) above, (except

commodities in bulk), between ponts in AL, AR, FL, GA, KY, LA, MS, MC, OK, SC, TN, TX, VA and WV, restricted to the transportation of traffic originating at or destined to the facilities of INCON, a Division of The Glass Container Group of Indian Head, Inc. (Hearing site: Atlanta, GA.)

MC 60014 (Sub-151F), filed September 23, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *metal roof deck, metal siding, iron and steel articles, and accessories used in the installation of metal roof deck and siding*, from the facilities of the Vulcraft Division, Nucor Corporation, at or near Grapeland and Jewett, TX, St. Joe, IN, Norfolk, NE, Charlotte, MC, Florence, SC, and Ft. Payne, AL, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 105045 (Sub-117F), filed September 21, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Transporting (a) *aluminum and aluminum products*, from the facilities of Reynolds Metal Company, at Eastman, GA, to points in AL, AR, AZ, CA, FL, IL, IN, KY, LA, MS, MO, NV, NJ, MC, OK, SC, and TX, and (b) *equipment, materials, and supplies* (except commodities in bulk), in the reverse direction. (Hearing site: Washington, DC.)

MC 109725 (Sub-13F), filed September 24, 1979. Applicant: K. F. CROCKER TRANSPORTATION COMPANY, INC., Jewell Hill Road, Ashby, MA 01431. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *wood chips, in bulk*, from points in Cheshire and Hillsborough Counties, NH, to Ticonderoga, NY. (Hearing site: Boston, MA, or Washington, DC.)

MC 110525 (Sub-1309F), filed September 20, 1979. Applicant: CHEMICAL LEAMON TANK LINES, INC., 520 East Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting (a) *chemicals*, in bulk, in tank vehicles, from the facilities of Union Carbide Corporation, at or near North Seadrift, TX, to points in the United States (except AK and HI), and (b) *acids, chemicals and petroleum products*, in bulk, in tank vehicles, from points in the United States (except AK and HI), to the facilities of Union Carbide Corporation at or near North Seadrift, TX. (Hearing site: Houston, TX.)

MC 110525 (Sub-1312F), filed September 21, 1979. Applicant: CHEMICAL LEAMON TANK LINES, INC., 520 East Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting (a) *acids and chemicals, in bulk, in tank vehicles, from the facilities of Union Carbide Corporation, at or near Brownsville, TX, to points in the United States (except AK and HI), and (b) acids, chemicals and petroleum products*, in bulk, in tank vehicles, from points in the United States (except AK and HI), to the facilities of Union Carbide Corporation, at or near Brownsville, TX. (Hearing site: Houston, TX.)

MC 113855 (Sub-499F), filed September 24, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting (1) *contractor's construction and mining machinery, equipment, materials, supplies and parts* (except commodities in bulk), between Pocatello, ID, on the one hand, and, on the other, points in AR, KS, LA, OK, and TX, (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Salt Lake City, UT.)

MC 114284 (Sub-83F), filed September 20, 1979. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, 1700 S. Portland, P.O. Box 82307, Oklahoma, City, OK 73108. Representative: John E. Jandera, 641 Harrison St., Topeka, KS 66603. Transporting *meats, meat products, meat by-products* and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides, skins, and commodities in bulk), from the facilities of Wilson Foods Corporation, at Omaha, NE, to points in OK, and TX, restricted to the transportation of traffic originating at the above named origin and destined to the named destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 116544 (Sub-180F), filed September 20, 1979. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Road, Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting (1) *malt beverages*, from the facilities of Miller Brewing Company, in Albany, GA, to points in AR, FL, IL, IA, KS, LA, MN, MS, MO, OK, TX, and WI, and (2) *materials, equipment and supplies* used in the manufacture of malt beverages in the reverse direction. Condition: The person who appears to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a)(1978) or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 119765 (Sub-93F), filed September 24, 1979. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th St., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides, and commodities in bulk), from the facilities of Union Packing Company, of Omaha, at Omaha, NE, to points in CA, FL, GA, KS, LA, MD, MA, ME, MO, NH, NJ, NY, OH, OK, and PA. (Hearing site: Omaha, NE.)

MC 119894 (Sub-15F), filed September 20, 1979. Applicant: BOWARD TRUCK LINE, INC., 104 Azar Bldg., Glen Burnie, MD 21061. Representative: M. Bruce (same address as applicant). Transporting *electric lamps* and *lighting equipment*, from the facilities of the General Electric Company, Lamp Division, at or near Winchester and Kernstown, VA, to Staunton, VA. (Hearing site: Winchester, VA.)

Note.—Applicant intends to tack at Staunton VA to provide a through service to points in NC and SC. The purpose is to substitute single-line service for existing joint-line service.

MC 119974 (Sub-87F), filed September 20, 1979. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 949 Advance St., Green Bay, WI 54304. Representative: L. F. Abel, P.O. Box 949, Green Bay, WI 54305. Transporting *meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at Omaha, NE, to points in IL, IN, IA, KY, MI, MN, MO, OH, and WI, restricted to the transportation of traffic originating at the above named

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origin and destined to the above named destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 121654 (Sub-34F), filed September 24, 1979. Applicant: COASTAL TRANSPORT & TRADING CO., a corporation, P.O. Box 7438, Savannah, GA 31408. Representative: Alan E. Serby, 3390 Peachtree Road, NE., 5th Floor, Lenox Towers South, Atlanta, GA 30326. Transporting (1) *roofing and building materials*, and (2) *materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials, between the facilities of Georgia-Pacific Corporation, Gypsum Division, at or near Hampton, GA, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, MS, NC, SC, TN, and VA. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a)(1978), or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Atlanta, Ga.)

Note.—Dual operations may be involved.

MC 121664 (Sub-98F), filed September 25, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35201. Transporting (1) *pipe, fittings, valves, hydrants*, and (2) *materials and supplies* used in installation of the commodities in (1) above, from the facilities of the Clow Corporation, at Columbia, MO, to those points in the United States in and east of ND, SD, NE, KA, OK, and TX. (Hearing site: Birmingham, AL.)

MC 123294 (Sub-70F), filed September 21, 1979. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *corrugated paper products*, from the facilities of Akers Packaging Service, Inc., at Chicago, IL, to Florence, KY, and points in IN and OH. (Hearing site: Chicago, IL.)

MC 124554 (Sub-37F), filed September 20, 1979. Applicant: LANG CARTAGE CORP., P.O. Box 1465, Waukesha, WI 53187. Representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such merchandise* as is dealt in by retail mail order houses, (1) from Waukesha, WI, to points in Boone, Lake, McHenry, and Winnebago Counties, IL; and (2) from the facilities of Stanley Home Products, Inc., at Dubuque, IA, to points in Aitkin, Becker, Beltrami, Big Stone, Cass, Chippewa, Clay, Clear Water, Cook, Crow Wing, Douglas, Grant, Hubbard, Itasca, Kittson, Koochiching, Lac Qui Parle, Lake, Lake of the Woods, Lincoln, Lyon Mahnomen, Marshall, Murray, Nobles, Norman, Otter Tail, Pennington, Pipestone, Polk, Red Lake, Rock, Roseau, Stevens, Swift, Traverse, Wadena, Wilkin, and Yellow Medicine Counties, MN, under continuing contract(s) with Stanley Home Products, Inc., of Dubuque, IA. (Hearing site: Chicago, IL.)

MC 124554 (Sub-38F), filed September 19, 1979. Applicant: LANG CARTAGE CORP., P.O. Box 1465, Waukesha, WI 53187. Representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products, packaging supplies, and industrial, institutional, and commercial cleaning and maintenance supplies*, (1) from La Crosse, WI, to points in IA and MN; and (2) from Rochester, MN, to points in IA and WI; restricted, in (1), above, to transportation under continuing contract(s) with Schilling Paper Co., of La Crosse, WI, and in (2) above, to transportation under continuing contract(s) with Dieter Paper Co., of Rochester, MN. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 127745 (Sub-6F), filed September 20, 1979. Applicant: GEORGE B. KING, d.b.a. KING TRANSFER, 714 Pearl Street, Onawa, IA 51040. Representative: Robert A. Wichser, P.O. Box 417, Sioux City, IA 51102. Transporting (1) *farm machinery, implements, and equipment*, from Onawa and Smithland, IA, to points in CO, IL, IN, IA, MI, MN, MO, MT, ND, SD, WA and WI, and (2) *materials, supplies, and equipment* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Omaha, NE, or Washington, D.C.)

MC 129704 (Sub-5F), filed September 21, 1979. Applicant: CLARENCE B. BLANKENSHIP, d.b.a. TROY CAB CO., 2136 Burdic, Troy, MI 48084. Representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, MI 48080. Transporting *auto parts, and materials, supplies, and equipment* used in the manufacture of motor vehicles, between points in Wayne, Macomb, Oakland, St. Clair, Washtenaw, Monroe, and Ionia Counties, MI, on the one hand, and, on the other, the facilities of TRW, Inc., at or near Greenville, NC, restricted to the movement of shipments not exceeding 1,500 pounds in weight from one consignor to one consignee in a single day. (Hearing site: Detroit, MI, or Washington, D.C.)

MC 133655 (Sub-184F), filed September 20, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *foodstuffs* (except in bulk), between Stillwater, OK, on the one hand, and, on the other, points in AL, CA, FL, GA, IL, KS, KY, LA, MI, MS, MO, OH, OR, TN, TX, and WA. (Hearing site: Chicago, IL.)

MC 134235 (Sub-25F), filed September 20, 1979. Applicant: KUHNLE BROTHERS, INC., P.O. Box 375, Newbury, OH 44065. Representative: Ronald W. Malin, Bankers Trust Building, Jamestown, NY 14701. Transporting (a) *salt and salt products*, from Silver Springs, NY, to points in NC and SC, (b) *salt and salt products, in packages*, from Silver Springs, NY, to points in CT, ME, MD, MA, NH, NJ, NY, PA, RI, VA and WV, (c) *salt and salt products*, from Fairport Harbor, OH, to points in CT, ME, MD, MA, the Upper Peninsula of MI, NH, NJ, NY, NC, RI, SC, and VA, and (d) *salt and salt products*, from Rittman, OH, to points in CT, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, RI, SC, VA, and WV. (Hearing site: Buffalo, NY, or Cleveland, OH.)

MC 136315 (Sub-87F), filed September 21, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. Transporting (1) *roofing and roofing materials*, (except commodities in bulk, in tank vehicles), from the facilities of Masonite Corporation-Roofing Division, at or near Meridian, MS, to points in NC, SC, VA, and WV, and (2) *equipment, materials, and supplies used in the manufacture and distribution of roofing and roofing materials*, (except commodities in bulk, in tank vehicles), in the reverse direction, restricted to the transportation of traffic originating at or destined to the facilities of Masonite Corporation-Roofing Division. (Hearing site: Jackson, MS, or Washington, DC.)

Note.—Dual operations may be involved.

MC 136315 (Sub-88F), filed September 21, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. Transporting (1) *concrete roofing tile and accessories* therefor, from the facilities of National Tile Industries, Inc., in Pottowatomie

County, OK, to those points in the United States in and east of TX, OK, KS, NE, SD, and ND, and (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities* in (1) above, in the reverse direction. (Hearing site: Oklahoma City, OK, or Washington, DC.)

Note.—Dual operations may be involved.

MC 136315 (Sub-89F), filed September 24, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. Transporting (1) *building and roofing materials, and materials, equipment and supplies used in the installation thereof*, (except in bulk, in tank vehicles), from the facilities of Tamko Asphalt Products, at or near (a) Frederick, MD, (b) Joplin, MO, (c) Phillipsburg, KS; and (d) Tuscaloosa, AL, to those points in the United States in and east of TX, OK, KS, NE, SD, and ND (except ME, VT, and NH), and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities in (1) above, (except in bulk, in tank vehicles), in the reverse direction. (Hearing site: Kansas City, KS, or Washington, DC.)

Note.—Dual operations may be involved.

MC 136545 (Sub-29F), filed September 23, 1979. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad Street, Prentice, WI 54556. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Transporting (1)(a) *pulpwood slashers*, and (b) *hydraulic loader grapples and material handling forks*, from the facilities of S & L Manufacturing Corp., at or near Ogema, WI, to points in the United States (except AK and HI), and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Milwaukee, WI, or Minneapolis, MN.)

MC 140484 (Sub-58F), filed September 20, 1979. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, 2671 Edison Ave., Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). Transporting *computer scales and parts and accessories* thereof (except commodities which because of size or weight require the use of specialized equipment), between the facilities of Reliance Electric Company, at or near Columbus and Worthington, OH, on the one hand, and on the other Charlotte, NC, and Spartanburg, SC. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 140755 (Sub-70F), filed September 24, 1979. Applicant: BRAY TRANSPORTS, INC., P.O. Box 270, 1401 N. Little Street, Cushing, OK 47023. Representative: Dudley G. Sherrill (same address as applicant). Transporting *alcohol*, from Kansas City, MO, to Wichita, KS. (Hearing site: Wichita, KS, or Kansas City, MO.)

MC 140755 (Sub-71F), filed September 24, 1979. Applicant: BRAY TRANSPORTS, INC., P.O. Box 270, 1401 N. Little Street, Cushing, OK 47023. Representative: Dudley G. Sherrill (same address as applicant). Transporting *alcohol*, from Decatur, IL, to points in KS. (Hearing site: Topeka, KS, or Kansas City, MO.)

MC 141205 (Sub-32F), filed September 21, 1979. Applicant: HUSKY OIL TRANSPORTATION COMPANY, a corporation, 600 South Cherry Street, Denver, CO 80222. Representative: F. Robert Reeder, James M. Elegante, P.O. Box 11898, Salt Lake City, UT 84147. *Contract carrier* transporting *crude oil, scrubber oil and condensate*, from points in Moffat, Routt, Rio Blanco, Garfield and Mesa Counties, CO, to the Husky Oil Refinery, at North Salt Lake, UT, under continuing contract(s) with Husky Oil Company, of Denver, CO. (Hearing site: Denver, CO.)

MC 141205 (Sub-33F), filed September 21, 1979. Applicant: HUSKY OIL TRANSPORTATION COMPANY, a corporation, 600 South Cherry Street, Denver, CO 80222. Representative: F. Robert Reeder, James M. Elegante, P.O. Box 11898, Salt Lake City, UT 84147. *Contract carrier* transporting *crude oil, scrubber oil and condensate*, from points in Fall River, Perkins and Harding Counties, SD, to Platte Pipeline injection station in Casper, WY, and the Husky Oil Company Refinery, at Cheyenne, WY, under continuing contract(s) with Husky Oil Company, of Denver, CO. (Hearing site: Denver, CO.)

MC 141914 (Sub-64F), filed September 21, 1979. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). Transporting *foodstuffs, paint and paint products, adhesives, and caulking compound* (except commodities in bulk), from the facilities of SCM Corporation, at (1) Shiremanstown and Parkesburg, PA, (2) Carrollton, TX, (3) Louisville, KY, and (4) Huron, Cleveland and Sharonville, OH, to points in the United States (except AK and HI) restricted to the transportation of traffic originating at the facilities of SCM Corporation. (Hearing site: Cleveland, OH.)

MC 141914 (Sub-65F), filed September 21, 1979. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). Transporting *such commodities* as are dealt in by wholesale and retail discount and variety stores, from points in AL, GA, FL, SC, NC, VA, WV, PA, NY, NJ, MA, CT, and CA, to the facilities of Wal-Mart Stores, Inc., at or near (1) Bentonville, Searcy, and Fort Smith, AR, and (2) Palestine, TX. (Hearing site: Bentonville, AR.)

MC 142145 (Sub-7F), filed September 24, 1979. Applicant: LINDSEY TRANSPORTATION, INC., P.O. Box 156, Lindsay, NE 68644. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier* transporting *such commodities as are dealt in by building materials dealers* (except commodities in bulk, in tank vehicles), from points in the United States (except AK and HI), to points in IA, MN, NE, and SD, under a continuing contract(s) with Hawkeye Building Supply Co., of Sioux City, IA. (Hearing site: Omaha, NE.)

MC 142575 (Sub-4F), filed September 21, 1979. Applicant: UNDERWOOD TRUCK LINES, INC., 21 South Depot (P.O. Box 100), Brazil, IN 47834. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN. Transporting (1) *trailers, and trailer chassis* (except trailers designed to be drawn by passenger automobiles), between points in the United States (except AK and HI), (2) *materials, equipment and supplies* used in the manufacture of commodities named in (1) above, from points in the U.S. (except AK and HI), to the facilities of Great Dane Trailers of Tennessee, Inc., at Memphis, TN, and Great Dane Trailers of Indiana, Inc., at Brazil, IN restricted in (1) and (2) to the transportation of traffic originating at or destined to the facilities of Great Dane Trailers, Inc., Great Dane Trailers of Tennessee, Inc., and Great Dane Trailers of Indiana, Inc. (Hearing site: Indianapolis, IN, or Memphis, TN.)

MC 142824 (Sub-3F), filed September 25, 1979. Applicant: CENTURY MOTOR EXPRESS, INC., 607 Howard Street, Mount Vernon, OH 43050. Representative: Stephen J. Habash, 100 East Broad Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes transporting (1) *pipes, ducts and fittings* used in heating and cooling and exhaust systems, and (2) *equipment, materials and supplies* used in the manufacture, installation and distribution of (1) above, between Mount Vernon, OH, on the one hand, and, on the other, points in CT, GA, IL, IN, IA, KY, MD, MA, MI, MN, MO, NY, NC, PA, SC, TN, VA, WV, WI, DE, NJ, and DC, under continuing

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contract(s) with L. B. Mt. Vernon, Inc., of Mount Vernon, OH. (Hearing site: Columbus, OH, or Washington, DC.)

MC 142905 (Sub-10F), filed September 24, 1979. Applicant: PETROLEUM TRANSPORTATION CORPORATION, 9717 East 42nd Street, Tulsa, OK 74145. Representative: Thomas N. Wilfess, 1000 Sixteenth Street, NW, Washington, DC 20036. Transporting *liquefied petroleum gas, and natural gasolines*, (1) from points in OK, to Conway, Hutchinson and Little River, KS, and (2) from Conway, Hutchison, KS, to points in OK. Condition: The authority granted here, to the extent it authorizes the transportation of liquified petroleum gas, is limited in point of time to a period ending five (5) years from the date of issuance. (Hearing site: Columbus, OH, or Washington, DC.)

MC 145435 (Sub-6F), filed September 24, 1979. Applicant: WESTERN AG INDUSTRIES, INC., 2750 North Parkway, Frensno, CA 93771. Representative: Roland J. Mefford (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), from the facilities of Real Fresh Milk, Inc., at (1) Visalia, CA, and (2) Horseheads, NY, on the one hand, and on the other, points in OR, WA, UT, CO, MO, IL, WI, MI, PA, NY, NJ, and GA, under a continuing contract(s) with Real Fresh Milk, Inc., of Visalia, CA. (Hearing site: Fresno, CA.)

MC 145454 (Sub-8F), filed September 23, 1979. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 2154 Green Valley Drive, Crown Point, IN 46307. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603. Transporting *canned, chilled, and frozen food*, from the facilities of Lykes Pasco Packing Company, at or near Dade City, FL, to points in IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, ND, OH, SC, SD, and WI. (Hearing site: Tampa, FL.)

MC 145525 (Sub-8F), filed September 24, 1979. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, P.O. Box 6977, Cleveland, OH 44101. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *aluminum, aluminum articles and aluminum products, and equipment, materials and supplies*, used in the manufacture of aluminum, aluminum articles, and aluminum products (except commodities in bulk), and (2) *metals, metal articles, and metal products, and equipment, materials and supplies* used in the manufacture of metals, metal articles, and metal products (except in bulk), between points in the United States (except AK and HI), under a continuing contract(s) with Alcan Aluminum Corporation, of Columbus, OH. (Hearing site: Columbus, OH.)

MC 146464 (Sub-3F), filed September 21, 1979. Applicant: NEVADA GENERAL TRANSPORTATION, INC., P.O. Box 1239, Lamoille, NV 89828. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Transporting *potato flakes* from Winnemucca, NV, to Portland, OR, Clearfield, UT, Shelley, ID, and points in CA. (Hearing site: Reno, NV, or Boise, ID.)

MC 147685 (Sub-2F), filed September 21, 1979. Applicant: BASSETT FURNITURE INDUSTRIES OF NORTH CAROLINA, INC., d.b.a. BASSETT TRUCKING COMPANY, P.O. Box 47, Newton, NC 28658. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract carrier* transporting *foodstuffs*, from the facilities of Welch Foods, Inc., in PA and NY to points in GA, FL, NC, SC, TN, VA, and WV, under continuing contract(s) with Welch Food, Inc., of Westfield, NY. (Hearing site: Charlotte or Newton, NC.)

MC 145765 (Sub-5F), filed September 25, 1979. Applicant: WIEST TRUCKLINE, INC., 1305 Sixth Ave., SW, Jamestown, ND 58401. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58107. Transporting (1) *building materials* and *asbestos cement pipe*, from the facilities of Johns-Mansville Sales Corp., at Waukegan, IL, and (2) *insulation board*, from the facilities of Johns-Manville Perlite Corp., at Rockdale, IL, to points in ND, SD, and MN. (Hearing site: Chicago, IL, or Minneapolis, MN.)

MC 147985 (Sub-2F), filed September 20, 1979. Applicant: TAYLOR BROS., INC., 1405 Ingram Street, P.O. Box 272, Springdale, AR 72764. Representative: Stanley W. Ludwig, P.O. Box 285, Springdale, AR 72764. Transporting (1) *paper and paper articles*, and (2) *burlap bags, in bales*, from the facilities of the Weyerhaeuser Company, at or near Pine Bluff, AR, the facilities of Continental Can Company, at or near Hodge, LA, the facilities of St. Regis Paper Company, at or near Monticello, MS, and Cantonment, FL, the facilities of Imperial Packaging Corporation, at or near Des Moines, IA, to points in IA, MN, and ND. (Hearing site: Little Rock, AR.)

MC 148285F, filed September 24, 1979. Applicant: A.L. COUEY, d.b.a. COUEY TRUCKING COMPANY, Industrial Boulevard at Southern Railway, P.O. Box 3244, Dalton, GA 30721. Representative: M.C. Ellis, 1001 Market St., Chattanooga, TN 37402. Transporting *general commodities* (except in bulk), between Atlanta, Cartersville, and Dalton, GA, and Chattanooga, TN, on the one hand, and, on the other, points Bartow, Catoosa, Chattooga, Dade, Floyd, Gordon, Murray, Walker, and Whitfield Counties, GA, and Hamilton County, TN, restricted to the transportation of shipments have an immediately prior or subsequent movement by rail. Condition: The authority granted here is limited in point of time to a period of five (5) years from the date of issuance. (Hearing site: Dalton, GA, or Chattanooga, TN.)

MC 148564F, filed September 20, 1979. Applicant: G. KAY, INC., P.O. Box 222, Geneva, NE 68361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *fertilizer compounds*, from Fairbury, NE, to points in AR, CO, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, ND, OH, OK, SD, TX, UT, WI, and WY. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

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Decided: March 14, 1980

By the Commission, Review Board Number 2. Members Eaton, Liberman and Jensen. Member Jensen not participating.

MC 2052 (Sub-24F), filed December 17, 1979. Applicant: BLAIR TRANSFER, INC., 203 South Ninth, Blair, NE 68008. Representative: Arlyn L. Westergren, Westergren & Hauptman, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting: *such commodities as are dealt in by food and drugs stores and food businesshouses* (except commodities in bulk, in tank vehicles) from the facilities of the The Proctor & Gamble Distributing Company at Chicago, IL to points in CO, IA, KS, MN, MO, NE, SD, and WI. (Hearing site: Cincinnati, OH or Omaha, NE.)

MC 2202 (Sub-623F), filed November 19, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Transporting: *general commodities, (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, serving Sterling, KS, as an off-route point in connection with applicant's regular routes. (Hearing site: Kansas City, MO.)

Note.—Applicant intends to tack.

MC 2202 (Sub-624F), filed December 4, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Over *regular routes*, transporting: *general commodities, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between Dyersburg, TN and Memphis, TN, from Dyersburg over Interstate Hwy 155 to jct. U.S. Hwy 61, then U.S. Hwy 61 to Memphis, and return over the same route, serving all intermediate points. (Hearing site: Memphis, TN.)

MC 2392 (Sub-134F), filed December 19, 1979. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F St., Omaha, NE 68124. Representative: Leonard A. Jaskiewicz, 1730 M St. NW, Suite 501, Washington, DC 20036. Transporting *propane*, in bulk, in tank vehicles, from Conway, Clay Center, and McPherson, KS, Kearney, MO, and Geneva, NE, to points in LA, MN, ND, SD,and NE. Condition: The certificate to be issued in this proceeding shall be limited in point of time to a period expiring 5 years from its date of issue. (Hearing site: Omaha, NE.)

MC 2392 (Sub-136F), filed December 27, 1979. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F St., Omaha, NE 68127. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *petroleum products*, in bulk, in tank vehicles, between points in IA, KS, NE, SD, and points in Clay, Jackson and Platte Counties MO. (Hearing site: Omaha, NE.)

MC 4963 (Sub-109F), filed December 20, 1979. Applicant: JONES MOTOR CO., INC., Bridge St. & Schuylkill Rd., Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Bldg., 1111 E St., NW, Washington, DC 20004. Transporting (1)(a) *structural steel*, and (b) *materials and supplies* used in the manufacture of structural steel, between Nashville, TN, on the one hand, and, on the other, points in IA, MO, AL, GA, SC, NC, TN, WI, IL, IN, KY, MI, OH, WV, VA, PA, MD, DE, NJ, NY, VT, CT, RI, MA, NH, and ME, restricted to the transportation of traffic originating at or destined to the facilities of Volunteer Structures, Inc., at Nashville, TN; and (2) *steel*, between Lenoir City, TN, on the one hand, and, on the other, points in AL, TN, GA, NC, KY, IL, and OH, restricted to the transportation of traffic originating at or destined to the facilities of (b) Sheffield Southern Steel, at Lenoir City, TN. (Hearing site: Knoxville or Nashville, TN.)

MC 9812 (Sub-16F), filed December 17, 1979. Applicant: C. F. KOLB TRUCKING CO., INC., Rural Route 1, Box 294, Mt. Vernon, IN 47620. Representative: Constance J. Goodwin, Suite 800, Circle Tower Building, Five East Market Street, Indianapolis, IN 46204. Transporting: (1) *Steel Articles*, from points in Vanderburgh County, IN to points in AL, AZ, AR, CA, CO, CT, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, ND, NE, NV, NJ, NM, NY, NC, OH, OK, PA, SC, SD, TN, TX, UT, VA, WV and WI; (2) *Materials, Equipment and Supplies* (except in bulk) *used in the manfacture, distribution and sale of Steel Articles*, in the reverse direction, and (3) *Steel Articles*, from points in AL, IL, and GA to points in Vanderburgh Countyh, IN. (Hearing site: St. Louis MO or Chicago, IL.)

MC 11722 (Sub-72F), filed December 5, 1979. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, WA 98953. Representative: Philip G. Skofstad, 1525 N. E. Weidler St., Portland, OR 97232. Transporting (1) *paper and paper products, and equipment, materials and supplies used in manufacturing, sales and distribution of paper and paper products and* (2) *polyethlene bags*, between points in AZ, CA, CO, ID, MT, NB, NV, NM, ND, OK, OR, SD, TX, UT, WA, WY. (Hearing site: Seattle, WA, or Portland, OR.)

MC 15242 (Sub-12F), filed December 21, 1979. Applicant: CAUTHEN GIN & BAG CO., a North Carolina corporation, Route 4, Box 550, Monroe, NC 28110. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. Transporting *textile products*, between those points in the United States in and east of WI, IL, KY, TN, and MS, on the one hand, and, on the other, New York and Bayshore, NY. Conditions: (1) Applicant shall maintain separate accounts and records for its for-hire carrier operations as distinct from its other busienss activities, and (2) it shall not at the same time and in the same vehicle transport property both as a private carrier and as a for-hire carrier.

MC 20992 (Sub-58F), filed November 27, 1979. Applicant: DOTSETH TRUCK LINE, INC., Knapp, WI 54749. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *iron and steel articles*, from the facilities of Nucor Corporation at or near Norfolk, NE, to points in IL, IN, MN, ND, SD, and WI, restricted to traffic originating at the named origin and destined to the named destinations. (Hearing site: Omaha, NE.)

Note.—Common control may be involved in this proceeding.

MC 22182 (Sub-37F), filed December 18, 1979. Applicant: NU-CAR CARRIERS, INC., P.O. Box 172, Bryn Mawr, PA 19010. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 27060. Transporting *automobiles and trucks*, in truckaway service, in secondary movements, (1) from Baltimore, MD, to points in AL, AR, IL, IN, KS, KY, LA, MI, MS, and TN, and (2) from Jacksonville, FL, to points in LA. (Hearing site: Philadelphia, PA.)

MC 47583 (Sub-117F), filed December 4, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Transporting *such commodities* as are dealt in or used by department and variety stores (except commodities in bulk); from points in NJ and NY to Fort Worth, TX. Restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Kansas City, MO.)

MC 47583 (Sub-118F), filed December 4, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Transporting *canned goods* and *non-alcoholic beverage mixes* (except in bulk), from the facilities of Master of Mixers, Inc., at or near Byhalia, MS, to points in the U.S. (except AK, HI and MS). Restricted to the transportation of traffic originating at the above named facilities of Master of Mixers, Inc. (Hearing site: Kansas City, MO.)

MC 61403 (Sub-278F), filed December 21, 1979. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, NY 10017. Transporting *liquid chemicals*, in bulk, in tank vehicles, from the facilities of Olin Corp., at or near Doe Run, KY, to points in AL, AR, DE, FL, GA, IA, IL, IN, KS, LA, MD, MI, MN, MO, MS, OH, OK, TN, TX, WI, and WV. (Hearing site: Washington, DC.)

MC 61592 (Sub-460F), filed June 28, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting *pile driving equipment*, between points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 61592 (Sub-480F), filed November 29, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting solar equipment and *parts* for solar equipment (except commodities in bulk) between points in the United States (except AK & HI). (Hearing site: Washington, DC.)

MC 63562 (Sub-67F), filed December 31, 1979. Applicant: BN TRANSPORT INC., 6775 East Evans Ave., P.O. Box 22894, Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50309. Transporting *plastic pipe and fittings* from Fairfield, IA, to all points in CO, ID, IL, KS, MN, MO, MT, ND, NE, OK, OR, SD, WA, WI and WY. (Hearing site: Chicago, IL or Washington DC.)

MC 69292 (Sub-9F), filed December 5, 1979. Applicant: ATLAS TRANSPORTATION, INC., 8100 Stansbury Road, Baltimore, MD 21222. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, DC 20005. Transporting *refractory products, materials,* and *supplies* used in the manufacture thereof (except commodities in bulk), between points in DE, MD, NJ, NY, PA, and VA, restricted to traffic originating at or destined to the facilities of U.S. Refractory Division of General Refractories Co. (Hearing site: Washington, DC.)

MC 69402 (Sub-3F), filed November 16, 1979. Applicant: BEE LINE TRUCKING COMPANY, INC., 3300 Chouteau Ave., St. Louis, MO. Representative: T. M. Tahan, 2001 South Seventh St., St. Louis, MO 63104. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MO, MN, MS, NE, OH, OK, TN, TX, WI, and WV. (Hearing site: St. Louis or Kansas City MO.)

MC 71593 (Sub-53F), filed December 17, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1606 East Second Street, Scotch Plains, NJ 07076. Representative: Ronald S. Potter (same as above). Transporting: *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between (1) Chicago, IL, on the one hand, and on the other, Atlanta, GA, and Norfolk, VA; (2) between Atlanta, GA, on the one hand, and on the other, New York, NY; (3) from Charlotte, NC to Chicago, IL, and Memphis, TN, restricted to the transportation of traffic moving on freight forwarder bills of lading. (Hearing site: New York, NY.)

MC 71593 (Sub-54F), filed December 17, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1606 East Second Street, Scotch Plains, NJ 07076. Representative: Ronald S. Potter (same as above). Transporting: *automotive equipment, parts and supplies; mufflers, internal combustion engine* and *parts necessary for the installation thereof* and *steel tubing* between the facilities of Midas International Corporation at (1) La Mirada, and Woodland, CA., on the one hand, and, on the other, points in the US (except AK, CA, and HI) (2) Atlanta, GA, on the one hand, and, on the other, points in the US (except AK, CA, and HI) (3) at Chicago, IL, on the one hand, and, on the other, points in the US (except AK, HI, and IL) (4) Norwood, MA, on the one hand, and, on the other, points in the US (except AK, HI and MA) (5) at Bay City, MI, on the one hand, and, on the other, points in the US (except AK, HI and MI) (6) St. Louis, MO, on the one hand, and, on the other, points in the US (except AK, HI, and MO) (7) New Brunswick, NJ, on the one hand, and, on the other, points in the US (except AK, HI, and NJ) (8) at Perrysburg, OH, on the one hand, and, on the other, points in the US (except AK, HI, and OH) (9) Dallas, TX, on the one hand, and, on the other, points in the US except (AK, HI, and TX) and (10) at Hartford, WI, on the one hand, and, on the other, points in the US (except AK, HI, and WI). (Hearing site: Newark, NJ.)

MC 71593 (Sub-55F), filed December 17, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1606 East Second Street, Scotch Plains, NJ 07076. Representative: Ronald S. Potter (same as above). Transporting: *table sauces* between the facilities of Serv-A-Portion at (1) Chatsworth, CA, on the one hand, and, on the other, points in the US (except AK, CA, and HI) (2) Atlanta, GA, on the one hand, and, on the other, points in the US (except AK, GA, and HI) and (3) Cincinnati, OH, on the one hand, and, on the other, points in the US (except AK, HI, and OH). (Hearing site: Newark, NJ.)

MC 71593 (Sub-56F), filed December 17, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1606 East Second Street, Scotch Plains, NJ 07076. Representative: Ronald S. Potter (same as above). Transporting: *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Philadelphia, PA, Baltimore, MD, Norfolk, VA, and Richmond, VA, on the one hand, and, on the other, points in Michigan and Ohio, restricted to the transportation of traffic moving on freight forwarder bills of lading. (Hearing sites: New York, NY, Washington, DC.)

MC 71652 (Sub-38F), filed November 21, 1979. Applicant: BYRNE TRUCKING, INC., P.O. Box 280, Medford, OR 97501. Applicant's Representative: David J. Stewart, P.O. Box 280, 4669 Crater Lake Highway, Medford, OR 97501. Transporting: *composition board* and *wood fiber products* from the facilities of the United States Gypsum Company at or near Pilot Rock, OR, to AZ, CA, ID, MT, NV, OR, UT and WA. (Hearing sites: Portland, OR or Chicago, IL.)

MC 76262 (Sub-3F), filed December 28, 1979. Applicant: WEIR-COVE MOVING & STORAGE COMPANY, 4224 Freedom Way, Weirton, WV 26062. Representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Transporting *iron and steel and aluminum articles, and materials, equipment and supplies used in the manufacture* thereof, between points in and east of MN, IA, MO, AR, and LA, restricted to traffic originating at or destined to the facilities of National Steel Corporation. (Hearing sites: Pittsburgh, PA or Washington, DC.)

MC 107012 (Sub-470F), filed November 29, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as above). Transporting *recreational equipment* and *sporting goods* from the facilities of Kransco Manufacturing, Inc., located at or near Virginia Beach, VA, to points in the United States (except AK, HI and VA). (Hearing sites: Norfolk, VA or Washington, DC.)

Note.—Common control may be involved.

MC 107012 (Sub-471F), filed December 4, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as above). Transporting: (1)(a) *such commodities* as are dealt in by retail department and sporting goods stores (except those described in (b) and (b)) pianos, organs, musical instruments, motorized vehicles, audio components, and public address systems, and, (2) *such commodities* used in the manufacture or distribution of the commodities names in (1) above, (except commodities in bulk), between points in the U.S. (except AK and HI) restricted to the transportation of traffic originating at or destined to facilities used by Yamaha Motor Corporation and Yamaha International Corporation. (Hearing sites: Los Angeles, CA or San Diego, CA or Washington, DC.)

MC 107012 (Sub-474F), filed December 19, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *restaurant equipment and supplies,* from the facilities of Bell Food Services, Inc., at or near Norwalk, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA or Washington, DC.)

MC 107012 (Sub-475f), filed December 26, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant). Transporting (1) *stainless steel food preparation equipment, food and beverage service equipment, food transport equipment, sinks and sink fittings, furniture, pails, dairyware, and plastic articles,* and (2) *parts and accessories* for the commodities in (1) above, from the faciliites of Vollrath Company, at or near Sheboygan, WI, to points in the United States (except AK and HI). (Hearing sites: Chicago, IL or Milwaukee, WI.)

MC 107162 (Sub-63F), filed December 13, 1979. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. Transporting: *non-alcoholic beverages* (except in bulk) from Lakeland, FL to points in the Upper Peninsula of MI, and those points in WI on and north of US Hwy 10. (Hearing site: Milwaukee, WI or Chicago, IL.)

Note.—Dual operations may be involved.

MC 107162 (Sub-64F), filed December 18, 1979. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. Transporting: *lumber and lumber products* from Spearfish, SD to points in MI and WI. (Hearing site: Chicago, IL or Pierre, SD.)

Note.—Dual operations may be involved.

MC 107403 (Sub-1300F), filed December 20, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representive: Martin C. Hynes, Jr. (same address as applicant). Transporting *liquid chemicals and acids,* in bulk, in tank vehicles, from the facilities of Jim Walter Resources, Inc., at Birmingham, AL, to points in TX, those points in the United States east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca Country, MN, then northward along the western boundaries of Itasca and Koochiching Countries, MN, to the internationl boundary line between the United States and Canada, and those points in LA west of the Mississippi River. (Hearing site: Washington, DC.)

MC 110012 (Sub-68F), filed November 29, 1979. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Transporting (1) *new furniture and furniture parts, and* (2) *materials and supplies* used in the manufacture of (1) above (except commodities in bulk in tank vehicles) between Charlotte, NC, on the one hand, and, on the other, to points in the United States (except AK and HI). (Hearing site: Washington, DC or Charlotte, NC.)

MC 110683 (Sub-170F), filed December 14, 1979. Applicant: SMITH'S TRANSFER CORPORATION, Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Esq., Suite 502, 1000 16th St., N.W., Washington, D.C. 20036. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment): (1) between Des Moines, IA, and Springfield, MO, over U.S. Hwy 65 serving all intermediate points in IA, (2) Between Davenport, IA, and Springfield, MO, serving all intermediate points in IA: From Davenport over U.S. Hwy 61 to its junction with MO Hwy 19, then over MO Hwy 19 to its junction with U.S. Hwy 54, then over U.S. Hwy 54 to its junction with MO Hwy 73, then over MO Hwy 73 to its junction with MO Hwy 32, then over MO Hwy 32 to its junction with U.S. Hwy 65, then over U.S. Hwy 65 to Springfield and return over the same route serving all intermediate points in IA, (3) between Paducah, KY, and Springfield, MO, over U.S. Hwy 60 serving all intermediate points in and (4) between Paducah, KY, and Little Rock, AR, from Paducah over U.S. Hwy 60 to its junction with U.S. Hwy 67, then over over U.S. Hwy 67 to Little Rock, and return over the same route, serving all intermediate points in KY. (Hearing site: Washington, DC.)

Note.—Tacking and interlining is intended. This application is directly related to MC-F-14155.

MC 111432 (Sub-5F), filed December 27, 1979. Applicant: FRANK J. SIBR & SONS, INC., 5240 West 123rd Place, Alsip, IL 60658. Representative: Douglas G. Brown, P.C., The INB Center, Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. *Contract Carrier* transporting *petroleum and petroleum products, in bulk, in tank vehicles,* from the plant site of Marathon Oil Company at Staley, IL to points in Benton County and Tippecanoe County, IN under continuing contract(s) with Texaco, Inc. of Houston, TX. (Hearing site: Chicago, IL.)

MC 111812 (Sub-703F), filed December 13, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same as above). Transporting: *plumbing* and *plumbing supplies* from the facilities of Kohler Company in Sheboygan County, WI to points in AZ, CA, ID, MT, NV, ND, OR, SD, UT, WA and WY. (Hearing site: Milwaukee, WI.)

MC 113382 (Sub-25F), filed October 30, 1979. Applicant: NELSON BROS., INC., P.O. Box 613, Nebraska City, NE 68410. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce over irregular routes, transporting *pet food* (except in bulk), and *containers,* from Kansas City, KS, to points in NE, AR, TN, MO, MS, LA, TX, IA and OK, under continuing contract(s) with Strongheart Products, Inc., of Kansas City, KS. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 114552 (Sub-245F), filed December 20, 1979. Applicant: SENN TRUCKING COMPANY, a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Transporting *industrial or agricultural machinery,* from Jacksonville, FL, to points in U.S. (Except AK, HI, and FL.) (Hearing site: Columbia, SC, or Atlanta, GA.)

MC 114552 (Sub-245F), filed December 20, 1979. Applicant: SENN TRUCKING COMPANY, a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Transporting *iron and steel articles,* between the facilities of Oceana Corporation, at or near Columbia and Darlington, SC, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

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MC 114552 (Sub-246F), filed December 18, 1979. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Transporting *composition board and materials, supplies and equipment* used in the manufacture thereof, between the facilities of Gold Bond Building Products, a Division of National Gypsum Company, at Mobile, AL, on the one hand, and, on the other, points in the United States in and east of WI, IL, MO, AR, and TX. (Hearing site: Washington, DC.)

MC 114632 (Sub-276F), filed December 19, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting (1) *paint, lacquer, enamel, epoxies, resins, pigments, adhesives, rubber cement and thinning and removing compounds,* and (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles), from Buffalo, NY and Kansas City, MO, to points in the United States (except AK and HI). (Hearing site: Buffalo or New York, NY.)*

Note.—Dual operations may be involved.

MC 115092 (Sub-123F), filed December 28, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Transporting *wall board* and *insulating board,* and *materials* and *supplies* used in the installation thereof (except commodities in bulk) from the facilities of the Grefco, Inc. subsidiary of General Refractories Co. located at or near Ontario, CA to points in and west of LA, AR, MO, IA, MN (except AK and HI). (Hearing site: Salt Lake City, UT, or Los Angeles, CA.)

MC 116063 (Sub-161F), filed December 26, 1979. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, TX 76101. Representative: W. H. Cole (same address as applicant). Transporting *latex in bulk, in tank vehicles,* from Houston, TX, to Noble, OK. (Hearing site: Fort Worth or Dallas, TX.)

MC 116783 (Sub-633F), filed November 26, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *such commodities* as are dealt in by (a) paint and chemical coating manufacturers and (b) paint stores and supply houses except commodities in bulk, in tank vehicles), between the facilities of Standard T Chemical Co., at or near Chicago Heights, IL, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at and destined to the facilities of Standard T Chemical Co. (Hearing site: Chicago, IL.)

MC 118803 (Sub-14F), filed December 20, 1979. Applicant: ATLANTIC TRUCK LINES, INC., 100 Hamilton Plaza, Paterson, NJ 07505. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs,* and *materials, supplies, and equipment* used in the manufacture and distribution of foodstuffs (except commodities in bulk), between the facilities used by Entenmann's in (a) Nassau and Suffolk Counties, NY, (b) Cook, DuPage, Lake, and McHenry Counties, IL, and (c) Dade County, FL, on the one hand, and, on the other, those points in United States in and east of MN, LA, NE, KS, OK, and TX, under continuing contract(s) with Warner-Lambert Company of Morris Plains, NJ. (Hearing site: New York, NY.)

MC 118803 (Sub-15F), filed December 20, 1979. Applicant: ATLANTIC TRUCK LINES, INC., 100 Hamilton Plaza, Paterson, NJ 07505. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers of (a) drugs, (b) toilet preparations, and (c) confectioneries (except commodities in bulk), (1) between New York, NY, Jacksonville, FL, Milford, CT, Lititz and Philadelphia, PA, and Rockford, IL, on the one hand, and, on the other, South Brunswick, NJ, Morrow, GA, Grand Prairie, TX, and Elk Grove Village, IL, and (2) between South Brunswick, NJ, Morrow, GA, Grand Prairie, TX, and Elk Grove Village, IL, under continuing contract(s) with Warner-Lambert Company of Morris Plains, NJ. (Hearing site: New York, NY.)

MC 119422 (S-72F), filed December 31, 1979. Applicant: EE JAY MOTOR TRANSPORTS, INC., 15th & Lincoln Streets, East St. Louis, IL 62204. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *petroleum and petroleum products,* in bulk, in tank vehicles, from the facilities of Amoco Chemicals at Wood River, IL, to points in AL, AR, FL, GA, IN, KY, MA, MD, LA, MI, MO, MS, NJ, OH, PA, RI, SC, TX, VA, and WV. (Hearing site: St. Louis, MO.)

MC 119522 (Sub-46F), filed December 4, 1979. Applicant: McLAIN TRUCKING, INC., 2425 Walton Street, P.O. Box 2159, Anderson, 46011. Representative: John B. Leatherman, Jr. (same address as applicant). Transporting *salt* and *salt products* from the facilities of the Morton Salt Company located at Manistee and Marysville, MI; Chicago, IL, and Rittman, OH, to points in IN, KY, IL, and OH. (Hearing site: Chicago, IL or Indianapolis, IN.)

MC 119702 (Sub-73F), filed November 19, 1979. Applicant: STAHLY CARTAGE CO., 119 S. Main Street, Edwardsville, IL 62025. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting *petroleum products,* in bulk, in tank vehicles, from Pana, IL, to all points in IA and MO. (Hearing site: Chicago, IL.)

MC 124692 (Sub-310F), filed October 15, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transporting *paving materials, building materials, concrete surface curing compounds, powdered iron, iron grit and sand, lacquer, and caulking compounds* from the facilities of A. C. Horn, Inc., at or near Addison, IL, to points in NE, ND, SD, WY, CO, MT, OR, WA, ID, UT, CA, and AZ. (Hearing site: Chicago, IL.)

MC 124692 (Sub-322F), filed November 27, 1979. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Applicant's representative: J. David Douglas (same as applicant). Transporting: *banding materials* from the facilities of Signode Corp. at or near Weirton, WV to points in CA, NV, MT, UT, ID, OR, WA, and WY. (Hearing site: Chicago, IL.)

MC 124692 (Sub-323F), filed November 27, 1979. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Applicant's representative: J. David Douglas (same as applicant). Transporting: *heating and cooling units, parts* and *accessories* for heating and cooling units, from the facilities of Peteco Inc. at Waseca, MN, to points in CA, ID, MT, OR, UT, WA and WY, restricted to traffic originating at Peteco, Inc. at Waseca, MN. (Hearing site: St. Paul, MN.)

MC 126473 (Sub-44F), filed December 20, 1979. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, LA 52580. Representative: Kenneth F. Dudley, 1501 East Main, P.O. Box 279, Ottumwa, IA 52501. Transporting *liquid fertilizer,* in bulk, in tank vehicles, from the facilities of FirstMiss, Inc, at or near Fort Madison, IA, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI. (Hearing site: Chicago, IL or Kansas City, MO.)

MC 129032 (S-121F), filed November 30, 1979. Applicant: TOM INMAN TRUCKING, INC., 5656 South 129th East Ave., Tulsa, OK 74145. Representative: David R. Worthington (same address as applicant). Transporting: *confectionery* and *commodities* used in the manufacture of confectionery, in mechanical-refrigerated equipment, (except in bulk, in tank vehicles) between points in the United States (except AK and HI) restricted to traffic originating at or destined to the facilities owned and or operated by Bunte Candies, Inc. (Hearing site: Oklahoma City, OK or Dallas, TX.)

MC 129732 (Sub-7F), filed November 27, 1979. Applicant: EMPIRE FUEL & TRANSFER CO., P.O.B. 126, Coos Bay, OR 97420. Representative: David C. White, 2400 SW. Fourth Ave., Portland, OR 97201. Transporting *paper, paper by-products,* and *materials, supplies* and *equipment* used in the manufacture of paper, between points in Coos County, OR, on the one hand, and, on the other, points in CA and WA. (Hearing site: Coos Bay, OR.)

MC 133802 (Sub-5F), filed December 19, 1979. Applicant: EMPAK TRANSPORTATION COMPANY, 6200 North 16th Street, Omaha, NE 68110. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam Street, Omaha, NE 68102. *Contract carrier, transporting such commodities as are dealt in by manufacturers of petroleum products, chemicals, and cleaning, washing and scouring compounds,* (A) from the facilities of Witco Chemical Corporation at or near (1) Los angeles, Oildale and Lynwood, CA, (2) New Castle, DE, (3) Chicago and Lawrenceville, IL, (4) Gretna, LA, (5) Perth Amboy and Paterson, NJ, (6) Cleveland, OH, (7).Petrolia, Trainer and Bradford, PA, (8) Almeda and Houston, TX and (9) Quincy, WA; and (B) Argus Chemical Corporation located at or near (1) Richmond, CA, (2) Taft, LA, (3) Brooklyn, NY, and (4) Marshall, TX, to points in the U.S. (except AK and HI), under a continuing contract(s) with Witco Chemical Corporation and Argus Chemical Corporation both of New York, NY.

MC 134282 (Sub-23F), filed December 27, 1979. Applicant: ENNIS TRANSPORTATION CO., INC., P.O. Drawer 776, Ennis, TX 75119. Representative: William D. White, Jr., 4200 Republic National Bank Tower, Dallas, TX 75201. Transporting *building materials* (except in bulk), from the facilities of Elk Corporation of Texas at Ennis, TX to points in AL, AZ, AR, CA, CO, IL, IA, KS, KY, LA, MS, MO, NE, NV, NM, OK, TN, and UT. (Hearing site: Dallas, TX, New Orleans, LA, and Washington, DC.)

MC 134453 (Sub-17F), filed December 20, 1979. Applicant: STERNLITE TRANSPORTATION COMPANY, Winsted, MN 55395. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Contract carrier* transporting (1) *aluminum extrusions,* and (2) *scrap aluminum and aluminum billets,* between Yankton, SD, on the one hand, and, on the other, points in CT, DE, FL, ME, MD, MA, MN, NH, NJ, NY, NC, PA, RI, SC, VT, VA, and WV, under continuing contract(s) with Alumax Extrusions, Inc., of Yankton, SD. (Hearing site: St. Paul, MN.)

MC 135152 (Sub-36F), filed November 21, 1979. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, P.O. Box No. 327, West Harrison, IN 45030. Representative: Jack B. Josselson, 700 Atlas Bank Building, 524 Walnut Street, Cincinnati, OH 45202. Transporting *petroleum and petroleum products,* (except in bulk) from Bakerstown, Petrolia and Bradford, PA., to points in IN, KY, OH, and TN. Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 135152 (Sub-37F), filed November 21, 1979. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, P.O. Box No. 327, West Harrison, IN 45030. Representative: Jack B. Josselson, 700 Atlas Bank Building, 524 Walnut Street, Cincinnati, OH 45202. Transporting *containers, container ends and closures* (1) from Leetsdale, PA., to all points in IN, OH, and KY, and (2) from Cleveland and Solon, OH, to all points in IN, and KY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 135292 (Sub-3F), filed December 26, 1979. Applicant: GUY MORRAL, 39 West Avenue, Wellsboro, PA 16901. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Transporting *sand* from Tioga County, PA to points in NY. (Hearing site: Philadelphia, PA.)

MC 135762 (Sub-10F), filed November 2, 1979. Applicant: JOHN H. NEAL, INC., P.O. Box 3877, 6004 Highway 271 South, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. *Contract carrier* transporting *household appliances* from the facilities of White Consolidated Industries, Inc., in IA, MI, MN, and OH to points in AL, AR, LA, MS, MO, OK, TN, and TX, the service to be performed under a continuing contract(s) with White Consolidated Industries, Inc., of Cleveland, OH. (Hearing site: Washington, DC.)

MC 135843 (Sub-7F), filed July 2, 1979. Applicant: IOWA GATEWAY, INC. d.b.a., IOWA GATEWAY TERMINAL, River Rd., Keokuk, IA 52632. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *general commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between Keokuk, IA, on the one hand, and, on the other, points in AR, FL, GA, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NY, ND, OH, OK, PA, SD, TN, WI, and WY. CONDITIONS: (1) Applicant must file a verified statement which demonstrates the minimal likelihood that applicant will be faced with the opportunity for indulging in preferential or discriminatory practices detrimental to the interests of competitive carriers and non-affiliated shippers, under the criteria of *Amsden Common Carrier Application,* 124 M.C.C. 856, 861; and (2) issuance of this certificate is subject to prior or coincidental cancellation at applicant's written request of Permit MC 133399, issued November 14, 1969. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 136182 (Sub-6F), filed August 23, 1979. Applicant: B & C MOTOR FREIGHT, INC., P.O. Box 166, Peru, IN 46970. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *hydrofluosilicic acid,* from Indianapolis, IN, to points in MI, KY, IL, and OH. (Hearing site: Indianapolis, IN or Washington, DC.)

MC 140902, (Sub-12F), filed November 21, 1979. Applicant: DPD, INC., 3600 N.W. 82nd Avenue, Miami, FL 33152. Representative: Warren A. Goff, Esq., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Contract carrier, transporting *prefabricated buildings* and *building parts,* and *materials, equipment and supplies* used in the construction of prefabricated buildings, between the facilities of National Homes Corporation at or near Thomson, GA, on the one hand, and, on the other, points in AL, FL, GA, IN, KY, MS, NC, SC, TN, and VA, under a continuing contract(s) with National Homes Corporation, of Lafayette, IN. (Hearing site: Miami, FL, or Washington, D.C.)

MC 141533 (Sub-13F), filed December 20, 1979. Applicant: LYN TRANSPORT, INC., 37 North Central Avenue, Elmsford, NY 10532. Representative:

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Bruce J. Robbins, 118–21 Queens Boulevard, Forest Hills, NY 11375. Transporting (1) *plants and pigments*, and (2) *equipment and supplies* used in the manufacture and distribution of commodities in (1) above between the facilities of PPG Industries, Inc., at (a) Springdale, PA, (b) Cleveland and Delaware, Ohio and (c) Oak Creek, WI, on the one hand, and, on the other, Syracuse and New York, NY, Chicago, IL, New Orleans, LA, Memphis, TN, Dover, DE, St. Paul, MN, Boston, MA, Omaha, NE, and Kansas City, Jefferson City, and St. Louis, MO. (Hearing site: New York, NY.)

MC 141892 (S-1F), filed December 17, 1979. Applicant: FRANK'S BUS SERVICE, INC., 101 Cleveland Ave., Mount Ephraim, NJ. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, N.Y., 10001. Transporting *passengers* and their *baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Camden, Gloucester and Atlantic Counties, NJ and extending to points in the United States, (except AK and HI). (Hearing site: Camden, NJ.)

MC 142443 (Sub-4F), filed November 28, 1979. Applicant: HOLSTON BROTHERS, INC., 13711 Travilah Road, Rockville, MA 20850. Representative: Barry Roberts, 888 17th Street, N.W., Washington, D.C. 20006. Contract carrier, transporting (A)(1) *landscape and garden supplies* from points in PA, VA, NJ, MD, WV, NC, NY, VT, GA, OH, IN, CO, CA, NM, NH, ME and DE to points in NJ, DE, MD, WV, VA, DC and NC and (2) *building supplies* from the points in OH and IN to points in NJ, DE, MD, WV, DC, and NC, under a continuing contract in (1) and (2) above with Landscape Products and Building Supplies, Inc., of Silver Spring, MD and (B)(1) *animal feed* from Everson, PA and Lancaster, PA to Gaithersburg, MD and (2) *agricultural, industrial and construction equipment* from Richmond, VA to Gaithersburg, MD under a continuing contract(s) in (1) and (2) above with Gaithersburg Farmers Supply, Inc., of Gaithersburg, MD. (Hearing site: Washington, DC.)

MC 142872 (Sub-107F), filed December 20, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *candy and confectionery*, from the facilities of Bortz Chocolate Company, at or near Reading, PA, to Vernon, CA, and Garland, TX. (Hearing site: Reading, PA, or Ft. Smith, AR.)

Note.—Dual operations may be involved.

MC 142872 (Sub-108F), filed December 20, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. Transporting *such commodities* as are dealt in by discount and *variety stores*, from points in AL, CA, CT, IA, IL, IN, MO, OH, TX, VA, and WV, to the facilities of Wal-Mart Stores, Inc., at or near Bentonville and Searcy, AR. (Hearing site: Fayetteville, AR, or Little Rock, AR.)

Note.—Dual operations may be involved.

MC 142872 (Sub-113F), filed December 18, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. Transporting: *foodstuffs* from the facilities of Standard Brands, Inc., at or near Ft. Smith, AR to points in CA and OR. (Hearing site: New York, NY, or Ft. Smith, AR.)

MC 142703 (Sub-24F), filed December 26, 1979. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., 750 West Third St., P.O. Box 14072, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 East State St., Columbus, OH 43215. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Danville, KY, on the one hand, and, on the other, points in KY, restricted to the transportation of traffic having a prior or subsequent movement by rail or water. (Hearing site: Columbus, OH.)

Note.—Dual operations may be involved.

MC 142772 (Sub-8F), filed December 19, 1979. Applicant: HRDLICKA ENTERPRISES, INC., Rte. 7, Box 59, Chippewa Falls, WI 54729. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN. Transporting *posts, poles, lumber, and lumber products*, from points in AR, AZ, CA, CO, ID, LA, MS, MT, NM, OR, SD, UT, WA, and WY, to Chippewa Falls, WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 143462 (Sub-5F), filed December 27, 1979. Applicant: ERWIN TRUCKING, INC., 9100 "F" St., Omaha, NE 68127. Applicant's representative: Donald L. Stern, Stern & Becker, P.C., Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Contract carrier*, transporting *foodstuffs, pet foods*, and *material, equipment and supplies* used in the manufacture, sale and distribution of foodstuffs and pet foods (except commodities in bulk), between the facilities of Campbell Soup Company, Inc. in and east of ND, SD, NE, KS, OK and TX, under continuing contract(s) with Campbell Soup Company, Inc., of Camden, NJ.

MC 143742 (Sub-1F), filed December 28, 1979. Applicant: MONCTON TRANSIT LIMITED, 280 Pacific Avenue, Moncton, New Brunswick, Canada. Applicant's representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street, N.W., Washington, DC 20005. Transporting *passengers and their baggage*, in the same vehicle with passengers, (1) in round-trip charter and special operations, beginning and ending at the Bangor International Airport, at or near Bangor, ME, and extending to ports of entry on the United States-Canada International Boundary line located in ME; and (2) in one-way charter and special operations, from the Bangor International Airport at or near Bangor, ME, to ports of entry on the United States-Canada International Boundary line located in ME, restricted (1) to transportation performed in foreign commerce, and (2) to transportation of passengers and their baggage having an immediately prior movement by air. (Hearing site: Bangor, ME.)

MC 144122 (Sub-65F), filed December 21, 1979. Applicant: CARRETTA TRUCKING, INC., S 160 Route 17, Paramus, NJ 07652. Representative: Joseph Carretta (same address as applicant). Transporting *chemicals* (except in bulk), from Peoria, Mapleton and Chicago, IL, and Houston, TX, to points in VA, MD, DE, PA, NY, NJ, CT, MA, and RI. (Hearing sites: New York, NY or Washington, DC.)

Note.—Dual operations may be involved.

MC 144442 (Sub-9F), filed December 12, 1979. Applicant: ESSEX EXPRESS, INC., 1200 Hammondville Road, Pompano Beach, FL 33060. Representative: Don A Allen, 2550 M Street, N.W., Washington, DC 20037. *Contract carrier, transporting alcoholic beverages* from Brooklyn, NY, to Miami, Jacksonville, Tampa and Orlando, FL. (Hearing site: Washington, DC, or Miami, FL.)

MC 145102 (Sub-43F), filed November 20, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Applicant's representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting *cheese and cheese products* from Lena, WI to points in CA, GA, NJ, NY, OH, PA, and TX. (Hearing site: Madison or Green Bay, WI.)

MC 145163 (Sub-8F), filed December 20, 1979. Applicant: DONALD MULDER, d.b.a. DON MULDER TRUCKING, 1735 North 50th Street, Lincoln, NE 68504.

Representative: Lavern R. Holdeman, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Transporting (1) *printed matter*, and (2) *materials, equipment, and supplies* used in the manufacture, sale and distribution of the commodities in (1) above, between points in the United States (except AK, HI, Lincoln, NE, and Council Bluffs, IA). (Hearing site: Washington, DC, or Omaha, NE.)

Note.—Dual operations may be involved.

MC 145702 (Sub-4F), filed December 13, 1979. Applicant: TRANSURFACE CARRIERS, INC., P.O. Box 271, Northboro, MA 01532. Representative: Bernard P. Rome, 31 Milk Street, Boston, MA 02109. *Contract carrier*, transporting *buffing, polishing, cleaning, scouring and washing compounds, wax, soap, and paints*, (except in bulk), from Marlborough, MA, to points in AL, AR, CO, FL, GA, IL, IA, IN, KS, KY, LA, MI, MN, MS, MO, NE, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI, under a continuing contract(s) with The Butcher Polish Company of Marlborough, MA. (Hearing site: Washington, DC or Boston, MA.)

MC 146292 (Sub-2F), filed November 29, 1979. Applicant: LIBERTY ICE & FUEL CO., 1183 Liberty Street, Springfield, MA 01104. Representative: Francis E. Barrett, Jr., Esq., 10 Industrial Park Road, Hingham, MA 02043. Transporting *petroleum products*, in bulk, in tank vehicles from Springfield, MA to points in Hartford, Litchfield, Tolland, Middlesex and Windham Counties, CT. (Hearing site: Springfield or Boston, MA.)

MC 146392 (Sub-4F), filed November 23, 1979. Applicant: AMALGAMATED TRANSPORTATION, INC., 121 12th St. N.W., Cedar Rapids, IA 52405. Representative: Dennis L. Wengert, 121 12th St. N.W., Cedar Rapids, IA 52405. Contract carrier, transporting *general commodities* (except those of unusual value, class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment). Between Anamosa, Belle Plaine, Burlington, Centerville, Council Bluffs, Clinton, Davenport, Decorah, Des Moines, Dubuque, Fairfield, Fort Dodge, Fort Madison, Grinnell, Keokuk, Iowa City, Marshalltown, Montezuma, Monticello, Mount Pleasant, Mason City, Muscatine, Newton, Oelwein, Ottumwa, Oskaloosa, Sioux City, Spencer, Washington, Waterloo, West Union, Williamsburg, IA, on the one hand, and on the other, Chicago, IL restricted to traffic having prior or subsequent transportation by air, under continuing contract(s) with Iowa Air Freight, Inc. (Hearing site: Omaha, NE.)

MC 146553 (Sub-8F), filed December 20, 1979. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting: (1) *castings*, (a) from Marion, AL, to Holland, MI, and (b) from Muskegon, South Haven, and Holland, MI, to Los Angeles, CA, and (2) *internal combustion engine parts*, from the facilities of AiResearch Industrial Division, Garrett Corporation, at Los Angeles, CA, to points in IA, IL, IN, MI, OH, and TX. (Hearing site: Los Angeles, CA; Davenport, IA.)

Note.—Dual operations may be involved.

MC 146602 (Sub-4F), filed December 18, 1979. Applicant: ODEAN DUANE BAKKEN d.b.a., Bakken Truck Line, 304–11th Street South, Northwood, IA 50459. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Transporting (1) *boat and vehicle parts*, and (2) *plastic Articles*, (1) from the facilities of Carroll George, Inc., at or near Northwood, IA, to points, in MN, and (2) from Fort Wayne and La Porte, IN, to the facilities of Carroll George, Inc., at or near Northwood, IA. (Hearing site: Minneapolis, MN or Chicago, IL.)

MC 146643 (Sub-24F), filed December 3, 1979. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INC., 655 East 114th Street, Chicago, IL 60628. Representative: Marc J. Blumenthal, 39 South La Salle Street, Chicago, IL 60603. *Contract* carrier, transporting *tin plate*, from Chicago, IL, to Lima, OH, under a continuing contract(s) with Libby, McNeill, & Libby, of Worth, IL. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 146893 (Sub-6F), filed December 7, 1979. Applicant: BROWN TRANSPORT, INC., Box 327A, West Alexandria, OH 45381. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215. *Contract carrier*, transporting *ammonium nitrate fertilizer*, from the facilities of C.F. Industries, Terre Haute, IN, to points in OH, under a continuing contract(s) with Landmark, Inc. of Columbus, OH. (Hearing site: Columbus, OH.)

MC 147102 (Sub-2F), filed December 5, 1979. Applicant: E.T.I. COMPANY, 4055 William Penn Highway, Easton, PA 18042. Representative: Rick A. Rude, 1730 Rhode Island Avenue, N.W., Suite 801, Washington, DC 20036. Transporting *such commodities as are dealt in or used by manufacturers or distributors of industrial machinery and equipment*, between Allentown, PA and Phillipsburg, NJ, on the one hand, and, on the other, points in CN, DE, DC, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV. (Hearing site: Allentown, PA or Washington, D.C.)

MC 147323 (Sub-5F), filed December 20, 1979. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming Ave., Dearborn, MI 48126. Representative: John P. Haddad (same address as applicant). Transporting (1) *iron and steel articles* and (2) *equipment, materials, and supplies* used in the manufacture or distribution of the commodities named in (1) above (except commodities in bulk), between the facilities of Mars Steel Corporation at Hinsdale, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Detroit, MI).

Note.—Dual operations may be involved.

MC 147673 (Sub-1F), filed July 9, 1979. Applicant: ALBERT F. McCLAIN, d.b.a., McCLAIN TRUCKING COMPANY, 305 North 12th Street, Mayfield, KY 40266. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Contract carrier transporting (1) *clay*, and (2) *materials, equipment and supplies* above used in the manufacture and distribution of the commodities in (1) between points in (a) Graves County, KY, (b) Panola County, MS, and (c) Henry and Weakley Counties, TN, on the one hand, and, on the other, points in the US (except AK and HI), under continuing contract(s) with Kentucky-Tennessee Clay Company of Mayfield, KY. (Hearing site: Nashville, TN or Louisville, KY.)

MC 147793 (Sub-3F), filed October 10, 1979. Applicant: C. L. HALL, Route 2, Cumby, TX 75433. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 74245. Transporting *steel plates* from Houston and Lone Star, TX, to points in KS. (Hearing site: Dallas, TX.)

MC 148002 (Sub-2F), filed December 26, 1979. Applicant: BECO, INC., Route No. 1, Box 138, New Salem, ND 58563. Representative: Charles E. Johnson, Gate City Savings and Loan Building, P.O. Box 1982, Bismarck, ND 58501. Contract carrier transporting *such commodities as are dealt in by wholesale, retail and chain grocery and food business houses* (except commodities in bulk), from points in MN to Bismarck, ND under contract with Super Valu Stores, Inc., of Hopkins, MN. (Hearing site: Bismarck, ND or Minneapolis, MN.)

MC 148032 (Sub-1F), filed November 15, 1979. Applicant: J. A. HUNT TRUCKING CO., INC., Route 2, Box 646, Red Springs, NC 28377. Representative: John C. Tally, Suite 701, Wachovia Bank

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Building, Fayetteville, NC 28302. Transporting *stone and gravel, in dump trucks*, from Bennettsville, SC and Brownsville, SC to the facilities of Growell Constructors, Inc., located at or near Whiteville and Butters, NC. (Hearing site: Fayetteville, or Raleigh, NC.)

MC 148183 (Sub-11F), filed December 19, 1979. Applicant: ARROW TRUCK LINE, INC., P.O. Box 432, Gainesville, GA 30501. Representative: Pauline E. Myers, Suite 348 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. Transporting *meats and meat products and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of The Rath Packing Company, at (a) Columbus Junction and Waterloo, IA, and (b) Indianapolis, IN, to points in AL, GA, NC, SC, and those points in TN on and east of Interstate Hwy 65. (Hearing site: Atlanta GA or Washington, DC.)

MC 148283 (Sub-2F), filed November 20, 1979. Applicant: ABC TRANSPORTATION COMPANY, a corporation, State Docks Road, Eufaula, AL 36027. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Contract carrier, transporting (1) *prefabricated metal buildings, knocked-down, and prefabricated metal grain storage bins, knocked-down*, (2) *parts* and *accessories* for the commodities in (1) above; and (3) *materials, equipment, and supplies* (except in bulk), used in the manufacture, sale and assembly of the commodities in (1) above, between the facilities of American Buildings Company, Inc., at or near (a) Carson City, NV; (b) Jamestown, OH; and (c) Atlantic, IA; on the one hand, and, on the other, points in the U.S. (except AK and HI), under a continuing contract(s) with American Buildings Company, Inc., of Eufaula, AL. (Hearing site: Birmingham, AL.)

MC 148283 (Sub-3F), filed November 20, 1979. Applicant: ABC TRANSPORTATION COMPANY, a corporation, State Docks Road, Eufaula, AL 36027. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Contract carrier, Transporting (1) *prefabricated metal grain storage bins, knocked-down;* (2) *parts* and *accessories* for the commodities in (1) above; and (3) *materials, equipment,* and *supplies* (except in bulk) used in the manufacture, sale and assembly of the commodities in (1) above, between the facilities of Conrad-American, Inc., at or near (a) Grand Island, NE, and Houghton, IA, on the one hand, and, on the other, points in the US (except AK and HI) under a continuing contract(s) with Conrad-American, Inc., of Eufaula, AL. (Hearing site: Birmingham, AL.)

MC 148292 (Sub-5F), filed November 23, 1979. Applicant: J. POSA, INC., One North First Street, Fulton, NY 13069. Representative: Arthur J. Piken, Queens Office Tower, 95–25 Queens Boulevard, Rego Park, NY 11374. Transporting *malt beverages, supplies, materials,* and *equipment* used in manufacture, sales and distribution of malt beverages, between Onondaga and Oswego Counties, NY on the one hand and, on the other points and places in NY, NJ and CT. (Hearing site: New York, NY.)

MC 148412 (Sub-2F), filed December 12, 1979. Applicant: GRIBBLE TRUCKING, INC., R. D. No. 1, Somerset, PA 15501. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Contract carrier, transporting (1) *metal roofing and siding* and *fabricated metal products* and *materials* and *supplies* used in the manufacture of metal roofing and siding/fabricated metal products between Lancaster, PA on the one hand, and, on the other, points in IL, IN, MD, MI, NY, OH, and WV; under continuing contract(s) with Fabral-Alcan Building Products Division of Alcan Aluminum Corp. of Lancaster, PA and (2) *such commodities* are dealt in by manufactures of trucks and truck parts, between Hagerstown, MD on the one hand, and, on the other, points in IL, IN, MD, MI, NY, OH, WV, PA, KY and WI, under continuing contract(s) with Mack Trucks, Inc., of Hagerstown, MD. (Hearing site: Washington, DC.)

MC 148433 (Sub-2F), filed December 14, 1979. Applicant: GENERAL PARTS EXPRESS, INC., P.O. Box 243, Hanover, MD 21076. Applicant's representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. Contract carrier, transporting *automotive parts and automotive accessories and such commodities as are dealt in by distributors of automotive parts* (except commodities in bulk), between the facilities of General Motors Corporation (General Motors Parts Division), Parkway Industrial Center, Hanover, MD, on the one hand, and, on the other, points in Kent, New Castle, and Sussex Counties, DE, York, Adams, Franklin, Fulton, Cumberland, Huntingdon, Mifflin, Juniata, Perry, Dauphin, Northumberland, Snyder, Union, Montour, Lycoming, Clinton, and Centre Counties, PA, Frederick, Shenandoah, Clarke, Warren, Page, Madison, Rappahannock, Fauquier, Loudoun, Culpeper, Prince William, Arlington, Fairfax, Accomac, and Northampton Counties, VA, Berkeley, Morgan, Hampshire, Jefferson, Mineral, Hardy, Grant, Tucker, Randolph, and Pendleton Counties, WV, and the District of Columbia, under continuing contract(s) with General Motor Corporation of Flint, MI. (Hearing site: Baltimore, MD or Washington, DC.)

MC 148442 (Sub-3F), filed December 26, 1979. Applicant: SOUTHEASTERN FOOD DISTRIBUTORS, INC., d.b.a. Southeastern Transport Company, P.O. Box 22275, 607 10th Avenue North, Nashville, TN 37202. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Applicant: Southeastern Food Distributors, Inc., d.b.a. Southeastern Transport Company, P.O. Box 22275, 607 10th Ave. North, Nashville, TN 37202. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Transporting *frozen bakery products*, from facilities of Tennessee Doughnut Corp., at or near Nashville, TN and Memphis, TN to points in AL, AR, FL, GA, LA, and MS. (Hearing site: Nashville, TN.)

MC 148453 (Sub-2F), filed December 10, 1979. Applicant: FUGAZY CONTINENTAL CORPORATION OF NEW JERSEY, INC., 645 Madison Avenue, New York, NY 10022. Representative: Arthur Wagner, 600 Madison Avenue, New York, NY 10022, a contract carrier, transporting *passengers* and their *baggage* between Bally's Park Place Hotel, Atlantic City, NJ, on the one hand, and, on the other, Philadelphia, PA, and points in NY, NJ and CT, under a continuing contract with Bally's Park Place, Inc., of Atlantic City, NJ. (Hearing site: New York, NY, or Newark, NJ.)

MC 148522 (Sub-1F), filed December 6, 1979. Applicant: PAUL E. ACE TRUCKING, INC., 930 Clay Avenue, Stroudsburg, PA 18360. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Contract carrier, transporting (1) *paperboard* and *pulpboard* from Delaware Water Gap, PA to points in MD, MA, NH, NJ, NY, DE, OH, VA, CT, RI, IL, IN, and DC and (2) *such commodities* as are used in the manufacture, distribution and sale of paperboard and pulpboard, in the reverse direction under a continuing contract(s) with Packaging Corporation of America, Evanston, IL. (Hearing site: Philadelphia, PA.)

MC 148583 (Sub-2F), filed November 20, 1979. Applicant: LOOP CARTAGE, INC., 1818 North Commerce, Milwaukee, WI 53212. Representative: Lawrence P. Kahn, 161 West Wisconsin Ave., Suite 5170, Milwaukee, WI 53203. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in Milwaukee County, WI, to points in Racine, Kenosha, Walworth, Rock, Dane, Jefferson, Columbia, Dodge, Washington, Ozaukee, Sheboygan, Fond du Lac, Winnebago, Calumet, Manitowoc, Outagamie, Brown, Kewaunee, and Waukesha Counties, WI. (Hearing site: Milwaukee, WI.)

Note.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343 or submit an affidavit indicating why such approval is unnecessary.

MC 148672F, filed November 26, 1979. Applicant: J. D. NESBITT CO., 164 Mertens, P.O. Box 149, Kankakee, IL 60901. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Contract carrier, transporting *culverts*, and materials, equipment, supplies and parts used in the manufacture and distribution of culverts (except commodities in bulk), between Bourbonnais, IL on the one hand, and, on the other, points in IN under a continuing contract with Young Metal Products, Inc., of East Chicago, IN. (Hearing site: Chicago, IL.)

MC 148673, filed November 23, 1979. Applicant: PORT CARRIERS, INC., 1000 Farragut Street, P.O. Box 26344, Jacksonville, FL 32218. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. Transporting *general commodities* (except commodities in bulk) in containers and empty containers and chassis between Jacksonville, FL on the one hand, and, on the other, Brunswick and Savannah, GA and Charleston, SC restricted to the transportation of traffic having an immediately prior or subsequent movement by water. (Hearing site: Jacksonville, FL.)

MC 148693 (Sub-1F), filed November 8, 1979. Applicant: J. D. TRANSPORTS, INC., 1731 Lanier Lane, Memphis, TN 38117. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Ave., Memphis, TN 38103. Contract carrier transporting such as are dealt in by agricultural equipment, industrial equipment, and lawn and leisure product manufactures (except commodities in bulk) (1) from the facilities of Parts Distribution Warehouse of Deere and Company at Milan, IL, the Distribution Service Center of Deere and Company at Moline, IL, to the Parts Depot of John Deere and Company at Memphis, TN, (2) from North Kansas City, MO, New Orleans, LA, and Tulsa, OK to points in AL, on or west of Interstate Hwy 59, AR, points in IL on or south of Interstate Hwy 70, points in KY on and west of US Hwy 127, LA, points in MO on and east of US Hwy 67, MS, and points in TN on and west of US HWY 127 (3) between the facilities of the John Deere Company Parts Depot, Memphis, TN, on the one hand, and on the other and points in AL on or west of Interstate Hwy 59, AR, points in IL on or south of Interstate Hwy 70, points in KY on and west of US Hwy 127, LA, points in MO on and east of US Hwy 67, MS, and points in TN on and west of US Hwy 127, under continuing contract(s) with John Deere Company of Memphis, TN. (Hearing site: Memphis, TN.)

MC 148772 (Sub-1F), filed November 6, 1979. Applicant: PRYDE CARRIERS, INC., 12212 Oak Park Ave., Palos Heights, IL 60419. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Contract carrier transporting *animal and vegetable oils*, between Tama and Davenport, IA, New Brighton, MN, Montgomery and Chicago, IL, under a continuing contract(s) with Darling & Company, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 148823 (Sub-1F), filed December 20, 1979. Applicant: FRANK E. KLUBEK and LARRY G. CRAWFORD, d.b.a. KLUBEK-CRAWFORD TRUCKING COMPANY, P.O. Box 421, Lebo, KS 66856. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Transporting *hides*, (a) between Memphis, TN, on the one hand, and on the other, points in AL, CA, FL, IL, KS, MI, MS, NJ, NY, PA, and WI, and (b) between Hastings, NE, on the one hand, and on the other, Cactus, Houston, and Laredo, TX, and Clovis, NM. (Hearing site: Kansas City, MO or Memphis, TN.)

MC 148832 (Sub-2F), filed December 26, 1979. Applicant: DELTA MOTOR FREIGHT, INC., 1616 Rowe Boulevard, P.O. Box 1083, Poplar Bluff, MO 63901. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), betweeen Poplar Bluff, MO, on the one hand, and, on the other, Memphis, TN, (1) from Poplar Bluff over U.S. Hwy 67 to its junction with U.S. Hwy 63; then over U.S. Hwy 63 to its junction with Interstate Hwy 55; then over Interstate Hwy 55 to Memphis, and return over the same route; (2) from Poplar Bluff over MO Hwy 53 to its junction with MO Hwy 25; then over MO Hwy 25 to its junction with MO Hwy 84; then over MO Hwy 84 to its junction with Interstate Hwy 55; then over Interstate Hwy 55 to Memphis, and return over the same route. (Hearing site: Kansas City, MO.)

MC 148863 (Sub-2F), filed December 26, 1979. Applicant: LONG SHOT EXPRESS, INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *conveyors*, and *materials, equipment, and supplies* used in the manufacture, sale, and installation of conveyors (except commodities in bulk), between the facilities of Hewitt Robbins Conveyor Equipment Corp., Division of Litton Systems, Inc., at or near Passaic, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New York, NY, or Washington, DC.)

MC 148873 (Sub-2F), filed December 26, 1979. Applicant: ROAD CON SYSTEMS, INC., 2500 83rd St., North Bergen, NJ 07047. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier* transporting (1)(a) *silicones and rubber compounds*, from Lakewood and New Brunswick, NJ, and New York, NY, (b) *chemicals, and three and weed killing compounds*, from New York, NY, (c) *animal feed supplements*, from Baltimore, MD, (d) *tree and weed killing compounds, manufactured fertilizer, and insecticides*, from Portland, OR, and St. Joseph, MO, (e) *chemicals, and silicone packaging supplies*, from Tuscola and Elk Grove Village, IL, and (f) *chemicals* (except commodities in bulk), from Freeport, TX, to points in the United States (except AK and HI); and (2) *materials, equipment, and supplies* used in the manufacture and sale of the commodities in (1) above (except commodities in bulk), from points in the United States (except AK and HI), to the origins in (1) above, under continuing contract(s) with Rhone-Poulenc, Inc., of Monmouth Junction, NJ. (Hearing site: New York, NY or Washington, DC.)

Note.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343 or submit an affidavit indicating why such approval is unnecessary.

MC 148953F, filed November 30, 1979. Applicant: TOPCAT, INC., P.O. Box 95, Trenton, KY 42286. Representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, KY 40601. Contract carrier, transporting

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glass, aluminum doors, and *materials and supplies* used in the manufacture of aluminum doors, aluminum, steel shelvings, and corrugated boxes, between points in KY, IL, TX, MS, TN, MI, IN, MO, AL, GA, NJ and WI, under continuing contract(s) with Ardco, Incorporated, of Elkton, KY. (Hearing site: Washington, DC.)

MC 148963F, filed December 4, 1979. Applicant: MR. LAKHU JETHANI, d.b.a. RAVI TRANSPORT, 42–55 Colden Street, Flushing, NY 11355. Representative: Michael Groll, 140 Broadway, New York, NY 10005. Transporting; *passengers and their baggage,* in special (or charter) operations, in round-trip sightseeing, pleasure, and educational tours, beginning and ending at New York, NY and extending to points in NY, NJ, PA, MD, IL and FL. (Hearing site: New York, NY or Washington, DC.)

MC 149092, filed December 27, 1979. Applicant: ASPEN, INC., 2900 East 83rd Place, Merrillville, IN 46410. Representative: Donald W. Smith, P.O. Box 40248 Indianapolis, IN 46240. Contract carrier, transporting *alcohol,* in bulk, in tank vehicles, from Decatur, IL to the facilities of Welsh Oil, Inc. at Gary, IN, under a continuing contract(s) with Welsh Oil, Inc. of Gary, IN. (Hearing site: Indianapolis, IN.)

MC 149093, filed December 17, 1979. Applicant: TRANSPORT WORLD, INC., d.b.a. ROYAL TRANSPORT, 1124 S. Highland Dr., Las Vegas, NV 89102. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Transporting *frozen foodstuffs* in vehicles equipped with mechanical refrigeration, from the facilities of Blue Star Foods, Inc., at Council Bluffs, IA, and at Omaha, NE, to points in CA. (Hearing site: Los Angeles, CA.)

MC 149102F, filed December 21, 1979. Applicant: LEE S. PRESCOTT, d.b.a. LEE AUTOMOTIVE, Dresser Hill Rd 2, Dudley, MA 01570. Representative: Lee S. Prescott (same address as applicant). Transporting *used motor vehicles,* from points in MA to points in VT, NH, ME, NY, CT, and RI. (Hearing site: Worcester or Springfield, MA.)

MC 149103F, filed December 27, 1979. Applicant: INTERNATIONAL CONTAINER REPAIR & DRAYAGE, INC., 712 St. George Avenue, Jefferson, LA 70121. Representative: Joseph E. Mire, Jr. (same as applicant). Transporting *general commodities* (except classes A and B explosives) between points in the commercial zone of New Orleans, LA, restricted to traffic having a prior or subsequent movement by water. (Hearing site: New Orleans, LA.)

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Decided: February 20, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill

MC 11207 (Sub-515F), filed December 20, 1979. Applicant: DEATON, INC., 317 Ave. W., P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *steel catwalk, aluminum catwalk, steel articles, aluminum articles, and fiberglas articles* (except commodities which because of size or weight require the use of special equipment), between Gulfport, MS, and Nashville, TN on the one hand, and, on the other, points in the US in and east of TX, OK, MO, LA, and WI. (Hearing site: Nashville, TN, or Washington, DC.)

MC 26396 (Sub-321F), filed December 21, 1979. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *sulphur,* from Billings, MT, to points in CO, IL, IA, KS, MN, NE, NM, ND, SD, TX, WI, and WY. (Hearing site: Omaha, NE, or Billings, MT.)

MC 28067 (Sub-23F), filed December 18, 1979. Applicant: WILLIAMS MOTOR TRANSFER, INC., So. Vine St., Barre, VT 05641. Representative: John P. Monte, Box 568, Barre, VT 05641. Transporting *stone* (except monumental stone and monumental granite), and *materials, equipment, and supplies* used in the manufacture of stone, between Barre, and Bethel, VT, and Concord, NH, on the one hand, and, on the other, points in the US in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Montpelier, VT, or Boston, MA.)

MC 30837 (Sub-492F), filed December 20, 1979. Applicant: KENOSHA AUTO TRANSPORT CORP., 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting over irregular routes, in foreign commerce only, *automobiles and trucks* in secondary movements, in truckaway service, from ports of entry on the international boundary line between the US and Canada at Baltimore, MD, and Port Newark, NJ, to points in IL, CT, DE, IN, KY, MD, MA, MI, MN, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC. (Hearing site: Washington, DC.)

MC 51146 (Sub-796F), filed December 19, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as above). Transporting (1) *sodium bicarbonate,* in packages, and (2) *phosphates,* in packages, in mixed loads with sodium bicarbonate, in packages from the facilities of Stauffer Chemical Company, at Chicago Heights, IL, to points in CT, DE, IN, IA, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, ND, OH, PA, RI, SD, VT, VA, WV, WI and DC. (Hearing site: Chicago, IL.)

MC 55896 (Sub-130F), filed December 17, 1979. Applicant: R–W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: John C. Scherbarth, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Transporting *coke* from Ironton, OH to points in IN, IL, KY, WV, VA, WI, and PA. (Hearing site: Detroit, MI, or Chicago, IL.)

MC 59206 (Sub-29F), filed December 18, 1979. Applicant: HOLLAND MOTOR EXPRESS, INC., 750 East 40th St., Holland, MI 49423. Representative: Kenneth De Vries (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between the junction of Interstate Hwy 69 and IN Hwy 28 and the junction of US Hwy 81 and IN Hwy 28 over IN Hwy 28, serving all intermediate points. (Hearing site: Indianapolis, IN.)

MC 61396 (Sub-381F), filed December 17, 1979. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, NE 68101. Representative: Duane L. Stromer (same address as applicant). Transporting *flour and middlings,* from the facilities of ConAgra, at York, PA, to points in CT, DE, MD, MA, NJ, NY, OH, PA, RI, ME, NH, VT, VA, and DC. (Hearing site: Omaha, NE, or Pittsburgh, PA.)

MC 63417 (Sub-282F), filed December 19, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *plastic articles and plastic materials* (except in bulk), from the facilities of Union Carbide Corporation, in Union, Somerset, Middlesex, Bergen, and Camden Counties, NJ, to points in AL, GA, KY, NC, SC, TN, VA, and WV. (Hearing site: Washington, DC.)

MC 66886 (Sub-80F), filed December 17, 1979. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *aluminum, aluminum products and supplies, materials and equipment* used in the manufacture of aluminum and aluminum products (except commodities in bulk), between the facilities of Alumax, Inc., in Berkeley County, SC, on the one hand, and, on the other points in CO, NM, NE, KS, MO, OK, TX, LA, AR, KY, IL, IN, IA, WI, and MI. (Hearing site: Washington, DC.)

MC 66886 (Sub-81F), filed December 17, 1979. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting (1) *railway material or railway equipment, parts and accessories,* from Atchison, KS, and St. Joseph, MO, to points in the US in and east of ND, SD, NE, CO, OK, and TX. and (2) *equipment, materials and supplies* (except in bulk) used in the manufacture of commodities in (1), in the reverse direction. (Hearing site: Kansas City, MO.)

MC 78687 (Sub-98F), filed December 17, 1979. Applicant: LOTT MOTOR LINES, INC., Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting (1) *doors and chimney assemblies,* and (2) *materials, equipment and supplies* used in the manufacture, installation or distribution of commodities in (1), between Fredericksburg, VA, on the one hand, and, on the other, points in CT, MA, NJ, NY, PA, RI, and VT. (Hearing site: Washington, DC.)

MC 78687 (Sub-99F), filed December 17, 1979. Applicant: LOTT MOTOR LINES, INC., Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *lime, limestone and limestone products,* from points in Sussex County, NJ, to points in NY. (Hearing site: Washington, DC.)

MC 100666 (Sub-511F), filed December 19, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615 East, the Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *such commodities* as are dealt in by home improvement stores, between points in the US (except AK and HI). (Hearing site: Dallas, TX.)

MC 105007 (Sub-67F), filed December 21, 1979. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Avenue, Albert Lea, MN 56007. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *new furniture and store fixtures and furnishings,* from Albert Lea, MN, to points in AL, CT, DE, FL, GA, KY, ME, MD, MA, MS, NH, NJ, NY, NC, RI, SC, TN, VT, VA, WV, and DC (2) *materials, equipment, and supplies* used in the manufacture of new furniture and store fixtures and furnishings, in the reverse direction, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Litton Business Systems, Inc., Streater Division, at Albert Lea, MN. (Hearing site: Minneapolis, MN.)

MC 112617 (Sub-462F), filed December 17, 1979. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Rd., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same address as applicant). Transporting *liquid petroleum pitch,* in vehicles equipped with mechanical refrigeration, from the facilities of Warriers Asphalt Co., at Doraville, GA, to the facilities of Union Carbide Corp., Carbon Products, at Greenville, SC. (Hearing site: Louisville, KY, or Washington, DC.)

MC 112617 (Sub-463F), filed December 17, 1979. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Rd., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same address as applicant). Transporting *liquid petroleum pitch,* in bulk, in tank vehicles, from the facilities of Mobile Oil Company, at Augusta, KS, to the facilities of Airco Speer Carbon Graphite, at Niagara Falls, NY. (Hearing site: Louisville, KY, or Washington, DC.)

MC 114457 (Sub-558F), filed December 20, 1979. Applicant: DART TRANSIT COMPANY, a corporation, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting *metal ductwork, fittings, duct heaters, and materials, equipment, and supplies* used in the installation of heating and cooling systems (except commodities in bulk), from the facilities of Holbrook Co., Inc., at or near Kaysville, UT, to points in the U.S. (except AK and HI). (Hearing site: Salt Lake City, UT, or St. Paul, MN.)

MC 114606 (Sub-10F), filed December 19, 1979. Applicant: S. F. DOUGLAS TRUCK LINE, INC., 587 S.W. First St., New Brighton, MN 55551. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *such commodities* as are dealt in or used by retail grocery stores, drug stores, hardware stores, and department stores and chemicals, from Minneapolis, MN, to points in MN, and Eau Claire, La Crosse, and Superior, WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 115716 (Sub-30F), filed December 20, 1979. Applicant: DENVER-LIMON-BURLINGTON TRANSFER COMPANY, a corporation, 3650 Chestnut Place, Denver, CO 80216. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80203. Transporting *frozen berries, vegetables and fruits,* from Santa Maria, Modesto, Salinas, Watsonville, Santa Cruz, Sunnyvale, Gilroy and Turlock, CA, to points in CO. (Hearing site: Denver, CO.)

MC 115716 (Sub-31F), filed December 20, 1979. Applicant: DENVER-LIMON-BURLINGTON TRANSFER COMPANY, a corporation, 3650 Chestnut Place, Denver, CO 80216. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80203. Transporting *alcoholic beverages and mixers* (except malt beverages and commodities in bulk), from points in CA to Pueblo, CO. (Hearing site: Denver, CO.)

MC 115826 (Sub-568F), filed December 17, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (a) (1) *floor coverings* and (2) *materials, equipment and supplies* used in the installation of floor coverings, from Ames, IA, and Philadelphia, PA, to points in CA, and (b) *chemicals* (except in bulk), from Pennsauken, NJ, to points in CA. (Hearing site: Denver, CO.)

MC 115826 (Sub-569F), filed December 12, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *plastic film or sheeting,* (except cellulose) *and articles, materials and equipment* used in the manufacture and distribution of plastic film or sheeting (except commodities in bulk in tank vehicles), between points in the US (except between points in the US in and west of TX, OK, KS, NE, ND, and SD), restricted to the transportation of traffic originating at or destined to the facilities of Borden Chemical, Division of Borden, Inc. (Hearing site: Denver, CO.)

MC 117786 (Sub-81F), filed December 17, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoeniz, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *general commodities,* from points in OH, KY and IN, to points in the US (except AK and HI). Condition: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it will expire 5 years from the date of issuance. (Hearing site: Phoenix, AZ.)

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MC 117786 (Sub-82F), filed December 18, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoeniz, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *frozen foods* and *foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in WA, OR, and ID, to points in KS, NE, IN, MI, MO, TX, OH, AR, CA, CO, NM, IA, MT, AL, GA, and LA. (Hearing site: Phoeniz, AZ.)

MC 119777 (Sub-434F), filed December 21, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *insulating materials*, from facilities of Pabco Insulation Division of Louisiana-Pacific Corp. at or near Fruita, CO, to points in AR, AZ, CA, ID, IL, IN, IA, KS, LA, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TX, UT, WA, WI and WY. (Hearing site: Denver, CO.)

MC 119777 (Sub-435F), filed December 21, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting: (1)(a) *fibreboard, particleboard, plywood, board and wood products*, and (b) *materials and supplies* used in the installation of commodities in (a) and (2) *equipment, materials and supplies* used in the manufacture or distribution of commodities in (1) (except commodities in bulk), between points in Sussex and Patrick County, VA, and Granville County, NC, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, LA and TX. (Hearing site: Richmond or Norfolk, VA.)

MC 119777 (Sub-436F), filed December 21, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) *water purification equipment and supplies*, and (2) *equipment, materials and supplies* used in the manufacture of commodities in (1) between Ames and Muscatine, IA, Eau Clair, WI and Delano, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Des Moines, IA.)

MC 119777 (Sub-437F), filed December 21, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *iron and steel articles*, from the facilities of Nucor Corporation, at or near Norfolk, NE to points in the United States (except AK and HI). (Hearing site: Omaha, NE.)

MC 121496 (Sub-42F), filed December 17, 1979. Applicant: CANGO CORPORATION, Suite 2900, 1100 Milam Bldg., Houston, TX 77002. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001. Transporting *petroleum and petroleum products*, in bulk, in tank vehicles, from the facilities of Exxon Company, U.S.A., at or near Baton Rouge, LA, to points in the U.S. (except AK and HI). (Hearing site: Houston, TX.)

MC 123407 (Sub-629F), filed December 20, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr., (same address as applicant). Transporting *insulation and materials* used in the manufacture and installation of insulation, between St. Louis, MO, on the one hand, and, on the other, points in the U.S. in and east of MT, WY, CO, and NM (except MO, AK, and HI). (Hearing site: St. Louis, MO.)

MC 123476 (Sub-50F), filed December 19, 1979. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimitt (same address as applicant). Transporting *petroleum gases*, in bulk, in tank vehicles, between Wood River, and Cehokia, IL, on the one hand, and, on the other, points in MO. (Hearing site: St. Louis, or Kansas City, MO.)

MC 126276 (Sub-212F), filed December 14, 1979. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Contract carrier, transporting (1) *containers, container ends, and closures*, (2) *commodities* manufactured or distributed by manufacturers and distributors of containers in mixed loads with containers, and (3) *material, equipment, and supplies* used in the manufacture and distribution of containers, container ends and closures, from the facilities of Boise Cascade Corporation, at Boise, ID, to points in the U.S. in and east of MN, IA, MO, KS, OK, and TX, under continuing contract(s) with Boise Cascade Corporation, of Boise, ID. (Hearing site: Chicago, IL.)

MC128246 (Sub-57F), filed December 7, 1979. Applicant: SOUTHWEST TRUCK SERVICE, a corporation, P.O. Box A.D., Watsonville, CA 95076. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Contract carrier, transporting *meats, meat products and meat byproducts and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodites in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Emporia and Wichita, KS, and Dakota City, NE, to points in WI, MN, IL, and IN, under continuing contract(s) with Iowa Beef Processors, Inc., of Dakota City, NE. (Hearing site: Washington, DC, or Omaha, NE.)

MC 129387 (Sub-107F), filed December 22, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant). Transporting *foodstuffs*, from Minneapoalis and New Hope, MN, to points in AZ, CA, CO, ID, MT, UT, NV, NM, OR, WA, and WY. (Hearing site: St. Paul, MN, or Chicago, IL.)

MC 133566 (Sub-152F), filed December 18, 1979. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Thomas J. Beener, One State Street Plaza, New York, NY 10004. Transporting *foodstuffs* (except in bulk), from the port of entry on the international boundary line between the United States and Canada at Buffalo, NY, to the facilities of Rich Products Corporation, at or near Logansport, IN, and Appleton and Green Bay, WI, restricted to the transportation of traffic destined to the facilites of Rich Products Corporation at or near the named destinations. (Hearing site: New York, NY.)

MC 134286 (Sub-140F), filed December 17, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). Transporting *frozen bagels* (except in bulk), (1) from the facilities of Lender's Bagel Bakery, Inc. at or near Buffalo, NY, to points in IL (except Chicago), MO (except Kansas City and St. Louis), KS (except Kansas City), CO (except Denver), WI (except Milwaukee), NE (except Omaha), IA, MN, MD, NC, SC, VA, GA, FL, ME, NH, VT, MA, RI, CT, NY, NJ, DE, WV, KY, TN, AL, MS, AR, LA, ND, SD, OK, MT, WY, ID, UT, NM, NV, and DC, and (2) from the facilities of Lender's Bagel Bakery, Inc. at or near West Haven, CT, to points in the US (except AK and HI), restricted to the transportation of traffic originating at the named origins. (Hearing site: Sioux City, IA, or Denver, CO.)

MC 134286 (Sub-141F), filed December 17, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux city, IA 51102. Representative: Julie Humbert (same address as above). Transporting *weed killing compounds and animal feed supplements* (except in bulk), from the facilities of Eli Lilly & Co. at Clinton, Lafayette, and Indianapolis, IN, to points in TN, TX, NE, IA, ID, CA, MN, GA, NC, CT, MD, ND, and SD. (Hearing site: Sioux City, IA, or Denver, CO).

MC 134286 (Sub-142F), filed December 17, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). Transporting *hospital supplies* (except commodities in bulk) between the facilities of Abbott Laboratories, at (1) Rocky Mount, NC, (2) North Chicago, IL, and (3) Altavista, VA, on the one hand, and on the other, points in the US (except AK and HI). (Hearing site: Denver, CO, or Sioux City, IA.)

MC 134286 (Sub-143F), filed December 17, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). Transporting *general commodities* (except in bulk), between points in the US (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Phillips Petroleum Company, Phillips Fibers Corporation, Phillips Chemical Company, and Phillips Products Company, at Houston, TX. (Hearing site: Dallas, TX, or Washington, DC.)

MC 134477 (Sub-339F), filed December 21, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43498, St. Paul, MN 55164. Transporting *plastic articles* (except in bulk), from Anoka, MN to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC. (Hearing site: St. Paul, MN.)

MC 135797 (Sub-295F), filed December 17, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (same address as applicant). Transporting (1) *plastic articles*, (except in bulk) from the facilities of Mobil Chemical Company at or near Channahon Township and Joliet, IL to points in the United States (except AK and HI), (2) *materials and supplies*, (except in bulk) used in the manufacture and distribution of plastic articles, in the reverse direction. (Hearing site: Chicago, IL, or Washington, DC.)

MC 136407 (Sub-29F), filed December 12, 1979. Applicant: COORS TRANSPORTATION COMPANY, a corporation, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Contract carrier, transporting (1) *malt beverages*, from points in Jefferson County, CO, to points in AR, under continuing contract(s) with Adolph Coors Company, of Golden, CO, and (2) *equipment, materials and supplies* used and dealt in by breweries, porcelain manufacturers or container manufacturers, from points in AR, to points in Jefferson, Boulder, and Mesa Counties, CO, under continuing contract(s) with Adolph Coors Company, Coors Porcelain Company, and Coors Container Company, all of Golden, CO. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 138157 (Sub-210F), filed December 17, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Transporting *such commodities* as are dealt in and used by manufacturers and wholesalers of household furnishings (except commodities in bulk, commodities which because of their size or weight require the use of special equipment, lumber and construction and building materials), from points in Los Angeles, Orange and Riverside Counties, CA, to points in the U.S. in and east of MT, WY, UT, and MN. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 138157 (Sub-211F), filed December 17, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 So. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Transporting *such commodities* as are dealt in and used by manufacturers and wholesalers of household furnishings (except commodities in bulk, commodities which because of their size or weight require the use of special equipment, lumber and construction and building materials), from Lancaster and Landisville, PA to points in the U.S. in and west of ND, SD, NE, MO, AR, and LA. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 138157 (Sub-212F), filed December 20, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Transporting (1) *such commodities* as are dealt in and used by grocery, hardware and drug stores, (2) *cleaning and building maintenance materials and supplies*, (3) *swimming pool, spa and hot tub products*, (4) *chemicals*, and (5) *materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities named in (1) through (4), Between points in the US (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Purex Corporation. Further restricted against the transportation of commodities in bulk. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138387 (Sub-3F), filed December 28, 1979. Applicant: FOOSE TRANSPORT, INC., P.O. Box 12, Rochelle Park, NJ 07662. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Contract carrier transporting *such commodities* as are dealt in or used by manufacturers of pulpboard (except commodities in bulk), between Ridgefield, NJ, on the one hand, and, on the other, points in NY, NH, UT, and CO, under continuing contract(s) with Lowe Paper Company, of Ridgefield, NJ. (Hearing site: New York, NY.)

MC 139206 (Sub-68F), filed December 10, 1979. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Dr., Maryland Heights, MO 63043. Representative: R. C. Mitchell (same address as applicant). Contract carrier, transporting *air conditioners, compressors, humidifying and heating equipment, and materials, equipment and supplies* used in the maufacture, distribution and repair of the above named commodities (except commodities in bulk, and those requiring the use of special equipment), between the facilities of Fedders Corp., at Edison, NJ, Buffalo, NY, and Frederick and Elkton, MD, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, KY, MI, MO, MS, MN, NC, OH, PA, SC, TN, WV, WI, and VA, under continuing contract(s) with Fedders Corp., of Edison, NJ. (Hearing site: St. Louis or Jefferson City, MO.)

MC 139577 (Sub-46F), filed December 21, 1979. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, WI 53935. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting (1) *foodstuffs, pet foods, and animal feeds*, and (2) *such commodities* as are used in the manufacture and distribution of foodstuffs, pet foods, and animal feeds (except commodities in bulk, in tank vehicles) between points in the US in

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and east of ND, SD, NE, CO, OK and TX, restricted to the transportation of traffic originating at or destined to the facilities of Carnation Company. (Hearing site: Madison, WI, or Los Angeles, CA.)

MC 140086 (Sub-5F), filed December 21, 1979. Applicant: DeLARIA TRANSPORT, INC., 327 Eighth Ave. NW, New Brighton, MN 55112. Representative: James M. Christenson, 4444 IDS Center, 80 So. Eighth St., Minneapolis, MN 55402. Transporting (1) *vegetable oils and byproducts*, and (2) *blends* of the commodities in (1), from Riverside, ND, to points in the US (except AK and HI). (Hearing site: Minneapolis, MN.)

MC 141046 (Sub-16F), filed December 17, 1979. Applicant: MASON O. MITCHELL, d.b.a. M. MITCHELL TRUCKING, 1911 "I" Street, LaPorte, IN 46350. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier*, transporting *such commodities* as are dealt in, by A. E. Staley Manufacturing Company (except commodities in bulk), and *materials, equipment and supplies (except commodities in bulk, Between points in the U.S.* (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of A. E. Staley Manufacturing Company, and under continuing contract(s) with A. E. Staley Manufacturing Company, of Decatur, IL. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 141487 (Sub-1F), filed December 6, 1979. Applicant: FAIRFIELD TRANSPORTATION CORP., P.O. Box 487, East Syracuse, NY 13057. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Contract carrier, transporting *foodstuffs* (except in bulk), between points in CT, IL, IN, MA, MI, MO, NJ, NY, OH, PA, and WI, under continuing contract(s) with Nestle Enterprises Incorporated, of White Plains, NY. (Hearing site: New York, NY.)

MC 143437 (Sub-5F), filed December 20, 1979. Applicant: J.R. B., INC., 101 Wheatley Road, Ashland, OH 41101. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. Transporting (1) *petroleum and petroleum products*, and (2) *equipment, materials, and supplies* used in the manufacture of petroleum and petroleum products (except commodities in bulk) between Cicero, IL, and Westwood, KY. (Hearing site: Columbus, OH.)

MC 146528 (Sub-6F), filed December 17, 1979. Applicant: WALTER SHORT AGENCY, INC., 5000 Wyoming, Dearborn, MI 48126. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Transporting *air pollution control devices*, from the facilities of Tri-Mer Corporation located at or near Owosso, MI to points in the US (except AK and HI). (Hearing site: Detroit, MI or Chicago, IL.)

MC 148127 (Sub-7F), filed December 17, 1979. Applicant: LINEHAUL EXPRESS CORPORATION, P.O. Box 5078, Manchester, NH 03108. Representative: Neal R. Michaud (same address as applicant). Transporting *confectionery*, in vehicles equipped with mechanical refrigeration, from Waco, TX, Chicago, IL, Elizabethtown, PA, and Hackettstown, NJ, to points in CT, MA, ME, NH, NJ, NY, IL, and RI, restricted to the transportation of traffic originating at named origins and destined to named destinations. (Hearing site: Concord, NH, or Boston, MA.)

MC 148496 (Sub-2F), filed December 17, 1979. Applicant: O. W. SMITH TRANSPORT, INC., Hwy 71 No., DeQueen, AR 71832. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201. Transporting (1) *charcoal briquettes*, and (2) *materials and supplies* used in the manufacture and distribution of charcoal briquettes (except commodities in bulk or commodities which because of their size and weight require the use of special equipment), between the facilities of the Weyerhauser Company, at Dierks, AR, on the one hand, and, on the other, points in KS, LA, MS, MO, OK, TN, and TX. (Hearing site: Little Rock, AR.)

MC 148786 (Sub-2F), filed December 10, 1979. Applicant: JOE GOOD, d.b.a. GOOD TRANSPORTATION, 830 Shoshone Ave., Lovell, WY 82431. Representative: Steven K. Kuhlmann, 2600 Energy Center One, 717–17th St., Denver, CO 80202. Transporting (1) *gypsum, gypsum products, and building materials*, and (2) *materials* used in the installation and distribution of commodities in (1), from Heath, MT, to points in CO and WY. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

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Decided: March 7, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman, and Jensen.

MC 808 (Sub-65F), filed December 26, 1979. Applicant: ANCHOR MOTOR FREIGHT, INC., 29201 Telegraph Rd., Suite 522, Southfield, MI 48034. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. *Contract carrier* transporting *motor vehicles*, in truckaway service, from Flint, MI, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV and DC, under continuing contract(s) with General Motors Corporation. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 2978 (Sub-19F), filed December 28, 1979. Applicant: CLE MAR CARTAGE, INC., P.O. Box 428, Cromwell, IN 46732. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Contract carrier*, transporting *paper, paper products, and materials and supplies* used in the manufacture of paper and paper products, between the facilities of Sonoco Products Co., in IL, MI, IN, KY, MO, and OH, on the one hand, and, on the other, points in IL, IN, KY, MI, MO, and OH, and points in WI on and south of U.S. Hwy 151, under continuing contract(s) with Sonoco Products Company. (Hearing site: Indianapolis, IN.)

MC 13569 (Sub-56F), filed November 9, 1979. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY, INC., 1200 South State Street, Girard, OH 44420. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting (1) *iron and steel articles* and (2) *materials, supplies* and *equipment* used in the manufacture of iron and steel articles, between the facilities of Sharon Steel Corporation, at Sharon, Ferrell and Greenville, PA, on the one hand, and, on the other, points in CT, MA, NJ, NY, and RI. (Hearing site: Pittsburgh, PA.)

MC 19778 (Sub-103F), filed November 19, 1979. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, 516 W. Jackson Blvd., Suite 508, Chicago, IL 60606. Representative: Robert F. Munsell (same address as applicant). Transporting (1) *household appliances, waste compactors, magnetron tubes, paper, and paper products*, between Middle Amana, IA, on the one hand, and, on the other, Billings, MT, points in WA, and those points in OR west of U.S. Hwy 97, and (2) *wooden buildings*, knocked down, from Tacoma, WA, to points in IA, MN, WI, IL, SD and the upper peninsula of MI. (Hearing site: Chicago, IL, or Seattle, WA.)

MC 23618 (Sub-60F), filed November 5, 1979. Applicant: McALISTER TRUCKING COMPANY, d.b.a. MATCO, a corporation, P.O. Box 2377, Abilene, TX 79604. Representative: E. Larry Wells, P.O. Box 45538, Dallas, TX 75245. Transporting *iron and steel articles*, from the facilities of Century Tube, Inc., at or near Pine Bluff, AR, to points in AL, AZ, CO, FL, GA, IA, KS, KY, LA, MN, MS, MO, NE, NM, NC, ND, OK, SC, SD, TN, TX, VA and WV. (Hearing site: Little Rock, AR, or Dallas, TX.)

MC 26739 (Sub-107F), filed November 28, 1979. Applicant: ALFARM TRUCKLINES, a Corporation, 1703 Embarcadero Road, Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *truck frames and steel railway car or locomotive bolsters*, from Atchison, KS and St. Joseph, MO, to McCook, IL. (Hearing site: Chicago, IL or Washington, DC.)

MC 29079 (Sub-152F), filed November 9, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street NW., Washington, DC 20006. Transporting (1) *iron and steel, and railroad car and locomotive engine wheels* and (2) *parts and accessories* for the commodities in (1) above between the facilities of Griffin Wheel Company, Div. of Amsted Ind. Inc., at or near (a) Keokuk, IA and (b) Bessemer, AL, and, points in AL, DE, GA, IL, IN, KY, MD, MO, MS, MI, NJ, NY, NC, PA, TN, VA, WV, WI, OH, and DC, and those points in LA east of the Mississippi River. (Hearing site: Washington, DC.)

MC 29079 (Sub-153F), filed November 9, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street NW., Washington, DC 20006. Transporting (1) *iron and steel articles* and (2) *equipment, materials, and supplies* used in the manufacture of iron and steel articles, between the facilities of Dayton Forging & Coating Company, at or near Dayton, OH, on the one hand, and, on the other, points in AL, DE, GA, IN, IL, KY, MD, MI, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC, and those points in LA east of the Mississippi River. (Hearing site: Washington, DC.)

MC 29079 (Sub-154F), filed November 9, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street NW., Washington, DC 20006. Transporting (1) *iron sand and chilled shot* (except ammunition), from the facilities of Cleveland Metal Abrasive, Inc., at or near Birmingham, AL, to points in DE, GA, IL, IN, KY, MD, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC, points in the lower peninsula of MI, and those in LA on and east of the Mississippi River. (Hearing site: Washington, DC.)

MC 29079 (Sub-155F), filed November 9, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street NW., Washington, DC 20006. Transporting (1) *traffic control products, and pavement marking compounds*, and (2) *equipment, materials, and supplies* used in the maintenance and installation of the commodities in (1) above, between the facilities of Pave Mark Corporation, at or near Atlanta, GA, to points in AL, DE, IL, IN, KY, MD, MI, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC, and those points in LA east of the Mississippi River restricted in (1) and (2) against the transportation of commodities in bulk. (Hearing site: Washington, DC.)

MC 33919 (Sub-17F), filed November 30, 1979. Applicant: FAIRCHILD GENERAL FREIGHT, INC., P.O. Box 9967, Yakima, WA 98909. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Transporting *paper and paper products* from the facilities of Container Corporation of America, at Portland, OR, to those points in WA in and west of Whatcom, Skagit, Snohomish, King, Pierce, Lewis & Skamania Counties. (Hearing site: Portland, OR or Seattle, WA.)

MC 41098 (Sub-50F), filed November 27, 1979. Applicant: GLOBAL VAN LINES, INC., Number One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Transporting (1) *golf carts and industrial vehicles*, and (2) *materials and supplies* used in the manufacture, distribution, and maintenance of the commodities in (1) above, from the facilities of Nordco Electric Vehicle Division/Nordco Products, Nordskog Industries, Inc., at Redlands CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 49368 (Sub-109F), filed December 6, 1979. Applicant: COMPLETE AUTO TRANSIT, INC., East 4111 Andover Rd., Bloomfield Hills, MI 48013. Representative: Eugene C. Ewald, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013. *Contract carrier*, transporting *motor vehicles*, in initial movements, in truckaway service, from the facilities of General Motors Assembly Division, at Atlanta and Doraville, GA to points in AZ, CA, CO, ID, MN, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY, under continuing contract(s) with General Motors Corportion. (Hearing site: Detroit, MI.)

Note.—Dual operations may be involved.

MC 9368 (Sub-110F), filed December 13, 1979. Applicant: COMPLETE AUTO TRANSIT, INC., East 4111 Andover Road, Bloomfield Hills, MI 48013. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hill, MI 48013. *Contract carrier*, transporting *motor vehicles*, in initial movements, in truckaway service, from the facilities of General Motors Assembly Division, at Flint, MI, to points in AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, UT, WA and WY, under continuing contract(s) with General Motors Corporation. (Hearing site: Detroit, MI.)

Note.—Dual operations may be involved.

MC 49368 (Sub-111F), filed December 10, 1979. Applicant: COMPLETE AUTO TRANSIT, INC., East 4111 Andover Road, Bloomfield Hills, MI 48013. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. *Contract carrier*, transporting *motor vehicles*, in initial movements, in truckaway service, from the facilities of General Motors Corporation, at (a) Baltimore, MD and (b) Linden, NJ, to points in IA, IL, IN, KY, MI, MN, MO, OH, WI and WV, under continuing contract(s) with General Motors Corporation. (Hearing site: Detroit, MI.)

Note.—Dual operations may be involved.

MC 49368 (Sub-112F), filed December 12, 1979. Applicant: COMPLETE AUTO TRANSIT, INC., East 4111 Andover Rd., Bloomfield Hills, MI 48013. Representative: Eugene C. Ewald, 100 W. Long Lake Rd., Ste 102, Bloomfield Hills, MI 48013. *Contract carrier*, transporting (1) *motor vehicles*, in initial movements, in truckaway service, from the facilities of General Motors Assembly Division, at Norwood, OH, to points in AZ, CA, CO, CT, FL, ID, ME, MA, MN, MT, NV, NH, NM, ND, OR, RI, SD, UT, VT, WA and WY; and (2) *motor vehicles*, in secondary movements, in truckaway service, between points in OH, on the one hand, and, on the other, CT, FL, MA, ME, NH, RI, and VT, under continuing contract(s) with General Motors Corporation. (Hearing site: Detroit, MI.)

Note.—Dual operations may be involved.

MC 78228 (Sub-151F), filed November 29, 1979. Appliant: J MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting (1) activated carbon, in bulk, in dump vehicles, from Pryor, OK, to points in the United States (except AK and HI), and (2) spent carbon, in bulk, in dump vehicles, in the reverse direction.

MC 99919 (Sub-7F), filed November 30, 1979. Applicant: FREMONT EXPRESS, INC., 620 E. Factory, P.O. Box Q, Fremont, NE 68025. Representative: Scott T. Robertson, 521 South 14th St.,

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Suite 500, P.O. Box 61849, Lincoln, NE 68501. Transporting *chemicals*, from Fremont, NE, to points in AL, AZ, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MO, MS, MT, ND, OK, OR, SD, TN, TX, UT, WA, WI, and WY.

MC 106398 (Sub-1030F), filed November 27, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Fred Rahal, Jr., 525 South Main, Tulsa, OK 74103. Transporting *flat glass*, from the facilities of Guardian Industries, at or near Corsicana, TX, to points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 109708 (Sub-101F), filed November 29, 1979. Applicant: INDIAN RIVER TRANSPORT CO., P.O Box AG, Dundee, FL 33838. Representative: William C. Bailey (same address as applicant). Transporting *liquid foodstuffs*, in bulk, in tank vehicles, between points in the United States (except AK and HI). (Hearing site: Orlando, FL.)

MC 109818 (Sub-74F), filed November 30, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52804. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Transporting *nuts and bolts*, between Northbrook, IL, on the one hand, and on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 109818 (Sub-75F), filed November 30, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Transporting *metal building and materials, supplies, and accessories* used in the manufacture of metal buildings, between Atlantic, IA on the one hand, and, on the other, points in IL, IN, NE, CO, WY, ID, MT, TX, OK, KS, AR, AL, MO, KY, NV, SD, WI, and NM. (Hearing site: Omaha, NE, or Des Moines, IA.)

MC 110988 (Sub-407F), filed November 30, 1979. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. Transporting *such commodities* as are dealt in or used by meat packinghouses, in bulk, in tank vehicles, from the facilities of John Morrell & Company, at or near (a) Amarillo, TX, (b) Estherville, IA, (c) Ft. Smith, AR, (d) Lubbock, TX, (e) Memphis, TN, (f) Shreveport, LA, (g) Sioux City, IA, and (h) Sioux Falls, SD, to points in IL, IN, IA, KY, MI, MN, MO, OH, and WI, restricted to the transportation of traffic originating at the above named facilities. (Hearing site: Chicago, IL.)

MC 111289 (Sub-11F), filed June 22, 1979. Applicant: RICHARD D. FOLTZ, P.O. Box 161, Orwigsburg, PA 17961. Representative: S. Berne Smith, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk), (1) from the facilities of Y & S Candies, Inc., and Hershey Foods Corporation, in East Hempfield, Township, Lancaster County, PA, to Baltimore, MD, Louisville, KY, points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem Counties, NJ, those points in Montgomery and Howard Counties, MD, on and west of MD Hwy 97, those points in Prince Georges and Anne Arundel Counties, MD, on, north, and west of a line beginning at the DC-MD State line and extending over MD Hwy 4 to junction MD Hwy 3, then over MD Hwy 3 to the Anne Arundel County-Baltimore City line, those points in NY on and west of Interstate Hwy 87, and those points in OH south and west of a line beginning at the OH-IN State line and extending along Interstate Hwy 70 to junction U.S. Hwy 68, then along Hwy 68 to the OH-KY State line, and (2) from the facilities of San Giorgio Macaroni, Inc., at (a) Louisville, KY, and (b) Auburn, NY, to the facilities of Dauphin Distribution Services Co., in Hampden Township, Cumberland County, PA, under continuing contract(s) in (1) and (2) above with Hershey Foods Corporation, of Hershey, PA, San Giorgio Macaroni, Inc., of Lebanon, PA, and Y & S Candies, Inc., of Lancaster, PA.

MC 111289 (Sub-16F), filed December 4, 1979. Applicant: RICHARD D. FOLTZ, P.O. Box 161, Orwigsburg, PA 17961. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108. *Contract carrier* transporting *such commodities* as are dealt in by grocery and food business houses, from the facilities of Dauphin Distribution Services Co., (a) in Silver Spring and Hampden Townships (Cumberland County), PA and (b) at or near Camp Hill, PA, to Baltimore, MD, Washington, DC, points in New Castle County, DE, those points in Montgomery and Howard Counties, MD, on and east of MD Hwy 97, those in Anne Arundel and Prince Georges Counties, MD, on, west, and north of a line beginning at the MD–DC line, and extending along MD Hwy 4 to junction MD Hwy 3, and then along, MD Hwy 3 to the Anne Arundel-Baltimore County line, points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem Counties, NJ, and points in NY on and west on Interstate Hwy 87, under continuing contract(s) with Nabisco, Inc., of East Hanover, NJ and Dauphin Distribution Services Co., of Mechanicsburg, PA. (Hearing site: Harrisburg, PA or Washington, DC.)

MC 113158 (Sub-43F), filed November 9, 1979. Applicant: TODD TRANSPORT CO., INC., Box 158, Secretary, MD 21664. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting *foodstuffs*, (except in bulk), from Parkesburg, PA and Fruitland, MD, to points in VA, NC, SC, GA, and FL, restricted to the transportation of traffic originating at the named origins and destined to the named destination states. (Hearing site: Philadelphia, PA.)

MC 113528 (Sub-45F), filed November 9, 1979. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, AL 36601. Representative: Joy Stephenson (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of Texas Refinery Corporation, at or near Fort Worth, TX, to Church Point and LaFayette, LA. (Hearing site: Fort Worth, TX or Mobile, AL.)

MC 114569 (Sub-351F), filed November 30, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N.L. Cummins (same address as applicant). Transporting (1) *confectionery, cocoa, and chocolate* (except commodities in bulk), and (2) *materials, supplies, and equipment* used in the manufacture or distribution of the commodities in (1) above (except commodities in bulk), from the facilities of Hershey Chocolate Co., Y & S Candies, Inc. in Lancaster County, PA, to Oakdale, CA, and points in AL, AZ, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, MS, NE, ND, OH, OK, SD, TN, TX, WI, and WY. (Hearing site: Harrisburg, PA or Washington, DC.)

Note.—Dual operations may be involved.

MC 114829 (Sub-23F), filed December 28, 1979. Applicant: GENERAL CARTAGE COMPANY, INC., P.O. Box 417, Sterling, IL 61081. Representative: Bernard J. Kompare, Ste. 1600, 10 S. LaSalle St., Chicago, IL 60603. *Contract carrier*, transporting (1) *paper and paper products*, from Cedar Rapids, IA, to points in IL, IN, KS, MI, MN, MO, NE, OH, SD and WI; and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), in the reverse direction, under continuing contract(s) in (1) and (2) with the Weyerhaeuser Company. (Hearing site: Chicago, IL.)

MC 117119 (Sub-786F), filed November 5, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting *lighting fixtures, and parts for lighting fixtures*, from the facilities of Lithonia Lighting Division of National Service Industries, Inc., at or near (a) Cochran and Conyers, GA and (b) Crawfordville, IN, to points in ID, OR, WA, NV, UT, WY, CA, CO and MT. (Hearing site: Atlanta, GA.)

MC 117119 (Sub-789F), filed November 9, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: Martin M. Geffon, P.O. Box 156, Mt. Laurel, NJ 08054. Transporting *chemicals* (except in bulk, in tank vehicles), from points in MS, to points in IN.

MC 118959 (Sub-240F), filed August 20, 1979, published in **Federal Register** issue February 20, 1980. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, MO 63701. Representative: Donald B. Levine 39 South La Salle Street, Chicago, IL 60603. Transporting *paper and paper products*, (1) between Marinette, Oconto Falls, Fond du Lac, and Green Bay, WI on the one hand, and, on the other, points in IL, MN, MO, MI, IN, IA, OH, and KS, and (2) From Chicago, IL to points in MO, MN, KS, IA, and IN. (Hearing site: Chicago, IL.) This republication corrects Sub to read 240F in lieu of 33F.

MC 118959 (Sub-244F), November 9, 1979. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 South La Salle Street, Chicago, IL 60603. Transporting (a) *plastic bags*, from the facilities used by Terminal Paper Bag Co., Inc., at Yulee, FL, to points in AL, AR, AZ, CA, CO, DE, GA, KY, IL, IN, IA, KS, LA, MS, MI, MO, MN, NE, NJ, MN, NY, NC, OH, OK, OR, PA, SC, TN, TX, UT, VA, WA, WV, and WI; and (b) *materials* used in the manufacture of plastic bags (except commodities in bulk), in the reverse directions.

MC 119089 (Sub-7F), filed December 10, 1979. Applicant: WISCONSIN REFRIGERATED SERVICES, INC., 11400 West Burleigh Street, Wauwatosa, WI 53222. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Contract carrier transporting (1) *frozen foodstuffs*, and (2) *frozen meats and frozen meat byproducts*, unfit for human consumption, from points in the United States (except AK and HI), to the facilities of Wiscold, Inc. at or near Beaver Dam and Milwaukee, WI, under continuing contract(s) with Wiscold, Inc., of Milwaukee, WI.

MC 119399 (Sub-117F), filed November 27, 1979. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Blvd., Joplin, MO 64801. Representative: Thomas P. O'Hara (same addres as applicant). Transporting *empty drums* used in the transportation of petroleum products from points in AL, AR, IL, IN, IA, KS, KY, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, and WI, to Houston, TX, and the facilities of Evans Drum Company, near Dayton, TX. (Hearing site: Houston, TX or New Orleans, LA.)

MC 119599 (Sub-8F), filed November 8, 1979. Applicant: HARSHMAN-INDUSTRIAL CARTAGE CO., INC., 1617 Warren Ave., Niles, OH 44446. Representative: Robert W. Gardier, Jr., 100 East Broad Street, Columbus, OH 43215. Transporting (1) *adhesives, building materials, composition board, mineral fiber, mineral fiber products, gypsum, gypsum products, paint, and paint products* (except commodities in bulk), and (2) *materials and supplies* used in the manufacture, installation, and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of the United States Gypsum Company at (a) East Chicago, IN, (b) River Rouge, MI, (c) Gypsum, OH, and (d) Oakfield, NY, on the one hand, and, on the other, points in WI, IL, IN, KY, MI, OH, NY, PA and WV. (Hearing site: Columbus, OH or Washington, DC.)

MC 119599 (Sub-9F), filed November 9, 1979. Applicant: HARSHMAN-INDUSTRIAL CARTAGE CO., INC., 1617 Warren Ave., Niles, OH 44446. Representative: Robert W. Gardier, Jr., 100 East Broad Street, Columbus, OH 43215. Transporting (1) *building materials, gypsum, and gypsum products*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution and installation of the commodities in (1) above (except commodities in bulk), between the facilities of the United States Gypsum Company, in Martin County, IN, on the one hand, and, on the other, those points in the United States in and east of WI, IL, KY, TN, and MS. (Hearing site: Columbus, OH or Washington, DC.)

MC 119988 (Sub-228F), filed November 28, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Transporting (1) *Plumbing fixtures and plumbing supplies*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Kohler Company, at Spartanburg, SC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dalalas, TX.)

MC 125368 (Sub-95F), filed November 5, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher, (same address as applicant). Transporting *meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Section A & C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities used by John Morrell & Co. at or near (a) Estherville and Sioux City, IA, (b) Sioux Falals, SD, and (c) Worthington, MN, to points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Washington, DC or Chicago, IL.)

MC 125368 (Sub-96F), filed November 5, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher, (same address as applicant). Transporting *meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities used by John Morrell & Company, at or near (a) Amarillo, El Paso, and Lubbock, TX, (b) Arkansas City and Wichita, KS, (c) Shreveport, LA, and (d) Memphis, TN, to points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Washington, DC or Chicago, IL.)

MC 126118 (Sub-203F), filed November 27, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). Transporting *general*

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commodities (except those of unusual value, commodities in bulk, those which because of size or weight require the use of special equipment, and household goods as defined by the Commission), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Union Camp Corporation. Condition: Any certificate issued in this proceeding shall be limited in term to a period of 5 years from its date of issuance. (Hearing site: Philadelphia, PA or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 127579 (Sub-32F), filed November 12, 1979. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon Street, Baltimore, MD 21205. Representative: Glenn M. Heagerty (same address as applicant). Transporting *clay*, (except in bulk) from the facilities of Waverly Mineral Products Company, in Thomas County, GA, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 128988 (Sub-103F), filed December 21, 1979. Applicant: JO/KEL, INC., 15580 South 169 Highway, Olathe, KS 66061. Representative: Kenneth E. Smith (same as applicant). Contract carrier transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Westinghouse Electric Corp., under continuing contract(s) with Westinghouse Electric Corp., of Pittsburgh, PA.

Note.—Dual operations may be involved.

MC 134349 (Sub-34F), filed December 20, 1979. Applicant: B.L.T. CORPORATION, 405 Third Avenue, Brooklyn, NY 11215. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. *Contract carrier* transporing *such commodities* as are dealt in or used by discount department stores (except commodities in bulk and foodstuffs), betwen New York, NY and points in NJ, on the one hand, and, on the other, points in DE, FL, TN, and PA, under continuing contract(s) with Jefferson-Ward divison of Montgomery Ward & Co., Inc. (Hearing site: New York, NY.)

MC 135598 (Sub-36F), filed November 8, 1979. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting (1) *wrapping paper, cellulose film products, foil pans and foil wrappers*, and (2) *material, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between (1) Ft. Madison, IA, and West Point, MS, and (2) between Ft. Madison, IA and West Point, MS, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 135678 (Sub-9F), filed November 9, 1979. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting *automobile floor coverings from* the facilities of Collins & Aikman Corporation, at Clinton, OK, to the facilities of (a) General Motors Corporation, at Fremont, CA, and (b) Ford Motor Company at Milpitas and Pico Rivera, CA. (Hearing site: Oklahoma City, OK.)

MC 135989 (Sub-14F), filed December 7, 1979. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, 50 South Steele St., Suite 330, Denver, CO 80209. Contract carrier transporting (1) *plastic pipe* and *fittings*, and (2) *materials, supplies and equipment* used in the manufacture of plastic pipe and fittings, between Asheville, NC and Los Angeles, CA, on the one hand, and, on the other, points in the US (exept AK and HI), under continuing contract(s) with Orangeburg Plastics Company of Los Angeles, CA. (Hearing site: Los Angeles, CA.)

MC 136318 (Sub-64F), filed December 10, 1979. Applicant: COYOTE TRUCK LINE, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: Steven K. Kuhlmann, 2600 Energy Center One, 717 17th Street, Denver, CO 80202. Contract carrier transporting *new furniture*, from Bedford Park, IL to those points in the United States in and east of MN, IA, MO, AR, and LA under continuing contract(s) with Douglas Furniture Corporation. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 136669 (Sub-16F), filed December 7, 1979. Applicant: PROCESSED BEEF EXPRESS, INC., P.O. Box 522, Dakota City, NE 68731. Representative: Robert E. Gillespie (same address as applicant). *Contract carrier*, transporting (1) *meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (a) from the facilities used by Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in the United States (except AK and HI), and (b) from points in AZ, CA, CO, ID, IL, IA, KS, MN, MO, MT, NV, NE, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY to the origin facilities in (1)(a) above, and (2) *materials, supplies, and equipment* used in the conduct of business by meat packinghouses and hide companies from points in the United States (except AK and HI), to the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, under continuing contract(s) in (1) and (2) with Iowa Beef Processors, Inc. (Hearing site: Omaha, NE or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 138469 (Sub-192F), filed November 6, 1979. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 W Touhy Ave., Ste. 200, Park Ridge, IL 60068. Transporting *meats, meat products, meat by-products, and articles distributed by meat-packing houses*, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Cornett Packing Company and Mikkelson Beef, Inc., at Oklahoma City, OK, to points in AR, CO, IN, KS, KY, MI, NE and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Oklahoma City, OK or Dallas, TX.)

MC 138469 (Sub-194F), filed November 9, 1979. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 W Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting (1) *toilet preparations, and shampoo* (except commodities in bulk, in tank vehicles), and (2) *accessories* used in the application of the commodities in (1) above, from the facilities of Cosmair, Inc., at Clark, Piscataway, and South Brunswick, NJ, to points in AZ, CA, CO, IL, NV, NM, OK, UT and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destination (Hearing site: Washington, DC or New York, NY.)

MC 138469 (Sub-200F), filed November 27, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *corrugated fibreboard boxes and corrugated fibreboard sheets* (except in bulk), from Dallas, TX, to the facilities of Corrugated Packaging and Design, Inc., at Oklahoma City, OK, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Oklahoma City, OK or Dallas, TX.)

MC 139769 (Sub-2F), filed June 25, 1979, published in **Federal Register** issue January 22, 1980. Applicant: FALCON CHARTER SERVICE, INC., 120 Perry Street, San Francisco, CA 94107. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94106. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at San Francisco, CA, and extending to points in Douglas, Storey and Washoe Counties, and Carson City, NV. (Hearing site: San Francisco, CA, or Reno, NV.)

MC 142268 (Sub-39F), filed November 8, 1979. Applicant: GORSKI BULK TRANSPORT, INC., R.R. #4, Harrow, Ontario, Canada NOR 1G0. Representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, MI 48084. Transporting *soybean products* and *grain products*, between points in the United States (except AK and HI.)

MC 142279 (Sub-8F), filed December 20, 1979. Applicant: RAY REICH, d.b.a. REICH TRUCKING COMPANY, Route 1, Box 133F, Forest Hill, LA 71430. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. *Contract carrier* transporting *building materials and supplies* (except commodities in bulk, in tank vehicles), between points in AR, LA, MS, TN and TX, restricted to the transportation of traffic originating at or destined to the facilities of Martin Home Centers Inc., d.b.a. Martin Distributors, under continuing contract(s) with Martin Home Centers, Inc., d.b.a. Martin Distributors. (Hearing site: New Orleans, LA or Houston, TX.)

MC 142548 (Sub-6F), filed December 7, 1979. Applicant: STALEY EXPRESS, INC., 201 N. Brush College Road, Decatur, IL 62526. Representative: Fritz R. Kahn, Suite 1100, 1660 L Street, N.W., Washington, DC 20036. Contract carrier, transporting *iron castings* from the facilities of Wagner Castings Company, at Decatur, IL, to Buffalo, NY and Mount Clemens, MI, under continuing contract(s) with Wagner Castings Company. (Hearing site: Springfield, IL or Washington, DC.)

MC 142998 (Sub-9F), filed November 27, 1979. Applicant: LAUGHLIN LINES, INC., P.O. Box 11886, Reno, NV 89510. Representative: Harley E. Laughlin, Suite 264, Airport Plaza, 1755 E. Plamb Lane, Reno, NV 89502. Transporting (1) *malt beverages and materials, equipment and supplies* used in the manufacture and distribution of malt beverages, between the facilities used by the Miller Brewing Company, at or near Irwindale, CA, on the one hand, and, on the other, points in AZ, AK, NM, CO, UT, NV, OR, WA, ID, MT and WY; (2) *foodstuffs*, from the facilities used by Star-Kist Foods, Inc., at or near Terminal Island, CA, to points in the United States (including AK, but excluding HI), and (3) *foodstuffs*, between the facilities of Wagner Distribution Services, Inc., at or near Anaheim and Brea, CA, on the one hand, and, on the other, points in OR, WA, ID, NV, UT, AZ, NM, CO, WY, MT, and TX. (Hearing site: Reno, NV.)

MC 142998 (Sub-10F), filed November 27, 1979. Applicant: LAUGHLIN LINES, INC., P.O. Box 11886, Reno, NV 89510. Representative: Harley E. Laughlin, Suite 264, Airport Plaza, 1755 E. Plumb Lane, Reno, NV 89502. Transporting *general commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Hub West, Inc., in Warren County, IA, on the one hand, and, on the other, points in the United States (including AK but except HI) restricted to the transportation of traffic originating at or destined to the above named facilities of Hub West, Inc. (Hearing site: Reno, NV.)

MC 142999 (Sub-25F), filed December 6, 1979. Applicant: TRANSPORT MANAGEMENT SERVICE, CORPORATION, P.O. Box 39, Burlington, NJ 08016. Representative: Ronald n. Cobert, 1730 M Street, N.W., Suite 501, Washington, DC 20036. *Contract carrier*, transporting *pesticides, fertilizer compounds, and chelating compounds* (except commodities in bulk), from points in CA, OR, and WA, to Birmingham, McIntosh, Mobile and Montgomery, AL, Memphis and Millington, TN, Baton Rouge and St. Gabriel, LA, and Jackson, MS, under a continuing contract(s) with Ciba Geigy Corporation of Ardsley, NJ. (Hearing site: Washington, DC.)

MC 143218 (Sub-7F), filed December 10, 1979. Applicant: DONALD SANTISI TRUCKING COMPANY, a corporation, 1024 North Main Street, Niles, OH 44446. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. *Contract carrier*, transporting *building materials* (except commodities in bulk), between Cuyahoga Falls, Wadsworth, and West Salem, OH, on the one hand, and, on the other, points in AZ, CA, ID, MT, NV, OK, OR, TN UT, and WA, under continuing contract(s) with Alside, Inc. (Hearing site: Columbus, OH.)

MC 143218 (Sub-8F), filed December 31, 1979. Applicant: DONALD SANTISI TRUCKING COMPANY, a corporation, 1024 North Main Street, Niles, OH 44446. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. *Contract carrier*, transporting *plasticizers* (except in bulk), from Cleveland, OH to points in AZ, CA, NV, OR, TX, and WA, under continuing contract(s) with Synthetic Products Company, of Cleveland, OH. (Hearing site: Columbus, OH.)

MC 143328 (Sub-30F), filed November 27, 1979. Applicant: EUGENE TRUPP TRUCKING, a corporation, P.O. Box 2730, Missoula, MT 59806. Representative: David A. Sutherlund, 1150 Connecticut Ave., NW., Suite 400, Washington, DC. 20036 Transporting (1) *malt beverages* from Portland, OR, to points in AZ, CA, CO, MT, NV, UT and WY, and (2) *materials and supplies* used or dealt in by breweries, in the reverse direction. (Hearing site: Portland, OR.)

MC 143358 (Sub-8F), filed December 4, 1979. Applicant: STATE EXPRESS, INC., P.O. Box 279, Mountain View, GA 30070. Representative: Bruce E. Mitchell, 3390 Peachtree Road, N.E., Suite 520, Lenox Towers South, Atlanta, GA 30326. *Contract carrier* transporting *general commodities* (except commodities in bulk), between points in the United States (except AK and HI), under continuing contract(s) with Union Camp Corporation. CONDITION: Any permit issued here to the extent it authorizes the transportation of classes A and B explosives shall be limited in term to a period of time expiring 5 years from its date of issuance. (Hearing site: Altanta, GA.)

MC 143478 (Sub-13F), filed December 5, 1979. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 36053. Representative: Terry P. Wilson, 420 South Lawrence Street, Montgomery, AL 36104. *Contract carrier*, transporting *meats, meat products*, and *meat by-products*, and *articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in the United States, to the facilities of Dixie

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Packers, Inc., in Madison County, FL, under continuing contract(s) with Dixie Packers, Inc. (Hearing site: Tallahassee or Jacksonville, FL.)

MC 144189 (Sub-6F), filed December 4, 1979. Applicant: CORPORATE TRANSPORT INC., 107 7th North Street, Liverpool, NY 13088. Representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. *Contract carrier,* transporting *such commodities* as are dealt in or used by a manufacturer of paper and paper products (except commodities in bulk), from Canton, OH, to points in CT, DE, DC, MD, MA, ME, NH, NJ, NY, PA, RI, VT, and VA, under continuing contract(s) with St. Regis Paper Company, of New York, NY.) (Hearing site: New York, NY.)

MC 144189 (Sub-7F), filed December 10, 1979. Applicant: CORPORATE TRANSPORT INC., 107 7th North Street, Liverpool, NY 13088. Representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. *Contract carrier,* transporting *such commodities* as are dealt in or used by a manufacturer of paper and paper products (except commodities in bulk), from Cincinnati, Dayton, Middletown and Norwood, OH, to points in MA, NH, and NY, under continuing contract(s) with Diamond International Corporation, of New York, NY. (Hearing site: New York, NY.)

MC 144978 (Sub-7F), filed December 31, 1979. Applicant: MIDWESTERN PLASTICS & CHEMICALS, INC., 1025 Ave. M, Grand Prairie, TX 75050. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Contract carrier,* transporting *such commodities* as are dealt in by a manufacturer or distributor of plastic articles, (except commodities in bulk), between the facilities of Roper Plastics, Inc., at or near Grand Prairie, TX, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Roper Plastics, Inc. (Hearing site: Houston, TX or Washington, DC.)

MC 145189 (Sub-2F), filed December 28, 1979. Applicant: RONALD E. MACFARLANE, 715 Woodstock Rd., Fredericton, NB E3A 2T4 CD. Representative: Michael T. Healy, Two Canal Plaza, Portland, ME 04112. *Contract carrier,* in foreign commerce only, transporting *untreated rock salt,* in bulk from the port of entry on the international boundary line between the United States and Canada, at Houlton, ME, to points in Aroostook, Hancock, Washington and Penobscot Counties, ME, under continuing contract(s) with Moore Chemicals, Inc. (Hearing site: Portland, ME or Boston, MA.)

MC 145459 (Sub-2F), filed November 9, 1979. Applicant: SERVICE EQUIPMENT & TRUCKING, INC., Box 162, Mattoon, IL 61932. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *road paving machines,* from Mattoon, IL to points in the United States (except AK and HI) restricted to the transportation of traffic originating at the facilities of Blaw-Knox Construction Equipment Co. at Mattoon, IL. (Hearing site: Chicago, IL.)

MC 145468 (Sub-29F), filed November 9, 1979. Applicant: K.S.S. TRANSPORTATION CORP., Route 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Custom Beef Fabricators of Iowa, Inc., at Hartley, IA, to points in FL, GA, IN, KY, MI, NC, OH, SC, and TN. (Hearing site: Des Moines, IA or Omaha, NE.)

MC 145829 (Sub-13F), filed December 18, 1979. Applicant: ETI Corp., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier,* transporting *empty glass bottles,* (1) from Vienna, WV, to points in NY, NJ, PA, MD, DE, OH, CT, RI, NH, VT, and ME, and (2) from Coventry, RI, to points in NY, NJ, PA, MD, DE, OH, and WV, under continuing contract(s) in (1) and (2) with National Bottle Company, of Bala Cynwyd, PA. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 146148 (Sub-8F), filed November 27, 1979. Applicant: B-RIGHT TRUCKING CO. a corporation, 492 Old State Route 7, Pottery Addition, Steubenville, OH 43952. Representative: A. Charles Tell 100 East Broad Street, Columbus, OH 43215. Transporting *iron and steel articles,* from the facilities of Krohn Steel Service Center, Inc., at Springfield, OH, to points in GA, TN, KY, IN, and IL. (Hearing site: Washington, DC.)

MC 146309 (Sub-5F), filed December 26, 1979. Applicant: IRVIN D. BLAIR d.b.a. D & T TRUCKING CO., 4300 Curtis Ave., Baltimore, MD 21226. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. *Contract carrier,* transporting *steel articles* (1) from Baltimore, MD, to points in PA, VA, WV, and DC and (2) from points in NJ, PA and VA to Baltimore, MD, under continuing contract(s) in (1) and (2) with Alexandria Steel Corporation and Stone Steel Corporation. (Hearing site: Baltimore, MD.)

MC 146448 (Sub-9F), filed November 29, 1979. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., Mclean, VA 22101. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), between the facilities of American Olean Tile Co., at Fayette, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Philadelphia, PA or Washington, DC.)

MC 146628 (Sub-3F), filed filed December 26, 1979. Applicant: HUNT SUPER SERVICE, INC., Route 50 North, P.O. Box 270, Bradley, IL 60915. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Contract carrier,* transporting *bearings and power transmission products* (except commodities in bulk), from Chicago, IL, to points in IN, IA, KY, MI, MN and WI, under continuing contract(s) with Berry Bearing Company (Hearing site: Chicago, IL.)

MC 146689 (Sub-2F), filed December 18, 1979. Applicant: ROBERT L. LIST, RONALD DINNOCENTI, ANGELINE DINNOCENTI AND CHARLES W. YETTER, III, a Partnership d/b/a LARK LEASING COMPANY, 261 Malpewood Drive, Pottstown, PA 19464. Representative: Richard D. Linderman, 41 High Street, Pottstown, PA 19464. *Contract carrier,* transporting *such commodities* as are dealt in or used by glass manufacturers, from Royersford and Linfield, PA, to points in CT, NJ, NY, MD and VA, under a continuing contract(s) with Diamond Glass Company, of Royersford, PA. (Hearing site: Philadelphia, PA.)

MC 147399 (Sub-2F), filed December 5, 1979. Applicant: JACK B. ROBERTSON d/b/a J. R. TRANSPORTATION, 1946 Davis Street, San Leandro, CA 94577. Representative: George M. Carr, 235 Montgomery Street, Suite 1620, San Francisco, CA 94104. *Contract carrier,* transporting *such commodities* as are dealt in by department stores or mail order houses (except commodities in bulk, and commodities requiring special equipment), between the facilities of Montgomery Ward & Co., at Oakland, CA, on the one hand, and, on the other, the facilities of Montgomery Ward & Co., at Portland, OR, under continuing contract(s) with Montgomery Ward and Co. (Hearing site: San Francisco, CA, or Portland, OR.)

MC 147519 (Sub-2F), filed December 17, 1979. Applicant: WILLIAM O. SAXTON, d.b.a. W. O. SAXTON TRUCKING, 6632 East Parlier, Fowler, CA 93625. Representative: Edward L. Fanucchi, 2409 Merced St., Ste. 3, Fresno, CA 93721. *Contract carrier,* transporting foodstuffs, in *vehicles equipped with mechanical refrigeration,* from the facilities of Anderson Clayton and Company, at or near Fresno, CA, to points in OR, WA, and NV, under continuing contract(s) with Anderson Clayton and Company. (Hearing site: Fresno, Sacramento, or San Francisco, CA.)

MC 147849 (Sub-2F), filed December 14, 1979. Applicant: F. W. & L. CO., INC., P.O. Box 4570, Nashville, TN 37216. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Contract carrier,* transporting (1) *steel wire products,* from Nashville, TN, to points in CA, and to those points in the United States in and east of WI, IL, MO, OK and TX, (2) *steel wire,* from Atlanta, GA, and Kokomo, IN, to Nashville, TN, and (3) *steel wire products,* from Chicago, IL, Knoxville and Nashville, TN, and Denver, PA to points in FL, under continuing contract(s) in (1), (2) and (3) with Feldkircher Wire Fabricating Co., Inc., of Nashville, TN. (Hearing site: Nashville, TN.)

MC 147948 (Sub-7F), filed November 30, 1979. Applicant: A. J. ROSS ENTERPRISES, INC., 225 Smith Street, Keasbey, NJ 08832. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *structural steel,* from the facilities of Standard Erecting Company, Inc., at Newington, CT, to points in NY, MA, NJ, and RI. (Hearing site: New York, NY.)

MC 147949 (Sub-3F), filed December 18, 1979. Applicant: ROEDER CARTAGE CO., INC., 175 Mumaugh Road, Lima, OH 45804. Representative: Richard H. Brandon, Post Office Box 97, 220 West Bridge Street, Dublin, OH 43017. *Contract carrier,* transporting *liquid fertilizer solutions, nitric acid and anhydrous ammonia,* in bulk, in tank vehicles, between points in Allen County, OH, on the hand, and, on the other, point in IN, MI and KY, under continuing contract(s) with Vistron Corporation, Cleveland, OH. (Hearing site: Columbus, OH.)

MC 148188 (Sub-11F), filed December 18, 1979. Applicant: RETAIL LEASING CORPORATION, d.b.a. RETAIL TRANSPORTATION COMPANY, 11301 Rockville Pike, Kensington, MD 20795. Representative: Edward F. Schiff, 1333 New Hampshire Ave., N.W., Washington, DC 20036. *Contract carrier,* transporting *such commodities* as are dealt in, or used, by retail department stores (except commodities in bulk, in tank vehicles), from Los Angeles, CA, to Columbus, OH, under continuing contract(s) with Federated Department Stores, Inc. and Lazarus Department Stores. (Hearing site: Washington, DC.)

MC 148349 (Sub-2F), filed November 28, 1979. Applicant: AGRI-PECK, INC., Garneill, MT 59445. Representative: Harry B. Peck (same address as applicant). Transporting *dry animal and poultry feed and dry animal and poultry feed ingredients,* (1) from Great Fall and Billings, MT, to Deeth, Montello, Wells and Elko, NV; and (2) from Twin Falls, Burley and Pocatello, ID Moses Lake, Wallula, Sunnyside, Spokane, Tacoma, Seattle and Blaine, WA, and Portland, OR to points in MT. (Hearing site: Billings or Great Falls, MT.)

MC 148439 (Sub-2F), filed December 19, 1979. Applicant: CONDON TRANSPORT, INC., 128 E. Jackson Street, Ripon, WI 54971. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract carrier,* transporting *such commodities* as are dealt in by automotive supply stores, (1) from Ripon, WI, to points in NM and the upper peninsula of MI, and (2) from Chicago, IL, Columbus, OH, Fort Wayne, IN, Minneapolis, MN, Manchester, IA, Miami OK, Oaks, PA and Tuscaloosa, AL, to points in MN, WI, and the upper peninsula of MI, under continuing contract(s) with Payless Tire Stores, Inc., of Ripon, WI. (Hearing site: Milwaukee, WI.)

MC 148788 (Sub-2F), filed December 18, 1979. Applicant: ROBERT J. FUTCH, d.b.a. BAMBI'S, 206 Clifton Drive, Port Wentworth, GA 31407. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. *Contract carrier* transporting (1) *lumber,* from Port Wentworth, GA, to Greenville, SC, and (2) *molding and materials, supplies and equipment* used in the manufacture of molding, from Greenville, SC, to points in GA, under continuing contract(s) with Lawton Lumber Company, Inc. (Hearing site: Jacksonville, FL or Atlanta, GA.)

MC 148819 (Sub-2F), filed December 10, 1979. Applicant: G & J TRUCKING, INC., 3701 Spralding Ave., P.O. Box 4201, Fort Smith, AR 72914. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. *Contract carrier,* transporting (1) *plastic articles and paper products,* from Fort Smith, AR, to Broussard, Church Point, Alexandria, Baton Rouge and New Orleans, LA; and (2) *sugar,* in bags and packages, from Mathews, LA, to points in AR, under continuing contract(s) in part (1) with American Can Company-Dixie Products, of Fort Smith, AR, and in part (2) with The South Coast Corporation, of Houma, LA.

MC 148849 (Sub-2F), filed December 21, 1979. Applicant: EQUITABLE BAG CO., INC., 45-50 Van Dam Street, Long Island City, NY 11101. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ. *Contract carrier* transporting *such commodities* as are dealt in, or used, by department stores (except commodities in bulk), between Secaucus and North Bergen, NJ, and Florence, KY, and points in Queens County, NY, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Mercantile Stores Co., Inc. (Hearing site: New York, NY or Washington, DC.)

MC 148859 (Sub-2F), filed December 6, 1979. Applicant: MID-STATE TRADING CO., 2525 Trenton Ave., Williamsport, PA 17701. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101. *Contract carrier* transporting *scrap metals,* between the facilities of (a) Simon Eastern Corp., in Ontelaunee Township, (Berks County) PA, and (b) Simon Wrecking Co. and Eastern Scrap Baling Co., at Williamsport, PA, on the one hand, and, on the other, points in DE, MD, MI, NJ, NY and OH, under continuing contract(s) with Simon Eastern Corp., Simon Wrecking Co., and Eastern Scrap Baling Co. (Hearing site: Washington, DC.)

MC 148938 (Sub-1F), filed December 20, 1979. Applicant: H. YORK d.b.a. RELIABLE PRODUCT TRANSPORT, 119 Maresco Drive, N.E., Dalton, GA 30720. Representative: M. C. Ellis, care of Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37402. *Contract carrier,* transporting *such commodities* as are dealt in or used by manufacturers of floor coverings (except commodities in bulk, in tank vehicles); (a) between the facilities of Carpet Shipper's Association, Inc., at or near Dalton, GA, on the one hand, and, on the other, points in IL, IN, MI and OH, and points in Bartow, Catoosa, Chatooga, Dade, Floyd, Gilmer, Gordon, Murray, Walker, and Whitfield Counties, GA, under continuing contract(s) with Carpet Shipper's Association, Inc., of Dalton, GA. (Hearing site: Atlanta, GA.)

MC 148958F, filed December 4, 1979. Applicant: EVVCO TRANSPORTATION, INC., Route 22, Box 535, Lebanon, NJ 08833.

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Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *Contract carrier,* transporting (1) *paper, paper articles, woodpulp, plastic, and plastic products* (except commodities in bulk, in tank vehicles), and *hospital and medical supplies and equipment,* from the facilities of Georgia-Pacific Corporation, at (a) Palatka, FL, (b) Woodland, ME, (c) East Brunswick, NJ, (d) Frankfort, Lyons Falls, Plattsburgh, Thompson, Farmingdale, NY, Utica, Voorheesville, and Warwick, NY, (e) Cincinnati and Norwood, OH, (f) Reading, PA and (g) Gilman, VT, to points in CT, DE, FL, GA, MA, MD, ME, NC, NH, NJ, NY, OH, PA, RI, SC, VT, VA, WV, and DC, and (2) *materials, supplies and equipment* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), in the reverse direction, under continuing contract(s) in (1) and (2) above with Georgia-Pacific Corporation, Hudson Pulp and Paper Croporation, and Beta Health Care Products, Inc. (Hearing site: New York, NY.)

MC 148968F, filed November 29, 1979. Applicant: UNIVERSAL DELIVERIES, INC., 2100 North Southport Ave., Chicago, IL 60614. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, those of unusual value, and used household goods as defined by the Commission), between points in Boone, Bureau, Cass, Champaign, Cook, DeWitt, DeKalb, DuPage, Ford, Fulton, Grundy, Henry, Iroquois, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, Macon, Marshall, McHenry, McLean, Menard, Ogle, Peoria, Piatt, Putnam, Rock Island, Sangamon, Stark, Stephenson, Tazewell, Vermilion, Whiteside, Will, Winnebago, and Woodford Counties, IL, points in Lake, LaPorte, Marshall, Porter, St. Joseph, and Starke Counties, IN and points in Dane, Green Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, and Waukesha Counties, WI. (Hearing site: Chicago, IL.)

MC 148979 (Sub-1F), filed December 26, 1979. Applicant: ROBERT JOHN ENTERPRIESE, INC., d.b.a. PACIFIC TRANSPORTS CO., 1940 W. Pacific Coast Highway, Long Beach, CA 90810. Representative: Willian J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract carrier,* transporting *iron and steel articles,* between points in AZ, CA, and NV, under continuing contract(s) with Crest Steel Corporation and Marcrest Pacific Co., Inc., both of Wilmington, CA. (Hearing site: Los Angeles, CA.)

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Decided: February 19, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 2017 (Sub-8F), filed December 6, 1979. Applicant: ALTO'S EXPRESS, INC., Cinnaminson Industrial Park, 2301 Garry Rd., P.O. Box 45, Cinnaminson, NJ 08077. Representative: Raymond A. Thistle, Jr., 5 Cottman Ct., Homestead Rd. and Cottman St., Jenkintown, PA 19046. Transporting *foods, food products and ingredients, meat, meat products, animal food, and animal food ingredients,* (except commodities in bulk), between the facilities of Beatrice Foods Co., at Scranton and at or near Allentown, PA, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, MH, NJ NY, OH, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the facilities of Beatrice Foods Co., Scranton and at or near Allentown, PA. (Hearing site: Allentown, PA.)

MC 21866 (Sub-134F), filed December 5, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *mushrooms,* and *metal cans and can ends,* from the facilities of Giorgio Foods, Inc. and Can Corporation of America in Temple, Berks County, PA, to points in the United States in and east of ND, SD, NE, CO, OK and TX. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 28396 (Sub-319F), filed December 3, 1979. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting steel pipe and tubing, from St. Louis and Union MO, and Staunton, IL, to points in the United States (except AK and HI). (Hearing site: St. Louis, MO, or Billings, MT.)

MC 35807 (Sub-107F), filed December 26, 1979. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher, P.O. Box 4313, Atlanta, GA 30302. *Contract carrier* transporting: *coin, currency, sucurities and food stamps,* between Portland, OR, on the one hand, and, on the other, points in ID and WA, under continuing contract(s) with banks and banking institutions. (Hearing site: Portland, OR, or San Francisco, CA.)

MC 41116 (Sub-72F), filed December 20, 1979. Applicant FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Contract carrier, transporting (1) *containers, container closures and components, glassware and packaging products,* (2) *scrap materials,* and (3) *materials equipment, and supplies* used in the manufacture, sale and distribution of the commodities in (1) above, (except commodities in bulk, and those requiring special equipment), between points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, TN, TX, and WI, under continuing contract(s) with Owens-Illinois, Inc. (Hearing site: New Orleans or Baton Rouge, LA.)

MC 41406 (Sub-145F), filed June 6, 1979, and previously noticed in the **Federal Register** issue of January 10, 1980. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Drive, Merrillville, IN 46410. Representative: Wade H. Bourdon (same address as applicant). Transporting (1)(a) *iron and steel wood burning stoves,* and (b) *agricultural implements,* from the plantsites of Dunham Lehr, Inc., and All Nighter Stove Works West, Inc., at Richmond, IN, to points in the United States (except AK and HI), and (2) *materials, equipment and supplies,* used in the manufacture of the commodities named in (1) above, in the reverse direction. (Hearing site: Indianapolis, IN, or Chicago, IL.)

Note.—This republication is to correctly reflect the origin description in part (1).

MC 41706 (Sub-23F), filed December 5, 1979. Applicant: TOSE, INC., 424 West 4th St., Bridgeport, PA 19405. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. Over *regular routes,* transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between New Haven, CT, and Seekonk, MA, from New Haven over Interstate Hwy 95 to Providence, RI, then over US Hwy 44 to Seekonk, and return over the same route, serving all intermediate points, and serving the off-route points of Pawcatuck, Niantic, Mystic, CT, and Woonsocket, RI; (2) between junction Interstate Hwy 95 and CT Hwy 52, at or near East Lyme, CT, and Auburn, MA, from junction Interstate Hwy 95 and CT Hwy 52, over CT Hwy 52 to junction MA Hwy 193, then over MA Hwy 193 to junction MA Hwy 12, then over MA Hwy 12, to Auburn, MA, and return over the same route, serving all intermediate points, and the off-route points of Woodstock and Putnam, CT; (3) between Putnam, CT, and Providence, RI, over US Hwy 44, serving all intermediate points; (4) between Danielson, CT, and Providence, RI, over US Hwy 6, serving all intermediate points; (5) between Pottstown, PA, and junction NY Hwy 52 and US Hwy 209, from Pottstown, PA, over PA Hwy 100 to junction PA Route 9, then over PA Route 9 to junction US Hwy 6, then over US Hwy 6 to junction US Hwy 209, then over US Hwy 209, to junction NY Hwy 52, and return over the same route, serving all intermediate points. (Hearing site: Washington, DC or Philadelphia, PA.)

MC 42487 (Sub-965F), filed December 4, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment),* serving the facilities of Wellington Puritan Mills, Inc., at or near Eatonton, GA, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Atlanta, GA.)

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future.

MC 42487 (Sub-966F), filed December 6, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment),* serving the facilities of Fieldcrest Mills and Karastan, Division of Fieldcrest Mills, at or near Eden, NC, as an off-route point in connection with carrier's presently authorized regular route operations. (Hearing site: Raleigh or Charlotte, NC.)

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future.

MC 51146 (Sub-792F), filed December 3, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting (1) *such commodities as are dealt in, or used by, manufacturers and distributors of corn products* and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above between Iowa on the one hand, and, on the other, points in the United States (except AK and HI), restricted in (1) and (2) above against the transportation of commodities in bulk. (Hearing site: Chicago, IL.)

MC 51146 (Sub-793F), filed December 13, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Contract carrier, transporting *such commodities as are dealt in, or used by, manufacturers and distributors of agricultural, industrial, and construction machinery and equipment, outdoor power equipment, and motor vehicles,* between points in the U.S. (except AK, HI, AZ, CA, CO, ID, MT, NV, NM, OR, WA, WY, and UT), under continuing contract(s) with International Harvester Company. (Hearing site: Chicago, IL.)

MC 52437 (Sub-11F), filed December 4, 1979. Applicant: SHIPPERS SERVICE EXPRESS, INC., 7200 Fly Road, P.O. Box 207, East Syracuse, NY 13057. Representative: Herbert M. Canter, 305 Montgomery Street, Syracuse, NY 13202. Transporting *such merchandise as is dealt in by retail, wholesale and chain grocery and food business houses* (except frozen foodstuffs and commodities in bulk), from Syracuse, NY, to points in CT, MA, ME, NH, RI and VT. (Hearing site: Syracuse, NY, or Washington, DC.)

MC 59806 (Sub-11F), filed April 19, 1979, and previously noticed in the FR issue of October 16, 1979. Applicant: GROSS & HECHT TRUCKING, INC., 35 Brunswick Avenue, Edison, NJ 08817. Representative: A. David Millner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Contract carrier,* transporting (1) *such commodities* as are dealt in or used by (a) grocery, food, drug, and liquor business houses, and (b) department stores, and (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of the commodities in (1) above (except commodities in bulk), between points in the United States (except AK and HI), under continuing contract(s) with The Great Atlantic & Pacific Tea Company, Inc., of Montvale, NJ, Compass Foods, Inc., of Montvale, NJ, and Super Market Service Corp., of Dunmore, PA, and Plus Discount Foods, Inc., of Montvale, NJ. (Hearing site: New York, NY.)

Note.—This republication is to include a supporting shipper which was omitted.

MC 59806 (Sub-17F), filed December 13, 1979. Applicant: GROSS & HECHT TRUCKING, INC., 35 Brunswick Ave., Edison, NJ 08817. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Contract carrier, transporting *such commodities as are dealt in or used by drug, variety or food business houses* (except commodities in bulk), between Baltimore, MD, on the one hand, and, on the other, points in CT, DE and NJ, and points in NY and PA on and east of U.S. Hwy 15, under continuing contract(s) with Lever Brothers Company, of New York, NY. (Hearing site: New York, NY.)

MC 61396 (Sub-380F), filed December 4, 1979. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, NE 68101. Representative: Duane L. Stromer (same address as applicant). Transporting *flour,* from Omaha, NE, to LaPorte, IN. (Hearing site: Omaha, NE, or Chicago, IL.)

MC 63417 (Sub-261F), filed December 6, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *boots and shoes,* (1) from points in CA, GA, NJ, NY, SC, TX, and WA, to Gallatin, TN, and (2) from points in NY and NJ, to Nashville, TN. (Hearing site: Washington, DC.)

MC 78687 (Sub-94F), filed December 3, 1979. Applicant: LOTT MOTOR LINES, INC., West Cayuga St., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, DC 20001. Transporting (1) *such commodities* as are dealt in or used by wholesale, retail, and chain grocery and food business houses, and (2) *materials, equipment and supplies* used in the manufacture, processing or distribution of commodities named in (1) above, between Biglerville and Gardeners, PA, and Inwood, WV, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 78687 (Sub-96F), filed December 6, 1979. Applicant: LOTT MOTOR LINES, INC., West Cayuga St., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, DC 20001. Transporting (1) *foodstuffs,* and (2) *materials, equipment and supplies* used in the distribution or manufacture of foodstuffs (except commodities in bulk), between the facilities of American Home Foods, Division of American Home Products Corporation, at or near Milton, PA, on

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the one hand, and, on the other, points in DE, MD, NY, VA and DC. (Hearing site: New York, NY.)

MC 78786 (Sub-278F), filed December 4, 1979. Applicant: PACIFIC MOTOR TRUCKING COMPANY, A corporation, 1766 El Camino Real, P.O. Box 990, Burlingame, CA 94010. Representative: Lloyd M. Roach, 7600 South Central Expressway, P.O. Box 226187, Dallas, TX 75266. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Portland, OR and Seattle, WA, over interstate Hwy 5, serving the intermediate points of Olympia and Tacoma, WA: (Hearing site: San Francisco, CA, or Portland, OR.)

Note.—Dual operations may be involved.

MC 89617 (Sub-23F), filed December 5, 1979. Applicant: LEWIS TRUCK LINES, INC., P.O. Box 1494, Conway, SC 29526. Representative: Herbert A. Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *hardboard*, from Marion, SC, to points in AL, GA, NC, TN, VA, and WV. (Hearing site: Charleston, SC, or Tampa, FL.)

MC 100666 (Sub-509F), filed December 4, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *glass and glass products*, from the facilities of Libbey-Owens-Ford Co., at or near Toledo, OH, to points in the United States (except AK and HI). (Hearing site: Columbus, OH.)

MC 100666 (Sub-510F), filed December 4, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *glass and glass products*, from the facilities of LOF Glass, Inc., at or near Laurinburg, NC, to points in the United States (except AK and HI). (Hearing site: Columbus, OH.)

MC 102546 (Sub-3F), filed October 29, 1979. Applicant: BLUE FLASH EXPRESS INCORPORATED, Route 1, Box 233, Zachary, LA 70791. Representative: L. F. Aguillard (same address as applicant). Contract carrier, transporting *chemicals*, in bulk, between points in LA, MS, AL, GA, SC, NC, TN, AR, KS, OK, and TX, under continuing contract(s) with Kaiser Aluminum & Chemical Corporation, of Oakland, CA, and ICI Americas Incorporated, of Wilmington, DE. (Hearing site: Baton Rouge or New Orleans, LA.)

MC 102616 (Sub-1023F), filed December 6, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Rd., Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting *petroleum and petroleum products*, in bulk, in tank vehicles, from Niles, OH, to points in Clarion County, PA. (Hearing site: Cleveland or Columbus, OH.)

MC 107107 (Sub—479F), filed December 3, 1979. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N. W. 42nd Ave., Opa Locka, FL 33054. Representative: Sidney Alterman (same address as applicant). Transporting *such commodities as are dealt in by wholesale or retail department and discount stores* (except commodities in bulk), from points in AL, FL, GA, LA, MS, NC, SC, and TN, to Omaha, NE. Hearing site: Omaha, NE, Washington, DC.)

MC 111496 (Sub-30F), filed December 6, 1979. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Rd., Roseville, MN 55113. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Animal Fair, Inc., at or near Eden Valley, MN, as an off-route point in connection with carrier's regular route operations between St. Paul-Minneapolis, MN, and Fargo, ND (Hearing site: Minneapolis, MN.)

MC 111856 (Sub-11F), filed December 4, 1979. Applicant: CHOCTAW TRANSPORT, INC., 800 Bay Bridge Rd., Prichard, AL 36610. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203. Over *regular routes*, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between (a) from Ft. Walton Beach, FL over U.S. Hwy 98 to junction U.S. Hwy 90 at or near Pensacola, FL, then over U.S. Hwy 90 to junction U.S. Hwy 43 at or near Mobile, AL, then over U.S. Hwy 43 to Prichard, AL, and return over the same routes, serving Mobile, AL, and all intermediate points in FL, and (b) from Ft. Walton Beach, FL over U.S. Hwy 98 to junction U.S. Hwy 29, then over U.S. Hwy 29 to junction Interstate Hwy 10, then over Interstate Hwy 10 to junction U.S. Hwy 43 at or near Mobile, AL, then over U.S. Hwy 43 to Prichard, AL, and return over the same route, serving Mobile, AL, and all intermediate points in FL, serving Century and Cantonment, FL, as off-route points in conjunction with (a) and (b) above., (Hearing site: Birmingham or Mobile, AL.)

MC 115036 (Sub-28F), filed December 5, 1979. Applicant: VAN TASSEL, INC., 5th and Grand, Pittsburg, KS 66762. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Contract carrier, transporting (1) *clay, clay products, urethane, and urethane products, and (2) materials, equipment and supplies* used in the manufacture, packaging, installation, transportation, and distribution of the commodities in (1) above, between the facilities of W. S. Dickey Clay Manufacturing Company, Inc., at or near Bessemer, AL, Piney Point, FL, Lehigh, IA, Meridian, MS, and Saspamco and Texarkana, TX, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with W. S. Dickey Clay Manufacturing Company, Inc, of Pittsburg, KS. Dual operations may be involved. (Hearing site: Kansas City, MO.)

MC 115826 (Sub-566F), filed December 4, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *alcoholic beverages* (except in bulk), from points in KY and OH, to points in CO. (Hearing site: Denver, CO.)

MC 115826 (Sub-567F), filed December 4, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) *such commodities as are dealt in by manufacturers of power tools*, and (2) *materials, equipment, and supplies* used in the conduct of such business, (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Black and Decker (U.S.) Inc., The McCullock Corporation, and Black and Decker, Ltd. (Hearing site: Denver, CO.)

MC 117786 (Sub-80F), filed December 4, 1979. Applicant: RILEY WHITTLE, INC, P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *malt beverages and related advertising materials* from points in Jefferson County, CO to points in AZ and TX, and *materials and supplies* used in and dealt with by breweries from points in AZ and TX to points in Jefferson County, CO. (Hearing site: Phoenix, AZ.)

MC 118776 (Sub-45F), filed December 6, 1979. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. Transporting *printing paper* (except newsprint), from Burlington, IA, to Little Rock, AR; Memphis, TN; and Gulfport, MS. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 119787 (Sub-10F), filed December 4, 1979. Applicant: F. W. GROVES TRUCKING COMPANY, a corporation, Route #4, Box 89, Leland, NC 28451. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. Transporting *such commodities*, the transportation of which because of size or weight requires the use of special equipment, (1) between those points in NC on and east of Interstate Hwy 95, on the one hand, and, on the other, points in AL, AZ, CO, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, and WI, (2) from the facilities of Carolina Steel Corporation, at Greensboro and Colfax, NC, Salem Steel, at Winston-Salem, NC, Mecklenburg Iron & Steel, at Charlotte, NC, and Hickory Iron & Steel, at Hickory, NC, to points in GA, SC, and VA, and (3) from the facilities of Greenville Iron & Steel, at Greenville, SC, to points in GA, NC, and VA. (Hearing site: Wilmington, NC.)

MC 119837 (Sub-16F), filed December 13, 1979. Applicant: OZARK MOTOR LINES, INC., 27 W. Illinois, Memphis, TN 38106. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Transporting general commodities* (except articles of unusual value, commodities and bulk, classes A and B explosives household goods as defined by the Commission, and those which require special equipment), serving the facilities of Nubbin Ridge Charcoal, at or near Lanton, MO as an off route point in connection with carrier's authorized regular routes operations. (Hearing site: West Plains, MO, or Memphis, TN.)

MC 123407 (Sub-627F), filed December 4, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *ceiling fans, exhaust fans, electric heaters, and electric motors*, from Bennettsville, SC, to points in TX, AR, FL, and CA. (Hearing site: Washington, DC.)

MC 124887 (Sub-108F), filed December 3, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101, Blackstone Bldg., Jacksonville, FL 32202. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, (1) *general commodities* (except those of unusual value, classes A and B explosives, commodities requiring special equipment, household goods as defined by the Commission, and motor vehicles), in containers or trailers, having and immediate prior or subsequent movement by rail or water carrier; and (2) *empty containers and trailer chassis*, between Panama City, FL, on the one hand, and on the other, points in AL, AK, FL, GA, LA, MS, TN and SC. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 125996 (Sub-89F), filed December 6, 1979. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: Mac R. Reber (same address as applicant). Transporting *frozen potato products*, from Connell, Quincy, and Richland, WA, Hermiston and Weston, OR, and American Falls, ID, to points in IA and Rock Island County, IL, restricted to the transportation of traffic originating at the named origins and destined to the facilities of Benolken Brokerage Co., and Unifoods, at the indicated destinations. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 126276 (Sub-211F), filed December 9, 1979. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Contract carrier, transporting *such commodities as are dealt in or used by manufacturers and distributors of containers and container closures*, (except commodities in bulk or those which, because of size or weight, require the use of special equipment), between points in the United States (except AK and HI), under continuing contract(s) with The Continental Group, Inc. (Hearing site: Chicago, IL.)

MC 127047 (Sub-41F), filed December 6, 1979. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, KS 67219. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting *industrial conveyor systems, and components* from the facilities of Uniflo Conveyor, Wichita, KS, to points in the United States (except AK and HI). (Hearing site: Wichita, KS.)

MC 133327 (Sub-4F), filed December 6, 1979. Applicant: MELBURN TRUCK LINES (TORONTO) CO. LTD., Toronto, Ontario, Canada M8Z 5P7. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. Transporting, in foreign commerce only, (1) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and motor vehicles), and (2) *empty containers or trailers*, having an immediately prior or subsequent movement by water and air, between points in the United States, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada. (Hearing site: Washington, DC.)

MC 133566 (Sub-151F), filed December 5, 1979. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Thomas J. Beener, 1 State St., Plaza, New York, NY 10004. Transporting *chemicals, acids, solvents, coatings, paints, compounds, solutions, powders and salt*, and *materials, equipment, and supplies* used in the manufacture, distribution and sale of such commodities (except in bulk, in tank vehicles), between the facilities of Shipley Co., Inc., at Newton, Westwood, Salem, and Marlboro, MA, Chicago, IL, the international boundary line between the United States and Canada at the Niagara River (Toronto, Ontario, Canada), Richmond, VA. Fort Lauderdale, FL, Bloomington, MN, Dallas, TX, Irvine and Berkeley, CA, and Portland, OR. (Hearing site: Boston, MA, or New York, NY.)

MC 134477 (Sub-394F), filed December 5, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting (1) *such commodities dealt in by retail and wholesale automotive supply houses* (except commodities in bulk), and (2) *equipment, materials, and supplies* used in the manufacture of commodities in (1) above (except commodities in bulk), between the facilities of Amsoil, Inc., at or near Superior, WI, and points in CO, KS, MA, OH, PA, SD, and TX. (Hearing site: St. Paul, MN.)

MC 135797 (Sub-293F), filed December 3, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant.) Transporting (1)(a) *air conditioning equipment, furnaces, and stoves*, and (b)

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parts and accessories for the commodities in (a) above, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) (a) and (b) above, between the facilities of Carrier Corporation, at/or near (i) Los Angeles, CA and (ii) Indianapolis, IN, on the one hand, and, on the other, points in the United States (except AK and HI), restricted in (1) (a) and (b), and (2) above against the transportation of commodities in bulk, and those which by reason of size or weight require the use of special equipment. (Hearing site: Syracuse, NY, or Washington, DC.)

MC 136786 (Sub-191F), filed December 3, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Ave., Des Moines, IA 50321. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55435. Transporting *carpet, carpet padding, and plastic articles*, from (1) City of Commerce and Pico Rivera, CA, to points in AR, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA & WI and Elk Grove Village, IL; (2) from Haverhill, MA, to points in NY, PA, and OH; (3) from Dallas, TX, to points in CO, KS, NE, NM, ND, OK and SD, and (4) from Fort Wayne, IN, to points in CO, IL, IA, KS, MN, MO, NE, ND, OK, SD, and WI. (Hearing site: Minneapolis, MN.)

MC 138297 (Sub-10F), filed December 6, 1979. Applicant: CENTRAL FLORIDA COACH LINES, INC., P.O. Box 127, Mountaintop, PA 18708. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Lackawanna, Luzerne, Columbia and Wyoming Counties, PA, and extending to points in NY, NJ, MA, CT, RI, MD, TN, VA, FL, VT, ME, NH, and DC. (Hearing site: Wilkes Barre, PA.)

MC 139906 (Sub-85F), filed December 3, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting *bread crumbs*, from Vernon, CA, to points in the United States (except AK, CA, and HI). (Hearing site: Salt Lake City, UT, or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 143636 (Sub-6F), filed December 5, 1979. Applicant: RON SMITH TRUCKING, INC., R.R. #2, Box 4, Newman, IL 61942. Representative: Douglas G. Brown, The INB Center, Suite 555, 1 North Old State Capitol Plaza, Springfield, IL 62701. Transporting *dry fertilizer*, from points in Vigo County, IN, to points in IL and WI. (Hearing site: St. Louis, MO.)

MC 144136 (Sub-5F), filed December 4, 1979. Applicant: STOVER LINES, INC., 5636 NW 17th St., Topeka, KS 66618. Representative: Clyde N. Christey, Ks. Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *feed ingredients*, from Kansas City and St. Joseph, MO, to Topeka, KS. (Hearing site: Kansas City, MO.)

MC 144227 (Sub-6F), filed December 6, 1979. Applicant: CARMIL, INC., P.O. Box 225, Hershey, NE 69143. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting *feed and feed ingredients* (except liquid commodities in bulk), (a) from Des Moines, Ft. Dodge and Sioux City, IA, to points in CO, KS, MO, and NE; (b) from Fremont and Lincoln, NE, to points in KS, and MO, and (c) from Sergeant Bluff, IA, to points in KS, MO and that part of NE east of U.S. Hwy 183, restricted to the transportation of traffic originating at or destined to the named origins and destinations. (Hearing site: North Platte, NE.)

MC 144227 (Sub-7F), filed December 6, 1979. Applicant: CARMIL, INC., P.O. Box 225, Hershey, NE 69143. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting *meat by-products and meat and bone meal*, in bulk in grain or hopper trailers, between points in the States of CO, IA, KS, MN, MO, NE, ND, and SD, restricted to the transportation of traffic originating at or destined to the named origins and destinations. (Hearing site: North Platte, NE.)

MC 144587 (Sub-2F), filed December 4, 1979. Applicant: DON E. KEITH, 2990 Pierce Rd., Bakersfield, CA 93308. Representative: Don E. Keith (same address as applicant). Transporting *asphalt, asphalt emulsion and road oil*, in bulk in tank vehicles, from Bakersfield, CA, to points in NV. (Hearing site: Bakersfield, CA.)

MC 144626 (Sub-3F), filed May 29, 1979, previously published in the **Federal Register** issue of January 17, and republished this issue. Applicant: TRANS NATIONAL EXPRESS, INC., 520 Otter Hole Road, West Milford, NJ 07480. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *defoaming compounds* (except in bulk), from Newark, NJ, and Marietta, GA, to points in the United States. (Hearing site: New York, NY, or Washington, DC.)

Note.—The purpose of the republication is to correct the territorial description.

MC 144907 (Sub-3F), filed December 4, 1979. Applicant: WILSON'S MILK HAULING, INC., 4971 Pleasant Avenue, Hamilton, OH 45014. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. Transporting *salt*, in packages, from Cincinnati, OH, to points in IN and KY. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 145997 (Sub-22F), filed December 4, 1979. Applicant: JEM EQUIPMENT, INC., P.O. Box 398, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *frozen foods*, from the facilities of Del Mar Frozen Foods, Inc., at or near Watsonville, CA, to points in the United States (except AK, CA, and HI). (Hearing site: Monterey, CA, or Ft. Smith, AR.)

MC 146846 (Sub-66F), filed December 7, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355 A, Birmingham, AL 35217. Representative: Mr. Henry Bristow, Jr. (same address as applicant). Transporting *corn flour and corn meal* (except in bulk) from the facilities of J. R. Short Milling Company, at or near Mt. Vernon, IN, and Kankakee, IL to points in GA, LA, and TX. Condition: Person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Chicago, IL, or Birmingham, AL.)

MC 146807 (Sub-14), filed December 7, 1979. Applicant: S & W ENTERPRISES, INC., 1 Passan Dr., Wilkes Barre, PA 18702. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. Transporting *wire*, from Hanover Township and Kingston, PA, to Atlanta, GA, Denver, CO, Houston and Odessa, TX, New Orleans, LA, and Tulsa, OK. (Hearing site: Wilkes Barre, PA.)

MC 147347 (Sub-3F), filed December 3, 1979. Applicant: MICHAEL'S CARTAGE, INC. Route #3, Cumberland, MD 21502. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting: (1) *glass*, from the facilities of PPG Industries, Inc., at or near Cumberland, MD, to Philadelphia, PA, and Baltimore MD; and (2) *empty containers*, from Philadelphia, PA, and Baltimore, MD, to the facilities of PPG Industries, Inc. at or near Cumberland, MD. (Hearing site: Pittsburgh, PA.)

MC 147777 (Sub-2F), filed December 2, 1979. Applicant: SPRINGFIELD SCHOOL BUS CO., INC., d.b.a. TRAVEL TIME, 99 Arnold St., Springfield, MA 01119. Representative: Charles A. Webb, 1800 M St., N.W., Suite 800 So., Washington, DC 20036. Transporting *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Stafford Springs, CT, and Storrs, CT, serving all intermediate points: (1) from Stafford Springs over CT Hwy 32 to Eagleville, CT, then over CT Hwy 275 to junction CT Hwy 195, then over Hwy 195 to Storrs and return over the same route, and (2) from Stafford Springs, over CT Hwy 32 to junction CT Hwy 195 near Merrow, CT, then over CT Hwy 195 to junction CT Hwy 275, and return over the same route. (Hearing site: Springfield, MA or Hartford, CT.)

MC 149056F, filed December 7, 1979. Applicant: HOLIDAY SYSTEMS, LTD., 1605 Tartan Way, Louisville, KY 40205. Representative: J. Smiley Collins (same address as applicant). Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in AR, GA, AL, DC, FL, HI, IL, IN, KY, LA, MI, MO, MS, NC, OH, OK, PA, SC, TN, TX, VA, and WV, and extending to points in the United States, including AK, but excluding HI. (Hearing site: Louisville, KY.)

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Decided: March 7, 1980.
By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

FF 517, filed July 27, 1979. Applicant: MIDDLE ATLANTIC FREIGHTWAYS, INC., 925 Market St., Paterson, NJ 07509. Representative: John L Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. To operate in interstate commerce, as a *freight forwarder* of general commodities (except classes A and B explosives, commodities in bulk, unaccompanied baggage, used automobiles, and household goods as defined by the Commission), between points in DE, MD, NJ, NY, PA, VA, and DC. (Hearing site: New York, NY.)

MC 76 (Sub-17F), filed September 19, 1979. Applicant: MAWSON & MAWSON, INC., P.O. Box 248, Langhorne, PA 19047. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *iron and steel articles*, from the facilities of Commerical Shearing, Inc., at or near Youngstown, OH, to points in PA, NY, NJ, MD, DE, VA, CT, MA, and RI; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), in the reverse direction. (Hearing site: Washington, DC.)

MC 11207 (Sub-519F), filed January 2, 1980. Applicant: DEATON, INC., 317 Ave. W., P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Sumiton, AL, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, and TX. (Hearing site: Birmingham, AL.)

MC 19227 (Sub-250F), filed December 31, 1979. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th St., P.O. Box 523610, Miami, FL 33152. Representative: Robert F. McCaughey (same address as applicant). Transporting (1) *lift trucks, and parts* and (2) *platforms, hydraulic working lifts, and parts*, from Sonoma County, CA to points in the United States (except AK and HI). (Hearing site: San Francisco, CA.)

MC 26396 (Sub-322F), filed December 27, 1979. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *fertilizer and raw materials* used in the manufacture of fertilizer, from ports of entry on the international boundary line between the United States and Canada, in MT, to points in ID, NV, OR, UT, and WA. (Hearing site: Billings, MT, or Portland, OR.)

MC 26396 (Sub-323F), filed December 28, 1979. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *starch*, from Keokuk, IA to points in CO, ID, TX, UT and WY. (Hearing site: Des Moines, IA or Billings MT.)

MC 29537 (Sub-9F), filed December 28, 1979. Applicant: R. H. CRAWFORD, INC., 425 Poplar St., Hanover, PA 17331. Representative: J. Bruce Walter, P.O Box 1146, Harrisburg, PA 17108. Transporting *foodstuffs* and *materials, equipment and supplies* used or useful in the production, storage or distribution of foodstuffs, between the facilities of Hanover Brands Inc. at or near Hanover, PA, on the one hand, and, on the other, points in NY, NJ, MD, GA, KY, ME, NC, NH, PA, SC, TN, VT, and WV, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Harrisburg, PA or Washington, DC.)

MC 30837 (Sub-493F), filed December 27, 1979. Applicant: KENOSHA AUTO TRANSPORT CORP., 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *motor vehicles*, in initial movements, in truckaway service, from Battle Creek, MI, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 42487 (Sub-987F), filed December 31, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *General commodities*, (except those of unusual value, Classes A and B explosives, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the facilities of David Kahn, Inc., at or near Deer Lake, PA, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Harrisburg, PA or Washington, DC.)

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future.

MC 49387 (Sub-56F), filed August 7, 1979. Applicant: ORSCHELN BROS. TRUCK LINES, INC., U.S. Hwy 24 East, P.O. Box 658, Moberly, MO 65270. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. To operate as a *common carrier*, by motor vehicle, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), (1) between Evansville, IN, and Nashville, TN, serving the intermediate points of Madisonville, Hopkinsville, Nortonville and Sebree, KY, and the off-route point of Owensboro, KY, the plantsite of Customs Resins, Inc., Division of Bemis Co., Inc. at or near Henderson, KY, and the plantsite of Firestone Steel Products Co., Division of Firestone Tire and Rubber Co. at or near Henderson, KY: from Evansville over U.S. Hwy 41 to its junction with Interstate Hwy 24, then over Interstate Hwy 24 to Nashville, and return over the same route; (2) between Bloomington, IL, and Nashville, TN, serving the intermediate point of Paducah, KY and the off-route points of Calvert City, KY and Metropolis, IL and Brookport, IL as

off-route points, and serving the junctions of Interstate Hwy 57 and U.S. Hwy 36, Interstate Hwys 64 and 57, Interstate Hwy 24 and U.S. Hwy 62 at or near Paducah, KY, Interstate Hwy 24 and U.S. Hwy 68 at or near Gracey, KY, Interstate Hwy 24 and U.S. Hwy 62 near Kuttawa, KY, and U.S. Hwy 60 and Interstate Hwy 24 at or near Paducah, KY, as points of joinder only: from Bloomington over Interstate Hwy 74 to junction Interstate Hwy 57, then over Interstate Hwy 57 to junction Interstate Hwy 24, then over Interstate Hwy 24 to Nashville, and return over the same route; (3) between the junction of Interstate Hwy 24 and U.S. Hwy 62 at or near Paducah, KY, and the junction of U.S. Hwys 62 and 41 serving the junction of U.S. Hwy 62 and Interstate Hwy 24 at or near Kuttawa, KY, for purposes of joinder only: from the junction of Interstate Hwy 24 and U.S. Hwy 62 at or near Paducah, KY, over U.S. Hwy 62 to its junction with U.S. Hwy 41, and return over the same route; (4) between the junction of Interstate Hwy 24 and U.S. Hwy 68 at or near Paducah, KY, and the junction of U.S. Hwys 68 and 41, serving the junction of Interstate Hwy 24 and U.S. Hwy 68 at or near Gracey, KY, for purposes of joinder only: from the junction of Interstate Hwy 24 and U.S. Hwy 68 at or near Paducah, KY, over U.S. Hwy 68 to its junction with U.S. Hwy 41, and return over the same route; (5) between Springfield, MO, and junction Interstate Hwy 24 and U.S. Hwy 60 at or near Paducah, KY, serving the junction for purposes of joinder only: from Springfield, MO, over U.S. Hwy 60 to its junction with Interstate Hwy 24, and return over the same route; (6) between Springfield, IL, and the junction of U.S. Hwy 36 and Interstate Hwy 57, serving the junction for purposes of joinder only and serving the junction of U.S. Hwys 36 and 51 for purposes of joinder only: from Springfield over U.S. Hwy 36 to its junction with Interstate Hwy 57, and return over the same route; (7) between St. Louis, MO, and the junction of Interstate Hwys 64 and 57, serving the junction for purposes of joinder only and serving the junction of U.S. Hwys 51 and Interstate Hwy 64 for purposes of joinder only: from St. Louis over Interstate Hwy 64 to its junction with Interstate Hwy 57, and return over the same route; (8) between Bloomington, IL and the junction of U.S. Hwy 51 and Interstate Hwy 64, serving the junction for purposes of joinder only, and serving the junction of U.S. Hwys 51 and 36 for purposes of joinder only: from Bloomington over U.S. Hwy 51 to its junction with Interstate Hwy 64, and return over the same route; and (9) between the junction of Interstate Hwys 57 and 64 and Evansville, IN serving the junction for purposes of joinder only: from the junction of Interstate Hwys 57 and 64 over Interstate Hwy 64 to its junction with U.S. Hwy 41, then over U.S. Hwy 41 to Evansville, and return over the same route. (Hearing sites: Nashville, TN; St. Louis, MO.)

MC 59206 (Sub-30F), filed July 24, 1979. Applicant: HOLLAND MOTOR EXPRESS, INC., 750 East 40th St. Holland, MI 49423. Representative: A. David Millner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Over *regular routes*, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Indianapolis, IN and Gettysburg, OH, over U.S. Hwy 40, serving the intermediate and off-route points of Richmond, Cambridge City, Knightstown and Greenfield, IN, and return over the same route. (Hearing site: Detroit, MI.)

MC 61016 (Sub-57F), filed December 28, 1979. Applicant: PETER PAN BUS LINES, INC., 1776 Main St. Springfield, MA 01103. Representative: Charles A. Webb, Suite 800-South, 1800 M Street, NW., Washington, D.C. 20036. Transporting *passengers and their baggage, and express and newspapers in the same vehicle with passengers*, between Springfield, MA, and Portland, ME, serving all intermediate points, over the following routes: (1) from Springfield, MA, over Interstate Hwy 90 to junction Interstate Hwy 290 at Worcester, MA, then over Interstate Hwy 290 to junction Interstate Hwy 495, then over Interstate Hwy 495 to junction Interstate Hwy 95, then over Interstate Hwy 95 to Portland, ME, and return over the same route, (2) from Springfield, MA, over Interstate Hwy 90 to junction Interstate Hwy 290 at Worcester, MA, then over Interstate Hwy 495 to MA Hwy 110, then over MA Hwy 110 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Portland, ME, and return over the same route, and (3) from Springfield, MA, over Interstate Hwy 90 to junction Interstate Hwy 290 at Worcester, MA, then over Interstate Hwy 290 to junction Interstate Hwy 495, then over Interstate Hwy 495 to junction MA Hwy 110, then over MA Hwy 110 to junction MA Hwy 1A, then over MA Hwy 1A to junction NH Hwy 1A at the MA–NH State line, then over NH Hwy 1A to U.S. Hwy 1 at Portsmouth, NH, then over U.S. Hwy 1 to junction ME Hwy 1A near York Village, ME, then over ME Hwy 1A to junction unnumbered hwy near York Beach, ME, then over unnumbered hwy to junction U.S. Hwy 1 near Ogunquit, ME, then over U.S. Hwy 1 to junction ME Hwy 9 at Elms, ME, then over ME Hwy 9 to junction U.S. Hwy 1 at Saco, ME, then over U.S. Hwy 1 to Portland, ME, and return over the same route, serving the off-route points of Biddeford Pool, Bay View, Old Orchard Beach and Pine Point, ME. (Hearing site: Springfield, or Worcester, MA.)

MC 65626 (Sub-35), filed December 28, 1979. Applicant: FREDONIA EXPRESS, INC., P.O. Box 222, Fredonia, MY 14063. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting (1) *such commodities as are dealt in or used by grocery and food business houses* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Ralston Purina Company at or near Dunkirk, NY, on the one hand, and, on the other, points in CT, MA, ME, NH, RI, and VT. (Hearing site: Buffalo, NY, or Washington, DC.)

MC 69116 (Sub-254F), filed December 31, 1979. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 So. La Salle St., Chicago, IL 60603. Transporting (1) *such commodities* as are dealt in or used by manufacturers of and dealers in agricultural equipment and machinery, industrial equipment and machinery, and lawn and leisure products (except commodities in bulk), and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk) between Port Washington, and Milwaukee, WI, on the one hand, and, on the other, points in DE, IL, IN, IA, KS, KY, ME, MD, MI, MN, NE, NH, NY, ND, OH, SD, TN, VT, VA, and WV. (Hearing site: Chicago, IL.)

MC 76266 (Sub-132F), filed December 26, 1979. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 215 So. 11th St., Minneapolis, MN 55403. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. Over regular routes, transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Two Rivers, WI, and North Chicago, IL, serving the off-route points in Milwaukee County, WI: (a) from Two Rivers over WI Hwy 42 to Manitowoc, WI, then over U.S. Hwy 141 to junction Milwaukee County Hwy B, then over Milwaukee County Hwy B to Milwaukee, WI, then over WI Hwy 42 via Racine, WI, to the WI–Il State line, and then over IL Hwy 42 to North Chicago, and return over the same route, (b) from Two Rivers to Milwaukee as specified above, then over Milwaukee County Hwy H to junction WI Hwy 38, then over WI Hwy 38 to Racine, WI, and then to North Chicago as specified above, and return over the same route, and (c) from Two Rivers to Milwaukee as specified above, then over Milwaukee County Hwy AA to junction Milwaukee County Hwy Z, then over Milwaukee County Hwy Z to junction WI Hwy 42, then to North Chicago as specified above, and return over the same route, (2) between Sheboygan, WI and Chilton, WI, serving all intermediate points: from Sheboygan over WI Hwy 32, then over WI Hwy 57 to Chilton, and return over the same route, (3) between Sheboygan over WI Hwy 23 to Plymouth, WI, (4) between Sheboygan, WI over WI Hwy 28 to Sheboygan Falls, WI, (5) between Milwaukee, WI and Madison, WI, serving all intermediate points: from Milwaukee over WI Hwy 19, then over WI Hwy 19 to Sun Prairie, WI, then over U.S. Hwy 151 to Madison, and return over the same route, (6) between Milwaukee, WI and South Beloit, IL, serving all intermediate points: from Milwaukee over WI Hwy 15, then over WI Hwy 15 to Beloit, WI, then over U.S. Hwy 51 to South Beloit, and return over the same route, (7) between Milwaukee, WI and Genoa City, WI, serving all intermediate points: from Milwaukee over U.S. Hwy 41 to junction WI Hwy 36, then over WI Hwy 36 to Lake Geneva, WI, and then over U.S. Hwy 12 to Geneva City, and return over the same route, (8) between Racine, and Janesville, WI, over WI Hwy 11, serving the off-route point of Williams Bay, WI, (9) between Racine and Rochester, WI, over WI Hwy 20, serving all intermediate points, (10) between Milwaukee and Janesville, WI, serving the off-route point of Genesee Depot, WI: from Milwaukee over U.S. Hwy 18 to Waukesha, WI, (also from Milwaukee over WI Hwy 59 to Waukesha) then over WI Hwy 59 to Milton, WI, and then over WI Hwy 26 to Janesville, and return over the same route, (11) between Watertown and Portage, WI, over U.S. Hwy 16, serving the off-route points of Clayman, Reeseville, Fall River, and Pardeeville, WI, (12) between Watertown, WI and Portage, WI, serving all intermediate points: from Watertown over WI Hwy 26 to junction WI Hwy 33, then over WI Hwy 33 to Beaver Dam, WI, then over U.S. Hwy 151 to Columbus, WI, and then over U.S. Hwy 16 to Portage, and return over the same route, (13) between Watertown and Whitewater, WI, serving all intermediate points: from Watertown over WI Hwy 26 to Fort Atkinson, WI, then over U.S. Hwy 12 to Whitewater, and return over the same route, (14) between Watertown, WI and junction WI Hwy 26, serving all intermediate points: from Watertown over County Hwy A to Lake Mills, WI, then over WI Hwy 30 to junction WI Hwy 26, and return over the same route, (15) between Lake Geneva, and Delavan, WI, serving all intermediate points: from Lake Geneva over WI Hwy 36 to Williams Bay, WI, then over County Hwy H to junction WI Hwy 50, and then over WI Hwy 50 to Delavan, and return over the same route, (16) between Milwaukee and junction WI Hwy 15 near East Troy, WI, serving all intermediate points: from Milwaukee over unnumbered Hwys via Hales Corners, Muskego, Big Bend, Caldwell, and Lake Beaulah, WI, to junction WI Hwy 15 near East Troy, and return over the same route, (17) between Hales Corners over unnumbered Hwy to St. Martin, WI, (18) between junction unnumbered Hwy and WI Hwy 83 near Lake Beulah, and Mukwonago, WI, serving all intermediate points: from junction unnumbered Hwy and WI Hwy 83 near Lake Beulah, then over WI Hwy 83 to Mukwonago, and return over the same route, (19) between Burlington, WI and junction unnumbered Hwy south of Salem, WI, serving all intermediate points: from Burlington over WI Hwy 83 to junction unnumbered Hwy south of Salem, and return over the same route, (20) between Genoa City, WI over unnumbered Hwys to junction unnumbered Hwy north of Twin Lakes, WI, serving all intermediate points, (21) between junction WI Hwy 83 and unnumbered Hwy south of Salem, WI over unnumbered Hwy to Wilmont, WI, serving all intermediate points, (22) between Wilmont, WI over unnumbered Hwy to junction WI Hwy 83 south of New Munster, WI, serving all intermediate points, (23) between junction WI Hwy 83 and unnumbered Hwy northeast of Silver Lake, WI over unnumbered Hwy to junction unnumered Hwy north of Twin Lakes, WI, serving all intermediate points, (24) between Kenosha over WI Hwy 50 to junction WI Hwy 83, serving all intermediate points, (25) between junction WI Hwy 50 and unnumbered Hwy over unnumbered Hwy to Pleasant Prairie, WI, serving all intermediate points, (26) between junction WI Hwy 50 and U.S. Hwy 45, and Bristol, WI, serving all intermediate points: from junction WI Hwy 50 and U.S. Hwy 45 over U.S. Hwy 45 to Bristol, and return over the same route, (27) between junction unnumbered Hwys north of Lake Elizabeth, WI over unnumbered Hwy to Lake Elizabeth, and return over the same route, (28) between Gibbsville, WI and Milwaukee, WI, serving the intermediate point of Cedar Grove, WI, and the off-route point of Oostburg, WI: from Gibbsville over WI Hwy 42 to junction Milwaukee County Hwy B, then over Milwaukee County Hwy B to Milwaukee, and return over the same route, (29) between junction WI Hwy 30 and WI Hwy 19, and Madison, WI, serving the intermediate point of Delafield, WI: from junction WI Hwy 30 and WI Hwy 19, over WI Hwy 30 to Madison, and return over the same route, (30) between junction U.S. Hwy 141 and WI Hwy 57 and junction WI Hwy 144 and U.S. Hwy 141, serving all intermediate points: from junction U.S. Hwy 141 and WI Hwy 57 over WI Hwy 57 to junction WI Hwy 144, then over WI Hwy 144 to junction U.S. Hwy 141, and return over the same route, (31) between junction Racine County Hwy K and WI Hwy 38, east of Franksville, WI, and junction U.S. Hwy 41 and WI Hwy 36 southwest of Milwaukee, WI, serving all intermediate points: from junction Racine County Hwy K and WI Hwy 38 over Racine County Hwy K to Thompsonville, WI, then over U.S. Hwy 41 to junction WI Hwy 36, and return over the same route, (32) between Beaver Dam, WI, and Markesan, WI, serving the off-route points of Manchester and Kingston, WI: from Beaver Dam over WI Hwy 33 to junction County Hwy A at Randolph, WI, then over County Hwy A to Markesan (also from junction WI Hwy 33 and County Hwy A westward over WI Hwy 33 to junction WI Hwy 73, then over WI Hwy 73 to junction WI Hwy 44, east of Manchester, WI, and then over WI Hwy 44 to Markesan), and return over the same route, (33) between Minnesota Jct., WI over WI Hwy 33 to Port Washington, WI, serving all intermediate points, (34) between Oconomowoc, WI, and Horicon, WI, serving Horicon, WI for purposes of joinder only: from Oconomowoc over WI Hwy 67 via Iron Ridge, WI, to Mayville, WI, then over WI Hwy 28 to Horicon, and return over the same route, (35) between junction WI Hwys 33 and 73, and Portage, WI, serving junction WI Hwys 33 and 73 for purposes of joinder only: from junction WI Hwys 33 and 73 over WI Hwy 33 to Portage, and return over the same route, (36) between junction WI Hwys 33 and 44, and Wyocena, WI, serving junction WI Hwys 33 and 44 for purposes of

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joinder only: from junction WI Hwys 33 and 44 over WI Hwy 44 to Wyocena, and return over the same route, (37) between junction WI Hwy 44 and County Hwy P, northeast of Pardeeville, WI, and junction WI Hwys 33 and 73, north of Randolph, WI, serving the termini for purpose of joinder only: from junction WI Hwy 44 and County Hwy P over County Hwy P to Randolph, then over WI Hwy 73 to junction WI Hwy 33, and return over the same route, (38) between junction WI Hwys 33 and 146, and Cambria, WI, serving the termini for purpose of joinder only: from junction WI Hwys 33 and 146 over WI Hwy 146 to Cambria, and return over the same route, and (39) between Juneau, WI and Hartford, WI, serving Hartford, WI for purposes of joinder only: from Juneau over WI Hwy 115 to junction WI Hwys 115, 67, and 60, north of Neosho, WI, then over WI Hwy 60 to Hartford, and return over the same route, over *irregular routes*, transporting *general commodities*, with exceptions as specified above, between points in Racine, Kenosha, Burlington, Waukesha, Watertown, Port Washington, Sheboygan, and East Troy, WI, and those in Milwaukee County, WI. (Hearing site: Milwaukee, WI.)

Note.—Applicant intends to tack the authority sought herein with its existing authority in MC 76266 and with authority under common control with applicant in MC-106185 so as to provide a through service between the points sought herein and applicant's existing territory which extends generally from MN on the north, NE and CO on the west, LA and AL on the south and to the eastern seaboard on the east.

MC 78687 (Sub-100F), filed December 27, 1979. Applicant: LOTT MOTOR LINES, INC., Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *paper, paper products and plastic articles and materials, equipment and supplies* used in the manufacture, sale and distribution thereof (except commodities in bulk), between the facilities of Sonoco Products Company, at or near Downingtown, Nanover and Robesonia, PA, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Washington, DC.)

MC 95876 (Sub-331F), filed December 27, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting *buildings, building panels, building parts, and materials, accessories, and supplies* used in the installation, erection and construction of buildings, building panels, and building parts (except commodities in bulk), between the facilities of Butler Manufacturing Company, at San Marcos, TX, on the one hand, and, on the other, points in the US (except AK and HI), restricted to traffic originating at or destined to the facilities of Butler Manufacturing Company, at San Marcos, TX. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 97127 (Sub-15F), filed December 31, 1979. Applicant: BATESVILLE TRUCK LINE, INC., P.O. Box E, Batesville, AR 72501. Representative: Don A. Smith, P.O. Box 43, 510 No. Greenwood, Fort Smith, AR 72902. Over regular routes, transporting *general commodities* (except those of unusual value, commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and those which because of size or weight require the use of special equipment), (1) between Clinton, AR, and Mountain View, AR, serving all intermediate points: from Clinton over AR Hwy 16 to Shirley, AR, then over AR Hwy 9 to Mountain View, and return over the same route, (2) between Shirley, AR and Edgement, AR, over AR Hwy 16, serving all intermediate points, (3) between junction AR Hwy 16 and AR Hwy 330 and Fairfield Bay, AR, serving all intermediate points: from junction AR Hwy 16 and AR Hwy 330 to Fairfield Bay, over AR Hwy 330, and return over the same route, (4) between Springhill, AR and Harrison, AR, over U.S. Hwy 65 serving all intermediate points, (5) between Harrison, AR and Marshall, AR, serving all intermediate points: from Harrison over AR Hwy 7 to junction AR 14, then over AR Hwy 14 to junction AR Hwy 27, then over AR Hwy 27 to Marshall, and return over the same route, (6) between Harrison, AR and Viola, AR, serving all intermediate points: from Harrison over U.S. Hwy 65 to junction U.S. Hwy 62, then over U.S. Hwy 62 to Viola, and return over the same route, (7) between Calico Rock, AR and junction AR Hwy 201 and the AR-MO state line, serving all intermediate points: from Calico Rock over AR Hwy 5 to junction AR Hwy 201, then over AR Hwy 201 to AR-MO state line, and return over the same route, (8) between Mountain Home, AR and Norfork, AR over AR Hwy 201, serving all intermediate points, (9) between termination of AR Hwy 101 at or near Rea Valley, AR and Mountain Home, AR, serving all intermediate points: from termination of AR Hwy 101 at or near Rea Valley to junction AR Hwy 178, then over AR Hwy 178 to Midway, AR, then over AR Hwy 5 to Mountain Home, and return over the same route, (10) between termination AR Hwy 202 at or near Oakland, AR and junction AR Hwy 126 and U.S. Hwy 62, serving all intermediate points: from termination of AR Hwy 202 at or near Oakland, AR to junction AR Hwy 5, then over AR Hwy 5 to junction AR Hwy 126, then over AR Hwy 126 to its junction with U.S. Hwy 62, and return over the same route, (11) between junction AR Hwys 126 and 178 and Mountain Home, AR, serving all intermediate points: from junction AR Hwys 126 and 178 over AR Hwy 178 to Mountain Home, and return over the same route, (12) between Timbo, AR and Rushing, AR over AR Hwy 263, serving all intermediate points, and (13) between Springhill, AR and Little Rock, AR over U.S. Hwy 65, serving no intermediate points. (Hearing site: Little Rock, AR, or Memphis, TN.)

Note.—Applicant intends to tack this authority.

MC 99656 (Sub-3F), filed December 27, 1979. Applicant: IDDINGS TRUCKING, INC., State Route 60, P.O. Box 388, Lowell, OH 45744. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Transporting *coke*, in bulk, in dump vehicles, from Gary, IN, to the plant site of Interlake Incorporated in Washington County, OH. (Hearing site: Columbus, OH.)

MC 100666 (Sub-512F), filed December 27, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615 East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Insulating materials and supplies*, from the facilities of CertainTeed Corp., at or near Pauline and Kansas City, KS, to points in IN, IL, IA, KY, MI, MO, OH and WI. (Hearing site: Kansas City, MO.)

MC 100666 (Sub-513F), filed December 28, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615 East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *mineral wool insulation* (fiberglass), (except in bulk), from the facilities of CertainTeed Corporation at or near Athens, Atlanta, and Chamblee, GA to points in AL, AR, IL, IN, KY, LA, MO, OH and TX. (Hearing site: Atlanta, GA.)

MC 102616 (Sub-1024F), filed December 26, 1979. Applicant: COASTAL TANK LINES, INC., 250 No. Cleveland-Massillon Rd., Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting *liquid chemicals*, (in bulk), from the facilities of United States Steel Corp., at Neville Island, PA to points in

AL, DE, FL, GA, IN, KY, MD, MI, NC, OH, SC, TN, VA, WV, and DC. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 105016 (Sub-13F), filed December 27, 1979. Applicant: PELLISSIER TRUCKING, INC., 1002 Hostetler, P.O. Box 192, The Dalles, OR 97058. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Transporting *aluminum, aluminum products and materials equipment and supplies* used in the manufacture and sale of aluminum, between the facilities of Martin Marietta Aluminum, Inc., at The Dalles, OR, and in Klickitat County, WA, on the one hand, and, on the other, points in OR and WA. (Hearing site: Portland or The Dalles, OR.)

MC 108767 (Sub-156F), filed December 31, 1979. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., NW, Knoxville, TN 37917. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting (1) *freight carts, trucks, trailers, wagons*, and (2) *bodies, springs, wheels, shafts, poles, and tongues* for the commodities in (1) above, from the facilities of Jakes Manufacturing Co., at or near Nashville, TN, to points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Nashville, TN.)

MC 113106 (Sub-87F), filed December 26, 1979. Applicant: THE BLUE DIAMOND CO., a corporation, 4401 East Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005. Transporting *salt and salt products*, (a) from Silver Springs, NY, to points in NC, SC, OH, and WV, and (b) from Perth Amboy, NJ, to points in PA, NY, DE, MD, VA, WV, and DC. (Hearing site: Chicago, IL, or Washington, DC.)

MC 115116 (Sub-32F), filed December 27, 1979. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset St., New Brunswick, NJ 08901. Representative: Michael J. Marzano, 99 Kinderkamack Rd., Westwood, NJ 07675. Over regular routes, transporting *passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) between the Township of Monroe (Middlesex County), NJ, and East Brunswick, NJ, from junction Forsgate Drive and Applegarth Road in the Township of Monroe (Middlesex County), NJ, over Forsgate Drive to junction East Railroad Avenue in Jamesburg, NJ, then over East Railroad Avenue to junction Stockton Avenue, then over Stockton Avenue to junction Lincoln Avenue, then over Lincoln Avenue to junction Helmetta Road, then over Helmetta Road to junction Main Street at or near the Township of Monroe, NJ-Helmetta, NJ, boundary line, then over Main Street to junction Old Bridge-New Brunswick Turnpike in East Brunswick, NJ, then over Old Bridge-New Brunswick Turnpike to junction access roads to NJ Hwy 18 near the junction of Main Street and Old Bridge-New Brunswick Turnpike, then over NJ Hwy 18 access roads to NJ Hwy 18, then over NJ Hwy 18 to junction access roads of the New Jersey Turnpike at Interchange No. 9 in East Brunswick, NJ, and return over the same route except operating directly from NJ Hwy 18 to Main Street via connecting access road in East Brunswick, NJ, serving all intermediate points, and (2) between points in East Brunswick, NJ: From the East Brunswick Transportation and Commerce Center in East Brunswick, NJ, over Tices Lane to junction NJ Hwy 18 in East Brunswick, NJ, serving all intermediate points. (Hearing site: East Brunswick, NJ.)

Note.—Applicant proposes to provide service to and from New York, NY, by joining the proposed routes with its existing authorized routes.

MC 116967 (Sub-26F), filed September 24, 1979. Applicant: WONDAAL TRUCKING CO., INC., 2857 Ridge Rd., Lansing, IL 60438. Representative: Samuel Ruff, 2109 Broadway, E. Chicago, IL 46312. Transporting *building brick*, between Chicago, IL, and points in OH, WI, MO, MI, IA, IN, PA, KS, KY, MN, TN, MS, and AL, under continuing contract(s) with W. E. Olsen Co., of Park Ridge, IL, and American Brick Company, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 117686 (Sub-281F), filed December 31, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common* carrier, by motor vehicle, over *irregular* routes, Transporting *meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities utilized by John Morrell & Co. at or near East St. Louis, IL, to points in AL, AR, FL, GA, IA, KS, LA, MS, NE, SD and TX, restricted to the transportation of traffic originating at the facilities of John Morrell & Co. (Hearing site: Chicago, IL, or Washington, DC.)

MC 117786 (Sub-83F), filed December 26, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas, Phoenix, AZ 85014. Transporting *merchandise, equipment and supplies sold, used and distributed by a manufacturer of cosmetics* from the facilities of Avon Products, Inc., in Morton Grove, IL and Glenview, IL to Billings, MT, Cheyenne, WY and Casper, WY. (Hearing site: Phoenix, AZ.)

MC 117786 (Sub-84F), filed December 27, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *paper and paper forms and products and commodities used in the manufacturing and distribution of paper and paper forms*, from Columbus, OH to Kansas City, MO, Minneapolis, MN, Dallas, TX, Atlanta, GA and Chicago, IL. (Hearing site: Phoenix, AZ.)

MC 119176 (Sub-22F), filed March 22, 1979, and previously noticed in the FR issue of December 11, 1979. Applicant: THE SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, OK 74107. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102. Transporting (1) (a) *Machinery, equipment, materials*, and *supplies*, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (b) *machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof, except in connection with main pipe lines; and (2) *Earth drilling machinery* and *equipment*, and *machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in CA, AZ, and NV, on the one hand, and, on the other, points in KS, IL, LA, MO, NM, OH, OK, PA, TX, MS, AR, AL, GA, FL, IN, MI, and WV. (hearing site: Houston, TX or Tulsa, OK.)

Note.—This republication is to correctly reflect the territorial description.

MC 119226 (Sub-123F), filed December 28, 1979. Applicant: LIQUID TRANSPORT CORP., 2901 Madison

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Ave., Indianapolis, IN 46227. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. Transporting *liquid weed killing compounds*, (in bulk, in tank vehicles), from Lafayette, IN, to points in the United States (except AK, AR, HI, IL, IA, KS, LA, MO, ND, NM, NE, OH, KY, MI, SD, and WI). (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 119777 (Sub-380F), filed June 5, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Box Drawer "L" Madisonville, KY 42431. Transporting (1) *construction forms, and construction form material*, and (2) *scaffolding, and scaffolding material*, between points in the United States (except AK and HI), restricted to the transportation of shipments originating at or destined to the facilities of the Ceco Corporation, at Chicago, IL. (Hearing site: Chicago, IL.)

MC 119777 (Sub-438F), filed December 27, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) *pipe, pipe fittings, conduit, couplings, roofing and building materials, insulating materials, and materials and supplies* used in the installation thereof, and (2) *materials, equipment and supplies* used in the manufacture or distribution of the above named commodities, between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of CertainTeed Corp., and further restricted against transportation of commodities in bulk. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 119777 (Sub-439F), filed December 31, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *plywood and board*, from points in the United States (except AK and HI) to Jasper, IN. (Hearing site: Louisville, KY, or Indianapolis, IN.)

MC 119777 (Sub-441F), filed December 31, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) *agricultural machinery, implements, and equipment, industrial and construction machinery and equipment, irrigation equipment, drainage systems, stump-cutters, log-splitters and log-chippers, and tree-spades*, (2) *attachments, parts and supplies* used in the operation of the commodities in (1) above, and (3) *materials and supplies* used in the manufacture or distribution of (1) and (2) above, between the facilities of Vermeer Manufacturing Company, at or near Pella, IA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted against the transportation of commodities in bulk. (Hearing site: Des Moines, IA.)

MC 119777 (Sub-442F), filed December 31, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) *ferro-chrome, ferro-chrome silicon, ferro-silicon, silico-manganese, ferro-manganese, silicon metal, and scrap iron and steel*, between points in Marshall County, KY, on the one hand, and, on the other, points in AZ, CA, CO, MA, MN, MT, NE, NV, NH, NC, OR, RI, SC, TN, UT, VT, WA. (Hearing site: Buffalo, NY or Cleveland, OH.)

MC 120737 (Sub-60F), filed December 27, 1979. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *iron and steel articles*, from Sterling, IL, to points in MN, IA, WI, MO, IL, KY, MS, TN, IN, MI, OH, PA, OK, WV, VA, AR, and LA, restricted to traffic originating at the facilities of Northwestern Steel & Wire Company, at Sterling, IL and destined to the points named. (Hearing site: Chicago, IL.)

MC 121496 (Sub-41F), filed December 28, 1979. Applicant: CANGO CORPORATION, Suite 2900, 1100 Milam Bldg., Houston, TX 77002. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Transporting *liquefied petroleum gases*, (in bulk, in tank vehicles), between Mont Belvieu, TX; Arcadia, LA; and Petal, MS, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Houston, TX.)

MC 123056 (Sub-10F), filed September 17, 1979. Applicant: FREDONIA TRUCK LINE, INC., Hwy 96 and Jackson St., Fredonia, KS 66736. Representative: Laurel D. McClellan, 401 North 6th, P.O. Box 478, Fredonia, KS 66736. Contract carrier, transporting *wheat middlings*, from the facilities of Conagra, Inc., at or near Parsons, KS, to points in AR, MO (except St. Louis), OK, and TX (except points in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, TX), under continuing contract(s) with Conagra, Inc., of Omaha, NE. (Hearing site: Wichita, KS, or Springfield, MO.)

Note.—Dual operations may be involved.

MC 123407 (Sub-606F), filed August 13, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *flooring and flooring systems*, from the facilities of AGA, Inc., at Amasa, MI, to points in AL, CA, CO, FL, IN, LA, MS, NE, OH, TX, UT, IL, IA, WI, and Louisville, KY. (Hearing site: Chicago, IL.)

MC 123997 (Sub-4F), filed January 22, 1980. Applicant: COMET FAST FREIGHT, INC., 101 Wellham Ave., N.E., Glen Burnie, MD, 21061. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., Washington, DC 20005. Transporting (1) *such commodities as are dealt in by chain grocery and food business houses* (except frozen commodities and commodities in bulk), (2) *materials, equipment, and supplies* used in the manufacture, sale and distribution of the commodities in (1) above, (a) between the facilities used by The Clorox Company, at or near Frederick and Baltimore, MD, on the one hand, and, on the other, points in DE, NJ, PA, NY, VA, NC, OH, and KY, and (b) from Lakewood, NJ, to the facilities used by The Clorox Company, at Frederick and Baltimore, MD; (3) *aerosol products*, from Piscataway, NJ, and Milford, CT, to the facilities used by The Clorox Company, at or near Frederick and Baltimore, MD, Charlotte, NC and Jersey City, NJ; and (4) *lighter fluid and fireplace logs*, sawdust and wax impregnated, from the facilities used by The Clorox Company, at Fairless Hills, PA, and Paulsboro, NJ, to points in DE, MD, VA, and WV. (Hearing site: Washington, DC.)

MC 129088 (Sub-29F), filed December 31, 1979. Applicant: SPENCER TRUCKING CORP., Route 2, P.O. Box 254A, Keyser, WV 26726. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Transporting (1) *charcoal briquettes, fireplace logs, hickory chips, starter fluid, and* (2) *materials, supplies, and equipment* used in the manufacture or distribution of the commodities in (1) above (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of The Kingsford Company. (Hearing site: Washington, DC.)

MC 129387 (Sub-105F), filed December 26, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant). Transporting (1) *foodstuffs*, and (2) *meats, meat products, meat byproducts, dairy products, articles distributed by meat packing houses and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between the facilities of Lauridsen Foods, Inc., at or near Britt, IA, Armour & Co., at Mason City, IA, Fairmont, MN, Kansas City, MO, Eau Claire, Monroe and Portage, WI, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to traffic originating at or destined to the named points. (Hearing site: Phoenix, AZ, or Los Angeles, CA.)

MC 129387 (Sub-106F), filed December 27, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant). Transporting *meats, meat products, meat byproducts, dairy products, articles distributed by meat packing houses and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Portland, OR, San Francisco, South San Francisco, and Oakland, CA to points in the United States (except AK and HI), restricted to traffic originating at the facilities of Armour and Co. (Hearing site: Phoenix, AZ, or Los Angeles, CA.)

MC 129387 (Sub-108F), filed December 31, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant). Transporting *paint, paint products and commodities as are dealt in by paint manufacturers*, (1) from points in MN to points in OR, WA, CA, and CO, (2) from Rockford, IL, to points in CA, CO, and MN, and (3) from Kansas City, MO, to points in CA, CO, OR, MN, and WA. (Hearing site: St. Paul, MN, or Chicago, IL.)

MC 136786 (Sub-195F), filed December 26, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55435. Transporting *foodstuffs*, from points in CA, ID, OR, and WA, to points in CT, DE, IA, IL, IN, KS, MA, MD, MI, MN, MO, NC, ND, NE, NJ, NY, OH, OK, PA, RI, SD, VA, WI, WV, and DC. (Hearing site: San Francisco, CA, or Minneapolis, MN.)

MC 138128 (Sub-44F), filed December 31, 1979. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., Old Denton Rd., P.O. Box 47, Federalsburg, MD 21632. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, DC 20005. Transporting *such commodities as are dealt in by chain grocery stores and food business houses, and materials, equipment, and supplies* used in the manufacture and distribution of the aforementioned commodities (except commodities in bulk), between Omaha, NE, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to traffic originating at or destined to the facilities of Campbell Soup Company. (Hearing site: Washington, DC.)

MC 140986 (Sub-12F), filed November 19, 1979. Applicant: GREAT NORTHERN TRUCK LINES, INC., Bank St., Netcong, NJ 07857. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Contract carrier, transporting (1) *insulating materials*, from Cloquet MN, Greenville, MS, Plainfield, IL, and Gypsum and Newark, OH, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacturing and sale of the commodities in (1) above, in the reverse direction, under continuing contract(s) with Kamco Supply Corp., of Brooklyn, NY, and Kamco Supply Corp. of New England, of West Haven, CT. (Hearing site: Newark, NJ.)

MC 141396 (Sub-7F), filed December 26, 1979. Applicant: DELP, INC., Highway 71 South, P.O. Box 369, Springdale, AR 72764. Representative: Stanley W. Ludwig, 529 S. Holcomb St., P.O. Box 285, Springdale, AR 72764. Transporting *green coffee*, from New Orleans, LA; Laredo and Houston, TX, to Duluth, MN. (Hearing site: Little Rock, AR.)

MC 143276 (Sub-26F), filed December 27, 1979. Applicant: WEAVER TRANSPORTATION COMPANY, 5452 Oakdale Rd., Smyrna, GA 30080. Representative: James L. Brazee, Jr., P.O. box 32309, Decatur, GA 30032. Transporting *asphalt saturated felt and packaged asphalt* from the facilities of Warrior Roofing Manufacturing Company, Inc., in Tuscaloosa County, AL to points in AR, FL, GA, KY, LA, MS, MO, NC, SC, TN, TX, VA and OK. (Hearing site: Atlanta, GA.)

MC 143436 (Sub-35F), filed December 27, 1979. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 8328 Hill Gail Dr., P.O. Box 41228, Indianapolis, IN 46241. Representative: Stephen M. Gentry, 1500 Main St., Speedway, IN 46224. Transporting *confectionery items*, in vehicles equipped with mechanical refrigeration, from Chicago, IL, to points in IN, KY, MI, and OH. (Hearing site: Indianapolis, IN.)

MC 143436 (Sub-36F), filed December 27, 1979. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 8328 Hill Gail Dr., P.O. Box 241228, Indianapolis, IN 46241. Representative: Stephen M. Gentry, 1500 Main St., Speedway, IN 46224. Transporting (1) *foodstuffs* (except in bulk), and (2) *rubber and plastic articles*, from the facilities of Ross Laboratories, at or near Columbus, OH and Sturgis, MI to points in IL, IN, and KY. (Hearing site: Indianapolis, IN.)

MC 143737 (Sub-2F), filed September 4, 1979. Applicant: WHITE TRANSFER & STORAGE CO., INC., Box 1355, Fort Dodge, IA 50501. Representative: Leo Crimmins (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Dodge, IA, on the one hand, and, on the other, points in Webster, Pocahontas, Humboldt, Wright, Calhoun, Greene, Story, and Hamilton Counties, IA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 144527 (Sub-12F), filed December 27, 1979. Applicant: BULS EYE TRANSPORT, INC., Suite 2424, 33 No. Dearborn St., Chicago, IL 60603. Representative: Patrick H. Smyth, Suite 521, 19 So. LaSalle St., Chicago, IL 60603. Transporting *foodstuffs* (except commodities in bulk), from Archbold and Napoleon, OH, to points in AL, FL, GA, MS, NC, SC, and TX, restricted to transportation services originating at the facilities of Beatrice Foods Co. (Hearing site: Toledo, OH, or Chicago, IL.)

MC 144827 (Sub-49F), filed December 26, 1979. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, P.O. Box 18423, Memphis, TN 38118. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Transporting *foodstuffs*, (except meat, meat products, meat by-products, not

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frozen and except commodities in bulk), (1) from the facilities of Vlasic Foods, Inc. at Greenville, MS to points in AL, AR, CO, FL, GA, IL, IN, KS, KY, LA, MO, NM, OH, OK, TN, TX and Millsboro, DE, (2) from the facilities of Vlasic Foods, Inc. at Millsboro, DE to points in CT, DC, MA, MD, ME, NC, NH, NJ, NY, OH, PA, RI, SC, VA, VT and WV, and (3) between the facilities of Vlasic Foods, Inc. at Bridgeport, MI, Memphis, MI, and Imlay City, MI on the one hand, and, on the other, Greenville, MS and Millsboro, DE. (Hearing site: Detroit, MI.)

MC 145957 (Sub-1F), filed July 30, 1979. Applicant: THOMAS M. PETTIS, d.b.a. PETTIS TRUCKING COMPANY, Rt. #4, Box 249–B, Brewton, AL 36426. Representative: Thomas M. Pettis (same address as applicant). Transporting *road construction materials*, from Wallace, AL, to Milton, FL. (Hearing site: Brewton or Montgomery, AL.)

MC 146156 (Sub-2F), filed April 3, 1979, and previously noticed in the **Federal Register** issue of October 16, 1979. Applicant: TIPPECANOE WAREHOUSING, INC., 455 Morland Drive, Lafayette, IN 47905. Representative: Richard A. Mehley, 1000 16th St. NW., Washington, DC 20036. Transporting (1) *such commodities* as are dealt in or used by wholesalers and retail outlets, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in IN, on the one hand, and, on the other, points in IN, Chicago, IL, Cincinnati, OH, and Louisville, KY. (Hearing site: Washington, DC., or Indianapolis, IN.)

Note.—This republication is to correctly reflect the commodity description. Dual operations are involved.

MC 146396 (Sub-4F), filed January 24, 1980. Applicant: COBRA TRUCKING, INC., 132 Hwy 80 West, P.O. Box 2137, Jackson, MS 39056. Representative: John A. Crawford, 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Contract carrier*, transporting *agricultural insecticides and fungicides, organics phosphate compound mixtures*, and *weed killing compounds* (except in bulk, in tank vehicles), between Leland, MS and McIntosh, AL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Agricultural Products Department, Olin Corporation, of Little Rock, AR. Condition: Person or persons who appear to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Jackson, MS.)

Note.—Dual operations may be involved.

MC 146646 (Sub-66F), filed December 27, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *clay building products and materials, equipment and supplies* used in the manufacture, production, and distribution of clay building from Pomona and Westminister, CA to points in the United States in and east of ND, SD, NE, KS, OK, and TX. Condition: Person or persons who appears to be engaged in common control of applicant and another regulated carrier must either file and application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Los Angeles, CA, or Birmingham, AL.)

MC 146646 (Sub-69F), filed December 27, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *buildings*, (knocked down or in sections), and *component parts;* from the facilities of Delta Steel Buildings Company, at Dallas, TX, to points in AZ, CA, CO, NE, NM, MO, OR, UT, WA, and WY. Condition: Person or persons who appears to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Dallas, TX, or Birmingham, AL.)

MC 146646 (Sub-70F), filed December 27, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *containers*, (1) between the facilities of Sonoco Products Co., at Charleston, SC, Henderson, TN, Henderson, KY, Alpha, OH, Chicago, IL, St. Louis, MO, Houston, TX, Orlando, FL, and Memphis, TN, and (2) between the facilities of Sonoco Products named in (1) above, on the one hand, and, on the other, points in the United States (except AK and HI). Condition: Person or persons who appears to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Charleston, SC, or Birmingham, AL.)

MC 146646 (Sub-75F), filed December 27, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *clay*, in bags, from Thomas County, GA, to points in the United States (except AK and HI). Condition: Person or persons who appears to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Philadelphia, PA, or Birmingham, AL.)

MC 146776 (Sub-2F), filed December 17, 1979. Applicant: QUAD CITY SPOTTING SERVICE, INC., P.O. Box 390, Bettendorf, IA 52722. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Contract carrier*, transporting (1) *Agricultural equipment parts* and (2) *materials and supplies used in the manufacture of agricultural equipment parts*, between the facilities of International Harvester Company at Rock Island, IL, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, TX, and WI, under continuing contract(s) with International Harvester Company, of Rock Island, IL. (Hearing site: Chicago, IL.)

MC 146807 (Sub-15F), filed December 27, 1979. Applicant: S n W ENTERPRISES, INC., 1 Passan Dr., Wilkes Barre, PA 18702. Representative: Joseph F. Hoary, 121 So. Main St., Taylor, PA 18517. Transporting *confectionery and chewing gum*, from the facilities of Topps Chewing Gum, Inc., at Duryea and Scranton, PA, to points in IL, OH, GA, IN, TX, TN, MO, KY, MS, AL, KS, OK, NC, SC, LA, FL, MI, WI, MN, and NY. (Hearing site: Philadelphia, PA.)

MC 146896 (Sub-3F), filed December 10, 1979. Applicant: PAUL R. CHENEY, d.b.a. CHENEY TRUCKING COMPANY, Rt. 1—Artesian St., Lemont, IL 60439. Representative: Patrick H. Smyth, Suite 521, 19 So. LaSalle St., Chicago, IL 60603. Contract carrier, transporting *such commodities as are dealt in by manufacturers and distributors of starch and corn syrup* (except commodities in bulk), between points in the United States (except AK, AZ, CA, HI, ID, MT, NV, OR, UT, WA, and WY, under continuing contract(s) with The Hubinger Company, of Keokuk, IA.

MC 147007 (Sub-4F), filed August 27, 1979. Applicant: EVERFRESH

TRANSPORTATION COMPANY, a Florida corporation, 6431 East Palmer, Detroit, MI 48211. Representative: John S. Barbour, 2711 East Jefferson, Detroit, MI 48207. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *motor vehicle parts, and materials, equipment, and supplies* used in the manufacture and sale thereof, between Warren, Center Line, and Marysville, MI, on the one hand, and, on the other, points in Orlando, FL, under continuing contract(s) with Chrysler Corporation Service and Parts Division. (Hearing site: Lansing, or Chicago, IL.)

MC 147046 (Sub-2F), filed October 21, 1979. Applicant: SUNRISE DAIRY, INC., 1440 SE Cortina Dr., Ankeny, IA 50021. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *paper bags, plastic bags, and poly sheeting*, from the facilities of Great Plains Bag Corporation, at Des Moines, IA, to points in WI and MN. (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 147286 (Sub-2F), filed September 26, 1979. Applicant: GARY L. REISH, Box 158, Rt. No. 5, Osceola, IA 50213. Representative: J. A. Reynoldson, 200 West Jefferson St., P.O. Box 199, Osceola, IA 50213. Transporting *meat scraps*, from the facilities of the Jimmy Dean Meat Company, at Osceola, IA, to the facilities of Western By-Products, at Omaha, NE. (Hearing site: Des Moines, IA.)

MC 147807 (Sub-5F), filed September 20, 1979. Applicant: TERESI TRUCKING, INC., 900½ Victor Rd., P.O. Box 819, Lodi, CA 95240. Representative: Eldon M. Johnson, 650 California St., San Francisco, CA 94108. Transporting *iron and steel articles*, (1) from points in San Joaquin County, CA, to points in AZ, NV, OR, and WA, and (2) between points in San Joaquin County, CA, on the one hand, and, on the other, points in CA, restricted in (2) above to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: San Francisco or Stockton, CA.)

MC 147826 (Sub-2F), filed December 11, 1979. Applicant: R. C. BARSTOW TRUCKING CO., INC., 102 Middle Street, Hadley, MA 01035. Representative: Norman C. Barstow (same address as applicant). Contract carrier, transporting *paper and paper products and materials, equipment and supplies* used in the manufacture and sale of paper and paper products (except commodities in bulk), between the facilities of Packaging Corporation of America, at or near Northampton, MA, Garfield, NJ, Syracuse, NY, Lancaster, Stroudsburg, and Trexlertown, PA on the one hand and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, and VT under continuing contract(s) with Packaging Corporation of America, of Evanston, IL. (Hearing site: Springfield, or Boston, MA.)

MC 147876 (Sub-2F), filed December 28, 1979. Applicant: SHAY COMPANY, INC., P.O. Box 2081, Clarksville, IN 47130. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343. Contract carrier, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Hoover Universal Inc., under continuing contract(s) with Hoover Universal, Inc. of Georgetown, KY. (Hearing site: Los Angeles, CA.)

MC 147977 (Sub-2F), filed December 6, 1979. Applicant: RIGGLE TRUCKING COMPANY, INC., Box 81, Brooks, KY 40109. Representative: Ora Riggle (same address as applicant). Contract carrier, transporting *bricks, building materials and ties*, between points in KY, on the one hand, and, on the other, points in IN and IL, under continuing contract(s) with American Builders Supply Co., and Atlas Plaster & Supply Co., both of Louisville, KY. (Hearing site: Louisville, KY.)

MC 148016 (Sub-5F), filed December 18, 1979. Applicant: McWHORTER-GRAY ENTERPRISES, INC., 1010 Hwy 15 No., Ripley, MS 38663. Representative: Robert H. Taylor, P.O. Box 1726, Jackson, MS 39205. Contract carrier, transporting *bentonite, cat litter and clay products*, from Middleton, TN, to points in the United States (except AK, AZ, CA, CO, HI, ID, MT, NV, NM, OR, UT, WA, and WY), under continuing contract(s) with Maltan, Inc., of Memphis, TN. (Hearing site: Memphis, TN.)

MC 148646F, filed November 13, 1979. Applicant: BECKSTROM ENTERPRISES, INC., Box 56, Gwinner, ND 58040. Representative: James B. Hovland, 414 Gate City Bldg., P.O. Box 1680, Fargo, ND 58107. Contract carrier, transporting (1) *iron and steel articles*, from Minneapolis, MN and Chicago, IL to the facilities of Concord, Inc. at Fargo, ND; (2) *airline baggage wagons*, from the facilities of Concord, Inc. at Fargo, ND to Chicago, IL and Memphis, TN, under continuing contract(s) in (1) and (2) above with Concord, Inc., of Fargo, ND. (Hearing site: Fargo, ND or Minneapolis, MN.)

MC 148647F, filed November 9, 1979. Applicant: HI-CUBE CONTRACT CARRIER CORP., 7005 So. Pulaski Rd., Chicago, IL 60629. Representative: Arnold L. Burke, 180 No. LaSalle St., Chicago, IL 60601. Contract carrier, transporting (1) *containers, container closures, container components, glassware, and packaging products*, (2) *scrap materials* (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in the United States in and east of ND, SD, NE, CO, OK, and TX, under continuing contract(s) with Owens-Illinois, Inc., of Toledo, OH. (Hearing site: Columbus, OH.)

MC 148787 (Sub-1F), filed December 6, 1979. Applicant: HOME DELIVERY CORPORATION, 418 No. 27th St., Milwaukee, WI 53208. Representative: Lawrence P. Kahn, 161 W. Wisconsin Ave., Suite 5170, Milwaukee, WI 53203. Contract carrier, transporting *toilet preparations and commodities* used in the sale of toilet preparations (except commodities in bulk), between Glenview and Morton Grove, IL, on the one hand, and, on the other, points in Racine, Walworth, Rock, Green, Dane, Jefferson, Waukesha, Kenosha, Milwaukee, Ozaukee, Washington, Dodge, Columbia, Green Lake, Fond du Lac, Sheboygan, Manitowac, Calumet and Winnebago Counties, WI, under continuing contract(s) with Avon Products, Inc. (Hearing site: Milwaukee, WI.)

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-9285 Filed 3-26-80; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 175]

Assignment of Hearings

March 20, 1980

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties

should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 51146 (Sub-686F), Schneider Transport, Inc., now assigned for hearing on May 9, 1980 is canceled and transferred to Modified Procedure.
MC 113855 (Sub-461F), International Transport, Inc., transferred to Modified Procedure.
MC 147308F, Hoboken Tank Lines, Inc., transferred to Modified Procedure.
37251, Landmark, Inc. v. Consolidated Rail Corporation, now assigned for hearing on March 3, 1980 at Columbus, OH. is postponed to March 11, 1980 (4 days) at Columbus, OH. Location of hearing room will be by subsequent notice.
AB 43 (Sub-61F), Illinois Central Railroad Company Abandonment between McRaven and Hermanville, MS, now assigned for hearing on March 24, 1980 at Jackson, MS is postponed to May 5, 1980 (5 days) at Jackson, MS, in a hearing room to be later designated.
MC 146958F, Transportation Services, Inc., now assigned for hearing on April 16, 17, 1980, will be held in the Court Room No. 2, 5th Floor, 300 Booth Street, Reno, NV, and on April 18, 1980 will be held in Room 211, Bureau of Mines, University of Reno, Nevada Campus, 1605 Evans Avenue, Reno, NV.
MC 144789 (Sub-1F), Suzanne V. King, D/B/A Ernie's Mobile Home Transport, now assigned for hearing on April 21, 1980 will be held in Room 510, 5th Floor, 21 Main Street, San Francisco, CA.
MC 106119 (Sub-109F), E. L. Murphy Trucking Company, now assigned for hearing on April 16, 1980 will be held in Room 390, New Federal Bldg., 915 Second Avenue, Seattle, WA, and on April 15, 16, 17, 21, 22, 23, 24, 25, 1980 will be held in Room No. 2868, New Federal Bldg., 915 Second Avenue, Seattle, WA.
MC 98964 (Sub-18F) P.B.I. Freight Service, now assigned for hearing on April 15, 1980 will be held at the Kanab City Club Room, 6 South 100 East, Kanab, UT.
MC 30521 (Sub-1F), H&L Bloom, Inc., now assigned for hearing on March 24, 1980 at Providence, RI is canceled and transferred to Modified Procedure.
MC 114290 (Sub-88F), Exley Express, Inc., transferred to Modified Procedure.
MC 932236 (Sub-1F), Bondy Cartage Limited, now assigned for continued hearing on March 19, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.
MC-C- 10331, Pennsylvania Public Utility Commission v. Mushroom Transportation Company, Inc., now assigned for hearing on April 14, 1980 will be held in the New U.S. Court House, 601 Market Street, Philadelphia, PA.
MC 135859 (Sub-No. 1F), Kauffman & Minteer, Inc., now assigned for hearing on April 16, 1980 will be held in the New U.S. Court House, 601 Market Street, Philadelphia, PA.
MC 135639 (Sub-No. 13F), Queensway, Inc., Application Dismissed.
MC 145371 (Sub-No. 1F), MFCH, Inc., now assigned for hearing on March 26, 1980 at Chicago, IL. is canceled and transferred to Modified Procedure.
MC 144259 (Sub-No. 5F), Jennaro Lines, Inc., transferred to Modified Procedure.
MC 2229 (Sub-No. 212F), Red Ball Motor Freight, Inc., transferred to Modified Procedure.
MC 120981 (Sub-No. 29F), Bestway Express, Inc., now assigned for continued hearing on April 4, 1980 (2 Days), at Montgomery, AL., continued to April 10, 1980 (2 Days), at Mobile, AL., and continued to May 5, 1980 (2 Days), at Birmingham, AL., in a hearing room to be designated later.
MC 94742 (Sub-No. 40F), Michaud Bus Lines, Inc., now assigned for hearing on April 14, 1980 will be held in Room No. 313-315, Norris Cotten Federal Building, 275 Chestnut Street, Manchester, NH.
MC 138108 (Sub-No. 1F), Gulf States Trucking Service, Inc., now assigned for hearing on March 24, 1980 at Jackson, MS. is postponed indefinitely.
MC 136545 (Sub-No. 19F), Nussberger Bros. Trucking Company, Inc. is transferred to Modified Procedure.
MC 95488 (Sub-No. 7F), Dattco, Inc., now assigned for hearing on April 23, 1980 at Hartford, CT. will be held in Room No. 610-A, Federal Building, 450 Main Street, Hartford, CT.
MC-C-10425, Edith Peebles v. The Greyhound Corporation, et al., and MC C 10542, The Greyhound Lines, Inc., et al., now assigned for hearing on April 28, 1980 will be held at the Chamber of Commerce, 543 Main, New Rochelle, NY.
MC 22301 (Sub-No. 27F), Sioux Transportation Company, Inc., now assigned for continued hearing on March 27, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.
MC 119777 (Sub-No. 386F), Ligon Specialized Hauler, Inc., now assigned for hearing on March 17, 1980 at Louisville, KY. is canceled and transferred to Modified Procedure.
MC 144640F, Agricultural Services Association, Inc., now assigned for hearing on April 8, 1980 at New York, NY. is postponed indefinitely.
MC 144640 (Sub-No. 1F), Agricultural Services Association, Inc., now assigned for hearing on April 10, 1980 at New York, NY. is postponed indefinitely.
I&SM 27312, Restructured Rates and Charges, Central States Territory, now assigned for continued hearing on June 12, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.
MC 145733 (Sub-No. 2F), American Auto Shippers, now assigned for continued prehearing conference on April 6, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.
MC 58549 (Sub-No. 29F), General Motor Lines, Inc., now assigned for hearing on April 21, 1980 at Roanoke, VA. is postponed to May 12, 1980 (1 Week) at Roanoke, VA. in a hearing room to be designated later.
MC 59583 (Sub-No. 171F), The Mason and Dixon Lines, Incorporated now assigned for continued hearing on April 18, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC., continued to April 22, 1980, at the Netherland Hilton Hotel, 5th and Race Streets, Cincinnati, OH., continued to April 28, 1980 at the Holiday Inn-Independence Mall, 4th and Arch Streets, Philadelphia, PA., June 10, 1980, at the Offices of the Interstate Commerce Commission in Washington, DC.
MC 135859 (Sub-No. 1F), Kauffman & Minteer, Inc., now being assigned for hearing on April 16, 1980 (1 Day), at the New U.S. Court House, 601 Market Street, Philadelphia, PA.
MC 2202 (Sub-No. 393F), Roadway Express, Inc., transferred to Modified Procedure.
MC 112617 (Sub-No. 433F), Liquid Transporters, Inc., transferred to Modified Procedure.
MC 75302 (Sub-No. 13F), Doudell Trucking Company, now being assigned for hearing on May 28, 1980 (3 Days), at San Francisco, CA., and continued to June 2, 1980 (1 week), at Phoenix, AZ. in a hearing room to be designated later.
MC 129615 (Sub-No. 4F), American International Driveaway Extension-Hawaii, now assigned for hearing on April 2, 1980 will be held in Los Angeles County Courthouse, 111 North Hill, Los Angeles, CA.
FD 21478 & FD 21478 (Sub-No. 4), Great Northern Pacific and Burlington Lines, Inc.—Merger, ETC.—Great Northern Railway Company, ETAL., now assigned for hearing on May 1, 1980 continued to July 1, 1980 and continued to August 18, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.
MC 99096 (Sub-No. 2F), Fillmore Freight Lines, Inc., now assigned for hearing on March 19, 1980 at Columbus, OH. is canceled and transferred to Modified Procedure.
MC 146968F, J. L. Coats, now assigned for hearing on March 24, 1980 at Columbus, OH. is canceled and Application Dismissed.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-9287 Filed 3-26-80; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register**.

Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application or any application directly related thereto filed on or before April 28, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC-F-14250F, filed December 4, 1979.
RODE LANES, INC. (RLI)—CONTROL—CONNECTICUT FAST FREIGHT, INC. (CFF) (both of 1550 North Colony Road, Meriden, CT 06450). Representative: Gerald A. Joseloff, 80 State Street, Hartford, CT 06103. RLI seeks authority to acquire control of CFF through the purchase by RLI of all the issued and outstanding capital stock of CFF. John J. McCarthy, Jr., the sole stockholder of RLI also seeks authority to acquire control of CFF through the transaction. RLI is a non-carrier which is affiliated with Warehouse Transport, Inc. (MC-71074) and Westwood Cartage, Inc. (MC-82101), both motor contract carriers operating in the States of MA, ME, CT, NH, NY, RI, and VT. The operating rights to be controlled by RLI are evidenced by a Certificate of Registration in MC-120152 (Sub-No. 1) which is supported by a Certificate of Public Convenience and Necessity issued by the Department of Public Control of the State of Connecticut in Certificate No. C-1193, which authorizes the transportation as a motor common carrier, over irregular routes, of *general commodities* (except household goods and office furniture and equipment and except commodities which necessitate the use of dump trucks, tank trucks, or special equipment), within CT, upon call received at headquarters in Meriden. Condition: Concurrently with consummation of this transaction, RLI, a non-carrier with investments and functions primarily related to transportation, will be considered a motor carrier within the meaning of 49 U.S.C. 11348. Therefore, it will be subject to the applicable provisions of 49 U.S.C. subchapter III of chapter 111 relating to reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities. (Hearing site: Hartford, CT, or Boston, MA.)

Notes.—(1) Dual operations may be involved. (2) Application for temporary authority has been filed. (3) A directly related application seeking a conversion of the Certificate of Registration in MC-120152 (Sub-No. 1) into a Certificate of Public Convenience and Necessity has been filed in MC-120152 (Sub-No. 2F), published in this same **Federal Register** issue.

Decided: March 17, 1980.

By the Commission, Review Board Number 5. Members Krock, Taylor, and Williams.

MC-F-14280F, filed January 4, 1980. K.T.I., LTD (KTI) (4700 Benson Ave., Baltimore, MD 21227)—PURCHASE (PORTION)—EASTERN TRANSIT AND STORAGE, INC. (Eastern) (Charlotte, NC). Representatives: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036, and Joseph W. Grier, III, 409 Law Building, Charlotte, NC 28202. KTI seeks authority to purchase a portion of the interstate operating rights of Eastern. George Goldberg, the majority stockholder of KTI, and Robert Harriot, President and minority stockholder of KTI, also seek authority to control said rights through the transaction. KTI is purchasing a portion of the interstate operating rights contained in Eastern's Certificate MC-11020, which authorizes the transportation, as a motor common carrier, over irregular routes, of *household goods,* as defined by the Commission; between Spartanburg, SC, and points in NC, SC, and GA, within 125 miles of Spartanburg, SC, on the one hand, and, on the other, points in FL, GA, NC, SC, VA, WV, MD, DE, PA, NJ, NY, CT, MA, RI, OH, KY, TN, MS, AL, and DC. KTI is a motor common carrier of *household goods,* as defined by the Commission, between points in NY, NJ, CT, DE, PA, MA, ME, NH, VT, RI, MD, VA, NC, OH, IN, IL, MI, and DC, pursuant to authority under MC-127954. (Hearing site: Charlotte, NC.)

Note.—A directly related gateway application has been filed in MC-127954 (Sub-No. 4F), published in this same **Federal Register** issue.

Decided: March 12, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams. (Member Taylor dissents and states that the authority sought in the directly related gateway case, MC-

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127954 (Sub-No. 4F), is broader than any combination of the existing authorities. If we are going to grant the authority sought as an extension then the section 49 U.S.C. 11344 application should be denied. Running in two directions at the same time merely to justify granting the applications is arbitrary and contrary to any shown public interest.

Decision-Notice

The following operating rights applications, filed on or after March 1, 1979, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a petition to intervene either with or without leave must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(l) may file a petition for leave to intervene under Rule 247(1). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the appliction. or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

Section 247(f) provides that an applicant which does not intent timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* the following operating rights applications directly related thereto filed on or before April 28, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC 120152 (Sub-2F), filed December 4, 1979. Applicant: CONNECTICUT FAST FREIGHT, INC.—CONVERSION, 1550 North Colony Road, Meriden, CT 06450. Representative: Gerald A. Joseloff, 80 State Street, Hartford, CT 06103. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in CT. (Hearing site: Hartford, CT, or Boston, MA.)

Note.—The purpose of this application is to convert the certificate of registration in MC-120152 (Sub-No. 1) into a certificate of public convenience and necessity. This proceeding is a matter directly related to a proceeding pursuant to 49 U.S.C. 11343 in MC-F-14250F, published in this same Federal Register issue.

MC 127954 (Sub-4F), filed January 22, 1980. Applicant: K.T.I., LTD.—GATEWAY ELIMINATION, 4700 Benson Avenue, Baltimore, MD 21227. Representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue, NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household goods*, as defined by the Commission, between points in NY, NJ, CT, DE, PA, MA, ME, NH, VT, RI, MD, VA, NC, OH, IL, IN, MI, SC, GA, FL, AL, MS, TN, KY, WV, and DC. (Hearing site: Newark, NJ.)

Note.—This application is directly related to a proceeding pursuant to 49 U.S.C. § 11343 in MC-F-14280F, published in this same Federal Register issue. The purpose of this application is to eliminate the gateway of points in NC within 125 miles of Spartanburg, SC, and expand the authority to a non-radial service.

MC 99569 (Sub-5F), (Republication) filed December 11, 1979, previously published in the FR issue of February 19, 1980. Applicant: Stott & Davis Motor Express, Inc., 18 Garfield Street, Auburn, NY 13201. Representative: Martin Werner 888 Seventh Avenue, New York, NY 10019. To operate as a *common carrier*, over regular routes and irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B' explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), A. Regular routes: Between Oswego, NY, and Elmira, NY, serving all intermediate points and the off-route points in Cayuga, Chemung, Cortland, Onondaga, Oswego, Schuyler, Tomplins, and Yates Counties, NY; from Oswego over NY Hwy 57 to Syracuse, then over Interstate Hwy 81 to its junction with NY Hwy 13, then over NY Hwy 13 to Elmira, and return over the same routes, B. Irregular routes: between points in Tompkins County, NY, on the one hand, and, on the other, points in Broome County, NY. (Hearing site: Syracuse, NY.)

Notes.—(1) This republication is to show the correct territorial description. (2) This application is directly related to MC-F-14283 previously published February 28, 1980.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8286 Filed 3-26-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(c) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed on or before April 28, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC-F-14337, filed February 28, 1980. Authority is sought for approval of Pooling Agreement between Taylor Truck Line, Inc., 404 Clay Street, Charleston, MS 38921, and C-B-C Transports, Inc., General Partner, and M. A. Creekmore, Jasper V. Bennett and Oscar Caradine, Limited Partners, d/b/a C-B-C Transports, a Limited Partnership, 1415 Railroad Avenue, Greenville, MS 38701, to permit pooling of each other's traffic at Greenville, MS fot delivery by C-B-C Transports of Taylor Truck Line's traffic at Greenville and Leland, MS and points in MS south of U.S. Hwy. 82 and transportation by Taylor of C-B-C's traffic at points on and within five miles of U.S. Hwy. 82 east of Leland, MS and points in MS north of U.S. Hwy. 82. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38071. Note.—Docket No. MC-F-14338F, "H. Hoyt McKarem—Control—C-B-C Transports et al." and Docket No. MC 141853 (M2F) "C-B-C Transports, et al, Removal of Restriction" are directly related matters. (Hearings sites: (1) Memphis, TN; (2) Greenville, MS; (3) Jackson, MS).

Note.—Common control may be involved.

Decided: March 17, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-8288 Filed 3-26-80; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Inv. No. 701-TA-61 (Final)]

Nonquota Cheese From Norway; Termination of Countervailing Duty Investigation

AGENCY: U.S. International Trade Commission.

ACTION: In view of the withdrawal by the petitioner of the petition upon the basis of which the above-captioned investigation was initiated, the Commission hereby terminates such investigation pursuant to section 704(a) of the Tariff Act of 1930.

EFFECTIVE DATE: March 19, 1980.

V 45 / 61 MR 27 80 UMI

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eninger, Office of Investigations, telephone number (202) 523-0312.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, subsection 104(a)(1)(C), requires the Commission to conduct countervailing duty investigations in cases where the Commission receives the most current net subsidy information pertaining to any countervailing duty order in effect on January 1, 1980, for which the Secretary of the Treasury has waived the imposition of countervailing duties under section 303(d) of the Tariff Act of 1930, and which applies to merchandise other than quota cheese, which is a product of a country under the Agreement. On February 5, 1980, the Commission received such information from the U.S. Department of Commerce regarding nonquota cheese from Norway.

Section 704 of the Tariff Act of 1930 permits the Commission to terminate countervailing duty investigations upon withdrawal of the petition by the petitioner. On March 3, 1980, the Commission received a letter from the National Cheese Institute, the original petitioner for a countervailing duty order, requesting that its petition in the matter of nonquota cheese from Norway be withdrawn. By this notice the Commission gives notice that it is granting the request of the National Cheese Institute by terminating the investigation of nonquota cheese from Norway.

In addition to publishing this notice in the **Federal Register**, the Commission is notifying the Department of Commerce of its action in this case.

Issued: March 19, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9280 Filed 3-26-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-37]

Certain Skateboards and Platforms Therefor; Commission Request for Written Comments and Information on Remedy, Bonding, and the Public Interest

Background

On the basis of an amended complaint filed by Richard L. Stevenson pursuant to section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), the U.S. International Trade Commission on November 4, 1977, instituted an investigation to determine whether there was a violation of section 337 in the unauthorized importation and sale of certain skateboards by reason of the alleged coverage of such skateboards by claims of U.S. Letters Patent 3,565,454, the effect or tendency of which was to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Notice of the Commission's investigation was published in the **Federal Register** of November 11, 1977 (42 FR 58792).

On November 13, 1978, the Commission ordered termination of its investigation based on the determination that there was no violation of section 337 because the relevant claims of the patent in controversy were for the purpose of section 337 invalid as obvious within the meaning of 35 U.S.C. 103. Notice of the Commission's order of termination was published in the **Federal Register** of November 16, 1978 (43 FR 53511).

On January 12, 1979, complainant Stevenson appealed the Commission's determination to the U.S. Court of Customs and Patent Appeals pursuant to 19 U.S.C. 1337(c). In a decision handed down on December 20, 1979, the Court reversed the Commission's determination that there was no violation of section 337, and remanded the case to the Commission for action consistent with the Court's opinion.[1]

Request for Written Comments Concerning Remedy, Bonding, and the Public Interest

Inasmuch as the U.S. Court of Customs and Patent Appeals has found the relevant claims of the patent in controversy to be valid, enforceable, and infringed for the purpose of section 337, and since the active parties to the Commission's investigation stipulated to the issues of importation, effect or tendency to destroy or substantially injure the domestic industry, and efficient and economic operation of the domestic industry, the Commission considers that a violation of section 337 has been established. Prior to final disposition of the investigation, the Commission requests parties to the investigation, interested agencies, public-interest groups, and any other interested members of the public to submit written comments and information concerning the remedy, bonding, and public interest aspects of the case. The original and 19 true copies of all written comments must be submitted on or before April 28, 1980, and should include a proposed remedy, a proposed determination of bonding, and a discussion of those proposals on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers.

Issued: March 17, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-8981 Filed 3-26-80; 8:45 am]

BILLING CODE 7020-02-M

[1] *Stevenson* v. *U.S. International Trade Commission et al.*, Appeal No. 79-12, decided December 20, 1979. Petition for rehearing denied February 28, 1980.

[701-TA-11 (Final) Through 701-TA-19 (Final) and 701-TA-22 (Final) Through 701-TA-30 (Final)]

Scheduling of Hearings in Countervailing Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Scheduling of hearings and other procedural deadlines in countervailing duty investigations with respect to dextrines and soluble or chemically treated starches derived from corn starch or potato starch to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of subsidized imports.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT: John MacHatton, the supervisory investigator assigned by the Commission to these investigations. Telephone (202) 523-0439.

SUPPLEMENTARY INFORMATION: The Commission instituted investigations 701-TA-22 (Final) through 701-TA-30 (Final) concerning dextrines and other soluble or chemically treated starches derived from potato starch effective February 5, 1980 (45 FR 11938, February 22, 1980) pursuant to section 104(a) of the Trade Agreements Act of 1979. That notice incorporated a hearing date and other procedural deadlines. The Commission instituted investigations 701-TA-11 (Final) through 701-TA-19 (Final) concerning dextrines and soluble or chemically treated starches derived from corn starch effective January 1, 1980 (45 FR 3400, January 17, 1980) pursuant to section 102(a)(2) of the Trade Agreements Act of 1979. That notice incorporated a tentative hearing date.

By this notice the Commission establishes a final hearing date and other procedural deadlines in the corn starch investigations to correspond with the dates in the potato starch investigations, which are as follows:

Commission staff report made available to parties March 21, 1980.

Prehearing statements due from parties April 7, 1980.

Hearing April 9, 1980.

The hearing will be held beginning at 10:00 a.m., e.s.t., in the Hearing Room of the ITC building, 701 E Street, NW., Washington, D.C.

By order of the Commission.

Issued: March 24, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9359 Filed 3-26-80; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Mallinckrodt, Inc.; Importation and Manufacture of Controlled Substances; Objections, Requests for Hearing, and Hearing

On December 26, 1979, at 44 FR 76413, notice was given that Mallinckrodt, Inc., Department CB, Mallinckrodt and Second Streets, St. Louis, Missouri 63147, had made application to the Drug Enforcement Administration to be registered as an importer of the following basic class of controlled substances: Raw opium, poppy straw and concentrate of poppy straw, all listed in Schedule II of the Controlled Substances Act of 1970; and that Mallinckrodt, Inc., had also made application for registration as a bulk manufacturer of the following basic class of controlled substances: Codeine, dihydrocodeine, oxycodone, diphenoxylate, hydrocodone, methadone, methadone-inter., morphine, thebaine, opium extracts, opium fluid extracts, opium tinctures, opium powders and opium granulated. Opportunity was given for the filing of comments and objections to said applications and for the filing of requests for hearing with respect to them.

Requests for hearing have been filed by McNeilab, Inc., and Lee Laboratories, Inc., with respect to both applications. Both McNeilab and Lee Laboratories have filed applications with the Drug Enforcement Administration for registration to import and manufacture in bulk a number of the same controlled substances identified in the applications of Mallinckrodt. The applications for registration of McNeilab and Lee Laboratories are pending. Those filed by McNeilab have been referred to the Administrative Law Judge of the Drug Enforcement Administration and hearing sessions for the taking of evidence are presently scheduled to begin on April 22, 1980.

McNeilab states that it is opposed to Mallinckrodt's applications for registration, saying that its opposition is conditional, being predicated upon the position taken by Mallinckrodt in its opposition to McNeilab's pending applications that no more than three companies should be registered in the United States as importers and bulk manufacturers of the subject substances. McNeilab asserts that if this position should be accepted, and only three companies are to be so registered, then McNeilab, rather than Mallinckrodt, should be so registered. McNeilab asserts that registration of Mallinckrodt would be contrary to the public interest because of its repeated increases in the price of bulk codeine over the years, because it opposes McNeilab's pending applications without any basis for so doing, and because Mallinckrodt is not capable of maintaining effective controls against diversion.

Lee Laboratores states that it desires to be heard with regard to the issue of whether the registration of Mallinckrodt is consistent with the public interest under the criteria set forth in the Controlled Substances Act and applicable regulations and with the United States' international treaty obligations.

Comments on Mallinckrodt's applications for registration were submitted by Burroughs Wellcome Co., also presently an applicant for similar registrations. Burroughs Wellcome states its concern that the Drug Enforcement Administration might impose a limit on the number of available registrations which might be less than the number of present applicants. Should such a limit be imposed, Burroughs Wellcome asserts that any applications which were granted prior to the full hearings required on all of the other applications would be subject to attack. Burroughs Wellcome also believes that Mallinckrodt is not in any privileged position with respect to the Controlled Substances Act by virtue of the fact that it is currently registered and is merely seeking a new annual registration.

Accordingly, notice is hereby given pursuant to 21 CFR § 1301.43 and 1311.42 that a hearing will be held on the aforesaid applications for registration commencing at 10:00 a.m. on Wednesday, May 28, 1980, in Room 1210, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C., the proceedings on that day to be limited to a preliminary discussion to identify proper parties and issues, and to determine procedures and set dates and locations for further proceedings. Any person entitled to participate in said hearing and desiring to do so should file a Notice of Appearance pursuant to 21 CFR § 1301.54 and 1316.48 on or before April 28, 1980. A person who has filed a request for hearing need not also file a Notice of Appearance.

Dated: March 20, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 80-9284 Filed 3-26-80; 8:45 am]

BILLING CODE 4410-09-M

MINIMUM WAGE STUDY COMMISSION

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting:

Name: Minimum Wage Study Commission.
Date: April 8, 1980.
Time: 10:30 a.m.
Place: 1430 K St. NW, Suite 1102, Washington, DC.

Original notice of this meeting date appeared in the **Federal Register** Mar. 2, 1980.

Proposed agenda:
1. Pending Business
2. Staff reports on demographics and inflation
3. New Business

Next meeting of the Commission will be Tuesday, May 13, 1980.

All communications regarding this Commission should be addressed to: Mr. Louis E. McConnell, Executive Director, 1430 K St. NW, Suite 500, Washington, DC 20005, telephone (202) 376-2450.

Louis E. McConnell,

Executive Director.

[FR Doc. 80-9083 Filed 3-25-80; 8:45 am]

BILLING CODE 4510-23-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Media Arts Panel (Programing in the Arts); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Panel (Programming in the Arts) to the National Council on the Arts will be held April 17, 1980 from 9:15 a.m.-5:30 p.m., and April 18, 1980 from 9:00 a.m.-5:30 p.m., in the 12th Floor Screening Room, Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C.

V 45/61 MR 27 80 UMI

V 45/61 MR 27 80 UMI

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and 9(b) of section 552b of Title United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operation, National Endowment for the Arts.

March 20, 1980.

[FR Doc. 80-9052 Filed 3-26-80; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 80-13]

Reports, Safety Recommendations and Responses; Availability

Aircraft Accident Reports in Brief Format

U.S. Civil Aviation Accidents, Issue No. 4 of 1979 Accidents (NTSB–BA–80–1).—The National Transportation Safety Board on March 14 published in computer printout form summary reports of 300 general aviation accidents that occurred in 1979. These reports are issued periodically during the year and the accidents are arranged by date and the State in which they occurred. In addition, each issue contains statistical tables which tabulate and summarize selected accident information such as causal factors and injuries.

As indicated in Press Release SB 80–21 which accompanied Issue No. 4, 23 of the reported accidents involved fuel starvation or fuel exhaustion, which are often needless accidents, preventable with a few simple precautions. Fuel exhaustion—running out of fuel in flight—usually is a result of miscalculation of fuel consumption or inadequate flight preparation. Fuel starvation—engine failure for lack of fuel even though all tanks are not empty—generally is caused by mismanagement of the fuel system through inattention, negligence, or lack of familiarity with the aircraft.

U.S. Civil Aviation Accidents, Issue No. 5 of 1979 Accidents (NTSB–BA–80–2).—The Safety Board on March 17 coupled with its issuance of 299 accident reports comprising Issue No. 5 a reminder to general aviation pilots of the importance of thorough preflight inspection of their aircraft. In Press Release SB 80–22 the Board cited one of the accidents for which probable cause is published in its fifth issue of brief format reports on 1979 civil aviation accidents. The accident involved a deHavilland DHC–1 Chipmunk on a pleasure flight in Georgia. The light, single-engine aircraft crashed from an altitude of more than 2,000 feet in good weather conditions. The plane was demolished and the pilot, its lone occupant, was seriously injured.

Examination of the broken fuselage showed a parachute between the rear seat and the rear control stick, with its straps wrapped around the stick. The pilot reported that his stick in the front cockpit had jammed, leaving him with no more than one inch of stick movement. The Safety Board held that the accident had been caused by the pilot's inadequate preflight preparation and/or planning and by the parachute's interference with flight controls. The accident was one of 34 cases in Issue No. 5, 1979—11 percent of the total of 299 accidents—in which the Board cited inadequate preflight preparation and/or planning as a cause or a causal factor. Such accidents have ranged from 11 percent to 13 percent of all accidents reported by the Board for 1977–78.

Note.—The brief reports in Issues Nos. 4 and 5 contain essential information; more detailed data may be obtained from the original factural reports on file in the Washington office of the Safety Board. Upon request, factual reports will be reproduced commerically at an average cost of 7 cents per page for printed matter, $1 per page for black-and-white photographs, and $1.50 per page for color photographs, plus postage. Requests concerning aircraft accident report briefs should include (1) date and place of occurence, (2) type of aircraft and registration number, and (3) name of pilot. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Preliminary 1979 Aviation Accident Statistics

Press Release SB 80–15.—As reflected in the Safety Board's preliminary statistics, released February 20, air carriers in 1979 had higher accident totals and accident rates in most statistical categories than in 1978. Of the 22 air carrier rates which the Board calculates, 13 increased and eight were unchanged; one decreased. One increased rate was the highest in 7 years. General aviation—all non-airline flying—registered lower totals across the board, and record low rates. Total accidents and fatal accidents decreased by as much as 17 percent. Both total and fatal accident rates, whether measured by flight hours or miles flown, were down by 7 to 18 percent.

Safety data compiled in 10-year comparison tables (1969–79) of accidents, fatalities, and rates for the two basic segments of civil aviation, air carrier operations and general aviation operations, are shown in the attachments to Press Release SB 80–15.

Marine Accident Report

Collision of the S/T TEXACO IOWA and the M/T BURMAH SPAR, on the Mississippi River, Pilottown, Louisiana, October 3, 1978 (NTSB–MAR–80–3).—The Safety Board's formal investigation report on this accident was released March 13. The accident was investigated jointly by the Safety Board and the U.S. Coast Guard. Formal investigation began on October 7, 1978, in New Orleans, La. The accident occurred while both tank vessels were inbound and maneuvering in the pilot exchange area off Pilottown. Total damage to the vessel was estimated at $680,000. No persons were injured.

The Safety Board determined that the probable cause of this incident was the failure of the bar pilot and the master to navigate the TEXACO IOWA at a safe distance from the BURMAH SPAR while maneuvering to change pilots. Contributing to the accident was the TEXACO IOWA bar pilot's misjudgment of the vessels' relative speeds and his failure to observe the Inland Rules of the Road, the delayed reaction of the master of the TEXACO IOWA in directing evasive maneuvers, and the failure of the pilots to establish bridge-to-bridge radiotelephone communications before the collision.

As a result of investigation of this accident, the Safety Board on March 5 forwarded three recommendations to the Associated Branch Pilots and the Crescent River Port Pilots' Association concerning pilot exchange boarding and radiotelephone communications practices used off Pilottown. (See 45 FR 16365, March 13, 1980.)

Railroad Accident Report

Rear End Collision of Southern Pacific Transportation Company Freight Trains 02–HOLAT–21 and 01–BSMFK–20, Thousand Palms, California, July 24, 1979 (NTSB–RAR–80–1).—Investigation indicated that Extra 7810 West (01–BSMFK–20) collided with the rear of Extra 8484 West (02–HOLAT–21) while it was standing a siding at Thousand Palms. Both trains were owned by the Southern Pacific. The engineer died following the collision as a result of smoke and fire, and four crewmembers were injured. Damage was estimated at $1,479,700.

As indicated in the investigation report, released by the Safety Board on March 14, the Board determined that the probable cause of the accident was the failure of the engineer, whose performance was significantly impaired by alcohol, to stop his train as required by the stop aspect displayed by the interlocking home signal at Thousand Palms and the failure of the head brakeman to take emergency action to stop the train before it collided with the standing train.

As a result of its investigation of this accident, the Safety Board on March 5 recommended that Southern Pacific (1) in conjunction with appropriate labor organizations, implement a system of operating rules re-examinations which will insure that all employees subject to those rules will be systematically and periodically examined; and (2) establish supervisory procedures at crew-change terminals to ensure that operating department employees coming on duty are capable of complying with all pertinent operating rules. The Board also reiterated its call on the Federal Railroad Administration to establish for train crewmen the same kind of specific no-drinking periods before they go on duty, and while on duty, that the Federal Aviation Administration imposes on airplane pilots. Also restated was a recommendation that FRA and the railroad industry develop and use a backup safety device which would stop trains automatically whenever engineers are incapacitated. The reiterated recommendations were first made in 1973 and 1974 reports on two train accidents. (See also 45 FR 16366, March 13, 1980.)

Safety Recommendation Letters

Aviation

A–80–19.—Last November 18 a Transamerica Airline L–188, N–859U, with three crewmembers and 27,000 pounds of cargo aboard, departed Hill Air Force Base, Utah. While climbing from 12,000 to 13,000, the crew advised Salt Lake Center that it had lost all electrical power, and requested an immediate descent to VFR conditions with vectors to avoid high terrain. During the descent, the aircraft attained a high airspeed and rate of descent, and broke up in flight. Although the Safety Board's analysis has not yet been completed, the evidence developed in the investigation indicates that certain precautionary action should be initiated on an expedited basis.

Federal Aviation Regulations (14 CFR 121.305(j)) require that all turbojet aircraft be equipped with three gyroscopic band-and-pitch indicators, the third of which is to be powered independently of the normal electrical generating system; this requirement, however, does not apply to large turboprop aircraft operating under 14 CFR Part 121. The Safety Board believes that had N–859U had a third attitude-indicating instrument aboard, the crew probably could have avoided the high airspeed and descent rates which contributed to the airplane breakup.

The Safety Board supported the 1969 proposed rulemaking to require the indicating instrument in all turbine engine powered transport category aircraft, including large turboprop aircraft. However, turboprop aircraft were not included in the final rule NPRM 69–26, which instituted the requirement for large turbojet aircraft.

Accordingly, the Safety Board recommended on March 13 that the Federal Aviation Administration:

Amend 14 CFR 121.305(j) to extend its application to all large turboprop aircraft to require an additional attitude indicating instrument for bank and pitch, operating from a source of power independent of the normal electrical generating system as is now required on all large turbojet aircraft. (Class II, Priority Action) (A–80–19)

A–80–20 and –21.—On March 8, 1980, a Swearingen SA–226 AT, N72OR, with a crew of two and six passengers, experienced a rapid decompression at 16,000 feet when most of the aft cargo compartment door separated in flight. About three-fourths of the door along with interior furnishings, including an unoccupied passenger seat, separated from the aircraft. Two passengers were injured slightly during the decompression and the cabin struck the upper fuselage and the vertical stabilizer. Some of the material from the cabin lodged around the control surfaces in the empennage. A safe landing was made in Albany, N.Y. Although ground search continues for the separated items, only baggage has thus far been recovered.

The Safety Board's on-going investigation indicates that the aircraft was being operatedf at a pressure differential of approximately 7 psi to maintain an approximate sea level pressure. Preliminary examination of the aircraft indicates that there were static failures of the door's latching mechanism, possibly because the mechanism was adjusted improperly.

A review of the Service Difficulty Reports on this type door showed that there have been 29 reports of various problems, including bent latches, stuck pins, misadjustments, and broken cables. There have been no previous reports of structural problems, failures, on in-flight separations. There are about 200 of these aircraft in operation and a large number of them are being used in commuter/air taxi operations. The accident aircraft had accumulated about 2,200 hours of operation at the time of the accident.

The Safety Board has been advised that the aircraft manufacturer is preparing an Alert Service Bulletin to all owner/operators of this aircraft which will recommend inspection an adjustment, as required, of the door latching mechanism.

In view of the potential for a catastorphic accident, the Safety Board on March 14 issued the following "Class I, Urgent Action" recommendations to the FAA:

Issue a telegraphic Airworthiness Directive requiring an immediate inspection of the foor latching mechanism of the aft cargo doors on all Swearingen SA–226 aircraft to assure proper adjustment and structural integrity. (A–80–20)

Issue an Airworthiness Directive restricting the cabin pressure differential in Swearingen SA–226 aircraft until the cause of the aft cargo door failure can be determined and an appropriate corrective action carrier out. (A–80–21)

Pipeline

P–80–15; P–80–16 and –17; P–80–18; P–80–19 through –22.—At 0730 last July 15, 95 miles southeast of New Orleans, La., on the Outer Continental Shelf in Shell Oil Company's (Shell) South Pass, Block 62, field, a 14-inch Southern Natural Gas Company transmission line operating at a pressure of 900 psig was snagged and ruptured by a grappling hook from the anchor-handling vessel PETE TIDE II, whiel the vessel was grappling for an anchor pendant from the semisubmersible drilling rig OCEAN QUEEN. The resulti explosion and fire caused the death of two persons and injuries to foru others. Damage totaled over $1,500,000.

The 14-inch steel gas transmission pipeline lay at a depth of almost 300 feet. This upstream segment of the transmission line was 7.9 miles long, including risers, and extended in an easterly direction between Shell Oil Company production platforms SP65B in Main Pass Block 153 and SP62B in South Pass Block 62. The OCEAN QUEEN was on location for Shell 5,000 feet east-southeast of SP65B and 2,550 feet south of the 14-inch pipeline. On July 1, 1979, Shell surveyors dropped marker buoys for the drilling location, for the eight anchors for the OCEAN QUEEN, and for

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an 8-inch Shell oil pipeline. The 14-inch gas pipeline was not marked because it was not within a 500-foot radius of the anchor pattern as verified by a hazard survey conducted 4 weeks earlier. (Hazard surveys are conducted before establishing a drilling location to determine if pipelines or other hazards are present which could be affected by the intended drilling activities.)

Investigation of the circumstances surrounding this accident have led the Safety Board to conclude that the current practice for marking hazards was inadequate, and that snagging the pipeline could have been avoided and the accident could have been prevented with proper marking and communication. As a result of its investigation, the Safety Board on March 13 directed safety recommendations to:

American Gas Association, American Petroleum Institute, International Association of Drilling Contractors, and Offshore Operators Committee of Shell, jointly—

Notify member companies operating similar offshore equipment installations of the particulars of this accident and urge them to review their operating practices and procedures, and to revise them where necessary, to afford maximum protection to submarine pipeline facilities. (P–80–15)

United States Coast Guard—

Require companies conducting anchor-handling activities in the vicinity of submarine pipelines to require specific information as to the location of submarine pipelines and other known hazards before conducting anchor-handling activities. (P–80–16)

In coordination with the Department of the Interior and the Research and Special Programs Administration of the Department of Transportation, develop facility marking and coordination requirements. (P–80–17)

United States Department of the Interior—

Advise lessees subject to its jurisdiction under 30 CFR Part 250 of the circumstances of this accident, and direct that they mark the location of all pipelines which may be hazarded by their drilling operations. (P–80–18)

Shell Oil Company—

Revise its policy regarding pipeline marking in the vicinity of anchor patterns to provide a radius of protection which takes into account all potential anchoring configurations. (P–80–19)

Revise the maps, sketches, or diagrams accompanying the prognosis provided to personnel operating contract mobile drilling rigs in the vicinity of submarine pipelines and other known hazards to show precisely their location and distance from the rig. (P–80–20)

Require that a surveyor be on location to direct any changes in anchor position which may exceed the established margin of safety. (P–80–21)

Require preconstruction meetings between all parties engaged in each offshore drilling, pipelaying, and associated activity, and advise all parties as to the location of submarine pipelines and other known hazards. (P–80–22)

Each of the above pipeline safety recommendations is designated "Class II, Priority Action." Copies of the Safety Board's formal investigation report are being prepared for distribution and will be released in the very near future.

Responses to Safety Recommendations

Aviation

A–79–70.—The Federal Aviation Administration on March 11 responded to the Safety Board's request of January for a summary of extensions granted by FAA in relation to recommendation A–79–70. The recommendation called for strict enforcement of the compliance date for shoulder harness installation required by 14 CFR 135.171, and was one of three recommendations issued following investigation of the crash of a Rocky Mountain Airlines deHavilland DHC at Steamboat Springs, Colo., December 4, 1978. The Board's January 4 letter, commenting on FAA's response of last December 5 (44 FR 75539, December 20, 1979), noted that FAA had not provided any supporting information pertaining to the number of extensions being granted or the extent of the supply problem. The Board asked for a summary of extensions granted by FAA, showing the name of the operator, the date of the request, the reason for the request, the scheduled date of compliance, and, in cases when the extension was requested after June 1, 1979, the reasons for late filing.

The list provided by FAA on March 11 shows 35 air taxi operators who were granted extensions of the June 1, 1979, installation compliance date for shoulder harness requirements under 14 CFR 135.10. All requests for an extension of this date were required because of nonavailability of shoulder harness kits by vendors or manufacturers prior to June 1, 1979. Three requests were made after June 1 because (a) the scheduled shipment of kits was not met, (b) two Lears were added, and (c) operator needed more time to install the kits.

Highway

H–78–19, H–79–7, and H–79–18.—The Federal Highway Administration on February 12 responded to the Safety Board's comments of last December 18 concerning previous response letters forwarded by FHWA with respect to recommendations, developed as a result of the Safety Board's investigations and analyses respectively of the automobile/Mini Motor home collision near McAlester, Okla, July 14, 1977; the van/tractor-full trailer collision near Scipio, Utah, August 28, 1977; and the tractor-semitrailer median barrier penetration and collision with an automobile in St. Louis, Mo., September 25, 1977. The recommendations addressed various aspects of pavement skid resistance.

With respect to recommendation H–78–19, and FHWA's response of last August 31 (44 FR 55675, September 27, 1979), the Safety Board on December 18 stated that it agrees that it would be desirable to have a simple, or limited range, asphalt mix design that could be certified to provide adequate wet weather skid resistance when used as a pavement surface, but that this would be most difficult to achieve given the variables involved. The Board's recommendation was intended to insure this adequate skid resistance through post construction testing. The Board's review of a number of States' wet-pavement skid accident reduction programs has shown that some States have procedures that approach what the Board had in mind in issuing H–78–19. Florida, for example, provides for surface testing in the period from 40 to 60 days following materials placement; Mississippi tests this skid resistance 3 to 4 months after placement,and Washington State requires a surface to be skid tested in the same season that it is placed.

The Board also notes that a recent study has highlighted the problem of new roadway surfaces in finding that, in one State where 17 projects were examined, new surfaces had a skid number of from 9 to 10 numbers lower than the surface they replaced. The Board believes that the program policy modifications outlined in FHWA's August 31 letter will be effective in bettering the overall wet weather skid accident program and suggests that FHWA go beyond the State evaluation provision of its program element No. 2 by providing a continuous, State-by-State compilation and analysis of statistics related to mix design, wet time exposure, wet pavement accidents, and surface age.

FHWA's February 12 response to the Board's comments on H–78–19 indicates that a rational basis for establishing nationwide minimum friction ranges, as well as time limits for meeting such requirements, has not been identified. FHWA states that the Board's letter of December 18 conveys a more comprehensive and realistic view of the problem than the original recommendation and the Board's findings and suggestions from its wet weather accident study will be carefully considered.

With reference to H–79–7, the Safety Board's December 18 letter states that this recommendation was intended to bring about three actions: (1) an evaluation of the applicability of tests other than MuMeter and locked-wheel skid trailer tests for inventory purposes, (2) a comparison of MuMeter and locked-wheel skid trailer tests in order to determine if the continuous readout from the MuMeter locked-wheel tests provides information beyond the locked-wheel trailer tests, and (3) emphasis on the need for full testing capabilities in testing devices for obtaining results from all lanes and all wheel paths. The Board's comments indicate that FHWA's response has not discussed these issues and has, in effect, written the first off by quoting the existing provisions for only MuMeter and locked-wheel testing; also, the response tends to support the Board's position on the third issue by stating that the full site should be tested at specific problem locations.

FHWA's February 12 letter notes that its responses to H–79–7 have dealt with what was perceived to be the point of the recommendation: Modify recommended inventory procedures to include the testing of both left- and right-wheel tracks. FHWA now attempts to address the three distinct points made in the Safety Board's December 18 letter.

With reference to the first point, FHWA notes that the Safety Board made four types of tests at the Scipio, Utah, site: sand patch, outflow meter, MuMeter, and locked-wheel skid tester. The MuMeter and locked-wheel skid tester are accepted inventory methods. The sand patch outflow meter tests are laboratory methods that have often been pressed into field service. Both tests require the traffic lanes to be closed long enough to allow a series of samples. Each "site" evaluation would take roughly 30 minutes. The outflow meter is not generally accepted as an operational test at this time. In "Tentative Skid-Resistance Requirements for Main Rural Highways" (NCHRP Report 37, published in 1967), portable testers wee compared to locked-wheel testers. FHWA states that assuming the cost per site tested using a portable tester (e.g., British Portable Tester) is roughly equal to the methods the Board has suggested, these comparisons were made:

Cost per site:
Portable Tester $3.45
Skid Testers $.32

FHWA states that when the usefulness of either the sand patch and outflow meter is compared to the cost of testing, disruption to traffic, and traffic hazard to the test crew, use of either method for inventory of a large highway system is impractical. FHWA has research studies to investigate alternatives or new methods to evaluate pavements—for example, laser and optical techniques to measure texture while traveling at normal traffic speeds. These techniques, while promising, are far from being operational inventory devices. When they are developed to the point that the equipment is reliable, cost effective, and produces useful data, FHWA will certainly promote their use.

In response to point two raised in Board comments of December 18 relating to H–79–7, FHWA notes that MuMeters have been compared to locked-wheel skid testers by many people over the last 20 years or more. The American Society for Testing and Materials adopted a standard method of testing for the locked-wheel tests in 1965. Standards for the MuMeter have only recently been adopted. Each system has its unique technical advantages and disadvantages. Three States and Puerto Rico have adopted the MuMeter while other States use the locked-wheel skid tester. FHWA has accepted both but favored the locked-wheel tester at least partially because of existing standards. FHWA states the continuous recording feature is certainly an advantage but not an overwhelming one.

Regarding point three in the Board's December 18 letter, FHWA notes that the issue of right-wheel testing capability is admittedly complex. Studies of right- versus left-wheel testing have not produced consistent findings. Since the cost of providing such a capability is high and most agencies are equipped to test one-wheel track only, FHWA is reluctant to require additional expenditure.

The Safety Board's letter of December 18 indicates acceptance of FHWA's report of September 24, 1979, concerning recommendation H–79–18, and the Board has now classified the recommendation as "Closed-Acceptable Action." FHWA's letter of September 24 indicated that a review of the Missouri skid accident reduction program had begun in March 1979 and that a Safety Board representative had joined the review effort in April 1979. FHWA reported that Missouri has an ASTM–E274 locked-wheel skid trailer and that an inventory of Interstate and primary roads was made between 1973 and 1977. Skid number ranking data is reviewed with accident, traffic, and design data to determine improvement areas. The top 100 locations with higher than usual wet-to-dry accident ratios are reviewed by field offices. FHWA also noted that an annual improvement plan is prepared by the districts; these plans are combined into a State improvement plan. State forces are used for areas needing immediate corrective action. FHWA noted last September 24 that the joint FHWA/NTSB review found evidence of research, development, and evaluation efforts in pavement design and construction. Textures and aggregates have been evaluated, and, based on these findings, FHWA concluded that the Missouri State Highway Commission has an adequate pavement surface improvement program.

In connection with recommendation H–79–18, the Safety Board's December 18 letter noted that the Board's further investigation of the Missouri skid accident reduction program, as a part of its overall skid accident related modal safety objective, has revealed that there may be some basic policy problems in its program. It was found that in order to receive treatment for improvement, a wet pavement accident location in Missouri would have to display a 40 to 50 percent wet pavement accident rate. FHWA said in its February 12 letter that this information will be passed on to the field office and kept in mind during future reviews of the skid accident reduction program.

Note.—Single copies of the Safety Board's accident reports are available without charge, as long as limited supplies last. Copies of press releases, recommendation letters, responses and related correspondence are also provided free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2),1908)

Margaret L. Fisher,
Federal Register Liaison Officer.
March 24, 1980.

[FR Doc. 80-9322 Filed 3-26-80; 8:45 am]
BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on April 10–12, 1980, in Room 1046, 1717 H Street,

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NW, Washington, DC. Notice of this meeting was published on March 19, 1980 (45 FR 17702).

The agenda for the subject meeting will be as follows:

Thursday, April 10, 1980

8:30 a.m.–9:30 a.m.: Executive Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

The Committee will hear and discuss the report of its Subcommittee on the proposed NRC "Action Plans for Implementing Recommendations of the President's Commission and Other Studies of the TMI–2 Accident" (NUREG–0660).

9:30 a.m.–12:30 p.m.: Meeting with NRC Staff (Open)—The Committee will hear and discuss proposed NRC plans for implementation of the NRC "Action Plans for Recommendations of the President's Commission and Other Studies of the TMI–2 Accident".

1:30 p.m.–2:30 p.m.: Meeting with NRC Staff (Open)—The Committee will hear and discuss an interim report regarding procedures for low power testing of the Sequoyah Nuclear Power Plant, Unit 1.

2:30 p.m.–3:15 p.m.: Executive Session (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding proposed modifications of nuclear power plants to resolve questions related to anticipated transients without scram (ATWS).

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

3:15 p.m.–6:30 p.m.: Meeting with NRC Staff (Open)—The Committee will hear and discuss presentations from members of the NRC Staff and representatives of the nuclear industry regarding proposed modifications of nuclear power plants to resolve questions related to anticipated transients without scram (ATWS).

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

6:30 p.m.–6:45 p.m.: Executive Session (Open)—The Committee will hear and discuss the report of its Subcommittee regarding a proposed nuclear data link system.

6:45 p.m.–7:30 p.m.: Meeting with NRC Staff (Open)—The Committee will hear and discuss a report from members of the NRC Staff regarding proposed installation and use of a nuclear data link system.

Friday, April 11, 1980

8:30 a.m.–9:00 a.m.: Executive Session (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding review of the dynamic response of nuclear steam supply systems with once-through steam generators.

Portions of this session will be closed as required to discuss Proprietary Information related to this matter.

9:00 a.m.–12:00 Noon: Meeting with NRC Staff (Open)—The Committee will hear and discuss a report from representatives of the NRC Staff and comments from representatives of the nuclear industry who may be present regarding the dynamic response of nuclear steam supply systems with once-through steam generators.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

The Committee will also discuss with members of the NRC Staff the schedule for anticipated Committee activities.

1:00 p.m.–2:00 p.m.: Meeting with NRC Chairman (Open)—The Committee will meet with NRC Chairman John F. Ahearne and other NRC Commissioners who may be present to discuss ACRS review of the proposed NRC Action Plans and other matters related to the accident at TMI–2.

2:00 p.m.–4:30 p.m.: Executive Session (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding proposed changes in 10 CFR Part 50, Appendix K, ECCS evaluation models and will discuss a proposed response to a member of the Nuclear Regulatory Commission providing clarification of the ACRS report of December 18, 1980 regarding the pause in licensing of nuclear facilities.

4:30 p.m.–6:30 p.m.: Meeting with NRC Staff (Open)—The Committee will hear and discuss a report from representatives of the NRC Staff and representatives of the nuclear industry who may be present regarding proposed changes in 10 CFR Part 50, Appendix K, ECCS evaluation models.

Saturday, April 12, 1980

8:30 a.m.–4:00 p.m.: Executive Session (Open)—The Committee will complete discussion of and prepare its reports to the NRC regarding matters considered during this meeting. In addition, the Committee will complete preparation of reports to the NRC regarding clarification of its report dated December 18, 1979 regarding the pause in licensing of nuclear facilities and the conceptual design of a core ladle for the Floating Nuclear Plant.

The Committee will hear and discuss reports/comments of subcommittees and members regarding a number of safety related items such as the reduction in the departure from nucleate boiling ratio (DNBR) for Combustion Engineering, Inc. nuclear steam supply systems; proposed changes in NRC Regulatory Guides; and miscellaneous Committee activities.

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on October 1, 1979 (44 FR 56408). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to protect Proprietary Information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m. EST.

Dated: March 21, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-9283 Filed 3-26-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–255]

Consumers Power Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Provisional Operating License No. DPR–20, issued to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to conform the operating limits to the requirements of 10 CFR Part 50, Appendix G for operation to 5.5 × 10^4 MWdt.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this action was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 2, 1979, and supplement thereto dated November 6, 1979, (2) Amendment No. 55 to License No. DPR–20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 6th day of March, 1980.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 80-9282 Filed 3-26-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–251]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. DPR–41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of the Turkey Point Nuclear Generating, Unit No. 4 (the facility), located in the Dade County, Florida. The amendment is effective as of the date of issuance.

The amendment permits continued operation of the Turkey Point Plant, Unit No. 4 for an additional four equivalent full power weeks from that authorized by Amendment No. 43 dated December 14, 1979 for a total of eight equivalent full power months and four equivalent full power weeks from June 1, 1979 but not later than Apirl 1, 1980, at which time the steam generators shall be inspected.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 23, 1980 supplemented February 1 and February 14, 1980, (2) Amendment No. 44 to License No. DPR–41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director Division of Operating Reactors.

Dated at Bethesda, Md., this 22nd day of February, 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-9280 Filed 3-26-80; 8:45 am]

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[NUREG–0460, Vol. 4]

Issuance and Availability Staff Position on ATWS Requirements

The NRC staff has prepared a report entitled, "Anticipated Transients Without Scram for Light Water Reactors" NUREG–0460, Volume 4, dated March 1980. The report provides staff's requirements for resolution of the NRC's Generic Technical Activity A–9, "Anticipated Transients Without Scram" pursuant to Section 210 of the Energy Reorganization Act of 1974.

This is the fourth volume of the NRC staff's review of anticipated transients without scram (ATWS). It contains the proposed resolution of this unresolved safety issue (TAP A–9) in the form of requirements recommended to be imposed on licensees and applicants. A phased approach is used: near-term improvements in safety, both hardware and procedural, are required over the next 1–2 years to provide an expeditious safety increment. Later, more extensive requirements will be imposed on some plants, but the implementation of these major hardware changes may be stretched out to accommodate equipment acquisition and plant refueling schedules. This delay is intended to allow the changes to be accomplished with minimum disruption and downtime, thus with minimum expense consistent with the level of safety to be achieved.

By comparison with our previous recommendation in Volume 3 of NUREG–0460, our present recommendation is more extensive for operating plants, which previously were not to be required to implement the long-term major improvements. The reason for this change is the failure of the program required of industry by the staff that was intended to achieve early generic verification of the adequacy of Alternative 3 modifications. This has not, in the opinion of the staff, been demonstrated over the lifetime of the

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approximately 100 plants originally proposed for Alternative 3.

Accordingly, we have instituted a phased program, requiring the implementation of "Alternative 3A" promptly (in the next 1–2 years) and "Alternative 4A" by 1984. This provides for (1) prompt implementation of significant safety improvements that are cost-effective to implement promptly, plus (2) major additional improvements that we judge to be needed for safety adequacy over the lifetime of many plants. Alternatives 3A and 4A, are modifications of Alternatives 3 and 4 from Volume 3 of NUREG–0460, with the changes reflecting the additional information now available.

Public comments are being solicited from interested organizations, groups and individuals. The staff will evaluate the comments received and, if needed, will issue a supplement or revision to NUREG–0460, Vol. 4. The staff intends to propose its recommendations to the Commission in May 1980.

Copies of the report will be available after March 25, 1980. Copies will be sent directly to utilities, utility industry groups and associations and environmental and public interest groups. Other copies will be available for review at the NRC Public Document Room, 1717 H Street, NW, Washington, DC. Copies will also be available for purchase from the GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments should be forwarded to Mr. Ashok Thadani, Reactor Systems Branch, Nuclear Regulatory Commission, Washington, DC 20555, by May 15, 1980.

Dated at Bethesda, Md., this 19th day of March, 1980.

For the Nuclear Regulatory Commission.

M. B. Aycock,

Deputy Director, Unresolved Safety Issues Program.

[FR Doc. 80-9231 Filed 3-26-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. PRM–2–5]

State of New Hampshire; Denial of Petition for Rulemaking

Notice is hereby give that the Nuclear Regulatory Commission has denied a petition for rulemaking submitted by the State of New Hampshire through its Office of the Attorney General by letter dated October 31, 1978. The petition requested the Nuclear Regulatory Commission to conduct a joint proceeding with the Council on Environmental Quality, Enviornmental Protection Agency, Secretary of the Army, Secretary of the Interior, Secretary of State and Secretary of Transportation to adopt rules designed to achieve efficiency in the grant or denial of all licenses required for the construction and operation of nuclear power facilities. In its letter, the petitioner also identified sixteen specific objectives or "results" which it sought to achieve. A summary of each "result," associated public comments, and the NRC response are set out in Appendix A to this notice.

A notice of the filing of the petition requesting comments by January 29, 1979, was published in the **Federal Register** on November 30, 1978 (43 FR 56110–56111). On February 1, 1979, in response to a request from the firm of Debevoise and Liberman for additional comment time, a second notice was published in the **Federal Register** (44 FR 6532) extending the initial comment period to February 28, 1979.

Eleven letters of public comment were received. Of these, six supported the primary objective of the petition—establishment of an interagency group to review and make recommendations to improve the efficiency of the NRC process for licensing nuclear power plants. Four commenters opposed the petition, and one, the Council on Environmental Quality, expressed no views on the merits of the petition.

Three of the commenters who supported the petition either opposed or had reservations about many of the specific objectives sought by the petitioner. The other three commenters who supported the petition expressed no views on the specific items of relief requested by the State of New Hampshire.

Of the four commenters who opposed the petition, one requested that the petition be dismissed for failing to meet minimal requirements for a rule making petition as set out in 10 CFR 2.802. A second, the United States Coast Guard, Department of Transportation, pointed out that the current Memorandum of Understanding between the Coast Guard and the Nuclear Regulatory Commission already contains procedures for consolidating and minimizing duplication in proceedings for issuance of necessary certifications and licenses for floating nuclear power plants, that Coast Guard involvement in the licensing of shoreside nuclear facilities is minimal and can be handled satisfactorily on a case-by-case basis and that accordingly formal joint procedures are unnecessary. The other two commenters who opposed the petition favored two of the petitioner's suggestions but recommended that the petitioner's remaining proposals be denied.

The Nuclear Regulatory Commission shares the concern of the State of New Hampshire regarding the need for efficiency in the licensing process. At the same time, the Commission recognizes that the primary purpose of that process is to assure adequate protection of the public health and safety.

In order to improve coordination among Federal agencies with related regulatory responsibilities and to avoid conflicting standards and unnecessary duplication of effort, the Commission has entered into separate memoranda of understanding with the Environmental Protection Agency,[1] the Department of Transportation,[2] the United States Coast Guard,[3] and the Corps of Engineers of the United States Army.[4] The memoranda of understanding identify the overlapping statutory responsibilities of each participating agency, describe how each agency expects to carry out its responsibilities, and specify how the participating agencies will consult and cooperate with one another.

Although improving the licensing process is a matter of continuing Commission concern, recent events at Three Mile Island Unit 2 have made it necessary for the Commission to reorder its priorities. The Commission has committed a significant portion of its staff and resources to direct support of TMI–2 cleanup and recovery operations and to a review and evaluation of lessons learned. Although the results of these efforts cannot yet be fully known, additional recommendations for changes in licensing requirements and licensing procedures are quite likely to result.

The Commission notes that some of the petitioner's objectives can be achieved under NRC's existing regulations and memoranda of understanding, while others may be adequately accomodated under the new regulations promulgated by the Council on Environmental Quality [43 FR 55978–56007, November 29, 1978]. The CEQ regulations, for example, contain several specific provisions[5] which would facilitate the Federal permitting process for energy facilities, including nuclear power reactors.

In view of the foregoing, the Nuclear Regulatory Commission hereby denies the petition for rulemaking filed by the State of new Hampshire on October 31, 1978. Copies of the petition for rulemaking, comments received and the NRC's letter of denial are available for public inspection in the NRC's Public Document Room at 1717 H Street, NW., Washington, D.C.

Dated at Washington, D.C., this 21st day of March 1980.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

Appendix A—Docket No. PRM–2–5, State of New Hampshire—Summary of Public Comments and NRC Response

Item 1

Designation of NRC as sole depository for all applications for all licenses or other federal authorizations required for construction and operation of nuclear power facilities, and all documents related to such applications.

Public Comment

Two commenters favored and two opposed this proposal. One supporter of the concept noted that legislation would be required and recommended that the requisite authority be included in any proposed licensing legislation. Opponents of the proposal pointed out that the NRC lacked authority to resolve issues raised in connection with authorizations from other Federal agencies, that it was essential that applications be filed with the Federal agency with jurisdiction tc act upon them, and that using NRC as a paper drop would not enhance the decisionmaking process. One opponent of the proposal recommended instead that a file containing all documents relating to a nuclear power plant be placed in a local library within 20 miles of the plant site.

NRC Response

Designating NRC as the sole depository for all applications for all licenses and other federal authorizations required for the construction and operation of nuclear facilities and all documents related to such applications will not change the authority and jurisdiction of Federal agencies who have legal responsibility for granting or denying those licenses and authorizations. The proposal will not improve the decisionmaking process in any significant way because it will still be necessary for applicants to file applications directly with the Federal agency with jurisdication to act upon them. The Commission opposes Item 1.

Item 2

The conduct of a single, joint, consolidated hearing on such applications for all agencies involved, including the compilation of a single record, when a hearing is required; the "hearing" to include all processing of an application on and after its filing.

Public Comment

Three commenters favored and three opposed this proposal. Two commenters who supported the basic concept recognized that it presented serious practical difficulties from the standpoint of implementation. The third commenter stated that implementing legislation would be required and recommended that the necessary authority be included in any proposed licensing legislation.

Two opponents of the proposal noted that it presented great practical difficulties. One opponent pointed out that it was of limited value from the standpoint of increased efficiency because the use of a single forum would mean that issues would be considered consecutively instead of concurrently in parallel proceedings. One opponent acknowledged that the present hearing process was too fragmented but characterized the solution proposed by the State of New Hampshire as both inappropriate and detrimental. The commenter opposed the New Hampshire proposal because it would single out nuclear projects for a special kind of environmental review—the commenter stated that nuclear projects should not be treated differently from other types of major federal projects. The commenter also opposed the proposal because it believed it would dilute agency responsibility. The commenter noted that the respective responsibilities of the agencies who would be participating in a joint hearing would not be identical and that the better approach from the standpoint of unbiased administration of the law would be for each agency to act separately in applying its particular requirements. The commenter noted that the possible benefits of joint examination of projects are already achieved in the NEPA process through Federal agency comments on draft environmental impact statements and that the petitioner's goal might be better achieved if NRC's own hearing process were less fragmented, for example, by making more comprehensive safety determinations during the construction permit stage of the proceeding and leaving fewer safety issues to be resolved at the operating license stage. The commenter acknowledged that the creation of a common record documenting resolution of agency comments could provide some public benefits and suggested that special joint public hearings might be useful in resolving major areas of conflict among or between agencies.

NRC Response

The NRC has adequate authority under its existing rules to conduct joint consolidated hearings with States or other Federal agencies. (See 10 CFR 2.716 and 2.402. See also 10 CFR 2.715 with respect to participation of States and local governments in NRC proceedings.) The NEPA process also provides mechanisms, such as the scoping process and the opportunity to comment on draft environmental impact statements, which encourage joint review of proposed nuclear power projects and can be used to coordinate and resolve the concerns of affected Federal agencies. In theory, the so-called one-stop hearing concept appears attractive. In practice, it presents difficulties, both substantive and procedural, arising primarily with respect to the development and use of a common record by separate decisionmakers charged by statute with independent responsibilities for resolving particular issues. In those instances in which decisions can be based on a common body of evidence, use of a single forum may well increase the efficiency of the licensing process since it will eliminate the need to present the same material in two separate forums. Where decisions cannot be made on a common body of evidence, a requirement to conduct a single, joint consolidated hearing may prove counterproductive and tend to complicate the licensing process. In the opinion of the Commission, the present system, under which the NRC, may, as a

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[1] AEC–EPA Memorandum of Understanding with Respect to AEC-Licensed Facilities, effective August, 1973, 38 FR 24930, September 11, 1973.

Second Memorandum of Understanding and Policy Statement Regarding Implementation of Certain NRC and EPA Responsibilities, Under the Federal Water Pollution Control Act Amendments of 1972 and the National Environmental Policy Act of 1969, as amended, effective January 30, 1976, 40 FR 60115, December 31, 1975.

[2] Memorandum of Understanding between the Department of Transportation and the Nuclear Regulatory Commission regarding the roles of DOT and NRC in the regulation of the transportation of radioactive materials, effective June 8, 1979, 44 FR 38690–38692, July 2, 1979.

[3] Memorandum of Understanding Between the United States Coast Guard and the United States Atomic Energy Commission for Regulation of Floating Nuclear Power Plants, effective January 4, 1974, 39 FR 2124, January 17, 1974.

[4] Memorandum of Understanding Between the Corps of Engineers, United States Army, and the United States Nuclear Regulatory Commission for Regulation of Nuclear Power Plants, effective July 2, 1975, 40 FR 37110, August 25, 1975.

[5] These provisions include: All permits identified early. All agencies with authority over a project required to consult early and work with the lead agency. All agencies to develop procedures to aid applicants. Avoidance of delay. Time limits on NEPA process must be set at applicant's request. All reviews to be prepared concurrently rather than consecutively. All information or mitigation that will be necessary to approve the project to be identified early. Elimination of duplication in EIS preparation.

matter of discretion, hold joint consolidated hearings in selected proceedings chosen on a case-by-case basis, should be retained.

Item 3

Establishment of a joint decisionmaking procedure to be employed after compilation of a record in which all involved agencies will participate and render a joint decision disposing of all issues raised, specifying all limitations on conduct of applicant and specifying all design changes required of applicant to accommodate needs of all agencies involved in the licensing process.

Public Comment

Three commenters favored the basic concept but expressed reservations concerning the extent to which it would be consistent with agencies' statutory mandates. One commenter stated that implementing legislation would be needed and requested that the necessary authority be included in any proposed licensing legislation.

One commenter noted the practical drawbacks involved in a joint decisionmaking procedure but pointed out that the overall result could prove beneficial in that it would limit construction starts to plants in which all systems have a certified design, thereby alleviating the risk to the public health and safety occasioned by the operation of an improperly designed plant.

One commenter stated that the proposal would violate the independence of the Nuclear Regulatory Commission and other Federal agencies and expressed the view that a procedure in which coordinated decisions occur in logical order makes better sense.

NRC Response

The Commission supports retention of the present system for reasons discussed in connection with Item 2.

Item 4

Development and publication of more detailed requirements for the form and content of all applications required for the construction and operation of nuclear power facilities.

Public Comment

Four of the five commenters expressed the view that further action on this matter was not needed at the present time. Reference was made to Regulatory Guide 1.70, Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants, LWR Edition, Revision 3, November 1978 now in use.

One commenter who expressed support for the proposal urged that the technical requirements for nuclear power plants be made more specific in terms of results and/or system operability and that these requirements be codified in the Commission's regulations instead of being issued as guidance.

NRC Response

One of the Commission's principal responsibilities is to make sure that applicants provide the information which the Commission needs to make the requisite statutory findings on which the Commission's decision to grant or deny a permit or license must be based. Towards this end, the NRC keeps the form and content of its license and permit applications under continuing review, updating them periodically to assure that needed information is presented in sufficient detail. The NRC also has broad authority under the regulations to require applicants to supply any additional information which may be needed (see 10 CFR 2.102(a)). Because nuclear power plant designs are not fully standardized, it is impracticable to establish more precise information requirements for applications. In the opinion of the Commission, further implementation of Item 4 is impractical and unnecessary.

Item 5

Widest popular notice of tendering and filing of applications required for construction and operation of nuclear power facilities, including personal notice to executive officers of State and local governments, local and regional radio and TV broadcasts and publication of notices in local and regional newspapers.

Public Comment

Although there was general agreement among the six commenters that the public should have early notice of applications to construct and operate nuclear power plants, four commenters expressed the view that the Commission's present regulations are adequate. One commenter stated that any benefits which might result from a broadcasting requirement would be outweighed by the added expense.

One commenter expressed the view that the notice requirements should be more specific, particularly with respect to the use of newspaper ads. Another commenter expressed strong support for the proposal, and urged that it be given retroactive effect in order to provide new opportunities to intervene in all pending construction permit and operating license proceedings.

NRC Response

The Commission's regulations now provide wide notice of the tendering and filing of applications for permits and licenses to construct and operate nuclear power plants. Upon notification that a tendered application is acceptable for docketing, an applicant is required by the Commission's Rules of Practice to serve a copy of the application on the chief executive of the municipality or county in which the facility is to be located and to serve a notice of availability of the application on the chief executives of the municipalities or counties identified in the application or in the environmental report as the location of all or part of the alternative sites. In accordance with instructions from the NRC staff, the applicant is also required to distribute additional copies of the application to Federal, State and other local officials. Labor unions and river basin commissions are routinely informed of all construction permit applications. A copy of each tendered application is also placed in the Commission's public document room at 1717 H Street, NW, Washington, D.C. and in a local public document room near the proposed site.

Following formal docketing of an application, the NRC sends a notice of docketing to the Governor or other appropriate official of the State in which the facility is to be located and publishes the notice in the **Federal Register.**

In the case of applications for which a hearing is required, for example, applications for construction permits for nuclear power plants, a notice of hearing is also issued. The notice of hearing is sent to all parties to the proceeding, to those persons who have received permission to make a limited appearance in the proceeding, to persons who have asked to be notified o the hearing, and to appropriate State and local officials. The notice of hearing is published in the **Federal Register** and in selected newspapers with both statewide and local coverage.

With respect to matters for which a hearing is neither required nor needed in the public interest, a notice of proposed action is issued. This notice, which is also published in the **Federal Register** and in State and local newspapers, offers the applicant and any interested persons an opportunity to request a hearing.

In addition to these notices, NRC headquarters staff issues press releases to the media announcing that an application for a construction permit or an operating license for a nuclear power plant has been tendered or formally docketed. To assure adequate local coverage, press releases are also issued by the Commission's regional offices. Copies of these releases are routinely sent to local radio and TV stations as well as to newspapers.

In the opinion of the Commission, the NRC's present regulations and practices adequately implement the "results" sought by the State of New Hampshire concerning notice of the tendering and filing of applications.

Item 6

Requirement that involvement in the processing of applications by persons other than the applicant and the licensing agency either be commenced at the outset of the proceeding or not at all.

Public Comment

None of the six commenters who addressed this proposal expressed support for the result sought by the petitioner. All considered the Commission's present regulations for participation in licensing proceedings adequate. Two commenters expressed the view that problems of delay resulting from late-filed petitions could be readily resolved by applying the Commission's existing regulations (10 CFR 2.714(a)(1)) more strictly. Three commenters expressed strong opposition to the proposal because it would eliminate desirable flexibility, compromise due process and have an adverse effect upon the public interest.

NRC Response

The approach recommended by the State of New Hampshire, that persons be barred from participating in a licensing proceeding once such a proceeding has commenced, is overly strict and contrary to the public interest. The Commission has adequate authority under its existing rules of practice (10 CFR 2.714) to limit participation by persons who apply late for permission to intervene. At the same time the rules are sufficiently flexible to assure Commission consideration of any matters necessary to the development of a sound record, including matters whose relevance and importance did not become readily apparent until after the proceeding has commenced.

The Commission opposes adoption of the State of New Hampshire proposal.

Item 7

Requirement that the issues and positions of all involved persons be determined and fixed at an early stage in the processing of license applications.

Public Comment

The consensus of the six commenters who addressed this proposal was that the Commission's existing regulations (10 CFR 2.714) now contain a mechanism which will achieve this result and that further amendments to the regulations are not needed. Two commenters urged that the present requirements for amending contentions be more strictly applied. These same commenters also expressed the view that, contrary to present Commission practice, participation by an intervenor in a hearing should be strictly limited to issues involving contentions which that intervenor raised. One commenter characterized the proposal as vague and impractical and expressed the view that the present deadline for the identification of contentions already occurs too early in the regulatory process. Two commenters noted that the proposal would preclude any subsequent change in position in response to newly discovered evidence, exclude legitimate interests of importance discovered later, and limit the development of a full and complete hearing record.

NRC Response

The Commission's present Rules of Practice both encourage early identification of issues and contentions and permit those issues and contentions to be amended as appropriate to reflect newly discovered evidence (10 CFR 2.714). It has been the experience of the NRC that these procedures provide the degree of flexibility needed to develop an adequate record on the substantive issues which require consideration in a facility licensing proceeding.

In the opinion of the Commission, the NRC's responsibility for protecting the radiological health and safety of the public is not well served by establishing arbitrary time limits which cut short meaningful examination of relevant concerns. The Commission opposes the State of New Hampshire's proposal.

Items 8, 9, and 10

Establishment of a fixed time period for review of and decision on a license application, including establishment of firm deadlines for each stage of licensing process. This authority to set mandatory deadlines would be specifically conditioned to provide an automatic result, favorable to the applicant whenever the agency failed to complete or take appropriate action within the time specified. The authority would also be subject to safeguards which would provide that fixed time periods shall not commence to run until an application, completed in accordance with agency rules, has been filed by the applicant, that the time consumed by the applicant in responding to agency requests for data not be included in such fixed time periods and "that the agencies shall automatically make those findings of fact and conclusions of law necessary to support the granting of licenses to the applicant."

Public Comment

Four of the six commenters who addressed this matter felt that schedules could be helpful in expediting the licensing process. Three commenters also expressed guarded support for the automatic licensing provision. Three commenters were firmly of the opinion that an automatic licensing provision such as that proposed by the State of New Hampshire would be illegal under Federal law, including the Atomic Energy Act and the National Environmental Policy Act.

NRC Response

The Commission is precluded by its organic acts from implementing this result. Unless the Commission is able to make the requisite statutory findings, e.g., that issuance of the license would not be inimical to the common defense and security or to the health and safety of the public (see sec. 103d, Atomic Energy Act of 1954, as amended) it lacks authority to issue a license. These statutory requirements cannot be circumvented by establishing mandatory time schedules in the regulations and providing that licenses will be issued automatically whenever the Commission fails to act within the time specified.

In the opinion of the Commission, the objective sought by the State of New Hampshire is contrary to sound public policy and may in specific instances be unachievable. No agency can automatically guarantee a finding of a specific fact by a specific time. Where questions of public health and safety are concerned, mandatory compliance with time schedules is not an acceptable substitute for reasoned decisionmaking. If the Commission is to carry out its licensing and related regulatory activities in a responsible and effective manner, it must have an adequate opportunity to investigate all matters of concern, old as well as new, those that enhance as well as those that detract from safety. The public health and safety cannot be adequately protected if important substantive issues are subordinate to arbitrary time limits. The Commission opposes these proposals.

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Item 11

Requirement that uncontested applications which nevertheless require a hearing be sent directly to the agency head for approval after the applicant and NRC staff have resolved any differences.

Public Comment

This proposal, which would permit the statutory public hearing requirement to be waived under certain circumstances, was opposed by five of the six commenters who addressed it. One commenter supported the proposal, stating that it appeared to be a workable and beneficial suggestion. Three commenters viewed the proposal as contrary to existing law and therefore not a proper subject for rulemaking. (Under section 189a of the Atomic Energy Act of 1954, as amended, the Commission is required to hold hearings on applications for construction permits for utilization and production facilities, including nuclear power reactors, even when an application is uncontested.)

Two commenters expressed the view that the interest of the public would be best served by holding a public hearing in all cases, including those which were uncontested. These commenters urged that a mandatory public hearing be held in connection with each application for an operating license and recommended that public hearings be conducted at or near the plant site.

In the opinion of one commenter, direct referral of uncontested cases to the Commission would not expedite the decisionmaking process but would probably result in additional delay.

NRC Response

Existing law precludes the Commission from waiving the statutory hearing requirement in the case of uncontested applications. Under section 189a of the Atomic Energy Act of 1954, as amended, the Commission is required to hold hearings on applications for construction permits for utilization and production facilities in all cases, including those in which the application is uncontested.

Item 12

Requirement that the Advisory Committee on Reactor Safeguards review applications at the same time as the NRC staff, that the ACRS report its findings by a certain time and that the ACRS not reserve issues for further consideration.

Public Comment

This recommendation was opposed for a variety of reasons by the six commenters who addressed it. Two commenters stated that the ACRS would cease to serve a useful function if it were not allowed to identify unresolved problems and continue working on them. One commenter pointed out that the ACRS and NRC staff reviews are now conducted in parallel, but noted that the parties to a proceeding, including NRC staff, need an opportunity to study the results of the ACRS review prior to the hearing in order to be able to provide constructive comments. Three commenters felt that the parallel review process proposed by the State of New Hampshire would not be beneficial and would result in overlap and duplication of effort. Two commenters stated that ACRS review should be strictly limited to reactor safety matters, the ACRS area of expertise. One commenter suggested that ACRS resources would be better utilized in reviewing the applicant and staff effort.

NRC Response

The Advisory Committee on Reactor Safeguards is a panel of independent advisors established by law to review and report to the Nuclear Regulatory Commission on safety studies and on construction permit and operating license applications for nuclear power reactors and other major nuclear facilities. The Committee also provides advice to the Commission on a wide range of safety-related matters such as the adequacy of proposed reactor safety standards, reactor safety research, specific technical issues of a topical nature, and the safety of operating reactors. The Committee's functions were enlarged by Pub. L. 95–209 which added the requirement for Committee review of the NRC's Reactor Safety Research Program and an annual report to the Congress concerning the adequacy of the program. In addition, upon request by the Department of Energy (DOE), the Committee reviews and provides reports with regard to the possible hazards of DOE nuclear activities and facilities. The Committee may also on its own initiative conduct reviews of specific safety-related items.

The Commission opposes those portions of Item 12 which would require the ACRS to report its findings by a time certain and prohibit the ACRS from reserving issues for further consideration. These requirements trench upon the Committee's independence and are inconsistent with its statutory responsibilities.

Under the Commission's present licensing procedures, the NRC staff and the Advisory Committee on Reactor Safeguards now conduct parallel reviews of license applications.

Item 13

Prohibition against sending a contested application back to the NRC staff after it has been referred to an administrative law judge or Atomic Safety and Licensing Board for initial decision and requirement that any supplementary information be submitted directly to the presiding officer and evaluated in the initial decision.

Public Comment

Four commenters addressed this proposal. Two commenters considered the proposal well-founded and likely to improve the efficiency of the licensing process. These commenters noted that the Commission's regulations now provide such procedures with respect to environmental matters and that these procedures have been approved by the courts. However, these same commenters were also of the opinion that presiding officers should have discretion to refer an application back to the NRC staff for further supplementation and analysis whenever such referral seems necessary.

Two commenters opposed the proposal on the ground that it might prevent presiding officers from obtaining additional needed information. One commenter questioned the reason for New Hampshire's concern, noting that presiding officers are now required to evaluate all data and that referral back to the NRC staff only occurs after a remand.

NRC Response

The Commission opposes this proposal because it is unnecessary, lacks needed flexibility, and reflects a lack of understanding of the Commission's licensing procedures. Under existing Commission practice, once a proceeding has commenced [1] all data and information relating to the application is submitted to the presiding officer. The presiding officer is responsible for conducting a fair and impartial hearing, taking appropriate actions to avoid delay, and maintaining order. He is authorized, among other things, to rule on offers of proof, receive evidence, examine witnesses, reopen the proceeding for the reception of further evidence at any time prior to initial decision and to issue an initial decision (10 CFR 2.718.) In connection with his authority to receive and evaluate evidence, the presiding officer may request the staff to furnish additional information. Staff responses to these requests are frequently helpful in filling information gaps or in clarifying previously submitted information. In making this request, the presiding officer does not relinquish jurisdiction over the proceeding to the staff, which, throughout the proceeding, retains its status as a party. In each proceeding, the jurisdiction of the presiding officer terminates only upon the expiration of the period within which the Commission may direct that the record be certified to it for final decision, or when the Commission renders a final decision, or when the presiding officer withdraws from the case upon considering himself disqualified, whichever is earliest.

[1] The Commission's rules of practice state that a proceeding is deemed to commence when a notice of hearing or a notice of proposed action pursuant to § 2.105 is issued (10 CFR 2.717(a)).

Item 14

Eliminate the Atomic Safety and Licensing Appeal Board.

Public Comment

Three commenters noted that the Commission has this matter under review and declined to provide any substantive comments.

Three commenters opposed this proposal. These commenters pointed out that Commission procedures now permit appropriate cases to be referred directly to the Commission. They also stated that the Appeal Board performs a valuable review function, which includes screening issues for Commission consideration.

NRC Response

Since the Commission has decided to obtain public comment on the "Study of the Nuclear Regulatory Commission's Appellate System," NUREG–0648, prepared by the Office of the General Counsel and published January 1980 (see **Federal Register** notice, 45 FR 6873, January 30, 1980), rulemaking action on this proposal at this time is premature.

Item 15

Authorization for applicants to prepare draft environmental impact statements based on their environmental reports and any comments and data submitted thereon, and authorization for agency staff, after evaluation and opportunity to make any desired changes, to adopt and issue the draft environmental impact statement prepared by the applicant as its own. The authorization would further provide that if the agency staff fails to issue a draft environmental impact statement by a date certain, the draft statement prepared by the applicant shall be circulated as the staff's draft environmental impact statement.

Public Comment

This proposal found no support. Five commenters opposed the proposal as contrary to law and beyond the scope of NRC's authority. These commenters pointed out that the National Environmental Policy Act of 1969, as amended, places responsibility for preparation of environmental impact statements on Federal agencies, not on applicants. One commenter recommended that the NRC staff establish time schedules for the preparation of environmental impact statements.

NRC Response

The Commission opposes Item 15. The National Environmental Policy Act of 1969, as amended, requires Federal agencies to prepare and issue environmental impact statements (NEPA, sec. 102(2)(C)). While Federal agencies may obtain needed environmental information from various sources, including applicants, the agency is responsible for independently evaluating any information which it uses.

The Commission's proposed revision of 10 CFR Part 51 addresses this matter affirmatively in § 51.41 which provides that the Commission will evaluate information submitted by applicants independently and that the Commission will be responsible for any information which it uses. The regulations of the Council on Environmental Quality published November 29, 1978 contain a similar provision (see 40 CFR 1506.5.)

Item 16

Requirement that final environmental impact statements be completed by a date certain, that applicants be expressly authorized to apply for a court order compelling issuance of a final environmental impact statement by a time certain and that no opposition to such an order be permitted.

Public Comment

This proposal, which was addressed by six commenters, did not receive support. Three commenters opposed the recommendation as contrary to law. Three commenters questioned the usefulness of the proposal, pointing out that delays in the preparation and issuance of final environmental impact statements are not critical from the standpoint of the NRC's licensing process and do not significantly increase the time required to review a license application and issue a decision. These commenters indicated that instructions from Licensing Boards requring NRC staff to prepare supplements to final environmental impact statements are more likely to cause delay. Two commenters felt that the establishment of time schedules would be helpful.

NRC Response

The Commission opposes this proposal. While the use of time schedules is frequently helpful in eliminating unnecessary delay—§ 51.14 of the Commission's proposed revision of 10 CFR Part 51 requires NRC staff, when requested, to establish time schedules for all or any constituent part of the NRC staff NEPA process—a requirement that final environmental impact statements be issued on a date certain and that this requirement be enforced by judicial order to which no objection can be made is arbitrary and unreasonable. The proposal ignores the wide variations among environmental impact statements in terms of scope and degree of detail and places procedure ahead of substance. The Commission notes in passing that the timing of the issuance of final environmental impact statements has seldom been a factor in delaying licensing proceedings.

[FR Doc. 80-9279 Filed 3-26-80; 8:45 am]
BILLING CODE 7590-01-M

Availability of Environmental Assessment for Decontamination of the Three Mile Island Unit 2 Reactor Building Atmosphere

Pursuant to the National Environmental Policy Act and the U.S. Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a draft NRC staff report entitled "Environmental Assessment for Decontamination of Three Mile Island Unit 2 Reactor Building Atmosphere" (NUREG–0662) prepared by the Commission's Office of Nuclear Reactor Regulation related to the decontamination of the reactor building atmosphere at the Three Mile Island Nuclear Station Unit No. 2 is available for comment. This Assessment considers five alternative methods for decontaminating the reactor building atmosphere and recommends that the building atmosphere be decontaminated by purging to the environment through the building's hydrogen control system. Based on its estimate of doses to the public from releases during the decontamination of the reactor building atmosphere by purging through the hydrogen control system, and its estimate of occupational dose, it was concluded that this action does not constitute a significant environmental impact and, accordingly, the staff does

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not propose to prepare a separate Environmental Impact Statement on this action.

The Assessment is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the TMI-2 Local Public Document Room at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. Copies of the Assessment have been circulated for comment to other federal agencies, to the Commonwealth of Pennsylvania and to local and municipal governments in the Three Mile Island area. Comments are due by April 11, 1980.

An Addendum to the Environmental Assessment (NUREG-0662, Add 1) referencing studies that have been done on the issue of psychological stress in being issued on March 26, 1980 for comment. Comments on the Addendum are also due by April 11, 1980.

Requests for single copies of the Assessment and the Addendum should be addressed in writing to Director, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Comments on the Assessment and the Addendum should be addressed to the attention of Richard H. Vollmer, Director, Three Mile Island Support, NRR, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. After analysis of the comments, the staff will update the Environmental Assessment and brief the Commission. The Commission will then determine the appropriate action to be taken.

Dated at Bethesda, Maryland, this 25th day of March 1980.

For the Nuclear Regulatory Commission.

Richard H. Vollmer,

Director, Three Mile Island Support.

[FR Doc. 80-9540 Filed 3-26-80; 10:00 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

March 24, 1980.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201

New Forms

Forest Service
Social Impact Assessment-Mark Twain N.F.
Single Time
Visitor/Users of Mark Twain N.F. 550 responses; 161 Hours
Charles A. Ellett, 395-5080

Revisions

Agricultural Stabilization and Conservation Service
Acreages, Production Record, Certification of and Disposition
ASCS-658 & 658-1
Annually
Warehouse Person, Farm Operators, Buyer or Handler 505,000 Responses; 101,000 Hours
Charles A. Ellett, 395-5080

Agricultural Stabilization and Conservation Service
Request for long-term agreement
FIP-11
On occasion
Farm operators 104 responses; 34 hours
Charles A. Ellett, 395-5080

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377-3627

New Forms

Industry and Trade Administration
Foundry equipment and supplies
ITA-9037
Single time
Producers of foundry equip. & supplies 200 responses; 200 hours
William T. Adams 395-4814

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—633-9770

New Forms

BPA/Utility Residential Weatherization Program
BP-406, schedules A-E
On occasion
Utilities Companies & Residential Households 8,640 responses; 61,614 hours
Jefferson B. Hill, 395-5867

Revisions

Solar Energy Use in Non-residential Buildings
EIA-0700
On occasion
Owners of new building projects using solar energy, 150 responses; 75 hours
Jefferson B. Hill, 395-5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Joseph J. Strand—245-6511

New Forms

Social Security Administration
State's Quarterly Reconciliation of Contributions Paid
SSA-4478
Quarterly
State agencies that administer social security funds, 456 responses; 76 hours
Barbara F. Young, 395-6132

Revisions

Health Care Financing Administration (Departmental)
PSRO Grant Application and Instructions
HCFA-95-98, 103-109, & 174
Annually
Organ. Requesting conditional PSRO grants, 195 responses; 39,000 hours
Richard Eisinger, 395-3214

Social Security Administration
Study of Long-Term Disability Income Protection in Private Industry
SSA-4669
Single time
Priv. employers & their pension plan admin., 150 responses; 100 hours
Barbara F. Young, 395-6132

Extensions

Social Security Administration
Evaluation and Measurement System (EMS) Questionnaire—
Retirement Survivors Disability Insurance (RSDU)
SSA-1398-F7
On occasion
Monthly samp of orig adjud RSDI appl within each samp mo., 9,000 responses; 6,000 hours
Barbara F. Young, 395-6132

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755-5184

New Forms

Policy Development and Research
Household for a Study of Housing Condition and Rehabilitation Need
Single time
Households in Boston SMSA containing 1-4 units, 300 responses; 225 hours
Richard Sheppard, 395-3211

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—William L. Carpenter—343-6716

New Forms

Bureau of Land Management
Grazing Application—Authorized Representative
4130-1C
Annually
Livestock operators authorized representative, 2,000 responses; 333 hours
Charles A. Ellett, 395-5080

Bureau of Land Management
Grazing Application—Preference Summary and Transfer
4130-1A
Annually
Livestock operators summary & transfer, 5,000 responses; 1,250 hours
Charles A. Ellett, 395-5080

New Forms

Bureau of Land Management
Grazing Application—Supplemental Information
4130-1B
Annually
Livestock operators supplemental information 5,000 responses; 1,250 hours
Charles A. Ellett, 395-5080

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—523-6341

New Forms

Employment and Training Administration
CETA Functional Management Information System
ETA-RC31
Other (See-SF-83)
CETA prime sponsors
Arnold Strasser, 395-5080

Extensions

Occupational Safety and Health Administration
Material Safety Data Sheet
OSHA-20
Other (See SF-83)
Shipbuilders & repairers, 2,500 responses; 5,000 hours
Arnold Strasser, 395-5080

COMMUNITY SERVICES ADMINISTRATION

Agency Clearance Officer—Jack Stoehr—254-5300

Revisions

ECAP Reporting Requirements
Monthly
State government agencies, 255 responses; 255 hours
Arnold Strasser, 395-5080

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Paul Elston—755-2744

New Forms

Resource Conservation and Recovery Act: Section 3004 Reporting and Recordkeeping Requirements
Annually
Treatment, storage, & disposal facilities, 2,098,300 responses; 5,287,800 hours
Edward H. Clarke, 395-5867

Equal Employment Opportunity Commission

Agency Clearance Officer—Thomas F. Goggin—634-6983

Extensions

Higher Education Staff Information (EEO-6)
EEOC-221
On occasion
Institutions of Higher Education, 3,000 responses; 15,000 hours
Laverne V. Collins, 395-3214

Executive Office of the President, Other

Agency Clearance Officer—Roy A. Nierenberg—456-6286

Revisions

Council on Wage and Price Stability
Report on Company Organization—(Price) ⊖
CO-1 (Price)
Single time
Large companies, private sector, 2,500 responses; 7,500 hours
Warren Topelius, 395-3211

Report on Prices, Sales, and Profits for Second Program
Year
PM-1
Quarterly
Largest non-financial corporations, 12,000 responses, 180,000 hours
Warren Topelius, 395-3211

National Endowment for the Arts

Agency Clearance Officer—Paul G. Zarbock—634-6160

New Forms

Questionnaire for Crafts-Artists Survey

V 45/61 MR 27 80 UMI

Single time
Crafts artists who are members of crafts organ, 4,153 responses; 2,077 hours
Laverne V. Collins, 395–3214

National Science Foundation

Agency Clearance Officer—Herman Fleming—634–4070

New Forms

Atomic and Molecular Science Survey (CAMS–NRC)
Single time
Atomic & Molecular scientists, 4,366 responses; 730 hours
Off. of Federal Statistical Policy & Standard, 673–7974

United States International Trade Commission

Agency Clearance Officer—Charles Ervin—523–0267

New Forms

Importers' Questionnaire for 701–TA–51—Butter Cookies [1]
Single time
Importers of butter cookies, 50 responses; 400 hours
Phillip T. Balazs, 395–4814
Questionnaire for Importers of Canned Hams [1]
Single time
Importers of canned hams, 15 responses; 120 hours
Phillip T. Balazs, 395–4814
Producers' Questionnaire for 701–TA–51—Butter Cookies [1]
Single time
Producers of butter cookies, 40 responses; 320 hours
Phillip T. Balazs, 395–4814
Questionnaire for Producers of Canned Hams [1]
Single time
Producers of canned hams, 40 responses; 320 hours
Phillip T. Balazs, 395–4814.

David L. Leuthold,

Budget and Management Officer.

[FR Doc. 80–9367 Filed 3–26–80; 8:45 am]

BILLING CODE 3110–01–M

[1] These reports will be acted on before normal 10-day period. The clearance of these questionnaires on an expedited basis is necessary in order for the International Trade Commission to complete its investigation concerning these products within the statutory time limits.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11094; 812–4535]

Banque Europeenne de Credit S.A. and BEC Finance N.V.; Application for an Order Exempting Applicants From All Provisions of the Act

March 20, 1980.

Notice is hereby given that Banque Europeenne de Credit S.A. ("BEC") and BEC Finance N.V. ("BEC Finance," together with BEC, "Applicants"), c/o Peter H. Darrow, Esq., Cleary, Gottlieb, Steen & Hamilton, 1 State Street Plaza, New York, New York 10004, filed an application on September 10 1979, and an amendment thereto on February 28, 1980, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicants from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants represent that BEC is a joint venture commercial bank whose seven shareholders are among the largest European commercial banks. They further represent that at December 31, 1978, BEC had total assets of approximately $3.098 billion and capital reserves of $130 million. (All dollar amounts are computed using the exchange rate as of December 29, 1978 of 29.29 Belgian Francs per United States dollar.) The application states that BEC's principal office is located at Boulevard du Souverain 100, 1170 Brussels, Belgium. Applicants state that BEC Finance, a wholly-owned subsidiary of BEC, was established as a financing vehicle for BEC's activities outside Belgium, where operations through a Dutch subsidiary have enabled BEC to obtain more favorable European withholding tax treatment, and that it has its principal office at 595 Herengracht, 1000 Amsterdam, Netherlands. Applicants represent that the principal area of activity of BEC is short-, medium-, and long-term Eurocurrency lending to major companies and banks; that at year-end 1978, BEC's outstanding short-term credits amounted to approximately 28% of its total assets and its medium- and long-term loans amounted to approximately 61% of its total assets; and that for 1978 interest income from its lending activities amounted to approximately 96% of BEC's gross revenues.

Applicants further represent that at the end of 1978 approximately 3% of BEC's outstanding loans were to Belgian borrowers and 54% were to other Western European borrowers. Applicants state that BEC's lending in North, Central and South America has expanded recently as a result of the growing activities of its customers there.

According to the application, BEC's sources of financing traditionally have consisted in significant part of short- and medium-term Eurocurrency deposits from banks, institutional investors and industrial companies, rather than ordinary deposits and that, at December 31, 1978, ordinary deposits equaled approximately 2.7% of total liabilities and equity while funding from banks equaled approximately 89.2% of total liabilities and equity. Applicants state that, on that date, 11.79% of BEC's deposits were from Belgian sources. The application states that BEC does not engage in any securities underwriting or investment advisory services; that its trading activities are confined to trading for its own account in connection with the acquisition or disposition principally of Belgian government securities in accordance with Belgian banking regulation; and that it owns no securities as portfolio investments. It is further represented that BEC maintains no banking branches and has no subsidiaries other than BEC Finance.

Applicants represent that the principal business of BEC Finance has been to act as a financing vehicle for BEC and that BEC Finance has made two offerings of securities, the proceeds of which were relent to BEC for use in its lending operations. Applicants further represent that the proceeds of any borrowings made by BEC Finance will continue to be relent to BEC. It is also represented that BEC Finance does not and will not deal with its rights relating to its loans to BEC nor does it or will it deal with or trade in securities.

Applicants state that BEC's activities are subject to a variety of regulatory measures, principally administered by the Belgian Banking Commission, with which all Belgian banks must be registered, and the Belgian National Bank, which supervises national monetary and credit policies. According to the application, the Banking Commission is authorized to issue regulations concerning the solvency and liquidity of banks and has introduced capital adequacy tests which must be observed by Belgian banks in their financial operations. Applicants represent that the Banking Commission's regulations apply to BEC as extensively as to banks which conduct their business principally within Belgium. The application also states that

banks are required to file monthly reports containing detailed financial information prepared according to accounting rules approved by the Banking Commission. Applicants represent that the authority of the Banking Commission was obtained in connection with the incorporation of BEC Finance and the previous issuance of its debt securities. Applicants state that the external audit of banks is conducted by independent auditors selected from a list of special auditors approved by the Banking Commission and that the auditors conduct a physical examination of BEC's records twice a month and issue a detailed, semiannual report to the Banking Commission. Applicants represent that BEC Finance is subject to regulation by the Dutch central bank and regularly files reports with that body.

Applicants currently propose to have BEC Finance issue and sell in the United States short-term negotiable promissory notes of the type generally referred to as commercial paper (the "Notes"). According to the application, BEC Finance will relend the proceeds of the United States offering to BEC, for use in its lending operations and that payment of the Notes will be unconditionally guaranteed by BEC. The application states that, in the alternative to the above arrangement, BEC may issue the Notes directly if changes in the Belgian tax laws are effected that would eliminate the tax advantages of having BEC Finance issue the Notes.

According to the application, the Notes will be in minimum denominations of $100,000, will rank *pari passu* among themselves and equally with all other unsecured indebtedness issued by BEC or BEC Finance, as the case may be, and will be sold through a major United States commercial paper dealer to traditional types of commercial paper purchasers and will not be offered to the general public. Applicants state that while BEC cannot predict with certainty the aggregate amount of the Notes which will be outstanding, it currently believes that during the first year of sale the aggregate amount of Notes outstanding will average $120 million to $170 million. Applicants undertake to ensure that each dealer in the Notes will provide offerees with a memorandum, updated as necessary, which describes the business of BEC and BEC Finance, contains their financial statements, includes a paragraph describing any material differences between Belgian accounting principles applicable to BEC and generally accepted accounting principles in the United States, and is comparable to memoranda customarily used in offering commercial paper in the United States.

Applicants do not intend to register their offering under the Securities Act of 1933 ("1933 Act"). In this regard, they undertake not to market any Notes prior to receiving an opinion of special United States legal counsel to the effect that, under the circumstances described in the application, the proposed offering of commercial paper is entitled to the exemption from registration requirements contained in Section 3(a)(3) of the 1933 Act. Applicants further undertake that in respect of any future offerings of securities in the United States they will obtain an opinion of legal counsel in the United States as to compliance with, or the availability of an exemption from, the 1933 Act. Applicants do not request Commission review or approval of counsel's opinion letter regarding the availability of an exemption under Section 3(a)(3) of the 1933 Act.

The application contains undertakings that in connection with the sale of the Notes, Applicants will appoint a United States banking institution as authorized issuing agent of the Notes and that, both as to the Notes and any other securities which may be issued in the future, they will authorize such banking institution or the Commission to accept any process served in any state or federal court action by a holder as to any such security. Applicants undertake to accept the jurisdiction of any state or federal court in New York City in respect of any such action and to continue such appointment of an agent for service and such consent to jurisdiction until payment in full of all amounts relating to the respective security. Applicants state that the authorized agent will not be a trustee for the holders of the Notes or otherwise obliged to act for them. Applicants consent that any order granting their application may include the express condition that they comply with the undertaking summarized in this and the prior paragraph. Applicants state that BEC or BEC Finance may offer other debt securities for sale in the United States and that any such securities issued by BEC Finance would be unconditionally guaranteed by BEC. Applicants represent that in connection with any such offering they will cause distribution to offerees of disclosure documents at least as comprehensive as the dealer's memorandum referred to above.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." Applicants state that they may be considered to be investment companies as defined under the Act.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provisions of the Act, if and to the extent that such exemption if necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants assert that approval of their application would be appropriate in the public interest for several reasons. They represent that if BEC and BEC Finance were deemed investment companies and if their application were denied, then they would be precluded from publicly offering securities in the United States. Applicants assert that this effect would disadvantage them vis-a-vis the major American banks with which they compete throughout the world. Applicants assert that such inequality of treatment of domestic and foreign banks appears to be inconsistent with the United States public interest regarding equal treatment of foreign and domestic banks in like circumstances, an interest explicitly reinforced by the United States Congress in enacting the International Banking Act of 1978. Finally, Applicants assert that the public interest would be served by permitting the kind of sophisticated United States investors which purchase commercial paper the opportunity to acquire paper issued by BEC and BEC Finance.

Applicants further assert that the requested exemption would be consistent with the protection of investors. Applicants cite as support for this assertion, the extensive regulatory and other measures to which Applicants are subject, the fact that the commercial paper would be short-term and of prime quality and the fact that certain anti-fraud provisions of the federal securities laws will apply to the offering of the Notes.

Applicants also assert that the specific exemption of American commercial banks from the provisions of the Act indicates a Congressional recognition that the dangers to investors to which the Act was directed are not present in the case of commercial banks subject to examination and supervision by banking authorities. Applicants

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assert that there are close similarities between BEC and large American banks, that they are subject to substantial and varied regulation, and that the risks to investors in connection with purchases of securities of BEC Finance guaranteed by BEC would not be greater than those in connection with purchases of securities of large domestic banks. Applicants assert that from the point of view of protection of investors, exemption of the Applicants would appear to be as appropriate as the statutory exemption for domestic banks.

Applicants assert that the legislative history of the Act is devoid of any reference to foreign banks. Applicants further assert that the exemptive power of the Commission pursuant to Section 6(c) of the Act was intended to avoid inadvertent imposition of the Act's requirements on "persons who are not within the intent of the [Act]." S. Rep. No. 1775, 76th Cong., 3d Sess. 13 (1940).

Applicants assert that the rationale for granting an exemption under Section 6(c) to BEC applies equally to BEC Finance since the sole business of BEC Finance is and will continue to be to operate as a financing vehicle for BEC. Applicants represent that BEC Finance does not and will not deal with its rights relating to loans to BEC nor will it deal with or trade in securities. They state that in light of the unconditional guaranty of the Notes by BEC, the purchase thereof will be equivalent to the purchase of obligations of BEC.

Notice is further given that any interested person may, not later than April 14, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the applicant accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9250 Filed 3-26-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11096; 811-2937]

564 Southern Boulevard Corp.; Filing of Application for an Order of the Commission Declaring That Applicant Has Ceased To Be an Investment Company

March 21, 1980.

Notice is hereby given that 564 Southern Boulevard Corporation ("Applicant"), 110 Poplar Drive, Roslyn, New York 11576, registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified, management investment company, filed an application on February 19, 1980, and an amendment thereto on March 6, 1980, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as that term is defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Delaware corporation, registered under the Act on July 3, 1979. Prior to its becoming an investment company Applicant and its subsidiaries had been engaged in the operation of a supermarket chain and a wholesale food packing business under the name E & B Supermarkets, Inc. The application states that on June 30, 1979, Applicant sold substantially all of its assets to MM Supermarkets of New York, Inc. and Tropical Brands Packing Corp. ("Buyer") for $4,239,900, payable partly in cash and partly in 6% installment notes issued by the Buyer due in 1984. The sale of assets of Applicant and certain other transactions incident thereto, including the change of Applicant's name to 564 Southern Boulevard Corporation, were approved by Applicant's shareholders at a special meeting of shareholders held on June 28, 1980.

After the sale of its assets, Applicant on July 27, 1980, made an offer, which expired on January 28, 1980, to purchase its outstanding shares of common stock at the price of $4.20 per share. Of the 1,009,500 common shares then outstanding, held by 418 shareholders, 416,789 shares were tendered pursuant to the offer.

As of the date of the filing of this application the remaining common shares outstanding were held by 68 persons. The application states that Applicant will retain certain assets and continue to engage in business as a personal holding company at least until June 30, 1984, and hold and invest in securities. The assets retained include (1) $24,000 in cash, (2) Joint 6% Non-Negotiable Installment Notes ("Installment Notes") of E&B Supermarkets Merchandise Corporation and Tropical Brands Packing Corporation, due June 27, 1984, in the principal amount of $2,212,000, (3) Recoverable State franchise and local corporation taxes of $455,000, and (4) Prepaid expenses and other current assets of $19,000. As the Installment Notes are repaid and the Tax Refund Claims are received, Applicant intends to reinvest the proceeds in securities to the extent that such funds are not required to meet its debt obligations, liabilities and expenses.

Applicant currently has $9,000 in accrued expenses; it owes a former officer and director of Applicant a balance of $170,000 for 70,000 shares of Applicant's common stock which he tendered pursuant to Applicant's offer to repurchase its outstanding common shares, and Applicant remains contingently liable on certain obligations, principally long-term real estate rental obligations, that were assumed by the Buyer of substantially all of its assets.

Applicant represents that as of the date of the filing of this application the outstanding securities of Applicant are beneficially owned by not more than 100 persons. Applicant also represents that it is not making and does not presently propose to make a public offering of its securities, and that none of its shareholders is a company that owns 10% or more of Applicant's outstanding voting securities. Applicant states that it is not a party to any pending litigation, or administrative proceedings. On the basis of the foregoing information Applicant maintains that it is not an "investment company" as that term is defined in the Act.

Section 3(c)(1) of the Act provides, in pertinent part, that any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order and, upon the effectiveness of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person may, not later than April 17, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such Communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9249 Filed 3-26-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/279]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting on April 28 of the Working Group on Accounting Standards of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 9:30-12:30. The meeting will be held in Room 1408 of the State Department, 2201 C Street, NW., Washington, D.C. 20520. The meeting will be open to the public.

The purpose of the meeting will be to discuss activities in the U.N. and the OECD relating to accounting and reporting standards.

Requests for further information on the meeting should be directed to Richard Kauzlarich, Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-2728.

Members of the public wishing to attend the meeting must contact Mr. Kauzlarich's office in order to arrange entrance to the State Department building.

The Chairman of the working group, will as time permits, entertain oral comments from members of the public attending the meeting.

Dated: March 19, 1980.

Richard D. Kauzlarich,

Executive Secretary.

[FR Doc. 80-9244 Filed 3-26-80; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/280]

Study Groups 10 and 11 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Groups 10 and 11 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet jointly on April 22, 1980, in Room A110, Federal Communications Commission, 1229 20th Street, N.W., Washington, D.C., at 9:30 a.m.

Study Group 10 deals with questions relating to sound broadcasting; Study Group 11 deals with questions relating to television broadcasting. The purpose of the meeting is to review work under way and work requirements in preparation for the international meetings of Study Groups 10 and 11 scheduled for September/October 1980.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20220, telephone (202) 632-2592.

Dated: March 19, 1980.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 80-9245 Filed 3-26-80; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Customs Service

Application for Recordation of Trade Name; Houseworks, Ltd.

Application has been filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), for recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Houseworks, Ltd. used by Houseworks, Ltd., a corporation organized under the laws of the State of Georgia, located at 3937 Oakcliff Industrial Court, Atlanta, Georgia 30340.

The application states that the trade name is associated with doll house accessories and miniature furniture.

The application states further that various firms located in Canada, England, West Germany, France and Switzerland are authorized to sell merchandise bearing the trade name. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received on or before April 28, 1980.

Notice of the action taken on the application for recordation of the trade name will be published in the **Federal Register.**

Dated: March 19, 1980.

Salvatore E. Caramagno,

Acting Director, Office of Regulations and Rulings.

[FR Doc. 80-9237 Filed 3-26-80; 8:45 am]

BILLING CODE 4810-22-M

[T.D. 80-70]

Recordation of Trade Name; Colt Communications, Inc.

On January 10, 1979, there was published in the **Federal Register** (44 FR 2217) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Colt Communications, Inc. The notice advised that prior to final action on the application, filed pursuant to section

133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevent data, views, or arguments submitted in opposition to the recordation and received not later than 30 days from the date of publication of the notice.

The name "Colt Communications, Inc." is hereby recorded as the trade name of Colt Communications, Inc. a corporation organized under the laws of the State of Illinois, located at 5424 West Touhy Avenue, Skokie, Illinois 60077, when applied to citizen band two way radio transceivers manufactured in Japan and Korea. No foreign firm is authorized to use the trade name sought to be recorded.

Dated: February 13, 1980.

Harvey B. Fox,

Acting Director, Office of Regulations and Rulings.

[FR Doc. 80-9378 Filed 3-26-80; 8:45 am]

BILLING CODE 4810-22-M

[T.D. 80-92]

Corporate Name Change of a Customs Approved Public Gauger

Notice is hereby given pursuant to the provisions of section 151.43 of the Customs Regulations (19 CFR 151.43) that Superintendence Company, Inc. approved to gauge petroleum products in all Customs districts (see T.D. 73-8) has changed its corporate name to SGS Control Services, Inc.

Dated: March 20, 1980.

Alfred G. Scholle,

Acting Director, Office of Regulations and Rulings.

[FR Doc. 80-9379 Filed 3-26-80; 8:45 am]

BILLING CODE 4810-22-M

[T.D. 80-93]

Customhouse Broker License; Cancellation Without Prejudice of Customhouse Broker License 4825

Notice is hereby given that the Commissioner of Customs, on March 19, 1980, pursuant to section 641, Tariff Act of 1930, as amended (19 CFR 111.51(b)), upon the specific request of Thomas P. Cline, Miami, Florida, cancelled without prejudice individual customhouse broker's license No. 4825 issued to him on September 13, 1973, for the Customs District of Miami, Florida. The Commissioner's decision is effective as of March 19, 1980.

William T. Archey,

Acting Commissioner of Customs.

March 19, 1980.

[FR Doc. 80-9380 Filed 3-26-80; 8:45 am]

BILLING CODE 4810-22-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 61
Thursday, March 27, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-275, Amdt. 1; Mar. 21, 1980]

CIVIL AERONAUTICS BOARD.

Notice of Addition of Items to the March 25, 1980, Meeting Agenda.

TIME AND DATE: 9:30 a.m., March 25, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

11a. IATA Agreements adopted by IATA relating to the Traffic Conferences (BDA).

12a. Dockets 37450, 37478, 37479, 37480, and 37573, Application of United for compensation for losses in providing essential air service at Bakersfield, Modesto, Stockton, and Visalia, California, and Youngstown, Ohio (memo No. 9554, BDA, OCCR, OGC, OC).

15a. Dockets 37280, 37281, and 37282, Ozark Air Lines' notices under section 401(j)(1) to terminate service at Bloomington, Mattoon/Charleston, and Mt. Vernon, Illinois (BDA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Item 11a is being added to the March 25, 1980 agenda in order to have the IATA order voted on as expeditiously as possible. The staff did not receive all comments from various Bureaus by that date and the comments eventually received required additional staff time to redraft certain sections. Item 12a was intended to be placed on the agenda for the meeting scheduled for March 27, but when that meeting was advanced to March 25 the staff was unable to complete the necessary coordination in time to have the item routinely placed on that agenda. Item 15a is being added because Board action is required by March 27 and there will not be another Board meeting prior to that date. Accordingly, the following Members have voted that agency business requires the addition of Items 11a, 12a, and 15a to the March 25, 1980 agenda and that no earlier announcement of these additions was possible:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer
Member, George A. Dalley

[S-628-80 Filed 3-25-80; 3:28 pm]

BILLING CODE 6320-01-M

2

[M-275, amdt. 2; March 21, 1980]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., March 25; 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

10a. Docket 37020, *Intra-Alaska Service Investigation,* and Docket 36815, *Southwest Alaska Service Investigation* (OGC).

18a. Docket 36530, Trans World Airlines, Inc. Passenger fare overcharges and refunds (memo No. 9156-A BCP).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Item 10a. is being added because there are direct exhibits due March 31, 1980. The staff proposal, if adopted, would considerably alter the scope of the proceeding. Item 18a, agreement entered into by BCP and TWA that provides for TWA to pay refunds plus interest to persons charged in excess of TWA's tariffs from Sept. 1 through Sept. 5, 1979 and to pay $80,000 in civil penalties subject to certain reduction provisions, must be placed on the agenda on less than seven days' notice so that TWA can begin the refund program described as soon as possible. This matter could not be placed on the next agenda earlier since the agreement was not finalized until the afternoon of March 19, 1980. Accordingly, the following Members have voted that agency business requires the addition of Items 10a and 18a to the March 25, 1980 agenda and that no earlier announcement of these additions was possible.

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer
Member, George A. Dalley

[S-627-80 Filed 3-25-80; 3:28 pm]

BILLING CODE 6320-01-M

3

[M-275, Amdt. 3; Mar. 24, 1980]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the March 25, 1980 board meeting.

TIME AND DATE: 9:30 a.m., March 25, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 14a. Dockets 36664 and EAS 487; Western's Notice to suspend Service at West Yellowstone and its Appeal of the Essential Air Service Determination (memo No. 9392-A, OGC, OCCR, BDA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary 202-673-5068.

SUPPLEMENTARY INFORMATION: Item 14a is being added because immediate Board action is required to enable the staff to complete the appeal prior to the June 1 date when the staff may have to order the carrier to resume service. Accordingly, the following Members have voted that agency business requires the addition of Item 14a to the March 25, 1980 agenda and that no earlier announcement of this addition was possible.

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer
Member, George A. Dalley

[S-629-80 Filed 3-25-80; 3:28 pm]

BILLING CODE 6320-01-M

4

[M-275, Amdt. 4; Mar. 24, 1980]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the March 25, 1980 meeting agenda.

TIME AND DATE: 9:30 a.m., March 25, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

V 45 / 61 MR 27 80 UMI

SUBJECT: 11a. IATA Agreements adopted by IATA relating to the Traffic Conferences (memo No. 9563, BDA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, 202–673–5068.

SUPPLEMENTARY INFORMATION: Item 11a is being deleted from the March 25, 1980 agenda in order to allow sufficient time for meetings with the staff. Member Bailey wants the staff to make substantial changes in the order before discussing it at a Board Meeting. Accordingly, the following Members have voted that Item 11a be deleted from the March 25, 1980 agenda and that no earlier announcement of this deletion was possible:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer
Member, George A. Dalley

[S-629-80 Filed 3-25-80; 3:28 pm]
BILLING CODE 6320-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, March 31, 1980, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Schall, Bourdreau & Gore, San Diego, California, in connection with the receivership of United States National Bank, San Diego, California.

Casey, Lane & Mittendorf, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Squire, Sanders & Dempsey, Cleveland, Ohio, in connection with the liquidation of Northern Ohio Bank, Cleveland, Ohio.

Peter H. & Huber J. Brandt, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York (two memorandums).

Memorandum and Resolution re: Final Amendments to Part 304 of the Corporation's rules and regulations entitled "Forms, Instructions and Reports."

Memorandum and Resolution re: Proposed Amendments to Part 308 of the Corporation's rules and regulations—Rules of Practice and Procedures.

Memorandum and Resolution re: Application Guidelines.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Audit Report: Cash Management Unit dated December 7, 1979.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 24, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-618-80 Filed 3-25-80; 12:33 pm]
BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, March 24, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Saving Fund Society of Germantown and Its Vicinity, Bala Cynwyd, Pennsylvania, for consent to establish a branch at 10th and Reed Streets, Philadelphia, Pennsylvania.

Notice of Acquisition of Control: Kennedy Bank and Trust Company, Bethesda, Maryland.

Grievance Officer's report and recommendations regarding the formal grievance of a Corporation employee with respect to which the name of the employee is authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable, that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6) and (c)(8) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6) and (c)(8)).

Dated: March 24, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-617-80 Filed 3-25-80; 12:33 pm]
BILLING CODE 6714-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, March 31, 1980, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

Western State Bank, a proposed new bank, to be located at 1750 E. Huntington Drive, Durate, California, for Federal deposit insurance.

State Bank of India (California), a proposed new bank, to be located at United California Bank Building, Suite 1995, 707 Wilshire Boulevard, Los Angeles, California, for Federal deposit insurance.

Bank of Yucca Valley, a proposed new bank, to be located at the northwest corner of Joshua Land and Yucca Trail, Yucca Valley, California, for Federal deposit insurance.

Charter Bank Eau Claire, and proposed new bank, to be located at the northwest corner of the intersection of West Clairemont Avenue and Hendrickson Drive, Eau Claire, Wisconsin, for Federal deposit insurance.

Application for consent to establish a branch:

Banco de San Juan, San Juan (Santurce), Puerto Rico, for consent to establish a branch at 1760 Loiza Street, San Juan, Puerto Rico.

Application for consent to merge and establish branches:

Pan American Bank of Broward, Lauderhill, Florida, an insured State nonmember bank, for consent to merge, under its charger and title, with Fidelity National Bank, Pompano Beach, Florida, and to establish the two offices of Fidelity National Bank as branches of the resultant bank.

Jefferson Bank, Biloxi, Mississippi, and insured State nonmember bank, for consent to merge, under its charter and with the title Coast Commercial Bank, with Singing River Bank, Moss Point, Mississippi, and to establish the two offices of Singing River Bank as branches of the resultant bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liqudating agent of those assets:

Case No. 44,265–NR—United States National Bank, Dan Diego, California.

Memorandum re: Coronado National Bank, Denver, Colorado.

Memorandum re: Northeast Bank of Houston, Houston, Texas.

Memorandum re: The Drovers' National Bank of Chicago, Chicago, Illinois.

Memorandum and Resolution re: Request of United Bank of Arizona, Phoenix, Arizona, for waiver of Qualification Examination requirements of the Municipal Securities Principal Examination.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 24, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-616-80 Filed 3-25-80; 12:33 pm]
BILLING CODE 6714-01-M

8

[FR No. 592]

FEDERAL ELECTION COMMISSION.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, March 27, 1980 at 10 a.m.

CHANGE IN MEETING: The following matter has been added to the Open Session scheduled for the above date:

Final Audit Report—Democratic Campaign Committee (Michigan)

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-619-80 Filed 3-25-80 2:02 pm]
BILLING CODE 6715-01-M

9

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 19116; March 24, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 26, 1980.

CHANGE IN THE MEETING: The following items have been added:

Item Number, Docket Number, and Company

CAM–5: GP80–64, State of Kentucky, Section 108 NGPA Determination, KLI Petroleum, Conrad No. 3–G, JD80–3874.

ER–13: ER80–66 and ER80–67, New England Power Company.

Kenneth F. Plumb,

Secretary.

[S-615-80 Filed 3-25-80; 11:36 am]
BILLING CODE 6450-85-M

10

[USITC SE 80–16A]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 17309.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Tuesday, March 25, 1980.

CHANGES IN THE MEETING: In deliberation held Monday, March 24, 1980, the United States International Trade Commission, in conformity with 19 C.F.R. 201.37, voted that Commission business requires that the meeting previously scheduled to be held Tuesday, March 25, 1980, be cancelled.

Commissioners Bedell, Alberger, Moore, Stern, and Calhoun determined by unanimous consent that Commission business requires the cancellation of the meeting for Tuesday, March 25, 1980, and affirmed that no earlier announcement of the change was possible, and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S-614-80 Filed 3-25-80; 10:20 am]
BILLING CODE 7020-02-M

11

[NM–80–15]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, April 3, 1980.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue S.W., Washington, D.C. 20594.

STATUS: The first five items will be open to the public; the sixth item will be closed to the public under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report*—Fishing Vessel LOBSTA–1 Capsizing and Sinking in Atlantic Ocean Southeast of Point Judith, Rhode Island, September 23, 1978.
2. *Aircraft Accident Report*—Downeast Airlines, Inc., deHavilland DHC–6–200, N68DE, Rockland, Maine, May 30, 1979.
3. *Highway Accident Report*—Two Vehicle Collision and Fire, U.S. Route 422, Indiana, Pennsylvania, September 22, 1979.
4. *Railroad Accident Report*—Head-End Collision of Amtrak Train No. 51 at Harvey, Illinois, on October 12, 1979.
5. *Proposed Special Study*—Vehicle Size and Effects.
6. *Order*—Administrator v. McHenry, Dkt. SM–2316; disposition of petition for reconsideration.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–472–6022.

March 25, 1980.

[S-621-80 Filed 3-25-80; 2:02 pm]
BILLING CODE 4910-58-M

12

NUCLEAR REGULATORY COMMISSION.

DATE: March 21 and 31, 1980.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C. (March 21).

PLEASE NOTE: Room 550, East-West Towers Building, 4350 East-West Highway, Bethesda, Md. (March 31).

STATUS: Open.

Friday, March 21 (Commissioners conference room, H Street, NW.).

V 45 / 61 MAR 27 80 UMI

5:55 p.m.

1. Affirmation Session (approximately 5 minutes, public meeting).

a. Motions Filed by Joint Intervenors in Diablo Canyon.

Monday, March 31 (Room 550, East-West Towers).

10 a.m.

1. Briefing on Interim Actions on Performance Testing For Personnel Dosimetry (approximately 1 hour, public meeting) (delayed from March 24).

2. Briefing on Two Approaches to the Treatment of Inventory Differences in Nuclear Material Accounting (approximately 1 hour, public meeting).

2 p.m.

1. Discussion of Final Rule on Transportation of Spent Fuel (approximately 1 hour, public meeting).

2. Briefing on General Position on Protection of Routing Information (approximately 1 hour, public meeting).

ADDITIONAL INFORMATION: On Friday, March 21, the Commission, by a vote of 3–0 (Commissioner Kennedy & Hendrie not present), determined that pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules, Commission business required that the Affirmation Session, held that day, be held on less than one week's notice to the public.

The Discussion of Legislative Testimony scheduled for March 24, was not held.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR DAILY UPDATE: (202) 634–1498.

Roger M. Tweed,
Office of the Secretary.
March 24, 1980.

[S-622-80 Filed 3-25-80; 2:28 pm]
BILLING CODE 7590-01-M

13

[OP0401]

PAROLE COMMISSION.

National Commissioners (the Commissioners presently maintaining Offices at Washington, D.C. Headquarters).

TIME AND DATE: 9:00 a.m., Wednesday, April 2, 1980.

PLACE: Room 828A, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 13 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Analyst: (202) 724–3094.

[S-623-80 Filed 3-25-80; 3:01 pm]
BILLING CODE 4410-01-M

14

PAROLE COMMISSION.

TIME AND DATE CORRECTION: The meeting scheduled for Tuesday, March 18, 1980 announced in the **Federal Register** on Monday, March 10, 1980 45 FR 15365, was postponed on 9:00 a.m., Wednesday, March 19, 1980.

PLACE: Room 826A, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 12 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Analyst: (202) 724–3094.

[S-624-80 Filed 3-25-80; 3:01 pm]
BILLING CODE 4410-01-M

15

POSTAL SERVICE (Board of Governors).

Amendment to Notice of Meeting

The Board of Governors of the United States Postal Service recently published a Notice of Meeting to be held on Tuesday, April 1, 1980, in Room 401B of the Management Sectional Center, 900 E. Fayette Street, Baltimore, Maryland. Subsequently, on March 24, 1980, the Postal Rate Commission transmitted to the Governors its Opinion and Recommended Decision Upon Reconsideration concerning Third-Class Carrier Route Presort Proposal, 1978 (Commission Docket No. MC78–2). The Governors are expected to review this matter at the meeting of April 1. Accordingly, it is added to the agenda for that meeting. The Governors may elect to close the portion of the meeting at which this agenda item is to be discussed to public observation, since the discussion is likely to specifically concern the participation of the Postal Service in a civil action or proceeding.

In keeping with the foregoing, the following item is added to the Agenda for the April meeting.

7. Opinion and Recommended Decision upon Reconsideration of Postal Rate Commission, dated March 24, 1980, re Third-Class Carrier Route Presort Proposal, 1978 (Commission Docket No. MC78–2).

(The Governors of the Postal Service will consider the Commission's Recommended Decision. As stated above in the Amendment to Notice of Meeting, the discussion of this Agenda item is likely to be closed to the public.)

Louis A. Cox,
Secretary.

[S-625-80 Filed 3-25-80; 3:28 pm]
BILLING CODE 7710-12-M

16

UNITED STATES RAILWAY ASSOCIATION.

TIME AND DATE: 9 a.m., April 3, 1980.

PLACE: 955 L'Enfant Plaza North SW., board room, room 2–500, fifth floor, Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS: Portions open to the public (9 a.m.).

1. Election of Acting Chairman for the meeting.
2. Southern Railway System Presentation.
3. Approval of minutes of the February 28 and 29, 1980 Board of Directors meeting.
4. Consideration of promulgation of ESOP rules.
5. Consideration of ConRail ESOP Plan and Appropriate Waivers of Financing Agreements.
6. Report on New England Study.
7. Report on ConRail monitoring.
8. Consideration of ConRail revised second quarter investment commitment request.
9. Consideration of ConRail drawdown request for April.
10. Considerations of 211(h) loan program.
11. Legislative report.
12. Contract actions (extensions and approvals).

Portions closed to the public (11 a.m.)

13. Review of ConRail proprietary and financial information for monitoring and investment purposes.
14. Review of Missouri-Kansas-Texas Railroad proprietary and financial information.
15. Review of Delaware and Hudson Railway Company proprietary and financial information.
16. Litigation report.
17. Consideration of internal personnel matters.

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow, (202) 426–4250.

[S-626-80 Filed 3-25-80; 2:29 pm]
BILLING CODE 8240-01-M

V45/61 MR27 80 UMI

federal register

Thursday
March 27, 1980

Part II

Environmental Protection Agency

High Altitude Emission Standards Voluntary Compliance Program for 1981 Model Year Light-Duty Motor Vehicles; Final Rule

V 45/61 MAR 27 80 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[FRL-1420-2]

Control of Air Pollution From New Motor Vehicle Engines; High Altitude Emission Standards Voluntary Compliance Program for 1981 Model Year Light-Duty Motor Vehicles

AGENCY: Environmental Protection Agency.

ACTION: Final Rulemaking.

SUMMARY: The EPA is promulgating new exhaust and evaporative emission standards which are voluntary for 1981 model year light-duty vehicles (LDV's) and light-duty trucks (LDT's) when sold for principal use at altitudes above 4,000 feet (1,219 meters) mean sea level. The standards in this high-altitude voluntary compliance program are identical to those proposed for mandatory compliance by 1982 and 1983 model year vehicles in the Agency's January 24, 1980, Notice of Proposed Rulemaking (NPRM) entitled, "Proposed High-Altitude Emission Standards for 1982 and 1983 Model Year Light-Duty Motor Vehicles." (45 FR 5988).

EFFECTIVE DATE: These amendments are effective April 28, 1980.

ADDRESSES: Copies of material relevant to this rulemaking action are contained in the public docket which was established for the NPRM pertaining to the mandatory 1982 and 1983 model year standards. This docket, number A-79-14, is located at the U.S. Environmental Protection Agency, Central Docket Section, Waterside Mall, Room 2903 (EPA Library), 401 M. Street, SW., Washington, D.C. 20460. The docket may be inspected between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday. A reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Richard Wilcox, Emission Control Technology Division, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313-668-4390.

SUPPLEMENTARY INFORMATION:

Background

During model year 1977, EPA regulations required that new light-duty motor vehicles intended for sale at high-altitude demonstrate compliance with the applicable (low altitude) emission standards at high altitude. One result of this requirement was that some motor vehicle manufacturers either chose not to certify or failed to certify for sale at high altitude, some of the models in their product lines. The limitation in the number of models available for sale in these areas generated an adverse reaction among the affected vehicle purchasers and automobile dealerships. With passage of the Clean Air Amendments of 1977, the Congress, in section 213 of those amendments (Sections 202(f) and 206(f) of the Clean Air Act as amended), revoked the EPA high-altitude motor vehicle certification regulations, prohibited the establishment of any other regulations governing the sale or distribution of motor vehicles at high-altitude before 1981, and required that, beginning with the 1984 model year, all new light-duty vehicles (LDVs) comply with the applicable emission standards regardless of the altitude at which they are sold. On January 24, 1980, the Agency proposed mandatory high-altitude standards for 1982 and 1983 model year motor vehicles (45 FR 5988).

Control Strategy

In the NPRM concerning 1982 and 1983 model year vehicles, EPA indicated that it would implement a voluntary program for complying with the high-altitude standards during the 1981 model year. Although a compulsory program in 1981 would have been preferred, the Agency determined that high-altitude regulations could not be fully implemented before certification of the 1981 model year vehicles had begun.

EPA is convinced, however, that the severity of atmospheric pollution in high-altitude areas justifies control of high-altitude vehicle emissions as early as is feasible. The Agency has found that motor vehicles which comply with low-altitude standards produce as much as 50 percent more exhaust hydrocarbon (HC) and nearly 100 percent more carbon monoxide (CO) when tested at 5,000 feet above sea level. We have also learned that, in most high-altitude urban areas, motor vehicles account for more than half of the total HC emissions and almost all of the CO emissions. These emission levels combine with summer sunlight and stable winter atmospheric conditions to cause numerous violations of the ambient air quality standards for ozone and CO in high-altitude metropolitan areas. Therefore, in recognizing the manufacturing leadtime situation, and at the same time the need to take immediate action to safeguard the public health, EPA is now promulgating and encouraging participation in a voluntary compliance program for the 1981 model year.

EPA has been encouraged by the domestic automobile manufacturers' attitude toward reducing the severity of high-altitude pollution problems, and we expect that the entire industry will take advantage of the 1981 voluntary compliance program whenever possible. Some specific reasons why this program may be useful are:

1. As indicated above, vehicles designed to meet low altitude standards at low altitudes often do not perform well in the areas of fuel economy, emission control, and driveability when driven at high altitude. Although it is currently possible for a manufacturer to certify better-performing vehicles for sale in high altitude areas, this may only be done if he can demonstrate compliance with the low altitude standards at high altitude. Since manufacturers have experienced difficulty in certifying to the low altitude standards at high altitude, some vehicles which might perform better at high altitudes have not been made available to the public. The 1981 voluntary compliance program will permit manufacturers to meet numerically less stringent HC and CO standards when certifying at high altitudes. This will afford the manufacturer an opportunity to make available in high altitude areas vehicles which have better fuel economy, emission control and driveability performance than that achieved by vehicles designed to meet low altitude standards at low altitudes when driven in high altitude areas.

2. In 1981, parameter adjustment regulations (PAR) (44 FR 2960) will affect the adjustability of idle fuel-air mixtures and choke valve actions. It is conceivable that under some circumstances these regulations could constrain manufacturers from offering the most effective high-altitude performance adjustments. Under section 215 of the Act, EPA is developing regulations to require the availability of high-altitude performance adjustment instructions. These adjustments are intended to reduce emissions at high altitude by allowing simple calibration changes to vehicle engines. If the adjustable parameter is limited to such a degree as to preclude simple and effective performance adjustments, or if potential adjustments are totally excluded, manufacturers can certify a different configuration for a high-altitude vehicle under the voluntary compliance program that takes full advantage of different calibrations. This would allow high-altitude emissions to be reduced to the lowest possible level;

3. By using the voluntary program, motor vehicles which are unsafe and, therefore, unavailable in high-altitude areas, or vehicles that have degraded driveability when operated under high-altitude conditions, can be improved by certifying them with high-altitude configured components which may otherwise not have been previously allowed under the vehicle's certificate of conformity because they could not meet the levels of the low-altitude standards; and

4. Due to resource constraints, manufacturers may find it advantageous to certify some engine families in 1981 and "carry over" their certification data to comply with the 1982 and 1983 mandatory standards.

Standards

Vehicles certified under the high-altitude voluntary certification program must meet the high-altitude standards as originally proposed in the January 24, 1980 NPRM. Compliance testing will be performed at 5,400 feet (1,650 meters). These standards are consistent with the Congressional intent of significantly reducing motor vehicle emissions at high altitudes. The level of each exhaust emission standard was determined by using actual emission performance data from a 1970 fleet of 25 light-duty vehicles which were tested at both high and low altitudes.[1] The evaporative emission standards were derived from a theoretical analysis rather than actual vehicle tests.[2] The following table summarizes the voluntary standards at the reference altitude.

Voluntary Standards at Reference Altitude of 5,400 feet (Denver Test Site)

	HC [1]	CO [1]	NO_x [1]	Evap. [2]
LDV 1981	0.57	7.8	1.0	2.6
LDT 1981	2.0	26	2.3	2.6

[1] Grams per mile.
[2] Grams per test.

Warranty, Recall Actions, and Selective Enforcement Audits

As previously stated, certification with the high-altitude standards for any 1981 model year vehicle shall be optional. Vehicle manufacturers will not be liable for violations of section 203(a)(1) of the Clean Air Act for selling or introducing into commerce, at high-altitude locations, vehicles certified to meet only low-altitude standards. However, once a vehicle manufacturer elects to certify and build vehicles to meet high-altitude standards, the manufacturer is responsible for compliance with all other appropriate provisions of the Act. The Agency may elect to conduct recall testing and Selective Enforcement Audits of such vehicles at high-altitude locations and take enforcement action if the vehicles fail to meet high-altitude standards.

Likewise, the Agency intends to monitor high-altitude vehicles which a manufacturer may choose to sell for principal use at low-altitude locations. Recall investigations will be initiated if there are data to indicate that such vehicles do not meet low-altitude standards when tested at low-altitude locations, and recalls will be considered where appropriate. In both situations mentioned above (i.e., where vehicles certified and configured to meet high-altitude standards are sold for principal use at either high- or low-altitude locations), vehicle manufacturers shall be required to comply with all applicable warranty requirements of section 207 of the Act.

Economic and Environmental Impact

Because of the voluntary nature of this action, it is impossible to quantify the economic and environmental consequences. However, these issues can be addressed in a qualitative manner. It is self-evident that manufacturers would not participate in the program if it were excessively expensive. For this reason, the cost of the regulations is expected to be relatively small with a negligible economic impact on the industry. Sales for some manufacturers could actually increase and offset any economic impact if by participating in the voluntary compliance program a vehicle with superior driveability and performance is produced. Better driveability and performance also benefit consumers. The environmental impact from this regulation will be positive. Vehicles manufactured in compliance with the high-altitude standards should produce less CO and HC emissions when operated at high altitude than if they complied only with the existing low-altitude standards.

Changes to the Preexisting High-Altitude Regulations

As previously mentioned, a voluntary certification program for high-altitude motor vehicles is already in effect. This program was promulgated by EPA after Congress revoked the mandatory 1977 high-altitude standards. The final rule which is being promulgated in this rulemaking action affects many but not all of the sections in 40 CFR Part 86 which pertain to the current voluntary rule. Only the sections of the preexisting CFR that are being modified by this final rulemaking action are published in this Federal Register notice. Therefore, the preexisting sections of the CFR that remain in effect are not republished here, and motor vehicle manufacturers must also comply with their requirements.

Public Participation: The voluntary compliance program for 1981 is not binding on the automotive industry and, therefore, does not adversely affect the private sector. This action also does not adversely affect the public health and welfare since participation in the voluntary compliance program will produce tangible benefits in the form of reduced air pollution in high-altitude areas. Also, any delay in implementing this program will negate its effectiveness since manufacturers are currently beginning to certify 1981 model year vehicles. For these reasons, EPA finds that notice and opportunity to comment on the regulations implementing the program are unnecessary and would be contrary to the public interest.

Note.—The Environmental Protection Agency has determined that this document is not a "significant" regulation requiring the preparation of a Regulatory Analysis under Executive Order 12044.

Dated: March 18, 1980.

Douglas M. Costle,
Administrator, U.S. Environmental Protection Agency.

40 CFR Part 86 is amended as follows:

Subpart A—General Provisions

1. A new § 86.081-1 is added. This section is identical to § 86.078-1 except that paragraph (c) is revised.

§ 86.081-1 General applicability.

(a) The provisions of this subpart apply to 1981 and later model year new gasoline-fueled and Diesel light-duty vehicles, 1981 and later model year new gasoline-fueled and Diesel light-duty trucks and 1981 and later model year new gasoline-fueled and Diesel heavy-duty engines.

(b) *Optional applicability.* A manufacturer may request to certify any heavy-duty vehicle 10,000 pounds GVWR or less as a light-duty truck: Heavy-duty vehicle provisions do not apply to such a vehicle.

(c)(1) *Optional high-altitude certification.* A manufacturer of light-duty vehicles and light-duty trucks may request to demonstrate compliance with the optional high-altitude standards at high altitudes by identifying such vehicles in the application for certification. The optional high-altitude emission standards are contained in

[1] Proposed High-Altitude Emission Standards for 1982 and 1983 Model Year Light-Duty Motor Vehicles, 45 FR 5988 January 24, 1980.

[2] Leiferman, M. 1979. Effect of Altitude on Non-Controlled Evaporative Emissions from Gasoline Fueled Vehicles. EPA Technical Report. Docket A-79-14.

§ 86.081–8, paragraphs (d) and (e) and § 86.081–9, paragraphs (d) and (e).

(2) The provisions of this subpart applicable to light-duty vehicles and light-duty trucks sold for principal use at designated high altitudes shall apply to any manufacturer who elects to demonstrate compliance with the optional high-altitude standards at such elevations.

2. Section 86.081–2 is added.

§ 86.081–2 Definitions.

(a) The definitions in § 86.080–2 also apply beginning with the 1981 model year vehicles.

(b) In addition to the definitions indicated in paragraph (a) of this section the following definition also applies:

"High-altitude reference point" means an elevation of 1,620 meters (5,400 feet) plus or minus 100 meters (330 feet), or equivalent observed barometric test conditions of 82 kPa (24.2 inches Hg), plus or minus 1 kPa (0.30 inches Hg).

3. In § 86.081–8, paragraphs (d) and (e) are added.

§ 86.081–8 Emission standards for 1981 model year light-duty vehicles.

* * * * *

(d)(1) Model year 1981 light-duty vehicles sold for principal use at designated high-altitude locations shall not exceed the following exhaust emission standards when tested at the high-altitude reference point if the manufacturer of such vehicles elects to demonstrate compliance with the high-altitude emission standards.

(i) *Hydrocarbons.* 0.57 grams per vehicle mile;

(ii) *Carbon monoxide.* 7.8 grams per vehicle mile;

(iii) *Oxides of nitrogen.* 1.0 gram per vehicle mile, except that oxides of nitrogen emissions from 1981 light-duty vehicles manufactured by American Motors Corporation shall not exceed 2.0 grams per vehicle mile.

(2) The standards set forth in paragraph (d)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in Subpart B of this part and measured and calculated in accordance with those procedures.

(e)(1) Fuel evaporative emissions from 1981 model year gasoline-fueled light-duty vehicles sold for principal use at designated high-altitude areas shall not exceed 2.6 gram per test when tested at the high-altitude reference point if the manufacturer of such vehicles elects to demonstrate compliance with the high-altitude emission standards.

(2) The standard set forth in paragraph (e)(1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in Subpart B of this part and measured in accordance with those procedures.

4. In § 86.081–9, paragraphs (d) and (e) are added.

§ 86.081–9 Emission standards for 1981 model year light-duty trucks.

* * * * *

(d)(1) Model year from 1981 light-duty trucks sold for principal use at designated high-altitude locations shall not exceed the following exhaust emission standards when tested at the high-altitude reference point if the manufacturer of such vehicles elects to demonstrate compliance with the high-altitude standards.

(i) *Hydrocarbons.* 2.0 grams per vehicle mile;

(ii) *Carbon monoxide.* 26.0 grams per vehicle mile;

(iii) *Oxides of nitrogen.* 2.3 grams per vehicle mile.

(2) The standards set forth in paragraph (d)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in Subpart B of this part and measured and calculated in accordance with those procedures.

(e)(1) Fuel evaporative emissions from 1981 model year gasoline-fueled light-duty trucks sold for principal use at designated high-altitude areas shall not exceed 2.6 grams per test when tested at the high-altitude reference point if the manufacturer of such vehicles elects to demonstrate compliance with high-altitude emission standards.

(2) The standard set forth in paragraph (e)(1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in Subpart B of this part and measured in accordance with those procedures.

5. In § 86.081–21, paragraph (a) is revised.

§ 86.081–21 Application for certification.

(a) A separate application for a certificate of conformity shall be made for each set of standards (except for high-altitude standards) and each class of new motor vehicle engines. Such application shall be made to the Administrator by the manufacturer and shall be updated and corrected by amendment.

* * * * *

6. Section 86.081–28 is added. This section is identical to § 86.079–28 except for paragraph (a)(4)(i)(B).

§ 80.081–28 Compliance with emission standards.

(a)(1) Paragraph (a) of this section applies to light-duty vehicles and light-duty trucks.

(2) The applicable exhaust and fuel evaporative emission standards of this subpart apply to the emissions of vehicles for their useful life.

(3) Since it is expected that emission control efficiency will change with mileage accumulation on the vehicle, the emission level of a vehicle which has accumulated 50,000 miles will be used as the basis for determining compliance with the standards.

(4) The procedure for determining compliance of a new motor vehicle with exhaust emission standards is as follows:

(i) Separate emission deterioration factors shall be determined from the exhaust emission results of the durability-data vehicle(s) for each engine-system combination. A separate factor shall be established for exhaust HC, exhaust CO), and exhaust NO_x for each engine-system combination. A separate evaporative emission deterioration factor shall be determined for each evaporative emission family-evaporative emission control system combination from the testing conducted by the manufacturer.

(A) The applicable results to be used in determining the exhaust emission deterioration factors for each engine-system combination shall be:

(*1*) All valid exhaust emission data from the tests required under § 86.081–26(a)(4) except the zero-mile tests. These shall include the official test results, as determined in § 86.079–29 for all tests conducted on all durability-data vehicles of the combination selected under § 86.081–24(c) (including all vehicles elected to be operated by the manufacturer under § 86.081–24(c)(1)(ii)).

(*2*) All exhaust emission data from the tests conducted before and after the scheduled maintenance provided in § 86.079–25.

(*3*) All exhaust emission data from tests required by maintenance approved under § 86.079–25, in those cases where the Administrator conditioned his approval for the performance of such maintenance on the inclusion of such data in the deterioration factor calculation.

(B) All applicable exhaust emission results shall be plotted as a function of the mileage on the system, rounded to the nearest mile, and the best fit straight lines, fitted by the method of least squares, shall be drawn through all these data points. The interpolated 4,000- and 50,000-mile points on this line must be within the low-altitude standards provided in § 86.081–8 or § 86.081–9 as applicable, or the data will not be acceptable for use in calculation of a deterioration factor, unless no applicable data point exceeded the standard. An exhaust emission deterioration factor shall be calculated for each engine-system combination as follows:

Factor = Exhaust emissions interpolated to 50,000 divided by exhaust emissions interpolated to 4,000 miles.

These interpolate values shall be carried out to a minimum of four places to the right of the decimal point before dividing one by the other to determine the deterioration factor. The results shall be rounded to three places to the right of the decimal point in accordance with ASTME 29–67.

(C) An evaporative emissions deterioration factor shall be determined from the testing conducted as described in § 86.081–21(b)(4)(ii), for each evaporative emission family-evaporative emission control system combination to indicate the evaporative emission level at 50,000 miles relative to the evaporative emission level at 4,000 miles as follows:

Factor = Evaporative emission level at 50,000 miles minus the evaporative emission level at 4,000 miles.

The factor shall be established to a minimum of two places to the right of the decimal.

(ii)(A) The official exhaust emission test results for each emission-data vehicle at the 4,000-mile test point shall be multiplied by the appropriate deterioration factor: *Provided,* That if a deterioration factor as computed in paragraph (a)(4)(i)(B) of this section is less than one, that deterioration factor shall be one for the purposes of this paragraph.

(B) The official evaporative emission test results for each evaporative emission-data vehicle at the 4,000-mile test point shall be adjusted by addition of the appropriate deterioration factor: *Provided,* That if a deterioration factor as computed in paragraph (a)(4)(i)(C) of this section is less than zero, that deterioration factor shall be zero for the purposes of this paragraph.

(iii) The emissions to compare with the standard shall be the adjusted emissions of paragraph (a)(4)(ii)(A) and (B) of this section for each emission-data vehicle. Before any emission value is compared with the standard, it shall be rounded, in accordance with ASTM E 29–67, to two significant figures. The rounded emission values may not exceed the standard.

(iv) Every test vehicle of an engine family must comply with the exhaust emission standards, as determined in paragraph (a)(4)(iii) of this section, before any vehicle in that family may be certified.

(v) Every test vehicle of an evaporative emission family must comply with the evaporative emission standards, as determined in paragraph (a)(4)(iii) of this section, before any vehicle in that family may be certified.

(b)(1) Paragraph (b) of this section applies to heavy-duty engines.

(2) The exhaust emission standards for gasoline-fueled engines in § 86.080–11 or for Diesel engines in § 86.080–11 apply to the emissions of engines for their useful life.

(3) Since emission control efficiency decreases with the accumulation of hours on the engine, the emission level of a gasoline-fueled engine which has accumulated 1,500 hours of dynamometer operation or a diesel engine which has accumulated 1,000 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

(4) The procedure for determining compliance of a new engine with exhaust emission standards is as follows:

(i) Separate emission deterioration factors shall be determined from the emission results of the durability-data engines for each engine-system combination. Separate factors shall be established for HC, CO, and for the combined emissions of HC and NO_x. For Diesel engines, separate factors shall also be established for the acceleration mode (designated as "A"), the lugging mode (designated as "B"), and the peak opacity (designated as "C").

(A) The applicable results to be used in determining the deterioration factors for each combination shall be:

(*1*) All valid emission data from the tests required under § 86.079–26(b). These shall include the official test results, as determined in § 86.079–29, for all tests conducted on all gasoline-fueled durability-data engines of the combination selected under § 86.081–24(c)(2) or on all Diesel durability-data engines of the combination selected under § 86.081–24(c)(3) (including all engines elected to be operated by the manufacturer under § 86.081–24(c)(2)(iii) for gasoline-fueled engines or under § 86.081–24(c)(3)(ii) for Diesel engines).

(*2*) All emission data from the tests conducted before and after maintenance provided in § 86.079–25(c)(2)(i)(A) for gasoline-fueled engines or in § 86.079–25(c)(2)(i)(B) for Diesel engines.

(*3*) All emission data from the tests conducted before and after maintenance provided in § 86.079–25(c)(2)(v)(C) for Diesel engines if emission tests were conducted.

(B) All applicable emission results for (*1*) HC, (*2*) CO, (*3*) HC+NO_x, (*4*) acceleration smoke ("A"), (*5*) lugging smoke ("B"), and (*6*) peak smoke ("C") shall be plotted as a function of durability hours which shall be consistently rounded to the nearest hour. Emission data shall have two figures to the right of the decimal. The best fit straight lines, fitted by the method of least squares, shall be drawn through these data points. The interpolated 125-hour and 1,500-hour points for gasoline-fueled engines or the 1,000-hour point for Diesel engines on each line, rounded to whole numbers in accordance with ASTM E 29–67, must be within the standards specified in § 86.080–10 for gasoline-fueled engines or in § 86.080–11 for Diesel engines or the data shall not be used in the calculation of a deterioration factor, unless no applicable data points exceed the standards.

(C) The interpolated values shall be used to calculate a deterioration factor as follows:

Factor = Exhaust emissions interpolated to 1,500 hours for gasoline-fueled engines or to 1,000 hours for Diesel engines minus the exhaust emissions interpolated to 125 hours. (Negative deterioration factors shall be considered zero).

(ii) The appropriate deterioration factor, carried out to two places to the right of the decimal point, shall be added to the exhaust emission test results, carried out to two places to the right of the decimal point, for each emission-data engine.

(iii) The emission values to compare with the standards shall be the adjusted emission values of paragraph (b)(4)(ii) of this section rounded to two significant figures in accordance with ASTM E 29–67 for each emission-data engine.

(iv) Every test engine of engine family must comply with all applicable standards, as determined in paragraph (b)(4)(iii) of this section, before any engine in that family will be certified.

7. Section 86.081–30 is added. This section is identical to § 86.079–30 except for paragraphs (a)(3), (a)(4), (a)(5), (a)(6), (b)(1)(i)(B), and (b)(1)(i)(C).

§ 86.081–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 86.078–7(c), and any other pertinent data or information, the Administrator determines that a test vehicle(s) (or test engines(s)) meet(s) the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) (or engine(s)) except in cases covered by paragraph (c) of this section.

(i) Each certificate of conformity shall state the altitudes(s) at which the

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vehicle(s) covered by the certificate has demonstrated compliance with the applicable emission standards.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle (or new motor vehicle engine) covered by the certificate will meet the requirements of the Act and of this part. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles (or new motor vehicle engines) which conform, in all material respects, to the design specifications that applied to those vehicles (or engines) described in the application for certification and which are produced during the—model year production period of the said manufacturer, as defined in 40 CFR 86.081–2.

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 86.078–7(c) which concern either the vehicle (or engine) certified, or any production vehicle (or production engine) which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 86.078–7(c) with respect to any such vehicle (or engine) may lead to revocation or suspension of this certificate as specified in 40 CFR 86.081–30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in § 86.081–30 (c) or (d).

(3) One such certificate will be issued for each engine family. For gasoline-fueled light-duty vehicles and light-duty trucks, one such certificate will be issued for each engine family-evaporative emission family combination. Each certificate will certify compliance with no more than one set of standards except for low-altitude standards and high-altitude standards.

(4) The adjustment or modification of any light-duty vehicle or light-duty truck in accordance with instructions provided by the manufacturer as approved by EPA for the altitude where the vehicle is principally used, will not be considered a violation of section 203(a)(3) of the Clean Air Act.

(5) For the purpose of this subpart, "designated high-altitude location" is any county which has substantially all of its area located above 1,219 meters (4,000 feet) and which is identified below:

Counties Located Substantially Above 1,219 Meters (4,000 Feet) in Elevation

State of Arizona

Apache	Navajo
Cochise	Yapai
Coconino	

State of Colorado

Adams	Alamosa
Arapahoe	Lake
Archuleta	La Plata
Boulder	Larimer
Chaffee	Las Animas
Cheyenne	Lincoln
Clear Creek	Mesa
Conejos	Mineral
Costilla	Moffat
Crowley	Montezuma
Custer	Montrose
Delta	Morgan
Denver	Otero
Dolores	Ouray
Douglas	Park
Eagle	Pitkin
Elbert	Pueblo
El Paso	Rio Blanco
Fremont	Rio Grande
Garfield	Routt
Gilpin	Saguache
Grand	San Juan
Gunnison	San Miguel
Hinsdale	Summit
Huerfano	Teller
Jefferson	Washington
Jackson	Weld
Kit Carson	

State of Idaho

Bannock	Custer
Bear Lake	Franklin
Bingham	Fremont
Blaine	Jefferson
Bonneville	Lemhi
Butte	Madison
Camas	Minidoka
Caribou	Oneida
Cassia	Power
Clark	Teton
	Valley

State of Montana

Beaverhead	Madison
Deer Lodge	Meagher
Gallatin	Park
Jefferson	Silver Bow
Judith Basin	Wheatland
Powell	

State of Nebraska

Banner	Kimball
Cheyenne	Sioux

State of Nevada

Carson City	Lander
Douglas	Lyon
Elko	Mineral
Esmeralda	Nye
Eureka	Pershing
Humboldt	Storey
Lincoln	Washoe
	White Pine

State of New Mexico

Bernalillo	Mora
Catron	Rio Arriba
Colfax	Sandoval
Curry	San Juan
De Baca	San Miguel
Grant	Santa Fe
Guadalupe	Sierra
Harding	Socorro
Hidalgo	Roosevelt
Lincoln	Taos
Los Alamos	Torrance
Luna	Union
McKinley	Valencia
Otero	

State of Oregon

Harney	Klamath
Lake	

State of Texas

Jeff Davis	Parmer
Hudspeth	

State of Utah

Beaver	Piute
Box Elder	Rich
Cache	Salt Lake
Carbon	San Juan
Daggett	Sanpete
Davis	Sevier
Duchesne	Summit
Emery	Tooele
Garfield	Uintah
Grand	Utah
Iron	Wasatch
Juab	Wayne
Kane	Weber
Millard	
Morgan	

State of Wyoming

Albany	Natrona
Campbell	Niobrara
Carbon	Park
Converse	Platte
Fremont	Sublette
Goshen	Sweetwater
Hot Springs	Teton
Johnson	Uinta
Laramie	Washakie
Lincoln	Weston

(6) The provisions of paragraph (a)(4) of this section shall not apply to any light-duty vehicle or light-duty truck sold, offered for sale, introduced, or delivered for introduction into commerce in California provided that the vehicle is covered by a certificate of conformity with emission standards in effect in California.

(7) Certificates issued for light-duty vehicles or light-duty trucks certified with catalytic converters shall be subject to the following term in addition to the term in paragraph (a)(2) of this section: "Catalyst-equipped vehicles, otherwise covered by this certificate, which are driven outside the United States, Canada, and Mexico will be presumed to have been operated on leaded gasoline resulting in deactivation of the catalysts. If these vehicles are imported or offered for the importation without retrofit of the catalyst, they will be considered not to be within the coverage of this certificate unless included in a catalyst control program operated by a manufacturer or a United States Government Agency and approved by the Administrator."

(8) Certificates issued for incomplete light-duty trucks shall be subject to the following term in addition to the term in paragraph (a)(2) of this section: "For incomplete light-duty trucks, this certificate covers only those new motor vehicles which when completed by having the primary load-carrying device or container attached, conform to the maximum curb weight and frontal area limitations described in the application for certification as required in 40 CFR 86.081–21(d)."

(9) Certificates issued for heavy-duty engines shall be subject to the following term in addition to the term in paragraph (a)(2) of this section: "For heavy-duty engines, this certificate covers only those new motor vehicle engines installed in heavy-duty vehicles which conform to the minimum gross vehicle weight rating, curb weight, or frontal area limitations for heavy-duty vehicles described in 40 CFR 86.081–2."

(b)(1) The Administrator will determine whether a vehicle (or engine) covered by the application complies with applicable standards by observing the following relationships:

(i) *Light-duty vehicles and light-duty trucks.* (A) The durability-data vehicle(s) selected under § 86.081–24(c)(1)(i) shall represent all vehicles of the same engine-system combination.

(B) The emission-data vehicle(s) selected under § 86.081–24(b)(1)(ii), shall represent all vehicles of the same engine-system combination as applicable.

(C) The emission-data vehicle(s) selected under § 86.081–24 (b)(1)(vii)(A) and (b)(1)(vii)(B) shall be represent all vehicles of the same evaporative emission control system within the evaporative emission family.

(D) The emission-data vehicle(s) selected under § 86.081–24(b)(1)(v) shall represent all vehicles of the same engine-system combination to be sold at high altitude.

(E) The emission-data vehicle(s) selected under § 86.081–24(b)(1)(vii)(D) shall represent all vehicles of the same evaporative emission control system within the evaporative emission family sold at high altitude.

(ii) *Gasoline-fueled heavy-duty engines.* (A) A test engine selected under § 86.081–24(b)((2)(ii) and (iv) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(B) A test engine selected under § 86.081–24(b)(2)(iii) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(C) A test engine selected under § 86.081–24(c)(2)(i) shall represent all engines of the same engine-system combination.

(iii) *Diesel heavy-duty engines.* (A) A test engine selected under § 86.081–24(b)(3)(ii) shall represent all engines in the same engine-system combination.

(B) A test engine selected under § 86.081–24(b)(3)(iii) shall represent all engines of that emission control system at the rated fuel delivery of the test engines.

(C) A test engine selected under § 86.081–24(c)(3)(i) shall represent all engines of the same engine-system combination.

(2) The Administrator will proceed as in pararaph (a) of this section with respect to the vehicles (or engines) belonging to an engine family or engine family-evaporative emission family combination (as applicable), all of which comply with all applicable standards.

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 86.079–29, data or information derived from any inspection carried out under § 86.078–7(c) or any other pertinent data or information, the Administrator determines that one or more test vehicles (or test engines) of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination. Within 30 days following receipt of the notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determination and data in support of such objections. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 86.078–6 with respect to such issue.

(4) For light-duty vehicles and light-duty trucks the manufacturer may, at his option, proceed with any of the following alternatives with respect to an emission-data vehicle determined not in compliance with all applicable standards for which it was tested:

(i) Request a hearing under § 86.078–6; or

(ii) Remove the vehicle configuration (or evaporative vehicle configuration, as applicable) which failed, from his application;

(A) If the failed vehicle was tested for compliance with exhaust emission standards only: The Administrator may select, in place of the failed vehicle, in accordance with the selection criteria employed in selecting the failed vehicle, a new emission-data vehicle to be tested for exhaust emission compliance only.

(B) If the failed vehicle was tested for compliance with both exhaust and evaporative emission standards: The Administrator may select, in place of the failed vehicle, in accordance with the selection criteria employed in selecting the failed vehicle, a new emission-data vehicle which will be tested for compliance with both exhaust and evaporative emission standards. If one vehicle cannot be selected in accordance with the selection criteria employed in selecting the failed vehicle, then two vehicles may be selected (i.e., one vehicle to satisfy the exhaust emission vehicle selection criteria and one vehicle to satisfy the evaporative emission vehicle selection criteria). The vehicle selected to satisfy the exhaust emission vehicle selection criteria will be tested for compliance with exhaust emission standards only. The vehicle selected to satisfy the evaporative emission vehicle selection criteria will be tested for compliance with both exhaust and evaporative emission standards; or

(iii) Remove the vehicle configuration (or evaporative vehicle configuration, as applicable) which failed from the application and add a vehicle configuration(s) (or evaporative vehicle configuration(s), as applicable) not previously listed. The Administrator may require, if applicable, that the failed vehicle be modified to the new engine code (or evaporative emission code, as applicable) and demonstrate by testing that it meets applicable standards for which it was originally tested. In addition, the Administrator may select, in accordance with the vehicle selection criteria given in § 86.081–24(b), a new emission-data vehicle or vehicles. The vehicles selected to satisfy the exhaust emission vehicle selection criteria will be tested for compliance with exhaust emission standards only. The vehicles selected to satisfy the evaporative emission vehicle selection criteria will be tested for compliance with both exhaust and evaporative emission standards; or

(iv) Correct a component or system malfunction and show that with a correctly functioning system or component the failed vehicle meets applicable standards for which it was originally tested. The Administrator may require a new emission-data vehicle, of identical vehicle configuration (or evaporative vehicle configuration, as applicable) to the failed vehicle, to be operated and tested for compliance with the applicable standards for which the failed vehicle was originally tested.

(5) For heavy-duty engines the manufacturer may, at his option, proceed with any of the following alternatives with respect to any engine family represented by a test engine(s) determined not in compliance with applicable standards:

(i) Request a hearing under § 86.078–6; or

(ii) Delete from the application for certification the engines represented by the failing test engine. (Engines so deleted may be included in a later request for certification under 86.079–

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32.) The Administrator will then select in place of each failing engine an alternate engine chosen in accordance with selection criteria employed in selecting the engine that failed; or

(iii) Modify the test engine and demonstrate by testing that it meets applicable standards. Another engine which is in all material respects the same as the first engine, as modified, shall then be operated and tested in accordance with applicable test procedures.

(6) If the manufacturer does not request a hearing or present the required data under paragraphs (b)(4) or (b)(5) (as applicable) of this section, the Administrator will deny certification.

(c)(1) Not withstanding the fact that any certification vehicle(s) (or certification engine(s)) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) (or engine(s)) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof;

(ii) The manufacturer renders inaccurate any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act, or of this part with respect to such vehicle (or engine);

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 86.078–7(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle (or engine);

(B) Any components used or considered for use in its modification or buildup into a certification vehicle (or certification engine);

(C) Any production vehicle (or production engine) which is or will be claimed by the manufacturer to be covered by the certificate;

(D) Any step in the construction of a vehicle (or engine) described in (C) of this subdivision;

(E) Any records, documents, reports, or histories required by this part to be kept concerning any of the above;

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 86.078–7(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c)(1) (i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle (or engine) is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii), or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 86.078–7(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle (or engine) in question was not involved in the violation to a degree that would warrant withholding denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.078–6 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles (or engines) previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 86.078–6. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he will grant the request with respect to such issue.

(d)(1) Notwithstanding the fact that any vehicle configuration or engine family may be covered by a valid outstanding certificate of conformity, the Administrator may suspend such outstanding certificate of conformity in whole or in part with respect to such vehicle configuration or engine family if:

(i) The manufacturer refuses to comply with the provisions of a test order issued by the Administrator pursuant to § 86.603; or

(ii) The manufacturer refuses to comply with any of the requirements of § 86.603; or

(iii) The manufacturer submits false or incomplete information in any report or information provided pursuant to the requirements of § 86.609; or

(iv) The manufacturer renders inaccurate any test data which he submits pursuant to § 86.609; or

(v) Any EPA Enforcement Officer is denied access to a facility on the terms specified in § 86.606.

(vi) Any EPA Enforcement Officer is denied the opportunity on the terms specified in § 86.606, to:

(A) Monitor vehicle selection pursuant to § 86.607, or

(B) Select vehicles for testing pursuant to § 86.607, or

(C) Monitor vehicle testing performed to satisfy any of the requirements of this part; or

(vii) Any EPA Enforcement Officer is denied "reasonable assistance" as defined in § 86.606 in examining any of the items listed in that section; or

(viii) The manufacturer refuses to comply with the requirements of §§ 86.604(a), 86.605, and 86.607, 86.608, 86.610, or 86.611.

(2) The sanction of suspending a certificate may not be imposed for the reasons in paragraphs (d)(1)(i), (ii), or (viii) of this section where such refusal is caused by conditions and circumstances outside the control of the manufacturer which renders it impossible to comply with those requirements. Such conditions and circumstances shall include, but not be limited to, any uncontrollable factors which result in the temporary unavailability of equipment and personnel needed to conduct the required tests, such as equipment breakdown or failure or illness of personnel, but shall not include failure of the manufacturer to adequately plan for and provide the equipment and personnel needed to conduct the tests. The manufacturer will bear the burden of establishing the presence of the conditions and circumstances required by this paragraph.

(3) The sanctions of suspending a certificate may be imposed for the reasons in paragraphs (d)(1)(iii), (iv), (v), (vi), or (vii) of this section only when the infraction is substantial.

(4) In any case in which a manufacturer knowingly submitted false or inaccurate information or knowingly rendered inaccurate any test data or committed any other fraudulent acts, and such acts contributed substantially to the Administrator's original decision not to suspend or revoke a certificate of conformity in whole or in part, the Administrator may deem such certificate void from the date of such fraudulent act.

(5) In any case in which certification of a vehicle is proposed to be suspended under paragraphs (d)(1)(v), (d)(1)(vi), or (d)(1)(vii) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 86.606 in fact occurred, the manufacturer, if he wishes to contend that even though the violation occurred, the vehicle configuration or engine family in question was not involved in the violation to the degree that would warrant suspension of certification under either paragraph (d)(1)(v), (d)(1)(vi), or (d)(1)(vii) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(6) Any suspension of certification under paragraph (d)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.613 hereof, and

(ii) Not apply to vehicles no longer in the hands of the manufacturer.

8. Section 86.081–35 is added. This section is identical to § 86.079–35 except for paragraphs (a)(1)(iii)(D) and (a)(1)(iii)(F).

§ 86.081–35 Labeling.

(a) The manufacturer of any motor vehicle (or motor vehicle engine) subject to the applicable emission standards of this subpart, shall, at the time of manufacture, affix a permanent legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles (or engines) available for sale to the public and covered by a certificate of conformity under § 86.081–30(a).

(1) *Light-duty vehicles and light-duty trucks.* (i) A permanent, legible label shall be affixed in a readily visible position in the engine compartment.

(ii) The label shall be affixed by the vehicle manufacturer who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label. The label shall not be affixed to any equipment which is easily detached from such vehicle.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(A) The label heading: Vehicle Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches), engine, family identification and evaporative family identification;

(D) Engine tune-up specifications and adjustments, as recommended by the manufacturer in accordance with the applicable high or low altitude emission standards, including but not limited to idle speed(s), ignition timing, the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), high idle speed, initial injection timing, and valve lash (as applicable), as well as other parameters deemed necessary by the manufacturer. These specifications should indicate the proper transmission position during tune-up and what accessories (e.g., air conditioner), if any, should be in operation. If adjustments or modifications to the vehicle are necessary to insure compliance with either the emission standards at low altitude or the optional emission standards at high altitude, the manufacturer shall either include the instructions for such adjustments on the label, or indicate on the label where instructions for such adjustments may be found. The label shall indicate whether the engine tune-up or ajustment specifications are applicable to elevation below or above 4,000 feet.

(E) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations which apply to light-duty vehicles or light-duty trucks;

(F) For vehicles which demonstrate compliance with the optional high-altitude standards, a statement indicating that the vehicle was sold to the ultimate purchaser for principal use at high altitude.

(2) *Heavy-duty engines.* (i) A permanent legible label shall be affixed to the engine in a position in which it will be readily visible after installation in the vehicle.

(ii) The label shall be attached to an engine part necessary for normal engine operation and not normally requiring replacement during engine life.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals which shall be of a color that contrasts with the background of the label:

(A) The label heading: Engine Exhaust Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches) and engine family and model designations;

(D) Date of engine manufacturer (month and year);

(E) Engine specifications and adjustments as recommended by the manufacturer. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air conditioner), if any, should be in operation;

(F) For gasoline-fueled engines the label should include the idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), and valve lash.

(G) For Diesel engines the label should include the advertised hp at rpm, fuel rate at advertised hp in mm^3/stroke, valve lash, initial injection timing, and idle speed.

(H) An unconditional statement of compliance with appropriate model year (e.g., 1979) U.S. Environmental Protection Agency regulations applicable to heavy-duty engines.

(iv) The label may be made up of one or more pieces; *Provided*, That all pieces are permanently attached to the same engine or vehicle part as applicable.

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such vehicle (or engine) conforms to any applicable State emission standards for new motor vehicles (or new motor vehicle engines) or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle (or engine).

(c)(1) The manufacturer of any light-duty vehicle or light-duty truck subject to the emission standards of this subpart, shall, in addition and subsequent to setting forth those statements on the label required by the Department of Transportation (DOT) pursuant to 49 CFR 567.4, set forth, on the DOT label or on an additional label located in proximity to the DOT label and affixed as described in 49 CFR 567.4(b), the following information in the English language, lettered in block letters and numerals not less than three thirty-seconds of an inch high, of a color that contrasts with the background of the label:

(i) The heading: "Vehicle Emission Control Information";

(ii) The statement: "This Vehicle Conforms to U.S. EPA Regulations Applicable to 1979 Model Year New Motor Vehicles."

(iii) One of the following statements, as applicable, in letters and numerals not less than six thirty-seconds of an

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inch high and of a color that contrasts with the background of the label:

(A) For all vehicles certified as non-catalyst-equipped: "NON–CATALYST";

(B) For all vehicles certified as catalyst-equipped which are included in a manufacturer's catalyst control program for which approval has been given by the Administrator: "CATALYST–APPROVED FOR IMPORT";

(C) For all vehicles certified as catalyst-equipped which are not included in a manufacturer's catalyst control program for which prior approval has been given by the Administrator: "CATALYST."

(2) In lieu of selecting either of the labeling options of paragraph (c)(1) of this section, the manufacturer may add the information required by paragraph (c)(1)(iii) of this section to the label required by paragraph (a) of this section. The required information will be set forth in the manner prescribed by paragraph (c)(1)(iii) of this section.

(d) Incomplete light-duty trucks or incomplete heavy-duty vehicles optionally certified as light-duty trucks shall have the following statement printed on the label required in paragraph (a)(1) of this section in lieu of the statement required by paragraph (a)(1)(iii)(E) of this section: "This vehicle conforms to U.S EPA regulations applicable to 19—— Model Year New Motor Vehicles when completed at a maximum curb weight of ———— pounds and a maximum frontal area of ———— square feet."

(e) Incomplete heavy-duty vehicles having an 8,500 pound gross vehicle weight rating or less shall have the following statement printed on the label required in paragraph (a)(2) or (a)(3) of this section in lieu of the statement required by paragraph (a)(2)(iii)(F) or (a)(3)(iii)(F) of this section: "This engine conforms to U.S. EPA regulations applicable to 19—— Model Year New Heavy-Duty Engines when installed in a vehicle completed at a curb weight of more than 6,000 pounds or with a frontal area greater than 45 square feet."

(f) The manufacturer of any incomplete vehicle shall notify the purchaser of such vehicle of any curb weight, frontal area, or gross vehicle weight rating limitations affecting the emissions certificate applicable to that vehicle. This notification shall be transmitted in a manner consistent with National Highway Traffic Safety Administration safety notification requirements published in 49 CFR Part 568.

(Secs. 202, 206, 301, Clean Air Act as amended, 42 U.S.C. 7521, 7525, and 7601(a).)

[FR Doc. 80-9130 Filed 3-26-80; 8:45 am]

BILLING CODE 6560-01-M

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federal register

Thursday
March 27, 1980

Part III

Department of Transportation

Research and Special Programs Administration

Pipeline Safety Enforcement Procedures

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 190

[MTB Docket No. 3]

Pipeline Safety Enforcement Procedures

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Final rule.

SUMMARY: This document adds a new Part 190 to Title 49, Code of Federal Regulations that prescribes procedures to be followed by the MTB in carrying out its enforcement responsibilities under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 *et seq.*). (NGPSA), as amended, and the Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA) (Title II of Pub. L. 96–129, November 30, 1979). Beyond assuring compliance with the terms of those Acts, the procedures in new Part 190 will be followed in enforcing the Federal pipeline safety regulations contained in Parts 191, 192, 193, and 195. Additionally, several general procedures are prescribed for the service of documents and subpoenas.

EFFECTIVE DATE: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: Paul Biancardi, Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590 (202) 755–4972.

SUPPLEMENTARY INFORMATION:

Subpart A—General Provisions

Section 190.3 defines the NGPSA and the HLPSA and reflects the inclusion in Part 190 of new authority available to the MTB as a result of enactment of the Pipeline Safety Act of 1979 (Pub. L. 96–129, November 30, 1979). Reference is also made in this part to the Hazardous Materials Transportation Act of 1974 (HMTA) to reflect MTB's intention to follow the Part 190 procedures in enforcing pipeline safety regulations adopted on the authority of the HMTA, i.e. Part 192 regulations as they apply to "offshore gas gathering lines". The section also sets forth the relationship of the enforcement office within the Materials Transportation Bureau (MTB) to the RSPA, reflecting the redelegation of enforcement responsibility to the Office of Operations and Enforcement (OOE). Section 190.3 also defines "hearing" in order to clarify the nature of the adjudicatory forum in which persons subject to Part 190 proceedings may participate.

Section 190.5 prescribes the means for effecting service of documents, notices of violations, and orders upon persons subject to enforcement proceedings.

Section 190.7 specifies who has authority to issue subpoenas for the purpose of carrying out MTB's enforcement responsibilities. It also prescribes the method of service and payment of witness fees.

Subpart B—Enforcement

Subpart B of new Part 190 describes the investigative procedures and enforcement authorities exercised by OOE for the purpose of assuring compliance with the Federal pipeline safety regulations. It also prescribes procedures governing OOE's imposition of sanctions with respect to violations of those regulations.

Section 190.203 describes the manner and policy in which the OOE conducts its inspections of pipeline facilities and reflects the regional inspection method currently employed by the OOE's field investigation program.

Section 190.205 provides for the issuance of warning letters as a means of seeking corrective action to alleged violations of law or regulation. Such warning letters are an alternative to immediately commencing formal enforcement proceedings under §§ 190.215 through 190.235.

The two primary enforcement sanctions available to MTB are compliance orders and civil penalties. The first involves issuance of an order mandating necessary compliance with law or regulation. The second involves assessing a civil penalty for violation of such law or regulation. Procedures governing the processing of these individual enforcement actions are covered in §§ 190.207 through 190.213. To impose either a civil penalty or a compliance order, the OOE must follow the procedures outlined in § 190.207, "Notice of Probable Violation", § 190.209, "Response Options", § 190.211, "Hearing", and § 190.213, "Final Order". Each of these sections prescribes the adjudicatory process by which a sanction, whether civil penalty or compliance order, may be imposed against persons subject to the pipeline safety regulations.

The compliance order and civil penalty procedures are similar. Both are initiated by the issuance of a notice of probable violation with the respondent having 30 days in which to reply. Both provide the respondent with an opportunity to present a rebuttal to the allegations, in writing or orally, or a combination of both. They also provide means for settlement through informal compromise. In addition, both provide the respondent with options as to the degree of formality with which the matter is to be processed.

Under separate headings, the remainder of Subpart B (§§ 190.215 to 190.233) describes the various enforcement sanctions available to the OOE. The four types of enforcement sanctions include the already mentioned compliance orders and civil penalties as well as criminal penalties and injunctive actions.

Section 190.215 provides a method of administrative review of a final order issued under § 190.213, by allowing a petition for reconsideration of the findings made in a final order. In compliance order cases, a compromise is possible by negotiation between the OOE and the respondent of a consent order under § 190.219.

Section 190.223 describes the statutory civil penalty liability to which a respondent may be exposed when violations are proved. Section 190.225 lists the statutory criteria which are considered in assessing such a civil penalty. Section 190.227 prescribes the method of payment of civil penalties whether by compromise or assessment in a final order.

Section 190.229 reflects the criminal penalty provided for in the NGPSA, HMTA, and the HLPSA. Section 190.231 describes the procedures followed by the OOE, the MTB and the RSPA with respect to possible criminal violations.

Hazardous Facility Orders

In addition to sanctions available for violations of the NGPSA, HLPSA, HMTA or regulations or orders issued under any of those Acts the OOE may issue orders directing specific action by the respondent in the absence of any violations, if OOE finds that a pipeline facility is hazardous to life or property. Section 190.233 under SPECIFIC RELIEF, implements and largely repeats statutory language contained in both the NGPSA and the HLPSA. Adjudicatory procedures similar to those contained in §§ 190.207 through 190.213, apply to such orders. However, in the case of hazardous facility orders, OOE may waive the hearing requirement when it determines that failure to do so would result in the likelihood of serious harm to life or property but must provide the respondent the opportunity for a hearing as soon as practicable after issuance of the order.

Since these rules relate to practice and procedures of the RSPA, MTB and OOE, notice and public procedure thereon is not necessary. However, because the RSPA contemplates a review of these procedures after they have been in operation for at least six months, and since it is desirous of public participation in that review, interested persons are invited to submit such comments as they desire. All comments received before the close of business on September 30, 1980, will be considered during the review and will be available in the Office of the Chief Counsel, both before and after that date.

In consideration of the foregoing, 49 CFR Subchapter D is amended by adding a new Part 190, reading as follows:

PART 190—PIPELINE SAFETY PROGRAM PROCEDURES

Subpart A—General

Sec.
190.1 Purpose and scope.
190.3 Definitions.
190.5 Service.
190.7 Subpoenas; witness fees.

Subpart B—Enforcement

190.201 Purpose and scope.
190.203 Inspections.
190.205 Warning.
190.207 Notice of probable violations.
190.209 Response options.
190.211 Hearing.
190.213 Final order.
190.215 Petition for reconsideration.

Compliance Orders

190.217 Compliance orders generally.
190.219 Consent order.

Civil Penalties

190.221 Civil penalties generally.
190.223 Maximum penalties.
190.225 Assessment considerations.
190.227 Payment of penalty.

Criminal Penalties

190.229 Criminal penalties generally.
190.231 Referral for prosecution.

Specific Relief

190.233 Hazardous facility.
190.235 Injunctive action.

Authority: 49 U.S.C. 1672, 1677, 1679, 1679b, 1680, 1681; 49 U.S.C. 2002, 2006, 2007, 2008, 2009, 2010; sections applicable to offshore gas gathering lines also issued under 49 U.S.C. 1804; 59 CFR 1.53 and Appendix A to Part 1.

Subpart A—General

§ 190.1 Purpose and scope.

(a) This part prescribes procedures utilized by the Materials Transportation Bureau and the Office of Operations and Enforcement in carrying out their duties regarding pipeline safety under the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671 *et. seq.*), the Hazardous Liquid Pipeline Safety Act of 1979 (Title II of Pub. L. 96–129 November 30, 1979), and the Hazardous Materials Transportation Act, as amended (49 U.S.C. 1801 *et. seq.*).

(b) This subpart defines certain terms and prescribes procedures that are applicable to each proceeding described in this Part.

§ 190.3 Definitions.

As used in this part:

(a) "The NGPSA" means the Natural Gas Pipeline Safety Act of 1968, as amended 49 U.S.C. 1671 *et. seq.* The regulations prescribed in this part and Parts 191, 192 and 193 of Subchapter D are issued under the authority of the NGPSA.

(b) "The HLPSA" means the Hazardous Liquid Pipeline Safety Act of 1979 (Title II of Pub. L. 96–129). The regulations prescribed in this part and Part 195 of Subchapter D are issued under the authority of the HLPSA.

(c) The "HMTA" means the Hazardous Materials Transportation Act of 1974 (49 U.S.C. 1801 *et seq.*). The regulations prescribed in this part and Part 192 as they apply to "offshore gas gathering lines" are issued under the HMTA.

(d) "MTB" means the Materials Transportation Bureau which is part of the Research and Special Programs Administration, U.S. Department of Transportation.

(e) "OOE" means the Office of Operations and Enforcement, which is part of the Materials Transportation Bureau, Research and Special Programs Administration, U.S. Department of Transportation.

(f) "Region Chief" means the Chief or his designee of any one of the Regional Offices of the Office of Operations and Enforcement. Regional Offices are located in Washington, D.C. (Eastern Region); Atlanta, Georgia (Southern Region); Kansas City, Missouri (Central Region); Houston, Texas (Southwest Region); and Burlingame, California (Western Region).

(g) "Presiding Official" means the person who conducts any hearing relating to civil penalty assessments, compliance orders or hazardous facility orders.

(h) "Person" means any individual, firm, joint venture, partnership, corporation, association, State, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

(i) "Respondent" means a person upon whom the OOE has served a notice of probable violation.

(j) "State" means a State of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(k) "Hearing" means an informal conference or a proceeding for oral presentation. Unless otherwise specifically prescribed in this part, the use of "hearing" is not intended to require a hearing on the record in accordance with Section 554 of Title 5, United States Code.

§ 190.5 Service.

(a) Each order, notice, or other document required to be served under this part shall be served personally or by registered or certified mail.

(b) Service upon a person's duly authorized representative or agent constitutes service upon that person.

(c) Service by registered or certified mail is complete upon mailing. An official United States Postal Service receipt from the registered or certified mailing constitutes prima facie evidence of service.

§ 190.7 Subpoenas; witness fees.

(a) The Director, MTB, the Chief Counsel, Research and Special Programs Administration, or the official designated by the Director, MTB to preside over a hearing convened in accordance with this part, may sign and issue subpoenas either on his own initiative or, upon request and adequate showing by any person participating in the proceeding that the information sought will materially advance the proceeding.

(b) A subpoena may require the attendance of a witness, or the production of documentary or other tangible evidence in the possession or under the control of person served, or both.

(c) A subpoena may be served personally by any person who is not an interested person and is not less than 18 years of age, or by certified or registered mail.

(d) Service of a subpoena upon the person named therein shall be made by delivering a copy of the subpoena to such person and by tendering the fees for one day's attendance and mileage as specified by paragraph (g) of this section. When a subpoena is issued at the instance of any officer or agency of the United States, fees and mileage need not be tendered at the time of service. Delivery of a copy of a subpoena and tender of the fees to a natural person may be made by handing them to the person, leaving them at his office with the person in charge thereof, leaving them at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, by mailing them by registered or certified mail to him at his last known address, or by any method whereby

actual notice is given to him and the fees are made available prior to the return date.

(e) When the person to be served is not a natural person, delivery of a copy of the subpoena and tender of the fees may be effected by handing them to a designated agent or representative for service, or to any officer, director, or agent in charge of any office of the person, or by mailing them by registered or certified mail to that agent or representative and the fees are made available prior to the return date.

(f) The original subpoena bearing a certificate of service shall be filed with the official having responsibility for the proceeding in connection with which the subpoena was issued.

(g) A subpoenaed witness shall be paid the same fees and mileage as would be paid to a witness in a proceeding in the district courts of the United States. The witness fees and mileage shall be paid by the person at whose instance the subpoena was issued.

(h) Notwithstanding the provisions of paragraph (g) of this section, and upon request, the witness fees and mileage may be paid by the MTB if the official who issued the subpoena determines on the basis of good cause shown, that:

(1) The presence of the subpoenaed witness will materially advance the proceeding; and

(2) The person at whose instance the subpoena was issued would suffer a serious hardship if required to pay the witness fees and mileage.

(i) Any person to whom a subpoena is directed may, prior to the time specified therein for compliance, but in no event more than 10 days after the date of service of such subpoena, apply to the official who issued the subpoena, or if he is unavailable, to the Director, MTB, to quash or modify the subpoena. The application shall contain a brief statement of the reasons relied upon in support of the action sought therein. The Director, MTB, or this issuing official, as the case may be, may:

(1) Deny the application;

(2) Quash or modify the subpoena; or

(3) Condition a grant or denial of the application to quash or modify the subpoena upon the satisfaction of certain just and reasonable requirements. The denial may be summary.

(j) Upon refusal to obey a subpoena served upon any person under the provisions of this section, the MTB may request the Attorney General to seek the aid of the United States District Court for any District in which the person is found to compel that person, after notice, to appear and give testimony, or to appear and produce the subpoenaed documents before the MTB, or both.

Subpart B—Enforcement

§ 190.201 Purpose and scope.

(a) This subpart describes the enforcement authority and sanctions exercised by the OOE for achieving and maintaining pipeline safety. It also prescribes the procedures governing the exercise of that authority and the imposition of those sanctions.

(b) A person who is the subject of action pursuant to this subpart may be represented by legal counsel at all stages of the proceeding.

§ 190.203 Inspections.

(a) Officers, employees, or agents authorized by the Associate Director, OOE, upon presenting appropriate credentials are authorized to enter upon, inspect, and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties are relevant to determining the compliance of such persons with the HLPSA, NGPSA, HMTA or regulations, or orders issued thereunder.

(b) Inspections are ordinarily conducted pursuant to one of the following:

(1) Routine scheduling by the Chief of the Region in which the facility is located;

(2) A complaint received from a member of the public;

(3) Information obtained from a previous inspection;

(4) Report from a State agency participating in the Federal program under section 5 of the NGPSA or section 205 of the HLPSA;

(5) Pipeline accident or incident; or

(6) Whenever deemed appropriate by the Director, MTB or his designee.

(c) If, after an inspection, the OOE believes that further information is needed to determine appropriate action, OOE may send the owner or operator a "Request for Specific Information" to be answered within 30 days after receipt of the letter.

(d) To the extent necessary to carry out his responsibilities under the HLPSA, HMTA or the NGPSA, the Director, MTB may require testing of portions of pipeline facilities subject to those Acts which have been involved in or affected by an accident. However, before exercising such authority, the Director, MTB shall make every effort to negotiate a mutually acceptable plan with the owner of such facilities and, where appropriate, the National Transportation Safety Board for performing such testing.

(e) When the information obtained from an inspection or from other appropriate sources indicates that further OOE action is warranted, the OOE issues a warning letter under § 190.205 or initiates one or more of the enforcement proceedings prescribed in §§ 190.207 through 190.235.

§ 190.205 Warning letters.

Upon determining that a probable violation of the NGPSA, HLPSA, or HMTA or any regulation or order issued under any of those Acts has occurred, the OOE may issue a Warning Letter notifying the owner or operator of the probable violation and advising him to correct it or be subject to enforcement action under §§ 190.207 through 190.235.

§ 190.207 Notice of probable violation.

(a) Except as otherwise provided by this subpart, a Region Chief begins an enforcement proceeding by serving a notice of probable violation on a person charging him with a probable violation of the NGPSA, HLPSA, or HMTA or any regulation or order issued thereunder.

(b) A notice of probable violation issued under this section shall include:

(1) Statement of the provisions of the laws, regulations or orders which the respondent is alleged to have violated and a statement of the evidence upon which the allegations are based;

(2) Notice of response options available to the respondent under § 190.209;

(3) If a civil penalty is proposed under § 190.221, the amount of the proposed civil penalty and the maximum civil penalty for which respondent is liable under law; and

(4) If a compliance order is proposed under § 190.217, a statement of the remedial action being sought in the form of a proposed compliance order.

(c) OOE may amend a notice of probable violation at any time prior to issuance of a final order under § 190.213. If an amendment includes any new material allegations of fact or proposes an increased civil penalty amount or new or additional remedial action under § 190.217, the respondent shall have the opportunity to respond under § 190.209.

§ 190.209 Response options.

Within 30 days of his receipt of a notice of probable violation the respondent shall respond to the Region Chief who issued the Notice in the following way:

(a) When the notice contains a proposed civil penalty—

(1) Pay the proposed civil penalty as provided in § 190.227 and close the case;

(2) Submit an offer in compromise of the proposed civil penalty under paragraph (c) of this section and paragraph (a) of § 190.227;

(3) Submit written explanations, information or other materials in answer to the allegations or in mitigation of the proposed civil penalty; or

(4) Request a hearing under § 190.211.

(b) When the notice contains a proposed compliance order—

(1) Agree to the proposed compliance order;

(2) Request the execution of a consent order under § 190.219;

(3) Object to the proposed compliance order and submit written explanations, information or other materials in answer to the allegations in the notice of probable violation; or

(4) Request a hearing under § 190.211.

(c) An offer in compromise under paragraph (a) of this section is made by submitting a check or money order for the amount offered to the Region Chief who forwards the offer to the Associate Director, OOE, for action. If the offer in compromise is accepted by the Associate Director, OOE, the respondent is notified in writing that the acceptance is in full settlement of the civil penalty action. If an offer in compromise submitted under paragraph (a) of this section is rejected by OOE, it is returned to the respondent with written notification. Within 10 days of his receipt of such notification, the respondent shall again respond to the Region Chief in one or more of the ways provided in paragraph (a) of this section.

(d) Failure of the respondent to respond in accordance with paragraph (a) of this section or, when applicable, paragraph (c) of this section, constitutes a waiver of his right to contest the allegations in the notice of probable violation and authorizes the Associate Director, OOE, without further notice to the respondent, to find facts to be as alleged in the notice of probable violation and to issue a final order under § 190.213.

§ 190.211 Hearing.

(a) A request for a hearing in response to a notice of probable violation issued under § 190.207 must be accompanied by a statement of the issues which the respondent intends to raise at the hearing. The issues may relate to the alleged violations, new information or to the proposed compliance order or proposed civil penalty amount. A respondent's failure to specify an issue may result in waiver of his right to raise that issue at the hearing. The respondent's request must also indicate whether or not he will be represented by counsel at the hearing.

(b) In such circumstances as deemed appropriate by the Region Chief, and only if the respondent concurs, a telephone conference may be held in lieu of a hearing.

(c) If the respondent contests any of the alleged violations, if the respondent is represented by counsel or if the respondent specifically requests that an attorney conduct the hearing, an attorney from the Office of the Chief Counsel, Research and Special Programs Administration, serves as the presiding official at the hearing. Otherwise, the hearing may be conducted by a representative of the OOE Region in which the facility is located.

(d) The hearing is conducted informally without strict adherence to rules of evidence. The respondent may submit any relevant information and material and call witnesses on his behalf. He also may examine the evidence and witnesses against him. No detailed record of a hearing is prepared.

(e) At the outset of the hearing, the material in the case file pertinent to the issues to be determined is presented by the presiding official. The respondent may examine and respond to or rebut this material.

(f) After the presentation of the material in the case file, the respondent may offer any facts, statements, explanations, documents, testimony or other items which are relevant to the issues under consideration.

(g) At the close of the respondent's presentation, the presiding official may present or allow the presentation of any OOE rebuttal information. The respondent may then respond to that information.

(h) After the evidence in the case has been presented, the presiding official shall permit argument on the issues under consideration.

(i) The respondent may also request an opportunity to submit further written materal for inclusion in the case file. The presiding official shall allow a reasonable time for the submission of the material and shall specify the date by which it must be submitted. If the material is not submitted within the time prescribed, the case shall proceed to final action without the material.

(j) After submission of all materials during and after the hearing, the presiding official shall prepare a written recommendation as to final action in the case. This recommendation, along with any material submitted during and after the hearing, shall be included in the case file which is forwarded to the Associate Director, OOE, for final administrative action.

§ 190.213 Final order.

(a) After a hearing under § 190.211 or, if no hearing has been held, after expiration of the 30 day response period prescribed in § 190.209, the case file of an enforcement proceeding commenced under § 190.207 is forwarded to the Associate Director, OOE, for issuance of a final order.

(b) The case file of an enforcement proceeding commenced under § 190.207 includes—

(1) The inspection reports and any other evidence of alleged violations;

(2) A copy of the notice of probable violation issued under § 190.207;

(3) Material submitted by the respondent in accord with § 190.209 in response to the notice of probable violation;

(4) The Region Chief's evaluation of response material submitted by the respondent and his recommendation for final action to be taken under this section; and

(5) In cases involving a § 190.211 hearing, any material submitted during and after the hearing and the presiding official's recommendation for final action to be taken under this section.

(c) Based on his review of a case file described in paragraph (b) of this section, the Associate Director, OOE, shall issue a final order that includes—

(1) A statement of findings and determinations on all material issues, including a determination as to whether each alleged violation has been proved;

(2) If a civil penalty is assessed, the amount of the penalty and the procedures for payment of the penalty, provided that the assessed civil penalty may not exceed the penalty proposed in the notice of probable violation; and

(3) If a compliance order is issued, a statement of the actions required to be taken by the respondent and the time by which such actions must be accomplished.

(d) Except as provided by § 190.215, an order issued under this section regarding an enforcement proceeding is considered final administrative action on that enforcement proceeding.

(e) It is the policy of the Associate Director, OOE, to issue a final order under this section within 45 days of receipt of the case file, unless it is found impracticable to take action within that time. In cases where it is so found and the delay beyond that period is expected to be substantial, notice of that fact and the date by which it is expected that action will be taken is issued to the respondent.

§ 190.215 Petitions for reconsideraton.

(a) A respondent may petition the Associate Director, OOE, for reconsideration of a final order issued under § 190.213. It is requested, but not required, that three copies be submitted.

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The petition must be received no later than 20 days after service upon the respondent of the final order. Petitions received after that time will not be considered. The petition must contain a brief statement of the complaint and an explanation as to why the effectiveness of the final order should be stayed.

(b) If the respondent requests the consideration of additional facts or arguments he must state the reasons they were not presented prior to issuance of the final order.

(c) The Associate Director, OOE, does not consider repetitious information, arguments, or petitions.

(d) Unless the Associate Director, OOE, otherwise provides, the filing of a petition under this section does not stay the effectiveness of the final order.

(e) The Associate Director, OOE, may grant or deny, in whole or in part, any petition for reconsideration without further proceedings. In the event he determines to reconsider a final order, he may issue a final decision on reconsideration without further proceedings, or he may provide such opportunity to submit comment or information and data as he deems appropriate.

(f) It is the policy of the Associate Director, OOE, to issue notice of the action taken on a petition for reconsideration within 20 days after receipt of the petition, unless it is found impracticable to take action within that time. In cases where it is so found and delay beyond that period is expected to be substantial, notice of that fact and the date by which it is expected that action will be taken is issued to the respondent.

Compliance Orders

§ 190.217 Compliance orders generally.

When the OOE has reason to believe that a person is engaging in conduct which involves a violation of the NGPSA, HMTA or the HLPSA or any regulation issued under any of those Acts, and if the nature of the violation, and the public interest warrant, the OOE may conduct proceedings under §§ 190.207 through 190.213 of this part to determine the nature and extent of the violations and to issue an order directing compliance.

§ 190.219 Consent order.

(a) At any time before the issuance of a compliance order under § 190.213 the Associate Director, OOE, and the respondent may agree to dispose of the case by joint execution of a consent order. Upon such joint execution, the consent order shall be considered a final order under § 190.213.

(b) A consent order executed under subsection (a) of this section shall include:

(1) An admission by the respondent of all jurisdictional facts;

(2) An express waiver of further procedural steps and of all right to seek judicial review or otherwise challenge or contest the validity of that order;

(3) An acknowledgement that the notice of probable violation may be used to construe the terms of the consent order; and

(4) A statement of the actions required of the respondent and the time by which such actions shall be accomplished.

Civil Penalties

§ 190.221 Civil penalties generally.

When the OOE has reason to believe that a person has committed an act which is a violation of any provision of the NGPSA, HMTA or the HLPSA or any regulation or order issued under any of those Acts, it may conduct proceedings under §§ 190.207 through 190.213 to determine the nature and extent of the violations and to assess and, if appropriate, compromise a civil penalty.

§ 190.223 Maximum penalties.

(a) Any person who violates a provision of the NGPSA or the HLPSA or any regulation or order issued under either of those Acts, is subject to a civil penalty not to exceed $1,000 for each violation for each day the violation continues except that the maximum civil penalty may not exceed $200,000 for any related series of violations.

(b) Any person who knowingly violates a regulation or order under this subchapter applicable to offshore gas gathering lines issued under the authority of the HMTA is liable for a civil penalty of not more than $10,000 for each violation, and if any such violation is a continuing one, each day of violation constitutes a separate offense.

(c) Any person who is determined to have violated any standard or order under section 6 or 7(b) of the NGPSA shall be subject to a civil penalty of not to exceed $50,000, which penalty shall be in addition to any other penalties to which such person may be subject under paragraph (a) of this section.

(d) No person shall be subject to a civil penalty under this section for the violation of any requirement of this subchapter and an order issued under § 190.217, § 190.219 or § 190.233 if both violations are based on the same act.

§ 190.225 Assessment considerations.

The Associate Director, OOE, assesses a civil penalty under this Part only after considering:

(a) The nature, circumstances and gravity of the violation;

(b) The degree of the respondent's culpability;

(c) The respondent's history of prior offenses;

(d) The respondent's ability to pay;

(e) Any good faith by the respondent in attempting to achieve compliance;

(f) The effect on the respondent's ability to continue in business; and

(g) Such other matters as justice may require.

§ 190.227 Payment of penalty.

(a) Payment by a respondent of a civil penalty proposed, assessed, or compromised under this subpart must be made by certified check or money order payable to the Treasury of the United States. Except as provided by § 190.209, such payment is sent to the Office of the Chief Counsel (DCC–1), Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.

(b) If a respondent fails to pay the full amount of a civil penalty assessed in a final order issued under § 190.213 or make an offer in compromise to the assessed penalty as provided by paragraph (c) of this section within 20 days after receipt of the final order, the Chief Counsel may refer the case to the Attorney General with a request that an action to collect the assessed penalty be brought in the appropriate United States district court or the Federal magistrate court within that district to the extent permitted under 28 U.S.C. 636.

(c) Within 20 days after the respondent's receipt of a final order assessing a civil penalty issued under § 190.213, the respondent may offer to compromise the assessed penalty by submitting, in the manner required by paragraph (a) of this section, payment in the amount offered. The Chief Counsel or his designee may accept or reject the compromise offer on behalf of the Associated Director, OOE. If it is accepted, the respondent is notified in writing that the acceptance is in full settlement of the civil penalty action. If the compromise offer is rejected it will be returned to the respondent with written notification. Within 20 days after the respondent's receipt of such notification, payment of the full amount of the civil penalty assessed in the final order becomes due. The provisions of paragraph (b) of this section regarding district court or Federal magistrate court action for penalty collection apply upon failure of the respondent to pay the assessed penalty within that time period.

(d) If the respondent elects to make an offer in compromise to a civil penalty proposed in a notice of probable violation issued under § 190.207, he shall do so in accord with the procedures of § 190.209.

Criminal Penalties

§ 190.229 Criminal penalties generally.

(a) Any person who willfully and knowingly violates a provision of the NGPSA or the HLPSA or any regulation or order issued thereunder shall upon conviction be subject for each offense to a fine of not more than $25,000 and imprisonment for not more than five years, or both.

(b) Any person who willfully violates a regulation or order under this subchapter issued under the authority of the HMTA applicable to offshore gas gathering lines shall upon conviction be subject for each offense to a fine of not more than $25,000, imprisonment for a term not to exceed 5 years, or both.

(c) Any person who willfully and knowingly injures or destroys, or attempts to injure or destroy, any interstate transmission facility (as that term is defined in the NGPSA) or any interstate pipeline facility (as that term is defined in the HLPSA) shall, upon conviction, be subject, for each offense, to a fine of not more than $25,000, imprisonment for a term not to exceed 15 years, or both.

(d) No person shall be subject to criminal penalties under paragraph (a) of this section for violation of any regulation and the violation of any order issued under § 190.217, § 190.219 or § 190.229 if both violations are based on the same act.

§ 190.231 Referral for prosecution.

If an employee of MTB becomes aware of any actual or possible activity subject to criminal penalties under § 190.229, he reports it to the Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. The Chief Counsel refers the report to OOE for investigation. Upon completion of the investigation and if appropriate, the Chief Counsel or his designee refers the report to the Department of Justice for criminal prosecution of the offender.

Specific Relief

§ 190.233 Hazardous facility orders.

(a) Except as provided by paragraph (b) of this section, if the Associate Director, OOE, finds, after reasonable notice and opportunity for hearing in accord with paragraph (c) of this section, a particular pipeline facility to be hazardous to life or property, he shall issue an order pursuant to this section requiring the owner or operator of the facility to take corrective action. Corrective action may include suspended or restricted use of the facility, physical inspection, testing, repair, replacement, or other action, as appropriate.

(b) The Associate Director, OOE, may waive the requirement for notice and hearing under paragraph (a) of this section before issuing an order pursuant to this section when he determines that the failure to do so would result in the likelihood of serious harm to life or property. However, he shall include in the order an opportunity for hearing as soon as practicable after issuance of the order. The provisions of paragraph (c)(2) of this section apply to an owner or operator's decision to exercise such an opportunity for hearing. The purpose of such a post-order hearing is for the Associate Director, OOE, to determine whether the order should remain in effect or be rescinded or suspended in accord with paragraph (g) of this section.

(c) Notice and hearing:

(1) Written notice that OOE intends to issue an order under this section shall be served in accordance with § 190.5, upon the owner or operator of an alleged hazardous facility. The notice shall allege the existence of a hazardous facility, stating the facts and circumstances supporting the issuance of a "hazardous facility order", and providing the owner or operator an opportunity for a hearing, identifying the time and location of the hearing.

(2) An owner or operator elects to exercise his opportunity for a hearing under this section, by notifying the OOE of that election in writing within 10 days of service of the notice provided under paragraph (c)(1) of this section or when applicable, under paragraph (b) of this section.

Absence of such written notification waives an owner or operator's opportunity for a hearing and allows the Associate Director, OOE, to proceed to issue a "hazardous facility order" in accordance with paragraphs (d) through (h) of this section.

(3) A hearing under this section shall be presided over by an attorney from the Office of Chief Counsel, Research and Special Programs Administration, acting as Presiding Official, and conducted without strict adherence to rules of evidence. The Presiding Official presents the allegations contained in the notice issued under this section. The owner or operator of the alleged hazardous facility may submit any relevant information or materials, call witnesses and present arguments on the issue of whether or not a "hazardous facility order" should be issued.

(4) Within 48 hours after conclusion of a hearing under this section, the Presiding Official shall submit a recommendation to the Associate Director, OOE, as to whether or not a "hazardous facility order" is required. Upon receipt of the recommendation, the Associate Director, OOE, shall proceed in accordance with paragraphs (d) through (h) of this section. If the Associate Director, OOE, finds the facility to be hazardous to life or property he shall issue an order in accordance with this section. If he does not find the facility to be hazardous to life or property, the Associate Director, OOE, shall dismiss the allegations contained in the notice, and promptly notify the owner or operator in writing by service as prescribed in § 190.5.

(d) The Associate Director, OOE, may find a pipeline facility to be hazardous under paragraph (a) of this section—

(1) If under the facts and circumstances he determines the particular facility is hazardous to life or property; or

(2) If the pipeline facility or a component thereof has been constructed or operated with any equipment, material, or technique which he determines is hazardous to life or property, unless the operator involved demonstrates to the satisfaction of the OOE that, under the particular facts and circumstances involved, such equipment, material, or technique is not hazardous to life or property.

(e) In making a determination under paragraph (d), the Associate Director, OOE, shall consider, if relevant—

(1) The characteristics of the pipe and other equipment used in the pipeline facility involved, including its age, manufacturer, physical properties including its age, manufacturer, physical properties (including its resistance to corrosion and deterioration), and the method of its manufacture, construction or assembly;

(2) The nature of the materials transported by such facility (including their corrosive and deteriorative qualities), the sequence in which such materials are transported, and the pressure required for such transportation;

(3) The aspects of the areas in which the pipeline facility is located, in particular the climatic and geologic conditions (including soil characteristics) associated with such areas, and the population density and population and growth patterns of such areas;

(4) Any recommendation of the National Transportation Safety Board

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issued in connection with any investigation conducted by the Board; and

(5) Such other factors as the Associate Director, OOE, may consider appropriate.

(f) The order shall contain the following information:

(1) A finding that the pipeline facility is hazardous to life or property.

(2) The relevant facts which form the basis for that finding.

(3) The legal basis for the order.

(4) The nature and description of particular corrective action required of the respondent.

(5) The date by which the required action must be taken, or completed and, where appropriate, the duration of the order.

(6) If a hearing has been waived pursuant to paragraph (b), a statement that an opportunity for a hearing is provided at a particular location and at a certain time after issuance of the order.

(g) The Associate Director, OOE, shall rescind or suspend a "hazardous facility order" whenever he determines that the facility is no longer hazardous to life or property. When appropriate, however, such a recision or suspension may be accompanied by a notice of probable violation issued under § 190.207.

(h) At any time after an order issued under this section has become effective, the Associate Director, OOE, may request the Attorney General to bring an action for appropriate relief in accordance with § 190.235.

(i) Upon petition by the Attorney General, the District Courts of the United States shall have jurisdiction, to enforce orders issued under this section by appropriate means.

§ 190.235 Injunctive action.

Whenever it appears to OOE that a person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of any provision of the NGPSA, the HLPSA or the HMTA, or any regulations issued under any of those Acts, the Director, MTB, or his delegate, may request the Attorney General to bring an action in the appropriate United States District Court for such relief as is necessary or appropriate, including mandatory of prohibitive injunctive relief, interim equitable relief, and punitive damages as provided by section 12(a) of the NGPSA, section 209(a) of the HLPSA and section 111(a) of the HMTA.

Issued in Washington, D.C., March 19, 1980.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 80-8960 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-60-M

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federal register

Thursday
March 27, 1980

Part IV

Department of the Treasury

Bureau of Alcohol, Tobacco and Firearms

Completely Denatured Alcohol Formula No. 20

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 211 and 212

[T.D. ATF-67]

New and Revised Formulas, Completely Denatured Alcohol Formula No. 20

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Temporary rule, Treasury decision.

SUMMARY: This temporary rule amends the regulations relating to denatured alcohol and rum. The amendments establish a new formula for completely denatured alcohol and authorize the use of automotive-gasoline as a denaturant. The Bureau of Alcohol, Tobacco and Firearms will issue final regulations only after careful consideration of the comments received on these temporary regulations.

EFFECTIVE DATE OF TEMPORARY REGULATIONS: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: John Jarowski or Norman Blake, Specialists, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226, 202-566-7626.

SUPPLEMENTARY INFORMATION:

Background Information

This rule is in response to suggestions from members of the alcohol fuels industry. The increasing interest in fuel uses of alcohol and in reducing the cost of alcohol fuels have also led to this amendment.

Although denatured alcohol manufactured according to existing formulas has been used for blending in motor fuels, its use presents problems. The denaturants required for existing completely denatured alcohol (CDA) formulas increase the cost of blended alcohol fuels. While specially denatured alcohol (SDA) Formula No. 28-A is denatured with gasoline only, users of SDA are required to qualify under the permit system provided for in Part 211. Administrative costs of operating under the permit system would increase the costs of blended alcohol fuels and be passed on to consumers.

This rule authorizes a new formula for completely denatured alcohol, CDA Formula No. 20 which consists of 5 gallons of gasoline, automotive-gasoline, kerosene, or deodorized kerosene to every 100 gallons of at least 190° proof alcohol. CDA Formula No. 20 is restricted to use for fuel purposes.

Members of the alcohol fuels industry have pointed out that the specification for gasoline in Part 212 did not allow for the use of currently available automotive-gasoline. The amended regulations allow for the use of any automotive-gasoline which meets current American Society for Testing and Materials (ASTM) specifications.

Changes—Part 211

Two sections of Part 211 are affected by this Treasury decision. Section 211.111 has been amended to indicate that certain CDA formulas are restricted as to use. The change makes this section compatible with the restriction of CDA Formula No. 20 to fuel use and allows for any other formulas which may in the future be restricted as to use. Section 211.170 has been amended to allow for the use of automotive-gasoline as an alternative ingredient in the manufacture of proprietary solvents.

Changes—Part 212

The addition of CDA Formula No. 20 and the specification of automotive-gasoline as a new denaturant are the major changes to this part. Sections 212.13 and 212.80a are created and add the new CDA formula and the new automotive-gasoline denaturant specification. Other sections affected by the addition of alternate denaturants are §§ 212.38 (SDA Formula 28-A), 212.11 (CDA Formula 18), and 212.12 (CDA Formula 19). Section 212.110 is amended to reflect gasoline, automotive (automotive-gasoline) as a new denaturant authorized for denaturing spirits. In addition, the list accompanying § 212.110 is amended to reflect CDA 20 as a formula applying to the denaturants kerosene, kerosene (deodorized), gasoline and gasoline, automotive (automotive-gasoline).

Drafting Information

The principal authors of this document are John Jarowski and Norman Blake, Specialists, Bureau of Alcohol, Tobacco and Firearms. However, other officials from the Bureau and from the Treasury Department participated in developing this Treasury decision.

Effective Date

Issuance of this Treasury decision as a temporary rule with notice and public procedure under 5 U.S.C. 553(b) and in compliance with the effective date limitation in 5 U.S.C. 553(d) is impracticable and not in the public interest since absence of this rule is creating a serious obstacle to the commercial production of alcohol fuel, inconsistent with the intent of the Energy Tax Act of 1978 (Pub. L. 95-618, 92 Stat. 3174) to encourage the expeditious production of alcohol fuels. Accordingly, this Treasury decision becomes effective on March 27, 1980.

Authority and Issuance

These regulations are issued under the authority of 26 U.S.C. 7805 (68A Stat. 917 as amended).

In view of the foregoing 27 CFR Parts 211 and 212 are amended as follows:

PART 211—DISTRIBUTION AND USE OF DENATURED ALCOHOL AND RUM

1. Section 211.111 is revised to provide for completely denatured alcohol formulas which are restricted as to use. As revised, § 211.111 reads as follows:

§ 211.111 General.

Formulas for completely denatured alcohol are given in Part 212 of this chapter. If the formula places no restriction on use, the completely denatured alcohol may be sold or used for any lawful purpose. Completely denatured alcohol may be used (a) in the manufacture of definite chemical substances where such alcohol is changed into some other chemical substance and does not appear in the finished product; (b) in the arts and industries (except in the manufacture of preparations or products for internal human use or consumption where any of such alcohol or of the denaturants used in such alcohol may remain in the finished product); and (c) for fuel, light, and power. Use of completely denatured alcohol in the arts and industries includes, but is not limited to, the manufacture of cleaning fluids, detergents, proprietary antifreeze solutions, thinners, lacquers, and brake fluids. Persons distributing and using (but not recovering for reuse) completely denatured alcohol are not required to obtain a permit or to file bond under this part. Persons recovering completely denatured alcohol for reuse shall procure an industrial use permit in accordance with Subpart D of this part and file bond in accordance with Subpart E of this part. Containers of products manufactured with completely denatured alcohol, such as proprietary antifreeze preparations, solvents, thinners, and lacquers, shall not be branded as completely denatured alcohol nor shall any such product be advertised, shipped, sold, or offered for sale as completely denatured alcohol.

(72 Stat. 1356, 1362, 1369, 1372, 1373; 26 U.S.C. 5201, 5214, 5241, 5273, 5275)

2. Section 211.170 is amended to include automotive-gasoline as an alternate ingredient in each formulation. As revised, § 211.170 reads as follows:

§ 211.170 Manufacture of proprietary solvents.

All articles coming under the general classification of proprietary solvents shall be manufactured with specially denatured alcohol Formula No. 1. The formulations shall be as follows, except as may otherwise be authorized by the Director:

(1) Formulation No. I—Gallons

Specially denatured alcohol formula No. 1—100
Ethyl acetate—5
Gasoline, automotive-gasoline or rubber hydrocarbon solvent—1

(2) Formulation No. II—Gallons

Specially denatured alcohol formula No. 1—100
Denaturing grade wood alcohol—2
Ethyl acetate—1
Gasoline, automotive-gasoline or rubber hydrocarbon solvent—1

(3) Formulation No. III—Gallons

Specially denatured alcohol formula No. 1—100
Methyl isobutyl ketone—1
Ethyl acetate—1
Gasoline, automotive-gasoline or rubber hydrocarbon solvent—1

(4) Formulation No. IV—Gallons

Specially denatured alcohol formula No. 1—100
Methyl isobutyl ketone—1
tert-butyl alcohol—2
Gasoline, automotive-gasoline or rubber hydrocarbon solvent—1

(5) Formulation No. V—Gallons

Specially denatured alcohol formula No. 1—100
Methyl isobutyl ketone—1
Secondary butyl alcohol—2
Gasoline, automotive-gasoline or rubber hydrocarbon solvent—1

PART 212—FORMULAS FOR DENATURED ALCOHOL AND RUM

3. The table of sections of 27 CFR Part 212 is amended to read as follows:

* * * * *

Subpart C—Completely Denatured Alcohol Formulas

* * * * *

212.13 Formula No. 20.

* * * * *

Subpart E—Specifications for Denaturants

* * * * *

212.80a Gasoline, automotive (automotive-gasoline).

* * * * *

4. Section 212.11 is amended to provide for the use of automotive-gasoline as an alternate denaturant. As revised, § 212.11 reads as follows:

§ 212.11 Formula No. 18.

To every 100 gallons of ethyl alcohol of not less than 160° proof add:

2.50 gallons of methyl isobutyl ketone;
0.125 gallon of pyronate or a compound similar thereto;
0.50 gallon of acetaldol (b-hydroxybutyraldehyde); and
1.00 gallon of either kerosene, deodorized kerosene, gasoline or automotive-gasoline.

5. Section 212.12 is amended to provide for the use of automotive-gasoline as an alternate denaturant. As revised, § 212.12 reads as follows:

§ 212.12 Formula No. 19.

To every 100 gallons of ethyl alcohol of not less than 160° proof add:

4.0 gallons of methyl isobutyl ketone; and
1.0 gallon of either kerosene, deordorized kerosene, gasoline or automotive-gasoline.

6. A new § 212.13 is added to establish Formula No. 20 and to restrict it to fuel use. As added, § 212.13 reads as follows:

§ 212.13 Formula No. 20.

(a) *Formula.* To every 100 gallons of ethyl alcohol of not less than 190° proof add:

5.0 gallons of gasoline, automotive-gasoline, kerosene or deordorized kerosene.

(b) *Authorized use.* Restricted to fuel use, comparable to specially denatured alcohol "Use Code No." 611, 612, 613, 620, and 630.

7. Section 212.38 is amended to provide for the use of automotive-gasoline as an alternate denaturant. As amended § 212.38 reads as follows:

§ 212.38 Formula No. 28-A.

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of gasoline or automotive-gasoline.

* * * * *

8. A new § 212.80a is added immediately following § 212.80. The new section provides specifications for automotive-gasoline as a denaturant. As added, § 212.80a reads as follows:

§ 212.80a Gasoline, automotive (automotive-gasoline).

Conforms to specifications as established by the American Society for Testing and Materials (ASTM) in its current revision of ASTM Specification D 439. Any of the "seasonal and geographical" volatility classes are considered suitable as a denaturant.

9. The listing of authorized denaturants in § 212.110 is amended by inserting a line for "Gasoline, automotive" and amending the lines for "Gasoline", "Kerosene", and "Kerosene (deodorized)". As amended, § 212.110 reads as follows:

§ 212.110 Listing of denaturants authorized for denatured spirits.

* * * * *

Gasoline—C.D.A. 18; 19; 20; S.D.A. 28-A
Gasoline, automotive (automotive-gasoline)—C.D.A. 18; 19; 20; S.D.A. 28-A

* * * * *

Kerosene—C.D.A. 18; 19; 20
Kerosene (deordorized)—C.D.A. 18; 19; 20

* * * * *

§ 212.15 [Amended]

10. The listing of weights and specific gravities of specially denatured alcohol in § 212.115 is amended by adding footnote "1" following SDA Formula No. 28-A. This footnote citation is to advise that alternate denaturants are permitted and the weight per gallon is based on that of gasoline.

Signed: February 27, 1980.

G. R. Dickerson,
Director.

Approved: March 18, 1980.

Richard J. Davis,
Assistant Secretary, Enforcement and Operations.

[FR Doc. 80-9383 Filed 3-26-80; 8:45 am]

BILLING CODE 4810-31-M

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 211 and 212

[Notice No. 339]

New and Revised Formulas, Completely Denatured Alcohol Formula No. 20

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Proposed rulemaking cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Bureau of Alcohol, Tobacco and Firearms is issuing temporary regulations regarding new and revised formulas for denatured alcohol and rum. The temporary regulations also serve as a notice of proposed rulemaking for final regulations.

DATES: The effective date of the temporary regulations is March 27, 1980. Written comments must be delivered or mailed on or before May 27, 1980.

ADDRESS: Send comments to Director, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044, (Attn: Chief, Regulations and Procedures Division).

Copies of this temporary rule and all written comments will be available for public inspection under authority of 27 CFR 71.41(b) during normal business hours at the following location: Public Reading Room, Room 4408, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

ATF will not recognize any designation of material in comments as confidential or not to be disclosed, and any material that the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure.

FOR FURTHER INFORMATION CONTACT: John Jarowski or Norman Blake, Specialists, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: 202-566-7626.

SUPPLEMENTARY INFORMATION: The temporary regulations in this Part of this issue of the **Federal Register** add new and amend regulations in 27 CFR Parts 211 and 212. For the text of the temporary regulations, see [T.D. ATF 67] published in this Part of this issue of the **Federal Register**.

Signed: February 27, 1980.

G. R. Dickerson,

Director.

Approved: March 18, 1980.

Richard J. Davis,

Assistant Secretary, Enforcement and Operations.

[FR Doc. 80-9864 Filed 3-26-80; 8:45 am]

BILLING CODE 4810-31-M

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federal register

Thursday
March 27, 1980

Part V

Department of Transportation

Federal Aviation Administration

Solicitation and Leafletting Procedures at National and Dulles International Airports

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 159

[Docket No. 20200; Notice No. 80-5]

Solicitation and Leafletting Procedures at National and Dulles International Airports

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes regulation of solicitation of funds and distribution of literature by non-profit organizations at National and Dulles airports. The amendments are proposed to promote the efficient use of these facilities and the security of patrons using the terminals without infringing upon the rights of individuals who choose to use the airport for constitutionally protected activity.

DATE: Comments must be received on or before May 12, 1980. Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 20200, 800 Independence Avenue, S.W., Washington, D.C. 20591; or delivered in duplicate to: Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Comments delivered must be marked: Docket No. 20200. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Edward S. Faggen, Legal Counsel, AMA-7, Washington National Airport, Hangar 9, Washington, DC 20001, telephone; (703) 557-8123.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of this proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-204, 800 Independence Avenue, S.W., Washington, D.C., 20591. All communications received on or before May 12, 1980, will be considered by the Administrator before taking action on the proposed rule. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 20200". The postcard will be date/time stamped and returned to the commenter. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for the comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

Availability of NPRM'S

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on the mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Discussion of the Proposed rule

A. Background

In recent years it has become a common practice for various religious and non-profit organizations to use commercial airports as a forum for the distribution of literature, the solicitation of funds, the proselytizing of new members, and other similar activities. Washington National and Dulles International Airports are no exception to this trend. The airports are owned by the United States Government and large portions of the airport buildings were designed for and are open to the general public. Last year more than 18 million passengers passed through the terminal buildings on their way to and from air transportation. There is a considerable amount of social and commercial interchange in the terminals and, in many respects, the terminals are like any other public thoroughfare where there is no question that the Constitutional guarantees of freedom of speech, the exercise of religion and the right to peaceable assembly apply. These activities enjoy the protection of the First Amendment, and they may not be regulated by airport authorities in the same manner as commercial activity.

However, the absence of regulation has led to situations where those soliciting money or leafletting have caused or contributed to congestion in the terminals by stopping travelers and engaging them in conversation. At National Airport, and at Dulles Airport during the peak hours of operation, the airport terminals, sidewalks and passageways are extremely congested. At National the design capacity of the terminal is greatly exceeded on a daily basis. When congestion occurs at or near points where the free flow of traffic is essential to the airport's operation, the congestion causes inconvenience to the traveling public and an interference with efficient airport operation.

Currently, there is no regulation that even limits the number of solicitors or leaflettors at the ticket counters, baggage claim areas and other areas where travelers must attend to the business which brought them to the airport. Nor is there any prohibition on the places where soliciting or leafletting activity could occur, such as near the top of staircases or escalators, at restroom entrances, doorways and other areas where such activity causes unsafe conditions as well as inefficient airport operation. Furthermore, there is no regulation which prohibits solicitation or leafletting from travelers who are in line or otherwise conducting their business at the airport. Finally, there is no requirement that a solicitor identify himself to the airport officials and to the public or that he or she indicate that he/she has the authority to represent the cause for which money is sought.

Another disturbing aspect of soliciting funds in the terminals has become apparent to FAA. Numerous written complaints have been received by the FAA concerning incidents in which airport patrons or tenants have allegedly been subjected to fraud, harassment, verbal abuse, intimidation and embarassment. People standing in line or otherwise waiting to conduct their business at the airport find this activity to be particularly objectionable because they cannot avoid the solicitor by choosing to forego their purpose for being at the airport. Therefore, they may constitute a captive audience to behavior they find objectionable. On the other hand, there have been complaints to FAA by representatives of groups peaceably soliciting funds. They claim to have been harassed by employees or others using the airport. There have been several instances of assault or alleged assault and there have been complaints against alleged deceptive practices of solicitors who intentionally conceal their organization's identity or fail to make change to a contributor promptly or accurately.

As proprietor of the Airport, FAA has the authority to prescribe rules of conduct to protect airport patrons and efficient operations of the airport. The FAA's authority to operate National and Dulles Airports is broad. Congress has charged FAA with "the control over and the responsibility for, the care, operation, maintenance, improvement and protection of the airport," together with the powers to make and amend rules and regulations as are necessary to the proper exercise of this control and responsibility (54 Stat. 688; 64 Stat. 771). The FAA has, by regulation, exercised control over all commercial activity that occurs at the Metropolitan Washington Airports. No business is conducted, including advertising, or space leased except upon the terms and conditions prescribed by the Director of Metropolitan Washington Airports (14 CFR 159.91(a)). Usually, these terms and conditions are set forth in a contractual form which specifically describes the business to be allowed, its location and duration. The number of such concessions or other businesses and the nature of the business are controlled by the FAA, Director of Metropolitan Washington Airports, to meet the needs of the airports and the traveling public.

The FAA also has the statutory authority to police the airports to protect life and property (61 Stat. 94; 64 Stat. 772). Under this authority, FAA has enacted regulatory "rules of conduct" (14 CFR 159.71 to 159.111) and has deployed a police force and fire department. On National Airport in particular, because it is a Federal enclave, the Federal Government constitutes the lawmaking body. Its police powers are no less than that of a municipality if such municipality were the airport proprietor. While on the airport, the public looks only to the Federal Government, acting through the FAA, for protection of its health and welfare interests.

Although the FAA has possessed the authority, its regulations of "conduct" on the airport have not been addressed in any detail to the solicitation of funds or the distribution of literature on the airport by individuals or organizations acting in a noncommercial capacity. The number of solicitors on the airport, the locations within the terminals, and the manner in which they solicit money from the traveling public have not been regulated by the FAA. The existing regulation, 14 CFR 159.91(b) merely proscribes the "solicitation of alms" without the permission of the Airport Manager. This is deemed inadequate to meet the standards of the First Amendment.

By a recent legislative enactment, Congress has directed FAA to promulgate regulations to control solicitation activity at Washington National and Dulles Airports. Title V of Pub. L. 96-193 enacted February 18, 1980 provides:

Section 501(a) The Administrator of the Federal Aviation Administration (hereinafter referred to as the "Administrator") shall, within 90 days after the date of enactment of this Act, promulgate regulations for airports operated by the Administration to regulate the access to public areas by individuals or by religious and nonprofit organizations (as defined in section 501(c)(3) of the Internal Revenue Code of 1954) for the purpose of soliciting funds or distributing materials.

(b) In promulgating regulations under this section the Administrator shall consider requiring any individual or organization described in subsection (a) to submit an application for a permit to engage in the soliciting of funds or the distribution of materials. In considering such an application the Administrator may require that—

(1) a responsible individual representative of the applicant shall be designated to represent the organization;

(2) each individual participating in any solicitation or distribution will display a proper identification approved by the Administrator;

(3) the number of individuals engaged in any solicitation or distribution at any one time shall not exceed a reasonable number, in keeping with the need for free movement in and operation of the airports as provided for by the permit;

(4) the solicitation or distribution be confined to limited areas and times; and

(5) no individual or organization which holds a permit under this section shall be permitted to—

(A) use sound amplification or display signs (other than signs approved by the Administrator);

(B) intentionally interfere with users of the airport;

(C) engage in the use of indecent or obscene remarks or conduct; or

(D) engage in the use of loud, threatening, or abusive language intended to coerce, intimidate or disturb the peace.

(c)(1) The Administrator shall consider requiring that a copy of a permit (if such is required) be conspicuously posted in the area in which any solicitation or distribution is permitted.

(2) The Administrator shall consider whether revocation of approval for any permit if required and approved under this section should occur for any violation of any rule or regulation promulgated hereunder.

(d) Regulations intended to be promulgated under this section shall be submitted to Congress within 30 days after the date of enactment of this Act.

In view of the congestion and other operational problems, the repeated incidents in the terminals, the legislative expression of concern and the mandate to FAA to regulate the access to public areas by individuals or organizations for the purpose of soliciting funds or distributing literature, FAA is proposing to establish reasonable limitation on the time, place and manner of soliciting and leafletting in the National and Dulles Airport Terminals.

FAA recognizes that the soliciting of funds for religious purposes and the distribution of literature are protected under the First Amendment of the Constitution. In the area of First Amendment freedoms, including the constitutionally protected forms of solicitation, the touchstone of regulation must be precision. Regulations will not offend the Constitution if they regulate only the time, place and manner of expression, are narrowly drawn to protect only a compelling governmental interest, and are not subject to discretionary administration by officials. Any procedure which allows the airport officials wide, unbounded discretion in granting or denying permits is constitutionally questionable, because it would permit the airport to base its determination on the content of the ideas sought to be expressed.

FAA has no interest in regulating the ideas disseminated at the airport, and has no intention of regulating based on the content of the message or the cause that a solicitor supports. Also FAA has no intention of regulating in such a way as to relegate solicitors to a corner or to areas or to times of day that would deny them access to the great majority of airport users.

FAA is concerned, first, that the number of solicitors or distributors of literature not exceed a number which would aggravate existing congestion, and that such activity not be conducted at points in the terminal that are critical to airport efficiency and safety or within areas leased for the quiet enjoyment of an airport tenant. Second, FAA is concerned that those who solicit money or distribute literature in the terminal not do so for commercial purposes. It is essential to proper airport administration and operation that business activities be conducted on the airports only with the permission of the airport managers. Third, FAA expects those who solicit money from the public for non-commercial purposes to identify themselves and their cause, not for approval by the FAA but rather to provide the public this minimal assurance that it will know who is soliciting and why. Fourth, as the entity responsible for public health and welfare on the airports, FAA expects solicitors not to engage in particularly offensive, deceptive, or otherwise egregious activity. These are the legitimate, compelling proprietary and

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governmental interests that FAA seeks to protect by regulation. The FAA intends to impose only the least restrictive regulation on constitutionally protected activities that is necessary to protect these interests.

With this as its objective, FAA has identified those points on the airport that are critical to efficient and safe operation. These are the ticket counters, baggage claim areas, depature check in counters, departure gate lounge, anti-hijack security screening points, restroom facilities, staircases, escalators, elevators, doorways or entrance ways, and points where motor vehicles load or unload occupants and baggage. FAA proposes to prohibit solicitation and distribution of literature within ten feet of these precisely identifiable points and from the people waiting in line to conduct business at these points. Ten feet is a readily identifiable standard, and provides the maximum freedom of movement to leaflettors and solicitors consistent with the rights of others using the airports. FAA also proposes to prohibit leafletting and solicitation in premises leased for the exclusive use of a concessionaire.

This leaves large portions of the public lobbies and lounges, through which virtually all users of the airport pass, available to solicitors and leaflettors. FAA recently has commissioned a study of the pedestrian traffic flow in the terminals to identify those areas that are susceptible to congestion if soliciting and leafletting occur or occur in too great a magnitude. On the basis of this study FAA has identified the areas in which a certain level of soliciting and leafletting will not cause unacceptable congestion, and the maximum number of persons conducting these activities that should be allowed in each of the identified areas. Establishment of area restrictions is well within the airport proprietor's rights if there is a demonstrable and substantial relationship between the restriction and the valid interest of promoting efficient use of the facilities.

The study, which was conducted by an independent consultant, used as data the layout of the terminals and several traffic counts conducted in early March 1980, a period when air traffic was well below peak levels. The analysis of the data was accomplished in two stages. First, standard air terminal planning factors were applied to figures representing the size of terminal facilities (e.g., linear feet of ticket counter) and the mean traffic flow past each facility. The result is a distance in feet from each such facility required for minimally adequate public access to that facility. From these figures, a diagram of each major terminal area was developed, indicating areas in which solicitation could be conducted with the least disruption of public business and travel. Second, the effect of introducing various numbers of solicitors into these open areas was calculated. This analysis identified the number of solicitors which could be accommodated in each area without an unacceptable level of obstruction to the flow of terminal traffic.

The consultant's recommendations concerning the areas in which soliciting and leafletting should be permitted, and the number of permits to be issued for those activities, are incorporated in the proposed regulation, with one exception. The study results indicated that no solicitation should be permitted in the National Airport main terminal concourse. This is a heavily trafficked area and the area most frequently used by solicitors. In the interest of permitting some level of solicitation in this area, FAA has designated a maximum of two solicitors to be allowed in a certain portion of the area.

At Dulles Airport restrictions are imposed only between 4:00 p.m. and 8:00 p.m. each day, in view of the marked peaking characteristics of traffic at that terminal. Area and numerical restrictions are inapplicable at all other times, although the permit requirements described below will apply at all times.

Each person conducting leafletting and soliciting activity will be required to obtain and display a permit. The standards for issuing such permits shall be simple and objective. Airport officials will not have the discretion to deny a permit to those who are soliciting for non-commercial purposes or distributing literature of any non-commercial nature, except in precisely defined situations.

Permit systems that protect a legitimate governmental interest, and which are administered in accordance with narrowly drawn, precise and objective standards, are clearly allowable. The Supreme Court has stated that without doubt government "may protect its citizens from fraudulent solicitation by requiring a stranger in the community, before permitting him publicly to solicit funds for any purpose, to establish his identity and his authority to act for the cause he purports to represent. The State is likewise free to regulate the time and manner of solicitation generally, the interest of public safety, peace, comfort or convenience:" (*Cantwell* v. *Connecticut*, 310 U.S. 296, 306, 1940).

Under the proposal a permit will be issued by Airport Management immediately upon completion of the application provided that all available permits have not been distributed to other applicants. Permits will be issued on a first come/first serve basis. Permits will be good for seven days to assure an adequate turnover in the permits while not limiting the holder to what may be an unduly brief authorization. Daily permits are administratively burdensome to the Airport personnel. Conversely, issuing permits with overly long duration may result in perpetuating certain groups or solicitors and unreasonably excluding others.

An application for a permit to distribute written or printed matter without charge or without otherwise soliciting funds, will require only the applicant's identity and a statement that the applicant's activity is being conducted for non-commercial purposes.

An application for a permit to solicit contributions, or to sell printed matter or to distribute printed matter in exchange for a donation, will require the same identification and statement, and certain other information intended to provide minimal public protection from fraudulent solicitation without infringing on protected activities. First, the application will require the identification of the organization which the applicant represents, and a letter or other evidence that the applicant is authorized to represent that organization. With the exception of religious solicitors, individuals will be permitted to solicit contributions only if they represent or are affiliated in some manner with an organization or are soliciting on behalf of that organization. The solicitation of funds by individuals not associated with the free exercise of religion is not constitutionally protected. Moreover, the solicitation of funds by individuals for non-religious purposes, even if, ostensibly, the money is to be turned over to a charity, is highly susceptible to fraudulent representation, and is not readily distinguishable from solicitation for personal gain. An individual need not be a member of an organization to solicit on its behalf. Second, the application will require the name and title of the person in that organization who will have supervision of, and responsibility for, the applicant's activity at the airport.

Finally, the solicitor will be required to submit either a statement or documentation of the organization's status as a religious, political, or charitable or public interest organization. If the applicant claims that the organization is either religious or political in nature, a statement to that effect, and nothing more, will be required. Applicants to solicit on behalf of charitable, scientific, educational or other public interest organizations will be required to submit evidence that the Internal Revenue Service has determined the organization to be eligible for tax-exempt status under 26 U.S.C.A. Sections 501(c)(3), (c)(4) or (c)(5). Section 501(c)(3) addresses the tax-exempt status of religious, educational, charitable, scientific, testing for public safety, fostering of certain amateur sports competition, and prevention of cruelty to children or animals organizations. Section 501(c)(4) pertains to civic leagues, social welfare organizations, and local associations of employees. Section 501(c)(5) covers labor, agricultural, and horticultural organizations.

Regulation of charitable solicitation at the airports for the protection of the public is well within FAA's regulatory and police powers. The IRS determination of tax-exempt status is used only because it constitutes an objective determination of whether an organization is commercial or non-commercial, i.e. whether or not the organization primarily benefits a charitable or public interest which is different from that of the organization's owners and management. The determination is easy to obtain if the organization has not already done so, and is minimally restrictive. (More than 200,000 organizations qualified for Section 501(c)(3) status alone as of October 1978.) Additionally, the determination provides an objective criterion for issuance of a solicitation permit by airport officials on a ministerial, non-discretionary basis. Similar documentation is not required of religious or political organizations in consideration of the special constitutional deference to such activities, particularly religious solicitation, and the absence of appropriate documentation for political organizations.

FAA emphasizes that the requirements for organizational identity and documentation of non-commercial status apply only to solicitation of contributions. Any individual or organization will be granted an available permit to prosyletize or distribute printed matter upon furnishing the applicant's identity and a signed assurance that his or her activity is to be conducted for non-commercial purposes.

B. Section-by-Section Analysis

The proposed regulations would: (1) define commercial activity, which may not be conducted on the airport except under the terms and conditions prescribed by the airport manager, (2) define non-commercial activity, (3) establish procedures for the conduct of non-commercial activity and, (4) prohibit certain conduct related to non-commercial activity.

1. Commercial Activity. FAA proposes to amend existing § 159.91 "Business or Commercial Activity." The title is changed to "Commercial Activity". Section 159.91(a), requiring the airport manager's approval for such activity, remains essentially unchanged.

Existing Federal Aviation regulation 159.91(b) is deleted. This is the provision which places unqualified discretion on the Airport Manager to grant or deny permission to solicit funds at the airport and is of questionable constitutional validity. A new § 159.91(b) will provide a definition of commercial activity. This definition is intended to be broad, encompassing all activity for profit conducted at the airport. Existing § 159.91(c) is also deleted. This section presently necessitates the Manager's permission to make a sale, expose an article for sale or charge an admission fee at the airport. In view of § 159.91(a) and the definition of commercial activity in proposed § 159.91(b), this provision is superfluous.

2. Non-Commercial Activity. FAA proposes to enact new § 159.93 which establishes precise guidelines for the conduct of non-commercial activity at the airports as defined in paragraph 159.91(a). The regulation is aimed at certain conduct. Pure speech is not regulated at all. Rather it is the acts that go beyond pure speech, such as distributing or selling printed matter or soliciting funds at the airport, that affect the legitimate proprietary interests of the FAA. It is this conduct that § 159.93(a) of this regulation reaches.

The distribution of printed material by a non-commercial group, for free or for a donation, is considered a non-commercial activity with one exception. The distribution of such material by a person holding a valid permit will be permitted in all cases except in the limited situation in which the same material is for sale by an authorized airport concessionaire. It is considered unfair to airport concessionaires, who pay a fee to the FAA for the right to conduct business on the airport, to permit non-commercial groups to raise funds by the distribution of items in direct competition with these fee-paying and highly regulated commercial enterprises. The distribution of printed material also sold by airport concessionaires is therefore treated as a commercial activity.

The distribution of any items or material other than printed material, whether for free or for a donation, is deemed a commercial activity and may be undertaken only with the approval of, and under terms and conditions prescribed by, the Airport Manager.

Proposed § 159.93(b) and (c) would impose the permit requirement and establish the procedure for permit issuance. That procedure is intended to impose the least restrictive burden upon those wishing to solicit or leaflet at the airports consistent with the protection of the public from unacceptable congestion and fraudulent solicitation. The applicant for a leafletting permit will have to provide his or her name, address, and telephone number, and sign a statement that the distribution of printed matter will be for a non-commercial purpose.

The applicant for a soliciting permit will be required to provide, in addition to the above statements, the name and address of the organization for which funds are solicited, an authorization to represent that organization, the name and title of the person in that organization who will have supervision of and responsibility for the solicitor's activity at the airport, and a statement or documentary evidence of the non-commercial nature of the organization. If a religious or political status is claimed for the organization, only the applicant's statement will be required. Applicants who intend to solicit for charitable or other public-interest organizations will be required to provide a copy of the IRS determination that their organization qualifies as a tax-exempt organization under 26 U.S.C.A. Sections 501(c)(3), (c)(4) or (c)(5). Alternatively, the applicant may sign a statement that the organization has an application pending before IRS for such a determination.

Proposed § 159.93(d) provides for the denial of a permit to an applicant if he has not completed the application of if there is no permit available because all have been issued. No other basis will suffice for the denial of a permit.

Section 159.93(e) establishes that permits shall be issued on a first come, first served basis. The permits are not transferable. However, if several individuals submit applications for one permit, that permit may be issued to them and transferred among them. However, only one person may use a permit at any given time. Section (f) provides that the permits are good for 7 days. Upon expiration of a permit the holder can be issued a new permit immediately upon his submission of a new application unless all other permits have been issued. If all other permits have been issued the former permit holder shall have to wait 24 hours before being issued another permit. This is to allow those who have been unable to get a permit an opportunity to get an

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expired permit and to prevent permit holders from perpetuating their presence on the airport to the exclusion of others.

Section 159.93(g) establishes area restrictions within the terminals. The area designated will be marked on the permit and permit holders will be instructed as to the location of that area when they receive the permit. The area will be clearly identified on a floor plan available to the public and will be displayed where the permits are issued at the airport operations office.

The restriction on the number of permits issued for an area is based on a recent study of pedestrian traffic flow in the terminals. Based on this study and on its experience, FAA believes that Washington National Airport can accommodate eight individuals engaged in non-commercial activity dispersed among the principal terminals at the airport. FAA therefore proposes to issue up to eight permits at any one time. Dulles Airport is subject to heavy congestion in peak afternoon and evening hours. therefore FAS proposes to permit seven individuals to engage in non-commercial activity at Dulles during the hours of 4 p.m. to 8 p.m. It is proposed that there be no limit on the number of permits at Dulles during other hours of the day. The areas and numbers proposed in this Notice may be changed as a consequence of further traffic study. (The public is requested to comment specifically on the proposed areas and numbers in the regulation.)

3. Prohibited Conduct. Proposed § 159.94 specifies the conduct that is prohibited. the regulation will prohibit non-commercial activity conducted without a permit, or conducted outside the assigned area. Further, it will porhibit non-commercial activity within ten feet of certain areas or airport activities such as ticket counters and baggage claim areas, restroom facilities and staircases, or of persons in line at the places listed. This restriction is intended to promote safe and efficient operation of the airport. The distance of ten feet was determined by FAA to constitute an optimum compromise of the competing interests involved. Besides being an easily recognizable standard, this distance permits a minimally adequate clearance around points of congestion and persons in "captive audience" situations, and at the same time permits solicitors and leaflettors the mazimum practical access to terminal open areas.

The regulation will require solicitors to conspicuously identify their organization. Furthermore, the regulation will specifically prohibit solicitation by the use of threatening or embarrasing methods, by physical contact or by repeatedly soliciting an individual who has indicated that he or she does not wish to accept or purchase any material or to make a donation. The regulation provides for a judicial ban of up to six months on non-commercial activity at the airport if that individual has been convicted of violating new provision § 159.94. The provision, § 159.191(c) leaves this totally within the discretion of a court and beyond the discretion of the airport management or FAA.

C. The Proposed Rule

The Federal Aviation Administration proposes to amend Subpart D, "Rules of Conduct," of Part 159 of the Federal Aviation Regulations (14 CFR Part 159) as follows:

1. By amending § 159.91, "Business and Commercial Activity," by deleting the heading and the entire section consisting of paragraphs (a), (b) and (c) and substituting for them the following:

§ 159.91 Commercial activity.

(a) No person may engage in any commercial activity on the Airport without the approval of, and under terms and conditions prescribed by, the airport Manager.

(b) for the purpose of this section "commercial activity" means any activity undertaken for profit including the sale, provision advertisement or display of goods or services."

2. By adding a new § 159.93 to read as follows:

§ 159.93 Certain noncommercial activities.

(a) This section applies to the following activities undertaken not for profit but for philanthropic, religious, charitable, benevolent, humane, public interest or similar purpose (hereinafter referred to as "non-commercial" activities):

(1) The distribution, whether or not in exchange for a donation, of any written or printed matter to the general public, *provided*, that if the written or printed matter is for sale on the airport by a commercial vendor its sale by any person will be treated as a "commercial activity" under this Part. The distribution of items or material other than printed material, whether or not in exchange for a donation, will be treated as a "commercial activity" under this Part.

(2) The solicitation of funds from the general public whether or not in connection with the distribution or sale of written or printed matter.

(b) Each person conducting any non-commercial activity must hold a valid permit issued by the Airport Manager and conduct the activity in conformity with applicable laws, regulations and the terms of the permit. Each permit shall describe the activity authorized and the area in which it may be conducted.

(c) *Procedure:* Unless by prior application all available permits have been granted, applications will be processed as follows:

(1) Each person who seeks to distribute written or printed matter without soliciting funds shall immediately be given a single permit for leafletting upon his submission of an application, signed by the applicant, stating that the distribution is for a non-commercial purpose.

(2) Each person who seeks to solicit contributions or sell or distribute printed matter in exchange for a donation, either in connection with religious expression or as representative of a non-commercial organization, shall immediately be given a single permit upon his submission of an application, signed by the applicant, containing the following:

(A) The applicant's name, address and telephone number;

(B) If the applicant purports to represent an organization, the name, address and telephone number of the organization, and a letter or other documentation that the applicant has authority to represent that organization.

(C) the name and title of the person in the organization who will have supervision of and responsibility for the activity at the airport;

(D) A statement that the sale of printed matter and/or the solicitation of funds is for non-commercial purposes; and

(E) One of the following:

(i) A statement signed by the applicant that the applicant represents and will be soliciting funds for the sole benefit of a religion or religious group;

(ii) A statement signed by the applicant that the applicant represents and will be soliciting funds for the sole benefit of a political organization the primary function of which is to influence the nomination, election, or appointment of one or more individuals to Federal, state or local public office, or to influence Federal, state or local legislation;

(iii) A copy of an official Internal Revenue Service (IRS) ruling or letter of determination stating that the applicant's organization or its parent organization qualifies for tax-exempt status under 26 U.S.C. Section 501(c)(3), (c)(4), or (c)(5). (This requirement will be deemed satisfied if the organization is listed in the current edition of or amendment to IRS Publication 78, *Cumulative List of Organizations*); or

(iv) A statement signed by the applicant that the applicant's organization has applied to the IRS for a determination of tax-exempt status under 26 U.S.C. Section 501(c)(3), (c)(4), or (c)(5), and that the IRS has not yet issued a final administrative ruling or determination on such status.

(d) Failure to submit the information required by subsection (c) shall result in denial of the permit. Upon submitting a completed signed application, a permit shall be issued unless all available permits have been issued to prior applicants, subject to the provisions of paragraph (f) of this section.

(e) Applications for permits must be submitted to the Operations Office of the airport concerned. Permits will be granted on a "first come, first served" basis. The area will be granted on a "first come, first choice" basis. The permits are not transferable except among individuals who have completed and submitted applications for the same permit.

(f) *Duration.* Each permit shall issue in the name of the applicant and shall authorize the holder to conduct non-commercial activities for a period not to exceed 7 consecutive days. Permits shall not be extended or renewed. After the expiration of the permit a new permit may be issued to the former permit holder upon submission of a new application. In such a case, applicants may be permitted to incorporate by reference any required documentation filed with a previous application. Provided, however, that a former permit holder shall not be issued a new permit for 24 hours after the expiration of the old permit if at the time of expiration of the old permit all other permits have been issued.

(g) *Areas.* Each permit shall specify the area in which the non-commercial activity may be conducted by the permit holder. Permits shall be issued for the following areas up to the maximum number indicated:

(1) Washington National Airport:

i. the Northwest/Trans World Airlines lobby (2)

ii. the American Airlines lobby (1)

iii. the main concourse and balcony (2)

iv. the north terminal (2)

v. the sidewalk in front of the Piedmont Aviation Terminal (1)

(2) Dulles International Airport between 4 p.m. and 8 p.m.

i. upper level main concourse south of ticketing area (4)

ii. lower level south concourse (1)

iii. lower level east (1)

iv. lower level west (1)

The areas are depicted in the chart in Appendix A.[1] They are also on display on a floor plan at the Operations Office of each Airport.

(3) By adding new section 159.94 to read as follows:

Section 159.94. *Prohibited Conduct relating to Non-Commercial Activity:* No person may conduct non-commercial activity:

(a) without a permit or with a permit that has expired.

(b) with a permit issued in response to an intentionally false application.

(c) with a permit outside the area designated on the permit.

(d) within 10 feet of the following:

(1) A ticket counter

(2) A baggage claim area

(3) A departure gate check-in counter

(4) A departure gate lounge

(5) An anti-hijack security screening point

(6) Premises leased for the exclusive use of a concessionaire

(7) Restroom facilities

(8) A stair, escalator or elevator

(9) A doorway or entrance way

(10) A motor vehicle with embarking or disembarking passengers

(11) A public service information counter

(12) Persons waiting in line at any of the above listed areas

(e) if that person is selling written or printed matter or soliciting funds, without wearing or displaying, in a conspicuous manner, the name of the organization that the person represents.

(f) by use of threatening gestures, or by language directed at another person in a manner intended to embarrass, ridicule or harass that other person.

(g) By intentionally touching or making physical contact with another person unless that other person has consented to such physical contact.

(h) By repeatedly attempting to distribute written or printed matter to, or to solicit funds from, another person when that other person has indicated to the solicitor that he or she does not wish to accept any matter or to make a donation.

(i) By use of a loudspeaker, sound or voice amplifying apparatus without the permission of the Airport Manager.

(j) By setting up a table, counter or stand without the permission of the Airport Manager.

(4) By amending subpart I—"Enforcement" of Part 159 by adding to Section 159.191 "Penalties" the following new paragraph:

(c) In addition to the penalities prescribed in paragraph (a) of this section, any person who is convicted or willfully and knowingly violating section 159.94, *infra*, shall be prohibited from engaging in non-commercial activity at the Airports for not more than six months.

[1] Appendix A is filed as part of the original document.

(Secs. 2 and 4 of the Act for the Administration of Washington National Airport, 54 Stat. 686 as amended by 61 Stat. 94; Secs. 4 and 10 of the Second Washington Airport Act, 64 Stat. 770; sec. 313 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1459); sec. 6, Department of Transportation Act (29 U.S.C. 1655); Sec. 501 of Pub. L. 96-193, February 18, 1980)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The economic impact of the proposal is judged to be minimal and a detailed evaluation is not required.

Issued in Washington, D.C. on March 20, 1980.

James A. Wilding,

Director, Metropolitan Washington Airports.

[FR Doc. 80-9290 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-13-M

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V 45/61 MR27 80 UMI

federal register

Thursday
March 27, 1980

Part VI

Environmental Protection Agency

Approval and Promulgation of Nonattainment Plan for Indiana

V 45/61 MR 27 80 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[FRL 1449–1]

Approval and Promulgation of Nonattainment Plan for Indiana

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The purpose of this notice is to announce the receipt of a State Implementation Plan (SIP) revision for Indiana, to discuss the results of the United States Environmental Protection Agency's (USEPA) review of that revision, and to invite public comment.

On June 26, 1979, the State of Indiana submitted to USEPA a proposed revision of its SIP pursuant to Part D of the Clean Air Act as amended in 1977. The revision applies to areas of Indiana that have not attained the national Ambient Air Quality Standards (NAAQS) for sulfur dioxide, ozone, carbon monoxide, and particulates. As required by the Act, the purpose of this revision is to implement measures for controlling the emissions of these pollutants in nonattainment areas and to demonstrate that these measures will provide for attainment of the National Ambient Air Quality Standards as expeditiously as practicable, but not later than December 31, 1982 for the primary standards; or by December 31, 1987, under certain conditions, for ozone and carbon monoxide. The requirements for an approvable SIP are described in a **Federal Register** notice published on April 4, 1979 (44 FR 20372), and are not reiterated in this notice.

Supplements to the April 4, 1979 notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), and September 17, 1979 (44 FR 53761) and November 23, 1979 (44 FR 67182) discussing, among other things, additional criteria for SIP approval.

In addition to addressing the requirements of Part D, the Indiana SIP revision incorporates certain general requirements of the Clean Air Act as amended.

DATE: Comments on this revision and on the proposed USEPA action on the revisions are due by April 28, 1980.

ADDRESSES: Copies of the SIP revision are available at the following addresses for inspection:

United States Environmental Protection Agency, Region V Air Programs Branch, 230 South Dearborn, Chicago, Illinois 60604.

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

Indiana State Board of Health, Air Pollution Control Division, 1330 West Michigan, Indianapolis, Indiana 46206.

WRITTEN COMMENTS SHOULD BE SENT TO: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, USEPA Region V, 230 South Dearborn, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, USEPA Region V, 230 South Dearborn, Chicago, Illinois 60604 (312) 886–6029.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act (Act) as amended, USEPA designated certain areas in each state as not meeting the National Ambient Air Quality Standards for total suspended particulates (TSP), sulfur dioxide (SO_2), carbon monoxide (CO), photochemical oxidants (ozone), and nitrogen dioxide (NO_2).

Part D of the Act, which was added by the 1977 Amendments, requires each state to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary National Ambient Air Quality Standards as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions that date may be extended to December 31, 1987 for ozone and/or carbon monoxide.

On June 26, 1979, the State of Indiana submitted a portion of its revised SIP to USEPA so that the Agency could review the plan and solicit public comment both on the plan provisions and on USEPA's proposed rulemaking. The proposed SIP revision addresses the Clean Air Act requirements for a nonattainment SIP and some general requirements for a statewide SIP.

The measures proposed for promulgation today will be in addition to, and not in lieu of, existing SIP regulations. The present emission control regulations for any source will remain applicable and enforceable to prevent a source from operating without controls, or under less stringent controls, while it is moving toward compliance with the new regulations; or if it chooses, challenging the new regulations. In some instances, the present emission control regulations contained in the federally-approved SIP are different from the regulations currently being enforced by the State. In these situations, the present federally-approved SIP will remain applicable and enforceable until there is compliance with the newly promulgated and federally approved regulations. Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, including assessment of noncompliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability or enforceability of the new regulations, because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

The only exception to this rule is in cases where there is a conflict between the requirements of the new regulations and the requirements of the existing regulations such that it would be impossible for a source to comply with the preexisting SIP while moving toward compliance with the new regulations. In these situations, the State may exempt a source from compliance with the pre-existing regulations. Any exemptions granted will be reviewed and acted on by USEPA either as part of these promulgated regulations or as a future SIP revision.

This notice discusses USEPA's review of the proposed Indiana SIP in two parts: (1) The strategies developed by Indiana to meet National Ambient Air Quality Standards for each pollutant in designated nonattainment areas; and (2) The revisions necessitated by general requirements of the Clean Air Act Amendments.

In its review, USEPA has specified portions of the proposed SIP as being approvable and not approvable. USEPA will conditionally approve the plan if the State proposal contains minor deficiencies, and if the State provides assurances that it will submit corrections on a specified schedule. The schedules must be negotiated between the USEPA Regional Office and the State within the public comment period announced in this Notice. The negotiated schedules will be announced for public comment in a separate Notice of Proposed Rulemaking. A conditional approval will mean that the restrictions on new major source construction will not apply unless the State fails to submit the necessary revisions by the scheduled date, or if the revisions are not approved by USEPA. Conditional approvals will not be granted without strong assurances by the appropriate State official(s) that the deficiencies will be corrected by the specified date.

USEPA solicits comments on both the proposed SIP revisions and the proposed USEPA action on these revisions from all interested parties. USEPA specifically solicits public comment on the proposals for conditional approval.

USEPA also encourages residents and industries in adjoining States to comment on any interstate air quality impacts of the proposed Indiana SIP revision.

On August 14, 1979 a Notice of Availability was published in the **Federal Register** (44 FR 47559) announcing the receipt and availability for review of the proposed revisions to the Indiana SIP and informing the public that a comment period of less than 60 days might be provided. A thirty-day comment period is being provided because the July 1, 1979 statutory deadline for USEPA approval of revisions for nonattainment areas has already passed. To be considered, comments on this revision and on the proposed USEPA action on the revision must be postmarked not later than thirty days from the publication of this Notice of Proposed Rulemaking. If, however, interested parties require additional time to comment on USEPA's proposed rulemaking actions, they can petition USEPA at the above address for an extension of the comment period. Requests for extension of the comment period must be received by USEPA prior to the closing of the thirty-day comment period announced in this Notice of Proposed Rulemaking.

Plan Requirements for Nonattainment Areas

In addition to the general requirements applicable to all State implementation plan revisions pursuant to section 110, the revised plan must satisfy the general requirements of Part D of the Act. USEPA has reviewed the proposed revision to the Indiana Implementation Plan to determine if it meets these Part D requirements. Any deficiencies are discussed in the following portions of this **Federal Register** on specific regulations and pollutants.

General Regulations

Indiana has submitted several regulations which are not related to any one pollutant. These regulations are Air Pollution Control (APC) Regulation 1 containing definitions for use in all Indiana Air Pollution Control regulations; Regulation APC 11 establishing a reporting procedure for malfunctions, a maintenance program requirement for emission control equipment, and a malfunction emission reduction program; Regulation APC 19 establishing requirements for permits for the construction, modification, or operation of facilities and emission control devices; and Regulation APC 22 detailing the attainment and nonattainment areas of the State for the criteria pollutants. A discussion of USEPA's review of these regulations follows:

Regulation APC 1

Many of the comments concerning definitions in this regulation are contained in the following sections of this notice on specific regulations and are not reiterated here. Some of the definitions in the proposed revision are used in regulations which have not yet been submitted to USEPA. Consequently, although USEPA approves these definitions generally, it may be necessary to disapprove the definitions later within the context of the specific regulations.

The Indiana regulation contains a definition of "Nonphotochemically Reactive Hydrocarbons" which includes methyl chloroform and methylene chloride and, in effect, exempts them from controls.

These volatile organic compounds (VOC's) while not appreciably affecting ambient ozone levels, are potentially harmful in other respects. Both methyl chloroform and methylene chloride have been identified as mutagenic in bacterial and mammalian cell test systems, a circumstance which raises the possibility of human mutagenicity and/or carcinogenicity. With the exemption of these compounds, some sources, particularly existing degreasers, will be encouraged to utilize methyl chloroform in place of other more photochemically reactive degreasing solvents. Such substitution has already resulted in the use of methyl chloroform in amounts far exceeding those of other solvents. Endorsing the use of methyl chloroform by exempting it in the SIP revision can only further aggravate the problem by increasing the emissions produced by existing primary degreasers and other sources.

The USEPA is concerned that the State has chosen this course of action without full consideration of the total environmental and health implications. The USEPA does not intend to disapprove the State SIP submittal if, after due consideration, the State chooses to maintain these exemptions. The Agency is, however, concerned that this policy not be interpreted as encouraging either the increased use of these compounds or compliance by substitution. The USEPA does not endorse such approaches. Furthermore, state officials and sources should be advised that there is a strong possibility of future regulatory action to control these compounds. Sources which choose to comply by substitution may well be required to install control systems as a consequence of these future regulatory actions.

"Positive net air quality benefit" is defined in the regulation as the net result of offsetting new allowable emissions with reduced actual or allowable emissions. This provision could be interpreted as allowing sources to claim offset credits for bringing existing sources into compliance with the applicable emission limitation. Compliance by existing sources is already considered in the SIP demonstration of attainment. Crediting these emission reductions twice will not result in progress toward attainment of NAAQS. Therefore, USEPA proposes to conditionally approve this definition if the State makes a commitment to change the definition so that positive net air quality benefit is the result of offsetting new allowable emissions with the reduced actual or allowable emissions *whichever is less.* This change in the definition must be completed on a schedule to be negotiated between the State and the USEPA Regional Office during the comment period announced in this Notice.

Finally, this regulation defines "State Implementation Plan" as the State plan of the Indiana Air Pollution Control Division. USEPA believes that this definition is confusing and misleading since a State Implementation Plan must be federally approved pursuant to the Clean Air Act. In order to eliminate any potential confusion, in regulation which states that provisions or exemptions will be submitted to the USEPA as revisions to the State Implementation Plan, clarifying language should be included noting that the revisions are to the *federally approved* State Implementation Plan.

USEPA proposes to approve the definitions in Regulation APC 1 with the exception of the definitions with deficiencies noted above and in the following sections on specific regulations. USEPA's proposed action on the definitions with deficiencies is specified in the discussion on each of these definitions. USEPA proposes to conditionally approve the deficient regulations upon commitment of the appropriate State official(s) to make the necessary corrections according to a schedule negotiated between the State and the USEPA Regional Office during the comment period announced in this Notice.

Regulation APC 11

Regulation APC 11 is a new regulation establishing a reporting procedure for malfunctions, a maintenance program requirement for emission control

equipment and facilities, and a malfunction emission reduction program. USEPA has reviewed this regulation and proposes to disapprove it as a revision to the federally approved SIP. Failure to achieve USEPA approval of these provisions by July 1, 1979 does not, however, trigger economic and growth limitations because these provisions are not required by Part D of the Clean Air Act.

USEPA policy, as reflected in the Federal malfunction regulations promulgated in the April 27, 1977 **Federal Register** (42 FR 21472), recognizes the possibility of malfunctions but defines all periods of excess emissions as violations of the applicable emission standard in order to reduce the frequency of such episodes by encouraging good maintenance procedures. According to this policy, the source then has the burden to demonstrate that the violation was due to an unavoidable malfunction in which case enforcement discretion may be exercised. The Federal malfunction regulations detail the enforcement procedure which will be followed when a period of excess emissions occurs and indicate how this discretion will be exercised.

The proposed Indiana revision does not require that all periods of excess emissions due to malfunctions be considered violations of the applicable standard. If a source demonstrates four things, the proposed revision provides for an automatic emission limitation exemption during such periods of excess emissions. This approach is impermissible since it creates the potential for permitting violations of the NAAQS by exempting malfunction episodes from applicable emission limitations. Pursuant to section 110 of the Clean Air Act, USEPA proposes to disapprove these malfunction provisions because they interfere with the attainment of the National Ambient Air Quality Standards. Further, the approach in this regulation is inconsistent with the enforcement imperatives of sections 110 and 113 of the Clean Air Act.

In addition, this regulation contains a provision permitting fossil-fuel fired steam generators to exceed the applicable sulfur dioxide emission limitations in no more than three 24-hour periods during any calendar month. This exemption is not approvable because it potentially interferes with the June 11, 1979 New Source Performance Standard for electric utility generators. This deficiency as well as the deficiency discussed above must be corrected before this regulation is approvable.

Regulation APC 22

This revised regulation classifies areas of the State as nonattainment, attainment, or unclassifiable for sulfur dioxide, total suspended particulates, carbon monoxide, photochemical oxidants and nitrogen oxides. These classifications conform to the federally promulgated designations contained at 40 CFR Part 81 with one exception. Regulation APC 22 identifies Wayne County as an attainment area for the sulfur dioxide NAAQS. USEPA has designated Wayne County as a nonattainment area for sulfur dioxide. USEPA, therefore, proposes to approve Regulation APC 22 with the exception of its classification of Wayne County as an attainment area for the sulfur dioxide standards. This deficiency is discussed in greater detail below under Regulation APC 13.

Regulation APC 19—Permits, Prevention of Significant Deterioration, and Emission Offsets

Regulation APC 19 establishes requirements for the registration of specified facilities and emission control devices and for the issuance of permits for the construction, operation, and modification of specified facilities and emission control devices. In addition, this regulation contains requirements for new source review for the prevention of significant deterioration (PSD) of air quality in attainment areas and for the offsetting or emissions in nonattainment areas. The regulation also contains a section on compliance using the bubble approach. USEPA's discussion of the regulation will address both the general deficiencies in the regulation and, a review of the new source permit program in nonattainment areas. Because the PSD revisions are required under Part C of Title I of the Clean Air Act rather than under Part D, USEPA's review of the proposed PSD plan is contained in the portion of this notice addressing general SIP requirements.

General Deficiencies

1. Section 4(g) of Regulation APC 19 states that emission limitations may be established as conditions of construction and operating permits, and details a procedure for incorporating the emission limitations into the permits. Pursuant to 40 CFR 51.22, emission limitations must be adopted as rules and regulations enforceable by the State agency. In order to satisfy this regulatory requirement, limitation contained in a permit has the force and effect of a regulation. USEPA proposes to approve the placement of emission limitations in permits if prior to USEPA final rulemaking on this regulation the State submits certification from the Indiana Attorney General that emission limitations contained in permits issued pursuant to Regulation APC 19 will have the force and effect of regulations in Indiana. Without this certification, any permits issued with emission limitations, including site specific emission limitations established by permit under Regulations APC 13 and APC 23, will not be approvable as revisions to the federally approved State Implementation Plan. If the State does not submit a certification from the Indiana Attorney General, USEPA will disapprove the following sections and portions of sections pertaining to the issuance of emission limitations in permits: Section 4(g) of Regulation APC 19; Sections 3(a), 3(q), 3(s), and 7 of Regulation APC 23; and Sections 3(b) and 8 of Regulation APC 13.

2. Section 4(h) of Regulation APC 19 specifies the timeframes within which construction permits must be issued or denied. If a permit is not issued or denied within these timeframes, the regulation provides that the permit must be issued by default. This default provision is unacceptable because it would allow a construction permit to be issued without any assurance that the National Ambient Air Quality Standards will be achieved or maintained. USEPA proposes to disapprove this default provision and proposes to conditionally approve Regulation APC 19 if the State makes a commitment to delete the default provision from the regulation. This corrective action must be carried out according to a schedule to be negotiated between the State and the USEPA Regional Office during the thirty-day comment period announced in this Notice. USEPA's disapproval of section 4(h) would mean that a source proceeding with construction on the basis of this section would be in violation of the federally approved SIP and subject to federal enforcement action.

3. Section 172(b)(11) of the Clean Air Act requires the establishment of a program of analyses which must be completed prior to the issuance of construction permits for major facilities locating in a nonattainment area which needs an extension beyond *December 31, 1982* to attain the ozone and/or carbon monoxide NAAQS. Section 4(b)(2) of Regulation APC 19 satisfies this statutory requirement except for a typographical error. The regulation requires analyses for those major facilities located in nonattainment areas for which an extension *beyond December 31, 1987* is necessary. USEPA proposes to conditionally approve Section 4(b)(2) of Regulation APC 19 if the State corrects this typographical error during the public comment period announced in this proposal.

New Source Permit Program

To be approvable under Part D, a preconstruction review program must assure that permits for proposed major sources and major modifications are issued in conformance with the requirements of section 173 of the Act. Those requirements and details of how the Indiana submittal conforms to them are listed below:

1. The Clean Air Act requires that each SIP accommodate growth in emissions in nonattainment areas through an emission offset program or by a planned margin for growth. Indiana has elected to use an offset approach in its preconstruction review program. Section 8(a) (2) and (4) of Regulation APC 19 specify that increased emissions resulting from proposed construction, modification, or reconstruction must equal 90% or less of offsetting emissions and that reasonable further progress must be achieved by the proposed offset.

2. Any emission reductions required under the emission offset program must be legally binding and enforceable before the permit can be issued. Section 8(e)(6) of Regulation APC 19 specifies that no emission reduction may be approved as offset which cannot be legally enforced by the IAPCB. Offsetting emissions are considered by the State to be legally enforceable if the reduction is included as a condition in either an operating or construction permit. USEPA's policy is that internal offsets are enforceable as operating construction permit conditions while external offsets must be submitted as revisions to the SIP to be Federally enforceable. Regulation APC–19(2)(g) requires Indiana to submit emission limitations and compliance schedules contained in operating and construction permits as revisions to the Federally approved SIP. This requirement means that all offset provisions will be submitted as a part of the SIP and, if approved, Federally enforceable. The offset provisions of Regulation APC–19, therefore, meet the requirements of USEPA's policy.

3. The proposed major source or major modification must comply with the lowest achievable emission rate (LAER) as defined in Section 171(3) of the Act. The Indiana definition of LAER contained in Regulation APC 1 conforms to the Act's definition.

4. All major sources in the state owned or operated by the owner or operator of the proposed major source or major modification must be in compliance or on a schedule for compliance with the Act. Section 8(i) of Regulation APC 19 satisfies this requirement.

USEPA proposes to conditionally approve Regulation APC 19 and the new source review program if the appropriate State Officials make a commitment to correct the specified deficiencies on a schedule to be negotiated between the State and the USEPA Regional Office during the thirty day comment period announced in this Notice.

Total Suspended Particulates

Part D of the Clean Air Act requires State Implementation Plans to include strategies and regulations adequate to insure attainment of the primary National Ambient Air Quality Standards (NAAQS) as expeditiously as practicable but not later than December 31, 1982 and, in the interim, to provide reasonable further progress toward attainment through the application of reasonably available control technology (RACT).

In cases where the attainment of NAAQS cannot be demonstrated despite the application of reasonably available control technology to traditional sources of particulate matter such as industrial point and industrial fugitive sources, USEPA will approve State SIPs contingent upon a commitment by the State to study further the causes for particulate nonattainment, including the degree to which nontraditional area sources affect air quality, and to develop appropriate control measures.

Eight areas in the State of Indiana have been designated as nonattainment for both the primary and secondary particulate National Ambient Air Quality Standards. An additional three areas have been designated as nonattainment for only the secondary articulate NAAQS. Indiana has submitted control strategies and demonstrations for attaining the primary and secondary standards in three of the eight nonattainment areas. No control strategies or demonstrations were included in the submittal for the primary and secondary nonattainment areas of Marion, Lake, Clark, Vigo, and LaPorte Counties. Regulations to implement the strategies have similarly not been adopted by the State or submitted to USEPA. Therefore, although USEPA is proposing rulemaking on the submitted control strategies and demonstrations, it cannot propose rulemaking on the adequacy of the entire particulate SIP at this time. USEPA will propose rulemaking on the adequacy of the attainment demonstrations and the adequacy of the regulations to attain and maintain the NAAQS in Marion, Lake, Clark, Vigo, and LaPorte Counties and on the attainment demonstration for the entire particulate SIP upon the State's submittal of the omitted portions of the plan.

Pursuant to section 110(b) of the Clean Air Act, Indiana included a request in the submittal for an eighteen month extension of the statutory timetable for the submittal and approval of SIP revisions for attaining the secondary particulate NAAQS in Howard, LaPorte, St. Joseph, and Vanderburgh Counties. On August 10, 1979, the Technical Secretary of the Indiana Air Pollution Control Board supplemented this original request for an extension in Dearborn, Dubois, Clark, Wayne, Marion, Lake and Vigo Counties. Portions of all these counties have been designated as not attaining the secondary particulate NAAQS.

In order to receive an extension, a State must satisfy the requirements of 40 CFR 51.31. These requirements include a showing that attainment will require emission reductions greater than those that would result from application of reasonably available control technology as well as a showing that notice has been given to States which adjoin any air quality control region which is the subject of an extension request. As discussed below, the State has not yet satisfied these requirements.

The Marion, Lake, and Clark Counties, the State has not submitted technical support or documentation to satisfy the regulatory requirements. Without technical support, USEPA cannot evaluate whether attainment in these counties will require emission reductions greater than those that would result from the application of RACT. The State can remedy this deficiency by submitting adequate technical support during the comment period in this notice. Although technical support was provided for Dearborn, Dubois, Vigo, and Wayne Counties in the SIP submittal, the State indicates in its Executive Summaries that analysis of this support demonstrates that attainment of the secondary standard can be achieved using RACT. USEPA is aware, however, that the State has reassessed what constitutes RACT for particulate sources. This reassessment may result in a determination that attainment will require emission reductions greater than those that would result from the application of RACT. Therefore, during the comment period announced in this Notice, the State must

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(1) specify what Indiana has defined as RACT for the affected source categories and (2) demonstrate that RACT alone will not achieve attainment of the secondary standards. On September 10, 1979 and January 29, 1980, the State submitted technical support to justify the extension in Vanderburgh, LaPorte, St. Joseph, and Howard Counties. USEPA proposes to approve the requests for extension in these four counties since USEPA's review of the technical support indicates that the regulatory requirements are satified. USEPA further proposes to approve the other requests for eighteen month extensions of the January 1, 1979 deadline of the SIP revision and the July 1, 1979 deadline for USEPA approval if the State submits the missing documentation cited above during the thirty day Comment period on this Notice. Approval of the State's request would require the State to submit strategies to attain the secondary standards for these areas by July 1, 1980.

To remedy its particulate nonattainment problem the State of Indiana has prposed a control strategy which consists of a revision to Air Pollution Control (APC) Regulation 3 containing visible emission limitations, a new Regulation APC 9 regulating coke oven batteries, a new Regulation APC 23 containing emission limitations for stationary sources of particulates, and reliance on existing Regulations APC 20, APC 4R, APC 5, APC 6, and APC 7. A detailed discussion of each proposed SIP revision and USEPA proposed rulemaking is contained below. This Notice of Proposed Rulemaking does not address whether this requirement for RACT for the iron and steel industry has been met. This issue will be the subject of a future **Federal Register** notice.

The Indiana Air Pollution Control Division of the State Board of Health claims that the application of these new and revised air pollution control regulations will provide for attainment of the primary and secondary particulate NAAQS in Vigo, Wayne, Dubois and Dearborn Counties by December 31, 1982. USEPA has noted the following deficiencies with the attainment demonstration portion of the Indiana submittal:

(1) The attainment demonstration claims emission reduction credits for strategies which are either not yet included in the SIP or not clearly enforceable under the SIP. Although the attainment demonstration based on the control strategies appears adequate, the regulations incorporating the control strategies have serious deficiencies which will be discussed below in the portion of this notice addressing the regulations. The Indiana submittal also claims emission reduction credits for area source controls but the proposed revision does not identify how these reductions will be achieved. Further, although emission reduction credits are taken by the State based on a projected decline in coal usage as an industrial fuel for small uncontrolled process sources, the State does not document the basis for the projected decline. These credits cannot be claimed unless they are documented and fully enforceable regulations appear in the SIP ensuring that reductions will occur.

(2) To the extent that the attainment demonstrations depend upon air quality modeling analyses, the following deficiencies must be clarified or corrected. First, the total concentration due to both area and point sources that is predicted at a given receptor does not equal the number obtained when the area source impact is added to the point source impact at that receptor. This discrepancy in the modeling results must be resolved. Secondly, the parameters that are used to: (a) calibrate the annual model; (b) convert from arithmetic to geometric annual mean concentrations; and (c) convert from annual to 24-hour concentrations must be identified. The State must specify at each monitor and receptor location the standard geometric deviation obtained from the measured air quality data and a statistical parameter, z, that signifies the number of standard deviations between the geometric mean and the second highest 24-hour concentration. Third, the grid resolution in the maximum impact areas must be increased. This is necessary since the modeled ground-level concentrations in the vicinity of the location of maximum impact can change very rapidly. For example, the modeled concentration at half of the distance to the point of maximum impact may be two orders of magnitude less than the maximum predicted concentration. Finally, the area source grid size applied in the modeling analyses should be compared to the actual area source size. This demonstration is necessary to show that the emissions from the area sources have not been diluted by spreading the emissions over an unrealisticly larger area. Such a dilution would serve to decrease the predicted impact from area sources. The State must submit a comparison of area source grid size with the actual area source size.

USEPA proposes to approve the Indiana particulate attainment demonstrations for Wayne, DuBois, and Dearborn Counties if the noted deficiencies are corrected prior to USEPA final rulemaking. USEPA expects the State to correct the deficiencies as quickly as possible where the State is unable to make the corrections during the comment period and where the deficiencies are relatively minor, USEPA will conditionally approve them if the appropriate State official makes a commitment to correct the deficiencies according to a schedule negotiated between the State and the USEPA Regional Office during the comment period announced in this notice.

Regulation APC 3—Visible Emission Limitations

Indiana has submitted a proposed revision to Regulation APC 3 which establishes standards for visible emissions from the operation of any facility in the State and contains provisions for temporary exemptions from these standards. USEPA has reviewed this regulation and with the exception of those portions of it which incorporate the Federal New Source Performance Standards for visible emissions into Indiana law proposes to disapprove the regulation for the following reasons:

1. The proposed regulation creates limitations for visible emissions from a stack. It further establishes two categories of particulate emissions from a stack, designated as continuous and intermittent emissions. The definitions of continuous and intermittent emissions are contained in proposed Regulation APC 1. Different methods of measuring visible emissions are established depending upon whether the emissions are defined as continuous or intermittent.

Continuous emissions are defined in APC 1 as those emissions which are constantly emitted by a facility during the operation of the facility and which are not intermittent in nature. Intermittent emissions are defined as particulate emissions generated for intervals of less than six consecutive minutes. Because the definitions are based on the duration of emissions from a stack or vent rather than on the duration of a particular operation, the same source could be both a continuous and intermittent emitter. USEPA believes that the lack of clarity in the definitions of continuous and intermittent emissions renders this regulation unenforceable because it would be impossible to know which measurement method was appropriate. Therefore, before this regulation is approvable, the definitions of continuous and intermittent emissions in Regulation APC 1 must be modified to ensure that the selection of the proper measurement method is based on the operation causing the emissions and not the duration of emissions from a stack or vent.

2. Regulation APC–3 establishes visible emission limits for continuous and intermittent emissions from a stack. Existing sources in nonattainment areas of Dearborn, DuBois, Vigo, and Wayne Counties must meet a limitation of 30% opacity. Sources in nonattainment areas in Lake, Clark, Marion, Howard, La Porte, St. Joseph, and Vanderburgh Counties, however, need only meet the less restrictive 40% opacity limitation. The State has not provided technical support to demonstrate that a 40% visible emission limitation in the nonattainment counties of Lake, Clark, Marion, Howard, La Porte, St. Joseph, and Vanderburgh represents reasonable available control technology.

3. Regulation APC 3 does not contain opacity limitations for non-stack sources of visible emissions. In Section 3(a)(1)(C), the Regulation requires emissions from non-stack sources or facilities in attainment areas and in the nonattainment areas of Lake, Clark, Marion, Howard, La Porte, St. Joseph, and Vanderburgh to be controlled by the requirements in existing Regulation APC 20. Existing Regulation APC 20 specifies maximum allowable ambient concentrations of fugitive dust. No provision is made in Regulation APC 3 to regulate non-stack sources of visible emissions in the nonattainment areas of Dearborn, Dubois, Vigo and Wayne Counties. Non-stack sources of visible emissions are currently regulated under existing Regulation APC 3, a part of the federally approved Indiana SIP. The proposed use of Regulation APC 20 to control these emissions in attainment areas and specified nonattainment areas and the failure to include any controls for non-stack sources in four nonattainment counties represents a significant relaxation from the current federally approved SIP. In approving portions of Regulation APC 20 as part of the federally approved SIP, on October 28, 1975 (40 FR 50032), USEPA advised the State of its reservations concerning the vagueness and ambiguity of the regulation. Since that time, USEPA has found that Regulation APC 20 is largely unenforceable. Therefore, USEPA will be proposing to declare Regulation APC 20 deficient pursuant to sections 110(a)(2)(H)(ii) and 110(c)(1)(C) of the Clean Air Act in a separate **Federal Register** action to be issued shortly. USEPA cannot approve a relaxation from the existing federally approved SIP unless the relaxation would not interfere with the attainment or maintenance of the NAAQS. The State has not demonstrated in its submittal that the proposed reliance on Regulation APC 20 which represents a relaxation of the restrictions on visible emissions from nonstack sources will not interfere with the attainment or maintenance of the National Ambient Air Quality Standards. USEPA must therefore disapprove Section 3(a)(1)(C) of the regulation. In order to render this regulation approvable, the State must make such an attainment demonstration. In the absence of such a demonstration, the State must remove Section 3(a)(1)(C) from Regulation APC 3 and promulgate a substitute for controlling visible emissions from all nonstack sources.

4. Sections 3(a)(1)(D) and (a)(2)(C) require all fugitive dust emissions in both attainment and nonattainment areas to be controlled under the requirements of Regulation APC 20. As discussed above, USEPA has determined that Regulation APC 20 is unenforceable and will be issuing a **Federal Register** Notice of SIP Deficiency shortly. In its compliance modeling analysis, the State did not claim any emission reduction credits for the use of Regulation APC 20. In the submittal, the State has indicated that additional area source studies are being done in any area in which the State cannot demonstrate attainment of either the primary or the secondary standards. If the results of these further studies indicate that the State must control fugitive dust in order to achieve the standards, the State will have to make a commitment to develop strategies and to implement regulations for controlling fugitive dust so as to attain and maintain the NAAQS.

5. The proposed regulation provides temporary exemptions from the general visible emission limitations in Regulation APC 3 for boilers during startup, shutdown, and cleaning, and authorizes the Indiana Air Pollution Control Board (IAPCB) to grant special temporary exemptions of the same type and duration for other facilities. Although Section 4(a) of the regulation permits the applicable opacity limit in Section 3(a) to be exceeded during the building of a new fire in a boiler or the shutting down of a boiler, visible emissions cannot exceed 60 percent opacity and emissions in excess of the applicable opacity limit cannot continue for more than ten continuous minutes on one occasion in any 24-hour period. Similarly, Section 4(b) allows visible emissions to exceed the applicable opacity limit in Section 3(a) during the cleaning of a boiler or the blowing of tubes but restricts the visible emissions to 60 percent opacity and states that emissions in excess of the applicable opacity limit cannot continue for more than five continuous minutes on one occasion in any 60-minute period. Further, such emissions are not permitted on more than three occasions in any 12-hour period.

USEPA believes that Sections 4(a) and (b) are unenforceable since the regulation neither defines "continuous minutes" nor provides a computation method or procedure. Therefore, a possible interpretation of the provisions is that a source can exceed the applicable opacity limit in Section 4(a) for up to nine continuous minutes on numerous occasions in any 24-hour period and still not be inviolation of the regulation and that a source can exceed the applicable opacity limit in Section 4(b) for up to four continuous minutes on numerous occasions in any 60-minute period and still not be in violation of the regulation. In order to approve this provision, USEPA could permit only one exemption from the applicable visible emission standard which would last for ten or less minutes in any 24-hour period. Any second exceedance of the standard would be considered a violation of the provision whether or not the duration of the exceedance was equal to or longer than ten minutes. Further, any exceedance of the 60 percent opacity limit would constitute a violation of the regulation. The exemption in Section 4(b) would have to be similarly treated.

6. According to Section 2(a) of the regulation, APC 3 applies to all visible emissions emitted by or from any facility or source except those sources or facilities for which specific limitations are established by Regulations APC 9 APC 20, or APC 23. USEPA proposes to disapprove Section 2(a) of this regulation due to the fact that this provision renders the regulation vague in its application. In order to be approvable and to eliminate the enforceability problem, the regulation must clearly specify that it applies to sources which are not subject to specific visible emissions limitations imposed by other regulations.

Except for the portions of proposed Regulation APC 3 which incorporate the Federal New Source Performance Standards for visible emissions into Indiana law, USEPA proposes to disapprove proposed Regulation APC 3 because of the deficiencies discussed above. A disapproval of proposed Regulation APC 3 would not necessarily result, however, in an overall imposition of the growth restrictions of section

110(a)(2)(I) of the Clean Air Act in all particulate nonattainment areas. Pursuant to section 110(d) of the Act, Indiana's regulation APC 3, as federally approved on October 28, 1975, would remain the effective rule. USEPA believes that, for sources other than iron and steel, the current, federally approved Regulation APC 3 satisfies the requirements of the Act for an approvable Part D SIP. USEPA will propose rulemaking on the particulate control strategy for iron and steel sources in a future Notice of Proposed Rulemaking. Therefore, if proposed Regulation APC 3 is disapproved, the growth restrictions would continue to apply only in those nonattainment areas containing iron and steel sources.

For Part D purposes, USEPA would continue to enforce Regulation APC 3 as federally approved on October 28, 1975. That rule applies to both continuous and intermittent sources of visible emissions. Consistent with traditional application of that rule, opacities would be measured according to the observation techniques specified by USEPA Method 9, 40 CFR Part 60, Appendix A although averaging of consecutive observations would not be used for intermittent sources.

Regulation APC 9—Coke Oven Batteries

Indiana has submitted a new Regulation APC 9 which establishes emission limitations and inspection procedures for by-product coke oven batteries. USEPA will discuss this regulation and USEPA's proposed action on APC–9 in a separate Notice of Proposed Rulemaking concerning iron and steel process sources.

Regulation APC 23—Stationary Source Particulate Emission Limitations

The State of Indiana has proposed a new Regulation APC 23 which contains particulate emission limitations for all stack and non-stack facilities having a potential to emit 100 tons of particulate matter per year or actual particulate emissions of 10 tons per year which are located in Dearborn, Dubois, and Wayne Counties and for all Shelby County facilities producing fiber glass insulation by the superfine process with these potential or actual emissions. The regulation specifies emission limitations for specific source categories and a general emission limitation for facilities not covered by any specific limitation. APC 23 does not apply to the primary nonattainment areas of Lake, Marion, Vigo and LaPorte Counties.

If an emission limitation contained in Regulation APC 23 is not adequate to assure the attainment or maintenance of the particulate ambient air quality standard or to satisfy a Prevention of Significant Deterioration requirement under Part C of the Clean Air Act, Section 3(q) of the regulation provides for the establishment of a more stringent emission limitation in permits issued in accordance with proposed Regulation APC 19. Similarly, if an emission limitation in the regulation causes severe economic hardship for an individual source, Section 3(s) of the regulation allows the Indiana Air Pollution Control Board to establish a less restrictive limitation in a permit issued in accordance with proposed Regulation APC 19 as long as the less restrictive limitation will guarantee the attainment and maintenance of the particulate ambient air quality standards and protection of the PSD increment. Any change in an emission limitation specified in Regulation APC 23 must be submitted to USEPA as a revision to the federally approved State Implementation Plan according to section 8 of the regulation.

Emission limitations established for existing sources pursuant to Section 3(q) are contained in an appendix to the regulation. As permits are issued pursuant to this regulation by the Indiana Air Pollution Control Board which incorporate the emission limitations in Appendix A, the emission limitation in the permit will supersede and replace the corresponding limitation in the appendix.

USEPA has reviewed Regulation APC 23 and has determined that it contains the following deficiencies:

1. The applicability section of this regulation contains a deficiency which must be corrected. Section 2(b) of the regulation states that particulate emissions from stationary facilities located in attainment areas and from stationary facilities located in the nonattainment areas of Dearborn, Dubois, and Wayne Counties which are not specifically limited by emission limitations in Appendix A are limited by the applicable Regulations APC 3, APC 4R, APC 5, APC 6, APC 7, or APC 9. Thus, all stationary sources located in Dearborn, Dubois and Wayne Counties which are not covered under Appendix A are not covered by Regulation APC 23.

USEPA believes that it is counter to the intention of the IAPCB in adopting the regulation to exclude sources in these four counties which do not have more stringent emission limitations in Appendix A from the general emission limitations in Section 3 of the regulation. USEPA proposes to conditionally approve the regulation if the State makes a commitment to correct this technical error on a schedule to be negotiated between the State and the USEPA Regional Office during the comment period announced in this Notice. If USEPA has incorrectly interpreted the intent of the IAPCB concerning this provision, then the State must notify the USEPA during the thirty day comment period announced in this notice and demonstrate that the emission limitations contained in Regulations APC 3, APC 4R, APC 5, APC 6, APC 7 or APC 9 as applied to the sources in these four counties not covered by Appendix A are adequate to demonstrate the attainment and maintenance of the NAAQS.

2. Section 5(a) of the regulation contains a test method for determining compliance with the regulation by stack sources of particulate matter. The regulation does not contain a test method for determining compliance with the regulation by nonstack sources of particulate matter. Such a test method must include, at a minimum, specific methods for determining isokinetically the concentration of particulate matter in the emitted stream and specific method(s) for determining the flow rate of the emitted stream(s). The State must make a commitment either to include an enforceable test method or exceptable opacity limitations for determining compliance of non-stack sources with the regulation during the thirty day comment period announced in this Notice.

3. The emission limitations contained in Appendix A of this regulation are based on units of mass per time while the general emission limits contained in section 3 of the regulation are listed in grains per dry standard cubic foot or pounds per ton, or in pounds per million Btu. In order to evaluate the level of control achieved with the use of the emission limitations in the appendix, the allowable emissions for sources covered by the appendix must be converted into grains per dry standard cubic feet or pounds per tons, or pounds per million Btu. USEPA proposes to approve this provision if the State corrects this deficiency within the thirty day comment period announced in this Notice.

4. Shelby County, Indiana has been designated as an attainment county for particulates. The emission limitations contained in Appendix A of this regulation for facilities of the Knauf Fiber Glass Company in Shelby County are a relaxation from the emission limitations contained in existing Regulation APC 5 of the current federally approved State Implementation Plan. In order to approve a relaxation from the current federally approved SIP, a State must submit technical support demonstrating that the National Ambient Air Quality Standards will be attained and maintained with the relaxation. Indiana did not submit technical support for this relaxation and the applicable increment to prevent significant deterioration will not be violated. USEPA proposes to approve the emission limitation in Appendix A for the Knauf Fiber Glass Company if during the thirty day comment period announced in this Notice the State submits technical support demonstrating that the revised emission limitation will attain and maintain NAAQS and protect applicable PSD increments.

USEPA proposes to approve Regulation APC 23 as a revision to the Indiana SIP if the above deficiencies are corrected prior to USEPA final rulemaking or to conditionally approve the regulation if the State makes firm assurances that the deficiencies will be corrected prior to USEPA final rulemaking or to conditionally approve the regulation if the State makes firm assurances that the deficiencies will be corrected according to the schedules negotiated between the State and the USEPA Regional Office during the thirty day comment period announced in this Notice.

Sulfur Dioxide

As described in the October 5, 1978 **Federal Register** (43 FR 46008), Marion County, Vigo County and portions of Lake, LaPorte and Wayne Counties are nonattainment areas for sulfur dioxide.

To attain and maintain the sulfur dioxide NAAQS in nonattainment areas, as required by Part D of the Act, Indiana submitted revised Regulation APC 13 which restricts SO_2 emissions from sources with a potential to emit 22.3 metric tons of sulfur dioxide per year (25 tons SO_2 per year) or 4.5 kilograms of SO_2 per hour (10 lb. SO_2 per hour). The emission limitations contained in Regulation APC 13 apply statewide. Where computer studies showed that specific sources in nonattainment areas required more stringent controls, site specific emission limitations were developed and adopted by the IAPCB in an Appendix to Regulation APC 13. As State operating permits incorporating these emission limits are issued pursuant to Regulation APC 19, the emission limitation in the permit will supercede and replace the corresponding limitation in the Appendix. Any change in an emission limitation specified in Regulation APC 13 or in Appendix A to Regulation APC 13 must be submitted to USEPA as a revision to the Federally approved State Implementation Plan.

By letter dated October 4, 1979, the State of Indiana informed USEPA that it intended to revise its SO_2 attainment strategy for Vigo County, and officially withdrew from the SIP the portions of APC 13 Appendix A which pertain to Vigo County sources. Therefore, USEPA will not propose rulemaking with respect to the adequacy of sulfur dioxide plan for Vigo County at this time. Rulemaking on the Vigo County SO 2 plan will be proposed at a future date after the revisions to the strategy are incorporated into APC 13, adopted by the Indiana Air Pollution Control Board, and submitted to USEPA as a revision to the Indiana SIP. It should be noted that the Clean Air Act prohibitions against construction or modification of major SO_2 sources will continue to apply to Vigo County until a revised plan is approved by USEPA.

This Notice of Proposed Rulemaking first addressed deficiencies in the strategy for the State as a whole and then discusses deficiencies relative to specific nonattainment areas.

Section 5 of Regulation APC 13 specifies two test methods for determining compliance with the rule: a stack test carried out in accordance with 40 CFR Appendix A Method 6 or by average sulfur content of the fuel used over a 30 day period. USEPA is proposing to approve the stack test method. USEPA is proposing to disapprove the use of a 30 day averaging period because there is no demonstration that this method will protect the NAAQS for SO_2.

Section 7 contains compliance timetables for "all sources which are operating on the promulgation date of the regulation and which have been issued new emission limitations pursuant to Section 3(c) . . . " This compliance schedule requires compliance by October 31, 1981. Section 7 also provides that if compliance is not possible by October 31, 1981 the Indiana Pollution Control Board may grant an extension to no later than December 31, 1982.

Section 7 of APC 13 is deficient in that new compliance schedules can only be approved for sources which are subject to more stringent emission limitations as a result of the revised regulation. Sources for which this revised regulation represents a relaxation of the previous federally approved SIP cannot be given additional time to achieve compliance with the regulation (44 FR 20373). This deficiency must be corrected before USEPA can approve Section 7 of Regulation APC 13.

Jefferson County

The present designation of Jefferson County is unclassified. Appendix A to the revised Regulation APC 13 does not list any source specific emission limitations for Jefferson County. Therefore, large power plants in Jefferson County would be required to meet the general emission limitation of 6.0 lb. SO_2 per MmBtu in revised Regulation APC 13. The technical analysis for Jefferson County shows potential violations of the secondary NAAQS at the 6 lb/MBtu limitation. Also, Kentucky has initiated an action under Section 126 of the Act alleging that sources located in Jefferson County Indiana are causing violations of the SO_2 NAAQS in Kentucky. Before USEPA can approve a control strategy for Jefferson County, the State must provide USEPA with a demonstration showing that the applicable emission limitations will protect the NAAQS in both Indiana and Kentucky. Therefore, USEPA proposes to disapprove APC 13 as it applies to Jefferson County.

This disapproval of APC 13 for Jefferson County would not result in the imposition of the industrial growth prohibitions contained in section 110(a)(2)(I) of the Act because Jefferson County is designated unclassifiable.

Wayne County

As previously discussed under APC 22, Indiana advised USEPA that the Indiana Air Pollution Control Board voted to recommend redesignating Wayne County as an attainment area for SO_2 and to delete the Wayne County SO_2 attainment strategy from the SIP. The Indiana submittal did not contain any technical support for the recommended designation change. Violations of the 24-hour and 3-hour National Ambient Air Quality Standards for SO_2 in the City of Richmond in Wayne County, Indiana Appear to be the result of emissions from a municipally owned electric generating station located within the city. The source in question is by far the largest emitter of sulfur dioxide in the County, and the plant is located downwind of the monitor which recorded the violations. Violations of the sulfur dioxide air quality standards have not been monitored in Wayne County since 1977. In that year the plant in question voluntarily reduced operations and began purchasing lower sulfur coal. It is likely that these operational changes have been responsible for the improved air quality in Wayne County, Indiana. However, APC 13 does not contain enforceable requirements that these oprating practices remain in effect to

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ensure protection of air quality. Because of the lack of a control strategy for the Wayne County nonattainment area, and the lack of a demonstration that the revised regulation APC 13 will attain and maintain NAAQS in the vicinity of Richmond, Indiana, USEPA proposes Indiana's SO_2 plan for Wayne County as being inadequate to meet the requirements of Section 110 of the Clean Air Act.

Dearborn, Porter, and Warrick Counties

The present designation for Dearborn, Warrick, and a portion of Porter County is unclassifiable. Appendix A to the revised Regulation APC–13 does not list any source specific emission limitation for these counties, and therefore, all facilities with potential to emit 25 tons or more of SO_2 per year would be required to meet the general emission limitation of 6.0 lb. SO_2 per MBTU. This represents a relaxation from the emission limitations approved for these counties by the USEPA in 1973 and 1976. No technical support for this relaxation was provided nor did the State demonstrate that these revised regulations assure the attainment and maintenance of the NAAQS. Therefore, USEPA proposed to disapprove APC–13 as it applies to Dearborn, Warrick, and the portion of Porter County designated unclassifiable, unless the State submits during the public comment period adequate technical justification which demonstrates that the attainment and maintenance of the NAAQS for these three Counties is assured. Since these Counties are designated unclassifiable rather than nonattainment, a disapproval of APC–13 for these Counties would not result in the imposition of the industrial growth prohibition contained in section 110(a)(2)(I) of the Act.

Lake, Marion, and LaPorte Counties

Indiana did include sulfur dioxide control strategies for the nonattainment areas in Marion, Lake, and LaPorte Counties. The modeling analyses submitted with Indiana's control strategies, however, were deficient since they failed to demonstrate that the sulfur dioxide strategies will attain and maintain the NAAQS. The deficiencies in the modeling analyses are as follows:

1) Background concentrations for all appropriate averaging periods (3-hour, 24-hour, and annual) did not appear to be determined and applied in the modeling analyses submitted for the nonattainment areas. This is necessary for determining whether the NAAQS are violated since two modeling analyses for a General Motors facility (Detroit Diesel Allison) showed either a potential violation of the 24-hour NAAQS or an actual violation at certain receptors. Background concentrations should be determined for all averaging periods in accordance with accepted methods. For initial guidance USEPA recommends the Guideline on Air Quality Models, EPA–450/2–78–027, April 1978.

2) The emission inventory for Marion County contained information from only six sources. Proper utilization of the model should include the use of a comprehensive emission inventory which includes all significant source contributions.

The Lake County emission inventory does not include the American Brick facility located in Munster, Indiana. Consequently, this facility was not included in the modeling study used to demonstrate attainment of the sulfur dioxide NAAQS in Lake County. An ambient air quality monitoring study of this facility, performed by USEPA in August, 1979, showed monitored violations of the 24-hour SO_2 NAAQS at sites located 0.6 kilometers from the facility. This facility must be included in the sulfur dioxide emission inventory for the attainment modeling analysis. If attainment cannot be demonstrated, then a control strategy must be developed which addresses the emissions from this source.

3) The modeling analysis for the Lake County nonattainment areas applied the NRC-delta T classification scheme in validating RAM. This is not a comprehensive treatment of stability because it fails to address such factors as windspeed, insulation, and cloud cover. USEPA recommends the Pasquill-Gifford Turner Classification Scheme.

4) The analysis of Marion and LaPorte Counties did not contain documentation for the meteorological data base used in the modeling analysis. Such documentation should indicate the years of data used and location of meteorological stations used in the analysis.

5) No analysis was provided which demonstrated attainment and maintenance of the 3-hour secondary standard and the annual standard in the nonattainment areas.

6) The Marion County analysis lack documentation of the receptor network coverage and resolution, and a listing of high and second high concentrations of the critical days analyzed.

USEPA further proposes to disapprove APC–13 as it applies to Dearborn, Jefferson, Warrick, Wayne, and that portion of Porter County designated as "unclassifiable". USEPA can conditionally approve the control strategy demonstrations for Marion, Lake, and LaPorte Counties if the State of Indiana revises Section 5 of Regulation APC–13 as discussed above, and commits to correct the other noted deficiencies according to a schedule to be negotiated between the State and the USEPA Regional Office. This schedule must be negotiated during the comment period announced in this notice of proposed rulemaking. USEPA will propose rulemaking in the SO_2 plan for Vigo County upon formal State submittal of this portion of the SIP.

Ozone

Nine counties in Indiana have been designated as nonattainment areas for ozone. On January 26, 1979 (44 FR 8220), USEPA revised the National Ambient Air Quality Standard (NAAQS) from 0.08 parts per million (ppm) total photochemical oxidants for a maximum hourly average, to 0.12 ppm ozone for a maximum hourly average. Part D of the Clean Air Act requires States to revise their State Implementation Plans (SIP) for all areas that have not attained the National Ambient Air Quality Standards. An adequate SIP for ozone is one which provides for sufficient control of volatile organic compounds (VOC) from stationary and mobile sources to provide for attainment of the standards by December 31, 1982. In cases where attainment by 1982 cannot be demonstrated despite the application of all reasonably available control measures, extensions of the attainment date may be granted to not later than December 31, 1987. For stationary sources in major urban areas of 200,000 or greater population, the plan must include, as a minimum, legally enforceable regulations reflecting the application of reasonably available control technology for those stationary sources for which USEPA has published a Control Techniques Guideline (CTG) by January 1978. For mobile sources, the plan must provide for expeditious implementation of reasonably available transportation control measures. In addition to these requirements, a SIP which provides for attainment of the ozone standard after December 31, 1982 must contain a specific schedule for the implementation of vehicle emission control inspection and maintenance (I/M) program.

The Indiana submittal contained sections on transportation control plans, vehicle inspection and maintenance and stationary source controls. The State of Indiana indicated in the proposed SIP revision of June 26, 1979 that because of the relaxation of the ozone standard (44 FR 8220), additional time was required by the State to develop and adopt reasonably available control technology

regulations for existing sources of VOC. On February 11, 1980 the State submitted these regulations to USEPA. USEPA is now reviewing these regulations and will propose rulemaking on them at a later date. Until this review has been completed, USEPA cannot evaluate the amount of estimated emission reductions which can be expected from these sources. Therefore, USEPA can neither assess the adequacy of the Indiana attainment demonstration of the ozone National Ambient Air Quality Standard in those urban areas of 200,000 or greater population nor evaluate the reasonable further progress (RFP) schedules for these urbanized areas. USEPA has, however, reviewed the ozone submittal and sent a detailed letter to the Director of the Indiana Air Pollution Control Division containing comments on the emission inventories and the demonstrations of attainment. This letter is available for review and copying at the addresses listed in the front of this Notice.

USEPA has stated its opinion (44 FR 20372) that the revision to the ozone standard does not affect the schedule for the submittal of revisions required under Part D of the Clean Air Act. Section 110(a)(1) of the Act requires that SIP revisions be submitted within nine months after a standard is revised. This refers only to SIP revisions legally required because of a revision to the standard (i.e. when a new pollutant becomes regulated under section 110 of the Act or where a standard is revised to be more stringent). Where a standard is relaxed, however, no SIP revision is required by law, since States are permitted under section 116 of the Act to have more stringent controls than necessary to meet minimum Federal requirements. Since it is the State's option whether to relax new requirements to the 0.12 ppm level, the State may determine its own schedule for accomplishing this. In any case, a SIP at least adequate to attain the 0.12 ppm ozone standard must be approved by USEPA prior to July 1, 1979 as a precondition for the construction or modification of any major source of VOC in a nonattainment area.

For a State Implementation Plan to be considered approvable, each individual element of the submittal must be approved as a revision to the SIP, and the revised SIP as a whole must satisfy the requirements of Part D of the Clean Air Act. USEPA has reviewed the ozone portion of the Indiana submittal and has determined that it contains omissions of such significance that USEPA cannot propose rulemaking on the adequacy of the entire ozone SIP at this time. Further, until USEPA has completed its review of the VOC stationary controls, it cannot propose rulemaking on the transportation plan component of the ozone submittal at this time. USEPA's review of the transportation plan submittal is below. USEPA has reviewed the inspection and maintenance component of the SIP submittal and proposes rulemaking on it as discussed below.

Transportation Plan Discussion

The proposed Indiana SIP revision on transportation discussed five urban areas. Transportation control plans have been submitted for the reduction of VOC emissions in Indianapolis, Fort Wayne, and in the interstate areas of Northwest Indiana, South Bend, and Louisville. A transportation control plan has been submitted for the reduction of carbon monoxide emissions in Indianapolis. A partial transportation control plan for the reduction of carbon monoxide emissions has been submitted for Northwest Indiana. Some of the transportation control plans submitted by the State contain measures designed to attain various ozone levels other than the current 0.12 ppm ozone standard. As previously noted, USEPA recently revised the National Ambient Air Quality Standard. An adequate SIP designed for an ozone level below 0.12 will be at least stringent enough to satisfy requirements for the 0.12 level. It is therefore the State's option whether to relax new requirements back to the 0.12 level or, pursuant to section 116 of the Act, to choose more stringent controls than are necessary to achieve the NAAQS. The use of more stringent controls may create emission offsets for future sources of hydrocarbons.

As discussed above, without an adequate attainment demonstration USEPA cannot evaluate the adequacy of the proposed emission reduction to be obtained from transportation control measures. The attainment demonstration consists of determining the overall amount of emission reduction necessary to attain the ozone standard. This reduction in emmissions will come from control strategies affecting both stationary and mobile sources. Since the amount of the emission reductions from stationary sources cannot be determined due to the lack of VOC–RACT regulations, determinations of the adequacy of the mobile source reductions are not possible. Therefore, USEPA will not propose rulemaking on the transportation component of the Indiana ozone submittal at this time. Similarly, USEPA will not propose rulemaking at this time on the transportation component of the Indiana carbon monoxide submittal. Rulemaking cannot be proposed because the State has not submitted a complete carbon monoxide strategy for Northwest Indiana. In addition, the State did not submit a complete carbon monoxide control strategy for Indianapolis until March 11, 1980. As previously stated, plan approval is a prerequisite for the construction or modification of any major source of VOC or carbon monoxide in a nonattainment area.

To assist Indiana and the lead local agencies in the preparation of the required submittals, USEPA has reviewed the transportation plans which were submitted against the requirements for an approvable nonattainment area SIP which appeared in the April 4, 1979 Federal Register (44 FR 20372), the "USEPA–USDOT Guideline for Air Quality-Transportation Plans" and the Office of Transportation and Land Use Policy "Checklist for Transportation SIP's". To be fully approvable, the transportation portion of a State Implementation Plan revision must contain the information listed in 1–6 below. Specific deficiencies which USEPA has noted in the preliminary submittal are discussed under each geographical area.

1. *Technical Assessments, Demonstrations of Attainment, and Reasonable Further Progress.* Pursuant to section 172(b)(3) of the Act, the SIP must include a program for selecting transportation measures to attain the emission reduction targets of the SIP. This program must include schedules for the expeditious implementation of already adopted transportation measures and schedules for the analysis and adoption of additional transportation measures. If attainment of the ozone and carbon monoxide standards by December 31, 1982 cannot be demonstrated, the SIP must contain a formal request for an extension of the statutory attainment deadline.

2. *Interagency Agreements and Assignments of Tasks.* Pursuant to section 174 of the Act, the State and elected officials of affected local governments must determine respective responsibilities of the state air pollution control agency, other state agencies, the lead local agencies, and local units of government. This determination must identify responsibilities for strategy evaluation, adoption, implementation and enforcement and identify procedures and criteria for determination of consistency conformity of transportation plans and projects with the SIP.

3. *Analysis of Alternatives.* Pursuant to section 172(b)(2) of the Act, all

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reasonably available transportation measures must be evaluated and considered for implelmentation. At a minimum, the strategies listed in section 108(f) of the Act must be considered for each nonattainment area needing transportation related emission reductions. The SIP submittal must also contain a commitment by the Metropolitan Planning Organizations (MPO's) to justify any decision not to adopt a strategy listed in section 108(F) of the Act.

4. *Implementor Commitments.* Pursuant to section 172(b)(10) of the Act, the SIP must include written evidence that the state and other governmental bodies have adopted the necessary requirements in legally enforceable form. Further, the SIP must contain commitments to implement and enforce the SIP strategies. Areas needing an extension beyond 1982 for attainment of CO or 03 standards must also commit to meeting basic transportation needs.

5. *Financial and Manpower Resources.* Pursuant to section 172(b)(7) of the Act, the SIP Must identify the fiscal and manpower resources necessary to carryout the plan provisions.

6. *Reporting of Progress.* Pursuant to section 172(b)(5) of the Act, the SIP must contain procedures and schedules for periodic monitoring of progress in the implementation of strategies and in the achievement of annual emission reductions. Section 176 requires a lead local agency determination that its plans and programs conform with the revised SIP.

7. *Impacts of Plan Provisions.* Pursuant to section 172(b)(8) of the Act, the SIP must identify and analyze the air quality, health, welfare, economic, energy and social effects of the plan provisions and the alternatives considered.

8. *Public Participation.* Pursuant to section 172(b)(9) of the Act, the SIP must contain evidence of public, local government, and State legislative involvement and consultation regarding the planning process and proposed strategies. Additional guidance material requires the documentation of a continuous public education program in each nonattainment area.

A discussion of USEPA's review of each of the five transportation control plans follows. The discussion highlights those elements of the plans which satisfy the requirements outlined above and those elements of the plans which are deficient and must be corrected.

Northwestern Indiana

The transportation plan for Northwestern Indiana was prepared by the Northwestern Indiana Regional Planning Commission (NIRPC) which has been designated pursuant to section 174 of the Clean Air Act as the lead local agency for coordinating, developing, and implementing the control measures in the plan.

The transportation plan contains measures designed to attain and maintain the National Ambient Air Quality Standards for ozone and carbon monoxide in Lake and Porter Counties. The submittal addresses the revised ozone standard of 0.12 ppm. A discussion of USEPA's review follows:

1. Analysis of Alternatives. NIRPC has made a commitment to carry out a detailed analysis of alternative transportation control measures by JUly 1980. A timetable identifying interim dates for the completion of the analyses must be included in the submittal. Such a schedule was approved in USEPA's grant to NIRPC under section 175 of the Clean Air Act. That schedule or a similar schedule should be submitted as part of the SIP revision.

2. Financial and Manpower Resources. Although specific transportation projects have been identified in the submittal for obtaining carbon monoxide and hydrocarbon emission reductions, the submittal does not identify the process by which the projects will be funded.

A schedule for the implementation of transportation control measures must be submitted identifying, at a minimum, when the projects will be included in the annual element of the region's transportation improvement program; when the project will be included in a multi-year Statewide program, if necessary; and when the project will be included in the Statewide Section 105 program under the Federal Air to Highway Act if these funds are to be used in the project.

3. Public Participation. The Northwest Indiana portion of the Indiana SIP revision indicates that NIRPC has actively involved the public and local officals in the transportation-air quality planning process through its committee structure, public meetings and newsletters. In a grant to NIRPC under section 175 of the Clean Air Act, NIRPC identified additional public information activities it will be performing. The SIP submittal should include a schedule for the undertaking of these additional public information activities.

4. Reasonable Further Progress—CO. NIRPC and key implementors submitted resolutions in the SIP revision committing to specific annual mobile source emission reduction targets. Additional information is required, however, to assure that NIRPC achieves reasonable further progress in eliminating monitored and projected "hot spot" violations of the carbon monoxide NAAQS. To assure attainment of the carbon monoxide standard as expeditiously as practicable, NIRPC must specifically identify in the SIP submittal all areas needing "hot spot" strategies to achieve attainment, and provide a schedule for eliminating violations at these specific hot spots.

5. Reporting of Progress. As discussed above, NIRPC and other key implementors have made a firm commitment to specific annual reduction targets for carbon monoxide and hydrocarbon emissions in order to satisfy the statutory requirement for reasonable further progress. To assure that emission reductions achieve the reasonable further progress line for mobile sources, NIRPC must identify a mechanism for annually monitoring, measuring, and reporting emission reductions from current and future TSM/TIP projects to the Indiana Air Pollution Control Division.

6. Impacts of Plan Revision. The submittal for Northwest Indiana does not adequately identify and analyze the air quality, health welfare, economic, energy and social effects of the plan provisions and the alternatives considered. NIRPC must submit a detailed schedule for completing the impact analysis of the strategies considered for implementation.

7. Technical Assessments. In order to demonstrate attainment of the NAAQS and to monitor Reasonable Future Progess, NIRPC must submit a description of the analytical techniques which have been used and will be used for evaluating the air quality impacts of transportation projects.

8. Strategies for Demonstrating attainment. NIRPC included the following table in the submittal identifying those strategies contained in section 108 of the Clean Air Act which have been implemented, adopted but not yet implemented, scheduled for study, and determined not to be feasible. Although a determination cannot be made if these adopted strategies alone are sufficient to demonstrate attainment of the standards, the strategies identified in the submittal are approvable.

9. Commit to Basic Transportation Needs. Through policy resolutions by the Transit Authorities there is evidence of Northwest Indiana's effort to meet basic transportation needs.

Status of Section 108 Strategies in Northwest Indiana

Strategies	Adopted and implemented	Adopted and not yet implemented	Scheduled for study	Determined not to be feasible
Inspection/Maintenance Transit Operations		X		
Service improvement	X	X	X	
Service expansion	X		X	
Kiss-Ride facilities			X	
Park-Transit			X	
Carpooling and Vanpooling:				
Areawide			X	
Employer specific	X		X	
Parking Management:				
On-street parking	X		X	
Fringe parking			X	
Other			X	
Traffic Flow Improvement:				
Reverse lanes	X	X	X	
Driver advisory system				X
Ramp control			X	
Widening	X	X	X	
Alinement	X	X	X	
Signal progression			X	
Traffic actuated			X	
One-way streets		X	X	
Pedestrian control			X	
Computerized signal system			X	
Limit Portions of Road Surfaces:				
Separate roadbeds				X
Contra-flow lanes				X
Bypass lanes on entrance ramps				X
Exclusive lanes upstream				X
Continuous exclusive lanes				X
Work Schedules:				
Staggered hours			X	
4 day work week			X	
Road User Charges:				
Tolls				X
Parking taxes			X	
Bicycle Storage Facilities			X	
Retrofit:				
Light-duty vehicle				X
Heavy-duty vehicle			X	
Control Fleet Vehicle Operations				X
Deferred Strategies:				
Control extreme cold start condition				
Vapor emissions from fuel transfer				
Limit portions of road surfaces for pedestrian				
Limit portions of road surfaces for common carriers				

Fort Wayne

The transportation plan for Ft. Wayne was prepared by the Northwestern Indiana Regional Coordinating Counsel (NIRCC) which has been designated pursuant to section 174 of the Clean Air Act as the lead local agency for coordinating, developing, and implementing the control measures in the plan.

The transportation plan contains measures designed to attain and maintain the National Ambient Air Quality Standards for ozone in the Ft. Wayne urbanized area. The plan was developed to attain an ozone standard of 0.08 ppm for a maximum hourly average. A discussion of USEPA's review follows:

1. Analysis of Alternatives. NIRCC has made a commitment to carry out a comprehensive analysis of alternative transportation control measures by July 1980. A timetable identifying interim dates for the completion of the analysis and for the adoption of reasonably available measures must be included in the submittal. Although such a schedule was approved in USEPA's grant to NIRCC under section 175 of the Clean Air Act, that schedule or a similar schedule must also be submitted as part of the SIP revision.

2. Financial and Manpower Resources. Although specific transportation projects have been identified in the submittal for future implementation, the plan for Ft. Wayne does not adequately identify the transportation programming process by which the projects will be funded. A schedule for the implementation of transportation control measures must be submitted identifying, at a minimum, when the projects will be included in the annual element of the region's transportation improvement program; when the project will be included in a multi-year Statewide program, if necessary; and when the project will be included in the Statewide Section 105 program under the Federal Aid to Highway Act if these funds are to be used in the project.

In addition, NIRCC must provide a more detailed description of the financial and manpower resources generally available for air quality-transportation planning activities. This description should include an estimate of staff time allocated to these activities and NIRCC funding requirements and sources of funding.

3. Technical Analyses, Reasonable Further Progress. In order to demonstrate attainment of the National Ambient Air Quality Standard for ozone and to monitor reasonable further progress, NIRCC must submit a description of the analytical techniques which have been used and will be used for evaluating the air quality impacts of transportation projects. This description should identify at a minimum how NIRCC analyzes a project for air quality impacts based on changes in vehicle miles traveled, changes in vehicle trip length, changes in vehicle speed, and reductions of hydrocarbons in tons per year.

NIRCC has established an annual hydrocarbon emission reduction target of 0.006% from transportation strategies which will attain the former ozone standard of 0.08 ppm ozone by December 1987.

4. Impacts of Plan Provisions. The Ft. Wayne plan does not adequately identify and analyze the air quality, health, welfare, economic, energy and social effects of the plan provisions and the alternatives considered. NIRCC must submit a detailed schedule for completing the impact analyses of the alternatives contained in Section 108(f) of the Clean Air Act. Although such a schedule was approved in the grant to NIRCC under Section 175 of the Clean Air Act, that schedule or similar schedule must also be submitted as a SIP revision.

5. Implementor Commitments. The Ft. Wayne plan contains most of the planning commitments required by the guidance. The Urban Transportation Advisory Board of NIRCC has submitted an acceptable commitment dated November 6, 1978 to achieve the necessary emission reductions from the implementation of mobile source strategies. The submittal also includes commitments from other key implementors to utilize the planning process and to implement strategies necessary to achieve reasonable further progress.

6. Public Participation. Although NIRCC has submitted a description and a schedule for undertaking public

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education and information activities, this description and schedule must be more detailed.

7. Interagency Agreements and Assignment of Tasks. NIRCC has signed a memorandum of understanding with the Indiana Air Pollution Control Division outlining respective responsibilities and roles. This Memorandum of Understanding must be submitted as part of the SIP revision. In addition, NIRCC must include in the submittal a description of the authority, organization, and goals of the Local Air Quality Advisory Committee.

8. Reporting of Progress. NIRCC has not satisfied the requirement of section 176(c) of the Clean Air Act that an annual determination be made that existing and future plans and programs of the lead local agency conform to the requirements of the Clean Air Act. NIRCC must submit a procedure for annually making this determination.

South Bend Interstate Area

The transportation plan for the South Bend Interstate area was prepared by the Michiana Area Council of Governments (MACOG) in conjunction with the Southwest Michigan Regional Planning Commission for the Nile, Michigan portion of the interstate area. Although the planning process addresses the interstate area, hydrocarbon reduction strategies are proposed only for the Indiana portion of the interstate area. The plan was developed to attain an ozone standard of 0.10 ppm for a maximum hourly average. A discussion of USEPA's review follows:

1. Impacts of Plan Provisions. The submittal for South Bend does not adequately identify and analyze the air quality, health, welfare, economic, energy and social effect of the plan provisions and the alternatives considered. MACOG must submit a detailed schedule for completing the impact analyses of the strategies considered for implementation under section 108(f) of the Clean Air Act.

2. Public Participation. MACOG has not submitted a description of future public information and education activities. MACOG must submit a description of projected activities and a schedule for undertaking the activities.

3. Technical Assessments, Reasonable Further Progress. In order to demonstrate attainment of the NAAQS for ozone and to monitor reasonable further progress, MACOG must submit a description of the analytical techniques which have been used and which will be used for evaluating the air quality impact of transportation projects. This description should identify, at a minimum, how MACOG analyzes a project for air quality impacts based on changes in vehicle miles traveled, changes in vehicle trip length, changes in vehicle speed, and reductions of hydrocarbons in tons per year.

MACOG must also submit projected annual hydrocarbon emission reductions from transportation activities so that the reasonable further progress line can be determined.

4. Reporting of Progress. To assure that hydrocarbon emission achieves the reasonable further progress line for mobile sources, MACOG must identify a mechanism for annually monitoring and reporting emission reductions from current and future TSM/TIP project to the Indiana Air Pollution Control Division.

5. Financial and Manpower Resources. Although specific transportation projects have been identified in the submittal for obtaining hydrocarbon emission reductions, the submittal does not identify the process by which the projects will be funded. A description of the project programming process must be included in the SIP submittal identifying a schedule for the following steps: Transportation Systems Management adoption, Transportation Improvement Plan adoption; and submital of measures to the Indiana Highway Commission for State Approval and for securing necessary funds for project implementation.

6. Implementor Commitments. The commitment from MACOG's Policy Committee to achieve reasonable further progress and to utilize the planning process to attain the ozone standard in the South Bend Interstate Area by December 31, 1982 is approvable. MACOG, however, must further commit itself to obtain commitments to the specific strategies and the annual reduction target from those agencies and units of government which will be implementing the transportation strategies.

7. Interagency Agreements and Assignments of Tasks. MACOG has signed a memorandum of understanding with the Indiana Air Pollution Control Division outlining respective roles and responsibilities. This Memorandum of Understanding must be submitted as part of the SIP revision.

8. Strategies for Demonstrating Attainment. MACOG included the following table in the submittal identifying those strategies which have been adopted and which will be implemented in the future. USEPA believes these strategies are appropriate although a determination cannot be made at this time if these strategies will be adequate to demonstrate attainment. Further, although the submittal indicates that an extension to 1987 is necessary, this cannot be determined at this time.

As discussed previously, the NAAQS for ozone has been revised from 0.08 ppm photochemical oxidants on a maximum hourly average to 0.12 ppm ozone on a maximum hourly average. Therefore, an extension can be granted only if the strategy measures in the submittal are inadequate to demonstrate attainment of the 0.12 ppm ozone NAAQS by December 31, 1982. In order to obtain an extension, MACOG must demonstrate that the strategies chosen to attain the 0.10 level are inadequate to demonstrate attainment of the 0.12 standard by December 31, 1982.

City of Elkhart and Elkhart County—SIP Strategy Description of Adopted But Not Yet Implemented Measures

Project	HC reductions (tons/day)
1982 Credits:	
Johnson Cone Corridor (3 projects)	0.0299
Four Intersections: Bristol Street-Channelization; Benham-Hively; Prairie-Hively; and Goshen-Toledo Road	0.0256
Lexington-From U.S. 20 to Napanee	0.0118
New Bus Service	0.0045
1987 Credits:	
U.S. 20 Bypass (2 Projects)	0.0303
Northern County Bypass	0.0059
State Route 19 (From S.R. 112–Mich State Line)	0.0048

Louisville Interstate Area

The transportation plan for the Indian a portion of the Louisville interstate area was prepared by the Kentuckiana Regional Planning and Development Agency (KIPDA) which has been designated pursuant to section 174 of the Clean Air Act as the lead local agency for coordinating, developing, and implementing the control measures in the plan. Since this is not only an interstate area but also an inter-regional area for USEPA, a policy decision was made that the Kentucky Department of Natural Resources (KDNR) and the Region IV office of the USEPA have primary responsibility for the Louisville area.

The transportation plan contains measures designed to attain and maintain the National Ambient Air Quality Standards for ozone in Indiana's Clark and Floyd Counties. The plan was developed to attain an ozone standard of 0.08 ppm for a maximum hourly average.

A discussion of USEPA's review follows:

1. Public Participation. Although KIPDA has submitted a description and schedule for undertaking public education and information activities, this description and schedule must be more detailed.

2. Implementor Commitments. The submittal included a KIPDA Policy Committee commitment dated December 7, 1978 and a Transit Authority of River City Commitment dated September 19, 1978. The commitments are to utilize the planning process outlined in the SIP revisions and to achieve reasonable further progress. The submittal does not, however, separate the total percentage of hydrocarbon emission reduction necessary to attain the standard into a transportation related component and a stationary source component. Once Indiana has adopted stationary source VOC regulations and an attainment strategy which specifies the quantity of emission reductions needed from mobile sources, KIPDA must commit itself to obtain the reductions in the transportation component. KIPDA must also obtain commitments from key implementors of the transportation strategies to achieve mobile source emission reductions which will demonstrate reasonable further progress.

3. Technical Assessments, Demonstrations of Attainment. The transportation plan for the Indiana portion of the Louisville interstate area predicts that additional strategies beyond those contained in this SIP revision will be required to attain an 0.08 ppm ozone level. Therefore, KIPDA is requesting an extension of the December 31, 1982 attainment date pursuant to section 172 of the Clean Air Act. KIPDA's planning process is designed to attain the standard by selecting additional strategies by July 1, 1980 for implementation after December 31, 1982. As discussed previously the NAAQS for ozone has been revised from 0.08 ppm photochemical oxidants on a maximum hourly average to 0.12 ppm ozone on a maximum hourly average. Therefore, an extension can be granted only if the strategy measures in the submittal are inadequate to demonstrate attainment of the 0.12 ppm ozone NAAQS by December 31, 1982. In order to grant an extension, KIPDA must submit a demonstration that the strategies chosen to attain an 0.08 ppm level are inadequate to demonstrate attainment of the 0.12 ppm ozone NAAQS by December 31, 1982. The following table outlines the projected emission reductions from each proposed strategy. USEPA believes that the proposed strategies are appropriate but cannot determine the adequacy of the projected emission reductions until USEPA completes its review of the VOC stationary source controls.

Emission Reductions From Proposed Strategies by County

Tons Per Year Reduction

Year	Jefferson (Kentucky)		Floyd (Indiana)		Clark (Indiana)	
	HC	CO	HC	CO	HC	CO
Metro Carpool Program:						
1982	77	563	4	42	15	100
1987	48	433	3	34	14	76
Improvement of Public Mass Transit:						
1982	168	1,230	.....	.....	.....	.....
1987	110	919	.....	.....	.....	.....
Highway Improvement Projects:						
1982	717	11,268	52	814	128	2,015
1987	590	10,232	45	784	105	1,818
Five Year TARC Five Year Improvement Program:						
1982	194	1,425	.....	.....	.....	.....
1987	127	1,065	.....	.....	.....	.....
Center City Transportation Study:						
1982	305	1,879	.....	.....	.....	.....
1987	203	1,430	.....	.....	.....	.....
* Annual Element of TARC 5-Year Improvement Program:						
1982	21	157	.....	.....	.....	.....
1987	14	118	.....	.....	.....	.....
Long Range Bicycle Plan for Jefferson County:						
1982	4	33	.....	.....	.....	.....
1987	3	25	.....	.....	.....	.....
Implementation of all Programs (With TARC Annual Element Counted in its 5-Year Program:						
1982	1,465	16,398	56	856	143	2,115
1987	1,081	14,104	48	818	119	1,894
Total, All three Counties: *Year*—1982; *HC*—1,664; *CO*—19,369; *Year*—1987; *HC*—1,248; *CO*—16,816.						
Inspection Maintenance:						
1982	2,320	49,750	150	2,220	330	4,900
1987	3,760	41,950	250	1,900	510	6,610
Grand Total With I/M:						
1982	3,785	66,148	206	3,076	473	7,015
1987	4,841	56,054	298	2,718	629	8,504
Total, All three Counties: *Year*—1982; *HC*—4,464; *CO*—76,239; *Year*—1987; *HC*—5,768; *CO*—67,276.						

*The reductions resulting from the Tarc Annual Element are included in the TARC Five Year Plan and were not double counted in the totals.

Indianapolis

The transportation plan for Indianapolis was prepared by the Indianapolis Department of Metropolitan Development (DMD) which has been designated pursuant to section 174 of the Clean Air Act as the lead local agency for coordinating, developing, and implementing the control measures in the plan. The transportation plan contains measures designated to attain and maintain an ozone level of 0.08 ppm hourly maximum average in Indianapolis.

Although portions of the Indianapolis area were designated as not attaining the carbon monoxide NAAQS, the submittal did not include either strategies for attaining the standard or technical analyses demonstrating attainment of the standard. Therefore, USEPA will not propose rulemaking at this time on either the carbon monoxide or on the ozone portion of the Indianapolis transportation control plan.

1. Interagency Agreements and Assignments of Tasks. The submittal must include a new interagency agreement on the purpose, goals, authority and structure of the Air Quality Task Force of the Indianapolis Regional Transportation Council.

2. Reporting of Progress. In order to assure that future transportation planning is consistent with the requirements of the Clean Air Act, DMD must submit procedures for an annual determination of the consistency of its transportation programs with the State Implementation Plan.

3. Impacts of Plan Provisions. The submittal for Indianapolis does not adequately identify and analyze the air quality, health, welfare, economic, energy and social effects of the plan provisions and the alternatives considered. DMD must submit a detailed schedule for completing the impact analyses of the strategies considered for implementation.

4. Public Participation. Section 172(b)(9) of the Act requires evidence of local government involvement and consultation in the planning process. DMD has not satisfied this requirement and must submit a description of the process for including local governments in the transportation planning process.

5. Implementor Commitments. Although the DMD has submitted an adequate commitment to utilize the planning process and to attain reasonable further progress in hydrocarbon emission reductions, DMD must submit a similar commitment for

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carbon monoxide emission reductions. In addition, other implementors must submit commitments to achieve the reasonable further progress emission reduction targets and to utilize the transportation planning process.

6. Financial and Manpower Resources. Although DMD has submitted a flow chart describing its transportation planning and decision making process, the SIP must contain a more detailed description of the process by which projects are funded.

A schedule for the implementation of transportation control measures must be submitted identifying, at a minimum, when the projects will be included in the annual element of the region's transportation improvement program; when the project will be included in a multiyear Statewide program, if necessary; and when the project will be included in the Statewide Section 105 program under the Federal Aid to Highway Act if these funds are to be used in the project.

In addition, DMD must include a list of potential funding sources for the strategies identified in the submittal. Evidence must be submitted by DMD that public transit has priority for funding and project implementation.

7. Reporting of Progress. To assure that projected emission reductions achieve the reasonable further progress line for mobile sources, DMD must identify a mechanism for annually monitoring and reporting emission reductions from current and future TSM/TIP projects to the Indiana Air Pollution Control Division.

8. Analysis of Alternatives. DMD has made a commitment to carry out a comprehensive analysis of alternative transportation control measures by July 1980. A timetable identifying interim dates for the completion of the analysis of alternative measures contained in section 108 of the Clean Air Act and for the adoption of reasonably available measures must be included in the submittal.

9. Technical Analysis, Reasonable Further Progress. Although DMD has described the change in vehicle miles of travel, occupancy, trip length and emissions for potential strategies, similar information has not been submitted for strategies which have been adopted but are not yet implemented. This information must be provided.

10. Strategies for Demonstrating Attainment. DMD included the following table in the submittal identifying strategies which will be implemented or studies further. USEPA believes that the proposed strategies are appropriate but cannot determine the adequacy of the emission reductions until the State submits the VOC stationary source controls.

Status of Section 108 Transportation Measures in Indianapolis

Transportation Measures Implemented

Improved Public Transit
Traffic Flow
Park and Ride Fringe Parking

TCM's Committed and Programmed for Implementation

Areawide Car Pool Programs
Long Range Transit Improvements
Pedestrian Malls

TCM's Committed and Programmed for Further Studies

Employer Programs to Encourage Car and Van Pooling, Mass Transit, Bicycling, and Walking
Bicycle Lanes and Storage for Bicycles
Staggered Work Hours

TCM's Recommended for Further Studies

Motor Vehicle Emission Inspection and Maintenance Program
Parking Controls on Streets
Vapor Recovery
Exclusive Bus and Car Pool Lanes
Control on Extended Vehicle Idling
Road Pricing to Discourage Single Occupancy Automobile Trips
Alternative Fuels or Engines and Other Fleet Vehicle Controls

Vehicle Inspection and Maintenance

Section 172(b)(11) of the Act requires a specific schedule for the implementation of a vehicle emission control inspection and maintenance (I/M) program for those SIPs which demonstrate that attainment of the primary standards for carbon monoxide and/or ozone is not possible in an area prior to December 31, 1982, despite the implementation of all reasonably available emission control measures.

Pursuant to this requirement, Indiana has submitted a plan for the implementation of an I/M program in the Indiana portion of the Chicago Metropolitan area (Lake and Porter Counties) and in the Indiana portion of the Louisville, Kentucky metropolitan area (Clark and Floyd Counties). Despite the absence of controls for stationary sources of VOC in the submittal making it impossible to assess the adequacy of the Indiana attainment demonstration, Indiana determined that these four counties require an I/M program on the basis of interstate data. An I/M program may also be necessary in Marion County if the Indiana attainment demonstration ultimately indicates that the NAAQS will not be achieved by December 31, 1982 despite the implementation of all reasonably available control measures.

The proposed Indiana I/M program described in the submittal is a contractor-operated emissions inspection with idle mode emissions testing. The program would involve the annual emissions inspection of all light duty vehicles, light duty trucks, and motorcycles. A vehicle failing the inspection would either be repaired or its registration would not be renewed. The program is scheduled to be fully operational by January, 1982. The Indiana submittal projects that by December 31, 1987 the I/M program will achieve a 28% hydrocarbon reduction and a 39% carbon monoxide reduction in Lake and Porter Counties, and a 26% hydrocarbon and a 38% carbon monoxide reduction in Floyd and Clark Counties.

USEPA has reviewed the Indiana submittal on I/M for conformance with the requirements of the Clean Air Act and pertinent guidance. A discussion of that review follows:

1. Section 172(b)(10) of the Act requires inclusion in the SIP of written evidence that the State has adopted the necessary requirements by statute, regulations or other legally enforceable document and has committed itself to implement and enforce the elements of the plan. In his June 26, 1979 letter transmitting the Indiana submittal to USEPA, Governor Otis R. Bowen made a commitment to implement the I/M program under the authority of Chapter 171 of the Indiana Air Pollution Control Law. Section 4(b) of this law authorizes the Indiana Air Pollution Control Board (IAPCB) to promulgate rules and regulations for the control of emissions from motor vehicles if the IAPCB forwards copies of such proposed regulations to each member of the Indiana General Assembly prior to the promulgation of the regulations. These regulations may "prescribe requirements for the installation and use of equipment designed to reduce or eliminate emissions and for the proper maintenance of such equipment and vehicles." In addition, Section 4(b) of the law provides for the suspension or

cancellation of the vehicle registration if any "air pollution control system or mechanism which is solely to control air pollution of a motor vehicle" is not maintained in good working order or removed, dismantled, or otherwise caused to be inoperative.

As USEPA has previously indicated to the State of Indiana, it is not clear whether this statutory language, especially section 4b(b), is sufficient to enable Indiana to implement and enforce the kind of Inspection and Maintenance (I/M) program contemplated under the Clean Air Act. Specifically, USEPA questions whether the I/M program outlined in the submittal could be enforced under existing law against those vehicle owners whose vehicles fail the inspection test for reasons other than the failure of emission control devices which are used solely to control air pollution. For example, although motor vehicle emissions may increase significantly as a result of carburetor maladjustment, a carburetor is not solely an emission control device. A vehicle failing an inspection test because of a faulty carburetor adjustment would not be subjected to cancellaton or suspension of its registration. Consequently, a program that restricts enforcement may not be able to achieve substantial emission reductions.

Additionally, USEPA is aware that the Chairperson of the Indiana House Public Safety Committee has requested the opinion of the Indiana Attorney General on various questions related to the implementation of the I/M program outlined in the SIP submittal. Further, at a September 5, 1979, meeting, the Indiana Air Pollution Control Board authorized the Indiana Air Pollution Control Division to request an opinion from the Indiana Attorney General concerning the enforceability of an I/M program. No such opinion has been provided.

Because of these questions concerning Indiana's legal authority to fully implement and enforce the I/M program described in the SIP, USEPA cannot propose approval of Indiana's I/M program. In order for USEPA to approve Indiana's I/M progam, the State must possess legal authority adequate to fully implement and enforce its I/M program. In addition, an approvable I/M program must demonstrate, pursuant to a July 17, 1978, memorandum by Assistant Administrator David Hawkins, that the program will reduce light duty vehicle exhaust emissions in 1987 by 25 percent as compared to the level of these emissions without the I/M program.

Further, pursuant to section 172(b)(11) of the Act, an I/M submittal must contain both a legally enforceable schedule for the implementation of the plan and a commitment to the schedule by the State. The dates in the schedule must include the milestones listed in the July 17, 1978, memorandum by Assistant Administrator Hawkins. Both the requirement for a 25 percent emission reduction and the requirement for an acceptable implementation schedule must be satisfied within the scope of the State's legal authority.

Carbon Monoxide (CO)

Portions of Lake and Marion Counties have been designated as nonattainment for the carbon monoxide National Ambient Air Quality Standard. The proposed Indiana State Implementation Plan for carbon monoxide bases its control strategy for both nonattainment areas on transportation control strategies and emission reductions which will be attained through the Federal Motor Vehicle Control Program (FMVCP). The Indiana SIP contains separate submissions from the metropolitan planning organizations responsible for control strategy development in each nonattainment area (Northwestern Indiana Regional Planning Commission [NIRPC] for Lake County, and City of Indianapolis Department of Metropolitan Development [IDMD] for Marion County).

USEPA has reviewed Indiana's SIP submission for carbon monoxide in each nonttainment area and noted the following deficiencies:

Lake County

Pursuant to section 172(b)(4) of the Clean Air Act as Amended 1977 (CAA), the SIP must include a comprehensive, accurate, current inventory of actual emissions from all sources of each pollutant. The submission for lake County does not include a comprehensive emission inventory which includes emissions from both stationary and mobil sources.

In addition, the Lake County CO SIP does not include a determination of the level of control needed to demonstrate attainment of the NAAQS by 1982 or 1987, as required under section 172(b)(8) of the Clean Air Act. The Lake County SIP also fails to identify the projected date for the attainment of the NAAQS. Thus, it is impossible to evaluate the necessity of an inspection/maintenance program for CO.

Further, the Lake County SIP does not make a demonstration of reasonable further progress (RFP) towards attainment of the NAAQS, as required under section 172(b)(3) of the Act. Although the control strategies to be used for control of CO emissions are the same as the strategies used for the control of hydrocarbon emissions and the attainment of the ozone NAAQS, a separate demonstration of attainment and RFP must be made for CO.

Marion County

The Marion County CO SIP does not make a demonstration of RFP towards attainment of the CO NAAQS as required under section 172(b)(3) of the Act. In addition, a separate demonstration of attainment of the NAAQS for CO is not made.

The SIP contains a 1977 emission inventory, which includes emissions from both stationary and mobile sources. Although future mobil source emissions are considered, future growth in stationary source emissions are not included in the submittal. An adequate demonstration of RFP must include such growth.

USEPA will propose rulemaking on the adequacy of the CO SIP upon State submittal of the omitted stationary and mobile source elements described in this Notice of Proposed Rulemaking. It should be noted that plan approval is a prerequisite for construction of major sources of the nonattainment pollutant in designated nonattainment areas.

On March 11, 1980, the State submitted Marion County's Ozone and Carbon Monoxide Strategy as a revision to the SIP. This plan is currently under review. Upon completion of this review USEPA will propose rulemaking on this submission.

II. General Requirements of Clean Air Act as Amended

The Indiana SIP revision submitted on June 26, 1979 addresses several requirments of the 1977 Amendments to the Clean Air Act that are not Part D requirments. Although incorporation of these provisions is required by law, failure to achieve final USEPA approval by July 1, 1979 does not trigger the economic growth limitations associated with Part D.

Part C—Prevention of Significant Deterioration

Regulation APC 19 of the Indiana submittal contains a plan for the prevention of significant deterioration of air quality. Section 110(a)(2)(D) and Part C of the Clean Air Act establish limitations on the deterioration of air quality in those parts of the Nation where the air quality is better than required to attain the National Ambient Air Quality Standards. The amount of deterioration permitted is quantified by

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a table of air quality increments which appear in section 163 of the Act. In effect, increments represent the amount of pollution that can be tolerated by an area without significantly deteriorating the clean air status of the area.

A principal means of protecting the increments is the review and regulation of new growth. USEPA is presently operating a federal permit system designed to protect the increments and will continue to do so until the state adopts an equivalent program. Regulations under which the Agency is operating are found at 40 CFR 52.21 as published June 1, 1978 (43 FR 26388). Regulations specifying requirements for an approvable State plan are found at 40 CFR 51.24 as published June 19, 1978 (43 FR 23680).

These regulations were judicially challenged in the U.S. Court of Appeals for the District of Columbia Circuit. On June 18, 1979, the court issued a preliminary opinion on the regulations in *Alabama Power Company* v. *Costle*, No. 78–1006. The court held invalid certain key provisins of the regulations. On September 5, 1979, USEPA proposed in the **Federal Register** (44 FR 51924;) various amendments to the PSD regulations. Some of these proposed amendments would replace the provisions rejected by the court; others would add entirely new provisions to supplement the replacement provisions. In December 1979 the court issued a final opinion. In it the court generally reaffirmed its earler holdings. Subsequently, the USEPA stayed its PSD regulations as to certain sources and modifications (see 45 FR 7800, February 5, 1980).

Obviously, the court's opinion and any regulations promulgated as a result of it may affect various aspects of the Indiana plan for preventing significant deterioration. Nonetheless, USEPA believes that it is appropriate to proceed with its review of the plan based upon its existing regulations as stayed rather than awaiting the final promulgation of amended regulations. When the amended regulations are finally promulgated, the USEPA will advise Indiana of any changes required in its plan.

USEPA has reviewed the portions of Regulation APC 19 containing the Indiana prevention of significant deterioration plan and the applicable definitions in Regulation APC 1 and has determined that the Indiana plan for the prevention of significant deterioration satisfies the requirements of 40 CFR 51.24 with the exception of the permit by default provision cited in the discussion of Regulation APC 19. Therefore, USEPA is proposing to approve the Indiana PSD plan upon receipt of evidence that the permit by default provision has been deleted from Regulation APC 19 as it applies to sources covered under the PSD program.

Section 121—Consultation

Section 121 of the Act requires that the State provide a "satisfactory progress" for consulting with local governments and Federal land managers to meet certain requirements in the development of the SIP. A satisfactory progress of consultation must be included for transportation controls, air quality maintenance, preconstruction review of direct sources of air pollution, nonattainment requirements, prevention of significant deterioration, and certain compliance orders. This process must be ongoing and in accordance with regulations promulgated by USEPA at 44 FR 35176.

The proposed Indiana SIP contains a copy of a local agency agreement which provides for a process of consultation. USEPA proposes to approve this process of consultation upon the condition that Indiana forwards to USEPA copies of the executed agreements and that the agreements meet the requirements of CFR 51.246 (44 FR 35181) which states that the SIP " shall provide for an opportunity for Federal, State and local envolvement in such consultation process no later that December 18, 1979."

Section 110(a)(2)(K)—Permit Fees

This section requires the owner or operator of each major stationary source to pay the permitting authority, as a condition of any permit required by the Clean Air Act, a fee to cover the reasonable costs of processing an application for permit and of implementing and enforcing the terms and conditions of the permit. Revised Indiana Regulation APC 19, section 14, details a comprehensive permitting fee system. USEPA proposes to approve this system as meeting the requirements of Section 110(a)(2)(K).

Section 126—Interstate Pollution

Section 126(a)(1) of the Act requires that the SIP provide for written notice to nearby states of any proposed major stationary source which may significantly contribute to levels of air pollution in excess of the National Ambient Air Quality Standards in that state. The Indiana SIP does not disclose procedures for the required written notice to other nearby states. During the thirty day comment period Indiana must submit a schedule to develop these procedures and to submit them to USEPA in a legally enforceable form, or USEPA will disapprove this portion of the SIP.

Section 126 (a)(2) requires the State to identify existing major sources which may significantly contribute to levels of air pollution in neighboring states. On November 28, 1977 the Director of the Air Pollution Control Division of the Indiana State Board of Health sent letters with this information to each bordering state. USEPA proposes to approve this action as satisfying the requirement of Section 126(a)(2).

Section 127—Public Notification

Section 127 of the Act requires the SIP to contain measures for effective notification of the public on a regular basis of instances or areas in which any national primary ambient air quality standard is exceeded, to advise the public of hazards associated with such pollution and to enhance public awareness of measures which can be taken to prevent such standards from being exceeded.

The Indiana Air Pollution Control Board has incorporated in its local agency agreements the requirement that the agency "keep the public informed as to progress and status of local efforts to abate pollution through news releases, public appearances, talks and related activities." In addition, the Agency is to make all emission data and air quality data available to the public upon request.

Indiana Regulation APC–12 contains the criteria for the determining of air pollution episode levels and the procedure for reducing the episode level. Although the Technical Secretary has authority to declare an air pollution alert or warning and the Governor has the authority to declare an air pollution emergency, the Indiana SIP does not contain a procedure for notifying the public.

USEPA proposes to approve APC–12 and the procedure for enhancing the public awareness in the Agency agreements if Indiana submits, within the comment period, a procedure for notifying the public of air pollution alerts, warnings, and emergencies.

Section 128—State Boards

Section 128 of the Act requires that any boards which approve permits or enforcement orders under the Act contain a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under the Act and that members of any such board adequately disclose any potential conflicts of interest. The Governor of Indiana submitted a questionnaire to the members of the Air Pollution Control Board to determine which members could be certified as representing the public interest and as not deriving a significant portion of their income from persons subject to permits or orders. The Governor and the Mayors who appoint local agency board members have committed themselves to having all prospective board members complete the questionnaire and to make appointments so that the boards will continue to represent the public interest as required by section 128 of the Act.

USEPA has not received the completed questionnaires from all present board members. USEPA proposes to approve this procedure as satisfying section 128 of the Act but requests that all disclosures of the present board members be submitted within the announced comment period.

Section 110(a)(2)(F) (ii) and (iii)—Continuous Emission Monitoring

The Indiana submittal contains a revision to existing regulation APC 8 which provides requirements for the continuous monitoring and recording of emissions for fossil fuel-fired steam generators, nitric acid plants, sulfuric acid plants, and petroleum refinery catalyst regenerators of specified sizes. This revision corrects the three deficiencies cited by USEPA in its June 22, 1978 rulemaking (43 FR 26722) partially disapproving existing Regulation APC 8 and promulgating substitute regulations (40 CFR 52.796). Consequently, USEPA proposes to approve the revision to existing Regulation APC 8 as satisfying the statutory directive of sections 110(a)(2)(F) (ii) and (iii) and the regulatory requirements of 40 CFR 51.19(e) and to revoke the federally promulgated substitute regulations.

There are, however, two typographical errors which are confusing and must be corrected. Section 2.1 of the revision to Regulation APC 8 specifies that a continuous monitoring system for the measurement of sulfur dioxide must meet the performance specifications of *paragraph 3.1.1* of this regulation. The proper citation is *paragraph 3.1.3* Another error is contained in section 2.1.3 of the proposed revision. This section specifies the conditions under which continuous monitors for the measurement of nitrogen oxides are required and provides an exemption under specified conditions. A phrase was omitted from the exemption provision specifying that the conditions can be satisfied during source compliance tests as required by the State. These two typographical errors must be corrected before USEPA final rulemaking in this revision to Regulation APC 8.

Interested persons are invited to comment on the revised Indian a SIP and on USEPA's proposed actions. Comments should be submitted to the address listed in the front of this Notice. Public comments received within thirty days of publication will be considered in USEPA's final rulemaking on the SIP. All comments received will be available for inspection at Region V Office Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures, USEPA labels proposed regulations, "specialized." I have reviewed this proposed regulation pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 12, 1979 by the Administrator and I have determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This Notice of Proposed Rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: October 25, 1979.

John McGuire,

Regional Administrator.

[FR Doc. 80-9497 Filed 3-26-80; 8:45 am]

BILLING CODE 6560-01-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

12682 2–26–80 / Obstetrical and gynecological devices; classification (70 documents)

LABOR DEPARTMENT

Occupational Safety and Health Administration—

12416 2–26–80 / Occupational exposure to cotton dust; standards for general industry

[Originally published at 43 FR 27350, 6–23–78]

POSTAL SERVICE

12418 2–26–80 / Penalties or fines, deductions, and damages related to transportation of mail; revision of regulations

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last Listing March 28, 1980

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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WASHINGTON, D.C.

WHEN: April 18; May 2, 16, and 30; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202–523–5235. Gwendolyn Henderson, Assistant Coordinator, 202–523–5234.

LOS ANGELES, CALIF.

WHEN: April 14, 15, and 16; at 9 a.m.

WHERE: Room 8544, Federal Building, 300 N. Los Angeles Street, Los Angeles, Calif.

RESERVATIONS: Call the Los Angeles Federal Information Center, 213–688–3800.

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20451 **Continuing Applicability of Panama Canal Regulations** Executive Order (Amending EO 12173)

20740 **Amending the Generalized System of Preferences** Executive Order

20564 **National Continuing Education and Training Program** HEW/HDSO announces the acceptance of applications by 5-27-80 for grants or cooperative agreements

20563 **National Conference on Aging Program** HEW/HDSO announces the acceptance of applications for grants or cooperative agreements by 5-27-80

20568 **Need Analysis Systems** HEW/OE list methods used in awards for the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grants Program; effective 3-28-80

20578 **Medicolegal Investigation of Death** Justice/NIJ announces a competitive research solicitation; receipt by 5-16-80

20471 **Home Improvement—Energy Conservation** VA establishes a separate interest rate for certain loans; effective 3-21-80 and comments by 4-28-80

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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20453 **Anti-Inflationary Pay and Price** CWPS publishes compilation of questions and answers that relate to the second-year standards; effective 10–1–79; comments by 4–28–80

20465 **Imprisonment—U.S. Personnel in Foreign Courts** DOD/Sec'y establishes uniform reporting regarding treatment and trials

20461 **Transit: Aliens to Foreign Countries** Justice/INS adds carriers to the list of transportation lines; effective dates vary

20666 **Dental Care** HEW/FDA establishes the conditions by which products are generally recognized as safe; comments by 6–26–80 (Part IV of this issue)

20458 **Special Supplemental Food Program** USDA/FNS releases an amendment to the final administrative funding formula for Women, Infants and Children; effective 4–1–80

20478 **Social Security** HEW/SSA introduces a final rule on protective, vendor and two-party payments for dependent children; effective 3–28–80

20604 **Food Stamp Program** USDA/FNS proposes regulations on requirements for participating State agencies and certification of eligible households; comments by 5–27–80 (Part VI of this issue)

20497 **Delinquent Consumer Instalment Loans** NCUA request comments on adoption of classification policy; comments by 5–30–80

20555 **Delinquent Consumer Instalment Loans** FDIC develops uniform policy of classification at commercial banks

20601 **Privacy Act Documents** OPM

20501 **Improving Government Regulations** Treasury/FS announces it has no significant or nonsignificant new regulations under development

20496 **Improving Government Regulations** FDIC publishes semiannual agenda of regulations

20618 **Sunshine Act Meetings**

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Presidential Documents

Title 3—

The President

Executive Order 12203 of March 26, 1980

Continuing Applicability of Panama Canal Regulations

By the authority vested in me as President of the United States of America by the Constitution and laws of the United States, in order to temporarily extend a delegation of authority to the Secretary of Defense, the last sentence of Section 1–102 of Executive Order No. 12173 of November 29, 1979, is amended to read, "This delegation shall be effective until May 15, 1980.".

Jimmy Carter

THE WHITE HOUSE,
March 26, 1980.

[FR Doc. 80–9705
Filed 3–26–80; 4:51 pm]
Billing code 3195–01–M

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Rules and Regulations

Federal Register
Vol. 45, No. 62
Friday, March 28, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Administration

5 CFR Part 1500

32 CFR Part 2500

Transfer and Redesignation of Regulations

AGENCY: Office of Administration, Executive Office of the President.

ACTION: Final rule.

SUMMARY: This document transfers and redesignates existing regulations concerning information security from Title 32—National Defense, of the Code of Federal Regulations to Title 5—Administrative Personnel. The Office of Administration is preparing to issue other regulations concerning the Privacy Act, and it is felt that Title 5 is a more appropriate place for all OA regulations in the Code of Federal Regulations.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Donald Street, telephone number (202) 456–2970.

Accordingly, a new Chapter XV entitled, "Office of Administration, Executive Office of the President," is established in Title 5 of the Code of Federal Regulations. Existing Office of Administration regulations set forth at 32 CFR Part 2500 are transferred to 5 CFR Chapter XV and redesignated Part 1500. Chapter XXV of Title 32 is vacated.

William R. Pollak,
General Counsel.

[FR Doc. 80-9458 Filed 3-27-80; 8:45 am]
BILLING CODE 3115-01-M

COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Part 705

Anti-Inflationary Pay and Price Standards; Questions and Answers on the Pay Standard

AGENCY: Council on Wage and Price Stability.

ACTION: Questions and Answers on the Pay Standard for the Second Program Year.

SUMMARY: This is a compilation of Questions and Answers that relate to the second-year pay standard (Subpart 705B). On March 18, 1980, the Council issued the interim-final second-year pay standard and accompanying changes to Parts 705, 706 and 707. (45 FR 17125). The attached Questions and Answers are intended to clarify or interpret the pay standard.

DATES: The effective date is October 1, 1979. Written comments should be submitted by April 28, 1980.

ADDRESS: Written comments should be sent to: Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Office of Pay Monitoring, Lucretia Tanner: 456–7180, Malcolm Liggett: 456–7180, Homer Jack: 456–7180; Office of General Counsel, Daniel Duff: 456–6210, Jane Campana: 456–6210.

SUPPLEMENTARY INFORMATION: The Q&A's published today supersede Q&A's previously published by the Council regarding the pay standard. The Q&A's set forth below include Q&A's issued in the first program year and during the interim period, modified where appropriate to reflect the revisions in the second-year pay standard. Several Q&A's are being published for the first time (Part C, Q&A's 16–22, and new language added to Q&A 15; Part D, Q&A 12; Part M, Q&A 7). Certain of the first-year and interim Q&A's have been deleted and are no longer applicable.

These Q&A's clarify and interpret the pay standard and as such should be considered an integral part of the standards and procedures. Accordingly, those affected by the program can and should rely on the Q&A's when formulating compliance plans or taking any action under the standards. The Council will hold companies responsible for knowledge of the Q&A's when formulating compliance plans or taking any action under the standards. The Council will hold companies responsible for knowledge of the Q&A's as of the day they are published in the **Federal Register** and will evaluate compliance on that basis.

The Council welcomes comments on these Q&A's and encourages the public to submit additional Q&A's for the Council's consideration at any time.

Issued in Washington, D.C., March 25, 1980.

R. Robert Russell,
Director, Council on Wage and Price Stability.

A. General Standard

Q1. Does the pay standard mean that the average pay rates of all employee units should rise annually by the amount provided for in Section 705.10(a)?

A. No. The pay standard represents a range within which it is expected that most annual pay-rate increases will fall. A firm that grants increases within the range or less is in compliance with the standard.

Q2. Does the standard mean no one can receive more than the amount provided for in Section 705.10(a)?

A. No. In general, the pay standard imposes no limit on individual employee pay rates. Instead the standard applies to average pay rates for employee units.

B. Employee Coverage

Q1. How does a company distinguish the nonunion management group of employees from the nonunion nonmanagement group?

A. Companies can determine this in a fashion consistent with their past practices. In general, management employees should be those whose duties are primarily of a supervisory nature. For example, the Fair Labor Standards Act distinction between exempt and nonexempt employees could be used. Firms should not, however, alter previously used categories in order to permit pay increases above the standard for some workers at the expense of others. The intent of this provision is to ensure that nonmanagement personnel are treated equitably. If firms can provide alternative verification of equitable treatment of employees, they may combine these groups for purposes of determining their compliance.

Q2. Can a company define smaller employee units than management and nonmanagement?

A. Yes. Any further breakdown consistent with a company's accounting procedures is acceptable.

Q3. Does the pay standard limit on pay increases apply to new employees?

A. The limit does not apply to individual workers, whether they are new or old employees. But the average rate paid by a firm should not rise by more than the pay standard during the year, regardless of turnover or increases in its work force.

Q4. Are U.S. employees assigned to work in other countries subject to the pay standard?

A. No, they should be excluded from the employee units.

Q5. Does the pay standard apply to Federal, State, and local government workers?

A. Yes.

Q6. Are pay increases mandated by State and local government regulations exempt from the pay standard?

A. If legally-mandated pay increases determined under regulations existing prior to October 25, 1978, exceed the pay range, the amount above the range is excluded from the pay calculations.

Q7. Under Section 705.11, collective bargaining units accounting for less than 5 percent of a company's employees may be included in the "all other employees" category. If a company organizes itself for reporting purposes into separate compliance units, is the 5 percent based on the number of employees in the company or on the number of employees in the compliance unit?

A. The number of employees in the compliance unit.

C. Pay and Pay Rates

Q1. Increased employer contribution costs for legally mandated employee benefits are not charged against the pay standard. Which employer costs are excluded?

A. Excluded are costs of legally mandated payroll taxes such as Social Security, Worker's Compensation, and Unemployment Insurance. In addition, the increased costs during the program year of new legally required benefits, such as paid maternity leave, changes in benefits under age discrimination laws and remaining ERISA-mandated pension plan contributions should not be charged against the standard.

Q2. With respect to the exclusion of overtime pay, what does the language "as long as the conditions of that pay are unchanged" mean?

A. A change in the conditions of overtime pay occurs when the overtime premium pay rate is changed or when the timing requirements are altered (for example, by defining overtime as work beyond 38 hours rather than 40 hours). When such a change occurs during the program year, an estimate of the increased pay due to the change must be included as a pay-rate increase.

Q3. Are cost-of-living differentials received if an employee is transferred to a higher cost-of-living area included as pay-rate increases?

A. Not if they represent continuation of an established practice to pay such differentials.

Q4. Should moving expense reimbursements by included as a component of pay?

A. No.

Q5. If a company is required to make retrospective payments to an employee or employees as the result of legal action, are these payments chargeable under the standard?

A. No.

Q6. Is rollup included in the calculation of a pay increase?

A. Yes. The additional cost of existing benefits which results from a wage increase is to be included as part of the pay increase chargeable under the standard.

Q7. Are TRAESOPS (Tax Reduction Act Employee Stock Ownership Plans) included in measuring compliance with the standard?

A. No. TRAESOPS are excluded, since they are not an employer cost but rather result from money available under the investment tax credit.

Q8. How is premium pay treated under the standard?

A. Premium pay, other than overtime for hours in excess of scheduled daily or weekly hours, is included as pay in both the base and program quarters.

Q9. Are allowances for such items as tools, uniforms, and safety shoes subject to the pay standard?

A. Not if the item is used on the job, and the allowance is reasonable as a reimbursement for expenditures actually to be incurred.

Q10. How are payments dictated by arbitration treated under the pay standard?

A. Payments in excess of the guidelines that are dictated by legally-mandated binding arbitration will not put a company out of compliance with the pay standard.

Q11. How is a benefit improvement communicated to employees before October 2, 1978, but implemented after October 1, 1979, to be treated?

A. The cost of the new benefit may be excluded from all pay-rate calculations.

Q12. What is a pre-existing incremental pay plan or practice?

A. Any plan or practice in effect before October 1, 1979.

Q13. Are increases paid under pre-existing incremental pay plans and practices chargeable against the pay standard?

A. Qualification increases associated with defined improvements in an employee's job-related credentials such as completion of an educational or vocational training program and other regularly programmed increment increases including longevity increases in pre-existing pay plans shall be excepted from the pay standard when compliance is measured under Sections 705.12 and 705.13(b).

Q14. What changes in pre-existing incremental pay plans and practices are chargeable against the pay standard under Sections 705.12 and 705.13(b)?

A. All structural changes in pre-existing incremental pay plans and practices that increase the cost of such increments are charged against the standard. Such changes include (but are not limited to) adding steps above the top step, reducing the number of steps required to reach the top step, increasing the established differential between steps, and shortening the time periods between steps. Pay increases resulting from implementation of a new incremental pay plan or practice should be charged. Changes in the amount of the difference between increments resulting from the general increase are not considered to be structural changes in a pre-existing incremental pay plan or practice.

Q15. Does the treatment of increment increases under Sections 705.12(g) and 705.13(b) apply to merit pay plans?

A. Increases that represent movement within pay ranges in a pre-existing formal merit pay plan are not charged against the pay standard, provided that they are consistent with established procedures and past practices for administering such increases. Increases in the pay ranges themselves are chargeable, as are increases resulting from changes in established procedures or past practices for administering adjustments within pay ranges. For example, assume the pay-rate ranges are increased by 0 percent (measured by the change in the midpoints from the base quarter to the last quarter in the program year). In addition to excluding the effects of legitimate promotions, firms may also exclude the aggregate amount by which normal upward movement within pay ranges causes the pay-rate increase for the fixed population of continuing employees to exceed 8%. To qualify for this exclusion the firm's pay actions must be consistent with established procedures (e.g. administrative controls such as compa-ratios, merit range controls points, etc.) and past practices (e.g. normal upward movement within pay ranges based on a normal historical relationship between pay range increases and pay budgets or spending objectives). Any portion of the increase above 8% which results from changes in established procedures or past practices is charged as well as the increases resulting from increasing the pay-rate ranges.

Q16. Question 13 refers to pre-existing incremental pay plans. Does the treatment of increment increases under Section 705.13(b) apply to merit pay plans where the pay-rate ranges are not increased in the program year?

A. Firms that do not increase their pay-rate ranges in the program year are expected to charge all pay-rate increases based on their merit pay plans except the effects of legitimate promotions or use the unit average (Section 705.13(a)) method of computation.

Q17. May pay-rate increases within the pay standard be made retroactive to October 1, 1979?

A. Yes.

Q18. If an employee unit received a pay-rate increase of 8.5 percent or less during the interim period (October 1, 1979, through March 12, 1980), may it now receive a further increase that would carry it above 8.5 percent but not above 9.5 percent?

A. Yes, if the Council is notified under Section 706.26.

Q19. If an employee unit received a pay-rate increase above the top of the range solely due to an exception granted during the interim period, is that unit now out of compliance with the pay standard?

A. No. Exceptions approved by the Council in the interim period are effective througout the entire second program year.

Q20. May pay-rate increases granted above the standard in effect during the interim period, based on exceptions approved in the interim period, be paid in addition to the pay range now in effect?

A. If the exception results in a second year pay increase equal to or greater than the top of the range, no further pay increases are allowed in the second program year absent another exception approved by the Council.

Q21. During the interim period, eligible employee units were able to self-administer a 1 percent non-COLA catch-up. Under the new pay standard, may an employee unit self-administer the 1 percent non-COLA catch-up if that results in a pay increase above the top of the range?

A. No. This self-administered non-COLA catch-up was available only during the interim period when a 7-percent pay standard was in effect and has been replaced by the provisions of 705.21 which provide for an exception to restore equity with wages of comparable groups of employees occasioned by the operation of COLA clauses.

Q22. Are there circumstances that justify an increase above 9.5 percent?

A. Increases above 9.5 percent may be permitted under Sections 705.18 through 705.22 of the pay standard, in accordance with the procedures set forth in part 706 of the Council's rules.

D. Collective Bargaining Units

Q1. If workers in one union in a compliance unit are out of compliance, is the compliance unit out of compliance?

A. Yes. Each collective bargaining contract should meet the pay standard; a compliance unit is out of compliance if any of its collective bargaining agreements exceeds the pay standard. However, if a group represents less than 5 percent of the compliance unit's force, the group can (at the compliance unit's discretion) be included within the category of nonunion employees.

Q2. Does the pay standard apply to collective bargaining settlements which were being negotiated prior to the President's announcement on October 24, 1978, but in which no formal agreement was signed?

A. The pay standard does not apply under any of the following circumstances:

- there was a written memorandum of agreement covering wages and benefits prior to October 25, 1978;
- there was a written management offer outstanding on October 24, 1978, and the contract is later signed with wage and benefit terms that are no higher; or
- there was evidence of an oral agreement covering wages and benefits prior to October 25, 1978.

Q3. Is there any power to invalidate contracts that exceed the standard?

A. No, the government has no authority or intention to invalidate labor contracts.

Q4. Can a company that has a large number of small collective bargaining units combine these units for purposes of compliance?

A. Units of less than 100 employees can be combined for administrative purposes or in response to requests for information. But such units are expected to comply with the standards on an individual basis.

Q5. If a new collective bargaining unit is formed, what limit is placed on pay increases in the second program year?

A. The total increase for such workers should not exceed the amount provided for in Section 705.10(a) in the second program year, including pay-rate increases granted prior to the formation of the new unit. Of course, a contract signed by the new unit during the program year should be consistent with the pay standard as applied to collective bargaining agreements.

Q6. What is the base pay rate for a new collective bargaining agreement?

A. The average pay rate in effect at the expiration of the prior agreement.

Q7. Can a union contract signed prior to October 25, 1978, be reopened to grant an additional pay increase during the second program year?

A. Yes, if the total pay increase for the second program year does not exceed the amount provided for in Section 705.10(a) and the new contract is consistent with the pay standard as applied to new collective bargaining agreements.

Q8. In an industry bargaining situation in which a number of companies sign a common agreement with a union and the companies have different average base pay rates, will compliance be measured for each company?

A. The Council will continue its past practice of evaluating such agreements on an industry basis, using an average base pay rate for all the companies. Individual companies that sign a complying pattern agreement will be deemed in compliance.

Q9. Under the pay standard, a contract that includes a provision for a future wage reopening will be assumed to be terminating on that date. Does this apply to a wage reopener that has a specific limitation?

A. The Council will permit a wage reopener that specifically provides that, upon reopening, any wage-rate or benefit increases must be in compliance with the standards. A contract that includes such a provision would not be assumed to be terminating on the reopening date.

Q10. In industries where contracts are bargained by employer associations for defined geographical areas, how should companies that are not members of the association be treated for compliance purposes?

A. Any company that operates under the terms of a local contract that is out of compliance with the pay standard will be considered out of compliance within the geographical area covered by the contract.

Q11. If entry-level pay rates are decreased or held constant in a new collective bargaining agreement, may the projected cost savings from such a provision be used to offset other pay-rate increases under Section 705.12?

A. Yes, provided that the distribution of workers by job category at the expiration of the previous agreement is used in making such computations.

Q12. In the first program year, the parties to a multi-year collective bargaining agreement could add one percentage point above the standard to any year of the agreement as long as the compounded annual rate of increase over the term of the agreement was in compliance with the standard. Is this practice allowable in the second program year?

A. No.

E. Nonunion Standard

Q1. The pay standard for nonunion employee groups compares the base-quarter pay rate with the pay rate in the last quarter of the program year. Does this mean the company is unconstrained over the first three quarters of the program year?

A. No. Having an annual compliance standard minimizes the administrative burden placed on firms and eliminates some compliance problems which might be caused by seasonal factors and the timing of pay-rate changes. However, at any time during the program year, companies should be prepared to demonstrate that their pay plan is consistent with the pay standard.

Q2. Section 705.13(c) says that companies may make adjustments for shifts in the composition of the work force among distinct functional employee subgroups. What does this mean?

A. Under this option, a separate pay-rate increase may be calculated for each functional employee subgroup. If a weighted average of the resulting pay-rate increases is equal to or less than the amount provided for in Section 705.10(a), the employee unit is in compliance. For purposes of computing this weighted average, the subgroups' base-quarter shares of total employee-unit pay may be used as weights.

Q3. What is the effect of these adjustments on the nonunion pay standard?

A. Under the general standard as applied to nonunion groups, changes in the composition of the work force toward higher-paid employee subgroups could carry the employee unit as a whole over the pay standard even though the limitation is satisfied for each job category. This adjustment provides nonunion groups with treatment similar to that allowed for collective bargaining units by permitting companies to assume no changes in the composition of the work force during the program year.

Q4. What is a distinct functional employee subgroup?

A. Within the employee unit, a distinct functional subgroup would be identified by type of work (for example, engineers, accountants, secretaries, production workers, etc.). As a rule, these subgroups should be those regularly identified in the company's accounting practices and pay plans as separate employee groups.

Q5. Section 705.13(b) says that compliance may be determined on the basis of the average pay rates for continuing employees. What is the implication of this option?

A. This option allows the company to follow pay rates for the fixed population of continuing employees employed throughout the program year. This approach may be especially useful to small businesses that have changes in the composition of the work force, but do not typically perform the cost-accounting analyses needed to adjust for these compositional shifts.

When excluding promotion and incremental increases under this method, the company should be prepared to demonstrate that such increases granted during the program year are consistent with historical practices.

Q6. Can a company demonstrate compliance with the pay standard for nonunion employee groups on a prospective basis?

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A. Yes. If a company bases its pay projections on its standard budgetary practices and assumes continuation of well-established historical relationships, then it can demonstrate compliance on a prospective basis for nonunion units. Compliance must still be determined retrospectively by comparing the last quarter of the program year with the base quarter. However, failure to meet the pay standards will not constitute noncompliance if there has been a good faith effort to comply, but unforeseen events beyond the company's control have caused the failure.

Q7. Can a nonunion unit receive pay increases under a multi-year pay plan?

A. Yes, provided the plan is binding on the company. The rules for multi-year collective bargaining agreements should be applied in evaluating compliance of such plans with the standards.

Q8. When using the fixed-population method for determining compliance, must the company recompute the base-quarter compensation rate to exclude those employees no longer with the company?

A. Yes.

Q9. May a company increase its pay to salaried employees to compensate for an increase in hours worked per day or days worked per week?

A. Such increases pose a special problem because salaried employees typically are not paid by the hour, but by the month or year. If a company wishes to give pay increases for additional hours worked for salaried employees, the burden rests with the company to show that there is an actual increase in hours worked.

Q10. Does the provision for calculating chargeable increases under cost-of-living formulas apply to nonunion employees also?

A. Yes, if such employees are covered by a formal cost-of-living formula. But, as with formal collective bargaining contracts, it should be part of a pay plan that extends beyond a year in duration.

Q11. If a company used the fixed-population method in the first program year and plans to continue using this method in the second program year, how is the fixed population determined?

A. The fixed population in the second program year consists of the workers who were employed both at the beginning and at the end of the second program year.

Q12. Council exception decisions for nonunion employee units cite October 1, 1978 through September 30, 1979, as the program year. Does this mean that the exception expires September 30, 1979, for these compliance units?

A. No. The exception extends through the company's program year for which the exception was sought, or, in the case of formal annual pay plans, through the end of the company's pay-plan year for which the exception was sought.

Q13. What is the base quarter for the second program year for pay-rate computations?

A. The base quarter is the compliance unit's last quarter in the first program year.

F. Variable Compensation

Q1. How are sales commission and production incentive plans treated under the standard?

A. Employees operating under these plans are subject to the standard. If the unit's compensation exceeds the standard, companies must be able to demonstrate that they would have been in compliance had the unit's sales or production experience based on physical volume been the same as in the year prior to the program year. The assumption of the same sales or production experience may not be used if the commission or incentive rate is increased on incremental volume in excess of the prior year's volume.

Q2. Is compensation from annual incentive plans included as pay?

A. Yes. Pay from annual incentive plans, such as annual bonuses, is included as pay in the base quarter and during the program year.

Q3. How are annual incentive awards to be treated in computing pay rates?

A. This depends on whether the awards are made pursuant to a plan or on a discretionary basis. Annual bonuses or awards made according to a plan previously announced, consistently administered, and based on past practice, should be treated as pay over the period earned. For example, a bonus paid in early 1980 depending on performance over calendar year 1979, should be treated as pay received evenly over 1979.

If the bonus payment is discretionary (not under a plan) and there is no demonstrable objective performance criterion, it should be treated as pay when payment is made (or when accrued if it is deferred). For example, all discretionary bonuses paid (or accrued) in the program year should be included as pay received evenly over the program year. Similarly, one-fourth of all bonuses paid (or accrued) in the preceding year should be treated as pay in the base quarter.

Q4. In determining the bonus amount to be included in the base rate of pay, must the company use the amortized bonus amount which was earned in the base quarter?

A. No. In determining the bonus amount to be included in the base rate of pay, the company may choose either the amortized bonus amount earned in the base quarter or the average of the corresponding amounts earned in any two of the five most recent years on a per employee basis.

Q5. How are annual incentive bonuse to be treated in future years?

A. Annual incentive bonuses are expected to be consistent with the pay standard. For nondiscretionary plans, companies should make a reasonable estimate of their profits for the coming year, and calculate the amount of aggregate incentive bonuses that would be paid at the level of profit. The projected increase in these bonuses (prorated) together with fixed compensation increases should not be more than the amount provided for in Section 705.10(a). If bonuses are larger than estimated due to higher profits, the excess over the pay standard can be excluded if the company can demonstrate that its estimate of profits was not unreasonably low.

G. Future-Value Compensation

Q1. How are future-value incentive plans treated under the pay standard?

A. Future-value incentive plans are long-term plans under which units are granted whose value will not be known until some future time. The plans involve qualifications or contingencies which make their exact valuation uncertain, but increases in their value can be subjected to a rough pay standard limit by limiting the number of units granted during the program year to no more than the amount provided for in Section 705.10(a) increase per recipient.

During the program year, changes in the number of recipients under these plans must be based on the continuation of well-established past eligibility practices with objective criteria for determining recipients. In the absence of such practices, the average number of units issued per employee in the appropriate employee unit must be limited to one plus the percent provided for in Section 705.10(a) times the average number of units issued per employee in the base period.

Q2. What constitutes a unit of future-value incentive compensation?

A. A unit includes shares, awards, shares subject to option, or investment amounts. In most cases, units under these plans are the number of shares under options or shares awarded. Where plans involve investment amounts, this means the number of shares times the share price at the time of award.

Q3. How do stock splits affect the limitation on the number of units to be issued under future-value plans?

A. The number of units should be adjusted to reflect stock splits and stock dividends.

Q4. How are long-term future-value incentive plans with a regular multi-year grant cycle treated?

A. For a plan with a regular multi-year grant cycle and for which the next regular grant falls in the program year, the number of units issued in the last regular grant should be treated as the base in applying the amount provided for in Section 705.10(a).

Q5. If a company chooses to use the alternative method for calculating the base period number of units issued under a future-value incentive plan, should the five-year average include years in which no units were issued?

A. Yes.

Q6. Under Section 705.14(e) companies are expected to place a value on new future-value plans "consistent with generally accepted accounting practices." There really is no accounting value with respect to new stock option plans. Does this mean that companies may place a zero value on such plans?

A. No. Companies are expected to place some reasonable value on such plans and include this value as pay during the program year.

Q7. Section 705.14(c) in part applies to "successor" future-value incentive plans. What qualifies as a successor plan?

A. A successor plan is one which is established upon the termination of an existing future-value plan, and is of the same type as the old plan. For example, if a company stock option plan expires and a new stock option plan is created, the new plan is allowed successor treatment under Section 705.14(c). Successor plan treatment may also apply to follower future-value incentive plans of a different type if a company can demonstrate that the basic value of the new units is generally equal to the value of the replaced units. For example, a company may substitute long-term performance units for existing stock appreciation units and apply successor treatment under Section 705.14(c), so long as the long-term performance units are not of greater value than the stock appreciation units being replaced.

Q8. Are dividends received in connection with units of future-value compensation included as pay?

A. No.

H. Health and Welfare Benefits

Q1. If, based on actual experience, the cost of maintaining existing health benefits increases by less than the amount provided for in Section 705.10(a), does this mean that more than the amount provided for in Section 705.10(a) may be granted in other pay components?

A. Yes.

Q2. If new health benefits are added, are these included in payrate computations?

A. Yes.

Q3. Is it necessary to separate health insurance costs from a general health and welfare benefit package in order to apply the maintenance rule?

A. Yes, unless it is impractical to separate health insurance from other costs.

Q4. Can individual items in a health benefit package be considered separately, using the maintenance exclusion for some item increases and counting others at their actual increase?

A. No. The maintenance exclusion must be applied to the health benefit package as a whole.

Q5. Does the treatment of health benefit maintenance costs set out in Section 705.15 apply to plans that pay fixed-dollar amounts for particular services?

A. Yes, but only if the company continues to pay the same share of the actual cost of such services; any increase in company share paid would be chargeable against the pay standard.

I. Pensions

Q1. What are pay-related defined-benefit pension plans?

A. These include final-average pay plans, career-average earnings plans, and other similar plans in which the level of benefits provided by the plan is related to earnings or salaries over a specified period of employment.

Q2. What are nonpay-related defined-benefit pension plans?

A. These include plans where the benefit level is a flat dollar rate which is independent of earnings or salaries over the period employed.

Q3. For pay-related defined-benefit pension plans, how does one determine the employer costs attributable to increased benefits due to changes in salary levels during the program year or over the life of a new collective bargaining agreement?

A. Using standard company accounting procedures, calculate costs for the pension plan at the end of the program period at both the base-quarter and program year salary rates; the difference between the two is the employer cost attributable to the change in pay levels and is included in the pay-rate change in determining compliance with the pay standard.

Q4. Why is an increase in benefit levels in a pay-related defined-benefit pension plan charged as a pay-rate increase when there has not been any amendment to the plan?

A. This is done in order to treat pay-related and nonpay-related pension plans equitably. For example, a nonpay-related plan that provides a pension benefit of $10 per month per year of service would have to be amended in order to increase the pension benefit. In a pay-related plan, however, the amount of pension benefit automatically changes as salary levels change. If no distinction were made, this would generally result in benefit changes in the nonpay-related plans being charged as pay-rate increases while the changes in the pay-related plans would not be charged as pay-rate increases.

Q5. For pay-related defined-benefit pension plans that are not amended, is it necessary to perform detailed calculations to sort out employer costs for increased benefits related to salary changes, as set forth in question 3?

A. No. In most cases, a simplified procedure would closely approximate the outcome of such detailed calculations. In particular, in those cases where the pension plan is not amended during the program period and the benefit structure remains unchanged, it is consistent with the intent of the pay standard to exclude pension funding costs from all pay-rate calculations. This means that pension funding costs would not be included in the base pay rate nor in the program-year pay rate in determining compliance with the pay standard.

Q6. If a pay-related defined-benefit pension plan is amended, how should employer costs be determined for purposes of pay-rate computations?

A. One of two methods may be used. Under the first method, the change in employer costs would be the sum of (a) the cost change associated with pay-level changes determined by the method in Question 3 prior to the plan amendment, and (b) the change in program year costs due to the amendment itself. This cost change would be added to the base pension cost in determining program-year pension costs and program-year pay rates.

A second simpler procedure would closely approximate the outcome of these calculations. Under this method, the change in the program-year cost due to the plan amendment would be included in determining program-year rates and all other pension funding costs would be excluded from both the base and program-year computations.

Q7. For non pay-related defined-benefit plans, if the benefit level remains unchanged, does this mean that an increase of more than the amount provided for in Section 705.10(a) is allowable on the other components of pay?

A. Yes, since under these conditions the company may include the same dollar pension cost per hour in both the base-quarter pay rate and the program-year pay rate.

Q8. Are increased pension benefits for retirees chargeable as pay increases?

A. Since retirees are not employees under the pay standard, increases in their pension benefits are not chargeable against the standard.

Q9. Can reductions in pension costs due to changes in actuarial assumptions or funding methods be used as a credit toward other pay-rate increases?

A. No.

Q10. How are "qualified" profit-sharing retirement plans treated under the pay standard?

A. Profit-sharing retirement plans that qualify under Section 401(a) of the Internal Revenue Code (are nondiscriminatory) and are based on a formula rather than being discretionary may be excluded from the coverage of the pay standard if the formula is not changed; plan costs should be excluded from both the base quarter and the program year. Otherwise, profit-sharing plans should be treated as incentive bonus plans.

J. Low-Wage Exemption

Q1. Which individual employees are exempt under Section 705.17(b)?

A. Employees who are earning $4.00 per hour or less in straight-time wages on October 1, 1978, and all employees hired since that date at a straight-time wage rate of $4.00 per hour or less.

Q2. Is there any ceiling on the pay-rate increases granted to employees exempted under the low-wage provision?

A. No.

Q3. Should incentive pay be included in the calculation of straight-time hourly wages?

A. Yes.

K. Tandem Pay-Rate Exception

Q1. How does the revised definition of tandem differ from the definition in effect during the first program year?

A. Under the revised definition of tandem, historical pay increases need not be equal in value and directly related in timing. In addition, the revised definition permits exceptions for longstanding relationships between pay-rate increases of different employee units or between increases of an employee unit and those of a group of employee units or an identified labor market.

Q2. What is meant by "substantially equivalent" in Section 705.18?

A. This term means that there exists a close relationship between the historical pay-rate increases, but there is no precise measure of closeness. If there has been a disruption in the historical relationship between pay movements, the compliance unit should be able to explain the transitory nature of the disruption or the change in the relationship.

Q3. Is "substantially equivalent" gauged in terms of percentage changes or absolute changes?

A. The pay-rate changes must be substantially equivalent either in percentage or in absolute terms.

Q4. What is meant by a labor-market survey?

A. A survey will qualify if it includes sufficient data to indicate prevailing pay rates in the identified labor market. Employee

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units known to be out of compliance must be excluded from such labor-market surveys.

Q5. May an employee unit that is not covered by a cost-of-living adjustment (COLA) clause be linked with an employee unit that is covered by a COLA clause?

A. Yes, if it meets the criteria in Section 705.18.

Q6. Is the tandem exception applicable to individual elements of pay as well as to total pay?

A. Yes, provided that the criteria set forth in Section 705.18 are met. However, if a tandem exception is applied to individual elements of pay, such as health or retirement plans, the base-period, as well as program-year, costs for these elements should be excluded from all calculations in determining compliance.

Q7. May a compliance unit self-administer the tandem exception?

A. Yes, if it meets the criteria in Section 705.18. However, under Section 706.31(c) of the procedural rules, the compliance unit should notify the Council in writing when it self-administers the exception and it should retain all data and documents that constitute the basis for the exception in a form suitable for review by the Council.

L. Productivity Work-Rule Exception

Q1. Is the principle of trading newly negotiated work-rule changes for wage increases to be applied to contract changes that make work rules more restrictive as well as relaxations in work rules or manning requirements?

A. Yes. If such changes produce a demonstrable and measurable decline in productivity, they should be deducted from the allowable pay-rate increase.

Q2. Can the principle of productivity increases related to work-rule changes be applied to nonunion units?

A. No. The work-rule exception is intended to apply in those limited situations where companies have no alternative means of eliminating contractual work-rule restrictions that prevent improvements in productivity. This provision does discriminate unfairly against employee groups that have, in the past, cooperated with management to promote improvements in productivity. Yet, in some circumstances there are no practical alternatives to eliminating previously agreed-to restrictions except through an additional wage increase. In some cases, the unions may have previously foregone a wage increase to obtain the restriction.

Q3. Can wage increases exceed the pay standard for firms that achieve productivity gains in excess of the economy-wide average?

A. No.

M. Carry-Over Adjustment

Q1. The Council has announced that it will permit employers to carry over unused allowable pay increases from the first year. How is carry-over measured and applied?

A. Carry-over is the difference between the first-year pay standard and the chargeable pay-rate increase for the employee unit in the first program year. This amount may be added to the allowable pay-rate increase for the employee unit in the second program year.

Q2. May carry-over be self-administered?

A. Yes.

Q3. May carry-over pay-rate increases be made retroactive?

A. No. Carry-over may be made effective the first day of the company's second program year, but no earlier.

Q4. May the carry-over adjustment apply to collective-bargaining units covered by contracts that were exempt during the first program year under Section 705.12(e)?

A. No. The carry-over adjustment applies only to employee units that were covered by the pay standard in the first program year.

Q5. How should carry-over adjustments be computed if a company reorganizes its employee units for the second program year?

A. Companies should compute pay-rate increases for the first program year for the reorganized employee units. Carry-over adjustments should be based on the pay-rate computations for the reorganized employee units.

Q6. The Council has stated that the carry-over adjustment does not apply to a collective-bargaining unit covered by a contract that was exempt from the pay standard in the first program year. What if such a unit accounts for less than 5 percent of an "all other employees" unit that may receive carry-over?

A. The "all other employees" unit may receive carry-over even though it includes a collective-bargaining unit that was exempt from the pay standard in the first program year.

Q7. When determining the amount of carry-over available for the second program year, may first-year exceptions to the pay standard, either approved by the Council or self-administered, be used to reduce actual pay-rate increases in the first year below the first year pay standard?

A. No.

[FR Doc. 80-9520 Filed 3-28-80; 5:08 pm]

BILLING CODE 3175-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 246

Special Supplemental Food Program for Women, Infants, and Children; Administrative Funding Formula

AGENCY: Food and Nutrition Service, USDA.

ACTION: Administrative funding formula; notice of amendment.

SUMMARY: The Department is publishing an interim amendment to the final administrative funding formula which distributes administrative monies to State agencies participating in the Special Supplemental Food Program for Women, Infants and Children. The interim amendment will allow the Department to negotiate increases in administrative funds beginning April 1, 1980, to State agencies experiencing excessive administrative costs. The Department solicits comments on the use of the negotiation process in future fiscal years.

DATES: Effective date: April 1, 1980. Comments should be mailed so that they are received on or before July 1, 1980, to be assured of consideration.

ADDRESSES: Comments should be mailed to: Jennifer R. Nelson, Director, Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Comments will be available for public inspection during normal business hours at: 201 14th Street SW., Room 4405 Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Jennifer R. Nelson (202) 447-8206.

SUPPLEMENTARY INFORMATION: The Department published a proposed notice on December 12, 1978, at 43 FR 58106 and a final notice on May 15, 1979, at 44 FR 28287 concerning the administrative funding formula for the WIC Program. After the final notice was published, the Department conducted extensive analyses and studies which have shown that allocation of funds under the administrative formula resulted in the underfunding of some State agencies experiencing substantial warehousing expenses, unusually high salary costs, or extremely high travel costs due to the geographic layout of the State.

The Department believes that the administrative funding formula is adequate for the majority of State agencies for routine Program operations. However, the Department realizes that it is not possible to design a formula that suits every circumstance a State agency may face. Therefore, flexibility is needed so that the Department can negotiate administrative funding grants for State agencies when funding restrictions for these State agencies are so severe as to seriously impair Program operations. However, it is emphasized that such negotiations will only occur in extreme circumstances and will not be considered a routine procedure.

During fiscal year 1979, a great deal of concern was expressed on the administrative funding problems Alaska experienced in administering the WIC Program. Traditionally, Alaska has incurred high administrative costs as a result of rurality and its high cost of living. Travel is a hardship on the Alaska State agency, since very few areas are easily accessible to the State agency office. There are no land routes to reach most areas of the State.

Therefore, all travel must be by air or water. Since air travel is expensive and water travel so slow, travel is almost nonexistent. Consequently monitoring efforts are seriously impeded.

In addition, due to the extremely high cost of living in Alaska, the salaries for professional staff are substantially higher than the mean maximum average salary of the United States (based on the State Salary Survey of 1979, by the Office of Personnel Management). The survey takes into consideration each State's regional location, population, govenmental organization, program development and classification and compensation policies. (Refer to the example below which depicts the differences in Alaska's salaries compared to the national average.)

Average Salary Example

Job Description	National mean, maximum salary	Alaska's mean, maximum salary	Salary above national mean salary level
1. Nutrition consultant	$20,548	$27,228	+$6,680
2. Management analyst	19,605	27,228	+7,623
3. Supervisory management	23,700	34,800	+11,100

Also experiencing some rather serious funding problems is Mississippi, the only WIC State agency employing a Statewide direct distribution system of food delivery. Under the legislative definition, the cost of warehousing food is an administrative rather than a food cost. Consequently, Mississippi must use administrative funds to pay for the warehousing and handling costs of food under its direct distribution system. For all other State agencies, the comparable costs involved would be inherent in the cost of food.

Because this is the case, Mississippi has perhaps the lowest overall food package cost in the United States. However, since it must pay warehousing costs from its administrative funds, Mississippi probably has the lowest percentage of administrative funds among all other States for use in certification, nutrition education and general administration. Although Mississippi does not incur vendor monitoring expenses, this savings is not offset by the expenses incurred for warehousing and handling the supplemental foods. As a result, Mississippi is often put into a position where the State agency has enough food money to serve many more participants than it has administrative money to support.

Further, due to the lower food package cost of the direct delivery system, a greater number of participants could be served with Mississippi's food allocation than could be served using the higher food package costs of retail purchase or home delivery systems. This larger potential participation level would mean a further strain on an administrative budget which is already insufficient to cover the costs of warehousing food in addition to other general administration costs.

Due to the immediacy and severity of need demonstrated by these two State agencies, the Department has decided to negotiate an administrative funding increase for these State agencies to be effective on April 1, 1980. These increases will be funded from recovered funds available for reallocation. However, the Department plans to make such negotiations a permanent part of the formula process to provide flexibility to deal with such situations at the onset of each fiscal year. Therefore, by July of each fiscal year, the Department will provide State agencies with an estimate of the next fiscal year's administrative grant. When the State agency submits its State Plan of Program Operation and Administration prior to the beginning of a new fiscal year, it may also submit a request for additional administrative funds. Such justification must be accompanied with a detailed justification as to why such an increase is needed. The Department will approve such requests only in very unusual situations when the severity of need is clearly demonstrated and Program operations are obviously threatened. Such funding increases will be deducted from the total administrative funds available.

The Department would like comments on the negotiation of administrative grants addressed in this notice. All comments will be carefully considered and a final rule published prior to October 1, 1981, the beginning of the next fiscal year for application in that and future fiscal years.

Signed in Washington, D.C. on: March 25, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-9224 Filed 3-27-80; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 245]

Lemons Grown in California and Arizona, Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period March 30-April 5, 1980. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: March 30, 1980

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202-447-5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Lemon Administration Committee, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979-80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on July 31, 1979. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

The committee met again publicly on March 25, 1980, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons has improved.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60 day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

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§ 910.545 Lemon Regulation 245.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period March 30, 1980, through April 5, 1980, is established at 240,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: March 26, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc. 80-9781 Filed 3-27-80; 1:21 pm]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1421

[CCC Grain Price Support Regulations Governing the Grain Reserve Program for 1979 and Subsequent Crops and Alternative Program for 1979 and Prior Crops, Amendment 1]

Regulations Governing the Grain Reserve Program for 1979 and Subsequent Crops and Alternative Program for 1979 and Prior Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to amend the regulations governing the Farmer-Owned Grain Reserve Program to provide that producers who have entered corn under a previous reserve program and who execute new agreements under the new Grain Reserve Program on or before March 31, 1980, are eligible for the interest waiver provision applicable to the first 512 million bushels of grain entering the new Grain Reserve Program. The need for this action is to provide equity among corn producers and encourage such producers to execute new agreements and enter the new program. This rule also provides for miscellaneous corrections to the regulations published at 45 FR 3023.

EFFECTIVE DATE: January 7, 1980.

ADDRESS: Director, Price Support and Loan Division, ASCS, USDA, Room 3741 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Harold L. Jamison, ASCS, (202) 447–7973.

SUPPLEMENTARY INFORMATION: On January 7, 1980, the President of the United States directed the Secretary of Commerce to restrict the exportation of agricultural commodities or products, including wheat and corn, to the Soviet Union under the authority of the Export Administration Act of 1979. Also, the President directed the Secretary of Agriculture to undertake necessary measures through commodity purchases, price support programs, and grain reserve programs "to protect America's farmers from the impact of such action."

Consistent with the President's directive that the burden of the export limitation not fall unfairly upon farmers, the Acting Secretary of Agriculture announced on January 8, 1980, a series of actions designed to stabilize and maintain farm prices and income. One such action included the immediate implementation of a new expanded Farmer-Owned Grain Reserve Program effective January 7, 1980 (See 45 FR 3023).

Included in the new Farmer-Owned Grain Reserve Program was a provision which permitted the waiver of payment of interest accruing on loans during the first year of the grain reserve agreement with respect to the first 512 million bushels of corn entering the Farmer-Owned Grain Reserve Program for the first time. The provision for the first year interest waiver was intended to encourage producers, who were otherwise eligible, to place their corn in the reserve thus preventing large quantities of corn from entering the marketplace and leading to the possiblity of depressed market prices. Producers, who placed their corn in a previous Grain Reserve Program and who may have otherwise elected to execute new agreements with respect to the new Grain Reserve Program, were not eligible to take advantage of the waiver provision.

However, on January 23, 1980, the Secretary announced that those producers who had placed corn in the previous Grain Reserve Program between October 22, 1979 (earliest entry date) and January 7, 1980, could take advantage of the interest waiver provision applicable to the 512 million bushels of corn by executing a new agreement under the new Farmer-Owned Grain Reserve Program on or before March 31, 1980. The Secretary took this action in order to provide equity among all corn producers and to encourage such producers to enter the new program. The new program, unlike the previous one, provides a greater range between release and call levels. This permits the commodities placed in the new program to remain in the program for a greater period of time, thus contributing to the stabilization of domestic market prices and the orderly marketing of the commodities. Accordingly, the regulations at 7 CFR 1421.641 are amended to reflect this extension of the applicability of the interest waiver provision.

Also, section 1421.640(d) of the regulations is corrected by deleting the reference to paragraph 2 of the grain reserve agreements.

Section 1421.644 of the regulations is corrected by changing the word "earlier" in the third line of the section to read "later."

Final Rule

Accordingly, 7 CFR Part 1421, Subpart—Regulations Governing the Grain Reserve Program for 1979 and Subsequent Crops and Alternative Program for 1979 and Prior Crops is amended as follows:

1. Section 1421.640 is amended by correcting subsection (d) to read as follows:

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

§ 1421.640 Storage payments.

* * * * *

(d) *Eligible storage credit.* Storage credit shall be allowed for the duration of the loan except that no storage credit shall be earned between the day following the second consecutive CCC announcement that the national average market price for the commodity is equal to or exceeds the release level and the date of a subsequent announcement by CCC that the market price is again below the release level. However, notwithstanding the above exception, storage credits will continue to be earned by farmers if their State's mid/month average price received by farmers where the crop is stored (as announced by the Economics, Statistics, and Cooperatives Service) is less than such State's average loan level, plus the difference between the national average loan rate and the release level. Any unearned storage will be subtracted from any future storage payments or will be collected when the loan is redeemed or forfeited to CCC.

* * * * *

2. Section 1421.641 is amended by revising subsection (a) to read as follows:

§ 1421.641 Interest.

(a) Each grain reserve loan shall bear interest during the first year of the grain reserve agreement at the rate recorded on the regular loan document or such lower rate as may be later announced in a separate notice(s) published in the **Federal Register**. However, such interest will be waived on the first 512 million bushels of corn which enters the new Grain Reserve Program. For corn which was entered into the previous reserve program after October 22, 1979, and which is entered into the new Grain Reserve Program by the producer executing a new grain reserve agreement on or before March 31, 1980, the interest waiver will be effective the later of January 7, 1980, or the date the previous grain reserve agreement was approved.

* * * * *

3. Section 1421.644 is corrected to read as follows:

§ 1421.644 Maturity.

Grain reserve loans mature and are due and payable on the last day of the 36th calendar month after the later of (1) the day the regular loan matured, or (2) the last day of the 36th month following the month in which the grain reserve agreement is approved, except, when the grain reserve loan is an extension of an unmatured regular loan, the grain reserve loan matures and is due and payable on the last day of the 36th month following the month in which the grain reserve agreement is approved.

Note.—Since this rule will benefit corn producers wishing to enter the expanded Farmer-Owned Grain Reserve Program and further reduce the impact on farmers of the restrictions on exports of grain to the Soviet Union, it is essential that this amendment become effective immediately. Therefore, pursuant to the provisions in 5 U.S.C. 553 and Executive Order 12044, it is found upon good cause that notice and other public rulemaking requirements with respect to this final rule are impracticable and contrary to the public interest.

Further, this final rule has not been designated as "significant" and is published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Jerome F. Sitter, Director, Price Support and Loan Division, that the emergency nature of this final rule warrants publication without opportunity for public comment and preparation of an impact analysis statement at this time. A final impact statement is being prepared and will be available from Harold Jamison, Price Support and Loan Division (ASCS), Room 3749 South Building, Washington, D.C. 20013.

This final rule will be scheduled for review under provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Signed in Washington, D.C. on March 7, 1980.

John W. Goodwin,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-8096 Filed 3-27-80; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Surinam Airways Ltd. and Trans Micronesian Airways To List

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final Rule.

SUMMARY: This is an amendment to the regulations of the Immigration and Naturalization Service to add carriers to the list of transportation lines which have entered into agreement with the Commissioner of Immigration and Naturalization to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. This amendment is necessary because transportation lines which have signed such agreements are published in the Service's regulations.

EFFECTIVE DATES: Surinam Airways Ltd.: February 21, 1980. Trans Micronesian Airways: December 20, 1979.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.3 is published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93–502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment contained in this order adds transportation lines to the listing and is editorial in nature.

The Commissioner of the Immigration and Naturalization Service entered into separate agreements with the following named carriers on the dates indicated to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries under section 238(d) of the Immigration and Nationality Act and 8 CFR Part 238:

Surinam Airways Ltd., effective date: February 21, 1980.

Trans Micronesian Airways, effective date: December 20, 1979.

Accordingly, Chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3 *Aliens in immediate and continuous transit*, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by adding in alphabetical sequence, "Surinam Airways Ltd." and "Trans Micronesian Airways".

(Secs. 103 and 238(d), 8 U.S.C. 1103, 1228(d))

This amendment is effective December 20, 1979 as to Trans Micronesian Airways and February 21, 1980 as to Surinam Airways Ltd.

Dated: March 19, 1980.

David Crosland,

Acting Commissioner, Immigration and Naturalization.

[FR Doc 80-9184 Filed 3-27-80; 8:45 am]

BILLING CODE 4410-10-M

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8 CFR Part 238

Contracts With Transportation Lines; Addition of "Mackey International Airlines" to Listing

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the regulations of the Immigration and Naturalization Service by adding "Mackey International Airlines" to the list of transportation lines which have entered into agreements with the Commissioner of Immigration and Naturalization for immigration preinspection of their passengers and crews at places outside of the United States. The amendment is necessary because signatories to these agreements are published in the Service's regulations. On February 8, 1980, Mackey International Airlines and the Commissioner of Immigration and Naturalization entered into an agreement for the preinspection of the passengers and crews of that airline at Freeport, Bahamas.

EFFECTIVE DATE: February 8, 1980.

FOR FURTHER INFORMATION CONTACT:
Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, DC 20536. Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.4 is published under 5 U.S.C. 552 (80 Stat. 383), as amended by Pub. L. 93–502 (88 Stat. 1561), and the authority in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment adds a transportation line to the list and is editorial in nature.

Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

In § 238.4 *Preinspection outside the United States,* the listing of transportation lines under "At Freeport" is amended by adding, in alphabetical sequence, "Mackey International Airlines".

(Secs. 103 and 238(b), 8 U.S.C. 1103 and 1228(b))

Effective date: This amendment became effective on February 8, 1980.

Dated: March 24, 1980.

David Crosland,
Acting Commissioner, Immigration and Naturalization.

[FR Doc. 80-9517 Filed 3-27-80; 8:45 am]
BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 71

Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions; Correction of U.S. Postal Service Regulation Reference

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Effective rule.

SUMMARY: The U.S. Nuclear Regulatory Commission is correcting its regulatory references to U.S. Postal Service regulations governing the transportation of radioactive material by the U.S. Postal Service.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT:
Ralph J. Jones, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–5946.

SUPPLEMENTARY INFORMATION: In a Federal Register Notice dated November 2, 1979 (44 FR 63083), reference was made to the regulations of the U.S. Postal Service in 39 CFR Parts 14 and 15. Parts 14 and 15, however, have been deleted from Title 39. This reference was a portion of Sections 71.5, "Transportation of licensed material," and 71.7, "Exemption for certain quantities," of 10 CFR Part 71, "Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions."

Section 111.1 of 39 CFR Part 111, "General Information on Postal Service," provides as follows:

§ 111.1 Postal Service Manual; incorporation by reference of general information on postal services.

Section 552(a) of title 5, United States Code, relating to the public information requirements of the Administrative Procedure Act, provides in pertinent part that "* * * matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register." In conformity with that provision, and with 39 U.S.C. section 410(b)(1), and as provided in this part, the United States Postal Service hereby incorporates by reference in this part, Chapter I of its Postal Service Manual, a looseleaf publication published and maintained by the U.S. Postal Service, Washington, D.C. 20260.

The "Postal Service Manual" is commonly referred to as the "Domestic Mail Manual." The availability of this manual is set forth in 39 CFR 111.2 which provides:

§ 111.2 Availability of Chapter I of the Postal Service Manual.

(a) Copies of Chapter I of the Postal Service Manual are available for reference and inspection upon request at the National Headquarters and regional offices of the U.S. Postal Service and at all United States Post Offices and classified stations and branches during normal business hours. Regional offices are located in New York, Philadelphia, Memphis, Chicago, and San Francisco.

(b) A copy of Chapter I of the Postal Service Manual, together with each amendment of it, is on file with the Director, Office of the Federal Register, National Archives and Records Service, General Services Administration, at 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

(c) Copies of the entire Postal Service Manual may be purchased from the Superintendent of Documents, Washington, D.C. 20402 for $33.00. This price includes entitlement to receive, for an indefinite period, changes in the Postal Service Manual which may be published from time to time. A companion publication entitled Instructions for Mailers excerpts all portions of Chapter I which are directed to the mailing public. This publication is sold to the public on a subscription basis for $5.00 by the Superintendent of Documents.

Section 124.3, "Radioactive Material," contained within Part 124, "Nonmailable Matter—Articles and Substances; Special Mailing Rules," of the Domestic Mail Manual, incorporates by reference United States Postal Service Publication 6, a ten page pamphlet entitled "Radioactive Materials." The provisions of this document track the U.S. Department of Transportation (DOT) regulations governing the transportation of limited quantities of radioactive materials and are periodically revised to be consistent with the DOT regulations on this subject. Copies of Publication 6 are available from the U.S. Postal Service, Eastern Area Supply Center, Somerville, New Jersey 08877.

Accordingly, §§ 71.5 and 71.7 of 10 CFR Part 71 are being amended to revise their reference to the regulations of the U.S. Postal Service to read "Postal Service Manual (also known as Domestic Mail Manual), section 124.3, incorporated by reference, 39 CFR 111.1 (1974)." Inasmuch as these amendments are of a minor, corrective nature, good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary, and for making the amendments effective on March 28, 1980.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments of Title 10, Chapter 1, Code of Federal Regulations, Part 71, are published as a document subject to codification.

1. In § 71.5, paragraph (a) is revised to read as follows:

§ 71.5 Transportation of licensed material.

(a) No licensee shall transport any licensed material outside of the confines of his plant or other place of use, or deliver any licensed material to a carrier for transport, unless the licensee complies with the applicable requirements of the regulations appropriate to the mode of transport, of the Department of Transportation in 49 CFR Parts 170–189, and the U.S. Postal Service in the Postal Service Manual (Domestic Mail Manual), section 124.3, incorporated by reference, 39 CFR 111.1 (1974), insofar as such regulations relate to the packaging of byproduct, source, or special nuclear material, marking and labeling of the packages, loading and storage of packages, placarding of the transportation vehicle, monitoring requirements and accident reporting.

2. In § 71.7, paragraph (b) is revised to read as follows:

§ 71.7 Exemption for certain quantities.

* * * * *

(b) Except for the requirements specified in § 71.5, a licensee is exempt from all the requirements of this part to the extent he delivers to a carrier for transport packages subject to the regulations of the Department of Transportation in 49 CFR Parts 170–189 or the U.S. Postal Service in the Postal Service Manual (Domestic Mail Manual), section 124.3, incorporated by reference, 39 CFR 111.1 (1974), each of which contains no more than a Type A quantity of radioactive material, as defined in § 71.4(q), which may include one of the following:

* * * * *

(Secs. 53, 63, 81, 161. b. i. o. Pub. L. 83–703, 68 Stat. 930, 933, 935, 948, as amended (42 U.S.C. 2073, 2093, 2111, 2201) Sec. 201, Pub. L. 93–438, 88 Stat. 1242, as amended (42 U.S.C. 5841))

Dated at Bethesda, Md., this 21st day of March, 1980.

For the U.S. Nuclear Regulatory Commission.

William J. Dircks,
Acting Executive Director for Operations.

[FR Doc. 80-9511 Filed 3-27-80; 8:45 am]
BILLING CODE 7590-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 4437]

Hastings Manufacturing Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order modifies an order issued on December 9, 1944, by deleting the phrase "or all such products of any competitor of respondents" from the second paragraph of the original order which barred respondent from offering stock lifts as an inducement to dealers to carry its products exclusively or in place of a competing line stocked by the dealer. The revised order prohibits only stock lifts to induce exclusive dealing arrangements.

DATES: Effective date of modifying order: February 28, 1980.* Original complaint issued: December 27, 1940.

* Copies of the Order Modifying Order To Cease And Desist are filed with the original document.

FOR FURTHER INFORMATION CONTACT:
FTC/C, Alfred F. Dougherty, Jr., Washington, D.C. 20580. (202) 523–3601.

SUPPLEMENTARY INFORMATION: In the Matter of Hastings Manufacturing Company.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 2, 49 Stat. 1526; (15 U.S.C. 13))

The Order Modifying Order To Cease And Desist is as follows:

Order Modifying Order To Cease and Desist

Following extensive briefing by respondent Hastings Manufacturing Company and the Commission's Bureau of Competition, the Commission on December 20, 1979, issued an order to show cause why the cease and desist order issued in this proceeding in 1944 [1] should not be modified. The Commission stated that stock lifting, when not employed to induce exclusive dealing arrangements, ordinarily is an unobjectionable form of competition by suppliers for dealers.[2] Little different from a price discount, stock lifting is likely to promote price competition and, if the market is otherwise competitive, ultimately benefit the consumer. The Commission concluded that it appeared to be in the public interest to modify the 1944 order so that it would no longer prohibit stock lifting for purposes, or with effects, other than to induce exclusive dealing. The show cause order invited interested parties to comment on the proposed change.

The Commission having considered the comments submitted by several members of the public.[3]

Now, therefore, it is hereby ordered, Pursuant to Section 5(b) of the Federal Trade Commission Act (15 U.S.C. § 45(b)) and Rule 3.72(b) of the Commission's rules of practice (16 CFR 3.72(b)), that the 1944 cease and desist order be modified in part as follows:

It is ordered, That respondent Hastings Manufacturing Co., its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of piston rings and other automotive replacement parts in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from doing, directly or indirectly any of the following acts or things (when done as an inducement to the distributor of automotive parts concerned to discontinue handling all products competitive with respondent's and thereafter handle respondent's products in lieu thereof, or when done upon any express or implied condition, agreement, or understanding that such distributor will discontinue handling all products competitive with those of respondent, and will handle respondent's products in lieu thereof):

1. Purchasing from any distributor or prospective distributor of respondent's piston rings or other replacement parts his stock, or stocks recalled by him from his customers, of the products of another manufacturer which are competitive with respondent's products.

2. Making any loan to a distributor or prospective distributor of respondent's piston rings or other replacement parts.

3. Guaranteeing to distributors or prospective distributors of respondent's piston rings or other replacement parts increased gross profits from the handling of respondent's products as compared with gross profits previously obtained from the handling of products competitive with those of respondent.

By the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 80-9203 Filed 3-27-80; 8:45 am]
BILLING CODE 6750-01-M

[1] Hastings Mfg. Co., 39 F.T.C. 498, 509 (1944).

[2] The Commission noted that there are exceptions. For example, stock lifting to encourage dealers to carry the stock lifter's goods in place of *one* of several existing lines might violate Section 3 of the Clayton Act (15 U.S.C. 14) if the practice's effect might be to substantially lessen competition. In addition, if the stock lifter possessed monopoly power and its stock lifting functioned as a form of predatory pricing, the practice might constitute monopolization.

[3] Neither the respondent nor the Bureau of Competition filed comments in response to the order to show cause.

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 654

Special Responsibilities of the Employment Service System; Housing for Agricultural Workers; Correction

AGENCY: Employment and Training Administration, Labor.

ACTION: Correction.

SUMMARY: In FR Doc. 80–6779 appearing at page 14180 in the Federal Register of March 4, 1980, the effective date is corrected to read "April 1, 1980."

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. David O. Williams, Administrator, U.S. Employment Service, 601 D Street NW., Room 8000, Washington, D.C. 20213, Tele.: (202) 376–6289.

SUPPLEMENTARY INFORMATION: Although this correction shortens to 28 days the

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time between publication of the rule and its effective date, it will not affect the application of the exemption granted by this rule. Moreover, the Department finds that by establishing an effective date of April 1, 1980, it assures that only the revised version of this rule will appear in the forthcoming April 1, 1980 bound volume of title 20 of the *Code of Federal Regulations*, thereby eliminating any unnecessary and confusing duplication of the regulations. These findings constitute exceptions under section 553(d) of title 5, *United States Code* that publication of a substantive rule shall be made not less than 30 days before its effective date.

Signed at Washington, D.C., this 24th day of March, 1980.

Ray Marshall,

Secretary.

[FR Doc. 80-9439 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7655]

Income Tax; Taxable Years Beginning After December 31, 1953; Collapsible Corporations; Correction

In FR Doc. 80-8714 appearing at page 17982 in the issue for Thursday, March 20, 1980, third column, paragraph (e)(1)(ii) of § 1.341-7 was printed incorrectly and should have appeared as set forth below:

* * * * *

(ii) The fair market value of such asset (in the case of any other disposition), exceeds the adjusted basis of such asset

* * * * *

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 250

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Correction of final rules.

SUMMARY: Editorial review of the publication of the Final Rules which revised 30 CFR Part 250 identified printing and other errors as well as some ambiguities. Those Rules were published September 14, 1979 (44 FR 53685), and October 26, 1979 (44 FR 61885). Issuance of these corrections identifies and incorporates into those Rules the language changes needed to accomplish the desired corrections and clarifications of 30 CFR Part 250.

DATES: The corrections and clarifications contained in this document are effective as of December 13, 1979.

FOR FURTHER INFORMATION CONTACT:
Gerald D. Rhodes, Branch of Marine Oil and Gas Operations, Conservation Division, U.S. Geological Survey National Center, Mail Stop 640, Reston, Virginia 22092 (703) 860-7531.

Dated: March 21, 1980.

Joan M. Davenport,

Assistant Secretary of the Interior.

Revised section 250.34 as published September 14, 1979, and revised Part 250 as published October 26, 1979, are corrected and clarified by incorporating language changes as follows:

The issuing language for 30 CFR Part 250 as published October 26, 1979, should read:

30 CFR Part 250 is revised in its entirety with the exception of section 250.34 which was revised and published on September 14, 1979, and sections 250.50 and 250.51 to read as follows:

* * * * *

Subsection 250.2(d), the last 3 lines should be corrected to read:

* * * from formation fluid tests, and descriptions of hydrocarbon occurrences or hazardous conditions.

* * * * *

Subsection 250.2(w), insert a comma following the word "Knowledge" in line 2.

* * * * *

Subsection 250.2(y), delete "(1)" and "(2)."

* * * * *

Subsection 250.2(bb), line 2, should read:

* * * physical, atmospheric, and biological * * *

* * * * *

Subsection 250.2(cc), the last 3 lines should be corrected to read:

* * * minerals which are authorized by an Act of Congress to be produced from 'public lands' and defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701).

* * * * *

Subsection 250.2(ii), "act" in line 3 should be "Act."

* * * * *

Subsection 250.2(qq), "The" in line 2 should be "the."

* * * * *

Subsection 250.4(a), line 7, should be corrected to read:

* * * Management and pursuant to the provisions of subsections 252.7(a)(4) and 252.7(b) of this Chapter and subsections 8(g) and 26(e) of the Act, shall provide the * * *

* * * * *

Subsection 250.11(a), should include a paragraph (6) which reads:

(6) Identify for those activities under the jurisdiction of the Director those States which are deemed to be affected States as defined in subsection 250.2(c) of this Part.

* * * * *

Subsection 250.11(b), "(a)" in line 6 should be "(a)(1)."

* * * * *

Paragraph 250.12(d)(1), "intereted" in the next to the last line should be "interested."

* * * * *

Subsection 250.12(e), "continously" in line 14 should be "continuously."

* * * * *

Subsection 250.12(g), "(f)" should be substituted for "subparagraph f(1)(ii)" in line 3.

* * * * *

Subsection 250.18(c), "subsection" in line 9 should be "subsections."

* * * * *

Section 250.19, drop the period at the end of the last sentence and add:

* * * by helicopters employed by the Department of the Interior.

* * * * *

Subsection 250.21(b), "The" in line 16 should be "the."

* * * * *

Subsection 250.21(b), "our to" in line 24 should be "out of."

* * * * *

Subsection 250.21(b), "efforts" in line 26 should be "the efforts."

* * * * *

Subsection 250.30(b), line 5, should read:

* * * threaten harm or damage to life (including fish * * *

* * * * *

Paragraph 250.34-1(a)(1), line 6, should read:

* * * Director. For purposes of this section, * * *

* * * * *

Subparagraph 250.34-1(a)(1)(ii), "the" in line 1 should be "any" and the four "(s)" in lines 2 and 3 should be deleted.

* * * * *

Subparagraph 250.34-1(a)(1)(v), "or" in line 3 should be "of."

* * * * *

Subparagraph 250.34-1(a)(6)(ii), lines 5, 6, and 7 should read:

* * * affect any land use or water use in the coastal zone of any State with a coastal zone * * *

* * * * *

Paragraph 250.34-1(b)(3), delete "significantly" from line 3.

* * * * *

Subsection 250.34-1(g), "The" in line 5 and "Through" in line 8 should be "the" and "through," respectively.

* * * * *

Subsection 250.34-1(k), the first sentence is clarified to read:

In order to ensure that activities to be carried out under a proposed exploration plan and activities being carried out under an approved exploration plan are carried out in a safe and environmentally acceptable manner, the Director may authorize or direct the lessee to conduct geological, geophysical, or other surveys that the Director determines are necessary for the evaluation of such activities.

* * * * *

Subparagraph 250.34-2(a)(1)(ii), "the" in line 1 should be "any" and the four "(s)" in lines 2 and 3 should be deleted.

* * * * *

Subparagraph 250.34-2(a)(3)(i), line 2, should read:

* * * (a)(3)(ii), of this section, at the same time * * *

* * * * *

Subparagraph 250.34-2(a)(3)(i), line 10, should read:

* * * plan; however, the report will * * *

* * * * *

Subparagraph 250.34-2(a)(3)(ii), "(2)" in line 4 should be "(3)"; "had" in line 6 should be "has"; and "the" should be inserted at the end of line 15 following "make."

* * * * *

Subparagraph 250.34-2(a)(6)(ii), lines 5, 6, and 7, should read:

* * * affect any land use or water use in the coastal zone of any State with a coastal zone * * *

* * * * *

Subparagraph 250.34-2(c)(3)(i), "significantly" should be deleted from line 3.

* * * * *

Subsection 250.34-2(h), "§ 250.34-2(c)(1)" should be "paragraph (c)(1) of this section."

* * * * *

Paragraph 250.34-2(i)(2), "The" in line 7 and "Through" in line 10 should be "the" and "through"; "and" should be inserted before "(2)" in line 9; and "§ 250.34-2(c)(1)" in line 23 should be "paragraph (c)(1) of this section."

* * * * *

Subsection 250.34-2(o), the first sentence is clarified to read:

In order to ensure that activities to be carried out under a proposed development and production plan and activities being carried out under an approved development and production plan are carried out in a safe and environmentally acceptable manner, the Director may authorize or direct the lessee to conduct geological, geophysical, or other surveys that the Director determines are necessary for evaluation of such activities.

* * * * *

Subsection 250.36(a), line 6, should read:

* * * submitted. Except as provided in section 250.13 of this Part, written approval must be * * *

* * * * *

Subsection 250.37(a), "Markings" in line 2 should be "markings."

* * * * *

Subsection 250.38(a), "Production" in line 6 should be "production."

* * * * *

Paragraph 250.41(a)(1), "of" in line 5 should be "to"

* * * * *

Paragraph 250.45(a)(1), the last line should read:

* * * work for 72 or more hours.

* * * * *

Section 250.50, delete "[Reserved]" and insert "* * * * *"

* * * * *

Section 250.51, delete "[Reserved]" and insert "* * * * *"

* * * * *

Subsection 250.71(6), "The" in line 8 should be "the."

* * * * *

Subsection 250.80(d), "Request" in line 4 should be "request."

* * * * *

Subparagraph 250.80-2(a)(2)(i), line 3 should read:

* * * section 250.80-2(a)(2)(ii) will be assessed on any * * *

* * * * *

Subparagraph 250.80-2(a)(i)(D), "data or information" should be "information and data."

* * * * *

Subsection 250.93(d), "on" in line should be "in".

* * * * *

[FR Doc. 80-9302 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 151

[DoD Directive 5525.1][1]

Status of Forces, Policies, and Information Regarding Trials by Foreign Courts and Treatment in Foreign Prisons of U.S. Personnel

AGENCY: Office of the Secretary of Defense

ACTION: Final rule.

SUMMARY: This rule establishes DoD policy, prescribes procedures, assigns responsibilities, and provides uniform reporting regarding trials by foreign courts and treatment in foreign prisons of U.S. personnel. The effect of this rule is to reflect DoD policy which is to protect, to the maximum extent possible, the rights of U.S. personnel who may be subject to criminal trials by foreign courts and imprisonment in foreign prisons.

EFFECTIVE DATE: August 7, 1979.

FOR FURTHER INFORMATION CONTACT:
Miss Margaret Olson, Office of the General Counsel, Department of Defense, Washington, D.C. 20301, telephone 202-697-8343.

SUPPLEMENTARY INFORMATION: In FR Doc. 67-2812, appearing in the **Federal Register** on April 7, 1967 (32 FR 5682), the Office of the Secretary of Defense published Part 151 effective January 20, 1966, to implement the Senate Resolution of ratification as agreed to by the Senate on July 15, 1953 (§ 151.6). This document updates the previously published Part 151.

Accordingly, 32 CFR, Chapter I, is amended by revising Part 151, reading as follows:

PART 151—STATUS OF FORCES POLICIES AND INFORMATION

Sec.
151.1 Reissuance and purpose.
151.2 Applicability.
151.3 Policy.
151.4 Procedures and responsibilities.
151.5 Reports on the exercise of foreign criminal jurisdiction.
151.6 Resolution of ratification, with reservations, as agreed to by the Senate on July 15, 1953.
151.7 Fair trial guarantees.

Authority: 1 U.S.C. 133, 75 Stat. 517.

§ 151.1 Reissuance and purpose.

This part is reissued to update

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA. 19120, attention: Code 301.

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established DoD policy and procedures on trial by foreign courts and treatment in foreign prisons of United States military personnel, nationals of the United States serving with, employed by, or accompaning the Armed Forces of the United States, and the dependents of both (hereafter referred to as United States personnel); and provides uniform reporting on the exercise of foreign criminal jurisdiction.

§ 151.2 Applicability.

The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, and the Unified and Specified Commands. As used herein, the term "Military Services" refers to the Army, Navy, Air Force, and Marine Corps.

§ 151.3 Policy.

It is the policy of the Department of Defense to protect, to the maximum extent possible, the rights of United States personnel who may be subject to criminal trail by foreign courts and imprisonment in foreign prisons.

§ 151.4 Procedures and responsibilities.

(a) *Application of Senate resolution on status of forces.* This Directive implements the Senate Resolution accompanying the Senate's consent to ratification of the North Atlantic Treaty (NATO) Status of Forces Agreement (§ 151.6). Although the Senate Resolution applies only to countries where the NATO Status of Forces Agreement is in effect, the same procedures for safeguarding the interests of United States personnel subject to foreign jurisdiction shall be applied insofar as practicable in overseas areas where United States forces are regularly stationed.

(b) *Orientation of personnel.* The Military Services shall issue uniform regulations establishing an information and education policy on the laws and customs of the host country for personnel assigned to foreign areas.

(c) *Designated commanding officer.* Formal invocation of the Senate Resolution procedure shall be the responsibility of a single military commander in each foreign country where United States forces are stationed. Attache personnel and other military personnel serving under a chief of a diplomatic mission shall not be considered United States forces in this Part.

(1) In the geographical areas for which a unified command exists, the commander shall designate within each country the "Commanding Officer" referred to in the Senate Resolution (§ 151.6).

(2) In areas where a unified command does not exist, a commanding officer in each country shall be nominated by the Military Departments. These recommendations shall be forwarded by the Judge Advocate General of the Army to the Secretary of Defense, for implementation through the Office of the Assistant Secretary of Defense (International Security Affairs). In designating the commanding officer to act for all the Military Departments, consideration must be given to the availability of legal officers and readiness of access to the seat of the foreign government. Such an officer may also be appointed by the Military Departments for countries where no United States forces are regularly stationed.

(d) *Country law studies.* (1) For each foreign country where United States forces are subject to the criminal jurisdiction of foreign authorities, the designated commanding officer for such country shall make and maintain a current study of the laws and legal procedures in effect. Studies of the laws of other countries shall be made when directed. This study shall be a general examination of the substantive and procedural criminal law of the foreign country, and shall contain a comparison thereof with the procedural safeguards of a fair trial in the State courts of the United States.

(2) Copies of these studies shall be forwarded by the designated commanding officer to each of the Judge Advocates General of the Military Services. Principal emphasis is to be placed on those safeguards that are of such a fundamental nature as to be guaranteed by the Constitution of the United States in all criminal trials in State courts of the United States. See § 151.7 for enumeration of safeguards considered important. These country law studies shall be subject to a continuing review. Whenever there is a significant change in any country's criminal law, the change shall be forwarded by the designated commanding officer to each of the Military Service's Judge Advocates General.

(e) *Waivers of local jurisdiction—military personnel.* (1) In cases where it appears probable that release of jurisdiction over United States military personnel will not be obtained and the accused may not obtain a fair trial, the commander exercising general court-martial jurisdiction over the accused shall communicate directly with the designated commanding officer, report the full facts of the case, and supply a recommendation.

(2) The designated commanding officer shall determine, in the light of legal procedures in effect in that country, whether there is danger that the accused will not receive a fair trial. A trial shall not be considered unfair merely because it is not identical with trials held in the United States. Due regard, however, should be given to those United States trial rights listed in § 151.7 that are relevant to the facts and circumstances of the trial in question.

(3) If the designated commanding officer determines there is risk of an unfair trial, the commanding officer shall decide, after consultation with the chief of the diplomatic mission, whether to press a request for waiver of jurisdiction through diplomatic channels. If the commanding officer so decides, the recommendation shall be submitted through the unified commander, if any, and The Judge Advocate General of the accused's service, to the Office of the Secretary of Defense. The objective in each case is to see that United States military personnel obtain a fair trial in the receiving state under all circumstances.

(f) *Request to foreign authorities not to exercise their criminal jurisdiction over civilians and dependents.* The following procedures shall be followed when it appears that foreign authorities may assume criminal jurisdiction over dependents of United States military personnel, civilian personnel, and their dependents:

(1) When the designated commanding officer determines, after a careful consideration of all the circumstances, that suitable corrective action can be taken under existing administrative regulations, the commanding officer may request the local foreign authorities to refrain from exercising their criminal jurisdiction.

(2) When it appears possible that release of jurisdiction will not be obtained and that the accused may not obtain a fair trial, the commander exercising general court-martial jurisdiction over the command in which such personnel are located shall communicate directly with the designated commanding officer, reporting the full facts of the case and supplying a recommendation.

(3) The designated commanding officer shall then determine, in the light of legal procedures in effect in that country, whether there is danger that the accused will not receive a fair trial.

(4) If it is determined that there is such danger, the designated commanding officer shall decide, after consultation with the chief of the diplomatic mission, whether a request should be submitted through diplomatic channels to foreign authorities seeking their assurances of a fair trial for the accused or, in appropriate circumstances, that they forego their right to exercise jurisdiction over the accused. If the designated commanding officer so decides, a recommendation shall be submitted through the unified commander, if any, and The Judge Advocate General of the Military Service concerned, to the Office of the Secretary of Defense.

(g) *Trial observers and trial observer report.* (1) The designated commanding officer shall submit to the chief of the diplomatic mission a list of persons qualified to serve as United States observers at trials before courts of the receiving state. Nominees shall be lawyers, and shall be selected for maturity of judgment. The list shall include, where possible, representatives of all Military Services whose personnel are stationed in that country to enable the chief of the diplomatic mission to appoint an observer from the same Military Service as the accused. The requirement that nominees shall be lawyers may be waived in cases of minor offenses. Incidents that result in serious personal injury or that would normally result in sentences to confinement, whether or not suspended, shall not be considered minor offenses.

(2) Trial observers shall attend and prepare formal reports in all cases of trials of United States personnel by foreign courts or tribunals, except for minor offenses. In cases of minor offenses, the observer shall attend the trial at the discretion of the designated commanding officer, but shall not be required to make a formal report. These reports need not be classified, but shall be treated as For Official Use Only documents. They shall be forwarded intact to the designated commanding officer through such agencies as the designated commanding officer may prescribe for transmission to the Judge Advocate General of the accused's service, with any comments of the appropriate Military Service commander. These reports shall be forwarded immediately upon the completion of the trial in the lower court, and shall not be delayed because of the possibility of a new trial, rehearing or appeal, reports of which shall be forwarded in the same manner. Copies shall also be forwarded to the unified commander, if any, and to the chief of the diplomatic mission.

(3) The trial observer report shall contain a factual description or summary of the trial proceedings. It should enable an informed judgment to be made regarding (i) whether there was any failure to comply with the procedural safeguards secured by a pertinent status of forces agreement, and (ii) whether the accused received a fair trial under all the circumstances. The report shall specify the conclusions of the trial observer with respect to paragraph (g)(3)(i) of this section, and shall state in detail the basis for the conclusions. Unless the designated commanding officer directs otherwise, the report shall not contain conclusions with respect to paragraph (g)(3)(ii) of this section.

(4) The designated commanding officer, upon receipt of a trial observer report, shall be responsible for determining (i) whether there was any failure to comply with the procedural safeguards secured by the pertinent status of forces agreement, and (ii) whether the accused received a fair trial under all the circumstances. Due regard should be given to those fair trial rights listed in § 151.7 that are relevant to the particular facts and circumstances of the trial. However, a trial shall not be found unfair merely because it is not identical with trials held in the United States. If the designated commanding officer is of the opinion that the procedural safeguards specified in pertinent agreements were denied or that the trial was otherwise unjust, the commanding officer shall submit to the Office of the Secretary of Defense, through the unified commander and the Judge Advocate General of the Military Service concerned, a recommendation as to appropriate action to rectify the trial deficiencies and otherwise to protect the rights or interests of the accused. This shall include a statement of efforts taken or to be taken at the local level to protect the right of the accused. An information copy of the recommendation of the designated commanding officer shall be forwarded to the diplomatic or consular mission in the country concerned.

(h) *Counsel fees and related assistance.* When the Secretary of the Military Department concerned or designee considers such action to be in the best interests of the United States, representation by civilian counsel and other assistance described under 10 U.S.C. 1037 may be furnished at Government expense to United States personnel tried in foreign countries.

(i) *Treatment of United States personnel confined in foreign penal institutions.* (1) Insofar as practicable and subject to the laws and regulations of the country concerned and the provisions of any agreement therewith, the Department of Defense seeks to ensure that United States military personnel (i) when in the custody of foreign authorities are fairly treated at all times and (ii) when confined (pretrial and post-trial) in foreign penal institutions are accorded the treatment and are entitled to all the rights, privileges, and protections of personnel confined in United States military facilities. Such rights, privileges, and protections are enunciated in present Military Service directives and regulations, and include, but are not limited to, legal assistance, visitation, medical attention, food, bedding, clothing, and other health and comfort supplies.

(2) In consonance with this policy, United States military personnel confined in foreign penal institutions shall be visited at least every 30 days, at which time the conditions of confinement and other matters relating to their health and welfare shall be observed. The Military Services shall maintain, on a current basis, records of these visits as reports by their respective commands. Records of each visit should contain the following information:

(i) Names of personnel conducting visit and date of visit.

(ii) Name of each prisoner visited, serial number, and sentence.

(iii) Name and location of prison.

(iv) Treatment of the individual prisoner by prison warden and other personnel (include a short description of the rehabilitation program, if any, as applied to the prisoner).

(v) Conditions existing in the prison, such as light, heat, sanitation, food, recreation, and religious activities.

(vi) Change in status of prisoner, conditions of confinement or transfer to another institution.

(vii) Condition of prisoner, physical and mental.

(viii) Assistance given to prisoner, such as legal, medical, food, bedding, clothing, and health and comfort supplies.

(ix) Action taken to have any deficiencies corrected, either by the local commander or through diplomatic or consular mission.

(x) Designation of command responsible for prisoner's welfare and reporting of visits.

(xi) Information as to discharge of a prisoner from the Military Service or termination of confinement.

(3) When it is impracticable for the individual's commanding officer or representative to make visits, the designated commanding officer should be requested to arrange that another unit be responsible for such visits or to request that the appropriate diplomatic or consular mission assume responsibility therefor. When necessary, a medical officer should participate in the visits and record the results of medical examinations. If reasonable

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requests for permission to visit United States military personnel are arbitrarily denied, or it is ascertained that the individual is being mistreated or that the conditions of custody or confinement are substandard, the case should be referred to the diplomatic or consular mission concerned for appropriate action.

(4) To the extent possible, military commanders should seek to conclude local arrangements whereby United States military authorities may be permitted to accord United States military personnel confined in foreign institutions the treatment, rights, privileges, and protection similar to those accorded such personnel confined in United States military facilities. The details of such arrangements should be submitted to the Judge Advocates General of the Military Services.

(5) The military commanders shall make appropriate arrangements with foreign authorities whereby custody of individuals who are members of the Armed Forces of the United States shall, when they are released from confinement by foreign authorities, be turned over to United States military authorities. In appropriate cases, diplomatic or consular officers should be requested to keep the military authorities advised as to the anticipated date of the release of such persons by the foreign authorities.

(6) In cooperation with the appropriate diplomatic or consular mission, military commanders shall, insofar as possible, ensure that dependents of United States military personnel, nationals of the United States serving with, employed by or accompanying the armed forces, and dependents of such nationals when in the custody of foreign authorities, or when confined (pretrial and post-trial) in foreign penal institutions receive the same treatment, rights, and support as would be extended to United States military personnel in comparable situations pursuant to the provisions of § 151.4(i).

(j) *Discharge.* United States military personnel confined in foreign prisons shall not be discharged from military service until the completion of the term of imprisonment and the return of the accused to the United States, except that in unusual cases such discharges may be accomplished upon prior authorization of the Secretary of the Military Department concerned.

(k) *Information Policy.* It is the basic policy of the Department of Defense that the general public and the Congress must be provided promptly with the maximum information concerning status of forces matters that are consistent with the national interest. Information shall be coordinated and furnished to the public and the Congress in accordance with established procedures, including DoD Directive 5122.5,[1] "Assistant Secretary of Defense (Public Affairs)," July 10, 1961, and Parts 286 and 286a of this title.

§ 151.5 Reports on the exercise of foreign criminal jurisdiction.

The following reporting system, which has been implemented by the Military Departments, shall be continued after revision in accordance with the provisions herein. The Department of the Army is designated as executive agent within the Department of Defense for maintaining and collating information received on the basis of the reports submitted.

(a) *Annual reports.* Annual reports, based on information furnished by the Military Departments covering the period December 1 through November 30 shall be prepared by the Department of the Army and submitted within such time as may be required but not later than 120 days after the close of the reporting period. The reports shall be submitted in one reproducible copy to the Office of the General Counsel, DoD, in accordance with departmental implementation of this part. The reporting content of this requirement shall be as follows:

(1) A statistical summary (DD Form 838) by country and type of offense of all cases involving United States personnel.

(2) A report signed by the appropriate Military Service commander in each country for which DD Form 838 is prepared, concerning the commander's personal evaluation of the impact, if any, the local jurisdictional arrangements have had upon accomplishment of the mission and upon the discipline and morale of the forces, together with specific facts or other information, where appropriate, substantiating the commanders' opinion.

(3) A report of the results of visits made and particular actions taken by appropriate military commanders under § 151.4(i).

(4) A report of the implementation of 10 U.S.C. 1037 showing by country and Military Service:

(i) The total number of cases in which funds were expended and

(ii) Total expenditures in each of the following categories:

(A) Payment of counsel fees,

(B) Provision of bail,

(C) Court costs and other expenses.

[1] See footnote, page 20465.

(b) *Quarterly reports.* (1) Quarterly reports for the periods ending November 30, February 28, May 31, and August 31, consisting of lists of United States personnel imprisoned and released, shall be submitted, in accordance with departmental implementation of this Part to the Department of the Army and by the Department of the Army, as executive agent, to the Director, Washington Headquarters Services, in four copies, on or before the 15th day following the report quarter as follows:

(i) An alphabetical list of U.S. personnel who were imprisoned during the reporting period under sentence of confinement imposed by a foreign country, indicating the individual's home address, grade, and serial number (where applicable), offense of which found guilty, date and place of confinement, length of sentence to confinement imposed, and estimated date of release from confinement.

(ii) A similar list of the names of prisoners released during the reporting period.

(2) An information copy of these lists shall be furnished by the appropriate Military Service commander to the diplomatic or consular mission in the country concerned.

(c) *Other reports.* (1) Each Military Department shall maintain, on a current basis, and submit monthly to the Director, Washington Headquarters Service, in four copies, a list of the most important cases pending, with a brief summary of the salient facts in each case. Selection of the cases to be included shall be left to the judgment of the appropriate officials of each Military Department. Instances of deficiency in the treatment or conditions of confinement in foreign penal institutions or arbitrary denial of permission to visit such personnel shall be considered important cases. Lists covering the previous month shall be submitted on the 6th day of the month following.

(2) Important new cases or important developments in pending cases shall be reported informally and immediately to the Office of the General Counsel, DoD.

§ 151.6 Resolution of ratification, with reservations, as agreed to by the Senate on July 15, 1953.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive T, Eighty-second Congress, second session, an agreement between the parties to the North Atlantic Treaty Regarding the Status of their Forces, signed at London on June 19, 1951. It is the understanding of the Senate, which understanding inheres in its advise and consent to the ratification of the Agreement, that nothing in the Agreement diminishes, abridges, or alters the right of the United States of America to safeguard its own security by excluding or removing persons whose presence in the United States is deemed prejudicial to its safety or security, and that no person whose presence in the United States is deemed prejudicial to its safety or security shall be permitted to enter or remain in the United States. In giving its advise and consent to ratification, it is the sense of the Senate that:

(a) The criminal jurisdication provisions of Article VII do not constitute a precedent for future agreements;

(b) Where a person subject to the military jurisdiction of the United States is to be tried by the authorities of a receiving state, under the treaty the Commanding Officer of the armed forces of the United States in such state shall examine the laws of such state with particular reference to the procedural safeguards contained in the Constitution of the United States;

(c) If, in the opinion of such Commanding Officer, under all the circumstances of the case, there is danger that the accused will not be protected becase of the absence or denial of constitutional rights the accused would enjoy in the United States, the Commanding Officer shall request the authorities of the receiving State to waive jurisdiction in accordance with the provisions of paragraph 3(c) of Article VII (which requires the receiving State to give "sympathetic consideration" to such request) and if such authorities refuse to waive jurisdiction, the commanding officer shall request the Department of State to press such request through diplomatic channels and notification shall be given by the Executive Branch to the Armed Services Committees of the Senate and House of Representatives;

(d) A representative of the United States to be appointed by the Chief of Diplomatic Mission with the advice of the senior United States military representative in the receiving State will attend the trail of any such person by the authorities of a receiving State under the agreement, and any failure to comply with the provisions of paragraph 9 of Article VII of the Agreement shall be reported to the commanding officer of the Armed Forces of the United States in such State who shall then request the Department of State to take appropriate action to protect the rights of the accused, and notification shall be given by the Executive Branch to the Armed Services Committees of the Senate and House of Representatives.

§ 151.7 Fair trial guarantees.

The following is a listing of "fair trial" safeguards or guarantees that are considered to be applicable to U.S. State court criminal proceedings, by virtue of the 14th Amendment as interpreted by the Supreme Court of the United States. The list is intended as a guide for the preparation of country law studies prescribed by § 151.4 and for the determinations made by the designated commanding officer under § 151.4(e) through § 151.4(g). Designated commanding officers should also consider other factors that could result in a violation of due process of law in State court proceedings in the United States.

(a) Criminal statute alleged to be violated must set forth specific and definite standards of guilt.

(b) Accused shall not be prosecuted under an *ex post facto* law.

(c) Accused shall not be punished by bills of attainder.

(d) Accused must be informed of the nature and cause of the accusation and have a reasonable time to prepare a defense.

(e) Accused is entitled to have the assistance of defense counsel.

(f) Accused is entitled to be present at the trial.

(g) Accused is entitled to be confronted with hostile witnesses.

(h) Accused is entitled to have compulsory process for obtaining favorable witnesses.

(i) Use of evidence against the accused obtained through unreasonable search or seizure or other illegal means is prohibited.

(j) Burden of proof is on the Government in all criminal trials.

(k) Accused is entitled to be tried by an impartial court.

(l) Accused may not be compelled to be a witness against him or herself; and shall be protected from the use of a confession obtained by torture, threats, violence, or the exertion of any improper influence.

(m) Accused shall not be subjected to cruel and unusual punishment.

(n) Accused is entitled to be tried without unreasonable (prejudicial) delay.

(o) Accused is entitled to a competent interpreter when the accused does not understand the language in which the trial is conducted and does not have counsel proficient in the language both of the court and of the accused.

(p) Accused is entitled to a public trial.

(q) Accused may not be subjected to consecutive trials for the same offense that are so vexatious as to indicate fundamental unfairness.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 24, 1980.

[FR Doc. 80-9883 Filed 3-27-80; 8:45 am]

BILLING CODE 3810-70-M

32 CFR Part 164

[DOD Instruction 7000.10 and Change 1][1]

Contract Cost Performance, Funds Status and Cost/Schedule Status Reports

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule is reissued to revise the three standard reporting formats for the collection of contract cost and schedule status and funding data: (a) the Cost Performance Report which contains cost data for measuring contractors' cost and schedule performance; (b) the Contract Funds Status Report which is designed to supply funding data about Defense contracts to system managers; and (c) the Cost/Schedule Status Reports which provides cost and schedule performance information. Utilization of these reports will achieve essential management control.

EFFECTIVE DATE: December 3, 1979.

FOR FURTHER INFORMATION CONTACT: R. Kemps, Office of the Deputy Assistant Secretary of Defense (Management Systems), Washington, D.C. 20301; Telephone: 202-695-0706.

SUPPLEMENTARY INFORMATION: In FR Doc. 67-1580, appearing in the **Federal Register** (32 CFR 2772) on February 10, 1967, the Office of the Secretary of Defense published Part 164, effective December 23, 1966, which assisted DoD Components in the management of contract funding. In FR Doc. 73-6339, appearing in the **Federal Register** on April 3, 1973 (38 FR 8509), the Office of the Secretary of Defense published an amendment to Part 164. This document revises the existing Part 164 of this title.

Accordingly, 32 CFR Chapter I, is amended by revising Part 164, reading as follows:

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

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PART 164—CONTRACT COST PERFORMANCE, FUNDS STATUS AND COST/SCHEDULE STATUS REPORTS

Sec.

164.1 Reissuance and purpose.
164.2 Applicability and scope.
164.3 Policies.
164.4 Responsibilities.
Enclosure 1—DD Form 1664, DI Number DI–F–6000C, Cost Performance Report (CPR) [2]
Enclosure 2—DD Form 1664, DI Number DI–F–6004B, Contract Funds Status [2] Report (CFSR)
Enclosure 3—DD Form 1664, DI Number DI–F–6010A, Cost/Schedule Status [2] Report (C/SSR)

Authority: The provisions of this Part 164 issued under 5 U.S.C. 301, and Defense Acquisition Regulation (1976)), Section 3–404.2.

PART 164—CONTRACT COST PERFORMANCE, FUNDS STATUS AND COST/SCHEDULE STATUS REPORTS

§ 164.1 Reissuance and purpose.

This Part:

(a) Reissues Part 164 to revise the Cost Performance Report (CPR), the Contract Funds Status Report (CFSR), and the Cost/Schedule Status Report (C/SSR);

(b) Assigns responsibilities and provides uniform guidance for implementation of the CPR, the CFSR, and the C/SSR; and

(c) Provides procedures for collecting summary level cost, and schedule performance and funding data from contractors for program management purposes, pursuant to DoD Directives 7000.1,[1] "Resource Management Systems of the Department of Defense"; 5000.1,[1] "Major Systems Acquisitions"; DoD Instruction 5000.2,[1] "Major System Acquisition Process," and for responding to requests for program status information on major system acquisitions, primarily by DoD Instruction 7000.3,[1] "Selected Acquisition Reports."

§ 164.2 Applicability and scope.

The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, the Defense Agencies, and the Unified and Specified Commands (hereafter referred to as "DoD Components") responsible for (a) managing acquisition contracts falling within the scope of § 164.3, and (b) determining fund requirements for contracts and managing the flow of such funds. Application of the provisions of this Part to construction contracts is encouraged where appropriate.

§ 164.3 Policies.

(a) In concert with the policies established in DoD Directive 5000.2, utilization of the CPR, CFSR, and C/SSR shall be limited by system managers to that necessary to achieve essential management control.

(1) Contractors are encouraged to substitute internal reports for CPR, CFSR, and C/SSR provided that (i) data elements and definitions used in the reports are comparable to CPR, CFSR and C/SSR requirements, and (ii) the reports are in forms suitable for management use.

(2) As applicable, provisions of DoD Directive 5000.19,[1] "Policies for the Management and Control of Information Requirements," March 12, 1976, concerning the tailoring of management systems may be employed by system managers in the implementation of CPR, CFSR, and C/SSR.

(b) Instructions regarding levels of detail and frequencies of reporting are contained in the Data Item Descriptions (DD Forms 1664) in enclosures 1, 2, and 3 of this Part. Local reproduction of formats contained in these enclosures is authorized.

(c) The Cost Performance Report (CPR):

(1) Provides (i) contract cost/schedule status information for use in making and validating management decisions, (ii) early indicators of contract cost/schedule problems, and (iii) effects of management actions taken to resolve problems affecting cost/schedule performance.

(2) Applies to selected contracts within those programs designated as major system acquisitions in accordance with the criteria of DoD Directive 5000.1. CPRs will be applied to all contracts which require compliance with the Cost/Schedule Control Systems Criteria (C/SCSC) of Part 206 of this title.

(3) Will not be required on firm fixed-price contracts (as defined in Section 3–404.2 of the Defense Acquisition Regulation (1976)), unless those contracts represent the development or production of a major defense system or a major component thereof and circumstances require cost/schedule visibility.

(4) Applies to ongoing contracts only in those cases where the procuring agencies consider it necessary to support program management needs and DoD requirements for information. Some of the factors which may affect applications to ongoing contracts are anticipated time to contract completion, anticipated program deferrals, and the relative importance of subcontracts.

(5) Is assigned OMB Approval No. 22–R0280.

(d) The Contract Funds Status Report (CFSR):

(1) Supplies funding data that, with other related inputs, provides DoD management with information to assist in (i) updating and forecasting contract fund requirements, (ii) planning and decisionmaking on funding changes, (iii) developing fund requirements and budget estimates in support of approved programs, and (iv) determining funds in excess of contract needs and available for deobligation.

(2) Applies to all contracts greater than $500,000.

(3) Will not apply to firm fixed-price contracts unless the contract represents the development or production of a major defense system or a major component thereof and specific funding visibility is required. CFSR may be applied to unpriced portions of firm fixed-price contracts that individually or collectively are estimated by the Government to be in excess of 20 percent of the initial contract value. In such cases, the contract will delineate the specific CFSR requirements, if any, to be imposed on the contractor to fit the circumstances of each particular case.

(4) May be implemented at a reduced level of reporting for (i) those contracts with a dollar value between $100,000 and $500,000; (ii) time and material contracts; and (iii) contractual effort for which the entire CFSR report is not required by the procuring activity, but limited funding requirements information is needed.

(5) Will not be required on:

(i) Contracts with a total value of less than $100,000, or

(ii) Contracts expected to be completed within 6 months.

(6) Is assigned OMB Approval No. 22–R0180.

(e) The Cost/Schedule Status Report (C/SSR):

(1) Provides summarized cost and schedule performance status information on contracts where application of the CPR is not appropriate.

(2) Applies to contracts of $2,000,000 or over and 12 months' duration or more which do not use the CPR. (DoD Instruction 7000.11,[1] "Contractor Cost Data Reporting (CCDR)," September 5, 1973 provides for application of Contractor Cost Data Reporting (CCDR) to Category II contracts. To avoid the possibility of duplicative reporting, those elements of cost which are provided by the C/SSR will not be required by CCDR.)

[1] See footnote, page 20469.

[2] Enclosures 1, 2, and 3 are filed as part of the original document. Copies may be obtained from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

(3) Will not be required on firm fixed-price contracts unless those contracts represent the development or production of a critical component of a major defense system, and circumstances require cost/schedule visibility.

(4) Is assigned OMB Approval No. 22–R0327.

§ 164.4 Responsibilities.

(a) The Heads of DoD Components will assure that:

(1) Contractor reports are timely and submitted in accordance with the instructions contained in DD Form 1664, DI Number DI–F–6000C, Cost Performance Report (CPR); DD Form 1664, DI Number DI–F–6004B, Contract Funds Status Report (CFSR); DD Form 1664, DI Number DI–F–6010A, Cost/Schedule Status Report (C/SSR).[2]

(2) Submitted data are checked for discrepancies and necessary corrections are furnished by contractors.

(3) Application of the CPR, CFSR, and C/SSR to ongoing programs or firm fixed-price contracts is held to the minimum essential to support program management needs and DoD requirements for information.

(4) Appropriate members of the Performance Measurement Joint Executive Group provide a forum to arbitrate misapplications of CPR or C/SSR requirements that cannot be resolved amicably through focal points established in the headquarters of the procuring commands.

(b) The Director of the cognizant Defense Contract Audit Agency (DCAA) office shall:

(1) At the request of a DoD Component, provide advice at the time of preaward evaluations as to whether the contractor's accounting and control systems are adequate and reliable for CPR, CFSR, and C/SSR reporting purposes.

(2) Review selected CPR, CFSR, and C/SSR reports when it is considered necessary to assure the continuing adequacy and reliability of procedures and the validity of reported data.

(3) Review selected individual CPR, CFSR, and C/SSR reports when requested by the Procuring Contracting Officer (PCO) or Administrative Contracting Officer (ACO) and submit a report thereon.

Enclosure 1—DD Form 1664, DI Number DI–F–6000C, Cost Performance Report (CPR)[3]

Enclosure 2—DD Form 1664, DI Number DI–F–6004B, Contract Funds Status Report (CFSR)[3]

Enclosure 3—DD Form 1664, DI Number DI–F–6010A, Cost/Schedule Status Report (C/SSR)[3]

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 80-9421 Filed 3-27-80; 8:45 am]

BILLING CODE 3810-70-M

[2] These forms are filed as part of the original document. Copies may be obtained from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA. 19120. Attention: Code 301.

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VETERANS ADMINISTRATION

38 CFR Part 36

Increase in Maximum Permissible Rate on New Guaranteed, Insured, and Direct Home Improvement Loans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is finalizing regulations to establish a separate interest rate for loans for energy-conserving home improvements including solar equipment or other home improvement loans for alterations, improvements or repairs. The Administrator has determined that an interest rate for home improvement loans higher than that permitted for home loans is necessary. This higher rate is required because liens associated with these types of loans are of lesser dignity and therefore subject lenders to a greater risk of loss. It is hoped that this separate interest rate for home improvement loans will increase lender and investor participation in this program.

Technical amendments are also being made to add the definition of an energy conservation home improvement loan to the guaranteed home loan and direct loan regulations, to revise the lien requirements for direct home improvement loans to make them similar to the guaranteed home loan lien requirements, and to specify in the direct loan regulations that energy conservation home improvement loans are an eligible purpose.

EFFECTIVE DATE: March 21, 1980.

Comments requested by April 28, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, 202–389–3042.

SUPPLEMENTARY INFORMATION: The VA is authorized by section 1810(a)(7) of title 38, United States Code, to guarantee home improvement loans for energy conservation purposes. These loans may include funds for installation of a solar heating system, solar hot water heating system, other solar improvements or application of a residential energy conservation measure. The VA also has authority under section 1810(a)(4) of title 38, United States Code, to guarantee home improvement loans for other alterations, improvements or repairs. The Veterans' Housing Benefits Act of 1978 (Pub. L. 95–476, 92 Stat. 1497) authorizes the Administrator to establish a separate maximum interest rate or rates for home improvement loans for energy conservation purposes and home improvement loans for other alterations, improvements or repairs. Previously, the maximum interest rate for both types of home improvement loans has been limited to the maximum rate for the purchase of a home or condominium. Home improvement loans, however, are similar to second mortgage financing and installment financing. As such, the VA maximum allowable rate of interest for home and condominium loans has proven inadequate to attract lenders and investors into the home improvement loan program.

Comments received from lending industry sources in response to the advance notice published on March 22, 1979 (44 FR 17531), recommended the establishment of an interest rate in excess of the maximum rate authorized for the purchase or acquisition of homes. A higher rate was recommended because liens associated with these types of loans offer less security to lenders and therefore subject them to a greater risk of loss.

The Administrator has concluded that VA's past experience in its home improvement loan program is indicative of the need for greater lender and investor support, and that the greater risk associated with such loans warrants the establishment of a separate and higher interest rate than the rate authorized for home loans. This higher rate is established for the energy conservation home improvement loan program and the home improvement loan program for alterations, improvements or repairs. For consistency, the rate of interest for VA direct home improvement loans in rural and credit shortage areas also is being increased. This increase in the interest rate for guaranteed and direct home improvement loans is effected through the establishment of a separate interest rate for such loans in sections 36.4311(b) and 36.4503(a).

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Sections 36.4301(jj) and 36.4501(p) are incorporated into the guaranteed and direct loan regulations, respectively, to add the definition of "Energy Improvement Loan." Section 36.4519 is amended to expand eligible direct loan purposes to include energy conservation home improvement loans. Section 36.4516 also is amended to liberalize the lien requirements on VA direct loans for home improvement purposes. Previously the lien requirements for guaranteed home improvement loans contained in § 36.4351 were liberalized (43 FR 51015, November 2, 1978). This amendment inserts conforming lien requirements into VA's direct loan regulations (§ 36.4500 series). Finally, sections 36.4515 and 36.4516 are amended to reflect the agency policy of using precise terms to denote gender.

Compliance with the provisions of § 1.12 of this chapter which requires publication of proposed regulations prior to final adoption is waived in this instance because the issue of establishing a separate interest rate for home improvement loans was previously published in the **Federal Register** (44 FR 17531, March 22, 1979) with comments requested. Comments received were carefully considered. In addition, the increase in the interest rate for home improvement loans is authorized by statute. Other amendments of technical or liberalizing nature are being made for the purpose of making energy conservation home improvement loans or home improvement loans for alterations, improvements or repairs more available on a guaranteed and direct loan basis. We have determined that these regulations are non-significant pursuant to Executive Order 12044 (43 FR 12661) and the VA Final Report implementing Executive Order 12044 published in the **Federal Register** (44 FR 7028). Publication of these regulations in proposed form would not be in the public interest because such publication would unnecessarily delay the implementation of liberalizing amendments.

These amendments are adopted under authority granted the Administrator by sections 210(c), 1803(c), 1810(a)(4) and (7), and 1811(b) and (d)(1) of title 38, United States Code.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the regulations to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. All material received will be considered, and appropriate regulatory revisions will be published if necessary. These amendments, however, shall remain effective until further amended. All written comments received will be available for public inspection at the above address only between 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until May 8, 1980. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: March 21, 1980.

By direction of the administrator.

Rufus H. Wilson,

Deputy Administrator.

1. In § 36.4301, paragraph (jj) is added to read as follows:

§ 36.4301 Definitions.

* * * * *

(jj) *Energy conservation improvement.* An improvement to an existing dwelling or farm residence through the installation of a solar heating system, a solar heating and cooling system, or a combined solar heating and cooling system or through application of a residential energy conservation measure as prescribed in 38 U.S.C. 1810(d) or by the Administrator. (38 U.S.C. 1810(a)(7))

2. Section 36.4311 is revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 13 per centum per annum, effective February 28, 1980, the interest rate on any home or condominium loan guaranteed or insured wholly or in part on or after such date may not exceed 13 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(b) Effective March 21, 1980, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs which is guaranteed or insured wholly or in part on or after such date may not exceed 15 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(c) Interest in excess of the rate reported by the lender when requesting evidence of guaranty or insurance shall not be payable on any advance, or in the event of any delinquency or default: *Provided,* That a late charge not in excess of an amount equal to a 4 percent on any installment paid more than 15 days after due date shall not be considered a violation of this limitation.

3. In § 36.4501, paragraph (p) is added to read as follows:

§ 36.4501 Definitions.

* * * * *

(p) *Energy conservation improvement.* An improvement to an existing dwelling or farm residence through the installation of a solar heating system, a solar heating and cooling system, or a combined solar heating and cooling system, or through application of a residential energy conservation measure as prescribed in 38 U.S.C. 1810(d) or by the Administrator. (38 U.S.C. 1810(a)(7))

4. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1978, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $25,000. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the Veterans Administration shall bear interest at the rate of 13 percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 15 percent per annum. (38 U.S.C. 1811(d)(1) and (2)(A))

* * * * *

§ 36.4515 [Amended]

5. Section 36.4515 is amended by deleting the words "his price" and inserting the words "the price" in paragraph (b)(5)(iii).

6. Section 36.4516 is amended as follows:

(a) By deleting the words "he determines" and inserting the words "the Administrator determines" in the next to the last sentence of paragraph (c).

(b) By revised paragraph (b) to read as follows:

§ 36.4516 Lien requirements.

* * * * *

(b) Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall be secured in the following manner:

(1) Loans for $1,500 or less need not be secured, and in lieu of the title examination a statement may be accepted from the borrower that he or she has an interest in the property not less than that prescribed in § 36.4515(a).

(2) Loans for more than $1,500 but 40 percent or less of the prior to the improved reasonable value of the property shall be secured by a lien reasonable and customary in the community for the type of alteration, improvement, or repair financed.

(3) Loans for more than $1,500 and for more than 40 percent of the prior to the improved reasonable value of such property shall be secured by a first lien on the property or estate. However, such a home improvement loan may be secured by a lien immediately subordinate to the lien securing the previous loan extended by the Administrator, if the Veterans Administration is the holder of all liens of superior priority on the property. (38 U.S.C. 1811(d)(1))

* * * * *

7. In § 36.4519, paragraph (a)(5) is added to read as follows:

§ 36.4519 Eligible purposes and reasonable value requirements.

(a) A loan may be made only for the purpose hereinafter set forth in this paragraph, and the loan may not exceed the reasonable value of the property as established by the Veterans Administration:

* * * * *

(5) To make energy conservation improvements to a dwelling owned and occupied by the veteran as his or her home. (38 U.S.C. 1811(b))

* * * * *

[FR Doc. 80-9512 Filed 3-27-80; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS-62004A (PCB/RR-4); FRL 1450-2]

Polychlorinated Biphenyls (PCBs); Final Amendment to the Disposal Requirements for PCB Capacitors in Chemical Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On November 21, 1979 EPA requested comment on a proposed amendment modifying the disposal provisions of the PCB regulation (43 FR 7150, February 17, 1978; superseded by 44 FR 31514, May 31, 1979). The November amendment proposed to extend the deadline for allowing disposal of large PCB capacitors in chemical waste landfills from January 1, 1980 to thirty days after EPA announced that an Annex I incinerator was approved and operational for disposal of PCB capacitors. That amendment is being promulgated by this notice with certain modifications. First, EPA is treating small PCB capacitors owned by manufacturers of PCB capacitors or equipment the same as large PCB capacitors for purposes of disposal. Second, EPA will permit disposal of capacitors in chemical waste landfills until March 1, 1981. Third, the Assistant Administrator for Pesticides and Toxic Substances (hereinafter referred to as the Assistant Administrator) may authorize the reopening of chemical waste landfills after March 1, 1981, for disposal of PCB capacitors under specified conditions. Fourth, EPA will require all PCB capacitors to be containerized and packed with absorbent material prior to their disposal in a chemical waste landfill.

EFFECTIVE DATE: Effective March 28, 1980.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office TS-799, US Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, Toll free: 800-424-9065, Local to Washington, DC: 554-1404.

SUPPLEMENTARY INFORMATION: The PCB rule (43 FR 7150, February 17, 1978 superseded by 44 FR 31514, May 31, 1979) permits disposal, until January 1, 1980, of (1) large PCB capacitors and (2) small PCB capacitors that are in the possession of a manufacturer of small PCB capacitors or PCB equipment in Annex II chemical waste landfills. (See § 761.10(b)(2) of the regulation at 44 FR 31547). After January 1, 1980 all capacitors in either of those categories must be disposed of in an incinerator that complies with Annex I of the PCB rule.

EPA proposed in the **Federal Register** of November 21, 1979 (44 FR 66851) to extend the date through which PCB large capacitors could be disposed of in chemical waste landfills until thirty days after EPA announces that one incinerator with the capability of destroying PCB large capacitors was approved and operational. EPA had anticipated at the times the PCB rule and its predecessor were promulgated that Annex I incinerators would be available by January of 1980. Since that time, unforeseen problems have delayed the approval of an incinerator capable of destroying PCB capacitors. Further, with the expiration of the date for landfill disposal of their PCB capacitors, industry is storing capacitors which might otherwise be disposed of, and thereby confronting the possibility that large amounts of additional suitable storage space will have to be built. Evidence was presented both at the hearing held on the proposed amendment on January 3, 1980 and in the written comments that many of the facilities would exhaust their existing storage space within 6 months if they were required to store the large capacitors. This confirmed EPA's understanding that many of the users of PCB capacitors had not anticipated that they would need to store their capacitors after January 1980 and therefore did not construct sufficient storage space. According to information in the comments, the cost to construct new storage facilities would range from $10,000 to $50,000 per storage facility depending upon the individual need. In light of the delays in approving incinerators, the limited amount of storage space, the cost to construct new storage space, and the relatively low risks associated with disposal of PCB capacitors in chemical waste landfills as compared to storage, EPA is adopting an extension of the deadline for such disposal.

This final amendment differs from the proposed amendment in several ways. First, this final amendment responds to evidence presented at the hearing and in the comments questioning the ability of the first approved incinerator to dispose of PCB capacitors at the rate they will be generated for disposal. Commentors also pointed out the difficulties of relying on a single incinerator for all disposal. The incinerator could experience technical difficulties which might lead to the need to temporarily shut down or operate at reduced capacity. Industry again would be faced with the prospect of having no available means of disposal. EPA was reminded that mechanical problems do occur and that this scenario is quite feasible. Other comments stressed that priority should be given to the incineration of liquid PCBs. Commentors suggested liquid PCBs pose a greater health and environmental hazard than non-liquids. These commentors argued that capacitors should not compete with PCB liquids for disposal in incinerators until there is no longer a shortage of incineration capacity.

EPA acknowledges the legitimacy of these concerns and has modified the rule in two ways to address them. Instead of permitting disposal of PCB capacitors in chemical waste landfills until thirty days after EPA announces that the first approved incinerator is

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available, EPA will allow landfilling until March 1, 1981. In addition, EPA is aware that it is possible that on or after March 1, 1981 adequate capacitor incineration capacity may not be available for a variety of reasons. EPA has concluded that it would be prudent to provide a mechanism for expeditiously reopening chemical waste landfills for PCB capacitor disposal subsequent to March 1, 1981 without the necessity of a further rulemaking. To allow such reopening, EPA has incorporated a second new provision into the rule which gives the Assistant Administrator the authority to reopen chemical waste landfills for PCB capacitors for whatever time period he deems appropriate.

In determining if it is appropriate to reopen landfills the Assistant Administrator must consider the following factors which reflect concerns drawn from the comments. First, is there adequate incineration capability? Second, will required incineration of capacitors significantly interfere with the disposal of liquids with PCB concentrations of greater than 500 parts per million (ppm)? Third, are there any other mitigating factors that would impact unreasonably upon the ability to incinerate PCB capacitors? As part of this evaluation, the Assistant Administrator will consider the impact of his decision on the incentives to construct or expand PCB incinerators. EPA is concerned about the small number of applications which have been received requesting approval of incinerators for disposal of PCBs and PCB capacitors and does not want to undercut or discourage through this rulemaking, or any other later action, the construction or expansion of incinerators to destroy PCB capacitors.

Part of this provision to the amendment provides the Assistant Administrator with the authority to reopen chemical waste landfills on a conditional basis. For example, he may restrict the reopening: (1) to large or small capacitors, (2) to certain segments of the country, and/or (3) for a specified period of time.

A third substantive change was included in the amendment to permit disposal of small capacitors, as well as large capacitors, in chemical waste landfills. EPA received a number of comments from persons requesting that the landfill option be extended to manufacturers of small capacitors and capacitor equipment. At the time of proposal, EPA had no information that small capacitor manufacturers or their users faced the same types of storage problems that large capacitor disposers faced. EPA was not aware that significant numbers of small PCB capacitors remained to be landfilled by manufacturers. In view of this information and for reasons of equity between owners of small and large capacitors, EPA has decided to permit landfilling of small PCB capacitors owned by manufacturers of PCB capacitors and PCB equipment. EPA considers an extension of the landfill option for small PCB capacitors in the possession of manufacturers to be within the scope of this rulemaking. Storage and disposal of both small and large PCB capacitors are closely related. Further, the number of comments received on the disposal of small capacitors also indicate that commentors assumed disposal of large and small capacitors to be within the scope of this rulemaking.

Fourth, EPA has decided to require (1) all large PCB capacitors and (2) all small PCB capacitors owned by manufacturers of small PCB capacitors and PCB equipment to be packed in Department of Transportation (DOT) drums with absorbent material prior to their disposal in chemical waste landfills. Capacitors larger than a DOT 55-gallon drum may be packed in a container with strength and durability comparable to that of the DOT specification containers. Considerable evidence was presented in comments that a significant number of capacitors were leaking by the time they wer received for disposal at the landfill. In fact, two commentors acknowledged the added risk of leaking PCB capacitors and suggested that EPA consider requiring leaking PCB capacitors to be packed in containers with absorbent material. One person suggested that PCB capacitors, packed in drums with absorbent material, will be more secure than the original capacitor.

The requirement for containerization of PCB capacitors in drums with absorbent material is within the scope of this rulemaking. EPA announced in the preamble to the proposed amendment that the Agency would "consider in this rulemaking whether the amendment should permit continued disposal of leaking large PCB capacitors in chemical waste landfills" (44 FR 66851, May 31, 1979). As earlier noted, information presented at the hearing indicated that a significant number of capacitors are leaking at time of disposal. Accordingly, to ensure adequate protection against leaking capacitors EPA has adopted a uniform procedure for all PCB capacitors subject to the rule which requires them to be placed in containers with absorbent material prior to disposal. This requirement will result in a maximum expenditure of $4,000,000 the first year.[1] The actual impact may be considerably less since some utilities and chemical waste landfills may have already undertaken this practice.

For small PCB capacitors, the total expenditure will be, at the most, $37,500.[2] This cost estimate also is likely to be higher than the actual cost since the estimate is based upon the assumption that all small capacitors are the same size. This, in fact, is not the case. Many small capacitors are extremely small. It would therefore take substantially more of these "smaller" capacitors to fill a 55 gallon drum.[3]

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these rules "specialized". This rule has been reviewed and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

The public record for this rulemaking is located in room 447, East Tower, EPA, 401 M Street, S.W., Washington, D.C. 20460. It is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding holidays.

EPA has prepared a support document responding to the major comments received in this rulemaking. This support document is available upon request from the Industry Assistance Office at the address previously given.

Pursuant to 5 U.S.C. § 553(d), this amendment is made effective upon publication. The amendment extends PCB disposal provisions that have previously expired. Failure to make the rule immediately effective would prolong the PCB capacitor storage which this amendment is intended to avoid. Accordingly, it is in the public interest to make the rule immediately effective, and the Agency finds that there is good cause for doing so.

[1] Using the numbers provided in the comments provided by the Utility Solid Waste Activities Group (USWAG) that 28,000 large capacitors are removed for disposal per month and dividing by 2 (which is the average numbers of capacitors one can fit into a 55 gallon drum) and then multiplying by $25 (the approximate cost per drum) results in a total cost of $4,000,000. This assumes no cost for the absorbent material used to fill the drums.

[2] Using numbers provided in the testimony of the Ad Hoc Committee on Liquid Dielectrics (AHCLD) that between 50,000 and 150,000 small PCB capacitors are covered by the scope of this amendment and dividing by 100 (which is the fewest number of small capacitors that can fit in a 55 gallon drum) and then multiplying by the average cost per drum results in a total additional cost to containerize PCB small capacitors in drums of between $30,000 and $37,000.

[3] AHCLD found that it would take 5,000 of the "smaller" capacitors to fill a 55 gallon drum.

Dated: March 25, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

Authority: Section 6(e) of TSCA (15 U.S.C. 2605). The preamble of the Manufacturing, Processing, Distribution in Commerce, and Use Prohibition Rule published in the Federal Register of May 31, 1979, 44 FR 31514 delegates authority to amend or modify this rule to the Assistant Administrator.

EPA is amending 40 CFR 761.10(b) by revising (b)(2)(iii)(B) and (iv)(B) and by adding new paragraphs (v) and (vi) to read as follows:

§ 761.10 Disposal requirements.

* * * * *

(b) * * *

(2) PCB Capacitors. * * *

(iii) Any PCB Large High or Low Voltage Capacitor owned by any person shall be disposed of in accordance with either of the following:

* * * * *

(B) Until March 1, 1981, disposal in a chemical waste landfill that complies with Annex II.

(iv) Any PCB Small Capacitor owned by any person who manufactures or at any time manufactured PCB Capacitors or PCB Equipment and acquired the PCB Capacitors in the course of such manufacturing shall be disposed of in accordance with either of the following:

* * * * *

(B) Until March 1, 1981, disposal in a chemical waste landfill that complies with Annex II.

(v) Notwithstanding the restrictions imposed by § 761.10(b)(2)(iii)(B) or (b)(2)(iv)(B), PCB capacitors may be disposed of in PCB chemical waste landfills that comply with Annex II subsequent to March 1, 1981, if the Assistant Administrator for Pesticides and Toxic Substances publishes a notice in the Federal Register declaring that those landfills are available for such disposal and explaining the reasons for the extension or reopening. An extension or reopening for disposal of PCB capacitors that is granted under this subsection shall be subject to such terms and conditions as the Assistant Administrator may prescribe and shall be in effect for such period as the Assistant Administrator may prescribe. The Assistant Administrator may permit disposal of PCB capacitors in EPA approved chemical waste landfills after March 1, 1981, if in his opinion,

(*1*) Adequate incineration capability for PCB capacitors is not available, or

(*2*) The incineration of PCB capacitors will significantly interfere with the incineration of liquid PCBs, or

(*3*) There is other good cause shown.

As part of this evaluation, the Assistant Administrator will consider the impact of his action on the incentives to construct or expand PCB incinerators.

(vi) Prior to disposal in an Annex II chemical waste landfill, all large PCB capacitors, and all small PCB capacitors described in § 761.10(b)(2)(iv), shall be placed in one of the Department of Transportation specification containers identified in § 761.42(c)(6) or in containers that comply with 49 CFR 178.118 (specification 17H containers). Large PCB capacitors which are too big to fit inside one of these containers shall be placed in a container with strength and durability equivalent to the DOT specification containers. In all cases, interstitial space in the container shall be filled with sufficient absorbent material (such as sawdust or soil) to absorb any liquid PCBs remaining in the capacitors.

[FR Doc. 80-9500 Filed 3-27-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF AGRICULTURE

41 CFR Part 4-12

Procurement; EEO Contract Compliance

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule amends the Agriculture Procurement Regulations by revising the subpart covering Equal Opportunity in Employment. It is for the purpose of updating or deleting obsolete procedures used by agency procuring offices prior to consolidation of EEO contract compliance functions into the Department of Labor. The intended effect of the amendment is to eliminate coverage which is in conflict with Department of Labor regulations.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Douglas I. Metzger, Procurement Division, Office of Operations and Finance, U.S. Department of Agriculture, Washington, D.C. 20250, Phone: (202) 447-7527.

SUPPLEMENTARY INFORMATION: This amendment involves matters relating to agency contracting and is therefore not subject by law to the notice and public rulemaking procedures under 5 USC 553, nor the policy on improving Government regulations under Executive Order 12044. This amendment is subject to the Secretary's Statement of Policy (36 FR 13804) of July 20, 1971. As this amendment corrects or clarifies existing procurement policy, no useful purpose would be served by public participation. Therefore, in accordance with the Secretary's Policy Statement, it is found for good cause that notice and other public rulemaking procedures are impracticable and unnecessary.

PART 4-12—LABOR

1. The Table of Contents of Part 4-12—Labor, is amended by revising Subpart 4-12.8 to read as follows:

Subpart 4-12.8—Equal Opportunity in Employment

Sec.
4-12.800 Scope of subpart.
4-12.803 Basic requirements.
4-12.803-2 Equal Opportunity clause.
4-12.803-10 Elimination of segregated facilities.
4-12.805 Administration.
4-12.805-3 Notices to be posted.
4-12.810 Affirmative action programs.

Subpart 4-12.8—Equal Opportunity in Employment

§ 4-12.800 Scope of subpart.

This subpart implements executive Order 11246, as amended by Executive Order 11375; the rules and regulations of the Secretary of Labor (41 CFR Chapter 60); and the Federal Procurement Regulations (41 CFR Part 1-12).

§ 4-12.803 Basic requirements.

§ 4-12.803-2 Equal opportunity clause.

Form AD-369, Equal Opportunity, is prescribed for use to incorporate the Equal Opportunity clause when it is not included in standard or other preprinted contract forms being used.

§ 4-12.803-10 Elimination of segregated facilities.

Form AD-560, Certification of Nonsegregated Facilities, is prescribed for use as the certification required by § 1-12.803-10.

§ 4-12.805 Administration.

§ 4-12.805-3 Notices to be posted.

The poster "Equal Opportunity Is the Law," OFCCP-1420, may be ordered from GSA pursuant to 1-12.805-3 or requisitioned through Central Supply.

§ 4-12.810 Affirmative action programs.

Form AD-425a, Contractor's Affirmative Action Plan for Equal Employment Opportunity Under Executive Order 11246 and Executive Order 11375, is prescribed for use in contracts for personal property and nonpersonal services, to assist

contractors in the development of a satisfactory affirmative action program. The form provides guidelines and specific steps for achievement of full and equal employment opportunity. It should accompany the notice of award of the contract.

Form AD–425b is an adaptation of the AD–425a and is prescribed for use in contracts for construction.

Authority: This amendment is made under the authority of 5 USC 301, 40 USC 486(c).

Done at Washington, D.C., this 17th day of March 1980.

Dean K. Crowther,

Director, Office of Operations and Finance.

[FR Doc. 80-9619 Filed 3-27-80; 8:45 am]

BILLING CODE 3410-98-M

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41 CFR Part 4–16

Procurement; Standard Form 37

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule amends the Agriculture Procurement Regulations by deleting the subpart which prescribes agency procedures for submitting Standard Form 37, Report on Procurement by Civilian Executive Agencies. The report will now be submitted to the General Services Administration by the Office of Operations and Finance based on data retrieved from the Department's procurement data reporting system. The intended effect of this amendment is to relieve the Department's procuring agencies of the SF–37 reporting requirement.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Douglas I. Metzger, Procurement Division, Office of Operations and Finance, U.S. Department of Agriculture, Washington, D.C. 20250, Phone: (202) 447–7527.

SUPPLEMENTARY INFORMATION: This amendment involves matters relating to agency management and contracting and is therefore not subject by law to the notice and public rulemaking procedures under 5 USC 553 nor the policy on improving Government regulations under Executive Order 12044.

This amendment is subject to the Secretary's Statement of Policy (36 FR 13804) of July 20, 1971. As this amendment involves internal agency procedures, no useful purpose would be served by public participation. Therefore, in accordance with the Secretary's Policy Statement, it is found for good cause that notice and other public rulemaking procedures are impracticable and unnecessary.

PART 4–16—PROCUREMENT FORMS

1. The Table of Contents of Part 4–16 is amended to delete Subpart 4–16.8, Miscellaneous Forms.

§ Subpart 4–16.8 [Deleted]

2. Subpart 4–16.8, Miscellaneous Forms, is deleted.

Authority: This amendment is made under the authority of 5 USC 301, 40 USC 486(c).

Done at Washington, D.C., this 17th day of March 1980.

Dean K. Crowther,

Director, Office of Operations and Finance.

[FR Doc. 80-9618 Filed 3-27-80; 8:45 am]

BILLING CODE 3410-98-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1820

[Circular No. 2458]

Execution and Filing of Forms; Office Hours

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking amends 43 CFR 1821.2–1 to reflect new office hours during which applicants can inspect records and file applications and other documents under this title. The revised hours will increase the time available for public use.

EFFECTIVE DATE: March 28, 1980.

ADDRESS: Any suggestions or inquiries should be sent to: Director (650), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Cecil R. Feeney (202) 343–7424.

SUPPLEMENTARY INFORMATION: The principal author of this rulemaking is Cecil R. Feeney of the Office of Legislation and Regulatory Management, Bureau of Land Management, Washington, D.C.

It is hereby determined that publication of this final rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 [42 U.S.C. 4332(2)(C)] is required.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The customary 30-day period between the publication date and effective date of final rules is hereby waived because this rulemaking does not initiate change, but is an administrative action reflecting changes.

Under the authority of section 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1740), Part 1820, Group 1800, Subchapter A, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below.

James W. Curlin,

Secretary of the Interior.

March 24, 1980.

1. Section 1821.2–1 is amended to read as follows:

PART 1820—APPLICATION PROCEDURES

§ 1821.2–1 Office hours; place for filing.

(a) The offices listed in paragraph (d) of this section are open to the public for the filing of applications and other documents and inspection of records on Monday through Friday during the regular business hours of each office, with the exception of those days when the office may be closed because of a national holiday or by Presidential or other administrative order.

* * * * *

[FR Doc. 80-9429 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5795]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202 (a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elasped since identification of the community as having flood-prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood Insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community.

PART 64—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Suspended Communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
California	Napa	Yountville, city of	060209B	May 29, 1975, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Mar. 1, 1974 Dec. 20, 1974	Mar. 28, 1980
Connecticut	Hartford	Enfield, town of	090028B	Apr. 4, 1974, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Apr. 5, 1974 May 10, 1977	Do.
Do	New Haven	Southbury, town of	090089B	Aug. 31, 1973, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Feb. 8, 1974 Oct. 17, 1975	Do.
Illinois	St. Clair	Fairmont, village of	170627A	July 29, 1975, emergency, Mar. 28, 1980 regular, Mar. 28, 1980, suspended.	Oct. 8, 1976	Do.
Do	Lake	Mettawa, village of	170381B	Mar. 20, 1979, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Oct. 18, 1974 July 23, 1976	Do.
Kentucky	Campbell	Melbourne, city of	210250A	Sept. 12, 1974, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Feb. 1 1974	Do.
Maine	Kennebec	West Gardiner, town of	230250B	June 3, 1976 emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Dec. 27, 1974 Mar. 25, 1977	Do.
Nebraska	Furnas	Cambridge, city of	310087B	May 24, 1973, emergency, Mar. 28, 1980 regular, Mar. 28, 1980, suspended.	May 3, 1974 Feb. 20, 1976	Do.
Nevada	Douglas	Unincorporated areas	320008A	Feb. 12, 1974, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Jan. 3, 1975	Do.
New Jersey	Essex	Newark, city of	340189B	Nov. 3, 1972, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Mar. 15, 1974 Sept. 24, 1976	Do.
Do	Bergen	Rochelle Park, township of	340070B	Feb. 16, 1973, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	June 22, 1973 Mar. 5, 1976	Do.
New York	Rockland	Suffern, village of	360694B	July 5, 1973, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Dec. 28, 1973 June 18, 1976	Do.
North Carolina	Egecombe	Pinetops, town of	370091B	Nov. 7, 1975, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Jan. 9, 1974 June 25, 1976	Do.
Ohio	Athens	Athens, city of	390016B	Nov. 22, 1974, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	June 27, 1975	Do.
Wisconsin	Milwaukee	Brown Deer, village of	550271B	Mar. 24, 1975, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Dec. 17, 1973 Nov. 22, 1974	Do.
Illinois	Cook	Calumet, city of	170072D	Feb. 24, 1975, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	Apr. 5, 1974 Dec. 5, 1975 Feb. 13, 1976 Apr. 21, 1978	Apr. 1, 1980
Kentucky	Calloway	Murray, city of	210033B	Apr. 22, 1975, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	June 14, 1974 Aug. 13, 1976	Do.
Louisiana	St. Helena Parish	Greensburg, town of	220330A	Feb. 23, 1976, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	Feb. 7, 1975	Do.
Minnesota	Wright	Delano, city of	270539B	Feb. 3, 1975, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	May 24, 1974 May 14, 1976	Do.

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State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Missouri	St. Louis	Hazelwood, city of	290357B	Nov. 27, 1973, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	Jan. 9, 1974 Dec. 5, 1975	Do.
New Hampshire	Rockingham	Windham, town of	330144B	Aug. 7, 1975, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	Aug. 15, 1974 Jan. 23, 1976	Do.
New York	Onondaga	Clay, town of	360573B	May 15, 1973, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	July 1, 1977	Do.
Do	Westchester	Rye, city of	360931C	Apr. 23, 1974, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	May 20, 1977 Nov. 3, 1978	Do.
Oklahoma	LeFlore	Wister, town of	400095B	Aug. 6, 1971, emergency, Apr. 14, 1976, regular, Apr. 1, 1980, suspended.	Apr. 14, 1976	Do.
Pennsylvania	Bradford	Athens, township of	420978B	Jan. 30, 1974, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	June 28, 1974 July 16, 1976	Do.
Do	Washington	Canonsburg, borough of	420849B	Dec. 10, 1974, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	Feb. 1, 1974 May 7, 1976	Do.
Do	Lycoming	Piatt, township of	420653B	Apr. 10, 1973, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	Jan. 23, 1974 Dec. 19, 1975	Do.
Do	Allegheny	Pitcairn, borough of	420062A	Nov. 8, 1974, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	July 30, 1976	Do.
Tennessee	Davidson	Oak Hill, city of	470354A	Aug. 18, 1975, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	Oct. 27, 1972	Do.
Texas	Collin	Murphy, city of	480137C	Aug. 7, 1975, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	Dec. 7, 1973 Nov. 22, 1977	Do.
Vermont	Bennington	Pownal, town of	500016C	July 9, 1975, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	Aug. 16, 1974 Nov. 29, 1977 Feb. 4, 1977	Do.
West Virginia	Marshall	Glen Dale, city of	540109C	Apr. 2, 1975, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	June 28, 1974 July 9, 1976 Aug. 13, 1976	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: March 17, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-9286 Filed 3-27-80; 8:45 am]
BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

45 CFR Parts 205, 234

Financial Assistance to Individuals; Protective, Vendor, and Two-Party Payments for Dependent Children

AGENCY: Social Security Administration, HEW.

ACTION: Final rules.

SUMMARY: These regulations implement section 3 of Pub. L. 95–171 which amended sections 403(a) and 406(b) of the Social Security Act. They (1) specifically authorize Federal funding for two-party checks; (2) clarify the regulations for making protective and vendor, as well as two-party payments; and (3) increase the number of individuals who can receive these payments (with Federal funding) from 10 to 20 percent of the number of other AFDC recipients in the State for that month. These regulations affect recipients of AFDC in all jurisdictions.

EFFECTIVE DATE: These regulations shall be effective March 28, 1980. However, the increase in the number of individuals who can receive protective, vendor, or two-party checks in a State from 10 to 20 percent of the number of other AFDC recipients in that State is effective October 1, 1977, as provided under Pub. L. 95–171.

FOR FURTHER INFORMATION CONTACT:
Mr. C. B. Wooldridge, Office of Family Assistance, Office of Policy, Social Security Administration, 330 C Street, SW., Washington, DC 20201, telephone (202) 426–6587.

SUPPLEMENTARY INFORMATION:

Background

Section 234.60 currently describes the regulations which State agencies must meet when they use protective and vendor payments because the AFDC caretaker has demonstrated an inability to manage funds. On November 12, 1977, Pub. L. 95–171 was enacted, which specifically authorized Federal funding for two-party checks. In addition, Pub. L. 95–171 relaxed the limitation on the number of AFDC recipients in a State whose payments could be restricted as a

protective, vendor, or two-party payment. The law increased the number of individuals in the State whose AFDC payments could be so restricted from 10 percent of the number of other AFDC recipients, each month, to 20 percent. Until the enactment of Pub. L. 95–171, only protective and vendor payments were actually identified in the Act as permissible restricted payments for which Federal matching was available, and two-party checks were considered in the nature of a vendor payment only through an interpretation of Federal policy.

Discussion of Comments

On March 2, 1979, these regulations were published in the **Federal Register** as a Notice of Proposal Rule Making (44 FR 11803). They made the changes described in Pub. L. 95–171 and also made other clarifying changes to § 234.60. We received 23 comments on the NPRM: 11 from State and local governments; 10 from constituent, advocacy and legal services organizations; and 2 from congressmen. Of these, many indicated support for the regulations and protections at § 234.60; some were critical. We also discussed these regulations during the NPRM period, with client advocates and with representatives of State and local governments. As a result of the comments on the NPRM, some further changes have been made in the final regulations. The significant comments and our responses follow:

Section 234.60(a)(2)

1. *Comment:* One commenter recommended that the regulations make clear that States should resist landlord efforts to pressure clients into providing vendor or two-party payments as a condition of tenancy.

Response: The regulations do not specifically tell States to resist such efforts of landlords or other providers of goods or services. It would be inappropriate for us to regulate interactions between tenant and landlord in that way. However, restrictions on AFDC checks are prohibited except as expressly provided under the regulations. Further, protective, vendor, or two-party check payments made by the State or local agency must be based upon its determination that there has been mismanagement. Coercion on the part of AFDC landlords would not be a significant reason under these regulations for the State or local agency to authorize a restricted payment.

2. *Comment:* A number of commenters asked for clarification of the criteria for determining when "* * * payments to the relative have not been * * * used in the best interest of the child." In particular, five commenters asked for further clarification of the sentence, "The determination may not be made solely on the fact that bills are not paid on a timely basis.", in § 234.60(a)(2).

Response: The final regulations contain the requested clarifications. In § 234.60(a)(2)(i), we have further defined that failure to use payments in the best interest of the child "* * * means that the relative has misused funds to such an extent that allowing him or her to manage the AFDC grant is a threat to the health or safety of the child."

Also, in § 234.60(a)(2)(ii), we have included examples of things which must be considered in determining whether there has actually been mismanagement: Whether (1) the family has experienced some emergency or extraordinary event for which it was appropriate for available funds to be spent; (2) expenses for necessary bills exceed the recipient's grant and other income; and (3) the family has withheld the payment as a reasonable exercise of consumer rights when there is a legitimate dispute as to whether terms of an agreement have been met. Because each case must be evaluated individually it is not possible for the regulations to spell out every situation of mismanagement or of nonpayment of bills—which is not mismanagement—that could possibly exist. We believe that these clarifications and examples will help define the latitude and limits of State discretion in determining when mismanagement exists.

Section 234.60(a)(7)

3. *Comment:* Two commenters asked that the regulations provide that the selection of a protective payee should always be made by the recipient unless it is demonstrated that such a selection is not in the best interest of the child.

Response: The Department's position continues to be that the recipient selects or participates in the selection of a protective payee to the extent possible. This position is reflected in the current regulations at § 234.60(a)(7).

The provisions of § 234.60 are not meant to be punitive. They are for the protection of the AFDC child. We believe it is particularly important that the caretaker have a significant role in selecting the protective payee because they will have to work closely together in caring for the AFDC child and managing his or her funds. Therefore, the Department expects that the method chosen by the agency will reflect consideration of caretaker preferences, where practical, as well as administrative considerations—and the paramount need to protect the child. However, we do not feel it is necessary to further regulate acceptance of client preference.

Section 234.60(a)(7)(i)

4. *Comment:* One commenter called to our attention the difficulties agencies have in selecting payees. Some merely cash the check and turn the money over to the recipient; others are reluctant to assume the appropriate responsibilities.

Response: It is the responsibility of the agency to check periodically on the way in which a protective payee is carrying out his or her responsibilities and to make changes as necessary (§ 234.60(a)(9)(ii)).

If the agency has difficulty in locating appropriate protective payees, it has the option of having a staff member of a private agency, of the public welfare department, or any other appropriate organization to serve as a protective payee. In addition, the public welfare department may employ such additional staff as may be necessary to provide protective payees (§ 234.60(a)(7)(i)).

Section 234.60(a)(8)

5. *Comment:* One commenter suggested that the goal of restoring the caretaker relative to regular money payment status should be more clearly stated, and that education in budgeting and money management skills should be the means by which this goal is achieved.

Response: Our current regulations require that use of a restricted payment under § 234.60 must be accompanied by "* * * special efforts to develop greater ability on the part of the relative to manage funds * * * to protect the welfare of the family." (§ 234.60(a)(8)). Thus, whenever a restricted payment is used, services must be available to help enable the affected caretaker to return to a position of responsible money management.

Section 234.60(a)(9)

6. *Comment:* One commenter expressed concern that the three-month review requirement for mismanagement be changed to coincide with periodic eligibility redeterminations, in order to provide administrative improvement in case management.

Response: We agree that it is reasonable to schedule the review requirements for the same time that the eligibility redetermination is being done. Therefore, we have changed the minimum review period from every three months to every six months to give States this administrative flexibility. However, more frequent reviews may be desirable in many situations, and will

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still be made if indicated by particular circumstances of the individual.

Section 234.60(10)(ii)

7. *Comment:* One commenter urged that the two-year limitation in the current regulations, for the use of restricted payments, be expanded.

Response: It is HEW's belief based on its experience in administering the program that a two-year period is sufficient time to have used a variety of solutions to remedy the family's situation and return the recipient to regular monthly payment status.

Section 234.60(a)(11)

8. *Comment:* There were suggestions that there be a requirement for advance written notice to the recipient—advising him or her of the agency's intention to impose a protective, vendor, or two-party payment—and a right to a fair hearing before the payment is restricted.

Response: We agree. The Social Security Act and current regulations already require that an opportunity for a fair hearing before the State agency be given an individual who may have his or her assistance restricted by a protective or vendor payment. Placing a recipient on a protective, vendor, or two-party payment alters the form of payment the individual would otherwise receive and significantly limits his or her flexibility in allocating available resources to meet current or future needs. In such circumstances, timely and adequate notification and opportunity for a hearing before a restricted payment determination is made are essential to the fair hearing right currently provided by law. Such a policy is also consistent with usual fair hearing principles. Moreover, the issue of the recipient's ability to manage resources is a question of fact. For actions that significantly affect the recipient and that raise factual issues, fair hearing procedures must include advance notice and opportunity for a prior hearing. Consequently, we believe with respect to restricted payment determinations that timely and adequate notice of the agency action (under § 205.10(a)(4)(i)) and continuation of assistance until a decision is rendered (under § 205.10(a)(8)) are appropriate and we have amended these sections of our regulations to clarify our policy. We have also amended § 205.10(a)(5) to include a right to a hearing. Additionally, we believe it is fair that: (1) the recipient be notified under State agency procedures that a creditor has accused him or her of non-payment and requests the agency to initiate a protective, vendor, or two-party payment, and (2) the recipient be notified by the agency of a decision not to use a protective, vendor, or two-party payment if such payment has been requested by a creditor. These notice requirements have been added to § 234.60(a)(2).

9. *Comment:* One commenter suggested that a provision be made for the use of voluntary vendor or two-party check payments.

Response: Such voluntary restricted payments have been considered and rejected by the Congress. It has been rejected, because of the problems inherent in assuring that a welfare recipient, who is dependent on the agency for assistance, is truly free to make a voluntary choice. Voluntary vendor payments could place AFDC recipients in a position where they could be coerced by officials or vendors into voluntarily restricting their assistance payments. Most recently—on October 17, 1978,—the Senate rejected a voluntary vendor payment provision in H.R. 3387 as threatening to the principle that families should not be deprived of the responsibility and dignity that comes from controlling how their resources, however meager, should be spent.

Differences Between the Proposed Regulations and the Final Regulations

After consideration of all comments, we have adopted the proposed regulations with the following clarifications and changes: (1) We have added a further description of "inability to manage funds"; (2) We have given examples of considerations which must be taken into account in determining mismanagement; (3) We require that the recipent be notified whenever a restricted payment is being considered as a result of a creditor's claim that bills have not been paid on time: (4) We have clarified that a State agency decision to use such payments must be accompanied by a timely and adequate notice, and that the agency must give an opportunity for a fair hearing before payment is restricted; (5) We require that the recipient be notified of a decision not to use a protective, vendor, or two-party payment if such payment has been requested by a creditor; (6) We have clarified the need for the State's criteria to identify the circumstances under which such payments will be made; and (7) We have changed the required review period from three months to six months to coincide with eligibility redeterminations.

(Secs. 402, 403, 406, and T102 of the Social Security Act, as amended, 49 Stat. 627, as amended, 49 Stat. 628, as amended, 49 Stat. 629, as amended, 49 Stat. 647, as amended, 42 U.S.C. 602, 603, 606, and 1302, and sec. 3 of Pub. L. 95-171, 91 Stat. 1354)

(Catalog of Federal Domestic Assistance Program No. 13.808, Public Assistance—Maintenance Assistance (State Aid))

Dated: March 20, 1980.

William J. Driver,

Commissioner of Social Security.

Approved: March 24, 1980

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

Chapter II of Title 45 of the Code of Federal Regulations is amended as set forth below:

1. Section 205.10 is amended by revising paragraphs (a)(4), (a)(5) and (a)(6)(i) to read as follows:

§ 205.10 Hearings.

(a) * * *

(4) In cases of intended action to discontinue, terminate, suspend or reduce assistance or to change the manner or form of payment to a protective, vendor, or two-party payment under § 234.60:

* * * * *

(5) An opportunity for a hearing shall be granted to any applicant who requests a hearing because his or her claim for financial assistance (including a request for supplemental payments under §§ 233.23 and 233.27) or medical assistance is denied, or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by any agency action resulting in suspension, reduction, discontinuance, or termination of assistance or determination that a protective, vendor, or two-party payment should be made or continued. A hearing need not be granted when either State or Federal law require automatic grant adjustments for classes of recipients unless the reason for an individual appeal is incorrect grant computation.

* * * * *

(6) * * *

(i) Assistance shall not be suspended, reduced, discontinued or terminated, (but is subject to recovery by the agency if its action is sustained), nor may the manner or form of payment be changed to a protective, vendor, or two-party payment under § 234.60, until a decision is rendered after a hearing, unless:

* * * * *

2. Section 234.60 is amended by revising the heading; paragraphs (a)(1)–(4), (7), (9), (10)(ii), (11)(i) and (b). As revised the provisions read as follows:

§ 234.60 Protective, vendor, and two-party payments for dependent children.

(a) *State plan requirements.* (1) If a State plan for AFDC under title IV–A of the Social Security Act provides for protective, vendor, and two-party payments for other than WIN cases and cases in which the caretaker relative fails to meet the eligibility requirements of § 232.11 or § 232.12 of this chapter, it must meet the requirements in paragraph (a)(2) through (11) of this section.

(2)(i) Methods will be in effect to identify children whose relatives have demonstrated such an inability to manage funds that payments to the relative have not been or are not currently used in the best interest of the child. This means that the relative has misused funds to such an extent that allowing him or her to manage the AFDC grant is a threat to the health or safety of the child.

(ii) Non-payment of bills may be used as an indication that mismanagement may exist. However, a determination of such mismanagement shall not be made solely on the fact that bills are not paid on a timely basis. All relevant considerations shall be taken into account including, but not limited to the following:

(A) Whether the family has experienced some emergency or extraordinary event for which it was appropriate for available funds to be spent;

(B) Whether expenses for necessary bills exceed the recipient's grant and other income; and

(C) Whether the family has withheld the payment as a reasonable exercise of consumer rights when there is a legitimate dispute as to whether terms of an agreement have been met.

(iii) Under State agency procedures, the recipient shall be notified whenever a creditor requests a protective, vendor, or two-party payment for mismangement on the basis of non-payment of bills.

(iv) The recipient shall be notified by the agency of a decision not to use a protective, vendor, or two-party payment if such payment has been requested by a creditor.

(v) A statement of the specific reasons that demonstrate the need for making protective, vendor, and two-party payments must be placed in the file of the child involved.

(3) Criteria will be established to identify the circumstances under which protective, vendor, or two-party payments will be made in whole or in part to—

(i) Another individual who is interested in or concerned with the welfare of the child or relative; or

(ii) A person or persons furnishing food, living accommodations or other goods, services, or items to or for the child, relative, or essential person.

(4) Procedures will be established for making protective, vendor, or two-party payments. Under this provision, part of the payment may be made to the family and part may be made to a protective payee or to a vendor, or part may be made in the form of two-party payments, i.e., checks which are drawn jointly to the order of the recipient and the person furnishing goods, services, or items and negotiable only upon endorsement by both the recipient and the other person.

* * * * *

(7) Standards will be established for selection:

(i) Of protective payees, who are interested in or concerned with the recepient's welfare, to act for the recipient in receiving and managing assistance, with the selection of a protective payee being made by the recipient, or with his participation and consent, to the extent possible. If it is in the best interest of the recipient for a staff member of a private agency, of the public welfare department, or of any other appropriate organization to serve as a protective payee, such selection will be made preferably from the staff of an agency or that part of the agency providing protective services for families; and the public welfare department will employ such additional staff as may be necessary to provide protective payees. The selection will not include: the executive head of the agency administering public assistance; the person determining financial eligibility for the family; special investigative or resource staff; or staff handling fiscal processes related to the recipient; or landlords, grocers, or other vendors of goods, services, or items dealing directly with the recipient.

(ii) Of such persons providing goods, services, or items with the selection of such persons being made by the recipient, or with his participation and consent, to the extent possible.

* * * * *

(9) Review will be made as frequently as indicated by the individual's circumstances, and at least every 6 months, of:

(i) The need for protective, vendor, and two-party payments; and

(ii) The way in which a protective payee's responsibilities are carried out.

(10) Provision will be made for termination of protective, vendor, and two-party payments as follows:

* * * * *

(ii) When it appears that need for protective, vendor, or two-party payments will continue or is likely to continue beyond 2 years because all efforts have not resulted in sufficiently improved use of assistance in behalf of the child, judicial appointment of a guardian or other legal representative will be sought and such payments will terminate when the appointment has been made.

(11) * * *

(i) That a protective, vendor, or two-party payment should be made or continued.

* * * * *

(b) *Federal financial participation.* Federal financial participation is available in payments which otherwise qualify as money payments with respect to an eligible dependent child, but which are made as protective, vendor or two-party payments under this section. Payrolls must identify protective, vendor, or two-party payments either by use of a separate payroll for these cases or by using a special identifying code or symbol on the regular payroll.

(1) The payment must be supported by an authorization of award through amendment of an existing authorization document for each case or by preparation of a separate authorization document. In either instance, the authorization document must be a formal agency record signed by a responsible agency official, showing the name of each eligible child and relative, the amount of payment authorized and the name of the protective, vendor or two-party payee.

(2) The number of individuals for whom protective, vendor, or two-party payments are made who can be counted as recipients for Federal financial participation in any month is limited to 20 percent of the number of other AFDC recipients in the State for that month.

(i) In computing such 20 percent, the following individuals are not to be counted.

(A) Those with respect to whom protective or vendor payments are made for any month because caretaker relatives have refused without good cause to participate in a work incentive program or to accept a bona fide offer of employment in which they are able to engage; or

(B) Those with respect to whom protective or vendor payments are made for any month because of the refusal of caretaker relatives to comply with the eligibility requirements of § 232.11 or § 232.12 of this chapter.

(ii) The State may decide whether the same percentage limitation is applied in each local administrative subdivision or it may establish a method of assuring that the number of recipients for whom matchable payments are made does not exceed the limitation for the State as a whole.

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(iii) If the number of recipients for whom protective, vendor, or two-party payments are made in any month does not exceed 20 percent of all other AFDC recipients in that month, all such payments and recipients may be included in computing Federal financial participation. If the number of recipients for whom protective, vendor, or two-party payments are made exceeds 20 percent of all other AFDC recipients, it will be necessary to identify cases whose total recipient count is within the 20 percent limit. Only the payments and recipient count for the identified cases within the 20 percent limit may be included for Federal financial participation. Other recipients receiving protective, vendor, or two-party payments must be excluded from the recipient count, and assistance payments for the other recipients must be excluded from assistance expenditures, in determining a State's claim for Federal financial participation.

(iv) In computing the 20 percent limit on the number of recipients of protective, vendor, or two-party payments the numerical limit may be rounded upward to the nearest whole number.

[FR Doc. 80-9341 Filed 3-27-80; 8:45 am]

BILLING CODE 4110-07-M

FEDERAL MARITIME COMMISSION

46 CFR Part 512

[General Order 11, Revised; Docket No. 78-46]

Financial Reports of Common Carriers by Water in the Domestic Offshore Trades

AGENCY: Federal Maritime Commission.

ACTION: General Accounting Office (GAO) Clearance of Final Rules and Corrections.

SUMMARY: The Commission's final rules in this proceeding were published January 17, 1980 (45 FR 3272; FR Docket 80-1575), and GAO clearance of the reporting requirements of the rules has now been obtained. Such clearance is contingent on various minor changes in the rules and schedules which changes are published herewith. Other minor nonsubstantive corrections in the document as published in the **Federal Register**, including those made in the publication process, are also incorporated.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTARY INFORMATION: The effective date of the final rules in this proceeding was deferred pending completion of GAO review as required under the Federal Reports Act. GAO review has now been completed and their approval has been obtained contingent on the making of various minor changes in the rules and schedules as described below, and accomplished by this notice.

1. The following corrections are made in § 512.6 *Forms*.

a. Paragraph (a)(2) is corrected by changing "FMC-64" to read "FMC-378", in the second sentence; "FMC-63" to read "FMC-377" in the third sentence; and "FMC-64" to read "FMC-377" in the fourth sentence.

b. Paragraph (b)(2) heading—change "Reserve for Depreciation" to "Accumulated Depreciation".

c. Paragraph (b)(2)(i), second sentence, change "the accumulated reserve for depreciation" to "accumulated depreciation".

d. Paragraph (b)(2)(ii), first sentence, change "the reserve for" to "accumulated"; second sentence, change "reserve for" to "accumulated"; and third sentence change "reserve for" and "the reserve for" to "accumulated".

e. Paragraph (b)(2)(iii), change "the reserve for" to "accumulated".

f. Paragraph (b)(4), heading—change "Reserve For" to "Accumulated".

g. Paragraph (b)(4)(i), second sentence—delete "reserves for"; third sentence—change "reserves" to "two amounts".

h. Paragraph (b)(4)(ii), change "the reserve" to "accumulated depreciation".

i. Paragraph (b)(7), hearing—change "Reserve for" to "Accumulated"; third sentence—change "the reserve" to "accumulated depreciation"; and change "the reserves for depreciation as of" to "both".

2. Minor changes in the following Schedules and Forms referred to in § 512.6 *Forms* have been made and are available upon request from the Director, Bureau of Industry Economics, Federal Maritime Commission, Washington, D.C. 20573:

a. Form FMC-377—Table of Contents, Exhibit A(A), Schedule A-I(A), Schedule A-II(A), Schedule A-V(A), Schedule A-VI(A), Schedule A-VIII(A), Schedule A-X(A), Exhibit B(A), Schedule B-II(A), Schedule B-IV(A), Schedule B-VI(A), Exhibit C(A), Certification.

b. Form FMC-378—Table of Contents, Exhibit A, Schedule A-I, Schedule A-II, Schedule A-V, Schedule A-VI, Schedule A-VIII, Schedule A-X, Exhibit B, Schedule B-II, Schedule B-IV, Exhibit C, Certification.

3. Notice of GAO clearance is required to appear in the agency's regulations. The following clearance statement should be included at the end of the Authority citation in Part 512.

The reporting requirements contained in §§ 512.2 (a) and (b), 512.2(c) (1) and (2), 512.2(d)(1), 512.2(e), 512.2(f) (1) and (2), 512.2(g), 512.2(h), 512.2(k), 512.2(n), 512.3, 512.4 (a), (b) and (c), and 512.6 have been approved by the U.S. General Accounting Office under number B-180233 (R0191).

Form FMC-378—Approved by GAO—B-180233 (R0665), expires 3/31/83.

Form FMC-377—Approved by GAO—B-180233 (R0664), expires 3/31/83.

The following corrections in the rules as published should also be made. Errors noted with an asterisk were made in the publication process and were correct in the original document.

F.R. page and column	Correction
1. 3272—3	"American Institute of Certified Public Accounts" should be "American Institute of Certified Public Accountants".
*2. 3275—3, ¶3	"§512.2(G)" should be "§512.2(g)".
3. 3278—3, ¶5	"A-IV(a)" should be "A-IV(A)".
4. 3279—2	"B-1(B-I(A))" should be "B-I(B-I(A))".
5. 3282—3, top	Delete "(#5)".
*6 3284—1, top	"asset" should be "assets".
*7. 3285—2, ¶1	"through to tax" should be "through of tax".
*8. 3285—3, ¶4	"Docket No. 75-77" should be "Docket No. 75-57".
9. 3286—3, ¶1-mid	"stating that" should be "i.e.,".
10. 3290—3, Ordering ¶.	Insert after Intercoastal Shipping Act, 1933, the citation "(46 U.S.C. 843, 844, 845, 845(a) and 847)".
*11. 3291—2, §512.2(e)".	§512.2(h)(1)" should be "§512.2(f)(1)".
12. 3291—2, §512.2(f)(iv).	"charged" should be "changed".
13. 3291—3, §512.2(j)..	"§512.5(e)&(c)" should be "§512.5(c)&(e)".
14. 3294—1, §512.6(b)(2)(i).	"Schedule 222 or 221, respectively, of Forms FMC 63 or FMC 64" should be "Schedule 222 of Form FMC 63 or Schedule 221 of Form FMC 64".
15. 3296—2, §512.6(d)(1).	"fixed coverage" should be "fixed charges coverage".
16. 3274—3, *Vessel utilization*, 2nd sentence.	In lieu of "The proposed rules would require the carrier, . . ." insert "In order to insure that that Commission would consider such factors regarding operational efficiency, proposed section 512.1 would require the Commission to take into account vessel utilization and fleet deployment of a carrier when assessing revenue needs and rates of return. Accordingly, the proposed rules further require the carrier, . . .".
17. 3292—1, §512.2(o)	"A carrier shall change accounting." should read: "A carrier may change accounting".

Francis C. Hurney,

Secretary.

[FR Doc. 80-9397 Filed 3-27-80; 8:45 am]

BILLING CODE 6730-01-M

46 PART 514

[General Order 42, Docket No. 78-46]

Financial Exhibits and Schedules Non-Vessel Operating Common Carriers in the Domestic Offshore Trades

AGENCY: Federal Maritime Commission.

ACTION: General Accounting Office (GAO) clearance of final rules and corrections.

SUMMARY: The Commission's final rules in this proceeding were published January 17, 1980 (45 FR 3311; FR Docket 80-1574), and GAO clearance of the reporting requirements of the rules has now been obtained. Such clearance is contingent on various minor changes in the Exhibits incorporated by reference in the rules. One other minor non-substantive correction in the document as published in the **Federal Register**, is also included.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTARY INFORMATION: The effective date of the final rules in this proceeding was deferred pending completion of GAO review as required under the Federal Reports Act. GAO review has now been completed and their approval has been obtained contingent on minor changes being made in certain of the Exhibits incorporated by reference in § 514.6 *Forms*. Changes have been made in Exhibit A, Exhibit B, and the Certification Form. Notice of GAO clearance is required to appear in the agency's regulations, and the following clearance statement should be included at the end of the Authority citation in Part 514.

The recordkeeping requirements contained in section 514.4(a) and the reporting requirements contained in sections 514.2(b) (1) (2) (3) (4) (5) and (6), 514.2(d), 514.3, 514.4(b) (c) and (d), and 514.6 have been approved by the U.S. General Accounting Office under number B-180233 (R0666).

Form FMC-379—Approved by GAO, B-180233 (R0667), expires 3/31/83.

The following correction in the document as published should also be made. At page 3314, column 3, § 514.6(c)(2)(i), the reference to "Schedule B-1" should be "Schedule B-I."

Francis C. Hurney,

Secretary.

[FR Doc. 80-9398 Filed 3-27-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

Radio Broadcast Services; Editorial Amendment of the Rules To Relax Informal Application Requirement

AGENCY: Federal Communications Commission.

ACTION: Amendment of the rules.

SUMMARY: The FCC amends § 73.3544 of its Broadcast rules to eliminate the requirement for an informal application where there is a change in name of a broadcast station licensee and no change in ownership or control is involved. Written notification is all that will be necessary.

EFFECTIVE DATE: April 1, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: K. Gordon Oppenheimer, Broadcast Bureau, Broadcast Facilities Division, (202) 632-6357.

Order

Adopted: March 12, 1980.
Released: March 17, 1980.

In re matter of editorial amendment of § 73.3544 of the Commission's rules to relax informal application requirement.

1. The Executive Director, acting *sua sponte* and pursuant to authority delegated by § 0.231 of the Commission's Rules, has under consideration § 73.3544 of the Commission's rules, entitled "Application to obtain a modified station license." Section 73.3544(b)(1) of the rules requires that, in order to change a licensee's name where there is no change in ownership or control, the licensee must file an informal application in accordance with the procedures provided in § 73.3511(b) of the rules. The filing of such an application requires Commission action, either granting or refusing to grant.

2. If a licensee effects a change in name in accordance with the laws and procedures provided by the state in which it is incorporated or otherwise empowered to do business, the Commission would be without any reason to pass upon that change and its authority to do anything but grant the application is doubtful. In short, there seems to be no valid reason to require an application where there has been a change of name without any change of ownership or control. Notification by the licensee by letter should be sufficient.

3. Accordingly, it is concluded that § 73.3544 of the rules should be editorially revised to require only notification. No substantive changes are made herein which impose additional burdens or remove provisions relied upon by licensees or the public, and no issues are raised upon which comments would serve any useful purpose. Therefore, prior notice of rulemaking, effective date provisions and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553.

4. Accordingly, it is ordered, That, pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules, the Commission's rules and regulations are amended as set forth in the attached Appendix, effective April 1, 1980.

5. For further information on this Order, contact K. Gordon Oppenheimer, Broadcast Bureau, (202) 632-6357.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Richard D. Lichtwardt,

Executive Director.

Appendix

In § 73.3544, subparagraph (1) of paragraph (b) is deleted and reserved, and a new paragraph (c) is added, to read as follows:

§ 73.3544 Application to obtain a modified station license.

* * * * *

(b) An informal application filed according to the procedure specified in § 73.3511(b) shall be used to cover the following changes:

(1) [Reserved]

* * * * *

(c) A change in the name of the licensee where no change in ownership or control is involved may be accomplished by written notification by the licensee to the Commission.

[FR Doc. 80-9514 Filed 3-27-80; 8:45 am]

BILLING CODE 6712-01-M

V 45/62 MR 28 80 UMI

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 2)]

Rail General Exemption Authority—Miscellaneous Commodities

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: This is a summary of a decision which exempts the rail transportation of peanuts, sweet potatoes, potatoes, bananas, cocoa beans, green coffee, fresh mushrooms, fresh fish or other marine products, dried beans, dried peas, and dried lentils from the provisions of Subtitle IV of Title 49, except for certain informational reporting and accounting requirements. This action is taken pursuant to 49 U.S.C. § 10505 to encourage greater railroad participation in the transportation of these commodities.

EFFECTIVE DATE: The rule adopted here will take effect April 10, 1980.

ADDRESS: For copies of the decision in this proceeding contact: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423, (800) 424–5230.

FOR FURTHER INFORMATION CONTACT: Richard Felder, (202) 275–7656.

SUPPLEMENTARY INFORMATION: In the Notice instituting this proceeding, dated March 21, 1979 [published at 44 FR 18711, March 29, 1979], the Interstate Commerce Commission proposed to exempt under authority of 49 U.S.C. § 10505, certain miscellaneous commodities listed below from the provisions of Subtitle IV of Title 49. The commodities proposed for exemptions are:

STCC #01 143 Peanuts
STCC #01 194 Potatoes, sweet
STCC #01 195 Potatoes, other than sweet
STCC #01 232 Bananas
STCC #01 294 Cocoa beans
STCC #01 295 Coffee, green
STCC #01 916 Mushrooms, fresh
STCC #09 1 Fresh Fish or other Marine Products
STCC #01 341 Beans, dry, ripe
STCC #01 342 Peas, dry
STCC #01 343 Cowpeas, lentils, or lupines.

The Commission has issued a decision adopting the proposed exemption. Under the terms of the decision railroads are required to continue to comply with the Commission's accounting and reporting requirements and to include a brief statement in their annual reports of operations under the exemption. In addition, the railroads are required to maintain copies of rates, charges, rules, or regulations for traffic moved under the exemption, at their principal office, subject to inspection, and to send a letter of notification to the docket [Ex Parte No. 346 (Sub-No. 2)], within 30 days, of the fact that they are using the exemption. The record maintenance requirement will remain in effect for a period of one year from the effective date of this exemption, to be extended if necessary.

Mixed shipments of exempt and non-exempt fresh fruits and vegetables previously exempted in Ex Parte No. 346 (Sub-No. 1) and the miscellaneous commodities exempt in this proceeding will be exempt. A mix of regulated commodities in an exempt shipment will not cause that shipment to lose its exempt status.

This action will not affect significantly either the quality of the human environment or conservation of energy resources.

The final rule adopted in this proceeding is set forth below:

Chapter X of Title 49 of the Code of Federal Regulations Part 1039 is amended by adding a new section, as follows:

§ 1039.11 Miscellaneous commodities exemption.

The rail transportation of the commodities listed below is exempt from the provisions of Subtitle IV of Title 49, except that carriers must continue to comply with Commission accounting and reporting requirements, including a brief statement in their annual reports of operations under this exemption, and must maintain copies of rates, charges, rules or regulations, for traffic moved under this exemption, at their principal office, subject to inspection, and send a letter of notification to the docket [Ex. Parte No. 346 (Sub-No. 2)], within 30 days, of the fact that they are using the exemption. The record maintenance requirement will remain in effect for a period of one year, to be extended if necessary. All tariffs pertaining to the transportation of these miscellaneous commodities will no longer apply except to the extent adopted by carrier quotations. The categories of commodities which are exempt under this decision, by Standard Transportation Commodity Code (STCC) number, are:

01 143 Peanuts
01 194 Potatoes, sweet
01 195 Potatoes, other than sweet
01 232 Bananas
01 294 Cocoa beans
01 295 Coffee, green
01 916 Mushrooms, fresh
01 341 Beans, dry ripe
01 342 Peas, dry
01 343 Cowpeas, lentils, or lupines
09 1 Fresh fish or other Marine Products

and shall embrace all articles assigned additional digits. The STCC shall be those code numbers in effect as of January 1, 1979, as shown in Standard Transportation Commodity Code Tariff 1–G, ICC STCC 6001–C. Nothing in this exemption shall be construed to affect our ability to enforce this decision or any subsequent decision made under authority of this exemption section. This exemption shall remain in effect, unless modified or revoked by a subsequent order of this Commission.

This rule is issued under the authority of 49 U.S.C. § 50505 and 5 U.S.C. § 553. Nothing in this exemption shall be construed to affect our jurisdiction under section 10505 or our ability to enforce this decision or any subsequent decision made under authority of this exemption section. This exemption shall remain in effect unless modified or revoked by a subsequent order of this Commission. We have chosen the April 10, 1980 effective date to coincide with the opening of the potato season. The transportation of potatoes is the most significant area involved in this proceeding.

Decided: March 21,1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9386 Filed 3-27-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

National Wildlife Refuges in Oregon

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening to sport fishing of certain Refuges is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: May 15, 1980 through December 31, 1980.

FOR FURTHER INFORMATION CONTACT: L. A. Mehrhoff, Area Manager, U.S. Fish and Wildlife Service, 4620 Overland Road, Room 238, Boise, ID 83705, Telephone: (208) 334–1960.

Detailed information about specific refuges may be obtained from refuge managers shown below.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations: sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted only on the areas designated by signs as being open to fishing. These areas are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, 4620 Overland Road, Room 238, Boise, ID 83705. Sport Fishing shall be in accordance with the applicable State regulations subject to the following conditions listed:

Cold Springs National Wildlife Refuge, Refuge Manager John E. Kurtz, P.O. Box 239, Easton P.O. Bldg., Umatilla, OR 97882. Telephone: (503) 922–3232

1. The refuge is closed to sport fishing from October 1 to February 28.
2. Boats without motors may be used for fishing.
3. All vehicles must stay on designated access roads and parking areas.

William L. Finley National Wildlife Refuge, Refuge Manager Palmer C. Sekora, Route 2, Box 208, Corvallis, OR 97330. Telephone: (503) 757–7236

1. Use of boats is prohibited.
2. During open season fishing shall be permitted each day from one hour before sunrise to one hour after sunset. The use of artificial lights is prohibited.
3. The use of archery equipment is prohibited.
4. The season shall terminate September 30.

Klamath Forest National Wildlife Refuge, Refuge Manager Robert C. Fields, Route 1, Box 74, Tulelake, CA 96134. Telephone: (916) 667–2231

1. Overnight camping is prohibited.
2. Use of boats is prohibited.
3. Areas open to fishing are limited to:
a. Borrow ditches adjacent to the Silver Lake Highway
b. Bank fishing along the shorelines of Wocus Bay

Malheur National Wildlife Refuge, Refuge Manager Joseph P. Mazzoni, P.O. Box 113, Burns, OR 97720. Telephone: (503) 493–2323

1. Boats without motors are permitted for fishing on Krumbo Reservoir. Boats are not permitted on other refuge waters open to fishing.

McKay Creek National Wildlife Refuge, Refuge Manager John E. Kurtz, P.O. Box 239, Easton P.O. Bldg., Umatilla, OR 97882. Telephone: (503) 922–3232

1. The refuge is closed to sport fishing from October 1 to February 28.
2. Motorized boats are permitted.
3. All vehicles must stay on designated access roads and parking areas.

Umatilla National Wildlife Refuge, Refuge Manager John E. Kurtz, P.O. Box 238, Easton P.O. Bldg., Umatilla, OR 97882. Telephone: (503) 922–3232

1. All vehicles must stay on designated access roads and parking areas.

Upper Klamath National Wildlife Refuge, Refuge Manager Robert C. Fields, Route 1, Box 74, Tulelake, CA 96134. Telephone: (916) 667–2231

1. Areas open to fishing include: a. Pelican Bay, Recreation Creek, Crystal Creek, Odessa Creek, Thomas Creek, Pelican Cut, and that portion of Upper Klamath Lake located on the east side of the refuge.
2. Speed boats shall not exceed ten miles per hour in any stream, creek, or canal and that portion of Pelican Bay west of a line beginning at designated points on the north shore of Pelican Bay one-fourth mile east of Crystal Creek and extending due south to opposite shore of the lake.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreation activities permitted by these regulations.

The U.S. Fish and Wildlife Service had determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

Dated: March 19, 1980.

L. A. Mehrhoff,

Area Manager.

[FR Doc 80-9471 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 33

National Wildlife Refuges in Idaho

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to sport fishing of certain refuges is compatible with the objectives for which the areas were established will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: May 15, 1980 through December 31, 1980.

FOR FURTHER INFORMATION CONTACT: L. A. Mehrhoff, Area Manager, U.S. Fish and Wildlife Service, 4620 Overland Road, Room 238, Boise, ID 83705, Telephone: (208) 334–1960.

Detailed information about specific refuges may be obtained from refuge managers shown below.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted only on the areas designated by signs as being open to fishing. These areas are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, 4620 Overland Road, Room 238, Boise, ID 83705. Sport fishing shall be in accordance with the applicable State regulations subject to the following conditions listed:

Bear Lake National Wildlife Refuge, Refuge Manager Gerald Deutscher, Box 9, Montpelier, ID 83276. Telephone: (208) 847–1757

1. The use of boats is prohibited.

Deer Flat National Wildlife Refuge, Refuge Manager Russell R. Hoffman, Box 448, Nampa, ID 83651. Telephone: (208) 467–5245

1. Fishing is permitted year round on Lake Lowell. Except during the waterfowl hunting season, when fishing is pemitted in designated fishing zones only at the upper and lower embankments.
2. Boats with motors and sailboats may be used during daylight hours only, one-half hour before sunrise to one-half hour after sunset from April 15, through September 30. During the waterfowl hunting season boats without motors may only be used within 200 yards of the shoreline on the designated fishing zones and hunting area 1.

V 45/62 MR 28 80 UMI

3. Fishing from islands of the Snake River section is prohibited from February 1 to May 30 to protect Canada goose nesting.

Kootenai National Wildlife Refuge, Refuge Manager Larry Napier, Star Route 1, Box 160 Bonners Ferry, ID 83805. Telephone: (208) 267-3888

1. Sport fishing is permitted on portions of Kootenai River, Deep Creek and Myrtle Creek within the refuge.

Minidoka National Wildlife Refuge, Refuge Manager John D. Hill, Route 4, Rupert, ID 83350. Telephone: (208) 436-3589

1. Shoreline fishing shall be permitted on the entire refuge year around.

2. Boat fishing is permitted on the main reservoir from Minidoka Dam to the west end of Bird Island April 1 through September 30.

3. Boat crossing lanes at Smith and Gifford Springs open year around.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreation activities permitted by these regulations.

The U. S. Fish and Wildlife Service had determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: March 19, 1980.

L. A. Mehrhoff,

Area Manager.

[FR Doc. 80-9670 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 230

Taking of Bowhead Whales by Indians, Aleuts, or Eskimos for Subsistence Purposes

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final rulemaking.

SUMMARY: At its 31st Annual Meeting held in London on July 9-13, 1979, the International Whaling Commission (the IWC) adopted an amendment to the Schedule of the International Convention for the Regulation of Whaling (the Convention) which established a quota for the taking of the Bering Sea stock of bowhead whales for calendar year 1980 of 18 landed or 26 struck, whichever occurs first. Under the terms of the Convention, the Schedule containing the 1980 quota became effective on October 24, 1979.

On January 22, 1980 proposed regulations were published to implement the 1980 management program (45 FR 4366). A public meeting was held in Washington, D.C. on January 16, 1980. Seven written comments were received on the proposed regulations. These final rules implement the 1980 quota of 18 landed or 26 struck among villages, prohibit killing a calf or whale accompanied by a calf, minimize licensing requirements, allow salvage of stinkers, require oral reports, and provide penalties for violations.

EFFECTIVE DATE: March 31, 1980.

ADDRESS: Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Dr. William Aron, Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, telephone: (202) 634-7461.

SUPPLEMENTARY INFORMATION: Prior to 1977, the IWC Schedule did not set a quota for native subsistence harvest of bowhead whales, but prohibited commercial hunting of bowheads. In 1977, the IWC established a native subsistence quota for 1978 of 12 landed or 18 struck, subsequently modified to 14 landed or 20 struck, whichever occurred first. Annual quotas have been established in subsequent years; 18 landed or 27 struck for calendar year 1979, and 18 whales landed or 26 struck for calendar year 1980. The authority of the Federal Government to regulate Eskimo whaling under the Convention has been challenged judicially in *Hobson v. Kreps*. The District Court decided in favor of the United States. That decision is on appeal before the 9th Circuit. We have decided to continue with the past regulatory regime until judicial review is completed.

Regulations in effect during 1978 and 1979 allocated the available quotas to nine whaling villages. There are no substantive differences between the regulations established for 1979 and those for 1980. One less strike is available for 1980, which, based on historical records, is being subtracted from the allocation given to Nuigsut.

The final rules are essentially unchanged from the proposed rules. The provision for an expiration date of December 31, 1980 contained in § 230.70 has been deleted in the final rules to provide the National Marine Fisheries Service (NMFS) greater flexibility in making quota reallocations when necessary. The NMFS considered adding a provision this year relating to proscriptions on the export or sale in interstate commerce of whale meat, but concluded that such a provision was unnecessary in light of the proscriptions contained in the Endangered Species Act, 16 U.S.C. 1531-1543.

Public Comments

Comments on the proposed regulations were solicited from all interested parties. In view of the time which remained before the anticipated beginning of the spring hunt, these comments were to be received on or before March 4, 1980. The following parties submitted written comments:

Committee for Humane Legislation, Inc. with Friends of Animals, Inc.
Monitor with the Whale Protection Fund
Defenders of Wildlife
The Center for Action on Endangered Species
Mauneluk Manpower
Preston Michel
Whale Center

In addition a public meeting was held in Washington, D.C. on January 16, 1980 prior to publication to discuss the proposed regulations. The meeting was attended by representatives from the Department of the Interior, the Department of State, Council on Environmental Quality, the Marine Mammal Commission, Monitor, National Wildlife Federation, Center for Environmental Education, Whale Protection Fund, Society for Animal Protective Legislation, and Alaska Eskimo Whaling Commission (AEWC)

legal counsel. Most questions addressed the quota allocation provisions.

Village Allocation

Some commentors queried whether there should be village allocations. This question was fully evaluated in 1979. We retained them for two important reasons. First, they provide a framework and incentive for village associations to abide by the law. Second, even though an overall quota might appear easier to enforce than village quotas, Alaskan natives would be able to claim lack of knowledge about the number of whales landed and struck in other communities, and so attempt to avoid prosecution for exceeding an overall quota. The comments received this year did not provide any reason to change this decision.

Quotas

Seven written comments were received, six of which confined their recommendations to the overall quota which should be implemented. One comment questioned the validity of the IWC quota; one comment recommended a zero quota for 1980 and beyond; three comments recommended a total quota of 18 whales struck; and, one comment recommended the quota established by the AEWC, i.e. no more than 2% of the best bowhead whale population estimate. Reasons given for reducing the 1980 quota established by the IWC are: the endangered status of the bowhead whale; the IWC Scientific Committee views regarding a quota based only on biological grounds; the uncertainty of bowhead whale population and recruitment estimates; the potential threat to the species and its habitat from Outer Continental Shelf oil and gas development; an incentive for conservative whaling practices; a positive step toward regaining credibility within the IWC and demonstrating U.S. leadership in whale conservation; the IWC Nutrition Panel report with regard to nutritional dependence on the bowhead whale; and, the lack of certainty with respect to the relationship of the actual bowhead quota to the cultural survival.

The reasons given for increasing the quota are that the Government should support self-regulating systems such as the AEWC and be responsive to the nutritional and cultural needs of the Eskimos.

The recommendation to increase the quota cannot be adopted because the U.S. Government does not have the authority to amend unilaterally the IWC Schedule. The IWC has the authority under the Convention to set quotas which are published in Schedules annually. The Commission set the quotas for the 1980 season at its 31st Annual Meeting in July, 1979. The Convention provides that amendments to the Schedule shall become effective with respect to the contracting governments 90 days following notification of the amendment by the IWC unless a contracting government has presented an objection to this Schedule. The Whaling Convention Act of 1949 requires NMFS to publish the IWC Schedule after it has become effective. It does not grant authority to increase the IWC quotas.

The recommendations to reduce the quota to 16 struck were not adopted. While recognizing that such recommendations are designed to reduce the struck and lost rate rather than to reduce the total number of landed whales available to the Eskimos, we believe that with the present state of hunting technology, a quota of 18 struck would not provide assurance or sufficient opportunity for Eskimo needs to be met. Similarly, the recommendation for a zero quota was not adopted because it would risk jeopardizing the survival of the Eskimos culture.

Other Issues

One comment recommended the following changes to the regulations: redefine "wasteful manner" to prohibit the use of a rifle or use of a shoulder gun before a line and float have been attached to a whale; require a $100 license fee; require sequential numbering and inspection by NMFS agents of each lance, harpoon, and explosive dart prior to the beginning of the hunt; require each captain at the end of the season to show NMFS agents the remaining darts; establish a presumption that the missing weapons represent unreported whales; define minimum crew size; and redefine the conditions under which a whaling license will be suspended.

In general these comments reflect the issue of the nature and extent of Federal regulation versus native self-regulation. Comments similar in substance were carefully evaluated in the development of the 1978 and 1979 regulations. It has been our policy to minimize Federal interference with traditional cultural community practices and to encourage self-regulatory efforts by natives to the extent possible under the Convention. This policy is consistent with the position taken by the U.S. at the 31st annual meeting of the IWC and with the policies and goals of the Marine Mammal Protection Act of 1972 (MMPA) and the Endangered Species Act of 1973, as amended (ESA).

We do not believe the regulation regarding "wasteful" harvest is unenforceable as written. As stated in the 1978 regulations (43 Fed. Reg. 13885), the general proscription of wasteful manner in these final regulations contemplates the prohibition of whaling activities generally recognized as wasteful. The use of a rifle to strike a bowhead clearly is not likely to result in its landing and, therefore, falls within this proscription. Similarly, the use of a shoulder gun without implanting in the whale a dart with line and float attached, which could result in the loss of the whale, would be a violation of the regulations.

The Eskimos, through the AEWC, are continually trying to improve hunting skills and captains are encouraged to hunt in a nonwasteful manner. Adopting the AEWC guidelines as a Federal regulation would not increase this effort and may have the adverse effect of reducing native cooperation in reducing waste. On the other hand, we do not believe enforceability is impaired by failure to include the AEWC guidelines in the Federal regulations. Beyond the guidelines stated in the paragraph above, the question of whether hunting is conducted in a wasteful manner depends on an examination of the particular facts in each case. We believe the standards as stated in the preamble and in the AEWC guidelines are sufficiently clear for the purposes of enforcement action, and on balance, no useful purpose is served by including them in the body of the regulation. The definition of wasteful taking under the Whaling Convention Act is the same definition used under the MMPA and the ESA.

The recommendation to require a $100 license fee has not been adopted becaue we believe that such a fee is appropriate only in the case of commercial whaling operations.

The recommendations that NMFS sequentially number and inspect each lance, harpoon, and explosive dart prior to the spring hunt, and that captains be required to show NMFS agents the remaining weapons at the end of the season were not adopted. Such requirements would be unenforceable because of the availability of weapons on the open market and because of the rigorous nature of the hunt, weapons could be lost easily. The assumption that every weapon lost represents a whale is unfounded. Weapons are lost when boats overturn, or when the weapons miss the target. More than one weapon may strike a single whale or may be used to take a different species

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of whale. None of these weapons would represent a struck and lost bowhead.

The recommendation to specify a minimal crew size was not adopted because we believe that such a specification is not necessary to ensure that proper hunting methods are employed and because of our desire to minimize Federal interference with traditional cultural community practices. The number of crew members constituting "adequate" varies with the circumstances and would have to be examined on a case-by-case basis. As in the case of defining "wasteful manner" we believe that the most progress in reducing waste is achieved by continuing to support the efforts of the AEWC to improve hunting techniques.

Finally, the recommendation that § 230.73(b) be changed to read that the Assistant Administrator "shall suspend for a period of one year any whaling captain who intentionally or negligently fails to comply with these regulations" was not adopted. Removal of discretion with regard to use of licenses as a regulatory tool would not materially aid in enforcement of these regulations. The decision to suspend a license would be based on a careful examination of all of the circumstances surrounding each alleged violation on a case-by-case basis.

In order to ensure the members of the public sector interested in or affected by the final regulations are informed of the final regulations, the National Oceanic and Atmospheric Administration will issue a press release announcing the publication of the final regulations and will also send copies of the final regulations directly to the AEWC, the village councils of Savoonga, Gambell, Wales, Kivalina, Point Hope, Wainwright, Barrow, Kaktovik, and Nuigsut, and to U.S. conservation organizations.

Note.—The NMFS has determined that no environmental impact statement needs to be prepared in connection with these regulations. The NMFS has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under Executive Order 12044.

A Final Environmental Impact Satement (FEIS), October 1977, a Final Supplement to the FEIS, March 1979, prepared on the 1979 regulations, and an Environmental Assessment of the 1980 regulations are available upon request from the Information Contact previously indicated.

1. 50 CFR Part 230 is amended by revising § 230.10(b) to read as follows:

§ 230.10 Licenses and scientific permits.

* * * * *

(b) No permit or license shall be issued except as provided in § 230.13 and §§ 230.70 through 230.77. Licenses issued under § 230.73 shall be governed solely by the requirements of §§ 230.70 through 230.77.

2. 50 CFR part 230 is amended by revising §§ 230.70–230.77 and the undesignated center heading to read as follows:

Subsistence

Sec.

230.70 General.
230.71 Definitions.
230.72 Prohibited acts.
230.73 Licenses.
230.74 Quotas.
230.75 Salvage of Stinkers.
230.76 Reporting by Whaling Captains.
230.77 Penalties.

Authority: Whaling Convention Act (WCA 16 U.S.C. 916a–1).

Subsistence

§ 230.70 General.

The provisions of §§ 230.70 through 230.77 govern subsistence whaling for bowhead whales.

§ 230.71 Definitions.

As used in §§ 230.70 through 230.77 of this Part 230:

(a) "Assistant Administrator" means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration;

(b) "Bowhead" means a whale of the Bering Sea stock of bowhead whales, *Balaena mysticetus;*

(c) "Calf" means any bowhead which is less than 21 feet in length as measured from the point of the upper jaw and the notch between the tail flukes;

(d) "Landing" means bringing a bowhead or any parts thereof onto the ice or land in the course of whaling operations;

(e) "Whaling captain" or "captain" means any Indian, Aleut, or Eskimo domiciled in a whaling village who is in charge of a vessel and a whaling crew;

(f) "Stinker" means a dead unclaimed bowhead found upon a beach, stranded in shallow water, or floating at sea;

(g) "Strike" means hitting a bowhead with a harpoon, lance, or explosive dart;

(h) "Whaling" means the hunting, striking, harassing, killing, or landing of bowheads, but does not include the salvage or processing of any stinker;

(i) "Whaling crew" means those persons under the control of a captain, who collectively participate as a unit in whaling;

(j) "Whaling village" means any of the villages of Gambell, Savoonga, Wales, Kivalina, Point Hope, Wainwright, Barrow, Nuigsut, and Kaktovik in the State of Alaska; and

(k) "Wasteful manner" means a method of whaling which is not likely to result in the landing of a struck bowhead or which does not include all reasonable efforts to retrieve the bowhead.

§ 230.72 Prohibited acts.

(a) No person shall engage in whaling except a whaling captain licensed pursuant to § 230.73 or a member of a whaling crew under the control of a captain.

(b) No whaling captain shall engage in whaling for any calf or any bowhead whale accompanied by a calf.

(c) No whaling captain shall engage in whaling in a wasteful manner.

(d) No whaling captain shall engage in whaling without an adequate crew or without adequate supplies and equipment.

(e) No person may receive money for participation in native subsistence whaling.

(f) No whaling captain shall continue to whale after, (1) the quota set forth in § 230.74 for his village of domicile is reached, or (2) the license under which he is whaling is suspended as provided in § 230.73(b), or (3) the Assistant Administrator has declared that the whaling season is closed pursuant to § 230.74(c).

(g) No whaling captain shall claim domicile in more than one whaling village.

(h) No person may salvage a stinker without complying with the provisions of § 230.75.

(i) No whaling captain shall engage in whaling with a harpoon, lance, or explosive dart which does not bear a permanent distinctive mark identifying the captain as the owner thereof.

§ 230.73 Licenses.

(a) A license is hereby issued to whaling captains.

(b) The Assistant Administrator may suspend the license of any whaling captain who fails to comply with these regulations.

§ 230.74 Quotas.

(a) During the calendar year 1980, the quota for bowheads is allocated among whaling villages as follows:

(1) Savoonga—2 whales landed or 3 struck, whichever occurs first;

(2) Gambell—2 whales landed or 3 struck, whichever occurs first;

(3) Wales—1 whale landed or 1 struck, whichever occurs first;

(4) Kivalina—1 whale landed or 2 struck, whichever occurs first;

(5) Pt. Hope—2 whales landed or 3 struck, whichever occurs first;

(6) Wainwright—2 whales landed or 3 struck, whichever occurs first;

(7) Barrow—5 whales landed or 7 struck, whichever occurs first;

(8) Kaktovik—2 whales landed or 3 struck, whichever occurs first;

(9) Nuigsut—1 whale landed or 1 struck, whichever occurs first;

(b) When the number of bowheads struck or landed by whaling captains domiciled in a whaling village equals the quota for such whaling village as set forth in paragraph (a) of this section, whaling by all captains domiciled in that whaling village shall cease. All license holders shall be notified promptly by the Assistant Administrator for Fisheries using all reasonable means of communication. Licenses held by whaling captains domiciled in a whaling village which has reached its quota shall not be valid after the quota for that whaling village has been reached.

(c) The Assistant Administrator for Fisheries shall monitor the bowhead whale hunt and keep tally of the number of bowheads landed and struck. When the number of bowhead whales landed or struck reaches the sum total of the village allocations set forth in § 230.74(a), the Assistant Administrator for Fisheries may declare that the whaling season is closed and there shall be no further whaling during the calendar year 1980. Closure shall become effective upon receipt by the Federal Register of notice by the Assistant Administrator for Fisheries that the season has been closed pursuant to this regulation.

(d) If for any reason the landing or struck quota for whaling villages is not reached, the part of the quota which remains may be reassigned by the Assistant Administrator to a second whaling village: Provided, that if any other whaling village has exceeded its quota, the Assistant Administrator shall not reassign the quota if he determines that it is likely to result in the total number of whales landed or struck exceeding the bowhead quota then in effect under the Schedule of the International Convention for the Regulation of Whaling. In making such reassignment, the Assistant Administrator shall consult with representatives of as many whaling villages as time reasonably permits.

§ 230.75 Salvage of stinkers.

(a) Any person salvaging a stinker shall submit to the Assistant Administrator or his representative an oral or written report describing the circumstances of the salvage within 12 hours of such salvage. He shall provide promptly to the Assistant Administrator or his representative each harpoon, lance, or explosive dart found in or attached to the stinker. The device shall be returned to the owner thereof promptly unless it is retained as evidence of a possible violation.

(b) There shall be a rebuttable presumption that a stinker has been struck by the captain whose mark appears on the harpoon, lance, or explosive dart found in or attached thereto, and, if no strike has been reported by such captain, such strike shall be deemed to have occurred at the time of recovery of the device.

§ 230.76 Reporting by whaling captains.

(a) A representative of the Assistant Administrator may request each whaling captain licensed pursuant to § 230.73 to provide written statement of his name and village of domicile and a description of the distinctive marking to be placed on each harpoon, lance and explosive dart. Representatives of the Assistant Administrator may provide each captain with a form approved by the Assistant Administrator to facilitate reporting under this paragraph.

(b) Each whaling captain shall provide to appropriate representatives, on request, an oral or written report of whaling activities including but not limited to the striking, attempted striking, or landing or a bowhead whale and where possible, specimens from landed whales. The Assistant Administrator is authorized to provide technological assistance to facilitate prompt reporting and collection of specimens from landed whales, including but not limited to ovaries, ear plugs, and baleen plates. The report shall include at least the following information:

(1) The number, dates, and locations of each strike, attempted strike, or landing;

(2) The length (as measured from the point of the upper jaw and the notch between the tail flukes), the extreme width of the flukes, and the sex of the bowhead(s) landed;

(3) The length and sex of a fetus, if present in a landed bowhead whale;

(4) An explanation of circumstances associated with the striking or attempted striking of any bowhead whale not landed; and

(5) The number of bowhead whales sighted by the whaling captain or any member of the whaling crew.

§ 230.77 Penalties.

Any person who whales in contravention of these regulations, or violates any other provision of the Whaling Convention Act shall be subject to the penalties set forth in 16 U.S.C. 916e and 916f, and any other penalties provide by law.

Note.—Due to the imminence of the spring whaling season and the need to ensure an equitable distribution of the limited number of bowhead whales that are permitted to be taken, it is found for good cause shown that the thirty day delay in the effective date of these regulations may be waived. Consequently, these regulations are effective March 31, 1980.

Dated: March 19, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-9300 Filed 3-27-80; 8:45 am]
BILLING CODE 3510-22-M

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Proposed Rules

Federal Register
Vol. 45, No. 62
Friday, March 28, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1124

Milk in the Oregon-Washington Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend certain order provisions relating to how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. The proposed suspension would remove the limit on such movements of milk during the months of March-August 1980. The action was requested by three cooperative associations to assure the efficient disposition of milk not needed for fluid use and to maintain producer status under the order for their dairy farmer members regularly associated with the market.

DATE: Comments are due on or before April 4, 1980.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1017, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:
Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-7183.

SUPPLEMENTARY INFORMATION:

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Oregon-Washington marketing areas is being considered for the months of March-August 1980; in the third sentence of paragraphs (a) and (b) of § 124.11, the word "not."

All persons who want to comment on the proposed suspension should send two copies of them to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, on or before the seventh day after the **Federal Register** publication.

The period of filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include March 1980 in the suspension period. The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (CFR 1.27(b)).

Statement of Consideration

The proposed action would remove the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants during the months of March-August 1980. The order now provides that during any month a cooperative association may divert a total quantity of producer milk not in excess of the total quantity received during the month from all member producers at pool plants. Similarly, the operator of a pool plant may divert a total quantity of producer milk not in excess of the total quantity received from producers (for which the operator of such plant is the handler during the month) at such pool plant.

The suspension was requested by three cooperative associations representing a substantial number of producers on the market. The basis for the request is that current marketing conditions require the three associations to handle an increasing quantity of reserve milk supplies during March-August 1980 because of increased milk production by member producers. They indicated that this situation is aggravated by the fact that sales to one of their principal fluid outlets have declined substantially since the first of the year because the outlet lost a large wholesale contract. Also, the cooperatives state that sales to another outlet can no longer count as a credit in determining their diversion allowances since the outlet is no longer a pool plant under the order.

The cooperatives indicate that their reserve milk supplies are customarily moved directly from member farms to nonpool manufacturing plants. However, because of current marketing conditions, they expect their reserve milk supply during March-August 1980 to exceed the quantity of producer milk that may be diverted to nonpool manufacturing plants under the order's present diversion limitations. Without this suspension, the cooperatives believe that a substantial part of the milk of their member producers who have regularly supplied the fluid market would have to be moved uneconomically, first to pool plants and then to the nonpool manufacturing plants, in order to still maintain producer status for such milk during the months of March through August 1980.

Signed at Washington, D.C., on March 26, 1980.

William T. Manley,
Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-9639 Filed 3-27-80; 8:45 am]
BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Advance Notice of Proposed Revision of REA Bulletin 183-1, Depreciation Rates and Procedures

AGENCY: Rural Electrification Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: REA proposes to revise REA Bulletin 183-1, Depreciation Rates and Procedures, to provide additional information on depreciation rates and practices to REA electric borrowers. Public comments are invited.

DATE: Public comments must be received by REA no later than April 28, 1980.

ADDRESS: Persons interested in the proposed revisions may submit written data, views, suggestions or comments to the Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:
Mr. Sheldon Chazin, Director, Accounting and Auditing Division, above address, telephone number (202) 447-7221.

SUPPLEMENTARY INFORMATION: Due to the steadily increasing cost of electric utility plants and the subsequent increase in the importance of proper depreciation accounting, REA decided to review its depreciation rates and procedures (REA Bulletin 183-1). Based on a review of industry practices, REA will be updating Bulletin 183-1 and will be providing its borrowers with additional information for use in the review and revision of their own rates and procedures. In addition, we will be reemphasizing the use of composite depreciation rates and the importance of assigning meaningful depreciation rates to the primary plant accounts in developing this composite rate.

All interested parties are invited to comment on this notice. Further public comment will be solicited when the proposed rule is published.

Dated: March 20, 1980.

Joseph Vellone,
Acting Assistant Administrator—Administration.

[FR Doc. 80-9174 Filed 3-27-80; 8:45 am]
BILLING CODE 3410-15-M

7 CFR Part 1701

Advance Notice of Proposed Revision of REA Bulletin 115-2, Merger and Consolidation of Electric Distribution Borrowers

AGENCY: Rural Electrification Administration, USDA.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: REA proposes to update the present bulletin, setting forth REA's policy regarding mergers and consolidations of electric distribution borrowers, to urge borrowers to look at merger possibilities as a method for lowering costs, to set forth the mortgage requirements for mergers and consolidation, and to describe the available REA assistance.

DATE: Public comments must be received by REA no later than: April 28, 1980.

ADDRESS: Persons interested in the proposed revisions may submit written data, views, suggestions or comments to the Borrowers Management Branch, Electric Loans and Management Division, Rural Electrification Administration, Room 3859, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT:
Mr. Edward Moran, Management Analysis Officer, above address, telephone number 202-447-3446.

SUPPLEMENTARY INFORMATION: The present bulletin sets forth REA policy on mergers and provides a guideline for mergers. Under consideration is a proposal to expand the bulletin to provide the borrowers with more information on mergers.

Dated: March 21, 1980.

Joe S. Zoller,
Assistant Administrator—Electric.

[FR Doc. 80-9805 Filed 3-27-80; 8:45 am]
BILLING CODE 3410-15-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 50

No Significant Hazards Consideration

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations to specify criteria for determining whether a proposed amendment to an operating license or to a construction permit for a commercial or large production or utilization facility involves no significant hazards consideration. If the Commission determines that no significant hazards consideration is involved, it may issue an amendment to an operating license or to a construction permit and then publish a notice of the amendment in the **Federal Register**. Otherwise, it must publish the notice at least 30 days before the amendment is issued.

The proposed amendments to the regulations are in response to a petition for rulemaking filed on May 7, 1976, by Mr. Robert Lowenstein on behalf of three petitioners (Boston Edison Company, Florida Power and Light Company, and Iowa Electric Light and Power Company) requesting that criteria be specified to determine when no significant hazards consideration is involved.

DATE: Comment period expires May 27, 1980.

ADDRESSES: All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by May 27, 1980. Copies of comments received on the proposed rulemaking and comments received on the petition for rulemaking (PRM 50-17) may be examined in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
Mr. W. E. Campbell, Jr., Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Phone 301-443-5913.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission has under consideration amendments to its regulations in 10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings," and 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities." The purpose of the amendments is to revise §§ 2.105(a)(3), 50.58(b) and 50.91 to specify criteria for determining whether a proposed amendment to an operating license or to a construction permit for a commercial or other large production or utilization facility [one licensed under section 103 or 104(b)]; or a testing facility licensed under 104(c) of the Atomic Energy Act of 1954, as amended ("the Act"), involves no significant hazards consideration. The proposed amendments result from a petition for rulemaking (PRM 50-17) submitted by letter to the Secretary of the Commission on May 7, 1976, by Mr. Robert Lowenstein of the law offices of Lowenstein, Newman, Reis and Axelrad, acting on behalf of the Boston Edison Company, Florida Power and Light Company and Iowa Electric Light and Power Company. The petitioners request the Nuclear Regulatory Commission to amend 10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings," and 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," with respect to the issuance of amendments to operating licenses for production and utilization facilities.

Section 189a of the Act provides that, upon thirty days notice published in the **Federal Register**, the Commission may issue an operating license or an amendment to an operating license or an amendment to a construction permit for a facility licensed under section 103 or 104(b), or a testing facility licensed under section 104(c) without a public hearing if no hearing is requested by any interested person. However, § 189a permits the Commission to dispense with such thirty days notice and **Federal Register** publication with respect to the issuance of an amendment to a construction permit or an amendment to an operating license upon a determination by the Commission that the amendment involves no significant hazards consideration. In cases where the Commission determines that there is no significant hazards consideration, the

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Commission may issue the amendment and then publish a notice in the **Federal Register**. In such cases, interested members of the public who wish to object to the amendment and request a hearing may do so, but a request for hearing does not, by itself, suspend the effectiveness of the amendment. Sections 50.58(b) and 50.91, 10 CFR, of the Commission's regulations implementing § 189a contain no criteria for determining when an amendment involves no significant hazards consideration.

The petitioners' proposed amendments to the regulations would require that the staff take into consideration, in determining whether a proposed amendment to an operating license involves a significant hazards consideration, whether operation of the plant under the proposed license amendment will (1) substantially increase the probability or consequences of a major credible reactor accident or (2) decrease the margins of safety substantially below those previously evaluated for the plant and below those approved for existing licenses. It is proposed that, if the staff reaches a negative conclusion as to both of these criteria, the proposed amendment shall be considered not to involve a significant hazards consideration.

The petition (Docket 50–17) was published for comment in the **Federal Register** on June 14, 1976 (41 FR 24006). Comments have been received from eight persons, four of whom are in favor of granting the petition and four of whom are opposed. Those in favor generally argued that the petitioners' proposed amendments, if adopted, would help eliminate unnecessary delays in effecting amendments to an operating license. Those opposed generally argued that the petitioners' proposed amendments would be contrary to congressional intent since they would tend to eliminate public participation. Opposing arguments were also made to the effect that the petitioners' proposed amendments would change the standard of review from one of finding "non-significance" to one of finding "substantial change," thus shifting the burden of proof. One opposing commenter also stated that the amendments could result in lengthy litigation over the meanings of the criteria proposed by the petitioners.

After consideration of the petitioners' proposed amendments and public comments received, the Commission believes that the licensing process can be improved by specifying criteria with respect to the meaning of "no significant hazards consideration." The Commission, however, does not agree with the petitioners' proposed criteria because of the limitation to "major credible reactor accidents" and their failure to include accidents of a type different from those previously evaluated.

During the past several years, the Staff has been guided in reaching its findings with respect to "no significant hazards consideration" by staff criteria and examples of amendments likely to involve, and not likely to involve, significant hazards considerations. These criteria and examples have been promulgated within the Staff and have proven useful to the Staff. The Commission believes it would be useful to consider incorporating these criteria into the Commission's regulations for use in determining whether a proposed amendment to an operating license or to a construction permit of any production or utilization facility involves no significant hazards consideration. Subsequent to the resolution of the comments received on the proposed rule the Commission intends to incorporate into a Regulatory Guide the examples associated with the criteria.

Examples of amendments that are considered likely to involve significant hazards consideration are listed below.

(i) A significant relaxation of the criteria used to establish safety limits.

(ii) A significant relaxation of the bases for limiting safety system settings or limiting conditions for operation.

(iii) A significant relaxation in limiting conditions for operation not accompanied by compensatory changes, conditions, or actions that maintain a commensurate level of safety.

(iv) Renewal of an operating license.

(v) For a nuclear reactor, an increase in authorized maximum core power level not previously publicly noticed.

(vi) A change to technical specifications involving a significant unreviewed safety question.

Examples of amendments that are considered not likely to involve significant hazards consideration are listed below.

(i) A purely administrative change to technical specifications; for example, a change to the Definitions Sections, correction of an error, or a change in nomenclature.

(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications; for example a more stringent surveillance requirement.

(iii) For a nuclear power reactor, a change resulting from a nuclear reactor core reloading if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question are involved. This assumes that no significant changes are made to the acceptance criteria for the technical specifications, the analytical methods used to demonstrate conformance with the technical specifications and regulations are not significantly changed, and such methods previously have been found acceptable by the NRC.

(iv) A relief granted upon demonstration of acceptable operation from an operating restriction that was imposed because acceptable operation was not yet demonstrated.

(v) A relief granted upon satisfactory completion of construction from an operating restriction that was imposed because the facility construction was not yet completed satisfactorily.

(vi) A change which either increases the probability or consequences of a previously analyzed accident or reduces a safety margin but for which the results of the change are within regulation acceptance criteria; for example resulting from the application of a small refinement of a previously used calculational model or design method.

(vii) A change to make a license conform to changes in the regulations.

(viii) An extension of the date, in a construction permit, for the completion of construction.

It should be noted that in the event an amendment to an operating license or construction permit involves no significant hazards consideration, the staff will cause a notice of proposed action to be published in the **Federal Register** prior to acting on the amendment when it is determined, pursuant to 2.105(a)(4), that an opportunity for a public hearing should be afforded.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 2 and 10 CFR Part 50 is contemplated.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDING

1. Paragraph 2.105(a)(3) of 10 CFR Part 2 is revised to read as follows:

§ 2.105 Notice of proposed action.

(a) • • •

(3) An amendment of a license specified in paragraph (a)(1) or (2) of this section and which involves a significant hazards consideration. The determination of significant hazards consideration for production and utilization facilities licensed under sections 103 and 104(b) of the Act or a testing facility licensed under section 104(c) shall be based on the criteria set forth in § 50.91(b) of this chapter; or".

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

§ 50.58 [Amended]

2. Paragraph 50.58(b) of 10 CFR Part 50 is amended by revising the last sentence to read: "If the Commission finds that no significant hazards consideration is presented by an application for an amendment to a construction permit or operating license, considering the criteria set forth in § 50.91(b), it may dispense with such notice and publication and may issue the amendment."

3. 10 CFR Part 50, § 50.91 is amended by redesignating the present paragraph as paragraph "(a)" and adding new paragraphs (b) and (c) to read as follows:

§ 50.91 Issuance of amendment.

(a) In determining whether • • •

(b) In making a determination that a proposed amendment to a license or construction permit involves no significant hazards consideration, the Commission will consider whether operation of the facility in accordance with the proposed amendment would (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of an accident of a type different from any evaluated previously, or (3) involve a significant reduction in a margin of safety.

(c) If the Commission reaches a negative conclusion on all criteria set forth in (b)(1), (2) and (3)of this section, the proposed amendment shall be considered to involve no significant hazards consideration.

(Secs. 161i, 189 as amended, Pub. L. 83–703, 68 Stat. 948, 955, Pub. L. 85–256, 71 Stat. 576 (42 U.S.C. 2201, 2239); Sec. 201, Pub. L. 93–438, 88 Stat. 1243 (42 U.S.C. 5841))

Dated at Washington, D.C., this 21st day of March, 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-9292 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

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10 CFR Part 20

Advance Notice of Rulemaking on Certification of Personnel Dosimetry Processors

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Advance notice of rulemaking to improve accuracy in personnel dosimetry.

SUMMARY: Tests have indicated that a significant percentage of personnel dosimetry processors may not be performing with an appropriate degree of accuracy. Alternatives for action to correct this situation are presented. Interested persons are invited to submit comments on these alternatives.

DATES: Comment should be received by May 27, 1980.

ADDRESSES: Comments or suggestions for consideration in connection with these alternatives may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Robert E. Alexander, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301–443–5975.

SUPPLEMENTARY INFORMATION: Recent tests indicate that a significant percentage of the personnel dosimetry processors in the United States are not performing with a degree of accuracy acceptable to the NRC when compared against a consensus standard prepared under the auspices of the American National Standards Institute.* To the extent that these test results are representative of routine field conditions, the results indicate that the dose received by occupationally exposed personnel may often be considerably different from the dose reported by the dosimetry processor. Where complete reliance for individual dose determinations is placed on personnel dosimeters, control of individual radiation exposures may not be accomplished as well as is indicated, and compliance with regulatory dose limits may not, in fact, be achieved. The test results indicate that individual doses may be over or understated. Further, these incorrect measurements could become a source of error when the dosimetry data are used in epidemiological studies intended to investigate the does-effect relationship.

The principal causes of the inconsistent test measurements that have been observed are not well understood. There is some evidence that the inconsistencies are due primarily to differences between the dosimeter irradiation techniques used by the teater and the calibration methods used by the processors; this possiblility is discussed in the following paragraph. However, actual inaccuracies may arise because of inadequate quality control in dosimeter manufacturing or in a few cases because of ineptitude on the part of the processor. These different problems would require different solutions, so that appropriate regulatory corrective action is very dependent on a better understanding of the causes of the problem.

Regarding the adoption of methods for correcting this problem, it is evident from at least two important considerations that caution should be exercised. First, as previoulsy mentioned, the inconsistent test measurements refer to differences between the amount of radiation delivered to a dosimeter, under highly controlled laboratory conditions, by the individuals conducting the test, and the amount of radiation subsequently reported by the processor. These tests do not necessarily measure the difference between the radiation delivered to a dosimeter worn by a worker and the radiation subsequently reported by the processor. For example, the radiation source used by the processor to calibrate the dosimeter may emit radition of the same or very similar quality as the radiation to which the worker is exposed, but may be quite different from the radiation used by the tester to irradiate the processor's test dosimeters. Thus, standardization of calibration techniques among U.S. processors, which may be essential for achieving good performance in a test program, could in some cases produce apparent improved accuracy while actually introducing greater errors in the personnel dose measurement process.** This consideration is an integral part of the personnel dosimetry problem and must receive full consideration in corrective action planning.

Secondly, any regulatory action taken must be handled in a manner to ensure that sufficient personnel dosimetry services remain available. Unnecessarily severe or improper corrective action could reduce the number of available processors to the extent that the dose determinations for some workers could be adversely affected.

* Pilot study conducted for the NRC by the University of Michigan.

** For example, a processer may calibrate beta dosimeters for workers at a uranium fuel fabrication plant using a uranium slab; the tester may use a strontium-90 source. The processor could then measure the workers' doses accurately but could fail the performance test.

One of the major sources of error in personnel dosimetry is known to be the potential difference between the actual dose received by the dosimeter and the actual dose received by the wearer. Such differences can, for example, be due to shielding of the dosimeter by the body when the worker is not facing the source of radiation or due to different irradiation of the part of the body on which the dosimeter is worn than of other parts of the body. These sources of error are recognized but are not part of the dosimeter processing problem that is being considered for correction.

A Federal Interagency Policy Committee on Personnel Dosimetry Performance has been formed to guide and coordinate correction of the dosimetry processor performance problem. Represented on this Committee are: the Bureau of Radiological Health (HEW), the Department of Defense, the Department of Energy, the Environmental Protection Agency, the National Bureau of Standards (NBS), the Nuclear Regulatory Commission, the Occupational Safety and Health Administration (DOL), and the Conference of Radiation Control Program Directors (States). Dosimetry processors and users have indicated agreement that some corrective action is appropriate. A working group of the Health Physics Society Standards Committee (HPSSC) has developed and the American National Standards Institute (ANSI) has published a draft standard for dosimetry performance (N13.11, July 1978). This standard is considered to be the most important element in a corrective program. An industry committee (Personnel Dosimetry Overview Committee) has been formed to assist in ensuring that any proposed regulatory action is effective and appropriate to the need. However, agreement has not been reached as to the specific action that should be taken. Alternative corrective actions under consideration are discussed below.

Recent Federal Government Action

Some time ago, on November 30 and December 1, 1976, the Nuclear Regulatory Commission and other Federal agencies conducted a public meeting at which the personnel dosimetry performance problem was discussed in an open forum by personnel dosimetry processors, dosimetry users, and representatives of State governments and Federal agencies. Other co-sponsors of this meeting were the Energy Research and Development Administration (now the Department of Energy) and the Bureau of Radiological Health. These discussions revealed general agreement that a personnel dosimetry problem does exist and that the problem is sufficiently broad in scope that it should be addressed by the Federal government. However, many of the attendees cautioned against precipitous action and strongly recommended a pilot study (1) to evaluate the draft HPSSC/ANSI standard and (2) to provide precessors the opportunity to take any necessary corrective actions in their operations prior to the implementation of new Federal regulations on the dosimetry performance problem. These recommendations were accepted, and the Nuclear Regulatory Commission (NRC) subsequently issued a contract to the University of Michigan (UM) to conduct a two-year pilot study. The objectives of this study were:

(1) To determine whether the draft HPSSC/ANSI standard provides an adequate and practical test of dosimetry performance;

(2) To give processors an opportunity to correct any problems that are uncovered;

(3) To develop operational and administrative procedures to be used later by a permanent testing laboratory.

The study was completed December 31, 1979.

Conditions of the contract included a provision that any personnel dosimetry processor in the United States would be allowed to participate in the study on a strictly voluntary basis, provided only that the dosimeters tested be restricted to those used to provide the permanent record of occupational exposures. Processors were told that the UM would keep test results confidential (i.e., that no organization other than the UM would be able to associate specific results with the name of a processor), that all results would be published (in coded form), that the UM would charge no fee for participation, that the new HPSSC/ANSI standard would be used to evaluate their performance, that each participant would be given the opportunity to be tested twice and would also be given an opportunity to discuss with UM personnel the possible reasons for any poor performance prior to the second round of tests, and that the accuracy of the irradiations provided by the UM would be verified by the NBS, and that UM facilities and equipment would be open to inspection by the participants prior to the beginning of the tests. An open house was conducted for the latter purpose by the UM on April 20, 1978. Fifty-nine processors participated in the study; it is believed that very few U.S. processors did not participate. During the course of this study, the UM submitted monthly progress reports to the NRC. These reports are available for inspection or copying in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Copies may also be obtained by contacting the Public Document Room, (202) 634-3273. The final report for the study, NUREG/CR-1064, may be purchased from National Technical Information Service, Springfield, Virginia 22161.

The draft standard allowed processors to be tested in eight different radiation categories. The term "category" refers to the type of radiation being measured. For example, Category 1 is gamma radiation, Category 2 is high energy X-radiation, Category 3 is low energy X-radiation, etc. Within each category of the draft standard were several dose ranges called intervals. The consensus standard used in the pilot study evaluated a processor's ability to consistently and accurately perform within a specific tolerance limit for each interval. Failure to pass one interval within the category would cause a processor to fail the entire category test. A performance index, P, was calculated for each dosimeter as (reported dose minus the delivered dose) divided by the delivered dose. For each interval, the average performance index, P, and its standard deviation, S, were calculated. The draft standard incorporated a statistical test, $P + 2S$ equal to or less than a specific tolerance value. The tolerance value for any given interval was a function of the average delivered dose and varied from 0.3 to 2.0. A processor could only pass a given category if all intervals of a respective category were passed.

At the conclusion of the first round of testing, the results were examined by the NRC staff, by the Interagency Policy Committee on Personnel Dosimetry Performance, and by the industry's Personnel Dosimetry Overview Committee. The results indicated poor performance on the part of many processors. Only 23% of the category tests attempted by the processors were passed, using the criteria in the HPSSC/ANSI standard. None of the processors passed all of the tests attempted in the first round, but every category test was passed by at least one processor. These facts indicate that the standard is achievable and suggest that the problem may lie with the processor and/or with differences in irradiation techniques used by the UM and those used by the processors during their calibration procedures. The participants' performance in the first round was also evaluated used a simple percentage-passed basis (as opposed to the more complicated statistical formula of the standard). Again, generally poor performance was indicated. Using a simple ±30% pass-fail criterion for each and every dosimeter in a category during the first round of tests, the weighted average of all the processors reveals 7% of the category tests were passed (i.e., all dosimeters tested in all intervals of the category fell within the ±30% criterion). Using a ±50% criterion in the same manner, 21% of the category tests were passed. Thus, the results using the draft standard are similar to those using the ±50% criterion.

It had been anticipated at the beginning of the pilot study that processors who performed poorly during the first round of testing would be able to take corrective action prior to the second round and would improve their performance. The second-round results did indicate improvement over the first round. Approximately 35% of the category tests were passed. Using a simple ±30% pass-fail criterion for each dosimeter in a category during the second round of tests, the weighted average of all the processors reveals 19% of the category tests were passed (i.e., all dosimeters tested in all intervals of the category fell within ±30% criterion). Using a ±50% criterion in the same manner, 32% of the category tests were passed.

Processor performance was not based on the percentage of dosimeters that individually passed the criteria set forth in the standard. Of the 23,000 individual dosimeters evaluated during the pilot study, 85% of the dosimeters tested passed round one of the tests and 90% of the dosimeters passed in the second round. Failure of the 15% and 10% of the dosimeters tested, to meet minimum tolerances established by the HPSSC/ANSI in the standard is an unsatisfactory level of performance when determining individual dose assessments. In the pilot study, for example, high doses (i.e., 600 rads) delivered to some of the test dosimeters were actually undetected by some of the processors.

One processor, whose results in the first round were very poor, worked with UM personnel to identify and effect the necessary changes in the process and then performed very well during the second round, passing all categories attempted but one. Another processor passed all eight of the categories. These facts provide rather strong indications that conformance with the standard is attainable, but that many processors have not made the necessary changes in their operations.

After considering this situation, the Interagency Committee on Personnel Dosimetry Performance made the following recommendations:

(1) The actual causes of the poor performance should be determined with a greater degree of certainty before finalizing plans for corrective action;

(2) A notice should be published in the Federal Register for the purpose of notifying all personnel dosimetry processors and the public that the Federal Government is determined to take action as necessary to correct the personnel dosimetry problem.

Subsequently, the NRC staff authorized the UM to conduct a series of site visits with eight of the largest processors to try to determine the causes of poor performance. At the conclusion of these site visits, the UM personnel prepared a report which indicates four major causes:

(1) Inadequate calibration sources,

(2) Variability in the thermoluminescent dosimeter chips,

(3) Clerical errors,

(4) Lack of effort on the part of the processors to make the changes necessary to pass the tests.

This report, dated May 1979, is available in the Commission's Public Document Room in the file on personnel dosimetry performance testing.

Future Action

The pilot study was completed by the UM on December 31, 1979. Future action will be based in part on the final report. However, it is possible at this time to identify the following actions that the NRC has under consideration.

Processor Certification

According to this plan, the NRC would issue new regulations stating that personnel dosimetry results would be acceptable only if provided by a processor who is certified by a testing (i.e., certifying) laboratory approved by, or specified by, the NRC.

These processors would have to obtain and maintain their certification by passing, at a specified frequency, performance tests conducted by the certifying laboratory. The certifying laboratory(s) would use performance criteria published by the American National Standards Institute (ANSI) and referenced in the new regulations. These regulations: (1) Would adopt, possibly in modified form, the final ANSI standard evolving from draft ANSI standard N13.11; (2) would specify how frequently processors would have to demonstrate, through testing, their ability to comply with this standard; (3) would establish the procedure to be used by the NRC to let its licensees know which processors have been certified as well as those who have lost their certification; (4) would (except for one possibility noted below) name the testing and certification laboratory(s) required to be used; (5) would stipulate that the laboratory(s) would be monitored for technical competence by the National Bureau of Standards; and (6) would specify the procedure to be used for reinstating processors who have lost their certifications and have appealed.

Subsequently, other affected Federal and State agencies would be likely to consider adopting similar regulations. Although it is estimated that only about 15% of U.S. personnel occupationally exposed to measurable ionizing radiation (e.g., above 30 mrems per month) are engaged in NRC-licensed activities, it should be recognized that any NRC regulations in this area would affect a much larger percentage. This is true because most commercial processors serve customers other than NRC licensees, and any improvements in their operations would be likely to benefit all of their customers rather than just the NRC licensees.

Several alternatives are possible as to the operation of the testing and certification laboratory(s):

(1) *Unspecified Laboratory(s).* This alternative would require an amendment to the NRC regulations as described above but without naming the testing laboratory(s). The processors and users would thereby be left to their own initiatives to establish one or more laboratories, which would have to be monitored by the NBS. The NRC would have no control over the laboratory(s), except through regulations applying to its licensees. However, if it is stipulated that the licensee must obtain personnel dosimetry results under conditions as described above (except for naming the testing and certification laboratory(s)), NRC licensees could only use a processor who complies with these conditions, including monitoring by the NBS.

(2) *NRC-Operated Laboratory.* This alternative would also require an amendment to the NRC regulations as described above, but the testing laboratory would be a Government facility managed and operated by NRC employees. By charging an appropriate testing fee, costs for establishing, maintaining, and operating the laboratory could be recovered.

(3) *NRC-Contracted Laboratory.* Similar regulation amendments would be needed for this alternative, but the laboratory would be operated by an NRC contractor, using the contractor's facilities. Funding would be provided by testing fees.

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(4) *Federal Government (non-NRC) Operated Laboratory.* Similar regulation amendments would be needed for this alternative, but this testing laboratory would be operated by an agency of the Federal Government other than the NRC, preferably by one of the agencies experienced in laboratory testing work. Existing expertise could be utilized, or qualified personnel could be employed. The facilities would be Government-owned; funding would be provided by testing fees.

Invitation To Comment

Information pertaining to the personnel dosimetry problem discussed in this notice is invited, including comments on the alternative solutions described, suggestions of other alternatives, and estimates of costs anticipated in the process modifications necessary to permit successful passing of the ANSI standard criteria. Comments should be received by May 27, 1980.

Dated at Washington, D.C., this 21st day of March 1980.

For the Nuclear Regulatory Commission.

William J. Dircks,

Acting Executive Director for Operations.

[FR Doc. 80-9513 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Chapter III

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Semiannual agenda of regulations.

SUMMARY: The purpose of this agenda is to notify the public of the regulatory actions currently being considered by FDIC. The agenda provides information on regulations that have been proposed by FDIC but have not yet been finally adopted, certain regulations that are currently under development, and existing regulations that are under review. The agenda also contains a list of those regulations on which final action has been taken since the publication of the last agenda.

ADDRESS: Interested persons are invited to submit comments on the semiannual agenda to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429. Comments on a specific regulation included in the agenda should be addressed to the official whose name appears below with the information about the regulation.

FOR FURTHER INFORMATION CONTACT: Jerry L. Langley, Senior Attorney, Federal Deposit Insurance Corporation, 550 17th Street, N.W. Washington, D.C. 20429, 202–389–4237.

International Banking Act Amendments

[12 CFR Parts 303, 326, 328, 329, 331–333, 335, 337, 338, 341–343]

The International Banking Act of 1978 authorized Federal deposit insurance coverage for U.S. branches of foreign banks and in some cases requires insurance. The Act also establishes special requirements for branches which are insured. To bring foreign banks and branches within the coverage of its present regulatory scheme, FDIC intends to make a series of technical amendments to its existing regulations. Because these amendments are procedural in nature and are required by statute, FDIC may adopt them in final form without a comment period.

For further information, contact Margaret M. Olsen, Attorney, Legal Division, 202–389–4433.

Forms, Instructions, and Reports

[12 CFR Part 304]

Part 304 is being revised to update its information regarding the numbers, titles, and instructions for various forms being used by FDIC. It is expected that the revision will be issued as a final rule shortly.

For further information, contact Jerry L. Langley, Senior Attorney, Legal Division, 202–389–4237.

Rules of Practice and Procedure

[12 CFR Part 308]

FDIC is in the process of simplifying the language of this Part which sets forth the procedures used by FDIC in proceedings brought under section 8 of the Federal Deposit Insurance Act and certain other statutory provisions. The proposed revision should be published for comment shortly.

For further information, contact Werner Goldman, Assistant General Counsel, Legal Division, 202–389–4324.

Disclosure of Confidential Financial Information

[12 CFR Part 309]

FDIC is still considering an amendment to this Part that will provide for notice to a bank before FDIC releases business information submitted by the bank which the bank considers confidential. This is under consideration because of the concerns voiced by foreign banks now subject to FDIC rules and regulations under the International Banking Act of 1978.

For further information, contact Margaret M. Olsen, Attorney, Legal Division, 202–389–4433.

Right to Financial Privacy

[12 CFR Part 309]

On December 21, 1979 FDIC published for public comment proposed amendments to Part 309 to conform it to the requirements of the Right to Financial Privacy Act of 1978, enacted by Congress as Title XI of the Financial Institutions Regulatory and Interest Rate Control Act of 1978. The comment period ended on February 19, 1980, and the comments received are under review.

For further information, contact Pamela E. F. LeCren, Attorney, Legal Division, 202–389–4433.

Minimum Security Devices and Procedures for Insured Nonmember Banks

[12 CFR Part 326]

Part 326 is being reviewed to determine if the reporting requirements can be simplified and reduced. The part prescribes the minimum security measures for insured nonmember banks.

For further information, contact Jesse G. Snyder, Chief, Intelligence Section, Division of Bank Supervision, 202–389–4415.

Assessments

[12 CFR Part 327]

On March 3, 1980, FDIC published for public comment a proposed revision to simplify Part 327 and to make technical changes to conform it to the requirements of the International Banking Act. Part 327 sets forth the procedures to be used for the computation and payment of assessments by insured banks as provided under sections 7 and 8 of the Federal Deposit Insurance Act. The comment period for the proposal ends on May 2, 1980.

For further information, contact Jerry L. Langley, Senior Attorney, Legal Division, 202–389–4237.

Interest on Deposits

[12 CFR Part 329]

FDIC is reviewing Part 329 to determine if the structure and language can be simplified. Because the regulation is very complex, the review is a long-range project.

For further information, contact F. Douglas Birdzell, Senior Attorney, Legal Division, 202–389–4324.

Depositor Notice on Maturing Time Deposits

[12 CFR Part 329]

In the last agenda, it was reported that a proposal was being prepared to amend Part 329 to require insured State nonmember banks to give notice to depositors of maturing time deposits which become demand deposits unless renewed or withdrawn within ten days after maturity. This proposal is no longer under active consideration.

For further information, contact F. Douglas Birdzell, Senior Attorney, Legal Division, 202–389–4324.

Loans in Areas Having Special Flood Hazards

[12 CFR Part 339]

On December 21, 1979 FDIC published for public comment a proposed revision of Part 339 which sets forth the flood insurance requirements for loans that are secured by certain property located in special flood hazard areas. The proposed revision is intended to simplify the regulation by restructuring it for easier reading and eliminating unnecessary provisions. The comment period ended on February 19, 1980, and the comments received are being reviewed.

For further information, contact Jerry L. Langley, Senior Attorney, Legal Division, 202–389–4237.

Deletion of Information

[12 CFR Parts 341, 343]

On February 19, 1980, FDIC published for public comment a proposal to delete as unnecessary §§ 341.10, 343.10, and 343.11 which outline the instructions and data format for certain securities reporting forms. The comment period ends on April 21, 1980.

For further information, contact Jerry L. Langley, Senior Attorney, Legal Division, 202–389–4237.

Disclosure of Brokerage Allocation Practices

[12 CFR Part 344]

In the last agenda it was reported that FDIC was preparing an amendment under section 28(e)(2) of the Securities Exchange Act of 1934 to require insured nonmember banks exercising investment discretion to disclose their brokerage allocation practices. The proposed amendment is no longer under active consideration.

For further information, contact Gerald J. Gervino, Attorney, Legal Division, 202–389–4422.

Final Actions Since Last Semiannual Agenda

The following final regulatory actions have been taken by FDIC since the publication of the last semiannual agenda in the **Federal Register** (44 FR 55890, (September 28, 1979)):

1. Final rules deleting Part 301 (Introductory), Part 305 (Payment of Insured Deposits), Part 306 (Receiverships and Liquidations), Part 325 (Introductory), and §§ 330.13 and 330.14 relating to the continuation of prior insurance coverage and notice to depositors have been adopted. 44 FR 75623 (December 21, 1979).

2. Amendments to Parts 303 and 304 relating to delegations of authority and a model deposit agreement for the pledge of assets by foreign banks having an insured branch have been adopted. 44 FR 73012 (December 17, 1979).

3. Amendments to Parts 303 and 304 relating to delegations of authority and the definition of "phantom" bank merger have been adopted. 44 FR 75624 (December 21, 1979).

4. Amendments to Parts 304 and a new Part 349 have been adopted to implement the reporting requirements of Titles VIII (Correspondent Accounts) and IX (Disclosure of Material Facts) of FIRIRCA. 44 FR 74801 (December 18, 1979).

5. Technical corrections have been made to those provisions of Parts 304 and 349 which implement the reporting requirements of Titles VIII and IX of FIRIRCA. 45 FR 8939 (February 11, 1980).

6. Final rules revising Part 307 and amending section 327.3 have been adopted. 45 FR 13723 (March 3, 1980).

7. Part 309 has been amended to permit routine public disclosure of Bank Trust Department Annual Report of Assets upon request. 44 FR 61587 (October 26, 1979).

8. Amendments to Part 329 concerning interest rate regulations designed to help small savers have been adopted. 44 FR 75378 (December 14, 1979).

9. A General Counsel's Opinion has been issued on Part 329 regarding the calculation and advertisement of interest on time and savings deposits during leap years. 44 FR 66575 (November 20, 1979).

10. Amendments to § 329.4(f) requiring disclosure of early withdrawal penalties to depositors have been adopted. 44 FR 60273 (October 19, 1979).

11. Amendments to §§ 329.6(b)(6) and 329.7(b)(10) of Part 329 have been adopted to place a maximum interest rate on the two-and-one-half year category of time deposit. 45 FR 14201 (March 5, 1980).

12. An exemption from the interest rate provisions of § 329.10 has been adopted for certain unsecured, short-term commercial paper issued by mutual savings banks. 45 FR 8937 (February 11, 1980).

13. An amendment to Part 329 has been adopted to include credit unions within the term "bank" for purposes of the exemption under § 329.10—Obligations Other Than Deposits. 45 FR 13725 (March 3, 1980).

14. Amendments to §§ 329.1 and 329.6 have been adopted to impose interest rate limitations on certain obligations issued by a nonmember bank's parent holding company. (March 17, 1980).

15. Amendments to Part 335 which update the FDIC's securities disclosure regulations in compliance with section 12(i) of the Securities Exchange Act of 1934 have been adopted. 44 FR 67627 (November 27, 1979).

16. Amendments to Part 344 regarding the recordkeeping and confirmation requirements for certain securities transactions have been approved. 45 FR 12775 (February 27, 1980).

17. FDIC has adopted an appendix to Part 346 that lists the States that require State-chartered banks to acquire deposit insurance as a prerequisite to receiving a charter. 44 FR 57385 (October 5, 1979).

18. Amendments to Part 348 relating to management official interlocks have been adopted. (March 3, 1980).

By Order of the Board of Directors, dated March 24, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 80-9457 Filed 3-27-80; 8:45 am]

BILLING CODE 6714-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Chapter VII

Request for Comment on Delinquent Consumer Instalment Loan Classification Policy

AGENCY: National Credit Union Administration.

ACTION: Request for Comment on Delinquent Consumer Instalment Loan Classification Policy.

SUMMARY: The National Credit Union Administration (NCUA) requests comments regarding whether it should adopt the Federal Financial Institutions Examination Council (FFIEC) delinquent loan classification policy or a similar classification policy.

The FFIEC, of which NCUA is a member, recommended at its February

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7, 1980, meeting that the three banking agencies adopt the enclosed examination policy for the classification of delinquent consumer instalment loans for use in the examination of commercial banks. The FFIEC also recommended that the FDIC, FHLBB and NCUA study and seek public comment on the application of this instalment loan classification policy to the thrift institutions under their respective jurisdiction, and report back to the FFIEC on their findings.

DATES: Comments must be received on or before May 30, 1980.

ADDRESS: Send comments to Robert S. Monheit, Senior Attorney, Office of General Counsel, National Credit Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Thomas A. Straslicka, Chief, Examination Section, Division of Supervision and Examination, Office of Examination and Insurance. Telephone number: (202) 357–1065.

SUPPLEMENTARY INFORMATION: Federal Financial Institutions Examination Council's Policy for Classification of Consumer Instalment Credit Based on Delinquency Status:

The Federal Financial Institutions Examination Council was established by Title X of the Financial Institutions Regulatory and Interest Rate Control Act of 1978, the provisions of which took effect on March 10, 1979. The Council members are composed of:

(1) the Comptroller of the Currency;

(2) the Chairman of the Board of Directors of the Federal Deposit Insurance Corporation;

(3) a Governor of the Board of Governors of the Federal Reserve System designated by the Chairman of the Board;

(4) the Chairman of the Federal Home Loan Bank Board; and

(5) the Chairman of the National Credit Union Administration Board.

One of the Council's functions established by Title X, Section 1006(b)(1), was to ". . . make recommendations for uniformity in other supervisory matters . . .". Other supervisory matters include areas such as delinquent consumer instalment loan classification because all Federally supervised financial institutions disburse consumer instalment loans. The Council recommended at its February 7, 1980 meeting ". . . that the three banking agencies adopt the examination policy on classification of delinquent consumer instalment loans identified as Appendix A to this notice, for use in the examination of commercial banks. The Council also recommended that the FDIC, FHLBB, and NCUA study and seek public comment on the application of this instalment loan classification policy to the thrift institutions under their respective jurisdiction, and report back to the Council on their findings."

The policy adopted by the Council seeks to provide a standard for classifying delinquent consumer instalment loans and should result in more uniform treatment of all classes of insured banks and in more consistent statistical data being developed from bank examination reports. The policy recognizes that there are instances, particularly where significant amounts are involved, that may warrant exceptions to the formula in order to recognize individual situations where the bank being examined can clearly demonstrate that repayment will occur irrespective of delinquency status.

Examples of such situations might include: loans well secured by collateral and in the process of collection; loans where the claims have been filed against solvent estates and loans supported by valid guarantees or insurance.

The following general classification policy will be used during examinations of commercial banks.

(1) Closed-end consumer instalment credit delinquent 120 days or more (5 monthly payments) will be classified "loss". Loans delinquent 90 to 119 days (4 monthly payments) will be classified "subtandard" (NCUA's current equivalent classification to "substandard" is "doubtful").

(2) Open-end consumer instalment credit delinquent 180 days or more (7 zero billing cycles) will be classified "loss". Loans delinquent 90 to 179 days (4 to 6 zero billing cycles) will be classifed "substandard".

The following definitions provide guidance in application of the classification policy.

(1) *Consumer instalment loans*—Includes open and closed-end credit extended to individuals for household, family and other personal expenditures as defined in the instructions for preparation of call reports. (Note: not included in this category are loans to individuals secured by real estate and made for the purpose of home improvements or purchase of a residence. Also excluded would be loans to individuals for business purposes which are secured by collateral (i.e., loans to farmers for agriculture use secured by land or future crops).

(2) *Delinquency.* Closed-end instalment credit is considered delinquent when the borrower is in arrears 2 monthly payments. Loans in arrears 2 monthly payments are considered 30 days delinquent.

Open-end credit is treated differently when computing delinquency. A bank credit card customer generally has 25 days in which to pay billings before the loan is considered delinquent. If no payment is made between two billing cycles, the balance is considered 5 days delinquent. If no payment is received before issuance of still another statement, the balance is 35 days delinquent technically; however, current practice is to define accounts with two zero billings as 30 days delinquent.

(3) *Partial payments.* A payment equivalent to 90 percent or more of the contractual payment may be considered a full payment in computing delinquency.

At the conclusion of the policy statement, the Council recommended that examination emphasis should focus on the bank's written consumer lending policy, adherence to stated policy and a review of operating procedures. It is expected that a bank will have written policies that are suitable for its specific objectives, and that are consistent with prudent banking practices. Procedures for supervising delinquent accounts, including the procedure for renewing and extending past due loans, and automatic charge-off policy should be described. Internal controls should be in place to assure that the bank's Internal controls should be in place to assure that the bank's written policy is being followed. Banks lacking written policies or failing to implement or follow established policies should be criticized by examiners in reports of examinations.

NCUA's Present Examination Policy for Delinquent Loan Classification and Adequacy of the Allowance for Loan Losses Account. NCUA examiners spend considerable time in analyzing delinquent consumer instalment loans and the reasons for the delinquency. Examiners profile characteristics of loans charged-off during the examination period and loans delinquent 6 months or more to determine what the most common characteristics of these loans are. If the examiner detects that causes of the losses/delinquency are due to poor lending policies or practices, he/she will include in the examination report a listing of the most significant delinquent/loss characteristics. The examiner also relates the characteristics from the delinquent/loss loan profile to those developed during the current loan profile to determine if deficiencies detected in the former are present in the latter.

After completing the loss/delinquent and current loan profiles, the examiner evaluates the collectability of delinquent loans. During this analysis, collection procedures are evaluated to determine their effectiveness.

NCUA's Examiner's Guide provides the following guidelines to exminers for classifying collection problem loans.

(1) Any loan that is delinquent 6 months or more should be classified as a collection problem, unless the last principal payment (excluding transfers from shares or proceeds from sale of collateral) has been made within 2 months of the effective date of the examination and the last principal payment is equal to at least 75 percent of the monthly payment as shown on the note. If a payment is received after the effective date of the examinastion, this fact should also be considered in determining the classification.

(2) All delinquent loans in the hands of an attorney or collection agency or where the borrower is adjudged bankrupt or is a "skip" will be classified collection problems, unless there are extenuating circumstances which lead the examiner to believe that the loans will be collected.

(3) Any loan on which a substantial portion of the principal (if collected) would be absorbed as collection costs should be classified as a collection problem.

(4) Any loan on which the examiner feels that a substantial portion will not be collected, even though there are small regular or irregular payments, will be classified as a collection problem.

(5) Seriously delinquent loans with comakers as security on which adequae information is lacking will be considered for classification as collection problems. Loans secured by collateral with questionable value on which payments are irregular and falling behind, and there is no reliable information on file on which to realistically evaluate the collateral, will also be considered for classification as collection problem loans.

(6) Any other loan will be classified if warranted. Some loans are not delinquent, or are not seriously delinquent, only because of unwarranted extention agreements, refinancing, or application of the proceeds of the sale of repossessed collateral. Such loans should be considered for classification.

In the interest of uniformity, the following serve as general guidelines to distinguish between a doubtful loan and a loss loan.

(1) A collection problem loan should be classified as doubtful when a substantial degree of credit risk is present, and collection in full, based upon existing facts, is highly improbable. A loan classified as doubtful of collection contains a high degree of loss probability, but because of certain important factors not yet determinable, its classification as a loss is deferred until such time as a more exact appraisal can be made. Under ordinary circumstances, the unknown factors which caused the loan to be classified as doubtful will become known within a short period of time and the doubtful will become known within a short period of time and the doubtful classification will no longer be appropriate. Only in rare instances should it be necessary to continue classifying a loan as doubtful over prolonged periods of time.

(2) A collection problem loan should be classified as a loss when it is uncollectible and worthless as a credit union asset. Such loans should be charged off to the Allowance for Loan Losses. Frequently loans classified as losses and charged off are partially recovered. This does not mean the examiner's classification of the loan was in error or too severe. It simply means the credit union recognized the basic fact that it is not practical or desirable to defer charging off a worthless asset because a small or partial recovery may be effected at some future date.

NCUA examiners use the following standards for evaluating the adequacy of a credit union's Allowance for Loan Losses.

. . . Ideally, the balance of the account should be sufficient to cover all net collection problem loans (collection problem loans are determined by the examiner using the guidelines mentioned previously). As a key test of adequacy, the examiner should compare the amount of loss loans to the balance of the Allowance for Loan Losses. If the total of the loss loans exceeds the Allowance for Loan Losses, the officials should be informed of the failure to comply with 702.3 of the rules and regulations. When the balance of the valuation allowance equals loss loans, but the excess is not sufficient to equal at least 50 percent of net doubtful loans, the examiner will discuss with the officials the failure to provide for a reasonable percventage of potential losses. Finally, if the Allowance for Loan Losses is sufficient to provide for all loss loans, and at least 50 prcent of the net doubtful loans, but does not equal total net collection problem loans, the examiner will treat such situations on a case by case basis.

What Should NCUA Do?

Consumer instalment loans comprise a small amount of most banks' loan portfolios. Commercial loans make-up the largest portion (dollar-wise) of banks' loan portfolios. However, consumer instalment loans may outnumber commercial loans. Since the consumer instalment loans are not the most significant risk to banks, bank regulatory agencies do not believe it is cost-productive to individually evaluate each delinquent consumer loan.

Conversely, consumer instalment loans are the primary type of loans made by Federal credit unions. Therefore, NCUA believes an extensive evaluation of delinquent consumer instalment loans may be necessary because of the risk involved in this area. In addition, NCUA believes a more accurate evaluation of a credit union's delinquent loans may occur when examiners and credit union personnel evaluate delinquent loans and classify them per the guidelines in the Examiner's Guide.

NCUA requests public comment on the following alternatives with the advantages and disadvantages discussed with each alternative.

a. Adopt the FFIEC policy and require that all consumer instalment loans delinquent 4 monthly payments must be considered when determining the adequacy of the Allowance for Loan Losses.

The advantages of this standard are:

(1) Uniform treatment of all classes of financial institutions regarding consumer instalment delinquent loan classification.

(2) Consistent statistical data would be developed from examination reports which are used to monitor the condition of the institutions by the Federal financial regulatory agencies and Congress.

The disadvantages of this standard are:

(1) Federal credit unions' data processing systems do not report delinquent loan totals for a 4 month category. Presently, delinquent loan totals are reported per the following classifications: 2 to 6 months; 6 to 12 months; and over 12 months. Extensive programming changes would be required to implement the FFIEC's policy.

(2) Potential impact on the financial condition of Federal credit unions. NCUA has not performed a study of the impact this proposal would have on Federal credit unions' financial condition.

(3) Possible less accurate presentation of the fair value of credit unions' loan portfolios. Generally speaking, NCUA

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examiners have found that delinquent loans do not become collection problems at 4 months.

b. Adopt as guidelines for Federal credit unions the standards used by NCUA examiners for classification of delinquent loans. These standards require that all closed and open-end consumer instalment loans delinquent 6 or more months and no principal payment in the previous 2 months that was equal to 75 percent of the contractual payment must be considered when determining adequacy of the Allowance for Loan Losses. Examiner judgment could override these guidelines if the examiner believes the loan is collectable.

The advantages of this alternative are:

(1) Clear standard for determining adequacy of the Allowance for Loan Losses.

(2) Standard is not rigid in that examiner judgement is allowed.

The disadvantages of this alternative are:

(1) Non-uniformity with the standard used in other financial institutions for classification of delinquent consumer instalment loans.

(2) Potential impact of Federal credit unions' financial condition. However, this alternative would have less impact on credit unions' financial condition than the FFIEC's policy would.

(3) Computer programming would have to be changed.

c. Require that Federal credit unions consider all delinquent consumer instalment loans over 12 months when determining the adequacy of the Allowance for Loan Losses.

The advantages of this alternative are:

(1) Clear standard for determining adequacy of the Allowance for Loan Losses.

(2) No computer programming changes would be necessary.

The disadvantages of this alternative are:

(1) Non-uniformity with the standard used in other financial institutions for classification of delinquent consumer instalment loans.

(2) Possible less accurate presentation of fair value of credit unions' loan portfolios in that delinquent loans became anticipated losses prior to reaching the over 12 month delinquency category. NCUA does not consider the alternatives discussed to be all-inclusive and would consider any other alternatives proposed.

By the National Credit Union Administration Board on March 20, 1980.

Beatrix D. Fields,

Acting Secretary of the Board.

Recommendation of the Federal Financial Institutions Examination Council to the Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, Office of the Comptroller of the Currency

Uniform Policy for Classification of Consumer Instalment Credit Based on Delinquency Status

The Policy

Introduction

This examination policy establishes uniform guidelines for the classification of instalment credit based on delinquency status. This use of a formula approach in determining consumer loan classifications parallels, in principle, current industry practices and recognizes the statistical validity of measuring losses predicated on past due status. The policy covers both open- and closed-end credit. Although the three Federal banking agencies have historically relied on delinquency status as a major determinant in classifying consumer instalment credit, no interagency standard has been employed. The policy seeks to provide that standard and should result in more uniform treatment of all classes of insured banks and in more consistent statistical data being developed from bank examination reports.

The general classification policy recognizes that evaluating the quality of consumer credit portfolio on a loan-by-loan basis is inefficient and unnecessary. For this reason, examiners are expected to adhere closely to the policy in their analysis of consumer credit. Nevertheless, it is recognized that there are instances particularly where significant amounts are involved, that may warrant exceptions to the formula in order to recognize individual situations where the bank being examined can clearly demonstrate that repayment will occur irrespective of delinquency status. Examples of such situations might include: loans well secured by collateral and in the process of collection; loans where the claims have been filed against solvent estates and loans supported by valid guarantees or insurance.

General Classification Policy

Examiners will adhere to the following general classification policy during examinations of commercial banks.

(1) Closed-end consumer instalment credit delinquent 120 days or more (5 monthly payments) will be classified loss. Loans delinquent 90 to 119 days (4 monthly payments) will be classified substandard.

(2) Open-end consumer instalment credit delinquent 180 days or more (7 zero billing cycles) will be classified loss. Loans delinquent 90 to 179 days (4 to 6 zero billing cycles) will be classified substandard.

Definitions

The following definitions are intended to provide guidance in application of the general classification policy.

Consumer Instalment Loans—Includes open- and closed-end credit extended to individuals for household, family and other personal expenditures as defined in the instructions for preparation of call reports. Refer to such instructions for information on any loan where there is doubt as to whether it is covered by the general classification policy.

Delinquency—Closed-end instalment credit is considered delinquent when the borrower is in arrears two monthly payments. Loans in arrears two monthly payments are considered 30 days delinquent.

Banks generally treat open-end credit differently than closed-end credit in computing delinquency. A bank credit card customer generally has 25 days in which to pay billings before the loan is considered delinquent. If no payment is made between two billing cycles, the balance is considered 5 days delinquent. If no payment is received before issuance of still another statement, the balance is 35 days delinquent technically; however, current practice is to define accounts with two zero billings as 30 days delinquent.

See attached charts which illustrate delinquency computation.

Statutory Bad Debts—Section 5204, USRS (12 U.S.C. 56), contains the definition for Federal Reserve System member banks of what constitutes bad debts. Accordingly, loans delinquent seven monthly payments, or seven billing cycles, are considered 180 days, or six months, past due and will be considered statutory bad debts, unless they are well secured *and* in the process of collection.

Partial Payments—A payment equivalent to 90 percent or more of the contractual payment may be considered a full payment in computing delinquency.

Consumer Instalment Loan Examination Scope

The general classification policy provides that performance is the principal criterion in application of the uniform policy during examinations of banks. In addition to loan classification, examination emphasis should focus on the bank's written consumer lending policy, adherence to stated policy and a review of operating procedures. It is expected that a bank will have written policies suitable for its specific objectives and that they are consistent with prudent banking practices. Procedures for supervising delinquent accounts, including the procedure for renewing and extending past due loans, and automatic charge-off policy should be fully described. Internal controls should be in place to assure that the bank's written policy is being followed. Banks lacking written policies or failing to implement or follow established policies effectively should be criticized by examiners in reports of examination.

Effective Date

This policy will be effective June 30, 1980.

Closed End Credit

Due date	Period	Delinquency status	Classification
March 10	March 11 to April 9	Not delinquent	
April 10	April 10 to May 9	30 days or 2 payments	
May 10	May 10 to June 9	60 days or 3 payments	
June 10	June 10 to July 9	90 days or 4 payments	Substandard.
July 10 [1]	July 10 to August 9	120 days or 5 payments	Loss.
August 10	August 10 to September 9	150 days or 6 payments	Loss.
September 10	September 10	180 days or 7 payments	Loss.

Open End Credit

Statement	Day	Zero billing cycle	Payment record	Days delinquent	Classification
Statement 1	1				
Due 25th	25				
Statement 2	30	1	No payment	5	
Statement 3	60	2	No payment	30	
Statement 4	90	3	No payment	60	
Statement 5	120	4	No payment	90	Substandard.
Statement 6	150	5	No payment	120	Substandard.
Statement 7	180	6	No payment	150	Substandard.
Statement 8 [2]	210	7	No payment	180	Loss.

[1] Charge-off occurs after borrower is five payments delinquent.
[2] Charge-off occurs on seventh zero billing.

[FR Doc. 80-9273 Filed 3-27-80; 8:45 am]
BILLING CODE 7535-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 570

[Docket No. R-80-788]

Small Cities Community Development Block Grant Program—Demonstration of State Participation; Transmittal of Proposed Rule to Congress

AGENCY: Department of Housing and Urban Development

ACTION: Notice of transmittal of proposed rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the **Federal Register.** This Notice lists and summarizes for public information a proposed rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

24 CFR Part 570—Small Cities Community Development Block Grant Program—Demonstration of State Participation

This proposed rule would amend 24 CFR Part 570, Subpart F, which governs the Small Cities Community Development Block Grant Program, in order to permit, on a demonstration basis, a very limited number of States to participate to a greater degree in the selection of the small cities to receive block grant awards. Participation by States in the Small Cities CDBG program is provided for in Section 104(e) of the Housing and Community Development Act of 1974, as amended.

(Sec. 7(o), Department of HUD Act (42 U.S.C. 3535(o)), sec. 324, Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., March 20, 1980.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 80-9419 Filed 3-27-80; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Ch. II

Improving Government Regulations; Semiannual Agenda

AGENCY: Bureau of Government Financial Operations.

ACTION: Semiannual agenda.

SUMMARY: As required by Executive Order 12044, "Improving Government Regulations," and the Treasury Department directive implementing that Executive Order, the Bureau of Government Financial Operations announces that it has no significant or nonsignificant new regulations under development.

FOR FURTHER INFORMATION CONTACT: O. H. Brown, (202) 566-5546.

DATE: March 25, 1980.

By direction of the Secretary of the Treasury.

Gerald Murphy,

Acting Commissioner.

[FR Doc. 80-9405 Filed 3-27-80; 8:45 am]
BILLING CODE 4810-35-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL 1450-4]

Designation of Areas for Air Quality Planning Purposes; Redesignation of Attainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes to revise the attainment status designation of the City of Great Falls for Carbon Monoxide (CO). The revision is a result of (a) a request from the State Air Quality Bureau to redesignate a portion of the City of Great Falls as nonattainment for CO and (b) the Environmental Protection Agency's decision to propose expansion of the nonattainment area to include the entire City of Great Falls. The proposed redesignation is based on violations of the eight hour CO standard during the period July 1977 to February 1979.

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DATE: Comments on the proposal are due on or before April 28, 1980.

ADDRESSES: Comments should be directed to:

Ivan W. Dodson, Director, Environmental Protection Agency, Federal Building, Drawer 10096, 301 South Park, Helena, Montana 59601

Copies of these materials submitted by the Governor and comments received on this proposal may be examined during normal business hours at:

Environmental Protection Agency, Federal Building, Drawer 10096, 301 South Park, Helena, Montana 59601

Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, S.W., Washington, D.C. 20406

FOR FURTHER INFORMATION CONTACT: Kenneth L. Alkema, Environmental Protection Agency, Federal Building, Drawer 10096, Helena, Montana 59601, 406–449–5414

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977, Pub. L. 95–95, added to the Clean Air Act (CAA) section 107(d), which directed each State to submit to the Administrator of the EPA a list of the National Ambient Air Quality Standards (NAAQS) attainment status of all areas within the State. The Administrator was required under section 107(d)(2) to promulgate the State lists, with any necessary modifications.

For each NAAQS, areas are classified as either (1) not attaining the standard or, for certain pollutants, are projected not to maintain the standard (nonattainment areas), (2) meeting the standard (attainment areas), or (3) are lacking sufficient data or information to be classified (unclassified areas). The EPA published these lists on March 3, 1978 (43 FR 8962). At that time Great Falls was classified attainment for carbon monoxide.

Under section 107(d)(5) of the CAA, as amended, a state may revise its designations of attainment status and submit them to the EPA for promulgation.

A December 24, 1979 letter from the State Air Quality Bureau requested the redesignation of a portion of the City of Great Falls from attainment to nonattainment. The requested redesignation was for that portion of Great Falls between 9th and 11th Avenue South and 2nd Street to 54th Street. This request was based upon 16 violations of the eight hour carbon monoxide (CO) standard at 10th Avenue South and 9th Street. This data, covering the period July 1977 to February 1979 was submitted to EPA in support of the State's request.

EPA has reviewed the State's proposal. In doing so, EPA also took cognizance of the "Transportation Systems Management (TSM) Program Design" submitted by the City of Great Falls to the State and Federal Highway Departments on December 7, 1979. This document is an element of the City's overall transportation plan and details traffic problems existing at various intersections and along a number of traffic corridors throughout the City. In reviewing the TSM, EPA noted that congestion and traffic delays were being encountered in other portions of the city in addition to those experienced on the 10th Avenue South corridor. Inasmuch as no ambient air quality measurement for CO have been undertaken in any of these other areas, EPA feels that they should be evaluated for potential violations of the CO standards.

Since 10th Avenue South is by far the most heavily traveled street in Great Falls, the possibility that CO violations exist in these other areas is somewhat limited. However, since the 10th Avenue South problem must be evaluated in any case, the costs to evaluate the other intersections and corridors will be only slightly more. If, on the other hand, these other areas are ignored for the present time, and future ambient monitoring in those areas shows violations, an additional study will be required equal to, if not greater in cost to, the one required for 10th Avenue South. Finally, but most importantly, the CO standard was established to prevent adverse health effects, and EPA is required by the Clean Air Act to be certain that actual and potential problems are evaluated and that the standards are achieved and maintained. Therefore, to insure that all potential carbon monoxide problem areas are evaluated, EPA is proposing that the entire City of Great Falls be designated as a nonattainment area.

At a meeting held on January 25, 1980, personnel of the EPA Montana Office advised representatives of the City of Great Falls and the Air Quality Bureau of the decision to issue a **Federal Register** Notice proposing to designate the entire City of Great Falls a nonattainment for carbon monoxide.

This redesignation will require the State to develop a State Implementation Plan to achieve the carbon monoxide standard. This plan is to be submitted to EPA nine months after the date that the final notice pertaining to this redesignation is published in the **Federal Register**.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This rulemaking action is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: March 18, 1980.

Roger L. Williams,

Regional Administrator.

[FR Doc. 80-9498 Filed 3-27-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Advance Notice of Reproposal To List the Kentucky Cave Shrimp as an Endangered or Threatened Species

AGENCY: Fish and Wildlife, Interior.

ACTION: Advance notice of proposed rule.

SUMMARY: The Service has received a petition to list the Kentucky cave shrimp (*Palaemonias ganteri*) as an endangered or threatened species. The Kentucky cave shrimp was previously proposed to be listed, but the proposal was withdrawn to comply with the 1978 Endangered Species Act Amendments. The petition reports the first discovery of this species since 1967 in the Flint Mammoth Cave System, Edmonson County, Kentucky, and describes threats to its existence. The Service has determined that the petition presents sufficient new evidence to warrant a reproposal to list this species. This notice informs the public of the receipt of this new information and provides advance notice of the Service's intent to repropose that the Kentucky cave shrimp be listed as an endangered or threatened species.

DATES: The Kentucky cave shrimp was proposed to be listed as a threatened species on January 12, 1977 (42 FR 2507). The proposal was withdrawn on December 10, 1979 (44 FR 70796) to comply with the 1978 Endangered Species Act Amendments. Dr. Raymond W. Bouchard submitted a petition dated December 12, 1979, to list this species, and supplemented the petition with a letter dated January 1, 1980.

ADDRESSES: Interested persons are invited to submit any information regarding the status of the Kentucky cave shrimp to the U.S. Fish and Wildlife Service, Office of Endangered Species, Washington, D.C. 20240. The Service's file on the Kentucky cave shrimp, including the petition to list this species, is available in the Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240; located at 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, Washington, D.C. 20240 (telephone: 703–235–2771).

SUPPLEMENTARY INFORMATION: On December 12, 1979, Dr. Raymond W. Bouchard (Chairman, Freshwater Crustacean Specialist Group, International Union for Conservation of Nature and Natural Resources) petitioned the Service to list the Kentucky cave shrimp (*Palaemonias ganteri*). Dr. Bouchard supplemented the petition on January 1, 1980. The Service has accepted Dr. Bouchard's petition. The petition presented a reported discovery of a dead Kentucky cave shrimp on September 1, 1979, the first discovery since 1967. The petition described factors threatening this species, primarily habitat modification or destruction, in the Flint Mammoth Cave System, Edmonson County, Kentucky. Dr. Bouchard's petition recommended an emergency listing. After reviewing the petition, the Service has determined that there is not sufficient evidence to warrant an emergency rule, but that sufficient information exists to repropose listing this species as endangered or threatened.

This notice informs the public of the Service's receipt of Dr. Bouchard's petition, the review of available information regarding the status of the Kentucky cave shrimp, and subsequent determination that sufficient new information has been presented warranting a reproposal to list this species. The Service is presently preparing the necessary documents required by the Endangered Species Act, Executive Order 12044, and 43 CFR 14—including a determination of significance—prior to issuance of a proposed rule to list the species and, if appropriate, to determine critical habitat.

Interested persons having knowledge of the Kentucky cave shrimp or its habitat requirements are invited to submit factual information to the Office of Endangered Species at the address given above. Information regarding current and potential threats to its continued existence and the possible impact of listing the species is also welcome.

This notice is prepared under the authority of the Endangered Species Act, 16 U.S.C. 1551 et. seq., by Dr. Steven M. Chambers of the Service's Office of Endangered Species.

Dated: March 24, 1980.

Warren T. Olds, Jr.,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 80-9510 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reproposal of Critical Habitat for One Species of Butterfly

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reproposal of proposed rule.

SUMMARY: The Service reproposes Critical Habitat for the Callippe silverspot butterfly (*Speyeria callippe callippe*). Endangered status and Critical Habitat were originally proposed for this species on July 3, 1978 (43 FR 28938–28945). The Critical Habitat portion of this proposal was withdrawn by the Service on March 6, 1979 (44 FR 12382–12384) because of procedural and substantive changes in prior law made by the Endangered Species Act Amendments of 1978. This proposed rule complies with the changed requirements.

DATES: Comments from the public must be received by May 28, 1980. [Comments from the Governor of California must be received by June 28, 1980.] A public meeting on this proposal will be held on April 17, 1980.

ADDRESSES: Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Washington, D.C., 20240. Comments and materials relating to this rulemaking are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia 22201. The time and place of the public meeting on this proposal are presented in the table below.

FOR FURTHER INFORMATION CONTACT: For further information of this proposal, contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

The Callippe silverspot butterfly was proposed as Endangered with Critical Habitat on July 3, 1978. Before final action could be taken on this proposal, Congress passed the Endangered Species Act Amendments of 1978 which changed the procedures the Service must follow when designating Critical Habitat. The present rulemaking will comply with the amendments.

The Callippe silverspot butterfly formerly occurred in San Francisco and San Mateo Counties, California. It is now believed that the colonies of silverspot butterflies from Vallejo, Napa County and Oakland, Alameda County, California, do not represent the Callippe silverspot butterfly but are intermediate populations between *Speyeria callippe calippe* and *Speyeria callippe comstocki*. The only true remaining populations of the Callippe silverspot butterfly are found in grasslands in the eastern portions of the San Bruno Mountains area. The San Francisco population has been extirpated because of urban development.

Since the July 3, 1978 proposal of the butterfly as Endangered, a report by Richard A. Arnold of the Entomology Department of the University of California at Berkeley has provided additional information indicting that the area previously proposed as Critical Habitat should be supplemented to include grasslands on the extreme eastern portions of the main ridge of San Bruno Mountain. No information has been received that would warrant a change in the previously proposed status of this subspecies.

Summary of Factors Affecting the Species. The Callippe silverspot butterfly is now known to occur only on the eastern portions of San Bruno Mountain, San Mateo County, California. The butterfly formerly occurred on Twin Peaks, San Francisco County, California, an area from which it has been extirpated due to urban development.

The major threats to the remaining Callippe silverspot butterfly populations derive from projected housing development and increased recreational activities. The areas inhabited by the butterfly include San Mateo County parklands which will eventually be developed for recreational purposes, and private lands which are the projected sites of housing developments. Examples of activities which could adversely affect the butterfly include:

(1) Direct loss of habitat by clearing and leveling land for buildings, roads, and trails;

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(2) A change in fire management practices, including prevention of fires which may be necessary to maintain the grassland habitat; and

(3) Human disturbance, including collection of butterflies and trampling of habitat areas associated with increased human residence on San Bruno Mountain and with increased recreational use of the parkland areas by visitors.

Comments on Critical Habitat

An extensive study done by Richard A. Arnold of the Department of Entomology of the University of California for the Department of Fish and Game of the State of California (Status of Proposed Threatened or Endangered California Lepidoptera, Interim Report on Contract #5–1620) has yielded additional information on the distribution and status of the Callippe silverspot butterfly. The Service believes this new information warrants modification of the Critical Habitat as originally published in the **Federal Register** of July 3, 1978 (43 FR 28938–28945). Since the Oakland populations of silverspot butterfly are no longer believed to represent the Callippe silverspot, the Oakland Zone is being deleted from the Critical Habitat proposal. Critical Habitat is hereby reproposed as follows:

California, San Mateo County

(1) Guadalupe Valley Zone. An area bounded on the north and east by the Guadalupe Canyon Parkway, on the south by North Hill Drive, the railroad tracks, and West Hill Drive, and on the west by the dirt road extending from West Hill Drive to the Guadalupe Canyon Parkway.

(2) San Bruno Mountain Zone. An area bounded on the west by a line extending from the fork in the quarry access road to the junction of Kearney Street and Hillside Boulevard, on the south by Hillside Boulevard, Randolph Avenue, and the South San Francisco city limit, on the east by the Bayshore Highway, and on the north by the quarry access road, the three-pole powerline to its intersection with the 900 foot contour, then by a line from this intersection east to the Bayshore Highway.

A detailed summary of comments responding to both the original proposal for listing this species, as well as this reproposal of Critical Habitat, will appear at the time of final rulemaking.

Critical Habitat

The Act defines "critical habitat" as (i) the specific areas within the geographical area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The Service believes that certain areas within the range occupied by the Callippe silverspot butterfly should be designated as Critical Habitat. This butterfly occupies an extremely limited range and is susceptible to change in its grassland habitat. Because changes in the areas occupied by the species could result in its extinction, designation of Critical Habitat is essential for this butterfly's conservation.

Section 4(b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared a draft impact analysis and believes at this time that economic and other impacts of this action are not significant in the foreseeable future. The Service is notifying Federal agencies that may have jurisdiction over the land and water under consideration in this proposed action. These Federal agencies and other interested persons or organizations are requested to submit information on economic or other impacts of this proposed action (see below).

The Service will prepare a final impact analysis prior to the time of final rulemaking, and will use this document as the basis for its decision as to whether or not to exclude any area from Critical Habitat for the Callippe silverspot butterfly.

Effects of This Proposal if Published as a Final Rule

Section 4(f)(4) of the Act requires, that any proposal to determine Critical Habitat be accompanied, to the maximum extent practicable, by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be impacted by such designation. Such activities are identified below for these species. It should be emphasized that Critical Habitat designation may not affect each of the activities listed below, as Critical Habitat designation only affects Federal agency activities, through Section 7 of the Act.

1. With regard to the Callippe silverspot butterfly, a major threat to the continued existence of this species is urban housing development in the grasslands where it occurs. Major housing developments are planned in both of the Zones proposed as Critical Habitat. Clearing and leveling land for buildings and roads would directly eliminate some portions of the butterfly's habitat. urban development has already extirpated the butterfly in the Twin Peaks area of San Francisco.

2. Development of trials, interpretive centers, and other visitor facilities in the county-owned portions of San Bruno Mountain could also directly eliminate areas of the butterfly's habitat. Future plans intend that these areas be developed as a county park.

3. Changes in fire management would undoubtedly take place with increased human residence and recreational use. Periodic fires are probably necessary to maintain the grassland community structure on which the Callippe silverspot butterfly depends.

4. Other adverse effects on the butterfly's continued existence and related to increased human residence and visitation, could include trampling of habitat, increased collecting of the butterfly, and increased disturbance from off-road vehicle activities.

The Service has investigated the above activities, and was unable to discern definite federal involvements. The Service's draft economic analysis therefore indicated that there would be no adverse economic impact from Critical Habitat designation, as such designation only affects federal actions. The Service will consider all information received during the comment period concerning adverse economic, or other, impacts.

Public Comments Solicited

The Director intends that the rules finally adopted be as accurate and effective as possible in the conservation of the Callippe silverspot butterfly. Therefore, any comments or suggestions from the public, concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of this proposed rule are solicited. The Service particularly requests comments on the following:

1. Biological and other relevant data concerning any threat (or lack thereof) to this species;

2. Additional information concerning the range and the distribution of the species;

3. Current or planned activities in the subject areas;

4. The probable impacts on such activities if the area is designated as Critical Habitat; and

5. The foreseeable economic and other impacts of the Critical Habit designation.

Public Meetings

The Service hereby announces that a public meeting and a public hearing will be held on this proposed rule. The public is invited to attend these meetings and to present opinions and information on the proposal.

Specific information relating to the public meetings and hearing are set out below:

Public Meeting

Place: Plaza Airport Inn, 401 East Millbrae Avenue, Millbrae, California
Date: April 17, 1980
Time: 7:30–10 P.M.
Subject: Callippe silverspot butterfly

Public Hearing

Place: Plaza Airport Inn, 401 East Millbrae Avenue, Millbrae, California
Date: May 1, 1980
Time: 7:30–10 P.M.
Subject: Callippe silverspot butterly

National Environmental Policy Act

A draft environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment will be the basis for a decision as to whether this determination is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this rule is Dr. Michael M. Bentzien, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (702/235–1975).

Note.—The Department of the Interior has determined that this is not a significant rule and does not require preparation of a regulatory analysis under Executive Act 12044 and 43 CFR Part 14.

Regulation Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations, as set forth below:

§ 17.95 [Amended]

1. It is proposed that 17.95(i), Insecta, be amended by adding Critical Habitat of the Callippe silverspot butterfly as follows:

Callippe Silverspot Butterfly

(Speyeria callippe callippe)

California. San Mateo County

(1) Guadalupe Valley Zone. An area bounded on the north and east by the Guadalupe Canyon Parkway, on the south by North Hill Drive, the railroad tracks, and West Hill Drive, and on the west by the dirt road extending from West Hill Drive to the Guadalupe Canyon Parkway.

(2) San Bruno Mountain Zone. An area bounded on the west by a line extending from the fork in the quarry access road to the junction of Kearney Street and Hillside Boulevard, on the south by Hillside Boulevard, Randolph Avenue, and the south San Francisco city limit, on the east by the Bayshore Highway, and on the north by the quarry access road, the three-pole powerline to its intersection with the 900 foot contour, then by a line from this intersection east to the Bayshore Highway.

Callippe Silverspot Butterfly

(Guadalupe Valley and San Bruno Mountain Zones)

San Mateo, Calif.



Dated: March 21, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80–9509 Filed 3–27–80; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Gulf of Mexico Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Public Hearings.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold public hearings for the purpose of public input on the Draft Environmental Impact Statement/Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico.

DATES: Written comments on the reef fish plan from members of the public may be submitted no later than May 5, 1980.

Individuals or organizations wishing to comment on the fishery management plan may do so at public hearings to be held as follows:

April 21, 1980—Key West, Florida
April 22, 1980—Port Isabel, Texas
April 22, 1980—Key Largo, Florida
April 23, 1980—Port Aransas, Texas
April 23, 1980—Tampa, Florida
April 24, 1980—Galveston, Texas
April 24, 1980—Panama City, Florida
April 28, 1980—Mobile, Alabama
April 29, 1980—Biloxi, Mississippi
April 30, 1980—New Orleans, Louisiana
May 1, 1980—Lafayette, Louisiana

All of the above hearings will start at 7:00 p.m. and adjourn at 10:00 p.m.

The hearings will be tape recorded and the tapes will be filed as an official transcript of the proceedings. A written summary will be prepared on each hearing.

ADDRESS: Send comments to: Robert P. Jones, Chairman, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228–2815.

HEARING LOCATIONS:

April 21, 1980—Key West High School Auditorium, 2100 Flagler Avenue, Key West, Florida
April 22, 1980—Port Isabel Community Center, Corner, Yturria and Maxan Streets, Port Isabel, Texas
April 22, 1980—Key Largo Civic Center, Ocean Bay Drive, Key Largo, Florida

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April 23, 1980—Port Aransas Community Center, Alister Street, Port Aransas, Texas
April 23, 1980—Curtis Hixon Convention Hall, Ybor Room, 600 Ashley Street, Tampa, Florida
April 24, 1980—Jury Assembly Room, County Court House, 722 Moody, Galveston, Texas
April 24, 1980—City Commissioner's Meeting Room, 9 Harrison Avenue, Panama City, Florida
April 28, 1980—Davidson High School Cafeteria, 3900 Pleasant Valley Road, Mobile, Alabama
April 29, 1980—Biloxi Cultural Center (Library), 117 Lameuse Street, Biloxi, Mississippi
April 30, 1980—Chamber of Commerce Auditorium, 301 Camp Street, New Orleans, Louisiana
May 1, 1980—University of Southwestern Louisiana Conference Center, Two Rex Street, USL Campus, Lafayette, Louisiana

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228–2815

SUPPLEMENTAL INFORMATION: The hearings will deal with a proposal to implement a fishery management plan for reef fish species in the Gulf of Mexico under the authority of the Fishery Conservation and Management Act of 1976 (FCMA).

The Environmental Impact Statement is a review of the plan and a statement of its expected impacts. The implementation of a fishery management plan is a major Federal action significantly affecting the human environment. The Secretary of Commerce is required to approve a plan prior to implementation.

The plan for reef fish, when approved, will serve to manage the reef fish fishery for optimum yield (OY) and therefore, contains regulatory measures applicable to domestic fishing. The management area is the U.S. fishery conservation zone of the Gulf of Mexico.

Species addressed in this FMP include all species of snapper, grouper, and sea bass in the Gulf. Included in the plan as minor species, but with no management measures, are tilefish, triggerfish, amberjacks, hogfish, and several species of grunts, porgies, and sand perch.

The plan is intended to accomplish the following objectives:

1. Rebuild declining reef fish stocks wherever they occur in the fishery.
2. Establish a fishery reporting system for monitoring the fishery.
3. Conserve and increase reef fish habitats and protect juvenile reef fish.
4. Minimize conflicts between user groups.

OY is defined as 39.1 million pounds annually.

The expected domestic annual harvest (DAH) for these species for 1980 and 1981 is 39.1 million pounds (38.6 for snapper and grouper and 0.5 for sea bass). Because there is no surplus available for any of these species, there is no foreign allowable catch.

The Gulf of Mexico Fishery Management Council proposed management measures which include the following:

1. Establish a "stressed area" in the nearshore waters in which special management applies.
2. Prohibit the use of "bang sticks", roller trawls or fish traps inside the stressed area.
3. Require degradable panels on fish traps.
4. Require that traps be constructed of 1" by 2" or larger mesh and not exceed 54 cubic feet in volume.
5. Limit the number of traps per vessel to 200.
6. Prohibit the use of poisons or explosives in the fishery.
7. Prohibit harvesting of traps at night and pulling another person's trap(s).
8. Prohibit possession or more than five red snapper less than 12 inches in fork length, but exclude trawling vessels from this possession limit.
9. Provide the mechanism for instituting other bag or size limits through the regulatory amendment process.
10. Require permits for fish trap vessels and color code identification of fish traps and vessels.
11. Institute a statistical data reporting system.

Dated: March 24, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-9398 Filed 3-27-80; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 45, No. 62
Friday, March 28, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Gospel-Hump Advisory Committee; Meeting

The Gospel-Hump Advisory Committee will meet at 7 p.m., May 5, 1980, in the meeting room of the Smokejumpers Barracks, Grangeville Airport, Grangeville, Idaho. The purpose of this meeting will be to discuss analysis units and management prescriptions for the Gospel-Hump portion of the Nezperce Forest Integrated Plan.

The meeting will be open to the public. Persons who wish to attend shold notify Ed Laven, 319 East Main, Grangeville, Idaho; telephone 208/983–1950. Written statements may be filed with the committee before or after the meeting.

Dated: March 20, 1980.

Don Biddison,

Forest Supervisor.

[FR Doc. 80-9399 Filed 3-27-80; 8:45 am]

BILLING CODE 3410-11-M

Siuslaw National Forest; Benton, Coos, Douglas, Lane, Lincoln, Polk, Tillamook, and Yamhill Counties, Oreg.; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Forest Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement for the Siuslaw National Forest Land and Resource Management Plan. This Forest Plan will be developed in accordance with established direction for land and resources management planning (36 CFR 219). The Plan will be sensitive to public issues. Tentative issues, concerns, and resource opportunities have been identified from past public input and forest management activities. These will be presented to the public in April 1980. Public participation will be through written responses and attendance at workshops on various activities within the process. National and Regional issues and concerns which appropriately pertain to the Siuslaw National Forest will be considered; as well as input received and provided by the public and interested representatives of state, county, and local governments. From this total input, a final set of issues, concerns, and opportunities will be developed. These will guide the planning process, where a range of alternatives for resource allocation and management will be developed.

R. E. Worthington, Regional Forester, Pacific Northwest Region, is the responsible official. Questions about the proposed action and environmental impact statement should be directed to Tony Vander Heide, Land Management Planning Staff, Siuslaw National Forest (phone (503) 757–4496).

It is anticipated that the entire environmental analysis will require about 3 years. The draft environmental impact statement should be available for public review by December 1982. The final environmental impact statement is scheduled to be completed in December 1983.

Comments and suggestions concerning the analysis for the Forest Plan should be sent to Larry A. Fellows, Siuslaw National Forest, P.O. Box 1148, Coravallis, Oregon 97330.

James F. Torrence,

Acting Regional Forester.

March 21, 1980.

[FR Doc. 80-9464 Filed 3-27-80; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket 37450; Order 80-3-150]

Application of United Air Lines, Inc., for Compensation for Losses; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of March, 1980.

On November 28, 1978, United Air Lines, Inc. filed a 90-day notice under section 401(j)(1) of the Act announcing its intent to suspend air service at Visalia, California effective June 8, 1979. By Order 79–6–35 the Board prohibited United's suspension for 30 days.[1]

On January 21, 1980, United filed a request for compensation for losses at Visalia, claiming a cumulative loss, including a profit element, of $608,183 for the period June 8, 1979, through November 18, 1979. United alleges that its compensation request was calculated on the basis of the most recent cost and investment data available—third quarter, 1979—applied to actual operations to Visalia; that its costing conforms with the Board's Version-6 methodology, used in all major rate investigations; that its revenue includes an allocation for passengers using through or connecting service on a joint or through fare; and that its profit was calculated by assigning system capital costs to each point as has been done by the Board in rate and route cases.

We have reviewed United's petition and find that the information contained therein reasonably supports the requested compensation on an interim basis except for the profit element. Since interim compensation rates are subject to adjustment, we elect to treat them as temporary rates and recognize only operating losses and interest on long term debt, which is consistent with 399.30 of our Economic Regulations. A profit element will be considered when we propose a final settlement of the carrier's claim.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204, 419, and 1002(b), and the regulations promulgated in 14 CFR 302 and 324;

1. We set in interim level of compensation for losses sustained by United Air Lines, Inc., by virtue of its provision of essential air service to Visalia, California, at $564,559 [2] for the period June 8, 1979 through November 18, 1979;
2. The proceeding shall remain open pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than, or higher than the interim rate of compensation set here; and
3. We shall serve this order upon all parties to this proceeding.

We shall publish this order in the **Federal Register.**

[1] By various orders we extended this obligation for additional 30-day periods.
[2] Claim of $608,183 less profit element of $43,624.

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All Members concurred except Member Schaffer who did not participate.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9479 Filed 3-27-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37478; Order 80-3-151]

Application of United Air Lines, Inc., for Compensation for Losses; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of March, 1980.

On July 27, 1979, United Air Lines, Inc. filed a 90-day notice under section 401(j)(1) of the Act announcing its intent to suspend air service at Bakersfield, California effective October 28, 1979. By Order 79-10-166 the Board prohibited United's suspension for 30 days.[1]

On January 21, 1980, United filed a request for compensation for losses at Bakersfield. United claims a cumulative loss, including a profit element, of $120,615 for the period October 28, 1979, through November 26, 1979, and seeks an interim rate of compensation in that amount for each 30-day period of compulsory service. United alleges that its compensation request was calculated on the basis of the most recent cost and investment data available—third quarter, 1979—applied to actual operations to Bakersfield; that its costing conforms with the Board's Version-6 methodology, used in all major rate investigations; that its revenue includes an allocation for passengers using through or connecting service on a joint or through fare; and that its profit was calculated by assigning system capital costs to each point as has been done by the Board in rate and route cases.

We have reviewed United's petition and find that the information contained therein reasonably supports the requested compensation on an interim basis except for the profit element. Since interim compensation rates are subject to adjustment, we elect to treat them as temporary rates and recognize only operating losses and interest on long term debt, which is consistent with 399.30 of our Economic Regulations. A profit element will be considered when we propose a final settlement of the carrier's claim.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204, 419, and 1002(b), and the regulations promulgated in 14 CFR 302 and 324;

1. We set an interim level of compensation for losses sustained by United Air Lines, Inc., by virtue of its provision of essential air service to Bakersfield, California, of $265,644 for the period October 28, 1979 through January 7, 1980;[2]

2. The proceeding shall remain open pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than, or higher than the interim rate of compensation set here; and

3. We shall serve this order upon all parties to this proceeding.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

All Members concurred except Member Schaffer who did not participate.

[FR Doc. 80-9475 Filed 3-27-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37479; Order 8-3-152]

Application of United Air Lines, Inc., for Compensation for Losses; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of March, 1980.

On July 27, 1979, United Air Lines, Inc. filed a 90-day notice under sections 401(j) (1) and (2) of the Act and Part 323 of our Procedural Regulations announcing its intent to suspend air service at Modesto, California effective October 28, 1979. By Order 79-10-166 the Board prohibited United's suspension for 30 days.[1]

On January 21, 1980, United filed a request for compensation for losses at Modesto. United claims a cumulative loss, including a profit element, of $97,726 for the period October 28, 1979 through November 26, 1979, and seeks an interim rate of compensation in that amount for each 30-day period of compulsory service. United alleges that its compensation request was calculated on the basis of the most recent cost and investment data available—third quarter, 1979—applied to actual operations to Modesto; that its costing conforms with the Board's Version-6 methodology, used in all major rate investigations; that its revenue includes an allocation for passengers using through or connecting service on a joint or through fare; and that its profit was calculated by assigning system capital costs to each point as has been done by the Board in rate and route cases.

We have reviewed United's petition and find that the information contained therein reasonably supports the requested compensation on an interim basis except for the profit element. Since interim compensation rates are subject to adjustment, we elect to treat them as temporary rates and recognize only operating losses and interest on long term debt, which is consistent with 399.30 of our Economic Regulations. A profit element will be considered after United's forced service requirement is terminated, and when we propose a final settlement of the carrier's claim.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204, 419, and 1002(b), and the regulations promulated in 14 CFR 302 and 324;

1. We set an interim level of compensation for losses sustained by United Air Lines, Inc., by virtue of its provision of essential air service to Modesto, California, of $432,535 [3] for the period October 28, 1979 through March 15, 1980;

2. The proceeding shall remain open pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than or higher than the interim rate of compensation set here; and

3. We shall serve this order upon all parties to this proceeding.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9478 Filed 3-27-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37480; Order 80-3-158]

Application of United Air Lines, Inc., for compensation for losses; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of March, 1980.

On July 27, 1979, United Air Lines, Inc. filed a 90-day notice under sections 401(j) (1) and (2) of the Act and Part 323

[1] By various orders we extended this obligation for additional 30-day periods.

[2] Although United served Bakersfield until the end of January, on January 8 it replaced its jet service with Convair-580 service. We will need information pertinent to its Convair service before compensating United for the remainder of January 1980. The interim rate set herein is calculated at $110,665 per 30-day period (claim of $120,615 less profit element of $9,930). Claim period covers two and two-fifths compulsory periods.

[1] By various orders we have extended this obligation for additional 30-day periods, the latest through March 25, 1980. United was permitted to terminate service in this market effective March 15, 1980, by Order 80-3-38.

[3] Calculated at $92,686 per 30-day period (claim of $97,726 less profit element of $5,040). Claim period covers four and two-thirds compulsory periods.

of our Procedural Regulations announcing its intend to suspend air service at Stockton, California effective October 28, 1979. By Order 79-10-166, the Board prohibited United's suspension for 30 days.[1]

On January 21, 1980, United filed a request for compensation for losses at Stockton. United claims a cumulative loss, including a profit element, of $105,101 for the period October 28, 1979 through November 26, 1979, and seeks an interim rate of compensation in that amount for each 30-day period of compulsory service. United alleges that its compensation request was calculated on the basis of the most recent cost and investment data available—third quarter, 1979—applied to actual operations to Stockton; that its costing conforms with the Board's Version-6 methodology, used in all major rate investigations; that its revenue includes an allocation for passengers using through or connecting service on a joint or through fare; and that its profit was calculated by assigning system capital costs to each point as has been done by the Board in rate and route cases.

We have reviewed United's petition and find that the information contained therein reasonably supports the requested compensation on an interim basis except for the profit element. Since interim compensation rates are subject to adjustment, we elect to treat them as temporary rates and recognize only operating losses and interest on long term debt, which is consistent with 399.30 of our Economic Regulations. A profit element will be considered after United's forced service requirement is terminated, and when we propose a final settlement of the carrier's claim.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204, 419, and 1002(b), and the regulations promulgated in 14 CFR 302 and 324;

1. We set an interim level of compensation for losses sustained by United Air Lines, Inc., by virtue of its provision of essential air service to Stockton, California, of $471,291 [2] for the period October 28, 1979 through March 15, 1980;

2. The proceeding shall remain open pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than, or higher than the interim rate of compensation set here; and

3. We shall serve this order upon all parties to this proceeding.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9477 Filed 3-27-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37573; Order 80-3-154]

Application of United Air Lines, Inc. for Compensation for Losses; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of March 1980.

On October 18, 1979, United Air Lines, Inc. filed a 90-day notice under section 401(j)(2) of the Act and Part 323 of our Procedural Regulations announcing its intent to suspend air service at Youngstown, Ohio effective December 2, 1979. By Order 79-11-193 the Board prohibited United's suspension for 30 days.[1]

On February 1, 1980, United filed a request for compensation for losses at Youngstown. United claims a cumulative loss, including a profit element, of $100,966 for the period December 2 through December 31, 1979, and seeks an interim rate of compensation in that amount for each 30-day period of compulsory service. United alleges that its compensation request was calculated on the basis of the most recent cost and investment data available—third quarter, 1979—applied to actual operations to Youngstown; that its costing conforms with the Board's Version-6 methodology, used in all major rate investigations; that its revenue includes an allocation for passengers using through or connecting service on a joint or through fare; and that its profit was calculated by assigning system capital costs to each point as has been done by the Board in rate and route cases.

We have reviewed United's petition and find that the information contained therein reasonably supports the requested compensation on an interim basis except for the profit element. Since interim compensation rates are subject to adjustment, we elect to treat them as temporary rates and recognize only operating losses and interest on long term debt, which is consistent with 399.30 of our Economic Regulations. A profit element will be considered after United's forced service requirement is terminated, and when we propose a final settlement of the carrier's claim.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204, 419, and 1002(b), and the regulations promulgated in 14 CFR 302 and 324;

1. We set the interim level of compensation for losses sustained by United Air Lines, Inc., by virtue of its provision of essential air service to Youngstown, Ohio, at $95,086 for each 30-day period beginning December 2, 1979, *provided,* that for any period of less than 30 days, the interim rate of compensation shall be $3,170 per day times the number of days that essential air service is provided;

2. The proceeding shall remain open pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than, or higher than the interim rate of compensation set here; and

3. We shall serve this order upon all parties to this proceeding.

We shall publish this order in the **Federal Register.**

All Members concurred except Member Schaffer who did not participate.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9478 Filed 3-27-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33363 and 36234]

Former Large Irregular Air Service Investigation; Application of Silvas Air Lines, Inc.; Notice of an Additional Hearing

On February 8 and 11, 1980, a hearing in the above-entitled proceeding was held before me pursuant to Notice (45 FR 3625, January 18, 1980). On March 7, 1980, the Bureau of Domestic Aviation filed a motion to reopen the record. After careful consideration of all the pleadings, I have decided to reopen the record for an additional hearing in the aforesaid matter.

[1] By various orders we have extended this obligation for additional 30-day periods, the latest through March 25, 1970. United was permitted to terminate service in this market effective March 15, 1980, by Order 80-3-38.

[2] Calculated at $100,991 per 30-day period (claim of $105,101 less profit element of $4,110). Claim period covers four and two-thirds compulsory periods.

[1] By various orders we have extended this obligation for additional 30-day periods, the latest through April 1, 1980.

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Accordingly, Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the matter of the application of Silvas Air Lines, Inc., will be held on April 14, 1980, at 9:30 a.m. (local time), in Hearing Room 1003D, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C. 20428, before me.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 24, 1980.

Marvin H. Morse,

Administrative Law Judge.

[FR Doc. 80-9479 Filed 3-27-80; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Notice is hereby given that, during the week ended March 21, 1980 CAB has received the applications listed below, which request the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due within 14 days of the filing of the application. Answers to conforming application in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other then restriction removals) are due 28 days after the filing of the application. Answers to conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after the original application was filed. If you are in doubt as to the type of application which has been filed, contact the applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overseas cases) or the Bureau of International Aviation (in foreign air transportation cases).

Subpart Q Applications

Date filed	Docket No.	Description
3-17-80	37874	Piedmont Aviation, Inc., P.O. Box 2720, Winston-Salem, North Carolina 27102. Application of Piedmont Aviation, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Regulations requests an amendment of its existing certificate of public convenience and necessity for Route 87 or for a new certificate so as to authorize Piedmont to engage in air transportation of persons, property and mail as follows: Between the terminal point Denver, Colorado and the alternate points Las Vegas, Nevada and Phoenix, Arizona. Answers may be filed by April 7, 1980.
3-18-80	37881	KLM Royal Dutch Airlines, c/o Paul V. Mikeud, 437 Madison Avenue, New York, New York 10022. Application of KLM Royal Dutch Airlines for issuance of a renewed, amended, foreign air carrier permit pursuant to Section 402 of the Act, under Subpart Q of the Board's Regulations as follows: (1) Between a point or points in The Netherlands and the terminal point Anchorage, Alaska, with respect to persons, property and mail. (2) Between a point or points in The Netherlands and the intermediate point Anchorage, Alaska and between the intermediate point Anchorage, Alaska, and the terminal point Tokyo, Japan, with respect to persons and their accompanying baggage. (Anchorage Stop-Over Service). Answers may be filed by April 15, 1980.
3-18-80	37888	Republic Airlines, Inc., Hartsfield Atlanta Int'l Airport, Atlanta, Georgia 30320. Application of Republic Airlines, Inc. pursuant to Section 401 of the Act, under Supart Q of the Board's Regulations requests amendment of its certificate of public convenience and necessity for Route 86 so as to authorize it to engage in nonstop air transportation of persons, property and mail on a subsidy-ineligible basis in the following city-pair markets: Baltimore, Maryland—Cincinnati, Ohio. Cincinnati, Ohio—Nashville, Tennessee. Houston, Texas—Nashville Tennessee. Answers may be filed by April 1, 1980.
3-18-80	37886	Hughes Air Corp., d/b/a Hughes Airwest, San Francisco International Airport, San Francisco, California 94128. Application of Hughes Air Corp., d/b/a Hughes Airwest pursuant to Section 401 and Part 201 of the Board's Economic Regulations requests an amendment to its certificate of public convenience and necessity for Route 76 so as to remove the present one-stop restriction upon the air transportation of persons, property, and mail between the following points: Denver, Colorado, and Houston, Texas. Conforming Applications and Answers are due by April 1, 1980.
3-19-80	37892	United Air Lines, Inc., P.O. Box 66100, Chicago, Illinois 60666. Application of United Air Lines, Inc. pursuant to Section 401 of the Act and part 201 of the Board's Economic Regulations, and Subpart Q of the Board Regulations requests amendment of its Certificate of Public Convenience and Necessity for Route 1 so as to authorize it to engage in such transportation over Routes 1 and 57. Answers may be filed by April 7, 1980.
3-20-80	37902	Hughes Air Corp., d/b/a Hughes Airwest, San Francisco International Airport, San Francisco, California 94128. Application of Hughes Air Corp., d/b/a Hughes Airwest pursuant to Section 401 of the Act, and Part 201 of the Board's Economic Regulations and Subpart Q of the Board's Regulations requests an amendment to its certificate of public convenience and necessity for Route 76 so as to remove the present one-stop restriction upon the air transportation of persons, property, and mail between the following points: Denver, Colorado, and Phoenix, Arizona. Answers may be filed by April 3, 1980.
3-20-80	37903	Hughes Air Corp., d/b/a Hughes Airwest, San Francisco International Airport, San Francisco, California 94128. Application of Hughes Air Corp., d/b/a Hughes Airwest pursuant to Section 401 of the Act and Part 201 of the Board's Economic Regulations and Subpart Q of the Board's Regulations requests an amendment to its certificate of public convenience and necessity for Route 76 so as to remove the present one-stop restriction upon the air transportation of persons, property, and mail between the following points: Seattle, Washington, and Phoenix, Arizona. Answers may be filed by April 3, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9480 Filed 3-27-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Magco Plastics, Inc., 4 Mill Street, Cumberland, Rhode Island 02864, a producer of plastic jewelry, hunting decoys, boxes and packaging (accepted March 11, 1980); (2) Piedmont Industries, Inc., 1250 Broadway, New York, New York 10001, a producer of men's and boys' shirts and pants (accepted March 11, 1980); (3) Bergen Knitting Mills, Inc., P.O. Box 707, Union City, New Jersey 07087, a producer of men's, women's and children's sweaters (accepted March 11, 1980); (4) Bertlyn Industries, Inc., 261 Madison Avenue, New York, New York 10016, a producer of women's footwear (accepted March 11, 1980); (5) T & J Cedar, Inc., 801 Crossing Street, Raymond, Washington 98577, a producer of cedar shakes and shingles (accepted March 11, 1980); (6) F & T Jewelry Company, Inc., 220 West 19th Street, New York, New York 10011, a producer of jewelry (accepted March 11, 1980); (7) Samson Altman, Inc., 169 Elm Street, Waltham, Massachusetts 02154, a producer of women's jackets, suits, dresses, skirts, pants and blouses (accepted March 11, 1980); (8) J'Mar Glove Company, 66 East Fulton Street, Gloversville, New York 12078, a producer of gloves (accepted March 11, 1980); (9) Orofino Fine Jewelers, Inc., 17177 Ventura Boulevard, Encino, California 91316, a producer of jewelry (accepted March 12, 1980); (10) Margaret's Doll Clothing Company, Inc., 85 Fairmont Street, Fitchburg, Massachusetts 01420, a producer of doll clothing (accepted March 12, 1980); (11) Lefeber Bulb Company, Inc., 1345 Memorial Highway, Mount Vernon, Washington 98273, a producer of flower bulbs, grain, vegetables and seed (accepted March 14, 1980); (12) Niacet Corporation, 47th Street and Pine Avenue, Niagara Falls, New York 14302, a producer of sodium acetate (accepted March 14, 1980); (13) Alpine Designs, Inc., 1745 South Acoma Street, Denver, Colorado 80223, a producer of sports jackets, vests and coveralls (accepted March 17, 1980); (14) Antenna and Vehicle Accessories, Inc., 1321 8th Street SE., Waseca, Minnesota 56093, a producer of CB radio antennas (accepted March 17, 1980); (15) Reed & Prince Manufacturing Company, One Duncan Avenue, Worcester, Massachusetts 01603, a producer of screws (accepted March 17, 1980); (16) Gemini Fashions, 131 35th Street, Union City, New Jersey 07087, a producer of women's coats (accepted March 17, 1980); (17) The Ostrom Company, 8323 Steilacoom Road SE., Olympia, Washington 98503, a processor of mushrooms (accepted March 17, 1980); (18) Wex-Tex Industries, Inc., P.O. Box X, Ashford, Alabama 36312, a producer of men's and women's sleepwear (accepted March 19, 1980); (19) Rondalco Industries, 498 Seventh Avenue, New York, New York 10018, a producer of women's dresses (accepted march 19, 1980); (20) Pearlette Fashions, Inc., 1370 Broadway, New York, New York 10018, a producer of women's blouses, vests, skirts, pants and jackets (accepted March 19, 1980); (21) Ford Cedar Products, Inc., 33021 Cemetery Road, Sultan, Washington 98294, a producer of cedar shakes (accepted March 19, 1980); (22) Maple Tree, Inc., P.O. Box 73, Maplesville, Alabama 36750, a producer of women's blouses and dresses (accepted March 19, 1980); and (23) Belmont Garment Company, 169 Bridge Street, Cambridge, Massachusetts 02141, a producer of men's coats (accepted March 19, 1980).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

Jack W. Osburn, Jr.,

Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 80-9384 Filed 3-27-80; 8:45 am]

BILLING CODE 3510-24-M

International Trade Administration

Administrative Review of Antidumping Determinations

AGENCY: U.S. Department of Commerce.

ACTION: Notice of Administrative Review of Antidumping Findings/Orders.

SUMMARY: This notice is to advise the public that the Department of Commerce will review and determine the amount of any dumping duties at least once during the 12-month period beginning on the anniversary of the date of publication of all findings under the Antidumping Act, 1921, or orders under the Trade Agreements Act of 1979. Current findings and their dates of publication are listed in the Appendix to this notice. This notice is published pursuant to Section 751 of the Tariff Act of 1930, as amended.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-566-3435).

SUPPLIMENTARY INFORMATION: Pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (93 Stat. 175, 19 U.S.C. 1675(a)(1)), this notice is to advise the public that the Department of Commerce is conducting an administrative review of findings of dumping under the Antidumping Act, 1921, to determine the foreign market value and United States price of each entry of merchandise subject to the finding and included within the determination (i.e., for each

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finding, all entries with dates of purchase or export, as appropriate, occuring subsequent to the period covered by the last published master list, or, as a minimum, the last 12-month period); and to determine the amount, if any, by which the foreign market value exceeds the United States price.

Section 751(a)(1) provides that administrative review take place at least once during the 12-month period beginning on the anniversary of the date of publication of all findings under the Antidumping Act, 1921, or orders under title VII of the Tariff Act of 1930, as amended (93 Stat. 150). Current findings and their dates of publications are listed in the Appendix to this notice. The administrative review of the findings listed in appendix will be completed by the anniversary in 1981 of the date of publication of the finding. Questionnaires are being, or will be, delivered to affected foreign manufacturers, producers or exporters. The responses will be analyzed and then, in accordance with section 353.53(d) of the Commerce Regulations (19 CFR 353.53(d), 45 FR 8205), the parties to the proceeding can request disclosure of the non-confidential information (or, pursuant to an administrative protective order, of confidential information) on the basis of which the determination will be made. Where disclosure is requested, it will be made generally about 30 days prior to the date a notice of review is published. Written views may be presented, and an opportunity to present oral views may be requested, by any party to whom disclosure was made. After providing an opportunity for comment by interested parties, the Department of Commerce will publish in the **Federal Register** the results of such review, together with notice of any antidumping duties to be assessed and estimated antidumping duties to be deposited.

This notice is published pursuant to section 751(a)(1) of the Act (93 Stat. 175, 19 U.S.C. 1675(a)(1)).

John D. Greenwald,

Deputy Assistant Secretary Import Administration.

March 21, 1980.

Appendix

Antidumping Orders

Finding dates	Commodity	Country
1/18/74	Expanded metal, of base metal.	Japan
1/17/74	Calcium pantothenate	Japan
1/31/78	Railway track maintenance equipment.	Austria
2/02/77	Melamine in crystal form	Japan
2/16/76	Three-ply birch doorskins	Japan
2/27/74	Racing plates (aluminum horseshoes).	Canada
3/10/71	TV receivers	Japan

Appendix—Continued

Antidumping Orders

Finding dates	Commodity	Country
3/13/71	Ferrite cores (of the type used in consumer electronic products).	Japan
3/14/72	Ice cream sandwich wafers	Canada
3/21/70	Viscose rayon staple fiber	Finland
3/21/79	Viscose rayon staple fiber	France
3/23/73	Canned Bartlett pears	Australia
4/01/72	Diamond tips for phonograph needles.	U.K.
4/07/70	Steel reinforcing bars	Australia
4/12/73	Roller chain, other than bicycle.	Japan
4/13/79	Bicycle tires and tubes	S. Korea
4/21/61	Portland cement, other than white non-staining.	Sweden
4/21/64	Steel reinforcing bars	Canada
5/04/63	Portland cement, other than white non-staining.	Dominican Rep.
5/07/71	Clear plate and float glass	Japan
5/16/71	Clear sheet glass	Japan
5/16/71	Ceramic wall tile	U.K.
5/16/79	Perchlorethylene	Belgium
5/16/79	Perchlorethylene	France
5/16/79	Perchlorethylene	Italy
5/25/78	Impression fabric	Japan
5/30/76	Carbon steel plate	Japan
6/02/61	Portland cement, other than white non-staining.	Belgium
6/05/72	Large power transformers	Japan
6/08/73	Stainless steel plate	Sweden
6/09/72	Fish netting	Japan
6/10/74	Picker sticks	Mexico
6/13/79	Carbon steel plate	Taiwan
6/13/79	Viscose rayon staple fiber	Italy
6/13/79	Sugar	Belgium
6/13/79	Sugar	W. Germany
6/13/79	Sugar	France
6/14/72	Large power transformers	Italy
6/14/72	Large power transformers	U.K.
6/14/72	Large power transformers	France
6/28/72	Elemental sulphur	Mexico
6/30/78	PVC sheet and film	Taiwan
7/10/73	Synthetic methionine	Japan
7/16/71	Pig iron	Canada
7/16/71	Pig iron	Finland
7/16/71	Pig iron	W. Germany
7/27/79	Methyl Alcohol (Methanol)	Canada
8/04/72	Cadmium	Japan
8/17/76	Tapered roller bearings	Japan
8/20/71	Clear sheet glass	Taiwan
8/24/73	Printed vinyl film	Argentina
8/24/73	Printed vinyl film	Brazil
8/28/68	Titanium sponge	U.S.S.R.
8/28/73	Stainless steel wire rods	France
8/30/76	Acrylic sheet	Japan
9/07/77	Swimming pools	Japan
9/07/77	Parts of paving equipment	Canada
9/13/66	Steel jacks	Canada
9/21/79	Condenser paper	France
9/21/79	Condenser paper	Finland
9/25/64	Steel bars & Structural shapes.	Canada
9/25/71	Tempered sheet glass	Japan
9/27/72	Instant potato granules	Canada
10/15/73	Steel wire rope	Japan
10/18/66	Pig iron	E. Germany
10/18/66	Pig iron	Romania
10/18/68	Pig iron	U.S.S.R.
10/21/77	Pressure sensitive tape	Italy
10/29/68	Pig iron	Czechoslovakia
11/02/72	Drycleaning machinery	W. Germany
11/19/75	Electric golf carts	Poland
11/22/72	Bicycle speedometers	Japan
11/27/78	Viscose rayon staple fiber	Belgium
12/06/73	Polychloroprene rubber	Japan
12/09/71	Clear sheet glass	Italy
12/12/70	Tuners	Japan
12/17/73	Elemental sulphur	Canada
12/18/78	Steel strand for prestressed concrete.	Japan
12/19/69	Potash	Canada
12/22/77	Inedible gelatin & animal glue	W. Germany
12/22/77	Inedible gelatin & animal glue	Netherlands
12/22/77	Inedible gelatin & animal glue	Yugoslavia
12/22/77	Inedible gelatin & animal glue	Sweden

[FR Doc. 80-9378 Filed 3-27-80; 8:45 am]

BILLING CODE 3510-22-M

Certain Fresh Winter Vegetables From Mexico; Antidumping: Final Determination of Sales at Not Less Than Fair Value

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Final Determination of Sales at Not Less Than Fair Value.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a determination that certain fresh winter vegetables from Mexico are not being sold at less than fair value within the meaning of Section 735 of the Tariff Act of 1930, as amended. Generally, sales at less than fair value occur when merchandise exported to the United States is sold in the U.S. at a price which is less than (a) the price of such or similar merchandise sold in the home market, (b) in the absence of a viable home market, the price at which it is sold in a third country or (c) the constructed value.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Shannon Stock Shuman, Office of Policy, Import Administration, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202–566–8256).

SUPPLEMENTARY INFORMATION: On October 19, 1979, a petition in proper form was received pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel on behalf of the Southwest Florida Winter Vegetable Growers Association, the Palm Beach-Broward Farmers Committee for Legislative Action, Inc., and the South Florida Tomato and Vegetable Growers, Inc., alleging that certain fresh winter vegetables from Mexico are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended (19 U.S.C. 160 *et seq.*).

An "Antidumping Proceeding Notice and Tentative Determination of Sales at Not Less Than Fair Value" was published in the **Federal Register** of November 5, 1979 (44 FR 63588). On January 1, 1980, the antidumping provisions (Title I) of the Trade Agreements Act of 1979 became effective, and the Antidumping Act of 1921, was repealed. (Sections 106(a), 107, Trade Agreements Act of 1979, 93 Stat. 193, 19 U.S.C. 1671 note). The Department of Commerce subsequently determined that the transition rules of the 1979 Act covered pending investigations of less-than-fair-value sales in which no final determinations had been made but in which tentative negative, as well as tentative affirmative, determinations had been made by December 31, 1979.

There had been some doubt about whether the act covered tentative negative determinations, because Sec. 102(b)(a) can be read as containing an explicit reference to tentative *affirmative* determinations but no such reference to tentative *negative* determinations. However, but for the comma between the words "determination" and "that" (emphasized below) in section 102(b)(2) of the statute, coverage of tentative negative determinations would be explicit:

> If the Secretary has made * * * a preliminary determination, but not a final *determination, that* imports * * * are being or are likely to be sold * * * at less than fair value * * *, the investigation shall be terminated and the matter previously under investigation shall be subject to the provisions of Title VII of the Tariff Act of 1930 as if the preliminary determination under the Antidumping Act, 1921, were a preliminary determination under section 733 * * *" (93 Stat. 189, 19 U.S.C. 1671 note).

In addition, the introductory clauses of section 102(a) of the 1979 Act (dealing with transition rules for pending countervailing duty investigations) and section 102(b) of the 1979 Act parallel each other and are all-inclusive in their reference to pending investigations. Moreover, other provisions of the 1979 Act, such as sections 2 (a) and 1002 (93 Stat. 147, 306, 19 U.S.C. 2503(a), 1516a note), refer indirectly to all preliminary determinations.

The House Report on the 1979 Act clearly indicates Congressional intent that all tentative determinations be covered by the transition rules. The House Report states: "With respect to pending antidumping and countervailing duty investigations, the last determination made under the old law will be treated as having been made under new law and the time limits and procedures of the new law will subsequently apply." (H.R. Rep. No. 317, 96th Cong., 1st Sess. at 78 (1979). The Senate Report is equally clear. (See S. Rep. No. 249, 96th Cong., 1st Sess, at 102 (1979)).

In light of the Department's conclusion that the transition rules of the 1979 Act apply to tentative negative, as well as tentative affirmative, determinations pursuant to section 102(b)(2) of the 1979 Act, the investigation under the 1921 Act covering certain fresh winter vegetables from Mexico terminated on January 1, 1980, and the matter became subject to the provisions of Title VII of the Tariff Act of 1930 (93 Stat. 150 *et seq.*) as if the preliminary determination under the 1921 Act were a preliminary determination under section 733 of the Tariff Act of 1930, as amended (93 Stat. 163, 19 U.S.C. 1673b), made on January 1, 1980.

For purposes of this determination, the term "certain fresh winter vegetables" means fresh cucumbers, eggplant, peppers, squash, and tomatoes (except cherry tomatoes), the product of Mexico, provided for in items 135.90 through 135.92, 136.20 through 136.22, 137.10, 137.50, and 137.60 through 137.63, of the Tariff Schedules of the United States and meeting the United States Department of Agriculture minimum standards for grades as set out in 7 CFR 51.2220 through 51.2239. 51.2190 through 51.2207, 51.3270 through 51.3286, 51.4030 through 51.4062, and 51.1855 through 51.1877. This investigation concerns only vegetables shipped during the winter vegetable season and covers of entries during the period November 1 in any year through the last day of the following April.

Determination of Sales at Not Less Than Fair Value

On the basis of the information developed in this investigation and for the reasons noted below, I hereby determine, pursuant to section 735(a) of the Tariff Act of 1930, as amended (93 Stat. 169, 19 U.S.C. 1673d(a)) (hereinafter "the Act"), that certain fresh winter vegetables from Mexico are not being, and are not likely to be, sold in the United States at less than fair value.

Reasons for Determination

a. *Scope of Investigation.* As indicated, this investigation covers the vegetables enumerated above imported into the United States between November 1, 1977, and April 30, 1978.

The Commerce Department and, prior to January 1, 1980, the Customs Service, analyzed data reflecting the activities of thirty-four grower units which account for approximately fifteen percent of the imports of these winter vegetables from Mexico. The sample, which was selected by the Customs Service, includes the largest individual producers of these vegetables as well as some middle- and small-sized growers. Most growers produce more than one type of vegetable. The sample covers fifty-six distinct combinations of grower and vegetable.

Approximately two thousand growers of these vegetables in Mexico export their winter crop to the United States. There are hundreds of thousands of vegetable sales transactions in the course of a season. The sample used covers approximately 58,000 transactions and is statistically representative of all transactions across all growers and throughout the season in light of the fungibility of the product of different growers. The sample is large enough to ensure that, by all conventional statistical measures, it yields meaningful results. There is no evidence that enlarging the sample would materially alter the results. In fact, the sample was enlarged by about 50 percent after the preliminary determination. The additional data had the effect of refining but not materially changing the earlier results.

Petitioners have argued that the sample is unrepresentative of Mexican growers who export fresh winter vegetables. They contend that large growers are disproportionately represented in the sample. However, growers in the survey were selected so as to reflect the importance of each of the products subject to this investigation. The sample was designed to include a fair representation of size of grower operations in the State of Sinaloa, as well as to provide the largest sample of imports possible. Moreover, there is no evidence on the record that costs of production and marketing behavior correlate in any way with grower size.

b. *Inclusion of Perishable Merchandise Under the Antidumping Law.* Early in the initial investigation, a question was raised as to whether perishable agricultural commodities are within the scope of the antidumping law. There is nothing in the law itself that supports the notion that perishable merchandise is excluded. Further, there is precedent for the investigation of perishable commoditis under the Antidumping Act of 1921. See *Concord Grapes from Canada* (34 FR 7460 (1969)), *Chicken Eggs in the Shell from Mexico* (36 FR 5387 (1971)), and *Chicken Eggs in the Shell from Canada* (40 FR 16687 (1975)). Moreover, a comprehensive review of the legislative history of the Act makes it clear that agricultural commodities are subject to its provisions.

The first antidumping provision appeared in the Underwood Tariff bill of 1913, H.R. 3321, 63d Cong., 1st Sess. That provision was passed by the House but deleted from the Underwood bill as reported by the Senate Finance Committee. The Underwood bill was, in the main, an emergency tariff bill directed toward various agricultural products. In the debates, agricultural products were specifically mentioned as being subject to its provisions. See, e.g.,

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50 Cong. Rec. 1236 (1913) (remarks of Representative Switzer).

The provision that became the Antidumping Act of 1921 was part of the Emergency Tariff Act of 1921, H.R. 2435, 67th Cong., 1st Sess. As with the 1913 legislation, Congressional debate concentrated on the bill's tariff aspects, all of which were related to agricultural products. Most of the rather limited debate on the dumping provision concerned whether it was *limited* to agricultural products, and assurances were provided that the antidumping provision was not so circumscribed but applied to *all* goods, incluing manufactured goods. Indeed, so clear was the understanding that the Act would cover agricultural products that the real concern centered upon whether manufactured goods were included. (See, e.g., 61 Cong. Rec. 327–38 (Remarks of Rep. Green); 61 Cong. Rec. 1020–21 (Colloquoy of Sens. McCumber & Harrison)).

In addition, as discussed below, the law provides sufficient flexibility to allow the Department to take into account the unique factors which arise in the case of perishable agricultural goods in determining whether such goods are being, or are likely to be, sold at less than fair value. Indeed, the Department must administer the antidumping law in a manner which reflects economic reality and is consistent with the basic purpose of the Act. In this connection, any decision in this case must take into account the special characteristics of the fresh winter vegetable industry and market.

c. *Characteristics of the Industry.* The approximately two thousand growers of fresh winter vegetables located in the State of Sinaloa in Northwest Mexico sell their crops primarily to buyers in the United States and Canada. They supply approximately 50% of the U.S. market for the fresh winter vegetables subject to this investigation.

The produce of these growers is marketed and distributed in the United States and Canada by approximately fifty distributors who serve as consignees of the merchandise on a commission basis. Most of them are located in Nogales, Arizona. They have exclusive responsibility for negotiating the highest price and most favorable terms possible. Although the growers retain title over their produce until sale, they have no effective control over the prices at which, and the buyers to whom, their produce is sold.

There are a number of other points which distinguish growers of fresh winter vegetables (and, for that matter, other perishable agricultural commodities) from other industries. The growers do not have the ability to control their production, at least over the short term, and cannot store it. The crop in any one year depends largely upon factors beyond the control of the grower, such as weather or disease. Relatively rapid perishability precludes systematic withholding of output from the market should temporary oversupply depress the price below the cost to produce.

Taken together, these factors prevent the Mexican growers from exercising any real influence on the prices received for their produce within the course of a day, a week, a month or a season.

d. *Characteristics of the Market.* Both petitioners and respondents agree that the U.S. and Canadian markets for fresh winter vegetables are essentially the same, i.e., unitary. There are no Canadian customs duties or other import barriers at the Canadian border to impede the free movement of this merchandise from Mexico through the United States into Canada. The pattern of price movements occurring over the season in the U.S. and Canada is the same.

The investigation produced no evidence of price discrimination—intentional or otherwise—between sales to the U.S. and sales to Canada. Further, there is no evidence that consumer behavior in Canada differs from consumer behavior in the United States. Prices throughout the combined U.S. and Canadian markets reflect aggregate supply and demand conditions.

The price data show significant daily price fluctuation for fresh winter vegetables. This wide price variation reflects certain factors. These factors, which are particularly significant, have been isolated in our investigation. They are: the quality of the produce, its color or ripeness and the time of day of sale.

There is considerable evidence on the record describing the general impact on sales price of quality variations, ripeness, and expected shelf-life. In fact, one purchaser indicated that ripeness alone can account for price discounting of as much as 50% off the price of typical high quality produce. Price is similarly adjusted to take into consideration bruises and other quality factors which affect the desirability and perishability of the vegetables. Typically, the farther a buyer is from Nogales, the more he demands a less ripe product of high quality which will withstand up to four days transportation time. In contrast, vegetables of inferior quality or near full ripeness are typically sold to buyers closer to Nogales. This merchandise would not survive several days on the road, and prices are, accordingly, lower. Canada is not a viable market for very low quality or very ripe merchandise. The evidence indicates low incidence of sales of such distressed merchandise.

There is also evidence that the time of day of a sale can have a significant price impact. Prices vary hourly depending on aggregate supply and demand and tend to dip towards the day's end as sellers seek to minimize the costs of holding merchandise overnight.

Although it is clear that these three factors have a significant impact upon prices at all times, the volume of transactions (hundreds of thousands) and accepted record-keeping practices of the growers/distributors make it impossible to calculate the degree to which these factors affect price for any particular sale. For this reason, traditional fair-value comparisons, even in the context of the same grower, same day, same vegetable type and size fall far short of insuring complete comparability of transactions in this dynamic volatile market. There is simply no way of isolating, for purposes of comparison, identical merchandise of identical quality, sold under identical circumstances.

e. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the appropriate comparison is a comparison between U.S. purchase price of the merchandise and third country price of such or similar merchandise.

Home market prices could not be used for fair value comparison purposes since vegetables of the types and qualities covered by this investigation are not sold in Mexico in sufficient quantities for fair value comparison purposes. Instead, fair value comparisons for the growers subject to this investigation were based on the prices at which fresh winter vegetables from Mexico were sold to Canada, determined in accordance with § 353.5, Commerce Regulations (19 CFR 353.5, 45 FR 8191).

The investigation was limited to those growers having a sufficient number of sales to Canada to make a fair value comparison valid. Most of the growers submitting information have such sales. The fair value for comparison purposes was calculated as the volume weighted average of a grower's daily Canadian sales of a given vegetable and type. Sales of each of the five vegetables to Canada by each grower represented virtually 100% of each grower's non-U.S. sales and at least 5% of each grower's sales volume to the United States.

Purchase price, as defined in section 772(b) of the Act (93 Stat. 181, 19 U.S.C. 1677a(b)), was used since all export sales to the United States were made to unrelated U.S. customers by consignees of the Mexican growers. The consignees are located in Nogales, Arizona and execute the sales for a commission. All sales are F.O.B. Nogales. The price charged includes a guarantee that the produce purchased will arrive at its specified destination in the condition agreed upon by the buyer and the consignee.

Data for purposes of calculating purchase price was collected by choosing different days of the week for each week of the investigation for each grower in the sample and requesting information on all transactions executed on those days by a given grower. The sample days in any week varied among the growers. Throughout the season, a given grower reported transactions for every business day of the week.

Adjustments to purchase price were made, whenever applicable, for brokers' and distributors' commissions, U.S. Customs duties and charges, U.S. Department of Agriculture inspection fees, U.S. and Mexican customs house brokerage, freight to Nogales, Mexican export duty and charges and growers' association fees and charges.

With the exception of U.S. Customs duties and charges, the same deductions made to calculate the U.S. price were made to find Canadian price. There are no Canadian Customs duties or charges.

Petitioners have argued strongly that the proper basis for determining fair value in this case is to use a constructed value for the merchandise in question. However, the use of constructed value is not required by the 1979 Act, and § 353.4(b) of the Commerce Regulations (19 CFR 353.4(b), 45 FR 8191) expresses a general preference for the use of third country sales, rather than constructed value, where home market prices cannot be used. Furthermore, use of constructed value in this case would produce a result that manifestly disregards economic reality. One of the main characteristics of the fresh winter vegetable market is wide price variation both within a day and over the season. Petitioners concede that it is normal practice in the industry for individual sales to be below the average cost of production. The economics of the industry, including its profitability, is keyed to performance over the course of a season. The use of a unitary price, such as constructed value, in circumstances such as those presented by this case would necessarily result in less than fair value sales even though sellers are acting in a normal, indeed in a necessary, way given the nature of the industry. Thus, use of constructed value would be inappropriate because it would require finding that an accepted, reasonable and economically necessary practice is unfair.

Just as use of constructed value for purposes of determining fair value would produce results which bear no relationship to economic reality, so too, the mechanical use of an unadjusted average daily Canadian price for comparison purposes would produce equally unjustifiable results. Traditional methodology for establishing fair value based on sales to a third country was developed with reference to the production and marketing of manufactured goods in which output is controllable and price movements are relatively small. Production and marketing of perishable agricultural commodities are radically different. The use of one daily Canadian price for fair value purposes in this case, without appropriate allowance for market price fluctuations, would ignore normal fluctuations caused by variation in the quality of the merchandise, and its ripeness, the time-of-day of the sale. With a large number of buyers and sellers competing for perishible merchandise of variable quality and with supply in the short-term largely beyond the control of the seller, price variation is the expected norm, not the exception.

f. *Sales at Less than Cost of Production.* Petitioners have argued that comparisons to prices to Canada were inappropriate because there are numerous instances of sales below cost. However, section 773(b) of the Act (93 Stat. 183, 19 U.S.C. 1677b(b)) provides for disregarding sales below the cost of production in determining foreign market, or fair, value if such sales have been made over an extended period of time and in substantial quantities and are not at prices which permit recovery of all costs within a reasonable period of time in the normal course of trade. The predecessor of section 773(b)—section 205(b) of the Antidumping Act, 1921—was added to the 1921 Act by the Trade Act of 1974. In its Report on that Act, the Senate Finance Committee expressly indicated that the standards of section 205(b) did not proscribe all sales below cost but rather only below-cost sales which were not normal in the ordinary course of business:

> These standards would not require the disregarding of below-cost sales in every instance, for under normal business practice in both foreign countries and the United States, it is frequently necessary to sell obsolete or end-of-model year merchandise at less than cost * * * Thus, infrequent sales at less than cost, or sales at prices which will permit recovery of all costs based on anticipated sales volume over a reasonable period of time would not be disregarded. (S. Rep. No. 1298, 93rd Cong., 2d Sess. at 173 (1974)).

In the fresh vegetable market, in contrast to markets for industrial products or for agricultural products with longer "shelf life," a relatively high level of sales below cost is normal and to be expected. As mentioned above, growers do not have the ability to control their output, at least over the short-term and cannot store their production. Moreover, the perishability of the produce precludes systematic withholding of the growers' output from the market. Under these circumstances, sales below cost are a normal part of a grower's operations. The grower looks to make his profit over the season as a whole; he does not expect to recover full costs on any individual sale. In fact, in the normal course of business, it is not uncommon for as much as 50% of sales to be below the cost of production.

In this regard, producers in the United States are subject to the same influences, and their normal market behavior is not essentially different from that of the Mexican producers in the investigation. In determining when to exclude below-cost sales from computation of fair value, one must interpret the language of the statute in light of the normal business practice of the industry subject to the investigation. In this case, it would be appropriate to disregard below-cost Canadian sales only if such sales constituted 50% or more of a grower's total sales to Canada of the type of produce under consideration. Moreover, under the methodology adopted, no difference would result if the fair value price comparisons were made on all sales to Canada or only on the above-cost sales for those growers who had substantial below-cost sales.

g. *Methodology for Comparing U.S. and Canadian Sales.* Based on all the evidence in the record, the point of departure for determining whether Mexican vegetables are being sold in the United States market at less than fair value must be that the Canadian and United States markets for fresh winter vegetables are for all practical purposes the same.

All purchases are made through Nogales whether on behalf of U.S. or Canadian buyers. Terms and conditions of sales are the same whether the purchase is for delivery in the U.S. or Canada. The very nature of this marketing and distribution process and all evidence in the record belie the presence of price discrimination—intentional or unintentional—between the U.S. and Canadian markets. To the seller, it is a matter of indifference

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whether the merchandise is sold in the U.S. or Canada.

This observation is corroborated by available statistical evidence. A comparison of average Canadian and U.S. sales prices by grower for each of the vegetables subject to the investigation shows that for some growers the average price of sales to the U.S. was higher; for others, the reverse was true—the prices were, on average, slightly higher for the Canadian market.

Additional statistical evidence as to the essential similarity of prices in Canada and the U.S. is illustrated by plotting the range of actual prices in the U.S. and Canada, along with the U.S., Canadian and combined average market prices, on a daily basis over the season. The resulting graph shows clearly that overall price movements are the same in both level and variation. Furthermore, the U.S. daily average price is neither systematically higher nor lower than the average daily price in Canada.

Further, given the clear statistical evidence of the unitary nature of the markets and the absence of any barriers to the free flow of this merchandise across the U.S.-Canadian border, any sustained price discrimination in favor of U.S. buyers almost certainly would result in arbitrage (the reselling of merchandise by a U.S. buyer to a Canadian buyer for profit). There is no evidence that any such practice occurs.

The conclusion that there is no price discrimination between the U.S. and Canadian markets was tested by means of an F-test based on regression analysis. Regression analysis is a statistical technique which seeks to determine if two variables are linearly related. In theory if the U.S. and Canadian markets are unitary, they would have a slope and intercept close to the values of slope = 1 and intercept 0. The linear relationship between U.S. and Canadian prices in our sample was shown to be consistent with price equality because the slope and intercept of the regression equation are close, in a statistical sense, to the values of 1 and 0 respectively. The results of the F-test performed on the regression show conclusively that there is no discrimination in the pricing of fresh winter vegetables sold in the U.S. compared with those sold in Canada.

The antidumping law is directed at "unfair" pricing of imports. The concern is price discrimination, either intentional or inadvertent, between sales in the U.S. market and sales in the home (or third country) market.

In this case, there is no question of price discrimination. The statistical analyses of the available data, as well as the conclusions to be drawn from the qualitative evidence about the nature of the industry and the nature of the market, rule out a finding of sales at less than fair value because of price discrimination.

Statistical analysis does reveal remarkably wide variation in the price of the same vegetables, of the same size, from the same grower, sold within the same day. However, the evidence available indicates clearly that these price swings are a function of a robust "auction" market for fresh winter vegetables in which the price at which any given sale takes place will depend on the quality and ripeness of merchandise involved in the transaction as well as aggregate market forces at the time of sale. The record contains ample evidence that the price variations observed reflect real differences in quality and ripeness, and time of day of sale. These are the kinds of factors for which price adjustments are normally made under section 773(a)(4) of the Act (93 Stat. 183, 19 U.S.C. 1677b(a)(4)).

Differences in quality and ripeness clearly represent differences in the merchandise for which an adjustment under section 773(a)(4)(C) of the Act is appropriate. The fact that different prices prevail at different times within a day represents a circumstance of sale within the meaning of section 773(a)(4)(B). This factor clearly is directly related to the sales under consideration.

Because of the volume (hundreds of thousands) and speed of transactions, standard record keeping practices of the industry do not permit precise quantification of the impact of each of these factors on each individual sale. Nevertheless, the evidence in the aggregate is compelling. The contention that these factors have a direct and substantial impact on price has not been seriously disputed, and moreover, there is nothing in the record to suggest that a given price differential is attributable to anything other than these factors.

The provisions of the 1979 Act dealing with antidumping do not define "fair value," but there is sufficient flexibility under these provisions to allow the Department to administer the law in light of the economic realities of a particular situation.

The evidence on the record does not support any argument that price discrimination lies behind market price volatility. The inherent variability in sales price as a result of quality, ripeness, shelf-life, and time of day of sale, as described above, leads to the conclusion that were it possible in this case to compare identical merchandise of identical quality sold under identical circumstances, the price of a sale in the U.S. would be the same as the price in Canada.

The evidence relating to the impact on prices of quality of merchandise/conditions of sale must be assessed in general terms. There is strong evidence—both qualitative and statistical—that there is no price discrimination between sales to the U.S. and sales to Canada. Moreover, the evidence in the record satisfactorily explains the price fluctuations in the fresh winter vegetable market. Accordingly, based on all the evidence in the record, it has been established to the satisfaction of the Administering Authority that the amount of any apparent price differentials is wholly due to the factors described above for which adjustments under Sections 773(a)(4) of the Act are mandated. Therefore, it is not possible to conclude that fresh winter vegetables from Mexico are being, or likely to be, sold in the U.S. at less than fair value.

Results of Fair Value Comparisons

Using the above criteria, purchase price was found not to be less than third country price of the merchandise under investigation. Under these circumstance certain fresh winter vegetables from Mexico are not being, and are not likely to be, sold at less than fair value within the meaning of Section 735 of the Tariff Act of 1930, as amended.

In accordance with section 776(a) of the Act (93 Stat. 186, 19 U.S.C. 1677e(a)), all information relied upon in making this final determination has been verified to the extent such information was capable of being verified. Where specific information was not susceptible to verification, the best information available was used. Verification was accomplished by agents of the U.S. Customs Service who were granted access to the books and records of the grower sample used in this investigation. Using traditional Customs verification procedures, the agents spot-checked the information submitted by the growers by requiring documentary support for such information.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to section 774 of the Act (93 Stat. 186, 19 U.S.C. 1677c).

This determination is being published pursuant to section 735(d) of the Act (93 Stat. 172, 191 U.S.C. 1673d(d)).

Dated: March 23, 1980.

Stanley J. Marcuss,

Acting Assistant Secretary Trade Administration

[FR Doc. 80-9472 Filed 3-27-80; 8:45 am]

BILLING CODE 3510-22-M

Malleable Pipe Fittings of Cast Iron From Japan; Final Countervailing Duty Determination

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Final Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a determination that the Government of Japan has given benefits which constitute subsidies within the meaning of the countervailing duty law on the manufacture, production, or exportation of malleable pipe fittings of cast iron. Suspension of liquidation of entries shall continue, and a cash deposit, bond or other security in the amount of the estimated net subsidy will be required at the time of entry in addition to duties normally collected on dutiable shipments of this merchandise.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Robert Robeson, Office of Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 566-2323.

SUPPLEMENTARY INFORMATION: On January 2, 1980, a notice of "Preliminary Countervailing Duty Determination" was published in the **Federal Register** (45 FR 122). The notice stated that benefits bestowed by the Government of Japan on the manufacture, production, or exportation of malleable pipe fittings constitute the payment of subsidies within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to as the "Act"). In accordance with section 703(d) of the Act, the aggregate net amount of the subsidies provided, directly or indirectly, upon the manufacture, production or exportation of this merchandise was estimated to be 0.6 percent *ad valorem;* liquidation of entries was suspended effective January 2, 1980; and from January 2 until further notice, a cash deposit, bond or other security in an amount equal to the estimated net subsidy has been required on all entries, or withdrawals from warehouse, for consumption. Imports covered by this investigation include malleable pipe fittings of cast iron which are used as junctions and fittings in water, steam and gas piping systems and classifiable under item number 610.7400 of the Tariff Schedules of the United States Annotated (TSUSA).

The preliminary determination stated that benefits were provided under the following programs:

(1) Emergency debt financing for certain businesses under the "Law Concerning Temporary Measures for Medium and Small Enterprises Relating to Steep Revaluation of Yen Rates" (High Yen Act).

(2) Partial tax sheltering of current and previous years' earnings through the Overseas Market Development Reserve Program (OMDR). Under this program, a portion of the export earnings of certain firms are placed in a reserve and sheltered from tax liability for 5 years. The deferred tax is viewed as an interest-free loan, and the bounty is calculated to be the interest which would have been paid if the loan was secured at market rates.

In addition the subject merchandise receives benefits in the form of export promotional assistance from the Japan External Trade Organization (JETRO).

The following programs alleged to be benefiting manufacturers and exporters of the subject merchandise were determined preliminarily not to have been bestowed on the subject merchandise:

(1) Low interest loans to facilitate the conversion of certain businesses under the High Yen Act.

No manufacturers or exporters of malleable pipe fittings have received benefits under this program.

(2) Liberalized terms for government financed loan guarantees under the High Yen Act.

No manufacturers or exporters of malleable pipe fittings have received benefits under this program.

(3) Extended loss carry-back provisions applying to the determination of taxable income.

No manufacturers or exporters of malleable pipe fittings have received tax refunds due to this provision of the High Yen Act.

(4) Benefits applicable to those industries which have been designated "depressed."

The malleable pipe fitting industry does not fall into this category.

(5) Preferential financing through the Japan Development Bank.

No manufacturers or exporters of malleable pipe fittings have received loans of any type from the Japan Development Bank.

Section 776 of the Tariff Act of 1930, as amended (93 Stat. 186, 19 U.S.C. 1677e) requires that all information used in final determinations be verified. Whenever such information is not produced in the form required and in a timely manner, the Department shall use the best information otherwise available. Verification in this case did not occur in time for its consideration in the final determination. The estimated countervailing duty reached in this determination may be revised after the opportunity has been taken to analyze the results of this verification.

It is hereby determined that the Government of Japan provides subsidies with respect to all programs discussed above, regardless of the conclusions presented in the preliminary determination. Based on the best information available to Commerce, in accordance with §§ 355.33(c) and 355.39(b) of the Commerce Regulations (19 CFR 355.33(d), 355.39(b) 45 FR 4946, 4947), and until further notice, the net amount of the subsidies provided on the merchandise subject to this determination has been estimated to be 4 percent of the f.o.b. import value of the subject merchandise imported from Japan. This amount is determined based on an overall analysis of the potential impact of the programs found to be counteravailable.

Effective on or after the publication date of this notice, and until further notice, upon the entry, or withdrawal from warehouse, for consumption of malleable cast iron pipe fittings of cast iron which benefit from these subsidies on data imported directly or indirectly from Japan, there shall be collected, in addition to any other duties estimated or determined to be due, estimated countervailing duties in the form of cash deposit, bond or other security in the amount ascertained in accordance with the above declaration. The suspension of liquidation ordered in the notice of preliminary determination remains in effect until further notice. However, the cash deposit, bond or other security required for entries made as of the date of publication of this final determination shall be in an amount equal to the amount of the aggregate net subsidy declared herein. To the extent that it can be established to the satisfaction of the Assistant Secretary for Trade Administration that imports of the subject merchandise from Japan are benefitting from a subsidy smaller than the amount which otherwise would be applicable under the above declaration, the smaller amount so established shall be collected.

This determination has been referred to the U.S. International Trade Commission under section 705(c) of the Act (93 Stat. 160, 19 U.S.C. 1671d(d)).

Any merchandise subject to the terms of this order shall be deemed to have

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benefited from a subsidy if such subsidy has been or will be provided directly or indirectly, upon the manufacture, production or exportation of malleable pipe fittings from Japan.

This final determination is published pursuant to section 705(a)(1), Tariff Act of 1930, as amended (93 Stat. 159, 19 U.S.C. 1671d(a)(1)).

Stanley J. Marcuss,

Acting Assistant Secretary for Trade Administration.

March 17, 1980.

[FR Doc. 80-9473 Filed 3-27-80; 8:45 am]

BILLING CODE 3510-22-M

Committee for the Implementation of Textile Agreements

Visa Requirement for Cotton, Wool, and Man-Made Fiber Apparel Exported From the Republic of Indonesia; Correction

March 24, 1980.

On February 6, 1980, there was published in the **Federal Register** (45 FR 8084) a new export visa requirement for cotton, wool and man-made fiber apparel from the Republic of Indonesia. The effective date of this visa requirement should be corrected to read as follows:

Effective on March 15, 1980, entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool or man-made fiber apparel products, produced or manufactured in the Republic of Indonesia and exported on and after March 15, 1980 for which the Government of the Republic of Indonesia has not issued an appropriate export visa, will be prohibited.

As indicated, apparel products exported before March 15, 1980, will be permitted entry into the United States for consumption, or withdrawal from warehouse for consumption, until June 15, 1980.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229

Dear Mr. Commissioner: To facilitate implementation of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement with Indonesia and the export visa requirement established under its terms for apparel products, it would be appreciated if you would correct the date of effect included in the directive of February 1, 1980 to indicate that the visa requirement will be effective on March 15, 1980 for apparel products in the specified categories which have been exported on and after March 15, 1980.

This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-9439 Filed 3-27-80; 8:45 am]

BILLING CODE 3510-25-M

Announcing Revisions in Lists of Officials of the Government of Pakistan Authorized to Issue Export Visas and Certifications for Exempt Cotton Textile Products

March 25, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Revising the lists of officials authorized by the Government of Pakistan to issue export visas and certifications for exempt cotton textile products exported to the United States.

SUMMARY: The Government of Pakistan has authorized the officials named in the enclosures to the letter to the Commissioner of Customs, which follows this notice, to issue export visas and certifications for exempt cotton textile products, produced or manufactured in Pakistan and exported to the United States.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Judith L. McConahy, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On July 7, 1972, a letter dated June 28, 1972, to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was publish in the **Federal Register** (37 FR 13365), which established an export visa requirement for cotton textiles and cotton textile products, produced or manufactured in Pakistan and exported to the United States. On May 30, 1973 and January 18, 1974, there were published in the **Federal Register** (38 FR 14184 and 39 FR 2293) letters dated May 16, 1973 and January 15, 1974, respectively, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, announcing an administrative mechanism to certify for exemption from the levels of restraint established under the bilateral cotton textile agreement between the Governments of the United States and Pakistan certain handloomed and folklore products of the cottage industry of Pakistan. To qualify for exemption each shipment of exempt cotton textile products must be accompanied by a signed certification. One of the requirements is that the visas and certifications for exemption must be signed by an official authorized by the Government of Pakistan.

The Government of Pakistan has informed the Government of the United States that the lists of officials authorized to issue visas and certifications for exempt cotton textile products exported to the United States have been revised. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to make these changes. Merchandise certified by officials previously designated shall not be denied entry.

The lists of officials currently authorized to issue both visas and exempt certifications are published as enclosures to the letter to the Commissioner of Customs which follows this notice.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Commissioner of Customs
Department of the Treasury
Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of June 28, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Pakistan, for which the Government of Pakistan had not issued an export visa or certification for exemption, where appropriate. It also amends, but does not cancel, the directives of March 3, October 7, and November 19, 1976, and July 7, and November 25, 1977, which named Government of Pakistan officials authorized to issue export visas and certifications for exempt textile products.

Under the terms of the Arrangement Regarding International Trade in Textile, done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977 the aforesaid directives are further amended, effective on March 28, 1980, to revise the lists of officials, who are authorized to issue export visas and exempt certifications for cotton textile products, produced or manufactured in Pakistan. Complete lists of the officials currently authorized to issue visas and certifications are enclosed. Merchandise certified by officials previously designated shall not be denied entry.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Enclosures.

Government of Pakistan Officials Authorized To Issue Export Visas for Cotton Textile Products Exported to the United States

Riaz Ahmad, Ejaz Ahmad, Shabbir Ahmad, Mohammad Akhtar Alam, S. M. Anwar, S. A. Aziz, S. Asif Ali Bokhari, Moinul Hasan, Pir Monhammad Khan, Ghulam Mustafa, Sajjad Hussain Naqvi, Tariq Iqbal Puri, Abdul Ghaffar Quereshi, Mujib-ur-Rehman, Asif Ali Shaikh, Niamat Shah, I. H. Siddiqui, M. Adil Siddiqui, S. A. Zaidi, Abdul Aziz Zia.

Government of Pakistan Officials Authorized to Issue Certifications for Exempt Cotton Textile Products Exported to the United States

S. Zaheer Abbas, Iftikhar Ali, S. A. Aziz, S. Asif Ali Bokhari, Mohammad Sadiq Khan, Abdul Aziz Zia.

[FR Doc. 80-9440 Filed 3-27-80; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1980; Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Deletions from Procurement List.

SUMMARY: This action deletes from Procurement List 1980 services provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: March 28, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On February 1, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (45 F.R. 7276) of proposed deletions from Procurement List 1980, November 27, 1979 (44 F.R. 67925).

After consideration of the relevant matter presented, the Committee has determined that the services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following services are hereby deleted from Procurement List 1980:

SIC 0782

Grounds Maintenance, State Line Park, West Point Lake, West Point, Georgia.

SIC 7641

Furniture Rehabilitation, Upholstery portion only, Fairbanks, Alaska, plus 30-mile radius.

C. W. Fletcher,

Executive Director.

[FR Doc. 80-9436 Filed 3-27-80; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1980; Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1980 a commodity to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 30, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested parties an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed addition, all entites of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1980, November 27, 1979 (44 FR 67925):

Class 6230

Light, Desk, Flourescent, 6230-00-643-2077.

C. W. Fletcher,

Executive Director.

[FR Doc. 80-9437 Filed 3-27-80; 8:45 am]

BILLING CODE 6820-33-M

CONSUMER PRODUCT SAFETY COMMISSION

Process of Selection of Chemicals for Toxicological Testing; Public Meeting

AGENCY: Consumer Product Safety Commission (CPSC).

ACTION: Notice of public meeting.

SUMMARY: A public meeting will be held on Friday, April 18, 1980, at 9:30 a.m. to discuss the process by which the CPSC identifies chemicals for toxicological testing. The meeting will be held at 1111 18th Street, NW., Washington, DC 20207 in the Third Floor Conference Room.

FOR FURTHER INFORMATION CONTACT: Mary Morris, Health Sciences, CPSC, (301) 492-6957. For questions concerning funding for public participation contact Catherine Bolger, Office of the Secretary, CPSC, (202) 634-7700

SUPPLEMENTARY INFORMATION: Through the years the Consumer Product Safety Commission has been actively involved in the evaluation of toxicological testing data on chemicals in consumer products. It has also been interested in identifying chemicals in consumer products requiring additional testing and in having the necessary tests performed. At present, the Commission participates in a number of forums, including the National Toxicology Program (NTP), which are charged with the toxicological testing of chemicals.

Commission staff are developing a program for identifying and nominating chemicals for further testing, whether by the Commission, other federal agencies such as the NTP, or by private organizations. Toward this end the Commission has scheduled an open meeting on April 18, 1980 to present an overview of the planned process, to receive comments and suggestions from other groups and interested parties not within CPSC, and to receive nominations of chemicals for toxicological testing along with the rationale for such testing.

The meeting will commence at 9:30 a.m. with presentations by Peter W. Preuss, Ph.D., Deputy Associate Executive Director for Health Sciences, and members of his staff describing the methods the Commission has used previously to select chemicals for testing and the planned approach to developing a rational process for identifying future chemicals. Subsequent to these presentations key Commission staff will be available to receive comments, suggestions and questions from the public.

It is requested that persons planning to attend the April 18, 1980 meeting give advance notice to: Mary Morris (301)

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492-6957, Health Sciences, CPSC, 5401 Westbard Avenue, Washington, D.C. 20207.

Written comments and nominations of chemicals for testing will be received by Ms. Morris at the above address until May 16, 1980. All written submissions will be reviewed by Commission staff (and utilized where indicated).

During this meeting, the Commission hopes to receive from consumers, public interest groups, industry representatives, state and local government representatives, and other interested groups comments on the process for selecting chemicals for toxicological testing and nominations of chemicals for testing. In order to ensure effective representation of diverse viewpoints from groups and individuals who might not otherwise have the means to participate in this meeting, the Commission may make available funding for reasonable expenses incurred in participating in this meeting. Funding may be authorized on an ad hoc basis, in accordance with 16 CFR 1050.6(b), for transportation to and from the meeting, for other travel-related expenses, including lodging and meals, and for other reasonable costs incurred, such as babysitting. Persons who wish to apply for financial compensation should request an application for funding from: Catherine Bolger, Office of the Secretary, CPSC, 1111 18th Street, NW., Washington, D.C. 20207. Applications should be submitted as soon as possible.

Dated: March 24, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80-9383 Filed 3-27-80; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Proposed Flood Control Project on Uvas Creek Near Gilroy, Santa Clara County, Calif.

AGENCY: San Francisco District, U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of Intent to prepare a DEIS.

SUMMARY:

1. Proposed Action. The tentatively selected plan involves the construction of a flood control levee and recreational facilities along Uvas Creek in the Pajaro River Basin in the vicinity of Gilroy, Santa Clara County, California. The flood control levee, which would protect Gilroy and vicinity against flooding by the Standard Project Flood and all lesser floods, would only be constructed on the Gilroy side of the stream. The levee would be approximately 9,500 feet long and it would be located between a point 2,000 feet downstream of Thomas Road and a point 1,000 feet upstream of Miller Road. To protect the riparian vegetation along Uvas Creek, the levee would be set back approximately 100 feet from the bank of the stream. The recreational facilities would consist of a 7,000-foot-long hiking trail, a 6,440-foot-long biking trail with staging and rest areas.

2. In addition to the tentatively selected plan, the following alternatives will be studied in detail:

a. The No Action alternative.

b. Alternative 1. This alternative involves the raising/reconstruction of about 4,500 feet of existing levee and the construction of about 4,000 feet of new levee on the Gilroy side of Uvas Creek. The levee would be set back approximately 10 feet from the bank of Uvas Creek. The Thomas Road Bridge would be raised in place. The recreational facilities would be the same as in the tentatively selected plan.

c. Alternative 2. The levee configuration would be the same as in Alternative 1 except that the set-back would vary depending on the width of the riparian vegetation along the stream. A new Thomas Road Bridge would be constructed upstream of the present location. The recreational facilities would be the same as those described under the tentatively selected plan.

d. Alternative 3 is described under the tentatively selected plan.

e. Alternative 4. This alternative involves the raising/reconstruction of about 4,500 feet of existing levee and the construction of about 2,000 feet of new levee. The set-back of the levee would be 10 feet from the bank of Uvas Creek. The Thomas Road Bridge would not be modified. The recreational facilities would consist of a 7,000-foot-long hiking trail and a 5,900-foot-long bike trail with staging and rest areas.

f. Alternative 5. This alternative is the same as Alternative 4 except that the set-back of the levee would vary with the width of the riparian vegetation. The Thomas Road Bridge would not be modified. The recreational facilities would be the same as those in Alternative 4.

g. Alternative 6. This alternative is the same as Alternative 5 in every aspect except that the set-back of the levee would be 100 feet from the bank of the creek. Thomas Road Bridge would not be modified.

h. Alternative 7. This is a non-structural alternative which consists of either raising, sealing, or flood proofing of individual structures or flood walls or ring levees for individual or small groups of structures depending on the location within the flood plain.

3. The Corps of Engineers circulated an Environmental Working Paper, in which an array of alternatives was presented, in 1975. In June 1976, a public meeting was held in Gilroy where an array of alternatives was presented. In July 1978, a Feasibility Study was circulated for comments and in December 1978, a Notice of Study Initiation of Phase I GDM was circulated. A meeting was held with the Citizens' Committee in April 1979. The U.S. Fish and Wildlife Service has reviewed the Environmental Working Paper and the Feasibility Study and it will submit to the Corps of Engineers a letter report evaluating the alternatives evaluated in the DEIS. A public meeting is tentatively scheduled for May 1980 to discuss the Phase I GDM and the DEIS.

4. Scoping Process:

a. To allow for the identification of significant issues and to facilitate communication between interested agencies and other interested parties, the San Francisco District, Corps of Engineers has been and is coordinating the EIS and planning process with the City of Gilroy, Santa Clara County, the California State Resources Agency, the U.S. Fish and Wildlife Service, and environmental organizations and the Citizens' Advisory Group. The Corps of Engineers formally requested comments from these agencies and organizations in the Environmental Working Paper that was issued in 1975.

b. The significant issues identified during the planning process will be analyzed in depth in the DEIS. The following elements were identified as significant: Loss of riparian habitat, air quality, recreational opportunities, fish and wildlife resources, and economic resources.

c. Consultation is being performed under the Fish and Wildlife Coordination Act (16 USC Sec 661 et seq), the National Historic Preservation Act of 1966 (16 USC Sec 470 et seq) and the Endangered Species Act of 1973 (16 USC 1532 et seq).

d. Because coordination with concerned agencies and organizations is already in progress, and because the significant resources in the study area have been identified, a scoping meeting as described in the CEQ Final Regulations dated 29 November 1978 is not planned.

5. It is estimated that the DEIS will be available to the public in April 1980.

6. Questions about the proposed action and the DEIS can be answered by Lars M. Forsman, Environmental Branch, San Francisco District, Corps of Engineers, 211 Main Street, San Francisco, California 94105.

Dated: March 17, 1980.

John M. Adsit.

[FR Doc. 80-9231 Filed 3-27-80; 8:45 am]

BILLING CODE 3710-FS-M

Office of the Secretary of Defense

Advisory Group on Electron Devices; Meeting

Working Group C (Mainly Imaging and Display) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session April 17, 18, 1980 at 201 Varick Street, 9th Floor, New York, New York 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night vision sensors. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, § 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 25, 1980.

[FR Doc. 80-9420 Filed 3-27-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Leonard O. Rice d.b.a. Rice Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Leonard O. Rice, d.b.a. Rice Oil Company (Rice), Highway 2 and 52 E., Minot, North Dakota 58701. This Proposed Remedial Order charges Rice with pricing violations in the amount of $22,382.31, connected with the resale of gasoline and diesel fuel during the time period November 1, 1973, through April 30, 1974, in the State of North Dakota.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Kenneth E. Merica, District Manager of Enforcement, 1075 South Yukon Street, P.O. Box 26247—Belmar Branch, Lakewood, CO 80226, phone (303) 234-3195. On or before April 14, 1980, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Lakewood, CO, on the 18th day of March 1980.

Kenneth E. Merica,

District Manager of Enforcement, Rocky Mountain District.

Concurrence by:

Charles F. Dewey,

Regional Counsel.

[FR Doc. 80-9394 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-01-M

Rice-Lindquist, Inc.; Proposed Remedial Order

Pursuant to 10 CFR § 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Rice-Lindquist, Inc. (RLI), Highway 2 and 52 E., Minot, North Dakota 58701. This Proposed Remedial Order charges RLI with pricing violations in the amount of $202,524.51 connected with the resale of gasoline and diesel fuel during the time period November 12, 1973, through April 30, 1974, in the State of North Dakota.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Kenneth E. Merica, District Manager of Enforcement, 1075 South Yukon Street, P.O. Box 26247—Belmar Branch, Lakewood, CO 80226, phone (303) 234-3195. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR § 205.193.

Issued in Lakewood, CO, on the 18th day of March 1980.

Kenneth E. Merica,

District Manager of Enforcement, Rocky Mountain District.

Concurrence by:

Charles F. Dewey,

Regional Counsel.

[FR Doc. 80-9395 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project Nos. 3007-3013]

Concordia Manufacturing Co. et al.; Applications for Preliminary Permit

March 24, 1980.

Concordia Manufacturing Company, Project No. 3007, American Hoechst Corporation, Project No. 3008, Westerman Realty Company, Project No. 3009, Valley Industries, Inc., Project No. 3010, Arctic Development Corporation, Project No. 3011, Saybrooke Manufacturing Company, Project No. 3012, Quidnick Reservoir Association, Project No. 3013.

Take notice that seven applications were filed for preliminary permits on December 6, 1979, under the Federal Power Act, 16 U.S.C. § 791(a)-§ 825(r), by the above listed Applicants for projects identified by project number, name, location, and correspondence contact, as follows:

Project No. 3007 would be known as the Anthony Pond Project, and would be located at the Anthony Pond Site (Rhode Island Dam No. 152), on the South Branch of the Pawtuxet River, in the Town of Coventry, Kent County, Rhode Island. Correspondence with the Applicant on this matter should be addressed to: Paul Boghassian, Jr., President, Concordia Manufacturing Company, P.O. Box 151, West Warwick, Rhode Island 02893.

Project No. 3008 would be known as the Quidnick Upper Project, and would be located at the Quidnick Upper Site (Rhode Island Dam No. 151), on the South Branch of the Pawtuxet River, in the Town of Coventry, Kent County, Rhode Island. Correspondence with the Applicant on this matter should be addressed to: Walter Smith, Manager of Materials and Inventory Control, American Hoechst Corporation, P.O. Box 268, Coventry, Rhode Island 02816.

Project No. 3009 would be known as the Upper and Lower Crompton Project, consisting of a development of two separate sites at two dams located on the South Branch of the Pawtuxet River: (1) the Crompton Upper Site (Rhode

Island Dam No. 194), in the Town of Coventry; and (2) the Crompton Lower Site (Rhode Island Dam No. 150), in the Town of West Warwick, both sites in Kent County, Rhode Island. Correspondence with the Applicant on this matter should be addressed to: Joel Westerman, Vice President, Westerman Realty Company, 20 Remington Street, West Warwick, Rhode Island 02893.

Project No. 3010 would be known as the Centerville Project, and would be located at the Centerville Site (Rhode Island Dam No. 149), on the South Branch of the Pawtuxet River, in the Town of West Warwick, Kent County, Rhode Island. Correspondence with the Applicant on this matter should be addressed to: Robert Galkin, President, Valley Industries, Inc., 33 Factory Street, West Warwick, Rhode Island 02893.

Project No. 3011 would be known as the Arctic Project, and would be located at the Arctic Site (Rhode Island Dam No. 148), on the South Branch of the Pawtuxet River, in the Town of West Warwick, Kent County, Rhode Island. Correspondence with the Applicant on this matter should be addressed to: Robert Galkin, President, Arctic Development Corporation, 33 Factory Street, West Warwick, Rhode Island 02893.

Project No. 3012 would be known as the River Point Upper Project, and would be located at the River Point Upper Site (Rhode Island Dam No. 147), on the South Branch of the Pawtuxet River, in the Town of West Warwick, Kent County, Rhode Island. Correspondence with the Applicant on this matter should be addressed to: Ann Barrish, Partner, Saybrooke Manufacturing Company, 125 Providence Street, West Warwick, Rhode Island 02893.

Project No. 3013 would be known as the Natick Project, and would be located at the Natick Site (Rhode Island Dam No. 145), on the Pawtuxet River, in the Town of West Warwick, Kent County, Rhode Island. Correspondence with the Applicant on this matter should be addressed to: Mr. Robert Galkin, Vice President, Quidnick Reservoir Association, c/o Natco Products, Inc., 33 Factory Street, West Warwick, Rhode Island 02893.

Purposes of Projects—Energy produced at Projects Nos. 3007, 3008, 3010, and 3011, would be utilized totally by the respective Applicants for internal manufacturing processes. Project energy from Projects Nos. 3009 and 3012, would be utilized in part by the respective Applicants' internal manufacturing processes, with the balance of the energy from the projects being sold to American Hoechst Corporation, or to the local utility company. Project energy from Project No. 3013 would be sold to the local utility company for use by customers in its service area.

Proposed Scope and Costs of Studies Under Permits—Applicants seek issuance of preliminary permits, each for a period of three years, during which time each Applicant would accomplish data gathering, surveys, environmental assessment studies, additional subsurface explorations, and materials testing as necessary. In addition, preliminary plans woulds be prepared and, based on results of overall feasibility evaluations, final plans and specifications would be completed for the projects along with the preparation of applications for FERC licenses. Applicants estimate the costs of studies under the permits would vary from $150,000 for Project No. 3007, to $760,000 for Project No. 3013.

Project Descriptions—Project works for the seven projects, to be operated primarily as run-of-river projects, are described below. (Detailed dimensions of project works are to be determined by Applicants' data gathering surveys during permit periods.)

Project No. 3007—The project would consist of: (1) the existing earth and stone gravity dam, constructed in 1800, about 80 feet long and about 21 feet high; (2) new turbines and generators installed in an existing powerhouse in the mill on the north side of the former tailrace channel, or installed in a new powerhouse to be constructed at the eastern end of the Concordia mill; (3) an existing reservoir (Anthony Pond) with negligible storage capacity; (4) a new penstock; (5) a powerhouse discharge conduit or channel; and (6) appurtenant facilities. Based upon an average flow of 134 cfs, and an average available head of 14 feet, this project would have an installed capacity of 150 kW, and an estimated annual generation of 886,000 kWh.

Project No. 3008—The project would consist of: (1) an existing granite masonry dam, 110 feet long and about 14 feet high; (2) an existing reservoir of negligible storage; (3) a headrace channel; (4) a new powerhouse; (5) a new turbine, generator, and switchgear; (6) a tailrace; and (7) appurtenant facilities. Based upon an average flow of 137 cfs, and an average available head of 14 feet, this project would have an installed capacity of 150 kW, and an estimated average annual generation of 886,000 kWh.

Project No. 3009—The project would include the development of two sites. The *Crompton Upper Site* would consist of: (1) an existing concrete and timber dam, about 250 feet long and 6 feet high impounding a reservoir of negligible storage; (2) a headrace channel about 2,500 feet long; (3) an existing granite masonry powerhouse; (4) new turbines and generators; (5) a granite masonry walled tailrace channel; and (6) appurtenant facilities. Based upon an average flow of 137 cfs, and an available head of 18 feet at the powerhouse, this plant would have an installed capacity of 185 kW, and an estimated average annual generation of 1,093,000 kWh. The *Crompton Lower Site* would consist of: (1) an existing granite masonry dam of two sections joined in the center at a granite-sheathed island, 60 feet wide, with the west dam section about 120 feet long, and the east dam section about 50 feet long, and the average height of both sections about 12 feet high; (2) a reservoir of negligible storage; (3) a concrete-lined headrace channel; (4) a powerhouse area in the existing mill building; (5) a new turbine-generator unit; (6) a tailrace channel; and (7) appurtenant facilities. Based upon an average flow of 143 cfs, and available head of 12 feet at the powerhouse, this plant would have an installed capacity of 110 kW, and an estimated average annual generation of 650,000 kWh.

Project No. 3010—The project would consist of: (1) an existing granite masonry horseshoe shaped dam, about 75 feet long, and about 24 feet high; (2) an existing reservoir of negligible storage; (3) an existing headrace channel; (4) a powerhouse area in the existing mill building; (5) a new turbine-generator unit; (6) an existing tailrace; and (7) appurtenant facilities. Based upon an average flow of 146 cfs, and an average head of 20 feet, this plant would have an installed capacity of 220kW, and an estimated average annual generation of 1,300,000 kWh.

Project No. 3011—The project would consist of: (1) an existing granite masonry dam, constructed in 1885, about 225 feet long and 30 feet high; (2) an existing reservoir of negligible storage; (3) an existing headrace channel which has been filled in (to be re-excavated); (4) an existing powerhouse in the mill building; (5) new turbine-generator units; (6) an existing tailrace channel about 400 feet long; and (7) appurtenant facilities. Based upon an average flow of 147 cfs, and an average head of 28 feet, this plant would have an installed capacity of 310 kW, and an estimated average annual generation of 1,837,000 kWh.

Project No. 3012—The project would consist of: (1) an existing granite masonry dam about 75 feet long and 29 feet high; (2) an existing reservoir of negligible storage; (3) an existing

headrace channel; (4) three 6-foot-diameter penstocks leading to (5) the existing powerhouse; (6) new turbine-generator units in the powerhouse; (7) existing draft tube and tailrace channel; and (8) appurtenant facilities. Based upon an average flow of 147 cfs, and an average head of 27 feet, this project would have an installed capacity of 300 kW, and an estimated annual generation of 1,773,000 kWh.

Project No. 3013—The project would consist of: (1) an existing granite masonry dam about 160 feet long and about 18 feet high; (3) an existing reservoir (Natick Pond) of negligible storage; (4) an existing raceway channel which has been filled in (to be re-excavated and used for the project headrace and tailrace); (5) a new powerhouse; (6) new turbines and generators; and (7) appurtenant facilities. Based upon an average flow of 337 cfs and an average head of 30 feet, the project would have an installed capacity of 760 kW, and an estimated average annual generation of 4,500,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Coments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for a preliminary permit. (A copy of the applications may be obtained directly from the respective Applicants). Coments should be confined to substantive issues relevant to the issuance of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *May 23, 1980,* either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than *July 22, 1980.* A notice of intent must conform with the requirements of 18 CFR, 4.33(b) and (c), (*as amended,* 44 *FR.* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended,* 44 *FR* 61328, October 25 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be filed on or before May 23, 1980. Comments, protests and petitions to intervene should specify the project(s) being addressed in the filing. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The applications are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9402 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-285]

Duke Power Co.; Filing

March 24, 1980.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on March 18, 1980 a supplement to the Company's Electric Power Contract with the City of Lexington. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 267.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in contract demand: Delivery Point No. 2 from 23,700 KW to 40,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of May 19, 1980.

According to Duke Power copies of this filing were mailed to the City of Lexington and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9405 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-287]

Consumers Power Co.; Facilities Agreement

March 24, 1980.

The filing Company submits the following:

Take notice that Consumers Power Company, on March 18, 1980, tendered for filing a Facilities Agreement dated February 20, 1980, between Consumers Power Company and the City of Holland, Michigan ("Holland"). Consumers Power states that the Facilities Agreement provides for the construction of the Black River interconnections facilities, and was motivated by the desire of Holland to begin exchanging power and energy at 138 kV. Consumers Power states that Holland is currently receiving service at 46 kV under an Interconnection Agreement that has been designated Consumers Power Company Rate Schedule FERC No. 37. Consumers Power states that, when executed, a new Operating Agreement will cancel and supersede the present Interconnection Agreement.

Consumers Power states that the Facilities Agreement describes the facilities that will comprise the Black River Interconnections, establishes the ownership interest of the parties therein, and establishes the respective obligations and rights of each of the

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parties in the procurement, installation and maintenance of the facilities. Consumers Power states that the facilities to be provided by Consumers Power are expected to be ready for service on or about June 1, 1980.

Consumers Power states that the filing was served on Holland and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said Facilities Agreement should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 14, 1980. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the Facilities Agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9404 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-283]

Consumers Power Co.; Filing

March 24, 1980.

The filing company submits the following:

Take notice that on March 17, 1980, Consumers Power Company ("Consumers Power") tendered for filing revised tariff sheets cancelling and superseding the corresponding tariff sheets in consumers Power's Electric Service Tariff First Revised Volume No. 1, affecting the wholesale for resale jurisdictional customer class. Consumers Power states that the revisions to the tariff sheets reflect, in part, a recent order of the Michigan Public Service Commission dealing with emergency electric procedures. Consumers Power states that the revisions to the tariff sheets will neither increase nor decrease rates and charges to the jurisdictional customer class.

Consumers Power states that a copy of the filing was served on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said revisions should file a petition to invervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Porcedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed by or before April 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of said revisions are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9403 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3037]

Elizabeth Webbing Mills Co., Inc.; Application for Preliminary Permit

March 24, 1980.

Take notice that an application was filed on February 8, 1980, under the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r), by the Elizabeth Webbing Mills for a preliminary permit. The project would be known as the Elizabeth Webbing Mills Hydroelectric Project (FERC Project No. 3037) and would be located on the Blackstone River in the Town of Central Falls, Providence County, Rhode Island. Correspondence with the Applicant on this matter should be directed to: Elliot Lifland, President, Elizabeth Webbing Mills, P.O. Box 157, Pawtucket, Rhode Island 02862.

Purpose of the Project—Project energy developed at this project will be almost entirely utilized by the Applicant's internal manufacturing processes, with the balance of the energy being sold to the Blackstone Valley Electric Company for sale to customers in its service area.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. Applicant proposes to develop preliminary designs, collect hydraulic data, perform field surveys, and prepare an application for FERC license, including an environmental report. Applicant estimates that the cost of work to be performed under the permit would be less than $15,000.

Project Description—The Elizabeth Webbing Mills Project, a run-of-river project, would consist of: (1) the existing granite masonry dam, 156 feet long and 10 feet high, with provisions for installing additional 9-inch high flashboards, (2) a reservoir of negligible storage capacity, (3) new project works to include a headrace, powerhouse with turbine-generator unit having a rated capacity of 675 kW, switchgear, and tailrace; and (4) appurtenant facilities. The Applicant estimates the annual generation would average about 4,360,000 KWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 23, 1980 either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 22, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene: Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before May 23, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9416 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1889]

Irving K. Kessler; Filing

March 24, 1980.

Take notice that on March 14, 1980, Irving K. Kessler (Applicant), filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Atlantic City Electric, Public Utility.
Executive Vice President, RCA Corporation, Electrical Supplier.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 18, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9407 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-1-60 (PGA80-1 and PGA80-1a)]

Locust Ridge Gas Co.; Ordered Accepting for Filing and Suspending Proposed Tariff Sheets Subject to Refund and Subject to Conditions

March 20, 1980.

On February 4, 1980, as amended on February 19, 1980,[1] Locust Ridge Gas Company (Locust Ridge) filed revised tariff sheets[2] reflecting increased purchased gas costs and a surcharge adjustment increase. In addition, Locust Ridge filed a tariff sheet[3] changing the effective dates for its semi-annual PGA adjustment from January 1 and July 1, to March 1 and September 1. The proposed effective date is March 1, 1980.

The filing provides for a 141.04¢ per Mcf increase to track a $2,080,756 increase in the cost of purchased gas and an initial surcharge of 09.45¢ per the deferred purchased gas cost account. Locust Ridge requests waiver of notice requirements to permit the proposed tariff sheets to become effective March 1, 1980.

Based upon a review of Locust Ridge's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Locust Ridge's filing, grant waiver of the 30-day notice requirements and suspend the effectiveness such that it shall become effective on March 1, 1980, subject to refund and subject to the Conditions described below.

Locust Ridge's filing includes increases pursuant to area rate clauses in the contracts between Locust Ridge and its producers. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. That determination shall be made in accordance with the procedures prescribed in Order 23, as amended by subsequent orders, in Docket No. RM79-22. Should it be ultimately determined that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to the pipeline shall be flowed through to ratepayers in accordance with the procedures prescribed in the pipeline's PGA clause.

Locust Ridge's filing also requests that its dates for semi-annual filing be changed from January 1 and July 1 to March 1 and September 1. Locust Ridge has not filed any semi-annual PGA adjustments pursuant to its current tariff provisions. The subject filing includes purchases from producers which were not included in the company's most recent rate case.[4] The projected cost from these new services total $1,959,166 for the six month period beginning January 1, 1980.

Requiring a company of Locust Ridge's size to defer increased purchased gas cost until its next scheduled adjustment could cause a real economic hardship. Therefore, the Commission finds it appropriate to grant the requested amendment to Locust Ridge's tariff.

Furthermore, our review of the filing indicates the current cost of purchased gas should be adjusted by approximately $1.04 rather than the $1.41 amount used by Locust Ridge. Accordingly, Locust Ridge shall, within 15 days of the date of issuance of this order, file a revised PGA adjustment reflecting this correction as well as any necessary correction to its surcharge amount.

The Commission notes that Locust Ridge has not filed tariff sheets to conform its PGA clause to the incremental pricing provision of Order Nos. 49 and 49-A. However, upon review of the circumstances of Locust Ridge's operations, the Commission finds that Locust Ridge would qualify for a conditional exemption from the incremental pricing PGA filing requirements. In Order No. 49-A, issued December 27, 1979, Docket No. RM79-14, the Commission determined that conditional relief from the reporting and accounting requirements should be granted to, among others, a pipeline which sells segregated sources of gas supply to other interstate pipelines. Locust Ridge sells all of the gas it purchases to one pipeline, Michigan Wisconsin Pipeline Company.

Accordingly, pursuant to Order No. 49-A, Locust Ridge is exempted from the filing and accounting requirements of Part 282 of the Commission's Regulations subject to the following provisions. Locust Ridge will still be required to determine and report to Michigan-Wisconsin its expected incremental gas costs for each of its PGA reporting periods. Each month, Locust Ridge will also report the actual acquisition costs subject to incremental cost passthrough to Michigan-Wisconsin. Finally, Locust Ridge is required to notify the Commission of any changes in the circumstances of its operations discussed above.

The Commission Orders:

(A) Locust Ridge Gas Company's proposed Substitute Second Revised Sheet No. 1-A to FERC Original Volume No. 3, filed February 19, 1980, replacing Second Revised Sheet No. 1-A filed on February 4, 1980, are accepted for filing and suspended, and waiver of notice requirements is granted such that the

[1] The filing was amended to make a mathetical correction to the original PGA adjustment.

[2] Substitute Second Revised Sheet No. 1-A to FERC. Original Volume No. 3, filed February 19, 1980, replacing Second Revised Sheet No. 1-A filed on February 4, 1980.

[3] Second Revised Sheet No. 21-B to FERC. Original Volume No. 3.

[4] Filed October 4, 1979, and suspended for one day by Commission order dated October 26, 1979, in Docket No. RP80-4.

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filing shall become effective March 1, 1980, subject to refund, and subject to the conditions enumerated in the body of this order and the ordering paragraphs below.

(B) Locust Ridge shall file within 15 days of the issuance of this order a revised PGA rate change as discussed in the body of the order.

(C) Locust Ridge's proposal to amend its tariff to change its semi-annual filing dates from January 1 and July 1 to March 1 and September 1 is hereby approved.

(D) Locust Ridge is exempted from the filing and accounting requirements of Part 282 of the Regulations as conditioned in the body of the order.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9415 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-284]

Louisiana Power & Light Co.; Proposed Electric System Interconnection Agreement

March 24, 1980.

The filing Company submits the following:

Take notice that on March 17, 1980, Louisiana Power & Light Company (LP&L) tendered for filing an Electric System Interconnection Agreement dated March 11, 1980 with the Town of Jonesville, Louisiana (Town) which provides service schedules for Emergency Service, Reserve Capacity, Supplemental Power, Surplus Power, Economy Power, and Transmission Service. LP&L further states that the proposed agreement and schedules A, B, C, D, E, F, and F-I, are the same as accepted for filing in FERC Docket No. ER76-162 with the City of Ruston (Rate Schedule FERC No. 54), in Docket ER76-868 with the Town of Rayville (Rate Schedule FERC No. 58), in Docket No. ER76-867 with the Town of Homer (Rate Schedule FERC No. 57), in Docket No. ER77-405 with the Town of Jonesboro (Rate Schedule FERC No. 59), in Docket No. ER77-404 with the City of Monroe (Rate Schedule FERC No. 60), and in Docket No. ER79-366 with the City of Minden (Rate Schedule FERC No. 63).

LP&L requests that the Agreement become effective May 16, 1980, the date of expiration of FERC Rate Schedule No. 22.

LP&L stated that a copy of this filing was mailed to the Town of Jonesville, Louisiana and the Louisiana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D. C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 14, 1980. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9408 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-288]

Montaup Electric Co.; Proposed Tariff Change

March 24, 1980.

The filing Company submits the following:

Take notice that Montaup Electric Company ("Montaup"), on March 19, 1980, tendered for filing an amended Exhibit A to Supplement No. 8 to Montaup's Rate Schedule FPC No. 36 for service to the Middleboro Municipal Gas and Electric Department ("Middleboro"). The amendment will, on an annual basis, decrease by $1,776 the charge paid by Middleboro for non-firm transmission service over the 115 kV radial line connecting Montaup and Middleboro.

The existing charge to Middleboro is based on 1978 costs. The amended Exhibit A is based on 1979 costs. Montaup has requested a January 1, 1980 effective date for the new rate.

Copies of the filing have been served on Middleboro and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.18 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9409 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-286]

New England Power Pool; Filing of Amendment to the New England Power Pool Agreement

March 24, 1980.

The filing Company submits the following:

Take notice that on March 19, 1980, the New England Power Pool (NEPOOL) filed an Agreement Amending NEPOOL Power Pool Agreement (Amendment), dated as of January 31, 1980, which modifies the provisions of the New England Power Pool Agreement, dated as of September 1, 1971.

NEPOOL indicates that the Amendment provides for revision of Section 9.4(d) of the NEPOOL Agreement to eliminate the threshold and sliding payment scale in Section 9.4(d) of the NEPOOL Agreement, as ordered by the Commission in its Opinions 775 and 775-A in Docket No. E-7690.

NEPOOL proposes that the Amendment become effective on May 1, 1980, the commencement date of the next pool Capability Period.

Any person desiring to be heard or to make any protest with reference to the Amendment should on or before April 14, 1980, filed with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's Rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9410 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-291]

New England Power Pool; Filing of Amendment to the New England Power Pool Agreement

March 24, 1980.

The filing Company submits the following:

Take notice that on March 18, 1980, the New England Power Pool (NEPOOL) filed an Agreement Amending NEPOOL Power Pool Agreement (Amendment), dated as of February 1, 1980, which modifies the provisions of the New England Power Pool Agreement, dated as of September 1, 1971.

NEPOOL indicates that the Amendment provides for revision of Section 9.4(d) of the NEPOOL Agreement to reduce the Capability Responsibility deficiency charge rate from $22.00 per Kilowatt year to $14.00 per Kilowatt year.

NEPOOL proposes that the Amendment become effective on May 1, 1980, the commencement date of the next pool Capability Period.

Any person desiring to be heard or to make any protest with reference to the Amendment should on or before April 14, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). Persons wishing to become parties to the proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's Rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9411 Filed 3-27-80; 8:45 am]

BILLING CODE 6540-85-M

[Docket No. ER80-282]

Ohio Power Co., Proposed Changes in Rates and Charges

March 24, 1980.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on March 17, 1980, tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio Power), Modification No. 9 dated January 1, 1980 to the Facilities and Operating Agreement dated May 1, 1967 between Ohio Power Company and Dayton Power & Light Company, designated Ohio's Rate Schedule FERC No. 36.

Section 1 of Modification No. 9 increases the demand charge for Short Term Power from $0.70 to $0.85/kW-week and the Short Term Power transmission charge from $0.175 to $0.240/kW-week, if the supply party is Ohio Power and from $0.175 to $0.22/kW-week if the supplying party is Dayton. Section 2 of Modification No. 9 increases the demand charge for Limited Term Power from $3.75 to $4.50/kW-month and Section 3 increases the Limited Term Power transmission charge from $0.75 to $1.00/kW-month, if the supplying party is Ohio Power, from $0.75 to $0.95/kW-month, if the supplying party is Dayton. The aforementioned transmission charges are utilized for third party transactions only.

Applicant states that since the use of Short Term Power Service Schedule cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Modification.

Copies of the filing were served upon Dayton Power & Light Company, and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9412 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-289]

Otter Tail Power Co.; Filing

March 24, 1980.

The filing Company submits the following:

Take Notice, That Otter Tail Power Company (Otter Tail) on March 19, 1980, tendered a statement of understanding or agreement with the Western Area Power Administration (WAPA), United States Department of Energy (DOE), (formerly the Bureau of Reclamation, United States Department of the Interior). The agreement provides for maintaining 21 points of interconnection between the transmission facilities of Otter Tail and those of WAPA and for maintaining scheduling procedures that had been established by the parties under Otter Tail's now terminated FPC Rate Schedule No. 84.

The new understanding or agreement was made necessary by the termination of prior arrangements upon the expiration and termination of a contract between Otter Tail and the Bureau of Reclamation, which expired by its terms on December 31, 1976, but the termination of which was suspended for five months until May 31, 1977.

Copies of the filing were served upon the Western Area Power Administration, the Minnesota Public Utilities Commission, the Public Service Commission of North Dakota, and the Public Utilities Commission of South Dakota.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions for protests should be filed on or before April 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9413 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-202]

Public Service Co. of Indiana, Inc.; Order Accepting for Filing and Suspending Proposed Notice of Cancellation, Granting Intervention, Denying Motion, and Establishing Expedited Hearing Procedures

Issued: March 24, 1980.

On January 25, 1980, Public Service Company of Indiana (PSI) tendered for filing a notice of termination of a

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currently effective service agreement (the Agreement) between PSI and the City of Logansport, Indiana (City).[1] Under the Agreement PSI provides full service to four of the City's retail industrial customers—the customers are collectively referred to as the "Bunge Load." By letter dated December 15, 1978, PSI provided the City with one year's prior written notice of its intent to terminate service to the Bunge Load, as required by the Agreement, and it filed a copy of that letter with the Commission on February 23, 1979, in Docket No. ER 79–213. PSI Proposes to terminate service to the Bunge Load on May 22, 1980.

The City operates its own generation, transmission and distribution systems. The City's principal load is served by its own generation and firm power purchases under an interconnection agreement with PSI.[2] The four Bunge Load customers are not interconnected with the City's main distribution system and are served from a separate PSI transmission delivery point.

In Docket No. ER79–213, the Commission accepted for filing PSI's notice of intent to terminate the agreement. In its acceptance letter of June 4, 1979, the Commission stated that a subsequent filing by PSI of an official notice of termination, required by Section 35.15 of the Regulations, would constitute a rate schedule change under Section 205(e) of the Federal Power Act, and that an investigation might be undertaken to determine whether the termination comports with the public interest.[3]

The City filed on February 22, 1980, a protest and petition to intervene.[4] The City states that without PSI's service under the Agreement the City would have to cut off the Bunge Load as they are not interconnected and distribution circumstances would make it difficult to integrate these industrial customers into its main distribution system. The City alleges that the proposed termination is anticompetitive because it would render the City unable to provide service to the Bunge Load, and thereafter PSI could take over service to these customers. The City also asserts that the proposed termination is discriminatory because PSI has not sought to terminate service to any other wholesale customer served under the tariff applicable to Bunge Load service. Additionally, the City maintains that continuation of service under the Agreement will cause PSI no hardship, and it points out that the company offered no reason why it wants to terminate this service. The City requests that the Commission reject PSI's filing to terminate service, or alternatively, suspend the filing for the maximum period.

On March 7, 1980 PSI filed a response to the City's pleading. In its response PSI claims that when the agreement for PSI to serve the City's Bunge Load was initiated there was an understanding between PSI and the City that this service was temporary until the City constructed its own facilities to serve these customers. The company alleges that the City has not tried to construct the facilities necessary to assume service for the Bunge Load from its main system, and it states that the City's inaction, and not the company's desire to take over service, is the reason for the proposed termination. The company, therefore, denies the anticompetitive nature of its proposed termination and further denies any discrimination.[5]

We shall deny the City's motion to reject inasmuch as the company's filing is consistent with the terms of the Agreement and because PSI should be given an opportunity to demonstrate that the termination is in the public interest. Otherwise, our review indicates that PSI's filing has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept PSI's submittal for filing and suspend its effectiveness for five months from May 22, 1980, the proposed effective date, until October 22, 1980. Furthermore, we shall establish expedited hearing procedures in order to determine whether the proposed cancellation is consistent with the public interest. The Commission hereby instructs the designated presiding law judge to establish a procedural schedule that will allow final Commission action before October 22, 1980. In order to preserve the status quo while this matter is pending, it may be necessary for PSI to request a postponement of the effective date of its proposed termination, and we invite such a filing. The Commission finds that participation in this proceeding by the City may be in the public interest and its petition to intervene will be granted.

The Commission orders:

(A) The City's motion to reject the filing is hereby denied.

(B) PSI's proposed notice of cancellation is hereby accepted for filing and suspended for five months to become effective on October 22, 1980.

(C) The City of Logansport is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation by such intervenor shall be limited to the matters set forth in its petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the DOE Act and by the Federal Power Act, and pursuant to the Commission's rules of practice and procedure and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of the proposed notice of cancellation filed by PSI. Said hearing shall be expedited as hereinafter prescribed.

(E) A presiding administrative law judge to be designated by the Chief Administrative Law Judge shall convene a prehearing conference in this proceeding within 15 days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. This conference will be held for the purpose of expediting the data requests of the City and the other parties to this proceeding. The presiding judge is authorized to establish procedural dates and to rule upon all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure. The presiding judge shall establish an expedited procedural schedule that will permit Commission action on this matter before October 22, 1980.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9404 Filed 3-27-80; 8:45 am]

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[1] The service agreement was filed September 3, 1975 and designated as PSI, FERC Electric Tariff Original Volume No. 1 (3rd Revision).

[2] PSI Rate Schedule FPC No. 223.

[3] *See Pennsylvania Water & Power Co.* v. *Federal Power Commission*, 343 U.S. 414 (1952).

[4] Public notice of PSI's filing was issued on January 31, 1980, with responses due by February 23, 1980.

[5] On March 14, 1980, the City filed a reply to PSI's response.

[Project Nos. 2114 etc.]

Public Utility District No. 2 of Grant County, Wash., et al.; Order Approving Interim Offer of Settlement as Modified

March 20, 1980.

Public Utility District No. 2 of Grant County, Washington, Project No. 2114, Public Utility District No. 1 of Chelan County, Washington, Project Nos. 943 and 2145, Public Utility District No. 1, of Douglas County, Washington, Project No. 2149, State of Washington, Department of Fisheries vs. Public Utility District No. 2 of Grant County, Washington, Docket No. E–9569.

On March 7, 1979, the Commission consolidated several matters into the captioned proceeding which is to determine whether the operation of Project Nos. 943, 2114, 2145 and 2149 should be modified in the interest of protecting the fishery resources of the Columbia River, including, among other matters, determinations of appropriate flows at the Priest Rapids, Wanapum, Rock Island, Rocky Reach and Wells dams in the middle reaches of that river within the State of Washington. The Commission said that questions pertaining to studies and interim operating measures that may be required for a long-term resolution of the proceeding would be left to the judgment of an administrative law judge as part of the exercise of his delegated authority under § 1.27 of the Commission's Rules of Practice and Procedure.

On December 31, 1979, the PUDs,[1] licensees of the foregoing projects, together with the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Oregon Department of Fish and Wildlife and the Idaho Department of Fish and Game, submitted an interim Offer of Settlement [2] to the presiding administrative law judge for comment and approval. The "Agreement" therein recites, among other matters,

A five-year study program shall be conducted by the Public Utility Districts to investigate the effect of the projects and their operation on the downstream migration of juvenile salmonids, the methods of improving protection of natural production of salmonids, and the methods of improving and increasing semi-natural and artificial production of salmonids from the Mid-Columbia River.

Comments submitted by the Washington State Department of Fisheries and Department of Game (WDF/WDG), the State of Washington Department of Ecology, the Confederated Tribes of the Umatilla Indian Reservation (Umatilla Tribes), the Confederated Tribes and Bands of the Yakima Indian Nation (Yakima Tribes) and the Commission staff counsel, generally recommend approval of the Offer of Settlement although, in some instances, the recommendations are conditioned upon certain clarifications. WDF/WDG, however, recommends its certification with "slight modifications" to the Commission for approval.

Responses to the comments were submitted by the parties sponsoring the Offer of Settlement, as well as by the staff counsel, and generally clarified that offer in the aspects requested. But the sponsoring parties rejected the modification proposed by WDF/WDG.[3] Thereafter, on march 4, 1980, the presiding judge modified the Offer of Settlement in accordance with the clarifications of the sponsoring parties; rejected the modification of WDF/WDG; ordered the Offer of Settlement effective, as so modified, as of that date; [4] and certified it, also as so modified, to the Commission for approval.[5] In doing so, the judge said, "Final resolution (of the issues in this proceeding) will be possible only after the necessary data has been collected during the interim second stage."

The Offer of Settlement provides, among other matters, for the maintenance of specified flows at the five dams, and for spills at each of the dams that will begin on specified dates and will continue "for 30 days or until approximately 80 percent of the migrating juveniles have passed the dams, whichever is sooner." WDF/WDG, supported by the Yakima Tribes, request that the quoted language be modified so that the spills will continue "for 30 days or until the migrating juveniles have passed, whichever is later." Citing the treaties between the United States and the Umatilla and Yakima Tribes, as well as Section 10(a) of the Federal Power Act and certain decisions of the Supreme Court,[6] they contend that "additional progressive destruction of the fish runs should not be consciously approved."

The PUDs respond that while the cited authorities can be read to require reasonable protection of the fishery resources of the Columbia River, those authorities do not require that the development and utilization of other water resources of that river be subordinated to the protection of *all* of the migrating juvenile salmonids. They say that the question of whether more fish are injured going through turbines, or falling over spillways, is one of the principal issues in this proceeding. And they point out that the 80% limitation in question is only one of several components of the five-year interim program, and that WDF/WDG "have suggested no specific (compensating) changes in the other components." The other parties sponsoring the Offer of Settlement explain, in this connection, that salmon tend to migrate in peaks approximating a bell-shaped curve, and that the spills are to be targeted at the peaks of the migrations to assure maximum protection of the fish with the available amounts of water:

> Spill would not commence until the initial 10 percent of the migrating fish had passed the PUD dams. As migrating builds and peaks, spill would gradually be increased to up to 20 percent per dam, and would be adjusted using available water until most of the fish had passed the dams. Under this regime, the amount of spill would parallel the distribution of the migrating populations; spill would be directed at the central 80 percent of the fish populations, but would not be provided for the initial 10 percent or final 10 percent of those populations.

The presiding judge said that it is not now possible to decide the relative merit of protecting only 80%, or the requested 100%, of the migrating juvenile salmonids, because there is no conclusive evidence as to whether the turbines or spillways are more deleterious to the fish, adding, that WDF/WDG does not attempt to justify its request for 100% protection as being factually superior. The presiding judge said one of the objectives of the proposed five-year study is to collect reliable information on which to base a decision as to whether turbines or spillways are more deleterious. And he concluded that WDF/WDG's proposal is not supportable as a matter of law for

[1] Public Utility District No. 2 of Grant County, Washington; Public Utility District No. 1 of Chelan County, Washington; and Public Utility District No. 1 of Douglas County, Washington.

[2] The Offer of Settlement was negotiated by the parties and is obviously an interim measure designed to gather data, rather than a final resolution of appropriate flows.

[3] The Yakima Tribes, on the other hand, added their support to the modification.

[4] Pursuant to Ordering Paragraph (F) of the Commission's order of March 7, 1979.

[5] Pursuant to § 1.18(e)(4)(ii) of the Commission's Rules of Practice and Procedure. The judge noted, in this connection that counsel for Public Utility District No. 2 of Grant County, Washington, requested "expedited consideration" to permit bids to be solicited early in March for the purpose of altering the Priest Rapids spawning channel in time for the 1980 Spring migration.

[6] *Udall* v. *Federal Power Commission*, 387 U.S. 428 (1967), *Puyallup Tribe, Inc.* v. *Department of Game of Washington*, 433 U.S. 165 (1977) and *State of Washington* v. *Washington State Commercial Passenger Fishing Vessel Association*, U.S. , 61 L.Ed.2d 823 (1979).

the reasons advocated by the parties sponsoring the Offer of Settlement.

We have considered the Offer of Settlement and the comments and responses of the parties, and we approve that offer as modified, and for the reasons set forth, in the presiding judge's Certification of Settlement Agreement and Interim Order of Operating Procedures dated March 4, 1980. As the staff counsel indicated in her response to the comments, the proposed studies are designed to help answer the question of whether the spills lessen the mortality rate of the downstream migrants, and Section 9 of the Offer of Settlement provides for convening a settlement conference for the purpose of seeking modifications of the minimum flow or spill requirements. Therefore, depending upon the early results of the studies, the parties can request a settlement conference to increase or decrease the spills that are provided in the Offer of Settlement.

The Commission orders:

The interim Offer of Settlement submitted in this consolidated proceeding on December 31, 1979, is approved as modified and placed into effect by the presiding administrative law judge on March 4, 1980.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9414 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-3]

State of Colorado, Section 103 NGPA Determination, L&B Oil Co., Inc.; Preliminary Finding

Issued March 21, 1980.

On February 5, 1980, the Colorado Oil and Gas Conservation Commission (Colorado) submitted to the Commission a notice of its determination that the L & B Oil Co., Inc., State No. 1 JD No. 80-14668, well qualifies as a new onshore production well under section 103 of the Natural Gas Policy Act of 1978 (NGPA), Pub. L. No. 95-621.

Section 103(c)(1) of the NGPA provides that in order for a well to qualify as a new, onshore production well, surface drilling of that well must have begun on or after February 9, 1977. The applicants filed a statement made under oath as part of its filing, that the reentry of the subject well began on or after February 19, 1977.

Although the reentry-date given by Colorado is April 23, 1979, the record in this proceeding shows that the original well had been plugged and abandoned on May 12, 1971. Since the spud date of such well was prior to February 19, 1977, the Commission finds a lack of substantial evidence in this record to support Colorado's determination that the subject well is a new, onshore production well under Section 103 of the NGPA.

Accordingly, the Commission hereby makes a preliminary finding (pursuant to 18 CFR 275.202(a)(1)(i) that the determination made by Colorado was not supported by substantial evidence in the record upon which the determination was made.

By direction of the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9401 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-79]

State of Kansas, Section 108 NGPA Determination, Ladd Petroleum Corp.; Preliminary Finding

Issued: March 21, 1980.

On October 24, 1979, Kansas Corporation Commission (Kansas) submitted to the Commission a notice of determination that the Ladd Petroleum Corporation HCU 1731 #1 Well, JD80-3571, qualifies as a stripper well pursuant to section 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301, *et seq.*

Section 108(b)(1) of the NGPA stipulates that in order to qualify as a stripper well, a well must produce nonassociated natural gas at a rate that does not exceed an average of 60 Mcf per production day during the preceding 90-day production period and produce at its maximum efficient rate of flow (MER) during the same period. Section 108(b)(3) defines "production day" as (i) any day during which natural gas is produced [1] and (ii) any day during which natural gas is not produced if production during that day is prohibited by a requirement of State law or a conservation practice recognized or approved by a state agency.

The record submitted with the determination indicates that there were 63 days during the 90-day production period when the well was shut-in. According to the supplemental information provided by this applicant and forwarded to the Commission by Kansas on February 7, 1980, the well was shut-in during 23 days of the 90-day production period at the request of the purchaser in order to decrease field production. The applicant asserts that the only alternative means of decreasing field production is to have the purchaser increase line pressure. The applicant states that this would result in inefficient and wasteful operation of compressors, gas entering salt water disposal lines and wasteful use of the produced gas in the pumping units.

In an Interim Interpretive Regulation issued in Docket No. RM79-73 on November 9, 1979, the Commission stated that days on which a well is shut-in by the operator may qualify as "production days" if the jurisdictional agency makes a finding that conservation practice requires intermittent shut-in of the well. The Commission also stated that this finding should as a minimum verify the particular physical impediment which requires that intermittent shut-in of the well, explain the conservation practice which the jurisdictional agency recognizes as applicable in the particular case, and explain why the conservation practice as applied to the subject well is necessary to achieve and maintain production.

Although the applicant asserted that the shut-in of the subject well was required by an accepted conservation practice, Kansas has not made the specific "conservation practice" finding nor has it furnished the requisite explanation as provided in the above-mentioned Interim Interpretive Regulation. Therefore we conclude that there is a lack of substantial evidence that the 23 days during which the well was shut-in at the request of the purchaser meets the statutory definition of "production day".

Accordingly, the production average for the subject well during the 90-day production period must be calculated by dividing the total production (2,229 Mcf) by the number of qualifying production days (29), resulting in an average rate of production of 76.2 Mcf per production day. This rate exceeds the production limitation of an average of 60 Mcf per day prescribed by section 108 of the NGPA.

On the basis of the record submitted with this determination, the Commission hereby makes a preliminary finding, pursuant to 18 CFR 275.202(a)(1)(i), that the notice of determination submitted by the State of Kansas Corporation Commission for the above-referenced well is not supported by substantial evidence in the record on which the determination was made.

[1] Natural gas is produced, within the meaning to section 108(b)(3), on any day during which there is measurable production from a well, and on any day on which a well is open to the line but is unable to produce measurable quantities of gas. *See* § 271.803(e).

By direction of the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9408 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-290]

Wisconsin Electric Power Co.; Filing

March 24, 1980.

The filing Company submits the following:

Take Notice that Wisconsin Electric Power Company (WE) on March 18, 1980, tendered for filing a Supplement, effective November 1, 1977, to the Interconnection Agreement between WE and Wisconsin Power and Light Company (WPL).

This supplement, Appendix G (South Fond du Lac Interconnection), modifies the Interconnection Agreement, dated June 7, 1971, to provide for an additional point of interconnection between WE and WPL. Said Interconnection Agreement is on file with the Commission and designated as Wisconsin Electric Rate Schedule FERC No. 31. WE maintains that it is not practical to estimate with any degree of accuracy the quantities of energy to be exchanged at this point of interconnection.

WE states that a signed duplicate original of the supplement had been provided to WPL and a copy of the supplement has been provided to the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with Paragraph 1.8 and Paragraph 1.10 the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9417 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Decisions and Orders by the Office of Hearings and Appeals, Week of November 26 Through November 30, 1979

Notice is hereby given that during the week of November 26 through November 30, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Dechert, Price & Rhoads, Philadelphia, Pennsylvania; BFA-0032, freedom of information.

Dechert, Price & Rhoads filed an Appeal from a denial by the Deputy Assistant Secretary for Utility and Industrial Energy Applications of the Resource Applications Division of the Department of Energy of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that certain statistical information concerning the volume of purchases and sales of uranium by utilities, should not be withheld under Exemption 4 unless it is determined on remand that release of such information could cause substantial harm to the competitive position of the utilities.

Fulbright & Jaworski, Washington, D.C.; BFA-0039, freedom of information.

The law firm of Fulbright & Jaworski filed an Appeal from a partial denial by the Disclosure Officer of the Office of Special Counsel for Compliance of the Department of Energy of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that the Disclosure Officer correctly withheld certain sections of a 1974 Federal Energy Administration report under Exemptions 2 and 5, but it determined that one section withheld under Exemption 2 should not be withheld because its release was not contrary to the public interest.

Shell Oil Company, Houston, Texas; DEA-0539, motor gasoline.

Shell Oil Company (Shell) filed an Appeal of an Order for Redirection of Product which was issued to Shell on March 20, 1979 by the Office of Fuels Regulation of the DOE Economic Regulatory Administration. Shell initially submitted its Appeal of the Redirection Order on July 24, 1979. In considering whether to dismiss Shell's Appeal as untimely, the DOE noted that its Procedural Regulations require that appeals of Redirection Orders be filed within thirty days of service of the Orders. The DOE found that Shell had prompt notice of the Redirection Order, its regulatory basis, and the proper procedure and time limits for filing an Appeal of that Order. Accordingly, the DOE dismissed Shell's Appeal.

Remedial Orders

Polaris Production Corporation; Midland, Texas; DRO-0252 crude oil

Polaris Production Corporation objected to a Proposed Remedial Order which the Southwest District Office of Enforcement issued to the firm on May 30, 1979. In the Proposed Remedial Order, the District Office found that Polaris sold crude oil at prices exceeding the applicable ceiling price levels by misclassifying certain properties and improperly treating its properties as stripper well properties. In considering the firm's objections, the DOE found that the firm improperly misclassified its Buckley property as two separate properties by virtue of differences in royalty payments that were not mandated by the governing lease instrument. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order. The important issues discussed in the Decision and Order include (i) the applicability of the exemption from the property definition discussed in FEA Ruling 1977-1 regarding separate accounting for identified portions of the premises; and (ii) the proof required to establish that wells previously reported to a state agency as non-producing wells actually produced crude oil, thereby permitting the owner to include the well and its production in calculations of whether a property qualified for the stripper well exemption.

William Herbert Hunt Trust Estate; Arkansas County, Texas; DRO-0112 crude oil

The William Herbert Hunt Trust Estate objected to a Proposed Remedial Order which the Economic Regulatory Administration issued to the firm on August 31, 1978. In the Proposed Remedial Order, the ERA found that Hunt had violated the crude oil producers' price rule by selling at upper tier prices condensates recovered at mechanical facilities operated by the firm. In considering the firm's objections, the DOE found that the firm's facilities were not a crude oil producing property and that condensates recovered at the facilities must be priced as crude oil produced from the properties from which the condensate originated. Since the ERA determined that the entire volume of condensates must be sold at the lower tier price, the DOE concluded that the Proposed Remedial Order should be remanded for a determination of the applicable ceiling price by reference to the base production control levels of the properties from which the condensate originated.

Tenneco Oil Company; Houston, Texas; DRO-0088; DRD-0089 No. 2 fuel oil

Tenneco Oil Company objected to a Proposed Remedial Order which the Southwest District of the ERA Office of Special Counsel for Compliance issued to the firm on July 26, 1978. Tenneco also filed a Motion for Discovery in which it sought to obtain documents related to the manner in which the DOE and its predecessors interpreted the term "transaction" as applied to variable-price contracts.

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In the Proposed Remedial Order, the Southwest District found that Tenneco had sold No. 2 fuel oil to the Georgia Power Company at prices which exceeded the maximum permissible selling prices. In considering the firm's objections, the DOE found that the Southwest District erroneously failed to allow Tenneco to adjust its May 15 price, according to the terms of its variable-price contract, to account for the average calorific value of the fuel oil purchased. The DOE therefore concluded that the Proposed Remedial Order should be remanded to the Southwest District for a recomputation of the overcharge figure.

The DOE also determined that Tenneco's maximum permissible selling prices would be computed in the same manner, regardless of which definition of "transaction" were used, and that the material which Tenneco sought to discover was therefore irrelevant to the firm's objectons. Moreover, the DOE concluded that Tenneco's Motion for Discovery was not timely filed. Accordingly, Tenneco's Motion for Discovery was denied.

Petition for Special Redress

United Oil Company; Washington, D.C.; BSG–0003

United Oil Company filed a Petition for Special Redress in which the firm requested that the DOE Office of Enforcement be directed to accept settlement terms proposed by the firm with respect to a pending enforcement proceeding. The request was denied since the settlement strategy of the Office of Enforcement is a matter of prosecutorial discretion.

Requests for Exception

Belco Petroleum Corporation; Houston, Texas; DXE–8263 crude oil

The Belco Petroleum Corporation filed an Application for Exception from the provisions of 10 CFR 212.73. The firm sought permission to sell the crude oil producted from the White River Unit located in Uintah County, Utah, at prices in excess of the lower tier ceiling price. In considering the request, the DOE found that exception relief was necessary to provide the firm with an economic incentive to continue its crude oil extraction operations.

Chevron U.S.A. Inc.; San Francisco, California; DXE–2167 crude oil

Chevron U.S.A. Inc. filed an Application for Exception in order to obtain continued exception relief from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted pursuant to the *Great Southern* line of cases to permit Chevron to sell at upper tier prices 23.49 percent of the crude oil produced from the N–1–C Ranger Fault Block VI.

Earth Resources Company of Alaska; Fairbanks, Alaska; DEE–2237 crude oil

On March 20, 1979, the Earth Resources Company of Alaska (ERCA) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) in which the firm requested that it be issued additional entitlements with respect to its reported crude oil receipts and runs to stills for the period September 1977 through September 1978. In considering the request, the DOE found that ERCA processes Alaska-North Slope crude oil which it receives from the Trans-Alaska Pipeline System (TAPS). In addition, the DOE found that ERCA did not receive $341,741 worth of entitlements which it would have obtained if it had included in its entitlements reports only the net, rather than the gross, volumes of crude oil taken from the pipeline during the September 1977 through September 1978 period. Since the applicable regulatory criteria concerning the reporting of crude oil received from TAPS were somewhat ambiguous prior to November 27, 1978, the DOE determined that exception relief to correct ERCA's reporting error would be appropriate. Accordingly, a proposed decision was issued in which exception relief was granted, and the firm was allocated an additional $341,741 worth of entitlements. When there was no timely Statement of Objection filed, the proposed decision was issued in final form.

Frederick P. Lyte; Los Angeles, California; DEE–8031 crude oil

Frederick P. Lyte filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. Exception relief was granted pursuant to the *Great Southern* line of cases to permit Lyte to sell at market prices 33.07 percent of the crude oil produced from the Skeeter Slaughter No. 2 lease.

Maguire Oil Co.; Dallas, Texas; DXE–2191 crude oil

The Maguire Oil Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted pursuant to the *Great Southern* line of cases to permit Maguire to sell the crude oil produced from the Chandler lease in Howard County, Texas, Texas, as market prices.

Port Petroleum, Inc.; Washington, D.C.; DEE–6994 crude oil

Port Petroleum, Inc. filed an Application for Exception from the provisions of 10 CFR 211.65 in which the firm sought to be permitted to participate in the Crude Oil Buy-Sell Program as a refiner-buyer. In considering the request, the DOE found that the firm did not commit funds toward the construction of its refinery until 1978 and was accordingly barred from participating in the Buy-Sell Program by virtue of Section 211.65(a)(iii). The DOE found that Port was aware when it began construction of its refinery that it could not participate in the program. Since Ports' difficulties were attributable to its own discretionary business decisions, exception relief was denied.

Thorn Tree; Washington, D.C.; DEE–7559

Thorn Tree filed an Application for Exception from the provisions of 10 CFR 490 in which the firm sought permission to lower the minimum summer temperature in its business establishment to 75°F. In considering the request, the DOE found that exception relief was necessary to avoid a serious health risk to one of the firm's employees, who was under treatment for congestive heart failure and atrial fibrillation.

Utilities Board of the Town of Citronelle-Gas; Theodore, Alabama; BEE–0293 reporting requirements

The Utilities Board of the Town of Citronelle-Gas (Citronelle) filed an Application for Exception from the reporting requirements set forth in Form EIA–149 ("Natural Gas Supply, Requirements, and Usage"). Citronelle requests that it be relieved of the requirement to complete and submit the form to the EIA. In considering Citronelle's request, the DOE found that a hurricane had destroyed the firm's records and that the requirement to complete the form would therefore impose a serious hardship on Citronelle. The DOE made exception relief effective immediately through the issuance of a Special Decision and Order pursuant to 10 CFR 205.69C.

Request for Stay

Mallard Resources, Inc., Cameron Parish, La., BES–0008, BST–0008, crude oil

Mallard Resources, Inc. filed Applications for Stay and Temporary Stay of the requirement that it report to the ERA volumes of crude oil which the firm purchased and of any entitlements purchase obligations which the firm may incur as a result of those purchases. In considering the Applications, the DOE determined that the firm had not shown that it would experience an immediate or irreparable injury as a result of a denial of its stay request or that there was a substantial likelihood of success on the merits of its underlying exception application. Accordingly, the stay requests were denied.

Request for Temporary Stay

Energy Cooperatives, Inc., East Chicago, Ind., BST–0021, motor gasoline

On November 23, 1979 Energy Cooperatives, Inc. (ECI) filed an Application for Temporary Stay of the requirement that it provide Foremost Petroleum Corporation with 29,400,000 gallons of motor gasoline pursuant to a Temporary Assignment Order issued to ECI on November 16, 1979, by the Economic Regulatory Administration. In considering the Application for Temporary Stay, the DOE determined that ECI and its customers would suffer an irreparable injury if ECI were required to comply with the November 16 ERA Order. Accordingly, the temporary stay request was granted.

Motion for Discovery

Commonwealth Oil Refining Co., Inc., Washington, D.C. BED–0003, crude oil

Commonwealth Oil Refining Co., Inc. filed a Motion for Discovery and Protective Order in which the firm requested that the DOE direct the Mobil Oil Corporation to furnish it with certain cost and supply data pertaining to the crude oil purchased and refined by Mobil during the first nine months of 1979. In considering the request, the DOE found that the information requested by Corco would enhance Corco's ability to respond to arguments raised by Mobil in opposition to several petitions filed by Corco on September 4, 1979. The Corco discovery request was therefore granted.

Request for Special Refund

Office of Enforcement (Forgotson), Washington, D.C., DFF–0005, special refund procedures

The ERA Office of Enforcement filed a Petition for the Implementation of Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V. The Petition requests OHA to supervise the distribution of $62,645.88, representing overcharges made by James M. Forgotson in sales of crude oil as specified in a Remedial Order issued by the Office of Hearings and Appeals on July 31, 1979. The Office of Hearings and Appeals dismissed the Petition because the refund amount was not of sufficient size to warrant use of the special refund procedures and no other special need was demonstrated.

Supplemental Orders

Ashland Oil, Inc., Ashland, Ky., BEX–0013, supplemental order

The Office of Hearings and Appeals issued a Supplemental Order with respect to a temporary exception granted to Ashland on November 27, 1979, Case Number BEL–0373. In the Supplemental Order, the DOE set forth the methods used to calculate the specific obligations of refiners designated to supply Ashland with crude oil.

Energy Cooperatives, Inc., East Chicago, Ind., BEX–0012, crude oil

On November 19, 1979, Energy Cooperatives, Inc. (ECI) requested a clarification of the provisions of Paragraph (4) of a Temporary Decision and Order issued to ECI on October 3, 1979. Specifically, ECI requested a clarification of the ERA's ability to enter directed sales orders, under the authority of Paragraph (4) of the October 3 Order, that would redirect volumes of crude oil under the Buy/Sell program to ensure that ECI's weighted average acquisition cost of crude oil under the Buy/Sell program was equal to or less than the average price of imported crude oil of all refiner-sellers. In considering the request, the DOE found that while Paragraph (4) of the October 3, 1979 Order issued to ECI empowered the ERA to issue such directed sales orders, orders of that kind would not be necessary at the present time in view of ERA's estimation that the price paid by ECI for its crude oil allocation under the Buy/Sell program closely approximated the average price of imported crude oil of all refiner-sellers.

Requests for Temporary Exception

Ashland Oil, Inc., Ashland, Ky., BEL–0373, crude oil

Ashland Oil, Inc. filed an Application for Temporary Exception in which the firm requested that the DOE assign refiners to supply Ashland with additional supplies of relatively low cost crude oil. In considering the request, the DOE found that temporary exception relief was necessary to avoid severe dislocations among Ashland's customers. In addition, the DOE found that the firm had demonstrated a substantial likelihood of success on the merits of its underlying exception request. Accordingly, temporary exception relief was granted.

Beacon Oil Co., Hanford, Calif., BEL–0007, gasohol

The Beacon Oil Company filed an Application for Temporary Exception from the provisions of 10 CFR 212.83 in which the firm sought to mrket gasohol as a separate category and grade of gasoline for cost pass through purposes and to pass through the entire cost of the alcohol in its sales of gasohol. In considering the request, the DOE found that temporary exception relief was necessary to allow Beacon to implement a successful test marketing program for gasohol. Accordingly, temporary exception relief was granted.

Gulf Energy Refining Corp., Brownsville, Tex., BES–0016, BEL–0016, crude oil

Gulf Energy Refining Corp. filed an Application for Stay and an Application for Temporary Exeption pertaining to the provisions of 10 CFR 211.67 (the Entitlements Program). If the firm's stay request were granted, its obligation to purchase 198,601 entitlements (for approximately $3.4 million, as specified in the Entitlements Notice for August 1979 would be stayed. If the firm's temporary exception request were granted, the firm would be permitted to sell entitlements with a value of approximately $500,000. In its applications, Gulf Energy contended that the ERA had promised that the firm would recieve an adjustment in its entitlements obligations to reflect its initial purchase of inventory for a new refinery. However, the ERA subsequently suspended the starting inventory adjustment. In considering the requests, the DOE noted that it had previously determined that the ERA had no statutory or regulatory authority to grant starting inventory adjustments and the advice to Gulf Energy that it would receive an adjustment was therefore manifestly unjustified. *See Sierra Anchor Refining Company*, 3 DOE Par. 80,114 (1979). The DOE also found that certain actions taken by Gulf Energy to obtain recertification of imported Venezuelan oil were possibly illegal and circumvented the intent of DOE regulations. The DOE also found, however, that Gulf Energy might suffer irreparable injury in the absence of stay relief and that there was a likelihood that it would receive some level of exception relief. Accordingly, the application for temporary exception was denied and the application for stay was granted in part.

Phillips & Munzell Shell, Ruskin, Fla., BEL–0300, motor gasoline

Phillips & Munzell Shell filed an Application for Temporary Exception in which the firm requested that exception relief previously granted in *Phillips & Munzell Shell*, Case Nos. DEE–2925, DES–2925, DST–2925 (Proposed Decision and Stay issued April 26, 1979) be extended pending a final determination on its related Application for Exception which it filed on the same day (Case No. BXE–0300). In considering the firm's request, the DOE noted that in the previous proceeding it had concluded that the firm would suffer a serious financial hardship and its existence would be jeopardized if it were not permitted to purchase more gasoline than it was entitled to under the DOE allocation regulations. The DOE therefore concluded that there was a substantial likelihood of success on the merits of the firm's underlying request for extension and that the firm would suffer irreparable injury in the absence of temporary exception relief. Accordingly, the firm's request was granted.

Total Petroleum, Inc., Detroit, Mich., BEL–0017, BES–0017, BST–0017

Total Petroleum, Inc. filed an Application for Exception from the provisions of 10 CFR 212.83 in which the firm sought immediate relief from the DOE pricing regulations in order to facilitate the firm's blending and marketing of Gasohol. In considering the request, the DOE found that exception relief was necessary to encourage and assist Total in its efforts to market Gasohol and to help shift the nation away from its reliance on petroleum products for energy. The DOE also found that, on balance, the critieria of 10 CFR 205.125(b), concerning the issuance of a temporary exception, had been met. Accordingly, temporary exception relief was granted.

New Jersey Highway Authority; New Jersey Energy Department, Woodbridge, N.J.; Newark, N.J., BEX–0010, motor gasoline

The Office of Hearings and Appeals issued an Interlocutory Order which would convene a hearing at 10:00 a.m. on December 19, 1979 to consider certain contradictions in the record of the New Jersey Highway Authority's request for exception relief (Case No. DXE–8279). The contradictions concern whether or not the New Jersey State set-aside Program had substantial uncommitted volumes of gasoline on September 25, 1979, when the DOE issued a temporary exception directing that 360,000 gallons of the set-aside be supplied to eight retail outlets along the Garden State Parkway.

Interim Orders

The following firms were granted Interim Exception relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order:

Company Name, Case No., and Location

Schapeler Oil Co., DEN–7086; Rockville, MO
B&B Oil Co., Inc., DEN–5854; Spokane, WA
Melton's Exxon, DEN–5474; Camden, SC
Mission Car Wash, DEN–5198; San Gabriel, CA
Stefano's Gasoline, DEN–5183; Lodi, CA
Hawk Oil Co., Inc., DEN–5801; Scranton, PA
M. D. Fisher Oil, DEN–4880; New Braunfels, TX
Publix Oil Co., DEN–8115; Washington, DC
Anthony R. Barone, DEN–6721; Philadelphia, PA

Petitions Involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The request, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued a Decision and Order which determined that the request be granted:

Company Name, Case No., and Location

Ray W. Reeves, BXE–0132; McDonough, GA

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name, Case No.

Champlin Pet. Co., BFA–0074
City of Murray, KY, DEE–7352

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Ft. Cheswick Farm, DEE–6075
Amerada Hess, BES–0048; BEA–0048
C.T. Associates, DEE–6002
Carter & Towers Engineering Corp., DEE–7696
Exxon USA, Inc., BES–0020; BEA–0020
Northwest Nat. Gas, BEE–0233
Packaging Services, DEE–5781
Park Mart Sunoco, BEO–0001
Beldon Roofing & Remodeling, DEE–5994
Craft Pet. Corp., DXE–4756
Don Thompson Shell, DEE–6316
Edlene's Shell, DEE–4535
Gary's Exxon, DST–7251; DES–7251
Jim's Elm St. Gulf, DEE–6848
Leesburg Oil Co., DEE–4835
Thomas P. Reidy, Inc., DST–0360; DES–9360
Wayland Oil Corp., DEE–2897
Whipple 17 Mobil, DEE–7414
Fast Stops, Inc., DST–0029
Fitchett, Inc., DEE–4205; DES–4205
Flintex Oil Co., DEE–3429
Frank's Mini Market, DEE–4998; DES–4998
Greenhouse Hair Design, DEE–7834
Harbor Island Spa, DEE–7570

Company Name, Case No.

Holiday Exxon, DEE–5492
Hough's American, DEE–7177
Junior's Exxon, DEE–7626
Murray Natural Gas, DEE–8266
Noyes Sunoco, DEE–6813; DES–6813
Page Boy Maternity, DEE–7563
Palm & McKinley Shell, DEE–6205
Peacock's Super Kwik, DEE–6482
Pet. Service Co., DEE–3472
Wm. H. Lyman, Sr., DEE–7412
George L. Ralph, Inc., DEE–2636; DST–2636
Hone Oil Co., Inc., DEE–6291
Hottman Co., DEE–6106
Hughes Oil Co., DEE–2344; DST–2344
Malcom Black Associates, Inc., DEE–7401
Mike Rose Oil Co., DEE–2733; DST–2733
Mr. Clean Car Wash, DEE–7224
Mr. Grocer Corp., DEE–7130
Patterson Oil Co., DEE–3701; DST–3701
Pride Pet. Co., Inc., DEE–2599
R.J.P. Service St., DEE–8124
Reilly's Coin-Op Car Wash, DES–6356; DST–6356
Rode's Hazel Pk. Mobil, BEO–0002
S&E Oil Co., DEE–7379
Sinclair Oil Corp., DES–5522

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

March 21, 1980.

[FR Doc. 80–9371 Filed 3–27–80; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Decisions and Orders by the Office of Hearings and Appeals, Week of January 4, through January 11, 1980

Notice is hereby given that during the week of January 4 through January 11, 1980, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

JOC Oil, Inc. and Wellen Oil, Inc.; New York, New York; BFA–0087, freedom of information

JOC Oil, Inc. and Wellen Oil, Inc. filed an Appeal from a partial denial by the Manager of the Northeast District Office of Enforcement of a Request for Information which the firms had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that one of the documents was improperly withheld under Exemption 5 and ordered its release. The remainder of the documents were found to be properly withheld under Exemption 4, Exemption 5, and Exemption 7(A).

Mobil Oil Corporation; Valley Forge, Pennsylvania; DEA–0565, through DEA–0568 motor gasoline

Mobil Oil Corporation filed four related Appeals of Assignment Orders issued to Home Heating Oil Company (Home), a Mobil branded jobber, by Region III Office of the Economic Regulatory Administration. The Assignment Orders assigned Home as the base period supplier for four retail outlets pursuant to the provisions of 10 CFR 211.105(d). In its Appeals, Mobil asserts that Home could not become a base period supplier for the four retail outlets under the provisions of 211.105(d) because the outlets were not "branded independent marketers" as defined in the Emergency Petroleum Allocation Act of 1973 (EPAA). Mobil further claims that Home should be required by Region III to request any appropriate downward certifications to its base period allocation before it could request any upward certifications from Mobile. Finally, Mobil alleges that Home's use of the upward certification mechanism was inconsistent with Sections 4(b)(1) (F) and (I) of the EPAA. In considering Mobil's Appeals, the DOE determined that (i) because of the retail outlets' historical relationship with Mobil, they were in fact branded retail marketers and could benefit from the provisions of 10 CFR 211.105(d); (ii) Home appeared to have submitted all certifications to Mobil that were required under the provisions of 10 CFR 211.13(f); and (iii) Home's actions were consistent with EPAA because, by supplying the retail outlets with motor gasoline, Home was enabling them to continue operations and was therefore promoting competition within the petroleum industry. Accordingly, Mobil's Appeals were denied.

Shenandoah Oil Corporation; Fort Worth, Texas; DRA–0089 crude oil

Shenandoah Oil Corporation filed an Appeal from a Remedial Order which DOE Region VI issued to the firm on December 12, 1977. In the Remedial Order, DOE Region VI found that Shenandoah sold quantities of crude oil produced from three tracts at prices which exceeded the maximum permissible selling prices. In considering the firm's Appeal, the DOE determined that the Remedial Order had made no findings as to whether the Bel Estate and Stribling leases created multiple rights to produce. The DOE also determined that the Remedial Order had not explained the basis for its finding that there is only one geological formation on the Bel Estate tract. Finally, the DOE concluded that Shenandoah could not apply the "imputed stripper well" provision of 10 CFR 212.75 to the Morrison Ranch Unit. The DOE therefore remanded those portions of the Remedial Order dealing with the Bel Estate and Stribling leases to Region VI and denied Shenandoah's Appeal concerning the Morrison Ranch Unit.

Remedial Order

Koch Industries, Inc., Wichita, Kans., DRO–0411, motor gasoline

Koch Industries, Inc. objected to an Amended Interim Remedial Order for Immediate Compliance (IROIC) which the Office of Special Counsel (OSC) issued to the firm on August 28, 1979. In the Amended IROIC, the OSC found that Koch had violated the DOE allocation and price regulations by changing the credit terms for the sale of motor gasoline to the Saturn Petroleum Company. In considering the firm's objections, the DOE found that the OSC failed to establish that the issuance of the IROIC was required to avert an immediate irreparable harm to Saturn or for public interest reasons. The DOE therefore concluded that the Amended IROIC should be rescinded.

Requests for Exception

Beacon Oil Co., Washington, D.C., DEE–2141, crude oil

On February 1, 1979, the Beacon Oil Company (Beacon) filed an Application for Exception from its regulatory obligations under the Old Oil Entitlements Program (10 CFR 211.67). The Beacon request, if granted, would have relieved the firm from fulfilling its obligation to purchase entitlements for the period March 1979 through August 1979. On March 19, 1979, the DOE issued a Proposed Decision and Order in which it determined that exception relief was not warranted. In arriving at this determination, the DOE adjusted the firm's profits to account for a substantial increase in its resale activity.

In its Statement of Objections to the Proposed Decision, Beacon claims that the DOE's adjustment of its profit margin to account for the firm's increased resale activity was inappropriate and factually incorrect. In this regard, the firm contended that: (i) the *pro forma* financial data utilized by the DOE to calculate Beacon's resale activity is inaccurate; (ii) the DOE failed to establish that the firm had abused the Entitlements Program by expanding its resale activity; (iii) the resale adjustment used in the Proposed Decision failed to comply with applicable rulemaking procedures; and (iv) the DOE inappropriately applied the resale adjustment retroactively.

In considering the firm's Statement of Objections, the DOE determined that the resale adjustment is an adjudicatory standard, not an administrative rule, and therefore is not subject to general rulemaking procedures. In addition, the DOE indicated that the resale adjustment is not based on a finding of abuse of the Entitlements Program by the applicant and that it should be consistently applied to all recipients of entitlements relief. Finally, while disagreeing with the firm's contention that the resale adjustment had been applied retroactively, the DOE agreed with the firm's contentions concerning the proper calculation of this adjustment. In accordance with a previous Decision issued to the *Navajo Refining Company* (Navajo), 3 DOE (May 16, 1979), the DOE modified the methodology used to calculate the resale adjustment. On the basis of these revised calculations, the DOE extended exception relief to Beacon which reduced by $397,812 per month the firm's obligation to purchase entitlements during the period March 1979 through February 1980.

Chevron U.S.A., Inc., San Francisco, Calif., DXE–2801, crude oil

Chevron U.S.A. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to continue to sell a certain portion of the crude oil which it produces from the Murphy Non-Unit at upper tier ceiling prices. *Chevron U.S.A., Inc.*, 3 DOE Par. 81,019 (1979). In considering the exception application, the DOE found that Chevron continued to incur increased operating expenses at the Murphy Non-Unit and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at that property. In view of this determination and on the basis of the operating data which Chevron had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit Chevron to sell at upper tier ceiling prices 40.33 percent of the crude oil produced from the Huntington Unit for the benefit of the working interest owners for a six-month period.

Chevron U.S.A., Inc., San Francisco, Calif., DXE–2800, crude oil

Chevron U.S.A., Inc., filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to continue to sell a certain portion of the crude oil which it produces from the Huntington B–PE Unit at upper tier ceiling prices. *Chevron U.S.A., Inc.*, 3 DOE Par. 81,054 (1979). In considering the exception application, the DOE found that Chevron continued to incur increased operating expenses at the property and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at that unit. In view of this determination and on the basis of the operating data which Chevron had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit Chevron to sell at upper tier ceiling prices 40.33 percent of the crude oil produced from the Huntington Unit for the benefit of the working interest owners for a six-month period.

Double B Oil, Inc., Wichita, Kans., DEE–5070, crude oil

Double B Oil, Inc. filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D, in which the firm requested that it be permitted to sell the working interests' share of the crude oil produced at the Hagerman Lease at market prices. In considering the request, the DOE found that exception relief was necessary to provide the working interest owners with an incentive to continue crude oil production. Accordingly, relief was granted in part and the firm was permitted to sell 8.4 percent of the crude oil produced and sold for the benefit of the working interest owners at market prices. Other issues discussed are whether Double B's investment to install a disposal well in October 1977 should be included in the analysis of the firm's application and whether exception relief should be based upon the Hagerman Lease's projected operating posture.

Farley Co., Hartford, Conn., DEE–7899, emergency building temperature restrictions

The Farley Company filed an Application for Exception from the provisions of 10 CFR Part 490 in which the firm sought an extension of time in which to comply with the heating set back requirement in The Exchange, a building which it manages. In considering the request, the DOE found that exception relief was necessary to enable the firm to install automatic night set back controls. Accordingly, exception relief was granted.

Florida Studio Theatre, Sarasota, Fla., BEO–0031, emergency building temperature restrictions

Florida Studio Theatre filed an Application for Exception from the privisions of 10 CFR Part 490 in which the firm sought permission to lower the minimum cooling temperature below 78°F. in its auditorium. In considering the request, the DOE found that the firm had not submitted medical evidence to support its claim that it is unhealthy for the performers to perform and senior citizens to sit in an auditorium with a temperature level of 78°F. Accordingly, exception relief was denied.

The Lighthouse, San Antonio, Tex., DEE–7554, emergency building temperature restrictions

The Lighthouse filed an Application for Exception from the provisions of 10 CFR Part 490 in which the firm sought permission to lower the cooling temperature below prescribed minimum levels and raise heating levels above prescribed maximum levels. In considering the request, the DOE found that exception relief was necessary to alleviate the health difficulties of the blind and multi-handicapped people that use the facilities of The Lighthouse. Accordingly, exception relief was granted.

Main Street Chevron, Morro Bay, Calif., BEO–0054

Main Street Chevron filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the applicant purchased Main Street after the updating of the base period and was therefore in a position to know the retail outlet's base period allocation before making the decision to acquire it. Accordingly, exception relief was denied.

Olsen Jewelry, Beloit, Wis., BEO–0044, emergency building temperature restrictions.

Olsen Jewelry filed an Application for Exception from the provisions of 10 CFR Part 490 in which the firm sought permission to raise the maximum heating temperature in its business establishment above 65°F. In considering the request, the DOE found that the firm presented no medical evidence to demonstrate that the person who performs jewelry repairs has any medical condition which subjects his hands to unusual hardships or difficulties at 65°F. Accordingly, exception relief was denied.

Request for Temporary Exception

Mid-South Oil Co., Dallas, Tex., BEL–0011, motor gasoline

Mid-South Oil Company filed an Application for Temporary Exception requesting an order directing Oklahoma Refining Company to resume supplying motor gasoline to Mid-South according to the historic credit terms which allegedly existed between the two firms. In considering the Application, the DOE determined that the matter should be referred to the Office of Enforcement for appropriate action. Mid-South's temporary exception request was therefore dismissed.

Request for Stay

Kerr-McGee Refining Corp., Oklahoma City, Okla., BES–0063, BST–0063, motor gasoline

Kerr-McGee Refining Corporation filed Applications for Stay and Temporary Stay from the requirement that it supply motor gasoline to American Agri-Fuels Corporation (AAF) pursuant to an October 11, 1979 Order issued by the Region VII Office of Petroleum Operations of the Economic Regulatory Administration at the direction of an August 28, 1979 Decision and Order in which AAF was granted exception relief; *see American Agri-Fuels Corporation*, 3 DOE Par. ——— (August 28, 1979). In considering the Applications, the DOE determined that Kerr-McGee had failed to submit any evidence to substantiate its claim that it or its customers will be irreparably harmed in the absence of immediate stay relief. Consequently, the firm's Application for Temporary Stay was denied. The DOE also concluded that Kerr-McGee's due process rights had not been violated by the procedures used in choosing it as a supplier in the October 11 Order. Kerr-McGee's stay request was therefore denied.

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Request for Temporary Stay

Cities Service Co., Tulsa, Okla., BST–0044, crude oil

Cities Service Company filed an Application for Temporary Stay from the requirement that it supply Union Oil Company of California (Union) with crude oil pursuant to the terms of an Interim Decision and Order issued to Union on December 21, 1979. *See Union Oil Company of California,* Case No. DEE–5748 (Proposed Decision and Order issued December 21, 1979). In considering the Application, the DOE determined that the Cities supply obligation to Union would not threaten Cities essential operations, nor affect its competitive positions *vis a vis* other refiners. The Cities temporary stay request was therefore denied.

Special Refund Procedures

Office of Enforcement (in re PVM), Washington, D.C., BFF–0002, special refund procedures

The ERA Office of Enforcement filed a Petition for the Implementation of Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V. The Petition requests OHA to supervise the distribution of $215,000 representing alleged overcharges made by PVM Oil Associates, Inc., in sales of crude oil as specified in a Consent Decree approved by a federal District Court on June 29, 1979. The Office of Hearings and Appeals dismissed the Petition on the basis that the refund amount was not of sufficient size to warrant use of the special refund procedures and no other special need was demonstrated.

Motion for Discovery

Johnson Oil Co., Salt Lake City, Utah, DED–0483, crude oil

The Johnson Oil Company filed a Motion for Discovery in connection with its Statement of Objections to a Proposed Decision and Order which the DOE issued to the Southwestern Refining Company on December 19, 1978. In its Motion, Johnson requests that the DOE respond to several interrogatories and requests for documents that relate to the December 19 Proposed Decision. In considering the request, the DOE determined that Johnson had failed to demonstrate the relevance or materiality of the documents and interrogatories set forth in its Motion. Accordingly, the Motion for Discovery was denied.

Supplemental Orders

Aminoil U.S.A., Inc., Houston, Tex., BEX–0015, crude oil

On November 8, 1979, the Department of Energy issued a Decision and Order to Aminoil U.S.A., Inc. which granted the firm's request for an extension of exception relief from the provisions of 10 CFR, Part 212, Subpart D. Subsequently, the DOE determined that the lower and upper tier prices for crude oil used in the November 8 Decision and Order were incorrect. Accordingly, the DOE issued a Supplemental Decision and Order utilizing the correct prices and amended the November 8 Order to reflect the proper amount of exception relief.

Commonwealth Oil Refining Co., Inc., San Antonio, Tex., BEX–0023, crude oil

Pursuant to an order of the bankruptcy court, the Commonwealth Oil Refining Company, Inc. (Corco) requested that the DOE approve two amendments to the credit agreement between the firm and its lenders. *See Commonwealth Oil Refining Company, Inc.,* 3 DOE Par. 82,532 (1979). In approving the amendments, the DOE noted that Corco's financial position has improved considerably since February 1979, the time the DOE last reviewed the credit agreement.

Union Oil Co. of California, Los Angeles, Calif., BEX–0022, crude oil

Union Oil Company of California was issued a Supplemental Order clarifying several aspects of a Proposed Decision and Order and Interim Order issued to the firm on December 21, 1979. Specifically, the condition that Union not take advantage of the DOE "Tilt Regulations" in order to receive exception relief was made applicable only to the incremental crude oil furnished to Union pursuant to the Orders.

Interim Orders

The following firms were granted Interim Exception relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order:

Company Name, Case No., and Location

Citadel Corporation, BEN–0126; Washington, DC
Forrest General Chevron Service, DEN–7274; Hattiesburg, MS
Murray Pet. Co., Inc., DEN–6993; Bakersfield, CA
Mickey's Anchor, BEN–0277; Dudley, MA

Protective Orders

The following firm filed and Application for Protective Order. The application, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following application and issued the requested Protective Order as an Order of the Department of Energy:

Name, Case No., and Location

Mobil Oil Corp., BEJ–0012; Washington, DC

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name and Case No.

Chabot's Super Service, DEE–4988; DST–4988
Cumberland Parkway Standard, DEE–7257
Gordon Court, DEE–6748
Howard Cantrell, DEE–7162
Main St. Texaco, DEE–7292
Tenley's Standard Service, DEE–3192
Williamson Auto Electric, DEE–4750
J. T. McKinney Co., Inc., DEE–6920
Miller Oil Co., DEE–4990; DST–4990
Autohaus V.I.C., DEE–6209
Home Service Oil Co., DEE–2489; DES–2489
Alan's Interstate Std., DEE–8243
Albert V. Soukup, DEE–6553
Bob Martin's Shell, DEE–2773
Forrest General Chevron Service, DES–7274
Gene's Texaco, DEE–3539
J&R Service Center, DEE–6808
Ladurini Oil Co., DEE–2650
Price & Henderson, Inc., DEE–5215; DES–5215
Reiner Oil Co., DEE–7595
Swidorski Oil Co., Inc., DEE–4366; DES–4366; DST–4366
Van Drisse Oil Co., DEE–2737; DST–2737
By-Rite Oil Co., DEE–4587
Charles Hasting Oil, DEE–6868
David G. Palamara, DRO–0294; DRO—0295; DRO–0296
Foster Oil Co., DEE–3054
Gaithersburg Exxon, DEE–3187
Gas Service, Inc., DEE–2401
Grace Western Auto, BEO–0310
Lunday-Thagard Oil, DED–0021; DED–1936
Rick Trombetta, BFA–0102
Sav-Mor Oil Co., DEE–3703; DST–3703
Skorupski Brothers, DEE–5355
Tiger Pet. Products, DEE–3848
White Oil Co., DEE–3095; DST–3095

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines,* a commercially published loose leaf reporter system.

Melvin Goldstein,
Director, Office of Hearings and Appeals.
March 21, 1980.

[FR Doc. 80-9372 Filed 3-27-80; 8:45 am]
BILLING CODE 6450-01-M

Notice of Cases Filed With the Office of Hearings and Appeals; Week of February 8 through February 15, 1980

Notice is hereby given that during the week of February 8, 1980 through February 15, 1980 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,
Director, Office of Hearings and Appeals.
March 21, 1980.

List of Cases Received by the Office of Hearings and Appeals

[Week of February 8 through 15, 1980]

Date	Name and Location of Applicant	Case No.	Type of Submission
Feb. 8, 1980	Exxon Company, U.S.A., Houston, Texas	BED–0035, BEH–0035.	Motion for Discovery; Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Exxon Company, U.S.A. to the December 21, 1979 Proposed Decision and Order issued to Union Oil Company of California (Case No. DEE–5748).
Feb. 8, 1980	Getty Regining and Marketing Company, New York, New York.	BED–0033, BEH–0033.	Motion for Discovery; Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing convened in connection with the Statement of Objections submitted by Getty Refining and Marketing Company to the December 21, 1979 Proposed Decision and Order issued to Union Oil Company of California (Case No. DEE–5748).
Feb. 8, 1980	Mobile Oil Corporation, Washington, D.C.	BED–0034	Motion for Discovery. If granted: Discovery would be granted to Mobil Oil Corporation in connection with the Statement of Objections submitted by Mobil to the December 21, 1979 Proposed Decision and Order issued to Union Oil Company of California (Case No. DEE–5748).
Feb. 8, 1980	Phillips Petroleum Company, Washington, D.C.	BEH–0015	Request for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted by Phillips Petroleum Company to the December 21, 1979 Proposed Decision and Order issued to Union Oil Company of California (Case No. DEE–5748).
Feb. 11, 1980	Ashland Oil, Inc., Ashland Kentucky	BEX–0032	Supplemental Order. If granted: The November 23, 1979 Temporary Exception (Case No. BEL–0373) granted to Ashland Oil, Inc. would be modified.
Feb. 11, 1980	Capital Energy Corporation, Harris County, Texas	BEE–0833	Price Exception (Section 212.73). If granted: Capital Energy Corporation would be permitted to sell crude oil produced from the A.M. Bogart Lease, located in Harris County, Texas, at upper tier ceiling prices.
Feb. 11, 1980	City of Long Beach, California, Long Beach, California.	BMR–0024	Request for Modification. If granted: The January 16, 1979 Decision and Order (Case No. DMR–0034) issued to the City of Long Beach, California would be modified.
Feb. 11, 1980	Crenshaw Oil Company, Lancaster, South Carolina.	BED–0836	Allocation Exception. If granted: Crenshaw Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 11, 1980	Dechert, Price, & Rhodes, Philadelphia, Pennsylvania.	BFA–0176	Appeal of Information Request Denial. If granted: The January 9, 1980 Information Request Denial issued by the Assistant Secretary for Industrial and Utility Applications would be rescinded, and Dechert, Price, & Rhodes would receive access to DOE records of sales and purchases of domestic and foreign uranium.
Feb. 11, 1980	DeMenno/Kerdoon, Washington, D.C.	BEA–0160, BEH–0161.	Appeals of Buy/Sell; Orders. If granted: The January 11, 1980 Decisions and Orders issued to DeMenno/Kerdoon by the Economic Regulatory Administration, Office of Petroleum Operations regarding the firm's requests for emergency allocations of crude oil under the Buy/Sell Program would be rescinded.
Feb. 11, 1980	Edington Oil Company, Washington, D.C.	BEE–0832	Allocation Exception. If granted: Edington Oil Company would recieve an exception from the provisions of 10 CFR 211.65 which would permit the firm to participate in the Buy/Sell Program.
Feb. 11, 1980	Exxon Company, U.S.A., Houston, Texas	BEA–0177	Appeal of Assignment Order. If granted: The January 11, 1980 Assignment Order issued to Exxon Company, U.S.A. by the Economic Regulatory Administration, Region IV, regarding the firm's supply obligations to Moore Oil Company would be rescinded.
Feb. 11, 1980	Exxon Company, U.S.A., Houston, Texas	BEA–0178	Appeal of Assignment Order. If granted: The January 11, 1980 Assignment Order issued to Exxon Company, U.S.A. by the Economic Regulatory Administration, Region IV, regarding the firm's supply obligations to Cosmo Oil Company, Inc. would be rescinded.
Feb. 11, 1980	Giant Industries, Inc., Washington, D.C.	BEA–0182	Appeal of Buy/Sell Order. If granted: The January 11, 1980 Decision and Order issued to Giant Industries, Inc., by the Economic Regulatory Administration, Office of Petroleum Operations regarding the firm's request for emergency allocations of crude oil under the Buy/Sell Program would be rescinded.
Feb. 11, 1980	Guy Goodine, Broken Arrow, Oklahoma	BEE–0866	Allocation Exception. If granted: Guy Goodine would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 11, 1980	Helmerich and Payne, Inc., Beaver County, Oklahoma.	BEE–0842	Price Exception (Section 212.73). If granted: Helmerich and Payne, Inc. would be permitted to sell the crude oil produced from the Dwight Leonard "A" No. 1 Lease, located in Beaver County, Oklahoma, at upper tier ceiling prices.
Feb. 11, 1980	Henry Engineering, Midland, Texas	BXE–0834	Extension of Relief Granted in *Henry Engineering,* 4 DOE Par. ——, (December 4, 1979). If granted: Henry Engineering would be permitted to continue to sell the crude oil produced from the Jones Estate "F" Lease located in Gaines County, Texas at upper tier ceiling prices.
Feb. 11, 1980	Hillard Chevron, Grants, New Mexico	BRW–0021	Finalization of Interim Remedial Order. If granted: A Proposed Remedial Order issued to Hillard Chevron on October 19, 1979 would be issued as a final Remedial Order.
Feb. 11, 1980	Jane Rasmussen, Bethesda, Maryland	BEE–0870	Exception from Emergency Building Temperature Restrictions. If granted: Jane Rasmussen would receive an exception from the provisions of 10 CFR 490, the Emergency Building Temperature Restrictions.
Feb. 11, 1980	John Walker, Tulsa, Oklahoma	BEE–0865	Allocation Exception. If granted: John Walker would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 11, 1980	L. J. Bonaffons, Washington, D.C.	BEA–0179	Appeal of Assignment Order. If granted: The January 29, 1980 Assignment Order issued to Shell Oil Company by the Economic Regulatory Administration, Region VI regarding the firm's supply obligations to L. J. Bonaffons would be rescinded.
Feb. 11, 1980	National Oil Jobbers Council, Washington, D.C.	BES–0060, BST–0060.	Requests for Stay and Temporary Stay. If granted: Members of the National Oil Jobbers Council would receive a stay and temporary stay of the Special Report Orders issued by the Economic Regulatory Administration, Office of Enforcement pending a final determination on the Application for Exception which the Council intends to file on behalf of its members.
Feb. 11, 1980	Nordstrom Oil Company, Cedar Rapids, Iowa	BEE–0837	Allocation Exception. If granted: Nordstrom Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 11, 1980	Paul Clayton, Tulsa, Oklahoma	BEE–0864	Allocation Exception. If granted: Paul Clayton would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 11, 1980	Revell Oil Company, Inc., Monticello, Florida	BEE–0830	Allocation Exception. If granted: Revell Oil Company, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 11, 1980	Shepard Oil Company, Blackwell, Oklahoma	BEE–0831	Allocation Exception. If granted: Shepard Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 11, 1980	Texaco, Inc., White Plains, New York	BMR–0025	Request for Modification. If granted: The October 13, 1979 Decision and Order (Case No. DEE–6985) issued to Texaco, Inc. would be modified.
Feb. 12, 1980	Arnoldo Barg, Tulsa, Oklahoma	BEE–0855	Allocation Exception. If granted: Arnoldo Barg would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. test marketing program.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of February 8 through 15, 1980]

Date	Name and Location of Applicant	Case No.	Type of Submission
Feb. 12, 1980	Bill Cooper, Tulsa, Oklahoma	BEE-0861	Allocation Exception. If granted: Bill Cooper would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Bill Satterfield, Tulsa, Oklahoma	BEE-0858	Allocation Exception. If granted: Bill Satterfield would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Bob Grinter, Tulsa, Oklahoma	BEE-0862	Allocation Exception. If granted: Bob Grinter would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Clark Jones, Tulsa, Oklahoma	BEE-0853	Allocation Exception. If granted: Clark Jones would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Crown Central Petroleum Corporation (Certified Transport, Inc.) Baltimore, Maryland.	BEA-0184	Appeal of Assignment Order. If granted: The January 3, 1980 Assignment Order issued to the U.S. Army/New York National Guard (USA/NG) by the Economic Regulatory Administration, Region II, regarding Certified Transport, Inc.'s supply obligations to USA/NG would be rescinded.
Feb. 12, 1980	Dee Davis, Tulsa, Oklahoma	BEE-0867	Allocation Exception. If granted: Dee Davis, would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Don Cooper, Catoosa, Oklahoma	BEE-0854	Allocation Exception. If granted: Don Cooper would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Jim Cole, Tulsa, Oklahoma	BEE-0859	Allocation Exception. If granted: Jim Cole would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Jim Deer, Sand Springs, Oklahoma	BEE-0851	Allocation Exception. If granted: Jim Deer would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Jim Still, Tulsa, Oklahoma	BEE-0856	Allocation Exception. If granted: Jim Still would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	John Polk, Tulsa, Oklahoma	BEE-0850	Allocation Exception. If granted: John Polk would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Larry Reber, Tulsa, Oklahoma	BEE-0852	Allocation Exception. If granted: Larry Reber would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	LaSalle Oil Co., Inc., Dunmore, Pennsylvania	BEE-0845	Allocation Exception. If granted: LaSalle Oil Co., Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 12, 1980	Mid States Petroleum, Inc., Troy, Michigan	BEE-0847	Allocation Exception. If granted: Mid States Petroleum, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 12, 1980	Milt Sears, Tulsa, Oklahoma	BEE-0860	Allocation Exception. If granted: Milt Sears would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	National Exploration Company, Houston, Texas	BEE-0878	Exception from the Reporting Requirements. If granted: National Exploration Company would be granted an extension of time in which to file Form EIA-23 ("Annual Survey of Domestic Oil and Gas Reserves").
Feb. 12, 1980	Pennine Oils, Sharon, Pennsylvania	BEE-0846	Allocation Exception. If granted: Pennine Oils would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 12, 1980	Petroleum Carrier Company, Inc., Roanoke, Texas	BEE-0835	Price Exception, (Section 212). If granted: Petroleum Carrier Company, Inc. would receive an exception from the provisions of 10 CFR 212, Subpart L which would permit the firm to resell crude oil at stripper well prices.
Feb. 12, 1980	Phillips Petroleum Company, Bartlesville, Oklahoma	BEE-0835	Allocation Exception. If granted: Phillips Petroleum Company would receive an exception from the provisions of 10 CFR 211.105 and 211.13 which would permit the firm to be relieved of any new assignments of motor gasoline supply obligations.
Feb. 12, 1980	Reeder Service Center, Tulsa, Oklahoma	BEE-0849	Allocation Exception. If granted: Reeder Service Center would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Stock Nolle Oil Co., Inc., St. Charles, Mississippi	BEE-0848	Allocation Exception. If granted: Stock Nolle Oil Co., Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 12, 1980	West Paterson Amoco, Inc., Paramus, New Jersey	BEH-0819	Request for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted by West Paterson Amoco, Inc. in response to the Proposed Decision and Order issued to the firm (Case No. BEO-0819).
Feb. 12, 1980	Will McConnell, Broken Arrow, Oklahoma	BEE-0857	Allocation Exception. If granted: Will McConnell would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 13, 1980	American Petrofina, Inc., Washington, D.C.	BED-0036, BEH-0036.	Motion for Discovery; Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing convened in connection with the Statement of Objections submitted by American Petrofina, Inc. in response to the January 11, 1980 Proposed Decision and Order issued to Fina Jobbers Association, Inc. (Case No. DEE-5568).
Feb. 13, 1980	Charles H. Booth, Anniston, Alabama	BEE-0874	Allocation Exception. If granted: Charles H. Booth would receive an exception from the provisions of 10 FR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 13, 1980	Consumer Energy Council of America, Washington, D.C.	BFA-0188	Appeal of Information; Request Denial. If granted: The February 4, 1980 Information Request Denial issued to Consumer Energy Council of America by the DOE Office of Special Counsel would be rescinded and the firm would receive access to certain DOE documents.
Feb. 13, 1980	Exxon Company, U.S.A., Washington, D.C.	BEA-0185	Appeal of Assignment Order. If granted: The January 10, 1980 Assignment Order issued to Exxon Company, U.S.A. by the Economic Regulatory Administration, Region VIII, regarding Exxon's supply obligations to North Side Center would be rescinded.
Feb. 13, 1980	Jack Ritter Oil Distributing Company, Austin, Texas	BEE-0866	Allocation Exception. If granted: Jack Ritter Oil Distributing Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of February 8 through 15, 1980]

Date	Name and Location of Applicant	Case No.	Type of Submission
Feb. 13, 1980	Phillips Petroleum Company, Bartlesville, Oklahoma	BES-0825, BST-0825.	Request for Stay and Temporary Stay. If granted: Phillips Petroleum Company would receive a stay and temporary stay of the provisions of 10 CFR 211.105 and 211.13 pending a final determination on its Application for Exception (Case No. BEE-0825).
Feb. 13, 1980	Strelling Oil Company, Inc., Baroda, Michigan	BEE-0869	Allocation Exception. If granted: Strelling Oil Company, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleased motor gasoline for the purpose of blending gasohol.
Feb. 13, 1980	United Steel Workers of America, Lackawanna, New York.	BFA-0186	Appeal of Information; Request Denial. If granted: The January 31, 1980 Information Request Denial issued to the United Steel Workers of America by the DOE Oak Ridge Operations Office would be rescinded, and the union would receive access to files concerning 1949–1951 Atomic Energy Commission contracts involving the Lackawanna Plant.
Feb. 14, 1980	Baseman, Mitchell & Levy, Washington, D.C.	BFA-0192	Appeal of Information; Request Denial. If granted: The January 16, 1980 Information Request Denial issued by the Economic Regulatory Administration, Region VII, would be modified, and Baseman, Mitchell & Levy would receive access to all documents concerning the 1974 audit of Illinois Ayers Oil Company of Quincy, Illinois.
Feb. 14, 1980	Economic Regulatory Administration (Industrial Fuel & Asphalt), Washington, D.C.	BMR-0026	Request for Modification/Rescission. If granted: The December 14, 1979 Decision and Order issued to Industrial Fuel and Asphalt of Indiana, Inc. (Case No. DEA-0664) would be modified.
Feb. 14, 1980	Getty Refining & Marketing Company, Tulsa, Oklahoma.	BEE-0492, BEL-0492.	Price Exception, Request for Temporary Exception. If granted: Getty Refining & Marketing Company would receive an Exception and Temporary Exception from the provisions of 10 CFR 212.83 which would permit the firm to pass through incremental expenses relating to the blending, storage, distribution and marketing of gasohol.
Feb. 14, 1980	Mobil Oil Corporation, Scarsdale, New York	BEA-0191	Appeal of Assignment Order. If granted: The December 27, 1979 Assignment Order issued to Mobil Oil Corporation by the Economic Regulatory Administration, Region II, regarding Mobil's supply obligations to Rally Oil Company would be rescinded.
Feb. 14, 1980	Petraco-Valley Oil and Refining Company, Houston, Texas.	BEE-0876	Allocation Exception. If granted: Petraco-Valley Oil and Refining Company would receive an exception from the provisions of 10 CFR 211.67 which would adjust the firm's entitlements position to reflect its start-up inventory of crude oil.
Feb. 14, 1980	Texaco, Inc., White Plains, New York	BEJ-0046	Motion for Protective Order. If granted: Texaco, Inc. and Energy Cooperative, Inc. (ECI) would enter into a protective order regarding the exchange of certain confidential information in connection with ECI's Application for Exception and related proceedings (Case Nos. DEE-8112, DXE-8112, DES-8112, DEL-8112).
Feb. 14, 1980	Texas Association of Community Organizations for Reform Now, Austin, Texas.	BED-0436	Motion for Discovery. If granted: Discovery would be granted to the Texas Association of Community Organizations for Reform Now with respect to information sought from the Texas Oil Marketers Association in connection with the Association's Application for Exception (Case No. BEE-0436).
Feb. 14, 1980	The Washington Post Company, Washington, D.C.	BEA-0190	Appeal of Assignment Order. If granted: The December 31, 1979 Assignment Order issued to the Washington Post Company by the Economic Regulatory Administration, Region III, regarding a motor gasoline allocation to the firm would be modified.

Notices of Objection Received

[Week of 2/8/80 to 2/15/80]

Date	Name and location of applicant	Case No.
2/11/80	J & L Towing, Inc., Englewood, NJ	BEO-1036
2/11/80	Homestead Dairies, Inc., Massena, NY	BEO-1035
2/11/80	Garrett's Exxon Servicenter, Salem, VA	BEO-1034
2/11/80	Deberson Arco, Oakmont, PA	BEO-1033
2/12/80	Carr & Dull, Inc., Huntington Valley, PA	BEO-1032
2/11/80	Bud's Texaco, Princeton, WV	BEO-1031
2/8/80	Fair's Exxon, York Springs, PA	BEO-1030
2/11/80	Read, Martin, Frandsen & Associates, Reno, NV.	DEE-6991
2/11/80	John Siciliani, Anaheim, CA	DEE-5973
2/11/80	Duncan Oil Company, Washington, D.C.	DXE-9624
2/12/80	Buck's Butane & Propane, San Jose, CA.	DEE-5546
2/11/80	T. C. Treakle & John Christopher, Inc., Irvington, VA.	DEE-5393
2/11/80	Tom's Arco, Indiana, PA	BEO-1049
2/11/80	Township Line Texaco, Drexel Hill, PA	BEO-1050
2/11/80	Tobey's General Store, Palermo, ME	BEO-1046
2/13/80	Tom's Mobil, Lebanon, PA	BEO-1047
2/12/80	Strohmann Bros. Co., Williamsport, PA	BEO-1046
2/11/80	Sireka's Service, Toledo, OH	BEO-1045
2/12/80	Steelsburg Auto, Steelsburg, NY	BEO-1044
2/11/80	Price Oil Co., Greenfield, IL	BEO-1043
2/11/80	Poughquag Service Center, Poughquag, NY.	BEO-1042
2/11/80	Penn-Flat Service Center, Inc., Brooklyn, NY.	BEO-1041
2/12/80	Meriden Yellow Cab Co., Inc., Meriden, CT.	BEO-1039
2/12/80	Ludwig's Corner Service Station, Glenmoore, PA.	BEO-1038
2/12/80	Jarrell's Exxon, Hinton, WV	BEO-1037
2/11/80	Transit Truck Stop, Millersville, MD	BEO-1051
2/11/80	Wedge Service Station, Elmford, NY	BEO-1052
2/11/80	Yelo Jak Oil Co., Moscow, PA	BEO-1054
2/12/80	Lankford's 66 Service, Memphis, TN.	BEO-1055
2/11/80	Rainey's, Inc., Decatur, AL	BEO-0153
2/11/80	Benda's Little Freeway Service Stations, Lansing, MI.	BEO-1056
2/11/80	Charles L. R. Wood Oil Co., Inc. Leavenworth, KS.	BEO-1057
2/11/80	Quenin's Marathon, Amherst, OH	BEO-1058
2/11/80	Danielson Standard, Wichita, KS	BEO-1059
2/11/80	Mid America Mobil Service, Fort Wayne, IN.	BEO-1060
2/11/80	Northfield Shell Auto Care, Chicago, IL.	BEO-1061
2/11/80	Tey Enterprizes, Milwaukee, WI	BEO-1062
2/12/80	Big K, Inc., Toledo, OH	BEO-1063
2/11/80	City of Midland, Texas, Midland, TX	BEO-1064
2/12/80	Dee's Market, Bryant, AR	BEO-1066
2/12/80	Griesz Oil Co., Tulsa, OK	BEO-1068
2/11/80	Handy Mart Food Store, Sherman, TX.	BEO-1069
2/12/80	James M. Kite, Rockford, IL	BEO-1070
2/12/80	River Valley Marina, Little Rock, AR	BEO-1071
2/12/80	Ted Lockey Oil Co., Austin, TX	BEO-1076
2/12/80	Blees Oil Co., Bowman, ND	BEO-1078
2/12/80	Cable Car Wash, Vacaville, CA	BEO-1079
2/11/80	Chevron U.S.A. Inc., San Francisco, CA.	BEO-1080
2/11/80	Southern Union Gas Co., Dallas, TX	BEO-1073
2/11/80	South Central Bell Telephone Co., New Orleans, LA.	BEO-1072
2/12/80	Townsend Full Service, Woodward, OK.	BEO-1077
2/11/80	Glendale Automotive Service., Glendale, CA.	BEO-1081
2/12/80	Gordon E. Farotte, Gilroy, CA	BEO-1082
2/11/80	Half Bay Moon Texaco, San Mateo, CA.	BEO-1083
2/11/80	Industrial Metal Supply, Burbank, CA.	BEO-1084
2/12/80	Sherp Texaco, El Centro, CA	BEO-1040
2/11/80	Venguard Companies, Cucamonga, CA.	BEO-1085,
2/13/80	East Bay Regional Park District, Oakland, CA.	BEO-1099
2/12/80	Tom's Skelly Service, Lawrence, KS	BEO-1101
2/13/80	Daniel Kobess, Lanedale, PA	BEO-1103
2/12/80	Salvatore Sanfilippo, Arlington, VA	BEO-1104
2/13/80	James F. Adair, Jr., Welch, WV	BEO-1106
2/13/80	C. D. Biggers & Son, Camden, AR	BEO-1107
2/13/80	Alex Nuzzen, Patchogue, NY	DEE-7770
2/12/80	Eagle Oil Company, Washington, DC.	BEE-0095
2/13/80	Ashland Oil, Inc., Washington, DC	BEE-0373
2/12/80	Tony Grasso Chevron, Orange, CA	DEE-7221
2/13/80	Mel's 66 Truck Stop, Spooner, WI	BEO-1090
2/13/80	Robert Stein, Jonestown, PA	BEO-1091
2/13/80	Bennett Air Conditioning, Inc., Clinton, MD.	BEO-1092
2/12/80	Bart's Exxon, Westerville, OH	BEO-1093
2/13/80	Leon Edwards, Ponchatoula, LA	BEO-1094
2/13/80	Edward Kuhl, Jr., Highland, IL	BEO-1095
2/13/80	Christian Oil Co./Lake N. Dale, Paola, KS.	BEO-1096
2/13/80	Fairless Hills Atlantic Service, Fairless Hills, PA.	BEO-1097
2/13/80	Mabank Texaco, Mabank, TX	BEO-1098
2/13/80	Nor-Bel Servicenter, Jericho, NY	BEO-1100
2/11/80	David Slone, Indianapolis, IN	BEO-1108
2/14/80	Charles Fenley Enterprises, Modesto, CA.	BEO-1130
2/11/80	Go-Clean, Inc., Milwaukee, WI	BEO-1067
2/14/80	Snow & Stumph Shell, Parma, OH	BEO-1125
2/14/80	Furr's Texaco, Annandale, VA	BEO-1116
2/12/80	Earl H. Gore, Gadeden, AL	BEO-1106
2/13/80	Surfco Branded Service Station, Tulsa, OK.	BEO-1075
2/15/80	Dale Olson Oil Co., Sioux City, SD	BEO-1132
2/14/80	New Haven Shell Service, Inc., New Haven, IN.	BEO-1112
2/12/80	Henry's Citgo, Farmingham, MA	DEE-7099
2/14/80	Blevins Exxon Garage, Sugar Grove, VA.	BEO-1113
2/11/80	Majik Market, Austin, TX	BEO-1002
2/14/80	The Happy Store, Greenville, NC	BEO-1111
2/14/80	Sunnyvale Mobil Station, Sunnyvale, CA.	BEO-1110

Proposed Remedial Orders

Notices of Objection Received

[Week of 2/8/80 to 2/15/80]

Date	Name and location of applicant	Case No.
2/12/80	Ed's Exxon, San Francisco, CA	BRO-1029
2/12/80	Moraga Shell, San Francisco, CA	BRO-1088
2/12/80	Moraga Union, San Francisco, CA	BRO-1089
2/12/80	Bell's Texaco Service Garage, San Francisco, CA.	BRO-1087
2/12/80	A's Auto Safety Service, San Francisco, CA.	BRO-1086
2/15/80	Metropolitan Dade County, Florida, Miami, FL.	BRO-1102

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List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of February 8 through February 15, 1980]

If granted: The following firms would be granted relief which would increase their base period allocation of motor gasoline.

Cooley Delivery, Inc	BEE-0845	02/08/80	North Caroline.
State of New Jersey	BXE-0843	02/08/80	New Jersey.
Sylvan Park Service Station	BEE-0810	02/08/80	Tennessee.
Bob's Texaco	BEE-0838	02/11/80	California.
Bruton's Gulf	BEE-0839	02/11/80	Texas.
Golden Rule Oil Co	BEL-0041	02/11/80	Wisconsin.
Handeyside Oil Corp	BEE-0801	02/11/80	Wisconsin.
Jim Walter Oil Co	BEE-0879	02/11/80	Texas.
Mintzer Petroleum Corp	BEE-0840	02/11/80	New York.
P.J.'s Kwik-Stop	BEE-0843	02/11/80	New York.
Shield's Amoco	BEE-0841	02/11/80	Maryland.
Cohodes Oil Co	BEE-0802	02/12/80	Michigan.
Jonestown Gas Station	BEE-0871	02/12/80	North Caroline.
Lanes Gas Station	BEE-0872	02/12/80	North Caroline.
Lenoir Gas Station	BEE-0873	02/12/80	North Caroline.
Randy Gaudin's Arco	BEE-0859	02/13/80	New York.
Scanlon Oil Co., Inc	BEE-0875	02/13/80	Wisconsin.
New Haven Shell Service	BEE-0817	02/14/80	Indiana.
Edgar Lucas Service Station	BEE-0895	02/15/80	Indiana.
Irving's Super Service	BEE-0877	02/15/80	New Jersey.
Valley Oil Co	BEL-0042	02/15/80	Wisconsin.

[FR Doc. 80-9088 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-01-M

Notice of Cases Filed With the Office of Hearings and Appeals; Week of February 15 through February 22, 1980

Notice is hereby given that during the week of February 15, 1980 through February 22, 1980, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

March 21, 1980.

List of Cases Received by the Office of Hearings and Appeals

[Week of Feb. 15 through 22, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 15, 1980	Dearborn Stove Company, Dallas, Texas	BEE-0863	Exception from the Energy Conservation Program for Consumer Products. If granted: Dearborn Stove Company would not be required to perform energy efficiency test of its vented gas-fired room heaters as required under 10 CFR 430.
Feb. 15, 1980	Gambrell, Russell and Forbes, Atlanta, Georgia	BFA-0193	Appeal of Information Request Denial. If granted: The Information Request Denial issued to Gambrell, Russell and Forbes by the DOE Director of Petroleum Price Regulations would be rescinded, and the firm would receive access to certain DOE documents concerning the promulgation of 10 CFR 212.126(d).
Feb. 15, 1980	Highway Oil Company, Washington, D.C.	BEE-0861, BEL-0861.	Allocation Exception, Request for Temporary Exception. If granted: Highway Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol. The firm would receive a temporary exception pending a final determination on its Application for Exception.
Feb. 15, 1980	Jim Adams, Tulsa, Oklahoma	BEE-0865	Allocation Exception. If granted: Jim Adams would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 15, 1980	Industrial Fuel and Asphalt of Indiana, Hammond, Indiana.	BEA-0194, BES-0194, BST-0194.	Appeal, Requests for Stay and Temporary Stay. If granted: The February 13, 1980 Decision and Order issued to Industrial Fuel and Asphalt of Indiana by the Economic Regulatory Administration, Office of Petroleum Operations would be rescinded, and the firm would receive an allocation of crude oil under the Crude Oil Buy/Sell Program. The firm would receive a stay and temporary stay pending a final determination on its appeal.
Feb. 15, 1980	Johnson Oil Company, Lawton, Oklahoma	BEE-0866	Allocation Exception. If granted: Johnson Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 15, 1980	Lauver Oil Company, Council Bluffs, Iowa	BEE-0862	Allocation Exception. If granted: Lauver Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 15, 1980	Marathon Oil Company, Findlay, Ohio	BEA-0195	Appeal of Assignment Order. If granted: The January 15, 1980 Assignment Order issued to Marathon Oil Company by the Economic Regulatory Administration, Region IV regarding the firm's supply obligations to Publix Oil Company would be rescinded.
Feb. 15, 1980	Tosco Corporation, Los Angeles, California	BEA-0196	Appeal of Entitlements Notice. If granted: The September 1979 Entitlements Notice would be modified with respect to Tosco Corporation's entitlements purchase obligations.
Feb. 19, 1980	Cotten Service Stations & Rentals, Dallas, Texas	BEZ-0023	Interlocutory Order. If granted: A hearing would be convened in connection with the Application for Exception filed by Cotton Service Stations & Rentals (Case No. DEE-6464).
Feb. 19, 1980	Fried, Frank, Harris, Shriver & Kampelman, Washington, D.C.	BFA-0197	Appeal of Information Request Denial. If granted: The Information Request Denial issued by the Economic Regulatory Administration would be rescinded, and Fried, Frank, Harris, Shriver & Kampelman would receive access to a document entitled "Memorandum Concerning National Environmental Policy Act Determination: Inclusion of Synthetic Fuels in the Entitlements Program."
Feb. 19, 1980	Pennzoil Producing Company, Houston, Texas	BXE-0867	Extension of Relief Granted in *Pennzoil Producing Company*, 4 DOE Par.——(November 15, 1979). If granted: Pennzoil Producing Company would be permitted to continue to sell the crude oil produced from the Perry Sand Waterflood Unit—North Segment site located in Yazoo County, Mississippi at upper tier ceiling prices.
Feb. 20, 1980	Aluminum Company of America, Point Comfort, Texas.	BEE-0891	Exception from the Reporting Requirements. If granted: Aluminum Company of America would not be required to file Form ERA-69 ("Crude Oil Resellers Self-Reporting Form").

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Feb. 15 through 22, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 20, 1980	Atlantic Richfield Company, Cook Inlet, Alaska	BXE-0890	Extension of Relief Granted in *Atlantic Richfield Company*, 4 DOE Par. —— (November 15, 1979). If granted: Atlantic Richfield Company would be permitted to continue to sell crude oil produced from the Platform Spark, located in Cook Inlet, Alaska, at upper tier ceiling prices.
Feb. 20, 1980	C. F. Lawrence and Assoc., Inc., Pecos, Texas	BXE-0892	Extension of Relief Granted in *C. F. Lawrence and Assoc., Inc.*, 4 DOE Par. — (October 4, 1979). If granted: C. F. Lawrence and Assoc., Inc. would be permitted to continue to sell the crude oil produced from the Childress Mi Masterson Lease, located in Pecos County, Texas, at upper tier ceiling prices.
Feb. 20, 1980	Chevron U.S.A. Inc., Washington, D.C.	BEJ-0044	Motion for Protective Order. If granted: Chevron U.S.A. Inc. and Energy Cooperatives, Inc. (ECI) would enter into a protective order regarding the exchange of certain confidential information in connection with ECI's Application for Exception and related proceedings (Case Nos. BEE-0508, BES-0508, BSG-0009).
Feb. 20, 1980	Hendel's, Inc., Groton, Connecticut	BMR-0023, BES-0027.	Request for Modification; Request for Stay. If granted: The January 23, 1980 Decision and Order issued by the Office of Hearings and Appeals to Hendel's, Inc. would be modified. Hendel's would receive a stay of the Order pending a final determination on its Request for Modification.
Feb. 20, 1980	Laketon Asphalt Refining Inc., Evansville, Indiana	BEX-0034	Supplemental Order. If granted: The DOE would stay a portion of the entitlement purchase obligations of Laketon Asphalt Refining Inc. during the period March 1980 through August 1980.
Feb. 20, 1980	Petroleum Delivery Service, Inc., Atlanta, Georgia	BFA-0196	Appeal of Information Request Denial. If granted: The January 10, 1980 Information Request Denial issued to Petroleum Delivery Service, Inc. by the Economic Regulatory Administration, Region IV would be rescinded, and the firm would receive access to information regarding the pending Office of Enforcement case against the firm (Case No. 414H00053).
Feb. 20, 1980	Phillips Petroleum Company, Bartlesville, Oklahoma	BSG-0013	Petition for Special Redress. If granted: Phillips Petroleum Company would receive special redress relief from the provisions of 10 CFR 211, which would modify the firm's supply obligations to Robinson Petroleum Company.
Feb. 20, 1980	Purity Oil Company, Tulsa, Oklahoma	BEE-0894	Allocation Exception. If granted: Purity Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 20, 1980	Shell Oil Company, Houston, Texas	BEA-0200	Appeal of Assignment Order. If granted: The January 15, 1980 Assignment Order issued to Shell Oil Company by the Economic Regulatory Administration, Region VI regarding the firm's supply obligations to Winter Oil Company would be rescinded.
Feb. 20, 1980	Shell Oil Company, Lea County, New Mexico	BEE-0869	Price Exception (Section 212.83). If granted: Shell Oil Company would be permitted to sell the crude oil produced from the North Hobbs Unit, located in Lea County, New Mexico, at upper tier ceiling prices.
Feb. 20, 1980	Standard Oil of Ohio, Cleveland, Ohio	BEA-0203	Appeal of Decision and Order. If granted: The January 21, 1980 Decision and Order issued to Energy Cooperatives, Inc. by the Office of Hearings and Appeals would be rescinded.
Feb. 20, 1980	Dolph Honicker, Nashville, Tennessee	BFA-0199	Appeal of Information Request Denial. If granted: The January 31, 1980 Information Request Denial issued to Dolph Honicker by the DOE Oak Ridge Operations Office would be rescinded, and Dolph Honicker would receive access to information regarding the Paducah Gaseous Diffusion Plant.
Feb. 20, 1980	Tosco Corporation, Los Angeles, California	BEX-0033	Supplemental Order. If granted: Tosco Corporation would be entitled to receive interest from Petraco-Valley Oil and Refining Company for the period during which Petraco-Valley failed to purchase entitlements from Tosco.
Feb. 21, 1980	City of Cleburne, Texas, Cleburne, Texas	BEE-0897, BES-0897.	Allocation Exception; Request for Stay. If granted: The City of Cleburne, Texas, would receive an exception from the provisions of 10 CFR 211, which would permit the City to receive an allocation of diesel fuel. The City would receive a stay pending a final determination on its Application for Exception.
Feb. 21, 1980	Farmland Industries, Kansas City, Missouri	BEE-0899, BEL-0899.	Allocation and Price Exception, Request for Temporary Exception. If granted: Farmland Industries would receive an exception from the provisions of 10 CFR 211 and 10 CFR 212 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol and would permit the firm to pass through incremental expenses relating to the blending, storage, distribution and marketing of gasohol. The firm would receive a temporary exception pending a final determination on its Application for Exception.
Feb. 21, 1980	Oasis Petroleum Corporation, Research Fuels, Inc., BLT, Inc., Champlin Petroleum Co., Marathon Oil Co., Trans-Texas Petroleum Corp., Culver City, California.	BSG-0015	Petition for Special Redress. If granted: A Decision would be issued setting forth a comprehensive analysis of the allocation rights to motor gasoline of several parties as they were affected by the sale of 84 retail sales outlets by Research Fuels, Inc. to Oasis Petroleum Corporation.
Feb. 21, 1980	R. H. Engelke, Jackson County, Texas	BXE-0896	Extension of Relief Granted in *R. H. Engelke*, 4 DOE Par. —— (January 4, 1980). If granted: R. H. Engelke would be permitted to continue to sell the crude oil produced from the Bertha Copsey Lease, located in Jackson County, Texas, at upper tier ceiling prices.
Feb. 21, 1980	Sun Oil Company of Pennsylvania, Philadelphia, Pennsylvania.	BED-0038, BEJ-0045.	Motion for Discovery, Motion for Protective Order. If granted: Discovery would be granted to Sun Oil Company of Pennsylvania in connection with information concerning the Application for Exception filed by Farm Fuel Products Corporation (Case No. DEE-7059). Sun Oil Company would enter into a Protective Order with Farm Fuel Products Corporation regarding the exchange of confidential material relating to the proceeding.
Feb. 22, 1980	Busler Enterprises, Inc., Evansville, Indiana	BXE-0907	Extension of Relief Granted in *Busler Enterprises, Inc.*, 4 DOE Par. —— (January 17, 1980). If granted: Busler Enterprises, Inc., would be assigned new, lower priced suppliers of motor gasoline for the period May through September 1980.
Feb. 22, 1980	Common Ground, Santa Barbara, California	BFA-0201	Appeal of Information Request Denial. If granted: Common Ground would receive access to certain information submitted to the Energy Research and Development Administration regarding Karen Silkwood.
Feb. 22, 1980	Hupp Oil Company, Bogalusa, Louisiana	BEE-0905	Allocation Exception. If granted: Hupp Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 22, 1980	International Biomass Institute, Washington, D.C.	BFA-0202	Appeal of Information Request Denial. If granted: The January 23, 1980 Information Request Denial issued by the Office of Procurement Operations would be rescinded, and International Biomass Institute would receive access to the "Analysis of Legislative, Executive and Non-Government Biomass Energy Programs."
Feb. 22, 1980	Moainee Alcohol, Inc., Moainee, Wisconsin	BEE-0906	Allocation Exception. If granted: Moainee Alcohol, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 22, 1980	Sav-O-Mat, Inc., Denver, Colorado	BSG-0014	Petition for Special Redress. If granted: The DOE would review the past supply practices of Oil Transit, Inc. with respect to Sav-O-Mat, Inc.
Feb. 22, 1980	Sun Oil Company of Pennsylvania, Washington, D.C.	BES-0397	Request for Stay. If granted: Sun Oil Company of Pennsylvania would receive a stay of the February 15, 1980 Interim Order issued to Geib Oil Company pending a final determination on Sun's Statement of Objections to the February 15, 1980 Proposed Decision and Order issued to Geib (Case No. BEE-0397).

MR28 80 UMI

Notices of Objection Received

[Week of 2/15/80 to 2/22/80]

Date	name and location of applicant	Case No
2/15/80	Stephen J. Zona Sunoco, Ellwood City, PA.	BEO-1131
2/15/80	P. & L. Shell Service, Welch, WV	DEE-7207
2/15/80	Coleirp Town Pump, Butte, MN	DEE-5883
2/15/80	Cardinal Petroleum Co., Cumberland, NC.	DEE-4117
2/15/80	Pearce Community Mart, Kinston, NC.	BEO-1120
2/19/80	Tom's Fishermen Supply, Santa Cruz, CA.	BEO-1135
2/19/80	Prudential Overall Supply, Santa Ana, CA.	BEO-1134
2/15/80	Decker Blvd. Texaco, Columbia, SC.	BEO-1126
2/20/80	Dave's General Store, Andover, ME	DEE-6437
2/20/80	High/Eighty Exxon Service Station, Longview, TX.	DEE-6913
2/20/80	Geib Oil Co., Washington, DC	BEO-0397
2/20/80	Dalee Oil Co., Inc., Belleville, IL	BEO-1138
2/20/80	First Street Standard, Willmar, MN	BEO-1139
2/20/80	William W. Floyd, Sr., Ukiah, CA	BEO-1140
2/20/80	Goodies, Savannah, GA	BEO-1141
2/15/80	Winston's Corner, Springdale, AR	BEO-1129
2/15/80	W. G. Roberts Oil Co., Albuquerque, NM.	BEO-1128
2/15/80	B & B Garage, Springfield, NB	BEO-1122
2/15/80	Zanni's Chevron Service, McCloud, CA.	BEO-1133
2/15/80	Shell Oil Co., Maumee, OH	BEO-1127
2/15/80	Ruffin Oil Co., Wichita, KS	BEO-1124
2/15/80	Hotchkiss Oil Co., Harrisonville, MO.	BEO-1123
2/15/80	A & T Marathon, Chili, IN	BEO-1121
2/15/80	Hood Co., Gainesville, FL	BEO-1119
2/15/80	Philip M. Croft, Charleston, SC	BEO-1118
2/15/80	Norman-Stuart Service, No. Miami Beach, FL.	BEO-1117
2/15/80	Fetter's Store, New Lebanon Center, NY.	BEO-1115
2/15/80	Dave's Texaco Station, Brighton, MA.	BEO-1114
2/21/80	A. J. LeBlanc Heating Co., Manchester, NY.	DEE-7667
2/21/80	Southwest Research Institute, San Antonio, TX.	DEE-5696
2/21/80	H & H Oil Co., Philadelphia, PA	DEE-5975
2/22/80	Brace's Service Station, Mexico, MO.	BEE—0393
2/22/80	Biofuel, Inc., Washington, DC	BEE-0077

Proposed Remedial Orders, Notices of Objection Received

[Week of 2/15/80 to 2/22/80]

Date	name and Location of Applicant	Case No.
2/20/80	Norman Boutin, Portland, OR	BRO-1136

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of February 15 Through February 22, 1980

If granted: The following firms would granted relief which would increase their base period allocation of motor gasoline.

February 15, 1980

Edgar Lucas Service Station, BEE–0895 Indiana.

Irving's Super Service, BEE–0877 New Jersey.

Valley Oil Co., BEL–0042 Wisconsin.

February 18, 1980

Eicher, Roy, BEE–0888 Ohio.

February 19, 1980

Best Oil, Inc., BES–0061 Pennsylvania.

Best Oil, Inc., BEL–0061 Pennsylvania.

February 20, 1980

Kay's Texaco Service, BEE–0893 Pennsylvania.

February 21, 1980

Tlougan Oil Company, BEE–0908 Minnesota.

February 22, 1980

Daigh Automotive Engineering, BXE–0914 California.

Isiminger's Arco, BEE–0903 Pennsylvania.

R&R Texaco (Strother), BXE–0904 Louisiana.

Sumner's Amoco, BEE–0911 Virginia.

[FR Doc. 80-9370 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Assistant Secretary for Fossil Energy

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Memorandum of Understanding

1. Authority and Purpose

(a) The Department of Energy (DOE) conducts coal mining production research and development under the Assistant Secretary for Fossil Energy's programs. Section 302 of the Department of Energy's Organization Act, 42 U.S.C. 7101 *et seq.*, transferred these research responsibilities from the Bureau of Mines to DOE. The coal mine production research programs of DOE include the development of improved and innovative mining technologies to increase coal mine productivity and the efficiency of coal extraction.

(b) DOE also participates in research and demonstration projects to develop alternative coal mining technologies as specified under section 908 of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* These cooperative program efforts will maximize the recovery of available coal resources and improve safety and health.

(c) In carrying out its responsibility for research to increase the efficiency of production technology, DOE is aware of the critical importance of safety and health in production and wishes to be advised of safety and health considerations relevant to the development of new mining technologies. The Mine Safety and Health Administration (MSHA) is responsible for enforcing the safey and health provisions of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 *et seq.* (Supp. I) (Mine Act) and for promoting mine safety and health in general. The current appropriations authority for the Department of Labor authorizes MSHA to cooperate with other agencies in carrying out these responsibilities.

(d) Section 501 of the Mine Act, 30 U.S.C. 951, places the responsibility for conducting research to improve working conditions and practices in mining and to prevent accidents and occupational diseases originating in mining occupations with the Secretary of the Interior and the Secretary of Health, Education, and Welfare.

(e) MSHA has a memorandum of understanding with the Bureau of Mines (BOM), Department of the Interior, for mutual assistance in the management, coordination, and technology transfer of research and development programs in mine safety and health.

(f) MSHA also has a memorandum of understanding with the National Institute of Occupational Safety and Health (NIOSH) of the Department of Health, Education, and Welfare for cooperation in research activities related to mine health.

(g) Coal mine production research and development must take into consideration coal mine safety and health factors. New production technologies can make potentially significant improvements in safety and health, and building safety and health considerations into production research will accelerate availability of new technologies for mine use. Coordination of efforts will strengthen both agencies' programs.

(h) New mine technologies often result in new problems which need to be identified and solved early in the development cycle. These new production technologies may require special data evaluation and other special measures during their development to ensure that they are no less safe than existing mining practices. Coordinated actions by both Agencies will provide a basis for appropriate changes in the applicable regulations and will facilitate the transfer of new coal production technologies for mine use.

2. Establishment of Cooperative Assistance and Coordination

MSHA and DOE propose to work together to develop procedures so that the progress of the coal mine production technology programs can be monitored and potential problems addressed to accelerate the transfer of the research-developed technologies for mine use.

(a) MSHA and DOE will establish a program review committee for coal mine production technology consisting of senior management personnel from DOE and MSHA assigned respectively by the Assistant Secretary for Fossil Energy and the Assistant Secretary for Mine Safety and Health.

(b) The committee will periodically review the coal mine production programs to identify and assess major projects which are of interest from the safety and health regulatory standpoint. The committee will maintain continuous oversight of such projects from inception to completion of each project and provide policy guidance.

(c) DOE and MSHA will each designate a liaison officer to serve as a point of contact and to be the responsible officer for the Agency to coordinate the committee activities.

3. Methodology of Program Coordination

(a) The committee will meet as necessary, but not less than once each year, to review major projects of mutual interest. BOM and NIOSH will be invited to all meetings and will be provided with all relevant documents.

(b) The committee will identify major projects with potential new technology regulatory problems. For selected major projects, the committee will appoint a working group consisting of MSHA and DOE personnel to evaluate specific problem areas, resolve problems, and recommend appropriate actions for review by the committee.

(c) The committee will review the recommendations submitted by the workgroups and initiate appropriate actions to speed the transfer of the coal mine production technology project results.

(d) Recommendations of the working group shall include, but not be limited to:

(i) changes or modifications in the major projects to assure safety and health of mine production operations;

(ii) individual modifications of existing safety and health standards in order to facilitate experimental testing of new techniques and equipment pursuant to section 501(f) of the Mine Act. The recommendations will also include an evaluation on the potential of the method to assure that the new technology is no less safe than existing technologies.

(iii) changes in the regulations to facilitate the use of emerging production technologies to promote coal mine safety and health; and

(iv) other appropriate actions to achieve the objectives of the production technology programs under acceptable safety and health standards.

4. Effective Date and Termination

This agreement will become effective on the date of the last signature and will continue in effect unless modified or terminated by mutual consent of both parties or terminated by either party upon thirty (30) days advance written notice to the other.

Dated: February 13, 1980.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health, Department of Labor.

Dated: March 4, 1980.

George Fumich, Jr.,

Assistant Secretary for Fossil Energy, Department of Energy.

[FR Doc. 80-9335 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1449–4; OPP–50466]

Abbott Laboratories; Experimental Use Permit for "Hirsutella Thompsonii Fisher"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an experimental use permit to Abbott Laboratories for use of the fungicide *Hirsutella thompsonii Fisher* on citrus, blueberries, and turf to evaluate control of citrus rust mite, blueberry bud mite, and Bermuda turf mite. This experimental use permit is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM–17), Rm. E–341 (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460 (202–426–9417).

SUPPLEMENTARY INFORMATION: Abbott Laboratories, North Chicago, IL 60064, has been issued experimental use permit No. 275–EUP–20. This permit allows the use of the remaining supply of the 1,000 pounds of the fungicide *Hirsutella thompsonii Fisher* authorized in a previous experimental use permit on citrus, blueberries, and turf to evaluate control of the citrus rust mite, blueberry bud mite, and Bermuda turf mite.

A total of 100 acres are involved; the program is authorized only in the States of Florida, North Carolina, and Texas. This experimental use permit is effective from February 25, 1980 to February 25, 1981. A temporary exemption from the requirement for a tolerance for residues of the spores of *Hirsutella thompsonii Fisher* when used as a mycocide on citrus and small fruits has been established.

Perons wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. Inquiries regarding this permit should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819 as amended (7 U.S.C. 136))

Dated: March 21, 1980.

Herbert S. Harrison,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-9504 Filed 3-27-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1449–8; 80P–1]

Conrel; Receipt of Application To Register a Pesticide Product Containing New Active Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Conrel has submitted an application to register the pesticide product NOMATE BORER-GARD which contains the active ingredients (*E,Z*)-3,13-octadecadien-l-ol acetate and (*Z,Z*)-3,13-octadecadien-l-ol acetate not included in any previously registered pesticide product.

COMMENTS: Interested persons are invited to submit written comments on this application. Comments submitted should bear a notation indicating the EPA "File Symbol 36638–G." Comments may be submitted, and inquiries directed to: Mr. Franklin D.R. Gee, Product Manager (PM) 17, Room E–341, (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202–426–9417).

The label furnished by Conrel as all written comments filed in connection with this notice, will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

V45/62 MR2880 UMI

DATE: The comments must be received by April 28, 1980. Comments received by the specified date will be considered before a final decision is made; comments received after the specified date will be considered only to the extent possible without delaying processing of the application.

FOR FURTHER INFORMATION CONTACT: Mr. Franklin D. R. Gee at the above address.

SUPPLEMENTARY INFORMATION: Conrel, an Albany International Col, 110 A Street, Needham Heights, MA 02194, has submitted an application to EPA to register the pesticide product NOMATE BORER-GARD (EPA File Symbol 36638–G) containing 0.1% of the active ingredient (*E,Z*)-3,13-octadecadien-l-ol acetate and 38% of the active ingredient (*Z,Z*)-3,13-octadecadien-l-ol acetate which have not been included in any previously registered pesticide product. The application proposes that the pesticide be classified for general use as an insecticide to disrupt the mating of the peachtree borer and lesser peachtree borer on almond, apricot, cherry, nectarine, and plum trees.

Notice of approval or denial of this application to register NOMATE BORER-GARD will be announced in the **Federal Register**. Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) and the regulations thereunder (40 CFR 162), the test data and other scientific information deemed relevant to the registration decision may be made available after approval under provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved. Notice of receipt of this application does not indicate a decision by the Agency on the application.

(Sec. 3(c)(4), 86 Stat. 72, (7 U.S.C 136a))

Dated: March 21, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-9601 Filed 3-27-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1449-7; 80P-2]

Conrel; Filing of Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Conrel has submitted a pesticide petition proposing to amend 40 CFR 180 by establishing an exemption from the requirement of a tolerance for residues of *(E,Z)*-3,13-octadecadien-1-ol acetate and *Z,Z*-3,13-octadecadien-1-ol acetate on almond, apricot, cherry, nectarine, and plum trees under the Federal Food, Drug, and Cosmetic Act.

COMMENTS: Comments submitted should bear a notation indicating the petition number "OF2315". Written comments filed in connection with this notice will be available for public inspection in the Product Manager's office from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

DATE: Comments may be made at any time while the petition is pending before the Agency.

FOR FURTHER INFORMATION CONTACT: Mr. Franklin Gee, Product Manager (PM 17), Rm. E–341 (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202–426–9417).

SUPPLEMENTARY INFORMATION: Conrel, An Albany International Co., 110 A Street, Needham Heights, MA 02194, has submitted a pesticide petition (OF2315) proposing that 40 CFR 180 be amended by establishing an exemption from the requirement of a tolerance for combined residues of *(E,Z)*-3,13-octadecadien-1-ol acetate and *Z,Z*-3,13-octadecadien-1-ol acetate in or on almond, apricot, cherry, nectarine, and plum trees to disrupt the mating of the peachtree borer and lesser peachtree borer. The proposed analytical method for determining residues is gas liquid chromatography. This action is being taken under section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 135))

Dated: March 21, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-9602 Filed 3-27-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1449-2; 80P-34]

Conrel; Receipt of Application To Register a Pesticide Product Containing New Active Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Conrel, an Albany International Co., has submitted an application to register the pesticide product *N–Trap Elm Bark Beetle* which contains the active ingredients 4-methyl-3-heptanol; 2,4-dimethyl-5-ethyl-6,8-dioxabicyclo (3.2.1) octane; and cubebene not included in any previously registered pesticide product.

COMMENTS: Interested persons are invited to submit written comments on this application. Comments submitted should bear a notation indicating the EPA "File Symbol 36638–G." Comments may be submitted, and inquiries directed to: Mr. Franklin D.R. Gee, Product Manager (PM) 17, Room E–341, TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202–426–9417).

The label furnished by Conrel, as well as all written comments filed in connection with this notice, will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

DATE: The comments must be received by April 28, 1980. Comments received by the specified date will be considered before a final decision is made; comments received after the specified date will be considered only to the extent possible without delaying processing of the application.

FOR FURTHER INFORMATION CONTACT: Franklin D.R. Gee at the above address.

SUPPLEMENTARY INFORMATION: Conrel, an Albany International Co., 110 A Street, Needham Heights, MA 02194, has submitted an application to EPA to register the pesticide product *N–Trap Elm Bark Beetle* (EPA File Symbol 36638–U) containing 4.9%, 1.9%, and 14.2% of the active ingredients 4-methyl-3-heptanol; 2,4-dimethyl-5-ethyl-6,8-dioxabicyclo (3.2.1) octane; and cubebene, respectively, which have not been included in any previously registered pesticide product. The application proposes that the pesticide be classified for general use as an insecticide attractant to lure elm bark beetles (*Scolytus multistriatus*) into traps.

Notice of approval or denial of this application to register *N–Trap Elm Bark Beetle* will be announced in the **Federal Register**. Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 138) and the regulations thereunder (40 CFR 162), the test data and other scientific information deemed relevant to the registration decision may be made available after approval under provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved. Notice of receipt of this application does not indicate a decision by the Agency on the application.

(Sec. 3(c)(4), 86 Stat. 72, (7 U.S.C. 136a))

Dated: March 21, 1980.

Douglas D. Campt,

Director, Registration Division Office of Pesticide Programs.

[FR Doc. 80-9605 Filed 3-27-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1450-5]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A–104), US Environmental Protection Agency.

PURPOSE: This Notice lists the Environmental Impact Statements (EISs), which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of March 17, 1980 to March 21, 1980.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from March 28, 1980 and will end on May 12, 1980. The 30-day review period for final EIS's as calculated from March 28, 1980 will end on April 28, 1980.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the Notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following sources:

For hard copy reproduction: Environmental Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20036.

For hard copy reproduction or microfiche: Information Resources Press, 2100 M Street, NW, Suite 316, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Environmental Review (A–104), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 245–3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ Regulations became effective. Pursuant to § 1506.10(a), the 30-day review period for final EIS's received during a given week will now be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of March 17, 1980 to March 21, 1980 the 30-day review period will be calculated from March 28, 1980. The review period will end on April 28, 1980.

Appendix I sets forth a list of EIS's filed with EPA during the week of March 17, 1980 to March 21, 1980. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this Notice. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or EPA has approved a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availability of the EIS in the **Federal Register** and the newly established date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous Notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agency.

Appendix V sets forth a list of reports or additional supplemental information relating to previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: March 25, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A–104).

Appendix I—EIS's Filed with EPA During the Week of March 17 through 21, 1980

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412–A, Admin. Building, Washington, D.C. 20250, (202) 447–3965.

Forest Service

Final

Crooked River National Grassland, Ochoco NF, Jefferson County, Oreg., March 20: Proposed is a land management plan for the Crooked River National Grassland located in Ochoco National Forest, Jefferson County, Oregon. The preferred alternative includes: (1) Primary recreation for the areas around Haystack Reservoir, Lake Billy Chinook, and portions of the Squaw Creek and Deschutes River canyons; (2) primary riparian wildlife management; (3) primary wildlife/secondary range management of most of the Deschutes Canyon Roadless Area as well as the remainder of the west side of the Grassland; (4) support of wildlife management through range management activities, and (5) management of canyon areas for dispersed recreation. Comments made by: AHP, USDA, DOI, GSA, DOT, HUD, EPA, HEW, DOC, DOE, DOD, State and Local Agencies Groups, Individuals and Businesses. (EIS Order No. 800204.)

Rural Electrification Administration

Draft Supplement

River Bend Nuclear Power Station Unit 1, Transmission, West Feliciana County, La., Mar. 21: This document supplements an NRC final EIS, #41491, filed 9–30–74 which has been adopted by the USDA/REA. Proposed is assistance for the purchase of undivided ownership interests in the River Bend Nuclear Power Station Unit 1, West Feliciana Parish, Louisiana. Assistance may also be used for construction of related transmission facilities which extend through several parishs. The unit will consist of a boiling-water reactor, and two steam turbine generators. Exhaust steam would be cooled by mechanical cooling towers using make-up water obtained from and discharged to the Mississippi River. (USDA–REA–EIS–(ADM)–80–4–D.) (EIS Order No. 800209.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272–0121.

Final

Belle River powerplant, St. Clair River, St. Clair County, Mich., March 18: Proposed is the construction and operation of a 1,328 mega-coal-fired electrical generation facility on the St. Clair River, St. Clair County, Michigan, at the existing St. Clair Power Plant site. Water for the proposed once-through cooling system would be supplied from, and discharged into, the St. Clair River via pipeline. Land designated for the facilities consists of approximately 942 acres in China and East China Townships. In addition to the two generating units, the project will require two 665-foot stacks, air pollution control equipment, coal and material storage areas, ash basins, a waste material storage area and river intake and discharge facilities (Detroit District). Comments made by: EPA, DOI, USDA, DOC, DOT, FERC, State and local agencies. (EIS Order No. 800196.)

V45/62 MR28 80 UMI

V 45/62 MR 28 80 UMI

Final Supplement

Shidler Lake, Salt Creek, section 404 (FS–1), Osage County, Okla., March 19: This statement supplements final EIS, #51660, filed 11–13–75 concerning the construction of Shidler Dam, a multipurpose project on Salt Creek, Osage County, Oklahoma. This supplement is an evaluation of the effects of discharge of dredged or fill material into the waters of Salt Creek during the construction of an earthern dam and the relocation of a section of a county road (Tulsa District). Comments made by: USDA, DOT, EPA, DOT, State agencies, and groups. (EIS Order No. 800201.)

Draft

Seward small boat harbor, navigation improvement, Alaska, March 20: Proposed are navigation improvements for the Seward small boat harbor in Seward, Alaska. Plan A consists of extending the existing north-south breakwater, creating a new entrance channel, removing a section of the existing breakwater, and dredging a mooring basin. Plan B consists of breakwater enclosure, a dredged entrance channel, and a dredged mooring basin (Alaska District). (EIS Order No. 800203.)

Final Supplement

Big Pine Lake and Creek, regulatory exemption, Red River County, Tex., March 21: This statement supplements a final EIS, #51424, filed 9–22–79. Proposed for regulatory exemption is the placement of dredged or fill material into the water of Big Pine Creek of Big Pine Lake located in Red River County, Texas. This action is in conjunction with the construction of Big Pine (earthen) Dam and the relocation of four sections of two County roads totaling approximately 2.9 miles. Fill material would be obtained from the flood plain of Big Pine Creek and from borrow areas in adjacent terrece deposits. (Tulsa District). Comments made by: DOT, USDA, AHP, EPA, DOI, State and local agencies. (EIS Order 800211.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 377–4335.

National Oceanic and Atmospheric Administration

Draft

Point Reyes-Farallon Islands Marine Sanctuary, California Pacific Regulatory, March 21: Proposed is the designation of the waters around Point Reyes and the Farallon Islands as a marine sanctuary. The sanctuary would extend shoreward to the seaward boundary of the Point Reyes National Seashore and seaward 3 nautical miles beyond territorial waters, specific regulations are proposed which would apply only within the sanctuary boundaries. In addition to requiring sanctuary review and certification for the laying of pipelines, the following would be prohibited: hydrocarbon exploration, discharges, construction on or alteration of the seabed, unnecessary operation of vessels, disturbing marine mammals, and removing or disturbing historical resources. (EIS Order No. 800205.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, (202) 755–6300.

Final

Old Farm, Homestead, Brairgate, and Norwood, El Paso County, Colo., March 18: Proposed is the issuance of HUD home mortgage insurance for the Old Farm, Homestead, Briargate, and Norwood planned developments in Colorado Springs, El Paso County, Colorado. The developments would consist of 1,240, 3,301, 3,561 and 7,472 dwelling units respectively. Other land uses will include commerical, school, and park (14D–R08–EIS–79–XVIF). Comments made by: DOI, DOT, DOC, USAF, EPA, State and local agencies. (EIS Order No. 800195.)

Village Creek West Subdivision, Harris County, Tex., March 18: The proposed action is for the HUD to accept for HUD–FHA mortgage insurance purposes the 628 acre Village Creek West Subdivision located in western Harris County, Texas, roughly 7 miles north of the small municipality of Katy. When completed, the subdivision will contain approximately 2,200 single-family homes plus some shopping and recreational facilities (HUD–R06–EIS–80–4F). Comments made by: EPA, COE, DOT, DOI, HEW, DOW, State agencies, and groups. (EIS Order No. 800194.)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104 H of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Draft

Poor Farm Ridge waterline extension CDBG, Campbell County, Tenn., March 18: Proposed is the issuance of a CDBG for extension of a waterline for the Poor Farm Ridge Community, LaFollette, Campbell County, Tennessee. The extensions will consist of 4-winch and 6-inch lines which will be extended from an existing 8-inch line. The lines would serve an area which presently has 70 dwelling units and is still being developed. In addition to no action an alternative location for the waterline extension is considered. (EIS Order No. 800190.)

Fincastle area waterline extension, CDBG, Campbell County, Tenn., March 18: Proposed is the issuance of a CDBG for extension of a waterline in the Dosett Creek of Fincastle, Campbell County, Tennessee. The extension would consist of approximately 14,000 linear feet of eight-inch pipe and will be extended from the existing waterline adjacent to TN–63. The extension would serve approximately 240 people. In addition to no action an alternate location for the line extension is considered. (EIS Order No. 800200.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343–3891.

Final

Abandoned mine land reclamation, SMCRA, Programmatic Policy, March 17: Proposed is the implementation of program policies for Federal, State, and Indian Abandoned Mine Land Reclamation Under Title IV of the Surface Mining Control and Reclamation Act of 1977. The program would provide the authority to use moneys from this fund to reclaim and restore land and water resources adversely affected by past coal mining. The alternatives considered for the two program elements were: (1) Federal discretionary fund allocation, and (2) abandoned mine land reclamation guideline (FES–OSM–EIS–2). Comments made by: USDA, HEW, HUD, DOI, TREA, EPA, FERC, State and local agencies, individuals and businesses. (EIS Order No. 800193.)

Bureau of Land Management

Draft

Mountain foothills grazing management, several counties, Montana, March 21: Proposed is a grazing management program for the mountain foothills in Beaverhead, Deer Lodge, Madison and Silver Bow Counties, Montana. The alternatives considered include: (1) adjustment of current management with improvement in erosion condition and some wildlife habitat; (2) continue present management with adjustment of current livestock use; (3) reduce livestock use and implement systems to improve watershed, recreation, and wildlife habitat; (4) implementation of vegetation manipulation practices; (5) freeze current program; and (6) eliminate livestock grazing on public lands. (DES–80–15). (EIS Order No. 800210.)

Final

Gulf of Alaska OCS Oil and Gas Lease Sale No. 55, Alaska, March 21: Proposed is OCS oil and gas lease sale No. 55 in the Eastern Gulf of Alaska. Three hundred and fifty blocks consisting of 1,952,242 acres are proposed for leasing. The tracts extend from south and east of Yakutat along the territorial boundary and generally seaward from the coast to the 300 meter isobath. The alternatives consider no sale, delay of the sale, and three modified sales. (FES–80–12). Comments made by: NRC, FERC, COE, DOI, USDA, EPA, DOC, State agencies, groups and businesses. (EIS Order No. 800208.)

National Park Service

Draft

Shiloh National Military Park, General Management, Hardin County, Tenn., March 18: Proposed is a general management plan for the Shiloh National Military Park, Hardin County, Tennessee. The plan involves: (1) inclusion of the Three Stories of Shiloh, (2) construction of a visitor contact station at a new entry/exit point, (3) construction of the Hamburg Road Bypass, (4) conversion of circulation in the park to a one-way loop, (5) new interpretive and handicapped trails. The alternatives consider: (1) No action, (2) site locations for the contact station, (3)

restoration of historic fields, and (4) other features. (DES–80–13). (EIS Order No. 800197.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–4357.

Federal Aviation Administration

Final

Logan International Airport, Runway 22Right, Suffolk County, Mass., March 21: Proposed is the selection of a procedure for use by turbo jet aircraft using Runway 22Right to depart Logan International Airport located in Suffolk County, Massachusetts. The alternative procedures considered are: (1) A 210 degree compass heading, (2) a 180 degree compass heading with right turn, (3) a 180 degree compass heading with left turn around, (4) a 140 degree compass heading to intercept the 160 degree radial of the Boston VORTAC, (5) a 195 degree compass heading to intercept the 220 degree radial of the Boston VORTAC, and (6) a 100 degree compass heading to 5 DME, then course divergence depending on initial destination. Comments made by: HUD, DOE, State and local agencies, groups, individuals and businesses. (EIS Order No. 800206.)

Federal Highway Administration

Draft

North Washington—38th St., Lawrence/Larimer to I–7, Denver County, Colo., March 18: Proposed is the reconstruction of North Washington and 38th Streets between Lawrence/Larimer and I–70 in the City and County of Denver, Colorado. The project includes: (1) Widening of the existing facility to an improved four-lane or six-lane facility, (2) realignment of the southern portion, (3) reconstruction of three railroad overpasses. The length of the project is approximately one mile. In addition to no action four alignment alternatives are considered. (FHWA–COLO–EIS–79–02–D). (EIS Order No. 800198.)

VETERANS ADMINISTRATION

Contact: Mr. Willard Sitler, Director, Office of Environmental Activities (004A), Veterans Administration, 810 Vermont Avenue, Washington, D.C. 20420, (202) 389–2526.

Final

Spinal Cord Injury Unit, Land Acquisition and Construction, Shelby County, Tenn., March 21: Proposed is the acquisition of eight parcels of land plus a reserved accessway totalling approximately three and a half acres adjacent to the present VA Hospital site, and to construct a Spinal Cord Injury Unit located in Memphis, Shelby County, Tennessee. Two alternatives have been considered: (1) The construction of the facility without any land acquisition; and (2) no action. The preferred alternative of the VA is the proposed land acquisition and facility construction. Comments made by: HUD, DOI, EPA, VA, GSA, State and local agencies. (EIS Order No. 800207.)

EIS's Filed During the Week of Mar. 17 through Mar. 21, 1980

[Statement title index—by State and county]

State	County	Status	Statement title	Accession No.	Date filed	Originating agency No.
Alaska		Final	Gulf of Alaska OCS Oil and Gas Lease Sale #55	800208	Mar. 21, 1980	DOI
		Draft	Seward Small Boat Harbor, Navigation Improvement.	800203	Mar. 30, 1980	COE
California		Draft	Point Reyes-Farallon Islands Marine Sanctuary	800205	Mar. 31, 1980	DOC
Colorado	Denver	Draft	North Washington-38th St., Lawrence/Larimer to I-7.	800198	Mar. 18, 1980	DOT
	El Paso	Final	Old Farm, Homestead, Brairgate, and Norwood	800195	Mar. 18, 1980	HUD
Louisiana	West Feliciana	Supple	River Bend Nuclear Power Station Unit 1, Trans. (DS).	800209	Mar. 21, 1980	USDA
Massachusetts	Suffolk	Final	Logan International Airport, Runway 22 Right	800206	Mar. 21, 1980	DOT
Michigan	St. Clair	Final	Belle River Power Plant, St. Clair River	800196	Mar. 18, 1980	COE
Montana	Several	Draft	Mountain Foothills Grazing Management	800210	Mar. 21, 1980	DOI
Oklahoma	Osage	Supple	Shidler Lake, Salt Creek, Section 404 (FS-1)	800201	Mar. 19, 1980	COE
Oregon	Jefferson	Final	Crooked River National Grassland, Ochoco NF	800204	Mar. 20, 1980	USDA
Pacific Ocean		Draft	Point Reyes-Farallon Islands Marine Sanctuary	800205	Mar. 21, 1980	DOC
Policy		Final	Abandoned Mine Land Reclamation, SMCRA	800193	Mar. 17, 1980	DOI
Programmatic		Final	Abandoned Mine Land Reclamation, SMCRA	800193	Mar. 17, 1980	DOI
Regulatory		Draft	Point Reyes-Farallon Islands Marine Sanctuary	800205	Mar. 21, 1980	DOC
Tennessee	Campbell	Draft	Poor Farm Ridge Waterline Extension CDRG	800199	Mar. 18, 1980	HUD
		Draft	Fincastle Area Waterline Extension, CDRG	800200	Mar. 18, 1980	HUD
	Hardin	Draft	Shiloh National Military Park, General Mgmt	800197	Mar. 18, 1980	DOI
	Shelby	Final	Spinal Cord Injury Unit, Land Acquis, and Const	800207	Mar. 21, 1980	VA
Texas	Harris	Final	Village Creek West Subdivision	800194	Mar. 18, 1980	HUD

Appendix II.—*Extension Waiver of Review Periods on EIS's Filed With EPA*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Waiver/ extension	Date review terminates
None.					

Appendix III.—*EIS's Filed with EPA Which Have Been Officially Withdrawn by the Originating Agency*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Date of withdrawal
None.				

Appendix IV.—*Notice of Official Retraction*

Federal agency contact	Title of EIS	Status/No.	Date notice published in FEDERAL REGISTER	Reason for retraction
None.				

Appendix V.—*Availability of Reports/Additional Information Relating to EIS's Previously Filed with EPA*

Federal agency contact	Title of report	Date made available to EPA	Accession No.
U.S. ARMY CORPS OF ENGINEERS			
Mr. Richard Mallinen, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272-0121.	Missouri River Bank Stabilization and Navigation Project, Continuing Construction and Operation.	Mar. 19, 1980	800202

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Correction
ENVIRONMENTAL PROTECTION AGENCY				
Mr. Ed Cox, Environmental Protection Agency, Publication Distribution Unit, 5555 Ridge Avenue, Cincinnati, Ohio 45260, (513) 684-8491.	Criteria for Classification of Solid Waste Disposal Facilities and Practices.	Final 800114	Mar. 3, 1980	The contact for this EIS was incorrectly listed in the EIS and FEDERAL REGISTER. The correct contact is as it appears under the Federal Agency Contact of this Appendix.
U.S. DEPARTMENT OF AGRICULTURE				
Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412—A Admin. Bldg., Washington, D.C. 20250, (202) 447-3965.	National Soil and Water Conservation Program, RCA.	Draft 800083	Feb. 5, 1980	An extension was published with an incorrect termination date. The correct termination date is March 20, 1980.

[FR Doc. 80-9507 Filed 3-27-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1444-6; OPTS-50009]

Transfer of TSCA Premanufacture Notification Information to Contractor; Notice of Data Transfer

AGENCY: Environmental Protection Agency (EPA), Office of Pesticides and Toxic Substances.

ACTION: Notice of Data Transfer.

SUMMARY: EPA will transfer information on the use of chemical substances and on manufacturers and importers to its contractor, Tracor-Jitco, Inc. of Rockville, Maryland. Some of the information submitted by chemical manufacturers or importers under Section 5 of the Toxic Substances Control Act (TSCA) may have been designated as Confidential Business Information. Tracor-Jitco, Inc. will perform a search for published literature related to the use, manufacturer and importer information and furnish the results to EPA.

DATE: Transfer of confidential information on use, manufacturers, and importers which is covered by this notice will not begin until April 4, 1980, and will continue as required by EPA.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office, Office of Pesticides and Toxic Substances (TS-793), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. The toll-free telephone number is 800-424-9065. In Washington, D.C. please call 554-1404.

SUPPLEMENTARY INFORMATION: TSCA imposes on the Administrator statutory responsibility for evaluation and regulation of certain chemical substances. In order to assist with these tasks, it is often necessary to perform searches of the open scientific literature for information on the uses, manufacturers and importers of chemical substances. In most instances, the use information will be submitted by manufacturers and importers of new chemical substances under Section 5 of the Act. Some of the Section 5 information is designated as Confidential Business Information by the submitting companies. Tracor-Jitco, Inc. has been conducting literature searches for EPA on specified confidential chemical substances since August 9, 1979 (contract No. 68-01-5114 and No. 68-01-6021). They have been asked to perform additional searches for use, manufacturer and importer information because EPA does not have the resources to do so.

This notice is published in accordance with § 2.306(j)(3) of EPA's Public Information Regulations, which requires that every affected business be notified of the transfer of TSCA confidential information to a contractor and be afforded a minimum of five days to submit its comments. EPA has chosen to afford five working days notice in this instance, primarily because of an urgent need to turn over these activities to the contractor. In addition, EPA earlier announced its intent to transfer confidential chemical identities to Tracor-Jitco, Inc., and has been doing so for several months. As required by § 2.306(j)(1), EPA has determined that the contractor must be provided with confidential information in order to satisfactorily perform its contract.

Tracor-Jitco, Inc. has been authorized to receive Confidential Business Information under the terms of EPA's TSCA Confidential Business Information Security Manual. The Office of the Inspector General has reviewed the contractor's facilities and security plan and found both in compliance with the Manual's requirements.

Under the terms of its contract, Tracor-Jitco, Inc. is required to treat all confidential use, manufacturer and importer information in accordance with procedures required by the Security Manual. The contractor is also legally bound not to reveal to anyone outside its organization that EPA has requested a particular literature search. Any information gathered as a result of a search may not be disclosed to a third party without written authorization from EPA, and must be safeguarded from unauthorized disclosure.

(Sec. 5 of TSCA (Pub. L. 94-469, 90 Stat. 2003, (150 U.S.C. 2601 et. seq.)))

Dated: March 17, 1980.

Marilyn C. Bracken,

Deputy Assistant Administrator for Program Integration and Information.

[FR Doc. 80-9508 Filed 3-27-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1450-3]

Correction on Notices of PSD Permit Issuance

In the Tuesday March 4, 1980, **Federal Register**, Vol. 45, No. 44, Notice of Issuance of PSD Permits were published for the following sources:

(1) Boise Cascade Corporation, P.O. Box 310, Kettle Falls, Washington 99141 (FR Doc. 80-6700—Page 14138).

(2) Bergsoe Metal Corporation, 200 S.W. Market Street, Portland, Oregon 97201 (FR Doc. 80-6699—Page 14138-14139).

The information regarding review of the permit under Section 307 should read, "The PSD permit is reviewable under Section 307 of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed on or before May 27, 1980.

Dated: March 17, 1980.

Donald P. Dubois,

Regional Administrator—Region 10.

[FR Doc. 80-9489 Filed 3-27-80; 8:45 am]
BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

[Report No. A-12]

Cut-Off Date: May 19, 1980.
Released: March 20, 1980.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after May 19, 1980. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on May 19, 1980, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on May 19, 1980.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on May 19, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachment.

Appendix

BPH-790711AF (KFRA-FM), Franklin, Louisiana, KFRA, Inc., Has: 95.3 MHz; Channel No. 237A, ERP: 3 kW; HAAT: 170 Ft. (LIC), Req: 105.5 MHz; Channel No. 288A, ERP: 3 kW; HAAT: 300 Ft.

BPH-790813AQ (new), Quanah, Texas, Joy Radio Broadcasting, Inc., Req: 100.9 MHz; Channel No. 265A, ERP: 3 kW; HAAT: 219 Ft.

BPH-790815AC (new), McConnellsville, Ohio, William A. & Janice E. Brackney, Req: 100.9 MHz; Channel No. 265A ERP: 1.89 kW; HAAT: 401.8 Ft.

BPH-790821AE (new), New Seymour, Texas, Floyd Broadcasting, Inc., Req: 94.3 MHz; Channel No. 232A ERP: 3 kW; HAAT: 109 Ft.

BPH-7908 (new), Belpre, Ohio, Composite Communications, Inc., Req: 107.1 MHz; Channel No. 296A ERP: 1.81 kW; HAAT: 370 Ft.

BPH-790831AG (new), Metropolis, Illinois, Owensboro on the Air, Inc., Req: 98.3 MHz; Channel No. 252A ERP: 3 kW; HAAT: 300 Ft.

BPH-790911AA (new), Falls City, Nebraska, Southeast Nebraska B/Ctng Co., Inc., Req: 95.3 MHz; Channel No. 237A ERP: 3 kW; HAAT: 300 Ft.

BPH-790917AE (new), Rosamond, California, Rosamond Broadcasters, Req: 105.5 MHz; Channel No. 288A ERP: 3 kW; HAAT: 28 Ft.

BPH-790918AB (WJOA), Tuscaloosa, Alabama, Tuscaloosa Broadcasting Company, Inc., Has: 95.7 MHz; Channel No. 239C ERP: 50 kW; HAAT: 320 Ft., (LIC), Req: 95.7 MHz; Channel No. 239C ERP: 100 kW; HAAT: 414 Ft.

BPH-790918AC (new), Beaufort, South Carolina, Beaufort County Broadcasting Co., Req: 104.9 MHz; Channel No. 285A, ERP: 3 kW; HAAT: 300 Ft.

BPH-790924AC (WOBR-FM), Wanchese, North Carolina, WOBR, Inc., Has: 95.3 MHz; Channel No. 237A ERP: 3 kW; HAAT: 175 Ft., (LIC), Req: 95.3 MHz; Channel No. 237A, ERP: 3 kW; HAAT: 300 Ft.

BPH-790928AC (new), Columbia, North Carolina, Flanagan, Flanagan & Cross, Inc., Req: 105.7 MHz; Channel No. 289C, ERP: 100 kW; HAAT: 256 Ft.

BPH-791001AD (new), Clinton, Louisiana, Feliciana Broadcasting Company, Inc., Req: 92.7 MHz; Channel No. 224A, ERP: 3 kW; HAAT: 300 Ft.

BMPH-790111AH (WPOL), Gaylord, Michigan, Maumee Valley Broadcasting Assoc., Has: 95.3 MHz; Channel No. 237A, ERP: 1.8 kW; HAAT: 370 Ft., (CP), Req: 95.3 MHz; Channel No. 237A, ERP: 2 kW; HAAT: 360 Ft.

BPED-790313AD (WBWC), Berea, Ohio, Baldwin-Wallace College, Has: 88.3 MHz; Channel No. 202DS, ERP: .01 kW; HAAT: Ft., (LIC), Req: 88.3 MHz; Channel No. 202A, ERP: .138 kW; HAAT: 36 Ft.

BPED-790409AK (WKHR), Bainbridge, Ohio, Kenston Local School District, Has: 88.3 MHz; Channel No. 202D, TPO: .01 kW. (Lic), Req: 88.3 MHz; Channel No. 202A, ERP: .100 kW; HAAT: 237 ft.

BPED-790614AG (WNEK-FM), Springfield, Massachusetts, Western New England College, Has: 89.1 MHz; Channel No. 206D, TPO: .01 kW. (Lic), Req: 97.5 MHz; Channel No. 248D, ERP: .013 kW; HAAT: —22.9 ft.

BPED-790621AL (NEW), Abilene, Texas, The Christian Broadcasting Co., Inc., Req: 88.1 MHz; Channel No. 201C, ERP: 3.07 kW; HAAT: 71 ft.

BPED-790703AE (KRPC), Owatonna, Minnesota, Pillsbury Baptist Bible College, Has: 90.5 MHz; Channel No. 213D, ERP, TPO: .01 kW. (Lic), Req: 90.5 MHz; Channel No. 213A, ERP: .131 kW; HAAT: 131.5 ft.

BPED-790727AD (WSRN-FM), Swarthmore, Pennsylvania, Swarthmore College, Has: 91.5 MHz; Channel No. 218D, TPO: .01 kW. (Lic), Req: 91.5 MHz; Channel No. 218A, ERP: .110 kW; HAAT: 142 ft.

BPED-790815AE (WRFT), Indianapolis, Indiana, Franklin Twnshp Community Sch Corp., Has: 91.5 MHz; Channel No. 218DS, ERP: .01 kW; HAAT: —— ft. (Lic), Req: 91.5 MHz; Channel No. 218A, ERP: .13 kW; HAAT: 178 ft.

BPED-790824AB (KSPB), Pebble Beach, California, Robert Louis Stevenson School, Has: 91.5 MHz; Channel No. 218D, erp: .015 kW; HAAT: 42 ft. (Lic), Req: 91.9 MHz; Channel No. 220A, ERP: .115 kW; HAAT: 470 ft.

BPED-791011AB (NEW), Reserve, Wisconsin, Lac Courte Oreilles Ojibwa PB BC COR, Req: 88.9 MHz; Channel No. 205C, ERP: 100 kW; HAAT: 605 ft.

BPED-791226BI (WAMF), Tallahassee, Florida, Florida A&M University, Has: 90.5 MHz; Channel No. 213DS, ERP: .01 kW; HAAT: —— ft. (Lic), Req: 90.3 MHz; Channel No. 212C, ERP: 100 kW; HAAT: 782 ft.

BPED-800108AM (NEW), Concord, New Hampshire, Granite State Public Radio, Inc., Req: 89.1 MHz; Channel No. 206B, ERP: 50 kW; HAAT: 243 ft.

BMPED-790815AA (KUCB-FM), Des Moines, Iowa, CTR for Study & APP of Black Theology, Has: 89.3 MHz; Channel No. 207DS, ERP: .018 kW; HAAT: 94 ft. (CP),

V 45/62 MR 28 80 UMI

Req: 89.3 MHz; Channel No. 207C, ERP: 5 kW; HAAT: 282 ft.

[FR Doc. 80-9400 Filed 3-27-80; 8:45 am]
BILLING CODE 6712-01-M

[CC Docket No. 80-109, File No. 21344-CD-P-79; CC Docket No. 80-110, File No. 21903-CD-79]

Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: March 17, 1980.

Released: March 24, 1980.

In re Application of James A. Frederickson, for a Construction Permit to establish a new one-way signaling station to operate on frequency 158.70 MHz in the Domestic Public Land Mobile Radio Service at Gillette, Wyoming; Collins Radio Communications Corporation, for a Construction Permit to establish a new one-way signaling station to operate on frequency 158.70 MHz in the Domestic Public Land Mobile Radio Service at Gillette, Wyoming.

By the Chief, Common Carrier Bureau:

1. Presently before the Chief, Common Carrier Bureau, pursuant to delegated authority, are the applications of James A. Frederickson (Frederickson), File No. 21344-CD-P-79, and Collins Radio Communications Corporation (Collins), File No. 21903-CD-P-79, which both request a Construction Permit to establish a new one-way paging station to operate on frequency 158.70 MHz in the Domestic Public Land Mobile Radio Service (DPLMRS) at Gillette, Wyoming. A Petition to Deny the Frederickson application was filed by M. L. Green, d.b.a. Gillette Radio Telephone (Green), licensee of DPLMRS Stations KUC875 and KDS447 at Gillette.[1]

2. Because these applications request use of the same frequency in the same geographic area, they are electrically mutually exclusive. Accordingly, under current practice, a comparative hearing must be held to determine which applicant would better serve the public interest. We find both applicants to be legally, technically, financially, and otherwise qualified to construct and operate their proposed facilities, except as otherwise noted below.

3. The sole issue raised by Green's petition is that Frederickson has failed to demonstrate a need for its proposed service in accordance with the requirements of *Long Island Paging*, 30 FCC 2d 405, *rev. denied*, 32 FCC 2d 235 (1971), *recon. denied*, 34 FCC 2d 216 (1972).[2] In an amendment to its application filed on December 14, 1979, Frederickson submitted the results of a market study conducted on his behalf in which he received 25 favorable responses from interested subscribers. We find that this study was properly conducted and that it demonstrates substantial unsatisfied demand for Frederickson's proposed service. Accordingly, we will deny Green's petition.

4. Collins' Motion For Waiver of Section 22.13(f) of the Rules requests that we require Frederickson to submit, before any further consideration is given to his application, evidence of the required state authority to operate his proposed facilities.[3] Submitted with Collins' motion is a letter dated November 5, 1979 from the staff of the State of Wyoming Public Service Commission (PSC), recognizing Collins as the only carrier authorized by the PSC to provide paging service on frequency 158.70 MHz to the Gillette area. This letter states that "another carrier" which, the PSC understands, is seeking FCC authority to operate on the same frequency and in the same area as Collins, has not petitioned the PSC for state authority. However, the PSC's letter further provides:

> It is difficult to comment upon the outcome of a competing application for [frequency 158.70 MHz] in the Gillette area should such ever be filed. It would be fair to state however, that the general policy of this Commission is to discourage dual certification for shared use of a channel when there is no compelling need for such and where the public interest could be adversely affected by such action. Experience indicates shared use simply does not work in Wyoming.

Accordingly, Collins submits that designation for hearing of these competing applications under these circumstances would result in a wasteful use of resources in a comparative hearing in which one of the applicants would, allegedly, not be able to provide service for lack of state authority. Collins asserts that Frederickson's "inability" to secure state certification is a "threshold, fatal disqualification" which would negate any advantages Frederickson might be able to show in a hearing. Collins also suggests that an FCC hearing would lead to a needless conflict with the PSC.

5. Collins' motion will be denied. Section 22.13(f) (2) was adopted in order to allow for simultaneous processing of DPLMRS applications at the state and federal levels.[4] One purpose of the rule was to eliminate state certification as a basis for filing petitions to deny FCC application.[5] Collins' motion is little more than a petition to deny for lack of state certification submitted in a different form. The PSC has not issued a definitive ruling denying state certification to Frederickson. Indeed, as Collins asserts, Frederickson has not yet even applied for state certification. It is apparent that a proceeding before the PSC may be necessary to resolve the public interest issues outlined in the PSC's letter, *supra.*, para. 6. Therefore, our dismissal of Frederickson's application at this stage for lack of state certification would require us to draw grossly premature conclusions from the PSC's letter about state questions which the PSC must resolve. This is the sort of coercive preemptive approach which the Commission specifically rejected in its *First Report and Order, supra.*, n. 4, at pgs. 402-3. The Commission anticipated that state regulatory commissions might deny state certification to some FCC permittees and licensees. We find that Collins has not shown good cause for a waiver of Section 22.13(f) of the Rules.

6. Finally, the Bureau's letter of August 17, 1979 requested Frederickson to submit a copy of the completed Federal Aviation Administration (FAA) study regarding his proposed antenna structure's potential hazard to aviation. This information is required by Section 22.15(d) of the Commission's Rules.[6] Despite numerous additional requests by the Bureau, Frederickson has not yet supplied sufficient information to satisfy the Rules. Accordingly, we will designate an issue for hearing to determine whether Frederickson's application complies with Section 22.15(d) of the Rules.

7. Accordingly, It is ordered, That the petition to deny filed by M. L. Green, d.b.a. Gillette Radio Telephone is denied, That the Motion For Waiver of Section 22.13(f) of the Commission's Rules, filed by Collins Radio Communications Corporation, is denied, and That pursuant to Section 309(e) of the Communications Act of 1934, as amended,[7] the above-referenced applications of James A. Frederickson, File No. 21344-CD-P-79, and Collins Radio Communications Corporation, File No. 21903-CD-P-79, are designated for hearing in a consolidated proceeding upon the following issues:

(a) to determine on a comparative basis, the nature and extent of the service proposed by each applicant, including the rates, charges, maintenance personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) to determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 43 dBu contours, based upon the standards set forth in Section 22.504(a) of the Commission's Rules,[8] and to determine the need for the proposed services in said areas;

(c) to determine whether Frederickson's application is in compliance with Section 22.15(d) of the Commission's Rules; and

(d) to determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-referenced applications would best serve the public interest, convenience and necessity.

8. IT IS FURTHER ORDERED, That, with respect to issues (a) and (b), the burden of proof and the burden of proceeding with the introduction of evidence are placed jointly on the applicants.

9. IT IS FURTHER ORDERED, That, with respect to issue (c), the burden of proof and the burden of proceeding with the introduction of evidence are placed on James A. Frederickson.

10. IT IS FURTHER ORDERED, That, with respect to issue (d), the ultimate burden of proof is placed jointly on the applicants.

11. IT IS FURTHER ORDERED, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

12. IT IS FURTHER ORDERED, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

13. IT IS FURTHER ORDERED, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to Section 1.221(c) of the Commission's Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

Philip L. Verveer,

Chief, Common Carrier Bureau.

[FR Doc. 80-9401 Filed 3-27-80; 8:45 am]
BILLING CODE 6712-01-M

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[1] Collins had filed a Motion For Waiver of Section 22.13(f) of the Commission's Rules (47 C.F.R. § 22.13(f)) concerning Frederickson's application.

[2] See also New York Telephone Company, 47 FCC 2d 488, *recon. denied*, 49 FCC 2d 264 (1974), *aff'd sub nom.*, Pocket Phone Broadcast Service, Inc. v. FCC, 536 F.2d 447 (D.C. Cir. 1976).

[3] If Frederickson cannot producer such evidence, Collins' motion requests that his application be returned. Section 22.13(f) (2) of the Rules provides that DPLMRS applicants are not required to include evidence of state certification upon filing an application with the FCC. However, in the case of a license grant, the licensee must obtain all requisite state authority and be in operation within 240 days of the grant or the license will automatically expire and must be submitted for cancellation.

[4] See, Regulatory Policies and Procedures in the Domestic Public Land Mobile Radio Service, Docket 20870, First Report and Order, 69 FCC 2d 398, 400 (1978).

[5] *Id.*

[6] 47 C.F.R. 22.15(d).

[7] 47 U.S.C. § 309(e).

[8] Section 22.504(a) describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in paging service on frequency 158.70 MHz. Propagation data set forth in Section 22.504(b) are the proper bases for establishing the location of the service contours F (50, 50) for the facilities involved in this proceeding.

List of Broadcast Stations in the Standard Broadcast Band (535-1605 kHz) in the Dominican Republic

The Federal Communications Commission has received the following list of broadcast stations in the Standard Broadcast Band (535-1605 kHz) in the Dominican Republic. The list was transmitted by letter dated December 28, 1979, from the Director General of Telecommunications of the Dominican Republic.

Call	Location	Power	Schedule
		540 kHz	
HICM	Santo Domingo	5kwD/1kw N	U
		550 kHz	
		560 kHz	
HIAA	Santiago	0.5kwD/0.25kwN	U
		570 kHz	
HIMS	Santo Domingo	5kwD/1kwN	U
		580 kHz	
		590 kHz	
HIDV	La Vega	10kwD/1kwN	U
		600 kHz	
		610 kHz	
		620 kHz	
HISD	Santo Domingo	15kwD/5kwN	U
		630 kHz	
HIAF	Monte Cristy	1kwD/0.25kwN	U
		640 kHz	
		650 kHz	
HIAT	Santo Domingo	20kwD/1kwN	U
		660 kHz	
HIAM	Santiago	2kw	U
		670 kHz	
HILB	San Pedro del Macoris	1kwD/0.25kwN	U
		680 kHz	
HIJX	Santiago Rodriquez	0.5kwD/0.25kwN	U
		690 kHz	
HIAW	Santo Domingo	5kwD/1kwN	U
		700 kHz	
HIDC	Valverde Mao	1kwD/0.25kwN	U
		710 kHz	
		720 kHz	
HIAQ	Santiago	5kwD/0.25kwN	U
		730 kHz	
HIZ	Santo Domingo	5kwD/1kwN	U
		740 kHz	
		750 kHz	
HIDB	Santiago	5kwD/1kwN	U
		760 kHz	
HICO	Santo Domingo	5kw	U
		770 kHz	
HIMD	Tamboril	0.5kw	U
		780 kHz	
HIBO	Constanza	1kwD/0.25kwN	U
		790 kHz	
HIL	Santo Domingo	5kwD/1kwN	U
		800 kHz	
		810 kHz	
		820 kHz	
HIAZ	Santiago	5kwD/1kwN	U
		830 kHz	
HIJB	Santo Domingo	10kwD/2.5kwN	U

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		840 kHz	
HIAB	Puerto Plata	0.5kwD/0.25kwN	U
		850 kHz	
		860 kHz	
HIJA	Santo Domingo	50kwD/5kwN	U
HIJA	Santiago	10kwD/1kwN	U
		870 kHz	
		880 kHz	
HIOR	Valverde Mao	1kwD/0.25kwN	U
		890 kHz	
HIPJ	Santo Domingo	5kwD/1kwN	U
		900 kHz	
HIBN	Puerto Plata	1kwD/0.25kwN	U
		910 kHz	
HIDE	San Francisco de Marcoris	1kwD/0.25kwN	U
		920 kHz	
HIBA	San Domingo	5kwD/0.25kwN	U
		930 kHz	
HICX	Santiago	5kwD/1kwN	U
		940 kHz	
		950 kHz	
HIG	Santo Domingo	5kwD/0.25kwN	U
		960 kHz	
HIFF	Puerto Plata	12kwD/0.25kwN	U
		970 kHz	
		980 kHz	
HIFA	Santo Domingo	5kwD/1kwN	U
		990 kHz	
HISA	Santiago	0.75kw	U
		1000 kHz	
HIHG	Dajabon	1kwD/0.25kwN	U
		1010 kHz	
HIJP	Santo Domingo	10kwD/0.25kwN	U
		1020 kHz	
		1030 kHz	
HIDL	La Vega	5kwD/0.25	U
		1040 kHz	
HION	Santo Domingo	10kwD/0.25kwN	U
		1050 kHz	
HICB	Santiago	10kwD/0.25kwN	U
		1060 kHz	
HIRV	San Pedro de Macoris	1kwD/0.25kwN	U
HIJB	Barahona (under construction)	1kwD/0.25kwN	U
		1070 kHz	
HISI	San Francisco de Macoris	5kwD/0.25kwN	U
		1080 kHz	
HIMC	Santo Domingo	0.5kw	U
		1090 kHz	
HILM	Licey al Medio	1kwD/0.25kwN	U
		1100 kHz	
HIRB	Jimani	0.25kw	U
HIMP	San Jose de Ocoa	1kwD/0.25kwN	U
HIFS	Nagua	1kwD/0.25kwN	U
HIHD	San Pedro de Macoris	1kwD/0.25kwN	U
		1110 kHz	
HIJI	Jarabacoa	0.5kw	U
		1120 kHz	
HICN	Santo Domingo	5kw	U
		1130 kHz	
HIRL	Santiago	10kwD/0.25kwN	U

		1140 kHz	
HIRA	San Juan Maguana	1kwD/0.25kwN	U
		1150 kHz	
HIAS	Santo Domingo	5kwD/0.25kwN	U
		1160 kHz	
HIBG	Tamboril	5kwD/0.25kwN	U
		1170 kHz	
	Monte Cristy (under construction)	1kwD/0.25kwN	U
		1180 kHz	
HIBE	Santo Domingo	10kwD/0.25kwN	U
		1190 kHz	
HIAG	Santiago	5kwD/0.25kwN	U
		1200 kHz	
HIBS	San Pedro de Macoris	1kwD/0.25kwN	U
HIMR	Azua	1kwD/0.25kwN	U
		1210 kHz	
HICJ	San Francisco de Macoris	1kwD/0.25kwN	U
		1220 kHz	
HIN	Santo Domingo	10kwD/1kwN	U
		1230 kHz	
HING	Moca	1kwD/0.25kwN	U
		1240 kHz	
HIAU	Puerto Plata	1kwD/0.25kwN	U
HICV	Barahona	5kwD/0.25kwN	U
		1250 kHz	
HIBC	San Francisco de Macoris	5kwD/0.25kwN	U
		1260 kHz	
HIT	Santo Domingo	1kwD/0.25kwN	U
		1270 kHz	
HISD	Santiago	1kwD/0.25kwN	U
HITA	Bani	1kwD/0.25kwN	U
		1280 kHz	
		1290 kHz	
HIVM	Bonao	1kwD/0.25kwN	U
HIVD	Jarico	0.5kw	U
HIGA	Barahona	5kwD/0.25kwN	U
		1300 kHz	
HIKQ	Santo Domingo	1kwD/0.25kwN	U
		1310 kHz	
HIMH	La Vega	0.5kwD/0.25kwN	U
HIAV	Bani	0.5kwD/0.25kwN	U
HISD	El Seibo	1kwD/0.25kwN	U
		1320 kHz	
		1330 kHz	
	Santo Domingo (under construction)	10kwD/0.25kwN	U
		1340 kHz	
HIBZ	San Juan Maguana	1kwD/0.25kwN	U
HIXM	Moca	5kwD/1kwN	U
		1350 kHz	
HIXZ	Santo Domingo	1kwD/0.25kwN	U
HIMG	La Romana	0.25kw	U
		1360 kHz	
HISJ	Monte Cristy	1kwD/0.25kwN	U
HISD	La Vega	1kwD/0.25kwN	U
		1370 kHz	
HIFA	Elias Pina	5kwD/0.25kwN	U
HISI	Barahona	1kwD/0.25kwN	U
		1380 kHz	
HISC	Santiago	5kwD/0.25kwN	U
		1390 kHz	
HISH	San Juan	1kwD/0.25kwN	U
		1400 kHz	
HISO	Pedernales	0.25kw	U
HIAL	La Vega	0.25kw	U
		1410 kHz	
	Rio San Juan	1kwD/0.25kwN	U
HIRM	Higuey	0.25kw	U
HIAE	Santo Domingo	1kwD/0.25kwN	U
HIPK	Neyba	0.25kw	U

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	1420 kHz		
HIFD	Cotui	0.25kw	U
	1430 kHz		
HIVG	La Vega	1kwD/0.25kwN	U
	1440 kHz		
HIAK	Santo Domingo	5kwD/0.25kwN	U
HIFS	Negua	0.25kw	U
HILF	Higuey	0.25kw	U
HIAD	San Juan	5kwD/0.25kwN	U
	1450 kHz		
HIAC	Salcedo	0.25kw	U
	1460 kHz		
HIAV	San Cristobal	0.5kwD/0.25kwN	U
HIAN	Hato Mayor	1kwD/0.25kwN	U
	1470kHz		
HIVP	Villa Tapia	0.2kwD/0.25kwN	U
	Barahona (under construction)	1kwD/0.25kwN	U
	1480kHz		
HIAH	Santo Domingo	5kwD/0.25kwN	U
	1490kHz		
HIKF	Azua	1kwD/0.25kwN	U
HIRP	Seibo	0.5kwD/0.25kwN	U
HIAP	Moca	0.25kw	U
	1500kHz		
	Higuey	0.25kw	U
HISD	Puerto Plata	1kwD/0.25kwN	U
	1510kHz		
HIBL	Santo Domingo	10kwD/0.25kw	U
	1520kHz		
	1530kHz		
HIJN	Santiago	5kwD/1kwN	U
HIFP	Santo Domingo	1kwD/0.25kwN	U
HIBD	La Romana	0.25kw	U
	1550kHz		
HITS	Tamayo	1kw	U
	1560kHz		
HIJC	Santiago	1kwD/0.25kwN	U
HIPZ	Pedernales	0.5kwD/0.25kwN	U
	1570kHz		
HIAJ	Santo Domingo	1kwD/0.25kwN	U
HIRJ	La Romana	0.25kw	U
	1580kHz		
HIWJ	Samana	0.5kw	U
	1590kHz		
HIDA	Santiago	1kwD/0.25kwN	U
	1600kHz		
HIEG	Santo Domingo	5kwD/0.25kwN	U

Richard J. Shiben,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc. 80-9438 Filed 3-27-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Uniform Policy for Classification of Consumer Installment Credit Based on Delinquency Status—Request for Comments on Applicability of Policy to Mutual Savings Banks

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of Policy Statement: Request for Public Comment.

SUMMARY: The Federal Financial Institutions Examination Council has developed a uniform policy for classifying delinquent consumer installment loans at commercial banks. The FDIC has adopted this policy for insured state nonmember commercial banks. The FDIC seeks comment as to whether the policy should also apply to insured mutual savings banks. Bank examiners use loan classifications to evaluate the overall quality of a bank's loan portfolio and to identify loans that are performing poorly or that have more than normal risk of loss.

DATES: Effective date of policy statement: June 30, 1980; public comment to be received by May 15, 1980.

ADDRESS: Comments should be addressed to Office of the Executive Secretary, Federal Deposit Insurance Corporation, Room 6108, 550 17th Street NW., Washington, D.C. 20429 (202–389–4425). Comments may also be hand-delivered to Room 6108 between 8:30 and 5 on workdays.

FOR FURTHER INFORMATION CONTACT: Jack Edgington, Assistant Director, Division of Bank Supervision, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, 202–389–4404.

SUPPLEMENTARY INFORMATION: The policy, recommended by the Federal Financial Institutions Examination Council and adopted by the FDIC, establishes the following examination classifications for deliquent consumer installment loans:

1. *Loans that would be classified as losses to the bank: Open end credit* (such as credit obtained by use of a credit card) that is overdue by 180 days or more; *Closed end credit* (such as a car loan) overdue by 120 days or more.
2. *Loans that would be classified as substandard: Open end credit* that is overdue by 90 to 179 days; *Closed end credit* that is overdue by 90 to 119 days.

The policy recognizes that some flexibility in such classifications may be appropriate provided that bank management can clearly demonstrate that exceptions are warranted.

The policy differs from earlier proposals—on which hundreds of comments were received—in that it classifies as losses open end delinquent consumer installment loans after 180 days, rather than 120 days. It includes a number of clarifying definitions for consumer loans, deliquencies and statutory bad debts and clarifies the circumstances in which partial payments may be considered by examiners as full payment.

The text of the Uniform Policy is set forth below.

By Order of the Board of Directors, dated March 3, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

Uniform Policy for Classification of Consumer Installment Credit Based on Delinquency Status

The Policy

Introduction

This examination policy establishes uniform guidelines for the classification of installment credit based on delinquency status. The use of a formula approach in determining consumer loan classifications parallels, in principle, current industry practices and recognizes the statistical validity of measuring losses predicated on past due status. The policy covers both open- and closed-end credit. Although the three Federal banking agencies have historically relied on delinquency status as a major determinant in classifying consumer installment credit, no interagency standard has been employed. The policy seeks to provide that standard and should result in more uniform treatment of all classes of insured banks and in more consistent statistical data being developed from bank examination reports.

The general classification policy recognizes that evaluating the quality of a consumer credit portfolio on a loan-by-loan basis is inefficient and unnecessary. For this reason, examiners are expected to adhere closely to the policy in their analysis of consumer credit. Nevertheless, it is recognized that there are instances, particularly where significant amounts are involved, that may warrant exceptions to the formula in order to recognize individual situations where the bank being examined can clearly demonstrate that repayment will occur irrespective of delinquency status. Examples of such situations might include: loans well secured by collateral and in the process of collection; loans where the claims have been filed against solvent estates and loans supported by valid guarantees or insurance.

General Classification Policy

Examiners will adhere to the following general classification policy during examinations of commercial banks.

(1) Closed-end consumer installment credit delinquent 120 days or more (5 monthly payments) will be classified loss. Loans delinquent 90 to 119 days (4 monthly payments) will be classified substandard.

(2) Open-end consumer installment credit delinquent 180 days or more (7 zero billing cycles) will be classified

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loss. Loans delinquent 90 to 179 days (4 to 6 zero billing cycles) will be classified substandard.

Definitions

The following definitions are intended to provide guidance in application of the general classification policy.

Consumer installment loans.—Includes open- and closed-end credit extended to individuals for household, family and other personal expenditures as defined in the instructions for preparation of call reports. Refer to such instructions for information on any loan where there is doubt as to whether it is covered by the general classification policy.

Delinquency.—Closed-end installment credit is considered delinquent when the borrower is in arrears two monthly payments. Loans in arrears two monthly payments are considered 30 days delinquent.

Banks generally treat open-end credit differently than closed-end credit in computing delinquency. A bank credit card customer generally has 25 days in which to pay billings before the loan is considered delinquent. If no payment is made between two billing cycles, the balance is considered 5 days delinquent. If no payment is received before issuance of still another statement, the balance is 35 days delinquent technically; however, current practice is to define accounts with two zero billings as 30 days delinquent.

See attached charts which illustrate delinquency computation.

Statutory Bad Debts—Section 5204, USRS (12 U.S.C. 56), contains the definition for Federal Reserve System member banks of what constitutes bad debts. Accordingly, loans delinquent seven monthly payments, or seven billing cycles, are considered 180 days, or six months, past due and will be considered statutory bad debts, unless they are well secured *and* in the process of collection.

Partial Payments—A payment equivalent to 90 percent or more of the contractual payment may be considered in full payment in computing delinquency.

Consumer Installment Loan Examination Scope.

The general classification policy provides that performance is the principal criterion in application of the uniform policy during examinations of banks. In addition to loan classification, examination emphasis should focus on the bank's written consumer lending policy, adherence to stated policy and a review of operating procedures. It is expected that a bank will have written policies suitable for its specific objectives and that they are consistent with prudent banking practices. Procedures for supervising delinquent accounts, including the procedure for renewing and extending past due loans, and automatic charge-off policy should be fully described. Internal controls should be in place to assure that the bank's written policy is being followed. Banks lacking written policies or failing to implement or follow established policies effectively should be critized by examiners in reports of examination.

Effective Date: This policy will be effective June 30, 1980.

Closed End Credit

Due date	Period	Delinquency status	Classification
3/10	3/11–04/09	Not delinquent	
4/10	4/10–05/09	30 days or 2 payments	
5/10	5/10–06/09	60 days or 3 payments	
6/10	6/10–07/09	90 days or 4 payments	Substandard.
7/10*	7/10–08/09	120 days or 5 payments	Loss.
8/10	8/10–09/09	150 days or 6 payments	Loss.
9/10	9/10	180 days or 7 payments	Loss.

Open End Credit

Statement	Day	Zero billing cycle	Payment record	Days delinquent	Classification
Statement 1	1				
Due 25th	25				
Statement 2	30	1	No payment	5	
Statement 3	60	2	No payment	30	
Statement 4	90	3	No payment	60	
Statement 5	120	4	No payment	90	Substandard.
Statement 6	150	5	No payment	120	Substandard.
Statement 7	180	6	No payment	150	Substandard.
Statement 8**	210	7	No payment	180	Loss.

* Charge-off occurs after borrower is five payments delinquent.
**Charge-off occurs on seventh zero billing.

[FR Doc. 80-9436 Filed 3-27-80; 8:45 am]
BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Notice of Proposed "de Novo" Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 22, 1980.

A. *Federal Reserve Bank of Dallas* (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

Texas Commerce Bankshares, Inc., Houston, Texas (finance activities; Texas): to engage, through its subsidiary, Texas Commerce Funding Company in making or acquiring loans and other extensions of credit, including commercial loans both secured and unsecured, loans to purchase real property, securities, commodities, standby and commercial letters of credit, and acceptances. These activities would be conducted from an office in Wilmington, Delaware, serving the Houston metropolitan area.

B. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

Sun Banks of Florida, Inc., Orlando, Florida (mortgage banking activities; Florida): to engage, through its subsidiary, Sunbank Mortgage Company, in making or acquiring for its own account or for the account of others, loans and other extensions of credit secured by real estate mortgages; and servicing loans and other extensions of credit for any person. These activities would be conducted from an office in Lakeland, Florida, serving Polk County, Florida.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 20, 1980.
William N. McDonough,
Assistant Secretary of the Board.
[FR Doc. 80-9540 Filed 3-27-80; 8:45 am]
BILLING CODE 6210-01-M

Citicorp; Proposed Retention of Citicorp Homeowners, Inc.; Formerly a Subsidiary of Advance Mortgage Corporation

Citicorp, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to retain voting shares of Citicorp Homeowners, Inc., Des Peres, Missouri, a corporation established to engage in certain activities and to hold certain assets formerly conducted and held by Advance Mortgage Corporation, Southfield, Michigan.

Applicant states that the subsidiary would continue to engage in making, acquiring, and servicing extensions of credit secured by mobile homes, mobile home inventories, or second liens on residential real estate; and the subsidiary would engage *de novo* in the origination of 1–4 family residential mortgage loans. The mobile home financing activities will be conducted from existing offices in the following cities: Detroit and Birmingham, Michigan; Atlanta, Georgia; Denver, Colorado; Gainesville and Hialeah, Florida; Indianapolis, Indiana; Towson, Maryland; Chattanooga, Tennessee; Columbia, South Carolina; Winston-Salem, North Carolina; Louisville, Kentucky; Montgomery, Alabama; Alexandria, Louisiana; Roanoke, Virginia; Phoenix, Arizona; Springfield, Illinois; Charleston, West Virginia; and Roseville, Minnesota. Each of these offices will serve one or more of the following states: Michigan, Indiana, Georgia, Alabama, Florida, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Colorado, Arizona, Nebraska, New Mexico, Nevada, Wyoming, Utah, Kentucky, West Virginia, Ohio, Pennsylvania, Delaware, Maryland, Arkansas, Louisiana, Illinois, and Minnesota. The subsidiary's second mortgage lending activities will be conducted from existing offices in each of the following cities (each office will serve the metropolitan area in which that city is located): Indianapolis and Merrillville, Indiana; Parma, Cincinnati,[1] Dayton, and Akron, Ohio; Hillside and Waukegan, Illinois;[2] and Covina, Long Beach, Garden Grove, Riverside, Van Nuys, Emeryville, San Diego, and Campbell, California. In addition, *de novo* second mortgage offices would be established in Atlanta, Georgia, and Denver, Colorado, to serve their respective metropolitan areas. The *de novo* residential mortgage origination activities would be conducted from offices to be established in the following cities: Washington, D.C.; Denver, Colorado; Dallas, Texas; Atlanta, Georgia; Miami, Florida; and Des Peres, Missouri. In addition, the activities of the following existing offices would be expanded *de novo* to include residential mortgage origination activities: Hillside, Illinois;[2] and Campbell, Long Beach, and San Diego, California. Each of these ten offices would have a service area comprised of the entire state in which it is located, except for the Washington, D.C. office, which would serve the District of Columbia, Maryland, and Virginia. Finally, it is proposed that Citicorp Homeowners, Inc. would service the residential mortgage loans that it originates.

These activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b)

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 24, 1980.

Board of Governors of the Federal Reserve System, March 24, 1980.
William N. McDonough,
Assistant Secretary of the Board.
[FR Doc. 80-9541 Filed 3-27-80; 8:45 am]
BILLING CODE 6210-01-M

[1] The subsidiary expects to relocate its Cincinnati office to Springdale, Ohio. This office would continue to serve the Cincinnati metropolitan area.

[2] The subsidiary expects to relocate its Hillside and Waukegan, Illinois, offices to Oak Brook and Schaumberg, Illinois, respectively. Both offices would continue to serve the Chicago metropolitan area (second mortgage activities), and the Oak Brook office would serve Illinois (residential mortgage origination and servicing).

Clayton Bancshares Corp.; Acquisition of Bank

Clayton Bancshares Corporation, St. Louis, Missouri, has applied for the Board's approval under § 3(a)(5) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(5)) to merge with Hampton Bankshares Corporation and Crestwood Bank Shares Corporation, both of St. Louis, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Clayton Bancshares Corporation, St. Louis, Missouri, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR

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§ 225.4(b)(2)), for permission to acquire voting shares of Metro Trust Company, Clayton, Missouri.

Applicant states that the subsidiary is engaged in the performance of trust and fiduciary services. These activities would be performed from offices of Applicant's subsidiary in Clayton, Missouri, and the geographic areas to be served are the city and county of St. Louis. Such activities have been specified by the Board in 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater covenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conficts of interests, or unsound banking practices."

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 24, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 24, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9542 Filed 3-27-80; 8:45 am]

BILLING CODE 6210-01-M

Diboll State Bancshares, Inc.; Formation of Bank Holding Company

Diboll State Bancshares, Inc., Diboll, Texas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Diboll State Bank, Diboll, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 21, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 21, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9543 Filed 3-27-80; 8:45 am]

BILLING CODE 6210-01-M

Fayette Bancorp.; Formation of Bank Holding Company

Fayette Bancorporation, Marion, Iowa, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 88.2 per cent of the voting shares of Citizens Savings Bank, Marion, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 21, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 21, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9544 Filed 3-27-80; 8:45 am]

BILLING CODE 6210-01-M

Texas Commerce Bancshares, Inc.; Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 per cent (except Directors' qualifying shares) of the voting shares of The First National Bank of Port Neches, Port Neches, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 24, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 24, 1980.

William N. McDonough,

Assistant Secretary to the Board.

[FR Doc. 80-9545 Filed 3-27-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 80F-0061]

Air Products and Chemicals; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Air Products and Chemicals has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 2,4,7,9-tetramethyl-5-decyn-4,7-diol as a surface active agent in resinous and polymeric coatings in contact with food.

FOR FURTHER INFORMATION CONTACT:

Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B3467) has been filed by Air Products and Chemicals, P.O. Box 538, Allentown, PA 18105, proposing that § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300) be amended to provide for the safe use of 2,4,7,9-tetramethyl-5-decyn-4,7-diol as a surface active agent in resinous and polymeric coatings in contact with food.

The potential environmental impact of this action is being reviewed. If this petition results in a regulation, and the agency concludes that an environmental impact statement is not required, the notice of availability of the environmental assessment or finding of no significant impact, as applicable, will be published in the **Federal Register** regulation, as provided by 21 CFR 25.25(b).

Dated: March 20, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-9367 Filed 3-27-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 78F-0141]

Gentian Violet; Final Order on Request for a Hearing Regarding Denial of a Petition for a Food Additive Regulation on Gentian Violet

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs denies a hearing on an order denying a petition for a food additive regulation regarding the use of gentian violet in animal feed. Marshall Minerals, Inc., sponsor of the petition, requested, but did not justify, a hearing.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: Marshall Minerals, Inc., P.O. Box 506, Bainbridge, GA 31717, submitted a food additive petition proposing that the food additive regulations be amended to provide for the safe use of gentian violet in a feed premix at a level of 1.60 percent to be added to feed at a rate of 1-pound-per-ton as an aid in controlling fungus and mold growth in poultry feed. The petition was found by the agency to be inadequate for filing under 21 CFR 571.1. Marshall was notified of the inadequacy by letter. However, as a result of an action brought by Marshall Minerals, Inc., filed on December 13, 1977, and in conformity with the judgment entered in that case on April 19, 1978, by the United States District Court for the Middle District of Georgia, the petition was deemed to be filed and a notice of filing was issued by the Director of the Bureau of Veterinary Medicine. This notice was published in the **Federal Register** of May 19, 1978 (43 FR 21727).

In the **Federal Register** of March 30, 1979 (44 FR 19035), a notice was published denying the petition for a food additive regulation on gentian violet. The notice reviewed the various correspondence between FDA and Marshall Minerals, including a letter FDA sent to Marshall Minerals dated September 19, 1978, which explained in detail why available data did not support approval of the petition. In that letter FDA detailed the inadequacies in all of the data submitted by Marshall Minerals. The letter constituted a final determination on the merits of all the submitted data that the petition did not support a food additive regulation.

The notice concluded that the safety of gentian violet as an additive to animal feed had not been established because not only had the toxicity of gentian violet not been defined but also because Marshall had made no effort to counter or rebut the agency's demonstration that gentian violet is a suspect carcinogen. Furthermore, the notice provided that the residue data submitted in support of the application were inadequate. Additional grounds fo the denial of their food additive application were the failure of Marshall Minerals (1) to submit data to support that gentian violet is indeed a mold inhibitor in animal feed as claimed; (2) to satisfy the requirements of 21 CFR 571.1 regarding the submission of stability data; and (3) to provide an acceptable environmental impact analysis report.

The notice provided that any interested person who would be advesely affected by the denial had until April 30, 1979, to submit written objections and make a written request for public hearing on the stated objections. The notice provided that each objection be separately numbered and that each numbered objection specify with particularity the provision of the order to which the objection was made. The notice required that each numbered objection for which a hearing was requested include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event a hearing is held; failure to include such a description and analysis for any particular objection would consitute a waiver of the right to a hearing on the objection.

Marshall Minerals requested additional time to respond to the notice denying its petition. The time for filing data to support a request for hearing on the order of denial of the petition was granted by a notice published in the **Federal Register** of July 13, 1979 (44 FR 40933), extending the time for comment to August 3, 1979. The request for extension was made in a submission from Marshall Minerals on April 26 1979, in which Marshall set forth its objections to the order denying the petition. To date Marshall Minerals has not submitted any data or information in response to the order denying the petition. Its only submission is the April 26, 1979, "Objections to Order."

Because this action is the refusal to approve a food additive petition, Marshall Minerals, the petitioner, has the burden of showing that the use of gentian violet in animal feed will be safe. To sustain its request for a hearing, Marshall Minerals must point out flaws in the FDA's denial order or must submit compliant studies. CF. *American Cyanamid Co.* v. *FDA, et al.*, 606 F.2d 1307, 1314 (D.C. Cir. 1979). marshall has done neither. Instead, it has opted to provide legal argument and legal conclusions in the place of a reasoned and articulated response to the safety issues raised in the denial notice. Nor has Marshall attempted to address substantively any of the other related issues raised in the denial order. Those issues related to the proof of the functionality of the food additive, proof of its stability, and compliance with the National Environmental Policy Act requirements. See 21 CFR 25.1. Marshall's effort, or lack of effort, to justify a hearing is palpably shallow.

FDA has considered all the material submitted by Marshall Minerals and has concluded that Marshall has not raised any genuine issues of material fact requiring a hearing. FDA also concludes the legal objections offered by Marshall Minerals are insubstantial.

A full summary of Marshall Minerals' numbered objections to the denial order follows. Marshall raised 24 objections and requested a hearing on each objection.

Objections to Section A, "The Safety of Gentian Violet as an Additive to Animal Feed Has Not Been Established"

The first six paragraphs of section A of the Denial Notice summarized the six safety studies submitted by Marshall Minerals to prove the proposition that gentian violet is safe as an additive in animal feed. The agency concluded that references 4, 5, and 8 merely indicated and did not define the toxicity of gentian violet. With regard to reference 9 the agency concluded that no meaningful information was presented and, in fact, that the study was contradicted by numerous more recent studies that raised new toxicity questions. Marshall in Objection No. 1 requested a hearing solely on the basis of its characterization of the agency's opinions regarding references 4, 5, 8, and 9 as "limited, adverse, erroneous, unreasonable, and unwarranted."

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Marshall offered no basis for this opinion. Nor did it attempt to respond in any meaningful way to the agency's analysis of the safety questions presented by the use of gentian violet in animal feed. Under 21 CFR 12.24(b)(2), the agency denies a hearing on Objection No. 1 because of Marshall's reliance merely on allegations and on general descriptions of positions and contentions.

In paragraph 7 of the notice, FDA found that references 4, 5, 8, and 9 submitted by Marshall Minerals provide no information useful in interpreting the demonstrated carcinogenic potential of gentian violet. The paragraph pointed out that Marshall has in fact submitted no information addressing the potential carcinogenicity of gentian violet. In following paragraphs, the notice detailed the specific concerns giving rise to the agency's characterization that a carcinogenic potential for gentian violet has been demonstrated. In paragraph 8 the notice discussed unpublished studies conducted by Fitzhugh in 1949 that indicate that long-term feeding of gentian violet to rats is followed by the appearance of neoplastic nodules and hyperplastic foci in the liver, these sometimes coexistant with hepatocellular carcinoma. The notice stated that these findings suggest that the carcinoma may have been induced by gentian violet. In paragraph 9 of the notice, FDA's concern about the carcinogenicity of gentian violet was further buttressed by a discussion of the chemical structure of gentian violet. The notice pointed out that crystal violet, the main component of gentian violet, belongs to a class of dyes related by molecular structure which can be generally referred to as aminophenylmethanes. The notice provided support for the agency's contentions that some aminophenylmethanes are known animal carcinogens, and two of them have been implicated as human carcinogens as a result of observations of human exposures in the dye industry. The notice in succeeding paragraphs detailed the results of other studies, including those showing that gentian violet produces chromosomal anomalies, to further support the agency's determination that gentian violet has a carcinogenic potential and that therefore, before any approval can be granted, carefully controlled toxicity studies to investigate the toxicological and oncogenic effect of gentian violet must be performed.

Marshall Minerals objected to the conclusions in the seventh paragraph by merely stating its contention that there was no demonstrated carcinogenic potential of gentian violet (Objection No. 2). Marshall objected to the 8th, 9th, and 10th paragraphs of the notice on the grounds that the conclusions reached by FDA from the references cited in those paragraphs were "unduly limited, adverse, erroneous, unreasonable, and unwarranted" (Objection No. 3). Marshall failed to offer any basis for its opinions or for its objections. Marshall did not attempt to respond in a meaningful way to the agency's discussion and interpretation of the information and data contained in the references cited in paragraphs 7 through 10. Under 21 CFR 12.24(b)(2), the agency denies a hearing on the objections raised by Marshall relating to paragraphs 7, 8, 9, and 10 because of Marshall's reliance merely on allegations and descriptions of positions and contentions.

The eleventh and twelfth paragraphs of subsection A of the denial notice discuss studies that demonstrated the capability of gentian violet to induce damage to DNA. Paragraph 12 generally discussed the significance of these data. Paragraph 12 was not supported by any references.

Marshall objected (Objection No. 4) to the conclusions in paragraph 11 as an "unduly limited, adverse, erroneous, unreasonable, and unwarranted interpretation by the Food and Drug Administration of the information contained in the references referred to." With regard to paragraph 12, Marshall objected (Objection No. 5) "that the conclusions contained therein are unwarranted and unreasonable findings by the Food and Drug Administration without grounds or other bases therefor." Regarding the objection on paragraph 11, Marshall again has failed to respond meaningfully to the agency's description and interpretation of the data. Under 21 CFR 12.24(b)(2) the agency denies a hearing on this objecton because of Marshall's reliance merely on allegations and on a general description of its position and contentions. Marshall's objection to paragraph 12, however, is in part correct in that FDA did not provide references for the agency's assertions. Thus, the agency has not put forth a factual base upon which such issues could be raised (A factual base does exist, however. See Refs. 1–5 of this notice.). Marshall, however, did not otherwise attempt to address or rebut the conclusion found in that paragraph, and therefore has not raised a genuine and substantial issue of fact regarding the points raised in paragraph 12. In any event, the agency does not need to rely on paragraph 12 to support its contention that the safety of gentian violet for use in animal feed has not been established. The agency has provided ample information in the notice to demonstrate the carcinogenic potential of gentian violet as well as to demonstrate that the toxicity or lack of toxicity of gentian violet has not been determined by adequate scientific data. Accordingly, under 21 CFR 12.24(b)(4) a hearing will not be granted on the objections raised to paragraph 12.

Paragraph 13 of the notice summarized the preceding data and concluded that in the absence of carefully controlled chronic toxicity studies properly designed to investigate the toxicological and oncogenic effects of gentian violet Marshall Minerals has not established that the proposed use of gentian violet would be safe insofar as human safety is concerned. Marshall objected (Objection No. 6) that this conclusion is "erroneous, unfounded, and unreasonable." Marshall further objected that "said conclusion is an extension of the desire of the Food and Drug Administration to regulate to the point of prohibition and thus constitutes the taking of the properly of Marshall Minerals without due process in violation of the Constitution of the United States." Marshall failed to raise a hearing issue on the conclusions contained in paragraph 13. See 21 CFR 12.24(b)(2). Marshall's legal objection, even if it held merit, would not be sufficient to grant a hearing since a hearing cannot be granted on issues of law. See 21 CFR 12.24(b)(1). The Supereme Court has, in any event, disposed of the issue by ruling that the premarketing clearance scheme for drugs (a scheme to which the food additive petition process is in this respect practically identical) does afford an applicant due process. See *Weinberger* v. *Hynson, Westcott, and Dunning*, 412 U.S. 609, 620–621 (1973).

Paragraphs 14 and 15 of the notice, the final two paragraphs of subsection a of the notice, discussed the residue studies submitted by Marshall Minerals and contained the conclusion that the studies are not adequate to base a safety decision on because the methodology employed is not capable of detecting levels of gentian violet lower than 200 parts per billion. Other data cited by the agency in the notice demonstrate that gentian violet residues may be as high as 50 parts per billion. Furthermore, paragraph 15 stated that residue data submitted by Marshall contain no information on the level of gentian violet and its metabolities (the total residue of gentian violet) that may remain in the edible parts of animal tissues. Furthermore, the agency pointed out that the residue data submitted were not even run on Marshall Minerals' gentian violet product but were run on a product manufactured by a different company. Marshall has not even demonstrated the equivalence of its product to the product on which the residue studies were run. After discussing the deficiencies in the residue data submitted by Marshall Minerals, the agency clarified the fact that the safety of any given level of residues of gentian violet, i.e., 200 parts per billion or 50 parts per billion simply cannot be determined in the absence of an adequate toxicity data base which, as discussed above, has not been submitted by Marshall Minerals.

Marshall objected to (Objection No. 7) paragraph 14 on the grounds "that the paragraph is contradictory in its terms as well as being an erroneous, unreasonable, and unwarranted interpretation of the information contained in the reference referred to therein." Marshall failed to identify or explain the alleged contradiction. No contradiction is apparent to the agency. As in each of its objections, Marshall, here, to, has failed to submit any particularized or factual rebuttal to the agency's interpretation of the data regarding gentian violet. Under 21 CFR 12.24(b)(2) a hearing cannot be granted on the basis of mere allegations and general descriptions of positions and contentions.

Regarding paragraph 15, Marshall objected (Objection No. 8) that the conclusion "contained therein is unwarranted, erroneous, and unreasonable, as well as being in part contradictory to the position taken by the Food and Drug Administration and other litigation between the Food and Drug Administration and Marshall Minerals involving the use of gentian violet as an animal feed premix." Marshall Minerals again simply misread the paragraph. The proposition set forth in the paragraph is that residue data submitted by Marshall contain no information on the total residue of gentian violet that may remain in the edible parts of edible animal tissue. In litigation the agency has relied, as it did in the notice, on the fact that gentian violet does leave residues in the edible tissues of animals administered the product. The agency, however, has never contended that there was complete information on the total residue, i.e., the level of gentian violet and its metabolites. The paragraph contains no contradiction, and Marshall again under 21 CFR 12.24(b)(2) has failed to justify a hearing on the basis of its objection.

Objections to Section B, "The Effectiveness of Gentian Violet in Inhibiting Mold Growth in Animal Feed Has Not Been Established"

Marshall Minerals objected (Objection No. 9) to the entire subparagraph B in the denial notice upon the grounds that "the conclusions contained in this portion of said order are unwarranted, erroneous, and contradictory to the information contained in the references therein referred to (Refs. 14–23)." This objection is insufficient under 21 CFR 12.24(b)(2) to justify a hearing. Marshall also objected (Objection No. 10) to the entire subsection "on the grounds that there is no requirement of the food additive provisions of the Federal Food, Drug, and Cosmetic Act which requires that any effectiveness of a product be shown in the tissue, and upon the further grounds that any such requirement made by the regulations issued under said act are excessive and illegal and were issued by the Secretary of Health, Education, and Welfare, and/or the Commissioner of the Food and Drug Administration outside of the scope of their authority." This objection raises solely legal issues, and a hearing will not be granted on issues of law. See 21 CFR 12.24(b)(1). Regarding the legal issue, however, Marshall has overlooked 21 U.S.C. 348(b)(2)(C), which requires "all relevant data bearing on the physical or other technical effect an additive is intended to produce, and the quantity of such additive required to produce such effect * * *." Marshall has claimed that its product inhibits mold growth. The notice detailed the reasons why the agency determined that the data submitted by Marshall do not demonstrate that the product will inhibit mold growth. Marshall has submitted no data or information to rebut FDA's analysis or to point out flaws in that analysis.

Objections to Section C, "The Requirements of 21 CFR 571.1 Regarding the Submission of Stability Data Have Not Been Met"

Section 571.1(c) is a further particularization of section 409(b)(2) of the act. If a food additive is not stable under prolonged storage or proposed conditions of use, the product may not only be unsafe, but also may not be functional. The requirements found in 21 CFR 571.1(c) regarding the stability of a food additive were promulgated in accordance with the administrative procedures provided for under the Federal Food, Drug, and Cosmetic Act as well as the Administrative Procedure Act.

Marshall objected (Objection No. 11) to subsection C of the denial order upon the grounds that "the food additive petition requirements of the Federal Food, Drug, and Cosmetic Act make no requirement regarding the submission of stability data in said petition, and any regulation issued by the Secretary of Health, Education, and Welfare and/or the Commissioner of the Food and Drug Administration placing such requirement upon a food additive petition is excessive, illegal, and issued outside the scope of the authority of such Secretary and/or Commissioner." Marshall's objection does not justify a hearing. See 21 CFR 12.24(b)(1).

Marshall has posited six additional objections (Objection Nos. 12–17) to subsection C of the notice. Marshall objected to the first paragraph on the grounds that data to verify the chemical identity and composition of the gentian violet proposed for use had been furnished. Marshall objected also on the grounds that the proposed supplier is not E. I. DuPond deNemours and Co., Inc., as specified in the paragraph. Marshall also objected to the requirement of submitting information regarding the minimum content and identity of reaction byproducts and other impurities in the proposed gentian violet as well as to the requirement of submitting a representative batch formula. In each instance Marshall based its grounds on the proposition that neither the act nor the regulations contain such requirements. Marshall in yet another objection contended that the information on stability that it had submitted in its petition showed unquestioned stability for at least 3 years. Finally, Marshall objected to that portion of subsection C of the order on stability which reads, "No discussion of an expiration date was provided in the submission." This objection was also based on the ground that this is not a requirement of the act or of the regulations. Even if Marshall's objections on the stability section of the notice presented factual issues, and the agency believes they do not, the issues would not be determinative with respect to the approval of the gentian violet food additive petition. In fact, even if all the objections were resolved in the way sought by Marshall, the petition would still be denied because of the more critical deficiencies detailed in Sections A, B, and D of the Notice. Accordingly, under 21 CFR 12.24(b)(4), a hearing will not be granted on the matters raised in objections to Section C.

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Objections to Section D, "Marshall Minerals' Environmental Impact Analysis Report (EIAR) Is Unacceptable"

Marshall submitted four objections (Objection No. 18–21) to the very brief section D of the Notice contained in the notice regarding Marshall Minerals' environmental impact analysis report (EIAR). Three of Marshall's objections are premised on the supposition that there is no legal authority under the Federal Food, Drug, and Cosmetic Act to require an EIAR and that the deficiencies spelled out in section D simply are not within the jurisdiction of the Federal Food, Drug, and Cosmetic Act. Marshall also objected on the grounds that it has "submitted adequate information to the FDA showing no harm to the environment by the manufacture of the proposed product and the conclusions contained in subsection D are unwarranted, unreasonable, excessive, and illegal."

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.) is the basic policy-setting Federal law relating to the protection of the environment. Section 102(2) of that act contains action-forcing provisions to make sure that Federal agencies follow the letter and spirit of the act. FDA in 1973 codified the NEPA procedures required to be followed in the agency's environmental consideration of proposed agency actions. See 21 CFR 25.1. In april 1975, FDA amended its regulations implementing NEPA to specify that FDA "may take or refrain from taking action on the basis of a determination of an adverse environmental impact only to extent that such action is independently authorized" by the laws FDA administers. In the *Environmental Defense Fund, Inc.* v. *Mathews, et al.*, 410 F. Supp. 336 (D. D.C. 1976), the court held that NEPA "provides FDA with supplementary authority to base its substantive decisions on all environmental considerations including those not expressly identified" in the Federal Food, Drug, and Cosmetic Act and the statutes implemented by FDA. In fact, courts have held that NEPA makes environmental protection a part of the mandate of every Federal agency and department. See, for example, *Calvert Cliffs Coordinating Committee* v. *The Atomic Energy Commission*, 449 F. 2d 1109, 1112 (D.C. Cir. 1971). NEPA does not supersede other statutory duties, but to the extent that it is reconcilable with those duties it supplements them. Full compliance with its requirements cannot be avoided unless such compliance directly conflicts with other existing statutory duties. Id. at 1115, footnote 12. The two deficiencies specifically identified in section D of the notice are specifically referred to as requirements for any EIAR. See 21 CFR 25.1(j).

Marshall's objections regarding NEPA are, on their face, without substance. Furthermore, the objections are legal in nature and even if correct would not justify a hearing under 21 CFR 12.24(b)(1). The remaining objection in which Marshall generally contends that adequate data have been submitted is devoid of any supporting information or reasoning and is insufficient under 21 CFR 12.24(b)(2) to justify a hearing.

Miscellaneous Objections

Marshall also objected (Objection No. 22) to that portion of the order which denied its petition on the failure to establish safety, antifungal effectiveness (functionality), and stability of gentian violet under conditions of use proposed in the petition and because of insufficient information concerning the environmental impact upon the grounds that "such denial and such conclusions are unwarranted, unreasonable, and illegal." Marshall objected (Objection No. 23) to the entire order denying the petition on the grounds that "said order in unreasonable, excessive, unwarranted, and illegal."

These objections are insufficient under 21 CFR 12.24(b)(2) to justify a hearing. Once again, Marshall refused to submit any reasoned articulation to support its objections, but merely relied on general contentions and positions.

Marshall's final objection (Objection No. 24) was to that portion of the notice that provided "each numbered objection for which a hearing is requested shall include a detailed description analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of their right to a hearing on the objection." Marshall Minerals' objection was based on the grounds that "the requirement is excessive, illegal, and is not required by either the Federal Food, Drug, and Cosmetic Act or by any regulation issued lawfully thereunder."

Because of its legal nature, this objection fails to justify a hearing. Furthermore, the objection is without merit. The Federal Food, Drug, and Cosmetic Act requires that FDA give notice before it can deny the approval of a food additive petition. See section 409(c)(1)(B) of the act. By regulation (21 CFR 571.10 and 21 CFR 12.22, 12.24) FDA requires any petitioner for whom a food additive petition has been denied and who desires a hearing to submit reasons why the application should not be denied together with well-organized full factual analyses of the data the petitioner is prepared to provide in support of its opposition to the notice of denial. When it clearly appears from the data and from the reasons and factural analyses in the request for hearing that there is no genuine issue or substantial issue of fact, FDA may deny a hearing. What the agency in effect has said is that it will not provide a formal hearing where it is apparent at the threshold that the applicant has not tendered any evidence which on its face meets the statutory standards as particularized by the regulations. The propriety of this procedure has been expressly upheld by the Supreme Court. See *Weinberger, et al* v. *Hynson, Westcott, and Dunning*, 412 U.S. 609, 620–621 (1973); see also *United States* v. *Storer Broadcasting Co.*, 351 U.S. 192, 205 (1956).

References

1. Miller, E. and J. A. Miller, "The Mutagenicity of Chemical Carcinogens: Correlations, Problems and Interpretations," Chemical Mutagens, Vol. I, 83–119, (1971), Plenum Press, New York-London.

2. Brown, M. M. et al., "Literature Survey of Bacterial, Fungal, and Drosophila Assay Systems Used in the Evaluation of Selected Chemical Compounds for Mutagenic Activity," *Journal of National Cancer Institute* 62, 841–871 (1979).

3. Bridges, B. A., "Short-term Screening Tests for Carcinogens: Review Article," *Nature* 261, 195–200 (1976).

4. DeSerres, F. J., "Prospects for a Revolution in the Methods of Toxicological Evaluation," *Mutagen Research* 38, 165–176 (1976).

5. Ames, B. A., "Structural Correlations of Carcinogenesis and Mutagenesis: In Vitro Testing of Environmental Mutagens/ Carcinogens," Proceedings of the Second FDA office of Sciences Summer Symposium (1977).

Conclusion

Marshall Minerals has failed to justify a hearing in this action. Under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1)(B), (e), and (f), 72 Stat. 1786–1787 (21 U.S.C. 348(c)(1)(B), (e), and (f))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and pursuant to the preceding findings, the hearing is denied, effecive March 28, 1980.

Dated: March 24, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-9388 Filed 3-27-80; 8:45 am]

BILLING CODE 4110-03-M

Office of Human Development Service

National Conferences on Aging Program; Announcement of Competition for Grants or Cooperative Agreements

[Program Announcement No. 13637–802]

AGENCY: Office of Human Development Services, HEW.

SUBJECT: Announcement of Competition for Grants or Cooperative Agreements for the National Conferences on Aging Program.

SUMMARY: The Administration on Aging announces that applications are being accepted under title IV, part A, of the Older Americans Act of 1965, as amended (42 U.S.C., Section 3031 *et seq.*) for grants or cooperative agreements for national conferences.

DATES: Closing date for receipt of application is May 27, 1980.

Scope of This Announcement

This program announcement is one of two (2) published in this issue of the **Federal Register** for grant and/or cooperative agreement competitions under title IV, part A, of the Older Americans Act. Information describing these activities and other programs of the Office of Education and Training, Administration on Aging, is contained in *AoA Education and Training Program Plans and Guidelines, FY 1980.* Guidelines for the National Conference on Aging Program are included in this document.

Program Purpose

The purpose of the National Conference Program is to provide forums so that policy makers, business and labor leaders, scientists, educators, service providers, and practitioners, can meet to exchange ideas, develop policy proposals and begin planning productively to meet the needs of a rapidly growing older population.

Program Goal and Objectives

The goal of the National Conference on Aging Program is to provide support for planning, developing, and conducting conferences, symposia, seminars, and other types of meetings which promote the well-being of older persons within the nation in keeping with the overall purpose of the Older Americans Act.

The focus of the Program for Fiscal Year 1980 is on the special needs of older persons of nation-wide concern, looking toward the year 2000. The emphasis is upon an exploration of the changing needs and population trends during the period, and the effects of the general shift in age within the total American society, calling for fundamental changes in societal attitudes, economic arrangements, knowledge of the aging process, and public policy at all levels.

The program goal will be met by developing conferences addressing the following priority areas:

(a) Constitutional Issues Relating to the Age Discrimination Act (one award)

(b) Role of Community Hospitals in Providing Appropriate Care for Older Persons (one award)

(c) Abuse of Older Persons (one award)

(d) Other National Conferences concerned with issues of overriding importance to older persons (two-four awards)

Eligible Applicants

Public or non-profit private agencies or organizations may apply for grants under this announcement.

Available Funds

The Administration on Aging has available $820,000 for the National Conferences on Aging Program in Fiscal Year 1980. Of this amount, $280,000 has been reserved for continuation obligations and conferences on long-term care in each HEW Region. Additionally, $300,000 has been reserved for White House Conference on Aging activities. $240,000 is available for new awards under this announcemnt.

In Fiscal Year 1979, some $930,000 was awarded to thirteen (13) grantees. The amount of awards ranged from $5,000 to $200,000. It is estimated that about six (6) conferences will be supported in Fiscal Year, 1980 with an average award of approximately $40,000. The project period may not exceed one (1) year.

Recipient Share of the Project

It is generally expected that all activities supported under this Announcement will also be supported from other sources. The grantee is expected to show how other entities would be involved through in-kind resources and/or registration fees. Grantee contributions must be project related and allowable under the Department's applicable cost principles, published in 45 CFR Part 74, Subparts G and Q (See 43 FR 34076, August 2, 1978)

Indirect Cost Limitation

Indirect costs for the conduct of training by educational institutions and non-profit organizations may not exceed eight (8) percent of allowable direct costs.

Types of Awards

Award of funds under this Program will be either by grant or cooperative agreement. The cooperative agreement award instrument will be used in those cases in which the Administration on Aging expects to have considerable involvement with the projects. The Administration on Aging will jointly, with the recipient, approve on a general basis the approach in carrying out the project.

The Application Process

Availability of Forms

In order to be considered for a grant under the National Conferences on Aging Program, all applications must be submitted on Standard Form 424, Application for Federal Assistance, and other forms provided for this purpose. Application kits and appropriate instructions are included in *AoA Education and Training Program Guidelines FY 1980.* Copies may be obtained by writing to: Office of Education and Training, Administration on Aging, Room 4266, HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone: (202) 472–3050.

Application Submission

One signed original and two (2) copies of the grant application, including all attachments, are required of each applicant. The original and (2) copies must be submitted to the address indicated in the application instructions. It is suggested that one (1) additional copy be submitted to the appropriate State Agency on Aging and one (1) copy be submitted to the Director of the DHEW Regional Office of the Administration on Aging. Addresses for State Agencies on Aging and HEW Regional Offices of AoA are included in the application instructions.

A–95 Notification Process:

Not Applicable.

Application Consideration

The Commissioner on Aging will make the final decision on each grant application under this announcement. Applications which are complete and conform to the requirements of the program guidelines will be subjected to a competitive review and evaluation by qualified persons outside the Administration on Aging. The results of the technical peer review will assist the Associate Commissioner for Education and Training in considering competing applications and making recommendations for funding to the Commissioner on Aging. The Associate

Commissioner will take into account comments of the State Agency on Aging and the HEW Regional Offices of the Administration on Aging and priorities described under "Special Considerations for Funding." Unsuccessful applicants will be notified in writing. Successful applicants will be notified through the issuance of Notice of Financial Assistance Awarded. This notice sets forth the amount of funds granted, the terms and conditions of the grant, the budget period for which support is given, the total grantee share expected, and the total period for which project support is intended.

Special Consideration for Funding

Special consideration will be given to conferences which address the needs and concerns of minority older persons (Black Hispanic, Asian and Pacific Islander, or Native American); those living in rural, isolated areas; low income older persons; and chronically ill or handicapped older persons.

Criteria for Review and Evaluation of Application

The following criteria will be used by individuals who conduct the competitive review of conference grant applications:

1. Relationship of proposed project to announced priorities; completeness and feasibility of proposed conference plans including a presentation of the current status of thought or development in the proposed topic. (0–20 points)
2. Carefully formulated measurable objectives and methods for meeting objectives. (0–20 points)
3. Appropriateness of methodology and approach or type of meeting(s) proposed participants and meeting format. (0–20 points)
4. Capability of proposed staff and adequacy of facilities and resources of the applicant organization for conducting the conference. (0–10 points)
5. Track record of applicant organization conducting related activities. (0–10 points)
6. Feasibility of proposed budget; justification of costs and cost sharing by applicant or other organizations. (0–5 points)
7. Likelihood of completion of conference activities within proposed time schedule. (0–5 points)
8. Evaluation and reports on proceedings. (0–5 points)
9. Potential for implementation of findings, plans for utilization of results of conference, including any products for use by others. (0–5 points)

Closing Date for Receipt of Application

The closing date for receipt of applications under this program announcement for funds available in Fiscal Year 1980 is May 27, 1980. Applications may be mailed or hand delivered. Hand delivered applications will be accepted daily (except Saturdays, Sundays, and Federal holidays) from 9:00 a.m. to 5:30 p.m. Applications will be considered "on time" if they are either postmarked (first class mail) or received by the deadline unless they arrive too late to be considered by the independent review panel.

(Catalog of Federal Domestic Assistance Program No. 13.637, Programs for the Aging—Training Grants)

Dated March 13, 1980.

Robert Benedict,

Commissioner on Aging.

Approved: March 21, 1980.

Manuel Carballo,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 80-9425 Filed 3-27-80; 8:45 am]
BILLING CODE 4110-92-M

[Program Announcement No. 13637–801]

National Continuing Education and Training Program; Announcement of Competition for Grants or Cooperative Agreements

AGENCY: Office of Human Development Services, HEW.

SUBJECT: Announcement of Competition for Grants or Cooperative Agreements for the National Continuing Education and Training Programs.

SUMMARY: The Administration on Aging (AoA) announces that applications are being accepted under title IV, part A, of the Older Americans Act of 1965, as amended (42 U.S.C., sec. 3031 *et seq.) for grants or cooperative agreements meeting the education and training needs of service personnel in the field of aging.*

DATES: Closing date for receipt of applications is May 27, 1980.

Scope of this Announcement

This program announcement is one of two (2) published in this issue of the **Federal Register** for grant and/or cooperative agreement competitions under title IV, part A, of the Older Americans Act. Information describing these activities and other programs of the Office of Education and Training, Administration on Aging, is contained in *AoA Education and Training Program Plans and Guidelines, FY 1980.* Guidelines for the National Continuing Education and Training Program are included in this document.

Program Purpose

The purpose of the National Continuing Education and Training Program is to provide financial support for design, development and implementation of training activities meeting the continuing needs of public and private service practitioners and providers in the field of aging.

Program Goal and Objectives

Financial assistance under this program is awarded for projects which prepare adult educators and trainers to design, develop and implement training programs in the field of aging. The program goal is to support projects which use a "train the trainer" approach. Projects are expected to design, develop and evaluate curricula or instructional materials and related activities for the conduct of workshops, institutes or courses for use by continuing educators and trainers. These educators and trainers will, in turn, use knowledge gained from these training programs to design, develop and conduct education and training activities within their own States, localities and regions. The ultimate beneficiaries of this program are administrators, practitioners, and providers of services to older persons in their homes and in such settings as hospitals, nursing homes, long term care facilities, day centers and hospitals, out-patient service departments, and community health and mental health centers. The program goal, and the needs of service practitioners and providers will be met by designing education and training activities meeting these content objectives:

- Identify and understand the unique service needs of older persons;
- Understand the administrative structure and services provided under the Older Americans Act of 1965, as amended;
- Knowledge of and familiarity with the resources available to professionals who develop, implement, manage, or provide staff development programs;
- Knowledge and skill development in the teaching methods and training techniques that are most useful for staff development activities used in training service practitioner and provider personnel; and
- Knowledge of adult and continuing education organizations.

The Administration on Aging has the following priority areas for the National Continuing Education and Training Program in Fiscal Year 1980:

- Senior center and community focal point staff capacity building (one award);

- Personnel in community care services (one award);
- Improvement of service delivery to low income minority and economically disadvantaged older persons (one award);
- Orientation of aging service personnel to Older Americans Act programs, legislation and national organizations in the field of aging (one award);
- Wellness and health education for older persons (one award);
- Dissemination and utilization of curricula and instructional materials (six awards); and
- Other proposed projects that contribute to the purpose of the National Continuing Education and Training Program (one award).

Grantees will be responsible for the design and development of curricula and activities that meet the above program objectives and priorities and should consider the following strategies for dissemination and implementaion:

- AoA's training and technical assistance activities in HEW Regional Offices of the Administration on Aging;
- Major continuing education systems and information centers;
- State Units on Aging; and
- Placement of project materials in the public domain.

Eligible Applicants

Any public or private non-profit agency, organization or institution may apply for financial support under this announcement.

Available funds

In Fiscal Year 1980, the Administration on Aging under the National Continuing Education and Training Program has available $2,400,000, of which $1,400,000 has been reserved for continuating obligations. $1,000,000 is available for new awards under this announcement. It is expected that a maximum of twelve (12) new awards will be made during FY 1980. Each award will be approximately $25,000 to $150,000 for a budget period of twelve months. The project period may not exceed two (2) years.

Recipient Share of the Project

Cost sharing is considered to be an important means of demonstrating an applicant's commitment to the objectives of this program. Recipients are expected to provide five (5) percent of the total allowable project costs. The recipient share may be cash or in kind, and must be allowable under the Department's applicable regulations published in 45 CFR Part 74, Subparts G and Q (see 43 FR 34076, August 2, 1978).

Indirect Cost Limitation

Indirect costs for the conduct of training by educational institutions and non-profit organizations may not exceed eight (8) percent of allowable direct costs.

Types of Award

Awards may be made under this program by both grant and cooperative agreement. The cooperative agreement instrument will be used in those cases in which the Administration on Aging expects to have considerable involvement with the projects, such as jointly reviewing and approving activities and products. The involvement shall not include identifying or directing the specific individuals to be trained or specific content of curriculum or instructional materials to be developed. However, the Administration on Aging will jointly, with the recipient, approve on a general basis, the approach in carrying out the project.

The Application Process

Availability of Forms

Application for financial assistance under the National Continuing Education and Training Program must be submitted on Standard Form 424, Application for Federal Assistance, and other forms provided for this purpose. Application kits and appropriate instructions are included in *AoA Education and Training Program and Guidelines, FY 1980.* Copies may be obtained by writing to: Office of Education and Training, Administration on Aging, Room 4266, HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone: (202) 472–3050.

Application Submission

One (1) signed original and two (2) copies of the grant application, including all attachments, must be prepared. The original and two (2) copies must be submitted to the address indicated in the application instruction. It is suggested that one additional copy be submitted to the appropriate State Agency on Aging and one (1) copy to be submitted to the Director of the HEW Regional Office of the Administration on Aging. Addresses for State Agencies on Aging and HEW Regional Offices of the Administration on Aging are included in the application instructions.

A–95 Notification Process

Not Applicable.

Application Consideration

The Commissioner on Aging will make the final decision on each grant application under this announcement. Applications which are complete and conform to the requirements of the program guidelines will be subjected to a competitive review and evaluation by qualified persons outside the Administration on Aging. The results of the technical peer review will assist the Associate Commissioner for Education and Training in considering competing applications and making recommendations for funding to the Commissioner on Aging. The Associate Commissioner will take into account comments of the State Agency on Aging and the HEW Regional Offices of the Administration on Aging and priorities described under "Special Considerations for Funding." Unsuccessful applicants will be notified in writing. Successful applicants will be notified through the issuance of Notice of Financial Assistance Awarded. This notice sets forth the amount of funds granted, the terms and conditions of the grant, the budget period for which support is given, the total grantee share expected, and the total period for which project support is intended.

Special Considerations for Funding

Special consideration will be given to projects which emphasize development of curricula and course content that address the needs and concerns of minority older persons (Black, Hispanic, Asian and Pacific Islander, or Native American); those living in rural, isolated areas; low income older persons; and chronically ill or handicapped older persons.

Criteria for Review and Evaluation of Applications

Competing applications will be reviewed and evaluated using the following criteria:

1. The significance of the project to the improvement of the state-of-the-art (field), (0–20 points).
2. Reasonableness and specicity of project objectives, (0–20 points).
3. Appropriateness and feasibility of methodology to accomplish proposed objectives, (0–20 points).
4. Appropriateness of evaluation and dissemination plans, (0–20 points).
5. Capability and qualifications of the applicant to carry out the proposed project, (0–15 points).

Closing Dates for Receipt of Applications

The closing date for receipt of applications under this announcement is May 27, 1980. Applications may be mailed or hand delivered. Hand delivered applications will be accepted daily (except Saturdays, Sundays, and

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Federal holidays) from 9:00 a.m. to 5:30 p.m. Applications will be considered "on time" if they are either postmarked (first class mail) or received by the deadline, unless they arrive too late to be considered by the independent review panel.

(Catalog of Federal Domestic Assistance Program No.: 13.637. Programs for the aging—Training Grants.

Dated: March 13, 1980.

Robert Benedict,

Commissioner on Aging.

Approved: March 21, 1980.

Manuel Carballo,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 80-9424 Filed 3-27-80; 8:45 am]

BILLING CODE 4110-92-M

National Institutes of Health

Board of Scientific Counselors, Division of Cancer Biology and Diagnosis; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCBD, National Cancer Institute, May 16 and 17, 1980, Building 31, Conference Room 7, "C" Wing, 6th Floor, National Institutes of Health. This meeting will be open to the public on May 16, 1980, from 9 a.m. to 5 p.m. to discuss the scientific research program of the Immunology Branch, DCBD. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 17, 1980, from 9 a.m. to adjournment, for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Alan S. Rabson, Director, Division of Cancer Biology and Diagnosis, National Cancer Institute, Building 31A, Room 3A-03, National Institutes of Health, Bethesda, Maryland 20205 (301/496-4345) will furnish summary minutes, rosters of committees members, and substantive program information.

Dated: March 19, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-9399 Filed 3-27-80; 8:45 am]

BILLING CODE 4110-08-M

Review of Contract Proposals and Grant Applications; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual contract proposals and grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals and applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, unless otherwise stated.

Name of Committee: Bladder and Prostatic Cancer Review Committee (Prostatic Subcommittee).
Dates: April 29, 1980.
Place: Cary Meeting Room, Roswell Park Research Study Center, 666 Elm Street, Buffalo, New York.
Times: Open, April 29, 8:30 a.m.-9 a.m.; Closed, April 29, 9 a.m. to adjournment.
Closure Reason: To review grant applications.
Executive Secretary: Dr. Andrew Chiarodo; Address: Westwood Building, Room 853, National Institutes of Health; Phone: 301/496-7194.

(Catalog of Federal Domestic Assistance Number 13.393, 13.394, 13.395, National Institutes of Health.)

Name of Committee: Clinical Trials Committee.
Dates: May 13-14, 1980.
Place: Building 31, Conference Room 9, National Institutes of Health.
Times: Open, May 13, 9 a.m.-9:30 a.m.; Closed, May 13, 9:30 a.m.-5 p.m., and May 14, 9 a.m. to adjournment.
Closure Reason: To review contract proposals.
Executive Secretary: Dr. Gerald Liddel; Address: Westwood Building, Room 826, National Institutes of Health; Phone: 301/496-7575.

(Catalog of Federal Domestic Assistance Number 13.395 National Institutes of Health.)

Name of Committee: Developmental Therapeutics Committee.
Dates: June 5-6, 1980.
Place: Landow Building, Conference Room A, 7910 Woodmont Avenue, Bethesda, Maryland.
Times: Open, June 5, 9 a.m.-9:30 a.m.; Closed, June 5, 9:30 a.m.-5 p.m., and June 6, 9 a.m. to adjournment.
Closure Reason: To review contract proposals.
Executive Secretary: Dr. Gerald Liddel; Address: Westwood Building, Room 826, National Institutes of Health; Phone: 301/496-7575.

(Catalog of Federal Domestic Assistance Number 13.395 National Institutes of Health.)

Dated: March 19, 1980.

Suzanne L. Fremeau,

Committee Management Office, National Institutes of Health.

[FR Doc. 80-9300 Filed 3-27-80; 8:45 am]

BILLING CODE 4110-08-M

Office of Education

National Direct Student Loan College Work Study Supplemental Educational Opportunity Grants; List of Approved Need Analysis Systems

AGENCY: Office of Education, HEW.

ACTION: Notice of Approved Need Analysis Systems

SUMMARY: The Commissioner of Education announces the list of approved need analysis systems that institutions of higher education must use in making awards to students during the academic year 1980-81 under the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grants Programs.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. John A. McGonigal, Campus Based Branch, Division of Policy and Program Development, Bureau of Student Financial Assistance, 400 Maryland Avenue, S.W., Washington, D.C. 20202, (202) 245-9720.

SUPPLEMENTARY INFORMATION:

General

Section 174.13 of the National Direct Student Loan Program Regulations (45 CFR 174.13), section 175.13 of the College Work-Study Program Regulations (45 CFR 174.13), and section 176.13 of the Supplemental Educational Opportunity Grant Program Regulations (45 CFR 176.13) approve the use of certain need analysis systems and methods of determining expected family contributions for dependent and independent students. They also set forth procedures for an annual review and approval by the Commissioner of other need analysis systems for both dependent and independent students for use in those programs. In order to be approved for dependent student calculations, a system must generate expected parental contributions for a least 75 percent of the sample cases which are within $50 of the benchmark figures published by the Commissioner for those cases. The benchmark figures for the 1980-81 academic year were published in the **Federal Register** of October 3, 1979 (44 FR 56938). For independent students, a system that was not specifically included in the regulations must produce expected family contributions which include all resources available to the applicant and which increase incrementally as the family's financial strength increases.

The approved systems are:

1. Dependent students only—

a. The Income Tax System.

2. Dependent and independent students—

a. The method of calculating expected family contributions used in the Basic Educational Opportunity Grant Program (45 CFR 190);

b. The system of need analysis published by the American College Testing Program;

c. The system of need analysis published by College Scholarship Service;

d. The system of need analysis published by Financial Analysis Service;

e. The system of need analysis published by Functional Solutions Incorporated;

f. The system of need analysis published by G.E. White Associates;

g. The system of need analysis published by Graduate and Professional School Financial Aid Services;

h. The system of need analysis published by the Illinois State Scholarship Commission;

i. The system of need analysis published by Information & Communications, Incorporated—SAFE System;

j. The system of need analysis published by Monroe, the Calculator Company;

k. The system of need analysis published by the Pennsylvania Higher Education Assistance Agency;

l. The system of need analysis published by Student Aid Management, a program of Education Methods, Incorporated.

(20 U.S.C. 1087dd, 42 U.S.C. 2754, and 20 U.S.C. 1070b—1 and 1070b—2)

(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grant Program; 13.463, College Work-Study Program; and 13.471, National Direct Student Loan Program)

Dated: March 20, 1980.

William L. Smith,

U.S. Commissioner of Education.

[FR Doc. 80-9253 Filed 3-27-80; 8:45 am]

BILLING CODE 4110-02-M

Office of the Assistant Secretary for Education

Advisory Panel on Financing Elementary and Secondary Education; Meeting

AGENCY: Advisory Panel on Financing Elementary and Secondary Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Panel on Financing Elementary and Secondary Education. It also describes the functions of the Panel. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, Section 10(a)(2)). This document is intended to notify the general public of its opportunity to attend.

DATE: April 26, 1980, 9:00 a.m. to 5:00 p.m., and April 27, 1980, 9:00 a.m. to 4:30 p.m.

ADDRESS: One Washington Circle Hotel, One Washington Circle, NW., Washington, D.C. 20037.

FOR FURTHER INFORMATION CONTACT: Dr. George B. Lane, Acting Executive Director, Advisory Panel on Financing Elementary and Secondary Education, Room 313-H, 200 Independence Avenue, S.W., Washington, D.C. 20202 (202-245-8220).

SUPPLEMENTARY INFORMATION: The Advisory Panel on Financing Elementary and Secondary Education is established under section 1203, Title XII of the Education Amendments of 1978 (Pub. L. 95-561). The Panel is directed to provide the Secretary and the Congress with periodic advice and counsel concerning public policies on raising and distributing revenues to support elementary and secondary education. The views and recommendations of the Advisory Panel shall provide periodic advice to the Secretary concerning the conduct of studies authorized by Section 1203 and make interim reports to the President and the Congress in 1980, 1981, and 1982 on the results of the studies conducted. The Advisory Panel shall also provide commments on the Secretary's annual reports and such additional recommendations for legislation or other appropriate action to the Congress no later than sixty days after submission of such reports.

The meeting of the Panel will be open to the public on April 26 from 9:00 a.m. until 3:00 p.m. and on April 27 from 9:00 a.m. to 4:30 p.m.

The agenda for the meeting will include the following items:

1. Presentation of the Plan of Study prepared by the H.E.W. School Finance Project Staff.

2. Consideration of recommendations to be included in the interim report on the Plan of Study.

3. Review and approval of the interim report.

On Saturday, April 26, from 3:00 p.m. to 5:00 p.m., the meeting will be closed to the public in order for the Panel to review applicants for positions on the Panel staff. The meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and under the exemptions contained in the Government in the Sunshine Act, 5 U.S.C. 552b(c) (2) and (6).

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of 5 U.S.C. 552b(c) as well as other Panel proceedings shall be available for public inspection at the Office of the Assistant Secretary for Education, 200 Independence Avenue, S.W., Room 313-H, Washington, D.C. 20202, within 14 days following the session.

Signed at Washington, D.C., on March 25, 1980.

George B. Lane,

Acting Executive Director, Advisory Panel on Financing Elementary and Secondary Education.

[FR Doc. 80-9434 Filed 3-27-80; 8:45 am]

BILLING CODE 4110-89-M

V 45/62 MR 28 80 UMI

Public Health Service

Health Maintenance Organizations; Delegation of Authority

Correction

In FR Doc. 80-8267 appearing at page 17640 in the issue of Wednesday, March 19, 1980, third column, third line of the second paragraph, "IV" should read "V".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-80-945]

Changes to HUD 4900.1 Minimum Property Standards (MPS) for One- and Two-Family Dwellings

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of Availability—Changes to Minimum Property Standards.

SUMMARY: Revision No. 8a to the Minimum Property Standards for One- and Two-Family Dwellings 4900.1 [1] has been completed and distributed to the field offices of the Department of Housing and Urban Development. The revision corrects pagination errors only; it contains no other changes.

EFFECTIVE DATE: May 27, 1980.

FOR FURTHER INFORMATION CONTACT: Donald R. Fairman, Minimum Property Standards Division, Office of Architecture and Engineering Standards, Room 6170, telephone 202/755-6590. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: HUD Minimum Property Standards are published in handbooks: Minimum Property Standards for One- and Two-Family Dwellings in Handbook 4900.1, Multifamily Housing in Handbook 4910.1, and Care-Type Housing in Handbook 4920.1. The Minimum Property Standards are incoporated by reference into 24 CFR 200.927. An updated copy of the Minimum Property Standards is available for public examination in (1) the Information Center, Room 1104, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C., and in each HUD Regional Area, and Service Office; and (2) the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. In addition, copies of volumes 1, 2, and 3 of the Minimum Property Standards may be purchased from the United States Government Printing Office, Washington, D.C. 20402.

Notices of changes in the Minimum Property Standards are required by 24 CFR 200.933 to be published in the **Federal Register**. An official, historic file of such changes is available in the office of the Rules Docket Clerk in the HUD Headquarters in Washington, D.C., and in each HUD Regional, Area, and Service Office. A similar copy of the standards is also being maintained in the Office of the Federal Register, Washington, D.C.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

The revision corrects pagination errors only; it contains no other changes.

(Sec. 7(d) Department of HUD Act; (42 U.S.C. 3535(d))).

Issued at Washington, D.C., March 20, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-9381 Filed 3-27-80; 8:45 am]

BILLING CODE 4210-01-M

[1] Filed as part of the original document.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Approval of Petition for Reassumption of Jurisdiction Over Indian Child Custody Proceedings by the Omaha Tribe

March 11, 1980.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approval of Petition for Reassumption of jurisdiction over Indian child custody proceedings.

SUMMARY: The Omaha tribe has filed a petition with the Interior Department to reassume exclusive jurisdiction over child custody proceedings involving Indian children who reside or are domiciled on the Omaha Reservation in Nebraska. The Assistant Secretary, Indian Affairs has reviewed the petition and determined that tribal exercise of jurisdiction is feasible and that the tribe has a suitable plan for exercising such jurisdiction. This notice constitutes the official approval of the Omaha tribe's petition by the Interior Department.

EFFECTIVE DATE: The Omaha tribe shall reassume exclusive jurisdiction sixty days after publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Office of the Field Solicitor, Department of the Interior, P.O. Box 549, Aberdeen, South Dakota 57401, telephone (605) 225-7254.

SUPPLEMENTARY INFORMATION: The authority for the Assistant Secretary, Indian Affairs to publish this notice is contained in 25 U.S.C. § 1918(c), 25 C.F.R. § 13.14, and 209 DM 8.

The principal author of this document is Louise Zokan, Division of Social Services, Bureau of Indian Affairs, Department of the Interior, Washington, D.C.

Section 108 of the Indian Child Welfare Act of 1978, Pub. L. 95-608, 92 Stat. 3074, 25 U.S.C. § 1918, authorizes Indian tribes that occupy a reservation as defined in 25 U.S.C. § 1903(10) over which a state asserts jurisdiction over Indian child custody proceedings pursuant to federal statute to reassume jurisdiction over such proceedings.

To reassume such jurisdiction a tribe must first file a petition in the manner prescribed in 25 CFR Part 13. The petition is then reviewed by the Interior Department using criteria set out in 25 CFR § 13.12. If the Department finds that the tribe has submitted a suitable plan and that tribal exercise of jurisdiction is feasible, the petition is approved by publication in the **Federal Register**. Tribal reassumption becomes effective 60 days after publication.

Notice that the Omaha tribe had submitted a petition for reassumption of jurisdiction was published in the **Federal Register** on February 4, 1980 F.R. Vol. 45 No. 24. The following notice is based on the Interior Department's review of that petition:

Notice

This is notice that a petition for tribal reassumption of jurisdiction over Indian child custody proceedings filed by the Omaha Tribe is approved effective 60 days after publication of this notice in the **Federal Register**.

The geographic area subject to the reassumption of jurisdiction is the land known as the Omaha Indian Reservation.

Rick Lavis,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 80-9227 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[AA-6676-I and AA-6676-L]

Alaska Native Claims Selections

On December 9, 1974, Koliganek Natives Limited, for the Native village of Koliganek, filed selection applications AA-6676-I and AA-6676-L, as amended, under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611) (1976) (Ancsa), for the surface estate of certain lands in the vicinity of Koliganek.

On November 14, 1978, the State of Alaska filed general purposes grant selection applications AA-21626, AA-21643, AA-21664, AA-21665 and AA-21687, all as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b)) for certain lands in the Koliganek area.

The following described lands have been properly selected by Koliganek Natives Limited or segregated by applications pursuant to the public land laws. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select *vacant, unappropriated* and *unreserved* public lands in Alaska. Therefore, the following State selection applications are hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State Selection AA-21626

T. 3 S., R. 48 W.,
Secs. 12 and 13, excluding the Nushagak River.
Containing approximately 885 acres.

State Selection AA-21643

T. 4 S., R. 47 W.,
Sec. 33, excluding the Nushagak River.
Containing approximately 465 acres.

State Selection AA-21664

T. 5 S., R. 46 W.,
Sec. 20, all.
Containing approximately 640 acres.

State Selection AA-21665

T. 5 S., R. 48 W.,
Secs. 24, 25, 35 and 36, all.
Containing approximately 2,560 acres.

State Selection AA-21687

T. 6 S., R. 47 W.,
Sec. 1, all;
Secs. 5 to 8, inclusive, all;
Secs. 17, 18, 20 and 21, all.
Containing approximately 5,679 acres.

Aggregating approximately 10,229 acres.

Further action on the above State selection applications, as to those lands not rejected herein will be taken at a later date.

As to the lands described below, the applications submitted by Koliganek Natives Limited, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), aggregating approximately 10,189 acres, is considered proper for acquisition by Koliganek Natives Limited and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Seward Meridian, Alaska (Unsurveyed)

T. 5 S., R. 46 W.,
Sec. 20, all.
Containing approximately 640 acres.

T. 4 S., R. 47 W.,
Sec. 33, excluding the Nushagak River.
Containing approximately 465 acres.

T. 6 S., R. 47 W.,
Sec. 1, all;
Secs. 5 to 8, inclusive, all;
Sec. 17, excluding Native allotment AA-7845 Parcel A;
Secs. 18, 20 and 21, all.
Containing approximately 5,639 acres.

T. 3 S., R. 48 W.,
Sec. 12 and 13, excluding the Nushagak River.
Containing approximately 885 acres.

T. 5 S., R. 48 W.,
Secs. 24, 25, 35 and 36, all.
Containing approximately 2,560 acres.

Aggregating approximately 10,189 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)), and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-6676-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenth-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

a. (EIN 26a C4) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 26 C4 in Sec. 13, T. 5 S., T. 48 W., Seward Meridian, southwesterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 27a C4) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 27 C4 in Sec. 1, T. 5 S., R. 48 W., Seward Meridian, northeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any of the lands hereinabove granted, as are prescribed in said section.

Kloiganek Natives Limited is entitled to conveyance of 92,160 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 86,232 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 5,928 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to Bristol Bay Native Corporation when conveyance is granted to Koliganek Natives Limited for

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the surface estate, and shall be subject to the same conditions as the surface conveyance.

Within the above described lands, only the following inland water body is considered to be navigable: Nushagak River.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the ANCHORAGE TIMES. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until 4–28–80 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights, which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Koliganek Natives Limited, Koliganek, Alaska 99576.

Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.

Barbara A. Yoppke

Acting Chief, Branch of Adjudication.

[FR Doc. 80-9438 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-84-M

Montana Wilderness Inventory, Protest Period for Overthrust Belt Inventory Butte BLM District

March 19, 1980.

This announcement is a followup to the Federal Register Notice announcing the final wilderness inventory decision for Montana Overthrust Belt lands. That announcement appeared in the February 22, 1980, Federal Register (pages 11920, 11921).

The February 22 notice described 21 wilderness inventory units totaling 131,768 acres which were designated wilderness study areas (WSA's). Another 27 inventory units totaling 249,360 acres were dropped from further wilderness consideration. At the time of the February announcement, maps and detailed narrative documents were not available for public review. These materials have subsequently been printed and will be mailed to all individuals on the Montana BLM wilderness mailing list no later than the week of March 24, 1980.

The official 30 day protest period which was announced in the February notice will begin March 30, 1980. Any person who has disagreement with this decision and has information which may influence the decision may file a written protest with the Montana State BLM Director (931), P.O. Box 30157, 222 North 32nd Street, Billings, Montana 59107. Protests must be received by the Montana State Director by 4:30 p.m., April 30, 1980, in order to be considered. Protests must specify the unit(s) upon which the decision is being protested and must include a clear and concise statement of reasons for the protest, including any supporting data available. Should protests be filed on any inventory unit(s), the Montana State Director will consider such protests and issue a decision which will be subject to appeal under 43 CFR, Part 4, to the Department of the Interior, Board of Land Appeals.

This decision will become final at 4:30 p.m., April 30, 1980, for all inventory units for which there were no protests received. A Federal Register Notice announcing this fact will be published after the close of the protest period.

Michael J. Penfold,

State Director.

[FR Doc. 80-9222 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-84-M

Montana Wilderness Inventory Proposed Decision, Lewistown and Miles City BLM Districts

March 19, 1980.

This notice announces the proposed intensive inventory decision for all Bureau of Land Management administered lands remaining in the wilderness inventory in the Lewistown and Miles City BLM Districts. This decision is issued under the authority of Section 603 of the Federal Land Policy and Management Act and in accordance with the guidelines in the September 27, 1978, BLM *Wilderness Inventory Handbook* and Organic Act Directive No. 78–61, Change 3.

The BLM wilderness inventory is divided into two major parts: initial and intensive inventories. The final decision on initial inventory and the announcement of the beginning of the intensive inventory were published in the August 16, 1979, **Federal Register**, pages 47990, 47991, 47992 and 47993.

Publication of this notice in the **Federal Register** initiates a 90-day public review and comment period beginning March 30, 1980, and ending June 30, 1980.

The public is invited to comment on the wilderness intensive inventory narratives and maps upon request from: Bureau of Land Management, Office of Public Affairs, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107. Public comment forms will be included with the packet of narratives and maps. This information is provided free of charge.

During the formal public comment period, the following open houses are scheduled:

Lewistown District

Wednesday, April 23, 1980, 3 p.m.–8 p.m.; Billings Resource Area Office, 810 East Main, Billings, MT.

Thursday, April 24, 1980, 3 p.m.–8 p.m.; National Guard Armory, Lovell, WY.

Monday, April 28, 1980, 3 p.m.–8 p.m.; Havre Resource Area Office, Old Highway 2 South of fairgrounds, Havre, MT.

Tuesday April 29, 1980, 3 p.m.–8 p.m.; Phillips Resource Area Office, 501 S. Second East, Malta, MT.

Wednesday, April 30, 1980, 3 p.m.–8 p.m.; Valley Resource Area Office, Highway 2, Glasgow, MT.

Thursday, May 1, 1980, 3 p.m.–8 p.m.; Lewistown District Office, Airport Road, Lewistown, MT.

Miles City District

All meetings start at 7 p.m.

May 5–Court Room–Powder River County Courthouse—Broadus.

May 6–VFW Hall–Jordan.

May 7–Ashland Public School–Ashland.

May 8–Miles Community College, Room 106–Miles City.

All public comments received during the 90-day comment period will be recorded, analyzed, evaluated and filed for future reference. All comments will be treated equally whether they are mailed in or presented verbally at public meetings. Comments recevied after the 90-day comment period may be considered as long as they can be reviewed along with all other public comments without delaying the final decision.

The following is the proposed wilderness intensive inventory decision:

Lewistown District Office

Unit name and number	Recommended for WSA	Not recommended for WSA
Billings Resource Area		
Dry Creek 200		5,860
Deery Mountain 201		[1]6,970
Bear Creek 204, Montana		[1]9,500
Wyoming contiguous acreage		640
Burnt Timber Canyon 205:		
Montana	9,358	
		[1]1,200
Wyoming	120	
		1,500
Pryor Mountain 206:		
Montana	16,947	
		1,120
Wyoming	3,500	
Big Horn Tack On 207:		
Montana	5,500	
Wyoming	80	
Yellowstone Island 210		[1]302
Twin Coulee 212	6,870	
Sub total:		
Montana	(4) 38,725	(4) 24,952
Wyoming	3,700	2,140
Judith Resource Area		
Big Snowy Tack Ons 211/217		[1]1,725
Middle Fork Judith Tac On 216		145
Cottonwood/W. Cottonwood 211/222		[2]12,850
Blood Creek 223		[2]20,100
Dovetail Creek 224		24,380
Arrow Creek		[2]9,100
Armell's Creek 225	11,490	[2]7,260
Fargo Coulee 228		5,000
Carter Coulee 229		5,760
Two Calf Creek 231	14,280	[1]720
Reed Coulee 232	8,700	[2]1,730
Drag Creek 223		[1]6,500
W. Crooked Creek 236		[1]0,700
Horse Camp Trail 237		[1]1,200
Chain Buttes 238		[1]7,200
Ft. Musselshell Tack On "A" 240		1,200
Missouri River Island 243		[1]917
Dog Creek South 244	7,150	[1]4,600
Chimney Bend 245	16,060	[2]640
Woodhawk 246	16,300	700
Woodhawk Creek 247		[1]5,820
Subtotal	(6) 73,980	(17) 148,047
Havre Resource Area		
The Wall 249	12,200	
Stafford 250	7,177	
Cummings Bench 251		6,280
Black Elk Coulee 252		[2]9,700
Ervin Ridge 253	22,480	47
Sand Creek 254		[2]12,087
Bullwacker 255		40,851
Cow Creek 256	50,000	21,113
Timber Ridge 258		8,000
Wild Horse Lake 261		11,453
Woody Island Coulee 264		23,035
Subtotal	(4) 91,857	(7) 132,568
Phillips Resource Area		
Antelope Creek 266	20,800	900
Cyprian Creek 268		8,900
Beauchamp Creek 274		30,400
Indian Lake 275		20,800
Box Elder Creek 277	4,080	11,420
Burnt Lodge/Sage Creek 278	48,400	18,460
Dry Fork Creek 280		[1]16,000
Third Creek 282		31,860
Little Rockies 286	6,900	
Flat Creek 290		29,760
Beaver Creek 297		19,700
Black Coulee 303		8,360
Lamere Coulee 304		37,100
Frenchman Creek W. 320		[2]13,700
E. Beauchamp Tack On 365		960
Beauchamp Tack On 366		2,680
Subtotal	(4) 79,980	(12) 246,800
Valley Resource Area		
Square Creek 323	10,800	
Wagon Coulee Tack On 325		[1]560
Carpenter Creek 326		10,000
Duck Creek 328		6,400
Gumbo Plateau 329		[1]18,200
Caravan 330	5,580	
South Fork Willow Creek 331		[1]10,840
Marsh Hawk Hills 336	71,940	6,400
Grant Coulee 337		[1]66,980
Pearson Coulee 338		23,840
Hurricane 340		[1]6,680
Coyote Creek 342		22,430
Moss Coulee 343		20,160
Sage Hen 346		7,540
Seventh Parallel 347		6,660
North Fork Brazil Creek 348		7,960
S. Fork Antelope Creek 350		6,160
Antelope Creek 352		15,840
Willow Creek 357		39,040
Crow Creek 358		7,054
Frenchman Creek East 359	19,444	[1]29,650
E. Fork Crow Creek 360		24,940
Little Flat 361		13,940
Subtotal	(4) 107,764	351,274
Grand total	(22) 392,306	903,639

Miles City District

Unit name and number	Recommended for WSA	Not recommended for WSA
Yellowstone Island 610		5
Yellowstone Island 611		4
Yellowstone Island 612		2
Yellowstone Island—		
Cheyenne Islands 613	132	
Yellowstone Island 614	312	
Yellowstone Island 615	147	
Yellowstone Island—		
Seven Sisters 616	83	
Missouri River Island 617		617
East Bridge Coulee 632		7,300
Billy Creek 633	3,480	
Cabin South 634		7,030
Timber Creek 635		6,500
Lone Tree-Ash 642		19,040
Sand Arroyo 643		6,990
Jack Creek 645		9,720
McGuire Creek 646		13,440
Germaine Coulee 648		5,065
S. Fork, Little Squaw Creek 649		16,400
Jack Lane Coulee 650		8,540
Lodgepole Creek 652		7,580
North Squaw Creek 653		6,840
Squaw Creek 654		7,070
Seven Blackfoot 657	19,800	
Maloney Hill 661		17,120
Crooked Creek 662		6,530
Woody Flat 665		9,800
Cairn Butte 671		5,270
Bridge Coulee 675	5,650	
Newhouse Coulee 676		9,000
Musselshell Breaks 677	8,050	
Lisk-Cherry 679		6,150
Brakett Creek 685		7,130
Stellar Creek 691		5,100
E. Hell Creek-Crooked Creek 699		160
Zook Creek 701	9,720	
Buffalo Creek 702	7,940	
Buck Creek 703		7,280
Rough Creek 704		[2]5,280
Dry Creek 709		[1]9,200
Spring Creek 710		9,980
Lone Tree 711		[1]43,870
Corral Creek 712		37,480
Muskrat 714		7,480
Deadhorse Badlands 715 (previously Cottonwood)	25,890	250
Prairie Dog 716		[1]40,025
Beaver Dam 717:		
Montana		10,040
South Dakota		4,000
Indian Creek 718:		
Montana		18,540
South Dakota		600
Owl Creek 719:		
Montana		12,667
Wyoming		2,000
Fence Creek 721:		
Montana		4,220
Wyoming		1,900
Cottonwood 723		[2]8,520
Dixon-Deep 726		5,760
Willow Creek 729		[1]9,100
Whitetail 730		5,120
Crow 732		20,860
Deadman Creek 733:		
Montana		6,476
Wyoming		3,064
Whitetail Creek 734		6,250
Tongue R. Breaks Contiguity 736	1,765	239
Totals	82,688	
Montana Acreage		453,030
Wyoming Contiguous Acreage		6,964
South Dakota Contiguous Acreage		4,600

( ) = Units;

[1] Acreage increased from situation evaluation;

[2] Acreage decreased from situation evaluation.

Following the public comment period, the inventory recommendations will be carefully considered in view of the public comments received. The final decision identifying wilderness study areas as well as areas dropped from further wilderness consideration will be announced on or about September 1, 1980.

Michael J. Penfold,

State Director.

[FR Doc. 80-9221 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-84-M

V 45 / 62 MR 28 80 UMI

New Mexico Wilderness Inventory

March 31, 1980.

AGENCY: Bureau of Land Management.

ACTION: Notice of Proposed Intensive Wilderness Inventory Decisions.

SUMMARY: The New Mexico State Director of the Bureau of Land Management announces his proposed intensive wilderness inventory decision under the authority of Section 603 of the Federal Land Policy and Management Act and in accordance with the guidelines in the September 27, 1978 BLM *Wilderness Inventory Handbook and Organic Act Directive No. 78–61, Change 3.*

The BLM inventory process is divided into two major parts: initial and intensive inventories. The final decisions on the initial inventory and the announcement of the beginning of the intensive inventory were published in the July 6, 1979, **Federal Register** Notice, pages 39622–39623.

Publication of this current notice in the **Federal Register** begins a 92-day public review and comment period on the 100 intensive wilderness inventory units encompassing approximately 2,213,339 acres administered by the BLM in New Mexico. The public comment period will end on June 30, 1980.

The public is invited to comment on the wilderness intensive inventory proposals and to submit additional information in order to assist the BLM in the assessment of wilderness characteristics on these public lands.

Comments should address the presence or lack of wilderness characteristics within specific areas. Public comment forms will be included within the book of narratives and maps which is available upon request from: WILDERNESS, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

During the formal comment period, the following open houses and public meetings are scheduled:

Roswell District

Open house—April 1, Public Library, 301 N. Penn, Roswell, New Mexico, 5:00 p.m. to 8:30 p.m.; April 2, Public Library, Halaqueno Park, Carlsbad, New Mexico, 4:00 p.m. to 7:30 p.m.

Public meeting—May 6, Public Library, 301 N. Penn, Roswell, New Mexico, 7:00 p.m. to 9:00 p.m.; May 8, Public Library, Halaqueno Park, Carlsbad, New Mexico, 6:00 p.m. to 8:00 p.m.

To facilitate public review of the Wilderness Study Area Recommendations, interested citizens are invited to study the Roswell District Intensive Inventory reports in the following libraries:

Carlsbad Public Library, 101 Halaqueno Park, Carlsbad, NM

Roswell Public Library, 301 N. Penn, Roswell, NM

Las Cruces District

Public Meeting, June 2, City Hall Conference Room, 511 10th Street, Alamogordo, New Mexico, 7:00 p.m. to 10:00 p.m.; June 4, Lordsburg Civic Center, 313 East 4th Street, Lordsburg, New Mexico, 7:00 p.m. to 10:00 p.m.; June 5, Morgan Hall, 109 E. Pine, Deming, New Mexico, 7:00 p.m. to 10:00 p.m.

To facilitate public review of the Wilderness Study Area Recommendations, interested citizens are invited to study the Las Cruces District Intensive Inventory reports in the following libraries:

Branigan Memorial Library, 200 E. Picacho, Las Cruces, NM

New Mexico State University Library, Frenger Street, Las Cruces, NM

Alamogordo Public Library, 920 Oregon Ave., Alamogordo, NM

NMSU, Alamogordo Branch Library, N. Scenic Drive, Alamogordo, NM

Deming Public Library, 301 South Tin Ave., Deming, NM

Lordsburg-Hidalgo Public Library, 208 E. Third Street, Lordsburg, NM

Silver City Public Library, 515 West College Ave., Silver City, NM

Miller Library, Western New Mexico University, Silver City, NM

Truth or Consequences Public Library, 501 McAdoo, Truth or Consequences, NM

El Paso Public Library, 501 N. Oregon, El Paso, TX

Albuquerque District

Open house—April 4, Albuquerque Convention Center, Acoma Room, Albuquerque, New Mexico, 11:00 a.m. to 8:00 p.m.

Public meeting—May 27, Albuquerque Convention Center, Acoma Room, Albuquerque, New Mexico, 11:00 a.m. to 2:00 p.m., 6:00 p.m. to 9:00 p.m.

To facilitate public review of the Wilderness Study Area Recommendations, Intensive Inventory reports have been placed in the following libraries:

University of New Mexico, General Library, Albuquerque, NM Albuquerque City Library, 501 Copper Ave., NW, Albuquerque, NM Santa Fe Public Library, 121 Washington Ave., Santa Fe, NM Farmington Public Library, 302 N. Orchard Ave., Farmington, NM Gallup Public Library, 115 West Hill Ave., Gallup, NM

Grants Public Library, 525 West High, Grants, NM

Socorro District

Open house—April 4, Alburquerque Convention Center, Zuni-Tesuque Room, Albuquerque, New Mexico, 11:00 a.m. to 8:00 p.m.; April 9, Masonic Lodge, 912 Leroy Place, NW, Socorro, New Mexico, 6:00 p.m. to 9:00 p.m.; April 10, Community Room, Grants State Bank, 824 W. Santa Fe Avenue, Grants, New Mexico, 6:00 p.m. to 9:00 p.m.

Public meeting—May 27, Albuquerque Convention Center, Isleta Room, Albuquerque, New Mexico, 11:00 a.m. to 2:00 p.m., 6:00 p.m. to 9:00 p.m.; May 29, Masonic Lodge, 912 Leroy Place, NW, Socorro, New Mexico, 6:00 p.m. to 9:00 p.m.

To facilitate public review of the Wilderness Study Area Recommendations, interested citizens are invited to study the Socorro District Intensive Inventory reports at:

New Mexico Tech Library, Campus Station, Socorro, NM

All public comments received during the 92-day comment period will be recorded, analyzed, evaluated and filed for future reference. All comments will be treated equally, whether they are mailed in or presented verbally or in writing at a public meeting. Comments received after the June 30 deadline may be considered as long at they can be reviewd along with all other public comments without delaying the final decision.

FOR FURTHER INFORMATION CONTACT:

Dan Wood at the above Santa Fe, New Mexico address or call 505–988–6227.

Arthur W. Zimmerman,

State Director.

Proposed Intensive Wilderness Inventory Decision

[Inventory units proposed as wilderness study areas]

BLM district	Name	Number	Acreage
Albuquerque	Ignacio Chavez	NM–010–020	32,248
Albuquerque	Chamisa	NM–010–021	11,091
Albuquerque	Cabezon	NM–010–022	8,048
Albuquerque	San Antonio-West	NM–010–035	[1]7,050
Albuquerque	Sabinoso	NM–010–055	15,760
Albuquerque	Navajo Peak	NM–010–059	7,750
Albuquerque	Empedrado	NM–010–063	8,419
Albuquerque	La Lena	NM–010–063A	9,359
Albuquerque	Manzano	NM–010–092	845
Total			100,570
Roswell	Mescalero Sands	NM–060–501	10,575
Roswell	Texas Hill-West	NM–060–810A	7,340
Roswell	Texas Hill-West	NM–060–810B	5,310
Roswell	Mudgetts	NM–060–819	[1]2,729
Roswell	Mudgetts	NM–060–819A	213
Total			[1]126,166

Proposed Intensive Wilderness Inventory Decision—Continued

[Inventory units proposed as wilderness study areas]

BLM district	Name	Number	Acreage
Las Cruces	Black Mountain	NM–030–003	5,800
Las Cruces	Cowboy Spring	NM–030–007	6,920
Las Cruces	Gila Box	NM–030–023	[1]9,030
Las Cruces	Blue Creek	NM–030–026	13,584
Las Cruces	Grapevine Spring	NM–030–028	5,200
Las Cruces	Cooke Range	NM–030–031	[1]19,870
Las Cruces	Florida Mountains	NM–030–034A	[1]18,904
Las Cruces	Big Hachet Mountains	NM–030–035	[1]65,950
Las Cruces	Alamo Hueco Mountains	NM–030–038	20,840
Las Cruces	West Potrillo Mountains	NM–030–052A	[1]131,745
Las Cruces	Aden Lava Flow	NM–030–053	24,790
Las Cruces	Mine House Spring	NM–030–074	7,200
Las Cruces	Jornada Lava Flow	NM–030–081	[1]3,659
Las Cruces	Sacramento Escarpment	NM–030–104B	[1]2,500
Las Cruces	Little Black Peak	NM–030–109	15,570
Las Cruces	Carrizozo Lava Flow-NE	NM–030–110A	[1]11,000
Las Cruces	Brokeoff Mountains-N	NM–030–112A	[1]13,780
Las Cruces	Brokeoff Mountains-S	NM–030–112B	[1]9,720
Las Cruces	Little Dog Canyon	NM–030–114	[1]4,787
Las Cruces	Pup Canyon	NM–030–015	[1]1,920
Las Cruces	Rim	NM–030–124	3,853
Las Cruces	Culp Canyon	NM–030–152	10,937
Las Cruces	Bug Scuffle Canyon	NM–030–165	[1]1,830
Total			409,389
Socorro	Rimrock (Cebolla Canyon)	NM–020–007	29,430
Socorro	Sand Canyon	NM–020–008	8,320
Socorro	Little Rimrock	NM–020–009	9,540
Socorro	Pinon	NM–020–010	13,160
Socorro	Petaca Pinta	NM–020–014	[1]12,440
Socorro	Sierra Ladrones	NM–020–016	38,922
Socorro	Mesita Blanca	NM–020–018	[1]20,760
Socorro	Eagle Peak	NM–020–019	[1]42,500
Socorro	Verantio	NM–020–035	7,480
Socorro	Las Canas	NM–020–038	16,750
Socorro	Horse Mountain	NM–020–043	5,140
Socorro	Continental Divide; Pelona Divide	NM–020–044/45	72,200
Socorro	Devil's Backbone	NM–020–047A	8,860
Socorro	Devil's Reach	NM–020–047B	840
Socorro	Magdalena A	NM–020–048A	[1]3,640
Socorro	Magdalena B	NM–020–048B	320
Socorro	Magdalena C	NM–020–048C	400
Socorro	Antelope (Little Yucca)	NM–020–053	20,710
Socorro	Jornada del Muerto	NM–020–055	25,260
Total			336,672

[1] These units have undergone significant boundary adjustments due to a lack of wilderness characteristics.

Proposed Intensive Wilderness Inventory Decision

[Inventory units proposed for deletion from further consideration as wilderness]

BLM district	Name	Number	Acreage
Albuquerque	Penististuja	NM–020–012	7,680
Albuquerque	San Ysidro	NM–020–013	7,680
Albuquerque	Chijuilla	NM–020–015	11,500
Albuquerque	Ojito	NM–020–024	7,680
Albuquerque	Windmill	NM–020–033	9,600
Albuquerque	La Olla	NM–020–036	12,160
Albuquerque	Seco	NM–020–056	8,960
Albuquerque	Rattlesnake	NM–020–090	4,500
Albuquerque	Simon	NM–020–091	3,500
Total			[1]81,617
Roswell	Jurnigan (West)	NM–060–802	4,800
Roswell	Texas Hill-West	NM–060–810E	5,740
Total			[1]13,690
Las Cruces	Rodeo	NM–030–001	5,600
Las Cruces	Granite Gap (South)	NM–030–006	25,860
Las Cruces	Millsite Creek	NM–030–008	9,720
Las Cruces	Beacon Hill	NM–030–009	37,660
Las Cruces	Pyramids	NM–030–011	52,860
Las Cruces	UHL Draw	NM–030–012	30,660
Las Cruces	Red Rock	NM–030–025	14,460
Las Cruces	Mud Springs Peak	NM–030–027	12,900
Las Cruces	High Lonesome	NM–030–029	12,640
Las Cruces	Florida Mountains	NM–030–034B	45,526
Las Cruces	Sierra Rica Mountains	NM–030–036	28,760
Las Cruces	Cedar Mountains	NM–030–042	213,656
Las Cruces	East Potrillo Mountains	NM–030–051	26,300

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Proposed Intensive Wilderness Inventory Decision—Continued

[Inventory units proposed as wilderness study areas]

BLM district	Name	Number	Acreage
Las Cruces	West Potrillo Mountains	NM-030-052B	143,455
Las Cruces	Mount Riley	NM-030-052C	7,400
Las Cruces	Robledo Mountains	NM-030-063	38,670
Las Cruces	Las Uvas Mountains	NM-030-065	37,760
Las Cruces	Magdalena Peak	NM-030-066	82,247
Las Cruces	Potter	NM-030-068	8,535
Las Cruces	Carrizozo Lava Flow	NM-030-110A(2)	6,190
Las Cruces	Carrizozo Lava Flow	NM-030-110A(3)	[1]10,440
Las Cruces	Brokeoff Mountains (E)	NM-030-112C	5,640
Las Cruces	Wind Mountain	NM-030-135	7,720
Las Cruces	Flat Top Mountain	NM-030-136	5,340
Las Cruces	Alamo Mountain	NM-030-137	5,090
Las Cruces	Cress Garden	NM-030-155	11,760
Total			[1]1,087,784
Socorro	Shoemaker	NM-020-027B	7,760
Socorro	Stallion	NM-020-040	42,700
Socorro	Padilla	NM-020-051	24,800
Socorro	Lumbre	NM-020-056A	10,700
Socorro	Crawford Hollow	NM-020-056B	12,240
Socorro	Canyon	NM-020-061	8,300
Socorro	Big Yucca	NM-020-064	5,900
Socorro	Offspring	NM-020-065	3,600
Total			[1]143,801

[1] District totals include portions of recommended WSA's which are proposed for deletion due to a lack of wilderness characteristics.

Proposed Intensive Wilderness Inventory Decisions

[Inventory units in which a wilderness study recommendation is being deferred]

BLM district	Name	Number	Acreage
Roswell	Lechuguilla Canyon	NM-060-803	1,167
Roswell	Lonesome Ridge Calamity Cove	NM-060-801/814	2,443
Roswell	Fawn Valley	NM-060-820	700
Total			4,310
Las Cruces	Devil's Den Canyon	NM-030-145	320
Las Cruces	McKittrick Canyon	NM-030-146	120
Total			440
Socorro	Presilla	NM-020-037	9,000

Summary of Wilderness Inventory in New Mexico

Total BLM Acreage Subject to Wilderness Review	12,846,966
Total BLM Acreage Under Intensive Inventory:	
Proposed acreage with wilderness characteristics	872,797
Proposed acreage lacking wilderness characteristics	326,692
Recommendation being deferred	13,750
Total	2,213,239
Areas already identified as Wilderness Study Areas:	
Denazin	19,000
Bisti	3,520
Ah-she-sle-pah	6,000
El Malpais Instant Study Area	115,000
Mathers Instant Study Area	360
Guadalupe	4,146
Total	148,026

Following the public comment period, the State Director will consider the inventory recommendations and the comments received. The final decision identifying Wilderness Study Areas, as well as areas dropped from further consideration as wilderness, will be announced on or about September 30.

[FR Doc. 80-9240 Filed 3-27-80; 8:45 am]

Outer Continental Shelf Advisory Board; North Atlantic Technical Working Group Committee; Change in Meeting Time; Conditional Change in Meeting Date and Place

The meeting times for the North Atlantic Technical Working Group Committee on April 1 and 2, 1980, in the Oval Room, One World Trade Center (44th Floor), New York, New York, have been changed to the following:

April 1: 1 p.m. to 6 p.m.
April 2: 8:30 a.m. to 5 p.m.

In the event of a New York City transit strike at midnight March 31, the meeting will be rescheduled as follows:

Dates: April 16–17, 1980.
Place: World Trade Institute (Conference Rooms 3–4), One World Trade Center (55th Floor), New York, New York.
Time: 16th: 9 a.m. to 5 p.m., 17th: 9 a.m. to 3 p.m.

Judith B. Gresham,
Acting Manager, New York OCS Office.
March 24, 1980.

[FR Doc. 80-9388 Filed 3-27-80; 8:45 am]
BILLING CODE 4310-84-M

Bannock-Oneida Grazing Environmental Impact Statement (Draft); Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction to Notice of Public Hearings and DEIS Availability.

SUMMARY: Information published in 45 FR 17644 (Wednesday, March 19, 1980) was in error on two counts:

1. The deadline for receiving written testimony on the Bannock-Oneida Grazing EIS Draft is hereby amended to read "May 5, 1980";
2. Reference to a public hearing in Malad is corrected to say "Malad City," and the site of the hearing is corrected to say "Oneida County Courthouse."

V. Leroy, Chausse,
Acting Burley District Manager.

[FR Doc. 80-9349 Filed 3-27-80; 8:45 am]
BILLING CODE 4310-84-M

[N-28999]

Nevada; Application

March 21, 1980.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Southwest Gas Corporation filed an application for a right-of-way to construct 26.67 miles of 16 inch O.D. pipeline for the purpose of transporting natural gas across the following public lands:

Mount Diablo Meridian, Nevada

T. 21 N., R. 23 E.,
Sec. 36, In S½SE¼.
T. 22 N., R. 24 E.,
Sec. 12, In W½W½;
Sec. 14, in E½E½;
Sec. 26, In NW¼;
Sec. 27, In E½E½;
Sec. 34, In NE¼, NE¼SW¼.
T. 23 N., R. 24 E.,
Sec. 36 In SE¼.
T. 23 N., R. 25 E.,
Sec. 12, In W½NW¼, NE¼NW¼;
Sec. 14, In NW¼NW¼;
Sec. 20, In SE¼SE¼;
Sec. 22, In NW¼NW¼;
Sec. 30, In SE¼.
T. 23 N., R. 26 E.,
Sec. 6, In NW¼SW¼, S½NW¼, NE¼NW¼, NW¼NE¼.
T. 24 N., R. 26 E.,
Sec. 22, In S½SE¼, NE¼SE¼;
Sec. 24, In NW¼NW¼;
Sec. 28, In S½SW¼, W½SE¼, NE¼SE¼, SE¼NE¼;
Sec. 32, In N½SW¼, SE¼NW¼; S½NE¼; NE¼NE¼, SW¼SW¼.
T. 24 N., R. 27 E.,
Sec. 4, In S½SW¼, NE¼SW¼, NW¼SE¼, S½NE¼;
Sec. 8, In S½NW¼, N½SW¼, W½NE¼, NE¼NE¼;
Sec. 18, In W½NW¼, NE¼NW¼, NW¼NE¼.
T. 25 N., R. 27 E.,
Sec. 26, In SE¼SE¼;
Sec. 34, In SE¼SW¼, SE¼.
T. 25 N., R. 28 E.,
Sec. 1, In SW¼SW¼;
Sec. 2, In SE¼SE¼;
Sec. 10, In SE¼SW¼, SE¼;
Sec. 11, In NE¼NE¼;
Sec. 16, In S½SW¼, NE¼SW¼, NW½SE¼, S½NE¼;
Sec. 20, In NW¼SW¼, S½NW¼, W½NE¼, NE¼NE¼;
Sec. 30, In W½NW¼, NE¼NW¼.
T. 25 N., R. 29 E.,
Sec. 6, In N½S½, SE¼NE¼.
T. 26 N., R. 29 E.,
Sec. 24, In E½SE¼;
Sec. 26, In SE¼SE¼;
Sec. 34, In SW¼, SE¼NE¼.
T. 26 N., R. 30 E.,
Sec. 4, In N½SW¼, E½NW¼, NW¼NE¼;
Sec. 8 In W½SW¼, NE¼SW¼, SE¼NW¼, W½NE¼;
Sec. 18, In SE¼SW¼, W½SE¼, NE¼SE¼, E½NE¼.
T. 27 N., R. 30 E.,
Sec. 23, In SE¼SW¼;
Sec. 24, In W½NW¼, NE¼NW¼;
Sec. 26, In NW½SW¼, W½NW¼, NE¼NW¼;
Sec. 34, In NW¼SW¼, SW¼NW¼, E½NW¼, NW¼NE¼;
Sec. 27, In SE¼NE¼.
T. 27 N., R. 31 E.,
Sec. 18, In W½NW¼.

The proposed pipeline will reinforce and supplement natural gas service for southern Nevada.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

V 45/62 MR 28 80 UMI

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the Chief, Division of Technical Services, Bureau of Land Management, 300 Booth Street, P.O. Box 12000, Room 3008, Federal Building, Reno, NV 89520.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 80-9400 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-84-M

Utah; Dirty Devil Wilderness Inventory Decision Protested

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the final wilderness inventory decision on the Dirty Devil inventory unit (UT-050-236) as published in the February 15, 1980 **Federal Register** has been formally protested. The prior decision on this unit will not become effective until the Utah State Director issues a decision on the protests received. Until a decision is rendered by the State Director, the unit will remain under management restrictions imposed by Section 603 of Pub. L. 94-579.

The final decision published February 15, 1980, which was to become effective 30 days following that publication, was that two areas totaling approximately 86,000 acres were to become Wilderness Study Areas (WSA's) and the remaining 270,000 acres were to be dropped from further wilderness consideration and management restrictions imposed by Section 603 of Pub. L. 94-579.

FOR FURTHER INFORMATION CONTACT: Kent Biddulph, Wilderness Coordinator, Bureau of Land Management, Utah State Office (810) 524-5326.

Dated: March 21, 1980.

William G. Leavell,

Associate State Director.

[FR Doc. 80-9460 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-84-M

Utah; Proposed Decisions on Intensive Wilderness Inventory and Public Comment Period

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the BLM Utah State Director's proposed decisions on the Intensive Wilderness Inventory will become available to the public on April 2, 1980. A 90-day public comment period concerning these proposed decisions will continue through June 30, 1980.

The proposed decisions will be announced under authority of Section 603 of the Federal Land Policy and Management Act and in accordance with guidelines in the September 27, 1978, BLM Wilderness Inventory Handbook and Organic Act Directive No. 78-61, change 3.

The BLM inventory process is divided into two major parts: initial and intensive inventories. Final decisions on the initial inventory and announcement of the beginning of the intensive inventory were published in the August 8, 1979 **Federal Register**, page 46541.

April 2 begins a 90-day public review and comment period on 176 intensive inventory units encompassing approximately 5,228,800 acres (this includes six Instant Study Areas) administered by the BLM in Utah.

On or about April 2, a summary booklet explaining the State Director's proposals, how the public may participate, and containing narratives and maps on each unit in the intensive inventory will be mailed to everyone on Utah's wilderness mailing list. The booklets will be available for public review at all BLM offices in Utah. The public is encouraged to comment on the proposals and to submit additional information which will assist BLM in the assessment of wilderness characteristics on these public lands.

All comments should be sent to: Wilderness, Utah BLM State office, 136 East South Temple, Salt Lake City, Utah 84111.

Open houses will be held throughout the State to provide information to the public about the proposals and discuss the BLM Wilderness Review.

The schedule for these open houses is as follows:

April 23—Salt Lake City, Salt Palace, Rooms 111, 112, 112A and 113, 12 noon to 9 p.m.
April 28 thru May 2—Price, BLM area office, 900 North 7th East, 1-8 p.m. each day.
April 28 thru May 2—Moab, BLM area office, Sand Flats Road, 1-8 p.m. each day.
April 28 thru May 2—Monticello, BLM area office, 284 South 1st West, 1-8 p.m. each day.
April 30—Castle Dale, Emery County Courthouse, 7-9 p.m.
May 1—Green River, Western Regency Motel conference room, 7-9 p.m.
May 12—St. George, BLM area office, Dixie office building, 1-7 p.m.
May 13—Escalante, BLM area office, 1-7 p.m.
May 14—Kanab, BLM area office, 320 North First East, 1-7 p.m.
May 15—Richfield, BLM district office, 150 East 900 North, 8 a.m. to 5 p.m.

Additional public sessions may be scheduled by the BLM district offices. These sessions would be announced by the respective districts through local newspapers.

Public comments received by the BLM during the 90-day public comment period will be forwarded to the appropriate district office where they will be read, analyzed, and when necessary, field checked for validity. The district managers or district office wilderness staffs will evaluate each comment relative to their respective inventory units, and will analyze comments for content. All information will be on file and will not be returned. The inventory unit files may be reviewed by the public upon request. After the conclusion of the public comment period, an overall Statewide analysis will be compiled. This will provide an overview of the kind of comments received, who wrote in, and what inventory units were of predominate concern to the public. By September, the analysis can be examined in the district offices or the State Office in Salt Lake City, Utah.

Information provided by the public will be considered when the comments reveal the presence or absence of wilderness characteristics that the BLM has not identified. Comments which address items other than the wilderness characteristics, such as mineral and other multiple-use values or preferences for or against wilderness will not be utilized in this phase of the wilderness review. These values will be considered during the next phase (study) of the review.

All comments will be treated equally, whether they are mailed in or presented in writing at a public session. All commentors are encouraged to use the public comments sheets, which were designed to help the public provide usable comments to BLM during this phase of the wilderness review process.

Following the public comment period, the Utah BLM State director will consider the inventory recommendations and public comments received. His final decisions identifying wilderness study areas as well as areas dropped from further consideration as wilderness will be announced in September.

FOR FURTHER INFORMATION CONTACT: Kent Biddulph, Utah BLM Wilderness Coordinator, 801-521-5326.

Dated: March 21, 1980.

William G. Leavell,

Associate State Director.

[FR Doc. 80-9463 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-84-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before March 24, 1980. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage, Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by April 14, 1980.

Sarah G. Oldham,

Acting Chief, Registration Branch.

ALABAMA

Russell County

Pittsview vicinity, *Glenn-Thompson Plantation*, 3 mi. S of Pittsview on U.S. 431.

MAINE

Oxford County

Waterford, *Waterford Historic District*, ME 35 and ME 37.

[FR Doc. 80-9432 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-03-M

National Park Service

Santa Monica Mountains National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Santa Monica Mountains National Recreation Area Advisory Commission will be held at the Westwood United Methodist Church, 10497 Wilshire Boulevard, Westwood, CA, on Monday, April 14, at 1 p.m. The oath of office will be administered by the Director of the National Park Service to the Commissioners at the University of California, Los Angeles, Faculty Center, Westwood, CA at 9:30 a.m., on Monday, April 14.

The Advisory Commission was established by Public Law 95-625 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service in Los Angeles and Ventura Counties.

Members of the Commission are as follows:

Dr. Norman P. Miller, Chairperson
Honorable Marvin Braude
Dr. Henry David Gray
Ms. Mary C. Hernandez
Mr. Michael Levett
Ms. Susan Barr Nelson
Mr. Carey Peck
Ms. Sara Dixon
Ms. Marilyn Whaley Winters.

The major agenda items will be the swearing in ceremony and an overall briefing by the National Park Service on planning, land acquisition, and visitor services within the Santa Monica Mountains National Recreation Area.

This meeting is open to the public. Any member of the public may file with the Commission a written statement concerning issues to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact the Superintendent, Santa Monica Mountains National Recreation Area, 23018 Ventura Boulevard, Woodland Hills, CA 91364.

Minutes of the meeting will be available for public inspection by May 14, 1980 at the above address.

Dated: March 21, 1980.

Robert S. Chandler,

Superintendent, Santa Monica Mountains National Recreation Area.

[FR Doc. 80-9515 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

[Federal Lease No. M-34980]

Availability for Public Review of a Major Modification to a Mining and Reclamation Plan for a Surface Coal Mine Proposed by North American Coal Co. for the Indian Head Mine, Mercer County, N. Dak.

AGENCY: Office of Surface Mining, Reclamation and Enforcement, Department of the Interior.

ACTION: Availability for Public Review of Proposed Major Modification to a Coal Mining and Reclamation Plan.

SUMMARY: Pursuant to § 211.5 of Title 30 and § 1500.2 of Title 40, Code of Federal Regulations, notice is hereby given that the Office of Surface Mining (OSM) has received an application from North American Coal Company to mine Federal coal at the Indian Head Mine. A brief descripltion of the location follows:

Location of Lands To Be Affected

Applicant: North American Coal Company.
Mine Name: Indian Head.
State: North Dakota.
County: Mercer.
Section, Township, Range: Lots 1, 2, S1/2 N1/2, SW1/4 and NW1/4 of Section 2, T.143N., R. 89 W.
Office of Surface Mining Reference No. ND 0013.

The mine is operating on non-Federal lands under a State permit and is located 8 miles southwest of Beulah, North Dakota. State-owned coal has been mined in the past and private coal is presently mined at the rate of about 975,000 tons/year from a mine plan area of approximately 1,500 acres. Existing facilities at the mine include a rail spur, load-out facilities, haul roads, and coal crusher.

The proposed modification of the plan into the Federal coal lease area involves surface mining of Federal coal overlain by privately-owned surface for 2 years at a production rate of approximately 900,000 tons/year. Coal would continue to be shipped via unit train to a local power generation plant. The Federal coal lease area is 441.12 acres.

The mining and reclamation plan has been determined to be sufficiently complete and this notice is issued to inform the public of the availability of the plan for review. The Office of Surface Mining will prepare a technical analysis (TA) to determine whether the proposed plan meets the requirements of SMCRA and an environmental assessment (EA) which will evaluate the impacts of actions the Department of the Interior may take on the plan. During the analytical review, it is possible that OSM will request additional information from the company. Any further information obtained would also be available for public review.

No action on the modified plan will be taken by the Regional Director for a period of 30 days after publication of this Notice of Availability in the **Federal Register**. Prior to making a final decision on this proposed modification, the Office of Surface Mining will issue a Notice of Pending Decision pursuant to § 211.5(c)(2) of Title 30, Code of Federal Regulations.

This plan is available for public review at the Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202, and at the North Dakota Public Service Commission, State Capitol Building, Bismarck, North Dakota. Comments on the proposed mine plan application may be addressed to the Regional Director, Office of Surface Mining, at the above Denver address.

FOR FURTHER INFORMATION CONTACT: Steve Manger or John Hardaway, Office of Surface Mining, Brooks Tower, 1020 15th Street, Denver, Colorado 80202.

Donald A. Crane,

Regional Director.

[FR Doc. 80-9461 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-05-M

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INTERSTATE COMMERCE COMMISSION

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80–753 appearing on page 2142 in the issue of Thursday, January 10, 1980 make the following correction.

On page 2144, MC–136640 (Sub-15F), third column, last paragraph, thirtheenth line, insert "NY" between "NJ" and OH".

BILLING CODE 1505-01-M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80–5820 appearing on page 12507 in the issue of Tuesday, February 26, 1980 make the following correction.

On page 12516, MC 138887 (Sub 3F), second column, second paragraph, eighth line, destination point "CA" should have read "GA".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

National Institute of Justice

Notice of Solicitation

The National Institute of Justice announces a competitive research solicitation that will develop national standards for the medicolegal investigation of death.

The solicitation ask for proposals to be submitted for peer review in accordance with the criteria set forth in the solicitation. In order to be considered, all proposals must be postmarked no later than May 16, 1980. A grant or cooperative agreement for an 18 month research project is planned, with funding support not to exceed $100,000. To maximize competition for this award, both profit-making and non-profit organizations are eligible to apply.

Copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request, National Standards for the Medicolegal Investigation of Death, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

For questions pertaining to this request for proposals, contact: John O. Sullivan, Police Division, Office of Research Programs, NIJ 633 Indiana Avenue, N.W., Washington, D.C. 20531, 301/492–9110.

Dated: March 20, 1980.

Harry Bratt,

Primary and Principal Assistant to the Acting Director, NIJ.

[FR Doc. 80–9462 Filed 3–27–80; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing on or before April 11, 1980. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20013.

Signed at Washington, D.C., this 20th day of March 1980.

Earl T. Klein,

Director, Office of Program Services.

Applications Received During the Week Ending March 22, 1980

Name of applicant and location of enterprise	Principal product or activity
Ducane Heating Company Blackville, South Carolina.	Manufacture of warm air furnaces and gas grills.
Delta Catfish Processors, Inc. Indianola, Mississippi.	Processor of iced packed fish and frozen fish.

[FR Doc. 80–9382 Filed 3–27–80; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M–79–36–M]

Asarco, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Asarco, Inc., P.O. Box 440, Wallace, Idaho 83873, has filed a petition to modify the application of 30 CFR 57.19–71 (hoisting procedures) to its Galena Mine located in Shoshone County, Idaho. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Petition concerns hoisting procedures as they relate to shaft sinking operations and shaft repair work.

2. Petitioner states that application of the standard will result in a diminution of safety to the miners affected, because at the time supplies and equipment are sent up from the shaft bottom, proper alignment of the bucket shoes and the shaft guides must exist for the shoes to mate with the guides. If this does not occur, the danger exists of spilling materials and supplies onto the men below as well as damaging the conveyance that provides the normal means of transportation out of the shaft.

3. For this reason, petitioner requests a modification of the standard to allow men to ride in the sinking bucket and therefore prevent any damage to the bucket or injury to the miners below.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 19, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80–9482 Filed 3–27–80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M–80–51–C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1105 (ventilation of electrical installations) to its Osage No. 3 Mine located in Monongalia County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. This petition concerns the Arkwright Pump Station which is located on the older haulage near the pit mouth, which was mined fifty years ago.

2. The haulage is ventilated with intake air and there are no return airways in the immediate vicinity. The nearest return to the Arkwright Pump Station is more than two miles.

3. Intake air that passes this pump station is not used to ventilate an active working section.

4. The Sewickley seam eighty feet above this pump has been mined eliminating the practicability of drilling additional holes and venting to the surface.

5. This pump station is located in a natural swag and continuous operation is necessary to prevent flooding of the haulage.

6. As an alternative method which will at all times guarantee the same measure of protection to the miners affected as that afforded by the standard, petitioner proposes to:

a. House the pump in a fireproof building,

b. Install an automatic fire suppression device in this pump station that will be activated by heat sensors over the pump,

c. Install an automatic closing steel door that will be activated by a heat sensory device,

d. Not store any oil or combustible material in the pump station,

e. Insure that electrical circuits comply with appropriate requirements,

f. Inspect this pump station in compliance with applicable requirements on a regular basis.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 21, 1980.

Frank White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80–9483 Filed 3–27–80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M–79–268–C]

Milton Mining Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Milton Mining Company, Inc., Box 548, Jackson, Ohio 45640 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Greasy No. 1 Mine located in Jackson County, Ohio. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. Petitioner states that he is mining a coalseam which has an average working height of 48".

2. Petitioner further states that installation of cabs or canopies to its electric face equipment would result in a diminution of safety for the miners for the following reasons:

a. With canopies set on the equipment at the minimum operating height, severe problems have occurred, such as the canopies interfering with check and line curtains and cables being hung on the roof and crossbars.

b. Operators of the equipment experience great discomfort when operating equipment with a canopy. Operators must frequently lean out of equipment for visibility purposes to avoid trailing cables, prevent hitting the ribs at intersections, and to see other miners on the section.

3. For these reasons, petitioner requests a modification of the standard for its mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 21, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80–9484 Filed 3–27–80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M–80–9–C]

Ranger Fuel Corp.; Petition for Modification of Application of Mandatory Safety Standard

Ranger Fuel Corporation, Lebanon, Virginia 24266, has filed a petition to modify the application of 30 CFR 75.1100(2)(b) (Quantity and location of fire fighting equipment) to its Beckley No. 2 Mine located in Raleigh County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Petitioner maintains that compliance with the standard insofar as it permits installation of water lines in entries adjacent to conveyor entry belts (provided that they project into the left conveyor entry) is hazardous and unsafe, because smoke and heat from fires may prevent use of the outlets.

2. Petitioner's water supply line is installed on the supply track beside a steel partition, with fire hose valves and outlets at each man door. Doors are located approximatley 200 feet apart.

3. Petitioner has fire suppression devices along the belt entry as follows:

a. Audible and visible warning devices;

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b. Fire resistance belt; and
c. Unspecified fire suppression devices located at the tail piece.
4. Petitioner's entry is a non-combustible area.
5. Petitioner therefore requests modification of application of the standard for its No. 2 Mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 21, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9485 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-10-C]

Republic Steel Corp.; Petition for Modification of Application of Mandatory Safety Standard

Republic Steel Corporation, Coal Mining Division, 455 Race Track Road, P.O. Box 500, Meadow Lands, Pennsylvania 15437 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Banning No. 4 Mine located in Westmoreland County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The return aircourses from Banning's 24 Butt Mains along 2 Flat contain bad roof conditions, pools of standing water and rooffalls which make passage through and/or access to these returns impassable or extremely hazardous to the miners affected.

2. Rehabilitation of the return aircourses would expose an even greater number of miners to these hazards.

3. No electrical equipment or power lines which could be sources of ignition are present in the areas of the returns to which this petition applies.

4. No significant amounts of methane have been detected in such returns or in the sections served by them.

5. As an alternative method which will afford the same measure of protection for the miners as will application of the standard, petitioner proposes:

a. To allow the weekly examination of these returns to consist of establishing several ventilation monitoring stations where access can be obtained through the adjacent intake aircourses; and

b. To monitor such stations weekly for methane content and perceptible movement of air in the proper direction.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 21, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9486 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-26-C]

United States Steel Corp.; Petition for Modification of Application of Mandatory Safety Standard

United States Steel Corporation, 600 Grant Street, Room 6044, Pittsburgh, Pennsylvania 15230 has filed a petition to modify the application of 30 CFR 75.1105 (ventilation of electrical installations) to its Oak Grove Mine located in Jefferson County, Alabama. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The Oak Grove Mine is operating in the Blue Creek seam, which varies in thickness from 50 to 70 inches, with seven producing sections.

2. The mined coal is transported to the surface by belt conveyors.

3. All track haulage equipment is battery powered, eliminating the requirement for electrical trolly wire and its associated safety hazards.

4. As an alternative method which will at all times provide the same measure of protection as that provided by the standard, petitioner proposes to charge on-board storage batteries on trackmounted equipment under the following circumstances:

a. While the equipment is in motion when the unit is combination battery/trolley wire powered;

b. While the equipment is parked on an active working section (normally not more than one breakthrough out by the section loading point),

c. When the equipment is parked at locations other than on an active working section if:

(1) the equipment is in an attended area;

(2) the charging location is equipped with an automatic fire sensor and warning device system which shall provide, upon activation, an effective warning signal at a manned location where personnel have an assigned post of duty and telephone or equivalent communication with all persons who may be endangered.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 21, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances

[FR Doc. 80-9487 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-41-C]

Wyomac Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Wyomac Coal Company, Inc., P.O. Drawer G, Welch, West Virginia 24801 has filed a petition in behalf of the Rose Branch Development Company to modify the application of 30 CFR 75.1710 (cabs or canopies) to the Rose Branch Development Company's #1 Mine, located in Wyoming County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The petition concerns the use of cabs or canopies on the mine's electrical face equipment.

2. The petitioner states that the installation of cabs or canopies on the mine's electrical face equipment will result in a diminution of safety to the miners affected for the following reasons:

a. The cabs or canopies hamper the equipment operator's visibility for safe operation;

b. The cabs or canopies will not clear the top in some areas of the mine due to uneven top and bottom conditions; and

c. The cabs or canopies limit the equipment operator's rapid escape from the confines of the cabs or canopies in the event of an emergency.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 21, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9488 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of negative determinations regarding eligibility to apply for worker adjustment assistance issued during the period March 17–21, 1980.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number of proportion of workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely,

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA–W–6788; A–T–O Inc., Geo. J. Meyer Manufacturing Division, Cudahy, Wis.

The investigation was initiated on January 16, 1980 in response to a petition which was filed on behalf of workers at the Geo. J. Meyer Manufacturing Division of A–T–O Incorporated, Cudahy, Wisconsin. The workers produce fillers and bottle cleaners.

The investigation revealed that criterion (3) has not been met.

The Cudahy plant of the Geo. J. Meyer Manufacturing Division of A–T–O produces primarily for the export market. In the domestic market, out of the total number of filler and bottle cleaner contracts awarded for which Meyer submitted quotations after mid-1978, most filler and all bottle cleaner contracts were awarded either to Meyer or to other domestic manufacturers during the period under investigation. The filler contracts awarded to foreign manufacturers in 1979 represented a small percentage of the total sales decline at the Cudahy plant during that period.

In this case, therefore, the certifying officer has determined that all workers of A–T–O Incorporated, Geo. J. Meyer Manufacturing Division, Cudahy, Wisconsin are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6841; Boardwalk, Inc., D.B.A. Park Place Sportswear; Pawtucket, R.I.

The investigation was initiated on January 24, 1980 in response to a petition which was filed on behalf of workers at Boardwalk, Incorporated, D.B.A. Park Place Sportswear, Pawtucket, Rhode Island. The workers produce ladies', suits and dresses.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's, misses' and children's suits and dresses decreased absolutely in the January–September 1979 period compared to the same period of the previous year.

A Departmental survey of manufacturers for whom Boardwalk, Incorporated, D.B.A. Park Place Sportswear, performed contract work revealed that these manufacturers did not inport women's or misses' suits or dresses in 1978 or 1979. A survey was conducted of these manufacturers' major retail customers. Results from this survey revealed that the majority of customers either did not import or decreased their purchases of imported women's and misses' suits and dresses in 1979 compared to 1978, and that the remaining customers who increased purchases of imported women's and misses' dresses and suits constituted an insignificant proportion of the manufacturers' sales.

In this case, therefore, the certifying officer has determined that all workers of Boardwalk, Incorporated, D.B.A. Park Place Sportswear, Pawtucket, Rhode Island are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6309; Brown Shoe Co., McKenzie, Tenn.

The investigation was initiated on October 31, 1979 in response to a petition which was filed by the Footwear Division of the United Food and Commercial Workers International Union on behalf of workers at the McKenzie, Tennessee plant of Brown Shoe Company. The workers produce women's shoes.

The investigation revealed that criterion (3) has not been met.

The McKenzie, Tennessee plant produced women's shoes for several shoe divisions of Brown Shoe Company in the 1977–1979 period. Only one of these shoe divisions purchased imported women's shoes during this period. The McKenzie plant significantly increased its production for this division in 1979 from 1978.

A survey conducted by the Department revealed that major surveyed customers of Brown Shoe Company did not increase their reliance on imported women's shoes with respect to women's shoe purchases in 1979.

In this case, therefore, the certifying officer has determined that all workers of the McKenzie, Tennessee plant of Brown Shoe Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6395; Brown Shoe Co., Savannah, Tenn.

The investigation was initiated on November 19, 1979 in response to a petition which was filed on behalf of workers at the Savannah, Tennessee plant of Brown Shoe Company. The workers produce women's shoes.

The investigation revealed that criterion (3) has not been met.

The Savannah, Tennessee plant produced women's shoes for several shoe divisions of Brown Shoe Company in the 1977–1979 period. Only one of these divisions purchased imported women's shoes during this period. The Savannah plant significantly increased its production for this division in 1979 from 1978.

A survey conducted by the Department revealed that major surveyed customers of Brown Shoe Company did not increase their reliance on imported women's shoes with respect to women's shoe purchases in 1979.

In this case, therefore, the certifying officer has determined that all workers of the Savannah, Tennessee plant of Brown Shoe Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

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TA–W–6833; Crouse-Hinds Arrow Hart, Inc., Arrow Hart Division, Lewiston, Maine

The investigation was initiated on January 22, 1980 in response to a petition which was filed by the International Brotherhood of Electrical Workers on behalf of workers at the Lewiston, Maine plant of Arrow Hart Division Crouse-Hinds Arrow Hart, Incorporated. The workers produce specialty switches.

The investigation revealed that criterion (3) has not been met.

Crouse-Hinds, Arrow Hart is transferring the switch assembly operation currently performed at the Lewiston, Maine facility to Juarez, Mexico. The transfer to Mexico will begin in May or June, 1980. Layoffs anticipated with the transfer of the Lewiston, Maine facility have not yet occurred. These layoffs are scheduled to begin in May or June 1980.

In this case, therefore, the certifying officer has determined that all workers of the Lewiston, Maine plant of Arrow Hart Division of Crouse-Hinds Arrow-Hart, Incorporated are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

This imminent transfer may pose a direct threat to the employment of workers engaged in the assembly of specialty switches, creating a situation in the future that may warrant coverage under the provisions of the Trade Act of 1974 if the transfer results in increased imports into the U.S. To facilitate the monitoring of this situation, the petitioners are urged to file a request to reopen this investigation when in their view a decline in employment related to the transfer has occurred and imports from the Mexican operation have begun.

TA–W–6858 and 7229; Dick Green Chrysler-Plymouth, Inc., Detroit and Farmington, Mich.

The investigations were initiated on January 28, 1980 and February 25, 1980 in response to petitions which were filed on behalf of workers at Dick Green Chrysler-Plymouth, Incorporated—East, Detroit, Michigan (TA–W–6858) and Dick Green Chrysler-Plymouth, Incorporated—West, Farmington, Michigan (TA–W–7229). The workers at the Detroit and Farmington, Michigan dealerships of Dick Green Chrysler-Plymouth, Incorporated are engaged in selling new and used cars, along with repair services.

The investigation revealed that workers of Dick Green Chrysler-Plymouth, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Dick Green Chrysler-Plymouth, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Neither the Detroit and Michigan dealerships of Dick Green Chrysler-Plymouth, Incorporated and its customers nor Dick Green Chrysler-Plymouth and Chrysler Corporation have controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in selling new and used cars, along with repair services at the Detroit and Farmington, Michigan dealerships of Dick Green Chrysler-Plymouth, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by the Detroit and Farmington dealerships of Dick Green Chrysler-Plymouth, Incorporated. All employee benefits are provided and maintained by the Detroit and Farmington, Michigan dealerships of Dick Green Chrysler-Plymouth, Incorporated. Workers are not, at any time, under employment or supervision by customers of the Detroit and Farmington, Michigan dealerships of Dick Green Chrysler-Plymouth, Incorporated or Chrysler Corporation. Thus, the Detroit and Farmington dealerships of Dick Green Chrysler-Plymouth, Incorporated, and not any of its customers or the Chrysler Corporation, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of the Detroit and Farmington, Michigan dealerships of Dick Green Chrysler-Plymouth, Incorporated are denied eligibility to apply for adjustment assistant under Section 223 of the Trade Act of 1974.

TA–W–6861; Firestone Tire and Rubber Co., Memphis, Tenn.

The investigation was initiated on January 28, 1980 in response to a petition which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers at the Memphis, Tennessee plant of the Firestone Tire and Rubber Company. Workers at the Memphis, Tennessee plant produce passenger car tires and truck tires.

The investigation revealed that criterion (3) has not been met.

Passenger car tires from the Memphis plant are sold primarily to the replacement market. Production declines at the plant are largely attributable to reduced purchases by replacement market customers. The Department surveyed major customers and a random sample of smaller customers of Firestone in the replacement market. The survey revealed that most customers of Firestone in the replacement market either did not import or decreased purchases of imported passenger car tires in 1979 compared with 1978.

The Department surveyed major customers and a random sample of the smaller customers of Firestone who buy truck tires. Most customers of both groups indicated that they either did not import or decreased their imports of truck tires in 1979 compared with 1978. Customers who increased imports or increased their reliance on imports of truck tires while decreasing purchases from Firestone were not significant in relation to Firestone's total sales of truck tires.

In this case, therefore, the certifying officer has determined that all workers at the Memphis, Tennessee plant of Firestone Tire and Rubber Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6806; Hull Dye and Print Works, Inc., Derby, Conn.

The investigation was initiated on January 18, 1980 in response to a petition which was filed on behalf of workers at Hull Dye and Print Works, Incorporated, Derby, Connecticut. The workers produce printed and dyed textiles.

The investigation revealed that criterion (3) has not been met.

U.S. imports of finished fabric decreased in the first nine months of 1979 when compared with the same period in 1978. The ratio of U.S. imports to domestic production did not exceed 2.1 percent from 1974 to 1978.

The Department conducted a survey of Hull Dye and Print Works, Incorporated's customers. None of the survey respondents decreased their contracts with Hull while increasing imports of fabric.

In this case, therefore, the certifying officer has determined that all workers of Hull Dye and Print Works, Incorporated, Derby, Connecticut are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6823; Livonia Magnetics Co., Inc., Farmington, Mich.

The investigation was initiated on January 21, 1980 in response to a petition which was filed on behalf of workers at Livonia Magnetics Company, Incorporated, Farmington, Michigan. The workers produce magnetic conveyors and hardware.

The investigation revealed that criterion (3) has not been met.

Company sales increased in 1978 compared to 1977, in 1979 compared to 1978 and in the first two months of 1980 compared to the first two months of 1979. With the exception of the second quarter of 1979, company sales increased in each quarter of 1979 compared to the same quarter of 1978. Although the overall sales trend has been consistently increasing, monthly and quarterly fluctuations appear in Livonia's sales figures because of varying time lags between initial orders and final shipments and due to changes in production schedules and product mixes.

Average employment at Livonia increased in 1979 compared to 1978. Layoffs occurring during the week of Christmas 1979 were temporary and all workers were recalled to work the following week. Average employment increased in the first two months of 1980 compared to the first two months of 1979.

In this case, therefore, the certifying officer has determined that all workers of Livonia Magnetics Company, Incorporated, Farmington, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6895; Manhattan Fashions, Inc., Union City, N.J.

The investigation was initiated on January 30, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Manhattan Fashions, Incorporated, Union City, New Jersey. The workers produce ladies' coats.

Investigation revealed that criterion (3) has not been met.

U.S. imports of ladies coats decreased absolutely in 1979 compared to 1978.

A Department survey revealed that the manufacturer which provides contract work to Manhattan Fashions Incorporated was decreasing purchases from Manhattan Fashions and increasing purchases of ladies' coats from other domestic sources in 1979 compared with 1978. The manufacturer imports a small quantity of ladies coats. These imports declined as a percentage of the manufacturer's total sales from 1978 to 1979.

In this case, therefore, the certifying officer has determined that all workers of Manhattan Fashions, Incorporated, Union City, New Jersey are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6837; National Standard Co., Worcester Wire Division, Worcester, Mass.

The investigation was initiated on January 22, 1980 in response to a petition which was filed on behalf of workers at the Worcester Wire Division of National Standard Company, Worcester, Massachusetts. Workers at the Worcester Wire Division produce a variety of specialty wire products.

The investigation revealed that criterion (3) has not been met.

U.S. imports of carbon steel wire and stainless steel wire declined in quantity absolutely and relative to domestic production in January–September 1979 compared to January–September 1978.

The Worcester Wire Division of National Standard Company produces a variety of specialty wire products. The eight major wire products manufactured by the Division in fiscal 1978 (ending September 30, 1978) and fiscal 1979 were: 1. mandrel (connector) wire, 2. tempered brush wire, 3. music spring wire, 4. low carbon wire, 5. high carbon wire, 6. textile needle wire, 7. mandolin wire, and 8. stainless steel brush wire.

Sales of low carbon wire and mandolin wire increased in quantity in fiscal 1979 from fiscal 1978 and in the first three months of fiscal 1980 compared to the same period of fiscal 1979.

The Department conducted a survey of major customers which purchased specialty wire products from the Worcester Wire Division in the 1977–1979 period. Most major customers surveyed which purchased mandrel wire, tempered brush wire, textile needle wire, and stainless steel brush wire from the Worcester Wire Division did not purchase imported wire products in 1978 and 1979. Customers which reduced purchases from the Worcester Wire Division and increased import purchases in 1979 represented an insignificant proportion of 1979 sales of stainless steel brush wire by the Worcester Wire Division. Import purchases by these surveyed customers amounted to less than one percent of total customer purchases in 1978 and 1979.

Most major customers surveyed which decreased purchases of music spring wire from the Worcester Wire Division in 1979 from 1978 also decreased purchases from other domestic and foreign sources during the same period.

Workers at the Worcester Wire Division are not separately identifiable by product line. Sales of high carbon wire account for a relatively small percentage of total division sales of wire products. Any import influence in this product line could not have contributed importantly to overall employment declines at the Worcester Wire Division.

In this case, therefore, the certifying officer has determined that all workers of the Worcester Wire Division of National Standard Company, Worcester, Massachusetts are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6729; Novelle Fashions, Inc., Hoboken, N.J.

The investigation was initiated on January 8, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Novelle Fashions, Incorporated, Hoboken, New Jersey. The workers produce ladies' coats.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's, misses' and children's coats and jackets decreased in 1979 compared to 1978.

Surveyed manufacturers of Novelle Fashions, Incorporated indicated that they had decreased their purchases of imported ladies' coats either absolutely or relative to their domestic orders in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that all workers of Novelle Fashions, Incorporated, Hoboken, New Jersey are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6784; Phillips Stamping Co., Bellaire, Ohio

The investigation was initiated on January 15, 1980 in response to a worker petition which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers at Phillips Stamping Company, Bellaire, Ohio. The workers produce primarily stampings of motor and transmission mounts, mine roof plates, suspension plates, and railroad brake shoes. With respect to the production of stampings of motor mounts transmission mounts and suspension plates, the investigation revealed that criterion (3) has not been met.

A survey conducted by the Department revealed that customers which purchased stampings of motor mounts, transmission mounts and

suspension plates from Phillips Stamping Company in 1978 and 1979 did not purchase imported stampings of these products during the same period.

Automobiles cannot be considered to be like or directly competitive with automotive stampings. Imports of automotive stampings must be considered in determining import injury to workers producing automotive stampings at Phillips Stamping Company.

With respect to the production of stampings of mine roof plates and railroad brake shoes, the investigation revealed that criterion (2) has not been met.

Adjusted sales of mine roof plate stampings in 1978 exceeded sales of the same stampings in 1977. Adjusted sales in 1979 exceeded sales in 1978. Sales and production are equal.

Adjusted sales of railroad brake shoe stampings increased in 1979 from 1978.

In this case, therefore, the certifying officer has determined that all workers of Phillips Stamping Company, Bellaire, Ohio are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6896; Rico Fashions, Inc., Jersey City, N.J.

The investigation was initiated on January 30, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Rico Fashions, Incorporated, Jersey City, New Jersey. The workers produce ladies' coats, raincoats and blazers.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's, misses' and children's coats and jackets and women's, girls' and infants' raincoats decreased absolutely in the January–September period of 1979 compared to the same period of 1978.

Total sales and average employment at Rico Fashions increased in 1979 compared to 1978. Sales increased and employment was constant in January 1980 compared to January 1979.

Production at Rico Fashions is seasonal, with a slow period usually occurring during the spring. However, in 1979 production at Rico during the spring was substantially higher that production in the same period of 1978. The declines experienced by Rico Fashions in the third and fourth quarters of 1979 were of a temporary nature and were followed by a period of increased production during January and February of 1980 compared to the like period in 1979. Employment, likewise, which declined in the fourth quarter of 1979 returned to previous levels by January 1980.

In this case, therefore, the certifying officer has determined that all workers of Rico Fashions, Incorporated, Jersey City, New Jersey are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6834; The Lamson and Sessions Co., Kent Division, Kent, Ohio

The investigation was initiated on January 22, 1980 in response to a petition which was filed by the Allied Industrial Workers of America on behalf of workers at The Lamson and Sessions Company, Kent Division, Kent, Ohio. Workers at the Kent Division produce specialty nuts.

The investigation revealed that criterion (3) has not been met.

U.S. imports of specialty fasteners, including nuts, were negligible during 1978 and 1979. Total U.S. imports of nuts decreased both absolutely and relative to domestic production during 1979 compared to 1978.

A survey of major customers of the Kent Division was conducted by the Department. Survey results revealed that none of the surveyed customers reported increasing purchases of imported specialty fasteners while decreasing purchases from the Kent Division in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that all workers of The Lamson and Sessions Company, Kent Division, Kent, Ohio are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6886; United Pants Co., Inc., Plymouth, Pa.

The investigation was initiated on January 30, 1980 in response to a petition which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers at United Pants Company, Incorporated, Plymouth, Pennsylvania. The workers at the Plymouth plant produce men's suitcoats and sportcoats.

The investigation revealed that criterion (3) has not been met.

U.S. imports of men's and boys' tailored dress coats and sportcoats declined absolutely in 1979 from 1978.

The Plymouth plant produces suitcoats and sportcoats for a manufacturer. This manufacturer does not import these products and has no foreign contracts. Major customers of the manufacturer either purchased no imported suits and sportcoats, or reduced their purchases of such imports in 1979 compared with 1978.

In this case, therefore, the certifying officer has determined that all workers of the Plymouth, Pennsylvania plant of United Pants Company, Incorporated are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6741; U.S. Steel Corp.; South Works, Chicago, Ill.

The investigation was initiated on January 9, 1980 in response to a petition which was filed on behalf of workers at the South Works of the U.S. Steel Corporation in Chicago, Illinois. Workers at the South Works produce carbon steel rod, alloy and carbon steel plate, alloy and carbon steel structural shapes and alloy and carbon steel piling.

The investigation revealed that criterion (3) has not been met.

Imports of carbon steel rod declined both absolutely and relative to domestic shipments in 1978 compared to 1977, and in 1979 compared to 1978.

Imports of carbon steel plate and alloy and carbon steel piling declined both absolutely and relative to domestic shipments in 1979 compared to 1978.

A Department of Labor survey revealed that customers which decreased purchases of carbon and alloy steel structurals, plate and pilings from the South Works and increased purchases of imported steel also increased their purchases from domestic sources.

In this case, therefore, the certifying officer has determined that all workers of the South Works of the U.S. Steel Corporation in Chicago, Illinois are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6815, 7104, 7105; Wagner Electric Corp., Plymouth Avenue Plant, Berkeley Plant, Lackland Road Plant, St. Louis, Mo.

The investigations were initiated on January 18 and February 12, 1980 in response to petitions which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers at the Plymouth Avenue plant, and the Lackland Road and Berkeley plants, respectively, St. Louis, Missouri of the Wagner Electric Corporation. Workers at the St. Louis, Missouri plants of the Wagner Electric Corporation produce brakes and brake components.

The investigation revealed that criterion (3) has not been met.

Imported automobiles cannot be considered to be like or directly competitive with domestically produced brakes and brake components. Imports of brakes and brake components must be considered in determining import injury to workers producing brakes and brake components at the St. Louis, Missouri plants of the Wagner Electric Corporation

The Department of Labor conducted a survey of major brake and brake component customers of the Wagner Electric Corporation. None of the customers surveyed purchased imported brakes during 1978 or 1979. Customers purchasing brake components from foreign sources during 1978 or 1979 constitute an insignificant proportion of Wagner's total sales. Each of these customers imports an insignificant number of brake components as a percentage of its own sales.

In this case, therefore, the certifying officer has determined that all workers of the Plymouth Ave., Berkeley, and Lackland Road, St. Louis, Missouri plants of the Wagner Electric Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6799; Walworth Co., Greensburg, Penn.

The investigation was initiated on January 16, 1980 in response to a worker petition which was filed by the United Steelworkers of America on behalf of workers at the Greensburg, Pennsylvania plant of Walworth Company. The workers produce standard and special valves.

The investigation revealed that criterion (3) has not been met.

Evidence developed during the course of the investigation revealed that the Walworth Company has not yet increased imports of valves as a result of its transfer of part of the Greensburg, Pennsylvania plant's standard valve production to a Mexican facility.

The petitioners allege that the portion of the Greensburg standard valve production that is being transferred to the Mexico facility is causing layoffs in the Union's local office and to workers in the plant.

Company imports of valves decreased in 1979 compared to 1978 while both total company sales and sales from the Greensburg plant production increased in 1979 compared to 1978. Currently, there is no evidence that company imports of standard valves have increased as a result of the transfer of production to Mexico. However, this transfer may create a situation in the future that may warrant coverage under the provisions of the Trade Act of 1974 if the transfer results in increased imports into the U.S. The petitioners are encouraged to file a request to reopen the investigation when imports from the Mexican operation have begun.

In this case, therefore, the certifying officer has determined that all workers of the Greensburg, Pennsylvania plant of the Walworth Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

I hereby certify that determinations were issued with respect to all of the aforementioned cases during the week of March 17–21, 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-9325 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-28-M

Mine Safety and Health Administration

[Docket No. M–80–23–C]

Canon Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Cannon Coal Company, Box 184–A, Clarksville, PA 15322 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Pitt Gas Mine located in Greene County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Specified entries of the petitioner's mine have deteriorated due to age, adverse conditions and roof falls. These roof falls have produced many large and dangerous pieces suspended in a precarious manner throughout the area involved. In addition, water 3 to 5 feet deep exists in various parts of the area.

2. These entries are not designated as escapeways.

3. In the area involved, only one main fan location exists, with the direction of air flow constant.

4. Rehabilitation of the entries is neither practical nor feasible and would expose miners to extremely hazardous conditions, thus resulting in a diminution of safety.

5. As an alternative to weekly inspections of these entries, petitioner proposes:

a. To establish two underground and one surface air checking stations;

b. To make daily checks prior to and during mine operation for methane and daily checks to ensure that the air is traveling in its proper course and at normal volume. Results will be recorded in logs at both the underground and surface stations;

c. To conduct an immediate investigation of an increase of 0.5% methane volume or a reduction of 10% in air quantity;

d. To instruct persons assigned to work in the area regarding emergency evacuation routes; and

e. To maintain access to and from each air checking station in a safe, travelable condition.

6. The petitioner states that this alternative method will achieve no less protection for its miners than that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 19, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9326 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M–80–12–C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, 1800 Washington Road, Pittsburgh, PA 15241 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Rowland No. 11 Mine located in Raleigh County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the addition of cabs and canopies to electrical face equipment.

2. Petitioner is currently in the initial development stage of the mine and has driven only about 800 feet underground.

3. Borehole data indicate that the coal seam in the mine will average 38 to 50 inches.

4. Petitioner will not be taking the bottom rock because cutting of rock generates a respirable dust problem; therefore, the distance from floor to finished roof will be the height of the coal seam.

5. Installation of scabs or canopies to petitioner's electric face equipment will

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result in a diminution of safety for the following reasons:

a. Due to design characteristics of the equipment, visibility of the operator will not allow safe operation of the equipment when cabs or canopies have been installed;

b. The equipment will not clear the top in areas where the equipment must operate, if cabs or canopies are installed; and

c. Installation will hinder the operators' rapid escape from the confines of cabs or canopies in the event of an emergency.

6. For these reasons, petitioner requests a modification of application of the standard to its mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 12, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9327 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-14-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, 1800 Washington Road, Pittsburgh, PA 15241, has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Rowland No. 3 Mine located in Raleigh County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Petitioner's mine is currently maintaining a distance from the floor to the finished roof of 60 inches, which includes 6 to 12 inches of top rock that has to be taken to allow clearance for canopies.

2. Borehole data indicate that the coal seam will vary from 3.8 feet to a maximum of 4.4 feet for the entire foreseeable future of the mine.

3. The canopies have already been lowered to a point that has caused a great reduction in the operator's visibility.

4. The cutting of top rock to allow more working space creates a respirable dust problem and poor working conditions.

5. Installation of cabs or canopies on the mine's electric face equipment would result in a diminution of safety to the miners for the following reasons:

a. The operator's visibility would be hampered by the installation of cabs or canopies.

b. If cabs or canopies are installed, the equipment will not clear the top in certain areas of the mine.

c. Rapid escape from the equipment in the event of an emergency would be hampered by the cabs or canopies.

6. For these reasons, petitioner requests a modification of the standard for its mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 12, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9328 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-223-C]

Phyllis Coal Co.; Petition for Mofification of Application of Mandatory Safety Standard

Phyllis Coal Company, Box 87, Harold, Kentucky 41635, has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its #10 mine located in Floyd County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. This petition concerns the installation of lighting on the petitioner's mining machines.

2. The petitioner states that due to the thinness of the seams there is not sufficient clearance between the top of the equipment and the mine roof to allow for installation of lighting.

3. The miners crawl on their hands and knees and always have their heads close to the roof. If the lighting were installed, it would have a blinding effect, thus resulting in a diminution of safety to those involved.

4. For these reasons, the petitioner requests a modification of the application of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 12, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9329 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-145-C]

Roger Brown Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Roger Brown Coal Company, Route 1, Box 310, Swords Creek, Virginia 24649 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Miller Creek mine located in Russell County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. Petitioner is mining coal ranging from 26 to 38 inches in height.

2. Petitioner states that installation of lighting equipment to its scoop and repair bolt machine would result in a diminution of safety to the miners affected. As the miners move about the mine, their eyes must adjust to the abrupt changes in lighting. Until their eyes have adjusted, they may endanger themselves or others.

3. Petitioner states that when the coal seam being mined falls to a level of 24 to 26 inches in height, maintenance of the installed lighting is impossible because of the design of the equipment.

4. For these reasons, petitioner requests a modification of the standard for his mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 12, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9330 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-44-C]

Westmoreland Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Westmoreland Coal Company, Stonega Division, Big Stone Gap, Virginia 24219 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Prescott No. 2 Mine located in Wise County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The petition concerns the return airway off Main South 14 Left section.

2. In this airway, roof conditions have deteriorated to a degree that it is no longer safe to travel in its entirety.

3. The return air is coursed directly to the surface and is not used to ventilate any other areas.

4. As an alternative method in lieu of traveling the airways for examinations, petitioner proposes to establish specified alternate checkpoints to monitor the quantity and quality of air returning off this section.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the office of Standards, Regulations and Variances, Mine Safety and Health Admninistration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 19, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9331 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-42-C]

Wyomac Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Wyomac Coal Company, Inc., P.O. Drawer G, Welch, West Virginia 24801 has filed a petition in behalf of the Trace Fork Coal Company to modify the application of 30 CFR 75.1710 (cabs or canopies) to the Trace Fork Coal Company's Jamie Mine, located in McDowell County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The petition concerns the use of cabs or canopies on the mine's electrical face equipment.

2. The petitioner states that the installation of cabs or canopies on the mine's electrical face equipment will result in a diminution of safety to the miners affected for the following reasons:

a. The cabs or canopies hamper the equipment operator's visibility for safe operation;

b. The cabs or canopies will not clear the top in some areas of the mine due to uneven top and bottom conditions; and

c. The cabs or canopies limit the equipment operator's rapid escape from the confines of the cabs or canopies in the event of an emergency.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 19, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9332 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43

[Docket No. M-79-292-C et al.]

MSW Coal Co. et al.; Petitions for Modification of Application of Mandatory Safety Standard

The following companies have filed Petitions for Modification of 30 CFR 75.1400 (hoisting equipment, general). All petitions are filed under section 101(c) of the Federal Mine Safety and Health Act of 1977. The petitions have been filed to modify the application of that standard for all the mines listed below.

MSW Coal Company, Box 1593, RD 1, Pottsville, Pennsyvlania 17901. The No. 2 Slope mine is located in Schuylkill County, Pennsylvania, Docket No. M-79-292-C

Star Coal Company, P.O. Box 7, Tremont, Pennsylvania 17981. The No. 1 Slope mine is located in Schuylkill County, Pennsylvania, Docket No. M-80-8-C.

Mountain Top Coal Company, 415 St. Francis Street, Minersville, Pennsylvania 17954. The Orchard Slope mine is located in Schuylkill County, Pennsylvania, Docket No. M-80-5-C.

The substance of the petitions follows:

1. The petitions concern the requirement for the use of safety catches on gunboats used to transport persons in shafts and slopes. The safety catches must act quickly and effectively in an emergency.

2. Petitioners state that all of the affected mines are Anthracite mines which have steeply pitching and undulating slopes with numerous curves and knuckles in the main haulage slopes.

3. Petitioners have requested permission to operate the gunboats without safety catches because, they state, no such safety catch or device is available which functions in these type slopes.

4. The petitioners believe that makeshift safety catches or devices, if installed, would be activiated on knuckles and curves when no emergency existed, causing a tumbling effect on the conveyance.

5. In view of this, the petitioners propose to:

(a) Operate their man cage or steel gunboat with secondary safety conncections securely fastened around the gunboat and to the hoisting rope above the main connecting device; and

(b) Use hoisting ropes which have a factor of safety in excess of the 4 to 8 to 1 as suggested in the American Standards Specification—Use of Wire Ropes for Mines.

6. Petitioners aver that the modification, if granted, would provide no less than the same measure of protection afforded miners under the existing standard.

Request for Comments

Persons interested in any of these petitions may furnish written comments on or before April 28, 1980. Comments relating to only one petition may be made separately; however, the applicable docket number must be clearly stated. If comments apply to more than one of the listed petitions, each comment must mention individually the docket number, or numbers, to which the comment applies. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

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Copies of the petitions are available to inspection at that address.

Dated: March 19, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9333 filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

DEPARTMENT OF LABOR

Office of the Secretary

Advisory Committees; Annual Comprehensive Review

We are currently in the process of conducting the Department's annual comprehensive review of Federal Advisory Committees. I invite you to submit whatever remarks are germane to answering the following questions about each of our advisory committees: (1) Does the Department have a compelling need for it; (2) Is the committee's membership truly balanced; and (3) Has the committee conducted its business as openly as possible, consistent with the law and its mandate? The DOL advisory committees are listed below:

Advisory Committee on Construction Safety and Health
Advisory Council on Employee Welfare and Pension Benefit Plans
Airline Deregulation Labor/Management Advisory Committee
Business Research Advisory Council
Federal Advisory Council on Occupational Safety and Health
Federal Advisory Council on Unemployment Insurance
Federal Committee on Apprenticeship
Labor Policy Advisory Committee for Multilateral Trade Negotiations
Labor Research Advisory Council
Labor Sector Advisory Committee on Electrical and Electronic Equipment and Supplies and Nonelectrical Machinery
Labor Sector Advisory Committee on Food and Agricultural Products and Chemical, Plastic and Rubber Products
Labor Sector Advisory Committee on Lumber, Wood and Paper Products and Stone, Clay and Glass Products
Labor Sector Advisory Committee on Services
Labor Sector Advisory Committee on Textile, Apparel and Leather Products and Miscellaneous Manufacturing Industries
Labor Sector Advisory Committee on Transportation Equipment and Primary and Fabricated Metal Products
Minimum Wage Study Commission
National Commission for Employment Policy
National Advisory Committee on Occupational Safety and Health
National Commission on Employment and Unemployment Statistics
National Commission on Unemployment Compensation
President's Advisory Committee for Women
Steel Tripartite Advisory Committee.

If you wish to comment, please submit your responses within 10 days from the date of this publication to: Mrs. Ruth E. Morgenstern, Departmental Committee Management Officer, Department of Labor, Room S-2517, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed this 21st day of March 1980.

Ray Marshall,

Secretary of Labor.

[FR Doc. 80-9336 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-23-M

Affirmative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of certifications of eligibility to apply for worker adjustment assistance issued during the period March 17–21, 1980.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

In the following cases it has been concluded that all of the criteria have been met.

TA–W–6816; A. C. Lawrence Leather Co., South Paris, Maine

The investigation was initiated on January 21, 1980 in response to a petition which was filed on behalf of workers at A. C. Lawrence Leather Company, Inc., South Paris, Maine. The workers produce tanned and finished sides of leather.

U.S. imports of tanned and finished cattlehides increased absolutely and relative to domestic production in 1978 compared to 1977 and increased relative to domestic production in 1979 compared to 1978.

A Department survey revealed that several customers of A. C. Leather Company decreased purchases from A. C. Leather Company and increased purchases of imported tanned and finished leather in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that:

All workers of A. C. Lawrence Leather Company, Inc., South Paris, Maine who became totally or partially separated from employment on or after March 24, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6814; Footwear Division, Uniroyal, Inc., Thomson, Ga.

The investigation was initiated on January 18, 1980 in response to a petition which was filed on behalf of workers at the Thomson, Georgia plant of Uniroyal, Incorporated, Footwear Division. The workers produce rubber/fabric footwear.

U.S. imports of rubber/fabric footwear increased absolutely in 1978 compared to 1977. The ratio of imports to domestic production increased in each year from 1975 through 1978 compared to the preceding year. U.S. imports increased absolutely in 1979 compared to the average level of imports for the 1974–1978 period.

In September 1979, Uniroyal, Incorporated sold the marketing wing of its Footwear Division to an independent U.S. firm which, since September, has purchased all of the rubber/fabric footwear produced by Uniroyal's Footwear Division. Uniroyal, itself, had purchased increasing quantities of imported rubber/fabric footwear prior to this sale. Consistent with Uniroyal's reliance on foreign sources, the firm which now purchases Uniroyal's Thomson plant production also began, in September 1979, to import rubber/fabric footwear. These imports are identical in style and label to that produced at the Thomson plant. Based on orders placed with foreign producers, there will be an increased reliance on such imports in 1980. The firm will rely on imported rubber/fabric footwear for the major portion of its sales in 1980.

In this case, therefore, the certifying officer has determined that:

All workers of the Thomson, Georgia plant of Uniroyal, Incorporated, Footwear Division, who became totally or partially separated from employment on or after February 28, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7092; Fore River Railroad Corp.; Quincy, Mass.

The investigation was initiated on February 12, 1980 in response to a petition which was filed on behalf of workers at the Fore River Railroad Corporation, Quincy, Massachusetts. The workers provide rail services.

The Fore River Railroad Corporation is wholly owned by the General Dynamics Corporation and derives a large proportion of its revenues from rail transportation services provided for the General Dynamics Corporation, Quincy Shipbuilding Division.

The investigation revealed that Fore River Railroad Corporation workers do not produce an article within the meaning of Section 222(3) of the Trade Act. Therefore, they may be certified only if their separation was importantly caused by a reduced demand for their services from either the parent firm of from a firm corporately related by ownership or control. In either case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by imports.

The reduced demand for rail transportation services provided by the Fore River Railroad Corporation in 1979 compared to 1978 can be primarily attributed to declines in shipbuilding activity at the Quincy Shipbuilding Division of General Dynamics. Workers of the aforementioned division of General Dynamics were certified eligible to apply for Trade Adjustment Assistance on December 10, 1979, (TA–W–5904).

Employment at the Fore River Railroad Corporation declined in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that:

All workers of the Fore River Railroad Corporation, Quincy, Massachusetts who became totally or partially separated from employment on or after January 14, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6783; General Motors Corporation, General Motors Assembly Division, Baltimore, Maryland

The investigation was initiated on January 15, 1980 in response to a petition which was filed by the United Auto Workers on behalf of workers at the Baltimore, Maryland General Motors Assembly Division of General Motors Corporation. The workers produce Malibu, Monte Carlo and LeMans automobiles and Chevrolet and GMC light trucks.

The GM Malibu, Monte Carlo and LeMans were classified as compact automobiles in model year (MY) 1978. For MY 1979 and MY 1980 the Malibu, Monte Carol and LeMans were classified as intermediate automobiles. Because traditional distinctions between compact and intermediate automobiles were blurred by changes in the design of both classes in MY 1978 and MY 1979, imports of both compact and intermediate cars can be considered competitive with the Malibu, Monte Carlo and LeMans.

U.S. imports of compact automobiles increased relative to domestic production in MY 1979 compared to MY 1978. U.S. imports of intermediate automobiles increased absolutely in MY 1979 compared to MY 1978 and increased absolutely and relative to domestic production during the October–November period of MY 1980 compared to the same period in MY 1979.

U.S. imports of pickup trucks, which are the variety of trucks predominantly produced at the Baltimore plant, increased absolutely and relative to domestic production in 1978 compared to 1977, and in the first three quarters of 1979 compared to the same period in 1978.

GM imports of cars like or directly competitive with those produced at the Baltimore plant increased absolutely and relative to domestic production in MY 1979 compared to MY 1978 and relatively in the first four months of MY 1980 compared to the same period in MY 1979. GM imports of light trucks like or directly competitive with those produced at the Baltimore plant increased absolutely and relative to domestic production in MY 1979 compared to MY 1978 and increased absolutely and relatively in the first months of MY 1980 compared to the same period in MY 1979.

In this case, therefore, the certifying officer has determined that:

All workers of Baltimore, Maryland plant of the General Motors Assembly Division of General Motors Corporation who became totally or partially separated from employment on or after January 7, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6863; K&R Handbag, Inc.; Poughkeepsie, N.Y.

The investigation was initiated on January 28, 1980 in response to a petition which was filed by the International Leather Goods Union on behalf of workers at K&R Handbag, Incorporated, Poughkeepsie, New York. the workers produce ladies' handbags.

U.S. imports of handbags increased absolutely and relative to domestic production from 1977 to 1978. The ratio of imports to domestic production was over 100 percent during 1976, 1977 and 1978.

A survey was conducted by the Department of Commerce of the sole manufacturer of K&R Handbag, Incorporated. The survey indicated that customers of the manufacturer decreased their purchases from domestic sourses and increased their reliance on imported women's handbags. On October 26, 1979, the Department of Commerce certified K&R Handbag, Incorporated as eligible to apply for firm adjustment assistance.

In this case, therefore, the certifying officer has determined that:

All workers of K&R Handbag, Incorporated, Poughkeepsie, New York who became totally or partially separated from employment on or after August 3, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6821; Keystone Metal Moulding Co., Clanton, Ala.

The investigation was initiated on January 21, 1980 in response to a petition which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers at the Clanton, Alabama plant of Keystone Metal Moulding Company. The workers produce metal mouldings for automobiles.

U.S. imports of metal auto moulding increased absolutely and relative to domestic production in 1978 compared to 1977 and in 1979 compared to 1978.

A Department survey revealed that customers decreased purchases from the Clanton plant of Keystone and increased purchases of imported metal auto mouldings in model year 1979 compared to model year 1978.

In this case, therefore, the certifying officer has determined that:

All workers at Clanton, Alabama plant of Keystone Metal Moulding Company who became totally or partially separated from employment on or after August 28, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6825 and TA–W–7333; Ranco, Inc.; Worthington-Galena Plant, Columbus, Ohio

The investigations were initiated on January 21, and March 10, 1980 in response to petitions which were filed by the International Association of Machinists and Aerospace Workers Local 55 and 1651 on behalf of workers at the Worthington-Galena Plant of Ranco, Incorporated. The workers produce temperature controls.

U.S imports of temperature regulating controls increased both absolutely and relative to domestic shipments in 1978 compared to 1977, and increased absolutely in 1979 compared to 1978.

Ranco increased imports of temperature controls from a foreign subsidiary plant in fiscal 1979 compared to fiscal 1978. The controls imported from this foreign plant are like and directly competitive with the refrigeration controls that comprise the majority of the Columbus plant's output.

Ranco, Inc. has announced that all production of refrigeration controls presently taking place at the Columbus (Worthington-Galena) plant will be transferred to the foreign plant in Mid-1980, and that the Columbus plant will be closed.

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In this case, therefore, the certifying officer has determined that:

All workers of the Worthington-Galena plant of Ranco, Incorporated, Columbus, Ohio who became totally or partially separated from employment on or after January 11, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6898; Salvanna Garment Co.; Jersey City, N.J.

The investigation was initiated on January 30, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Salvanna Garment Company, Jersey City, New Jersey. The workers produce ladies' coats.

U.S. imports of women's, missess' and children's coats and jackets increassed absolutely and relative to domestic production in each year from 1975 through 1978 compared to the preceding year.

The Department of Labor conducted a survey of the manufacturers who send contract work to Salvanna Garment Company. The survey revealed that the manufacturers decreased their contract work with Salvanna in 1979 compared to 1978 and increased their contract work with foreign contractors during the same time period.

In this case, therefore, the certifying officer has determined that:

All workers of Salvanna Garment Company, Jersey City, New Jersey who became totally or partially separated from employment on or after January 14, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6811; Stephanie Coat, Inc., Hoboken, N.J.

The investigation was initiated on January 18, 1980 in response to a petition which was filed on behalf of workers at Stephanie Coat, Incorporated, Hoboken, New Jersey. The workers produce ladies' coats.

Imports of women's, misses' and children's coats and jackets increased both absolutely and relative to domestic production each year as compared to the previous year during the period 1974 through 1978. The ratio of imports to domestic production in 1978 was 69.3 percent.

Results of a Department of Labor survey indicated that the subject firm's customer, a women's coat manufacturer, increased its purchases of coats from foreign sources while decreasing its contracts for production from the subject firm during the period surveyed.

In this case, therefore, the certifying officer has determined that:

All workers of Stephanie Coats, Incorporated, Hoboken, New Jersey who became totally or partially separated from employment on or after March 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6798; Vargish Knitwear Co., Carlstadt, N.J.

The investigation was initiated on January 16, 1980 in response to a petition which was filed on behalf of workers at Vargish Knitwear Company, Carlstadt, New Jersey. The workers produce primarily women's sweaters.

U.S. imports of women's, misses' and children's sweaters increased relative to domestic production in 1978 compared to 1977. The ratio of imports to domestic production has been 115 percent or above in every year from 1974 through 1978.

The Department conducted a survey of Vargish Knitwear Company's customers. Some survey respondents reported they had increased purchases of imported women's sweaters and decreased purchases from Vargish Knitwear in 1979 compared with 1978.

In this case, therefore, the certifying officer has determined that:

All workers of Vargish Knitwear Company, Carlstadt, New Jersey who became totally or partially separated from employment on or after January 3, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6945, 6945A, 6945B; Young Reflections, Inc., Michael Fredericks, Inc., Petite Images, Inc., N.Y., New York

The investigation was initiated on February 5, 1980 in response to a petition which was filed on behalf of workers at Young Reflections, Incorporated, New York, New York. The investigation was expanded to include Michael Fredericks, Incorporated and Petite Images, Incorporated. The workers produced women's dresses (including gowns) and pant suits.

U.S. imports of women's, misses' and children's suits and dresses (including gowns) increased in 1978 compared to 1977.

In a survey conducted by the Department of Commerce, customers accounting for a significant proportion of Young Reflections, Incorporated and its subsidiaries' sales declines indicated that they had decreased purchases from Young Reflections and subsidiaries and had increased purchases of imported women's dresses and pant suits. The Department of Commerce on October 5, 1979 certified Young Reflections, Incorporated eligible to apply for firm adjustment assistance.

In this case, therefore, the certifying officer has determined that:

All workers of Young Reflections, Incorporated, Michael Fredericks, Incorporated and Petite Images, Incorporated, New York, New York who became totally or partially separated from employment on or after March 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

I hereby certify that determintions were issued with respect to all of the aforementioned cases during the week of March 17–21, 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-0324 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-28-M

Office of Pension and Welfare Benefit Programs

[Application No. D-1483]

Proposed Exemption for Certain Transactions Involving Pacific Standard Life Co. Employees' Stock Ownership Trust Located in Sacramento, Calif.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of a participatory interest in a block of mortgages by Pacific Standard Life Company Employees' Stock Ownership Trust (the Plan) to Pacific Standard Life Insurance Company, (the Employer), a party in interest. The proposed exemption, if granted, would affect participants and beneficiaries of the Plan, the Employer and other persons participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before May 9, 1980.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective September 30, 1975.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-1483. The application for exemption and the comments received will be

available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas, of the Department of Labor, telephone (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). The application was filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. On July 16, 1973, the Plan purchased a participatory interest in a block of mortgages on Hawaiian real estate from Real Estate Finance Corporation, for $110,000. No premium was paid by the Plan and no discount was taken. The mortgages produced an average annual interest earnings rate of 8.54%.

2. A decision was subsequently made by the Employer to convert the Plan from a profit sharing plan to an employees' stock ownership plan. In anticipation of this change, the administrative committee of the Plan directed the trustees to sell the participatory interest in the block of mortgages.

3. The block of mortgages was sold by the Plan to the Employer on September 30, 1975 for a cash payment of $91,976.85. The Employer paid face value for the block of mortgages and did not receive any discount.

4. A major bank has represented that loan rates for single family residences on September 15, 1975 was 9½%. If the Plan had not sold the block of mortgages to the Employer, it would necessarily have sold them at a discount because of the higher interest rates then prevailing. Also, the Plan did not incur any commissions or other expenses in the sale.

5. In summary, the applicant represents that the sale of the participatory interest in the mortgages meets the statutory criteria for an exemption under section 408 (a) of the Act because (1) it was a one time transaction for cash; (2) it allowed the Plan to sell the interest in the mortgages without payment of commissions or other related expenses; (3) the Plan was able to sell the mortgages at face value rather than at a discount; and (4) the trustees determined that the transaction was appropriate for the Plan and was in the best interests of the Plan's participants and beneficiaries.

Notice to Interested Persons

Notice of the proposed exemption will be given to all Plan participants by posting the notice of pendency on the bulletin board upon which employee notices are customarily posted. The notice will include a copy of the notice of pendency along with a statement advising interested persons of their right to comment and request a hearing within the time period set forth in the notice of pendency. Terminated participants and beneficiaries who have the right to receive benefits from the Plan will be notified by mail. Notice of the proposed exemption will be posted and mailed within 10 days of its publication in the **Federal Register.**

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reason for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reasons of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale for cash by the Plan of a participatory interest in a block of mortgages on Hawaiian real estate to the Employer on September 30, 1975, for $91,976.85: *Provided,* That the sales price was not less than the fair market value of the mortgages at the time of consummation of the sale.

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The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of the proposed exemption.

Signed at Washington, D.C., this 24th day of March, 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-9431 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1405]

Proposed Exemption for Certain Transactions Involving Precision Wood Products, Inc., Profit Sharing Plan and Trust Located in Vancouver, Wash. and Honolulu, Hawaii

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the assignment of a ground lease and the sale of the building located on the said leasehold by the Precision Wood Products, Inc. Profit Sharing Plan and Trust (the Plan) to Precision Wood of Hawaii, Inc. in order for the Plan to disengage from a prohibited transaction in a manner which is in the best interest and protective of the Plan and its participants and beneficiaries. The proposed exemption, if granted, would affect the Plan, its fiduciaries, its participants and beneficiaries, and other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before May 5, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-1405. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: C. E. Beaver, of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by Precision Wood of Hawaii, Inc., pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). The application was filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. Precision Wood Products, Inc. (the Parent) is a manufacturer of wood products, principally pallets, with its principal office and plant located in Vancouver, Washington. The Parent has two wholly owned subsidiary corporations. One of these subsidiaries is Precision Wood of Hawaii, Inc. (the Subsidiary). The Subsidiary is in the same business as the Parent (collectively the Employer). The office and plant location for the Subsidiary is 91-466 Komohana Street, Ewa Beach, Hawaii, which is approximately 30 miles from Honolulu.

2. The Plan was established in 1966 for the benefit of the employees of the Parent and its subsidiary companies. At the end of the last plan year, March 31, 1979, there were 65 participants in the Plan and total assets of $285,217.95. A ground lease with the Campbell Industrial Park in Ewa Beach, Hawaii (the Industrial Park) represented $139,872.51, or 49.04 percent of the total assets of the Plan.

3. The fiduciaries for the Plan consist of Marley B. Petersen, who is the majority shareholder, director, and president of the Parent and sole trustee for the Plan as well as a member of the Administrative Committee of the Plan; Carol Hendricksen, who is the Controller and Office Manager of the Parent and a member of the Administrative Committee for the Plan; and Edward Timmons, who is Sales Manager of the Parent and a member of the Administrative Committee for the Plan. Each of these individuals serves the Subsidiary in the same capacity as he or she does the Parent. The Administrative Committee has the ultimate responsibility and authority for the implementation, operation, and administration of the Plan and its trust. It determines the funding policy of the Plan, maintains individual accounts, and determines the form and timing of benefits. The Plan trustee has the more limited functions of holding and investing funds contributed to the Plan.

4. As a result of misunderstanding the Act, on March 20, 1975, a long-term ground lease for the 91-466 Komohana Street property in the Industrial Park was made by the Plan for the purpose of leasing the same to the Subsidiary. The Plan paid to the Industrial Park the standard charge of $15,000 for the ground lease plus $849.73 for closing costs. The ground lease was made for a 37-year term commencing January 1, 1975, with no renewal rights. For the first two years the rent was established at $2,258.30 per annum. Thereafter, for three terms of ten years each and one final five-year term, the rent would be determined by agreement of the parties. For the first ten-year term commencing January 1, 1977, the parties agreed to an annual rent of $11,226. The Plan would pay for all improvements, utilities, services, and real property taxes and assessments. Assignment of leasehold interest would only be made with written consent of the lessor, which cannot be unreasonably withheld.

5. On October 23, 1975, the Plan signed a construction contract with Avanti Constructors, Inc., Ewa Beach, Hawaii, and work on a new building commenced shortly thereafter. The final cost for construction of the building on the above leasehold, including architectural and serveying services, was $124,022.78. It was contemplated that the building's useful life would end within 37 years and would have no significant value due to physical deterioration and obsolescence. The Subsidiary-Employer took occupancy of the new building on April 1, 1976, and a lease was made by the Employer with the Plan effective the same date. The initial building-lease was for the term of 10 years with the Employer tenant having the option to extend it for another 10 years and with a monthly rental equal to one percent of the total cost incurred by the Plan for the ground lease and for all improvements thereto. This rental may be adjusted quarterly to pass along any additional costs for leasehold imporvements incurred by the Plan. All costs of maintenance, utilities, services, insurance, and real property taxes and assessments would be paid by the Employer. A portion of the rental for the ground lease with the Industrial Park which was not passed on to the Employer is an amount equal to the rental in effect for the first two years of the ground lease. These terms were represented to be as favorable to the Plan as to assure adequate consideration and to avoid any claim for overreaching.

6. An independent appraisal by the General Appraisal Company of Honolulu, Hawaii, dated November 1, 1979, valued the ground lease at $20,000 and the building thereon at $147,000 for a total fair market value of $167,000. In order to comply with the Act, the Plan desires to (1) assign its leasehold interest in the ground lease and (2) sell the new building located thereon to the Employer for cash in the greater amount of either $167,000, which is the value of the leasehold and its improvements as detemined by the independent appraisal, or for the current fair market value of the leasehold and its improvements. All of the expenses for the transfer and conveyance will be paid by the Employer. This is to be a one-time transaction. Upon the granting of an exemption from the prohibited transaction provisions of the Act, permitting the assignment of the ground lease and the sale of the building thereon, the Employer will file the required forms with the Internal Revenue Service and will pay the excise taxes due and owing.

7. The applicant believes that the assignment of the leasehold interest and the sale of its improvements by the Plan to the Employer would be beneficial to the Plan and its participants and beneficiaries because if sold to an outside party there would be costs incurred by the Plan, including real estate broker's commissions and closing charges. In addition the ground lease with the Industrial Park requires the reimbursement to Industrial Park of reasonable attorney's fees in any assignment of the ground lease. Further, the current economic climate with the tight money situation has slowed the sales of real property in the area where the Subsidiary-Employer is located.

8. In summary, the applicant represents that the proposed assignment of the leasehold and the sale of its improvements to the Employer meet the statutory criteria for an exemption under section 408(a) of the Act because (1) it is a one-time transaction for cash, (2) the price for the assignment and sale was determined by an independent appraiser, (3) the exemption of the transaction would allow the selection of another investment at the highest available return while avoiding certain brokerage and attorney fees, and (4) the finding of another purchaser unrelated to the Plan for the same consideration, for this location, would be difficult or impossible under the present economic conditions.

Notice to Interested Persons

Within ten (10) days after the publication in the **Federal Register** of the proposed exemption from the prohibited transaction provisions of the Act, a copy of the proposed exemption will be posted in each plant of the Employer at a place where employee notices are usually found.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under sections 406(b)(3) and 407(a) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to sumbit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to (1) the assignment of the ground lease for cash, by the Plan to the Employer, covering Lot 2459, 91-466 Komohana Street, located in Industrial Park, Ewa Beach, Hawaii, and (2) the cash sale of the building located thereon, by the Plan to the Employer, for the higher amount of either the current fair market value or the sum of $167,000, within ninety (90) days of the granting of this proposed exemption and provided all expenses pertaining to the transaction are paid by the Employer.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes

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all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 24th day of March 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-9430 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-29-M

[Application Number: D-1552]

Proposed Exemption for Certain Transactions Involving the Laborers Pension Trust Fund for Northern California, San Francisco, Calif.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt an option agreement to purchase and the subsequent cash sale of certain real property in Alameda County, California by the Laborers Pension Trust Fund for Northern California (the Trust Fund) to Estate Homes of Northern California, Inc., (Estate Homes), a contributing employer with respect to the Trust Fund. The proposed exemption, if granted, would affect participants and beneficiaries of the Trust Fund and Estate Homes.

DATES: Written comments must be received by the Department of Labor on or before May 5, 1980.

ADDRESSES: All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20016, Attention: Application No. D-1552. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ivan Strasfeld, of the Department of Labor, telephone (202) 523-8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code. The proposed exemption was requested in an application filed on behalf of the Trust Fund, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Trust Fund is a multiemployer pension plan with 19,500 participants. McMorgan and Company, a California corporation (the Investment Manager), is the independent investment manager of the Trust Fund appointed under section 402(c)(3) of the Act.

2. In 1970, the Trust Fund purchased approximately 520 acres of substantially undeveloped real property to be used as a training center site for $1,500,000. Approximately 100 acres of the tract (the Property) are located in Alameda County, California, with the remainder located in Contra Costa County, California. After approximately 100 acres in Contra Costa were withdrawn for development of the training center, the undeveloped portions consisted of the Property in Alameda County and the remaining 320 acres in Contra Costa County.

3. In 1976, the Board of Trustees determined that the Property would not be needed for the training facility. Accordingly, a decision was made by the Board to sell the Property. Thereafter, the Investment Manager was delegated the responsibility for the marketing of the Property.

4. The Property is currently zoned for agricultural purposes. However, Southern Alameda County has been experiencing a tremendous growth in single family residential housing. An independent appraisal dated July 10, 1979, supports this proposition by concluding that the highest and best use of the Property would be for residential development.

5. Accompanying the substantial population growth in California has been an increasing emphasis by communities on environmental controls and adequate utilities to accommodate single family development. The Trust Fund, in order to realize the maximum potential for the Property, would have to obtain zoning, environmental and other regulatory approvals. The applicants state that it is very common for a builder or developer to spend two to three years in the approval process before a building permit is obtained.

6. Following the Board of Trustees' decision to sell the Property, the Property was offered for sale through the real estate brokerage firm of Geldermann, Inc. By letter dated July 15, 1977, Mr. Harlan Geldermann indicated that he could arrange a transaction whereby a builder or developer would undertake to obtain the zoning and other regulatory approvals in return for an option to purchase the Property for cash. He further indicated that it was doubtful that a buyer would be willing to purchase the Property outright without first obtaining such approvals.

7. There have been a number of offers for the Property from developers but all such offers have been subject to financing of all or part of the purchase price. In addition, few of the offerors were willing to commit down payment deposits prior to obtaining the necessary zoning, etc., approvals. The Board of Trustees was interested only in a sale for cash.

8. The Trust Fund has executed an option agreement with Estate Homes for the purchase of the Property subject to obtaining an administrative exemption from the Department. Although Estate Homes is a contributing employer to the Trust Fund, the Investment Manager selected the developer at arm's-length without any device or introduction by the trustees, union or any other contributing employer. Estate Homes was brought to the attention of the Investment Manager through a real estate broker. In addition, Estate Homes is not and was not a trustee at the time the decision to sell the Property was made and in no way participated in any decision regarding sale of the Property.

9. The option provides for a cash price of $2,500,000 with an escalation clause of 10 percent per annum commencing February 6, 1980. The base price under the option is $473,000 higher than the appraisal prepared by the Clevenger Realty Appraisal Corporation of $2,027,000 on July 10, 1979. The option to purchase expires on May 7, 1981.

10. The applicants represent that the value of the Property sold "as is" with an agricultural classification is only a fraction of its appraised value for residential development. The option agreement permits the Trust Fund to realize the higher value without expending Fund assets to obtain zoning, environmental and other regulatory approvals.

11. In summary, the applicants represents that the option to purchase and proposed sale of the property will satisfy section 408(a) of the Act as follows: (1) The decision to sell and the marketing of the Property are being accomplished by fiduciaries who have no interest in the transaction which may affect the exercise of their best judgment as fiduciaries; (2) it will allow the Trust Fund to dispose of an asset producing little if any revenue; and (3) it will allow the Trust Fund to sell the Property at a profit at a price in excess of the value determined by an independent appraisal.

Notice to Interested Persons

A copy of this notice of pendency of the proposed exemption will be delivered by the Board of Trustees to the hiring hall of each local union affiliated with the Northern California District Council of Laborers, which will be requested to post such copy for a period of not less than 30 days on its bulletin board. Copies of this notice of pendency shall be posted no later than 10 days after its publication in the **Federal Register.**

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4075(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments

All interested persons are invited to submit written comments on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to the option to purchase given and the subsequent cash sale of the Property by the Trust Fund to Estate Homes for the price agreed upon under the option agreement provided that this amount is not less than the fair market value of the Property.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 24th day of March 1979

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-9429 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-29-M

LEGAL SERVICES CORPORATION

Grants and Contracts

March 25, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996l, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Services of Upper East Tennessee in Johnson City, Tennessee, to serve Cocke, Grainger, Hamblen, and Jefferson Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street, N.E., 9th Floor, Atlanta, Ga. 30308.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-9442 Filed 3-27-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

March 25, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996l, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is

considering the grant application submitted by:

East Arkansas Legal Services in West Memphis, Arkansas, to serve Mississippi and Monroe Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street, NE., 9th Floor, Atlanta, Ga. 30308.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-9443 Filed 3-27-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

March 25, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Aid Society of Louisville in Louisville, Kentucky, to serve Marion, Meade, Oldham, Trimble and Washington Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street, N.E., 9th Floor, Atlanta, Ga. 30308.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-9444 Filed 3-27-80; 8:45 am]

BILLING CODE 6820-35-M

METRIC BOARD

Public Forum

Notice is hereby given that the United States Metric Board will hold a Public Forum on Thursday, April 17, 1980, from 9 a.m. to 12:30 p.m. The Forum will be held in conjunction with the Metric Board's regular April meeting. Notice of the regular meeting appears in the Sunshine Meeting section of this issue. The Forum will be held at the Cervantes Convention & Exhibition Center, 801 Convention Plaza, Room 287, St. Louis, Missouri 63101.

The purpose of the Forum will be to allow Board Members to receive comments about increased metric usage and voluntary metric conversion from individuals and from representatives or groups or organizations. The public is invited and encouraged to provide oral or written comments and ask questions of the Board from 11:00 a.m. to 12:30 p.m. Those who wish to participate may also submit comments or questions in advance to Mr. Douglas B. Bernon, Office of Public Awareness and Education, United States Metric Board, The Magazine Building, 1815 North Lynn Street, Suite 600, Arlington, Virginia 22209.

The U.S. Metric Board will sponsor a Consumer Forum on Wednesday, April 16, 1980 from 7 to 9 p.m., at the Berea Presbyterian Church, 3010 Olive, in St. Louis. Interested consumers are invited to attend, to offer comment on increasing voluntary metric usage. For further information, contact Ms. Susan Nolan, Office of Public Awareness and Education, 1815 North Lynn Street, Suite 600, Arlington, Virginia 22209.

Louis F. Polk,

Chairman, United States Metric Board.

[FR Doc. 80-9516 Filed 3-27-80; 8:45 am]

BILLING CODE 6820-94-M

NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION

Meeting

The Twenty-Fourth meeting of the National Commission on Unemployment Compensation is scheduled to be held in the Texas Employment Commission office building at 15th and Congress Avenue, Austin, Texas. The meeting will begin at 9:00 A.M., on Thursday, April 17, and conclude at 12 Noon, on Saturday, April 19. (A detailed agenda will be published in the **Federal Register** prior to that meeting.)

Since the Commission has concluded its hearings, no testimony will be received at this meeting. However, written statements will continue to be accepted, and will be distributed promptly, upon receipt, to all members. Twenty copies of any statement should be directed to the executive director of the Commission at the address indicated below.

Telephone inquiries and communications concerning this meeting should be directed to: James M. Rosbrow, Executive Director, National Commission on Unemployment Compensation, 1815 N. Lynn Street, Room 440, Rosslyn, Virginia 22209, (703) 235-2782.

Signed at Washington, D.C., this 24th day of March 1980.

James M. Rosbrow,

Executive Director, National Commission on Unemployment Compensation.

[FR Doc. 80-9489 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-30-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-443A and 50-444A]

Public Service Co. of New Hampshire, et al.; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated March 17, 1980, with respect to the construction permit application for Seabrook Nuclear Power Station, Units No. 1 and No. 2:

You have requested our advice pursuant to Section 105(c) of the Atomic Energy Act of 1954, as amended, in regard to changes in the ownership interests in the above referenced units that will result in Bangor Hydro Electric Company (Bangor) owning a fifty megawatt share of the units. Although Bangor is already a participant in the Seabrook Units, no previous antitrust advice had been sought due to the *de minimis* nature of its participation. The ownership share of fifty megawatts, however, does require the Department to determine whether Bangor's participation would create or maintain a situation inconsistent with the antitrust laws. In the event that the Department concluded that Bangor's participation would create or maintain a situation inconsistent with the antitrust laws, the Department would advise the Nuclear Regulatory Commission to conduct an antitrust hearing on this matter. Our review of the information submitted, as well as other relevant information available to us, has disclosed no bases upon which to conclude that an antitrust hearing is necessary regarding Bangor's ownership of a fifty megawatt share in the Seabrook Units.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by April 28, 1980, either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street NW., Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

For the Nuclear Regulatory Commission

Jerome Saltzman,

Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

[FR Doc. 80-9445 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272 (Proposed Issuance of Amendment to Facility Operating License No. DPR-70)]

Public Service Electric & Gas Co.; Salem Nuclear Generating Station, Unit No. 1

March 21, 1980.

By a Notice of Evidentiary Hearing dated February 22, 1980 this Atomic Safety and Licensing Board announced that an evidentiary hearing in the above-captioned proceeding would be held on April 22, 1980 for the purpose or receiving evidence on the following question:

In the event of a gross loss of water from the storage pool, what would be the difference in consequences between those occasioned by the pool with expanded storage and those occasioned by the present pool?

Alfred C. and Eleanor G. Coleman, Jr., intervenors herein, have requested an extension of time to file testimony on this question, and have also requested a postponement of the date for the evidentiary hearing.

For good cause shown, the Colemans' motion is granted to the following extent: The evidentiary hearing is to begin at 9:30 a.m. on April 28, 1980 in the Freeholders Meeting Room, Salem County Courthouse, 92 Market Street, Salem, New Jersey; testimony in response to the above question shall be filed on or before April 10, 1980 and objections to such testimony shall be filed on or before April 21, 1980. Testimony and objections shall be filed on those dates by express mail.

So ordered.

Dated at Bethesda, Md., this 21st day of March 1980.

For the Atomic Safety and Licensing Board.

Gary L. Milhollin,

Chairman.

[FR Doc. 80-9453 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Facility Operating License No. DPR-39, and Amendment No. 49 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments permit modifications of the spent fuel storage pool which will increase the storage capacity from 868 fuel assemblies to a capacity of 2112 fuel assemblies.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

The Commission has prepared an Environmental Impact Appraisal dated March 29, 1979, and has concluded that an environmental impact statement for this particular action is not warranted because the actions authorized by this license amendment will not significantly affect the quality of the human environment.

Notice of Proposed Issuance of the Amendments 52 and 49 was published in the **Federal Register** on July 18, 1978, (43 FR 30938). A hearing was requested by the State of Illinois. The hearing was held June 11-15, 1979 and June 20-22, 1979, and subsequently the above-referenced Initial Decision was issued on February 14, 1980.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

For further details with respect to this action, see (1) the application for amendments dated April 13, 1978, as supplemented October 24, November 8 and 29, 1978, January 24 and 26, February 23, March 7, and March 19, 1979, (2) Amendment Nos. 52 and 49 to License Nos. DPR-39 and DPR-48, and (3) the Commission's related Safety Evaluation and Environmental Impact Appraisal, both dated March 29, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 28th day of February 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-9446 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. DPR-39, and Amendment No. 50 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments modify the Technical Specifications, Appendix A to the licenses, to increase the allowable LOCA peaking factor from 1.86 to 1.93 based on an ECCS reanalysis.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the **Federal Register** on May 7, 1979 (44 FR 26816). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental

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impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 22, 1979, as supplemented on May 3, 1979 and January 25, 1980, (2) Amendment Nos. 53 and 50 to License Nos. DPR–38 and DPR–49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 13th day of March 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-9447 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–250 and 50–251]

Florida Power and Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 54 to Facility Operating License No. DPR–31, and Amendment No. 46 to Facility Operating License No. DPR–41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Nuclear Generating, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments incorporate the results of a revised ECCS analysis for steam generator tube plugging level of 22%.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environment impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 13, 1980 as supplemented March 5, 1980, (2) Amendment Nos. 54 and 46 to License Nos. DPR –31 and DPR–41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 13th day of March 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-9449 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–250 and 50–251]

Florida Power and Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. DPR–31, and Amendment No. 45 to Facility Operating License No. DPR–41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Nuclear Generating, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

These admendments increase the minimum low-low generator water level reactor trip point from 5% to 15% of the narrow range instrument scale.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated August 9, 1979, (2) Amendment Nos. 53 and 45 to License Nos. DPR–31 and DPR–41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 12th day of March 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-9450 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–315 and 50–316]

Indiana and Michigan Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR–58, and Amendment No. 18 to Facility Operating License No. DPR–74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments (1) add a license condition to each license on implementation of a secondary water chemistry monitoring program, (2) delete Technical Specifications in each license on secondary water chemistry now

covered by license conditions, and (3) delete the condition from the Unit 2 license on residual heat removal system low flow alarm.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated October 25, 1979 and November 30, 1979. (2) Amendment Nos. 36 and 18 to License Nos. DPR–58 and DPR–74, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 29th day of February 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-9451 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–282 and 50–306]

Northern States Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 41 and 35 to Facility Operating License Nos. DPR–42 and DPR–60, issued to Northern States Power Company (the licensee), for operation of Units Nos. 1 and 2 of the Prairie Island Nuclear Generating Plant (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of their date of issuance.

These amendments incorporate changes to the Common Environmental Technical Specifications appended to each license. The reporting requirement regarding blowdown flow over 150 cfs is changed from an event basis to an annual basis and the fish impingement sampling frequency is changed from weekly to biweekly.

The applications for amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d) (4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated June 25, 1976 and February 20, 1978, and (2) Amendments Nos. 41 and 35 to License Nos. DPR–42 and DPR–60, respectively.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Environmental Conservation Library of the Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 29th day of February 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-9452 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–334]

Duquesne Light Co., Ohio Edison Co., Pennsylvania Power Co.; Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Comission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR–66 issued to Duquesne Light Company, Ohio Edison Company and Pennsylvania Power Company (the licensees), which revised Appendix B Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment eliminates requirements in the Technical Specifications, Appendix B, for all aquatic monitoring programs with the exception of fish impingement.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated July 1973.

For further details with respect to this action, see (1) the application for amendment dated June 30, 1977 as supplemented May 15, 1979, (2) Amendment No. 25 to License No. DPR–66 and (3) the Commission's related Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 26th day of February 1980.

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For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-9448 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 56 and 55 to Facility Operating License Nos. DPR-32 and DPR-37 issued to Virginia Electric and Power Company, which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2 (the facilities) located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments consist of additions to the Technical Specifications which incorporate limiting conditions for operation and surveillance requirements for the low temperature overpressure protection system.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since they do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated October 14, 1977 as supplemented (2) Amendment Nos. 56 and 55 to License Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 4th day of March 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-9454 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 57 and 56 to Facility Operating License Nos. DPR-32 and DPR-37 issued to Virginia Electric and Power Company, which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2 (the facility) located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to specify new pressure-temperature limits for heatup and cooldown operations.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR, Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since they do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated December 15, 1978; (2) Amendment Nos. 57 and 56 to License Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document room, 1717 H Street, N.W., Washington D.C. and the Swem Library, College of William and Mary, Williamsburg, Virginia. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 4th day of March 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief Operating Reactors Branch No. 1 Division of Operating Reactors.

[FR Doc. 80-9455 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. STN 50-483A and STN 50-486A]

Union Electric Co. Receipt of Information for Antitrust Review of Operating License Application

The Union Electric Company filed Information for Antitrust Review of Operating License Application on January 21, 1980. This information was filed pursuant to § 2.101 of the Commission's Rules and Regulations and is in connection with Union Electric Company's plans to operate two pressurized water reactors on a site located in Callaway County, Missouri. The two reactors have been designated as Callaway Plant, Units 1 and 2.

The portion of the application filed contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 to determine whether there have been and significant changes since the completion of the antitrust review at the construction permit stage.

On completion of staff antitrust review of the above-named application, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, request for reevaluation may be submitted on or before May 27, 1980. The results of any reevaluations that are requested will also be published in the **Federal Register** and copies sent to the Washington and local public document rooms.

A copy of the Information for Antitrust Review of Operating License Application is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC and at the local public document rooms in the Fulton City Library, 709 Market Street, Fulton, Missouri 65251 and in the Olin Library of Washington University, Skinker and Lindell Boulevard, St. Louis, Missouri 63130.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensee's activities since the construction permit antitrust reviews for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation, on or before May 6, 1980.

Dated at Bethesda, Maryland, this 26th day of February 1980.

For the Nuclear Regulatory Commission.

Olan D. Parr,

Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc. 80-9953 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act: Proposed New System of Records and Announcement of Proposed Survey

AGENCY: Office of Personnel Management.

ACTION: Notice; Proposed new system of records and announcement of proposed survey.

SUMMARY: The purpose of this document is to announce that the Office of Personnel Management intends to establish a new system of records, and to identify a proposed survey to be conducted utilizing records covered by the system. This system is necessary so that the Office can conduct personnel management research studies where it is necessary to identify respondents and maintain records about them along with their responses in a system of records. These records will be maintained only by the Office (or persons under contract to the Office) and, therefore, this action has no direct impact on agencies.

COMMENT DATE: Any interested party may submit written comments regarding the proposal. To be considered, comments on the proposed system must be received on or before May 27, 1980, while comments on the proposed study must be received on or before April 27, 1980.

ADDRESS: Address comments to: Deputy Assistant Director for Work Force Information (ACE), Office of Personnel Management (Room 6410D), 1900 E Street, NW., Washington, D.C. 20415. Comments received will be available for public inspection at the above address between the hours of 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William H. Lynch, Records Management Branch, Work Force Information Division, (202) 254-8778.

SUPPLEMENTARY INFORMATION: An important responsibility of the Office is to examine agency compliance with the regulations it issues and to otherwise review agency personnel management policies and practices. This function is generally performed by on-site evaluations of an agency's personnel management operations. These evaluations are necessary so that the Office may properly and effectively exercise its oversight role. This Office has often supplemented such evaluations by use of surveys. These surveys use questionnaires that solicit opinions or factual responses from individuals and have routinely been conducted without retaining responses linked to the personal identities of respondents.

In assessing the impact of such programs as will be implemented under the Civil Service Reform Act and the effect of the Alternate Work Schedules Program, the Office recognizes that a need exists to identify respondents and retain their responses along with demographic data about them. Only in this manner can the Office conduct the necessary longitudinal follow-up surveys that will provide accurate, timely, and effective data for assessment and decision making.

Wherever a link between response and respondent is to be maintained, the release of individually identifiable data, beyond releases to those having a bona fide need for such data or to the data subject, shall be prohibited unless legally required. This policy is emphasized by providing only one routine use for this system, i.e., to provide for the possibility of a disclosure, by inference, when aggregate reports based on the data are released. Data will be protected by the provisions of the Privacy Act for systems of records and also by the responsible OPM office which must prepare a written description of the manner in which the data collected is to be protected. This description will be internally reviewed for compliance with the Privacy Act and the Office's policy on disclosures of the data and will also be published in the **Federal Register** prior to beginning the survey. This **Federal Register** notice will also: (1) Cite the specific statute, executive order, or other authority under which the survey is being conducted; (2) identify the class(es) of individuals requested to participate and how they were selected; (3) state whether participation is voluntary or not and, if not, the reasons therefor; (4) list the specific purpose(s) for the survey; (5) describe any significant new data to be collected in addition to that listed in the categories of records section of the notice and any disclosures of the records beyond the routine use listed for the system (Privacy Act procedures for establishing a new routine use will be followed in the latter case); (6) provide the expected time frame for the survey; and (7) describe the method and approximate date of the destruction of the records and furnish an address where interested parties may obtain copies of the reports issued as a result of the survey. The notice shall also provide for a 30-day public comment period prior to the initiation of the survey.

This system of records is identified as an OPM/CENTRAL system because, while the records are maintained only the Office, they pertain to employees of many agencies. Further, since some surveys may require input from the segment of the population serviced by, or receiving products from, Federal agencies participating in the survey, the records may also pertain to individuals who are not Federal employees. Such input from the private sector may constitute a "public report" within the meaning of the Federal Reports Act of 1942 (44 U.S.C. 3501-3512), and the clearance required in OMB Circular A-40 will be obtained as appropriate. Records in this system are different from those in the OPM/GOVT-6, Personnel Research and Test Validation Records system. The latter records are maintained by both OPM and agencies specifically and only to assess the effectiveness of tests and examinations administered by agencies under delegated authority from the Office and to determine any adverse impact resulting from an agency's selection procedures as required by the Uniform Guidelines on Employee Selection Procedures (1978) 43 FR 3829 et seq. (August 25, 1978).

The Notice for this system of records identifies only one system manager, even though the intent is that the system will cover all records maintained or sponsored by any OPM office conducting a survey. The single system manager is responsible for ensuring that each survey maintained as a system of records conforms to the Office's **Federal Register** publication requirements

outlined here and is designed to facilitate the processing of inquiries, Privacy/Freedom of Information Act requests for access, amendment requests, and any appeal of a denial of an access or amendment request.

The system notice indicates that records may be located in OPM offices and with private sector contractors. Under certain situations, e.g. to obtain a totally independent and objective assessment of the impact of the Civil Service Reform Act, the Office may deem it appropriate to contract with the private sector for the conduct of such surveys.

Such a contract, where a system of records is to be maintained, will be negotiated under the provisions of subsection (m) of the Privacy Act and will be described in the **Federal Register** notice of the proposed survey. Where the office enters into a contract for the conduct of the survey, it is OPM's policy that data used by the contractor as the basis for reports issued, remains under the control and dominion of the contractor and such data are not considered the property of the Office.

Concurrent with this notice the office has filed a Report on new Systems with Congress and OMB. No waiver of the 60-day advance notice period has been requested; thus, the public is being afforded the full 60-day public comment period.

In some instances individually identifiable records will be retained for a relatively short period of time, e.g., until compilation of aggregate data or until a second follow-up request for response is completed. In those situations the **Federal Register** notice will so state and provide an approximate time after which records will no longer be retrievable by individual name or identifier. The total number of surveys under this system of records is such that the total number of respondents in the system at any time will remain fairly constant as surveys are added and completed. The configuration of the system is not expected to change when a new survey is initiated or when a survey is completed, nor is it anticipated that there will be any substantive changes to the categories of records in the system, the manner in which records are indexed or retrieved, or the purposes for which the information is to be used. For these reasons, a Report on New Systems will not be required each time the Office announces a new survey or when a survey is completed and individually identifiable records are destroyed.

The Office intends to conduct a survey to measure the effect of the Civil Service Reform Act on the Federal civil service as soon as this system becomes effective. This survey will be conducted under contracts negotiated between the Office and the University of California at Irvine, the University of Michigan, and Case Western Reserve University. Information about participants and their voluntary responses to interviews and questionnaires will be maintanied by the contractors. No disclosure of the data, beyond disclosure to contractor personnel having need for the data and to the data subject, shall be made. When not in use by authorized contractor personnel, the records shall be retained in locked cabinets or secured rooms. Access to automated records will also be limited only to contractor personnel directly involved in the project.

The authority for the conduct of this survey is contained in title 5, U.S. Code, sections 1104, 3138, 4305, 5385, 5404, 7105, 7118, 7132, 7504, and 7514. Participants will be a random selection of Federal employees at several, yet to be determined, agency locations, as well as from other employees at those sites who, because of type of appointment (SES) or position held (supervisor, manager) must be included. Additionally, where appropriate, non-Federal users of Federal agencies' services or products will be selected at random and asked to participate. Participation in the survey is on a voluntary basis. As stated above, the purpose of the survey is to assess changes in the Federal civil service brought about by the Civil Service Reform Act relating to the Senior Executive Service, performance appraisal, merit pay, labor management relations, employee discipline, and delegation of authorities.

The survey will not collect any individual data beyond those shown in the categories of records section of the system notice nor will there be any uses of the individually identifiable data other than by contractor personnel. The survey will begin shortly after the effective date of this system of records and continue for four and one-half years. In some cases, the contractors will retain individually identifiable data for only a portion of the survey period (one or two years). At the point where further retention of the data linked to an individual is no longer necessary, the link to the individual will be destroyed and, although the responses may continue to be retained as part of the survey, since there is no longer any way to retrieve any individual responses, those records will no longer be considered a part of this system of records. Where individually identifiable records are retained for the length of the survey, they will either be destroyed or have any links to individual responses destroyed (manual records are to be burned and automated disks or tapes erased) within one year of the completion date of the survey.

Reports with aggregated data compiled in connection with this survey will be made available to the public. For information concerning where and when requests for these reports are to be submitted, contact the system manager as shown in the system notice below. Interested parties may submit written comments concerning this proposed survey to the address shown above. To be considered, comments must be received by April 28, 1980.

This system of records shall become effective, and the survey begun, on May 27, 1980, without further notice, unless comments received necessitate otherwise. The complete text of the system notice appears below.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

OPM/CENTRAL–12

SYSTEM NAME:

Survey Information Records.

SYSTEM LOCATION:

Records in this system may be located at any of the Office of Personnel Management's central or regional offices or with private sector contractors participating in the conduct of the survey.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Federal employees and members of the public who are recipients of Federal services or products.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system, both manual and automated, includes:

a. Demographic data, e.g. including but not limited to name, home, or business address, age, sex, employment and educational history data, description of present assignment and duties (current Federal employees), and a description of the nature of association with a Federal agency (non-Federal recipients of Federal services or products).

b. Responses to questionnaires that call for specific details regarding the implementation of agency programs and their impact on the respondents' duties, work environment, performance, or other work related issues (current Federal employees) or on the actual manner and method by which services/products are provided as well as any improvement or deterioration in these areas (recipient of services/products).

c. Responses that call for opinions or judgments on the part of respondents concerning their perception on how new procedures have affected agency performance, employee morale, mission accomplishment, and service to the public.

d. Self-identification as to race, sex, ethnicity, or handicap where appropriate.

Although it is not possible to forsee all information to be collected, these data elements would constitute what is sought for the majority of surveys conducted. Where the survey seeks significant additional data, the Federal Register notice for the survey will so identify the specific information to be maintained beyond that identified here.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Office of Personnel Management is authorized to regulate (and thus to survey the impact of those regulations) various aspects of the personnel management practices and policies of Federal agencies under various sections of title 5 of the U.S. Code, including sections 1104, 1302, 3136, 3397, 3502, 3595, 4118, 4305, 4315, 4706, 5115, 5338, 5385, 5405, 6311, 7504, 7514, 8347, 8716, and 8913. Additionally sections, 7105, 7118, and 7132 provide for an Office role in the functions described therein.

PURPOSE:

Information in this system will be used to develop statistical reports on agency personnel management practices and policies. Information will also be used to determine the impact of Office regulations in those areas, as well as the impact of changes in the Federal civil service mandated by statute or executive order. Maintenance of a system of records as defined by the Privacy Act is necessary so that longitudinal surveys of Federal employees and non-Federal recipients of Federal services/products can be made.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Office of Personnel Management or the contractor in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

POLICIES AND PRACTICES OF STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders, on questionnaires, lists, and forms and in computer processible storage media.

SAFEGUARDS:

These records are stored in locked file cabinets or secured rooms. Access to automated records is limited to specially designated OPM or contractor personnel.

RETENTION AND DISPOSAL:

Individually identifiable information may be destroyed in a relatively short period of time, e.g., as soon as practicable after aggregate statistics are compiled or after any follow-up request for an individual's voluntary participation in the survey.

Other records are retained up to one year after the completion of the survey. Statistical reports based on the data collected or individual forms or questionnaries with all identifiers removed may be retained indefinitely.

Manual records are burned or shredded while automated records are erased.

Note

Contracts with non-Federal parties shall stipulate agreement to the above procedures on the part of the contractor.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, CSRA Evaluation Management Division, Office of Planning and Evaluation, Office of Personnel Management (Room 3305), 1900 E Street, N.W., Washington, D.C. 20415.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact:

a. The OPM Office conducting the survey, if known, or the system manager; or

b. When the survey is being conducted by a non-Federal contractor, the specific contractor involved.

Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Nature of participation (Federal employee or non-Federal employee).

c. Agency where employed (if appropriate) when the survey was conducted.

d. Approximate date and nature of the survey.

RECORD ACCESS PROCEDURES

Individuals wishing to request access to their records should contact the OPM sponsoring office, the system manager, or the contractor as appropriate. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Nature of participation (Federal employee or non-Federal employee).

c. Agency where employed (if appropriate) when the survey was conducted.

d. Approximate date and nature of the survey.

Individuals requesting access must also comply with the Office's Privacy Act regulations regarding verification of identity and access to records (5 CFR 297.201 and 297.203).

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment to their records should contact the OPM sponsoring office conducting the survey, the system manager, or the contractor as appropriate. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Nature of participation (Federal employee or non-Federal employee).

c. Agency where employed (if appropriate) when the survey was conducted.

d. Approximate date and nature of the survey.

Individuals requesting amendment must also comply with the Office's Privacy Act regulations regarding verification of identity and amendment of records (5 CFR 297.201 and 297.208).

RECORD SOURCE CATEGORIES:

Information in this system is obtained from individual participants of the survey, from Office or agency personnel records, and from labor organizations.

[FR Doc. 80-9441 Filed 3-27-80; 8:45 am]

BILLING CODE 6325-01-M

OFFICE OF THE U.S. TRADE REPRESENTATIVE

Implementation of Duty Concession on Live Cattle Imports

Notification has been received from the Canadian Government regarding implementation by Canada of the concession rate of 1 cent per pound on Canadian tariff item 501–1 (live cattle, n.o.p.). The implementation of this concession was effective on January 1, 1980. Therefore, pursuant to Section G of Annex III to Proclamation 4707 (FR Vol. 44, No. 241, Page 72530) the United

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States is obligated to implement the staging of concessions on live cattle imports in tariff Nos. 100.40, 100.43, 100.53, and 100.55. Such implementation is required to be effective commencing January 1, 1980, in accordance with the terms of the international agreement entered into between Canada and the United States on September 17 and 21, 1979.

Robert D. Hormats,

Deputy U.S. Trade Representative.

[FR Doc. 80-9456 Filed 3-27-80; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-16686; File No. SR-NASD-80-3]

National Association of Securities Dealers, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 17, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The NASD's Statement of the Terms of Substance of the Proposed Rule Change

Text of Proposed Rule Change

The following is the full text of the proposed amendments to Section 1(a)(2) and Section 1(b)(2) of Schedule G under Article XVIII of the Association's By-Laws. (New language is indicated by italics, deleted language by brackets.)

Section 1(a)(2) Designated Reporting Members shall transmit last sale reports for eligible securities for all purchases and sales in such securities except transactions for less than a round-lot at the *execution* price [recorded on the trade ticket exclusive of] *after excluding any* commission[s], *mark-up, mark-down* or other charge[s]. *For principal transactions which are executed at a price which includes a mark-up, mark-down or service charge, the price reported shall exclude the mark-up, mark-down or service charge. Such reported price shall be reasonably related to the prevailing market, taking into consideration all relevant circumstances including, but not limited to, market conditions with respect to the security, the number of shares involved in the transaction, the published bids and offers with size at the time of the execution (including the reporting firm's own quotation), accessibility to market centers publishing bids and offers with size, the cost of execution and the expenses involved in clearing the transaction.*

Section 1(b)(2) Non-Designated Reporting Members shall transmit last sale reports for eligible securities for all purchases and sales in such securities except transactions for less than a round-lot at the *execution* price [recorded on the trade ticket exclusive of] *after excluding any* commission[s], *mark-up, mark-down* or other charge[s]. *For principal transactions which are executed at a price which includes a mark-up, mark-down or service charge, the price reported shall exclude the mark-up, mark-down or service charge. Such reported price shall be reasonably related to the prevailing market, taking into consideration all relevant circumstances including, but not limited to, market conditions with respect to the security, the number of shares involved in the transaction, the published bids and offers with size at the time of the execution (including the reporting firm's own quotation), accessibility to market centers publishing bids and offers with size, the cost of execution and the expenses involved in clearing the transaction.*

The NASD's Statement of Purpose of Proposed Rule Change

The purpose of the proposed rule change is to attempt to achieve comparability for transactions in listed securities reported on the Consolidated Tape. Presently all transactions reported on the Consolidated Tape from stock exchanges do not include the commission charged the customer for the transaction. The transaction report, therefore, constitutes the wholesale price for the transaction. Over-the-counter transactions in these same securities are currently reported in two different ways. If the transaction is an agency transaction where the commission is separately broken out, the transaction is reported on the Tape without the commission similar to reports from exchanges. If the transaction is done as principal with a commission separately broken out, the transaction is also reported on the Tape without the commission. However, most principal transactions executed in the over-the-counter market are executed at one price which includes a mark-up or mark-down. This constitutes the actual price paid or received by the customer, i.e., the retail price, and currently that price is reported to the Tape. These reporting procedures result in a mix of wholesale and retail prices being reported on the Tape at the same time and the Association is concerned with the appearance of these prices on the Tape. Obviously if some transaction reports indicate wholesale prices and some indicate retail prices, transactions which actually are very similar or even the same in price would appear on the Tape as being different.

The Association has therefore proposed this rule change requiring that in all principal trades which are executed at a price which includes a mark-up or mark-down, the price reported to the Consolidated Tape should exclude such mark-up or mark-down. The Association believes the adoption of the proposed rule change will constitute substantial progress in achieving comparability of transaction prices reported to the Consolidated Tape.

In addition to improving the manner in which transaction prices are disclosed to public investors, the proposed rule change will alleviate certain problems relating to various regulations and other practices which are based on prices reported on the Consolidated Tape. For example, SEC Rule 10a-1, dealing with short sale regulation utilizes the last sale reported on the Consolidated Tape for determining permissible short sales. The exclusion of mark-ups and mark-downs in the reported price will result in less variations in the stream of reported prices than has occurred in the past. These variations which have impacted the ability of firms to execute short sales are caused by the inclusion of mark-ups and mark-downs in the reported prices. In addition, certain rules and practices relating to the execution of limit orders and any new limit order procedures established in a national market system will be substantially improved by the elimination of price variances due to the inclusion of mark-ups and mark-downs in reported prices. The proposal will also decrease the potential for the closing transaction of the day to be away from the actual wholesale market if the transaction happens to be a retail transaction including a mark-up or mark-down. This closing transaction is used by many persons and corporations for a variety of important inventory and portfolio valuations.

The Association believes that the proposed rule change will substantially improve the disclosure mechanism for transactions in listed securities. The Association recognizes that the rule change is an attempt to deal with a very complicated problem. The proposal will be studied very closely by the Association for a specific experimental period to monitor its impact and determine whether any modifications to the reporting procedures are necessary.

The NASD's Statement of Basis Under the Act for Proposed Rule Change

Section 11A(a)(1) of the Act provides:

The Congress finds that * * * [i]t is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure * * * the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities.

Section 15A(b)(6) of the Act, which applies to registered securities associations, requires that "[t]he rules of the association [be] designed * * * to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest * * *" Rule 17a-15 under the Act requires the Association to establish procedures for the reporting of transactions in listed securities. These provisions give the Association authority to require that all members report their transactions in eligible securities in order to provide more complete information to the investing public. Accordingly, the propsed amendments are consistent with the requirements of the Act.

Comments Received From Members, Participants or Others on Proposed Rule Change

No comments were received with respect to the proposed rule change although the proposal was adopted in response to problems previously noted by members and others. Subsequent to this filing a notice will be published by the Association requesting the views of members and other interested persons.

The NASD's Statement on Burden on Competition

The Association believes the proposed rule change improves the manner in which transactions in listed securities are reported to the Consolidated Tape and does not impose a burden on competition.

On or before April 29, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change,

or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 28, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 21, 1980.

[FR Doc. 80-9356 Filed 3-27-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11097; 812-4627]

Jet Capital Corp.; Filing of Application

March 21, 1980.

Notice Is Hereby Given that Jet Capital Corporation ("Applicant"), One Allen Center, Houston, Texas 77002, a Delaware corporation, has filed an application on March 17, 1980, pursuant to Sections 6(c) and 6(e) of the Investment Company Act of 1940 ("Act") for an order of temporary exemption declaring Applicant exempt from Sections 7 and 8 of the Act until one year from the date of the application. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant states that it was incorporated in 1969 and that it began a jet aircraft leasing business following a public offering of its common stock and warrants to purchase common stock. According to the application, the aircraft leasing business later became unattractive and Applicant obtained shareholder approval to explore other business opportunities in the airline field. Applicant represents that it acquired control of Texas International Airlines, Inc. ("TXIA"), in 1972 as part of a comprehensive refinancing of TXIA designed by Applicant. Applicant states that it had the right to cast more than 50 percent of the votes at any meeting of TXIA stockholders from 1972 until TXIA issued additional shares of common stock on April 19, 1978, after which Applicant's voting percentage declined to approximately 43.9%, and Applicant's investment securities, as defined in Section 3(a) of the Act, exceeded 40% of the value of its total assets. Based on TXIA's capitalization at December 31, 1979, Jet Capital is entitled to cast approximately 30% of the votes for directors at meetings of TXIA stockholders.

On April 19, 1978, Applicant filed an application for an order pursuant to Section 3(b)(2) of the Act declaring that Applicant was primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities. Applicant amended its Section 3(b)(2) application on July 7, 1978, and a notice of the Section 3(b)(2) application was issued on July 13, 1978 (Investment Company Act Release No. 10322).

Applicant filed additional amendments to its Section 3(b)(2) application on August 30 and October 30, 1978, setting forth, among other things, information concerning purchases of the stock of National by TXIA, and the means by which TXIA financed these purchases. TXIA owned approximately 23% of the outstanding stock of National as of the close of business on October 30, 1978, and Applicant stated that TXIA intended to purchase up to 25% of the National common stock. In its Section 3(b)(2) application, Applicant submitted that it was entitled to an order of exemption under Section 3(b)(2) of the Act because it was primarily engaged and had been primarily engaged since 1972 in the air transportation business through a controlled subsidiary, TXIA. On November 17, 1978, a second notice of the application pursuant to Section 3(b)(2) of the Act was issued (Investment Company Act Release No. 10484).

Subsequently, on March 17, 1980, Applicant filed another amendment to its 3(b)(2) application. According to the amendment, TXIA entered into a stock purchase agreement with Pan American World Airways, Inc. ("Pan Am"), on July 28, 1979. Applicant represents that, pursuant to that agreement, TXIA sold Pan Am 790,700 shares of National common stock on July 30, 1979, and 1,309,300 shares of National common stock on December 31, 1979, which constituted all the shares of National common stock beneficially owned by TXIA on that date. In the event Applicant obtains an order of exemption pursuant to its Section 3(b)(2) application, the instant application will

become unnecessary, and any order issued hereon will be terminated.

Applicant states that the proceeds from TXIA's sale of National stock may be temporarily held in cash, cash equivalents or money market instruments for an indefinite period of time, but will not be held permanently in that manner. The amended application states that the proceeds from the sale of National stock also may be used for operating or capital purposes of TXIA or of a corporation which may be formed to hold all of TXIA's voting stock, and that the proceeds may also be used to purchase stock or other securities of operating companies, except that TXIA does not intend to employ more than 20% of its assets in making such investments which are not made with a view to obtaining operating control.

In requesting an order of temporary exemption from Sections 7 and 8 of the Act, Applicant has agreed to have its order conditioned upon compliance with Sections 9, 17(a), 17(d), 17(e), 36 and 37 of the Act, and, to the extent that their terms may apply to Applicant's agreement to comply with certain sections of the Act, Sections 38 through 52 of the Act; except insofar as Section 17 might prohibit:

(i) Employee benefit plans or other employee benefits of TXIA (which, for purposes of the application are defined to include any corporation which may be formed to own all of TXIA's voting stock) extended to affiliated persons of Applicant, provided, however, that during the pendency of such exemption TXIA will not grant to affiliates of Applicant, in the aggregate, options to purchase in excess of 140,000 shares (constituting less than 2% of the outstanding common stock on a fully diluted basis) of TXIA, and that all options so granted to affiliates of Applicant will not be exercisable for at least one year from the date of grant and will have an exercise price of at least 100% of the market price of TXIA common stock on the date of grant;

(ii) Transactions between TXIA and any other affiliated company of Applicant or TXIA (or an affiliate of such affiliated company except for an officer, director, 5% shareholder or controlling person of Applicant) on the ground that an affiliated person of Applicant might be deemed to have an interest in the transaction or in a party to the transaction by reason of being a stockholder or director of TXIA;

(iii) Transactions which (a) are approved by a majority of the votes of stockholders of TXIA cast at a meeting of stockholders of TXIA, and (b) are approved by a majority of the shares of TXIA common stock voted with respect to the transactions which are held by persons other than Applicant or any affiliated person of Applicant;

(iv) Transactions in which the sole economic interests of Applicant and persons affiliated with Applicant are the same as the interests of other holders of TXIA securities of the same class or classes and Applicant and its affiliates participate only as holders of TXIA securities in the same way as all other holders of the same class or classes of TXIA securities;

(v) The sale, under a registration statement filed by TXIA at its expense, of TXIA securities by Applicant or an affiliated person of Applicant to a person or persons who are not affiliated persons of Applicant or TXIA or affiliated persons of any affiliated person of either of them, including such a transaction where Applicant and affiliated persons of Applicant may be deemed to be joint sellers, provided that (a) any joint sales by Applicant and its affiliates be effected either at the same price or on a national securities exchange, (b) no sales be effected by an affiliate of Applicant in a manner which would disadvantage Applicant, and (c) the only TXIA securities which would be sold by Applicant in such transaction be warrants to purchase common stock of TXIA or common stock obtained upon the exercise of such warrants, and (d) any such sales by Applicant be made for the purpose of obtaining funds in order to exercise other TXIA warrants or purchase TXIA common stock or to cover current operating expenses;

(vi) Any transaction by reason of an affiliated person of Applicant or TXIA owning an interest of less than 1% of the outstanding securities of any class of another party to the transaction, which interest was purchased prior to January 1, 1978, provided that the market value of such person's holdings of securities of Applicant and TXIA is at least equal to twice the market value of such person's holding of securities of such other party at the time of the transaction; and

(vii) Any transaction between or among TXIA (holding company or subsidiary) and a corporation or corporations of which either owns all of the voting stock.

Applicant submits that the foregoing exceptions to its undertaking to comply with Section 17 are appropriate because they permit the ordinary operations of TXIA and possible future corporate transactions and asserts that they are appropriate for the protection of investors.

Applicant asserts that it would be unduly burdensome to comply with sections 10, 12, 13, 15, 16, 17(f), 17(g), 17(h), 18, 19, 20, 21, 23, 25, 30, 31, and 32 because Applicant is seeking a temporary exemption. Applicant also submits that at the expiration of the temporary exemption, the Commission will have sufficient opportunity to require Applicant to furnish information pursuant to Sections 20(a), 30 and 33. Lastly, Applicant states that the proposed Rule 3a-1 under the Act (Investment Company Act Release No. 10937, November 13, 1979) would exempt Applicant from the Act and obviate the necessity for the application if promulgated in final form as proposed. In that event, or if another rule of similar import is adopted by the Commission, any temporary exemption and the agreements of Applicant made therein will terminate and the Section 3(b)(2) amended application, described above, will be deemed moot, provided counsel for Applicant renders a written opinion to the effect that, based upon such rule, such counsel is of the opinion that Applicant is not an investment company.

Section 6(c) provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act, if and to the extent such exemption is necessary or appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(e) of the Act provides that, if, in connection with any order under Section 6 exempting any investment company from Section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

Notice is further given that any interested person may, not later than April 16, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9357 Filed 3-27-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11098; 812-4293]

Jet Capital Corp.; Re Notice of Application for an Order Declaring That Applicant Is Not an Investment Company

March 21, 1980.

Notice is hereby given that Jet Capital Corporation ("Applicant"), One Allen Center, Houston, Texas 77002, a Delaware corporation, filed an application on April 19, 1978, and an amendment thereto on July 7, 1978, pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act"), declaring that the Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities. On July 13, 1978, a notice of the application was issued (Investment Company Act Release No. 10322). Subsequently, on August 30 and October 30, 1978, the Applicant filed additional amendments to its application setting forth, among other things, information concerning purchases of the stock of National Airlines, Inc. ("National"), by Texas International Airlines, Inc. ("TXIA", the securities of which are Applicant's principal assets), and the means by which TXIA financed these purchases. On November 17, 1978, a second notice of the application pursuant to Section 3(b)(2) of the Act was issued (Investment Company Act Release No. 10484). On March 17, 1980, Applicant filed an additional amendment to its application, stating, among other things, that TXIA had sold to Pan American World Airways, Inc. ("Pan Am"), all the shares of National common stock that it beneficially owned as of December 31, 1979, and providing updated financial information of the Applicant. All interested persons are referred to the application and amendments thereto on file with the Commission for a statement of the representations made therein, which are summarized below.

Section 3(a)(3) of the Act defines an investment company as any issuer which is engaged, or proposes to engage, in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

Applicant states that it was incorporated in 1969 and that it began a jet aircraft leasing business following a public offering of its common stock and warrants to purchase common stock. According to the application, the aircraft leasing business later became unattractive and Applicant obtained shareholder approval to explore other business opportunities in the airline field. Applicant represents that it acquired control of TXIA in 1972 as part of a comprehensive refinancing of TXIA designed by Applicant. According to the application, TXIA is a scheduled airline which operates primarily in the Southwest as well as in the Republic of Mexico. Applicant states that it had the right to cast more than 50 percent of the votes at any meeting of TXIA shareholders from 1972 until TXIA issued additional shares of common stock on April 19, 1978. After that date, Applicant's voting percentage declined to approximately 43.9 percent, and Applicant's investment securities, as defined in Section 3(a)(3) of the act, exceeded 40 percent of the value of its total assets. Applicant further states that it is entitled to cast approximately 30 percent of the votes for directors at meetings of TXIA shareholders, based on TXIA's capitalization at December 31, 1979, and that Applicant does not believe that there has been any significant change in its voting percentage since that date.

According to the application, TXIA's business had included the purchases of the stock of National, and that as of August 21, 1978, TXIA held an aggregate of 790,700 shares of National common stock or approximately 9.2% of the outstanding shares. From August 22 to October 30, 1978, TXIA purchased an additional 1,178,300 shares of National common stock, and as of the close of business on October 30, 1978, TXIA held 23% of the National's outstanding common stock and intended to purchase up to 25% of the National's common stock. According to the application, TXIA subsequently entered into a stock purchase agreement with Pan Am on July 28, 1979. Applicant represents that pursuant to that agreement, TXIA sold Pan Am 790,700 shares of National common stock on July 30, 1979, and 1,309,300 shares of National common stock on December 31, 1979, which constituted all the shares of National common stock beneficially owned by TXIA on that date. Applicant states that the proceeds from TXIA's sale of National stock may be temporarily held in cash, cash equivalents or money market instruments for an indefinite period of time, but will not be held permanently in that manner. The amended application states that the proceeds from the sale of National stock may be used for operating or capital purposes of TXIA or of a corporation which may be formed to hold all of TXIA's voting stock, and that the proceeds may also be used to purchase stock or securities of operating companies, except that TXIA does not intend to employ more than 20% of its assets in making such investments which are not made with a view to obtaining operating control.

Section 3(b)(2) of the Act exempts from the definition of an investment company in Section 3(a)(3) of the Act any issuer which the Commission finds and by order declares to be priminarily engaged in a business or businesses other than that or investing, reinvesting, owning, holding, or trading in securities, eigher directly or (a) through majority-owned subsidiaries or (b) through controlled companies conducting similar types of businesses. Section 2(a)(9) of the Act defines control as the power to exercise a controlling interest over the management or policies of a company, unless such power is solely the result of an official position with such company. In addition, Section 2(a)(9) of the Act state that any person who owns beneficially, either directly or through one or more controlled companies, more than 25 per centum of the voting securities shall be presumed to control such company. Any person who does not so own more than 25 per centum of the voting securities of any company shall be presumed not to control such company, but any such presumption may be rebutted by evidence.

Applicant submits that it is entitled to an order of exemption pursuant to Section 3(b)(2) of the Act air because it

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is primarily engaged and has been primarily engaged since 1972 in the transportation business through its controlled subsidiary, TXIA. Applicant represents that there has been no material change in the nature of its business since April 18, 1978. Applicant states that, since the date of the last amendment to the application, TXIA has filed a registration statement on Form S-16 which became effective November 30, 1979 (No. 2-65776), under which persons, including certain affiliates of Applicant or TXIA, may sell common stock of TXIA. Applicant represents that based on its unaudited 1979 year-end financial statements, securities of TXIA comprised 79.5% of Applicant's assets on a book value basis and contributed 83.2% of Applicant's income. Applicant states that if its TXIA securities were valued at market value (based on an average market price of $9 per share of TXIA common stock), such securities would comprise approximately 97.5% of Applicant's assets. Furthermore, Applicant contends that the proposed Rule 3a-1 under the Act [Investment Company Act Release No. 10937, November 13, 1979) would exempt Applicant from the Act and obviate the necessity for the applicant if promulgated in final form as proposed.

Applicant states that as a condition to an order pursuant to Section 3(b)(2) of the Act, the exemptive order will terminate 30 days after it is determined that at the end of any calendar quarter more than 40% of TXIA's total assets consist of investment securities as defined by Section 3(a)(3) of the Act, unless:

(1) Applicant has received an opinion of counsel to the effect that TXIA is primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities within the meaning of Section 3(b)(1) of the Act, or

(2) Applicant or TXIA has filed a request for a no-action letter pursuant to Section 3(b)(1) of the Act and, alternatively, an order pursuant to Section 3(b)(2) of the Act, or

(3) Applicant or TXIA has filed a request for an order pursuant to Section 3(b)(2) of the Act.

Applicant states that in the event that Applicant or TXIA shall proceed under either item (2) or item (3) above, Applicant's exemption shall cease, and it shall register in the event that the Commission shall have finally denied the request for exemption and the time to appeal therefrom shall have run.

Section 3(b)(2) provides, in part, that whenever the Commission finds, upon its own motion, that the circumstances which gave rise to the issuance of an order granting an application thereunder no longer exist, the Commission shall by order revoke such order.

Notice is further given that any interested person may, not later than April 16, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9238 Filed 3-27-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Advisory Committee on Small and Minority Business Ownership; Public Meeting

The Advisory Committee on Small and Minority Business Ownership, located in Washington, D.C., will hold a public meeting at 1:00 p.m., Friday, April 18, 1980, at the U.S. Small Business Administration, 2nd Floor Conference Room, 1441 L Street, N.W., Washington, D.C., to discuss such business as may be presented by members, the staff of the U.S Small Business Administration, and others attending.

For further information, write or call Milton Wilson, Jr., Director, Office of Capital Ownership Development, U.S. Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, (202) 653-6526.

Dated: March 21, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-9469 Filed 3-27-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1811]

Connecticut; Declaration of Disaster Loan Area

The area of Railroad Avenue and Route 14 in the Town of Sterling, Windham County, Connecticut constitutes a disaster area because of damage resulting from a fire which occurred on March 1, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 23, 1980 and for economic injury until the close of business on December 22, 1980 at:

Small Business Administration, District Office, One Financial Plaza, Hartford, Connecticut 06103.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 21, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-9468 Filed 3-27-80; 8:49 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1810]

North Carolina; Declaration of Disaster Loan Area

Beaufort, Dare, Duplin, Lenoir, Onslow, and Sampson Counties and adjacent counties within the State of North Carolina constitute a disaster area as a result of damage caused by heavy snow, sleet and wind which occurred on March 1-3, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 23, 1980, and for economic injury until close of business on December 22, 1980, at:

Small Business Administration, District Office, 230 Tryon Street, Suite 700, Charlotte, North Carolina 28202.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 21, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-9465 Filed 3-27-80; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council Meeting; Public Meeting

The Small Business Administration Region V Advisory Council, located in the geographical area of Minneapolis, Minnesota, will hold a public meeting from 10:00 a.m. to 2:00 p.m., Wednesday, April 9, 1980, at the Metropolitan Economic Development Association, 2021 East Hennepin Avenue, Minneapolis, Minnesota, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Paul W. Jansen, District Director, U.S. Small Business Administration, Plymouth Building, Room 530, 12 South Sixth Street, Minneapolis, Minnesota 55402, (612) 725-2928.

Dated: March 21, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-9469 Filed 3-27-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1744, Amdt. No. 3]

Texas; Declaration of Disaster Loan Area

The above numbered Declaration (See 45 FR 1465), Amendment No. 1 (See 45 FR 7666) and Amendment No. 2 (See 45 FR 17102) are amended by adding the following county and adjacent counties within the State of Texas as a result of natural disaster as indicated;

County, Natural Disaster, and Dates

Clay, Drought, 6/1/79-2/20/80.

All other information remains the same, i.e., the termination dates for filing applications for physical damage is close of business on June 26, 1980, and for economic injury until the close of business on September 26, 1980.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 21, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-9467 Filed 3-27-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 708]

Fishery Conservation and Management Act of 1976; Applications for Permits To Fish Within the U.S. Fishery Conservation Zone

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) as amended (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that a notice of receipt of all applications for such permits, a summary of the contents of such applications, and the names of the Regional Fishery Management Councils that receive copies of these applications, be published in the **Federal Register.**

Applications have been received from Taiwan and the Governments of Japan, The Polish Peoples Republic, The Netherlands, and Denmark (for the Faroe Islands) for fishing during 1980, and are reproduced herewith.

If additional information regarding any applications is desired, it may be obtained from: Permits and Regulations Division (F37), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, (Telephone: (202) 634-7432).

Dated: March 20, 1980.

James A. Storer,

Director, Office of Fisheries Affairs.

Fishery codes and designation of regional councils which review applications for individual fisheries are as follows:

Code, Fishery, and Regional Council

ABS—Atlantic Billfishes and Sharks—New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
BSA—Bering Sea and Aleutian Islands; Trawl, Longline and Herring Gillnet—North Pacific.
CRB—Crab (Bering Sea)—North Pacific.
GOA—Gulf of Alaska—North Pacific.
NWA—Northwest Atlantic—New England, Mid-Atlantic.
SMT—Seamount Groundfish (Pacific Ocean)—Western Pacific.
SNA—Snails (Bering Sea)—North Pacific.
WOC—Washington, Oregon, California Trawl—Pacific.
PBS—Pacific Billfishes and Sharks—Western Pacific.

Activity codes specify categories of fishing operations applied for as follows:

Activity Code and Fishing Operations

1—Catching, processing, and other support.
2—Processing and other support only.
3—Other support only.

Nation Vessel name vessel type	Application NO.	Fishery	Activity
Taiwan:			
Sam Fuh, longline fishing vessel	TW-80-0060	PBS	1
Poland:			
Delfin, large stern trawler	PL-80-0065	WOC, GOA, BSA	1
Denmark (Faroe Islands):			
Bakur, longline fishing vessel	DA-80-1005	ABS	1
Vadasteinur, longline fishing vessel	DA-80-1006	ABS	1
The Netherlands:			
Baltic, refrigerated cargo transport	NL-80-0001	BSA	3
Japan:			
Katsuyama Maru, pair trawler	JA-80-0833	BSA	1
Matsuyama Maru, pair trawler	JA-80-0833	BSA	1
Zuiyo Maru, pair trawler	JA-80-0335	BSA, GOA	1
Abugawa Maru, cargo/transport vessel	JA-80-1032	BSA, CRB, GOA, NWA, SMT, SNA.	3
Kizan Maru, cargo/transport vessel	JA-80-1066	NWA, CRB, GOA, BSA, SNA	3
Kizan, cargo/transport vessel	JA-80-1155	BSA, CRB, GOA	3
Akashia Maru, cargo/transport vessel	JA-80-1156	CRB, GOA, BSA, SNA, NWA	3
Akebono Maru, No. 2, medium stern trawler	JA-80-1154	BSA, GOA	1
Kyokushin Maru, 1cargo/transport vessel	JA-80-1161	BSA, CRB, GOA, NWA, SMT, SNA.	3
Koeho Maru, cargo/transport vessel	JA-80-1162	BSA, CRB, GOA	3
Tobo Maru, cargo/transport vessel	JA-80-1163	BSA, CRB, GOA	3
Koshin Maru No. 58, longline fishing vessel	JA-80-3001	PBS	1
Koshin Maru No. 88, longline fishing vessel	JA-80-3002	PBS	1
Koryo Maru No. 128, longline fishing vessel	JA-80-3003	PBS	1
Nitto Maru No. 8, longline fishing vessel	JA-80-3004	PBS	1
Kokuku Maru No. 80, longline fishing vessel	JA-80-3005	PBS	1
Kokuku Maru No. 1, longline fishing vessel	JA-80-3006	PBS	1
Noboribetsu Maru No. 2, longline fishing vessel	JA-80-3007	PBS	1
Kinpo Maru No. 58, longline fishing vessel	JA-80-3008	PBS	1
Ryoyu Maru No. 8, longline fishing vessel	JA-80-3009	PBS	1

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Nation Vessel name vessel type	Application NO.	Fishery	Activity
Hokuryo Maru No. 8, longline fishing vessel	JA-80-3010	PBS	1
Shotoku Maru No. 5, longline fishing vessel	JA-80-3011	PBS	1
Choyo Maru No. 75, longline fishing vessel	JA-80-3013	PBS	1
Tomi Maru No. 18, longline fishing vessel	JA-80-3014	PBS	1
Syunyo Maru No. 52, longline fishing vessel	JA-80-3015	PBS	1
Nitto Maru No. 25, longline fishing vessel	JA-80-3016	PBS	1
Yamasan Maru No. 68, longline fishing vessel	JA-80-3017	PBS	1
Yamasan Maru No. 7, longline fishing vessel	JA-80-3018	PBS	1
Fukujin Maru No. 18, longline fishing vessel	JA-80-3019	PBS	1
Fukujin Maru No. 7, longline fishing vessel	JA-80-3020	PBS	1
Kinsei Maru No. 63, longline fishing vessel	JA-80-3021	PBS	1
Tora Maru No. 38, longline fishing vessel	JA-80-3022	PBS	1
Tora Maru No. 22, longline fishing vessel	JA-80-3023	PBS	1
Tomi Maru No. 23, longline fishing vessel	JA-80-3024	PBS	1
Tomi Maru No. 31, longline fishing vessel	JA-80-3025	PBS	1
Kaiyo Maru No. 8, longline fishing vessel	JA-80-3026	PBS	1
Hanasaki Maru No. 52, longline fishing vessel	JA-80-3027	PBS	1
Mutu Maru No. 62, longline fishing vessel	JA-80-3028	PBS	1
Seitoku Maru No. 52, longline fishing vessel	JA-80-3029	PBS	1
Mito Maru No. 22, longline fishing vessel	JA-80-3030	PBS	1
Daito Maru No. 38, longline fishing vessel	JA-80-3031	PBS	1
Kinsei Maru No. 63, longline fishing vessel	JA-80-3032	PBS	1
Zuiho Maru No. 18, longline fishing vessel	JA-80-3033	PBS	1
Kasuga Maru No. 77, longline fishing vessel	JA-80-3034	PBS	1
Shoshin Maru No. 20, longline fishing vessel	JA-80-3035	PBS	1
Shoshin Maru No. 1, longline fishing vessel	JA-80-3036	PBS	1
Kiku Maru No. 8, longline fishing vessel	JA-80-3037	PBS	1
Kiku Maru No. 38, longline fishing vessel	JA-80-3038	PBS	1
Eitoku Maru No. 8, longline fishing vessel	JA-80-3039	PBS	1
Ryoiki Maru No. 25, longline fishing vessel	JA-80-3040	PBS	1
Ryoiki Maru No. 35, longline fishing vessel	JA-80-3041	PBS	1
Seiun Maru No. 28, longline fishing vessel	JA-80-3042	PBS	1
Sakae Maru No. 33, longline fishing vessel	JA-80-3043	PBS	1
Kaito Maru No. 18, longline fishing vessel	JA-80-3044	PBS	1
Kaiyo Maru No. 30, passenger ship (crew transfer)	JA-80-3045	PBS	1
Minato Maru No. 80, longline fishing vessel	JA-80-3046	PBS	1
Minato Maru No. 102, longline fishing vessel	JA-80-3047	PBS	1
Minato Maru No. 103, longline fishing vessel	JA-80-3048	PBS	1
Chonyu Maru No. 21, longline fishing vessel	JA-80-3049	PBS	1
Zuio Maru No. 18, longline fishing vessel	JA-80-3050	PBS	1
Kineho Maru No. 81, longline fishing vessel	JA-80-3051	PBS	1
Minato Maru No. 25, longline fishing vessel	JA-80-3052	PBS	1
Kaiyo Maru No. 1, longline fishing vessel	JA-80-3053	PBS	1
Chiyo Maru No. 51, longline fishing vessel	JA-80-3054	PBS	1
Houtoku Maru No. 35, longline fishing vessel	JA-80-3055	PBS	1
Konpira Maru No. 1, longline fishing vessel	JA-80-3056	PBS	1
Konpira Maru No. 37, longline fishing vessel	JA-80-3057	PBS	1
Konpira Maru No. 35, longline fishing vessel	JA-80-3058	PBS	1
Tenyuu Maru No. 35, longline fishing vessel	JA-80-3059	PBS	1
Kotobuki Maru No. 28, longline fishing vessel	JA-80-3060	PBS	1
Kotobuki Maru No. 32, longline fishing vessel	JA-80-3061	PBS	1
Tokuchi Maru No. 22, longline fishing vessel	JA-80-3062	PBS	1
Tokuchi Maru No. 20, longline fishing vessel	JA-80-3063	PBS	1
Tokuchi Maru No. 18, longline fishing vessel	JA-80-3064	PBS	1
Tatu Maru No. 51, longline fishing vessel	JA-80-3065	PBS	1
Seifuku Maru No. 35, longline fishing vessel	JA-80-3066	PBS	1
Seifuku Maru No. 25, longline fishing vessel	JA-80-3067	PBS	1
Ebisu Maru No. 25, longline fishing vessel	JA-80-3068	PBS	1
Kuryu Maru No. 18, longline fishing vessel	JA-80-3069	PBS	1
Kinsei Maru No. 32, longline fishing vessel	JA-80-3070	PBS	1
Kinsei Maru No. 63, longline fishing vessel	JA-80-3071	PBS	1
Kinsei Maru No. 53, longline fishing vessel	JA-80-3072	PBS	1
Kuromori Maru No. 25, longline fishing vessel	JA-80-3073	PBS	1
Kuromori Maru No. 31, longline fishing vessel	JA-80-3074	PBS	1
Kuromori Maru No. 32, longline fishing vessel	JA-80-3075	PBS	1
Maiti Maru No. 35, longline fishing vessel	JA-80-3076	PBS	1
Kinsimaru No. 118, longline fishing vessel	JA-80-3077	PBS	1
Kinei Maru No. 68, longline fishing vessel	JA-80-3078	PBS	1
Kinei Maru No. 3, longline fishing vessel	JA-80-3079	PBS	1
Kinei Maru No. 32, longline fishing vessel	JA-80-3080	PBS	1
Kinei Maru No. 18, longline fishing vessel	JA-80-3081	PBS	1
Kinei Maru No. 85, longline fishing vessel	JA-80-3082	PBS	1
Kansi Maru No. 128, longline fishing vessel	JA-80-3083	PBS	1
Kinei Maru No. 38, longline fishing vessel	JA-80-3084	PBS	1
Yahata Maru No. 28, longline fishing vessel	JA-80-3085	PBS	1
Yahata Maru No. 18, longline fishing vessel	JA-80-3086	PBS	1
Yamato Maru No. 58, longline fishing vessel	JA-80-3087	PBS	1
Yamato Maru No. 68, longline fishing vessel	JA-80-3088	PBS	1
Giho Maru No. 31, longline fishing vessel	JA-80-3089	PBS	1
Shofuku Maru No. 88, longline fishing vessel	JA-80-3090	PBS	1
Shofuku Maru No. 38, longline fishing vessel	JA-80-3091	PBS	1
Shofuku Maru No. 68, longline fishing vessel	JA-80-3092	PBS	1
Choto Maru No. 61, longline fishing vessel	JA-80-3093	PBS	1
Sinsei Maru No. 8, longline fishing vessel	JA-80-3094	PBS	1
Sinsei Maru No. 18, longline fishing vessel	JA-80-3095	PBS	1
Ryoyoshi Maru No. 6, longline fishing vessel	JA-80-3096	PBS	1
Ryoyoshi Maru No. 7, longline fishing vessel	JA-80-3097	PBS	1
Ryoyoshi Maru No. 8, longline fishing vessel	JA-80-3098	PBS	1
Kiyo Maru No. 28, longline fishing vessel	JA-80-3099	PBS	1
Kiyo Maru No. 38, longline fishing vessel	JA-80-3100	PBS	1
Chidori Maru No. 61, longline fishing vessel	JA-80-3101	PBS	1
Chidori Maru No. 62, longline fishing vessel	JA-80-3102	PBS	1
Chidori Maru No. 7, longline fishing vessel	JA-80-3103	PBS	1
Chidori Maru No. 68, longline fishing vessel	JA-80-3104	PBS	1

Nation Vessel name vessel type	Application NO.	Fishery	Activity
Chidori Maru No. 66, longline fishing vessel	JA-80-3105	PBS	1
Kosi Maru No. 51, longline fishing vessel	JA-80-3106	PBS	1
Kosi Maru No. 66, longline fishing vessel	JA-80-3107	PBS	1
Kosi Maru No. 78, longline fishing vessel	JA-80-3108	PBS	1
Ebisu Maru No. 78, longline fishing vessel	JA-80-3109	PBS	1
Myojin Maru No. 10, longline fishing vessel	JA-80-3110	PBS	1
Umo Maru No. 85, longline fishing vessel	JA-80-3111	PBS	1
Hakito Maru No. 28, longline fishing vessel	JA-80-3112	PBS	1
Tenyu Maru No. 81, longline fishing vessel	JA-80-3112	PBS	1
Choyo Maru No. 85, longline fishing vessel	JA-80-3113	PBS	1
Myojin Maru No. 28, longline fishing vessel	JA-80-3114	PBS	1
Myojin Maru No. 18, longline fishing vessel	JA-80-3115	PBS	1
Ebiku Maru No. 21, longline fishing vessel	JA-80-3116	PBS	1
Myojin Maru No. 3, longline fishing vessel	JA-80-3117	PBS	1
Myojin Maru No. 38, longline fishing vessel	JA-80-3118	PBS	1
Isuzu Maru No. 21, longline fishing vessel	JA-80-3119	PBS	1
Daiichi Maru No. 58, longline fishing vessel	JA-80-3120	PBS	1
Daiichi Maru No. 67, longline fishing vessel	JA-80-3121	PBS	1
Daiichi Maru No. 78, longline fishing vessel	JA-80-3122	PBS	1
Eikyu Maru No. 36, longline fishing vessel	JA-80-3123	PBS	1
Taihei Maru No. 38, longline fishing vessel	JA-80-3124	PBS	1
Tatsu Maru No. 8, longline fishing vessel	JA-80-3125	PBS	1
Daitoku Maru No. 51, longline fishing vessel	JA-80-3126	PBS	1
Shinei Maru No. 85, longline fishing vessel	JA-80-3127	PBS	1
Kyowa Maru No. 11, longline fishing vessel	JA-80-3128	PBS	1
Ryoei Maru No. 18, longline fishing vessel	JA-80-3129	PBS	1
Meisho Maru No. 38, longline fishing vessel	JA-80-3130	PBS	1
Toka Maru No. 2, longline fishing vessel	JA-80-3131	PBS	1
Kashima Maru No. 28, longline fishing vessel	JA-80-3132	PBS	1
Sachi Maru No. 61, longline fishing vessel	JA-80-3133	PBS	1
Meisho Maru No. 38, longline fishing vessel	JA-80-3134	PBS	1
Fukuyoshi Maru No. 53, longline fishing vessel	JA-80-3135	PBS	1
Fukuyoshi Maru No. 35, longline fishing vessel	JA-80-3136	PBS	1
Taiyu Maru No. 2, longline fishing vessel	JA-80-3137	PBS	1
Kashima Maru No. 25, longline fishing vessel	JA-80-3138	PBS	1
Koshin Maru No. 57, longline fishing vessel	JA-80-3139	PBS	1
Koshin Maru No. 58, longline fishing vessel	JA-80-3140	PBS	1
Ryuho Maru No. 11, longline fishing vessel	JA-80-3141	PBS	1
Ryuho Maru No. 18, longline fishing vessel	JA-80-3142	PBS	1
Ryuho Maru No. 15, longline fishing vessel	JA-80-3143	PBS	1
Ryuho Maru No. 81, longline fishing vessel	JA-80-3144	PBS	1
Hachiryu Maru No. 55, longline fishing vessel	JA-80-3145	PBS	1
Choju Maru No. 20, longline fishing vessel	JA-80-3146	PBS	1
Yuryo Maru No. 50, longline fishing vessel	JA-80-3147	PBS	1
Narita Maru No. 36, longline fishing vessel	JA-80-3148	PBS	1
Tenyo Maru No. 21, longline fishing vessel	JA-80-3149	PBS	1
Meisho Maru, longline fishing vessel	JA-80-3150	PBS	1
Koyo Maru No. 63, longline fishing vessel	JA-80-3151	PBS	1
Koyo Maru No. 85, longline fishing vessel	JA-80-3152	PBS	1
Tatumi Maru No. 50, longline fishing vessel	JA-80-3153	PBS	1
Tatumi Maru No. 51, longline fishing vessel	JA-80-3154	PBS	1
Koyo Maru No. 62, longline fishing vessel	JA-80-3155	PBS	1
Koun Maru No. 32, longline fishing vessel	JA-80-3156	PBS	1
Kaiyo Maru No. 8, longline fishing vessel	JA-80-3157	PBS	1
Choiyu Maru No. 25, longline fishing vessel	JA-80-3158	PBS	1
Fukuyo Maru No. 38, longline fishing vessel	JA-80-3159	PBS	1
Tatsumi Maru No. 2, longline fishing vessel	JA-80-3160	PBS	1
Yusi Maru No. 32, longline fishing vessel	JA-80-3161	PBS	1
Choei Maru, longline fishing vessel	JA-80-3162	PBS	1
Kinei Maru No. 28, longline fishing vessel	JA-80-3163	PBS	1
Kinei Maru No. 35, longline fishing vessel	JA-80-3164	PBS	1
Kinei Maru No. 3, longline fishing vessel	JA-80-3165	PBS	1
Sano Maru No. 28, longline fishing vessel	JA-80-3166	PBS	1
Kyotoku Maru No. 68, longline fishing vessel	JA-80-3167	PBS	1
Chitose Maru No. 58, longline fishing vessel	JA-80-3168	PBS	1
Sasano Maru No. 25, longline fishing vessel	JA-80-3169	PBS	1
Taisen Maru No. 8, longline fishing vessel	JA-80-3170	PBS	1
Taisen Maru No. 18, longline fishing vessel	JA-80-3171	PBS	1
Ijima Maru No. 8, longline fishing vessel	JA-80-3172	PBS	1
Dele Maru No. 32, longline fishing vessel	JA-80-3173	PBS	1
Kochi Maru No. 66, longline fishing vessel	JA-80-3174	PBS	1
Goyo Maru, longline fishing vessel	JA-80-3175	PBS	1
Kiku Maru No. 6, longline fishing vessel	JA-80-3176	PBS	1
Kiku Maru No. 12, longline fishing vessel	JA-80-3177	PBS	1
Iwachi Maru No. 6, longline fishing vessel	JA-80-3178	PBS	1
Kaikata Maru No. 68, longline fishing vessel	JA-80-3179	PBS	1
Kaikata Maru No. 38, longline fishing vessel	JA-80-3180	PBS	1
Kaiho Maru No. 31, longline fishing vessel	JA-80-3181	PBS	1
Fukumaru No. 5, longline fishing vessel	JA-80-3182	PBS	1
Sanko Maru No. 8, longline fishing vessel	JA-80-3183	PBS	1
Ryosei Maru No. 6, longline fishing vessel	JA-80-3184	PBS	1
Eiryo Maru No. 8, longline fishing vessel	JA-80-3185	PBS	1
Kasi Maru No. 1, longline fishing vessel	JA-80-3186	PBS	1
Shinpo Maru No. 11, longline fishing vessel	JA-80-3187	PBS	1
Juki Maru No. 8, longline fishing vessel	JA-80-3188	PBS	1
Daifuku Maru No. 8, longline fishing vessel	JA-80-3189	PBS	1
Hosi Maru No. 8, longline fishing vessel	JA-80-3190	PBS	1
Seifuku Maru No. 8, longline fishing vessel	JA-80-3191	PBS	1
Sensho Maru No. 11, longline fishing vessel	JA-80-3192	PBS	1
Sensho Maru No. 1, longline fishing vessel	JA-80-3193	PBS	1
Koei Maru, longline fishing vessel	JA-80-3194	PBS	1

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Nation Vessel name vessel type	Application NO.	Fishery	Activity
Kokyu Maru No. 8, longline fishing vessel	JA-80-3195	PBS	1
Yusho Maru No. 3, longline fishing vessel	JA-80-3196	PBS	1
Seisho Maru No. 5, longline fishing vessel	JA-80-3197	PBS	1
Jinyu Maru No. 5, longline fishing vessel	JA-80-3198	PBS	1
Kiyo Maru No. 5, longline fishing vessel	JA-80-3199	PBS	1
Shusa Maru No. 8, longline fishing vessel	JA-80-3200	PBS	1
Shinpo Maru No. 18, longline fishing vessel	JA-80-3201	PBS	1
Kinsei Maru No. 6, longline fishing vessel	JA-80-3202	PBS	1
Kotoku Maru No. 18, longline fishing vessel	JA-80-3203	PBS	1
Kaijin Maru No. 6, longline fishing vessel	JA-80-3204	PBS	1
Kinsho Maru No. 17, longline fishing vessel	JA-80-3205	PBS	1
Kansho Maru No. 8, longline fishing vessel	JA-80-3206	PBS	1
Haru Maru No. 11, longline fishing vessel	JA-80-3207	PBS	1
Haru Maru No. 18, longline fishing vessel	JA-80-3208	PBS	1
Kisi Maru No. 11, longline fishing vessel	JA-80-3209	PBS	1
Hosi Maru No. 21, longline fishing vessel	JA-80-3210	PBS	1
Hachto Maru No. 8, longline fishing vessel	JA-80-3211	PBS	1
Takao Maru No. 18, longline fishing vessel	JA-80-3212	PBS	1
Takao Maru No. 23, longline fishing vessel	JA-80-3213	PBS	1
Koshin Maru No. 6, longline fishing vessel	JA-80-3214	PBS	1
Taki Maru No. 15, longline fishing vessel	JA-80-3215	PBS	1
Masuei Maru No. 8, longline fishing vessel	JA-80-3216	PBS	1
Keiho Maru No. 5, longline fishing vessel	JA-80-3217	PBS	1
Kanki Maru No. 8, longline fishing vessel	JA-80-3218	PBS	1
Kibun Maru No. 8, longline fishing vessel	JA-80-3219	PBS	1
Shuyu Maru No. 5, longline fishing vessel	JA-80-3220	PBS	1
Ryoshu Maru, longline fishing vessel	JA-80-3221	PBS	1
Yachiyo Maru No. 1, longline fishing vessel	JA-80-3222	PBS	1
Yachiyo Maru No. 2, longline fishing vessel	JA-80-3223	PBS	1
Satsuki Maru No. 1, longline fishing vessel	JA-80-3224	PBS	1
Miyaura Maru No. 5, longline fishing vessel	JA-80-3225	PBS	1
Daiyo Maru No. 88, longline fishing vessel	JA-80-3226	PBS	1
Katsuura Maru No. 15, longline fishing vessel	JA-80-3227	PBS	1
Katsuura Maru No. 8, longline fishing vessel	JA-80-3228	PBS	1
Miyaura Maru No. 8, longline fishing vessel	JA-80-3229	PBS	1
Akitsu Maru No. 18, longline fishing vessel	JA-80-3230	PBS	1
Ryosi Maru No. 8, longline fishing vessel	JA-80-3231	PBS	1
Taiho Maru No. 5, longline fishing vessel	JA-80-3232	PBS	1
Miyaura Maru No. 85, longline fishing vessel	JA-80-3233	PBS	1
Hosei Maru No. 1, longline fishing vessel	JA-80-3234	PBS	1
Sanyo Maru No. 1, longline fishing vessel	JA-80-3235	PBS	1
Shinmei Maru No. 18, longline fishing vessel	JA-80-3236	PBS	1
Katsuura-Maru No. 28, longline fishing vessel	JA-80-3237	PBS	1
Katsuura Maru No. 38, longline fishing vessel	JA-80-3238	PBS	1
Katsuura Maru No. 25, longline fishing vessel	JA-80-3239	PBS	1
Myosei Maru, longline fishing vessel	JA-80-3240	PBS	1
Choto Maru No. 5, longline fishing vessel	JA-80-3241	PBS	1
Daisho Maru No. 8, longline fishing vessel	JA-80-3242	PBS	1
Kiyo Maru No. 5, longline fishing vessel	JA-80-3243	PBS	1
Satsuki Maru No. 15, longline fishing vessel	JA-80-3244	PBS	1
Shohei Maru No. 8, longline fishing vessel	JA-80-3245	PBS	1
Kaiho Maru No. 5, longline fishing vessel	JA-80-3246	PBS	1
Taishin Maru No. 5, longline fishing vessel	JA-80-3247	PBS	1
Shinmei Maru No. 8, longline fishing vessel	JA-80-3248	PBS	1
Tatsuaho Maru No. 25, longline fishing vessel	JA-80-3249	PBS	1
Seicho Maru No. 18, longline fishing vessel	JA-80-3250	PBS	1
Senryu Maru No. 18, longline fishing vessel	JA-80-3251	PBS	1
Daiyu Maru No. 25, longline fishing vessel	JA-80-3252	PBS	1
Ryuto Maru No. 1, longline fishing vessel	JA-80-3253	PBS	1
Manso Maru No. 23, longline fishing vessel	JA-80-3254	PBS	1
Katsuura-Maru, No. 18 longline fishing vessel	JA-80-3255	PBS	1
Seifutu Maru No. 1, longline fishing vessel	JA-80-3256	PBS	1
Wako Maru No. 8, longline fishing vessel	JA-80-3257	PBS	1
Keisho Maru No. 8, longline fishing vessel	JA-80-3258	PBS	1
Koin Maru No. 28, longline fishing vessel	JA-80-3259	PBS	1
Keisho Maru No. 5, longline fishing vessel	JA-80-3260	PBS	1
Hinode Maru No. 8, longline fishing vessel	JA-80-3261	PBS	1
Hoshin Maru No. 5, longline fishing vessel	JA-80-3262	PBS	1
Seiryo Maru No. 3, longline fishing vessel	JA-80-3263	PBS	1
Daikotu Maru No. 18, longline fishing vessel	JA-80-3264	PBS	1
Koryo Maru No. 35, longline fishing vessel	JA-80-3265	PBS	1
Choiyu Maru No. 28, longline fishing vessel	JA-80-3266	PBS	1
Taiei Maru No. 28, longline fishing vessel	JA-80-3267	PBS	1
Sanyo Maru No. 36, longline fishing vessel	JA-80-3268	PBS	1
Hanuroku Maru No. 25, longline fishing vessel	JA-80-3269	PBS	1
Ryusei Maru No. 11, longline fishing vessel	JA-80-3270	PBS	1
Katsuei Maru No. 38, longline fishing vessel	JA-80-3271	PBS	1
Katsuei Maru No. 8, longline fishing vessel	JA-80-3272	PBS	1
Jutoku Maru No. 25, longline fishing vessel	JA-80-3273	PBS	1
Jutoku Maru No. 31, longline fishing vessel	JA-80-3274	PBS	1
Metsuei Maru No. 11, longline fishing vessel	JA-80-3275	PBS	1
Asashio Maru No. 8, longline fishing vessel	JA-80-3276	PBS	1
Asashio Maru No. 11, longline fishing vessel	JA-80-3277	PBS	1
Asashio Maru No. 22, longline fishing vessel	JA-80-3278	PBS	1
Setsuei Maru No. 8, longline fishing vessel	JA-80-3279	PBS	1
Tenryu Maru No. 6, longline fishing vessel	JA-80-3280	PBS	1
Tenryu Maru No. 25, longline fishing vessel	JA-80-3281	PBS	1
Tenryu Maru No. 28, longline fishing vessel	JA-80-3282	PBS	1
Kyoshin Maru No. 51, longline fishing vessel	JA-80-3283	PBS	1
Kyoshin Maru No. 52, longline fishing vessel	JA-80-3284	PBS	1

Nation Vessel name vessel type	Application NO.	Fishery	Activity
Kyoshin Maru No. 53, longline fishing vessel	JA-80-3285	PBS	1
Kyoshin Maru No. 58, longline fishing vessel	JA-80-3286	PBS	1
Kyoshin Maru No. 61, longline fishing vessel	JA-80-3287	PBS	1
Koei Maru No. 88, longline fishing vessel	JA-80-3288	PBS	1
Fukuryo Maru No. 18, longline fishing vessel	JA-80-3289	PBS	1
Fukuryo Maru No. 21, longline fishing vessel	JA-80-3290	PBS	1
Seizen Maru No. 2, longline fishing vessel	JA-80-3291	PBS	1
Gyokuryu Maru No. 2, longline fishing vessel	JA-80-3292	PBS	1
Matsufuku Maru No. 18, longline fishing vessel	JA-80-3293	PBS	1
Matsufuku Maru No. 21, longline fishing vessel	JA-80-3294	PBS	1
Kinsei Maru No. 8, longline fishing vessel	JA-80-3295	PBS	1
Kinsei Maru No. 15, longline fishing vessel	JA-80-3296	PBS	1
Azuma Maru No. 38, longline fishing vessel	JA-80-3297	PBS	1
Azuma Maru No. 38, longline fishing vessel	JA-80-3298	PBS	1
Koyo Maru No. 6, longline fishing vessel	JA-80-3299	PBS	1
Koyo Maru No. 7, longline fishing vessel	JA-80-3300	PBS	1
Koyo Maru No. 8, longline fishing vessel	JA-80-3301	PBS	1
Koyo Maru No. 10, longline fishing vessel	JA-80-3302	PBS	1
Koyo Maru No. 11, longline fishing vessel	JA-80-3303	PBS	1
Taiyo Maru No. 5, longline fishing vessel	JA-80-3304	PBS	1
Taiyo Maru No. 52, longline fishing vessel	JA-80-3305	PBS	1
Gonai Maru No. 53, longline fishing vessel	JA-80-3306	PBS	1
Gonai Maru No. 58, longline fishing vessel	JA-80-3307	PBS	1
Kyoshin Maru No. 18, longline fishing vessel	JA-80-3308	PBS	1
Hokusen Maru No. 3, longline fishing vessel	JA-80-3309	PBS	1
Sumi Maru No. 25, longline fishing vessel	JA-80-3310	PBS	1
Sumi Maru No. 35, longline fishing vessel	JA-80-3311	PBS	1
Toei-Maru No. 6, longline fishing vessel	JA-80-3312	PBS	1
Toei-Maru No. 8, longline fishing vessel	JA-80-3313	PBS	1
Sumiyoshi Maru No. 58, longline fishing vessel	JA-80-3314	PBS	1
Koyo Maru No. 31, longline fishing vessel	JA-80-3315	PBS	1
Koyo Maru No. 65, longline fishing vessel	JA-80-3316	PBS	1
Sumiyoshi Maru No. 18, longline fishing vessel	JA-80-3317	PBS	1
Koryo Maru No. 8, longline fishing vessel	JA-80-3318	PBS	1
Eikyu Maru No. 21, longline fishing vessel	JA-80-3319	PBS	1
Eikyu Maru No. 22, longline fishing vessel	JA-80-3320	PBS	1
Eikyu Maru No. 23, longline fishing vessel	JA-80-3321	PBS	1
Sumiyoshi Maru No. 52, longline fishing vessel	JA-80-3322	PBS	1
Unclear? longline fishing vessel	JA-80-3323	PBS	1
Seiko Maru No. 68, longline fishing vessel	JA-80-3324	PBS	1
Seiko Maru No. 52, longline fishing vessel	JA-80-3325	PBS	1
Nadeyoshi Maru No. 5, longline fishing vessel	JA-80-3326	PBS	1
Nadeyoshi Maru No. 20, longline fishing vessel	JA-80-3327	PBS	1
Akita Maru No. 51, longline fishing vessel	JA-80-3328	PBS	1
Kamo Maru No. 78, longline fishing vessel	JA-80-3329	PBS	1
Kamo Maru No. 28, longline fishing vessel	JA-80-3330	PBS	1
Kairyou Maru, longline fishing vessel	JA-80-3331	PBS	1
Shoun Maru No. 21, longline fishing vessel	JA-80-3332	PBS	1
Tokuchi Maru No. 18, longline fishing vessel	JA-80-3333	PBS	1
Tokuchi Maru No. 20, longline fishing vessel	JA-80-3334	PBS	1
Takasi Maru No. 12, longline fishing vessel	JA-80-3335	PBS	1
Nisho Maru No. 5, longline fishing vessel	JA-80-3336	PBS	1
Kaijin Maru No. 11, longline fishing vessel	JA-80-3337	PBS	1
Toakachi Maru No. 3, longline fishing vessel	JA-80-3338	PBS	1
Daian Maru No. 68, longline fishing vessel	JA-80-3339	PBS	1
Kaiou Maru No. 25, longline fishing vessel	JA-80-3340	PBS	1
Kaiou Maru No. 21, longline fishing vessel	JA-80-3341	PBS	1
Hoei Maru No. 5, longline fishing vessel	JA-80-3342	PBS, PBS	1
Keiko Maru No. 2, longline fishing vessel	JA-80-3343	PBS	1
Meiji Maru No. 3, longline fishing vessel	JA-80-3344	PBS	1
Ebisu Maru No. 22, longline fishing vessel	JA-80-33	PBS	1
Choiyu Maru No. 8, longline fishing vessel	JA-80-3346	PBS	1
Koryo Maru No. 28, longline fishing vessel	JA-80-3347	PBS	1
Koryo Maru No. 2, longline fishing vessel	JA-80-3348	PBS	1
Daian Maru No. 85, longline fishing vessel	JA-80-3349	PBS	1
Keiko Maru No. 28, longline fishing vessel	JA-80-3350	PBS	1
Keiuns Maru No. 35, longline fishing vessel	JA-80-3351	PBS	1
Goushi Maru No. 38, longline fishing vessel	JA-80-3352	PBS	1
Nissho Maru No. 12, longline fishing vessel	JA-80-3353	PBS	1
Myosei Maru No. 21, longline fishing vessel	JA-80-3354	PBS	1
Inari Maru No. 2, longline fishing vessel	JA-80-3355	PBS	1
Chiyo Maru No. 3, longline fishing vessel	JA-80-3356	PBS	1
Chiyo Maru No. 28, longline fishing vessel	JA-80-3357	PBS	1
Hotoku Maru No. 38, longline fishing vessel	JA-80-3358	PBS	1
Myofuku Maru No. 15, longline fishing vessel	JA-80-3359	PBS	1
Kuromori Maru No. 28, longline fishing vessel	JA-80-3360	PBS	1
Shuzan Maru No. 18, longline fishing vessel	JA-80-3361	PBS	1
Kaho Maru No. 12, longline fishing vessel	JA-80-3362	PBS	1
Myojin Maru No. 11, longline fishing vessel	JA-80-3363	PBS	1
Yusho Maru No. 18, longline fishing vessel	JA-80-3364	PBS	1
Kinei Maru No. 28, longline fishing vessel	JA-80-3365	PBS	1
Kinei Maru No. 32, longline fishing vessel	JA-80-3366	PBS	1
Toyotomi Maru No. 3, longline fishing vessel	JA-80-3367	PBS	1
Mitsuya Maru No. 8, longline fishing vessel	JA-80-3368	PBS	1
Ebisu Maru No. 38, longline fishing vessel	JA-80-3369	PBS	1
Chitose Maru No. 18, longline fishing vessel	JA-80-3370	PBS	1
Toyotomi Maru No. 58, longline fishing vessel	JA-80-3371	PBS	1
Toyotomi Maru No. 38, longline fishing vessel	JA-80-3372	PBS	1
Choei Maru No. 81, longline fishing vessel	JA-80-3373	PBS	1
Choei Maru No. 83, longline fishing vessel	JA-80-3374	PBS	1

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Nation Vessel name vessel type	Application NO.	Fishery	Activity
Kaneryo Maru No. 28, longline fishing vessel	JA-80-3375	PBS	1
Kaneryo Maru No. 26, longline fishing vessel	JA-80-3376	PBS	1
Kinei Maru No. 108, longline fishing vessel	JA-80-3377	PBS	1
Matsu Maru No. 38, longline fishing vessel	JA-80-3378	PBS	1
Yahata Maru No. 36, longline fishing vessel	JA-80-3379	PBS	1
Toyosato Maru No. 2, longline fishing vessel	JA-80-3380	PBS	1
Jinmei Maru No. 88, longline fishing vessel	JA-80-3381	PBS	1
Eiyo Maru No. 3, longline fishing vessel	JA-80-3382	PBS	1
Ebisu Maru No. 23, longline fishing vessel	JA-80-3383	PBS	1
Gotehi Maru No. 31, longline fishing vessel	JA-80-3384	PBS	1
Seisho Maru No. 18, longline fishing vessel	JA-80-3385	PBS	1
Yushou Maru No. 25, longline fishing vessel	JA-80-3386	PBS	1
Koushou Maru No. 18, longline fishing vessel	JA-80-3387	PBS	1
Koushinmaru No. 18, longline fishing vessel	JA-80-3388	PBS	1
Shusi Maru No. 18, longline fishing vessel	JA-80-3389	PBS	1
Chidori Maru No. 83, longline fishing vessel	JA-80-3390	PBS	1
Chidori Maru No. 88, longline fishing vessel	JA-80-3391	PBS	1
Chidori Maru No. 75, longline fishing vessel	JA-80-3392	PBS	1
Komine Maru No. 11, longline fishing vessel	JA-80-3393	PBS	1
Komine Maru No. 31, longline fishing vessel	JA-80-3394	PBS	1
Hakuyou Maru No. 38, longline fishing vessel	JA-80-3395	PBS	1
Saifuku Maru No. 21, longline fishing vessel	JA-80-3396	PBS	1
Shoushin Maru No. 33, longline fishing vessel	JA-80-3397	PBS	1
Daikolu Maru No. 38, longline fishing vessel	JA-80-3398	PBS	1
Kaifuku Maru No. 28, longline fishing vessel	JA-80-3399	PBS	1
Seisho Maru No. 38, longline fishing vessel	JA-80-3400	PBS	1
Meishou Maru No. 8, longline fishing vessel	JA-80-3401	PBS	1
Shunyo Maru No. 18, longline fishing vessel	JA-80-3402	PBS	1
Taiyo Maru No. 18, longline fishing vessel	JA-80-3403	PBS	1
Yamato Maru No. 28, longline fishing vessel	JA-80-3404	PBS	1
Tachibana Maru No. 8, longline fishing vessel	JA-80-3405	PBS	1
Keishou Maru No. 20, longline fishing vessel	JA-80-3406	PBS	1
Houyu Maru No. 28, longline fishing vessel	JA-80-3407	PBS	1
Tachimi Maru No. 18, longline fishing vessel	JA-80-3408	PBS	1
Shoushin Maru No. 31, longline fishing vessel	JA-80-3409	PBS	1
Hakutaka Maru No. 28, longline fishing vessel	JA-80-3410	PBS	1
Itou Maru No. 25, longline fishing vessel	JA-80-3411	PBS	1
Itou Maru No. 36, longline fishing vessel	JA-80-3412	PBS	1
Taiki Maru No. 51, longline fishing vessel	JA-80-3413	PBS	1
Tanyou Maru No. 31, longline fishing vessel	JA-80-3414	PBS	1
Yamato Maru No. 31, longline fishing vessel	JA-80-3415	PBS	1
Yamato Maru No. 38, longline fishing vessel	JA-80-3416	PBS	1
Houyou Maru No. 60, longline fishing vessel	JA-80-3417	PBS	1
Houyou Maru No. 62, longline fishing vessel	JA-80-3418	PBS	1
Saifuku Maru No. 18, longline fishing vessel	JA-80-3419	PBS	1
Yahata Maru No. 21, longline fishing vessel	JA-80-3420	PBS	1
Kaihou Maru No. 23, longline fishing vessel	JA-80-3421	PBS	1
Kaiho Maru No. 31, longline fishing vessel	JA-80-3422	PBS	1
Koushin Maru No. 27, longline fishing vessel	JA-80-3423	PBS	1
Kinei Maru No. 18, longline fishing vessel	JA-80-3424	PBS	1
Shusei Maru No. 28, longline fishing vessel	JA-80-3425	PBS	1
Shusei Maru No. 31, longline fishing vessel	JA-80-3426	PBS	1
Chiyo Maru No. 17, longline fishing vessel	JA-80-3427	PBS	1
Yamato Maru No. 78, longline fishing vessel	JA-80-3428	PBS	1
Shusi Maru No. 58, longline fishing vessel	JA-80-3429	PBS	1
Yamato Maru No. 38, longline fishing vessel	JA-80-3430	PBS	1
Shouyou Maru No. 33, longline fishing vessel	JA-80-3431	PBS	1
Shoushin Maru No. 23, longline fishing vessel	JA-80-3432	PBS	1
Kousho Maru No. 38, longline fishing vessel	JA-80-3433	PBS	1
Chousei Maru No. 21, longline fishing vessel	JA-80-3434	PBS	1
Soutei Maru No. 5, longline fishing vessel	JA-80-3435	PBS	1
Houyou Maru No. 58, longline fishing vessel	JA-80-3437	PBS	1
Houyou Maru No. 61, longline fishing vessel	JA-80-3438	PBS	1
Shinsei Maru No. 58, longline fishing vessel	JA-80-3439	PBS	1
Tokuyu Maru No. 38, longline fishing vessel	JA-80-3440	PBS	1
Tenyu Maru No. 8, longline fishing vessel	JA-80-3441	PBS	1
Asei Maru No. 18, longline fishing vessel	JA-80-3442	PBS	1
Eiyu Maru No. 51, longline fishing vessel	JA-80-3443	PBS	1
Ryujin Maru No. 18, longline fishing vessel	JA-80-3444	PBS	1
Shinsei Maru No. 3, longline fishing vessel	JA-80-3445	PBS	1
Kyosho Maru No. 31, longline fishing vessel	JA-80-3446	PBS	1
Myojin Maru No. 23, longline fishing vessel	JA-80-3447	PBS	1
Myojin Maru No. 31, longline fishing vessel	JA-80-3448	PBS	1
Myojin Maru No. 51, longline fishing vessel	JA-80-3449	PBS	1
Moyojin Maru No. 1, longline fishing vessel	JA-80-3450	PBS	1
Fukusei Maru No. 18, longline fishing vessel	JA-80-3451	PBS	1
Taiki Maru No. 38, longline fishing vessel	JA-80-3452	PBS	1
Nikko Maru No. 18, longline fishing vessel	JA-80-3453	PBS	1
Nikko Maru No. 28, longline fishing vessel	JA-80-3454	PBS	1
Kamishiro Maru No. 38, longline fishing vessel	JA-80-3455	PBS	1
Chiyo Maru No. 27, longline fishing vessel	JA-80-3456	PBS	1
Chiyo Maru No. 37, longline fishing vessel	JA-80-3457	PBS	1
Kyosei Maru No. 38, longline fishing vessel	JA-80-3458	PBS	1
Meisho Maru No. 3, longline fishing vessel	JA-80-3459	PBS	1
Fukuyo Maru No. 38, longline fishing vessel	JA-80-3460	PBS	1
Keifuku Maru No. 37, longline fishing vessel	JA-80-3461	PBS	1
Fukusei Maru No. 28, longline fishing vessel	JA-80-3462	PBS	1
Taiki Maru No. 58, longline fishing vessel	JA-80-3463	PBS	1
Yuseo Maru No. 1, longline fishing vessel	JA-80-3464	PBS	1
Kukuyo Maru No. 58, longline fishing vessel	JA-80-3465	PBS	1
Seisho Maru No. 11, longline fishing vessel	JA-80-3466	PBS	1

Nation Vessel name vessel type	Application NO.	Fishery	Activity
Chiyo Maru No. 57, longline fishing vessel	JA-80-3467	PBS	1
Taiki Maru No. 31, longline fishing vessel	JA-80-3468	PBS	1
Hokkai Maru No. 11, longline fishing vessel	JA-80-3469	PBS	1
Toyama Maru No. 38, longline fishing vessel	JA-80-3470	PBS	1
Kaiyou Maru No. 8, longline fishing vessel	JA-80-3471	PBS	1
Hoshin Maru No. 28, longline fishing vessel	JA-80-3472	PBS	1
Hoshin Maru No. 22, longline fishing vessel	JA-80-3473	PBS	1
Mito Maru No. 35, longline fishing vessel	JA-80-3474	PBS	1
Yuki Maru No. 1, longline fishing vessel	JA-80-3475	PBS	1
Asahi Maru No. 21, longline fishing vessel	JA-80-3476	PBS	1
Heishichi Maru No. 25, longline fishing vessel	JA-80-3477	PBS	1
Kaikata Maru No. 78, longline fishing vessel	JA-80-3478	PBS	1
Fuji Maru No. 18, longline fishing vessel	JA-80-3479	PBS	1
Katsu Maru No. 18, longline fishing vessel	JA-80-3480	PBS	1
Katsu Maru No. 8, longline fishing vessel	JA-80-3481	PBS	1
Shinsei Maru No. 11, longline fishing vessel	JA-80-3482	PBS	1
Kaisei Maru No. 1, longline fishing vessel	JA-80-3483	PBS	1
Junyo Maru No. 8, longline fishing vessel	JA-80-3484	PBS	1
Junyou Maru No. 1, longline fishing vessel	JA-80-3485	PBS	1
Tokuei Maru No. 11, longline fishing vessel	JA-80-3486	PBS	1
Yajima Maru No. 11, longline fishing vessel	JA-80-3487	PBS	1
Yuko Maru No. 18, longline fishing vessel	JA-80-3488	PBS	1
Tokuei Maru No. 18, longline fishing vessel	JA-80-3489	PBS	1
Joei Maru No. 18, longline fishing vessel	JA-80-3490	PBS	1
Joei Maru No. 23, longline fishing vessel	JA-80-3491	PBS	1
Daiei Maru No. 12, longline fishing vessel	JA-80-3492	PBS	1
Matsu Maru No. 55, longline fishing vessel	JA-80-3493	PBS	1
Shoun Maru No. 20, longline fishing vessel	JA-80-3494	PBS	1
Shoun Maru No. 21, longline fishing vessel	JA-80-3495	PBS	1
Tatsu Maru No. 28, longline fishing vessel	JA-80-3496	PBS	1
Kiluku Maru No. 35, longline fishing vessel	JA-80-3497	PBS	1
Yahata Maru No. 3, longline fishing vessel	JA-80-3498	PBS	1
Kinloku Maru No. 7, longline fishing vessel	JA-80-3499	PBS	1
Kinloku Maru No. 12, longline fishing vessel	JA-80-3500	PBS	1
Minato Maru No. 11, longline fishing vessel	JA-80-3501	PBS	1
Minato Maru No. 18, longline fishing vessel	JA-80-3502	PBS	1
Kinei Maru No. 58, longline fishing vessel	JA-80-3503	PBS	1
Kiku Maru No. 8, longline fishing vessel	JA-80-3504	PBS	1
Kofuku Maru No. 58, longline fishing vessel	JA-80-3505	PBS	1
Kofuku Maru No. 38, longline fishing vessel	JA-80-3506	PBS	1
Hokushu Maru No. 35, longline fishing vessel	JA-80-3507	PBS	1
Taiyo Maru No. 18, longline fishing vessel	JA-80-3508	PBS	1
Taiyo Maru No. 21, longline fishing vessel	JA-80-3509	PBS	1
Gonei Maru No. 55, longline fishing vessel	JA-80-3510	PBS	1
Kofuku Maru No. 68, longline fishing vessel	JA-80-3511	PBS	1
Matsu Maru No. 55, longline fishing vessel	JA-80-3512	PBS	1
Kazu Maru No. 38, longline fishing vessel	JA-80-3513	PBS	1
Weko Maru, longline fishing vessel	JA-80-3514	PBS	1
Daitei Maru No. 23, longline fishing vessel	JA-80-3515	PBS	1
Sakae Maru No. 31, longline fishing vessel	JA-80-3516	PBS	1
Fukuei Maru No. 28, longline fishing vessel	JA-80-3517	PBS	1
Kinei Maru No. 38, longline fishing vessel	JA-80-3518	PBS	1
Senyuu Maru No. 18, longline fishing vessel	JA-80-3519	PBS	1
Houei Maru No. 18, longline fishing vessel	JA-80-3520	PBS	1
Hakuyou Maru No. 8, longline fishing vessel	JA-80-3521	PBS	1
Houein Maru No. 35, longline fishing vessel	JA-80-3522	PBS	1
Yoshitaka Maru No. 11, longline fishing vessel	JA-80-3523	PBS	1
Housei Maru No. 23, longline fishing vessel	JA-80-3524	PBS	1
Ohama Maru No. 3, longline fishing vessel	JA-80-3525	PBS	1
Kinei Maru No. 32, longline fishing vessel	JA-80-3526	PBS	1
Eiwa Maru No. 8, longline fishing vessel	JA-80-3527	PBS	1
Kinei Maru No. 26, longline fishing vessel	JA-80-3528	PBS	1
Takoshima Maru No. 78, longline fishing vessel	JA-80-3529	PBS	1
Takojima Maru No. 83, longline fishing vessel	JA-80-3530	PBS	1
Yuukou Maru No. 15, longline fishing vessel	JA-80-3532	PBS	1
Kasuga Maru No. 8, longline fishing vessel	JA-80-3534	PBS	1
Asahi Maru No. 8, longline fishing vessel	JA-80-3536	PBS	1
Nishou Maru No. 18, longline fishing vessel	JA-80-3538	PBS	1
Asahi Maru No. 5, longline fishing vessel	JA-80-3540	PBS	1
Tokuei Maru No. 5, longline fishing vessel	JA-80-3542	PBS	1
Houei Maru No. 18, longline fishing vessel	JA-80-3544	PBS	1
Tokuhou Maru No. 18, longline fishing vessel	JA-80-3546	PBS	1
Kasuga Maru No. 3, longline fishing vessel	JA-80-3548	PBS	1
Shunpou Maru No. 5, longline fishing vessel	JA-80-3550	PBS	1
Shunpou Maru No. 8, longline fishing vessel	JA-80-3551	PBS	1
Shunpou Maru No. 18, longline fishing vessel	JA-80-3552	PBS	1
Houyou Maru No. 5, longline fishing vessel	JA-80-3553	PBS	1
Daiyuu Maru No. 8, longline fishing vessel	JA-80-3554	PBS	1
Daiyuu Maru No. 3, longline fishing vessel	JA-80-3555	PBS	1
Toku Maru No. 8, longline fishing vessel	JA-80-3556	PBS	1
Kazu Maru, longline fishing vessel	JA-80-3557	PBS	1
Kazu Maru No. 6, longline fishing vessel	JA-80-3558	PBS	1
Eisei Maru No. 5, longline fishing vessel	JA-80-3559	PBS	1
Fuji Maru No. 8, longline fishing vessel	JA-80-3560	PBS	1
Taishin Maru No. 8, longline fishing vessel	JA-80-3561	PBS	1

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Nation Vessel name vessel type	Application NO.	Fishery	Activity
Daiju Maru No. 8, longline fishing vessel	JA-80-3562	PBS	1
Daiju Maru No. 7, longline fishing vessel	JA-80-3563	PBS	1
Chiei Maru No. 18, longline fishing vessel	JA-80-3564	PBS	1
Taka Maru No. 5, longline fishing vessel	JA-80-3565	PBS	1
Taka Maru No. 18, longline fishing vessel	JA-80-3566	PBS	1
Mitsu Maru No. 8, longline fishing vessel	JA-80-3567	PBS	1
Mitsu Maru No. 5, longline fishing vessel	JA-80-3568	PBS	1
Seishin Maru No. 1, longline fishing vessel	JA-80-3569	PBS	1
Kyousi Maru No. 8, longline fishing vessel	JA-80-3570	PBS	1
Kyoushin Maru No. 8, longline fishing vessel	JA-80-3571	PBS	1
Housei Maru, longline fishing vessel	JA-80-3572	PBS	1
Taishou Maru No. 5, longline fishing vessel	JA-80-3573	PBS	1
Shofuku Maru, longline fishing vessel	JA-80-3574	PBS	1
Ootsuru Maru, longline fishing vessel	JA-80-3575	PBS	1
Mase Maru No. 8, longline fishing vessel	JA-80-3576	PBS	1
Mase Maru No. 18, longline fishing vessel	JA-80-3577	PBS	1
Houshin Maru No. 1, longline fishing vessel	JA-80-3578	PBS	1
Dai Maru No. 16, longline fishing vessel	JA-80-3579	PBS	1
Shinsei Maru No. 8, longline fishing vessel	JA-80-3580	PBS	1
Tsuru Maru No. 8, longline fishing vessel	JA-80-3581	PBS	1
Taikou Maru No. 8, longline fishing vessel	JA-80-3582	PBS	1
Seihou Maru No. 18, longline fishing vessel	JA-80-3583	PBS	1
Yuki Maru, longline fishing vessel	JA-80-3584	PBS	1
Ryusei Maru No. 5, longline fishing vessel	JA-80-3585	PBS	1
Shuuki Maru No. 8, longline fishing vessel	JA-80-3586	PBS	1
Tokusi Maru No. 8, longline fishing vessel	JA-80-3587	PBS	1
Tetu Maru No. 3, longline fishing vessel	JA-80-3588	PBS	1
Tenyu Maru No. 28, longline fishing vessel	JA-80-3589	PBS	1
Houyou Maru No. 8, longline fishing vessel	JA-80-3590	PBS	1
Kyousi Maru No. 28, longline fishing vessel	JA-80-3591	PBS	1
Housei Maru No. 8, longline fishing vessel	JA-80-3592	PBS	1
Nikkou Maru No. 15, longline fishing vessel	JA-80-3593	PBS	1
Toyo Maru, longline fishing vessel	JA-80-3594	PBS	1
Koushin Maru No. 3, longline fishing vessel	JA-80-3595	PBS	1
Hide Maru No. 11, longline fishing vessel	JA-80-3596	PBS	1
Hide Maru No. 51, longline fishing vessel	JA-80-3597	PBS	1
Chidori Maru No. 3, longline fishing vessel	JA-80-3598	PBS	1
Kihou Maru No. 8, longline fishing vessel	JA-80-3599	PBS	1
Tatsu Maru No. 21, longline fishing vessel	JA-80-3600	PBS	1
Tatsu Maru No. 28, longline fishing vessel	JA-80-3601	PBS	1
Eiryou Maru No. 8, longline fishing vessel	JA-80-3602	PBS	1
Miyoshi Maru No. 8, longline fishing vessel	JA-80-3603	PBS	1
Heian Maru No. 18, longline fishing vessel	JA-80-3604	PBS	1
Shima Maru No. 8, longline fishing vessel	JA-80-3605	PBS	1
Katsuei Maru, longline fishing vessel	JA-80-3606	PBS	1
Yae Maru, longline fishing vessel	JA-80-3607	PBS	1
Toshi Maru No. 8, longline fishing vessel	JA-80-3608	PBS	1
Koukai Maru No. 8, longline fishing vessel	JA-80-3609	PBS	1
Maasai Maru No. 1, longline fishing vessel	JA-80-3610	PBS	1
Kousei Maru No. 18, longline fishing vessel	JA-80-3611	PBS	1
Kiku Maru No. 8, longline fishing vessel	JA-80-3612	PBS	1
Yasu Maru No. 18, longline fishing vessel	JA-80-3613	PBS	1
Daiyuu Maru No. 18, longline fishing vessel	JA-80-3614	PBS	1
Yasuei Maru, No. 1, longline fishing vessel	JA-80-3615	PBS	1
Kazuein Maru No. 8, longline fishing vessel	JA-80-3616	PBS	1
Yasima Maru No. 3, longline fishing vessel	JA-80-3617	PBS	1
Hisa Maru No. 3, longline fishing vessel	JA-80-3618	PBS	1
Kinryu Maru No. 3, longline fishing vessel	JA-80-3619	PBS	1
Kanryo Maru, No. 1, longline fishing vessel	JA-80-3620	PBS	1
Takaei Maru, longline fishing vessel	JA-80-3621	PBS	1
Teneiyo Maru No. 18, longline fishing vessel	JA-80-3622	PBS	1
Shusei Maru No. 8, longline fishing vessel	JA-80-3623	PBS	1
Daiju Maru No. 28, longline fishing vessel	JA-80-3624	PBS	1
Kazuei Maru No. 7, longline fishing vessel	JA-80-3625	PBS	1
Kan Maru No. 18, longline fishing vessel	JA-80-3626	PBS	1
Koneei Maru No. 1, longline fishing vessel	JA-80-3627	PBS	1
Asahi Maru No. 21, longline fishing vessel	JA-80-3628	PBS	1
Meihou Maru No. 8, longline fishing vessel	JA-80-3629	PBS	1
Totsu Maru No. 18, longline fishing vessel	JA-80-3630	PBS	1
Kuni Maru No. 3, longline fishing vessel	JA-80-3631	PBS	1
Fuji Maru No. 38, longline fishing vessel	JA-80-3632	PBS	1
Shouhuku Maru No. 8, longline fishing vessel	JA-80-3633	PBS	1
Kensin Maru No. 1, longline fishing vessel	JA-80-3634	PBS	1
Tokuho Maru No. 21, longline fishing vessel	JA-80-3635	PBS	1
Kousin Maru No. 5, longline fishing vessel	JA-80-3636	PBS	1
Taisin Maru No. 15, longline fishing vessel	JA-80-3637	PBS	1
Fumi Maru No. 8, longline fishing vessel	JA-80-3638	PBS	1
Eisei Maru No. 8, longline fishing vessel	JA-80-3639	PBS	1
Yasu Maru No. 28, longline fishing vessel	JA-80-3640	PBS	1
Miyo Maru No. 11, longline fishing vessel	JA-80-3641	PBS	1
Heian Maru No. 28, longline fishing vessel	JA-80-3642	PBS	1
Houshin Maru No. 8, longline fishing vessel	JA-80-3643	PBS	1
Meitoku Maru No. 8, longline fishing vessel	JA-80-3644	PBS	1
Taisei Maru No. 5, longline fishing vessel	JA-80-3645	PBS	1
Gaisen Maru No. 58, longline fishing vessel	JA-80-3646	PBS	1
Ryoun Maru No. 8, longline fishing vessel	JA-80-3647	PBS	1

[Public Notice CM-8/261]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The working group on the carriage of dangerous goods of the Subcommittee on Safety of Life at Sea will conduct an open meeting at 9:30 a.m. on April 8, 1980 in Room 3201 of the Transpoint Building, 2100 2nd Street, S.W., Washington, D.C. 20593.

The purpose of the meeting will be to discuss the following topics:

Discuss the Report of the XXX Session of the IMCO Subcommittee on the Carriage of Dangerous Goods;

Discuss U.S. positions on matters to be considered at the XXXI Session of the Subcommittee on the Carriage of Dangerous Goods;

Discuss the progress of IMCO activities of a continuing nature such as implementation of the IMDG Code.

Requests for further information should be directed to Captain William N. Spence, U.S. Coast Guard (G-MHM/TP14), Washington, D.C. 20593, telephone (202) 426-2296.

James A. Treichel,

Acting Chairman, Shipping Coordinating Committee.

March 25, 1980.

[FR Doc. 80-9614 Filed 3-27-80; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/262]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The working group on the subdivision, stability and load lines of the Subcommittee on Safety of Life at Sea will conduct an open meeting at 10:00 a.m. on April 9, 1980 in Room 8332 of the Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590.

The purpose of the meeting will be to review the agenda items and delegation papers received in preparation for the 25th Session of the Subcommittee. It will also discuss the following topics:

Report of 24th session;
Task scheduling for 25th session

Requests for further information should be directed to Mr. William A. Cleary, Jr., US Coast Guard (G-MMT-5/12), 2100 2nd Street, S.W., Washington, D.C. 20590. Telephone (202) 426-2188.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

March 25, 1980.

[FR Doc. 80-9615 Filed 3-27-80; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/263]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The working group on radiocommunications of the Subcommittee on Safety of Life at Sea, will conduct an open meeting at 1:30 p.m. on April 17, 1980 in Room 8440 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590.

The purpose of the meeting is to prepare position documents for the Twenty-Second Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London on September 29, 1980. In particular, the working group will discuss the following topics:

Survival craft radio equipment;
Operational requirements for future EPIRBs;
Operational standards for shipboard radio equipment;
Maritime distress system

For further information contact LT R.F. Carlson, U.S. Coast Guard (G-OTM/TP32), Washington, D.C. 20593, telephone (202) 426-1345.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

March 18, 1980.

[FR Doc. 80-9616 Filed 3-27-80; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Customs Service

Performance Review Boards; Appointment of Members

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General Notice.

SUMMARY: This notice announces the appointment of the members of the U.S. Customs Service Performance Review Boards (PRB's) in accordance with 5 U.S.C. 4313(c)(4). The purpose of the PRB's is to review senior executive employees' performance and make recommendations regarding performance and performance awards.

DATE: The Performance Review Boards become effective on March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Alexander Faison, Director, Office of Human Resources, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 3417, Washington, D.C., (202) 566-5563.

SUPPLEMENTARY INFORMATION: There are two Performance Review Boards in the U.S. Customs Service as follows:

1. The Performance Review Board to review Senior Executives rated by the Commissioner and Deputy Commissioner (i.e., the Assistant to the Commissioner, the Special Assistants to the Commissioner, the Assistant Commissioners, and Regional Commissioners) is composed of the following members:

George C. Corcoran, Jr., Assistant Commissioner, Office of Management
Integrity, U.S. Customs Service
Arthur D. Kallen, Director, Office of Budget and Program Analysis, Department of the Treasury
John Mangels, Director, Office of Operations, Department of the Treasury
William Rhodes, Director, Office of Management and Organization, Department of the Treasury
Myron Weinstein, Deputy Director, U.S. Secret Service

2. The Performance Review Board to review all other Senior Executives is composed of the following members:

Charles C. Hackett, Assistant Commissioner (Border Operations) U.S. Customs Service
Alfred R. De Angelus, Assistant Commissioner (Commercial Operations), U.S. Customs Service
Jack T. Lacy, Comptroller, U.S. Customs Service
William J. Griffin, Regional Commissioner, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110
Dennis T. Snyder, Regional Commissioner, U.S. Customs Service, 6 World Trade Center, New York, New York 10048
John A. Hurley, Regional Commissioner, U.S. Customs Service, 40 S. Gay Street, Baltimore, Maryland 21202
Robert N. Battard, Regional Commissioner, U.S. Customs Service, 99 S.E. 5th Street, Miami, Florida 33131
Peter J. Dispenzirie, Acting Regional Commissioner, U.S. Customs Service, 1440 Canal Street, New Orleans, Louisana 70112
Donald Kelly, Acting Regional Commissioner, U.S. Customs Service, 500 Dallas Street, Houston, Texas 77002
Albert G. Bergesen, Regional Commissioner, U.S. Customs Service, 300 N. Los Angeles Street, Los Angeles, California 90053
Edward M. Ellis, Acting Regional Commissioner, U.S. Customs Service, 211 Main Street, San Francisco, California 94105
Eugene H. Mach, Acting Regional Commissioner, U.S. Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603

Dated: March 24, 1980.

Robert E. Chasen,

Commissioner of Customs.

[FR Doc. 80-9481 Filed 3-27-80; 8:45 am]

BILLING CODE 4810-22-M

V45/62 MAR 28 80 UMI

Sunshine Act Meetings

Federal Register
Vol. 45, No. 62
Friday, March 28, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-275 Amdt. 5; March 25, 1980]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the March 25, 1980 meeting agenda.

TIME AND DATE: 9:30 a.m., March 25, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 5. Docket 37228, Alitalia's petition for reconsideration of order 79-12-208, December 18, 1979, suspending its Boston-Milan normal economy fare increases. (Memo No. 9360-B, BIA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 5 is being deleted due to the staff needs additional time for coordination. Accordingly, the following Members have voted that Item 5 be deleted from the March 25, 1980 agenda and that no earlier announcement of this deletion was possible:

Chairman Marvin S. Cohen;
Member Elizabeth E. Bailey;
Member Gloria Schaffer; and
Member George A. Dalley.

[S-639-80 Filed 3-26-80; 3:45 pm]
BILLING CODE 6320-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, April 1, 1980.

PLACE: Commission conference room, No. 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open to the public:

1. An agreement to include Puerto Rico in the National Civilian Data used for Federal Equal Opportunity Recruitment Program (FEORP) and Section 717.
2. Title VII and Collective Bargaining.
3. Uniform Guidelines on Employee Section Procedures: Questions and Answers.
4. Maximum Hiring and Mandatory Retirement Ages for Police Officers and Firefighters.
5. Delegation of authority for Investigation of Equal Pay Act Complaints in the Federal Government.
6. Proposed Instruction for EEOC implementation of the Federal Employees Part-Time Career Employment Act of 1978.
7. Proposed contract for professional services.
8. Interim Regulations on Attorney Fees in the Federal Sector.
9. Freedom of Information Act Appeal No. 80-1-FOIA-6, concerning a request for a charge file.
10. Freedom of Information Act Appeal No. 80-1-FOIA-15, concerning a request for a charge file.
11. Freedom of Information Act Appeal No. 80-1-FOIA-25, concerning a charging party seeking information supplied by the respondent.
12. Report on Commission Operations by the Executive Director.

Closed to the public:

Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:
Marie D. Wilson, Executive Officer, Executive Secretariat, (202) 634-6748.

This Notice Issued March 25, 1980.

[S-638-80 Filed 3-26-80; 3:24 pm]
BILLING CODE 6570-06-M

3

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 44, FR p. 18553, March 21, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., March 26, 1980.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The following item has been added to the agenda for the open meeting: Regulation on Reduction of Liquidity Requirement.

Announcement is being made at the earliest practicable time.

No. 328, March 25, 1980.

[S-635-80 Filed 3-26-80; 12:51 pm]
BILLING CODE 6720-01-M

4

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., April 2, 1980.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

MATTERS TO BE CONSIDERED:

Application for Branch Office—Rossville Federal Savings and Loan Association, Rossville, Georgia.
Application for Branch Office—AmeriFirst Federal Savings and Loan Association, Miami, Florida.
Limited Facility Branch Office Application—United Federal Savings and Loan Association, San Francisco, California.
Branch Office Applications to be Considered Concurrently—State Federal Savings and Loan Association, Beatrice, Nebraska AND Commercial Federal Savings and Loan Association, Omaha, Nebraska.
Concurrent Consideration of Limited Facility Applications—Falls City Federal Savings and Loan Association, Falls City, Nebraska AND Midwest Federal Savings and Loan Association, Nebraska City, Nebraska.
Extension of Time Application—West Coast Federal Savings and Loan Association, San Mateo, California.
Extension of Time—Glendale Federal Savings and Loan Association, Glendale, California.
Request for Commitment to Insure Accounts—Lakewood Savings and Loan Association, Boyne City, Michigan.
Management Interlocks—San Jacinto Savings Association, Houston, Texas, Universal Savings and Loan Association of San Jacinto City, Houston, Texas.
Holding Company Acquisition and Merger—PennCorp Financial Inc., Santa Monica, California AND Houston First Financial Group, Houston, Texas TO ACQUIRE Capitol City Savings Association, Austin, Texas AND TO MERGE SAID ASSOCIATION INTO Houston First American Savings Association, Houston, Texas.

Roosevelt Federal's Consideration of Opinion Relating to Trademark.
No. 329, March 26, 1980.

[S-637-80 Filed 3-26-80; 2:24 pm]
BILLING CODE 6720-01-M

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., April 3, 1980.

PLACE: Hearing room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Fact Finding Investigation No. 10-Possible Unlawful Action of Carriers and Conferences of Carriers in the Treatment of Overland/Overland Common Point Cargo—Report of Investigative Officer.
2. Petition for Elimination of Regulation of Free Time and Demurrage Charges on Export Cargo or Promulgation of Uniform Regulation for All Atlantic and Gulf Ports—Reconsideration of action taken at meeting of March 20, 1980.
3. Docket No. 79-95: Cancellation of Tariffs for Failure to Comply with 46 CFR 536 (G.O. 13)—Consideration of the record.
4. Special Docket No. 683: Application of Flomerca Line for the Benefit of U.S. Department of Agriculture, A.S.C.S. Commodity Officer—Review of Settlement Officer's decision.
5. Docket No. 80-1: Sunmark, Inc. v. Combi Lines, Petition for Declaratory Order—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-631-80 Filed 3-26-80; 9:05 am]
BILLING CODE 6730-01-M

6

FEDERAL RESERVE SYSTEM: (Board of Governors).

TIME AND DATE: 10 a.m., Wednesday, April 2, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed amendments to the Board's Credit Restraint regulations concerning changes in the terms of open-end consumer credit plans.
2. Proposed amendments to the Board's Credit Restraint regulations to provide for the seasonal nature of certain kinds of credit.
3. Any agenda items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: March 26, 1980.
Griffith L. Garwood,
Deputy Secretary of the Board.

[S-6210-01 Filed 3-26-80; 12:13 pm]
BILLING CODE 6210-01-M

7

METRIC BOARD.

TIME AND DATE: 2 p.m., April 17, 1980; 8:30 a.m., April 18, 1980.

PLACE: Cervantes Convention and Exhibition Center, 801 Convention Plaza, room 267, St. Louis, Missouri 63101.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

April 17

Approval of Agenda.
Review/Approval of Minutes—February, 1980 Board Meeting.
Amendment to USMB Rules of Order. Proposes to amend Rules 38 & 44 regarding matters of policy by substituting "two-thirds vote of membership" vice current "twelve affirmative vote."
Uniform Metric System Procedures Act (UMSPA). Model State Law developed by National Conference of Commissioners on Uniform State Laws and approved by American Bar Association. Designed to serve as "structural mechanism" (process) to convert customary units to "metric units" in laws and regulations.
Staff Report and any Recommendations for Action on USMB Relationship to Federal Agencies. Staff report on the development of a plan and recommendations for achieving a well defined and responsive Federal coordinating program.
Board Meeting Sites. PAE Committee will present to Board a recommended list of 12 meeting sites.

April 18

Metric Status Report. Research contractors survey of a sample of the top 1,000 Fortune companies to attempt to assess the status of metrication for this group of manufacturers.
DoC Conversion Data Study. A report to the Board on the completed phase of the metric-related economic data collection and organization for selected industries.
Administrative Regulations. These regulations describe the organization (Board, committees, staff) established by the USMB to discharge its duties and responsibilities under the Metric Conversion Act of 1975.
Consumer Regulations. Staff proposal implementing consumer program for USMB as required by Executive Order 12160.
Antitrust Booklet. Report to the Board via staff and Private Sector Committee on status of USMB handbook to assist metrication planners in the area of antitrust laws.
Reports. Each committee chairperson and senior staff will give a status report of activities within their jurisdiction.
Agenda items for future Board meetings.

SUPPLEMENTARY INFORMATION: Notice of Public Forums to be held by the U.S. Metric Board on April 16 and April 17, 1980 which will provide individuals and groups the opportunity to comment on metric conversion appears elsewhere on this issue.

CONTACT PERSON FOR MORE INFORMATION: LuVerne V. Hall, 703/235-1933.

Louis F. Polk,
Chairman, United States Metric Board.

[S-630-80 Filed 3-25-80; 3:48 pm]
BILLING CODE 6820-84-M

8

NUCLEAR REGULATORY COMMISSION.

DATE: Tuesday, April 1, 1980.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: 2:30 p.m.—Briefing on Low Power Licenae for North Anna (approximately 1½ hours, public meeting) (rescheduled from March 26).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR DAILY UPDATE: (202) 634-1498.

Roger M. Tweed,
Office of the Secretary.

[S-632-80 Filed 3-25-80; 9:49 am]
BILLING CODE 7590-01-M

9

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: To be published.

STATUS: Open meeting; Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATES PREVIOUSLY ANNOUNCED: Monday, March 19, 1980.

CHANGES IN THE MEETING: Additional items.

The following additional item will be considered at an open meeting scheduled for Wednesday, March 26, 1980, at 10 a.m.:

Consideration of a request by Mr. Donald Ritz that the Commission review the Division of Corporation Finance's determination concerning a shareholder proposal submitted to International Telephone and Telegraph Corporation. For further information, please contact William E. Morley at (202) 272-2573.

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The following additional items will be considered at a closed meeting scheduled for Wednesday, March 26, 1980, immediately following the open meeting:

Litigation matters.
Institution of administrative proceeding of an enforcement nature.
Settlement of injunctive action.

Chairman Williams and Commissioners Loomis, Evans, and Pollack determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: George Yearsich at (202) 272–2573.

March 24, 1980.

[S-633-80 Filed 3-28-80; 10:58 am]
BILLING CODE 8010-01-M

10

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of March 31, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Wednesday, April 2, 1980, at 9:30 a.m., and immediately following the 10 a.m. open meeting, and on Thursday, April 3, 1980, at 10 a.m. An open meeting will be held on Wednesday, April 2, 1980, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, and Pollack determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Wednesday, April 2, 1980, at 9:30 a.m., will be:

Regulatory matter bearing enforcement implications.
The subject matter of the closed meeting scheduled for Wednesday, April 2, 1980, immediately following the 10 a.m. open meeting, will be:
Institution of administrative proceeding of an enforcement nature.
Institution of injunctive actions.
Regulatory matter bearing enforcement implications.
Litigation matter.
Opinion.

The subject matter of the closed meeting scheduled for Thursday, April 3, 1980, at 10 a.m., will be:

Formal orders of investigation.
Settlement of administrative proceeding of an enforcement nature.
Freedom of Information Act appeals.

The subject matter of the open meeting scheduled for Wednesday, April 2, 1980, at 10 a.m., will be:

1. Consideration of whether to publish for comment a proposed rule under the Securities Act of 1933 and related form amendments which would permit most post-effective amendments filed by open-end management investment companies and unit investment trusts, other than insurance company separate accounts, to become effective automatically without affirmative action on the part of the Commission or its staff. For further information, please contact Dianne E. O'Donnell at (202) 272–2115 or Kathleen A. Jackson at (202) 272–2118.

2. Consideration of whether to issue a release requesting public comments relating to the nature and scope of issues to be considered by the Division of Investment Management in the course of its study of the Investment Advisers Act of 1940. For further information, please contact Michael J. Eizelman at (202) 272–2079.

3. Consideration of whether to publish a release that would announce the adoption of amendments to Rule 12b–25 to eliminate the present extension application procedure and, in lieu thereof, substitute a system requiring mandatory notification concerning the late filing of annual reports and quarterly reports or any portion thereof, as well as incorporate a procedure whereby a late report would be deemed timely filed if certain conditions were met. For further information, please contact Bruce Mendelsohn at (202) 272–2589.

4. Consideration of a request by Westburne International Industries, Ltd. that the Commission review the denial by the Division of Corporation Finance of Westburne's application for an extension of time within which to file its quarterly report on Form 10–Q for the period ended December 31, 1979. For further information, please contact Gerald MacFarlane at (202) 272–3285.

5. Consideration of whether to adopt amendments to Securities Act of 1933 registration statement Form S–8 and to Securities Exchange Act of 1934 annual report Form 11–K to provide a means whereby many filings on Form S–8 may be up-dated by utilizing filings made under the Securities Exchange Act of 1934. For further information, please contact William H. Carter at (202) 272–2804.

6. Consideration of whether to approve a proposed rule change SR–NYSE–80–2 by the New York Stock Exchange, Inc. ("NYSE") to amend Article IX, Section 1(b) of the NYSE constitution to limit the number of physical access annual members to two. For further information, please contact Judith W. Axe at (202) 272–2405.

7. Consideration of whether to approve a proposed rule change of the American Stock Exchange, Inc. (Sr–Amex–80–2) to recommend, but not require, that listed companies have at least two independent directors and establish and maintain audit committees composed solely of independent directors. For further information, please contact Judith W. Axe at (202) 272–2405.

8. Consideration of whether to publish a release proposing amendments to Securities Exchange Act Rules 12f–1 and 12f–3 [17 CFR 240.12f–1 and 12f–3] to require that applicants for the extension, suspension, or termination of unlisted trading privileges provide copies of their applications to those persons specified in Section 12(f)(5) of the Securities Exchange Act as entitled to appropriate notice thereof. For further information, please contact William S. Muller at (202) 272–2415.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272–2092.

March 25, 1980.

[S-638-80 Filed 3-28-80; 3:45 pm]
BILLING CODE 8010-01-M

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federal register

Friday
March 28, 1980

Part II

Interagency Regulatory Liaison Group

Implementation of Referral Inspection Program

INTERAGENCY REGULATORY LIAISON GROUP

Compliance and Enforcement Work Group; Referral Inspection Program

AGENCY: Interagency Regulatory Liaison Group (IRLG), representing the Consumer Product Safety Commission (CPSC); the Environmental Protection Agency (EPA); the Food and Drug Administration, Department of Health, Education and Welfare (FDA); and the Food Safety and Quality Service, Department of Agriculture (FSQS).

ACTION: Implementation of Inspection Referral Program.

SUMMARY: This notice publishes the procedures for initiating referral inspections. The Administrative Procedure Act (5 U.S.C. § 553(b)) provides that the solicitation of comments is not required of Federal agencies for "interpretative rules, general statements of policy, rules of agency organization, procedures, or practice". The IRLG agencies have determined that this Referral Inspection Program guidance material falls within this exemption from the requirement to solicit public comment. However, in the interest of open administration of their regulatory authorities, the IRLG agencies will allow interested persons to submit written comments regarding the referral inspection program set forth in this notice.

DATE: Written comments are requested to be submitted by June 11, 1980. Five copies of these comments should be submitted to facilitate the work of the agencies and of others interested in inspecting such documents.

ADDRESS: Written comments should be addressed to Ms. Susan Guenette, Executive Assistant, Interagency Regulatory Liaison Group, 1111 18th Street, NW., Room 303, Washington, D.C. 20207. Comments may be examined in the IRLG Office located at the above address from 9:00 a.m. to 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION OR QUESTIONS CONTACT: Ms. Susan Guenette, 202–634–4350.

FOR COPIES OF THIS NOTICE CONTACT: Industry Assistance Office, (TS–799), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; or telephone toll-free 800–424–9065 or in Washington, 554–1404.

SUPPLEMENTARY INFORMATION:

I. General Background

The Interagency Regulatory Liaison Group (IRLG) is made up of four Federal regulatory agencies which have responsibility for enforcing laws to protect health and safety in the home, the workplace, and the environment. These agencies—Consumer Product Safety Commission (CPSC), U.S. Environmental Protection Agency (EPA), Food and Drug Administration (FDA), and the Food Safety and Quality Service (FSQS), have joined together to develop cooperative programs that will provide maximum public protection while using resources in the most cost-effective manner.

The Compliance and Enforcement Work Group has initiated a number of projects designed to improve the ability of the IRLG agencies to discover, analyze, and correct potentially hazardous situations. A major effort of the group has been the development of a program to coordinate the inspection resources of the five IRLG agencies.

These agencies have cooperated informally for many years, especially in the area of compliance inspections. An inspector from one agency might have observed a situation in the course of a routine which appeared to violate another agency's requirements. Such observations would be noted and passed along to the appropriate agency for follow-up. In recent years, the agency regional offices have independently developed certain mechanisms, such as checklists, forms, and procedural guidelines, to facilitiate this kind of reporting. The IRLG Referral Inspection Program constitutes a formal, standardized procedure for reporting observations of suspected violations to the agency which is responsible for enforcing the standard. To assure its full implementation, the IRLG agencies have developed training programs, handbooks, and other materials to assist in sensitizing inspectors to the requirements of the other agencies.

Program Goals

The overall goal of the Referral Inspection Program is to achieve early identification and correction of serious problems. Better sharing of compliance information at the field level will also make more effective use of limited resources in monitoring compliance by the regulated industries.

Definition and Scope

Referral inspections are defined as inspections by one agency which may result in referrals of possible violations by one agency to another for follow-up investigation. Inspectors from each IRLG agency will be trained to recognize situations which indicate possible violations of other agencies' laws and regulations and to refer such observations to the appropriate agency. The determination that actual violations exist will be made only by the agency having legal jurisdiction over the suspected violation, and then only on the basis of its own follow-up investigation.

No inspector is permitted to enter any areas of a facility or to perform any activities he would not ordinarily do during the course of an inspection authorized by the statute he is empowered to enforce. However, if during his regular inspection he does observe, in plain view, a possible infraction of another agency's law or regulations, he may note such an observation and refer it to the appropriate agency.

Facility Notification

The inspector will make a referral only if, during the course of an authorized routine inspection, a potential problem is observed which comes under another agency's jurisdiction. Since referrals made under this program require no additional statutory authority, no particular announcement will be made to the facility at the start of the inspection about the possibility of a referral.

The determination that a violation does or does not exist can only be made by the agency having enforcement jurisdiction. Consequently, the inspector will not inform the facility of an observation that will be referred to another agency. A notification of the facility by the inspector could imply that the observed situation actually constitutes a violation, the firm might institute remedial action that is either unnecessary or incorrect as a result.

Referral and Follow-up

If the inspector makes a reportable observation, a referral memorandum will be prepared which describes the observation, its location, the name of the product (if any) involved, and the names of the responsible company official. The memorandum will be forwarded to the IRLG contact in the appropriate agency for follow-up action.

The agency receiving the referral memorandum will assess it in conjunction with its own priorities and initiate follow-up inspections accordingly. Since the inspector training will be directed toward the more serious problems which the IRLG agencies encounter, most referrals are likely to warrent a timely follow-up inspection by the receiving agency. If the receiving agency is already aware of the problem and is aware that appropriate corrective action is already underway, no further follow-up would be required.

Inspector Training

An inspector training program has been developed which exphasizes identification of product and site defects which generally indicates a violation or other serious hazard.

Some examples of the kinds of visual signs inspectors will be trained to look for will help illustrate what is covered. If an inspector observed animal activity, filthy processing equipment, or pesticide misuse that might cause contamination of food, drugs, or cosmetics, it would be called to the attention of FDA. Inspectors will become familiar with certain packaging requirements for household products—such as child resistant packaging on drugs and warning labels on hazardous substances—and refer any observed infractions to the Consumer Product Safety Commission. Likewise observations of foam, scum, or dead aquatic life in the vicinity of waste discharge; open burning of trash piles; or evidence of oil or chemical spills or leaks would be reported to EPA for follow-up investigation.

In conjunction with training seminars being conducted cooperatively at the Regional level, inspectors will receive a manual containing detailed information on the legislative authority and regulatory requirements enforced by each of the agencies. Since this will be an ongoing program, training course content and materials will be updated periodically to reflect changes and additions to regulatory requirements.

Program Evaluation

Data regarding the numbers, kinds, and usefulness of referrals resulting from the program will be collected from the Regions for use in program evaluation. After six months, the program guidance documents and training materials will be assessed and revisions made based on Regional experience. Public comments on the program will also be considered at that time. Later revisions in the program will be made as needed.

Guidelines for Referral Inspections

Background

The Interagency Regulatory Liaison Group (IRLG) was formed to more closely coordinate activities between the U.S. Environmental Protection Agency (EPA), Food and Drug Administration (FDA), Consumer Product Safety Commission (CPSC), and Food Safety and Quality Service (FSQS). As part of this coordinated effort, the agencies agreed to coordinate their compliance and enforcement programs and identified two types of cooperative inspections for implementation: Referral and joint. This document outlines the procedures for initiating referral inspections; documents related to joint inspection will be issued at a later date.

Definition and Authority

The IRLG has defined referral inspections as:

> • • • inspections conducted by one agency which result in the referral of a (suspected) violation to another agency for follow-up inspection by the other agency.

A referral inspection is not reviewed as a means of having an agency perform routine inspectional work for another agency, but rather its purpose is to ensure that obvious suspected violations of other laws are not overlooked. Although termed a referral inspection, such an inspection is simply a customary agency investigation which may include observation of interest to another agency.

The basis for referral inspections is the plain view doctrine which holds that during the course of his authorized activities, an inspector is not required to ignore irregularities which are within his view, even though these problems are not under the jurisdiction of the law(s) which he enforces. The plain view doctrine does not confer any other authority to the inspector and is not license for him to enter areas or to perform functions beyond those covered under his agency's present regulatory authority.

Purpose and Scope

Agencies have always notified other agencies of potential violations of other Agencies' laws. The purpose of the IRLG referral inspection program is to make the process more formal and to heighten the sensitivity of each agency's inspectors to situations which may be indicative of a serious hazard or illegal activity. The program is designed to integrate with the current operations of the IRLG agencies. The referral observations will be made primarily at those establishments which an inspector (investigator) visits in the normal course of his inspectional work. They could also be made while on official duty from areas in the public domain, which are not within the boundaries of a particular inspection site.

Entry and Inspection

Each agency will be responsible for implementing the referral program within its own inspectional guidelines and authority. However, the following procedures should be followed by all cooperating agencies:

1. At the time of entry, the inspector will make no announcement concerning the possibility of his making a referral observation. Such an announcement may imply that the inspector has been delegated authority beyond that contained in the law he is empowered to enforce.

2. The inspector will enter only those areas, take those samples (including photographs), or review those books and records for which he has credentials.

3. Should the inspector observe a problem or irregularity, he will note the observation but make no judgment concerning its legality.

4. In most cases, the inspector will *not* verbally notify the owner, operator, or agent-in-charge of the facility of any referral observations that have been made. Such notification may infer a violation of the law when, in fact, no violation may have occurred. However, if the inspector is certain that the situation he has observed poses so serious a hazard to health or the environment that immediate corrective action is necessary, the facility may be notified of the problem. (For example, swollen or blown canned foods would be considered a serious problem, while a missing EPA Establishment Number on a pesticide would not.)

Referral Guide

The effectiveness of the referral program will depend on the inspectors' ability to recognize situations which are symptoms of more serious problems. To that end, each agency has drawn up a list of visual signals which generally connote potential violations. The lists have been consolidated into the Referral Guide (Appendix I).

The Referral Guide is only a reference document. While the product or site related defects enumerated in the guide constitute the major focus of the referral program, the inspector should also refer any other observations which may be of interest to another agency. It is not anticipated that the inspector will consult the guide during each inspection, but the inspector should periodically review the listing to ensure his familiarity with its contents.

Referral Memorandum

The referral memorandum (Appendix II) is the mechanism through which information concerning pertinent observations will be transmitted from one agency to another. The memo is filled out *only* when a pertient observation has been made, *not* for every inspection.

The memo consists of two parts. The upper portion of the memo provides spaces for describing the observation, its location, the name of the product (if any) involved, and the name of the

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responsible company official. Upon completing the upper portion of the memo by furnishing his name, telephone number, and agency, the inspector should send the top copy of the memo to the appropriate IRLG contact point. The second copy of the memo should be retained.

The bottom portion of the form is a tear-off notification slip. The slip will be completed by the agency receiving the referral and returned to the originating agency. The purpose of the notification slip is to inform the originating agency about any follow-up action. If the agency receiving the referral determines that the observation is not within its jurisdiction or that follow-up action is not required, the originating agency should also be informed of this fact via the notification slip.

Each regional IRLG work group will establish its own regional contract points and internal mechanism for the transfer of referral memos and notifications slips. Upon establishing these internal procedures, the regional work group will develop a concise outline of the procedures including the names, agency affiliations, and telephone numbers of the principal contact points as well as the person having lead responsibility for instituting the program. The outline will be incorporated into the region's referral training program and a copy will be forwarded to Gary Beard, IRLG Regional Coordinator, FDA, Room 15A16 (HFO–320), Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

It is expected that situations may arise where an observation within one region may fall within the jurisdiction of another region. In these situations, the referral memo will be forwarded through the usual internal mechanism to the agency having jurisdiction over the problem. The receiving agency will be responsible for sending the referral memo to the agency's appropriate regional office and for transferring the notification slip back to the originating agency.

Follow-up

The agency receiving the referral memo should assess the IRLG observation in conjunction with its own priorities and initiate the appropriate follow-up. Since the Referral Guide is directed toward the more serious problems which the IRLG agencies encounter, it is presumed that most referrals will be followed up in a timely manner. In some instances, the receiving agency may have already been aware of the problem and taken corrective action, so no follow-up would be required. Should the receiving agency have any questions about the referral memo, the originating inspector may be contacted by phone for clarification.

Emergencies

On a rare occasion, an inspector may detect a problem within the regulatory jurisdiction of another IRLG agency which in his judgment presents an imminent hazard. Because of the need for prompt action, the inspector should immediately contact his supervisor by telephone and report his findings. If the supervisor supports the inspector's assessment, the supervisor should contact the necessary personnel who will institute the notification of the appropriate agency emergency response team.

Training

Before the formal initiation of referral inspections, agency inspectors will be trained in the basic requirements imposed by the laws enforced by FDA, CPSC, EPA, and FSQS. Particular emphasis will be given to the identification of the product and site defects listed in the Referral Guide. In addition to problem recognition, inspectors will receive instruction on the administrative procedures developed to carry on the program.

Training course materials have been sent to each IRLG regional training group. To achieve better agency integration, each training class should be small in size and include inspectors from all agencies. The training course will be given by regional instructors.

The major portion of each agency's course instruction will be devoted to either audio-visual presentations relating to problem detection or the use of actual physical examples such as product packaging. A course manual, which gives further details about the laws each agency enforces, will be distributed to each inspector for use as a reference.

Reporting

Because the referral inspection program will be a continuing activity of the IRLG agencies, the program's effectiveness must be analyzed. Four types of information must be collected for program assessment purposes.

Number of Opportunities. The number of opportunities the IRLG agencies' regional personnel have had to look for the product or site defects listed in the Referral Guide will serve as the overall data base. In may instances this number will equal the number of routine inspections performed by each agency.

Number of Referral Memos. The number of referral memos generated by the regional offices and the types of problems referred will be used to gauge the applicability of the product or site defects listed in the Referral Guide. The types of problems referred should be identified by agency acronym and a number as listed in the Referral Guide.

Number of Follow-Up Inspections. The number of follow-up inspections conducted in response to interagency referrals will be used to evaluate the appropriateness of the Referral Guide in view of the receiving Agency's priorities.

Number and Types of Violations. The number and types of violations actually detected through the referral program will be used to measure the value of the training as well as to measure the success of the entire program. This information may be gathered from the agency feedback contained in the notification slip.

Upon transmittal of the program to the regions by the Principals, the person named by the regional work groups as having lead responsibility for instituting the referral program will also be responsible for generating the four types of data described above. The regional work groups will devise their own systems for generating the data. When data results from an interregional referral, the region where the observation occurred will submit the data concerning both the referral and follow-up.

Reports will be submitted on a quarterly basis for one year after initiation of the national program. The data will be reviewed by the national subgroup and used to modify the program and to report the program's progress to Gary Beard, IRLG Regional Coordinator, FDA, Room 15A16 (HFO–320), Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Updating

The referral program will be updated on a continuing basis. As laws and regulations are instituted or amended, their impact on the program will be assessed and the program will be revised as necessary. The Referral Guide will also be evaluated based on information in the quarterly data submissions. Product or site defects will be added or deleted from the Guide depending on their rate of use, or practicability and relation to the priorities of the IRLG agencies. The Compliance and Enforcement Counterpart Group will also encourage regions to submit suggestions for improvement of the referral program.

State Implementation

Several regional IRLG work groups have begun efforts to acquaint their states with the IRLG program. Such efforts are encouraged because they further the goals of increasing the efficiency of compliance and enforcement activities. As soon as the referral program becomes operational on a national basis, consideration will be given to the implementation of referral inspections at the state government level.

Although the initial groundwork has been established, increasing the involvement of states will demand the resolution of additional procedural issues. Specifically, the introduction of state personnel into the system will require the designation of state lead agencies, creation of an IRLG regional/state communications network, determination of training needs, and re-evaluation of program emphasis. In preparation for such expansion, headquarters and regional IRLG work groups will need to form even closer working relationships with each other and with their state counterparts to ensure effective program management.

Appendix I—Referral Guide

Food and Drug Administration (FDA)

1. Actual or potential *Food, Drug,* or *Cosmetic* contamination from: animal activity, pesticide misuse, equipment breakdown/malfunction, filthy processing equipment, airborne dust, contaminated/rotten raw materials, natural disaster damage, accident damage.

2. Packaging: inadequate product labeling or label control, containers damaged/leaking.

Consumer Product Safety Commission (CPSC)

1. Lack of child resistant packaging on: aspirin, preparations with methyl salicylate, manufacturer's consumer size package Rx oral drugs, drugs/dietary supplements with iron, kindling/illuminating compounds with petroleum distillates, furniture polish with petroleum distillates, turpentine, sulfuric acid methanol, ethylene glycol, paint solvents, sodium/potassium hydroxide.

2. Hazardous household chemicals (toxic, corrosive, irritating, flammable, or pressure generating), which are not conspicuously labeled with: signal word: DANGER, WARNING, CAUTION, statement of principal hazard; Vapor Harmful, Harmful or Fatal if Swallowed, Flammable, etc., precautionary, warning/storage instructions, names of hazardous ingredients, first aid instructions, name/location of manufacturer, statement "Keep Out of Reach of Children".

3. Paint with more than 0.06% lead: for consumer use, furniture except metal, applied to toys/children's articles.

4. Consumer patching compounds containing asbestos.

Environmental Protection Agency (EPA)

Pesticides (EPA)

1. Labeling or packaging defects: EPA Reg. No., Co. name & address, front panel warning, EPA Est. No., brand name, safety claims, Nt. wt./content, ingredient statement, container leaks/damage.

2. Misuse: site, protective equipment.

Water (EPA)

1. Presence of the following in the vicinity of waste discharge: foam, scum, dead aquatic life, oil solids, algae.

2. Evidence of: oil/chemical spills/leaks, improperly maintained spill containment dikes, uncontrolled pipe discharge.

Air (EPA)

1. Stack emissions other than steam: white, black, other.

2. Fugitive emissions other than steam from: doors, windows, equipment.

3. Fugitive dust fall-out.

4. Open burning: trash piles, disposal area, other.

5. Service stations: introduction of leaded gas into a vehicle requiring unleaded gas, small nozzle on leaded pump instead of large nozzle, discarded catalytic converters.

Interagency Regulatory Liaison Group

Subject: IRLG Referral Observation

To: _____
Date: _____
From: _____
Agency: _____
Telephone: _____
On_____, I made the following observation:_____
_____
_____
_____

The name of the product involved is:_____
Firm Name & Address: _____
_____
_____
_____

Responsible Official & Title:
_____
_____
_____

Response Notification

A follow-up (was) (was not) made on the above referral observation. It was determined that:
_____
_____

From: _____
Signature of Replier:
_____

Appendix II

Dated: March 20, 1980.

Thomas Grumbly,

Chairman, Interagency Regulatory Liaison Group.

[FR Doc. 80-9114 Filed 3-27-80; 8:45 am]
BILLING CODE 6560-25-M

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federal register

Friday
March 28, 1980

Part III

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

V 45/62 MR 28 80 UMI

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of Subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage & Hour Division, Office of Government Contract Wage Standards, Division of Construction Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original general determination decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Colorado:	
CO79–5117	June 15, 1979.
CO79–5118	June 15, 1979.
CO79–5119	June 15, 1979.
CO79–5120	June 15, 1979.
Delaware:	
DE78–3080	Nov. 3, 1978.
Florida:	
FL79–1071	Sept. 1, 1978.
Maryland:	
MD77–3119	Sept. 9, 1977.
MD77–3130	Sept. 23, 1977.
MD78–3000	Jan. 27, 1978.
MD77–3028	Aug. 31, 1979.
MD79–3031	Nov. 30, 1979.
New Jersey:	
NJ79–3029	Jan. 4, 1980.
North Carolina:	
NC80–1017	Jan. 4, 1980.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:	
AL76–5090 (AL80–1060)	Oct. 8, 1976.
Arkansas:	
AL76–5090 (AL80–1060)	Oct. 8, 1976.
Florida:	
AL76–5090 (AL80–1069)	Oct. 8, 1976.
Illinois:	
IL79–2061 (IL80–2018)	June 22, 1979.
Indiana:	
IL79–2061 (IL80–2018)	June 22, 1979.
Kentucky:	
AL76–5090 (AL80–1060)	Oct. 8, 1976.
Kentucky:	
IL79–2061 (IL80–2018)	June 22, 1979.
Louisiana:	
AL76–5090 (AL80–1060)	Oct. 8, 1976.
Mississippi:	
AL76–5090 (AL80–1060)	Oct. 8, 1976.
Missouri:	
AL76–5090 (AL80–1060)	Oct. 8, 1976.
Missouri:	
IL79–2061 (IL80–2018)	June 22, 1979.
Montana:	
MT79–5133 (MT80–5111)	Aug. 31, 1979.
Ohio:	
OH78–2030 (OH80–2020)	Mar. 5, 1976.
Ohio:	
IL79–2061 (IL80–2018)	June 22, 1979.
Tennessee:	
AL76–5090 (AL80–1060)	Oct. 8, 1976.
Texas:	
AL76–5090 (AL80–1060)	Oct. 8, 1976.
West Virginia:	
IL79–2061 (IL80–2018)	June 22, 1979.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 21st day of March 1980.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

MODIFICATION PAGE 2.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #CO79-5120-Mod. #3 (44 FR 34733-June 15, 1979) Las Animas, Otero and Pueblo Counties, Colorado					
Changes: Boilermakers	$12.87	$1.275	$1.00		.05

MODIFICATION PAGE 1.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #CO79-5117-Mod. #4 (44 FR 24719-June 15, 1979) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit, and Weld Counties, Colorado					
Changes: Boilermakers	$12.87	$1.275	$1.00		.05
Lathers	12.49				.01
Plumbers; Steamfitters: Southern portions of Douglas, Elbert, and Park Counties	11.75	.85	1.15	1.60	.10
Boulder County	12.25	.85	1.15	.75	.15
DECISION #CO79-5118-Mod. #4 (44 FR 34724-June 15, 1979) El Paso County, Colorado					
Changes: Boilermakers	12.87	1.275	1.00		.05
Roofers	10.65	.59	.40		
DECISION #CO79-5119-Mod. #4 (44 FR 34728-June 15, 1979) Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado					
Changes: Boilermakers	12.87	1.275	1.00		.05
Bricklayers; Stonemasons: Remaining Counties	11.25	.85	.95		.05

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MODIFICATION PAGE 3

DECISION #DE78-3080 - Mod. #8
(42 FR 51567 - November 3, 1978) State of Delaware

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers	10.90	.95	1.10		
Electricians	13.00	1.07	1.17		4%
Line Construction:					
Linemen and Cable Splicers	14.18	.45	3%		3/4%
Winch Truck Operators	9.93	.45	3%		3/4%
Truck Drivers	9.22	.45	3%		3/4%
Groundmen	8.51	.45	3%		3/4%
Marble Setters	10.63	.95	1.10		
Painters:					
Base Rate	10.12	1.00	.70		.01
Structural steel and suspended scaffolding (swing, chair and window belts)	10.34	1.00	.70		.01
Machine taping	10.62	1.00	.70		.01
Bridges (if surface to be painted is 50' or more above ground or water) and/or cabled scaffolding	12.60	1.00	.70		.01
Tank (if exposed to the weather and is used for storage or processing purposes with a capacity of 5,000 gallons or more using exterior dimensions and/or interior work on all tanks), sandblasting, and spray	10.67	1.00	70		.01
Height pay - Work 75' or more from surface an additional 55¢ shall be paid above the applicable rate					
Plumbers and Steamfitters:					
New Castle and Kent (north of the southern boundary of Dover City) Counties:					
Steamfitters	13.90	1.03	1.07	e	.05
Sprinkler Fitters	13.55	.75	1.05		.08
Stone Masons	10.90	.95	1.10		
Terrazzo Workers and Tile Setters	10.63	.95	1.10		

MODIFICATION PAGE 4

Decision #FL78-1071-Mod.# 2
(43FR-39249-September 1,1978) Citrus, Hernando, Hillsborough, Indian River, Manatee, Martin, Pasco, Pinellas, Sarasota, St. Lucie, and Sumter Counties, Florida

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers:					
Unskilled	3.10				

MODIFICATION PAGE 5

DECISION #MD77-3119-Mod.#2
(42 FR 45588 - September 9, 1977) Anne Arundel, Calvert, Carroll, Charles, Frederick, Howard, Montgomery, Prince George's, St. Mary's and Washington Counties, Maryland.

Change:
Description of Work:
Highway Construction Project (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

DECISION #MD77-3130 - Mod.#5
(42 FR 4866) - September 23, 1977) Baltimore County, Maryland

Change:
Description of Work:
Highway Construction Project (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

DECISION #MD78-3000-Mod. #3
(43 FR 3867 - January 27, 1978). Cecil, Caroline, Dorchester, Harford, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worchester Counties, Maryland.

Change:
Description of Work:
Highway Construction Project (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

MODIFICATION PAGE 6

Decision #MD79-3026 - Mod.#2
(44 FR 51479 - August 31, 1979)
Cecil County, Maryland

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers	11.38	.80	.50		.07
Ironworkers-Structural Ornamental and Reinforcing	12.55	1.24	1.36		.05
Power Equipment Operators					
Group 1	11.34	.95	1.00	i	.13
Group 2	10.87	.95	1.00	i	.13
Group 3	10.32	.95	1.00	i	.13
Group 4	9.78	.95	1.00	i	.13
Group 5	8.71	.95	1.00	i	.13
Group 6					
A	11.74	.95	1.00	i	.13
B	11.94	.95	1.00	i	.13
C	12.14	.95	1.00	i	.13
D	12.34	.95	1.00	i	.13
E	12.59	.95	1.00	i	.13
Steamfitters	12.29	.83	.92		.15
Stone Masons	11.38	.80	.50		.07
Truck Drivers (Excavation):					
Dump Trucks	8.64	1.05	.80	e+f	
Euclid wagon and dumpsters	8.95	1.05	.80	e+f	
Drop frame, goose necks, and trailer	8.84	1.05	.80	e+f	
Pickup	8.43	1.05	.80	e+f	

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MODIFICATION PAGE 7

DECISION #MD79-3031-Mod.#2
(44 FR 69110 - November 30, 1979) Counties of Anne Arundel (excluding the D.C. Training School), Baltimore, Baltimore City, Maryland, and for Heavy Construction Projects in Harford and Howard Counties, Maryland.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters, Soft Floor Layers, Millwrights, & Piledrivers:					
Zone 2					
Carpenters, Soft Floor Layers, Piledrivers	11.70	.75	.69		.07
Millwrights	12.20	.75	.69		.07
LABORERS, BUILDING					
Common Laborers	8.45	.35	.60		.075
Burners (demolition)	8.95	.35	.60		.075
Hod Carriers, gunnite nozzle & gun operator	8.85	.35	.60		.075
Pipelayers (Concrete & Clay)	8.65	.35	.60		.075
Plasterers Laborers	8.60	.35	.60		.075
Power Tool Operators	8.55	.35	.60		.075
Wagon Drill Operator, Jackhammer Operator (80' or over), Barco Tampers	8.70	.35	.60		.075
Plumbers	12.12	.87	.99		.16
Steamfitter	13.12	.87	1.04		.16
Terrazzo Workers & Tile Setters	9.71	.70	.50		.04

MODIFICATION PAGE 8

DECISION # NJ79-3029 - Mod. #1
(44 FR 1350 - January 4, 1980) Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren, Counties, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Omit:					
Classifications and Wage Rates for Line Construction on Railroad Work only					
Add:					
Line Construction (Railroad Work Only):					
All counties:					
Linemen	11.75	11%	8.7%		.2%
Line Equipment Operator	11.18	11%	8.7%		.2%
Groundman Winch and Truck Operators	8.82	11%	8.7%		.2%
Groundman	7.31	11%	8.7%		.2%
Dynamite Men	9.67	11%	8.7%		.2%
Transit Men	11.56	11%	8.7%		.2%
Change:					
Bricklayers, Cement Masons, Stone Masons, and Plasterers:					
ZONE 3	11.75	1.22	1.70		.03
Carpenters, Insulators, and Millwrights:					
ZONE 1	11.39	1.02	1.52		.05
ZONE 2	11.45	.95	1.55	.50	.02
Electricians and Cable Splicers:					
ZONE 3	13.85	7%	3%+1.40		.015
ZONE 5	13.69	11%	9%+.58		1.5%
ZONE 8	13.55	7%	3%+1.40		.015
ZONE 10	13.98	7%	3%+1.40		.015
Ironworkers - Structural, Reinforcing, and Ornamental:					
Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, and Union Counties	12.55	1.05	2.85	1.15	.11

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DECISION #NJ79-3029 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction (excluding Railroad Constuction):					
ZONE 3					
Linemen, Cable Splicers, Equipment Operators, and Groundmen	13.69	11%	9%+.58		3/4%
Roofers:					
ZONE 1:					
Composition	13.10	1.14	1.00		
Sheet Metal Workers:					
Morris, Somerset, Sussex, and Union Counties	11.85	1.10	1.80		.10

Decision #NC80-1017 Mod. # 1
(45 FR-1370 January 4, 1980) Beaufort, Bertie, Chowan, Dare, Edgecombe, Franklin, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pitt, Tyrrell, Vance, Warren and Wilson Counties, North Carolina.

Add:
Martin County

SUPERSEDEAS DECISION

STATES: Alabama, Arkansas, Florida (west of the Aucilla River), Kentucky, Louisiana, Mississippi, Missouri, Tennessee and Texas
COUNTIES: Gulf of Mexico Area
DECISION NUMBER: AL80-1060
DATE: Date of Publication
Supersedes Decision AL76-5090 dated October 8, 1976 in 41 FR 44609
DESCRIPTION OF WORK: Dredging along the Gulf Coast area including the Mississippi River and tributaries to the Ohio River.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Derrick Operator	$5.38				
Dozer Operator	5.53				
Marsh Buggy Dragline Operator	6.70				
Marsh Buggy Dragline Oiler	6.33				
Hydraulic Dredging:					
First Cook	3.90				
Second Cook	3.65				
Cook Helper-Mess Boy	3.25				
Janitor-Cabin Boy	3.85				
Handyman	4.33				
Dredges Under 16":					
Leverman	4.25				
Dredge Tender Operator	3.60				
Deckhand	3.10				
Oiler	3.50				
Welder	3.80				
Dredges 16" and Over:					
Leverman	6.10				
Dredge Tender Over 250 h.p.	5.14				
Dredge Tender Under 250 h.p.	5.14				
1st Assistant Engineer	6.06				
2nd Assistant Engineer	5.50				
3rd Assistant Engineer	5.06				
Deckhand	3.88				
Shoreman	3.90				
Truck Driver	3.90				
Oiler	4.00				
Welder	5.47				
Firemen	4.40				

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SUPERSEDEAS DECISION

STATES: Illinois, Indiana, Kentucky, Missouri, Ohio, & West Virginia
DECISION NUMBER: IL80-2018 DATE: Date of Publication
Supersedes Decision No. IL79-2061 dated June 22, 1979 in 44 FR 36672
DESCRIPTION OF WORK: Dredging of the Illinois River between Miles 0.0 and 80.0; the Ohio River between Miles 950.0 and 122.0; the Upper Mississippi River between Miles 0.0 and 195.0; and the Kaskaskia River from the mouth to Fayetteville, Illinois.

DECISION NO. IL80-2018

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA I					
Within the geographical jurisdiction of the St. Louis District, Corps of Engineers.					
Levermen, Egnineer, Mechanic and Boatman	$11.745	.96	1.51		
Oiler	9.77	.96	1.51		
AREA II					
Within the geographical jurisdiction of the Louisville District, Corps of Engineers					
Levermen, Engineer, Mechanic, and Boatman	11.395	.96	1.51		
Oiler	8.635	.96	1.51		
AREA III					
Within the geographical jurisdiction of the Huntington District, Corps of Engineers					
Levermen, Engineer, Mechanic, and Boatman	11.395	.96	1.51		
Oiler	8.635	.96	1.51		
AREA IV					
Within the geographical jurisdiction of the St. Paul District Corps of Engineers					
Levermen, Engineer, Mechanic, and Boatman	11.07	1.10	1.10		
Oiler	9.95	1.10	1.10		
AREA V					
Within the geographical jurisdiction of the Rock Island District Corps of Engineers					
Levermen, Engineer, Mechanic, and Boatman	11.96	1.10	1.10		
Oiler	10.00	1.10	1.10		
AREA VI					
Within the geographical jurisdiction of the Chicago District Corps of Engineers					
Levermen, Engineer, Mechanic, and Boatman	12.50	1.10	1.10		
Oiler	9.45	1.10	1.10		

SUPERSEDEAS DECISION

STATE: Montana COUNTIES: Statewide
DECISION NUMBER: MT80-5111 DATE: Date of Publication
Supersedes Decision No. MT79-5133 dated August 31, 1979, in 44 FR 51491
DESCRIPTION OF WORK: Heavy and Highway Projects

DECISION NO. MT80-5111

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Broadwater, Jefferson and Lewis and Clark Counties:					
Carpenters	$10.49	.80	.75		.02
Piledrivermen; Stationary Power Saw Operator and Sawfiler	10.69	.80	.75		.02
Millwrights	11.44	.80	.75		.02
Remainder of Counties:					
Carpenters	10.53	.80	.75		.02
Piledrivermen; Sawfilers; Carpenters on Charred and Creosote wood; Stationary Power Saw Operator	10.78	.80	.75		.02
Millwrights	11.53	.80	.75		.02
CEMENT MASONS:					
Cement Masons	10.13	.85	.40		
Grinder, Bush Hammer and Clipping Pan preparing finished surface; Epoxy	10.28	.85	.40		
ELECTRICIANS:					
Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow and Powell Counties	12.75	.65	3%+.50		1/2%
Big Horn, Carbon, Carter, Dawson, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Treasure, Wibaux and Yellowstone Counties:					
Electricians	12.77	.50	3%+.75		1/2%
Blaine, Hill, Liberty and Phillips Counties					
Contracts over $150,000	12.90	.65	3%+.75		1/2%
Contracts under $150,000	12.10		3%+.75		1/2%
Broadwater, Lewis and Clark and Meagher Counties	13.25	.65	3%+.50		1/2%
Cascade, Choutesu, Glacier, Judith-Basin, Pondera, Teton and Toole Counties					
Electricians	12.90	.65	3%+.75		1/2%
Cable Splicers	13.20	.65	3%+.75		1/2%
ELECTRICIANS: (Cont'd)					
Custer and Garfield Counties	$ 9.40		3%		1/2%
Daniels, McCone, Richland, Roosevelt, Sheridan and Valley Counties:					
Electricians	11.60	.65	3%+.75		1/2%
Cable Splicers	11.85	.65	3%+.75		1/2%
Fergus, Petroleum and Wheatland Counties:					
Contracts over $30,000	10.85	.45	3%+.50		1/2%
Contracts under $30,000	9.25	.45	3%+.50		1/2%
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties:					
Electricians	12.20	.65	3%+.50		1/2%
Cable Splicers	12.85	.65	3%+.50		1/2%
Gallatin County	11.95	.50	3%+.25		1/2%
Park and Sweet Grass Cos.	11.30	.50	3%+.50		1/2%
IRONWORKERS:					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark (Southern half including Wolf Creek), Madison, Park, Powell, Ravalli and Silver Bow Counties	12.06	.75	1.35		.15
Flathead, Glacier, Lake, Lincoln, Mineral, Missoula and Sanders Counties	13.66	.93	1.70		.10
Remaining Counties (including Northern half of Lewis and Clark County)	12.06	.75	1.35		.15

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DECISION NO. MT80-5111 Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Silver Bow County, South part of Jefferson County, from a line running due west from the south limits of Tosten, south part of Broadwater County, from a line running east and west through the north limits of Tosten, the west part of Madison County, from a line running north and south through the west limits of Harrison; Beaverhead County	$10.69	.53	.35		.03
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, Wheatland (south of the City of Harlowtown), Wibaux and Yellowstone Counties:					
Brush, Roller	9.86	.56	.20		
Spray (not steel), Sandblaster	10.84	.56	.20		
Steel (brush or roller)	10.11	.56	.20		
Spray (structural steel and tanks), Sandblaster (structural steel and tanks)	11.09	.56	.20		
Deer Lodge County and the Southern part of Granite County from a line east-west through the southern limits of Phillipsburg:					
Painter	9.52				
Paint Mitts	10.02				

DECISION NO: MT80-5111 Page 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Water Sandblasting and steam cleaning; Stacks and steeples; Brushing of steel; Spraying and airless spraying; Work over 30 feet	$11.80				
Cascade, Chouteau (south of a line running east and west through the southern limits of Big Sandy), Daniels, Fergus, Glacier, (excluding Glacier National Park), Garfield, Judith-Basin, Lewis and Clark (northern portion from a line running east and west through the northern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, Valley and Wheatland (northern area from a line running east and west through the southern limits of Harlowtown) Counties:					
Painter, Brush, Preparatory work, Pot Tender, Roller up to 9 inches	10.62	.56	.40		1%
Paperhanger, Brush on Steel	11.12	.56	.40		1%

DECISION NO. MT80-5111 Page 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Water and Sandblasting; Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Spraying and airless spray	$12.87	.56	.40		1%
Roller over 9" long	14.22	.56	.40		1%
Broadwater, Gallatin, Jefferson (northern area from a line running east and west 5 miles south of the southern City limits of Boulder), Lewis & Clark (southern portion from a line running east and west thru the southern limits of Craig), Madison (east of the west City limits of Harrison), Meagher, Park, Powell (northern area from a line running east and west through the southern City limits of Helmsville):					
Brush; Preparatory work; Pot Tender	10.69	.51	.35		.03
Spraying and Airless Spray	11.69	.56	.40		1%
Sandblasting; Waterblasting	12.69	.56	.40		1%
Structural Steel Brush	12.19	.56	.40		1%
Blaine, Hill, Liberty and Chouteau (north of the southern limits of the City of Big Sandy) Cos.	9.78				

DECISION NO. MT80-5111 Page 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Flathead, Granite (northern area north limits of Phillipsburg), Lake southern area including the City of Ronan), Lincoln, Mineral, Missoula, Powell (northern area through south limits of Helmsville), Ravalli and Sanders Counties	$11.15	.49	.40		.04
Traffic Surface: Sandblaster; Stripper; Material Mixer, Applicator Operator	10.00	.56	.40		
PLUMBERS:					
Flathead, Lake, Lincoln, Mineral, Missoula and Sanders Counties	14.28	.75	.70		.15
Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole and Valley Counties	13.85	.75	1.10		.15
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis & Clark, Madison, Park, Powell, Silver Bow and Sweet Grass Counties	14.05	.70	.85		.10
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties	14.20	1.00	.90		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Broadwater, Jefferson (including north half of the City of Boulder), Lewis and Clark and Meagher Counties	$13.35	.93	.25		.12
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	13.56	.69	.50		.12
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	13.00	.73	3%+.805		.24
Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton and Toole Counties	12.88	.68	.75		.15
Beaverhead, Deer Lodge, Granite, Jefferson (southern half), Madison, Powell and Silver Bow Counties	13.19	.69	.48		.04

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Raker	$ 8.90	.62	.53		.05
Axeman	8.60	.62	.53		.05
Burning Bar	8.76	.62	.53		.05
Car and Truck Loaders, Scissorman	8.60	.62	.53		.05
Caisson Workers (free air)	8.76	.62	.53		.05
Carpenter Tender	8.60	.62	.53		.05
Cement Handlers	8.76	.62	.53		.05
Cement Mason Tender	8.76	.62	.53		.05
Choker Setter	8.76	.62	.53		.05
Chuck Tender and Nipper (above ground)	8.60	.62	.53		.05
Concrete Laborers (wet or dry); Bucketman and Signalman	8.76	.62	.53		.05
Concrete or Asphalt Saw	8.76	.62	.53		.05
Concrete Vibrator (5" and over)	8.90	.62	.53		.05
Cosmolene applying and removing	8.60	.62	.53		.05
Core Drill Operator	9.60	.62	.53		.05
Curb Machine	8.76	.62	.53		.05
Cutting Torch and Air Arc	9.60	.62	.53		.05
Drills, Air-tract, self-propelled, cat or truck mounted air operated	8.90	.62	.53		.05
Drills, Air-tract, with dual mast	8.90	.62	.53		.05
Drills, Air-tract, self-propelled, Mustang type or similar	8.90	.62	.53		.05
Dumpman (spotter)	8.60	.62	.53		.05
Dumpman (grademan)	8.76	.62	.53		.05
Equipment Handler	8.90	.62	.53		.05
Fence Erector and Installer (including installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers)	8.60	.62	.53		.05

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Form Setter	$ 8.76	.62	.53		.05
Form Stripper	8.60	.62	.53		.05
Grade Setter	9.60	.62	.53		.05
General Laborer	8.60	.62	.53		.05
Hand Faller	8.76	.62	.53		.05
High Scaler	8.90	.62	.53		.05
High Pressure Machine Nozzleman	8.90	.62	.53		.05
Heater Tender	8.60	.62	.53		.05
Jackhammer, Pavement Breaker, Wagon Drills, Concrete Vibrator, Mechanic Tamper, Vibrating Roller, hand steered and other power tools	8.76	.62	.53		.05
Landscape Laborers	8.60	.62	.53		.05
Nozzleman-air and water, gunite and Placo Machine	8.76	.62	.53		.05
Pipe Layer (all types)	8.76	.62	.53		.05
Pipe Wrapper	8.76	.62	.53		.05
Post Hole Digger (power auger)	8.76	.62	.53		.05
Power Saw, bucking	8.76	.62	.53		.05
Power Saw, falling	8.90	.62	.53		.05
Powderman Tender	8.76	.62	.53		.05
Powderman	9.60	.62	.53		.05
Power Driven Wheelbarrow	8.76	.62	.53		.05
Rigger	8.76	.62	.53		.05
Riprapper	8.76	.62	.53		.05
Riprap Tender	8.60	.62	.53		.05
Sandblaster	8.90	.62	.53		.05
Sandblaster Tail Hoseman, Pot Tender	8.60	.62	.53		.05
Sodcutter-hand operated	8.60	.62	.53		.05
Spike Driver, single, dual or hand	8.76	.62	.53		.05

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Stake Jumper for Equipment	$ 8.60	.62	.53		.05
Switchman	8.76	.62	.53		.05
Tar Pot Operator	8.76	.62	.53		.05
Tool Checker, Tool Houseman	8.60	.62	.53		.05
Welder	9.60	.62	.53		.05

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A-Frame Truck Crane, Winch Truck and similar	$11.30	.75	.65	.45	.07
Air Compressor, single	10.99	.75	.65	.45	.07
Air Compressor, two or more	11.16	.75	.65	.45	.07
Air Doctor	11.46	.75	.65	.45	.07
Asphalt Paving Machine	11.46	.75	.65	.45	.07
Asphalt Paving Machine Screed	11.46	.75	.65	.45	.07
Automatic Finegrader, Gurries and other similar types	11.59	.75	.65	.45	.07
Belt Finish Machine	11.16	.75	.65	.45	.07
Bit Grinder	11.46	.75	.65	.45	.07
Bituminous Mixer Paving, Travel Plant	11.46	.75	.65	.45	.07
Boring Machine (small), Jeep, Pickup or Farm Tractor mounted	11.05	.75	.65	.45	.07
Boring Machine (large)	11.46	.75	.65	.45	.07
Broom, self-propelled	11.13	.75	.65	.45	.07
Cableway Highline	11.97	.75	.65	.45	.07
Cement Silo	11.25	.75	.65	.45	.07
Central Mixing Plants, Concrete dam and stationary	11.71	.75	.65	.45	.07
Chain Bucket Loader	11.18	.75	.65	.45	.07
Chip or Gravel Spreader, self-propelled	11.18	.75	.65	.45	.07
Concrete Batch Plant, one and two Mixers	11.46	.75	.65	.45	.07
Concrete Batch Plant, three and four Mixers	11.66	.75	.65	.45	.07
Concrete Batch Plant, five Mixers and over	11.86	.75	.65	.45	.07
Concrete Batch Plant Oiler, up to and including two Mixers	10.98	.75	.65	.45	.07
Concrete Batch Plant Oiler, three Mixers and over	11.29	.75	.65	.45	.07
Concrete Bucket Dispatcher	11.46	.75	.65	.45	.07
Concrete Curing Machine	11.46	.75	.65	.45	.07
Concrete Finish Machine Paving	11.46	.75	.65	.45	.07

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Concrete Float-Spreader	$11.46	.75	.65	.45	.07
Concrete Mixer, three bags and under	11.05	.75	.65	.45	.07
Concrete Mixer, four bags and over	11.22	.75	.65	.45	.07
Concrete Power Saw, self-propelled	11.46	.75	.65	.45	.07
Concrete Travel Batcher	11.46	.75	.65	.45	.07
Concrete Conveyor under 40 feet	11.04	.75	.65	.45	.07
Concrete Conveyor over 40 feet	11.79	.75	.65	.45	.07
Concrete Pump	11.79	.75	.65	.45	.07
Conveyor Loader Operator, up to and including 42' belt	11.04	.75	.65	.45	.07
Conveyor Loader Operator over 42" belt	11.16	.75	.65	.45	.07
Crane, to and including 80' boom	11.62	.75	.65	.45	.07
Crane, 81' to 130' boom	11.77	.75	.65	.45	.07
Crane, 131' to 150' boom	11.82	.75	.65	.45	.07
Crane, 151' boom and over	11.87	.75	.65	.45	.07
Crane Oiler	11.03	.75	.65	.45	.07
Crane with jibs an additional $.15 per hour					
Crusher	11.46	.75	.65	.45	.07
Crusher Oiler	10.95	.75	.65	.45	.07
Crusher Conveyor, when required	10.92	.75	.65	.45	.07
Distributor	11.46	.75	.65	.45	.07
DW 10, 15, or 20 tractor pulling Roller	11.18	.75	.65	.45	.07
Electric Overhead Cranes	11.64	.75	.65	.45	.07
Elevating Grader	11.46	.75	.65	.45	.07
Farm type tractor up to and including 50 HP engine	10.92	.75	.65	.45	.07
Farm type tractor, over 50					

DECISION NO. MT80-5111 Page 13

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fireman	$11.05	.75	.65	.45	.07
Forklift, on construction job site	11.27	.75	.65	.45	.07
Form Grader	11.23	.75	.65	.45	.07
Gradall	11.46	.75	.65	.45	.07
Grade Setter	11.92	.75	.65	.45	.07
Heavy Duty Drill, all types	11.46	.75	.65	.45	.07
Heavy Duty Driller	11.05	.75	.65	.45	.07
Herman-Nelson Heaters and similar type	11.00	.75	.65	.45	.07
Hoist, two or more drums	11.46	.75	.65	.45	.07
Helicopter Hoist	11.96	.75	.65	.45	.07
Hot Plant	11.46	.75	.65	.45	.07
Hot Plant Fireman, when in operation	11.46	.75	.65	.45	.07
Hot Plant Oiler, 100 ton per hour or over	10.95	.75	.65	.45	.07
Hydra Lift and similar types	11.35	.75	.65	.45	.07
Industrial Locomotive all classes	11.46	.75	.65	.45	.07
Mechanic and/or Welder on job	11.56	.75	.65	.45	.07
Mixermobile	11.54	.75	.65	.45	.07
Motor Patrol	11.59	.75	.65	.45	.07
Mountain Logger or similar type	11.46	.75	.65	.45	.07
Mucking Machine	11.46	.75	.65	.45	.07
Oiler-Driver, Rubber tired Cranes	11.03	.75	.65	.45	.07
Oilers, other than Shovels and Cranes	10.95	.75	.65	.45	.07
Oiler, Hoist House, dams	11.36	.75	.65	.45	.07
Pavement Breakers, Emsco and similar	11.46	.75	.65	.45	.07
Paving and Mixing Machine	11.59	.75	.65	.45	.07
Power Auger, large truck or tractor mounted and Punch	11.46	.75	.65	.45	.07

DECISION NO. MT80-5111 Page 14

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Mixer, single or double drum	$11.46	.75	.65	.45	.07
Power Saw, multiple cut, self-propelled	11.46	.75	.65	.45	.07
Pumpcrete or Grout Machine	11.46	.75	.65	.45	.07
Pumpman	10.99	.75	.65	.45	.07
Push Tractor	11.46	.75	.65	.45	.07
Quad Cat	11.76	.75	.65	.45	.07
Quad Loader and similar type	12.04	.75	.65	.45	.07
Radiator Repairman	11.27	.75	.65	.45	.07
Raygo Gaint	12.04	.75	.65	.45	.07
Refrigeration Plant	11.46	.75	.65	.45	.07
Retort	11.05	.75	.65	.45	.07
Roller, on blade or hot mix oil paving	11.46	.75	.65	.45	.07
Roller, on other blade or hot mix paving	11.16	.75	.65	.45	.07
Roller, 25 ton or over	11.46	.75	.65	.45	.07
Ross and similar type Carriers, on construction site	11.46	.75	.65	.45	.07
Rubber-tired Dozer	11.46	.75	.65	.45	.07
Rubber-tired Front End Loader, 1 yard and under	11.17	.75	.65	.45	.07
Rubber-tired Front End Loader, 1 yard to and including 3 yards	11.46	.75	.65	.45	.07
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	11.57	.75	.65	.45	.07
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	11.68	.75	.65	.45	.07
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	11.78	.75	.65	.45	.07
Rubber-tired Front End Loader, over 15 yards	11.88	.75	.65	.45	.07

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Scraper, DW 15, 20, 21 and similar type if power unit is not used	$11.46	.75	.65	.45	.07
Scraper, single or twin engine pulling Belly Dump Trailer	11.84	.75	.65	.45	.07
Scraper, single engine	11.59	.75	.65	.45	.07
Scraper, twin engine	11.69	.75	.65	.45	.07
Scraper, tandem engine or 3 engine	11.95	.75	.65	.45	.07
Self-propelled Sheepfoot and similar type	11.46	.75	.65	.45	.07
Shovels, including all attachments, under 1 cu.yd.	11.46	.75	.65	.45	.07
Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.	11.64	.75	.65	.45	.07
Shovels, including all attachments, over 3 cu.yds. to and including 5 cu. yds.	11.91	.75	.65	.45	.07
Shovels, including all attachments over 5 cu. yds.	12.04	.75	.65	.45	.07
Shovel Oiler, 3 yds. and under	10.95	.75	.65	.45	.07
Shovel Oiler, over 3 cu. yds.	11.36	.75	.65	.45	.07
Slip Form Paver	11.59	.75	.65	.45	.07
Stiff Leg Derrick and Guy Derrick	11.91	.75	.65	.45	.07
Track-type Front End Loaders, up to and including 5 cu. yds.	11.46	.75	.65	.45	.07
Track-type Front End Loaders, over 5 cu. yds. to and including 10 cu. yds.	11.69	.75	.65	.45	.07
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	11.79	.75	.65	.45	.07

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Track-type Front End Loaders, over 15 cu. yds.	$11.89	.75	.65	.45	.07
Track-type Tractor w/wo attachments	11.46	.75	.65	.45	.07
Track-type Tractor, on Euclid Loader	11.64	.75	.65	.45	.07
Trenching Machine	11.46	.75	.65	.45	.07
Turnhead Conveyor, or Head Tower on Batch Plant	11.46	.75	.65	.45	.07
Wagner Roller and similar type	11.46	.75	.65	.45	.07
Whirley Crane	11.99	.75	.65	.45	.07
Whirley Crane Oiler	11.36	.75	.65	.45	.07
Water Pull when used for compaction	11.46	.75	.65	.45	.07
Washing and Screening Plant	11.46	.75	.65	.45	.07
Washing and Screening Plant Oiler	11.95	.75	.65	.45	.07
Yo-Yo Cat, both ends	11.66	.75	.65	.45	.07

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
COMBINATION TRUCK; Concrete Mixer and Transit Mixer:					
To & including 4 cu. yds.	$10.34	.75	.77		
Over 4 cu. yds. to and including 6 cu. yds.	10.42	.75	.77		
Over 6 cu .yds. to and including 8 cu. yds.	10.47	.75	.77		
Over 8 cu. yds. to and including 10 cu. yds.	10.58	.75	.77		
Over 10 cu. yds.-additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER	10.32	.75	.77		
DRY BATCH TRUCKS:					
3 Batch or under	10.09	.75	.77		
Over 3 Batch to and including 5 Batch	10.22	.75	.77		
Over 5 Batch to and including 10 Batch	10.35	.75	.77		
Over 10 Batch to and including 15 Batch	10.54	.75	.77		
Over 15 Batch-additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	10.19	.75	.77		
DUMPMAN, GRAVEL SPREADER BOX OPERATOR; Pilot Car Driver, Teamsters	10.09	.75	.77		

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP TRUCKS And SIMILAR EQUIPMENT, DW 20, DW 21, or EUCLID TRACTORS, Pulling P.R. 21 or similar Dump Wagons:					
Water Level Capacity, including Sideboards:					
7 cu. yds. or less	$10.09	.75	.77		
Over 7 cu. yds. to and including 10 cu. yds.	10.22	.75	.77		
Over 10 cu. yds. to and including 15 cu. yds.	10.40	.75	.77		
Over 15 cu. yds. to and including 20 cu. yds.	10.52	.75	.77		
Over 20 cu. yds. to and including 25 cu. yds.	10.58	.75	.77		
Over 25 cu. yds. to and including 30 cu. yds.	10.64	.75	.77		
Over 30 cu. yds. to and including 35 cu. yds.	10.70	.75	.77		
Over 35 cu. yds. to and including 40 cu. yds.	10.76	.75	.77		
Over 40 cu. yds. to and including 45 cu. yds.	10.82	.75	.77		
Over 45 cu. yds.-additional $.10 per hour each additional 5 cu. yds. increment					
DUMPSTERS	10.22	.75	.77		
POWER TRUCK DRIVER (bulk unloader type)	10.27	.75	.77		
FLAT TRUCKS:					
To and including 3 tons	10.24	.75	.77		
Over 3 tons factory rating	10.44	.75	.77		

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TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
FUEL TRUCK DRIVERS; TIREMEN	$10.68	.75	.77		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	10.34	.75	.77		
LUMBER CARRIERS, LIFT TRUCKS and FORK LIFTS	10.34	.75	.77		
POWER BROOM	10.18	.75	.77		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	10.09	.75	.77		
Over 2,500 gallons to and including 4,500 gallons	10.38	.75	.77		
Over 4,500 gallons to and including 6,000 gallons	10.58	.75	.77		
Over 6,000 gallons to and including 8,000 gallons	10.64	.75	.77		
Over 8,000 gallons to and including 10,000 gallons	10.72	.75	.77		
Over 10,000 gallons - additional $.10 per hour each additional 2,000 gallons increment					
TRUCK MECHANIC	11.08	.75	.77		

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Flathead, Lake and Lincoln Counties					
All work for power utilities, all highway lighting, street lighting and motor traffic controlling.					
Lineman	$12.32	.45	3%+.50		1/2%
Cable Splicer	13.71	.45	3%+.50		1/2%
Pole Sprayer	10.95	.45	3%+.50		1/2%
Line Equipment Operators	10.50	.45	3%+.50		1/2%
Powderman, Jackhammer, Compressorman	9.11	.45	3%+.50		1/2%
Groundman	8.54	.45	3%+.50		1/2%
Tree Trimmer	11.35	.45	3%+.50		1/2%
Remaining Counties					
On jobs over 69 K.V. and all work on highway lighting and traffic control systems					
Lineman, Pole Sprayer	$11.20	.45	3%+.50		1/2%
Cable Splicer	11.90	.45	3%+.50		1/2%
Line Equipment Operators; Powderman	10.00	.45	3%+.50		1/2%
Groundman	8.10	.45	3%+.50		1/2%

LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DREDGING					
Assistant Mate (Deckhand)	$12.02	.85	$ 1.00		.11
Fireman	12.12	.85	1.00		.11
Oiler	12.12	.85	1.00		.11
Assistant Engineer (electric, Diesel, Steam or Booster Pump)	12.46	.85	1.00		.11
Mates and Boatman	12.46	.85	1.00		.11
Engineer Welder	12.51	.85	1.00		.11
Craneman	12.51	.85	1.00		.11
Assistant Engineer (Electric, Generator Operator for Primary Pump, Power Barge or Dredge)	12.56	.85	1.00		.11
Leverman, Dipper:					
(a) 5 yards and under	13.27	.85	1.00		.11
(b) over 5 yards	13.82	.85	1.00		.11
Leverman, Hydraulic	12.88	.85	1.00		.11

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

[FR Doc. 80-9170 Filed 3-27-80; 8:45 am]
BILLING CODE 4510-27-C

SUPERSEDEAS DECISION

STATE: Ohio COUNTIES: Butler & Warren
DECISION NUMBER: OH80-2020 DATE: Date of Publication
Supersedes Decision No.: OH76-2030 dated March 5, 1976 in 41 FR 9800
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning Mechanics	6.88				
Bricklayers	7.90				
Carpenters	6.07				
Cement Masons	6.54				
Drywall Finishers	7.00				
Drywall Hangers	6.50				
Electricians	6.86				
LABORERS:					
Common	4.00				
Mason Tenders	4.25				
Painters	5.21				
Plumbers	7.18				
Roofers	6.50				
Sheet Metal Workers	6.79				
Soft Floor Layers	6.00				
Tile Setters	6.00				
Truck Drivers	6.03				
Power Equipment Operators:					
Backhoes	7.37				
Bulldozers	8.00				
Front End Loaders	6.97				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

Correction

In FR Doc. 80-8344, appearing at page 18638 in the issue of Friday, March 21, 1980, the two tables on page 18639 were illegible in part and are therefore reprinted below:

BILLING CODE 1505-01-M

NEW DECISION

STATE: Maryland COUNTY: Cecil
DECISION NO.: MD80-3014 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$10.63	.70	.50		.07
Carpenters	9.80	.75	.69		.07
Cement Masons	10.00	.60	.55		.04
Elevator Constructors	10.71	.745	.35	4%+a+b	.02
Electricians	10.99				
Ironworkers	11.95	.84	1.36		.03
Laborers:					
Common Laborers	7.05	.30	.50		.075
Mason Tenders	7.35	.30	.50		.075
Plasterers Tenders	7.20	.30	.50		.075
Painters	9.20	.85	.50		.06
Plasterers	9.95	.60	.40	c	
Plumbers	10.30	.79	.83		.16
Pipefitters	10.98	.77	.80		.14
Roofers:					
Roofers, damp, and waterproof workers	8.40	.35	.40		
Asphalt and asbestos shingles	8.60	.35	.40		
Sheet Metal Workers	10.12	.75	.70		.07
Tile Setters	8.31	.70	.50		.04
Tile Finishers	6.675	.40	.20		
Power Equipment Operators:					
Front End Loader	9.42	.95	1.00		.12

Footnotes:
a. Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of the basic hourly rate for 6 months to 5 years of service as vacation pay credit
c. Employee working Christmas Eve shall work 4 hours and receive 8 hours of pay

BILLING CODE 1505-01-C

MODIFICATION PAGE 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AR79-4054-Mod. #3 44 FR 19104-March 30, 1979 Sebastian, Crawford and Washington Counties, Arkansas					
CHANGE:					
CEMENT MASONS	$ 9.99	.33			.03
DECISION #AR79-4055-Mod. #4 44 FR 19106-March 30, 1979 Jefferson County, Arkansas					
CHANGE:					
CEMENT MASONS	9.99	.33			.03
DECISION #AR79-4056-Mod. #4 44 FR 19108-March 30, 1979 Garland, Hot Springs and Clark Counties, Arkansas					
CHANGE:					
CEMENT MASONS	9.99	.33			.03
PAINTERS:					
Painters & rollers	7.50				
Paperhanging	8.00				
Sheet rock (tape and float only)	8.00				
Stage and steel	9.00				
Spray & Sandblasting	9.25				
Painters operating any kind of taping or floating machine	10.75				
DECISION #AR79-4057-Mod. #2 44 FR 45855-August 3, 1979 Union & Ouachita Counties, Arkansas					
CHANGE:					
CEMENT MASONS	9.99	.33			.03

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federal register

Friday
March 28, 1980

Part IV

Department of Health, Education, and Welfare

Food and Drug Administration

Establishment of a Monograph on Anticaries Drug Products for Over-the-Counter Human Use; Proposed Rulemaking

V 45 / 62 MR 28 80 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 355

[Docket No. 80N–0042]

Anticaries Drug Products for Over-the-Counter Human Use Establishment of a Monograph; Notice of Proposed Rulemaking

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish conditions under which over-the-counter (OTC) anticaries drug products (products which aid in the prevention of dental caries (decay or cavities)) are generally recognized as safe and effective and not misbranded. The proposed rule, based on the recommendations of the Advisory Review Panel on OTC Dentifrice and Dental Care Drug Products, is part of the ongoing review of OTC drug products conducted by the Food and Drug Administration (FDA).

DATES: Comments by June 26, 1980, and reply comments by July 28, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD–510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: In accordance with Part 330 (21 CFR Part 330), FDA received on July 13, 1978, a report of the Advisory Review Panel on OTC Dentifrice and Dental Care Drug Products. Under § 330.10(a)(6) (21 CFR 330.10(a)(6)), the Commissioner of Food and Drugs is issuing: (1) a proposed regulation containing the monograph recommended by the Panel, which establishes conditions under which OTC anticaries drugs are generally recognized as safe and effective and not misbranded; (2) a statement of the conditions excluded from the monograph on the basis of a determination by the Panel that they would result in the drugs not being generally recognized as safe and effective or would result in misbranding; (3) a statement of the conditions excluded from the monograph on the basis of a determination by the Panel that the available data are insufficient to classify these conditions under either (1) or (2) above; and (4) the conclusions and recommendations of the Panel.

The unaltered conclusions and recommendations of the Panel are issued to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The report has been prepared independently of FDA, and the agency has not yet fully reviewed the report. The Panel's findings appear in this document as a formal proposal to obtain public comment before the agency reaches any decision on the Panel's recommendations. This document represents the best scientific judgment of the Panel members but does not necessarily reflect the agency's position on any particular matter contained in it.

The Panel recommended that certain fluoride dental rinses and gels, which have previously been restricted to prescription use, be made available OTC provided that they contain no more than 120 mg total fluorine, and that they are packaged in containers with child-resistant closures. Without addressing the merits of this recommendation, the agency merely wishes to point out that no final decision will be made without careful and thorough evaluation of all comments submitted in response to the publication of this proposal. FDA is especially interested in receiving comments and data on the issue of whether these fluoride gels and rinses offer any added benefit to persons who also use a fluoride dentrifice daily, who live in areas where optimal fluoride levels are present in the water supply, and who may also be given professionally applied fluoride treatments periodically. Any person marketing one of these products OTC prior to publication in the **Federal Register** of a final monograph will do so at his or her own risk, as detailed in § 330.13 (21 CFR 330.13). While FDA does not have the authority to require child-resistant closures, manufacturers are urged to voluntarily comply with the Panel's recommendations. FDA will make the Consumer Product Safety Commission, the agency responsible for regulating child-resistant packaging, aware of the Panel's recommendations.

The agency is also aware of the Panel's recommendations in the Panel's report regarding final formulation testing, i.e., "Laboratory Testing Profiles," of Category I active ingredients formulated in a dentifrice (abrasive-containing) dosage form. The Panel's final formulation recommendations represent a new concept with many technical issues yet to be resolved; therefore, they have not been included as part of the proposed monograph, although the recommendations are in the Panel's report.

After FDA has carefully reviewed all comments submitted in response to this proposal, the Commissioner will issue a tentative final regulation in the **Federal Register** to establish a monograph for OTC anticaries drug products. The agency will determine at that time if the Panel recommendations on final formulation testing should be included in the monograph.

In accordance with § 330.10(a)(2) (21 CFR 330.10(a)(2)), the Panel and FDA have held as confidential all information concerning OTC anticaries drug products submitted for consideration by the Advisory Review Panel on OTC Dentifrice and Dental Care Drug Products. All this information will be put on public display at the office of the Hearing Clerk, Food and Drug Administration, after April 28, 1980, except to the extent that the person submitting it demonstrates that it still falls within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality should be submitted to William E. Gilbertson, Bureau of Drugs (HFD–510) (address above).

Based upon the conclusions and recommendations of the Panel, the Commissioner proposes the following:

1. That the conditions included in the monograph, under which the drug products would be generally recognized as safe and effective and no misbranded (Category I), be effective 30 days after the date of publication of the final monograph in the **Federal Register.**

2. That the conditions excluded from the monograph because they would cause the drug to be not generally recognized as safe and effective or to be misbranded (Category II), be eliminated from OTC drug products effective 6 months after the date of publication of the final monograph in the **Federal Register,** regardless of whether further testing is undertaken to justify their future use.

In the **Federal Register** of January 5, 1972 (37 FR 85), the Commissioner announced a proposed review of the safety, effectiveness, and labeling of all OTC drugs by independent advisory review panels. In the **Federal Register** of May 11, 1972 (37 FR 9464), the Commissioner published the final regulations providing for the OTC drug review under § 330.10 which were made effective immediately. Pursuant to these regulations, the Commissioner issued in the **Federal Register** of January 30, 1973 (38 FR 2781) a request for data and information on all active ingredients utilized in dentifrice and dental care drug products except mouthwashes and oral antiseptics.

The Commissioner appointed the following Panel to review the data and information submitted and to prepare a report pursuant to § 330.10(a)(1) on the safety, effectiveness, and labeling of those products:

Louis P. Gangarosa, D.D.S., Ph.D., Chairman
Joseph J. Aleo, D.D.S., Ph.D. (appointed September 1, 1973)
Howard H. Chauncey, D.M.D., Ph.D. (resigned April 30, 1976)
Valerie Hurst, Ph.D.
Joy B. Pleinm, Ph.D.
Delos E. Raymond, D.D.S.
Roger H. Scholle, D.D.S., M.S.
Lawrence E. VanKirk, Jr., D.D.S., M.P.H. (appointed June 29, 1976)
Benjamin O. Watkins, D.D.S. (resigned August 1, 1973)

The Panel was first convened on April 24, 1973 in an organizational meeting. Working meetings were held on May 24 and 25, June 21 and 22, August 15 and 16, October 10 and 11, November 29 and 30, 1973; January 17 and 18, February 27 and 28, April 3 and 4, May 9 and 10, June 19 and 20, July 24 and 25, September 19 and 20, October 16 and 17, December 4 and 5, 1974; January 15 and 16, February 26 and 27, April 2 and 3, May 7 and 8, June 24 and 25, August 12, 13, and 14, October 9 and 10, December 3 and 4, 1975; January 23 and 24, February 24 and 25, March 31 and April 1, May 11 and 12, June 30 and July 1, July 28, and 29, August 25, and 26, October 5 and 6, December 1 and 2, 1976; January 12 and 13, March 9 and 10, April 20 and 21, June 1 and 2, July 13 and 14, August 24, and 25, October 19 and 20, November 30 and December 1, 1977; January 17 and 18, March 11 and 12, April 26, 27, and 28, May 30 and 31, and June 1, and July 11, 12, and 13, 1978.

The minutes of the Panel meeting are on public display in the office of the Hearing Clerk (HFA–305), Food and Drug Administration (address above).

Five nonvoting liaison members served on the Panel. Judy Jackson, Esq., nominated by the Consumer Federation of America, served as the consumer liaison until April 1974. Mary Plaska, nominated by the American Public Health Association, succeeded Ms. Jackson in May 1974 and served until May 1976. Sandra Zimmerman, nominated by the Consumer Federation of America, succeeded MS. Plaska in June 1976. Lester D. Apperson, Ph.D., nominated by the Cosmetic, Toiletry, and Fragrance Association, served as an industry liaison. Joseph L. Kanig, Ph.D., nominated by the Proprietary Association, also served as an industry liaison until January 1978.

The following employees of FDA served: Clarence C. Gilkes, D.D.S., served and Executive Secretary. Michael D. Kennedy served as Panel Administrator until January 1978 followed by Thomas D. DeCillis, R.Ph., Melvin Lessing, M.S., R.Ph., served as Drug Information Analyst until June 1977. George Kerner, M.S., served as Consumer Safety Officer. Cindy Barkdull served as special assistant from July 1977 to April 1978. Elmer M. Plein, Ph.D., and Gordon H. Schrotenboer, Ph.D., served as consultants to the Panel.

The following individuals were given an opportunity to appear before the Panel to express their views either at their own or at the Panel's request on all issues before the Panel:

John E. Alman, M.A.
Hazen J. Baron, D.D.S., Ph.D.
I. B. Bender, D.D.S.
Malcolm Boone, D.D.S.
R. K. Boutwell, Ph.D.
Herbert Brilliant, D.D.S.
Richard C. Brogle, Ph.D.
Finn Brudevold, D.D.S.
Lewis P. Cancro, Ph.D.
A. Chasens, D.D.S.
Neal W. Chilton, D.D.S.
Stephen A. Cooper, D.M.D., Ph.D.
D. Walter Cohen, D.D.S.
William E. Cooley, Ph.D.
Robert Ellison, D.D.S., M.S.
H. Fogels, D.D.S.
Sol Gershon, Ph.D.
William Gold, Ph.D.
Hans Graf, D.D.S.
F. Healey, Ph.D.
John Hefferren, Ph.D.
Stanley B. Heifetz, D.D.S., M.P.H.
L. Kenneth Hiller, Ph.D.
George F. Hoffnagle, Sc.D.
Herschel S. Horowitz, D.D.S., M.P.H.
Marvin Kamisky, Ph.D.
Krishan Kapur, D.M.D., M.Sc.
Kenneth Kasses, Ph.D.
Homer Jamison, D.D.S., Ph.D.
Phillip B. Lawson
Edgar Lazo-Wasem, Ph.D.
Donald A. M. MacKay, Ph.D.
John H. Manhold, D.M.D.
Craig R. Means, D.D.S., M.Sc.
Murray Rosenthal, M.S.
Albert L. Russell, D.D.S., M.Ph.
Thomas Schiff, D.D.S.,
Bernard Schneider, D.D.S.,
James H. Stanton
Willard J. Tarbet, D.D.S., Ph.D.
Pactrick Toto, D.D.S.
Aaron Trubman, D.D.S.
Paul Vinton,D.D.S.
A. R. Volpe,D.D.S.
Carrol S. Weil, M.A.
Elizabeth K. Weisburger, Ph.D.
S. C. Yankell, D.D.S.
K. Yeh, Ph.D.
A. Albert Yurkstas, D.M.D.

No person who so requested was denied an opportunity to appear before the Panel.

The Panel was charged to review submitted data and information for OTC dentifrice and dental care drug products. Because all such agents are not used for the same purpose, it was not possible for the Panel to establish a single standard of requirements for effectiveness of each product. Therefore, in an attempt to simplify categorization of ingredients and labeling claims, the Panel placed the dental care drug products into one of the following therapeutic classifications: (1) agents for oral mucosal injury, (2) agents for the relief of oral discomfort, (3) anticaries agents, (4) dental plaque disclosing agents, and (5) denture aids.

On May 28, 1976, the Medical Device Amendments of 1976 became law. This legislation amends the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and provides new authority to assure the safety and effectiveness of medical devices. Several products previously regulated as drugs that were under review by the Panel came within the definition of a medical device under these amendments. FDA reviewed the products previously regarded as drugs and concluded in the **Federal Register** of December 16, 1977 (42 FR 63472) that the following products fall within the definition of a medical device: denture cushions, dental adhesives, dental reliners and repair kits, denture cleansers, and plaque-disclosing kits. The Panel wishes to point out that during its deliberations "kits" were not specifically addressed and that the Panel's terminology for dental devices differs from that published in the **Federal Register.** The Panel used the following terminology in evaluating these products: denture adhesives, denture reliners, denture repair products, denture cleansers, and dental plaque-disclosing agents.

In a notice published in the **Federal Register** of May 2, 1978 (43 FR 18769), FDA announced that it had transferred

the responsibility for regulating OTC dental care devices from the agency's Bureau of Drugs to its Bureau of Medical Devices (BMD). In addition, the notice announced that the Advisory Review Panel on OTC Dentifrice and Dental Care Drug Products had summarized its findings and recommended that the Commissioner transfer that portion of its report concerning products now regulated as medical devices, together with the data and information submitted in response to the January 30, 1973 notice, to BMD. A summary of the Panel's conclusions concerning the safety, effectiveness, and labeling of those products is included in the Panel's minutes for the March 11 and 12, 1978 meeting.

The Panel presents its conclusions and recommendations for anticaries drug products in this document. The Panel's conclusions and recommendations for oral mucosal injury drug products were published in the **Federal Register** on November 2, 1979 (44 FR 63270) and for drug products for the relief of oral discomfort will be published in a later issue of the **Federal Register.**

In arriving at its conclusions and recommendations, the Panel thoroughly reviewed the literature and data submissions, listened to additional testimony from interested persons, and considered all pertinent data and information submitted through July 13, 1978.

In accordance with the OTC drug review regulations (21 CFR 330.10), the Panel considered OTC anticaries drug products with respect to the following three categories:

Category I. Conditions under which OTC anticaries drug products are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which OTC anticaries drug products are not generally recognized as safe and effective or are misbranded.

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

I. Submission of Data and Information

Pursuant to the notice published in the **Federal Register** of January 30, 1973 (38 FR 2781) requesting the submission of data and information on OTC drugs containing dentifrice and dental care agents, the following firms made submissions relating to the indicated products that, the Panel has further determined, contain active ingredients or labeling which may be appropriately classified as anticaries drug products.

A. Submissions by Firms—Continued

Firms	Marketed products
Barnangen A.B., Stockholm 12, Sweden.	Vademecum Sugarless Chewing Gum.
Beecham, Inc., Clifton, NJ 07012.	Macleans White Fluoride, Spearmint Flavor.
Carter Products Division, Carter-Wallace, Inc., Cranbury, NJ 08512.	Pearl Drops Tooth Polish with Fluoride-Spearmint Flavor, Pearl Drops Tooth Polish with Fluoride-Regular Flavor.
Church and Dwight Co., Inc., Syracuse, NY 13201.	Arm and Hammer Baking Soda, Arm and Hammer Toothpaste.
Janar Co., Grand Rapids, MI 49501.	Janar Inadicay Stannous Fluoride Rinse, Inadicay Fluoride Gel.
Lorvic Corp., Saint Louis, MO 63134.	KARIDIUM Low pH Phosphate Fluoride Topical Gel, KARIDIUM APF (Acidulated Phosphate Fluoride) Topical Gel, KARIDIUM Phosphate-Fluoride Topical Gel, KARIDIUM APF (Acidulated Phosphate Fluoride) Topical Solution, Lorvic Coral II Phosphate-Fluoride Prophylaxis Paste, Lorvic Pink Coral Phosphate-Fluoride Prophylaxis Paste, Lorvic White Coral Phosphate-Fluoride Prophylaxis Paste.
Lever Brothers Co., Edgewater, NJ 07020.	ARM Toothpaste with Stannous Fluoride Anti-Cavity Ingredient, Silica Dentifrice with NaMFP.
NDK Co., New Iberia, LA 70560.	NDK Fluoride Dentifrice.
Pendent Co., Inc., Oakland, CA 94609.	Peridont Salt Toothpaste.
Procter & Gamble Co., Cincinnati, OH 45217.	Crest Toothpaste with Fluoristan Mint Flavor, Crest Toothpaste with Flouristan Regular Flavor, Gleem II Toothpaste.
Sterling Drug, Inc., New York, NY 10016.	Caroid Tooth Powder, Phillips' Tooth Paste.
Warner-Lambert Co., Morris Plains, NJ 07960.	Fluoride Mouthwash (Acidulated Fluoride Phosphates), Fluoride Mouthwash (Stannous Fluoride Effervescent), DiCal Chewing Gum.
Whitehall Laboratories, Inc., New York, NY 10017.	Super-White Kolynos Toothpaste.
In addition, the following firms made related submissions:	
American Pharmaceutical Association, Washington, DC 20037.	Fluoride Dentifrice.
Beecham Products, Inc., Clifton, NJ 07012.	Information on Macleans MFP Toothpaste, Sodium Monofluorophosphate/Calcium Carbonate Dentifrice, Information on Fluoride Dentifrice Expiration Dating, Common Flavor Components and Miscellaneous Formulating Agents, Profile for the In Vitro Efficacy Testing of Macleans MFP Toothpaste, Sodium Monofluorophosphate Safety and Efficacy Data, Information on Macleans Fluoride Toothpaste with 0.76 percent NaMFP in a Calcium Carbonate Base.
Carter Products, Cranbury, NJ 08512.	Dicalcium Phosphate Dihydrate, Sodium Fluoride, Definitions of and Formula Changes for Fluoride Dentifrices, Available Fluoride in Aged Polymethylmethacrylate-Base Dentifrice.
Church and Dwight Co., Inc., Piscataway, NJ 08854.	Comment on Panel Decision to Place Sodium Bicarbonate and All Other Antacids in Category II for Anticaries Activity.
Colgate-Palmolive Co., Piscataway, NJ 08854.	Reprints of Published Caries Clinical Studies Evaluating Sodium Fluoride Mouthrinses Containing About 0.02 percent F, Literature Reports Concerning Efficacy of Sodium Monofluorophosphate Dentifrices, Summary Information on Sodium Monofluorophosphate Dentifrices, Request for Separate Simplified Guidelines for Sodium Monofluorophosphate Dentifrices, Presentation to the FDA OTC Panel on Dentifrices and Dental Care Agents, Suggested Guidelines for Fluoride Dentifrices, Summary Data Sheet on a Sodium Fluoride, Sodium Bicarbonate Dentifrice, Summary Information on Sodium Fluoride—Sodium Bicarbonate Dentifrices, Analytical Methods for Dentifrices Containing Sodium Monofluorophosphate, Summary of Laboratory Profile, Summary of Silica/MFP Dentifrices, Summary Data Sheet Abrasive/MFP Combinations, Definitions of Formulation Changes for Dental Creams Containing Sodium Monofluorophosphate.
Food and Drug Administration, Rockville, MD 20857.	National Academy of Science National Research Council, Drug Efficacy Studies.
Forsyth Dental Center, Boston, MA 02115.	Opinion About the Dentifrice Study Conducted at Tufts University Dental School Under the Supervision of Dr. Helmi Fogels.
Lever Brothers Co., Edgewater, NJ 07020.	Summary of the Laboratory Tests Proposed as Justification for Making Formulation Changes in a Dentifrice Containing 0.4 percent Stannous Fluoride and a Compatible Silica Abrasive, Information on Silica-Based Dentifrice Containing NaMFP, Addendum on Silica-Paste Dentifrices Containing Sodium MFP and Supplement to Lever Stannous Fluoride Submission, Recommendations for the Definitions of Changes in Formulations of Silica Gel Abrasive Dentifrices, Principles of Bioavailability Tests for Fluoride Dentifrices, Supplementary Submission in Support of the Efficacy and Safety of a Dentifrice Containing 0.76 percent Sodium Monofluorophosphate and a Silica Gel as an Abrasive, Tests for Fluoride Dentifrices, Recommended Laboratory Profile Tests, Submission to OTC Panel on Dentifrice and Dental Care Agents, Clinical Data on a Stannous Fluoride, Silica Based Dentifrice, The Relative Caries Inhibiting Effect of a Stannous Fluoride, Silica Abrasive Dentifrice.
Lorvic Corp., Saint Louis, MO 63134.	Potential Errors in Analyzing Enamel for Fluoride Concentrations and Rates of Acid Dissolution Subsequent to Stannous Fluoride Treatment, Supplement to Submission.
Procter & Gamble Co., Cincinnati, OH 45217.	Establishing Efficacy of Anti-caries Agents and Dentifrices, Laboratory Testing Profile and Quality Assurance Profile for Stannous Fluoride-Calcium Pyrophosphate System (Crest Dentifrice), Laboratory Profiles and the Proposed Expiration Dating for Crest and Gleem II, Formulation Changes in Fluoride Dentifrices, Current Laboratory Profiles and References, Stability of Stannous Fluoride in Dentifrice Formulations and the Effect That Stability Has on Anticaries Efficacy.
Herbert V. Shuster, Inc., Boston, MA 02122.	SnF_2 Insoluble Sodium Metaphosphate (Toothpaste Methods), Laboratory Profile.
Warner-Lambert Co., Morris Plains, NJ 07950.	Data on Acidulated Fluoride Phosphate Mouthwash (0.02 percent NaF) as a Cariostatic Agent, International Workshop on Fluorides and Dental Caries Reductions, Stannous Fluoride Mouthwash, Specifications and Analytical Data for DiCal Chewing Gum and Dibasic Calcium Phosphate Dihydrate, DiCal Chewing Gum, Supplemental Data Response to FDA Critique, Response to FDA Critique of DiCal Chewing Gum Clinical Studies, Acidulated Fluoride-Phosphate Mouthwash (Sodium Fluoride).
The Proprietary Association, CTFA-PA Dentifrice Task Force, Subgroup on Fluoride Dentifrices, Washington, DC 20006.	Summaries of Laboratory Profile, Standards for Fluoride Dentifrices, Fluoride Dentifrices Joint Submission Clinical and Laboratory Profile, Recommended Laboratory Profile for Fluoride Dentifrices and Presentation to the Panel, Reference Formulations for Performance Standards in the Required Biological Tests of the Fluoride Dentifrice Profiles.
Westwood Research Laboratory, Inc., Westwood, MA 02090.	Testing Procedures for Fluoride Dentifrices.

A. Submissions by Firms—Continued

Firms	Marketed products
Herbert V. Shuster, Inc., Boston, MA 02122.	SnF_2 Insoluble Sodium Metaphosphate (Toothpaste Methods), Laboratory Profile.
Warner-Lambert Co., Morris Plains, NJ 07950.	Data on Acidulated Fluoride Phosphate Mouthwash (0.02 percent NaF) as a Cariostatic Agent, International Workshop on Fluorides and Dental Caries Reductions, Stannous Fluoride Mouthwash, Specifications and Analytical Data for DiCal Chewing Gum and Dibasic Calcium Phosphate Dihydrate, DiCal Chewing Gum, Supplemental Data Response to FDA Critique, Response to FDA Critique of DiCal Chewing Gum Clinical Studies, Acidulated Fluoride-Phosphate Mouthwash (Sodium Fluoride).
The Proprietary Association, CTFA-PA Dentifrice Task Force, Subgroup on Fluoride Dentifrices, Washington, DC 20006.	Summaries of Laboratory Profile, Standards for Fluoride Dentifrices, Fluoride Dentifrices Joint Submission Clinical and Laboratory Profile, Recommended Laboratory Profile for Fluoride Dentifrices and Presentation to the Panel, Reference Formulations for Performance Standards in the Required Biological Tests of the Fluoride Dentifrice Profiles.
Westwood Research Laboratory, Inc., Westwood, MA 02090.	Testing Procedures for Fluoride Dentifrices.

B. *Ingredients Reviewed by the Panel*

1. *Labeled ingredients contained in marketed products submitted to the Panel.*

Acidulated fluoride phosphate
Alcohol
Benzethonium chloride
Bicarbonate of soda
Calcium phosphate
Calcium pyrophosphate
Cellulose gum
Citric acid
Dicalcium phosphate
Dicalcium phosphate dihydrate
Flavor
Fluoride ion
Glycerin
Glycerol
Gum base (jalaco)
Hydrated silica PFG 32
Hydrogen fluoride
Methylparaben
Milk of magnesia
Mint flavor
Natural flavorings
Orthophosphoric acid
Papain
Phosphate ion
Poloxamer 238
Saccharin
S D Alcohol 38B
Sodium benzoate
Sodium bicarbonate
Sodium carbonate
Sodium citrate
Sodium fluoride
Sodium lauroyl sarcosinate
Sodium lauryl sulfate
Sodium metaphosphate
Sodium monofluorophosphate
Sodium phosphate
Sodium saccharin
Sorbitol
Spearmint flavor
Stannous fluoride
Titanium dioxide
Water

2. *Ingredients contained in marketed products submitted to the Panel but not listed in the labeling of the products.*

Alumina
Alumina (aluminum oxide trihydrate), hydrated
Aluminum hydroxide
Aminoacetic acid
Anethole
Blue color
Buffers
Calcium carbonate (chalk)
Calcium pyrophosphate, high-beta-pphase
Calcium silicate
Caroxymethylcellulose
Carrageenan (sodium and potassium carrageenans)
Carrageenan gum
Carvone
Chewing gum base
Coconut monoglyceride sulfonates
Corn syrup
Dentifrice soap
Dicalcium phosphate anhydrous
Dicalcium phosphate dihydrate
Dicalcium phosphate dihydrate—sugar mix (1:1)
Disodium hydrogen phospate
Flavoring agents
Flavorings, natural
Food, Drug, and Cosmetic coloring agents
Hydrochloric acid
Lathnol LAL
Light mineral oil (food grade)
Magnesium aluminum silicate
Magnesium carbonate
Magnesium hydroxide
Menthol
Oil of peppermint
Phosphoric acid
Pluronic F127
Polak flavor enhancer FOL 650122U
Polyethylene glycol
Polymethylmethacrylate (in the form of small spheres)
Polysorbate 80
Potassium hydroxide
Preciptitated calcium carbonate
Propylene glycol
Pumice
PVP (polyvinyl pyrrolidone)
Red color
Silica
Silica aerogel
Silica gel
Silica gel, dehydrated
Silica, hydrated precipitated
Silica PFG 32, hydrated
Silica xerogel
Silica xerogel, syloid 63
Silicon dioxide
Silicon dioxide (with low aluminum content)
Soap powder
Soduim alkyl sulfate
Sodium alkyl sulfoacetate
Sodium carboxymethylcellulose
Sodium carboxymethylcellulose gum
Sodium dihydrogen phosphate
Sodium dihydrogen phosphate monohydrate
Sodium hydroxide
Sodium metaphosphate, insoluable
Sodium monoglyceride sulfonate
Sodium *N*-lauroyl sarcosinate
Sodium phosphate, dibasic anhydrous reagent
Spice Stannous pyrophosphate
Sugar
Water, distilled
Wintergreen

3. *Other ingredient submitted to and reviewed by the Panel.*

Calcium sucrose phosphate

C. Classification of Ingredients

1. Active ingredients.
Calcium sucrose phosphate
Flouride preparations
Acidulated phosphate fluoride
Sodium flouride
Sodium monofluorophosphate
Stannous fluoride
Dicalcium phosphate dihydrate
Phosphate preparations (providing phosphate ion (PO_4——); not used as inactive ingredient)
Disodium hydrogen phosphate
Phosphoric acid (orthophosphoric acid)
Sodium dihydrogen phosphate
Sodium dihydrogen phosphate monohydrate
Sodium phosphate
Sodium phosphate, dibasic anhydrous reagent
Sodium bicarbonate

2. *Inactive ingredients.* The Panel does not consider this list all inclusive and takes no position as to the value of these ingredients in dental products. The Panel recognizes that the phosphate ingredients and the ingredient sodium bicarbonate are included on both the active and inactive ingredient lists. The Panel has concluded later in this document that the phosphates and sodium bicarbonate are Category II as active ingredients. (See part III paragraph B.2 below—Category II Active Ingredients). The Panel is not opposed to including these phosphate ingredients or sodium bicarbonate in anticaries products as inactive ingredients (buffers, abrasives, etc.) provided anticaries claims are not made for them.

Two of the phosphate ingredients, dicalcium phosphate dihydrate (DCPD) and calcium sucrose phosphate (CaSP), also were submitted to the Panel as additives to sucrose-containing foods. The submissions claimed that these ingredients decreased the cavity-promoting activity of sucrose. During the Panel deliberations the Bureau of Drugs decided that food-additives with noncariogenic claims ("does not promote tooth decay") should properly be reviewed by the Bureau of Foods rather than the Bureau of Drugs because noncariogenic claims are not considered drug claims. Therefore, the Panel has

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not addressed noncariogenic claims for these ingredients in this document.

The following ingredients are considered inactive:

Alcohol
Alumina
Alumina (alumina oxide trihydrate), hydrated
Aluminum hydroxide
Aminoacetic acid
Anethole
Benzethonium chloride
Blue color
Buffers
Calcium carbonate (chalk)
Calcium phosphate
Calcium pyrophosphate (calcium pyrophosphate, high-beta-phase)
Calcium silicate
Calcium sucrose phosphate
Carboxymethylcellulose
Carrageenan (sodium and potassium carrageenans)
Carrageenan gum
Carvone
Cellulose gum
Chewing gum
Citric acid
Coconut monoglyceride sulfonates
Coloring agents
Corn syrup
Dentifrice soap
Dicalcium phosphate
Dicalcium phosphate anhydrous
Dicalcium phosphate dihydrate
Dicalcium phosphate dihydrate-sugar mix 1:1
Disodium hydrogen phosphate
Flavoring agents
Flavorings, natural
Glycerin (glycerol)
Gum base
Hydrated silica
Hydrochloric acid
Hydrogen fluoride
Light mineral oil (food grade)
Magnesium aluminum silicate
Magnesium carbonate
Magnesium hydroxide
Menthol
Methylparaben
Milk of magnesia
Mint flavor
Oil of peppermint
Papain
Phosphoric acid (orthophosphoric acid)
Polyethylene glycol
Polymethylmethacrylate (in the form of microspheres)
Polysorbate 80
Potassium hydroxide
Precipitated calcium carbonate
Propylene glycol
Pumice
Red color
Saccharin
S D Alcohol 38B
Silica
Silica gel
Silica gel, dehydrated
Silica, hydrated precipitated
Silicon dioxide
Silicon dioxide (with low aluminum content)
Soap powder
Sodium alkyl sulfate
Sodium alkyl sulfoacetate
Sodium benzoate
Sodium bicarbonate
Sodium carbonate
Sodium carboxymethylcellulose
Sodium carboxymethylcellulose gum
Sodium citrate
Sodium dihydrogen phosphate
Sodium dihydrogen phosphate monohydrate
Sodium hydroxide
Sodium lauryl sulfate
Sodium metaphosphate
Sodium metaphosphate, insoluble
Sodium monoglyceride sulfonate
Sodium *N*-lauroyl sarcosinate
Sodium phosphate, dibasic anhydrous reagent
Sodium saccharin
Sorbitol
Spearmint flavor
Spice
Stannous pyrophosphate
Sugar
Titanium dioxide
Water, distilled
Wintergreen

D. Referenced OTC Volumes

The "OTC Volumes" cited throughout this document include submissions made by interested persons pursuant to the call-for-data notice published in the **Federal Register** of January 30, 1973 (38 FR 2781). All of the submitted information included in these volumes, except for those deletions which are made in accordance with § 330.10(a)(2) (21 CFR 330.10(a)(2)), will be put on public display after April 28, 1980, in the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, MD 20857.

II. General Statements and Recommendations

A. Definitions

The following definitions have been adopted by the Panel. These definitions reflect the Panel's intended meaning of terms as specifically used in this document in reference to anticaries drug products. Some of these definitions also apply to the other drug categories reviewed by the Panel. Some degree of variation with other definitions of the same terms may exist.

1. *Abrasion.* Abrasion is the wearing away of tooth substance through some mechanical process. Abrasion usually occurs on the exposed root surfaces of teeth, but under certain circumstances may be seen elsewhere, such as on incisal or proximal surfaces.

2. *Abrasive.* An abrasive is a solid material with the function of cleansing or polishing. Abrasives are important inactive ingredients in anticaries dentifrice formulations and typically comprise up to 50 percent of the total formulation. Abrasives are added to dentifrices to facilitate mechanical removal of dental plaque, debris, and stain from tooth surfaces.

3. *Anticaries agent.* An agent which aids in the prevention of dental caries (decay or cavities).

4. *Antimicrobial agent.* An agent which kills or inhibits the growth and reproduction of micro-organisms.

5. *Binding agent (binder).* As used in dentifrices, a binder is an agent used to prevent the separation of the liquid and solid phases. Binders absorb liquids forming a viscous phase, thus stabilizing the products against separation.

6. *Bioavailability.* The degree to which the drug is absorbed from a dosage form into the body or to its site of action.

7. *Buffering agent.* An agent or system which has the ability to resist a change in pH (hydrogen ion concentration), particularly in aqueous solution, upon the addition of an acid, alkali, or upon dilution with a solvent.

8. *Cementum.* The bone-like material covering the root of the tooth. Cementum contains about 45 to 50 percent organic and the balance, inorganic matter. It contains a great number of fibers which attach the tooth to the bone.

9. *Dental calculus.* Mineralized dental plaque accumulates on the tooth surface principally at the gingival margin. One of the major fates of plaque is mineralization. Plaque serves as a matrix for calculus formation. The surface of calculus is usually covered with a nonmineralized layer of plaque. The main irritating feature of calculus is its surface plaque rather than its calcified surface or interior.

10. *Dental care agent.* Any drug or dosage form used to treat or prevent disease of the teeth or soft tissue in the oral cavity.

11. *Dental caries.* A disease of calcified tissues of teeth characterized by demineralization of the inorganic portion and destruction of the organic matrix. Dental caries is thought to not occur without the presence of plaque; however, not all plaques produce caries. The cariogenic plaque, by concentrating acid-forming bacteria at a specific site on a tooth, is responsible for the demineralization of tooth structure; this initiates the first step in dental caries. The bacteria produce acid by anaerobic glycolysis of sugars, mostly sucrose. Plaques vary considerably in their ability to produce acid, depending upon the number and types of acidogenic bacteria present, the availability of sugar, and various other factors.

12. *Dental fluorosis.* Dental fluorosis is a mottling of tooth enamel resulting from imperfect mineralization associated with excessive ingestion of fluoride during the formation of teeth. Fluorosis appears as discoloration which varies from white spots to brown or even black stains sometimes accompanied by a pitting of the surface. The brown or black stains develop because the poorly calcified surface absorbs colored materials. The frequency and extent of dental fluorosis is chiefly related to the fluoride content of drinking water. The optimum level of fluoride in drinking water for caries prevention is approximately 1 part per million (ppm). At 2 ppm, dental fluorosis is of limited severity and creates no cosmetic problem. Bone (or systemic) fluorosis does not seem to be a problem until levels of 20 to 80 ppm are reached.

13. *Dental gel.* A term used to distinguish a dosage form for delivering an anticaries agent to aid in the prevention of tooth decay. Dental gels are formulated in an anhydrous glycerine base with suitable thickening agents included to adjust viscosity. They do not contain abrasives.

14. *Dental plaque.* A gel-like mat firmly attached to the surface of a tooth or restoration but removable from exposed areas by thorough mechanical cleansing. Plaque formation is normally preceded by deposition of pellicle. (See part II. paragraph B. 29. below—Pellicle.) The gel-like mat is made up of the following:

a. *Microbial masses.* Micro-organisms are the dominant components of mature plaque. The microbial composition of plaque is complex, but, in general, an initial predominance of gram-positive organisms eventually shifts to gram-negative, along with a shift of aerobes to anaerobes.

b. *Intermicrobial matrix.* The matrix is a polysaccharide-protein complex derived from the bacteria, the saliva, and in areas adjacent to the gingival tissues, from gingival fluid. Of the polysaccharides, dextran and levan are the most significant; both are extracellular polysaccharides produced by bacteria. Dextran is the more significant because of its greater quantity and relative insolubility; levan is a much smaller component of the matrix and is used as a carbohydrate nutrient by plaque bacteria in the absence of exogenous sources.

c. *Nonbacterial cellular inclusions.* Both epithelial cells derived from the crevicular epithelium and leukocytes migrating across the crevicular epithelium contribute to plaque formation and structure.

15. *Dental rinse.* A term used to designate a liquid dosage form for rinsing between and around the teeth.

16. *Dentifrice.* In this document a dentifrice is a substance used with a toothbrush to clean the accessible surfaces of the teeth. Dentifrices are ordinarily composed of water, detergent, humectant, binder, flavoring agents, and a finely powdered abrasive as the principal ingredient. In this document a dentifrice is considered to be an abrasive-containing dosage form for delivering anticaries agents to the teeth.

17. *Detergents.* Surface-active ingredients which facilitate the removal of foreign matter from solid surfaces in a solvent (usually water) washing procedure.

18. *Dosage.* A schedule that includes the amount of drug that is ingested or applied at one time (the dose) and the time intervals at which the dose is given; the schedule may also include the duration of therapy.

19. *Dosage form.* The pharmaceutical preparation, e.g., solution, suspension, paste, tablet, ointment, in which the drug is administered.

20. *Dose.* The quantity of a drug that is ingested or applied at one time.

21. *Dose-response.* The relationship between the dose of a drug and the magnitude of the effect produced by that dose.

22. *Double-blind study.* A testing procedure in which neither the investigator nor the subject (patient) knows whether an experimental drug or its control has been given.

23. *Enamel.* The compact and hard substance that covers the crown of the tooth and provides protection for the dentin. The inorganic content of mature enamel amounts to 96–97 percent, by weight, the remainder consisting of organic matter and water.

24. *Erosion.* A loss of tooth substance by a chemical process that does not involve known bacterial action. The smooth lesions, which exhibit no chalkiness, occur most frequently on the labial and buccal surfaces of the teeth.

25. *Fluoride.* The term "fluoride" is used to denote the inorganic forms in which fluorine has combined with other elements. The term "fluoride ion" denotes the negatively charged atom of the chemical element fluorine. The deposition of fluoride in dental enamel has been shown to increase resistance to enamel solubility and therefore dental decay.

26. *Humectant.* A substance, generally a liquid such as glycerin, that is hygroscopic; its presence in a product acts to keep the product moist by attracting water vapor from the surrounding environment.

27. *In vitro.* Within an artificial environment, such as a test tube.

28. *In vivo.* Within the body (animal or human).

29. *Mouthwash (oral rinse).* A solution often containing breath-sweetening, astringent, demulcent, detergent, or germicidal agents which is used for freshening and cleansing the mouth or for gargling. In some instances, such a vehicle may be used to deliver an active drug to the oral mucosa or teeth. The Panel prefers the terms "oral rinse" and "dental rinse" according to their respective areas of use (for the oral mucosa or the teeth) rather than "mouthwash."

30. *Pellicle.* The acquired pellicle is a product of saliva. It is bacteria-free and contains glycoproteins, derivatives of glycoproteins, polypeptides, and lipids. A cleaned tooth surface will form a pellicle within minutes. The formation of this structure is believed to be the first step in plaque formation although not always a necessary prerequisite.

31. *Pharmaceutic aid (nontherapeutic ingredient).* Generally, a substance such as a preservative, antioxidant, solvent, or suspending agent, which in and of itself has little or no therapeutic value but which is useful in the manufacture of suitable dosage forms or which increases the effectiveness or safety of an active agent. Certain drugs with inherent pharmacologic activity of their own may be used to modify the stability, solubility, or toxicity of active agents with which they are formulated; when used in this way, the modifier agent is considered to be a pharmaceutic aid.

32. *Placebo.* An inactive substance or preparation used in controlled studies to determine the effectiveness of an agent presumed to be active. Generally, a placebo preparation will be identical to the test preparation except that the active or test agent will not be present.

33. *Professional labeling.* Drug directions for the use of a product intended for, and distributed only to, health care professionals.

34. *Prophylactic.* The term "prophylactic" indicates the prevention of disease. In this document, "prophylactic" is synonymous with "preventative."

35. *Prophylaxis.* Although "prophylaxis" generally denotes the prevention of disease, this term is also used in dentistry to indicate the removal of plaque and other accumulations on the surfaces of teeth by a dentist or dental hygienist.

36. *Suspending agents.* Those agents that assist in maintaining finely divided solids suspended in a liquid within which they are insoluble and preventing them from flocculating or caking.

37. *Systemic effect.* An effect related to the entire body as contrasted to a local effect which is an effect on one specific structure. In general, drugs

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which are absorbed into the blood stream can be assumed to exert systemic effects, although the desired and the observable sites of action may be fairly specific structures or organs.

B. General Comments

Dental caries is one of the most common diseases of man. While the disease is regarded as multifactorial in nature, the precise etiology is still uncertain. There are, however, certain factors that will influence caries susceptibility both in the pre- and posteruptive periods of tooth development (Ref. 1).

Minerals and trace elements can modify caries susceptibility. The most notable factor is the anticaries effect of fluoride. When this element is ingested, it is incorporated into the hydroxyapatite crystal of developing teeth to form insoluble crystals of fluorapatite. Most of the incorporation is in the enamel surface and less in the deeper layers.

In the posteruptive state, saliva exerts a major influence in protecting teeth from dental caries by exchange of minerals that occur on the enamel surfaces (Ref. 2). Enamel ordinarily resists dissolution when it contains (1) large crystals of hydroxyapatite, (2) fluorapatite, or (3) ions such as tin or lead that can form insoluble compounds (Ref. 3). However, if dissolution occurs, saliva may contribute calcium and phosphate to the tooth surface if the ion concentrations and the pH of saliva are optimal. When fluoride is present in saliva or in plaque, the remineralization process is enhanced (Ref. 4). While fluoride decreases enamel solubility, this action alone does not explain its anticaries action since other ions may reduce enamel solubility but do not reduce dental caries. It is thought that the formation of more stable apatite crystals in the presence of fluoride along with its antienzymatic properties give fluoride its cariostatic effectiveness (Refs. 5 and 6).

Phosphates such as sodium trimetaphosphate and sodium dihydrogen phosphate have been studied for their anticaries activity. The results of these investigations have not been conclusive, and there is some controversy concerning whether their action is local or systemic. Other studies have suggested that there is some interaction between fluoride and phosphate on the enamel surface giving an added cariostatic effect (Ref. 7).

In order for dental caries to occur, three factors are considered necessary (Ref. 8): (1) the teeth must be susceptible to caries; (2) the acid-producing bacteria of the mouth must colonize on the teeth; and (3) a substrate is needed for the bacterial proliferation and production of acids. While the teeth can be made less susceptible to attack by fluorides (Ref. 8) and colonization can be prevented by eliminating dental plaque, the third factor, the necessary substrate, can be at least partially controlled by proper diet. Dental health care personnel have stressed for many years that susceptible individuals should eat a well-balanced diet, which is low in carbohydrates, for prevention of caries (Ref. 9).

Many investigators have implicated sucrose as the major dietary factor in the causation of dental caries, as reviewed by Newbrun (Ref. 10). This source of carbohydrate may be especially harmful to teeth because bacteria can readily use sucrose to produce plaque components (dextrans) and as a source of energy (Ref. 11). Although consideration of sucrose as the major dietary factor in caries production may be an over-simplification (Ref. 12), there is justification for the contention that control of dietary sucrose and other sugars will be helpful in preventing caries (Ref. 13). In spite of this knowledge, and the efforts of dentistry to educate the public, the consumption of sucrose continues to be high in countries with a high standard of living (Refs. 14 and 15).

The Panel is aware of several studies which show high caries incidence when children chew three to five sticks of a sucrose-containing gum each day (Refs. 16, 17, and 18). In some studies, the substitution of sucrose by nonmetabolizable carbohydrates resulted in a significantly lower caries-incidence (Refs. 18 and 19). Candy, cereals, desserts, soft drinks, and many other foods also carry a caries-related substrate source into the mouth; the frequency of eating and the stickiness of the foods are further complicating factors. The Panel therefore makes the following recommendations to the Commissioner:

(1) That all foods which are processed be labeled with their percentage of sucrose and total monosaccharide and disaccharide content. The majority of Panel felt that an FDA study group should determine the lower (safe) limits for these sugars below which the product would be exempt. (A minority of Panel members felt the lower safe limit should be 5 percent for sucrose and 10 percent for total monosacharides and disaccharides.)

(2) That the FDA encourag industry, institutions, organized dentistry, and other interested parties to perform further studies aimed at identifying cariogenic foods.

(3) That industry be encouraged to study food additives which might negate the cariogenic effect of sucrose.

(4) That chewing gums which are proven to have no greater caries-incidence liability than sugarless chewing gums be allowed to make the same "does not promote caries" claim as sugarless chewing gum.

Recommendation (1) should help organized dentistry in diet-control programs for dental-caries prevention. Recommendation (2) may eventually result in warnings placed on dietary constituents which are especially harmful. Recommendation (3) could result in useful anticaries food additives. With reference to recommendation (4), the Panel believes that the evidence at this time is insufficient to allow any gum (on the market or proposed) to make the claim, "does not promote tooth decay."

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C. Drug Misuse and Abuse

The potential for development of drug tolerance and addiction due to the use of dentifrices and dental care agents, even when the patient is on an unsupervised regimen, does not seem to exist. The Panel recognizes that the long history of use of Category I fluoride dentifrices and the Panel's recommended package size limitation for Category I fluoride rinses and gels precludes the need for label warnings on misuse or abuse of these products.

D. Pediatric Considerations

The acute and chronic toxic effects of excessive fluoride ingestion must be considered in determining if anticaries products can be safely used by children. Children are defined by the Panel as persons under 12 years of age. All of the agents reviewed by the Panel are to be applied topically in the oral cavity and are only inadvertently ingested. For anticaries drugs the concentration required for children is equal to that needed by adults.

Developing teeth of children under 6 years of age may show objectionable dental fluorosis from repeated ingestion of excessive amounts of fluoride. Epidemiological and clinical findings, however, indicate that the formative state of teeth of children 6 years of age and older (excepting third molars) are too advanced to be affected by excessive daily fluoride ingestion (Refs. 1, 2, and 3). It has also been shown that children 6 years of age have developed control of their swallowing reflex and are able to rinse for 1 minute and expectorate properly (Ref. 4).

A number of studies have been conducted, utilizing a variety of testing procedures, to determine the amount of fluoride ingested during toothbrushing with a fluoride-containing dentrifice (Refs. 5 through 10). These studies indicate that, even in children aged 3 to 6 years, the large majority of individuals swallow less than 0.5 g of toothpaste per brushing and the greatest amount swallowed is only slightly over 1 g. Based on these studies, the Panel concludes that the amount of fluoride swallowed per average brushing can be considered well below a toxic range. Although it is conceivable that a child who regularly swallows excessive amounts of fluoride-containing toothpaste and also consumes fluoridated water could have a total daily fluoride intake in the range that produces dental fluorosis, there is a lack of any documentation that dental fluorosis has increased significantly following extremely widespread use of fluoride-containing dentrifices for approximately 15 years.

In view of these considerations the Panel recommends that fluoride dental rinses and gels be labeled for use by adults and children 6 years of age and older. Also, the Panel recommends that fluoride dentifrices be labeled for use by adults and children 2 years of age and older. Fluoride dentifrices should also be labeled to indicate that children under 6 years of age should be supervised in the use of fluoride dentifrices.

The Panel is aware of the concerns of acute toxicity from excessive fluoride ingestion, e.g., if a child were to ingest the entire contents of a fluoride-containing product. In 1958, the Council on Dental Therapeutics of the American Dental Association (ADA) first recommended that no more than 120 mg of fluorine should be dispensed at any one time. Such an amount represents a reasonable safety factor to be applied to a dental rinse which is packaged in a single container (Ref. 11). Experience during the past 20 years has borne out the safety of the Council's precautionary limit of fluoride.

The Panel concurs with the ADA recommendations on package-size limitations with respect to dental rinses and recommends that the package size of dental gels also be limited to 120 mg fluorine. In addition, the Panel recommends that dentifrice (abrasive-containing) preparations should be limited to 260 mg fluorine. The Panel is aware that this is the largest amount that has been approved by the FDA for this type of product.

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E. Principles Applicable to Combination Policy

The Panel recognizes that there may be a reason for combining active ingredients in certain OTC drugs; however, such combinations must be based on a sound and logical scientific rationale. In the case of OTC anticaries drug products, the Panel does not believe that there are any combinations of active ingredients that are presently marketed that it wishes to recognize as rational and beneficial for OTC use.

The Panel is aware of some data which indicate that certain antimicrobial agents have been shown to reduce markedly bacterial

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accumulations on the teeth, and, thus, it might be argued have some promise in reducing caries. At this time, however, the Panel feels that the data supporting an effect are preliminary and are an inadequate basis for forming any conclusions.

Accordingly, the Panel has concluded that any combination of an OTC anticaries drug product and an antimicrobial agent or an antiseptic agent be classified in Category II.

The effectiveness of combining two or more fluorides has not been tested. The Panel recognizes that sodium monofluorophosphate exists in water in dynamic equilibrium with sodium fluoride, and with the various ions produced by the hydrolysis of the compound. This reaction, however, should not be interpreted as producing a combination drug product. The Panel has elected to consider the sodium monofluorophosphate compound as a single active ingredient, even though it is aware that that compound always contains small amounts of sodium fluoride. The hydrolysis does not affect either the safety or the effectiveness of the formulation of sodium monofluorophosphate.

The Panel considers it appropriate to restrict OTC anticaries drug products to single active ingredients because only single active ingredient products have undergone substantial clinical and laboratory testing.

Any company wishing to market an OTC combination drug product for the prevention and reduction of dental caries will have to obtain an approved new drug application (NDA) prior to marketing.

F. Inactive Ingredients

The Panel is aware of the need for the inclusion of inactive ingredients in OTC anticaries drug products. Preferably, these should be limited to agents that are considered necessary such as abrasives, preservatives, aromatics, vehicles, colorants, sweeteners, antioxidants, buffers, and agents required for particular dosage forms.

The Panel did not undertake an extensive review of inactive ingredients, because it is the view of this Panel that the safety and the advisability of including specific inactive ingredients, in drug products should be reviewed by an appropriate Panel. Since many of these ingredients are used in the formulation of many drug products other than those reviewed by this Panel, it is not appropriate that they be dealt with specifically and solely in relation to dentifrices and dental care agents except for abrasives. The effects of abrasives in anticaries drug products are discussed elsewhere in this document. (See part III. paragraph A.2. below—Fluoride dentifrices.)

The Panel recommends that in view of the inactive ingredients, such as sodium lauryl sarcosinate, which have caused oral mucosal irritation, the final formulation of OTC anticaries drug products should be shown to be safe and nonirritating. Monitoring of consumer complaints should detect, at an early stage, irritation or allergic manifestations not detectable in animal studies.

G. Labeling for OTC Anticaries Drug Products

The Panel reviewed and concurs with the FDA's OTC drug labeling regulations (21 CFR 201.61(a), (b), and (c) and 21 CFR 330.10 (a)(4)(v)).

Having reviewed all of the labels of OTC anticaries drug products submitted, the Panel recommends that labeling include the following:

1. *Ingredients.* Dentifrice and dental care agents should contain only active ingredients plus such inactive ingredients as may be necessary for formulation. The label should state the name and quantity of each active ingredient in appropriate units to be specified later in each section of this document. The Panel encourages the use of metric units when possible.

The labeling must indicate the principal intended action of the active ingredient as well as the indication for use of the product. The Panel considers that the labeling for any product that contains an active ingredient for which no claim is made is misleading.

For various reasons, individuals may wish to avoid using certain inactive ingredients found in drug products. Such reasons include allergic reactions, previous idiosyncratic responses, safety concerns (whether valid or not), or personal preference. It is impossible to make a free choice in this regard unless all the components of drug products are listed on the labels. Therefore, this Panel strongly recommends that all inactive ingredients be listed on the label in descending order of quantity. However, the product should not imply or claim that its inactive ingredients have a therapeutic benefit.

The Panel recognizes that although full disclosure of flavoring and coloring ingredients is desirable, this may be impractical and confusing because of the large number of ingredients which may be involved. Thus, flavoring and coloring ingredients may be listed in accordance with present regulations for labeling such ingredients in cosmetic products (21 CFR 701.3).

2. *Indications.* The indications for use of a dentifrice, dental rinse, or dental gel should be simply and clearly stated and should provide the user with a reasonable expectation of results to be anticipated from use of the product.

Statements of indications for use should be specific and confined to the conditions for which the product is recommended. Thus, a prominent and conspicuous statement must be made of general pharmacotherapeutic action. For example, anticaries drug products should be labeled to indicate their usage, i.e., "Aids in the prevention of dental caries (decay or cavities)."

3. *Directions for use.* The directions for use should be clear, direct, and provide the user with sufficient information to permit safe and effective use of the product.

The label should include a clear statement of the usually effective minimum and, where applicable, maximum doses (or concentration if more appropriate) per time interval. If dosage varies with the consumer's age, the directions should be broken down by age groups. The Panel will recommend specific directions for use under each drug statement in lafer sections of this document.

4. *Warnings.* Labeling of dental care products should include warnings against unsafe use, side effects, and adverse reactions. The Panel recognizes that the long history of safe use of fluoride dentifrices precludes the need for any such warnings on the label.

However, the Panel considers the following warning necessary for the safe use of fluoride rinses and gels: "Do not swallow. Developing teeth of children under 6 years of age may become permanently discolored if excessive amounts of fluoride are repeatedly swallowed."

5. *Other statements on the label.* In addition to the warning statements above for dental rinses and gels, the following statements should appear on the label of fluoride dental rinses and gels:

a. *For all dental rinses and gels.* "This is not a dentifrice."

b. *For stannous fluoride dental rinses and gels.* "This product may produce surface staining of the teeth. Adequate tooth brushing may prevent these stains which are not harmful or permanent and may be removed by your dentist."

6. *Other allowable statements for dentifrices.* The labeling may also include, where the product has been approved by ADA, the statement: "(Product name) has been shown to be an effective decay-preventive dentifrice that can be of significant value when used in a conscientiously applied program of oral hygiene and regular professional care."

7. *Packaging.* The Panel recommends that fluoride dental rinses and gels be packaged in containers with safety closures. The packaging of fluoride dental rinses should provide a means for measuring the dosage, or the product should be marketed in single dose containers. Limitation of package size is recommended for all anticaries products in view of safety considerations discussed previously in this document. (See part II. paragraph D. above—Pediatric Considerations.)

H. General Statements on the Determination of Safety and Effectiveness for OTC Anticaries Drug Products

The Panel evaluated the safety and effectiveness of OTC anticaries active ingredients, as well as proper dosage ranges for OTC drug use. In reviewing the scientific literature for these ingredients, the Panel evaluated the available data as to whether or not the ingredient was safe and effective. Among those agents determined to be safe and effective, the Panel did not attempt to determine the drugs of choice for any particular indication.

1. *Determination of safety.* In deciding on the safety of a drug or combination of drugs for the intended use, both animal and human studies were considered. The animal data usually related to levels of the drug that might cause death or cause other serious adverse effects on vital tissues, such as the bone marrow, liver, and kidneys. Also, the possibility that the drug might cause adverse effects on teeth or irritation of the oral mucosa was evaluated. Animal studies were helpful in establishing benefit-to-risk ratios for ingredients which are commonly used.

Major attention was paid to information related to adverse drug effects in humans, both adults and children. A knowledge of the toxicology of the drug or drugs under consideration both in animal studies and from human experience make it possible to look specifically for adverse effects in one or more organs or systems.

It was desirable that there be studies in which the drug was evaluated in its final composition and compared to its vehicle control. However, there were times when the Panel was called upon to make judgments without benefit of controlled pharmacological studies, since they were not available for many ingredients.

2. *Determination of effectiveness.* In determining effectiveness for the intended use, the Panel considered separately each pharmacotherapeutic group under review although certain general principles apply to all groups.

In terms of effectiveness, animal anticaries studies are helpful because certain animal models closely mimic the course of oral diseases and conditions in humans.

Major attention was paid to clinical studies, especially where the double-blind technique could be employed. The inclusion of a placebo as a comparison was considered desirable and comparison of the agent with a known standard was also considered useful.

Studies utilizing objective measurements, proper controls, and statistical analysis carried considerable weight in the Panel's decision to place an ingredient in Category I. Clinical experience of a general nature, if documented by qualified experts, added somewhat to the final decision.

The Panel recognizes the extensive marketing history of many dental preparations. Members of the drug industry presented data to the Panel summarizing their marketing history and consumer complaint information. The effectiveness of such products may never have been subjected to scientific investigation even though the products have been marketed for many years. Apparent consumer acceptance and testimonial data used by many manufacturers as the sole evidence of effectiveness and safety were not acceptable to the Panel. When claims of effectiveness were supported solely by outdated experimental methodology, this evidence for effectiveness was also considered unacceptable.

The Panel took into account the marketing experience of manufacturers as stated in their submissions. Although the Panel found these data helpful, marketing experience did not overrule nor substitute for the Panel's other sources of knowledge of safety, effectiveness, and rationale for such products.

III. Anticaries Agents for OTC Drug Use

A. General Discussion

1. *Fluorides.* Inorganic fluorides supply the teeth with fluoride ion, which has been shown to be effective in helping to prevent dental caries as reviewed by Horowitz (Ref. 1). Fluoride has been safely added to the drinking water as a public health measure, and other methods of fluoride administration are also beneficial in helping to prevent dental caries (Refs. 1 through 6). For example, dentists have used topical, in-office fluoride treatment to provide anticaries benefits (Ref. 6). However, not everyone in the United States consumes fluoridated water nor are they able to receive professional fluoride treatments. Even if the populace had either form of fluoride application, many studies have shown that further supplementation of fluoride by means of rinses, dentifrices, and other modes of application would offer additional protection (Refs. 2 through 6). When there is deficient systemic intake of fluorides and consumers are not receiving topical fluoride treatments in dental offices, the Panel recommends that fluoride rinses or fluoride dentifrices to be used to reduce caries.

One of the major advances in OTC dental drugs was the addition of fluorides to dentifrices. The first prophylactic dentifrice to gain acceptance by FDA and the ADA was a stannous fluoride dentifrice introduced in 1955. A major factor in the development of this dentifrice was the introduction of a new abrasive which minimized inactivation of the fluoride. The ADA Council on Dental Therapeutics classified this dentifrice Group B (provisional) in 1960 and Group A (accepted) in 1964, allowing the use of its Seal of Acceptance on the label. This action was a great stimulus to the development of other fluoride dentifrices with compatible abrasives. Three additional stannous fluoride dentifrices received Group B ratings from the ADA, but none of the latter three are presently on the market.

A dentifrice containing sodium monofluorophosphate (Na MFP) achieved Group A acceptance by the ADA in 1969 after having obtained an effective NDA from FDA in 1967.

Sodium fluoride was considered a potentially active ingredient for anticaries dentifrices because it was effective in topical fluoride treatments in dental offices. Results of early tests of sodium fluoride dentifrices were disappointing, however, because the availability of the active ingredient, fluoride, was decreased by interaction with the abrasives used. Following the development of a more compatible abrasive for use with stannous fluoride, a dentifrice formulation of sodium fluoride with a similar type of abrasive showed effectiveness in several clinical studies. The sodium fluoride dentifrice was submitted to FDA through NDA procedures and approved for marketing by the agency on October 29, 1973.

In Sweden, Torell and his colleagues in the early 1960's evaluated various dosage forms for application of fluoride to the teeth (Ref. 7). They found that of the regimens tested, effectiveness in descending order of effectiveness for caries reduction was provided by (1) sodium fluoride rinse once daily, (2) sodium fluoride rinse fortnightly, (3)

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stannous fluoride dentifrice, (4) sodium fluoride topical treatment (professional application), (5) sodium fluoride bicarbonate dentifrice, and (6) stannous fluoride topical treatment (professional application). The daily sodium fluoride rinse showed greater effectiveness in controlling dental caries than any of the other regimens. Differences between the two fluoride dentifrices were not statistically significant. In a separate study, these authors reported effectiveness of a monofluorophosphate-calcium carbonate dentifrice system.

Further studies verifying the Swedish observations as well as additional investigations on other modes of fluoride delivery led the FDA Dental Drug Products Advisory Committee to recommend to the Commissioner approval of seven types of topical fluoride preparations as prescription drugs or for professional use. The Commissioner accepted the recommendation and these formulations were published in the Federal Register of May 14 (39 FR 17245), June 26 (39 FR 23081), and November 7, 1974 (39 FR 39488).

The Dental Drug Products Advisory Committee also recommended to the Advisory Review Panel on OTC Dentifrice and Dental Caré Agent Drug Products that the neutral and acidulated sodium fluoride solutions intended for daily use would be good candidates for over-the-counter drug status (39 FR 17245). This opinion was taken under advisement by the Panel and was helpful in the deliberations on fluoride dental rinses.

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2. *Abrasives.* Abrasives are important ingredients of dentifrice formuations and typically comprise up to 50 percent of the total formulation. Consideration of abraisives is essential because of the potential for active ingredient/abrasive incompatibility resulting in a decrease in the effectiveness of the active ingredient.

The cleansing function of a dentifrice is achieved by the mechanical removal of dental plaque, stain, and debris from tooth surfaces by the abrasive system. This function relies upon the difference in hardness between surface debris and the tooth. This hardness differential between debris and the enamel of the tooth crown is large; thus there is little concern about the use of abrasives that can safely achieve through cleansing of the enamel tooth crown. However, the root portion of the tooth is composed of a thin layer of cementum over dentin. Enamel is about 10 to 20 times as hard as this root portion. If the root portion of the tooth is exposed by gingival recession and is brushed with abrasives, potential exists for mechanical removal of tooth substance.

The exact contribution of dentifrice abrasives to mechanical removal of tooth substance from root surfaces and restorative materials of comparable hardness, such as the acrylics, is unknown. Theoretically at least, the abrasivity level of the dentifrice, the nature of the toothbrush, and the technique used in brushing the teeth could contribute to a clinical effect. Proper toothbrushing technique is believed to minimize the possibility for mechanical removal of tooth substance and restorative materials.

The common major abrasive systems used in dentifrices are alumina, dicalcium phosphate (dihydrate and anhydrous), chalk, insoluble sodium metaphosphate (IMP), calcium pyrophosphate, and silicas. Dicalcium phosphate dihydrate has a relatively low level of abrasivity whereas the anhydrous compound has a considerably higher level. Blends of the two compounds can be and are used to achieve abrasivity levels between the two single entities. Similarly, a number of silicas, differing in particle sized and hardness, are available. As with the dicalcium phosphates, silicas can be used singly or in mixtures to achieve a specific level of abrasivity. The same is true with chalks that are available from a number of sources and can differ substantially in abrasivity characteristics. Calcium pyrophosphate and insoluble sodium metaphosphate (IMP) each have a fairly narrow range of abrasivity; however, the manufacture and method of processing can alter somewhat the abrasivity level. The heat processing of dicalcium phosphate dihydrate converts the crystalline structure into calcium pyrophosphate, which may have one or more of three phases: the alpha phase is most abrasive, beta is intermediate, and the gamma phase is least abrasive. A mixture containing high-beta-phase, about 80 percent, and the rest gamma phase, has been shown to have useful properties for fluoride dentifrices. The beta phase of calcium pyrophsophate has a lower level of ionizable calcium. The lower level of ionaizable calcium results in more fluoride ion being available for effectiveness.

There are a number of other abrasives that could be used in dentifrices providing that studies establish safety at the concentrations used in dentifrices. Some of these are now used outside the United States and others are either minor constituents in present formulations or are still in the developmental stages. Examples of these are the acrylics, aluminum oxide, zirconium silicate, aluminum silicate, and other mineral clays.

In the evaluation of the abrasivity of a dentifrice, it is important to conduct tests on the complete formulation. The abrasivity level of the dentifrice is the result of the interaction between the various ingredients and is not merely reflective of the abrasive compound and its concentration in the formula.

The abrasivity of the dentifrice per se can be measured in the laboratory very precisely but the abrasivity achieved in actual use depends upon toothbrushing, as well as a number of factors mentioned earlier including method of toothbrushing, actual load placed on the brush, duration of brushing, and toothbrush characteristics (Ref. 1). In the opinion of the Panel, there is no indication for a dentifrice for daily use with an abrasivity level above 250 as measured by a method using dentin as a substrate (Ref. 1). A higher level of abrasivity would mean additional risk without a substantial increase in benefit.

The clinical cleansing capability of dentifrices has shown one positive linear correlation with laboratory abrasivity data using dentin as a substrate and laboratory dicalcium phosphate dentifrices formulated to represent the general abrasivity range availabe for commercial dentifrices in the United States (Ref. 2). Somewhat comparable information has been obtained for chalk-based dentifrices (Ref. 3). It may not be possible to extrapolate from clinical and laboratory data on one abrasive system to all other systems, but in general the correlation seems reasonable. There may be examples where there is no correlation between laboratory abrasivity and either laboratory cleansing data or clinical cleansing results.

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(1) Hefferren, J. J., "A Laboratory Method for Assessment of Dentifrice Abrasivity," *Journal of Dental Research*, 55:563/573, 1976.

(2) Fertig, J. W., et al., "Collaborative Study of Clinical Methodology: I. Methods to Assess Dentifrice Cleaning Function," Statistical Committee Report, ADA Dentifrice Function Program, American Dental Association, Chicago, 1977.

(3) Davis, W. B., P. M. Dean, and J. Winchester, "Cleaning Power and Dentine Abrasivity Relationship of Calcium Carbonate Toothpastes," *Journal of Dental Research*, 56:A67, 1977.

3. *Floride dentifrices.* The Panel is aware that consumers may be easily misled by the promise that a particular anticaries preparation will prevent or reduce dental caries, because the effectiveness of the anticaries product is not self-evident in the same sense, for example, as the easily recognizable effectiveness of aspirin in relieving pain. In the Panel's view, it is hardly possible for an individual consumer to determine the benefits of using a product containing an anticaries agent such as flouoride. This is of particular concern to the Panel because results of early clinical studies to demonstrate the effectiveness of flouride-containing dentifrices were generally less impressive than expected (Ref. 1). A number of reasons may be responsible for these results. The nature of the clinical caries trial is such that, unless conducted with a high level of expertise employing appropriate criteria, the results can be inconclusive. However, a major part of the problem was related to incompatibility of the fluoride ion with the abrasive used in the dentifrice. Studies were initiated to increase the compatibility between the fluoride and the abrasive system and to formulate products which would deliver or release the fluoride to the teeth.

Calcium pyrophosphate was developed as a dentifrice abrasive which could be combined with stannous fluoride (Ref. 2), and later high-beta-phase clacium pyrophosphate was used successfully with sodium fluoride (Ref. 3). Dental scientists then conducted many clinical studies (Ref. 4) with these fluoride-abrasive combination systems to show that they were effective in reducing human dental caries in a variety of circumstances. Because of the early failures of certain fluoride toothpaste formulations to reduce the incidence of caries, the dental profession was unwilling to accept formulation changes without clinical demonstration of effectiveness. As more and more fluoride dentifrices, including sodium monofluorophosphate dentifrices, showed effectiveness in clinical studies, it became apparent that the availability of the fluoride was one measure of an effective fluoride dentifrice formulation.

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(1) Cooley, W. E., "Chemistry of Fluorides and Abrasives," Oral Presentation to the Panel, see the minutes of the 37th Meeting, July 14, 1977.

(2) Muhler, J. C., A. W. Radike, W. H. Nebergall, and N. G. Day, "The Effect of a Stannous Fluoride-Containing Dentifrice on Caries Reduction in Children," *Journal of Dental Research*, 33:606–612, 1954.

(3) Reed, M. W., "Clinical Evaluation of Three Concentrations of Sodium Fluoride in Dentifrices," *Journal of the American Dental Association*, 87:1401–1403, 1973.

(4) Council on Dental Therapeutics, "Accepted Dental Therapeutics," 37th Ed., American Dental Association, Chicago, pp. 302–303, 1977.

4. *Laboratory testing profiles.* The Panel concludes that all of the fluoride compounds placed in Category I as active ingredients have been shown through numerous clinical trials to be safe and effective for OTC use. However, because the abrasive in dentifrice formulations may alter the availability of the fluoride to the teeth, the Panel concludes that certain stability and bioequivalency data on the final formulation are necessary before that formulation is marketed.

In the opinion of the Panel, the extensive amount of testing, which has included laboratory, animal, and clinical tests, allows prediction as to which dentifrice formulations will be effective. The Panel concludes that, if certain analytic and biologic tests are conducted and acceptable test values are achieved, clinical testing is not required. The acceptable test values are those obtained from dentifrice formulations that have already been proven to be effective through clinical testing. The acceptable values for each of the Category I active ingredients are summarized in the tables below. The methodology for conducting these tests is included in a submission to the Panel (Ref. 1). Manufacturers must keep on file a "Laboratory Testing Profile" (the values obtained from the analytic and biologic testing) for each dentifrice formulation and on any reformulated product with the same abrasive system.

If at any time a Category I dentifrice formulation does not meet the laboratory testing values equal to or greater than the highest fluoride values listed in the tables below, but it has been shown to be clinically effective, the manufacturer can petition FDA to amend the monograph to include that formulation.

If a manufacturer wishes to use an untested chemical compound as a fluoride source, he or she must file to obtain an approved NDA in accordance with FDA's new drug regulations.

If the manufacturer wishes to use a new abrasive with a Category I fluoride, the product will be in Category I provided that the new abrasive is safe and that the new formulation has laboratory testing values equal to or greater than the highest fluoride values listed in the tables below for that same fluoride compound. The Panel recommends that safety for any new abrasive should be established according to current regulations for inactive ingredients (21 CFR 210.3(d) and 330.1(e)) and to the Panel's specifications for abrasivity. (See part III. paragraph A.3. above—Fluoride dentifrices.)

The Panel recommends that expiration dates be included on the cartons of dentifrice products. The analytic and biologic test values for aged products should be used by the manufacturer to determine an expiration date for his product. Each manufacturer should have data on record which indicate that its product meets the aged minimal values for these tests at the time of expiration. Also, the expiration date should conform to good manufacturing practice to take into account other elements and properties of the formulation.

The following analytical test values apply to all Category I fluoride abrasive-containing dentifrices:

1. Theoretical total fluorine: 1,000 ppm (allowable range 900–1,100 ppm).
2. Specific gravity: 1.3 to 1.7.

All Category I fluoride dentifrices must meet the test requirements of any two of the following biological tests:

1. Enamel solubility reduction.
2. Fluoride uptake by enamel.
3. Animal caries reduction.

The performance standard which must be met for these biological tests for both fresh and aged minimal values obtained for the dentifrice formulations requires that the numerical score in the biological test shall be both (1) significantly different from the score for a placebo formulation, and (2) no lower

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than the score for the reference formulation at the 90-percent confidence level. The reference formulations to be used in the above biological tests are described in a submission to the Panel (Ref. 2). Any clinically effective sodium monofluorophosphate/abrasive formulation can be used as the performance standard for any other sodium monofluorophosphate/abrasive formulation.

The analytical test values in the following tables apply to the indicated Category I fluoride dentifrices:

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TABLE 1--ACCEPTABLE TEST VALUES FOR SODIUM FLUORIDE DENTIFRICES

I. Soluble Fluoride Ion (F^-)

Abrasive	Fresh F^- value[1/]	Aged minimal F^- Value[1/]	Maximum test dilution (w/w)
High-beta-phase calcium pyrophosphate	648 ppm	403 ppm	1:10

II. Hydrogen Ion Concentration (pH)

Abrasive	Test value	Maximum test dilution (w/w)
High-beta-phase calcium pyrophosphate	6.5-8.0	1:10

[1/]Values listed are parts of the measured substance per million parts of the whole dentifrice.

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TABLE 2--ACCEPTABLE TEST VALUES FOR SODIUM MONOFLUOROPHOSPHATE DENTIFRICES

I. Soluble Fluoride Ions ($PO_3F^=$ and F^-)[1]

Abrasive	Ion	Fresh value[2]	Aged minimal value[2]	Maximum test dilution (w/w)
Applicable to all abrasives	$PO_3F^=$	650 ppm[3]	Half total ($PO_3F^=$ and F^-) value	1:10
	F^-	10-150 ppm	10 ppm to $PO_3F^=$ value	1:10
	Total ($PO_3F^=$ and F^-)	800 ppm	600 ppm	1:10

II. Hydrogen Ion Concentration (pH)

Abrasive	Test value	Maximum test dilution (w/w)
Alumina	5.0-9.0	1:10
Calcium carbonate	7.0-10.0	1:10
Calcium pyrophosphate	5.0-5.4	1:10
Dicalcium phosphate	6.5-7.8	1:10
Insoluble sodium metaphosphate	5.6-6.9	1:10
Silica	5.5-7.4	1:10

[1]For the compound sodium monofluorophosphate in a dentifrice formulation, fluoride ion exists as a combination of the ions $PO_3F^=$ and F^-. Values are given for each of these ions as well as the "Total": combination of $PO_3F^=$ plus F^-.

[2]Values listed are parts of the measured substance per million parts of the whole dentifrice.

[3]Soluble $PO_3F^=$ is derived either by direct analytic measurement, or by subtracting soluble fluoride ion (F^-) from total soluble available fluorine ($PO_3F^=$ plus F^-).

TABLE 3--ACCEPTABLE TEST VALUES FOR STANNOUS FLUORIDE DENTIFRICES

I. Soluble Fluoride Ion (F^-)

Abrasive	Fresh F^- value[1]	Aged minimal F^- value[1]	Maximum test dilution (w/w)
Insoluble sodium metaphosphate, silica, and others	600 ppm	500 ppm	1:10
Calcium pyrophosphate	288 ppm	108 ppm[2]	1:10

II. Soluble Stannous Ion (Sn^{++})

Abrasive	Fresh Sn^{++} value[1]	Aged minimal Sn^{++} value[1]	Maximum test dilution (w/w)
Insoluble sodium metaphosphate	2,000 ppm	Qualitatively detectable	1:10
Silica and others	Qualitatively detectable	Qualitatively detectable	1:10
Calcium pyrophosphate	900 ppm	Qualitatively detectable	1:10

III. Hydrogen Ion Concentration (pH)

Abrasive	Test value	Maximum test dilution (w/w)
Insoluble sodium metaphosphate	4.2-5.4	1:10
Silica	4.6-5.1	1:10
Calcium pyrophosphate	4.4-5.1	1:10

[1]Values listed are parts of the measured substance per million parts of the whole dentifrice.

[2]Value corresponds to that of aged product found clinically effective.

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References

(1) OTC Volume 080243.
(2) OTC Volume 080253.

5. *Fluoride rinses.* The caries-inhibiting effect of frequent mouth rinsing with dilute fluoride solutions has been evaluated in more than 20 large-scale clinical trials (Refs. 1 and 2). Discussions of these trials are included later in this document. Most of these studies were conducted in nonfluoridated communities and used sodium fluoride, either in neutral or acidulated phosphate form, as the active rinse ingredient. Essentially all the studies have reported inhibition of incremental dental caries, the benefits ranging from 20 to 50 percent.

The safety and effectiveness of frequent rinsing with dilute fluoride solutions in the control of dental caries is generally recognized (Refs. 1 and 3). In addition, the FDA Dental Drug Products Advisory Committee has recommended that consideration should be given to designating certain fluoride rinses as OTC dental drug products.

The laboratory testing of fresh and aged products must certify that the measured amount of fluoride ion represents the total theoretical amount of fluorine present as formulated in the product plus or minus 10 percent. The expiration date can be based on this certification and on good manufacturing practice regulations.

References

(1) Council on Dental Therapeutics, "Council Classifies Fluoride Mouthrinses," *Journal of the American Dental Association*, 91:1250–1251, 1975.

(2) Torell, P., and Y. Ericsson, "The Potential Benefits to be Derived from Fluoride Mouth Rinses," *in* "International Workshop on Fluorides and Dental Caries Reductions," Edited by Forrester, D. J., and E. M. Schulz, Department of Pedodontics, University of Maryland School of Dentistry, Baltimore, pp. 113–166, 1974.

(3) Aasenden, R., et al., "Committee report: The Potential Benefits to be Derived from Using Fluoride Mouth Rinses," *in* "International Workshop on Fluorides and Dental Caries Reductions," Edited by Forrester, D. J., and E. M. Schulz, Department of Pedodontics, University of Maryland School of Dentistry, Baltimore, pp. 167–176, 1974.

6. *Fluoride gel.* Four studies on stannous fluoride dental gels containing 0.4 percent stannous fluoride in anhydrous glycerin have been published (Refs. 1 through 4). These studies provide reasonable documentation of effectiveness of the dental gel dosage form. The Panel, therefore, concludes that 0.4 percent stannous fluoride dental gel is effective as an anticaries agent.

The laboratory testing of fresh and aged products must certify that the measured amount of fluoride ion represents the total theoretical amount of fluorine present as formulated in the product plus or minus 10 percent. The expiration date can be based on this certification and good manufacturing practice regulations.

The Panel recommended that these products be used in addition to rather than as a substitute for a dentifrice.

References

(1) Landry, D. F., and I. L. Shannon, "A Home-care Program of Chemical Preventive Dentistry for Orthodontic Patients," *American Journal of Orthodontics*, 63:12–17, 1973.

(2) Feller, R. P., "Reduction of Enamel Solubility by Daily Use of a 0.4% Stannous Fluoride Gel," *Journal of Dental Research*, 53:1280–1283, 1974.

(3) Miller, J. T., and I. L. Shannon, "A Clinical Report: Water-free Stannous-fluoride Gel and Post-irradiation Caries," *Journal of Public Health Dentistry*, 32:127, 1972.

(4) Stratemann, M. W., and I. L. Shannon, "Control of Decalcification in Orthodontic Patients by Daily Self-administered Application of a Water-free 0.4 per cent Stannous Fluoride Gel," *American Journal of Orthodontics*, 66:273–279, 1974.

B. Categorization of Data

1. *Category I conditions under which anticaries ingredients are generally recognized as safe and effective and are not misbranded.* The Panel recommends that the Category I conditions be effective 30 days after the date of publication of the final monograph in the **Federal Register**.

Category I Active Ingredients

Sodium fluoride (dentifrice)
Sodium monofluorophosphate (dentifrice)
Stannous fluoride (dentifrice)
Acidulated phosphate fluoride (rinse)
Sodium fluoride (rinse)
Stannous fluoride (rinse)
Stannous fluoride (gel)

a. *Sodium fluoride (dentifrice).* The Panel concludes that 0.22 percent sodium fluoride with a compatible abrasive in a dentifrice product is safe and effective for OTC use as an anticaries agent when marketed in packages containing not more than 260 mg of fluorine.

(1) *Safety.* The toxicity of fluoride compounds can be attributed to the fluoride ion, which is considered to be a protoplasmic poison. Study of the recorded cases of acute fluoride poisonings indicate that a dose range of 5 to 10 g of sodium fluoride can be considered a lethal dose for a 70 kg man (Ref. 1).

Much is known of the chronic effects of fluoride because of the widespread use of dietary fluoride in drinking water to provide protection against dental caries. Presently, more than 105 million people in the United States live in areas in which the water supplies contain 0.7 ppm or more fluoride ion, with 94 million of these people receiving water supplemented with additional fluoride to provide a trace level of approximately 1 ppm (Ref. 2). Drinking water having a level of approximately 1 ppm of fluoride will provide a substantial reduction of about 60 percent in the incidence of dental decay without any adverse effect. Dental fluorosis has been reported from daily intake of water with 2 to 10 ppm of fluoride and crippling skeletal fluorosis with levels of 20 to 80 ppm of fluoride in the drinking water (Ref. 3). It should be noted that dental fluorosis occurs only when excessive fluorides are ingested regularly during the period of tooth development.

A number of studies have been conducted, utilizing a variety of testing procedures, to determine the fluoride ingested during toothbrushing with a fluoride-containing dentifrice (Refs. 4 through 9). These studies indicate that, even in children aged 3 to 6 years, the large majority of individuals swallow less than 0.5 g of toothpaste per brushing. The greatest amount swallowed was reported by Hargreaves et al. (Ref. 8) as being only slightly over 1 g. If the above information is used when considering a toothpaste formulation containing 0.22 percent sodium fluoride, the amount of fluoride swallowed per average brushing would be 0.25 mg or less. Studies by Ericsson (Ref. 6), Duckworth and Joyston-Bechal (Ref. 10), Barnhart (Ref. 11), and Glass et al. (Ref. 9) all showed the amount swallowed was substantially less than that shown by Hargreaves et al. (Refs. 4 and 8). This amount can be considered well below a toxic range.

Although it is conceivable that a child who regularly swallows excessive amounts of fluoride-containing toothpaste and also consumes fluoridated water could have a total daily fluoride intake in the range that produces dental fluorosis, there is a lack of any documentation that dental fluorosis has increased significantly following extremely widespread use of fluoride-containing dentifrices for approximately 15 years.

(2) *Effectiveness.* The data from six clinical trials utilizing a dentifrice containing 0.22 percent sodium fluoride with a 40-percent high-beta-phase calcium pyrophosphate abrasive system indicate a statistically significant caries reduction at a 95-percent confidence level (Refs. 12 through 16). These studies all employed a nonfluoride control and varied from 16 months to 36 months in duration. In only one of the studies one of the investigators did not find a reduction in caries that was statistically significant at the 95-percent confidence level. These clinical studies permit the Panel to conclude that sodium fluoride with this abrasive combination in a dentifrice is effective in the prevention of dental caries.

(3) *Dosage.* Adults and children 2 years of age and older, brush teeth thoroughly at least once daily with 0.22 percent sodium fluoride in a suitable dentifrice formulation.

(4) *Labeling.* The Panel recommends the Category I labeling. (See part III. paragraph B.1. below—Category I Labeling.)

References

(1) Hodge, H. C., and F. A. Smith, "Fluorine Chemistry," Volume IV, Edited by Simons, J. H., Academic Press, New York, p. 12, 1965.

(2) "Fluoridation Census 1975," U.S. Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control, Publication No. 98–607, pp. 7–8, 1977.

(3) Dunning, J. M., "Principles of Dental Public Health," 2d Ed., Harvard University Press, Cambridge, MA, pp. 367–403, 1970.

(4) Hargreaves, J. A., G. S. Ingram, and B. J. Wagg, "A Gravimetric Study of the Ingestion of Toothpaste by Children," *Caries Research*, 6:237–243, 1972.

(5) Hilltop Laboratories, "A Study of Use and Ingestion of Toothpaste by Children: A Report to the Proctor & Gamble Company," Hill Top Research Institute, Cincinnati, OH, 1954.

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(10) Duckworth, R., and S. Joyston-Bechal, "The Distribution of Dentifrice Fluoride During and After Toothbrushing," *Advances of Fluorine Research*, 4:113–119, 1966.

(11) Barnhart, W. E., et. al., "Dentifrice Usage and Ingestion Among Four Age Groups," *Journal of Dental Research*, 53:1317–1322, 1974.

(12) Zacherl, W. A., "Clinical Evaluation of Neutral Sodium Fluoride, Stannous Fluoride, Sodium Monofluorophosphate and Acidulated Fluoride-Phosphate Dentifrices," *Journal of the Canadian Dental Association*, 38:35–38, 1972.

(13) Weisenstein, P. R., and W. A. Zacherl, "A Multiple-Examiner Clinical Evaluation of a Sodium Fluoride Dentifrice," *Journal of the American Dental Association*, 84:821–823, 1972.

(14) Reed, M. W., "Clinical Evaluation of Three Concentrations of Sodium Fluoride in Dentifrices," *Journal of the American Dental Association*, 87:1401–1403, 1973.

(15) OTC Volume 080099.

(16) Reed, M. W., and J. D. King, "A Clinical Evaluation of a Sodium Fluoride Dentifrice," *Pharmacology and Therapeutics in Dentistry*, 2:77–82, 1975.

(b) *Sodium monofluorophosphate (dentifrice).* The Panel concludes that 0.76 percent sodium monofluorophosphate (NaMFP) with a compatible abrasive in a dentifrice product is safe and effective for OTC use as an anticaries agent when marketed in packages containing not more than 260 mg of fluorine.

(1) *Safety.* The toxicity of fluoride and the ingestion of fluoride during toothbrushing has been discussed previously. (See part III. paragraph B.1.a.(1) above—Safety.) Acute and subacute toxicity studies with sodium monofluorophosphate suggest that the compound on the basis of both milligrams of compound and milligrams of fluorine is less toxic than sodium fluoride (Refs. 1, 2, and 3). Although the accumulation of fluoride in bone and teeth appears to be similar for sodium monofluorophosphate and sodium fluoride when used at the same fluoride concentration (Ref. 4), studies with radioactive fluoride suggest that the lower toxicity may result from the gradual release of the fluoride ions from the monofluorophosphate (Ref. 5).

Animal feeding studies suggest that the chronic toxicity of sodium monofluorophosphate and sodium fluoride are of the same order and have similar characteristics with the kidney being the most susceptible to pathological change (Ref. 6). Further, the two compounds seem to produce the same degree of mottling in the incisors of albino rats (Ref. 7). When the same quantities of fluoride are given to rats in the form of sodium fluoride, sodium monofluorophosphate, stannous fluoride, and stannous chlorofluoride, similar amounts of fluorine are found in the skeleton (Ref. 8). The monofluorophosphate ion ($PO_3F^=$) also does not appear to pass the placenta to any greater extent than the fluoride ion (Ref. 9).

There is no available information on human toxicity with sodium monofluorophosphate as there is with sodium fluoride. Although acute toxicity of sodium monofluorophosphate in animals is less than that of sodium fluoride, the chronic toxicity is similar. It would, therefore, appear suitable to consider, for human use, that the two compounds have similar toxicity in terms of the fluorine present.

(2) *Effectiveness.* The effectiveness of a 0.76-percent sodium monofluorophosphate toothpaste in reducing the incidence of dental decay has been established by a number of clinical trials under varying test conditions and with different abrasive systems.

Fanning et al. (Ref. 10) conducted a double-blind unsupervised study with a 0.76-percent sodium monofluorophosphate toothpaste with a compatible base of insoluble sodium metaphosphate as the abrasive. When compared to the control, the use of the dentifrice resulted in approximately 21 percent fewer new decayed surfaces over the 2-year period ($P = 0.001$).

Mergele (Refs. 11 and 12) conducted two clinical trials with 0.76-percent sodium monofluorophosphate dentifrice formulations. In the one conducted among three groups of handicapped subjects residing in state institutions where the water did not contain any significant amounts of fluoride, the investigators found that after 22 months of supervised toothbrushing the test group experienced a lower incidence of new caries than the group using the control paste (Ref. 11). The difference compared with the control was significant in all indices of new caries measurement and amounted to a 21-percent reduction in the most commonly used index, the net new, decayed, missing, and filled surfaces (DMFS) index.

In the second trial conducted by Mergele (Ref. 12), using a similar 0.76-percent sodium monofluorophosphate dentifrice formulation, conducted where the local water supply contained about 1 ppm of fluoride, children in the fifth through eighth grades attending public schools were used as subjects. All the toothbrushing was performed in the homes of the subjects, unsupervised. The test subjects were found to have a lower DMFS index than the control paste in 3 years of unsupervised brushing. The difference compared with the control dentifrice was significant at the 95-percent level of confidence.

Thomas and Jamison (Ref. 13) ran a 2-year clinical study in six homes for children in an area in which the water did not contain an appreciable concentration of fluoride ions. Children from 8 to 16 years of age were assigned randomly to use a control dentifrice or one of two experimental dentifrices,

under supervision, at least twice daily. Both of the experimental dentifrices contained 0.76 percent sodium monofluorophosphate; one formulation had only 1 percent sodium *N*-lauroyl sarcosinate, whereas the other contained 2 percent of that compound. All three dentifrices contained insoluble sodium metaphosphate as the compatible abrasive. After 22.5 months the incidence of caries was statistically significantly lower in the children who used the experimental dentifrices than in the children who used the control toothpaste. The rates of incidence of dental caries were comparable for the children who used the two experimental dentifrices. The estimates of effectiveness of the monofluorophosphate dentifrices which contained 1 and 2 percent sodium *N*-lauroyl sarcosinate were 31 percent and 29 percent for decayed filled teeth (DFT) and decayed filled surfaces (DFS), respectively. Based on DFS data, both test groups had approximately 29 percent fewer lesions than the control group.

Abrasive systems other than insoluble sodium metaphosphate have been tested with sodium monofluorophosphate. Naylor and Emslie (Ref. 14) conducted a double-blind, controlled clinical trial of 3 years duration. Eleven- and 12-year-old British school children tested the effectiveness of a toothpaste containing 0.76 percent sodium monofluorophosphate with dicalcium phosphate dihydrate as the principal abrasive agent. The results showed that the experimental paste produced significant reductions in caries experience as compared with the control paste. The reductions were greatest in respect to new carious surfaces on teeth which erupted during the study.

Andlaw and Tucker (Ref. 15) tested a dentifrice containing 0.8 percent sodium monofluorophosphate and employing aluminum oxide trihydrate as the abrasive. This study utilized British school children 11 to 12 years of age who used the paste without supervision. The 740 subjects completed the 3-year experiment with an overall 19-percent reduction in the DMFS new caries index. This difference was statistically significant.

Torell and Ericsson (Ref. 16) studied the effect of a sodium monofluorophosphate dentifrice which employed calcium carbonate as the abrasive. The trial utilized 750 Swedish school children, in two groups, one composed of 10-year-old children and the other made up of 11-year-old children. This study, run over a 2-year period, showed that use of the fluoride toothpaste was followed by a reduction in caries which was statistically significant in the older group.

Thus, NaMFP has exhibited an ability to reduce significantly the incidence of new carious lesions with a variety of abrasives; insoluble sodium metaphosphate, dicalcium phosphate, alumina, calcium carbonate, silica, and calcium pyrophosphate. This also involved some variation in pH since this is largely determined by the abrasive system. Although pH may be a factor in the reaction between NaMFP and hydroxyapatite, these clinical trials do not suggest a significant difference in anticaries benefit (Ref. 17).

(3) *Dosage.* Adults and children 2 years of age and older, brush teeth thoroughly at least once daily with 0.76 percent sodium monofluorophosphate in a suitable dentifrice formulation.

(4) *Labeling.* The Panel recommends the Category I labeling. (See part III. paragraph B.1. below—Category I Labeling.)

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c. *Stannous fluoride (dentifrice).* The Panel concludes that 0.4 percent stannous fluoride with a compatible abrasive in a dentifrice product is safe and effective for OTC use as an anticaries agent when marketed in packages containing not more than 280 mg of fluorine.

(1) *Safety.* The toxicity of fluoride and the ingestion of fluoride during toothbrushing has been discussed previously. (See part III. paragraph B.1.a.(1) above—Safety.)

Because stannous fluoride may differ in toxicity from sodium fluoride and sodium monofluorophosphate because of the tin ion, some comments on the acute and chronic toxicity of stannous fluoride may be pertinent. The LD_{50} for mice ingesting stannous fluoride in aqueous solution was found to vary from 109 mg/kg (Ref. 1). to 246 mg/kg (Ref. 2). For rats the LD_{50} was 260 mg/kg (Ref. 1). Levels of stannous fluoride providing up to 18 ppm fluoride in the drinking water or 8 ppm fluoride in the diet for a 140-day period did not inhibit growth or incisor pigmentation in rats. Levels above 9 ppm fluoride in food adversely affected growth and incisor pigmentation and at levels of 150 ppm fluoride some animals died (Ref. 3). Tin from tin salts was reported to have a no-effect level in rats at 22–33 mg/kg and guinea pigs survived on a diet containing 777 ppm tin as tin salt (Ref. 3).

The presence of the stannous ion in stannous fluoride dentifrice formulations may cause some staining of plaque and debris accumulation on the teeth. This has been reported in a number of clinical studies in which an attempt was made to determine the level of staining (Refs. 4, 5, and 6). However, the frequency and intensity of staining with the level of tin present in these formulations does not appear to present any significant problem; therefore, no warning on staining is required for stannous fluoride dentrifice formulations (Ref. 7).

(2) *Effectiveness.* Stannous fluoride at a level of 0.4 percent has been incorporated into dentifrice formulations with a number of abrasive agents including calcium pyrophosphate, insoluble sodium metaphosphate, and silica. These formulations have been subjected to clinical testing and the data from these studies generally indicate that these products are effective in the prevention of dental decay.

The majority of the clinical tests have been conducted with the stannous fluoride dentifrice formulations containing a compatible calcium pyrophosphate abrasive. The studies are too numerous to describe individually or to cite completely. Horowitz and Heifetz (Ref. 8) in their review on dentifrices, listed 12 clinical studies with this abrasive system. This is not a complete listing of all of the studies published in the dental literature because several of the short-term (less than 2-year duration) studies are not included. Although the data from the large majority of the reported studies have demonstrated a statistically significant difference in caries reduction between the test and control groups, a few indicate no significant decrease in caries increments (Refs. 9 and 10).

Dentifrice formulations containing 0.4 percent stannous fluoride with insoluble sodium metaphosphate as the abrasive have also been rather extensively studied in clinical trials (Refs. 4 and 11 through 14). These studies generally indicate a statistically significant reduction in the incidence of dental decay.

The stannous fluoride (0.4 percent) formulations with the silica abrasive system have also been subjected to two human studies. These studies demonstrated the availability of fluoride ion in a fluoride dentifrice with a silica abrasive system (Ref. 15).

(3) *Dosage.* Adults and children 2 years of age and older, brush teeth thoroughly at least once daily with 0.4 percent stannous fluoride in a suitable dentifrice formulation.

(4) *Labeling.* The Panel recommends the Category I labeling. (See part III. paragraph B.1. below—Category I Labeling.)

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d. *Acidulated phosphate fluoride (rinse).* The Panel concludes that an aqueous solution of acidulated phosphate fluoride, derived from sodium fluoride acidulated with a mixture of sodium phosphate, monobasic (NaH_2PO_4) and phosphoric acid to a level of 0.1 molar phosphate ion and a pH of 3.0 to 4.5 which yields an effective fluoride ion concentration of 0.02 percent is a safe and effective dental rinse for OTC use as an anticaries agent when marketed in packages containing not more than 120 mg of fluorine.

(1) *Safety.* The toxicity of fluoride has been discussed previously. (See part III. paragraph B.1.a.(1) above—Safety.)

The total amount of fluorine in a marketed dental rinse can be restricted to a safe quantity for OTC use. In 1958, the Council on Dental Therapeutics of the American Dental Association first recommended that no more than 120 mg of fluorine should be dispensed at any one time (Ref. 1). Such an amount represents a reasonable safety factor to be applied to a dental rinse which is packaged in a single container (Ref. 1). Experience during the past 20 years has borne out the safety of the Council's precautionary limit of fluorine.

Developing teeth of children under 6 years of age may show objectionable dental fluorosis from repeated ingestion of excessive amounts of fluoride. Epidemiological and clinical findings, however, indicate that the formative state of teeth of children 6 years of age and older (excepting third molars) is too advanced to be affected by excessive daily fluoride ingestion (Refs. 2, 3, and 4). Thus, the daily use of a fluoride rinse by children age 6 and above poses little, if any, risk of producing dental fluorosis. Also, it has been shown that children 6 years of age have developed control of their swallowing reflex and are able to rinse for 1 minute and expectorate properly (Ref. 5). Therefore, these products are recommended for OTC use only by persons 6 years and older.

Considerations of the acute and chronic toxic effects of excessive ingestion of a 0.05-percent neutral sodium fluoride aqueous solution (0.023 percent fluoride ion) are applicable to an acidulated-phosphate sodium fluoride aqueous solution containing 0.02 percent fluoride ion. None of the investigators reporting on studies of acidulated phosphate fluoride rinses has attributed harmful local or systemic effects to the use of such rinses. The clinical studies, as listed in the effectiveness section below, have been conducted for periods up to 3 years and have involved daily use of rinses containing approximately 0.02 percent fluoride ion.

In a study in which an acidulated phosphate fluoride gel with a pH of 4.5 and containing 1.1 percent sodium fluoride was applied to 500 children's teeth in custom fitted applicators for 6 minutes each school day for 2 academic years, no harmful local or systemic effects could be attributed to the gel (Ref. 6). In this same study, collodion

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replicas of incisor tooth surfaces were made at various periods during the study and no etching of tooth enamel could be detected. Also, tests did not show an increase in urinary fluoride excretion.

(2) *Effectiveness.* A number of clinical studies have demonstrated that repeated mouth rinsing with aqueous acidulated phosphate fluoride solutions can provide an anticariogenic effect in children (Refs. 7 through 13). The fluoride ion concentration of the rinses for daily use studied most frequently was 0.02 percent and for weekly use was 0.1 percent. One study was conducted in a fluoridated community (Ref. 13). The remainder were in nonfluoridated areas. Caries reduction benefit varied from 23 percent in a fluoridated community (Ref. 13) to 30 percent in a nonfluoridated area (Ref. 8).

The FDA Dental Drug Products Advisory Committee has also recognized aqueous solutions of acidulated phosphate fluoride with a pH of approximately 4, that yield a fluoride ion concentration of approximately 0.02 percent, as effective when applied once daily to the teeth as a rinse (39 FR 17245), as has the Council on Dental Therapeutics of the ADA (Ref. 14).

(3) *Dosage.* Adults and children 6 years of age and older, once a day rinse with 10 mL of a 0.02 percent fluoride ion solution between the teeth for 1 minute and then spit out.

(4) *Labeling.* The Panel recommends the Category I labeling. (See part III. paragraph B.1. below—Category I Labeling.)

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e. *Sodium fluoride (rinse).* The Panel concludes that an aqueous solution of 0.05 percent sodium fluoride, having a pH of approximately 7, is a safe and effective dental rinse for OTC use as an anticaries agent when marketed in packages containing a maximum of 120 mg of fluorine.

(1) *Safety.* The toxicity of fluoride and safety considerations of the rinse dosage form have been discussed previously. (See part III. paragraphs B.1.a. (1) and B.1.d. (1) above—Safety.)

A clinical study reported in 1967 indicated that children rinsing fortnightly with a 0.5-percent solution of sodium fluoride over a 3-year period had increased gingivitis levels (Ref. 1). Subsequent clinical studies, however, have not substantiated this finding (Refs. 2, 3, and 4). These studies, some of which were conducted for several years with sodium fluoride concentrations of up to 0. 5 percent, have not revealed adverse effects on gingival tissues or oral mucosa.

(2) *Effectiveness.* A number of clinical studies have demonstrated the anticaries effectiveness of daily rinsing with 0.05-percent sodium fluoride solutions (0.02 percent fluoride ion) for periods up to 3 years (Refs. 3, 5, and 6).

Caries reductions in these studies have ranged from 27 to 50 percent. Other studies utilizing sodium fluoride rinse solutions up to an approximate maximum of 0.3 percent fluoride ion on a weekly or fortnightly basis have also provided evidence of effective caries reduction (Refs. 7 through 13).

The FDA Dental Drug Products Advisory Committee has recognized aqueous solutions of 0.05 percent sodium fluoride with a pH of approximately 7 as safe and effective in reducing the incidence of dental caries when applied daily to the teeth as a rinse (39 FR 17245), as has the ADA's Council on Dental Therapeutics (Ref. 14).

(3) *Dosage.* Adults and children 6 years of age and older, once a day rinse 10 mL of a 0.05-percent sodium fluoride solution between the teeth for 1 minute and then spit out.

(4) *Labeling.* The Panel recommends the Category I labeling. (See part III. paragraph B.1. below—Category I Labeling.)

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f. *Stannous fluoride (rinse).* The Panel concludes that stannous fluoride in a 0.1-percent dental rinse is safe and effective for OTC use as an anticaries agent when marketed in packages containing not more than 120 mg of fluorine. The Panel recognizes that stannous fluoride is unstable as an aqueous solution and that stannous fluoride should therefore be provided in a stable form which when mixed with water as directed immediately before using, results in a 0.1-percent stannous fluoride solution

(1) *Safety.* Toxicity of fluoride and safety considerations of the rinse dosage form have been discussed previously. (See part III. paragraphs B.1.a.(1) and B.1.d.(1) Above—Safety.)

Safety related to the stannous ion was also discussed in sufficient depth under the discussion of stannous fluoride dentifrice. (See part III. paragraph B.1.c.(1) above—Safety).

(2) *Effectivess.* Findings of five clinical studies on daily rinsing with dilute stannous fluoride solution have been published.

The Gier and Jamison study (Ref. 1) was conducted in a fluoridated area and no significant caries reduction was shown by use of a stannous fluoride rinse. The Corcoran study (Ref. 2), conducted in an area where the water was nonfluoridated, showed significant benefit of the rinse. A study by Hall (Ref. 3) evaluated only the effect on plaque formation. Swerdloff and Shannon (Ref. 4) conducted a 5-month study which purported to measure incremental decay. Only one of the published reports to date can be used to strongly support the effectiveness of daily rinsing with a 0.1-percent stannous fluoride solution. In that study, Radike et al. (Ref. 5) found that the rinse reduced decay by aproximately 38 percent (average of two independent examiners) when used daily in school for 20 months by children in a fluoridated community. Aditionally, data from an unpublished 26-month study submitted to the Panel evaluated the cariostatic effectiveness from daily rinsing with 0.04 and 0.08 percent stannous fluoride in a nonfluoridated area. In this study, McCombie et al. (Ref. 6), showed significantly lower caries incidence (by all parameters tested) in children using a rinse with a concentration of 0.04 percent stannous fluoride but less consistent results occurred with the rinse containing 0.08 percent stannous fluoride.

Thus with the four studies conducted for an adequate time interval, two studies showed positive results, results of one study were generally but not consistently positive, and in another study the stannous fluoride rinses did not reduce caries incidence. The results of studies of effectiveness of dental rinses of stannous fluoride 0.04 to 0.1 percent have been inconsistent but tend to suggest efectiveness in preventing carious lesions, especially in children living in nonfluoridated areas. Only one large study of adequate duration has been published in other than abstract form.

Stannous fluoride (SnF_2) is freely soluble in water. Aqueous solutions of the drug are unstable (Refs. 7 and 8), forming a white precipitate within a few hours after preparation (Ref. 8). They should therefore be used promptly after they are prepared (Ref. 8). Older solutions of stannous fluoride have been reported to be as effective or more effective in reducing enamel solubility than fresh solutions, possibly because of increased acidity resulting from hydrolysis following oxidation (Refs. 9 and 10). However, relative decrease in enamel solubility may or may not affect clinical effectiveness, and until further data establish clinical effectiveness of aged aqueous solutions, aqueous stannous fluoride solutions should be freshly prepared. Solutions of stannous fluoride in anhydrous glycerin were stable over a 15-month test period, whereas aqueous solutions lost two-thirds to three-fourths of their stannous tin content during this same period (Ref. 10).

Unlike sodium fluoride or acidulated phosphate fluoride, stannous fluoride produces extrinsic staining of the teeth in some individuals. In the 2-year study of daily rinsing in a fluoridated community, staining was observed (Ref. 5). Yellow staining of teeth in mouths with poor oral hygiene occurred more noticeably in the test group than in the control group. Because of the risk of staining, stannous fluoride rinse is required to have a statement on the label regarding stain.

(3) *Dosage.* Adults and children 6 years of age and older, once a day rinse 10 mL of a freshly prepared aqueous solution of 0.1 percent stannous fluoride between the teeth for 1 minute and then spit out.

(4) *Labeling.* The Panel recommends Category I labeling. (See part III. paragraph B.1. below—Category I Labeling.) In addition, the Panel recomends the following statements for stannous fluoride mouth rinse products:

(i) "This product may produce surface staining of the teeth. Adequate toothbrushing may prevent these stains which are not harmful or permanent and may be removed by your dentist."

(ii) "Use immediately after preparing the rinse."

(iii) For powder or effervescent tablets: "Do not use as a rinse until all the material has dissolved."

The labeling must also include directions, for the preparation of these dental rinse solutions before use, which are clear, direct, and provide the consumer with sufficient information to permit the safe and effective use of the product.

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g. *Stannous fluoride (gel).* The Panel concludes that stannous fluoride nondentrifrice dental gels containing 0.4 percent stannous fluoride in an anhydrous glycerin gel are safe and effective for OTC use as anticaries agents when marketed in packages containing not more than 120 mg of fluorine.

(1) *Safety.* Toxicity of fluoride has been discussed previously. (See part III. paragraph B.1.a. (1) above—Safety.) The safety of stannous fluoride has also been discussed previously. (See part III. paragraph B.1.c. above—Stannous fluoride (dentifrice).)

(2) *Effectiveness.* Four studies on stannous fluoride dental gels containing 0.4 percent stannous fluoride in anhydrous glycerin have been published (Refs. 1 through 4). Two of these studies (Refs. 1 and 2) measured reduction of enamel solubility of teeth treated for various periods prior to extraction. The Landry and Shannon study (Ref. 1) compared the enamel solubility of teeth of 28 children who brushed once daily for 1 to 7 weeks with stannous fluoride gel and the enamel solubility of control teeth extracted prior to the fluoride treatment. Statistically significant reduction in enamel solubility occurred with the "longer" treatment periods.

The Feller study (Ref. 2) compared enamel solubility of teeth of adults using stannous fluoride gels for 1 to 5 weeks with teeth extracted from the same adults prior to treatment with the gel. Application of the gel resulted in enamel solubility reduction.

In Miller and Shannon's study (Ref. 3) a small number of patients who had received irradiation for malignancies of the head and neck applied a 0.4-percent stannous fluoride gel to their teeth once daily with a plastic carrier or a toothbrush. The eight patients treated for 12 months developed no carious lesions whereas the two patients who refused treatment developed caries.

Stratemann and Shannon (Ref. 4) compared the incidence of decalcification in teeth of children treated with 0.4-percent stannous fluoride gel with untreated controls. The 99 treated children and the 110 control children all wore orthodontic bands. Results showed that incidence of decalcification was 58 percent in the control group and 2 percent in the 59 patients why used the gel daily as directed. Of the 19 children who used the gel only two or three times per week, 26 percent had decalcified areas.

Stannous fluoride is stable in anhydrous glycerin (Ref. 5). Gels may be formulated by the addition of a compatible thickening agent to the glycerin vehicle. Stannous fluoride gels must also conform to viscosity stability requirements according to good manufacturing practices.

The studies cited above provide reasonable documentation of effectiveness of the dental gel dosage form.

(3) *Dosage.* Adults and children 6 years of age and older, once a day apply 0.4 percent stannous fluoride in a nondentifrice anhydrous glycerin gel to your teeth.

(4) *Labeling.* The Panel recommends the Category I labeling. (See part III. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following statements for stannous fluoride dental gel products: (i) "This product is not a dentifrice."

(ii) "This product may produce surface staining of the teeth. Adequate toothbrushing may prevent these stains which are not permanent or harmful and may be removed by your dentist."

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(2) Feller, R. P., "Reduction of Enamel Solubility by Daily Use of a 0.4% Stannous Fluoride Gel," *Journal of Dental Research*, 53:1280–1283, 1974.

(3) Miller, J. T., and I. L. Shannon, "A Clinical Report: Water-free Stannous-fluoride Gel and Post-irradiation Caries," *Public Health Dentistry*, 32:127, 1972.

(4) Stratemann, M. W., and I. L. Shannon, "Control of Decalcification in Orthodontic Patients by Daily Self-administered Application of a Water-free 0.4 percent Stannous Fluoride Gel," *American Journal of Orthodontics*, 69:273–279, 1974.

(5) Shanon, I. L., "Water-Free Solutions of Stannous Fluoride and their Incorporation into a Gel for Topical Application," *Caries Research*, 3:339–347, 1969.

Category I Labeling

The Panel recommends the following Category I labeling for anticaries active ingredients:

a. *Dentifrices.*

(1) *Indications.* "Aids in the prevention of dental caries (decay or cavities)."

(2) *Directions.* "Adults and children 2 years of age and older, brush teeth thoroughly at least once daily or as directed by a dentist or physician. Children under 6 years of age should be supervised in the use of this product."

(3) *Package limit.* Dentifrice packages should not contain more than 280 mg total fluorine.

(4) *Other allowable statements.* The labeling may also include, where the product has been approved by ADA, the statement: "(Product name) has been shown to be an effective decay-preventive dentifrice that can be of significant value when used in a conscientiously applied program of oral hygiene and regular professional care."

b. *Dental rinses.*

(1) *Indications.* "Aids in the prevention of dental caries (decay or cavities)."

(2) *Warning.* "Do not swallow. Developing teeth of children under 6 years of age may become permanently discolored if excessive amounts of fluoride are repeatedly swallowed."

(3) *Directions.* "Use as follows or as directed by a dentist or physician: Adults and children 6 years of age and older, once a day rinse 10 mL between the teeth for 1 minute and then spit out. Do not eat or drink for 30 minutes."

(4) *Additional labeling statements for dental rinses*—(i) *For all dental rinses.* "This product is not a dentifrice."

(ii) *For stannous fluoride products intended for use as a rinse—(a) For all stannous fluoride products intended for use as a rinse. (1)* "This product may produce surface staining of the teeth. Adequate toothbrushing may prevent these stains which are not harmful or permanent and may be removed by your dentist."

(2) "Use immediately after preparing the rinse."

(b) For powder or effervescent tablets used to prepare rinses. "Do not use as a rinse until all the material has dissolved."

(5) *Package limit.* Dental rinse packages should not contain more than 120 mg total fluorine.

c. *Dental gels.*

(1) *Indications.* "Aids in the prevention of dental caries (decay or cavities)."

(2) *Warning.* "Do not swallow. Developing teeth of children under 6 years of age may become permanently discolored if excessive amounts of fluoride are repeatedly swallowed."

(3) *Directions.* "Use as follows or as directed by a dentist or physician: Adults and children 6 years of age and older, once a day following cleansing of your teeth, apply the gel to your teeth. Brush thoroughly and allow gel to remain on the teeth for 1 minute and then spit out. Do not eat or drink for 30 minutes."

(4) *Additional labeling statements for dental gels*—(i) *For all dental gels.* "This product is not a dentifrice."

(ii) *For stannous fluoride gels.* "This product may produce surface staining of the teeth. Adequate toothbrushing may prevent these stains which are not harmful and may be removed by your dentist."

(5) *Package limit.* Dental gel packages should not contain more than 120 mg total fluorine.

2. *Category II conditions under which anticaries ingredients are not generally recognized as safe and effective or are misbranded.* The Panel recommends that the Category II conditions be eliminated from OTC anticaries drug products effective 6 months after the date of publication of the final monograph in the Federal Register.

Category II Active Ingredients

Phosphate preparations
Calcium sucrose phosphate (CaSP)
Dicalcium phosphate dihydrate (DCPD)
Disodium hydrogen phosphate
Phosphoric acid
Sodium dihydrogen phosphate
Sodium dihydrogen phosphate monohydrate
Sodium phosphate
Sodium phosphate, dibasic anhydrous reagent
Sodium bicarbonate
Sodium monofluorophosphate (6 percent liquid concentration)

a. *Phosphate preparations.* The Panel concludes that, although the phosphate preparations listed above are safe when used as buffers, fillers, and abrasives, they are not generally recognized as effective for OTC use as anticaries agents. The Panel recommends that phosphate preparations should not be labeled as anticaries agents.

(1) *Safety.* Studies in rats show that the linear condensed phosphates, sodium pyrophosphate, tetrapyrophosphate, and hexametaphosphate, are more toxic than orthophosphates. The toxicity of the linear condensed phosphates is related to hydrolysis and release of phosphoric acid with resultant metabolic acidosis. The cyclic phosphates are not readily hydrolyzed in body fluids and do not release sufficient phosphoric acid to produce metabolic acidosis. Among the organic phosphates, the cyclic phosphates rank with the orthophosphates as the least toxic; they are well tolerated in large doses (Ref. 1).

Studies of acute toxic effects of phosphates in other species are relatively sparse. A Franklin Institute report (Ref. 2) summarizes a study in dogs treated daily for 1-month periods with the sodium salts, of hexameta-, tripoly-, trimeta-, and tetrametaphosphate. At doses of only 4 mg/kg, a variety of toxic effects were seen including renal tubule injury.

A few reports are available regarding toxicity in humans. One report described a 6-week-old infant who became comatose after accidental ingestion of a proprietary laxative containing sodium phosphate/sodium biphosphate (Ref. 3). Another report involved an inorganic phosphate laxative poisoning resulting in tetany in a 3-month-old infant (Ref. 4). Cases of phosphate toxicity have also been reported to occur in adults (Refs. 5 through 8).

The average adult consumes in excess of 1.5 g phosphorus daily and 2 to 3 g daily might represent the usual intake. An extreme diet containing maximum quantities of additives and naturally occuring phosphorus could supply from 6 to 7 g daily. The saline cathartic effects of large doses of these materials tend to limit absorption and the potential for absorption of toxic levels.

In general, unless homeostatic mechanisms are overloaded, these materials are regarded as safe (Ref. 2).

(2) *Effectiveness.* The evidence is nearly unanimous that phosphates are effective anticaries agents in animals. Their cariostatic activity differs depending upon the types of anion (cyclic-, trimeta-, tripoly-, hexameta-, ortho-, and pyrophosphate), the activity decreasing approximately in the order given. Phosphates of the same series differ in cariostatic activity depending upon the type of cation (H, Na, K, Ca, Mg), the activity decreasing in the order given. Their cariostatic effect appears to be largely due to a local action on the tooth as the agents pass through the mouth, or a systemic-local action when they are returned to the mouth in the saliva. It is thought that the phosphates alter the structure of enamel, possibly by an initial demineralizing and subsequent remineralizing process producing changes in enamel morphology (Ref. 9).

The effect of phosphates on human teeth seems to be more complex and inconclusive than the effects in experimental animals. Whereas fluorides, for example, have been shown to persist for long periods of time following a single exposure, the phosphate data are not as clear-cut (Ref. 10). Larson et al. (Ref. 11) suggest that, among the phosphate anions, trimetaphosphate may achieve long retention and that continuous exposure may not be a requirement for cariostatic activity. Unlike the fluoride ion, phosphates have not been shown to enter into tooth structure and alter its physical characteristics. Frequent exposure may therefore be the key to anticaries activity of phosphate in humans.

(3) *Evaluation.* Because phosphates have never previously been marketed as anticaries dental products and because there is no evidence that phosphates are effective anticaries agents in humans, the Panel recommends placing phosphates in Category II.

References

(1) Gosselin, R. E., et al., "Metabolic Acidosis and Hypocalcemia as Toxic Manifestations of Polymeric Phosphates," *Journal of Pharmacology and Experimental Therapeutics*, 108:117–127, 1953.

(2) Walter, P. C., J. E. Villaume, and T. J. Taylor, "Phosphates: A Monograph," National Technical Information Service, Springfield, VA, PB–221, No. 224/9, p. 47, 1975.

(3) Smith, M. S., K. W. Feldman, and C. T. Furukawa, "Coma in an Infant due to Hypertonic Sodium Phosphate Medication," *The Journal of Pediatrics*, 82:481–482, 1973.

(4) Levitt, M., C. Gessert, and L. Finberg, "Inorganic Phosphate (Laxative) Poisoning Resulting in Tetany in an Infant," *The Journal of Pediatrics*, 82:479–481, 1973.

(5) Goldfinger, P., "Hypokalemia, Metabolic Acidosis, and Hypocalcemic Tetany in a Patient Taking Laxatives: A Case Report," *Journal of the Mount Sinai Hospital*, 36:113–116, 1969.

(6) McConnell, T. H., "Fatal Hypocalcemia from Phosphate Absorption from Laxative Preparation," *Journal of the American Medical Association*, 216:147–148, 1971.

(7) Breuer, R. I., and J. LeBauer, "Caution in the Use of Phosphates in the Treatment of Severe Hypercalcemia," *Journal of Clinical Endocrinology*, 27:697–698, 1967.

(8) Shackney, S., and J. Hasson, "Precipitous Fall in Serum Calcium, Hypotension, and Acute Renal Failure after Intravenous Phosphate Therapy for Hypercalcemia: Report of Two Cases," *Annals of Internal Medicine*, 66:906–916, 1967.

(9) Nizel, A. E., and R. S. Harris, "The Effects of Phosphates on Experimental Dental Caries: A Literature Review," *Journal of Dental Research*, 43:1123–1136, 1964.

(10) DePaola, P. F., "A Review of Clinical Trials Utilizing Acidulated Phosphate-Fluoride Topical Agents," *Journal of the American College of Dentists*, 35:22–33, 1968.

(11) Larson, R. H., et al., "Continuous Versus Intermittent Feedings of Different Levels of Trimetaphosphate in Relation to Caries Development in the Rat," *Archives of Oral Biology, 17:1537–1541, 1972.*

b. *Sodium bicarbonate.* The Panel concludes that sodium bicarbonate is safe when used in a dentifrice but there is no evidence to document the effectiveness of the compound relative to reduction of dental caries and the remineralization of tooth structure. Sodium bicarbonate is odorless and consists of small, opaque, monoclinic crystals of white powder; when dissolved it has an alkaline reaction and

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saline taste. Each gram represents 11.9 millequivalent sodium. When heated to 250° to 300° F it decomposes and is converted to anhydrous sodium carbonate (Ref. 1). The Panel recommends that sodium bicarbonate should not be labeled as an anticaries agent.

(1) *Safety.* The irritation and hypersensitivity potential is essentially zero as is teratogenicity and carcinogenicity. The amounts ordinarily used in tooth brushing, even if swallowed, would not produce any adverse effects.

(2) *Effectiveness.* Sodium bicarbonate is widely used as a gastric antacid, as a urinary or systemic alkalizer, as an aqueous wash locally, and as a topical antipruritic solution or paste (Ref. 2).

Although it is known to have mild abrasive properties and has been used as a dentifrice for many years (Ref. 2), the Panel finds on evidence that the antacid effects of sodium bicarbonate on the teeth are more than transitory nor that it has any anticaries effect.

(3) *Evaluation.* The Panel concludes that sodium bicarbonate as a dentifrice is safe but has no known anticaries effect. The Panel recommends placing sodium bicarbonate in Category II.

References

(1) Stecher, P. G., "Merck Index," 8th Ed., Merck and Co., Rahway, NJ, p. 142, 1968.

(2) Council on Dental Therapeutics, "Accepted Dental Therapeutics," 37th Ed., American Dental Association, Chicago, p. 240, 1977.

c. *Sodium monofluorophosphate (6 percent liquid concentration).* The Panel concludes that use of 0.24 mL of a 6-percent concentration of sodium monofluorophosphate in a liquid product to be applied with a toothbrush would appear to provide an opportunity for the regular ingestion of about 2 mg of fluorine per day.

(1) *Safety.* In order to prevent excessive OTC use of fluoride products which may cause adverse effects (fluorosis), the Panel recommends that this product be used on prescription only.

(2) *Effectiveness.* This liquid dosage form and concentration (6 percent) of sodium monofluorophosphate may be effective.

(3) *Evaluation.* The Panel concludes that although this preparation may be effective, it cannot be generally recognized as safe for use in the OTC drug market. The Panel recommends placing sodium monofluorophoshate (6 percent liquid concentration) in Category II.

Category II Labeling

The Panel concludes that the use of certain labeling claims related to the safety or effectiveness of the product are unsupported by scientific data and in some instances by sound theoretical reasoning.

The Panel considers the following examples of claims to be misleading and unsupported by scientific data:

(1) "For a healthier mouth with less decay."

(2) "Raising your natural resistance to tooth decay."

(3) "Reduces mouth acidity."

3. *category III conditions for which the available data are insufficient to permit final classification at this time.*

None.

FDA has determined that his document does not contain an agency action covered by 21 CFR 25.1(b) and consideration by the agency of the need for preparing an environmental impact statement is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371)), and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)), and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations be amended by adding new Part 355, to read as follows:

PART 355—ANTICARIES DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—General Provisions

Sec.
355.1 Scope.
355.3 Definitions.

Subpart B—Active Ingredients

355.10 Anticaries active ingredients.
355.20 Package size limitations.

Subpart C—[Reserved]

Subpart D—Labeling

355.50 Labeling of anticaries drug products.

Authority: Secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371); (5 U.S.C. 553, 554, 702, 703, 704).

Subpart A—General Provisions

§ 355.1 Scope.

An over-the-counter anticaries drug product in a form suitable for topical administration to the teeth is generally recognized as safe and effective and is not misbranded if it meets each of the conditions in this Part 355 in addition to each of the general conditions established in § 330.1 of this chapter.

§ 355.3 Definitions.

(a) *Abrasive.* Solid materials which are added to dentifrices to facilitate mechanical removal of dental plaque, debris, and stain from tooth surfaces.

(b) *Anticaries agent.* An agent which aids in the prevention of dental caries (decay or cavities).

(c) *Dental caries.* A disease of calcified tissues of teeth characterized by demineralization of the inorganic portion and destruction of the organic matrix.

(d) *dental gel.* A dosage form for delivering an anticaries agent to the teeth. Dental gels are formulated in an anhydrous glycrin base with suitable thickening agents included to adjust viscosity. Dental gels do not contain abrasives and are not intended for use in cleaning the teeth.

(e) *Dental rinse.* A liquid dosage form for delivering and anticaries agent to the teeth.

(f) *Dentifrice.* A substance used with a toothbrush to clean the accessible surfaces of the teeth. It is an abrasive-containing dosage form for delivering anticaries agents to the teeth.

(g) *Fluoride.* The inorganic form of the chemical element fluorine in combination with other elements.

(h) *Fluoride ion.* The negatively charged atom of the chemical element fluorine.

Subpart B—Active Ingredients

§ 355.10 Anticaries active ingredients.

The following ingredients are generally recognized as safe and effective for use in OTC anticaries drug products when marketed within the doage limits forms established for each ingredient:

(a) *dentfrices.*

(1) Sodium fluoride 0.22 percent.

(2) Sodium monofluorophosphate 0.76 percent.

(3) Stannous fluoride 0.4 percent.

(b) *Dental rinses.*

(1) Acidulated phosphate fluoride derived from sodium fluoride acidulated with a mixture of sodium phosphate, monobasic, and phosphoric acid to a level of 0.1 molar phosphate ion and a pH of 3.0 to 4.5 and which yields an effective fluoride ion concentration of 0.02 percent.

(2) Sodium fluoride 0 05-percent aqueous solution.

(3) Stannous fluoride marketed in a stable form and containing adequate directions for mixing with water immediately before using to result in a 0.1-percent solution.

(c) *Dental gel.* Stannous fluoride 0.4 percent in an anhydrous glycerin gel, made from anhydrous glycerin and the addition of suitable thickening agents to adjust viscosity.

§ 355.20 Package size limitations.

Due to the toxicity associated with fluoride active ingredients, the following package size limitations are required for anticaries products: (a) *Dentifrices.* Dentifrice packages should not contain more than 260 milligrams total fluorine.

(b) *Dental rinses and dental gels.* Dental rinse and gel packages should not contain more than 120 milligrams total fluorine.

Subpart C—[Reserved]

Subpart D—Labeling

§ 355.50 Labeling of anticaries drug products.

(a) *Statement of identity.* The labeling of the product contains the established name of the drug, if any, and identifies the product as an "Anticavity (*insert dentifrice, dental rinse, or dental gel as applicable*)."

(b) *Indications.* The labeling of the product contains a statement of the indications under the heading "Indications" that is limited to the phrase "Aids in the prevention of dental caries (decay or cavities)."

(c) *Warnings.* The labeling of the dental rinse or dental gel products contains the following warning under the heading "Warnings": "Do not swallow. Developing teeth of children under 6 years of age may become permanently discolored if excessive amounts of fluoride are repeatedly swallowed."

(d) *Directions.* The labeling of the product contains the following statements under the heading "Directions":

(1) *For anticaries products marketed in a dentifrice dosage form.* "Adults and children 2 years of age and older, brush teeth thoroughly at least once daily or as directed by a dentist or physician. Children under 6 years of age should be supervised in the use of this product"

(2) *For anticaries products marketed for use as dental rinses.* "Adults and children 6 years of age and older, once a day rinse 10 milliliters between the teeth for 1 minute and then spit out. Do not eat or drink for 30 minutes."

(3) *For stannous fluoride products intended for use as dental rinses.* (i) "Use immediately after preparing the rinse."

(ii) *For powder or effervescent tablets used to prepare rinses.* "Do not use as a rinse until all the material has dissolved."

(4) *For anticaries products marketed as dental gels.* "Adults and children 6 years of age or older, once a day following cleansing of your teeth, apply the gel to your teeth. Brush thoroughly and allow gel to remain on the teeth for 1 minute and then spit out. Do not eat or drink for 30 minutes."

(e) *Additional labeling statements for anticaries products.* The following labeling statements need not appear under warnings but are required to apper on the label of anticaries products as applicable.

(1) *For all dental rinses and gels.* "This product is not a dentifrice."

(2) *For all stannous fluoride products intended for use as dental rinses or dental gels.* "This product may produce surface staining of the teeth. Adequate toothbrushing may prevent these stains which are not harmful or permanent and may be removed by your dentist."

(f) *Other allowable statements for anticaries dentifrice products.* The labeling may also include, where the product has been approved by the American Dental Association (ADA), the statement: "(Product name) has been shown to be an effective decay-preventive dentifrice that can be of significant value when used in a conscientiously applied program of oral hygiene and regular professional care."

Interested persons are invited to submit their comments in writing (preferably in four copies and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal on or before June 26, 1980. Comments should be addressed to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, and may be accompanied by a supporting memorandum or brief. Comments replying to comments may also be submitted on or before July 28, 1980. Comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: March 17, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-9334 Filed 3-27-80; 8:45 am]

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federal register

Friday
March 28, 1980

Part V

Department of Energy

Compliance With the National Environmental Policy Act

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DEPARTMENT OF ENERGY

Compliance With the National Environmental Policy Act; Final Guidelines

AGENCY: Department of Energy.

ACTION: Final guidelines for compliance with the National Environmental Policy Act.

SUMMARY: The Department of Energy (DOE) hereby adopts final guidelines for implementing the procedural provisions of the National Environmental Policy Act (NEPA) as required by the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500–1508). The guidelines published herein reflect certain revisions to the proposed guidelines, published in the **Federal Register** on July 18, 1979 (44 FR 42136), based upon DOE's consideration of comments and upon experience under the CEQ regulations and the proposed guidelines.

The guidelines are applicable to all organizational units of DOE, except the Federal Energy Regulatory Commission (FERC) which is an independent regulatory commission within DOE not subject to the supervision or direction of the other parts of DOE.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT:

Dr. Robert J. Stern, Acting Director, NEPA Affairs Division, Office of the Assistant Secretary for Environment, Room 4G–064, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585 (202) 252–4600.

Stephen H. Greenleigh, Esq., Assistant, General Counsel for Environment, Room 6D–033, Forrestal Building, Washington, D.C. 20585 (202) 252–6947.

SUPPLEMENTARY INFORMATION:

I. Background

The final guidelines published herein provide the supplemental implementing procedures required by the CEQ regulations. DOE published proposed guidelines in the **Federal Register** on July 18, 1979 (44 FR 42136), and established August 20, 1979, as the close of the public comment period. DOE has operated under the proposed guidelines since the time of publication.

On August 6, 1979, DOE announced in the **Federal Register** (44 FR 45918) the establishment of Part 1021 of Chapter X of Title 10 of the Code of Federal Regulations. That rulemaking provided for DOE adoption of the CEQ regulations and the revocation of the NEPA regulations of predecessor agencies of DOE. The effective date of the rulemaking was July 30, 1979.

II. Comments Received and DOE Response

Written comments were received from the Environmental Protection Agency (EPA), the Advisory Council on Historic Preservation (ACHP), and four private organizations. DOE has carefully considered all comments received and has modified the proposed guidelines, as appropriate, to assure that the final guidelines represent sound NEPA procedures.

A. EPA Comments

The EPA suggested that DOE promulgate its procedures as regulations rather than guidelines to give the procedures greater legal authority. DOE considered issuing regulations but decided, instead, to issue guidelines. This decision was based on the advice of CEQ staff and on the belief that guidelines would ensure flexibility.

The EPA also suggested adding sections to the guidelines to provide for monitoring mitigation measures and for the filing of EIS's. DOE considered these suggestions but concluded that the CEQ regulations adequately establish the requirements for monitoring mitigation measures (40 CFR 1505.2(c)) and for filing DIS's (40 CFR 1506.9).

B. ACHP Comment

The ACHP suggested adding a section to the guidelines which would detail the manner in which DOE's National Historic Presevation Act (NHPA) responsibilities will be coordinated with its NEPA responsibilities. DOE recognizes the benefits of coordinating the requirements of other environmental statutes such as the NHPA with those of NEPA, and has supplemented the CEQ requirements contained at 40 CFR 1502.25 by adding general procedures under Paragraph C.4 for coordination with environmental review requirements of other environmental statutes. DOE believes that these general procedures, in conjunction with the ACHP's regulations, 36 CFR 800, will facilitate the coordination of NEPA and NHPA requirements.

C. Other Comments

1. *Section A—NEPA and Agency Planning.* Paragraphs 1.(c)(4) and (5) of the proposed guidelines indicated that DOE expects applicants to notify DOE of other governmental actions required for project completion and of parties interested in the proposed undertaking. One commenter asserted that DOE should have the responsibility for such activities. The purpose of these paragraphs was to provide guidance to applicants for cases where actions are planned before DOE actually receives an application. In such cases, applicants, and generally not DOE, have the information necessary to determine the applicability of other environmental requirements and to identify interested parties. These efforts by applicants early in their planning process will facilitate coordination and thereby help avoid duplication and delays. Accordingly, and with the exception of some minor format changes, DOE has not changed its advice to applicants.

The same commenter suggested that the role of an applicant who is required to file a Fuels Decision Report under the Fuel Use Act (FUA) should be specified in the NEPA Guidelines. DOE published guidelines in the **Federal Register** on November 5, 1979 (44 FR 63740), for the preparation of the environmental analysis chapter of a Fuels Decision Report. The role of a FUA applicant is specifically outlined by the FUA guidelines and the NEPA guidelines.

The same commenter also asserted the necessity of establishing specified time frames for the NEPA process. DOE recognizes the benefits of setting time limits for the NEPA process and has repeated for emphasis the CEQ regulations contained at 40 CFR 1501.8 by adding a requirement under applicant processes which provides that DOE establish time limits for the NEPA process when requested to do so by an applicant.

2. *Section B—NEPA and Agency Decisionmaking.* Paragraph 1(b)(2)(i) of the proposed guidelines established factors that DOE would consider in determining the necessity and appropriate timing of a NEPA document for energy technology research, development, demonstration, and commercialization programs. One commenter was concerned that the factors did not include the likelihood that the technology will prove to be commercially feasible. DOE believes that this factor is reflected in the broader factor already in the guidelines which reads "The extent to which continued investment in the new technology is likely to cause the program to reach a stage of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives."

3. *Section C—Other Requirements of NEPA.* One commenter requested that future revisions to the guidelines be published in the **Federal Register** for comment. DOE agrees that substantive changes to the guidelines should be published for comment and has added appropriate requirements under Paragraph C.8.

4. *Section D—Typical Classes of Action.* One commenter questioned the application of NEPA to DOE's action on an exemption petition for a combustion turbine under the Fuel Use Act (FUA), on the basis that the issuance of permits under the Clean Air Act is exempted in section 7(c)(1) of the Energy Supply and Environmental Coordination Act from NEPA. That exemption from NEPA applies only to actions taken under authority of the Clean Air Act and not to actions taken by other agencies under such other authorities as FUA.

Other commenters also questioned the application of NEPA to action on an exemption petition for a peakload powerplant, on the grounds that the exemption is non-discretionary and suggested the need for categorizing FUA exemption actions in Section D of the DOE NEPA guidelines. DOE is asssessing the general applicability of NEPA to specific FUA exemptions, as well as the need for categorizing, FUA exemption actions in Section D. Appropriate public notice and opportunity for comment will be provided on these matters as DOE gains additional experience with FUA implementation and before DOE adoption of additional categorizations in Section D for FUA exemptions.

D. Comments Beyond Scope

One set of comments was received that is beyond the scope of the guidelines. The comments included:

(1) DOE should place energy above the environment in assessing planned departmental actions.

(2) DOE's policy should include requiring substantiation and objective documentation of any EPA study which would potentially affect energy supplies.

III. Other Revisions to the Guidelines

In addition to revisions made in response to comments, DOE has also revised the guidelines as a result of experience under the CEQ regulations and DOE's proposed guidelines.

A. Format, Wording and Paragraph Arrangement

Several minor changes were made to improve continuity and clarity and to facilitate referencing specific sections of the guidelines.

B. Section A—NEPA and Agency Planning

Paragraph A.4. (d) was added to establish an adequate notice period with respect to scoping meetings.

C. Section B—NEPA and Agency Decisionmaking

Under project level decisionmaking, DOE has added Paragraph B.3. (c)(2) to provide for major system acquisition projects involving the competitive procurement of a site and/or process. The competitive procurement process has confidentiality requirements established pursuant to 18 U.S.C. 1905 which prohibits DOE from disclosing business, confidential or trade secret information. Accordingly, DOE has established, pursuant to the provisions of 40 CFR 1507.3(b), special procedures to provide for compliance with NEPA to the fullest extent possible. The environmental impact analysis required by the special procedures will ensure consideration of environmental factors in selection decisions between competing sites and/or processes. If selected sites and/or processes are likely to have significant effects on the quality of the human environment, the special procedures provide that DOE will prepare an EIS before making a go/no-go decision.

Upon publication, DOE will operate under the special procedures on an interim basis. However, because these procedues represent a substatnive revision to the previously proposed guidelines, DOE affirmatively solicits pubic comments on them and will make appropriate modifications before final adoption of Paragraph B.3. (c)(2). Interested persons are invited to submit written comments with respect to these procedures to Dr. Robert J. Stern, Acting Director, NEPA Affairs Division, Office of the Assistant Secretary for Environment, Room 4G–064, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585. To ensure consideration, comments should be received by DOE no later than 30 days after publication of the special procedures in the **Federal Register.**

D. Section D—Typical Classes of Action

Two minor changes, both involving rate increases, have been made in this section. The addition of rate increases exceeding the rate of inflation as a typical class of action normally requiring an EA and generally applicable to all of DOE is the logical counterpart to the categorical exclusion for rate increases not exceeding the rate of inflation. Since this addition is applicable to all of DOE, the rate increase typical class of action for Power Marketing Administrations has been deleted.

Issued in Washington, D.C., March 25, 1980.

Ruth C. Clusen,

Assistant Secretary for Environment.

DOE NEPA GUIDELINES

Section A—NEPA and Agency Planning

Paragraph A.1 DOE Process [40 CFR 1501.2].
Paragraph A.2 Applicant Processes [40 CFR 1501.2(d)].
Paragraph A.3 Whether to Prepare an Environmental Impact Statement [40 CFR 1501.4, 1507.3(b)(2), and 1508.4].
Paragraph A.4 Scoping [40 CFR 1501.7].

Section B—NEPA and Agency Decisionmaking

Paragraph B.1 DOE Decisionmaking [40 CFR 1505.1].
Paragraph B.2 General Procedures.
Paragraph B.3 Specific Procedures.

Section C—Other Requirements of NEPA

Paragraph C.1 Access to NEPA Documents [40 CFR 1507.3(c)].
Paragraph C.2 Supplemental Statements [40 CFR 1502.9(c)].
Paragraph C.3 Revisions of Time Periods [40 CFR 1507.3(d)].
Paragraph C.4 Coordination With Other Environmental Laws [40 CFR 1502.25].
Paragraph C.5 Status of NEPA Actions [40 CFR 1506.6(e)].
Paragraph C.6 Oversight of Agency NEPA Activities [40 CFR 1507.2(a)].
Paragraph C.7 Compliance.
Paragraph C.8 Revisions to the Guidelines.

Section D—Typical Classes of Action

DOE NEPA Guidelines

Purpose

The purpose of these guidelines is to provide procedures which the Department of Energy (DOE) will apply to implement the Council on Environmental Quality (CEQ) regulations for compliance with the National Environmental Policy Act (NEPA). The CEQ regulations are codified at 40 CFR Parts 1500–1508. The guidelines are issued pursuant to and are to be used only in conjunction with the CEQ regulations.

The guidelines are intended for use by all persons acting on behalf of DOE in carrying out certain provisions of the CEQ regulations. They are not intended, however, to create or enlarge any procedural or substantive rights against DOE. Any deviation from the guidelines must be soundly based and must have the advance approval of the Deputy Secretary of DOE.

Section A—NEPA and Agency Planning

1. *DOE Process.* The CEQ regulations (40 CFR 1501.2) require that:

Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays

later in the process, and to head off potential conflicts.

To implement this requirement DOE will:

(a) Review preliminary internal program planning documents, regulatory agenda, draft legislation, budgetary materials and other developing DOE proposals, to ensure the proper integration of the NEPA process;

(b) Incorporate into its early planning processes a careful consideration of: (i) the potential environmental consequences of its proposed actions, and (ii) appropriate alternative courses of action;

(c) At the earliest possible time, in accordance with paragraph A.3 herein, determine whether an environmental assessment (EA) or an environmental impact statement (EIS) is required.

2. *Applicant Processes.* With respect to applicant processes, the CEQ regulations (40 CFR 1501.2(d)) require agencies to:

(d) Provide for cases where actions are planned by private applicants or other non-Federal entities before Federal involvement so that:

(1) Policies or designated staff are available to advise potential applicants of studies or other information foreseeably required for later Federal action.

(2) The Federal agency consults early with appropriate State and local agencies and Indian tribes and with interested private persons and organizations when its own involvement is reasonably foreseeable.

(3) The Federal agency commences its NEPA process at the earliest possible time.

To implement this requirement:

(a) Applicants for a DOE lease, permit, license, certificate, financial assistance, allocation, exemption or similar action are expected to:

(1) Consult with DOE as early as possible in their planning processes to obtain guidance with respect to the appropriate level and scope of any studies or environmental information which DOE may require to be submitted as part of or in support of their application;

(2) Conduct studies which are deemed necessary and appropriate by DOE to determine the impact of the proposed action on the quality of the human environment;

(3) Consult with appropriate Federal, regional, State and local agencies and other potentially interested parties during the preliminary planning stages of the proposed action to ensure that environmental factors including permitting requirements are identified;

(4) Submit applications for all required Federal, regional, State and local permits or approvals as early as possible;

(5) Notify DOE as early as possible of other Federal, regional, State, local and Indian tribe actions required for project completion in order that DOE may coordinate the Federal environmental review, and fulfill the requirements of 40 CFR 1506.2, regarding elimination of duplication with State and local procedures, as appropriate;

(6) Notify DOE of private persons and organizations interested in the proposed undertaking, in order that DOE can consult, as appropriate, with these parties in accordance with 40 CFR 1501.2(d)(2);

(7) Notify DOE if, prior to completion of the DOE environmental review and decisionmaking process, the applicant plans or is about to take an action in furtherance of an undertaking within DOE's jurisdiction which may meet either of the criteria set forth at 40 CFR 1506.1(a).

(b) Upon receipt of an application, or earlier if possible, DOE will:

(1) Initiate and coordinate any requisite environmental analyses in accordance with the requirements set forth at 40 CFR 1506.5;

(2) Determine, in accordance with paragraph A.3 herein, whether an EA or an EIS is required; and

(3) Establish time limits for the NEPA Process when requested to do so by an applicant.

(c) For major categories of DOE actions involving a large number of applicants, DOE may prepare generic guidelines describing the level and scope of environmental information expected from the applicant and will make such guidelines available to applicants upon request.

(d) For DOE programs that frequently involve another agency or agencies in related decisions subject to NEPA, DOE will cooperate with the other agencies in developing environmental information and in determining whether to prepare an EA or an EIS. Where appropriate and acceptable to the other agencies, DOE will develop or cooperate in the development of interagency agreements to facilitate coordination and to reduce delay and duplication.

3. *Whether to Prepare an Environmental Impact Statement.* The CEQ regulations (40 CFR 1501.4) require the Federal agency, in determining whether to prepare an EIS, to:

(a) Determine under its procedures supplementing these regulations (described in § 1507.3) whether the proposal is one which:

(1) Normally requires an environmental impact statement, or

(2) Normally does not require either an environmental impact statement or an environmental assessment (categorical exclusion).

(b) If the proposed action is not covered by paragraph (a) of this section, prepare an environmental assessment (§ 1508.9).

To implement this requirement and the requirements contained at 40 CFR 1507.3(b)(2):

(a) DOE has (in Section D), identified typical classes of DOE action:

"(i) Which normally do require environmental impact statements.

"(ii) Which normally do not require either an environmental impact statement or an environmental assessment [categorical exclusions (§ 1508.4)].

"(iii) Which normally require environmental assessments but not necessarily environmental impact statements."

(b) DOE will review individual proposed actions to determine the appropriate level of NEPA documentation required where:

(1) The proposed action is not encompassed within the categories of Section D,

(2) The proposed action is encompassed within the categories of Section D, but DOE believes that the categorization is not appropriate to the individual proposed action.

(3) Public comment received on or relating to a proposal included within the categories of Section D raises a substantial question regarding the categorization.

(c) DOE will, in conducting the reviews of paragraph (b) above, either:

(1) Determine that neither an EA nor an EIS is required where it is clear that the proposed action is not a major Federal action significantly affecting the quality of the human environment. (In such cases, a brief memorandum may be prepared explaining the basis for that determination);

(2) Prepare an EA where it is unclear whether an EIS is required; or

(3) Proceed directly to EIS preparation where it is clear that an EIS is required.

(d) DOE may add actions to or remove actions from the categories in Section D based on experience gained during implementation of the CEQ regulations and these guidelines.

4. *Scoping.* The CEQ regulations (40 CFR 1501.7) require:

An early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action.

To implement this requirement, DOE will:

(a) As soon as practicable after a decision to prepare an EIS, publish in the **Federal Register** a Notice of Intent (NOI) to prepare an EIS in accordance with 40 CFR 1501.7. However, where DOE finds that there is a lengthy period between DOE's decision to prepare an EIS and the time of actual preparation, DOE may instead publish the NOI at a time sufficiently in advance of preparation of the draft EIS to provide reasonable opportunity for interested persons to participate in the EIS preparation process;

(b) Provide additional dissemination of the NOI in accordance with 40 CFR 1506.6;

(c) Through the NOI, invite comments and suggestions on the proposed scope of the EIS including environmental issues and alternatives for consideration in the preparation of the draft EIS and invite public participation in the NEPA process except where there is an exception for classified proposals pursuant to 40 CFR 1507.3(c) and paragraph C.1, herein. The comment period for the NOI will normally be 20 days. To the extent practicable, DOE may consider comments received after the close of the designated comment period on the NOI in preparing the draft EIS.

(d) If a scoping meeting is to be held, provide notice of the meeting in the NOI at least 15 days before the meeting.

(e) Prepare and use an EIS implementation plan to record the results of the scoping process and to provide guidance to DOE for the preparation of an EIS.

(1) The EIS implementation plan will be a brief document and will contain:

(i) Information to address the provisions of 40 CFR 1501.7(a)(2), (3), (5), (6), and (7);

(ii) A detailed outline of the EIS;

(iii) A description of the means by which the EIS will be prepared, including the nature of any contractor assistance to be used.

(2) The EIS implementation plan may also contain:

(i) Target page limits for the EIS;

(ii) Target time limits for EIS preparation;

(iii) An allocation of assignments among DOE and cooperating agencies.

(3) DOE will complete an EIS implementation plan as soon as practicable after the close of the designated comment period on the NOI or after a scoping meeting, if one is held, whichever is later.

(4) DOE may revise the implentation plan, as necessary during EIS preparation.

Section B—NEPA and Agency Decisionmaking

1. *DOE Decisionmaking.* The CEQ NEPA regulations (40 CFR 1505.1) require that agencies adopt procedures to ensure that decisions are made in accordance with the policies and purposes of NEPA.

To implement this CEQ requirement, this section designates the major decisonmaking processes for DOE's principal programs and provides procedures to assure that the NEPA process corresponds with the decisionmaking processes. These processes are designated as policy level decisionmaking, program level decisionmaking, and project level decisionmaking. The procedures consist of general procedures applicable to all DOE decisionmaking processes followed by specific procedures applicable to the individual decisionmaking processes.

The decisionmaking structure designated herein in consistent with the CEQ tiering concept (40 CFR 1502.20), which provides for focusing on the actual issues ripe for decision and eliminating repetitive discussions of the issues already decided. Accordingly, environmental documents prepared for policy level decisions will normally focus on broad issues and will provide the foundation for subsequent program and project environmental documents. Environmental documents prepared for program level decisions will normally focus on narrower issues than at the policy level and may summarize and incorporate by reference discussions contained in any relevant policy level environmental document but should not repeat the discussion of issues already decided at the policy level of decisionmaking. Similary, environmental documents propared for project level decisions will normally focus on issues specific to the proposed project and may summarize and incorporate by reference discussions contained in any broader environmental documents but should not repeat the discussion of issues decided at higher levels of decisionmaking.

(2) *General Procedures.*

(a) The following general procedures apply to all DOE decisionmaking processes. DOE will:

(1) At the earliest possible time in the decisionmaking process: (i) identify and evaluate environmental factors and appropriate alternative courses of action, and (ii) determine in accordance with paragraph A.3 herein the appropriate level of enviromental review document required.

(2) Commence preparation of the relevant environmental document as close as possible to the time that DOE begins development of or is presented with a proposal (40 CFR 1508.23), and complete the document in advance of final decisonmaking.

(3) During the development and consideration of a proposal and the relevant environmental document, review other DOE planning and decisionmaking documents to ensure that alterntives (including the proposed action) to be considered by the decisionmaker are encompassed by the range of alternatives in the relevant environmental document.

(4) Circulate the relevant environmental document or summary thereof with the proposal and other decisionmaking documents through DOE's internal review processes to ensure that DOE officials use the environmental documents in making decisions and that the decisionmaker consider the alternatives described therein.

(5) Where an EIS is prepared, publish the record of decision (40 CFR 1505.2) in the **Federal Register** and make it available to the public as specified in 40 CFR 1506.6 except as provided in paragraph C.1. For the purposes of 40 CFR 1506.1, the record of decision will be deemed issued upon signature by the appropriate DOE official.

(6) Utilize the tiering concept in accordance with 40 CFR 1502.20 and 1508.28 to the fullest extent practicable.

3. *Specific Procedures.*

(a) *Policy level decisionmaking.* At this level of decisionmaking, DOE is deciding on broad strategies to achieve energy goals such as conservation, development of new resources and use of more abundant resources. Policy level decisions may, for example, be representated by proposals for legislation or by formal statements of national energy policy.

(1) For legislative proposals, DOE will: identify and evaluate relevant environmental issues and reasonable alternatives, and make a determination regarding the need to prepare an environmental document during the proposal formulation and early drafting stages; and, normally prepare, consider, and publish any required environmental document in connection with the submittal of a proposal to Congress, except as may be provided in 40 CFR 1506.8.

(2) For formal statements of national energy policy DOE will: initiate implementation of the applicable general procedures specified above during the analysis phase of policy development; and will prepare, consider, and publish any required environmental document in advance of policy adoption for those policies that will result in or substantially alter DOE programs.

(b) *Program level decisionmaking.* At this level of decisionmaking, DOE is deciding on a variety of approaches to implement specific policies or statutory authorities. Program level decisions are

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generally represented by the advancement of an energy technology program, the issuance of program regulations, or the adoption of a program plan.

(1) For energy technology research, development, demonstration and commercialization programs, DOE will: Initiate the applicable general procedures specified above concurrent with program initiation; and, if required, prepare the relevant environmental document when environmental effects can be meaningfully evaluated. When required, the relevant environmental document would normally be prepared in advance of a decision to proceed with the development phase of a research, development, demonstration, and commercialization program. Nevertheless, DOE will consider the following factors throughout the program in determining the necessity and appropriate timing of the relevant environmental document: (i) The significance of the environmental impacts of the technology, if applied, on the quality of the human environment; and (ii) The extent to which continued investment in the new technology is likely to cause the program to reach a stage of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives.

(2) For programs that are implemented by regulations, DOE will initiate implementation of the applicable general procedures specified above during early regulation drafting stages. Publication of a draft EIS, if required, will normally accompany publication of the proposed regulations and will be available for public comment at any hearings held on the proposed regulations. The draft EIS need not accompany notices of inquiry or advance notices of proposed rulemaking intended to gather information during early stages of regulation development. The relevant environmental document, with comments and responses, will be included in the administrative record. In accordance with 40 CFR 1506.10.(b)(2), final rulemakings promulgated pursuant to the Administrative Procedure Act may be issued simultaneously with publication of the notice of the availability of the final EIS.

(3) For programs that are not included in paragraphs (1) and (2) and that are implemented by a formal program plan, DOE will: initiate implementation of the applicable general procedures specified above concurrent with program plan formulation; and, if required, prepare the relevant environmental document when the environmental effects of the program can be meaningfully evaluated. If an EIS is required, it will be prepared, considered, and published and the requisite record of decision issued before taking an action that would have an adverse environmental impact or limit the choice of reasonable alternatives except as provided in 40 CFR 1506.1(c).

(c) *Project level decisionmaking.* At this level of decisionmaking, DOE is deciding on specific actions to execute a program or to perform a regulatory responsibility. Project level decisions are generally represented by the approval of projects, by the approval or disapproval of applications, or by the decisions on applications rendered in adjudicatory proceedings.

(1) For projects that are undertaken directly by DOE, including projects involving the sole source procurement of a site and/or process, DOE will: initiate implementation of the applicable general procedures specified above concurrent with project concept development; and, if required, prepare, consider, and publish the relevant environmental document before making a go/no-go decision on the project. In addition, if a DOE project requires preparation of an EIS, DOE will not take an action concerning the project which would have an adverse environmental effect or which would limit the choice of reasonable alternatives until the required record of decision is issued.

(2) For major system acquisition projects involving selection of sites and/or processes by competitive procurement, DOE will:

(i) Require that environmental data and analyses be submitted as a discrete part of an offeror's proposal. (The level of detail required for environmental data and analyses will be specified by DOE for each applicable procurement action. The data will be limited to that reasonably available to offerors.)

(ii) Independently evaluate and verify the accuracy of environmental data and analyses submitted by offerors.

(iii) For proposals in the competitive range, prepare and consider before the selection of sites and/or processes an environmental impact analysis in accordance with the following:

(a) In order to comply with 18 U.S.C. 1905 which prohibits DOE from disclosing business, confidential, or trade secret information, the environmental impact analysis will be subject to the confidentiality requirements of the competitive procurement process and therefore exempt from mandatory public disclosure.

(b) The environmental impact analysis will be based on the Environmental data and analyses submitted by offerors and on supplemental information developed by DOE as necessary for a reasoned decision.

(c) The environmental impact analysis will focus on environmental issues that, are pertinent to a decision on proposals in the competitive range and will include:

(1) A brief discussion of the purpose of each proposal including any site or process variations having environmental implications.

(2) For each proposal, a discussion of the salient characteristics of the proposed sites and/or processes as well as alternative sites and/or processes reasonably available to the offeror or to DOE.

(3) A brief comparative evaluation of the environmental impacts of the proposals. This evaluation will focus on significant environmental issues and clearly identify and define the comparative environmental merits of the proposals.

(4) A discussion of the environmental impacts of each proposal. This discussion will address direct and indirect effects, short-term and long-term effects, proposed mitigation measures, adverse effects which cannot be avoided, areas where important environmental information is incomplete or unavailable, unresolved environmental issues, and practicable mitigating measures not included in the proposal.

(5) To the extent known for each proposal, a list of Federal, State, and local government permits, licenses, and approvals which must be obtained in implementing the proposal.

(iv) Document the consideration given to environmental factors in a publicly-available selection statement to record that the relevant environmental consequences of reasonable alternatives have been evaluated in the selection process. The selection statement will not contain business, confidential, trade secret or other information the disclosure of which is prohibited by 18 U.S.C. 1905 or the confidentiality requirements of the competitive procurement process. The selection statement will be filed with the Environmental Protection Agency.

(v) If the selected sites and/or processes are likely to have significant effects on the quality of the human environment, phase subsequent contract work to allow publicly available EIS's to be prepared, considered and published in full conformance with the requirements of 40 CFR Parts 1500–1508 and in advance of a go/no-go decision.

(3) For projects that involve applications to DOE for financial assistance or applications to DOE for a permit, license, exemption, allocation or similar regulatory action involving informal administrative proceedings, DOE will: apply NEPA early in the process in accordance with 40 CFR 1501.2(d) and paragraph A.2 herein; commence preparation of the relevant environmental document, if required, no later than immediately after applications are received and in accordance with the requirements set forth at 40 CFR 1506.5; and consider the relevant environmental document, if one is prepared, in decisions on the application.

(4) For actions that involve adjudicatory proceedings, excluding judicial or administrative, civil, or criminal enforcement actions, DOE will: normally prepare, consider and publish the relevant environmental document, if required, in advance of a decision, and include the document in the formal record of the proceedings. If an EIS is required, the draft EIS will normally precede preliminary staff recommendations, and publication of the final EIS will normally precede final staff recommendations and that portion of the public hearing related to the EIS. The EIS need not precede preliminary hearings designed to gather information for use in the EIS.

Section C—Other Requirements of NEPA

1. *Access to NEPA Documents.* The CEQ NEPA regulations (40 CFR 1507.3(c)) allow an agency to develop criteria for limiting public access to environmental documents which involve classified information. This section provides the DOE policy for addressing classified information as well as policy for addressing confidential information.

Classified or confidential information is exempted from mandatory public disclosure by § 552(b) of the Freedom of Information Act (FOIA) (5 U.S.C. 552), § 1004.10(b) of DOE's regulations implementing FOIA (10 CFR Part 1004), and 18 U.S.C. 1905. Public access to such information will be restricted in accordance with such regulations and applicable statutes.

All NEPA documents (as defined at 40 CFR 1508.10), the EIS implementation plan, and the record of decision are subject to the mandatory public disclosure requirements of FOIA and the DOE regulations implementing FOIA except documents which are determined, in accordance with the applicable statutes and regulations, to contain classified or confidential information. DOE will determine the treatment of documents containing classified or confidential information on a case by case basis in accordance with the requirements of DOE's FOIA regulations and the applicable statutes.

Wherever possible, the fundmental policy of full disclosure of NEPA documents will be followed. In some cases, this will mean that classified or confidential information may be excised, prepared as an appendix, or otherwise segregated to allow the release of the nonsensitive portions of a document.

2. *Supplemental Statements.* (a) If required, DOE will prepare, circulate, and file a supplement to a draft or final EIS, in accordance with 40 CFR 1502.9(c). However, where it is unclear whether an EIS supplement is required, DOE will prepare an analysis which provides sufficient information to support a DOE determination with respect to the criteria of 40 CFR 1502.9(c) (i) and (ii). Based on the anslysis, DOE will determine whether to prepare an EIS supplement. Where DOE determines that an EIS supplement is not required, DOE will prepare a brief memorandum which explains the basis for that determination.

(b) When applicable, DOE will incorporate an EIS supplement or a brief memorandum and supporting analysis into any related formal administrative record prior to making a final decision on the action which is the subject of the EIS supplement or analysis.

3. *Revisions of Time Periods.* The CEQ regulations (40 CFR 1507.3(d)), allow agencies to provide for periods of time other than those presented in 40 CFR 1506.10 when necessary to comply with other specific statutory requirements.

Certain circumstances, such as statutory deadlines, may require that the periods established in 40 CFR 1506.10 for the timing of DOE NEPA actions be altered. If DOE determines that, in order to comply with specific requirements of other statutes, such revisions are necessary, a notice of the determination will be published in the **Federal Register.** This notice will briefly provide the reason for such alterations and contain information on the revised time periods. Related notices of substantive action, if applicable, may be published jointly with notices published pursuant to this paragraph.

4. *Coordination With Other Environmental Laws.* The CEQ regulations (40 CFR 1502.25) provide for integrating the NEPA process and other environmental requirements.

To the fullest extent possible, DOE will:

(a) Coordinate NEPA compliance with other evnironmental review requirements including those under: the Clean Air Act, the Clean Water Act, the Coastal Zone Management Act, the Endangered Species Act, the Fish and Wildlife Coordination Act, the Wild and Scenic Rivers Act, the National Historic Preservation Act, Section 13 of the Federal Nonnuclear Research and Development Act, the Marine Protection, Research and Sanctuaries Act, the Resource Conservation and Recovery Act, and other Acts, as deemed appropriate by DOE.

(b) Determine the applicability of other environmental requirements early in the planning process to ensure compliance and to avoid delays.

(c) In addition to the information required by 40 CFR 1502.25(b), include in draft and final EIS's plans and estimated schedules for compliance with other applicable environmental review requirements.

(d) Use the relevant NEPA document to support the fulfillment of the review and documentation requirements of other environmental statutes and regulations, and to report the status of compliance with these other environmental authorties.

5. *Status of NEPA Actions.* Individuals or organizations desiring information or status reports on elements of the NEPA process should address their inquiries to:

NEPA Affairs Division, Office of Environment, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

6. *Oversight of Agency NEPA Activities.* The Assistant Secretary for Environment, or his/her designee, will be responsible for overall review of DOE NEPA compliance.

7. *Compliance.* These guidelines are intended for use by all persons acting on behalf of DOE in carrying out certain provisions of the CEQ regulations. Any deviation from the guidelines must be soundly based and must have the advance approval of the Deputy Secretary of DOE.

8. *Revisions to the Guidelines.* DOE will, in accordance with 40 CFR 1507.3, review these guidelines on a continuing basis and revise them as necessary to ensure full compliance with the purposes and provisions of NEPA. Substantive changes will be published in the **Federal Register** and will be finally adopted only after an opportunity for public review.

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Section D.—*Typical Classes of Action*

Normally do not require either EA's or EIS's	Normally require EA's but not necessarily EIS's	Normally require EIS's
Classes of Actions Generally Applicable to All of DOE		
Administrative procurements (e.g., general supplies)	DOE actions which enable or result in engineering development activities, i.e., detailed design, development and test of energy system prototypes.	DOE actions which are expected to result in the construction and operation of a full-scale energy system project.
Contracts for personal services	DOE actions which provide grants to state or local governments for energy conservation programs.	DOE actions which promote energy conservation through regulation of energy use on a substantial scale.
Personnel actions		
Reports or recommendations on legislation or proposed rule-making which was not initiated by DOE.		
Compliance actions, including investigations, conferences, hearings, notices of probable violations and remedial orders.		
Interpretations and rulings, or modification or rescissions thereof.		
Promulgation of rules and regulations which are clarifying in nature, or which do not substantially change the effect of the regulations being amended.		
Actions with respect to the planning and implementation of emergency measures pursuant to the International Energy Program.		
Information gathering, analysis, and dissemination		
Actions in the nature of conceptual design or feasibility studies.		
Actions involving routine maintenance of DOE-owned or operated facilities.		
Actions in the nature of analytic energy supply/demand studies which do not result in a DOE report or recommendation on legislation or other DOE proposal.		
Adjustments, exceptions, exemptions, appeals, stays or modifications or rescissions of orders issued pursuant to the Emergency Petroleum Allocation Act, as amended.		
Rate increases for products or services marketed by DOE, and approval of rate increases for non-DOE entities, which do not exceed the rate of inflation in the period since the last rate increase.	Rate increases for provide products or services marketed by DOE and approval of rate increases for non-DOE entities which exceed the rate of inflation in the period since the last increase.	
Actions that are substantially the same as other actions for which the environmental actions for which the environmental effects have already been assessed in a NEPA document and determined by DOE to be clearly insignificant and where such assessment is currently valid.		
Classes of Actions Applicable to Licenses to Import/Export Natural Gas Pursuant to Section 3 of the Natural Gas Act		
	Approval/disapproval of a new license or an amendment to an existing license which does not involve new construction, but which requires operational changes which may or may not be significant, such as an increase in LNG throughput, change in transportation or storage operations.	Approval/disapproval of applications involving the construction of new liquid natural gas terminal, regasification or storage facilities or a significant expansion of an existing LNG terminal, regasification or storage facility.
		Approval/disapproval of an application involving a significant operational change, such as a major increase in the quantity of LNG imported or exported.
Classes of Actions Applicable to Propane Allocation Program		
Assignments and allocations of propane to retail and wholesale outlets for commercial and residential use.	Assignments and allocations of propane to gas utilities for peak shaving, Btu enrichment or supplemental gas supplies involving new construction or a substantial change in operations or potential impact on competing users of propane.	
Assignments and allocations of propane to gas utilities for peak shaving or Btu enrichment which do not involve new construction or a substantial change in operation and where DOE has determined that such actions will not impact the supplies available for competing uses.	New assignments and allocations of propane feedstock to enable operation of or increases in operation of petrochemical plants.	
	Changes in regulatory status such as the decontrol of propane.	
Classes of Actions Applicable to Synthetic Natural Gas (SNG) Feedstock Allocation Program		
Approval/disapproval of an application for supplier assignment and feedstock allocation which involves continuation of SNG production at historical levels, and where DOE has determined that the requested assignment will not adversely impact competing users due to the projected availability of supply.	Issuance of an Order which reduces SNG production below historical levels and where the probability of fuel switching or other impacts caused by the reduction is unknown.	Approval/disapproval of an application for supplier assignment and feedstock allocation which involves the construction of a new SNG plant or a major modification at an existing plant.
	Issuance of an Order for an existing plant which increases the SNG production above historical levels.	Issuance of an Order which significantly reduces the feedstock allocation to an existing plant in cases where the gas supply/demand outlook indicates significant fuel switching or economic hardship may occur as a result of the curtailment of SNG feedstock.

Section D.—*Typical Classes of Action—Continued*

Normally do not require either EA's or EIS's	Normally require EA's but not necessarily EIS's	Normally require EIS's
Classes of Actions Applicable to International Activities		
Approval of DOE participation in international "umbrella" agreements for cooperation in energy R&D which do not commit the U.S. to any specific projects or activities.		
Approval of technical exchange arrangements for information, data or personnel with other countries or international organization.		
Approval of arrangements to assist other countries in identifying and analyzing their energy resources, needs and options.		
Approval of export of small quantities of special nuclear materials or isotopic material in accordance with the Nuclear Non-Proliferation Act of 1978 and the "Procedures Established Pursuant to the Nuclear Non-Proliferation Act of 1978" (FEDERAL REGISTER, Part VII, June 9, 1978).		
Classes of Actions Applicable to Power Marketing Administrations (PMA)		
Minor additions to a substation, transformer additions, or changes in transformer assignments that do not affect the area beyond the previously developed substation area.	Upgrading (reconstructing or reconductoring) an existing transmission line.	Main Transmission System Additions—additions of new transmission lines, main grid substations and switching stations to PMA's main transmission grid.
	Construction of new service facilities such as tap lines and substations.	Integrating Transmission Facilities—transmission system additions for integrating new sources of generation into PMA's main grid.
	Modifications of existing facilities (e.g., substations, storage yards) where impacts extend beyond the previously developed facility area.	
	Annual vegetation management program (system-wide).	
Classes of Actions Generally Applicable to Nuclear Waste Management Program		
	Exploratory and site characterization activities which by virtue of resource commitment or elapsed time for completion may foreclose reasonable site alternatives.	DOE actions resulting in the site selection, construction, or operation of major storage and/or disposal of nuclear waste, and/or spent nuclear fuel.
	Land acquisition activities solely for the purposes of reserving possible candidate sites and which do not prejudice future programmatic site selection decision.	
Classes of Actions Generally Applicable to DOE Implementation of Powerplant and Industrial Fuel Use Act of 1978 (FUA)		
The grant or denial of any temporary exemption for any electric powerplant or major fuel-burning installation.		
The grant or denial of any permanent exemption for any existing electric powerplant or major fuel-burning installation, other than an exemption—(1) under section 312(c), relating to cogeneration; (2) under section 312(1), relating to scheduled equipment outages; (3) under section 312(b), relating to certain State or local requirements; and (4) under section 312(g), relating to certain intermediate load powerplants.		

[FR Doc. 80-9422 Filed 3-27-80; 8:45 am]
BILLING CODE 6450-01-M

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federal register

Friday
March 28, 1980

Part VI

Department of Agriculture

Food and Nutrition Service

Food Stamp Program (Alaska)

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272 and 273

[Admt. No. 162]

Food Stamp Program (Alaska)

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rulemaking.

SUMARY: This proposed rulemaking amends Part 272, Requirements for Participating State Agencies, to establish additional regulations for Food Stamp Program operations in Alaska. These regulations are specifically designed to accommodate the unique demographic and climatic characteristics found in Alaska while, at the same time, ensuring the efficiency and effectiveness of program operations. This proposed rulemaking also makes technical amendments to Part 273, Certification of Eligible Households, to achieve consistency with the proposed amendments to Part 272, set forth in this proposed rulemaking.

DATES: Comments must be received on or before May 27, 1980, to be assured of consideration. After reviewing all comments, we will publish final regulations.

ADDRESS: Comments should be submitted to Alberta Frost, Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250. All written comments will be open to public inspection at the office of the Food and Nutrition Service, USDA, during regular business hours (8:30 a.m. to 5:00 p.m. Monday through Friday) at 500 12th Street, S.W., Room 758, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Susan McAndrew, Branch Chief, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250. Phone: (202) 447–8075.

SUPPLEMENTARY INFORMATION:

Purpose

The Food Stamp Act of 1977, P.L. 95–113, 91 Stat. 958, gives the Secretary of Agriculture authority to issue regulations, consistent with the Act, to ensure the efficient and effective administration of the Food Stamp Program. Pursuant to this authority, the Secretary issued final regulations on October 17, 1978 (43 FR 47846 et. seq.) implementing certain provisions of the Act. A review of these regulations as they apply to rural Alaska, in light of its limited accessibility, dispersed population and extreme climatic conditions, has led the Department to propose that several of the rules be modified for purposes of operation of the program in Alaska. The rules which are proposed to be modified include those relating to: merit personnel; training; hotlines; application processing; work registration; resources; recertification; agency conferences; fair and fraud hearings; and coupon issuance. In addition, the Department proposes to adapt the regular points and hours standards for the entire State. Each of these modifications is discussed in detail below. These regulations, except for the points and hours standards, will be applied only in those rural areas of Alaska where the Secretary determines that they are necessary to meet the mandate for efficient and effective program administration. It is estimated that approximately 2,000 households in such rural areas will be affected by these regulations.

Applicability

The economic development of Alaska has to a large degree been determined by the geographic and climatic factors within the State. Alaska covers an area of approximately 586,000 square miles and spans four time zones. The climate is varied and extreme. Some areas have an average of 30 to 185 inches of precipitation a year, others experience winters with temperatures as low as 70 degrees below zero. Such weather conditions often make travel impossible.

The approximately 404,434 residents of Alaska are almost equally divided between the city of Anchorage and the rest of the State. According to the 1970 census, fully 40 percent of Alaskans live in towns or villages composed of less than 1,000 persons. Many communities have less than 100 residents. Although there are several hundred villages and towns in Alaska, there are few roads leading to them. Only the largest have scheduled air service. The means of travel among many communities is limited, as the weather permits, to boats and small airplanes. Snowmobiles often constitute the equivalent of a family car. The delivery of commodities to such communities is costly, time consuming, and very often impossible. The United States Postal Service does not provide regularly scheduled service to all Alaskan communities and the weather frequently interferes with existing schedules. Some communities have neither postal service nor any regular means of food supply.

These conditions of rural isolation have resulted in life styles which are unique in comparison to those in other States and which necessitate the application of different rules to ensure successful program operations. In recognition of these conditions, the Department proposes that the State agency, in consultation with FNS, establish the criteria for "rural" designations and annually determine those areas that meet this criteria. The State agency would be required to publish the proposed criteria and proposed designations for a public comment period of at least 30 days prior to submission to FNS for approval. The criteria for designating rural areas and the designated areas would be identified in the Alaska State Plan of Operation as an addendum to the proposed Program and Budget Summary Statement. In this way, the Plan would represent a complete summary of current operational conditions within the State.

Definitions

Fee Agent

Fee agents are rural community residents who assist their neighbors in understanding the program and in applying for benefits. Fee agents are known as government representatives, have personal knowledge of low-income households in the community, and can effectively deal with cultural or language problems that might otherwise serve as barriers to participation. Due to the geographic dispersion of the Alaskan population, the State agency uses fee agents to ensure the low-income population access to program services. In 1971, the Alaska State agency adopted, with FNS approval, a system using fee agents to provide rural Alaskans who do not have ready access to a food stamp Regional or District office an opportunity to apply for and obtain program benefits. Approximately 200 villages currently use fee agents to obtain access to the program.

State Agency Offices

For purposes of this part, State agency is being defined to include Regional and District offices, but not fee agents, in order to make the regulations for the application process clearer.

Merit Personnel

The Department proposes that fee agents, in addition to performing the activities currently allowed for volunteers in § 272.4(a)(2), be given authority to conduct interviews normally required to be conducted by merit personnel. This modification is necessary both to ensure program

accessibility and to avoid the administrative costs which would be incurred if the State agency were required to assign merit personnel on either an intinerant or fixed basis to all of the sparsely populated and remote rural villages throughout Alaska. As in the past, fee agents would continue taking applications, verifying necessary information, obtaining documentation, conducting face-to-face interviews, and forwarding completed applications to the appropriate State agency office. Fee agents would not determine applicant households' eligibility or benefit levels. With the exception of the proposed amendment to the regulations to allow fee agents to conduct interviews usually performed by qualified eligibility workers, the fee agent's role and duties fall within the purview of a food stamp volunteer.

Training

These proposed regulations provide for fee agent involvement in the rural application process and further establish fee agent responsibility for resonding to hotline type inquires. Given these responsibilities, the Department proposes to require that the State agency develop a continuous training program for fee agents which is tailored to their specific duties. To accomplish this, it is expected that the State agency would: (1) update their current fee agent training package; (2) re-establish and accelerate the frequency of fee agent training to be given; and (3) provide increased supervision to assist and monitor the performance of fee agents. The Department believes that these additional training and review requirements would help to ensure the quality of program services provided to both potentially eligible households and program participants.

Hotlines

The final outreach regulations, published November 6, 1979 in the **Federal Register**, 44 FR 64386 et. seq.) exempted the Alaska State agency from establishing a statewide hotline system because the Alaska Telephone Company was unable to provide toll-free services throughout the entire State. Those regulations required, however, that the State agency develop an alternative means for participants and potential participants to secure program information and applications, lodge complaints and make inquiries. Subsequent to the publication of the proposed outreach regulations, the Department has become aware that toll-free numbers can be obtained from a private company. Toll-free numbers can be made available on a Regional or Statewide basis for a listing cost plus the premium cost of the individual calls based on the distance involved and the length of time required for each individual call. Because of the listing cost of such a toll-free number or numbers and the small number of calls the State agency anticipates, the Department is proposing that in each area the Alaska State agency be given the option of either having a toll-free number(s) or providing such hotline type services through fee agents and State agency offices as long as hotline type services are made available throughout the State. In those areas where hotline type services are provided by fee agents and State agency offices, the State agency would be required to accept collect calls direct from households regarding the Food Stamp Program. Participants and potential participants would be advised of the name, address and telephone number of the person(s) they could contact through outreach efforts. The State agency would also be required to solicit the cooperation of retailers in posting this information in retail stores which are authorized to accept food coupons.

The Department proposes to amend the current Outreach regulations to delete the reference to approval of alternate hotline procedures through the Outreach Plan, since alternate procedures are proposed in this rulemaking.

Application Processing

Because of the relative isolation of much of the low-income population in rural Alaska, their applications for participation in the Food Stamp Program are often received first be fee agents and then sent by mail to State agency offices for further processing. To account for this separation of duties, responsibilities and locations, the Department proposes to define how the application processing standards and procedures will apply in rural Alaska. Specifically, the Department proposes: (1) that a signed application be considered filed when it is received by a District or Regional office of the State agency but that the period of application begin at the time the signed application is first received by the fee agent; (2) that the fee agent be required to conduct the interview, obtain the necessary verification and submit the application to the State agency office so that it will be received by the State agency office within 10 days of the date it was initially received by the fee agent; and (3) that the application process be completed and eligible households provided an opportunity to participate within 30 days of the date the application was filed with the State agency office. The Department believes that these proposals address both the needs of participants and existent administrative structures within the Alaska State agency. First, by requiring that the period of application begin when a signed application is first submitted to a fee agent, eligible households will have their benefit entitlement protected from the first day of the month in which the application is actually submitted to an agent of the State agency, i.e., the fee agent. The proposed ten day period provided for fee agent processing establishes a standard time frome for completion of the verification, documentation, interview, and mailing activities assigned to these agents. This amount of time is considered necessary given weather, mail and workload conditions. It should give the household sufficient time to provide necessary verification and is based on 5 days processing time and 5 days mailing time.

The 30-day standard is consistent with that allowed other State agencies to process applications and to provide benefits. While some of the time consuming functions normally performed by the State agency will already have been accomplished, more time will have to be allowed for mail delivery of the ATP or coupons.

For expedited service cases, the Department proposes that the same type of two-stage processing proposed for normal application processin rural Alaska be maintained, yet the time allowed the State agency by shortened for expedited service cases. The time period for fee agent processing would remain the same, but the State agency office would be required to complete the application process and mail an ATP or coupons to eligible households no later than the close of business of the second working day following the day the application was filed with that office.

When signed applications are filed directly by the household with the State agency, whether a District or Regional office, such applications would be considered filed upon receipt, and the State agency would be expected to issue an ATP or coupons to households eligible for expedited service in accordance with § 273.2(i)(3) of the regulations.

Since processing time, in both instances, is closely tied to receipt and filing dates, the Department further proposes that the State carefully record on the application the dates the application is received by the fee agent and the State agency office. This recording will allow the periodic monitoring to determine the effectiveness of the procedures.

The Department recognizes that because of severe climatic conditions or transportation problems fee agents may not be able to meet the 10-day requirement, and the State agency may be cited for an administrative deficiency as the result of a management evaluation review. Although corrective action could not be taken in such cases, the Department does not believe it is necessary to provide a specific regulatory exception for such circumstances.

In some instances, the State agency may not be able to process an application within the required time because it has to contact the household for additional verification. In these instances, the Department proposes that the State agency be required to follow the procedures set forth in § 273.2(h), *Delays in processing*, except that the household be given up to 30 days from the date of the initial request for the particular verification to submit it to the State agency. In rural areas, 10 days from the State agency's request for verification may not be sufficent time for the household to provide the information. Under this proposal, the household would not be considered at fault and lose benefits for the month of application as long as the additional verification is received within 30 days of the date of the initial request for additional information.

Interviews

The interview process in the regulations for the most part refers to face-to-face interviews conducted during the application process either by State agency staff or the fee agent. However, the Department believes that some alternatives are necessary due to weather conditions and the remoteness of some households from certification services, both to assure a review of the household's application and to meet processing timeframes. The Department, therefore, proposes that the State agency be allowed to postpone interviews or conduct interviews through other means such as the telephone in certain instances. Interviews would be conducted by other means when the household is unable to come to the certification office or in order to meet the processing timeframe. Interviews would be postponed in remote areas where no fee agent or eligibility worker is reasonably accessible, a telephone interview cannot be conducted and the administrative costs of conducting any form of personal interview to meet processing timeframes would be extremely high. The eligibility worker would be required to exercise prudent judgment when dealing with these cases and to fully document the eligibility decision in the case. The household would be interviewed and the eligibility decision and documentation would be re-examined any time an eligibility staff member visits the community in which the household resides. The verification requirements would not be waived for these households.

Work Registration Requirements

Current regulations provide exemptions from work registration for persons residing in certain designated areas of Alaska who hunt and/or fish for a minimum of 30 hours weekly. The Department proposes to modify this language in these Alaska regulations. The provision for Alaska currently in § 273.7(b)(8) would be deleted in order to eliminate duplication.

The minimum of 30 hours weekly would be amended to read an average of 30 hours weekly as determined by averaging over the certification period. This will more realistically reflect the manner in which subsistence hunting and fishing is conducted. This manner of living is, for the most part, dependent on many variables including seasons of the year, availability and migratory habits of game and fish, distances to travel, fish and game regulations, and, of extreme importance, weather conditions. For major species such as caribou, moose, seal, wlrus, whale, migratory waterfowl, and salmon, hunting occurs wihtin a relatively short period, requiring virtually round the clock efforts far in excess of 30 hours per week. These major subsistence food sources are complemented by ptarmigan, hare, roots, berries and a myriad of species of fish, which are subject to the same work patterns identified above. Particularly during the winter months, such subsistence hunting and fishing is severely limited and there are periods of days or weeks when such activity is at a standstill. For these reasons, it is believed more equitable to relate the time factor (30 hours per week) to the timeframe of the certification period.

Resources

The Department proposes that the resource value of licensed or unlicensed snowmobiles and boats used by households as basic transportation be evaluated using the same criteria that is applied to licensed vehicles in other areas. The Department believes that in rural areas of Alaska, where snowmobiles or boats are used as basic transportation either year round or on a seasonal basis, it is equitable that such snowmobiles and boats received the same resource consideration given to automobiles, trucks, and vans, and not be automatically considered recreational vehicles. The methods and means of transportation in Alaska are quite diverse and are directly related to weather and seasonal conditions, road networks or total absence of roads, seasonal river and waterway travel, and the extended prevalence of ice and snow. Because of these conditions, in some areas there are no roads, automobiles or trucks. The only travel is by snowmobile or by a combination of snowmobile and boat, dependent upon the prevailing geographic and climatic conditions. In other areas, a combination of vehicles, snowmobiles and boats may all be used dependent upon seasonal conditions. Further, since there is no State licensing requirement for either boats or snowmobiles, though certain villages and municipalities have licensing requirements for snowmobiles, the Department believes that snowmobiles and boats should be evaluated based on their use, without regard to whether they are licensed or unlicensed.

Reporting Changes

The Department proposes to allow the household to report changes either to the fee agent or the State agency office and to establish a requirement that fee agents forward changes within two working days of receipt. The two working day period would provide fee agents a standard time for submitting all changes.

Recertification

As with initial applications, the Department proposes that applications for recertification be considered filed when they are received by a District or Regional office. Due to the problems discussed earlier related to transpotation and weather, use of current standards related to notification for recertification could result in households not receiving uninterrupted benefits. To alleviate this problem to the greatest extent possible while maintaining compliance with the legislative requirements, the Department further proposes a modification in the current rules for providing Notices of Expiration. The State agency would be allowed to: (1) issue Notices of Expiration one month prior to the first day of the last month of certification, and (2) advise households that wish to submit their applications directly to fee agents to allow sufficient time for the fee agent to forward the application to the State agency so that it will be received by the 15th day of the last month of the certification period.

By allowing earlier issuance of the Notice of Expiration, it is hoped that the majority of participants will submit their applications so that their benefits will be uninterrupted.

Agency Conference for Households Contesting Denial of Expedited Service

The Department proposes to allow the Alaska State agency, at its option, to provide alternative methods for conducting agency conferences for households contesting denial of expedited service in those instances where such conferences cannot be held using current procedures within the two day standard. In ares not accessible by road and partially or frequently inaccessible by other modes of transportation, it is often impossible or economically impracticable for a State eligibility worker to visit the rural village or site, or for the household to come to the certification office. Even if such travel were possible, it generally could not be accomplished within the required two days. It is proposed, therefore, that the State agency conduct agency conferences for households contesting a denial of expedited service within two working days, by telephone or other means of private communication. The Department believes that this is the most feasible and expedious method to meet these needs.

Fair Hearings and Fraud Hearings

The Department also proposes to allow the State agency to use alternative methods of conducting fair hearings and fraud hearings for certain households residing in rural areas. The State agency would be allowed, at its option, to conduct the hearings using a telephone or other means of private communication if the time standards contained in § 273.15 and § 273.16, respectively, cannot be met using the normal procedures. The Department believes this is the most feasible and expeditious means of meeting the fair hearing and fraud hearing requirements for households that live in otherwise inaccessible areas.

Coupon Issuance

The Department proposes that, with the specific approval of FNS, the Alaska State agency be allowed to issue eligible households coupons by mail on a quarterly or semiannual basis if there is no regular monthly mail service available to these areas. The decision to allow quarterly or semiannual mail issuance will be made on an individual area basis, considering the availability of postal delivery. The Department believes that issuing multiple coupon allotments to participating households in remote areas, such as the Aleutian and Pribiloff Islands, may be justified, since such areas are frequently inaccessible due to weather or travel expense. Quantity food supply purchases are typical for these isolated households, who must make lump sum payments to suppliers operating barges or air cargo deliveries. Those households which would be eligible for multiple allotments are usually very stable, and thus, as a general rule, the risk of program losses would be minimal. Approval for the use of multiple coupon allotment mailings would be granted by FNS on an annual basis, and carefully monitored to determine the continuing need for such allotments, the effectiveness of the system, and to track any program losses or abuse. Areas which are approved to receive multiple coupon allotment mailings shall be contained in the State's Plan of Operation.

Location and Hours

As with other States, the Department was concerned that Alaska residents have the maximum possible accessibility to certification and issuance services. However, the wide range of geographical variances and transportation difficulties preclude the total adoption of the minimum service standards that apply to the rest of the nation. The Department, therefore, proposes to adapt the points and hours regulations to Alaska by making certain changes.

The Department proposes the direct service area of State agency Regional and District offices, exclusive of rural areas served by fee agents, be used in lieu of counties and incorporated cities as the certification service standard unit. Several approaches were considered prior to adoption of the direct service area as the service standard unit. Since the State agency is a single project area, this could not be used because of the vast area involved. Initially, the Department believed that a county concept would be applicable in Alaska. However, the State has only two units of local government, the city and the borough; and there are large segments of the State where there is no local government. The State is subdivided into census divisions for representation and election purposes, but these districts have no direct relationship to the State agency's administrative organization for the Food Stamp Program. Therefore, the Department believes that the direct service area of State agency Regional and District offices should be established as the service unit. The Department is particularly interested in receiving comments on the use of the direct service area of State agency Regional and District offices in lieu of some other service standard unit.

Rural areas served by fee agents would be excluded from the service unit, but the State would be required to establish fee agent service as needed to the maximum extent possible. Most fee agents are available daily, and the Department proposes that fee agents should be available to provide basic certification services on at least a weekly basis, in order to encourage participation by rural residents. With minimum hours maintained by current State agency offices and the use of fee agents, adequate accessibility to the program should be provided to Alaska's low-income households.

The issuance hour standards applied in other States' counties and incorporated cities would apply to the direct service area of each State agency Regional and District office, exclusive of rural areas. Because of the limited accessibility of rural areas and in order to assure prompt service, the Department proposes that households living in rural areas be mailed their coupon allotments. The State agency would, however, be allowed to request deviations for specific areas. The mail issuance requirement would apply to all rural areas, regardless of whether they are served by fee agents or District offices directly.

The Department proposes to eliminate: (1) the issuance service requirements pertaining to Household Issuance Record (HIR) systems since Alaska does not have HIR issuance systems, and (2) the provisions which would allow participation in a neighboring service area since this is not applicable. In addition, the Department proposes that the base month for the maintenance of effort provision be the same month in which these regulations are published in final form.

Identification cards

The current regulations provide that any household residing in a remote area of Alaska which has been determined by FNS to be an area in which food coupons may be used to purchase hunting and fishing equipment shall receive an ID card marked with the letters "HF". The Department is proposing that this provision apply in "rural" areas of Alaska to be consistent with the other provisions being proposed. Additionally, the Department proposes that ID card be stamped with the letters "HF" only for households that depend to a substantial extent upon hunting and fishing for subsistence. This

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change is consistent with Section 3(g)(6) of the Food Stamp Act of 1977.

Implementation

Regulations published July 24, 1979 in the **Federal Register** (44 FR 43249 et. seq.) allowed the Alaska State agency to postpone, with the approval of FNS, the implementation of certain provisions of the October 17, 1978 regulations, One of these provisions allowed the State to postpone implementing expedited services in rural areas. The specific purpose of this postponement was to allow for the completion of this rulemaking and its orderly implementation. The Department has proposed that the Alaska State agency be allowed 90 days from the date of final publication of this rulemaking for implementation of the new requirements in rural areas. The Department originally considered 60 days but changed this to take into account the public comment period(s) for the criteria to be used to designate areas as rural and the proposed rural designations. The Department welcomes comments from interested parties on the feasibility of this timeframe.

To points and hours service plan for each service area would be completed within 120 days or publication of final rules. Services as described in the service plans would be in operation within 60 days of the completion date of the service plan. These timeframes are consistent with those imposed on other States.

Therefore, the Department proposes that Parts 272 and 273 be amended as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. In § 272.1, paragraph (g)(13) is added to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation*

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(13) Amendment 162. Program changes required by Amendment 162 of the Food Stamp Program regulations shall be implemented as follows:

(i) The fee agent system for conducting interviews is currently in use and its continuing use is approved.

(ii) All other rules except paragraph (q) of § 272.8 shall be implemented as soon as practical but no later than 90 days following the date of final rulemaking. Paragraph (q) of § 272.8 concerning points and hours shall be implemented following the time standards contained therein.

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2. In § 272.6, paragraph (b)(8), the fourth sentence is deleted and the third sentence is amended to read:

§ 272.6 Outreach.

* * * * *

(b) * * *

(8) * * *

"The Alaska State agency shall, however, enable participants and potential participants to secure program information and applications, lodge complaints and make inquiries in accordance with subsection 272.8(f)."

* * * * *

3. A new § 272.8 is added to Part 272 to read as follows:

§ 272.8 Procedures for program administration in Alaska.

(a) *Purpose.* To achieve the efficient and effective administration of the Food Stamp Program in certain rural areas of Alaska, FNS has determined that it is necessary to develop additional regulations which are specifically designed to accommodate the unique demographic and climatic characteristics which exist in these rural areas.

(b) *Applicability.* The regulations established in this section except for subsection (q), which pertains to points and hours, shall apply only in those areas of Alaska which are designated by FNS as "rural". All regulations not specifically modified by this section shall remain in effect. The State agency, in consultation with FNS, shall establish the criteria for designating areas of the State as "rural" taking into consideration such factors as population concentrations, weather and road conditions, the risk to the health or safety of applicants in traveling, and the regularity of mail service. On an annual basis, the State agency shall, in consultation with FNS, determine those areas that meet the rural criteria. The State agency shall publish the proposed criteria and designations for a public comment period of at least 30 days prior to submission to FNS for approval. The criteria for designating rural areas and the designated areas shall be identified in the Alaska State Plan of Operation as an addendum to the Program and Budget Summary Statement.

(c) *Definitions.* "Fee agent" means a paid agent who, on behalf of the State, is authorized to make applications available to low-income households, assist in the completion of applications, conduct required interviwes, secure required verification, forward completed applications and supporting documentation to the State agency, and provide outreach and other services as required by the State agency. Such services shall not include making final decisions on household eligibility or benefit levels.

"State agency" for purposes of this section shall include Regional and District offices. It shall not include fee agents.

(d) *Merit Personnel.* In addition to the volunteer activities prescribed in § 272.4(a)(2), fee agents may be used by the State agency to conduct the certification interviews required by § 273.2(e).

(e) *Training.* The State agency shall design and implement a comprehensive training plan, including detailed instructional material, to ensure that fee agents are able to fulfill the responsibilities assigned to them under this section. The training shall include those items referenced in § 272.4(e) with the exception of training on actual eligibility determinations. the State agency shall submit to FNS for approval the procedures for training fee agents and the instructional manual to be used by fee agents. The State agency shall reflect subsequent changes in policy and procedures promptly. In addition, the State agency shall conduct training sessions for fee agents at least once a year, and provide close supervision to assist and monitor the performance of fee agents.

(f) *Hotlines.* In each area, the State agency shall provide either toll-tree hotline services or hotline type services through State agency offices and fee agents. These services shall enable participants and potential participants throughout the State to secure program information and applications, lodge complaints and make inquries. Participants and potential participants shall be advised through outreach efforts of the name, address and telephone number of the person(s) they should contact. The State agency may additionally notify households through noices mailed separately or with ATPs or otherwise given to each household. The State agency shall also solicit the cooperation of retailers in posting this information in ratail stores which are authorized to accept food coupons. Where hotline type services are provided through State agency offices and fee agents, the State agency shall accept collect calls directly from participants and potential participants regarding the Food Stamp Program.

(g) *Application Processing.* The application processing standards contained in § 273.2 are modified to the following extent:

(1) *Filing an application.* The date the application is first received by the fee agent and the date it is filed with a State agency office shall be documented by recording the dates on the application. An application is considered filed for purposes of this section when it is received by an office of the State agency.

(2) *Normal Processing Standards.* The State agency shall issue benefits to eligible households as soon as possible.

(i) If the signed application is first submitted by a household to a fee agent, the fee agent shall record the date the application is received, conduct the interview, obtain necessary verification and submit the application to a State agency office so that it will be received by the State agency within 10 days of the date the application was received by the fee agent. The household shall be given the maximum amount of time to provide verification requested by the fee agent as long as the 10 day processing period is met. The State agency office shall record the date that the application is filed, and insure that the application process is completed and eligible households are provided an opportunity to participate as soon as possible but no later than 30 days after the application is filed with the State agency.

(ii) If the signed application is submitted in person by a rural resident or its authorized representative directly to the State agency, bypassing the fee agent, the State agency shall complete the application process and provide eligible households an opportunity to participate as soon as possible but no later than 30 days after the application is filed.

(iii) If the signed application is submitted by mail by a rural resident directly to the State agency, bypassing the fee agent, the State agency shall either (A) contact the household by telephone or other means of private communication to conduct the interview and secure necessary verification or (B) request the fee agent to complete the interview process and submit the required information to the State agency. Regardless of whether the State agency or the fee agent conducts the interview, the processing time to meet the 30-day standard shall commence with the date the application was initially received by the State agency. If the State agency cannot process a case within the required time period because it has to contact the household for additional verification, the procedures established in § 273.2(h) regarding delays in processing shall be followed except that the household shall submit the verification so that it will be received by the State agency by the 30th day after the State agency's initial letter or a verbal request for the verification.

(3) *Expedited Service.* Households determined eligible to receive expedited service shall be issued benefits as soon as possible.

(i) If the signed application is first received by a fee agent, the fee agent shall record the date the application is received, conduct the interview, verify the required information and submit the application to the State agency office so that it will be received by the State agency within 10 days of the date the application was received by the fee agent. The State agency office shall record the date the application was filed, complete the application process and, for households eligible for expedited service, mail an ATP or coupons no later than the close of business of the second working day following the date the application was filed at the State agency.

(ii) If the signed application is submitted in person by a rural resident or its authorized representative directly to the State agency, bypassing the fee agent, the State agency shall conduct the interview and issue an ATP or coupons to households eligible for expedited service in accordance with the time standards contained in § 273.2(i)(3) of the regulations.

(iii) If the completed, signed application is submitted by mail by a rural resident directly to the State agency, bypassing the fee agent, the State agency shall conduct an interview with the household using a telephone or other means of private communication and/or the intermediary services of a fee agent. If an incomplete application is submitted directly to the State agency by mail, the State shall conduct the interview following the same procedures by the first working day following the date the application was received if the household can be reached. In such cases, the State agency shall complete the application for the household during the interview and mail the completed application to the household for signature the same day. Benefits shall be provided in accordance with the time standards contained in § 273.2(i)(3)(i) of the regulations, except that the processing standards shall be calculated from the date a completed and signed application is received rather than the date the application was filed. The household, if determined eligible, would be entitled to benefits retroactive to the first day of the month in which the application was first received.

(h) *Interviews.* The State agency or fee agent shall conduct a face-to-face interview with the household at the State agency office or fee agent location prior to certification or recertification except in the following instances.

(1) The State agency (or fee agent) shall either conduct a home visit or conduct the interview by telephone or other means of private communication when a household or its authorized representative is unable to come to the State agency office (or fee agent) for the reasons specified in § 273.2(e)(2) which include transportation difficulties and hardships such as prolonged severe weather.

(2) The State agency (or fee agent) may conduct an interview using a telephone or other means of private communication when a face-to-face interview cannot be conducted in time to meet the expedited service standards.

(3) The State agency may postpone the interview until after the household is certified when: (i) a household lives in a remote area, (ii) no fee agent or eligibility worker is reasonably accessible, (iii) a telephone interview cannot be conducted, and (iv) the administrative costs of conducting the interview would be extremely high. The eligibility worker shall exercise prudent judgment when dealing with these cases and fully document the eligibility decision in the case file. Such households shall be interviewed and the eligibility decision and documentation shall be re-examined when an eligibility worker visits the community in which the household resides.

(i) *Determining Household Eligibility and Benefit Level.* If a rural area resident of Alaska first submits his or her application to a fee agent, the period of application for the purpose of determining eligibility and benefit levels shall commence on the first day of the month in which the application was received by the fee agent. If a rural area resident submits his or her signed application directly to a State agency office, the period of application shall commence on the first day of the month in which the application was received at that office.

(j) *Work Registration Requirements.* In rural areas, persons who are engaged in subsistence fishing or hunting for an average of 30 hours weekly, as determined by averaging such activity over the certification period, shall be considered exempt as self-employed from the registration requirements of § 273.7.

(k) *Resources.* In rural areas, the resource value of licensed or unlicensed snowmobiles or boats shall be evaluated as to use by the household.

(1) If used as a recreational vehicle, unlicensed and licensed snowmobiles or boats shall be evaluated as to their equity value.

(2) If used by the household for basic transportation, snowmobiles or boats shall be evaluated in accordance with

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§ 273.8(h) regardless of whether they are licensed or unlicensed.

(l) *Reporting Changes.* The State agency shall allow the household to choose to report changes either directly to the State agency or to the fee agent. If reported to the fee agent, the fee agent shall forward the reported changes to the State agency within 2 working days of the date of receipt.

(m) *Recertifcation.*

(1) *General Standards.* The State agency shall provide each household entitled to a Notice of Expiration such notice no earlier than one month prior to, nor later than the first day of, the household's last month of certification. Households in rural areas shall be allowed to submit their application for recertification either directly to the State agency or to the fee agent for forwarding to the State agency. Households which are certified for one month, or two months during the month following the month of application, shall be provided a Notice of Expiration at the time of certification. The State agency may provide a Notice of Expiration at the time of certification to households certified for two months in the month in which they apply.

(2) *Timely Reapplications.*

(i) Households provided a Notice of Expiration at the time of certification and certified for one month, or for two months during the month following the month of application, shall have 15 days from the date the notice is received to file a timely application for recertification with the State agency. Households that wish to submit their reapplications directly to the fee agent shall be advised to allow sufficient time for the fee agent to forward the application so that it will be received by the State agency within the 15 day period.

(ii) All other households shall be considered to have timely reapplied if the application is received by the State agency by the 15th day of the last month of the certification period. As with households provided the Notice of Expiration in subparagraph (i), households submitting applications to the fee agent shall be advised to allow sufficient time for the fee agent to forward the application so that it will be received by the State agency by the 15th day of the last month of the certification period.

(n) *Agency Conferences.* In those instances where households wish to contest a denial of expedited service and a personal conference cannot be held within the two-day standard, the State agency may, at its option, conduct the expedited agency conference required by § 273.15(d) within 2 working days using a telephone or other means of private communication.

(o) *Fair Hearings and Fraud Hearings.* The State agency may, at its option, conduct fair hearings and administrative fraud hearings using a telephone or other means of private communication, if the time standards contained in § 273.15 and § 273.16 respectively cannot be met using the normal procedures for households that live in rural areas that are inaccessible due to weather conditions.

(p) *Coupon Issuance.* With the approval of FNS, coupons may be mailed on a quarterly or semiannual basis to certain rural areas of Alaska that do not receive regular monthly postal service. The decision to allow the distribution of coupons in this manner will be made on an annual basis, separate from the determination as to which areas of Alaska are to be designated as rural areas. These areas shall be listed in the State's Plan of Operation.

(q) *Location and Hours of Operation of Certification and Issuance Services.*

(1) *Certification Services.* The State agency is responsible for determining the locations and hours of operation of the food stamp certification services made available in the State. These determinations shall be based on assessments of the certification service needs of the low-income population in the State and on the *minimum* requirements set forth herein. The State agency may choose among a variety of certification methods to fulfill the certification service needs of its low-income population. These methods include, but are not limited to, the use of full service certification offices, satellite and itinerant certification offices and mobile certification units.

(i) The minimum certification service requirements set forth below shall be applied to the direct service area of each State agency Regional and District certification office. These direct service areas shall not include rural areas that are serviced by fee agents.

(ii) Basic certification services consist of distributing and accepting applications, interviewing applicants, and accepting notices of change in household circumstances. The State agency shall provide these services as set forth below.

(A) In service areas with more than 250 households participating in the Program, the State agency shall provide at least 35 hours each week (in weeks without holidays) of basic certification services in at least one office in the service area. In offices with more than two eligibility workers, these services shall be scheduled so that there is no break in their availability during the lunch period. The State level office may approve a service plan for a service area that does not make service available during the lunch period if the plan is adequately documented to show that compliance cannot be achieved for statutory or security reasons.

(B) In service areas with 250 or fewer households participating in the Program, the State agency shall provide a minimum of 30 hours of basic certification services each month in at least one office in the service area. The 30 hours of basic certification services shall be scheduled so that there are at least some hours of service during each calendar week. To the greatest extent practicable, the schedule of hours shall be consistent from month to month. In addition to providing these basic certification services, the State agency shall make arrangements to afford people in these service areas access to the Program during all normal working hours. To accomplish this, the State agency shall arrange to have a place in each service area where applications can be picked up by applicants during all normal business hours each business day. The State agency shall provide addresses along with the applications so that applicants can mail them it. At the address provided, applications shall be accepted and considered filed on the same day they are received, except Saturdays. Additionally, the State agency should attempt to make arrangements to have a place in the service area where applications that are ready for filing can be dropped off. Where drop-off points are established, households shall have the option of either leaving their applications at the drop-off point or mailing them to the address provided on the applications. Where drop-off points are established, the State agency shall make instructions available that inform households of their filing options and explain the circumstances under which the mailing of applications will result in faster filing than the dropping-off of applications. FNS may approve an alternative level of service if the State agency adequately demonstrates that the caseload is so small that the 30 hour requirement would be excessive for the caseload being served, provided that an adequate number of hours of certification service are availabe for the size of the caseload. This may include having services available on an as needed basis in addition to the regularly scheduled hours.

(C) In service areas that normally have caseloads of 250 or fewer households, but which periodically have caseloads of more than 250 households, such as may result from influxes of seasonal workers, the minimum requirements in paragraph (B) of this subsection shall apply. However, the State agency shall implement additional hours of basic certification services when these influxes occur. The additional hours shall be in operation at the time the influx begins so that the needs of the new applicants and participants can be met. The State agency shall determine the number of additional hours of basic certification service needed under such circumstances in each service area.

(D) The State agency shall use the latest participation figures available each year a service plan is required in order to determine which requirements, either those in subparagraph (A) or (B) above, apply to each service area. If a State agency can demonstrate that the latest participation figures available are not representative of normal participation, the State agency may use data from a different month to determine which requirements to use. Likewise, if FNS determines that the participation data used for a service area is not representative of the service area's normal participation, FNS shall require that different data be used. The State agency shall indicate in each service area's plan what participation data were used. Whenever the State agency does not use the latest available data for a service area, the subatitution, along with justification, shall be noted in the service plan.

(E) Applicant and participant households which are unable to obtain certification services established in accordance with the requirements of this section without missing time from work shall be given appointments for such services. The State agency is encouraged to arrange these appointments outside normal business hours or for times that would minimize the applicants' or participants' absence from work. The availability of this service shall be publicized by the State agency. In addition, people who contact the food stamp office and who indicate that they work all or nearly all of the scheduled hours of certification service shall be informed of the availability of appointments.

(ii) So as to maximize face-to-face interviews for participants and applicant households, the basic certification services provided in each service area shall be established so that all or all but a small number of these households reside within 30 miles of a site that provides at least four hours of basic certification services every two weeks. If the offices established in compliance with the requirements of paragraph (ii) above provide basic certification services in accordance with this requirement, additional offices and hours of operation are not required. Any additional services that are required in order to comply with this provision may be provided through itinerant or satellite offices.

(A) Any applicant or paticipant household that does not reside within 30 miles of four hours of basic certification services every two weeks shall be eligible for the out-of-office certification procedures. The State agency shall publicize the availability of these procedures in those areas of the service areas where applicant and participant households are eligible for them. In addition, people who contact food stamp offices inquiring about certification services, and who are not receiving four hours of basic certification services within 30 miles of their residence every two weeks, shall be informed of their eligibility for out-of-office certification services.

(B) FNS may approve exceptions to the 30 mile requirement of this paragraph if the State agency demonstrates that participants normally travel more than 30 miles to a place with various stores to conduct their personal business including the use of their coupons. To be granted this exception, the State agency shall demonstrate that the participant households would receive certification services of at least four hours every two weeks in the location where they normally conduct their personal business and buy their food. The State agency may request FNS approval to provide certification services in this location rather than closer to the applicants and participants (i.e., within 30 miles). Exception may be granted for parts of the service area. The provisions of paragraph A above do not apply to residents of areas covered by this exception.

(iv) Changes in a service area's participation that are expected to continue on a long-term basis, or changes in local circumstances that would either require a rejustification of exceptions or lead to a need to request an exception, and which are discovered outside of the needs assessment provided for in paragraph (5)(i) below, shall be processed as follows.

(A) Whenever a State agency becomes aware of a long-term increase in a service area's food stamp participation that lasts for at least four consecutive months and causes the service area to move into the category described in paragraph (ii)(A) above, the State agency shall take prompt corrective action to bring the service area into compliance with the requirements of that paragraph.

(B) Whenever a State agency becomes aware of a long-term decrease in a service area's food stamp participation that lasts for at least four consecutive months and causes the service area to move into the category described in paragraph (ii)(B) above, the State agency may change the certification services offered so that they are consistent with the requirements specified in that paragraph.

(C) Whenever a State agency becomes aware of a change in circumstances that would require deletion or rejustification of an allowable exception, the State agency shall take action to reevaluate the situation, update the documentation or the plan, and resubmit, if required, the request to FNS for approval. The State agency shall not delay action until the next scheduled service plan but shall promptly take the necessary action.

(D) Whenever a State agency becomes aware of a change in circumstances in a service area that would warrant the requesting of all allowable exception, the State agency may act on a request for an exception or submit it to FNS, if required. The State agency is not required to wait until the next scheduled service plan is due. FNS shall approve or deny requests for exceptions within 30 days of receiving them.

(v) In addition, the State agency shall employ fee agents as needed to the extent possible to provide certification services in rural communities or villages. The fee agent should be available to provide basic certification services on at least a weekly basis. Households in these communities and villages shall be advised either through outreach efforts or another method determined by the State agency of the availability of these services, including the location of the fee agent and any established hours of availability. In the event a fee agent has been removed by the State agency or the position is otherwise vacant, the State agency shall use the interview procedures provided in (h) (1), (2) or (3) above. In such instances the State agency shall, if possible, have either State agency staff or a fee agent from another village visit those villages every 30 days until such time as another fee agent is appointed.

(vi) State agency certification staff or a fee agent shall visit the villages in the Aleutian Chain without appointed fee agents once every six months, or at intervals as close to once every six months as the weather permits for the purpose of providing basic certification services.

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(2) *Issuance Services.* The State agency is responsible for determining the locations and hours of operation of the issuance services made available in the State. These determinations shall be based on assessments of the issuance service needs of the low-income population in the State and on the minimum requirements set forth below. The State agency may choose among a wide variety of issuance methods to fulfill the issuance service needs of the low-income people in the State. The methods include, but are not limited to, the use of contract issuance agents such as banks, post offices, credit unions, etc.; government issuance offices; itinerant issuance offices; mobile issuance units; and mail issuance. *Note:* mail issuance may be used to comply with any or all of the requirements specified below.

(i) The minimum issuance service requirements set forth below shall be applied to the direct service area of each State agency Regional and District office, exclusive of rural areas.

(ii) In accordance with § 273.2(g)(2), issuance services, including mail issuance, shall be planned and implemented so that all eligible applicant households are given an opportunity to obtain coupons within 30 days of filing their applications.

(iii) Issuance services shall be planned and implemented so that any applicant who receives expedited service and who receives an ATP card in accordance with the provisions of § 273.2(i) is given an opportunity to obtain coupons within one calendar day, excluding weekends and holidays, of receiving it.

(iv) Issuance services, with the exception of the mail issuance of coupons, shall be made available within each service area as provided for in this paragraph. Mail issuance services shall be provided so that, at a minimum, the delivery standards in subparagraph (ii) and (iii) above and in Parts 273 and 274 are met. The needs of two groups of participants are served through the hours of issuance services set by this provision: those who are newly certified and those on a regular issuance cycle.

(A) In each service area six hours of issuance service each calendar week shall be available to all participants.

(B) In each service area at least six hours of issuance services shall be made available each month to all participants on regular issuance cycles. These issuance services shall be made available within seven calendar days following receipt of ATP cards. Any hours of issuance services that are provided to comply with this requirement may be counted toward compliance with the requirement in subparagraph (A) above.

(C) In service areas which assign participants to particular issuance sites, each site shall offer the six hours of service required in subparagraphs (A) and (B) above, or arrangements shall be made to allow participants to obtain their coupons at another, unassigned site so that the combined number of hours at the sites equal six.

(D) When the hours of operation of issuance sites required in paragraphs (A), (B) and (C) above overlap at sites within the service area, the overlapping hours shall only count once toward meeting the minimum requirements of these sections. For example, three sites in a service area are all open each Tuesday from 2 to 4 p.m. This service area would have two hours counted toward the six hours.

(v) The issuance service requirements in paragraph (iv)(B) above (for households on regular issuance cycles) shall be located at sites that are within 30 miles of the residence of all or all but a small number of participants in each service area. The issuance services required in paragraph (iv)(A) above are not subject to the 30 mile requirement.

(A) Service areas which have over-the-counter issuance and locate issuance services so that there are small numbers of participants that are not located within 30 miles of the services for the required number of hours shall give such households the option of either traveling more than 30 miles to receive their coupon or having them provided by mail. The State agency shall publicize the availability of these procedures in those areas of the service area where applicant and participant households are eligible for them. In addition, people who apply for food stamps and who are eligible for this option shall be informed of the availability of the option. This requirement does not apply to participants residing in areas excepted under paragraph (B) below.

(B) FNS may approve exceptions to the distance requirement specified in this paragraph if the State agency demonstrates that participants normally travel more than 30 miles to a location in order to conduct personal business and use their coupons. Such exceptions are subject to the same conditions specified in paragraph (1)(iii)(B) above.

(vi) The State agency shall mail coupon allotments to all households living in rural areas. FNS may, however, grant a deviation from this requirement for specific areas. Any requests for deviations which are submitted by the State agency shall describe the alternative issuance procedures that would be used and justification for their use.

(vii) Those households comprised of elderly or disabled members which have difficulty reaching an issuance office to obtain their regular monthly allotments shall be given assistance in obtaining their coupons. The State agency shall assist these households by arranging for the mail issuance of coupons to them, by assisting them in finding authorized representatives who can act on their behalf, or by using other appropriate means.

(3) *Maintenance of Effort.* Except as provided for in subparagraph (ii) below, the State agency shall not reduce the number of certification sites and hours or issuance hours in each service area or the number of fee agents below the number available at the time these regulations are published in final form.

(i) The initial service plans prepared for each service area shall include data showing the total numbers of certification sites and hours, issuance hours and fee agents that were available in each area at the time these regulations are published in final form. The number of hours shall be a total of all the hours available at all sites, even if the hours overlap.

(ii) The State agency shall request and obtain FNS approval before reducing the number of sites, hours or fee agents below those available at the time these regulations are published in final form. Approval of such exceptions may be granted only if the State agency can demonstrate that the caseload in a particular area has changed in size or location, thus warranting a change in services or if the State agency can demonstrate that the change in level of service will result in an improvement in service delivery. The State agency may shift services from one location to another or change the hours of service available at particular locations without having an exception approved by FNS, provided that the changes do not result in a reduction in the total number of sites and hours below the totals in effect at the time these regulations are published in final form.

(4) *Exceptions.* No exceptions to the service requirements except those specifically provided for in the above paragraphs shall be granted. Requests for exceptions shall be considered according to the following procedures.

(i) The State-level office shall grant or deny only those exceptions specified as being subject to State agency approval. Granted exceptions shall be described in the service plans for the areas to which they apply, and shall be accompanied by documented justification. In considering an allowable exception, a State agency shall first determine whether the exception complies with the requirements in these rules. Secondly, the State agency shall determine whether the service that would exist if the exception was granted would be adequate to meet the service needs of the people in the affected area. Exceptions shall be granted only if both of these determinations are positive.

(ii) FNS shall grant or deny only those exceptions specified as being subject to FNS approval. The State agency shall forward requests for exceptions to FNS for consideration along with any documentation needed to justify the exceptions. FNS shall consider the request against the same criteria the State agency must use as provided in paragraph (i) above. FNS shall grant or deny requests for exceptions within 30 days of receipt of the request and all necessary documentation. Those exceptions not acted upon within 30 days shall be considered to be approved.

(5) *Establishing Services.* The State agency shall establish certification and issuance services in accordance with the following provisions.

(i) The State agency shall assess the certification and issuance needs of the low-income population in the service area of each State agency office and in rural areas served by fee agents. At a minimum, these needs assessments shall include examinations of factors such as the number and geographic location of participants and potentially eligible populations in each area; the transportation costs people would incur to reach certification and issuance services; the availability of public transportation; and cyclical changes in participation due to the existence of seasonal employment in the area. The needs assessments shall also include the solicitation of public comment on the certification and issuance services in each area. The State agency shall announce at the beginning of each comment period that comments are being sought and will be accepted. In addition, the State agency shall solicit comments through public meetings; written comments; consultation with professional, client and advocacy groups; consultation with groups participating in each area's outreach efforts; or, through other means that would enable the public to have an adequate opportunity to comment before final decisions are made regarding the services that will be offered in each locality. Whatever method is used, the State agency shall allow a minimum of 30 days for the submission or collection of comments.

(ii) The State agency shall assess the current hours and locations of Regional and District offices and fee agents to determine if they are adequately meeting the needs of Alaska's low-income population.

(iii) The State agency shall establish additional offices and/or fee agent services in other areas identified through certification and issuance needs assessments.

(6) *Service Plans.*

(i) The State agency shall prepare a service plan for each service area based on the results of the needs assessment and on the certification and issuance service requirements contained in paragraphs (1), (2) and (3) above. These service plans shall contain descriptions of the certification and issuance services that will be offered in each service area. They shall also contain clear descriptions of the factors affecting certification and issuance that were examined during the needs assessments, the conclusion drawn from the examination of these factors and summaries of the comments that were received from the public.

(ii) The State agency shall schedule the service plans as follows:

(A) The initial service plan for each area shall be completed within 120 days of the publication of this rulemaking. For a service plan to be considered complete, the State level office shall have reviewed it for regulatory compliance; approved or denied all requests for exceptions that the State agency is authorized to act upon; and, have submitted to the appropriate FNS Regional Office all requests for exceptions that FNS is authorized to act upon. All service areas except those described in paragraph (8) below shall have the services described in their local service plans in operation within sixty days of the completion date for the service plan as established above.

(B) The State agency shall complete the second "set" of service plans either by July 1, 1983 or July 1, 1984, whichever year results in the synchronization of the service planning cycle with the State's legislative cycle.

(C) The State agency shall complete the third "set" of service plans by July 1st of the fourth year following the second "set". Subsequent service plans shall be completed by July 1st of every fourth year.

(7) *State Agency Approval.* State-level offices shall approve local-level service plans after reviewing them for compliance with these rules. State-level offices are responsible for approving and denying all requests for exceptions that they are authorized to act upon. They are also responsible for forwarding to FNS those requests for exceptions, along with necessary justification, that FNS is authorized to act upon and all corrective action plans that are required by these regulations. State-level offices shall retain the results of needs assessments, service plans, justification for exceptions, public comment summaries and corrective action plans for review purposes.

(8) *Corrective Action.*—(i) If a service area is out of compliance with the requirements of this section, the State agency shall prepare and implement corrective action. The corrective action that is to be undertaken shall be included in the corrective action plan required by Part 275 of these regulations.

(ii) The State agency shall prepare and submit corrective action plans in accordance with the following timetable. The corrective action plans shall be prepared for those service areas that will not be in compliance with the minimum service standards prescribed in this subsection on the effective date of the service plans established in subparagraph (6)(ii) above.

(A) For service areas which have requests for exceptions denied by FNS, the corrective action plans shall be submitted within 30 days of the State agency's receipt of FNS's denial of the request for exception.

(B) For other service areas, the corrective action plans shall be submitted within 120 days of the publication of the regulations.

(iii) Corrective action plans that are prepared and submitted in accordance with the provisions of subparagraph (ii) above shall contain the information required in Part 275 and indicate when corrective action will be completed. The completion date for corrective action shall be within six months of the effective date of the local service plan. FNS may grant an extension only if the State agency demonstrates that compliance with one or more standards cannot be lawfully achieved until action is taken by an adjourned State legislature; a change is made in union contract; or a change is made in the county's physical building, and that the legislative action or changes cannot be accomplished within the above mentioned six month period. FNS may grant such an extension only if the State agency demonstrates, in each individual case, that there are no other means of achieving compliance other than that proposed in the corrective action plan.

(9) *Monitoring.* Compliance with the requirements of this subsection shall be monitored through the Performance

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Reporting System in accordance with the provisions of § 275.8(h).

* * * * *

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

§ 273.7 [Amended]

3. In § 273.7, work registration requirements, the last sentence of (b)(6) is deleted.

4. In § 273.10, paragraph (g)(4)(iv)(C) is revised to read as follows:

§ 273.10 Determining household eligibility and benefit levels.

* * * * *

(g) Certification notices to households

(4)

(iv)

"(C) Any household residing in a rural area of Alaska, as specified in § 272.8(b), and which depends to a substantial extent upon hunting and fishing for subsistence shall receive an ID card marked with the letters "HF".

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2027))

Note.—This proposal has been reviewed under USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified as significant. An impact statement has been prepared and is available from Claire Lipsman, Director, Program Development Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

[Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps]

Dated: March 21, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-9361 Filed 3-27-80; 8:45 am]

BILLING CODE 3410-30-M

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federal register

Friday
March 28, 1980

Part VII

Department of Housing and Urban Development

Office of Interstate Land Sales Registration

Land Registration, Purchaser's Revocation Rights, Sales Practices and Standards, and Formal Procedures and Rules of Practice; Proposed Rule

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[24 CFR Parts 1710, 1715, 1720, 1730]

[Docket No. R-80-778]

Land Registration, Purchaser's Revocation Rights, Sales Practices and Standards, and Formal Procedures and Rules of Practice

AGENCY: Office of Interstate Land Sales Registration, HUD.

ACTION: Proposed rule.

SUMMARY: These regulations are proposed to implement amendments to the Interstate Land Sales Full Disclosure Act recently passed by Congress and signed into law by the President on December 21, 1979. (Pub. L. 96-153). These proposed rules reflect the agency's interpretation of Congressional intent in the amendments concerning exemptions from registration requirements, consumer remedies, the relationships between states and the Federal Government in land sales as well as some anti-fraud provisions.

DATES: Comments due: April 28, 1980.

It is proposed that the Regulations become effective on June 21, 1980, except that amendments to §§ 1710.52-59 are proposed to become effective January 1, 1981.

Hearings: April 18, 1980; 10:00 a.m.—Washington, D.C. April 22, 1980; 10:00 a.m.—Dallas, Texas. April 24, 1980; 10:00 a.m.—San Francisco, California.

Requests to make oral comment must notify the Rules Docket Clerk by April 10, 1980.

ADDRESSES: Send comments to: Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh St. SW., Washington, D.C. 20410.

Hearings will be held at the following locations:

Washington, D.C.: Room 2135, HUD Building, 451 7th Street SW., Washington, D.C. 20410
Dallas, Texas: Federal Building, 1100 Commerce Street, Dallas, Texas 75242
San Francisco, California: Grosvenor Airport Inn, 380 South Airport Blvd., South San Francisco, California 94080.

FOR FURTHER INFORMATION CONTACT: John F. Weaver, Director, Policy Development and Control Division, (202) 755-6314 (This is not a toll free number), Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban Development, Office of Interstate Land Sales Registration, is proposing amendments or revisions with respect to Parts 1710, 1715, 1720 of OILSR regulations in order to implement recent legislative changes to the Interstate Land Sales Full Disclosure Act. A new part 1730 is proposed entitled Application of Regulations to Existing and Future Filings.

The Congress, after numerous hearings, testimony by interested parties and a report issued by HUD, decided to make significant statutory changes affecting exemptions from the Act's registration requirements, the anti-fraud provisions, consumer remedies, and relationships between states and the Federal government in land sales. These proposed rule changes, then, indicate the agency's preliminary interpretations of those Congressional changes.

Definitions

Specifically, it is proposed to amend § 1710.1 (Definitions) to add several new concepts included in the revised act including "good faith estimate" and to conform the definition of subdivision to the amended statute by deleting the reference to fifty lots.

Exemptions

The presentation of available exemptions is proposed to be revised by a general renumbering to distinguish those methods of operation that are exempt from the jurisdiction of the Act altogether (§ 1710.5) and those which are exempt only from the registration and disclosure provisions (§§ 1710.6 thru 1710.16).

In addition, the exemption category index now found at § 1710.9 is proposed to be deleted. Some members of the public have become confused believing that the index itself fully describes each exemption provision listed.

Specific changes in exemptions include the following: (1) A provision is proposed to exclude from the Act subdivisions containing fewer than 25 lots. The present regulations do not subject subdivisions of fewer than 50 lots to the anti-fraud provisions; (2) the "scattered site" exemption passed by Congress and proposed at § 1710.8 eliminates the need for the scattered site exemption presently issued under the Secretary's rulemaking authority now found at § 1710.13(b)(7); (3) the "20-acre lot" subdivision exemption passed by Congress and proposed as § 1710.9 replaces the former 5 acre statutory exemption now found at § 1710.10(b) and the current exemption for sales of lots not pursuant to a common promotional plan to offer 50 or more lots now at § 1710.10(a) is deleted in favor of a proposal to exempt the sale of lots in a subdivision containing fewer than 100 lots not otherwise exempt by statute. While the present exemption relieves a developer from compliance with the entire title, the proposed 100 lot exemption only exempts from registration provisions of the Act; (4) the "Single Family Residence" exemption now found at § 1710.12 is slightly revised due to Congressional changes and is now proposed as § 1710.10. The expanded availability of the Single Family exemption is believed to eliminate the need for an exemption for incidental lot sales in a home building subdivision. Therefore, the regulatory exemption now found at § 1710.13(c)(3) is proposed to be deleted; (5) the newly created exemption for the simultaneous sale of a mobile home and a lot is found at § 1710.11. There presently exists no parallel exemption in the regulations; (6) rulemaking for the "intrastate" exemption, which is already in effect is proposed at § 1710.12. This exemption applies to the sale of lots to residents of the situs state when the real estate is free and clear of liens and each purchaser makes an on-the-lot inspection. The proposal outlines the nature and style of the statement that must be provided to purchasers and describes other qualifying criteria. Further amplification may be provided in guidelines which will also be published for comment; (7) the Standard Metropolitan Statistical Area Exemption results from the recent Congressional action and is proposed as § 1710.13. This exemption applies to the sale of lots to persons who reside in the same Standard Metropolitan Statistical Area as the subdivision if certain other conditions are met. The statement that must be given to buyers is somewhat different than the statement for the "intrastate" exemption because of differing statutory language. Taken together, the "intrastate" and the "SMSA" exemption are anticipated to have the effect of relieving smaller offerings of a more local nature of the responsibility to file registration materials with HUD. Therefore, the agency proposes to delete the present "local offering" exemption now found at § 1710.14; (8) an exemption is proposed at § 1710.15 under the rulemaking authority of the Secretary for those subdivisions which previously qualified under the "on site, no liens" exemption now found at § 1710.11, provided that those subdivisions have fewer than 100 lots left to sell and meet other requirements imposed by the Congress

for "intrastate" and "SMSA" exemptions. This proposed exemption, together with the deletion of the current exemption (§ 1710.11) implements a specific statutory provision as well as clear instructions of the conference committee. The provision is proposed to be simplified, compared to the present § 1710.11 exemption, however, in that the present year-end reporting requirements will be eliminated. The new proposal has an additional feature of "grandfathering" certain exemptions obtained under the provisions of § 1710.14 of both current and previous regulations; (9) a "12 lot" exemption passed by Congress is proposed as § 1710.7 and replaces the current 12 lot regulatory provision found at § 1710.13(b)(6); (10) a discretionary exemption under the small amount or limited offering provision of the Act is proposed at § 1710.16. This exemption implements the direction of the conference committee to exempt those subdivisions which substantially, but do not entirely, meet statutory criteria for exemption. Each exemption application will be decided on its own merits but consumer safeguards must first be present before approval will be granted. For example, purchasers must receive an unconditional cooling off period and contracts must specify the party responsible for providing and maintaining facilities and amenities. Further, the Secretary retains the authority to require any other protection for purchasers deemed necessary as a condition of exemption approval; (11) current exemptions found at § 1710.10(a), § 1710.10(b) and § 1710.10(d) are proposed to be deleted in accordance with the statutory changes. The Section on advisory opinion is renumbered § 1710.17.

These changes are important not only to developers who plan to make future offerings but also may affect those who now claim exempt status. To summarize, former statutory provisions covering (a) court ordered sales, (b) 5-acre lot subdivisions, and (c) on-site—no liens sales exemptions are no longer available after the earlier of the effective date of final rules or June 21, 1980. Likewise, some developers relying on regulatory exemptions for (a) scattered sites § 1710.13(c)(7), (b) fewer than 12 sales per calendar year § 1710.13(c)(6), (c) incidental lot sales in a homebuilding subdivision § 1710.13(c)(3), either will have to register or qualify under another exemption provision. Developers who have properly filed a Notice claiming exemption under the local offering provisions of § 1710.14 may continue to rely upon that provision provided they continue to meet all qualifying criteria and the provisions set forth in § 1710.15 (c) and (d). Developers who received an exemption order from the Secretary under the Limited offering provision of § 1710.14 of prior regulations also may continue to rely upon that provision provided they continue to meet all qualifying criteria and the provisions set forth in § 1710.15 (c) and (d).

Registration

The proposed changes to the registration provisions of the regulations are not nearly as extensive as the revisions to the exemptions. Nonetheless, several important changes in the contracts, promissory notes, and Property Report cover pages are included to insure proper disclosure of newly created or revised purchaser rights.

Amendments are proposed to §§ 1710.102, 1710.114 and 1710.219 to require provisions in the contract of sale to cover representations that the developer will furnish or complete roads or facilities for water, sewer, gas, electricity or recreational amenities.

Section 1710.105 is proposed to be modified to disclose a seven day cooling-off period available to purchasers in lieu of the present three day right. Section 1710.109(e)(3) is proposed to be modified to require developers to disclose a two-year purchaser right of revocation unless the contract contains specific provisions designed to protect purchasers, who default after paying 15% of the purchase price, from losing their investment beyond the actual damages suffered by the seller.

Section 1710.209(f) is proposed to be revised to incorporate similar features in the documentation submitted as part of the registration, including the requirement to make a developer contractually obligated for certain representations included in the Property Report.

Section 1710.219 is proposed to be revised to reflect the statutory change in potential criminal penalties included in the warning which accompanies the senior executive officer or authorized agents affirmation. The potential fine for willful violation of the title is increased to $10,000.

Section 1710.400 is proposed to be deleted and the substance redesignated as a new Part 1730. This section explains that, while the timetable for updating under the recent regulatory changes that became effective June 11, 1979 is not proposed for revision, developers who affirm that they have fewer than 100 lots remaining for sale on the date they are due to update are not required to update their registration to the new format. Under the June 11, 1979 rules, only developers with fewer than 50 lots were not required to update. Further, while all registrants are required to comply with new purchaser voidance and revocation rights and certain contractual provisions on the earlier of the effective date of final regulations or June 21, 1980 (see §§ 1710.102, 1710.105, 1710.109(e)(3), 1710.114, 1710.209(f), 1710.219, 1715.15(b)(3)) such revisions are not proposed to be considered amendments triggering updating requirements under the June 11, 1979 regulations. To reduce expenses to developers, it is proposed to permit developers to use current supplies of Property Report cover pages, contracts, etc., and overprint or paste over language providing the newly revised voidance and revocation language and contractual provisions. Once a developer does amend, either because of experiencing a material change or because the scheduled date for updating occurs, revised contracts, cover pages, etc., must be submitted as part of the updating process.

A new Subpart C beginning with § 1710.500 is proposed to be added to provide criteria for reviewing and certifying states with disclosure and substantive regulation. The proposed procedure for states to make application for certified status is found at § 1710.502 and includes an agreement requiring states to accept the disclosure document of other certified states for use in their jurisdiction. Since certified states and the public have an interest in agreements reached between HUD and applicant states on the certification process, it is proposed to publish a notice in the **Federal Register** each time a state requests certification status. Section 1710.503 Notice of Certification, is proposed to describe the process used to notify a state of the acceptance or rejection of its request for certified status. Section 1710.504 is proposed to govern a state's decision to voluntarily withdraw from certified status and § 1710.505 provides guidance with respect to filings with a state prior to achieving certified status vis-a-vis Federal registration requirements. Sections 1710.506, 1710.507, 1720.236 and 1720.237 are proposed to describe the effect on registrants due to withdrawal or suspension of a state's certified status and the procedures for providing notice to a state of intended suspension and applicable hearing rights.

Sections 1710.552, 1710.556, 1710.558 and 1710.559 are proposed to clarify the status of filings accepted before these

proposals take effect. While filings accepted in accordance with previous HUD-state agreements remain in effect, developers are still obligated to make timely amendments and to insure that purchasers receive newly enacted voidance and revocation and contractual rights described earlier.

Sections 1710.52 thru 1710.59 of the present regulations are proposed to be deleted in favor of the state certification procedures redesignated in § 1710.500 et. seq. However, to permit a reasonable opportunity for a presently certified state to apply and become certified under the new Congressional scheme, the deletion of §§ 1710.52 thru 1710.59 is proposed for a delayed effective date of January 1, 1981. New registrations submitted through California, therefore, can continue to be accepted as meeting the Federal requirements through December 31, 1980.

Purchaser Revocation Rights, Sales Practices and Standards

Part 1715 Subpart A is proposed to be redesignated to describe revocation rights available to purchasers because of a developer's failure to provide purchasers a Property Report prior to the signing of a contract or because the contract used in the transaction fails to include certain statutory provisions. The present Subpart A, Advertising, is proposed to be redesignated as Subpart B, Sales Practices and Standards. Subpart B as proposed incorporates both the unlawful Sales Practices included in the now effective Subpart B and the specific standards for advertising copy now found in Subpart A. Further, the specific scope of the standards are proposed to be expanded beyond advertising to cover any representations of a promotional nature. This expansion should assist in defining prohibited sales practices regardless of whether or not they are written or made orally.

Subpart C is proposed to be retitled as advertising Disclaimers to separate the required language to be used on advertising copy from prohibited practices and includes the same text now found at § 1715.10 of Subpart A. The material in the present Subpart C entitled Posting of Notice of Suspension is proposed to be removed in its entirety. The agency has never required a notice to be posted in the six years that the regulation has been in effect and therefore judges it to be unnecessary.

Interested parties are invited to participate in this proposed rulemaking by submitting written data, views, or arguments to the Rules Docket Clerk, 451 7th Street, SW., Washington, D.C. 20410. Each person submitting comment should include their name and address, identify the rule by giving the Docket Number and title listed above, and give reasons for any recommendations. Comments received on or before April 28, 1980, will be considered before final action is taken on these proposals. Copies of all written comments received will be available for examination by interested persons in Room 5218 of the above address. These proposals may be changed in light of the comments received.

Three public hearings are planned during the second week of April to provide an opportunity for interested persons to comment orally. The following are the dates, times and place for the public hearings:

Washington, D.C.; April 18, 1980, 10:00 a.m. local time, Room 2135, HUD Building, 451 7th Street SW., Washington, D.C. 20410.
Dallas, Texas; April 22, 1980, 10:00 a.m. local time, Federal Building, 1100 Commerce Street, Dallas, Texas 75242.
San Francisco, California; April 24, 1980, 10:00 a.m. local time, Grosvenor Airport Inn, 380 South Airport Blvd., South San Francisco, California 94080.

Persons wishing to make oral comment must limit their testimony to fifteen minutes and must indicate their intentions to speak by providing written notice to the Rules Docket Clerk by April 10, 1980.

A Draft Supplemental Environmental Impact Statement has been prepared in connection with these amended regulations and is available for public inspection at the Office of HUD Rules Docket Clerk, Room 5218, 451 Seventh Street, SW., Washington, D.C. 20410.

It has been determined that a Regulatory Analysis is not required for these amendments.

This rule is listed as item number NVACP 7-79 in the Department's semi annual agenda of significant rules published pursuant to Executive Order 12044.

Parts 1710, 1715 and 1720 are amended accordingly and 1730 is added, as follows:

1. The Table of contents for Part 1710 is revised to read as follows:

PART 1710—LAND REGISTRATION

Subpart A—General Requirements

Sec.
1710.1 Definitions.
1710.2 Official address.
1710.3 General applicability.
1710.4 Exemptions—general.
1710.5 Statutory exemptions.
1710.6 One hundred lot exemption.
1710.7 Twelve lot exemption.
1710.8 Scattered site subdivisions.
1710.9 Twenty acre lots.
1710.10 Single family residence exemption.
1710.11 Mobile home exemption.
1710.12 Intra-State exemption.
1710.13 Standard metropolitan statistical area exemption.
1710.14 Regulatory exemptions.
1710.15 Regulatory exemptions—previously available.
1710.16 Regulatory exemptions—determination required.
1710.17 Advisory opinion.
1710.18 No-Action letter—Secretary's determination required.
1710.19 [Reserved]
1710.20 Requirement for registering a Subdivision. Statement of record—filing and form.
1710.21 Effective dates.
1710.22 Statement of record—initial or consolidated.
1710.23 Amendment—filing and form.
1710.24–1710.28 [Reserved]
1710.29 Use of property report—misstatements, omissions or representation of HUD approval prohibited.
1710.30–1710.34 [Reserved]
1710.35 Payment of fees.
1710.36–1710.39 [Reserved]
1710.40–1710.44 [Reserved]
1710.45 Suspensions.
1710.46–1710.99 [Reserved]

Subpart B—Reporting Requirements

1710.100 Statement of Record—format.
1710.101 [Reserved]
1710.102 General instructions for completing the statement of Record.
1710.103–1710.104 [Reserved]
1710.105 Cover sheet.
1710.106 Table of contents.
1710.107 Risks of buying land, warnings.
1710.108 General information.
1710.109 Title and land use.
1710.110 Roads.
1710.111 Utilities.
1710.112 Financial information.
1710.113 Local Services.
1710.114 Recreational facilities.
1710.115 Subdivision characteristics and climate.
1710.116 Additional information, listing of lots.
1710.117 Cost sheet and signature page.
1710.118 Receipt, Agent Certification and Cancellation Page.
1710.119–1710.199 [Reserved]
1710.200 Instructions for additional information and documentation.
1710.201–1710.207 [Reserved]
1710.208 General information.
1710.209 Title and land use.
1710.210 Roads.
1710.211 Utilities.
1710.212 Financial information.
1710.213 [Reserved]
1710.214 Recreational facilities.
1710.215 Subdivision characteristics and climate.
1710.216 Additional information.
1710.217–218 [Reserved]
1710.219 Affirmation.
1710.220–299 [Reserved]
1710.300–309 [Reserved]
1710.310 Required notice as to activity.
1710.311–399 [Reserved]
1710.400–499 [Reserved]

Subpart C—Certification of Substantially Equivalent State Law

1710.500 General.
1710.501 Certification criteria.
1710.502 Application for certification of State Land Sales Program.
1710.503 Notice of certification.
1710.504 Withdrawal of State certification.
1710.505 State/Federal filing requirements.
1710.506 Effect of suspension or withdrawal of certification granted under § 1710.501(a), full disclosure requirement.
1710.507 Effect of suspension of certification granted under § 1710.501(b), sufficient protection requirement.
1710.508–1710.551 [Reserved]
1710.552 Previously accepted State filings.
1710.5553–1710.555 [Reserved]
1710.5556 Previously accepted State filings—amendments and consolidations.
1710.557 [Reserved]
1710.558 Previously accepted State filings—notice of revocation rights on property report cover page.
1710.559 Previously accepted State filings—notice of revocation rights in contracts and agreements.
1710.560–1710.999 [Reserved]

Authority: Sec. 1419, Interstate Land Sales Full Disclosure Act, 82 Stat. 590, 598; 15 U.S.C. 1718; Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

2. Sections 1710.1, 1710.2, 1710.5, 1710.8 through 1710.14, 1710.16, and 1710.18 are revised and §§ 1710.3, 1710.4, 1710.6, 1710.7, 1710.15 and 1710.17 are added to read as follows:

Subpart A—General Requirements

§ 1710.1 Definitions

As used in this chapter:

"Act" means the Interstate Land Sales Full Disclosure Act, as amended, 82 Stat. 590, 15 U.S.C. 1701, which became effective in its original form on April 28, 1979.

"Advisory Opinion" means the formal written opinion of the Secretary as to jurisdiction in a particular case or the applicability of an exemption under §§ 1710.5 through 1710.15 based on facts submitted to the Secretary.

"Agent" means any person who represents, or acts for or on behalf of, a developer in selling or leasing, or offering to sell or lease, any lot or lots in a subdivision; but shall not include an attorney at law whose representation of another person consists solely of rendering legal services.

"Available for use" means that in addition to being constructed, the subject facility is fully operative and suplied with any materials and staff necessary for its intended purpose.

"Blanket encumbrance" means a trust deed, mortgage, judgment, or any other lien or encumbrance, including an option or contract to sell, or a trust agreement, affecting a subdivision, except that such term shall not include any lien or other encumbrance arising as the result of the imposition of any tax assessments by any public authority.

"Common promotional plan" means a plan, undertaken by a single developer or a group of developers acting in concert, to offer lots for sale or lease; where land is offered for sale by a developer or group of developers acting in concert, and the land is contiguous or is known, designated, or advertised as a common unit or by a common name, the land is presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional plan.

"Date of filing" means the date a Statement of Record, amendment or consolidation, accompanied by the applicable fee, is received by the Secretary.

"Developer" means any person who, directly or indirectly, sells or leases, or offers to sell or lease, or advertises for sale or lease any lots.

"Good faith estimate" means an estimate based on documentary evidence. In the case of cost estimates, the documentation may be obtained from the suppliers of the services. In the case of estimates of completion dates, the documentation may be actual contracts let, engineering schedules or other evidence of commitments to complete the amenities.

"Interstate Commerce" means trade or commerce among the several States or between any foreign country and any State.

"Lot" means any portion, piece, division, unit, or undivided interest in land located in any State or foreign country if the interest includes the right to the exclusive use of a specific portion of the land.

"Offer" means any inducement, solicitation, or attempt to encourage a person to acquire a lot.

"OILSR" means the Office of Interstate Land Sales Registration.

"Owner" means the person or entity who holds the fee title to the land and has the power to convey that title to others.

"Parent Corporation" means that entity which ultimately controls the subsidiary even though the control may arise through any series or chain of other subsidiaries or entities.

"Person" means an individual, or an unincorporated organization, partnership, association, corporation, trust, or estate.

"Principal" means any person or entity holding a 10%, or more, financial or ownership interest in the developer or owner, directly or through any series or chain of subsidiaries or other entities.

"Purchaser" means an actual or prospective purchaser or lessee of a lot.

"Rules and Regulations" refer to all rules and regulations adopted pursuant to the Act, including the general requirements published in this part.

"Sale" means any obligation or arrangement for consideration to purchase or lease a lot directly or indirectly. The terms "sale" or "seller" include in their meanings the term "lease" and "lessor."

"Secretary" means the Secretary of Housing and Urban Development or a duly authorized representative.

"Senior executive officer" means the individual of highest rank responsible for the day to day operations of the developer and who has the authority to bind or commit the developing entity to contractual obligations.

"State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico and the territories and possessions of the United States.

"Start of construction" means breaking ground for building a facility followed by diligent action to complete the facility.

"Subdivision" means any land which is located in any State or in a foreign country and is divided or proposed to be divided into lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan.

§ 1710.2 Official address.

The official address of the Secretary for delivery of all mail, telegrams, information, filings, registration, and other material required by or relating to the Act or this chapter is:

Department of Housing and Urban Development, Office of Interstate Land Sales Registration, 451 Seventh Street, SW., Washington, D.C. 20410.

§ 1710.3 General applicability.

Except in the case of an exempt transaction, a developer may not sell or lease lots in a subdivision, making use of any means or instruments of transportation or communication in interstate commerce, or of the mails, unless a Statement of Record is in effect in accordance with the provisions of this part; and the developer furnishes each purchaser with a printed Property Report, meeting the requirements of the provisions of this part, in advance of the signing of any contract or agreement for sale or lease by the purchaser.

§ 1710.4 Exemptions—general.

(a) The exemptions available under §§ 1710.5 through 1710.16 are not

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applicable when the method of sale, lease or other disposition of land or an interest in land is adopted for the purpose of evasion of the Act.

(b) With the exception of the sales or leases which are exempt under § 1710.5, the anti-fraud provisions of the Act (15 U.S.C. 1703(a)(2)) apply to exempt transactions. The anti-fraud provisions make it unlawful for a developer or agent to employ any device, scheme, or artifice to defraud; to obtain money or property by means of any untrue statement of a material fact, or any omission to state a material fact necessary in order to make the statements made not misleading, with respect to any information pertinent to the lot or subdivision; or to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon a purchaser.

(c) In addition, the anti-fraud provisions make it unlawful for a developer or agent to represent that roads, sewers, water, gas or electric service or recreational amenities will be provided or completed by the developer without stipulating in the contract that the services or amenities will be provided or completed.

(d) Eligibility for the exemptions is self-determining. With the exception of the exemptions available under §§ 1710.15 and 1710.16 a developer is not required to file notice with or obtain the approval of the Secretary in order to take advantage of an exemption. The Exemption Guidelines provide additional clarification with regard to the exemptions to help developers determine the status of their offerings. If a developer elects to take advantage of an exemption, the developer is responsible for maintaining records to demonstrate that the requirements of the exemption have been met.

§ 1710.5 Statutory exemptions from the provisions of this chapter.

The requirements of the Act do not apply to—

(a) The sale or lease of lots in a subdivision containing fewer than 25 lots;

(b) The sale or lease of any improved land on which there is a residential, commercial, condominium, or industrial building, or the sale or lease of land under a contract obligating the seller or lessor to erect such a building thereon within a period of two years;

(c) The sale of evidence of indebtedness secured by a mortgage or a deed of trust on real estate;

(d) The sale of securities issued by a real estate investment trust;

(e) The sale or lease of real estate by any government or government agency;

(f) The sale or lease of cemetery lots;

(g) The sale or lease of lots to any person who acquires such lots for the purpose of engaging in the business of constructing residential, commercial, or industrial buildings or for the purpose of resale or lease of the lots to persons engaged in such business; or

(h) The sale or lease of real estate which is zoned by the appropriate governmental authority for industrial or commercial development or which is restricted to such use by a declaration of covenants, conditions, and restrictions which has been recorded in the official records of the city or county in which the real estate is located, when—

(1) Local authorities have approved access from the real estate to a public street or highway;

(2) The purchaser or lessee of the real estate is a duly organized corporation, partnership, trust, or business entity engaged in commercial or industrial business;

(3) The purchaser or lessee of the real estate is represented in the transaction of sale or lease by a representative of its own selection;

(4) The purchaser or lessee of such real estate affirms in writing to the seller or lessor that it either (i) is purchasing or leasing the real estate substantially for its own use, or (ii) has a binding commitment to sell, lease, or sublease the real estate to an entity which meets the requirements of subparagraph (2), is engaged in commercial or industrial business, and is not affiliated with the seller, lessor, or agent thereof; and

(5) A policy of title insurance or title opinion is issued in connection with the transaction showing that title to the real estate purchased or leased is vested in the seller or lessor, subject only to exceptions which are approved in writing by the purchaser or the lessee prior to recordation of the instrument of conveyance or execution of the lease, but (i) this is not to be construed as requiring the recordation of a lease, and (ii) any purchaser or lessee may waive, in writing in a separate document, the requirement of this subparagraph that a policy of title insurance or title opinion be issued in connection with the transaction.

§ 1710.6 One hundred lot exemption.

The sale of lots in a subdivision containing fewer than one hundred lots which are not exempt under § 1710.5 is exempt from the registration requirements of the Act.

§ 1710.7 Twelve lot exemption.

(a) The sale of lots is exempt from the registration requirements of the Act if no more than twelve lots in the subdivision are sold in the twelve-month period beginning with the first sale after June 21, 1980. In any subsequent twelve month period (beginning with the anniversary date of the first sale after June 21, 1980), the sale of the first twelve lots is exempt from the registration requirements if no more than twelve lots were sold in any previous twelve month period since June 21, 1980.

(b) A developer may apply to the Secretary to establish a different twelve month period for use in determining eligibility for the exemption and the Secretary may allow the change if it is for good cause and consistent with the purpose of this section.

(c) In determining eligibility for this exemption, all lots sold or leased in the subdivision are counted, whether or not the transactions are otherwise exempt.

§ 1710.8 Scattered site subdivisions.

(a) The sale of lots in a subdivision consisting of noncontiguous parts is exempt from the registration requirements of the Act if—

(1) Each noncontiguous part of the subdivision contains twenty or fewer lots; and

(2) Each purchaser or purchaser's spouse makes a personal, on-the-lot inspection of the lot purchased prior to signing a contract.

(b) For purposes of this exemption, interruptions such as roads, parks, small bodies of water or recreational facilities do not serve to break the contiguity of parts of a subdivision.

§ 1710.9 Twenty acre lots.

The sale of lots in a subdivision in which each of the lots is at least twenty acres is exempt from the registration requirements of the Act. In determining eligibility for the exemption, easements for ingress and egress or public utilities are considered part of the total acreage of a lot if the purchaser retains ownership of the property affected by the easement.

§ 1710.10 Single family residence exemption.

(a) *General.* The sale of a lot which meets the requirements specified under paragraph (b) of this section is exempt from the registration requirements of the Act.

(b) *Eligibility requirements.* To qualify for exemption under this section, the following requirements must be met:

(1) The lot must be located within a municipality or county where a unit of local government specifies minimum

standards for the development of subdivision lots taking place within its boundaries. Standards imposed by the State and applicable to the subdivision will be considered also in determining eligibility for the exemption. The standards are the prerogative of the unit of local government; however, for purposes of this exemption, the standards must take into account the following:

(i) Lot dimensions.
(ii) Plat approval and recordation.
(iii) Roads and access.
(iv) Drainage.
(v) Flooding.
(vi) Water supply.
(vii) Sewage disposal.

(2) The subdivision must meet all local codes and standards.

(3) Each lot sold under the exemption must be either zoned for single-family residences or, in the absence of a zoning ordinance, limited exclusively by enforceable covenants or restrictions to single-family residences. Mobile homes, townhouses, and residences for one-to-four family use are considered single-family residences for purposes of this exemption provision.

(4) The lot must be situated on a paved street or highway which has been built to standards applicable to streets and highways maintained by the unit of local government in which the subdivision is located and is acceptable to the unit. If the street or highway is not complete, the developer must post a bond or other surety acceptable to the municipality or county in the full amount of the cost of completng the street or highway to assure completion to local standards. For purposes of this exemption, paved means asphalt or concrete.

(5) The unit of local government or a homeowners association must have accepted or be obligated to accept the responsibility for maintaining the street or highway upon which the lot is situated. In any case in which a homeowners association has accepted or is obligated to accept maintenance responsibility, the developer must, prior to signing of a contract or agreement to purchase, provide the purchaser with a good faith written estimate of the cost of carrying out the responsibility over the first ten years of ownership.

(6) At the time of closing, potable water, sanitary sewage disposal, and electricity must be extended to the lot or the unit of local government must be obligated to install the facilities within 180 days following closing. For subdivisions which will not have a central water or sewage disposal system, there must be contractual assurances from the developer to the purchaser that an adequate potable water supply is available year-round and that the lot is approved for the installation of a septic tank.

(7) The contract of sale must require delivery of a warranty deed, free from monetary liens and encumbrances, to the purchaser within 180 days after the signing of the sales contract. If a warranty deed is not commonly used in the jurisdiction where the lot is located, a deed or grant which warrants that the seller has not conveyed the lot to another person and that the lot is free from encumbrances made by the seller or any other person claiming by, through, or under the seller may be delivered in lieu of a warranty deed.

(8) At the time of closing, a title insurance binder or title opinion reflecting the condition of title must be in existence and issued or presented to the purchaser showing that, subject only to exceptions which are approved in writing by the purchaser at the time of closing, marketable title to the lot is vested in the seller.

(9) The purchaser or purchaser's spouse must make a personal, on-the-lot inspection of the lot purchased prior to signing a contract or agreement to purchase.

(10) There must be no offers, by direct mail or telephone solicitation, of gifts, trips, dinners, or other similar promotional techniques to induce prospective purchasers to visit the subdivision or to purchase a lot.

§ 1710.11 Mobile home exemption.

The sale of a lot and mobile home is exempt when the lot is sold as a homesite by one party and a mobile home is sold by another party, and—

(a) The contracts of sale—

(1) Obligate the sellers to perform, contingent upon the other seller carrying out its obligations so that a completed mobile home will be erected on a completed homesite within two years after the date the purchaser signed the contract to purchase the lot;

(2) Provide that all funds received by the sellers are to be deposited in escrow accounts independent of the sellers until the contracts are completed;

(3) Provide that funds received by the sellers will be released to the buyer upon demand if the lot on which the mobile home has been erected is not conveyed within two years; and

(4) Contain no provisions which restrict the purchaser's remedy of specific performance.

(b) At the time of sale of the homesite conforms to all local codes and standards, if any, for mobile home subdivisions;

(c) At the time of closing—

(1) Potable water and sanitary sewage disposal are available to the homestite and electricity has been extended to the lot line;

(2) The homesite is accessible by roads;

(3) The purchaser receives marketable title to the lot; and

(4) All common facilities are completed or there are letters of credit or cash escrows in the form acceptable to the local government in an amount equal to 125 percent of the estimated cost of completion.

(d) For purposes of this section, a mobile home is a unit receiving a label in conformance with HUD Regulations implementing the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5401).

§ 1710.12 Intrastate exemption.

(a) *General.* The sale of a lot which meets the requirements specified under paragraph (b) of this section is exempt from the registration requirements of the Act.

(b) *Elibility requirements.* To qualify for exemption under this section, the following requirements must be met:

(1) The sale of lots must be restricted solely to residents of the State in which the subdivision is located unless the sale is exempt under §§ 1710.5, 1710.11 or 1710.13.

(2) The purchaser or purchaser's spouse must make a personal on-the-lot inspection of the lot to be purchased before signing a contract.

(3) Each contract must—

(i) Specify whether the developer or purchaser is responsible for providing and maintaining roads, water and sewer facilities and any existing or promised amenities;

(ii) Contain a good faith estimate of the year in which the roads, water and sewer facilities and promised amenities will be completed; and

(iii) Contain a non-waivable provision giving the purchaser the opportunity to revoke the contract until at least midnight of the seventh calendar day following the date the purchaser signed the contract. If State law requires a longer cooling-off period, the contract must reflect the requirements of State law.

(4) From the date the purchaser signs a contract until a deed is delivered, the lot being sold must be free and clear of all liens, encumbrances and adverse claims except the following:

(i) Mortgages or deeds of trust which contain release provisions for the individual lot purchased if—

(A) The contract of sale obligates the developer to deliver a warranty deed or its equivalent under local law free from

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any monetary liens or encumbrances, within 180 days; and

(B) The purchaser's payments are deposited in an escrow account independent of the developer until a deed is delivered.

(ii) Liens which are subordinate to the leasehold interest and do not affect the lessee's right to use or enjoy the lot.

(iii) Property reservations which are for the purpose of bringing public service to the land being developed, such as easements for water and sewer lines.

(iv) Taxes or assessments which constitute liens before they are due and payable if imposed by a State or other public body having authority to assess and tax property or by a property owners' association.

(v) Beneficial property restrictions which are mutually enforceable by the lot owners in the subdivision.

(vi) Reservations contained in United States land patents and similar Federal grants or reservations.

(5) Prior to the sale the developer must disclose in a written statement to the purchaser all qualifying liens, reservations, taxes, assessments and restrictions applicable to the lot purchased. The developer must obtain a written receipt from the purchaser acknowledging that the statement required by this subparagraph was delivered to the purchaser.

(6) Prior to the sale the developer must provide in a written statement good faith estimates of the cost to the purchaser of providing electric, water, sewer, gas and telephone service to the lot. The estimates for unsold lots must be updated every two years or more frequently if the developer has reason to believe that significant cost increases have occurred. The dates on which the estimates were made must be included in the statement. The developer must obtain a written receipt from the purchaser acknowledging that the statement required by this subparagraph was delivered to the purchaser.

(c) *Intrastate Exemption Statement.* The Intrastate Exemption Statement that follows is an example of a form that can be used to satisfy the requirements of both paragraphs (b)(5) and (b)(6) of this section. To be acceptable for purposes of the exemption, the statement(s) given to purchasers will contain neither advertising or promotion on behalf of the developer and subdivision nor references to the U.S. Department of Housing and Urban Development.

Intrastate Exemption Statement

Name of Developer:
Address:
Name of Subdivision:
Location:

Liens

(Instructions for completing information about liens: As used in this statement, liens are security interests such as mortgages or deeds of trust, tax liens, mechanics liens or judgments. Liens which are acceptable for purposes of the exemption are those which contain release provisions for the individual lot purchased if the contract of sale obligates the developer to deliver a deed within 180 days and the purchaser's payments are held in an escrow account independent of the developer until a deed is delivered; and, in the case of leases, liens which are subordinate to the leasehold interest and do not affect the lessee's right to enjoy or use the lot.

The developer should provide a clear and concise listing of all liens on the property. A chart similar to the one shown below may be used.)

Type of lien	Amount of lien	Lots subject to lien

Reservations

(Instructions for completing information about reservations: The developer should disclose all easements and reservations affecting the lots which are offered for sale. The Exemption Guidelines contain examples of qualifying easements and reservations.)

Taxes:

(Instructions for completing information about taxes: The developer should provide sufficient information to enable a purchaser to estimate the annual taxes due on the lot purchased.)

Assessments

(Instructions for completing information about assessments: The developer should disclose all assessments, fees and dues which have been imposed or may be imposed. The liens of assessments, fees and dues, should show the rates and amounts, and explain who has the authority for imposing the listed assessments, fees and dues.)

Restrictions

(Instructions for completing information about restrictions: The developer may attach to this Intrastate Exemption Statement a copy of all the restrictions or recite verbatim under this heading all restrictions that apply to the subdivision.

If the restrictions do not apply to all the lots in the offering, the developer should specify which lots are affected by the restrictions.

In addition, the developer should explain who has the authority to enforce the restrictions and indicate whether or not the restrictions are recorded.)

Utility Cost Estimates

(Instructions for Completing Information About Utility Cost Estimates: The developer should disclose a good faith estimate of the cost to the purchaser of providing water, electric, telephone, sewage disposal and gas service to each lot offered under the exemption. The estimate should include all costs associated with obtaining the services. For example, if private wells are the water source, the estimate should include the cost of the well, pump, casing, etc. Estimates for unsold lots should be updated every two years or more frequently if the developer has reason to believe that significant cost increases have occurred. The date on which each estimate was made should be disclosed. A chart similar to the one below may be used to supply this information.)

Lot No.	Water	Electric	Telephone	Sewage Dis.	Gas

(Under each heading list the cost to the purchaser and the date the estimate was made.)

I affirm that to the best of my knowledge the above information is accurate and complete.

Signature of Developer or Authorized Agent

Title

(d) *Purchaser's Acknowledgement.* The developer must obtain a written receipt from the purchaser acknowledging that the purchaser received a written statement(s) of all liens, reservations, taxes, assessments and restrictions applicable to the lot and good faith estimates of the cost of providing electric, water, sewer, gas and telephone service to the lot. The receipt may be in the following form:

Receipt

I acknowledge that I have received an Interstate Exemption Statement listing all liens, reservations, taxes, assessments restrictions and estimates of utility costs applicable to (identify the subdivision and its location) from (name of developer). I have made a personal on-the-lot inspection of (identify the lot) which is the lot I am interested in buying or leasing.

Signature of Purchaser

Date

§ 1710.13 Standard metropolitan statistical area (SMSA) exemption.

(a) *General.* A subdivision which meets the requirements specified under paragraph (b) of this section is exempt from the registration requirements of the Act.

(b) *Eligibility requirements.* To qualify for exemption under this section, the following requirements must be met: (1) The subdivision must contain fewer than 300 lots.

(2) The subdivision must be located entirely within a Standard Metropolitan Statistical Area (SMSA) as defined by the U.S. Department of Commerce and characterized in paragraph (c) of this section.

(3) The principal residence of each purchaser must be within the same SMSA as the subdivision.

(4) The purchaser or purchaser's spouse must make a personal on-the-lot inspection of the lot to be purchased prior to signing a contract or agreement.

(5) Each contract must—

(i) Specify whether the developer or purchaser is responsible for providing and maintaining roads, water and sewer facilities and any existing or promised amenities;

(ii) Contain a good faith estimate of the year in which the roads, water and sewer facilities and promised amenities will be completed;

(iii) Contain a nonwaivable provision giving the purchaser the opportunity to revoke the contract until at least midnight of the seventh calendar day following the date the purchaser signed the contract. If the purchaser is entitled to a longer cooling-off period by operation of State law, the contract must reflect the requirements of the applicable law. "Applicable law" means the law effective in the State where the subdivision is located; the State in which the purchaser resides; or the State where the transaction takes place, whichever period is longer.

(6) From the time the purchaser signs the contract or agreement and until a deed is delivered to the purchaser or the lease expires, the lots must be free and clear of liens such as mortgages, deeds of trust, tax liens, mechanics liens or judgements. For purpose of this exemption, the term "liens" does not include the following:

(i) Mortgages or deeds of trust which contain release provisions for the individual lot purchased if—

(A) The contract of the sale obligates the developer to deliver a warranty deed or its equivalent under local law, free from any monetary liens or encumbrances, within 180 days; and

(B) The purchaser's payments are deposited in an escrow account independent of the developer until a deed is delivered.

(ii) Liens which are subordinate to the leasehold interest and do not affect the lessee's right to use or enjoy the lot.

(iii) Property reservations which are for the purpose of bringing public services to the land being developed, such as easements for water and sewer lines.

(iv) Taxes or assessments which constitute liens before they are due and payable if imposed by a State or other public body having authority to assess and tax property or by a property owners' association.

(v) Beneficial property restrictions which are mutually enforceable by the lot owners in the subdivision.

(vi) Reservations contained in United States land patents and similar Federal grants or reservations.

(7) Prior to the sale the developer must give a written statement to the purchaser and obtain a written receipt from the purchaser acknowledging that the statement was received. In descriptive and concise terms, the statement that the developer must give the purchaser must disclose the following:

(i) All liens, reservations, taxes, assessments, beneficial property restrictions which are enforceable by other lot owners in the subdivision, and adverse claims which are applicable to the lot to be purchased.

(ii) Good faith estimates of the cost to the purchaser of providing electric, water, sewer, gas and telephone service to the lot. The estimates for unsold lots must be updated every two years or more frequently if the developer has reason to believe that significant cost increases have occurred. The dates on which the estimates were made must be included in the statement.

(8) The developer must execute and give to the purchaser a written instrument designating a person within the State of residence of the purchaser as the developer's agent for service of process and acknowledging that the developer submits to the legal jurisdiction of the State in which the purchaser or lessee resides.

(9) The developer must execute a written affirmation in a form set forth in paragraph (e) of this section. By January 31 of each year, the developer must submit to the Secretary a copy of the executed affirmation for each sale made under the exemption during the preceding calendar year. The affirmation must be available for the Secretary's review at all times during the year.

(c) *Standard Metropolitan Statistical Area.* Standard Metropolitan Statistical Area are defined by the U.S. Department of Commerce generally on the basis of population statistics reported in a census. Standard Metropolitan Statistical Area (SMSA) is a county or group of counties socially and economically integrated in a central city of at least 50,000 persons. It is usually named for its central city. To determine whether a subdivision is located within an SMSA and the boundaries of an SMSA, contact the Office of Federal Statistical Policy and Standards, U.S. Department of Commerce, Washington, D.C. 20230.

(d) *SMSA Exemption Statement.* The SMSA Exemption Statement that follows is an example of a form that can be used to satisfy the requirements of paragraph (b)(7) of this section. To be acceptable for purposes of the exemption, the statement given to purchasers will contain neither advertising or promotion on behalf of the developer or subdivision nor references to the U.S. Department of Housing and Urban Development.

SMSA Exemption Statement

Name of Developer:
Address:
Name of Subdivision:
Location:
SMSA:

Liens

(Instructions for Completing Information About Liens: As used in this statement, liens are security interests such as mortgages or deeds of trust, tax liens, mechanic liens or judgments. Liens which are acceptable for purposes of the exemption are those which contain release provisions for the individual lot purchased if the contract of sale obligates the developer to deliver a deed within 180 days and the purchaser's payments are held in an escrow account independent of the developer until a deed is delivered; and, in the case of leases, liens which are subordinate to the leasehold interest and do not affect the lessee's right to enjoy or use the lot.

The developer should provide a clear and concise listing of all liens on the property. A chart similar to the one shown below may be used.)

Type of lien	Amount of lien	Lots subject to lien

Reservations:

(Instructions for Completing Information About Reservations: The developer should disclose all easements and reservations affecting the lots which are offered for sale.)

Taxes

(Instructions for Completing Information About Taxes: The developer should provide sufficient information to enable a purchaser to estimate the annual taxes due on the lot purchased.)

Assessments

(Instructions for Completing Information About Assessments: The developer should provide a complete description of all assessments, fees and dues which have been imposed or may be imposed. The list of assessments, fees and dues should show the rates and amounts and explain who has the authority for imposing the listed assessments, fees and dues.)

Restrictions

(Instructions for Completing Information About Restrictions: The developer may attach to this SMSA Exemption Statement a copy of all the beneficial property restrictions or recite verbatim under this heading all the beneficial property restrictions that apply to the lots being offered.

If the restrictions do not apply to all the lots in the offering, the developer should

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specify which lots are affected by the restrictions.

In addition, the developer should explain who has the authority to enforce the restrictions and indicate whether or not the restrictions are recorded.)

Adverse Claims

(Instructions for Completing Information About Adverse Claims: The developer should disclose any known adverse claims against the property. The party making the claim, the basis of the claim and the property affected by the claim should be identified.)

Utility Cost Estimates

(Instructions for Completing Information About Utility Cost Estimates: The developer should disclose a good faith estimate of the cost to the purchaser of providing water, electric, telephone, sewage disposal and gas service to each lot offered under the exemption. The estimate should include all costs associated with obtaining the services. For example, if private wells are the water source, the estimate should include the cost of the well, pump, casing, etc. Estimates for unsold lots should be updated every two years or more frequently if the developer has reason to believe that significant cost increases have occurred. The date on which each estimate was made should be disclosed.

A chart similar to the one shown below may be used to supply this information.)

Lot No.	Water	Electric	Telephone	Sewage	Gas

(Under each heading list the cost to the purchaser & the date the estimate was made.

I affirm that to the best of my knowledge the information contained in this SMSA Exemption Statement is accurate and complete.

Date

Signature of Developer or Authorized Agent

Title

(e) *Purchaser's Acknowledgement.* The developmer must obtain a written receipt from the purchaser acknowledging that the purchaser received a written statement(s) of all liens, reservations, taxes, assessments, beneficial property restrictions and adverse claims and good faith estimates of the cost of providing electric, water, sewer, gas and telephone service to the lot. The receipt may be in the following form:

Receipt

I hereby acknowledge that I have received an SMSA Exemption Statement listing all liens, reservations, taxes, assessments, beneficial property restrictions, adverse claims and estimates of utility costs applicable to (identify the subdivision and its location) from (name of developer). I have made a personal on-the-lot inspection of (identify the lot) which is the lot I am interested in buying or leasing.

Date

(Signature)

(f) *Developer's Affirmation.* For each sale made, the developer must execute a written affirmation in the exact form that follows. By January 31 of each year, the developer must submit a copy of the executed affirmation for each sale made under the exemption during the preceding calendar year. The affirmation must be available for the Secretary's review at all other times during the year. The affirmation must contain the following information:

Developer's Name:
Developer's Address:
Purchaser's Name(s):
Purchaser's Address(es) (including county):
Name of Subdivision:
Legal Description of Lot(s) Purchased:

I hereby affirm that all of the requirements of the SMSA exemption as set forth in 15 U.S.C. 1702(b)(8) and 24 CFR 1710.13 have been met in the sale or lease of the lot(s) described above.

I also affirm that I submit to the jurisdiction of the Interstate Land Sales Full Disclosure Act with regard to the sale or lease cited above.

Signature of Developer or Authorized Agent

Title

§ 1710.14 Regulatory exemptions.

(a) The following transactions are exempt from the registration requirements of the Act unless the Secretary has terminated the exemption in accordance with paragraph (b) of this section.

(1) The sale of lots, each of which will be sold for less than $100, including closing costs, if the purchaser will not be required to purchase more than one lot.

(2) The lease of lots for a term not to exceed five years if the terms of the lease do not obligate the lessee to renew.

(3) The sale of lots to a person who is engaged in a bona fide land sales business.

(4) The sale of a lot to a person who owns the contiguous lot which has a residential, commercial or industrial building on it.

(5) The sale of real estate to a government or government agency.

(6) The sale of a lot to a person who has leased and resided primarily on the lot for at least the year preceding the sale.

(b) If the Secretary has reasonable grounds to believe that exemption from the registration requirements in a particular case is not in the public interest, the Secretary may, after issuing a notice and giving the respondent an opportunity to request a hearing within fifteen days of receipt of the notice, terminate eligibility for exemption. The basis for issuing a notice may be the conduct of the developer or agent or information about the real estate that should be disclosed to purchasers. Proceedings will be governed by § 1720.238.

§ 1710.15 Regulatory exemption—for previously available exemptions.

(a) *General.* This section provides exemptions from the registration requirements of the Act for the sale of certain lots which were exempt under regulatory exemptions that are being deleted from general availability as of June 21, 1980. The continued exemption of these lots is warranted because of the small amount or limited character of the sales program.

(b) The sale of lots for which there was, as of June 20, 1980, an effective exemption and a Statement of Reservations, Restrictions, Taxes and Assessments approved in accordance with 24 CFR 1710.11 (as published in the **Federal Register** on April 10, 1979) is exempt from the registration requirements of the Act if the following requirements and conditions are met:

(1) There are fewer than 100 lots remaining to be sold under the exemption as of the effective date of these regulations.

(2) The property continues to meet the eligibility requirements under which the exemption was granted and upon which the approval of the Statement of Reservations, Restrictions, Taxes and Assessments was predicated.

(3) The developer files notice of intention to continue to rely on the exemption in the following format prior to August 1, 1980:

Exemption Notice

Name of Subdivision:
OILSR No.:
Developer:
Address:
Authorized Agent or President of Developer:
Address:
Number of Lots Orginally Exempted:
Number of Lots Previously Sold Under Exemption:
Lots which qualify for this exemption:
(Identify by lot, block, etc.)

I affirm that I am the developer or owner of the lots described above and that I intend to rely on the provisions of 24 CFR 1710.15(a) to exempt sales in the above identified lots from the registration requirements of the Interstate Land Sales Full Disclosure Act.

I further affirm that the property and sales transactions meet and will continue to meet the requirements under which the original exemption was granted and the Statement of Reservations, Restrictions, Taxes and Assessments was approved.

Date

Signature of Developer or Authorized Agent

Title

(c) The sale of lots for which there was as of June 20, 1980, an effective exemption and Exemption Order approved in accordance with 24 CFR 1710.14 (as published in the Federal Register either on January 27, 1972 or April 10, 1979) is exempt from the registration requirements of the Act if the following condition is met:

(1) The property continues to meet the eligibility requirements under which the exemption was granted and upon which the approval of the Exemption Order was predicated.

(d) In addition to the requirements set forth in paragraphs (b) or (c) of this section, to qualify for an exemption pursuant to this section, the contract for the sale of the lot must:

(1) Specify whether the developer or purchaser is responsible for providing and maintaining roads, water and sewer facilities and any existing or promised amenities;

(2) Contain a good faith estimate of the year in which the roads, water and sewer facilities and promised amenities will be completed; and

(3) Contain a nonwaivable provision giving the purchaser the opportunity to revoke the contract at least until midnight of the seventh calendar day following the date the purchaser signed the contract. If the purchaser is entitled to a longer cooling-off period by operation of State law, the contract must reflect the requirements of the applicable State law. "Applicable law" means the law effective in the State where the subdivision is located; the State in which the purchaser resides; or the State where the transaction takes place; whichever period is greater.

§ 1710.16 Regulatory exemption: Determination required.

(a) *General.* The Secretary may exempt from the registration requirements of the Act any subdivision or lots in a subdivision by issuing an order in writing if it is determined that registration is not necessary in the public interest and for the protection of purchasers on the basis of the small amount or limited character of the offering and the requirements contained in paragraph (b) of this section.

(b) *Requirements.* An exemption order may be issued at the discretion of the Secretary on the basis of the small amount or limited character of the offering if the following requirements are met:

(1) The subdivision or sales substantially meet the requirements of one of the exemptions available under this chapter.

(2) Each contract—

(i) Specifies who is responsible for providing and maintaining roads, water and sewer facilities and any existing or promised amenities;

(ii) Contains a good faith estimate of the year in which the roads, water and sewer facilities and promised amenities will be completed;

(iii) Contains a nonwaivable provision giving the purchaser the opportunity to revoke the contract until at least midnight of the seventh calendar day following the date the purchaser signed the contract. If by operation of State law the purchaser is entitled to a longer cooling-off period, the contract must reflect the requirements of applicable State law. "Applicable law" means the law effective in the State where the subdivision is located; the State in which the purchaser resides; or the State where the transaction takes place, whichever period is longer.

(iv) Contains a provision which obligates the developer to deliver a warranty deed, or its equivalent under local law, free from any monetary liens or encumbrances, to the purchaser within 120 days of the date the purchaser signed the sales contract.

(3) The purchaser or purchaser's spouse makes a personal on-the-lot inspection of the lot to be purchased before signing a contract.

(4) The developer files a request for an exemption order and supporting documentation in accordance with paragraphs (c) and (d) of this section.

(5) The offering meets any additional requirements which the Secretary may impose.

(c) *Request.* The request for an Exemption Order must be in the following format:

Request for Exemption Order

Subdivision:
Location (including County):
Developer:
Address:
Authorized agent or president of developer:
Address:
Number of lots subject to exemption request:
Description of lots (list lot and block number or other identifying designation):

I affirm that I am the developer or owner of the property described above or will be the developer or owner at the time the lots are offered for sale to the public, or that I am the agent authorized by the developer or owner to complete this statement.

I further affirm that the statements contained in all documents submitted with the request for an exemption order are true and complete.

Date

Signature of Developer, Owner or Authorized Agent

Title

Warning: Section 1418 of the Housing and Urban Development Act of 1968 (83 Stat. 598, 15 U.S.C. 1717 as amended) provides: "any person who willfully violates any of the provisions of this title or the rules and regulations prescribed pursuant thereto***, shall upon conviction be fined not more than $10,000.00 or imprisoned not more than five years, or both."

(d) *Supporting Documentation.* A request for an exemption order must be accompanied by the following documentation:

(1) A plat of the entire subdivision with the lots subject to the exemption request delineated thereon.

(2) A copy of the contract to be used.

(3) A clear and specific statement detailing how the proposed sales of lots subject to the exemption request substantially complies with one of the available exemption provisions.

(4) A description of the method by which the lots have been—will be promoted and to which population centers the promotion has been and will be directed.

(e) *Termination.* If, subsequent to the issuance of an exemption order, the Secretary has reasonable grounds to believe that exemption from the registration requirements in the particular case is not in the public interest, the Secretary may, after issuing a notice and giving the respondent an opportunity to request a hearing within fifteen days of receipt of the notice, terminate the exemption order. The basis for issuing a notice may be apparent omissions or misrepresentations in the documents submitted to the Secretary, the conduct of the developer or agent or information about the real estate that should be disclosed to purchasers. Proceedings will be governed by § 1720.238.

§ 1710.17 Advisory opinion.

(a) *General.* A developer may request an opinion from the Secretary as to whether an offering qualifies for an exemption or is subject to the jurisdiction of the Act.

(b) *Requirements.* All requests for Advisory Opinions must be accompanied by the following:

(1) A $250 filing fee in the form of a certified check, cashier's check or postal money order made payable to the

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Treasurer of the United States. This fee is not refundable.

(2) A comprehensive description of the conditions and operations of the offering. There is no prescribed format for submitting this information, but the developer should at least cite the basis for the exemption (the section of the Act or Regulations) or lack of jurisdiction and thoroughly explain how the offering either satisfies the requirements for exemption of falls outside the purview of the Act. The OILSR Exemption Guidelines list examples of material which may be required to fully evaluate an Advisory Opinion request.

(3) An affirmation as shown below:

Developer's Affirmation

Name of subdivision:
Location (including county and State):
Name of developer:
Address of developer:
Name of agent:
Address of agent:
Number of lots in subdivision:
Number of acres in subdivision:

I affirm that I am the developer or owner of the property described above or will be the developer or owner at the time the lots are offered for sale to the public, or that I am the agent authorized by the developer or owner to complete this statement.

I further affirm that the statements contained in all documents submitted with the request for an Advisory Opinion are true and complete.

Signature

Title

Warning: Section 1418 of the Housing and Urban Development Act of 1968 (83 Stat. 598, 15 U.S.C. 1717 as amended) provides: "Any person who willfully violates any of the provisions of this title or the rules and regulations prescribed pursuant thereto * * *, shall upon conviction be fined not more than $10,000.00 or imprisoned not more than five years, or both."

§ 1710.18 No Action Letter.

(a) If the sale of lots is subject to the registration requirements of the Act but the circumstances of the sale are such that no affirmative action to enforce the registration requirements will be needed to protect the public interest or prospective purchasers, the Secretary may issue a No Action Letter.

(b) To obtain a No Action Letter a developer must submit a request which includes a thorough description of the proposed transaction, the property involved and the circumstances surrounding the sale.

(c) The issuance of a No Action Letter will not affect any right which a purchaser has under the Act and it will not limit further action by the Secretary if there is evidence to show that affirmative action is necessary to protect the public interest or prospective purchasers. In no event will a no action letter be issued after a sale has occurred.

§§ 1710.52–1710.59 [Reserved]

3. Sections 24 CFR 1710.52–1710.59 are deleted and reserved.

§ 1710.102 [Amended]

4. Section 1710.102 is amended by adding a new paragraph (n) as follows:

* * * * *

(n) *Representations Concerning Facilities.* (1) If representations are made that the developer, or an entity having an identity of interest with the developer, will furnish or complete roads or facilities for water, sewer, gas, electricity or recreational amenities, the contract of sale shall contain a provision that the developer will provide or complete the roads, facilities or amenities.

(2) If the developer, or an entity having an identity of interest with the developer, is not responsibile for furnishing or completing the roads, facilities or amenities, the responsible entity shall be clearly identified. Unless there is a contractual or financial assurance by the responsible entity for the benefit of purchasers which assures that the facility will be furnished or completed, include a statement to the effect that the developer is not responsible for furnishing or completing the facility and can give no assurance that it will be completed or available for use.

5. Section 1710.105 is revised to read as follows:

§ 1710.105 Cover page.

The cover page of the Property Report shall be prepared in accordance with the following directions:

(a) The margins shall be at least 1 inch.

(b) The next 3 inches shall contain a warning, centered, in ⅛ inch capital letters in red type with ¼ inch space between the lines which reads as follows:

"READ THIS PROPERTY REPORT BEFORE SIGNING ANYTHING"

(c) The remainder of the page shall contain the following paragraphs, double spaced and beginning ¼ inch below the last line of the warning:

"This Report is prepared and issued by the developer of this subdivision. *It is NOT prepared or issued by the Federal Government.*

Federal law requires that you receive this Report prior to your signing a contract or agreement to buy or lease a lot in this subdivision. However, NO FEDERAL AGENCY HAS JUDGED THE MERITS OR VALUE, IF ANY, OR THIS PROPERTY. If you received this Report prior to signing a contract or agreement, you may cancel your contract or agreement by giving notice to the seller anytime before midnight of the seventh day following the signing of the contract or agreement.

If you did not receive this Report before you signed a contract or agreement, you may cancel the contract or agreement any time within two years from the date of signing.

Note: If the applicable State law provides a longer recission period, use that time frame instead of the seven day period. "Applicable law" means the recission period effective in the State where the subdivision is located; the State in which the purchaser resides; or the State where the transaction takes place, whichever period is longer.

(d) At the time of submission, the developer may indicate its intention to comply with the red printing by a drawing or by a statement to that effect.

(e) The "Date of This Report" shall be the date on which the Secretary allows the Statement of Record to become effective and shall not be entered until the submission has become effective.

§ 1710.109 [Amended]

6. 24 CFR 1710.109(e)(3) is revised to read as follows:

* * * * *

(e) * * *

(3) *Default.* (i) What are the developer's or subdivision owners' remedies against a defaulted purchaser?

(ii) If the purchaser does not receive a warranty deed, or where such deed is not commonly used, a similar deed legally acceptable in the jurisdiction where the lot is located, within 180 days after the day on which the contract or agreement is signed, and the contract or agreement does not contain:

(A) A legally sufficient and recordable lot description, and

(B) A provision that the seller will give the purchaser written notification of purchaser's default or breach of contract and the opportunity to remedy the default or breach within 20 days of the notice; and

(C) A provision whereby a purchaser may recover a refund if the purchaser's default or breach of contract occurs after 15 percent of the purchase price has been paid, excluding any interest owed at the time of the default or breach, include the following warning under the caption, "Default":

"Federal law gives you the right to revoke your contract or agreement within two years from the date it is signed because it does not contain a description of your lot and certain provisions regarding default notification and possible refund of part of the amount you paid prior to your default or breach."

§ 1710.114 [Amended]

7. Section 1710.114(c)(1) is amended to read as follows:

* * * * *

(c) * * *

(1) Constructing the Facilities. If the facilities are not complete, indicate who is responsible for the construction of the facilities. Indicate whether the purchaser will be required to pay any of the cost of construction of these facilities (estimate and disclose such cost, if any).

* * * * *

§ 1710.209 [Amended]

8. 24 CFR 1710.209(f)(3) is revised to read as follows:

* * * * *

(f) * * *

(3)(i) Submit copies of all forms of contracts or agreements and notes to be used in selling or leasing lots. The contracts or agreements, including promissory notes, must contain the following language in boldface type (which must be distinguished from the type used for the rest of the contract) on the face or signature page above all signatures:

"You have the option to cancel your contract or agreement by notice to the seller until midnight of the seventh day following the signing of this contract or agreement.

"If you did not receive a Property Report prepared pursuant to the rules and regulations of the Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development, in advance of your signing the contract or agreement, this contract or agreement may be cancelled at your option for two years from the date of signing."

Note: If the applicable State law provides a longer recission period, use that time frame in the contract instead of the seven day period. "Applicable law" means the recession period effective in the State where the subdivision is located; the State in which the purchaser resides; or the State where the transaction takes place, whichever period is longer.

(ii) The revocation and voidability provisions may not be limited or qualified in the contract or other document by requiring a specific type of notice or by requiring that notice be given at a specified place.

(iii) If it is represented that the developer, or an entity having an identity of interest with the developer, will provide or complete roads or facilities for water, sewer, gas, electric service or recreational amenities, the contract shall contain a provision that the developer will provide or complete the roads, facilities and amenities.

9. 24 CFR 1710.219 is revised to read as follows:

§ 1710.219 Affirmation.

The following affirmation shall be executed by the senior executive officer or a duly authorized agent:

I hereby affirm that I am the Senior Executive Officer of the developer of the lots herein described or will be the Senior Executive Officer of the developer at the the time lots are offered for sale or lease to the public, or that I am the agent authorized by the Senior Executive Officer of such developer to complete this statement (if agent, submit written authorization to act as agent); and,

That the statements contained in this Statement of Record and any supplement hereto, together with any documents submitted herein, are full, true, complete, and correct; and,

That the developer is bound to carry out the promises and obligations set forth in this Statement of Record and Property Report or I have clearly stated who is or will be responsible; and

That the fees accompanying this submission are in the amount required by the rules and regulations of the Office of Interstate Land Sales Registration.

Date

Signature

Corporate seal if applicable

Title

Warning: Section 1418 of the Housing and Urban Development Act of 1968 (82 Stat. 598, 15 U.S.C. 1717) provides: "Any person who willfully violates any of the provisions of this title or of the rules and regulations or any person who willfully, in a Statement of Record filed under, or in a Property Report issued pursuant to this title, makes any untrue statement of a material fact * * *, shall upon conviction be fined not more than $10,000.00 or imprisoned not more than 5 years, or both."

§ 1710.400 [Reserved]

10. Section 1710.400 is deleted and reserved.

11. Part 1710 is amended by adding a new subpart C to read as follows:

Subpart C—Certification of Substantially Equivalent State Law

§ 1710.500 General.

(a) This subpart establishes procedures and criteria for certifying State land sale or lease disclosure programs and State land development standards programs. The purpose of State Certification is to lessen the administrative burden on the individual developer, arising where there are duplicative State and Federal registration and disclosure requirements, without affecting the level of protection given to the individual purchaser or lessee. If the Secretary determines that a State has adopted and is effectively administering a program that gives purchasers and lessees the same level of protection given to them by the Federal Interstate Land Sales Registration Program, then the Secretary shall certify that State. Developers who accomplish an effective registration with a State after the Secretary has certified the State may satisfy the registration requirements of the Secretary by filing with the Secretary materials designated by agreement with certified States in lieu of the Federal Statement of Record and Property Report.

(6) After a developer is effectively registered with the Secretary through a certified State, the Secretary has the same authority over that developer as the Secretary has over developers who file directly with the Secretary. This includes the authority to subpoena information and to examine, evaluate and suspend a developer's registration under Sections 1407 (d) and (e) of the Act and §§ 1710.45 (b)(1) and (b)(2) of these regulations.

(c) The prohibitions against use of the Property Report contained in § 1710.29 applies to State disclosure materials and substantive development standards. In addition, for purposes of this paragraph, references made to the Secretary, OILSR and the Department of Housing and Urban Development in § 1710.29 will include a reference to the equivalent State officer or agency.

(d) The Purchaser Revocation Rights, Sales Practices and Standards rules contained in Part 1715 of these regulations apply to developers who register with the Secretary through certified States. All of the rules in Part 1715 apply, excepting the disclaimer statement in § 1715.50(a) which is modified to read as follows:

"Obtain the Property Report or its equivalent, required by Federal and State law and read it before signing anything. No Federal or State agency has judged the merits or value, if any, of this property."

(e) Developers are obliged to pay filing fees as set forth in § 1710.35 of these regulations.

§ 1710.501 Certification criteria.

(a) Certification of States Requiring Full Disclosure. The Secretary shall certify a State when—

(1) It is determined that the laws and regulations of the State applicable to the sale or lease of lots not otherwise exempt under section 1403 of the Act require the seller of lots to disclose information which is substantially equivalent to or greater than the information required to be disclosed in the Federal Statement of Record; and

(2) The State's administration of such laws and regulations shall provide that the information disclosed is current and accurate. The means for administering the disclosure requirements must include considerations of ample staffing, budgetary provisions for policing functions and that the requisite legal

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authority be vested in the State agency responsible for enforcing the laws and regulations of the State land program.

(b) Certification of States Providing Sufficient Protection. The Secretary shall certify a State when—

(1) It can be demonstrated that the laws and regulations of the State applicable to the sale or lease of lots not otherwise exempt under Secton 1403 provide the purchasers and lessees with protection commensurate with that which is provided by the Federal disclosure requirements. That is, a State must develop substantive measures plus disclosure which provides a level of protection that is, at a minimum, comparable to the protection provided by the Federal disclosure standard. No State shall be prevented from establishing substantive and/or disclosure requirements which exceed the federal standard provided that such requirements are not in conflict with the Act; and

(2) The administration of the laws and regulations must provide that all information disclosed is accurate and current. The means for administering the requirements of sufficient protection must include considerations of ample staffing, budgetary provisions for policing functions and that the requisite legal authority be vested in the State agency responsible for enforcing the laws and regulations of the State land program.

(c) To be certified a State need not provide protections with regard to the sale or lease of lots that would qualify for a federal exemption. The State may choose at its discretion to provide protections on the sale of lots exempt under the Act. However, for certification a State's laws should, in general, apply to the same lots as would be required to be registered under the Act.

(d) Equivalency with Federal Disclosure.

In order to be determined as substantially equivalent under paragraph (a) or (b) of this section, a State must provide protection either through disclosure, substantive development standards or some combination thereof in the topics delineated in paragraph (e) of this section. In addition, a State must satisfy requirements of paragraphs (f), (g), (h), (i) and (j) of this section.

(e) areas of Required Protection.

In order to be certified, a State must require specific protections for consumers with regard to paragraphs (e)(1)–(10) of this section listed below. Protection in these areas can be secured through disclosure, substantive development standards or some combination thereof. Establishing protection provisions in these areas is to be considered essential to the granting of certification to a State. Paragraph (e)(11)–(15) of this secton are considered to be complementary protection provisions which would give additional strength to a State's land program if combined with the required provisions for protection. If the protection which is required by the items listed below is provided through substantive standards rather than solely disclosure, it is expected that the State will buttress those substantive standards with requirements of performance that are enforceable against developers. The State will designate who shall be responsible for enforcing the commitments made by developers and the method of enforcement to be used.

(1) *Subdivision and Developer Information.* The name of the subdivision, the name and address of the developer or owner, the nature of the offering and the number of lots in the subdivision must be given to the purchaser.

(2) *Method of Sale or Lease.* Information with regard to the: Developer's method of sale, type of contract used, type and time frame for delivery of the deed, recordation of contract and deed, whether there is a security arrangement and its description, any escrow arrangement for monies received, title insurance, prepayments, defaults, developer's resale and lot exchange program, time sharing and membership sales must be given to the purchaser.

(3) *Condition of Title.* Information about all liens, encumbrances or mortgages affecting purchasers in the subdivision, the lots covered and the impact on purchasers and lessees in a subdivision should a developer default, and mortgage release provisions must be given to the purchaser.

(4) *Condition and Use of Property.* Information regarding land reservations, unusual or restrictive easements, mineral reservations, land use restrictions, special zoning permits, environmental impact studies which may have been conducted and their results, topographical characteristics, including any subsurface conditions and potentially hazardous natural conditions must be given to purchasers.

(5) *Financial and Legal Information.* Information about the net income and worth of the developer, condition of financial operations at present and in the preceding fiscal year, bankruptcy litigation or other litigation to which the developer is a party or action taken against the developer by a governmental agency which may have financial impact on the subdivision must be given to purchasers.

(6) *Roads.* Information about access and subdivision roads, type of surface (present and final), completion dates, percentage of completion, buyer's cost and assessment, who is responsible for completion and maintenance and financial assurance of completion must be given to purchasers.

(7) *Water.* Information as to how water is to be supplied, supplier, completion dates, percentage of completion, any financial assurance of completion, buyer's cost and assessment including hook-up and water hauling costs, who is responsible for completion, quality and quantity, source, capacity of the water system, any intention to transfer the water system and the cost to lot owners or property owners association and any permits or approvals required must be given to purchasers.

(8) *Sewerage Facilities.* Information as to the method used, supplier, completion dates, percentage of completion, any financial assurance of completion, buyer's cost and assessment including hook-up and sewage pumping and hauling, capacity of central system, who is responsible for completion, approvals and permits required, transfer of system to lot owners or property owners association must be given to purchasers.

(9) *Utilities (Gas, Electric, Phone).* Information as to the availability, supplier, purchaser's or lessee's cost, completion date, percentage of completion must be given to purchasers.

(10) *Recreational Facilities.* A list of the facilities and information about estimated date available for use, percentage of completion, any financial assurance or completion, buyer's or lessee's cost and assessment, who is responsible for completion, maintenance, disclosures on facilities which will be leased and/or transferred to the lot owners or property owners' association and who may use the facilities must be given to purchasers.

(11) *Lots being sold or leased.* Information about the legal descriptions of the offering by lot, block and unit number may be given to purchasers.

(12) *Location, size, surrounding communities.* Information which describes the county seat, surrounding communities of significant size and services offered, population of the area, road systems and the potential size of the subdivision may be given to purchasers.

(13) *Taxes and Assessments.* Information about payments to property owners' associations, the property owners' association's functions and responsibilities, management of the association, extent of developer control and the purpose of any special improvement district may be given to purchasers.

(14) *Community facilities.* Information about the availability of schools, medical and dental services, postal services, fire and police protection, shopping facilities and public transportation may be given to purchasers.

(15) *Platting.* Information which reports whether the subdivision's plats have been approved by regulatory authorities, whether the plats have been recorded and whether the survey and staking of each lot has been done and the cost that may be passed on to purchasers may be given to purchasers.

(f) In order to be determined substantially equivalent to the Federal disclosure requirement, the State law and regulations must require that prospective purchasers and lessees receive, prior to or at the time of the signing any contract or agreement for purchase or lease, complete and accurate information on the subdivision and the developer. In addition, State law or regulation must require developers to file amendments if any change occurs in any representation of material fact required to be stated in the disclosure materials filed with the State. The State law or regulation regarding amendments should entail requirements equivalent to those stated in § 1710.23 of these regulations.

(g) For a State to be certified, it must be demonstrated that the State has or will have adequate full-time professional and clerical staff in its regulatory agency or agencies responsible for regulating the sale or lease of lots within its jurisdiction; that there is a budget approved for that staff which will permit them to fulfill the administrative and enforcement responsibilities; and that the staff have adequate legal authority to take official action in cases falling within the purview of State law and regulation.

(h)(1) If a State certified under this section modifies or amends any law, regulation or administrative procedure with regard to subdivision development standards, it shall so notify HUD by registered or certified mail within 30 days after the modification or amendment has been enacted or promulgated. The State must submit new copies of its laws, regulations, rulings, administrative provisions and legal opinions, as amended, mandating the disclosure of information or establishment of development standards regarding land sales.

(2) Should any changes occur as set forth above and result in a measureable alteration of the protection provided to consumers by the State, the Secretary may, upon examination of those changes, re-evaluate the certification status of the State's land program.

(i) Once a State is certified and the State's disclosure document, or its equivalent has, for all purposes, become the Federal Property Report, the Secretary may require a cover page similar to the one presently used for Federal filings to be attached to the certified state filings. The form and substance of the Federal cover page is explained in § 1710.105. If a certified State filing does not have a cover page, the Secretary will require the State to include information regarding the seven day federal cooling-off period within the body of the State Property Report or its equivalent.

(j) The Secretary shall require all certified States to submit to the Secretary a copy of any notice of suspension which the State has issued to a developer at the time the notice is sent to the developer.

§ 1710.502 Application for Certification of State Land Sales Program

(a) In order to be certified, a State must submit an application to the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. The application should be titled "Application for Certification of State Land Sales Program." The application should use the section format and contain the information set out below:

Application for Certification of State Land Sales Program Submitted by: Name and address of State agency and person to contact.

Section 1. Legal Authorities. This section should contain copies of all laws and regulations (including rulings and legal opinions having the effect of law) establishing and interpreting disclosure requirements or substantive development standards with regard to land sales and leases including all administrative provisions and all provisions establishing exemptions from the rule. Only those legal authorities which deal with land sales and leases subject to the Federal disclosure requirements need be submitted.

Section 2. Sample Copies of Material to be Submitted by Developers to the State. This section should contain sample copies of all materials required to be filed with the agency responsible for regulating the sale of lots in subdivisions and sample copies of all material required to be provided to purchasers and lessees and prospective purchasers and lessees.

Section 3. Methods of Administration and Enforcement. This section should contain a detailed statement on the methods and scope of the State's administration and enforcement procedures to include.

(a) The name and address of the agency responsible for regulating the sale or lease of lots in subdivisions.

(b) The staffing capacity of the responsible State Regulatory Agency. There should be included: (1) An organizational chart which describes not only the internal structure of the regulatory agency (agencies) but also the relationship of that agency to other decision-making centers; (2) a description of the functions and duties of the full-time staff; (3) the eligibility criteria, i.e., training, education and experience, for principal members of the staff; and (4) the formula used in calculating the necessary number of staff members to fulfill administrative, investigative and enforcement responsibilities. The State should submit for the Secretary's review the actual number of complaints received, enforcement actions taken, investigations initiated and new filings received per year and the total number of active filings with the State.

(c) A description of the anticipated additional staffing needs, their duties and qualifications.

(d) The method and scope of investigation and enforcement to be used. Based on factors such as the number of complaints, of on-site inspections, cases requiring litigation and the number of attorneys needed to handle litigation, the State should demonstrate the procedures to be followed from the time a complaint is received until the completion of action on that complaint and the kinds of sanctions which may be involved.

(e) Included should be an accounting of the number of new filings received per year, the number of amendments received per year, and the total number of active filings.

Section 4. Assertion of Equivalency. This section should contain a detailed statement supporting the State's claim that its land program provides through disclosure, substantive development standards or combination thereof, purchasers and lessees with protection substantially equivalent to the protection provided for them by Federal law.

Section 5. Agreement to Accept Filings from Other Certified States. This section shall contain the following statement:

"If certified by the Secretary of Housing and Urban Development, _____ (name of the State requesting certification) agrees to accept and allow to be distributed as the sole disclosure document in _____ (name of the State requesting certification), a Property Report covering land located in another certified State but offered for sale or lease in _____ (name of the State requesting certification) when the Property Report has been approved by the other certified State."

(b) Upon receiving an application for certification, the Secretary will publish a Notice of Application in the **Federal Register.** The purpose of this public notice is to give other certified States and other intrested parties an opportunity to review and comment on

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applications and to enhance consistency among States which are certified. Person(s) interested in receiving application matrials for review and comment purposes may request them from the Secretary. Comments should be submitted within 30 days after the notice of Application has been published.

§ 1710.503 Notice of certification.

(a) If the Secretary determines that a State qualifies for certification under § 1710.501(a) or (b), the Secretary shall so notify the State in writing. The State will be effectively certified under the section and as of the date specified in the notice.

(b) If the Secretary determines that a State does not meet the standards for certification, the Secretary shall so notify the State in writing. The notice will specify particular changes in State law, regulations or administration that are needed to obtain certification. The Secretary shall not be bound in advance to certify a State that makes the suggested changes if other deficiencies become apparent at a later time.

(c) A State's certification will remain in effect until it is voluntarily suspended by the State or withdrawn by the Secretary. A State can voluntarily suspend its certification by notifying the Secretary in writing. The suspension will take effect as of the date and time specified in the notice to the Secretary, or upon receipt by the Secretary if no date is specified. The Secretary may withdraw certification as provided in § 1710.504.

§ 1710.504 Withdrawal of State certification.

(a) The Secretary shall periodically review the laws, regulations and administration thereof, of a certified State. If the Secretary finds that, taken as a whole, the laws, regulations or administration thereof, no longer meet the requirements of § 1710.501, then the Secretary may issue a notice to withdraw the certification of that State.

(b) The notice of proceedings to withdraw a State's certification will be issued to the State by the Secretary pursunt to § 1720.236. The Secretary may, after notice and after an opportunity for a hearing, pursuant to § 1720.237, issue an order withdrawing certification. In the event that a withdrawal order is issued, the order shall remain in effect until the state has amended its its laws, regulations or the administration thereof or has otherwise complied with the requirements of the order. When the State has complied with the requirements of the order, the Secretary shall so declare and the withdrawal order shall cease to be effective.

(c) Withdrawal orders issued pursuant to this subsection will be effective as of the date the order is received by the State.

(d) The rules of Subpart D of Part 1720 of Chapter IX of CFR will generally apply to hearings on withdrawal of a State's certification.

§ 1710.505 State/Federal filing requirements.

(a)(1) If the Secretary has certified a State under § 1710.501, the Secretary shall accept for filing disclosure materials or other acceptable documents which have been approved by the certified State within which the subdivision is located. Only those filings made by the developer with the State after the State was certified by the Secretary shall be automatically accepted by the Secretary.

(2) Retroactive application of the effectiveness of a State's certification to a specified date may be granted on a state-by-state basis, where the Secretary determines that retroactive application will not result in automatic federal registration of any state filing that has not met the requirements of the certified state laws.

(b) For a developer to be registered with the Secretary, the developer shall file with the Secretary a State certified copy of the Property Report or its equivalent, and any other documentation as stipulated in the Secretary's Notice of Certification to the State. Material filed with the Secretary under this section must be accompanied by a statement from the appropriate State authorities which states that:

The (indicate the State Department of Real Estate or other appropriate entity) has reviewed the attached materials and finds they are true copies of (1) the (indicate Property Report or other similar state accepted document or amendment to such document) for (indicate the name of the subdivision), made effective by the State of ——— on —— (give date); and (2) the supporting documentation upon which such (indicate the document or amendment) is based.

Signature

(c) The documents and materials filed under paragraph (b) of this section will be automatically effective as the Federal Statement of Record and Property Report after these materials and the proper filing fee have been received by the Secretary.

(d) The Secretary has authority pursuant to § 1710.45 (b)(1) and (b)(2) to suspend individual filings which fail to meet the requirements of the certified State's law or regulations or the standards in the certification agreement whether or not the State agency has initiated a similar action.

(e)(1) State accepted materials filed with the Secretary pursuant to this section must be amended to reflect any amendment to such materials made effective by the State. All amendments to such materials must be submitted to the Secretary within 15 days after becoming effective under the applicable State laws. Amendments are automatically effective upon their receipt by the Secretary and the provisions of § 1710.45(b) (1) and (2) apply to amendments filed under this section.

(2) Amendments shall include or be accompanied by:

(i) A letter from the developer giving a narrative statement fully explaining the purpose and significance of the amendment and referring to that section and page of the material which is being amended, and;

(ii) A signed State acceptance certification substantially the same as that required by paragraph (b) of this section.

(f) If a certified State suspends the registration of a particular subdivision for any reason, the subdivision's Federal registration with the Secretary shall be automatically suspended as a result of the State action. No action need be taken by the Secretary to effect the suspension.

(g) The Secretary is not required to accept filings which have been accepted by a certified State if the land which is the subject of the filing is not located within that certified State. For example, if State A is certified by the Secretary and State B is not, the Secretary is not required to accept filings from State B simply because State A accepts filings from State B.

§ 1710.506 Effect of suspension or withdrawal of certification granted under § 1710.501(a); full disclosure requirement.

(a) If a State certified under § 1710.501(a) suspends its own certification or has its certification withdrawn under § 1710.504, the Federal disclosure materials accepted and made effective by the Secretary, pursuant to § 1710.505, prior to the suspension or withdrawal shall remain in effect unless otherwise suspended by the Secretary.

(b) In the event that there is a change in a material fact with regard to a subdivision that remains registered under the provisions or paragraph (a) of this Section, the developer shall file a new registration with the Secretary meeting the requirements of the then applicable Federal registration regulations. Modifications of the Federal format may be used as specified by the Secretary.

§ 1710.507 Effect of suspension of certification granted under section 1710.501(b); sufficient protection requirement.

(a) If a State certified under § 1710.501(b) suspends its own certification or has its certification withdrawn under § 1710.504, the effectiveness of the Federal disclosure materials accepted and made effective by the Secretary, pursuant to § 1710.505, prior to the suspension or withdrawal shall terminate ninety (90) days after the effective date of the suspension or withdrawal.

(b) At the end of the ninety day period, or during the ninety day period in the event that there is a change in material fact with regard to a subdivision that remains registered under the provisions of paragraph (a) of this section, the developer shall file a new registration with the Secretary meeting the requirements of the then applicable federal registration regulations. Modifications of the federal format may be used as specified by the Secretary.

§§ 1710.508–1710–551 [Reserved]

§§ 1710.552 Previously accepted State filings.

(a) Materials filed with a State and accepted by the Secretary as a Statement of Record prior to January 1, 1981 pursuant to 24 CFR 1710.52–1710.59 (as published in the **Federal Register** on April 10, 1979) may continue in effect.

(b) If any such filing becomes inactive or suspended under the laws of the state, the registration with the Secretary shall be ineffective from that time.

(c) Such Statement of Record may be suspended pursuant to § 1710.45.

(d) The Secretary may refuse to accept any particular filing under this section when it is determined that acceptance is not in the public interest.

(e) The Secretary may require such changes, additional information, documents or certification as the Secretary determines to be reasonably necessary or appropriate in the public interest.

§ 1710.553–1710.555 [Reserved.]

§ 1710.556 Previously accepted State filings—amendments and consolidations.

(a) *Amendments.*—(1) *General Requirements.* State accepted materials, filed with the Secretary pursuant to § 1710.552 shall be amended to reflect any amendment to such materials made effective by the state or any change of a material fact regarding the subdivision. All amendments to such materials, which reflect changes in material facts regarding the subdivision, shall be submitted to the state authorities within 15 days of the date on which the developer knows, or should have known, of such change and to the Secretary within 15 days after it becomes effective under the applicable State laws. However, such amendment shall not be effective as a federal registration until the Secretary has determined that the amendment meets all applicable requirements of these regulations.

(2) Amendments shall include or be accompanied by:

(i) A letter from the developer giving a narrative statement fully explaining the purpose and significance of the amendment and referring to that section and page of the Statement of Record which is being amended, and;

(ii) All amended pages of the state accepted materials filed with the Secretary. These pages shall be retyped with their amendments. Each such page shall have its date of preparation in the lower right hand corner, and;

(iii) A signed state acceptance certification, and;

(iv) The appropriate fees as indicated in § 1710.35.

(b) *Consolidations.*—(1) *When consolidations allowed.* If lots are to be registered pursuant to § 1710.552 which are in the same common promotional plan with other lots already registered with the Secretary, then new consolidated state accepted materials including such lots may be filed with the Secretary as a Statement of Record following the format of the previously accepted filing.

(2) Consolidated Statements of Record shall include or be accompanied by:

(i) State accepted consolidation materials which are also acceptable to the Secretary as a complete Statement of Record (state property report inclusive). These state accepted consolidation materials shall cover all lots previously registered in the common promotional plan except those deleted pursuant to other provisions in these regulations. These materials shall also include information and items required for state accepted materials filed as an initial registration Statement of Record, except that, supporting documentation in materials previously made effective by the Secretary for other lots in the subject common promotional plan may be incorporated by reference into the new consolidation materials submitted as a Statement of Record. However, such documentation may be incorporated by reference only if it is applicable to the new consolidated lots as well as to the previously registered lots.

(ii) A signed state acceptance certification.

(iii) The appropriate fees as indicated in § 1710.35.

(c) *Effective Date—State Filing.* The effective dates of state materials filed as amendments and consolidated Statements of Record shall be determined in accordance with the provisions of § 1710.21.

(d) *Amendments and Consolidations for Previously Accepted State Filing in Certified States.* If at the time a developer would otherwise make an amendment or consolidation pursuant to this section, a state has been certified with the Secretary pursuant to § 1710.503, then the developer must file such amendment or consolidation pursuant to Section 1710.505 rather than this section.

§ 1710.557 [Reserved]

§ 1710.558 Previously accepted State filings—notice of revocation rights on property report cover page.

(a) The cover page on Property Reports for filings made with the Secretary pursuant to § 1710.552 shall have as the third paragraph the following:

"You have the option to cancel your contract or agreement by notice to the seller until midnight of the seventh day following the signing of the contract or agreement."

(If the applicable State law requires a longer recision period, use that time frame in lieu of the seven day period. Applicable law means the recision period effective in the State where the subdivision is located; the State in which the purchaser resides; or the State where the transaction takes place, whichever period is longer.)

(b) If the purchaser does not receive a warranty deed, or where such deed is not commonly used, a similar deed legally acceptable in the jurisdiction where the lot is located, within 180 days after the day on which the contract or agreement is signed, and the contract or agreement does not contain:

(i) A legally sufficient and recordable lot description, and;

(ii) A provision that the seller will give the purchaser written notification of purchaser's default or breach of contract and the opprortunity to remedy the default or breach within 20 days of the notice; and

(iii) A provision whereby purchaser may recover a refund if the pruchaser's default or breach of contract occurs after 15% of the purchase price has been paid, excluding any interest owned at the time of default or breach, add a

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fourth paragraph to the cover page of the Property Report as follows:

"Federal law gives you the right to revoke your contract or agreement within two years from the date it is signed because the contract does not contain beneficial provisions regarding lot description; default notification and possible refund of part of the amounts you paid prior to your default."

§ 1710.559 Previously accepted State filing—notice of revocation rights in contracts and agreements.

(a) All contracts or agreements, including promissory notes used in sale of lots for filings made with the Secretary pursuant to § 1710.552, shall contain the following language in boldface type (which must be distinguished from the type used for the rest of the contract) on the face or signature page above all signatures:

"You have the option to cancel your contract or agreement by notice to the seller until midnight of the seventh day following the signing of the contract or agreement."

(If the applicable State law requires a longer recision period, use that time frame in lieu of the seven day period. Applicable law means the recision period effective in the State where the subdivision is located; the State in which the purchaser resides; or the State where the transaction takes place, whichever period is longer.)

"If you did not receive a Property Report prepared pursuant to the rules and regulations of the Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development, in advance of your signing the contract or agreement, this contract or agreement may be revoked at your option for two years from the date of signing."

(b) The above revocation and voidability provisions may not be limited or qualified in the contract or other document by requiring a specific type of notice or by requiring that notice be given at a specified place.

PART 1715—PURCHASERS' REVOCATION RIGHTS, SALES PRACTICES, AND STANDARDS

12. Part 1715 is revised to read as follows:

Subpart A—Purchasers' Revocation Rights

Sec.
1715.1 General.
1715.2 Revocation at Time of Sale or Lease.
1715.3 Revocation—Nondelivery of Property Report Prior to Signing of Contract.
1715.4 Contract Requirements and Revocation.
1715.5 Reimbursement.
1715.6—1715.9 [Reserved.]

Subpart B—Sales Practices and Standards

1715.10 General.
1715.11—1715.19 Unlawful Sales Practices—Statutory Provisions.
1715.16—1715.19 [Reserved]
1715.20 Unlawful Sales Practices—Regulatory Provisions.
1715.21—1715.24 [Reserved]
1715.25 Misleading Sales Practices.
1715.26—1715.29 [Reserved]
1715.30 Persons to Whom Subpart Inapplicable.
1715.31—1715.49 [Reserved]

Subpart C—Advertising Disclaimers

1715.50 Advertising Disclaimers; Subdivisions Registered and Effective with HUD.
1715.51—1715.999 [Reserved]

Authority: Sec. 1419, Interstate Land Sales Full Disclosure Act, 82 Stat. 590, 596; 15 U.S.C. 1718; Sec. 7(d) Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Subpart A—Purchasers' Revocation Rights

§ 1715.1 General.

The purpose of this subpart is to enumerate the conditions under which purchasers may exercise revocation rights. The rights are available to purchasers who buy or lease lots in a subdivision which is not otherwise exempt under §§ 1710.5–1710.11 and 1710.14 of this chapter.

§ 1715.2 Revocation at time of sale or lease.

All purchasers have the option to revoke a contract or lease with regard to a lot not otherwise exempt under §§ 1710.5–1710.11 and 1710.14 until midnight of the seventh day following the signing of a contract or agreement. However, if a state's law where the subdivision is located; where the purchaser resides or where the sale is made provides a longer revocation period for purchasers, the longest revocation period applies. All contracts and agreements, including promissory notes, for lot sales and leases must clearly state that the longer revocation period is available to purchasers.

§ 1715.3 Nondelivery of property report prior to signing of contract.

If a purchaser is entitled to receive a Property Report but the Report is not delivered prior to the signing of the contract, the purchaser may revoke the contract within two years from the date the contract is signed. A statement providing for this right of revocation must be contained in the contract or agreement and any promissory notes.

§ 1715.4 Contract requirements and revocation.

(a) A contract or agreement, including a promissory note, for the sale or lease of a lot not exempt under §§ 1710.5–1710.11 and 1710.14 of this chapter may be revoked by a purchaser within two years from the date of signing the contract or agreement if the contract or agreement did not include all of the following:

(1) A clear description of the lot in a form acceptable for recording by the appropriate public official responsible for maintaining land records in the jurisdiction in which the lot is located;

(2) A provision requiring the seller to notify a purchaser in writing as to any default or breach of contract or agreement, including promissory notes, for which the purchaser is responsible. The contract must also contain a provision which allows 20 days from the date the notice is received for the purchaser to remedy the default or breach of contract or agreement;

(3) A provision which states that if a purchaser has paid at least 15% of the purchase price (excluding any interest owed) at the time of default or breach of contract, including promissory notes, but loses rights and interest in the lot due to default or breach of contract or agreement, the seller must refund to the purchaser whatever amount remains after (i) subtracting 15% of the purchase price of the lot (excluding interest owed) at the time of the default or breach of contract or agreement, or (ii) subtracting the amount of damages incurred by the seller due to the default or breach of contract, whichever is greater.

(b) For the purposes of this section, (1) "Purchase price" means the cash sales price of the lot shown on the contract; (2) "Damages incurred by the seller or lessor" means actual expenses related to the individual lot transaction if they are not otherwise recoverable; e.g., recording fees, specific fees for document preparation, title insurance premiums, utility deposits or costs incurred in connection with the notice of default or breach. Damages do not include development or construction costs that enhance the value of the lot, pro rata shares of promotional costs or costs incurred in connection with preparation of the lot for resale to another purchaser.

(c) The contractual requirements of § 1715.4(a) do not apply to the sale of a lot for which, within 180 days after the signing of the sales contract, the purchaser receives a warranty deed or, where warranty deeds are not commonly used, its equivalent under state law.

§ 1715.5 Reimbursement.

If a contract agreement, or promissory note, is revoked pursuant to §§ 1715.2, 1715.3 or § 1715.4(a) and the purchaser unconditionally offers to convey to the developer the rights and interests in the lot, the purchaser is entitled to all money paid under contract, agreement or promissory note providing the property and legal interest are in substantially the same condition in which the lot was conveyed to the purchaser. The purchaser would only be responsible for correcting conditions which resulted in diminished value of the lot and which are attributable to deliberate or negligient actions by the purchaser.

Subpart B—Sales Practices and Standards

§ 1715.10 General.

"Sales practices" mean any conduct or advertising by a developer or its agents to induce a person to buy or lease or lot. This subpart describes certain unlawful sales practices and provides standards to illustrate what other sales practices are considered misleading in light of certain circumstances in which they are made and within the context of the overall offer and sale or lease.

§ 1715.15 Unlawful Sales Practices.

(a) It is an unlawful sales practice for a developer or agent:

(1) To employ any device, scheme or artifice to defraud.

(2) To obtain money or property by means of any untrue statement of a material fact, or any omission to state a material fact necessary in order to make the statements made (in light of the circumstances in which they were made and within the context of the overall offer and sale or lease) not misleading, with respect to any information pertinent to the lot or the subdivision. It is not necessary for a developer to say everything about the subdivision in each separate contact with the purchaser, but what the developer does choose to say must not omit important facts that would be needed so that a purchaser would not be mislead.

(3) To engage in any transaction, practice or course of business which operates or would operate as a fraud or deceit upon a purchaser.

(b) It is an unlawful sales practice for any developer or agent to:

(1) Fail to furnish a purchaser with a printed property report (when the subdivision is required to be registered) in advance of the purchaser signing a contract or agreement.

(2) Display or deliver to purchasers advertising and promotional material which is inconsistent with information required to be disclosed in the property report (when the subdivision is required to be registered).

(3) Represent that roads, sewers, water, gas or electric service, or recreational amenities will be provided or completed by the developer unless there is a contractual provision expressly obligating the developer to provide or complete such services or amenities. For example, if a developer or agent represents that roads are to be completed within two years from the date of sale, then the contract of sale or lease utilized in the transaction must contain a provision which expressly obligates the developer to complete these roads within two years from the date of sale.

§ 1715.20 Unlawful Sales Practices.

It is an unlawful sales practice for any developer or agent to:

(a) Repeatedly announce that lots are being sold when in fact this is not the case or to make repetitive announcements of the same lot being sold.

(b) Give the property report to a purchaser along with other materials when done in such a manner to conceal the property report from the purchaser.

(c) Give a contract to a purchaser or encourage him to sign anything before delivery of the property report.

(d) Refer to the property report or offering statement as anything other than a property report or offering statement.

(e) Use any practice, device or representation which would deny a purchaser any cancellation or refund rights or privileges granted the purchaser by the terms of contract or any other document used by the developer as a sales inducement.

(f) Refuse to deliver a Property Report to any person who exhibits an interest in buying or leasing a lot in the subdivision and requests a copy of the Property Report

(g) Use a property report, note, contract, deed or other document prepared in a language other than that in which the sales campaign is conducted, unless an accurate translation is attached to the document.

(h) Deliberately fail to maintain a sufficient supply of restrictive covenants and financial statements or to deliver a copy to a purchaser upon request as required by §§ 1710.109(f), 1710.112(d), 1710.209(g) and 1710.212(i).

(i) Use, as a sales inducement, any representation that any lot has good investment potential or will increase in value unless it can be established, in writing, that:

(1) Comparable lots or parcels in the subdivision have, in fact, been resold by their owners on the open market at a profit, or;

(2) There is a factual basis for the represented future increase in value and the factual basis is certain, and;

(3) The sales price of the offered lot does not already reflect the anticipated increase in value due to any promised facilities, amenities, etc. The burden of establishing the relevancy of any comparable sales and the certainty of the factual basis of the increase in value shall rest upon the developer.

(j) Represent a lot as a homesite or building lot unless:

(1) Potable water is available at a reasonable cost;

(2) The lot is suitable for a septic tank operation or there is reasonable assurance that the lot can be served by a central sewage system;

(3) The lot is legally accessible;

(4) The lot is free from periodic flooding; and

(5) Lot finishing and site preparation costs fall within the norm for the area in which the subdivision is located.

§ 1715.25 Misleading sales practices.

The following advertising and promotional practices, while not all inclusive, are considered misleading, and are used to evaluate a developer's or agent's representations in determining possible violations of the Act or Regulations.

(a) *Misrepresentation or deceit.* Misrepresentation of facts or deceitful impressions or inferences are misleading.

(b) *Implied representations and presumptions.* Any inference reasonably to be drawn from sale or promotional material will be considered to be a positive assertion, unless the inference is negated therein in clear and unmistakable terms, or unless adequate safeguards have been provided by the owner to reasonably guarantee the occurrence of the thing inferred. Sale or promotional material will be judged on the basis of the positive representations contained therein and the reasonable inferences to be drawn therefrom. Unless the contrary affirmatively appears in sale or promotional material, the following inferences will be assumed to have been intended in each case mentioned; to wit:

(1) When lands are advertised as usable for any particular purpose other than homesites or building lots, the inference is that the lots or parcels are immediately accessible and usable for such purpose by purchasers without the necessity for draining, filling, or other improvement prior to putting the lands to use for such purpose, except for reasonable preparation for construction, and that no fact or circumstance exists

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to prohibit the immediate use of said lands for such purposes.

(2) *Warranty deed.* When a lot is advertised as being sold by a warranty deed, the inference is that the seller can and will convey fee simple title free and clear of all liens, encumbrances, and defects except those which are disclosed in writing to the prospective purchaser prior to purchase.

(c) *Artists' sketches.* Artists' sketches shall not be used to portray proposed improvements or nonexistent scenes without an indication that such portrayal is an artist's sketch and that the improvements are proposed or that the scenes do not exist. Artists' conceptions of existing improvements or scenes must be representative and state that such rendering is an artist's conception.

(d) *Photographs.* The use of photographs portraying scenes not actually on the advertised land is prohibited unless it is clearly indicated that such scene is not on the advertised property and the actual distance in miles from said advertised land is given. The use of statements, photographs, or sketches relating to facilities for recreation, sports, or other conveniences which are not presently in existence on the lands advertised is prohibited unless it is clearly stated that such "facilities are not on said lands" and the distance thereto in miles, or that such facility is "merely proposed." Representations shall not use statements, photographs, or sketches portraying the use to which advertised land can be put unless the land can be put to such use without unreasonable cost.

(e) *Waterfront property.* Representations shall not refer to property as waterfront unless the property being offered actually fronts on a canal or other body of water. Representations which refer to "canal" or "canals" must state the specific use to which such canal or canals can be put.

(f) *Profits.* Land or lots offered shall not be represented as offering quick, immediate, certain, or specific profits. Oral offerings for speculative purposes shall be made with emphasis equal that of other statements; printed offerings for speculative purposes shall be represented in type of equal size to other statements. Representations shall not contain statements concerning future price increases by the subdivider which are not specific as to amount and as to the date of the announced increase. Any such date shall be in the reasonable future and the increased price shall be maintained for a reasonable length of time.

(g) *Asteriska.* Written or oral representations shall not contain asterisks or any other reference symbol or oral parenthetical expression as a means of contradicting or substantially changing any previously made statement or as a means of obscuring material facts.

(h) *Non profit organizations.* Representations shall not use names or trade styles which imply that they are nonprofit research organizations, public bureaus, groups, etc., when such is not the case. Representations regarding such an organization shall be prohibited when the true nature of the plan of sale or ownership is misleading or concealed.

(i) *Maps and distances.* (1) Use of maps to show proximity to other communities is prohibited unless such maps shall be drawn to scale and scale included, or the specific road mileage appears in easily readable print. Representations shall not use such terms as "minutes away," "short distance," "only miles," and "near" and terms of similar import to indicate distance unless the actual distance in road miles is used in conjunction with such terms.

(2) When a community is referred to, the reference shall state the mileage from the approximate geographical center of the subdivided lands in road miles to the approximate downtown or geographical center of the community.

(3) When a company offers more than one subdivision in a single typed representation, or when an offering exceeds five miles in length or width, the representation or offering shall carry a disclaimer as follows:

Distances indicated are from the location mentioned to (clubhouse, center of subdivision, or other pertinent or prominent points), each purchaser should check the exact location of the property being offered him in relation to the clubhouse, subdivision or other prominent locations.

(j) *Guarantee.* The word "guarantee" or phrase "guaranteed refund" shall not be included in any representation unless the refund is unconditional.

(k) *Size of lots.* Representations which indicate the size of the lot offered shall state the amount of land available for use by the purchaser after all easements to which the lot may be subject, except for those for providing utilities to the lot, have been deducted. If the property is subject to easements which are unusual in size, then this fact shall also be noted. All maps, plats, representations or drawings shall show either the dimensions of the tract or the amount of acreage after deductions of easements.

(l) *Completed recreational facilities.* (1) When any recreational facility, improvement, accommodation, or privilege is referred to, the inference is that the same is on the lands at the present time and available without restriction to the purchasers of lots at no additional expense. References to improvements to subdivided lands which are not completed shall not be made unless the reference states in unmistakable terms that the improvements are "merely proposed" or "under construction" and the "date of the promised completion" is clearly indicated.

(2) Representations or inferences regarding the provision or completion of roads, sewers, water, gas, or electric service, or recreational amenities by the developer are misleading unless the contract for sale or lease provides for such provision or completion by the developer.

(3) Maps, plats, or other representations shall clearly indicate the date when the improvements will be completed. If completion dates are over a period of years, then a series of shadings, outlines, or other coding may be used to indicate dates of completion.

(m) *Free lots.* (1) Lots shall not be represented as "free" if the prospective purchaser is required to give any consideration whatsoever, or to expend funds to render the "free" lot usable.

(2) Lots shall not be offered for "closing costs only" when the closing costs are substantially more than normal, or when an additional lot or lots must be purchased at a higher price.

(n) *Pre-development sales.* (1) References shall not be made to pre-development sales at a lower price because the land has not yet been developed unless there are plans of development, and a subdivision plat has been recorded, or reasonable assurance is available that such plan will be completed.

(2) No material shall contain "before" and "after" pictures for comparative purposes without an accurate, detailed, comparative analysis of such pictures.

(o) *Roads and streets.* (1) Representations which make reference to "roads" and "streets" shall make affirmative disclosure as to the nature of such roads and streets. All streets and roads reflected on subdivision maps used in connection with an advertising program will be presumed to be of an all-weather graded gravel quality or higher and will be presumed to be traversable by conventional automobile under all normal weather conditions unless otherwise reflected upon the map.

(2) The existence of a road easement or a road right-of-way shall not be advertised unless such easement or right-of-way has been dedicated to the public or to appropriate property owners or to the appropriate property owners' association or similar organizations or entities and recorded in the public records of the county in which the property is located.

(p) *Reprints.* Reprints of published material shall not be used unless the information contained in the reprint is current, representative, truthful, relevant and pertinent to the subdivision being offered.

(q) *Public facilities.* Representations shall not make reference to a public facility unless money has been budgeted for actual construction of such facility and is available to the public authority having the responsibility of construction or an actual disclosure of the existing facts concerning a public facility is made. Representations shall not refer to public facilities under study, unless they fully disclose that the facility is merely proposed and under study. No reference is to be made to the location or route of the facility until such has been decided by the responsible public authority.

(r) *Purchase price.* Representations which refer to the purchase price of any lot, parcel, or unit of land must also include any additional compulsory assessments or costs to the prospective purchaser.

(s) *Property exchange privileges.* (1) Representations which make reference to property exchange privileges must state clearly any qualifications concerning such exchange privileges. If representations make reference to promised improvements for which the prospective purchaser will be assessed, such facts will be clearly disclosed.

(2) Any representation shall be considered misleading if it infers or implies that the subdivider will resell or repurchase the property being offered at some future time unless the subdivider has made an undertaking to resell or repurchase property for or on behalf of purchasers and has the ability to perform this undertaking.

(t) *Homesite or building lot.* Representations shall not describe land as a homesite or building lot if potable water is not available or will not be available at reasonable costs; further, there must be reasonable assurance that a septic tank will operate or a sewer system is in existence unless facts to the contrary are clearly and conspicuously included in each such advertisement pertaining to that property.

(u) *Subdividing or resubdividing.* Any representation shall be deemed misleading if it represents that the property being offered for sale may be subdivided or resubdivided unless it includes all necessary and relevant information regarding the cost and feasibility of future subdividing.

(v) *Certificates.* Certificates shall not be distributed indicating a discount on property that appears to effect a price reduction from the advertised price when in fact there has been no actual price reduction or when a certificate is regularly used by the developer. Discounts may be given for quantity purchases, cash, larger payments, or for any reasonable basis. (The purpose of this standard is to eliminate the use of fictitious pricing and illusory discounts.)

(w) *Miscellaneous.* Pursuant to Section 804(c) of Title VIII of the Civil Rights Act of 1968, as amended, the Federal Fair Housing Law, except as exempted by Section 807, advertising shall not contain any indication of any preference, limitation or discrimination based on race, color, religion, sex or national origin.

(2) All advertising and sales presentations or representations shall be consistent with the Advertising Guidelines for Fair Housing published in 37 FR 6700 (4–1–72) and 40 FR 20079 (5–8–75).

(3) Whenever sales activity takes place which is subject to the Fair Housing Law, the HUD approved Fair Housing Poster must be displayed.

§ 1715.30 Persons to whom Subpart B is inapplicabe.

Noting in this subpart shall be construed to subject to civil remedies or criminal penalties any newspaper or periodical publisher, job printer, broadcaster, or telecaster, or any of the employees thereof, for violations of this section unless the publisher, printer, boradcaster, or telecaster (a) has actual knowledge of the falsity of the advertisement or (b) has any interest in the subdivision advertised or (c) also serves directly or indirectly as the advertising agent or agency for the developer.

Subpart c—Advertising Disclaimers.

§ 1715.50 Advertising disclaimer; subdivisions registered and effective with HUD.

(a) The following disclaimer statement shall be displayed below the text of all printed material and literature used in connection with the sale or lease of lots in a subdivision for which an effective Statement of Record is on file with the Secretary. If the material or literature consists of more than one page, it shall appear at the bottom of the front page. The disclaimer statement shall be set in type of at least ten point font.

"Obtain the Property Report required by Federal law and read it before signing anything. No Federal agency has judged the merits or value, if any, of this property."

(b) If the advertising is of a classified type; is not more than five inches long and not more than one column in print wide, the disclaimer statement may be set in type of at least six point font.

(c) This disclaimer statement need not appear on billboards, on normal size matchbook folders or business cards which are used in advertising nor in advertising of a classified type which is less than one column in print wide and is less than five inches long.

(d) A developer who is required by any state, or states, to display an advertising disclaimer in the same location, or one of equal prominence, as that of the federal disclaimer, may combine the wording of the disclaimers. All of the wording of the federal disclaimer must be included in the resulting combined disclaimer.

PART 1720—FORMAL PROCEDURES AND RULES OF PRACTICE

13. Part 1720 is amended by adding § 1720.236–1720.239 to read as follows:

§ 1720.236 Notice of proceedings to withdraw a State's certification pursuant to § 1710.504 of this chapter.

A proceeding pursuant to § 1710.504 of this chapter is commenced by issuance and service of a notice which shall contain:

(a) An identification of the State certification to which the notice applies.

(b) A clear and concise statement of material facts, sufficient to inform the respondent with reasonable definiteness of the basis for the Secretary's determination, pursuant to § 1710.504, that the State's laws, regulations and the administration thereof, taken as a whole, no longer meet the requirements of § 1710.501.

(c) A notice of hearing rights of the State under § 1720.237 and of the procedures for invoking those rights.

(d) A notice that failure to file an answer or motion as provided under § 1720.240 will result in an order suspending the State's certification.

§ 1720.237 Hearings—Notice of proceedings pursuant to § 1710.504 of this chapter.

(a) A State, upon receipt of a notice of proceedings issued pursuant to § 1710.504 of this chapter, may obtain a hearing by filing a written request in accordance with the instructions regarding such request contained in the notice of proceedings. Such request must be filed within 15 days of receipt of the notice of proceedings and must be accompanied by an answer conforming to the requirements of § 1720.245. Filing of a motion for a more definite statement pursuant to § 1720.315 shall

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alter the period of time to request a hearing in accordance with § 1720.240.

(b) When a hearing is requested pursuant to paragraph (a) of this section, such hearing shall be held within 45 days of receipt of this request. The time and place for the hearing shall be fixed with due regard for the public interest and the convenience and necessity of the parties or their representatives.

(c) Failure to answer within the time allowed by § 1720.240 or failure to appear at a hearing duly scheduled shall result in an appropriate order under § 1710.504 of this chapter withdrawing the State's certification. Such order shall be effective as of the date of service or receipt.

§ 1720.238 Notice of proceedings to terminate exemptions pursuant to §§ 1710.14 and 1710.16.

A proceeding to terminate a self-determined exemption under § 1710.14 or an exemption order under § 1710.16 is commenced by issuance and service of a notice which shall contain:

(a) In the case of an exemption under § 1710.14, an identification of the developer and subdivision to which the notice applies. In the case of an exemption under § 1710.16, an identification of the exemption order to which the notice applies.

(b) A clear and concise statement of material facts, sufficient to inform the respondent with reasonable definiteness of the basis for the Secretary's determination, pursuant to § 1710.14 or § 1710.16, whichever is applicable, that further exemption from the registration and disclosure requirements is not in the public interest in this particular case, or that the sales or leases do not meet the requirements for exemption, or both.

(c) A notice of hearing rights of the respondent under § 1720.239 and of the procedures for invoking those rights.

(d) A notice that failure to file an answer or motion as provided under § 1720.240 will result, in the case of a notice issued pursuant to § 1710.14, an order terminating eligibility for the exemption, or, in the case of a notice issued pursuant to § 1710.16, an order terminating the exemption order.

§ 1720.239 Hearings—Notice of proceedings pursuant to § 1710.14 or § 1710.16 of this chapter.

(a) A developer, upon receipt of a notice of proceedings issued pursuant to § 1710.14 or § 1710.16 of this chapter, may obtain a hearing by filing a written request in accordance with the instructions regarding such request contained in the notice of proceedings. Such request must be filed within 15 days of receipt of the notice of proceedings and must be accompanied by an answer conforming to the requirements of § 1720.245. Filing of a motion for a more definite statement pursuant to § 1720.315 shall alter the period of time to request a hearing in accordance with § 1720.240.

(b) When a hearing is requested pursuant to paragraph (a) of this section, such hearing shall be held within 45 days of receipt of this request. The time and place for the hearing shall be fixed with due regard for the public interest and the convenience and necessity of the parties of their representatives.

(c) Failure to answer within the time allowed by § 1720.240 or failure to appear at a hearing duly scheduled shall result in an appropriate order under § 1710.14 or § 1710.16 of this chapter terminating the developer's exemption. Such order shall be effective as of the date of service or receipt.

PART 1730—APPLICATION OF REGULATIONS TO EXISTING AND FUTURE FILINGS

14. A new Part 1730 is added as follows:

Sec:
1730.1–1730.99 [Reserved]
1730.100 Application of Regulations to Existing and Future Filings.
1730.101–1730.999 [Reserved]

Authority: Sec. 1419, Interstate Land Sales Full Disclosure Act, 82 Stat. 590,598; 15 U.S.C. 1718; Sec. 7(d) Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

§§ 1730.1–1730.99 [Reserved]

§ 1730.100 Application of regulations to existing and future filings.

(a) All initial exemption requests, initial registrations, consolidations, amendments and other actions made on or after June 21, 1980 shall be made pursuant to these revised regulations.

(b) All existing registrations and, where applicable, all exemptions must begin use of the new revocation language and additional contract provisions required by §§ 1710.12, 1710.13, 1710.15, 1710.16, 1710.102, 1710.105, 1710.109(e)(3), 1710.114, 1710.209(f), 1710.558 and 1710.559 on June 21, 1980. However, insertion of these new provisions may be accomplished by overprint or paste-over until the developer's current stock of Property Reports and contract, agreement and note forms is exhausted or June 30, 1981, whichever is the earlier. Copies of these revised documents will not be required to be submitted as an amendment until an amendment or consolidation is otherwise necessary for the registration.

(1) Consolidations to existing registrations shall bring the entire registration into compliance with these regulations.

(2)(i) Amendments to existing registrations shall bring the Property Report portion of the Statement of Record into compliance with the revised regulations. The entire Additional Information and Documentation portion of the Statement of Record need not be submitted. However, a material change in a section or in documentation will require the submission of the entire affected section with any changed supporting documentation. Sections containing information and documents not previously furnished and the financial information and documents required by § 1710.212 must be included.

(ii) The developer may, at its option, include the Additional Information and Documentation portion, including new documentation or copies of those documents previously submitted, in order to expedite the examination process.

(3) All registrations having an effective date on or before December 31, 1973 shall file amendments to comply with the revised regulations not later than June 30, 1980.

(4) All registrations having an effective date on or after January 1, 1974 shall file amendments to comply with these revised regulations between June 1980 and June 30, 1981, or earlier at the developer's option. The amendment shall be submitted by the end of the anniversary month of the last effective date issued by the Secretary. For example, a developer whose last effective date was October 15, 1976 would be required to amend by October 31, 1980.

(5) If, at the time of a material change or the date a conversion is due, there are fewer than 100 losts remaining for sale in a registered offering, an affidavit, in lieu of a complete conversion, may be submitted in which the developer states there are fewer than 100 lots remaining for sale in the registered offering and that it is not expected that this number will be exceeded through reacquisitions or the adding of land. If changes are necessary to the content of the Property Report or Statement of Record, an amendment in the format required by the regulations in effect at the time of the last effective date shall accompany the affidavit except that the amendment shall include the new revocation language on the cover sheet required by § 1710.105; the warning required by § 1710.109(e)(3), if proper wording is not included in the contract, and the contract provisions required by

§§ 1710.102(n), 1710.209(f), 1710.558 and 1710.559.

(c) Initial exemption requests, initial filings, consolidations, amendments and other actions submitted prior to June 21, 1980, but which have not become effective on that date, must comply with all provisions of these revised regulations prior to the issuance of an effective date unless an exception is granted elsewhere in these regulations.

(d) Subdivisions which had qualified for any exemption which is deleted by these regulations must qualify for a new or remaining exemption or file a registration in order to continue sales on or after June 21, 1980.

§§ 1730.101–1730.999 [Amended]

Issued at Washington, D.C., on March 7, 1980.

Richard C. D. Fleming,

General Deputy, Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 80-9575 Filed 3-27-80; 8:45 am]

BILLING CODE 4210-01-M

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federal register

Friday
March 28, 1980

Part VIII

The President

Executive Order 12204—Amending the Generalized System of Preferences

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Federal Register
Vol. 45, No. 62
Friday, March 28, 1980

Presidential Documents

Title 3—

The President

Executive Order 12204 of March 27, 1980

Amending the Generalized System of Preferences

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Title V of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461 *et seq.*) as amended by Section 1111 of the Trade Agreements Act of 1979 (93 Stat. 315), Section 604 of the Trade Act of 1974 (88 Stat. 2073, 19 U.S.C. 2483), and Section 503(a)(2)(A) of the Trade Agreements Act of 1979 (93 Stat. 251), and as President of the United States of America, in order to modify, as provided by Section 504(c) of the Trade Act of 1974 (88 Stat. 2070, 19 U.S.C. 2464(c)), the limitations on preferential treatment for eligible articles from countries designated as beneficiary developing countries, to adjust the original designation of eligible articles taking into account information and advice received in fulfillment of Sections 503(a) and 131–134 of the Trade Act of 1974 (88 Stat. 2069, 19 U.S.C. 2463; 88 Stat. 1994, 19 U.S.C. 2151 *et seq.*) and to modify the designations of beneficiary developing countries in accord with my notifications to the Congress of September 28, 1979, and March 3, 1980, and in accord with technical changes in the identification of certain beneficiary developing countries, it is hereby ordered as follows:

Section 1. In order to subdivide existing items for purposes of the Generalized System of Preferences (GSP), the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) are modified as provided in Annex I, attached hereto and made a part hereof.

Sec. 2. Annex II of Executive Order No. 11888 of November 24, 1975, as amended, listing articles that are eligible for benefits of the GSP when imported from any designated beneficiary developing country, is amended by substituting therefor the new Annex II attached hereto and made a part hereof.

Sec. 3. Annex III of Executive Order No. 11888, as amended, listing articles that are eligible for benefits of the GSP when imported from all designated beneficiary countries except those specified in General Headnote 3(c)(iii) of the TSUS, is amended by substituting therefor the new Annex III, attached hereto and made a part hereof.

Sec. 4. General Headnote 3(c)(iii) of the TSUS, listing articles that are eligible for benefits of the GSP except when imported from the beneficiary countries listed opposite those articles, is amended by substituting therefor the General Headnote 3(c)(iii) set forth in Annex IV, attached hereto and made a part hereof.

Sec. 5. General Headnote 3(c)(i) of the TSUS is modified—

(a) by deleting from the list therein of independent countries designated as beneficiary developing countries for purposes of the GSP "Afghanistan", in order to withdraw from Afghanistan the status of a beneficiary of the GSP,

(b) by deleting from the same list, "Ethiopia", in order to withdraw from Ethiopia the status of a beneficiary of the GSP,

(c) by adding, in alphabetical order, to that list of independent countries "Ecuador", "Indonesia", "Uganda", and "Venezuela", and to the list of designated nonindependent countries and territories "Southern Rhodesia (Zimbabwe)", in order to designate these same countries as beneficiaries of the GSP, and

(d)(i) by deleting from the list of designated beneficiary nonindependent countries and territories "Dominica", "Gilbert Islands", "Saint Lucia", "Saint Vincent", and "Tuvalu", and

(ii) by adding, in alphabetical order, "Dominica", "Kiribati", "Saint Lucia", "Saint Vincent and the Grenadines", and "Tuvalu" to the list of designated independent countries.

Sec. 6. General Headnote 3(d)(i) of the TSUS is modified—

(a) by deleting from the list of least developed developing countries (LDDC's) "Afghanistan",

(b) by deleting from the same list "Ethiopia",

(c) by adding, in alphabetical order, "Uganda" to that list.

Sec. 7. In order to provide staged reductions in the rates of duty for those new TSUS items created by Annex I to this Order, Annex III to Presidential Proclamation 4707 of December 13, 1979, is amended by Annex V to this Order, attached hereto and made a part hereof.

Sec. 8. In order to provide special treatment for the least developed developing countries (LDDC's) with regard to TSUS items 727.11 and 727.12, Annex IV of Presidential Proclamation 4707 of December 13, 1979, is amended by Annex VI to this Order, attached hereto and made a part hereof.

Sec. 9. Whenever the column 1 rate of duty in the TSUS for any item specified in Annex I to this Order is reduced to the same level as the corresponding rate of duty inserted in the column entitled "LDDC" by Annexes I or VI of this Order, the rate of duty in the column entitled "LDDC" for such item shall be deleted from the TSUS.

Sec. 10. Annexes III and IV of Presidential Proclamation 4707 of December 13, 1979, are superseded to the extent inconsistent with this Order.

Sec. 11. Effective March 31, 1981, Annex II to Executive Order No. 11888, as amended, is further amended by adding, in numerical sequence, the following TSUS item numbers, created by section (B) of Annex I of this Order: 740.11, 740.12, 740.13, 740.14, and 740.15. Also effective March 31, 1981, Annex III to Executive Order No. 11888, as amended, is further amended by deleting current TSUS item 740.10.

Sec. 12. The modifications to the TSUS made by Annex I of this Order shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on and after the effective dates specified therein.

Sec. 13. The amendments made by Annexes II, III, and IV of this Order, and the modifications made to General Headnotes 3(c)(i) and 3(d)(i) of the TSUS by sections 5(c) and 5(d) and section 6(c), of this Order, respectively, shall be effective with respect to articles both: (1) imported on and after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after March 30, 1980.

Sec. 14. (a) The amendments made by Sections 5(a) and 6(a) of this Order shall be effective on May 2, 1980.

(b) The amendments made by Sections 5(b) and 6(b) of this Order shall be effective on the date of publication of this Order in the **Federal Register.**

Sec. 15. The amendments made by Annexes V and VI of this Order shall be effective on March 30, 1980.

Jimmy Carter

THE WHITE HOUSE,
March 27, 1980.

ANNEX I

GENERAL MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

NOTES:

1. Bracketed matter is included to assist in the understanding of ordered modifications.

2. The following items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States (TSUS). The items and superior descriptions are set forth in columnar form and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", "Rates of Duty LDDC", and "Rates of Duty 2", respectively.

Subject to the above notes the TSUS is modified as follows:

Section A. Effective as to articles entered, or withdrawn from warehouse for consumption, on and after March 30, 1980.

1. Items 137.82 and 137.84 are superseded by:

	[Vegetables...:]			
	[Other:]			
"137.79	Jicamas, fresh or chilled	25% ad val.		50% ad val.
[137.80]	[Parsnips]			
	Yams and sweet potatoes:			
137.81	Yams, fresh or chilled	[See Annex V]	10% ad val.	50% ad val.
137.83	Other	[See Annex V]	10% ad val.	50% ad val.
137.87	Other	25% ad val.		50% ad val."

2. Item 138.40 is superseded by:

	[Vegetables...:]			
"138.35	Yucca	17.5% ad val.		35% ad val.
138.45	Other	17.5% ad val.		35% ad val."

3.(a) Items 147.88, 147.89, 147.94, and 147.95 are superseded by:

	[Mangoes...:]			
	[Fresh:]			
"147.98	If entered during the period from November 1 in any year, to the following April 30, inclusive	3.75¢ per lb.		15¢ per lb.
147.99	If product of Cuba	3¢ per lb. (a)		
148.00	If entered at any other time	3.75¢ per lb.		15¢ per lb.
148.01	If product of Cuba	3¢ per lb. (a)"		

(b) Conforming changes: Item 147.96 is redesignated as "148.02". The article description for item 946.14 is modified by substituting therein "148.02" for "147.96".

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4.(a) Items 168.43, 168.44, 168.49, 168.51, and 168.53 are superseded by:

	[Brandy:]			
	"Slivovitz:			
	In containers each holding not over 1 gallon:			
168.42	Valued not over $9 per gallon	$3.40 per proof gallon		$8.88 per proof gallon
168.54	Valued over $9 but not over $13 per gallon	$1.25 per proof gallon		$8.88 per proof gallon
168.57	Valued over $13 per gallon	[See Annex V]	50¢ per proof gallon	$8.88 per proof gallon
	In containers each holding over 1 gallon:			
168.59	Valued not over $9 per gallon	50¢ per proof gallon		$5.00 per proof gallon
168.61	Valued over $9 per gallon	[See Annex V]	40¢ per proof gallon	$5.00 per proof gallon
	Other:			
	In containers each holding not over 1 gallon:			
168.74	Valued not over $9 per gallon	$3.40 per proof gallon		$8.88 per proof gallon
168.76	Valued over $9 but not over $13 per gallon	$1.25 per proof gallon		$8.88 per proof gallon
168.78	Valued over $13 per gallon	[See Annex V]	50¢ per proof gallon	$8.88 per proof gallon
	In containers each holding over 1 gallon:			
168.80	Valued not over $9 per gallon	50¢ per proof gallon		$5.00 per proof gallon
168.82	Valued over $9 per gallon	[See Annex V]	40¢ per proof gallon	$5.00 per proof gallon"

(b) Conforming changes: Items 168.56, 168.58, 168.60, 168.62, 168.63, 168.65, 168.67, 168.69, 168.71, 168.73, 168.75, 168.77, 168.79, 168.81, 168.83, 168.85, 168.87, 168.89, 168.91, 168.93, 168.95, and 168.97 are redesignated as 168.96, 168.98, 169.04, 169.07, 169.08, 169.13, 169.14, 169.19, 169.20, 169.21, 169.22, 169.31, 169.32, 169.37, 169.38, 169.39, 169.46, 169.47, 169.48, 169.49, 169.58, and 169.59, respectively. Headnote 1 of subpart C, part 12, schedule 1 is modified by substituting therein "169.46 and 169.47" for "168.87 and 168.89".

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5.(a) Item 182.99 is superseded by:

	[Edible...:]			
	[Other:]			
	[Other:]			
	"Other:			
183.00	Subject to quotas proclaimed pursuant to section 22 of the Agricultural Adjustment Act, as amended	10% ad val.		20% ad val.
183.01	Pancake flour and other flour mixes; refrigerated (including frozen) doughs	10% ad val.		20% ad val.
183.05	Other	10% ad val.		20% ad val."

(b) Conforming changes: Headnote 3 of subpart B, part 15, schedule 1 is modified by substituting therein ", 183.00, 183.01, and 183.05" for "and 182.99". The article description for item 950.16 is modified by substituting therein "183.00" for "182.99". The article description for item 950.19 is modified by substituting therein "183.00" for "182.99". The article description for item 950.23 is modified by substituting therein "183.00" for "182.99".

6. Item 192.19 is superseded by:

	[Cut flowers...:]			
"192.18	Roses	8% ad val.		40% ad val.
192.21	Other	8% ad val.		40% ad val."

7.(a) Item 337.70 is superseded by:

	[Woven fabrics, of silk:]			
	[In chief value...:]			
	[Other:]			
	[Not jaquard-figured:]			
	"Degummed, bleached, or colored:			
337.68	Subject to textile agreements	[See Annex V]		60% ad val.
337.72	Other	[See Annex V]		60% ad val."

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(b) Conforming changes: The schedule 3 headnotes are modified by adding thereto:

"9. For the purposes of this schedule and schedule 7, the term "subject to textile agreements" refers to--

(a) articles in which either the cotton content or the man-made fiber content equals or exceeds 50 percent by weight of all component fibers thereof;

(b) articles in which the wool content exceeds 17 percent by weight of all component fibers thereof;

(c) articles containing blends of cotton, wool, or man-made fibers, which fibers, in the aggregate, amount to 50 percent or more by weight of all component fibers thereof."

8. Item 365.70 is superseded by:

	[Lace or net furnishings...:]			
	"Burnt-out-lace furnishings:			
365.68	Subject to textile agreements	[See Annex V]		90% ad val.
365.72	Other	[See Annex V]		90% ad val."

9. Item 365.75 is superseded by:

	[Lace or net furnishings...:]			
	"Of lace, of netting, or of lace and netting, and made in designs or patterns formed wholly or in substantial part by joining (by applique or otherwise) machine-made, or handmade and machine-made, materials by handwork:			
365.74	Subject to textile agreements	[See Annex V]		90% ad val.
365.76	Other	[See Annex V]		90% ad val."

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10.(a) Item 432.20 is superseded by:

	[Mixtures...:]				
	"Other:				
432.15	Pesticides	[See Annex V]	3.7% ad val., but not less than the highest rate applicable to any component material	25% ad val., but not less than the highest rate applicable to any component material	
432.25	Other	[See Annex V]	3.7% ad val., but not less than the highest rate applicable to any component material	25% ad val., but not less than the highest rate applicable to any component material"	

(b) Conforming change: Headnote 2, of subpart C, part 1, schedule 4 is modified by substituting therein "For the purposes of the tariff schedules, the term "pesticides"" for "The term "pesticides" in item 405.15".

11. Item 532.21 is superseded by:

	[Ceramic tiles:]				
	[Floor and wall tiles:]				
	"Mosaic tiles:				
532.20	Tiles in bulk (not mounted); and tiles in sheets having per square foot not over 300 tiles, most of which have faces bounded entirely by straight lines	[See Annex V]	20% ad val.	55% ad val.	
532.22	Other	[See Annex V]	20% ad val.	55% ad val."	

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12. Item 650.91 is superseded by:

	[Scissors and shears...:]				
	"Valued over $1.75 per dozen:				
650.90	Pinking shears, valued over $30 per dozen	[See Annex V]	10¢ each + 10% ad val.	20¢ each + 45% ad val.	
650.92	Other	[See Annex V]	10¢ each + 10% ad val.	20¢ each + 45% ad val."	

13.(a) Item 680.63 is superseded by:

	[Gear boxes...:]				
	"Pulleys and shaft couplings, and parts thereof:				
680.92	Gray-iron awning or tackle pulleys, not over 2 1/2 inches in wheel diameter	[See Annex V]	5.7% ad val.	45% ad val.	
680.95	Other	[See Annex V]	5.7% ad val.	45% ad val."	

(b) Conforming changes: Items 680.65, 680.66, 680.68, 680.69, 680.72, 680.73, 680.75, 680.76, 680.78, 680.81, 680.84, 680.86, 680.88, 680.90, and 680.91 are redesignated as 681.01, 681.04, 681.07, 681.10, 681.13, 681.15, 681.18, 681.21, 681.24, 681.27, 681.30, 681.33, 681.36, 681.39, and 681.42, respectively.

14. Items 688.40, 688.41, and 688.42 are superseded by:

	"Electrical articles and electrical parts of articles, not specially provided for:				
688.44	Electrical articles using pre-programmed digital integrated circuits to produce sound	[See Annex V]	3.9% ad val.	35% ad val.	
688.45	Other	[See Annex V]	3.9% ad val.	35% ad val.	
688.46	If Canadian article and original motor-vehicle equipment (see headnote 2, part 4B, schedule 6)	Free			
688.47	Electric synchros and transducers, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free		35% ad val."	

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15. Item 727.10 is superseded by:

	[Furniture...:]			
	"Of unspun fibrous vegetable materials:			
727.11	Of rattan	16% ad val.[1/]		60% ad val.
727.12	Other	16% ad val.[1/]		60% ad val."
	[1/ See Annex V for future staged reductions.]			

Section B. Effective as to articles entered, or withdrawn from warehouse for consumption, on and after March 31, 1981.

1.(a) Item 740.10 is superseded by:

	[Jewelry...:]			
	"Other:			
	Of precious metals:			
	Necklaces and neck chains, almost wholly of gold:			
740.11	Rope	[See Annex V]	6.5% ad val.	80% ad val.
740.12	Mixed link	[See Annex V]	6.5% ad val.	80% ad val.
740.13	Other	[See Annex V]	6.5% ad val.	80% ad val.
740.14	Other	[See Annex V]	6.5% ad val.	80% ad val.
740.15	Other	[See Annex V]	6.5% ad val.	80% ad val."

(b) Conforming change: The subpart A, part 6, schedule 7 headnotes are modified by adding thereto:

"5. The term "mixed link" in item 740.12 refers to a chain composed of two or more styles or types of link."

ANNEX II

ARTICLES THAT ARE ELIGIBLE FOR PREFERENTIAL TREATMENT WHEN IMPORTED FROM ANY BENEFICIARY DEVELOPING COUNTRY

100.25	124.30	140.46	155,40
100.31	124.40	140.54	155.60
105.30	124.60	140.56	155.75
105.60	124.65	141.05	156.25
105.84	124.70	141.20	156.30
106.70	124.80	141.35	156.45
106.75	125.01	141.45	156.47
106.80	125.10	141.50	157.10
107.10	125.15	141.85	161.37
107.15	125.20	145.02	161.43
107.20	125.32	145.09	161.45
107.25	125.34	145.24	161.53
107.40	125.50	145.28	161.61
107.45	125.70	145.30	161.65
107.48	125.82	145.52	161.69
107.65	125.84	145.53	161.71
107.70	126.41	145.54	161.75
107.76	127.10	145.65	161.83
107.78	130.20	145.70	161.92
110.28	130.30	146.42	161.96
110.35	130.32	146.66	162.03
110.45	130.37	146.69	162.07
111.10	130.40	146.82	162.11
111.15	130.63	146.87	162.15
111.18	131.20	147.21	165.55
111.56	131.35	147.29	166.10
111.60	131.80	147.33	166.20
112.03	132.55	147.36	166.30
112.36	135.41	147.80	166.40
112.40	135.50	147.85	167.05
112.94	135.51	148.02	167.15
113.01	135.60	148.35	167.25
113.30	135.70	148.65	167.34
113.40	135.80	148.77	167.40
113.50	135.94	149.15	167.50
113.60	136.10	149.60	168.12
114.25	136.40	152.00	168.13
114.55	136.50	152.05	168.14
117.65	136.90	152.43	168.16
117.67	136.92	152.54	168.36
119.50	136.95	152.58	168.37
119.55	136.97	152.60	168.39
120.17	137.02	152.72	168.41
121.10	137.04	153.02	168.42
121.15	137.75	153.08	168.54
121.25	137.79	153.16	168.57
121.30	137.81	153.24	168.59
121.35	138.35	153.28	168.61
121.52	140.10	153.32	168.96
121.54	140.11	154.10	168.98
121.56	140.14	154.40	169.07
121.65	140.16	154.43	169.08
123.50	140.20	154.53	169.32
124.20	140.35	154.60	169.37
124.25	140.38	155.30	169.38

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169.39	190.25	240.12	252.84
169.46	190.68	240.14	252.86
169.47	191.18	240.16	252.90
169.48	192.17	240.21	253.05
169.49	193.10	240.30	253.10
169.58	200.06	240.32	253.15
169.59	200.45	240.34	253.20
176.01	202.38	240.36	253.25
176.14	202.54	240.38	253.30
176.29	202.56	240.40	253.35
176.30	202.60	240.50	253.40
176.49	202.66	240.52	253.45
176.50	203.10	240.54	254.05
176.70	203.20	240.56	254.09
177.12	203.30	240.58	254.15
177.16	204.05	240.60	254.18
177.22	204.10	245.00	254.20
177.24	204.20	245.10	254.25
177.26	204.35	245.30	254.30
177.40	204.40	245.45	254.35
177.58	206.30	245.50	254.40
177.62	206.45	245.60	254.42
177.69	206.52	245.70	254.44
177.72	206.53	245.80	254.46
178.30	206.54	251.10	254.48
182.05	206.65	251.15	254.50
182.10	206.95	251.20	254.54
182.11	207.00	251.25	254.56
182.15	220.10	251.30	254.58
182.20	220.15	251.45	254.63
182.30	220.31	251.49	254.65
182.32	220.35	252.05	254.70
182.35	220.36	252.10	254.80
182.36	220.37	252.13	254.85
182.40	220.39	252.15	254.90
182.45	220.41	252.17	254.95
182.46	220.47	252.20	256.05
182.52	220.50	252.25	256.10
182.58	222.30	252.27	256.13
182.90	222.32	252.30	256.15
182.96	222.34	252.35	256.20
183.05	222.36	252.40	256.25
184.50	222.40	252.42	256.30
184.58	222.41	252.45	256.35
184.65	222.42	252.50	256.40
186.10	222.44	252.57	256.42
186.15	222.55	252.59	256.44
186.20	222.57	252.61	256.48
186.30	222.60	252.63	256.52
186.40	222.62	252.70	256.54
186.50	222.64	252.73	256.56
188.30	240.00	252.75	256.58
188.34	240.03	252.77	256.65
188.50	240.04	252.79	256.67
190.10	240.06	252.81	256.70

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256.75	306.80	361.53	407.04
256.80	306.81	363.02	407.06
256.84	306.82	364.09	407.08
256.90	307.02	364.14	407.10
270.45	307.04	364.18	407.12
270.50	307.06	364.25	407.20
273.30	307.16	364.35	407.25
273.50	308.06	365.05	407.30
273.55	308.10	365.14	407.32
273.65	308.16	365.15	407.35
273.70	308.18	365.25	407.40
273.75	308.20	365.29	407.45
273.85	308.30	365.72	407.50
273.90	308.40	365.76	407.55
273.95	308.45	365.84	407.60
274.00	308.47	365.91	407.70
274.05	308.50	366.84	407.80
274.10	308.51	370.17	407.90
274.15	308.55	370.19	408.05
274.20	308.80	370.22	408.10
274.23	308.90	372.60	408.15
274.27	312.10	372.65	408.20
274.29	312.30	373.22	408.25
274.33	312.40	385.95	408.30
274.35	312.50	386.09	408.35
274.60	315.30	387.32	408.40
274.65	315.75	390.16	408.45
274.70	316.50	403.02	408.60
274.75	316.70	403.04	408.70
274.80	319.03	403.06	408.75
274.85	319.07	403.08	408.80
274.90	335.50	403.10	409.00
304.04	335.70	403.40	415.20
304.10	335.85	403.42	415.27
304.12	337.20	403.44	415.50
304.14	337.72	403.46	416.05
304.22	339.10	403.58	416.10
304.40	347.20	403.70	416.30
304.44	347.28	403.75	416.45
304.48	347.30	403.78	417.10
304.58	347.35	403.79	417.14
305.20	347.72	403.90	417.16
305.22	347.75	405.04	417.18
305.28	355.04	405.06	417.20
305.30	355.20	405.10	417.22
305.40	355.42	405.15	417.24
305.50	355.55	405.20	417.26
306.42	356.25	405.25	417.28
306.52	356.40	405.30	417.30
306.53	360.36	405.35	417.32
306.60	360.77	405.40	417.34
306.61	360.79	405.45	417.36
306.70	360.82	405.55	417.38
306.71	360.84	406.80	417.42
306.72	361.21	407.02	417.44

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417.50	419.82	422.14	426.00
417.52	419.84	422.20	426.04
417.54	419.90	422.24	426.08
417.64	420.00	422.26	426.10
417.70	420.02	422.30	426.12
417.72	420.04	422.58	426.14
417.74	420.06	422.60	426.18
417.76	420.08	422.62	426.22
417.78	420.14	422.70	426.24
417.80	420.16	422.72	426.26
417.90	420.18	422.74	426.28
417.92	420.20	422.78	426.32
418.00	420.22	422.80	426.34
418.14	420.24	422.82	426.36
418.18	420.26	422.90	426.42
418.22	420.28	422.92	426.44
418.24	420.30	422.94	426.46
418.26	420.34	423.00	426.52
418.28	420.36	423.80	426.54
418.32	420.40	423.84	426.56
418.40	420.54	423.86	426.58
418.42	420.60	423.88	426.62
418.44	420.68	423.94	426.64
418.50	420.70	423.96	426.72
418.52	420.78	425.00	426.76
418.60	420.84	425.02	426.77
418.62	420.86	425.04	426.78
418.68	420.88	425.06	426.82
418.72	420.94	425.08	426.84
418.74	420.98	425.09	426.86
418.76	421.04	425.10	426.88
418.78	421.06	425.12	426.92
418.80	421.08	425.14	426.94
418.94	421.10	425.18	426.96
419.00	421.14	425.20	426.98
419.02	421.16	425.22	427.02
419.04	421.18	425.24	427.04
419.10	421.22	425.26	427.06
419.20	421.34	425.28	427.08
419.22	421.36	425.32	427.12
419.24	421.44	425.34	427.14
419.28	421.46	425.36	427.16
419.32	421.52	425.38	427.18
419.34	421.54	425.41	427.20
419.38	421.60	425.42	427.22
419.40	421.62	425.52	427.24
419.42	421.72	425.70	427.25
419.44	421.74	425.72	427.28
419.50	421.76	425.74	427.30
419.52	421.84	425.76	427.40
419.54	421.86	425.78	427.42
419.70	421.90	425.82	427.44
419.74	422.00	425.87	427.45
419.76	422.10	425.88	427.46
419.80	422.12	425.94	427.48

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427.53	429.26	438.01	460.70
427.54	429.29	438.02	460.75
427.56	429.30	439.30	460.80
427.58	429.32	439.50	460.85
427.60	429.34	440.00	460.90
427.62	429.38	445.05	461.05
427.64	429.42	445.10	461.10
427.70	429.44	445.15	461.15
427.72	429.46	445.20	461.20
427.74	429.47	445.25	461.30
427.82	429.48	445.30	461.35
427.84	429.60	445.35	461.40
427.92	429.70	445.42	461.45
427.94	429.85	445.44	465.05
427.97	429.95	445.46	465.10
427.98	432.15	445.48	465.15
428.04	435.10	445.52	465.20
428.06	437.00	445.54	465.25
428.12	437.02	445.56	465.30
428.20	437.04	445.75	465.35
428.22	437.06	446.10	465.40
428.24	437.10	446.12	465.45
428.26	437.12	446.15	465.50
428.30	437.13	446.30	465.55
428.32	437.14	450.10	465.60
428.36	437.16	450.20	465.65
428.40	437.18	452.24	465.70
428.41	437.20	452.48	465.75
428.42	437.22	452.54	465.80
428.44	437.24	452.58	465.85
428.47	437.30	452.80	465.87
428.50	437.32	455.02	465.90
428.52	437.36	455.06	465.92
428.54	437.38	455.16	465.95
428.58	437.40	455.18	466.05
428.62	437.44	455.20	466.10
428.64	437.49	455.22	466.15
428.66	437.50	455.24	466.20
428.68	437.51	455.30	466.25
428.72	437.52	455.32	466.30
428.80	437.54	455.34	470.15
428.82	437.55	455.36	470.25
428.84	437.56	455.38	470.55
428.86	437.57	455.44	470.57
428.88	437.58	455.46	470.85
428.90	437.60	460.10	472.06
428.92	437.65	460.15	472.10
428.94	437.68	460.25	472.14
428.96	437.69	460.30	472.24
429.00	437.70	460.35	472.30
429.10	437.72	460.45	472.40
429.12	437.74	460.50	472.42
429.19	437.82	460.55	472.44
429.22	437.84	460.60	472.48
429.24	437.86	460.65	472.50

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473.02	485.30	513.84	520.54
473.06	490.05	513.94	520.61
473.10	490.10	514.21	520.71
473.12	490.24	514.24	521.87
473.14	490.30	514.34	522.41
473.16	490.32	514.41	522.45
473.18	490.40	514.44	522.71
473.19	490.42	514.51	522.81
473.20	490.44	514.54	523.31
473.24	490.46	514.57	523.33
473.28	490.48	514.61	523.35
473.30	490.50	514.65	523.37
473.32	490.90	514.81	523.51
473.36	490.92	515.11	523.61
473.38	490.94	515.14	523.91
473.44	493.10	515.24	523.94
473.46	493.14	515.31	531.01
473.48	493.17	515.34	531.04
473.50	493.18	515.51	531.11
473.54	493.20	515.54	531.21
473.58	493.22	515.61	531.24
473.60	493.25	515.64	531.33
473.62	493.26	516.21	531.35
473.66	493.30	516.24	531.37
473.70	493.46	516.73	531.39
473.72	493.47	516.74	532.14
473.74	493.50	516.76	532.22
473.76	493.67	516.91	532.41
473.78	493.68	516.94	532.61
473.80	493.82	517.11	533.11
473.82	494.04	517.21	533.15
473.84	494.40	517.51	533.54
473.86	494.52	517.61	534.11
473.88	494.60	517.71	534.21
473.90	495.05	517.74	534.31
474.02	495.10	517.81	534.74
474.04	495.15	517.91	534.76
474.06	495.20	518.21	534.81
474.08	511.11	518.51	534.84
474.20	511.25	519.11	534.87
474.22	511.41	519.14	534.91
474.26	511.51	519.31	534.97
474.30	511.61	519.37	535.11
474.35	511.71	519.51	535.12
474.40	512.24	519.83	535.14
474.42	512.31	519.84	535.21
474.44	512.35	519.86	535.24
474.46	512.41	519.91	535.27
474.50	512.44	519.93	535.41
474.60	513.21	519.95	536.11
474.62	513.36	519.97	536.15
475.55	513.41	520.31	540.11
475.60	513.51	520.37	540.13
485.10	513.74	520.39	540.14
485.20	513.81	520.51	540.15

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540.21	547.51	610.63	618.20
540.37	547.53	610.65	618.22
540.41	547.55	610.66	618.25
540.43	548.01	610.70	618.27
540.47	548.03	610.71	618.29
540.51	548.05	610.74	618.40
540.55	601.33	610.80	618.42
540.61	601.54	612.02	618.47
540.63	602.10	612.05	620.08
540.65	602.20	612.08	620.10
540.67	602.28	612.10	620.12
540.71	603.10	612.15	620.16
541.11	603.15	612.17	620.20
541.21	603.25	612.20	620.22
541.31	603.30	612.30	620.26
543.11	603.45	612.31	620.30
544.11	603.49	612.32	620.40
544.14	603.54	612.34	620.42
544.16	603.55	612.35	620.46
544.18	603.70	612.36	620.50
544.31	605.03	612.38	622.15
544.41	605.05	612.39	622.17
544.51	605.06	612.40	622.20
544.54	605.08	612.41	622.22
544.61	605.27	612.43	622.25
544.64	605.48	612.44	622.35
545.11	605.60	612.45	624.02
545.17	605.65	612.50	624.04
545.21	605.66	612.52	624.10
545.25	606.11	612.55	624.12
545.27	606.15	612.56	624.14
545.31	606.26	612.60	624.16
545.34	606.28	612.61	624.18
545.35	606.30	612.62	624.20
545.37	606.33	612.63	624.22
545.55	606.36	612.64	624.24
545.57	606.37	612.70	624.30
545.61	606.44	612.71	624.32
545.63	606.48	612.72	624.34
545.67	606.57	612.73	624.40
545.81	606.59	612.80	624.42
545.87	606.60	612.81	624.50
546.21	606.62	612.82	624.52
546.23	606.64	613.02	624.54
546.25	606.71	613.03	626.15
546.39	606.73	613.04	626.17
546.47	606.75	613.06	626.18
547.11	606.77	613.08	626.20
547.13	609.14	613.10	626.22
547.15	609.15	613.11	626.24
547.21	609.88	613.12	626.30
547.31	609.90	613.15	626.31
547.37	610.56	613.18	626.35
547.41	610.58	618.10	626.40
547.43	610.62	618.17	626.42

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626.45	642.52	646.04	648.85
628.05	642.54	646.06	648.89
628.10	642.56	646.17	648.91
628.15	642.58	646.20	648.93
628.20	642.60	646.22	648.95
628.25	642.62	646.27	649.01
628.30	642.64	646.28	649.03
628.35	642.66	646.30	649.05
628.40	642.68	646.32	649.07
628.45	642.70	646.34	649.11
628.50	642.72	646.36	649.14
628.55	642.74	646.40	649.17
628.59	642.76	646.41	649.19
628.70	642.78	646.42	649.21
628.74	642.80	646.45	649.23
628.90	642.82	646.47	649.24
628.95	642.85	646.51	649.25
629.05	642.87	646.53	649.26
629.10	642.93	646.54	649.27
629.20	644.02	646.56	649.29
629.25	644.06	646.57	649.31
629.26	644.08	646.65	649.32
629.50	644.09	646.72	649.33
629.60	644.11	646.74	649.35
629.65	644.12	646.75	649.37
632.02	644.15	646.76	649.39
632.04	644.17	646.77	649.41
632.12	644.18	646.78	649.43
632.18	644.20	646.82	649.44
632.34	644.22	646.85	649.46
632.42	644.24	646.86	649.47
632.60	644.26	646.87	649.48
632.62	644.28	646.88	649.49
632.66	644.30	646.89	649.53
633.00	644.32	646.90	649.57
640.05	644.36	646.92	649.67
640.10	644.38	646.95	649.71
640.20	644.40	646.97	649.73
640.25	644.42	646.98	649.75
640.30	644.46	647.01	649.77
640.35	644.48	647.03	649.79
640.40	644.52	647.05	649.81
642.06	644.56	647.10	649.83
642.08	644.60	648.51	649.85
642.09	644.64	648.53	649.87
642.14	644.68	648.55	649.89
642.16	644.72	648.57	649.91
642.18	644.76	648.61	650.01
642.20	644.80	648.63	650.05
642.25	644.84	648.67	650.07
642.27	644.88	648.69	650.13
642.30	644.92	648.71	650.15
642.45	644.95	648.73	650.17
642.47	644.98	648.75	650.19
642.50	646.02	648.80	650.21

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650.31	652.33	656.10	661.85
650.35	652.35	656.15	661.90
650.37	652.36	656.20	661.92
650.43	652.38	656.25	661.95
650.45	652.41	656.30	662.10
650.51	652.42	656.35	662.15
650.53	652.45	657.10	662.18
650.56	652.50	657.15	662.20
650.57	652.55	657.25	662.26
650.61	652.60	657.30	662.30
650.63	652.65	657.35	662.50
650.65	652.70	657.40	664.06
650.71	652.72	657.50	664.07
650.73	652.75	657.60	664.08
650.75	652.80	657.70	664.10
650.77	652.86	657.75	666.10
650.79	652.88	657.80	666.25
650.81	652.90	657.90	668.00
650.83	652.92	658.00	668.02
650.85	652.93	660.10	668.04
650.87	653.00	660.15	668.06
650.90	653.01	660.20	668.07
651.01	653.03	660.22	668.10
651.03	653.05	660.25	668.15
651.04	653.07	660.30	668.21
651.07	653.10	660.35	668.23
651.09	653.15	660.56	668.32
651.11	653.20	660.59	668.34
651.15	653.25	660.62	668.36
651.23	653.30	660.67	668.38
651.25	653.35	660.71	668.50
651.27	653.37	660.74	670.00
651.29	653.39	660.76	670.02
651.31	653.45	660.77	670.04
651.33	653.52	660.80	670.06
651.37	653.60	660.85	670.12
651.45	653.62	660.92	670.14
651.47	653.65	660.96	670.16
651.49	653.70	660.97	670.17
651.51	653.75	661.05	670.18
651.53	653.80	661.06	670.19
651.55	653.90	661.12	670.20
651.60	653.96	661.15	670.22
651.62	653.99	661.20	670.23
652.03	654.01	661.25	670.25
652.06	654.02	661.30	670.27
652.09	654.03	661.35	670.29
652.13	654.05	661.40	670.33
652.14	654.09	661.45	670.35
652.15	654.11	661.50	670.40
652.18	654.13	661.54	670.41
652.21	654.14	661.56	670.42
652.24	654.15	661.65	670.43
652.27	654.20	661.67	670.50
652.30	656.05	661.68	670.52

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670.54	680.27	686.60	702.45
670.56	680.42	686.70	702.85
670.58	680.46	686.80	702.90
670.64	680.49	686.90	702.95
670.66	680.59	687.10	703.20
670.68	680.62	687.20	703.25
670.70	680.92	687.42	703.30
670.72	681.10	688.04	703.35
670.74	681.13	688.06	703.40
670.90	681.15	688.20	703.45
672.10	681.21	688.25	703.50
672.14	681.27	688.30	703.55
672.16	681.33	688.44	703.60
672.20	681.36	690.05	703.70
672.22	681.39	690.10	703.72
672.25	682.05	690.15	703.80
674.10	682.07	690.20	703.85
674.20	682.20	690.35	704.34
674.30	682.25	690.40	704.75
674.32	682.30	692.04	704.80
674.40	682.35	692.14	704.95
674.42	682.41	692.16	705.30
674.50	682.45	692.29	705.82
674.52	682.50	692.35	705.83
674.53	682.52	692.40	705.90
674.55	682.55	692.45	706.04
674.56	682.70	692.50	706.45
674.60	682.80	692.55	706.47
674.70	682.90	692.60	706.50
674.75	682.95	694.31	708.01
674.80	683.10	694.50	708.03
674.90	683.20	694.61	708.05
676.07	683.30	694.63	708.07
676.10	683.32	694.64	708.09
676.12	683.40	694.65	708.21
676.15	683.50	694.66	708.23
676.22	683.60	694.67	708.25
676.23	683.65	694.70	708.27
676.25	683.90	696.05	708.29
676.30	683.95	696.15	708.41
676.50	684.10	696.30	708.43
678.20	684.25	696.40	708.45
678.30	684.28	696.50	708.47
678.32	684.40	696.60	708.51
678.35	684.62	700.54	708.52
678.40	684.64	702.08	708.56
678.45	685.10	702.15	708.58
680.05	685.26	702.20	708.61
680.07	685.29	702.25	708.63
680.12	685.34	702.28	708.65
680.13	685.42	702.30	708.71
680.14	685.60	702.32	708.72
680.17	685.70	702.35	708.73
680.19	686.18	702.37	708.75
680.25	686.40	702.40	708.76

ANNEX II

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708.78	710.70	722.30	725.34
708.80	710.72	722.32	725.36
708.82	710.76	722.34	725.38
708.85	710.78	722.40	725.40
708.87	710.80	722.42	725.47
708.89	710.86	722.46	725.50
708.91	710.88	722.50	725.52
708.93	710.90	722.52	726.05
709.01	711.04	722.55	726.10
709.03	711.08	722.56	726.15
709.05	711.25	722.60	726.20
709.06	711.30	722.64	726.25
709.07	711.31	722.70	726.40
709.09	711.32	722.72	726.45
709.10	711.38	722.75	726.50
709.11	711.40	722.78	726.52
709.13	711.42	722.80	726.55
709.15	711.45	722.82	726.60
709.17	711.47	722.83	726.62
709.19	711.49	722.85	726.63
709.21	711.55	722.86	726.65
709.23	711.60	722.88	726.70
709.25	711.67	722.90	726.75
709.27	711.75	722.92	727.02
709.45	711.77	722.94	727.04
709.50	711.78	722.96	727.06
709.54	711.86	723.05	727.12
709.55	711.88	723.10	727.25
709.56	711.90	723.15	727.27
709.57	711.98	723.20	727.29
709.61	712.05	723.25	727.40
709.63	712.10	723.30	727.45
709.66	712.12	723.32	727.47
710.04	712.15	723.35	727.50
710.06	712.20	724.10	727.52
710.08	712.25	724.12	727.55
710.12	712.27	724.20	727.86
710.14	712.47	724.25	728.05
710.16	712.49	724.35	728.10
710.20	713.05	724.40	728.15
710.21	713.07	724.45	728.20
710.26	713.09	725.01	728.25
710.27	713.11	725.03	730.05
710.30	713.17	725.04	730.23
710.34	713.19	725.05	730.25
710.36	715.20	725.07	730.27
710.40	720.80	725.10	730.31
710.42	720.92	725.12	730.37
710.46	721.10	725.14	730.39
710.50	722.02	725.16	730.43
710.60	722.04	725.18	730.45
710.61	722.10	725.20	730.51
710.63	722.12	725.22	730.53
710.65	722.14	725.24	730.55
710.67	722.16	725.26	730.57
710.68	722.18	725.30	730.59
			730.63

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730.65	734.95	745.67	756.45
730.67	735.01	745.68	756.50
730.71	735.02	745.70	756.55
730.73	735.04	748.05	756.60
730.74	735.06	748.10	760.10
730.75	735.10	748.12	760.12
730.77	735.11	748.15	760.15
730.80	735.12	748.20	760.20
730.81	735.15	748.21	760.30
730.85	735.17	748.25	760.32
730.86	735.18	748.32	760.34
730.88	737.07	748.34	760.36
730.90	737.09	748.36	760.38
730.91	737.15	748.40	760.40
730.92	737.21	750.10	760.42
730.93	737.35	750.15	760.45
731.05	737.40	750.20	760.50
731.06	737.55	750.22	760.52
731.10	737.65	750.25	760.54
731.20	737.70	750.32	760.56
731.24	740.05	750.40	760.58
731.26	740.38	750.45	760.65
731.30	740.50	750.47	766.20
731.42	740.55	750.50	770.05
731.44	740.60	750.55	770.07
731.50	740.75	750.60	770.10
731.70	740.80	750.65	770.30
732.35	741.06	750.70	770.40
732.38	741.10	750.75	770.45
732.43	741.15	750.80	770.70
732.50	741.20	751.10	770.80
732.52	741.30	751.11	771.05
732.60	741.35	751.15	771.20
732.62	741.40	751.20	771.25
734.05	741.50	751.25	771.30
734.30	745.04	755.05	771.31
734.32	745.08	755.10	771.35
734.40	745.10	755.20	771.40
734.42	745.20	755.30	771.41
734.45	745.25	755.40	771.43
734.54	745.28	755.45	771.50
734.60	745.30	755.50	771.55
734.70	745.34	756.02	772.06
734.71	745.45	756.04	772.09
734.72	745.50	756.06	772.15
734.75	745.52	756.10	772.20
734.77	745.54	756.15	772.25
734.80	745.56	756.21	772.40
734.85	745.58	756.23	772.42
734.86	745.60	756.25	772.45
734.88	745.62	756.30	772.54
734.91	745.65	756.35	772.60
734.93	745.66	756.40	772.65

ANNEX II

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772.69	774.50	790.60	791.50
772.71	774.55	790.61	791.54
772.80	790.00	790.62	791.57
772.85	790.03	790.63	791.60
772.95	790.07	791.05	791.65
773.05	790.10	791.10	791.70
773.10	790.15	791.15	791.80
773.15	790.23	791.17	791.90
773.20	790.30	791.19	792.10
773.25	790.37	791.20	792.22
773.30	790.40	791.27	792.30
773.35	790.45	791.28	792.32
774.20	790.47	791.30	792.40
774.25	790.50	791.35	792.70
774.35	790.55	791.45	799.00
774.40	790.59	791.48	

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ANNEX III

ARTICLES THAT ARE ELIGIBLE FOR PREFERENTIAL TREATMENT WHEN IMPORTED FROM BENEFICIARY DEVELOPING COUNTRIES OTHER THAN THOSE SPECIFIED IN GENERAL HEADNOTE 3(c)(iii) OF THE TSUS

107.80	245.20	654.07	727.23
114.05	256.60	654.12	727.35
121.55	256.87	657.24	730.29
121.62	308.35	660.42	730.41
135.30	315.25	660.48	734.10
135.90	315.55	662.35	734.15
136.00	319.01	674.35	734.20
136.30	319.05	676.20	734.25
136.80	360.35	676.52	734.34
137.40	389.61	678.50	734.51
137.71	419.60	682.60	734.56
138.05	420.82	683.15	734.87
140.21	422.76	683.70	734.90
141.70	425.84	683.80	735.07
141.77	425.86	684.15	735.09
146.12	428.34	684.20	735.20
146.22	437.64	684.50	737.25
146.44	473.52	684.70	737.30
147.98	473.56	685.24	737.45
148.12	511.31	685.40	737.50
148.19	516.71	685.90	737.60
148.27	517.24	686.24	737.80
148.72	518.41	686.30	737.95
149.50	520.35	686.50	740.10
155.20	522.21	687.30	740.30
155.35	532.31	688.10	740.34
156.40	534.94	688.12	740.70
176.15	535.31	688.15	741.25
176.17	545.53	688.35	750.05
192.21	545.65	688.45	750.35
192.45	545.85	692.32	751.05
192.85	603.40	696.10	755.25
200.91	603.50	696.35	771.45
202.62	612.03	702.14	772.03
204.30	612.06	702.47	772.35
206.47	618.15	703.65	772.51
206.50	622.40	703.75	772.97
206.60	648.97	706.40	774.45
206.98	650.89	709.40	790.25
220.20	651.13	713.15	790.39
220.25	651.21	722.44	790.70
220.48	652.84	725.08	792.50
222.10	653.47	725.32	792.60
240.02	653.48	725.46	792.75
240.10	653.85	726.90	
240.19	653.93	727.15	

ANNEX IV

"(iii) The following designated eligible articles provided for in TSUS item numbers preceded by the designation "A*", if imported from a beneficiary developing country set opposite the TSUS item numbers listed below, are not entitled to the duty-free treatment provided for in subdivision (c)(ii) of this headnote:

TSUS item No.	Country or territory	TSUS item No.	Country or territory
107.80	Argentina	206.60	Mexico
114.05	Thailand	206.98	Taiwan
121.55	India	220.20	Portugal
121.62	India	220.25	Portugal
135.30	Mexico	220.48	Portugal
135.90	Mexico	222.10	Hong Kong
136.00	Dominican Republic	240.02	Philippines
136.30	Mexico	240.10	Brazil
136.80	Mexico	240.19	Taiwan
137.40	Mexico	245.20	Brazil
137.71	Mexico	256.60	Republic of Korea
138.05	Mexico	256.87	Mexico
140.21	Mexico	308.35	Hong Kong
141.70	Taiwan	315.25	Mexico
141.77	Mexico	315.55	Philippines
146.12	Argentina	319.01	India
146.22	Turkey	319.05	India
146.44	Philippines	360.35	India
147.98	Mexico	389.61	Hong Kong
148.12	Mexico	419.60	Chile
148.19	Mexico	420.82	Israel
148.27	Mexico	422.76	Mexico
148.72	Chile	425.84	Netherlands Antilles
149.50	Mexico	425.86	Brazil
155.20	Brazil, Dominican Republic, Philippines	428.34	Brazil
		437.64	Brazil
		473.52	Mexico
155.35	Dominican Republic	473.56	Mexico
156.40	Brazil	511.31	Mexico
176.15	Brazil	516.71	India
176.17	Philippines	517.24	Malagasy Republic
192.21	Colombia	518.41	Mexico
192.45	Israel	520.35	Thailand
192.85	Mexico	522.21	Mexico
200.91	Honduras	532.31	Mexico
202.62	Mexico	534.94	Taiwan
204.30	Mexico	535.31	Mexico
206.47	Taiwan	545.53	Mexico
206.50	Honduras	545.65	Mexico

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TSUS item No.	Country or territory
545.85	Taiwan
603.40	Chile
603.50	Chile
612.03	Peru
612.06	Chile
	Peru
618.15	Venezuela
622.40	Brazil
648.97	Taiwan
650.89	Hong Kong
651.13	Hong Kong
651.21	Taiwan
652.84	Mexico
653.47	Taiwan
653.48	Taiwan
653.85	Taiwan
653.93	Taiwan
654.07	Taiwan
654.12	Taiwan
657.24	Taiwan
660.42	Brazil
660.48	Mexico
662.35	Mexico
674.35	Taiwan
676.20	Hong Kong
676.52	Hong Kong
	Mexico
678.50	Hong Kong
	Republic of Korea
	Taiwan
682.60	Mexico
683.15	Mexico
683.70	Hong Kong
683.80	Hong Kong
684.15	Singapore
684.20	Hong Kong
684.50	Hong Kong
684.70	Taiwan
685.24	Hong Kong
	Republic of Korea
	Singapore
	Taiwan
685.40	Taiwan
685.90	Mexico
686.24	El Salvador
686.30	Taiwan
686.50	Mexico
687.30	Malaysia
688.10	Taiwan
688.12	Mexico
688.15	Mexico
688.35	Republic of Korea
688.45	Hong Kong
692.32	Brazil
	Mexico
696.10	Taiwan
696.35	Taiwan
702.14	Republic of Korea
702.47	Mexico
703.65	Mexico
703.75	Mexico
706.40	Hong Kong
709.40	Hong Kong
713.15	Mexico
722.44	Hong Kong
725.08	Republic of Korea
725.32	Taiwan
725.46	Republic of Korea
726.90	Mexico
727.15	Taiwan
727.23	Republic of Korea
727.35	Taiwan
730.29	Brazil
730.41	Brazil
734.10	Taiwan
734.15	Taiwan
734.20	Hong Kong
734.25	Hong Kong
734.34	Hong Kong
734.51	Taiwan
734.56	Haiti
734.87	Taiwan
734.90	Taiwan
735.07	Republic of Korea
735.09	Taiwan
735.20	Taiwan
737.25	Taiwan
737.30	Republic of Korea
737.45	Hong Kong
737.50	Hong Kong
737.60	Hong Kong
737.80	Hong Kong
737.95	Hong Kong
	Taiwan
740.10	Hong Kong
740.30	Hong Kong
740.34	Hong Kong
740.70	Israel
741.25	Hong Kong
750.05	Hong Kong

ANNEX IV

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TSUS item No.	Country or territory
750.35	Taiwan
751.05	Taiwan
755.25	Hong Kong
771.45	Taiwan
772.03	Hong Kong
772.35	Taiwan
772.51	Republic of Korea
772.97	Hong Kong
774.45	Hong Kong
790.25	Philippines
790.39	Taiwan
790.70	Republic of Korea
792.50	Philippines
792.60	Hong Kong
792.75	Hong Kong"

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ANNEX V

Annex III to Presidential Proclamation 4707 of December 13, 1979, is amended —

a) by deleting from Section A of that Annex the following TSUS item numbers with their corresponding rates of duty and footnotes:

137.82	337.70	432.20	680.63
160.49	365.70	532.21	688.40
168.53	365.75	650.91	740.10

b) by inserting in Section A of that Annex the following TSUS item numbers in numerical sequence, with their corresponding rates of duty and footnotes, as follows:

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1 — 1980	1981	1982	1983	1984	1985	1986	1987
137.81 2/	25% ad val.	22% 2/	19%	16%	13%	10%	10%	10%	10%
137.82 2/	25% ad val.	22% 2/	2/	2/	2/	2/	2/	2/	2/
137.83 2/	25% ad val.	22% 2/	19%	16%	13%	10%	10%	10%	10%
168.49 2/	$1.25 per proof gal.	$1.16/ proof gal. 2/	2/	2/	2/	2/	2/	2/	2/
168.53 3/	$1 per proof gal.	92c/ proof gal. 3/	2/	3/	3/	3/	3/	3/	3/
168.57 2/	$1.25 per proof gal.	$1.16/ proof gal. 2/	$1.06/ proof gal.	97c/ proof gal.	87c/ proof gal.	78c/ proof gal.	69c/ proof gal.	59c/ proof gal.	50c/ proof gal.
168.61 3/	$1 per proof gal.	92c/ proof gal. 3/	85c/ proof gal.	77c/ proof gal.	70c/ proof gal.	62c/ proof gal.	55c/ proof gal.	47c/ proof gal.	40c/ proof gal.
168.78 2/	$1.25 per proof gal.	$1.16/ proof gal. 2/	$1.06/ proof gal.	97c/ proof gal.	87c/ proof gal.	78c/ proof gal.	69c/ proof gal.	59c/ proof gal.	50c/ proof gal.
168.82 3/	$1 per proof gal.	92c/ proof gal. 3/	85c/ proof gal.	77c/ proof gal.	70c/ proof gal.	62c/ proof gal.	55c/ proof gal.	47c/ proof gal.	40c/ proof gal.
337.68 4/	11.5% ad val.	11.5% 4/	11.5%	10.6%	9.7%	8.7%	7.8%	6.9%	6%
337.70 4/	11.5% ad val.	11.5% 4/	4/	4/	4/	4/	4/	4/	4/
337.72 4/	11.5% ad val.	11.5%	11.5%	10.6%	9.7%	8.7%	7.8%	6.9%	6%
365.68 7/	22.5% ad val.	22.5% 7/	22.5%	20.8%	19.3%	17.7%	16%	14.4%	12.8%
365.70 7/	22.5% ad val.	22.5% 7/	7/	7/	7/	7/	7/	7/	7/
365.72 7/	22.5% ad val.	22.5% 7/	22.5%	20.8%	19.3%	17.7%	16%	14.4%	12.8%
365.74 5/	32% ad val.	32% 5/	32%	29.3%	26.5%	23.8%	21%	18.3%	15.5% 5/
365.75 5/	32% ad val.	32% 5/	3/	3/	3/	3/	3/	3/	3/
365.76 5/	32% ad val.	32% 5/	32%	29.3%	26.5%	23.8%	21%	18.3%	15.5% 5/

Footnote 2 for items 137.81, 137.82, and 137.83:
2/ Item 137.82 is discontinued effective March 30, 1980, and is superseded by items 137.81 and 137.83.

Footnote 2 for items 168.49, 168.57, and 168.78:
2/ Item 168.49 is discontinued effective March 30, 1980, and is superseded by items 168.57 and 168.78.

Footnote 3 for items 168.53, 168.61, and 168.82:
3/ Item 168.53 is discontinued effective March 30, 1980, and is superseded by items 168.61 and 168.82.

Footnote 4 for items 337.68, 337.70, and 337.72:
4/ Item 337.70 is discontinued effective March 30, 1980, and is superseded by items 337.68 and 337.72.

Footnote 7 for items 365.68, 365.70, and 365.72:
7/ Item 365.70 is discontinued effective March 30, 1980, and is superseded by items 365.68 and 365.72.

Footnote 5 for items 365.74, 365.75, and 365.76:
5/ Item 365.75 is discontinued effective March 30, 1980, and is superseded by items 365.74 and 365.76. For items 365.74 and 365.76, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 12.8%.

ANNEX V

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b) by inserting in Section A of that Annex the following TSUS item numbers in numerical sequence with their corresponding rates of duty and footnotes, as follows (continued):

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1 — 1980	1981	1982	1983	1984	1985	1986	1987
432.15 2/	5% ad val., but not less than the highest rate applicable to any component material	4.8%, but not less than the highest rate applicable to any component material 2/	4.7%, but not less than the highest rate applicable to any component material	4.5%, but not less than the highest rate applicable to any component material	4.4%, but not less than the highest rate applicable to any component material	4.2%, but not less than the highest rate applicable to any component material	4%, but not less than the highest rate applicable to any component material	3.9%, but not less than the highest rate applicable to any component material	3.7%, but not less than the highest rate applicable to any component material
432.20 2/	5% ad val., but not less than the highest rate applicable to any component material	4.8%, but not less than the highest rate applicable to any component material 2/	2/	2/	2/	2/	2/	2/	2/
432.25 2/	5% ad val., but not less than the highest rate applicable to any component material	4.8%, but not less than the highest rate applicable to any component material 2/	4.7%, but not less than the highest rate applicable to any component material	4.5%, but not less than the highest rate applicable to any component material	4.4%, but not less than the highest rate applicable to any component material	4.2%, but not less than the highest rate applicable to any component material	4%, but not less than the highest rate applicable to any component material	3.9%, but not less than the highest rate applicable to any component material	3.7%, but not less than the highest rate applicable to any component material
532.20 2/	24.5% ad val.	23.9% 2/	23.4%	22.8%	22.3%	21.7%	21.1%	20.6%	20%
532.21 2/	24.5% ad val.	23.9% 2/	2/	2/	2/	2/	2/	2/	2/
532.22 2/	24.5% ad val.	23.9%	23.4%	22.8%	22.3%	21.7%	21.1%	20.6%	20%
650.90 2/	10c each + 22.5% ad val.	10c each + 20.9% 2/	10c each + 19.4%	10c each + 17.8%	10c each + 16.3%	10c each + 14.7%	10c each + 13.1%	10c each + 11.6%	10c each + 10%
650.91 2/	10c each + 22.5% ad val.	10c each + 20.9% 2/	2/	2/	2/	2/	2/	2/	2/
650.92 2/	10c each + 22.5% ad val.	10c each + 20.9% 2/	10c each + 19.4%	10c each + 17.8%	10c each + 16.3%	10c each + 14.7%	10c each + 13.1%	10c each + 11.6%	10c each + 10%
680.63 2/	9.5% ad val.	9% 2/	2/	2/	2/	2/	2/	2/	2/
680.92 2/	9.5% ad val.	9% 2/	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%
680.93 2/	9.5% ad val.	9% 2/	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%
688.40 2/	5.5% ad val.	5.3% 2/	2/	2/	2/	2/	2/	2/	2/
688.44 2/	5.5% ad val.	5.3% 2/	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%
688.45 2/	5.5% ad val.	5.3% 2/	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%
740.10 2/	12% ad val.	11.3% 2/	10.6% 2/	2/	2/	2/	2/	2/	2/
740.11 2/	12% ad val.	11.3% 2/	10.6% 2/	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%
740.12 2/	12% ad val.	11.3% 2/	10.6% 2/	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%
740.13 2/	12% ad val.	11.3% 2/	10.6% 2/	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%
740.14 2/	12% ad val.	11.3% 2/	10.6% 2/	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%
740.15 2/	12% ad val.	11.3%	10.6% 2/	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%

Footnote 2 for items 432.15, 432.20, and 432.25:
2/ Item 432.20 is discontinued effective March 30, 1980, and is superseded by items 432.15 and 432.25.

Footnote 2 for items 532.20, 532.21, and 532.22:
2/ Item 532.21 is discontinued effective March 30, 1980, and is superseded by items 532.20 and 532.22.

Footnote 2 for items 650.90, 650.91, and 650.92:
2/ Item 650.91 is discontinued effective March 30, 1980, and is superseded by items 650.90 and 650.92.

Footnote 2 for items 680.63, 680.92, and 680.93:
2/ Item 680.63 is discontinued effective March 30, 1980, and is superseded by items 680.92 and 680.93.

Footnote 2 for items 688.40, 688.44, and 688.45:
2/ Item 688.40 is discontinued effective March 30, 1980, and is superseded by items 688.44 and 688.45.

Footnote 2 for items 740.10, 740.11, 740.12, 740.13, 740.14, and 740.15:
2/ Item 740.10 is discontinued effective March 31, 1981, and is superseded by items 740.11, 740.12, 740.13, 740.14, 740.15.

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a) by deleting from Section B of that Annex item 727.10, with its corresponding rates of duty and footnotes and by inserting the following item numbers, rates of duty, and footnotes therein:

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/ effective with respect to articles entered on and after the dates to be notified and published for the appropriate stages below:							
		Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6	Stage 7	Stage 8
727.10 2/	16% ad val.	14.9% 2/	2/	2/	2/	2/	2/	2/	2/
727.11 2/	16% ad val.	14.9% 2/	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	7.5%
727.12 2/	16% ad val.	14.9% 2/	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	7.5%

Footnote 2 for items 727.10, 727.11, and 727.12:

2/ Item 727.10 is discontinued effective March 30, 1980, and is superseded by items 727.11 and 727.12.

ANNEX VI

Annex IV to Presidential Proclamation 4707 of December 13, 1979, is amended --

a) by deleting from section B(5) of that Annex the following:

TSUS Item No.	Rate of Duty
727.10	7.5% ad val.

b) by inserting in section B(5) of that Annex the following:

TSUS Item No.	Rate of Duty
727.11	7.5% ad val.
727.12	7.5% ad val.

[FR Doc. 80-9757
Filed 3-27-80; 12:33 pm]
BILLING CODE 3195-01-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going into Effect Today

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—

13010 2–27–80 / Rules for listing endangered and threatened species, designating critical habitat, and maintaining the lists

ENERGY DEPARTMENT

12970 2–27–80 / Industrial energy conservation program; final reporting forms

INTERIOR DEPARTMENT
Fish and Wildlife Service—

13010 2–27–80 / Rules for listing endangered and threatened species, designating critical habitat, and maintaining the lists

List of Public Laws

Last Listing March 26, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S. 1454 / Pub. L. 96–215 To authorize the voluntary interservice transfer of officers between the commissioned corps of the National Oceanic and Atmospheric Administration and the Armed Forces, to authorize advance payments of pay and allowances to officers of such corps under the same conditions that apply to advance payments to members of the Armed Forces, and to provide officers of such corps the same unemployment compensation benefits that apply to members of the Armed Forces. (Mar. 25, 1980; 94 Stat. 123) Price $1.50.

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Advance Orders are now Being Accepted for Delivery in About 6 Weeks

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Highlights

20925 **Income Tax** Treasury/IRS proposes to change the applicable tax law for regulated investment companies and real estate investment trusts, comments and request for hearing by 5–27–80

21063 **Drug Enforcement** Justice/DEA proposes 1980 revised aggregate production quotas for controlled substances; comments by 4–28–80

20802 **Medicare** HEW/HCFA revises regulations dealing with quality control and proficiency testing of American Osteopathic Association in accrediting hospital laboratories

20830 **Private Line Services** FCC outlines proposal for allowing direct connection of customer provided equipment into the national telephone network; effective 4–30–80

21126 **Older Americans** HEW/HDSO issues new and revised regulations for authorization of grants to State and community programs; effective 3–31–80 (Part IV of this issue)

20796 **Retirement Income** Treasury/IRS provides final regulations defining term "church plan" for tax purposes; effective 9–2–74

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Highlights

20983 **Unsolicited Proposals** HEW/Sec'y proposes to amend procurement regulations; comments by 4–30–80

20912 **Imported Merchandise** Treasury/Customs proposes to amend regulations relating to valuation for customs purposes; comments by 5–30–80

21076 **Improving Government Regulations** Those agencies publishing semi-annual agendas are Treasury/IRS (Part II of this issue), Farm Credit Administration and the State Department

21044 **Subsistence Hunting** Interior/FWS announces availability of draft environmental assessment of proposal seeking amendments to migratory bird treaties with Canada, Mexico, and Japan; comments by 5–12–80

21044 **OCS Annual Technical Report** Interior/GS announce availability of Research and Development Program for Outer Continental Shelf Oil and Gas Operations—1979

21172 **Minority Business Enterprise** DOT/Sec'y establishes uniform program by which firms owned by minorities may participate in contracts let by recipients of financial assistance from DOT; effective 4–30–80 (Part VI of this issue)

Privacy Act Documents

20992 Defense/Army

20789 IDCA/AID

20899 **Atomic Energy** NRC proposes to add fee for material licenses and other regulatory services; comments by 4–30–80

20871 **Fuel Economy** DOT/NHTSA establishes light truck average standards for model year 1982

21061 **Watches and Watch Movements** ITA determines U.S. consumption and issues quotas for duty-free entry from Virgin Islands, Guam, and American Samoa

21073 **Sunshine Act Meetings**

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21076 **Part II—Treasury/IRS**
21092 **Part III—DOT/FRA**
21126 **Part IV—HEW/HDSO**
21168 **Part V—USDA/AMS**
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Rules and Regulations

Federal Register
Vol. 45, No. 63
Monday, March 31, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; FC-0171]

Truth in Lending; Official Staff Interpretation; Suspension of Effective Date and Republication for Public Comment

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Effective date of official staff interpretation suspended; its text reprinted for public comment.

SUMMARY: The Board is suspending the effective date of official staff interpretation FC–0171 of Regulation Z, Truth in Lending, regarding the advertising and disclosure requirements under Regulation Z for loophole accounts (money market certificate loans), published February 15, 1980 (45 FR 10329) and is republishing it for public comment. The agency is taking this action in response to a request for public comment submitted in accordance with 12 CFR 226.1(d)(3). The letter requesting a comment period is published below and immediately precedes the text of the official staff interpretation.

DATES: The effective date of FC–0171 is suspended until further notice. Comments must be received on or before April 30, 1980.

ADDRESS: Comments (including reference to FC–0171) may be mailed to Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to Room B–2223, 20th and Constitution Avenue, N.W., Washington, D.C. between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT: Dolores S. Smith, Section Chief, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–2412).

SUPPLEMENTARY INFORMATION: (1) The effective date, March 17, 1980, of official staff interpretation FC–0171 is suspended in accordance with 12 CFR Part 226.1(d)(2)(ii). The text of the letter requesting the opportunity for public comment appears below. This interpretation will not go into effect until final action is taken. Notice of such action will be published in the **Federal Register** in approximately 60 days and will become effective upon publication.

(2) The text of official staff interpretation FC–0171 is republished for comment with the exception of language pertaining to its former effective date. Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR 261.6.

(3) Interested persons are invited to submit relevant comments. All material should be submitted in writing to: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and should be received not later than April 30, 1980. Comments will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

(4) After comments are considered, this official staff interpretation may be amended, may be withdrawn or may remain unchanged. Final action regarding this official staff interpretation will appear in the **Federal Register.**

(5) Authority: (15 U.S.C. 1640(f)).

The First National Bank of Boston
Boston, Mass., March 10, 1980.

Re Official Staff Interpretation FC–0171.

Theodore E. Allison,
Secretary, Board of Governors of the Federal Reserve System, Washington, D.C.

Dear Mr. Allison: We hereby request an opportunity for public comment on Official Staff Interpretation FC–0171 (the "Interpretation") regarding the advertising and disclosure requirements under Regulation Z for loophole accounts which was issued by the Board of Governors of the Federal Reserve System ("Board").

The Interpretation states that the advertising for six month money market certificates "will undoubtedly make reference to the plan's 26 week term" and that "this reference effectively states a period of repayment." While this language is somewhat ambiguous, it appears that a reference to the term of the certificate constitutes a statement of the term of repayment of the loan, and therefore, full disclosures under Section 226.10(d)(2) of Regulation Z are required. We believe that stating the term of the certificate should not be deemed to be a triggering term. Creditors may elect to write such loans on a demand basis, rather than on a 26 week term basis; thus, the assumption that the term of the certificate effectively describes the term of the loan would not be accurate. In addition, it may be cumbersome to provide full disclosures in such advertisements, and creditors should have the option of avoiding this result if they limit the type of statements which are made about the loan arrangement in the advertisement. To require creditors to make full disclosures once they state the term of the certificate removes this option since creditors, under Regulation Q, must state the term of the certificate in an advertisement when quoting an advertised rate. We, therefore, believe that full disclosures should not be required if a creditor merely refers to the term of the certificate, but instead should be required only if the creditor explicitly states the term of the loan.

In addition, we would suggest that the Board clarify the responsibilities which a creditor has under Regulation Z if full disclosures are required. If a creditor provides several examples of loan arrangements in the advertisement, and a term of repayment is stated, Regulation Z apparently would require full disclosures under Section 226.10(d)(2) with respect to each example. Based on informal discussions which we have had with the staff of the Board, it appears that the Interpretation would allow a creditor to satisfy the Regulation Z requirements by providing full disclosures with respect to one example only. We do not believe that this conclusion is evident from the face of the Interpretation and therefore urge the Board to clarify this matter.

We appreciate the opportunity to make these comments.

Very truly yours,

Lora C. Pepi,
Associate Counsel.

§ 226.8(b)(General) Loan for portion of money market certificate ("loophole account") should be disclosed as single advance transaction; disclosures should not reflect interest lost or earned by customer on loan portion of money market certificate.

§ 226.8(b)(2) Loan for portion of money market certificate ("loophole account") should be disclosed as single advance transaction; disclosures should not reflect interest lost or earned by

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customer on loan portion of money market certificate.

§ 226.8(d) Loan for portion of money market certificate ("loophole account") should be disclosed as single advance transaction; disclosures should not reflect interest lost or earned by customer on loan portion of money market certificate.

§ 226.8(e) Portion of money market certificate deposited by customer is not a required deposit balance.

§ 226.10(d) Advertising requirements for loophole account may be met by an example of typical loan.

February 4, 1980.

This is in response to your letter requesting an official staff interpretation regarding the proper disclosure under Regulation Z for "loophole accounts," money market certificates that involve the loan of a portion of the minimum deposit by the institution issuing the certificate.

Money market certificates are 26-week certificates of deposit offered to customers in minimum denominations of $10,000. In order to allow more customers to take advantage of the relatively high interest rate offered on these certificates, your client proposes to offer "loophole accounts." Under this plan, a customer who has less than $10,000 to invest may receive a loan from the bank in the amount necessary to make up the $10,000 minimum.

You enclose a series of examples illustrating this plan. In one example, $6,000 is the amount provided by the customer, with $4,000 advanced by the bank to make up the minimum requirement. The customer's funds will earn an assumed current money market rate of 12%, while the $4,000 loan is subject to a maximum interest charge of 10.25%. You also point out that, under applicable state law, the rate charged by the bank on the borrowed portion of the funds must be at least 1% above the rate being earned by the consumer on those funds. In your example, the money market certificate rate on the borrowed funds is thus reduced to 9.25%. To summarize, the customer is earning 12% on $6,000 and 9.25% on $4,000, and is paying 10.25% on the latter amount.

You ask how such transactions should be treated for purposes of making disclosures under § 226.8 of Regulation Z. You also request information regarding the effect of the advertising provisions of § 226.10 on your client's promotional material for these plans.

The staff believes that the transaction you describe should be treated as a single advance, single payment transaction for purposes of Regulation Z disclosures. Those disclosures should not reflect either the amount of interest earned by the customer on the borrowed funds or the fact that the customer is earning less interest on those funds than if the customer's own funds had been used. This latter information, however, may be useful to the customer and could be disclosed as additional information. Similarly, the funds provided by the customer (the $6,000 in the example above) should be disregarded in computing the amount financed, and should not be treated or disclosed as a required deposit balance under §§ 226.8 (d) and (e).

To illustrate, the example above would represent a single advance transaction of $4,000 in amount financed, with a total finance charge consisting of $204.44 in interest, assuming there are no other charges. In the absence of any finance charge other than interest, in this example the simple interest rate of 10.25% should be disclosed as the annual percentage rate. In addition to the annual percentage rate and finance charge, the creditor must of course make any other applicable disclosures set forth in §§ 226.8 (b) and (d), such as any security interest taken in the money market certificate to secure the loan.

With regard to the advertising provisions of § 226.10, the staff believes that the disclosure requirements of § 226.10(d)(2) will normally be triggered by the advertisements for this plan. One of the so-called triggering terms under that section is the period of repayment, and the advertising for these certificates will undoubtedly make reference to the plan's 26-week term. This reference effectively states a period of repayment, in the staff's view. Thus, all of the applicable disclosures required by § 226.10(d)(2) would be necessary. This requirement may be met by the use of an example of a typical extension of credit under this plan. To illustrate, the creditor would disclose the following information for the example discussed above: amount of loan $4,000, total of payments $4,204.44, due 26 weeks from date of loan, and annual percentage rate 10.25%.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d). It is limited to the facts and issues discussed above.

Very truly yours,

Nathaniel E. Butler,

Associate Director.

Board of Governors of the Federal Reserve System, February 11, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-9652 Filed 3-28-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 13, 47

[Docket No. 18958; Amdt. Nos. 13-15 and 47-21]

Triennial Aircraft Registration Report

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This rule requires that a holder of a Certificate of Aircraft Registration file a report with the FAA Aircraft Registry on the current eligibility of the aircraft for registration whenever 3 years have elapsed since the Registry received information indicating continued registration eligibility. It replaces the annual reporting requirement previously imposed on all certificate holders. The rule is intended to help ensure that continued aircraft registration is limited to eligible persons only and that, to the extent practicable, data on aircraft ownership is kept current, without imposing unnecessary reporting requirements on certificate holders. It is needed to supplement eligibility information that is received by the FAA Aircraft Registry in the ordinary course of business.

EFFECTIVE DATE: April 30, 1980.

FOR FURTHER INFORMATION CONTACT: Virginia Swimmer, Technical Section, FAA Aircraft Registry, AAC-251, Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, OK 73125, Telephone: (405) 686-2284.

SUPPLEMENTARY INFORMATION:

A. Background

Former § 47.44 of the Federal Aviation Regulations (14 CFR 47.44) required a holder of a Certificate of Aircraft Registration to file a report before April 1 of each year providing information relative to the aircraft's eligibility for registration. That requirement enabled the FAA to obtain updated knowledge of the registration eligibility of aircraft.

Section 47.44 was revoked on January 25, 1979, by Amendment No. 47-19 (43 FR 3900; January 30, 1978), because the FAA determined that the aircraft register could now be kept current, for the most part, with the use of information that is submitted to the FAA in the ordinary course of business. However, in the preamble to Amendment No. 47-19, the FAA stated that it might be necessary to implement another updating procedure for aircraft for which no information indicating continued registration eligibility is received within a reasonable period of time.

Subsequently, Notice of Proposed Rule Making No. 79-10 (44 FR 24573; April 26, 1979) proposed to amend Part 47 to require certificate holders to file a report with the FAA Aircraft Registry on the current eligibility of an aircraft for registration whenever 3 years have elapsed since a registration activity has occurred indicating continued registration eligibility.

B. Comments Received

Eighteen public comments were received in response to Notice 79-10. Seven comments were in general agreement with the proposed rule and eleven believed that the program was unnecessary.

One commenter suggested that the filing of a notice of lien with the Registry should be included in § 47.51(b) as one of the registration activities which would indicate current eligibility for registration. This commenter contended that these notices indicate the current owner and mortgagee of the aircraft. However, a notice of aircraft lien is not usually filed by the owner of the aircraft, and may not provide accurate information on the aircraft, such as the mailing address, or even the identity, of the current owner of the aircraft. For this reason, the suggestion has not been adopted.

Commenters criticized proposed § 47.51(d) which provides for suspension or revocation of a Certificate of Aircraft Registration when an applicant fails to submit the required triennial report. One stated that it cannot be assumed that in every case the report form mailed by the Registry will reach the aircraft owner, and that the Registry will receive the returned report and accurately enter the information in the aircraft record.

When a certificate holder fails to comply with § 47.51(a), the Aeronautical Center Counsel will send the certificate holder a notice of proposed certificate action, accompanied by a second Triennial Aircraft Registration Report, by certified mail, return receipt requested. This will ensure that either the report will be received by the addressee, or it will be returned to the FAA Aircraft Registry if delivery cannot be made by the Postal Service. An opportunity will be given to the aircraft owner to file the second copy of the report form within 20 days, before further action is taken. Whenever action is taken to suspend or revoke a certificate, due process will be ensured by compliance with applicable requirements of Part 13, Investigation and Enforcement Procedures, of the Federal Aviation Regulations (14 CFR Part 13).

Four opposing commenters stated that filing the Triennial Aircraft Registration Report would be an undue burden on the aircraft owner, and that essentially the same information is submitted to the Internal Revenue Service on the aircraft use tax form when the annual aircraft use tax is paid. They felt that the Federal Aviation Administration should be able to obtain the needed registration information from the Internal Revenue Service.

The FAA does not agree that filing the triennial report would be an undue burden. Not all owners will be required to file the report. In addition, the previous burden on the aircraft owner will be significantly reduced because the triennial report will replace the annual report.

Use of information filed with the IRS would not provide adequate eligibility information. The FAA could not obtain all of the required information from the IRS, nor could it be sure that the information is accurate for the Registry's purpose. Some aircraft owners are not subject to the aircraft use tax. Other owners never file the Aircraft Use Tax Form because they are not aware of the requirement to do so. In addition, many owners sell aircraft before they are billed for taxes on them and, by the time the IRS forms are filed, title to the aircraft may have been transferred to another owner.

One commenter complained that an aircraft insurer might deny an owner's claim under a policy if the owner failed to file the report and, as a result, the FAA revoked the Certificate of Aircraft Registration. This commenter also contended that the report is unnecessary since the information is already required under existing regulations.

Proper insurance coverage and compliance with the terms of the policy are responsibilities which must be assumed by the aircraft owner. For its part, the FAA will not suspend or revoke a certificate without the procedural safeguards already discussed.

Aircraft owners are presently required to advise the FAA Aircraft Registry of changed circumstances which affect registration eligibility. Past experience has shown, however, that some certificate holders do not comply with these requirements. Therefore, these regulations are necessary to limit registration to eligible persons and to keep aircraft records reasonably current.

C. Registration Activities

An additional registration activity has been added to § 47.51(b) as a result of Amendment No. 47-20 (44 FR 61937; October 29, 1979). Among other things, that amendment provided procedures in a new § 47.9 for the registration of aircraft by U.S. corporations which are not U.S. citizens, when the aircraft is based and primarily used in the United States. Section 47.9 requires that the continuing eligibility of these aircraft must be established every six months by a report or statement on the flight hours of the aircraft in the United States. Since the required report or statement will indicate current eligibility for registration, § 47.51(b), as adopted, provides that submission of the report or statement is a registration activity under that section.

Failure to submit this six-month report or statement would most likely result in suspension or revocation of the Certificate of Registration long before a triennial report form would have been sent to the certificate holder. Accordingly, proposed § 47.51(5), which would have included a certification in the triennial report as to whether the aircraft is based and primarily used in the United States, has not been adopted.

D. Editorial Change

Former § 47.44 required holders of a Certificate of Aircraft Registration to annually submit Part 1 of AC Form 8050-73, Aircraft Registration Eligibility Identification and Activity Report. The new Triennial Aircraft Registration Report will use the same form number without a Part 1. References to this form and to § 47.44 in Part 13, Enforcement Procedures, are corrected in this amendment by deleting "Part 1" and replacing § 47.44 with new § 47.51.

The Amendments

Accordingly, Parts 13 and 47 of the Federal Aviation Regulations (14 CFR Parts 13 and 47) are amended, effective April 30, 1980, as follows:

PART 13—INVESTIGATION AND ENFORCEMENT PROCEDURES

§§ 13.19 and 13.27 [Amended]

1. By deleting from §§ 13.19(b) and 13.27(a), the phrase "Part 1, AC Form 8050-73, as required by § 47.44" and substituting therefor the phrase "AC Form 8050-73, as required by § 47.51".

PART 47—AIRCRAFT REGISTRATION

2. By adding a new § 47.51 to read as follows:

§ 47.51 Triennial aircraft registration report.

(a) Unless one of the registration activities listed in paragraph (b) of this section has occurred within the preceding 36 calendar months, the holder of each Certificate of Aircraft Registration issued under this subpart shall submit, on the form provided by the FAA Aircraft Registry and in the manner described in paragraph (c) of this section, a Triennial Aircraft Registration Report, certifying—

(1) The current identification number (registration mark) assigned to the aircraft;

(2) The name and permanent mailing address of the certificate holder;

(3) The name of the manufacturer of the aircraft and its model and serial number;

(4) Whether the certificate holder is—
(i) A citizen of the United States;
(ii) An individual citizen of a foreign country who has lawfully been admitted for permanent residence in the United States; or
(iii) A corporation (other than a corporation which is a citizen of the United States) lawfully organized and doing business under the laws of the United States or any State thereof; and
(5) Whether the aircraft is currently registered under the laws of any foreign country.

(b) The FAA Aircraft Registry will forward a Triennial Aircraft Registration Report to each holder of a Certificate of Aircraft Registration whenever 36 months has expired since the latest of the following registration activities occurred with respect to the certificate holder's aircraft:
(1) The submission of an Application for Aircraft Registration.
(2) The submission of a report or statement required by § 47.9(f).
(3) The filing of a notice of change of permanent mailing address.
(4) The filing of an application for a duplicate Certificate of Aircraft Registration.
(5) The filing of an application for a change of aircraft identification number.
(6) The submission of an Aircraft Registration Eligibility, Identification, and Activity Report, Part 1, AC Form 8050–73, under former § 47.44.
(7) The submission of a Triennial Aircraft Registration Report under this section.

(c) The holder of the Certificate of Aircraft Registration shall return the Triennial Aircraft Registration Report to the FAA Aircraft Registry within 60 days after issuance by the FAA Aircraft Registry. The report must be dated, legibly executed, and signed by the certificate holder in the manner prescribed by § 47.13, except that any co-owner may sign for all co-owners.

(d) Refusal or failure to submit the Triennial Aircraft Registration Report with the information required by this section may be cause for suspension or revocation of the Certificate of Aircraft Registration in accordance with Part 13 of this chapter.

(Secs. 313(a), 501, 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1401, and 1421(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Note: The FAA has determined that this document involves proposed regulations which are not significant under Executive Order 12044, as implemented by the Department of Transportation Regulatory Policies and Procedures published in the **Federal Register** February 26, 1979 (44 FR 11034). In addition, the Federal Aviation Administration has determined that the expected impact of the proposed regulations is so minimal that they do not require an evaluation.

Issued in Washington, D.C., on March 20, 1980.

Langhorne Bond,
Administrator.

[FR Doc. 80-9527 Filed 3-28-80; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-CE-9-AD; Amdt. 39-3728]

Airworthiness Directives; Beech Models 34C, T-34C, T-34C-1, F90, H90, 99, 99A, B99, A100-1, 200, 200C, 200T, A200, and A200C Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD), applicable to Beech Models 34C, T-34C, T-34C-1, F90, H90, 99, 99A, B99, A100-1, 200, 200C, 200T, A200, and A200C airplanes and codifies the corresponding emergency AD letter dated February 11, 1980, into the **Federal Register**. In order to prevent in-flight separation of an outer wing panel from the airplane, the AD requires that components in the lower forward wing attachments be baked, inspected, and lubricated, and any damaged fittings at the same location repaired. Need for the above action stems from reports of failures of nuts, and a bolt in the lower forward wing attachments.

EFFECTIVE DATE: April 3, 1980 to all persons except those to whom it has already been made effective by airmail letter from the FAA dated February 11, 1980.

COMPLIANCE: Prior to the next flight after the effective date of this AD unless accomplished in accordance with the corresponding emergency AD letter dated February 11, 1980, or in accordance with the corresponding Beech Service Material.

ADDRESSES: Beech Aircraft Corporation Service Material applicable to and specified within this AD may be obtained from local Beechcraft Aviation and Aero Centers or Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201. Copies of the above Service Material are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Ross R. Spencer, Aerospace Engineer, Wichita Engineering and Manufacturing District Office, Room 238, Terminal Building, Mid-Continent Airport, Wichita, Kansas 67209, telephone (316) 942-4219.

SUPPLEMENTARY INFORMATION: In-flight fracture of a bolt in a lower forward wing attachment of a Beech Model 200 airplane occasioned issuance of an emergency AD by letter dated January 26, 1980, to require inspection and lubrication of bolts in the corresponding attachments of 541 Model 200 Series airplanes, including military variants. While the above action was being accomplished, a fractured nut was found in the same attachment of a Beech Model 200 airplane. The latter fracture occasioned issuance of a second emergency AD by letter dated February 4, 1980, which superseded the first emergency AD. This latter emergency AD required baking, inspection and lubrication of bolts and nuts in the lower forward wing attachments of the same airplanes as well as in three Model 99 Series airplanes which had been altered to resemble Model 200 Series airplanes with respect to these wing attachments. Airplanes in which the above failures occurred were more than four years old. Metallurgical examinations of fracture surfaces yielded the conclusion that airplanes manufactured after January 1, 1979, did not need to be affected by an emergency AD, and effectivity of previously discussed AD's was established accordingly. A fractured nut was then found in the lower forward wing attachment of a Beech Model 200 Series airplane that had been manufactured after January 1, 1979.

The latter failure occasioned issuance of a third emergency AD by letter dated February 11, 1980, which superseded the second emergency AD. It required the same (baking, inspection and lubrication) action for a total of 749 Model 99 Series and Model 200 Series (including military variant) airplanes. Subsequently, FAA determined that a total of 318 additional Beech Models 34C, T-34C, T-34C-1, F90 and H90 (including military variant) airplanes are also susceptible to failure of a nut or bolt in the lower forward wing attachment, and the same corrective action is appropriate. The aircraft manufacturer notified operators of the 318 airplanes and the aircraft manufacturer's records show that appropriate corrective action has been taken for all of these airplanes except for the few that are out of service for other reasons. Consequently, it is not necessary to issue an emergency AD

letter to cover these 318 airplanes, but they are being included in the Applicability Statement of the **Federal Register** version of this AD.

The FAA determined that susceptibility to failure of a nut or bolt in the lower forward wing attachments constitutes an unsafe condition that may exist in certain Beech Models 34C, T-34C, T-34C-1, F90, H90, 99, 99A, B99, A100-1, 200, 200C, 200T, A200, and A200C (including military variant) airplanes of essentially the same type design. It was also determined that an emergency condition existed, that immediate corrective action was required, and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all registered owners of the 749 airplanes as previously discussed. Since the unsafe condition described herein may still exist in some of the airplanes cited by earlier FAA and/or manufacturer notifications, the AD is being published in the **Federal Register** as an amendment of Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make the AD effective to all persons who did not receive the earlier notifications.

Differences between the **Federal Register** AD (FRAD) and the corresponding emergency AD (EAD) letter dated February 11, 1980, are:

Airplane applicability was to 749 airplanes in the EAD. For previously discussed reasons, this is increased to 1067 airplanes in FRAD.

Magnetic particle inspection was required before and after baking by the EAD. This inspection is required only after baking by the FRAD because the later inspection is the only one necessary for safety of an airplane.

Identification marks on ends of bolts and on cradles of nut assemblies were required by the EAD. This requirement is deleted from the FRAD because the identification information in the aircraft maintenance record is now considered adequate.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Beech.—Applies to the following airplanes regardless of the category or categories of airworthiness certification:

Beech model and Serial Numbers

99—U-40, U-55, U-67, U-73, U-87, U-90
99A—U-96, U-126
B99—U-152, U-153
A100-1 (Military RU-21J)—BB-3 through BB-5
200 (Military RU-21J)—BB-2, BB-6 through BB-599, BB-601 through BB-606, BB-608 through BB-613, BB-620
A200 (Military C-12A, C-12C)—BC-1 through BC-75, BD-1 through BD-30
A200C (Military UC-12B)—BJ-1 through BJ-8
200C—BL-1 through BL-5
200T—BT-1 through BT-10
F90—LA-2 through LA-15, LA-22, LA-23, LA-25, LA-26, LA-28
H90 (Military T-44A)—LL-1 through LL-61
T-34C—GL-2, GL-4 through GL-163
T-34C-1—GM-1 through GM-13, GM-15 through GM-71, GM-78
34C—GP-1 through GP-6.

Compliance: Required as indicated.

In order to assure integrity of attachments of the outer wing panels to the wing center section, accomplish the following for the left and for the right sides of each affected airplane:

(A) Prior to the next flight *unless already accomplished* for compliance with the corresponding emergency AD transmitted by letter dated February 11, 1980 (for Models 99 and 200 Series) or a communique or service instruction specified by Table 1, below, accomplish the following at the lower forward wing attachment:

Note.—Hereafter in this AD, the words, "barrel nut assembly", "washer assembly", and "bolt" mean the parts and part numbers for an airplane as specified by Table 1, below:

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Table 1

Airplane Model (Read downward)			
99, 99A, B99	200, A200, A200C, 200C, 200T, A100-1	F90, H90	T-34C-1 34C, T-34C
Barrel Nut Assembly			
RMLH7940T-144 or 113LH7940T-144	RMLH7940T-162 or 113LH7940T-162	RMLH7940T-144 or 113LH7940T-144	RMLH7940T-162 or 113LH7940T-162
Washer Assembly			
90-380019-1	73757-16-58.6	73757-14-43.5 or 90-380019-1	73757-16-58.6
Bolt			
LWB22-14-46	LWB22-16-44 or VEP220121-16V44	LWB22-14-46 or VEP220121-14V46	NAS636-40 or NAS636-H40
Torque, Foot-Pounds, per Paragraph A)11, below			
280	300	280	50-100 on jacks then 375 on wheels
Beechcraft Safety Communique or Service Instructions			
200-51A or 200-52	200-51A, 200-52 or C-12-0053	200-52 or T-44A-0038	200-51A, or T-34C-0140, or T-34C-1-0074
Part Number of applicable Beech Maintenance Manual or Drawing			
Drawing 99-4023	101-590010-19, 92-37443-1, or 92-37443-2	(90-590012-13+ Suppl. 92-37056) or 109-590010-19	104-590025-5, 92-37867, or 98-37986

BILLING CODE 4910-13-C

1. Remove the bolt, washer assembly and barrel nut assembly from the lower forward wing attachment. After turning the bolt out of the barrel nut assembly, remove the bolt by hand without using any tool. Reposition the wing as necessary for such removal.

a. Throughout all action required by this AD, keep parts of each washer assembly together so that parts of one assembly are not intermingled with parts of another assembly.

b. Thoroughly clean all removed parts with naptha or methyl ethyl ketone (MEK), using a bristle brush as necessary. Prior to each subsequently specified action (until lubricant is applied) ascertain that the parts are clean, repeating the cleaning process whenever this is necessary.

2. Disassemble the barrel nut assembly sufficiently to separate the cradle from the threaded body of the nut.

Note.—Hereafter in this AD, the word "nut" means the threaded body in the barrel nut assembly.

3. Visually inspect the bolt, nut and cradle for reddish rust. Do not classify copper residue over cadmium plating as rust.

4. Using a 10X magnifying glass, visually inspect each bolt and nut for a pit or a crack in steel (not plating) material. For the bolt, pay particular attention to the fillet and shank, including threads. For the nut, pay particular attention to the chamfer (that faces the bolt head when installed) and perceptible threads adjacent to this chamfer.

Note.—Refer to Paragraph (A)7., below:

5. Bake the bolt and nut continuously for 23 hours at 350° to 400° Fahrenheit and cool in still air.

6. After accomplishment of Paragraph (A)5., above, use a magnetic particle method of Advisory Circular AC43.13-1A to inspect the bolt and nut for a crack, paying particular attention to locations specified in Paragraph (A)4., above. For the bolt, use a fluorescent particle method with approximately 6000 ampere-turns in a coil to produce longitudinal magnetization in the bolt. For the nut, use any magnetic particle method with 500 to 700 amperes through a central conductor of at least 0.6-inch diameter through two nuts to produce circular magnetization. Demagnetize the bolt and nut after the above inspection.

7. Replace each rusted, pitted and/or cracked nut and bolt and each rusted cradle with a new part of a P/N shown by Table 1. Obtain the new part(s) from Beech Aircraft Corporation. Reassemble the barrel nut assembly. (Baking and field inspection of these new parts are not necessary). (Caution: Do not recadmium plate any of the wing attachment components.)

8. Clean the bore and recessed washer/cradle seat area of the outboard and inboard wing fittings with naptha or methyl ethyl ketone ("MEK"). Visually inspect these areas for burrs, gouges and coining. If any defect is found, contact Beech Aircraft Service Department, 9709 East Central, Wichita, Kansas 67201, telephone (316) 681-7261, 7278, 8365, or 7656, for rework disposition.

9. Treat the bore and recessed washer/cradle seat areas of the inboard and outboard wing fittings with Alodine 1200 or 1201. Allow the alodine coating to dry for 5 minutes. Wash the coating with water and blow dry with air without wiping.

10. Coat the Alodined areas of the wing fittings, the fillet, shank, and threaded portion of the bolt, the cradle, and all portions of the nut with either clean MIL-C-16173, Grade 2 compound or clean General Electric G322L Versilube. (General Electric Company, Silicone Products Department, Waterford, New York 12188, can help locate a source of G322L Versilube.)

11. Install the nut assembly along with the bolt and washer assembly. For this, except as noted below, use procedures in the Beech Maintenance Manual, or the Beech Drawing that is specified for an airplane by Table 1, above.

a. Reuse of the washer assembly is authorized for compliance with this AD.

b. Position the wing as necessary to allow the bolt to be inserted into the fittings by hand without the use of any tool.

c. Use the standard procedure for tightening the bolt whenever a new washer assembly has been used.

d. If a used washer assembly is being installed, tighten with measured torque as specified by Table 1, above, while the necessary correction for any adapter is made and while the socket does not bear against the fitting of the wing center section. Then, test the outer center ring of the washer assembly with a pin inserted in the test hole, and contact Beech Aircraft Service Department (See Paragraph A)8., above) if the ring rotates.

e. Coat the entire portion of the bolt that projects beyond the nut assembly with material (MIL-C-16173 or Versilube) used for compliance with Paragraph A)10., above.

(B) Prior to approving the airplane for return to service, devise a procedure to assure that the MIL-C-16173 or Versilube used per Paragraph A), above, is not removed or destroyed while the airplane is in service or being washed. If necessary to accomplish this, fabricate and install appropriate markings and placarding.

(C) Between 90 and 110 hours time-in-service after accomplishment of action specified by Paragraph A) of this AD, check bolt tightness, using the same procedure that was used for accomplishment Paragraph A)11.c or A)11.d, above.

(D) Within 3 days after replacing a part in accordance with Paragraph A)7., above, submit a written report to the Federal Aviation Administration via an FAA M or D Report (FAA Form 8330-2) or a letter to the office specified in Paragraph F), below, and send the replaced part(s) to Beech Aircraft Corporation.

(E) A special flight permit in accordance with Federal Aviation Regulation 21.197 for a flight not exceeding a total of ten hours duration is permitted in order to accomplish this AD. The nearest FAA Flight Standards District Office may be contacted to obtain a telegraphic special flight permit.

(F) Any equivalent method of compliance with this AD must be approved by the Chief, Wichita Engineering and Manufacturing District Office, Federal Aviation Administration, Room 238, Terminal Building, Mid-Continent Airport, Wichita, Kansas 67209, telephone (316) 942-4285.

This amendment becomes effective April 3, 1980, to all persons except those to whom it has already been made effective by an airmail letter from the FAA dated February 11, 1980.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(a)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of it may be obtained by writing to FAA, Office of the Regional Counsel, Room 1558, Central Region, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri on March 18, 1980.

Paul J. Baker,

Director, Central Region.

[FR Doc. 80-9594 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 73-CE-13-AD; Amendment 39-3732]

Airworthiness Directives; Beech Models 19, 23, and 24 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule (revision).

SUMMARY: This amendment revises Airworthiness Directive (AD) AD 73-20-7, Amendment 39-1728, applicable to Beech Models 19, 23 and 24 series airplanes by closing out the serial number effectivity and eliminating repetitive inspections for those aircraft which are manufactured or retrofitted with a new design forward wing attach structure. The amendment is needed because the FAA has determined that the repetitive inspections for cracks in the forward wing attach structure are not necessary on those airplanes so manufactured or modified.

EFFECTIVE DATE: March 21, 1980.

ADDRESSES: Beechcraft Service Instructions Number 0042-031, Rev. II, may be obtained from local Beechcraft Aviation and Aero Centers or Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201. A copy of the Service Instructions is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106, and Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: J. W. Burress, Aerospace Engineer, Engineering and Manufacturing District

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Office, FAA, Central Region, Terminal Building No. 2299, Room 238, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942–4219.

SUPPLEMENTARY INFORMATION: This amendment revises Amendment 39–1728, AD 73–20–7, which currently requires 100 hour repetitive inspections for cracks in the forward wing attach structure of all Beech Models 19, 23, 24 and 24R airplanes. After issuing Amendment 39–1728, the FAA has determined from the Model 23 wing fatigue test, that the repetitive 100 hour inspections for cracks in the forward wing attach structure are not necessary on those aircraft that were manufactured or retrofitted with a new design forward wing attach structure. Therefore, the FAA is revising Amendment 39–1728 by closing out the serial number effectivity and eliminating repetitive inspections for those aircraft which were manufactured or retrofitted with the new design forward wing attach structure. In addition, a provision for an equivalent method of AD compliance is being included.

Since the amendment is relieving in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days after the date of its publication in the Federal Register.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Amendment 39–1728 (38 FR 27045), AD 73–20–7, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR § 39.13) is amended as follows:

(1) Revise the applicability statement so that it now reads as follows:

"Beech: Applies to Models A23–19, 19A, M19A, B–19 (Serial Numbers MB–1 through MB–706); Models 23, A23, A23A, B23, C23 (Serial Numbers M–1 through M–1576); Models A23–24, A24 (Serial Numbers MA–1 through MA–368); and Models A24R, B24R (Serial Numbers MC–2 through MC–282) certified in all categories."

(2) Add the following new paragraph D) which reads as follows:

(D) When airplanes have been modified by installing all of the new wing attach structural parts listed under materials in Beechcraft Service Instructions No. 0042–031, Rev. II, further compliance with this AD is not required.

(3) Add the following new paragraph E) which reads as follows:

(E) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing District Office, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209.

This amendment becomes effective March 21, 1980.

Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a) and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89).

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on March 21, 1980.

Paul J. Baker,

Director, Central Region.

[FR Doc. 80-9585 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-ASW-12; Amdt. 39-3726]

Airworthiness Directives; Bell Helicopter Textron Models 214B and 214B-1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which imposes a 600-hour retirement life on the Sprag Clutch, P/N 214–040–808–1, used in the Bell Helicopter Textron (BHT) Models 214B and 214B–1 helicopters. Several instances of clutch failures have been reported to the FAA. A contributing factor to these failures is wear of the clutch sprag alignment cage elements resulting in lowered torque capability and subsequent sudden failure. This AD is needed to prevent a clutch failure which will result in the loss of engine power to the main rotor resulting in a hazardous emergency landing.

DATES: Effective March 31, 1980.

Compliance required as indicated in body of AD.

ADDRESSES: The applicable service bulletins may be obtained from Bell Helicopter Textron, Post Office Box 482, Fort Worth, Texas 76101.

A copy of each of the service bulletins is contained in the Rules Docket at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT:

H. R. Whitlock, Propulsion Section (ASW–214), Engineering and Manufacturing Branch, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Texas 76101, telephone (817) 624–4911, extension 526.

SUPPLEMENTARY INFORMATION: The FAA has determined that the sprag clutch may become worn beyond safe limits when operated in excess of 600 hours' time in service. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires periodic replacement of the Sprag Clutch, P/N 214–040–808–1, on BHT Models 214B and 214B–1 helicopters.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedures hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR § 39.13) is amended, by adding the following new airworthiness directive:

Bell Helicopter Textron (BHT): Applies to all Models 214B and 214B–1 helicopters certificated in all categories that are equipped with P/N 214–040–808–1 sprag clutches and establishes a 600-hour retirement life for these clutches (Airworthiness Directive Docket No. 80–ASW–12).

Initial compliance required as indicated:

To prevent clutch failure which will result in the loss of engine power to the main rotor, accomplish the following:

(a) Clutches with more than 500 hours' time in service on the effective date of this AD must be removed from service and scrapped within the next 100 hours' time in service.

(b) Clutches with less than 500 hours' time in service on the effective date of this AD must be removed from service and scrapped upon reaching 600 hours' time in service.

(c) Clutches with unknown time in service on the effective date of this AD shall comply with the requirements of paragraph (a) of this AD.

(d) Special Flight Permits may be issued in accordance with FAR 21.197 and FAR 21.199 to operate helicopters to a base where this AD can be accomplished.

(e) Equivalent means of compliance with this AD may be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Texas 76101.

Note.—BHT Alert Service Bulletin No. 214–79–8, dated December 12, 1979, pertains to this subject.

This amendment becomes effective March 31, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Issued in Fort Worth, Texas, on March 14, 1980.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 80-9592 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-CE-11-AD; Amdt. 39-3727]

Airworthiness Directives; Cessna Model 404 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD), applicable to certain Cessna Model 404 airplanes. The AD requires that elevator trim tab actuator screw assemblies must be replaced within 25 hours time-in-service thereafter and each 150 hours time-in-service thereafter. In addition, it requires check for misalignment of the elevator trim tab actuator to the tab horn. If the inboard/outboard misalignment is out of tolerance, the elevator trim tab bracket must be replaced. Finally, a tachometer decal must be installed restricting the lower limit of the engine's normal operating range to 1,750 RPM. This action will better ensure the integrity of the elevator trim tab actuator screw assemblies. Breakage of the screw assemblies in flight could result in a free elevator trim tab with resultant possible flutter.

EFFECTIVE DATE: April 3, 1980.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Cessna Multi-engine Customer Care Service Information Letter ME80–2, Revision 2, dated March 14, 1980, applicable to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; telephone (316) 685–9111. A copy of this Service Information Letter is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106, and Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Lawrence S. Abbott, Aerospace Engineer, Wichita Engineering and Manufacturing District Office, FAA, Central Region, Room 238, Terminal Building, No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 942–4219.

SUPPLEMENTARY INFORMATION: A recent incident occurred where a Cessna Model 404 airplane encountered in-flight vibration. The airplane was landed safely. During a post-flight inspection, the left elevator trim tab actuator screw assembly was found broken. Metallurgical investigation of the screw assembly found the failure to be due to high-cycle (low-stress) fatigue. To correct this condition, the manufacturer has issued Cessna Multi-engine Customer Care Service Information Letter ME80–2, Revision 2, dated March 14, 1980, which provides for checking and correcting the elevator trim tab actuator system for proper alignment. If the misalignment is out of tolerance, the elevator trim tab actuator bracket must be replaced with a new bracket. The screw assemblies must be replaced every 150 hours time-in-service and a temporary tachometer placard installed per the Service Letter.

The FAA has determined that a free or partially free elevator trim tab could result in an unsafe condition. Accordingly, since this condition is likely to develop in the elevator trim tab actuator screw assemblies installed on other airplanes of the same type design, an AD is being issued applicable to Cessna Model 404 airplanes. The AD makes compliance with provisions of the Cessna Service Multi-engine Customer Care Service Information Letter ME80–2, Revision 2, mandatory.

The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the Federal Register.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR § 39.13) is amended by adding the following new Air Worthiness Directive.

Cessna: Applies to Model 404 (Serial Numbers 404–0001 airplanes and on).

Compliance: Required as indicated, unless already accomplished.

To ensure the structural integrity of the elevator trim tab actuator screw assemblies in accordance with the provisions of Cessna Multi-engine Customer Care Service Information Letter, ME80–2, Revision 2, dated March 14, 1980, accomplish the following:

(A) On all airplanes with 150 hours or more time-in-service, or upon reaching 150 hours time in service, within the next 25 hours time-in-service after the effective date of this AD and each 150 hours time-in-service thereafter, replace both left and right elevator trim tab actuator screw assemblies with new screw assemblies.

(B) On Serial Numbers 404–0001 through 404–0613 airplanes, within the next 25 hours time-in-service after the effective date of this AD:

(1) Disconnect the aft end of Cessna P/N 5815160–1 pushrod from the trim tab horn and check the elevator trim tab pushrod end for inboard/outboard alignment at the pushrod attachment to the elevator trim tab horn for both left and right hand trim tabs. If the misalignment does not exceed .12-inch, no further action for replacing the elevator trim tab actuator bracket per this AD is required.

(2) If the Cessna P/N 5815160–1 pushrod has to be forced more than .12 inches inboard/outboard to align with the tab horn for installation of the bolt during the checks required by Paragraph A of this AD, remove the elevator trim tab actuator bracket and replace it with a new part.

(3) Install a decal on the tachometer which restricts the lower end of the normal engine operating range to 1750 RPM and operate the airplane in accordance with this limitation.

(C) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where the provisions of this AD can be accomplished.

(D) Any equivalent method of compliance with this AD must be approved by the Chief, Wichita Engineering and Manufacturing District Office, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209, telephone (316) 942–4285.

This Amendment becomes effective April 3, 1980.

Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89).

Note: The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation for this document is contained in the docket. A copy of it may be obtained by writing to Federal Aviation Administration, Central Region, Office of the Regional Counsel, ACE–7, Attn: Rules Docket Clerk, 601 East 12th Street, Kansas City, Missouri.

V45/63 MR31 80 UMI

V 45 / 63 MR 31 80 UMI

Issued in Kansas City, Missouri, on March 17, 1980.

Paul J. Baker,

Director, Central Region.

[FR Doc. 80-9563 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-SW-3; Amdt. 39-3725]

Airworthiness Directives; Mooney Aircraft Corporation Model M20J Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On February 14, 1980, an airmail letter airworthiness directive (AD) was issued and made effective to all known operators of Mooney Model M20J airplanes. This AD requires a visual inspection of the oil pressure transducer and its fittings for clearance and oil leakage on Mooney Aircraft Corporation Model M20J airplanes. The AD is needed to prevent total loss of engine oil due to the incorrect installation of the oil pressure transducer resulting in its contacting the engine mount or stripping the threads on its mounting elbow either of which could result in its separation from the engine. This condition still exists and the AD is hereby published in the **Federal Register** to make it effective to all persons.

DATES: Effective March 31, 1980, and was effective upon receipt of the airmail letter dated February 14, 1980, for all recipients of the airmail letter.

Compliance required before further flight after the effective date of this AD, unless already accomplished.

FOR FURTHER INFORMATION CONTACT: Martin J. Saunders, Propulsion Section (ASW-214), Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Texas 76101; telephone (817) 624-4911, extension 525.

SUPPLEMENTARY INFORMATION: A Mooney Model M20J airplane lost total engine oil in flight due to the Rochester Model 3060-18 oil pressure transducer and its fittings stripping free from the engine. Therefore, the FAA has determined that an incorrectly positioned oil pressure transducer would contact the engine mount during engine start up and shut down which would damage the transducer or strip the threads at one or more of the fittings causing total loss of engine oil. Since this condition is likely to exist or develop on other airplanes of the same type design, an airmail letter AD was issued which required a one time visual inspection of the oil pressure transducer and its fittings for clearance with the engine mount on Mooney Aircraft Corporation Model M20J airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR § 39.13) is amended by adding the following new airworthiness directive:

Mooney: Applies to Model M20J airplanes Serial Numbers 24-0084, 24-0378 through 24-0906, 24-0908 through 24-0925, 24-0927 through 24-0942, and 24-0946 (Airworthiness Directive Docket No. 80-SW-3).

Compliance is required before further flight unless already accomplished, except that the airplane may be flown in accordance with FAR 21.197 to a base where the inspection can be accomplished.

To prevent total loss of engine oil, accomplish the following:

(a) Remove the top cowl and inspect the positioning of the Rochester Model 3060-18 oil pressure transducer and the condition of the two 45-degree elbows as follows:

(1) Clean the oil pressure transducer fitting and the two 45-degree fittings with an oil soluble solvent.

(2) Inspect the Rochester Model 3060-18 oil pressure transducer for any evidence of contact with the engine mount. If damage is present, remove and replace it before verifying the clearance outlined in paragraph (a)(3).

(3) Verify a minimum of 0.40 inch clearance between the Rochester Model 3060-18 oil pressure transducer body and the upper right hand engine mount ring and between the Rochester Model 3060-18 oil pressure transducer and the two 45-degree elbow fittings and the engine mount tube. If any clearance is less than 0.40 inch, rotate the oil pressure transducer and its fittings to obtain this minimum clearance.

Note.—Measure the 0.40 inch in an arc perpendicular to the crankshaft centerline. When this clearance exists the oil pressure transducer is almost contacting the vacuum pump body.

(4) Start and operate the engine until it is warm enough to respond smoothly to throttle changes (monitor oil temperature and cylinder head temperature gauges to maintain temperatures within limits), then stop the engine.

(5) Inspect the oil pressure transducer and its fittings for any signs of oil leakage.

(6) If any signs of oil leakage are detected, remove and replace the leaking component before further flight.

(b) Any alternate equivalent method of compliance with this airworthiness directive must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

This amendment becomes effective March 31, 1980, and was effective upon receipt of the airmail letter dated February 14, 1980, for all recipients of the airmail letter.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Texas on March 14, 1980.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 80-9561 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-WE-13-AD; Amdt. 39-3731]

Airworthiness Directives; Pacific Inflatables Co., Division of Industrial Covers, Inc., Model 4000 Series Flotation Device

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires removal from service of over-age flotation devices manufactured by Pacific Inflatables Company, Division of Industrial Covers, Inc. The AD is prompted by reports of failure of the flotation device encountered during testing of five units.

DATES: Effective April 7, 1980.

Compliance schedule—Initial compliance required within 10 days' time in service from the effective date of this AD.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: There have been reports of tests of the Pacific Inflatables P/N 4000 flotation device which resulted in tearing of the device during donning after inflation. It has been determined that the Pacific Inflatables Company P/N 4000 and 4000E flotation devices have not been manufactured since March 1970, and that a retirement life (extended) of 6½ years has been established. Since this condition is likely to exist or develop on other products of the same type design, an airworthiness directive is being issued which requires removal from service of Pacific Inflatables Company, Division of Industrial Covers, Inc., P/N 4000 and 4000E flotation devices.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

Pacific Inflatables Company: P/N 4000 and P/N 4000E Series flotation devices.

Compliance is required as indicated.

To prevent the possible failure of the flotation device due to excessive age, accomplish the following:

a. Within 10 days' time in service from the effective date of this AD, remove from service all Pacific Inflatables Company P/N 4000 and 4000E flotation devices.

b. As of the effective date of this AD, Pacific Inflatables Company P/N 4000 or 4000E flotation devices are not eligible for installation in aircraft.

This amendment becomes effective April 7, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Los Angeles, California on March 20, 1980.

James V. Nielsen,

Acting Director, FAA Western Region.

[FR Doc. 80-9564 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-CE-13-AD; Amendment 39-3730]

Airworthiness Directives; Beech Models 76 and 77 Airplanes

AGENCY: Federal Aviation Administratrion (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Beech Models 76 and 77 airplanes. The AD requires within 25 hours time-in-service that drain holes be drilled in the rudder skins to release trapped water and an inspection of the rudder for this condition before each flight until the modification is accomplished. This action is necessary to prevent an accumulation of water in the rudder from creating an unbalanced condition of the rudder which could result in flutter within the speed range of the airplanes.

EFFECTIVE DATE: April 3, 1980, to all persons except those to whom it has already been made effective by airmail letter from the FAA dated March 12, 1980.

COMPLIANCE SCHEDULE: As prescribed in the body of the AD.

ADDRESSES: Class I Beechcraft Service Instructions No. 1116, applicable to this AD, may be obtained from local Beechcraft Aviation and Aero Centers or Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201. A copy of the Service Instructions is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106, and Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: J. W. Burress Aerospace Engineer, Engineering and Manufacturing District Office, FAA, Central Region, Terminal Building No. 2299, Room 238, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4219.

SUPPLEMENTARY INFORMATION: Reports have been received showing that water has been trapped in the rudders of Beech Models 76 and 77 airplanes. Investigation revealed that the water had been trapped in the rudder because the drain holes in the rudders were bonded over during manufacturing. Entrapped water in the rudder can produce an unbalanced rudder condition which can result in flutter within the speed range of the airplanes. The manufacturer has issued Beechcraft Service Instructions No. 1116 recommending inspection for entrapped water before each flight until the rudder and rudder trim tab (if installed) are modified with additional drain holes per Beechcraft Service Instructions No. 1116. The FAA determined that this is an unsafe condition that may exist in other airplanes of the same type design. It was also determined that an emergency condition existed, that immediate corrective action was required and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known registered owners of the airplanes affected by this AD by airmail letter dated March 12, 1980. The AD became effective as to these individuals upon receipt of that letter. Since the unsafe condition described herein may still exist on other Beech Models 76 and 77 airplanes, the AD is being published in the **Federal Register** as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification.

Adoption of the Amendment

PART 39—AIRWORTHINESS DIRECTIVES

Accordingly, pursuant to the authority delegated to me by the Administator, § 39.13 of the Federal Aviation Regulations (14 CFR § 39.13) is amended by adding the following new Airworthiness Directive.

BEECH: Applies to Model 76 (Series Numbers ME-1 through ME-252, ME-254, ME-256 through ME-261, ME-263 through ME-267, ME-269 through ME-274, ME-279, ME-283, ME-284, ME-286, ME-288 through ME-295, ME-297, ME-299, ME-300, ME-302 through ME-307, ME-309, ME-311 through ME-313, ME-315 and ME-316) and Model 77 (Serial Numbers WA-1 through WA-76) airplanes certified in all categories.

COMPLIANCE: Required as indicated unless already accomplished. To prevent a possible unbalanced rudder condition that could induce flutter, accomplish the following:

(A) Prior to further flight, fabricate and install a temporary placard in plain view of the pilot which reads as follows: "BEFORE EACH FLIGHT CHECK RUDDER AND RUDDER TRIM TAB (IF INSTALLED) FOR TRAPPED WATER BY: (1) MOVING RUDDER RAPIDLY USING RUDDER PEDALS AND HAVING A SECOND PERSON LISTEN FOR SOUND OF WATER (IF AMBIENT TEMPERATURE IS LESS THAN 32° F MOVE AIRPLANE TO HEATED HANGAR UNTIL ANY POSSIBLE WATER ACCUMULATION HAS MELETED) (2) DO NOT OPERATE AIRCRAFT UNTIL TRAPPED WATER IS REMOVED" and comply with the instructions in said placard.

(B) Within the next 25 hours time-in-service, (1) incorporate additional drainage in the rudder and rudder trim tab (if installed) by drilling new drain holes and (2) seal gaps in the top of the rudder and trim tab (if installed), all in

accordance with Beechcraft Service Instructions No. 1116.

(C) When Paragraph B) has been accomplished, Paragraph A) is no longer applicable.

(D) the airplane may be flown in accordance with FAR 21.197 to a location where Paragraph B) can be accomplished, provided there is no trapped water in the rudder and trim tab (if installed).

(E) Any equivalent method of compliance with this letter must be approved by the Chief, Engineering and Manufacturing District Office, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Contient Airport, Wichita, Kansas 67209.

This amendment becomes effective on April 3, 1980, to all persons except those to whom it has already been made effective by an airmail letter from the FAA dated March 12, 1980.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note: The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to FAA, Office of Regional Counsel, Room 1558, Central Region, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on March 19, 1980.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 80-9626 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-CE-12-AD; Amendment 39-3729]

Airworthiness Directives; Beech Model 77 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Beech Model 77 airplanes. The AD requires replacement of the two-piece aileron bearing (P/N 108-130010-17) with a one-piece bushing (P/N 108-160010-39). This action is necessary to prevent a failed portion of one of the aileron bearing segments from wedging under the other bearing shell. If this condition is not corrected, it may result in increased aileron control forces or jamming of the aileron and loss of aileron control.

EFFECTIVE DATE: April 3, 1980.

COMPLIANCE: Within the next 25 hours time-in-service after the effective date of this AD.

ADDRESSES: Beechcraft Service Instructions No. 1119, applicable to this AD, may be obtained from local Beechcraft Aviation and Aero Centers or Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201. A copy of the Service Instructions is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106, and Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: J. W. Burress, Aerospace Engineer, Engineering and Manufacturing District Office, FAA, Central Region, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4219.

SUPPLEMENTARY INFORMATION: There has been one reported occurrence involving a Beech Model 77 airplane where operation of the ailerons became extremely stiff during flight. The pilot was able to move the controls sufficiently to land the airplane. After the ailerons were removed from the airplane, a portion of one of the right hand aileron bearings was found to have broken off and wedged under the remaining bearing shell resulting in increased aileron control force. To correct this condition, the manufacturer has issued Beechcraft Service Instructions No. 1119, which recommends replacement of the two-piece aileron bearing with a one-piece bushing within 10 hours time-in-service.

Accordingly, since the unsafe condition described herein is likely to exist or develop on other airplanes of the same type design, the FAA is issuing an AD, applicable to certain Beech Model 77 airplanes, making mandatory the replacement of the aileron bearings (P/N 108-130010-17) with an aileron bushing (P/N 108-160010-39) in accordance with Beechcraft Service Instructions 1119. The Agency has evaluated the service history and consequences of the cited failure and determined that an AD compliance time of 25 hours may be established without compromising safety. Accordingly, the AD compliance time will so indicate.

Since a situation exists that requires the expeditious adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

PART 39—AIRWORTHINESS DIRECTIVES

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

BEECH: Applies to Model 77 (Serial Numbers WA-1 through WA-78, WA-80 through WA-86, and WA-88) certificated in all categories.

COMPLIANCE: Required as indicated unless already accomplished.

To prevent excessive aileron control forces or jamming of the aileron control system, within the next twenty-five (25) hours time-in-service after the effective date of this AD accomplish the following:

(A) Replace the aileron bearings (P/N 108-130010-17) with aileron bushings (P/N 108-160010-39) in accordance with procedures set forth in Beechcraft Service Instructions No. 1119.

(B) Aircraft may be flown in accordance with FAR 21.197 to a location where this AD can be accomplished.

(C) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing District Office, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209.

This amendment becomes effective April 3, 1980:

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89)).

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on March 19, 1980.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 80-9625 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

Federal Aviation Adminstration

14 CFR Part 71

[Airspace Docket No. 80-AAL-1]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Anchorage, Alaska (Merrill Field/Elmendorf AFB) Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action alters the Anchorage, Alaska (Merrill Field/Elmendorf AFB) control zone by redesignating that control zone as a separate control zone for each airport. The establishment of separate control zones will enhance the efficient use of the airspace by allowing the reported ceiling at each airport to govern operations within that particular airport's control zone. This action is necessary because of the increasing number of delays, at both airports, caused by the weather at Merrill Field Airport governing operations at Elmendorf AFB. The coordinates locating the geographical center of Elmendorf AFB and Merrill Field have been revised and this rule also reflects that change.

EFFECTIVE DATE: 0901 GMT, July 10, 1980.

FOR FURTHER INFORMATION CONTACT: Jerry Wylie, Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Box 14, 701 C Street, Anchorage, Alaska 99513, telephone (907) 271-5903.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to improve the efficient use airspace by correcting a situation which caused the reported ceiling of one airport to govern operations at the other airport, causing unnecessary delay at both airports. Establishing separate control zones will allow the reported ceiling at each airport to govern operations within the respective airports control zone. This action will reduce the present volume of controlled airspace by eliminating a small portion of the zone between 3 and 5 miles east of Merrill Field.

History

On February 7, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making (45 FR 8311) which proposed to amend Section 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR 71.171) so as to alter the Anchorage, Alaska (Merrill Field/Elmendorf AFB) control zone by designating separate control zones for each airport. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 356) is amended, effective 0901 GMT, July 10, 1980, by redesignating the Anchorage, Alaska (Merrill Field/Elmendorf AFB) control zone as follows:

Under § 71.171: "Anchorage, Alaska (Merrill Field). Within a 3-mile radius of Merrill Field (lat. 61° 13.0'N, long. 149° 50.4'W) excluding that portion north of a line beginning at lat. 61° 12.0'N, long. 149° 55.7'W direct to lat. 61° 13.6'N, long. 149° 53.5'W, direct to lat. 61° 13.5'N, long. 149° 45.1'W." is added.

Under § 71.171: "Anchorage, Alaska (Elmendorf AFB). Within a 5-mile radius of Elmendorf AFB (lat. 61° 15.2'N, long. 149° 47.5'W); within 2-mile each side of the Elmendorf ILS localizer course extending from the 5-mile radius zone to a point 7.5 miles from the localizer antenna, excluding those portions within the Anchorage (Bryant AAF) and Anchorage (Merrill Field) Control zones and the portion south of a line drawn between lat. 61° 13.5'N, long. 149° 45.1'W direct to lat. 61° 13.9'N, long. 149° 43'W." is added.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(C) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 1134, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, and anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Anchorage, Alaska on March 19, 1980.

Robert L. Faith,

Director, Alaskan Region.

[FR Doc. 80-9580 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-8]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area: Buffalo, Okla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Buffalo, Okla. The intended effect of the action is to provide additional controlled airspace for aircraft executing instrument approach procedures to the Buffalo Municipal Airport. The circumstance which created a need for the action is that a review of the current transition area revealed that the controlled airspace is not properly described and inadequate for the protection of aircraft executing instrument approach procedures. In addition, higher performance aircraft are utilizing the airport which requires additional controlled airspace.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Manuel R. Hugonnett, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On January 28, 1980, a notice of proposed rule making was published in the **Federal Register** (45 FR 445) stating that the Federal Aviation Administration proposed to alter the Buffalo, Okla., transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Buffalo, Okla., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing established instrument approach procedures to the Buffalo Municipal Airport.

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Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G, 71.181, of Part 71 of Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended, effective 0901 GMT, May 15, 1980, as follows:

Buffalo, Okla.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Buffalo Municipal Airport, Buffalo, Ok., (latitude 36°51'45"N., longitude 99°37'00"W.) within 3 miles each side of the 109° bearing from the Buffalo NDB (latitude 36°51'48"N., longitude 99°37'05"W.) extending from the 6.5-mile radius to 8.5 miles east of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Tex., on March 20, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80-9579 Filed 3-28-80; 8:45 am]

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14 CFR Part 71

[Airspace Docket No. 79-WE-15]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Establishment of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a transition area at Hawthorne, Nevada. The transition area is necessary to provide controlled airspace for arrival/departure operations in the Hawthorne, Nevada area.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. Telephone: (213) 536-6182

SUPPLEMENTARY INFORMATION:

History

On January 28, 1980, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area in the Hawthorne, Nevada, area (45 FR 6410). The FAA has established an instrument approach procedure (VOR/DME-A) at Hawthorne Municipal Airport. Designation of this transition area is to provide controlled airspace for increased aircraft operations in the Hawthorne area. Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice except that four miles is substituted where two miles appears. The notice should have read four miles and was inadvertently shown as two miles. Section 71.181 was republished in the Federal Register on January 2, 1980 (45 FR 445).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates a transition area at Hawthorne, Nevada. This transition area provides protection for IFR arrival/departure operations authorized in the Hawthorne, Nevada area. This amendment increases air traffic safety and improves flow control procedures.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended, effective 0901 GMT, May 15, 1980, as follows:

Under § 71.181 add: Hawthorne, Nevada. That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hawthorne Municipal Airport (latitude 38°32'40" N., longitude 118°38'00" W.) and within 4 miles each side of the Mina, Nevada VORTAC 267 radial extending from the 5-mile radius area to the VORTAC.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Los Angeles, California on March 19, 1980.

W. R. Frehse,

Acting Director, Western Region.

[FR Doc. 80-9578 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 140

Organization, Functions and Procedures of the Commission; Delegation of Authority To Grant Registrations

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is amending Part 140 of its regulations to provide a new § 140.92. The new rule delegates to the Director of the Division of Trading and Markets, and to such members of the Commission's staff acting under his direction as he may designate, the authority to grant registrations, and renewals thereof, of persons as futures commission merchants, associated persons, floor brokers, commodity pool operators and commodity trading advisors. The delegation specifically reserves to the Commission the right to revoke the delegated authority at any time and empowers the Director of the Division of Trading and Markets, or his designee, to submit a registration application matter to the Commission for its consideration whenever such action is deemed to be appropriate. The delegation with respect to granting registrations, and renewals thereof, has been adopted at this time by the Commission to reflect the current organizational structure and internal procedures of the Commission.

EFFECTIVE DATE: March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Robert P. Shiner, Assistant Director, Registration Unit, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-9703.

SUPPLEMENTARY INFORMATION: The Commission is authorized to register persons as futures commission merchants, associated persons, floor brokers, commodity pool operators and commodity trading advisors.[1] Section 1.13 of the Commission's regulations[2] requires the Commission to notify the applicant if his application for registration or renewal thereof is granted. In the past, the authority to declare effective the registrations, and renewals thereof, has been delegated by the Commission to its Regional Directors,[3] and the new delegation has become necessary because the Commission is reorganizing its staff to eliminate those positions.[4] The registration function does not normally involve policymaking,[5] and can be accomplished most expeditiously by continuing to be done by the Commission staff pursuant to delegated authority.

The new § 140.92 of the regulations [6] will reflect the current organizational structure and internal procedures of the Commission. The registration function is carried out by the Registration Unit of the Division of Trading and Markets. The processing of applications has been centralized in the Commission's Central Region Office in Chicago since April, 1978.[7] The Central Region staff operates under the direction of the Unit's Washington headquarters staff. In those instances where the record check done on an applicant leads to a fitness investigation, the appropriate action or recommendation for action is prepared by the Registration Unit staff in Washington. Since the Registration Unit is under the overall authority of the Director of the Division of Trading and Markets, it is appropriate that such Director have the delegated authority to grant registrations and renewals thereof. To provide flexibility in the case of future personnel or organizational changes in the Commission's staff, the Director has the authority to designate any members of the Commission's staff acting under his direction to exercise the registration and renewal function, but it is anticipated that, as the Division of Trading and Markets is presently organized, the persons so designated would be the Assistant Director of the Division of Trading and Markets for the Registration Unit, the Chief of that Unit's Branch in the Central Region Office in Chicago, and the Division's Deputy Directors.[8]

In consideration of the foregoing, the Commission, pursuant to the authority contained in Sections 2a(11), 8a(1) and 8a(5) of the Commodity Exchange Act, as amended, 7 U.S.C. 4a(j), 12a(1) and 12a(5) (1976), as amended, 92 Stat. 865 *et seq.*, hereby amends part 140 of Chapter I of Title 17 of the Code of Federal Regulations by adding a new § 140.92 to read as follows:

§ 140.92 Delegation of authority to grant registrations and renewals thereof.

(a) The Commission hereby delegates, until such time as the Commission orders otherwise, to the Director of the Division of Trading and Markets and to such members of the Commission's staff acting under his direction as he may designate, the authority to grant registrations and renewals thereof.

(b) The Director of the Division of Trading and Markets may submit any matter which has been delegated to him under paragraph (a) of this section to the Commission for its consideration.

(c) Nothing in this section may prohibit the Commission, at its election, from exercising the authority delegated to the Director of the Division of Trading and Markets under paragraph (a) of this section.

The foregoing rule is effective immediately. The Commission finds that the rule relates solely to agency practice and procedure and that notice of proposed rulemaking and opportunity for public participation are not required. The foregoing is in accordance with the Administrative Procedure Act, as codified, 5 U.S.C. 553.

Issued in Washington, D.C., on March 25, 1980, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 80-9648 Filed 3-28-80; 8:45 am]

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[1] Section 8a(1) of the Commodity Exchange Act, as amended (7 U.S.C. 12a(1) (1976)), as amended by Pub. L. 95-405, Section 17, 92 Stat. 865, 874.

[2] 17 CFR 1.13 (1979), as amended, 44 FR 37201 (June 26, 1979).

[3] Commodity Futures Trading Commission, Administrative Order No. 2, Amendment No. 2 (May 23, 1975).

[4] The amended order referred to in note 3, *supra*, also delegated authority to the Director of the Bureau of Registration and Audit. That position was abolished several years ago and the responsibilities of that office have been assigned to the Assistant Director of the Division of Trading and Markets for the Registration Unit, and the Chief Accountant of the Division of Trading and Markets.

[5] The Commission will continue its past practice of considering all unusual cases, or certain general policies regarding registration. *See e.g.*, "Standards for Denial of Registration," 40 FR 28125 (July 3, 1975); "Interpretative Statement Regarding the Use of Misleading Names by Persons Required to be Registered with the Commission," 44 FR 50038 (August 27, 1979); and "Publication of Appendix Setting Forth Factors for Denial of Registration for Other Good Cause Shown," 45 FR 14210 (March 5, 1980). The delegation in § 140.92 does not preclude the Commission, at its election, from exercising its authority with respect to any registration matter.

[6] This new section will be codified in 17 CFR 140.92.

[7] *See* 43 FR 19647 (May 8, 1978).

[8] Nothing contained in the new § 140.92 of the regulations will have any effect on the limited delegation of authority to deny registration contained in § 1.10e of the regulations (17 CFR 1.10e (1979)).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 1 and 3

[Docket No. RM79-32; Order No. 24-B]

Rules of Practice and Procedure; Organization; Operation; Information and Requests

AGENCY: Federal Energy Regulatory Commission.

ACTION: Interim Rule.

SUMMARY: The Federal Energy Regulatory Commission hereby amends its interim regulations regarding applications for adjustments under the Natural Gas Policy Act (NGPA), 15 U.S.C. 3412(c). The definition of "Party" is expanded to include those who have petitioned to intervene but whose petitions have not yet been acted upon, and responses to adjustment applications are required to be filed at the same time petitions to intervene are filed. Further, petitions to intervene are deemed granted unless Staff acted to deny them within 75 days after the date of filing. The separate intervention deadlines for persons served and persons not served are eliminated, and all petitions to intervene must be filed within 15 days after publication in the Federal Register. Applicants for interim relief are required to make appropriate service of their applications. Any party is permitted to file a reply to a request for interim relief within 20 (rather than 10) days after the filing of such a request. The separation of functions provision of this regulation is amended to permit the person who made the decision to grant or deny the adjustment to advise the Commission regarding that adjustment. Staff is also permitted to treat applications for adjustments as requests for interpretations by the General Counsel, where appropriate, such as when the application is based upon a misunderstanding of the law by the applicant. In addition, technical changes are made to this section.

Conforming changes are made to the Commission's rules on interpretations under the NGPA, to acoommodate the situation in which an application for an adjustment is treated as a request for an interpretation, *see* 18 CFR 1.42.

Finally, a Commission regulation regarding delegation of authority to the Director of the Office of Opinions and Review, 18 CFR 3.5(i), is amended to streamline the consideration of adjustment applications by permitting the Director to designate the presiding

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officers in a proceeding to review an initial adjustment decision.

EFFECTIVE DATE: March 24, 1980.

Comments must be received on or before May 25, 1980, by the Secretary, Federal Energy Regulatory Commission, 825 North Capitol St., N.W., Washington, D.C. 20426.

HEARING DATE: June 10, 1980.

ADDRESS: Hearing location: Federal Energy Regulatory Commission, 825 North Capitol St., N.W., Washington, D.C. 20426, at 10:00 A.M., local time.

FOR FURTHER INFORMATION CONTACT: Christine Benagh, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol St., N.W., Washington, 20426 (202) 275-4932.

SUPPLEMENTARY INFORMATION: Before Commissioners: Charles B. Curtis, Chairman; Georgiana Sheldon, Matthew Holden, Jr., and George R. Hall.

Procedures for Adjustments of Rules and Orders Issued by the Federal Energy Regulatory Commission Under the NGPA.

Issued: March 24, 1980.

Background

On March 22, 1979, the Commission issued interim procedures [1] under which any person may seek an adjustment from a rule or order issued by the Commission under the Natural Gas Policy Act of 1978 (NGPA).[2] These interim regulations, which are incorporated in § 1.41 of our regulations, implement the provisions of section 502(c) of the NGPA.[3] On November 27, 1979, the Commission amended these regulations to permit Commission waiver, under appropriate circumstances, of the adjustment procedures.[4] In this order we issue further amendments clarifying and modifying the interim adjustment regulations.[5]

Discussion

A. Definitions

Section 1.41(b) defines the term "Party" as used in the adjustment regulations. This order expands that definition to include those who have petitioned to intervene but whose petitions have not yet been acted upon. Party status granted by this revision will terminate if and when the relevant petition to intervene is denied. This change will permit potential intervenors to file timely responses to certain requests for interim relief under § 1.41(m); currently the period for response may elapse before a potential intervenor's petition is acted upon. Amending § 1.41(b)(5) to grant party status to persons who have petitioned to intervene will grant them the right to make timely filings.

B. Intervention

Section 1.41(e) gives a person served with an adjustment application 15 days after service to petition to intervene. That same section grants a person who is not served with the application 15 days from the publication of notice in the **Federal Register** to petition to intervene. After nearly a year of experience with these regulations, we find that there is no particular benefit achieved by imposing two different filing deadlines, and that it will ease administrative recordkeeping if a uniform deadline is established for petitions to intervene. Accordingly, § 1.41(e) is amended to require all petitions to intervene to be filed within 15 days after publication in the **Federal Register** of the notice of the application for an adjustment.

Section 1.41(e) is further amended to stipulate that any petition to intervene in an adjustment proceeding is deemed granted unless Staff denies it within 75 days after the day of its filing. This procedure will eliminate some of the paperwork involved in the intervention process and further expedite that process.

Section 1.41(f)(1) of the regulations, prior to this Order, prohibited an intervenor from filing a response until the underlying petition to intervene had been granted. This regulation acted to slow the adjustment process, for it forced an interested party to delay any response until notified that the Staff had taken action on the petition to intervene. We believe that it would be beneficial to all parties if each potential intervenor were to file his or her response, if any, to an adjustment application at the same time the petition to intervene is filed. Section 1.41(f) is therefore amended to bring about this result.

C. Interim Relief

Section 1.41(m) specifies the procedures under which an applicant for an adjustment may file a request for interim relief and the standards under which such request shall be considered. This section requires modification and clarification regarding service to intervenors and the time period during which an intervenor must file a reply to a request for interim relief under this subsection.

An applicant seeking interim relief should comply with § 1.41(d)(2), which requires service of the application on any person the applicant reasonably ascertains may suffer direct and measurable economic impact if the relief is granted. If the adjustment proceeding is already under way, any person who has petitioned to intervene in the proceeding is within that class and should also be served, unless the petition to intervene has been denied. Section 1.41(m)(1) is revised to require service on persons who are intervenors or who have pending a petition to intervene.

In most cases a request for interim relief is filed at the same time that the initial application is filed. Thus some potential intervenors (i.e., interested persons other than those served by the applicant under § 1.41(d)(2)) may not become aware of the request until they receive notice in the **Federal Register**. By then it will almost certainly be too late for them to respond, since replies to interim relief requests must be filed within 10 days of the date the request is filed (*see* § 1.41(m)(3)). To provide these persons with a more reasonable filing period, § 1.41(m)(3) is amended to permit any party [6] to file a reply to such request within 20 days after the filing of a request for interim relief.

[1] Order No. 24, "Procedures for Adjustments of Rules and Orders Issued by the Federal Energy Regulatory Commission Under the NGPA," Docket No. RM79-32 (issued Mar. 22, 1979), 44 FR 18,961 (Mar. 30, 1979).

[2] 15 U.S.C. §§ 3301-3432 (Supp. II, 1978).

[3] Section 502(c) of the NGPA states: The Commission or any other Federal officer or agency authorized to issue rules or orders described in subsection (a) (other than an order under section 301, 302, or 303) shall, by rule, provide for the making of such adjustments, consistent with the other purposes of this Act, as may be necessary to prevent special hardship, inequity, or an unfair distribution of burdens. Such rule shall establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or rescission of, exception to, or exemption from, such applicable rules or orders. If any person is aggrieved or adversely affected by the denial of a request for adjustment under the preceding sentence, such person may request a review of such denial by the officer or agency and may obtain judicial review in accordance with section 506 when such denial becomes final. The officer or agency shall, by rule, establish procedures, including an opportunity for oral presentation of data, views, and arguments, for considering requests for adjustment under this subsection. 15 U.S.C. § 3412 (Supp. II, 1978).

[4] Order No. 24-A, "Procedures for Adjustments of Rules and Orders Issued by the Federal Energy Regulatory Commission Under the NGPA," Docket No. RM79-32 (issued Nov. 27, 1979), 44 FR 69,284 (Dec. 3, 1979).

[5] The Commission is currently undertaking a detailed review of all portions of §§ 1.40 and 1.41. At the time that final regulations are promulgated for those sections, all comments from the public concerning the adjustment procedures will be discussed.

[6] By filing a petition to intervene at the same time as the response, an interested person becomes a "party," at least until such time as the underlying petition to intervene is denied. *See* discussion at Section A, *supra*.

D. Separation of Functions

Section 1.41(q), restricts certain Staff members from advising the Commission concerning the appeal from a Staff adjustment order (appeals procedure is governed by § 1.41(j)). Prior to this Order, the Director of the Office of Producer and Pipeline Regulation, or the Director's designee, could not advise the Commission in review of adjustment orders under § 1.41(j)(2). Since the Director's order is an informal proceeding, exclusion of the Director or the Director's designee is unnecessary. Therefore, the separation of functions provision is amended to limit that restriction to witnesses or counsel who participated in the proceeding under § 1.41(j), to review the grant or denial of the adjustment. Further, since this restriction is applicable only to subsection (j) proceedings, paragraph (q) is redesignated by this Order as paragraph (j)(3).

E. Interpretations

The Commission occasionally receives an adjustment application which Staff determines would be more appropriately processed as a request for an interpretation. For example, a person may seek an adjustment from a rule which he or she believes causes a special hardship; however, the applicant's construction of the rule may be incorrect. In reviewing the application, Staff may determine that the perceived hardship would be alleviated, or the position altered, were the applicant to apply the particular regulation correctly.

The most expedient way of dealing with such a situation is to grant Staff the discretion to treat such adjustment application as a request for an interpretation, where appropriate. Accordingly, § 1.41 is amended by adding a new paragraph, (q), entitled "Application for adjustment treated as request for interpretation." (The provision which was designated as paragraph (q) is redesignated by this Order as paragraph (j)(3).) In cases where Staff determines that an interpretation rather than an adjustment is appropriate, the application will be treated under the provisions of § 1.42, and the applicant and all parties will be so notified. The application for adjustment, if deemed a request for an interpretation under new § 1.41(q), would not be acted upon until the interpretation is issued by the Commission's General Counsel under § 1.42. If the applicant believes the interpretation given does not obviate the need for an adjustment, the applicant may reinstate the original adjustment application merely by notifying the Commission.

F. Conforming and Technical Changes

Section 1.41(a)(3)(i)(F) states that § 1.8(a)-(c) and (e)-(f), which set forth procedures for intervention, are applicable in an adjustment proceeding. However, § 1.8(f)(2) requires action on petitions to intervene. This requirement is made no longer applicable to adjustment proceedings by the revision of § 1.41(e) to deem petitions to intervene to be granted unless specifically denied by Staff. Accordingly, § 1.8(f)(2) no longer applies to § 1.41 proceedings. Therefore, § 1.41(a)(3)(i)(F) is amended to delete the reference to § 1.8(f)(2).

A further technical change is made to § 1.41(d)(1)(iv) to correct a typographical error. That subsection pertains to service requirements and, before this Order, cited § 1.7 (a petition rule) rather than § 1.17 (a service rule). Section 1.41(d)(1)(iv) is amended to reflect the correct citation.

The addition of new paragraph (q) to § 1.41, regarding treating applications for adjustments as requests for interpretations, made by this Order necessitates a conforming amendment to § 1.42, "Interpretations and interpretative rules under the NGPA." Section § 1.42 is expanded by adding a new paragraph, (j), to make that section applicable to requests for adjustments deemed to be requests for interpretations under § 1.41(q).

An additional conforming change is required in § 3.5 of our regulations, which authorizes the delegation of Commission authority to certain Staff officials within the Commission. Section 3.5(i)(1), prior to this Order, permitted the Director of the Office of Opinions and Review (OOR) to designate presiding officers only for § 1.40 review of adjustment orders made under sections 503(c) and 504(b) of the Department of Energy Organization Act. Similar delegation authority for review of adjustment orders arising under section 502(c) of the NGPA streamlines the review decisions, and § 3.5 is so amended.

Effective Date and Public Procedures

These amendments to the interim regulations of § 1.41 are being issued as interim rules effective immediately with respect to all applications filed on or after. The regulations contained in § 1.41, and in these amendments to that section, are procedural and relate to practice before the Commission. In addition, there is an immediate need for regulations which assist the Commission in the implementation of section 502(c) of the NGPA. For these reasons, good cause exists to adopt these amendments effective immediately and to do so without prior notice and comment.

Although they are being made effective immediately, the amendments contained in this Order are interim regulations. So that we may consider appropriate comments prior to issuing final rules, the Commission is affording an opportunity for interested persons to submit written comments, data, views or arguments regarding this order. An original and 14 copies of such comments should be filed by May 26, 1980 with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Each submission should include the name and address of the person submitting the comments, should refer to Docket No. RM79-32, and should include the reasons for any recommendations. Comments should state the name, title, mailing address, and telephone number of one person to whom communications concerning the amendment may be addressed. Written comments will be placed in the Commission's public file and will be available for public inspection during regular business hours at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C.

Because this order amends a regulation issued under the NGPA, the Commission will provide an opportunity for the oral presentation of data, views and arguments as required by section 502(b) of the NGPA. A public hearing on this order will be held on June 10, 1980, at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., and will begin at 10:00 a.m., local time.

Requests to participate in the hearing should be directed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should be made no later than June 3, 1980. Requests should refer to Docket No. RM79-32 and should state the name of the person who will be making the presentation, a phone number at which that person may be contacted, and the amount of time requested for the presentation.

Persons participating in the public hearing should, if possible, bring 25 copies of their testimony to the hearing. A list of the participants in the hearing will be available in the Commission's Office of Public Information prior to the hearing and will be available at the Commission on the morning of the hearing.

The hearing will not be a judicial or evidentiary-type hearing, and there will

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be no cross examination of persons presenting statements. The presentations will be made before a panel whose members will be designated by the Chairman of the Commission. Members participating on the panel before whom the presentations are made may ask questions. If time permits, panel members may also ask such relevant questions as are submitted to them by participants. Other procedural rules relating to the hearing will be announced at the time the proceedings commence. A transcript of the hearing will be made and a copy of that transcript will be placed in the public file for this docket and will be made available at the Commission's Office of Public Information.

(Department of Energy Organization Act, 42 U.S.C. §§ 7107–7352; E. O. 12009, 42 FR 46267; Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301–3432)

In consideration of the foregoing, Part 1, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations is amended as set forth below, as an interim regulation, effective immediately.

By the Commission.

Lois D. Cashell,

Acting Secretary.

PART 1—RULES OF PRACTICE AND PROCEDURE

1. Section 1.41 is amended in paragraphs (a)(3)(i)(F), (b)(5), (d)(1)(iv), (e), (f)(1), (m)(1), and (m)(3), to read as follows:

§ 1.41 Requests for adjustments under the NGPA.

(a) *Applicability.*

* * * * *

(3)(i) Except as otherwise provided in this section, the following provisions of this part apply to proceedings under this section:

* * * * *

(F) Section 1.8 (a)–(c) and (e)–(f)(1)—Intervention;

* * * * *

(b) *Definitions.* For purposes of this section:

* * * * *

(5) "Party" means, with respect to a particular application for adjustment, the person making the application, an intervenor, or a person who has petitioned to intervene but whose petition has not been granted or denied under paragraph (e)(2) of this section.

* * * * *

(d) *Initial application.* (1) *Content:*

* * * * *

(iv) The certificate of service required under § 1.17 shall indicate the names and addresses of all persons served.

* * * * *

(e) *Intervention.* (1) A petition to intervene in an adjustment proceeding, in conformity with § 1.8, must be filed within 15 days after publication in the **Federal Register** of notice of the application for adjustment.

(2) A petition to intervene shall be deemed granted unless it is denied by staff within 75 days after the day on which it was filed.

(f) *Other filings.* (1) *Intervenors.* Responses to the application shall be filed at the time the petition to intervene is filed.

* * * * *

(m) *Interim relief.* (1) The applicant may at any time file a request for interim relief in a proceeding under this section, setting forth the legal and factual basis for the request. Service of such request shall comply with the service requirements set forth in paragraph (d)(2) of this section and shall be made on each person described in paragraph (d)(2) as well as on any other party to the proceeding.

* * * * *

(3) Any party may, within 20 days after the filing of the request for interim relief, file a reply to the request for interim relief.

* * * * *

2. Section 1.41(q) is amended and redesignated as § 1.41(j)(3), and a new paragraph (q) is added to read as follows:

§ 1.41 Requests for adjustments under the NGPA.

* * * * *

(j) *Review of initial decision and order for adjustment*

* * * * *

(3) *Separation of functions.* Any person who participated in the proceeding to review the grant or denial of that adjustment under paragraph (j) of this section as a witness or counsel may not advise the Commission concerning the review of the grant or denial of that adjustment.

* * * * *

(q) *Application for adjustment treated as request for interpretation.* (1) Staff may, if appropriate, treat an application filed under paragraph (c) as a request for an interpretation section 502(c) of the NGPA, of that Act or a rule or order issued under that Act.

(2) If the Staff exercises its discretion under subsection (q)(1) to treat an application for an adjustment as a request for an interpretation, then:

(i) Staff shall notify all parties to the proceeding that the application is being treated as a request for an interpretation under § 1.42 of this part; and

(ii) all time limits in this section will be stayed pending issuance of the interpretation.

(3) If after the interpretation is issued the applicant wishes to reinstate the adjustment proceeding, the applicant may do so by notifying the Commission in writing that the application should be reinstated.

3. Section 1.42 is amended by adding paragraph (j) to read as follows:

§ 1.42 Interpretations and interpretative rules under the NGPA.

* * * * *

(j) *Applications for adjustments treated as requests for interpretations.* Except for the notification provisions of subsection (d)(5), the provisions of this section shall apply to any application for an interpretation under § 1.41(q). Notice to all parties to an adjustment under § 1.41 which is deemed to be a request for an adjustment proceeding which is deemed a request for an interpretation shall be given under § 1.41(q)(2)(i).

4. Section 3.5(i)(1) is amended to read as follows:

§ 3.5 Delegation of authority.

* * * * *

(i) The Director of the Office of Opinions and Review or, in the Director's absence, the Director's designee to:

(1) Designate presiding officers for proceedings under § 1.38 and § 1.40, who shall have all the authorities and duties vested in presiding officers by those rules and other applicable rules in conducting proceedings pursuant to § 503(c) and § 504(b) of the Department of Energy Organization Act, 42 U.S.C. §§ 7107 *et seq.* and § 502(c) of the Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301 *et seq.*

[FR Doc. 80-9670 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 212

Public Information; Uniform Ruling

AGENCY: Agency for International Development.

ACTION: Final rule.

SUMMARY: On October 1, 1979, the International Development Cooperation Agency ("I.D.C.A.") was established as an independent agency in the Executive Branch, and the Agency for International Development ("A.I.D."), previously established in the Department of State, was continued in existence within I.D.C.A.

This rule amends Part 212 to indicate that I.D.C.A. and A.I.D. will have uniform Public Information regulations. I.D.C.A. will adopt Part 212, as amended by this rule, in a separate rulemaking document.

Since the amendments are editorial in nature, the proposed rulemaking procedures is unnecessary and, therefore, this rule is effective as of March 1, 1980.

DATE: Effective as of March 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Jan Miller, Office of the General Counsel (202) 632–8277.

Dated: March 15, 1980.

Douglas J. Bennet, Jr.,

Administrator.

Accordingly, Part 212 of Title 22 is amended as follows:

§ 212.1 [Amended]

1. Section 212.1 is amended by inserting "the International Development Cooperation Agency and" before "the Agency for International Development" wherever those words appear.

Section 212.1 paragraph (a) is amended by inserting "for A.I.D. and the Assistant Director, Office of Legislative and Public Affairs, for I.D.C.A." after "Office of Public Affairs."

Section 212.1 is amended by adding new paragraphs (d), (e) and (f) as follows:

§ 212.1 Statement of Policy.

* * * * *

(d) The term "Agency" refers to either the International Development Cooperation Agency or the Agency for International Development.

(e) The term "Freedom of Information Office" means the Assistant Director for Legislative and Public Affairs for I.D.C.A. and the Director, Office of Public Affairs for A.I.D.

(f) The term "Appeals Officer" means the Director or Deputy Director for I.D.C.A. and the Administrator or Deputy Administrator for A.I.D.

§ 212.12 [Amended]

2. Section 212.12 is amended by inserting "I.D.C.A. or" before "A.I.D."

§ 212.13 [Amended]

3. Section 212.13 is amended by inserting "I.D.C.A. or" before "A.I.D."

§ 212.21 [Amended]

4. Section 212.21 is amended by replacing "A.I.D. makes" with "I.D.C.A. and A.I.D. make."

§ 212.25 [Amended]

5. Section 212.25(a) is amended by inserting "the International Development Cooperation Agency and" after "members of the public at" and by replacing "4943" with "2738".

§ 212.31 [Amended]

6. Section 212.31 is amended by deleting "for international Development."

§ 212.33 [Amended]

7. In § 212.33 paragraph (a) is amended:

(a) By inserting "the Assistant Director for Legislative and Public Affairs, International Development Cooperation Agency, Washington, D.C. 20523 and" between "to" and "the Director";

(b) By deleting "Department of State, 21st and Virginia Ave., N.W.";

(c) By inserting "the International Development Cooperation Agency and" between "going to" and "the Agency for International Development";

(d) By replacing "4943" with "2738".

In § 212.33 paragraph (c) is amended by replacing "Director, Office of Public Affairs" wherever it appears with "Freedom of Information Officer."

§ 212.34 [Amended]

8. In § 212.34 paragraph (a) is amended by replacing "Director, Office of Public Affairs" with "Freedom of Information Officer."

In § 212.34 paragraph (d) is amended by replacing "Director, Office of Public Affairs" wherever it appears with "Freedom of Information Officer."

§ 212.35 [Amended]

9. In § 212.35 paragraph (b) is amended by replacing "Director, Office of Public Affairs," with "Freedom of Information Officer."

In § 212.35 paragraph (h) is amended by replacing "Director, Office of Public Affairs, or an Officer designated by the Director", with "Freedom of Information Officer or his or her designee" and by replacing "Director" with "Freedom of Information Officer."

§ 212.36 [Amended]

10. In § 212.36 paragraph (b) is amended by replacing "Director, Office of Public Affairs, or his delegate" with "Freedom of Information Officer or his or her designee."

In § 212.36 paragraph (c) is amended by a) inserting "(for I.D.C.A.) Director or Deputy Director, International Development Cooperation Agency, 21st and Virginia Ave., N.W., Washington, D.C. 20523 or (for A.I.D.)" between "addressed to" and "the Agency for International Development"; and b) by replacing "Administrator or Deputy Administrator" with "the Appeals Officer."

§ 212.37 [Amended]

11. Section 212.37 is amended by replacing "Administrator or Deputy Administrator" wherever it appears with "the Appeals Officer."

§ 212.51 [Amended]

12. In § 212.51 paragraph (a) is amended by replacing

"In accordance with the policy of the Department of State, the Agency for International Development will open its" with "A.I.D. and I.D.C.A. will open their."

In § 212.51 paragraph (b) is amended

(a) By inserting in the first sentence "I.D.C.A.'s or" between "records in" and "A.I.D.'s";

(b) By replacing the second sentence with

"Application will be made to the Freedom of Information Officer at the addresses listed in § 212.33(a).";

(c) By replacing in the last sentence "The Director, Public Affairs", with "Freedom of Information Officer."

(Sec. 621, 22 U.S.C. 2381, as amended.)

[FR Doc. 80-9713 Filed 3-28-80; 8:45 am]

BILLING CODE 4710-02-M

22 CFR Part 215

Editorial Amendments

AGENCY: Agency for International Development.

ACTION: Final rule.

SUMMARY: On October 1, 1979, I.D.C.A. was established as an independent agency inthe Executive Branch and the Agency for International Development ("A.I.D."), previously an agency within the Department of State, was continued in existence as an agency within I.D.C.A. This rule makes certain editorial amendments to indicate that A.I.D. and I.D.C.A. will have uniform Privacy Act regulations. I.D.C.A. by a separate rulemaking document will adopt the Regulations set forth in Part 215, as amended by this rulemaking document.

In addition, the Agency's contact point for Privacy Act matters has been changed from the Director of the Office of Personnel and Manpower to the Privacy Liaison Officer of the Office of

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Public Affairs which now has responsibility for Privacy Act matters. Since the amendments are editorial or administrative in nature, proposed rulemaking procedures are not necessary and the amendments are effective as of March 1, 1980.

DATE: Effective Date: March 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Jan Miller, Office of the General Counsel (202) 632–8277.

Date: March 15, 1980.

Douglas J. Bennet, Jr.,

Administrator.

PART 215—REGULATIONS FOR IMPLEMENTATION OF PRIVACY ACT OF 1974

Accordingly, Part 215 of Title 22 is amended as follows:

§ 215.1 [Amended]

1. In § 215.1 paragraph (a) is amended by inserting "the International Development Cooperation Agency and" between "of" and "the Agency for International Development."

§ 215.2 [Amended]

2. In § 215.2 paragraph (a) is amended by inserting "the International Development Cooperation Agency or" between "means" and "the."

§ 215.3 [Amended]

3. In § 215.3 paragraph (a) is amended by replacing everything after "as follows" with:

For I.D.C.A.—Assistant Director for Administration, International Development Cooperation Agency, Room 3929 New State, 320 21st Street, NW., Washington, D.C. 20523. Attention: Privacy Liaison Officer.

For A.I.D.—Privacy Liaison Officer, Agency for International Development, Room 2738 New State, 320 21st Street, NW., Washington, D.C. 20523.

§ 215.3 [Amended]

4. In § 215.3 paragraph (d) is amended by replacing "The Director, Office of Personnel and Manpower, or his or her designee, or, in the case of an office abroad, the Privacy Liaison Officer, or his or her designee," with "The Assistant Director for Administration for requests to I.D.C.A. or the appropriate Privacy Liaison Officer for request to A.I. D., or their designees."

§ 215.6 [Amended]

5. Section 215.6 is amended by replacing "Director, Office of Personnel and Manpower" with "Assistant Director for Administration or the Privacy Liaison Officer."

§ 215.7 [Amended]

6. In Section 215.7 paragraph (b) is amended by deleting everything after "mail" and replacing them with "to the addresses listed in § 215.3(a)."

7. In Section 215.7 paragraph (d) is amended by replacing everything after "from" with "the officials listed in § 215.3(a)."

§ 215.8 [Amended]

8. In Section 215.8 paragraph (b) and (d) are amended by replacing "the Director" or "the Director, Office of Personnel and Manpower" wherever they appear with "the Assistant Director for Administration or the Privacy Liaison Officer."

9. In Section 215.8 paragraph (e)(3) is amended by replacing everything after "review by" with "Director or the Administrator, or their designees; and "

§ 215.9 [Amended]

10. In Section 215.9 paragraph (b) as amended by inserting: Director, International Development Cooperation Agency, 320 21st Street, N.W. Washington, D.C. 20523. Attention: Executive Secretary, Privacy Review Request between "to:" and "Administrator."

11. Section 215.9 paragraph (c) is amended to read as follows: (c) Upon receipt of the request for review, the Director or the Administrator, or an officer of the Agency designated in writing by the Director or Administrator, shall undertake an independent review of the initial determination.

12. In Section 215.9 paragraph (d) is amended by inserting "the Director or" between "than" and "the Administrator."

13. In Section 215.9, paragraph (f), the first sentence is amended to read as follows: (f) Within 30 days after receipt of the request for review, the Director, the Administrator, or the official designated to conduct the review, shall advise the individual of the Agency's final decision.

§ 215.10 [Amended]

14. In Section 215.10 paragraph (c)(7) is amended by replacing "Director, Office of Personnel and Manpower" with "Assistant Administrator of Administration or the Privacy Liaison Officer."

§ 215.13 [Amended]

15. In Section 215.13 paragraph (a) is amended by inserting "the Director or" between "(j)(2)", and "the Administrator."

§ 215.14 [Amended]

16. In Section 215.14 paragraph (a) is amended by inserting "the Director or" between "5 U.S.C. 552(a)(k)" and "the Administrator."

(Sec. 621, 22 U.S.C. 2381, as amended.)

[FR Doc. 80-9714 Filed 3-28-80; 8:45 am]

BILLING CODE 4710-02-M

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22 CFR Part 1201

Adoption of Regulations for Public Information

AGENCY: United States International Development Cooperation Agency.

ACTION: Final Rule.

SUMMARY: On October 1, 1979, the United States International Development Cooperation Agency ("IDCA") was established as an independent agency in the Executive Branch, and the Agency for International Development ("AID"), previously established within the Department of State, was continued in existence within IDCA.

In this rule, IDCA adopts as its Freedom of Information Act regulations, those regulations previously published by AID. AID's regulations are published at 22 CFR 212.1 through 212.51. These regulations state the procedures through which an individual or organization can obtain access to certain categories of information compiled and retained by the United States Government. In a separate document, AID has amended these regulations to include IDCA.

DATE: Effective as of March 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mrs. Sylvia Rosemergy (202) 632–9354.

Date: March 20, 1980.

Thomas Ehrlich,

Director.

Part 1201 is added to 22 CFR Chap. XII to read as follows:

PART 1201—PUBLIC INFORMATION

Cross Reference.—The regulations establishing procedures under the Freedom of Information Act for the United States International Development Cooperation Agency are codified in 22 CFR 212.1–212.51, prescribed jointly by the United States International Development Cooperation Agency and the Agency for International Development.

(Sec. 621, 22 USC 2381, as amended; 5 USC 552.)

[FR Doc. 80-9712 Filed 3-28-80; 8:45 am]

BILLING CODE 4710-02-M

22 CFR Part 1202

Adoption of Regulations for Implementation of the Privacy Act

AGENCY: United States International Development Cooperation Agency.

ACTION: Final rule.

SUMMARY: On October 1, 1979, the United States International Development Cooperation Agency ("IDCA") was established as an independent agency in the Executive Branch and the Agency for International Development ("AID"), previously established within the Department of State, was continued in existence as an agency within IDCA. AID and IDCA will have uniform Privacy Act regulations. In this rule, IDCA adopts AID's Privacy Act regulations. AID's regulations are published at 22 CFR 215.1 through 215.14. These regulations state the procedure through which an individual may gain access to an agency's "system of records" maintained on that individual. In a separate document, AID has amended its regulations to include IDCA.

DATE: Effective as of March 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mrs. Sylvia Rosemergy (202) 632–9354.

Date: March 20, 1980.

Thomas Ehrlich,

Director.

Part 1202 is added to 22 CFR Chap. XII to read as follows:

PART 1202—REGULATIONS TO IMPLEMENT THE PRIVACY ACT OF 1974

Cross Reference.—The regulations establishing procedures by which an individual may obtain notification of the existence of agency records pertaining to that individual, gain access to those records, request an amendment to those records, and appeal adverse decisions to requests for amendment or correction of agency records are codified as 22 CFR 215.1–215.14, prescribed jointly by the United States International Development Cooperation Agency and the Agency for International Development.

(Sec. 621, 22 USC 2381, as amended; 5 USC 552a)

[FR Doc. 80-9711 Filed 3-28-80; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 635

Interstate Maintenance Guidelines

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The Federal Highway Administration (FHWA) issues guidelines for maintenance of Interstate highways by the States as required by section 116 of the Surface Transportation Assistance Act of 1978. An initial program submission and an annual certification and review process are required. States which fail to meet the requirements of this regulation may be subject to a reduction of Federal-aid highway funds.

DATES: This regulation is effective on March 27, 1980. The initial program submission is due by July 25, 1980, and the first certification is due by March 27, 1981.

ADDRESS: The public docket (No. 78–43) for this regulation is available for examination at the offices of the Federal Highway Administration, Room 4205, 400 Seventh Street, SW., Washington, D.C., between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. P. E. Cunningham, 202–426–0436, Office of Highway Operations, or Mr. Wilbert Baccus, 202–426–0786, Office of the Chief Counsel, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: This regulation is considered to be significant under the criteria established by the Department of Transportation pursuant to Executive Order 12044. A regulatory analysis is available for inspection in the public docket and may be obtained by contacting Mr. P. E. Cunningham at the address provided above.

Under section 109(m) of title 23, United States Code (23 U.S.C. 109(m)), the FHWA is required to issue "guidelines describing the criteria applicable to the Interstate System in order to insure that the condition of these routes is maintained at the level required by the purposes for which they were designed." Not later than one year after the date of issuance of these guidelines, 23 U.S.C. 119(b) requires each State to have a program for maintenance of the Interstate System in accordance with the guidelines. Each State must then certify on an annual basis that it has such a program and that its Interstate routes are being maintained in accordance with that program. If a State fails to certify as required or if the Secretary of Transportation determines that a State is not adequately maintaining its Interstate routes in accordance with such a program, the State's Federal-aid highway funds are to be reduced.

The foregoing provisions were added to title 23, U.S.C., by section 116 of the Surface Transportation Assistance Act of 1978 (STAA), Pub. L. 95–599, 92 Stat. 2689. The obligation of the States to maintain, or cause to be maintained, Interstate highways and all other highway projects constructed under the Federal-aid highway program has always been a statutory requirement for the receipt of Federal-aid highway funds and is currently expressed in 23 U.S.C. 116.

The regulation issued today prescribes Interstate maintenance guidelines under 23 U.S.C. 109(m) and establishes policy and procedures to implement the State certification and Federal oversight requirements of 23 U.S.C. 116 and 119(b).

The guidelines do not impose detailed maintenance procedures, but rather set forth overall maintenance objectives which will form the basis for the development of an Interstate maintenance program in each State. Each State's initial program must be submitted to the FHWA within 120 days after the effective date of this regulation. The FHWA will review and approve or disapprove each State's initial submission. Within one year after the effective date, each State must make its first certification under 23 U.S.C. 119(b). Annual certifications will thereafter be required from each State by January 1 of each subsequent year (i.e., beginning on January 1, 1982). Beginning in 1981, each State will also be required to make an annual program submission. This annual submission will not be a new State maintenance program, but rather a supplement covering information applicable to that year and an update of the initial submission where necessary. The FHWA will review each State's annual submission and will also continue to monitor implementation of each State's program in accordance with established agency procedures.

Detailed procedures are provided for the reduction of a State's Federal-aid highway funds in the event of a determination of nonconformity with the requirements of this regulation. States will be provided an opportunity to resolve such a determination on a formal or informal basis prior to the actual reduction of funds.

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An advance notice of proposed rulemaking was issued by the FHWA to request suggestions for the development of the Interstate maintenance guidelines (44 FR 69, January 2, 1979). Following a review of the comments received and an extensive internal analysis, a notice of proposed rulemaking (NPRM) was published on August 9, 1979 (44 FR 46882).

Discussion of Comments

Comments on the NPRM were received from 36 interested parties as follows: 31 State highway or transportation agencies, the Highway Users Federation for Safety and Mobility (HUFSM), the National Transportation Safety Board (NTSB), the American Association of State Highway and Transportation Officials (AASHTO), the Southeastern Association of State Highway and Transportation Officials (SASHTO), and Roy Jorgensen Associates, Inc. The following discussion addresses the major concerns of those responding to the NPRM.

The NPRM requested comments on the issue of whether or not the guidelines should establish minimum threshold levels of maintenance to obtain nationwide consistency. Although a few of the comments supported the concept of specific performance standards and quantitative measurements, no specific information or recommendations were provided in that regard. In fact, many more parties indicated basic satisfaction with the proposed guidelines, and several recommended against adoption of specific standards.

Based upon the response to the NPRM and the current state-of-the-art pertaining to quantitative measurements for highways, the FHWA has confirmed its initial determination that very little useful, objective data are available for specific application of guidelines employing such measurements. Accordingly, the guidelines in section 635.505 of this regulation set forth overall maintenance objectives rather than detailed procedures and quantitative measurements. The FHWA will contine to initiate new research efforts and support existing programs to develop more systematic procedures for establishing maintenance guidelines, including quantitative measures where feasible. As indicated in the NPRM, when additional information and procedures are developed, the FHWA will review and revise this regulation as appropriate.

Many of the comments questioned the fundamental necessity for the guidelines and made various suggestions regarding the reduction of "red tape" and documentation costs. In this regard, it was argued that States which already have well-developed maintenance programs should not be subject to the guidelines, and that the FHWA should use existing maintenance inspection procedures in lieu of, or as a supplement to, the guidelines.

While it is true that a number of States already have well-developed maintenance programs (e.g., maintenance management systems), others do not. Moreover, Congress has explicitly mandated the issuance of Interstate maintenance guidelines by DOT and the development of an Interstate maintenance program in each State. While the FHWA plans to continue the annual Federal-State maintenance inspections, the program approval process required under section 635.507 of this regulation is considered necessary in order for the agency to meet its oversight responsibilities under 23 U.S.C. 116 and 119(b). This is particularly the case in light of the fact that the Federal guidelines set overall program objectives rather than detailed performance standards.

However, in light of the comments received, the mandate of 23 U.S.C. 101(e) ("Minimization of Red Tape"), and the FHWA's established policy on red-tape reduction (43 FR 10570, March 14, 1978), a considerable degree of flexibility is being provided to the States in this regulation. For example, rather than requiring a specific program format or "memorandum of understanding" as suggested by several parties, section 635.507 allows each State to develop its own program format with a minimal amount of Federal requirements. Existing State documents can and should be used wherever possible.

Regardless of the format or source of a State's program, the initial submission must sufficiently address the way the State manages its maintenance activities. If a State's initial submission covers highway systems in addition to the Interstate, it should place special emphasis on the levels of service directed toward Interstate routes. Available State-developed performance standards, operating directives, quality standards, levels of maintenance service, or maintenance standards that describe the physical or traffic service element condition and that indicate when maintenance should be performed must also be a part of the initial submission. Some States have developed a formalized system for managing maintenance with established quantitative and qualitative methods of measurement in the development of work standards. If a State does not have the specific element repair or replacement documents that are a normal part of a maintenance management program, the initial submission must describe State practices in that regard.

The initial program submission will allow the State and FHWA to compare the State's program with the guidelines to insure that the intent of the guidelines is being, or will be, accomplished. Each initial submission will be reviewed by the appropriate FHWA field offices and approved or disapproved by the FHWA Washington Headquarters.

Additional flexibility is provided with respect to the annual program submissions required by § 635.507(c). These annual submissions can be in the form of normally prepared documents indicating the statewide maintenance work to be accomplished during the coming year (e.g., statewide budget; work plans by activity, statewide and districtwide, etc.) and any exceptions and/or revisions that have been made to the initial program. If a State has a maintenance management system, the documents normally prepared under that system should satisfy the annual submission requirement.

Several States suggested that the October 1 certification date should be changed. In keeping with the intent of 23 U.S.C. 119(b), the first certification will not be due until one year after the effective date of this regulation. Thereafter, annual certifications will be due by January 1 of each subsequent year, beginning on January 1, 1982. Existing Federal-aid highway fund apportionment requirements make this a more realistic and workable timetable. With respect to submission of the annual update, which begins in 1981, no date is set by the regulation. That submission can, therefore, correspond to the beginning of a State's fiscal year, as some commentors suggested, or can be made in conjunction with a State's annual certification.

In order to clarify the program submission and approval process, appropriate revisions have been made to the regulation. Structurally, all requirements for this process are now included in section 635.507, Implementation.

Five States presented some discussion about the funding of maintenance versus betterment type work. By mandate of 23 U.S.C. 116, highway maintenance is a State-funded program to preserve and repair a system of roads to insure its designed or established life and operational expectancy. Maintenance work does not include the performance of betterment type work which is

intended to improve rather than preserve.

Prior to the 1976 Highway Act, which allowed the use of Federal funds for resurfacing, restoration, and rehabilitation (R–R–R) work, some highway agencies were performing R–R–R or betterment work using State funds. The R–R–R designation refers to work undertaken primarily to extend the service life of an existing facility. This includes placement of additional surfacing material and/or other work necessary to return an existing roadway, including shoulders or bridges, to a condition of structural or functional adequacy. Now the States have the opportunity to use Federal-aid funding for R–R–R work rather than State money, but routine periodic maintenance activities, such as snow and ice control, mowing, pothole patching, crack filling, etc., remain a State responsibility, and must be paid for with State funds.

A great amount of concern was expressed about the probable tort liability impact of the guidelines. Some States requested that the guidelines be broad and flexible, giving due consideration to the differing climatic, budgetary, geographic, and geologic conditions amongst the States, so that tort liability suits would not proliferate based on requirements for specific levels of maintenance and detailed annual programs.

While the FHWA recognizes the possibility that tort suits may increase, the agency's major concern and responsibility is the promulgation of guidelines to carry out the congressional mandate to insure that the Interstate System is being adequately maintained. The FHWA believes that the guidelines in § 635.505 provide the appropriate degree of flexibility and that, in reviewing State programs, due consideration will be given to differing conditions amongst the States. With regard to possible tort liability, the FHWA endorses the view expressed by the National Transportation Safety Board that "[s]hort of relieving the States of any responsibility to perform proper maintenance, there is no way in which the States can escape liability for improper maintenance."

The AASHTO and SASHTO recommended adoption of a description of critical elements developed by AASHTO. The FHWA compared these critical elements with its own proposal and found very little difference in philosophy. In addition, the FHWA guidelines include critical elements for safety appurtenances, safety rest areas, access control, and traffic safety in work zones that AASHTO elected not to describe. The FHWA believes that these additional elements are necessary and will aid in the design of a complete maintenance program.

Concern was expressed by several States, AASHTO, HUFSM, and NTSB as to how certain terms in the guidelines (e.g., "safe", "feasible", "without unreasonable delay") would be interpreted. Some of these qualifying terms (e.g., "feasible") have been eliminated in the final regulation. Those terms which remain should be defined or explained in the State's initial program submission. A satisfactory description of the methods and manner by which the State will carry out its maintenance program should contain sufficient information to make the interpretation of such terms readily apparent. In addition to such descriptions of future intent, each State should consider past and present practice and any applicable State court decisions in interpreting such terms. In many cases, the inclusion of existing State operating directives will satisfy the requirement to clarify these terms. The potential for varying interpretations by individual FHWA offices that concerned some parties will be avoided as a result of the participation of the FHWA Washington Headquarters in the review of each State's program.

Several States suggested changes in the wording of the critical elements in § 635.505, with roadway surfaces, shoulders, snow and ice control, and traffic services being cited most often. The roadway surfaces and shoulders elements have been revised to reflect subsequent improvements to the original grade and cross section of the roadway. The shoulders element has also been revised to require a surface "contiguous with" the adjacent roadway surface rather than "even with." The element previously entitled "Structures Over 20 Feet" is now labeled "Bridges and tunnels." The snow and ice control element previously called for preservation of "a safe and efficient hazard-free winter driving environment, when feasible." This element now requires preservation of "the roadway safety, efficiency, and environment during winter driving conditions." Section 635.505(c) provides that variations from a State's approved program are to be allowed in situations involving emergency or unforeseeability. The element on traffic control devices has been revised to eliminate the phrase "at all times." An error in the access control element has been corrected to provide for "prevention" of improper or unauthorized use of rights-of-way.

This regulation will affect the maintenance inspection policies and procedures contained in Volume 6, Chapter 4, Section 3, Subsection 1 of the Federal-Aid Highway Program Manual (FHPM). Revisions to that directive will be made as required. (The FHPM is available for inspection and copying as prescribed in 49 CFR 7, App. D.)

This regulation is effective upon issuance. A 30-day delay in effective date is not being provided due to the fact that Congress has clearly expressed its desire for these guidelines to be issued at the earliest possible time and because the first submission under this regulation is not due for 120 days.

Issued on: March 27, 1980.

John S. Hassell, Jr.,

Deputy Administrator.

In consideration of the foregoing, the Federal Highway Administration hereby amends Chapter I of Title 23, Code of Federal Regulations, by adding a new Subpart E to Part 635 to read as follows:

PART 635—CONSTRUCTION AND MAINTENANCE

Subpart E—Interstate Maintenance Guidelines

Sec.

635.501 Purpose.
635.503 Policy.
635.505 Maintenance guidelines.
635.507 Implementation.
635.509 Deficient or unsatisfactory maintenance.

Authority: 23 U.S.C. 109(m), 116, 119(b), and 315; 49 CFR 1.48(b).

Subpart E—Interstate Maintenance Guidelines

§ 635.501 Purpose.

To prescribe Interstate maintenance guidelines and establish the policy and procedures to insure that the condition of Interstate routes is maintained at the level required by the purposes for which they were designed.

§ 635.503 Policy.

The policy of the FHWA is to insure that each State highway agency develops and implements an Interstate maintenance program conforming to the guidelines in this subpart. The maintenance program shall be consistent with practices deemed necessary to adequately provide for motorist safety, preservation of the highways, rideability, and aesthetics.

§ 635.505 Maintenance guidelines.

(a) The following critical elements should serve to direct the development and implementation of an Interstate maintenance program in each State.

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(1) *Roadway surfaces.* Preservation of the structural integrity of the roadway and the safety and comfort of the user. This includes a safe, smooth, skid-resistant surface, as close as practical to the original, or subsequently improved, grade and cross section.

(2) *Shoulders.* Preservation of a safe, smooth surface which is free of obstruction, contiguous with the adjacent roadway surface, and as close as practical to the original, or subsequently improved, grade and cross section.

(3) *Roadside.* Preservation of the roadside in a safe, pleasant, and forgiving manner through vegetation management, erosion control, and litter pick-up.

(4) *Drainage.* Preservation of hydraulic capacity for which originally designed.

(5) *Bridges and tunnels.* Preservation of the structural and operational characteristics for which originally designed. These include safe, smooth, skid-resistant surfaces; proper surface drainage; and adequate functioning bearing devices and substructural elements. Replacement or repair of structural railing and approach guardrail should be done without unreasonable delay. Tunnels should be cleaned, properly lighted, and adequately ventilated.

(6) *Snow and ice control.* Preservation of the roadway safety, efficiency, and environment during winter driving conditions.

(7) *Traffic control devices.* Preservation of clean, legible, visible, and properly functioning traffic control devices. This includes pavement markings, signing, delineators, signals, etc.

(8) *Safety appurtenances.* Replacement of damaged, defective, and/or inoperable devices without unreasonable delay. This includes guardrails, impact attenuators, breakaway supports, barriers, etc.

(9) *Safety rest areas.* Preservation and operation of facilities reasonably necessary for the convenience, relaxation, and informational needs of the user.

(10) *Access control.* Preservation of the originally designed access control, elimination of unauthorized traffic movement, and prevention of improper or unauthorized use of the highway rights-of-way.

(11) *Traffic safety in maintenance and utility work zones.* Procedures that will aid the safety of motorists and maintenance workers. The procedures shall be consistent with the provisions of 23 CFR Part 630, Subpart J, and Part VI of the Manual on Uniform Traffic Control Devices.[1]

(b) All replacements and repairs should conform to the currently approved design standards (23 CFR Part 625) for all critical elements listed in paragraph (a) of this section. Exceptions for minor repairs must be clearly defined in a State's maintenance program.

(c) These guidelines shall be interpreted to expect that repairs and maintenance will be performed without unreasonable delay, that variations from the State's approved program will be allowed in situations involving emergency or unforeseeability, and that the State will seek to attain a high level of maintenance.

§ 63.507 Implementation.

(a) Each State highway agency shall prepare an initial program submission which shall include a description of the State's Interstate maintenance program; a discussion of the method by which the State manages its program, including copies of operating documents; and a general description of the level of resources and activity the State intends to devote to attain the objectives stated under each of the critical elements in § 635.505(a). This initial submission shall be made to the FHWA no later than 120 days after the effective date of this subpart. The FHWA shall review each State's initial program submission for conformance with the provisions of this subpart and approve or disapprove the submission on the basis of that review.

(b) Within one year after the effective date of this subpart, and by January 1 of each subsequent year, each State highway agency shall certify to the FHWA that it has an Interstate maintenance program as required by this subpart and that its Interstate routes are being maintained in accordance with that program.

(c) Beginning in 1981 and each year thereafter, each State highway agency shall update its initial program submission by providing the FHWA with a discussion of:

(1) The condition of the State's Interstate routes and deficiencies,

(2) State maintenance priorities,

(3) The State maintenance budget, and

(4) Exceptions and/or revisions to the initial submission.

(d) The FHWA shall review each State's annual submission for conformance with the provisions of this subpart and monitor the implementation of each State's program in accordance with the review procedures described in the FHWA Maintenance Review Manual [2] and the Federal-Aid Highway Program Manual, Volume 6, Chapter 4, Section 3, Subsection 1.[2] If differences between the State and the FHWA cannot be resolved concerning the adequacy of the Interstate maintenance program's level of resources and activity, the FHWA shall initiate action under § 635.509.

§ 635.509 Deficient or unsatisfactory maintenance.

(a) *Fund reduction.* If a State fails to certify as required by this subpart, or if the Secretary determines that a State is not adequately maintaining its Interstate routes in accordance with a maintenance program as required by this subpart, the Federal-aid highway funds apportioned to the State for the next fiscal year (after the date on which the State must certify) shall be reduced by an amount equal to 10 percent of the amount which would otherwise be apportioned to the State under 23 U.S.C. 104. In addition, future project approvals may be withheld by the Secretary under 23 U.S.C. 116.

(b) *Procedure for reduction of funds.* (1) If it appears to the Federal Highway Administrator that a State has not submitted a certification conforming to the requirements of this subpart, or that a State is not adequately maintaining its Interstate routes in accordance with a maintenance program as required by this subpart, the Administrator shall make in writing a proposed determination of nonconformity, and shall notify the Governor of the State of the proposed determination by certified mail. The notice shall state the reasons for the proposed determination and inform the State that it may within 30 days from the date of the letter request a hearing to show cause why it should not be found in nonconformity. If the State informs the Administrator before the end of the 30-day period that it wishes to attempt to resolve the matter informally, the Administrator may extend the time for requesting a hearing by an additional 30 days. In the event of a request for informal resolution, the State and the Administrator (or designees) shall promptly schedule a meeting to resolve the matter.

(2) If a State does not request a hearing in a timely fashion as provided in paragraph (b)(1) of this section, the Administrator shall forward the proposed determination to the Secretary. Upon approval by the Secretary, the provisions of paragraph (a) of this section shall take effect immediately.

(3) If a State requests a hearing, the Secretary shall expeditiously convene a hearing on the record, which shall be conducted according to the provisions of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.* Based on the record of the proceeding, the Secretary shall determine whether the State is in nonconformity with this subpart. If the Secretary determines that the State is in nonconformity, the provisions of paragraph (a) of this section shall take effect immediately.

(4) The Secretary may reduce 10 percent of a State's apportionment of funds under 23 U.S.C. 104 prior to the administrative determination under this section in order to prevent the apportionment to the State of funds which would be affected by a determination of nonconformity.

(5) Funds withheld pursuant to a final administrative determination under this section shall be reapportioned to all other eligible States one year from the date of this determination, unless before this time the Secretary determines, on the basis of information submitted by the State and the FHWA, that the State has come into conformity with this section. If the Secretary determines that the State has come into conformity, the withheld funds shall be released to the State.

(6) The reapportionment of funds under paragraph (b)(5) of this section shall be stayed during the pendency of any proceeding for judicial review of a final administrative determination of nonconformity made by the Secretary.

[FR Doc. 80-9843 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-22-M

[1] Available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (GPO Stock Number 050-001-81001-8), and for inspection and copying as prescribed in 49 CFR 7, App. D.

[2, 3] Available for inspection and copying as prescribed in 49 CFR 7, Appendix D.

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23 CFR Part 646

Railroad-Highway Projects; Technical Corrections

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Technical corrections to final rule.

SUMMARY: This document corrects a final rule that contains erroneous citations.

EFFECTIVE DATE: March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Stanley H. Abramson, Office of the Chief Counsel, 202-426-0762, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

The following corrections are hereby made to Chapter I of Title 23, Code of Federal Regulations, Part 646, Subpart B:

§ 646.200 [Amended]

1. In § 646.200(c) delete the reference "23 CFR, Part 655, Subpart E" and insert in lieu thereof the reference "23 CFR Part 924."

§ 646.220 [Amended]

2. In § 646.220(d)(1) delete the reference "23 CFR, Part 170" in Paragraph (ii) and insert in lieu thereof the reference "23 CFR Part 172", and in Paragraph (iii) delete the reference "23 CFR, Part 655, Subpart E" and insert in lieu thereof the reference "23 CFR Part 924."

(23 U.S.C. 315; 49 CFR 1.48(b))

Issued on: March 27, 1980.

Lorenzo Cassanova,

Chief Counsel, Federal Highway Administration.

[FR Doc. 80-9844 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Ch. I

[LR-226-79]

Removal of Statutory Sections From Title 26 of the Code of Federal Regulations; Amendment

AGENCY: Internal Revenue Service, Treasury.

ACTION: Editorial changes.

SUMMARY: This document announces editorial changes to Title 26 of the Code of Federal Regulations, made necessary by the previous deletion of statutory sections from the regulations. Cross-references to the deleted material have been changed to the corresponding sections of the Internal Revenue Code of 1954 or to the appropriate regulations sections. However, when either such change would have produced a redundancy, the cross-reference has been deleted.

EFFECTIVE DATE: This announcement is effective March 31, 1980.

FOR FURTHER INFORMATION CONTACT: George H. Bradley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3486, not a toll-free call.

Announcement

On January 25, 1980, Treasury Decision 7665 was published in the Federal Register (45 FR 6088). That Treasury decision removed from Title 26 of the Code of Federal Regulations those regulation sections that recite verbatim provisions of the Internal Revenue Code of 1954.

A number of existing regulation sections in Title 26 of the Code of Federal Regulations contain cross-references to certain of those regulation sections which were removed. The next publication of Title 26 will correct these cross-references to refer to corresponding sections of the Internal Revenue Code of 1954 or to the appropriate regulations sections, and no longer to statutory sections as formerly recited in Title 26.

Certain of the regulations sections that referred to deleted statutory sections also referred to the corresponding Code section and regulations section. In those instances, cross-references to the deleted statutory sections were deleted.

These changes will be made as a part of the April 1, 1980, edition of Title 26 of the Code of Federal Regulations.

Robert A. Bley,

Director, Legislation and Regulations Division.

[FR Doc. 80-9870 Filed 3-28-80; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 1

[T.D. 7689]

Income Tax; Taxable Years Beginning After December 31, 1953; Moving Expenses of Members of the Armed Forces of the United States

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the moving expenses of members of the Armed Forces of the United States. The final regulations amend the rules under section 217(g) of the Internal Revenue Code of 1954 to make them consistent with the rules in the Joint Travel Regulations, promulgated by the Departments of Defense and Transportation under the authority contained in sections 404 through 411 of Title 37 of the United States Code.

DATE: The amendments are effective for taxable years beginning after December 31, 1975.

FOR FURTHER INFORMATION CONTACT: Barbara B. Coughlin of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue,

V 45/63 MR 31 80 UMI

N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–6618).

SUPPLEMENTARY INFORMATION:

Background

Since this Treasury decision will not be detrimental to any taxpayer, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of Title 5 of the United States Code.

Explanation of Provisions

Section 217(g) of the Internal Revenue Code provides special moving expense rules for members of the Armed Forces of the United States on active duty who move pursuant to a military order and incident to a permanent change of station. For these military members, moving expenses furnished in kind or by reimbursement need not be included in gross income, and the Secretary of Defense and the Secretary of Transportation are not required to make information reports with respect to these expenses. The regulations under section 217(g) presently provide that a permanent change of station includes a move in connection with and within 90 days of retirement or other termination of active duty.

This regulation project amends § 1.217–2(g)(3)(ii) to provide that a permanent change of station includes a move in connection with and within 1 year of retirement or other termination of active duty. The Joint Travel Regulations extend the 1-year period for members undergoing hospitalization, medical treatment, education, or training, or in other deserving cases approved by the Secretary of the appropriate branch of the Armed Forces or by the Secretary's representative. The Income Tax Regulations as amended provide a corresponding extension.

Drafting Information

The principal author of these regulations is Barbara B. Coughlin of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

Adoption of Amendments to the Regulations

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Accordingly, 26 CFR Part 1 is amended by revising § 1.217–2(g)(3)(ii) to read as follows:

§ 1.217–2 Deduction for moving expenses paid or incurred in taxable years beginning after December 31, 1969.

* * * * *

(g) *Rules for members of the Armed Forces of the United States.* * * *

(3) Permanent change of station. * * *

(ii) A move from the last post of duty to home or a nearer point in the United States in connection with retirement, discharge, resignation, separation under honorable conditions, transfer, relief from active duty, temporary disability retirement, or transfer to a Fleet Reserve, if such move occurs within 1 year of such termination of active duty or within the period prescribed by the Joint Travel Regulations promulgated under the authority contained in sections 404 through 411 of title 37 of the United States Code.

* * * * *

Because this Treasury decision will not be detrimental to any taxpayer, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 217(j) and 7805 of the Internal Revenue Code of 1954 (78 Stat. 50 and 68A Stat. 917; 26 U.S.C. 217(j) and 7805).

Jerome Kurtz,
Commissioner of Internal Revenue.

Approved: March 24, 1980.

Donald C. Lubick,
Assistant Secretary of the Treasury.

[FR Doc. 80-9660 Filed 3-28-80; 8:45 am]
BILLING CODE 4830-01-M

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26 CFR Part 1

[T.D. 7668]

Income Tax; Definition of the Term "Church Plan"

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the definition of the term "church plan". Changes to the applicable tax law were made by the Employee Retirement Income Security Act of 1974 (ERISA). These regulations provide necessary guidance for determining whether a retirement plan is a church plan. If a plan is a church plan, it may obtain qualified status without meeting certain requirements required of plans which are not church plans. A retirement plan which does not meet the provisions required of a church plan may still obtain qualified status by meeting all the requirements applicable to retirement plans generally.

EFFECTIVE DATE: September 2, 1974.

FOR FURTHER INFORMATION CONTACT:
Phoebe Mix of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3671, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On April 8, 1977, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 414 (e) of the Internal Revenue Code of 1954 (42 FR 18621). The amendments were proposed under ERISA section 1015 (88 Stat. 925). A public hearing was held on October 6, 1977. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Independent Administrators

A number of commentators requested guidance with respect to whether a plan which is administered by a separately incorporated organization such as a pension board or a bank, can still qualify as a church plan. The final regulations provide that such plans can qualify as church plans.

Single Church Disqualification Problem

A number of persons commented that the provision in the notice of proposed rulemaking which would cause a plan to lose its church plan status if one of the churches maintaining the plan fails to meet all the requirements was too harsh. The Treasury Department agrees. Therefore the final regulations permit such a plan to retain its church plan status if the church which does not meet the requirements disassociates itself from the plan after notice from the Internal Revenue Service of its failure. § 1.414 (e)–1 (c).

Once Disqualified, Forever Disqualified

A number of commentators requested that the Service reverse the position taken in the proposed regulations which provided that once a plan ceases or fails to be a church plan, it can thereafter never become one. This position was taken in order to be consistent with section 410(d) of the Code, which permits church plans to make an irrevocable election not to be treated as a church plan. The position taken in the regulations prevents plans from avoiding the irrevocable election simply by failing the substantive requirements for church plans for a few years, and then meeting them a few years later. In addition, at the hearing it was brought out that substantial administrative problems could result if plans were permitted to enter and leave church plan status. Accordingly, the position taken in the proposed regulations is unchanged in the final regulations. § 1.414 (e)–1 (a).

Former Employees

The Service was also requested to add to the regulations special provisions for church personnel who leave the employment of the church. The final regulations do not cover this issue because it is beyond the scope of section 414(e). The rules relating to coverage of former employees are the same for all qualified plans, regardless of whether or not they are church plans. There are no provisions which treat former employees covered by church plans differently from former employees covered by other qualified plans.

Additional Changes

The final regulations delete proposed § 1.414(e) (statutory provisions). This action complies with Treasury Department policy to avoid placing in the Code of Federal Regulations material that serves little or no useful purpose. The statutory language is readily available elsewhere. Other minor clerical and clarifying changes were also made.

Additional Considerations

These regulations are needed in order to provide guidance to the public as well as government employees responsible for the implementation of section 414 (e) of the Internal Revenue Code of 1954. Considering both the direct and indirect effects of these regulations, it is believed they satisfactorily implement section 414(e) of the Code.

Evaluation of the effectiveness of the regulations after issuance will be based upon comments received from offices within the Internal Revenue Service and the Treasury Department, other governmental agencies, State and local governments, and the public.

Drafting Information

The principal author of these regulations is Phoebe Mix of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Authority

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Adoption of Amendments to the Regulations

After careful consideration of all comments received, the amendments to the regulations as proposed are hereby adopted, subject to the following changes:

Paragraph 1. Section 1.414 (e) is deleted.

Par. 2. Section 1.414 (e)–1 (c) is amended by deleting the comma after the word "church" in paragraph (c) (1) and by deleting the last sentence and adding in its place the following:

§ 1.414 (e)–1 Definition of a church plan

* * * * *

(c) * * * Thus, if with respect to a single employer the plan fails to meet any provision of this paragraph, the entire plan ceases to be a church plan unless that employer ceases maintaining the plan for all plan years beginning after the plan year in which it receives a final notification from the Internal Revenue Service that it does not meet the provisions of this paragraph. If the employer does cease maintaining the plan in accordance with this paragraph, the fact that the employer formerly did maintain the plan will not prevent the plan from being a church plan for prior years.

* * * * *

Par. 3. Section 1.414 (e)–1 (f) is redesignated § 1.414 (e)–1 (g) and new paragraph (g) (1) is amended by deleting "410 (d)" and inserting in its place "410 (c)".

Par. 4. Section 1.414 (e)–1 (f) is added to read as follows:

§ 1.414 (e)–1 Definition of a Church Plan

* * * * *

(f) *Separately incorporated fiduciaries.* A plan which otherwise meets the provisions of this section shall not lose its status as a church plan because of the fact that it is administered by a separately incorporated fiduciary such as a pension board or a bank.

Jerome Kurtz,
Commissioner of Internal Revenue.

Approved: March 12, 1980.

Donald C. Lubick,
Assistant Secretary of the Treasury.

26 CFR Part 1 is amended by adding § 1.414(e)–1 to read as follows:

§ 1.414(e)–1 Definition of church plan.

(a) *General rule.* For the purposes of part I of subchapter D of chapter 1 of the Code and the regulations thereunder, the term "church plan" means a plan established and at all times maintained for its employees by a church or by a convention or association of churches (hereinafter included within the term "church") which is exempt from tax under section 501(a), provided that such plan meets the requirements of paragraphs (b) and (if applicable) (c) of this section. If at any time during its existence a plan is not a church plan because of a failure to meet the requirements set forth in this section, it cannot thereafter become a church plan.

(b) *Unrelated businesses*—(1) *In general.* A plan is not a church plan unless it is established and maintained primarily for the benefit of employees (or their beneficiaries) who are not employed in connection with one or more unrelated trades or businesses (within the meaning of section 513).

(2) *Establishment or maintenance of a plan primarily for persons not employed in connection with one or more unrelated trades or businesses.* (i) (A) A plan, other than a plan in existence on September 2, 1974, is established primarily for the benefit of employees (or their beneficiaries) who are not employed in connection with one or more unrelated trades or businesses if on the date the plan is established the number of employees employed in connection with the unrelated trades or businesses eligible to participate in the plan is less than 50 percent of the total number of employees of the church eligible to participate in the plan.

(B) A plan in existence on September 2, 1974, is to be considered established as a plan primarily for the benefit of employees (or their beneficiaries) who are not employed in connection with one or more unrelated trades or businesses if it meets the requirements of both paragraphs (b)(2)(ii) (A) and (B) (if applicable) in either of its first 2 plan years ending after September 2, 1974.

(ii) For plan years ending after September 2, 1974, a plan will be considered maintained primarily for the benefit of employees of a church who are not employed in connection with one

or more unrelated trades or businesses if in 4 out of 5 of its most recently completed plan years—

(A) Less than 50 percent of the persons participating in the plan (at any time during the plan year) consist of and in the same year

(B) Less than 50 percent of the total compensation paid by the employer during the plan year (if benefits or contributions are a function of compensation) to employees participating in the plan is paid to, employees employed in connection with an unrelated trade or business. The determination that the plan is not a church plan will apply to the second year (within a 5 year period) for which the plan fails to meet paragraph (b)(2)(ii)(A) or (B) (if applicable) and to all plan years thereafter unless, taking into consideration all of the facts and circumstances as described in paragraph (b)(2)(iii) of this section, the plan is still considered to be a church plan. A plan that has not completed 5 plan years ending after September 2, 1974, shall be considered maintained primarily for the benefit of employees not employed in connection with an unrelated trade or business unless it fails to meet paragraphs (b)(2)(ii)(A) and (B) in at least 2 such plan years.

(iii) Even though a plan does not meet the provisions of paragraph (b)(2)(ii) of this section, it nonetheless will be considered maintained primarily for the benefit of employees who are not employed in connection with one or more unrelated trades or businesses if the church maintaining the plan can demonstrate that based on all of the facts and circumstances such is the case. Among the facts and circumstances to be considered in evaluating each case are:

(A) The margin by which the plan fails to meet the provisions of paragraph (b)(2)(ii) of this section, and

(B) Whether the failure to meet such provisions was due to a reasonable mistake as to what constituted an unrelated trade or business or whether a particular person or group of persons were employed in connection with one or more unrelated trades or businesses.

(iv) For purposes of this section, an employee will be considered eligible to participate in a plan if such employee is a participant in the plan or could be a participant in the plan upon making mandatory employee contributions to the plan.

(3) *Employment in connection with one or more unrelated trades or businesses.* An employee is employed in connection with one or more unrelated trades or businesses of a church if a majority of such employee's duties and responsibilities in the employ of the church are directly or indirectly related to the carrying on of such trades or businesses. Although an employee's duties and responsibilities may be insignificant with respect to any one unrelated trade or business, such employee will nonetheless be considered as employed in connection with one or more unrelated trades or businesses if such employee's duties and responsibilities with respect to all of the unrelated trades or businesses of the church represent a majority of the total of such person's duties and responsibilities in the employ of the church.

(c) *Plans of two or more employers.* The term "church plan" does not include a plan which, during the plan year, is maintained by two or more employers unless—

(1) Each of the employers is a church that is exempt from tax under section 501(a), and

(2) With respect to the employees of each employer, the plan meets the provisions of paragraph (b)(2)(ii) of this section or would be determined to be a church plan based on all the facts and circumstances described in paragraph (b)(2)(iii) of this section.

Thus, if with respect to a single employer the plan fails to meet any provision of this paragraph, the entire plan ceases to be a church plan unless that employer ceases maintaining the plan for all plan years beginning after the plan year in which it receives a final notification from the Internal Revenue Service that it does not meet the provisions of this paragraph. If the employer does cease maintaining the plan in accordance with this paragraph, the fact that the employer formerly did maintain the plan will not prevent the plan from being a church plan for prior years.

(d) *Special rule.* (1) Notwithstanding paragraph (c)(1) of this section, a plan maintained by a church and one or more agencies of such church for the employees of such church and of such agency or agencies, that is in existence on January 1, 1974, shall be treated as a church plan for plan years ending after September 2, 1974, and beginning before January 1, 1983, provided that the plan is described in paragraph (c) of this section without regard to paragraph (c)(1) of this section, and the plan is not maintained by an agency which did not maintain the plan on January 1, 1974.

(2) For the purposes of section 414(e) and this section, an agency of a church means an organization which is exempt from tax under section 501 and which is either controlled by, or associated with, a church. For example, an organization, a majority of whose officers or directors are appointed by a church's governing board or by officials of a church, is controlled by a church within the meaning of this paragraph. An organization is associated with a church if it shares common religious bonds and convictions with that church.

(e) *Religious orders and religious organizations.* For the purpose of this section the term "church" includes a religious order or a religious organization if such order or organization (1) is an integral part of a church, and (2) is engaged in carrying out the functions of a church, whether as a civil law corporation or otherwise.

(f) *Separately incorporated fiduciaries.* A plan which otherwise meets the provisions of this section shall not lose its status as a church plan because of the fact that it is administered by a separately incorporated fiduciary such as a pension board or a bank.

(g) *Cross reference.* (1) For rules relating to treatment of church plans, see section 410(c), 411(e), 412(h), 4975(g), and the regulations thereunder.

(2) For rules relating to church plan elections, see section 410(d) and the regulations thereunder.

[FR Doc. 80-9001 Filed 3-28-80; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Tax Division Directive No. 36]

Organization of the Department of Justice; Redelegation of Authority to Compromise and Close Civil Claims

AGENCY: Tax Division, Department of Justice.

ACTION: Final rule.

SUMMARY: This directive increases the redelegation to the Chief of the Review Section of the Tax Division, and eliminates the redelegation to the Director, Civil Litigation, of the Tax Division, of the authority to compromise, settle and close claims filed in behalf of the United States and claims against the United States. This directive supersedes Tax Division Directive No. 31.

EFFECTIVE DATE: This directive shall become effective March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Mildred L. Seidman, Review Section, Tax Division, Department of Justice, Washington, D.C. 20530, 202-724-6567.

In appendix to Subpart Y—Redelegation of Authority to Compromise and Close Civil Claims, Tax Division Directive No. 31 is deleted and Directive No. 36 is added as follows:

By virture of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.70, 0.160, 0.162, 0.164, 0.166, and 0.168, it is ordered as follows:

Section 1. The Chiefs of the Civil Trial Sections, the Court of Claims Section, and the Appellate Section are authorized to reject offers in compromise, regardless of amount, without reference to the Review Section, provided that such action is not opposed by the agency or agencies involved.

Section 2. Subject to the conditions and limitations set forth in Section 5 hereof, the Chiefs of the Civil Trial Sections and Court of Claims Section are authorized to accept offers in compromise in all cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $50,000, provided that such action is not opposed by the agency or agencies involved.

Section 3. Subject to the conditions and limitations set forth in Section 5 hereof, the Chief of the Review Section shall have authority to:

(A) Accept offers in compromise of claims against the Government in all cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $500,000,

(B) Approve administrative settlements not exceeding $500,000,

(C) Approve offers in compromise of claims in behalf of the Government in all cases in which the difference between the gross amount of the original claim and the proposed settlement does not exceed $250,000 or 10 percent of the original claim, whichever is greater,

(D) Approve concessions (other than by compromise) of civil claims asserted by the Government in all cases in which the gross amount, of the original claim does not exceed $250,000, and

(E) Reject offers in compromise, or disapprove administrative settlements or concessions, regardless of amount, provided that the action is not opposed by the agency or agencies involved or the chief of the section to which the case is assigned, and provided further that the limiting amount in (A) and (B) shall be $200,000 if the case is subject to reference to the Joint Committee on Taxation.

Section 4. Subject to the conditions and limitations set forth in Section 5 hereof, the Deputy Assistant Attorneys General each shall have authority to:

(A) Accept offers in compromise of claims against the Government in all cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $500,000,

(B) Approve administrative settlements not exceeding $500,000,

(C) Approve offers in compromise of claims in behalf of the Government in all cases in which the difference between the gross amount of the original claim and the proposed settlement does not exceed $250,000 or 10 percent of the original claim, whichever is greater,

(D) Approve concessions (other than by compromise) of civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $250,000, and

(E) Reject offers in compromise, or disapprove administrative settlements or concessions, regardless of amount, provided that such action is not opposed by the agency or agencies involved, and provided further that the limiting amount in (A) and (B) shall be $200,000 if the case is subject to reference to the Joint Committee on Taxation.

Section 5. The authority redelegated herein shall be subject to the following conditions and limitations:

(A) When, for any reason, the compromise or administrative settlement or concession of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totalling more than the respective amounts designated in Sections 2, 3, and 4, the case shall be forwarded for review at the appropriate level.

(B) When, because of the importance of a question of law or policy presented, the position taken by the agency or agencies or by the United States Attorney involved, or any other considerations, the person otherwise authorized herein to take final action (or the Chief of the Review Section, in cases which have been considered by such section) is of the opinion that the proposed disposition should be reviewed at a higher level, the case shall be forwarded for such review.

(C) Nothing in this Directive shall be construed as altering any provision of Subpart Y of Part 0 of Title 28 of the Code of Federal Regulations requiring the submission of certain cases to the Attorney General, the Associate Attorney General, or the Solicitor General.

(D) Authority to approve recommendations that the Government confess error, or make administrative settlements, in cases on appeal, is excepted from the foregoing redelegations.

(E) The Assistant Attorney General, at any time, may withdraw any authority delegated by this Directive as it relates to any particular case or category of cases, or to any part thereof.

Section 6. This Directive supersedes Tax Division Directive No. 31, effective August 17, 1978.

Section 7. This Directive shall become effective on the date of its publication in the Federal Register.

Dated: March 4, 1980.

M. Carr Ferguson,

Assistant Attorney General, Tax Division.

Approved:

John H. Shenefield,

Associate Attorney General.

[FR Doc. 80-9708 Filed 3-28-80; 8:45 am]

BILLING CODE 4410-01-M

28 CFR Part 16

[Order No. 877-80]

Freedom of Information; Revocation of Certain Paragraphs

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order amends §§ 16.5 and 16.6 of Title 28, Code of Federal Regulations, by eliminating the requirement of these sections that the Office of the Associate Attorney General maintain copies of certain correspondence initiated by Department organizations under the Freedom of Information Act (FOIA). Section 16.5(e) currently requires that the Office maintain copies of all correspondence extending the initial time period (ten workdays) in which the organizations must respond to FOIA requests. In addition, § 16.6(d) requires that the Office maintain copies of all correspondence denying or granting access to a record or stating that such a record cannot be located.

The Department of Justice determined that the keeping of copies of such correspondence by the Office of the Associate Attorney General is unnecessary and inefficient, since each Department organization originating such correspondence maintains a copy of these records in its own files.

EFFECTIVE DATE: March 31, 1980.

FOR FURTHER INFORMATION CONTACT: William J. Snider, Administrative Counsel, Justice Management Division, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. Tel. (202) 633-3452.

SUPPLEMENTARY INFORMATION: Because this amendment merely reflects a change in internal Department

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administrative procedures, a 30-day notice and public comment thereon are impracticable and unnecessary and are hereby waived in accordance with 5 U.S.C. 553(b)(A).

Accordingly, pursuant to the authority vested in me by 5 U.S.C. 301 and 552 and 28 U.S.C. 509 and 510, §§ 16.5 and 16.6 of Title 28, Code of Federal Regulations are amended as follows:

§ 16.5 [Amended]

In § 16.5, paragraph (e) is deleted and paragraph (f) is redesignated paragraph (e).

§ 16.6 [Amended]

In § 16.6, paragraph (d) is deleted.

Dated: March 15, 1980.

Benjamin R. Civiletti,

Attorney General.

[FR Doc. 80-9675 Filed 3-28-80; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 50

[Order No. 878-80]

Establishing the Foreign Corrupt Practices Act Review Procedure

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order establishes a review procedure in the Criminal Division of the Department of Justice, permitting any party covered under sections 103 and 104 of the Foreign Corrupt Practices Act of 1977 (FCPA) to seek a statement of the Department's present enforcement intention under those sections of the FCPA, but not section 102 of the FCPA, concerning proposed business conduct.

EFFECTIVE DATE: March 20, 1980.

FOR FURTHER INFORMATION CONTACT: James J. Graham, Deputy Chief, Fraud Section, Criminal Division, Washington, D.C. 20530 (202-724-7029).

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, there is hereby established in the Department of Justice the Foreign Corrupt Practices Act Review Procedure. Accordingly, Part 50 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding a new § 50.18 to read as follows:

§ 50.18 Criminal division review under the Foreign Corrupt Practices Act of 1977.

Although the Department of Justice is not authorized to give advisory opinions to private parties, the Criminal Division is willing, in certain circumstances, to review proposed conduct and state its present enforcement intention under sections 103 and 104 of the Foreign Corrupt Practices Act of 1977, 15 U.S.C. 78dd-1, 78dd-2, but not including section 102 of the Foreign Corrupt Practices Act, 15 U.S.C. 78m(b)(2), (3). The conditions for such review are set forth below:

(a) A request for a Foreign Corrupt Practices Act (FCPA) review letter must be submitted in writing in an original and five copies to the Assistant Attorney General in charge of the Criminal Division, Attention: FCPA Review Group. The mailing address is P.O. Box 7814, Benjamin Franklin Station, Washington, D.C. 20044. The address for hand-delivery is 8th floor, Federal Triangle Building, 315 9th Street, NW., Washington, D.C. 20530.

(b) The entire transaction which is the subject of the review request must be an actual transaction but need not involve only proposed conduct. The Criminal Division will not consider a request, however, unless that portion of the transaction for which clearance is sought involves only proposed conduct.

(c) The Criminal Division will consider a review request only when submitted by a party or parties to the transaction which is the subject of the review request.

(d) The Criminal Division may, in its discretion, refuse to consider a review request.

(e) An FCPA review letter shall have no application to any party which does not join in the request therefor.

(f) A review request shall be specific and contain in detail all relevant and material information bearing on the conduct for which review is requested and on the circumstances of the proposed conduct. A review request must be signed on behalf of each requesting party by an appropriate senior officer with operational responsibility for the conduct which is the subject of the review request and who has been designated by the chief executive officer to sign the review request. In appropriate cases, the chief executive officer of each requesting party may be required to sign the review request. The person signing the review request must certify that it contains a true, correct and complete disclosure with respect to the proposed conduct and the circumstances of the conduct.

(g) Each party shall provide the Criminal Division with any additional information or documents the Division may thereafter request in order to review a matter. Any information furnished orally shall be promptly confirmed in writing, signed by the same person who signed the initial review request and certified by him to be a true, correct and complete disclosure of the requested information. In connection with any request for review the Criminal Division will also conduct whatever independent investigation it believes is appropriate.

(h) After review of a request submitted hereunder, the Criminal Division may: State its present enforcement intention under sections 103 and 104 of the FCPA with respect to the proposed business conduct; decline to state its present enforcement intention; or take such other position or action as it considers appropriate.

(i) The Criminal Division will make every reasonable effort to respond to any review request within 30 days after receipt of the review request and of any requested additional information and documents.

(j) No oral clearance, release or other statement purporting to limit the enforcement discretion of the Department of Justice may be given. The requesting party or parties may rely only upon a written FCPA review letter signed by the Assistant Attorney General in charge of the Criminal Division or his delegate.

(k) Each FCPA review letter can be relied upon by the requesting party or parties to the extent the disclosure was accurate and complete and to the extent the disclosure continues accurately and completely to reflect circumstances after the date of issuance of the review letter.

(l) An FCPA review letter will not bind or obligate any other agency; nor will it affect the obligations of the requesting party or parties to any other agency, nor under any statutory or regulatory provision other than those specifically cited in the particular review letter.

(m) Neither the submission of a request for an FCPA review, its pendency, nor the issuance of an FCPA review letter, shall in any way alter the responsibility of the party or parties to comply with the accounting requirements of section 102 of the Foreign Corrupt Practices Act, 15 U.S.C. 78m(b)(2), (3).

(n) If the business conduct for which review is requested is subject to approval by a regulatory agency, a review request shall be considered before agency approval has been obtained only where it appears that exceptional and unnecessary burdens might otherwise be imposed on the requesting party or parties, or where the agency specifically requests that the party or parties first seek review from the Criminal Division. However, any FCPA review letter issued in these as in any other circumstances, will state only the Department's present enforcement intention under sections 103 and 104 of the Foreign Corrupt Practices Act. Such FCPA review letter shall in no way be taken to indicate the Department's views on the legal or factual issues that may be raised before the regulatory agency, or in an appeal from the regulatory agency's decision.

(o)(1) The requesting party or parties may ask the Division to delay or to refrain from ever making publicly available parts of a review request, and part or all of any information or documents submitted in support of the review request. Any request for nondisclosure must be made at the time of submitting the review request or the information or documents to the division. The requesting party or parties must: (i) Specify precisely those parts of the request, information or documents that it asks not be made publicly available; (ii) state the minimum period of time during which nondisclosure is considered necessary; and (iii) justify the request for nondisclosure, both as to content and time, by showing that the material is exempt from mandatory public disclosure because it consists of trade secrets or commercial and financial information that is privileged and confidential and is received from a person, 5 U.S.C. 552(b)(4), or because it is otherwise exempt pursuant to any other provision of 5 U.S.C. 552(b). If the Department determines that such grounds for nondisclosure exist, then except as provided by subparagraph (2) of this paragraph the material shall not be made publicly available unless release is ordered by a court of competent jurisdiction. If the Department determines that such grounds for nondisclosure do not exist, and the Department receives a request for disclosure of the material pursuant to the Freedom of Information Act, notice of the Department's determination that there are no grounds for nondisclosure will be given to the party or parties submitting the FCPA review request at least 7 days before any release to the Freedom of Information Act requester.

(2) Nothing contained in subparagraph (1) of this paragraph shall limit the Division's right to issue, at its discretion, a release describing the identity of the party or parties submitting an FCPA review request, the general nature and circumstances of the proposed conduct, and the action taken by the Department in response to the FCPA review request. Where the Department determines such information to be exempt from mandatory disclosure, such a release shall not disclose: (i) the identity of the foreign country in which the proposed conduct is to take place; (ii) the identity of any foreign sales agents; or (iii) other types of identifying information. The Division shall index such release and place it in a file available to the public upon request.

(3) This paragraph reflects a policy determination by the Department of Justice and is subject to any limitations on public disclosure and any required public disclosure arising from statutory restrictions, Executive Order, or the national interest.

(p) Any requesting party or parties may withdraw a review request at any time. The Division remains free, however, to submit such comments to the requesting party or parties as it deems appropriate. Failure to take action after receipt of a review request, documents or information, whether submitted pursuant to this procedure or otherwise, shall not in any way limit or stop the Division from taking any action at such time thereafter as it deems appropriate. The Division reserves the right to retain any review request, documents and information submitted to it under this procedure or otherwise and to use them for all governmental purposes.

Dated: March 20, 1980.

Benjamin R. Civiletti,

Attorney General.

[FR Doc. 80-9674 Filed 3-28-80; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD 80-025]

Anchorage No. 26, Suisun Bay Anchorage Grounds, Calif.; Editorial Amendment

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendement updates a footnote concerning Anchorage No. 26 of the Suisun Bay Anchorage Grounds, California. The footnote references the fact that a portion of Anchorage 26 contains a restricted area surrounding the Suisun Bay Reserve Fleet of the Maritime Administration. However, the footnote cites 33 CFR 207.900, an obsolete Corps of Engineers regulation, as the section which sets out the boundaries and restrictions applicable to the restricted area. These provisions were transferred to the Coast Guard on September 29, 1977 (42 FR 51759) and are now contained in 33 CFR 162.270. This rule amends the footnote to reflect that fact.

EFFECTIVE DATE: March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Ensign Rhae A. Giacoma, Office of Marine Environment and Systems (G-WLE/TP11), Room 1611, Department of Transportation, U.S. Coast Guard Headquarters, 2100 Second St. S.W., Washington, D.C. 20593 (202) 426-1927.

SUPPLEMENTARY INFORMATION: Since this amendment is purely editorial, notice and public procedure are unnecessary under 5 U.S.C. 553, and the amendment may be made effective in less than 30 days after publication in the **Federal Register.**

DRAFTING INFORMATION: The principal persons involved in drafting this final rule are Ensign Rhae A. Giacoma, Project Manager, Office of Marine Environment and Systems and Lieutenant J. W. Salter, Project Attorney, Office of the Chief Counsel.

EVALUATION: The Coast Guard has determined, in accordance with the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034) that this amendment is "non significant". Additionally, since this amendment merely corrects a reference in a footnote, no economic impact is contemplated and therefore no evaluation has been prepared.

Accordingly Part 110 of Title 33 of the Code of Federal Regulations is amended by revising the note in § 110.224(d)(1) to read as follows:

§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Straits, Suisun Bay, San Joaquin River, and connecting waters, California.

* * * * * *

Note.—A portion of Anchorage 26 is occupied by the Suisun Bay Reserve Fleet of the Maritime Administration and § 162.270 of this title establishes a restricted area in the vicinity of the Reserve Fleet.

* * * * * *

(Sec. 7, 30 Stat. 1053, as amended, (33 U.S.C. 471); 6(g)(1)(A), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(A)); 49 CFR 1.46(c)(1))

Dated: March 25, 1980.

K. G. Wiman,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 80-9052 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD 79-001]

Drawbridge Operation Regulations; Cerritos Channel, CA

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: In FR Doc. 80-7012 appearing on page 14549 in the **Federal Register** of

Thursday, March 6, 1980, § 117.711(c)(1) and (c)(2) incorrectly identified the acknowledging signal when the draw cannot open immediately as four long blasts. This should be corrected to read "four short blasts," in order to conform to the Danger Signal of the Pilot Rules for Inland Waters, 33 CFR 80.1.

EFFECTIVE DATE: April 7, 1980.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/TP14), Room 1414, Transpoint Building, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-0942).

Dated: March 26, 1980.

K. G. Wiman,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 80-9650 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

42 CFR 405

Federal Health Insurance for the Aged and Disabled; Quality Control and Proficiency Testing Standards for Laboratories in Medicare Hospitals

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

SUMMARY: These amendments revise the Medicare regulations to provide that the quality control and proficiency testing requirements used by the American Osteopathic Association (AOA) in accrediting hospital laboratories are now equivalent to those established by the Department. This change reflects the results of a reevaluation made by the Department of upgraded standards adopted by AOA and the actions taken by AOA to implement these standards. The Department (Center for Disease Control) will monitor AOA's performance in applying the standards. The monitoring function shall include the review and transcription of laboratory survey data in AOA's offices which are necessary to the completion of this task. The finding of CDC/PHS monitoring will be used by HCFA to verify the equivalence of the AOA standards to the Federal standards.

The amendments will eliminate the need for State health agency inspection of AOA accredited hospital laboratories.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Royal A. Crystal, 301-594-7910.

SUPPLEMENTARY INFORMATION: Under Section 1861(e) of the Social Security Act, the Secretary is authorized to establish standards to insure the health and safety of individuals to whom services are furnished in hospitals which participate in the Medicare program.

Under Section 1865(a) of the Act, the Secretary is authorized to accept hospital accreditations by the Joint Commission on Accreditation of Hospitals (JCAH) or the American Osteopathic Association (AOA) as conclusive evidence of compliance with the requirements of 1861(e) if the standards used by JCAH or AOA meet the standards set by the Department.

On February 27, 1978, a final regulation was issued (43 FR 7984) which requires clinical laboratories located in hospitals which participate in the Medicare program to meet specific quality control and proficiency testing standards and to participate in the proficiency testing program. At that time, the standards used by JCAH and AOA did not meet the Department's standards in these areas. However, we stated in the preamble to this regulation that we would reevaluate the JCAH and AOA standards and determine if they had been upgraded to meet the Department's standards.

Since publication of the regulation, JCAH has upgraded its standards to meet those of the Department and the regulations were amended accordingly on January 16, 1979 (44 FR 3288).

We have now determined that the upgraded standards adopted by AOA since that time are equivalent to the Department's standards. Therefore, § 405.1028 (k) and (l) is amended to provide AOA accredited hospitals "are deemed to meet" the Department's standards of clinical laboratory quality control and proficiency testing.

The effect of this regulation is to permit the Department to accept AOA accreditation of hospital laboratories without requiring surveys by State health departments. This eliminates unnecessary and expensive duplication of effort.

We have determined that good cause exists to publish the amended regulation as a final regulation because no new requirements have been added to the regulation which was published on February 27, 1978.

The regulation published on February 27, 1978, became effective November 24, 1978. This amendment is effective upon publication.

42 CFR § 405.1028 is amended by revising paragraphs (k) and (l) to read as follows:

§ 405.1028 Condition of participation—Laboratories.

* * * * *

(k) *Standard; Proficiency Testing.* The laboratory meets the proficiency testing provisions of § 405.1314(a). The definition of "proficiency testing program", as stated in § 405.1310(c), is also applicable.

(l) *Standard; Quality Control.* The laboratory meets the quality control provisions of § 405.1317.

(Sections 1102, 1861(e)(9) and 1871; 42 U.S.C. 1302, 1395x(e)(9) and 1395hh.) (Catalog of Federal Domestic Assistance Program No. 13.800 Medicare—Hospital Insurance)

Dated: December 10, 1979.

Leonard D. Schaeffer,

Administrator, Health Care Financing Administration.

Approved: March 24, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-9650 Filed 3-28-80; 8:45 am]

BILLING CODE 4110-35-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii Call Toll Free (800) 424-9080), Room 5148, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.8). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City of York, Sumter County (FEMA-5729).	Toomsuba Creek	150 feet upstream of Boulevard Avenue	*151
			Just upstream of Alabama Highway 17	*154
			300 feet upstream of Frisco Railroad	*157
Maps available at: City Clerk's Office, City Hall, Broad Street, P.O. Drawer B, York, Alabama 36925.				
California	Gilroy (City), Santa Clara (County) (Docket No. FEMA-5726).	Lions Creek	Wren Avenue 100 feet upstream from centerline	*207
		Llagas Overbank	State Highway 152 25 feet upstream from centerline	*182
			Leavesley Road at centerline	*199
		Miller Slough	Lewis Street 50 feet upstream from centerline	*194
			Welburn Avenue 50 feet upstream from centerline	*205
		North Morey Creek	Kern Avenue at centerline	*211
		South Morey Creek	Wren Avenue 25 feet upstream from centerline	*207
		Uvas Creek	Miller Avenue 100 feet upstream from centerline	*213
		West Branch Llagas Creek	Ronan Avenue 100 feet upstream from centerline	*208
Maps available at: City Hall, P.O. Box 66, Gilroy, California 95020.				
California	Stanislaus (County), Unincorporated Areas (Docket No. FEMA-5701).	Stanislaus River	State Highway 120 Bridge at centerline	*104
			Orange Blossom Road 100 feet upstream from centerline	*131
			Sonora Road Knights Ferry Bridge 100 feet upstream from centerline	*177
		Tuolumne River at Modesto	Carpenter Road at centerline	*81
			U.S. Highway 99 100 feet upstream from centerline	*66
			Mitchell Road 100 feet downstream from centerline	*72
		Dry Creek at Modesto	Modesto and Empire Traction Company Railroad Bridge at centerline	*67
			Claus Road Bridge 100 feet upstream from centerline	*90
		Tuolumne River at Waterford	Southern Pacific Railroad Bridge at centerline	*86
			City of Waterford Corporate Limits second crossing 100 feet upstream from centerline.	*88
Maps available at: Public Works Department, County Office, 1100 H Street, Modesto, California.				
Connecticut	Rocky Hill (Town), Hartford County (Docket No. FI-5038).	Connecticut River	Confluence with Dividend Brook	*29
			Upstream Corporate Limits	*29
		Dividend Brook	Confluence with Connecticut River	*29
			Conrail Culvert 50 feet downstream from centerline	*29
			Conrail Culvert 50 feet upstream from centerline	*36
			Dividend Pond Dam 120 feet downstream from centerline	*36
			Dividend Pond Dam 25 feet upstream from centerline	*60
			Swamp Dam 50 feet downstream from centerline	*72
			Swamp Dam 75 feet upstream from centerline	*81
			At Upstream Corporate Limits	*114
			Brook Street 150 feet downstream of centerline	*116
			Brook Street 100 feet upstream from centerline	*122
Maps available at: Town Hall, 699 Old Main Street, Rocky Hill, Connecticut 06067.				
Florida	Parker (City), Bay County (Docket No. FEMA-5701).	St. Andrew Bay	100 feet Northwest along West Cooper Drive from its intersection with Blackshear Drive.	*9
			Intersection of West Street and Loftin Street	*9
		Lake Martin	Intersection of Live Oak Street and Home Street	*10
Maps available at: City Hall, 1001 West Park Street, Parker, Florida.				
Georgia	Chatham County, Unincorporated Areas (Docket No. FEMA-5728).	Savannah River	U.S. Highway 17 900 feet upstream from centerline	*12
			County Limits 800 feet downstream	*15
		Black Creek	Confluence with Savannah River	*12
			State Highway 21 at centerline	*12
		St. Augustine Creek	Unnamed Road 1000 feet upstream from centerline	*13
		Tributary to St. Augustine Creek	Godley Road 200 feet upstream from centerline	*12
			Interstate Highway 95 2250 feet upstream from centerline	*16
		Pipemaker's Canal	State Highway 21 200 feet upstream from centerline	*11
			Newton Street 200 feet upstream from centerline	*17
			U.S. Highway 80 300 feet downstream from centerline	*20
		Hardin Canal	Interstate Highway 16 200 feet upstream from centerline	*12
			Seaboard Coast Line Railroad most upstream crossing at centerline	*18
		Ogeechee River	Morgan Bridge 1600 feet downstream from centerline	*26
		Little Ogeechee River	Upstream limit of detailed study (approximately 2100 feet upstream from U.S. Highway 17).	*12
		Little Ogeechee River Tributary	Upstream limit of detailed study (approximately 24,500 feet upstream from U.S. Highway 17).	*12

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Tributary to Salt Creek	Seaboard Coast Line Railroad at centerline	*12
			Louisville Road at centerline	15
		Dundee Canal	Louisville Road 100 feet upstream from centerline	*12
			Seaboard Coast Line Railroad 100 feet upstream from centerline	*15
		Tributary C to Lower Springfield Canal.	Seaboard Coast Line Railroad 200 feet upstream from centerline	*11
			Garrard Avenue most upstream crossing at centerline	12
		Springfield Canal	52nd Street 80 feet upstream from centerline	*13
		Springfield Canal Tributary A	U.S. Highway 17 most downstream crossing 300 feet upstream from centerline.	*14
		Atlantic Ocean	Area in the vicinity of Hutchinson Island east of Garden City	*11
			Area in the vicinity of the intersection of U.S. Highway 17 and Fort Argyle Road.	*11
			Area in the vicinity of the U.S. Highway 80 crossing over the Wilmington River.	*12
			Area in the vicinity of the U.S. Highway 80 crossing over the Bull River.	*13
			Area in the vicinity of Parkersburg	*13
			Area in the vicinity of Pin Point	*13
			Area in the vicinity of Cockspur Island	*14
			Area in the vicinity of Marsh Island	*14
			Area in the vicinity of Pine Island	*15
			Area in the vicinity of the intersection of South End Road and North Buckhead Road.	*15
			Area in the vicinity of South Beach Road and Hell Hole Road	*16
			Area in the vicinity of Bradley Point	*16
Maps are available at: Chatham County Courthouse, Savannah, Georgia.				
Georgia	Kennesaw (City), Cobb County (Docket No. FEMA–5701).	Noonday Creek	U.S. Highway 41 at centerline	*964
			Confluence of Tributary No. 8–150 feet upstream of confluence	*965
Maps available at: City Hall, 2529 Park Street, Kennesaw, Georgia.				
Georgia	Powder Springs (City), Cobb County (Docket No. FEMA–5701).	Noses Creek	Most downstream corporate limits	*903
			Most upstream corporate limits	*904
		Powder Springs Creek	Most downstream corporate limits	*905
			Brownsville Road 50 feet upstream from centerline	*908
		Wildhorse Creek	Macedonia Road 100 feet upstream from centerline	*909
			Most upstream corporate limits	*916
		Lost Mountain Creek	Forest Hills Road 100 feet downstream from centerline	*917
			Forest Hills Road 100 feet upstream from centerline	*921
Maps available at: City Hall, 4488 Pine View Drive, Powder Springs, Georgia.				
Idaho	Swan Valley (City), Bonneville County (Docket No. FEMA–5701).	Snake River	U.S. Highway 26 Bridge 100 feet upstream from centerline	*5246
			Confluence with Rainey Creek 200 feet downstream	*5258
		Rainey Creek	U.S. Highway 26 60 feet upstream from centerline	*5264
			State Highway 31 at centerline	*5269
			Rainey Creek Road 60 feet downstream from centerline	*5290
Maps available at: the home of Mayor Elizabeth Weeks, Swan Valley, Idaho.				
Illinois	(V) Cleveland Henry County (Docket No. FEMA–5702).	Rock River	Western corporate limits	*578
			Eastern corporate limits	*579
Maps available at: Village Hall, Route #1, Colona, Illinois 61241.				
Illinois	(V) Old Mill Creek, Lake County (Docket No. FEMA–5702).	Mill Creek	Approximately 400 feet upstream from eastern corporate limits	*674
			Approximately 4,500 feet upstream from eastern corporate limits	*675
			Approximately 4,800 feet upstream from eastern corporate limits	*678
			Just downstream from Hunt Club Road	*683
			Approximately 1,200 feet upstream from Hunt Club Road	*689
			Approximately 6,400 feet upstream of Hunt Club Road	*690
			About 1,200 feet upstream of confluence with North Mill Creek	*694
		North Mill Creek	At confluence with Mill Creek	*692
			At the western corporate limit	*694
Maps available at: Village Clerk's Office, Village Hall, 10670 Hunt Club Road, Old Mill Creek, Illinois 60060.				
Illinois	(V)Olympia Fields, Cook County (Docket No. FEMA–5702).	Butterfield Creek	Just upstream of Vollmer Road	*655
			Just upstream of Kedzie Avenue	*673
			Just upstream of Illinois Central Gulf Railroad	*676
			Just upstream of Olympian Way	*677
			Just upstream of Governors Highway	*683
			Just upstream of Crawford Avenue	*684
		Butterfield Creek East Branch	At confluence with Butterfield Creek	*682
			Just downstream of Lincoln Highway	*685
		Butterfield Creek Tributary No. 1	At downstream end of retention pond	*655
			At upstream end of retention pond	*655
Maps available at Village Hall, 207th Street and Route 54, Olympia Fields, Illinois 60461.				
Illinois	(V)Round Lake, Lake County (Docket No. FEMA–5702).	Squaw Creek	Downstream corporate limit	*746
			About 4,200 feet downstream Nippersink Road (at corporate limit)	*746
			About 1,500 feet upstream of Nippersink Road	*760

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 1,200 feet upstream of Fairfield Road (at corporate limits)	*767
			Just downstream of Cedarlake Road	*770
			Just upstream of Cedarlake Road	*772
			Just downstream Curran Road (at Eastern corporate limits)	*774
		Round Lake Drain	About 175 feet upstream of Grub Hill Road	*747
			About 675 feet downstream of Brentwood Road	*747
		Round Lake	Shoreline	*765
Maps available at: the Village Clerk's Office, Village Hall, 322 Railroad Avenue, Round Lake, Illinois 60073.				
Illinois	(V) Round Lake Beach, Lake County (Docket No. FI–5683).	Round Lake Drain	At downstream corporate limits	*746
			Just upstream of Grub Hill Road	*747
			Just downstream of Brentwood Drive	*748
			Approximate 250 feet upstream of Sunset Drive	*750
			Just upstream of Beachview Drive	*752
			Just upstream of South Channel Drive	*754
			Approximate 150 feet upstream of Clarendon Drive	*756
			Just downstream from Cedar Lake Road	*757
			Just upstream from Cedar Lake Road	*763
			Approximately 200 feet upstream Cedar Lake Road	*765
			At upstream corporate limits	*766
		Round Lake Drain Tributary	Just upstream from Sunset Drive	*751
			Just upstream from Meadowbrook Drive	*753
			Just downstream from Oakwood Drive	*756
			Just upstream from Orchard Court	*760
			Just upstream from Highland Terrace	*762
			Approximately 200 feet upstream from Morningside Drive	*766
Just upstream from Golfview Drive				*770
			Just downstream from Rolling Road (corporate limits)	*770
			Just downstream from Cedar Lake Road (Limits of Detailed Study)	*770
Maps available at Village Hall, Building Department, Round Lake Beach, Illinois 60073.				
Illinois	(V) Sauget, St. Clair County (Docket NO. FEMA–5702).	Mississippi River	Southern corporate limit	*425
			Northern corporate limit	*426
		Shallow Flooding (local ponding)	Located southeast corporate limit	*406
			South of Alton & Southern Railroad and west of Falling Spring Avenue.	*407
			East of Falling Spring Avenue and south of Alton Southern Railway	*407
			North of Alton & Southern Railway and west of terminal railroad of St. Louis.	*408
			North of Alton & Southern Railway & South of Monsanto Avenue, located at Route 50.	*408
			South of the northeast corporate limit and 19th Street	*408
			South of the Northern corporate limit and north of Monsanto Avenue	*410
Maps available at: the Village Clerk's Office, Village Hall, 2897 Monsanto Avenue, Sauget, Illinois 62206.				
Illinois	(V) South Holland, Cook County (Docket No. FEMA–5702).	Little Calumet River	Approximately 3000 feet downstream State Street	*596
			Just downstream of Cottage Grove Avenue	*598
			At western corporate limit	*599
		Thorn Creek	Approximately 1400 feet upstream of mouth	*599
			Just upstream of Grand Trunk Western Railroad	*602
		Calumet Union Drainage Ditch	Approximately 100 feet upstream of Grand Trunk Western Railroad	*596
			Approximately 1300 feet upstream of Vincennes Road	*601
Maps available at: the Village Hall, 16226 Wausau Avenue, South Holland, Illinois 60473.				
Illinois	(Uninc.) Tazewell County (Docket No. FEMA–5702).	Illinois River	At downstream county boundary	*455
			Just downstream of the Chicago and North Western railroad bridge	*458
			Just upstream of the Peoria lock and dam	*459
			Just downstream of the I–24 bridge	*460
			Upstream county boundary	*460
		Mackinaw River	About 2980 feet downstream of the State Route 29 bridge	*490
			About 1200 feet upstream of the Chicago and North Western railroad bridge.	*495
			About 150 feet downstream of the Illinois Central Gulf railroad bridge located 1.46 miles upstream of State Route 29.	*498
			About 1.4 miles upstream of the Illinois Central Gulf Railroad bridge located 1.46 miles upstream of State Route 29.	*502
			About 2.41 miles upstream of the Illinois Central Gulf railroad bridge located 1.46 miles upstream of State Route 29.	*505
			About 1000 feet downstream of the County Road located 4.2 miles downstream of State Route 9.	*567
			About 1.9 miles downstream of State Route 9	*573
			About 4220 feet downstream of State Route 9	*577
			About 280 feet downstream of State Route 9	*578
			About 2640 feet upstream of State Route 9	*583
			Just downstream of County Highway 23	*585
			Just downstream of the Illinois Terminal Railroad Bridge	*589
			Just downstream of County Highway 6	*592
			About 1.3 miles upstream of County Highway 6	*595
			About 3.74 miles upstream of County Highway 6	*601
		Ten Mile Creek	At confluence with Illinois River	*460
			About 2030 feet downstream of State Route 87	*466
			Just upstream of Route 87	*472

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of State Route 116	*478
			About 2530 feet upstream of State Route 116	*486
			About 4380 feet upstream of State Route 116	*500
			About 1.39 miles upstream of State Route 116	*514
		Lost Creek	At confluence with Illinois River	*458
			Just upstream of County Highway 16	*460
			Just upstream of State Route 29	*470
			Just downstream of the Chicago and North Western Railroad	*471
			About 1740 feet downstream of 5th Street	*482
			About 1320 feet upstream of 5th Street	*490
			About 3100 feet downstream of County Highway 13	*500
			About 2530 feet downstream of 14th Street	*510
			Just downstream of 14th Street	*516
			About 3170 feet downstream of County Highway 11	*530
			Just upstream of County Highway 11	*540
			About 3480 feet downstream of FAS Route 2462	*550
			About 1370 feet downstream of FAS Route 2462	*560
			Just upstream of Route 2462	*566
			About 2980 feet upstream of FAS Route 2462	*574
		Lick Creek	At confluence with Illinois River	*459
			About 520 feet upstream of the Peoria and Pekin Union Railway	*459
			About 1050 feet upstream of State Route 98	*469
			Just upstream of Parkway Road	*475
			About 525 feet upstream of Parkway Road	*477
Maps available at: the McKenzie Building 4th and Court Street, Pekin, Illinois 61554.				
Illinois	(V) Thornton, Cook County, (Docket No. FEMA–5702).	Thorn Creek	Approximately 1250 feet downstream of Margaret Street	*603
			Upstream Corporate Limit	*606
Maps available at: Village Clerk's Office, Village Hall, 115 East Margaret Street, Thornton, Illinois 60476.				
Illinois	(V) Vernon Hills, Lake County (Docket No. FEMA–5702).	Seavey Drainage Ditch	At downstream corporate limit (about one half mile downstream of Soo Line Railroad).	*673
			Just downstream of Hawthorne Parkway	*683
			Just upstream of Hawthorne Parkway	*685
			At upstream corporate limit	*686
Maps available at: the Village Coordinator's Office, Village Hall, 290 Oakwood Road, Vernon Hills, Illinois 60061.				
Indiana	(T) Schneider, Lake County (Docket No. FEMA–5702).	Kankakee River	About 2000 feet downstream U.S. Route 41	*634
			About 2100 feet upstream Conrail	*635
Maps available at: Town Hall, Schneider, Indiana 46378.				
Indiana	(T) Sellersburg Clark County (Docket No. FEMA–5702).	Tributary A of Silver Creek	Within the corporate limits	*469
		Tributary B of Silver Creek	Southeast corporate limits (Norman Drive)	*465
		Camp Run	Southeast corporate limits	*465
			Just upstream of Andrea Street	*465
Maps available at: Town Hall, 316 East Utica Street, Sellersburg, Indiana 47172.				
Kentucky	City of Bowling Green, Warren County (FEMA–5729).	Jennings Creek (Back-water Flooding from Barren River).	Approximately 400 feet downstream of Barren River Road	*445
		Barren River	Just downstream Old Richardsville Road (State Highway 185)	*447
			Just upstream of Louisville Road (US Route 31 W)	*454
		Sinkhole No. 1	North of the intersection of Wakefield Street and Batsel Avenue	*500
		Sinkhole No. 2	Southwest of intersection of Fairdale Avenue and Eastwood Street	*500
		Sinkhole No. 3A	South along Lehman Avenue from its intersection with Fairview Avenue.	*505
		Sinkhole No. 3B	Southeast of the intersection of Lehman and Fairview Avenues	*502
		Sinkhole No. 4	Northwest of the intersection of Cardinal Way and Richland Drive	*512
		Sinkhole No. 5	Intersection of Oxford Way and Dorchester Drive	*481
		Sinkhole No. 6	West of intersection of Canterbury Way and Saint Albans Drive	*495
		Sinkhole No. 7	Northeast of intersection of Cambridge Way and Scott Lane	*478
		Sinkhole No. 8	North along Canton Avenue from its intersection with Louden Street	*524
		Sinkhole No. 9	South of intersection of Lyda Avenue and Andrea Street	*532
		Sinkhole No. 10	Northeast of the intersection of Pedigo Way and Scottsville Road (US Highway 231).	*517
		Sinkhole No. 13	South of the intersection fo McElroy Way and Nihan Drive	*489
		Sinkhole No. 14	North of curve of Barberry Court	*467
		Sinkhole No. 16	At the intersection of Searcy Way, Airway Court and Airway Drive	*518
		Sinkhole No. 18A	Northwest of intersection of Lee Drive and Auburn Way	*495
		Sinkhole No. 18B	Approximately 60 feet northeast of the intersection of Lee Drive and Auburn Way.	*493
		Sinkhole No. 19A	North of the intersection of Catherine and Holly Drives	*467
		Sinkhole No. 19B	Southeast of the intersection of Catherine and Holly Drives	*462
		Sinkhole No. 19C	Approximately 500 feet northeast of the intersection of Catherine and Holly Drives.	*443
		Sinkhole No. 19D	Approximately 300 feet northeast of the intersection of Catherine and Holly Drives.	*441
		Sinkhole No. 20	On Media Drive, south of Morgantown Road	*464
Maps available at: City Clerk's Office, City Hall, 10th & College Streets, Bowling Green, Kentucky 42101.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Kentucky	Fulton (City), Fulton County (Docket No. FEMA–5701).	Harris Fork Creek	West State Line Street 50 feet upstream of centerline	*359
			4th Street at centerline	*361
		Harris Fork Creek Lateral A	Fairview Avenue 30 feet upstream of centerline	*366
Maps available at: City Hall, 101 Nelson Tripp Place, Fulton, Kentucky.				
Kentucky	Owensboro (City) Daviess County (Docket No. FEMA–5701).	Ohio River	U.S. Highway 231 at centerline	*369
		Persimmon Ditch	Ewing Road 150 feet upstream from centerline	*369
			At confluence with tributary of Persimmon ditch	*402
		Tributary of Ohio River	Ewing Road 350 feet upstream from centerline	*391
			Drainage Divide upstream side	*404
		Tamarack Ditch	First upstream corporate limits	*397
			Area from the intersection of Winchester Drive and Tamarack Road north along Tamarack Road for 500 feet.	#2
		Goetz Ditch	300 feet upstream of first corporate limits	*394
			Area in the vicinity of the intersection of South Griffith Avenue and Lowes Lane extending northwest across Tamarack Road for 800 feet.	#2
		Harsh Drive	First upstream storm sewer, at upstream side	*395
			Area 900 feet southwest of intersection of U.S. Highway 231 and Parkway Drive; bounded by Owensboro corporate limits.	#1
Maps available from: City Hall, 101 East 4th Street, Owensboro, Kentucky.				
Kentucky	Unincorporated areas of Warren County (FEMA–5729).	Jennings Creek	Just downstream of Corporate Limits, Approximately 5,000 feet south from intersection of Jennings Creek with US Highway 231.	*460
			U.S. Highway 231	*445
			State Highway 1435	*445
		Drakes Creek	State Highway 234	*462
			Just downstream of Old Scottsville-Bowling Green Road	*471
			Just downstream of US Highway 231	*479
			Approximately 100 feet downstream of State Highway No. 240	*504
		Barren River	Approximately 1,500 feet upstream of River Mile D	*441
			Confluence with Jennings Creek	*445
			State Highway 165 (Richardsville Road)	*448
			Approximately 200 feet downstream of Louisville and Nashville Railroad.	*453
			Approximately 150 feet upstream from Interstate Highway 65	*460
Maps available at: Warren County Judge's Office, Warren County Courthouse, 429 East 10th Street, Bowling Green, Kentucky 42101.				
Louisiana	Unincorporated area of Lafayette Parish (FEMA–5734).	Coulee Mine	Just downstream of Southern Pacific Railroad	*35
			Just upstream of Highway 723	*38
		Grand Avenue Coulee	Just upstream of U.S. Highway 167	*28
			Just downstream of Guilbeau Road	*29
		Breaux Bridge	Just upstream of Louisiana Highway 94	*30
		Jupiter Coulee	Just upstream of Louisiana Highway 94	*34
			Approximately 400 feet downstream of Center Street	*36
		Francois Coulee	Just upstream of Moss Street	*24
			Just downstream of Point Des Mouton Road	*33
		Coulee Bend	Just upstream of Moss Street	*26
			Just upstream of Southern Pacific Railroad	*39
		Gaston Coulee	Just upstream of Southern Pacific Railroad	*34
			Approximately 750 feet downstream of Point Des Mouton Road	*40
		Coulee Des Poches	Just upstream of Industrial Parkway	*18
			Just downstream of Aymar Comeaux Road	*24
		Vermilion River	Just upstream of Interstate 10	*17
			Approximately 150 feet downstream of Beau Bassin Road	*19
		Coulee Mine Lateral No. 1	Approximately 400 feet upstream of Eraste Landry Road	*34
			Just downstream of U.S. Highway 90	*36
Maps available at: Lafayette Parish Manager's Office, Courthouse Building, 5th Floor, Lafayette, Louisiana 70502.				
Maine	City of Caribou Aroostook County (Docket No. FEMA–5725).	Aroostook River	9,630 feet downstream of the confluence of Moore Brook	*378
			At the confluence of Little Madawaska River	*383
			At the confluence of Otter Brook	*389
			Downstream Caribou Dam	*394
			Upstream Caribou Dam	*402
			6.5 miles upstream of Caribou Dam	*409
		Caribou Stream	At Bangor and Aroostook Railroad	*392
			Downstream Cross Street	*394
			Upstream Cross Street	*404
			Downstream North Main Street	*411
			Upstream North Main Street	*419
			Downstream Collins Pond Dam	*426
			Upstream Collins Pond Dam	*433
			At the confluence of Farnham Brook	*434
			Upstream Bangor and Aroostook Railroad	*440
			At the confluence of Mile Brook	*442
			At Footbridge	*448
			Downstream State Route 164 bridge	*466
			Upstream State Route 164 bridge	*472
			2,800 feet upstream of State Route 164 bridge	*472
Maps available at: the Caribou City Office.				

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maine	Town of Fort Fairfield, Aroostook County (Docket No. FEMA-5725).	Aroostook River	Confluence of Hacker Brook	*383
			East Limestone Road	*366
			Confluence of Gray Brook	*373
Maps are available at: the Fort Fairfield Municipal Building.				
Massachusetts	Town of Chatham, Barnstable County (Docket No. FEMA-5726).	Nantucket Sound	Confluence of Red River	*10
			Mill pond	*9
		Atlantic Ocean	Entire Shoreline	*10
		Chatham Harbor	Confluence with Nantucket Sound	*10
			Pleasant Bay	*8
			Tern Island	*7
		Oyster Pond	Oyster Pond River near Moon Cussers Lane	*9
			Shoreline	*8
Maps available at: the Office of the Town Clerk, Chatham, Massachusetts.				
Massachusetts	Town of Watertown, Middlesex County (Docket No. FI-5387).	Charles River	At downstream corporate limits	*3
			Just downstream of Watertown Dam	*3
			Just upstream of Watertown Dam	*12
			0.32 mile upstream of Watertown Dam	*14
			0.2 mile downstream of Bridge Street	*18
			Just upstream of Bridge Street	*19
			At Berms Dam remnants	*20
			Upstream corporate limits	*22
Maps available at: Town Office, Town Clerk, Main Street, Watertown, Massachusetts 02172.				
Michigan	(C) Burton, Genesee County (Docket No. FEMA-5702).	Phillips Drain	Downstream corporate limits	*780
			At access culvert	*782
			Just upstream from Atherton Road	*784
			Just upstream from Eugene Road	*791
			Upstream corporate limits	*797
		Kearsley Creek	Downstream corporate limits	*743
			Approximately 5,000 feet upstream from corporate limits	*745
			Approximately 1,500 feet downstream from Belsay Road	*749
			Just upstream from Belsay Road	*751
			Just upstream from Farm Road	*753
			Approximately 3,000 feet downstream from Davison Road	*758
			Just upstream from Davison Road	*759
			At upstream corporate limit	*762
		Gilkey Creek	Downstream corporate limits	*755
			Just upstream from Grand Trunk Western Railroad	*757
			Just upstream from upstream Grand Trunk Western Railroad	*758
			Just upstream from Genesee Road (downstream crossing)	*761
			Just upstream from Court Street	*762
			Just upstream from Lapeer Road	*764
			Just upstream from Genesee Road (upstream crossing)	*766
			Just upstream from Root Court	*768
			Just upstream from Lippincott Boulevard	*769
			Approximately 1,200 feet upstream from Lippincott Boulevard	*771
			Approximately 3,300 feet upstream from Lippincott Boulevard	*774
			Just upstream from Private Road	*779
			Just upstream from Atherton Road	*781
			Just downstream from Sitka Street	*790
			Just upstream from Sitka Street	*794
			Just upstream from Belsay Road	*796
			Just upstream from Bellingham Court	*797
			Approximately 600 feet upstream from Bellingham Court	*798
			Just upstream from Bristol Road	*800
			Just downstream from Hazel Road	*804
			Just upstream from Hazel Road	*806
		Thread Creek	Approximately 1,500 feet downstream from corporate limit	*760
			Just upstream from Term Street	*762
			Just upstream from Atherton Road	*766
			Approximately 3,500 feet upstream from Atherton Road	*768
			Just downstream from Bristol Road	*772
			Just upstream from Bristol Road	*773
			Approximately 4,000 feet upstream from Bristol Road	*778
			Approximately 7,000 feet upstream from Bristol Road	*782
			Upstream corporate limit (Maple Avenue)	*788
		Gibson Drain	Downstream corporate limit (Fenton Road)	*760
			Just downstream from Schumacker Street	*763
			Just upstream from Schumacker Street	*767
			Just downstream from Judd Road	*768
			Just upstream from Judd Road	*769
			Upstream corporate limit (Maple Avenue)	*771
Maps available at: City Engineer's Office, City Hall, Burton, Michigan 48519.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Michigan	(TWP) Clayton, Genesee County (Docket No. FEMA-5702).	Mesemore Cronk Drain	Just upstream of Potter Road	*722
			About 100 feet upstream of a private road which is about 800 feet upstream of Potter Road.	*723
			Approximately 1,800 feet upstream of Potter Road	*725
			Approximately 3,400 feet upstream of Potter Road	*730
			Approximately 100 feet upstream of a private road which is about 2,000 feet downstream of Beecher Road.	*733
			Approximately 1,000 feet downstream of Beecher Road	*735
			Approximately 50 feet upstream of Beecher Road	*738
			Approximately 60 feet downstream of Elms Road	*740
		Cole Creek	Just upstream of Potter Road	*716
			Approximately 2,800 feet upstream of Potter Road	*720
			Approximately 1 mile upstream of Potter Road	*726
			Approximately 2,600 feet downstream of Beecher Road	*730
			Approximately 700 feet downstream of Beecher Road	*735
			Approximately 100 feet upstream of Beecher Road	*739
			Approximately 3,800 feet upstream of Beecher Road	*745
			Just upstream of a private road which is about 850 feet downstream of the northernmost Morrish Road crossing.	*750
			Just downstream of the Morrish Road crossing which is 1,200 feet downstream of Calkins Road.	*752
			Just upstream of Calkins Road	*754
			Approximately 50 feet downstream of the Morrish Road crossing which is about 2,800 feet upstream of Calkins Road.	*757
			Approximately 1,000 feet downstream of Corunna Road	*760
			Just upstream of Corunna Road	*762
			Approximately 400 feet upstream of a private road which is about 2,150 feet upstream of Corunna Road.	*763
			Approximately 300 feet downstream of Lennon Road	*765
Maps available at: Township Hall, 2011 South Morrish Avenue, Swartz Creek, Michigan 48473.				
Michigan	(C) East Lansing, Ingham County (Docket No. FEMA-5702).	Red Cedar River	Approximately 450 feet upstream Aurelius Road	*836
			Approximately 1,500 feet upstream Hagadorn Road	*841
Maps available at: City Hall, 410 Abbot Road, East Lansing, Michigan 48823.				
Michigan	(TWP) Grand Blanc, Genesee County (Docket No. FEMA-5702).	Swartz Creek	Downstream corporate limit (near Ann Marie Drive)	*827
			About 0.5 mile downstream of Baldwin Road (at corporate limit)	*831
			About 5,000 feet upstream of Baldwin Road (at corporate limit)	*839
		Gibson Drain	Downstream corporate limit	*774
			Just upstream of Interstate 475	*777
			Just upstream of Wishing Well Drive	*783
			Just upstream of Russell Street	*787
			At downstream end of culvert near Rollins Street	*793
			At upstream end of culvert south of Hill Road	*801
			About 0.40 mile downstream of Porter Road	*807
			Just upstream of Porter Road	*812
			About 0.62 mile upstream of Porter Road	*813
		Eames Drain	Mouth at Seaver Drain	*842
			About 1,500 feet downstream of Baldwin Road	*860
			Just downstream of Baldwin Road	*862
		Seaver Drain	Just upstream of Fenton Road	*826
			Just upstream of Cook Road	*834
			Just upstream of private road located about 2,500 feet upstream of Cook Road.	*838
			About 2,500 feet downstream of confluence of Eames Drain (near private road).	*839
			About 1,400 feet upstream of McWain Road	*843
		Thread Creek	Just upstream of Maple Avenue	*790
			About 3,300 feet downstream of Hill Road	*795
			Just upstream of Chessie System (south of Hill Road)	*803
			Corporate limits (about 700 feet upstream of Center Road)	*809
			About 100 feet upstream of Genessee Road	*819
			Just upstream of Belsay Road	*828
			About 250 feet upstream of confluence of Day Drain	*833
			About 300 feet upstream of Perry Road	*838
Maps available at: the Township Hall, 5371 South Saginaw Street, Grand Blanc, Michigan.				
Michigan	(TWP) Grosse Ile, Wayne County (Docket No. FEMA-5702).	Detroit River	Northern to Southern Corporate Limits	*578
		Thoroughfare Canal	From confluence to confluence of Detroit River	*578
		Frenchman Creek	3800 feet upstream from Grott Road to confluence of Detroit River	*578
Maps available at: Township Hall, 8841 Macomb Street, Grosse Ile, Michigan 48138.				
Minnesota	(C) Inver Grove Heights, Dakota County (Docket No. FEMA-5702).	Mississippi River	Downstream corporate limit	*698
			Upstream corporate limit	*703
Maps available at: City Hall, 8550 Court House Boulevard, Inver Grove Heights, Minnesota 55075.				

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Missouri	(V) Hanley Hills, St. Louis County (Docket No. FEMA-5702).	Northeast Branch River Des Peres.	Downstream corporate limits	*543
			About 1,200 feet upstream Raft Drive	*544
			About 2,550 feet upstream Raft Drive	*545
	Maps available at: City Hall, 7713 Utica Street, Hanley Hills, Missouri 63133.			
Missouri	(C) Mountain View, Howell County (Docket No. FEMA-5708).	Jamup Creek	Approximately 90 feet upstream County Road	*1,096
			At St. Louis-San Francisco Bridge	*1,106
			Just downstream Jackson Street	*1,120
			Just downstream Marr Street	*1,124
			Just upstream Marr Street	*1,125
			Approximately 600 feet upstream Marr Street	*1,126
			Approximately 80 feet upstream Missouri Highway West	*1,130
			Just upstream Missouri Highway 17	*1,136
			Approximately 325 feet upstream Missouri Highway 17	*1,138
			Upstream corporate limits	*1,146
	Maps available at: City Hall, Mountain View, Missouri 65548.			
Montana	Lincoln County, Unincorporated Areas (Docket No. FI-5665).	Big Cherry Creek	Confluence with Libby Creek	*2144
			U.S. Highway 2 Bridge 90 feet upstream from centerline	*2196
			County Road 65 feet upstream from centerline	*2321
		Bobtail Creek	County Road 10 feet upstream from centerline	*2067
		Callahan Creek	Burlington Northern Railroad 50 feet upstream from centerline	*1866
			Town of Troy corporate limits (2nd crossing)	*1914
		Flower Creek	Road to Sewage Plant 65 feet upstream from centerline	*2057
			City of Libby corporate limits (4th crossing)	*2157
			Road to Sewage Plant 230 feet southwest of Flower Creek	*1
		Kootenai River	Confluence with Flower Creek	*2054
			Private Road 150 feet upstream from centerline	*2060
		Libby Creek	Burlington Northern Railroad at centerline	*2060
			Private Road (2nd crossing) at centerline	*2071
			Confluence with Big Cherry Creek	*2144
			Logging Road to St. Regis Sawmill 115 feet upstream from centerline	*2318
		Parameter Creek	State Highway 482 Bridge 50 feet upstream from centerline	*2351
			Burlington Northern Railroad 50 feet upstream from centerline	*2055
			U.S. Highway 2—60 feet upstream from centerline	*2074
			Dome Mountain Avenue 35 feet upstream from centerline	*2105
			U.S. Highway 2—3,500 feet southwest of intersection with Indian Head Road.	#1
		Quartz Creek	Road Bridge 30 feet upstream from centerline	*2035
		Tobacco River	Town of Eureka corporate limits (1st crossing)	*2556
			Burlington Northern Railroad 50 feet upstream from centerline	*2604
	Maps available at: County Courthouse, 418 Mineral Avenue, Libby, Montana			
New Jersey	South Plainfield (Borough), Middlesex County (Docket No. FEMA-5701).	Bound Brook	Clinton Avenue 100 feet upstream from centerline	*65
			Hamilton Boulevard 150 feet upstream from centerline	*69
			Belmont Avenue 50 feet upstream from centerline	*71
			Woodbrook Road 50 feet upstream from centerline	*73
		Cedar Brook	Plainfield Avenue 75 feet upstream from centerline	*66
			Cedarbrook Avenue 80 feet upstream from centerline	*68
			Dirt Road 25 feet upstream from centerline	*71
		Stream 14-14-2-2	Walnut Street 45 feet upstream from centerline	*62
			Baker Avenue 80 feet upstream from centerline	*72
		Stream 14-14-2-3	Clinton Avenue 100 feet upstream from centerline	*66
			New Brunswick Avenue at centerline	*71
	Maps available at: Office of the Borough Engineer, Municipal Building, 2480 Plainfield Avenue, South Plainfield, New Jersey.			
New York	Lindley (Town), Steuben County (Docket No. FEMA-5701).	Tioga River	Presho Lindley Road 100 feet upstream from centerline	*962
			Confluence with Church Creek	*978
				*
			Lindley Lawrenceville Road (County Road 116) at centerline	*992
		Glendening Creek	U.S. Highway 15 (southbound) 20 feet upstream from centerline	*973
			Confluence with north and south branches Glendening Creek	*1006
		Tannery Creek	County Road 731 10 feet upstream from centerline	*988
		Church Creek	County Road 120 10 feet upstream from centerline	*1005
			Church Creek Road (County Road 106) at centerline	*1068
		Morgan Creek	U.S. Highway 15 50 feet upstream from centerline	*1008
		Cowaneseque River	U.S. Highway 15 50 feet upstream from centerline	*993
	Maps are available at: Town Hall, 575 State Road, Lindley, New York.			
North Carolina	Unincorporated areas of Buncombe County (FEMA-5729).	French Broad River	Just downstream of Alexander Bridge	*1780
			Just downstream of Craggy Bridge	*1948
			Just upstream of Amboy Road	*1992
			Just upstream of State Highway 280 (Long Shoals Road)	*2036
		Swannanoa River	Just downstream of U.S. Highway 70	*2058
			Just downstream of Farm School Road (State Route 2412)	*2122
			Just downstream of Old Toll Circle	*2410
		Gashes Creek	Just upstream of U.S. Highway 74	*2078
			Approximately 100 feet upstream of Rose Hill Road	*2140
		Beetree Creek	Just upstream of Warren Wilson Road (State Route 2418)	*2155
		North Fork Swannanoa River	Just upstream of Old U.S. Highway 70 (State Route 2435)	*2252
			Just downstream of State Route 2469	*2331

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Flat Creek	Just upstream of Padgett Town Road (State Route 2517)	*2426
		Reed Creek	Just upstream of Expressway Ramp	*1974
		Ivy Creek	Just upstream of Buckner Road	*2126
			Just downstream of Dam	*2156
			Just upstream of Dam	*2164
		Dillingham Creek	Just upstream of Paint Fork Road	*2190
			Just downstream of Dillingham Road	*2267
		Reems Creek	Just upstream of New Stock Road	*1948
			Just downstream of Reems Creek Road	*2025
		Hominy Creek	Just upstream of East Oakview Road	*2023
			Just downstream of Pisgah Mountain Road	*2089
		Moore Creek	Just upstream of U.S. Highways 19 and 23 (State Route 1241)	*2061
			Approximately 50 feet upstream of westbound Interstate Highway 40	*2123
		Pole Creek	Just upstream of U.S. Highways 19 and 23	*2089
			Just downstream of Dogwood Drive (Pole Creek Road)	*2096
		Cane Creek	Just downstream of Mills Gap Road (State Route 3116)	*2098
		Robinson Creek	Just upstream of Cane Creek Road	*2103
			Just upstream of Lower Christ School Road	*2127
	Maps available at: Office of the Director of Planning, Buncombe County Courthouse, P.O. Box 7435, Asheville, North Carolina 28807.			
North Dakota	Drayton (City), Pembina County FI-5678.	Red River of the North	Downstream corporate limits 400 feet northeast of intersection of Mill Street.	*799
			Third Street 400 feet north of intersection with Wallace Street	*799
	Maps available at: City Hall, 705 Emerson Street, Drayton, North Dakota.			
Ohio	(V) Amberley, Hamilton County, (Docket No. FEMA-5702).	Section Road Creek	At the downstream corporate limits	*590
			Just downstream of Section Road	593
			Just upstream of Fair Oaks Avenue	*602
			About 400 feet upstream from Fair Oaks Avenue	*603
			Approximately 300 feet downstream of West Beechland Drive	*624
			Just upstream of West Beechland Drive	*633
			Just downstream of Ridge Road	*636
		Left Fork of Section Road Creek	At confluence with Section Road Creek	*592
			Just downstream of the private drive located approximately 460 feet upstream of mouth.	*596
			Just upstream of private drive located approximately 300 feet downstream of Fair Oaks Drive.	*602
			Just upstream of Fair Oaks Drive	*613
			Just upstream of Meadowbrook Drive	*617
			Just upstream of the private drive located approximately 250 feet upstream of Meadowbrook Drive.	*621
			Just upstream of the upstream crossing of Willowbrook Drive	*623
			Just downstream of the private drive located approximately 465 feet downstream of Aracoma Forest Drive.	*634
			Just upstream of the private drive located approximately 465 feet downstream of Aracoma Forest Drive.	*639
			Just downstream of Aracoma Forest Drive	*642
		Brookwood Creek	At inlet to pipe enclosure located approximately 1080 feet downstream of Fair Oaks Drive.	*607
			Just downstream of Fair Oaks Drive	*617
		Brookwood Creek (shallow flooding overflow).	From inlet to pipe enclosure located approximately 1080 feet downstream of Fair Oaks Drive to downstream corporate limits.	2#
	Maps available at: Village Hall, 7149 Ridge Road, Amberley, Ohio 45237.			
Ohio	(C)Amherst, Lorain County (Docket No. FEMA-5702).	Beaver Creek	About 1 mile downstream Cooper-Foster-Park Road near corporate limit.	*592 594
			About 1400 feet downstream Cooper-Foster-Park Road	
			About 100 feet downstream Martin Avenue	*620
			Just upstream Martin Avenue	*624
			Just downstream Milan Avenue	*632
			About 4200 feet upstream confluence of Tributary No. 1	*644
			Just downstream Middle Ridge Road	*667
			Upstream corporate limit	*679
		Tributary No. 1	At confluence with Beaver Creek	*640
			About 130 feet upstream Crown Hill Avenue	*652
			Just downstream Pyle-South Amherst Road	*652
			About 180 feet upstream Pyle-South Amherst Road	*668
			Just upstream Middle Ridge Road	*724
			About 900 feet upstream Middle Ridge Road	*726
		East Branch Beaver Creek	Just upstream Cooper-Foster Park Road	*620
			About 270 feet downstream State Route 2	*629
			About 1000 feet upstream State Route 2	*632
			About 50 feet downstream North Ridge Road	*645
			Just upstream private walk (near low head dam)	*652
			Just upstream Park Avenue	*676
	Maps available at: City Hall, 206 Main Street, Amherst, Ohio 44001.			
Ohio	(C) Belpre, Washington County (Docket No. FEMA-5702).	Ohio River	About 400 feet upstream from Grandee Avenue	*609
			About 1940 feet upstream from Memorial Bridge	*610
	Maps available at: City Hall, 201 Washington Street, Belpre, Ohio 45714.			

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(V) Bentleyville, Cuyahoga County (Docket No. FEMA–5702).	Chagrin River	Downstream corporate limit	*821
			About 100 feet upstream of Miles Road	*822
			About 100 feet downstream of mouth with Aurora Branch	*827
			At eastern corporate limits	*836
		Aurora Branch	Just upstream of mouth of Tributary No. 2	*863
			Just downstream of confluence with Tributary No. 1	*869
			About 100 feet downstream of Norfolk and Western Railway	*891
			At southern corporate limits	*892
		Tributary No. 1	About 300 feet upstream of mouth with Aurora Branch	*890
			At southern corporate limits	*894
		Tributary No. 2	About 380 feet downstream of Liberty Road	*884
			About 100 feet upstream of Liberty Road	*895
			About 270 feet upstream of mouth of Tributary No. 4	*940
			About 50 feet upstream of Solon Road	*960
			At southern corporate limits	*996
	Maps available at: Village Hall, 6253 Chagrin River Road, Bentleyville, Ohio 44022.			
Ohio	(V) Beverly, Washington County (Docket No. FEMA–5702).	Muskingum River	Southeast corporate limits	*637
			Northwest corporate limits	*838
	Maps available at: Village Hall, P.O. Box 725, Beverly, Ohio 45715.			
Ohio	(C) Blue Ash, Hamilton County (Docket No. FEMA–5702).	Hazelwood Creek	Just upstream Kenwood Road	*821
			About 1700 feet downstream Idalia Avenue	*824
			About 650 feet downstream Idalia Avenue	*829
			Just upstream Idalia Avenue	*834
			Just downstream Cornell Road	*842
		Raiders Run	Downstream corporate limit	*780
			About 210 feet downstream Bellview Avenue	*780
			Just upstream Bellview Avenue	*793
			Just downstream Cross County Highway	*802
	Maps available at: the Office of the Clerk of Counsel, 4343 Cooper Road, Blue Ash, Ohio 45242.			
Ohio	(V) Matamoras, Washington County (Docket No. FEMA–5702).	Ohio River	Approximately 2000 feet downstream of downstream corporate limits	*631
			Upstream corporate limits	*631
	Maps available at: the Village Hall, 1022 Grandview Avenue, New Matamoras, Ohio 45767.			
Ohio	(V) Spring Valley, Greene County (Docket NO. FEMA–5702).	Little Miami River	Confluence of Glady Run	*757
			Approximately 475 feet upstream of U.S. Route 42	*757
	Maps available at: the Office of Village Clerk, Village Hall, Spring Valley, Ohio 45370.			
Ohio	(V) Waynesville, Warren County (Docket No. FEMA–5702).	Little Miami River	About 3700 feet downstream State Route 73	*721
			Just upstream State Route 73	*724
		Little Miami River Mill Run Channel.	At confluence with Little Miami River	*724
			About 1200 feet upstream Corwin Road	*724
	Maps available at: Office of Village Clerk, South Main Street, Waynesville, Ohio 45068.			
Ohio	(C) Worthington, Franklin County (Docket No. FEMA–5702).	Olentangy River	Just upstream of southern corporate limit	*745
			Approximately 1600 feet downstream of State Road 161	*750
			Just downstream of northern corporate limit	*757
	Maps available at: City Hall, 789 High Street, Worthington, Ohio 43085.			
Oklahoma	City of Catoosa, Rogers County (FEMA–5734).	Spunky Creek (Backwater from Verdigris River.	Just upstream of northermost corporate limits	*575
		Spunky Creek	Approximately 200 feet upstream of U.S. Highway 66	*575
		Spunky Creek Tributary	Approximately 75 feet upstream of U.S. Highway 66	*601
	Maps available at: City Hall, 101 South Cherokee, Catoosa, Oklahoma 74015.			
Oregon	Sheridan (City), Yamhill County Fema–5701.	South Yamhill River	Downstream corporate limits 50 feet upstream	*188
			Bridge Street bridge 10 feet upstream from centerline	*193
			Upstream corporate limits 35 feet downstream	*196
	Maps available at: City Hall, 139 Northwest Yamhill Sheridan, Oregon.			
Pennsylvania	Township of Catharine, Blair County (Docket No. FEMA–5724).	Frankstown Branch Juniata River.	At Conrail (0.7 mile above Limit of Detailed Study)	*770
			At Conrail (1.3 miles above Limit of Detailed Study)	*780
			At Upstream Conrail (5.3 miles above Limit of Detailed Study)	*827
			At Upstream Conrail (6.0 miles above Limit of Detailed Study)	*833
			At Upstream Legislative Route 260	*854
			At Pennsylvania Electric Company Dam	*860
			At State Route 866	*867
	Maps available at: the residence of Mr. George Brenneman, R.D. 1, Williamsburg, Pennsylvania.			
Pennsylvania	Township of Nescopeck, Luzerne County (Docket No. FEMA–5724).	Susquehanna River	Downstream Corporate Limits	*500
			Upstream Corporate Limits	*510
		Nescopeck Creek	Downstream Corporate Limits	*500
			Approximately 100 feet downstream of Legislative Route 40017 (Downstream Crossing).	*501

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 300 feet upstream of Conrail bridge	*502
			Legislative Route 40092	*505
			300 feet upstream of Legislative Route 40017 (Upstream Crossing)	*522
			Legislative Route 40016 (Upstream Side)	*559
			Legislative Route 40015	*805
			Upstream Corporate Limits	*816
		Wapwallopen Creek	Conrail	*510
			State Route 393	*510
			Approximately 3,500 feet upstream of State Route 393	*525
	Maps available at: the Fire Department, Nescopeck, Pennsylvania.			
Texas	City of Coppell, Dallas and Denton Counties (FI–5713).	Elm Fork Trinity River	Just downstream of Beltline Road (FM 1380)	*439
			Approximately 100 feet upstream of Sandy Lake Road	*444
		Grapevine Creek	Approximately 250 feet downstream of Beltline Road (FM 1380)	*457
			Approximately 120 feet downstream of Moore Road	*468
			Approximately 180 feet upstream of Denton Tab Road	*489
			Approximately 290 feet upstream of Coppell Road	*508
		Denton Creek	At confluence with Elm Fork	*445
			Approximately 200 feet downstream of Denton Tab Road	*482
			Approximately 200 feet downstream of Highway 121	*486
		Cottonwood Branch	Approximately 170 feet upstream of Sandy lake Road	*482
			Approximately 140 feet downstream of State Road	*491
	Maps available at: City Hall, 616 South Coppell Street, Coppell, Texas 75019.			
Texas	City of Mesquite, Dallas County (FI–5688).	Long Branch	Just upstream of Northwest Drive	*479
			Just downstream of Oates Drive	*484
			Just downstream of La Prada Drive	*505
		North Mesquite Creek	Just downstream of Lawson Road	*388
			Just downstream of Mesquite Valley Road	*420
			Just downstream of Scyene Road	*439
		Stream 2J2	Confluence with North Mesquite Creek	*489
		South Mesquite Creek	Just downstream of Military Parkway	*446
			Just downstream of Town East Boulevard	*490
		Bennett Branch	Just downstream of Belt Line Road	*442
			Just upstream of Agnew Street	*472
		Stream 2B2	Just downstream of Bruton Road	*431
		Stream 2B3	Confluence with Stream 2B2	*448
		Stream 2B4	Just downstream of Military Parkway	*460
			Just downstream of Carmack Street	*461
			Just downstream of Kearney Road	*475
		Stream 2B5	Just downstream of Unnamed Gravel Road	*451
			Just downstream of Town East Boulevard	*499
		West Fork of South Mesquite Creek.	Confluence with South Mesquite Creek	*458
			Just downstream of Anthony Drive	*500
		Stream 2B6	Just downstream of Southbound Lane of I–20	*489
			Just upstream of Eastbrook Drive	*500
			Just downstream of Baker Drive	*504
		Stream 2B7	Just upstream of Town East Boulevard	*500
			Just downstream of South Frontage Road	*518
		Stream 2B8	Just downstream of I–635	*468
			Just downstream of North Frontage Road	*499
		Duck Creek	Just upstream of Belt Line Road	*455
			Confluence of Long Branch	*462
	Maps available at: Engineering Division, City Hall, 711 North Gallaway Avenue, Mesquite, Texas 73149.			
Texas	City of Mexia, Limestone County (FEMA–5713).	Salt Creek	Just upstream of Southern Pacific Railroad	*480
		Unnamed Tributary of Plummers Creek.	Just upstream of Fortworth Denver Railroad	*473
			Just upstream of State Highway 39 (Shiloh Road)	*480
	Maps available at: the Office of the City Clerk, 101 S. McKinney Street, Mexia, Texas 76667.			
	City of Tyler, Smith County (FEMA–5734).	West Mud Creek	Just upstream of U.S. Highway 69 (South Broadway)	*461
			Just upstream of Shiloh Road	*476
			Just upstream of New Copland Road	*482
		Tributary A	Just upstream of Rice Road	*478
		Tributary B	Just upstream of New Copland Road	*481
			Just upstream of Peluxy Drive	*505
		Tributary C	Just downstream of South Broadway	*496
			Just upstream of Fair Lane	*512
		Black Fork Creek	Just downstream of westbound Loop 323	*440
			Just upstream of U.S. Highway 271	*466
			Just downstream of St. Louis Southwestern Railway	*468
			Just upstream of St. Louis Southwestern Railway	*490
			Just upstream of Erwin Street	*491
		Tributary D	Just downstream of St. Louis Southwestern Railway	*472
			Just upstream of St. Louis Southwestern Railway	*478
			Just downstream of East Locust Street	*507
		Willow Creek	Just downstream of Westbound Loop 323	*457
		Willow Creek	Just upstream of Westbound Loop 323	*461
	Maps available at: City Clerk's Office, City Hall, 212 North Bonner, Tyler, Texas 75710.			

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Texas	City of Waxahachie, Ellis County (FEMA–5734).	Waxahachie Creek	Approximately 40 feet upstream of Matthews Street	*530
			Approximately 80 feet upstream of Rogers Street	*533
			Just upstream of confluence of Tributary 1	*538
			Approximately 30 feet downstream of Brookside Road	*549
			Approximately 80 feet downstream of I–35E	4555
		Waxahachie Creek Tributary 1	Approximately 30 feet downstream of Cantrell Street	*536
			Approximately 40 feet downstream of northbound access Road to I–35 Southbound Lane.	*574
		Tributary 2	At Interstate Highway I–35E	*544
		Tributary 3	Just downstream of the I–35E Culvert	*611
		Mustang Creek	Just downstream of F.M. 876	*566
			Approximately 60 feet upstream of Broadhead Road	*577
			At confluence of Mustang Creek Tributary	*584
			Just upstream of F.M. 813	*595
		Mustang Creek Tributary	Approximately 150 feet upstream of Farm Road 813	*595
			Just upstream of Chapman Park Bridge	*599
Maps available at: City Hall, 401 South Roger, Waxahachie, Texas 75165.				
Vermont	Town of Danby, Rutland County (Docket No. FEMA–5723).	Otter Creek	Downstream Corporate Limits	*644
			Approximately 5,750' upstream of Corporate Limits	*649
			Approximately 8,500' upstream of Corporate Limits	*654
			Approximately 13,000' upstream of Corporate Limits	*654
			Upstream side of Green Mountain Railroad	*655
		Mill Brook	Downstream Corporate Limits	*685
			Approximately 200' upstream of Corporate Limits	*690
			Approximately 400' upstream of Corporate Limits	*695
			Approximately 580' upstream of Corporate Limits	*700
			State Route 41A (Upstream side of)	*706
			Abandoned Mill (Upstream side of)	*711
			Approximately 300' upstream of Abandoned Mill	*713
Maps available at: the Danby Town Office.				
Virginia	Town of Wise, Wise County (Docket No. FEMA–5723).	Glade Creek	Confluence with Yellow Creek	*2,362
			Elam Street (upstream side)	*2,427
			U.S Route 23 (upstream side)	*2,432
			J. J. Kelley School Drive (upstream side)	*2,446
			Upstream Corporate Limits	*2,449
		Yellow Creek	Downstream Corporate Limits	*2,142
			1st Downstream Private Drive (extended)	*2,220
			Confluence with Glade Creek	*2,360
			State Route 646 (upstream side)	*2,420
			State Route 640 (upstream side)	*2,429
			Private Road at upstream corporate limits	*2,443
		Tributary to Yellow Creek	Confluence with Yellow Creek	*2,429
			First downstream crossing of Private Road off of Hurricane Road (640).	*2,430
			Upstream Corporate Limits	*2,436
Maps available at: the Municipal Building, 122 Main Street, Wise, Virginia.				
Washington	Port Angeles (City), Clallam County (Docket No. FEMA–5701).	Ennis Creek	Chicago, Milwaukee, St. Paul, and Pacific Railroad Bridge 140 feet upstream from centerline.	*12
			Confluence with White Creek	*26
			Corporate Limits	*52
		White Creek	Confluence with Ennis Creek	*26
			First Street Culvert 175 feet upstream from centerline	*95
			Power Line Road at centerline	*320
		Peabody Creek	Peabody Street Culvert 140 feet upstream from centerline	*51
			Fifth Street Culvert 185 feet upstream from centerline	*76
			Eighth Street Culvert 220 feet upstream from centerline	*130
			Lauridsen Boulevard 40 feet upstream from centerline	*166
			Park Avenue Culvert 125 feet upstream from centerline	*216
		Valley Creek	Eighth Street 30 feet upstream from centerline	*47
			U.S. Highway 101 100 feet upstream from centerline	*127
		Tumwater Creek	Marine Drive at centerline	*14
			Upstream Corporate Limits	*129
		Dry Creek	Corporate Limits (First crossing) 25 feet upstream from centerline	*200
			Corporate Limits (second crossing)	*256
		Pacific Ocean	1,500 feet North of the intersection of 16th Street with McDonald Street.	*11
			At the intersection of Marine Drive with K Street	*11
			At the intersection of Lincoln Street with Railroad Avenue	*11
			1,000 feet North of the intersection of 4th Street with M Street	*12
			500 feet Northwest of the Marine Drive Bridge over the lagoon	*13
			500 feet North of the Marine Drive Bridge over the lagoon	*14
			1,700 feet Northeast along Chicago, Milwaukee, St. Paul, and Pacific Railroad from its crossing over the lagoon.	*15
Maps available at: City Hall, 140 West Front Street, Port Angeles, Washington.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Washington	Spokane (City), Spokane County (Docket No. FEMA–5701).	Spokane River	Fort George Wright Road at centerline	*1687
			Maple Street at centerline	*1734
			Division Street at centerline	*1872
			Spokane Dam (Upriver Dam) 300 feet downstream from centerline	*1899
			Spokane Dam (Upriver Dam) 200 feet upstream from centerline	*1911
		Hangman Creek	Sunset Boulevard at centerline	*1739
			U.S. Highway 195 (Inland Empire Way) 150 feet upstream from centerline.	*1761
			Confluence with Marshall Creek	*1798
Maps available at: City Hall, West 711 Spokane Falls Boulevard, Spokane, Washington.				
Washington	Tumwater (City), Thurston County (Docket No. FEMA–5701).	Deschutes River	Olympia Brewery Dam 20 feet upstream from centerline	*93
			E Street Bridge at centerline	*97
			Downstream corporate limits 200 feet upstream	*102
		Outlet of Black Lake	Confluence with Percival Creek	*85
			Burlington Northern Railroad 120 feet upstream from centerline	*115
		Capitol Lake	Grant Street at centerline	*11
		Trosper Lake	Along shoreline	*158
Maps available at: City Hall, Second and Bates Streets, Tumwater, Washington.				
Wisconsin	(C) Omro Winnebago County (Docket No. FEMA–5702).	Fox River	Downstream corporate limits	*751
			Upstream corporate limits	*753
Maps available at: City Clerk's Office, City Hall, 205 South Webster Avenue, Omro, Wisconsin 54963.				
Wisconsin	(C) Verona, Dane County (Docket No. FEMA–5702).	Badger Mill Creek	Approximately 3,400 feet downstream of Main Street	*937
			Approximately 2,300 feet downstream of Main Street	*942
			Just upstream of Unnamed Road	*944
			Just upstream of Main Street	*945
			Approximately 4,600 feet upstream of Main Street	*950
		Dry Tributary to Badger Mill Creek	Just upstream of Chicago and North Western Railroad	*945
			Approximately 1,150 feet upstream of Chicago and North Western Railroad.	*948
			Approximately 1,400 feet upstream of Chicago and North Western Railroad.	*947
Maps available at: the City Administrator's Office, City Hall, Verona, Wisconsin 53593.				
Wisconsin	(V) Winneconne, Winnebago County (Docket No. FEMA–5702).	Wolf River	Entire Shoreline	*750
Maps available at: Village Clerk's Office Village Hall, 224 West Main Street, Winneconne, Wisconsin 54986.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: February 19, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–9175 Filed 3–28–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872, (In Alaska and Hawaii, call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.11). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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Part 67 [Amended]

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City of Livingston, Sumter County (FEMA-5729).	Sucarnoochee River	Approximately 300 feet downstream of U.S. Highway 11	*118
		Whitebrook River	Just upstream of Alabama Highway 28	*133
			Approximately 100 feet upstream of Pickens Street	*146
		Sandy Creek	Approximately 100 feet upstream of Alabama Highway 28	*130
			Approximately 80 feet upstream of Pickens Street	*150
	Maps available at City Hall, Lafayette Street, Livingston, Alabama 35470.			
Arizona	Tempe, City, Maricopa County (Docket No. FI-5566).	Salt River	Downstream Corporate Limits	*1,135
			Upstream Mill Avenue	*1,156
			Downstream Scottsdale Road	*1,164
			700 feet upstream Hayden Road	*1,174
			Upstream Corporate Limits	*1,188
	Maps available at the City Engineering Department, 31 East 5th Street, Tempe, Arizona.			
Arkansas	City of Althelmer, Jefferson County (FEMA-5734).	Flat Bayou	Just downstream of Main St	*206
			Just upstream of Main St	*207
		Drainage Ditch East of School	Approximately 100 feet upstream of Second Street	*198
	Maps available at City Hall, P.O. Box F, Althelmer, Arkansas 72004.			
Arkansas	City of Wynne, Cross County (FEMA-5794).	Turkey Creek	Just upstream of Arkansas State Highway 1	*258
			Just upstream of County Rd	*261
		Indian Creek	Just upstream of Missouri Pacific Railroad	*258
			Just downstream of Arkansas State Highway 1	*265
		Turkey Creek Lateral	Just upstream of E Street	*245
			Just downstream of Missouri Pacific Railroad	*250
			Just downstream of Arkansas State Highway 1 (North State Street)	*256
		Caney Creek Lateral No. 5	Just upstream of Ash Street	*251
			Just upstream of South Rowena Street	*261
	Maps available at Building Inspections Department, City Shop, 1308 N. Falls, Wynne, Arkansas 72396.			
California	Modesto (City), Stanislaus County (Docket No. FEMA-5701).	Tuolumne River	Carpenter Road 1,700 feet downstream from centerline at corporate limits.	*60
			Western Pacific Railroad 100 feet upstream from centerline	*67
			3,000 feet upstream from third upstream corporate limits	*69
			1,100 feet downstream from most upstream corporate limits	*72
		Dry Creek	Confluence with Tuolumne River	*67
			La Loma Avenue 100 feet upstream from centerline	*70
			El Vista Avenue at centerline	*76
			Most upstream corporate limits	*87
	Maps are available at the Department of Building Inspection, City Hall, 801 11th Street, Modesto, California.			
California	Mountain View (City), Santa Clara County (Docket No. FEMA-5701).	Adobe Creek	At the intersection of Del Medio Avenue with Del Medio Court	*39
		Hale Creek	At the intersection of Rose Avenue with South Springer Road	#1
		Permanente Creek	Marilyn Drive at centerline	*118
			Miramonte Avenue 200 feet downstream from centerline	*135
			At the intersection of Miramonte Avenue with Park Drive	#1
			Approximately 500 feet South along Isabelle Avenue from the intersection of Marilyn Drive with Isabelle Avenue.	#1
			At the intersection of Sierra Vista Avenue with Colony Street	#1
			Approximately 250 feet West along East Charleston Road from the intersection of Alta Avenue with East Charleston Road.	#1
			At the intersection of Leghorn Street with Rengstorff Avenue	#2
			At the intersection of Telford Avenue with Spring Street	#2
		Stevens Creek	At the intersection of Sterlin Road with Jackson Street	#1
			At the intersection of Pioneer Way with Evelyn Avenue	#1
			At the intersection of Burgoyne Street with Monticeto Avenue	#1
			At the intersection of Moorpark Way with Evelyn Avenue	#1
			At the intersection of Calderon Avenue with Evelyn Avenue	#2
		Ponding	At the intersection of Linda Vista Avenue with San Leandro Avenue	*30
			Approximately 500 feet Northeast along Terra Bella Avenue from the intersection of Middlefield Parkway with Terra Bella Avenue.	*39
			At the intersection of Fordham Court with Fordham Way	*126
			Along Cuesta Drive between Peartree Lane and Fordham Way	*142
		Sheet Flow	At the intersection of South Drive with Hospital Drive	#1
	Maps available at City Hall, 540 Castro Street, Mountain View, California.			
California	Pinole (City), Contra Costa County (Docket No. FI-4656).	Pinole Creek	Southern Pacific Railroad	*8
			Tennent Avenue Bridge 400 feet upstream of centerline	*7
			Atchison, Topeka, and Santa Fe Railroad	*11
			San Pablo Avenue Bridge	*14
			Pinole Valley Road (first crossing)	*30
			Pinole Valley Road (second crossing)	*49
			Ramona Court 30 feet downstream of centerline	*54
			Simas Avenue	*71
			Pinole Valley Road (third crossing)	*101
			Pinole Valley Road (fourth crossing)	*122
			Upstream Corporate Limits (40 feet downstream)	*140
	Maps available at City Hall, 2131 Pear Street, Pinole, California.			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Pittsburg (City), Contra Costa County (Docket No. FEMA-5701).	Kirker Creek	School Driveway at centerline	*48
			Bliss Road (abandoned) at centerline	*67
			Davis Avenue (abandoned) at centerline	*76
			Hospital Drive (abandoned) at centerline	*108
			Yosemite Drive 100 feet downstream from centerline	*119
			Yosemite Drive 150 feet upstream from centerline	*127
			Buchanan Road at centerline	*166
		Lawlor Creek	Leland Road 100 feet upstream from centerline	*133
			Upstream Corporate Limits at centerline	*159
		Suisun Bay (New York Slough)	Along New York Slough Shoreline	*6
	Maps are available at the Office of the City Engineer, City Hall, 2020 Railroad Avenue, Pittsburg, California.			
Florida	Venice (City), Sarasota County (Docket No. FI-5688).	Gulf of Mexico	Shore line	*11
			Intersection of Riviera Street and Firenze Avenue	*11
			Intersection of Seaboard Avenue and Venice Avenue East	*11
			Capri Boulevard crossing over Curry Creek	*11
	Maps available at City Hall, 401 West Venice, Venice, Florida.			
Idaho	Latah County, Unincorporated Areas (Docket No. FI-5678).	Palouse River	U.S. Highway 95 Bridge 100 feet upstream from centerline	*2,477
			County Road Bridge upstream of confluence with Deep Creek, 100 feet downstream from centerline.	*2,479
			County Road Bridge upstream of confluence with Deep Creek, 150 feet upstream from centerline.	*2,482
			County Road upstream of confluence with Flannigan Creek, 400 feet downstream from centerline.	*2,491
			County Road upstream of confluence with Flannigan Creek, 450 feet upstream from centerline.	*2,495
			County Road Bridge 20 feet upstream from centerline	*2,511
			County Road Bridge 200 feet upstream from centerline	*2,542
			State Highway 7 Bridge 200 feet upstream from centerline	*2,557
		Deep Creek	U.S. Highway 95 Alternate Bridge 1,200 feet upstream from centerline	*2,479
			Upstream limit of Detailed Study at centerline	*2,495
		Four Mile Creek	Bridge upstream from the downstream limit of Detailed Study, 60 feet downstream from centerline.	*2,606
			Bridge upstream from the downstream limit of detailed study, 60 feet upstream from centerline.	*2,609
			Unnamed road 140 feet downstream from centerline	*2,685
			Unnamed road 120 feet upstream from centerline	*2,690
			Upstream limit of detailed study at centerline	*2,823
		Paradise Creek	Burlington Northern Railroad Trestle 200 feet upstream from centerline.	*2,535
			Upstream corporate limits of City of Moscow 150 feet upstream from centerline.	*2,610
			Upstream limit of detailed study 200 feet downstream from centerline.	*2,614
		South Fork Palouse River	Farm Road 50 feet downstream from centerline	*2,516
			County Road 350 feet downstream from centerline	*2,525
			County Road 350 feet upstream from centerline	*2,530
			Most downstream corporate limits of City of Moscow 100 feet downstream from centerline.	*2,541
			Most upstream corporate limits of City of Moscow 100 feet upstream from centerline.	*2,549
			County Road upstream of U.S. Highway 95 100 feet upstream from centerline.	*2,556
			Burlington Northern Railroad 270 feet downstream from centerline	*2,585
			Burlington Northern Railroad 100 feet upstream from centerline	*2,590
			The first County Road upstream of Burlington Northern Railroad 50 feet downstream from centerline.	*2,590
			The first County Road upstream of Burlington Northern Railroad 75 feet upstream from centerline.	*2,595
			The second County Road upstream of State Highway 8-70 upstream from centerline.	*2,600
			The third County Road upstream of State Highway 8-70 upstream from centerline.	*2,615
			The fifth County Road upstream of State Highway 8-70 upstream from centerline.	*2,622
		Middle Potlatch Creek	County Road upstream from the downstream limit of detailed study 40 feet upstream from centerline.	*2,570
			Burlington Northern Railroad Bridge 140 feet upstream from centerline.	*2,590
			Street Bridge 60 feet downstream from centerline	*2,596
			County Road Bridge 60 feet upstream from centerline	*2,598
			Upstream limit of detailed study 60 feet downstream from centerline	*2,606
		Cow Creek	Tamarac Street Bridge 70 feet downstream from centerline	*2,655
			Farm Bridge upstream of City of Genesee corporate limits 70 feet upstream from centerline.	*2,673
		Potlach River at Kendrick	Most downstream County limits at centerline	*980
			County Road Bridge upstream of City of Juliaetta 50 feet upstream from centerline.	*1,110
			Most downstream corporate limit of City of Kendrick 300 feet downstream from centerline.	*1,161
			Most upstream corporate limit of City of Kendrick 40 feet upstream from centerline.	*1,232
		Potlatch River at Bovill	State Highway 8 Bridge 1,500 feet upstream from centerline	*2,847
			Highway Bridge 500 feet upstream from centerline	*2,848
	Maps available at Latah County Courthouse, Van Burren and 6th, Moscow, Idaho.			

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(V), Elmwood Park, Cook County (Docket No. FEMA–5729).	Des Plaines River	Just upstream of North Avenue	*822
			At the western corporate limit	*822
		Golf Course Tributary	About 1,000 feet upstream of Thatcher Road	*824
			Just downstream of Fullerton Avenue	*826
		Shallow Flooding (overflow from Golf Course Tributary).	500 feet upstream of the intersection of the Culvert and Thatcher Road.	#1
	Maps available at Village Hall, 11 Conti Parkway, Elmwood Park, Illinois 60635.			
Illinois	(V), Riverwoods, Lake County (Docket No. FEMA–5702).	Des Plaines River	Southern corporate limits	*643
			Northern corporate limits	*644
			0.33 mile upstream of northern corporate limit	*645
		West Fork North Branch	Eastern corporate limit	*665
		Chicago River	Northern corporate limit	*667
	Maps available at Village Hall, Village President's Office, 300 Portwine Road, Riverwoods, Illinois 60014.			
Iowa	(C), LeClaire, Scott County (Docket No. FEMA–5729).	Mississippi River	At western corporate limits	*577
			At northern corporate limits	*580
		Sycamore Creek	At mouth	*578
			Just upstream Canal Shore Drive	*578
			Just upstream U.S. Highway 67	*582
			About 1,500 feet upstream U.S. Highway 67 near confluence of unnamed tributary to east.	*619
			Just upstream Sycamore Drive	*658
			250 feet downstream Interstate 80	*665
			400 feet upstream Interstate 80	*683
			At northern corporate limits along Wisconsin Street	*693
	Maps available at City Hall, LeClaire, Iowa 52753.			
Iowa	(C), Ottumwa, Wapello County (Docket No. FEMA–5729).	Des Moines River	About 1,500 feet downstream of confluence of Unnamed Creek	*634
			Downstream corporate limits	*635
			Just upstream of U.S. Highway 34	*638
			*Just upstream of Market Street	*639
			*Just upstream of Chicago Milwaukee St. Paul and Pacific railroad	*640
			*About 200 feet upstream of Blackhawk Road	*641
			*Approximately 1,600 feet upstream of Blackhawk Road	*642
			Upstream corporate limits	*643
	Maps available at City Hall, 105 East 3rd, Ottumwa, Iowa 52501.			
Kansas	(C), Augusta, Butler County (Docket No. FEMA–5702).	Whitewater River	About 700 feet downstream of U.S. Highway 54	*1,229
			About 700 feet upstream of County Road 616	*1,233
		Elm Creek	Downstream corporate limits	*1,233
			About 75 feet upstream Park Road No. 2	*1,235
			Just upstream Park Road No. 3	*1,248
			Just downstream Augusta Lake Spillway	*1,254
			Just upstream Augusta Lake Spillway	*1,262
		Walnut River	About 500 feet downstream of Abandoned Bridge (near Osage Street)	*1,225
			About 5,200 feet upstream of Abandoned Bridge (near Osage Street)	*1,226
	Maps available at City Hall, Augusta, Kansas 67010.			
Kansas	(C), Clearwater, Sedgwick County (Docket No. FEMA–5702).	Clearwater Tributary No. 1	At southern most corporate limit	*1,262
			Just upstream of Tracy Avenue South	*1,265
			Just upstream of Missouri Pacific Railroad	*1,267
			Just upstream of Rose Avenue	*1,269
			Just upstream of Grand Avenue	*1,273
			Just upstream Tracy Avenue North	*1,279
	Maps available at City Hall, Clearwater, Kansas 67026.			
Kansas	(C), Kechi, Sedgwick County (Docket No. FEMA–5702).	Middle Fork Chisholm Creek	At downstream corporate limits	1,367
			Just upstream 61st Street Bridge	*1,372
			At upstream corporate limits	*1,373
	Maps available at City Hall, 200 Kechi Road, Kechi, Kansas 67067.			
Kansas	(C), Lansing, Leavenworth County (Docket No. FEMA–5702).	Missouri River	Southeastern corporate limit	*770
			Northeastern corporate limit	*771
		Sevenmile Creek	Downstream corporate limits	*770
			About 1,400 feet upstream of confluence of Sevenmile Creek Tributary.	*771
			About 200 feet downstream U.S. Highway 73	*785
			Just upstream U.S. Highway 73	*792
			Approximately 2,500 feet upstream of U.S. Highway 73	*795
			Upstream corporate limits	*822
		Sevenmile Creek Tributary	Confluence with Sevenmile Creek	*771
			Approximately 1,750 feet upstream of confluence with Sevenmile Creek.	*771
			Just upstream of Atchison Topeka and Santa Fe Railway	*778
			Approximately 6,700 feet upstream of Atchison Topeka and Santa Fe Railway.	*794

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Nimemile Creek	Downstream corporate limit	*771
			About 2,000 feet upstream State Highway 5 (near County Road)	*772
			Just upstream of County Road	*775
			Approximately 4,200 feet upstream of East Mary Street	*787
			Just downstream of County Road (near U.S. Highway 73)	*799
			Just upstream of County Road (near U.S. Highway 73)	*807
			About 200 feet upstream of southern corporate limits	*814
	Maps available at City Hall, Lansing, Kansas 66043.			
Kansas	(Uninc.), Leavenworth County (Docket No. FEMA–5702).	Missouri River	Downstream county boundary	*765
			Just upstream Burlington Northern Railway	*773
			Upstream county boundary	*782
		Sevenmile Creek	Confluence with Missouri River	*768
			State Highway 5	*771
		Kansas River	About 0.7 miles downstream of county boundary	*782
			Just upstream DeSoto Road	*791
			Just upstream county road near Eudora, Kansas	*806
			Upstream county boundary	*815
		Tonganoxie Creek	About 1,040 feet upstream of County Road 1847	*834
			Just upstream of Washington Street	*843
			Just upstream of U.S. Highway 24	*859
			About 4,060 feet upstream of U.S. Highway 24	*863
		Dawson Creek	Confluence with Stranger Creek	*894
			Just upstream of Third Street	*904
			About 4,250 feet upstream of Kickapoo Street	*916
		Mimemile Creek	Confluence with Stranger Creek	*799
			About 5,740 feet upstream of County Road	*801
		Stranger Creek	Confluence with Kansas River	*796
			Just upstream of State Highway 32	*799
			About 6,520 feet upstream of State Highway 32	*801
			About 600 feet upstream of confluence with Cramer Creek	*892
			Just upstream State Highway 192	*904
			About 5,370 feet upstream of State Highway 192	*908
	Maps available at Planning and Zoning Department, Leavenworth County Courthouse, Leavenworth, Kansas 66048.			
Kansas	(Uninc.), Johnson County (Docket No. FI–5545).	Kansas River	Downstream county boundary	*766
			About 0.5 mile downstream of the Atchison, Topeka & Santa Fe Railway.	*772
			About 0.9 mile upstream of the Atchison, Topeka & Santa Fe Railway.	*778
			Just downstream of Wyandotte Street bridge	*790
			About 3.0 miles upstream of Wyandotte Street bridge	*795
			Upstream county boundary	*798
		Kill Creek	Just upstream of Old State Highway 10	*790
			At City of DeSoto southern corporate limits	*792
		Blue River	About 1.3 miles downstream of Kenneth Road	*867
			Just upstream of Kenneth Road	*874
			About 1.9 miles upstream of Kenneth Road	*881
			Just upstream of Missouri Pacific Railroad	*886
			Just downstream of Metcalf Avenue	*897
			Just downstream of U.S. Highway 69	*901
		Martin Creek	At confluence of Santa Fe Lake Tributary	*959
			Just upstream of U.S. Highway 56	*966
			About 1,100 feet upstream of Edgerton North Road	*987
	Maps available at County Court House, Olathe, Kansas 66061			
Kentucky	Dayton (City), Campbell County (Docket No. FEMA–5728).	Ohio River	Intersection of Third Avenue and Vine Street	*499
			Intersection of Fourth Street and Clark Street	*500
	Maps available at City Office Building, 514 6th Avenue, Dayton, Kentucky.			
Louisiana	Lockport (Town), Lafourche Parish (Docket No. FEMA–5726).	Old Intracoastal Waterway and Bayou Lafourche.	Intersection of Catherine Street and Walnut Street	*5
			Intersection of 4th Street and Lafourche Street	*5
	Maps are available at Town Hall, 302 Barataria, Lockport, Louisiana.			
Maine	Manchester (Town), Kennebec County (Docket No. FEMA–5701).	Cobbosseecontee Stream	Downstream Corporate Limits	*162
			Outlet Dam 25 feet upstream from centerline	*169
			Pond Road Bridge 50 feet upstream from centerline	*170
		Cobbosseecontee Lake	Western end of Cyrs Road (approximately 1,800 feet west from its intersection with Pond Road).	*170
	Maps available at Town Office, Route 17, Manchester, Maine.			
Maine	(T), Winthrop, Kennebec County (Docket No. FEMA–5757).	Cobbosseecontee Lake	Shoreline	*170
		Little Cobbosseecontee Lake	Shoreline	*170
		Lake Annabessacook	Shoreline	*173
		Maranacook Lake	Shoreline	*215
		Upper Narrows Pond	Shoreline	*177
		Lower Narrows Pond	Shoreline	*177
		Wilson Pond	Shoreline	*245
		Dexter Pond	Shoreline	*245
		Berry Pond	Shoreline	*245
	Maps available at Codes Enforcement Office, Town Office, Winthrop, Maine 04364.			

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Massachusetts	Worcester (City), Worcester County (Docket No. FI–5058).	Blackstone River	Boston and Maine Railroad Bridge 100 feet upstream from centerline	*420
			Millbury Street Bridge 50 feet upstream from centerline	*427
			2nd Bridge upstream of Conrail Crossing 50 feet upstream from centerline.	*442
		Middle River	Millbury Street Bridge 50 feet upstream from centerline	*445
			Southbridge Street Bridge 40 feet upstream from centerline	*453
			St. Johns Cemetery Road Bridge 60 feet upstream from centerline	*461
			Webster Street Bridge 30 feet upstream from centerline	*476
		Beaver Brook	Main Street Bridge 50 feet upstream from centerline	*479
			Park Avenue Bridge 50 feet upstream from centerline	*483
		Kettle Brook (East)	Webster Street Bridge 60 feet upstream from centerline	*477
		Kettle Brook (West)	James Street Bridge 50 feet upstream from centerline	*526
			Stafford Street 150 feet upstream from centerline	*549
			Weir upstream of Building 30 feet upstream from centerline	*672
		Tatnuck Brook	Park Avenue Bridge 50 feet upstream from centerline	*486
			June Street Bridge 30 feet upstream from centerline	*526
			Pleasant Street Bridge 60 feet upstream from centerline	*585
			Dawson Road Bridge 100 feet upstream from centerline	*629
		Curtis Ponds	Areas adjacent to shoreline	*478
		Lessvile Pond	Areas adjacent to shoreline	*487
		Indian Lake	Intersection of Sears Island Road and Doran Road	*543
			Areas adjacent to shoreline	*543
		Flag Street Pond	Areas adjacent to shoreline	*567
		Mill Brook Conduit (Ponding)	Intersection of Blackstone Street and Exchange Street	*468
			Intersection of Commercial Street and Thomas Street	*468
			Approximately 600 feet west of the intersection of New Bond Street and West Boylston Street.	*556
		Weasel Brook (Ponding)	Area along Higgins Street approximately 2,800 feet north of the intersection of Rockdale Street and Brooks Street.	*593
		Mill Brook Conduit	Intersection of West Boylston Drive and Hutt Place	#2
			Intersection of North Street and Grove Street	#2
		Weasel Brook	Intersection of Greendale Avenue and West Boylston Street	#2
			Intersection of Assumption Avenue and West Boylston Street	#2
Maps are available at City Hall, 455 Main Street, Worcester, Massachusetts.				
Michigan	(C), East Grand Rapids, Kent County (Docket No. FEMA–5702).	Reeds Lake	Shoreline	*734
		Fisk Lake	Shoreline	*734
Maps available at City Hall, 750 Lakeside Drive, S.E., East Grand Rapids, Michigan 49506.				
Michigan	(C) Wayne, Wayne County (Docket No. FEMA–5702).	Bingell Drain	Just downstream of Michigan Avenue Westbound Lanes	*655
			Just upstream of Michigan Avenue Eastbound Lanes	*658
			Approximately 550 feet downstream of Hannan Road	*660
			Just downstream of Hannan Road	*662
Maps available at City Hall, Building Department, 34808 Simms Street, Wayne, Michigan 48184.				
Mississippi	Florence (Town), Rankin County (Docket No. FEMA–5728).	Steen Creek	South Church Street 10 feet upstream from centerline	*291
		Town Branch	At confluence with Steen Creek	*291
			West Main Street 50 feet upstream from centerline	*309
			At upstream corporate limits	*344
		Indian Creek	U.S. Highway 49 northwest bound lanes 25 feet upstream from centerline.	*296
		Indian Creek Tributary No. 1	U.S. Highway 49 southbound lanes 50 feet upstream from centerline	*298
			Illinois Central Gulf Railroad 50 feet upstream from centerline	*311
		Butler Creek	Williams Street 25 feet upstream from centerline	*305
Maps available at Town Hall, Post Office Box 187, Florence, Mississippi.				
Mississippi	Magee (City), Simpson (County) (Docket No. FEMA–5728).	Goodwater Creek	U.S. Highway 49 (Southbound lane) at centerline	*379
			Siloam Avenue southeast at centerline	*383
		Mill Creek	11th Avenue northwest 30 feet upstream from centerline	*415
		Mill Creek Tributary 1	Raleigh Drive 20 feet upstream from centerline	*398
Maps available at Town Office, 123 North Main Avenue, Magee, Mississippi.				
Nebraska	(C), West Point, Cuming County (Docket No. FEMA–5702).	Elkhorn River	Approximately 8,900 feet downstream of State Highway 32	*1,300
			Approximately 1,200 feet downstream of confluence of unnamed tributary south of West Point.	*1,303
			Approximately 1,900 feet downstream of State Highway 32	*1,305
			Just upstream of State Highway 32	*1,308
			Approximately 3,400 feet upstream of State Highway 32	*1,310
			Approximately 6,900 feet upstream of State Highway 32	*1,311
		Unnamed Creek South of West Point.	At confluence with Elkhorn River	*1,304
			Just upstream of Farm House Entrance Road	*1,305
			Approximately 800 feet downstream of Chicago and Northwestern railroad.	*1,310
			Just upstream of Chicago and Northwestern railroad	*1,316
			Approximately 100 feet upstream of Main Street	*1,318
			Approximately 80 feet upstream of U.S. Highway 275	*1,323
			Approximately 600 feet upstream of U.S. Highway 275	*1,326
			Approximately 1,150 feet upstream of U.S. Highway 275	*1,333

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Overflow from unnamed creek south of West Point.	Southwest portion of City	#1
Maps available at the City Office, 201 South Main, West Point, Nebraska 68788.				
New Hampshire	City of Laconia, Belknap County (Docket No. FEMA–5728).	Winnipesaukee River	Fair Street	*486
			Downstream side of Avery Dam	*488
			Upstream side of Avery Dam	*493
			Downstream side of Lakeport Dam	*496
			USGS Weir	*504
			Endicott Street	*506
		Durkee Brook	Confluence w-Lake Winnisquam	*486
			Upstream side of Court Street	*488
			Upstream side of Academy Street	*494
			Upstream side of Garfield Street	*504
			Downstream side of Belmont Road Culvert	*515
			Upstream side of Belmont Road Culvert	*523
			Downstream side of Dam	*538
			Upstream side of Dam	*545
			Access Road approximately 230 feet upstream of Dam	*549
		Iewett Brook	Confluence with Winnipesaukee River	*495
			Downstream side of Union Avenue	*500
			Downstream side of Highland Avenue	*510
			Approximately 400 feet upstream of Highland Avenue	*516
			Approximately 1,000 feet upstream of Highland Avenue	*522
			Brook Court (Extended)	*535
			Approximately 800 feet upstream of Brook Court (Extended)	*545
			Approximately 1,060 feet upstream of Brook Court (Extended)	*547
		Black Brook	Confluence with Paugus Bay	*506
			Upstream side of Boston and Maine Railroad	*507
			Upstream side of 2nd crossing of Boston and Maine Railroad	*510
			Approximately 1,000 feet upstream of 2nd crossing of Boston and Maine Railroad.	*511
		Pickerel Cove Brook	Confluence with Pickerel Cove	*506
			Upstream side of Hilliard Road	*510
			Approximately 800 feet upstream of Hilliard Road	*515
			Approximately 3,600 feet upstream of Hilliard Road	*520
			Approximately 2,160 feet downstream of Roller Coaster Road	*530
			Approximately 1,560 feet downstream of Roller Coaster Road	*540
			Approximately 660 feet downstream of Roller Coaster Road	*550
			Roller Coaster Road	*555
		Lake Winnisquam	Entire Shoreline	*486
		Lake Winnipesaukee	Entire Shoreline	*506
Maps available at the Planning Office, City Hall, Laconia, New Hamaphire.				
New York	Greenburgh (Town), Westchester (County)(Docket No. FEMA–5728).	Bronx River	Scarsdale Dam 20 feet downstream from centerline	*133
			Scarsdale Dam 20 feet upstream from centerline	*140
			Green Acres Avenue at centerline	*184
			U.S. Interstate Highway 287 at centerline	*188
			Washington Street 40 feet upstream from centerline	*197
		Saw Mill River	Lawrence Street 40 feet upstream from centerline	*126
			New York State Thruway at centerline	*169
			Fairview Park Bridge at upstream face	*180
		Manhattan Park Brook	County Center Road at centerline	*191
Maps available at the Office of the Planning Director, Town Hall, Tarrytown Road, Elmsford, New York.				
New York	Savona (Village), Steuben County (Docket No. FEMA–5728).	Cohocton River	Conrail 25 feet above centerline	*1,042
			State Route 266 25 feet above centerline	*1,050
		Mud Creek	U.S. Route 15 southbound lanes 50 feet upstream from centerline	*1,045
			State Route 226 125 feet upstream from centerline	*1,050
			Footbridge 50 feet upstream from centerline	*1,054
Maps are available at Savona Library, McCoy Street, Savona, New York.				
New York	Yonkers (City), Westchester (County) (Docket No. FEMA–5728).	Bronx River	Most downstream Footbridge 200 feet upstream from centerline	*72
			Tuckahoe Road 140 feet upstream from centerline	*95
			Main Street 70 feet upstream from centerline	*104
			Harney Road 30 feet upstream from centerline	*120
			Bronx River Parkway 140 feet upstream from centerline	*124
		Grassy Sprain Brook	Kimbal Avenue at centerline	*86
			Palmer Road at centerline	*86
		Troublesome Brook	Shoreview Drive 15 feet upstream from centerline	*181
			Belmont Circle Bridge at centerline	*184
		Tibbetts Brooks	Conrail Crossing 20 feet upstream from centerline	*38
		Saw Mill River	Old Croton Aqueduct 50 feet upstream from centerline	*99
			Lake Avenue Bridge 100 feet upstream from centerline	*108
		Saw Mill River	Hearst Street Bridge 75 feet upstream from centerline	*115
		Hudson River	Upstream Corporate Limits	*8
			Downstream Corporate Limits	*8
Maps available at City Hall, Yonkers, New York.				

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(C), Grandview Heights, Franklin County (Docket No. FEMA-5702).	Overflow from Scioto River	Goodale Boulevard at east corporate limits	*723
			Intersection of Burrell Avenue and Higgs Avenue	*725
			Intersection of Goodale Boulevard and Copeland Road	*727
			Intersection of Goodale Boulevard and Quail Avenue	*730
			Approximately 200 feet west of intersection of Goodale Boulebard and Grandview Avenue.	*733
			Approximately 800 feet west of Grandview Avenue along the Conrail tracks.	*734
		Olentangy River	Just upstream of Conrail bridge over Twin Rivers Drive	*722
			About 0.5 mile upstream of Conrail bridge	*723
		Scioto River	Just downstream of Chessie System bridge	*722
			At corporate limits about 0.45 mile downstream Grandview Avenue	*729
			At corporate limits about 0.32 mile downstream Grandview Avenue	*730
			Approximately 0.20 mile upstream of Grandview Avenue	*734
Maps available at the Municipal Building, 1016 Grandview Avenue, Grandview Heights, Ohio 43212.				
Ohio	(V), Green Springs, Sandusky & Seneca Counties (Docket No. FEMA-5702).	Flag Run	Downstream corporate limits	*670
			Just downstream Broadway Street	*679
			Just upstream Broadway Street	*684
			Just downstream Conrail (Abandoned)	*687
			Just downstream of Adams Street	*691
		Tributary to Flag Run	At confluence with Flag Run	*691
			Upstream corporate limits	*691
Maps available at Office of the Village Clerk, Box 536, Green Springs, Ohio 44836.				
Ohio	(V), Lowell, Washington County (Docket No. FEMA-5729).	Muskingum River	Southeast corporate limit	*623
			Southwest corporate limit	*624
Maps available at the Village Hall, Walnut Street, Lowell, Ohio 45744.				
Ohio	(V), Macsburg, Washington County (Docket No. FEMA-5702).	Duck Creek	At downstream corporate limit	*676
			Just upstream of Main Street	*676
			Just upstream of Broad Street	*679
Maps available at Village Hall, P.O. Box 196, Macksburg, Ohio 45748.				
Pennsylvania	Township of Asylum, Bradford County (Docket No. FEMA-5726).	Susquehanna River	Confluence of Durell Creek	*702
			State Route 187	*711
			Upstream corporate limits	*718
		Bennetts Creek	Confluence with Susquehanna River	*703
			Abandoned Bridge	*755
			State Route 187	*799
			Limit of Detailed Study (Approximately 2,600 feet upstream of State Route 187).	*819
		Durell Creek	Confluence with Susquehanna River	*702
			LR 08076	*713
			Limit of Detailed Study (1,200 feet upstream of LR 08076)	*731
Maps available at the residence of Mr. William Sullivan, R.D. 2, Towanda, Pennsylvania.				
Pennsylvania	Brackenridge Borough, Allegheny County (Docket No. FEMA-5726).	Allegheny River	Upstream Corporate Limits	*757
			Downstream Corporate Limits	*757
Maps available at the Borough Building, Brackenridge, Pennsylvania.				
Pennsylvania	Township of Buffalo, Perry County (Docket No. FEMA-5724).	Board Run	State Routes 322 and 22	*378
			Private Drive (1,480 feet above corporate limits) (upstream)	*388
			Private Drive (1,720 feet above corporate limits) (upstream)	*398
			Confluence of Acker Run	*403
			Private Road Extended (3,320 feet above corporate limits)	*415
			Private Road Extended (4,560 feet above corporate limits)	*430
			Limit of Detailed Study (5,420 feet above corporate limits)	*444
		Acker Run	LR 50016 (upstream)	*404
			LR 50045 (downstream crossing)	*432
			TR 502 (upstream)	*451
			LR 50045 (upstream crossing)	*456
		Bucks Run	U.S. Routes 11 and 15	*378
			Private Road (upstream)	*394
			Confluence of Tributary A to Bucks Run	*396
			Center Road (1st crossing) (upstream)	*449
			Center Road (3rd crossing) (upstream)	*488
			Limit of Detailed study (300 feet downstream of Bucks Church Road)	*493
		Tributary A to Bucks Run	Confluence with Bucks Run	*396
			Road to Midway (upstream)	*437
			Meadow Grove Road (downstream crossing) (upstream)	*465
			Meadow Grove Road (upstream crossing) (upstream)	*502
			Limit of Detailed Study (6,280 feet above confluence with Bucks Run (upstream).	*529
		Hunters Run	U.S. Routes 11 and 15	*382
			LR 50041 (upstream)	*387
			Hunters Church Road (upstream)	*463

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			LR 50041 (upstream)	*516
			LR 50040 (upstream)	*589
			Limit of Detailed Study (23,360 feet above confluence with Susquehanna River).	*597
		Susquehanna River	Downstream Corporate Limits	*376
			Confluence of Hunters Run	*382
			Upstream Corporate Limits	*390
Maps available at the Township Building, Buffalo, Pennsylvania.				
Pennsylvania	Township of Dorrance, Luzerne County (Docket No. FEMA-5726).	Big Wapwallopen Creek	Downstream Corporate Limits	*830
			Mylet Road (upstream)	*835
			Private Road 4,100 feet upstream from Mylet Road (upstream)	*861
			Blue Ridge Trail (upstream)	*936
			Legislative Route 40022 (upstream)	*944
			Confluence of Tributary C	*957
			Legislative Route 40023 (upstream)	*1,032
			Interstate 81 (downstream)	*1,055
			Interstate 81 (upstream)	*1,060
			Upstream Corporate Limits	*1,065
		Tributary A	Confluence with Big Wapwallopen Creek	*1,036
			Private Road 1,150 feet upstream from mouth of Tributary A (upstream).	*1,056
			Legislative Route 40023 (downstream)	*1,061
			Legislative Route 40023 (upstream)	*1,068
			Interstate 81 (downstream)	*1,068
			Interstate 81 (upstream)	*1,080
			Legislative Route 40013 (upstream)	*1,130
			640 feet upstream from Legislative Route 40013	*1,140
		Little Wapwallopen Creek	1,200 feet downstream from Cataracts	*933
			Base of Cataracts	*937
			Top of Cataracts	*961
			Legislative Route 40022 (upstream)	*969
			Township Route 404 (upstream)	*993
Maps available at the Township Municipal Building, Dorrance, Pennsylvania.				
Pennsylvania	East Deer, Township, Allegheny County (Docket No. FEMA-5726).	Allegheny River	Downstream Corporate Limits	*753
			Upstream Corporate Limits	*756
Maps available at the Township Building, East Deer, Pennsylvania.				
Pennsylvania	Borough of Lawrenceville, Tioga County (Docket No. FEMA-5726).	Tioga River	Mechanic Street	
			Upstream Corporate Limits	*992
				*994
		Cowanesque	Downstram Corporate Limits	*993
			Upstream Corporate Limits	*998
Maps available at the Borough Office, Lawrenceville, Pennsylvania.				
Pennsylvania	Township of McHenry, Lycoming County (Docket No. FEMA-5726).	Pine Creek	At downstream corporate limits	*644
			Upstream of State Route 414 bridge	*650
			Approximately 1 mile upstream of State Route 414 bridge	*656
			Approximately 2 miles upstream of State Route 414 bridge	*667
			Approximately 3 miles upstream of State Route 414 bridge	*679
			Approximately 4 miles upstream of State Route 414 bridge	*682
			Approximately 6 miles upstream of State Route 414 bridge	*697
			At upstream corporate limits	*722
Maps available at the Township Building, Route 414, Cammel, Pennsylvania.				
Pennsylvania	Millersburg, Borough, Dauphin County (Docket No. FEMA-5734).	Susquehanna River	Downstream Corporate Limits	*383
			Confluence of Shippens Run	*385
		Wiconisco Creek	Confluence with Susquehanna River	*384
		Tributary No. 1 to Wiconco Creek	Downstream Corporate Limits	*405
			Center Steet (Downstream)	*448
			Center Street (Upstream)	*456
			Manor Drive (Upstream)	*464
			Upstream Corporate Limits	*506
		Little Wiconisco Creek	Downstream Corporate Limits	*401
			Upstream Corporate Limits	*424
Maps available at the City Mangager's Office, Municipal Building, Millersburg, Pennsylvania.				
Pennsylvania	Township of Monaghan, York County (Docket No. FEMA-5738).	Yellow Breeches Creek	Downstream Corporate Limits	*376
			Camp Crossing	*380
			Stony Run Road	*399
			Gilbert Road (Upstream side)	*409

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream Corporate Limits	*414
		Stony Run No. 1	Confluence with Yellow Breeches Creek	*376
			Upstream side of Andersontown Road	*386
			Confluence of Stream A	*395
			60' upstream of Wharf Road	*420
		Pippins Run	Confluence with Yellow Breeches Creek	*389
			Upstream side of Lewisberry Road	412
			2,270' upstream of Lewisberry Road	*460
			Upstream side of Legislative Route 66001	*501
			150' downstream of Meadow Trail Road	*544
		Stony Run No. 2	Confluence with Yellow Breeches Creek	*409
			4,200' upstream of Grantham Road	*440
			First Corporate Limits Upstream	*470
			Second Corporate Limits Upstream	*476
			Upstream Corporate Limits	*481
		Fishers Run	Downstream Corporate Limits	*496
			Upstream side of Filleys Road	*506
			Upstream side of Private Lane	*528
			Upstream side of Fishers Run Road	*554
			850 feet upstream of Fishers Run Road	*574
			950 feet upstream of Fishers Run Road	*604

Maps available at the Monaghan Township Building, Monaghan, Pennsylvania.

Pennsylvania	Borough of St. Marys, Elk County (Docket No. FEMA-5726).	Elk Creek	Downstream Corporate Limits	*1,588
			Confluence of Iron Run	*1,600
			925 feet downstream from McGill Street	*1,614
			Upstream side of McGill Street	*1,633
			Confluence of Brewery Run	*1,641
			South St. Marys Street (downstream side)	*1,651
			South St. Marys Street (upstream side)	*1,658
			Blackpole Street (upstream side)	*1,664
			Theresa Street (upstream side)	*1,680
			Private Road to Arco Speer Carbon Company (upstream side)	*1,684
			Fillmore Street (upstream side)	*1,694
			200 feet upstream of Fillmore Road	*1,695
		North Branch Elk Creek	Confluence with Elk Creek	*1,670
			Corporate Limits	*1,671
		Brewery Run	Confluence with Elk Creek	*1,641
			West Mill Street (upstream side)	*1,656
			Center Street (upstream side)	*1,663
			Otwell Street (downstream side)	*1,672
			Parade Street (downstream side)	*1,678
			Corporate Limits	*1,685

Maps available at the Borough Building, St. Marys, Pennsylvania.

Pennsylvania	City of Scranton, Lackawanna County (Docket No. FEMA-5726).	Lackawanna River	Downstream Corporate Limits	*660
			Conrail 3,100 feet downstream from confluence of Stafford Meadow Brook (upstream)	*669
			Elm Street (upstream)	*674
			Hickory Street (upstream)	*678
			Scranton Street	*689
			Conrail between Scranton Street and Lackawanna Avenue (upstream)	*690
			Lackawanna Avenue (upstream)	*693
			North Scranton Expressway	*694
			Olive Street (upstream)	*697
			Conrail 1,450 feet upstream from Olive Street (upstream)	*700
			Poplar Street	*700
			Albright Avenue	*702
			Green Ridge Street, U.S. Route 11 (upstream)	*704
			Market Street (upstream)	*708
			Delaware and Hudson Railroad	*710
			Sanderson Avenue (upstream)	*714
			Parker Street (upstream)	*722
			Confluence of Leggetts Creek (upstream)	*726
			Coal Conveyor No. 1 (upstream)	*727
			Coal Conveyor No. 2 (upstream)	*728
			Delaware and Hudson Railroad (upstream)	*733
			Interstate Route 81	*733
		Stafford Meadow Brook	South Washington Avenue	*673
			Delaware and Hudson Railroad	*674
			Remington Avenue	*676
			Cedar Avenue (downstream)	*685
			Cedar Avenue (upstream)	*702
			Pittston Avenue (downstream)	*706
			Pittston Avenue (upstream)	*751
			Prospect Avenue (downstream)	*751
			Prospect Avenue (upstream)	*772
			Elm Street (upstream)	*777
			South Webster Avenue (downstream)	*781
			South Webster Avenue (upstream)	*791
			Southside Education Plaza (downstream)	*791
			Southside Education Plaza (upstream)	*808
			Footbridge 630 feet downstream from Stafford Avenue (upstream)	*814
			Stafford Avenue (downstream)	*821
			Stafford Avenue (upstream)	*825

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Roaring Brook	South Washington Avenue	*675
			Footbridge 700 feet downstream of dam	*688
			Dam downstream of Cedar Avenue (downstream)	*691
			Dam downstream of Cedar Avenue (upstream)	*714
			Cedar Avenue (upstream)	*715
			Pittston Avenue	*722
			Moosic Avenue	*723
			Donnelley Court extended	*737
			South Webster Avenue extended	*745
			Conrail 430 feet downstream from Harrison Avenue (downstream)	*752
			Conrail 430 feet downstream from Harrison Avenue (upstream)	*756
			Dam upstream from Harrison Avenue (downstream)	*773
			Dam upstream from Harrison Avenue (upstream)	*807
			Arthur Avenue extended	*812
			Conrail	*849
			Pine Street extended	*878
			Myrtle Street	*909
			Ash Street (upstream)	*921
		Meadow Brook	Delaware and Hudson Railroad	*701
			Glen Street and Dickson Avenue (upstream)	*703
			Delaware and Hudson Railroad (downstream)	*704
			Delaware and Hudson Railroad (upstream)	*717
			Delaware and Hudson Railroad (downstream)	*717
			Delaware and Hudson Railroad (upstream)	*723
		Leggets Creek	Confluence with Lackawanna River	*725
			North Main Street (upstream)	*728
			Wells Street (upstream)	*736
			Pipe 850 feet downstream of Leggett Street (upstream)	*762
			Leggett Street	*765
			Rockwell Avenue (downstream)	*776
			Ballau Avenue extended	*778
			Footbridge 1,600 feet upstream from Rockwell Avenue	*790
			Winona Street extended	*816
			Mary Street (downstream)	*820
			Mary Street (upstream)	*825
			Footbridge 130 feet downstream from Hollon Avenue (upstream)	*850
			Hollon Avenue (upstream)	*856
			North Scranton Expressway, U.S. Route 6 (downstream)	*856
			North Scranton Expressway, U.S. Route 6 (upstream)	*882
			U.S. Route 11 (downstream)	*884
			U.S. Route 11 (upstream)	*896
			Upstream corporate limits	*989
		Leach Creek	Confluence with Leggetts Creek	*777
			West Market Street (downstream)	*779
			West Market Street (upstream)	*792
			Oak Street (downstream)	*793
			Oak Street (upstream)	*800
			Bloom Avenue (downstream)	*813
			Bloom Avenue (upstream)	*818
			Mine Waste Hill (downstream)	*842
			Mine Waste Hill (upstream)	*859
			North Scranton Expressway (upstream)	*863
			Keyser Avenue and Conrail (downstream)	*872
			Keyser Avenue and Conrail (upstream)	*887
			State Route 307 (downstream)	*908
			State Route 307 (upstream)	*912
			Pike Street extended	*957
			Limit of detailed study	*978
		Keyser Creek	Downstream corporate limits	*772
			Conrail 1,200 feet upstream of corporate limits (downstream)	*778
			Conrail 1,200 feet upstream of corporate limits (upstream)	*790
			Luzerne Street (upstream)	*795
			Conrail 360 feet upstream from Luzerne Street (upstream)	*797
			Conrail 370 feet upstream from Luzerne Street (upstream)	*797
			Washburn Street (upstream)	*819
			Conrail 270 feet upstream from Washburn Street (upstream)	*820
			Jackson Street	*823
			Conrail 1,520 feet upstream from Jackson Street (upstream)	*840
			Conrail 1,200 feet downstream from North-South Road (downstream)	*846
			Conrail 1,200 feet downstream from North-South Road (upstream)	*856
			North-South Road (upstream)	*860
			North Keyser Avenue (upstream)	*890
		Lindy Creek	South Dewey Avenue	*820
			South Merrifield Avenue (upstream)	*831
			South Cameron Avenue (upstream)	*843
			Keyser Avenue (downstream)	*853
			Keyser Avenue (upstream)	*861
			Private Crossing	*898
			Private Crossing	*906
			Conrail	*916
			Quay Avenue extended	*966
			Crisp Avenue	*967
			Limit of detailed study	*1,013

Maps available at the City Engineer's Office, City Hall, Scranton, Pennsylvania.

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
*Pennsylvania	Tarentum, Borough, Allegheny County, (Docket No. FEMA-5726).	Allegheny River	Upstream Corporate Limits	*757
			Downstream Corporate Limits	*756
Maps available at the Borough Building, Tarentum, Pennsylvania.				
Pennsylvania	Borough of Taylor, Lackawanna County (Docket No. FEMA-5726).	Lackawanna River	Downstream of Pennsylvania Turnpike—Northeast Extension	*647
			At confluence of Keyser Creek	*661
			Upstream of Conrail bridge	*669
		Keyser Creek	Confluence w/Lackawanna River	*661
			Upstream of Conrail bridge	*680
			Downstream of Abandoned Conrail bridge	*684
			Upstream of Abandoned Conrail bridge	*691
			Near 5th Street (extended)	*712
			Upstream of Dam	*740
			Upstream of Culvert near St. Regis Warehouse	*751
			Downstream of 2nd Conrail bridge	*760
			Upstream Corporate Limits	*771
		St. John's Creek	Upstream of Sibley Avenue bridge	*727
			Upstream corporate limits of Old Forge and Taylor Boroughs	*726
			Approximately 1,500 feet upstream of Sibley Avenue bridge	*741
			Approximately 2,500 feet upstream of Sibley Avenue bridge	*758
Maps available at the Municipal Building, 122 Union Street, Taylor, Pennsylvania.				
Pennsylvania	Township of Tioga, Tioga County (Docket No. FEMA-5734).	Tioga River	Downstream Corporate Limits	*1,012
			Confluence of Bently Creek	*1,017
			Old U.S. Route 15 bridge	*1,023
			Park Street (upstream)	*1,030
			Base of Tioga Dam	*1,034
		Mitchell Creek	Confluence with Tioga River	*1,013
			U.S. Route 15 (upstream)	*1,030
			Private Bridge approximately 2,720 feet upstream of U.S. Route 15	*1,067
			Approximately 500 feet upstream of Private Drive Bridge	*1,075
		Bently Creek	Confluence with Tioga River	*1,017
			Old U.S. Route 15 (upstream)	*1,026
			Upstream Limit of Study 3,950 feet above mouth	*1,098
		Bear Creek	Confluence with Tioga River	*1,022
			T-722 (upstream)	*1,027
			Conrail (upstream)	*1,074
			Limit of Study 5,390 feet above mouth	*1,118
		Crooked Creek	Confluence with Tioga River	*1,023
			Cowanesque Street (upstream)	*1,033
			McAllister Road	*1,036
			New Route 287 (upstream)	*1,053
			Old Route 287 (upstream)	*1,055
			Base of Hammond Dam	*1,055
		Elkhorn Creek	Confluence with Crooked Creek	*1,054
			Conrail/Legislative Route 287 Box Culvert (downstream)	*1,074
			Conrail/Legislative Route 287 Box Culvert (upstream)	*1,085
			Upstream Corporate Limits	*1,178
		Mill Creek	Confluence of Mill Creek and Tioga Lake (Proposed)	*1,133
			Pickle Hill Road (downstream)	*1,212
			Pickle Hill Road (upstream)	*1,217
			Upstream Corporate Limit	*1,235
		Painter Run	Confluence with Mill Creek	*1,217
			Mill Creek Road (upstream)	*1,222
			Painter Run Road (upstream)	*1,371
			Upstream Corporate Limit	*1,375
Maps available at the residence of Ms. Susan Brown, R.D. 1, Tioga, Pennsylvania.				
Pennsylvania	West Homestead, Borough, Allegheny County (Docket No. FEMA-5724).	Monongahela River	400 feet upstream from Glenwood Highway	*735
			520 feet downstream from Homestead Highway	*736
Maps available at the Borough Hall, West Homestead, Pennsylvania.				
South Dakota	Dell Rapids (City), Minnehaha County (Docket No. FEMA-5728).	Big Sioux River	Dam at centerline	*1,491
			U.S. Highway 77 at centerline	*1,492
			Beach Avenue (extended) at centerline	*1,493
		Dells of the Big Sioux River	U.S. Highway 77 at centerline	*1,492
Maps available at City Hall, 302 East Fourth Street, Dell Rapids, South Dakota 57022.				
South Dakota	Yankton (City), Yankton County (Docket No. FEMA-5726).	Marne Creek	Confluence with Missouri River 290 feet upstream	*1,170
			4th Street and Secondary State Highway 50 Bridge at centerline	*1,175
			Burleigh Street Bridge 28 feet upstream	*1,186
			Walnut Street Bridge 10 feet upstream from centerline	*1,196
			15th Street Bridge 130 feet upstream from centerline	*1,212
		Marne Creek North	Chicago and Northwestern Railway Bridge	*1,212
			Most downstream shopping center entrance 172 feet upstream	*1,222
		Marne Creek Tributary	Confluence with Marne Creek North	*1,212
			21st Street Culverts 280 feet upstream	*1,221
			West City Limits Road 110 feet downstream	*1,233

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps are available at City Hall, Yankton, South Dakota.				
Texas	Deer Park, City, Harris County (Docket No. FEMA-5723).	Patrick Bayou	Tidal Road	*17
		Tucker Bayou	Tidal Road	*17
		Overland Runoff	Entire community (except for Patrick and Tucker Bayous)	#2
Maps available at the City Hall, Deer Park, Texas.				
Texas	City of Kirby, Bexar County (FEMA-5736).	Rosillo Creek	Approximately 200 feet upstream of Binz-Engleman Road	*671
			Approximately 100 feet upstream of State Highway 78	*691
		West Tributary Rosillo Creek	Just upstream of Ackerman Road	*676
			Just upstream of Kirby Drive	*683
Maps available at City Hall, 112 Baumann Street, Kirby, Texas 28218.				
Texas	Unincorporated Area of Medina County (FEMA-5734).	Seco Creek	Just downstream of U.S. Highway 90	*880
			USGS Gaging Station at Rowe Ranch	*835
		Parkers Creek	Just upstream of Farm Road 200 (downstream crossing)	*856
			Just upstream of Southern Pacific Railroad	*897
		East Branch Live Oak Creek	Just upstream of Highway 90	*880
		West Branch Little Live Oak Creek	Just downstream of the City of Hondo corporate limits	*885
		Little Live Oak Creek	Just upstream of Farm Road 462	*852
		Elm Slough	Just downstream of the City of Hondo corporate limits	*860
		Hondo Creek	Just upstream of Farm Road 2676	*859
			Just upstream of Farm Road 669	*879
		Hondo Tributary	Just upstream of Farm Road 839	*899
		Medina River	Just upstream of LaCoste Road	*696
			Just downstream of the southern corporate limits of the City of Castroville.	*738
			Just upstream of the northern corporate limits of the City of Castroville.	*761
		Kempf Creek	Just upstream of Lower LaCoste Road (Farm Rd. 471)	*718
		Polecat Creek	Just upstream of City of LaCoste corporate limits (approximately 1300 feet upstream of Southern Pacific Railroad).	*710
		South Polecat Creek	Just upstream of the Western corporate limits of the City of LaCoste	*726
		Flat Creek	Just upstream of LaCoste Road (Farm Road 471)	*757
		Little Sous Creek	Just upstream of U.S Highway 90	*755
		San Francisco Perez Creek	Just upstream of Farm Road 2200	*652
			Just upstream of Farm Road 1343	*686
		Burnt Boot Creek	Just upstream of the City of Pevine corporate limits	*658
		Chalon Creek	Just upstream of Missouri Pacific Railroad (northern corporate limits of the City of Natalia).	*674
		Fort Ewell Creek	Just upstream of Missouri Pacific Railroad (northern corporate limits of the City of Natalia).	*660
		Tehuacana Creek	Just upstream of Farm Road 462	*839
			Just upstream of Farm Road 2200	*856
		West Fork Tehuacana Ck.	Just upstream of Farm Road 462	*906
		West Fork Tehuacana Ck.	At the confluence with West Fork Tehuacana Creek	*867
		West Tehuacana Creek	Just upstream of Farm Road 462	*648
			Just upstream of Farm Road 2200	*660
		West Tehuacana Tributary	Just downstream of Farm Road 2200	*739
Maps available at Medina County Courthouse, Hondo, Texas 78861.				
Vermont	(T), Chelsea, Orange County (Docket No. FEMA-5702).	Jail Brook	Approximately 70 feet upstream of mouth at First Branch White River	*815
			50 feet downstream of Main Street	*819
		South Washington Brook	Mouth at First Branch White River	*826
			About 800 feet upstream of State Route 110	*838
			Just downstream of dam	*849
			Just upstream of dam	*858
			Approximately 700 feet upstream of dam	*867
			Approximately 2150 feet upstream of dam	*898
		First Branch White River	At confluence of Jenkins Brook	*790
			Just upstream of Jenkins Brook Road	*799
			Approximately 100 feet upstream of State Route 110	*812
			Just upstream of Maple Street	*820
			Just downstream of South Washington Brook	*826
			About 1,700 feet upstream of confluence of South Washington Brook	*836
Maps available at Town Clerk's Office, Town Office, Chelsea, Vermont 05038.				
Vermont	North Hero, Town, Grand Isle County (Docket No. FEMA-5723).	Lake Champlain	Coastline	*102
Maps available at the Office of the Town Clerk, North Hero, Vermont.				
Virginia	Town of Christiansburg, Montgomery County (Docket No. FEMA-5726).	Crab Creek	Downstream Corporate Limits	*1,968
			Upstream of U.S. 460	*1,998
			Cambria Street	*2,022
			Confluence of Walnut Branch	*2,067
		Town Branch	Confluence with Crab Creek	*1,984
			Railroad Street (Upstream)	*2,009
			Stone Street	*2,096
			North Franklin Street (Upstream)	*2,055

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Walnut Branch	Confluence with Crab Creek	*2,067
			Depot Street (Upstream)	*2,078
			U.S. 460 (Upstream)	*2,083
			4,120 feet above mouth	*2,100
Maps available at the Office of the Town Manager, Christiansburg, Virginia.				
Virginia	Franklin, City, (Docket No. FEMA–5726).	Blackwater River	Downstream Corporate Limits	*14
			Seaboard Coast Line Railroad (Upstream side)	*15
			Limit of Flooding affecting community (2,850 feet upstream of upstream Corporate Limits).	*16
Maps available at the City Hall, Franklin, Virginia.				
Washington	Puyallup (City), Pierce County (Docket No. FEMA–5728).	Puyallup River	State Highway 512 at centerline	*39
		Clarks Creek	West Pioneer Avenue at centerline	*25
		Sheet Flow	Intersection of 12th Avenue Southwest and 9th Street Southwest	#1
			Intersection of 12th Avenue Southeast and 27th Street Southeast	#1
Maps available at City Hall, 218 West Pioneer, Puyallup, Washington.				
Wisconsin	(V), Athens, Marathon County (Docket No. FEMA–5702).	Black Creek	Eastern corporate limits	*1,313
			Confluence of Potato Creek	*1,316
			Just downstream Degner Street	*1,324
			Just upstream Degner Street	*1,327
			About 200 feet upstream Highway 97	*1,340
			About 600 feet upstream Highway 97	*1,348
			About 2500 feet upstream Highway 97	*1,361
			Northernmost corporate limit	*1,366
		Potato Creek	Confluence with Black Creek	*1,318
			Just downstream Allen Street	*1,321
			Just upstream Allen Street	*1,323
			Southern corporate limit	*1,326
Maps available at Village Clerk's Office, Athens, Wisconsin 54411.				
Wisconsin	(C), Horicon, Dodge County (Docket No. FEMA–5702).	Rock River	About 300 feet upstream of County Highway S	*857
			Just upstream of Chicago Milwaukee St. Paul and Pacific Railroad below Dam.	*859
			Upstream corporate limit	*861
Maps available at City Hall, City Clerk's Office, 404 East Lake Street, Horicon, Wisconsin 53032.				
Wisconsin	(V), Hustisford, Dodge County (Docket No. FEMA–5702).	Rock River	Downstream corporate limits	*849
			Just downstream of dam	*851
			Just upstream of dam	*857
		Lake Sinissippi	Shoreline within Village of Hustisford	*857
Maps available at Village Clerk's Office, Village Hall, Hustisford, Wisconsin 53034.				
Wisconsin	(Uninc.), Kewaunee County (Docket No. FEMA–5702).	Kewaunee River	Mouth at Lake Michigan	*584
			Just upstream of County Highway E	*585
			Just upstream of the Green Bay and Western Railroad located approximately 1.4 miles downstream of County Highway F.	*589
			Just upstream of County Highway F	*599
			Just downstream of the County Highway C crossing located approximately 1.6 miles upstream of County Highway F.	*610
			Just upstream of County Highway O	*626
			Approximately 4100 feet upstream of County Highway O	*640
			Just upstream of the County Highway C crossing located approximately 1.9 miles upstream of County Highway O.	*651
			Just upstream of the confluence of Scarboro Creek	*659
			Just upstream of the Ahnapee and Western Railway	*664
			Just upstream of State Highway 54	*668
			Just upstream of the confluence of School Creek	*675
			Just downstream of County Highway A	*680
		Casco Creek	Mouth at the Kewaunee River	*661
			Just downstream of the Ahnapee and Western Railway	*674
			Just upstream of Rocky Ledge Road	*685
			At the downstream Casco Village limits	*706
			At the upstream Casco Village limits	*719
			Just downstream of the County Highway C crossing located approximately 3700 feet downstream of County Highway K.	*729
			Just upstream of the County Highway C crossing located approximately 3700 feet downstream of County Highway K.	*734
			Just upstream of the County Highway C crossing located approximately 2640 feet downstream of Pheasant Road.	*743
			Just upstream of Pheasant Road	*745
			Just upstream of County Highway S	*752
			Approximately 3700 feet upstream of County Highway S	*756
		Silver Creek	At the City of Algoma corporate limits	*593
			Just downstream of dam located approximately 400 feet upstream of Willow Drive.	*612
			Just upstream of dam located approximately 400 feet upstream of Willow Drive.	*623
			Just downstream of the Ahnapee and Western Railway	*638

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of the Ahnapee and Western Railway	*644
			Just upstream of County Highway D	*657
			Approximately 1,600 feet upstream of Peachtree Road	*663
		School Creek	Mouth at the Kewaunee River	*675
			Just upstream of State Highway 163	*681
			At the downstream Luxemburg Village limits	*736
			Just upstream of County Highway V	*762
			Just upstream of County Highway H	*771
			Just upstream of Walhain Road	*775
			At the upstream county boundary	*778
		Scarboro Creek	Mouth at Kewaunee River	*650
			Just upstream of the Green Bay and Western Railroad	*678
			Just upstream of County Highway A	*693
			Approximately 1.65 miles upstream of County Highway A	*710
		Ahnapee River	Approximately 1100 feet downstream of the City of Algoma corporate limits.	*587
			Approximately 1.13 miles upstream of the City of Algoma corporate limits.	*587
		East Twin River	Downstream county boundary	*638
			Just downstream of Nuclear Road	*643
		Lake Michigan	Shoreline	*584
		Green Bay	Shoreline	*585
Maps available at the Office of the Zoning Administrator, Kewaunee County Courthouse, Kewaunee, Wisconsin 54216.				
Wisconsin	(V), Marathon City, Marathon County (Docket No. FEMA–5729).	Big Rib River	At the most southerly corporate limit extended, approximately 1.51 miles downstream of State Highway 107.	*1,202
			Approximately 1300 feet upstream of State Highway 107	*1,205
			Upstream corporate limits	*1,208
Maps available at Village Clerk's Office, Village Hall, Marathon City, Wisconsin 54448.				
Wisconsin	(C), Ripon, Fond Du Lac County (Docket No. FEMA–5729).	Silver Creek	Downstream corporate limits	*826
			Just upstream Berlin Road	*850
			Just upstream Oshkosh Road	*854
			Just upstream Hamburg Street	*861
			Just downstream Eureka Street	*911
			Just upstream Gothic Mill Pond Dam	*926
			Upstream corporate limits	*929
Maps available at Office of the Director of Public Works, City Hall, 100 West Jackson Street, Ripon, Wisconsin 54671.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: March 11, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-9366 Filed 3-28-80; 8:45 am]

BILLING CODE 6718-03-M

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

[CC Docket No. 79-143; FCC 80-88]

Connection of Telephone Equipment, Systems and Protective Apparatus to Certain Private Line Services, and Related Changes; Signal Power Limitations; Accommodation of 4-Wire Telephone Network Connections and Interfaces

AGENCY: Federal Communications Commission.

ACTION: Adoption of First Report and Order (Final rule).

SUMMARY: This proceeding arose out of petitions for rulemaking filed by American Telephone and Telegraph Company (AT&T) and Communications Certification Laboratory (CCL) which sought to amend Part 68 of the Commission's Rules to include certain private line services. Part 68 permits registration and direct connection of customer-provided equipment to the telephone network. AT&T's petitions were filed in response to a request by the Chief, Common Carrier Bureau.

Public meetings were held during July of 1979 to discuss and debate the various petitions. The meetings resulted in general consensus on many of the issues raised by the petitions. These issues, as well as those not agreed upon, are presented in the First Report and Order. However, the record is found to be incomplete as to the proposed configurations of plugs and jacks. The Bureau is delegated authority, therefore, to order the telephone companies to file tariffs, within 30 days of conclusion of public meetings to be held under Bureau supervision, reflecting the plug and jack configurations generally accepted during those meetings.

EFFECTIVE DATE: April 30, 1980.

ADDRESSES: Federal Communications Commission, 1919 M St., NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James M. Talens, Attorney, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632-6920.

In the matters of petitions seeking amendment of Part 68 of the Commission's rules concerning connection of Telephone Equipment, Systems and Protective Apparatus to Certain Private Line Services, and Related Changes in Section 68.308 Signal Power Limitations; and petition seeking amendment of Part 68 of the Commission's rules to accommodate 4-Wire Telephone Network Connections and Interfaces, CC Docket No. 79-143, RM-2893, RM-3303, RM-3334, RM-3336. See 44 FR 54511, September 20, 1980.

First Report and Order

Adopted: February 28, 1980.

Released: March 19, 1980.

By the Commission: Commissioner Lee absent; Commissioner Washburn dissenting and issuing a statement.

1. This proceeding arises out of petitions filed by the American Telephone and Telegraph Company (AT&T) and Communications Certification Laboratory (CCL), an independent telecommunications equipment laboratory, which seek to amend Part 68 of the rules to include certain private line services. Part 68 provides for a telephone equipment registration program intended to permit direct electrical connection of customer-provided telephone equipment, systems, and protective apparatus (hereafter referred to in the aggregate as "premises equipment") to the nationwide telephone network without harm, and without a requirement for telephone company-provided protective devices ("connecting arrangements," or "PCAs"). AT&T's three petitions propose specification of limitations on signal power (RM-2893); accommodation of so-called Category III private lines [1] which "access" the switched telephone network but which, in AT&T's view, have technical characteristics unlike those of MTS and WATS telephone lines and trunks (RM-3303); and E&M lead interfaces (RM-3336). CCL's petition seeks amendment of Subpart F of Part 68 to permit plug and jack configurations for multiple 4-wire and E&M network connections and interfaces (RM-3334).

2. In Order FCC 79-344, 72 FCC 2d 330 (1979), we discussed the development of Part 68 to date, and the proposed impact of these petitions on that scheme. We began by observing that we found it difficult to assume harm would result from private line interconnection in the face of our experience registering a variety of equipment which is connected without harm both to switched

[1] See fn. 6, below.

telephone network services (MTS and WATS) and to private line services (*e.g.* Private Branch Exchanges and key telephone systems). We then focused upon certain equipment which still must be connected to the telephone by carrier furnished PCA's because it is not eligible for connection under interim procedures which AT&T has incorporated into its tariffs.[2] Although we recognized that these interim procedures—in essence a "grandfathering" technique allowing for direct electrical connection of customer-provided equipment to Category III private lines if the equipment is similar to that used by telephone companies—had cured the apparent discrimination for a large number of customers, we nevertheless expressed concern because they are not now applicable to all equipment used with Category III lines. We further recognized that this problem will be exacerbated as now designs, not eligible for AT&T's "grandfathering" privileges are made available. Accordingly, we perceived a need to resolve the issues in this proceeding expeditiously. To do so we fashioned special procedures: open informal meetings conducted by the Common Carrier Bureau to permit interested persons to participate in the rulemaking through submission of views, to be followed by a formal pleading cycle. (See, generally, 72 FCC2d at 340-1.)

3. Some 30 interested persons have participated in the open meetings, which have been transcribed and made a portion of the record in this case. Moreover, nine persons have taken advantage of the opportunity to file comments or reply comments. See Appendix A. After carefully considering the record and comments, we have concluded for reasons to be stated more fully below, that Part 68 should be amended to provide additional rules with regard to certain types of private line services. The new rules are set forth in Appendix B. On the other hand, as will also be discussed, we have determined that further meetings are warranted before the proposed plug and jack configurations for multiple 4-wire and E&M network connections and interfaces can become effective.[3]

[2] See Transmittal No. 13157.

[3] We note in passing that one participant, the North American Telephone Association (NATA), has complained that the informal meetings did not facilitate discussion and a free exchange of information, or achieve any kind of consensus or agreement on technical issues. See NATA Comments 20-21. We find this charge without merit. Our analysis of the record as a whole convinces us that all participants have been permitted to express their views. Further, the meetings have vastly reduced the amount of controversy, as we had hoped. More importantly, we are persuaded that all parties have been given a full opportunity to discuss, by comment and reply, those few areas in which complete agreement has not been reached. Similarly, the parties have been given every opportunity to comment on all legal and technical issues raised in the proceeding. See, *e.g., Order Requesting Further Comment*, released September 14, 1979 (FCC 21306). Under these circumstances, we cannot agree with NATA's apparent claim that the procedures followed strayed from our original intent, or, impliedly, that its procedural rights under the Administrative Procedure Act have been abrogated. See, in this regard, 5 U.S.C. 553. (See, also, 72 FCC2d at 341).

I. Background

4. Before turning to specifics, a brief review of the history of Part 68 is helpful.

5. As noted, in three prior docket proceedings (Nos. 19528, 20774, and 21102) the Commission has developed in Part 68 of its rules a telephone equipment registration program intended to permit direct electrical connection of customer-provided premises equipment to the nationwide telephone network without harm, and without a requirement for telephone company-provided PCAs. Despite the breadth of the stated scope of Part 68,[4] however, telephone companies in the past have not acknowledged its applicability to private line services. Instead, they have continued to maintain special tariff provisions which require telephne company-provided connecting arrangements to be inserted at additional cost to the customer between telephone lines and premises equipment for certain private line services but not for other private line services where the protection has already been built into the facilities.

6. In light of this problem, the Common Carrier Bureau (Bureau), in June 1978, directed a letter to AT&T in which it raised the issue of the apparent inconsistency between the well-developed policy to permit FCC registered equipment to directly interconnect without the need for carrier-provided PCAs, and tariff provisions requiring such PCAs to be used with certain private lines even if they are connected to FCC-registered or grandfathered premises equipment.[5] In

[4] Section 68.1 states that the purpose of the rules is "to provide for uniform standards for the protection of the *telephone network* from harms * * *" (Emphasis added.) while § 68.2(a) provides that, "the rules * * * apply to the direct connection of all terminal equipment to the telephone network for use in conjunction with *all services*, other than party line service and coin service." (Emphasis added.) Thus, while *all services* are within the purview of these rules, initial application of Docket 19528 was limited by the telephone companies to Message Telecommunications Service (MTS) and Wide Area Telecommunications Service (WATS) tariffs.

[5] See *Notice of Proposed Rulemaking in CC Docket No. 79-143*, FCC 79-344, 72 FCC 2d 330 (1979), at 331, and Appendices.

response, AT&T identified three "categories" of private lines for purposes of interconnection, but stated that only one, "Category III," should continue to require interposition of carrier-provided PCAS.[6]

7. By letter dated November 24, 1978, the Bureau found AT&T's position untenable under Part 68. Accordingly, it suggested that AT&T propose interim and long term measures to eliminate the apparent discrimination between customer-provided equipment and carrier-provided equipment connected to Category III private lines. Specifically, it found discrimination in the fact that some customers were obliged to pay some $5 per month per line for the required connecting arrangements for their own equipment, while others, using similar premises equipment supplied by the telephone companies, were not required to pay for their connecting arrangements. In turn, by Transmittal No. 13157, AT&T responded by filing tariff revisions that implemented the interim measures previously described. Moreover, AT&T proffered the petitions for rulemaking that are the subject of this proceeding.

8. One further preliminary matter remains before turning to the merits of these petitions. As noted in our instituting order, the Bureau and AT&T have disputed the applicability of existing Part 68 to the connection of private line premises equipment. AT&T's on-going view has been that the current rules must be amended to provide for such connections. We do not address that issue because we find it effectively moot. On the basis of the record before us, we are now persuaded that certain adjustments to the standards for registration and connection are at least desirable in accomodating Category III private line services clearly. Accordingly, we address now the substantive technical matters before us.

II. Discussion

9. As noted, the informal meetings have in our judgment facilitated resolution of the AT&T proposals and reduced much of the controversy. Nevertheless, total consensus has not been achieved. The rule amendments we adopt reflect our disposition of the disputed matters as well as the proposals on which consensus has been reached. Six areas of discussion follow. In Section 1, "Categorization and Grandfathering," we (a) relate the evolution of the parties' consensus to delete AT&T's categorization of private line services; (b) resolve the questions of whether there should be a "grandfather" period in the rules we adopt and how long it should be, and (c) decide upon a procedure for expansion of private line services to be included in Part 68. In Section 2, which concerns "Definitions," we discuss the various technical amendments and additions to the definitional subsections of § 68.3. In the following section, we discuss "Conditions on Use" (§§ 68.100 and 68.110). There, we resolve the parties' divergent positions in connection with the connectability of terminal equipment to the telephone network, and compatibility of the telephone network to terminal equipment. In Section 4, we consider AT&T's proposal to establish a verification procedure to assure quality installation of customer-provided AIOD equipment. Next, we turn to "The Technical Sections" and disputes of matters such as hazardous voltage limitations, OPS ringing, and tie trunk[7] signal source power limitations. Finally, in Section 6, we discuss proposed amendments (Subpart F) and deal with the means for connecting private line interfaces to the network.

1. Categorization and Grandfathering

10. *Categorization.* During the informal meetings, AT&T proposed including the definitions of the three categories already discussed (footnote 6, above) under § 68.3, (Definition of Private Line Services). Several parties opposed categorization, however, in view of its incompleteness as well as the implicit requirement that customers would have to consult the tariff to comprehend fully the services included in each category. (Tr. 518) As a result of considerable debate, AT&T agreed to remove all references to categorization from both § 68.2, (Scope) and § 68.3, (Definitions). (AT&T Revision, July 31, p. 9, after deletion). This deletion will not weaken the vitality of the overall private line registration program, in our judgement. The range of private line services to which the proposed rule amendments would apply has been limited from the outset by the scope of the original proposals. Thus, elimination of separate categories will not alter this purview or slow program implementation.

11. Significantly, AT&T also indicated during the meetings that it intends to expand the list of services to be carried by its proposed rules to include, for example, local area data channels (LADC) and other new services. At the suggestion of STC Communications Corporation (STC), moreover, AT&T agreed to express this willingness by revision of its rulemaking proposal.[7] Ultimately, AT&T suggested that § 68.2 provide that

> [s]ervices may only be added to this Section as a result of Rulemaking proceedings and the equipment connected to such added services is afforded a transition period equivalent to that allowed for other equipment in similar circumstances.

12. We find the suggestion well-taken. However, we believe that the transition period afforded equipment connected to such services should be "reasonable." Accordingly, we proposed to amend this section to provide, *inter alia*, that "the equipment connected to such added services will be afforded a reasonable transition period."

13. *Grandfathering.* As used in Part 68, "grandfathering" refers to the lawful direct connection of premises equipment to the network prior to its formal registration. In the case of the private line services at issue, "grandfathered" equipment must first have been lawfully connected to the appropriate private line service prior to a predetermined date. In turn, equipment of the same type not previously connected may be subsequently connected—that is, after the "grandfather" date—until a second date called the "register-only" date. Besides the obvious advantage of being able to use equipment prior to formal registration, grandfathered equipment may also be permitted the advantage of utilizing "short-form" procedures. (See FCC Form 730 instructions.) However, once the "register-only" date has passed, only registered equipment may be directly connected for the first time to the network.

14. In general, the grandfather provisions have caused the greatest controversy among participants. For example, STC proposes a 3-year grandfather period which would be triggered by the effective date of the private line interconnection rule revisions. AT&T, in line with earlier revisions to Part 68, proposes an 18 month period to commence with the effective date of the rules. An *ad hoc* association of equipment manufacturers ("Manufacturers"), on the other hand, urges that implementation of registration standards commence no earlier than September 1, 1985 for all compatible equipment, with no eligibility date. (Tr. 192) Manufacturers also argue that no meaningful grandfather eligibility date is possible considering "inconsistent and irreconcilable telephone industry practices to date regarding 'CDQ' requirements and implementation." (See Manufacturers' Comments, distributed July 30, 1979, at p. 9).[8]

15. We agree that the technical parameters of private line services differ in some respects from those associated with MTS or WATS. Nevertheless, we cannot agree that the complexities of the former warrant a transition period longer than 36 months, the approximate period afforded components under § 68.2(a)(2). Accordingly, the proposed grandfather period contained in our new Rules will commence with the effective date of the rules adopted and terminated 36 months later.

16. Manufacturers' argument concerning the "CDQ" does not persuade us otherwise. In our view, AT&T's internal procedures offer an adequate remedy. According to AT&T's Recommendation Letter to General Engineering Staff Heads, RL 79–03–064, dated March 1, 1979, an interim plan for eligible terminal equipment is already in effect. This plan includes procedures for the removal of CDQ protection circuitry, namely, C25 (AIOD)[9] CDK (Message Register) and CDQ–W and CDQ–X (including C2H/C24 and C2K/C27) PCAs, and appropriate adjustment of Circuit Layout Record Transmission levels. The plan results in only transitory interruption of service. On implementation of private line registration, the interim procedures or their equivalent will continue to apply to customers already having the CDQ PCA in place. For new service orders involving connection of registered or grandfathered equipment, the "CPFT", which will offer a non-protective facility interface option including signalling, will be provided.

17. It would appear, therefore, that Manufacturers' worst fears with regard to equipment redesign requirements arising out of CDQ-related changes will not materialize. There also seems to be little reason to believe that any significant disruption of service will occur as a consequence of in-place CDQ modification. We conclude, moreover, that the procedures embodied in RL 79–03–064, which we expect to remain in force, represent a practical step toward resolution of the concerns regarding discrimination previously expressed by the Bureau.

18. In a related matter, STC favors the inclusion of channel derivation, least cost routing, and voice multiplexing devices among the kinds of equipment registerable under Part 68. (Tr. 569–70). Agreement on this matter was reached when STC explained that its intention here is to register terminal equipment, rather than "transmission equipment." (Tr. 234). We agree that STC's suggestion is meritorious, since registration of such equipment has already been granted in the MTS/WATS area.[10]

19. We reiterate that our concern here is the interconnection of private line premises equipment without harm to the telephone network, and not the apparent stand-alone or functional features of such equipment or the terminology used to describe it. As we indicated early in Docket 19528, by affording telephone customers more choice in the provision and interconnection of terminal equipment, the markets for such devices have expanded and innovation on the part of both telephone companies and independent equipment suppliers has increased.[11] Consistent with this approach, therefore, we stress that our intention is not to preclude the registration of any premises equipment, provided it satisfies the requisite tests under Part 68 and does not otherwise present legal or technical inconsistencies under the program.

2. Section 68.3—Definitions [12]

20. *Telephone Network:* Section 68.3 sets forth the technical and functional definitions of Part 68. It also requires alteration and supplementation to reflect the incorporation of private line services.

21. Racal-Milgo, a manufacturer of modems and other equipment, suggests that AT&T's proposed § 68.3[o,y], Telephone Network, be changed to eliminate the phrase, "vulnerable to the harms that could be caused by the connection of terminal equipment thereto." That section would then read, "The public switched network and those private lines which are defined in § 68.2(a) (2) and (3)." [13] Racal-Milgo argues that the universe of facilities to which Part 68 applies would thus be more precisely defined to prevent a telephone company from, "as a matter of whim," redefining the lines which are vulnerable to harm.[14] (Tr. 306) Racal-Milgo also suggests that proposed § 68.3[h,x], Telephone Connection, be modified to state "telephone network" in lieu of "telephone." Thus, § 68.3[q,d], Channel Equipment, would read, in part, "Equipment in the private line channel of the telephone network that furnishes * * *." § 68.3[r,u], Private Line Channel, would provide "* * * in furnishing private line service from the telephone network * * *." AT&T has agreed to all these recommended changes. (Tr. 390–10, 389–90; AT&T Reply B–8) We believe that the instant amendments would lend additional consistency to the Part 68

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[6] AT&T described the three categories as follows: "Category I" lines are those which "access the public switched telephone network and have technical characteristics no different from conventional MTS and WATS lines and trunks." "Category II" private lines in turn are those not connected to the public switched network and permitted customer connection without special protection on a nondiscriminatory basis. Lastly, "Category III" lines are those which "access" the switched telephone network but which, in AT&T's view, have technical characteristics unlike those of conventional MTS and WATS lines and trunks. For further discussion of these categories, see *NPRM, supra*, 72 FCC 2d 330 (1979) at 331–2.

[7] In its comments, International Business Machines urges that private line services which do not connect directly to the public switched network and have not previously required protection (*e.g.*, LADC) not be subject to Part 68 requirements. Obviously, private line services not included in the Part 68 rules adopted in this proceeding will continue to be subject to existing tariff interconnection provisions. Premises equipment of a type directly connected to a private line service prior to any subsequent inclusion of that service in Part 68 will be "grandfatherable," *i.e.*, may be afforded short-form registration procedures based upon that earlier lawful connection.

[8] The "CDQ" is AT&T's interface circuit that performs protective and signalling functions in private line services between the tie trunk facilities and premises equipment. It consists, essentially, of channel terminating components and protective elements, e.g., varistors and relays, which, except for the varistors, cannot be physically removed without disrupting service. Manufacturers contend that since the CDQ is part of the telephone company-provided facilities, AT&T should provide any existing CDQ design required by an equipment supplier. Moreover, in its view, the rules, when adopted, should include specifications for the interface facility functions. (Tr. 198, 236). In essence, then, Manufacturers express concern that application of Part 68 to private line services would result in the removal of CDQs from the network, thereby altering the requirements for and introducing uncertainty in the manufacture of terminal equipment. (Tr. 190). As discussions continued, however, it become clear that AT&T was fully prepared to respond to customer requests to remove the protective components of the CDQ, provide Type I or II signalling and terminate PCA charges. See Tr. 205–220. We will rely on AT&T's representations to that effect.

[9] AIOD is an abbreviation for Automatic Identified Outward Dialing. See paragraph 51, below.

[10] STC Model 2100 Multiplex Switch, Registration No. BB388Q–62598–OT–B, connected via USOC RJ21X.

[11] *Second Report and Order in Docket 19528*, 58 FCC 2d 736 (1977).

[12] Four sets of rule proposals have been offered in this connection by AT&T. The first appeared as an appendix to our rulemaking notices. The second was submitted on July 30 in response to the discussions at the meetings. A third, in the form of responsive amendments, was distributed on July 31. A fourth was submitted as an appendix to Reply comments. As a result of these various revisions, two numbering sequences have appeared in connection with the definitions of § 68.3. In order to provide full cross-referencing, we have included a bracketed key after each subsection which summarizes the references. The first letter in the two-letter sequence relates to the original AT&T proposal; the second letter is for all subsequent submissions, including the final rules in attached Appendix B.

[13] Sections 68.2(a) (2) and (3), in part, define the scope of Part 68 and include PBX and similar systems.

[14] "Harm" is defined as electrical hazards to telephone company personnel, damage to telephone company equipment, malfunction of telephone company billing equipment, and degradation of service to persons other than the user of the subject terminal equipment, his calling or called party.

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proposals before us and we have adopted them.

22. *Digital interface:* GTE Service Corporation and GTE Automatic Electric, Inc. (hereinafter GTE) propose to include in Section 68.3[s,aa], Tie Trunk Transmission Interfaces, a new subsection (4) to provide for means of connecting a digital PBX to a T-type PCM line without the need to convert the signal to its analog form. GTE points out that this type of interface is currently available and will become more prevalent as additional digital facilities are established. While further, more detailed digital interface requirements under Part 68 may be developed in the future, GTE urges that such interfaces be recognized in this proceeding. Finding merit in these suggestions, we have incorporated them into our rules.

23. *Type B interface:* STC proposes the inclusion of a complementary Type B facility interface in § 68.3[t,f], E&M Leads, to reflect the requirements of channel derivation devices. AT&T does not oppose the need for a Type B interface. (Tr. 591) but argues that STC's proposal fails to include a showing of consistency with the requirements of § 68.308, Signal Power Limitation. (Tr. 592)

24. In order to resolve the disagreement on the issue of how to include the Type B interface in § 68.3[t,f], the Bureau asked interested persons to address the following questions:

1. Should technical registration standards apply as conditions precedent to the use of a Type B interface in the connection of registered terminal equipment? If "yes," what standards should be applied?

2. Are there circumstances or conditions under which a Type B interface should not be permitted?

AT&T has responded with a proposed amendment (AT&T Comments 3, A–6, A–8) to § 68.3[t,f], Definition of E&M Leads, which provides that an additional Figure 68.3(e)(ii) be included to reflect the alternate interface wiring configuration. It also suggests changes to § 68.302(e)(i), Environmental Simulation, and modification of § 68.306(a) (4) and (5), Hazardous Voltage Limitations. At the same time, AT&T expresses concern that the Type B interface might be used for PBX tie trunk connections, which it asserts would exceed the contemplated range of application proposed by STC. (AT&T Reply 10) GTE, for its part, questions the utility of the Type B interface, suggesting that the point of demarcation between premises equipment and the network would be defeated. (GTE Comments 2) In response, STC argues that there is no justification for limiting the Type B interface to certain channel derivation devices (STC Reply 3) and urges that the Type B "mirror" interface be accepted for purpose of registration in the same fashion as the Type A interface.

25. AT&T has offered no technical support for its position to restrict the application of the Type B interface to less than all available E&M tie trunk services. Indeed, AT&T's final proposed definition of E&M Leads, discussed in greater detail below, specifically includes all Type I and II E&M Leads applicable to tie trunk type ports without limitation. It would appear that AT&T is concerned that it may face requests for connection of premises equipment registered with Type B interfaces to tie trunk services previously connected only through Type A interfaces. Nonetheless, absent a detailed showing that such a potential problem exists, or is reasonably likely to occur, we cannot conclude that there is justification for restricting STC or others' registration or connection of Type B premises equipment to only channel derivation devices.[15] With regard to GTE's concern about interface demarcation, we believe that STC's comments adequately clarify the matter by explaining that it is strictly terminal equipment for which registration is intended. Accordingly, the Type B interface rule amendments proposed by AT&T [AT&T Reply B–4, B–26, B–30], which do not suggest limitation in the application of the Type B interface, will be adopted.

26. *E&M Leads:* AT&T proposes to define E&M Leads, Section 68.3[t,f] as "terminal equipment leads at the interface, other than telephone connections and auxiliary leads, which are to be connected to channel equipment solely for the purpose of transferring supervisory signals conventionally known as Types I and II E&M * * *" and would include reference to a schematic diagram illustrating the receive and transmit lead configurations. AT&T would limit the application of these leads, however, to tie-trunk type ports.[16]

27. During the meetings, GTE proposed to delete a statement in the definition which provides that these leads apply only to tie-trunk type ports. In this regard, GTE purports to find no need to limit the definition of E&M leads to tie-trunks, noting that E&M circuitry is used on other services, such as FX. (Tr. 697) AT&T opposes this proposed deletion, however, arguing that while there are other types of E&M leads, the rules proposed are intended to recognize only this type. (Tr. 701)

28. In order to obtain additional information on this issue, the Bureau sought comment on the following questions:

1. Should the proposed definition of E&M leads refer to tie-trunks to the exclusion of other services, such as FX?

2. If the proposed definition of E&M leads were to include other services, *e.g.*, FX, how should those other services be referenced or identified?

3. Does extension of the proposed defimition of E&M leads to include other services create any inconsistency with other limitations or procedures in AT&T's proposals?

Both AT&T and GTE have commented. AT&T claims that revision of § 68.3[t,f] to include services other than tie trunk type interfaces would require modification in associated references to simulator circuits and longitudinal balance test requirements. (AT&T Comments 4) Moreover, AT&T points out that it does not now offer FX service in conjunction with E&M leads, and has not received any demands for it. (AT&T Comments 3–4) GTE, on the other hand, states that E&M leads have been used in connection with FX service and urges that no inconsistency with the proposed private line rules would be created by deletion of the subject sentence. (GTE Comments 2–3) GTE also expresses the view that E&M Leads should define a circuit function or characteristic, not an application of that function or characteristic. (*Ibid.*)

29. As we understand it, AT&T's intent in urging limitation of the E&M lead definition of § 68.3[t,f] to tie trunk type ports is to assure that connection of registered premises equipment will be made only to services or arrangements that have been fully evaluated technically. By eliminating the tie trunk limitation, registered premises equipment with E&M leads could be connected to FX service ports. The record does not convince us that GTE's proposal would result in harm to the network or subject AT&T to the interconnection of "unevaluated" arrangements. Accordingly, § 68.3[t,f] is amended to reflect GTE's proposal.

30. *Off-premises loop simulator resistance.* AT&T proposes to amend the off-premises loop simulator, Figure 68.2[v,f], to include various classes of loop test resistance. These classes, in conjunction with conditions of equivalent loop voltage, represent the various operating parameters of such circuits.

31. At the meetings, GTE recommended modification of the table containing the classes of loop resistance to reflect its view that manufacturers should not be limited to $R_L = 1800$ Ohms under Class C, Condition 1. GTE asserted, in effect, that it is possible that loop resistances of greater than 1800 Ohms will be encountered. (Tr. 704–6) Although AT&T reserved further opportunity to clarify this point (Tr. 706), it provided no additional comment or material. Under these circumstances, therefore, the Bureau sought comment on the following questions:

(1) With regard to the proposed table in Figure 68.3(a) shown in AT&T's July 30, 1979 revised proposal, what is the recommended maximum R_L that should be specified under Class C, Condition 1?

(2) If a line circuit is constructed displaying an R_L greater than the maximum proposed above, how should the table associated with the above figure be amended to permit such a variant? Should the specification be open-ended, *i.e.*, have no R_L maximum?

32. In its comments, at pp. 4–5, AT&T states that it would not oppose new OPS classes based on different terminal equipment design conditions. GTE reiterates that R_L of some PBXs may be as high as 2000 Ohms, but urges that a design which is less than this should not be forced to test to a limit which is beyond the stated loop resistance limit of the PBX. (See Comments 3–4.) GTE also suggests the adoption of two notes to the figure, which AT&T does not oppose:

1. Means shall be used to generate, at the point of tip (T OPS) and ring (R OPS) connections to the PBX, the range of resistance and impedance which are employed by the illustrative circuit depicted above.

2. In the longitudinal balance limitations, Section 68.310, the use of the "dc component of the line simulator" is specified. In such case, components R and C, above, shall be removed.

In its reply, GTE offers, as an alternative to $(R_s + R_L) = R_{max}$ (the maximum stated loop resistance capability of the PBX), the addition of Classes D and E to accommodate designs said to be used currently by its operating companies.[17]

33. AT&T, in turn, offers a detailed analysis in support of the three classes it proposes in Figure 68.3(f). (AT&T Comments, Appendix B.) Among other things, the analysis reveals that a current of 16mA, derived from situations involving loop signalling repeaters (LSR),[18] is required for all condition 1 OPS loop circuits. For such a current limit, AT&T argues that the maximum loop range within LSR, Class C, is 1600 Ohms, plus a repeater resistance of 200 Ohms, or 1800 Ohms. For Condition 2 circuits, the equivalent loop range with an LSR and its associated resistance is 3300 Ohms. Absent comparable analysis and support date for each of GTE's new classes, the Bureau concluded that a decision could not yet be reached. Accordingly, it directed a letter to GTE on October 31, 1979 in which the following questions were posed:

1. Regarding Classes D and E of the matrix associated with figure 68.3(f), what are the minimum and maximum currents and voltages that underlie the condition 1 and 2 tests?

2. What loop resistances are presupposed for the loops associated with Classes D and E?

3. What related resistances should be associated or included in proposed § 68.308(b)(7)(ii)(c) to be consistent with the resistance ranges and current minimum of Classes D and E?

34. In its response GTE urges that a footnote be added to Figure 68.3(f) to reflect that 16mA does not establish an operational requirement on OPS line circuits. Such a footnote, GTE claims, would also assure consistency with § 68.308(b)(7)(ii)(c), which specifies the current required at an OPS interface during the talking state.[19] GTE also states that its additional OPS classes, which have been revised,[20] are justified on the basis of terminal equipment designs which are different from those of AT&T. GTE concludes with the prognosis that industry standards for different classes of OPS line circuits will be agreed upon in one or two years.

35. As we understand it, the purpose of OPS classes is to provide manufacturers with the resistance ranges and conditions under which their equipment must be designed to operate. The problem is that the resistance ranges proposed by AT&T and GTE are not the same. Each recognizes Classes A, B, and C, but GTE also offers Classes D and E. Apparently, GTE utilizes equipment designs that offer the capability of serving, with adjustment, certain particularly long OPS loops. AT&T, on the other hand, has standardized its equipment to require just three classes. We do not view these differences as incompatible, however. Under new registration processing procedures, OPS terminal equipment will be required to "qualify" for one or more classes of operation. Such "qualification" will be ascertained during pre-registration testing, and specified in the application for registration. Equipment which qualifies for one or more OPS classes will be assigned a registration number that reflects those classes.[21] Equipment registered for an OPS class not recognized by the serving telephone company will not necessarily be connected. In order to finally resolve this issue, within 12 months of release of these rules amendments, GTE will be expected to initiate a rulemaking proceeding intended to develop universally acceptable OPS class standards. If necessary, public meetings will be conducted to facilitate the establishment of such standards. In the interim, parties will be permitted to register premises equipment for connection to OPS loops as we have specified.

36. Equipment of a type lawfully connected to the suitable OPS class prior to the effective date of the rules we adopt here will continue to be connectable until the "register-only" date, without registration—but only to those OPS classes the carrier would recognize if the equipment were

[15] See paragraph 19, above.

[16] See, AT&T's "Proposed Changes and Selected Changes of Others," July 30, 1979.

[17] See GTE's Reply, Attachment A, which offers the following:

Class D	Class E
R_L to 1200	R_L = 800 to 2000
R_L to 1800	R_L = 800 to 3300

[18] Station equipment loops typically require a minimum of 20mA.

[19] Section 68.308(b)(7)(ii)(c) provides that, except for Class A OPS interfaces, the DC current into the OPS line simulator circuit must be at least 20mA for the following conditions: [Revised to include Classes D and E, as proposed by GTE.]

	$R_s + R_L$			
Condition	Class B	Class C	Class D	Class E
1	600	1300	1200	1250
2	1800	2500	2300	3000

[20] GTE's revised Classes D and E are as follows:

Condition	Class D	Class E
1	R to 1200	R = 800 to 2000
2	800 to 2300	1200 to 3300

[21] Moreover, § 68.106(e) will require that customers who intend to connect to OPS facilities inform the telephone company of the OPS class for which the equipment is registered and connection is desired. Where equipment is qualified for more than one class, only that class for which connection is desired need be reported. Any wiring or switching of the equipment needed to select the required class should be performed by authorized personnel.

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registered. In view of the procedure we have outlined here, we believe adoption of the OPS classes proposed by both AT&T and GTE is appropriate.

37. With regard to GTE's suggestion that a footnote be included in figure 68.3(f) to remove the 16mA requirement for non-LSR applications, it would appear from GTE's own analysis that at least 16mA is available under both additional OPS classes. Accordingly, we see no reason to remove or limit the applicability of the 16mA minimum current requirement. As to § 68.308(b)(X)(ii)(c), we will accept GTE's addition of Classes D and E to maintain consistency with Figure 68.3(f).

38. *600 v. 900 Ohms:* In its comments, GTE reiterates its earlier proposal that $R_1 = 600$ or 900 Ohms in Figure 68.3(f).[32] In reply, AT&T emphasizes the advisability of retaining 600 Ohms as the simulator resistance for reasons of integrity of industry standardization, though it does not oppose registration of 900 Ohm premises equipment. GTE, in turn, offers a note to its proposed Figure 68.3(f) to provide, "When Fig. 68.3(f) is used for testing 900 Ohm impedance line circuits, the values as specified in these Rules for 600 Ohm OPS line circuits are applicable." (GTE Reply Attach. A) AT&T, for its part, terms this note "unnecessary." (AT&T Reply A)

39. We understand GTE's proposed note as an attempt to reconcile the effects of the impedance mismatch caused by terminating a 900 Ohm device in a 600 Ohm simulator circuit. When a device which has been tested and adjusted under mismatch conditions for the maximum levels specified in Part 68 is connected to a circuit terminated in the correct, *i.e.*, matched, impedance, the resultant power transfer of the device to the circuit will be higher. It is possible that this higher power transfer may violate certain Part 68 level standards. See Section 68.308. The extent of the impedance mismatch will determine the potential power excess. At the same time, however, it would appear that a 600/900 Ohm mismatch would cause, assuming zero line loss, a difference in power transferred of only about .17dB.[33] We consider such a difference *de minimis*. A more significant factor would arise from use of a power meter with an internal termination impedance different from the impedance of the circuit or equipment under test.[34] However, this difficulty, which could be readily avoided by measuring voltage and calculating the circuit power, should not confront those properly qualified to perform technical registration procedures. In short, testing 900 Ohm equipment on the 600 Ohm OPS simulator of proposed Figure 68.3(f) would not cause inaccuracies sufficiently detrimental to warrant rule revisions or special instructions to testing engineers. We thus conclude that there is no need for GTE's proposed note in the OPS simulator to permit testing of 900 Ohm premises equipment. Accordingly, GTE's proposal is rejected.

40. *AC component in the talking battery:* The Bureau asked interested persons to offer their views as to the specific level of AC voltage that should be permitted in the off-premises station talking battery (§ 68.306(a)(6)(i)).[35] In its rule proposals, AT&T has required that the talking battery applied by the PBX to OPS interface leads for supervisory purposes, among other things, "not have a significant ac component." During the public meetings, AT&T indicated that it was concerned with interference caused by AC developed with ringing generation, but did not yet have a definite figure to propose. (Tr. 147)

41. In response to the Bureau's inquiry, AT&T offers the following footnote to § 68.306(a)(6)(i):

> "The ac component should not exceed 5 Volts peak, where not otherwise controlled by § 68.308."

It would therefore appear that proposed §§ 68.306(a)(6)(i), (a)(4) and (a)(5) also require such a footnote, since they, too, include references to "insignificant" voltage components.[36] Accordingly, we have incorporated AT&T's AC component limit and a corresponding DC limit as footnotes to § 68.306.

3. Conditions on Use (§§ 68.100 and 68.110)

42. Sections 68.100 *et seq.* concern the conditions of use of terminal equipment. They include a general statement affirming the connectability of terminal equipment to the telephone network (68.100), various provisions for means of connection (68.104), required notification to the serving telephone company (68.108), incidence of harm (68.108), and compatibility of the telephone network to terminal equipment (68.100).

43. *Section 68.100:* During the meetings, the Bureau questioned AT&T's purported meaning of "[or similar]" in § 68.2(a)(3), Scope, insofar as it might affect the conditions of connectability of terminal equipment to the network under § 68.100.[37] (Tr. 79–8) It later became clear that this phrase was not intended to restrict the nature of premises equipment that can be registered and directly connected. AT&T stated, for example, that key systems are within the ambit of "similar." (Tr. 76) Moreover, "similar" has been used by the Common Carrier Bureau in the registration of multifunction systems and other hybrid key systems classified as multifunctional, as well as KTS systems. Under these circumstances, we are satisfied that AT&T's statements remove the possible inference that "similar" was intended as a term of limitation.

44. In order to adapt the text of § 68.100 to reflect the lawful connection of premises equipment to private lines, AT&T proposed the following addition:

> "Terminal equipment may be directly connected to the public switched telephone network and to those *private line* services included in § 68.2(a)(2). In addition, PBX (or similar) systems may be directly connected to those *private line* services included in § 68.2(a)(3)" (Emphasis added.)

Racal-Milgo urges that § 68.100 remain as is (*i.e.*, without AT&T's proposed addition) in order to avoid possible confusion on the meaning of private line. (Tr. 521) AT&T has not replied to Racal-Milgo. (See Tr. 522–3)

45. In view of our discussion in paragraphs 9 and 10 above, with regard to future expansion of private line services subject to Part 68 by rulemaking, Racal-Milgo's concern for potential confusion arising out of AT&T's proposed addition to § 68.100 now seems moot. However, in the interests of improved draftsmanship, we shall on our motion add "registered or grandfathered" at two points in the proposed language of the section:

> In accordance with the rules and regulations in Subpart B of this Part, *registered or grandfathered* terminal equipment may be directly connected to the public switched telephone network and to those private line services included in § 68.2(a)(2). In addition, *registered or grandfathered* PBX (or similar) systems may be directly connected to those private line services included in Section 68.2(a)(3). (Emphasis added.)

By this change, we believe § 68.100 will more closely track § 68.2 and the intent of the Part 68 program generally.

46. *Section 68.110:* During the meetings, Manufacturers cited the problem of simultaneously designing equipment for non-uniform circuit levels on long and short-haul circuits. It proposed a new subsection (c) to § 68.110 which would assure end-to-end VNL + 2S + 2S Plan implementation on all private lines, independent of circuit length. (Tr. 640–41) The proposed addition would read as follows:

> PBX (or similar) systems, registered pursuant to § 68.2(a) (2) and (3), shall be connected to private line facilities meeting AT&T Long Lines or equivalent transmission loss objectives, employing the VNL + 2S + 2S Plan, end-to-end, where appropriate. On-site equipment modifications, adjustments, or the addition of adjuncts may be made by the manufacturer or its authorized representative where necessary to achieve the equivalent of such VNL + 2S + 2S transmission objective without affecting the registered status of the system. (Handout by Manufacturers, July 30, 1979)

Manufacturers also express apparent concern about the obligation of telephone companies to cooperate during installation, modification, or adjustment of registered private line premises equipment. For the reasons discussed below, Manufacturers' proposal will be rejected.

47. *The VNL Plan and PUB 43201:* Under AT&T's Via Net Loss (VNL) + 2S + 2S Plan, a switchable, i.e., removable, 2 dB pad is designed into each end of most tandem private line circuits. In a tandem PBX network, for example, the pads are inserted at each end of the circuit so that the total transmission level point loss consists of the cumulative losses normally attributable to transmission equipment and facilities, or VNL, plus 4 dB. (The 2 dB pads at each interceding PBX leg will have been switched out.) The VNL + 2S + 2S Plan has been described as a technical program intended to produce the lowest circuit loss consistent with satisfactory echo performance, and aid facility planning for private line services.[38] AT&T's technical publication, PUB 43201, Table F, provides VNL design objectives for tie trunks—except for nontandem (typically short-haul) circuits, where no VNL requirement is mentioned. It is this exception which seems to cause Manufacturers' concern.

48. AT&T stated in the informal meetings that it plans to modify its PUB 43201 so that non-tandem, short-haul trunks will no longer be exempt from the VNL + 2S + 2S Plan. It stated that any information that is inconsistent with VNL + 2S + 2S will be in fact changed "as appropriate" well before the register-only date. (Tr. 650) In our view, this commitment, on which we will rely, appears adequate to relieve Manufacturers' concern regarding short-haul versus long-haul VNL Plan implementation. See Tr. 373.

49. We also note that GTE does not favor universal application of the VNL Plan to, for example, off-premise stations, where it asserts a 5dB loss is frequently acceptable. (Tr. 648) We will leave the details of specific level coordination to the parties pursuant to § 68.110(a), which requires full telephone company cooperation to permit terminal equipment to operate in a manner compatible with existing facilities. Thus, GTE is free to arrange alternate loss levels for OPS, provided such practices do not impede the implementation of the private line amendments to Part 68. The language and intent of § 68.110(a) also assures Manufacturers that equipment designed for VNL + 2S + 2S systems will not necessarily face registration impairment as a consequence of such design. In view of the foregoing, we reject Manufacturers' proposed addition of subsection (c) to § 68.110.

4. Section 68.222—AIOD Trunk and Station Number Verification

50. An AIOD (Automatic Identified Outward Dialing) interface is used to provide a telephone company's automatic message accounting equipment with the identity of stations originating toll calls through customer-provided PBX-type equipment. AT&T, concerned about correct customer toll billing, proposes § 68.222 to create a verification procedure to assure technical qualification and identity of those responsible for installation of or subsequent change to, customer-provided AIOD equipment.

51. *Harm versus service difficulty:* There is a preliminary question as to whether AT&T's proposal is proper subject matter in this proceeding since, as suggested in the notice of proposed rulemaking, § 68.222 may relate more closely to potential service difficulty than network "harm." (As defined in existing § 68.3(c),[39] "harm" includes malfunction of telephone company billing equipment, degradation of service to persons other than the user of the terminal equipment, his calling or called party.) The threshold issue, then, is whether billing errors caused by improperly installed or maintained customer-provided AIOD equipment fall within the meaning of "harm" as contemplated by § 68.3(c).

52. Where two or more PBXs are served by the same telephone exchange, a miscoded AIOD station code can cause incorrect customer billing. A customer's statement might include calls not placed, exclude calls made, or misassign calls within a PBX. We believe that either of the first two of these types of erroneous billing constitutes a "malfunction" of the telephone company billing equipment and thus "harm" within the meaning of Part 68. Billing errors occurring solely within a PBX, by contrast, would not appear to constitute "harm" to the network in our view. Rather, they would seem to create an internal, administrative problem for the customer, and not harm as used in Part 68.

53. In any event, we prefer to avoid the complication which would result, if we were to encourage AIOD equipment installers to determine ahead of time the number of PBXs associated with a telephone exchange in order to ascertain the type of potential billing error and, thereby, decide whether there is "harm." We prefer a more generalized and practical solution which recognizes that all or most exchanges serve more than a single PBX. It is our view that the verification procedures offered by AT&T's proposed § 68.222 offer, in principle, just such a solution. In the short term, compliance with the provisions of § 68.222 will assure availability of personnel information so that appropriate equipment adjustments may be quickly effected; in the long run, it will provide a reasonable means of reducing the likelihood of miscoded (or "malcoded") AIOD sequences.

54. *Section 68.222:* As noted, there are several areas of dispute among participants in connection with proposed § 68.222. GTE expresses concern on behalf of independent telephone companies that the

[32] American Petroleum Institute (API) and United Telecommunications Counsel (UTC) agree with GTE. See API Reply 9; UTC Comments 18.



[33] For example, using figures from footnote 20, assuming a meter internally terminated in 600 Ohm,

$$10 \log \frac{\frac{(.4)^2}{600}}{\frac{(.5)^2}{600}} = -1.91\text{dB}$$

[34] In the attached Appendix B, proposed § 68.306(a)(3)(i), (a)(1), and (a)(2) are numbered § 68.306(a)(6)(i), (a)(4), and (a)(5), respectively. In the discussion, the latter numbers are used.

[35] *Id.*

[36] The question was originally raised in footnote 9 of Order 79–344, which states, "This is AT&T's proposed definition of Category III services. It should be noted that this language would appear to restrict 'interconnection' solely to 'PBX or similar' systems, and not encompass key telephone and other communications systems (*e.g.*, radio)."

[37] Under the Plan, VNL adjustments remain under telephone company management. The +7, −16 dB tie trunk services leave VNL to the customer. This service will face attrition as CDQs, which serve as the interface, are replaced by registered premises equipment that utilize loopless or CTS interfaces.

[38] Renumbered as § 68.3(g) in Appendix B.

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requirement in subsection (a)(1) for number verification at the AIOD data channel interface suggests the need for specialized test equipment. To remedy this potential problem, GTE suggests the inclusion of a requirement that the serving central office accomplish AIOD system testing at installation. (Tr. 521–22) In fact, AT&T has agreed with a revised proposal by GTE that the requirement for number verification at the AIOD data channel interface be deleted entirely. (Tr. 698) Our proposed rules reflect this resolution.

55. The General Services Administration questions the reference in § 68.222(a) to only 4-digit coding, since they are planning 5-digit systems that may find later AIOD application. AT&T responds that the 4-digit coding format reflects the industry standard at this time and that alternate arrangements should be handled in an industry forum. (Tr. 523–25) It also implies that later rule amendments would be the preferred approach to such expansion. It is not clear from the record which rules, if any, would require amendment to accommodate 5-digit coding. Absent a closer examination of the system GSA is contemplating, and without a better understanding of the practical problems attendant telephone company adoption of alternate coding sequences, we prefer, for now, to limit the reference in proposed § 68.222(a) to 4 digit coding.

56. The documentation procedures in proposed § 68.222(d) have also engendered considerable comment. Specifically, that section sets forth the submission requirments for verification of AIOD trunk and station installations. NATA finds the requirements unnecessary because the underlying equipment is already registered. It suggests that the entire section be integrated into § 68.215 (premises wiring). (Tr. 402) NATA and RCA Service Company (RCA) also fear that the proposed AIOD affidavit submission will delay and confuse customers, who would then be forced to coordinate appropriate document preparation procedures. (Tr. 527–9, 543–4, 616–7) Continental Telephone Service Corporation observes in this regard that industry's difficutly with satisfying affidavit requirements stems simply from lack of familiarity with the rules. (Tr. 618).

57. Apparently drawing on § 68.215(e), which requires similar documentation procedures in connection with premises wiring, GTE supports AT&T's § 68.222 proposal. It contends that the affidavit procedure is not burdensome and has not caused administrative problems. (Tr. 528–9) Manufacturers, however, believes that the affidavit procedure used in connection with § 68.215(e) is falling into disuse with the advent of fully protected PBX and KF key systems and is therefore not "advisable" for AIOD verification. Manufacturers also notes a distinction between the need to file an affidavit to protect against premises wiring harms, and mere notice to the telephone company.

58. At the outset, we recognize that AIOD installation is unique in that the network harm and service difficulties discussed above may occur despite correct electrical connection and apparently "normal" equipment operation. As a separate matter, from an enforcement point of view, notice to the telephone company regarding persons responsible for AIOD installation and verification testing may well serve as a deterrent to negligent coding of trunks and stations. [30] Therefore, some verification procedure to furnish both private line subscriber and carrier with reasonable assurance of proper installation and minimal likelihood of harm seems warranted.

59. The specific benefits derived from AT&T's affidavit proposal must be weighed against its asserted inconvenience to installation personnel and others responsible for its administration. While the procedure proposed by AT&T would provide such assurance, we question whether notice by affidavit is in fact necessary, given the relative complexity of its requirements, the administrative burden on all parties involved, and our general preference against excessive paperwork burdens. On balance, we agree with Manufacturers that oral notification to the telephone company of compliance with the provisions of § 68.222 would suffice. Thus, upon completion of AIOD installation, the installation supervisor will be required to notify the telephone company that § 68.222(a) verification tests have been performed. The supervisor will provide his or her name, business address and business telephone number, the date of the tests, and the date when AIOD service involving the trunks and station numbers verified will begin. We have modified the proposed subparagraphs of § 68.222(d), (now entitled Verification Procedure) to reflect these revised information requirements.

60. It is possible, of course, that as experience with these new rules develops, an even more simplified procedure may become advisable. For now, however, adopting the procedures proposed here by AT&T, as amended, strikes us on balance as being in the best interests of the program. In short, we conclude that an oral notification requirement will provide the necessary assurance of billing equipment integrity, and prevention of "harm" to the network. Accordingly, we will adopt § 68.222, as amended, and associated § 68.106(d) as proposed. [31]

5. The Technical Sections

61. At the meetings, AT&T presented its technical proposals in connection with §§ 68.302 through 68.312 on a section-by-section basis. Following discussion, the majority of proposals were found acceptable by the participants. There were, however, a number of underlying issues on which agreement could not be readily achieved. During the formal period, several parties offered valuable supplementary comments on these issues and, in addition, raised matters not previously examined. The following discussion addresses these matters. [32]

62. *Rule relaxation:* In general, AT&T's metallic and longitudinal rule proposals represent a relaxation in standards. In other words, they reflect a recognition that in certain frequency ranges the telephone network loops are not as susceptible to crosstalk and other forms of interference as once contended. (Tr. 33–4). For example, in existing § 68.308(c) (longitudinal voltage except during network control signalling) a 53 dBV limit is applied to the longitudinal voltage measure in the 400 Hz to 4 kHz band, after weighting according to Figure 68.308. Under proposed § 68.308(d) (longitudinal voltage in the 100 Hz to 4 kHz frequence range), the weighted limit is increased to −30 dBV, a somewhat relaxed standard. [33] AT&T also proposes that § 68.302(g), failure modes resulting from the application of metallic and longitudinal surges, not

[30] If the telephone company were to have on record the installation supervisor's name, it would have the opportunity to consult or seek technical assistance in the event of service difficult. This in turn might reduce the potential for termination of service under § 68.108 of the rules.

[31] UTC suggests in this regard an amendment to proposed § 68.222(c) (Supervision) which would permit licensed professional engineers to perform supervision or control of AIOD installations. (Tr. 528–7, UTC Comments 16) AT&T agrees with this proposal, and we concur in it as well. Hence, for reasons of consistency with existing § 68.215(c)(4), we also adopt UTC's addition as new subsection (c)(3) of § 68.222.

[32] We note that several matters of relatively minor import were resolved without separate discussion. All views and arguments have been fully considered, however.

[33] The proposed weighting function reflects a 6 dB, rather than 10 dB, per octave function, which AT&T claims is easier to implement. (Tr. 27) Also, we leave the burden of conversion of dBV to dBM to those preferring such alternate reference levels. (See UTC Comments at 20.)

apply to E&M leads because longitudinal imbalance is not relevant to leads that are DC grounded or terminate in an isolation coil. (Tr. 82). [34]

63. *Hazardous voltage:* GTE suggests that proposed subsection (d) of § 68.306 (Ringing sources) permit up to 375 Volts peak-to-peak and 250 Volts peak-to-ground to reflect the EIA Standards Proposal No. 1285–A, Issue 4, May 1979, Section 4.8.2.1 (Tr. 242) Moreover, during the meetings an EIA representative pointed out that Standards Proposal No. 1285, a compatibility standard, is not universally accepted by the telephone industry. (Tr. 551) AT&T explained in response that its proposed 300/200 Volt requirements are derived from current EIA safety criteria and should thus be adopted. AT&T also refers us to preliminary EIA Standards Proposal No. 1361, a later proposal which specifies 300/200 Volts as a safety standard. AT&T indicates that the higher voltages urged by GTE would lead to gas tubes flashing over (Tr. 548), though it could not respond to UTC's question as to where such a problem has occurred in the past. (Tr. 553)

64. In view of the tentativeness of the EIA compatibility proposal and the lack of substantiation by GTE for a need to adopt its higher ringing source limits, we find the proposed changes without merit. Accordingly, we conclude that the more conservative proposal offered by AT&T should be accepted under these circumstances.

65. *OPS ringing:* RCA offers the following revisions to subsection (ii) of AT&T's proposed § 68.306(a)(6), Off Premises Station Voltages: [35]

> Ringing signals applied by the PBX (or similar systems) to OPS interface leads shall be applied for the purpose of station alerting only, and shall comply with requirements in (d) below. [36] Ring conductor and return on an "R" conductor or ringing voltage may be applied to "R" conductor and return on "T" conductor. This is known as bridged ringing. [See Tr. 618–19]

The purpose of this revision, according to RCA, is to permit ringing in other than ring and ground (tip) configurations. RCA also provides a set of schematics illustrating four such ringing applications.

66. AT&T objects to the first two illustrative schematics because AC and ADC are applied on opposing conductors, *e.g.*, 20 Hz on the ring (R) and −48 Volts on the tip (T), which would not necessarily produce tripping in the event of an inadvertent short to ground on the AC side. (Tr. 619) It does not support the third schematic either because, although there is a ground lead, the tip lead is not grounded (conterminous AC and DC leads notwithstanding.) AT&T also opposes the fourth configuration, which utilizes positive battery on the tip and negative battery on the ring, for fear of possible electrolysis and resulting damage to the telephone company plant. (Tr. 620) GTE agrees with AT&T that electrolysis could be a significant problem. (Tr. 621)

67. It is apparent from the record that AT&T's underlying interest is to establish and abide by the convention of bridging tip and ring, with ringing applied to the ring side. See Tr. 624. We agree that it would be preferable to standardize the OPS ringing application in future registered terminal equipment. The relatively minor inconvenience which we find to be involved is outweighed, we believe, by the advantages of enhanced safety and standardization. We follow that view notwithstanding the occasional conversions necessitated in the field. We therefore reject RCA's proposed alternatives for § 68.306(a)(6)(ii). In turn, until the register-only date set forth in § 68.2(d)(2), as amended, grandfathered PBX equipment applying ringing signals to OPS interface leads may be connected in any existing configuration, consistent with local practices and requirements. All registered equipment, however, must apply ringing voltage between the ring conductor and ground in accordance with § 68.308(a)(6)(ii).

5. Sections 68.308(b) (3) and (5)—Voiceband Metallic Signal Power [37]

68. Teltone Corporation (Teltone) urges amendments to proposed §§ 68.308(b) (3) and (5), (Voiceband Metallic Signal Power), to broaden the definition of gain for registered one port and multiport terminal equipment. In essence, Teltone seeks recognition of a need to register equipment that amplifies weak incoming signals to levels specified in Part 68, *viz.*, −9dBm. (Teltone Comments 1) The rule revision proposals include: (a) deletion of AT&T's proposed § 68.308(b)(3)(i), with subsequent (ii) and (iii) changed to (i) and (ii), respectively; (b) amendment of the maximum allowable net amplification matrix of proposed § 68.308(b)(5) to include reference to parenthetical note (4) at the intersections of OPS–OPS, PSN–OPS, OPS–PSN, and PSN–PSN of the matrix; [38] and (c) replacement of AT&T's note (4) by the following:

> (4) For one multiport use within the frequency range of 200 to 4000 Hertz, registered terminal equipment and registered protective circuitry shall have no adjustments that will allow amplification to occur when voice signals equal to or greater than −9dB, with respect to one milliwatt, arrive at said equipment. Conversely, voice signals that arrive at less than −9dB, with respect to one milliwatt, may be amplified to any desirable degree to a maximum of 15dB, providing that said equipment does not transmit that signal to the network at greater than −9dB, with respect to one milliwatt.

69. AT&T asserts that Teltone's objectives can be satisfied without a rule change by treating the equipment in question as having an internal signal source and applying proposed §§ 68.308(b)(1) (i) and (ii). (AT&T Reply, pp. 12–13.) AT&T also argues that since some private line interfaces have different specified maximum internal signal power levels, (*e.g.*, −15dBm for 2-wire and 4-wire lossless, and −19dBm for 4-wire conventional terminating set (CTS) interfaces) the −9dBm level referred to in Teltone's note (4) is incorrect.

70. We find Teltone's suggested amendment to have merit. With adoption of Teltone's proposals, the tie trunk internal signal source power limitations of subsection (b)(1)(ii) would remain fully applicable. However, Teltone's proposed note (4) exception to the net amplification limitations between OPS–OPS, PSN–OPS, OPS–PSN, and PSN–PSN ports would violate the −13dBm level specified for all OPS ports in subsection (b)(1)(iii). Thus, we conclude that the principle amendment Teltone seeks will be retained and, at same time, the absolute level limitations proposed by AT&T for all applicable services will be preserved by the following revision:

> [5] registered terminal equipment and registered protective circuitry may have net amplification exceeding the limitations of this subsection provided that, for each network interface type to be connected, the absolute signal power levels specified in this section are not exceeded.

[34] AT&T's final set of proposed rules (Appendix B of its Reply) failed to reflect this proposal. Accordingly, we have implemented on our own motion the appropriate notation at the end of § 68.302 of our Rules. See Appendix B.

[35] Materials submitted by RCA, July 30, 1979. (In this and other earlier proposals the subsection was designated (a)(3)).

[36] Subsection (d) relates to ringing source restrictions.

[37] These section references are to Appendix B of AT&T's Reply to Order FCC 21306. Teltone's original proposals referred to an earlier AT&T submission, in then § 68.308(a).

[38] In order to preserve AT&T's previously proposed note (4) concerning compression techniques, Teltone's revision will be designated note (5) in attached Appendix B.

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Accordingly, we will adopt Teltone's proposed revisions to § 68.308(b), as revised.[39]

6. Standard Plugs and Jacks—Subpart F

71. During the meetings, Communications Certification Laboratory offered its private line plug and jack proposal (RM–3334). Comments were made by UTC on grounding, (Tr. 577) and STC on Type A and B interface interconnections. (Tr. 579–80)

72. Despite those contributions, we are still not satisfied that the record provides us with sufficient information to promulgate specifications concerning means of connection of the various types of private line interfaces. To cite but a few examples, we believe further information is required on the following matters: The Type B wiring interface; MR and AIOD 25 line bridged arrangements; and single and multiple line bridged 4-wire exchange T/R, T1/R1 jacks.

73. Our regulatory policy with regard to means of connection to the telephone network was recently articulated in Order FCC 79–38, *supra* at 1834–8, (1979) and is currently reflected in § 68.104(c) of the rules. Simply put, it provides that, as an alternative to description in Subpart F, i.e. by rule, network connections may be made through standard plugs and jacks described in nationwide telephone tariffs. We chose in that decision to allow the means of connection to be accommodated under interstate tariff rather than solely under our rules because we felt that our broad objectives for "standard" configurations could be met more expeditiously.[40]

74. We propose to utilize the tariff procedure here as well to provide the means of connection between premises equipment and the private line services referenced in § 68.2(a)(iii) of Appendix B. By separate notice, to be issued shortly by the Bureau pursuant to delegated authority, further public meetings will be scheduled to be conducted at Commission offices in Washington, D.C., to discuss the plug and jack configurations needed to implement the private line program. As earlier, the meetings will be conducted under the direction of Commission staff. We expect the telephone companies to respond to the consensus results of the meetings by filing suitable revisions to their nationwide tariffs within 30 days of the conclusion of the meetings. Such revisions will also be required to make reference to new universal service ordering code (USOC) designations, *i.e.*, the sequences of alphanumerics identifying the means of connection.

75. Under normal processing procedures, parties seeking to register premises equipment connectable to private line services immediately after the effective date of the rules we adopt here would face rejection of their applications for failure to include the required USOC designations. In order to expedite private line registration, we will temporarily relax those procedures in one respect. Applications otherwise complete will be accepted for filing on a conditional basis, and processed to the extent possible, notwithstanding absence of the USOC designations. As USOC designations begin to appear in the nationwide tariffs, applicants will be expected to immediately submit the information needed to perfect their applications. After the perfection, processing will be completed.

Other Matters

76. We turn now to some final issues raised in this proceeding regarding implementation. In both its comments and reply, UTC urges that the rules adopted in this proceeding not apply to the specialized systems and requirements of the energy utilities. Notably, UTC proposes amendments to § 68.2 of the rules which would provide for exclusion of Part 68 where an installation is under the exclusive control of energy utilities. (UTC Comments 13–5). API, for its part, has expressed the view that there is need for (1) re-examination of the matters set forth in this proceeding, with issuance of additional notice of proposed rulemaking to permit fuller opportunity for participation; and (2) particular consideration of special circuits, facilities and equipment required by the petroleum, natural gas, and other industries (e.g., the utilities). API also contends that the inclusion of all private line services under the rules proposed by AT&T is unnecessary and restrictive, preferring instead Commission-proposed categories of service, with interconnection criteria for each. Moreover, NATA generally concurs with this position. For reasons which follow, however, we find their suggestions without merit.

77. We have just recently expressed our views on the general issues of exceptions to Part 68. Thus, in Order 79–728, released November 14, 1979 (CC Docket 78–331) we found that exceptions to Part 68, other than for the national defense or security, are simply not in the public interest. For reasons stated there, UTC and API's requests in this proceeding must similarly be denied. See, in particular, paragraphs 13 to 24 of that Order.

78. API's and NATA's suggestion favoring Commission-initiated private line Part 68 rules, fares no better. As indicated, we believe the rules implemented here are preferable to Commission-proposed categories of service, and consistent with our approach to this program in the past. Accordingly, API and NATA's suggestions to reinstitute or supplement this proceeding must similarly be denied.

Ordering Clauses

79. Accordingly, it is ordered, pursuant to Section 1, 4(i), 4(j), 201–205, 208, 215, 218, 313, 314, 403, 404, 410, and 602 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201–205, 208, 215, 218, 313, 314, 402, 404, 410, and 602, and 5 U.S.C. 553, Part 68 of the Commission's rules and regulations is amended as set forth in Appendix B of this order. These rules shall become effective April 30, 1980.

81. It is further ordered, pursuant to Sections 1, 4(i), 4(j), and 5(d) of the Communications Act, as amended, 57 U.S.C. 154(i), 154(j) and 155(d), that the Chief, Common Carrier Bureau, is delegated authority to: (1) Convene and conduct such meetings and issue such Orders as may be necessary in order to determine the means of connection needed to implement these rules amendments, as discussed here; (2) issue orders to obtain information to establish a list of grandfathered private line equipment, to be used in accordance with the grandfathering procedures; and (3) issue by Public Notice the grandfather list established. To the extent necessary to allow Commission staff to attend and participate in these meetings and establish the grandfather list, Subpart H of the Commission's rule and regulations, 47 CFR 1.1201 *et seq.*, is waived.

82. It is further ordered that the Secretary shall cause a copy of this order to be published in the **Federal Register.**

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303))

[39] In order to preserve AT&T's previously proposed note (4) concerning compression techniques, Teltone's revision will be designated note (5) in attached Appendix B.

[40] The objectives are:

a. Any standard configuration adopted must be available for nationwide use under a uniform nationwide specification which may be relied upon.

b. Any standard configuration adopted must be subject to regulatory review to assure that unnecessary cost will not be imposed on the ratepaying and equipment-using public.

c. Any standard configuration adopted must be subject to regulatory review for consistency to our overall Part 68 policies.

Federal Communication Commission.[4]

William J. Tricarico,

Secretary.

Appendix A.—*Parties Filing Comments in Response to the Chief, Common Carrier Bureau's "Order Requesting Further Comment," CC 213–06, released Sept. 14, 1979*

Comments	Reply	
X		Ad Hoc Association of Manufacturers.
X	X	American Telephone and Telegraph Company.
	X	Central Committee on Telecommunications of the American Petroleum Institute.
X	X	GTE Service Corporation.
X		International Business Machines Corporation (informal).
X		North American Telephone Association.
X	X	STC Communications Corporation.
X		Teltone Corporation.
X	X	Utilities Telecommunications Council.

Appendix B

Part 68 of the Commission's Rules and Regulations (Chapter 1 of Title 47 of the Code of Federal Regulations, Part 68) is amended as follows effective April 30, 1980.

1. Subpart A is revised.
2. In Subpart B, §§ 68.100, 68.104, and 68.106 are revised.
3. In Subpart C a new § 68.222 is added.
4. Subpart D is revised.

Subpart A—General

Sec.
68.1 Purpose.
68.2 Scope.
68.3 Definitions.

Authority: Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303).

Subpart A—General

§ 68.1 Purpose.

The purpose of the rules and regulations in this part is to provide for uniform standards for the protection of the telephone network from harms caused by the connection of terminal equipment thereto.

§ 68.2 Scope.

(a) General. Except as provided for in paragraphs (b), (c), (d), and (e), the rules and regulations in this part apply to the direct connection:

(1) of all terminal equipment to the public switched telephone network, for use in conjunction with all services other than party line service and coin service;

(2) of all terminal equipment to channels furnished in connection with foreign exchange lines (customer-premises end), the station end of off-premises stations associated with PBX and Centrex services, trunk-to-station tie lines (trunk end only) and switched service network station lines (CCSA and EPSCS); and

(3) of all of PBX (or similar) systems to private line services for tie trunk type interfaces, off-premises station lines, automatic identified outward dialing, and message registration. Services may only be added to this Section as a result of rulemaking proceedings and the equipment connected to such added services is afforded a reasonable transition period.

(b) Grandfathered Terminal Equipment (other than PBX and Key Telephone Systems) and Protective Circuitry. All terminal equipment (other than PBX and key telephone systems) and protective circuitry of a type directly connected to the public switched telephone network and services identified in § 68.2(a)(2) as of October 17, 1977, may be connected thereafter up to July 1, 1979—and may remain connected for life—without registration unless subsequently modified.

(c) Grandfathered systems (including, but not limited to, PBX and key telephone systems):

(1) Entire systems, including their equipment, premises wiring, and protective apparatus (if any) directly connected to the public switched telephone network and services identified in § 68.2(a)(2) on June 1, 1978, may remain connected to the public switched telephone network and services identified in § 68.2(a)(2) for life without registration, unless subsequently modified, except for modifications allowed under § 68.2(c)(3).

(2) New installations of equipments may be performed (including additions to existing systems) up to January 1, 1980 without registration of any equipments involved, provided that these equipments are of a type directly connected to the public switched telephone network or services identified in § 68.2(a)(2) as of June 1, 1978. These equipments may remain connected to the public switched telephone network or services identified in § 68.2(a)(2) for life without registration, unless subsequently modified, except for modifications allowed under § 68.2(c)(3).

(3) Modifications to systems and installations involving unregistered equipment:

(i) Use of other than fully-protected premises wiring is a modification under § 68.2. As an exception to the general requirement that no modification is permitted to unregistered equipment whose use is permitted under § 68.2, certain modifications are authorized herein.

(ii) Other than fully-protected premises wiring may be used if it is qualified in accordance with the procedures and requirements of § 68.215. Since there is no "registrant" of unregistered equipment, the training and authority required by § 68.215(c) will have to be received from the equipment's manufacturer.

(iii) Existing separate, identifiable and discrete protective apparatus may be removed, or replaced with apparatus of lesser protective function, provided that any premises wiring to which the public switched telephone network or service identified in § 68.2(a)(2) is thereby exposed conforms to § 68.2(c)(2) above. Minor modifications to existing unregistered equipments are authorized to facilitate installation or premises wiring, so long as they are performed under the responsible supervision and control of a person who complies with § 68.215(c). Since there is no "registrant" of unregistered equipment, the training and authority required by § 68.215(c) will have to be received from the manufacturer of the equipment so modified.

(d) Grandfathered Private Branch Exchange (or similar) Systems for Connection to Private Line Type Services (Tie Trunk Type Interfaces, Off-Premises Station Lines, Automatic Identified Outward Dialing, and Message Registration):

(1) PBX (or similar) systems, including their equipments, premises wiring, and protective apparatus (if any) directly connected to a private line type service on April 30, 1980 may remain connected to the private line type service for life without registration unless subsequently modified, except for modifications allowed under § 68.2(d)(3).

(2) New installations of equipments may be performed (including additions to existing systems) up to May 1, 1983 without registration of any equipments involved, provided that these equipments are of a type directly connected to a private line type service as of April 30, 1980. These equipments may remain connected to the private line type service for life without registration, unless subsequently modified, except for modifications allowed under § 68.2(d)(3).

(3) Modifications to systems and installations involving unregistered equipment:

(i) Use of other than fully-protected premises wiring is a modification under § 68.2. As an exception to the general requirement that no modification is permitted to unregistered equipment

[4] See attached dissenting statement of Commissioner Washburn.

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whose use is permitted under § 68.2, certain modifications are authorized herein.

(ii) Other than fully-protected premises wiring may be used if it is qualified in accordance with the procedures and requirements of § 68.215. Since there is no "registrant" of unregistered equipment, the training and authority required by § 68.215(c) will have to be received from the equipment's manufacturer.

(iii) Existing separate, identifiable and discrete protective apparatus may be removed, or replaced with apparatus of lesser protective function, provided that any premises wiring to which the private line type service is thereby exposed conforms to § 68.2(d)(ii) above. Minor modifications to existing unregistered equipments are authorized to facilitate installation or premises wiring, so long as they are performed under the responsible supervision and control of a person who complies with § 68.215(c). Since there is no "registrant" of unregistered equipment, the training and authority required by § 68.215(c) will have to be received from the manufacturer of the equipment so modified.

(e) *National Defense and Security.* Where the Secretary of Defense or authorized agent or the head of any other governmental department, agency, or administration (approved in writing by the Commission to act pursuant to this rule) or authorized representative, certifies in writing to the appropriate common carrier that compliance with the provisions of Part 68 could result in the disclosure of communications equipment or security devices, locations, uses, personnel, or activity which would adversely affect the national defense and security, such equipment or security devices may be connected to the telephone company provided communications network without compliance with this part, provided that each written certification states that:

(1) The connection is required in the interest of national defense and security;

(2) the equipment or device to be connected either complies with the technical requirement of this part or will not cause harm to the nationwide telephone network or telephone company employees; and

(3) The installation is performed by well-trained, qualified employees under the responsible supervision and control of a person who meets the qualifications stated in § 68.215(c).

Governmental departments, agencies, or administrations that wish to qualify for interconnection of equipment or security devices pursuant to this section shall file a request with the Secretary of this Commission stating the reasons why the exemption is requested. A list of these departments, agencies, or administrations that have filed requests shall be published in the **Federal Register.** The Commission may take action with respect to those requests 30 days after publication. The Commission action shall be published in the **Federal Register.** However, the Commission may grant, on less than the normal notice period or without notice, special temporary authority, not to exceed 90 days, for governmental departments, agencies, or administrations that wish to qualify for interconnection of equipment or security devices pursuant to this section. Requests for such authority shall state the particular fact and circumstances why authority should be granted on less than the normal notice period or without notice. In such cases, the Commission shall endeavor to publish its disposition as promptly as possible in the **Federal Register.**

§ 68.3 Definitions.

As used in this part:

(a) *AIOD Leads:* Terminal equipment leads at the interface solely to transmit Automatic Identified Outward Dialing (AIOD) data from a PBX to the public switched telephone network or to switched service networks (e.g. EPSCS) so that a telephone company can provide a PBX customer with a detailed monthly bill identifying long distance usage by individual PBX stations, tie trunks or the attendant. Data on the channel is transmitted in only one direction, from the PBX to the central office, and consists of a trunk number and a station number for each outgoing call. Two-way dc simplex signaling, as defined for the terminal equipment by the data channel simulator circuit, is used to coordinate the transmitting and receiving functions. One or more pairs of AIOD leads, each designated T (AI) and R (AI) to distinguish them from other tip and ring leads, may appear at an interface, depending on the number of central offices that process AIOD calls for the PBX. However, unless otherwise stated, these leads at the interface should be treated as telephone connections as defined in (x) of this section or as tip and ring where the term "telephone connection" is not used.

(b) *AIOD Data Channel Simulator:* A test circuit that simulates a telephone line during the idle and data-receiver-attached conditions of central office AIOD circuits. The schematic of Figure 68.3(g) is illustrative of the type of circuit that will be required; alternative implementations may be used provided that the same dc voltage and current characteristics and ac impedance characteristics will be presented to the AIOD equipment under test. When used, the simulator circuit shall be operated over the entire range of resistance, polarities and voltage limits indicated in Figure 68.3(g). Whenever dc current is changed, sufficient time shall be allocated for the current to reach a steady-state condition before continuing the test.

(c) *Auxiliary Leads:* Terminal equipment leads at the interface, other than telephone connections and leads otherwise defined in these Rules, which leads are to be connected either to common equipment or to circuits extending to central office equipment.

(d) *Channel Equipment:* Equipment in the private line channel of the telephone network that furnishes telephone tip and ring, telphone tip 1 and ring 1, and other auxiliary or supervisory signaling leads for connection at the private line channel interface (where tip 1 and ring 1 is the receive pair for 4-wire telephone connections).

(e) *Direct Connection:* Connection of terminal equipment to the telephone network by means other than acoustic and/or inductive coupling.

(f) *E&M Leads:* Terminal equipment leads at the interface, other than telephone connections and auxiliary leads, which are to be connected to channel equipment solely for the purpose of transferring supervisory signals conventionally known as Types I and II E&M and schematically shown in Figures 68.3(e)(i) and 68.3(a)(ii).

(g) *Harm:* Electrical hazards to telephone company personnel, damage to telephone company equipment, malfunction of telephone company billing equipment, and degradation of service to persons other than the user of the subject terminal equipment, his calling or called party.

(h) *Interface:* The point of interconnection between terminal equipment and telephone company communication facilities.

(i) *Longitudinal Voltage:* One half of the vector sum of the potential difference between the tip connection and earth ground, and the ring connection and earth ground for the tip, ring pair of 2-wire and 4-wire connections; and, additionally for 4-wire telephone connections, one half of the vector sum of the potential difference between the tip 1 connection and earth ground and the ring 1 connection and earth ground for the tip 1, ring 1 pair (where tip 1 and ring 1 are the receive pair).

(j) *Loop Simulator Circuit:* A circuit that simulates the network side of a 2-wire or 4-wire telephone connection during testing. A schematic of the type of circuit that will be required is shown in Figure 68.3(a) for 2-wire loop or ground start circuits, Figure 68.3(b) for 2-wire reverse battery circuits, Figure 68.3(c) for 4-wire loop or ground start circuits, and 68.3(d) for 4-wire reverse battery circuits. Alternative implementations may be used provided that the same dc voltage and current characteristics and ac impedance characteristics will be presented to the equipment under test as are presented in the illustrative schematic diagrams. When used, the simulator circuit shall be operated over the entire range of loop resistance as specified in the Figures, and with the indicated polarities and voltage limits. Whenever loop current is changed, sufficient time shall be allocated for the current to reach a steady-state condition before continuing testing.

(k) *Message Register Leads:* Terminal equipment leads at the interface used solely for receiving dc message register (MR) pulses from a central office at a PBX so that message unit information normally recorded at the central office only is also recorded at the PBX. Signaling on the channel is by the application of battery and open conditions applied at the central office. No ac signaling is applied either by the PBX or by the central office. One or more pairs of MR leads, each designated T (MR) and R (MR) may appear at an interface depending on the number of PBX–CO trunks (one MR channel per PBX–CO trunk). However, unless otherwise stated, these leads at the interface should be treated at telephone connections as defined in paragraph (x) of this section or as tip and ring where the term "telephone connection" is not used.

(l) *Message Register Signaling Channel Simulator:* A circuit that simulates a telephone line (2-wire or single conductor) and a central office message register battery feed circuit used to convey message register information from the central office to a PBX. The schematic of Figure 68.3(h) is illustrative of the type of circuit that will be required; alternative implementation may be used provided that the same dc voltage and current characteristics and ac impedance characteristics will be presented to the message register equipment under test. When used, the simulator circuit shall be operated over the entire range of resistance and voltage values indicated in Figure 68.3(h). Whenever dc current is changed, sufficient time shall be allocated for the current to reach a steady-state condition before continuing the test.

(m) *Metallic Voltage:* The potential difference between the tip and ring connections for the tip, ring pair of 2-wire and 4-wire connections and additionally for 4-wire telephone connections, between the tip 1 and ring 1 connections for the tip 1, ring 1 pair (where tip 1 and ring 1 are the receive pair).

(n) *Multi-Port Equipment:* Equipment that has more than one telephone connection with provisions internal to the equipment for establishing transmission paths among two or more telephone connections.

(o) *Network Port:* An equipment port of registered protective circuitry which port faces the telephone network.

(p) *Off-Premises Station Interface:* The point of connection between PBX telephone systems (or similar systems) and telephone company private line communication facilities used to access registered station equipment located off the premises. Equipment leads at this interface are limited to telephone tip and ring leads (designated T(OPS) and R(OPS)) where the PBX employs loop-start signaling at the interface. Unless otherwise noted, all T(OPS) and R(OPS) leads shall be treated as telephone connections for purposes of fulfilling registration conditions.

(q) *Off-Premises Line Simulator Circuit:* A load impedance for connection, in lieu of an off-premises station line, to PBX (or similar) telephone system loop start circuits (Figure 68.3(f)) during testing. The schematic diagram of Figure 68.3(f) is illustrative of the type of circuit which will be required; alternative implementations may be used provided that the same dc voltage and current characteristics and ac impedance characteristics will be presented to the equipment under test as are presented in the illustrative schematic diagram. When used, the simulator shall be operated over the entire range of loop resistances as indicated in Figure 68.3(f), and with the indicated polarities. Whenever loop current is changed, sufficient time shall be allocated for the current to reach a steady-state condition before continuing testing.

(r) *One-Port Equipment:* Equipment which has either exactly one telephone connection, or a multiplicity of telephone connections arranged so that no transmission among such telephone connections, within the equipment, is intended.

(s) *Power Connections:* The connections between commercial power and any transformer, power supply rectifier, converter or other circuitry associated with registered terminal equipment or registered protective circuitry. The following are not power connections.

(1) Connections between registered terminal equipment or registered protective circuitry and sources of non-hazardous voltages (see § 68.306(b)(4) for a definition of non-hazardous voltages).

(2) Conductors which distribute any power within registered terminal equipment or within registered protective circuitry.

(3) Green wire ground (the grounded conductor of a commercial power circuit which is UL-identified by a continuous green color).

(t) *Premises Wiring:* Wiring which connects separately-housed equipment entities or system components to one another, or wiring which connects an equipment entity or system component with the telephone network interface, located at the customer's premises and not within an equipment housing.

(1) *Fully Protected Premises Wiring.* Premises wiring which is either:

(i) No greater than 25 feet in length (measured linearly between the points where it leaves equipment or connector housings) and registered as a component of and supplied to the user with the registered terminal equipment or protective circuitry with which it is to be used. Such wiring shall either be pre-connected to the equipment or circuitry, or may be so connected by the user (or others) if it is demonstrated in the registration application that such connection by the untrained will not result in harm, using relatively fail-safe means.

(ii) A cord which complies with the previous subsection and which is extended *once* by a connectorized FCC-registered extension cord which itself complies with the previous sub-section. Extension cords may not be used as a substitute for wiring which for safety reasons should be affixed to or embedded in a building's structure.

(iii) Wiring located in an equipment room with restricted access, provided that this wiring remains exposed for inspection and is not concealed or embedded in the building's structure, and that it conforms to § 68.215(d).

(iv) Electrically behind registered (or grandfathered) equipment, system components or protective circuitry which assure that electrical contact between the wiring and commercial power wiring or earth ground will not result in hazardous voltages or excessive longitudinal imbalance at the telephone network interface.

(2) *Protected premises wiring requiring acceptance testing for imbalance.* Premises wiring which is electrically behind registered (or

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grandfathered) equipment, system components or circuitry which assure that electrical contact between the wiring and commercial power wiring will not result in hazardous voltages at the telephone network interface.

(3) *Unprotected Premises Wiring.* All other premises wiring.

(u) *Private Line Channel:* Telephone company dedicated facilities and channel equipment used in furnishing private line service from the telephone network for the exclusive use of a particular party or parties.

(v) *Registered Protective Circuitry:* Separate, identifiable and discrete electrical circuitry designed to protect the telephone network from harm, which is registered in accordance with the rules and regulations in Subpart C of this part.

(w) *Registered Terminal Equipment:* Terminal equipment which is registered in accordance with the rules and regulations in Subpart C of this part.

(x) *Telephone Connection:* Connection to telephone network tip and ring leads for 2-wire and 4-wire connections and, additionally, for 4-wire telephone connections, tip 1 and ring 1 leads and all connections derived from these leads. The term "derived" as used here means that the connections are not separated from telephone tip and ring or from telephone tip 1 and ring 1 by a sufficiently protective barrier. Part 68 Rules that apply specifically to telephone network tip and ring pairs shall also apply to telephone network tip 1 and ring 1 pairs unless otherwise specified. In 4-wire connections, leads designated tip and ring at the interface are for transmitting voice frequencies toward the network and leads designated tip 1 and ring 1 at the interface are for receiving voice frequencies from the network.

(y) *Telephone Network:* The public switched network and those private lines which are defined in §§ 68.2(a)(2) and (3).

(z) *Terminal Port:* An equipment port of registered protective circuitry which port faces remotely-located terminal equipment.

(aa) *Tie Trunk Transmission Interfaces:*

(1) 2-Wire: A 2-wire transmission interface with a path that is essentially lossless (except for 2dB switched pad operation, or equivalent) between the interface and the 2-wire or 4-wire, transmission reference point of the terminal equipment.

(2) 4-Wire Lossless: A 4-wire transmission interface with a path that is essentially lossless (except for 2dB switched pad operation, or equivalent) between the interface and the 2-wire or 4-wire transmission reference point of the terminal equipment; and

(3) 4-Wire Conventional Terminating Set (CTS): A 4-wire interface with a path to the transmission reference point that has a conventional terminating set providing 2-wire to 4-wire conversion with approximately 4dB of loss and having no gain elements. This device's loss will be referred to as a "nominal" 4dB, but in no case is it allowed to be less than 3dB.

(4) Direct Digital Interface: An interface between a digital PBX and a digital transmission facility.

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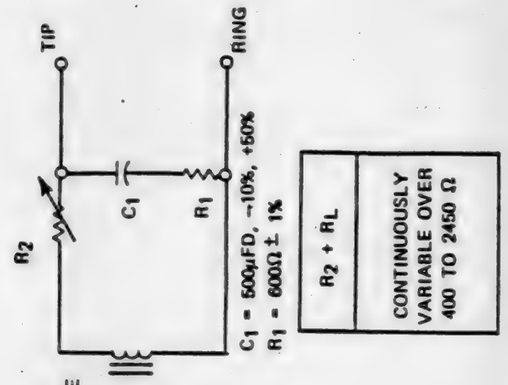
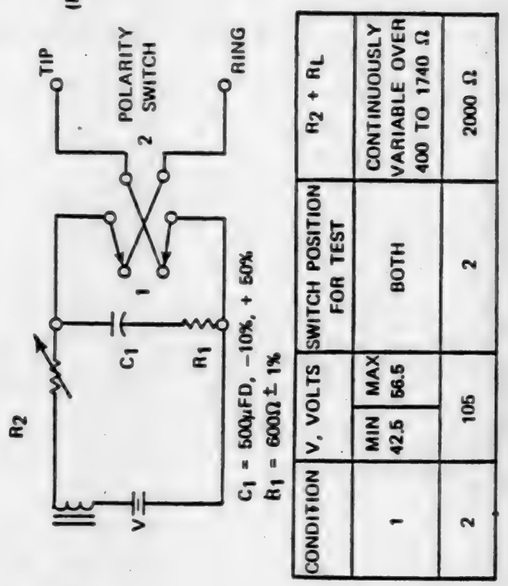


Figure 68.3(b): Loop Simulator for Reverse Battery Circuits.



CONDITION	V, VOLTS		SWITCH POSITION FOR TEST
	MIN	MAX	
1	42.5	56.5	BOTH
2	105		2

Figure 68.3(a): Loop Simulator for Loop Start and Ground Start Circuits.

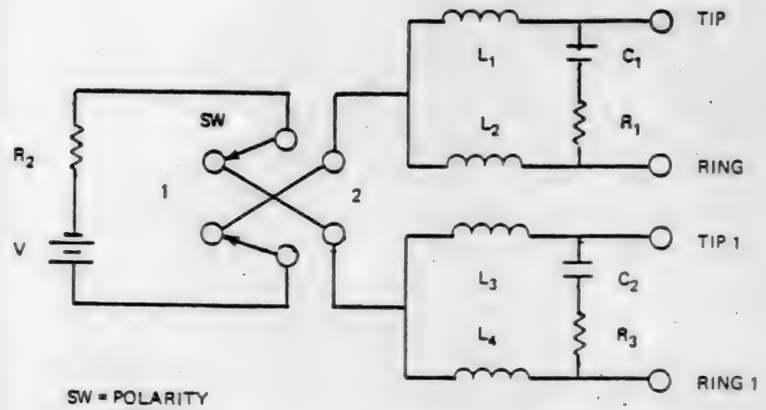
NOTES:

1. Means shall be used to generate, at the point of tip and ring connections to the terminal equipment or protective circuitry, the parameters of dc line current and ac impedance which are generated by the illustrative circuits depicted above (as appropriate for the equipment under test).
2. In the Longitudinal Balance Limitations, Section 68.310, the use of the "dc portion of the loop simulator circuit" is specified. In such case, components R_1 and C_1 above should be removed.

FIGURE 68.3. LOOP SIMULATOR CIRCUITS

V45/63 MR31 80 UMI

LOOP SIMULATOR CIRCUIT FOR 4-WIRE LOOP START AND GROUND START



SW = POLARITY SWITCH

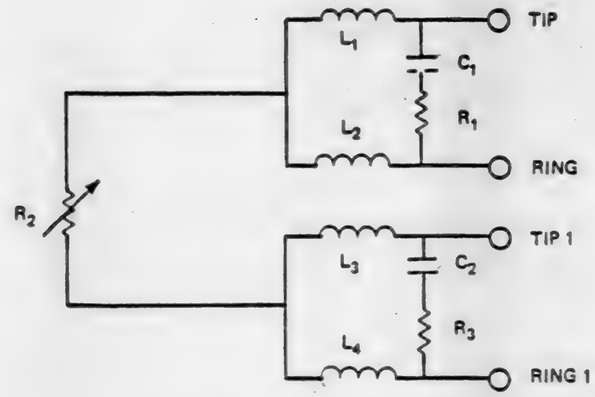
$L_1 = L_2 = L_3 = L_4 \geq 5H$ (RESISTANCE = R_{L1}, R_{L2}, R_{L3}, R_{L4})
$R_1 = R_3 = 600$ OHMS, ± 1%
$C_1 = C_2 = 500\mu FD$, −10%, + 50%

CONDITION	V VOLTS		SWITCH POSITION FOR TEST	$R_2 + R_L$ *
1	MIN 42.5	MAX 56.5	BOTH	CONTINUOUSLY VARIABLE OVER 400 TO 1740Ω
2	105		2	2000Ω

$$R_L = \frac{R_{L1} R_{L2}}{R_{L1}+R_{L2}} + \frac{R_{L3} R_{L4}}{R_{L3}+R_{L4}}$$

FIGURE 68.3(C)

LOOP SIMULATOR CIRCUIT FOR 4-WIRE REVERSE BATTERY CIRCUITS



$L_1 = L_2 = L_3 = L_4 \geq 5H$ (RESISTANCE = R_{L1}, R_{L2}, R_{L3}, R_{L4})
$R_1 = R_3 = 600$ OHMS, ± 1%
$C_1 = C_2 = 500\mu FD$, -10%, + 50%

$R_2 + R_L$
CONTINUOUSLY VARIABLE OVER 400 TO 2450Ω

$$R_L = \frac{R_{L1} R_{L2}}{R_{L1} + R_{L2}} + \frac{R_{L3} R_{L4}}{R_{L3} + R_{L4}}$$

FIGURE 68.3(D)

V45/63 MR31 80 UMI

REGISTERED TERMINAL EQUIPMENT
ON "A" SIDE OF INTERFACE

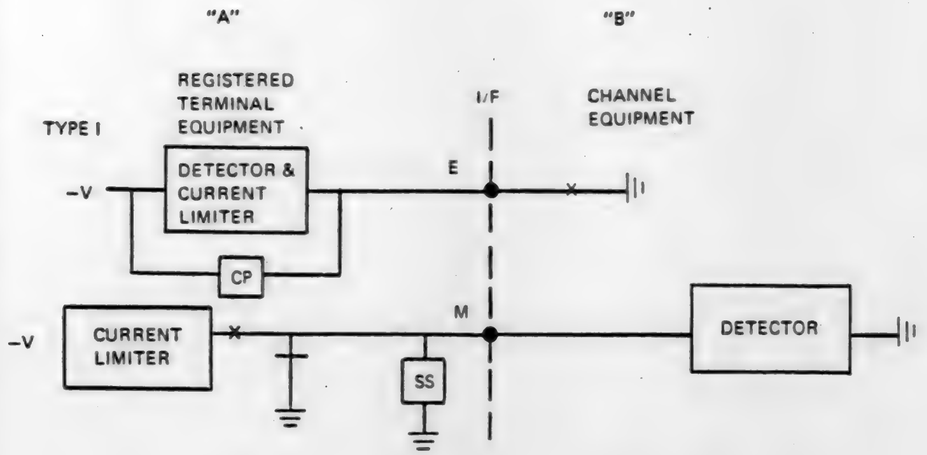


FIGURE 68.3 (e) (i)
E&M TYPES I & II SIGNALING

REGISTERED TERMINAL EQUIPMENT
ON "B" SIDE OF INTERFACE

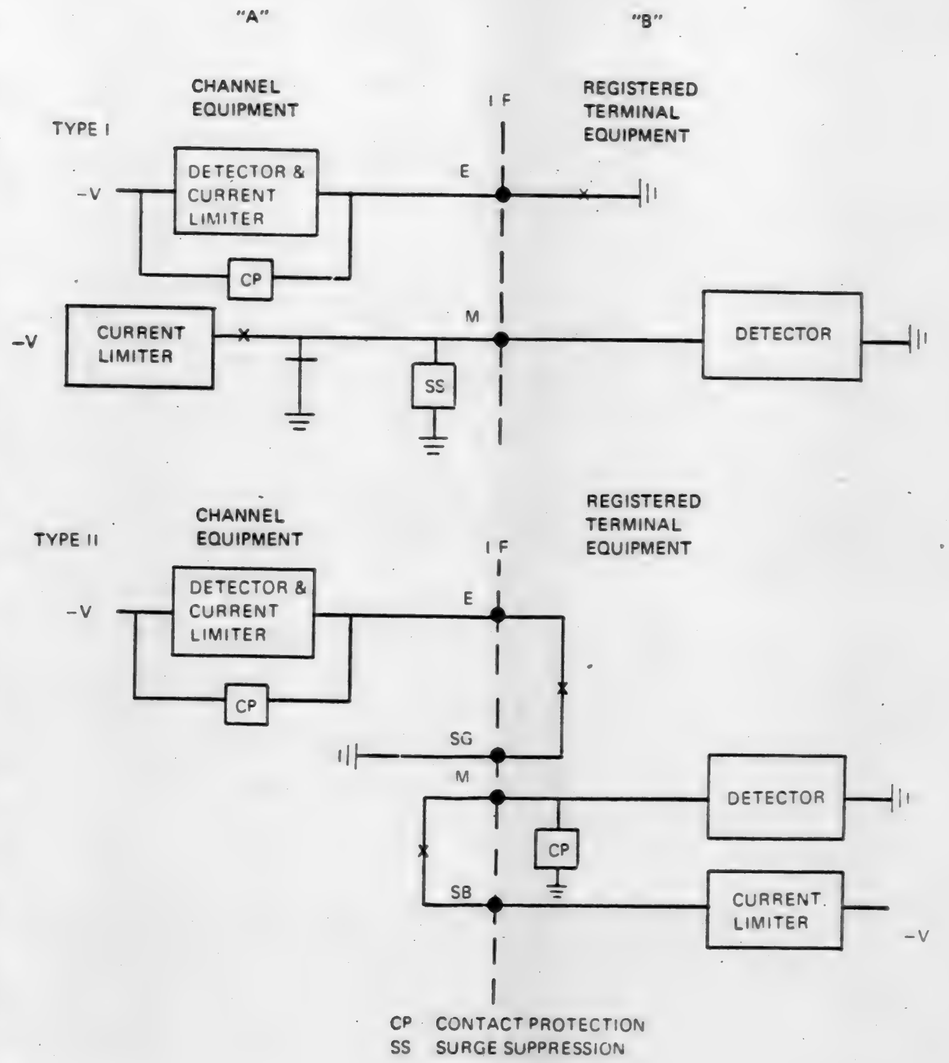
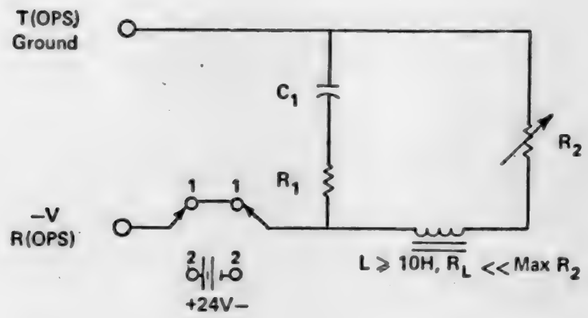


FIGURE 68.3 (e) (ii)
E&M TYPES I & II SIGNALING

V 45/63 MR 31 80 UMI

OFF—PREMISES LOOP SIMULATOR



C_1 = 500μF, −10%, + 50%.
R_1 = 600Ω ± 1%

Condition	Switch Position For Test	$R_2 + R_L$ Continuously Variable Over The Following Range				
		Class A	Class B	Class C	Class D	Class E
1	1	R_L To 200Ω	R_L To 800Ω	R_L To 1800Ω	R_L To 1200	R_L = 800 to 2000
2	2	Not Applicable	200 To 2300Ω	900 To 3300Ω	800 To 2300	1200 to 3300

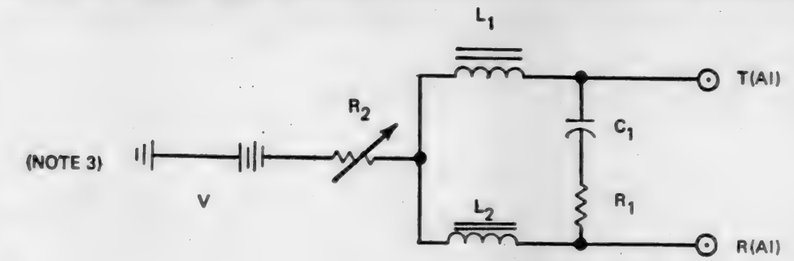
The minimum dc current present for all resistance ranges of conditions 1 and 2 shall be 16 mA.

NOTES:

1. Means shall be used to generate, at the point of tip (T OPS) and ring (R OPS) connections to the PBX, the range of resistance and impedance which are employed by the illustrative circuit depicted above.

2. In the longitudinal balance limitations, Section 68.310, the use of the "dc portion of the line simulator" is specified. In such case, components R_1 and C_1 above shall be removed.

FIGURE 68.3 (f)



$L_1 = L_2 > 5H$

R_1 = 600Ω ± 1% (NOTE 2)
C_1 = 500μF, −10%, +50%

OPERATING STATE	V. VOLTS		$R_2 + R_L$,* OHMS (NOTE 5)
	MAX.	MIN.	
1	+3 (NOTE 4)	−3 (NOTE 4)	600-1400
2	+3	−3	600-1400
3	−59.5	−39.5	300-1400

$$*R_L = \frac{R_{L1}R_{L2}}{R_{L1}+R_{L2}}$$

NOTES:

1. Means shall be provided to generate, at the point of T(AI) and R(AI) connections to the PBX, the dc line current and impedance values that are employed by the illustrative circuit depicted above.

2. For signal power measurements in 68.308 (d) and (e) other than voiceband metallic and in the 3995 to 4005 hertz band, use resistive terminations specified in place of R_1.

3. Ground lead should be bonded to simplex signaling ground of registered terminal equipment.

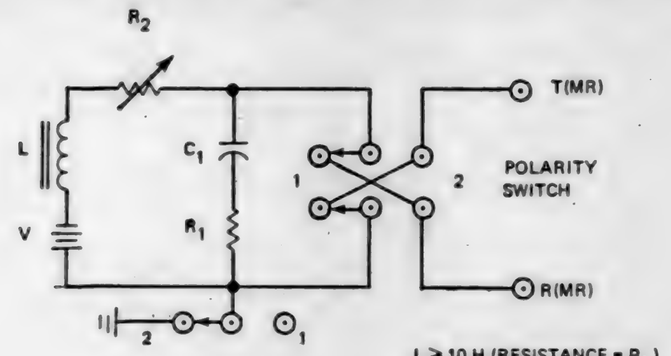
4. The ±3-volt battery shall be used to extend the range of total battery applied to an overall circuit. Thus, if the registered terminal equipment condition provides -42.5 to -56.5 volts, the overall circuit (simulator and PBX AIOD) shall be tested over a range of -39.5 to 59.5 volts.

5. Continuously variable over the range specified.

FIGURE 68.3 (g)

AIOD DATA CHANNEL SIMULATOR CIRCUIT

V 45 / 63 MR 31 80 UMI



CONDITION	V, VOLTS		POLARITY SWITCH POSITION	MODE SWITCH POSITION	$R_2 + R_L$ OHMS (NOTE 4)
	MIN	MAX			
1	42.5	56.5	BOTH	1	250-1450
2	39.5	59.5	BOTH	2	250- 850
3	63.5	83.5	BOTH	1	1450-2650

NOTES:

1. Means shall be used to generate, at the point of T(MR) and R(MR) connections to the PBX, the range of resistance and impedance values that are employed by the illustrative circuit depicted above.
2. Mode switch position 1 is for metallic return operation; mode switch position 2 is for ground return operation.
3. For signal power measurements specified in 68.308, use Figures 68.308 (b) and (c) for R_1.
4. Continuously variable over range shown.

FIGURE 68.3 (h)

MESSAGE REGISTER SIGNALING CHANNEL SIMULATOR

BILLING CODE 6712-01-C

Subpart B—Conditions On Use of Terminal Equipment

§ 68.100 General

In accordance with the rules and regulations in Subpart B of this part, terminal equipment may be directly connected to the public switched telephone network and to those private line services included in § 68.2(a)(2). In addition, PBX (or similar) systems may be directly connected to those private line services included in § 68.2(a)(3).

* * * * *

§ 68.104 Means of connection

(a) General. Except for telephone company-provided ringers and except as provided in paragraph (c), all connections to the telephone network shall be made through the standard plugs and standard telephone company-provided jacks, or equivalent, described in Subpart F, in such a manner as to allow for easy and immediate disconnection of the terminal equipment. Standard jacks shall be so arranged that, if the plug connected thereto is withdrawn, no interference to the operation of equipment at the customer's premises which remains connected to the telephone network, shall occur by reason of such withdrawal.

(b) Data Equipment. Where a customer desires to connect data equipment which has been registered in accordance with § 68.308(a) (4) (i) or (ii), he shall notify the telephone company of each telephone line to which he intends to connect such equipment. The telephone company after determining the attenuation of each such telephone line between the interface and the telephone company central office, will make such connections as are necessary in each standard data jack which it will install, so as to allow the maximum signal power delivered by such data equipment to the telephone company central office to reach but not exceed the maximum allowable signal power permitted at the telephone company central office.

(c) Tariff Description. As an alternative to description in Subpart F of these rules, connections to the telephone network may be made through standard plugs and standard telephone company-provided jacks or equivalent described in nationwide telephone tariffs: Provided. That these means of connection otherwise comply with paragraphs (a) and (b) of this section.

§ 68.106 Notification to telephone company

(a) General: Customers connecting terminal equipment or protective circuitry to the telephone network shall, before such connection is made, give notice to the telephone company of the particular line(s) to which such connection is to be made, and shall provide to the telephone company the FCC Registration Number and Ringer Equivalence of the Registered terminal equipment or registered protective circuitry. The customer shall give notice to the telephone company upon final disconnection of such equipment or circuitry from the particular line(s).

(b) Systems Assembled of Combinations of Individually-Registered Terminal Equipment and Protective Circuitry: Customers connecting such assemblages to the telephone network shall, before such connection is made, provide the following information to the telephone company:

(1) For each line:

(i) Information required for compatible operation of the equipment with telephone company communications facilities.

(ii) The FCC Registration Numbers for all equipment dedicated to that line.

(iii) The largest Ringer Equivalence to be presented to that line.

(2) A list of FCC Registration Numbers for equipment to be used in the system.

(c) Systems using other than "Fully-Protected" Premises Wiring. Customers who intend to connect premises wiring other than "fully-protected" premises wiring to the telephone network shall, in addition to the foregoing, give notice to the telephone company in accordance with § 68.215(e).

(d) AIOD Trunk and Station Number Verification: Customers who intend to install or have installer performed additions to and rearrangements of AIOD functions shall give notice to the telephone company in accordance with § 68.222(d).

(e) OPS: Customers who intend to connect to OPS facilities shall inform the telephone company of OPS class for which the equipment is registered and connection is desired.

* * * * *

Subpart C—Registration Procedures

* * * * *

§ 68.222 AIOD trunk and station number verification.

(a) *Verification requirements*—(1) *General.* The proper identification of 4-digit PBX-central office trunk numbers and PBX station numbers for purposes of Automatic Identified Outward Dialing (AIOD) shall be verified as a part of initial installation and subsequent installer performed additions to and rearrangements of AIOD functions.

(2) *Trunk Numbers.* A 4-digit trunk number identified for each PBX-central office trunk, when seized, shall be the same as the 4-digit trunk number assigned by the telephone company at the PBX-central office trunk interface.

(3) *Station Numbers.* The 4-digit station number identified for each station, incoming tie trunk, and the attendant when connected to a PBX-central office trunk shall be verified to: (i) Be in the group of station numbers assigned by the telephone company and, (ii) be the same as the number assigned to or intended to correspond uniquely to the station, tie trunk, or attendant.

(b) *Verification Personnel.* Operations associated with the verification of AIOD trunk and station number assignments shall be performed under the supervision and control of a supervisor, as defined in paragraph (c) of this section. The supervisor and installer may be the same person.

(c) *Supervision.* Operations by installation personnel shall be performed under the responsible supervision and control of a person who:

(1) Has at least six months of on-the-job experience in the installation of telephone terminal equipment;

(2) Has been trained by the registrant in the operation of the AIOD feature and in the performance of operations needed to verify proper identification procedures and results.

(3) Or, in lieu of paragraph (c)(1) and (c)(2) of this section, is a licensed professional engineer in the jurisdiction in which the installation is performed.

(d) *Verification Procedure.* The installation supervisor shall notify the telephone company that the required verification tests have been performed. Such notification need not be made in writing. Such notification shall include the following information:

(1) The responsible supervisor's full name, business address and business telephone number; and

(2) The date when AIOD service involving the trunk and station numbers verified will start, the date when the verification test took place, and a list of the trunk and station numbers actually assigned.

Subpart D—Conditions for Registration

Sec.

68.300 Labelling requirements.
68.302 Environment simulation.
68.304 Leakage current limitations.
68.306 Hazardous voltage limitations.
68.308 Signal power limitations.
68.310 Longitudinal balance limitations.

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68.312 On-hook impedance limitations.
68.314 Billing protection.

Authority: Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303).

Subpart D—Conditions for Registration

§ 68.300 Labeling requirements.

(a) Registered terminal equipment and registered protective circuitry shall have prominently displayed on an outside surface the following information in the following format:

Complies With Part 68, FCC Rules
FCC Registration Number ——————
Ringer Equivalence ——————

(b) Registered terminal equipment and registered protective circuitry shall also have the following identifying information permanently affixed thereto:

(1) Grantee's name

(2) Model number, as specified in the registration application

(3) Serial number or date of manufacture.

§ 68.302 Environment simulation.

Registered terminal equipment and registered protective circuitry shall comply with all the criteria contained in the rules and regulations in this subpart, both prior to and after the application of each of the mechanical and electrical stresses specified in this section, not withstanding that certain of these stresses may result in partial or total destruction of equipment.

(a) *Vibration.* The equipment shall be subjected to vibration while in the condition that it is normally shipped or transported. That is, during the following vibration test the equipment shall be vibrated while packaged if shipped packaged, or the equipment shall be vibrated while unpackaged if shipped unpackaged. The following sinusoidal vibration should be applied once in each of three orthogonal directions, however, for large equipments, the unit should rest on the base or side on which it is normally shipped: One sweep at a level of 0.5g peak from 5 to 100 Hz, and one sweep at a level of 1.5g peak from 100 to 500 Hz. The 5 to 100 Hz sweep should be conducted at a sweep rate of 0.1 octave/min. (approximately 45 minutes) and the 100 to 500 Hz sweep at a rate of 0.25 octave/min. (approximately 10 minutes).

(b) *Temperature and Humidity.* Cycling at any convenient rate through the following temperature and humidity conditions three times: 30 minutes at 150° F and 15 percent relative humidity, followed by 30 minutes at 90° F and 90 percent relative humidity, followed by 30 minutes at −40° F and any convenient humidity.

(c) *Shock.* (1) Registered Terminal Equipment and Registered Protective Circuitry Packaged for Shipment:

These tests are to be performed on a concrete surface with one package and its normal contents. If after six or more successive drops a package has sustained visible damage, the equipment under test may be repackaged before the packaged drop tests are resumed.

0–20 lbs: One 30-inch face drop on each face and one 30-inch corner drop on each corner.

20–50 lbs: One 24-inch face drop on each face and one 24-inch corner drop on each corner.

50–100 lbs: One 21-inch face drop on each face and one 21-inch corner drop on each corner.

100–200 lbs: One 18-inch face drop on each normal or designated rest face. One edgewise drop and one cornerwise drop from a height of 18 inches on each edge and corner adjacent to the rest face.

200–600 lbs: One 12-inch face drop on each normal or designated rest face. One edgewise drop and one cornerwise drop from a height of 12 inches on each edge and corner adjacent to the rest face.

600–1000 lbs: One 8-inch face drop on each normal or designated rest face. One edgewise drop and one cornerwise drop from a height of 8 inches on each edge and corner adjacent to the rest face.

Over 1000 lbs: One 6-inch face drop on each normal or designated rest face. One edgewise drop from a height of 6 inches on each edge adjacent to the rest face.

(2) Registered Terminal Equipment and Registered Protective Circuitry Equipment Unpackaged:

Hand-Held Items Normally Used at Head Height:

18 random drops from a height of 60 inches onto concrete covered with ⅛ inch asphalt tile or similar surface.

Normally Customer Carried Equipment:

6 random drops from a height of 30 inches onto concrete covered with ⅛ inch asphalt tile or similar surface.

Equipment Not Normally Customer Carried:

These tests are made onto concrete covered with ⅛ inch asphalt tile or similar surface.

0–20 lbs: One 6-inch face drop on each normal or designated rest face, one 3-inch drop on all other faces, and one 3-inch corner drop on each corner.

20–50 lbs: One 4-inch face drop on each normal or designated rest face, one 2-inch face drop on all other faces, and one 2-inch corner drop on each corner.

50–100 lbs: One 2-inch face drop on each normal or designated rest face. One edgewise drop and one cornerwise drop from a height of 2 inches on each edge and corner adjacent to the rest face.

100–1,000 lbs: One 1-inch face drop on each normal or designated rest face. One edgewise drop and one cornerwise drop from a height of 1 inch on each edge and corner adjacent to the rest face.

Over 1,000 lbs: One 1-inch face drop on each normal or designated rest face. One edgewise drop from a height of 1 inch on each edge adjacent to this rest face.

(3) The drop tests specified in the mechanical shock conditioning stresses shall be performed as follows:

FACE DROP—The unit should be dropped such that the face to be struck is approximately parallel to the impact surface.

CORNER DROP—The unit should be dropped such that upon impact a line from the struck corner to the center of gravity of the packaged equipment is approximately perpendicular to the impact surface.

EDGEWISE DROP—The unit should be positioned on a flat test surface. One edge of the rest face should be supported with a block so that the rest face makes an angle of 20° with the horizontal. The opposite edge should be lifted the designated height above the test surface and dropped.

CORNERWISE DROP—The unit should be positioned on a flat test surface. One corner of the test face should be supported with a block so that the rest face makes an angle of 20° with the horizontal. The opposite corner should be lifted the designated height above the test surface and dropped.

RANDOM DROP—The unit should be positioned prior to release to ensure as nearly as possible that for every six drops there is one impact on each of the six major surfaces and that the surface to be struck is approximately parallel to the impact surface.

(d) *Metallic Voltage Surge.* Two 800-volt peak surges of a metallic voltage (one of each polarity) having a 10-microsecond *maximum* rise time to crest and a 560-microsecond *minimum* decay time to half crest applied between (1) tip and ring of a 2-wire connection; (2) between tip and ring, and tip 1 and ring 1 of a 4-wire connection; (3) between tip and tip 1 (with tip and ring tied together and tip 1 and ring 1 tied together) of a 4-wire connection which uses simplexed pairs for signaling; and (4) any other pair of connections on which lightning surges may occur (with one of the connections of the pair under test grounded) with the equipment in each of the following states:

(i) Any operational state which can affect compliance with the requirements of Part 68;

(ii) Any state in which the equipment might be connected to the telephone network and from which it is capable of transferring to an operational state by an automatic or manual action required for proper use of the equipment and provided that any such state can affect compliance with the requirements of Part 68; and

(iii) Any state in which the equipment might be connected to the telephone network through an automatic or manual action under all reasonably foreseeable possibilities of disconnection of connections of such equipment with primary commercial power sources (including possible loss of equipment grounding through disconnection of a third-wire ground connection contained in a primary power source plug).

All other equipment leads (telephone connections, auxiliary leads, and terminals for connection to nonregistered equipment) not being surged or connected to those being surged should be terminated in a manner which is no less severe than that which occur in normal use and affect compliance with Subpart D. Also, equipment states which cannot be achieved by normal means of power shall be achieved artificially by appropriate means, if necessary to comply with the above requirements. The peak current drawn from the surge generator must not be limited to less than 100 amperes by the capabilities of the surge generator except for the simplexed arrangement in case (3), which must not be limited to less than 200 amperes.

(e) *Longitudinal Voltage Surge.* With registered terminal equipment in each of the following states: first, any operational state which can affect compliance with the requirements of Part 68, second, any state in which the equipment might be connected to the telephone network and from which it is capable of transferring to an operational state by an automatic or manual action required for proper use of the equipment and provided that each state can affect compliance with the requirements of Part 68 and third, any state in which the equipment might be connected to the telephone network through an automatic or manual action under all reasonably foreseeable possibilities of disconnection of connections of such equipment with primary commercial power sources (including possible loss of equipment grounding through disconnection of a third-wire ground connection contained in a primary power source plug):

(1) Two 1500 volt peak surges (one of each polarity) having a 10 microsecond *maximum* rise time to crest and a 160 microsecond *minimum* decay time to half crest applied separately between each of the following leads individually and (i) and (ii) below, and where available, also between all of the following leads tied together and (i) and (ii) below: tip, ring, tip 1, ring 1, M (only for registered terminal equipment located on the "A" side of a Type I E&M interface).

(i) Earth ground; and

(ii) All leads on the registered equipment intended for connection to non-registered equipment when these leads are connected together.

The peak current drawn from the surge generator must not be limited to less than 200 amperes by the capabilities of the surge generator.

(2) Two 1500 volt peak surges (one of each polarity) having a 10 microsecond *maximum* rise time to crest and a 160 microsecond *minimum* decay time to half crest applied between pairs of connections other than tip and ring on which lightning surges may occur, connected together, and individually to (i) and (ii) below:

(i) Earth ground; and

(ii) All leads on the registered equipment intended for connection to non-registered equipment when these leads are tied together.

The peak current drawn from the surge generator shall not be limited to less than 200 amperes by the capabilities of the surge generator.

(3) Six 2500 volt peak surges (three of each polarity) having a 2 microsecond *maximum* rise time to crest and a 10 microsecond *minimum* decay time to half crest applied between the phase and neutral terminals of the ac power line. The peak current drawn from the surge generator must not be limited to less than 1000 amperes by the capabilities of the surge generator.

All other equipment leads (telephone connections, auxiliary leads, and terminals for connection to non-registered equipment) not being surged or connected to those being surged should be terminated in a manner which is no less severe than that which would occur in normal use and affect compliance with Subpart D. Also, equipment states which cannot be achieved by normal means of power shall be achieved artificially by appropriate means, if necessary to comply with the above requirements.

(f) *Failure Modes Resulting from the Application of Metallic and Longitudinal Surges.* Registered terminal equipment and registered protective circuitry is permitted to reach a failure-mode state in violation of the longitudinal balance requirements of § 68.310 after application of the electrical surges specified in paragraphs (d) and (e) of this section, provided that:

(1) Such failure results from an intentional, designed failure-mode which has the effect of connecting telephone or auxiliary connections with earth ground; and

(2) If such a failure-mode state is reached, the equipment is designed in such a manner that it would become substantially and noticeably unusable by the user, or an indication is given to the user (*e.g.*, an alarm), in order that such equipment can be immediately disconnected or repaired.

Note.—The objective of this subsection is to allow for safety circuitry which diverts lightning-like transients to earth ground, but which may continue to maintain the earth ground connections after the transients have ceased. Such a failure-mode has the potential for causing interference resulting from longitudinal imbalance, and therefore designs must be adopted which will cause the equipment either to be disconnected or repaired rapidly after such a state is reached, should it occur in service. This subsection does not apply to tie trunk interface leads.

§ 68.304 Leakage Current Limitations.

Registered terminal equipment and registered protective circuitry shall assure that, if a voltage source is connected to the combinations listed in the table below, of the following points on such equipment:

(a) All telephone connections,

(b) All power connections,

(c) All possible combinations of exposed conductive surfaces on the exterior of such equipment or circuitry excluding terminals for connection to other terminal equipment,

(d) All terminals for connection to nonregistered equipment,

(e) Points having a conducting path to the secondaries of any power supply,

(f) All auxiliary lead terminals, and

(g) All E&M lead terminals,

and is gradually increased, from zero to the values listed in the table below, over a thirty second time period, then applied continuously for one minute, the current in the mesh formed by the voltage source and these points shall not exceed 10 milliamperes peak at any time during this 90 second time interval.

Voltage Applied for Various Combinations of Electrical Connections

Voltage source connected between:	[1] Value
(a) and (c) note (5)	1000
(a) and (d) note (5)	1000
(a) and (f) note (5)	1000
(a) and (g) note (5)	1000
(b) and (c)	1500
(b) and (d)	1500
(b) and (e)	1500
(c) and (f)	1000
(c) and (g)	1000
(d) and (f)	1000
(d) and (g)	1000

[1] Value to which test voltage is gradually increased, rms, 60 Hertz.

Notes.—(1) If, in any operational state, one of the telephone connections, auxiliary leads or E&M leads has an intentional conducting path to earth ground, that lead may be excluded from the leakage current test in that operational state. Connections excluded for this reason must comply with the requirements of § 68.308(c) in addition to the other applicable rules. However, leakage current tests between telephone connections and auxiliary leads, and between telephone

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connections and E&M leads are required unless both points have intentional conducting paths to earth ground.

(2) Terminal port connections to registered protective circuitry shall be treated as point (d) leads for the purposes of leakage current limitation.

(3) Leakage current limitations shall be met between each of the point (d) and point (f) leads and all pairs of tip and ring telephone connections. (Testing all pairs may be done by a sequence of appropriate combinations of pairs.)

(4) Equipment states which cannot be achieved by normal means of power shall be achieved artifically by appropriate means, if necessary to comply with the requirements of this section.

(5) For multi-unit equipment interconnected by cables, which is evaluated and registered as an interconnected combination or assembly, the specified 10 milliamperes peak maximum leakage current limitation, other than between power connection points and other points, may be increased as described here to accommodate cable capacitance. The leakage current limitation may be increased to (10N + 0.04L) milliamperes peak where L is the length of interconnecting cable in the leakage path in feet and N is the number of equipment units which the combination or assembly will place in parallel across a telephone connection. However, all combinations of electrical connections requiring the increased limitation and involving point (c) (exposed conductive surfaces) surfaces must comply with the requirements of § 68.308(c) in addition to other applicable rules.

§ 68.306 Hazardous voltage limitations.

(a) *General.* Under no condition of failure of registered terminal equipment or registered protective circuitry, or of equipment connected thereto, which can be conceived to occur in the handling, operation or repair of such equipment or circuitry, shall the open circuit voltage on telephone connections exceed 70 volts peak for more than one second, except for voltages for network control signaling and supervision, which, in any case, should be consistent with standards employed by the telephone companies.

(1) Registered terminal equipment shall assure that at the MR channel interface, no continuous ac or dc voltages appear across the tip (MR) and ring (MR) leads, from the tip (MR) lead to PBX ground, or from the ring (MR) lead to PBX ground.

(2) Registered terminal equipment shall assure that during normal operation, at an AIOD data channel interface, (i) no significant ac voltage to ground other than for data transmission appears on the tip (AI) and ring (AI) leads; (ii) no open circuit dc voltage to ground appears on the tip (AI) and ring (AI) leads other than in the range from 0 to −56.5 volts.

(3) Registered terminal equipment shall also assure that at either the MR channel interface or an AIOD data channel interface, voltage transients appearing on either the tip (AI or MR) or ring (AI or MR) to ground as a result of inductive components in the registered terminal equipment shall not be capable of delivering more than 2 joules to a 500 ohm resistive termination.

(4) Type I E&M Leads: Conditions for "A" side of interface with conditions for "B" side in parentheses. Registered terminal equipment shall assure that (i) the dc current in the E lead does not exceed 100 milliamperes, (ii) no significant ac voltage to ground appears on the E&M leads,* (iii) no significant ac or dc voltage to ground appear on the (E) & (M) leads,* and (iv) the open circuit dc voltage to ground on the E&M leads does not exceed 56.5 volts and is not positive. M lead protection shall be provided to assure that voltages to ground do not exceed 80 volts, for relay contact implementation a power dissipation capability of 0.5 watt shall be provided in the shunt path. If the registered terminal equipment contains an inductive component in the E lead, it must assure that the transient voltage across the contact as a result of a relay contact opening, does not exceed the following voltage and duration limitations: (i) 300 volts peak, (ii) a rate of change of one volt per microsecond, and (iii) an 80 volt level for more than 10 milliseconds.

(5) Type II E&M Leads: Conditions for "A" side of interface with conditions for "B" side in parentheses. Registered terminal equipment shall assure that (i) the dc current in the E and (SB) leads does not exceed 100 milliamperes and no significant ac voltage to ground appears on the E and (SB) leads,* (ii) no significant ac or dc voltages to ground appear on the M, SG, SB (E), (SG), and (M) leads from sources in the registered terminal equipment,* and (iii) the open circuit dc voltage to ground on the E and (SB) leads does not exceed 56.5 volts and is not positive. If the registered terminal equipment contains an inductive component in the E or (M) lead, it must assure that the transient voltage across the contact, as a result of a relay contact opening, does not exceed the following voltage and duration limitations; (i) 300 volts peak, (ii) a rate of change of one volt per microsecond, and (iii) an 80 volt level for more than 10 milliseconds.

(6) Off-Premises Station Voltages

(i) Talking battery or voltages applied by the PBX (or similar systems) to OPS interface leads for supervisory purposes must be negative with respect to ground, shall not exceed 56.5V dc for Classes A, B, and C, and shall not have a significant ac component.[1]

(ii) Ringing signals applied by the PBX (or similar systems) to OPS interface leads shall be applied for the purpose of station alerting only, and shall comply with requirements in paragraph (d) of this section. Ringing voltages shall be applied between the ring conductor and ground.

(b) Connection of nonregistered equipment to registered terminal equipment or registered protective circuitry.

(1) General: Leads to, or any elements having a conducting path to telephone connections, auxiliary leads or E&M leads shall:

(i) Be reasonably physically separated and restrained from; nor routed in the same cable as: nor use the same connector as leads or metallic paths connecting to power connections;

(ii) Be reasonably physically separated and restrained from; nor routed in the same cable as; nor use adjacent pins on the same connector as metallic paths to leads to nonregistered equipment, when specification details provided to the Commission pursuant to § 68.200(g) do not show that interface voltages are less than non-hazardous voltage source limits in § 68.306(b)(4).

(2) Connections to registered terminal equipment: the voltage measurable between auxiliary leads, auxiliary leads to ground, E&M leads and ground, tip and ring, tip to ground, ring to ground, tip 1 and ring 1, tip 1 to ground, and ring 1 to ground shall not exceed 70 volts peak for more than 1 second, with tip to ring, tip 1 to ring 1, and auxiliary lead to auxiliary lead each terminated with 1500 ohms center-tapped through 1000 ohms to ground and each E&M lead terminated in 1500 ohms to ground, if 120 volts rms 60 Hz. ac is applied between all connections to other equipment tied together (except connections to non-hazardous voltage sources) and ground. The source shall not be limited to less than 20 amperes continuously, not to less than 50 amperes for 1 minute, and shall not be interrupted by an overcurrent device permitting less total energy flow than a 20 ampere time delay fuse or breaker.

(3) Connections to registered protective circuitry: The voltage measurable between auxiliary leads, auxiliary leads to ground, E&M leads and ground, tip and ring, tip to ground, ring to ground, tip 1 and ring 1, tip 1 to ground, and ring 1 to ground shall not exceed 70 volts peak for more than 1

[1] The ac component should not exceed 5 volts peak or the dc component 5 volts, where not otherwise controlled by § 68.308.

second, with tip to ring, tip 1 to ring 1 and auxiliary lead to auxiliary lead each terminated with 1500 ohms, center-tapped through 1000 ohms to ground, and each E&M lead terminated in 1500 ohms to ground if either 120 or 300 volts rms to 60 Hz. ac is applied:

(i) Between all protective circuitry connections other than telephone connections (and connection to non-hazardous voltage sources), tied together and ground; and

(ii) Across all protective circuitry connections, other than telephone connections (and connections to non-hazardous voltage sources) which have a transmission path to the telephone connections, with alternative leads grounded; under all reasonable applications of earth ground to the protective circuitry. The source shall not be limited to less than 20 amperes continuously, nor to less than 50 amperes for 1 minute, and shall not be interrupted by an overcurrent device permitting less total energy flow than a 20 ampere time delay fuse or breaker.

(4) Non-Hazardous Voltage Source: A voltage source is considered a non-hazardous voltage source if it conforms with the requirements of §§ 68.302, 68.304, and 68.306(b)(1), with all connections to the source other than primary power connections treated as "telephone connections," and if such source supplies voltages no greater than the following under all modes of operation and of failure:

(i) Ac voltages less than 42.4 volts peak;

(ii) Dc voltages less than 80 volts; and

(iii) Combined ac and dc voltages less than 42.4 volts peak when the absolute value of the dc component is less than 21.2 volts and less than $(28.8 + 0.64 \times V$ dc) when the absolute value of the dc component is between 21.2 and 80 volts.

(c) Hazards from exposed surfaces (to be applied for intentional conductive paths to ground as required by § 68.304). The voltage measurable between auxiliary leads, auxiliary leads to ground, E&M leads and ground, tip and ring, tip and ground, ring and ground, tip 1 and ring 1, tip 1 and ground, ring 1 and ground, shall not exceed 70 volts peak for more than 1 second, with tip to ring, tip 1 and ring 1, and auxiliary lead to auxiliary lead each terminated with 1500 ohms, center-tapped through 1000 ohms to ground, and each E&M lead terminated in 1500 ohms to ground, if 120 volts rms 60 Hz. ac is applied between conductive exposed surfaces and ground. The source shall not be limited to less than 20 amperes continuously, nor to less than 50 amperes for 1 minute, and shall not be interrupted by an overcurrent device permitting less total energy flow than a 20 ampere time delay fuse or breaker.

(d) Ringing Sources: Ringing sources, except for class A OPS interfaces, shall meet all of the following restrictions:

(1) The ringing signal shall use only frequencies whose fundamental component is equal to or below 70 Hz.[2]

(2) The ringing voltage shall be less than 300 V peak-to-peak and less than 200 V peak-to-ground across a resistive termination of at least 1 megohm.

(3) The ringing voltage shall be interrupted to create quiet intervals of at least one second (continuous) duration each separated by no more than 5 seconds. During the quiet intervals, the voltage to ground shall not exceed the voltage limits given in paragraph (a)(1)(i) of this section.

(4) As specified below, ringing sources shall be required to (*a*) include a series current-sensitive tripping device in the ring lead which will trip ringing as specified in Figure 68.306(d), and/or (*b*) provide a voltage to ground (monitoring voltage) on the tip or ring conductor with a magnitude of at least 19 volts peak (but may not exceed the voltage limits given in paragraph (a)(1)(i) of this section) whenever the ringing voltage is not present (idle state). Tripping devices and/or monitoring voltages are required dependent upon the current flow through a specified resistance connected between the ringing source (R(OPS)) and ground as follows:

(i) If the current through a 500 ohms (and greater) resistor does not exceed 100 mA peak-to-peak, neither a tripping device nor a monitoring voltage are required, or

(ii) If the current through a 1500 ohms (and greater) resistor exceeds 100 mA peak-to-peak, the ringing source shall include a tripping device. If the tripping device meets the operating characteristics as specified in Figure 68.306(d) with R = 500 ohms (and greater), then no monitoring voltage is required. If, however, the tripping device only meets the given operating characteristics with R = 1500 ohms (and greater), then the ringing source must also include a monitoring voltage as described above, or

(iii) If the current through a 500 ohms (and greater) resistor exceeds 100 mA peak-to-peak but does not exceed this value of current with a 1500 ohms (and greater) termination, the ringing source shall include either a tripping device which meets the operating characteristics as specified in Figure 68.306(d) with R = 500 ohms (and greater), or a monitoring voltage.

[2] 33 Hz may be the highest frequency necessary for OPS service.

§ 68.308 Signal power limitations.

(a) *General.* Limits on signal power shall be met at the interface for all 2-wire network ports and, where applicable to offered services, both transmit and receive pairs of all 4-wire network ports. Signal power measurements shall be made using terminations as specified in each of the following limitations. The transmit and receive pairs of 4-wire network ports shall be measured with the pair not under test connected to a termination equivalent to that specified for the pair under test. Though gain limitations apply only in the direction of transmission toward the network.

(b) *Voice Band Metallic Signal Power.*—(1) *Limitations at the Interface on Internal Signal Sources Not Intended for Network Control Signaling.* (i) For registered terminal equipment or registered protective circuitry, other than data equipment or data protective circuitry which is registered in accordance with § 68.308(b)(4), the maximum power of other than live voice signals delivered to a loop simulator circuit shall not exceed −9 dB with respect to one milliwatt, when averaged over any 3-second interval. No manufacturing tolerance is allowed which would permit this power to be exceeded by any unit of equipment.

(ii) For tie trunk type interfaces, the maximum power of other than live voice signals delivered to a 600 ohm termination shall not exceed the following:

Maximum Power With Respect to One Milliwatt When Averaged Over Any 3-Second Interval

2-wire	4-wire Loseless	4-wire CTS [b]
−15 dB[a]	−15 dB[a]	−19 dB, nom.

Notes: (a) The maximum signal power may be exceeded by as much as 1.0 dB by a single unit of equipment or circuitry, provided that the power averaged over all units of production, complies with the specified limitations.
(b) The 4-wire CTS shall meet the requirements defined in Section 68.3(aa)(iii).

(iii) For OPS lines, the maximum power of other than live voice signals delivered to an OPS line simulator circuit shall not exceed −13 dB with respect to one milliwatt, when averaged over any 3-second interval.

(iv) For AIOD channels, the maximum signal power delivered to an AIOD data channel simulator circuit in each of the following operating states shall not exceed −4 dB with respect to one milliwatt averaged over any 3-second time interval:

Simulator circuit[1]	AIOD tip and ring[1]
1	−42.5–56.5
2	0
3	0

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Simulator circuit[1]	AIOD tip and ring[2]
3	0

[1] Operating state of simulator circuit.
[2] Remote terminal equipment open circuit DC volts to ground on AIOD tip and ring.

The maximum signal power may exceed −4 dB with respect to one milliwatt by as much as 1.0 dB provided that the power averaged over all units of the equipment complies with the specified maximum.

Note: The maximum signal power may be exceeded by as much as 1.0 dB by a single unit of equipment or circuitry, provided that the power, averaged overall units of production, complies with the specified limitations.

(2) *Limitations on Internal Signal Sources Primarily Intended for Network Control Signaling, Contained in Voice and Data Equipment*

(i) For all operating conditions of registered terminal equipment and registered protective circuitry, the maximum power delivered to a loop simulator circuit shall not exceed one milliwatt when averaged over any 3-second interval.

(ii) For tie trunk applications, the maximum power delivered to a 600 ohm termination for registered terminal equipment and registered protective circuitry under all operating conditions shall not exceed the following:

Maximum Power With Respect to One Milliwatt, When Averaged Over Any 3-Second Interval

2-wire	4-wire Lossless	4-wire CTS
−4 dB	−4 dB	−8 dB, nom.

(3) *Registered one port and multiport terminal equipment and Protective Circuitry with Provision for Through Transmission from Other Terminal Equipment, Excluding Data Equipment and Data Protective Circuitry Which Are Registered in Accordance with § 68.308(b)(4).* (i) Where through-transmission equipment provides a dc electrical signal to equipment connected therewith (e.g., for powering of electro-acoustic transducers), dc conditions shall be provided which fall within the range of conditions provided by a loop simulator circuit unless the combination of the through-transmission equipment and equipment connected therewith is registered as a combination which conforms to § 68.308(b) (1) and (2).

(ii) Through-transmission equipment to which remotely connected data terminal equipment may be connected shall not be equipped with or connected to either a Universal or Programmed Data Jack used in data configurations. (See §§ 68.308(b) (4) and 68.502(e)).

(4) *Limitations on Registered Data Terminal Equipment and Registered One-Port Protective Circuitry with Provision for Through-Transmission from Data Equipment.* When such equipment or circuitry is used for the transmission of data signals to the telephone network, it shall assure in all operating conditions, other than network control signaling (see § 68.308(b)(2) above), that one of the following limitations is met, depending upon the means of connection of the equipment or circuitry to the telephone network. The transmitted signal power, averaged over any 3-second time interval, delivered to a loop simulator circuit, shall not exceed:

(i) A maximum level adjustable to no greater than −4 dB with respect to one milliwatt, for connection to a Universal Data Jack used in the "fixed loss loop" configurations of § 68.502(e). (ii) A maximum level determined by means of connections in the Programmed Data Jack or Universal Data Jack, used in the "programmed" configurations of § 68.502(e), which level can be programmed in 1 dB steps from −12 dB to 0 dB with respect to one milliwatt by means of programming connections made within the jack.

(iii) A nonadjustable level no greater than −9 dB with respect to one milliwatt for connection by means other than those which implement the limitations in paragraphs (b)(4) (i) and (ii) of this section. Equipment or circuitry designed in accordance with this −9 dBm limitation shall be treated as non-live voice equipment within these rules.

The maximum signal power specified in (paragraphs (b)(4) (i) and (ii) of this section may be exceeded by as much as 1.0 dB by a single unit of equipment or circuitry, provided that the power averaged over all units of production, complies with the specified limitations. The maximum signal power specified in paragraphs (b) (4) (iii) of this section may not be exceeded by any units of production.

(5) *Registered One Port and Multiport Terminal Equipment and Protective Circuitry with Provision for Through-Transmission from Ports to Other Equipment which Is Separately Registered for the Public Switched Network, or Ports to Other Network Interfaces.* (i) Registered terminal equipment and registered protectives circuitry shall have no adjustments that will allow net amplification to occur in either direction of transmission in the through-transmission path within the freguency range of 200 to 4000 Hertz that will exceed the following:

Maximum Allowable Net Amplification Between Ports (A) (D) (E)

		Tie Trunk Type Ports (C)			Registered Terminal Equipment (B) & OPS Ports (2-Wire)	Public Switched Network Ports (2-Wire)
		2-Wire	4-Wire Lossless	4-Wire CTS		
Tie Trunk Type Ports (C)	2-Wire	0dB avg 1.5dB max	0dB avg 1.5dB max	-4dB nom.	-2dB avg -0.5dB max	-
	4-Wire Lossless	0dB avg 1.5dB max	0dB avg 1.5dB max	-4dB nom.	-2dB avg -0.5dB max	-
	4-Wire CTS	-4dB nom.	-4dB nom.	-8dB nom.	-6dB nom.	-
Registered Terminal Equipment & (B) OPS Ports (2-Wire)		-2dB avg. -0.5dB max	-2dB avg -0.5dB max	-6dB nom.	0dB avg 1.5dB max	0dB avg 1.5dB max
Public Switched Network Ports (2-Wire)		-	-	-	0dB avg 1.5dB max	-

(A) The source impedance for all measurements shall be 600 ohms. All ports shall be terminated in *appropriate* loop or private line channel simulator circuits or 600 ohm terminations. The numerical "avg." and "max." requirements mean that the net gain for each type of connection through such equipment or circuitry shall be designed not to exceed the average gain for such paths in all units; however, the gain for any path of any single unit may exceed the average by as much as the maximum provided that the net gain, averaged over such paths in all units of production, is no greater than the average. The term "nom." allows for variations encountered in conventional terminating set losses as defined in § 68.3 (aa)(3).

(B) These ports are for 2-wire on-premises station ports to separately registered terminal equipment and off-premises station ports (OPS).

(C) The 4-wire CTS shall meet the requirements defined in § 68.3(aa).

$$\text{RL} \geq \begin{cases} (9-3\,\frac{\log(f/200)}{\log 2.5}) \text{ dB; for 200 Hz} \leq f \leq 500 \text{ Hz} \\ 6 \text{ dB} \qquad \text{; for 500 Hz} \leq f \leq 3200 \text{ Hz} \end{cases}$$

(D) These through gain limitations are applicable to multiport systems where channels are not derived by time or frequency compression methods. Terminal equipment employing such compression techniques shall assure that equivalent compensation for through gain parameters is demonstrated in the registration application.

(E) Registered terminal equipment and registered protective circuitry may have net amplification exceeding the limitations of this subsection provided that, for each network interface type to be connected, the absolute signal power levels specified on this section are not exceeded.

(ii) The insertion loss in through connection paths for any frequency in the 800 to 2450 Hertz band shall not exceed the loss at any frequency in the 2450 to 2750 Hertz band by more than 1 dB (maximum loss in the 800 to 2450 Hertz band minus minimum loss in the 2450 to 2750 Hertz band plus 1 dB.

(6) *For Tie Trunk Type Interfaces—Limitation on Idle Circuit Stability Parameters.* For idle state operating conditions of registered terminal equipment and registered protective circuitry, the following limitations shall be met:

(i) For the two-wire interface

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(ii) For the four-wire lossless interface

$$tl_f \geq \begin{cases} (10-4\ \frac{\log(f/200)}{\log 2.5})\ \text{dB}; & \text{for 200 Hz} \leq f \leq 500\ \text{Hz} \\ 6\ \text{dB}; & \text{for 500 Hz} \leq f \leq 3200\ \text{Hz} \end{cases}$$

$tl_r > 40$ dB

$RL_i, RL_o \geq 3$dB

(iii) For the four-wire conventional terminating set interface

$$tl_f,\ tl_r \geq \begin{cases} (18-4\ \frac{\log(f/200)}{\log 2})\ \text{dB}; & \text{for 200 Hz} \leq f \leq 500\ \text{Hz} \\ 14\ \text{dB}; & \text{for 500 Hz} \leq f \leq 3200\ \text{Hz} \end{cases}$$

$RL_i,\ RL_o \geq 3$ dB

where RL the return loss of 2-wire terminal equipment at the interface with respect to 600 ohms + 2.16 uF (i.e., Z_{ref} = 600 ohms + 2.16 uF).

$$RL \triangleq 20 \log_{10} \left| \frac{Z_{PBX} + Z_{ref}}{Z_{PBX} - Z_{ref}} \right|$$

RL_i the terminal equipment input (receive) port return loss with respect to 600 ohms (i.e., Z_{ref} = 600 ohms).

$$RL_i \triangleq 20 \log_{10} \left| \frac{Z_{PBX\ (input)} + Z_{ref}}{Z_{PBX\ (input)} - Z_{ref}} \right|$$

RL_o the terminal equipment output (transmit) port return loss with respect to 600 ohms (i.e., Z_{ref} = 600 ohms).

$$RL_o \triangleq 20 \log_{10} \left| \frac{Z_{PBX\ (output)} + Z_{ref}}{Z_{PBX\ (output)} - Z_{ref}} \right|$$

tl - the transducer loss between the receive and transmit ports of the 4-wire PBX.

tl_f is the transducer loss in the forward direction from the receive port to the transmit port of the PBX.

$tl_f \triangleq 20 \log_{10} \left| \frac{I_i}{I_r} \right|$ where I_i is the current sent into the receive port and I_r is the current received at the transmit port terminated at 600 ohms.

tl_r is the transducer loss in the reverse direction, from the transmit port to the receive port of the PBX.

$tl_r \triangleq 20 \log_{10} \left| \frac{I_i}{I_r} \right|$ where I_i is the current sent into the transmit port and I_r is the current received at the receive port terminated at 600 ohms.

Note: The source impedance of I_i is 600 ohms.

(7) *Registered Terminal Equipment and Registered Protective Circuitry Shall Provide the Following Range of dc Conditions to off-premises station (OPS) lines.* (i) DC voltages applied to the OPS interface for supervisory purposes and during network control signaling shall meet the limits specified in § 68.306(a)(3)(i).

(ii) DC voltages applied to the OPS interface during the talking state shall meet the following requirements:

(A) The maximum open circuit voltage across the tip (T(OPS)) and ring (R(OPS)) leads for Classes A, B, and C shall not exceed 56.5 volts, and

(B) Except for class A OPS interfaces, the maximum dc current into a short circuit across the tip (T(OPS)) and ring (R(OPS)) leads shall not exceed 140 mA, and

(C) Except for class A OPS interfaces, the dc current into the OPS line simulator circuit must be at least 20 mA for the following conditions (see Fig. 68.3( )):

	R2 + RL			
CONDITION	CLASS B	CLASS C	CLASS D	CLASS E
1	600	1300	1200	1750
2	1800	2500	2300	3000

(8) For message Registration the requirements of § 68.308(b) do not apply.

(c) *Signal power in the 3995–4005 Hz frequency band*—(1) *Power resulting from internal signal sources contained in registered protective circuitry and registered terminal equipment (voice and data), not intended for network control signaling.* For all operating conditions of registered terminal equipment and registered protective circuitry which incorporate signal sources other than sources intended for network control signaling, the maximum power delivered by such sources in the 3995–4005 Hertz band to an appropriate simulator circuit, shall be 18 dB below maximum permitted power specified in paragraph (b) of this section, for the 200–4000 Hertz band.

(2) *Terminal equipment with provision for through-transmission from other equipments.* The loss in any through transmission path of registered terminal equipment and registered protective circuitry at any frequency in the 600 to 4000 Hertz band shall not exceed, by more than 3 dB, the loss at any frequency in the 3995 to 4005 Hertz band, when measured into an appropriate simulator circuit from a source which appears as 600 ohms across tip and ring.

(3) For Message Registration the requirements of § 68.308(c) do not apply.

(d) *Longitudinal voltage in the 100 Hertz to 4 kHz frequency range.* The weighted root-mean-squared voltage* averaged over 100 milliseconds that is the resultant of all the component longitudinal voltages in this band after weighting according to the curve in Figure 68.308(a) shall not exceed the maximum indicated under the conditions stated in subsection (e). The weighting curve in Figure 68.308(a) has an absolute gain of unity at 4 kHz.

Frequency range	Max RMS voltage	Longitudinal terminating impedance
100 Hz to 4 KHz	−30 dBV	600 ohms

(e) *Voltage in the 4 KHz to 1 MHz frequency range.* The root-mean-squared voltage as averaged over 100 milliseconds at the telephone connections of registered terminal equipment and registered protective circuitry in all of the possible 8 kilohertz bands within the indicated frequency range and under the conditions specified in paragraph (e) of this section, shall not exceed the maximum indicated below.

(1) *Metallic Voltage—General Case*

Frequency of 8 kHz band	Max voltage in all 8 kHz bands	Metallic terminating impedance
4 kHz to 12 kHz	−(6.4+12.6 log f) dBV.	300 ohms
12 kHz to 90 kHz	(23 − 40 log f) dBV	135 ohms
90 kHz to 1 MHz	−55 dBV	135 ohms

(2) *Metallic Voltage—2 Wire and 4 Wire Lossless Interface*

Frequency of 8 kHz band	Max voltage in all 8 kHz bands	Metallic terminating impedance
4 kHz to 12 kHz	− (6.4+12.6 log f) dBV.	300 ohms
12 kHz to 90 kHz	(21 − 40 log f) dBV	135 ohms
90 kHz to 1 MHz	− 57 dBV	135 ohms

(3) *Metallic Voltage—4 Wire CTS Interface*

Frequency of 8 kHz band	Max voltage in all 8 kHz bands	Metallic terminating impedance
4 kHz to 12 kHz	−(12.4+12.6 log f) dBV.	300 ohms
12 kHz to 90 kHz	(17 − 40 log f) dBV	135 ohms
90 kHz to 1 MHz	− 61 dBV	135 ohms

(4) *Longitudinal Voltage*

Frequency of 8 kHz band	Max voltage in all 8 kHz bands	Metallic terminating impedance
4 kHz to 12 kHz	−(18.4+20 log f) dBV.	500 ohms
12 kHz to 90 kHz	(3 − 40 log f) dBV	90 ohms
60 kHz to 90 kHz	−68dBV	90 ohms
90 kHz to 1 MHz	−62 dBV	90 ohms

where f = center frequency in kilohertz of each of the possible 8 kilohertz bands beginning at 8 kHz.
dBV = $20 \log_{10}$ voltage in volts

(f) *Requirements in paragraphs (d) and (e) apply under the following conditions.* (1) All registered terminal equipment and all registered protective circuitry must comply with the limitations when connected to a termination equivalent to the circuit depicted Figure 68.308(b) and when placed in all operating states of the equipment except during network control signaling. For message registration in the ground return mode, a termination equivalent to Figure 68.308(c) is required, and metallic voltage limitations do not apply.

(2) All registered terminal equipment and registered protective circuitry must comply with the limitations in the off-hook state over the range of loop currents that would flow with the equipment connected to an appropriate simulator circuit.

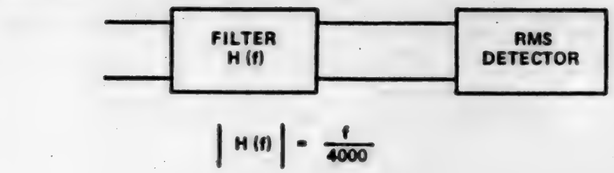
(3) Registered terminal equipment and registered protective circuitry with provision for through-transmission from other equipments shall comply with the limitations, with a 1000 Hertz tone applied from a 600-ohm source (or, if appropriate, a source which reflects a 600-ohm impedance across tip and ring) at the maximum level that would be applied during normal operation. Registered protective circuitry for data shall also comply with the tone level 10 dB higher than that expected during normal operation.

(4) Voice terminal equipment containing electroacoustic transducers for live voice input, including recording devices, shall comply with the limitations with a 1000-Hertz acoustic signal applied to the electroacoustic transducers that results in a power delivered into the 600-ohm load impedance of −13 dB with respect to one milliwatt for the general case, and −15 dB with respect to one milliwatt for the 2-wire and 4-wire lossless interfaces and −19dB with respect to one milliwatt for the 4-wire CTS interface.

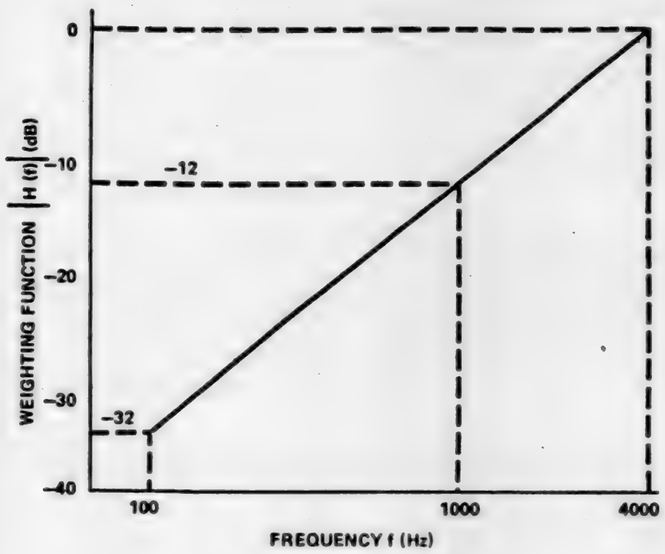
BILLING CODE 6712-01-M

* Note.—Average magnitudes may be used for signals that have peak-to-RMS ratios of 20 dB and less. RMS limitations must be used instead of average values if the peak-to-RMS ratio of the interfering signal exceeds this value.

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$$|H(f)| = \frac{f}{4000}$$

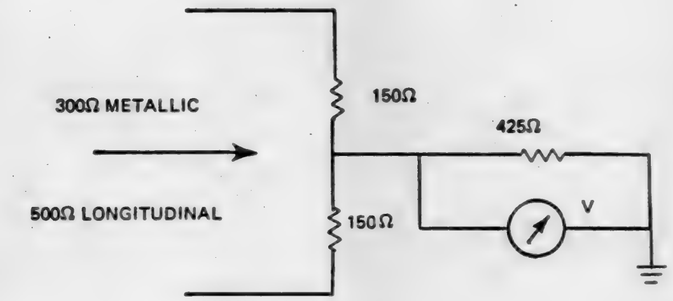


WEIGHTING FUNCTION RESPONSE

FIGURE 68.308(a)

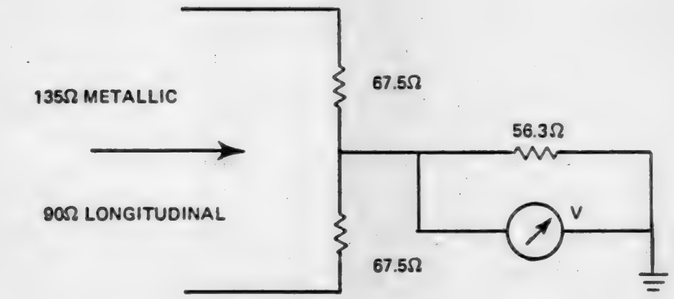
RESISTIVE TERMINATIONS
METALLIC RETURN
(MR SIMULATOR MODE 1)

BELOW 12 kHz



$V_{LONGITUDINAL} = V + 1.4\ dB$ (dBV)

ABOVE 12 kHz



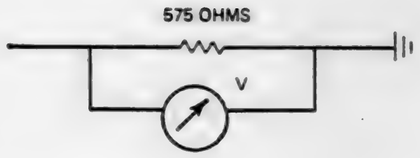
$V_{LONGITUDINAL} = V + 4\ dB$ (dBV)

FIGURE 68.308(b)

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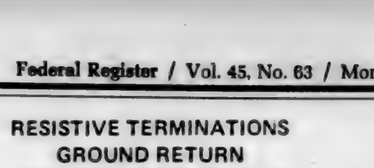
RESISTIVE TERMINATIONS
GROUND RETURN
(MR SIMULATOR MODE 2)

BELOW 12 KHz



$V_{LONGITUDINAL} = V/2$ (dBV)

ABOVE 12 KHz



$V_{LONGITUDINAL} = V/2$ (dBV)

FIGURE 68.308(c)

BILLING CODE 6712-01-C

§ 68.310 Longitudinal balance limitations.

(a) Technical Description and Application. The metallic-to-longitudinal balance coefficient, $BALANCE_{m-l}$, is expressed as:

$$BALANCE_{m-l} = 20 \log_{10} \frac{e_m}{e_l}$$

where e_l is the longitudinal voltage produced across a 500-ohm longitudinal termination and e_M is the metallic voltage across the tip-ring or tip 1 and ring 1 interface of the input port when a voltage (at any frequency 200 f 4000 Hertz) is applied from a balanced 600-ohm metallic source. The source voltage should be set such that $e_M = 0.775$ volts rms (0dBm) when a 600 ohm termination is substituted for the terminal equipment. The minimum balance coefficient specified in this Section (as appropriate) shall be equalled or exceeded for all 2-wire network ports, OPS line ports and the transmit pair (tip and ring) and receive pair (tip 1 and ring 1) of all 4-wire network ports at all values of dc loop current that the port under test is capable of drawing when attached to the appropriate loop simulator circuit (see § 68.3). An illustrative test circuit that satisfies the above conditions is shown in Figure 68.310(a); other means may be used to determine the balance coefficient specified herein, provided that adequate documentation of the appropriateness, precision, and accuracy of the alternative means is provided by the applicant. The minimum balance requirements specified below shall be equalled or exceeded under all reasonable conditions of the application of earth ground to the equipment or protective circuitry under test:

Paragraph and equipment state	Minimum balance requirement dB	Frequency range Hz
(b):		
Both on-hook	60	200–1000
and off-hook	40	1000–4000
(c):		
On-hook	60	200–1000
	40	1000–4000
Off-hook	40	200–4000
(d) Off-hook	40	200–4000
(e) voice equipment:		
Both on-hook	60	200–1000
and off-hook	40	1000–4000
(e) Data Equipment:		
On-hook	60	200–1000
	40	1000–4000
Off-hook	40	200–4000
(f) Off-hook	40	200–4000
(g):		
Both on-hook	60	200–1000
and off-hook	40	1000–4000
(h) Off-hook	40	200–4000
(i):		
Both on-hook	60	200–1000
and off-hook	40	1000–4000
(j) Off-hook	40	200

(b) Registered One-Port Equipment for Loop-Start, Non-data applications. The one-port shall be driven from a 600-ohm metallic source having a 500-ohm longitudinal impedance.

(c) Registered One-Port Equipment for Loop-Start, Data applications. The one-port shall be driven from a 600-ohm metallic source having a 500-ohm longitudinal impedance.

(d) Registered One-Port Equipment for Ground-Start and Reverse-Battery applications. The one-port shall be driven from a 600-ohm metallic source having a 500-ohm longitudinal impedance.

(e) Registered Protective Circuitry for Loop Start Applications. These criteria shall be met with either terminal of the interface to other equipment connected to earth ground. The interface to other equipment shall be terminated in an impedance which will be reflected to the telephone connection as 600-ohms in the off-hook state of the registered protective circuit, and the interface should not be terminated in the on-hook state. Figure 68.310(e) shows the interface of the protective circuitry being tested and the required arrangement at the interface to other equipment.

(f) Registered Protective Circuitry for Ground-Start and Reverse-Battery Applications. These criteria shall be met with either terminal of the interface to other equipment connected to earth ground. The interface to other equipment shall be terminated in an impedance which will be reflected to the telephone connection as 600-ohms in the off-hook state of the protective circuit. Figure 68.310(e) shows the interface of the protective circuitry under test and the required arrangement at the interface to the other equipment.

(g) Registered Multi-Port Equipment for Loop-Start Applications. These criteria shall be satisfied for all ports when the ports are terminated in their appropriate networks, as will be identified below, and when interface connections other than the ports are terminated in circuits appropriate to that interface. The minimum balance coefficients shall also be satisfied for all values of dc loop current that the registered equipment is capable of drawing through each of its ports when these ports are attached to the loop simulator circuit specified in these Rules. The port under test shall be driven from a 600-ohm metallic source having a 500-ohm longitudinal impedance. The termination for all ports other than the particular one whose balance coefficient is being measured shall have a metallic impedance of 600 ohms and a longitudinal impedance of 500 ohms. Figure 68.310(g) shows this termination.

(h) Registered Multi-Port Equipment for Ground Start and Reverse Battery Applications. These criteria shall be satisfied for all ports when all ports not under test are terminated in their appropriate networks as will be identified below, and when interface connections other than the ports are terminated in circuits appropriate to that interface. The minimum balance coefficients shall be satisfied for all values of dc loop current that the registered equipment is capable of drawing through each of its ports when these ports are attached to the loop simulator circuit specified in these Rules. The port under test shall be driven from a 600-ohm metallic source having a 500-ohm impedance. The terminations for all ports other than the particular one whose balance coefficient is being measured shall have a metallic impedance of 600 ohms and a longitudinal impedance of 500 ohms. Figure 68.310(g) shows this termination.

(i) Registered Terminal Equipment and Registered Protective Circuitry for 4-Wire Nework Ports. The pair under test shall be driven from a 600-ohm metallic source having a 500-ohm longitudinal impedance. The pair not under test shall be terminated in a metallic impedance of 600 ohms and a longitudinal impedance of 500 ohms. Other conditions are as follows:

(1) Registered Protective Circuitry for Loop Start, Ground Start, and Reverse Battery Applications. These criteria shall be met with either terminal of the interface to other equipment connected to earth ground. The interface to other equipment shall be terminated in an impedance that will result in 600 ohms at each of the transmit and receive pairs of the 4-wire telephone connection in the off-hook state of the registered protective circuit, and the interface should not be terminated in the on-hook state. Figure 68.310(j) shows the interface of the protective circuitry being tested and the required arrangement at the interface to other equipment.

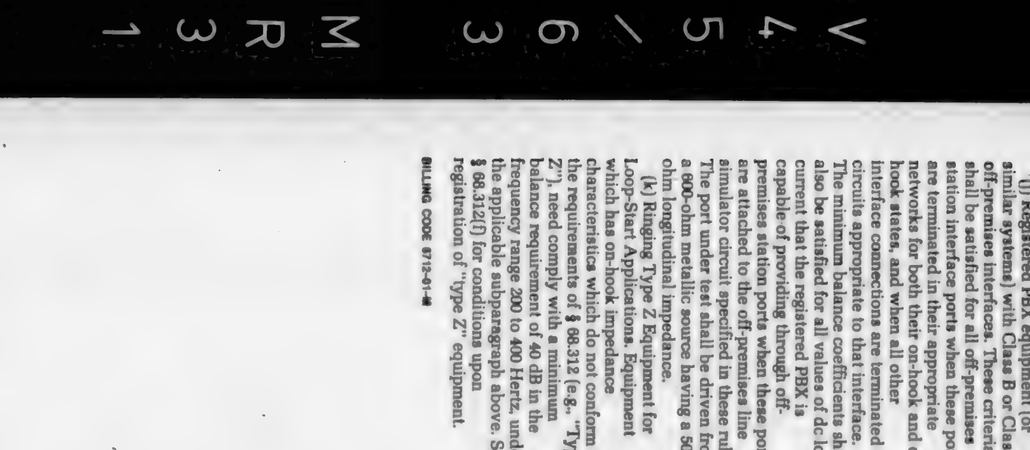
(2) Registered Multi-Port Equipment for Loop-Start, Ground-Start, and Reverse Battery Applications. These criteria shall be satisfied for all network ports when the ports are terminated as defined below, and when interface connections other than the network ports are terminated in circuits appropriate to that interface. The criteria shall also be satisfied for all values of dc loop current that the registered equipment is capable of drawing through each port when the port is connected to the appropriate 4-wire loop simulator circuit, Figure 68.3(c) or 68.3(d). The terminations for both pairs of all network ports not under test shall have a metallic impedance of 600 ohms and a longitudinal impedance of 500 ohms. Figure 68.310(g) shows this termination.

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(j) Registered PBX equipment (or similar systems) with Class B or Class C off-premises interfaces. These criteria shall be satisfied for all off-premises station interface ports when these ports are terminated in their appropriate networks for both their on-hook and off-hook states, and when all other interface connections are terminated in circuits appropriate to that interface. The minimum balance coefficients shall also be satisfied for all values of dc loop current that the registered PBX is capable of providing through off-premises station ports when these ports are attached to the off-premises line simulator circuit specified in these rules. The port under test shall be driven from a 600-ohm metallic source having a 500-ohm longitudinal impedance.

(k) Ringing Type 2 Equipment for Loop-Start Applications. Equipment which has on-hook impedance characteristics which do not conform to the requirements of § 68.312 (e.g., "Type 2"), need comply with a minimum balance requirement of 40 dB in the frequency range 200 to 400 Hertz, under the applicable subparagraph above. See § 68.312(f) for conditions upon registration of "type 2" equipment.

BILLING CODE 6712-01-M



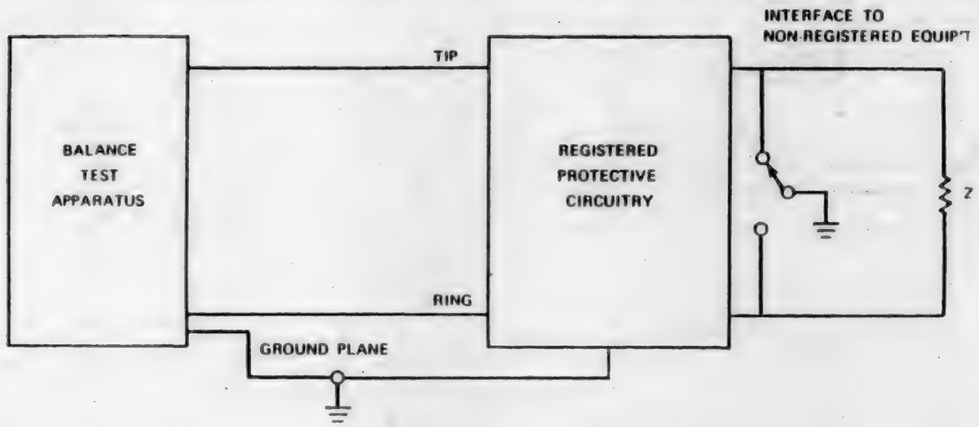
T_1 - W.E.Co. #111C or 119E, or A.D.C. #118F, or equivalent.
C_1, C_2 - 8 microfarad, 400 WVDC, matched to within 0.1%.
C_3, C_4 - 100 to 500 picofarad adjustable trimmer capacitors.
Osc. - Audio oscillator with source resistance, $R_1 \leq 600$ ohms.
R_2 - Selected such that $R_1 + R_2 =$ ohms.
R_3 - 500 ohms.

NOTES:

1. V_M should not be measured at the same time as V_L.
2. Use trimmer capacitors C_3 and C_4 to balance the test circuit to 20 dB greater balance than the equipment standard for all frequencies specified, with a 600 ohm resistor substituted for the equipment under test.
3. Exposed conductive surfaces on the exterior of the equipment under test should be connected to the ground plane for this test.

Figure 68.310(a) - Illustrative test circuit complying with Section 68.310(a)

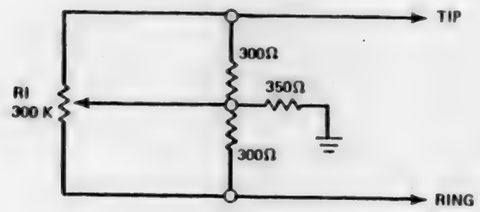
Required termination for connections to non-registered equipment:



Z - selected so that the relected impedance at tip and ring is 600 ohms.

Figure 68.310(e)

Off-Hook Termination of Multi-port Equipment for Ports not under tests:



R_1 is used to adjust termination balance. Balance of this termination shall be adjusted to at least 60 dB between 200 and 1000 Hertz, and at least 40 dB between 1000 and 4000 Hertz.

Figure 68.310(g)

BILLING CODE 6712-01-C

§ 68.312 On-hook impedance limitations.

(a) General: The limitations in this section that involve 2-wire network ports apply to tip and ring of the public switched network. For 4-wire network ports (tip, ring, tip 1, and ring 1) with loop-start or ground-start signaling, the limitations apply when tip and ring conductors are connected together and treated as one of the conductors of a tip and ring pair and the tip 1 and ring 1 conductors are connected together and treated as the other conductor of a tip and ring pair.

(b) Limitations on individual equipment intended for operation on loop-start telephone facilities:

(1) Registered terminal equipment and registered protective circuitry shall conform to the following limitations, for each Ringing Type which is listed as part of its Ringer Equivalence:

(i) The dc resistance between tip and ring conductors, and between each of the tip and ring conductors and earth ground shall be greater than 10 megohms for all dc voltages up to and including 100 volts.

(ii) The dc resistance between tip and ring conductors, and between each of the tip and ring conductors and earth ground shall be greater than 30 kilohms for all dc voltages between 100 and 200 volts.

(iii) During the application of simulated ringing, as listed in Table I below, the total dc current, as a result of non-sinusoidal ac wave characteristics, shall not exceed 3.0 milliamperes.

(iv) During the application of simulated ringing, as listed in Table I below, the impedance between the tip and ring conductors (defined as the quotient of applied ac voltage divided by resulting true rms current) shall be greater than the value specified in Table I. Except as provided in paragraph (b)(2) of this section, such impedance shall be less than 40 kilohms.

(v) During the application of simulated ringing, as listed in Table I below, the impedance between each of the tip and ring conductors and ground shall be greater than 100 kilohms.

(2) Registered terminal equipment and registered protective circuitry intended for use on facilities which always will have additional ringing detection circuitry in use at the same time such registered terminal equipment and registered protective circuitry is connected need not comply with the 40 kilohm maximum impedance specification of paragraph (a)(1)(v) of this section.

(c) Limitations on individual equipment intended for operation on ground-start telephone facilities: Registered terminal equipment and registered protective circuitry shall conform to the following limitations for each Ringing Type which is listed as part of its Ringer Equivalence Number:

(1) During the application of simulated ringing, as listed in Table I below, the total dc current flowing between tip and ring conductors shall be exceed 3.0 milliamperes.

(2) During the application of simulated ringing, as listed in Table I below, the total impedance of the parallel combination of the ac impedance across tip and ring conductors and the ac impedance from the ring conductor to ground (with ground on the tip conductor) shall be greater than the value specified in Table I. Except as provided in paragraph (a)(2) of this section, such impedance shall be less the 40 kilohms.

(d) Ringer Equivalence Definition. The values of each of the parameters for which a limitation is imposed in paragraph (a) or (b) of this section, as appropriate, shall be determined for a representative unit under test. Quotients of each such value shall be formed according to the following:

(1) For individual equipment intended for operation on loop-start telephone facilities:

(i) 50 megohms divided by the minimum measured on-hook dc resistance for all dc voltages up to and including 100 volts.

(ii) 150 kilohms divided by the minimum measured on-hook dc resistance for all dc voltages between 100 and 200 volts.

(iii) The maximum total dc current flowing between tip and ring during the application of simulated ringing as listed in Table I below, in milliamperes, divided by 0.6 milliamperes.

(iv) Five times the impedance limitation listed in Table I, below, divided by the minimum measured ac impedance, defined as in paragraph (a)(1)(iv) of this section, during the application of simulated ringing as listed in Table I.

(2) For individual equipment intended for operation on ground-start telephone facilities:

(i) The maximum total dc current flowing between tip and ring conductors during the application of simulated ringing as listed in Table I below, in milliamperes, divided by 0.6 milliamperes.

(ii) Five times the impedance limitation listed in Table I below divided by the minimum measured ac impedance, defined in paragraph (b)(2) of this section, during the application of simulated ringing as listed in Table I.

The largest of the unitless quotients so formed, followed by the Ringing Type letter indicator representing the frequency range for which that number is valid, is the Ringer Equivalence. If Ringer Equivalence is to be stated for more than one Ringing Type, testing shall be performed at each frequency range to which Ringer Equivalence is to be determined in accordance with the above, and the largest resulting Ringer Equivalence number so determined will be associated with each Ringing Type letter designation for which it is valid.

(e) Registered terminal equipment and registered protective circuitry shall have at least one ringer equivalence number shown on the registration label. Where options that will vary the ringer equivalence are involved, either each option that results in a ringer equivalence number greater than 0.1 and its corresponding Ringer Equivalence shall be listed on the registration label, or the largest ringer equivalence number that can result from such options shall be stated on the label. A trained, authorized agent of the Grantee may disconnect ringers, bridge ringers to another line, or execute options affecting ringer equivalence after the telephone company has been notified in accordance with Section 68.106.

(f) All registered terminal equipment and registered protective circuitry which can affect on-hook impedance shall be assigned a Ringer Equivalence. The sum of all such ringer equivalences on a given telephone line or loop shall not exceed 5; in some cases, a system which has a total ringer equivalence of 5 or less may not be usable on a given telephone line or loop.

(g) Ringing Type Z Equipment. Equipment which has on-hook impedance characteristics which do not conform to the requirements of this Section may be conditionally registered, notwithstanding the requirements of this section, provided that it is labelled with a Ringing Type designation "Z". It should be noted that registration of equipment bearing the designation "Z" does *not* necessarily confer any right of connection to the telephone network under these rules; any equipment registered with the type Z designation may only be used with the consent of the local telephone company, provided that the local telephone company does not discriminate in its treatment of equipment bearing the type Z designation.

(h) Limitations on PBX equipment with an off-premises interface and direct inward dialing (DID).

PBX ringing supplies whose output appears on the off-premises interface leads shall not tip when connected to the following trip-to-ring impedance which terminates the off-premises

V 4 5 / 6 3 M R 3 1 8 0 UMI

station loop: a terminating impedance composed of the parallel combination of a 15K ohms resistor and a RC series circuit (resistor and capacitor) whose ac impedance is as specified in the table below.

Ringing frequency Hz	ac Impedance Ohms: Class B, C, D, or E	ac Impedance Ohms: Class A
20 ± 3	7000 / N	1400
30 ± 3	5000 / N	1000

N—Number of ringer equivalences, as specified by the manufacturer, which can be connected to the off-premises station loop.

(i) Limitations on individual equipment intended for operation with message register signaling channels:

(1) Registered terminal equipment and registered protective circuitry shall conform to the following limitations in all operating states.

(2) The dc resistance between each of the tip (*MR*) and ring (*MR*) conductors and ground shall be greater than 30 kilohms for voltages up to and including 200 volts.

Table I

Ringing type	Range of compatible ringing frequencies Hz	Simulated ringing voltage superimposed on 525 volts dc	Impedance limitation (ohms)
A	20 ± 3 and 30 ± 3.	40 to 130 volts rms	1400 / 1000
B	15.3 to 66.0	40 to 150 volts rms	1800
C	15.3 to 17.4	54 to 120 volts rms	1600
D	19.3 to 20.7 [1] (frequency-selective).	54 to 120 volts rms	1600
E	24.3 to 25.7	54 to 120 volts rms	1800
F	29.3 to 30.7 [1] (frequency-selective).	54 to 120 volts rms	1800
G	32.6 to 34.0	54 to 130 volts rms	1800
H	39.2 to 40.9	62 to 130 volts rms	1600
J	41.0 to 43.0	62 to 130 volts rms	1600
K	49.0 to 51.0	62 to 140 volts rms	1600
L	52.9 to 56.1	62 to 140 volts rms	1800
M	58.8 to 61.2	66 to 150 volts rms	1600
N	65.4 to 68.0	66 to 150 volts rms	1600
P	15.3 to 34.0	54 to 130 volts rms	1600

[1] Note: Requirements at these frequencies, which are identical to Type A frequencies, are not consistent with the Type A requirements; equipment intended for use both on Type A facilities and facilities using frequency-selective ringing must comply with the requirements on Types A, D and F independently.

§ 68.314 Billing protection.

(a) *Call duration requirements on data equipment connected to the Public Switched network or Tie Trunks.* Registered data terminal equipment and registered protective circuitry shall comply with the following requirements when answering an incoming call, except in off-hook states in which signals are transmitted and/or received by electroacoustic transducers only:

(1) *Registered Protective Circuitry.* Registered protective circuitry connected to associated data equipment shall assure that the following signal power limitations are met for at least 2 seconds after the off-hook condition is presented to the telephone network in response to an incoming call:

(i) Signals that appear at the protective circuitry/telephone network interface for delivery to the telephone network shall be limited to −55 dB with respect to one milliwatt as such signals are delivered into a loop simulator circuit or a 600 ohm termination, as appropriate; and

(ii) Signals that appear at the protective circuitry-associated data equipment interface for delivery to associated data equipment shall be limited as follows: for any received signal power (appearing at the protective circuitry-telephone network interface) up to 0 dB with respect to one milliwatt (at any frequency in the range of 200 to 3200 Hertz), the power of signals delivered to associated data equipment shall be no greater than the signal power that would be delivered as a result of received signal power of −55 dB with respect to one milliwatt.

(2) *Registered Terminal Equipment.* Registered terminal equipment for data applications shall assure that, when an incoming telephone call is answered, the answering terminal equipment prevents both transmission and reception of data for at least 2 seconds after the answering terminal equipment transfers to the off-hook condition. For the purpose of this requirement, a fixed sequence of signals that is transmitted (and originated within) and/or received by the registered terminal equipment each time it answers an incoming call shall not be considered data, provided that such signals are for one or more of the following purposes:

(i) Disabling echo suppressors

(ii) Adjusting automatic equalizers and gain controls,

(iii) Establishing synchronization, or

(iv) Signaling the presence and if required, the mode of operation, of the data terminal at the remote end of a connection.

(b) Voice and data equipment on-hook signal requirements for equipment connected to the Public Switched network or Tie Trunk. Registered protective circuitry and registered terminal equipment shall comply with the following:

(1) The power delivered into a 2-wire loop simulator circuit or into the transmit and receive pairs of a 4-wire loop simulator or into a 600 ohm termination (where appropriate) in the on-hook state, by loop-start or ground-start equipment shall not exceed −55dB with respect to one milliwatt within the frequency band from 200 to 4000 Hertz. Registered protective circuitry shall also assure that for any input level up to 10dB above the maximum level that is expected under normal operation, the power to a 2-wire loop simulator circuit or the transmit and receive pairs of a 4-wire loop simulator circuit or into a 600 ohm termination (where appropriate) does not exceed the above limits.

(2) The power delivered into a 2-wire loop simulator circuit or into the transmit and receive pairs of a 4-wire loop simulator circuit, in the on-hook state, by reverse battery equipment shall not exceed −55dB with respect to one milliwatt, unless the equipment is arranged to inhibit incoming signals.

(c) Voice and data equipment loop current requirements for equipment connected to the Public Switched network. The loop current through registered terminal equipment or registered protective circuitry, when connected to a 2-wire or 4-wire loop simulator circuit with the 600 ohm resistor and 500 microfarad capacitor of the 2-wire loop simulator circuit or both pairs of the 4-wire loop simulator circuit disconnected shall, for at least 5 seconds after the equipment goes to the normal off-hook state which would occur in response to ringing (called party condition) shall:

(1) Be at least as great as the current obtained in the same loop simulator circuit with a 200 ohm resistance connected across the tip and ring of the 2-wire loop simulator circuit or connected across the tip/ring and tip 1/ring 1 conductors (tip and ring connected together and tip 1 and ring 1 connected together) of the 4-wire loop simulator circuit in place of the registered terminal equipment or registered protective circuitry; or

(2) Not decrease by more than 25 percent from its maximum value attained during this 5-second interval; unless the equipment is returned to the on-hook state during the above 5 second interval.

(d) Signaling interference. Registered terminal equipment and registered protective circuitry shall not deliver signals into a 2-wire loop simulator circuit or the transmit and receive pairs of a 4-wire loop simulator circuit or a 600 ohm termination (where appropriate) from sources internal to the registered equipment or circuitry, with energy in the 2450 to 2750 Hertz band unless at least an equal amount of energy is presented in the 800 to 2450 Hertz band.

(e) Operating Requirements for Automatic Identified Outward Dialing

(1) *General.* Registered terminal equipment that provides Automatic Identified Outward Dialing (AIOD) features shall meet those operating requirements necessary to ensure compatibility with the local telephone company serving central office. A sufficient set of operating characteristics for interfacing with central office AIOD channels is contained in the Electronics Industries Association (EIA) Specification SP–1285, Section 4.4.1., dated May 31, 1979.

(2) *Station Number Assignment.* Station number assignments in registered terminal equipment with AIOD capabilities, including spare numbers for subsequent activities by the customer, must be programed into the equipment by a qualified installer only and such numbers must be restricted to the group of station numbers provided by the telephone company. If the registered terminal equipment is arranged so that the customer can reassign and/or activate new station numbers, means shall be provided so that the customer can verify that the 4-digit number assigned to a station set, incoming tie trunk, or the attendant for AIOD purposes is the same as the number identified by the registered terminal equipment for AIOD when an outgoing call to a central office is originated.

Dissenting Statement of Commissioner Abbott Washburn

RE: Interconnection Rules, CC Docket 79–143

February 28, 1980.

It is difficult to rationalize the current trend to deregulation with today's major expansion of the technical details surrounding our Registration Program for interconnected equipment. In our Notice of Proposed Rulemaking we correctly observed that AT&T's proposed rules appeared unnecessary, because Part 68 of our Rules already applied to private-line services. Moreover, services normally associated with MTS/WATS, and the public switched network, are treated as private-line services. Automatic Identified Outward Dialing provides a subscriber special billing information for originating toll calls through customer provided PBX-type equipment usually in conjunction with the subscriber's MTS/WATS service. As such, this is clearly part of public switched telephone service and fully covered under our present Registration Program.

The detailed rules which have evolved in this proceeding are largely irrelevant to the purposes of the Registration Program and appear unnecessary to protect private-line services from the harms defined in our rules. Rather, regulation is being misused here to force compatability through terminal equipment redesign or network improvement or both.

Codifying detailed technical arrangements in our rules in the longer run could stifle otherwise spontaneous innovation under a blanket of administrative procedure. One example of this is the requirement in paragraphs 76, 77 and 78 to register with the FCC all of the custom made and locally modified equipment used by electric, gas, and pipeline companies. One conservative estimate is that there are some 42,000 of these "one-of-a-kind" devies put in use every year by the electric utilities alone. During the Commission's discussion of this requirement it was stated that there will be *no additional Commission effort* in processing these applications. If we are not even going to read them, I must ask why we are requiring private firms to expend the time, effort and expense to prepare them. There will literally be hundreds of thousands of them! The additional administrative burden of these regulations upon the private sector will unquestionably discourage continuation of this privately beneficial practice—and for no apparent reason.

I object to this regulatory variant on the Biblical truth that "Even the very hairs on your head are all numbered" (Luke 12:7). There is no demonstrated need for it.

What is needed is not voluminous detailed rules but rather a Commission determination that our established Registration Program applies to *all* services including private-line service and that carriers may not offer in a discriminatory fashion special private-line services or specialized terminal equipment or a combination thereof outside the scope of the Registration Program. A first step in that process would be to have the interim AT&T tariffs, which have worked successfully for several years, made permanent.

[FR Doc. 80–9042 Filed 3–28–80; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 533

[Docket No. FE 78–01; Notice 2]

Light Truck Average Fuel Economy Standards; Standards for 1982 Model Year

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This notice establishes fuel economy standards for model year 1982 light trucks. The establishment of these standards is required by section 502(b) of the Motor Vehicle Information and Cost Savings Act. These standards are intended to result in the savings of 1.2 billion gallons of gasoline over the life of the 1982 light truck fleet, compared to the consumption which would have occurred if fuel economy remained at the levels of the 1981 standards.

DATES: These standards are applicable for the 1982 model year.

FOR FURTHER INFORMATION CONTACT: Mr. Francis J. Turpin, Office of Automotive Fuel Economy Standards (NRM–21), National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–472–6902)

SUPPLEMENTARY INFORMATION: In December 1975, following the Arab oil embargo of 1973, substantial increases in the price of imported petroleum, and a recognition of the nation's vulnerability to interruptions of supply and rapid increases in the price of foreign oil, the Congress passed the Energy Policy and Conservation Act. That law added a new Title V to the Motor Vehicle Information and Cost Savings Act ("the Act"), authorizing a number of federal initiatives to improve automotive fuel efficiency.

Section 502(b) of the Act requires the Secretary of Transportation to issue average fuel economy standards for light trucks beginning with the 1979 model year. That provision requires that standards be set at the maximum feasible average fuel economy level, considering technological feasibility, economic practicability, the effects of other federal standards on fuel economy, and the need of the nation to conserve energy. That provision also requires that standards be established at least 18 months prior to the start of the model year to which they apply. To date, standards have been established through the 1981 model year. On December 31, 1979, in 44 FR 77199, the

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National Highway Traffic Safety Administration ("NHTSA" or "the agency"), which was delegated authority to administer the fuel economy program, proposed the issuance of light truck standards for model years 1982–85. These standards would apply to light trucks with gross vehicle weight ratings (GVWR) of up to 8500 pounds, curb weights of less than 6000 pounds, and frontal areas less than 45 square feet. This class of vehicles includes most standard pickup trucks, vans, and utility vehicles which are used for personal or light duty commercial applications.

This notice establishes standards for the 1982 model year only. Due to the imminence of the date specified in the law for establishment of the 1982 standards and to the complexity of the marketing and other issues involved in the later model years, standards for the 1983–85 model years will be established at a later date. The 1982 standards are 18 mpg for two-wheel drive light trucks and 16 mpg for four-wheel drive light trucks.

The basis for the proposed standards is set forth in the preamble to the December 31 notice of proposed rulemaking (NPRM), the agency's rulemaking support paper (RSP), and the agency's regulatory analysis, copies of which are available from the individual listed as the "information contact" at the beginning of this notice. These standards are based upon information obtained in past rulemakings, the Department's own research activities, information submitted by the manufacturers in response to a July 1978 NHTSA questionnaire and a July 1979 special order, and other information. In general, the proposed 1982 standards are based primarily on the projected use of "add-on" technology such as radial tires, improved accessories, automatic transmissions with lock-up torque converters, and overdrive manual transmissions. Items requiring longer lead times, such as the introduction of compact pickup truck models and new engines were not included in the proposal for 1982 for most manufacturers, but were considered in three alternative analyses discussed in the agency's rulemaking support paper.

The fuel economy levels of 17.4 mpg for two-wheel drive (4x2) light trucks and 15.6 mpg for four-wheel drive (4x4) light trucks set forth in the NPRM were determined to be achievable by the "least capable manufacturer" with relatively minor difficulty, and were based on the agency's then current assessment of that manufacturer's capability. The NPRM noted that the final 1982 standards might be established at other higher or lower levels, depending on the comments received and the degree to which standards would be keyed to the least capable manufacturer. The proposed standards were generally consistent with levels of fuel economy which the manufacturers planned to meet, due to market demands and the anticipated establishment of fuel economy standards for that year. However, in most cases the proposed standards did not reflect such fuel economy improvement actions as reduction of average engine displacement or axle ratio below 1981 levels, or some feasible new model introductions.

The only comments received on the NPRM with respect to the 1982 standards came from the five domestic manufacturers of light trucks, the Center for Auto Safety, and Purolator Courier Corporation. With one exception, Chrysler Corporation, none of the manufacturers claimed to be unable to meet the proposed 1982 standards, and several apparently plan to exceed them by substantial margins. (As noted in greater detail later in this notice, the plans of the manufacturers and confidential information available to the agency place all of the manufacturers, except Chrysler, above the final standards too.) Since filing its comments on the proposal, Chrysler's position has changed. In its March 1980 special order response, that company revised its projections upward and indicated that it now plans to exceed the proposed 4x2 standard and to closely approach the 4x4 proposal. In general, the manufacturers took exception to certain of the details of the agency's analysis for 1982, but did not claim that the agency had overstated substantially their achievable fuel economy levels for that year.

It should be noted that the levels of fuel economy projected in the proposal understated the actual fuel economy improvement capability for some companies due to limitations discussed above and the agency's policy of not including the fuel economy benefits from usage of diesel engines until the questions relating to the possible adverse health effects of diesel engine emissions are more fully resolved. The EPA has recently issued diesel particulate standards, and they will not preclude the use of diesel engines in light trucks for the 1982 model year. However, only two manufacturers plan to rely significantly on diesel engine usage for 1982, GM and IH, and the increased fuel economy levels which the agency would project based on those plans would not change the balancing process by which the agency arrives at final standards. Therefore, the agency has not included diesel engines in its 1982 fuel economy analysis, but may do so for the 1983–85 final rule, as mentioned in the NPRM. See 44 FR 77204.

The main issues raised in the comments on the 1982 standards involve the applicability of the standards, and in particular whether captive import light trucks may be included in average fuel economy calculations and whether the agency can and should establish a separate class of light trucks and a separate fuel economy standard to accommodate manufacturers such as Chrysler and IH, which claim to need special consideration. The latter issue will be discussed at the end of this notice, in conjunction with selecting the levels of the 1982 standards.

A. *Inclusion of captive imports.* Section 503(b)(1) of the Act provides that when a manufacturer both produces passenger automobiles in the United States and imports passenger automobiles, those two groups of vehicles are to be treated as if manufactured by separate manufacturers for fuel economy standards compliance purposes. The purpose of this provision is to remove any incentive the domestic manufacturers might have to comply with fuel economy standards by merely importing more small foreign-produced automobiles, thereby decreasing employment in the U.S. industry. See Congressional Record, p. H5383 (daily edition, June 12, 1975). Although the law does not specify procedures for calculating light truck average fuel economy, the legislative history states that a similar computation (including "special rules for imports") should be established as was done in the statute for passenger automobiles. See House Report 94–340 (94th Cong., 1st Sess. (1975), 91). In establishing standards for 1980–81 model year light trucks, the agency used its classification authority under section 502(b) to require separate compliance of captive import and other light trucks after the 1979 model year. See 43 FR 11995, March 23, 1978.

Four of the domestic manufacturers commented on the issue of inclusion of captive import light trucks in model years after 1981. GM argued that the law *compels* NHTSA to require separate compliance of domestic and captive import light trucks. This position is based upon the language in the House Report relating to a "similar computation" for light truck average fuel economy as was done statutorily for passenger automobiles. GM argues that this position is further supported by Congress' making the definition of the term "domestically manufactured" in section 503(b)(2)(E) apply to both passenger automobiles and light trucks. That term is the key definition for purposes of requiring separate compliance of imported and domestic vehicles, and could have been limited in application to passenger automobiles had Congress so intended. Ford also favored requiring separate compliance for import and domestic light trucks, but argued that if imports are permitted to be included in the average fuel economy calculation for some manufacturers, they must be includable for all. International Harvester favored permitting the inclusion of captive imports, but only if a higher fuel economy standard were set for companies which did so. Chrysler favored permitting the inclusion of up to 80,000 captive import light trucks in a manufacturer's average fuel economy calculation, and argued that the agency has authority to permit this.

One argument raised by Chrysler to support the inclusion of captive imports is that this step would raise the average fuel economy of its domestic fleet relative to the levels achieved by Ford's and GM's domestic fleets. (Inclusion of the captive imports would also increase the agency's assessment of Chrysler's ability to improve its domestic average fuel economy and might lead to the setting of higher standards than would be set were the captive imports excluded. Chrysler would still have the lowest projected fuel economy of all companies, however.) However, the agency remains of the view that the separate compliance requirement for domestic and captive import light trucks has a countervailing positive impact, in encouraging the domestic manufacturers to produce small trucks in the U.S. and thereby increase U.S. industry employment. Once this investment is made, the companies will have a stronger incentive to promote the sale of these more fuel efficient vehicles, thereby reducing gasoline consumption. Domestic production of small trucks will also improve the U.S. trade balance by capturing sales which would otherwise go to the importers.

Chrysler also argued that permitting it to include captive imports in its CAFE would enable it to "test the market" for smaller, more fuel efficient types of vehicles. The agency's original decision to require separate compliance of captive import and other light trucks does not preclude Chrysler or other manufacturers from continuing to test the small truck market with imports, to determine if demand for such vehicles is adequate to support minimum feasible domestic production volumes. However, the agency doubts that additional evidence is needed to convince a manufacturer that a market exists for these vehicles. In fact, Chrysler, in an October 17, 1979, submission to the Treasury Department relating to its loan guarantee, projects that small pickup trucks will account for 23 percent of the light truck market in the early 1980's. Sales of compact Japanese pickup trucks increased 39 percent from 1978 to 1979, to 465,000 units, despite a general decline of over 15 percent in total light truck sales. The compact pickup trucks were the only segment of the truck market to register a sales increase. Given the nearly universally accepted predictions of future gas price increases and possible shortages, the market for compact, fuel efficient light trucks seems assured. The other domestic light truck manufacturers apparently agree with the agency's conclusion that the market is sufficient to support the sale of these trucks, given their plans to begin production in the next few model years.

The agency remains convinced that the separate treatment of captive import and domestic light trucks is the position most consistent with the legislative mandate to develop similar average fuel economy calculation procedures for light trucks as for passenger automobiles. Therefore, this final rule makes no change in the current requirement for separation of foreign and domestic light truck fleets.

B. *Technical issues.* Several rather minor objections were raised with respect to the agency's technical analysis of 1982 fuel economy improvement capability. All issues are discussed in greater detail in the agency's rulemaking support paper, copies of which are available from the individual listed as the "information contact" at the beginning of this notice.

The first issue involves the baseline used to project 1982 fuel economy levels. For the NPRM, the agency used as the baseline its prior analysis of achievable 1981 fuel economy levels from the rulemaking proceeding to reconsider that year's standards (44 FR 36975, June 25, 1979). That analysis was in turn based upon 1979 sales mix and fuel economy test data. Only IH commented on the question of whether 1980 mix and test data should be used as a baseline to the extent that information becomes available. IH supported the use of 1980 test data, but cautioned that the 1980 sales data might be unrepresentative due to market fluctuations. A shift in the light truck mix apparently occurred between early 1979 and the present time, with lighter trucks and smaller engines accounting for a larger portion of total sales. Although the agency is not revising its baseline estimates of average fuel economy, the standards established herein do reflect the changes in the truck market which occurred after the start of the 1979 model year, as discussed below.

Both AM and IH argued that the 1981 *standards* should be the baseline for projecting 1982 fuel economy levels, and that the only additional technology which should be considered by the agency is that which could be added for the 1982 model year. This approach would ignore any technology which was used by manufacturers to voluntarily *exceed* the 1981 standards, and would therefore inaccurately measure 1982 maximum feasible fuel economy levels. For the NPRM, the agency did include improvements by two manufacturers (Ford and GM) which raised their capabilities beyond the 1981 standards. Thus, the agency has rejected this suggestion, due to its inconsistency with the legal requirements that standards be established at maximum feasible levels.

The agency also requested comment on its current policy of not including in standard-setting analyses the fuel economy benefits from diesel engines, pending resolution of various diesel-emission-related questions by EPA. All the manufacturers (but for AM, which did not address the issue) supported the continuation of this policy, which has the potential effect of reducing the level of standards which are set. Ford also suggested that the policy be extended to its planned PROCO engine. With respect to the diesel issue, the agency is continuing its current policy for the reasons discussed above. The PROCO issue has no direct bearing on the 1982 standards in any case, since the PROCO engine would not be available until some later model year. Ford's comment will be addressed in the 1983–85 final rule.

IH also objected to the agency's methodology of assuming that if diesels were not available to that company, consumers would purchase the most efficient alternative gasoline engine available, a four-cylinder engine in IH's case. In fact, the agency substituted a combination of 4- and 8-cylinder engines for the diesels, not solely the 4-cylinder engines. However, the agency is of the view that the 4-cylinder engine is the closest substitute to the diesel in terms of acceleration performance and fuel economy, as discussed in the rulemaking support paper.

Several objections were raised with respect to the agency's projections of

various transmission improvements. However, none of these objections were accompanied by test data or supporting analysis. Therefore, the agency has not revised its analysis with respect to potential transmission usage. Additional discussion on transmission improvements is contained in the agency's rulemaking support paper.

Ford objected to the fuel economy benefit from improved accessories projected by the agency. However, since Ford's statement did not indicate that such improvements were not feasible or provide any supporting data, the agency has not revised its projection used in the NPRM. Chrysler also differed with the agency's projection (and its own past estimates) of accessory improvements. No substantiating data for this change of position was provided, and the agency sees no reason why at least a portion of the originally projected improvement cannot be achieved by Chrysler. Although Chrysler pointed out that tests of one proposed technique provided no benefit, the agency considers it likely that other techniques may still provide a portion of the benefit.

Chrysler also objected to the agency's estimate and reduced its own previous estimate of the fuel economy benefit it could obtain from aerodynamic improvements for 4x2 light trucks. However, Chrysler provided no data or analysis in support of its claim, beyond stating that only one previously proposed improvement had proven acceptable within the constraints of cost, engineering and styling. Also, Chrysler's current estimate of the relationship between reductions in aerodynamic drag and fuel economy improvements is much lower than both the agency's estimates and those of the other manufacturers. Accordingly, the agency cannot accept Chrysler's unsupported assertion in this area.

Chrysler has also changed its position on feasible weight reduction for 1982. The agency had previously projected a very small improvement in this area (a reduction from projections made in the original 1981 standard-setting proceeding). Since Chrysler provided no basis to conclude that NHTSA's projected weight reduction is not feasible, the agency is retaining its original estimate.

Ford, GM, and Chrysler all objected to the agency's projection of a 1 percent fuel economy benefit from improved axle and manual transmission lubricants for 1982. GM and Ford projected lower benefits than did the agency, and GM and Chrysler indicated that additional time would be needed to complete the necessary durability testing. The agency recognizes that the precise level of benefits has not been finally established, but believes that its projections are substantially correct. The agency recognizes too that durability is a matter that the manufacturers must address. However, except for Chrysler, the manufacturers' arguments were not supported by any new information and are the same arguments considered and rejected by the agency in the past proceedings on 1980–81 light truck standards and the reconsideration of the 1981 standards. GM's and Chrysler's comments discuss lower viscosity rear axle lubricants only and do not discuss the benefits from the use of synthetic base or friction modified axle lubricants. Ford has tested the friction modified lubricants and apparently has not encountered any durability problems. In the absence of data or information in support of these arguments, the agency is retaining its 1 percent axle lubricant projection, but not including this benefit for Chrysler until 1983.

The manufacturers also objected to the agency's projection of a 3 percent fuel economy improvement for 1982 from the use of electronic engine control systems. Some manufacturers apparently assumed that the agency's projections were limited to systems for fully interactive electronic control of spark advance, air-to-fuel ratio, and exhaust gas recirculation rate. This was not the case, since, as was pointed out in the Support Paper for the NPRM, the agency was projecting the use of a variety of electronic controls which differ in sophistication. The primary basis for this projection was that electronic controls (not necessarily fully-interactive electronic controls) would be used on 1981 model year passenger cars. In the 1980–81 proposal on light trucks (42 FR 63184; December 15, 1977), the agency projected that these controls could be applied to 1981 model year light trucks. The agency did not assume the use of controls in setting the final 1981 standards due to possible lead time problems in fully developing and reproducing the necessary software. Now some manufacturers are arguing that lead time does not exist to apply electronic controls to the 1982 light truck fleet, and even if it were done, no fuel economy benefit would result. Again, those arguments are based primarily on 3-way catalyst systems.

The agency rejects the lead time argument put forth by GM because the agency did not restrict its MY 1982 projections to 3-way catalyst systems and there has been sufficient lead time for large manufacturers such as GM and Ford to develop electronic control systems. Indeed, GM is intending to use a knock limiter system. Further, both Chrysler and Ford will be using some form of electronic controls on certain applications in MY 1982. Several sources in the Support Paper for the NPRM substantiate the agency's position of average fuel economy benefits of from 3 to 5 percent for electronic controls in various forms as does later information submitted by one manufacturer. Although some data submitted by the manufacturers showed no fuel economy improvement from specific electronic subsystems in particular applications, the agency is retaining its original estimate of 3 percent as a reasonable estimate of the average improvement in fuel economy.

Ford and Chrysler objected to the agency's estimate of fuel economy benefits available from reducing engine displacement or total drive ratio (CID x N/V). Ford objected to the CID x N/V reductions projected in one alternative case in the rulemaking support paper, but that was not the reduction upon which the 1982 proposal was based. The agency believes that Ford can meet the standards established herein without making CID x N/V reductions beyond those planned. Chrysler, however, projects that for 1981 it will sell engines with *larger* average displacement, and consequently poorer fuel economy, than in 1980. The mix gets even worse for 1982. The agency cannot accept Chrysler's 1982 projection for purposes of setting standards. Against a background of current rapid gas price increases, uncertainties over Mideast oil supplies, and record sales of small imported automobiles, neither the agency nor Chrysler's domestic competitors views the market as being consistent with Chrysler's forecasts. Even if Chrysler were correct in its forecast, that company provided no information bearing on its ability to use marketing measures to promote the sale of smaller engines. However, the agency is accepting Chrysler's projected shift for 1980–81, which is based on certain sales dislocations being carried over from 1979. Overall, the agency is retaining its original estimate of CID x N/V reductions for Chrysler.

In the NPRM, the agency discussed a base case for making fuel economy improvements in 1982–85. It also set forth three alternative cases for achieving higher fuel economy levels, by introducing additional compact truck models, major performance reductions, and eliminating many of the higher payload trucks. With respect to the "new model" case, the Center for Auto Safety objected to the fuel economy values projected by the agency for compact pickup truck and van models. Specifically, the Center argues that the new domestic models projected by the agency would still be larger than and have poorer fuel economy than imported light trucks, and would be unable to successfully compete with the imports in these times of increased demand for high fuel efficiency. According to the Center, the result of producing such vehicles would be further loss of sales to the imports, increased unemployment in the domestic industry, and a waste of capital due to the need to downsize these trucks again. The agency is concerned about the issue of new model attributes, but the issue raised relates to the 1983–85 standards because of the inadequate lead time to change 1982 designs. The agency will consider this question more fully for the final rule on 1983–85 standards.

C. *Economic practicability.* None of the manufacturers raised any specific objections with respect to the agency's analysis of the costs associated with compliance with the 1982 standards. Since the agency's projections of 1982 fuel economy improvements are no more stringent than the actions planned by the manufacturers to meet current market demand for greater fuel efficiency, the additional costs imposed by the 1982 standards are speculative. For that reason, the agency has continued to determine the costs and benefits of improving fuel economy to the levels required by our standards, regardless of the motivation for making those improvements.

IH raised two general economic issues. First, it requested that the agency conduct cash flow analyses for AM and IH as has been done for the larger domestic manufacturers. The 1982 model year capital investment required of these two companies, which rely extensively on suppliers for major components, is quite small. This makes cash flow a much less critical consideration for those companies than for the "Big Three." Further, IH's light truck production is a very small portion of that company's business. Thus, IH's light truck expenditures have a relatively small impact on its cash flow. Second, IH argued that the agency consider the costs associated with fuel economy standards compliance, but which do not involve product changes. Apparently, IH is referring to the costs associated with commenting on proposed standards, responding to questionnaires and special orders from NHTSA, and submitting reports to the government. IH states that these costs are insignificant for the larger manufacturers, but important for companies having a much smaller share of the market, like IH. However, IH provided no cost information to support their argument.

D. *Effects of other federal standards.* Two manufacturers addressed the issue of the effect of 1982 safety standard amendments on fuel economy. GM argued that the changes to Standard 204 (relating to steering column rearward displacement) would require structural reinforcement to its vans, adding 40 pounds additional weight. IH, on the other hand, estimated no adverse impact for its light truck fleet due to changes in safety requirements. The agency estimates that 40 pounds added to GM vans, if actually required, would have a negligibly small impact on measured fuel economy and no effect on its compliance with the 1982 standards.

E. *Need of the nation to conserve energy.* None of the manufacturers took exception to the agency's discussion of the need of the nation to conserve energy, as set forth in the NPRM, rulemaking support paper, and preliminary regulatory analysis. Events continue to bear out the conclusion expressed by the agency in each standard-setting proceeding to date, that the need of the nation to conserve energy is so great as to require the establishment of the most stringent feasible fuel economy standards.

F. *Setting the 1982 standards.* Based on comments received on the agency's NPRM, no significant revisions are required to the detailed technology usage projections which formed the basis for the proposed standards. However, due to rapid shifts in the light truck market and to corresponding changes in manufacturers' product plans, the estimates made by the agency in December no longer appear valid. For example, Chrysler recently submitted a response to an agency special order which projected 1982 fuel economy levels of 17.7 mpg for 4x2's and 15.3 mpg for 4x4's 0.5 to 0.6 mpg above the levels it told NHTSA were its maximum feasible levels less than two months ago. Based on the plans of the various manufacturers to substantially change current trucks and on other information available to the agency, the fuel economy levels achievable with no more than moderate risk for the 1982 model year are as follows:

	4x2	4x4
American Motors		16–17
Chrysler	17.7	15.3
Ford	16–19	16–17
General Motors	16–19	16–17
International Harvester		17.1

The precise planned fuel economy levels of some of the manufacturers have been claimed to be confidential by some of the companies.

The reason for these higher levels is that some manufacturers plan (in response to the rapidly shifting market) to take certain actions to improve fuel economy beyond those actions projected by the agency for the proposed standards. Also, some of these numbers include the benefits of diesel engines, which the agency did not include in its analysis. These additional actions either became more firmly established after the issuance of the NPRM, or were discussed in manufacturers' special order responses but were not fully integrated into the agency's proposal due to the short period of time between the receipt of special order responses and issuance of the NPRM.

Because of the rapid changes in the truck market, with fuel efficiency playing a much greater role in consumers' purchasing decisions, it appears that the manufacturers' fuel economy improvement plans for 1982 are a more accurate indicator of the "maximum feasible average fuel economy" for that year than are the agency's projections in the NPRM. Given the limited lead time remaining until the beginning of the 1982 model year and the substantial economic uncertainties facing the manufacturers and the national economy, the agency is relying primarily on the manufacturers' planned fuel economy levels in setting final 1982 standards. The final standards are also quite consistent with the fuel economy levels projected in the alternative cases in the agency's rulemaking support paper.

The Act's legislative history provides guidance on the establishment of fuel economy standards in a situation like this one, in which one manufacturer has lower projected fuel economy than the rest of the industry. The Conference Report on the Act provides guidance in this regard as follows:

> The conference substitute lists a number of factors the Secretary shall consider in determining maximum feasible average fuel economy. . . . Such determination should . . . take industrywide considerations into account. For example, a determination of maximum feasible average fuel economy should not be keyed to the single manufacturer which might have the most difficulty achieving a given level of average fuel economy. Rather, the Secretary must weigh the benefits to the nation of a higher average fuel economy standard against the difficulties of individual automobile manufacturers. Such difficulties, however, should be given appropriate weight in setting the standard in light of the small number of

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domestic automobile manufacturers that currently exist, and the possible implications for the national economy and for reduced competition association (sic) with a severe strain on any manufacturer. However, it should also be noted that provision has been made for granting relief from penalties under Section 508(b) in situations where competition will suffer significantly if penalties are imposed.

Senate Report 94–340, 94th Cong., 1st Sess. (1975), at 154–5. Thus, the Secretary is required to balance the benefits to the nation of setting fuel economy standards at some level above that projected to be achievable with minimal risk by the "least capable" manufacturer against the resulting harm to that manufacturer and to industry competition.

The main benefit from setting higher fuel economy standards is the additional petroleum savings which would result, or at least the greater certainty that these savings will be realized. This benefit is limited by feasibility constraints, since some levels of fuel economy either cannot be achieved or, more likely, could be achieved only at a risk perceived by the manufacturers to be so great that they would elect to pay civil penalties for failing to meet the standards rather than comply. This possibility of setting fuel economy standards which do not produce the anticipated savings is remote (but for Chrysler) if standards are set at levels at least up to 18 mpg for 4x2's and 16 mpg for 4x4's. Over the fuel economy ranges which the manufacturers are able to achieve for 1982, each 0.1 mpg of additional average fuel economy for the industry (including both classes of trucks) produces additional gas savings of approximately 130 million gallons over the life of the affected vehicles.

Setting standards at levels which can more readily be achieved by the least capable manufacturer could result in the loss of gasoline savings which a higher standard would produce. In other words, standards set at a level which Chrysler can readily achieve would be below the maximum level which the other manufacturers can meet, and the other manufacturers could choose to just meet the lower standards instead of achieving the higher fuel economy levels they are capable of meeting. It has been argued by some manufacturers that market forces would not permit any manufacturer to produce vehicles of less than maximum fuel economy. However, the concept of "maximum fuel economy" is one upon which the agency and some of the manufacturers would disagree. There is no certainty that the manufacturers would maintain their planned 1982 fuel economy improvements if the fuel economy standards provided that latitude. In the unlikely event that setting 1982 standards well below GM's and Ford's capability (and below that of AM and IH in the case of 4x4's) did not result in lower energy conservation in 1982, it could have that effect in a later year. The setting of such standards would enable those companies to earn large 1982 credits and thus possibly reduce the incentive for additional fuel economy improvements in a later year. The fact that Ford, in its comments on the NPRM, stated that its 1982 planned fuel economy levels had been reduced from levels reported to the agency in September 1979 is evidence that current plans are not absolutely fixed, and that lower fuel economy levels are a definite possibility.

The agency is also directed to consider the possible competitive harm which would occur if standards were set at a level above which a manufacturer could meet with low risk. This harm could result from either the payment of civil penalties (and any resulting adverse publicity) or the taking of drastic actions to comply with the standards. With respect to the payment of civil penalties, the Secretary may waive penalties if the Federal Trade Commission certified that the payment of such penalties would produce a "substantial lessening of competition." Given Chrysler's situation as one of the three major domestic light truck producers and its current financial troubles, it is likely that such a finding would be made and potential penalties waived. More to the point, Chrysler will earn enough credits in 1981 to eliminate any civil penalties for the majority of its trucks, the 4x2's. Credits carried over for its 4x4 fleet would reduce the maximum civil penalty liability to about 2 million dollars. Given the public's awareness of Chrysler's problems, the small magnitude of the potential penalties, and the possibility that Chrysler might meet the standards, the agency discounts the adverse publicity factor.

The remaining risk to be considered is the potential harm resulting from a manufacturer taking extraordinary actions to meet the standard and either producing vehicles which are not accepted in the market or incurring expenses which it cannot meet. Given the magnitude of the potential civil penalty liability for Chrysler of $35 per 4x4 truck and the possibility that any penalty would be waived, it is inconceivable that the company would take any actions to comply with the standards which might have serious adverse economic consequences for it.

Further, the possibility remains that Chrysler may be able to achieve 1982 average fuel economy levels of 18 mpg for 4×2's and 16 mpg for 4×4's. If Chrysler took such actions as further increasing the efficiency of its engines, reducing its average engine displacement by changing the mix of the vehicles sold, or instituting additional lightweight material substitutions, it may be able to comply with these standards.

The agency concludes that the energy savings benefits associated with setting standards at levels of 18 mpg for 4×2's and 16 mpg for 4×4's outweigh the rather speculative harm to Chrysler of such standards. Therefore, after balancing the factors required by the law, the agency is establishing final standards of 18 mpg for 4×2's and 16 mpg for 4×4's.

Commenters on the NPRM raised two issues which directly relate to the balancing process and selection of final standards. First, IH and Chrysler both argued that standards *should* be set at levels readily achievable by the least capable manufacturer, and the Center for Auto Safety opposed such a process. IH argued that the adverse publicity associated with violating the standards would be very damaging to the "least capable manufacturer." The standards established herein can be met by IH, based on that company's current product plan, as described in its response to the agency's July 1979 special order. In Chrysler's case, the public is already aware of that company's current financial difficulties and should not draw additional adverse conclusions based on its possible failure to comply, particularly if civil penalties are offset by credits or waived. In any case, the potential loss in fuel savings resulting from setting standards at a level which Chrysler readily could meet outweighs any of the speculative effects on that company.

The second argument, which was also supported by IH and Chrysler buf opposed by GM, Ford, and the Center for Auto Safety, involves the use of the agency's authority under section 502(b) of the Act to set separate class fuel economy standards for companies with particular problems. IH argued that it needs such special treatment. However, based on its own plan and the agency's projections, it can comply with the standards established herein. With respect to the Chrysler situation, both GM and Ford argue that the agency lacks the authority to establish such a classification. Both manufacturers argue that the Act requires that standards apply equally to all manufacturers, and

that the agency's authority to set standards for different classes applies to classes of *vehicles*, not of manufacturers. The Center for Auto Safety argues that the mechanism in the law for payment of moderate civil penalties for noncompliance and for reduction or elimination of those penalties in cases of need should be the sole method for dealing with the problems of the least capable manufacturer. Ford also argues that separate standards for different companies competing in the same market segment provides a competitive advantage to the company subject to the less stringent standard.

The agency has in the past used its classification authority to promote maximum fuel savings while still not placing undue burdens on particular manufacturers. For example, the separate 4×4 standard was established to account for American Motors, whose fleet is predominantly the less fuel efficient four wheel drive vehicles. The "limited product line" standard was established to provide a two year transition period for IH to gain experience with complying with more stringent emission standards, which were applied to that company's light trucks for the first time in 1979.

With respect to IH, the two year period expires in 1981, and all indications are that IH has been able to improve its ability to meet more stringent emission standards without loss of fuel economy. The fuel economy of IH's 4×4 fleet for 1982 is on a par with that of the other manufacturers' 4×4 fleets, so the agency is not granting IH's request to extend the applicability of that company's special class. IH argued that a separate class is needed to allow for the possibility that it might offer 4×2 versions of its Scout vehicle in 1982. In recent years, the sales of these 4×2 derivatives of the standard 4×4 Scout have been at very low levels, dropping to under 300 units in 1979. In a September 13, 1979, letter to the agency, IH indicated that the Scout is available "only in four-wheel drive." In any case, given the low volumes involved, the availability of diesel engines to raise 4×2 fuel economy, and the existence of carry-over credits if 4×2 Scouts continue to be sold, the agency sees no need to perpetuate the special class for IH. However, since IH and AM will still have fleets which are at least predominantly four wheel drive, the agency deems it necessary to extend the separate class for that type of vehicle. See 42 FR 63192–3, December 19, 1977.

Without deciding the question of whether the agency has the authority to set a separate standard for Chrysler but recognizing that serious questions exist in that regard, the agency deems it appropriate to employ other statutory mechanisms in dealing with that company's problems. Chrysler competes in the same market segments as GM and Ford, and the various truck models offered by those three companies are remarkably similar. There is no inherent technical reason why Chrysler's light trucks cannot achieve the same levels of fuel economy as the other companies. The agency does not seek to minimize the magnitude of the *economic* difficulties which confront Chrysler. However, the agency is concerned that the establishment of differential fuel economy standards for fleets of vehicles which are nearly identical on a model-for-model basis could have an anticompetitive effect. Congress considered the conflict between standards which require maximum fuel economy improvements and the inevitable differences in capabilities of the affected manufacturers, and developed the enforcement mechanism in section 508 of the Act (involving modest civil penalties for noncompliance, offsetting monetary credits, and waivers of penalties in certain instances) to deal with the situation. Therefore, the agency is not establishing a separate class and fuel economy standard for Chrysler.

G. *Miscellaneous comments.* AM raised two procedural issues in regard to the 1982 standards. First, it argued that the agency failed to comply with the requirement in section 502(b) of the Act that standards be issued 18 months prior to the start of the model year to which they apply. In AM's case, its 1982 production period will begin in July 1981, and 18 months prior to that date would be January 1980. As the agency noted in response to the same comment made by AM with respect to the 1980 standard, there is no single start of a model year for all companies in the industry (43 FR 11995; March 23, 1978). Production begins as early as July (or even earlier in some cases such as with the GM X-body cars) and as late as December for some foreign manufacturers. However, the agency has endeavored to provide approximately 18 months leadtime for the industry as a whole. Even for domestic companies with early-starting model years, these standards are established 18 months prior to the introduction for sale of the 1982 models. Further, lead time should not be a problem for AM with respect to the 1982 standard, since its current product plan would lead it to exceed the standards promulgated herein.

AM also objected to the brief 30 day comment period provided with respect to the 1982 standard. This short comment period was necessitated by the statutory deadline for issuance of that standard and by delays in issuing the NPRM resulting from requests from the industry to reduce the 1981 standards. Although the agency seeks to provide more than 30 days to comment on proposed rules, NHTSA views the 30 day period as reasonable in this case, due to the relatively narrow issues involved. More time has been provided to comment on the 1983–85 standards, where the issues involved are much more complex.

Purolator Courier Corporation argued for a more gradual increase in stringency in fuel economy standards to accommodate fleet truck operators like itself. It argued that much of the technology needed to comply with fuel economy standards is not fully proven, and that downsizing of light trucks would make those trucks less useful to commercial purchasers. Purolator also requested that a public hearing be held on the standards. The agency recognizes that changes to light trucks might result in some inconvenience to commercial users, e.g., from the need to train mechanics to repair new types of technology. However, the Act specifies that the agency must establish fuel economy standards at the maximum feasible level for each model year, necessarily producing changes in the truck fleet. The technology projected by the agency, particularly for the 1982 model year, is well proven and in most cases already in use on some vehicles. Further, the agency's standards do not necessitate the elimination of standard-size trucks with V-8 engines, which Purolator claims to need. The agency does not see a need for a public hearing on these fuel economy standards, since the opportunity to submit written information is an effective means of addressing the primarily technical issues in a detailed fashion.

H. *Economic and energy impacts of the 1982 standards.* The agency considered the economic impacts of the 1982 standards, in accordance with Executive Order 12044 and the Department's regulations for implementing that order. See 44 FR 11034. Also considered were the "Urban and Community Impacts" of the standard, as specified in Executive Order 12074. These impacts are discussed in a Regulatory Analysis, copies of which are available from the agency's Office of Plans and Programs. The major conclusions of that document are that the standards will produce

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gasoline savings of 1.2 billion gallons over the life of the 1982 model year light truck fleet. The investment requirement associated with making that improvement would be approximately $900 million, part of which would be assimilated in normal business as usual capital spending. The average retail price increase resulting from the standards is approximately $95, but this initial cost is more than offset by the operating cost savings over the life of the vehicle of about $470. No significant adverse "urban or community" impacts should result from the standards.

I. *Environmental impacts of the standards.* The agency also considered the environmental impacts associated with the 1982 light truck standards, in accordance with the National Environmental Policy Act, 42 U.S.C. 4321, *et seq.* As has been the case with all of the agency's fuel economy standards, the main environmental impacts are positive ones associated with the reduction of petroleum consumption. Copies of the Environmental Impact Analysis are available from the individual listed as the "information contact" at the beginning of this notice.

J. *Standards for 1983–85.* As stated previously, the agency proposed standards for 1983–85 at the same time it proposed the 1982 standards. However, standards for the later 3 years are not being established now, due to the legal requirement for establishment of the 1982 standards by this March and the much more complex issues involved in setting standards for 1983–85. Comments on the 1983–85 standards are due by March 31, 1980, although the agency will consider late comments to the extent possible. It is NHTSA's intent to promulgate these standards this year, to provide ample leadtime for the manufacturers to develop compliance strategies.

(Sec. 9, Pub. L. 89–670, 80 Stat. 981 (49 U.S.C. 1657); sec. 301, Pub. L. 94–163, 89 Stat. 901 (15 U.S.C. 2002); delegation of authority at 49 CFR 1.50)

Issued on March 27, 1980.

Joan Claybrook,

Administrator.

PART 533—LIGHT TRUCK AVERAGE FUEL ECONOMY STANDARDS

In consideration of the foregoing, 49 CFR Chapter V is amended as follows:

§ 533.5 [Amended]

1. By deleting the footnote to the table in section 533.5(a) and by revising the table to read as follows:

Model year	2 wheel drive light trucks		4 wheel drive light trucks		Limited product line light trucks
	Captive imports	Other	Captive imports	Other	
1979	———	17.2	———	15.8	———
1980	16.0	16.0	14.0	14.0	14.0
1981	16.7	16.7	15.0	15.0	14.5
1982	18.0	18.0	16.0	16.0	———

[FR Doc. 80-9783 Filed 3-27-80; 12:27 pm]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order No. 1441]

Elgin, Joliet and Eastern Railway Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1441.

SUMMARY: This order authorizes the Elgin, Joliet and Eastern Railway Company (EJE) to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) from the easternmost point of the existing EJE-RI interchange located at Joliet, Illinois, to the end of RI ownership in Peoria, Illinois, identified as Iowa Junction (milepost 164.22), for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Decided: March 18, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Elgin, Joliet and Eastern Railway Company (EJE) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by EJE over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1441 Service Order No. 1441.

(a) *Elgin, Joliet and Eastern Railway Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).* The Elgin, Joliet and Eastern Railway Company (EJE) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) from the easternmost point of the existing EJE-RI interchange in Joliet, Illinois, to the end of RI ownership in Peoria, Illinois, identified as Iowa Junction (milepost 164.22), for the purpose of serving industries located adjacent to such tracks.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Similar applications have been received from Burlington Northern, Inc., and Chicago and North Western Transportation Company to operate those portions of RI tracks herein indicated. The Commission has reviewed this application and considered the recommendations of the Department of Transportation, and has approved the application of the EJE to conduct these temporary operations in the public interest. Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(d) Rate applicable. Inasmuch as this operation by the EJE over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via EJE become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(e) In transporting traffic over these lines, EJE and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if EJE chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by this order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of The Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-9887 Filed 3-30-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1438]

Peoria and Pekin Union Railway Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1438.

SUMMARY: This order authorizes the Peoria and Pekin Union Railway Company (PPU) to operate over all Peoria Terminal Railroad properties on the east side of the Illinois River, located within the city limits of Pekin, Illinois, for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Decided: March 18, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) and the Peoria Terminal Company (PTC), a wholly owned subsidiary, is depriving shippers located adjacent to those tracks of essential railroad service. The Peoria and Pekin Union Railway Company (PPU) connects with the PTC and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by PPU over tracks formerly operated by PTC in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1438 Service Order No. 1438.

(a) *Peoria and Pekin Union Railway Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, trustee).* Peoria and Pekin Union Railway Company (PPU) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) and the Peoria Terminal Company (PTC), a wholly owned subsidiary, as listed below for the purpose of serving industries located adjacent to such tracks.

(1) All Peoria Terminal Railroad properties on the east side of the Illinois River, located within the city limits of Pekin, Illinois.

Temporary service authorized in this order requires the continuation of trackage rights agreements which existed between Chicago, Rock Island and Pacific Railroad Company and other carriers.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Similar application has been received from Chicago and North Western Transportation Company (CNW) to operate portions of RI tracks herein indicated. The Commission has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the PPU to conduct these temporary operations in the public interest as listed in paragraph (a). Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the PPU over tracks previously operated by the PTC is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via PTC, until tariffs naming rates and routes specifically applicable via PPU become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI, PTC or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, PPU and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

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(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hersto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if PPU chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne

Acting Secretary.

[FR Doc. 80-9526 Filed 3-28-80; 8:45 am]
BILLING CODE 7035-01-M

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49 CFR Part 1033

[Service Order No. 1442]

Toledo, Peoria and Western Railroad Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1442.

SUMMARY: This order authorizes the Toledo, Peoria and Western Railroad Company (TPW) to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) and Peoria Terminal Railroad Company (PTC) located at Keokuk, Iowa, and between Hollis and Iowa Junction, Illinois, for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Decided: March 18, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) and Peoria Terminal Company (PTC), a wholly owned subsidiary, is depriving shippers located adjacent to those tracks of essential railroad service. The TPW connects with the RI and PTC, and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by TPW over tracks formerly operated by RI in the Interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered.

§ 1033.1442 Service Order No. 1442.

(a) *Toledo, Peoria and Western Railroad Company Authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).* The Toledo, Peoria and Western Railroad Company (TPW) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) for the purpose of serving industries located adjacent to such tracks:

(1) At Keokuk, Iowa.

(b) The Toledo, Peoria and Western Railroad Company (TPW) is authorized to operate over tracks of the Peoria Terminal Company (PTC) for the purpose of serving such industries located adjacent to such tracks:

(1) Between Hollis and Iowa Junction, Illinois.

Temporary service authorized in this order requires continuation of any trackage rights arrangements which existed between the RI, PTC, and other carriers.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(d) Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(e) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(f) *Rate applicable.* Inasmuch as this operation by the TPW over tracks previously operated by the RI and PTC is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in affect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via TPW become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI, PTC or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(g) In transporting traffic over these lines, TPW and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(h) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if TPW chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(i) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(j) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-9530 Filed 3-28-80; 8:45 am]
BILLING CODE 7035-01-M

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49 CFR Part 1033

[Service Order No. 1446]

Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1446.

SUMMARY: This order authorizes the Chicago, Milwaukee, St. Paul and Pacific Railroad Company to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) from West Davenport, IA through and including Muscatine, IA to Fruitland, IA, including the Iowa-Illinois Gas and Electric Company near Fruitland, IA; Seymour, IA to and including industry and team tracks at Centerville, IA; Washington, IA; and, Newport, MN to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at South St. Paul, MN for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Decided: March 18, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company is depriving shippers located adjacent to those tracks of essential railroad service. The Chicago, Milwaukee, St. Paul and Pacific (MILW) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by MILW over these tracks of the RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1446 Service Order No 1446.

(a) *Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).* Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) for the purpose of serving industries located adjacent to such tracks:

(1) West Davenport, Iowa through and including Muscatine, Iowa, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland, Iowa.

(2) Seymour, Iowa, to and including industry and team tracks at Centerville, Iowa.

(3) Washington, Iowa.

(4) Newport, Minnesota, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at South St. Paul, Minnesota.

Temporary service authorized in this Order requires continuation of any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Similar applications have been received from Chicago and Northwestern Transportation Company and Davenport, Rock Island and Northwestern Railway Company to operate portions of RI tracks herein indicated. The Railroad Service Board has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the MILW to conduct these temporary operations in the public interest. Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the MILW over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via MILW become effective.

(f) In transporting traffic over these lines, MILW and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerced Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if MILW chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

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(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-9000 Filed 3-28-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Service Order No. 1443]

Burlington Northern Inc. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1443.

SUMMARY: This order authorizes the Burlington Northern Inc. to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) at Burlington, Iowa; Fairfield, Iowa; Ottumwa, Iowa; and between Phillipsburg, Kansas, and CBQ Junction, Kansas, for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Decided: March 18, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Burlington Northern Inc., (BN) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by BN over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1433 Service Order No. 1433.

(a) *Burlington Northern Inc. authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, trustee).* Burlington Northern Inc., is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) as listed below for the purpose of serving industries located adjacent to such tracks.

(1) At Burlington, Iowa (milepost 0.0 to mile post 2.06).

(2) At Fairfield, Iowa.

(3) At Ottumwa.

(4) Phillipsburg, Kansas (milepost 282.0) to CBQ Junction, Kansas, (milepost 325.9).

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the BN over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via BN become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, BN and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if BN chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, Members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-9001 Filed 3-28-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1451]

St. Louis-San Francisco Railway Co. Authorized To Operate Over Tracks of Chicago, Rock Island, and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1451.

SUMMARY: This order authorizes the St. Louis-San Francisco Railway Company (SLSF) to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks, and provides for the continuation of service to shippers which would otherwise be deprived of essential railroad service.

1. Stations between Wichita, Kansas, and Enid, Oklahoma.
2. Stations between Dallas, Texas, and Fort Worth, Texas.
3. Chickasha, Oklahoma.
4. Hobart, Oklahoma.
5. Okeene, Oklahoma.
6. Lawton, Oklahoma.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Decided: March 19, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The St. Louis-San Francisco Railway Company (SLSF) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by SLSF over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1451 Service Order No. 1451.

(a) St. Louis-San Francisco Railway Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, trustee). St. Louis-San Francisco Railway Company (SLSF) is authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks.

(1) Stations between Wichita, Kansas, and Enid, Oklahoma.

(2) Stations between Dallas, Texas, and Fort Worth, Texas.

(3) Chickasha, Oklahoma.

(4) Hobart, Oklahoma.

(5) Okeene, Oklahoma.

(6) Lawton, Oklahoma.

(b) Application. The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Similar applications have been received from Missouri-Kansas-Texas Railroad Company and Fort Worth and Denver Railway Company to operate portions of RI tracks herein indicated. The Railroad Service Board has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the SLSF to conduct these temporary operations in the public interest as listed in paragraph (a). Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the SLSF over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via SLSF become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, SLSF and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if SLSF chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) Effective date. This order shall become effective at 12:01 a.m., March 24, 1980.

(i) Expiration date. The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-9002 Filed 3-28-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Service Order No. 1447]

Davenport, Rock Island, and North Western Railway Co., Authorized To Operate Over the Tracks of Chicago, Rock Island, and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

V 45 / 63 MR 31 80 UMI

ACTION: Service Order No. 1447.

SUMMARY: This order authorizes the Davenport, Rock Island, and North Western Railway Company to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) located at Davenport, Iowa; Moline, Illinois; Rock Island, Illinois, including 26th Street yard; between Rock Island, Illinois, through Milan, Illinois, to a point west of Milan sufficient to include service to Rock Island Industrial complex; between Moline, Illinois, and Silvas Illinois; between Davenport, Iowa, and Wilton, Iowa; and between Rock Island, Illinois, and Davenport, Iowa, sufficient to serve Rock Island arsenal, for the purpose of serving industries located adjacent to such tracks, and provided for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840.

Decided: March 18, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Davenport, Rock Island and North Western Railway Company (DRI) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by the DRI over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less thirty days' notice.

It is ordered,

§ 1033.1447 Service Order No. 1447.

(a) *Davenport, Rock Island and North Western Railway Company authorized to operate over tracks embargoed by Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, trustee).* The Davenport, Rock Island and North Western Railway Company (DRI) is authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) at the following named points:

(1) At Davenport, Iowa;

(2) At Moline, Illinois;

(3) At Rock Island, Illinois, including 26th Street yard at Rock Island;

(4) Between Rock Island, Illinois, through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex;

(5) Between East Moline, Illinois, and Silvis, Illinois;

(6) Between Davenport, Iowa, and Wilton, Iowa;

(7) Between Rock Island, and Davenport, Iowa, sufficient to include service to Rock Island arsenal.

Temporary service authorized in this Order requires continuation of any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Similar applications have been received from the Chicago, Milwaukee, St. Paul and Pacific Railroad Company and the Chicago and North Western Transportation Company to operate portions of RI tracks herein indicated. The Railroad Service Board has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the DRI to conduct these temporary operations in the public interest. Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the DRI over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via DRI become effective.

(f) The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(g) In transporting traffic over these lines, DRI and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(h) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations Operating Through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if DRI chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(i) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(j) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-9606 Filed 3-28-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1449]

Norfolk and Western Railway Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1449.

SUMMARY: This order authorizes the Norfolk and Western Railway Company (NW) to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four miles to Kensington and continuing over owned or controlled track or operating rights or both in a more easterly direction approximately two additional miles to the termination at the southern end of Lake Calumet, for the purpose of serving industries located adjacent to such tracks, and provides for the continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840.

Decided: March 19, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Norfolk and Western Railway Company (NW) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by NW over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1449 Service Order No. 1449.

(a) *Norfolk and Western Railway Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, trustee).* Norfolk and Western Railway Company (NW) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four miles to Kensington and continuing over owned or controlled track or operating rights or both in a more easterly direction approximately two additional miles to the termination at the southern end of Lake Calumet, for the purpose of serving industries located adjacent to such tracks.

Temporary service authorized in this Order requires the continuation of any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) A similar application has been received from Illinois Central Gulf Railroad Company to operate portions of RI tracks herein indicated. The Railroad Service Board has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the NW to conduct these temporary operations in the public interest as listed in paragraph (a). Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the NW over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via NW become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, NW and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if NW chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, uness otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-9604 Filed 3-28-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1445]

Chicago and Northwestern Transportation Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1445.

SUMMARY: This order authorizes the Chicago and Northwestern Transportation Company (NW) to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) from Minneapolis-St. Paul, MN to Kansas City, MO; Iowa Falls, IA to Estherville, IA; Rake, IA to Ocheyedon, IA; Palmer, IA to Royal, IA; Dows, IA to Forest City, IA; at Cedar Rapids, IA; and between Newton and Earlham, IA, for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Decided: March 18, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Chicago and North Western Transportation Company (CNW) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by CNW over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1445 Service Order No. 1445.

(a) Chicago and North Western Transportation Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, trustee). Chicago and North Western Transportation Company (CNW) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks.

Between Minneapolis-St. Paul, MN, and Kansas City, MO, and certain branch lines located in the States of Minnesota and Iowa, as follows:

(1) From; To:
- Rock Junction, MN (milepost 5.2); Inver Grove, MN (milepost 0.0)
- Inver Grove, MN (milepost 344.7); Northwood, MN (milepost 236.4)
- Clear Lake Junction (milepost 191.1); Short Line Junction, IA (milepost 73.6)
- Short Line Junction Yard, IA (milepost 354.0); West Des Moines, IA (milepost 364.0)
- Short Line Junction, IA (milepost 73.6); Carlisle, IA (milepost 64.7)
- Carlisle, IA (milepost 64.7); Allerton, IA (milepost 0.0)
- Allerton, IA (milepost 363.0); Trenton, MO (milepost 415.9)
- Trenton, MO (milepost 415.9); AirLine Junction, MO (milepost 502.2)

(2) Between Iowa Falls, IA (milepost 97.4) And Estherville, IA (milepost 206.9)

(3) Between Rake, IA (milepost 50.7) and Ocheyedan, IA (milepost 502.0)

(4) Between Palmer, IA (milepost 454.5) And Royal, IA (milepost 502.0)

(5) Between Dows, IA (milepost 113.4) And Forest City, IA (milepost 158.2)

(6) Between Cedar Rapids, IA (milepost 100.5), Cedar River Bridge, IA (milepost 96.2), and to serve all industry formerly served by the RI at Cedar Rapids, IA.

Temporary service authorized in this Order requires continuation of trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Similar applications have been received from Chicago, Milwaukee, St. Paul and Pacific Railroad Company and Illinois Central Gulf Railroad Company to operate portions of RI tracks herein indicated. The Commission has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the CNW to conduct these temporary operations in the public interest. Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the CNW over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via CNW become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, CNW and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled "Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association" (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interest of affected employees.

Accordingly, if CNW chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by this order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the **Federal Register.**

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-9596 Filed 3-28-80; 8:45 am]

BILLING CODE 7035-01-M

V 45 / 63 MR 31 80 UMI

Proposed Rules

Federal Register
Vol. 45, No. 63
Monday, March 31, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1097, 1102, 1108

[Docket AO-219-A36; AO-237-A30; AO-243-A34]

Milk in the Memphis, Tenn.; Fort Smith, Ark.; and Central Arkansas Marketing Areas; Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rules.

SUMMARY: The hearing is being held to consider order changes proposed by Associated Milk Producers, Inc. (AMPI), and Northeast Mississippi Milk Producers, Inc. The key proposals would add 12 northeast Mississippi counties to the Memphis, Tennessee, marketing area. For the Central Arkansas order, revisions would be made in the pooling standards and price adjustments for location. In each of the 3 orders, revisions would be made in the producer payment procedures and the ceiling on assessment rates for order administration and marketing services would be increased slightly. Proponents contend that the changes are needed to reflect changed marketing conditions.

DATE: April 15, 1980.

ADDRESS: Holiday Inn, 111 W. Pershing Boulevard, North Little Rock, Arkansas 72116.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-4824.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing to be held at the Holiday Inn, 111 W. Pershing Boulevard, North Little Rock, Arkansas 72116, beginning at 9:30 a.m., on April 15, 1980, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions in each of the aforesaid specified marketing areas which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposal relative to a redefinition of the marketing area of the Memphis, Tennessee, order raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Associated Milk Producers, Inc.

Proposal No. 1

PART 1097—MILK IN MEMPHIS, TENN., MARKETING AREA

1. Section 1097.31 is revised to read as follows:

§ 1097.31 Payroll reports.

(a) On or before the 24th day after the end of each month, each handler who elects pursuant to § 1097.73(e) to pay producers shall report to the market administrator the following information:

(1) The name and address of each producer;

(2) The amounts paid each producer; and

(3) The dates such payments were made.

2. Section 1097.32 is revised to read as follows:

§ 1097.32 Other reports.

(a) On or before the 20th day of each month, each handler described in § 1097.9(a), (b) and (c), except a cooperative association with respect to producer milk for which it elects to collect payments, shall report to the market administrator the following information with respect to its receipts of milk during the first 15 days of the month:

(1) The name and address of each producer from whom milk was received who has not discontinued shipping milk to the handler;

(2) The total pounds of producer milk received from such producer;

(3) The amount and nature of any deductions, as authorized in writing by the producer, to be made from the partial payment for such milk;

(4) The total pounds of milk received from a handler described in § 1097.9(c); and

(5) The pounds of skim milk and butterfat in bulk fluid milk products received from a fluid milk plant operated by a cooperative association.

(b) On or before the 6th day after the end of each month each handler described in § 1097.9(a), (b), and (c) shall report to the market administrator the following information with respect to its receipts of milk during such month:

(1) The name and address of each producer from whom milk was received;

(2) The total pounds of producer milk received from such producer, its average butterfat content and for the months of March through July the pounds of base milk;

(3) Except in the case of producer milk for which a cooperative association is collecting payments, the amount and nature of any deductions as authorized in writing by the producer, to be made from the final payment for such milk;

(4) The total pounds of skim milk and butterfat received from a handler described in § 1097.9(c); and

(5) The pounds of skim milk and butterfat in bulk fluid milk products received from a fluid milk plant operated by a cooperative association.

(c) On or before the second day prior to the reporting dates specified in paragraphs (a) and (b) of this section, each cooperative association that operates a fluid milk plant from which fluid milk products were transferred to fluid milk plants of other handlers within the time periods described in paragraphs (a) and (b) of this section shall report to each such fluid milk plant operator the name and location of the transferor plant and the total pounds and butterfat content of the bulk fluid milk products transferred from the plant.

(d) Each handler operating a partially regulated distributing plant shall report on or before the seventh day after the end of the month, the respective amounts of skim milk and butterfat in route disposition in the marketing area.

(e) In addition to the reports required pursuant to paragraphs (a) through (d) of this section and §§ 1097.30 and 1097.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

§ 1097.52 [Amended]

3. Amend § 1097.52 *Plant location adjustments for handler* to provide that no location adjustment shall apply to a fluid milk plant located in the Central Arkansas marketing area.

4. A new § 1097.70 is added to read as follows:

§ 1097.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1097.71, 1097.73(h) and from which he shall make all payments pursuant to §§ 1097.73(a) through (f), and 1097.73(h), except that payments to a cooperative association pursuant to § 1097.73(d) and (h) shall be offset by any payments due from such cooperative association pursuant to § 1097.71 that have not been received by the market administrator.

5. Section 1097.71 is revised to read as follows:

§ 1097.71 Payments to producer-settlement fund.

(a) Subject to paragraphs (c) and (d) of this section, each handler shall pay to the market administrator on or before the 20th day of each month an amount determined by multiplying the handler's receipts during the first 15 days of such month of producer milk (excluding, in the case of a handler described in § 1097.9(c), producer milk delivered to fluid milk plant) and milk from a handler described in § 1097.9(c) by the applicable partial payment rate; and on or before the 6th day of the following month an amount determined by multiplying the handler's receipts during the remainder of each month of producer milk (excluding, in the case of a handler described in § 1097.9(c), producer milk delivered to a fluid milk plant) and milk from a handler described in § 1097.9(c) by the applicable partial payment rate; less any applicable amounts specified in subparagraphs (1) and (2) of this paragraph. In making the second partial payment on the 6th day of each month a handler may omit partial payment for milk received from a producer during the months of March through July each year who has no base, and for milk received from a producer who is no longer shipping milk to said handler at the time such second partial payment is made.

(1) Payments made by the handler direct to individual producers on or before such dates specified in paragraph (a) for milk received during each partial payment period; and

(2) Proper deductions authorized in writing by producers from whom the handler received milk, except that the amount deducted for each producer shall not exceed the value of the milk received from the producers during each partial payment period; provided, that handler has paid such deductions to assignees by the date payment is otherwise due the producer.

(b) Subject to paragraphs (c) and (d) of this section, each handler shall pay to the market administrator on or before the 20th day after the end of each month an amount equal to such handler's value of milk for such month determined pursuant to § 1097.60(a), as adjusted by the butterfat differential specified in § 1097.74 and pursuant to § 1097.60(b), (c) and (d), less:

(1) Payments made by the handler pursuant to paragraph (a) of this section for such month;

(2) Payments that were made by the handler direct to individual producers on or before the payment dates specified in paragraph (a) of this section for milk received during such month; and

(c) The following conditions shall apply with respect to the payments prescribed in paragraphs (a) and (b) of this section;

(1) Payments to the market administrator shall be deemed not have been made until such payments have been received by the market administrator; and

(2) If the date by which payments must be received by the market administrator falls on a Saturday or Sunday or any Monday that is a national holiday, payments shall not be due until the next day on which the market administrator's office is open for public business.

(d) Payments due the market administrator from a cooperative association handler may be offset by payments determined by the market administrator to be due the cooperative association pursuant to § 1097.73(d).

6. A new § 1097.72 is added to read as follows:

§ 1097.72 Rate of partial payments.

Partial payment rates shall be computed as follows: (a) During the base operating months of March through July, the previous month's Class III price for milk testing 3.5 percent butterfat.

(b) For the months of August through February, the previous month's Class III price for milk testing 3.5 percent butterfat plus $1.00, and further adjusted by the zone or location adjustment applicable at the receiving plant.

(7) Section 1097.73 is revised to read as follows:

§ 1097.73 Payments to producers and to cooperative association.

(a) Subject to paragraphs (c) through (f) of this section, the market administrator shall pay each producer on or before the 22nd day of each month for milk which was received during the first 15 days of each month; provided, payment pursuant to § 1097.71(a) has been received by the market administrator. Such payment shall be uniform to all suppliers of each plant at a rate per hundredweight equal to that received by the market administrator less the amounts specified in § 1097.71(a)(1) and (2).

(b) Subject to paragraphs (c) through (f) of this section, the market administrator shall pay each producer on or before the 8th day after the end of each month for milk received during the second half of each month; provided, payment pursuant to § 1097.71(a) has been received by the market administrator. Such payment shall be uniform to all suppliers of each plant at a rate per hudredweight equal to that received by the market administrator, less the amounts specified in § 1097.71(a)(1) and (2).

(c) Subject to paragraphs (d) through (e) of this section, the market administrator shall pay each producer on or before the 22nd day after the end of each month for milk for which payment pursuant to § 1097.71(b) has been received by the market administrator or offset pursuant to § 1097.71(d). Such payment shall be at the uniform price computed pursuant to § 1097.61 for the month, subject to the following adjustments:

(1) Any applicable adjustments pursuant to §§ 1097.74 and 1097.75;

(2) Less the payments described in paragraphs (a) and (b) of this section;

(3) Less deductions for marketing services pursuant to § 1097.86;

(4) Less the authorized deductions specified in § 1097.71(a)(2); and

(5) Any adjustments for errors in calculating payments to an individual producer for past months.

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(d) In making payments to producers pursuant to paragraphs (a), (b) and (c) of this section, the market administrator, on or before the day prior to the dates specified in such paragraphs, shall pay to each cooperative association that so requests with respect to those producers for whom it markets milk and who are certified to the market administrator by the cooperative association as having authorized the cooperative association to receive such payment an amount equal to the sum of the individual payments otherwise due such producers pursuant to paragraphs (a), (b) and (c) of this section.

(e) In making payments to producers pursuant to paragraphs (a), (b) and (c) of this section, the market administrator, on or before the day prior to the dates specified in such paragraphs, shall pay to each handler who so requests for milk received by the handler from producers for whom a cooperative association is not collecting payments pursuant to paragraph (d) of this section an amount equal to the sum of the individual payments otherwise due such producers pursuant to paragraphs (a), (b) and (c) of this section. The handler then shall pay the individual producers the amounts due them by the respective dates specified in paragraphs (a), (b) and (c) of this section. Any handler who the market administrator determines is or was delinquent with respect to any payment obligation under this order shall not be eligible to make payments direct to any producer until the handler has met all prescribed payment obligations for three consecutive months. In making payments to producers pursuant to this paragraph, the handler shall furnish each producer the following information:

(1) The identity of the handler and the producer and the month to which the payment applies;

(2) The total pounds and, with respect to final payments, the average butterfat content of the milk for which payment is being made and for the months of March through July the pounds of base milk;

(3) The minimum rate of payment required by the order and rate of payment used if such rate is other than the applicable minimum rate;

(4) The amount and nature of any deductions from the amount otherwise due the producer; and

(5) The net amount of payment to the producer.

(f) The following conditions shall apply with respect to the payments prescribed in paragraph (a) through (e) of this section:

(1) If the date by which such payments are to be made falls on a Saturday, or Sunday or on any Monday that is a national holiday, such payments need not be made until the next day on which the market administrator's office is open for public business; and

(2) If the application of § 1097.71(c)(2) or paragraph (f)(1) of this section results in a delay in the partial or final payments by handlers to the market administrator or by the market administrator to the handlers, the corresponding partial or final payments prescribed in paragraphs (a) through (e) of this section may be delayed by the same number of days.

(g) If the market administrator does not receive the full payment required of a handler pursuant to § 1097.71 he shall reduce uniformly per hundredweight the payments due producers and cooperative associations for their milk received by such handler by a total amount not in excess of the amount due from such handler. The market administrator shall complete such payments on or before the next date for making payment pursuant to this section following the date on which the remaining payment is received from such handler.

(h) Subject to § 1097.71(c) (1) and (2), each handler who received bulk fluid milk and bulk fluid cream products from a fluid milk plant operated by a cooperative association shall pay the following amounts for such products to the market administrator, who in turn shall transmit such money on the first day thereafter to the cooperative association:

(1) On or before the 20th day of each month, an amount determined by multiplying such receipts during the first 15 days of the month by the latest available class prices for 3.5 percent milk reflective of the classification pursuant to § 1097.42(a). Such price shall be adjusted by the butterfat differential specified in § 1097.74; and on or before the 6th day of the following month an amount determined by multiplying the handler's receipts during the remainder of the month of bulk fluid milk and bulk fluid cream by the latest available class prices for 3.5 percent milk reflective of the classification pursuant to § 1097.42(a). Such price shall be adjusted by the butterfat differential specified in § 1097.74.

(2) On or before the 20th day after the end of each month, an amount determined by multiplying the quantity of such receipts during the month that was classified in each class pursuant to § 1097.42(a) by the applicable class price, as adjusted by the butterfat differential specified in § 1097.74, less any payments made by the handler pursuant to paragraph (h)(1) of this section for such month. For the purpose of such computation, the applicable Class I price shall be the higher of the Class I prices applicable at the transferee plant and the transferor plant, both including the applicable administrative assessment rate.

(8) A new § 1097.78 is added to read as follows:

§ 1097.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1097.71, 1097.73(h), 1097.85 shall be increased one percent per month beginning on the first day after the due date, and on each date of subsequent months following the day on which such type of obligation is normally due, subject to the following conditions:

(a) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid overdue charges previously computed pursuant to this section; and

(b) For the purpose of this section, any obligation that was determined at a date later than that prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

9. Section 1097.85 is revised to read as follows:

§ 1097.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 20th day after the end of the month six cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Receipts of milk at fluid milk plants from producers (including receipts from a handler described in § 1097.9(c) and such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1097.44(a)(7) and (11) and the corresponding steps of § 1097.44(b);

(c) Receipts of milk by a handler described in § 1097.9(c) in excess of that specified in paragraph (a) of this section; and

(d) Receipts of milk by a handler described in § 1097.9(b).

Proposal No. 2

PART 1102—MILK IN FORT SMITH, ARK. MARKETING AREA

1. Section 1102.31 is revised to read as follows:

§ 1102.31 Payroll reports.

(a) On or before the 24th day after the end of the month, each handler who elects pursuant to § 1102.73(e) to pay producers shall report to the market administrator the following information:

(1) The name and address of each producer;

(2) The amounts paid each producer; and

(3) The dates such payments were made.

2. Section 1102.32 is revised to read as follows:

§ 1102.32 Other reports.

(a) On or before the 20th day of each month, each handler described in § 1102.9(a) and (b), except a cooperative association with respect to producer milk for which it elects to collect payments, shall report to the market adminstrator the following information with respect to its receipts of milk during the first 15 days of the month:

(1) The name and address of each producer from whom milk was received who has not discontinued shipping milk to the handler;

(2) The total pounds of producer milk received from such producer;

(3) The amount and nature of any deductions, as authorized in writing by the producer, to be made from the partial payment for such milk; and

(4) In lieu of reporting in accordance with paragraphs (a)(1), (2) and (3) of this section, a handler may, if he so chooses, report the sum of the pounds of milk received from individual producers whose milk is marketed by a cooperative association that is authorized to receive for such milk. The handler may also report the sum of the authorized deductions of such producer.

(b) On or before the 6th day after the end of each month, each handler described in § 1102.9(a) and (b) shall report to the market administrator the following information with respect to its receipts of milk during such month:

(1) The name and address of each producer from whom milk was received;

(2) The total pounds of producer milk received from such producer, its average butterfat content and for the months of March through July the pounds of base milk; and

(3) Except in the case of producer milk for which a cooperative association is collecting payments, the amount and nature of any deductions as authorized in writing by the producer, to be made from the final payment for such milk.

(c) In addition to the reports required pursuant to paragraphs (a) and (b) of this section §§ 1102.30 and 1102.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

3. In § 1102.62, paragraph (b) is revised to read as follows:

§ 1102.62 Announcement of uniform price for each handler and butterfat differential.

* * * * *

(b) The 13th day after the end of each month the applicable uniform price for each handler pursuant to § 1102.61 for such month.

4. New §§ 1102.70, 1102.71 and 1102.72 are added to read as follows:

§ 1102.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 1102.71 and from which he shall make all payments pursuant to § 1102.73.

§ 1102.71 Payments to producer-settlement fund.

(a) Subject to paragraphs (c) and (d) of this section, each handler shall pay to the market administrator on or before the 20th day of each month an amount determined by multiplying the handler's receipts during the first 15 days of such month of producer milk by the applicable partial payment rate; and on or before the 6th day of the following month an amount determined by multiplying the handler's receipts during the remainder of each month of producer milk by the applicable partial payment rate; less any applicable amounts specified in subparagraphs (1) and (2) of this paragraph. In making the second partial payment on the 6th day of each month a handler may omit partial payment for milk received from a producer during the months of March through July each year who has no base, and for milk received from a producer who is no longer shipping milk to said handler at the time such second partial payment is made.

(1) Payments made by the handler direct to individual producers on or before such dates specified in paragraph (a) for milk received during each partial payment period; and

(2) Proper deductions authorized in writing by producers from whom the handler received milk, except that the amount deducted for each producer shall not exceed the value of the milk received from the producers during each partial payment period; provided, that handler has paid such deductions to assignees by the date payment is otherwise due the producer.

(b) Subject to paragraphs (c) and (d) of this section, each handler shall pay to the market administrator on or before the 20th day after the end of each month an amount equal to such handler's value of milk for such month determined pursuant to § 1102.60(a), as adjusted by the butterfat differential specified in § 1102.74, and pursuant to § 1102.60(b) and (c), less:

(1) Payments made by the handler pursuant to paragraph (a) of this section for such month; and

(2) Payments that were made by the handler direct to individual producers on or before the payment dates specified in paragraph (a) of this section for milk received during such month.

(c) The following conditions shall apply with respect to the payments prescribed in paragraphs (a) and (b) of this section:

(1) Payments to the market administrator shall be deemed not to have been made until such payments have been received by the market administrator; and

(2) If the date by which payments must be received by the market administrator falls on a Saturday or Sunday or any Monday that is a national holiday, payments shall not be due until the next day on which the market administrator's office is open for public business.

§ 1102.72 Rate of partial payments.

Partial payment rates shall be computed as follows: (a) During the base operating months of March through July, the previous month's Class III price for milk testing 3.5 percent butterfat.

(b) For the months of August through February the previous month's Class III price for milk testing 3.5 percent butterfat plus $1.00, and further adjusted by the zone or location adjustment applicable at the receiving plant.

5. Section 1102.73 is revised to read as follows:

§ 1102.73 Payments to producers and to cooperative associations.

(a) Subject to paragraphs (c) through (f) of this section, the market administrator shall pay each producer on or before the 22nd day of each month for milk which was received during the first 15 days of each month; provided, payment pursuant to § 1102.71(a) has been received by the market administrator. Such payment shall be uniform to all suppliers of each plant at a rate per hundredweight equal to that received by the market administrator less the amounts specified in § 1102.71(a)(1) and (2).

(b) Subject to paragraphs (c) through (f) of this section, the market administrator shall pay each producer on or before the 8th day after the end of

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each month for milk received during the second half of each month; provided, payment pursuant to § 1102.71(a) has been received by the market administrator. Such payment shal be uniform to all suppliers of each plant at a rate per hundredweight equal to that received by the market administrator, less the amounts specified in § 1102.71(a)(1) and (2).

(c) Subject to paragraphs (d) through (e) of this section, the market administrator shall pay each producer on or before the 22nd day after the end of each month for milk for which payment pursuant to § 1102.71(b) has been received by the market administrator. Such payment shall be at the uniform price computed pursuant to § 1102.61 for the month, subject to the following adjustments:

(1) Any applicable adjustments pursuant to §§ 1102.74 and 1102.75;

(2) Less the payments described in paragraphs (a) and (b) of this section;

(3) Less deductions for marketing services pursuant to § 1102.86;

(4) Less the authorized deduction specified in § 1102.71(a)(2); and

(5) Any adjustments for errors is calculating payments to an individual producer for past months.

(d) In making payments to producers pursuant to paragraphs (a), (b) and (c) of this section, the market administrator, on or before the day prior to the dates specified in such paragraphs, shall pay to each cooperative association that so requests with respect to those producers for whom it markets milk and who are certified to the market administrator by the cooperative association as having authorized the cooperative association to receive such payment an amount equal to the sum of the individual payments otherwise due such producers pursuant to paragraphs (a), (b) and (c) of this section.

(e) In making payments to producers pursuant to paragraphs (a), (b) and (c) of this section, the market administrator, on or before the day prior to the dates specified in such paragraphs, shall pay to each handler who so requests for milk received by the handler from producers for whom a cooperative association is not collecting payments pursuant to paragraph (d) of this section an amount equal to paragraphs (a), (b) and (c) of this section. The handler then shall pay the individual producers the amounts due them by the respective dates specified in paragraphs (a), (b) and (c) of this section. Any handler who the market administrator determines is or was delinquent with respect to any payment obligation under this order shall not be eligible to make payments direct to any producer until the handler has met all prescribed payment obligations for three consecutive months. In making payments to producers pursuant to this paragrah, the handler shall furnish each producer the following information:

(1) The indentity of the handler and the producer and the month to which the payment applies;

(2) The total pounds and, with respect to final payments, the average butterfat content of the milk for which payment is being made and for the months of March through July the pounds of base milk;

(3) The minimum rate of payment required by the order and rate of payment used if such rate is other than the applicable minimum rate;

(4) The amount and nature of any deductions from the amount otherwise due the producer; and

(5) The net amount of payment to the producer.

(f) The following conditions shall apply with respect to the payments prescribed in apragraph (a) through (e) of this section:

(1) If the date by which such payments are to be made falls on a Saturday or Sunday or any Monday that is a national holiday, such payments need not be made until the next day on which the market administrator's office is open for public business; and

(2) If the application of § 1102.71(c)(2) or paragraph (f)(1) of this section results in a delay in the partial or final payments by handlers to the market administrator or by the market administrator to handlers, the corresponding partial or final payments prescribed in paragraphs (a) through (e) of this section may be delayed by the same number of days.

(g) If the market administrator does not receive the full payment required of a handler pursuant to § 1102.71, he shall reduce uniformly per hundredweight the payments due producers and cooperative associations for their milk received by such handler by a total amount not in excess of the amount due from such handler. The market administrator shall complete such payments on or before the next date for making payments pursuant to this section following the date on which the remaining payment is received from such handler.

6. A new § 1102.78 is added to read as follows:

§ 1102.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1102.71 or 1102.85 shall be increased one percent per month beginning on the first day after the due date, and on each date of subsequent months following the day on which such type of obligation is normally due, subject to the following conditions:

(a) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid overdue charges previously computed pursuant to this section; and

(b) For the purpose of this section, any obligation that was determined at a date later than that prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

7. Section 1102.85 is revised to read as follows:

§ 1102.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 20th day after the end of the month six cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own production); and

(b) Other source milk allocated to Class I pursuant to § 1102.44(a) (7) and (11), and the corresponding steps of § 1102.44(b).

8. Section 1102.86 is revised to read as follows:

§ 1102.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, the market administrator, in making payments to producers, pursuant to § 1102.73, shall deduct seven cents per hundredweight or such amount not exceeding seven cents per hundredweight as may be prescribed by the Secretary. Such moneys shall be used by the market administrator to sample, test and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association, as determined by the Secretary, is actually performing the services set forth in paragraph (a) of this section, the market administrator shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 21st day after the end of each month, pay such deductions to the cooperative association rendering such services accompanied by a statement showing the amount of milk for which such deduction was computed for each producer.

Proposal No. 3

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

1. A new § 1108.3 is added to read as follows:

§ 1108.3 Route disposition.

"Route disposition" means any delivery of a fluid milk product classified as Class I milk to a wholesale or retail outlet (including any delivery through a vendor or a plant store) except a delivery to any milk or filled milk receiving and/or processing plant.

2. Section 1108.5 is revised to read as follows:

§ 1108.5 Distributing plant.

"Distributing plant" means all of the premises and facilities of a plant which is approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk and from which during the month there is route disposition in the marketing area.

3. Section 1108.6 is revised to read as follows:

§ 1108.6 Supply plant.

"Supply plant" means all of the premises and facilities of a plant which is approved by a duly constituted regulatory agency for the handling of Grade A milk and from which fluid milk products are shipped during the month to a pool plant.

4. Section 1108.7 is revised to read as follows:

§ 1108.7 Pool plant.

Except as provided in paragraph (c) of this section "pool plant" means:

(a) A distributing plant from which during the month packaged fluid milk products, except filled milk and receipts of packaged fluid milk products from other pool plants, disposed of either as route disposition or through transfers to other plants are equal to not less than 50 percent of its receipts of bulk fluid milk products from producers (including producer milk diverted from the plant), handlers described in § 1108.9(c), and other pool plants and from which not less than 10 percent of such receipts is disposed of in the marketing area in the form of packaged fluid milk products, except filled milk and receipts of packaged fluid milk products from other pool plants either as route disposition or through transfers to other plants from which they are disposed of in the marketing area as route disposition.

(b) A supply plant from which during the month fluid milk products, except filled milk, equal to not less than two-thirds of the Grade A milk received at the plant from dairy farmers (including producer milk diverted from the plant but excluding milk received as diverted milk), and handlers described in § 1108.9(c) is shipped to and received at distributing plants qualified pursuant to paragraph (a) of this section or to comparable plants under another Federal order, provided that fluid milk products equal to not less than 50 percent of such receipts is shipped to and received by distributing plants qualified pursuant to paragraph (a) of this section.

(c) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area, unless one of the following conditions applies:

(i) If such plant was a pool plant under this order for the immediately preceding month it shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater portion of the route disposition, except filled milk, is made in such other marketing area; or

(ii) Any such plant located in the marketing area that was a pool plant under the order for the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which more than 50 percent of such route disposition is made in such other marketing area;

(3) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order on the basis of route disposition in such other marketing area and from which there is a greater quantity of route disposition, except filled milk, in this marketing area than in such other marketing area but which plant, is nevertheless, fully regulated under such other Federal order; and

(4) A plant qualified pursuant to paragraph (b) of this section which has automatic pooling status under another Federal order.

§ 1108.7a [Deleted]

5. Section 1108.7a is deleted.

§ 1108.9 [Amended]

6. In § 1108.9(b) change the reference from § 1108.12 to § 1108.13.

7. Section 1108.12 is revised to read as follows:

§ 1108.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted regulatory agency and whose milk is:

(1) Received at a pool plant directly from such person;

(2) Received by a handler described in § 1108.9(c); or

(3) Diverted from a pool plant in accordance with § 1108.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him which is diverted to a pool plant from another order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1108.44(a)(8)(iii) and the corresponding step of § 1108.44(b); and

(3) Any person with respect to milk produced by him which is reported as diverted to another order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

8. Section 1108.13 is revised to read as follows:

§ 1108.13 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1108.9(c);

(c) Picked up from the producer's farm tank in a tank truck owned and operated by, or under the control of, the operator of a pool plant but which is not received at a plant until the following month. Such milk shall be considered as having been received by the handler during the month in which it is picked up at the producer's farm and shall be priced at the location of the plant where it is physically received in the following month. This paragraph shall apply in like manner to milk received by the operator of a pool plant who, in accordance with § 1108.9(c), is the handler for such milk; and

(d) Diverted from a pool plant to a nonpool plant that is not a producer-handler plant for the account of the

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handler operating such pool plant or a handler described in § 1108.9(b), subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion during any month if less than 15 percent of the total milk of such dairy farmer or a producer under this part is received as producer milk at a pool plant;

(2) The total quantity of milk so diverted by a cooperative association shall not exceed one-half of the producer milk that the cooperative association causes to be delivered to pool plants and that is physically received thereat;

(3) The operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (d)(2) of this section. The total quantity of milk so diverted shall not exceed one-half of the producer milk received at such pool plant that is eligible to be diverted by the plant operator;

(4) Any milk diverted in excess of the limits prescribed in paragraphs (d) (2) and (3) of this section shall not be producer milk. If the diverting handler fails to designate the dairy farmers' deliveries that are not to be producer milk, no milk diverted by the handler during the month to a nonpool plant shall be producer milk;

(5) The quantity of milk diverted for the account of a cooperative association from a pool plant of another handler that would cause the pool plant to become a nonpool plant shall not be producer milk; and

(6) Diverted milk shall be priced at the location of the nonpool plant to which diverted.

9. Section 1108.31 is revised to read as follows:

§ 1108.31 Payroll reports.

(a) On or before the 24th day after the end of each month, each handler who elects pursuant to § 1108.73(e) to pay producers shall report to the market administrator the following information:

(1) The name and address each producer;

(2) The amounts paid each producer; and

(3) The dates such payments were made.

(b) On or before the 24th day after the end of the month, each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1108.76(b) shall report to the market administrator with respect to milk received from each dairy farmer who would have been a producer if the plant had been fully regulated the following information for such month:

(1) The name and address of each dairy farmer;

(2) The total pounds of milk received from each dairy farmer;

(3) The average butterfat content of such milk;

(4) The amount and nature of any deductions, as authorized in writing by the dairy farmer, from the payment for such milk; and

(5) The rate of payment per hundredweight and the net amount paid each dairy farmer.

10. Section 1108.32 is revised to read as follows:

§ 1108.32 Other reports.

(a) On or before the 20th day of each month, each handler described in § 1108.9(a), (b), and (c), except a cooperative association with respect to producer milk for which it elects to collect payments, shall report to the market administrator the following information with respect to its receipts of milk during the first 15 days of the month:

(1) The name and address of each producer from whom milk was received who has not discontinued shipping milk to the handler;

(2) The total pounds of producer milk received from such producer;

(3) The amount and nature of any deductions, as authorized in writing by the producer, to be made from the partial payment for such milk;

(4) The total pounds of milk received from a handler described in § 1108.9(c); and

(5) The pounds of skim milk and butterfat in bulk fluid milk products received from a pool plant operated by a cooperative association.

(c) On or before the second day prior to the reporting dates specified in paragraphs (a) and (b) of this section, each cooperative association that operates a pool plant from which bulk fluid milk products were transferred to pool plants of other handlers within the time periods described in paragraphs (a) and (b) of this section shall report to each such pool plant operator the name and location of the transferor plant and the total pounds and butterfat content of the bulk fluid milk products transferred from the plant.

(d) In addition to the reports required pursuant to paragraphs (a) through (c) of this section and §§ 1108.30 and 1108.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

11. Section 1108.52 is revised to read as follows:

§ 1108.52 Plant location adjustment for handler.

(a) For milk received from producer or a handler described in § 1108.9(c) at a plant located more than 60 miles by the shortest hard surfaced highway distance as determined by the market administrator from the nearer of the county courthouse in Forrest City, Arkansas, or the State Capital in Little Rock, Arkansas, and which is classified as Class I without movement in bulk form to another pool plant at which a higher Class I price applies, the price specified in § 1108.5(a) shall be adjusted by amount stated in paragraphs (a) (1) through (3) of this section for the location of such plant.

(1) For any such plant located north of interstate highway 40 the adjustment shall be minus 1.5 cents for each 10 miles or fraction thereof between such plant and such nearer point.

(2) For any such plant located south of interstate highway 40 the adjustment shall be plus 1.5 cents for each 10 miles or fraction thereof between such plant and such nearer point.

(3) For any plant located in the State of Tennessee, Mississippi or Oklahoma no adjustment shall apply.

(b) For fluid milk products transferred in bulk from a pool plant to another pool plant at which a higher Class I price applies and which are classified as Class I milk, the Class I price shall be the Class I price applicable at the location of the transferee plant subject to a location adjustment credit for the transferor plant which shall be determined by the market administrator for skim milk and butterfat, respectively, as follows:

(1) Subtract from the pounds of skim milk remaining in Class I at the transferee plant after the computations pursuant to § 1108.44(a)(12) an amount equal to the pounds of skim milk in receipts of milk at the transferee plant from producers and handlers described in § 1108.9(c), and in receipts of packaged fluid milk products from other pool plants;

(2) Assign any remaining pounds of skim milk in Class I at the transferee plant to the skim milk in receipts of bulk fluid milk products from other pool plants, first to the transferor plants at which the highest Class I price applies and then to other plants in sequence beginning with the plant at which the next highest Class I price applies;

(3) Compute the total amount of location adjustment credits to be assigned to transferor plants by multiplying the hundredweight of skim milk assigned pursuant to paragraph (b)(2) of this section to each transferor plant at which the Class I price is lower than the Class I price at the transferee plant by the difference in Class I prices applicable at the transferor plant and transferee plant, and add the resulting amounts;

(4) Assign the total amount of location adjustment credits computed pursuant to paragraph (b)(3) of this section to those transferor plants that transfered fluid milk products containing skim milk classified as Class I milk pursuant to § 1108.42(a) and at which the applicable Class I price is less than the Class I price at the transferee plant, in sequence beginning with the plant at which the highest Class I price applies. Subject to the availability of such credits, the credit assigned to each plant shall be equal to the hundredweight of such Class I skim milk multiplied by the applicable adjustment rate determined pursuant to paragraph (b)(3) of this section for such plant. If the aggregate of this computation for all plants having the same adjustment rate as determined pursuant to paragraph (b)(3) of this section exceeds the credits that are available to those plants, such credits shall be prorated to the volume of skim milk in Class I transfers from such plants; and

(5) Location adjustment credit for butterfat shall be determined in accordance with the procedure outlined for skim milk in paragraphs (b)(1) through (4) of this section.

(c) The Class I price applicable to other source milk shall be adjusted by the amounts set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

12. In § 1108.60, a new paragraph (g) is added to read as follows:

§ 1108.60 Handler's value of milk for computing uniform price.

* * * * *

(g) Subtract for a handler described in § 1108.9(c) the amount obtained from multiplying the Class III price adjusted by the butterfat differential specified in § 1108.74 for the preceding month by the hundredweight of skim milk and butterfat contained in inventory at the beginning of the month that was delivered to a pool plant during the month.

13. In § 1108.61, paragraph (a)(2) is revised to read as follows:

§ 1108.61 Computation of uniform prices (including weighted average price and base and excess prices).

(a) * * *

(2) Add the aggregate of all minus location adjustments and subtract the aggregate of all the plus location adjustments pursuant to § 1108.75.

* * * * *

14. In § 1108.62, paragraph (b) is revised to read as follows:

§ 1108.62 Announcement of uniform price and butterfat differential.

* * * * *

(b) The 13th day after the end of each month the uniform price for such month.

15. Sections 1108.70, 1108.71, 1108.72, and 1108.73 are revised to read as follows:

§ 1108.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 1108.71, 1108.73(h), 1108.76 and 1108.77 and from which he shall make all payments pursuant to §§ 1108.73(a) through (f), 1108.73(h) and 1108.77, except that payments to a cooperative association pursuant to § 1108.73 (d) and (h) shall be offset by any payments due from such cooperative association pursuant to paragraph 1108.71 that have not been received by the market administrator.

§ 1108.71 Payments to producer-settlement fund.

(a) Subject to paragraphs (c) and (d) of this section, each handler shall pay to the market administrator on or before the 20th day of each month an amount determined by multiplying the handler's receipts during the first 15 days of such month of producer milk (excluding, in the case of a handler described in § 1108.9(c), producer milk delivered to a pool plant) and milk from a handler described in § 1108.9(c) by the applicable partial payment rate; and on or before the 6th day of the following month an amount determined by multiplying the handler's receipts during the remainder of each month of producer milk (excluding, in the case of a handler described in § 1108.9(c), producer milk delivered to a pool plant) and milk from a handler described in § 1108.9(c) by the applicable partial payment rate; less any applicable amounts specified in subparagraphs (1) and (2) of this paragraph. In making the second partial payment on the 6th day of each month a handler may omit partial payment for milk received from a producer during the months of March through July each year who has no base, and for milk received from a producer who is no longer shipping milk to said handler at the time such second partial payment is made:

(1) Payments made by the handler direct to individual producers on or before such dates specified in paragraph (a) for milk received during each partial payment period; and

(2) Proper deductions authorized in writing by producers from whom the handler received milk, except that the amount deducted for each producer shall not exceed the value of the milk received from the producers during each partial payment period, provided, that handler has paid such deductions to assignees by the date payment is otherwise due the producer.

(b) Subject to paragraphs (c) and (d) of this section, each handler shall pay to the market administrator on or before the 20th day after the end of each month an amount equal to such handler's value of milk for such month determined pursuant to § 1108.60(a), as adjusted by the butterfat differential specified in § 1108.74 and pursuant to § 1108.60 (b) through (g), less:

(1) Payments made by the handler pursuant to paragraph (a) of this section for such month;

(2) Payments that were made by the handler direct to individual producers on or before the payment dates specified in paragraph (a) of this section for milk received during such month; and

(3) The value of the weighted average price applicable at the location of the plant from which received, on other source milk for which a value was computed pursuant to § 1108.60(f).

(c) The following conditions shall apply with respect to the payments prescribed in paragraphs (a) and (b) of this section:

(1) Payments to the market administrator shall be deemed not to

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have been made until such payments have been received by the market administrator; and

(2) If the date by which payments must be received by the market administrator falls on a Saturday or Sunday or any Monday that is a national holiday, payments shall not be due until the next day on which the market administrator's office is open for public business.

(d) Payments due the market administrator from a cooperative association handler may be offset by payments determined by the market administrator to be due the cooperative association pursuant to § 1108.73(d).

(e) On or before the 25th day after the end of the month, each person who operated another order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (e)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1108.72 Rate of partial payments.

Partial payment rates shall be computed as follows:

(a) During the base operating months of March through July, the previous month's Class III price for milk testing 3.5 percent butterfat.

(b) For the months of August through February, the previous month's Class III price for milk testing 3.5 percent butterfat plus $1.00, and further adjusted by the zone or location adjustment applicable at the receiving plant.

§ 1108.73 Payments to producers and to cooperative associations.

(a) Subject to paragraphs (c) through (f) of this section, the market administrator shall pay each producer on or before the 22nd day of each month for milk which was received during the first 15 days of each month; provided, payment pursuant to § 1108.71(a) has been received by the market administrator. Such payment shall be uniform to all suppliers of each plant at a rate per hundredweight equal to that received by the market administrator less the amounts specified in § 1108.71(a) (1) and (2).

(b) Subject to paragraphs (c) through (f) of this section, the market administrator shall pay each producer on or before the 8th day after the end of each month for milk received during the second half of each month; provided payment pursuant to § 1108.71(a) has been received by the market administrator. Such payment shall be uniform to all suppliers of each plant at a rate per hundredweight equal to that received by the market administrator, less the amounts specified in § 1108.71(a) (1) and (2).

(c) Subject ot paragraphs (d) through (e) of this section, the market administrator shall pay each producer on or before the 22nd day after the end of each month for milk for which payment pursuant to § 1108.71(b) has been received by the market administrator or offset pursuant to § 1108.71(d). Such payment shall be at the uniform price computed pursuant to § 1108.61 for the month, subject to the following adjustments:

(1) Any applicable adjustments pursuant to §§ 1108.74 and 1108.75;

(2) Less the payments described in paragraphs (a) and (b) of this section;

(3) Less the deductions for marketing services pursuant to § 1108.86;

(4) Less the authorized deductions specified in § 1108.71(a)(2); and

(5) Any adjustments for errors in calculating payments to an individual producer for past months.

(d) In making payments to producers pursuant to paragraphs (a), (b) and (c) of this section, the market administrator, on or before the day prior to the dates specified in such paragraphs, shall pay to each cooperative association that so requests with respect to those producers for whom it markets milk and who are certified to the market administrator by the cooperative association as having authorized the cooperative association to receive such payment an amount equal to the sum of the individual payments otherwise due such producers pursuant to paragraphs (a), (b) and (c) of this section.

(e) In making payments to producers pursuant to paragraphs (a), (b) and (c) of this section, the market administrator, on or before the day prior to the dates specified in such paragraphs, shall pay to each handler who so requests for milk received by the handler from producers for whom a cooperative association is not collecting payments pursuant to paragraph (d) of this section an amount equal to the sum of the individual payments otherwise due such producers pursuant to paragraphs (a), (b) and (c) of this section. The handler then shall pay the individual producers the amounts due them by the respective dates specified in paragraphs (a), (b) and (c) of this section. Any handler who the market administrator determines is or was delinquent with respect to any payment obligation under this order shall not be eligible to make payments direct to any producer until the handler has met all prescribed payment obligations for three consecutive months. In making payments to producers pursuant to this paragraph, the handler shall furnish each producer the following information:

(1) The identity of the handler and the producer and the month to which the payment applies;

(2) The total pounds and, with respect to final payments, the average butterfat content of the milk for which payment is being made and for the months of March through July the pounds of base milk;

(3) The minimum rate of payment required by the order and the rate of payment used if such rate is other than the applicable minimum rate;

(4) The amount and nature of any deductions from the amount otherwise due the producer; and

(5) The net amount of payment to the producer.

(f) The following conditions shall apply with respect to the payments prescribed in paragraphs (a) through (e) of this section:

(1) If the date by which such payments are to be made falls on a Saturday or Sunday or on any Monday that is a national holiday, such payments need not be made until the next day on which the market administrator's office is open for public business; and

(2) If the application of § 1108.71 (c)(2) or paragraph (f)(1) of this section results in a delay in the partial or final payments by handlers to the market administrator or by the market administrator to handlers, the corresponding partial or final payments prescribed in paragraphs (a) through (e) of this section may be delayed by the same number of days.

(g) If the market administrator does not receive the full payment required of a handler pursuant to § 1108.71, he shall reduce uniformly per hundredweight the payments due producers and cooperative associations for their milk received by such handler by a total amount not in excess of the amount due from such handler. The market administrator shall complete such payments on or before the next date for making payments pursuant to this section following the date on which the remaining payment is received from such handler.

(h) Subject to § 1108.71(c)(1) and (2), each handler who received bulk fluid milk and bulk fluid cream products from a pool plant operated by a cooperative association shall pay the following amounts for such products to the market administrator, who in turn shall transmit such money on the first day thereafter to the cooperative association.

(1) On or before the 20th day of each month, an amount determined by multiplying such receipts during the first 15 days of the month by the latest available class prices for 3.5 percent milk reflective of the classification pursuant to § 1108.42(a). Such prices shall be adjusted by the butterfat differential specified in § 1108.74; and on or before the 6th day of the following month an amount determined by multiplying the handler's receipts during the remainder of the month of bulk fluid milk and bulk fluid cream by the latest available class prices for 3.5 percent milk reflective of the classification pursuant to § 1108.42(a). Such price shall be adjusted by the butterfat differential specified in § 1108.74.

(2) On or before the 20th day after the end of each month, an amount determined by multiplying the quantity of such receipts during the month that was classified in each class pursuant to § 1108.42(a) by the applicable class price, as adjusted by the butterfat differential specified in § 1108.74, less any payments made by the handler pursuant to paragraph (h)(1) of this section for such month. For the purpose of such computation, the applicable Class I price shall be the higher of the Class I prices applicable at the transferee plant and the transferor plant, both including the applicable administrative assessment rate.

16. Section 1108.75 is revised to read as follows:

§ 1108.75 Plant location adjustments for producers and on nonpool milk.

(a) In making the payments required pursuant to § 1108.73, the uniform price and uniform price for base milk computed pursuant to § 1108.61 for the month shall be adjusted by the amounts set forth in § 1108.52 according to the location of the plant where the milk being priced was received.

(b) For purposes of computing the value of other source milk pursuant to § 1108.71, the weighted average price shall be adjusted by the amount set forth in § 1108.52 that is applicable at the location of the nonpool plant from which the milk was received, except that the adjusted weighted average price shall not be less than the Class III price.

17. A new § 1108.78 is added to read as follows:

§ 1108.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1108.71, 1108.73(g) and (h), 1108.76, 1108.77 and 1108.85 shall be increased one percent per month beginning on the first day after the due date, and on each date of subsequent months following the day on which such type of obligation is normally due, subject to the following conditions;

(a) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid overdue charges previously computed pursuant to this section; and

(b) For the purpose of this section, any obligation that was determined at a date later than that prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

18. Section 1108.85 is revised to read as follows:

§ 1108.85 Assessment for order administration.

As his pro rata share of the expense of administration the order, each handler shall pay to the market administrator on or before the 20th day after the end of the month 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Receipts of producer milk (including such handler's own production) other than such receipts by a handler described in § 1108.9(c) that were delivered to pool plants of other handlers or held in inventory at the end of the month;

(b) Receipts from a handler described in § 1108.9(c);

(c) Other source milk allocated to Class I pursuant to § 1108.44(a)(7) and (11) and the corresponding steps of § 1108.44(b), except such other source milk that is excluded from the computations pursuant to § 1108.60(d) and (f); and

(d) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1108.76(a)(2).

19. Section 1108.86 is revised to read as follows:

§ 1108.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, the market administrator in making payments to producers for milk (other than milk of a handler's own farm production) pursuant to § 1108.73 shall deduct seven cents per hundredweight, or such amount not exceeding seven cents per hundredweight as may be prescribed by the Secretary. Such money shall be used by the market administrator to provide market information and to check the accuracy of the sampling, testing and weighing of their milk for producers who are not receiving such service from a cooperative association; and

(b) In the case of producers for whom a cooperative association, as determined by the Secretary, is actually performing the services set forth in paragraph (a) of this section, the market administrator shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 21st day after the end of each month, pay such deductions to the cooperative association rendering such services accompanied by a statement showing the amount of milk for which such deduction was computed for each producer.

Proposed by Northeast Mississippi Milk Producers, Inc.

Proposal No. 4

PART 1097—MILK IN MEMPHIS, TENN. MARKETING AREA

Expand the marketing area of the Memphis, Tennessee, order to include the following counties in Mississippi: Tishimingo, Alcorn, Prentiss, Lee, Itawamba, Clay, Monroe, Benton, Tippah, Union, Pontotoc and Chickasaw.

Proposed by the Diary Division, Agricultural Marketing Service

Proposal No. 5

Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Charles S. McDonald, P.O. Box 4225, Asher Avenue Station, Little Rock, Arkansas 72204; or from the Hearing Clerk, Room 1077–South Building, United States

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Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture.
Office of the Administrator, Agricultural Marketing Service.
Office of the General Counsel.
Diary Division, Agricultural Marketing Service (Washington office only).
Office of the Market Administrator, Memphis, Fort Smith and Central Arkansas marketing areas.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on: March 26, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-9620 Filed 3-28-80; 8:45 am]

BILLING CODE 3410-02-M

Office of the Secretary

7 CFR Part 2900

Proposed Amendment Regarding Certification of Essential Agricultural Uses and Requirements; Natural Gas Policy Act

AGENCY: Office of the Secretary, USDA.

ACTION: Proposed rule.

SUMMARY: The Department of Agriculture proposes to amend its regulations certifying essential agricultural uses and requirements under the Natural Gas Policy Act. This amendment would add petroleum wax, synthetic petroleum wax, and polyethylene wax (food grade only) to the list of essential agricultural uses certified by the Secretary of Agriculture. The proposed amendment is in response to a petition submitted by the Bareco Division of Petrolite Corporation.

DATES: Written comments are due by 4:30 p.m., May 30, 1980.

ADDRESS: All written comments should be sent to Weldon V. Barton, Director, Office of Energy, Room 228–E, Administration Building, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Weldon V. Barton, Director, Office of Energy, Room 228–E, Administration Building, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250; Telephone Number: (202) 447–2455.

The proposed action does not alter the impacts described or conclusions drawn in the combined Environmental Impact Statement and Final Impact Statement developed May 14, 1979, in connection with the Essential Agricultural Uses Requirements certification rule (7 CFR 2900). Thus, the combined statement describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from Earle Gavett, Office of Energy, Room 5173, South Building, 12th and Independence, SW., U.S. Department of Agriculture, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Description of Proposal.
III. Public Comment and Hearing Procedures.

I. Background

Under Section 401 of the Natural Gas Policy Act of 1978 (NGPA), the Secretary of Agriculture is required to certify to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) essential agricultural uses of natural gas and the amounts of natural gas for such essential agricultural uses necessary for full food and fiber production. A final rule containing such certification was issued by the Secretary of Agriculture on May 17, 1979 (44 FR 28782).

The Secretary of Energy and the FERC have incorporated the USDA certification in their rules promulgating and implementing agricultural priority in curtailment plans of interstate pipelines, in accordance with the NGPA.

This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified as "not significant." Also, the proposal has been reviewed pursuant to USDA's responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and USDA has determined that the proposed action alters the impacts disclosed by less than one-tenth of 1 percent and does not affect the conclusions drawn in the combined Environmental Impact Statement and Final Impact Analysis prepared May 14, 1979, in connection with the Essential Agricultural Uses and Requirements certification rule. Therefore, this action is proposed under the same analysis.

II. Description of Proposal

7 CFR 2900.3 includes sanitary food packaging necessary for "food quality maintenance." This category contains a list of SIC codes for safe packaging of foods including those for paper coating and glazing, bags, paperboard boxes, sanitary food containers, metal cans, glass containers, and other food packaging materials.

The Bareco Division of Petrolite Corporation has petitioned the USDA to amend 7 CFR 2900.3 to include under Sanitary Food Packaging, petroleum wax, synthetic petroleum wax and polyethylene wax (food grade only) that are produced at its Barnsdall, Oklahoma plant. Food grade waxes are used in a wide variety of packages as moisture and gas barriers that are necessary for protection of foods including cheeses, fresh fruits, vegetables, meat and poultry; and for frozen products to prevent freezer burn and moisture loss. The very low molecular petroleum and synthetic petroleum and polyethylene waxes are regulated as direct and indirect food additives by the Food and Drug Administration and accepted by the USDA for such use.

These products when used on cheeses constitute the entire food package. When used on fresh fruits and vegetables they provide a moisture seal for each individual fruit or vegetable. These waxes provide an essential lining for many food packages including frozen food packages, meat wraps and milk cartons. Regardless of the proportion of the total package, ranging from the entire package to only a lining, these waxes are vital ingredients in sanitary food packaging for maintenance of food quality.

Food-grade petroleum waxes, synthetic petroleum waxes, and polyethylene waxes all are products of petroleum refining, and all but the production by the Bareco Division of Petrolite Corporation are small but integral products of operating classical petroleum refineries. The Bareco Division, however, is not a refinery although it is classified as such by SIC code. With respect to Bareco's Barnsdall, Oklahoma plant, Bareco produces only petroleum waxes and synthetic petroleum and polyethylene waxes from byproducts of lubricating oil manufacture purchased from major oil refiners. In 1979, over 94 percent of the product of the Barnsdall plant was food-grade product. In effect, the entire output is devoted to food-grade products for food quality maintenance. Only a small portion was removed before final processing into food-grade quality. The small amount of gas used for non-food production cannot be segregated. It is the USDA's judgment that under these facts, the small proportion of output that is not of food-grade may be classed as incidental in terms of natural gas use and should not affect the priority status of Bareco's plant as an essential agricultural use. The Bareco Barnsdall, Oklahoma facility uses about 1 billion cubic feet of natural gas annually to produce food-grade waxes. Inclusion of these products will add about 1 billion cubic feet to the total agricultural gas use of 1,392 billion cubic feet, and less than one-tenth of 1 percent of the interstate gas component identified as essential agricultural use in the May 14, 1979 combined Environmental Impact Statement and Final Impact Statement.

The USDA considered the option of denial of the petition, but after due consideration of the points raised by the petitioner, the USDA believes that sufficient justification exists to institute rulemaking procedures to modify the existing Essential Agricultural Use certification.

III. Public Comment and Hearing Procedures

The public is invited to participate in any aspect of this proposed amendment by submitting data, views, or arguments with respect to the proposals herein set forth.

Written comments must be submitted by 4:30 p.m., May 30, 1980, to the address indicated in the "Address" section of this preamble, and should be identified on the outside envelope and on the document with the designation: "Part 2900—Food-Grade Waxes." Five copies should be submitted. All comments received will be available for public inspection in Room 5173, South Building, 12th and Independence Avenue, SW., Washington, D.C. 20250 between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday. All comments received by 4:30 p.m., May 30, 1980, and other relevant information will be considered by the Director, Office of Energy before final action is taken on this proposed amendment.

Any information or data submitted which is considered by the party who submitted it to be confidential must be so identified and submitted in writing, one copy only. The Director reserves the right to determine the confidential status of the information or data and to treat it accordingly.

PART 2900—ESSENTIAL AGRICULTURAL USES AND VOLUMETRIC REQUIREMENTS—NATURAL GAS POLICY ACT

§ 2900.3 [Amended]

In consideration of the foregoing, it is proposed to amend Chapter XXIX of Title 7, § 2900.3, Code of Federal Regulations by adding under "Food Quality Maintenance—Food Packaging," immediately after 3497 Metal Foil and Leaf (food related only): petroleum wax, synthetic petroleum wax and polyethylene wax (food-grade only). (Pub. L. 95–621, 15 U.S.C. Section 3301 *et seq.*, November 8, 1978.)

Dated: March 24, 1980.

Weldon V. Barton,

Director, Office of Energy.

[FR Doc. 80-9621 Filed 3-28-80; 8:45 am]

BILLING CODE 3410-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 170

Licenses and Other Regulatory Services Under the Atomic Energy Act of 1954; Revision of Materials Fee Schedules

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission is proposing to amend its regulations in 10 CFR Part 170 to add a new fee Category 11.F to § 170.31 on schedule of fees for materials licenses and other regulatory services. The new category would impose fees for the review of quality assurance programs for radioactive material shipping packages required by 10 CFR Part 71.

DATE: Comment period expires April 30, 1980.

ADDRESSES: Interested persons are invited to submit written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments on the proposed amendment may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. W. O. Miller, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301/492–7225.

SUPPLEMENTARY INFORMATION: Section 71.51(a) of the Commission's regulations provides that persons are to establish, maintain and execute a quality assurance program satisfying the applicable criteria of Appendix E, "Quality Assurance Criteria for Shipping Packages for Radioactive Material." Also, the person is to identify which requirements in Appendix E are applicable to the package and described to the Commission how they will be satisfied. The quality assurance (QA) program applies to the design, fabrication, assembly, testing, use (preparation of packages for shipments) and maintenance of transportation packages. Where the staff determines that the licensee's QA program satisfies the applicable criteria of Appendix E of Part 71, a certificate of approval is issued for the program.

The proposed amendment to 10 CFR 170.31 would add a new Subcategory F. to Category 11 "Transportation of radioactive material." Subcategory 11.F. would require persons filing QA plans for review to pay an application fee of $160; and a review fee based on the actual costs of the review, but with a minimum fee of $160.

The requirements of Appendix E of 10 CFR Part 71, which became effective October 18, 1977, affect approximately 1,000 persons who package and ship fissile material and Type B quantities. The affected persons include industrial radiographers, sealed source and equipment manufacturers, fuel fabricators, and licensed utilities. Although Part 71 specified that persons were to file a description of their quality assurance program by January 1, 1979, many have not compiled with this provision.

Persons who file for review of QA program descriptions prior to the effective date of the final rule in this proceeding will not be charged fees for this review.

Pursuant to Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a.) and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 170, are contemplated:

Section 170.31 is amended by adding a new subcategory F to Category 11., by adding a new footnote 8, and by renumbering former footnote 8 (Charge will be . . . .) which will become footnote 9, to read as follows:

§ 170.31 Schedule of fees for materials licenses and other regulatory services.

* * * * *

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Category of materials licenses	Type of fee	Fee
• • • • •		
11. Transportation of radioactive materials.		
• • • • •		
F. Review of quality assurance programs for shipping packages.	Application	$160.
	Review	[1]Actual cost.
• • • • •		

[1]Charge to be separately determined by the Commission, taking into account the professional manpower required to conduct the review multiplied by the applicable man-hour rate, less the $160 application fee. In no event will the fee be less than $160. The fee for the renewal of a certificate of approval which requires administrative review only shall be assessed a fixed charge of $160.

• • • • •

(Sec. 501, 65 Stat. 290, (31 U.S.C. 483a))

Dated at Washington, D.C., this 25th day of March, 1980.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-9566 Filed 3-28-80; 8:45 am]

BILLING CODE 7590-01-M

FARM CREDIT ADMINISTRATION

12 CFR Chapter VI

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Farm Credit Administration.

ACTION: Semiannual Agenda of Regulations.

SUMMARY: Pursuant to Section 2 of Executive Order 12044, the Farm Credit Administration has established the following agenda of significant regulations which it will have under development and review during the period April 1 through October 30, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Larry H. Bacon, Acting Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, East, S.W., Washington, D.C. 20578 (202) 755-2181.

SUPPLEMENTARY INFORMATION:

Significant Regulations Under Development

12 CFR 611.1031—Limitation on Special Assignments

This regulation sets forth the limits on special assignments undertaken by district board members. The Farm Credit Administration is considering amending this section pursuant to 12 U.S.C. 2243 and 2252 to exempt attendance at one annual meeting of each district bank from the 30-day limitation on special assignments for district board members.

12 CFR Part 612—Personnel Administration

These regulations govern the personnel administration of the banks and associations of the Farm Credit System. The Farm Credit Administration is considering amending these regulations pursuant to 12 U.S.C. 2243 and 2252 to provide greater flexibility to the institutions in the management of their human resources and to eliminate various requirements which are covered by other applicable laws and regulations.

12 CFR 618.8300-8350—Release of Information

These regulations govern the release of information concerning borrowers by officials of Farm Credit Administration institutions. The Farm Credit Administration is considering amending this regulation pursuant to 12 U.S.C. 2243 and 2252 to clarify the conditions under which such information may be made available to third parites, including Government authorities.

12 CFR 618.8430—Internal Control

This regulation provides for the establishment of internal control policies to, among other things, account for all funds, property, and other assets of the Farm Credit banks and associations. The Farm Credit Administration is considering amending this regulation pursuant to 12 U.S.C. 2243 and 2252 to delete the requirement for an internal auditor while, at the same time, emphasizing the responsibility of bank management in maintaining adequate internal financial and administrative controls.

None of the proposed amendments to the above regulations will result in (a) an annual effect upon the economy of $100 million or more, or (b) a major increase in costs or prices for individual industries, levels of government, or geographic regions. Therefore, regulatory analysis of the type required by Section 3 of Executive Order 12044 will not be prepared for these proposals.

Significant Regulations Selected for Review

12 CFR 617.7100-7170—Irregularities

These regulations govern the investigation, reporting, and referral for criminal action of irregularities by bank and association personnel, borrowers, and others.

Status of Regulations Previously Selected for Review

On October 31, 1979, the Farm Credit Administration published in the **Federal Register** (45 FR 82523) lists of significant regulations under development and review. The current status of those regulations is as follows:

12 CFR Part 612—Personnel Administration

A draft of amendments to these regulations has been developed for initial review by the Federal Farm Credit Board at its April 1980 meeting. See Significant Regulations Under Development.

12 CFR 617.7100—7170—Irregularities

Review of the regulations continues. See Significant Regulations Selected for Review.

12 CFR 618.8150(f)—Federal Farm Credit Board

An amendment to this regulation was published at 45 FR 10328, February 15, 1980.

12 CFR 618.8160(f)—District Board of Directors

An amendment to this regulation was published at 45 FR 10328, February 15, 1980.

12 CFR 618.8300-8350—Release of Information

Draft regulations continue to be developed. See Significant Regulations Under Development.

12 CFR 618.8430—Internal Controls

A draft of an amendment to this regulation has been developed for initial review by the Federal Farm Credit Board at its April 1980 meeting. See Significant Regulations Under Development.

For further information concerning any item on the agenda, please contact: Mr. Larry H. Bacon, Acting Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578 (202) 755-2181.

Donald E. Wilkinson,

Governor.

[FR Doc. 80-9631 Filed 3-28-80; 8:45 am]

BILLING CODE 6705-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-NW-4-AD]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice of Proposed Rulemaking (NPRM) proposes to require leading edge flap primary and alternate drive unit control circuit modifications in accordance with pending Boeing 747 Service Bulletin No. 27-2204.

At the present time, certain remote electrical faults could cause inadvertent extensions or retractions of Group A or B leading edge flaps. inadvertent flap retraction at low speeds could be hazardous de to reduced aerodynamic lift. Inadvertent extension at high cruise speed may be hazardous due to possible structural damage.

DATES: Comments must be received on or before June 30, 1980. Proposed effective date: July 30, 1980.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 80-NW-4-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION, CONTACT: Mr. Charles H. Mackal, Systems and Equipment Section, ANW-213, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION: Boeing 747 Service Bulletin No. 27-2204 will modify the 747 airplane leading edge flap systems as follows:

1. Adds four time delay control relays and four AC power relays to the primary control system and associated wiring. The logic is such that it removes the extend or retract signal from the system 60 seconds after it is applied. After 60 seconds, all extend wires downstream of the drive relays are interconnected with the respective retract wires. This prevents any electrical power fault to the extend or retract wires from causing undesirable extension or retraction of the leading edge flaps (either Group A, Group B, or single drive unit involved).

2. Replaces the alternate extend directional switches with double pole double throw switches and rewires the DC operated AC relays to provide the logic necessary to prevent drive unit operation in the event of a power fault. This prevents an electrical power fault to the extend or retract control wires from causing undesirable extension or retraction of the leading edge flaps (two drive units affected).

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the rules docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Directive Rules Docket, Docket No. 80-NW-4-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 391.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Boeing: Applies to all Model 747 series airplanes, unless already accomplished:

Within the next 3,500 hours time-in-service from the effective date of this AD or by July 30, 1981, whichever occurs first, modify the leading edge flap systems in accordance with pending Boeing Service Bulletin No. 27-2204, or a later FAA approved service bulletin or in a manner approved by the Chief, Engr. & Mfg. Branch, Northwest Region.

(Secs. 313(a), 601, and 602, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the provisions of Executive Order 12044 and as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979)

Issued in Seattle, Washington, on March 20, 1980.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 80-9561 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-CE-2]

Transition Area—Independence, Iowa; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Independence, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Independence, Iowa Municipal Airport, which is based on a Non-Directional Radio Beacon (NDB), a navigational aid, being installed on the airport by the City of Independence, Iowa.

DATES: Comments must be received on or before May 7, 1980.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division,

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Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before May 7, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374–3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NRPMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR Section 71.181) by designating a 700-foot transition area at Independence, Iowa. To enhance airport usage by providing instrument approach capability to the Independence, Iowa Municipal Airport, the City of Independence is installing an NDB on the airport. This radio facility will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Independence, Iowa, at and above 700 feet above ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, Federal Aviation Administration proposes to amend Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1980 (45 FR 445) by adding the following new transition area:

Independence, Iowa

That airspace extending upward from 700 feet above the surface within a nine mile radius of the Independence Municipal Airport (latitude 42°27'04" N, longitude 91°56'57" W), excluding that airspace overlying the Waterloo, Iowa transition area, and the Oelwein, Iowa transition area.

(Authority: Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on March 19, 1980.

Paul J. Baker,

Director, Central Region.

[FR Doc 80-9583 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-WE-3]

Proposed Designation of Transition Area, St. Johns, Arizona

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposes to designate a transition area at St. Johns, Arizona, to provide controlled airspace for aircraft executing an instrument approach procedure to the St. Johns Municipal Airport utilizing the St. Johns, Arizona VORTAC. The need for the transition area was created when an IFR approach procedure was established for St. Johns, Arizona Municipal Airport.

DATES: Comments must be received on or before April 30, 1980.

ADDRESSES: Send comments on the proposal in triplicate to Director, Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California, 90261. A public docket will be available for examination in the Office of the Regional Counsel, Federal Avaiation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261, Telephone (213) 536–6270.

FOR FURTHER INFORMATION CONTACT: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261. Telephone: (213) 536–6182.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261. All communications received on or before April 30, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitted a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California, 90261, or by calling (213) 536–6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

Drafting Information

The principal authors of this document are Thomas W. Binczak, Air Traffic Division and Dewitte T. Lawson, Jr., Esquire, Regional Counsel, Western Region.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the St. Johns, Arizona 700-foot transition area. This action will provide controlled airspace protection for IFR operations at the St. Johns Municipal Airport.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (45 FR 445) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

St. Johns, Ariz.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of St. Johns Municipal Airport (latitude 34°31'15" N., longitude 109°22'45" W.) and within 4 miles each side of the St. Johns VORTAC 294° radial extending from the 5-mile radius area to the VORTAC.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Los Angeles, California on March 14, 1980.

W. R. Frehse,

Acting Director, Western Region.

[FR Doc. 80-9582 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-GL-13]

Proposed Alteration of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to reduce the size of the existing control zone serving Kalamazoo Municipal Airport, Kalamazoo, Michigan, by removing a two mile control zone extension on the 229 degree radial of the Kalamazoo VOR. This extension is no longer required to encompass instrument procedures into Kalamazoo Municipal Airport. The instrument approach procedure which caused the extension to the southwest (VOR Rwy 5) has been deleted.

DATES: Comments must be received on or before May 1, 1980.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 80-GL-13, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–4500, Extension 456.

SUPPLEMENTARY INFORMATION: The alteration to the control zone is mainly a redefinition of the existing boundary with the two mile extension on the 229 degree radial of the Kalamazoo VOR removed. The floor of the controlled airspace within the area where the control zone extension is being removed will be raised from the surface to 700' above ground.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 80-GL-13, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 1, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the control zone near Kalamazoo, Michigan. Subpart F of Part 71 was republished in the Federal Register on Januray 2, 1980, (45 FR 356).

The Proposed Amendment

Accordingly, the FAA proposes to amend Subsection 71.171 of Part 71 of the Federal Aviation Regulations as follows:

In Section 71.171 (45 FR 356), the following control zone is amended to read:

Kalamazoo, Mich.

Within a 5-mile radius of the Kalamazoo Municipal Airport (latitude 42°14'07"N., longitude 85°33'10"W.; within 2 miles each side of the Kalamazoo VOR 001° and 167° radials, extending from the 5-mile radius zone to 7 miles north and south of the VOR, and within 2 miles each side of the Kalamazoo ILS localizer south course, extending from the 5-mile radius zone to the OM. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 80-GL-13, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on March 17, 1980.

William S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 80-9586 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-GL-16]

Proposed Alteration of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to alter the existing control zone serving Max Conrad Airport,

Winona, Minnesota and to designate additional controlled airspace to encompass revisions to existing approach procedures. The intended effect of this action is to insure segregation of the aircraft using these approach procedures in instrument weather conditions and other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before May 1, 1980.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 80-GL-18, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The expansion and slight alteration to the control zone boundary is mainly a redefinition of the boundary. The additional airspace required north of the airport would lower the floor of controlled airspace in this area from 700' above ground to the surface for an additional two miles. The circumstances which created this action was the need to update existing procedures after the state removed the ISMLS serving this airport. A review of the terminal airspace requirements necessitates the FAA to add the additional airspace to insure that the revised procedures will be contained within controlled airspace. In addition, aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 80-GL-18, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 1, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NRPMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 to alter the control zone near Winona, Minnesota. Subpart F was republished in the **Federal Register** on January 2, 1980 (45 F.R. 356).

The Proposed Amendment

Accordingly, the FAA proposes to amend Subsection 71.171 of Part 71 of the Federal Aviation Regulations as follows:

In Section 71.171 (45 F.R. 356) the following control zone is amended to read:

Winona, Minnesota

Within a 5-mile radius of the Winona Municipal-Max Conrad Field (latitude 44°04'37"N; longitude 91°42'22"W) within 3.0 miles each side of the Winona (ONA) VOR (latitude 44°04'34.6"; longitude 91°42'20.1") 320° radial extending from the 5-mile radius area out to 8.5 miles northwest, within 1.5 each side of the ONA 110° radial extending from the five-mile radius out to 6.0 miles east of the airport.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 C.F.R. 11.61).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 80-GL-18, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on March 17, 1980.

William S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 80-9580 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-GL-15]

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Holland, Michigan to accommodate two new instrument approach procedures into the Park Township Airport (NDB Rwy 5 and Rwy 23), established on the basis of a request from the local Airport officials to provide that airport with an additional instrument approach procedure. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before May 2, 1980.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 80-GL-15, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace will be lowered from 1200 feet above surface to 700 feet for a distance of approximately two miles NE and SW beyond that now depicted. The development of the proposed procedure necessitates the FAA to alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 80-GL-15, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 2, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NRPMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Holland, Michigan. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1980 (45 FR 445).

The Proposed Amendment

Accordingly, the FAA proposes to amend Subsection 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In Section 71.181 (45 FR 445) the following transition area is amended to read:

Holland, Michigan

That airspace extending upward from 700 feet above the surface within a 6 mile radius of Park Township Airport (latitude 42° 47' 45"N., Longitude 86° 09' 45"N W.); within a 6 mile radius of Tulip City Airport (latitude 42° 44' 45"N., longitude 86° 06' 30" W.); within 3 miles each side of the 175° bearing from Park Township Airport, extending from the 6 mile radius area to 8 miles south of the airport; and with 3 miles each side of the 237° bearing from Park Township Airport, extending from the 6 mile radius area to 8.5 miles southwest of the airport; and within 3 miles each side of the 040° bearing from Park Township Airport, extending from the 6 mile radius area to 8.5 miles northeast of the airport; and within 2 miles each side of the Pullman, Michigan, VORTAC 359° radial, extending from the 6 mile radius area to 12 miles north of the VORTAC.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 C.F.R. 11.61).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 80-GL-15, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on March 18, 1980.

William S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 80-9587 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-GL-20]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate controlled airspace near Maple Lake, Minnesota to accommodate a new instrument approach into Maple Lake Municipal Airport, established on the basis of a request from the local Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditons.

DATES: Comments must be received on or before May 1, 1980.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 80-GL-20, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 80-GL-20, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 1, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulation (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Maple Lake, Minnesota. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1980 (45 FR 445).

The Proposed Amendment

Accordingly, the FAA proposes to amend Subsection 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In Section 71.181 (45 FR 445) the following transition area is added:

Maple Lake, Minn.

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Maple Lake Municipal Airport, Maple Lake, Minnesota (latitude 45°14′10″N; longitude 93°58′55″W) and within 3.0 miles either side of the 276° bearing from the Minneapolis (MSP) VORTAC (latitude 45°08′45″N; longitude 93°22′23″W) extending from the 6.5 mile radius area out to 7.5 miles east of the airport, excluding that portion which overlaps the Buffalo, Minnesota transition area.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL–7) Docket No. 80–GL–20, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on March 17, 1980.

William S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 80-9690 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80–GL–17]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The nature of this federal action is to designate controlled airspace near Buffalo, Minnesota to accommodate a new instrument approach into Buffalo Municipal Airport, established on the basis of a request from the local Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions.

DATE: Comments must be received on or before May 2, 1980.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 80–GL–17, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200′ above ground to 700′ above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 80–GL–17, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 2, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700 foot controlled airspace transition area near Buffalo, Minnesota. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1980 (45 FR 445).

The Proposed Amendment

Accordingly, the FAA proposes to amend Subsection 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In Section 71.181 (45 FR 445) the following transition area is added:

Buffalo, Minnesota

That airspace extending upward from 700 feet above the surface within a 6.5 statute mile radius of the Buffalo Municipal Airport, Buffalo, Minnesota (latitude 45°12′00″ N; longitude 93°51′00″W).

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 C.F.R. 11.61).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL–7), Docket No. 80–GL–17, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on March 18, 1980.

William S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 80-9568 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 936

The Point Reyes/Farallon Islands Marine Sanctuary

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Proposed rule.

SUMMARY: The National Oceanic and Atmospheric Administration proposes the designation by the Secretary of Commerce of the Point Reyes/Farallon Islands Marine Sanctuary off the coast of California. Presidential approval of the designation is required. After designation, the Secretary of Commerce must promulgate necessary and reasonable regulations to control activity within the sanctuary. These proposed regulations define permissible activities within the Sanctuary, the procedures by which persons may obtain permits for prohibited activities, and the penalties for committing prohibited acts without a permit.

DATE: Comments due by May 30, 1980.

ADDRESS: Send Comments to: Director, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: JoAnn Chandler, Director, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven St. N.W., Washington, D.C. 20235. 202–634–4236.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, 16 U.S.C. 1431–1434 (the Act) authorizes the Secretary of Commerce, with Presidential approval, to designate ocean waters as far seaward as the outer edge of the Continental Shelf as marine sanctuaries to preserve or restore distinctive conservation, recreational, ecological, or aesthetic values. Section 302(f) of the Act directs the Secretary to issue necessary and reasonable regulations to control any activities permitted within a designated marine sanctuary. The authority of the Secretary to administer the provisions of the Act has been delegated to the Assistant Administrator for Coastal Zone Management within the National Oceanic and Atmospheric Administration, U.S. Department of Commerce (the Assistant Administrator).

The Office of Coastal Zone Management proposes to designate as a marine sanctuary an area of the waters off the coast of California, adjacent to Point Reyes and the Farallon Islands of approximately 1000 square nautical miles. (The precise coordinates will be described in the final regulations). Significant numbers of marine birds flourish here, including twelve of the sixteen marine bird species known to breed on the west coast, and probably over half of the nesting marine bird pairs in California. Twenty-three species of marine mammals have been seen in this area, and abundant commercially and recreationally valuable fish are caught in these waters. These resources depend on the high primary productivity of this area, which is reflected in a rich plant and intertidal life, as well as in the diverse fauna at the top of the food chain.

In 1977 NOAA received several recommendations for sanctuaries of varying dimensions to be established in the general area. NOAA held a public meeting in April, 1978 to discuss these recommendations and prepared and issued an Issue Paper in December, 1978, outlining alternatives for public review. Based on the responses to this Paper and consultation with other Federal agencies, the Pacific Regional Fishery Management Council, State and local governments, and interest groups, NOAA prepared a draft environmental impact statement (DEIS) which is being published concurrently with these regulations. (A copy can be obtained by writing to the contact identified above).

The DEIS describes the impacts of the marine sanctuary proposal including its ability to focus on this particularly valuable marine area and to provide comprehensive planning. It discusses marine sanctuary management including research and monitoring of the conditions of the site and the resources to assure long-term protection and maximum safe use and enjoyment and the educational element of the program to increase public awareness of the value of the resources. The rationale for designation and for the proposed regulatory system as well as alternative approaches, both regulatory and nonregulatory, are more fully set forth in the DEIS.

OCZM will receive public comments on the proposal, hold public hearings in San Francisco and Point Reyes Station, California, and prepare a final EIS and regulations which incorporate and respond to the comments received. Only after final consultation with Federal agencies, and with Presidental approval, can the Secretary designate the sanctuary and promulgate the regulations. The regulations will not become effective within state waters for 60 days from designation. If, during this period, the Governor certifies that the Designation is unacceptable to the State, the Sanctuary will not include state waters.

NOAA's General Marine Sanctuary Regulations (15 CFR Part 922, 44 FR 44831, July 31, 1979) provide that the regulatory system for a marine sanctuary will be established by two documents, a Designation document and the regulations issued pursuant to Section 302(f) of the Act. The Designation will serve as a constitution for the Sanctuary, establishing among other things the purposes of the Sanctuary, the types of activities that may be subject to regulation within it, and the extent to which other regulatory programs will continue to be effective.

As proposed, the Point Reyes/Farallon Islands Marine Sanctuary Designation document would provide as follows:

Draft Designation Document

Designation Of The Point Reyes/Farallon Islands Marine Sanctuary

Preamble

Under the authority of the Marine Protection, Research and Sanctuaries Act of 1972, Pub. L. 92–532 (the Act), the waters along the coast of California north and south of Point Reyes Headlands, between Bodega Head and Rocky Point and surrounding the Farallon Islands, are hereby designated a Marine Sanctuary for the purposes of preserving and protecting this unique and fragile ecological community.

Article 1. Effective of Designation

Within the area designated as The Point Reyes-Farallon Islands Marine Sanctuary (the Sanctuary) described in Article 2, the Act authorizes the promulgation of such regulations as are reasonable and necessary

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to protect the values of the Sanctuary. Article 4 of the Designation lists those activities which may require regulation, but the listing of any activity does not by itself prohibit or restrict it. Restrictions or prohibitions may be accomplished only through regulation, and additional activities may be regulated only by amending Article 4.

Article 2. Description of the Area

The Sanctuary consists of an area of the waters adjacent to the coast of California, of approproximately 1000 square nautical miles (nmi ²) extending seaward to a distance of 6 nmi from the mainland and 12 nmi from the Farallon Islands and Noonday Rock, and including the intervening waters. The precise boundaries are defined by regulation.

Article 3. Characteristics of the Area

The Sanctuary includes rookeries probably for over half of California's nesting marine birds. At least 12 of the 16 known west coast nesting marine bird species nest here. In addition, 23 species of marine mammals have been sighted in this area, and abundant fish and shellfish are harvested in the sanctuary.

Article 4. Scope of Regulation

Section 1. *Activities Subject to Regulation.* To ensure the protection and preservation of the Sanctuary's marine features and the ecological, recreational, and aesthetic value of the area, the following activities within the Sanctuary may be regulated to the extent necessary:

a. Hydrocarbon operations,

b. Discharging or depositing any substance or object,

c. Dredging or alteration of, or construction on, the seabed,

d. Navigation of vessels except fishing vessels or vessels travelling within a vessel traffic separation scheme or port access route designated outside the area 1 nmi from the Farallon Islands, Bolinas Lagoon or any Area of Special Biological Significance designated by the State of California prior to designation.

e. Disturbing marine mammals or birds by overflights below 1000 feet,

f. Removing or otherwise harming cultural or historical resources.

Section 2. *Consistency with International Law.* The regulations governing the activities listed in Section 1 of this Article will apply to foreign flag vessels and persons not citizens of the United States only to the extent consistent with recognized principles of international law, including treaties and international agreements to which the United States is signatory.

Section 3. *Emergency Regulations.* Where essential to prevent immediate, serious, and irreversible damage to the ecosystem of the area, activities other than those listed in Section 1 may be regulated within the limits of the Act on an emergency basis for an interim period not to exceed 120 days, during which an appropriate amendment of this Article will be proposed in accordance with the procedures specified in Article 6.

Article 5. Relation to Other Regulatory Programs

Section 1. *Fishing.* The regulation of fishing including fishing for shellfish and invertebrates, is not authorized under Article 4. However, fishing vessels may be regulated with respect to discharges in accordance with Article 4, Section 1, paragraph (b). All regulatory programs pertaining to fishing, including regulations promulgated under the California Fish and Game Code and Fishery Management Plans promulgated under the Fishery Conservation and Management Act of 1976, 16 U.S.C. §§ 1801 *et seq.* will remain in effect, and all permits, licenses, and other authorizations issued pursuant thereto will be valid within the Sanctuary unless inconsistent with any regulation implementing Article 4.

Section 2. *Defense Activities.* The regulation of activities listed in Article 4 shall not prohibit any Department of Defense activity that is essential for national defense or because of emergency. Such activities shall be consistent with the regulations to the maximum extent practicable.

Section 3. *Other Programs.* All applicable regulatory programs will remain in effect, and all permits, licenses and other authorizations issued pursuant thereto shall be valid within the Sanctuary unless inconsistent with any regulation implementing Article 4. The Sanctuary regulations will set forth any necessary certification procedures.

Article 6. Alterations to this Designation

This Designation can be altered only in accordance with the same procedures by which it has been made, including public hearings, consultation with interested Federal and State agencies and the Pacific Regional Fishery Management Council, and approval by the President of the United States.

Only those activities listed in Article 4 are subject to regulation in the Sanctuary. Before any additional activities may be regulated, the Designation must be amended through the entire designation procedure including public hearing and approval by the President.

The primary purpose of the proposed regulations is to protect and to preserve this particular ecosystem, including the marine birds and mammals, as well as their habitat, and other natural resources of the waters surrounding the Farallon Islands and Point Reyes. The Farallon Islands support some of the largest marine bird rookeries in the contiguous United States, and the surrounding waters act as foraging areas for these birds, as well as the five species of pinnipeds that are seen in the sanctuary. Activities which may threaten the special marine features of these waters are prohibited. Such activities include: hydrocarbon exploration and exploitation except for the laying of certain pipelines outside 2 nmi of the Islands, Bolinas Lagoon, and Areas of Special Biological Significance (ASBS) designated by the State of California (Sec. 936.6(A)(1)); discharges except for marine sanitation effluents, vessel cooling waters, fish cleaning wastes, chumming materials (bait), and municipal waste outfalls with a certified permit (Sec. 936.6(a)(2)); construction on or alteration of the seabed except for certain specified dredging and construction activities and pipelines as certified by the Assistant Administrator (Sec. 936.6(a)(3)); the operation of certain vessels in the vicinity of important habitats—within 1 nmi of the Islands, Bolinas Lagoon, and ASBSs (Sec. 936.6(a)(4)); disturbing marine mammals and birds by overflights below 1000 ft. in the vicinity of important habitats (Sec. 936.6(a)(5)); and removing or harming of historical or cultural resources (Sec. 936.6(a)(6)). All prohibitions must be applied consistently with recognized principles of international law.

The regulation of fishing in the waters proposed for the Sanctuary will remain the responsibility of the California Department of Fish and Game, the Pacific Regional Fishery Management Council, and the National Marine Fishery Service pursuant to the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 *et seq.* (See Article 5, Section 1 of the Designation) However, fishing vessels are subject to the same discharge regulations as other vessels. (Sec. 936.7(a)(2)).

PUBLIC REVIEW AND COMMENT: NOAA invites public review and comment on these proposed regulations. Written comments should be submitted to: JoAnn Chandler, Director, Sanctuary Programs Office, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, on or before May 30, 1980.

Donald W. Fowler,

Deputy Assistant Administrator for Coastal Zone Management.

Accordingly, Part 936 is proposed as follows:

PART 936—THE POINT REYES/FARALLON ISLANDS MARINE SANCTUARY REGULATIONS

Sec.

936.1 Authority.
936.2 Purpose.
936.3 Boundaries.
936.4 Definitions.
936.5 Allowed activities.
936.6 Prohibited activities.
936.7 Penalties for commission of prohibited acts.
936.8 Permit procedures and criteria.
936.9 Certification of other permits.
936.10 Appeals of administrative action.
936.11 Amendments.

§ 936.1 Authority.

The Sanctuary has been designated by the Secretary of Commerce pursuant to the authority of Section 302(a) of Title III of the Marine Protection, Research and Sanctuaries Act of 1972, 16 U.S.C. 1431–1434 (the Act). The following regulations are issued pursuant to the authorities of sections 302(f), 302(g) and 303 of the Act.

§ 936.2 Purpose

The purpose of designating the Sanctuary is to protect and preserve the extraordinary ecosystem, including marine birds and mammals and other natural resources, of the waters surrounding the Farallon Islands and Point Reyes, and to ensure the continued availability of the area as a research and recreational resource.

§ 936.3 Boundaries.

The Sanctuary consists of an area of the waters adjacent to the coast of California north and south of the Point Reyes headlands, between Bodega Head and Rocky Point and the Farallon Islands (including Noonday Rock) of approximately 1000 square nautical miles (nmi²). The Shoreward boundary follows the mean high tide line and the seaward limit of Point Reyes National Seashore. Between Bodega Head and Point Reyes Headlands, the Sanctuary extends seaward 3 nmi beyond State waters. The Sanctuary also includes the waters within 12 nmi of the Farallon Islands, and between the Islands and the mainland from Point Reyes Headlands to Rocky Point. The Sanctuary includes Bodega Bay, but not Bodega Harbor.

§ 936.4 Definitions.

(a) "Administrator" refers to the Administrator of the National Oceanic and Atmospheric Administration.

(b) "Assistant Administrator" refers to the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration.

(c) "Person" is any private individual, partnership, corporation, or other entity; or any officer, employee, agent, department, agency or instrumentality of the Federal government or any State or local unit of government.

§ 936.5 Allowed activities.

All activities except those specifically prohibited by Section 936.6 may be carried on in the Sanctuary subject to all prohibitions, restrictions and conditions imposed by any other authority. Recreational use of the area is encouraged.

§ 936.6 Prohibited activities.

(a) Except as may be necessary for national defense in accordance with Article 5, Section 2 of the Designation or as may be necessary to respond to an emergency threatening life, property or the environment, the following activities are prohibited within the Sanctuary unless permitted by the Assistant Administrator in accordance with §§ 936.9 or 936.10. All prohibitions shall be applied consistently with international law.

(1) *Hydrocarbon operations.* Hydrocarbon exploration and exploitation activities are prohibited except that pipelines related to operations outside the sanctuary may be placed at a distance greater than 2 nmi from the Farallon Islands, Bolinas Lagoon, and Areas of Special Biological Significance where certified to have no significant effect on sanctuary resources in accordance with § 936.9.

(2) *Discharge of substances.* No person shall deposit or discharge any materials or substances of any kind except:

(i) Indigenous fish or parts and chumming materials (bait),

(ii) Effluents from marine sanitation devices,

(iii) Non-polluted cooling waters from vessels, and

(iv) Municipal sewage where certified to have no significant effect on sanctuary resources in accordance with Section 936.9.

(3) *Alteration of or construction on the seabed.* Except in connection with the laying of any pipeline as allowed by § 936.6(a)(1) or the building of any municipal outfall as allowed by § 936.6(a)(2)(D), no person shall:

(i) Construct any structure other than a navigation aid,

(ii) Drill through the seabed, and

(iii) Dredge or otherwise alter the seabed in any way except for routine maintenance and navigation, mariculture, and as necessary for the construction of residences in Tomales Bay, and new marinas as permitted by the California Coastal Commission.

(4) *Commercial vessels operations.* Except to transport persons or supplies to or from islands or mainland areas adjacent to sanctuary waters, within an area extending one nautical mile from the Farallon Islands, Bolinas Lagoon, or any Area of Special Biological Significance established by the State of California prior to sanctuary designation, no person shall operate any vessel engaged in the trade of carrying cargo, including but not limited to tankers and other bulk carriers and barges, or any vessel engaged in the trade of servicing offshore installations. In no event shall this section be construed to limit access for fishing, recreational or research vessels.

(5) *Disturbing marine mammals and birds.* Except to transport persons or supplies to or from islands or mainland areas adjacent to sanctuary waters or for enforcement purposes, no person shall disturb seabirds or marine mammals by flying any motorized aircraft at less than 1,000 feet over the waters extending one nautical mile from the Farallon Islands, Bolinas Lagoon, or any Area of Special Biological Significance established by the State of California.

(6) *Removing or damaging historical or cultural resources.* No person shall remove or damage any historical or cultural resource.

(b) All activities currently carried out by the Department of Defense within the Sanctuary are essential for the national defense and, therefore, not subject to these prohibitions. The exemption of additional activities having significant impacts shall be determined in consultation between the Assistant Administrator and the Department of Defense.

(c) The prohibitions in this section are not based on any claim of territoriality and will be applied to foreign persons and vessels only in accordance with recognized principles of international law, including treaties, conventions and other international agreements to which the United States is signatory.

§ 936.7 Penalties for commission of prohibited acts.

(a) Section 303 of the Act authorizes the assessment of a civil penalty of not more than $50,000 against any person subject to the jurisdiction of the United States for each violation of any regulation issued pursuant to the Act, and further authorizes a proceeding in rem against any vessel used in violation of any such regulation. Procedures are outlined in Subpart D of Part 922 (15 CFR Part 922) of this chapter. Subpart D is applicable to any instance of a violation of these regulations.

§ 936.8 Permit procedures and criteria.

(a) Any person in possession of a valid permit issued by the Assistant Administrator in accordance with this section may conduct any activity in the Sanctuary including any activity specifically prohibited under Section 936.6, if such activity is (1) research related to the resources of the Sanctuary, (2) to further the educational value of the Sanctuary, or (3) for salvage or recovery operations.

(b) Permit applications shall be addressed to the Assistant Administrator for Coastal Zone Management, Attn: Office of Sanctuary Programs, Division of Operations and Enforcement, National Oceanic and Atmospheric Administration, 3300

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Whitehaven Street, N.W., Washington, D.C. 20235. An application shall provide sufficient information to enable the Assistant Administrator to make the determination called for in paragraph (c) below and shall include a description of all activities proposed, the equipment, methods, and personnel (particularly describing relevant experience) involved, and a timetable for completion of the proposed activity. Copies of all other required licenses or permits shall be attached.

(c) In considering whether to grant a permit, the Assistant Administrator shall evaluate (1) the general professional and financial responsibility of the applicant, (2) the appropriateness of the methods envisioned to the purpose(s) of the activity, (3) the extent to which the conduct of any permitted activity may diminish or enhance the value of the Sanctuary, (4) the end value of the activity and (5) other matters as deemed appropriate.

(d) In considering any application submitted pursuant to this section, the Assistant Administrator may seek and consider the views of any person or entity, within or outside of the Federal Government, and may hold a public hearing, as deemed appropriate.

(e) The Assistant Administrator may, at his or her discretion, grant a permit which has been applied for pursuant to this section, in whole or in part, and subject to such condition(s) as deemed appropriate. The Assistant Administrator or a designated representative may observe any permitted activity and/or require the submission of one or more reports of the status or progress of such activity. Any information obtained will be made available to the public.

(f) The permit granted under paragraph (e) may not be transferred.

(g) The Assistant Administrator may amend, suspend or revoke a permit granted pursuant to this section, in whole or in part, temporarily or indefinitely, if the permit holder (the Holder) has violated the terms of the permit or applicable regulations. Any such action will set forth in writing to the Holder, and will include the reason(s) for the action taken. The Holder may appeal the action as provided for in Section 936.11.

§ 936.9. Certification of other permits.

(a) Except as otherwise provided in this section, all permits, licenses and other authorizations issued pursuant to any other authority are hereby certified and shall remain valid if they do not authorize any activity prohibited by § 936.6. Any interested person may request that the Assistant Administrator offer an opinion on whether an activity is prohibited by these regulations.

(b) No permit, license, or other authorization allowing the discharge of municipal sewage or the laying of any pipeline shall be valid unless certified by the Assistant Administrator as consistent with the purposes of the Sanctuary and these regulations. Such certification may impose terms and conditions as deemed appropriate to ensure consistency.

(c) In considering whether to make the certifications called for in this section, the Assistant Administrator may seek and consider the views of any other person or entity, within or outside the Federal Government, and may hold a public hearing as deemed appropriate.

(d) Any certification called for in this section shall be presumed to have been made 60 days from the date that the assistant Administrator receives notice of the proposed permit and the necessary supporting data unless otherwise determined.

(e) The Assistant Administrator may amend, suspend, or revoke any certification made under this section whenever continued operation would violate any terms or conditions of the certification. Any such action shall be forwarded in writing to both the holder of the certified permit and the issuing agency and shall set forth reason(s) for the action taken. Either the holder or the issuing agency may appeal the action as provided for in § 936.11.

§ 936.10 Appeals of administrative action.

(a) Any interested person (the Appellant) may appeal the granting, denial, or conditioning of any permit under § 936.9 to the Administrator of NOAA. In order to be considered by the Administrator, such appeal must be in writing, must state the action(s) appealed, and and the reason(s) therefore, and must be submitted within 30 days of the action(s) by the Assistant Administrator. The Appellant may request an informal hearing on the appeal.

(b) Upon receipt of an appeal authorized by this section, the Administrator will notify the permit applicant, if other than the Appellant, and may request such additional information and in such form as will allow action upon the appeal. Upon receipt of sufficient information, the Administrator will decide the appeal in accordance with the criteria defined in § 936.9(c) as appropriate, based upon information relative to the application on file at OCZM and any additional information, the summary record kept of any hearing, and the Hearing Officer's recommended decision, if any, as provided in paragraph (c), and such other considerations as deemed appropriate. The Administrator will notify all interested persons of the decision, and the reasons(s) for the decision, in writing, within 30 days of recipt of sufficient information, unless additional time is needed for a hearing.

(c) If a hearing is requested or if the Administrator determines one is appropriate, the Administrator may grant an informal hearing before a designated Hearing Office after first giving notice of the time, place, and subject matter of the hearing in the Federal Register. Such hearing must normally be held no later than 30 days following publication of the notice in the Federal Register unless the Hearing Officer extends the time for reasons deemed equitable. The Appellant, the Applicant (if different) and other interested persons (at the discretion of the Hearing Officer) may appear personally or by counsel at the hearing, and submit material and present arguments as determined appropriate by the Hearing Officer. Within 30 days of the last day of the hearing, the Hearing Officer shall recommend in writing a decision to the Administrator.

(d) The Adminstrator may adopt the Hearing Officer's recommended decision, in whole or in part, or may reject or modify it. In any event, the Administrator shall notify interested persons of the decision, and the reason(s) for the decision (in writing) within 30 days of receipt of the recommended decision of the Hearing Officer. The Administrator's action will constitute final action for the Agency for the purposes of the Administrative Procedures Act.

(e) Any time limit prescribed in this section may be extended for a period not to exceed 30 days by the Administrator for good cause upon written request from the Appellant or Applicant stating the reason(s) for the extension.

§ 936.12 Amendments.

(a) Any amendment to these regulations which significantly alters the extent of the prohibitions described in § 936.6 will directly affect California's coastal zone and shall be consistent to the maximum extent practicable with the California Coastal Zone Management Program.

(b) If the California Coastal Zone Management Program is amended to authorize in State waters an activity prohibited by § 936.6, upon the request of the Governor of California, the Assistant Administrator shall propose a conforming amendment to § 936.6 of these regulations, unless the Assistant Administrator determines in writing that the activity would be clearly inconsistent with the purposes of the sanctuary or otherwise would be prohibited by law.

[FR Doc. 80-9653 Filed 3-28-80; 8:45 am]
BILLING CODE 3510-08-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 1a and 1b

[Docket No. RM78-15]

Rules Relating to Investigations; Notice of Public Hearing

March 25, 1980

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Opportunity for the Oral Presentation of Data, Views and Comments.

SUMMARY: In June of 1978, the Federal Energy regulatory Commission [the Commission] adopted interim regulations governing the conduct of its investigations 43 FR 27174 (June 23, 1978); and in March of 1979, the Commission issued a Notice of Proposed Rulemaking to establish final regulations governing the conduct of its investigations, 44 FR 21586 (April 10, 1979). Because, as proposed in March of 1977, final regulations adopted by the Commission respecting the conduct of its investigations would include provisions respecting the Natural Gas Policy Act of 1978 (NGPA), the Commission, consistent with the requirements of the NGPA, is providing an opportunity for the oral presentation of data, views and comments on the March 1979 proposal.

DATES: Requests to participate to be filed by April 11, 1980; oral presentations to be on April 15, 1980.

ADDRESSES: Requests to participate should reference Docket No. RM78-15 and should be addressed to: The Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Oral presentation is to be held at: The Federal Energy Regulatory Commission, Room 3200, 941 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Ms. Vicki L. Hopman, The Office of Enforcement, Federal Energy Regulatory Commission, Room 3310-B, 941 North Capitol Street, N.E., Washington, D.C. 20426 (202) 275-3009.

SUPPLEMENTARY INFORMATION: On June 14, 1978, the Commission adopted Part 1b of its Rules of Practice and Procedure as interim regulations.[1] The new part, entitled "Rules Relating to Investigations", was adopted to provide the public with a clear statement of the Commission's policy and procedures for conducting investigations under the statutes it administers. In response to comments received on these interim regulations, the Commission issued a Notice of Proposed Rulemaking to establish a new Part 1a as Final Rules Relating to Investigations to replace the Interim rules of Part 1b.[2] Sixteen comments were received on the interim regulations and ten comments were received to the March 1979 Notice; all of these submissions were placed in the public file of this proceeding.

In that a final order in this proceeding would implement a section of the Natural Gas Policy Act of 1978 (NGPA), (specifically, section 508 of that Act) the Commission will provide an opportunity for the oral presentation of data, views and arguments on the March 1979 proposal as required by section 502(b) of the NGPA. to this end, a public hearing will be held in Washington, D.C. on April 15, 1980. The hearing will be held in Room 3200 of the Offices of the Federal Energy Regulatory Commission, 941 North Capitol Street, N.E., Washington, D.C., and will begin at 10:00 a.m., local time.

Requests to participate in the hearing should be directed to the Secretary, Federal Energy Regulatory Commision, 825 North Capitol Street, N.E., Washington, D.C., 20426 and should be made no later than April 11, 1980. Requests should reference Docket No. RM78-15 and should indicate the name of the person who will be making the presentation, a phone number at which that person may be contacted, and the amount of time requested for the presentation.

Persons participating in the public hearing should, if possible, bring 25 copies of their testimony to the hearing. A list of the participants in the hearing will be available in the Commission's Office of Public Information prior to the hearing and will be available at the Commission on the morning of the hearing.

The hearing will not be a judicial or evidentiary-type hearing, and there will be no cross examination of persons presenting statements. The presentations will be made before a panel whose members will be designated by the Chairman of the Commission. Members participating on the panel before whom the presentations are made may ask questions. If time permits, they may also ask such revelant questions as are submitted to them by participants. Other procedural rules relating to the hearing will be announced at the time the proceedings commence. A transcript of the hearing will be made and a copy of that transcript will be placed in the public file for this docket and be made available for inspection at the Commission's Office of Public Information in Room 1000, 825 North Capitol Street, N.E., Washington, D.C.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-9606 Filed 3-28-80; 8:45 am]
BILLING CODE 6450-85-M

[1] Order No. 8, "Rules Relating to Investigations", Docket No. RM78-15 (issued June 14, 1978), 43 FR 27174 (June 23, 1978).

[2] Notice of Proposed Rulemaking, "Rules Relating to Investigations", Docket No. RM78-15 (issued Mar. 20, 1979), 44 FR 21586 (Apr. 10, 1979).

18 CFR Part 282

[Docket No. RM80-24]

Permanent Rule Defining Small Existing Industrial Boiler Fuel Users Exempt From Incremental Pricing Under the Natural Gas Policy Act of 1978; Availability of Energy Information Administration Report

March 25, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Availability of Report.

SUMMARY: On March 6, 1980, (45 FR 15559) the Federal Energy Regulatory Commission (Commission) issued a notice of proposed rulemaking related to the volume level of natural gas used in existing small industrial boiler fuel facilities that would be exempt from incremental pricing. As indicated in the proposed rule, the Commission relied on data furnished by the Energy Information Administration (EIA) of the Department of Energy as the basis for the proposed rule. The February 26, 1980 report of EIA, entitled "Report to Determine 5 Percent Exemption to Incremental Pricing", has been placed in the public file of this docket and is available for public inspection.

ADDRESS: The report is available for public inspection at Room 1000, Division of Public Information, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825

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North Capitol Street NE., Washington, D.C. 20426. (202) 357-8400.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9677 Filed 3-28-80; 8:45 am]

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 152

Valuation of Imported Merchandise for Customs Purposes

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to enable the Customs Service ("Customs") to implement and administer the provisions of Title II of Pub. L. 96-39, the "Trade Agreements Act of 1979", relating to the valuation of imported merchandise for customs purposes.

The more significant changes are:

1. To eliminate section 402a, Tariff Act of 1930, as amended (19 U.S.C. 1402), the basis for appraising "Final List" articles.

2. To eliminate the "American Selling Price" basis for valuation.

3. To provide five bases—one primary and four secondary—for determining customs value:

a. Transaction value of the imported merchandise (the primary basis);

b. Transaction value of identical merchandise;

c. Transaction value of similar merchandise;

d. Deductive value; and

e. Computed value.

4. To provide that if Customs rejects the transaction value in a particular instance, the importer will be notified of the rejection, receive an explanation of the action, and be given 20 days in which to reply if in disagreement.

5. To provide that Customs, upon written request, shall furnish an importer with a written explanation of how the customs value of the imported merchandise was determined.

6. To provide that information submitted by an importer, buyer, or producer regarding the valuation of merchandise will not be rejected on the basis of the accounting method used to prepare the information if the preparation was in accordance with "generally accepted accounting principles".

The proposed amendments are considered to be significant.

DATE: Comments must be received on or before May 30, 1980.

ADDRESS: Written comments should be addressed to the Commissioner of Customs, Attention: Regulations and Research Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2335, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Thomas Lobred (202-566-2938) or Richard Rosettie (202-566-8235), Office of Commercial Operations.

SUPPLEMENTARY INFORMATION:

Background

Pub. L. 96-39 (93 Stat. 144), the "Trade Agreements Act of 1979", approved July 26, 1979 (the "Act"), incorporates into U.S. law the trade agreements negotiated by the United States in the Tokyo Round of Multilateral Trade Negotiations (MTN) and transmitted to the Congress by the President on June 19, 1979.

Title II of the Act, "Customs Valuation", implements the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade ("the Agreement") relating to customs valuation. Title II makes significant changes in the laws administered by the Customs Service relating to the valuation of imported merchandise. This document proposes to amend the Customs Regulations to implement and administer the provisions of Title II.

Effective Dates

1. The effective dates for implementing the provisions of Title II (the "new value law" in this document) have not been determined.

Pursuant to section 2(b)(2) of the Act, Title II would apply between the United States and another country only if that country has accepted the Agreement and the President determines it should not otherwise be denied the benefits of the Agreement with respect to the United States because that country has not accorded adequate benefits, including substantially equal competitive opportunities for the commerce of the United States to the extent required under section 126(c), Trade Act of 1974 (19 U.S.C. 2136(c)), to the United States. However, pursuant to section 2(b)(3) of the Act, the President may not accept the Agreement with respect to another country unless he determines that, with certain exceptions, each "major industrial country", as defined in section 126(d), Trade Act of 1974 (19 U.S.C. 2136(d)), is accepting the Agreement.

Under section 204 of Title II, the amendments made by Title II will take effect on January 1, 1981, if the Agreement enters into force with respect to the United States, or on the date after January 1, 1981, on which the Agreement enters into force, subject to two exceptions:

a. Section 204(a)(2) provides that if the President determines before January 1, 1981, that the European Economic Community (EEC) (and the other major industrial countries (see section 2(b)(3) of the Act)) have accepted the obligations of the Agreement with respect to the United States, and each member state of the EEC has implemented the Agreement under its laws, the President shall announce by proclamation such determination. The amendments made by Title II, except those relating to certain rubber footwear, would take effect on the date specified in the proclamation, but not before July 1, 1980.

b. Section 204(c) provides that the amendments made by section 223(b), relating to certain rubber footwear, will take effect on July 1, 1981, or the date on which the Agreement enters into force with respect to the United States, whichever is later.

2. Implementation of the "new value law" will neither repeal nor amend automatically sections 402 and 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402) (the "current value law" in this document), with regard to merchandise exported to the United States *before* the respective effective dates. When the applicable effective dates have been determined, the new value law will be applicable to merchandise exported to the United States on or after the applicable effective date, and the value will be determined in accordance with section 402, Tariff Act of 1930, as amended by section 201 of the Act.

However, the "current value law", sections 402 and 402a, Tariff Act of 1930, as amended, will apply to merchandise exported to the United States before the applicable effective date. This would include merchandise in a Customs bonded warehouse, in a foreign-trade zone, or in international transit to the United States before the applicable effective date.

Because of the necessity to continue to administer the "current value law" for an indefinite period while it also implements the "new value law", Customs proposes to amend its regulations to provide for a new subpart relating to the "new value law" while retaining the regulations relating to the "current value law".

Current Value Law

The current U.S. valuation system consists of two separate laws, sections 402 and 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402). There are nine bases for determining customs value under these laws.

Five bases for determining value were established in the Tariff Act of 1930, before its amendment by the Customs Simplification Act of 1956. These bases, set forth in section 402a, are export value, foreign value, United States value, cost of production, and American selling price. Articles which are valued under these bases are listed in Treasury Decision 54521 and are called "Final List" articles. Under section 402a, valuation is based upon an article's export value or foreign value, whichever is higher. If neither export nor foreign value can be determined, valuation then is determined on the basis of the United States value. If United States value cannot be determined, a cost of production basis is used. *American selling price* as a basis for value under section 402a is discussed below.

1. *Export value* essentially is the price at which merchandise is freely offered for sale to all purchasers in the usual wholesale quantities in the principal markets of the exporting country for export to the United States.

2. *Foreign value* essentially is the price of merchandise for sale in the home market of the country of exportation which is the same as or similar to imported merchandise and which is freely offered for sale in the country of exportation to all purchasers in the usual wholesale quantities.

3. *United States value* is essentially the freely offered resale price in the United States of merchandise which is the same as or similar to the imported merchandise, with deductions from that price for duty, cost of transportation and insurance, and other expenses from the place of shipment to the place of delivery, and a commission or profit and general expenses.

4. *Cost of production* is the aggregate of the costs of producing the merchandise and placing it in condition, packed ready for shipment to the United States, plus an amount for general expenses and profit.

There are four bases for determining value under section 402, established by the Customs Simplification Act of 1956—export value, United States value, constructed value, and American selling price. Under section 402, valuation is based upon an article's export value, if it can be determined. If not, United States value is used. If United States value cannot be determined, constructed value is used. *American selling price* as a basis for value under section 402 is discussed below.

1. *Export value* essentially is the price at the time of exportation at which merchandise the same as or similar to imported merchandise is freely sold or offered for sale in the usual wholesale quantities in the exporting country for export to the United States.

2. *United States value* under section 402 is similar to United States value under section 402a, except that there are no statutory maximums for commissions or for profit and general expenses.

3. *Constructed value* is similar to cost of production under section 402a, except that there are no statutory minimums for general expenses and profit.

American Selling Price

American selling price (ASP), as used in both sections 402 and 402a, essentially is the selling price in the United State of a domestic article which is like or similar to the imported article. ASP is used for specific articles. These are benzenoid chemicals, certain plastic or rubber-soled footwear, canned clams, and certain gloves (see § 152.24, Customs Regulations (19 CFR 152.24)).

New Value Law

Section 201 of Title II repeals section 402a of the Tariff Act of 1930, as amended.

Section 201 also amends section 402 to provide for five bases for determining value presented in a hierarchical manner. The first and primary basis is *transaction value.* If transaction value cannot be determined, or if determined, cannot be used, then the second basis, the *transaction value of identical merchandise,* is used. If transaction value of identical merchandise cannot be determined, then *transaction value of similar merchandise* is used. If transaction value of similar merchandise cannot be determined, then *deductive value* is used. If deductive value cannot be determined, then *computed value* is used. The Act also provides that if none of the five bases can be used, then a value will be derived from one of those bases, reasonably adjusted.

The Act further provides, with respect to the order of priority, that the importer may elect to have the merchandise appraised on the basis of computed value, rather than deductive value. However, if computed value cannot be determined, the merchandise will be appraised on the basis of deductive value. If deductive value cannot be determined, the merchandise will be appraised on the basis of one of the five bases, reasonably adjusted.

Section 500, Tariff Act of 1930

Section 500(a) of the Tariff Act of 1930 has been amended by section 202(a)(4) of the Act to provide that amended section 402 will be the basis for ascertaining the value of merchandise exported to the United States after the effective dates of the Act previously referred to. The legislative history states that the Customs officer shall appraise merchandise under section 402, and that section 500 is not a separate basis of valuation but is used to permit Customs to consider the best evidence available in appraising merchandise.

Transaction Value

New section 402(b) provides essentially that the transaction value of imported merchandise is the "price actually paid or payable", as defined in section 402(b)(4)(A), for the merchandise when sold for exportation to the United States. The "price actually paid or payable" is the total payment, less any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation in the United States made, or to be made, for imported merchandise by the buyer to, or for the benefit of, the seller.

To this payment may be added amounts equal to (1) packing costs incurred by the buyer; (2) any selling commission incurred by the buyer; (3) any "assist" as defined in section 402(h)(1); (4) any royalty or license fee the buyer is required to pay as a condition of sale of the merchandise to him; and (5) proceeds of a subsequent resale, disposal, or use of the imported merchandise accruing to the seller. These additions, and no others, may be made to the price actually paid or payable only if they are not otherwise included and are based upon "sufficient information" (as defined in section 402(h)(5)). If additions cannot be made on the basis of such information, the transaction value cannot be determined.

Certain items will not be included in the transaction value if identified separately from the price actually paid or payable and from the items specified in section 402(b)(1). New section 402(b)(3) provides that these items are (1) any cost or charge incurred for the construction, erection, assembly, or maintenance of, or technical assistance provided with respect to, the merchandise after its importation; (2) any reasonable cost or charge for the transportation of the merchandise after its importation; and (3) "customs duties and other Federal taxes" payable on the

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merchandise by reason of its importation.

New section 402(b)(2) sets forth those factors which may lead to a rejection of transaction value. These factors include: (1) Certain restrictions on the disposition or use of the imported merchandise other than those which are imposed or required by law, which limit the geographical area of resale, or which do not substantially affect the value of the merchandise; (2) conditions or considerations attaching to the sale or price of the imported merchandise for which a value cannot be determined with respect to the imported merchandise; (3) cases where proceeds from a subsequent resale, disposal, or use of the imported merchandise accrue to the seller, and an appropriate addition cannot be made to the price paid or payable; and (4) cases where the buyer and seller are related, as defined in section 402(g)(1), and the transaction value is not acceptable.

New section 402(b)(4)(B) provides that any rebate of, or other decrease in, the price actually paid or payable that is made or otherwise effected between the buyer and seller after the date of importation of the merchandise will be disregarded in determining transaction value.

Transaction Value of Identical Merchandise and Similar Merchandise

Section 402(c) provides that the transaction value of identical merchandise is the previously accepted transaction value of imported merchandise identical to that being appraised, adjusted if appropriate for commercial and quantity levels, sold for export to the United States and exported at or about the same time as the merchandise being appraised. The transaction value of similar merchandise is the previously accepted transaction value of imported merchandise similar to that being appraised, adjusted if appropriate for commercial and quantity levels, sold for export to the United States, and exported at or about the same time as the merchandise being appraised. The terms "identical merchandise" and "similar merchandise" are defined in section 402(h).

Deductive Value

Section 402(d) provides that deductive value will be based upon one of three appropriately adjusted prices depending upon when and in what condition the imported merchandise is sold to unrelated persons in the United States. Sales to unrelated persons in the United States are the only sales which may be used in determining deductive value.

1. If the merchandise concerned is sold in the condition as imported at or about the date of importation of the merchandise being appraised, the price is the unit price at which the merchandise concerned is sold in the greatest aggregate quantity at or about such date.

2. If the merchandise concerned is sold in the condition as imported, but is not sold at or about the date of importation of the merchandise being appraised, the price is the unit price at which the merchandise concerned is sold in the greatest aggregate quantity after the date of importation of the merchandise being appraised but before the close of the 90th day after the date of such importation.

3. If the merchandise concerned is not sold in the condition as imported before the close of the 90th day after the date of importation of the merchandise being appraised, the price is the unit price at which the merchandise being appraised, after further processing, is sold in the greatest aggregate quantity before the 180th day after the date of such importation. The importer must specifically elect to use this "further processing" option, and notify the Customs officer concerned of that election

The unit price determined then will be reduced by an amount equal to:

1. Commissions paid or agreed to be paid, or additions usually made for profit and general expenses, in connection with sales in the United States of imported merchandise of the same class or kind as the merchandise being appraised;

2. Actual costs and associated costs of transportation and insurance incurred with respect to international shipment of the merchandise;

3. Usual costs and associated costs of transportation and insurance incurred within the United States with respect to such merchandise;

4. Customs duties and other Federal taxes imposed on the merchandise by reason of its importation, and Federal excise taxes on the merchandise for which vendors in the United States are ordinarily liable; and

5. In the case of a price determined under the "further processing" method, the value added by that processing after importation into the United States.

The deduction made for profit and general expenses must be based upon the importer's profit and general expenses, unless they are inconsistent with those reflected in sales in the United States of imported merchandise of the same class or kind.

For purposes of determining deductive value, any sale to a person who supplies any assist for use in the production or sale for export of the merchandise will be disregarded.

Computed Value

Section 402(e) provides that computed value is the sum of:

1. The cost or value of the materials and the fabrication and other processing employed in the production of the imported merchandise;

2. An amount for profit and general expenses equal to that usually reflected in sales of merchandise of the same class or kind as the imported merchandise that are made by the producers in the country of exportation for export to the United States;

3. Any assist, if not included in paragraph (1) or (2) above; and

4. The packing costs.

The amount for profit and general expenses included in the computed value will be based upon the producer's profit and expenses, unless those figures are inconsistent with those usually reflected in sales of merchandise of the same class or kind as the imported merchandise that are made by the producers in the country of exportation.

General Discussion—Assists

An assist is an item or service supplied directly or indirectly free of charge or at a reduced cost for use in connection with the production or the sale for export to the United States of imported merchandise. Whereas under the current value law, the existence of an assist requires appraisement under a secondary valuation basis, the new value law provides for the addition of the value of an assist directly to the price to arrive at transaction value. Under the current practice, an assist generally is dutiable regardless of who furnishes the assist. Under the Act, an assist is dutiable only if furnished directly or indirectly by the buyer of the imported merchandise. Under current practice, certain assists such as engineering and design work, wherever undertaken, are dutiable. Under the Act, as it relates to transaction value, the only assists of this type that are dutiable are engineering, development, artwork, design work, and plans and sketches undertaken elsewhere than in the United States. However, if service or work is performed outside the United States by a U.S. domiciliary who is acting as an employee or agent of the buyer, and the work or service is incidental to other engineering, development, artwork, design work, or plans or sketches that are undertaken in the United States, the service or work is not treated as an assist.

The concept of an assist is relevant in the following circumstances: (1) As an addition to the price actually paid or payable in transaction value, (2) as an element comprising computed value, or (3) as a factor in determining the suitability of deductive value as a basis of value.

Royalty or License Fee

The addition of an amount for a royalty or license fee to the price actually paid or payable for the imported merchandise in determining transaction value generally follows current practice. However, certain elements called "royalties" may or may not fall within the scope of section 402(b)(1)(D) or section 402(b)(1)(E), relating to proceeds of any subsequent resale, disposal, or use of the imported merchandise accruing to the seller.

Sufficient Information

Under section 402(h)(5), "sufficient information" means information that establishes the accuracy of:

1. Any amount:

Added to the price actually paid or payable, in determining transaction value,

Deducted as profit or general expenses or value from further processing, in determining deductive value, or

Added as profit or general expenses, in determining computed value,

2. Any difference taken into account in connection with sales between related persons, in determining transaction value, or

3. Any adjustment made in determining the transaction value of identical or similar merchandise.

Generally Accepted Accounting Principles

Under section 402(g)(3), information submitted by an importer, buyer, or producer concerning the appraisement of merchandise may not be rejected by Customs solely on the basis of the accounting method used to prepare the information if the preparation was in accordance with "generally accepted accounting principles". This term is defined to mean any generally recognized consensus or substantial authoritative support regarding:

Which economic resources and obligations should be recorded as assets and liabilities,

Which changes in assets and liabilities should be recorded,

How the assets and liabilities and changes in them should be measured,

What information should be disclosed and how it should be disclosed, and

Which financial statement should be prepared.

Related Persons

Under section 402(b)(2)(B), two alternative methods are available to determine whether transaction value may be acceptable if the buyer and seller of imported merchandise are related. If an examination of the circumstances of sale of the imported merchandise indicates that the relationship did not influence the price, the transaction value may be accepted without further inquiry provided all other conditions are met. The transaction value of the imported merchandise also may be accepted if the transaction value "closely approximates" one of the following test values:

1. The transaction value of identical or similar merchandise in sales to unrelated buyers in the United States;

2. The deductive value or computed value of identical or similar merchandise; or

3. The transaction value in sales to unrelated buyers in the United States of merchandise that is identical to the imported merchandise except for having been produced in a different country.

Under the current law, the only standard that may be used to determine the acceptability of related party transactions is whether the related-party price "fairly reflects the market value".

Unacceptable Bases of Appraisement

Under section 402(f)(2), imported merchandise may not be appraised on the basis of:

1. The selling price in the United States of merchandise produced in the United States;

2. A system that provides for appraisement of imported merchandise at the higher of two alternative values;

3. The price of merchandise in the domestic market of the country of exportation;

4. A cost of production, other than a computed value for merchandise that is identical or similar to the merchandise being appraised;

5. The price of merchandise for export to a country other than the United States;

6. Minimum values for appraisement; or

7. Arbitrary or fictitious values.

Antidumping Duties and Contervailing Duties

The statutory changes made to section 402, Tariff Act of 1930, as amended, and the regulatory changes proposed under that section do not change or affect those separate provisions of United States law that set forth how imported merchandise is to be appraised for the purpose of levying antidumping or countervailing duties.

Notice of Value Determination

Section 402(a)(3) provides that upon written request by the importer, and subject to the provisions of law regarding the disclosure of information, Customs will provide the importer with a reasonable and concise written explanation of how the customs value of the merchandise was determined.

Discussion of Proposed Amendments

Accordingly, to reflect the statutory changes made by Title II of the Act, it is proposed to amend Part 152, Customs Regulations (19 CFR Part 152), by adding a new § 152.20 to Subpart C and a new Subpart E, entitled "Valuation of Merchandise", divided into nine sections, as described below:

New Section 152.20 of Subpart C—Appraisement

Proposed § 152.101(a), discussed below, would provide that the customs value of merchandise exported to the United States after the effective dates of Title II of the Act will be appraised under the provisions of proposed Subpart E, which implements the new value law. Therefore, proposed § 152.20 would be added to Subpart C, "Appraisement", to make clear that merchandise exported to the United States before the effective dates of Title II will continue to be appraised under the current value law.

New Subpart E—Valuation of Merchandise

1. Proposed § 152.100 would state that the interpretative notes set forth in Subpart E have been derived from information contained in the Statement of Administrative Action relating to customs valuation, submitted to and approved by Congress along with the Act, and will have the force and effect of regulations issued under this subpart.

2. Proposed § 152.101(a) would provide that the customs value of merchandise exported to the United States on or after the effective dates of Title II of the Act will be determined in accordance with section 402, Tariff Act of 1930 (19 U.S.C. 1401a), as amended by section 201 of the Act

Proposed § 152.101(b) would provide that imported merchandise will be appraised on the basis, and in the order, of the following:

a. Transaction value provided for in § 152.103;

b. Transaction value of identical merchandise provided for in § 152.104, if

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the transaction value cannot be determined, or can be determined but cannot be used because of the limitations provided for in § 152.103(j);

c. Transaction value of similar merchandise provided for in § 152.104, if the transaction value of identical mercahndise cannot be determined;

d. Deductive value provided for in § 152.105, if the transaction value of similar merchandise cannot be determined;

e. Computed value provided for in § 152.106, if deductive value cannot be determined; or

f. The value provided for in § 152.107, if the computed value cannot be determined.

Proposed § 152.101(c) would set forth the procedure whereby the importer may request, at the time the entry summary is filed, that computed value be used before deductive value to appraise imported merchandise.

Proposed § 152.101(d) would provide the procedure whereby the district director shall provide a reasonable and concise written explanation of how the customs value of the merchandise was determined.

3. Proposed § 152.102 would define the following terms:

a. Assist,

b. Commission (buying or selling),

c. Generally accepted accounting principles,

d. Identical merchandise,

e. Packing costs,

f. Price actually paid or payable,

g. Related persons,

h. Same class or kind,

i. Similar merchandise,

j. Sufficient information, and

k. Unit price in greatest quantity.

4. Proposed § 152.103 would discuss "transaction value". Paragraph (a) would discuss "price actually paid or payable" and provide examples. Paragraph (b) would discuss the "additions to the price actually paid or payable" for the imported merchandise, and paragraph (c) would provide that additions to the price actually paid or payable will be made only when there is information sufficient to establish the accuracy of the additions and the extent to which they were not included in the price. An interpretative note would be provided.

Paragraph (d) would discuss "assists" and provide examples, and paragraph (e) would discuss the "apportionment" of the value of assists and provide an interpretative note.

Paragraph (f) would discuss "royalties or license fees" and provide an example, and paragraph (g) would discuss "proceeds of subsequent resale" and provide an example. Paragraph (h) would discuss "right to reproduce" and provide an example.

Paragraph (i) would discuss the exclusions from transaction value, and paragraph (j) would provide the limitations on the use of transaction value.

Paragraph (k) would discuss "restrictions and conditions on sale" and provide interpretative notes. Paragraph (l) would discuss "related buyer and seller" and provide interpretative notes and examples.

Paragraph (m) would provide that when Customs has grounds for rejecting the transaction value declared by an importer and that rejection increases the duty liability, the district director shall inform the importer of the grounds for the rejection.

5. Proposed § 152.104 would discuss the transaction value of identical merchandise and similar merchandise. Paragraph (a) would set forth a general discussion on determining the value under this section. Paragraph (b) would provide that minor differences in appearance will not preclude otherwise conforming merchandise from being considered "identical". Paragraph (c) would discuss factors considered to determine whether merchandise is "similar". Paragraph (d) would discuss "commercial level and quantity", and paragraph (e) would discuss "adjustments" for identical and similar merchandise and provide an interpretative note.

6. Proposed § 152.105 would discuss "deductive value". Paragraph (a) would discuss "merchandise concerned", and paragraph (b) would discuss "merchandise of the same class or kind". Paragraph (c) would set forth the three variables for determining the prices which would be appropriate for determining deductive value. The regulations would provide that the importer must make his election to use the "further processing" method at the time of filing the entry summary.

Paragraph (d) would discuss "deductions from price" determined under § 152.105(c). Paragraph (e) would discuss the special rules relating to profit and general expenses. Paragraph (f) would provide that the price determined under § 152.105(c) will be increased by an amount equal to the packing costs incurred by the importer.

Paragraph (g) would provide that for purposes of determining deductive value, any sale to a person who supplies any assist for use in connection with the production or sale for export of the merchandise concerned will be disregarded.

Paragraph (h) would discuss "unit price in greatest aggregate quantity" and provide three interpretative notes. Paragraph (i) would discuss "further processing" and provide an example.

7. Proposed § 152.106 would discuss "computed value". Paragraph (a) would provide the elements comprising computed value, and paragraph (b) would discuss special rules relating to proposed § 152.106(a). Paragraph (c) would discuss "profit and general expenses" and provide interpretative notes.

Paragraph (d) would discuss "assists and packing costs", and paragraph (e) would discuss "merchandise of the same class or kind" and provide an example. Paragraph (f) would discuss "availability of information".

8. Proposed § 152.107 would discuss how customs value is to be derived if the other value bases cannot be determined or used. Paragraph (a) would provide that if the value of imported merchandise cannot be determined or used under proposed §§ 152.103 through 152.106, the merchandise will be appraised on the basis of a value that is derived from the bases set forth in those sections, with the methods reasonably adjusted to the extent necessary to arrive at a value.

Paragraph (b) would discuss "identical merchandise" and "similar merchandise". Paragraph (c) would provide that the "90 days" requirement relating to deductive value for the sale of merchandise may be administered flexibly, and would provide an example.

9. Proposed § 152.108 would provide that imported merchandise may not be appraised on the basis of the items listed.

Authority

These amendments are proposed under the authority of R.S. 251, as amended (19 U.S.C. 66); section 624, 46 Stat. 759 (19 U.S.C. 1624); and Title II, Pub. L. 96-39 (July 26, 1979).

Comments

Before adopting this proposal, consideration will be given to any written comments, preferably in triplicate, that are submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b) Customs Regulations (19 CFR 103.8(b)), during regular business hours at the Regulations and Research Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2335, Washington, D.C. 20229.

Customs specifically solicits comments on (1) proposed § 152.101(c), relating to the importer's requesting the application of computed value before deductive value at the time the entry summary is filed; and (2) proposed § 152.105(c)(3), relating to the election of the importer to use the "further processing method" at the time of filing the entry summary.

Drafting Information

The principal authors of this document were Todd J. Schneider and Charles D. Ressin, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Proposed Amendments

It is proposed to amend Part 152, Customs Regulations (19 CFR Part 152), in the following manner:

PART 152—CLASSIFICATION AND APPRAISEMENT OF MERCHANDISE

Subpart C—Appraisement

It is proposed to add a new § 152.20 to read as follows:

§ 152.20 Effective date.

The value for appraisment of merchandise exported to the United States before [the effective dates of Title II of Pub. L. 96-39] will be determined in accordance with this subpart.

It is proposed to add a new Subpart E, "Valuation of Merchandise", to read as follows:

Subpart E—Valuation of Merchandise

Sec.

152.100 Interpretative notes.
152.101 Basis of appraisement.
152.102 Definitions.
152.103 Transaction value.
152.104 Transaction value of identical merchandise and similar merchandised.
152.105 Deductive value.
152.106 Computed value.
152.107 Value if other values cannot be determined or used.
152.108 Unacceptable bases of appraisement.

Authority. R.S. 251, as amended (19 U.S.C. 66); sec. 624, 46 Stat. 759 (19 U.S.C. 1624); and Title II, Pub. L. 96-39 (July 26, 1979).

Subpart E—Valuation of Merchandise

§ 152.100 Interpretative notes.

The interpretative notes set forth in this subpart have been derived from information contianed in the Statement of Administrative Action relating to customs valuation, submitted to and approved by Congress along with the Trade Agreements Act of 1979 (Pub. L. 96-39), and will have the force and effect of regulations issued under this subpart.

§ 152.101 Basis of appraisement.

(a) *Effective date.* The value for appraisement of merchandise exported to the United States on or after [the effective dates of Title II of Pub. L. 96-39] will be determined in accordance with section 402, Tariff Act of 1930 (19 U.S.C. 1401a), as amended by section 201, Trade Agreements Act of 1979.

(b) *Methods.* Imported merchandise will be appraised on the basis, and in the order, of the following:

(1) The transaction value provided for in § 152.103;

(2) The transaction value of identical merchandise provided for in § 152.104, if the transaction value cannot be determined, or can be determined but cannot be used because of the limitations provided for in § 152.103(j);

(3) The transaction value of similar merchandise provided for in § 152.104, if the transaction value of identical merchandise cannot be detrmined;

(4) The deductive value provided for in § 152.105, if the transaction value of similar merchandise cannot be determined;

(5) The computed value provided for in § 152.106, if the deductive value cannot be determined; or

(6) The value provided for in § 152.107, if the computed value cannot be determined.

(c) *Importer's option.* The importer may request the application of the computed value method before the deductive value method. The request must be made at the time the entry summary for the merchandise is filed with the district director (see § 141.0a(b) of this chapter). If the importer makes the request, but the value of the imported merchandise cannot be determined using the computed value method, the merchandise will be appraised using the deductive value method if it is possible to do so. If the deductive value cannot be determined, the appraised value will be determined as provided for in § 152.107.

(d) *Explanation to importer.* Upon receipt of a written request from the importer within 90 days of liquidation, the district director shall provide a reasonable and concise written explanation of how the value of the imported merchandise was determined. The explanation will apply only to the imported merchandise being appraised and will not serve as authority with respect to the valuation of importations of any other merchandise at the same or a different port of entry. This procedure is for informational purposes only, and will not affect or replace the protest or administrative ruling procedures contained in Parts 174 and 177, respectively, of this chapter, or any other Customs procedures. Under this procedure, Customs will not be required to release any information not otherwise subject to disclosure under the Freedom of Information Act, as amended (5 U.S.C. 552), the Privacy Act of 1974 (5 U.S.C. 552a), or any other statute (see Part 103 of this chapter).

§ 152.102 Definitions.

As used in this subpart, the following terms will have the meanings indicated:

(a) *Assist.* (1) "Assist" means any of the following if supplied directly or indirectly, and free of charge or at reduced cost, by the buyer of imported merchandise for use in connection with the production or the sale for export to the United States of the merchandise:

(i) Materials, components, parts, and similar items incorporated in the imported merchandise.

(ii) Tools, dies, molds, and similar items used in the production of the imported merchandise.

(iii) Merchandise consumed in the production of the imported merchandise.

(iv) Engineering, development, artwork, design work, and plans and sketches that are undertaken elsewhere than in the United States and are necessary for the production of the imported merchandise.

(2) No service or work to which subparagraph (1) (iv) of this paragraph applies will be treated as an assist if the service or work—

(i) Is performed by an individual domiciled within the United States;

(ii) Is performed by that individual while acting as an employee or agent of the buyer of the imported merchandise; and

(iii) Is incidental to other engineering, development, artwork, design work, or plans or sketches that are undertaken within the United States.

(3) The following apply in determining the value of assists described in subparagraph (1) (iv) of this paragraph—

(i) The value of an assist that is available in the public domain is the cost of obtaining copies of the assist.

(ii) If the production of an assist occurred in the United States and one or more foreign countries, the value of the assist is the value added outside the United States.

(iii) If the assist was purchased or leased by the buyer from an unrelated person, the value of the assist is the cost of the purchase or of the lease.

(b) *Commission.* "Buying commission" ordinarily means a fee paid by the buyer to an agent for the service of representing the buyer abroad in the purchase of the merchandise being appraised.

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(2) "Selling commission" means any commission incurred by the buyer other than a "buying commission".

(c) *Generally accepted accounting principles.* (1) "Generally accepted accounting principles" refers to any generally recognized consensus or substantial authoritative support regarding—

(i) Which economic resources and obligations should be recorded as assets and liabilities;

(ii) Which changes in assets and liabilities should be recorded;

(iii) How the assets and liabilities and changes in them should be measured;

(iv) What information should be disclosed and how it should be disclosed; and

(v) Which financial statements should be prepared.

(2) The applicability of a particular set of generally accepted accounting principles will depend upon the basis on which the value of the imported merchandise is sought to be established.

(3) Information submitted by an importer, buyer, or producer in regard to the appraisement of merchandise may not be rejected by Customs because of the accounting method by which that information was prepared, if the preparation was in accordance with generally accepted accounting principles.

(d) *Identical merchandise.* "Identical merchandise" means merchandise identical in all respects to, and produced in the same country and by the same person as, the merchandise being appraised. If identical merchandise cannot be found (or for purposes of related buyer and seller transactions (see § 152.103(j)(2)(i)(A)), regardless of whether identical merchandise can be found), merchandise identical in all respects to, and produced in the same country as, but not produced by the same person as, the merchandise being appraised, may be treated as "identical merchandise". "Identical merchandise" does not include merchandise that incorporates or reflects any engineering, development, artwork, design work, or plan or sketch supplied free or at reduced cost by the buyer of the merchandise for use in connection with the production or sale for export to the United States of the merchandise, and is not an assist because undertaken within the United States.

(e) *Packing costs.* "Packing costs" means the cost of all containers and coverings of whatever nature and of packing, whether for labor or materials, used in placing merchandise in condition, packed ready for shipment to the United States.

(f) *Price actually paid or payable.* "Price actually paid or payable" means the total payment (whether direct or indirect, and exclusive of any charges, costs, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation in the United States) made, or to be made, for imported merchandise by the buyer to, or for the benefit of, the seller.

(g) *Related persons.* "Related persons" means: (1) Members of the same family, including brothers and sisters (whether by whole or half blood), spouse, ancestors, and lineal descendants.

(2) Any officer or director of an organization, and that organization.

(3) An officer or director of an organization and an officer or director of another organization, if each individual also is an officer or director in the other organization.

(4) Partners.

(5) Employer and employee.

(6) Any person directly or indirectly owning, controlling, or holding with power to vote, five percent or more of the outstanding voting stock or shares of any organization, and that organization.

(7) Two or more persons directly or indirectly controlling, controlled by, or under common control with, any person.

(h) *Same class or kind.* "Merchandise of the same class or kind" means merchandise (including, but not limited to, identical merchandise and similar merchandise) within a group or range of merchandise produced by a particular industry or industry sector.

(i) *Similar merchandise.* "Similar merchandise" means merchandise produced in the same country and by the same person as the merchandise being appraised, like the merchandise being appraised in characteristics and component material, and commercially interchangeable with the merchandise being appraised. If similar merchandise cannot be found (or for purposes of related buyer and seller transactions (see § 152.103(j)(2)(i)(A)), regardless of whether similar merchandise can be found), merchandise produced in the same country as, but not produced by the same person as, the merchandise being appraised, like the merchandise being appraised in characteristics and component material, and commercially interchangeable with the merchandise being appraised, may be treated as "similar merchandise". "Similar merchandise" does not include merchandise that incorporates or reflects any engineering, development, artwork, design work, or plan or sketch supplied free or at reduced cost by the buyer of the merchandise for use in connection with the production or the sale for export to the United States of the merchandise, and is not an assist because undertaken within the United States.

(j) *Sufficient information.* "Sufficient information" means information that establishes the accuracy of:

(1) Any amount—

(i) added under § 152.103(b) to the price actually paid or payable;

(ii) deducted under § 152.105(d) as profit or general expenses or value from further processing, or

(iii) added under § 152.106(b) as profit or general expenses; or

(2) Any difference taken into account under § 152.103(j)(2)(iv); or

(3) Any adjustment made under § 152.104(d).

(k) *Unit price in greatest aggregate quantity.* "Unit price at which merchandise is sold in the greatest aggregate quantity" means the unit price at which the "merchandise concerned" is sold to unrelated persons at the first commercial level after importation (in cases to which § 152.105(c)(1) and (2) apply), or after further processing (in cases to which § 152.105(c)(3) applies), at which the sales take place in a total volume greater than the total volume sold at any other price and sufficient to establish the unit price.

§ 152.103 Transaction value.

(a) *Price actually paid or payable*—(1) *General.* In determining transaction value, the price actually paid or payable will be considered without regard to its method of derivation. It may be the result of discounts, increases, or negotiations, or may be arrived at by the application of a formula, such as the price in effect on the date of export in the London Commodity Market. The word "payable" refers to a situation in which the price has been agreed upon, but actual payment has not been made at the time of importation. Payment may be made by letters of credit or negotiable instruments and may be made directly or indirectly.

(2) *Indirect payment.* An indirect payment would include the settlement by the buyer, in whole or in part, of a debt owed by the seller, or where the buyer receives a price reduction on a current importation as a means of settling a debt owed him by the seller. Activities such as advertising, undertaken by the buyer on his own account, other than those for which an adjustment is provided in § 152.103(b), will not be considered an indirect payment to the seller though they may benefit the seller. The costs of those activities will not be added to the price actually paid or payable in determining the customs value of the imported merchandise.

(3) *Assembled merchandise.* The price actually paid or payable may represent an amount for the assembly of imported merchandise in which the seller has no interest other than as the assembler. The price actually paid or payable in that case will be calculated by the addition of the value of the components and required adjustments to form the basis for the transaction value.

(4) *Rebate.* Any rebate of, or other decrease in, the price actually paid or payable made or otherwise effected between the buyer and seller after the date of importation of the merchandise will be disregarded in determining the transaction value under § 152.103(b).

Example 1. In a transaction with foreign Company X, a U.S. firm pays Company X $10,000 for a shipment of meat products, packed ready for shipment to the United States. No selling commission, assist, royalty, or license fee is involved. Company X is not related to the U.S. purchaser and imposes no condition or limitation on the buyer.

The customs value of the imported meat products is $10,000—the transaction value of the imported merchandise.

Example 2. A foreign shipper sold merchandise at $100 per unit to a U.S. importer. Subsequently, the foreign shipper increased its price to $110 per unit. The merchandise was exported after the effective date of the price increase. The invoice price of $100 was the price originally agreed upon and the price the U.S. importer actually paid for the merchandise.

How should the merchandise be appraised?

Actual transaction value based on the price actually paid or payable.

Example 3. A foreign shipper sells to U.S. wholesalers at one price and to U.S. retailers at a higher price. The shipment undergoing appraisement is a shipment to a U.S. retailer. There are continuing shipments of identical and similar merchandise to U.S. wholesalers.

How should the merchandise be appraised?

Actual transaction value based on the price actually paid or payable by the retailer.

Example 4. Company X in the United States pay $2,000 to Y Toy Factory abroad for a shipment of toys. The $2,000 consists of $1,850 for the toys and $150 for ocean freight and insurance. Y Toy Factory would have charged Company X $2,200 for the toys; however, because Y owed Company X $350, Y charged only $1,850 for the toys. What is the transaction value?

The transaction value of the imported merchandise is $2,200, that is, the sum of the $1,850 plus the $350 indirect payment. Because the transaction value excludes C.I.F. charges, the $150 ocean freight and insurance charge is excluded.

(b) *Additions to price actually paid or payable.* (1) The transaction value of imported merchandise is the price actually paid or payable for the merchandise when sold for exportation to the United States, plus amounts equal to—

(i) The packing costs incurred by the buyer with respect to the imported merchandise;

(ii) Any selling commission incurred by the buyer with respect to the imported merchandise;

(iii) The value, apportioned as appropriate, of any assist;

(iv) Any royalty or license fee related to the imported merchandise that the buyer is required to pay, directly or indirectly, as a condition of the sale of the imported merchandise for exportation to the United States; and

(v) The proceeds of any subsequent resale, disposal, or use of the imported merchandise that accrue, directly or indirectly, to the seller.

(2) The price actually paid or payable for imported merchandise will be increased by the amounts attributable to the items (and no others) described in paragraphs (b)(2) (i) through (v) of this section to the extent that each amount is not otherwise included within the price actually paid or payable, and is based on sufficient information. If sufficient information is not available, for any reason, with respect to any amount referred to in this section, the transaction value will be treated as one that cannot be determined.

(c) *Sufficiency of information.* Additions to the price actually paid or payable will be made only if there is sufficient information to establish the accuracy of the additions and the extent to which they are not included in the price.

Interpretative note. A royalty is paid on the basis of the price in a sale in the United States of a gallon of a particular product imported by the pound and transformed into a solution after importation. If the royalty is based partially on the imported merchandise and partially on other factors which have nothing to do with the imported merchandise (such as if the imported merchandise is mixed with domestic ingredients and is no longer separately identifiable, or if the royalty cannot be distinguished from special financial arrangements between the buyer and the seller), it would be inappropriate to attempt to make an addition for the royalty. However, if the amount of this royalty is based only on the imported merchandise and can be readily quantified, an addition to the price actually paid or payable will be made.

(d) *Assist.* If the value of an assist is to be added to the price actually paid or payable, or to be used as a component of computed value, the district director shall determine the value of the assist and apportion that value to the price of the imported merchandise in the following manner:

(1) If the assist consists of materials, components, parts, or similar items incorporated in the imported merchandise, or items consumed in the production of the imported merchandise, acquired by the buyer from an unrelated seller, the value of the assist is the cost of its acquisition. If the assist were produced by the buyer or a person related to the buyer, its value would be the cost of its production. In either case, the value of the assist would include transportation costs to the place of production.

(2) If the assist consists of tools, dies, molds, or similar items used in the production of the imported merchandise, acquired by the buyer from an unrelated seller, the value of the assist is the cost of its acquisition. If the assist were produced by the buyer or a person related to the buyer, its value would be the cost of its production. If the assist has been used previously by the buyer, regardless of whether it had been acquired or produced by him, the original cost of acquisition or production would be adjusted downward to reflect its use before its value could be determined. If the assist were leased by the buyer from an unrelated seller, the value of the assist would be the cost of the lease. In either case, the value of the assist would include transportation costs to the place of production. Repairs or modifications to an assist may increase its value.

Example 1. A U.S. importer supplied detailed designs to the foreign producer. These designs were necessary to manufacture the merchandise. The U.S. importer bought the designs from an engineering company in the U.S. for submission to his foreign supplier.

Should the appraised value of the merchandise include the value of the assist?

No, design work undertaken in the U.S. is not to be included in dutiable value.

Example 2. A U.S. importer supplied molds free of charge to the foreign shipper. The molds were necessary to manufacture merchandise for the U.S. importer. The U.S. importer had some of the molds manufactured by a U.S. company and others manufactured in a third country.

Should the appraised value of the merchandise include the value of the molds?

Yes. It is an addition required to be made to transition value.

(e) *Apportionment.* The apportionment of the value of assists to imported merchandise will be made in a reasonable manner appropriate to the circumstances and in accordance with generally accepted accounting principles. The method of apportionment actually accepted by Customs will depend upon the documentation submitted by the importer. If the entire anticipated production using the assist is for exportation to the United States, the total value may be apportioned over

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(1) the first shipment, if the importer wishes to pay duty on the entire value at once, (2) the number of units produced up to the time of the first shipment, or (3) the entire anticipated production. In addition to these three methods, the importer may request some other method of apportionment in accordance with generally accepted accounting principles. If the anticipated production is only partially for exportation to the United States, or if the assist is used in several countries, the method of apportionment will depend upon the documentation submitted by the importer.

Interpretative note. An importer provides the producer with a mold to be used in the production of the imported merchandise and contracts to buy 10,000 units. By the time of arrival of the first shipment of 1,000 units, the producer has already produced 4,000 units. The importer may request Customs to apportion the value of the mold over 1,000, 4,000, or 10,000 units.

(f) *Royalties or license fees.* Royalties or license fees for patents covering processes to manufacture the imported merchandise generally will be dutiable. Royalties or license fees paid to third parties for use, in the United States, of copyrights and trademarks related to the imported merchandise generally will be considered selling expenses of the buyer and not dutiable. The dutiable status of royalties or license fees paid by the buyer will be determined in each case and will depend on (1) whether the buyer was required to pay them as a condition of sale of the merchandise for exportation to the United States, and (2) to whom and under what circumstances they were paid. Payments made by the buyer for the right to distribute or resell the imported merchandise will not be added to the price actually paid or payable for the imported merchandise if the payments are not a condition of the sale of the merchandise for exportation to the United States.

Example. A foreign producer sold merchandise to an unrelated U.S. importer. The U.S. importer pays a royalty to an unrelated third party for the right to manufacture and sell a product made in part from the imported merchandise. The royalty is based on the selling price of the further-manufactured product in the U.S.

Is the license fee part of the appraised value? No. The license fee is not a condition of the sale of the imported merchandise for export to the U.S.

(g) *Proceeds of subsequent resale.* Additions to the price actually paid or payable will be made for the value of any part of the proceeds of any subsequent resale, disposal, or use of the imported merchandise that accrues directly or indirectly to the seller. Dividends or other payments from the buyer to the seller which do not relate directly to the imported merchandise will not be added to the price actually paid or payable. Whether any addition would be made will depend on the facts of the particular case.

Example. A buyer contracts to import a new product. Not knowing whether the product ultimately will sell in the United States, the buyer agrees to pay the seller initially $1 per unit with an additional $1 per unit to be paid upon the sale of each unit in the United States. Assuming the resale price in the United States can be determined promptly, the transaction value of each unit would be $2. Otherwise, the transaction value could not be determined for want of sufficient information.

(h) *Right to reproduce.* Charges for the right to reproduce the imported merchandise in the United States will not be added to the price actually paid or payable. The right to reproduce denotes that an idea or an original work is incorporated in, or reflected by, the imported merchandise, and the right is reserved to reproduce that idea or work in other merchandise by using the imported merchandise. The concept of the right to reproduce relates only to the following classes of merchandise: originals or copies of artistic or scientific works; originals or copies of models and industrial drawings; model machines and prototypes; and plant and animal species.

Example. The importer purchases a painting. By purchasing the painting, the owner possesses the right to resell, lease, or otherwise place it on display. Absent an agreement to the contrary, he does not possess the right to reproduce copies of the painting. Fees paid for the right to reproduce the painting would not be dutiable.

(i) *Exclusions from transaction value.* The transaction value of imported merchandise does not include any of the following, if identified separately from the price actually paid or payable and from any cost or other item referred to in paragraph (b) of this section:

(1) Any reasonable cost or charge that is incurred for—

(i) The construction, erection, assembly, or maintenance of, or the technical assistance provided with respect to, the merchandise after its importation into the United States; or

(ii) The transportation of the merchandise after its importation.

(2) The customs duties and other Federal taxes currently payable on the imported merchandise by reason of its importation, and any Federal excise tax on, or measured by the value of, the merchandise for which vendors in the United States ordinarily are liable.

Example. A foreign shipper sells a piece of equipment to a U.S. buyer. The total contract price for the equipment includes technical assistance in the U.S. The equipment cannot be purchased without the technical assistance, but the contract provides a breakdown of costs.

Should the appraised value include the technical assistance? No. transaction value does not include any reasonable costs for construction, erection, assembly, maintenance of, or technical assistance, for the imported merchandise after its importation into the U.S., the cost of which can be accurately identified as being separate from the price actually paid or payable for the merchandise to which they relate.

(j) *Limitations on use of transaction value.*—(1) *In general.* The transaction value of imported merchandise will be the appraised value only if—

(i) There are no restrictions on the disposition or use of the imported merchandise by the buyer, other than restrictions which are imposed or required by law, limit the geographical area in which the merchandise may be resold, or do not affect substantially the value of the merchandise;

(ii) The sale of, or the price actually paid or payable for, the imported merchandise is not subject to any condition or consideration for which a value cannot be determined;

(iii) No part of the proceeds of any subsequent resale, disposal, or use of the imported merchandise by the buyer will accrue directly or indirectly to the seller, unless an appropriate adjustment can be made under paragraph (b)(1)(v) of this section; and

(iv) The buyer and seller are not related, or the buyer and seller are related but the transaction value is acceptable.

(2) *Related person transactions.* (i) The transaction value between a related buyer and seller is acceptable if an examination of the circumstances of sale indicates that their relationship did not influence the price actually paid or payable, or if the transaction value of the imported merchandise closely approximates—

(A) The transaction value of identical merchandise, or of similar merchandise, in sales to unrelated buyers in the United States; or

(B) The deductive value or computed value of identical merchandise, or of similar merchandise; or

(C) The transaction value as determined in sales for exportation to the United States to unrelated buyers of merchandise that is identical in all respects to the imported merchandise but was not produced in the country in which the imported merchandise was produced, except that no two sales to unrelated buyers may be used for

comparison unless the sellers are unrelated; and

(D) Each value referred to in paragraph (j)(2)(i) (B) and (C) of this section that is used for comparison relates to merchandise that was exported to the United States at or about the same time as the imported merchandise.

(ii) In applying the values used for comparison, differences with respect to the sales involved will be taken into account if based on sufficient information supplied by the buyer or otherwise available to Customs and if the differences relate to—

(A) Commercial levels;

(B) Quantity levels;

(C) The costs, commissions, values, fees, and proceeds described in paragraph (b) of this section; and

(D) The costs incurred by the seller in sales in which the seller and the buyer are not related that are not incurred by the seller in sales in which the seller and the buyer are related.

(k) *Restrictions and conditions on sale.* (1) A restriction placed on the buyer of imported merchandise that does not affect substantially its value will not prevent transaction value from being accepted as the appraised value.

Interpretative note. A seller requires a buyer of automobiles not to sell or exhibit them before a fixed date that represents the beginning of a model year.

(2) The transaction value will not be accepted as the appraised value if the sale of, or the price actually paid or payable for, the merchandise is subject to a condition or consideration for which a value cannot be determined.

Interpretative note 1. The seller establishes the price of the imported merchandise on condition that the buyer also will buy other merchandise in specified quantities.

Interpretative note 2. The price of the imported merchandise is dependent upon the price or prices at which the buyer of the merchandise sells other merchandise to the seller of the merchandise.

Interpretative note 3. The price of the imported merchandise is established on the basis of a form of payment extraneous to the merchandise, such as where the merchandise is to be further processed by the buyer, and has been provided by the seller on condition that he will receive a specified quantity of the finished merchandise.

(l) *Related buyer and seller.*—(1) *Validation of transaction.* The district director shall not disregard a transaction value solely because the buyer and seller are related. There will be related person transactions in which validation of the transaction value, using the procedures contained in § 152.103(j)(2), may not be necessary.

Interpretative note 1. Customs may have previously examined the relationship or may already have sufficient detailed information concerning the buyer and seller to be satisfied that the relationship did not influence the price actually paid or payable. In such case, if Customs has no doubts about the acceptability of the price, the price will be accepted without requesting further information from the importer. If Customs does have doubts about the acceptability of the price and is unable to accept the transaction value without further inquiry, the importer will be given an opportunity to supply such further detailed information as may be necessary to enable Customs to examine the circumstances of the sale. In this context, Customs will examine relevant aspects of the transaction, including the way in which the buyer and seller organize their commercial relations and the way in which the price in question was arrived at in order to determine whether the relationship influenced the price.

Interpretative note 2. If it is shown that the buyer and seller, although related, buy from and sell to each other as if they were not related, this will demonstrate that the price has not been influenced by the relationship, and the transaction value will be accepted. If the price has been settled in a manner consistent with the normal pricing practices of the industry in question, or with the way the seller settles prices for sales to buyers who are not related to him, this will demonstrate that the price has not been influenced by the relationship.

Interpretative note 3. If it is shown that the price is adequate to ensure recovery of all costs plus a profit which is equivalent to the firm's overall profit realized over a representative period of time (e.g., on an annual basis) in sales of merchandise of the same class or kind, this would demonstrate that the price had not been influenced.

Example. A foreign seller sells merchandise to a related U.S. importer. The foreign seller does not sell identical merchandise or similar merchandise to any unrelated parties. The transaction between the foreign seller and the U.S. importer is determined by Customs to be unaffected by the relationship. Similar merchandise is being sold at a higher price, which includes a higher percentage for profit and general expenses.

How should the merchandise be appraised?

Transaction value based on the price actually paid or payable. A transaction value between a related buyer and seller is acceptable if the relationship did not affect the price actually paid or payable.

(2) *Test values.* (i) The importer or the buyer may demonstrate that the transaction value in a related person transaction is acceptable by showing that the value "closely approximates" any one of the test values provided in § 152.103(j)(2)(i). The factors that will be examined to determine if the transaction value closely approximates a test value are:

(A) The nature of the imported merchandise and the industry,

(B) The season in which the merchandise is imported,

(C) Whether the difference in value is commercially significant, and

(D) Whether the difference in value is attributable to internal transport costs in the country of exportation.

(ii) Because these factors may vary, Customs will not be able to apply a uniform standard, such as a fixed percentage, in each case. A small difference in value in a case involving one type of imported merchandise may be unacceptable, although a large difference in a case involving another type may be acceptable, in determining if the transaction value closely approximates any of the test values. Customs will be consistent in determining if one value "closely approximates" another value. The same approach will be taken if Customs considers a transaction value that is higher than any of the enumerated test values as will be taken if the transaction value is lower than any of the test values.

Example. In applying any of the test values, if the transaction value in the sale under consideration is rejected because 95 does not closely approximate 100, then a transaction value for the sale of the same merchandise at 105 occurring at or about the same time likewise would have to be rejected. Similarly, if 103 were considered to closely approximate 100, a transaction value of 97 likewise would closely approximate 100.

(iii) If one of the test values provided in § 152.103(j)(2)(i) has been found to be appropriate, the district director shall not seek to determine if the relationship between the buyer and seller influenced the price. If the district director already has sufficient information to be satisfied, without further detailed inquires, that one of the test values is appropriate, he shall not require the importer to demonstrate that the test value if appropriate.

(m) *Rejection of transaction value.* When Customs has grounds for rejecting the transaction value declared by an importer and that rejection increases the duty liability, the district director shall inform the importer of the grounds for the rejection. The importer will be afforded 20 days to respond in writing to the district director if in disagreement. This procedure will not affect or replace the administrative ruling procedures contained in Part 177 of this chapter, or any other Customs procedures.

§ 152.104 Transaction value of identical merchandise and similar merchandise.

(a) *General.* The transaction value of identical merchandise, or of similar merchandise, is the transaction value (acceptable as the appraised value under § 152.103 but adjusted under

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paragraph (e) of this section) of imported merchandise that is—

(1) With respect to the merchandise being appraised, either identical merchandise, or similar merchandise; and

(2) Exported to the United States at or about the time that the merchandise being appraised is exported to the United States.

(b) *Identical merchandise.* Minor differences in appearance will not preclude otherwise conforming merchandise from being considered "identical". See § 152.102(d).

(c) *Similar merchandise.* The quality of the merchandise, its reputation, and the existence of a trademark will be factors considered to determine whether merchandise is "similar". See § 152.102(i).

(d) *Commercial level and quantity.* Transaction values determined under this section will be based on sales of identical merchandise, or similar merchandise, at the same commercial level and in substantially the same quantity as the sales of the merchandise being appraised. If no such sale is found, sales of identical merchandise, or similar merchandise, at either a different commercial level or in different quantities, or both, will be used, but adjusted to take account of that difference. Any adjustment made under this section will be based on "sufficient information". See section 152.102(j). If in applying this section to any merchandise, two or more transaction values for identical merchandise, or for similar merchandise, are determined, the merchandise will be appraised on the basis of the lower or lowest of those values.

(e) *Adjustments.* Adjustments for identical merchandise, or similar merchandise, because of different commercial levels or quantities, or both, whether leading to an increase or decrease in the value, will be made only on the basis of sufficient information; e.g., valid price lists containing prices referring to different levels or quantities.

Interpretative note. If the imported merchandise being valued consists of a shipment of 10 units and the only identical imported merchandise for which a transaction value exists involved a sale of 500 units, and it is recognized that the seller grants quantity discounts, the required adjustment may be accomplished by resorting to the seller's price list and using that price applicable to a sale of 10 units. This does not require that a sale had to have been made in quantities of 10 as long as the price list has been established as being *bona fide* through sales at other quantities. In the absence of such an objective measure, however, the determination of a customs value under the provisions for transaction value of identical or similar merchandise is not appropriate.

§ 152.105 Deductive value.

(a) *Merchandise concerned.* For the purposes of deductive value, "merchandise concerned" means the merchandise being appraised, identical merchandise, or similar merchandise.

(b) *Merchandise of the same class or kind.* For the purposes of deductive value, "merchandise of the same class or kind" includes merchandise imported from the same country as well as other countries as the merchandise being appraised.

(c) *Prices.* The deductive value of the merchandise being appraised is whichever of the following prices (as adjusted under paragraph (d) of this section) is appropriate depending upon when and in what condition the merchandise concerned is sold in the United States:

(1) If the merchandise concerned is sold in the condition as imported at or about the date of importation of the merchandise being appraised, the price is the unit price at which the merchandise concerned is sold in the greatest aggregate quantity at or about such date.

(2) If the merchandise concerned is sold in the condition as imported but not sold at or about the date of importation of the merchandise being appraised, the price is the unit price at which the merchandise concerned is sold in the greatest aggregate quantity after the date of importation of the merchandise being appriased but before the close of the 90th day after the date of such importation.

(3) If the merchandise concerned was not sold in the condition as imported and not sold before the close of the 90th day after the date of importation of the merchandise being appraised, the price is the unit price at which the merchandise being appriased, after further processing, is sold in the greatest aggregate quantity before the 180th day after the date of such importation. This provision will apply to appraisement of merchandise only if the importer so elects at the time of filing the entry summary.

(d) *Deductions from price.* The price determined under paragraph (c) of this section will be reduced by an amount equal to—

(1) Any commission usually paid or agreed to be paid, or the addition usually made for profit and general expenses, in connection with sales in the United States of imported merchandise that is of the same class or kind, regardless of the country of exporation, as the merchandise concerned;

(2) The actual costs and associated costs of transportation and insurance incurred with respect to international shipments of the merchandise concerned from the country of exportation to the United States;

(3) The usual costs and associated costs of transportation and insurance incurred with respect to shipments of the merchandise concerned from the place of importation to the place of delivery in the United States, if those costs are not included as a general expense under paragraph (d)(1) of this section;

(4) The customs duties and other Federal taxes currently payable on the merchandise concerned by reason of its importation, and any Federal excise tax on, or measured by the value of, the merchandise for which vendors in the United States ordinarily are liable; and

(5) But only in the case of price determined under paragraph (c)(3) of this section, the value added by the processing of the merchandise after importation to the extent that the value is based on sufficient information relating to the cost of that processing.

(e) *Profit and general expenses; special rules.* (1) The deduction made for profit and general expenses (taken as a whole) will be based upon the importer's profit and general expenses, unless the profit and general expenses are inconsistent with those reflected in sales in the United States of imported merchandise of the same class or kind from all countries, in which case the deduction will be based on the usual profit and general expenses reflected in those sales, as determined from sufficient information. Any State or local tax imposed on the importer with respect to the sale of imported merchandise will be treated as a general expense.

(2) In determining deductions for commissions and usual profit and general expenses, sales in the United States of the narrowest group or range of imported merchandise of the same class or kind, including the merchandise being appraised, for which sufficient information can be provided, will be examined.

(f) *Packing costs.* The price determined under subsection (c) will be increased, but only to the extent that the costs are not otherwise included, by an amount equal to the packing costs incurred by the importer or the buyer with respect to the merchandise concerned.

(g) *Assists.* For purposes of determining deductive value, any sale to a person who supplies any assist for use

in connection with the production or sale for export of the merchandise concerned will be disregarded.

(h) *Unit price in greatest aggregate quantity.* The unit price will be established after a sufficient number of units have been sold to an unrelated person. The unit price to be used when the units have been sold in different quantities will be that at which the total volume sold is greater than the total volume sold at any other unit price.

Interpretative note 1. Merchandise is sold to an unrelated person from a price list which grants favorable unit prices for purchases made in larger quantities:

Sale quantity	Unit price	Number of sales	Total quantity sold at each price
1–10 units	$100	10 sales of 5 units	65
		6 sales of 3 units	
11–25 units	$95	5 sales of 11 units	55
over 25 units	$90	1 sale of 30 units	80
		1 sale of 50 units	

The greatest number of units sold at a price is 80; therefore, the unit price in the greatest aggregate quantity is $90.

Interpretative note 2. Two sales to unrelated persons occur: in the first sale, 500 units are sold at a price of $95 each; in the second sale, 400 units are sold at a price of $90 each. In this example, the greatest number of units sold at a particular price is 500; therefore, the unit price in the greatest aggregate quantity is $95.

Interpretative note 3. Various quantities are sold to unrelated persons at various prices:

(a) *Sales*

Sale quantity	Unit price
40 units	$100
30 units	$90
15 units	$100
50 units	$95
25 units	$105
35 units	$90
5 units	$100

(b) *Totals*

Total quantity sold	Unit price
65	$90
50	$95
60	$100
25	$105

In this example, the greatest number of units sold at a particular price is 65; therefore, the unit price in the greatest aggregate quantity is $90.

(i) *Further processing.*—(1) *Quantified data.* If merchandise has undergone further processing after its importation into the United States and the importer elects the method specified in paragraph (c)(3) of this section, deductions made for the value added by that processing will be based on objective and quantifiable data relating to the cost of the work performed. Accepted industry formulas, recipes, methods of construction, and other industry practices would form the basis for the deduction. That deduction also will reflect amounts for spoilage, waste, or scrap derived from the further processing.

(2) *Loss of identity.* If the imported merchandise loses its identity as a result of further processing, the method specified in paragraph (c)(3) of this section will not be applicable unless the value added by the processing can be determined accurately without unreasonable difficulty for either importers or Customs. If the imported merchandise maintains its identity but forms a minor element of the merchandise sold in the United States, the use of paragraph (c)(3) of this section will be unjustified. The district director shall review each case involving these issues on its merits.

Example. A foreign shipper sells merchandise to a related U.S. importer. The foreign shipper does not sell to any unrelated person. The transaction between the foreign shipper and the U.S. importer is determined to have been affected by the relationship. There is no identical or similar merchandise from the same country of production. The U.S. importer further processes the product and sells the finished product to an unrelated buyer in the U.S. within 180 days of the date of importation. No assists from the unrelated U.S. buyer are involved, and the type of processing involved can be accurately costed.

How should the merchandise be appraised?

The merchandise should be appraised under deductive value with allowances for profit and general expenses, freight and insurance, duties and taxes, and the cost of processing.

§ 152.106 Computed value.

(a) *Elements.* The computed value of imported merchandise is the sum of—

(1) The cost or value of the materials and the fabrication and other processing of any kind employed in the production of the imported merchandise;

(2) An amount for profit and general expenses equal to that usually reflected in sales of merchandise of the same class or kind as the imported merchandise that are made by the producers in the country of exportation for export to the United States;

(3) Any assist, if its value is not included under paragraph (a) (1) or (2) of this section; and

(4) The packing costs.

(b) *Special rules.* (1) The cost or value of materials under paragraph (a)(1) of this section will not include the amount of any internal tax imposed by the country of exportation that is directly applicable to the materials or their disposition if the tax is remitted or refunded upon the exportation of the merchandise in the production of which the materials were used.

(2) The amount for profit and general expenses under paragraph (a)(2) of this section will be based upon the producer's profit and general expenses, unless the producer's profit and general expenses are inconsistent with those usually reflected in sales of merchandise of the same class or kind as the imported merchandise that are made by producers in the country of exportation for export to the United States. In that case, the amount under paragraph (a)(2) of this section will be based on the usual profit and general expenses of such producers in those sales, as determined from "sufficient information". See § 152.102(j).

(c) *Profit and general expenses.* The amount for profit and general expenses will be taken as a whole. If the producer's profit figure is low and general expenses high, those figures taken together nevertheless may be consistent with those usually reflected in sales of imported merchandise of the same class or kind.

Interpretative note 1. A product is introduced into the United States, and the producer accepts either no profit or a low profit to offset the high general expenses required to introduce the product into this market. If the producer can demonstrate that there is a low profit on sales of the imported merchandise because of peculiar commercial circumstances, the actual profit figures will be accepted provided the producer has valid commercial reasons to justify them and his pricing policy reflects the usual pricing policies in the industry.

Interpretative note 2. Producers have been forced to lower prices temporarily because of an unforeseeable drop in demand, or they sell merchandise to complement a range of merchandise being produced in the United States and accept a low profit to maintain competitiveness. If the producer's own figures for profit and general expenses are not consistent with those usually reflected in sales of merchandise of the same class or kind as the merchandise being valued which are made in the country of exportation for export to the United States, the amount for profit and general expenses will be based upon reliable and quantifiable information other than that supplied by or on behalf of the producer of the merchandise.

(d) *Assists and packing costs.* Computed value also will include an amount equal to the apportioned value of any assists used in the production of the imported merchandise and the packing costs for the imported merchandise. The value of any engineering, development, artwork, design work, and plans and sketches undertaken in the United States will be included in computed value only to the

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extent that their value has been charged to the producer. Depending on the producer's method of accounting, the value of assists may be included (duplicated) in the producer's cost of materials, fabrication, and other processing, or in the general expenses. If duplication occurs, a separate amount for the value of the assists will not be added to the other elements as it is not intended that any component of computed value be included twice.

(e) *Merchandise of same class or kind.* Sales for export to the United States of the narrowest group or range of imported merchandise, including the merchandise being appraised, will be examined to determine usual profit and general expenses. For the purpose of computed value, merchandise of the same class or kind must be from the same country as the merchandise being appraised.

Example. A foreign shipper sells merchandise to a related U.S. importer. The foreign shipper does not sell to any unrelated persons. The transaction between the foreign shipper and the U.S. importer is determined to have been affected by the relationship. There is no identical or similar merchandise from the same country of production. The U.S. importer further processes the product and sells the finished product to an unrelated buyer in the U.S. within 180 days of the date of importation. No assists from the unrelated U.S. buyer are involved, and the type of processing involved can be accurately costed. The U.S. importer has requested that the shipment be appraised under computed value. The profit and general expenses figure for the same class or kind of merchandise in the country of exportation for export to the U.S. is known.

How should the merchandise be appraised?

The merchandise should be appraised under computed value, using the company's profit and general expenses if not inconsistent with those usually reflected in sales of merchandise of the same class or kind.

(f) *Availability of information.* (1) It will be presumed that the computed value of the imported merchandise cannot be determined if—

(i) The importer is unable to provide required computed value information within a reasonable time, and/or

(ii) The foreign producer refuses to provide, or is legally prevented from providing, that information.

(2) If information other than that supplied by or on behalf of the producer is used to determine computed value, the district director shall inform the importer, upon written request, of

(i) The source of the information,

(ii) The data used, and

(iii) The calculation based upon the specified data if not contrary to domestic law regarding disclosure of information. See also § 152.101(d).

§ 152.107 Value if other values cannot be determined or used.

(a) *Reasonable adjustments.* If the value of imported merchandise cannot be determined or otherwise used for the purposes of this subpart, the imported merchandise will be appraised on the basis of a value derived from the methods set forth in §§ 152.103 through 152.106, reasonably adjusted to the extent necessary to arrive at a value. Only information available in the United States will be used.

(b) *Identical merchandise or similar merchandise.* The requirement that identical merchandise, or similar merchandise, should be exported at or about the same time of exportation as the merchandise being appraised may be interpreted flexibly. Identical merchandise, or similar merchandise, produced in any country other than the country of exportation or production of the merchandise being appraised may be the basis for customs valuation. Customs values of identical merchandise, or similar merchandise, already determined on the basis of deductive value or computed value may be used.

(c) *Deductive value.* The "90 days" requirement for the sale of merchandise referred to in § 152.105(c) may be administered flexibly.

§ 152.108 Unacceptable bases of appraisement.

For the purposes of this subpart, imported merchandise may not be appraised on the basis of—

(1) The selling price in the United States of merchandise produced in the United States;

(2) A system that provides for the appraisement of imported merchandise at the higher of two alternative values;

(3) The price of merchandise in the domestic market of the country of exportation;

(4) A cost of production, other than a value determined under § 152.106 for merchandise that is identical merchandise, or similar merchandise, to the merchandise being appraised;

(5) The price of merchandise for export to a country other than the United States;

(6) Minimum values for appraisement; or

(7) Arbitrary or fictitious values.

R. E. Chasen,

Commissioner of Customs.

Approved: March 20, 1980.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 80-9047 Filed 3-28-80; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF STATE

22 CFR Parts 121, 122, 123, 124, 125, 126, 127, 128, and 161

[Docket No. SD-152]

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Department of State.

ACTION: Publication of semiannual agenda of regulations (Improving Government Regulations).

SUMMARY: As required by section 2(a) of Executive Order No. 12044, Improving Government Regulations, the second semiannual agenda of regulations is set forth below. The first semiannual agenda was published in May (44 FR 28000).

FOR FURTHER INFORMATION CONTACT: K. E. Malmborg, Assistant Legal Adviser for Management, Department of State, Room 4427A, 2201 C Street, NW., Washington, D.C. 20520, telephone (202) 632-2350.

Semiannual Agenda of Regulations

One significant regulation expected to be developed by the Department of State, prior to publication of the next semiannual agenda, will be the regulations on International Traffic in Arms, Subchapter M, Parts 121 through 128 and Part 130 of Title 22, Code of Federal Regulations.

A number of significant changes and additions to these regulations have been made in recent years. The authority is found in 22 U.S.C. 2778 and 2779. Development of the regulations is now substantially complete; when finally completed a notice of proposed rulemaking will be published in the **Federal Register** for public comment.

Another significant regulation in advanced stages of issuance will implement the National Environmental Policy Act, 42 U.S.C. 4321 et seq., and Executive Order 11991. These regulations were published for public comment on November 21, 1979 (44 FR 66838); revisions of the proposed regulations are substantially complete and the final regulations will be published in the near future. The Department has also published notice of its procedures, prepared pursuant to Executive Order 12114, relating to assessment of environmental impacts abroad of Department actions (44 FR 67004).

The point of contact for the first regulation in the Department is Mr. William B. Robinson, Director, Office of Munitions Control, Department of State (mailing address) 2201 C Street, NW., Washington, D.C. 20520, telephone (202) 235-9755. For the second regulation, contact Mr. William H. Mansfield, Office of Environment and Health, Department of State, 2201 C Street, NW., Washington, D.C. 20520, telephone (202) 632-9266.

The Department plans to publish its next semiannual agenda in November 1980.

For the Secretary of State.

Dated: March 20, 1980.

Ben Read,

Under Secretary of State for Management.

[FR Doc. 80-9030 Filed 3-28-80; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Housing Commissioner—Office of Assistant Secretary for Housing

24 CFR Parts 203, 213, 221, 227, 234, 235

[Docket No. R-80-790]

Transmittal of Interim Rule to Congress

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of interim rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the **Federal Register.** This Notice lists and summarizes for public information an interim rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing, and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document: 24 CFR Parts 203, 213, 221, 227, 234 and 235—Mutual Mortgage Insurance and Insured Home Improvement Loans Relating to Amortization Periods.

This interim rule would amend certain sections of 24 CFR to remove the requirement of amortization of mortgages at five-year intervals. This amendment would allow financing of insured mortgages with bonds and other types of financing having irregular maturities.

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Section 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., March 24, 1980

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 80-9037 Filed 3-28-80; 8:45 am]

BILLING CODE 4210-01-M

Office of the Secretary

24 CFR Part 3280

[Docket No. R-80-789]

Notice of Transmittal of Proposed Interpretative Bulletin to Congress

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of proposed interpretative bulletin to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the **Federal Register.** This Notice lists and summarizes for public information a proposed interepretative bulletin which the Secretary is submitting to Congress for such review. This interpretative bulletin is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document: Interpretative Bulletin—24 CFR Section 3280.808(n)—"Substantial Brace".

This interpretative bulletin would permit mobile homes manufacturers to use certain braces to support electrical outlet boxes, even though such braces do not conform to the design requirements contained in the National Electrical Code. The braces and their fastening mechanisms must be capable of withstanding a 50-pound force level, as specified by Underwriters Laboratories.

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Section 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., March 24, 1980.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 80-9036 Filed 3-28-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-183-78]

Regulated Investment Companies and Real Estate Investment Trusts

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking

SUMMARY: This document contains proposed regulations relating to deficiency dividends paid by certain regulated investment companies (RICs) and real estate investment trusts (REITs). Changes to the applicable tax law were made by the Tax Reform Act of 1976 and by the Revenue Act of 1978. A RIC and REIT whose income is adjusted by a determination will be affected by the proposed regulations.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 27, 1980

ADDRESS: Send comments and requests for a public hearing to Commissioner of Internal Revenue, Attention: CC:LR:T (LR-183-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles M. Whedbee of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, D.C. 20224, Attention CC:LR:T (202-566-3458, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 860 of the Internal Revenue Code, which relates to deficiency dividends of RICs and REITs. Section 1601 of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1742) added a new section 859 to the Code. this section established a procedure by which a REIT could be relieved from the payment of a deficiency in (or be allowed a credit or refund with respect to) certain income taxes that are

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determined by taking into account the deduction for dividends paid. This procedure allows an additional deduction for dividends paid by a REIT after a determination with respect to its income tax liability. Subject to certain limitations, the deficiency dividend is included in the deduction for dividends paid for the taxable year to which the determination applies. A REIT that pays a deficiency dividend is subject to interest and penalties determined with respect to the amount of the deduction allowed. Section 859 applied to determinations with respect to REITs after October 4, 1976.

Section 362 of the Revenue Act of 1978 (Pub. L. 95–600, 92 Stat. 2848) extended the privilege of paying deficiency dividends to RICs, effective with respect to determinations after November 6, 1978. The 1978 Act also consolidated the deficiency dividend provisions for both RICs and REITs into new section 860 of the Code.

The proposed regulations provide rules for applying the deficiency dividend procedure for both RICs and REITs.

Prior Proposed Regulations

On July 7, 1978, the **Federal Register** (43 FR 29316) published proposed regulations relating to the taxation of REITs and their shareholders to reflect the extensive changes made to the REIT provisions of the Code by the 1976 Act, and to add or modify other regulations applicable to REITs. These proposed regulations include rules for the deficiency dividend procedure for REITs under section 859 of the Code, as enacted by the 1976 Act. In general, the proposed regulations in this document are the same in substance as the proposed rules relating to deficiency dividends published on July 7, 1978, except that RICs are included and there are stylistic improvements.

The only substantive additions to the regulations as proposed on July 7, 1978, relate primarily to RICs. The first addition relates primarily to a RIC that has interest income excludable from gross income. In general, under section 852(a)(1)(B) a RIC which has interest income exempt under section 103(a)(1) of the Code must distribute dividends which equal or exceed 90 percent of the excess of the exempt interest over certain nondeductible expenses related to that interest. However, in order for a RIC to pay a deficiency dividend, section 860 (d)(1) requires that there must be either (1) an increase in its investment company taxable income (determined without the dividends paid deduction), (2) and increase in its undistributed net capital gain, or (3) a decrease in its deduction for dividends paid. Since an increase in tax exempt interest does not come within any of these categories, the proposed regulations provide that such an increase does not afford the RIC the opportunity to pay a deficiency dividend. This result obtains notwithstanding that the increase may result in the RIC's disqualification.

The second addition relates to certain reporting requirements in § 1.852–4(c)(2) that apply when a RIC pays a capital gain dividend to a shareholder of record who is a nominee acting as a custodian of a unit investment trust (as defined in section 851(f)(1)). the timing of these reporting requirements is keyed to the 45th day following the close of the RIC's taxable year, which is generally the last date under section 852(b)(3)(C) that a RIC may designate a dividend as a capital gain dividend. Under the amendments made by the 1978 Act, However, if a determination results in an increase in the RIC's undistributed net capital gain, the designation with respect to such increase may be made during the 120-day period following the date of the determination. Accordingly, in the case of a capital gain dividend designation made during the 120-day period following a determination pursuant to the change made by the 1978 Act, the reporting requirements are extended. The extension in effect treats the 120-day period as the 45-day period following the close of the RIC's taxable year. Thus, for example under the proposed extension, certain notices generally due by the 55th day after the close of the RIC's taxable year would be due by the 130th day following the determination.

Also, this document does not include rules regarding the effect of deficiency dividends on the amount of the WIN credit and jobs credit allowed by sections 40 and 44B of the Code. The effect of deficiency dividends on the amount of those credits will be addressed in regulations issued to implement those sections.

Authority

The regulations are to be issued under the authority contained in the following Code sections: section 859 (c)(3) and (e) (as in effect before enactment of the Revenue Act of 1978) (90 Stat. 1743, 1744; 26 U.S.C. 859 (c)(3) and (e)); section 860 (e)(3) and (g) (92 Stat. 2849, 2850; 26 U.S.C. 860 (e)(3) and (g)); 7805 (68A Stat. 917, 26 U.S.C. 7805).

Drafting Information

The principal author of these proposed regulations is Charles M. Whedbee of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Proposed amendments to the regulations

The proposed amendments to 26 CFR Part 1 are as follows:

Paragraph 1. Section 1.46–4(b)(2) is amended by adding three new sentences after the second sentence, to read as set forth below.

§ 1.46–4 Limitations with respect to certain persons.

* * * * * *

(b) *Regulated investment companies and real estate investment trusts.* * * *

(2) * * * In the case of a taxable year ending after October 4, 1976, real estate investment trust taxable income, for purposes of section 46(e) and this paragraph, is determined by excluding any net capital gain, and by computing the deduction for dividends paid without regard to capital gains dividends (as defined in section 857(b)(3)(C)). The amount of the deduction for dividends paid includes the amount of deficiency dividends (other than capital gains deficiency dividends) taken into account in computing investment company taxable income or real estate investment trust taxable income for the taxable year. See section 860(f) for the definition of deficiency dividends. * * *

* * * * * *

Par. 2. Section 1.316(d) is amended by adding a new example (7) at the end thereof, to read as follows:

§ 1.316–1 Dividends.

* * * * * *

(d) * * *

Example (7). In 1979, a deficiency of $48,000 in the tax on real estate investment trust taxable income is established against corporation R for the taxable year 1977, based on an increase in real estate investment trust taxable income of $100,000. Corporation R complied with the provisions of section 860 and in December, 1979, distributed to its stockholders $100,000 which qualified as "deficiency dividends" under section 860. The distribution of $100,000 is a taxable dividend. It is immaterial whether corporation R is a real estate investment trust for the taxable year 1979 or whether it had accumulated or current earnings and profits in 1979. See section 316(b)(3).

Par. 3. A new § 1.381(c)(25) is added after § 1.381(c)–(24), to read as follows:

§ 1.381(c)(25)–1 Deficiency dividend of a qualified investment entity.

(a) *Carryover requirement.* If a distributor or transferor corporation in a transaction to which section 381(a) applies—

(1) Is a qualified investment entity (within the meaning of section 860(b)) for any taxable year ending on or before the date of distribution or transfer, and

(2) A determination (as defined in section 860(e)) establishes that it is liable for additional tax imposed by sections 11(a), 56(a), 852(b), 857(b)(1) or (3)(A), or 1201(a) for such year,

then determining its liability for such tax it is allowed the deduction described in section 860 for the deficiency dividends the acquiring corporation pays for the distributor or transferor corporation. Except as otherwise provided in this section, the provisions of section 860 and the regulations thereunder apply with respect to a deficiency dividend deduction allowable pursuant to section 381(c)(25).

(b) *Deficiency dividends paid by the acquiring corporation for distributor or transferor corporation.* A deficiency dividend paid by the acquiring corporation for the distributor or transferor corporation must be one—

(1) That would satisfy the definition of a deficiency dividend under section 860(f) if paid by the distributor or transferor corporation to its own shareholders;

(2) That is paid by the acquiring corporation to its own shareholders; and

(3) That is paid after the date of distribution or transfer to which section 381(a) applies and on, or within 90 days after, the date of the determination but before the acquiring corporation files a claim under paragraph (c) of this section.

(c) *Claim for deduction.* A claim for a deduction under this section shall be made by the acquiring corporation of Form 976, and shall be filed within 120 days after the date of the determination. The form shall contain, or be accompanied by, the information required under § 1.860–2(b)(2) in sufficient detail to identify properly the facts with respect to the distributor or transferor corporation and the acquiring corporation. The required certified copy of the resolution authorizing the payment of the dividend shall be that of the trustees, board of directors, or other authority of the acquiring corporation. Necessary changes may be made in Form 976 in order to carry out the provisions of this paragraph. The claim shall be filed with the district director, or director of the internal revenue service center, with whom the return of the distributor or transferor corporation to which the claim relates was filed.

(d) *Effect on dividends paid deduction.* A deficiency dividend paid by the acquiring corporation that is allowable as a deduction to a distributor or transferor corporation pursuant to section 381(c)(25) shall not become a part of the dividends paid deduction of the acquiring corporation under section 561 for any taxable year.

(e) *Successive transactions to which section 381(a) applies.* The provisions of this section apply in the case of successive transactions to which section 381(a) applies. In such case the principles of § 1.381(c)(17)–1(e) shall apply.

§ 1.852 [Deleted]

Par. 4. Section 1.852 is deleted.

Par. 5. Section 1.852–4 is amended as follows:

1. Paragraph (c)(1) is amended by striking out "not later than 45 days (30 days for a taxable year ending before February 26, 1964) after the close of its taxable year" in the first sentence and inserting in lieu thereof, "within the period specified in paragraph (c)(4) of this section".

2. Paragraph (c)(2) is amended by adding a new sentence at end thereof, to read as set forth below.

3. A new paragraph (c)(4) is added after paragraph (c)(3), to read as set forth below.

§ 1.852–4 Method of taxation of shareholders of regulated investment companies.

* * * * * *

(c) *Definition of capital gain dividend.* * * *

(2) *Shareholder of record custodian of certain unit investment trusts.* * * * If a notice under paragraph (c)(1) of this section is mailed within the 120-day period following the date of a determination pursuant to paragraph (c)(4)(ii) of this section, the 120-day period and the 130-day period following the date of the determination shall be substituted for the 45-day period and the 55-day period following the close of the regulated investment company's taxable year prescribed by this subparagraph (2).

* * * * * *

(4) *Mailing of written notice to shareholders.* (i) Except as provided in paragraph (c)(4)(ii) of this section, the written notice designating a dividend or part thereof as a capital gain dividend must be mailed to the shareholders not later than 45 days (30 Days for a taxable year ending before February 26, 1964) after the close of the taxable year of the regulated investment company.

(ii) If a determination (as defined in section 860 (e)) after November 6, 1978, increases the excess for the taxable year of the net capital gain over the deduction for capital gains dividends paid, then a regulated investment company may designate all or part of any dividend as a capital gain dividend in a written notice mailed to its shareholders at any time during the 120-day period immediately following the date of the determination. The aggregate amount designated during this period may not exceed this increase. A dividend may be designated if it is actually paid during the taxable year, is one paid after the close of the taxable year to which section 855 applies, or is a deficiency dividend (as defined in section 860(f)), including a deficiency dividend paid by an acquiring corporation to which section 381(c)(25) applies. The date of a determination is established under § 1.860–2(b)(1).

* * * * * *

§ 1.857 [Deleted]

Par. 6. Section 1.857 is deleted.

Par. 7. Section 1.857–4 is amended by striking out "not later than 30 days after the close of its taxable year" in the first sentence of paragraph (e)(1) and inserting in lieu thereof "within the period specified in paragraph (f) of this section", and by adding a new paragraph (f) at the end thereof, to read as follows:

§ 1.857–4 Method of taxation of shareholders of real estate investment trusts.

* * * * * *

(f) *Mailing of written notice to shareholders.* (1) Except as provided in paragraph (f)(2) of this section, the written notice designating a dividend or part thereof as a capital gain dividend must be mailed to the shareholders not later than 30 days after the close of the taxable year of the real estate investment trust.

(2) If a determination (as defined in section 860(e)) after October 4, 1976, increases the excess for the taxable year of the net capital gain over the deduction for capital gains dividends paid, then a real estate investment trust may designate all or part of any dividend as a capital gain dividend in a written notice mailed to its shareholders at any time during the 120-day period immediately following the date of the determination. The aggregate amount designated during this period may not exceed this increase. A dividend may be designated if it is actually paid during the taxable year, is one paid after the close of the taxable year to which section 858 applies, or is a deficiency dividend (as defined in section 860(f)), including a deficiency dividend paid by an acquiring corporation to which section 381(c)(25) applies. The date of a

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determination is established under § 1.860–2(b)(1).

Par. 8. New §§ 1.860–1, 1.860–2, 1.860–3, 1.860–4, and 1.860–5 are added after § 1.858–1, to read as follows:

§ 1.860–1 Deficiency dividends.

Section 860 allows a qualified investment entity to be relieved from the payment of a deficiency in (or to be allowed a credit or refund of) certain taxes. "Qualified investment entity" is defined in section 860(b). The taxes referred to are those imposed by sections 852(b) (1) and (3), 857(b) (1) or (3), the minimum tax on tax preferences imposed by section 56 and, if the entity fails the distribution requirements of section 852(a)(1)(A) or 857(a)(1) (as applicable), the corporate income tax imposed by section 11(a) or 1201(a). The method provided by section 860 is to allow an additional deduction for a dividend distribution (that meets the requirements of section 860 and § 1.860–2) in computing the deduction for dividends paid for the taxable year for which the deficiency is determined. A deficiency dividend may be an ordinary dividend or, subject to the limitations of sections 852(b)(3)(C), 857(b)(3)(C), and 860(f)(2)(B), may be a capital gain dividend.

§ 1.860–2 Requirements for deficiency dividends.

(a) *In general*—(1) *Determination, etc.* A qualified investment entity is allowed a deduction for a deficiency dividend only if there is a determination (as defined in section 860(e) and paragraph (b)(1) of this section) that results in an adjustment (as defined in section 860(d)(1) or (2)) for the taxable year for which the deficiency dividend is paid. An adjustment does not include an increase in the excess of (i) the taxpayer's interest income excludable from gross income under section 103(a)(1) over (ii) its deductions disallowed under sections 265 and 171(a)(2).

(2) *Payment date and claim.* The deficiency dividend must be paid on, or within 90 days after, the date of the determination and before the filing of a claim under section 860(g) and paragraph (b)(2) of this section. This claim must be filed within 120 days after the date of the determination.

(3) *Nature and amount of distribution.* The deficiency dividend must be a distribution of property (including money) that would have been properly taken into account in computing the dividends paid deduction under section 561 for the taxable year for which tax liability resulting from the determination exists if the property had been distributed during that year. Thus, if the distribution would have been a dividend under section 316(a) if it had been made during the taxable year for which the determination applies, the distribution may qualify under sections 316(b)(3), 562(a), and 860(f)(1), even though the distributing corporation, trust, or association has no current or accumulated earnings and profits for the taxable year in which the distribution is actually made. The amount of the distribution is determined under section 301 as of the date of the distribution. The amount of the deduction is subject to the applicable limitations under sections 562 and 860(f)(2). Thus, if the entity distributes to an individual shareholder property (other than money) which on the date of the distribution has a fair market value in excess of its adjusted basis in the hands of the entity, the amount of the deficiency dividend in the individual's hands for purposes of section 316(b) (3), is determined by using the property's fair market value on that date. Nevertheless, the amount of the deficiency dividend the entity may deduct is limited, under § 1.562–1 (a), to the adjusted basis of the property and the amount taxable to the individual as a dividend is determined by reference to the current and accumulated earnings and profits for the year to which the determination applies.

(4) *Status of distributor.* The corporation, trust, or association that pays the deficiency dividend does not have to be a qualified investment entity at the time of payment.

(5) *Certain definitions to apply.* For purposes of sections 860(d) (defining adjustment and (f)(2) (limitations), the definitions of the terms "investment company taxable income," "real estate investment trust taxable income," and "capital gains dividends" in sections 852(b)(2), 857(b)(2), 852(b)(3)(C), and 857(b)(3)(C) apply, as appropriate to the particular entity.

(b) *Determination and claim for deduction*—(1) *Determination.* For purposes of applying section 860(e), the following rules apply:

(i) The date of determination by a decision of the United States Tax Court, the date upon which a judgment of a court becomes final, and the date of determination by a closing agreement shall be determined under the rules in § 1.547–2(b) (ii), (iii), and (iv).

(ii) A determination under section 860(e)(3) may be made by an agreement signed by the district director or another official to whom authority to sign the agreement is delegated, and by or on behalf of the taxpayer. The agreement shall set forth the amount, if any, of each adjustment described in subparagraphs (A), (B), and (C) of section 860(d) (1) or (2) (as appropriate) for the taxable year and the amount of the liability for any tax imposed by section 11(a), 56(a), 852(b)(1), 852(b)(3)(A), 857(b)(1), 857(b)(3)(A), or 1201(a) for the taxable year. The agreement shall also set forth the amount of the limitation (determined under section 860(f)(2)) on the amount of deficiency dividends that can qualify as capital gain dividends and ordinary dividends, respectively, for the taxable year. An agreement under this subdivision (ii) which is signed by the district director (or other delegate) shall be sent to the taxpayer at its last known address by either registered or certified mail. If registered mail is used, the date of registration is the date of determination. If certified mail is used, the date of the postmark on the sender's receipt is the date of determination. However, if a dividend is paid by the taxpayer before the registration or postmark date, but on or after the date the agreement is signed by the district director (or other delegate), the date of determination is the date of signing.

(2) *Claim for deduction.* A claim for deduction for a deficiency dividend shall be made, with the requisite declaration, on Form 976 and shall contain the following information and have the following attachments:

(i) The name, address, and taxpayer identification number of the corporation, trust, or association;

(ii) The amount of the deficiency and the taxable year or years involved;

(iii) The amount of the unpaid deficiency or, if the deficiency has been paid in whole or in part, the date of payment and the amount thereof;

(iv) A statement as to how the deficiency was established (*i.e.*, by an agreement under section 860(e)(3), by a closing agreement under section 7121, or by a decision of the Tax Court or court judgment);

(v) Any date or other information with respect to the determination that is required by Form 976;

(vi) The amount and date of payment of the dividend with respect to which the claim for the deduction for deficiency dividends is filed;

(vii) The amount claimed as a deduction for deficiency dividends;

(viii) If the amount claimed as a deduction for deficiency dividends includes any amount designated (or to be designated) as capital gain dividends, the amount of capital gain dividends for which a deficiency dividend deduction is claimed;

(ix) Any other information required by the claim form;

(x) A certified copy of the resolution of the trustees, directors, or other authority authorizing the payment of the dividend with respect to which the claim is filed; and

(xi) A copy of any court decision, judgment, agreement, or other document required by Form 976.

(3) *Filing claim.* The claim, together with the accompanying documents, shall be filed with the district director, or director of the internal revenue service center, with whom the income tax return for the taxable year for which the determination applies was filed. In the event that the determination is an agreement with the district director (or other delegate) described in section 860(e)(3) and paragraph (b)(1)(ii) of this section, the claim may be filed with the district director with whom (or pursuant to whose delegation) the agreement was made.

§ 1.860–3 Interest and additions to tax.

(a) *In general.* If a qualified investment entity is allowed a deduction for deficiency dividends with respect to a taxable year, under section 860(c)(1) the tax imposed on the entity by chapter 1 of the Code (computed by taking into account the deduction) for that year is deemed to be increased by the amount of the deduction. This deemed increase in tax, however, applies solely for purposes of determining the liability of the entity for interest under subchapter A of chapter 67 of the Code and for additions to tax and additional amounts under chapter 68 of the Code. For purposes of applying subchapter A of chapter 67 and chapter 68, the last date prescribed for payment of the deemed increase in tax is considered to be the last date prescribed for the payment of tax (determined in the manner provided in section 6601(b)) for the taxable year for which the deduction for deficiency dividends is allowed. The deemed increase in tax is considered to be paid as of the date that the claim for the deficiency dividend deduction described in section 860(g) is filed.

(b) *Overpayments of tax.* If a qualified investment entity is entitled to a credit or refund of an overpayment of the tax imposed by chapter 1 of the Code for the taxable year for which the deficiency dividend deduction is allowed, then, for purposes of computing interest, additions to tax, and additional amounts, the payment (or payments) that result in the overpayment and that precede the filing of the claim described in section 860(g) will be applied against and reduce the increase in tax that is deemed to occur under section 860(c)(1).

(c) *Examples.* This section is illustrated by the following examples.

Example (1). Corporation X is a real estate investment trust that files its income tax return on a calendar year basis. X receives an extension of time until June 15, 1978, to file its 1977 income tax return and files the return on May 15, 1978. X does not elect to pay any tax due in installments. For 1977, X reports real estate investment trust taxable income (computed without the dividends paid deduction) of $100, a dividends paid deduction of $100, and no tax liability. Following an examination of X's 1977 return, the district director and X enter into an agreement which is a determination under section 860(e)(3). The determination is dated November 1, 1979, and increases X's real estate investment trust taxable income (computed without the dividends paid deduction) by $20 to $120. Thus, taking into account the $100 of dividends paid in 1977, X has undistributed real estate investment trust taxable income of $20 as a result of the determination. X pays a dividend of $20 on November 10, 1979, files a claim for a deficiency dividend deduction of this $20 pursuant to section 860(g) on November 15, 1979, and is allowed a deficiency dividend deduction of $20 for 1977. After taking into account this deduction, X has no real estate investment trust taxable income and meets the distribution requirements of section 857 (a) (1). However, for purposes of section 6601 (relating to interest on underpayment of tax), the tax imposed by chapter 1 of the Code on X for 1977 is deemed increased by this $20, and the last date prescribed for payment of the tax is March 15, 1978 (the due date of the 1977 return determined without any extension of time). The tax of $20 is deemed paid on November 15, 1979, the date the claim for the deficiency dividend deduction is filed. Thus, X is liable for interest on $20, at the rate established under section 6621, for the period from March 15, 1978, to November 15, 1979. Also, for purposes of determining whether X is liable for any addition to tax or additional amount imposed by chapter 68 of the Code (including the penalty prescribed by section 6697), the amount of tax imposed on X by chapter 1 of the Code is deemed to be increased by $20 (the amount of the deficiency dividend deduction allowed), the last date prescribed for payment of such tax is March 15, 1978, and the tax of $20 is deemed to be paid on November 15, 1979. X, however, is not subject to interest and penalties for the amount of any tax for which it would have been liable under secton 11 (a), 56 (a), 1201 (a), or 857 (b) had it not been allowed the $20 deduction for deficiency dividends.

Example (2). Assume the facts are the same as in example (1) except that the district director, upon examining X's income tax return, asserts an income tax deficiency of $4, based on an asserted increase of $10 in real estate investment trust taxable income, and no agreement is entered into between the parties. X pays the $4 on June 1, 1979, and files suit for refund in the United States District Court. The District Court, in a decision which becomes final on November 1, 1980, holds that X did fail to report $10 of real estate investment trust taxable income and is not entitled to any refund. (No other item of income or deduction is in issue.) X pays a dividend of $10 on November 10, 1980, files a claim for a deficiency dividend deduction of this $10 on November 15, 1980, and is allowed a deficiency dividend deduction of $10 for 1977. Assume further that $4 is refunded to X on December 31, 1980, as the result of the $10 deficiency dividend deduction being allowed. Also assume that any assessable penalties, additional amounts, and additions to tax (including the penalty imposed by section 6697) for which X is liable are paid within 10 days of notice and demand, so that no interest is imposed on such penalties, etc. X's liability for interest for the period March 15, 1978, to June 1, 1979, is determined with respect to $10 (the amount of the deficiency dividend deduction allowed). X's liability for interest for the period June 1, 1979, to November 15, 1980, is determined with respect to $6, *i.e.*, $10 minus the $4 payment. X is entitled to interest on the $4 overpayment for the period described in section 6611 (b)(2), beginning on November 15, 1980.

§ 1.860–4 Claim for credit or refund.

If the allowance of a deduction for a deficiency dividend results in an overpayment of tax, the taxpayer, in order to secure credit or refund of the overpayment, must file a claim on Form 1120X in addition to the claim for the deficiency dividend deduction required under section 860 (g). The credit or refund will be allowed as if on the date of the determination (as defined in section 860 (e)) two years remained before the expiration of the period of limitations on the filing of claim for refund for the taxable year to which the overpayment relates.

§ 1.860–5 Effective date.

(a) *In general.* Section 860 and §§ 1.860–1 through 1.860–4 apply with respect to determinations after November 6, 1978.

(b) *Prior determination of real estate investments trusts.* Section 859 (as in effect before the enactment of the Revenue Act of 1978) applies to determinations with respect to real estate investment trusts occurring after October 4, 1976, and before November 7, 1978. In the case of such a determination, the rules in §§ 1.860–1 through 1.860–4 apply, a reference in this chapter 1 to section 860 (or to a particular provision of section 860) shall be considered to be a reference to section 859 (or to the corresponding substantive provision of section 859), as in effect before enactment of the Revenue Act of 1978, and "qualified investment entity" in §§ 1.381(c)–25–1(a)

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and 1.860–1 through 1.860–3 means a real estate investment trust.

Jerome Kurtz,
Commissioner of Internal Revenue.

[FR Doc. 80-9715 Filed 3-28-80; 8:45 am]
BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 178

[Notice No. 340; Ref.: Notice No. 331]

Definition of the Phrase "Engaged in the Business"

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Extension of comment period.

SUMMARY: This notice extends the comment period for Notice No. 331, Definition of the Phrase "Engaged in the Business", an additional 30 days. Notice No. 331 was published in the Federal Register on December 19, 1979 (44 FR 75186).

DATE: The comment period for Notice No. 331 is extended until April 17, 1980.

ADDRESS: Send comments, in duplicate, to: Director, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044 (Attn: Chief, Regulations and Procedures Division—Notice No. 331).

FOR FURTHER INFORMATION CONTACT:
Robert White, Research and Regulations Branch (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

On December 19, 1979, the Bureau of Alcohol, Tobacco and Firearms (ATF) published an advance notice of proposed rulemaking (Notice No. 331) to obtain comments on the proposal to amend the regulations in 27 CFR Part 178 to include the definition of the phrase "engaged in the business" when referring to a dealer of firearms or ammunition. The original comment period for this advance notice ended March 18, 1980.

ATF wishes to gather information by inviting comments from the public and industry on how the phrase "engaged in the business" should be defined. ATF also desires public comment on the feasibility and desirability of defining the phrase.

Extension of Comment Period

One national organization has requested an extension of the comment period for Notice No. 331. The organization states that it needs more time to complete an empirical study it is conducting which might prove useful to the Bureau in considering the phrase "engaged in the business."

ATF feels that an extension of the comment period for 30 days is reasonable. Therefore, ATF is extending the comment period for Notice No. 331 until April 17, 1980.

Public Participation

ATF requests comments from all interested persons concerning this proposal. All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF Action. ATF will not recognize any material in the comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure. After consideration of all comments and suggestions, ATF may issue a notice of proposed rulemaking. The proposals discussed in the advance notice may be modified due to the comments and suggestions received.

Drafting Information

The principal author of this document is Robert White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

This notice is issued under the authority of 18 U.S.C. 926, as amended [82 Stat. 1226].

Signed: March 26, 1980.

Miles N. Keathley,
Acting Director.

[FR Doc. 80-9706 Filed 3-28-80; 8:45 am]
BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

Partial Approval of the Permanent Program Submission From the State of Wyoming Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Proposed Rule.

SUMMARY: On August 15, 1979, the State of Wyoming submitted to the Department of the Interior its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The purpose of the submission is to demonstrate the State's intent and the capability to administer and enforce the provisions of SMCRA and permanent regulatory program regulations, 30 CFR Chapter VII. After opportunity for public comment and thorough review of the program submission, the Secretary of the Interior has determined that certain parts of the Wyoming program meet the minimum requirements of SMCRA and the Federal permanent program regulations and others do not. Accordingly, the Secretary of the Interior has approved the Wyoming program in part. The State of Wyoming has the opportunity to correct the deficiencies in those parts not being approved. Until an entire permanent regulatory program has been approved, the interim program will remain in effect in Wyoming.

DATES: The State of Wyoming may submit, on or before May 30, 1980, a revised program to correct the deficiencies in the parts of the program being disapproved.

FOR FURTHER INFORMATION CONTACT:
Mr. Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone (202) 343–4225.

ADDRESSES: Copies of the Wyoming program submission and the administrative record on the Wyoming program submission are available for public inspection and copying during business hours at:

Wyoming Department of Environmental Quality, Land Quality Division, Hathaway Building, Cheyenne, Wyoming 82002
Wyoming Department of Environmental Quality, Land Quality Division, Field Office, 30 East Grinnell Street, Sheridan, Wyoming 82801
Wyoming Department of Environmental Quality, Land Quality Division, Field Office, 933 Main Street, Lander, Wyoming 82520
Office of Surface Mining Reclamation and Enforcement, Region V, Brooks Tower, 1020 15th Street, Denver, Colorado 80202
Office of Surface Mining, Room 135, Interior South Building, 1951 Constitution Avenue, Washington, D.C. 20240, Telephone (202) 343–4728.

SUPPLEMENTARY INFORMATION:

Introduction

This notice is organized to assist understanding of the findings underlying the Secretary's decision. It is divided into six major parts.

A. General Background on the Permanent Program
B. General Background on the State Program Approval Process
C. General Background on the Wyoming Program
D. Secretary's Findings
E. Explanation of the Secretary's Findings
F. The Secretary's Decision

Part A sets forth the statutory and regulatory framework of the environmental protection regulatory scheme under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

Part B sets forth the general statutory and regulatory scheme applicable to all States which wish to obtain primary jurisdiction to implement the permanent program within their borders.

Part C summarizes the steps undertaken by Wyoming and officials of the Department of the Interior, beginning with Wyoming's program submission and leading to the decision being announced today.

Part D contains the findings the Secretary has made with respect to each of the thirty (30) criteria for evaluation of a State Program found in SMCRA and the Secretary's regulations.

Part E contains the reasons for each finding in Part D. For each finding, only the significant differences between Federal laws and rules and the Wyoming program are discussed, relevant public comments are analyzed and the provisions of Wyoming's program, as proposed, are evaluated.

Part F identifies those parts of the Wyoming program which have been approved and those which have been disapproved. Procedures Wyoming may follow to correct the deficiencies are presented and the effect of the decision is discussed.

A. General Background on the Permanent Program

The environmental protection provisions of SMCRA are being enacted in two phases—the initial program and the permanent program—in accordance with Sections 501–03 of SMCRA. 30 U.S.C. 1251–1253. The initial program has been in effect since December 13, 1977, when the Secretary of the Interior promulgated interim program rules, 30 CFR Parts 710–725, 42 FR 62639.

The permanent program will become effective in each State upon the approval of a State program by the Secretary of the Interior or implementation of a Federal program within the State. If a State program is approved, in full, the State will be the primary regulator of activities subject to SMCRA, rather than the Federal government.

The Federal rules for the permanent program, including procedures for States to follow in submitting State programs and minimum standards and procedures the State programs must include to be eligible for approval, are found in 30 CFR Parts 700–707 and 730–865. Part 705 was published October 20, 1977 (FR 56064). Parts 795 and 865 (originally Part 860) were published December 13, 1977 (42 FR 62639). The other permanent program regulations were published at 44 FR 15385–15393 (March 13, 1979). Corrections were published at 44 FR 15485 (March 14, 1979), 44 FR 49673–49687 (August 24, 1979), 44 FR 53507–53509 (September 14, 1979) and 44 FR 66195 (November 19, 1979). Amendments to the rules have been published at 44 FR 60969 (October 22, 1979), as corrected at 44 FR 75143 (December 19, 1979), at 44 FR 75302 (December 19, 1979), 44 FR 77440–77447 (December 31, 1979) and 45 FR 2626–2629 (January 11, 1980). Portions of these rules have been suspended, pending further rulemaking. See 44 FR 67942 (November 27, 1979), 44 FR 77447–77454 (December 31, 1979), 44 FR 77454–77455 December 31, 1979) and 45 FR 6913 (January 30, 1980).

B. General Background on State Program Approval Process

Any State wishing to assume primary jurisdiction for the regulation of coal mining under SMCRA may submit a program for consideration. The Secretary of the Interior has the responsibility to approve or disapprove the submission.

The Federal rules governing State program submissions are found at 30 CFR Parts 730–732. After review of the submission by OSM and other agencies, opportunity for the state to make additions or modifications to the program, and opportunity for public comment, the Secretary may either approve the program unconditionally, approve it conditioned upon minor deficiencies being corrected in accordance with a timetable set by the Secretary, or disapprove the program in whole or in part. If any parts of the program are disapproved, the State may submit a revision of these parts to correct the items which needed change to meet the requirements of SMCRA and the applicable Federal regulations. If any of these revised program parts are also disapproved, SMCRA requires the Secretary of the Interior to establish a Federal program in that State. The State may again request approval to assume primary jurisdiction after the Federal program is implemented. A State may not assume primary jurisdiction until all parts of its program have been approved.

Different criteria apply to various elements of a State program for the purpose of determining whether they can be approved by the Department. There are three categories of potential program elements, each with its own standard of review, as follows:

1. *"State window" proposals*—Pursuant to 30 CFR 731.13, a State proposed alternative to a provision of the Secretary's regulations must be in accordance with SMCRA and consistent with the Secretary's regulations. Under 30 CFR 730.5, in accordance with SMCRA means that the State alternative meets the minimum requirements, and includes all applicable provisions of SMCRA, while consistent with the Secretary's regulations means that the State proposal is no less stringent than, and meets the applicable provisions of, 30 CFR Chapter VII.

2. *Regulations for Inspection and Enforcement*—As required by Section 518 of SMCRA, the civil and criminal penalty provisions of a State program must be no less stringent than the requirements of Section 518 and must be consistent with the Federal regulations in 30 CFR Part 845 (see item 1 above for meaning of "consistent with"). However, as discussed below in Finding 19.3, a recent court decision has held that States cannot be required to establish a point system, like that in Part 845. Under Section 521 of SMCRA, the enforcement sanctions of a State program must also be no less stringent than those in Section 521 and must be consistent with 30 CFR Part 808, Sections 843.11, 843.12, 843.13, 843.19 and Subchapter G (Permit Systems). State regulations which establish the procedural requirements related to civil and criminal penalties and enforcement sanctions must be the same as or similar to the procedures in Sections 518 and 521 of SMCRA and must be consistent with 30 CFR Parts 808, 843, 845 and Subchapter G.

3. *Other State Program Elements*—If a State provision is neither a State window alternative nor a procedure or sanction related to inspection and enforcement, then the standard to be applied in evaluating each element is whether the State provision is consistent with the corresponding provision of the Federal regulations or in accordance with the relevant section of SMCRA, as set forth in 30 CFR 732.15(b) for each of the 16 State program requirements.

The Secretary, in reviewing State programs, is complying with the provisions of Section 503 of SMCRA, 30 U.S.C. 1253, and 30 CFR 732.15. The Secretary has evaluated the Federal rules as corrected, amended, and

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suspended in the Federal Register notices cited above under "General Background on the Permanent Program."

The special requirements under SMCRA and 30 CFR Chapter VII for anthracite mines in Pennsylvania are inapplicable in Wyoming.

With respect to suspend regulations, the following standards are being applied in reviewing State program submissions:

1. A State program need not contain provisions to implement a suspended regulation and no State program will be disapproved for failure to contain a suspended regulation.

2. A State program must be able to implement all provisions in SMCRA which are part of the regulation of coal mining during the permanent program, including those provisions of SMCRA upon which the suspended regulations were based.

3. A State program may not contain any provision which is inconsistent with a provision of SMCRA. A State program may not include provisions implementing a suspended regulation if that regulation was suspended because it was inconsistent with SMCRA. There were two such suspensions, relating to 30 CFR 805.13(d) and 808.12(c). The Wyoming program has no provisions existing or proposed, which would implement these two suspended rules.

4. Subject to public comment and agency analysis in the context of a particular State program, it would appear that any other suspended provisions, if included in a State program, could probably be characterized as more stringent than the Secretary's remaining rules. Accordingly, its inclusion in the State program could not ordinarily be grounds for disapproval under Section 503 of SMCRA, 30 U.S.C. 1253. Alternatively, a State may delete or suspend its corresponding regulation so long as standard 2 is met.

5. Upon promulgation of new regulations to replace those which have been suspended, the Secretary will afford States which do not have approved programs a reasonable opportunity to amend their programs, as appropriate. In general, the provisions of 30 CFR 732.17 will govern this process for States with approved programs.

After the Secretary published the Federal regulations for the permanent program, they were challenged in a lawsuit brought in the United States District Court for the District of Columbia (*In re: Permanent Surface Mining Regulation Litigation*, No. 79-1144 (D.D.C., Feb. 26, 1980)). Because of the large number of regulations being challenged the Court decided to hear the case in two rounds. Approximately half the issues were briefed in the first round and argued at a hearing held on November 16, 1979. The remaining issues were briefed and argued in the second round, which followed behind the first round schedule by approximately two months.

On February 26, 1980, the court ruled on the regulations challenged in the first round. The court upheld most of the challenged regulations, but did remand the following regulations to the Secretary for further consideration and rulemaking:

1. 30 CFR 732.15(b)(7) and 840.13(a)—These sections state that State programs must be consistent with 30 CFR Part 845, which establishes a point system for assessing civil penalties; the court held that the Secretary could not require the States to establish a point system for penalty assessment.

2. 30 CFR 761.5(a)(2)(i)—This definition of "valid existing rights" requires that all permits necessary for mining must have been obtained before August 3, 1977, if an operation is to be eligible to mine in those areas where mining is prohibited under Section 522(e) of SMCRA; the court held that it is only necessary for the operator to establish that a "good faith" effort was made to acquire the necessary permits before August 3, 1977;

3. Provisions of 30 CFR Parts 779, 780, 783, and 784 which require information for the "mine plan area" and the definition of that term set forth in § 701.5—These provisions require information in the permit application and reclamation plan for areas which will not be in the permit area under the current application but which will be in future permit areas; the court held that the informational requirements of 30 Parts CFR 779, 780, 783 and 784 should be limited to the permit area unless otherwise required by the Act;

4. 30 CFR 779.20 and 780.16—These regulations require that each permit application and reclamation plan contain detailed information on fish and wildlife resources, but the court held that there was no statutory authority for requiring this information;

5. 30 CFR 779.21 and 783.21—These sections require permit applications to include soil survey information where the lands do not qualify as prime farmlands; the court concluded that, under the Act, soil surveys can only be required for prime farmland;

6. 30 CFR 807.11(e)—This section was remanded because it does not provide that, in informal hearings on bond release, the regulatory authority may arrange for citizens to accompany an inspector on a mine site inspection;

7. 30 CFR 808.14(b)—This section allows forfeiture of the entire bond amount, even if this amount will exceed the cost of reclamation; but the court ruled that bond forfeitures should be limited to the amount needed to cover reclamation costs;

8. 30 CFR 785.19(d)(2)(iii) and (iv)—These paragraphs require one year of hydrologic data and water quality analyses for alluvial valley floors, but the court held that such data can be provided for a shorter period of time or on the basis of extrapolations from existing information rather than requiring one year of data in all cases;

9. 30 CFR 785.19(e)(2)—This paragraph defines as a "significant" effect on farming any mining on an alluvial valley floor which removes from production, over the life of the mine, sufficient acreage to decrease the farm's income from agricultural activity; the court held that the Act's authorized permit approval when the mining activity will have a "negligible impact" on farm productivity;

10. 30 CFR 785.19(e)(1)—This section prohibits mining on alluvial valley floors if it will cause hydrologic damage to undeveloped range land or small farm land areas; instead, the court ruled that this regulation should incorporate the statutory exemption of Section 510(b)(5)(A) to allow mining in such areas;

11. 30 CFR 816.115, 817.115, 823.11(c), 823.15(b) and (c)—These sections were remanded because they require that, after mining and before bond release, the land must actually be used for grazing or cropland as a measure of the success of revegetation; the court held that there was no statutory basis for such an actual use standard;

12. 30 CFR 816.116(b) and 817.116(b)—These sections were remanded because they require the operator to be responsible for revegetation for five years beginning with achievement of required vegetative cover, rather than beginning with the last year of augmented seeding and fertilizing;

13. 30 CFR 816.133(c)(4), (c)(9) and 817.133(c)(4), (c)(9)—These sections require that, before certain postmining land uses can be approved, the operator must provide written commitments of financing or management to the regulatory authority; the court held that only a reasonable likelihood of postmining land use is required by the Act and that letters of commitment should not be required.

The Wyoming program was submitted to the Department before the court's decision and contains provisions based on these remanded regulations. After the Secretary has had an opportunity to review the court's opinion in depth, he will determine what action to take while pursuing an appeal of the decision, if any is taken, or while reconsidering the remanded rules. To the extent any of the rules listed above are suspended or modified pending appeal or reconsideration, Wyoming will be given opportunity to amend its program to reflect the changes adopted by the Department. To codify decisions on State programs, Federal programs, and other matters affecting individual States, OSM has established Subchapter T of 30 CFR Chapter VII. Subchapter T will consist of Parts 900 through 950. Provisions relating to Wyoming's will be found in 30 CFR Part 950 once Wyoming's resubmission has been approved or disapproved, or if Wyoming does not resubmit its program within sixty days.

C. Background on the Wyoming Program Submission

On August 15, 1980, the Secretary of Interior received a proposed regulatory program for the State of Wyoming. The program was submitted by the Governor of Wyoming. Notice of receipt of the submission initiating the program review was published in the August 22, 1979, Federal Register (44 FR 49313-49314) and in newspapers of general circulation within the State. The announcement noted information for public participation in the initial phase of the review process relating to the Regional Director's determination of whether the submission was complete.

On September 10, 1979, a public review meeting on the Wyoming program was conducted by the Governor of Wyoming, in Cheyenne. A transcript of this meeting was placed in the Administrative Record on September 20, 1979 (Administrative Record No. WY-17).

On September 20, 1979, a public review meeting on the program and its completeness was held by the Regional Director in Cheyenne, Wyoming. September 20, 1979, was also the close of the public comment period on completeness which had begun August 22, 1979 (Administrative Record No. WY-24).

On October 24, 1979, the Regional Director published notice in the Federal Register announcing that he had determined the program to be complete (44 FR 61266).

On October 26, 1979, the Wyoming Department of Environmental Quality submitted an amendment to its program submission, containing a Federal Register notice and a letter relating to the Regional Director's finding of completeness (Administrative Record No. WY-36).

On December 11, 1979, the Regional Director published notice in the Federal Register (44 FR 71798-17199) and in newspapers of general circulation within the State setting forth procedures for the public hearing and comment period on the substance of the Wyoming program. The public comment period was scheduled to close January 7, 1980.

On January 7, 1980, a public hearing on the Wyoming submission was held in Cheyenne, Wyoming, by the Regional Director.

On January 8, 1980, representatives of the Department reviewed drafts of amendments to the Wyoming program. Final copies of these proposed amendments were informally submitted January 17, 1980 (Administrative Record No. WY-118). They are not part of the official submission. The proposed amendments submitted January 17 related to Wyoming's civil penalty point system, the side-by-side analysis for sections 701(29) and 521(a)(2) and (3) of SMCRA, and the Wyoming Attorney General's opinion.

On January 9, 1980, representatives of the Wyoming Department of Environmental Quality, Land Quality Division (hereinafter, Land Quality Division), met with representatives of OSM and informally submitted draft amendments to its regulations and statutes. These draft amendments have not been adopted and are not part of the formal program submission. They were drafted after four days of meetings, held January 2-5 in Cheyenne, Wyoming, between officials of OSM and the State of Wyoming and after a meeting on January 7, 1980, between the Secretary of the Interior and the Governor of Wyoming. Minutes and notes of these meetings were placed in the public record for review and comment.

On January 15, 1980, the Director published notice in the Federal Register extending until January 21, 1980, the public comment period on the Wyoming program to enable the public to review and comment on matters discussed at the meetings held January 2-5 and Janaury 7 and the draft amendments informally submitted January 9, and January 17, 1980.

On January 28, 1980, the Regional Director submitted to the Director of OSM, his analysis of the Wyoming program, noting numerous differences between the program and the Federal regulations, together with copies of the transcript of the public meeting and the public hearing, written presentations, exhibits, copies of all public comments received, and other documents comprising the administrative record. The Regional Director recommended to the Director that the Wyoming program be approved in part.

On February 14, 1980, OSM published in the Federal Register a notice of the availability of the views on the Wyoming program submitted by the Administrator of the Environmental Protection Agency, the Secretary of Agriculture through the Soil Conservation Service, the U.S. Forest Service, and the Science and Education Administration, the Fish and Wildlife Service, the Advisory Council on Historic Preservation, the U.S. Bureau of Mines, the Mine Safety and Health Administration, the Missouri River Basin Commission, the Bureau of Land Management, the U.S. Water Resources Council, the Department of Energy, the National Park Service, and the U.S. Army Corps of Engineers. 45 FR 10046-10047.

On February 15, 1980, the Administrator of the Environmental Protection Agency transmitted his written concurrence with the Secretary's approval of those parts of the Wyoming program being approved.

On February 15, 1980, the Director recommended to the Secretary that the Wyoming program be partially approved. The Secretary accepted that recommendation and approved the Wyoming program, in part. The Secretary's decision was made in a letter to Governor Herscher on February 15, 1980. Enclosures to that letter list the Secretary's findings (Part D of this Federal Register notice) and the parts of the Wyoming program that were approved and that were disapproved (Part F of this Federal Register notice). A copy of the letter to Governor Herscher is available for review in the administrative record.

The Wyoming program consists of the formal submission of August 15, 1979, (Administrative Record No. WY-3), as amended on October 26, 1979. This represents the entire submission.

Throughout the period beginning with the submission of the program, the Secretary and OSM have had frequent contact with the Governor of Wyoming and the staff of the Wyoming Land Quality Division. Discussions of the State program submission were held among various officials. Minutes or notes of the discussions were placed in the administrative record and made available for public review and comment. After the public comment period closed, no discussions were held at which new information was presented which might have influenced this decision, except information relating to parts of the program being disapproved today. That information

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will be subject to public comment during the public comment period on the review of Wyoming's anticipated resubmission.

All contacts between officials and staff of the Interior Department and the State of Wyoming were conducted in accordance with the Department's guidelines for such contacts published September 19, 1979 (44 FR 54444–54445).

As a result of some of these discussions, Wyoming proposed various changes to its submission with respect to issues raised by the Department of the Interior and the public. These proposals were *not* made part of the program submission and have not been formally approved or disapproved. No decisions can be made on these materials until they are formally submitted. Any discussion of these items in this notice is for general guidance only and does not bind the Secretary of the Interior's decision on any resubmission. In particular, this includes proposed statutory, regulatory and other changes are set forth in the voluminous working papers of the January 2–5, 1980 meetings, and follow-up documents. The working papers consist of copies of a looseleaf binder used by all participants and referred to as the "orange book." Copies of the orange book, including copies annotated by participants at the January 2–5 meeting, are in the administrative record as Administrative Record No. WY–09. Most of the more significant issues raised in the "orange book" are discussed in this notice. Additional analysis as to other issues not discussed in this decision may be found in the "orange book" containing the notes on the January 2–5, 1980, meetings in Cheyenne.

Following the meetings in Cheyenne on January 2–5, 1980, the Wyoming Land Quality Division proposed to the staff of the Interior Department 141 pages of draft regulation changes dated January 9, 1980 (Administrative Record No. WY–119). On January 17, 1980, Wyoming informally submitted further draft program amendments, primarily relating to enforcement provisions (Administrative Record No. WY–118). The changes proposed in the orange book and the January 9, 1980, draft amendments and the January 17, 1980, material, have not been enacted, and are not part of the State program submission.

D. Secretary's Findings

In accordance with Section 503(a) of SMCRA, the Secretary finds that Wyoming has or fails to have the capability to carry out the provisions of SMCRA and to meet its purposes, in the ways and to the extent set forth in findings 1 through 7 below:

1. The Wyoming Environmental Quality Act (Wyoming EQA), the regulations adopted thereunder, and the Wyoming Administrative Procedures Act, provide, in part, for the regulation of surface coal mining and reclamation operations on non-Indian and non-Federal lands in Wyoming in accordance with SMCRA;

2. The Wyoming EQA provides sanctions for violations of Wyoming laws, regulations or conditions of permits concerning surface coal mining and reclamation operations, and these sanctions meet the requirements of SMCRA, in part, including, in part, civil and criminal actions, forfeiture of bonds, suspensions, revocations, and withholding of permits, and the issuance of cease-and-desist orders by the Land Quality Divisions or its inspectors;

3. The Wyoming Land Quality Division does not have sufficient administrative and technical personnel, but has sufficient funds to enable Wyoming to regulate surface coal mining and reclamation operations, in part in accordance with the requirements of SMCRA;

4. Wyoming law provides, in part, for the effective implementation, maintenance, and enforcement of a permit system that meets the requirements of SMCRA for the regulation of surface coal mining and reclamation operations on non-Indian and non-Federal lands within Wyoming;

5. Wyoming has established, in part, a process for the designation of areas as unsuitable for surface coal mining in accordance with Section 522 of SMCRA;

6. Wyoming has, in part, established for the purpose of avoiding duplication, a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with other Federal and State permit processes applicable to the proposed operations; and

7. Wyoming does not have enacted regulations consistent with regulations issued pursuant to SMCRA.

As required by Section 503(b)((1)–(3) of SMCRA, 30 U.S.C. 1253(b)(1)–(3), and 30 CFR 732.11–732.13, the Secretary has, through OSM, fulfilled the requirements set forth in findings 8 through 10, below:

Solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise pertinent to the proposed Wyoming program;

9. Obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those parts of the Wyoming program being approved today which relate to air or water quality standards promulgated under the authority of the Federal Clean Water Act, as amended (33 U.S.C. 1151–1175), and the Clean Air Act, as amended (42 U.S.C. 7401 *et seq.*); and

10. Held a public review meeting in Cheyenne, Wyoming, on September 20, 1979, to discuss the Wyoming program submission and its completeness and held a public hearing in Cheyenne, Wyoming, on January 7, 1980, on the substance of the Wyoming program submission;

11. In accordance with Section 503(b)(4) of SMCRA, 30 U.S.C. 1253(b)(4), the Secretary finds that the State of Wyoming has, in part, the legal authority, but does not have sufficient qualified personnel necessary for the enforcement of the environmental protection standards of SMCRA and 30 CFR Chapter VII.

In accordance with 30 CFR 732.15, the Secretary makes findings 12 through 30, below, on the basis of information in the Wyoming program submission, including the side-by-side comparison of the Wyoming law and regulations with SMCRA and 30 CFR Chapter VII, public comments, testimony and written presentations at the public hearings, and other relevant information.

12. The Wyoming program provides, in part, for Wyoming to carry out the provisions and meet the purposes of SMCRA and 30 CFR Chapter VII. The Secretary also makes findings 12.1 through 12.12 below with respect to Wyoming's proposed alternative approaches ("State window" items) to the requirements of 30 CFR Chapter VII pursuant to 30 CFR 731.13:

12.1 Wyoming's alternative approach to 30 CFR 780.23 (reclamation plan information on postmining land use) is, in part, in accordance with the provisions of SMCRA and consistent with the regulations in 30 CFR Chapter VII;

12.2 Wyoming's alternative approach to 30 CFR 785.14 and Part 824 (special requirements for mountaintop removal operations) is in accordance with the provisions of SMCRA and consistent with the regulations in 30 CFR Chapter VII. The Federal provisions implement a variance from the requirement to return a mined area to approximate original contour.

Wyoming has not proposed regulations for mountaintop removal because situations where mountaintop removal would be appropriate have not been identified within the State. Since Wyoming has chosen not to implement this variance, the Secretary finds the Wyoming alternative approach to be more stringent than SMCRA and the Federal rules. This approach is explicitly contemplated by Section 515(c)(1) of SMCRA (30 U.S.C. 1265(c)(1)) which makes the variance optional for State program;

12.3 Wyoming's alternative approach to 30 CFR 785.15, 785.16 and Part 826 (special provisions for operations on steep slopes) is not in accordance with SMCRA and consistent with the Secretary's regulations because it is not implemented in an enacted statute or regulations, which makes it inconsistent with the regulations in 30 CFR Chapter VII;

12.4 Wyoming's alternative approach to 30 CFR 785.19 (c), (d) and (e) (identification of alluvial valley floors and evaluation of the effect mining an alluvial valley floor has on farming) is, in part, in accordance with the provisions of SMCRA and is, in part, consistent with the regulations in 30 CFR Chapter VII;

12.5 Wyoming's alternative approach to 30 CFR 816.22 (identification of topsoil to be removed before mining and redistributed afterwards) is, in part, in accordance with the provisions of SMCRA and is, in part, consistent with the regulations in 30 CFR Chapter VII;

12.6 Wyoming's alternative approach to 30 CFR 816.44(d) (requirements for permanent diversions and reconstruction of channels temporarily diverted) is, in part, in accordance with the provisions of SMCRA and is, in part, consistent with the regulations in 30 CFR Chapter VII;

12.7 Wyoming's alternative approach to 30 CFR 816.57 (identification of streams for which authorization is necessary to mine within 100 feet) is, in part, in accordance with the requirements of SMCRA and is, in part, consistent with the regulations in 30 CFR Chapter VII;

12.8 Wyoming's alternative approach to 30 CFR 816.72 (valley fill requirements) is, in part, in accordance with the requirements of SMCRA and is, in part, consistent with the regulations in 30 CFR Chapter VII;

12.9 Wyoming's alternative approach to 30 CFR 816.73 (head-of-hollow fill requirements) is, in part, in accordance with the requirements of SMCRA and is, in part, consistent with the regulations of 30 CFR Chapter VII;

12.10 Wyoming's alternative approach to 30 CFR 816.74 (requirements for durable rock fills) is, in part, in accordance with the provisions of SMCRA and is, in part, consistent with the regulations in 30 CFR Chapter VII;

12.11 Wyoming's alternative approach to 30 CFR 816.104 (provisions for restoration of contour in thin overburden situations) is, in part, in accordance with SMCRA and is, in part, consistent with the regulations in 30 CFR Chapter VII;

12.12 Wyoming's alternative approach to 30 CFR 816.105 (provisions for restoration of contour in thick overburden situations) is, in part, in accordance with SMCRA and is, in part, consistent with the regulations in 30 CFR Chapter VII;

13. The Land Quality Division has, in part, the authority under Wyoming laws and regulations to implement, administer, and enforce all applicable requirements consistent with 30 CFR Chapter VII, Subchapter K (Performance Standards), and the Wyoming program includes provisions adequate, in part, to do so;

14. The Land Quality Division has the authority under Wyoming laws and regulations and the Wyoming program includes adequate provisions to implement, administer and enforce a permit system consistent, in part, with 30 CFR Chapter VII, Subchapter G (Permits);

15. The Land Quality Division has, in part, the authority to regulate coal exploration consistent with 30 CFR part 776 and 815 (Coal Exploration) and to prohibit coal exploration that does not comply with 30 CFR Parts 776 and 815, and the Wyoming program includes provisions adequate, in part, to do so;

16. The Land Quality Division has the authority under Wyoming laws and the Wyoming program includes provisions to require that persons extracting coal incidental to government-financed construction maintain information on site, in part consistent with 30 CFR Part 707;

17. The Land Quality Division has the authority, and the Wyoming program includes provisions to enter, inspect, and monitor all coal exploration and surface coal mining and reclamation operations on non-Indian and non-Federal land within Wyoming consistent, in part, with the requirements of Section 517 of SMCRA (Inspections and Monitoring) and 30 CFR Chapter VII, Subchapter L (Inspection and Enforcement);

18. The Land Quality Division has the authority under Wyoming laws and the Wyoming program includes provisions to implement, administer, and enforce a system of performance bonds and liability insurance, or other equivalent guarantees, in part consistent with 30 CFR Chapter VII, Subchapter J (Performance Bonds);

19. The Land Quality Division has the authority, and the Wyoming program includes provisions to provide for civil and criminal sanctions for violation of Wyoming law, regulations and conditions of permits and exploration approvals including civil and criminal penalties, in part in accordance with Section 518 of SMCRA (Penalties) and consistent, in part, with 30 CFR Part 845 (Civil Penalties), including, in part, the same or similar procedural requirements;

20. The Land Quality Division has the authority under Wyoming laws, and the Wyoming program contains provisions, to issue, modify, terminate and enforce notices of violation, cessation orders and show-cause orders in accordance, in part, with Section 521 of SMCRA (Enforcement) and consistent, in part, with 30 CFR Chapter VII, Subchapter L (Inspection and Enforcement), including, in part, the same or similar procedural requirements;

21. The Land Quality Division has the authority, and the Wyoming program contains provisions, to designate areas as unsuitable for surface coal mining, in part consistent with 30 CFR Chapter VII, Subchapter F (Designation of Lands Unsuitable for Mining);

22. The Land Quality Division has the authority under Wyoming laws and the Wyoming program contains provisions to provide for public participation in the development, revision and enforcement of Wyoming laws and regulations and the Wyoming program, in part consistent with the public participation requirements of SMCRA and 30 CFR Chapter VII;

23. The Land Quality Division has the authority under Wyoming laws and the Wyoming program includes provisions to monitor, review, and enforce the prohibition against indirect or direct financial interests in coal mining operations by employees of the Land Quality Division, in part consistent with 30 CFR Part 705 (Restrictions on Financial Interests of State Employees);

24. The Land Quality Division has the authority under Wyoming laws and the program includes provisions to require the training, examination, and certification of persons engaged in or responsible for blasting and the use of explosives in accordance with Section 719 of SMCRA to the extent required for approval of its program;

25. The Land Quality Division has the authority under Wyoming laws and the Wyoming program contains provisions to provide small operator assistance, in part consistent with 30 CFR Part 795 (Small Operator Assistance);

26. The Land Quality Division does not have the authority under Wyoming laws and the Wyoming program does not contain provisions to provide protection of employees of the Land

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Quality Division in accordance with the protection afforded Federal employees under Section 704 of SMCRA (Protection of Employees);

27. Wyoming has the authority under its laws and the Wyoming program contains provisions to provide for administrative and judicial review of State program actions in accordance, in part, with Sections 525 and 526 of SMCRA (Review of Decisions) and 30 CFR Chapter VII, Subchapter L (Inspection and Enforcement);

28. The Land Quality Division has the authority under Wyoming laws and the Wyoming program contains provisions to cooperate and coordinate with and provide documents and other information to the Office of Surface Mining under the provisions of 30 CFR Chapter VII;

29. The Wyoming EQA and Wyoming Land Quality Rules and Regulations, as currently in effect, contain numerous provisions which would interfere with or preclude implementation of SMCRA and 30 CFR Chapter VII. Wyoming Administrative Procedures Act, Wyoming Water Quality Rules and Regulations, Wyoming Air Quality Rules and Regulations, Wyoming Water Law, Wyoming State Engineer Regulations and Instructions, Wyoming Water Laws, Department of Environmental Quality Rules of Informational Practices, Wyoming Public Records Law, Wyoming Open Meeting Law, and other laws and regulations of Wyoming do not contain provisions which would interfere with or preclude implementation of the provisions of SMCRA and 30 CFR Chapter VII;

30. The Land Quality Division and other agencies having a role in the program would not have sufficient legal, technical, and administrative personnel, but would have sufficient funds to implement, administer, and enforce the provisions of the program, the requirements of 30 CFR 732.15(b) (Program Requirements), and other applicable State and Federal laws.

E. Explanation of the Secretary's Findings

The discussion in this section is based on a review of the Wyoming program as submitted August 15, 1979, and amended October 26, 1979, as well as material Wyoming subsequently made available to the Department. The program submission and other material include enacted laws and regulations and various proposed amendments to those laws and regulations. None of the amendments has been enacted. In accordance with 30 CFR 732.11(d), the failure to have all necessary laws and regulations fully enacted requires that the Secretary not approve this program at this time.

This discussion includes differences between the Wyoming program and the Federal requirements identified by the Department of the Interior or commenters in the review of the program. In addition, significant issues or questions raised by commenters are addressed. No detailed discussion is presented of those aspects of the Wyoming program which are equivalent to the Federal requirements.

Two versions of Land Board Rules and Regulations were contained in Wyoming's program submission. The first version consisted of the existing rules of the Land Quality Division (Vol. IV, Section A.1 of Administrative Record No. WY–3). The second version was a full set of rules and regulations which consisted of the existing rules, extensively modified to comply with the requirements of SMCRA and 30 CFR Chapter VII. This second version has not been adopted by the Land Quality Division, and was submitted as proposed rules (Vol. IV, Section A.2 of Administrative Record No. WY–3).

After review of these two versions by OSM, other governmental agencies and members of the public, Wyoming discussed a third version of rules. This version was presented to the Department of the Interior in the form of the "Regulatory Memorandum" in the orange book (Administrative Record WY–99). This version was modified after the discussions on January 2–5 between representatives of the Department of the Interior and the State of Wyoming. The modifications are incorporated in the fourth version of the rules, given to the Department of the Interior on January 9, 1980 (Administrative Record No. WY–119).

Only the first and second versions of the rules are part of the formal program submission. Only the first version has been enacted. The other three versions were merely proposals.

Because the Land Quality Division intends to make extensive modifications in its rules, the Secretary is disapproving the entire body of rules. Accordingly, a full set of Land Quality Division Rules and Regulations must be part of Wyoming's resubmission within sixty days if the Secretary is to be able to approve the Wyoming program. This resubmitted set of rules will be open to public comment.

The discussion of particular issues, below, reflects review of all four versions of rules which have been before the Department of the Interior and the public during the period of consideration of Wyoming's program submission leading to the Secretary's decision being announced today. Comments by other Federal agencies and the public were based on review of the first two versions of the rules. Analysis of disposition of those comments reflects, where appropriate, later versions of Wyoming's rules.

In the discussion, reference to particular rules for the most part is to the January 9, 1980, version of proposed rules. In some cases this version is identical to one or more earlier versions. In other cases, it contains modifications resulting from review of earlier versions. Other versions are referenced only in instances where identification of those versions is necessary to understand the analysis of issues of comments.

The versions in the submission, the first and second versions, are being disapproved by the Secretary. The Secretary has made no final decision on the other two versions. The discussion of particular rules, which follow, is presented primarily to assist Wyoming, the public, and government agencies, in the development and review of Wyoming's resubmission pursuant to 30 CFR 732.14, consistent with Section 102(g) and (i) of SMCRA (30 U.S.C. 1202(g) and (i)).

Any indication of the adequacy or inadequacy of Wyoming's latest version of its rules is tentative, and is subject to modification upon further review by the Department, the public and other agencies.

The Wyoming EQA is being approved in part. Only sections of the EQA which are fully enacted are being approved. Discussions of proposed amendments to the EQA are included below as guidance for Wyoming, other government agencies and the public, in the development and review of Wyoming's resubmission. The conclusions expressed with respect to such amendments are not necessarily final.

In the discussion of comments, individual commenters have been identified where it may assist the reader of this notice. All comments identified as coming from EPA were submitted by the EPA regional office in Denver.

Many of the comments of EPA and others were on early versions of the statutory and regulatory language. Accordingly, in the discussion below, the Secretary often points to new proposed language in discussing the issues raised and in many cases this new language resolves the issue.

Finding 1

The Secretary finds the Wyoming Environmental Quality Act (Wyoming EQA), the regulations adopted thereunder, and the Wyoming Administrative Procedures Act, provide, in part, for the regulation of surface coal mining and reclamation operations on non-Indian and non-Federal lands in Wyoming in accordance with SMCRA.

This finding corresponds to Section 503(a)(1) of SMCRA (30 U.S.C. 1253(a)(1)). Analysis of the issues underlying this finding is found in the detailed discussions of findings 12 through 30, below.

Finding 2

The Secretary finds that the Wyoming EQA provides sanctions for violations of Wyoming laws, regulations or conditions of permits concerning surface coal mining and reclamation operations, and these sanctions meet the requirements of SMCRA, in part, including, in part, civil and criminal actions, forfeiture of bonds, suspensions, revocations, and withholding of permits, and the issuance of cease-and-desist orders by the Land Quality Division or its inspectors.

This finding corresponds to Section 503(a)(2) of SMCRA (30 U.S.C. 1253(a)(2)). Analysis of the issues underlying this finding is found in the detailed discussion of findings 18, 19, and 20, below.

Finding 3

The Secretary finds that the Land Quality Division does not have sufficient administrative and technical personnel, but has sufficient funds to enable Wyoming to regulate surface coal mining and reclamation operations, in part, in accordance with the requirements of SMCRA.

This finding corresponds to Section 503(a)(3) of SMCRA (30 U.S.C. 1253(a)(3)). An analysis of the issues underlying this finding is found in the detailed discussion of finding 30, below.

Finding 4

The Secretary finds that Wyoming law provides, in part, for the effective implementation, maintenance, and enforcement of a permit system that meets the requirements of SMCRA for the regulation of surface coal mining and reclamation operations on non-Indian and non-Federal lands within Wyoming.

This finding corresponds to Section 503(a)(4) of SMCRA (30 U.S.C. 1253(a)(4)). An analysis of the issues underlying this finding is found in the detailed discussion of finding 14, below.

Finding 5

The Secretary finds that Wyoming has established, in part, a process for the designation of areas as unsuitable for surface coal mining in accordance with Section 522 of SMCRA.

This finding corresponds to Section 503(a)(5) of SMCRA (30 U.S.C. 1253(a)(5)). An analysis of the issues underlying this finding is found in the detailed discussion of finding 21, below.

Finding 6

Wyoming has, in part, established for the purpose of avoiding duplication, a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with other Federal and State permit processes applicable to the proposed operations.

This finding corresponds to Section 530(a)(6) of SMCRA. In addition to the information in the following four paragraphs, discussion of the analysis underlying this finding is found in the detailed discussions of findings 13 and 14, below.

Wyoming has identified in its program submission seven State agencies having related responsibilities for elements of permitting and inspection of surface and underground coal mining operations. These are the Land, the Air, and Water Quality Divisions of the Department of Environmental Quality, the State Engineer, the Recreation Commission, the Game and Fish Department, and the Wyoming State Inspector of Mines. The related responsibilities are coordinated through five Memoranda of Understanding (MOUs). In these MOUs, the agencies agree to review elements of applications, provide technical assistance to the principal agency, the Land Quality Division (which serves as the "regulatory authority"), and to apply certain environmental protection performance standards to permit applications (Administrative Record No. WY–3).

The MOUs between the three divisions in the Department of Environmental Quality and the MOU between the Land Quality Division and the State Engineer contain standards and require plans to meet certain requirements. This information would be required to be in the permit application for the surface (or underground) coal mining operation pursuant to Rule II 3a(5), which, if promulgated, will require inclusion of air quality, water quality, solid waste (also the responsibility of the Land Quality Division), and State Engineer applications. The permit can be approved only with this information included; otherwise the requirements of Rule II 3a(5) would not be met. Once the permit is approved, the permittee must comply with the measures in the application. Thus, the requirements of the Water Quality and Air Quality Divisions, and the requirements of the State Engineer would be enforceable under the provisions of Wyoming's program.

Only one comment was raised on the Wyoming procedures to coordinate its permit process. The Department of Energy pointed out that coordination may be difficult as a result of the fragmentation of responsibility among the Divisions of the Department of Environmental Quality, State Engineer, Inspector of Mines, and Game and Fish Department. Along with the MOUs that have been drafted, DOE suggested that the establishment of an interdepartment task force may provide for the necessary on-going coordination.

The MOUs would establish important functions within a Department Environmental Quality and would provide a strong vehicle for coordination among air, water, and land concerns. The agreements with other entities such as the State Engineer and the Game and Fish Department establish protocols and identify authorities. While coordination will require on-going attention, the Land Quality Division staff has worked under the MOUs successfully. This comment is being sent to the State for its consideration.

Finding 7

The Secretary finds that Wyoming does not have enacted regulations consistent with regulations issued pursuant to SMCRA.

This finding corresponds to Section 503(a)(7) of SMCRA (30 U.S.C. 1253(a)(7)). As discussed earlier, Wyoming proposes to revise the existing regulations of the Land Quality Division extensively. Since the provisions of the regulations are interrelated to a great degree, the Secretary cannot approve any part of these rules until substantially all of them have been finalized. Accordingly, the entire body of Land Quality Division Rules and Regulations is disapproved.

Finding 8

The Secretary has, through OSM, solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise pertinent to the proposed Wyoming program.

This finding corresponds to Section 503(b)(1) of SMCRA (30 U.S.C. 1253(b)(1)). This finding is based on the facts set forth in a **Federal Register** notice published February 14, 1980, identifying the Federal agencies from which comments were solicited, the agencies which responded and the offices of OSM and the Wyoming Land

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Quality Division at which copies of the comments were made available (45 FR 10046–10047).

Finding 9

The Secretary has, through OSM, obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those parts of the Wyoming program being approved today which relate to air or water quality standards promulgated under the authority of the Federal Clean Water Act, as amended (33 U.S.C. 1151–1175), and the Clean Air Act, as amended (42 CFR 7401 *et seq.*).

This finding corresponds to Section 503(b)(2) of SMCRA (30 U.S.C. 1253(b)(2)). The finding is based on the letter transmitted by the Administrator of EPA to the Secretary on February 15, 1980. A copy of this letter has been placed in the Administrative Record.

Finding 10

The Secretary, through the OSM Regional Director for Region V, held a public review meeting in Cheyenne, Wyoming, on September 20, 1979, to discuss the Wyoming program submission and its completeness and held a public hearing in Cheyenne, Wyoming, on January 7, 1980, on the substance of the Wyoming program submission.

This finding corresponds to Section 503(b)(3) of SMCRA (30 U.S.C. 1253(b)(3)).

Finding 11

The Secretary finds that the State of Wyoming has, in part, the legal authority, but does not have sufficient qualified personnel necessary for the enforcement of the environmental protection standards of SMCRA and 30 CFR Chapter VII.

This finding corresponds to Section 503(b)(4) of SMCRA (30 U.S.C. 1253(b)(4)). Analysis of the issues underlying this finding are found in the detailed discussions of findings 12 through 30, below.

Finding 12

The Secretary finds that the Wyoming program provides, in part, for Wyoming to carry out the provisions and meet the purposes of SMCRA and 30 CFR Chapter VII.

This finding corresponds to the first half of 30 CFR 732.12(a). This finding is based on findings 1 through 11 and 12.1 through 30. Analysis of the issues underlying those findings is found throughout this section of the Federal Register notice.

Findings 12.1–12.12

Wyoming proposed twelve alternative approaches to the Federal regulations, "state window" items, in its submission. These are found in Administrative Record No. WY–3, Vol. 6, Section G.1. The Secretary finds that one of these items, relating to mountaintop removal, is acceptable as presented. See Finding 12.2 in Section D, above. When promulgated, it appears that the remainder of the items would be accordance with SMCRA and consistent with the Federal regulations, or more stringent than the Federal requirements, as required either for State window items or for other provisions. These items are discussed below. These tentative conclusions are subject, of course, to consideration of issues raised by public comments on Wyoming's resubmission.

Wyoming has proposed to rely on the discussion of premining land use required by Rule II 3a(6)(d) for the postmining land use description required by 30 CFR 780.23 if there is no land use change, and to require a description of proposed changes for postmining land use through Rule II 3b(11). This modification of the Federal requirements appears to be an administrative modification proposed in order to eliminate any unnecessary potential requirement to discuss the premining land use twice. Wyoming has proposed to satisfy the requirements of 30 CFR 780.23 by its requirement for surface owner consent and notices (W.S. 35–11–406(f) and Rule XIII 1a(2)) when there is no proposed change in land use.

Wyoming has not proposed regulations for steep slope mining and will prohibit such mining until rules are promulgated if the proposed revision to the Wyoming Statute is promulgated (proposed W.S. 35–11–406(m)). It would appear that the change proposed would satisfy the requirements of SMCRA and 30 CFR Chapter VII.

Wyoming has developed, in Rule VII 2, an alternative to the requirements of 30 CFR 785.19 (alluvial valley floors). The alternative uses comprehensive language to summarize the requirements which are listed in detail in the Federal rule. Wyoming has proposed to draft additional language to be certain that any additional information required shall be included in an application and Wyoming has provided an alluvial valley floor technical guidance document, as part of the program, which will give the detailed guidance on premining investigations. Wyoming has also proposed an alternative to 30 CFR 785.19(e)(2) which uses an equation expressing a lower limit of a three percent loss in production that would constitute a significant effect of proposed operations on farming. The equation used to project a percentage loss in production equivalent to a significant effect appears to be acceptable in terms of providing environmental protection, based on characteristics of regional agricultural conditions.

In light of the remand of sections 785.19(d), (e) (1) and (2) by the district court's decision in *In re Permanent Surface Mining Regulation Litigation* on February 26, 1980, Wyoming's Rule VII 2 on alluvial valley floors now appears to be more stringent than the federal requirements. Wyoming may therefore choose either to proceed with its proposed alternatives and additional draft language or to adopt other alluvial valley floor requirements which reflect the district court's decision. Any new provisions will then be re-evaluated in light of the district court's decision when the revised Wyoming program is resubmitted. Once new federal rules are adopted, Wyoming will be able to amend its program to reflect those changes.

Wyoming's program contains a definition of topsoil and describes topsoil protection provisions which do not include the 6" minimum for removal of acceptable A horizon material (i.e., "topsoil") required by 30 CFR 816.22(c). Instead, Wyoming has a broader definition of topsoil; the A, B, and C horizons, or any combination thereof which has been determined through soil surveys, laboratory analyses and field trials to be suitable as a plant growth medium (Rule I 2(96)). Wyoming has proposed the alternative to accomplish equal environmental protection despite the extreme variation in local soil conditions. Wyoming has also proposed addition of a provision to segregate soil horizons (in the January 9, 1980, proposed rules, Administrative Record No. WY–119) which provides for segregation of A, B, or C horizons when appropriate. If the drafted change is added, it appears that environmental protection in accordance with SMCRA and consistent with 30 CFR Chapter VII will result, given the regional soil conditions found in Wyoming.

Wyoming has provided language in Rule IV 3e(2)(b) regarding restoration of stream channels and construction of permanent diversions which requires establishment or restoration of stream characteristics, including aquatic habitat, to approximate premining stream channel characteristics. This is proposed as a substitute for the Federal requirements to establish the stream to its natural meandering shape or an environmentally acceptable gradient, as determined by the regulatory authority (30 CFR 816.44(d)(2)) and to establish or restore the longitudinal profile and cross section, including aquatic habitat (30 CFR 816.44(d)(3)). Wyoming reasons that the alternative provides restoration of a stable channel and floodplain conditions considering the relationship between discharge and channel properties. It would appear that this alternative should provide the ability to restore streams, considering topographic changes, textural changes, spoil structure, transitions between disturbed and undisturbed ground, bedrock control and time-dependent changes, based upon characteristics of the regional environment.

Wyoming proposed in Rule IV 3p(2) the substitution of intermittent and perennial streams for the "biological community" test to define the stream buffer zones required by 30 CFR 816.57(a) and (c). Wyoming perceived problems with enforcement using the "biological community" concept. Wyoming considers the alternative no less stringent than that of the Federal regulations and reasons that the hydrologic definition using stream characteristics provides a more enforceable provision reflecting local drainage, aquatic life conditions, and the Wyoming permit system which requires identification of surface water and ground water flow systems to the degree necessary to identify ephemeral, intermittent and perennial flow conditions. The substitution probably would provide equivalent protection of the environment, considering the characteristics of the regional environment and other provisions of the Wyoming program.

Wyoming has not provided counterparts to 30 CFR 816.72 (valley fills), 30 CFR 816.73 (head-of-hollow fills), or 30 CFR 816.74 (durable rock fills), on the grounds that the Federal regulations are designed for areas where the valley walls slope more than 20 degrees or the slope profile of the valley is more than 10 degrees. Since area mining and contour mining operations in Wyoming are conducted on relatively flat, rolling terrain, spoil can be placed on relatively flat to moderately sloping and stable areas not requiring special stabilizing measures. Wyoming prohibits mining or spoil placement on steep slopes until regulations are promulgated. The Wyoming rules would apparently achieve equal environmental protection as the Federal regulations, considering the characteristics of the areas in Wyoming where mining occurs.

Wyoming has proposed in Rule IV 3a, not to use the ratios of 0.8 and 1.2 to distinguish between thin and thick overburden as do 30 CFR 816.104 and 816.105. Wyoming considers that the single ratio does not allow for site-specific considerations since local environmental considerations dictate that the approximate original contour provisions be sufficiently flexible to allow consideration for the types of materials and methods of excavation. Without using the ratio tests, the Wyoming approach would assure that the special provisions of 30 CFR 816.104 and 816.105 are not more broadly available than they would be under the Federal rules. In the case of thin overburden, Wyoming proposes backfilling with all material to obtain as close as possible to the approximate original contour. In the case of thick overburden, Wyoming's alternative would allow for consideration of differing earthen materials and associated mining methods. All the specific requirements of Section 515(b)(3), 30 U.S.C. 1265(b)(3), will be met under the Wyoming approach. The Wyoming alternatives appear to be in accordance with SMCRA and consistent with 30 CFR Chapter VII.

Finding 13

The Secretary finds that the Land Quality Division has, in part, the authority under Wyoming laws and regulations to implement, administer, and enforce applicable requirements consistent with 30 CFR Chapter VII, Subchapter K (Performance Standards), and the Wyoming program includes provisions adequate, in part, to do so. This finding is made under 30 CFR 732.15(b)(1).

Wyoming incorporates provisions corresponding to Section 515 and 516 of SMCRA and Subchapter K of 30 CFR Chapter VII in Wyoming Statute 35–11–401, 402, 404, 405, 406, 411, 415 and 601 and in Wyoming rules Chapters III, IV, V, VI, VII, VIII, and XV. Vol. 1 Part G.6, of the program submission contains a discussion of Wyoming's administrative and enforcement procedures for performance standards.

Discussion of significant issues raised during the review of the Wyoming provisions for environmental performance standards follows.

Signs and Markers

13.1 The differences between 30 CFR 816.11, signs and markers, and the Wyoming proposed provisions contained in Rules IV 3m, IV 2c and VI 1d are organization and minor word differences. The same signs are required by Wyoming, and, in addition, Wyoming requires spoil or waste material to be marked with signs (Rule IV 2c(3)). The proposed Wyoming provisions appear to be consistent with the requirements of 30 CFR 816.11.

Casing and Sealing

13.2 30 CFR 816.13 through 816.15 discuss casing and sealing of drilled holes. Wyoming proposed to specify approval by the administrator of temporary sealing of holes and the use of protective devices and requires that other exposed underground openings be "properly managed." Plugging, sealing, and capping of drilled holes (except for blasting) are addressed in Rule IV 3b(8), "General Environmental Protection Performance Standards," and in Rule XV, "Exploration by Drilling." The Federal rules, in 30 CFR 816.14 and 816.15, distinguish between temporary and permanent casing and sealing and Wyoming does so in Rule IV 3n. Wyoming Rule XV 3a(2)(a) provides specifications to be met by drilling muds used to seal exploration drill holes where the API "Standard Procedures for Testing Drilling Fluids" are used. The proposed Wyoming provisions appear to be consistent with the requirements of 30 CFR 816.13 through 816.15.

Topsoil

13.3 Wyoming proposes to substitute a broader definition of topsoil in Rule I 2(96) for that of 30 CFR 701.5 and does not specify the 6" minimum removal depth of 30 CFR 816.22(c). See also Wyoming Rule IV 2c. Wyoming's definition includes portions of the B and C horizons acceptable for plant growth and thus provides a definition suited for reclamation procedures. Experience in Wyoming shows this topsoil analysis and the resulting recovery procedures to be appropriate, especially in areas where sodic or saline soils are encountered. Wyoming submitted as a "State window" an alternative to the 6" minimum removal depth as discussed above in detail under the explanation of findings 12.1–12.12.

13.4 The Public Lands Institute commented that the proposed Wyoming regulations do not require saving subsoil, do not set a minimum amount of topsoil to be removed, and do not require segregation of horizons and vegetation and laboratory certification of field-site trials of reclaiming overburden as required by Section 515(b)(5) of SMCRA and 30 CFR 816.21 and 22. 30 CFR 816.22(d) requires subsoil segregation of the B and C horizons "if the regulatory authority determines that either of these is necessary or desirable to ensure soil productivity consistent with the approved postmining land use."

Wyoming originally submitted its program without the B and C horizon segregation requirement. Wyoming now proposes to require in rule IV 3b(1) that "The A horizon or more organic horizon of the topsoil shall be segregated from the B and C horizons where such practice would enhance revegetation" (Administrative Record No. WY–119). Since topsoil is defined as the A, B, and C horizons when these are suitable for plant growth, the proposed Wyoming program would appear to provide the equivalent authority to segregate soil horizons where necessary or desirable. Likewise, saving all soil suitable for plant growth would appear to be consistent with the Federal requirement to save subsoil.

13.5 The Wyoming Mining Association indicated that the State's original definitions of subsoil ("any subsurface earthen material excluding any material within the topsoil layer") and topsoil (which would include A, B, and C soil horizons) would mean that subsoils would not include B and C soil horizons. This appears to conflict with the definition of "A, B and C soil horizons," under which B and C soil horizons were considered subsoil.

Wyoming now proposes to define "subsoil" in rule I 2(90) as earthen materials including materials capable of supporting plant life. "Topsoil" is defined to include the suitable plant growth material in the A, B, or C horizons, (rule I 2(96)). Wyoming's definition of "soil horizons" excludes bedrock or unconsolidated lithologic materials. Therefore, "subsoil" refers to materials below a C horizon if a C horizon exists, or to materials below the lowest of the A, B or C horizons. The Wyoming rules appear to be internally consistent and consistent with the Federal requirements as far as soils definitions are concerned.

13.6 By defining spoil as "all materials removed except minerals and topsoil," according to one commenter, spoil could include subsoil. The commenter suggested that the definition for spoil be changed to "overburden that has been removed during surface coal mining operations," which the commenter concludes would be consistent with the Federal regulations.

Wyoming proposes to require subsoil analyses equivalent to those required for topsoil only if topsoil is not available or if topsoil is inadequate and subsoil is to be used for reclamation. If special handling requirements for subsoil are not identified or required to be in the plan approved by the Land Quality Division, subsoil is treated as spoil in the manner prescribed by Rules VI 2c(3), VI 3a, and IV 3c(1). If the soil materials requiring protection are identified, and if subsoil materials requiring or benefiting from special protection are identified, the remaining overburden materials shall be treated as spoil. Specially identified subsoil would have to be handled in accordance with the approved reclamation plan. The provisions of the Wyoming program for defining spoil appear to be adequate to protect against disposal of subsoil in a manner which is inconsistent with the Federal regulations.

13.7 Wyoming proposes to remove the phrase "in accordance with applicable Federal and State air quality standards" from proposed Rule IV 3o, air resources protection, in order to eliminate the possible reliance on quantitative total suspended particulate standards due to soil disturbance which may not relate to visibility at a mining operation or the more subtle effects of air pollution. This revision appears to be consistent with 30 CFR 816.21 through 816.25 for topsoil protection and 30 CFR 816.95 for air resources protection.

13.8 Wyoming proposes to require scarification prior to topsoiling. This is considered to be a practice preferable for stabilization of the topsoil, in most instances, to scarifying after topsoiling and may be allowed pursuant to 30 CFR 816.24(a). The variation from the Federal rule appears to be consistent with the Federal rule, in accordance with 30 CFR 730.11(b) which states that provisions which are more stringent than the Federal rules are not inconsistent with them.

13.9 Wyoming does not specifically state in its regulations that postmining soils analysis will be performed by a qualified laboratory as specified in 30 CFR 816.25, but does have a "soils" guideline that specifies acceptable soils analysis procedures. The guidelines do not, however, stipulate that the laboratory must be qualified in accordance with 30 CFR 816.25. The program resubmission should provide for qualification of laboratories.

13.10 In regard to determining soil suitability, the U.S. Forest Service suggested that soils with more than 15% coarse fragment be identified with a gr prefix (example: grl is a gravelly loam). It also suggested that additional tests for particle size, pH and electrical conductivity be conducted on the restored topsoil. Wyoming's Rule II 3a6(f) would specify that soils analyses for permits are to be conducted in accordance with the standards of the National Cooperative Soil Survey of the U.S. Department of Agriculture (USDA). The designation of gravelly material will be specified pursuant to the USDA requirements and would appear to be acceptable. The "soils" guideline includes standard specifications for particle size, pH, and electrical conductivity for soils analysis.

Hydrologic Balance

13.11 In comparison to 30 CFR 816.41(a), Wyoming's submission did not provide a direct statement on prevention of long-term adverse changes to the hydrologic balance. However, Wyoming now proposes to prohibit material damage to the hydrologic balance outside the permit area (proposed W.S. 35–11–406(j)(iii)) and to define "hydrologic balance" (Rule I 2(38)) in a manner which is not time-restricted. Wyoming has represented that its regulations and statutes require, by common usage and definition, prevention of long- and short-term adverse changes and uses. (See notes of January 2–5 meetings, Administrative Record No. WY–99.) Accordingly the program appears to be consistent with the Federal requirements on this point.

13.12 Although the Wyoming program mentions the necessity of controlling water pollution and gives many specific steps to be taken, according to the Environmental Protection Agency (EPA), none of the steps listed specifically seem to cover 30 CFR 816.41(d)(2)(vii) which requires "selectively placing and sealing acid-forming and toxic-forming material." Wyoming now proposes in Rule IV 3c(3) to require acid-forming and toxic-forming materials to be buried or treated within 30 days after exposure. Rule IV 3a(2) requires backfilled materials to be placed so as to minimize adverse effects on ground water and to support the approved postmining land use. Rule IV 3c(3)(d) requires, where acid-forming or toxic materials are disposed of in backfilled spoil piles in the pit, that these materials be selectively hauled or conveyed, and compacted, wherever necessary to prevent leaching of acid-forming or toxic material into surface or subsurface waters. These provisions appear to be consistent with the Federal requirements.

13.13 In the Wyoming equivalent to 30 CFR 816.42, water quality standards and effluent limitations, the State retains sedimentation ponds until the affected lands have been *restored* and until drainage meets applicable water quality standards (for the receiving waters) whereas Federal requirements are for retention until the revegetation requirements of 30 CFR 816.111–117 are met. Wyoming includes revegetation requirements in the word *"restored"* and thus the equivalent criteria for pond removal are used. Wyoming uses the equivalent term "affected lands" in

place of "disturbed area." Wyoming does not use the "small area exemption" but rather includes all runoff in the sedimentation pond requirement, which is more stringent than the Federal requirement and, under 30 CFR 730.11(b), consistent with it.

13.14 Wyoming uses "daily average" for measuring *total suspended* solids. The program utilizes the Water Quality Division's regulations and the Land Quality Division has proposed a Memorandum of Understanding with that Division regarding cooperative review and enforcement of water quality aspects of surface coal mining and reclamation operations (see the orange book, Administrative Record No. WY–99). The measuring provisions and coordination provisions appear to provide enforceable water quality limits and measurement requirements for point source discharges from coal mining and reclamation operations consistent with 30 CFR Chapter VII.

13.15 Wyoming's proposal for sedimentation ponds (Rule IV 3) requires surface drainage to pass through such ponds and *excludes* "sediment ponds, diversion ditches and road disturbances," which are requirements of 30 CFR 816.42 and 817.42, according to two commenters, including EPA. EPA also says there are no apparent detention time provisions as required by 30 CFR 816.46(c).

The Federal regulations exclude from the definition of disturbed area "those areas in which only diversion ditches, sedimentation ponds, or roads are installed." Thus, the exlusion noted by EPA is also provided by the Federal regulations. The proposed regulations for the Water Quality Division require that sedimentation ponds provide a *minimum* 24 hour theoretical detention time for the 10 year, 24 hour event (Rule III 8(6)). Thus the two regulations (State and Federal) appear to be consistent with the Federal requirements in effect. It should be noted that 30 CFR 816.46(b), (d) and (h) concerning sedimentation ponds were suspended on December 31, 1979.

13.16 National Wildlife Federation suggested that Wyoming's water monitoring standards be more explicit regarding the requirement for adequate monitoring wells, stating that the regulations should make it clear that additional wells shall be drilled when the number of existing wells is inadequate. Wyoming (Rule IV 3i) does reiterate the Federal requirement for monitoring to be adequate to plan for modification of surface mining activities, if necessary, to minimize adverse effects on water. The drilling of an adequate number of wells for observation appears to be included within this requirement.

13.17 The Public Lands Institute maintains that the State's requirements for maintaining the hydrologic balance are not as complete as 30 CFR 816.41 through 53 and are not as stringent nor as holistic.

Wyoming proposes to require the applicant to affirmatively demonstrate that the proposed operations are designed to prevent material damage to the hydrologic balance outside the permit area (W.S. 35–11–406(j)(iii)). An approvable plan must contain the procedures necessary to minimize disturbances to the prevailing hydrologic balance at the minesite and in associated offsite areas and to the quality and quantity of water in surface and ground water systems, both during and after mining and during reclamation (W.S. 35–11–406(b)(xviii)). The plan, if complete, will have to contain a determination of the probable hydrologic consequences of the proposed operation on the hydrologic regime and must provide a basis for the regulatory authority to assess the cumulative hydrologic impacts (Rules II 3b(10) and XXIII 2).

Wyoming also proposes to provide equivalent requirements to those of 30 CFR 816.42 through 816.57. (See, for example, Rules IV 3e, IV 3g, IV 3c(3), IV 3h, IV 3f, and IV 3i.) These provisions appear to provide authority equivalent to the Federal rules, and to be consistent with them.

13.18 The Wyoming program does not list manganese in the effluent limitations of the Water Quality Division on the basis that all coal mines in Wyoming have alkaline discharge (30 CFR 816.42(a)(7)). This issue is discussed under Finding 14 in relationship to the requirements of 30 CFR 779.16. Although acid drainage is not normally encountered in Wyoming, the program resubmission should further demonstrate the appropriateness of eliminating manganese from the listing.

13.19 30 CFR 701.5 defines "acid drainage" to include water * * * in which total acidity exceeds total alkalinity * * *" Wyoming's proposed definition in Rule I 2(1) does not include this provision. pH alone might occasionally be insufficient as an indicator of acid drainage. Occasionally a stream in its natural state will fall briefly and slightly below a pH of 6; however, its acidity will not exceed its alkalinity. Therefore, it appears that the proposed Wyoming definition does not meet the requirements of 30 CFR 701.5. However, because of the general chemical nature of the waters and soils in Wyoming it is unlikely that a condition of acidity exceeding alkalinity will ever occur. Further discussion of the issue is necessary in the program's discussion of the counterpart to 30 CFR 816.42 before the Wyoming provisions could be approved. (This issue is closely related to the manganese issue discussed immediately above.)

13.20 The State proposes to add ephemeral streams to Rule IV 3e and Rule IV 2(e) to ensure equivalency to 30 CFR 816.43 (divisions, overland flow, shallow ground water flow, and ephemeral streams). The Wyoming provisions would appear to meet the Federal requirements.

13.21 EPA is concerned that the Wyoming program states that operators must "establish and restore erosionally stable stream channels and flood plains" without stating that the regulatory authority "determines what is environmentally acceptable" as required in 30 CFR 816.44(d)(2). Further, EPA noted the Federal requirement (in 30 CFR 816.44(d)(3)) to restore "the stream to a longitudinal profile and cross section including aquatic habitats that approximate premining characteristics" has been changed in the Wyoming rules to cover *only* aquatic habitats and that there is a separate requirement to renovate all permanent diversions to "comply with design criteria" in the Wyoming program, but no statement that such design criteria includes "approximate premining stream channel characteristics."

The requirements of 30 CFR 816.44(d)(2) for all streams is to establish or restore the stream to its natural meandering shape by an environmentally acceptable gradient as determined by the regulatory authority. Wyoming proposes to require that such diverted streams be designed to be erosionally stable and to be consistent with the role of the fluvial system (Rule IV 2f(5)).

Wyoming further proposes to require the operator to establish or restore the stream characteristics, including aquatic habitats, to approximate premining stream channel characteristics (Rule IV 3e(2)(b)(ii)). These requirements would include meanders, riffles, pools, and drops, the latter three at a minimum since the term "aquatic habitat" is used in Rule IV 3e(2)(b)(ii), which appears to be consistent with 30 CFR 816.44(d)(3). Thus, the Wyoming rules appear to follow 816.44 (d)(2) and (d)(3).

13.22 EPA states that Wyoming does not discuss the necessity of modifying downstream water treatment facilities once a stream channel diversion protecting that facility is removed, as required by 30 CFR 816.44(c). The Federal requirement is to modify

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downstream water treatment facilities previously protected by diversions if such facilities remain in place after removal of the diversions.

Wyoming proposes to require minimization of the hydrologic impacts (Rule II 3a(6)(m)) and to provide requirements to properly size sedimentation ponds and other water treatment facilities that are part of the mining operations. Wyoming considers the general hydrologic protection requirements of its statute and rules to afford adequate protection to downstream water treatment facilities. Contingent on Wyoming submitting an analysis of the possibility of encountering a situation when a downstream water treatment facility could be adversely affected by removal of the sedimentation pond or other water pollution control facility related to coal mining operations, Wyoming's rules appear to meet the Federal requirements.

13.23 When discussing restoration of stream channels, as required by 30 CFR 816.44(d), Wyoming included, in the program submission, a requirement to maintain an "average or lesser" stream channel gradient in permanent diversions. Since this terminology could lead to increased deposition of sediment, Wyoming now proposes language in Rule IV 2(f)(5) to specify that permanent diversions shall be designed and constructed to be erosionally stable and to be consistent with the role of the fluvial system.

Wyoming has addressed the alternatives for describing the postmining longitudinal profiles as a "State window" item which is further discussed above under finding 12.1–12.12. The existing State regulations are deficient but the proposed revisions will provide, if promulgated, equivalent protection of the environment in comparison to the Federal requirements.

13.24 EPA is concerned that Wyoming's program does not show that the requirements for minimizing erosion and sediment control methods meet the requirements of 30 CFR 816.45(a)(3), and (b).

The Federal sediment control requirements include minimizing erosion to the extent possible (30 CFR 816.45(a)(3)) and list seven types of control methods that should be considered, such as limiting the disturbed area or diverting runoff away from disturbed areas (30 CFR 816.45(b)). In Rule IV 3g(6) Wyoming would require appropriate sediment control measures consisting of limiting the extent of disturbed land (as in 30 CFR 816.45(b)(1)), retaining sediment (as in 30 CFR 816.45(b)(3), and diverting water away from disturbed areas (as in 30 CFR 816.45(b)(4)). Diversions through pipes (30 CFR 816.45(b)(5)) are not specifically listed, but diversions are addressed in Rules IV 2e and IV 3e in sufficient detail to require diversion through pipes wherever necessary.

The suggested sediment control measures of 30 CFR 816.45(b)(6) are addressed throughout the Wyoming rules (for example, the use of mulch is listed in Rule IV 3d(3)).

The commenter is correct, however, in that the Wyoming rule does not specifically include, in the listing, minimizing erosion by retaining sediment (as in 30 CFR 816.45(a)(3)); stabilizing backfill (as in 30 CFR 816.45(b)(7)). "Stabilizing and treating" in the Wyoming rule relates to runoff and thus indirectly to soils and sediment.

The Wyoming Rules have been proposed to be changed to include "stabilizing" in Rule IV 3(g)(6). The Wyoming rules would also require stabilizing backfill under the backfilling regulations (Rule IV 3a(3)). The Wyoming resubmission should clarify where in the program the sediment retention and treatment alternatives for sediment control will appear in the program.

13.25 EPA stated that Wyoming's program does not contain a parallel to 30 CFR 816.46(u) describing *when* sedimentation ponds may be removed. Wyoming's Rule IV 3g(1) would require sedimentation control devices to be retained until the affected lands have been *restored* and until the untreated drainage will meet the water quality requirements for the receiving water. The State Engineer's regulations, which would be incorporated by Rule II 3a(5)(iv), are designed to control construction of sedimentation ponds. Sediment control is required under the Land Quality Division's Rules. Revegetation is included in the "restored" and thus the requirements of 30 CFR 816.42(a)(2) and 816.46(u) will apparently be met in the Wyoming program when the proposed rules are enacted. Wyoming should confirm this intention in the program resubmission, a related issue is discussed above in paragraph 13.13.

13.26 Another commenter states that the Wyoming language in the proposed Water Quality Division's rules and regulation is the same as its Federal counterpart, 30 CFR 816.46(c), except for the definition of "theoretical detention time for sedimentation ponds."

The provision for theoretical detention time are contained in the proposed rules of the State Engineer's regulations. Additionally, 816.46 (b), (d) and (h) were suspended on December 31, 1979. Wyoming's rules appear to meet the requirements of the provisions of 30 CFR 816.46.

13.27 Wyoming's State Engineer's proposed regulations specify that the emergency spillway, grades and allowable velocities be approved by the State Engineer. The Water Quality proposed regulations specify that the combined principal and emergency spillways shall pass safely the runoff from a 25-year flood event. The State Engineer's regulations also require the ponds to have an appropriate combination of principal and emergency spillways to safely pass the 100-year or longer flood event. However, the Wyoming program does not identify the requirement of 30 CFR 816.46(i) that the crest of the emergency spillway be located at least one foot above the crest of the principal spillway.

Wyoming proposes to require compliance with Public Law 83–566 and SCS criteria in the proposed State Engineer's regulations. However, it will be necessary for Wyoming to require the 1.0 foot separation, or to provide a demonstration that equivalent protection is offered, as required by 30 CFR 816.46(j). Wyoming thus needs to demonstrate equivalency of their program for impoundment embankments with all applicable design criteria of 30 CFR 816.46.

13.28 The Federal regulations, 30 CFR 816.46 (n) and (o), require that the sedimentation pond embankment or fill material be free from sod, large roots and vegetation material; the foundation be cleared from all *organic matter;* the exposed surface not be steeper than 1h:1v, and the foundation be scarified. In addition, 30 CFR 816.49 requires that both temporary and permanent impoundments be built to certain design criteria to assure both safety and environmental protection.

The Wyoming's State Engineer proposed regulations require that the fill material in the sedimentation pond embankment be started at the lowest point of the foundation and be spread in horizontal layers of a thickness that will facilitate compaction and to meet the safety factors (Section 1 of the State Engineer's rules). The State Engineer's proposed regulations also require compliance with Public Law 83–566, MSHA, and SCS requirements, and require construction to be supervised by, and certified by a registered professional engineer (Section 1).

Since normal engineering practice would consist of ensuring pond embankment stability by eliminating organic material that could create instability, and by laying the embankment to the ground surface to avoid slippage, the Secretary believes that the required results of the Federal regulations will be achieved under the Wyoming program. However, since some modifications of the Wyoming program have been proposed to clarify the requirements for the sedimentation ponds, dams, and embankments requirements by the State Engineer's requirements in Administrative Record No. WY–119, this portion of the program cannot be approved.

Wyoming also utilizes State Engineer regulations to ensure safety of design and construction of ponds. The State Engineer's regulations and the Land Quality Division Rules use a criterion of 50 acre feet (Rule IV 3h(2)) as opposed to the Federal requirement of 20 acre feet (though they measure the 20 foot height from the downstream toe of the dam embankment which may be more stringent than the Federal requirements). Wyoming's State Engineer's regulations require that sedimentation ponds larger than 20 feet high or 50 acre-feet of storage be designed in accordance with the SCS Release 60 and also utilize a criteria for imposition of the more stringent standard for "any impoundment which may pose a public health and safety hazard or cause significant environmental damage from overtopping or failure of the dam." This material is contained in the draft regulations (Administrative Record No. WY–99).

Wyoming has not submitted adequate information to show that the criterion of 50 acre feet plus the discretionary provisions proposed in Rule IV 3h(3) to allow the administrator to impose more stringent requirements on any impoundment which may pose a public health and safety hazard will be as stringent as is required by 30 CFR 816.46(q). Specific areas of concern include, but are not limited to, design storm for emergency spillway use, emergency spillway hydrograph, freeboard hydrograph, embankment factor of safety including factor of safety with seismic consideration, time required for principal spillway drawdown of retarding pond, and elevation difference between emergency spillway crest and top of dam. The Wyoming program, when resubmitted, should contain clear evidence that the applicable requirements of 30 CFR 816.46 and 816.49 are satisfied by the various rules.

13.29 30 CFR 701.5 defines "toxic materials" as those which "* * * are likely to produce chemical or physical conditions in soils or water that are *detrimental* to biota or uses of water." Wyoming proposes to substitute the word "lethal" for the "detrimental" in Rule I 2(97). The toxicity of elements in water is determined by the lethal effect of the material, in water, to selected aquatic species. Thus the substitution of "lethal" for "detrimental" is a technically-valid substitution. However, the State should provide additional documentation regarding the compatibility of this definition to the rules which depend on the definition.

13.30 EPA states that the Wyoming program drops the phrase "detriment to vegetation" (30 CFR 816.48(a)) in describing the necessity for burying or treating acid and toxic forming spoil after it is first exposed, as is required by 30 CFR 816.48(c). Further, there is no provision for burying or treating the spoil for a period shorter than 30 days.

Wyoming proposes to require that all overburden and spoil material that is determined to be toxic, acid forming, or will prevent adequate reestablishment of vegetation on the reclaimed land surface must be properly disposed of during the mining operation in Rule IV 2c(3)(f). This would provide equivalent environmental protection provisions to that of the Federal rules under 30 CFR 816.48(a).

The Wyoming Rule IV 3c(3)(a) would require acid forming and toxic forming materials to be buried within 30 days of exposure unless a longer time is approved. Additionally, Rule IV 3c(3)(b) would require burial of such materials to a depth not to impair an adequate plant growth. Thus, the Wyoming proposed rules would appear to be consistent with 30 CFR 816.48.

13.31 EPA states that Wyoming's program does not contain the requirement that water impoundments shall not affect the water of adjacent and surrounding landowners for listed uses, as is required by 30 CFR 816.49(a)(4).

Wyoming proposes to address permanent impoundments in Rule IV 3h. Further, Wyoming Statutes (35–11–406(b)) require minimizing disturbances to the prevailing hydrologic balance and to the quantity and quality of water in surface and ground water systems. The Wyoming rules ensure protection of the quantity and quality of, and rights to, surface and ground water both within and adjacent to the permit area (Rule II 3b(9)).

Wyoming water law also requires applications for permits to construct reservoirs (W.S. 41–3–301) and subjects such applications to review procedures to protect water rights (W.S. 41–3–302). The statute (W.S. 35–11–416(b)) provides the right of action, against an operator, by a holder of a valid adjudicated water right who obtains all, or part, of its supply through the water right which is polluted, diminished or interrupted. Additionally, Rule II 3a(b)(m) would require an evaluation of the impact of proposed operations that may result in contamination, diminution, or interruption of the quality and quantity of water and for domestic, agricultural, industrial, or other legitimate purposes and the identification of alternative sources for replacement in accordance with State law.

Lastly, Rule IV 3h(1) would require that the quantity and quality of affected water will support or constitute a postmining use equal or greater than the previous use, that discharge water will not degrade the quality of the receiving waters, and that the surface owner has consented to the impoundment. Thus, the Wyoming proposed rules appear to make the Wyoming program consistent with 30 CFR 816.49.

13.32 EPA states that Wyoming's program does not contain the requirement of 30 CFR 816.50(b) regarding design and construction of pits and cuts to control harmful drainage to ground water.

Wyoming requires all operations to be conducted so as to minimize disturbance to the prevailing hydrologic balance (W.S. 35–11–406(b)). Therefore, the effect of mine drainage into ground water systems is controlled. Further, drainage from acid-forming and toxic-forming material into ground and surface water is to be avoided (Rule II 3e(3)(b)), and burial of acid- or toxic-forming materials must not result in surface or subsurface water pollution or be subject to erosion (Rule IV 3c(3)(a)). Selective placement of acid-forming and toxic-forming materials in backfilling is addressed in Rule IV 3c(3)(d). Thus, the necessary provisions to meet 30 CFR 816.50 are proposed to be included in Wyoming's program.

13.33 Wyoming proposes provisions for surface and ground water monitoring requirements equivalent to 30 CFR 816.52 in Rule II 2b(9)(c) which requires a plan to ensure protection. That rule would include a plan to collect, record, and report water quantity and quality data in accordance with Rule IV 3i. This latter rule includes monitoring of surface water flow and quantity from affected lands that have been graded and stabilized. Rule IV 3i(2) would ensure that the results of the monitoring will be utilized to demonstate that disturbance to the hydrologic balance is minimized and to assure that water quality standards are not violated. The Wyoming provisions appear to meet the minimum requirements set forth in SMCRA and 30 CFR 816.52.

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13.34 EPA expressed concern that Wyoming does not state the alternative reporting system to be followed where a mine's discharge is also subject an NPDES permit, as is required by 30 CFR 816.52(b)(2)(iii).

Wyoming proposes to amend its Memorandum of Understanding between the Water Quality Division, which has NPDES Permit authority, and the Land Quality Division, which is the regulatory authority under SMCRA, to assure coordination of the reporting system whenever a mine's discharge requires an NPDES permit.

Thus, the NPDES reporting procedures would be followed at a minimum and reports would be sent to the Department pursuant to Section II 12 of the Water Quality Division regulations. The Land Quality Division, according to Rule II 3a(5)(a)(ii), would require the plan to be submitted and reviewed as part of the mining and reclamation plan. This would keep the Water Quality Division informed of all NPDES permits. This appears to assure proper NPDES reporting procedures.

13.35 EPA further commented that Wyoming's program does not contain the monitoring requirement of 30 CFR 816.52(a)(2), if ground water systems serve as aquifers for water use on or off the mine plan area. The Federal regulation requires periodic monitoring of ground water levels and quality and other chemical analyses and specifies that monitoring be adequate to plan for the modification of mining activities, if necessary, to minimize disturbance to the prevailing hydrologic balance.

Wyoming proposes to require monitoring for the same purpose in Rule IV 3i. Further, Rule II 3b(9) requires a plan to ensure the protection of the quantity and quality of, and rights to, surface and ground water; Rule II 3a(5)(a)(ii)(B) requires a plan for collecting ground water and surface water information; and Rule IV 2c(3)(e) requires analyses of spoil material in order to determine if it will be a source of water pollution through leaching. Wyoming's regulations, when revised, appear to require monitoring consistent with that of 30 CFR 816.52(a)(2).

13.36 With respect to the requirements of 30 CFR 816.53 for transfer of wells, Wyoming proposes to rely on the State Engineer's Office. Wyoming Statute 41–3–905, which is enforced by the State Engineer, requires permits for any wells from which water is to be withdrawn for beneficial purposes. Wyoming proposes to regulate through the State water law requirements as they are incorporated in permits pursuant to Rule II 3a(5) and also will provide additional guidance for construction, completion, and abandonment of wells through the State Engineer's rules. Rule IV 3n serves to relate the coal mining regulations to existing water law when wells are transferred. Similarly, the requirements for protection of water rights (30 CFR 816.54) are proposed by Wyoming to be addressed by amending W.S. 35–11–415(b)(xii) to read "replace in accordance with State law the water supply of an owner of interest in real property who obtains all or part of his water supply."

Surface coal mining and reclamation operation will be managed by the regulatory authority through a MOU between the Land Quality Division and the State Engineer. These proposed provisions appear to make Wyoming's provisions equivalent to the Federal requirements.

13.37 Wyoming does not propose to allow discharge of water into an underground mine (Rule IV 3e(3)(c)). This is more stringent than the Federal requirements under 30 CFR 816.55 and appears to be acceptable.

13.38 Wyoming proposes to require all permanent diversions and ponds to meet performance standards or more stringent requirements for postmining land use plans through language such as that in Rule IV 3e(2) (for diversions). When the revisions are enacted, this provision will apparently be equivalent to that of the Federal requirement under 30 CFR 816.56 for postmining rehabilitation of control facilities.

13.39 The Federal regulations identify streams deserving of a buffer zone as "perennial streams or a stream with a biological community" (30 CFR 816.57(a)). Wyoming proposes to identify buffer zone streams only as perennial and intermittent (Rule (IV 3p(2))). EPA and the Bureau of Mines also commented on this difference from the Federal requirement.

In consultation with the Wyoming Game and Fish Department, the Land Quality Division determined that measurement of biological communities was sufficiently difficult that the preferable alternative was to determine whether a stream was intermittent or perennial, which is required in the application (Rule II 3a(h)(i)). Wyoming provides several other mechanisms to safeguard streams with a biological community. Rule IV 3p(1) requires, to the extent possible, using the best technology currently available, minimal disturbance to and adverse impacts on fish, wildlife, and related environmental values. Rule IV 3p(1)(c) requires an operator to afford protection and enhance when practicable habitats of high value to fish and wildlife. In addition the Land Quality Division has a MOU with the Game and Fish Division for consideration of effects on fish, wildlife, and related values. Further, the Federal program does allow disturbances of these biological systems upon a finding by the regulatory authority.

The Wyoming provisions appear to be an adequate alternative to the Federal regulations in that the Wyoming regulations provide for adequate consideration of biological communities when establishing buffer zones. This is also discussed under the "State window" alternatives above, findings 12.1–12.12.

Coal Recovery

13.40 Wyoming does not use the term "while utilizing the best appropriate technology currently available" to maintain environmental integrity as provided by 30 CFR 816.59 in relation to coal recovery, but does require maintenance of environmental integrity. The best technology currently available in the Western United States employs the recovery of rider seams and deeper seams. Wyoming's Rule IV 3t does require maximizing the utilization and conservation of the coal resource. Wyoming incorporates the recovery of rider seams and deeper seams in applications as standard operating procedures which appears to be equivalent to the Federal requirements for coal recovery.

Use of Explosives

13.41 Wyoming's program, as submitted, does not provide that an operator be held responsible for a preblasting survey as required by 30 CFR 816.62. Wyoming now proposes in Rule VI 2a to require that the survey be performed by personnel approved by the administrator, or that the administrator would conduct the survey on behalf of the operator. This change appears to be equivalent to the Federal requirement.

The Public Lands Institute pointed out that deficiency and indicated a need to strengthen the Wyoming requirements for giving notices of blasting to workers and taking measurements of blasting operations (30 CFR 816.64 and 65). Wyoming now proposes revisions in Rules VI 3a(4) and VI 5a(3) that appear to satisfy the Federal requirements.

13.42 Wyoming's proposed program provides for the use of the interim program standards for airblast measurements. These standards are not consistent with 30 CFR 816.65(e). This was also pointed out by the Mine Safety and Health Administration (MSHA). Wyoming now proposes changes to Rule VI 5a(6) to incorporate the Federal

permanent program requirements for maximum airblast levels. The revised Wyoming provisions appear to meet the Federal requirements.

13.43 In addition to the airblast standards discussed above, there are other instances where Wyoming's blasting regulations are different in ways than the Federal requirements. Upon detailed analysis, differences appear minor to the Secretary and the Wyoming requirements appear to be equivalent to the Federal requirements because all of the requirements are included in the regulations though in different form.

13.44 Wyoming's proposed program first omitted and then incorrectly represented the scaled distance equation under the blasting regulations of 30 CFR 816.65. MSHA also identified this omission. According to the State, the problem resulted from a typographical error and that the error was corrected in the redrafted rules (Administrative Record No. WY–119).

Disposal of Excess Spoil

13.45 Wyoming's regulations, as submitted, covering disposal of excess spoil contain a conflict in static safety factor values since values of 1.3 and 1.5 are used for the same requirement. Wyoming's draft Rule IV 3c(1)(d)(ii) deletes the 1.3 value and retains the 1.5 value. This appears to bring Wyoming's provisions into conformance with 30 CFR 816.71(f).

13.46 Wyoming Rule IV 3c(1)(b)(ii) prohibits placement of excess spoil in areas of springs, seeps, drainages, croplands or important wildlife habitat. The Wyoming regulations will also prohibit valley fills, head-of-hollow fills, and durable rock ("field design") fills. These are discussed further as State window items above under findings 12.1–12.12. The Wyoming provisions appear to provide protection for drainages from disposal of excess spoil consistent with 816.71–816.74.

Protection of Underground Mining

13.47 Wyoming does not duplicate the requirements of 30 CFR 816.79(b) for protection of underground mining since the phrase "endanger any present or future operations of either surface or underground mining activities" is not repeated in the Wyoming rules. However, Wyoming proposes rules preventing operations which would impose a danger to health and safety and for coal conservaiton (Rule XIII 1a(8)(d) and Rule IV 3t), require a 500 foot separator between an underground mine (Rule IV 3r), and require MSHA approval for mining closer than 500 feet. The Wyoming provisions, if enacted, appear to be in conformance with the Federal requirements with regard to protection of underground mining.

Coal Processing Waste Banks

13.48 Wyoming proposed requirements for coal processing wastes in Rule IV 3c(2). The requirements of the Wyoming program do not reiterate the Federal requirements found at 30 CFR 816.81–816.93 for dams and embankments since Wyoming proposes to prohibit disposal of coal processing wastes in dams, embankments, or diversion structures (Rule IV 3c(2)). Coal processing wastes may not be disposed of in drainages and, when disposed of, shall be placed in accordance with excess spoil disposal requirements (Rule IV 3c(2)(a)(i)). Coal processing wastes would be allowed to be placed in excess spoil fills (Rule IV 3c(2)(b)) but not in situations defined as valley or head-of-hollow fills (Rule IV 3c(1)(b)(ii)). The Corps of Engineers stated that the provisions for coal waste dams and embankments were deficient but did not identify any specific deficiencies. It appears that the provisoins would be compatible with the Federal requirements.

13.49 The original State submission did not include provisions to implement 30 CFR 816.82(b), notification procedures for potential hazards at coal waste bank sites. The State now proposes to revise Rule IV 3c(2)(c)(vii) to require that if a potential hazard is found to exist, the administrator shall be notified immediately, and that if no remedial procedures are formulated, emergency agencies shall be notified of the hazard. The revision would appear to provide authority equivalent to that provided under Federal permanent program.

13.50 The Public lands Institute commented that several of Wyoming's coal processing waste regulations needed to be strengthened to be at least as stringent as 30 CFR 816.81–93. Wyoming has proposed revisions (Rule IV 3c(3)(c)(iii)) which would prohibit coal processing wastes to be placed in drainages or within the flood plain of a natural drainage. These revisions to Wyoming's regulations appear to provide a level of protection equivalent to that of 30 CFR 816.83(a).

13.51 EPA also noted that Wyoming's program did not specifically state that all sections listed in 30 CFR 816.83(d) for water discharged from a coal processing waste bank must be complied with. The references include provisions for sedimentation pond, hydrologic balance and other requirements to minimize disturbance to the hydrologic balance. More specifically, the Federal requirements cited in 30 CFR 816.83(d) are for water discharged from a coal processing waste bank to meet general hydrologic balance provisions, effluent limitations, sediment control and sediment pond design provisions, and ground water monitoring and underground mine discharge requirements.

Wyoming proposes to prohibit locating a coal processing waste bank on or within the flood plain of a natural drainage or in areas where seepage problems may be anticipated (Rule IV 3c(2)(c)(iii)). The other provisions of 30 CFR 816.83(d) are included elsewhere in the Wyoming rules (Rule IV 3e(3)(a)) controls discharge; Rule IV 3e(3)(c) specifies no discharge to underground mine; Rule IV 3g(1) requires sedimentation ponds, and Water Quality Division regulations and Rule IV 3i(1) require ground water monitoring). Thus, the requirements of the Federal regulations apparently will be met.

13.52 Wyoming's program submission did not satisfy the compaction requirements of 30 CFR 816.85(c)(2). The Public Lands Institute also pointed out this deficiency. Wyoming proposes revisions to Rule IV 3c(2)(c)(i) to provide compaction standards which will not be less than 90 percent of the maximum dry density. The proposed compaction requirements appear to be equivalent to the Federal standard.

13.53 The requirements of 30 CFR 816.87 for utilization of burned coal processing wastes were not included in the Wyoming program submission. However, Rule IV 3c(2)(e) of Wyoming's regulations requires MSHA approval of all coal processing waste piles and requires that coal processing waste fires be extinguished. Because of these requirements, significant amounts of burned coal processing wastes are unlikely. Further, there are no significant amounts of coal processing wastes in Wyoming. Considering the limited probability of burned coal processing wastes in Wyoming, the Wyoming provisions appear to provide for equivalent protection of the environment.

13.54 Wyoming's requirements for solid waste disposal are those of the State solid waste program. Rather than develop a new set of requirements for compliance with 30 CFR 816.89, Wyoming has modified and incorporated, by reference, existing waste disposal standards into its surface coal mining regulatory programs. Wyoming's Land Quality Division will be responsible for coordination and compliance with the solid waste disposal provisions. This appears to be

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consistent with the Federal requirements.

13.55 EPA expressed concern that Wyoming's solid waste regulations did not contain language to require water barriers at non-coal waste disposal sites or to require operations of the disposal sites in accordance with "all local, State, and Federal requirements," as required in 30 CFR 816.89(b).

The Wyoming Solid Waste Management Standards (Chapter I 11c(1) (c) and (e)) require that "sites shall be constructed in such a manner that surface water will not run onto, into, or out of the working area," and such that, "* * * leachates . . . or liquids will not enter the water in such quantities as to be in violation of Water Quality Standards." Wyoming also proposes to specify that all operations monitoring solid waste disposal as part of a surface coal mining and reclamation operation are required to be evaluated for impact on the hydrologic balance (Rule XXIII 2a(1)) and to be conducted to minimize disturbance to the prevailing hydrologic balance (W.S. 35–11–406(b)). These requirements appear to satisfy the Federal regulation for requiring a "appropriate" water barriers at the botton and sides of the fills.

Air Resources Protection

13.56 The Wyoming program, as submitted, did not provide for air quality protection consistent with the requirements of 30 CFR 816.95. EPA also pointed out that several specific provisions for air resources protection were absent. Wyoming proposes to provide for air resources protection through the combination of its air quality regulations (and proposed amendments), and a MOU between the Air Quality Division and the Land Quality Division. These provisions appear to be equivalent to 30 CFR 816.95 and 817.95. This assumes that the listed fugitive dust control measures are included in the MOU.

13.57 The National Wildlife Federation expressed the concern that the land quality regulations and the proposed air quality regulations do not provide the broad and flexible control over air quality problems that are required by 30 CFR 816.95. Wyoming proposes to revise the MOU between the divisions to enumerate all of the control requirements of 30 CFR 816.95(b). (See Administrative Record No. WY–99.)

13.58 Peabody Coal Company and ARCO Coal expressed the opinion that the provision that the operator be required to enclose, cover, or treat loaded railroad cars as a condition of operation is extremely harsh and unrealistic. The commenters stated that operators usually have no control over the operations of the railroad after the coal leaves the site and also pointed out that the title to the coal passes at the time it is loaded. The commenters further stated that this provision would require the operator to make an extraordinary contractual relationship with the railroad to require the railroad to take these measures, and that the cost of these measures would be one more factor, putting Wyoming coal at a competitive disadvantage with midwestern and eastern coals. This provision is one of several alternatives which may be required in a specific case by 30 CFR 816.95(b) and as such is contained in the MOU with the Air Quality Division. There has been no convincing evidence presented that this alternative would be inappropriate in Wyoming.

13.59 The Powder River Basin Resources Council and the Public Lands Institute stated that the references in Rule I 14(f) and 21(c) of Wyoming's Air Quality Rules and Regulations provided little in the way of strong enforcement for fugitive dust emissions. The commenter recommends that, at the very least, an additional provision be added similar to 30 CFR 816.95(c) which allows the regulatory authority to require additional measures and practices as necessary to control fugitive dust emissions. Wyoming proposes an amendment to the MOU between the Air Quality Division and the Land Quality Division to include authority to require additional measures determined to be necessary.

13.60 ARCO was concerned with the requirement in Wyoming's proposed Air Quality Rules and Regulations (Rule I 1(2)(3)), stipulating that fugitive dust be restricted during periods of air stagnation. The commenter stated that this could result in severe curtailment of production, specifically coal haulage during cold winter months, which would make it difficult to meet contractual delivery.

The commenter correctly points out that if air quality standards are exceeded activities may be curtailed. This factor must be taken into account in planning a coal mine. Curtailment is one of a number of control measures which might be required and is the most drastic. In most cases, the other control methods should remove the need for curtailment.

13.61 The Federal regulations define "fugitive dust" in 30 CFR 701.5 as particulate matter not emitted from a duct or stack which becomes airborne due to wind or mining and which may include dust from haul roads, erosion of exposed surface, and reclamation in which materials are removed, stored, transported, or redistributed. The Air Quality Division's standard, incorporated in permit applications by the MOU between the Land Quality Division and the Air Quality Division, does not provide a definition of fugitive dust. However, the air quality regulations at Section 14f refer to fugitive dust as particulate matter that is caused by persons handling, transporting, or storing coal and apply control measures of 30 CFR 816.95 to fugitive dust.

Wyoming defines "particulate matter" at Rule I 2a(29) as any material, except water, that is or has been airborne and exists as a liquid or solid at standard conditions. Wyoming has submitted additional proposed fugitive dust control measures to make the submittal complete with respect to 30 CFR 816.95(b) (see Administrative Record No. WY–99). These materials appear to be consistent with the Federal requirements.

Protection of Fish, Wildlife and Related Environmental Values

13.62 Wyoming's program did not include a section to insure protection equivalent to 30 CFR 816.97(d)(5) concerning protection of riparian vegetation and wetlands. Rule IV 3e(2)(b) would provide for restoration, enhancement where practicable, or maintenance of natural riparian vegetation on banks and in floodplains. These changes, appear to meet the Federal requirements. In addition, the Wyoming program includes a MOU with the Wyoming Game and Fish Department which requires, as policy, the "enhancing and preserving (of) fish and wildlife and their habitats."

13.63 Wyoming's program does not specifically address the interspersing of wildlife habitat with cropland, residential, public service, or other similar types of land as provided by 30 CFR 816.97(d)(10) and (11), concerning protection of fish and wildlife resources under a postmining land use change. Rule IV 3 (which takes precedent over Section 2 in the event of conflict), in particular Rule IV 3(p), requires enhancement of fish, wildlife and related values where practicable, the distribution of habitat in a manner which includes diversity and interspersion of habitats, and the optimization of edge effect and other benefits for fish and wildlife. Since little cropland or use other than grazing and wildlife is envisioned, Wyoming's program is judged equivalent to the Federal provisions.

13.64 The Fish and Wildlife Service (FWS) expressed concern that the Wyoming program requires that roads and powerlines be "properly constructed," but does not provide the appropriate direction and references which appear in 30 CFR 816.97. The FWS also pointed out that the State's regulations are overall less stringent than the Federal regulations because they allow: (1) Total loss of wildlife habitat when postmining land use is agricultural or recreational; (2) conversion to cropland with no consideration of adverse impacts to wildlife habitat; and (3) draining wetlands rather than preserving or creating them.

With respect to powerlines, the State must identify the criteria used to construct powerlines at a minimum. Citations in the "Wildlife" technical guideline may suffice for this requirement if there is a clear requirement in the Wyoming rules for the Land Quality Division to utilize equivalent wire-spacing criteria as are in the guidance specified in 30 CFR 816.97(c). Wyoming also proposes to require applicants for permits to provide statements on efforts to control impacts on habitats of unusually high value which would include wetlands and riparian vegetation (Rule II 3b(4)(b)(iii).

As discussed in Finding 13.14, Wyoming proposes revisions to its program to consider wildlife habitat when approving postmining land use changes.

13.65 The Public Lands Institute commented that the Wyoming program lacks the specificity of the Federal regulations on protection and enhancement of wildlife and wildlife habitat (30 CFR 816.97). Review indicates that, while stated differently, the requirements of the Wyoming program would be consistent with those of the Federal regulations, except as discussed above.

Contemporaneous Reclamation

13.66 The Public Lands Institute asserts that the provision of Wyoming's Rule IV 2(1) and (2), which requires that all reclamation be completed within two years, violates the contemporaneous reclamation requirements of 30 CFR 816.100 and Section 515(b)(16) of SMCRA.

Wyoming uses Section 3 of Rule IV to supercede the more general Section 2 of Rule IV when addressing surface coal mining and reclamation operations. Thus, the apparent deficiency of Rule IV 2(1) and (2), allowing two years for completing reclamation, is superseded by Rule IV(3)(a) which requires activities to be conducted in a manner commensurate with the Federal requirements of 30 CFR 816.100. Further, the word "completed" is interpreted as meaning that all reclamation necessary to release the bond is accomplished, which is impossible for coal mining and reclamation operations given the 10 year revegetation bond. Therefore, Rule IV 2(1) and (2) will apply to other minerals and to coal only as modified by proposed Rule IV 3a. The Wyoming provisions appear to meet the Federal regulations.

Backfilling and Grading

13.67 In comparison to the requirements of 30 CFR 816.101, Wyoming proposes to require reestablishment of drainage, if necessary, through Rule IV 2b(1). However, this rule, which applies to soft rock mining, would be superseded by both Rule IV 3a(3), which requires return to approximate original contour, and Rule I 2b which would define approximate original contour as that which complements the drainage pattern of surrounding lands. Thus, Wyoming's backfilling and grading requirements to achieve approximate original contour would reestablish drainage equivalent to the Federal requirements.

13.68 Wyoming's initial submission contained a provision which automatically placed spoil from permanent impoundments into the excess spoil category. This provision would be changed in Rule IV 3a(7) by inserting the requirement that such spoil first be shown to be excess in accordance with Rule II 3b(11) (the postmining land use plan). Thus, an assessment of this approximate original contour requirement will be integrated into the determination of whether excess spoil exists.

13.69 The National Wildlife Federation expressed concern that Wyoming's statutes do not require that mined land be returned to the approximate original contour. This is covered by the State's regulations, but the commenter believes that this should not be left to regulation alone because of possible conflict between regulations and statutes.

The Wyoming statutes require contouring to meet the plan approved in accordance with the regulations. Rules IV 2b and IV 3a address backfilling and grading in detail. In particular, Rule IV 3a(3) requires return of all affected lands to approximate original contour. Highwalls are to be eliminated through Rule IV 3a(4). The exemptions from the approximate original contour provisions are for thin overburden, thick overburden, permanent impoundments and cut-and-fill terraces, as in the Federal regulations. The rule, as part of Wyoming's program, cannot be changed without approval of the Secretary. The Wyoming statute, therefore, provides adequate authority to require backfilling and grading to achieve the approximate original contour.

13.70 Requirements for cut-and-fill terraces are specified in Rule IV 3a(8) of the Wyoming program. These provisions appear to be equivalent to the Federal requirements.

13.71 In rule IV 3a, the equivalent to 30 CFR 816.105 for backfilling and grading thick overburden, Wyoming proposes to use the language of SMCRA rather than the numerical criteria in 30 CFR 816.105. Wyoming's rules require a demonstration that the volume of all available spoil and suitable waste is either sufficient or insufficient to meet the approximate original contour standard. Recognizing that the 20 percent difference used in the Federal regulation is used as an indicator and not as an absolute value, Wyoming should achieve the same results under its regulations as would be achieved under Federal requirements. This issue is further discussed as a "State window" item in Findings 12.1 through 12.12 above.

13.72 Wyoming's program submission did not provide for requirements comparable to 30 CFR 816.106, which require stabilization of rills and gullies. Wyoming now proposes Rule IV 3b(4) to correct this deficiency by requiring removal or stabilization of any rills or gullies with an average depth of 6 inches or more, unless the rills and gullies are determined consistent with the postmining land use, and do not preclude successful revegetation. This provision appears to meet the Federal requirements.

Revegetation

13.73 30 CFR 816.111 requires establishment of an effective and permanent vegetative cover on all affected land. Wyoming Rule IV 2d(2) appears to allow no revegetation on areas such as playas which would be inconsistent with the requirement of 30 CFR 816.111. However, Wyoming also proposes Rule IV 3d which requires the establishment of a permanent vegetative cover on all affected lands. Therefore, the requirement for establishment of permanent vegetative cover would appear to be met by the Wyoming rules.

13.74 For revegetation using introduced species, the Wyoming rules do not directly address the compatibility requirements of 30 CFR 816.112(c) and (d). However, Wyoming proposes to state that seed types shall depend on climate and soil conditions and uses in

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Rule IV 2d(4). In addition, Rule IV 3d would require diverse, permanent vegetative cover of the same seasonal variety native to the area or of a species that will support the approved postmining land use. Rule IV 2d(5) also provides that alternate species must be used only if test plot data show those species to be of superior value. The Wyoming provisions appear to require that introduced species meet the compatibility requirements of 30 CFR 816.112(c) and (d).

13.75 The Wyoming program, according to the FWS, neither encourages nor requires the use of native plant species compatible with the plant and animal species of the region, as is required by 30 CFR 816.112. Wyoming proposes through Rule IV 3d(6) to require that "when wildlife is part of the postmining land use, shrubs and trees shall be returned to a density at least equal to that existing before mining." In addition, Rule IV 3p(1)(f) would require relocation of "plant species with shrubs well regenerated, which will enhance the nutritional and cover aspects of fish and wildlife habitats, where such habitat is identified as part of the postmining use, and distribute the reestablished habitat in a manner which includes a diversity and intergression of habitats, optimizes edge effects, cover and other benefits of fish and wildlife." This provides overall protection if introduced species are proposed since the requirements of Rule IV 3 take precedence over those of Rule IV 2 (in particular Rule IV 2d(5)).

13.76 Wyoming proposes Rule IV 2d(6) as the equivalent to 30 CFR 816.115 where revegetation is to be at least capable of withstanding grazing pressure comparable to similar non-mined lands for the latter two years in the 10-year liability period of 30 CFR 816.116(b). Because 30 CFR 816.115 and 816.116(b) have been remanded by the district court's decision of February 26, 1980, Wyoming's rule appears to be more stringent than the federal requirement. Wyoming may either retain Rule IV 2d(6) or revise it to reflect the court's ruling that land need not actually be used for grazing and that the period of responsibility begins from the last year of augmented seeding and fertilizing.

13.77 Peabody Coal Company questioned the standard for grazing land recovery. Wyoming proposes the standard in Rule IV 3d(6)(b) to be the rate that lands "could" support before mining. (In the January 9, 1980 draft this has been changed from "could" to "would".) Peabody believes this provision should be changed to "did" support before mining.

Otherwise, the operator will not be given credit for overgrazing that may have occurred. The Wyoming language, as revised, is correct because SMCRA requires restoration of premining capability.

13.78 In Rule IV 2d(6), the word "again" was struck from the third and last sentence of that paragraph to eliminate what appeared to be a requirement to measure reference areas only twice. This change was made on the January 9, 1980, version of Wyoming's regulations and appears to make the provision acceptable.

13.79 The Wyoming regulation fails to define the phrase "reasonably good husbandry practices" which is used in Rule IV 3d(6) in the statement: "The bonding period shall not be affected where normal and reasonably good husbandry practices are being followed." This language is of concern since it could establish a method of circumventing the intent of Section 515(b)(2) of SMCRA by allowing augmented seeding, planting, fertilization, or other practices in the name of good husbandry. The intent of this provision appears to permit only those practices, after seeding, planting, and augmentation, which are characteristic of the land management practices normally conducted in the area.

However, the lack of a definition casts some doubt on the meaning. Therefore, this provision is not adequate and a definition or other clarification of the term "reasonably good husbandry practices" should be included in the Wyoming resubmission to ensure that the phrase is not interpreted to allow violation of the liability period necessary to determine whether revegetation efforts are successful.

13.80 The Bureau of Mines pointed out that Wyoming does not require use of the 90 percent statistical measure of revegetation required by 30 CFR 816.116(b)(3). Wyoming's provisions for revegetation in Rule IV 2(d) require that revegetation be at least equal to the premining conditions. This is more stringent than the Federal requirement.

13.81 The FWS commented that Wyoming's program establishes a period shorter than the Federal requirement in 30 CFR 816.116 for measuring revegetation success. Wyoming proposes Rule IV 3d(6) which would require the 10 year period of responsibility. Rule IV 2d(6) requires revegetation success to be measured in terms of cover, productivity and diversity. As noted in connection with Finding 13.76 above, 30 CFR 816.116 has been remanded by the district court. Consequently, the Wyoming rules as currently written appear to be more stringent than the federal requirements.

13.82 The FWS also commented that the term "population density goal" is undefined. The term "population density" is used in Rule IV 2d(6)(a) addressing reforestation for commercial harvest. That rule is proposed to be modified through Rule IV 3b(e) and to be conditioned on future establishment of standards for success. In addition, no permits for reforestation are to be issued until the standards have been promulgated and approved by the Secretary as part of the program.

13.83 The Public Lands Institute states that specific Federal requirements in 30 CFR 816.116 requiring field trials and analyses for introduced species, definition of seasonal variety, measurement of productivity at the start of the bonding period, and management of reference areas should be adopted by Wyoming.

Wyoming proposes Rule IV 2d(5) which specifies that "more suitable species of vegetation may be substituted" if revegetation test plot results show such species to be of superior value for reclamation purposes. Rule IV 3d(2), which prevails over Rule IV 2d, specifies that "introduced species shall be used only to achieve a quick, temporary stabilizing cover to control erosion, or to achieve a postmining land use approved by the administrator." If a postmining land use different from the premining use is proposed, the demonstration of feasibility of the proposed land use must satisfy criteria listed in Rule II 3b(11) which includes identification of the utility and capacity of the reclaimed land to support "a variety of uses."

The Institute also states that the Wyoming rules do not contain the requirement for 10 years of operator responsibility. Wyoming's Rule IV 3d(6) states that the bond for revegetation shall be retained for not less than ten years after the last seeding, fertilizing, irrigation, or other work to ensure revegetation. Rule IV 2d(6) identifies cover, productivity, and diversity as factors of success. The bonding period for all bond levels is clearly 10 years under the prevailing provisions of Rule IV 3e(6) and, thus, the uncertainty of Rule IV 2d(2) and (3) is removed. Further, Wyoming is proposing to revise the 5 year period in Rule IV 3e(b)(c) (see Administrative Record No. WY-99).

13.85 Wyoming's equivalent to 30 CFR 816.117 is proposed to be added to Rule IV 3d(6) and 3e to say that standards for success of reforestation for commercial harvest shall be

established prior to approval of any plan that proposes reforestation. It is not expected that any near future coal mining and reclamation of substance will occur on commercial forest lands in Wyoming since most of the commercial forest land is not in coal resource areas. As noted above, the 10 year bond period properly applies to these lands because Rule IV 3d(6)(e) would prevail over Rule IV 2d(6). This appears to be equivalent to the Federal requirements.

Cessation of Operations

13.86 30 CFR 816.131 covers temporary cessation of operations and requires operators to "secure" surface facilities and provide certain information to the regulatory authority. Wyoming's proposed Rule IV 3s(1) which requires that information be submitted in an annual report. The annual report as set forth in W.S. 35-11-411 requires information on the numbers of acres affected, the extent and limit of reclamation that will have been accomplished, and identification of reclamation activities that will continue. The proposed Wyoming rules would appear to cover the requirements of 30 CFR 816.131.

13.87 30 CFR 816.132 covers permanent cessation. Wyoming's proposed Rules IV 2k and IV 2l which require a timetable for removal of all buildings and compliance with the approved postmining land use. These rules appear to be consistent with 30 CFR 816.132.

Postmining Land Use

13.88 30 CFR 816.133 covers postmining land use. In Rules II and IV, Wyoming ties the criterion of restoration to conditions capable of supporting premining uses to restoration to a condition equal to or greater than the "highest previous use," and restoration to a condition "suitable" for the previous use which was of the greatest economic or social value to the community area, or which has more social or economic value than all other previous uses. Thus, Wyoming has incorporated a judgment more stringent than the Federal requirements. The Federal regulations do not provide any further definition of "higher or better uses." Wyoming is on record (see notes of January 2-5 meetings, Administrative Record No. WY-99) as requiring that the capability of the land to support the premining uses will be restored through the backfill and grading, hydrology, soils, and vegetation requirements. All other elements of 30 CFR 816.133 would appear to have equivalent language in the proposed Wyoming provisions.

13.89 The FWS states that Wyoming's Rules II 3b(11) and IV contain no provisions for State and Federal fish and wildlife agency review of postmining land use changes or approval of mitigation measures as required by 30 CFR 816.133. The Wyoming program would require coordination with fish and wildlife agencies in Rule II 3a(6)(3). This rule would provide that the level of detail of studies is determined after consultation with Federal and State agencies with respect to changes in postmining land use. (Also see discussion 13.63.)

Roads

13.90 Wyoming proposes standards for *all* roads, standards for haul roads or access roads, and standards for light use roads in Rule IV 3j(1), (2), and (3). The requirements of 30 CFR 816.150 are addressed in Rule IV 3j(1) and (2). Stream fords are prohibited under Rule IV 3j(1)(d) and Wyoming is proposing a restriction on clearing more vegetation than is necessary in Rule IV 3j(1)(e). Wyoming has also provided language in Rule IV 3j(2)(a)(vii) to address embankment construction. The diversion of drainage from large fills and switch backs is included in Rule IV 3j(2)(b)(ii). These provisions appear to meet the Federal requirements.

13.91 The Carter Coal Company is concerned with the requirement that "embankment layers for coal haul roads not exceed 12 inches in thickness." The company believes the maximum 12-inch requirement is unnecessary for coal haul roads in Wyoming. The Federal legislative history indicates to the commenter that the requirement was included in 30 CFR Chapter VII as a result of concern for the environmental impacts of haul roads which are frequently located outside the permit area and for mines in the high rainfall areas of Appalachia and the Midwest. The commenter urges that this section be modified to delete the 12-inch lift requirement.

The Federal regulations specify 12-inch lifts unless the material is too large or unless an alternative design and construction of the roads is certified by a registered professional engineer and approved by the regulatory authority. Wyoming proposes Rule IV 3j(2)(a)(vii) to specify that embankment materials be compacted in layers not greater than 12 inches in thickness. In order to compact embankment materials to a stable density, the maximum lift should not, for good engineering practice, be more than 12 inches thick. Thicker layers are not generally compactable to standard design densities. The lower precipitation rates will be reflected in lesser designs for sediment control facilities than these that could prevail in the Midwest and the East. The proposed Wyoming Rule appears consistent with the Federal requirements.

13.92 With the exception that Wyoming proposes Rule I 2 to include a definition of "exempted roads," the definition of types of roads in the Wyoming program is similar to that of the Federal regulations. Wyoming defines "exempted roads" as construction roads, pit roads (which drain into the mine pit), county roads, State or Federal roads, or existing roads which require no upgrading. The types of roads included in the "exempted road" definition are included in several provisions of the program. Rule IV 2j states that access roads and railroad spurs shall be considered within the permit area and shall be covered by a reclamation bond. Rule IV 3j(1) provides general performance standards for "all roads." Rule II 3b(2) requires a map and analysis of existing structures to determine whether they meet the requirements of Rule IV, or a plan for modification of any existing structure to comply with those standards. Rule IV 3j(2)(a) requires haul roads and access roads to be designed or reconstructed in compliance with specified standards. A complete discussion of roads, which includes a geotechnical analysis, is required by Rule II 3b(16).

The intent of the "exempted road" definition appears to be consistent with the Federal requirements but needs to be further explained in the Wyoming program in order to ensure that all roads covered by the Federal regulations and used for surface coal mining and reclamation operations are designed, constructed, maintained, and reclaimed in a manner equivalent to the Class I, II, and III roads of the Federal regulations (30 CFR 701.5).

13.93 ARCO commented that Wyoming's definition of roads in Rule I does not exclude certain roads of temporary duration. Wyoming has proposed to modify the Rule I 2(10)(c) to include the term "light use roads." These roads are limited to use by lightweight vehicular traffic, for pioneer construction, or for the transport of soil and topsoil to stockpile sites. This term would be applicable where the road requires little construction, is used for less than two weeks, and is then promptly replaced or reclaimed. The standards for these roads are contained in Wyoming Rule IV 3j(3) and appears to be consistent with the Federal requirements.

13.94 While Wyoming does not reiterate the specific requirement of 30 CFR 816.152(c)(1) for a geotechnical

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analysis of cut slopes, it does require that a static safety factor of 1.5 be achieved. In order to make the demonstration of compliance with the safety factor, the program requires a geotechnical analysis. This appears to be consistent with the Federal requirements.

13.95 Wyoming has proposed revisions to Rule IV 3j(2)(b) to ensure that spacing between culvert outlets is sufficient to ensure adequate drainage and minimize erosion. This provision appears to satisfy the culvert spacing requirement of 30 CFR 816.153(c)(2)(ii). Wyoming has also modified its equivalent to 30 CFR 816.153(c)(1) to require the larger culverts (greater than 35 square feet) to pass a 25 year flood event and to specify that the head behind the culvert may extend to within two feet of the top of the fill unless flooding or instability of the fill is created. These design criteria appears to meet Federal requirements.

13.96 EPA pointed out that Wyoming's program does not contain the requirement stated in 30 CFR 816.153(a)(2) and 816.163(a)(2) that, for road drainage, sediment control must comply with 30 CFR 816.42 and 45 (water quality standards, effluent limitations and sediment control performance standards).

The Federal requirements for sediment control in 30 CFR 816.42(a)(4) exclude areas only occupied by roads from the definition of "disturbed area;" therefore, the Wyoming program is equivalent. Wyoming addresses reclamation of roads in Rule IV 3j(4) and thereby applies all these requirements to all roads. The Wyoming provisions do not detail the specific reclamation procedures for each of the road categories. However, it would appear that the proposed rules would comply with the Federal requirements.

13.97 Wyoming proposes in Rule I 2(70)(c) a classification of "light use roads" for roads used by light weight vehicles for monitoring or inspection, or for less than two months for transport of spoil and topsoil. If these roads remain in place for more than 12 months, Wyoming Rule IV 3j(3)(b) requires the drainage design to be for the 10 year, 24 hour precipitation event. The Federal requirements are for any road used longer than six months to be designed and constructed to meet the requirements for Class III roads (30 CFR 816.160 *et seq.*). 30 CFR 816.160(d) allows demonstration by a qualified professional engineer of equivalency of alternative designs for Class III roads. Wyoming has limited use of light use roads by heavy vehicles to less than two months to mesh with the Class III road requirements. However, Wyoming does not require the light use roads to be evaluated in the context of the Class III roads when used for more than six months. The light use road standards do parallel the Class III road standards for sidecast construction, culverts, maintenance, restriction on use if usage will degrade water quality and general protection of the hydrologic balance.

Light use roads would be field designed to minimize erosion, limited to lv:10h overall grade, may include sidecast construction, provide for topsoil protection, and provide for protection of drainage for either a one year, six hour event or a 10 year, 24 hour event, depending on their expected longevity. Maintenance to minimize erosion is also required in Rule IV 3j(3) pursuant to the Federal rules.

The Federal regulations clearly require roads in place for more than six months to meet special requirements. Therefore, the Wyoming provision for light use roads cannot be accepted without, at a minimum, a demonstration that the requirements of 30 CFR 816.160(d) are met to assure that roads are designed by a registered professional engineer.

13.98 The Public Lands Institute contends that Wyoming's regulations regarding roads need to be more stringent on location, design, analysis and construction as specified 30 CFR 816.151 *et seq.* The Wyoming requirements for roads in Rule IV 3j appear to provide the authority for enforcing the protection equivalent to that required by 30 CFR 816.151 *et seq.*, except as otherwise discussed above.

Other Transportation Facilities and Support Facilities

13.99 Wyoming provides protection equivalent to 30 CFR 816.180 through Rule IV 3j(5) by including, almost verbatim, the Federal requirements and by including the other transportation facilities in the full spectrum of Rule IV's standards.

EPA expressed concern that Wyoming's counterpart to 30 CFR 816.181 does not specify "best technology available" with regard to the design, construction, and maintenance of support facilities and omits the requirement that support facilities be designed to prevent "additional contributions of suspended solids to streamflow or runoff outside the permit area" at least in excess of Federal or State limits.

The Federal requirements are for railroad loops, sidings, conveyors, and similar transportation facilities as well as support facilities to be developed so as to insure to the extent possible, using the best technology currently available, protection to fish and wildlife, drainage control, and protection of soils as required in 30 CFR 816.180(a) and 816.181. The requirements of 30 CFR 816.180(a) are contained in Rule IV 3j(5)(a)(i). The Wyoming rule applies to "other transportation and *mine facilities*" (emphasis added) and therefore incorporates the provisions of 30 CFR 816.181. Further, in Rule IV 3k, all support buildings are to be designed, constructed, or reconstructed and located to control erosion and prevent pollution and damage to public or private property. This provision appears to be consistent with the Federal requirements.

Underground Mining

13.100 Wyoming Rule VII 2 includes environmental protection performance standards for underground mines. By reference, this section requires that applicable performance standards of the Wyoming Statute and Rule IV for surface mining shall apply to underground mines. This section also requires additional general and special performance standards for underground mines. This provision appears to meet the Federal requirements.

13.101 Wyoming Rule VII differs from 30 CFR Part 817 by the absence of a phrase relating to prevention of subsidence, which appears in 30 CFR 817.121. That phrase states that standards for the prevention of subsidence shall not prohibit the standard method of room and pillar mining. This Wyoming provision could be viewed as more stringent.

13.102 Another difference noted in the Wyoming submission for underground mines was the apparent omission from Rule VII 2b(4) of the need for detailed subsurface information prior to the authorization of underground mining (assuming no material damage) beneath or adjacent to any occupied dwelling, home, park, cemetery, public buildings, perennial streams, or impoundments having a storage volume of 20 acre-feet or more. Wyoming now proposes in Rule VII 2b(4) to require detailed subsurface information to demonstrate that subsidence would not cause material damage.

13.103 Rule VIII 2a(2) states that "all shafts and adits to underground mine working must be sealed in accord with the requirement sof the U.S. Bureau of Mines and appropriate Federal and State laws." MSHA pointed out that it is the appropriate Federal agency to be referenced rather than the Bureau of Mines. That is correct. The MSHA requirements must be met. The Bureau of Mines is more generally involved in research related to mine shaft sealing. Since the Wyoming rules also specify compliance with appropriate Federal and State laws, MSHA requirements will be covered.

13.104 The Public Lands Institute is uncertain as to whether Wyoming has or proposes definitions adequate to permit and regulate the surface effects of underground mining, all of the activities and facilities covered under Section 701(28) of SMCRA and postmining land use. Wyoming's definitions should be at least as inclusive as the Federal, according to the comments.

Wyoming Rule VII requires underground mining permits to comply with Rule II (see Rule VII 1a and b) and requires operators to comply with the Wyoming statute and Rule IV (see Rule IV 2a(5)). The special performance standards will apply for the various categories such as alluvial valley floors since the special categories apply to all types of mining. The cross-reference from Rule VII, underground mining, to the environmental performance standards in Rule IV and the special Rule VIII appears to adequately assure that surface effects of underground mining operations will meet the Federal requirements.

13.105 EPA states that provisions for changes in water quality as a result of underground mining, required by 30 CFR 817.41(b), have no State counterpart. EPA also notes that Wyoming has only one of the eleven acceptable Federal practices to minimize water pollution listed in 30 CFR 817.41(d)(2).

For underground mines, Wyoming requires compliance with the sediment control and hydrologic balance protection provisions of Rule IV and with the permit provisions of Rule II. Rule II requires planning to control, protect, and treat, as necessary, surface and ground water systems. As a counterpart to 30 CFR 817.41(b), Wyoming requires a plan to "minimize disturbances to the prevailing hydrologic balance at the minesite and in associated offsite areas and to the quality and quantity of water in surface and ground water systems" (W.S. 35–11–406(b)). The remaining sections of 30 CFR 817.41(d)(2) are addressed in other portions of the Wyoming rules (e.g., stabilizing through land shaping is addressed in Rule IV 2c(3)(b), diversion is addressed in Rule IV 2e and IV 3e, and gravity drainage is addressed at Rules VIII 1c(2) and VIII 2b(2)).

13.106 EPA states that the requirement for "treating mine drainage in underground sumps" (one of eight examples of acceptable sediment control methods) is omitted in the State's counterpart to 30 CFR 817.45(i). Rule IV 3g(6) requires that appropriate sediment control measures be designed, constructed, and maintained using the best technology currently available. This applies to underground mines through Rule VII 2a(5). The issue of underground sumps is sufficiently routine in underground mining as to be understood to be a method of controlling sediment.

13.107 EPA expressed concern that Wyoming omits the words "without treatment" when stating that gravity discharge of water from an underground mine may be allowed if it is demonstrated that it satisfies effluent limitations *without treatment* as required by 30 CFR 817.50(b)(1)(i). The Federal requirements are to prevent gravity discharge unless, without treatment, the discharge does not exceed the effluent limitations, among other limits. Gravity discharge prevention measures are required pursuant to Rule VII 1c(2) of the Wyoming program as well as Rule VII 2b(2). The Wyoming program requires any discharge to not exceed State or Federal water quality standards.

13.108 The State wording for disposal of underground development waste, as required by 30 CFR 817.71, makes the State provision less stringent, according to EPA. The State's regulation requires that such spoils be disposed in accordance with Rule IV 1 and 3c (see Rules VII 2a(5) and VI 2b(1)). The cited portion of Rule IV pertain to excess spoil (Section 1) and acid forming and toxic materials (Section 3). The excess spoil provisions provide equivalent standards to 30 CFR 816.71 of the Federal regulations for surface mines which is identical to 30 CFR 816.71 except the term "underground development waste" is added.

13.109 The FWS states that the State submission has no analogue for 30 CFR 817.97 on the protection of fish and wildlife and related environmental values as applicable to underground mining activities. Rule VIII requires all applications for underground mining operations to comply with Rule IV, the environmental protection performance standards for surface mining operations. (See Rule VIII 2a(1)). Thus, the provisions of surface mines also apply to underground mines. Similarly, applications for underground mines must comply with the permit requirements for surface mines through the cross-references of Rule VII 1a and b. Wildlife resources information requirements are limited to those areas affected by surface facilities and subsidence in a manner equivalent to 30 CFR 783.20(a).

13.110 EPA states that Wyoming gives the administrator the right to approve underground mining beneath or adjacent to any perennial stream without being provided specifically *detailed subsurface information*, as required by 30 CFR 817.126(a). EPA also states that Wyoming has omitted 30 CFR 817.126(d) which requires the administrator to suspend underground mining under an urban area in the event of imminent danger.

The Federal requirements are for the regulatory authority to determine that subsidence will not cause material damage to any perennial stream prior to allowing mining without subsidence control. Wyoming Rule VII 2b(4) would require identical protection based on "detailed subsurface information demonstrating that subsidence will not cause material damage." This same rule specifies the same demonstration if mining is proposed beneath or adjacent to any occupied dwelling, home, park, cemetery, or public buildings, and perennial streams and impoundments.

Concurrent Surface and Underground Mining

13.111 30 CFR Part 818 requires performance standards for contemporaneous reclamation for concurrent surface and underground mining. Most of the information required by 30 CFR Part 818 is included in Wyoming's Rules III 4b and XIII 1a(7) which would include the procedure and criteria for approving a delay in contemporaneous reclamation for concurrent surface and underground mining. The requirements of 30 CFR 818.15(a) are included in Wyoming's Rule IV 3r. All mining is required to include maintenance of a 500 foot barrier between permitted operations and active or abandoned underground mines, unless otherwise approved by MSHA.

13.112 The requirements of 30 CFR 818.15(b), which requires a sufficient vertical distance between combined surface and underground mining, are not covered in Wyoming's provisions. Wyoming proposes to require in Rule XIII 1a(8)(d), as a condition of the permit, that the operator take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance. Wyoming will have to add the requirements of 30 CFR 818.15(b) and (c) to its regulations to satisfy the Federal requirements or show the manner in which the vertical separation will be maintained to protect health and safety and to prevent surface water from entering underground workings.

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Auger Mining

13.113 The Wyoming regulations for auger mining are generally similar to 30 CFR Part 819. However, the Wyoming rules omit the specific spacing requirements of 30 CFR 819(a). The Wyoming rules do include a general requirement to leave areas of undisturbed coal between auger holes to provide access for removal of mineable coal reserves by future underground mining. This omission is considered a deficiency requiring correction even though there are a limited number of auger operations envisioned in Wyoming.

13.114 EPA notes that Wyoming's regulations may probit auger mining if an "area of environmental impact" cannot be prevented. The term "area of environmental impact" is not defined, specifically as it relates to the adverse water quality impacts which cannot be prevented, as referenced in 30 CFR 819.11(e)(1). EPA is also concerned that Wyoming's program did not contain provisions comparable to 30 CFR 819.11(c)(1) and (2) which specifies when auger holes are to be plugged.

The term "area of environmental impact" reasonably includes any environmental impacts, including those on water quality. Therefore, the provisions of Rule V 4b appear to meet the Federal requirements.

13.115 Wyoming's program submission did not include provisions comparable to 30 CFR 819.11(c) (1) and (2) which require plugging auger holes within specified periods. Wyoming now proposes a revision to Rule V 4c(1) which would require operators to plug auger holes discharging water containing toxic-forming or acid-forming material within 72 hours or within 30 days of completion if there is no discharge. This proposed revision to the Wyoming regulations appears to provide more stringent requirements than the Federal regulations.

Alluvial Valley Floors

13.116 The Wyoming rules include the environmental protection performance standards for alluvial valley floors in Rule V 2. The Wyoming rule includes word changes from 30 CFR Part 822 and is generally more concise. For example, Rule IV 2a does not reference the specific characteristics that may support an alluvial valley floor's essential hydrologic functions (as done in 30 CFR 822.11(c) by reference to 30 CFR 785.19(d)(3)). However, Rule IV 2 does require consideration of geohydrologic, biologic, and hydrologic characteristics. In addition, Wyoming provides detailed instruction for this consideration in Guideline 9, Alluvial Valley Floors. These provisions appear to provide that the preservation and re-establishment of essential hydrologic functions of alluvial valley floors will be achieved.

13.117 With Rule V 2, Carter Coal Company is concerned that Wyoming has adopted an unreasonable and unnecessary approach which will result in the classification of dozens of small, insignificant drainages and dry washes in Wyoming as alluvial valley floors. The company states that no one seems to know just what is required to preserve "the essential hydrologic functions" and that, in the extreme case, it could mean that each separate sand strata and gravel lense must be individually mined, separately stored and replaced using scrapers and similar equipment, resulting in a cost much greater than otherwise would be required.

It appears to the company that a number of dry gullies may be designated by the regulatory authority as alluvial valleys, even where they currently and historically have not been of any significance to farming and ranching. The company suggests that the State clarify its regulations to insure that substantial monies are only expended on true alluvial valley floors, which the commenter defines as those drainages with stream-laid deposits holding streams where water availability is sufficient for subirrigation or flood irrigation for significant farming or ranching activities.

The company proposes the definition for alluvial valley floors contained in W.S. 33–11–103(3)(xviii) except that the word "significant" is added and the upland area clause is dropped. Thus, the commenter suggests the term alluvial valley floors be applied only to situations of "significant farming or ranching activities."

The word "significant" is used in the SMCRA to identify situations where alluvial valley floors cannot be mined and on which farming cannot be interrupted (see Section 510(6)(5)). The term "significant" is not applied in SMCRA to either the definition of alluvial valley floors (Section 701(1)) or to Section 515(b)(10)(F) which requires re-establishment of the essential hydrologic functions of alluvial valley floors. Inserting the word "significant" in the Wyoming definition would result in implications that alluvial valley floors which were not significant to farming could be mined without regard to the requirements of Section 515(b)(10)(F). On the other hand, Wyoming's rules provide a detailed requirement for alluvial valley floor determinations that indicates the factors which, when evaluated are found to be "negative," will provide the basis for a negative declaration regarding alluvial valley floors. Streams in which water is not available for flood irrigation or subirrigation activities will not be classified as alluvial valley floors (see Rules III 2a and XIII 1a(1)(b)). (See Preamble to the Permanent Program Regulations at 44 FR 15092, March 13, 1979, for a further discussion of "significance" in regard to alluvial valley floors.)

This issue is discussed further below, under Finding 14, and above, in the "State window" discussion of Findings 12.1–12.12.

13.118 The Wyoming rules for alluvial valley floors do not provide a grandfather clause for the protection of farming for operations approved prior to August 3, 1977 (as provided for in 30 CFR 822.12(d)). Wyoming Rule V 2g, upon promulgation of the proposed revision, will further require all mines with permits prior to August 3, 1977, or which affect land after August 3, 1977, to provide restoration and preservation of the essential hydrologic functions, as appropriate within and outside the affected areas. The Wyoming rules appear to be more stringent than the Federal requirements.

13.119 The Wyoming regulations in Rule V 2e and f have word differences from 30 CFR 822.14 relating to monitoring in alluvial valley floor areas. The principal objectives of monitoring agricultural utility and production and the characteristics supporting the essential hydrologic functions are included in Wyoming's program. For example, the requirements of 30 CFR Part 822.14(a)(ii), (ii), and (iii) are combined into Wyoming's Rule V 2e(1) and 30 CFR 822.14(a)(iv) is contained in Rule V 2e(2). Rule V 2f requires the monitoring data to be reported in the annual report and thus satisfies 30 CFR 822.14(d). This portion of Wyoming's rules appear to be consistent with the Federal requirements.

Prime Farmlands

13.120 Wyoming proposes regulations to include the performance standards for mining activities on prime farmlands in Rule V 1. With respect to stockpiling of topsoil, the Wyoming prime farmland regulation omits the requirement to comply with 30 CFR 816.23 or 817.23 (as included in 30 CFR 823.13). However, it should be noted that the protection of topsoil stockpiles is addressed in the Wyoming Rule IV 2c and therefore would appear to be acceptable.

13.121 Sunedco expressed the concern that the term "history of intensive agricultural use" in Rule I 2(34) is so defined that large acreages which are no longer utilized for cropping would be included. The provision of non-irrigated lands being cropped for five out of ten-year period, the commenter continues, would include that period when extensive efforts were made to farm submarginal to marginal lands which were eventually returned to rangeland. The commenter also indicated that the provision, "had a cultivated crop, small grains, or hay crops harvested for any one year," could cover an extraordinary situation that might not be repeated for several years. These situations, according to the commenter, would hardly qualify as intensive agricultural use. Also, the Powder River Basin Resources Council believes that the definition of intensive agricultural use is incomplete and, therefore, does not read properly. The definition of "intensive agricultural use" has been deleted from the Wyoming regulations. This concept is fully covered by the definition of "history of intensive agricultural use" in Rule I 2(37).

The term "history of intensive agricultural use" is used to assist in the determination of prime farmlands under Rule II 3a(6)(g)(i). Prime farmlands must also have soil mapping units designated prime farmland in accordance with 7 CFR Part 651. If the lands contain prime farmland soils, they must be protected by the requirements of Rule V 1. This is consistent with the Federal regulations in 30 CFR Part 823 and provides protection for prime farmland soils in Wyoming. The definition, as provided, appears to be more stringent than the Federal requirements.

13.122 Rule V 1a(3)(c) for prime farmlands provides a variance from the moist bulk density requirement of 0.1 gram per cubic centimeter if it can be demonstrated that the pore space of the soil, after reconstruction, is of a size distribution and amount which allows a favorable root zone. 30 CFR Part 823 did not allow this variance; however, the moist bulk density requirement of 0.1 gram per cubic centimeter requirement of the Federal rules has been suspended. Therefore, the Wyoming provision is not inconsistent with Federal requirements now in effect.

13.123 Wyoming proposes in Rule V 1b(3) to specify that revegetation success on prime farmlands shall be measured by a comparison of postmining crop production with crop production from the same area before disturbance (and/or with crop production on representative reference areas), and the average production must be equivalent to that on the area before mining or that on a reference area. In contrast, the Federal regulations in 30 CFR 823.15(c) and 785.17(d)(3) set target levels of crop production for standards of success and consider that success is achieved when production on revegetated areas is equivalent to or higher than the predetermined target levels of production. It is believed that the Wyoming rules is acceptable so long as the State, in its resubmission, is able to assure that the premining yields are based on current estimated yields under a high level of management as required 30 CFR 785.17(b)(8).

Special Bituminous Coal Mines

13.124 Wyoming's regulations for special bituminous coal mines (Rule VIII), in the official program submission did not meet the Federal requirements of 30 CFR Part 825. The definition of new special bituminous coal mines and the permit procedures did not adequately distinguish which mines could be included under the environmental performance standards for special bituminous coal mines. The perceived problems with the regulations were discussed during the January 2–5 meetings (Administrative Record No. WY–99).

On January 17, 1980, the State submitted a revised draft of the regulations to OSM (Administrative Record No. WY–118). Further clarification of the draft will be necessary to avoid misinterpretation of the requirements a mining operation must meet to qualify as a new special bituminous coal mine. While the Secretary's staff has not fully reviewed the new material, it is believed that the clarification needed will involve some further changes to the draft regulations as well as more explanation of the intended scope of new operations which will be allowed. Until full review is completed of the January 17 draft and further clarification is provided, the Wyoming program cannot be found to meet the requirements of 30 CFR Part 825.

13.125 Wyoming's definition of "new special bituminous coal mines" in Rule VIII of the proposed Land Quality Rules and Regulations concerns one commenter, who suggests that a literal reading might imply that FMC Corporation's Skull Point Mine might not qualify due to the fact that it began operations ten months before the enactment of SMRCA. Review of Congressional intent, the commenter contends, makes it clear that this mine was not intended to be precluded from this classification and asks that the definition be changed.

As discussed above, a determination cannot be made at this time on Wyoming's proposed regulations for special bituminous coal mines, and thus, the commenter's question cannot be answered at this time. However, the clarification of the January 17 draft (Administrative Record No. WY–118), requested above, should resolve the ambiguity noted by the commenter.

Steep Slope Mining

13.126 Under the "State window" discussion (Exhibit G.6, Volume 6, page 1e, of the Wyoming State Program submission) Wyoming indicates that existing areas of mining or areas which may be mined in the immediate future do not have topographic conditions characteristic of steep slope mining. Therefore, steep slope mining is not presently anticipated in the State of Wyoming. In addition, the proposed amendment of the State statute at W.S. 35–11–401(m) (Administrative Record No. WY–3, Vol 4, Section B.2) states that "No steep slope surface coal mining operation shall be commenced until the council has promulgated rules and regulations establishing steep slope mining performance standards." Steep slope is defined in Rule I 2(85) as areas with slopes of more than 20 degrees and thus the prohibition applies to the types of mining considered steep slope by the Federal regulations. This issue has also been discused in the context of "State windows" under Finding 12. The prohibition appears to provide equivalent environmental protection to that of the Federal regulations. Also, see discussion in finding 12.1–12.12.

13.127 One commenter pointed out that the State, if its program is approved, might promulgate rules and regulations for steep slope mining which would be inconsistent with the Federal rules and regulations. The Secretary must approve changes in State programs pursuant to 30 CFR 732.17. Thus, steep slope mining provisions would not be inconsistent with the Federal requirements.

Coal Processing Plants and Support Facilities

13.128 The Wyoming statute requires that coal processing plants and support facilities located away from the minesite be within the permit area for a mine and therefore such plants and facilities must comply with all applicable performance standards of Rule IV (rather than just the special performance standards for coal processing plants in 30 CFR Part 827). The Wyoming requirements related to the provisions of 30 CFR Part 827

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appear to be equivalent to the Federal regulations.

In-Situ Mining

13.129 Chapter XX of the Wyoming rules covering in-situ mining does not address the requirements of 30 CFR 828.11(b), (c) and (e). The Federal requirements are for prevention of discharge of process fluids to surface water, a plan for treatment and disposal of hazardous, toxic, radioactive materials, and for providing equal or better final water quality after restoration. The FWS commented on the omission of a requirement for a plan for the treatment of materials from in-situ mining that constitute a fire, health, safety or environmental hazard as required by 30 CFR 828.11(c). EPA stated that the program omits the intent of having special performance standards for in-situ mining and omits two methods specified in 30 CFR 828.11(b) as well as all of (c) through (e).

The Wyoming program requires all operators, including operators of in-situ operations, to prevent discharge into surface waters in Rule V 3a(2), to dispose of wastes (acid, toxic, radioactive, or hazardous) in Rule XIV 3c(13), and to provide for the other requirements of 30 CFR 828.11 in these rules. The Wyoming program also contains a provision that allows a demonstration that ground water would be returned to a quality of use consistent with available technology and protection of public health and safety as opposed to returning to an equal or better quality. These provisions appear consistent with the Federal requirements in 30 CFR 828.11(b), (r) and (e).

Finding 14

The Secretary finds that the Land Quality Division has the authority under Wyoming laws and regulations and the Wyoming program does include provisions to implement, administer and enforce a permit system consistent, in part, with 30 CFR Chapter VII, Subchapter G (permits). This finding is made under 30 CFR 732.15(b)(2).

Wyoming incorporates provisions corresponding to Sections 506, 507, 508, 510, 511 and 513 of SMCRA and Subchapter G of 30 CFR Chapter VII in Wyoming Statute 35–11–401 and 406 and Wyoming rules Chapters II, III, IV, VII, VIII, IX and XIV. Part G.1 of the first volume of the program submission contains discussions of the systems for (1) mining permit review and approval, (2) amendments, (3) renewals, (4) revisions, (5) transfers and (6) licenses.

Discussion of significant issues raised during the review of the Wyoming permit provisions follows.

General Permit Requirements

14.1 the Wyoming program does not define the term "complete application" as is done in 30 CFR 770.5 (permit definitions), nor does it require a finding of completeness before approval. The Federal definition is general in nature and requires "all information." In the Federal rules, the concept of "completeness" is part of the permit approval process in 30 CFR Part 786. While the Wyoming program need not require a specific definition of "complete application" to be eligible for approval, the program resubmission should contain additional requirements or clarification to assure that the absence of a definition of this term will not reduce the degree of environmental protection or opportunity for public participation in the program.

14.2 The Wyoming program states that an application *may* be denied if it is incomplete (W.S. 35–11–406(h)(i)). The Wyoming Act does not require incomplete applications to be denied. Wyoming proposes to restrict approval of the permit until the applicant has demonstrated that the application is complete (proposed W.S. 35–11–406(j)(i)) (see Administrative Record No. WY–3, Vol. 4, Section A.4). The application that will be advertised for public review is to be complete (W.S. 35–11–406(f)). The administrator of the Land Quality Division must determine completeness of an application pursuant to W.S. 35–11–406(e). This appears to meet the Federal requirements.

Coordination of Review and Issuance of Permits

14.3 Wyoming's approach to the requirements of 30 CFR 770.12 for the coordination of review and issuance of permits with other identified Federal or State permit processes, the requirements of EPA-approved water quality management plans, and the requirements of certain identified Federal statutes is to require a list of required government agency approvals. Wyoming does not, however, list the same statutes and other requirements provided in 30 CFR 770.12. The Wyoming program employs inter-agency MOUs to ensure that information pertinent to the requirements is available in the permit review process. Wyoming's proposed coordination requirements are contained in Rules II 2a, II 3a, II 3b, and IV 3p(1)(g). Wyoming proposes in Rule XIII 1a(8)(c) to provide that a permit may not be issued if the applicant would not, pursuant to the approved plan, comply with State or Federal law. Thus, it appears that the Wyoming proposals would meet the requirements of 30 CFR 770.12.

14.4 In its comments, the Forest Service indicated concern that the Wyoming program would appear to assign authority to the State for decisions concerning actions on Federal lands but such authority cannot be delegated to the State. It is noted that the Wyoming program does not of itself apply to Federal lands. Questions of jurisdication on Federal lands would be addressed in any State-Federal cooperative agreement pursuant to Section 523(c) of SMCRA, which will be consummated only after the Wyoming program is approved and through a separate rulemaking procedure.

14.5 The FWS indicates the proposed Wyoming program fails to make specific reference to the requirements of the Endangered Species Act and the Fish and Wildlife Coordination Act, and does not require compliance with the Bald Eagle Protection Act and the Migratory Bird Treaty Act. The FWS also states that the analogue to 30 CFR 776.13, approval criteria for coal exploration, fails to clarify whether threatened or endangered species are from a Federal or a State list.

In response, Wyoming proposes to address these Acts in several sections. Rule II 2a(1)(e)(ii) requires special attention be paid to species listed on the endangered species list of the Wyoming Game and Fish Department. Rule II 3a(6)(e) requires that fish and wildlife studies be coordinated with State and Federal agencies. Rule II 3b(4)(b)(i) requires that information on threatened or endangered species of plants or animals listed by the Secretary under the Endangered Species Act of 1973, as amended, and their critical habitats be included in the wildlife plan associated with the permit application. Rule IV 3p(1)(g) requires reporting findings concerning critical habitats, threatened or endangered species, or golden eagles. The district court's remand of 30 CFR 779.20 and 780.16 has now rendered the Wyoming rules more stringent than the federal requirements.

14.6 The National Park Service asked that the relationship between Wyoming State agencies and their Federal counterparts be clarified.

The Wyoming program includes a proposed cooperative agreement for future operations by the State on Federal lands which will be the subject of a separate rulemaking. The Wyoming program also proposes to require coordination with other Federal agencies. Rule XIII 1a(2)(b) requires that

a notice be sent to the agencies. In addition, under Rule XVIII 3b(1), Wyoming would submit complete petitions to designate lands unsuitable to interested governmental agencies and request submissions of relevant information.

14.7 The Corps of Engineers stated that the program was deficient in addressing the discharge of dredged and fill material into waters of the United States as covered in 30 CFR 209.320(j)(7). As discussed above, proposed Rule II 3a(6)(e) requires notification of other Federal agencies. This would serve to initiate coordination for purposes of permits to discharge dredged and fill material.

14.8 It was suggested by a commenter that the word "full" be inserted in front of "approval" in W.S. 35–11–401(d)(i) of the proposed amendments to the Environmental Quality Act. If Wyoming only gets a conditional approval, the operator should not have to submit its application for a new permit under 30 CFR 771.11, to a program which is constantly changing the commenter states.

Wyoming and the operator should not be required to review and submit applications until it is clear once and for all that the State has a fully approved program. A "conditional approval," however, alerts both the State and the operator to those modifications of the State program necessary for final approval. As a result there is no significant uncertainty as to the requirements of the operator's permit application, since the required changes are known, the State has agreed to make them, and they may only relate to minor deficiencies in the program (30 CFR 732.13(i)).

14.9 The Wyoming program contains a provision to allow scheduling initial reviews of permit plans beyond 8 months. This provision is not in compliance with the Federal provisions. Wyoming has proposed that it be struck from the draft statutes by removal of the words "Provided, however" and substitution of "which" (35–11–401(d)(i)). (See Administrative Record No. WY–99, the orange book.) These changes would appear to make the proposal equivalent to the Federal scheduling requirements.

14.10 Wyoming's wording of the equivalent to 30 CFR 771.23 for the general information requirements for format and contents of permits is significantly different than the Federal wording. However, all information required by 30 CFR 771.23 is required by Wyoming Rule II 1. Wyoming does not require the use of the scale of 1:6000 provided by 30 CFR 771.23(e)(1) for maps; but rather states that the scale, to be determined by the administrator, shall not be smaller than 1:24,000. Wyoming will have to provide additional clarification to support a finding that the proposed Wyoming map scale meets the requirements of 30 CFR 771.23(e)(1).

14.11 EPA maintained that the Wyoming program did not require "descriptions of *methodology* used to collect and analyze technical data" to be submitted with an applicatoin, as is required by 30 CFR 771.23(c)(3). The Wyoming program requires that information be set forth in the application clearly and concisely and be supported or authenticated (Rule II 1b). There is no specific requirement in the program for descriptions of methodology. Wyoming now proposes in Rule II 3a(5)(ii)(B), which references Water Quality Regulations, Chapter 11, Section 12, to require that all water quality analyses are to be performed in accordance with EPA standards. Wyoming also has guidelines for soils and overburden, vegetation, water sampling, wildlife, organization of a permit application, hydrology and alluvial valley floors which detail field and analytical methods. Thus, Wyoming's provisions would appear to contain requirements equivalent to the Federal regulations.

14.12 The Wyoming program establishes the permit fee required by 30 CFR 771.25 at $10 per acre, not to exceed $2,000, in W.S. 35–11–406(a)(xii). As neither SMCRA nor 30 CFR Chapter VII provide for a minimum fee, and as the $2,000 maximum will not, realistically, ever exceed the maximum established by SMCRA, the Wyoming proposal is consistent with the Federal requirements.

14.13 Peabody Coal Company comments that the definition of "adjacent area" is exceedingly general, and can create an erroneous interpretation. The commenter states an awareness that this definition is basically identical to the OSM definition (30 CFR 701.5), but remains concerned because there is (1) no reference to contiguity and (2) no outside parameter placed upon the size at the adjacent areas. The commenter suggests that the definition be limited to one square mile around the permit area itself.

Wyoming now proposes [Rule I 2(3)] to include the phrase "presumptively limited to lands within one half mile of the proposed permit area" with the understanding that this presumption will be superceded if there may be any reasonably expected adverse impact that may be caused at a greater distance by the mining and reclamation operation. This definition may resolve the commenter's concern.

14.14 The Wyoming provisions pertaining to the identification of interests in permit applications do not require the MSHA identification number as provided by 30 CFR 778.13(f). However, the listing of notices of violation, cross-referenced in Rules II 3a(2)(b) and W.S. 35–11–406(xiv), is otherwise equivalent to 30 CFR 778.14(c). The remaining requirements of 30 CFR 778.14(c) are more briefly, but adequately stated in Rule II 3a(2)(b). The MSHA identification is required by the Federal regulations and thus must be included in the Wyoming program.

14.15 W.S. 35–11–406(s)(xiv) requires the listing of violations as does 30 CFR 778.14(c) of the Federal regulations. Amax Coal Company expressed concern with the broad requirement that a listing of notices of violations for the three years prior to an application be submitted with a permit application, saying that this requirement could be misleading and burdensome. The commenter recommended that the language "violations of which a civil penalty was paid pertaining to land, air or water protection standards association with surface coal mining" be substituted to cover the intent of the Congress.

Wyoming Rule II 3a(2)(b) requires the listing of notices of violation to describe and identify the violation, any abatement action, and proceedings initiated (among other things).

This requirement should lessen the potential of misleading summaries. The requirements of the Federal Act are for the same listing for the same time period and, accordingly, the Wyoming provisions appear acceptable.

14.16 Wyoming phrases the requirements for right of entry and operation information in a manner significantly different from 30 CFR 778.15. Wyoming requires a sworn statement regarding the applicant's right of mining. Wyoming provides, if consent from a surface landowner cannot be obtained and if W.S. 35–11–406(b)(xi) does not apply, that the Environmental Quality Council may issue an order in lieu of surface owner consent. (See W.S. 35–11–406(b)(xii).) If a residential or agricultural landowner holds legal or equitable title to the surface (W.S. 35–11–406(b)(xi)(A)) and either resides or conducts farming or ranching operations on affected lands, or receives directly a significant portion of his or her income from such agricultural operation as the affected land, he or she is included, as provided for in 30 CFR 778.15(b). This language appears consistent with the Federal requirements.

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14.17 One commenter noted that Section 714(e) of SMCRA defines a surface owner, and subpart (e)(3) states that a qualified surface owner is one who has met the requirements of subparts (e)(1) and (e)(2) for at least three years prior to the granting of consent, while Section 35–11–406(b)(xi)(A) of the Wyoming Environmental Quality Act defines a surface owner as one who has, among other things, held title to the property at least since January 1, 1970. The commenter was concerned that different provisions of the EQA apply to agriculture surface owners who do not meet the requirements of (b)(xi)(A) and (B) of the Wyoming Act. These different provisions, W.S. 35–11–406(b)(XII)(A) through (D), give the State Environmental Quality Council the power to grant consent in lieu of the surface owner if certain findings are made. The commenter contends that it seems that this second set of provisions would conflict with SMCRA, if one encountered a surface owner who has resided on his land, and derived a significant portion of his income from that land, for three years starting sometime after 1970.

There is nothing in the SMCRA or the Federal regulations which would require that the State eliminate its already existing authority to issue an order in lieu of the consent of the surface owner on non-Federal lands. Section 714 is applicable by its terms to coal owned by the United States and thus is not applicable to a State program. The issue will be further considered in the context of the proposed cooperative agreement between OSM and Wyoming.

14.18 Concern was expressed by Pittston Coal Company regarding W.S. 35–11–406(b)(xi) and (xii) of Wyoming's Environmental Quality Act which require that an application for a surface mining permit by an owner of mineral rights who does not also own the surface land include a specific, currently executed consent to the mining and reclamation plan by the surface owner. Thus, the commenter continued, if the surface owner is a "resident or agricultural landowner" who acquired title prior to January 1, 1970 (or by devise thereafter from a person who acquired title prior to such date), no approval of the applicant's mining plan may be granted.

W.S. 35–11–406(b)(xi) requires an instrument of consent from a resident or agricultural land owner who obtained title to the regulated surface estate prior to January 1, 1970, or by gift or conveyance and who resided to farm on the land or receives a significant portion of income from the farming operations. If the surface owner or user does not provide consent, the permit application cannot be issued. The Federal requirement (Section 510(b)(6) of the SMCRA) is similar. Thus, this portion of the Wyoming program appears to be adequate.

14.19 With regard to the term of a permit, Wyoming is in agreement that a permit may be issued for no more than five years of mining and up to eight years total (since mining is to begin within three years of permit issuance). The explanation of phasing of mining required by 30 CFR 778.17(a) would be required in the State program by Rule II 2b(1)(b). This would appear to be consistent with the Federal regulations.

14.20 Wyoming does not allow for self-insurance in the provisions of W.S. 35–11–406(a)(xiii), the equivalent to 30 CFR 778.18. This makes the Wyoming program more stringent than the Federal requirements in this regard.

14.21 The Wyoming equivalent to 30 CFR 778.19 would be in Rule II 3a(5) which would request a list of permits, but would not detail the type or identification numbers. However, the status of the permits would have to be specified with an application under the proposed Wyoming rules, and so much additional information would be included that the numbers of the permits would not add to the ability of the State or the public to review the applications. Considering the wide general knowledge of the types of permits required, Wyoming does not consider it necessary to require all identification numbers for all permits in the West. Wyoming Rules do not require the plan to identify the filing locations, but the statute does so require (in the office of the administrator and the county clerks). (W.S. 35–11–406(d).) This is acceptable. Wyoming requires, in different language, the proof of publication specified in 30 CFR 778.21 through W.S. 35–11–406(f). These provisions appear to be consistent with the Federal regulations.

Information on Environmental Resources

14.22 The Public Lands Institute commented that the Wyoming program needs to be changed to show clearly that 30 CFR Parts 779 and 780 are fully met, including the requirements that information must be provided by the operator on adjacent areas and the operator must demonstrate compliance with all regulations. Further, the commenter stated that it is not clear whether Wyoming's guidelines are enforceable.

Examination of the Wyoming program shows that the information requirements of the Federal program will probably be met if all the proposed amendments are adopted. However, due to the district court's ruling that the information requirements of Parts 779 and 780 should be limited to the permit area, rather than the mine plan area, Wyoming may choose to alter its proposed amendments and adopt different requirements. In the case of the two specific items addressed by the commenter, information on surface water is required, for example, on the permit area and adjacent areas (Rule II 3a(6)(h)), on subsurface waters (Rule II 3a(b)(m)), on geology for the adjacent and general areas (Rule II 3a(b)(m)), and for alluvial valley floors (Rule II 3a(b)(n)). Through proposed W.S. 35–11–406(j), the applicant would have to demonstrate affirmatively, and the administrator must find in writing, that the reclamation plan can accomplish reclamation as required by the EQA. The use of guidelines has been limited in the regulations. However, since the guidelines are part of the State program submission, they are subject to the Secretary's approval.

Further, W.S. 35–11–406(a)(xiv) allows the administrator to require "such other information as the administrator deems necessary or as good faith compliance with the provision of this Act required." This would include demonstration of compliance with the approved guidelines issued by the administrator. Wyoming should clarify, in its resubmission, whether it will enforce those parts of the guidelines which correspond to Federal rules.

14.23 Wyoming proposes an equivalent to 30 CFR 779.13 (description of hydrology and geology) in Rule II 3a(6)(k). This provision is exceptionally brief in that it requires simply a description of the surface and subsurface waters and related geology in the adjacent and general areas. There is no specific State analogue for 30 CFR 779.13(b), although W.S. 35–11–401(a) states in part, "* * * no operator shall be compelled to perform at his own expense measures required hereunder with respect to operations that were completed or substantially completed prior to the effective date hereof" and thus there is recognition of the need to provide available information, and Rule XXIII 3, indicates the hydrologic information may be obtained from the State or Federal government. Wyoming does require the geological information equivalent to 30 CFR 779.14. These provisions probably would be consistent with the Federal requirements.

14.24 EPA pointed out that the Wyoming program has no provision for

the Federal regulations in 30 CFR 779.13(b)(3) and 783.13(2)(3). Those provisions state that a permit shall not be approved until information on hydrology, water quality and quantity and geology related to hydrology is made available in the application.

Proposed revisions in W.S. 35–11–406(j) would require an approvable permit application be accurate and complete. Thus all hydrologic and geologic information required by Rule II of the Wyoming regulations would have to be provided in the application, regardless of its source.

14.25 The National Wildlife Federation expressed the opinion that the permit approval process should clearly set out the requirement that the State perform an assessment of the cumulative impact on the hydrologic balance of all anticipated mining in an area, as required by 30 U.S.C. 1260(b)(3). The commenter further stated that even though an operator may be required to make such an assessment, the State, is not relieved of the obligation to make a similar assessment on its own and the State has made it clear in the regulations or the proposed statutes that it is going to make such an assessment on its own.

A requirement is now proposed in Rule XXIII 2 that sufficient information must be contained in the permit application pursuant to Rule II 3b(10). This rule which provides for the information necessary to enable the administrator to determine the probable cumulative hydrologic impacts while W.S. 35–11–406(j)(iii), would prohibit issuance of a permit if the applicant has not affirmatively demonstrated that the proposed surface coal mining operation has been designed to prevent material damage to the hydrologic balance outside the permit area. These provisions appear to meet the Federal requirement.

14.26 The Wyoming program includes the equivalent to 30 CFR 779.14(b)(3) (waiver of need for borings and core samplings), in a soils guideline. The words "in writing" are proposed to be included in W.S. 35–11–406(j) to ensure that the administrator's determination is in writing. A written finding on the lack of need for samplings, consistent with the guidelines, would appear to meet the requirements of 30 CFR 779.14(b)(3).

14.27 Wyoming has organized its equivalents to 30 CFR 779.15 and 779.16 (relating to ground water and surface water information) differently. Wyoming proposes to paraphrase 30 CFR 779.16(2)(vii) in W.S. 35–11–406(a)(xv) and provides for such other information as the administrator may require. However, Wyoming does not include manganese in its list of analyses as required in 30 CFR 779.16(b)(2)(vi). 30 CFR 816.42 states that, "[t]he manganese limitations shall not apply to untreated discharges which are alkaline as defined by the Environmental Protection Agency (40 CFR 434)." If the State of Wyoming feels that manganese information requirements should not be necessary due to its regional climatic and physical environmental conditions, it must so demonstrate in writing in its resubmission.

14.28 EPA pointed out that Wyoming does not have a specific provision to meet the requirements of 30 CFR 779.15(a)(3) that the application specify "known uses of the water in the aquifers and water table, * * *" Wyoming proposes the following surface water rules;

1. Domestic, municipal, industrial, agricultural and wildlife purposes for surface water are to be listed (Rule II 2a(1)(g)(ii));
2. All know adjudicated and appropriated water rights are to be listed (Rule II 2a(1)(j)(i));
3. All existing wells are to be listed (Rule II 2a(1)(j)(ii));
4. Drilling to identify the depth and quality of subsurface water may be required (Rule II 2(h)(i));
5. The ground water systems must be described (Rules II 3(a)(6)(j)) and (k) and II 3b(10)); and lastly,
6. An application for underground mining is required to comply with the applicable regulations prescribing permits for surface mining operations (Rule VII 1).

As a result, all known uses of ground water and surface water, plus a description of the ground water system including depth to water, would be in a complete application.

14.29 In its equivalent to 30 CFR 779.18 under Rule II 2a(1)(c), Wyoming does not include seasonal temperature ranges. W.S. 35–11–406(a)(vii) of Wyoming's Act only requires information on precipitation and wind velocity. The State now proposes (Rule II 2(a)) to require "* * * a statement of the climatological factors." With this addition, the application would appear to have to include the "seasonal temperature ranges."

14.30 The FWS pointed out that the analog to 30 CFR 779.19, vegetation information, did not require a map. Wyoming did not specify a requirement for a map in the original program submission but has proposed addition in Rule II 3a(6)(d)(ii) which requires a "delineation of existing vegetative types." Thus a map would be expected.

Each plan obtained in Wyoming has a map showing vegetation communities. Thus Wyoming would set an indirect requirement for obtaining maps. In addition, Wyoming's vegetation guidelines require vegetation maps. The requirements of 30 CFR 779.19(b) for maps that allow evaluation of wildlife habitat would be addressed in Rule II 3a(6)(e) where cooperative studies of habitats are required to be included on the diversity of vegetative cover to be considered (Rule II 2a(1)(b)). Wyoming does not specifically repeat the admonition of 30 CFR 779.20(e)(1) to base study detail on published data, but requires consultation with the Wyoming Game and Fish Department and Federal agencies which should achieve the same goal. As noted above in Finding 14.5, the remand of 30 CFR 779.20 makes the Wyoming rules more stringent than federal requirements.

14.31 Proposed Rule II 2a(1) is analogous to 30 CFR 779.20, and Rule 3a(6)(e) is analogous to 30 CFR 783.20. The FWS had the following comments on those rules:

1. Referenced guidelines 5 should be a requirement and should include habitat mapping;
2. Federally listed threatened and endangered species should be considered;
3. Consultation on level of study should be sought in Section 2a(1);
4. The vegetative typemap in guideline 2 appears adequate, but should be a requirement rather than guidelines; and
5. Reference to surface water map is needed.

The Federal requirements are for the applicant to contact the regulatory authority to determine the scope of the fish and wildlife resource survey and for the regulatory authority to consult with State and Federal fish and wildlife management and conservation agencies. Wyoming Rule II 3a(6)(e) requires this contact and consultation and specifies the Wyoming Game and Fish Department and Federal agencies having responsibilities for the management or conservation of such environmental values. The rules require studies of habitats. The Technical Guideline Document provides additional detail and is part of the Wyoming program, though it is not part of the regulation and was submitted in draft form.

Rule II 3b(6)(e) would require that federally listed threatened and endangered species and their critical habitats are identified and protected. Vegetation baseline data as well as surface water information are required in conformance with other provisions of Wyoming's rules, just as they are

required by provisions of the Federal program other than 30 CFR 779.20.

Because 30 CFR 779.20 and 780.16 were remanded by the district court, Wyoming's rules are now more stringent than the Federal requirements. Wyoming may either retain these rules and finalize the Technical Guideline Document or revise them to reflect the district court's decision. Whatever provisions are adopted by Wyoming will then be re-evaluated when the revised program is resubmitted and, if necessary, Wyoming will be given an opportunity to amend its program to reflect any changes in the federal regulations.

14.32 The FWS also stated that a State program must include, according to 30 CFR 731.14(g)(10), documented evidence of procedures for consultations with State and Federal fish and wildlife agencies and notes that there are not sufficient narrative descriptions or flow charts to show this. The program appears to demonstrate adequate proposed procedures for consultation in Rule II 3a(8)(e), and flow charts are not required in the resubmission.

14.33 As to land use information, Wyoming proposes in Rule II 2a(1)(a) to specify that the past and present land uses to be discussed are "major" uses. No difference from 30 CFR 779.22(a) appears to have been intended other than to ensure that insignificant uses did not get unnecessarily addressed. However, Wyoming does not require all of the information requested in 30 CFR 779.22(b) for previous mined areas, but proposes to require some information in a narrative description (Rules II 2a(1) and II 3a(6)(d)). In particular, the provisions for premining information pursuant to 30 CFR 779.22(b)(1) through (4) are included in terms of requiring the major past usea of the land. The Wyoming provisions do not appear to provide for a description of land uses in previously mined areas consistent with the Federal requirements, and Wyoming should, in its resubmission, explain how the requirements of 30 CFR 779.22(b)(5) will be met.

14.34 One commenter expressed the concern that proposed Rule II 3b(11)(iii)(D) regarding permit applications would present a serious intrusion into the rights of a citizen to utilize his land as he elects and economics dictate. The commenter believes that it is important that the provision be made to terminate administrative control after bond release.

The regulation in question requires that proposals where cropland shall be the postmining land use must be supported with a firm written commitment from the operator, landowner, or land manager that the cropland will receive, after bond release, sufficient management and maintenance to be reasonably sustainable. Because the district court held that such letters of commitment need not be required, the Wyoming rule is more stringent than the Federal provision and may be revised if Wyoming chooses to do so. The Wyoming provision also would require information on how the proposed changed land use will be developed, achieved in a reasonable time, and sustained. Similarly, if the postmining land use is to be grazing, the plan would have to provide a logical postmining management program.

The Federal rules contain similar requirements for croplands in 30 CFR 816.133(c)(9). They establish that the land is to be returned to a condition capable of supporting the uses of which were capable prior to any mining (Section 515(b)(2) of SMCRA). Thus, changes to cropland which could be accomplished without providing evidence of a commitment for proper postmining management would not satisfy the requirement for proving that the postmining land use will achieve the premining capability or a higher or better use. The bond is to be released when the provisions of Rule XVI 6 are met. The administrative control referred to by the commenter would be terminated when the bond was released (i.e., when the requirements of the approved plan are met). The Wyoming provisions appear to be consistent with the Federal requirements.

14.35 Wyoming proposes to require map information equivalent to 30 CFR 779.24 in W.S. 35–11–406(a) and Rule II 3, except that the requirement of 30 CFR 779.24(d) to identify all buildings within 1,000 feet of the proposed permit area is not reiterated. Since the proposed definition of "adjacent areas" (Rule I 2(3)) will extend consideration of environmental effects to one-half mile of the permit area, the inventory of buildings appears to be at least as extensive as the Federal requirements.

14.36 Wyoming proposes provisions to protect cultural resources in Wyoming Statute 35–11–406(j)(iv). That statute specifies that a permit for prospecting, strip or undergound mining shall not be granted if the activity would adversely affect places listed on the National Register of Historic Places. This Wyoming statute also references Section 522(e) of SMCRA as to where surface mining is prohibited. The Land Quality Division requires a description of any significant artifacts, fossils or articles of cultural, historical, archeological, or paleontological value. Evaluation of the information is accomplished by the Wyoming Recreation Commission (the State Historic Preservation Officer (SHPO)). The SHPO will recommend approval or disapproval of the permit with any mitigating measures. This is provided for in a MOU between the Wyoming DEQ and Wyoming Recreation Commission. These proposed provisions appear to be consistent with the Federal requirements.

14.37 The Advisory Council on Historic Preservation provided guidelines that it recommends for use by the State to assure that properties listed on or eligible for the National Register of Historic Places are considered. This information is not required under 30 CFR Chapter VII. However, once the Secretary promulgates new rules to replace regulations concerning historic preservation suspended November 27, 1979 (44 FR 67942), Wyoming will have the opportunity to amend its program to be consistent with these new rules.

The information required by Rule II 3b(1)(a) and Rule II 2(a)(1), the State equivalent to 30 CFR 779.12, is the same or more extensive than the Federal requirements. Though the language regarding cultural and historical resources of 30 CFR 779.12 is not used, the Wyoming language requires a "description of any significant" artifacts, fossil, or other article of cultural, historical, archaeological or paleontological value which appears to include the resources identified in the Federal requirements.

Reclamation and Operations Plan

14.38 In proposed Rule II 3b(3), Wyoming does not set all the proposed blasting procedures of 30 CFR 780.12(b), but does require the application to show how the applicant intends to comply with Chapter VI (performance standards). Therefore, all unlisted information necessary for the evaluation of potential compliance would be indirectly required (e.g., charge, fuses, sequence and recording devices).

14.39 Wyoming revises the language of 30 CFR 780.14, for maps and plans to be provided, significantly by virtue of the varied locations of equivalent language in Wyoming's regulations, but covers all pertinent requirements in Rule II 2b and III 3b.

14.40 The proposed Land Quality Rules and Regulations which require inclusion of detailed engineering designs in the permit application for surface water diversions and other water systems, roads and spoil disposal sites, are of concern to the Carter Coal Company. The company states an awareness of the legitimate need of the State for sufficient and relevant information, but does not believe that the level of detail included in detailed engineering designs is necessary to assess impact of proposed operations on the environment.

The commenter also stated that because of changes in regulatory agency policies and the regulations, the rapid advances in available control technology, and acquisition of additional geologic data, detailed engineering work done today for facilities to be constructed as soon as two years from now would in most cases have to be redone prior to construction. The commenter believes that inclusion of the conceptual designs of facilities in the mining permit application showing the purpose, size and location, should be adequate to assess their impacts on the environment and to insure their compliance with the regulations, and that the proposed regulations should be modified so that an operator is not required to obtain the approval of detailed engineering designs until just prior to the start of construction.

Section 510(b) of SMCRA requires the application to demonstrate affirmatively and the regulatory authority to find in writing, on the basis of information set forth in the application or from information otherwise available, that reclamation can be accomplished in accordance with the plan (among other findings). Wyoming statutes are being amended to include the requirement (W.S. 35–11–406(j)). However, the Wyoming Rule II 3b(1)(b) does allow "typical" designs of sedimentation ponds and other water treatment facilities that may be repeated in the operations. These provisions appear to meet the Federal requirements.

14.41 According to the Kemmerer Coal Company the map requirements would require an extensive number of maps. The company claimed that 276 maps would have to be added to the permit to cover the 30-year life of the mine and that the accuracy of these maps would be questionable because of the variable nature of the market conditions. The commenter suggested a two-fold alternative to the map requirement:

1. A five-year sequencing plan which would provide reasonably accurate information for the near future for a mine site; and

2. The currently required annual report which requires a history of the previous year and a projection for the coming years.

Rule II 2b(1)(b) would require "a map showing the yearly progression of mining and reclamation on all proposed affected lands." Additionally, Rule II 3b(1)(a) would require the size, sequence, and timing of the areas for which it is anticipated that renewed permits for mining will be requested over the estimated total life of the proposed operation. This requirement would appear to be met with two or three maps and would be updated through the annual report (W.S. 35–11–411). Thus an inordinate number of maps probably would not necessarily be required. Wyoming can require more maps than SMCRA would and still have a program which would be eligible for approval.

14.42 30 CFR 780.16 requires a plan for the protection of fish and wildlife values. Wyoming proposes in Rule II 3a(6)(e) to require consultation with appropriate State and Federal agencies and proposes in Rule II 3b(4) to require a plan for minimizing adverse effects to fish, wildlife and related environmental values. These requirements would appear to be equivalent to 30 CFR 780.16. As discussed in finding 14.31 above, the district court's remand of section 780.16 makes the Wyoming rule more stringent.

14.43 The FWS suggested that the State require that a fish and wildlife plan state why it is not practicable to achieve a condition which shows a trend toward an enhancement of fish and wildlife resources if such a condition cannot be achieved. This would be in Rule II 3b which is the analogue to 30 CFR 780.16 and 784.21. 30 CFR 780.16 provides that "if an applicant states that it will not be practicable to achieve enhancement of fish, wildlife, and related resources, the applicant must establish to the satisfaction of the regulatory authority why it is not practicable to achieve a condition leading to a trend."

Wyoming proposes to require "a plan for minimizing adverse impacts to fish, wildlife and related environmental values . . . including revegetation" in Rule II 3b(4)(a). Wyoming would require the plan to meet the performance standards, including Rule IV 3p(1) which requires it in part to "achieve enhancement of such resources where practicable." Thus the applicant is required to show the practicability of enhancing fish and wildlife resources. Without this demonstration, the applicant could not have a complete application. Like findings 14.31 and 14.43, these Wyoming rules now appear to be more stringent in light of the district court's remand of 30 CFR 780.16.

14.44 Wyoming Statute 35–11–406 and Rules II 2 and II 3 paraphrase in large part the general reclamation plan requirements of 30 CFR 780.18. Wyoming Guideline No. 1 requires information on soil testing including a handling plan. Since this guideline contains detailed analytical directions, it appears adequate to develop a soil testing plan conforming to 30 CFR 780.18(b)(5)(vii) if operators are required to comply with it. See discussion earlier in this section relating to guidelines in general. Wyoming's Rules II 3b(9) and (10) appear to be equivalent to the requirements of 30 CFR 780.21. Wyoming proposes to add to Rule II 3b(10) a reference to Rule XXIII 2 involving the analysis of the probable cumulative hydrologic impacts of all anticipated mining on the hydrologic regime. Those rules appear to include all required aspects of 30 CFR 780.21(c).

14.45 According to EPA, Wyoming's program does not show any requirement to describe measures to dispose of acid and toxic materials as is required by 30 CFR 780.18(b)(7) and 784.13(b)(7). The Federal requirements are designed to ensure a description of acid- and toxic-forming materials disposal methods. Wyoming proposes in Rule II 2b(3)(2) to require a plan for handling and disposing of all toxic-, acid-forming, or otherwise hazardous materials. Rule II 3b(7) would require contingency plans for prevention of sustained combustion. Rule IV 3c(3) would address the performance standard for acid-forming and toxic materials. These rules appear to require plans consistent with the Federal requirements.

14.46 EPA states that Wyoming omits the phrase required by 30 CFR 780.21(c), 784.14(c), and 784.16(e)(3) that hydrological consequences of mining "under all seasonal conditions" must be submitted in the reclamation plan. However, the State would require that baseline monitoring data submitted show "seasonal fluctuations" under Rule II, 3a(6)(h), which appears equivalent to the Federal requirements.

Wyoming proposes rules to require a determination of the probable hydrologic consequences of the proposed operation on the hydrologic regime and adequate data to enable an assessment by the regulatory authority of the probable cumulative hydrologic impacts (Rules II 3b(10) and XXIII 2). Rule XXIII 2a(1) would require the determination to include impacts under seasonal flow conditions. These rules appear to meet the Federal requirements.

14.47 The Public Lands Institute questions Wyoming's use of the term "postmining land use" and says further

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explanation is needed. Wyoming uses the term "postmining land use" in Rule II 3b(11). The Federal regulations do not define the term "postmining land use," but use the term extensively, and only define the term "land use." Wyoming now proposes to do the same in Rule I 2(44).

14.48 Wyoming at present does not include the language of 30 CFR 780.23(a)(4) and (b) regarding postmining land use since it is not applicable if postmining use is not changed from premining use. This issue is discussed above under the "State window" items, Findings 12.1—12.12.

14.49 Wyoming proposes rules to provide for the requirements of 30 CFR 780.25 (ponds, impoundments, banks, dams, and embankments), with the exception that Wyoming does not permit coal processing wastes to be used in dams or embankments, a more stringent requirement than the Federal rules provide. The requirements are divided throughout Rule II of the Wyoming regulations. For example, the requirements of 30 CFR 780.25(a) for water impoundments are contained, in part, in Rules II 2b(3)(b)(iii) and in II 3b(1)(b)(iv). These rules appear to be consistent with the Federal requirements.

14.50 Wyoming proposes in Rule II 3b(1)(b)(vi) for "engineering for surface water and ground water hydrologic control methods" to meet the requirement of 30 CFR 780.29 for maps and cross sections of stream channel diversions. Further, Rule II 3b(1)(b)(iv) requires location of a "typical design" for hydrologic control methods and thus appears to be equivalent to 30 CFR 780.29. These rules appear to be consistent with 30 CFR 780.25–29.

14.51 Wyoming provides requirements equivalent to 30 CFR 780.31 for protection of public parks and historic places in Rules II 3b(14) to Rules XIII 5(a) and (c) which require description of measures to be taken to minimize or prevent impacts to public parks or historic places. The Wyoming rules appear consistent with the Federal requirements.

Underground Mining

14.52 30 CFR 783.11 requires a description of existing premining environmental resources within areas adjacent to the proposed mine plan area that may be affected by the proposed undergound mining activities. Wyoming Rule VII 1(b)(1) limits the description of soils, vegetation, fish and wildlife, topography, geology and overburden to the areas affected by surface mining, thus not including subsidence.

Wyoming proposes to add the word "subsidence" to Rule VII 1(b)(1) so that the description of environmental resources will relate to areas affected by surface operations or subsidence. As discussed above in finding 14.22, the district court's remand of the requirements in Part 783 for information on the mine plan area, rather than just the permit area, renders these Wyoming rules more stringent than 30 CFR 783.11.

14.53 Two commenters were concerned with the proposed amendment to W.S. 35–11–415(B)(xii) which would require the coal mining operator to "replace the water supply of an owner of interest" where the supply is affected by the mining operation.

One commenter felt this amendment would significantly change Wyoming's historical water appropriation system because mining operations in Wyoming are required to work within the present State water laws to obtain the right to use or to divert water for mining uses. Further, under Article 8, Section 2 of the Wyoming Constitution and related statutes, water rights are currently perfected by the filing of an application for a water permit which then is adjudicated by the Board of Control after it has determined that the applicant does have a right to beneficial use. Each subsequent appropriator in turn makes his right, subject to the right of any prior appropriator, for the same water supply. Thus, in some dry years, it is possible junior appropriators would receive less than the total amount of water they desired. This would not likely to be the case in the ranching and agricultural industries since the priority of their appropriations are almost always senior to that of nearby mining operations. The proposed amendments would give all other interests, even other industries, water rights superior to mining interests regardless of when the water right was obtained or regardless of what the State water statutes and Constitution provide.

The commenter recommended that the proposed amendment be revised to read: "The operator shall, as required by State law, replace the supply of an owner of interest." Another commenter suggested that this section be qualified by the phrase, "as may be required by existing State water laws and existing water rights."

The provisions of the Wyoming statute originates from Section 717 of SMCRA which requires the replacement of water supplies. Section 717(a) also provides that "nothing in this Act should be construed as affecting in any way the right of one person to enforce or protect, under applicable law, his interest in water resources affected by a surface coal mining operation." Wyoming proposes in Rule II 3a(6)(m) to require that the plan contain an evaluation of the impact of the proposed mining activities on water supplies, and if contamination, diminution, or interruption may result then the application shall identify the alternative sources of water supply that could be developed to replace the existing sources. Thus, replacement requirements take into account State law, and require replacement to operate in compliance with it. In addition, the operations must be conducted to minimize changes to the prevailing hydrologic balance (35–11–406(g)(xviii)). The Wyoming program appears to integrate Wyoming water laws into the permit requirements as allowed by Section 717 of SMCRA.

14.54 Wyoming proposes to require a narrative description for the construction, modification, use, maintenance, and removal of underground mine wastes in Rule VII 1c(1), which is equivalent to the mine development wastes requirement of 30 CFR 784.11. This appears to be consistent with the Federal requirements.

14.55 Wyoming's initial proposal for an equivalent of 30 CFR 784.14 did not include recognition of potentials for gravity discharges. However, Wyoming proposes to add the phrase "or measure to prevent or control gravity discharges of water" to Rule VII 1c(2) which appears to be equivalent to the Federal requirements.

14.56 Wyoming's proposed equivalent to 30 CFR 784.19, Rule VII 1c(1), does not specifically address the Federal requirement that the reclamation plan contain a description of geotechnical analyses of underground development waste disposal methods and sites. However, Rule II 2b, which applies to underground mining activities through Rule VII, requires that the plan include procedures for assuring the stability of the reclaimed land surface and requires a plan showing the location and construction of each proposed waste disposal facility relating to coal processing or pollution control (Rule II 3b(1)(iii). Other portions of Wyoming regulations would ensure that the necessary geotechnical analyses are performed. For example, Rule VII 2b(1) requires underground development wastes to be disposed in accordance with Rule IV 3c where professional construction designs are required and Rules IV 3c(1)(c) and (d) which would include geotechnical analyses. The Wyoming program appears to provide

authority for the necessary geotechnical analyses.

14.57 The detailed list of measures in 30 CFR 784.20(b)(2) to control subsidence is not contained in Wyoming Rule VII 1a(1). The Public Lands Institute also commented that these measures should be included. However, the Wyoming rule would probably meet the Federal requirement in the following ways: the statement "measures to be taken to prevent, lessen, or mitigate material damage or less of value of property" in Rule VII 1(c)(3) outlines information to be contained in a subsidence control plan; Rules VII 1(c)(3)(c) and (d) would require descriptions of subsidence and damage control measures; and, proposed Rule VII 1c(3)(d) includes the monitoring requirement of the Federal regulations.

14.58 Wyoming Rule VII 1a(1) does not contain the term "renewable resource lands" in its description of the areas that must be surveyed in evaluations of potential subsidence damage. The Wyoming rule uses the term "land surface" which appears to be more stringent than 30 CFR 784.20 since it is not qualified by the term "renewable resource."

14.59 The Wyoming program as submitted does not contain a rule equivalent to 30 CFR 784.25(c) on pneumatic backfilling operations. However, Wyoming now proposes a rule on pneumatic backfilling operations in Rule II 3(b)(12)(d) that is an equivalent to 30 CFR 784.25. This appears to meet the Federal requirement.

14.60 EPA commented that Wyoming omitted an equivalent rule to 30 CFR 784.26 (air pollution control plan for underground mines). The Wyoming statute and regulations contain requirements for the submission of air pollution control plans through the requirement that permit applications for underground mines comply with the permit requirements for surface mines in Rule II 1a. Thus, the requirements of 30 CFR 784.26 would appear to be met by Wyoming's proposal to require a plan in Rule II 3a(5)(a)(i) which specifies that the information from an air quality construction permit be included in the permit application. The air quality information must affirmatively demonstrate a monitoring program.

In addition, the Wyoming Air Quality Division regulations require a construction permit for any new facility or modification thereof if the use will cause air contaminants, a term defined to include dust and other particulate matter (Chapter 1, Wyoming Air Quality Regulations).

Special Bituminous Coal Mines

14.61 Wyoming proposes an equivalent to 30 CFR 785.12(c) in Rule VIII 2(a) and W.S. 35–11–406j which would require that a finding be made by the regulatory authority, in writing, that a special bituminous coal mine operation will be conducted in compliance with the performance standards also in Rule VIII 2. As discussed under Finding 13, Wyoming submitted new draft regulations for special bituminous coal mines on January 16, which have not yet been fully evaluated.

Experimental Practices

14.62 The Federal Act and regulations at 30 CFR 785.13 specify that if, for experimental practices, operations are to be conducted for purposes other than encouragement of advances in mining and reclamation, the postmining land use must be "industrial, commercial, residential or public use (including recreational facilities)." Wyoming proposes in Rule IX 1a to allow approval of any postmining land use regardless of whether the proposal promotes technological advance. While any land uses is allowed under the Federal rules if the purpose is to encourage advances in mining and reclamation technology, the postmining land use changes are also restricted for any other experimental practices. This provision does not appear to be consistent with the Federal regulation.

14.63 Wyoming proposes to provide a procedure for treating requests for variances authorizing departures in individual cases "on an experimental" basis from the environmental protection performance standards in Rule IX. The criteria listed in Rule IX are inclusive of those listed in 30 CFR 785.13. The Wyoming rule would provide for OSM's written approval (Rule IX 2a) and provide limits on the experimental practices equivalent to 30 CFR 785.13(e) including requiring that the practice not result in less stringent requirements than those of SMCRA and the Federal regulations (Rule IX 1a(2)(2)0). These provisions appear to be consistent with the Federal requirements.

14.64 Wyoming indicated that Chapter IX would include a provision that allows variances to be granted on the basis of unique local conditions (orange book, Part D, page 9; Administrative Record No. WY–99). This provision would be invoked when the imposition of the otherwise applicable standard would place an exceptionally harsh obligation on the operator because of the existence of unusual local conditions. It does not appear that this variance provision has actually been incorporated into the proposed Wyoming regulations.

This inconsistency between the administrative record and the proposed regulations should be resolved by Wyoming in its resubmission.

14.65 EPA commented that Wyoming's Rule IX on experimental practices omits the three permit conditions of 30 CFR 785.13(h)(4) which:

1. Limit the experimental practice authorized to that granted by the regulatory authority and the Director;
2. Impose enforceable alternative environmental protection requirements; and
3. Require the person to conduct periodic monitoring.

EPA also commented that Rule IX contains no provision equivalent to 30 CFR 785.13(e)(5) requiring special monitoring.

Wyoming now proposes in Rule IX 1a(2)(b) to require that the permit application show that the proposed operation is limited, that reclamation will be implemented if the experimental practices are a failure, and that special monitoring will be conducted. Furthermore, special monitoring must be involved "so that sufficient and reliable data are collected for comparisons with other practices and to ensure protection of the environmental and public health and safety." Rule IX 2 would require approval by the Director of OSM. These provisions appear to be consistent with the Federal requirements.

Steep Slope Mining

14.66 Wyoming omits the requirements of 30 FR 785.15 for steep slope mining but proposes in W.S. 35–11–406(m) to state that "no steep slope surface coal mining operations shall be commenced until the Council has promulgated rules and regulations establishing steep slope mining performance standards." IN W.S. 35–11–103(e)(XXI), "steep slope" is defined as slopes generally exceeding 20 degrees and which generally require special soil handling procedures. Rule XV 3c(1)(b)(i) would restrict disposal of excess spoil on slopes exceeding 20 degrees.

14.67 AMAX Coal Company recommended that the term "steep slope mining" be defined. If it is to be defined the same as in SMCRA, the commenter is concerned that areas around Gillette or Kemmerer, Wyoming, might be considered steep slope mining. The term "steep slope" is defined as any slopes of more than 20° or such lesser slopes as may be designated (Rule I 2(65)). The Federal regulations address areas in which there may be an occasional steep

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slope in the special permit requirements of 30 CFR 785.15.

EPA also commented on whether the Wyoming program might be inconsistent with the Federal regulations for steep slope mining. Wyoming will not allow mining on steep slopes. However, since Wyoming's proposed definition of steep slopes is equivalent to the Federal definition, the same procedure as exists in the Federal regulations would prevail in Wyoming to assure that occasional outcrops and other limited areas containing slopes of 20° are not affected.

The Wyoming program will probably meet the minimum Federal requirements concerning steep slope mining.

Prime Farmlands

14.68 The Wyoming program presently allows exemption of "small acreages" of prime farmlands, provided the local Soil Conservation District personnel are consulted (Rule V 1b(4)). Though Wyoming considers the local Soil Conservation District to represent the U.S. Department of Agriculture (USDA), it is not clear that that State will request the USDA to concur in this determination. Therefore, the requirements of 7 CFR 657 amd 30 CFR 785.17 for protection of prime farmlands appear to exist only partially in the Wyoming program. Wyoming will have to further document compliance with the USDA consultation requirement.

14.769 The Wyoming program does not contain the provisions of 30 CFR 785.17(a) which state that areas in plans approved prior to August 3, 1977, are exempt from the prime farmland reconstruction standards. Thus, Wyoming does not allow an exemption and is more stringent than the Federal requirement.

14.70 The Wyoming equivalent to 30 CFR 785.17(b)(1) is proposed in Rule 11 3(2)(6)(g). That rule requires detailed soil information for prime farmlands, "including a soil survey conducted in accordance with the standards of the National Cooperative Soil Survey of the U.S. Department of Agriculture" and thus applies the requirements of 30 CFR 785.17(b)(1) to the mine plan area. The referenced publications of 30 CFR 785.17(b)(3) are incorporated in Wyoming Guideline #1. The term "soil survey" is defined in Rule I 2(70), including a map, and the SCS standards require profile descriptions; thus the standard appears to be equivalent to 30 CFR 785.17(b)(1)(ii). Wyoming substitutes the requirement of crop yield data for the more detailed discussion of 30 CFR 785.17(b)(8). The requirements of 30 CFR 785.17(b) for soil productivity to be returned to equivalent levels of yield is closely addressed in Rule XIII 1a(8)(c) where the applicant must demonstrate the technological capability to restore a condition where equivalent or higher yield can be obtained. The Wyoming program concerning prime farmlands soil surveys would probably meet the Federal requirements if the guidelines are enforced. See discussion above related to guidelines in general.

Contemporaneous Reclamation

14.71 The Wyoming program does not contain the requirement of 30 CFR 785.18(c)(7) for a demonstration of compliance with 30 CFR 816.71–816.74 for off-site storage of spoil when a variance is granted for delay in contemporaneous reclamation. Wyoming proposes in Rule IV 3c(1)(b) to require that spoil be disposed within the permit area and/or in a manner which complies with the provisions for disposal established in Rule IV 3c(1)(a). Accordingly, the Wyoming provisions probably would be consistent with the Federal requirement.

14.72 Wyoming originally had no requirement that findings be in writing before a variance from contemporaneous reclamation may be issued under 30 CFR 785.18(d). Wyoming proposes provisions in WS 35–11–406[j and rule III 4(b) to specify that findings be in writing. This provision would probably be consistent with the Federal requirement.

14.73 The Wyoming program does not contain the requirement of 30 CFR 785.18(d)(8) that liability under the performance bond shall be for the duration of the underground mining activity. However, Wyoming proposes in Rules XIII 1b and 1c to require that all mining activities be bonded for the term of the operation. Therefore, the Federal requirement probably would be fulfilled.

14.74 30 CFR 785.18(e) requires the review of permits containing variances by the regulatory authority at least every three years. Rule III 4 includes no frequency of review for such variances. However, since the Wyoming program calls for an annual report (W.S. 35–11–411), such variances will receive annual review, and the Federal requirements appear to be satisfied.

Alluvial Valley Floors

14.75 Peabody Coal Company stated that the Wyoming program does not contain an adequate provision for a negative determination of alluvial floors. For lands which appear not to contain alluvial floors, or for those which clearly do, it is burdensome to require the operator to undertake the complicated process to determine that there indeed is not an alluvial floor. Wyoming proposes a procedure in Rule III 2a(4) which corresponds to 30 CFR 785.19 for alluvial valley floor determinations, which appears to be consistent with the Federal requirements. This is also discussed under finding 13.

14.76 The Federal permit requirements in 30 CFR 785.19 concerning mining in areas adjacent to alluvial valley floors can apparently be obtained through the authority established by the Wyoming provisions. Most segments of the Federal requirements for alluvial valley floors are covered by broad language in Wyoming Rule III 2, supplemented by detailed requirements in Technical Guidelines No. 9. Since the guidelines are not enforceable, Wyoming has agreed to include additional language in Rule III 2 to provide the administrator with the authority to require information necessary to assure that the detailed requirements of 30 CFR 785.19 are met. (See minutes of the January 9, 1980, meeting.)

14.77 The criteria contained in 30 CFR 785.19(e)(3) for determining whether a mining operation will materially damage the quality or quantity of waters are not specifically addressed in Wyoming's rules since Wyoming believes alternative documentation regarding the effect of increased concentrations of total dissolved solids is available. Wyoming indicated in the January 2–5 meetings with OSM its intent to use Maas and Hoffman (30 CFR 785.19(e)(3)(i)) when it is applicable. 30 CFR 785.19(e)(3)(iii) allows use of other means to measure material damage. The Wyoming approach appears to be consistent with the Federal requirements, provided the program resubmission reflects that commitment.

14.78 Wyoming proposes to use a formula in Rule III 2d to measure the significance of the alluvial valley floor as required in 30 CFR 785.19. The formula appears to be acceptable. Wyoming has also defined "undeveloped rangeland" as providing less than "substantially" the carrying capacity of a grazing unit. Wyoming does not include "livestock watering" as a single indicator of agricultural uses resulting in classification of lands as alluvial valley floors. The Federal regulation does not classify a lowland area as an aluvial valley floor if the only agricultural and hydrologic-related feature were a livestock watering pond. Thus, Wyoming's interpretation appears to be equivalent to the Federal requirements.

Auger Mining

14.79 The provisions of Rule III 5a provide that appropriate technical information be submitted to determine whether augering is appropriate and if compliance can be achieved with the environmental protection performance standards of Rule V 4. In addition, permits cannot be issued by the State unless the written findings of compliance are made regardless of the category of mining (W.S. 35–11–406(j)). These Wyoming program requirements would apparently meet the minimum Federal requirements.

Coal Processing Plants

14.80 Wyoming rules omit any provision for coal processing plants or support facilities not located within the permit area as required in 30 CFR 785.21. Wyoming proposes in Rule II 3b(i) and (iii) to require that coal processing plants and support facilities be within the mine plan and, hence, the permit area. Thus, the Wyoming rule appears to meet the Federal requirement.

In Situ Mining

14.81 EPA pointed out that the Wyoming program Rule V 3 for in situ mining does not include compliance with the requirements for underground mining as does 30 CFR 785.22.

This deficiency was discussed with Wyoming officials during meetings on January 2–5, 1980. Wyoming proposes to modify Rule V 3a(5) so that it will reference Rules XIV, IV, and VII. See Administrative Record No. WY–99 and WY–119. This would require in situ operations to comply with the underground mining regulations (Rule VII) and thus appears to be equivalent to the Federal requirements.

Review and Approval/Disapproval of Permits

14.82 The Wyoming program definition of "willful violation" in Rule XVII 2d(1)(2) differs from the definition in 30 CFR 786.5 concerning review and approval of permits. The definition in 30 CFR 786.5 is phrased in terms of intending the result which actually occurs. The Wyoming definition would include the phrase "with knowledge or reason to know." This definition appears to be consistent with the Federal definitions. In 30 CFR 786.5, the Wyoming program also omits the definition of "irreparable damage." A separate definition of irreparable damage probably is not necessary for the permit approval requirements of 30 CFR Part 786 because use of its ordinary meaning would likely result in protection equivalent to the Federal rules.

14.83 With respect to the notification requirements of 30 CFR 786.11, public notices of filing of applications for permits, W. S. 35–11–406(f) requires that public notice be given within 15 days of the filing of a completed application. This provision is not inconsistent with Federal requirements so long as the public review period is continued after notification is given.

14.84 The FWS commented that Wyoming omits the requirement in 30 CFR 786.11(c)(1) that notification be given to fish and wildlife agencies. Wyoming Rule XIII 12(2)(b) would require that public notice be sent to "Federal, State, and local government agencies, with jurisdiction over or an interest in the proposed operation or permit area." Also, a Memorandum of Understanding (MOU) has been executed between the Wyoming Fish and Game Department and the Department of Environmental Quality which specifies that "whenever a mining and reclamation plan is submitted, the Land Quality Division will notify the Department of the need for technical assistance in the evaluation of the plan." The State program also contains a letter from the Fish and Wildlife Service indicating to whom requests for formal comments on State program and permitting should be directed. The provision appears to assure that fish and wildlife agencies will be properly notified.

14.85 EPA commented that Wyoming omits from its rule the requirement in 30 CFR 786.11(c)(4) that notification be given to Federal or State agencies with authority to issue other permits and licenses. Rule XIII 1a(2)(b) would require that notice be sent to Federal, State, and local governmental agencies within juridiction over or interest in the proposed operation or permit area Rule II 3a(5) also requires the administrator of the Department of Environmental Quality and the director of the Land Quality Division to advise, consult and cooperate with the identified authorities so as to provide for the consideration of review and issuance of listed licenses, permits, or approvals. In addition, MOUs have been developed between the Land Quality Division and the Air Quality Division, Water Quality Division, State Engineer, Wyoming Recreation Commission, and the Wyoming Game and Fish Department. These provisions appear to meet the Federal requirements.

14.86 The National Park Service (NPS) asked that its activities and the State's be formally coordinated with respect to permit applications and mining and reclamation plans, and that NPS receive a copy of each notice of application for a mining and prospecting permit so that NPS can determine which mines may potentially affect NPS resources.

As discussed above, Rule II 3a(5) requires consultation and coordination with identified authorities during review of a permit application. In addition, Wyoming proposes to incorporate the provisions of Section 522 of SMCRA into W.S. 35–11–406. Those provisions prohibit, subject to valid existing rights, mining in units of the National Park System and require approval of the official with jurisdiction if mining would adversely affect a publicly owned park. These Wyoming provisions appear to provide adequate coordination with the NPS.

14.87 The Wyoming equivalent to 30 CFR 786.12, concerning the opportunity to comment on permit applications, is W.S. 35–11–406. This statute allows any interested person to file "written objections" and does not expressly request written comments. Wyoming is on record as stating that it was not the intent of that section to restrict the filing to objections, but, rather, to imply that commenters would be required to follow a formalized procedure. (See notes on January 2–5 meeting, Administrative Record No. WY–99.) Wyoming envisions no constraints to providing public comments as well as objections. Wyoming combines the requirements of 30 CFR 786.13, concerning right to file objections, with those of 30 CFR 786.12. This Wyoming provision appears to meet the Federal requirement.

14.88 The Federal regulations in 30 CFR 786.13 identify the right to file written objections by "Any person whose interests are or may be adversely affected . . . with *30* days after the last publication . . .." W.S. 30–11–406(g), as submitted, allows only 20 days for written objections to be filed if no informal conference is requested. A 30-day period is provided if an informal conference if requested. The Secretary considers it necessary to provide 30 days for public comment. Wyoming has submitted a proposed change to its statute to provide the 30-day period.

14.89 Wyoming would provide, in Rule III 3 of *Rules of Practice and Procedure*, that the requester can request the informal conference on a permit application to be held in the locality of the proposed mine and also request access to the permit area. Wyoming does not specifically require that the record be maintained and made accessible as does 30 CFR 786.14(b)(4), but Wyoming is on record as having no intention of destroying documents which are part of the permit review process and insuring that such records will be open to the public. (See notes of January 2–5, 1980 meeting, Administrative

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Record No. WY–99).) The combination of these provisions and W.S. 35–11–406 provide the equivalent to 30 CFR 786.14, procedures for informal conferences, so long as the program resubmission is revised to reflect the State's intention.

14.90 One commenter stated that he assumed that Chapter I Section 16b, of the Environmental Quality Act applied to a case wherein an informal conference was held, but not a hearing. If that is the correct interpretation, the commenter continued, the language of this subsection should be modified to reflect clearly that intent. Otherwise, viewing it as written, it does not make sense unless one is extremely familiar with all of the other rules of practice and procedure.

The commenter is apparently referring to the Department's Rules of Practice and Procedure. Under the Wyoming procedure there are circumstances under which a permit decision will be made initially after a hearing by the Council. The section cited applies in those circumstances where there is no hearing prior to a permit decision. Under those circumstances, the applicant or any person with an interest which is or may be adversely affected may appeal that decision and obtain a hearing before the Council. This appears to provide access for the public consistent with the Federal requirements.

14.91 Wyoming's provisions in Rule I 1g for defining public availability of information in permit applications differs from the Federal requirement of 30 CFR 786.15 in the use of the terms "privileged commercial or financial information." This provision applies only to coal exploration operations, however (which is permissable under Section 513(b) of SMCRA), and not to mining permits. Therefore, the Wyoming rule appears to be consistent with the requirement of 30 CFR 786.15.

14.92 The Wyoming program does not provide a counterpart to 30 CFR 786.17(c)(2) and therefore does not require the regulatory authority to consider whether the applicant filed, and is pursuing in good faith, a direct administrative or judicial appeal to contest the validity of a violation listed in the application. This omission does not appear to reduce the degree of environmental protection or opportunity for public participation in the program. Further information on this point may be provided by participants in the Secretary's review of the resubmission.

14.93 According to the Fish and Wildlife Service no provision is included in Wyoming's analogue to 30 CFR 786.19(m) to provide review and require approval of measures affecting fish, wildlife and related environmental values prior to approving a postmining land use change. In addition, there is no analogue to 30 CFR 786.19(o) which requires that mining activities not affect the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitats as determined under the Endangered Species Act of 1973.

Wyoming addresses changes in postmining land uses in proposed Rule II 3b(11) and requires, in order to change land uses, that approval of measures to prevent or mitigate adverse effects on wildlife or fish "have been obtained from appropriate State and Federal fish and wildlife management agencies" (Rule II 3b(ii)(h)). The Wyoming rules also would require all permits to describe and evaluate endangered or threatened plant species (Rule II 3b(4)(b)(i)) and require a plan for minimizing adverse impacts to fish, wildlife, and related values, including threatened or endangered species (16 U.S.C. 1531 *et seq.*) and their critical habitats. Consultation with State and Federal fish and wildlife agencies is required by Rule II 3a(6)(e).

An MOU with the Wyoming Department of Game and Fish also specifies consultation at the State level. Rule XIII requires operations to be conducted in accordance with this approved process and thus requires the necessary consultation and approvals prior to granting permits. Consultation provisions consistent with the Federal regulations appear to be provided in Wyoming's program. The Wyoming program does not, however, contain adequate assurance that mining activities will not be permitted that would adversely affect threatened or endangered species as required by 30 CFR 786.19(o). The program resubmission should provide for this requirement.

14.94 Wyoming proposes to require the assessment of cumulative hydrologic impacts (required by 30 CFR 786.19) through Rule XXIII 2a(1). However, the Wyoming program does not adequate show that permit applications provide adequate information for this review. This deficiency was identified during early reviews and Wyoming has proposed a correction through a clear citation to Rule XXIII in Rule II 3(b)(10). EPA commented on this deficiency. Wyoming's proposed provisions appear to meet the Federal requirements.

14.95 Another comment was addressed to the phrase, "prevent material damage to the hydrologic balance outside the permit area," which appears in W.S. 35–11–401(j)(iii) regarding information required in a permit application. The wording as it stands, according to the commenter, could be interpreted to place an impossible burden upon mining operators since in all but very unique situations it would be impossible to prevent all impact to the hydrologic balance outside the permit area. The commenter suggested that the proposed amendment be revised to read, "The proposed operation has been designed to minimize the disturbances to the prevailing hydrologic balance outside the permit area."

In response, Section 510(b)(3) of the SMCRA and 30 CFR 786.19(c) require the regulatory authority to find the proposed operation "designed to prevent material damage to hydrologic balance outside the permit area." Wyoming Rule XXIII 2a(1) would provide guidance to protect the effects of the proposed operations on ground and surface water quality and quantity. In addition, Rule I 2(4) defines "material damage to the hydrologic balance" to mean "a long term or permanent adverse change to the hydrologic regime." These provisions, therefore, appear to be consistent withe Federal requirements.

14.96 Amax Coal Company suggested that amendments to W.S. 35–11–401(d) be changed to read that the State has 30 days to determine completeness of a permit application, rather than the 90 days, as proposed. The commenter reasons that a 30 day completeness review period would provide Wyoming with more time for substantive review.

WS 35–11–401(d), as proposed, specifies that within two months of approval of the State program any operator that plans to be in operation six months after the approval must have submitted a plan (in compliance with the approved program). Wyoming requires a "completeness" determination with 90 days, a notice period of four weeks, and then must make a decision within 30 days, or within 60 days after a final hearing. If a plan is complete, the plan will be processed in a timely manner. It is also unlikely that a completeness review can be adequately performed within 30 days, considering the workload of the agency. Accordingly, Wyoming's provision appears to be reasonable and is not inconsistent with the Federal requirements.

14.97 The Wyoming program does not include a provision equivalent to that of 30 CFR 786.19(j) which requires operations to be performed under a permit to be consistent with other such operations anticipated to be performed in adjacent areas. The need for this provision was discussed with Wyoming officials during meetings held January 2–5, 1980, and Wyoming now proposes comparable language in Rule XIII 1a(4). See Administrative Record No. WY–99 and WY–119.

14.98 Wyoming proposes to address the requirement of 30 CFR 786.21(b) to abandon existing structures through Rule IV 2k which requires disposal of all buildings and structures unless they are of beneficial use and if a compliance plan cannot be developed (Rule II 3b(2)). Clarifying language would be added to Rule II b(2). These provisions appear to be consistent with the Federal requirements.

14.99 The Department of Energy suggests that the State program information should explain why the license to mine would take longer to obtain than the permit to mine. There is no requirement under 30 CFR Chapter VII for a State program to require a license. Therefore, it would not be appropriate for the Secretary to require an explanation of the license process unless it appears inconsistent with the requirements of SMCRA, which it does not appear to be.

14.100 30 CFR 786.23 requires that notice of permit decisions be given to governmental officials in local jurisdictions and to persons who filed objections or comments. Wyoming Rule XIII 1a(2)(b) does not provide for this distribution of notices. This deficiency was discussed with Wyoming officials at a meeting held January 2 through 5, 1980, and Wyoming now proposes language to correct the deficiency. See Administrative Record No. WY–99 and WY–119.

14.101 AMAX Coal Company contends that WS 35–11–401(d) and (e) in the proposed amendments to Wyoming's EQA, the State's analogue to SMCRA 506(a) regarding the time period for permit requirements, is unclear. The commenter did not specify how the provision is unclear and the provisions appear to meet the minimum Federal requirements.

Permit Conditions

14.102 Wyoming's proposed provisions for permit conditions (Rule XIII 1a(8) and WS 35–11801) are the analogues to 30 CFR 786.27 which allow right of entry. The rule and statute also address the requirements of 30 CFR 786.29 since the operator must conduct operations in a manner that prevents violation of any other applicable State or Federal law and minimizes any adverse impact to the environment or public health and safety resulting from noncompliance, including monitoring. (This has been discussed further in reference to 30 CFR 840.12, right of entry for inspections.) Wyoming has submitted proposed revisions to Rule XVII 1 which further identify those persons having right of entry, and conditions for rights of entry.

14.103 EPA stated that the wording in both WS 35–11–801 and Rule XIII 1 seem to make Wyoming's provision for monitoring and warnings less stringent by omitting "accelerated or additional," "immediate" and "as soon as possible," as stated in 30 CFR 786.29(a). The Federal requirements are for permits to be issued conditioned on the permittee taking "all possible steps" to minimize any adverse impact including monitoring, compliance measures, and warning persons whose health and safety is in eminent danger.

The Wyoming provisions are identical to 30 CFR 786.29(a), except for the abbreviated phrase, which reads: "including monitoring to define the nature of the noncompliance and warning of any potentially dangerous condition" (Rule XIII 1a(8)(d)). In view of other provisions of Wyoming's program, which require conducting all operations in accordance with the approved plan and preventing violation of any other applicable law (Rule XIII 1a(9)(a) and (c)), this provision appears to include all the requirements of 30 CFR 786.29(a). The term "all possible steps" appears to meet the requirement of undertaking the tasks expeditiously.

14.104 EPA also pointed out that there was no apparent provision corresponding to 30 CFR 786.29(b) relating to water treatment. The Federal regulations require the permit to be conditioned on the disposal of solids, sludge, filter backwash, or pollutants removed in the course of treatment or control of waters or emissions to the air in the manner required by 30 CFR Subchapter K, and on preventing violation of any other applicable State or Federal law.

Wyoming proposes in Rule XIII 1a(7)(a) to require the operator to conduct all operations in accordance with the approved mining and reclamation plan. Rule IV 3c(2)(g) would require analyses of coal processing wastes prior to disposal and Rule IV 3c(3) addresses disposal of acid-forming and toxic-forming materials. Rule II 3a(5)(a)(iii) would require the necessary information for an industrial solid waste land disposal activity. These examples indicate that the Federal requirements of 30 CFR 786.29(b) would be required by Wyoming in any complete and approvable permit application to the same degree as they are in the Federal program since filter backwash and solids or sludge would be included in the waste disposal activities of the mining operations.

Administrative and Judicial Review of Decisions

14.105 The Environmental Policy Institute objects to the omission in the Wyoming program of any counterpart to SMCRA Section 514(d) which provides for temporary relief from a decision on a permit application. The Institute points out that such temporary relief is available under SMCRA Section 514(d) not only for permit applicants but also for any person with an interest that may be adversely affected. The temporary relief provisions in SMCRA Section 514(d) are a required element of a State program. Wyoming may presently provide such a right under other rules or laws. If so, such rules or laws should be contained in the next submission.

14.106 Wyoming does not define the terms "successor in interest" or "transfer, assignment, or sale of rights" which are defined in 30 CFR 788.5. The definition of permit transfer in Rule I 2(55) appears to be equivalent to the federal terms. This is because "permit transfer" is defined in Rule I 2(55) as a change in ownership or control over the right to conduct mining. A successor in interest, as identified in 30 CFR 788.19, would become involved in a permit transfer and would have to apply for a permit pursuant to proposed Rule XIII 1b. Thus, the provisions of 30 CR 788.19 appear to be satisfied.

14.107 Wyoming requires annual review, via the annual report requirements, of outstanding permits and thus provides a more stringent analogue to 30 CFR 788.11 (permit review) through Rule XIV 5a and WS 35–11–411. These review provisions appear to afford authority equivalent to that of the Federal regulations.

14.108 The Public Lands Institute stated that Wyoming should make permit renewal contingent on the operator's compliance with the performance standards and the permit term, as in 30 CFR 788.16(a). The commenter suggested that the State's analogue to 30 CFR Part 788 be strengthened in definitions, public notice, public access to all reclamation plan data except chemical and physical properties of coal seams, criteria for approval, right of entry, extent of operations and permit conditions.

Wyoming proposes rules that would require that permit renewals be subject to all procedural requirements of the Wyoming EQA (Rule XIII 1b). WS 35–11–405(e) would give the right of successive renewal with respect to areas within the existing permit area, if public notice has been given and if the

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permit is in compliance with applicable laws and regulations. WS 35–11–406(k) (Administrative Record No. WY–99) would require the application be denied if the operator has been and continues to be in violation of the provisions of the Act. These would apparently include the need for written findings. Wyoming also proposes amending WS 35–11–406(b)(iii) to require that all parts of the proposed operation be conducted in compliance with applicable laws and regulations which will apply to permit renewals. This could prevent issuance of a permit if the applicant has been and continues to be in violation of the provisions of the Wyoming Act.

Further, the public information provisions of the Wyoming program appear to be equivalent to those of the Federal regulations in making all appropriate information available. Thus, the Wyoming provisions now appear to meet the Federal requirements.

14.109 In the equivalent State requirements for 30 CFR 788.12, Wyoming did not, in its official submission, completely identify parameters to determine what changes constitute significant departures from the contemplated operations. The program now proposes to require, in Rule XIV 1a, contact with the department to determine whether a revision is required prior to "any change in mining or reclamation operations from those described in the approved permit application." However, in Rule XIV 2b, significant deviations are defined and, in Rule XIV 6a, only incidental boundary changes would be allowed as permit revisions. Two commenters addressed this deficiency in the official submission. These provisions appear to meet the Federal requirements.

14.110 The requirements of 30 CFR 788.14 would be reflected in Rule XIII 1b to the effect that all procedural requirements of the Wyoming EQA and the regulations apply to permit revisions, renewals, and transfers unless otherwise provided, and that the requirements of WS 35–11–405(e) must be met. Since applications that propose significant deviations could not be considered a renewal (Rule XIV), the requirements of 30 CFR 788.14(a) appear to be met. A change is necessary in Rule XIV to ensure that only incidental boundary revisions are eligible as renewals. Wyoming has proposed to drop the "s" from "terms" in Rule XIII 1b to make clear that the word refers to time and not permit terms and conditions. The Wyoming program needs a provision for incidental boundary changes in order to comply with the requirements of 30 CFR 788.14 for permit renewals.

14.111 The Wyoming program, according to EPA, does not state that denial of a permit renewal must be made on the basis of "written findings by the regulatory authority that terms and conditions of the existing permit are not being met." This is required by 30 CFR 788.16(a)(1).

Wyoming proposed Rule XIII 1b to require that all procedural requirements of the EQA and regulations relating to approval or disapproval apply to permit renewals, unless otherwise provided. These apparently would include the need for written findings.

Finding 15

The Secretary finds that the Land Quality Division has, in part, the authority to regulate coal exploration consistent with 30 CFR Parts 776 and 815 (Coal Exploration) and to prohibit coal exploration that does not comply with 30 CFR Parts 776 and 815, and the Wyoming program includes provisions adequate, in part, to do so. This finding is made under 30 CFR 732.15(b)(3).

The Wyoming Program incorporates provisions corresponding to Section 512 of SMCRA and 30 CFR Parts 776 and 815 (as related to coal exploration) in Wyoming Statute 35–11–402 and Wyoming rules Chapters X, XI and XV. Part G.1 of the first volume of the program submission includes a discussion of the system for exploration license review and approval.

A discussion of significant issues raised in the review of Wyoming's coal exploration provisions follows.

15.1 EPA states that Wyoming regulations do not state that exploration "shall be conducted in a manner which minimizes disturbance of the prevailing hydrologic balance and shall include control measures * * * or sedimentation ponds * * *", as is required by 30 CFR 815.15(j) regarding performance standards for exploration.

Wyoming proposes to add the following requirement as Rule XI 5m: "Activities shall be conducted to minimize disturbance to the prevailing hydrologic balance, including, at a minimum, sediment control measures or sedimentation ponds, which comply with Chapter IX, Section 3r(31)(a) and Chapter IV, Section 3q." This addition appears to make the Wyoming provision consistent with 30 CFR 815.15(j).

15.2 Wyoming, in its submission, did not provide for adequate revegetation, sediment control, or facility removal in the case of operations removing 250 tons of coal or less. The Federal requirements arise through the cross-reference to 30 CFR Part 815 in 30 CFR 776.11(c) which requires seeding to the same seasonal variety native to the disturbed area, sedimentation ponds, and facility removal, respectively in accordance with 30 CFR 815.15(f), (j), and (i).

Wyoming proposes to correct this by adding, in Rule XI 5(d) and (n), references to Rule IV 3d(1) and (2) and Rule IV 3a, 3e, and 3g for revegetation and facility removal. This revised language appears acceptable.

15.3 Wyoming does not identify the scale of the required map (1:24,000) as does 30 CFR 776.11(b)(3). However, the equivalent requirements of 30 CFR Part 815 are contained in Rule II 5 and thus satisfy 30 CFR 776.11(c), in terms of controlling operations which substantially disturb the natural land surface. These provisions for exploration appear to be equivalent to the corresponding provisions of the Federal rules.

15.4 The Powder River Basin Resources Commission stated that Wyoming did not provide adequately for notice of review of coal exploration applications, as required by 30 CFR 776.12(b). The exploration notice of the Wyoming program is to be posted at the regional office of the Land Quality Division. Comments may be filed and are not limited to those persons with an interest which is or may be adversely affected as they are in 30 CFR 776.14(b). Thus, the Wyoming provisions appear to provide notification consistent with the Federal requirements.

15.5 Wyoming's requirements (Rule I 1(99)) for availability of information to the public use the term "trade secret." While this differs from the Federal definition of confidential information in 30 CFR 776.17(b), it appears to be equivalent. Wyoming has the appropriate constraints on the use of confidentiality in Rule XI 3.

15.6 Wyoming's proposes to add Rule XI 5n which would require the removal of equipment and facilities for all exploration which substantially disturbs the natural land surface or, whenever else necessary for the protection of the hydrologic balance. Further, Wyoming has proposed to add Rule XI 5m to require that operations be conducted to minimize disturbance to the prevailing hydrologic balance. The requirements of 30 CFR 815.15c(3)(ii), (f), and (j) would appear to be satisfied.

15.7 The Heritage Conservation and Recreation Service (HCRS) requested that the program contain the criteria which will be used to consider adverse effects on historic, archaeological, and cultural features as well as guidelines for protection of these resources for applications for approval to conduct exploration activities.

The Federal regulations do not require that the program contain either the criteria or guidelines to meet requirements for approval. As discussed in finding 14, the Advisory Council on Historic Preservation submitted suggested criteria and procedures which are being sent to the State for its consideration.

15.8 The HCRS asked that the program indicate how studies to identify historic, archaeological, or cultural resources will be funded and what steps will be taken if cultural resources will be affected by exploration activities greater than 250 tons.

Applicants for approval to conduct coal exploration activities are responsible for funding acquisition of the information. Rule XI states that approval to conduct coal exploration activities will be based on protection of historic, archaeological, or cultural resources.

15.9 The proposed Wyoming definition of "coal exploration," Rule I (9), appears to be inconsistent with the corresponding Federal definition in 30 CFR 701.5. The Federal definition expressly includes "mapping" and "geophysical" surveys in the category of field gathering techniques which are classified as exploration activity. In Wyoming's proposed definition I (9)(a), however, these two techniques appear to have been omitted from the list of exploration activities. Furthermore, proposed definition I (9)(b) suggests that environmental data gathering will not be considered to be exploration activity unless it substantially disturbs the natural land surface. The Federal definition does not contain such a requirement. Rule I (9)(b) of the proposed Wyoming definitions therefore appears to unacceptably narrow the circumstances under which environmental data gathering will be considered to be coal exploration activity.

It is essential that the State definition of "coal exploration" accurately reflect Federal standards. All coal exploration activities must conform to the requirements of 30 CFR 776. Exploration activity which will result in the removal of more than 250 tons of coal must be approved in writing under 30 CFR 776.12–14. Similarly, 30 CFR 776.11 requires that written notice be filed by any person who intends to conduct exploration activity which will result in the removal of less than 250 tons of coal. Either notification or prior approval is necessary for all exploration, whether or not there is a substantial environmental disturbance. Part 776.15 of the Federal regulations imposes the additional requirement that all coal exploration activity which will substantially disturb the natural land, no matter how many tons are removed, be conducted in accordance with performance standards specified under 30 CFR 776 and 815, and any other specific conditions imposed by the regulatory authority. This extensive regulatory scheme will be effective only if a comprehensive and accurate definition of "coal exploration" is adopted in the individual State programs.

15.10 According to EPA, Wyoming modifies the Federal requirement in 30 CFR 776.11(b)(6) to submit a description of practices proposed to be followed to protect the environment from the adverse impact of exploration by the phrase "where the operation will *substantially disturb* the natural land surface." Wyoming proposes in Rule XI 1b(6) to specify a "description of methods and practices proposed to protect the environment, including those necessary to comply with Section 5 of this Chapter, where the operations will substantially disturb the natural land surface." Rule XI 5 applies only to operations which "substantially disturb the natural land surface or which remove more than 250 tons of coal * * *." The modifying phrase is interpreted merely to highlight the fact that the requirements of Rule XII 5 only apply in cases of substantial disturbance. This would be greatly clarified by deletion of the comma in this section of the Wyoming rule. The language appears to meet the Federal requirements.

Finding 16

The Secretary finds that the Land Quality Division has the authority under Wyoming laws and the Wyoming program includes provisions to require that persons extracting coal incidental to government financed construction maintain information on site consistent, in part, with 30 CFR Part 707. This finding is made under 30 CFR 732.15(b)(4).

Provisions corresponding to 30 CFR 707 (exemptions for coal extraction incidental to government-financed highway and other construction) are found in Wyoming statute W.S. 35–11–401 and Wyoming regulation Chapter I.

While there is no specific reference to this requirement in the discussion of individual systems, the Secretary finds that he is able to evaluate this provision on the basis of regulations and statutes in the program.

Only one significant issue was raised in the review of Wyoming's provisions relating to government-financed construction. Section 528(3) of SMCRA exempts certain government-financed construction projects from the coverage of the Act. 30 CFR Part 707 defines the appropriate terms and requires that the operator of the project maintain on the site of the extraction operation the written exemption as well as certain descriptive details of the project relating to location, nature, and financing. The proposed Wyoming statute (WS–11–401(f)) allows for these types of exemptions. The Wyoming regulations essentially mirror the Federal regulatory requirements with one minor exception. Wyoming does not explicitly state that the information required to be maintained on the site must also be available for inspection, as does 30 CFR 707.12. However, it appears from Wyoming law and the regulation cited above that the Land Quality Division could demand proof of exemption and close the operation if the proof is not supplied. This should be confirmed in Wyoming's resubmission.

Finding 17

The Secretary finds that the Land Quality Division has the authority and the Wyoming program includes provisions to enter, inspect, and monitor all coal exploration and surface coal mining and reclamation operations on non-Indian and non-Federal land within Wyoming consistent, in part, with the requirements of Section 517 of SMCRA (inspections and monitoring) and 30 CFR Chapter VII, Subchapter L (inspection and enforcement). This finding is made under 30 CFR 732.15(b)(5).

Provisions corresponding to Section 517 of SMCRA and Subchapter L of 30 CFR Chapter VII for inspection and monitoring of operations are found in Wyoming statute 35–11–109, 431, 437, 701 and 1101 and Wyoming regulations Chapters IV and XVII. Volume 1, Part G.4, of the program submission contains a description of the inspection program to be carried out by the Land Quality Division.

Discussion of significant issues raised in the review of Wyoming's provisions for inspection and monitoring follows.

17.1 The National Wildlife Federation raises the concern that use of the term "investigation" does not necessarily include an "inspection." Wyoming's Rule XVIII states that the director's designated representative shall *inspect*. This rule appears to insure that inspections will be conducted.

17.2 AMAX Coal Company is concerned that the requirement that inspectors have access to an operator's records at any reasonable time is too much of a hardship on operators. The Secretary cannot agree. That inspectors must have access to operator's records and "at any reasonable time" gives

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operators adequate safeguards while assuring that the requirements of the regulatory program can be enforced.

17.3 The Public Lands Institute comments that the Wyoming submission omits the requirement for no less than one partial inspection per month and one complete inspection per quarter. Wyoming proposes Rule XVIII to require a partial inspection *every* month and a complete inspection *every* quarter. This requirement is more stringent than the Federal requirement which calls for an *average* of one partial inspection per month and an *average* of one complete inspection per quarter. Hence, the Wyoming Rule would appear to be consistent with the Federal requirement of 30 CFR 840.11.

17.4 The Public Lands Institute raised the question of whether Wyoming inspectors will conduct field enforcement and will take an enforcement action for all violations observed. Proposed W.S. 35–11–437(a) requires the issuance of a cessation order covering that portion of the operation relevant to the violation. Proposed W.S. 35–11–437(b) requires the issuance of a notice for abatement for any violation of the Act, regulations or permit conditions. Both sections of the Wyoming statute authorize the director or his authorized representative to issue such notice or order. An explanation, perhaps in the narrative segment of the program, is needed to clarify Wyoming's provision that inspectors will conduct field enforcement, and will pursue enforcement actions for all violations observed.

17.5 The Public Lands Institute commented on whether the Wyoming Rule XVII 1a provisions for inspection without prior notice is compromised by the additional provision "except as the representative deems necessary." The Institute stated that Wyoming's legislative requirements do not contain a provision that inspections be unannounced. The Powder River Basin Resources Council and the U.S. Environmental Protection Agency stated that the phrase, "except as the representative deems necessary," should be deleted because the inspector should not have the discretion to inform the operator of an imminent inspection.

Although the provision for unannounced inspections, as required in 30 CFR 840.11(d)(2), does not appear in Wyoming's legislation, it appears in the regulations. The requirement of the Wyoming regulation is that all inspections be unannounced. Only in special circumstances, such as on-site meetings and the once-annual inspection when all applicable records are made available, will the inspector give notice to the person being inspected of an impending inspection. On the basis of this understanding, this addition appears to be acceptable.

17.6 EPA noted that Wyoming legislation omits the "without a search warrant" provision of 30 CFR 840.12(a) and (b). While the Wyoming proposed statute and regulations do not contain a "no search warrant" provision, such a provision is made a condition of every permit. Furthermore, Wyoming inspectors have inspected and do inspect without a search warrant. (See minutes on January 2–5, 1980, meeting, Administrative Record No. WY–99.) On this basis, this omission appears to be acceptable.

17.7 Wyoming's regulations omit the provision that inspections be made on an irregular basis including operations which operate nights, weekends or holidays as required by 30 CFR 840.11(d)(1).

This omission makes the Wyoming Rule XVII 1 inconsistent with 30 CFR 840.11(d)(1). This inconsistency could be corrected in a discussion of irregular inspections in the narrative description submitted under 30 CFR 731.14(g)(4), which may be amended as part of Wyoming's resubmission.

17.8 Wyoming regulations omit a provision requiring inspectors to "collect evidence of any violation observed" as required by 30 CFR 840.11(a) and (b). This issue, which was raised by the Public Lands Institute, is subsumed by the greater issue of complete enforcement which the State program appears to adequately provide. Since Wyoming's program contains proposed statutes and regulations that provide for complete enforcement, the issue of the omission of a separate provision for collecting evidence of any violation will probably be deemed insignificant once all of the proposed rules and statutory amendments are adopted.

17.9 The reporting requirements of 517(b)(2) of SMCRA will be met by Wyoming's annual report requirement in W.S. 35–11–411. The Wyoming performance standards in Rule IV will establish specific monitoring requirements which must be met by the applicant prior to permit approval. These State monitoring requirements, if enacted, will apparently satisfy the Federal monitoring requirements in Section 517(b)(2) of the Act.

17.10 The Bureau of Indian Affairs recommends that it be clearly stated in the program that State inspectors have no enforcement or regulatory authority on Indian lands. Under 30 CFR Subchapter C, the scope of State programs is restricted to non-Federal and non-Indian lands. Presently, the Secretary is responsible for inspection and enforcement activities over surface coal mining operations on Indian lands. This activity will continue until such time as the Secretary proposes legislation to the Congress and develops appropriate rules designed to allow Indian tribes to elect to assume full regulatory authority over the administration and enforcement of regulations of surface mining of coal on Indian lands. Therefore, additional language regarding Indian lands in the Wyoming program is not necessary.

Finding 18

The Secretary finds that the Land Quality Division has the authority under Wyoming laws and the Wyoming program includes provisions to implement, administer, and enforce a system of performance bonds and liability insurance, or other equivalent guarantees consistent, in part, with 30 CFR Chapter VII, Subchapter J (performance bonds). This finding is made under 30 CFR 732.15(b)(6).

Provisions corresponding to Sections 509 and 519 of SMCRA (performance bonds and insurance) and to Subchapter J of 30 CFR Chapter VII are incorporated in Wyoming statute 35–11–406, 410, 411, 417, 418, 421 and 424. Volume 1, Part G.3, of the program submission contains a narrative describing the reclamation performance bond and liability insurance requirements for the State.

Discussion of significant issues raised in the review of Wyoming's bonding and insurance provisions follows.

18.1 The Wyoming program equates the terms "performance bond" with "surety bond" and the terms "deposit" with "collateral bond" in Rule XVI, which is the State equivalent to 30 CFR 800.5. The Federal term "collateral bond," however, is used in the context of secured transactions. The remainder of the terms are defined in a similar manner to the Federal definitions. The State definition of "self-bond," however, does not directly specify the granting of a security interest in real or personal property to the regulatory authority. This latter requirement would be changed by a proposed Federal rule change being considered by OSM. If the Federal rule is changed before the Secretary's decision on Wyoming's anticipated resubmission, as proposed, the Wyoming provisions probably would be acceptable.

18.2 In order to make the State requirements consistent with 30 CFR 800.11, Wyoming proposes to add language to Rule XIII 2a(1) requiring the bond amount to cover any additional amount of land which may reasonably be expected to be affected, prior to filing a renewal bond. The addition would eliminate the possible 30 day delay between expiration of the reporting year and review of the annual report. If promulgated, this proposed rule will apparently be consistent with 30 CFR 800.11.

18.3 Wyoming does not provide an analogue to 30 CFR 805.13 concerning period of liability because all of this material is contained in the performance standards. This appears to be acceptable.

18.4 Wyoming provides for a minimum bond of $10,000 in W.S. 35–11–417(c) in accordance with 30 CFR 805.11, determination of bond amount. The minimum revegetation bond period is established through Rule IV 3d(6) as 10 years (since areas with greater than 26 inches of precipitation are not expected to occur in Wyoming's coal resource areas). With respect to the requirements of 30 CFR 805.14(a), which allows the permittee an opportunity for an informal conference on a bond adjustment, Wyoming allows anyone to file comments or objections under Rule XVI 3a and to request an informal conference. A request for release of all or part of a bond is to be published pursuant to Rule XVI 2b.

These Wyoming provisions appear to be consistent with 30 CFR Part 805.

18.5 The Wyoming program contains provisions analogous to 30 CFR 806.11 for the form of the performance bond. Wyoming Rule XII 2, regarding self-bonding, does not specifically require that the self-bond give the State the right to immediately attach property upon bond forfeiture. Additionally, the Wyoming Rule XII 2(b) gives the administrator the discretion to require proof of a mortgagor's possession and title to unencumbered real property, whereas no such discretion exists in 30 CFR 806.11(b)(4)(iii). Wyoming also has no requirement in Rule XII 2(c)(7) that the brief chronological history of business operations include such operations conducted within the last 10 years as in 30 CFR 806.11(b)(5)(iv). These provisions do not appear to be consistent with the Federal requirements and Wyoming should provide additional clarification in its resubmission.

18.6 Wyoming does not expressly require the operator to submit a statement listing any notices issued by the Security and Exchange Commission or listing proceedings alleging a failure to comply with any public disclosure or reporting requirements under the Federal securities laws. Rule XII 3b, however, authorizes the administrator to examine the affairs of the operator if there is reason to suspect the operator's financial condition, continuous operation, operational nature, or compliance with the Act or rules. Further, the language of 30 CFR 806.11(b)(5)(vii) has been added as proposed Rule XII 2a(10). While Wyoming does not list the parties required to sign an indemnity agreement (30 CFR 806.11(b)(6)), Rule XII 5 requires that all such parties certify that they have the right and power to sign. These provisions appear to be consistent with the Federal requirements so long as Wyoming will use its full authority to require information required under 30 CFR Subchapter J.

18.7 W.S. 35–11–417(a) states that the purpose of any bond is to insure that the operator faithfully complies with the Act, rules and permit conditions. This statement meets the requirements of 30 CFR 806.12(c). Wyoming does not allow an operator to self-bond solely on the basis of a letter of credit.

Letters of credit are used only as evidence of financial responsibility (Rule XII 2(a)(8)(e)). Wyoming does not provide an equivalent to 30 CFR 806.12(f) or (g) regarding collateral bonds and letters of credit. W.S. 35–11–418, however, does permit Federally insured certificates of deposit, cash or government securities in lieu of a bond. This difference appears to be consistent with 30 CFR 806.12 (f) and (g). Under Rule XII 11a, Wyoming allows substitution of self-bonds for other bonds as is allowed in 30 CFR 806,12. Wyoming's program appears to provide requirements consistent with 30 CFR 806.14 in W.S. 35–11–406(a)(xiii) and Rule VIII 2 (b) and (c).

18.8 In its initial submission under Rule XVI 4, Wyoming required inspection of permit areas for bond release within 60 days of receipt of the application for bond release, weather permitting. Wyoming Rule XVI 4a, as now proposed, requires the inspection within 60 days, "conditions permitting." The intent of this revision is to assure that there is an opportunity for a meaningful site inspection. (See Administrative Record No. WY–99.) This appears acceptable.

18.9 Wyoming has proposed to modify Rule XVI 2b(8) to require that requests for a hearing or conference be advertised, consistent with the requirements of 30 CFR 807.11(e). That change should also take into account the district court ruling that § 807.11(e) must include a procedure for citizen access to the mine site.

18.10 Wyoming's initial provisions did not implement 30 CFR 807.12(d) for residential and industrial postmining land uses. Therefore, proposed Rule XVI 6a(3) has been added to require a bond to be held until all operations are successfully completed. If promulgated, this draft rule appears to meet the requirements of 30 CFR 807.12.

18.11 Wyoming's bond release criteria provide less release for the first two phases of such release (50 percent compared to the Federal 60 percent at phase I, and 75 percent compared to the Federal 80 percent at phase II). The State provision, Rule XVI 6, is therefore more stringent than the Federal requirements for 30 CFR 807.12(b). Wyoming also incorporates a reference area into the equivalent prime farmland requirements of Rule XVI 6b(ii) which appears to be consistent with 30 CFR 807.12(e)(2)(iii).

18.12 Wyoming has no provision analogous to 30 CFR 808.11 regarding bond forfeiture. Instead, Wyoming requires a bond to be posted under W.S. 35–11–401(d)(vii), denies permits if the bond cannot be posted (W.S. 35–11–406(h)(ix)), and requires that the bond amount cover the estimated cost of reclamation. However, W.S. 35–11–421(a) states that if the director determines that a bond should be forfeited, he shall make a formal request of the Attorney General to begin such proceedings. These Wyoming provisions appear to be consistent with the Federal program requirements.

18.13 Under W.S. 35–11–421, Wyoming extends bond liability to the entire permit area and all costs of final reclamation as in 30 CFR 802.12, since the bond must cover reclamation operations. In the Wyoming program, the Attorney General institutes bond forfeiture proceedings on behalf of the regulatory authority (W.S. 35–11–421(b)). Wyoming's provisions require the director to determine forfeiture based upon "any violation of this act" (W.S. 35–11–421). Wyoming's provisions appear to be consistent with 30 CFR 808.13.

18.14 Wyoming does not address deposit of forfeiture amounts in interest bearing escrow accounts in W.S. 35–11–424, but requires the funds to be deposited with the State treasurer in the general fund. This appears acceptable if Wyoming can assure the Secretary, in its resubmission, that the funds forfeited will be available for reclamation. While 30 CFR 808.14(a) requires a determination of the amount of bond to be forfeited on the basis of estimated reclamation costs, Wyoming authorizes forfeiture proceedings for the entire bond. Furthermore, the State Attorney General must bring suit to recover costs if the forfeited bond is inadequate under W.S. 35–11–422. Therefore, no determination of the amount to be forfeited is necessary, and the State

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provision appears to be consistent with the Federal requirement.

18.15 The National Park Service (NPS) was concerned that bond amount in Wyoming is set by the administrator and based on the operator's cost estimates and asked for the opportunity to review bonding procedures and amounts. The NPS is provided the opportunity to participate in every proceeding on permit applications, and to voice its concerns with proposed bond amounts and procedures at that time, in the context of each application decision.

Finding 19

The Secretary finds that the Land Quality Division has the authority and the Wyoming program provides for civil and criminal sanctions for violations of Wyoming law, regulations and conditions of permits and exploration approvals including civil and criminal penalties, in part consistent with Section 518 of SMCRA (penalties) including the same or similar procedural requirements. This finding is made under 30 CFR 732.15(b)(7).

Provisions corresponding to Section 518 of SMCRA and to 30 CFR 845 are incorporated in Wyoming statute W.S. 9–2–505 and 36–11–901 and Wyoming rule XVII. Part G.5 of Volume 1 of the Wyoming program submission contains a description of the methods and procedures by which the State will enforce the administrative, civil and criminal sanctions of State laws and regulations.

In the discussions below, reference is made to a February 5, 1980, telephone call among employees of OSM and the State of Wyoming (Administrative Record No. WY–134). The information obtained in this call is not part of the basis of the Secretary's decision, and relates solely to portions of the program being disapproved. Accordingly, the public will have adequate opportunity to comment on this material after Wyoming's resubmission is received.

Discussion of significant issues raised in the review of Wyoming's civil and criminal sanctions provisions follows.

19.1 Peabody Coal Company stated that the unavailability of equipment, strikes, adverse weather conditions, etc., should be considered by Wyoming in the assessment of civil penalties. Factors such as unavailability of equipment, strikes, adverse weather conditions, etc., are not required to be considered by the State since these factors are not considered in the Federal regulations.

19.2 EPA questions whether the State has the authority to assess civil penalties after violations have been abated as in 30 CFR 843.11(f) of the Federal program. W.S. 35–11–901(q), as proposed, indicates that any violator is liable for a civil penalty. SMCRA Section 518(a) makes the assessment of civil penalty discretionary in each case. Wyoming proposed Rule XVII 2(b) also states that all cessation orders remain in effect until the violation has been abated, or until the cessation order has been vacated, modified or terminated by the designated representative, administrator, director or council. Based on the wording of Wyoming's proposed statutes, regulations and practices, it appears that the State can and will assess civil penalties after the notice or order has been abated.

19.3 The State submitted materials to OSM on January 17, 1980, which constitute the draft of a "State window" proposal on the civil penalty system. (Administrative Record No. WY–118.) The Secretary's staff has not fully reviewed this material for consistency with 30 CFR Part 845 and may need to request further amplification. The district court has remanded 30 CFR 732.15(b)(7) and 840.13(a) to the extent that these sections required a State to establish a point system for assessing penalties. Therefore, this draft proposal will have to be evaluated in light of this remand and Wyoming may choose to alter its proposed civil penalty system prior to submission of its revised State program to take the district court's decision into account.

19.4 Proposed W.S. 35–11–901(n), if enacted, appears to be consistent with SMCRA Section 518(h) regarding the circumstances under which the $750/day penalty for failure to abate a violation may be stayed if the State makes it clear that the Department may relieve an operator from the abatement requirement only by a granting of temporary relief pursuant to draft Rule XVII 2(f).

19.5 The proposed language in W.S. 35–11–901(a) is not sufficient to assure criminal sanctions against corporate officers, directors or agents as required by SMCRA Section 518(f) because of the inconsistency in the language used to describe persons liable for civil and criminal sanctions in the State statute. The State submission would appear to be acceptable if the term "any person" is used in W.S. 35–11–901(a) for both criminal and civil violations, and Wyoming supplies an opinion from its Attorney General that confirms the applicability of both civil and criminal penalties to corporate officers, directors or agents consistent with SMCRA Section 518. This was discussed at the January 2–5 meetings with Wyoming (Administrative Record No. WY–99).

19.6 While the right to a conference is given in proposed W. S. 35–11–901(c), the State has specified no time limit for the holding of the conference as in 30 CFR 845.8(b)(1). This raised the question of whether there is any time limit for the State to schedule and hold a conference between the alleged violator and the director for the informal disposition of any dispute over either the occurrence of a violation or the proposed penalty to be assessed. The State has represented that it will include a 20 day time limit for the holding of such conferences in Rule III 3. If promulgated, the addition would appear to be more stringent than 30 CFR 845.18(b)(1).

19.7 The National Wildlife Federation states that Wyoming's proposed penalty section, Rule XVII 3, does not provide for independent review of a reduction of fines of greater than 25 percent. The director, under the proposed Wyoming penalty provisions, will be responsible for conducting the penalty conference. The independent Federal review is necessary only because the authority to reduce fines has been delegated to lower organizational levels than the director. Thus, the Wyoming regulation appears to be acceptable as written, if promulgated.

19.8 The National Wildlife Federation suggests that citizens be provided the opportunity to submit information bearing on the assessment of civil penalties. Citizen information is not considered in the Federal procedures for assessment of civil penalties and, therefore, is not required in the State's assessment process.

19.9 The National Wildlife Federation was concerned that the State program substitutes a bond for the pre-payment of civil penalties into an escrow account. The Secretary finds that the State's use of a bond, as opposed to placing the amount of the contested penalty in escrow, appears to provide the same degree of certainty that an assessed penalty will eventually be paid by a violator if the State prevails in a contested action.

19.10 The National Wildlife Federation stated that Wyoming must meet the burden of showing how often fines, *in fact*, will be assessed, and how high, *in fact*, these fines will be, under the administration of the proposed State program. Wyoming has submitted information comparing previous fine assessments, under the State procedure, to the potential fine assessments that would have occurred under the Federal procedure. (See Administrative Record No. WY–118.) This recently submitted material will be evaluated in the context of the Wyoming program resubmission. In any case, use of the Federal point system on penalties is not required.

Finding 20

The Secretary finds that the Land Quality Division has the authority under Wyoming laws, and the Wyoming program contains provisions, to issue, modify, terminate and enforce notices of violation, cessation orders and show-cause orders consistent, in part, with Section 521 of SMCRA (enforcement), and with 30 CFR Chapter VII, Subchapter L (inspection and enforcement), including the same or similar procedural requirements. This finding is made under 30 CFR 732.15(b)(8).

Provisions corresponding to Section 521 of SMCRA and to Subchapter L of 30 CFR Chapter VII are included in Wyoming Statute W.S. 35–11–901 and 35–11–437 and in Wyoming Rules Chapter XVII. Volume 1, Part G.5, of the program submission contains a description of the methods and procedures by which the State will enforce the administrative civil and criminal sanctions of State laws and regulations. Volume 1, Part G.6, of the program submission contains a discussion of Wyoming's administrative and enforcement procedures for performance standards.

Some of the discussion below relates to information presented to the Department in a February 5, 1980, telephone conversation and follow-up letter from Ms. Nancy Wood, dated February 5. The Secretary is reserving judgment on issues discussed in the conversation and letter, to enable the public to comment on it when Wyoming resubmits its program.

Discussion of significant issues raised in the review of Wyoming's provisions for violation notices and orders follows.

20.1 Peabody Coal Company expressed dissatisfaction with the Wyoming definition of "significant imminent environmental harm to land, air, and water resources." The company is concerned that the definition is so general that the mere act of initial topsoil removal can be considered as a significant environmental harm, requiring the inspectors to post a cessation order. This interpretation is not a reasonable one, if the topsoil removal has been approved in the permit. The Wyoming definition is not consistent with the definition in 30 CFR 701.5. This inconsistency is discussed under finding 20.18.

20.2 EPA stated that it does not appear that cessation orders can be issued immediately. Rule XVII 2(e) would require that service of cessation orders be made by serving the operator either by tendering a copy at the operation or by hand to the operator but does not state that citations will be issued immediately. An explanation is needed to clarify Wyoming's provision for immediate issuance of cessation orders.

20.3 The National Wildlife Federation questions the meaning of the words "expeditiously abate" in Rule XVII 2 a(2). The proposed amendment to W.S. 35–11–437 does not contain the words "expeditiously abate." This statutory provision in conjunction with proposed Rule XVII 2a appears to require affirmative obligations whenever an order or notice is issued and would be consistent with the Federal requirement. If enacted, W.S. 35–11–437 would appear to be acceptable as written.

Rule XVII 2(d)(3) would provide that the State Director shall revoke the bond of a permittee whose permit has been revoked if the permittee does not complete reclamation on the permit area within a time specified by the director. If promulgated, this would appear to be consistent with SMCRA Section 525(d). This was discussed at the meeting between DOI and the State on January 2–5, 1980. See Administrative Record No. WY–99. The State Director has the authority to institute bond forfeiture proceedings for any violation of the Act including, as in this case, failure to reclaim the permitted area.

20.4 One commenter raised the concern that the term "continued" in W.S. 35–11–437(c) may mean that there is room for continuation of an enforcement action beyond the 90-day maximum period. The language in proposed W.S. 35–11–437(c), if enacted, would probably be acceptable if the term "continued" is replaced by the term "affirmed." This change will insure that the total time for abatement of a violation may not be extended beyond 90 days.

20.5 The State's program fails to include the statement in SMCRA Section 521(a)(5) that any notice or order which requires cessation of mining shall expire within 30 days unless a public hearing is held. This omission operates to make the Wyoming program more stringent than the Federal requirement.

20.6 EPA and one other commenter raised the concern of whether the SMCRA-related items in 30 CFR 843.19 (a) through (g) could be items for injunctive relief. These items relate to how a civil action may be requested and what relief may be requested. The Wyoming program submission may be acceptable based on an Attorney General's memorandum which describes the power of the State Attorney General under W.S. 9–2–505 and *Big Horn Power Co.* v. *State*, 148 P. 1110 (1915). The memorandum reveals that the State has powers which are broader than those of OSM in SMCRA Section 521(c) and 30 CFR 843.19. See notes of telephone conversation between Richard Hall, Richard Robinson, Howard Roitman and Carl Pavetto of DOI and Nancy Wood of the State of Wyoming on February 5, 1980 (Administrative Record No. WY–134). The public is invited to comment on this after the Wyoming resubmission is received.

20.7 The proposed Wyoming Rule XVII 2(a) and proposed statute W.S. 35–11–437 omit the interim steps provision of 30 CFR 843.11(c) and 843.12(b). Wyoming's general authority to impose affirmative obligations on a coal operator in W.S. 35–11–437 and Rule XVII 2(a) appear to include any interim measures necessary to achieve compliance. Thus, interim step provisions are seemingly included in the abatement power. Failure to perform an interim step, therefore, appears to be grounds for the issuance of a cessation order.

20.8 One commenter asked that there be a guarantee in the statute that a hearing promptly be held on cessation orders. W.S. 35–11–437(c)(ii), if enacted, regarding formal review of notices for abatement and cessation orders is acceptable as written because it provides for formal review by filing an application for a hearing within 30 days after receiving notice. This provision appears to be consistent with 30 CFR 843.16.

20.9 The National Wildlife Federation stated that the Federal regulations require separate mandatory and discretionary approaches to the issuance of show-cause orders and that these approaches are not adequately covered in the Wyoming program.

The Public Lands Institute commented on the omission in W.S. 35–11–409(c) of the definition of how many violations constitute a "pattern" resulting in suspension or revocation of the operator's permit as in 30 CFR 843.13(a)(2) and (3). Wyoming's draft Rule XVII 2(b)(2), if promulgated, appears to be acceptable in this regard. It states that the director shall explain in writing why he has not issued a show cause order for violations during three or more inspections during any 12-month period. The presumption is that if the director finds that there are violations of the same or related requirements during three or more inspections in any 12-month period, he will find that a pattern of violations exists. See notes of

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telephone conversation of February 5, 1980 (Administrative Record No. WY-134). This information will be considered during review of the Wyoming program resubmission.

20.10 Proposed W.S. 35–11–437(d) includes an internal review procedure that applies to notices and orders, and provides for Departmental review of any notice or order that requires cessation of mining within 48 hours. This provision, if enacted, appears to be acceptable because, although it has no Federal counterpart in the regulations, it constitutes an internal management review of certain orders and notices. This procedure is comparable to the OSM practice of internally reviewing the adequacy of orders and notices which have been issued.

W.S. 35–11–437(d) also provides a hearing within 10 days of the director's review of such notice or order, and a decision thereon within 48 hours of the adjournment of the hearing. Although somewhat comparable to the informal public hearing provided at 30 CFR 843.15, the State hearing is both more timely and more formal. The State hearing, however, is not required to be near the minesite like the Federal hearing. The Secretary makes no final finding on this State provision, because it was discussed in telephone conversations on February 5, 1980 (Administrative Record No. WY–134).

20.11 The service provision of proposed Rule XVII 2(e), if promulgated, and whether it provides for service in conformance with 30 CFR 843.14, was discussed in a telephone conversation on February 5, 1980 with Nancy Wood, Wyoming; Howard Roitman, OSM Region V; and Richard Hall, Richard Robinson and Carl Pavetto, OSM Headquarters (Administrative Record No. WY–134). Rule XVII 2(e) appears to be satisfactory when read in conjunction with the State Rules of Procedure. This issue will be reexamined, however, when Wyoming resubmits its program.

20.12 The Public Lands Institute, National Wildlife Federation, and Powder River Basin Resources Council stated that W.S. 35–11–701 does not insure that a violation found during a citizen complaint inspection will be cited. Proposed W.S. 35–11–437 provides that cessation orders and notices of abatement *shall* be issued if the director or his designated representative observes a violation of the State's Act, rules or any permit condition. This provision includes violations observed during an inspection based on a citizen complaint. Therefore, the proposed Wyoming statute, if enacted, would be consistent with the Federal requirement that an enforcement action be initiated in all cases of observed violations.

20.13 Amax Coal Company, Carter Coal Company, and one other commenter stated that the Wyoming program should *not* provide for inspectors to issue cessation orders in the field. Field issuance of cessation orders is required by SMCRA Section 521 and 30 CFR 843.11.

20.14 EPA raised the concern that omission of specific wording about violations of the State's rules may mean that a pattern of violations of the State's rules may not be grounds for permit revocation. The National Wildlife Federation also expressed the concern that Wyoming could not enforce its own regulations because of this omission. Proposed W.S. 35–11–437(a) and (b) specifically include violations of the Land Quality Division regulations as the basis for issuing notices and orders. If enacted, this provision apparently would allow for permit revocation or suspension based on a pattern of violations of the Wyoming rules.

20.15 Amax Coal Company and another commenter raised the concern that an operator should be entitled to a hearing in a very short period of time after receiving a cessation order. Proposed W.S. 35–11–437(d), requiring review of a cessation order which requires the cessation of mining by the director or the administrator within 48 hours, is one avenue of expedited operator relief. The other is to apply for temporary relief under proposed Rule XVII 2(f). If this statutory change is enacted and the rule is promulgated, an operator will apparently be provided with expedited relief consistent with the Federal rules.

20.16 The National Wildlife Federation expressed the concern that W.S. 35–11–437 makes the imposition of affirmative obligations discretionary rather than mandatory in the case of cessation orders. Proposed W.S. 35–11–437(b) states, "The director or his designated authorized representative shall issue a notice and impose any necessary affirmative obligations." Proposed W.S. 35–11–437(a) states that, "The director or his authorized representative shall issue a cessation order * * * which may impose affirmative obligations." Proposed Rule XVII 2(a) provides that, "any cessation order shall contain: (1) all affirmative obligations necessary to completely and reasonably expeditiously abate the violation or imminent change." The term "designated authorized representative" is defined in Rule I 2(16) as the "administrator, the district engineer, or other qualified inspector designated by the administrator." Taken together, the proposed statute and rule, if enacted, appear to be consistent with the Federal requirements since, if affirmative obligations are necessary, they will be included in the cessation order.

20.17 The National Wildlife Federation points out that the Wyoming program does not provide for a minimum mandatory suspension of a permit for at least three days as in 43 CFR 4.1194. The only reference to 43 CFR Part 4 in the enforcement sections of the Federal program is in 30 CFR 840.15 which states that, "Each State program shall provide for public participation in enforcement of the State program consistent with 30 CFR Parts 842, 843 and 845 and 43 CFR Part 4." Thus, all provisions of 43 CFR not addressing public participation are not required to be part of a State program. It is not necessary for a State to have every procedural rule that is contained in the Federal program. Therefore, the Wyoming statute and rules appear to be consistent with those of the Federal program regarding pattern of violations.

20.18 Wyoming indicated (Part D, page 3 of the orange book, Administrative Record No. WY–99) that it intends to alter its definition of "significant, imminent environmental harm." The modification would identify "environmental harm" as "significant" only when three conditions are met: (1) The adverse impacts are appreciable; (2) the harm was not contemplated in the approved permit; and (3) the harm cannot be mitigated within a "reasonable abatement" period. The January 9, 1980 version of the regulations (Administrative Record No. WY–119) did not contain the revised "reasonable abatement time" language.

The proposed provision which states that environmental consequences anticipated at the permit approval stage will not be considered "significant" appears to be acceptable. Cessation orders should not be issued for adverse impacts which were approved by the regulatory authority when the permit was granted.

The proposed "reasonable abatement time" provision, however, appears to be in conflict with the applicable Federal definition, which states that environmental harm will be deemed "significant" it if is "appreciable" and *"not immediately reparable."* 30 CFR 701.5 (emphasis added). The State may not lower the Federal standard by declaring that an environmental harm becomes "significant" only if it has not been eliminated after a "reasonable abatement" period. Until the State regulations are restructured to include this "immediately reparable" provision, or a similar effect is achieved through other provisions of the program, the Wyoming definition of "significant, imminent environmental harm" appears to be unacceptable.

20.19 The Powder River Basin Resource Council objects to the provision in W.S. 35–11–701(a) which allows the administrator to endeavor by "conference, conciliation, and persuasion" to eliminate the source of cause of a violation. Proposed W.S. 35–11–437(g) provides that W.S. 35–11–437 is controlling over W.S. 35–11–701, and W.S. 35–11–437 is consistent with SMCRA Section 521 in requiring that all violations must be cited.

Finding 21

The Secretary finds that the Land Quality Division has the authority and the Wyoming program contains provisions to designate areas as unsuitable for surface coal mining consistent, in part, with 30 CFR Chapter VII, Subchapter F (designations of areas unsuitable for mining). This finding is made under 30 CFR 732.15(b)(9).

Provisions corresponding to Section 522 of SMCRA and to Subchapter F of 30 CFR Chapter VII are included in Wyoming statute W.S. 35–11–406 and 425 and Wyoming Rule XVIII. Volume 1, Part G.11, of the program submission describes the system by which petitions for designating areas unsuitable for surface coal mining will be received and processed and the establishment of a data base and inventory system. A dissussion of significant issues raised in the review of Wyoming's provisions for unsuitability designations follows.

21.1 The Wyoming program does not contain in the regulations definitions for "occupied dwelling," "public building," "public park," or "cemetery." These words are specifically defined in the Federal regulations concerning areas where mining is prohibited or limited under Section 522(e) of the Act. In discussions, the State indicated that the terms are commonly used and have caused no problems since their law was enacted in 1972 (see orange book and minutes of January 2–5 meeting, Administrative Record No. WY–99). Therefore, these definitions need not be included in the program.

The Public Lands Institute drew attention to the lack of definitions for "valid existing rights," "public roads," "surface mining operations" and "impact incident to an underground mine." "Valid existing rights," "public roads," and "surface coal mining operations" are defined in proposed Rule I 2. Rule VII makes the requirements for surface mining applicable to underground mining. Therefore, a definition of "impact incident to an underground mine" does not appear to be necessary.

21.2 The definition of "fragile lands" in Rule XVIII 1 includes the word "would" instead of "could." This causes a substantial change in meaning from the Federal definition at 30 CFR 762.5. The State has acknowledged that this was a typographical error that will be corrected. With correction of the error, the definition of "fragile lands" appears to meet the Federal requirements.

21,3 The Wyoming program, at proposed Rule XVIII 2c, omits the Federal requirement in 30 CFR 764.13(c) that petitions to terminate designations include allegations of fact, with supporting evidence not contained in the record of the proceeding under which the area was designated unsuitable.

Instead, the cited Wyoming regulation requires identification of criteria which the petitioner seeks to challenge and allegations of fact that support that challenge. Two commenters also pointed out that Wyoming's designation termination procedures failed to require new information not presented in the original designation proceeding.

The intent of 30 CFR 764.13(c) is to assure that petitions to terminate designations are based on new information and are not just a reevaluation of the initial designation decision. The Wyoming provisions do not negate this intent; however, the provisions are unclear. Therefore, the Wyoming program should be clarified to assure that a termination petition is judged on new information.

21.4 The Wyoming program does not require that a notice of a petition be published in the State Register as is required under 30 CFR 764.15(b)(2). This requirement is important since State agencies and organizations with a possible interest may be notified through the register. Therefore, publication of the notice in the State register should be ensured through modification of the Wyoming program.

21.5 The Wyoming program does not require that notice of the public hearing on a petition be sent to Federal, State, and local agencies which may have an interest. The program also limits public distribution of the notice to only those persons with a "property" interest. The Federal regulations at 30 CFR 764.17(b) require that the notice be sent to governmental agencies and to any person with an "ownership or *other* interest" (emphasis added). The Wyoming program should be revised to include notification of those agencies and persons.

21.6 The Wyoming program relies on the Administrative Procedures Act for the procedures to conduct public hearings. That Act provides for use of the "contested case procedure" for hearings on petitions to designate lands unsuitable. This procedure is a quasi-judicial process in which the petitioner is subject to cross examination and other judicial requirements. The Federal rules require a less formal proceeding.

The State proposes to delete reference to the Administrative Procedures Act for the petition hearings. The proposed revision appears to assure that proceedings on petition hearings will not be burdensome for petitioners.

21.7 Information required in a petition to designate lands unsuitable under the Wyoming program differs from the Federal regulations at 30 CFR 764.13(b) by requiring the petitioner to supply more information. In Rule XVIII 2b, the Wyoming program regulations would require the following items that are additional to the Federal requirements: the name and address of persons contributing to the expense of preparing petitions, a precise description of the boundary of the area covered by the petition, criteria on which the petition is based, sources of evidence to support allegations of fact, and identification of property interests known to the petitioner.

In its draft regulations submitted January 9, 1980, Wyoming now proposes to delete the requirement for information on persons contributing to the expense of petitions. The State has also agreed that a township-range description of the area would be adequate. These revisions appear to be consistent with the Federal requirements.

The requirement to identify criteria appears to be more burdensome to the petitioner and thus inconsistent with the Federal requirements. The requirement to identify known property interests would not necessarily be more burdensome or inconsistent with the Federal requirements so long as it is limited to information known to the petitioner and does not require research on the part of the petitioner. The requirement to provide sources of evidence does not appear to be burdensome or inconsistent with the Federal requirement so long as the "contested case" procedures, discussed above, are not used and the sources need not be more than what is readily available to the petitioner without research.

The Environmental Policy Institute and the Public Lands Institute objected to the requirement for information on persons contributing to the expense and the requirement that the petitioner provide a precise description of the area. The requirement that a petitioner provide sources of evidence was found

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objectionable by one commenter on the grounds that it would make petitions vulnerable on a procedural basis.

The State procedures could be considered consistent with the Federal requirements, if the program resubmission contains adequate assurances that the additional information is based only on what is known or readily available to the petitioner.

21.8 Wyoming proposes, in Rule XVIII 2d, to establish "permissive contents" of a petition under which the petitioner may submit information to be included in the detailed statement of potential coal resources, demand for resources, and impact of the designation on the environment, economy, and supply of coal. The Powder River Basin Resource Council objected to this provision on the grounds that the information would unnecessarily cause argument during review of a contested case. The removal of the "contested case" procedures discussed above would eliminate this concern. Another commenter did not find the State requirement to prepare the statement. The statement is required by Rule XVIII 4d.

The Federal regulations at 30 CFR 784.17(e) place responsibility for preparing the statement on the State. The Wyoming regulations, in Rule XVIII 4d, place the responsibility for preparing the statement on the Council. Furthermore, proposed Rule XVIII 5a requires the Council to consider more than just that statement in making a decision on a petition. In light of those considerations and its permissive nature, the regulation appears consistent with the Federal regulations.

21.9 The Wyoming program does not contain a regulation which requires the establishment of a data base and inventory system on which to make decisions on petitions. The Federal regulations at 30 CFR 764.21 require the development and use of information in a data base and inventory system for making decisions on petitions. The State has proposed to amend the program to show the methods by which a data base and inventory system will be developed and has received a grant from OSM to collect data from various governmental agencies for use in the system. Contracts with these agencies are part of the program submission. (See Administrative Record No. WY-3.) In addition, Wyoming Rule XVIII 5a(1) requires use of information in the data base and inventory system for making decisions on petitions.

The Bureau of Mines pointed out that the State, in the description of the data base and inventory system, indicated that it would be difficult to determine that reclamation is not technologically and economically feasible and that such determinations would likely be overturned. This comment is a result of the State's discussion that a data base and inventory system would be of little use in making the decision. The Public Lands Institute objected to the failure to submit a specific regulation on the development of a data base and inventory system.

As discussed above, the State has agreed to develop a data base and inventory system. The Federal regulations do not require that the State establish regulations on a data base and inventory system, only that the State have and use such a system. If the State's proposed regulations are enacted, and revisions discussed above are made, it appears that the State's development and use of a data base and inventory system meet the Federal requirements.

21.10 The Federal regulations at 30 CFR 764.23 stipulate that data and information used in designating certain lands unsuitable should be available to the public. The State statute at 35–11–109(a)(iv) states that "the director is to collect information and to disseminate to the public such information as is deemed reasonable and necessary after the proper enforcement of this act." This appears to be more restrictive than the requirements of the Federal rules and could adversely affect opportunity for meaningful public participation. However, W.S. 9–9–101 and 9–104–102, the Administrative Procedures Act, provide that information of that type will be made available to the public. Therefore, the Wyoming program appears to meet the Federal requirements.

21.11 One commenter stated that the Wyoming regulations in proposed Rule XVIII allow for as long as one year before a final determination is made on a petition. The commenter expressed concern that these provisions give a tremendous opportunity to people who are bent solely upon restraining coal mining in any way and asks that a preliminary hearing be held within 30 days to determine whether a petition to designate lands unsuitable is frivolous and should be thrown out. The one year period is consistent with the Federal requirements. Moreover, no preliminary hearing is required.

21.12 The National Park Service (NPS) requested the opportunity to accompany State inspectors on visits to coal mines and to review permit applications which have potential impact on resources of NPS lands. The NPS asked for advance notice of such inspections and copies of inspection reports for these mines. This request can be achieved through the State's public participation procedures of Wyoming Rule Chapter XVII 1b wherein a person, who submits a written complaint to the regulatory authority, has a right of entry to, upon and through the exploration or surface coal mining operation. Prior to a permit issuing, any person can visit the minesite (see proposed rules). This comment has been forwarded to the State for further action as it deems appropriate. No point has been made which would be the basis of a disapproval of the program. The provisions for public participation also allow the opportunity for the NPS to review permits.

21.13 The National Park Service requested that it be identified in the Wyoming program as a source of information for archaeological, historical, faunal, floral, recreational and visual expertise. This comment is being provided to the State for its use in developing a data base and inventory system and for assisting applicants for permits. However, absence of explicit mention of the National Park Service in the program is not deemed a deficiency in the Wyoming program.

21.14 The Public Lands Institute noted that there is no requirement that exploration operations be reviewed and approved only if they do not interfere with the values in an unsuitable area. This requirement is included in proposed Rule XI 4a(3). Once enacted the proposed regulations would appear to be consistent with the Federal requirements.

21.15 The Fish and Wildlife Service stated that the State's definition of "person" (in W.S. 35–11–103(a)) fails to include agency, unit or instrumentality of Federal government and thereby excludes them from many intended provisions, including petitioning for designating lands unsuitable, or commenting on permit applications. The Wyoming definition of "person" does not exclude Federal agencies since it includes "any other legal entity." Any agency, unit, or instrumentality of Federal government would be a legal entity.

21.16 The National Park Service objected to the request for an applicant's determination of unsuitability, rather than a determination based upon input from the National Park Service where NPS lands are involved. The commenter goes on to discuss buffer zones and NPS role in defining such areas. This comment appears to address two different provisions.

The first is a requirement that permit applicants indicate whether the area to be mined is within an area designated as unsuitable, under study for designation, or where mining is prohibited by Section 522(e) of SMCRA. This requirement pertains only to the location of the proposed mine. It does not allow the applicant to make a determination on unsuitability except with respect to the spatial relationship of his operation to areas that have already been determined to be unsuitable or being considered for designation by the regulatory authority, or were designated by SMCRA. The applicant's information involves no judgment, and is readily verifiable. The second part of the comment deals with buffer zones. Buffer zones would be designated unsuitable only in response to a petition on which the State regulatory authority would make the decision. The State's definition of fragile lands covers buffer zones and is consistent with the definition in 30 CFR 762.5. NPS will have the same opportunity as any other Federal agency or member of the public to participate with the State in determining whether a particular area should be designated. The State requirements appear consistent with 30 CFR Chapter VII.

21.17 The Fish and Wildlife Service encouraged the State to use the same criteria for designating lands unsuitable as established for the Federal Coal Management Program. Wyoming has included, in W.S. 35–11–425(b), the same criteria for designating lands unsuitable as established in 30 CFR 762.11. This is the minimum requirement and there is no basis on which to require additional criteria.

21.18 The Heritage Conservation and Recreation Service asked that the program contain provisions to withhold from public disclosure specific locations of certain types of resources, such as archaeological sites and declining species sites, so that those sites are protected. The Federal rules upon which the Secretary must make his decision at this time contain no such requirement. The Secretary notes, however, that changes to the present Federal regulations will be required to comply with the Archaeological Resources Protection Act of 1979 and that a revision to the Wyoming program may then be necessary.

Finding 22

The Secretary finds that the Land Quality Division has the authority under Wyoming laws, and the Wyoming program contains provisions to provide for public participation in the development, revision and enforcement of Wyoming laws and regulations and the Wyoming program consistent, in part, with the public participation requirements of SMCRA and 30 CFR Chapter VII. This finding is made under 30 CFR 732.15(b)(10).

Provisions corresponding to public participation requirements in SMCRA and 30 CFR Chapter VII are included throughout Wyoming State statutes and rules submitted as part of the program. Volume 1, Part G.14, of the program submission describes the procedures to ensure that adequate public participation is provided throughout the development and functioning of the State program.

Discussion of significant issues raised in the review of Wyoming's public participation provisions follows.

22.1 The Federal regulations, at 30 CFR 786.14(a) and (c), require that an informal conference on a permit application be held in the locality of the proposed mining operations and that the regulatory authority shall arrange access to the proposed mining area for the objector. One commenter requested that the State provide for informal conferences which is a less strict provision that the State's. The Wyoming program does not include these provisions.

In a memorandum dated November 1, 1979, the State indicated that a citizen can make the above requests. The memorandum did not indicate that the State must comply with the requests. The memorandum also contends that additional mandatory language is not critical in light of new proposed language (not provided) that will make the holding of an informal conference discretionary to the administrator. The requirements to hold an informal conference in the locale of the proposed mine, if requested, and to provide access to objectors are mandatory in order for the program to be found consistent with the Federal regulations.

22.2 The Wyoming program relies upon the Administrative Procedures Act for all public participation processes. That Act does not provide for public participation in the enforcement of regulations, standards, reclamation plans, or programs established by the State.

By memorandum dated January 15, 1980, the State has agreed to develop provisions for public participation in those enforcement activities. If the change agreed to by the State were incorporated, the Wyoming program processes for allowing public participation would appear to be consistent with Federal requirements.

22.3 Wyoming's general rulemaking procedures, 9–4–103 of the Administrative Procedures Act, contain no provision for general publication of proposed rules but rather requires only that a twenty day notice of intended action be provided to the Attorney General and to members of the public who request such notice in advance. This, according to the commenter, is less stringent than the publication requirement of Section 501 of SMCRA. The commenter also points out that public hearings on proposed rules are not mandatory as in Section 501 of SMCRA. A hearing is required only if requested by at least 25 people, by a government entity or by an association, and the term "association" is not defined, the commenter concludes. The State has indicated that its practice was to publish a 30-day notice of intented action and to hold a public hearing on proposed rules. The State has agreed to incorporate this practice into its proposed rules. If adopted, the proposed rule change should make this provision consistent with the Federal requirements.

22.4 One commenter questions the language in W.S. 35–11–437(c)(ii) of the proposed amendments to the Environmental Quality Act which gives jurisdiction to any person having an interest which is or may be adversely affected to file a petition for review of a cessation order and to request a public hearing. Any person wishing to obstruct a mine from operating again, according to the commenter, can claim that he may be adversely affected, file a petition for review and demand a public hearing. In the meantime, the cessation order continues. The provisions of Section 525(a)(1) of SMCRA will be available to the person, according to the commenter, and inserting them into the State statute is ill-advised and detracts from the smooth resolution of the problem.

Two of the findings which the Secretary must make in order to approve the State program are a function of this public involvement: (1) That the program provides for public participation in the enforcement of State regulations and the State program is consistent with public participation requirements of the Federal Act and regulations (30 CFR 732.15(b) (10)); and (2) that the program provides for administrative and judicial review of State program actions in accordance with Sections 525 and 526 of the Federal Act (30 CFR 732.15(b)(15)). It would not be possible to make either of these findings without this provision, and the program cannot be found adequate until the State's proposed amendments are enacted.

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22.5 Amax Coal Company and one other commenter questioned the determination by the director, as opposed to the court, of the "aggregate amount of all costs and expenses" to be assessed against a party in proposed W.S. 35–11–437(f), contending that such amount should be assessed only by a court. Even though the aggregate amount is determined by the director, a court has final review and determination authority. This provision, if enacted, appears acceptable as written.

22.6 Amax Coal Company objected to the provision allowing a citizen to accompany the inspector on an inspection which is a direct result of information provided by the citizen. Section 517(h) of SMCRA and 30 CFR Part 842 clearly give the citizen the right to file a complaint and to accompany the inspector on the minesite during an inspection. A State program must contain these provisions (Wyoming's proposed Rule XXVII 1b).

22.7 The Powder River Basin Resources Council expressed concern that Wyoming proposed Rule XVII 1(b) implies that no oral citizen complaints will be sufficient to initiate an inspection. 30 CFR 842.12 requires that all citizen complaints be submitted in writing. The Federal regulation allows oral complaints only if followed by a signed, written statement. The Wyoming rule, if promulgated, appears to be consistent with the Federal rule.

22.8 The National Wildlife Federation expressed concern that Wyoming omitted the requirement for a citizen complaint inspection within fifteen days as required under 30 CFR 842.12(d). Wyoming's program does not contain a provision for prompt citizen complaint inspection. The program is not consistent with the Federal requirement on this point.

22.9 Wyoming's analogue to Section 525 of SMCRA (providing for the award of costs and expenses, including attorney fees, in all administrative and judicial proceedings) is deficient, according to one commenter, who stated that proposed W.S. 35–11–437(e) does not provide for attorneys fees. If this problem is corrected, the commenter continued, Wyoming must ensure through regulation the award of fees consistent with the approach taken in the Federal regulations (43 CFR Part 4 1290).

This has been discussed with the State and the State has drafted a revised version of W.S. 35–11–437(f) which provides for the award of attorneys fees as in Section 525(e) of SMCRA. The State has not, however, proposed or promulgated any rules which are consistent to 43 CFR Part 4 regarding the award of attorneys fees. This omission may create an inconsistency with the Federal requirements.

22.10 One commenter inquired into the tort liability of the operator for injuries which are suffered by a private citizen while on a minesite inspection with an inspector. The commenter asked if the State does not assume liability, may the operator require the citizen to sign a release.

Proposed W.S. 35–11–701(a) of the Wyoming program identifies the operator's duties towards private citizens participating in inspections. Wyoming represented that the duty set out there reflected ordinary tort law principles governing that situation under State law. Page 15299 of the Preamble to the Permanent Program Regulations (March 13, 1979) rejects the requirement that citizens be required to sign a release from damages for any injury sustained while accompanying an inspector on the inspection. It states, "OSM has no objection to a citizen signing a release form if he wishes to do so, but there is nothing in the Act or the legislative history to require a citizen to sign a release. However, OSM will insist that the citizen follow MSHA safety requirements, and OSM regulations require that the citizen be under the direction, control and supervision of the inspector."

22.11 Four commenters disputed the validity of Wyoming's assertion that the Environmental Quality Act, in is present form, and the Administrative Procedure Act obviate the need for a citizen suit provision comparable to Section 520 of SMRA. The State has, in fact, submitted a draft statute, W.S. 35–11–902, which appears consistent with Section 520 of SMCRA. This was discussed in a telephone conversion of January 15, 1980, between Robert Uram of DOI and David Freudenthal and Nancy Wood of the State of Wyoming. See the proposed citizen suit statute attached to January 16, 1980, memorandum regarding the telephone conversation. (Administrative Record No. WY–113.) W.S. 35–11–902, as proposed, if enacted with the changes indicated, would appear to be consistent with Section 520 of SMCRA.

22.12 Proposed W.S. 35–11–437(f) provides for the assessment of expert witness fees in a manner similar to Section 520(d) of SMCRA. The proposed statute includes the phrase "a sum equal to the aggregate amount of all costs and expenses." This phrase would include expert witness fees. If enacted, W.S. 35–11–437(f) will likely meet the requirements of the Federal statutes for assessment of expert witness fees.

22.13 The State program includes provisions for informal review of citizen complaints as provided in Section 517(h) of SMCRA and 30 CFR 840.15, 842.12, and 842.15. Proposed W.S. 35–11–701(a), if enacted, and Rule XVII 1(b) of the State's proposed regulations, if promulgated, appear to be consistent with Section 517(h)(1) of SMCRA and 30 CFR 840.15, 842.12, and 842.15. The State must assure, in its resubmission, that an informal review of the adequacy and completeness of inspections, as in Section 517(h)(2) of SMCRA and 30 CFR 842.14, will be conducted in the same manner as a review of a decision not to inspect or enforce pursuant to Rule XVII 1b of the proposed State regulations. This was discussed at a meeting between DOI and the State on January 2–5, 1980 (Administrative Record No. WY–99), and during a telephone conversation between Richard Hall, Richard Robinson, Howard Roitman and Carl Pavetto of DOI and Nancy Wood of the State of Wyoming on February 5, 1980 (Administrative Record No. WY–134).

22.14 The Wyoming program does not require the regulatory authority to include a preamble in each set of new regulations (proposed or final). In contrast, Federal rules (1 CFR 18.12) require Federal agencies to include a preamble whenever rules are promulgated as proposed or final. One component of the preamble prescribed under 1 CFR 18.12 is information addressing the agency's response to substantive public comments. A commenter suggested that a similar provision be incorporated into the Wyoming program to assure that public comments are given due and sufficient consideration in rulemaking processes. Although this suggestion has merit, such a procedure is not required of a State under any Federal statute or regulation. The public participation procedures found in the Wyoming Administrative Procedures Act and the Wyoming Department of Environmental Quality's Rules of Practice and Procedure, however, appear to meet the minimum Federal requirements.

22.15 Several commenters stated that Wyoming could not omit a provision comparable to Section 520(f) of SMCRA which provides a cause of action for damages due to injuries resulting from violations of laws, regulations, orders or permit requirements of the program.

Wyoming states in its side-by-side analysis that Section 520(f) is merely a venue provision for Section 520(a) of SMCRA and not be included in the State program. That statement is incorrect. First, the legislative history of SMCRA shows that Section 520(f), "* * *

establishes a right of action for injuries resulting from an operator's violation of any rule, regulation, or order or permit issued under * * * [SMCRA]." H.R. Report No. 493, 95th Cong., 1st Sess. 110 (1977). (Emphasis added.) Second, venue for Section 520(a) is set forth in 520(c). Section 520(f) was not in the House version of SMCRA; it was added by the Senate and agreed to by the House in the Conference Committee. As 520(f) was not even in the original House bill, it is clear that what became 520(c) of SMCRA was the pertinent venue provision for Section 520(a). Finally, Section 520(f) could not possibly be a venue provision for 520(a). The only kind of relief that can be granted under 520(a) is injunctive or enforcement relief, commonly referred to as relief in the nature of equity. Section 520(f), on the other hand, addresses the method for obtaining an award of monetary damages. Damages, unlike injunctive relief, are matters of law and not of equity. It is very unlikely that Congress would provide venue for actions in equity by using language which could only be applicable to actions in law. Therefore, the commenters are correct that a provision for damages comparable to Section 520(f) must be included in the State program.

22.16 The Public Lands Institute contends that Wyoming does not provide citizen participation in administrative adjudication (contested cases) to the same degree as does the Federal Act and Regulations (SMCRA 503(a)(7) and 30 CFR 840.15). The State's Administrative Procedures Act, according to the commenter, does not provide the necessary standards for citizen intervention. Wyoming's provisions on intervention are found in Chapter II of the Proposed Department Rules of Practice and Procedure, Section 7, as well as Rule 2 of the Wyoming Rules of Civil Procedure, incorporated by Section 14 of the same Chapter. It appears that the right of intervention may not be as broad as under the Federal regulations. Wyoming should, in its resubmission, provide further clarification.

22.17 The Secretary believes that Wyoming has adequately provided for public participation in the development and revision of State regulations and the State program. Wyoming has gone beyond ensuring public access to the legislative process and administrative rulemaking to specifically solicit comments on the State program from industry, the environmental community and legislative leaders. The State has indicated its intent, in Vol. 1, Part G.14, of its submission (Administrative Record WY–99) to follow up on the comments received by sending copies of the proposed statutory and rulemaking changes to the same set of interested parties. While most of the interests served by a public participation process are satisfied by the Wyoming Administrative Procedure Act and the Department's Rules of Practice, the legislative process is also an important aspect of public participation. Through all of these methods, then, Wyoming has provided for adequate public participation in the development and revision of the State regulations and State program.

22.18 Wyoming general rulemaking procedures, 9–4–103 of the Administrative Procedures Act, contain no provision for general publication of proposed rules, but rather a twenty day notice of intended action is provided to the attorney General and to members of the public who request such notice in advance. This, according to the commenter, is less stringent than the publication requirement of SMCRA 501. The commenter also points out that public hearings on proposed rules are not mandatory as in SMCRA 501. A hearing is required only if requested by at least 25 people, by a government entity or by an association, and the term "association" is not defined, the commenter concludes.

The State has since represented that its practice was to publish a 30-day notice of intended action and to hold a public hearing on proposed rules during the meeting between OSM and Wyoming officials on January 2–5, 1980 (Administrative Record No. WY–99). The State further agreed to incorporate this practice into its proposed rules. If effected, the proposed rule change would apparently resolve the commenter's concern.

Finding 23

The Secretary finds that the Land Quality Division has the authority under Wyoming laws and the Wyoming program includes provisions to monitor, review, and enforce the prohibition against indirect or direct financial interest in coal mining operations by employees of the Wyoming Land Quality Divison consistent, in part, with 30 CFR Part 705 (restrictions on financial interests of State employees). This finding is made under 30 CFR 732.15(b)(11).

Provisions corresponding, in part, to Section 517(g) of SMCRA and 30 CFR Part 705 are incorporated in the Wyoming program through Wyoming Personnel Rules PPM 3.01. Volume 1, Part G.12, of the program submission describes the procedures by which the Department of Environmental Quality will implement provisions for financial interest control.

Discussion of the significant issues raised in the review of Wyoming's conflict of interest provisions follows.

23.1 The Wyoming statute W.S. 35–11–111(a), one commenter commented, states that Environmental Quality Council (EQC) members with more than a 10 percent interest in permit applications cannot take part in decisions on such applications, while Section 517(g) of SMCRA states that no employee performing any function under the Act shall have a direct or indirect financial interest in any coal mining operation.

Under 30 CFR 705.5, definitions for applicability of the conflict of interest regulations, Boards established by State law or regulations to represent multiple interests are not considered to be employees and thus are not subject to the restriction of financial interest provisions of 30 CFR Part 705. Thus, the State provision is not inconsistent with the Federal requirements.

23.2 The State program does not include criminal sanctions for violation of the Wyoming conflict of interest provision as in Section 517(g) of SMCRA. This was discussed at a meeting between DOI and the State on January 2–5, 1980. It is not necessary for the State to have criminal enforcement power to resolve conflict of interest violations. 30 CFR 705.4(a)(3) specifically states that a State need not have such penalties, but may refer such cases to the Director of OSM.

Finding 24

The Secretary finds that the Land Quality Division has the authority under Wyoming laws and the Wyoming program includes provisions to require the training, examination, and certification of persons engaged in or responsible for blasting and the use of explosives in accordance with Section 719 of SMCRA to the extent required for approval of its program. This finding is made under 30 CFR 732.15(b)(12).

Provisions corresponding to Section 719 of SMCRA are incorporated in Wyoming statute W.S. 30–3–501 and W.S. 35–11–415. There are no regulations required at this time. Volume 1, Part G.13 of the program submission contains a description of the cooperative effort between the State Inspector of Mines and the Department of Environmental Quality.

Only one significant issue was raised in the review of Wyoming's blaster certification provisions. The Wyoming program states that "all blasting operations shall be conducted by

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experienced, trained, competent persons * * * (who) * * * shall have obtained a certificate of completion of training and qualifications as required by State law." (Rule VI 1e) An agreement (MOU) between the Land Quality Division and the Wyoming State Inspector of Mines is proposed in the Wyoming program submission to require issuance of certificates to persons handling explosives at coal mines. Since there are currently no Federal regulations for this area, the Wyoming provisions are currently consistent with Federal regulations.

Finding 25

The Secretary finds that the Land Quality Division has the authority under Wyoming laws and the Wyoming program contains provisions to provide small operator assistance consistent, in part, with 30 CFR Part 795 (small operator assistance). This finding is made under 30 CFR 732.15(b)(13).

Provisions corresponding to Section 507(c) of SMCRA and 30 CFR Part 795 are incorporated in Wyoming statute W.S. 35–11–109. Volume 1, Part G.16, of the State program submission contains a description of the small operator assistance program within the State.

Discussion of significant issue raised in the review of Wyoming's small operator assistance program follows.

25.1 No authority is cited in the Wyoming regulations or statutes for providing a small operator assistance program (SOAP). Rule XXIII would provide for studies to be performed for small operators seeking assistance. That rule refers to W.S. 35–11–109 (powers and duties of the director) and 35–11–110 (powers of the administrator) as the authority to do the studies. Those statutory provisions provide for studies, but there is no specific reference to a SOAP program.

Although W.S. 35–11–109 states that the director may request studies, the program narrative make it clear that the director intends to do so, and Rule XXIII 3b states the director shall provide assistance to qualified small operators. The narrative of the program submission (G.16) states the SOAP assistance will be approved through the administrator and supported by the Land Quality Division staff. The application form used by the Department will be used as a "short form." Rule XXIII, if promulgated, will provide instructions for applications, laboratory procedures and information handling. Funding procedures are those of W.S. 9–3–2001–2031, according to the State program narrative.

These provisions of the Wyoming program appear to provide the framework for a SOAP program consistent with the Federal requirements.

25.2 The Wyoming Land Quality Division regulations, at Rule XXIII 3b(6), mention that "qualified personnel" will have a legal right of entry to the lands being mined and adjacent lands. 30 CFR 795.14(f)(2) delegates this right to the Office of Surface Mining, regulatory authority, and laboratory personnel. The term "qualified personnel" is not defined by Wyoming to include the entities mentioned in the Federal regulation. If the proposed rule is enacted, and the program is clarified to indicate that "qualified personnel" includes the people covered by 30 CFR 795.14(f)(2), the program appears to be adequate in this respect.

Finding 26

The Secretary finds that the Land Quality Division has the authority under Wyoming laws and the Wyoming program contains provisions to provide protection of employees of the Land Quality Division corresponding with the protection afforded Federal employees under Section 704 of SMCRA (protection of employees). This finding is made under 30 CFR 732.15(b)(14).

Provisions corresponding to Section 704 of SMCRA are incorporated in Wyoming statute W.S. 35–11–901. While there is no specific reference to protection of State employees in the presentation of systems in the State program submission, the Secretary finds that incorporation of the appropriate authority is sufficient.

Only one significant issue was raised in the review of Wyoming's employee protection provisions. Section 704 of SMCRA (30 U.S.C. 1294) provides that anyone interfering with a Federal employee in enforcement of the Act shall be liable to a maximum $5,000 fine and up to one year imprisonment. Wyoming currently has no comparable statutory provision but has proposed a new provision as W.S. 35–11–901(m) which provides identical protection to that of Section 704 of SMCRA. If the change is enacted, the Wyoming program appears to be adequate with regard to this provision.

Finding 27

The Secretary finds that Wyoming has the authority under its laws and the Wyoming program contains provisions to provide for administrative and judicial review of State program actions in accordance, in part, with Sections 525 and 526 of SMCRA (review of decisions) and 30 CFR Chapter VII, Subchapter L (inspection and enforcement). This finding is made under 30 CFR 732.15(b)(15).

Provisions corresponding to Section 525 and 526 of SMCRA and to Subchapter L of 30 CFR Chapter VII are incorporated in Wyoming statute W.S. 35–11–406 and 437, Wyoming Rules of Civil Procedure, Rule 72.1, Wyoming Rules of Practice and Procedure, Chapter 2, Wyoming Administrative Procedures Act W.S. 9–4–107 and 114 and Wyoming rules Chapters XVII and XVIII. Volume 1, G.15, of the program submission contains a description of the adminsitrative and judicial procedures which are available for the review of administrative decisions, actions and refusals to act. Additional provisions are included in Vol. 1, G.4, of the program submission, which sets out administrative and judicial review of inspection and enforcement actions.

Discussion of significant issues raised in the review of Wyoming's administrative and judicial review provisions follows.

27.1 The Powder River Basin Resources Council states that W.S. 35–11–701(c) provides that upon request of an operator an order pertaining to a violation *shall* be stayed pending a final determination from the Council. W.S. 35–11–437(c) provides that such an order *may* be stayed and requires that the Council give a detailed reason supporting a decision to grant a stay. The commenter states that W.S. 35–11–437(c) is preferable since it allows a case-by-case determination. This was discussed at meetings with Wyoming on January 2–5, 1980. W.S. 35–11–437(g) would provide that Section 437 is controlling over Section 701(c). Wyoming also has stated that Section 35–11–701(c) does not apply to coal mining.

27.2 The State's program fails to include the statement corresponding to Section 525(b) of SMCRA which provides that Secretarial decisions on applications for review regarding cessation orders shall be issued within 30 days of receipt. This omission makes the State program more stringent than the Federal requirement and is acceptable.

Finding 28

The Secretary finds that the Land Quality Division has the authority under Wyoming laws and the Wyoming program contains provisions to cooperate and coordinate with and provide documents and other information to the Office of Surface Mining under the provisions of 30 CFR Chapter VII. This finding is made under 30 CFR 732.15(b)(16).

Wyoming Rules XIII, XIV, and XVII provide for notice of applications for permits, applications for permit revisions, and actions to revoke permits. In addition, the Wyoming Administrative Procedures Act assures that information is publicly available.

Fourteen comments, including from the Bureau of Land Management and Geological Survey, were received regarding Wyoming's proposed cooperative agreement between OSM and the State of Wyoming for regulation of coal exploration and mining activities on lands covered by the Federal lands program in 30 CFR Subchapter D. These comments will be included in OSM's cooperative agreement file and will be considered in the cooperative agreement review as provided in 30 CFR 745.11.

Final action on the cooperative agreement will not occur until nearer the final decision on the State program. The cooperative agreement will be subject to public review and comment under a separate rulemaking action at that time.

Finding 29

The Secretary finds that the Wyoming laws and regulations and the Wyoming program do not contain provisions which would interfere with or preclude implementation of those in SMCRA and 30 CFR Chapter VII. This finding is made under 30 CFR 732.15(c).

In Wyoming's permanent program submission, laws other than Wyoming's Environmental Quality Act were referenced as legal authority for various sections of Wyoming's program. Other State laws and regulations directly affecting the regulation of surface coal mining and reclamation operations include:

Wyoming Administrative Procedures Act;
Wyoming Water Quality Rules and Regulations;
Wyoming Air Quality Rules and Regulations;
Wyoming Solid Waste Management Rules and Regulations;
Wyoming Water Law;
Wyoming State Engineer Regulations and Instructions;
Wyoming Water Laws;
Wyoming Mine and Minerals Laws;
Department Rules of Informational Practices;
Wyoming Public Records Law; and
Wyoming Open Meeting law.

In the substantive review of the program submission, OSM either reviewed these laws and regulations as part of the adequacy analysis or reviewed them for their potential for conflicting with the statutory and regulatory elements of the State program. In using those laws and regulations and in reviewing these for scope and purpose, OSM did not find conflicts which might weaken those State laws and State regulations which form the basis for implementation of a program equal to or more stringent then Pub. L. 95–87 or 30 CFR Chapter VII.

Wyoming's program includes proposed amendments to the Water Quality Rules and Regulations, Solid Waste Management Rules and Regulations, Wyoming Mines and Minerals Regulations, and Engineers Rules and Regulations. These proposed amendments must be enacted before Wyoming's program can be approved. Although the existing laws do not conflict with an adequate program, they do not contain sufficient provisions to constitute one.

Two commenters expressed the belief that the Federal courts may enjoin or in some other way alter Pub. L. 95–87. One of the commenters proposes language, supported by the other commenter, which would make it necessary to litigate the validity of various components of the surface mining law in one form, thus enabling the State to avoid the cost of unnecessary litigation. This language reads as follows: "If any part of Pub. L. 95–87, Federal Surface Mining Control and Reclamation Act of 1977, or regulations adopted by the Department of Interior thereunder, is permanently or temporarily enjoined or set aside, or if enforcement of any such law or regulations is permanently or temporarily enjoined or suspended by any court of competent jurisdiction, then enforcement of any laws and regulations derived from or substantially based on that Federal law or regulation shall likewise be suspended based on that Federal law or regulation shall likewise by suspended automatically and shall remain in suspense unless and until such Federal law or regulations are reinstated or any bar to enforcement of same is removed. When and if any of the provisions of the Federal act or regulations are deleted or amended, declared invalid or set aside, the State regulatory authority will enact regulations where needed to replace those so set aside." The State has chosen not to replace those so set aside. The State has chosen not to incorporate this provision in its program submission. Such a provisions is not required by the SMCRA or Federal regulations.

Finding 30

The Secretary finds that the Land Quality Division and other agencies having a role in the program would not have sufficient legal, technical, and administrative personnel, but would have sufficient funds to implement, administer, and enforce the provisions of the program, the requirements of 30 CFR 732.15(b) (program requirements), and other applicable State and Federal laws. This finding is made under 30 CFR 732.15(d).

Volume 1, Parts I and J, contain descriptions of existing and proposed staff, and how such staff will be adequate to carry out the functions for the projected workload to ensure that coal exploration and surface coal mining and reclamation requirements of SMCRA and the Federal regulations are met. Volume 1, Part L, contains a description of the actual capital and operating budget to administer the State program for the prior and current fiscal years, and the projected annual budget for the next two fiscal years.

The State regulatory authority and other agencies having a role in the State program do not have sufficient legal, technical, and administrative personnel and sufficient funding to implement, administer and enforce the provisions of the program, the requirements of 30 CFR 732.15(b) and other applicable State and Federal laws.

Wyoming's Land Quality Division has a full-time staff of 30 persons. Due to an integrated managment system, 24 of these persons are technically qualified to perform functions associated with inspection, enforcement, and mine plan review. The Wyoming program assigns 16.34 full-time equivalents (FTE) to the implementation of their surface coal mining program. Analysis of workload requirement indicates a 21.47 FTE need, a 5.13 FTE differential. The Wyoming Land Quality Division staff is aware of the above analysis and have indicated that the 5.13 FTE are available; however, the State has chosen not to present in writing evidence to verify this contention. Wyoming will submit additional data in the future, but at this time the staffing pattern cannot be recommended for approval.

Two commenters, including the Bureau of Land Management, expressed concern that Wyoming does not have adequate staff to comply with the six month permit application review deadline established by W.S. 35–11–401 or to conduct inspections in a timely manner. OSM agrees that the State's staffing level is inadequate.

In addition, Wyoming's assumption of eight enforcement actions per year, on which it proposed its staffing conflicts with OSM's anticipated figure of some 60 enforcement actions per year. Wyoming's inspection and enforcement staffing, as presently written is unacceptable. More justification is

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needed to demonstrate that the staffing is adequate.

F. The Secretary's Decision

Based on the Secretary's findings discussed above, the Secretary is approving the Wyoming program in part. Because the entire program is not approved, the permanent program under SMCRA is not yet in effect in Wyoming. The interim program will continue in effect on all lands in Wyoming until after Wyoming has had the opportunity to resubmit those parts of the program not being approved at this time.

Wyoming may, within sixty days from the date of this notice, resubmit those parts of its program not now being approved. If all those parts are approved, Wyoming will assume primary jurisdiction for implementing and enforcing the permanent program within its borders. If the resubmitted parts are not all approved, the Secretary will implement a Federal program in Wyoming, and the Department of the Interior will have primary jurisdiction, under SMCRA, for coal mining in Wyoming.

The following parts of the Wyoming program are approved.

1. Wyoming Environmental Quality Act:

Article 1 General Provisions

W. S. 35–11–101. Short title.
W. S. 35–11–102. Policy and purpose.
W. S. 35–11–103. Definitions.

Note.—A new subsection is expected to be added, W. S. 35–11–103(f)(xxi), to provide a definition of steep slope mining.

W. S. 35–11–104. Created.
W. S. 35–11–105. Divisions Enumerated.
W. S. 35–11–106. Powers, duties, functions and regulatory authority.
W. S. 35–11–107. Records and physical properties; rights of personnel; successors.
W. S. 35–11–108. Appointment of director and division administrators; term; salaries; employment of assistants.
W. S. 35–11–109. Powers and duties of director. Except that W.S. 35–11–109(a)(iv) and W. S. 35–11–109(a)(vi) are disapproved.
W. S. 35–11–110. Powers and duties of administrators.
W. S. 35–11–111. Independent environmental quality council created; terms; officers; meetings; expenses.
W. S. 35–11–112. Powers and duties of the environmental quality council.
W. S. 35–11–113. Advisory boards created; membership; terms; meetings; expenses.
W. S. 35–11–114. Powers and duties of advisory boards.
W. S. 35–11–115. Power of director to issue emergency orders.

Article 2 Air Quality

W. S. 35–11–201. Discharge of emission contaminants; restrictions.
W. S. 35–11–202. Establishment of standards.

Article 3 Water Quality

W.S. 35–11–301 Prohibited acts.
W.S. 35–11–302 Administrator's authority to recommend rules, regulations, etc.

Article 4 Land Quality

W.S. 35–11–401 Compliance generally: Exceptions.

(Note.—Although the existing language is approved, this section is expected to be amended to include new requirements for permits and steep slope mining. See Wyoming submission, Vol. IV, pp A2–5 through A2–13 (Administrative Record No. WY–3). The proposed language for the new W.S. 35–11–401(d) is found under item 1 in the statutory memorandum in the orange book (Administrative Record No. WY–99). Before the Secretary can approve the program the EQA must be amended as proposed or the program changes in some other manner to accomplish the same result. W.S. 35–11–401(d) (vi), (viii) and (ix) are disapproved.

W.S. 35–11–402 Establishment of standards.

(Note.—W.S. 35–11–402(a) (i) and (ii) is approved based on information correcting Wyoming's side-by-side analysis. This information was presented on January 2–5 in connection with discussion of item 13 of the statutory memorandum in the orange book (Administrative Record No. WY–99).

W.S. 35–11–402(a) is proposed to be amended by adding a new subsection (xi) relating to coal exploration. See Administrative Record No. WY–3, Vol. IV, p. A2–13. Before the Secretary can approve Wyoming's program, the EQA must be amended as proposed or the program changed in some other manner to accomplish the same result.

W.S. 35–11–403 Power of administrator of land quality division.

W.S. 35–11–404 Drill holes to be capped, sealed or plugged. Except W.S. 35–11–404 (g), (j) and (k) are disapproved. (See Administrative Record No. WY–3, Vol. IV, p. A2–14).

W.S. 35–11–405 Permit defined; no mining operation without valid permit; when validity terminated. Except W.S. 35–11–405(e) is disapproved (see Administrative Record No. WY–3, Vol. IV, p. A2–15).

W.S. 35–11–406 Application for permit; generally; denial; limitations.

Exceptions: W.S. 35–11–406(g); W.S. 35–11–406(h); W.S. 35–11–406(j).

(Note.—Wyoming's submission includes proposed new sections W.S. 35–11–406(a)(xiv) and W.S. 35–11–406(j). (See Administrative Record No. WY–3, Vol. IV, p. A–16 and A–19). Before the Secretary can approve the Wyoming program, the QA must be amended as proposed or the program changed in some other manner to accomplish the same result.

Further Note.—Wyoming proposed to repeal W.S. 35–406(h) (xii), (xiii) and (xiv). See Administrative Record No. WY–3, Vol. IV, p. A2–32. The secretary explicitly disapproves such proposed repeal, and if enacted it will not affect the approval and effectiveness of the sections intended to be repealed.

W.S. 35–11–407 Water impoundments.
W.S. 35–11–408 Permit transfer.
W.S. 35–11–409 Permit revocation.
W.S. 35–11–410 License to mine for minerals: application.
W.S. 35–11–411 Annual report.
W.S. 35–11–412 License revocation or suspension.
W.S. 35–11–413 Special license to explore for minerals by dozing.
W.S. 35–11–414 Same: application; standards; fee; bond; denial; appeal.
W.S. 35–11–415 Duties of operator.

Note.—Wyoming's submission includes a proposed new section W.S. 35–11–415(b)(xii) relating to replacement of water supplies. Before the Secretary can approve Wyoming's program, the EQA must be amended as proposed or some other change must be made in the program to accomplish the same result.

W.S. 35–11–416 Protection of surface owner.
W.S. 35–11–417 Bonding provisions.
W.S. 35–11–418 Cash, etc. in lieu of bond.
W.S. 35–11–419 Bond cancellation.
W.S. 35–11–420 Cancellation of surety's license; substitution.
W.S. 35–11–421 Bond forfeiture proceedings.
W.S. 35–11–422 Forfeited bond inadequate; suit to recover reclamation costs.
W.S. 35–11–423 Release of bonds.

Exception.—W.S. 35–11–423(d) is disapproved. (See the Wyoming program submission for a proposed change, Administrative Record No. WY–3, Vol. IV, p. A2–23.)

W.S. 35–11–424 Deposit of fees and forfeitures.
W.S. 35–11–425 Designation of loads unsuitable.

Exceptions.—W.S. 35–11–425(b)(i) and W.S. 35–11–425(f) are disapproved. (See the Wyoming program submission for proposed changes in these sections, Administrative Record No. WY–3, Vol. IV, p. A2–24.)

W.S. 35–11–427 In situ mining permit; permit required; authority of land quality division exclusive.
W.S. 35–11–428 Same: requirements for application: contents of application.
W.S. 35–11–429 Same; contents of permit.
W.S. 35–11–430 Duties of in situ mine operator; records; annual report.
W.S. 35–11–431 Research and development license; renewal; application.
W.S. 35–11–432 Same; grounds for denial; appeal.
W.S. 35–11–433 Same; bond required; release or forfeiture; review of license.
W.S. 35–11–434 Same; notice of incomplete application; when application deemed complete.
W.S. 35–11–435 Records to be filed on completion; abandoned drill holes.
W.S. 35–11–436 Existing in situ permits.

Article 5 Solid Waste Management

W.S. 35–11–501 Other powers and duties of director.
W.S. 35–11–502 Solid waste disposal requirements.
W.S. 35–11–503 Director authorized to promulgate rules and regulations for operation of solid waste disposal sites.

Article 6 Variances

None approved.

Article 7 Complaints

W.S. 35–11–701 Complaint; investigation; conference; cease and desist order; hearing; referee.

Exception.—W.S. 35–701(a) is disapproved. Wyoming has proposed to amend this section to cure the deficiency. See the Wyoming program WY–3, Vol. IV, p. A2–25.

Article 8 Permits

W.S. 35–11–801 Issuance of permits.
W.S. 35–11–802 Refusal to grant permits.

Article 9 Penalties

W.S. 35–11–902 Civil or cirminal remedy.

Article 10 Judicial Reviews

W.S. 35–11–1001 Judicial review.
W.S. 35–11–1002 Publication of rules and regulations.

Article 11 Miscellaneous Provisions

W.S. 35–11–1101 Records available to the public; restrictions.
W.S. 35–11–1102 Hearing unnecessary prior to issuance of emergency order.
W.S. 35–11–1103 Property exempt from ad valorem taxation.
W.S. 35–11–1104 Limitation of scope of act.

2. Wyoming Water Law, W.S. 41–3–301 through W.S. 41–3–938.

3. Wyoming Mines and Minerals Law, W.S. 30–6–101 through W.S. 30–6–101 (Explosives); W.S. 30–3–201 through W.S. 30–3–225 (Safety); W.S. 30–2–415 and W.S. 30–3–501 through W.S. 30–3–506 (Explosives).

4. Wyoming Administrative Procedures Act, W.S. 9–4–101 through W.S. 9–4–115.

5. Wyoming Department of Environmental Quality Rules of Information Practice.

6. Wyoming Public Records Law, W.S. 9–8–101 through W.S. 9–9–105.

7. Wyoming Open Meeting Law, W.S. 9–11–101 through W.S. 9–11–107.

8. Memorandum of Understand (MOU) dated August 9, 1979, between the Wyoming Game and Fish Department and Wyoming DEQ, Land Quality Division.

9. MOU executed July 19, 1979, and August 6, 1979 between the Wyoming Recreation Commission and the Wyoming DEQ.

10. MOU, executed by DEQ August 9, 1979, between the Wyoming Inspector of Mines and Wyoming DEQ. The Secretary notes that he has not been presented a copy of the MOU as executed by the Wyoming Inspector of Mines.

11. The following Guidelines of the Wyoming DEQ, Division of Land Quality:

a. Guideline No. 1 Soil and Overburden
b. Guideline No. 2 Vegetation
c. Guideline No. 3 Soil Suitability
d. Guideline No. 4 (Revised) Water Sampling
e. Guideline No. 6 Permit Organization
f. Guideline No. 7 Hydrology
g. Guideline No. 8 Sediment Pond; Sediment Storage

12. Contract dated November 1, 1978, between Wyoming DEQ and the Nature Conservancy, relating to data gathering of information for designation of lands unsuitable for coal mining.

13. Contract dated February 15, 1979, between Wyoming DEQ, Land Quality Division and the Geological Survey of Wyoming relating to data gathering for designation of lands unsuitable for coal mining.

14. Contract dated April 19, 1979, between Wyoming DEQ, Land Quality Division and the Wyoming Recreation Commission relating to collection of data for designation of areas unsuitable for coal mining.

15. Contract dated May 1, 1979, between Wyoming DEQ, Land Quality Division and the Wyoming Game and Fish Department for collection of data for designation of lands unsuitable for coal mining.

16. Wyoming DEQ Policies and Procedures Manual for Financial Interest Restrictions.

17. Wyoming Department of Administration and Fiscal Control Laws, W.S. 9–30–2001 through W.S. 9–20–2031.

18. Wyoming Department of Administration and Fiscal Controls, Division of Purchasing and Property Control, Purchasing Section, Procurement Instructions.

19. Wyoming DEQ Manual of Expenditures.

The following parts of the Wyoming program are disapproved:

1. The following sections of the Wyoming Environmental Quality Act:

W.S. 35–11–109(a), (iv) and (vi). See proposed amendments in Wyoming program. (Administrative Record No. WY–3, Vol. IV, p A2–5 through A2–7.)

W.S. 35–11–401(d)(vi), (vii) and (ix).

(Note.—During the January 2–5 meetings the State of Wyoming proposed that these provisions should be acceptable, and offered to supply an opinion of its Attorney General. (See orange book, statutory memorandum, p. 4–Issue 12 (Administrative Record No. WY–99). A proposed opinion has been submitted, informally, but it not part of the record and accordingly cannot be the basis of approval of these sections.))

W.S. 35–11–404(g) (j) and (k). (See Wyoming program, Adminstrative Record No. WY–3, Vol. IV, p. A2–14.)

W.S. 35–11–405(e). See Wyoming program, Administrative Record No. WY–3, Vol. IV, p. A2–15.

W.S. 35–11–406(g), (h) and (j). See proposed changes in the program (WY–3, Vol. IV, part A2) and the orange book WY–99, Statutory Memo; p. 4).

W.S. 35–11–423(d). See discussion of approved parts of W.S. 35–11–423, immediately above.

W.S. 35–11–425(b)(i) and (f). See the Wyoming program for proposed changes. Administrative Record WY–3, Vol. IV, p. A2–24.

W.S. 35–11–426 In situ mineral mining permits and testing license. Proposed revisions to this Section are found in the Wyoming program, Administrative Record No. WY–3, Vol. IV, p. A2–24.

W.S. 35–11–601 Applications; authority to grant; hearing; limitations; renewals; judicial review; emergencies. Wyoming has proposed to amend this section by addition of a new subsection (p). See Wyoming submission, Administrative Record No. WY–3, Vol. IV, p. A2–25. The Secretary cannot approve this section until it is changed to achieve the results of the proposed amendment, which has been changed after discussions between OSM and the DEQ. See Administrative Record No. WY–118 (Statutory Memorandum changes).

W.S. 35–11–701(a). See discussion above relating to approved parts of W.S. 35–11–701.

W.S. 35–11–901 Violations of Act; penalties. Wyoming has proposed to amend this section to cure the deficiencies. See Wyoming submission, Administrative Record WY–3, Vol. IV, p. A2–26 through A2–31. Note that the proposed amendments have been further changed in item 8 in the statutory memorandum in the orange book (Administrative Record No. WY–99).

In addition to the enumerating sections of existing law which are disapproved, the Secretary finds that the program is deficient for failure to have provisions which would accomplish the results intended by proposed amendments or additions of the following sections discussed above under approved parts:

W.S. 35–11–401(d).
W.S. 35–11–402(a).
W.S. 35–11–406(a)(xiv).
W.S. 35–11–406(j).
W.S. 35–11–415.
W.S. 35–11–437 (see Wyoming program, Administrative Record No. WY–3, Vol. IV, p. A2–2).

Finally, no Wyoming statute has provisions for citizen suits.

2. Wyoming Land Quality Rules and Regulations. These rules are disapproved in their entirety because they are proposed to be so extensively amended that virtually no significant identifiable portion is likely to remain unaffected. See Administrative Record No. WY–119.

3. Wyoming Water Quality Rules and Regulations. These rules are disapproved because Wyoming proposed to amend them significantly. See Administrative Record No. WY–3, Vol. V, Section B.2.

4. Wyoming Air Quality Standards and Regulations. These rules are disapproved because Wyoming proposed to amend them significantly. See Administrative Record No. WY–3, Vol. V, Section B.4.

5. Wyoming Solid Waste Management Regulations. These rules are disapproved because Wyoming proposed to amend them significantly. See Administrative Record No. WY–3, Vol. V, Section B.6.

6. Wyoming State Engineer Regulation and Instructions. These documents are disapproved because Wyoming proposes to amend them significantly. See Administrative Record No. WY–3, Vol. V, Section B.6.

7. Wyoming State Inspector of Mines rules relating to blaster certification. These rules are disapproved because they have not been adopted. See Administrative Record WY–3, Vol. V.

8. Rules of Practice and Procedure, Wyoming DEQ. These rules are disapproved because Wyoming intends to amend them significantly. (See Administrative Record No. WY–13, Vol. V, Section B.14 and orange book (WY–99.))

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9. Memorandum of Understanding [MOU] dated August 9, 1979, between Department of Environmental Quality Divisions. This MOU is disapproved because it is proposed to be significantly amended. See orange book (WY–99).

10. The partially executed MOU signed by DEQ, August 9, 1979, between the Wyoming State Engineer and the DEQ. This MOU is disapproved because it is proposed to be significantly amended. See orange book (WY–99).

11. Guideline No. 5 (Wildlife), dated August 9, 1979, is disapproved because it has not yet been adopted. (See WY–3, Vol. V, Section G.1.e).

The Secretary received several comments on the process of review and the alternative of partial approval for the Wyoming program. The National Wildlife Federation (NWF) and the Public Lands Institute (PLI) have made several comments regarding the propriety of meetings between officials of the Department of the Interior and the State of Wyoming from January 2 to 5, 1980. They allege that the meetings appear to be "negotiating sessions" where hard and fast "deals" were struck without benefit of the public's right to know, review and comment.

The sessions were largely for the purposes of providing reliable information on an expedited basis to the State of Wyoming, due to the State's very brief 1980 legislative session and of discussing apparent deficiencies in Wyoming's proposed rules which had become apparent from public comments and Interior Department review of Wyoming's program. The State clearly understood that any conclusions were merely tentative and subject to further analysis and public comment.

The meetings were entirely in keeping with procedures required for rulemakings as well as with the Department's own announced policies found in guidelines published September 19, 1979, 44 FR 54444. Voluminous notes and records of the meetings were kept and made available for public inspection and comment, and the record was kept open for an additional period to enable the public to review and comment on the minutes and notes of the meetings. The commenters have in no way been foreclosed from affecting the outcome of any issue discussed in the January meetings. In fact, public interest groups did review the records of the meetings and commented upon them. See, for example, comment of Environmental Policy Institute, dated January 18, 1980, Administrative Record No. WY–116.

No decisions have been made on the basis of the meetings, although analysis of the State's response to significant issues discussed at the meetings have been included in Part E of this notice. All of the materials and the State's program revisions as a result of the meetings will be available during public participation processes in the program resubmission.

These commenters also suggest that the Wyoming program be disapproved in its entirety and that the State begin anew on resubmission. Aside from the fact that that approach would be administratively inefficient, and contrary to the two-phase submission process contemplated by Section 503(b) of SMCRA, there is no doubt that the Secretary may choose to approve the *part* of a program which is acceptable and disapprove the *part* which is not. Section 503(b) of SMCRA explicitly states that the Secretary shall approve or disapprove a program "* * * in whole or *in part* * * *" For administrative efficiency, the Secretary chooses to approve the Wyoming program in part and disapprove it, in part.

Additional Findings

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this approval in part.

Note.—The Secretary has determined that this document is not a significant rule under E.O. 12044 or 43 CFR Part 14, and no regulatory analysis is being prepared on this approval in part.

Dated: March 25, 1980.

Cecil D. Andrus,

Secretary of the Interior.

[FR Doc. 80–9697 Filed 3–28–80; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

(CCGD3–80–1A)

33 CFR Part 110

Special Anchorage Area, Oyster Bay, N.Y.

AGENCY: Coast Guard, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: At the request of the Incorporated Village of Centre Island, Oyster Bay, New York, the Coast Guard is proposing to establish a special anchorage in Oyster Bay Harbor at Oyster Bay, New York. This designation is needed to accommodate existing and anticipated increases of recreational boating in the area. The proposal will enhance navigational safety by providing charted indication (by depiction on appropriate charts) to passing vessels that unlighted vessels or vessels not sounding fog signals may be present in the anchorage and by reducing congestion in the adjacent, existing special anchorage described in 33 CFR 110.60 (u–2).

DATES: Comments must be received on or before May 16, 1980.

ADDRESS: Comments should be submitted to, and are available for examination at, the Office of the Commander (mps), Third Coast Guard District, Building 108, Governors Island, New York 10004.

FOR FURTHER INFORMATION:
Captain J. B. Ekman, Project Manager, Chief, Port Safety Branch, Coast Guard District Three (mps), Building 108, Room 108, Governors Island, New York 10004 (212–668–7179).

SUPPLEMENTARY INFORMATION:
Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include the writer's name and address, identify the specific section of the proposal to which the comment applies, and give the reason for the comments. All comments received before the expiration of the comment period will be considered before final action is taken on the proposal.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Lieutenant William St. J. Chubb, Port Safety Officer, Third Coast Guard District Port Safety Branch, and Lieutenant Thomas J. Donlon, Project Attorney, Third Coast Guard District Legal Office.

DISCUSSION OF THE PROPOSED REGULATION: The area proposed for designation as a special anchorage lies adjacent to the southern end of Centre Island on the north shore of Long Island in the vicinity of the Town of Oyster Bay, New York. This is an area of heavy recreational boating concentration and the area proposed for designation has been used as an anchorage for small boats for several years.

This rule would allow anchoring of small boats (vessels under 65 feet in length) without requiring that they display anchor lights or sound fog signals. In addition (as provided by articles 11 and 15 of the Inland Rules of the Road (33 USC 180 and 33 USC 191)), anchored barges, canal boats, scows, and other non descript craft may display only one anchor light where two would otherwsie be required; and need not sound fog signals regardless of size. Depiction of the anchorage on

appropriate nautical charts will enhance navigational safety by alerting passing vessels to the presence of such anchored vessels. In addition, congestion in the existing Special Anchorages in Oyster Bay Harbor will be reduced. An adequate channel has been left between the proposed and existing anchorages for the number, size, and speed of local boat traffic.

Anchoring, mooring, and other water-related activities in the area affected by the proposed rule are administered by Article 12 of the Village Ordinance of the Village of Centre Island. The proposed rule will not affect this local administration. This regulation has been reviewed under DOT Order "Improving Government Regulations" (44 FR 11034) and a Draft Evaluation has been prepared and is available for public inspection at the Project Manager's address indicated above.

In consideration of the foregoing it is proposed to amend Part 110 of Title 33 Code of Federal Regulations by adding § 110.60 (u–3) to read as follows:

§ 110.60 Port of New York and vicinity.

* * * * *

(u–3) *Harbor of Oyster Bay, New York Moses Point to Brickyard Point.* That portion of the waters of the Harbor of Oyster Bay enclosed by a line beginning at Moses Point on Centre Island at latitude 40°53'11" N., longitude 73°31'14" W.; thence to latitude 40°53'02" N., longitude 73°31'22" W.; thence to latitude 40°53'02" N., longitude 73°32'00" W.; thence to Brickyard Point on Centre Island at latitude 40°53'06" N., longitude 73°32'00" W.; thence following the shoreline to the point of beginning.

Note.—The anchoring of vessels and placement of temporary moorings in anchorage areas described in paragraphs (u), (u–2), and (u–3) of this section will be under the jurisdiction of the local Harbormaster appointed in accordance with Article 12 of the Village Ordinance of the Village of Centre Island, New York.

* * * * *

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6 (g)(1)(B), 80 Stat. 937; (49 U.S.C. 1655 (g)(1)(B)), 49 CFR 1.46 (c)(2); 33 CFR 105–1(g)).

Note.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A–107.

Dated: March 10, 1980.

R. I. Price,

Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 80–9651 Filed 3–28–80; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 117

(CGD 80–035)

Drawbridge Operation Regulations; Portage River, Ohio

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Ottawa County Engineer the Coast Guard is considering changing the regulations governing the operation of the Monroe Street bridge across the Portage River, Portage, Ohio, by permitting the draw to remain closed for extended periods. This proposal is being made to accommodate an increase in vehicular traffic. This action may accommodate the needs of vehicular traffic while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before May 1, 1980.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (Cbr), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199.

FOR FURTHER INFORMATION CONTACT:
Frank L. Teuton, Jr. Chief, Drawbridge Regulations Branch (G–WBR/TP14), Room 1414, Transpoint Building, 2100 Second Street, S.W., Washington, D.C. 20593 (202–426–0942).

SUPPLEMENTARY INFORMATION:
Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Ninth Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

Discussion of the Proposed Regulations

This requested change is being proposed because of a significant increase in vehicular traffic during weekdays from May 15 through October 31. Under present regulations, seasonal restrictions are placed on the opening of this bridge to accommodate weekend and holiday traffic. This proposal would extend these restrictions to weekdays as well. In addition, it would also identify the types of vessels that should be passed through the draw, even though closed periods are in effect..

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.705b(b) to read as follows:

§ 117.705b Portage River, Ohio; Monroe Street Bridge, Portage, Ohio.

* * * * *

(b)(1) From May 1 though May 14 and from November 1 through December 1, the draw shall open on signal.

(2) From May 15 through October 31 the draw shall open on signal from 12 midnight to 6 a.m. From 6 a.m. to 12 midnight the draw shall open on signal from three minutes before to three minutes after the hour and half-hour.

(3) From December 2 through April 30 the draw shall open on signal if at least 24 hours notice is given.

(4) The draw shall open as soon as possible for public vessels of the United States, state or local government vessels used for public safety, vessels in distress, commercial vessels, or vessels seeking shelter from rough weather, even though the closed period are in effect.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Dated: March 24, 1980.

K. G. Wiman,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 80–9644 Filed 3–28–80; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

41 CFR Part 3–4

Unsolicited Proposals

AGENCY: Department of Health, Education, and Welfare.

ACTION: Proposed rule.

SUMMARY: The Office of the Secretary, Department of Health, Eucation, and Welfare is proposing to amend the departmental procurement regulations

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by adding a new subpart on unsolicited proposals.

The new subpart will replace the present Subpart 3–4.52 and will implement and supplement Subpart 1–4.9, Unsolicited Proposals, of the Federal Procurement Regulations.

The proposed subpart sets forth a requirement for offerors of unsolicited proposals to execute a certification verifying that the proposal has been prepared without the assistance of Department employees, establishes the principal official responsible for procurement in each major procuring activity as the point of contact for coordinating the receipt and handling of unsolicited proposals, provides guidance on information to be included in the justification for acceptance of an unsolicited proposal, and provides a notice concerning the use and disclosure of data furnished by the offeror in an unsolicited proposal.

DATE: Comments must be received April 30, 1980. Any person or organization wishing to submit data, views or comments pertaining to the proposed amendments may do so by filing them with the individual at the address listed below:

ADDRESS: Send comments to Jack Coleman, Office of Procurement Policy, OGP–OASMB–OS, Room 539H, Hubert H. Humphrey Building, Department of Health, Education, and Welfare, 200 Independence Avenue, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:
Jack Coleman, Office of Procurement Policy, (202–245–8901).

It is therefore proposed to amend 41 CFR Chapter 3 in the manner set forth below.

Dated: March 24, 1980.

E. T. Rhodes,

Deputy Assistant Secretary for Grants and Procurement.

Under Part 3–4, Special Types and Methods of Procurement, Subpart 3–4.52, Unsolicited Proposals, is deleted in its entirety and the following subpart is added. In addition, the table of contents for Part 3–4 is amended to delete Subpart 3–4.52 and to add the following:

PART 3–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 3–4.9—Unsolicited Proposals

Sec.

3–4.906 Contents of unsolicited proposals.
3–4.907 Time of submission.
3–4.908 Agency point of contact.
3–4.909 Receipt, review, and evaluation.
3–4.910 Method of procurement.
3–4.913 Limited use of data.

§ 3–4.906 Content of unsolicited proposals.

(a)–(c) [Reserved]

(d) Certification by offeror.

To ensure against contacts between Department employees and prospective offerors which would exceed the limits of advance guidance set forth in § 1–4.905 resulting in an unfair advantage to an efferor, the principal official responsible for procurement (or designee) shall ensure that the following certification is furnished to the prospective offeror and the executed certification is included as part of the resultant unsolicited proposal:

Unsolicited Proposal, Certification by Offeror

This is to certify, to the best of my knowledge and belief, that:

a. This proposal has not been prepared under Government supervision.

b. The methods and approaches stated in the proposal were developed by this offeror.

c. Any contact with employees of the Department of Health, Education, and Welfare has been within the limits of appropriate advance guidance set forth in § 1–4.905.

d. No prior commitments were received from departmental employees regarding acceptance of this proposal.

Date:————Organization: ————
Name:————Title: ————

(This certification shall be signed by a responsible official of the proposing organization or a person authorized to contractually obligate the organization.)

§ 3–4.907 Time of submission.

The principal official responsible for procurement shall establish procedures governing the time for submission and number of copies of proposals for the purpose of maintaining orderly and efficient evaluation procedures.

§ 3–4.908 Agency point of contact.

The principal official responsible for procurement or his/her designee shall be the point of contact for coordinating the receipt and handling of unsolicited proposals. Contacts made outside of the procuring activity shall be promptly coordinated with the principal official responsible for procurement or his/her designee.

§ 3–4.909 Receipt, review, and evaluation.

The principal official responsible for procurement or his/her designee shall be accountable for the receipt and handling of unsolicited proposals. Accordingly, he/she shall establish procedures for controlling the receipt, evaluation, and timely disposition of unsolicited proposals in accordance with § 1–4.909. These procedures shall include controls on the reproduction and disposition of proposal material, particularly data identified by the offeror as subject to duplication, use, or disclosure restrictions.

(a)–(e) [Reserved]

(f) An unsolicited proposal shall not be refused consideration merely because it was initially submitted as a grant application. However, contracts shall not be awarded on the basis of unsolicited proposals which have been rejected for grant support on the ground that they lack scientific merit.

§ 3–4.910 Method of procurement.

(a) [Reserved]

(b) In lieu of the justification for noncompetitive procurement required by § 1–4.910(b), the program office shall prepare a "Justification for Acceptance of Unsolicited Proposal."

(1) The "Justification" shall give consideration to the factors listed in § 1–4.909(d) and include one of the following findings:

(i) The procurement is for basic scientific or engineering research; and the unsolicited proposal was selected on the basis of its overall merit, cost, and contribution to the activity's program objectives, after a thorough evaluation and comparison with other proposals, solicited or unsolicited, in the same or related fields; or

(ii) The procurement is for services other than basic research (e.g., development, feasibility studies, etc.); the unsolicited proposal contains technical data or offers unique capabilities that are not available from another source; and it is not feasible or practical to define the Government's requirement in such a way as to avoid the necessity of using the technical data contained in the unsolicited proposal.

(2) In addition, the "Justification" shall include the facts and circumstances that support the recommended action. The following illustrations represent factors which should be considered, as appropriate, in preparing the "Justification."

(i) The scientific/technical merits of the unsolicited proposal and its potential contribution to the activity's program objectives;

(ii) The qualifications, capabilities, and related experience of the offeror, principal investigator, and/or key personnel;

(iii) Unique facilities, instrumentation or techniques; and

(iv) Circumstances that operate to preclude competitive negotiation.

(3) The "Justification for Acceptance of Unsolicited Proposal" shall be submitted to the contracting officer together with, but as a separate document from, the request for contract and shall be signed by the same official of the program office who signs the request for contract. Approval of the "Justification" shall be made at the same level as prescribed in § 3–3.5306 for approval of a justification for noncompetitive procurement.

§ 3–4.913 Limited use of data.

The legend, Use and Disclosure of Data, prescribed in § 1–4.913(a) is to be used by the offeror to restrict the use of data for evaluation purposes only. However, data contained within the unsolicited proposal may have to be disclosed as a result of a request submitted pursuant to the Freedom of Information Act. Because of this possibility, the following notice shall be furnished to all prospective offerors of unsolicited proposals whenever the legend is provided in accordance with § 1–4.905(b)(9):

The Government will attempt to comply with the "Use and Disclosure of Data" legend. However, the Government may not be able to withhold a record (data, document, etc.) nor deny access to a record requested by an individual (the public) when an obligation is imposed on the Government under the Freedom of Information Act, 5 U.S.C. 552, as amended. The Government's determination to withhold or disclose a record will be based upon the particular circumstances involving the record in question and whether the record may be exempted from disclosure under the Freedom of Information Act. Records which the offeror considers to be trade secrets and commercial or financial information and privileged or confidential must be identified by the offeror as indicated in the referenced legend.

[FR Doc. 80-9551 Filed 3-28-80; 8:45 am]
BILLING CODE 4110-12-M

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Recodification of Medicare Regulations

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Notice of Decision to Recodify Regulations.

SUMMARY: HCFA proposes to reorganize and rewrite existing regulations for the Medicare program (title XVIII of the Social Security Act). The regulations currently located in 42 CFR Part 405 would be reorganized, simplified, and renumbered to make them easier to use, as part of the Department's Operation Common Sense Project.

This recodification has been classified as technical. A regulatory analysis is not planned.

FOR FURTHER INFORMATION CONTACT:
Luisa V. Iglesias, Health Care Financing Administration, HEW, Room 5033, Mary E. Switzer Building, 330 C Street, S.W., Washington, D.C. 20201, 202–245–0624.

SUPPLEMENTARY INFORMATION: The appendix to this notice presents a tentative, general outline of the parts and subparts of 42 CFR Chapter IV to which the Medicare regulations will gradually be transferred as a part of Operation Common Sense. The outline shows generally where the Medicare regulations will eventually be located in Subchapters B and E. Repetition of a current subpart designation indicates that the content of the subpart is so varied that it will be reassigned to several new parts or subparts. The outline is intended to serve as a guide during the recodification process.

We will normally issue the recodified regulations first as proposed rulemaking, with an opportunity for public comment, and then as final regulations. We will be very careful in pointing out whether any substantive changes are made and where.

There may be a few instances in which we can justify waiving proposed rulemaking and issue the recodified regulations as final, because we are sure no substantive changes were made and there is general agreement on retaining current policy. If the regulations are published only as final, we will still provide a comment period.

The following subparts in the current Part 405 are scheduled for recodification by September 30, 1980:

Subpart A—Hospital Insurance Benefits
Subpart B—Supplementary Medical Insurance Benefits; Enrollment, Coverage, Exclusions, and Payments
Subpart C—Exclusions, Recovery of Overpayments, Liability of a Certifying Officer and Suspension of Payment
Subpart F—Agreements, Elections, Contracts, Nominations, and Notices
Subpart J—Conditions of Participation: Hospitals
Subpart O—Providers of Services, Emergency Service Hospitals, Independent Laboratories, Suppliers of Portable X-Ray Services, End Stage Renal Disease Treatment Facilities, and Persons: Determinations and Appeal Procedures
Subpart R—Provider Reimbursement Determinations and Appeals

We are also working on the recodification of Subpart K—Conditions of Participation: Skilled Nursing Facilities and hope to have a notice of proposed rulemaking published in Spring 1980. Final rules will be published after September 1980.

(Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh))

(Catalog of Federal Domestic Assistance Programs No. 13.773 Medicare—Hospital Insurance; No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: March 1, 1980.

Leonard D. Schaeffer,

Administratror, Health Care Financing Administration.

[FR Doc. 80-9704 Filed 3-28-80; 8:45 am]
BILLING CODE 4110-35-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 79–219; RM–3099; RM–3273; FCC 80–138]

Deregulation of Radio; Denying Motion for Extension of Time

AGENCY: Federal Communications Commission.

ACTION: Proposed rule, (memorandum opinion and order).

SUMMARY: Action taken herein denies a Motion for Extension of Time to File Comments, filed by the National Citizens Committee for Broadcasting, Public Media Center, and the Consumer Federation of America, asking that the comment period in the Commission's radio deregulation proceeding be extended until 60 days after the United States Supreme Court issues its opinion in *F.C.C.* v. *WNCN Listeners Guild, et al.*

DATES: Non-Applicable.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Roger D. Holberg, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

[October 5, 1979; 44 FR 57636]

Order

Adopted: March 18, 1980.

Released: March 21, 1980.

By the Commission: Commissioner Lee absent.

1. Before the Commission for its consideration is a Motion for Extension of Time to File Comments filed by the National Citizens Committee for Broadcasting (NCCB), Public Media Center (PMC), and the Consumer Federation of America (CFA). The petitioners ask that the Commission extend the comment period in the radio deregulation proceeding until 60 days after the United States Supreme Court

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issues an opinion in *Federal Communications Commission* v. *WNCN Listeners Guild, et. al., cert. granted,* —— U.S. —— (1980).

2. The Supreme Court granted review of that case on March 3, 1980. According to petitioners, it is likely that in its opinion in the *WNCN* case, the Court will, "address the question of whether the FCC has the statutory authority to cease regulating in favor of marketplace forces." Additionally, they assert, "it is probable that the Court will address questions relating to the validity of the marketplace theory and its applications to the unique field of radio broadcasting, the procedural guarantees that the FCC must respect in pursuing deregulation, the nature of the record that is required before the FCC can undertake deregulation, and other questions having a direct or substantial relation to Radio Deregulation." Therefore, petitioners argue, absent an extension of the comment period until after the Court issues its opinion in that case, those commenting in radio deregulation will be unable to apply the *WNCN* opinion to the questions raised by the radio deregulation proceeding. By extending the comment period as requested, it is contended, those commenting will be able to point out where our deregulation proposal fails to meet standards which may be set out by the Court or, on the other hand, be saved the effort of responding to issues which may be rendered moot by *WNCN*. By waiting until after the Court's opinion to proceed further in radio deregulation, petitioners aver, the Commission, "can be assured that its final decision in Radio Deregulation does not contain fatal legal flaws."

3. Petitioners have failed to demonstrate good cause for an extension of the comment period in this proceeding. The question presented for the Court's consideration in *WNCN* is "(w)hether the Communications Act of 1934, read in the light of the First Amendment, grants to the Federal Communications Commission the discretion to follow a policy of declining to review entertainment program format changes when a radio broadcast license is renewed or transferred." (See, *Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit,* filed in the Supreme Court of the United States, No. 79–824, page 2.) While it may transpire that the Court's opinion in *WNCN* will address issues that may have some relationship to the issues presented by the radio deregulation proceeding, we do not believe that there is such a strong nexus as to warrant an extension of the comment period until after the issuance of that opinion. It is unlikely that the *WNCN* case will be argued to the Court prior to the Fall, 1980. The Court may not issue its opinion until the Spring of 1981. The extension of the comment period for a period which could turn out to be in excess of one year to await an opinion which may have some relationship to radio deregulation is not warranted.

4. Additionally, given the extent of the record already compiled by the Commission in this proceeding, including informal comments (which at their peak were being received in the amount of approximately 2,500 per day) it may be some time before the record can be thoroughly reviewed and the issues in the instant matter resolved. It may well be that the Court will issue its opinion in *WNCN* prior to the Commission's consideration of a Report and Order in the deregulation proceeding. It goes without saying that in such an event, the Commision would take account of the Court's opinion, and any requirements or standards which it may impose, in resolving the issues herein. If the Commission acts in this proceeding prior to the issuance of the Court's opinion, we are confident that any discrepancies between what the Commission decides and what the Court says will be brought to the attention of the Commission or the Courts. However, delaying this proceeding for as much as a year to await a decision which may have no bearing on the questions before us would serve no useful purpose.

5. In view of the foregoing, the petitioners' Motion for Extension of Time to File Comments, is denied.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-9691 Filed 3-28-80; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Bering Sea and Aleutian Islands Groundfish Fishery; Retention of Reserve Amounts

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Department of Commerce.

ACTION: Notice of retention of reserve amounts; response to comments.

SUMMARY: This notice (field order) announces the retention of reserve amounts of fish that were eligible on February 2, 1980 for apportionment to the total allowable level of foreign fishing (TALFF) in accordance with the provisions of the preliminary fishery management plan (PMP) for the Bering Sea and Aleutian Islands Groundfish Fishery and the regulations implementing this PMP which were published on January 4, 1980 [45 FR 1028; 50 CFR 611.93(b)(3)(iii)]. These regulations apply to vessels of foreign nations fishing for groundfish in the Bering Sea and Aleutian Islands area.

FOR FURTHER INFORMATION CONTACT: Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, Telephone: (907) 586–7221.

SUPPLEMENTARY INFORMATION: Final regulations were published by NOAA on February 14, 1980 (45 FR 9940) that apportioned 410 metric tons of the Atka mackerel reserve to domestic annual harvest (DAH) in response to public comments submitted prior to February 2, 1980. With respect to other species, the Regional Director, National Marine Fisheries Service, Alaska Region, deferred further action pending consultation with the North Pacific Fishery Management Council (Council). This notice serves to announce the Regional Director's final determination.

I. Determination of Amount of Reserve Release

Pursuant to consultation with the Council, the Regional Director has determined that no additional reserves will be apportioned to the TALFF at this time. In making this determination, the Regional Director concluded that, even though present U.S. catches have been minimal, the remaining eligible reserves should be retained until at least the next apportionment date, April 2, 1980, due to uncertainty regarding the amounts that will be caught by U.S. fishermen during the remainder of the fishing year. A significant increase in U.S. fishing effort for U.S. and foreign processors is expected. It is, therefore, presently inappropriate to apportion other eligible reserves to TALFF.

II. Response to Public Comment

The following is a single response to three comments published in summary form in the **Federal Register** on February 14, 1980 (45 FR 9940):

Response: No additional eligible reserves will be apportioned to TALFF at this time due to uncertainty regarding the amounts of fish that will be caught by U.S. fishermen.

Signed at Washington, D.C., this 21 day of March, 1980.

(16 U.S.C. Section 1801 *et seq.*)

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-9612 Filed 3-28-80; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 45, No. 63

Monday, March 31, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket 37880]

Green Mountain Airlines, Ltd.; Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to Judge Rodriguez.

Dated at Washington, D.C., March 24, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-9684 Filed 3-28-80; 8:45 am]

BILLING CODE 6320-01-M

[Order 80-3-161; Docket 37294]

Priority and Nonpriority Domestic Service Mail Rates Investigation; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of March 1980.

By Order 78–11–80, the Board adopted a review procedure and updating formula for establishing final domestic service mail rates for future periods on a semi-annual basis. The update procedure was further modified by Orders 79–7–16, 79–7–95, 79–12–128 and 80–3–160. The present order to show cause reflects all revisions adopted by the Board and proposes tentative final rates for the second quarter of calendar year 1980.

The tentative final service mail rates set forth in the attached Appendix A reflect the application of the following cost escalation factors:

1. Fuel cost: The change in average price per gallon over the last four months (September to January) is added to the January 1980 average price per gallon to arrive at the projected average price per gallon at May 15, 1980, the midpoint of the quarter for which the rates are to be effective; and

2. Other costs: Cost escalation from March 31, 1979, to March 31, 1980, is based on a comparison of unit costs for the year ended September 30, 1978, with unit costs for the year ended September 30, 1979.

These rates represent a decrease of approximately 0.17 percent for the linehaul charge and about 0.03 percent for the terminal charges from the final service mail rates established for the first quarter of calendar year 1980. The cause for the decrease is attributed to the decrease in the rate of increase in fuel prices.

The Board tentatively finds and concludes that:

(1) The fair and reasonable rates of compensation to be paid in their entirety by the Postmaster General pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, as amended, to the carriers for the transportation of that mail described in Order 79–7–16, ordering paragraph 3, subparagraphs (c), (d) and (e), between the points listed in subparagraph (c), *supra* the facilities used and useful therefor, and the services connected therewith, for the period April 1 through June 30, 1980, are those rates set forth in the attached Appendix A.

(2) Order 79–7–16, ordering paragraph 3(g), shall be amended by adding the following:

	Standard container	Daylight container
April 1, 1980 through June 30, 1980	3.473 cents	3.445 cents

(3) The fair and reasonable temporary rates of compensation for the transportation of mail by aircraft in domestic service for the period July 1, 1980, until further Board order are the rates established by this order as final rates for the period April 1 through June 30, 1980.

(4) The terms and conditions applicable to the transportation of each class of mail at the rates established here are those set forth in Order 79–7–16.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, and the Board's Procedural Regulations promulgated in 14 CFR, Part 302.

1. We direct all interested persons to show cause why the Board should not adopt the foregoing tentative findings and conclusions, and fix, determine and publish the final rates specified above to be effective April 1 through June 30, 1980.

2. We direct all interested persons having objections to the rates or to the tentative findings and conclusions proposed here to file with the Board a notice of objection within ten (10) days after the date of service of this order, and, if notice is filed, to file a written answer and any supporting documents within 30 days after service of this order.

3. If no notice is filed, or, if after notice, no answer is filed within the designated time, or if an answer timely filed raises no material issue of fact, we will deem all further procedural steps waived and we may enter an order incorporating the tentative findings and conclusions set forth here and fixing the final rates set forth in the attached Appendix A.

4. We shall serve this order upon all parties to the proceeding in Docket 23080–2.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9685 Filed 3-28-80; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Connecticut Advisory Committee; Rescheduled Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut Advisory Committee (SAC) of the Commission originally scheduled for April 16, 1980, at Hartford, Connecticut 16103, (FR Doc. 80–8100 on page 17056) has been changed.

The meeting now will be held on April 15, 1980. The place and time will remain the same.

Dated at Washington, D.C., March 25, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-9693 Filed 3-28-80; 8:45 am]

BILLING CODE 6335-01-M

V 45 / 63 MR 31 80 UMI

Iowa Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Iowa Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 2:00 p.m., on April 22, 1980, at the Ramada Inn Downtown, 929 Third Street, Room 203, Des Moines, Iowa 50309.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to hear the report of the factfinding meeting on affirmative action; and continue program planning.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 24, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-9684 Filed 3-28-80; 8:45 am]

BILLING CODE 6335-01-M

Ohio Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 3:00 p.m., on April 26, 1980, at the Department of Community Service, 90 West Broad Street, Room 124, Columbus, Ohio 44307.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to review the Cincinnati police report draft.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 24, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-9685 Filed 3-28-80; 8:45 am]

BILLING CODE 6335-01-M

New York Advisory Committee; Rescheduled Meeting

Notice is herby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the New York Advisory Committee (SAC) of the Commission originally scheduled for April 25, 1980, at Albany, New York (FR Doc. 80-8103 on page 17056) has been changed.

The meeting now will be held on April 24, 1980. The place and time will remain the same.

Dated at Washington, D.C., March 25, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-9686 Filed 3-28-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held on Thursday, April 17, 1980, at 9:30 a.m in Room 5611, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5 (c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (a) technical matters, (b) worldwide availability and actual utilization of production technology, (c) licensing procedures which affect the level of export controls applicable to computer peripherals, components and related test equipment, including technical data or other information related thereto, and (d) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has four parts:

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Subcommittee reports:
(A) Memory and Media,
(B) Foreign Availability,
(C) Display and Terminals, and
(D) Export Regulations.

Executive Session

4. Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be presented at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, has formally determined, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executve Session should be exempt from provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Committee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the **Federal Register** on September 14, 1978 (43 FR 41071).

Copies of the minutes of the General Session will be available by calling Mrs. Margaret Cornejo, Policy Planning Division, Room 1617M, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, phone 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: March 26, 1980.

Kent N. Knowles,

Director, Office of Export Administration, U.S. Department of Commerce.

[FR Doc. 80-9677 Filed 3-28-80; 8:45 am]

BILLING CODE 3510-25-M

Management-Labor Textile Advisory Committee; Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on April 17, 1980, at 1:30 p.m. in Room 6802, Department of Commerce, 14th & Constitution Avenue NW., Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the ITA Freedom of Information Officer, International Trade Administration, Records Inspection Facility, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202/377-5078.

Dated: March 24, 1980.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 80-9693 Filed 3-28-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council's Scientific and Statistical Committee and Reef Fish Advisory Subpanel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), has established a Scientific and Statistical Committee (SSC) which will meet to review procedures and policies of the SSC and the draft fishery management plans (FMPs) for Reef Fish and Coral, and has established a Reef Fish Advisory Subpanel (AP) which will meet to review a FMP.

DATES: The SSC meeting will convene on Thursday, April 24, 1980, at 9 a.m., reconvene on Friday, April 25, 1980, at 9 a.m.; adjourning at 5 p.m. on both days, in the Tampa Room of the Barclay Airport Inn, 5303 West Kennedy Boulevard, Tampa, Florida. The AP meeting will convene on Monday, April 21, 1980, at 9 a.m. and adjourn at 4 p.m., in the Venetian Room of the Holiday Inn Downtown, 316 West Tennessee Street, Tallahassee, Florida. The meetings are open to the public.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228-2815.

Dated: March 26, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-9709 Filed 3-28-80; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Notice of Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33(d) and (c) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Permit No. 135 issued to Mr. William A. Watkins and Mr. William E. Schevill, Woods Hole Oceanographic Institution, Woods Hole, MA 02543 on June 23, 1976 (41 FR 25920), as modified in July 12, 1977 (42 FR 35876), is further modified in the following manner:

Section B-11 has been changed to read, "This Permit is valid with respect to the taking authorized herein until December 31, 1984."

This modification is effective March 31, 1980.

The Permit as modified, and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731;

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668 Juneau, Alaska 99802;

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North Seattle, Washington 98109.

Dated: March 24, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-9710 Filed 3-28-80; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Notice of Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:
a. Name: Dolfinarium B.V. (P200A).
b. Address: Gebouw de Hoffdpoort, Blaak 101, 3011 GB Rotterdam, Netherlands.
2. Type of Permit: Public Display.
3. Name and Number of Animals: Atlantic bottlenose dolphins (Tursiops truncatus)—2.
4. Type of Take: To capture and maintain permanently in a facility.
5. Location of Activity: Southeast Texas Coast.
6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register** the

Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 F.R. 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) It is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the appropriate agency of the foreign government;

(b) It includes:

i. A certification from such appropriate government agency verifying the information set forth in the application;

ii. A certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. A statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Ministry of Culture, Recreation and Social Welfare of the Netherlands have been found appropriate and sufficient to allow consideration of this permit application.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: March 25, 1980.

William Aron,

Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 80-9709 Filed 3-28-80; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Kansas City Zoological Park, Swope Park (P217A).

b. Address: Kansas City, Missouri 64152.

2. Type of Permit: Public Display.

3. Name and Number of Animals: California sea lions (Zalophus californianus)—8.

4. Type of Take: Capture for permanent care and maintenance.

5. Location of Activity: California Channel Islands.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before April 30, 1980. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: March 21, 1980.

William Aron,

Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 80-9648 Filed 3-28-80; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing levels of Restraint for Certain Cotton Textile Products Exported From Brazil, Effective on April 1, 1980

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for cotton textile products in Category 337 (playsuits), 339 (women's, girls' and infants' knit shirts and blouses) and part of 369 (floor coverings) exported from Brazil, effective on April 1, 1980.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 F.R. 13172)).

SUMMARY: The Bilateral Cotton Textile Agreement of April 22, 1976, as amended and extended, between the Governments of the United States and the Federative Republic of Brazil establishes levels of restraint for certain cotton textile products, including Categories 337, 339 and 369 (pt.), produced or manufactured in Brazil and exported to the United States during the twelve-month period beginning on April 1, 1980 and extending through March 31, 1981. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of textile Agreements to the Commissioner of Customs directing that entry into the United States for consumption or withdrawal from warehouse for consumption of cotton textile products in Categories 337, 339 and 369 (pt.) be limited to the designated twelve-month levels of restraint.

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: April 1, 1980

FOR FURTHER INFORMATION CONTACT: LaWonne Cunningham, Statistical Assistant, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

U.S. Department of Commerce, *International Trade Administration,*
Washington, D.C.

Committee for the Implementation of Textile Agreements

March 26, 1980.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of April 22, 1976, as amended and extended, between the Governments of the United States and the Federative Republic of Brazil; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 1, 1980 and for the twelve-month period extending through March 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 337, 339 and 369 pt., produced or manufactured in Brazil, in excess of the following levels of restraint:

Category	12-Mo. level of restraint
337	85,595 dozen
339	243,120 dozen
369 pt.[1]	672,495 dozen

[1] In Category 369, only the following T.S.U.S.A. numbers:

360.2000	360.7800	361.1820	361.5630
360.2500	360.8100	361.5000	
360.3000	361.0510	361.5420	

In carrying out this directive entries of cotton textile products in the foregoing categories, except Category 337, produced or manufactured in Brazil which have been exported to the United States prior to April 1, 1980, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on April 1, 1979 and extending through March 31, 1980. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Category 337 that have been exported to the United States before April 1, 1980 shall not be subject to this directive.

The levels of restraint set forth above are subject to adjustment in the future according to the provisions of the Bilateral Cotton Textile Agreement of April 22, 1976, as amended and extended between the Governments of the United States and the Federative Republic of Brazil which provide, in part, that: (1) within the aggregate and applicable group limits, specific limits may be exceeded by designated percentages; (2) specific ceilings may be increased for carryover and carry forward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggeregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton tesxtile products from Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. this letter will be published in the **Federal Register.**

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements

[FR Doc 80-9665 Filed 3-28-80; 8:45 am]

BILLING CODE 3510-25-M

Soliciting Public Comment on Certain Unilateral Restraint Actions Affecting Certain Cotton and Man-Made Fiber Textile Products From the People's Republic of China

Effective on June 11, 1979, pursuant to the terms of Section 204 of the Agricultural Act of 1956, as amended, the United States Government invoked unilateral restraints on cotton textile and man-made fiber products in Categories 331, 339, 340, 347/348 and 645/646, produced or manufactured in the people's Republic of China and exported to the United States during the twelve-month period which began on May 31, 1979 and extends through May 30, 1980. The purpose of this notice is to advise that consideration is being given to extending these restraints, effective on May 31, 1980 and for the ensuring twelve-month period.

Public comment is invited on the possible extension of restraints in the above mentioned categories. This includes an invitation for comments on levels, procedures, or any other aspect related to the potential restraints.

Anyone wishing to express a view or provide data or information on these or any other points related to this issue is invited to submit such comments in ten copies to Mr. Paul T. O'Day, Chairman of the Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 3011, Washington, D.C. 20230.

Views, data or information submitted under this procedure will be available for public inspection in the Office of Textiles and Apparel, Room 2815, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, and may be obtained upon written request. Whenever practicable, public comment may be invited concerning views, comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments on any negotiation, consultation, market disruption or any other matter pursuant to this notice is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) and 554(a)(4) relating to matters which constitute "a foreign affairs function of the United States".

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-9664 Filed 3-28-80; 8:45 am]

BILLING CODE 3510-25-M

COUNCIL ON WAGE AND PRICE STABILITY

Price Advisory Committee; Supplemental Information to Notice of Meeting

TIME AND PLACE OF MEETING: On March 19, 1980, the Council on Wage and Price Stability announced that the next regularly scheduled meeting of its Price Advisory Committee would be April 9, 1980, at 10:00 a.m. in Room 2008 of the New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503. (45 Fed. Reg. 17627) The time of the meeting has been changed to 9:00 a.m.

PURPOSE OF THE MEETING: The meeting will be devoted to hearing comments from the public on the second-year price

V 45 / 63 MR 31 80 UMI

V 45 / 63 MR 31 80 UMI

standard and its relationship to the second-year pay standard.

PUBLIC PARTICIPATION: Persons interested in being heard should notify the Office of the General Counsel, Council on Wage and Price Stability, 600 17th Street, N.W., Washington, D.C. 20506, by Thursday, April 3, 1980. The notification should take the form of a written statement that includes the person's name, affiliation (if any), identification of the portion(s) of the standards or other issue(s) to be discussed, a summary of the position of the issue(s), and the amount of time requested. By close of business, Monday, April 7, 1980, the Council will issue a press release announcing the names of those persons that will be invited to present their views orally to the Committee. Interested persons that are not included on the agenda will be able to submit written comments to the Office of the General Counsel at the above address by Wednesday, April 9, 1980.

ADDITIONAL INFORMATION: For additional information regarding these procedures, please telephone the Office of Public Affairs at (202) 456–6756.

Dated: March 27, 1980.

Sally Katzen,

Advisory Committee Management Officer.

[FR Doc. 80–9829 Filed 3–28–80; 8:45 am]

BILLING CODE 3175–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Community College of the Air Force (CCAF) Advisory Committee; Meeting

The Community College of the Air Force Advisory Committee will hold a meeting on April 22, 1980 at 8:15 a.m. in the Conference Room, Number 121, Building 836, located at Maxwell Air Force Base, Montgomery, Alabama.

The meeting is open to the public.

Agenda items include: State of the College, Academic Policy Considerations, Commission on Colleges Accreditation Team Visit, and Progress of Former Graduates.

For further information contact Lt. Col. Thomas C. Padgett, (205) 293–7937, Community College of the Air Force, Maxwell AFB, Alabama 36112.

Carol M. Rose,

Air Force Federal Register, Liaison Officer.

[FR Doc. 80–9669 Filed 3–28–80; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Privacy Act of 1974: Proposed New Systems of Records, Deletions and Amendments

AGENCY: Department of the Army, DOD.

SUMMARY: The Department of the Army is proposing 2 new systems of records subject to the Privacy Act, deleting 8, and amending 14.

DATES: Proposed actions shall be effective on April 30, 1980 unless public comments result in a contrary determination requiring republication for further comments.

ADDRESS: Comments may be submitted to the Department of the Army, ATTN: DAAG–AMR–R, 1000 Independence Avenue, SW, Washington, DC 20314 prior to April 30, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Cyrus H. Fraker, Office of The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314; telephone: 202/693–0973.

SUPPLEMENTARY INFORMATION: Reports of proposed new systems of records, required by 5 USC 552a(o), were provided the Office of Management and Budget and the Congress on 13 February 1980. Systems of records being amended are not subject to the requirements of 5 USC 552a(o).

Department of the Army systems of records have been published in the following editions of the **Federal Register:**

44 FR 73729, December 17, 1979.
45 FR 1658, January 8, 1980.
45 FR 8399, February 7, 1980.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

Additions

A0102.02aDAAG

SYSTEM NAME:

102.02 Office Business Visitor Files

SYSTEM LOCATION:

Segments may be maintained at Headquarters, Department of the Army, staff and field operating agencies, commands, installation and supporting activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any visitor who represents a person, firm, corporation, academic institution or other enterprise involved in business transactions with the Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain forms which reflect the individual's name, name and address of firm represented, person/office visited, purpose of visit, and the status of individual as regards past or present affiliation with the Department of Defense.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide information to those officials of the Army responsible for monitoring/controlling visitor's status and determining purpose of visit so as to preclude conflict of interest.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name of visitor.

SAFEGUARDS:

Records are maintained in file cabinets with access limited to Division and Branch Chiefs having primary interest.

RETENTION AND DISPOSAL:

Retained for 1 year after which records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from the commander/supervisor maintaining the information.

RECORD ACCESS PROCEDURES:

Requests should be addressed to appropriate commander or supervisor. Official mailing addresses are in the Directory of United States Army Addresses following the annual compilation of Army system notices published in the **Federal Register.**

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1001.08aDAAG

SYSTEM NAME:

1001.08 Office Personnel Training Files

SYSTEM LOCATION:

Maintained by officials designated to administer agency training programs at Headquarters, Department of the Army staff, field operating agencies, major commands, installations, and activities. Official mailing addresses are in the Directory of United States Army Addresses following the annual compilation of Army system notices published in the **Federal Register.**

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM.

Military and civilian personnel employed by the Army who have been selected or scheduled for, or have recently completed training related to functional responsibilities of the office to which assigned or are in furtherance of individual's career development.

CATEGORIES OF RECORDS IN THE SYSTEM

Records pertain to the scheduling and follow-up of military and civilian training courses. Documents include (a) annual projection of individual training necessary to maximize personal career development goals and mission accomplishment; (b) tuition, personnel and travel costs; (c) course name and training facility at which offered; and (d) personal data including name, rank/grade, social security number (SSN), security clearance, resume of educational background to include academic achievements, on-the-job and formal classroom training, and related management reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM.

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide management and individuals with reports of training completion, courses scheduled to be taken, and related required actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer magnetic tapes and disks.

RETRIEVABILITY:

By name and/or SSN.

SAFEGUARDS:

All records are maintained in secured buildings, in either file cabinets or areas accessible only to authorized persons having a need-to-know. Computer rooms are accessible only by authorized personnel through controlled access. Computer software precludes unauthorized access to the file by use of a system password and system lock-out procedures.

RETENTION AND DISPOSAL:

Records are destroyed after 1 year or when no longer required.

SYSTEM MANAGER(S) AND ADDRESS:

Commander of organization/activity maintaining the record.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Requests should be addressed to appropriate commander/training officer/supervisor. Written requests should include full name of individual and SSN. For personal visits, individual must provide acceptable identification, such as driver's license, military or civilian identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Individual applying for training, his/her supervisor, agency training officer, or from office personnel files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Deletions

A0102.02aDARCOM

SYSTEM NAME:

102.02 Office Personnel Register Files (44 FR 73770), December 17, 1979.

REASON:

Records are described in proposed new system A0102.02aDAAG, Office Business Visitor Files, published herein.

A0810.15AMC

SYSTEM NAME:

810.15 Training Summary (44 FR 73916), December 17, 1979.

REASON:

Records are described in proposed new system A1001.08aDAAG, Office Personnel Training Files, published herein.

A0929.04aDASG

SYSTEM NAME:

929.04 Animal Death Certificate Files (44 FR 73945), December 17, 1979.

REASON:

Records are described in amended system A0929.02aDASG, Privately Owned Animal Record Files, published herein.

A1001.07dUSAREUR

SYSTEM NAME:

1001.07 Training Management System (44 FR 73947), December 17, 1979.

REASON:

Records are described in proposed new system A1001.08aDAAG, Office Personnel Training Files, published herein.

A1001.08aMTMC

SYSTEM NAME:

1001.08 Computer Directed Training System (CDTS) (44 FR 73948), December 17, 1979.

REASON:

Records are described in proposed new system A1001.08aDAAG, Office Personnel Training Files, published herein.

A1008.05aUSAMSSA

SYSTEM NAME:

1008.05 SMART (System to Manage AMSSA Required Training) (44 FR 73950), December 17, 1979.

REASON:

Records are described in proposed new system A1001.08aDAAG, Office Personnel Training Files, published herein.

A1012.01dAMC

SYSTEM NAME:

1012.01 Student Selection Files (44 FR 73954), December 17, 1979.

REASON:

Records are described in proposed new system A1001.08aDAAG, Office Personnel Training Files, published herein.

A1012.03rUSACSC

SYSTEM NAME:

1012.03 Training/Development Records USACSC Military Personnel (44 FR 73963), December 17, 1979.

REASON:

Records are described in proposed new system A1001.08aDAAG, Office Personnel Training Files, published herein.

Amendments

A0506.05aUSMACTHAI

SYSTEM NAME:

506.05 Diplomatic Immunity Roster (44 FR 73828), December 17, 1979.

CHANGES:

SYSTEM IDENTIFICATION:

Amend to read: "A0506.05DAAG".

SYSTEM LOCATION:

Delete entry and substitute: "Washington National Records Center, General Services Administration, Suitland, MD 20409."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and substitute: "Any member who was assigned to any of the following units which were stationed in Thailand: 7th Radio Relay Field Station; 6024 Security Squadron; Navy Detachment, Radio Relay Field Station; 4802 Joint Liaison Detachment; 17th DAR Squadron; Postal Courier Region, AI16, Det 1, 1985th Communications Squadron; 6201 Aerospace Support Squadron; Department of Defense (DOD) Special Representative, Thailand; and General Electric, Kokha."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete "Royal Thai Government and".

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete all entries and substitute: "Records are used only to answer inquiries."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

SAFEGUARDS:

Delete sentence "Rooms within some buildings are double locked."

RETENTION AND DISPOSAL:

Delete entry and substitute: "Normal disposition procedures were preempted by imposition of a DOD moratorium. At the present time, these records will be retained indefinitely."

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and substitute: "The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314."

NOTIFICATION PROCEDURE:

Delete entry and substitute: "Information may be obtained from HQDA (DAAG–AMR–S), Room GA–080, Forrestal Building, Washington, DC 20314; telephone: Area Code 202/693–1845."

RECORD ACCESS PROCEDURES:

Delete entry and substitute: "Requests should be submitted to The Adjutant General, HQDA (DAAG–AMR–S), Washington, DC 20314. Requesters should furnish their full name and any information that would readily identify the record sought. Personal visits are not permitted."

CONTESTING RECORD PROCEDURES:

Delete period and add "(32 CFR Part 505)."

A0509.19cUSMACTHAI

SYSTEM NAME:

509.19 Vehicle Registration File (44 FR 73841), December 17, 1979.

CHANGES:

SYSTEM IDENTIFICATION:

Amend to read: "A0509.19cDAAG".

SYSTEM LOCATION:

Delete entry and substitute: "Washington National Records Center, General Services Administration, Suitland, MD 20409."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and substitute: "Any US Government personnel who resided in Thailand and who was required to register vehicles under USMACTHAI Regulation 1–13."

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete "RTG" and substitute: "Royal Thai Government".

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and substitute: "Records are used only to answer inquiries."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In second sentence, change "POV" to read: "Privately Owned Vehicle(s) (POV)".

SAFEGUARDS:

Delete entry and substitute: "Building employs security guards. Records are maintained in storage areas accessible only to authorized personnel."

RETENTION AND DISPOSAL:

Delete entry and substitute: "Normal disposition procedures were preempted by imposition of a Department of Defense moratorium. At the present time, these records will be retained indefinitely."

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and substitute: "The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314."

NOTIFICATION PROCEDURE:

Delete entry and substitute: "Information may be obtained from HQDA (DAAG–AMR–S), Room GA–080, Forrestal Building, Washington, DC 20314; telephone: Area Code 202/693–1845."

RECORD ACCESS PROCEDURES:

Delete entry and substitute: "Requests should be submitted to The Adjutant General, HQDA (DAAG–AMR–S), Washington, DC 20314. Requesters should furnish their full name and any information that would readily identify the record sought. Personal visits are not permitted."

CONTESTING RECORD PROCEDURES:

Delete "AR 340–21" and substitute: "Army Regulation 340–21 (32 CFR Part 505)."

A0509.20aUSMACTHAI

SYSTEM NAME:

509.20 Ration Control/Commissary/Cosmetic Purchase File (44 FR 73842), December 17, 1979.

CHANGES:

SYSTEM IDENTIFICATION:

Amend to read: "A0509.20aDAAG".

SYSTEM LOCATION:

Delete entries and substitute: "Washington National Records Center, General Services Administration, Suitland, MD 20409."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and substitute: "Individuals who made purchases in Thailand Regional Exchange (TRE) facilities."

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entries and substitute: "Major Item Ration Control Printout: The master file was used to produce listing on an 'as required' basis of all major TRE purchases made by an individual.

Commissary Printout: Used to produce a listing of individuals who overspent their monthly dollar amount in the commissary.

PX, Commissary, Class VI Questionnaire File: Used to issue ration control cards on a semiannual basis; record all requests for supplemental purchases, items control of MACT Form 120, and major household appliance purchases.

PACEX Catalog Purchase File: Used to produce a listing of all items purchased by an individual from PACEX on an 'as required' basis.

Ration Control Registers: Used for control of MACT Forms 36S, 36D, 36U, 81, and 57.

Duty-Free Inspection File: Used to provide information on proper disposition of duty-free merchandise."

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and substitute: "Records are used only to answer inquiries."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Delete entry and substitute: "Records are in file folders and on computer printouts in file cabinets within a Government secure building."

SAFEGUARDS:

Delete entry and substitute: "Building employs security guards. Records are maintained in storage areas accessible only to authorized personnel."

RETENTION AND DISPOSAL:

Delete entry and substitute: "Normal disposition procedures were preempted by imposition of a Department of Defense moratorium. At the present time, these records will be retained indefinitely."

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and substitute: "The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314."

NOTIFICATION PROCEDURE:

Delete entry and substitute: "Information may be obtained form HQDA (DAAG–AMR–S), Room GA–080, Forrestal Building, Washington, DC 20314; telephone: Area Code 202/693–1845."

RECORD ACCESS PROCEDURES:

Delete entry and substitute: "Requests should be submitted to The Adjutant General, HQDA (DAAG–AMR–S), Washington, DC 20314. Requesters should furnish their full name and any information that would readily identify the record sought. Personal visits are not permitted."

CONTESTING RECORD PROCEDURES:

Delete "AR 340–21" and substitute: "Army Regulation 340–21 (32 CFR Part 505)".

RECORD SOURCE CATEGORIES:

Delete entry and substitute: "Applications and related forms from individuals who requested ration control privileges in Thailand."

A0509.20bUSMACTHAI

SYSTEM NAME:

509.20 Alphabetical Roster (Thailand) (44 FR 73843), December 17, 1979.

CHANGES:

SYSTEM IDENTIFICATION:

Amend to read: "A0509.20bDAAG".

SYSTEM LOCATION:

Delete entry and substitute: "Washington National Records Center, General Services Administration, Suitland, MD 20409."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and substitute: "Military and civilian US National personnel who were assigned to USMACTHAI/JUSMAGTHAI and the US Embassy, Thailand, who were authorized duty-free privileges by the Thai Government."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete "and US-Thai agreements".

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entries and substitute: "Records are used only to answer inquiries."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

SAFEGUARDS:

Delete entry and substitute: "Building employs security guards. Records are maintained in storage areas accessible only to authorized personnel."

RETENTION AND DISPOSAL:

Delete entries and substitute: "Normal disposition procedures were preempted by imposition of a Department of Defense moratorium. At the present time, these records will be retained indefinitely."

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and substitute: "The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314."

NOTIFICATION PROCEDURE:

Delete entry and substitute: "Information may be obtained from HQDA (DAAG–AMR–S), Room GA–080, Forrestal Building, Washington, DC 20314; telephone: Area Code 202/693–1845."

RECORD ACCESS PROCEDURES:

Delete entries and substitute: "Requests should be submitted to The Adjutant General, HQDA (DAAG–AMR–S), Washington, DC 2314. Requesters should furnish their full name and any information that would readily identify the record sought. Personal visits are not permitted."

CONTESTING RECORD PROCEDURES:

Delete "AR 340–21" and substitute: "Army Regulation 340–21 (32 CFR Part 505)".

A0708.01aDAPC

SYSTEM NAME:

708.01 Military Personnel Records Jacket Files (MPRJ) (44 FR 73865), December 17, 1979.

CHANGES:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the last paragraph, delete information following "Title 21 U.S.C., Section 1175" and add: "and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 73728 do not apply to these records."

A0708.01bNGB

SYSTEM NAME:

708.01 Army National Guard Automated Personnel Reporting System (44 FR 73866), December 17, 1979.

CHANGES:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the last paragraph, delete information following "Title 21 U.S.C., Section 1175" and add: "and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 73728 do not apply to these records."

A0708.01cNGB

SYSTEM NAME:

708.01 Military Personnel Records Jacket (MPRJ)(NGB) (44 FR 73867), December 17, 1979.

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CHANGES:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the last paragraph, delete information following "Title 21 U.S.C., Section 1175" and add: "and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 73728 do not apply to these records."

A0708.02aDAPC

SYSTEM NAME:

708.02 Official Military Personnel File (44 FR 37868), December 17, 1979.

CHANGES:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OS SUCH USES:

In the last paragraph, delete information following "Title 21 U.S.C., Section 1175" and add: "and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 73728 do not apply to these records."

A0708.02bNGB

SYSTEM NAME:

708.02 Official Military Personnel File (Army National Guard) (44 FR 73869), December 17, 1979.

CHANGES:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the last paragraph, delete information following "Title 21 U.S.C., Section 1175" and add: "and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 73728 do not apply to these records."

A0902.07aDASG

SYSTEM NAME:

902.07 Medical Regulating Files (44 FR 73918), December 17, 1979.

CHANGES:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the last paragraph, delete information following "Title 21 U.S.C., Section 1175" and add: "and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 73728 do not apply to these records."

A0905.05aUSMACTHAI

SYSTEM NAME:

905.05 Active Claims for Medical Care Provided Under CHAMPUS File (44 FR 73921), December 17, 1979.

CHANGES:

SYSTEM IDENTIFICATION:

Amend to read: "A0905.05DAAG".

SYSTEM LOCATION:

Delete entry and substitute: "Washington National Records Center, General Services Administration, Suitland, MD 20409."

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES: DELETE ENTRY AND SUBSTITUTE: "RECORDS ARE USED ONLY TO ANSWER INQUIRIES."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

SAFEGUARDS:

Delete entry and substitute: Building employs security guards. Records are maintained in storage areas accessible only to authorized personnel."

RETENTION AND DISPOSAL:

Delete entry and substitute: "Normal disposition procedures were preempted by imposition of a Department of Defense moratorium. At the present time, these records will be retained indefinitely."

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and substitute: "The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314."

NOTIFICATION PROCEDURE:

Delete entry and substitute: "Information may be obtained from HQDA (DAAG–AMR–S), Room GA–080, Forrestal Building, Washington, DC 20314; telephone: Area Code 202/693–1845."

RECORD ACCESS PROCEDURES:

Delete entry and substitute: "Requests should be submitted to The Adjutant General, HQDA (DAAG–AMR–S), Washington, DC 20314. Requesters should furnish their full name and any information that would readily identify the record sought. Personal visits are not permitted."

CONTESTING RECORD PROCEDURES:

Delete entry and substitute: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505)."

A0917.01aDASG

SYSTEM NAME:

917.01 Medical Treatment Record Files (44 FR 73932). December 17, 1979.

CHANGES:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

In the last paragraph, delete information following "Title 21 U.S.C., Section 1175" and add: "and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 73728 do not apply to these records."

A0917.09aDASG

SYSTEM NAME:

917.09 Alcohol and Drug Abuse Rehabilitation Files (44 FR 73935), December 17, 1979.

CHANGES:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete all entries and substitute: "Blanket 'routine uses' identified in 44 FR 72728 do not apply to this system of records.

Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175, as amended by 88 Stat. 137, and Title 42 U.S.C., Section 4582, as amended by 88 Stat. 131. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains.

Within the Armed Forces or within those components of the Veterans Administration furnishing health care to veterans or between such components and the Armed Forces.

To medical personnel outside the Armed Forces to the extent necessary to meet a bona fide medical emergency.

To Government personnel for the purpose of obtaining benefits to which the patient is entitled.

To qualified personnel for the purpose of conducting scientific research, management or financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose identities in any manner.

To a court of competent jurisdiction upon authorization by an appropriate order after showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure."

A0929.02aDASG

SYSTEM NAME:

929.02 Privately Owned Animal Record Files (44 FR 73945), December 17, 1979.

CHANGES:

SYSTEM LOCATION:

Delete entry and substitute: "Veterinarian service at medical facilities on Army installations and activities. Official mailing addresses are in the Directory of United States Army Addresses following the annual compilation of Army system notices published in the **Federal Register**."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and substitute: "Persons whose privately owned animals receive veterinary care."

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and substitute: "Record contains name, home address, and telephone number of animal's owner; treatment of animal; and related information."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Change "–1085" to "thru 1087".

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and substitute: "To record registration, vaccination, and/or treatment of animals; to compile statistical data; and to identify animals registered with the Veterinary Animal Disease Prevention and Control Facility in connection with the Veterinary Preventive Medicine and Zoonotic Disease Control Program."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

RETRIEVABILITY:

Delete entry and substitute: "Alphabetically by the animal owner's last name."

SAFEGUARDS:

Delete entry and subsutite: "Records are maintained in buildings which are locked when unattended, and are accessed only by authorized personnel having an official need-to-know."

RETENTION AND DISPOSAL:

Delete entry and substitute: "Destroyed within 6 months of death of the animal, expiration of rabies vaccination, or transfer of owner."

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and substitute: "The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310."

NOTIFICATION PROCEDURE:

Delete entry and substitute: "Information may be obtained from the veterinary facility where the animal was treated or euthanized."

RECORD ACCESS PROCEDURES:

Delete entry and substitute: "Written requests should contain the animal owner's full name, home address, and telephone number; and the animal's rabies vaccination number.

Personal vistis may be made to the veterinary facility where animal was treated. Owner must provide personal identification such as a valid military identification card or driver's license."

CONTESTING RECORD PROCEDURES:

Delete period and add: "(32 CFR Part 505)."

RECORD SOURCE CATEGORIES:

Change period to comma and add: "veterinarian reports, and similar or related documents."

A0506.05DAAG

SYSTEM NAME:

506.05 Diplomatic Immunity Roster.

SYSTEM LOCATION:

Washington National Records Center, General Services Administration, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any member who was assigned to any of the following units which were stationed in Thailand: 7th Radio Relay Field Station; 6024 Security Squandron; Navy Detachment, Radio Relay Field Station; 4802 Joint Liaison Detachment; 17th DAR Squadron; Postal Courier Region, AI16, Det 1, 1985th Communications Squadron; 6201 Aerospace Support Squadron; Department of Defense (DOD) Special Representative, Thailand; and General Electric, Kokha.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's name, social security number (SSN), and organization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used only to answer inquiries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

IBM card stock and rosters in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Building employs security guards. Records are maintained in storage areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Normal disposition procedures were preempted by imposition of a DOD moratorium. At the present time, these records will be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from HQDA (DAAG–AMR–S), Room GA–080, Forrestal Building, Washington, DC 20314; telephone: Area Code 202/693–1845.

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RECORD ACCESS PROCEDURES:

Requests should be submitted to the Adjutant General, HQDA (DAAG–AMR–S), Washington, DC 20314. Requesters should furnish their full name and any information that would readily identify the record sought. Personal visits are not permitted.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Messages and other written communications from the individual units requesting members' addition or deletion from the roster.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0509.19cDAAG

SYSTEM NAME:

509.19 Vehicle Registration File.

SYSTEM LOCATION:

Washington National Records Center, General Services Administration, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any US Government personnel who resided in Thailand and who was required to register vehicles under USMACTHAI Regulation 1–13.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains information related to importing, local purchase, and vehicle registration with the Royal Thai Government.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C, Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used only to answer inquiries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Vehicle Registration File is a card file. Privately Owned Vehicle(s) (POV) records are in file folders. Files of the various categories of POV are on computer printouts.

RETRIEVABILITY:

All records are filed alphabetically. In addition, the files on the categories of POV are also retrieved by license plate number.

SAFEGUARDS:

Building employs security guards. Records are maintained in storage areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Normal disposition procedures were preempted by imposition of a Department of Defense moratorium. At the present time, these records will be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314.

NOTICIFICATION PROCEDURE:

Information may be obtained from HQDA (DAAG–AMR–S), Room GA–080, Forrestal Building, Washington, DC 20314; telephone; Area Code 202/693–1845.

RECORD ACCESS PROCEDURES:

Requests should be submitted to The Adjutant General, HQDA (DAAG–AMR–S), Washington, DC 20314. Requesters should furnish their full name and any information that would readily identify the record sought. Personal visits are not permitted.

CONTESTING RECORD PROCEDURES:

The Army rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Information is obtained from individuals and messages.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0509.20aDAAG

SYSTEM NAME:

509.20 Ration Control/Commissary/ Cosmetic Purchase File

SYSTEM LOCATION:

Washington National Records Center, General Services Administration, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who made purchases in Thailand Regional Exchange (TRE) facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Major Item Ration Control Printout: The master file was used to produce listing on an "as required" basis of all major TRE purchases made by and individual.

Commissary Printout: Used to produce a listing of individuals who overspent their monthly dollar amount in the commissary.

PX, Commissary, Class VI Questionnaire File: Used to issue ration control cards on a semiannual basis; record all requests for supplemental purchases, items under control of MACT Form 120, and major household appliance purchases.

PACEX Catalog Purchase File: Used to produce a listing on all items purchased by an individual from PACEX on an "as required" basis.

Ration Control Registers: Used for control of MACT Forms 36S, 36D, 36U, 81, and 57.

Duty-Free Inspection File: Used to provide information on proper disposition of duty-free merchandise.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used only to answer inquiries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are in file folders and on computer printouts in file cabinets within a Government secured building.

RETRIEVABILITY:

Information on the printouts is retrieved by social security number (SSN) and by Ration Control Unit Number. Information on PX, Commissary, Class VI File is retrieved by name and unit. Information on Duty-Free Inspection File is retrieved by name.

SAFEGUARDS:

Building employs security guards. Records are maintained in storage areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Normal disposition procedures were preempted by imposition of a Department of Defense moratorium. At the present time, these records will be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from HQDA (DAAG–AMR–S), Room GA–080, Forrestal Building, Washington, DC 20314; telephone: Area Code 202/693–1845.

RECORD ACCESS PROCEDURES:

Requests should be submitted to The Adjutant General, HQDA (DAAG–AMR–S), Washington, DC 20314. Requesters should furnish their full name and any information that would readily identify the record sought. Personal visits are not permitted.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Applications and related forms from individuals who requested ration control privileges in Thailand.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0509.20bDAAG

SYSTEM NAME:

509.20 Alphabetical Roster (Thailand)

SYSTEM LOCATION:

Washington National Records Center, General Services Administration, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian US National personnel who were assigned to USMACTHAI/JUSMAGTHAI and the US Embassy, Thailand, who were authorized duty-free privileges by the Thai Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

File consists of punched cards prepared from paper forms. Multiple copies of the entire system are produced by photo-offset process. The information stored includes: name, rank or grade, social security number (SSN), branch of service, duty section, date of rank (if military), number of dependents in Thailand, date eligible to return from overseas, duty phone number, quarters phone number, wife's first name (if in Thailand), individual's date of birth, and local address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used only to answer inquiries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punch cards in card files; printed paper rosters in booklet form.

RETRIEVABILITY:

Category (military or civilian), then alphabetically by last name of individual.

SAFEGUARDS:

Building employs security guards. Records are maintained in storage areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Normal disposition procedures were preempted by imposition of a Department of Defense moratorium. At the present time, these records will be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from HQDA (DAAG–AMR–S), Room GA–080, Forrestal Building, Washington, DC 20314; telephone: Area Code 202/693–1845.

RECORD ACCESS PROCEDURES:

Requests should be submitted to The Adjutant General, HQDA (DAAG–AMR–S), Washington, DC 20314. Requesters should furnish their full name and any information that would readily identify the record sought. Personal visits are not permitted.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Individual concerned and official records of the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0708.01aDAPC

SYSTEM NAME:

708.01 Military Personnel Records Jacket Files (MPRJ)

SYSTEM LOCATION:

United States Army Reserve Components Personnel and Administration Center (RCPAC), each Army command/organization/detachment, and each Army Reserve command/organization/detachment.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted, warrant officers, and commissioned officers on active duty in the United States (US) Army: enlisted, warrant officers, and commissioned officers of the US Army Reserve in active reserve (non-unit or unit) status; all living retired persons; commissioned/warrant officers separated after 30 June 1917 and enlisted personnel separated after 31 October 1912.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain qualification record; emergency data record; enlistment record and related service agreement/ extension/active duty orders; military occupational specialty (MOS) evaluation data report; group life insurance election; record of induction; security questionnaire; transfer/ discharge report; license application; language proficiency questionnaire; police record check; current declaration of parent/guardian; statement of personal history; identification card application; Veterans Administration (VA) compensation forms and related papers; security clearance; certificate/ determination; airborne jump record; dependent medical care statement and related forms; training and experience records; Department of Defense (DOD) summary sheet for review of conscientious objector; oath of extension of enlistment; survivor benefit plan election certificate; efficiency report; application/nomination for assignment; achievement certificates; summarized record of proceeding, record of proceeding and appellate or other supplementary actions, Article 15 (Title 10 U.S.C., Section 815); weight control record; personnel screening and evaluation record; individual statement relating to removal from temporary disability retired list; change of name statements; enlistment statement application/approval/disapproval/ classification/removal for discharge/ identification as conscientious objector; requests for appointment; affidavits relating retention beyond expiration of term of service; prior service enlistment documents; certificate barring reenlistment; waivers for enlistment; physical evaluation board letters/ election/summaries/status of conditions; authority to change name/ birth date; statement of military service; record brief (SIDPERS); letters of failure to complete Army school; certificate of completion of Army school; MOS classification board proceedings; award

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of MOS; waiver of right to deferment; agreement for noncombatant-duty; citation of award; correspondence relating to badges, medals, and unit awards; correspondence/authorization/orders regarding foreign decorations; correspondence regarding Medal of Honor and certification to VA; letters of appreciation/commendation; recommendations/approvals/declinations/board proceedings/announcement relating to promotion/reduction; correspondence/letters/administrative reprimands/censures/admonitions relating to apprehensions/confinement/discipline; letters of sympathy relating to a deceased member; dependent travel and movement of household goods and acknowledgement of restriction; document and orders relating to National Guard status; adverse suitability information; personal indebtedness correspondence and related papers; statement of involuntary retirement; orders/revocation/amendments/indorsements/extracts relating to active duty/awards/change data/court martial/discharge/enlistment/reenlistment/MOS award/proficiency pay/promotion/reduction/release/retirement/temporary duty; individual flight records/physical examination records/aviator flight record/instrument certification papers/application for identification cards/other training/proficiency/evaluation forms, records, and papers; other corrspondence/letters/documents/papers relating to duty status/leave/pass/organizational entitlements. Correspondence among the (1) United States Army Military Personnel Center (MILPERCEN), (2) service member, (3) Army Staff offices, (4) Army commands, (5) other Federal agencies, and (6) general public to commander or service member.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Army command or US Army Reserve command of assignment/station/location of the Army or Army Reserve service member: To provide day-to-day administration, training, qualification, reenlistment, discharge, and related matters pertaining to individual's military service; to publish officer registers/rosters as authorized by Title 10 U.S.C., Section 122.

Inquiries are received for information, documents, papers, and records which are provided to the requester to enable the agency to adjudicate claims, perform investigative actions, support criminal cases, state determinations, research, security clearance, citizenship, location and other related uses consistent with the functional and statutory responsibility of the agency.

Agencies using files are: Central Intelligence Agency; Department of Agriculture; Department of Commerce; Department of Health, Education and Welfare; Department of Housing and Urban Development; Department of Interior; Department of Labor; Department of State; Department of Transportation; Department of Treasury; American Battle Monuments Commission; Atomic Energy Commission; Civil Aeronautics Board; Federal Communications Commission; Federal Aviation Administration; VA; US Postal Service; Office of Personnel Management; Selective Service System; DOD agencies, elements, and military departments; Social Security Administration; Defense agencies of the North Atlantic Treaty Organization, and military commands thereof (i.e., Supreme Headquarters Allied Powers Europe (SHAPE) and its subordinate commands of Allied Forces Northern (AFNORTH), Central (AFCENT), Central Army Group (CENTAG), Southern (AFSOUTH), and Allied Land Forces Southeast Europe (LANDSOUTHEAST); State, county, and city welfare organizations when information is required to conduct business of the agency concerned; penal institutions when the individual is a patient or an inmate; and State, county, and city probation/parole and pardon officers for use in presentencing or parole investigations; correspondence with next-of-kin in accordance with Army Regulation 630–10; and other elements of the Federal Government in accordance with their respective authority and responsibility.

Patriotic societies incorporated under the provisions of Title 36 U.S.C. in consonance with their respective corporate mission when their use of records or information is in furtherance of the welfare, morale, or mission of the service members of the Army.

Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket "routine uses" identified in 44 FR 73728 do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS, IN THE SYSTEM:

STORAGE:

Paper records in record jacket folder.

RETRIEVABILITY:

Records accessed by name.

SAFEGUARDS:

Records maintained in areas accessible only to authorized personnel; transferred from station to station in personal possession of individual concerned or by US mail.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AN ADDRESS:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the commander of the organization to which the service member is assigned; for retired and non-unit reserve personnel, information may be obtained from the United States Army Reserve Components Personnel and Administration Center, 9700 Page Avenue, St. Louis, MO 63132; for separated and deceased personnel, notify the National Personnel Records Center, General Services Administration, 9700 Page Avenue, St. Louis, MO 63132.

RECORD ACCESS PROCEDURES:

Written requests for information should include the full name, service identification number, branch of service of an officer, and current address. Visits should be made to the Consolidated Military Personnel Activity (COMPACT) or the Military Personnel Office (MILPO) of the organization/station of the service member concerned or the United States Army Reserve Components Personnel and Administration Center.

For personal visits, the requester should provide acceptable identification, i.e., military identification card or other identification normally acceptable in the transaction of business.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from Headquarters, Department of the Army (DAPC–MSO), 200 Stovall Street, Alexandria , VA 22332.

RECORD SOURCE CATEGORIES:

Letters, statements, forms, records, and related papers originating with the service member, generated by Army Staff offices, Army commands, other Federal agencies in accordance with their respective functional or statutory requirements; and by the general public or the commander of service member when such papers related to the service status of the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0708.01bNGB

SYSTEM NAME:

708.01 Army National Guard Automated Personnel Reporting System.

SYSTEM LOCATION:

Primary System: National Guard Computer Center, National Guard Bureau, Columbia Building, 5611 Columbia Pike, Falls Church, VA 22041.

Decentralized Segments: Offices of the Adjutants General, of all States, Puerto Rico, the Virgin Islands, and the District of Columbia and units of the Army National Guard (ANG) not on active duty.

CATEGORIES OF INDIVIDUAL COVERED BY THE SYSTEM:

Each individual who is a member of the ANG in a commissioned officer, warrant officer, or enlisted status.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains items of data relating to individual's service which have been extracted from his/her military records or computed from the information contained therein. The records from which the data are extracted are: military personnel records jacket; financial records data folder; health records; statement of service; qualification record; group life insurance election; application for appointment; enlistment records; medical examination; active duty report; record of retirement points; notification of eligibility for retired pay at age 60; voluntary reduction; academic report; officer evaluation report; transcript of military record; oath of enlistment extension; temporary disability record; change of name; statement for enlistment; acknowledgement of service requirements; report of proceedings of physical fitness board; report of proceedings of physical review board; birth certificate; citizenship statement and status; record of security clearance; educational constructive credit; educational transcript; flight record; Federal recognition orders; special orders; recommendation for promotion; notification of non-selection for promotion; miscellaneous correspondence documents and other military orders relating to military service including information pertaining to dependents, interservice actions, intraservice actions, assignments, details, military qualifications, determinations, reliefs, component, branch of service, military awards, pay entitlements, releases, transfers, and other military service data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 275; Title 32 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Defense and Department of the Army (DA) (to include United States Army Forces Command (FORSCOM) and United States Army Reserve Components Personnel and Administration Center (RCPAC)): To provide feeder information necessary to enable computation of the monthly pay for each member of the ANG who is paid by the Joint Military Pay System for Reserve Components of the Army; to provide suspense information to assure completion of individual personnel actions required by Federal statute at the expiration of specified periods of time. These actions are: removal from an active status upon completion of maximum periods of service or attainment of maximum ages; to provide lists of female personnel to facilitate selection of individuals for specialized assignments in connection with ANG activities; to provide lists of military chaplains and chaplains' assistants to facilitate the selection of individuals for specialized duties or training.

Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket "routine uses" identified in 44 FR 73728 do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic computer tape.

RETRIEVABILITY:

By name, social security number, or automatic data processing parameter.

SAFEGUARDS:

Access to data storage area and distribution of printouts are controlled. Approval of functional manager must be obtained before data may be retrieved or distributed.

RETENTION AND DISPOSAL:

Data retained in file until updated or service of individual is terminated. In case of enlisted personnel, the data are destroyed 1 month after individual is separated from the ANG. In the case of commissioned officers and warrant officers, the data are retained indefinitely in separate file.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, National Guard Bureau, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from: Chief, Army Personnel Division, National Guard Bureau, The Pentagon, Washington, DC 20310.

RECORD ACCESS PROCEDURES:

Written requests for information should contain full name of individual, service identification number, current military status, and appropriate return address.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Enlistment, appointment, or commission related forms pertaining to the individual having a current or former military status; academic, training, or qualification records acquired prior to or during military service; correspondence, forms, records, documents, and other

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related papers originating in or collected by DA Staff agencies and commands; other Federal departmental agencies, administrations, Federal separate agencies, commissions, boards, service, or authority; State and local governmental entities; civilian education and training institutions; and members of the public when such information directly concerns the military service member.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0708.01cNGB

SYSTEM NAME:

708.01 Military Personnel Records Jacket (NPRJ) (NGB)

SYSTEM LOCATION:

Each National Guard Armory in all states, Puerto Rico, the Virgin Islands, and the District of Columbia.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted personnel, warrant officers, and commissioned officers who are members of the Army National Guard (ANG) not on active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain qualification record; emergency data record; enlistment record and related service agreement/extension/active duty orders; military occupational specialty (MOS) evaluation data report; group life insurance election; record of induction; security questionnaire; transfer/discharge report; license application; language proficiency questionnaire; police record check; current declaration of parent/guardian; statement of personal history; identification card application; Veterans Administration (VA) compensation forms and related papers; security clearance; certificate/determination; airborne jump record; dependent medical care statement and related form; training and experience records; Department of Defense (DOD) summary sheet for review of conscientious objector; oath of extension of enlistment; survivor benefit plan election certificate; efficiency report; application/nomination for assignment; achievement certificates; summarized record of proceedings, record of proceeding and appellate or other supplementary actions, Article 15 (Title 10 U.S.C., Section 815); weight control record; personnel screening and evaluation record; individual statement relating to removal from temporary disability retired list; change of name statements; enlistment statement application/approval/disapproval/classification/removal for discharge/identification as conscientious objector; requests for appointment; affidavits relating retention beyond expiration of term of service; prior service enlistment documents; certificate barring reenlistment; waivers for enlistment; physical evaluation board letters/election/summaries/status of conditions; authority to change name/birth date; statement of military service; record brief; letters of failure to complete Army school; certificate of completion of Army school; MOS classification board proceedings; award of MOS; waiver of right to deferment; agreement for noncombatant duty; citation of award; correspondence relating to badges, medals, and unit awards; correspondence/authorizations/orders regarding foreign decorations; correspondence regarding Medal of Honor and certification to VA; letters of appreciation/commendation; recommendations/approvals/declinations/board proceedings/announcements relating to promotion/reduction; correspondence/letters/administrative reprimands/censures/admonitions relating to apprehensions/confinement/discipline; letters of sympathy relating to a deceased member; dependent travel and movement of household goods and acknowledgement of restriction; document and orders relating to National Guard status; adverse suitability information; personal indebtedness correspondence and related paper; statement of involuntary retirement; orders/revocations/amendments/extracts relating to active duty/awards/change data/court martial/discharge/enlistment-reenlishment/MOS award/proficiency pay/promption/reduction/release/retirement/temporary duty; individual flight records/physical examination records/aviator flight record/instrument certification papers/application for identification cards; other training/proficiency/evaluation forms, records, and papers; other correspondence/letters/documents/papers relating to duty status/leave/pass/organizational entitlements. Correspondence between the (1) United States Army Military Personnel Center (MILPERCEN), (2) service member, (3) Army Staff offices, (4) Army commands, (5) other Federal agencies, and (6) general public to commander or service member.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C., Section 301; Title 10 U.S.C., Sections 275 and 3012; and Title 32 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Army command, United States Army Reserve Command or ANG Command of assignment/station/location of the Army, Army Reserve or ANG service member: To provide day-to-day administration, training, qualification, reenlistment, discharge, and related matters pertaining to individual's military service; to publish officer registers/rosters as authorized by Title 10 U.S.C., Section 122.

Inquires are received for information, documents, papers, and records which are provided to the requester to enable the agency to adjudicate claims, perform investigative actions, support criminal cases, state determinations, research, security clearance, citizenship, location and other related uses consistent with the functional and statutory responsibility of the agency. Agencies using files are: Central Intelligence Agency; Department of Agriculture, Department of Commerce; Department of Health, Education and Welfare; Department of Housing and Urban Development; Department of Interior; Department of Labor; Department of State; Department of Transportation; Department of Treasury; American Battle Monuments Commission; Atomic Energy Commission; Civil Aeronautics Board; Federal Aeronautics Board; Federal Communications Commission; Federal Aviation Administration; VA; US Postal Service; Office of Personnel Management; Selective Service System; DOD agencies, elements, and military departments; Social Security Administration; other elements of the Federal Goverment in accordance with their respective authority and responsibility.

Record of the identify, diagnosis, prognosis, or treatment of any client/patient irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21, U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket "routine uses" identified in 44 FR 73728 do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in record jacket folder.

RETRIEVABILITY:

Records accessed by name.

SAFEGUARDS:

Records maintained in areas accessible only to authorized personnel; transferred from station to station in personal possession of individual concerned or by US mail.

RETENTION AND DISPOSAL:

Data retained in file until updated or service of individual is terminated. Following separation, record reverts to State status, not subject to the Privacy Act, and is retained indefinitely in appropriate State depository.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, National Guard Bureau, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the commander of the unit to which the ANG member is assigned; for retired and separated personnel, information may be obtained from the Office of the Adjutant General of each State, Puerto Rico, the Virgin Islands, or the District of Columbia as appropriate.

RECORD ACCESS PROCEDURES:

Written requests for information should include the full name, service identification number, current military status, and current return address. For personal visits, the requester should provide acceptable identification, i.e., military identification card or other identification normally acceptable in the transaction of business.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from Chief, National Guard Bureau, The Pentagon, Washington, DC 20310.

RECORD SOURCE CATEGORIES:

Letters, statements, forms, records, and related papers originating with the service member; generated by Army Staff offices, Army commands, other Federal agencies in accordance with their respective functional or statutory requirements; and by the general public or the commander of service member when such papers relate to the service status of the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0708.02aDAPC

SYSTEM NAME:

708.02 Official Military Personnel File

SYSTEM LOCATION:

Primary System: Personnel Information Systems Directorate, United States Army Military Personnel Center (MILPERCEN).

Decentralized Segments: United States Army Enlisted Records and Evaluation Center; United States Army Reserve Components Personnel and Administration Center (RCPAC); and National Personnel Records Center (NPRC), General Services Administration (GSA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each individual on active duty in the United States Army in enlisted, appointed, or commissioned status; or in a United States Army or Army of the United States (AUS) retired status; each individual not on active duty who has a reserve status in an enlisted, appointed, or commissioned status, or in a retired reserve status; and each individual who was an enlisted, appointed, or commissioned member of the United States Army and who was completely separated by discharge, death, or other termination of his/her military status.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual records including enlistment contract; Veterans Administration (VA) laws; physical evaluation board proceedings; military occupational specialty data report; statement of service; qualification record; group life insurance election; emergency data form; application for appointment; qualification/evaluation report; oath of office; medical examination; security questionnaire; application for retired pay; application for correction of military records; application for active duty; transfer or discharge report; active duty report; voluntary reduction; line of duty and misconduct determinations; discharge or separation reviews; police record checks; consent/declaration of parent/guardian; Army Reserve Officers Training Corps (ROTC) supplemental agreement; award recommendations; academic reports; casualty reports; United States field medical card; retirement points; deferment; preinduction processing and commissioning data; transcripts of military records; summary sheets review of conscientious objector; election of options; oath of enlistment extensions; survivor benefit plans; efficiency reports; records of proceeding, Title 10 U.S.C., Section 815 appellate actions; determination of moral eligibility; waiver of disqualifications; temporary disability record; change of name; statements for enlistment; acknowledgements of service requirements; retired benefits; application for review of physical evaluation board and disability board; appointments; designations; evaluations; extensions; birth certificates; photographs; citizenship statements and status; educational constructive credit; educational transcripts; flight status board reviews; assignment agreements/limitations/waivers/election, and travel; efficiency appeals; promotion/reduction recommendations/approvals/declinations/announcements/notifications/ reconsiderations/worksheets/elections/letters of notification to deferred officers, and promotion passover notifications; absence without leave and desertion records; Federal Bureau of Investigation reports; Social Security Administration (SSA) correspondence; miscellaneous correspondence, documents, and military orders relating to military service including information pertaining to dependents, interservice actions, inservice details, determinations, reliefs, component; awards, pay entitlements, releases, transfers, and other military service data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of the Army (DA): To maintain, use, collect, and disseminate information with respect to an individual holding a military status or former military status, including regular reserve, retired, former member separated, or deceased. Information pertains to individual's former, current, and subsequent to active duty status relating to birth; citizenship; parentage; home of record; education; training; dependents; travel; language proficiency; former and current association, brotherhood, memberships, and related affiliations with organizations and like collective elements which service member divulges as having meaning, substance, or significance to his/her military service status; assignment history and other related military experiences, qualification, training, preference, restriction, and status actions.

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Department of State: To issue passport/visa; to document persona-non-grata status, attache assignments, and related administration of personnel assigned and performing duty with the State Department.

Department of the Treasury: To issue bonds; to collect and record incoming taxes.

Department of Defense (DOD): To authorize and consummate interdepartmental actions relating to interservice requirements pertaining to Army, Navy, Air Force, and Coast Guard when the Coast Guard is operational under DOD.

Department of Justice: To file fingerprints; to perform intelligence function.

Department of Agriculture: To coordinate interdepartmental functions relating to education conducted by the Department of Agriculture's advanced education element.

Department of Labor: To accomplish actions required under Federal Employees Compensation Act.

Department of Health, Education, and Welfare: To provide services authorized by medical, health, and related functions authorized by Title 10 U.S.C., Sections 1074 thru 1079.

Atomic Energy Commission: To accomplish requirements incident to Nuclear Accident/Incident Control Officer functions.

American Red Cross: To accomplish coordination and complete service functions including blood donor programs and emergency investigative support and notifications.

Civil Aeronautics Board: Flight qualifications, certification and license actions relating to inservice pilots.

Federal Aviation Agency: To accomplish aviation and air service actions involving inservice aviators.

GSA: For records storage and archival services and for printing of directories and related material which includes personal data.

US Postal Service: To accomplish postal service authorization involving postal officers and mail clerk authorizations.

VA: To provide information relating to benefits, pensions, inservice loans, insurance, and appropriate hospital support.

Bureau of Immigration and Naturalization: To comply with statutes relating to inservice alien registration and annual residence/location.

Office of the President of the United States of America: To exchange required information relating to White House Fellows, regular Army promotions, aides, and related support functions staffed by Army members.

Federal Maritime Commission: To obtain licenses for military members accredited as captain, mate, and harbor master for duty as Transportation Corps warrant officer.

Each of the several States and United States possessions: To support state bonus applications; to fulfill income tax requirements appropriate to the service member's home of record; to record name changes in state bureaus of vital statistics; and for National Guard affairs.

Civilian educational and training institutions: To accomplish student registration, tuition support, Graduate Record Examination (GRE) tests requirement, and related school requirements incident to inservice education programs in compliance with Title 10 U.S.C., Chapters 102 and 103.

SSA: To obtain or verify social security numbers (SSN); to transmit Federal Insurance Compensation Act deductions made from inservice members' wages.

Department of Transportation: To coordinate and exchange necessary information pertaining to interservice relationships between United States Coast Guard (USCG) and United States Army when service members perform duty with the USCG elements or training activities.

Civil authorities: For compliance with Title 10 U.S.C., Section 814.

Department of the Air Force: To administer personnel support for individual Army members assigned for duty with the Air Force.

Department of the Navy: To administer personnel support for individual Army members assigned for duty with the Navy or Marine Corps.

Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket "routine uses" identified in 44 FR 72728 do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfiche in plastic carriers stored randomly in electro-mechanical storage/retrieval devices. Temporary files consist of paper records in file folder/jacket; selected data automated for management facility in a perishable manner on tapes, disks, cards, and other computer media.

RETRIEVABILITY:

Filed alphabetically by last name, automated data retrievable by name, SSN, or automatic data processing parameter; reserve component, retired, and deceased persons' records accessed by SSN terminal digit sequence.

SAFEGUARDS:

Records maintained in areas accessible only to authorized personnel; automated media protected by authorized password system for access terminals, controlled access to operation rooms, and controlled output distribution.

RETENTION AND DISPOSAL:

Microfiche and paper records are permanent. They are retained in active file until termination of service, held in inactive file in accordance with retention and retirement schedule and subsequently retired to NPRC.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from:

Following address should be used for inquiries on records of commissioned or warrant officers (including members of Reserve Components) serving on active duty:

Commander United States Army
Military Personnel ATTN: Personnel Information Systems Directorate
Hoffman Building II 200 Stovall Street
Alexandria, VA 22332 Telephone: Area Code 202/325–0606.

Following address should be used for inquiries on records of enlisted members (including members of Reserve Components) serving on active duty:

Commander United States Army
Enlisted Records and Evaluation Center Ft Benjamin Harrison, IN 46249
Telephone: Area Code 317/542–3361.

Following address should be used for inquiries on records of commissioned officers or warrant officers in a reserve status not on active duty; or Army enlisted reservists not on active duty; or

members of the National Guard who performed active duty; or commissioned officers, warrant officers, or enlisted members in a retired status:

Commander United States Army
Reserve Components Personnel and Administration Center 9700 Page Avenue St. Louis, MO 63132
Telephone: Area Code 314/268–7770.

Following address should be used for inquiries on records of commissioned officers or warrant officers who were completely separated from the service after 30 June 1917 or enlisted members who were completely separated after 31 October 1912:

Commander National Personnel Records Center General Services Administration 9700 Page Avenue St. Louis, MO 63132 Telephone: Area Code 314/268–7262.

RECORD ACCESS PROCEDURES:

Written requests for information should contain full name of individual, service identification number, current or former military status, and appropriate return address.

Personal visits may be made to the appropriate location based on the individual's status; individual should be able to provide commonly acceptable identification such as driver's license, employment identification card, and give some verbal information relative to his/her current or former military status.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from Headquarters, Department of the Army (DAPC–MSO), 200 Stovall Street, Alexandria, VA 22332.

RECORD SOURCE CATEGORIES:

Enlistment, appointment, or commission related forms pertaining to the individual having a current or former military status; academic, training, or qualification records acquired prior to or during military service; correspondence, forms, records, documents, and other related papers originating in or collected by DA Staff agencies and commands; other Federal departmental agencies, administrations, Federal separate agencies, commissions, boards, service, or authority; State and local governmental entities; civilian education and training institutions; and members of the public when such information obtained directly concerns the military service member.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0708.02NGB

SYSTEM NAME:

708.02 Official Military Personnel File (Army National Guard)

SYSTEM LOCATION:

Army National Guard Personnel Center, National Guard Bureau, Columbia Pike Office Building, 5600 Columbia Pike, Falls Church, VA 22041.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each commissioned officer or warrant officer in the Army National Guard not on active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual records including enlistment contract; Veterans Administration (VA) laws; physical evaluation board proceedings; military occupational specialty report; statement of service; qualification record; group life insurance election; emergency data form; application for appointment; qualification/evaluation report; oath of office; medical examination; security questionnaire; application for retired pay; application for correction of military records; application for active duty; transfer or discharge report; active duty report; voluntary reduction; line of duty and misconduct determinations; discharge or separation reviews; police record checks; consent/declaration of parent/guardian; Army Reserve Officers Training Corps (ROTC) supplemental agreement; award recommendations; academic reports; casualty reports; United States field medical card; retirement points; deferment; preinduction processing and commissioning data transcripts of military records; summary sheets of conscientious objector; election of options; oath of enlistment extensions; survivor benefit plans; efficiency reports; records of proceeding, Title 10 U.S.C., Section 815 and appellate actions; determination of moral eligibility; waiver od disqualifications; temporary disability record; change of name; statements for enlistment; acknowledgments of service requirements; retired benefits; applications for review of physical evaluation board and disability board; appointments; designations; evaluations; birth certificates; photographs; citizenship statements and status; educational constructive credit; educational transcripts; flight status board reviews; assigment agreements/limitations/waivers/election and travel; efficiency appeals; promotion/reduction recommendations/approvals/declinations/announcements/notifications/reconsiderations/work sheets; elections/letters of notification to deferred officers and promotion passover notifications; absence without leave and desertion records; Federal Bureau of Investigation reports; Social Security Administration (SSA) correspondence; miscellaneous correspondence, documents, and military orders relating to military service including information pertaining to dependents, interservice actions, inservice details, determinations, reliefs, component; awards, pay entitlements, releases, transfers, and other military service data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C. Section 301; Title 10 U.S.C., Sections 275 and 3012; and Title 32 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of the Army (DA): To maintain, use, collect, and disseminate information with respect to an individual holding a military status or former military status, including regular reserve, retired, and former member separated. Information pertains to individual's former, current, and subsequent to active duty status relating to birth; citizenship; parentage; home of record; education; training; dependents; travel; language proficiency; former and current association, brotherhood, memberships, and related affiliations with organizations and like collective elements which service member divulges as having meaning, substance, or significance to his/her military service status; assignment history and other related military experiences, qualifications, training, preferences, restriction, and status actions.

Department of State: To issue passport/visa; to document persona-non-grata status, attache assignments, and related adminstration of personnel assigned and performing duty with the State Department.

Department of Defense (DOD): To authorize and consummate interdepartmental action relating to interservice requirements pertaining to the Army, Navy, Air Force, and Coast Guard when the Coast Guard is operational under DOD.

Department of Justice: To file fingerprint cards; to perform intelligence function.

Department of Labor: To accomplish actions required under Federal Employees Compensation Act.

Department of Health, Education, and Welfare: To provide services authorized by medical, health, and related functions

authorized by Title 10 U.S.C., Sections 1074 through 1079.

Atomic Energy Commission: To accomplish requirements incident to Nuclear Accident/Incident Control Officer functions.

American Red Cross: To accomplish coordination and complete service functions including blood donor programs and emergency investigative support and notifications.

Civil Aeronautics Board: Flight qualifications, certification, and license actions relating to inservice pilots.

Federal Aviation Agency: To accomplish aviation and air service actions involving inservice aviators.

General Services Administration: For records storage, archival services, and for printing of directories and related material which includes personal data.

US Postal Service: to Accomplish postal service authorization involving postal officers and mail clerk authorizations.

VA: To provide information relating to benefits, pensions, inservice loans, insurance, and appropriate hospital support.

Bureau of Immigration and Naturalization: To comply with statutes relating to inservice alien registration and annual residence/location.

Office of the President of the United States of America: To exchange required information relating to White House Fellows, regular Army promotions, aides, and related support functions staffed by Army members.

Federal Maritime Commission: To obtain licenses for military members accredited as captain, mate, and harbor master for duty as Transportation Corps warrant officer.

Each State and US possession: To support state bonus applications; to fulfill income tax requirements appropriate to the service member's home of record; to record name changes in state bureaus of vital statistics; and for National Guard affairs.

Civilian educational and training institutions: To accomplish student registration, tuition support, Graduate Record Examination (GRE) tests requirement, and related school requirements incident to inservice education programs in compliance with Title 10 U.S.C., Chapters 102 and 103.

SSA: To obtain or verify social security numbers (SSN): to transmit Federal Insurance Compensation Act deductions made from inservice members' wages.

Department of Transportation: To coordinate and exchange necessary information pertaining to interservice relationships between United States Coast Guard (USCG) and United States Army when service members perform duty with the USCG elements or training activities.

Civil authorities: For compliance with Title 10 U.S.C., Section 814.

Department of the Air Force: To administer personnel support for individual Army members assigned for duty with the Air Force.

Department of the Navy: To administer personnel support for individual Army members assigned for duty with the Navy or Marine Corps.

Record of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket "routine uses" identified in 44 FR 73728 do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder/jacket; selected data automated for management facility in a perishable manner on tapes, disks, cards, and other computer media.

RETRIEVABILITY:

Filed alphabetically by last name; automated data retrievable by name, SSN, or automatic data processing parameter.

SAFEGUARDS:

Records maintained in areas accessible only to authorized personnel; automated media protected by authorized password system for access terminals, controlled access to operation rooms, and controlled output distribution.

RETENTION AND DISPOSAL:

Paper records are permanent. They are retained in active file until termination of service or transfer to the US Army Reserve, at which time records are transferred to the custody of the Commander, United States Army Reserve Components Personnel and Administration Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, National Guard Bureau, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from: Army National Guard Personnel Center, Columbia Pike Office Building, Falls Church, VA 22041, Telephone: Area Code 202/756–1210.

RECORD ACCESS PROCEDURES:

Written requests for information should contain full name of individual, service identification number, current or former military status, and appropriate return address.

Personal visits may be made to the appropriate location based on individual's status; individual should be able to provide commonly acceptable identification, such as driver's license, employment identification card, and give some verbal information relative to his/her current or former military status.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from Chief, National Guard Bureau, The Pentagon, Washington, DC 20310.

RECORD SOURCE CATEGORIES:

Enlistment, appointment, or commission related forms pertaining to the individual having a current or former military status; academic, training, or qualification records acquired prior to or during military service; correspondence, forms, documents, and other related papers originating in or collected by DA Staff agencies and commands; other Federal departmental agencies, administrations, Federal separate agencies, commissions, boards, service or authority; State and local governmental entities; civilian education and training institutions; and members of the public when such information obtained directly concerns the military service member.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0902.07aDASG

SYSTEM NAME:

902.07 Medical Regulating Files

SYSTEM LOCATION:

Primary System: Armed Services Medical Regulating Office (ASMRO), Office of The Surgeon General, Department of the Army (DA), Washington, DC 20310.

Decentralized Segments: United States (US) Government medical treatment facilities, evacuation units, and medical regulating offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any patient requiring transfer to another medical treatment facility who is reported to ASMRO by US Government medical treatment facilities for designation of the receiving medical facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains information reported by the transferring medical treatment facility and includes, but is not limited to, patient identity, service affiliation and grade or status, sex, medical diagnoses, medical condition, special procedures or requirements needed, medical specialties required, administrative considerations, personal considerations, and patient's home town and/or duty station and other information having an effect on the transfer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

ASMRO: To properly determine the appropriate medical treatment facility to which the reported patient will be transferred to notify the reporting US Government medical treatment facility of the transfer destination; to notify the receiving medical treatment facility of the transfer; to notify evacuation units, medical regulating offices and other Government offices for official reasons; to evaluate the effectiveness of reported information; to establish further the specific needs of the reported patient; for statistical purposes; and when required by law and official purposes.

US Government medical treatment facilities, evacuation units, and medical regulating offices for official purposes concerned with, but not limited to, the transfer of the patient.

Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket "routine uses" identified in 44 FR 73728 do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and on index cards.

RETRIEVABILITY:

Filed alphabetically and by ASMRO control number.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened and trained.

RETENTION AND DISPOSAL:

Destroyed 1 year following the end of the calendar year in which the patient was reported to ASMRO.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Armed Services Medical Regulating Office, Office of The Surgeon General, Department of the Army, Room 1E–641, The Pentagon, Washington, DC 20310; Commanders of US Government medical treatment facilities, evacuation units, and medical regulating offices.

NOTIFICATION PROCEDURE:

Information may be obtained from SYSMANGER or from the Patient Administrator of US Government medical treatment facilities reporting patient to Armed Services Medical Regulating Office.

Written requests should include full name of patient, rank or status and parent service, approximate date of transfer, medical treatment facility from which transferred, and current address of the individual making request.

For personal visits, requester must provide acceptable identification such as military identification card, social security card, or driver's license.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Director, Armed Services Medical Regulating Office, Office of The Surgeon General, Department of the Army, Room 1E–641, The Pentagon, Washington, DC 20310; telephone: Area Code 202/695–6118, or to Patient Administrator at US Government medical treatment facilities reporting patients to Armed Services Medical Regulating Office. Official mailing addresses are in the Directory of United States Army Addresses following the annual compilation of Army system notices published in the **Federal Register.**

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Information provided by transferring and receiving medical treatment facilities, medical regulating offices, evacuation offices, and other US Government offices, agencies, and commands having information bearing on a patient transfer.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0905.05DAAG

SYSTEM NAME:

905.05 Active Claims for Medical Care Provided Under CHAMPUS File

SYSTEM LOCATION:

Washington National Records Center, General Services Administration, Suitland, MD 20409.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains documents relating to medical care obtained by CHAMPUS beneficiaries from civilian sources at United States Government expense. Included are forms completed by military and civilian medical treatment facilities and practitioners, billings received from civilian sources, forms completed by the patient or sponsor, and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Dependents Medical Act, title 10 U.S.C., Sections 1079 thru 1089, as amended by the Military Benefits Amendments of 1966 (Pub. L. 89–614).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used only to answer inquiries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

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RETRIEVABILITY:

Filed alphabetically by CHAMPUS case number and year.

SAFEGUARDS:

Building employs security guards. Records are maintained in storage areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Normal disposition procedures were preempted by imposition of a Department of Defense moratorium. At the present time, these records will be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from HQDA (DAAG–AMR–S), Room GA–080, Forrestal Building, Washington, DC 20314; telephone: Area Code 202/693–1845.

RECORD ACCESS PROCEDURES:

Requests should be submitted to The Adjutant General, HQDA (DAAG–AMR–S), Washington, DC 20314. Requesters should furnish their full name and any information that would readily identify the record sought. Personal visits are not permitted.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Applications by beneficiaries of CHAMPUS and information from medical facilities or physicians that have provided prior medical care.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0917.01aDASG

SYSTEM NAME:

917.01 Medical Treatment Record Files.

SYSTEM LOCATION:

Decentralized Segments: Medical centers, hospitals, health clinics, troop medical clinics, and National Personnel Records Center (NPRC).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals treated on inpatient or outpatient basis by the Army Medical Department and/or individuals for whom primary medical care is rendered.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting outpatient or inpatient treatment or observation of all individuals treated to include, but not limited to, Health Records, Outpatient Treatment Records, Foreign National Outpatient and Inpatient Records, American Red Cross Outpatient and Inpatient Records, Reserve Component Outpatient Records, Physical Medicine Treatment Records, and supporting documents to above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Section 1071; and Title 44 U.S.C., Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be used to plan and coordinate health care. It may be used to provide medical treatment, conduct research; teach; compile statistical data; determine suitability of persons for service or assignments; implement preventive health and communicative disease control program; adjudicate claims and determine benefits; evaluate care rendered; determine professional certification and hospital accreditation; conduct authorized investigations; provide physical qualifications of patients to other Federal, State, and local agencies upon request in pursuit of their official duties; for research purposes by the National Research Council; and to report medical conditions required by law to Federal, State, and local agencies for lawful purposes including law enforcement and litigation.

Records of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket "routine uses" identified in 44 FR 73728 do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; microfiche, cassettes, computer printouts, and magnetic tapes and disks.

RETRIEVABILITY:

File by last name or termimal digit file system (social security number (SSN)).

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly trained and screened.

RETENTION AND DISPOSAL:

Troop and Health Clinic Clinical Record Cover Sheets: Destroyed after 5 years.

Health Records: Active while individual is on active duty, then retired with Military Personnel Records Jacket.

Military Clinical Record Files: Destroy after 50 years. Withdrawn and retired to NPRC, 111 Winnebago Street, St. Louis, MO 63118, as follows, except that files pertaining to United States Military Academy (USMA) cadets are transferred to The Surgeon, USMA, West Point, NY 10996: 5-year clinical libraries: 5 years after the and of the year in which last medical treatment was given. Nonfixed medical facilities: At end of each month for records completed on all patients released during the month. Other medical facilities: 1 year after the end of the year in which last medical treatment was given.

Civilian Clinical Record Files: Destoryed after 25 years. Withdrawn and retired to NPRC (Civilian), 111 Winnebago Street, St. Louis, MO 63118, as follows: 5-year clinical record libraries: 5 years after the end of the year in which last medical treatment was given. Nonfixed medical facilities: At the end of each month for records completed on all patients released during the month. Other medical facilities: 1 year after the end of the year in which last medical treatment was given.

American Red Cross Clinical and Outpatient Record Files: Withdrawn and forwarded to Medical Officer, American National Red Cross, 18th and D Streets, NW, Washington, DC 20006, 1 month after patient's medical treatment is completed for clinical records and 1 year for outpatient records.

Foreign National Clinical and Outpatient Record Files Continental United States medical facilities: Forwarded to the Commander, United States Army Health Services Command (HSC), ATTN: HSC–OP–PS, Ft Sam Houston, TX 78234, at the end of the month in which treatment is completed for transfer to appropriate embassy. However, when the individual's length of stay in the local area can be readily determined, files are forwarded to the HSC at the end of the month in which residence is terminated. Medical facilities in oversea command: Transferred to the foreign official or to The Surgeon General, whichever is appropriate.

Military Outpatient Record Files: Destroyed after 50 years. Withdrawn and retired to NPRC, 111 Winnebago Street, St. Louis, MO 63118, 3 years after the end of the year in which last medical treatment was given. Outpatient files of active Coast Guard and other military personnel, including members of any of the Reserve Components on active duty for training for more than 30 days, and cadets of the military academies are filed in the health record jacket. Outpatient files for these personnel are forwarded for insertion in the health record jackets on completion of treatment or observation. Outpatient files of all other categories are forwarded, on request, to the gaining medical facility when the patient moves to a new location.

Civilian Outpatient Record Files: Destoryed after 25 years. Withdrawn and retired to NPRC (Civilian), 111 Winnebago Street, St. Louis, MO 63118, 3 years after the end of the year in which last medical treatment was given.

Reserve Component Outpatient Files: Destoryed after 50 years. Withdrawn and retired to NPRC, 111 Winnebago Street, St. Louis, MO 63118, 1 year after the end of the year of summer camp or annual training.

Civilian Employee Medical Files: Destroyed 25 years after separation. Placed in inactive file upon separation and retired to NPRC (Civilian), 111 Winnebago Street, St. Louis, MO 63118, with the next regular retirement.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from Patient Administrator at medical center or hospitial where treatment was provided. Official mailing addresses are in the Directory of United States Army Addresses following the annual compilation of Army system notices published in the **Federal Register.**

Requesting individual is required to submit full name, social security number (SSN) of sponsor, date care was provided, and facility providing care.

The requester may visit the office of the Patient Administrator at medical center or hospital where care was provided.

For personal visits, the requester is required to provide full name, SSN of sponsor, and present some form of acceptable identification such as identification card or driver's license.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Patient Administrator at medical center or hospital where care was provided. Official mailing addresses are in the Directory of United States Army Addresses following the annual compilation of Army system notices published in the **Federal Register.**

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from any Army medical center or hospital.

RECORD SOURCE CATEGORIES:

Interviewer, diagnostic tests, and other available administrative or medical records obtained from civilian or military sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0917.09aDASG

SYSTEM NAME:

917.09 Alchohol and Drug Abuse Rehabilitation Files

SYSTEM LOCATION:

Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) rehabilitation/counseling facilities) e.g., halfway houses, rap centers) at installation level.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who is diagnosed as an alcohol or drug abuser by a physician and subsequently enrolled in the ADAPCP.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains client intake and follow-up records, initial interview forms, psychosocial histories, counselor observations and impressions of client's behavoir and rehabilitation progress, copies of medical consultation and laboratory procedures performed, results of biochemical urinalysis for drug abuse, and similar or related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title V, Pub. L. 92–129; Section 413, Pub. L. 92–255.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Blanket "routine uses" identified in 44 FR 73728 do not apply to this system of records.

Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175, as amended by 88 Stat. 137, and Title 42 U.S.C., Section 4582, as amended by 88 Stat. 131. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains.

Within the Armed Forces or within those components of the Veterans Administration furnishing health care to veterans or between such components and the Armed Forces.

To medical personnel outside the Armed Forces to the extent necessary to meet a bona fide medical emergency.

To Government personnel for the purpose of obtaining benefits to which the patient is entitled.

To qualified personnel for the purpose of conducting scientific research, management or financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit or evaluation, or otherwise disclose identities in any manner.

To a court of competent jurisdiction upon authorization by an appropriate order after showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

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POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders.

RETRIEVABILITY:

Filed alphabetically by last name and maintained in ADAPCP facilities for 1 year following termination of treatment. Selected forms are transferred to the service member's health record.

SAFEGUARDS:

Files and records are maintained in central storage areas in locked file cabinets. Access is limited only to authorized individuals.

RETENTION AND DISPOSAL:

Records maintained in ADAPCP facilities are destroyed 1 year after termination of the case.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Department of the Army, The Pentagon, Washington, DC 20310; Commanders of medical department activities.

NOTIFICATION PROCEDURE:

Information may be obtained from the Commander of medical center or medical department activity at installation where treatment for alcohol drug abuse was obtained.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, medical center or medical department activity at installation where treatment was received; or Headquartrs, Department of the Army (DASG–HCA), Room 2C–468, The Pentagon, Washington, DC 20310.

Written requests for information should contain the full name of individual, social security number, year of birth, current address, and telephone number. Visits are limited to Alcohol and Drug Abuse Prevention and Control Program facilities; medical center or medical department activity; and Alcohol and Drug Policy Officer (DASG–HCA), The Pentagon, Washington, DC 20310.

For personal visits, the individual should be able to give sufficient identification and provide some verbal information that can be verified from his/her file.

CONTESTING RECORD PROCEDURES:

The Army's policy for gaining access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Interviews, personal history statements, abstracts or copies of pertinent medical records, abstracts from personnel records, results of tests, physician's notes, observations of client's behavior, related notes, papers, and forms from counselor and/or clinical director.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0929.02aDASG

SYSTEM NAME:

929.02 Privately Owned Animal Record Files.

SYSTEM LOCATION:

Veterinarian service at medical facilities on Army installations and activities. Official mailing addresses are in the Directory of United States Army Addresses following the annual compilation of Army system notices published in the **Federal Register.**

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons whose privately owned animals receive veterinary care.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record contains name, home address, and telephone number of animal's owner; treatment of animal; and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 133, 1071 thru 1087, 5031, and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To record registration, vaccination, and/or treatment of animals; to compile statistical data; and to identify animals registered with the Veterinary Animal Disease Prevention and Control Facility in connection with the Veterinary Preventive Medicine and Zoonotic Disease Control Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

Alphabetically by the animal owner's last name.

SAFEGUARDS:

Records are maintained in buildings which are locked when unattended, and are accessed only by authorized personnel having an official need-to-know.

RETENTION AND DISPOSAL:

Destroyed within 6 months of death of animal, expiration of rabies vaccination, or transfer of owner.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the veterinary facility where the animal was treated or euthanized.

RECORD ACCESS PROCEDURES:

Written requests should contain the animal owner's full name, home address, and telephone number; and the animal's rabies vaccination number.

Personal visits may be made to the veterinary facility where animal was treated. Owner must provide personal identification such as a valid military identification card or driver's license.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Animal owner, veterinarian reports, and similar or related documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 80-9033 Filed 3-28-80; 8:45 am]
BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Refiners Crude Oil Allocation Program; Allocation Period of April 1, 1980, Through September 30, 1980, and Notice of Issuance of Emergency Allocations

The notice specified in 10 CFR 211.65(g) of the refiners' crude oil allocation (buy/sell) program is hereby issued for the allocation period of April 1, 1980, through September 30, 1980. They buy/sell list for the allocation period April 1, 1980, through September 30, 1980, is set forth as an appendix to this notice. The list includes the names of the small refiners granted allocations and their eligible refineries; the quantity of crude oil each refiner is eligible to purchase; the fixed percentage share for each refiner-seller; and the sales

obligation of each refiner-seller for the allocations listed herein.

The ERA also hereby publishes a list of emergency allocations that have been previously assigned for the month of April 1980, pursuant to the Supplemental Buy/Sell Notice issued February 15, 1980 (45 FR 12279, February 25, 1980).

One new emergency allocation for March, April, and May 1980 is also set forth in the appendix to this notice. The list includes the name of the small refiner granted the allocation and its eligible refinery and the quantity of crude oil the refiner is eligible to purchase for the April 1980–September 1980 allocation period.

The allocations for the small refiners on the buy/sell list were determined in accordanced with 10 CFR 211.65 (b) and (c)(2). Sales obligations for refiner-sellers were determined in accordance with 10 CFR 211.65(e) and (f). With respect to allocations under 10 CFR 211.65(b), for the allocation period of April 1, 1980, through September 30, 1980, each refiner-buyer shall be entitled to purchase, for each of its refineries that is determined by ERA not to have access to imported crude oil, an amount of crude oil equal to the difference between (1) the volume of crude oil runs to stills (not including crude oil processed for other refiners) at the eligible refinery in the period April 1, 1979, through September 30, 1979, and (2) the volume of crude oil runs to stills (not including crude oil runs attributable to purchases under 10 CFR 211.65 or crude oil processed for other refiners) at the eligible refinery in the period October 1, 1979, through March 31, 1980, (calculated by using the level of the crude oil runs to stills at that refinery in the period October 1, 1979, through January 31, 1980, for the entire six-month period).

The buy/sell list sets forth separately an allocation for a refiner-buyer with eligible expanded refinery capacity. Pursuant to 10 CFR 211.65(a)(1)(iii), ERA has decided to assign such refinery capacity an allocation equal to 25 percent of the capacity for the allocation period commencing April 1, 1980, through September 30, 1980. In the event that ERA subsequently determines that the allocation is incorrect, ERA will adjust the allocation in this allocation period or in a future allocation period.

Pursuant to 10 CFR 211.65(c)(1), any small refiner may apply to ERA for review of the denial of eligibility of a refinery owned by that refiner where significant changes in the refinery's access to imported crude oil have occurred since the refinery was determined by ERA to be ineligible for an allocation. Any refiner-buyer may apply to ERA for an adjustment to an allocation for an eligible refinery to compensate for reductions in crude oil runs stills due to unusual or nonrecurring operating conditions or an unconsummated directed sale under 10 CFR 211.65(j) due to documented delays in delivering allocated crude oil. Applications for review of eligibility for an allocation or adjustment to an allocation for the allocation period commencing October 1, 1980, must be received by ERA no later than July 31, 1980.

Pursuant to 10 CFR 211.65(c)(2), any refiner-buyer may apply to ERA at any time for an emergency allocation for one or more of its eligible refineries for one or more allocation periods, or for part of an allocation period; *provided that* such refiner will be required to demonstrate that it has *incurred or will incur a reduction in its crude oil supply* for eligible refinery for which an emergency allocation is sought equal to at least 25 percent of its runs to stills in the period January through October 1978.

The buy/sell list covers PAD Districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to 10 CFR 211.65(f), each refiner-seller shall offer for sale during an allocation period, directly or through exchanges to refiner-buyers, a quantity of crude oil equal to that refiner-seller's sales obligation plus any volume that the ERA directs the refiner-seller to sell pursuant to 10 CFR Section 211.65(j).

Pursuant to 10 CFR 211.65(h), each refiner-buyer and refiner-seller is required to report to ERA in writing or by telegram the details of each transaction under the buy/sell list within forty-eight hours of the completion of arrangements. Each report must identify the refiner-seller, the refiner-buyer, the refineries to which the crude oil is to be delivered, the volumes of crude oil sold or purchased, and the period over which the delivery is expected to take place.

The procedures of 10 CFR 211.65(j) provide that if a sale is not agreed upon subsequent to March 31, 1980, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request that the ERA direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such request must be received by the ERA no later than 20 days after the publication date of this buy/sell notice. Upon such request, the ERA may direct one or more refiner-sellers that have not completed their required sales to sell crude oil to the refiner-buyer.

In directing refiner-sellers to make such sales, ERA will consider the percentage of each refiner-seller's sales obligation for the allocation period that has been sold as reported pursuant to Section 211.65(h), as well as the refiner-seller or sellers that can best be expected to consummate a particular directed sale. If, in ERA's opinion, a valid directed sale request cannot reasonably be expected to be consummated by a refiner-seller that has not completed all or substantially all of its sales obligation for the allocation period, the ERA may issue one or more directed sales orders that would result in one or more refiner-sellers selling more than their published sales obligations for that allocation period. In such cases, the refiner-seller or sellers will receive a barrel-for-barrel reduction in their sales obligations for the next allocation period pursuant to 10 CFR 211.65(f)(3)(ii).

If the refiner-buyer declines to purchase the crude oil specified by ERA, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation period, provided that the refiner-seller or refiner-sellers have fully complied with the provision of 10 CFR 211.65.

Refiner-buyers making requests for directed sales must document their inability to purchase crude oil from refiner-sellers by supplying the following information to ERA:

(i) Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy/sell program transactions.

(ii) Name and location of the refineries for which crude oil has been sought, the amount of crude oil sought for each refinery, and the technical specifications of crude oils that have historically been processed in each refinery.

(iii) Statement of any restrictions, limitations, or constraints on the refiner-buyer's purchases of crude oil, particularly concerning the manner or time of deliveries.

(iv) Names and locations of all refiner-sellers from which crude oil has been sought under the buy/sell notice, the refineries for which crude oil has been sought, and the volume and specifications of the crude oil sought from each refiner-seller.

(v) The response of each refiner-seller to which a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller.

(vi) Such other pertinent information as ERA may request.

Please note change of address. All reports and applications made under this notice should be addressed to: Chief, Crude Oil Allocation Branch, 2000

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M Street, N.W., Room 6128, Washington, D.C. 20461. Twx's may be sent to 710–822–9454 (answer back EVFTJ WSH).

Also note that, effective March 15, 1980, the telephone number for the Crude Oil Allocation Branch is changed to 202–653–3459.

Section 211.65(c)(2)(ii) states in part that applications for emergency allocations "must be submitted by the fifteenth day of the month prior to the month(s) for which an allocation is sought." This provision is intended to permit ERA to receive applications and issue emergency allocations in a timely fashion. Recently, ERA has had difficulty meeting this goal because of the manner in which some applications for emergency allocations have been filed. Therefore, ERA believes it appropriate to offer the following comments on the emergency crude oil application process in the hope that they will clarify the application process for those applying for emergency allocations.

First, most applications have not been received in the Crude Oil Allocation Branch until the fifteenth of the month. The fifteenth of the month was intended as a deadline. It is desirable for refiners to file their applications earlier than the fifteenth of the month, which would permit ERA to begin processing applications sooner. Except in unusual circumstances, ERA would expect applications to be filed by the tenth of the month. It should be noted that ERA would generally consider applications filed earlier than the fifth of a month to have been filed too early to present an accurate picture of a refiner's crude oil supply for succeeding months.

Second, applications should be completed by the fifteenth of the month in which they are filed. Applications that are not substantially complete by the fifteenth of the month will be dismissed with prejudice.

Third, ERA requires all applicants for emergency allocations to serve copies of their applications on refiner-sellers. Comments regarding an application will be accepted if received within eight days of receipt of the application. Applicants are required to serve copies of their application (and any amendments thereto) on refiner-sellers simultaneously with the filing of the application with ERA. As noted above, we would expect that applications would be filed sufficiently in advance of the fifteenth of the month so that service on refiner-sellers would be effected by the fifteenth of the month. In any event, we would expect that service on refiner-sellers always would be effected no later than the seventeenth of the month. We request that refiner-sellers notify us when service is made after this date.

As has been stated in previous notices, if an applicant claims confidentiality for any of the information contained in its application, the basis for the claim must be clearly stated. ERA does not consider the names of potential suppliers contacted in unsuccessful attempts to obtain crude oil or offers of crude oil that the applicant has rejected to be proprietary.

Finally, ERA emphasizes that an application for an emergency allocation must contain a detailed statement as to why the applicant believes it has exhausted all supply possibilities. Applications which fail to make this statement will be dismissed with prejudice.

Copies of the decisions and orders assigning the emergency allocations listed herein may be obtained from: Economic Regulatory Administration, Public Information Office, 2000 M Street, N.W., Rm. B110, Washington, D.C. 20461, (202) 653–4055.

This notice is issued pursuant to Subpart G of DOE's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with DOE's Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before April 30, 1980.

Issued in Washington, D.C., on March 21, 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix

The list of refiner-sellers and refiner-buyers for the period April 1, 1980 through September 30, 1980, is as follows. The list sets forth the identity of each refiner-seller and refiner-buyer, the fixed percentage share of each refiner-seller, and the volumes of crude oil that each refiner-buyer is eligible to purchase for each eligible refinery, including an allocation for expanded refining capacity and emergency allocations.

All refiner-sellers' percentage shares have been changed to reflect the Continental Oil Company and Exxon Company, U.S.A. Decision and Order dated March 20, 1979 (Case numbers FEX–0185 and FEX–0184). While the refiner-sellers' percentage shares displayed are rounded to three decimal places, six decimal places have been utilized to establish actual sales obligations.

In calculating the total allocation and sales obligation levels, ERA has included two pending directed sales from the October 1979—March 1980 allocation period. Refiner-sellers may be directed to supply A. Johnson (260,285 barrels) and Commonwealth Oil and Refining (1,300,312 barrels) in the near future. If ERA had not included these volumes in the total allocation and sales obligation volumes for this allocation period, those numbers would have been understated, since the crude oil should actually be sold in addition to other April—September 1980 allocations listed here.

Amendments to Prior Allocations

On February 13, 1980, ERA issued an Amended Decision and Order to MacMillan Ring Free Oil Company reducing MacMillan's allocation for February 1980 from 43,442 barrels to zero (0) barrels, based upon advice from MacMillan that it would be processing oil for another firm during February.

On February 13, 1980, ERA issued an Amended Decision and Order to A. Johnson & Company. Based upon additional purchases of crude oil made outside the Buy/Sell Program, ERA reduced Johnson's March 1980 allocation from 161,138 barrels to 73,138 barrels.

On February 28, 1980, ERA issued an Amendment Decision and Order to Clark Oil and Refining Corporation, reducing Clark's February 1980 emergency allocation from 1,012,129 barrels to 447,970 barrels, to account for 564,159 barrels that Clark was able to purchase, during the period October 1979—January 1980, above which it had originally reported to ERA.

On March 20, 1980, ERA issued an Amended Decision and Order to Commonwealth Oil and Refining Corporation (Corco), reducing Corco's March 1980 emergency allocation of crude oil from 1,871,656 barrels to 537,904 barrels. Corco anticipates that its runs to still will be reduced by 1,333,752 barrels during March due to unanticipated refinery maintenance.

On February 15, 1980, ERA issued a Decision and Order to OKC Corporation, directing OKC not to purchase 148,025 barrels of allocated oil for the months of December 1979 and January 1980. This action was taken because ERA determined that OKC was not eligible for emergency allocations for these two months, due to additional crude oil availability.

ERA has adjusted refiner-sellers' unsold sales obligations for the October 1979—March 1980 allocation period to reflect these adjustments to allocations. This is reflected in the calculation of refiner-sellers' obligations for the April-September 1980 allocation period.

Refiner-Sellers' Obligations, Crude Oil Allocation Program for the Period Apr. 1, 1980–Sept. 30, 1980

Refiner-Sellers	Share	Sales obligation [1] (barrels)
Amoco Oil Co	.105	2,529,217
Atlantic Richfield Co	.077	2,990,862
Chevron U.S.A., Inc	.101	1,884,051
Cities Service Co	.025	1,303,730
Continental Oil Co	.004	154,645
Exxon Co., U.S.A	.089	2,124,981
Getty Ref. & Marketing Co	.021	495,002
Gulf Ref. & Marketing Co	.091	2,703,087
Marathon Oil Co	.022	532,186
Mobil Oil Corp	.094	2,576,981
Phillips Petroleum Co	.041	1,077,208
Shell Oil Co	.113	3,406,053
Sun Co	.055	1,947,017
Texaco, Inc	.114	2,514,874
Union Oil Co. of Calif	.046	2,314,094
Total sales obligation		28,553,988

[1] Pursuant to paragraph 8 of an Office of Hearings and Appeals Decision and Order (applications for temporary exception and for stay; case numbers DEL–8020 and DES–8020) issued September 13, 1979, six refiner-sellers that were directed to sell crude oil to Commonwealth Oil Refining Co., Inc. (Corco) in late 1979 will receive credit for half their sales to Corco during the April–September 1980 allocation period. The total sales obligation listed above has been increased by half the total sales made by these six refiner-sellers to Corco. The six refiner-sellers and their total sales to Corco as reported to ERA, pursuant to the September 13, 1979, order are as follows: Atlantic Richfield Co.—87,726 bbls.; Chevron U.S.A., Inc.—530,334 bbls; Exxon Co.—U.S.A.—609,032 bbls.; Mobil Oil Corp.—243,756 bbls.; Shell Oil Co.—1,010,404 bbls.; Texaco, Inc.—1,186,774 bbls. Total sales were 3,668,026 bbls. and total additional sales obligations and credits against sales obligations are half that volume, or 1,834,013 bbls.

Eligible Refineries, Apr. 1, 1980–Sept. 30, 1980

Refiner, Refinery Location, and Allocation (Bbls.)

Asamera Oil, Inc., Denver, CO, 430,698
Carbonit Ref. Inc., Hearne, TX, 27,378
Caribou Four Corners, Woods Cross, UT, 262,340
Caribou Four Corners, Kirtland, NM, 0
CRA-Farmland Ind., Inc., Scottsbluff, NE, 38,179
CRA-Farmland Ind., Inc., Phillipsburg, KS, 4,469
Dow/Refinery, Bay City, MI, 367,269
Evangeline Refining, Jennings, LA, 213,617
Farmers Union Central Exchange, Laurel, MT, 3,014,458
Giant Industries, Bloomfield, NM, 231,117
Hunt Oil Company, Tuscaloosa, AL, 1,679,187
Kenco Ref. Co., Inc., Wolf Point, MT, 156,420
Kentucky Oil & Ref. Co., Betsy Layne, KY, 0
Little America Ref., Sinclair, WY, 965,938
Little America Ref., Casper, Wy, 558,833
MacMillan RF Oil Co., Norphlet, AR, 0
Marion Corporation, Theodore, AL, 848,958
Mount Airy Refining, Mount Airy, LA, 0
Murphy Oil Corp., Superior, WI, 1,099,155
Newhall Ref. Co., Newhall, CA, 128,554
OKC Corp., Okmulgee, OK, 1,299,478
Pennzoil Co. (Atlas), Shreveport, LA, 0
Pioneer Ref. Co., Nixon, TX, 121,509
Plateau, Inc., Bloomfield, NM, 553,474
Plateau, Inc., Roosevelt, UT, 0
Pride Ref., Inc., Abilene, TX, 346,287
Rancho Ref. Co. of TX, Donna, TX, 0
Shepherd Oil Inc., Jennings, LA, 1,071,289
Somerset Ref. Inc., Somerset, KY, 0
Southern Union, Lovington, NM, 2,667,255
Southern Union, Monument, NM, 252,023
Southwestern Ref. Co., La Barge, WY, 27,090
Texas American Petrochemicals, Inc., West Branch, MI, 197,403
Thunderbird Resources (Westco), Cut Bank, MT, 37,178
Thunderbird Resources (Westland), Williston, ND, 0
Western Ref. Co., Woods Cross, UT, 632,844
Wyoming Ref., Newcastle, WY, 366,143
Total, 17,598,323

Additional Allocation For Expanded Refining Capacity

Refiner, Refinery Location, and Allocation (Bbls.)

Giant Industries, Inc., Bloomfield, NM, 146,000

Emergency Allocations Previously Issued For April 1980*

Refiner/Buyer, Refinery Location, and April Allocation (Barrels)

Clark Oil & Refg., Blue Island, IL, 1,017,030
Commonwealth Oil & Refining, Ponce, P.R., 1,779,030
CRA—Farmland, Coffeyville, KS, 693,300
Energy Coop., East Chicago, IL, 2,008,800
Hunt Oil, Tuscaloosa, AL, 269,190
Macmillan Ring Free Oil Company, Long Beach, CA, 50,880
Marlex Oil & Refining, Long Beach, CA, 157,950
Newhall Refining, Newhall, CA, 87,930
OKC, Okmulgee, OK, 30,150
Saber Refining, Corpus Christi, TX, 436,020
Seaview Petroleum, Paulsboro, NJ, 362,250
Sunland Refining, Bakersfield, CA, 246,570
Total, 7,139,100

New Emergency Allocation for March, April, and May 1980

Refiner/buyer	Refinery Location	March Allocation (Bbls)	April Allocation (Bbls)	May Allocation (Bbls)
Farmers Union Central Exchange	Laurel, MT	90,210	91,350	94,395

Allocations for the April 1, 1980–September 30, 1980 Allocation Period

April–September 1980 Allocations	17,744,323
April 1980 Emergency Allocations	7,139,100
Commonwealth OHA decision sales	1,834,013
Pending October 1979–March 1980 directed sales	1,560,597
Farmers Union Central Exchange emergency allocation	275,955
Total Allocations	28,553,988

[FR Doc. 80-9503 Filed 3-28-80; 8:45 am]

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*These allocations were originally published in the supplemental list issued February 15, 1980 (45 F.R. 12279, February 25, 1980).

Federal Energy Regulatory Commission

[Docket No. CP77-337]

Algonquin Gas Transmission; Proposed Changes in FERC Gas Tariff

March 26, 1980.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas) on March 18, 1980, tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, 7th Revised Sheet No. 29–E and 5th Revised Sheet No. 29–F.

Algonquin Gas states it is issuing the above tariff sheets to flow through to Algonquin Gas' S–T customers, by a reduction in its rates under Rate Schedule S–T, a decrease in Texas Eastern Transmission Corporation's ("Texas Eastern") Rate Schedule ISS under its Substitute Fifty-second Revised Sheet No. 14. This decrease in ISS rates reflects the flow through of decreased costs to Texas Eastern as a result of Consolidated Gas Supply Corporation's decrease in rates under Rate Schedule GSS to become effective February 1, 1980, in Docket No. RP80–61. This tracking filing is made pursuant to the authorization granted in Paragraph (A) of the Commission's order issued April 4, 1978, in Docket No. CP77–337.

Algonquin Gas respectfully requests that the Commission waive any rules necessary to allow the above-mentioned tariff sheets to become effective February 1, 1980, to coincide with the proposed effective date of Texas Eastern's ISS rate change.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 11, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

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with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9553 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3021 and 3022]

Allegheny Electric Cooperative, Inc., and Allegheny Electric Cooperative, Inc.; Applications for Preliminary Permit

March 25, 1980.

Take notice that applications were filed on January 16, 1980, under the Federal Power Act, 16 U.S.C. Sections 791(a)–825(r), by the Allegheny Electric Cooperative, Inc. for two preliminary permits. The two projects, to be known as Allegheny Lock and Dam No. 8 Hydroelectric Project (FERC Project No. 3021) and Allegheny lock and Dam No. 9 Hydroelectric Project (FERC Project No. 3022), would be located at the U.S. Army Corps of Engineers' Allegheny Lock and Dam No. 8 near the Town of Templeton, and Allegheny Lock and Dam No. 9 near the Town of East Brady, respectively, both on the Allegheny River, in Armstrong County, Pennsylvania. Correspondence with the Allegheny Electric Cooperative, Inc. should be directed to: Anthony C. Adonizio, Assistant General Counsel, Allegheny Electric Cooperative, Inc., P.O. Box 1266, Harrisburg, Pennsylvania 17108.

Purpose of Projects.—Project energy developed from Projects Nos. 3021 and 3022 would be sold to the member-owned rural electric distribution cooperatives of the Allegheny Electric Cooperative, Inc.

Proposed Scope and Cost of Studies under Permit.—Applicant seeks issuance of two preliminary permits, each for a period of three years, during which time it would perform at each proposed project, studies and investigations involving site reconnaissance, system loads, site hydrology, coceptual project arrangements, and power output. Applicant would negoitate with the U.S. Army Corps of Engineers for water rights at the projects, consult with Federal, State, and local government agencies concering potential enviornmental effects of the projects, and prepare applications for FERC licenses, including environmental reports. Applicant estimates the cost of studies under each permit would be approximately $100,000.

Project Descriptions.—The two proposed projects, FERC Project No. 3021 and FERC Project No. 3022, would utilize the U.S. Army Corps of Engineers' Allegheny Lock and Dam No. 8, and Lock and Dam No. 9, respectively.

The Allegheny Lock and Dam No. 8 Hydroelectric Project would consist of: (1) a powerhouse to be located at the north (right) abutment of the existing dam, (2) two 5–MW horizontal shaft bulb-type turbine-generator units installed in the powerhouse for a total proposed generating capacity of 10MW, (3) an appoach channel, (4) a tailrace channel, and (5) appurtenant facilities. The existing upper pool elevation is 800 feet m.s.l., and tailwater elevation is a minimum of 782 feet m.s.l., providing an available head of 18 feet. Applicant estimates the annual generation would average about 52,660,000 kWh.

The Allegheny lock and Dam No. 9 Hydroelectric project would consist of: (1) a powerhouse to be located at the west (right) abutment of the existing dam, (2) two 5–MW horizontal shaft bulb-type turbine-generator units installed in the powerhouse for a total proposed generating capacity of 10 MW, (3) an approach channel, (4) a tailrace channel, and (5) appurtenant facilites. The existing upper pool elevation is 822 feet m.s.l., and tailwater elevation is 800 feet m.s.l., providing an avilable head of 22 feet. Applicant estimates the annual generation would average about 52,600,000 kWh.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permits. (A copy of each application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of permits and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before May 30, 1980 either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 29, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, Section 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comment, protest, or petition to intervene must be filed on or before May 30, 1980, and must specify which of the above applications is being addressed. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kennth F. Plumb,

Secretary.

[FR Doc. 80-9554 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP76-94 et al.]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

March 26, 1980.

Take notice that Columbia Gas Transmission Corporation (Columbia) on March 18, 1980, tendered for filling the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, to become effective April 26, 1980:

Sixtieth Revised Sheet No. 16 and Eighth Revised Sheet No. 16A

Columbia state that the foregoing tariff sheets are being filed pursuant to Article VI A. of Columbia's Stipulation and Agreement in Docket No. RP76–94, *et al.*, which was approved by Commission Order issued March 16, 1978. Article VI A. provides that

Columbia be permitted to increase its rates to track reductions in its and Columbia Gulf Transmission Company's deferred income tax account resulting from refunding amounts attributable to certain income tax refunds. The rate adjustment being filed herewith provides for the recovery of an annual increase in Columbia's cost of service of $1,089,502.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 18, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9555 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-282]

Columbia Gas Transmission Corp.; Application

March 26, 1980.

Take notice that of March 17, 1980, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP80–282 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate 3.3 miles of replacement pipeline which comprises the main field line in Applicant's Coco B Storage Field in Kanawha County, West Virginia. Applicant asserts that replacement of the existing 12-inch line with the like amount of 16-inch line would eliminate an excessive pressure drop which occurs in the existing undersized pipeline at maximum withdrawal rates, and would result in an increase of approximately 260,000 Mcf in the annual turnover of the Coco B Storage Field. Applicant further asserts that, in order to assure continued reliable operation of the storage field, the present main field line should be replaced inasmuch as the line is over 28 years old and was installed without corrosion protection. The total costs of the proposed construction are estimated to be $1,515,000, which cost would be financed from internally generated funds, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9569 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER79-370]

Consolidated Edison Co.; Informal Conference

March 25, 1980.

Take notice that the Staff has scheduled an informal conference in this proceeding pursuant to 18 CFR § 1.18 (1979). This conference, scheduled upon the directive of the Commission, will be for the purpose of discussing the cost-of-service support filed May 10, 1979, in this docket by Consolidated Edison Company. The conference will occur April 8, 1980, commencing at 10 a.m., in a hearing room to be designated in the offices of the Commission at 825 North Capitol Street, N.E., Washington, D.C.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9556 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3016]

City of Dothan, Ala.; Application for Preliminary Permit

March 25, 1980.

Take notice that the City of Dothan, Alabama filed on December 21, 1979, a competing application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r) (1976)] for a preliminary permit for the proposed hydroelectric power project to be known as the George W. Andrews Lock and Dam Project (FERC Project No. 3016), located on the Chattahoochee River in Houston County, Alabama. The application for preliminary permit competes with applications filed for the same site by Alabama Electric Cooperative, Incorporated, on March 7, 1979, designated as FERC Project No. 2913 and by the Municipal Electric Authority of Georgia, on March 16, 1979, designated as FERC Project No. 2918. The proposed project would be located on a navigable waterway of the United States, and occupy in whole, or in part, lands of the Corps of Engineers' George W. Andrews Dam. Correspondence with the Applicant should be directed to: Mr. Wylie H. Smith, P.E., Water and Electric Superintendent, City of Dothan, Post Office Box 2128, Dothan, Alabama 36301 and Mr. Arnold Fieldman, Goldberg, Fieldman & Letham, P.C., 1700 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

Purpose Of Project.—Project energy would be utilized in meeting power requirements of the residents of the City of Dothan, Alabama.

Proposed Scope And Cost of Studies Under Permit.—Applicant seeks the issuance of a preliminary permit for

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period of 36 months, during which time the Applicant proposes to study the feasibility of installing hydroelectric generating units at the existing George W. Andrews Lock and Dam of the U.S. Army Corps of Engineers. Applicant estimates the cost of studies under the permit would be $50,000.

Project Description.—Applicant's proposed project would consist of: (1) a powerhouse constructed adjacent to the west end of the ungated spillway section of the U.S. Dam; (2) three generating units with an estimated total rated capacity of 16 MW; (3) a step-up substation located adjacent to the powerhouse; (4) approximately one mile of single-circuit 115-kV transmission line to connect with the existing electric distribution system; and (5) appurtenant facilities. The estimated annual output of the proposed project is 70,000,000 kWh.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, Applicant seeks a 36-month permit.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intevene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests and comments filed, but a person who merely files a protest or comment does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before May 29, 1980. The Commission's address is: 825 North Capitol Street, N.W. Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9557 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-152]

East Tennessee Natural Gas Co.; Amendment to Application

March 26, 1980.

Taken notice that on March 14, 1980, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP80-152 pursuant to Section 7(c) of the Natural Gas Act an amendment to its pending application in the instant docket so as to revise the proposed construction and operation of a temporary emergency delivery point for the Chattanooga Gas Company (Chattanooga) so as to make it a permanent delivery point and to finance the costs of the construction from funds on hand, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant, in an application filed December 21, 1979, proposed to construct a temporary delivery point for Chattanooga at a point between Main Line Valve 3213 and Main Line Valve 3213-1A1, and to abandon the facilities on or before July 1, 1980. It is stated that a temporary certificate was issued and construction was immediately commenced.

Applicant states that the original proposal would enable Chattanooga to meet a critical deliverability problem on its system resulting from a delay in the construction of a new bridge across the Tennessee River which would carry a main transmission line of Chattanooga's. Applicant states that it and Chattanooga have since evaluated the new delivery point to determine its long-range benefits to both Chattanooga's and Applicant's systems. Applicant states that it is in its best interest that the delivery point be made permanent because it would improve service to its high priority customers in North Chattanooga and would serve as an emergency alternative to the nearby Tennessee River crossing of Applicant's main pipeline.

Applicant states the proposed facility would not increase the certificated volume allowed Chattanooga nor increase Chattanooga's curtailment period quantity entitlement under Applicant's effective curtailment plan.

Applicant states the estimated cost of the proposed facility would be $58,780, which cost would be financed from funds on hand. Chattanooga would reimburse Applicant for any non-recoverable costs associated with construction and operation of the temporary delivery facility, it is asserted.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 16, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9558 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP76-87]

El Paso Natural Gas Co.; Application for Adjustment

March 26, 1980.

Take notice that on March 14, 1980, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP76-87 an application pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and Section 1.41 of the Commission's rules of practice and procedure (18 CFR 1.41) an application for adjustment exempting Applicant from the provisions of Order No. 49 issued September 28, 1979, in Docket No. RM79-14 so as to authorize withdrawal from the Rhodes Reservoir Storage Project (Rhodes Reservoir) of: (i) injected cushion gas for delivery, subject to Applicant's operational capabilities, to those low-priority east-of-California (EOC) customers which were curtailed during 1973 in order to provide such volumes for injection into Rhodes Reservoir; and (ii) native gas for utilization by Applicant as a part of its system-wide supply, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that on August 1, 1979, in Docket No. CP76-87, it was granted a temporary certificate authorizing, inter alia, (1) the withdrawal of the remaining working gas inventory stored in the Rhodes Reservoir for transportation and delivery to Northwest Pipeline Corporation (Northwest) at existing delivery points in the San Juan Basin area for the account of Clay Basin Storage Company (Storage Company), and for the sale of such gas to Storage Company at such existing delivery points for subsequent injection into and storage in the Clay Basin Storage Field pursuant to the Clay Basin Interim Storage Arrangements; and (2) utilization of working gas volumes withdrawn from Rhodes Reservoir to assist in meeting its EOC customers' Priority 1 and 2 requirements during the 1979-80 winter season. Thereafter, on December 21, 1979, in Docket No. CP76-87, et al., Applicant states that it was also granted temporary authorization, inter alia, to withdraw volumes of natural gas from Rhodes Reservoir for the pay-back volumes of natural gas diverted from Southern California Gas Company and/or Pacific Gas and Electric Company under the California backoff arrangements during the 1979-80 winter season.

Upon completion of the withdrawal and transfer to the Clay Basin Storage Field of all working gas volumes from Rhodes Reservoir by roughly May 31, 1980, Applicant proposes to commence withdrawing the approximately 2,900,000 Mcf of injected cushion gas for delivery, subject to Applicant's operational capabilities, to those low-priority EOC customers who were originally curtailed in 1973 in order to obtain such gas for injection into Rhodes Reservoir. In so doing, Applicant states that it would terminate the current Rhodes Reservoir surcharge and transfer the undepreciated and unamortized plant facilities from the storage function to the production function.

With respect to the withdrawal of the injected cushion gas. Applicant proposes to sell such volumes of natural gas to those low-priority EOC customers who originally sustained curtailment incident to the injection of such volumes into the Rhodes Reservoir at, effectively, the value of the gas when initially injected into the Rhodes Reservoir during 1973 (*i.e.* $592,310 or 20.42 cents per Mcf) plus the appropriate current mainline transmission charge. The revenues received attributable to the inclusion in this calculation of the appropriate current mainline transmission charge would be credited to Applicant's unrecovered purchased gas costs account (Account 191) under the terms of the stipulation and agreement in settlement of rate proceeding dated May 31, 1979, which was approved by the Commission on July 20, 1979, in Docket No. RP79-12, thus reducing the balance of such account, it is asserted. Applicant states further that inasmuch as the subject volumes of injected cushion gas were curtailed from Applicant's low-priority EOC customers prior to enactment of the NGPA and the implementation of Order No. 49 prescribing regulations thereunder, Applicant believes that the application of incremental pricing policies to the sale upon withdrawal of the injected cushion gas to those customers would result in an inequity and unfair distribution of burdens to said customers. Accordingly, Applicant requests exemption from the provisions of Order No. 49 with respect to the disposition to those low-priority EOC customers originally curtailed of the approximate 2,900,000 Mcf of injected cushion gas.

Further, with respect to the sale of the injected cushion gas to those EOC customers originally curtailed, Applicant seeks authorization to exclude such volumes from Article V, Paragraph A_2 Contingent Refunds for Sales in Excess of Settlement of Sales Volumes, of said stipulation and agreement. Applicant seeks authorization to exclude such volumes from said stipulation and agreement inasmuch as (i) the volume of cushion gas originally injected into the Rhodes Reservoir during 1973 were not included in the gas supply and resulting sales of 2,848,000 Mcf per day which were utilized in setting rate leels in Docket No. RP79-12; and (ii) Applicant would itself retain none of the fixed costs recovered through the sale of such volumes to the low-priority EOC customers inasmuch as an amount equal to the difference between the sales rate for such gas and the sum of 20.42 cents per Mcf plus the appropriate current mainline transmission charge would be returned to such customers through a surcharge credit to their monthly billings and, otherwise, the revenues attributable to the inclusion in the surcharge credit calculation of the appropriate current mainline transmission charge would be credited to Account 191.

After all of the working and injected cushion gas has been withdrawn from Rhodes Reservoir and delivered, Applicant proposes to produce the native gas reserves until a final decision is reached on the ultimate disposition of Rhodes Reservoir, such withdrawn native gas to be utilized as a part of Applicant's general system-wide supply. The native gas, approximating 11,700,000 Mcf, would receive a cost of service rate treatment which would result for pricing purposes in a charge to Applicant's customers for the native gas, it is stated.

Applicant submits that the withdrawal and disposition arrangements proposed for the Rhodes Reservoir injected cushion and native gas volumes are required as a matter of prudent operations in order to prevent further possible pressure-induced migration of natural gas within the Rhodes Reservoir.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's rules of practice and procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjutment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9560 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

Docket No. RA80-13]

Kingsport Publishing Corp.; Filing of Petition for Review Under 42 U.S.C. 7194

March 25, 1980.

Take notice that Kingsport Publishing Corporation on February 26, 1980 filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any peson desiring to be heard with reference to such filing should on or before April 4, 1980 file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

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20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through Gaynell C. Methvin, Deputy General Counsel for Enforcement and Litigation, Department of Energy, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9558 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-79]

Midwestern Gas Transmission Co.; Tariff Filing

March 26, 1980.

Take notice that on March 17, 1980, Midwestern Gas Transmission Company (Midwestern) tendered for filing tariff sheets to its FERC Gas Tariff, Third Revised Volume No. 1, to be effective February 17, 1980, consisting of the following:

Original Sheet Nos. 5C, 86B, 86C, 95M, 95N, 950
First Revised Sheet Nos. 40, 41, 45, 46, 54, 86A, and 95L
Second Revised Sheet Nos. 39, 44, 49, 53 and 56
Third Revised Sheet No. 57
Fourth Revised Sheet No. 95F
Fifth Revised Sheet No. 83
Sixth Revised Sheet Nos.84 and 86
Seventh Revised Sheet No. 85

Midwestern states that these tariff sheets reflect the modification and additions to its tariff resulting from implementation of the incremental pricing regulations promulgated by the Commission in Order Nos. 49 and 49-A as required by the Economic Regulatory Administration's Opinion and Order No. 14. Specifically, Midwestern states that it is adding a new Article XXIII to the General Terms and Conditions of its tariff to establish the mechanism for calculating and billing the Incremental Pricing Surcharges to its Northern System customers. Midwestern further states that it has revised the Purchased Gas Cost Adjustment provision for the Northern System in Article XVIII to reflect the changes in the calculation of its PGA rate adjustment flowing from Order Nos. 49 and 49-A.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 11, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9559 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP80-275 and CI80-233]

Mountain Fuel Supply Co. et al.; Notice of Application

March 26, 1980.

In the matter of Mountain Fuel Supply Company, Wexpro Company, Docket No. CP80-275, Celsius Energy Company, Docket No. CI80-233.

Take notice that on March 7, 1980, Mountain Fuel Supply Company (Mountain Fuel), 180 East First South Street, Salt Lake City, Utah 84139, and Wexpro Company (Wexpro), Suite 1560, 36 South State Street, Salt Lake City, Utah 84111, in Docket No. CP80-275, and Celsius Energy Company, 36 South State Street, Salt Lake City, Utah 84111, in Docket No. CI80-233, filed an application pursuant to Section 7 of the Natural Gas Act for permission and approval for Mountain Fuel and Wexpro to abandon by sale, assignment and conveyance production processing, leasehold and appurtenant properties described hereinafter and granting certain accounting authorization and for a certificate of public convenience and necessity authorizing Celsius to make the sale of gas for resale to Mountain Fuel Resources, Inc. (Resources) in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Mountain Fuel states that it is engaged in the production, purchase, transmission, and sale of natural gas directly to approximately 380,000 ultimate customers in Utah and Wyoming and, that it produces and purchases natural gas in Colorado, Utah, and Wyoming and transports such gas in its interstate pipeline system to its markets in Utah and Wyoming.

Applicants state that Wexpro began operations on January 1, 1977, as a wholly owned Mountain Fuel subsidiary with the objectives of conducting the nonutility oil business originally handled as a division within the parent, Mountain Fuel, and of conducting the system exploration and energy development effort in cooperation with but separately from Mountain Fuel pursuant to a Joint Exploration Agreement (JEA).[1]

The relationship between Mountain Fuel and Wexpro was, it is stated, the subject of a hearing before the Utah Public Service Commission (Utah PSC) and by decision on April 11, 1978, that Commission issued its order reaffirming decisions of almost 50 years standing that it did not have jurisdiction over the Company's non-natural gas operations. The foregoing determination of the Utah PSC was reversed and remanded, it is stated, by the Supreme Court of Utah in *Committee of Consumer Services* v. *Public Service Commission*, 595 P. 2d 871 (Utah 1979), *cert. den.* U.S. , [48 L.W. 3435] (1980).

Applicants state that Celsius, a wholly owned subsidiary of Resources was formed and organized in early March 1980, as a corporation under Nevada law for the purpose of conducting the search for hydrocarbons in the states where it proposes to acquire leasehold interests as successor in interest to Mountain Fuel and Wexpro.

Applicants state that the purpose of the instant application is to obtain approval for the corporate realignment of Mountain Fuel and its subsidiaries in order to draw a clear line of demarcation between its production and exploration, transmission and distribution functions and to separate interstate functions so as to confirm and assure that the scope and effect of the foregoing decision of the Utah Supreme Court is limited to certain of Mountain Fuel's intrastate operations in the state of Utah and that such decision remains inapplicable to the search for hydrocarbons outside the state of Utah and where, if successful, the resulting natural gas production would be sold in interstate commerce.

[1] It is stated that the JEA between Mountain Fuel and Wexpro, provided in substance that Mountain Fuel and Wexpro would each pay 50 percent of the expenses, including dry hole expenses (but not capital expenditures), of joint exploration, up to $6.2 million total annually, with Wexpro conducting the program.

To achieve the foregoing, Mountain Fuel and Wexpro have agreed to discontinue the JEA Program, it is asserted. In addition, Mountain Fuel and Wexpro propose the transfer, assignment and sale to Celsius of all production, leaseholds and related properties, in which Mountain Fuel and Wexpro may have a joint interest, which are located in states other than Utah, it is stated.

Further, it is stated that Celsius proposes to make a sale to Resources of natural gas subject to the requirements of the contract between Celsius and Resources dated March 5, 1980. In addition, Celsius specifically proposes to continue the sales presently being made by Mountain Fuel to Resources pursuant to Rate Schedules F-1 and F-2 under authorizations issued by the Commission in Docket Nos. CP78-290 and CP79-87, respectively.

Resources would, it is stated, execute and deliver to Mountain Fuel a combination of par value of Resources' stock and instruments assuming responsiblity for its pro rata share of the outstanding indebtedness of each of Mountain Fuel's existing indenture agreements covering outstanding bonded indebtedness. Responsibility for Mountain Fuel's preferred stock would, it is stated, be assumed by Resources, pro rata in a similar manner, with the total of the securities to equal the depreciated book cost at closing of the property transferred from Wexpro to Celsius.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9570 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL79-29]

Municipal Electric Utilities Association v. New York State Electric & Gas Corp.; Filing

March 26, 1980.

Take notice that the New York State Electric & Gas Corporation (NYSEG) on February 27, 1980, tendered for filing contracts entered into by NYSEG, as follows:

Contract and Date of Contract

Power Authority of the State of New York (St. Lawrence Contract S-7), July 8, 1957.
Village of Rouses Point, April 8, 1957.
Village of Hamilton, March 30, 1959.
Village of Sherburne, July 7, 1959.

NYSEG indicated that the filing of these contracts is made under protest and without prejudice to our position that the Commission is without jurisdiction over these contracts.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before April 11, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9561 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-232]

National Fuel Gas Supply Corp.; Informal Conference

March 25, 1980.

Take notice that on March 28, 1980, at 10:00 a.m. an informal conference will be held at the Offices of the Federal Energy Regulatory Commission, 825 N. Capitol Street, N. E., Washington, D.C. 20426 among the applicant in the above-captioned docket, the intervenors to that docket and members of the Commission Staff.

At Docket No. CP80-232 National Fuel Gas Supply Corporation (National Fuel) requests:

1. A certificate of public convenience and necessity authorizing:

a. Limited term sale of gas to customers for resale to Storage Corporation for use as base gas and compressor fuel.

b. Limited term use of existing transportation facilities in order to make direct sales of natural gas to Storage Corporation for use as base gas.

2. Temporary certificate authorization on or before April 1, 1980 for the sales, services and operations proposed in the application; and

3. Permission for and approval of the abandonment by Supply Corporation of:

a. Sales of gas to customers for resale to Storage Corporation on March 31, 1981 or on such date prior thereto as the applicable total volume has been delivered.

b. Service through the use of its transportation facilities incident to direct sales to Storage Corporation on March 31, 1981, or on such date prior thereto as base gas injections for the first year of Phase I may be completed.

This informal conference is open to the public, however, attendance or participation at the informal conference will not serve to make the attendees parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of National Fuel's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9562 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-292]

Ohio Edison Co.; Proposed Tariff Change

March 26, 1980.

The filing Company submits the following:

Take notice that Ohio Edison Company, on March 21, 1980, tendered for filing a proposed change in its FERC

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Electric Service Tariff No. 67 to reduce the Delivery Loss Correction Factor used in calculating the rate for sales to Ohio Power Company, reflecting current experience with Transmission losses.

Copies of the filing were served upon Ohio Power Company and The Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 18, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9563 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-285]

Panhandle Eastern Pipe Line Co.; Application

March 26, 1980.

Taken notice that on March 18, 1980, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, and P.O. Box 1348, Kansas City, Missouri 64141, filed in Docket No. CP80-285 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity so as to authorize the construction and operation of certain pipeline and appurtenant facilities in Sweetwater County, Wyoming, and Moffat County, Colorado, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate 4.7 miles of 6-inch pipeline, 1.4 miles of 10-inch pipeline, and related valves and fittings, to be located in Sweetwater County, Wyoming, and in Moffat County, Colorado.

Applicant states that it has entered into gas purchase and sales agreements with natural gas producers in Sweetwater and Moffat Counties. It is stated that the proposed facilities would enable Applicant to connect and transport the natural gas so produced to a pipeline owned by Mountain Fuel Supply Company (Mountain Fuel). It is further stated that Mountain Fuel would deliver the subject gas to Colorado Interstate Gas Company which would redeliver the gas to Applicant. Such service, it is asserted, would be rendered pursuant to previously authorized transportation agreements among the parties.

Applicant states that the cost of the proposed facilities would be $1,000,000 which would be financed from funds available to Applicant.

Applicant states that the gas being purchased would be produced from eight new nonassociated gas wells from the Fort Union Reservoir. Applicant estimates the eight wells would result in 8,300,000 Mcf of initial recoverable reserves.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9571 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3035]

Passamaquoddy Tribal Council; Application for Preliminary Permit

March 25, 1980.

Take notice that on February 4, 1980, the Passamaquoddy Tribal Council of the Pleasant Point Reservation, Perry, Maine, filed an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. Section 791(a)–825(r), for proposed Project No. 3035 to be known as the Half-Moon Cove Tidal Power Project in Washington County, Maine. The project would be located adjacent to the Pleasant Point Reservation.

Correspondence with the Applicant should be directed to: Dr. Normand Laberge, P.O. Box 203, Eastport, Maine 04631.

Purpose of Project—Power generated by the project would be sold to Bangor Hydro-Electric Company and Eastern Maine Electric Cooperative for distribution to their customers.

Proposed Scope and Cost of Studies Under Permit—The work proposed under this preliminary permit would include preliminary designs, economic analysis, preparation of preliminary engineering plans, and an environmental assessment. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the work to be performed under this preliminary permit would cost $1,601,727. Due to the research and developmental nature of the project, and due to financial limitations, Applicant expects that a large portion of the monies to pay project costs will be obtained through cost sharing programs and research funds.

Project Description—The project would consist of: (1) a 1,050-foot-long, 75-foot-high earth and rock fill dam; (2) Half-Moon Cove with a surface area of 795-acres at high tide and 592-acres at low tide (3) an 18-foot-high, 60-foot-long tidal gate structure containing three 6-foot-high flap gates; and (4) a powerhouse located in mid-channel containing two bulb-type turbine-generator units with a total rated capacity of 10 MW that would generate approximately 37,984,000 MWh annually. The proposed project would generate as Half-Moon Cove empties into Cobscook Bay after each high tide.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *June 2, 1980*, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than *August 1, 1980*. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before *June 2, 1980*. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9564 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI77-702, CI78-499, CI78-501, CI78-767]

Pennzoil Producing Co. (Successor to Pennzoil Louisiana and Texas Offshore, Inc.); Redesignation

March 25, 1980

On October 22, 1978, Pennzoil Producing Company (Pennzoil Producing) filed an Application to amend the certificates currently held by Pennzoil Louisiana and Texas Offshore, Inc. (PLATO) by substituting Pennzoil Producing Company as certificate holder of the above-referenced docket numbers. Pennzoil Producing Company also requests to be substituted for PLATO in any and all proceedings before the Commission, all effective from and after October 1, 1979.

Effective October 1, 1979, by instruments of conveyance, Pennzoil Producing acquired all of the assets and rights of, and assumed all of the obligations and liabilities of, PLATO.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of the protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said Application, on or before April 4, 1980, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedures (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this Application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commision on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9565 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-293]

Public Service Company of Indiana; Filing

March 26, 1980.

Take notice that Public Service Company of Indiana (PSCI) on March 21, 1980 tendered for filing an agreement dated February 1, 1980 between Wabash Valley Power Association, Inc. on behalf of Parke County Rural Electric Membership Corporation and PSCI. PSCI states that this agreement is the third supplement to the contract dated December 1, 1973 between Parke County Rural Electric Membership Corporation and PSCI.

PSCI further states that the supplemental agreement provides for the amending of Exhibit A to the contract by the addition of reference to a new delivery point designated as the Coxville delivery point.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 18, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

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with the Commision and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9688 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-280]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

March 26, 1980.

Take notice that on March 14, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-280 an application pursuant to section 7(c) of the Natural Gas Act for a certification of public convenience and necessity authorizing the transportation of natural gas for Chevron U.S.A. Inc. (Chevron), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to deliver gas to Chevron at an existing point of delivery in Block 24, South Pass Area, Plaquemines Parish, Louisiana (South Pass). Applicant has the right to purchase the Chevron gas in Block 24. Chevron retains the right to retain natural gas produced from fields in South Pass 24 for uses incidental to the operation of its lease, it is said. Applicant states that it would, as it is able, make available volumes of up to 2,000 Mcf per day from the daily production of Chevron which would be redelivered from delivery points within the South Pass 24 Field area to Chevron at Chevron's W-1 and E-3 Batteries in South Pass Block 24. Applicant further states that the volumes delivered at the W-1 and E-3 Tank Batteries would be deducted from the gross volumes delivered to Applicant in the South Pass 24 Field, that Chevron would reimburse Applicant for construction of any facilities installed by Applicant necessary to implement the agreement, and that Chevron would pay Applicant a monthly service charge of $75 to cover the costs associated with the integration of charts and the computation of the volumes of gas delivered by Applicant to Chevron. Chevron would use the gas for secondary recovery of crude oil, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9672 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-89]

Texas Eastern Transmission Corp. and Transcontinental Gas Pipe Line Corp.; Petition To Amend

March 26, 1980.

Take notice that on March 14, 1980, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP80-89 a joint petition to amend the order issued December 21, 1979, in the instant docket so as to authorize an additional point of receipt located in Hidalgo County, Texas, pursuant to an amendment dated February 25, 1980, to the existing transportation agreement, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners propose herein to add a delivery point for the transportation of natural gas, pursuant to an amendment to their existing transportation agreement dated February 25, 1980. It is further stated that the amendment provides for an alternate point of delivery from Texas Eastern to Transco located at the proposed interconnection of Petitioners' facilities in Hidalgo County, Texas (Lacy Delivery Point).

Petitioners state that additional minor pipeline, metering, and appurtenant facilities would be required for the establishment of the Lacy Delivery Point. It is stated that the facilities proposed by Transco would cost $132,000, and those proposed by Texas Eastern would cost $21,550. It is further stated that Texas Eastern would be reimbursed for the total cost of its proposed facilities by Transco. Transco, it is asserted, would finance such costs from funds on hand.

Petitioners assert that the proposed point would provide them with additional operational flexibility and reliability of service in handling the Mexican natural gas import volumes.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 16, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9673 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-140]

Transcontinental Gas Pipe Line Corp.; Amendment to Application

March 26, 1980.

Take notice that on March 18, 1980, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP80-140 an amendment to its pending application filed pursuant to Section 7(c) of the Natural Gas Act is

said docket so as to reflect a revision in the construction and operation of certain pipeline and appurtenant facilities, all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

Applicant states that on December 17, 1979, it filed an application in the instant docket for authorization to construct and operate approximately 66.35 miles of 24-inch pipeline and appurtenant facilities (Padre Island Pipeline System) (PIPS) with which to attach new sources of gas supply in Blocks 956, 967 and A-42, North Padre Island Area and East Addition thereto, offshore Texas, to Applicant's main line in Jim Wells County Texas.

Applicant proposes herein to increase the length of pipeline extending from North Padre Island Block 967 to Block 956 from 3.62 miles to 3.89 miles, and to reduce its diameter from 20-inches to 10-inches. It is further stated that the maximum capacity of the proposed 10-inch pipeline would be 19,000 Mcf of natural gas per day.

Applicant states that the PIPS was originally designed with capacity in its Block 967 leg in anticipation of future extension of this leg to other blocks where gas purchase offers are outstanding. Applicant states that it now appears that, even if gas were to be acquired by Applicant in the other blocks, the gas would be attached to PIPS by means of facilities other than an extension of the Block 967 leg.

It is further stated that the proposed facilities would cost $4,510,000, which is a reduction of $1,030,000 from the estimated cost of the line as initially proposed.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 16, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9674 Filed 3-28-80; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[80T-137; FRL 1449-5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import. Section 5(d)(2) requires EPA to publish in the **Federal Register** within 5 working days, after receipt, certain information about each PMN the Agency receives. This Notice announces receipt of PMN's and provides a summary of each.

DATES: Written comments by:

PMN 80-37, May 22, 1980, PMN 80-45, June 2, 1980, PMN 80-51, June 5, 1980, PMN 80-50, June 5, 1980.

ADDRESS: Written comments to: Documents Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Notice Manager, Mr. Robert Smith—PMN No. 80-37, 80-50, Telephone: 202/426-8815, and Mr. Kirk Maconaughey, PMN No. 80-45, 80-51, Telephone: 202/426-2601.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import. A "new" chemical substance is any substance that is not on the Inventory of existing substances complied by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for a commercial purpose became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposurers from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

Once received, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

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Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the date shown under "Dates" for each specific PMN, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M Street SW., Washington, D.C. 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control numbers "[80T-137]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays. (Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)).

Dated: March 19, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

PMN 80-37

Close of review period.—May 22, 1980.

Manufacture's identity.—Claimed confidential.

Chemical identity.—Monafax 939, a free acid form of organic complex, neutralized with [102-71-6] ethanol, 2,2'2" nitrilotris $C_6H_{15}NO_3$.

Data.—The following summary is taken from date submitted by the manufacturer in support of claims made in the PMN.

Use.—Extreme pressure lubricity agent or metalworking lubricants and synthetic cutting fluids.

Production volume.—Claimed confidential.

Test data (for Monafax 939)

Oral LD_{50} (rats): >5 ml/kg

Primary skin irritant (rabbits): 0.65

Ocular irritation: Mild ocular irritant

Acute inhalation toxicity: Nontoxic

No data submitted for PMN substance.

Physical/Chemical Properties

Specific gravity (H_2O = 1): 1.13

pH: 8.1 + 0.3

Viscosity at 100°F: 118 + 12cs

Evaporation rate (Toluene=1): <1

Appearance: Clear gold fluid at ambient conditions

Exposure

Manufacture.—Approximately two employees per shift during drumming operations. No direct worker exposure during manufacture. Workers wear normal protective clothing and have rubber gloves during drumming operations to protect them from direct contact with both reactants and products.

Use.—Minimal exposure because metalworking machines are mostly automatic.

Disposal.—Approximately 0.05 percent solution of the chemical substances is generally recirculated with provisions made for screening out metal fines and makeup added on a regular basis. The manufacturer does not know how often each circulating system is dumped, however; plants with a 24-hour 7-day operation might dump to the sewer less freqently. Residual machining coolant or parts probably removed by alkaline cleaner. Large users probably have their own water treatment plant. Smaller users probably dispose of materials into municipal sewer.

PMN 80-45

Close of review period.—June 1, 1980.

Manufacturer's identity.—Claimed confidential.

Chemical identity.—Claimed confidential. Generic name provided: 5-Carboxyhydroxy-(4-sulfophenyl)-heteromonocyclic-2,4-pentadienylidene dihydrooxo- (4-sulfophenyl)heteromonocycle carboxylic acid, tetra potassium salt. There are no known byproducts.

Data.—The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use.—Constitutent of photographic color paper.

Production volume.—Claimed confidential.

Test data (tests and results).

Acute oral toxicity (rats): >5 gm/kg

Eye irritant (rabbit): Minimally irritating

Skin irritant (rabbit): minimally irritating

Mutagenicity Screens Assays, Ames: weak effect on strains TA1538, TA98, negative on TA1535, TA1537, TA100; Negative in yeast recombination assay (D3 strains). The mutagenicity assay, the Ames test, and the Yeast Recombination Assay produced positive frame shift mutation results in the two *Salmonella Typhimurium* strains.

Physical Data

Melting point: indefinite.

Sinter point: about 285° C.

Color: dark brown.

Solubility: water soluable.

The subject compound is a potassium salt and does not volatilize, no mass spectrum determination can be made.

Exposure. During manufacture, operators use protective garments, masks, gloves, and all procedures consistent with standard industrial hygiene practices.

Disposal. Manufacturing waste and unused final products are incinerated.

PMN 80-51.

Close of Review Period. June 5, 1980.

Manufacturer's Identity. Claimed confidential.

Chemical Identity. Claimed confidential. Generic name: Polymer formed from phenol formaldehyde resin and diazo oxonaphthalene sulfonyl chloride.

Data. The following summary is taken from data submitted by the manufcturer in support of claims made in the PMN.

Use. This chemical substance will be used as a thin photosensitive layer on supporting substrates.

Byproducts. Na Cl is the byproduct formed during manufacturing.

Test data.

Summary of Toxicity Assessment for T-2647 Pr, T-2659 Pr, and T-2711 Pr

	No. 4 T-2647 Pr.	No. 6 T-2711 Pr.	No. 5 T-2656 Pr
Acute oral: >5g/kg body wt			>5g/kg body wt.
Eye irritation: Minimal			Minimal.
Skin irritation: Minimal			Slight (PSI=0.7).
Ames test [1]: Negative	Minimally positive.		Positive (TA-98 & TA 100).
Yeast recombination: Negative.			Positive.

[1] Based on three repetitions.

Human Exposure.

Manufacture. Because of the relatively small amounts of this chemical substance to be produced, we expect a minimum of exposure to workers involved. It involves a closed system reaction with potential worker exposure resulting from skin contact during the process of removing the chemical from the reaction, vessel, washing, filtering, and filling the containers for storage. Exposure to raw materials will be minimized by the use of safety equipment provided by the company.

Processing. Workers processing this chemical substances will follow the industrial hygiene regulations in force throughout the plant. Any special precautions to be aware of will be listed in the make orders and called to the attention of foreman in charge. Workers exposure will be minimized by the use of safety equipment provided by the company.

Commerce. The user of products containing this chemical substance will receive the article having substance factory coated in a photo reactive condition and in an amount equal to about 25 milligrams per square foot. Square footage used could vary from several up to about 300 square feet per day. The user will not come in contact with this chemical substances in a photo reactive condition since, in the product as received, this substance will be located between coatings of other materials. In the final state of the product when handled, the substance will not be in a photo reactive condition.

The use of this chemical substance, in its intended application, will eliminate the need for organic solvent type developers.

Disposal. The reaction and mixing vessels used in manufacture will be rinsed with solvent which will then be destroyed in company controlled industrial incinerators.

PMN 80-50.

Close of Review Period. June 5, 1980.

Manufacturer's Identity. Claimed confidential. However, the manufacturer intends to produce the new chemical substances at a plant in the East North Central region of the country.

Chemical Identity. Polymer of: Methyl methacrylate, 2-hydroxyethyl methacrylate, 2-ethylhexyl acrylate, acrylamide.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. Claimed confidential. No generic use description provided.

	Polymer solution	Dried polymer
Physical/Chemical Properties		
Solids content	56.7%	100%.
Viscosity	Z_3—Z_4	NA.
Density	8.31 lbs/gal	14.32 lb/gal not soluble.
Solubility in water		
Average molecular weight		34,000 to 38,000.
Flash point (closed cup)	38°F	>>212°F.
Residual monomers	≤0.5%	
Elemental analysis		%C=62.28. %H=8.76. %N=2.01.
Chemical Oxygen Demand	2,481,000 µg O_2/g.	

TOXICITY OF RAW MATERIALS

Methyl Methacrylate:		
Oral LD_{50} (rats)	8400 mg/Kg	Minimally toxic.
Inhalation LD_{50} (rats)	3750 ppm	Moderately toxic.
Skin irritant	Moderate.	
Eye irritant	Moderate.	
2-Hydroxyethl Methacrylate:		
Oral LD_{50} (rats)	4230 mg/Kg	Slightly toxic.
Skin irritant	Mild.	
Eye irritant	Mild.	
2-Ethylhexyl Acrylate:		
Oral LD_{50} (rats)	6.50 gm/Kg	Slightly toxic.
Skin irritants (rats)	16 gm/Kg	Slightly toxic.
Eye irritants (rabbits)		Slight.
Acrylamide:		
Oral LD_{50} (rats)	170 mg/Kg	(Moderate-serious toxicity).
Dermal LD_{50} (rabbits)	100 mg/Kg	Moderately toxic.

Recently reported long term skin painting studies in mice showed that this monomer may produce skin tumors.

Isopropanol: A diluent. The ACGIH has established a TLV of 100 ppm to protect against irritation and narcosis.

Toluene: A diluent. The ACGIH has established a TLV of 400 ppm to protect against narcosis and systemic effects.

Vazo Catalyst: Oral LD_{50} (mice); 700 mg/kg; moderately toxic. Thermal decomposition by burning may release cyanide which is highly toxic.

Exposure. Occupational:

Activity	Exposure route(s)	Number exposed	Maximum duration		Concentration (ppm)	
			Hours/day	Days/year	Average	Peak
Manufacture	Inhalation and dermal.	6	4	80	0-1	1-10
Disposal	Inhalation and dermal.	5	8	8	0-1	1-10

The use may possibly involve potential daily exposure to skin and eye contact to non-chemical industrial employees. The use may also involve exposure for consumers as part of an article.

Environmental Release.

Media	Duration of release		Amount
	Hours/day	Days/year	
Air	8	80	>10kg/yr

Disposal. Manfacturing plant is equipped with exhaust and fume condenser at each reactor site. Air borne effluents are scrubbed—sludge is taken to State licensed landfill.

[FR Doc. 80-9503 Filed 3-27-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

Additional Networks and Correction of Appendix Entitled Multi-Point Distribution Service

AGENCY: Federal Communications Commission.

ACTION: Further Notice of Availability of Preliminary Report on Prospects for Additional Networks and Correction of Appendix entitled Multi-Point Distribution Service.

SUMMARY: The Preliminary Report describes the first of two steps of the Network Inquiry Special Staff's overall study of prospects for additional networks. It is accompanied by a series of appendices, three volumes of which were released previously. These discussed spectrum management policies, multiple ownership, public broadcasting, cable television, subscription television, multi-point distribution service and home video. The fourth volume, to be released April 1, 1980, will discuss interconnection of broadcasters and direct broadcast satellites.

CORRECTION: Exhibit F. entitled *MDS License Applicant and Licenses,* of the Multi-Point Distribution Service Report should have contained the following attribution:

"Information in this chart was obtained from *The MDS Databook,* p. 4, published by Paul Kagan in October, 1979.

DATES: Comments in response to the Preliminary Report and consultant reports must be filed within ninety days of the date of release of each report. Reply comments must be filed within fifteen days of the close of the respective comment periods.

ADDRESSES: Federal Communications Commission, Washington, D.C.

Copies of the report and volume 4 appendices are available from the FCC Office of Public Affairs, Room 207, 1919 M Street, N.W., Washington, D.C.

For further information contact: Teri Freundlich, Network Inquiry Special Staff, (202) 254-7030.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-9667 Filed 3-28-80; 8:45 am]

BILLING CODE 6712-01-M

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[CC Docket No. 79-184; FCC 80-143]

Inquiry Into the Policies To Be Followed in the Authorization of Common Carrier Facilities to Meet North Atlantic Telecommunications Needs During the 1985-95 Period

AGENCY: Federal Communications Commission.

ACTION: Second Notice of Inquiry.

SUMMARY: This order requests in Appendix One the specific information the Commission will need for the development of policies governing the construction and use of cable and satellite facilities for the North Atlantic routes during the period 1985-1995. Appendix Two requests development of proposed facilities plans. The order also establishes the overall procedures the Commission will follow in conducting the inquiry.

DATES: Comments on Appendix One are due May 9, 1980. Replies are due May 23, 1980.

Comments on Appendix Two are due June 6, 1980. Replies are due July 3, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James Warwick, International Programs Staff, Common Carrier Bureau, (202) 632-3214.

In the matter of inquiry into the policies to be followed in the authorization of common carrier facilities to meet North Atlantic Telecommunications needs during the 1985-1995 period, CC Docket No. 79-184. See 44 FR 51328, August 31, 1980.

Second Notice of Inquiry

Adopted: March 5, 1980.

Released: April 3, 1980.

By the Commission: Commissioner Washburn concurring and issuing a statement.

1. On August 1, 1979, we released our Notice of Inquiry in the above-captioned matter, *Policies for Overseas Common Carrier Facilities*, 73 F.C.C. 2d 192, in which we initiated the internal United States process for developing policies and guidelines to govern our authorization of cable and satellite facilities for the North Atlantic region for the 1985-1995 period. At that time we stated that we would issue an additional notice of inquiry specifying the procedures for the inquiry and requesting the detailed information required to formulate our policies and guidelines. More specifically, the purpose of this Second Notice of Inquiry is:

A. To request specific information from the United States international carriers [1] and the Communications Satellite Corporation (Comsat) which is necessary to our ultimate decision;

B. To grant all other interested persons opportunity to present any information they believe we should consider in reaching our decision;

C. To request the carriers and Comsat to prepare and submit for our review a range of alternative facilities construction and use plans; and

D. To set forth the procedures we shall follow in formulating our policies and guidelines and the schedule we propose to meet.

We also invite the parties to comment on the procedures we propose herein and to suggest changes they believe would improve the overall North Atlantic facilities-planning process.

2. This proceeding marks the third time that we have used a comprehensive proceeding to develop policies and guidelines for authorization of North Atlantic facilities and the second in which we have conducted the internal United States process in parallel with a structured United States/Canada/CEPT [2] Consultative Process [3] for the exchange and discussion of planning information. The use of parallel processes recently permitted adoption of the first comprehensive cable and satellite facilities plan for the North Atlantic [4] which was acceptable to all interested parties and to whose implementation they would commit. Although all features of the agreed-upon plan may not be the preferred positions of all the parties, the fact that those entities were able to agree on a use plan and commit themselves to the importance of joint, coordinated cable and satellite planning makes the plan, and the process by which it was developed, significant achievements. We believe, however, that further improvements to the facilities planning process can, and indeed must, be made if we are ever to attain our goal of assuring that users have ready access to low-cost, efficient facilities which are capable of meeting their diverse needs for international telecommunications services.

3. One of our disappointments in Docket No. 18875 [5] was that we were unable to overcome the fact that satellites and cables used for North Atlantic Service are planned by different entities, in different forums, at different times and with little reference to each other.[6] Indeed, one of the most important improvements to facilities planning we seek in this proceeding is to create a mechanism whereby the planning of North Atlantic cable and satellite facilities can receive coordinated consideration. If we are to derive full benefit from coordinated consideration, however, agreement on a mutually-acceptable facilities plan must be reached before any viable facilities option is precluded by the passage of time. Beyond the usual need to assure adequate leadtime for the construction of facilities the timing of our decision in the present matter is especially constrained by the need to reach decision in time to allow INTELSAT to consider a mutually agreed-upon plan before it must make its own decision on what satellite facilities are needed for the Atlantic Ocean Region. On the basis of the information now available, it appears that there will be adequate time to develop a mutually-acceptable North Atlantic comprehensive plan if we can arrive at the U.S. policies and guidelines no later than the fall of 1980.

4. As set forth more fully in our August Notice of Inquiry, a senior-level meeting of the North Atlantic Consultative Process in Montreal, Canada, in March 1979 established the North Atlantic Consultative Working Group (NACWG) to develop common data bases and to discuss methodologies for developing and analyzing facilities plans. The meeting also drafted a series of seven terms of reference [7] to guide the NACWG in its efforts. Finally, it directed the NACWG to meet in Montreal, in July 1979, to consider the first four terms of reference to report the results of its efforts at a subsequent meeting of the senior level.

5. For our part, we concluded to coordinate U.S. participation in the NACWG by establishing three informal *ad hoc* working groups, each charged with specific tasks under the terms of reference and chaired by a representative of the service carriers or Comsat, and a general coordinating committee chaired by a member of our staff. This informal process prepared and submitted to the July NACWG meeting a U.S. report on the assigned terms of reference which set forth the consensus, where all agreed, or individual views, where participants were unable to reach agreement. At Montreal, the NACWG discussed the U.S. report as well as information from the CEPT and Canadian representatives. The NACWG then prepared a report of its deliberations, which it submitted to the senior level at a meeting in Dublin, Ireland, on October 2-3, 1979.[8]

6. At Dublin, the senior-level representative agreed that, if at all possible, each country should seek to conclude its respective policy deliberations by the fall of 1980. To this end, the senior level requested the NACWG to address the remaining three terms of reference (having to do with development of alternative facilities plans and examination of analytical methodologies). The senior level also requested the NACWG to develop economic planning data and to update, where necessary, its submission on the first four terms of reference. Finally, the senior level requested the NACWG to meet again—now scheduled for April 22-25 at Ferndown, U.K.—and to report back to a senior-level meeting scheduled for July 10-11, 1980.

Overall Procedures and Schedule to be Followed

7. It is desirable for each country to develop its particular facilities policies by the fall of 1980 in order to permit adequate time to reach mutual agreement on a facilities construction and use plan. We shall adopt a schedule which can result in adoption of our policies and guidelines by that time. We must note, however, that the time remaining is barely adequate to complete the procedures mandated by U.S. law.[9] In the interest of reaching timely decision, and because our experience indicates that they served us well, we propose in this proceeding again to employ the three-phase procedural framework of Docket No. 18875: (1) acquisition and assessment of information; (2) formulation of internal policies; and (3), if necessary, resolution of international policy differences.

8. The information acquisition and assessment phase of this docket began with the release of our Notice of Inquiry, *supra*. If we are to meet our overall schedule, we must conclude this phase with the filings called for by the instant Notice very shortly after the April 1980 NACWG meeting. After the senior-level meeting of the Consultative Process in July, we shall issue a Notice of Proposed Rulemaking looking toward adoption of our policy and guidelines in the fall of 1980. If mutual agreement cannot be reached because U.S. policy guidelines differ from the preferences of the CEPT or Teleglobe, we shall institute an appropriate process for resolving the differences.

Procedure and Schedule of Second Notice of Inquiry

9. We recognize that completion of the information phase of this docket within the time available will place a burden on the participants. For example, the submissions required by this Second Notice of Inquiry must be submittted shortly after the United States submission to the April 1980 NACWG meeting. However, because the information being requested here is, in many instances, the same as that being compiled for the NACWG, the burden imposed by this inquiry will be substantially reduced. For this reason, the filing dates we specify for the Second Notice take into consideration the time the same subjects will be discussed in the Consultative Process. Furthermore, since much of the information requested by Appendix 1 to this Notice was compiled for the July 1979 NACWG meeting, and more of it is being developed in preparation for the April 1980 meeting, we believe it will be appropriate to require filing of responses to Appendix 1 on May 9, 1980. The alternative facilities plans and analytical methodologies contemplated by terms of reference 5 and 6 are scheduled to be completed in the informal process by late March 1980. We shall, therefore, require the filing of responses to Appendix 2, on June 6, 1980, approximately six weeks after the April NACWG meeting at which this material will be discussed with CEPT and Teleglobe.

10. Appendix 1 sets out the information we need from the carriers and Comsat in some detail. The request in Appendix 2 for submission of a range of alternative plans, analytical methodologies and evaluations is somewhat less specific, since we cannot specify the precise form they should take without a chance to review the information we request in Appendix 1. As a result, it is vital that the carriers and Comsat take the led in assuring that the plans they file consider every viable facilities option. The short time available for completing the informational phase of this inquiry precludes the use of an iterative formal process to assure a full range of alternative plans such as the one we used in Docket No. 18875. However, the ongoing informal process for U.S. participation in the NACWG will represent a convenient substitute for multiple formal procedures since it will permit the parties to explore expeditiously all reasonable alternatives and thus assure development of the most informative range of plans.

11. Since the purpose of the informal process is to assure that the views of all the interested U.S. parties are considered, it closely parallels our efforts in this Inquiry. Indeed, the United States submission to the NACWG

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[1] The United States international carriers which currently provide service on North Atlantic routes are the American Telephone and Telegraph Company (AT&T), FTC Communications, Inc. (FTCC), ITT World Communications Inc. (ITT Worldcom) RCA Global Communications, Inc. (RCA Globcom), TRT Telecommunications Corporation (TRT), and Western Union International, Inc. (WUI).

[2] Conférence Européenne des Administrations des Postes et des Télécommunications, an association of the postal and telecommunications entities of 26 European nations.

[3] The North Atlantic Consultative Process is the name which has come to be applied to an ongoing series of meetings, at irregular intervals, among representatives of the United States Government, the U.S. carriers, Comsat, and CEPT and Teleglobe/Canada to exchange information and policy views bearing on facilities-planning issues of common interest. The process grew out of a meeting of the U.S., CEPT and Canadian entities held in Munich, Germany, in October 1974.

[4] *See* Future Licensing of Overseas Communications Facilities, 73 F.C.C. 2d 336 (1979).

[5] Docket No. 18875 addressed the United States procedures concerned with North Atlantic facilities planning for the 1970-79 and 1979-1985 planning periods.

[6] Cable facilities in the North Atlantic have traditionally been designed and built by their prospective owners (the United States service carriers, the Canadian carrier and their European correspondents) and are intended primarily for use on North Atlantic routes. The North Atlantic satellites, however, are part of the INTELSAT global satellite system. INTELSAT, the International Telecommunications Satellite Organization, is an international body composed of representatives of 102 member nations which constructs and operates a world-wide system of commercial communications satellites. The global system at present consists of three operational satellites serving the Atlantic Ocean Region and one each for Indian and Pacific Ocean Regions.

[7] These terms of reference are:

(1) Development of an overall facility-decision timetable governing the requirement for new telecommunications facilities for the North Atlantic for the period post-1985;

(2) Development of a common data-base of traffic forecast for the 10-year period commencing 1985 and extending to 1995;

(3) Development of common quality of service criteria;

(4) Development of a projection of technological facility alternatives likely to be available at various junctures within the 10-year period in question;

(5) Development of a list of facility alternatives available to accommodate traffic demand taking into account 1, 2, 3 and 4;

(6) Exchange of views on methodologies that could be employed by the various Administrations in evaluation of alternatives;

(7) Preparation of a report to senior level CEPT/USA/Teleglobe Canada meeting outlining results of (1) to (6) above.

[8] The report of the Montreal NACWG Meeting, as well as the United States submission to that meeting, have been entered into the official record of this proceeding.

[9] Use of a schedule which provides only the minimum time necessary to complete required procedures raises the possibility of problems due to slippage caused by the occurrence of unanticipated events. However, recent changes in INTELSAT's planning indicate that the first INTELSAT decision which will begin to limit Atlantic satellite options will be taken in mid-1981, rather than during 1980, as was believed to be the case at the time of the meeting in Dublin. Thus, it now appears that some slippage in the overall schedule could be accommodated without limiting the range of facilities options available for consideration.

meeting will be made part of the record of this docket.[10] As a result, this process can be of great aid in assuring that we have a complete record for consideration. However, to the extent that the informal process fails to consider the full range of options, we shall direct our staff to perform its own independent analysis to see if all feasible arangements have been considered. To aid the staff in assuring the most complete record, we shall also delegate it authority to request any additional information it needs or to request the parties to submit additional plans or to consider alternative analytical methodologies.

Information To Be Submitted

Appendix 1

12. The information requested in Appendix 1 is substantially the same as that requested in Docket No. 18875 for the 1979–85 period. We are requesting the information in more detail in some instances to avoid specific problems we encountered in Docket No. 18875. In addition, the fact that we are here seeking to coordinate the consideration of satellite options with consideration of cable options requires some additional information. Interested parties should also include any comments on our proposed procedures in their responses to this Appendix.

Appendix 2

13. The information requested by Appendix 2 is needed to permit interested parties and the Commission systematically to assess the entire range of viable North Atlantic facilities options for the 1985–95 planning period. This assessment is essential to determine the most efficient use of the lowest-cost combination of facilities which can satisfy valid traffic needs and service objectives. Determination of the lowest-cost combination is a central factor in the formulation of our policies and guidelines. We shall not now attempt, however, to specify in detail the plans and methodologies the parties are to submit in response to this inquiry, but shall rely on the informal process to assure that we receive a full range. However, based on our experience in Docket No. 18875, we believe it essential that the participants in the informal process explore the effect of varying every major planning parameter in order to determine the appropriate range of plans for consideration. Variations in the type, capacity or timing of the facilities assumed in a plan will clearly have an impact upon the costs and service quality aspects of that plan which must be fully explored. Similarly, it will obviously be necessary for the parties to consider the effect of fluctuating traffic on each facilities configuration. The various ways circuits can be distributed among available facilities will also have an effect on cost and service reliability and must also be explored.

14. Each party shall analyze fully every plan that it submits in response to this Inquiry. We shall not prescribe any particular cost, service-quality or other analytical methodology to be used in analyzing the plans; the parties are free to choose their own. The only requirement is that the methodologies be described in enough detail to permit us or any of the other parties to follow what the respondent has done.

15. To assure that we shall be able to compare the different plans on a reasonably consistent basis, it is essential that all respondents use the same format. To this end, we shall require the parties to this inquiry and the informal process to follow the format used in Docket No. 18875, *Future Licensing of Overseas Communications Facilities*, 73 F.C.C. 2d 326, (1979). This format is familiar to the parties and has proved to be useful in analyzing alternative facilities configurations.

16. Appendix 2 also sets forth criteria for the information which is to be submitted as part of the plans and methodologies. These requirements are designed to assure that we fully understand what the parties are proposing and should not be construed as an attempt to constrain the range of plans or methologies which the parties may submit.

17. Although- our focus in this Second Notice will be on the facilities used to provide service between the United States and the CEPT countries, we note that these facilities will also be used to serve other routes as well. The North Atlantic cables are also used to provide service between the United States and countries in Africa, the Middle East, and, through interconnection with the Indian Ocean Basin satellite, Asia and other points in the Far East.[11] The Atlantic Ocean Region satellites serve all countries in that region. Because these other uses place demands on facilities used on the North Atlantic traffic, they may affect the range of North Atlantic facilities options.[12] Consequently, we gain a view of the entire picture, we must consider these demands to the extent that they are relevant to formulation of North Atlantic facilities policies and guidelines. Therefore, we shall require the service carriers to identify any demands or constraints placed on the use of North Atlantic cables by traffic streams other than those in the North Atlantic (CEPT/U.S./Canada) and to describe fully their effects on North Atlantic facilities options. We shall similarly require Comsat to identify any such constraints on the use of Atlantic Ocean Region satellites and to describe their effect on North Atlantic facilities planning. Detailed discussion of non-U.S./CEPT use of cables and satellites need be included only to the extent such use exerts a significant effect on North Atlantic plans.

18. We shall also require each party to evaluate the plans it submits by identifying and comparing the advantages and disadvantages of each. The parties shall also identify the plan or plans they prefer.

19. It is essential that the respondents fully document all plans, analytical methodologies and evaluations they submit in response to Appendix 2 in order to permit independent assessment by all parties and by the Commission. This means that respondents must provide all the basic data upon which they rely and state any assumptions they make. This also means that the parties must provide a complete explanation of the analytical methodologies they apply and the reasons they choose a particular methodology. Each party must also clearly state the bases for its evaluation of the alternative plans the policy considerations which influence any preferences among plans it may express. The policy considerations which the parties should discuss include, but are not limited to, considerations of comity and the effect a particular plan will have on the research and design of both cables and satellites.

20. Accordingly, it is ordered, pursuant to Sections 4(i), 214 and 413 of the Communication Act of 1934, 47 U.S.C. 154(i), 214 and 413 (1970), and Section 201(c) of the Communications Satellite Act of 1962, 47 U.S.C. 801 (1970), that

(A) The American Telephone and Telegraph Company, The Communications Satellite Corporation, FTC Communcations, Inc., ITT World Communications Inc., RCA Global Communications,- Inc., TRT Telecommuncations Corporation and Western Union International, Inc. are hereby made parties to the inquiry in the above-captioned matter;

(B) To the extent that a particular question- is applicable to it, every entity named a party to this Inquiry shall submit the information required by the two appendices to this Notice;

(C) Any party may submit such additional information or views it believes relevant to the issues to be explored in this Inquiry;

(D) All other interested persons are invited to submit responses to the appendices hereto or to submit any comments and information they believe relevant to the issues to be explored in this Inquiry; and

(E) Responses to Appendices 1 and 2 and reply comments pertaining to those responses, shall be filed on or before the following dates:

Responses to Appendix 1, May 9, 1980
Reply Comments to Appendix 1, May 23, 1980
Responses to Appendix 2, June 6, 1980
Reply Comments to Appendix 2, July 3, 1980

21. It is further ordered that the Commission's staff is hereby delegated authority to request, either informally or by formal order, that the intities made party to this proceeding and to the informal process described herein provide any additional information, alternative plans of methodologies which the staff believes necessary to provide a complete record in this Inquiry.

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix I—Planning Information

Note.—In providing the information requested by this appendix, organize your responses according to the same subdivisions and question numbers that are used.

I. Use of Existing and Authorized Facilities

A. Questions To Be Answered by the Service Carriers

I–A–1. List all North Atlantic cables that you now project will be in use at the end of 1985 and give the basic voice-grade circuit capacity of each.

I–A–2. For each cable identified in response to question no. I–A–1, indicate the number of years of service life that you project will remain at year-end 1985.

I–A–3. For each cable identified in response to question no. I–A–1, give the number of circuits which you project will be assigned at year-end 1985 for use between the U.S. and CEPT countries, for use between the U.S. and non-CEPT countries, for non-U.S. use and the number which will be unassigned.

I–A–4. For each cable identified in response to question no. I–A–1, give the total number of circuits that you project will be idle at year-end 1985.

I–A–5. Looking at the circuits which at year-end 1985 will be assigned for use between the United States and CEPT, and using the format of the comprehensive plan in Docket No. 18875, 73 F.C.C. 2d 326 (1979), each carrier should indicate for each CEPT country its current estimate of:

(a) The number of basic voice-grade circuits in each cable which will be assigned for use to that CEPT country;

(b) The number of the circuits so assigned which at year-end 1985 will be in use and the number which will be idle;

(c) The number of TASI circuits in each cable which will be in use; and

(d) The number of voice-grade circuits the carrier will have in use in each Atlantic Ocean Region satellite.

I–A–6. Compare your response to question no. I–A–5, above, to the year-end 1985 projections contained in the Docket No. 18875 comprehensive plan. Identify any differences between the two projections as to the availability or use of facilities and fully explain the discrepancy— *e.g.*, changes in the assignment of circuits resulting from a reallocation of capital interest in North Atlantic cables, assignment of TAT–6 pool circuits, changes in TASI use, changes in traffic forecasts etc.

I–A–7. Again using the format of the Docket No. 18875 comprehensive plan, and looking at the circuits in North Atlantic cables and satellites- which at year-end 1985 are assigned for use between the United States and non-CEPT countries, each carrier shall provide for each such country the same type of information requested in question number I–A–5, above.

B. Questions To Be Answered by Comsat

I–B–1. To the extent possible, give your current projection of the operational configuration for each Atlantic Ocean Region satellite that you expect to be in use at year-end 1985. Show the portion of the capacity of each satellite that you expect to be assigned to each country to be served by that satellite and indicate the amount of such assigned capacity that you expect at year-end 1985 to remain unused. Additionally, indicate separately the capacity in each operational satellite you expect to be allocated for such purposes as television transmission, SPADE, leased transponders, cable restoration, etc. Show any unassigned capacity as well. Describe the method by which you developed this projected configuration and set forth all underlying assumptions.

I–B–2. Indicate any differences between your response to question no. I–B–1, above, and the Docket No. 18875 comprehensive plan with respect either to the projected availability or use of satellite circuits on U.S./CEPT routes.

I–B–3. For each Atlantic Ocean Region satellite which you expect to be operational at year-end 1985, indicate the number of years of technical or design life then remaining.

I–B–4. Indicate which, if any, of the Atlantic Ocean Region satellites in operation at year-end 1985 that you anticipate will then be saturated. State on what date you expect such saturation to occur and indicate whether it will be the U.S.-CEPT or another traffic stream which causes that saturation.

II. Facilities Outages

A. Questions To Be Answered by the Service Carriers

II–A–1. For each North Atlantic cable, indicate the number of outages (planned- and unplanned) which occurred between July 1, 1975, and January 1, 1980. Also, for each such outage, indicate its cause (*e.g.*, breakage, technical failure, etc.) duration and what it cost to repair the cable (include both capital and expense items). Further, indicate whether any outages,- other than those occasioned by breakage, were caused by design deficiencies rather than random component failure. Describe any deficiency identified in response to this question and indicate whether it has been (or can be) remedied. Describe the corrective action which was required and indicate the total cost thereof. Also, indicate the effect- any such deficiency had on the life, capacity, quality of transmission provided or required maintenance of the affected cable.

II–A–2. For each North Atlantic cable and Atlantic Ocean Region satellite circuit outage occurring between July 1, 1975, and January 1, 1980, identify the failed facility, indicate the duration of the outage, the number of U.S. voice-grade circuits affected, the number of affected circuits restored by cable, the number restored by satellite, the time required to effect restoration and the cost of restoration.

[10] Indeed, we presume that the plans the U.S. parties are preparing for the informal process will constitute at least a part of their responses to this Inquiry.

[11] These cables are also used to provide service between the CEPT countries and Canada and other countries.

[12] Indeed, it is possible that demands placed on the INTELSAT satellites serving the Indian and Pacific Ocean Regions could have an effect on North Atlantic facilities options. In the past, the average cost per satellte of a given design has decreased as a greater number of satellites of that design were purchased. In some circumstances, this factor, as well as others, could cause demands placed on satellites in other ocean regions to be relevant to North Atlantic facilities planning.

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II–A–3. Identify every interruption of service over North Atlantic cable or satellite facilities between July 1, 1975, and January 1, 1980, which was occasioned by an outage in the terrestrial extension circuits on either the U.S. or the CEPT end. For each such outage, indicate the specific transatlantic cable or satellite facility affected, the number of U.S. circuits interrupted, the countries for service to which those circuits were used and whether the outage was in the U.S. or the CEPT extension. For each outage in the U.S. extension circuits and, to the extent known, for each outage in the CEPT extension circuits, indicate the cause of the outage, its duration and the cost of necessary repairs.

B. Questions To Be Answered by Comsat

II–B–1. For each outage of an operational Atlantic Ocean Region satellite occurring between July 1, 1975, and January 1, 1980, indicate its cause, its duration, the number of U.S. circuits affected and the cost to remedy it (include both capital and expense items).

II–B–2. For each U.S. earth station and, to the extent possible, for each CEPT-country earth station operating with the Atlantic Ocean Region satellites for U.S.-CEPT service between July 1, 1975, and January 1, 1980, give the number of times the station was out of service. For each such outage identified, give the cause of the outage duration and the number of U.S. circuits affected. For each U.S. station outage, indicate what it cost to remedy the problem which caused the outage.

II–B–3. For each Atlantic Ocean Region satellite used to provide service between July 1, 1975, and January 1, 1980, identify any satellite(s) which did not (or is not expected to) continue to provide service for its entire technical or design life. Give the reason(s) for its removal from Atlantic Ocean Region service (*e.g.* saturation, exhaustion of positioning fuel, technical failure, etc.). Also, indicate whether any satellites removed from Atlantic Ocean Region service were used for any other purpose such as service in other ocean basins.

II–B–4. For each of the Atlantic Ocean Region satellites in use between July 1, 1975, and January 1, 1980, indicate the extent to which its capacity or transmission quality has declined since launch. State when such decline occurred and the cause(s) thereof. Further, indicate whether such difficulties were caused by design deficiencies or by random component failures, and in the case of design deficiencies, indicate the effect such deficiencies might be expected to have on the lifetime, capacity or transmission quality of the existing Atlantic Region Satellites. Indicate the extent to which the INTELSAT–V satellites to be used in the Atlantic Ocean Region use the same components or systems which have experienced or indicated difficulties in existing satellites. Discuss the effect such components or systems are likely to have on the lifetime, capacity, transmission quality or operation of the INTELSAT–V satellites.

III–B–4. Indicate the extent to which interconnection of CEPT earth stations, or of Canadian and U.S. earth stations (*i.e.*, the use of one earth station for service to a number of countries), could be used during the planning period to enhance the flexibility and efficiency of the satellite system (*i.e.*, to reduce the overall costs of using satellites or increase the capacity of a given satellite design).

III. Technological Alternatives

A. Questions To Be Answered by the Service Carriers

III–A–1. Describe each cable facility that you believe could be made available for North Atlantic service during the 1986–1995 planning period. For each cable identified, discuss how much further research and development (R&D) work will be required, what risks are associated with the use of that cable design (*e.g.*, the probability that its introduction into service will be delayed, the likelihood of service failure, etc.), its mode of operation (whether analog or digital), its equivalent voice-grade circuit capacity (both bearer and TASI), its design life, its procurement leadtime (from drafting of specifications to introduction into service) and the earliest date on which you project it could be ready for service. Also, indicate the extent to which you have confidence in each of these estimates.

III–A–2. Indicate which, if any, of the cable systems referred to in response to question no. III–A–1 could have more than one landing point. How many landing points are feasible on each end of each cable? Explain the technical method(s) by which multiple landing points could be achieved. Identify the criteria you would use to determine the number and location of multiple landing points and fully describe the role each criterion would play in such a determination. In the case of multiple landing points, indicate the range of circuit capacity which could be provided at a given landing point. Give figures for both basic and TASI circuit capacity separately.

III–A–3. Assuming that it is possible for a cable to have multiple landing points, discuss the advantages and disadvantages of using multiple landing points as compared to using an additional cable extending from a single landing point. Describe the criteria on which you would base a choice between the two types of landing arrangements. Indicate for each such arrangement the technical interconnections which would be required, the capacities which could thus be made available and whether one or the other of the arrangements has any particular vulnerability associated with it.

III–A–4. Indicate how any of the design deficiencies in existing cables identified in response to question no. II–A–1, above, will be remedied in the cable facilities projected to be available for the 1985–1995 period.

B. Question To Be Answered by Comsat

III–B–1. Describe each satellite facility that you believe could be made available for North Atlantic service between year-end 1985 and 1995. For each satellite design identified, discuss how much further research and development (R&D) work will be required, what risks are associated with the use of that design (*e.g.*, the probability that its introduction into service will be delayed, the likelihood of service failure, etc.), its mode of operation (whether analog or digital) its equivalent voice-grade circuit capacity (both bearer and DSI), the degree to which TDMA and inter-satellite links will be used, its design lifetime, its procurement leadtime (from the drafting or specifications to introduction into service) and the earliest date on which you project it could be ready for service. Also, indicate the extent to which you have confidence in each of your estimates.

III–B–2. Describe the additions or modifications to existing earth station equipment which would be required to adapt it for use with each design of space-segment facility identified in response to question no. III–B–1.

III–B–3. Indicate how any of the design deficiencies in the Atlantic Ocean Region satellites identified in response to question no. II–B–4, above, will be remedied in the satellite facilities projected to be available for the 1985–95 period.

C. Questions To Be Answered by Both the Service Carriers and by Comsat.

III–C–1. Describe each design of speech-interpolation equipment (*e.g.*, TASI, DSI, etc.) which you project could be made available during the 1985–95 period. Indicate the circuit-multiplication factor each design provides, whether there are any technical limitations on a given design's use, the number of basic circuits with which a single unit of equipment can be used, its mode of operation (*e.g.*, whether analog or digital), the extent to which the various designs are compatible, the advantages and disadvantages of each design, how much further research and development work is required, a particular design's required procurement leadtime (from the drafting of specifications to its introduction into service) and the earliest date on which you project each design could be put into service. Indicate the extent to which you have confidence in your estimates.

III–C–2. Describe each specific network-management technique that you project could be used in connection with North Atlantic service during the 1985–1995 planning period. Estimate the extent to which you believe these techniques will actually be used during that period and indicate the effect you believe their use will have on the design, configuration and operation of the network.

III–C–3. List any other technologies which you believe might affect the availability of facilities within the 1985–1995 planning period.

IV. Quality of Service

Questions To Be Answered by Both Service Carriers and by Comsat

IV–1. The terms "service reliability" and "quality of service" are sometimes used interchangeably. Indicate whether you believe these terms are fully synonymous. To the extent that you do not believe the terms are synonyms, provide a definition for each and discuss their similarities and differences. For purposes of the questions in this section, we treat the two terms as equivalent. In responding to the questions, however, indicate wherever your answer would change due to a difference in the definitions you apply to one or other of the terms.

IV–2. How do you measure quality of service? Is your measure objective, or subjective?

IV–3. What do you consider to be the optimal quality-of-service objectives to which the international network should be engineered:

(a) Under normal conditions?

(b) At the instant of failure of a facility?

(c) Under a restored-service condition?

IV–4. What are the service-quality objectives you have attempted to meet between 1975 and 1979:

(a) Under normal conditions?

(b) At the instant of failure?

(c) Under restored-service conditions?

IV–5. How successful were you in meeting your service-quality objectives between 1975 and 1979? Indicate the degree to which the achieved quality of service for that period fell short of, or exceeded, the 1979–1985 quality-of-service objective stated in Docket No. 18875; and explain why this occurred.

IV–6. Do you expect to change your service-quality objectives during the 1985–1995 planning periods? If so, in what way or ways?

IV–7. By what methods can your quality-of-service objectives be met (*e.g.*, route diversity, redundancy, media diversity, etc.)?

(a) Discuss each method separately and in detail.

(b) To what extent are any of these methods interchangeable?

(c) Which methods, if any, are essential; and why?

(d) Rate each of the methods as to its effectiveness in providing a high quality of service.

(e) What relationship does each method bear to the others?

IV–8. What improvements in the above methods, or what new methods, do you anticipate during the planning period which could increase the quality of the service provided:

(a) Discuss each in detail.

(b) Estimate when each improvement or new method could be implemented.

(c) Discuss any problems which may impede (or to date have impeded) their implementation; and suggest how these impediments might be overcome.

IV–9. Will the trend to larger-capacity cable facilities adversely affect the carriers' ability to restore service in the event of a facility failure? By what methods can such adverse effects be remedied or ameliorated? Will larger-capacity satellites produce the same (or similar) adverse effects? If so, why? If not, why not?

IV–10. How do you determine whether a particular facility configuration meets the service-quality objectives discussed in questions nos. IV–3, IV–4 and IV–6?

IV–11. Can the calculation of blocking probabilities for a particular facility or configuration be used to measure the reliability of the service that plan provides? To what extent do you use blocking probabilities in your service-reliability analyses?

IV–12. In what other ways can one measure the reliability of the service a particular facility configuration provides? Describe each form of measurement, discuss how you use each measure in your service quality analyses and, if possible, give examples.

IV–13. What characteristics, elements or details must one know in order to analyze the reliability of the service a given facility plan or configuration provides (*e.g.*, available spare or redundant capacity, network-management abilities, configuration of U.S. and CEPT terresterial networks)? If possible, associate each characteristic, element or detail discussed here with the form of service-quality measurement you apply.

Comparison

IV–14. What do you believe to be the most accurate (and therefore appropriate) method by which to rank the service reliability one plan or facilities configuration provides against that provided by other plans?

IV–15. What criteria do you believe should be applied to determine whether the level of service quality provided by a particular proposed facility configuration justifies the cost of that configuration?

V. Cost Information

A. Questions To Be Answered by the Service Carriers

V–A–1. Estimate the original investment cost of each cable system discussed in response to question no. III–A–1, above. Your estimates should include all capital, installation and engineering costs for the project, the cost of spare cable sections and repeaters and other capital items such as land and buildings. Indicate the procedures and data you used to develop your estimates and state the degree to which you have confidence in those estimates. Finally, provide a proposed payment schedule for each cable system discussed.

V–A–2. For each cable system discussed in response to questions nos. III–A–1 and V–A–1, above, estimate the total R&D expenditures which will be associated with that system. If you propose to allocate R & D costs among several cable systems, clearly and concisely explain the method by which you propose to make your allocation. Further, state the specific dollar amounts of R & D costs which that method would allocate to each North Atlantic Cable system.

V–A–3. Indicate the effect on the cost figures provided in response to questions nos. V–A–1 and V–A–2, above, which would result from modifying the design of each cable system to provide for multiple landing points. Specify the number of landing points assumed.

V–A–4. Estimate the original investment cost for each type of circuit-multiplication equipment described in response to question no. III–C–1, above. Your estimates of original investment

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costs should include installation costs, engineering costs and any other capital costs and R & D costs. Indicate the method you used to allocate R&D costs between domestic and international and, with respect to those R&D costs allocated to international, the method you used to allocate costs to each type of circuit-multiplication equipment discussed.

V–A–5a. For each year of the planning period, estimate separately for each country served by North Atlantic cables and for each facility, your cost per voice-grade circuit to lease the circuits you will need to extend cable circuits from the overseas cable landing point to the country of final destination.

b. Explain the methods and data you used to develop your estimates.

c. In cases where the connecting arrangements referred to in subpart a of this question are affected by means other than leased circuits (*e.g.*, by circuits held under IRU, capital investment or the like) identify each transmission system in which you propose to acquire circuits, the number of circuits you propose to acquire in that system, the basis (ownership, IRU, etc.) on which you will acquire the circuits and the year in which you propose to acquire the circuits.

d. For each transmission system identified in response to subpart c of this question, estimate separtely by facility, country and year your cost per voice-grade circuit for circuits required to extend service in North Atlantic cables from the overseas landing point to the country of final destination.

e. Explain the methods and data you used to develop the estimates provided in response to subpart d of this question.

f. Identify the effect on these transiting costs of the use of TASI (or other circuit-multiplication technique) to derive more circuits. Explain the reason for that effect—*i.e.*, whether there are transit costs for derived circuits.

48a. For each North Atlantic cable, circuit-multiplication system and capital investment in extension circuits identified in response to question no. V–a–5, above, estimate separately by facility and year of the planning period the annual operating and maintenance expenses associated with that item. Your estimates should include an allocation of the estimated expense for the cable ship used to maintain North Atlantic cables.

b. For each item identified in response to subpart a of this question, estimate separately by facility and year of the planning period the annual depreciation expense associated with that item and the amount of each type of tax which you believe will apply to that item.

c. Explain the methods and data you used to develop the estimates provided in response to subpart a and b of this question.

B. Questions To Be Answered by Comsat

V–B–1. For each satellite generation discussed in response to question no. III–B–1, above, estimate its original investment cost. Cost estimates should be provided separately for the satellites, the launch vehicles and associated launch costs, development costs, program management costs, insurance costs, incentive payments and any other broadly-identifiable cost categories. State separately for each satellite generation the launch-failure rate you used in your analysis and the basis on which you derived the particular rate you assumed. Your response should also include, for each satellite generation discussed, an estimate of the R & D costs associated with that generation. Similarly, you should indicate whether you intend to allocate R & D costs over more than one generation of satellites and explain the allocation method you propose to use. Explain the methods and data you used to develop all estimate provided in a response to this question; and indicate the extent to which you have confidence in your estimates. Finally, set out for each generation of satellite discussed the progress-payment schedule you propose to apply.

V–B–2a. Identify all earth stations which you expect to be placed into service and used to provide services in the North Atlantic Region during the 1985—95 planning period and provide their projected, or probable, service dates.

b. Provide an estimate of the total installed (original investment) costs of the earth stations identified in response to subpart a of this question. Your estimate should also include the cost of any spare equipment associated with those stations.

c. Provide progress-payment schedules for each earth station referred to in response to subpart b of this question.

d. Explain the methods and data you used to develop your response to this question.

V–B–3a. For all earth stations in operation during the planning period and used for North Atlantic service, list by year and major equipment category (for example, TWT equipment, LNA equipment, GCE equipment, multiplex equipment, and TDMA facilities), any changes, modifications, alterations or additions that you project will be required during the planning period. Your response should include both equipment which will be needed to meet expected growth in demand and that which replaces existing equipment in the normal course of operation.

b. Estimate the total installed (original investment) costs, by year and equipment category, for the equipment listed in response to subpart a of this question.

c. Explain the decision criteria you will apply in deciding whether and when to add the equipment identified in subpart a of this question.

d. Explain the methods and data you used to develop the cost estimates provides in response to subpart b of this question.

e. Provide progress-payment schedules for the cost estimates you provided in response to subpart b of this question.

V–B–4a. For each year of the planning period, estimate the total annual operating and maintenance expenses associated with the satellite space segment and, where possible, identify the portion of such expenses attributable to each Atlantic Ocean Region Satellite.

b. For each year of the planning period, estimate the total annual operating and maintenance expenses for each earth station which will be used to provide service on North Atlantic routes.

c. Indicate the service lives that you will use to calculate depreciation expense for each satellite, each earth station and for earth station equipment.

d. List separately, by year and by type of equipment, the annual depreciation expense for each item identified in response to subparts a–c of this question.

e. Identify and list by year each type of tax which you anticipate will be applicable during the planning period to the items identified in response to subparts a–c of this question.

f. Explain the methods and data you used to develop the cost estimates provided in response to subparts a–e of this question.

V–B–5a. For each year of the planning period, estimate the total tracking, telemetry and control operations (TT&C) costs associated with the space segment and, where possible, identify the portion attributable to each Atlantic Ocean Region satellite. Include original investment costs and total installed costs for changes, modifications and alterations to existing or new earth stations.

b. For each year of the planning period, estimate the total annual operating and maintenance expenses for TT&C and, where possible, identify the portion attributable to each Atlantic Ocean Region satellite.

c. Explain the methods and data you used to develop the cost estimates provided in response to subparts a and b of this question.

VI. Demand Forecasts

VI–1. For each CEPT and non-CEPT country served by North Atlantic cables, submit forecasts showing the projected demand for communications service for each year of the 1985–1995 planning period. You should express your demand forecasts in terms of numbers of voice-grade circuits and show demand separately for each major category of service (*e.g.*, telephone, telex, telegraph, private line and television). The forecasts you submit in response to this question should include detailed descriptions of the methods you used to prepare them. Generally, your submission should include the information specified in the enumerated questions in this section. Where you are asked to provide only summary data, or the results of analyses, you shqld nevertheless, keep track of all input and output data and be prepared to supply details upon request of the Commission.

VI–2. Provide summary descriptions of the basic historical data (*e.g.*, paid minutes, terminal messages, total terminal revenue; via messages, minutes and revenues, etc.) which you used to develop the traffic forecasts required in response to this question. These descriptions should identify the types of data you used to develop your demand forecasts and should indicate the period for which actual data are available.

VI–3. Provide summary descriptions of any factors other than communications data (*e.g.*, economic, political or demographic data, etc.) you used in developing your traffic forecasts.

VI–4. To the extent that you use econometric models to develop your forecasts, describe in detail each model you used and state all the assumptions and statistical specifications on which that model is based. Give the reasons you chose each of the specific assumptions or specifications and indicate any effect on the final results which would flow from changes to your assumptions. Where you have used alternative models and variables to develop your forecasts, you need not file all such alternative studies in detail; but you should keep a record of the alternative studies and be prepared to submit them upon a request from the Commission. Your submission for each econometric model should accurately describe the model you use and should include the following items: the formulas for any statistical tests used, all related computations, the computer programs and the final results. You should also provide a summary description of all input data.

VI–5. For any other methods you used to develop forecasts of basic data (*i.e.*, going from actual historical figures for total paid minutes, messages, etc., to projections for the planning period), provide a similarly-detailed description of the procedures you followed. These descriptions should include any relevant assumptions, adjustments to the observed data, computations used in developing the forecasts, the formulas used for such computations, the standard errors, test statistics and statistical tests. In addition, where specific factors such as rate changes, new or improved facilities or the like are factored into the demand projections, identify the specific changes you assumed, provide a quantification of the effect you predict will result from that change and justify your assumption.

VI–6. If you relied upon any special studies or other analyses to determine the effects of particular factors (*e.g.*, the introduction of direct or improve facilities, the introduction or expansion of direct customers dailing, changes in operating procedures, changes in rates, etc.) which you propose to use as inputs in developing your demand forecasts, provide the results of those studies, a clear statement of the facts on which your projections are based and an explanation of the judgements you applied to quantify the factors. Additionally, describe in detail the study methodology you employed, identify all relevant assumptions you made and set forth the techniques which govern the collection, estimation or testing of data. If the results of these studies were derived using statistical studies or econometric analyses, include in your submission under this question the same kind of information you provided in response to question VI–4, above. To the extent that you rely on sample surveys, include a clear statement of the characteristics the survey purports to measure, describe the survey design (including the definition of the universe under study, the sampling frame and the sampling unit) and explain how the sample was selected. Finally, with respect to any factors you identified in response to this subpart, provide a statement of the relative weight you gave each factor in reaching your conclusion on a demand forecast.

VI–7. Submit forecasts for the basic data (*e.g.*, paid minutes, messages, revenues, etc.) for each service category identified above, by country, for each year of the planning period.

VI–8. To the extent that your communications demand forecasts are based on projections of the effects of extrinsic variables (such as growth of the GNP, personal income or the like) identify all such projections and describe fully the procedures you followed in developing them. Your submissions on this point should include the data on which your projections are based, a description of the estimating techniques you used, a description of the statistical tests you applied to the data and a statement of the results of such tests.

VI–9. If, in developing the demand forecasts called for by question no. VI–1 you make projections of the basic data (paid minutes and the like) on the basis of more than one technique and combine the results to give a composite projection, identify each technique you use and describe the process by which you combine the results. If this procedure involves assigning relative weights to the figures for different countries, or if you accord differing weight to each of the techniques, describe how you arrive at the actual weightings you apply. If, on the one hand, the process of assigning weights turns on judgments derived from operating experience, explain fully the process by which you make your judgments and the criteria you apply to determine the exact weight to be accorded an item. If, on the other hand, you employ quantitative or objective measures to determine the relative weightings, describe those measures in detail. Where you apply weighting by counting or by use of a projection technique, describe the effects on the final demand forecasts which would result from varying the relative weightings. If you accord the figures for every country the same weight, explain why you do so; if you accord them differing weights, explain why you do that.

VI–10. Describe clearly the process by which you translate your forecasts of basic data (paid minutes and the like) into circuit forecasts. Your description should generally provide sufficient detail to make clear the method you apply and should include a listing of the historical data on which your forecasts are based. You should also identify each computation you make to arrive at your forecast and set forth the final results of those computations. You should also make explicit the role non-revenue factors such as machine set-up time, operator set-up time, NC (no circuit) conditions, line busy conditions, and the

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like, play in the process of conversion. Provide a summary description or definition of each such factor you take into account and indicate how you gather data on the effect of the factor, the time period to which the data apply and whether a particular factor measures conditions in the busy-hour or at some other time. Finally, state how you go about incorporating these non-revenue factors into your forecasts and list the quantitative values you apply to them. Identify all instances where the values you forecast for basic data differ from the historical values for those items and state why you have made the change. Include in your description any assumptions you make as to why the historical values should be changed and indicate what you expect will be the impact of the changed values. If you believe there are a number of factors which will affect the outcome of your forecasts, identify such factors and state the facts on which you base your conclusion that these factors should be taken into consideration. Finally, indicate whether you accord these factors differing weights in reaching your final forecast, state what these weights are and describe how you make your judgments.

VI–11. Since facilities must be planned to deal with peak loads, it is important to be aware of the nature of the peaks and to consider ways peak demand might be spread so as to minimize future facilities requirements. To this end, it would be useful to have data which shows the distribution of traffic by hour of the day and day of the week. In responding to this information request, you should also consider the impact on peak demand levels which might results from changing the rate structure so that the peak rate applies only during the common business hours of the originating and terminating points of the message (*i.e.*, the hours when both the originator and recipient are open for business).

Appendix 2—Alternative Plans, Analyses and Evaluation

Alternative Plans

1. In submitting proposed plans for consideration in this proceeding, respondents shall use the format employed for the comprehensive plan in Docket No. 18875. *See* 73 F.C.C. 2d 326, 353–449 (1979). Each plan shall include circuit distributions for each year of the planning period 1985–1995 (the figures for year-end 1985 are for reference only) for all countries served by North Atlantic cables—the distributions for the CEPT countries, however, should be grouped separately from those for the other countries. In addition to these distributions each plan should include a circuit distribution chart which summarizes the total traffic loading on all facilities and paths by year. Each plan should clearly set forth, either in its circuit distribution charts or in the assumption statements accompanying the plan, at least the following information:

A. For all cable facilities assumed, state the total basic voice-grade circuit capacity of each cable assumed to be available during the planning period. Separately state the total number of circuits to be used in each cable for U.S./CEPT routes U.S./non-CEPT routes and for non-U.S. traffic. For U.S./CEPT and U.S./non-CEPT routes, indicate the projected assignment of circuits by country and U.S. carrier/foreign telecommunications entity. Also indicate the time at which each cable facility is expected to be introduced or deleted from service.

B. For each new cable assumed, identify the reasons for its introduction, the geographic landing point(s) of each of its ends, the reasons for choosing those particular landing points, the proposed initial ownership of all basic circuits (*e.g.*, whether all circuits will be assigned and jointly owned, whether single entities will own whole circuits whether there will be circuit pools, or any combination of the above) and describe any equipment which is not considered part of the cable proper but which is associated with the use of that cable system;

C. Identify each design of circuit-multiplication equipment which you assume will be used with north Atlantic transmission facilities during the planning period, the specific facilities with which each such design will be used, the number of basic circuits with which each unit of such equipment will be used, the number of additional circuits which a unit of each design could be used to derive, the number of units of a given design which will be used for each country covered by the circuit distributions, the geographic location (*e.g.*, cable terminal, earth station, switching center, etc.) of any unit of circuit-multiplication equipment which will be used to serve more than one country and the time each unit of such equipment will be introduced into service.

D. Indicate the number of operational and in-orbit spare Atlantic Ocean Region satellites that you assume will be available during the planning period and identify the design of each such satellite. Further, indicate when you project that each operational and each spare satellite thus identified will be replaced and the reasons for its replacement (*e.g.*, it will have reached the end of its service like, saturation, etc.). If replacement of a satellite is required by demand on routes other than the U.S.-CEPT routes describe the reasons in detail. State the total voice-grade-circuit capacity of each operational Atlantic Ocean Region satellite and indicate the portion of that total capacity which will be available for all U.S.-CEPT routes and the portion available for all other routes. Describe fully the extent to which you assume TDMA, DSI and intersatellite links will be used with each operational satellite, the date such techniques will be implemented and the effects such techniques will have on the circuit-handling capability of the satellite. Also, indicate the capacity in each satellite which will be assigned for other uses such as restoration, leased transponders, etc.

E. Indicate for each plan each U.S. earth station and each antenna (identified by frequency band) which you assume will be in use during the planning period, the Atlantic Ocean Region satellite with which each antenna will operate, the geographic location of any new earth station or antenna, the total capacity of each earth station or antenna and the date of its introduction. Describe any additional equipment you believe will be required for existing earth stations, the date it will be introduced and the reason it is being added.

F. Indicate for each CEPT country included in your circuit distributions the number of U.S. earth stations and antennas (identified by frequency band) which you assume will be in use during the planning period the Atlantic Ocean Region Sateilite with which each antenna will operate and the date on which each will be introduced. Identify any countries to which you assume that satellite paths will be provided by means of earth stations located in countries other than the country of destination, indicate the number of paths so provided and identify the country in which the earth station will be located.

G. Indicate by year the capacity in each cable and each satellite which you project will be available for use in restoring failed circuits. Indicate whether that capacity will be available on a reserved basis, or whether its use for restoration would interrupt or restrict the provision of other services. If you believe interruption or restriction of other services will be necessary, identify the services which would be interrupted or restricted and the conditions under which that would occur.

H. Describe the circuit-distribution methodology you employ in developing each plan and identify any instances (countries, years, etc.) where the resulting distributions deviate from the stated methodolgy. Describe the nature of the deviation and give the reasons therefor.

I. Indicate the number of the extension circuits you assume for each plan and state whether they are to be acquired by lease, IRU or ownership.

J. Identify the traffic forecast you used in developing each plan.

As we indicated earlier in this Notice, we shall not specify the number of plans a carrier or other respondent will submit or the assumptions on which those plans are to be based. However, because we believe it will be useful as a starting point for developing alternative plans, we shall require all parties, in addition to their own proposed plans, to develop a plan referring only to the facilities which are expected to exist at year-end 1985 whose purpose is to show for each CEPT country the date on which existing facilities will no longer be able to meet the forecast circuit demand for that country. As we use the term, facilities will be considered unable to meet forecast demand when there are no assigned cable circuits or additional satellite circuits available to a particular CEPT country, or when the Atlantic Ocean Region primary-path satellite reaches saturation or the end of its technical life. You need not subject this partial plan to a cost analysis, but you should perform a service-reliability analysis.

Finally, for each proposed plan you submit, indicate the dates on which you believe decisions to authorize the construction of the cable or satellite facilities called for in that plan must be made in order to allow time for the facilities to be constructed and placed into service.

Cost Analyses

2. In connection with the cost analyses required by this Second Notice, you should describe the methodology you use to evaluate a proposed plan in enough detail for use to understand what you have done. Your description should also include all the information you used to evaluate each alternative mix of facilities. You should also indicate the basis on which you state costs (*e.g.*, real dollars nominal dollars, other). If your figures include an element to account for the effects inflation, you should give the assumptions you make concerning the nature of those effects. Your analyses should include any models that you develop to evaluate costs and should completely describe all such models. Your cost analyses should include at least the following information:

A. Identify the assumptions which underlie your analyses and provide the information which supports each assumption;

B. State the impact of any alternative assumptions you considered;

C. If any of the costs in your analysis are allocated note that fact and identify the allocation method(s) you used and the rationale for using those methods and indicate any alternative methods you considered;

D. Indicate the technique(s) (*e.g.*, PWAC present value, discounted cash flow undiscounted costs etc.) you used to account for the fact that the costs under consideration here relate to future periods, the rationale on which you based your selection of the particular technique(s) you selected and the reason you selected that technique rather than another.

E. Identify the method you used to adjust the cost figures to reflect the fact that some of the facilities assumed in the alternative plans have service lives extending beyond the study period and give your reasons for choosing that method;

F. Identify any formulas that you use in performing your analyses;

G. Show all the calculations and computations required to reach your result;

H. Provide all computer programs you used in performing your analyses;

I. If your analysis includes any estimated costs, include a description of the estimating procedures you used, the rationale for those procedures and the data you used to develop the estimates; and

J. State the final results of all your cost analyses.

3. In addition, submit basic cost data for each facility and any alternative mixes of facilities that you identified. Since the costs in question are those pertaining to a comprehensive plan covering a future period of time, you should consider in your analyses only costs that will be incurred during the planning period. For new facilities, all costs are relevant—*e.g.*, you should include both investment costs and operating expenses. For facilities in existence prior to the planning period, the only relevant costs are operating expenses—unless you anticipate some modification or alteration of existing facilities which will require additional capital expenditures, in which case those capital expenditures would also be relevant. You should separately state the costs associated with each facility included in your cost analyses, (1) by facility and (2) by year of the planning period. The basic cost data which you will submit should be summarized for each type of technology.

Cable Technology

4. Estimate the original investment cost of each cable system which you believe could be made available for North Atlantic service during the planning period. Your estimates should include all capital costs, installation costs, engineering costs for the project, interest during construction, spare cable sections and repeaters and other capital items such as land and buildings. Indicate the procedures and data you used to develop your estimates. Provide a progress-payment schedule for each cable system.

5. Estimate the total research and development (R&D) expenditures which will be associated with each generation of cable technology which could be made available for North Atlantic service during the planning period. If these costs are to be allocated among several cables, explain clearly and concisely the way you will allocate these costs. In addition to submitting total R&D expenditures, separately identify the amounts of such expenditures which are allocated to each transatlantic cable system.

6. Estimate the transit-circuit costs associated with each transatlantic cable that will be used, or available, during the planning period, broken down for each country served and by that cable. Also, for each country, indicate whether the transit circuits will be acquired by lease, IRU or other capital investment. Where transit circuits are leased, give their annual charge per voice-grade circuit. Where circuits are leased in super groups, note that fact and give the super-group lease rate. For transit circuits acquired by IRU or other capital investment, give the original investment cost and annual operating expense. Explain the procedures and data you used to develop your estimates.

7. For cables in existence at the beginning of the planning period, list by major category of equipment any changes, alterations, modifications or additions that you expect to occur during the planning period. An example of such a modification might be the addition of channel banks to an existing cable. If you anticipate that similar changes, alterations, modifications or additions might be made to a cable which could be available during the planning period, but the expenditures for which are not included in your response to question no. 4, above, state them here.

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8. For any equipment identified in response to question no. 7, above, estimate its original investment cost, its expected date of operation, the annual depreciation, maintenance and operating expenses associated with it and provide progress-payment schedules.

9. Estimate the original investment cost per unit of each existing or planned circuit-multiplication equipment design and of any new design which you believe could be made available for North Atlantic service during the planning period. Provide progress-payment schedules.

10. Estimate for each year of the planning period the total annual operating and maintenance expenses associated with each new and existing North Atlantic cable system. Identify separately each cost category that you include in your estimate of operating and maintenance expenses. Explain fully the procedures and data you used to develop your estimates.

11. Estimate the total annual operating expense associated with the cable ships used to maintain North Atlantic cables and identify the portion of such expenses allocated to each transatlantic cable. Identify and estimate the cost of any modifications, alterations or changes to cable ships of which you are aware which will be required to lay a new cable or generation of cable. Explain the procedures and data you used to develop your estimates.

12. Estimate separately the amount of each type of tax associated with each new cable system which you project could be available for service during the planning period. Explain the procedures and data you used to develop your estimates.

13. Estimate separately the annual depreciation expense associated with each new or existing cable each circuit-multiplication equipment design, each investment in transit facilities and each piece of capital equipment identified in response to question no. 7 above, and that associated with each cable ship identified in response to question no. 11, above.

Satellite Technology

14. Estimate the original investment cost of each satellite generation which you believe could be made available for North Atlantic service during the planning period. These cost figures should show separately the costs associated with the satellites, the launch vehicles and associated launch costs, program-management costs, insurance costs, incentive payments and any other broadly-identifiable cost categories. In your analysis, you should assume a launch-failure rate and explain the basis for the particular rate you assume. Your analysis should also state the number of spare satellites you propose to include in each satellite generation. Your analysis should also include an amount for interest during construction. Explain the procedures and data you used to develop each of your estimates. Provide payment schedules.

15. For each item identified in response to question no. 14, above, give the annual depreciation expense associated with it and the service life you used to determine that expense figure.

16. For each satellite generation identified in response to question no. 14, above, give the total estimated R & D expenditures associated with that generation and the portion allocated to each satellite in the generation. Where R & D expenditures are applicable both to the spacecraft and to launch, identify each separately. Explain the method you used to allocate these costs and provide progress payment schedules.

17. Estimate the original investment cost for each new U.S. earth station planned for introduction during the planning period. Give the service date and service life of each such earth station. Provide progress-payment schedules. List separately for each new station, where applicable, interest during construction, the annual depreciation expense associated with that station, its allocated share of R & D costs and the cost of any spare equipment (including the original investment cost of such equipment and any storage costs). For each new U.S. earth station that will be used to provide service on U.S./CEPT routes as well as on other Atlantic Ocean Region routes, estimate the percentage of the total use of that station which will be devoted to U.S./CEPT service. Describe the procedures and data you used to develop your estimates.

18. For each U.S. earth station which will be in operation at the beginning of the planning period and which will be used during the planning period for U.S./CEPT service list, by major category of equipment, any changes, alterations, modifications or additions that are planned in order to adapt it for use with the satellite generations identified in your response to question no. 14, above.

19. For each piece of equipment listed in response to question no. 18, above, give its expected date of introduction into service and estimate its original investment cost and annual depreciation expense. These cost estimates should be divided between those which are directly assignable to the U.S./CEPT routes and those which are common to the Atlantic Ocean Region as a whole. For the latter category, allocate the costs between U.S./CEPT service and other Atlantic Ocean routes and explain the basis for your allocation. Describe the procedures and data you used to develop your estimates and provide progress-payment schedules.

20. Provice an estimate of total annual operating and maintenance expenses separately for each satellite and for each new or existing earth station which will be used to provide U.S./CEPT service during the planning period. Also, estimate the portion to be used of each of these facilities which will be used for U.S./CEPT routes and the portion for other Atlantic Ocean Region routes. Describe the procedures and data you used to develop your estimates.

22. Estimate separately the amount of each type of tax associated with the satellite operations described in this section. Explain the procedures and data you used to develop your estimates. To the extent that you have already provided the above information in response to Appendix 1, you need not repeat it here.

23. Each party shall perform the cost analysis required by this appendix with reference only to the costs incurred by the U.S. carriers and Comsat. The parties, and any other interested entitities, are, or course, free to submit other cost analyses which are based on both U.S. and overseas costs. However, should any party file such an analysis, overseas costs should be shown separately from U.S. costs. Any analysis of CEPT costs should be submitted in the same format as that required for U.S. costs in this appendix. An entity filing an analysis of CEPT costs should support its analysis in the same way and using the same kinds of basic data which are discussed in this appendix. The filing entity shoud also carefully indicate the source of all basic data on which its analysis is based. If the overseas cost data in such an analysis are estimated, the filing party should identify that fact and describe the methodology it used to make its estimates.

24. Each carrier shall also include as part of its cost analysis an estimate of the effect each proposed plan is likely to have upon the tariff for each service it provides. If possible, the filing party should provide projected tariff charges and the basis for the projected charges.

Quality-of-Service Analysis

25. The quality-of-service analysis each party shall perform for its plans should, at a minimum, discuss diversity (both media and path), redundancy, network-management techniques, the level of service quality provided by the plan at the moment of facilities failure (before restoration), the level of service quality after restoration but before repair of the failed facility, the percentage of the circuits used for each service which must be restored pending repair of the failed facility, the restoration capability each plan provides, the time required to accomplish restoration and the degree to which diversity, redundancy and network management can be considered interchangeable as means of maintaining service quality. If possible, the various interested entities should seek to develop a single quality-of-service indicator which will permit ready comparison of all plans. Should the parties develop such an indicator, they should be sure to describe it fully and to show what it takes into account each of the factors described above. Each party should specify the indicator it uses to measure service quality and the weight that indicator accords each of the above quality-of-service factors and give the rationale for such assignment. Each party should explain the reasons for its choice of the indicator which it will use.

26. If you are not able to develop a single quality-of-service indicator, each party should rank the plans it submits in order of the level of service quality it believes each plan provides. In such a case, explain in detail the basis for the ranking you give each plan and discuss the extent to which that ranking relies upon each of the service-quality factors named above. Finally, separately list the advantages and disadvantages of each plan with respect to providing a high quality of service.

Other Analyses

27. In addition to the above, each party shall develop for each plan submitted an assessment of the overall technological risk represented by the facilities posited, or the use of facilities proposed, in that plan and an assessment of the flexibility of each plan to meet changing traffic demands (*i.e.*, its demand flexibility).

Evaluation of Plans

28. Each party shall also submit an evaluation of the plans it has generated which ranks them in order of its overall preference. Identify and discuss each criterion you used to determine your preferences. Be sure to show the reasons underlying your choice of the criteria you find relevant and the decisional weight you accorded each in ranking the plans. In particular, discuss the consideration you give to the differences in cost and level of service quality represented by the various plans and indicate the weight you accorded each of these factors in ranking the plans. Your evaluations of the plans should also clearly identify any other factors which you believe we should consider in formulating our policies and guidelines and indicate the decisional weight you would have us accord each factor.

February 25, 1980.

Concurring Statement of Commissioner Abbott Washburn

Re: North Atlantic Facilities Plan, CC Docket 79-184

I am in full agreement with the issuance of this Notice of Inquiry concerning the planning of communications facilities in the North Atlantic for the 1985-1995 time period. I am particularly pleased that we will be able to integrate these efforts with those of INTELSAT to arrive at a truly comprehensive facilities plan encompassing both satellites and underseas cables. I am concerned that the schedule set forth in this Notice is unrealistically compressed. To allow only two weeks from the conclusion of the international working group at Ferndown, U.K. until the filing of responses to Appendix 1 (Apr. 25-May 9) may seriously limit our ability to accommodate changes resulting from those discussions.

To project requirements and technology fifteen years into the future is a very difficult task when we remember that Early Bird was launched less than fifteen years ago. It would seem wise to retarget our planning to make the maximum use of the available time between now and mid-1981. To continue to adhere to an accelerated schedule to develop a facilities construction and use plan by the Fall of 1980 may degrade the confidence we have in the carriers' projections and might possibly foreclose some system options.

[FR Doc. 80-9690 Filed 3-28-80; 8:45 am]

BILLING CODE 6712-01-M

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Executive Committee Meeting, Notice of April Meeting, Thursday, April 17, 1980—9:30 a.m., Conference Room 8440, Nassif (DOT) Building, 400 Seventh Street, S.W., at D Street, Washington, D.C.

Agenda

1. Administative Matters.
2. Approval of Auditor Selection.

Special Committee No. 74, "Digital Selective Calling", Notice of 12th Meeting, Tuesday, April 22, 1980—9:30 a.m., Wednesday, April 23, 1980—8:00 a.m., (Full-day meetings), Conference Room 7200/7202, Nassif (DOT) Building, 400 Seventh Street, S.W. (at D Street), Washington, D.C.

Agenda

April 22, 1980

1. Call to Order; Chairman's Report.
2. Administative Matters.
3. Meeting of Ship Station Working Group and Coast Station Working Group.

April 23, 1980

1. Administrative Matters.
2. Working Group Reports.

CDR J. G. Williams, Chairman, SC-74, U.S. Coast Guard Headquarters, Washington, D.C., Phone: (202) 426-1345.

1980 Annual Meeting of the RTCM Assembly, Monday, April 28, 1980—9:00 a.m., Key Bridge Marriott Hotel, 1401 Lee Highway, Arlington, Virginia.

Agenda

1. Introductory remarks.
2. Election of Assembly Member applicants.
3. Election of RTCM Officers.
4. Committee Reports.
5. Report of the Executive Secretary.
6. Future Assembly Meetings.
7. Other business.

Special Committee No. 73, "Minimum Performance Standards (MPS)—Marine Omega Receiving Equipment", Notice of 11th Meeting, Monday, April 28, 1980—7:00 p.m., 1980 RTCM Assembly Meeting, Key Bridge Marriott Hotel, Arlington, Virginia

Agenda

1. Call to Order; Chairman's Report.
2. Reevaluation of Minimum Performance Standards for Marine Omega Receiving Equipment. Decision as to proceed with or dissolve SC-73.

M. H. Carpenter, Co-Chairman, CDR T. P. Nolan, Co-Chairman, Maritime Institute of Technology & Graduate Studies, Linthicum Heights, Maryland 21090, Phone: (301) 636-5700.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632-6490).

Federal Communication Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-9689 Filed 3-28-80; 8:45 am]

BILLING CODE 6712-01-M

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FEDERAL HOME LOAN BANK BOARD

Federal Savings and Loan Advisory Council; Meeting

March 25, 1980.

Pursuant to Section 10(a) of Pub. L. 92-463, entitled the Federal Advisory Committee Act, notice is hereby given of the Meeting of the Federal Savings and Loan Advisory Council on Monday, May 5, Tuesday, May 6 and Wednesday, May 7, 1980. The meeting will commence at 9:00 a.m on May 5, 6 and 7 at the Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. in the Sixth Floor Board Room.

Monday, May 5

9:00 a.m.

General Discussion
Profit on real estate owned
Penalties on premature withdrawals
FHLBB Policy on energy related matters

1:00

Capital Market and Regulation Q
New Mortgage Designs for Stable Housing
Branching and Ownership within a SMSA
Tax Legislation
Input for the Congressional Study Mandated by H.R. 4986
Mutual Savings Banks Membership
Inclusion of Subordinated Debt Toward Reserves

Tuesday, May 6

9:00 a.m. Continue discussion of Monday Afternoon Topics
1:00 p.m. General Discussion

Wednesday, May 7

9:00 a.m. General Discussion

The meeting of the Federal Savings and Loan Advisory Council is open to the public.

Jay Janis,
Chairman.

[FR Doc. 80-9402 Filed 3-28-80; 8:45 am]
BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Converse County Capital Corp.; Formation of Bank Holding Company

Converse County Capital Corporation, Douglas, Wyoming, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Converse County Bank, Douglas, Wyoming. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 23, 1980. Any comment on an application that requests a hearing must include a statement of why a written persentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 25, 1980.

William N. McDonough,
Assistant Secretary of the Board.

[FR Doc. 80-9702 Filed 3-28-80; 8:45 am]
BILLING CODE 6210-01-M

First National Charter Corp.; Acquisition of Bank

First National Charter Corporation, Kansas City, Missouri, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 per cent of the voting shares of First State Bancshares, Inc., (which owns 80.28 percent of First State Bank of Raytown), Raytown, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 24, 1980.

William N. McDonough,
Assistant Secretary of the Board.

[FR Doc. 80-9622 Filed 3-28-80; 8:45 am]
BILLING CODE 6210-01-M

Manufacturers Hanover Corp. and Citicorp; Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in the efficiency, that outweigh possible adverse effects, such as undue concentration or resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted, in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than April 24, 1980.

a. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. This notice is a correction of a previous **Federal Register** notice (FR Doc. 80-9038) incorrectly published under the heading of the Federal Reserve Bank of Boston, on page 19314 of the issue for Tuesday, March 25, 1980.

MANUFACTURERS HANOVER CORPORATION, New York, New York (second mortgage lending, servicing, and insurance activities; Virginia): to engage through its subsidiary The Financial Source, Incorporated, of Virginia in arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit secured by second mortgages on residential real property such as would be made by a consumer finance company; servicing such loans and other extensions of credit for any person; acting as an agent or broker for the sale of credit life insurance which is directly related to such loans and extensions of credit and, through its subsidiary Ritter Life Insurance Company, reinsuring such credit life insurance. These activities would be conducted from the offices of The Financial Source, Incorporated, of Virginia located in and serving the following counties as well as portions of contiguous Counties: Prince William, Appomattox, Bedford, Tazewell, Caroline, Montgomery, Rockingham, Campbell, Wise, Albermarle, Mecklenburg, Culpeper, Northampton, Nottoway, Alleghany, Buchanan, Greensville, Prince Edward, Brunswick, Russell, Louisa, Accomack, Prince George, Franklin, Halifax, Loudoun, York, Richmond, Fauquier, Shenandoah, Frederick and Sussex Counties, all of which are located in Virginia. Comments on this application must be received by April 16, 1980.

2. CITICORP, New York, New York (consumer finance and insurance activities; Florida): to engage through its indirect subsidiary, Citicorp Person-to-Person Financial Center of Florida, Inc. in conducting previously approved activities including: making or acquiring loans and other extensions of credit, secured or unsecured, for consumer and other purposes, the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; purchasing for its own account and servicing sales finance contracts: and acting as agent for the sale of credit life and credit accident and health insurance directly related to extensions of credit through three existing offices in an expanded service area. Credit related life, accident and health may be underwritten by Family Guardian Life Insurance Company, an affiliate. The service area of the offices located in Ft. Lauderdale, Orlando, and Tampa, Florida will be expanded to include the entire State of Florida.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 25, 1980.

William N. McDonough,
Assistant Secretary of the Board.

[FR Doc. 80-9700 Filed 3-28-80; 8:45 am]
BILLING CODE 6210-01-M

Mellon National Corp. and BankAmerica Corp.; Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropiate Federal Reserve Bank not later than April 25, 1980.

A. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President), 1455 East Sixth Street, Cleveland, Ohio 44101:

MELLON NATIONAL CORPORATION, Pittsburgh, Pennsylvania, (finance and insurance activities; Florida): to engage, through a subsidiary, Freedom Financial Services Corporation, in general consumer finance activities including acting as insurance agent with respect to the sale of credit life insurance, credit accident and health insurance, and credit property insurance. Such activities will be conducted at *de novo* offices to be located in Clearwater and Lakeland, Florida.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

BANKAMERICA CORPORATION, San Francisco, California (financing, servicing, and insurance activities; Virginia): to continue to engage, through its subsidiary, FinanceAmerica Mortgage Services Company, a Virginia corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company, and servicing loans and other extensions of credit. Such activities will include but not be limited to making loans and other extensions of credit to consumers as well as small businesses, making loans and other extensions of credit secured by real property, and the offering of credit related life and credit related accident and disability insurance in connection with the extensions of credit made or acquired by FinanceAmerica Mortgage Services Company. These activities would be conducted from an existing office in Richmond, Virginia, serving the State of Virginia. Comments on this application must be received by April 22, 1980.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 25, 1980.

William N. McDonough,
Assistant Secretary of the Board.

[FR Doc. 80-9699 Filed 3-28-80; 8:45 am]
BILLING CODE 6210-01-M

Mercantile Bankshares Corp.; Acquisition of Bank

Mercantile Bankshares, Corporation, Baltimore, Maryland, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less director's qualifying shares) of the voting shares of State Bank & Trust Company, the successor by merger to Fredericktown Bank & Trust Company, Frederick, Maryland. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 17, 1980. Any comment on an application that requests a hearing must include a statement of why a written persentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 25, 1980.

William N. McDonough,
Assistant Secretary of the Board.

[FR Doc. 80-9701 Filed 3-28-80; 8:45 am]
BILLING CODE 6210-01-M

Slater Bancshares, Inc.; Formation of Bank Holding Co.

Slater Bancshares, Inc., Slater, Missouri, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding

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company by acquiring 80 per cent or more of the voting shares of State Bank of Slater, Slater, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 24, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9823 Filed 3-28-80; 8:45 am]

BILLING CODE 6210-01-M

West Side Bancshares, Inc.; Formation of Bank Holding Company

West Side Bancshares, Inc., San Angelo, Texas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of West Side National Bank of San Angelo, San Angelo, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 24, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 24, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9824 Filed 3-28-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: General Signal Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of all stock of Xynetics, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: March 19, 1980.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-9707 Filed 3-28-80; 8:45 am]

BILLING CODE 6750-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Revised Program Proposal

On October 5, 1979, the Regulatory Reports Review Staff, GAO, received and accepted a request for clearance of the application and recordkeeping requirements associated with the Medical Licensee Occupational ALARA Program. GAO published a notice in the **Federal Register** on October 12, 1979, at 44 FR 58966, announcing that the NRC ALARA Program had been received and accepted.

On November 16, 1979, we suspended clearance of the ALARA Program so that NRC would have sufficient time to respond to comments received on the Program and GAO could review NRC's response. As a result of the comments received, NRC has significantly revised the ALARA Program.

On March 21, 1980, GAO received the revised ALARA Program from NRC. GAO is now requesting written comments from all interested persons, organizations, public interest groups, and affected businesses on the revised ALARA Program which is discussed below. For comments to be considered they must be received on or before April 18, 1980. Comments (in triplicate) must be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW., Washington, DC 20548.

Further information and copies of the revised Medical Licensee Occupational ALARA Program may be obtained from Patsy J. Stuart, Regulatory Reports Review Staff, 202-275-3532.

Nuclear Regulatory Commission

The NRC requests clearance for new application and recordkeeping requirements which are part of a revised ALARA program. The reporting requirements of the original program were submitted to the General Accounting Office for clearance on October 5, 1979, and noticed in the **Federal Register** for comment on October 12, 1979 (44 FR 58966) by GAO. Many comments were received in opposition to the program proposed last fall by the NRC for reducing medical occupational exposures. As a result of further discussions with members of the nuclear medical community, the NRC has modified the program substantially. The revised program reduces the administrative burden on the licensee while still meeting the original goal: to provide management a tool for maintaining occupational exposures ALARA and to provide NRC with a basis for inspecting ALARA programs. The original program provided for establishment of an Action Level which was misinterpreted as a lowering of the maximum permissible dose limits. This was not, and is not, the intention of the program. The revised program applies the concept of "Investigational Levels" as defined in ICRP Report No. 26, "Recommendations of the Commission on Radiological Protection," January 17, 1977. The Investigational Levels in the revised program are NOT new dose limits, but as noted in the ICRP report, serve as check points above which the results are considered sufficiently important to justify further investigations. Investigational Levels are tools to be used by those in an institution responsible for the management of radiation safety programs. In determining compliance with regulations, NRC inspections will be concerned with whether a review and/or investigation has been carried out rather than whether the Investigational Level has been exceeded. There was concern on the part of some licensees that improved measurements would be required to comply with the program. Current methods of recording personnel exposures for purposes of compliance with 10 CFR 20, § 20.101, are also adequate for use in determining the need for a review or investigation in accordance with the ALARA program. The new program has been revised to considerably reduce the paperwork burden. Actions to be taken under the revised ALARA program will be included in, or covered by, documentation already required to be maintained by licensees for NRC inspection. Results of personnel monitoring are already recorded at least quarterly on Form NRC-5 or an equivalent form as required by 10 CFR 20, § 20.401. Results of investigations made when an Investigational Level is exceeded should be made part of the Radiation Safety Committee minutes, thus eliminating the need for a separate record. The NRC estimates the burden as follows: Submission of an ALARA program by 2,500 licensees will impose a one-time burden of 8 hours per licensee; the maintenance of administrative records to licensees will result in a burden of 15 hours annually for about 150 licensees that will be affected by this provision; and records of personnel exposure investigations conducted by all licensees will cause an estimated burden of 15 minutes for each licensee annually.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 80-9630 Filed 3-28-80; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 111; Case No. ER-80-204]

Kansas City Power & Light Co., the Public Utility Commissions of Missouri and Kansas

Proposed Intervention in Electric Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Public Utility Commissions of Missouri and Kansas concerning the application of the Kansas City Power and Light Company for an increase in its electric rates. GSA represents the interest of the executive agencies of the U.S. Government as users of utility services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Spence W. Perry, Assistant General Counsel, Regulatory Law Division, Genral Services Administration, 18th and F Streets, N.W., Washington DC (mailing address: General Services Administration (LT), Washington, DC 20405), telephone 202-566-0750, within 30 days of the publication of this notice in the **Federal Register**, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not seve to make any persons parties of record in the proceeding. (Section 201(a)(4), Federal Property and Administration Services Act, 40 U.S.C. 481(a)(4)).

Dated: March 20, 1980.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 80-9547 Filed 3-28-80; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

Special Services for Disadvantaged Students; Amendment to the Notice of Closing Date for Transmittal of Applications for National Demonstration Projects for Fiscal Year 1980

Notice is given that the Notice that extended the closing date for the transmittal of applications for National Demonstration projects under the Upward Bound and Special Services for Disadvantaged Students programs is amended as indicated below. The extension Notice was originally published in the **Federal Register** on February 21, 1980.

The section entitled *"Available Funds,"* in the Notice extending the closing date for transmittal of applications, is amended as follows:

Available Funds: It is expected that approximately $147.5 million will be available for the Special Programs for Students from Disadvantaged Backgrounds in Fiscal Year 1980. However, for these two initiatives, projects will be funded in the following estimated amounts of money: National Demonstration Upward Bound average grant awards will be approximately $200,000, and National Demonstration Special Services average grant awards will be approximately $146,000.

The above estimated grant award amounts do not bind the U.S. Office of Education to a specific grant amount, unless that amount is otherwise specified by statute or regulations.

Further Information: For further information, contact the Program Development Branch, Division of Student Services and Veterans Programs, U.S. Office of Education (Room 3514, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone (202) 245-2511.

(20 U.S.C. 1070d-1)

(Catalog of Federal Domestic Assistance Numbers 13.482, Special Services for Disadvantaged Students, and 13.492, Upward Bound)

Dated: March 24, 1980.

William E. Smith,

Commissioner of Education.

[FR Doc. 80-9676 Filed 3-28-80; 8:45 am]

BILLING CODE 4110-02-M

National Institutes of Health

Clinical Applications and Prevention Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, April 24-25, 1980, Federal Building, Conference Room 6C01, Bethesda, Maryland.

This meeting will be open to the public on April 24 from 9:30 a.m. to Noon when the results of the Aspirin Myocardial Infarction Study will be reported and all day April 25 when new initiatives will be discussed. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on

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April 24 from Noon to 3:00 p.m. for the review, discussion and evaluation of individual contract renewal proposals. The proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31 Room 4A21 National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of meetings and rosters of committee members. Dr. William Friedewald, Executive Secretary of the Committee, Federal Building, Room 212, Bethesda, Maryland 20205, phone (301) 496–2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institute of Health)

Dated: March 25, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80-9656 Filed 3-28-80; 8:45 am]

BILLING CODE 4110-08-M

Clinical Trials Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, on April 22–23, 1980, at the Boston Park Plaza Hotel, 64 Arlington Street, Boston, Massachusetts.

This meeting will be open to the public from 8:00 p.m. to 9:00 p.m. on April 22, 1980, to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on April 22, 1980, from 9:00 p.m. to recess, and from 8:30 a.m. on April 23, 1980 to adjournment; for the review, discussion and evaluation of an individual grant application. The application and the discussions could reveal personal information concerning individuals associated with the application, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Building 31, Room 4A–21, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Room 548B, phone (301) 496–7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health)

Dated: March 25, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80-9659 Filed 3-28-80; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Child Health and Human Development Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, May 19–20, 1980, Building 31, Conference Room 6, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on May 19 from 9:00 a.m. to 5:00 p.m. with current status reports, review of the Teratology and Genetics Program, and scientific presentations. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 20 from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Council Secretary, NICHD, Landow Building, Room 7C09, National Institutes of Health, Bethesda, Maryland 20205, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.864 and 13.865, National Institutes of Health.)

Dated: March 25, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80-9657 Filed 3-28-80; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Council on Aging; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging (NIA), on May 29–30, 1980. The National Advisory Council on Aging will meet at the Lister Hill Auditorium on May 29, and in Building 31C, Conference Room 6, on May 30 at the National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. until adjournment on May 29, and from 9:00 a.m. until noon on May 30. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 30, 1980, for the review, discussion and evaluation of grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, and the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June McCann, Council Secretary, National Institute on Aging, Building 31, Room 5C–05, National Institutes of Health, Bethesda, Maryland 20205, (Area Code 301, 496–5345), will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, National Institutes of Health.)

Dated: March 25, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80-9658 Filed 3-28-80; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Neurological and Communicative Disorders and Stroke Council: Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council, National Institutes of Health, May 22 and 23, 1980, at 9 a.m. in Building 31–C, Conference Room 6, Bethesda, Maryland 20205. The meeting will be open to the public from 9 a.m.

until 11:30 a.m. on May 22, 1980, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552b(c)(4), and 522b(c)(6) of Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 11:30 a.m. on May 22, 1980, until the conclusion of the meeting that day, and from 8:30 a.m. until 6 p.m. on May 23, 1980, for review, discussion and evaluation of Research Grant applications and applications for Teacher-Investigator Awards, Research Career Development Awards, and Institutional National Research Service Awards. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Chief, Office of Scientific and Health Reports, Miss Sylvia Shaffer, Building 31, Room 8A06, NIH, NINCDS, Bethesda, Maryland, 20205, telephone 301/496–5751, will furnish summaries of the meeting and rosters of committee members.

Dr. John C. Dalton, Executive Secretary of the Committee, Room 1016, Federal Building, NIH, NINCDS, Bethesda, Maryland 20205, telephone 301/496–9248, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health.)

Dated: March 25, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-9655 Filed 3-28-80; 8:45 am]

BILLING CODE 4110-08-M

Advisory Committee to the Director, National Institutes of Health; Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, on May 13–14, 1980, at the National Institutes of Health, Bethesda, Maryland. The meeting will take place from 9:00 a.m to 5:30 p.m. on May 13, and from 8:45 a.m to 12:00 noon on May 14, in Building 31, Conference Room 10, C Wing. The entire meeting will be open to the public.

The purpose of the meeting will be to permit Committee examination of issues in costs and accountability for health research, with particular reference to the problems of research intensive institutions. Thus, the Committee will extend to another sector its examination of evolving strategy for support of HEW health research, and the implications of that strategy for NIH programs. At its December meeting, the Committee looked at the proposed research planning initiative to stabilize investigator-initiated research project grants—specifically at its probable impact on other parts of the NIH program. In that review, the Committee recommended assessment of impacts on research institutions.

Presentations at this meeting will be made by representatives from selected research institutions and the Federal government, with a view toward gaining better understanding of the real costs to the institution of doing research, and relating those costs to current Federal practices and procedures as set forth in OMB Circular A–21. Among the issues to be examined are standards for indirect costs, time-and-effort reporting and limitation on inter-grant cost transfer. In addition, the Committee will consider the report of the National Commisison on Research, *Accountability: Restoring for Quality of the Partnership.*

The Executive Secretary, Joseph G. Perpich, M.D., J.D., National Institutes of Health, Building 1, Room 137, Bethesda, Maryland 20205, 301–496–3152, will furnish summaries of the meeting, rosters of Committee members and guests, and substantive program information.

Dated: March 24, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-9640 Filed 3-28-80; 8:45 am]

BILLING CODE 4110-08-M

National Cancer Institute; Board of Scientific Counselors Division of Cancer Cause and Prevention; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCCP, National Cancer Institute, May 1 and 2, 1980, Building 31, 6th Floor, "C" Wing Conference Room 9, National Institutes of Health. This meeting will be open to the public on May 2, 1980, from 9:00 a.m. to 5:00 p.m. to discuss aspects of the research and resources activities of the Division. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 1, 1980, from 9:00 a.m. to adjournment, for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. David McB. Howell, Executive Secretary, Board of Scientific Counselors, Division of Cancer Cause and Prevention, Building 31, Room 11A04, National Institutes of Health, Bethesda, Maryland 20205 (301/496–6927) will furnish summary minutes, roster of committee members, and substantive program information.

Dated: March 21, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-9639 Filed 3-28-80; 8:45 am]

BILLING CODE 4110-08-M

National Institute of Neurological and Communicative Disorders and Stroke; National Advisory Neurological and Communicative Disorders and Stroke Council Planning Subcommittee; Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council Planning Subcommittee, May 21, 1980, at 1 p.m. in Building 31, Room 8A26, National Institutes of Health, Bethesda, Maryland 20205. The meeting will be open to the public from 1 p.m. to 3 p.m. on May 21, 1980, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 3 p.m. to adjournment on May 21, 1980. The portion of the meeting being closed involves the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

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The Chief, Office of Scientific and Health Reports, Miss Sylvia Shaffer, Building 31, Room 8A06, NIH, NINCDS, Bethesda, Maryland, 20205, telephone (301) 496–5751, will furnish summaries of the meeting and rosters of committee members.

Dr. John C. Dalton, Executive Secretary, Federal Building, Room 1016, Bethesda, Maryland 20205, telephone (301) 496–9248, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health.)

Dated: March 25, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-9642 Filed 3-28-80; 8:45 am]

BILLING CODE 4110-08-M

National Institute of Dental Research; National Advisory Dental Research Council; Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institute of Dental Research, On May 19–20, 1980, in Conference Room 8, Building 31–C, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9 a.m. to adjournment on May 20 for general discussion and program presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting of the Council will be closed to the public on May 19 from 9 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Dorothy Costinett, Committee Management Assistant, National Institute of Dental Research, National Institutes of Health, Building 31–C, Room 2C36, Bethesda, MD 20205, (phone 301–496–6705) will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos 13–840 thru 13–845, and 13–878, National Institutes of Health.)

Dated: March 25, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-9643 Filed 3-28-80; 8:45 am]

BILLING CODE 4110-08-M

National Heart, Lung, and Blood Institute; Arteriosclerosis, Hypertension, and Lipid Metabolism Advisory Committee; Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Arteriosclerosis, Hypertension, and Lipid Metabolism Advisory Committee, National Heart, Lung, and Blood Institute, May 5, 1980, Conference Room 9, 6th Floor, C–Wing, Building 31, National Institutes of Health, Bethesda, Maryland 20205. The entire meeting will be open to the public from 8:30 a.m. to 4 p.m. on Monday, May 5, to evaluate program support in Arteriosclerosis, Hypertension, and Lipid Metabolism. Attendance by the public will be limited on a space available basis.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, Room 4A–21, Building 31, National Institutes of Health, Bethesda, Maryland 20205, Phone (301) 496–4236, will provide summaries of the meeting and rosters of committee members.

Dr. Gardner C. McMillan, Associate Director for Etiology of Arteriosclerosis and Hypertension Program, NHLBI, Room 4C–12, Federal Building, National Institutes of Health, Bethesda, Maryland 20205, Phone (301) 496–1613, will furnish substantive program information.

Dated: March 24, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-9641 Filed 3-28-80; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Draft Environmental Assessment on Subsistence Hunting of Migratory Birds in Alaska and Canada

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The Service announces availability for public comment of a draft environmental assessment of a proposal to seek amendments to migratory bird treaties with Canada, Mexico, and Japan that would make them consistent with the 1976 migratory bird treaty with the Soviet Union in regard to subsistence hunting. The amendments would provide a basis for legalizing and managing subsistence hunting of migratory birds in Alaska and Canada, consistent with the intent of Congress.

The consequences of the proposed action, and alternatives of no action or elimination of most subsistence hunting of migratory birds, are described and discussed. Proper management of subsistence hunting is considered essential for the well being of migratory birds, especially waterfowl, and the residents of rural areas in Alaska and Canada who depend on migratory birds as a traditional and important source of food.

DATES: Comments on this environmental assessment will be accepted until May 12, 1980.

ADDRESSES: Send comments to: Alaska Area Director, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503.

The draft environmental assessment is available for inspection or copies may be obtained from: U.S. Fish and Wildlife Service, Office of Migratory Bird Management, 1717 H Street, NW (Room 555), Department of the Interior, Washington, D.C. 20240, or Migratory Bird Program Coordinator, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management at (202) 254–3207, or Wilbur N. Ladd, Jr., Migratory Bird Program Coordinator at (907) 276–3800.

Dated: March 26, 1980.

Harold J. O'Connor,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 80-9634 Filed 3-28-80; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Annual Technical Report of the Research and Development Program for Outer Continental Shelf Oil and Gas Operations

The annual technical report entitled *Research and Development Program for Outer Continental Shelf Oil and Gas Operations–1979* is available without charge. Requests should be addressed to Mr. John B. Gregory, Branch of Marine Oil and Gas Operations, Conservation Division, MS 640, National Center, Reston, Virginia 22092, phone 703–860–7531.

The report contains background information on the program and summarizes technical investigations on 13 individual projects. These projects include structural dynamics of offshore platforms, monitoring of structural fatigue, overpressured submarine sediments, data transmission, the application of fluidic controls to downhole data transmission and hydrogen sulfide gas detection, well-control experimentation, and effects of toxicity of drilling muds on corals.

Hillary A. Oden,

Acting Chief, Conservation Division.

[FR Doc. 80-9686 Filed 3-28-80; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

Rail and Motor Carrier Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such protests shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC–F–14157F. Authority sought by Metro Hauling, Inc. of 20848 77th Avenue South, Kent, WA 98031 for merger of the operating rights of Hayes Truck Lines, Inc., 20848 77th Avenue South, Kent, WA 98031. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. Authority sought to be merged: General commodities (with exceptions) over irregular routes from Tacoma, WA to points in Pierce, King, Snohomish, Lewis, Thurston, Mason and Grays Harbor Counties, WA and between points within 3 miles of Tacoma including Tacoma. General commodities (with exceptions) over regular routes between Winlock, WA and Portland, OR. Articles which because of size or weight require the use of special equipment, building materials and chlorine between points in Pierce, King, Snohomish, Lewis, Thurston, Mason and Grays Harbor Counties, WA and between such counties on the one hand, and, on the other, points in OR. Insulating materials from plant site of U.S. Gypsum at Tacoma, WA to points in WA and specified counties in MT and ID. Cellulose fiber mats from the facilities of Reichold Chemicals, at and near Tacoma, WA, to points in WA, OR and ID. Applicant is authorized to operate as a common carrier in WA and OR. Application has been filed for temporary authority under Section 11349. If a hearing is deemed necessary, the applicants request it be held at Seattle, WA.

Note.—MC ——— is a directly related matter.

MC–F–14211F, filed October 31, 1979. Authority is sought by Lexington-Paris Motor Freight Lines, Inc., Highway 45, Post Office Box 49, Milan, TN, 38358, to purchase Thorne Truck Lines, Inc., 124 E. Virginia, Memphis, TN, 38106. Applicant's Representative: Warren A. Goff, Attorney at Law, 2008 Clark Tower, Memphis, TN, 38137. Lexington-Paris Motor Freight Lines, Inc. is a regular route common carrier, operating pursuant to Certificates of Registration issued in Docket No. MC–134768 and subs thereunder, authorizing the transportation of General Commodities, with the usual exceptions, over regular routes located in the western and middle Grand Divisions of Tennessee between Memphis and Nashville, TN, restricted against the transportation of shipments moving between those two named points. Tommy W. Ross of Milan, TN was authorized to control it, along with Milan Express, Inc. in Docket No. MC–F–10782. Milan Express holds authority in Docket No. MC–121649 to transport General Commodities, with the usual exceptions, between Memphis and Jackson, TN and points within a 35-mile radius of Jackson, TN. The carrier to be purchased, Thorne Truck Lines, Inc., holds authority in Docket No. MC–87951 and subs thereunder to transport property, over described regular routes, between Memphis and Savannah, TN. Application has been filed for temporary authority under Section 11349. (Hearing site: Washington, D.C.)

[No. MC–F–14052]

K.S.S. Transportation Corp.—Purchase (Portion)—LTL Perishables, Inc. and Dakota Express, Inc.

Decided: January 14, 1980.

It is ordered:

1. The purchase by K.S.S. Transportation Corp. of operating rights held by LTL Perishables, Inc., in Certificate No. MC–135874 (Sub-No. 65), and a portion of the operating rights held by Dakota Express, Inc., in Certificate No. MC–83217 (Sub-Nos. 41 and 51) as set forth in Appendix A, and the acquisition of control of such operating rights by Beatrice Foods Co., through the purchase, is approved; *provided, however,* that the purchase of that portion of Certificate No. MC–135874 (Sub-No. 65) set forth in Appendix B may not be consummated until 30 days after public notice has been given in the **Federal Register** of the approval herein. If, after 30 days, no petitions for reconsideration of our decision herein insofar as it approves the sale of the rights specified in Appendix B have been filed, then that portion of the transaction may be consummated. However, the Commission may impose such terms, conditions, or limitations in the future as it may find necessary to insure that the dual holding by K.S.S. Transportation Corp. of the certificates it is authorized to acquire herein and the permits it presently holds, and the holding under common control by K.S.S. Transportation Corp., Haul-Away, Inc., Tropicana Transportation Corp., and Solar Rest, Inc., of their permits and by James J. Gallery, Inc., of its certificates shall conform to the requirements of 49 U.S.C. 10930.

Appendix A

Operating rights in Certificates No. MC–83217 (Sub-Nos. 41 and 51) approved for purchase by this decision.

No. MC–83217 (Sub No. 41)

Meats, meat products and meat by-products, and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Esterville and Ottumwa, IA to points in CT, DE, IL, KS, ME, MD, MA, MN, MO, NE, NH, NJ, NY, PA, RI, SD, VT, VA, WV, and DC with no transportation from compensation on return except as otherwise authorized. Restriction: The operations herein are restricted to the transportation of shipments originating at the facilities of John Morrell & Company at Esterville, IA, and destined to points in the above-named States, and restricted to the transportation of shipments originating at the facilities of George A. Hormel & Co. at Ottumwa, IA, and destined to points in the above-named States.

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No. MC–83217 (Sub-No. 51)

Meats, meat products, and meat by-products, and articles distributed by meat packing houses, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of George A. Hormel & Company at Fremont, NE to points in SD, CT, DE, ME, MD, MA, NH, NJ, NY, VT, WV, VA, RI, PA, and DC, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destination points.

Appendix B

Following is that portion of Certificates No. MC–135874 (Sub-No. 65) which may not be purchased until publication in the **Federal Register** has been effected, and petitions, if any, disposed of:

Such commodities as are dealt in by retail and wholesale department and hardware stores (except commodities in bulk, foodstuffs, and flat glass).

From points in IL, IN, KY, MI, MO, and WI, to Brookings, SD, with no transportation for compensation on return except as otherwise authorized.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9682 Filed 3-28-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under 49 U.S.C. § 10928 of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

[Notice No. F–13]

The following applications were filed in Region 1.

Send protests to: Complaint/Authority Center, ICC, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 140312 (Sub-1–1TA), filed March 17, 1980. Applicant: SARGENT TRANSPORT. INC., Obi Road, RD No. 1, Portville, NY 14770. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Contract carrier;* irregular routes, *Cookies,* from the facilities of Farnsworth's Cookies, Inc., in the Town of Cuba, NY to Jacksonville, FL, Portland, ME, Lansing, MI. *Materials, supplies, and equipment used in the manufacture of cookies, in straight or mixed shipments, also, commodities otherwise exempt from Economic Regulation* under Section 10526(6)(c) (Formerly Section 203(b)(c)) of the Interstate Commerce Act, when transported in the same vehicle and at the same time with regulated commodities, from Decatur, IN, Pontiac, MI, Cincinnati, OH, and Old Forge, PA, to the facilities of Farnsworth's Cookies, Inc., in the Town of Cuba, NY.

MC 150315 (Sub-1–1TA), filed March 18, 1980. Applicant: SCOTT BROTHERS BUS SERVICE, INC., 233 Sands Street, Brooklyn, NY 11201. Representative: Larsh B. Mewhinney, Moore Berson Lifflander & Mewhinney, 55 Madison Avenue, New York, NY 10022. *Passengers and their baggage,* in charter operations; Beginning and ending at points in New York, NY and extending to points in DE, FL, GA, MD, NJ, NY, NC, PA, SC, VA and DC. Supporting shipper(s): There are 11 statements of shipper support attached to the application which may be examined at the ICC Regional Office in Boston, MA.

MC 1117 (Sub-1–2TA), filed March 17, 1980. Applicant: M.G.M. TRANSPORT CORP., 70 Maltese Drive, Totowa, NJ 07512. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. *Wearing apparel,* from the facilities of K-Mart Apparel Corp. in North Bergen, NJ to Greensboro, NC and Richmond, VA. Supporting shipper(s): K-Mart Apparel Corp., 7373 Westside Avenue, North Bergen, NJ 07047.

MC 147717 (Sub-11–TA), filed March 18, 1980. Applicant: S.M.D. INDUSTRIES, 46 Skiff St., Hamden, CT 06517. Representative: Walter L. Weart, Registered Practitioner, 548 Anita St., Des Plaines, IL 60016. (A) *Battery electrical storage assemblies, battery parts, chargers and batterys, 25 lbs or greater except commodities in bulk,* between Kankakee and Bradley, IL and King of Prussia, PA and points in NJ, NY, CT, RI, MA, NH, VT and ME; *Restricted:* to shipments originating at or destined to the facilities of Gould, Inc., (B) *Circuit Breakers and switches; except commodities in bulk;* between Branford, CT and points in NY and PA; *Restricted:* to shipments originating at or destined to Echlin Mfg. Co., located at or near Branford, CT. Supporting shipper(s): Gould, Inc., 2050 Cabot Blvd., West, Langhorne, PA 19047. Echlin Mfg. Co., Echlin Road, Branford, CT 06510

MC 94635 (Sub-1–1TA), filed March 19, 1980. Applicant: INTERSTATE SAND & GRAVEL TRANSPORTATION, INC., 717 Elmer Street, Vineland, NJ 08360. Representative: Terrence D. Jones, 2033 K Street, N.W., Washington, DC 20006. *Contract;* irregular routes, transporting: *glass cullet,* from Nashua, NH and Danbury, CT to Salem, NJ, under a continuing contract or contracts with Anchor Hocking Corporation. Supporting shipper: Anchor Hocking Corporation, 109 North Broad Street, Lancaster, OH 43130.

MC 143236 (Sub-1–4TA), filed March 19, 1980. Applicant: WHITE TIGER TRANSPORTATION CO., INC., 40 Hackensack Avenue, S. Kearny, NJ 07032. Representative: Elizabeth E. Murphy, 40 Hackensack Avenue, S. Kearny, NJ 07032. *Coffee, roasted in cans, large bags or pre-measured packets, green in bags, coffee, water soluble or extract, in jars, with or without coffee filters* between New York, NY and St. Louis MO on the one hand, and, on the other points in CA, FL, GA, IL, IN, NC, OH, OR, TN and VA. Restricted to traffic originating at or destined to the facilities of Chock Full O'Nuts. Supporting shipper: Chock Full O'Nuts, 425 Lexington Ave., NYC, NY 10017.

MC 143236 (Sub-1–6), filed March 19, 1980. Applicant: WHITE TIGER TRANSPORTATION CO., INC., 40 Hackensack Avenue, S. Kearny, NJ 07032. Representative: Elizabeth E. Murphy, 40 Hackensack Avenue, S. Kearny, NJ 07032. *Electric motors* from Carlstadt, NJ on the one hand, and, on the other points in AK, AZ, FL, GA, TN and VA. Restricted to shipments originating at or destined to the facilities of Brevel Motors, Div. of McGraw Edison. Supporting shipper: Brevel Motors, Broad & 16th Streets, Carlstadt, NJ 07072.

MC 134349 (Sub-1–1TA), filed March 17, 1980. Applicant: B.L.T. CORPORATION, 405 Third Avenue, Brooklyn, NY 11215. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. Contract; irregular. *Such commodities* as are dealt in or used by discount department stores, and *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk and foodstuffs), between North Bergen, NJ, on the one hand, and, on the other, points in AL, FL, GA, LA, NC and SC. Supporting shipper(s): Diana Shops Inc., a division of Daylin, 7801 Tonnelle Avenue, North Bergen, NJ 07047.

MC 116859 (Sub-1–1TA), filed March 18, 1980. Applicant: CLARK TRANSFER, INC., P.O. Box 190, Burlington, NJ 08016. Representative: David A. Sutherlund, Esq., Fulbright & Jaworski, 1150 Connecticut Ave., NW., Suite 400, Washington, DC 20036. *Paperback Books* from Dresden, TN, to Patterson, NJ, New York, NY, Philadelphia, PA, and Washington, DC, for 180 days. Supporting shipper: Mr. Andrew Orlando, Berkley-Jove Publications Group, 200 Madison Avenue, New York, NY 10016.

MC 117676 (Sub-1–1TA), filed March 18, 1980. Applicant: HERMS TRUCKING, INC., 620 Pear Street, Trenton, NJ 08648. Representative: Alan Kahn, Esquire, 1430 Land Title Building, Philadelphia, PA 19110. *Chemicals, chemical products, minerals, acids* and *plastic products,* except in bulk, between points in the United States, east of the western boundaries of ND, SD, NE, KS, OK and TX. Restriction: The service authorized is restricted to transportation of traffic originating at or destined to the facilities of H. M. Royal, Inc. Supporting shipper: H. M. Royal, Inc., 689 Pennington Avenue, Trenton, NJ 08610.

MC 115180 (Sub-1–1TA), filed March 11, 1980. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, NY 10011. Representative: George, A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Foodstuffs,* from points in the New York, NY Commercial Zone and Shiremanstown, PA, To Hopkins, Minneapolis, and Albert Lea, MN; Urbandale, Des Moines, and Chariton, IA; Chicago, IL; and Milwaukee, WI. Supporting shipper: Glidden-Durkee, Div. SCM Corp., 289–37th St., Brooklyn, NY 11232.

MC 150280 (Sub-1–2TA), filed March 18, 1980. Applicant: BILL-ED, INC., d.b.a. GLASSMAN TRUCKING CORP., 110 North King Street, Gloucester City, New Jersey 08030. Representative: Andrew D. Lipman, Suite 200, 1776 F Street, N.W., Washington, D.C. 20006. *Contract;* irregular: *General coinmodities* (except furniture and commodities in bulk, in tank vehicles), between the facilities of Liss Brothers, Philadelphia, PA and points in the United States in and east of MN, IA, MO, AR and TX. Supporting shipper: Liss Brothers, Inc., 1035 North Delaware Avenue, Philadelphia, PA.

MC 150281 (Sub-1–5TA), filed March 17, 1980. Applicant: BANGOR PUNTA TRANSPORTATION, INC., One Greenwich Plaza, Greenwich, Connecticut 06830. Representative: Chandler L. van Orman, 1729 H Street, N.W., Washington, D.C. 20006. *Contract carrier, irregular routes: Boats, boat parts, supplies, equipment and materials used in the manufacturing of boats and boat parts,* between Fall River, MA and Costa Mesa, CA; *Boats, and boat parts,* from Fall River, MA and Costa Mesa, CA to points in the U.S. including AK (but excluding HI); *Materials, supplies and equipment used in the manufacturing, transportation or distribution of boats or boat parts,* from points in the U.S. including AK (but excluding HI) to Fall River, MA, and Costa Mesa, CA; *Boats, and boat parts,* between points in the U.S. *restricted* to the transportation of shipments originating at, or destined to a Bangor Punta Corporation facility or dealer; Restrictions: Said operations are limited to transportation service to be performed under a continuing contract, or contracts, with Bangor Punta Marine, division of Bangor Punta Corporation. Supporting shipper: Bangor Punta Marine, Fall River, MA.

MC 144888 (Sub-1–1TA), filed March 17, 1980. Applicant: BIL-RIC TRANSPORT SYSTEMS, INC., 92 East Main Street, Somerville, New Jersey 08876. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, Pennsylvania 18517. *Bicarbonate of Soda, Washing Compounds, Cleaning Compounds and Scouring Compounds* from Charlotte, NC to SC, AL, GA, TN and FL. Supporting shipper: Church & Dwight Co., Inc., P.O. Box 368, Piscataway, New Jersey 08854.

MC 146589 (Sub-1–1TA), filed March 18, 1980. Applicant: REGIONAL TRANSPORTATION COMPANY, INC., 600 Secaucus Road, Secaucus, New Jersey 07094. Representative: Herbert S. Zischkau, III, Arsham & Keenan, 277 Park Avenue, New York, New York 10017, (212) 758–1000. *Contract carrier,* irregular routes: *merchandise, equipment and supplies sold, used or distributed by a manufacturer of cosmetics* between Newark, DE and Hoboken, NJ and Philadelphia, PA; from Newark, DE to Edison, NJ and Landover, MD; from Millville, NJ and Baltimore, MD to Suffern, NY and Hoboken, NJ; from Hoboken, NJ to Suffern, NY; from Suffern, NY, Rye, NY and West Nyack, NY to Newark, DE, for the account of Avon Products, Inc. Supporting shipper: Avon Products, Inc., 9 West 57th Street, New York, New York 10019.

MC 71593 (Sub-1–4), filed March 17, 1980. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second Street, Scotch Plains, NJ 07076. Representative: David W. Swenson, 1608 E. Second Street, Scotch Plains, NJ 07076. *Such commodities as are dealt in or used in retail stores,* from the facilities of U.S. Packing & Shipping at Jersey City, NJ to Cheyenne, WY and point in CO. Supporting shipper: Modern Merchandising, Inc., 5101 Shady Oak Road, Minnetonka, MN 55343.

MC 71593 (Sub-1–6), filed March 17, 1980. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second Street, Scotch Plains, NJ 07076. Representative: David W. Swenson, 1608 E. Second Street, Scotch Plains, NJ 07076. *Foodstuffs* from Battle Creek, MI; Lancaster and Sharonville, OH to Denver, CO and Oklahoma City, OK. Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 150295 (Sub-1–1TA), filed March 12, 1980. Applicant: KENNETH AND MICHAEL DAVIS d.b.a. K & M DIESEL SERVICE, 10–12 East Maple Avenue, Cedarville, NJ 08311. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier,* irregular routes: *automotive parts* (1) Between Louden, TN, Detroit, MI and Skokie, IL, on the one hand, and, on the other, New York, NY, Philadelphia, PA, and Vineland, NJ, and (2) Between Cleveland, OH, on the one hand, and, on the other, Louden, TN under a continuing contract with Jobbers Warehouse. Supporting shipper: Jobbers Warehouse, a Subsidiary of North American Diesel, Inc., 1601 Fairmont Avenue, Philadelphia, PA 19130.

MC 150034 (Sub-1–1TA), filed February 7, 1980. Applicant: MAINE LINE TRANSPORT, INC., 184 Read Street, Portland, Maine 04112. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Paper* in truckload quantities from Jay, ME to Portland, ME. Supporting shipper: International Paper Company, 220 E. 42nd Street, New York City, NY 10017.

MC 78667 (Sub-1–1TA), filed February 6, 1980. Applicant: LOTT MOTOR LINES, INC., 51 West Cayuga Street, P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, D.C. 20001. *Aluminum and aluminum products,* from the facilities of Kaiser Aluminum & Chemical Corporation at or near Ravenswood, WV to points in the United States in and east of MN, IA, MO, AR, and TX. Supporting shipper: Kaiser Aluminum & Chemical Corporation, P.O. Box 98, Ravenswood, WV 26164.

MC 150030 (Sub-1–1TA), filed February 7, 1980. Applicant: NICHOLAS POLSELLI, d.b.a. TEMPERATURE CONTROL TRANSPORT, 74 South Street, Troy, NH 03465. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. *Contract carrier:* irregular routes: (1) *Meats, smoked,* and (2) *Cured meats, in containers,* in vehicles equipped with mechanical refrigeration, from the facilities of Colonial Provision Co., Inc., at Boston, MA to points in FL, for 180 days. Supporting shipper: Colonial Provision Co., Inc., 1100 Massachusetts Avenue, Boston, MA 02125.

The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 124155 (Sub-2–1), filed March 19, 1980. Applicant: ROBERT N. TOOMEY, 1516 S. George St., York, PA 17403. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. box 1417, Hagerstown, MD 21740. *Contract; irregular: (1) Agricultural chemicals, fertilizers, fungicides, insecticides and adhesives (except in bulk)* from Hanover, PA, including its commercial zone, to points in MN, ID, MO, AR, LA, SD, NE, KS, OK, TX, MT, WY, CO, NM, UT *(2) Fertilizers and fungicides* from Hanover, PA, including its commercial zone, to points in ID, ND, CA, WA, NV, OR, and AZ. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Miller Chemical & Fertilizer Corp., P.O. Box 333, Hanover, PA 17331.

MC 150179 (Sub-2–1), filed March 14, 1980. Applicant: LOGISTICS, INC., 6242 Executive Blvd., P.O. Box 638, Dayton, OH 45402. Representative: Robert W. Gardier, Jr., 100 E. Broad St., Columbus, OH 43215. *Contract; irregular: General commodities* (usual exceptions) restricted to traffic having a prior or subsequent movement by air between Indianapolis, IN. on the one hand, and, on the other, Cincinnati, Columbus, and Dayton, OH; Lexington and Louisville, KY; and Terre Haute, IN. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Profit-by-Air, Inc., 2614 New Spring Rd., Suite 330, Atlanta, GA 30339.

MC 107403 (Sub-2–12), filed March 14, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Benzene, in bulk, in tank vehicles,* from Laredo, TX to Pasadena, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: George A. Abood Co., Inc., 500 Fifth Ave., New York, NY 10036.

MC 107403 (Sub-2–13TA), filed March 17, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Sodium aluminum silicate, dry, in bulk, in tank vehicles,* from Mobile, AL to Jeffersonville, IN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Colgate Palmolive Company, State and Woerner Sts., Jeffersonville, IN 47130.

MC 52861 (Sub-2–2TA), filed March 17, 1980. Applicant: WILLS TRUCKING, INC., 3185 Columbia Rd., Richfield, OH 44286. Representative: John Wilson (same address as applicant). *Coke, in bulk, in containers on flatbed-type trailers,* from the facilities of Koppers Co., Inc., at or near Erie, PA, to Dunkirk, Olean, and Buffalo, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Koppers Company, Inc., 850 Koppers Building, Pittsburgh, PA 15219.

MC 142823 (Sub-2–1), filed March 19, 1980. Applicant: R. H. CROSBY, JR. d.b.a. CROSBY TRUCKING SERVICE, P.O. Box 25, Staunton, VA 24401. Representative: Richard J. Lee, Suite 1222, 700 E. Main St., Richmond, VA 23219. *Iron and steel articles* between Harrisonburg and Winchester, VA on the one hand, and, on the other, points in AL, GA, IN, KY, LA, MS, SC, and TN for 180 days. Supporting shipper: Cives Steel Co., P.O. Box 2778, Winchester, VA 22601.

MC 146890 (Sub-2–3TA), filed March 19, 1980. Applicant: C & E TRANSPORT, INC. d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW., Washington, DC 20001. *Facing brick, adhesives, sealers, and floor tile,* from the facilities of VMC Corporation at or near Fort Wayne, IN, to points in and east of ND, SD, NE, KS, OK, and TX. An underlying ETA seeks 90 days authority. Supporting shipper: VMC Corporation, 13929 Northeast 190th St., Woodinville, WA 98072.

MC 139584 (Sub-2–1TA), filed March 19, 1980. Applicant: John Busch, Box 211, Conyngham, PA 18219. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. *Automobile parts* between Hazleton, PA, on the one hand, and, on the other, Chicago, IL, Syracuse, NY, Hudson and Detroit, MI, Linden & Metuchen, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Arwood Corporation, Cast-O-Matic Division, Jaycee Drive, Valmont Industrial Park, Hazleton, PA 18201.

MC 112304 (Sub-2–13TA), filed March 19, 1980. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John G. Banner (same address as applicant). *Injected molded plastic products, plated or unplated, and metal products,* from the facilities of Norris Industries, at Nicholasville, KY, to the facilities of Norris Industries, at or near Duffield, VA, Spencer, WV, Ypsilanti, MI, and Pineola, NC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Norris Industries, John C. Watts Dr., Nicholasville, KY 40356.

MC 144513 (Sub-2–2TA), filed March 17, 1980. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster St., Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Carpet,* from the facilities of Bentley Carpet Mills at City of Industry, CA, to Houston and Dallas, TX; St. Louis, MO; Chicago, IL; Minneapolis, MN; Detroit, MI; Baltimore, MD; Philadelphia, PA; Boston, MA; Atlanta, GA; Miami, FL; and their respective commercial zones and points in CT and NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Bentley Carpet Mills, P.O. Box 2402, City of Industry, CA 91746.

MC 2605 (Sub-2–2), filed March 18, 1980. Applicant: COMMERCIAL TRANSPORTATION, INC., 2300 E. Adams Ave., Philadelphia, PA 19124. Representative: Anthony N. Coppola, Jr. (same address as applicant). *Petroleum and petroleum products, except in bulk* from Philadelphia and Marcus Hook, PA to points in the state of IN for 180 days.

Applicant intends to tack authority herein with authority held under MC 2605. An underlying ETA seeks 90 days authority. Supporting shipper: Sunmark Industries, Div. of Sun Oil Co. of PA, 1845 Walnut St., Philadelphia, PA.

MC 142359 (Sub-2–1), filed March 20, 1980. Applicant: PORT EAST TRANSFER, INC., 1404 S. Clinton St., Baltimore, MD 21224. Representative: Ray P. Turchi (same address as applicant). *General commodities* (except Classes A and B explosives, commodities in bulk, household goods, as defined by the Commission, and commodities, which because of size or weight require special equipment), in containers or trailers, and empty containers or trailers, and container chassis, between the Ports and commercial zones of New York, NY; Philadelphia, PA; Baltimore, MD; Norfolk, VA; Wilmington, NC; Charleston, SC; Savannah, GA; and Jacksonville, FL, restricted to traffic having an immediately prior or subsequent movement by rail or water, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Barber Steamship Lines, Inc., 1522 World Trade Ctr., Baltimore, MD 21202; Trans-Freight Lines, Inc., 205 Dunmar Bldg. North, DMT, Baltimore, MD 21222; United States Lines, Inc., P.O. Box 2887, Savannah, GA 31402.

MC 150339 (Sub–2–1), filed March 19, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Thomas M. Auchincloss, Jr., 918–16th St., N.W., Washington, D.C. 20006. *Contract; irregular;* (1) *such merchandise as is dealt in by wholesale, retail and chain hardware stores;* and (2) *materials, equipment and supplies* used in the manufacture of commodities in (1) above between points in the U.S. (except AK and HI) under continuing coontract(s) with Black & Decker (U.S.) Inc. of Towson, MD, for 180 days. An underlying ETA seeks 90 days operating authority. Supporting shipper: Black & Decker (U.S.) Inc., 701 E. Joppa Rd., Towson, MD, 21204.

The following applications were filed in Region 4. Send protests to: ICC, Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 134477 (Sub-4–6TA), filed February 14, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Pischbach, P.O. Box 43496, St. Paul, MN 55164. *Meat, meat products and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Landy Packing Company, Inc., at or near St. Cooud, MN to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, NE, NH, NJ, NC, ND,OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC. Supporting shipper: Landy Packing Company, 3rd Avenue South, St. Cloud, MN 56301.

MC 118776 (Sub-4–1TA), filed February 12, 1980. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101. *Paper bags* from the facilities of the St. Regis Paper Co., Quincy, IL to Mentone, IN, Rushville, IN, Montgomery City, MO and Janesville, WI, for 180 days. Supporting shipper: St. Regis Paper Co., 1701 Locust Street, Quicny, IL 62301.

MC 134665 (Sub-4–3TA), filed February 12, 1980. Applicant: ATKINS TRUCKING CO., P.O. Box 4, Tea, South Dakota 57064. Representative: Claude Stewart, 5301 North Cliff Avenue, P.O. Box 480, Sioux Falls, South Dakota 57101. *Animal and poultry feed ingredients* from the plant sites of International Maneral and Chemical Company, at or near Carlsbad, New Mexico; to Sioux Falls, and Huron, South Dakota. Supporting shipper: Zip Feed Mills, 304 East Eighth Street, Sioux Falls, South Dakota 57102.

MC 148751 (Sub-4–1TA), filed February 8, 1980. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. (1) *Pulpboard and fibreboard rolls,* and (2) *Materials, equipment and supplies* (except commodities in bulk), Between Conalco, TN, on the one hand, and, on the other, points in IL, IN, KY, MO, OH, and WI. supporting shipper: Inland Container Corporation, 151 North Delaware, Indianapolis, IN.

MC 150091 (Sub-4–1TA), filed February 14, 1980. Applicant: PRESCOTT FERTILIZER CORP., 250 South 2d Street, Prescott, WI 54021. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. Contract: Irregular: (1) *Feed, ingregients, and fertilizer, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above (except size and weight commodities)* between points in Pierce County, WI on the one hand, and, on the other, points in IA and MN, restricted to traffic originating at or destined to the facilities of Prescott Fertilizer Corp. and/or Deiss and Nugent Feed Corporation, and further restricted to traffic moving under continuing contract or contracts with Prescott Fertilizer Corp., Deiss and Nugent Feed Corporation, and Allied Chemical Corporation. Supporting shippers: Prescott Fertilizer Corp., 250 South 2d Street, Prescott, WI 54021, and Deiss and Nugent Feed Corporation, East Ellsworth, WI 54010.

The following applications were filed in Region 5.

Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 600, Fort Worth, TX 76102.

MC 531 (Sub-5–4TA), filed March 12, 1980. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road (P.O. Box 14048), Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). *Silicontetrachloride, SiCl4, in bulk, in tank vehicles,* From the facilities of Great Western Silicon at Chandler, AZ, to the facilities of Van De Mark Chemical Co., Inc., at Lockport, NY. Supporting shipper: Great Western Silicon Corporation, 11515 E. Riggs Road, Chandler, AZ 85224.

MC 2229 (Sub-5–1TA), filed March 14, 1980. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Dallas, TX 75247. Representative: Jackie Hill (same address as applicant). *Wallboard tape,* from the facilities of Sutco, Inc. at Hot Springs, AR to points in the United States (except AK, AR and HI). Supporting shipper: Sutco Inc., Rt. 2, Hot Springs, AR 71901.

MC 2392 (Sub-5–1TA), filed March 14, 1980. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, P.O. Box 14248 West Omaha Station, Omaha, Nebr. Representative: Keith D. Wheeler, Wheeler Transport Service, Inc. 7722 F Street, P.O. Box 14248 West Omaha Station, Omaha, Nebr. 68124. *Edible Soybean Oil, in Bulk, and in Tank Vehicles,* From Manning, Iowa to the States of Illinois, Nebraska, Missouri and Minnesota. Supporting shipper AGRI Industries, Box 187, Manning, Iowa, 51455.

MC 5227 (Sub-5–2TA), filed March 10, 1980. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, Quaintance & Swanson, P.O. Box 1103, 226 North Phillips Avenue, Sioux Falls, SD 57101. *Beverages,* from points in the commercial zones of Chicago, IL; Ottumwa, IA; and Omaha, NE, to points in WI, MN, ND, and SD. Supporting

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shipper: King Cola North Central, Inc., 136 North Avenue, Heartland, WI 53029.

M29910C (Sub-5–11TA), filed March 17, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (address same as above). Common; Regular, *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* serving the facilities of Estes Industries, Inc. at or near Penrose, CO, as an off-route point in connection with the regular route authority between Denver and Pueblo, CO. Supporting shipper: Estes Industries, Inc. Penrose, CO 81240.

MC 29910 (Sub-5–12TA), filed March 18, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (address same as above). Common; Regular *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* serving the facilities of Nu-Cushion Products, at or near Keene, TX, as an off route point in connection with applicants regular route authority between Fort Worth and Dallas, TX. Supporting shipper: Nu-Cushion Products, 407 College Drive, Keene, TX 76059.

MC 41116 (Sub-5–4TA), filed March 19, 1980. Applicant: FOLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Byron Fogleman, P.O. Box 1504, Crowley, LA 70526. Contract; Irregular, (1) *Paper and paper products (except in bulk);* (2) *Materials and supplies used in the manufacture, distribution or sale of* (1) (*except in bulk*), between Bastrop, Louisiana on the one hand and on the other points in Texas. Supporting shipper International Paper Co., 220 East 42nd Street, New York, N.Y. 10017

MC 48221 (Sub-5–1TA), filed March 17, 1980. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 4010 Dahlman Ave., Omaha, NE 68107. Representative: Donald L. Stern, Stern & Becker, P.C., Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Such merchandise as is dealt in by wholesale, retail, or chain grocery and food business houses (except commodities in bulk),* from points in IA, KS, MN, MO, NE, OK and TX, to Denver, CO, Phoenix, AZ, and Seattle, WA, restricted to traffic moving to or from facilities of Cudahy Foods Company. Supporting shipper: Hutchison Brokerage Co., 6344 N. 86 St., Scottsdale, AZ 85253.

MC 87511 (Sub-5–1TA), filed March 18, 1980. Applicant: SAIA MOTOR FREIGHT LINE, INC., P.O. Box 10157, Station One, Houma, Louisiana 70360. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, Mississippi 39205. *Common;* regular. *General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment,* between the intersection of LA Hwy 1 and U.S. Hwy 190 at or near Erwinville, LA and Alexandria, LA: from the intersection of LA Hwy 1 and U.S. Hwy 190 at or near Erwinville, LA, then over LA Hwy 1 to Alexandria and return over the same route, serving all intermediate points and serving points in St. Landry, Pointe Coupee and Avoyelles Parishes as off-route points in connection with carrier's authorized regular-route operations.

Note.—Applicant intends to tack or join this authority with its authority in MC 87511, to interline at Alexandria, Baton Rouge, New Orleans, Shreveport and Lake Charles, LA and Houston and Dallas, TX and to serve commercial zones of the points involved. There are 67 supporting shippers to this application.

MC 88368 (Sub-5–1TA), filed March 11, 1980. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, Missouri 64030. Representative: C. Max Stewart (same address as applicant). *Recreational park, restaurant, playground and show furniture, fixtures and equipment, materials and supplies used with the foregoing commodities,* from the facilities of Miracle Recreation Equipment Company at or near Grinnell (Poweshiek County), IA to points in KY and OR. Supporting shipper: Miracle Recreation Equipment Company, P.O. Box 275, Grinnell, IA 50112.

MC 95084 (Sub-5 -1TA), filed March 10, 1980. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. (*1*) *Water Treatment and Purification Equipment,* (*2*) *Materials, Equipment and Supplies used in the manufacture, processing, sale, distribution and operation of water treatment and purification equipment,* (1) From Ames, IA to points in the United States (except AK and HI), (2) Between points in the United States (except AK and HI), when moving for the account of General Filter Company. Supporting shipper: General Filter Company, R.R. #1—Arrasmith Trail, Ames, IA 50010.

MC 109365 (Sub-5–1TA), filed March 12, 1980. Applicant: A & P TRUCK LINE, INC., Highway 71 N., P.O. Box 15, Ashdown, AR 71822. Representative: Louis Tarlowski, 401 Union Life Building, Little Rock, AR 72201. *Wooden pallets,* from plant site of International Paper Company at Gurdon, AR to AL (on and west of I–65), IL, (on and south of US 36), KS, LA, MO, MS, OK, TN, (Covington, Jackson and Memphis only), and TX. Supporting shipper: International Paper Company, P.O. Box 160707, Mobile, AL 36616.

MC 111231 (Sub-5–3TA), filed March 17, 1980. Applicant: JONES TRUCK LINES, INC., 610 E. Emma Avenue, Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Furniture parts and materials, equipment, and supplies utilized in the manufacture, transportation, and installation thereof,* between Carthage and Aurora, MO, on the one hand, to, on the other, all points and places in OK, LA, and TX. Supporting shipper: Leggett and Platt, Incorporated, P.O. Box 757, Carthage, MO 64836.

MC 113908 (Sub-5–5TA), filed March 3, 1980. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 10068 G.S., 2255 N. Packer Road, Springfield, MO 65804. Representative: Jim G. Erickson, Assistant Traffic Manager, P.O. Box 10068 G.S., Springfield, MO 65804. *Refined, hydrogenated, deodorized soybean oil and various blends thereof, in bulk,* from Stuttgart, AR and the commercial zone thereof, to Opelousas, LA and Carrollton, TX and their commercial zone thereof. Supporting shipper: Riceland Foods, Inc., P.O. Box 927, Stuttgart, AR 72160.

MC 114273 (Sub-5–5TA), filed March 3, 1980. Appliant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney, P.O. Box 68, Cedar Rapids, IA 52406. *General commodities (except in bulk or in tank vehicles),* from points in the states of PA and NY to Morton, Waukegan, Decatur, and DuQuin, IL; Cape Girardeau, Troy, and St. Louis, MO (including points in the commercial zones of the above-mentioned cities). Supporting shipper: Northeastern Pennsylvania Shipper Cooperative Assoc. Inc. (NEPSCA), Nelson Building, West 8th Street, W. Wyoming, PA 18644.

MC 115331 (Sub-5–3TA), filed March 17, 1980. Applicant: TRUCK TRANSPORT, INC., 11040 Manchester Road, St. Louis, Missouri 63122. Representative: J. R. Ferris, 11040 Manchester Road, St. Louis, Missouri 63122. *Whiskey, in barrles,* from Pekin, IL to Owensboro, KY. Supporting shipper: Julius Wile & Sons Co., Inc., 3003 New Hyde Park Road, New Hyde Park, NY 11042.

MC 117815 (Sub-5–2TA), filed ———. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, IA 50317. Representative: Jack >H. Blanshan, Attorney at Law, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. *Paper, paper products, cleaning compounds and plastic articles (except commodities in bulk* from the facilities of Bay West Paper Co., Division Mosinee Paper Corp. at Green Bay, WI, to points in TX and Anadarko, Oklahoma City and Tulsa, OK and points in their commercial zones. Supporting shipper: Bay West Paper Co., Div. of Mosinee Paper Corp., 1100 West Mason Street, Green Bay, WI 54303.

MC 119493 (Sub-5–10TA), filed March 19,> 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, Missouri 64801. Representative: Thomas D. Boone, Traffic Manager, Monkem Company, Inc., P.O. Box 1196, Joplin, Missouri 64801. *Non-ferrous metals and articles related to the manufacturing and refining of non-ferrous metals (except commodities in bulk)* between facilities of Gulf Reduction Division Gulf Metals,- Inc. in AL, AR, FL, GA, KS, LA, MO, MS, OK, TN, & TX. Restricted to traffic originating at or destined to facilities owned by or used by Gulf Reduction Division Gulf Metals, Inc. Supporting shipper: M. Russ Robinson, General Manager, Gulf Reduction Division of Gulf Metals, Inc., P.O. Box 611, 6030 Esperson, Houston, TX.

MC 119789 (Sub-5–6TA), filed March 17,> 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. *Malt Beverages* from San Antonio, TX to points in Conway and Pulaski Counties, AR. Supporting shipper: Carlisle Distributors, Inc., 200 North Cedar, North Little, Rock, AR 72114.

MC 119988 (Sub-5–4TA), filed March 18,> 1980. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. *Petroleum products and lubricating oils, NOI (except in bulk), automobile parts and accessories, and such commodities as are used or dealt in by retail fuel stations and automobile service centers,* between the facilities of Exxon Company, U.S.A. at or near Bayonne and Bayway, NJ; Baton Rouge, LA; Baytown, TX; and Pittsburgh, PA, on the one hand, and, on the other, all points in the United States (except AK and HI). Supporting shipper: Exxon Company, U.S.A., P.O. Box 2180, Houston, TX 77001.

MC 123987 (Sub-5–1TA), filed March 19,> 1980. Applicant: JEWETT SCOTT TRUCK LINE, INC., P.O. Box 267, Mangum, Oklahoma 73554. Representative: Jewett Scott, Jr., P.O. Box 267, Mangum, Oklahoma 73554. *Fire brick, face brick, glazed brick, unglazed brick, glazed tile, unglazed tile and related articles,* from Lubbock, TX. to points in AR, AZ, CO, KS, LA, NM and OK. Supporting shipper: Featherlite Corporation, 1508 Erskine Road, Lubbock, TX. 79408.

MC 123993 (Sub-5–3TA), filed March 14, 1980. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Byron Fogleman, P.O. Box 1504, Crowley, LA 70526. *(1) Nonalcoholic beverages (except in bulk); (2) materials and supplies used in the manufacture, distribution or sale of (1) (except in bulk),* between New Orleans, LA, on the one hand and on the other points in AL, MS, AR, FL, TX, TN. Supporting shipper: Canada Dry Midsouth; P.O. Box 23340; Harahan, LA 70183.

MC 126118 (Sub-5–7TA), filed March 17, 1980. Applicant's name: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Such commodities as are dealt in by manufacturers and distributors of recreational products and furniture (except commodities in bulk, in tank vehicle),* between the facilities of De-Luxe Distributors, Inc. in Omaha, NE and its commercial zone on the one hand, and, on the other, points in the United States (except AK, HI and NE). Restriction: Restricted to traffic originating at or destined to the facilities of De-Luxe Distributors, Inc. Supporting shipper: De-Luxe Distributors, Inc., Steve C. Chelin, president, 980 S. 72nd St., Omaha, NE 68114.

MC 126822 (Sub-5–7TA), filed March 17, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt, 15580 South 169 Highway, Olathe, KS 66061. *Nonalcoholic cocktail mixes* from Byhalia, MS to points in the United States (except AK and HI). Supporting shipper: Master of Mixes, Inc., 10975 Grandview St., Suite 120, Corporate Woods 27, Overland Park, KS 66210.

MC 133805 (Sub-5–1TA), filed March 11, 1980. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. (1) *Plastic film,* (2) *Plastic articles,* (3) *corrugated boxes,* and (4) *materials, equipment and supplies used in the manufacture and distribution of articles in (1), (2) and (3),* between the facilities of Borden Chemical in MA, GA, IL, CA, NJ, MD, NC, OH, FL, WA, TX, MN, NY and CO, on the one hand, and, on the other points in the U.S. (except AK and HI). Supporting shipper: Borden, Inc. (Borden Chemical Division), 1 Clark Street, North Andover, MA 01845.

MC 133805 (Sub-5–3TA), filed March 10, 1980. Applicant: LONE STAR CARRIERS, INC., Route 1, Box 48, Tolar, TX 76476. Representative: Gerald Ragle, 9632 Palo Pinto Road, Fort Worth, TX 76116. *Candy (NOIBN)* (1) Between the storage and manufacturing facilities of California Peanut Company in the named States of CA, TX, NY, NJ, IL, GA, and MA (2) on the other hand from the storage and manufacturing facilities of California Peanut Company in the named States of CA, TX, NY, NJ, IL, GA, and MA to all points in the U.S. (except HI and AK). Supporting shipper: California Peanut Company, Division of Los Angeles Nut House, 500 West Ohio Ave., Richmond, CA 94804.

MC 134134 (Sub-5–1TA), filed March 17, 1980. Applicant: MAINLINER MOTOR EXPRESS, INC., P.O. Box 7439, Omaha, Nebraska 68107. Representative: Lavern R. Holdeman, Peterson, Bowman & Johanns, 521 S. 14th St., Suite 500, P.O. Box 81849, Lincoln, Nebraska 68501. *Such commodities as are dealt in by truck and automotive repair and supply business houses (except in bulk),* from the facilities of Fisk Brothers Refining Co. at or near Toledo, OH, and Newark, NJ; the facilities of City Services Company, at or near Cicero, IL; the facilities of Delbert Chemical Co. at or near Chicago, IL, and the facilities of Shell Oil Co. at or near Wood River, IL to points in IA and NE, and Kansas City, MO and points in their respective commercial zones. Supporting shipper: Allied Oil and Supply, Inc., 2209 South 24th Street, Omaha, NE 68108.

MC 134134 (Sub-5–2TA), filed March 14, 1980. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby, registered practitioner, P.O. Box 37205, Omaha, NE 68137. *Alcoholic beverages, wines, and liquors (except in bulk, in tank vehicles),* from the facilities of Heublein, Inc. at or near Hartford, CT to points in the states of MI, IN, KY, TN, WI, IL, MN, IA, MO, AR, ND, SD, NE, KS, OK, WY, and CO. Supporting

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shipper: Heublein, Inc., 330 New Park Avenue, Hartford, CT 06101.

MC 135070 (Sub-7TA), filed March 17, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Cosmetics and toilet preparations* from Roanoke, VA, to Dallas, TX, and points in its commercial zone. Supporting shipper: Eli Lilly and Company, Perry M. Bourne, Regional Traffic Coordinator, Corporate Traffic Department, 1555 South Kentucky Avenue, Indianapolis, IN 46206.

MC 135197 (Sub-5–1TA), filed March 3, 1980. Applicant: LEESER TRANSPORTATION, INC., Route 3, Palmyra, MO 63461. Representative: Robert H. Leeser, Route 3, Palmyra, MO 63461. *Dry animal feed ingredients, in bulk, in tank vehicles,* from Willow Island, WV to Highland, IL. Supporting shipper(s): American Cyanamid Company, P.O. Box 400, Princeton, NJ 08540.

MC 135797 (Sub-5–16TA), filed March 12, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, Arkansas 72745. Representative: Paul R. Bergant, Esq., Post Office Box 130, Lowell, Arkansas 72745. *Such commodities as are manufactured and dealt in by distributors of lawn and garden products,* between points in and east of ND, SD, NE, KS, OK and TX. Restricted to traffic originating at or destined to the facilities of Lakeshore Equipment and Supply Company. Supporting shipper: Lakeshore Equipment and Supply Co., 300 So. Abbe Road, Elyria, OH 44035.

MC 135953 (Sub-5–1TA), filed March 17, 1980. Applicant: CHEROKEE LINES, INC., P.O. Box 152, Cushing, OK 74023. Representative: Donald L. Stern, of Stern & Becker, P.C., Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Automotive specialities and supplies (except in bulk)* from Kansas City, KS to Omaha and Lincoln, NE and Council Bluffs, IA. Supporting shipper: Interstate Oil Co., Inc., 87 Shawnee Avenue, Kansas City, KS.

MC 136786 (Sub-5–6TA), filed: March 17, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *Foodstuffs,* from points in WA and OR to points in IA, IL, IN, KY, MI, MN, MO, OH, TN, and WI, restricted to shipments involving substitution of trailer on flatcar service for over-the-road motor carrier services for a portion of the through movement. Supporting shippers: Twin City Foods, Inc., P.O. Box 699, Stanwood, WA 98292; U and I Incorporated, P.O. Box 2308, Tri-Cities, WA 99302; North Pacific Canners & Packers, Inc., 5200 S.E. McLoughlin Boulevard, Portland, OR 98292; Seneca Foods Corporation, P.O. Box 71, Prosser, WA; Termicold Corporation, 1618 S.W. First, Portland, OR; and Continental Foods, Inc., P.O. Box 414, Lafayette, CA 94549; American Fruit and Produce Corporation, Inc., P.O. Box 43039, St. Paul, MN 55164.

MC 136786 (Sub-5–10TA), filed March 19, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *Foam and styrene products,* from Stevens Point, WI to points in CA, FL, GA, MD, OK, TN, and TX. Supporting shipper: Weber Plastics, Inc., 1039 Ellis Street, Stevens Point, WI 54481.

MC 138469 (Sub-5–2TA), filed March 14, 1980. Applicant: DONCO CARRIERS, INC., 4720 SW. 20th Street, Oklahoma City, OK 73128. Representative: Jack H. Blanshan, Attorney at Law, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. *Paper and paper products* from the facilities of Paper-Pak Products, Inc., located at or near LaVerne, CA, to points in AZ, ID, NV, OR, UT and WA. Supporting shipper: Paper-Pak Products, Inc., 1941 White Avenue, P.O. Box 398, LaVerne, CA 91750.

MC 142327 (Sub-5–1TA), filed March 17, 1980. Applicant: McLARTY TRANSPORTATION, INC., 900 Plaza West Building, Little Rock, AR 72205. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. Contract; Irregular. *Coal, in bulk, in dump vehicles;* From: Latimer County, OK, to Little River County, AR; Restricted to movement of the above commodities under continuing contracts with Arkansas Cement Corporation of Foreman, AR. Supporting shipper: Arkansas Cement Corp., Foreman, Arkansas.

MC 142508 (Sub-5–11TA), filed March 14, 1980. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, Post Office Box 37465, Omaha, Nebraska 68137. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, Nebraska 68137. *Frozen Bakery Goods* from the facilities of Lenders Bagels in New Haven, CT to the facilities of Lenders Bagels in West Seneca, NY and from the facilities of Lenders Bagels in West Seneca, NY to Phoenix, AZ; Los Angeles and San Francisco, CA; Denver, CO; Chicago, IL; Detroit, Grand Rapids and Lansing, MI; Kansas City and St. Louis, MO; Omaha, NE; Portland, OR; Dallas, El Paso, and Houston, TX; and Seattle, WA. Supporting shipper: Lenders Bagels, Inc., 75 Empire Drive, Burfalo, NY 14224.

MC 142508 (Sub-5–12TA), filed March 14, 1980. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, Post Office Box 37465, Omaha, Nebraska 68137. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, Nebraska 68137. *Cleaning compounds in containers,* from the facilities utilized by The Clorox Company in Byhalia, MS to Los Angeles and Oakland, CA; Kansas City, KS; and Houston, TX. Supporting shipper: The Clorox Company, 17 Lake Mirror Road, Forest Park, Georgia 30050.

MC 142508 (Sub-5–13TA), filed February 29, 1980. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, Post Office Box 37465, Omaha, Nebraska 68137. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, Nebraska 68137. *Flour, Corn Meal, and Flaked Potatoes* between the facilities of Con Agra in Decatur, AL; Sherman, TX; and points in AR, CO, LA, KS, and MO. Supporting shipper: Con Agra, Inc., Kiewit Plaza, Omaha, Nebraska 68131.

MC 142508 (Sub-5–14TA), filed March 17, 1980. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, Post Office Box 37465, Omaha, NE 68137. Representative: Georgia A. Reynolds, Post Office Box 37465, Omaha, NE 68137. (1) *Rubber* from Memphis, TN and (2) *Wheels and Rims* from Armstrong and Davenport, IA to the facilities of Columbus Tire and Rubber at Columbus, NE. Supporting shipper: Columbus Tire & Rubber Company, Post Office Box 1105, Columbus, NE 68601.

MC 144051 (Sub-5–1TA), filed March 12, 1980. Applicant: ALFORD TRUCKING CO., INC., 1714 Tabor, Houston, Texas 77009. Representative: Dale Alford, 1714 Tabor, Houston, Texas 77009. Contract: Irregular. *Oil field tools and materials,* Houston, Texas, from, to, and between all points in the state of Louisiana. Supporting shipper: Baker International Corporation, 500 City Parkway West, Orange, California, 92668.

MC 144051 (Sub-5–2TA), filed March 12, 1980. Applicant: ALFORD TRUCKING CO., INC., 1714 Tabor, Houston, Texas 77009. Representative: Dale Alford, 1714 Tabor, Houston, Texas 77009. Contract: Irregular. *Food stuffs,* from St. Martinville, La., and to the following counties in TX: Angelina, Austin, Bastrop, Bexar, Brazoria, Caldwell, Chambers, Colorado, Comal, Dewitt, Fayette, Fort Bend, Galveston, Gonzales, Guadalupe, Hardin, Harris, Hays, Jackson, Jefferson, Karnes, Lavaca, Lee, Liberty, Matagorda, Montgomery, Polk, San Jancinto, Travis, Trinity, Tyler, Walker, Waller, Washington, Wharton, and Wilson. Supporting shipper: Cajun Chef, P.O. Box 248, St. Martinville, La. 70582.

MC 145441 (Sub-5–9TA), filed March 10, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AK 72119. Representative: Ralph E. Bradbury, P.O. Box 5130, North Little Rock, AK. *Power operated saws, generators, hedge trimmers, and earth drilling machines,* from the facilities of McCulloch Corporation at Lake Havasu City, AZ to points in MI, NJ, NY, OH, PA, and WV. Supporting shipper: McCulloch Corp., 900 Lake Havasu, Lake Havasu City, AZ 76102.

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MC 150300 (Sub-5–1TA), filed March 12, 1980. Applicant: MILLER TRANSPORTS, INC., P.O. Box 161, Pryor, OK 74361. Representative: Larry D. Henry, 1606 First National Bank Bldg., Tulsa, OK 74103. *Anhydrous ammonia and solution fertilizers in bulk; dry fertilizers, urea and oyster shell in bulk and in containers; silica sand and salt in bulk:* From Port of Catoosa, OK; To points in KS, NE, NM, CO, TX, MO and AR. Supporting shippers: Oklahoma-Kansas Grain Fertilizer Warehouse, Box N, Catoosa, OK 74015; Olin Corporation, Box 991, Little Rock, AR 72203.

MC 145907 (Sub-5–1TA), filed March 10, 1980. Applicant: RICHARD KILLIAN d.b.a. KILLIAN TRUCKING, 13575 St. Charles Rock Road, St. Louis, MO 63044. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Contract; Irregular. (1) *Dairy Products, requiring mechanical refrigeration;* (2) *Materials and Supplies used in the manufacture and distribution of dairy products from:* (1) the facilities of Raskas Dairy, St. Louis, MO and Nu-Wiles, Ltd., St. Louis County, MO to points in the United States (except AK, HI, NC, SC, ND, SD, ME, NH, VT, MA, CT, RI, DE, MD and DC) under continuing contract with Raskas Dairy, Inc., and Nu-Wiles, Ltd. (2) and the reverse direction on return. Supporting shippers: Raskas Dairy, Inc., 1313 North Newstead, St. Louis, MO 63113; Nu-Wiles, Ltd., 12066 Lackland Road, St. Louis, Mo 63141.

MC 145997 (Sub-5–1TA), filed March 17, 1980. Applicant: JEM EQUIPMENT, INC., Post Office Box 396, Alma, AR 72921. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *New furniture, in cartons and materials, equipment and supplies used in the manufacture, sales and distribution thereof* between the facilities of Ayers Furniture Company, at or near Ft. Smith, AR, on the one hand, and, on the other, points in the United States. Supporting shipper: Ayers Furniture Company, 1001 North Third Street, Ft. Smith, AR 72901.

MC 145997 (Sub-5–2TA), filed March 17, 1980. Applicant: JEM EQUIPMENT, INC., Post Office Box 396, Alma, AR 72921. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701 *Liquor and malt beverages and empty beverage containers* between the facilities of Stroh Brewing Company, at or near Detroit, MI, on the one hand, and, on the other, Atlanta, Athens, Augusta, Albany, Columbus, Dublin, La Grange, Macon, Rome, and Savannah, GA; and, Aiken, SC. Supporting shipper: Stroh Brewing Company, 909 East Elizabeth Street, Detroit, MI 48226.

MC 146616 (Sub-5–5–3TA), filed March 7, 1980. Applicant: B & H MOTOR FREIGHT, INC., 3314 East 51st Street, Suite B, Tulsa, Oklahoma 74135. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, Oklahoma 74103. Contract; Irregular. *(a) Structural steel, steel towers, steel poles, steel derricks, parts and accessories; and (b) materials and supplies used in the production and distribution of the commodities named in (a) above,* between the facilities of Muskogee Iron Works, Inc. at Muskogee, OK, on the one hand, and, on the other, points in IN, KS, TX, MO, NB, AR, IL, ND, SD, LA, TN, CO, NV, AZ, OH, IA, WI, CA, MN & UT; under a continuing contract with Muskogee Iron Works, Inc. Supporting shipper: Muskogee Iron Works, Inc., P.O. Box 188, Muskoghee, OK 74401.

MC 147214 (Sub-5–1TA), filed March 10, 1980. Applicant: DETERMANN INDUSTRIES INC., 1425 N. Washington Blvd., Camanche, IA 52730. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Corn germ, in bulk in dump vehicles,* from the facilities of Cargill Inc., at or near Cedar Rapids, IA, to Decatur, IL. Supporting shipper: Cargill Inc., P.O. Box 1467, Cedar Rapids IA 52406.

MC 148564 (Sub-5–1TA), filed March 7, 1980. Applicant: G. KAY, INC., P.O. Box 222, Geneva, NE 68361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Dry fertilizer,* (1) from Tulsa, OK and its commercial zone, including Port of Catoosa, OK, to points in KS and NE; and (2) from Military, KS, and its commercial zone, to points in OK. Supporting shipper: McCormick Grain Corp., 1512 N. Broadway, Wichita, Kansas 67201.

MC 149235 R 1 (Sub-5–2TA), filed March 14, 1980. Applicant: C. MAXWELL TRUCKING COMPANY, 9108 Reeds Drive, Overland Park, Kansas 66207. Representative: John C. Picardy, 9108 Reeds Drive, Overland Park, Kansas 66207. Contract; Irregular. *Clothing, Garments on hangers and in boxes, piece goods and supplies and accessories in cartons.* From the facilities of Mode O Day Corporation at Kansas City MO.; Burbank, Los Angeles and San Bernardino Calif; Logan and Salt Lake City Utah; New York, N.Y.; and Columbus Ohio; on the one hand, and, on the other, to the following states: New York, New Jersey, Missouri, Nebraska, Kansas, Iowa, Texas, Utah, California. Supporting shipper: O Day Corporation, 2130 North Hollywood Way, Burbank California 91505.

MC 149235 R (Sub-5-1TA), filed: March 14, 1980. Applicant: C. MAXWELL TRUCKING COMPANY, 9108 Reeds Drive, Overland Park, Kansas 66207. Representative: John C. Picardy, 9108 Reeds Drive, Overland Park, Kansas 66207. Contract; irregular. *Lubricating oils & greases: Carbon, Fender covers, Brake fluids, Compressor oils, Anti-freeze & Engine coolants prep., Cleaning, Scouring, Washing, Buffing and materials equipment and supplies used in the manufacture and distribution of all above.* From the facilities of S.T.P. Corporation at Chicago, IL; Evansville, IN, and Kansas City, KS on the one hand, and, on the other, to the following states: IL, KS, MO, IN, OK, TX, NM, CA, WA, and OR. Supporting shipper: S.T.P. Corporation, 1400 West Commercial Blvd., Fort Lauderdale, Florida 33310.

MC 150093 (Sub-5–1TA), filed March 17, 1980. Applicant: THE TOM DAVIS CORPORATION d.b.a. DAVIS LINES, 5335 NW 111th Drive, Grimes, IA 50111. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Contract, irregular. *Steel tanks, steel boxes, and parts, the transportation of which, because of size or weight, requires the use of special equipment or special handling,* From the facilities of Corn States Metal Fabricators at or near West Des Moines, IA to points in the United States (except AK and HI). Supporting shipper: Corn States Metal Fabricators, 1323 Maple, West Des Moines, IA 50265.

MC 150190 (Sub-5–1TA), filed February 28, 1980. Applicant: READY-PACK, INC., P.O. Box 2288, McAllen, TX 78501. Representative: John R. Frawley, Jr., Attorney at Law, 5506 Crestwood

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Blvd., Birmingham, Alabama 35212. Contract: irregular. *General Commodities (except in bulk)* between points in the United States; restricted to shipments originating at or destined to the facilities of Kenneth Fox Supply Co., Inc. located in or near McAllen, TX, under a continuing contract with Kenneth Fox Supply Co., Inc. Supporting shipper: Kenneth Fox Supply Co., Inc., P.O. Box 2288, McAllen, TX 78501. (512) 682-6176.

MC 150231 (Sub-5-1TA), filed March 19, 1980. Applicant: MAVERICK TRANSPORTATION, INC., 1803 E. Broad St., Texarkana, Ark. 75502. Representative: Lawrence R. Leahy (same as applicant). *Lumber and lumber mill products* from the plantsite of B.G. Wilson Lumber Co. at or near Hot Springs, AR and from the plantsites of Deltic Farm and Timber Co., Inc. at or near Ola, AR and Waldo, AR to points in AL, IL, IN, IA, KY, LA, MI, MN, MS, MO, OH, OK, TN, TX, and WI, for 180 days. Supporting shipper(s): B.G. Wilson Lumber Company, Route 6, Box 515, Hot Springs; Deltic Farm and Timber Company, Inc., P.O. Box 278, Ola, AR 72853.

MC 150231 (Sub-5-2TA), filed: March 19, 1980. Applicant: MAVERICK TRANSPORTATION, INC., 1803 E. Broad St., Texarkana, Ark. 75502. Representative: Lawrence R. Leahy (same as applicant). *Lumber and lumber mill products* from points in AR to points in AL, IL, IN, IA, KY, LA, MI, MN, MS, MO, OH, OK, TN, TX, and WI. Supporting shippers: B. G. Wilson Lumber Company, Route 6, Box 515, Hot Springs; Deltic Farm and Timber Company, Inc., P.O. Box 278, Ola, AR 72853.

MC 150292 (Sub-5-1TA), filed: March 10, 1980. Applicant: PITTS TRUCKING, INC., R.R. #2, Hutchinson, KS 67501. Representative: Clyde N. Christey, KS Credit Union Bldg, 1010 Tyler, Suite 110 L, Topeka, KS 66612. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the Report in Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides),* from the facilities of DPM of Kansas Inc. at or near Wichita, KS to points in OR and WA. Supporting shipper: DPM of Kansas, Inc., P.O. Box 8183, Munger Station, Wichita, KS 67208.

MC 150299 (Sub-5-1TA), filed: March 17, 1980. Applicant: WARREN OIL TRANSPORTATION CO., INC., 727 S. 13 St., Omaha, NE 68102. Representative: Donald L. Stern, Stern & Becker, P.C., Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Contract; Irregular. *Such commodities as are dealt in or used by manufacturers, distributors or retailers of automotive service, repair and care products,* between points in CO, IL, IA, KS, MI, MN, MO, MT, NE, ND, OK, SD, TX, WI and WY, on the one hand, and, on the other, Omaha, NE and Council Bluffs, IA, all service to be furnished under continuing contract(s) with Warren Oil Company and Terminal Packaging Corporation. Supporting shippers: Warren Oil Company, 727 S. 13 St., Omaha, NE 68102, and Terminal Packaging Corporation, 727 S. 13 St., Omaha, NE 68102.

MC 150303 (Sub-5-1TA), filed March 17, 1980. Applicant: HALLOUS H. GARRETT d.b.a., GARRETT TRUCKING COMPANY, Route 3, Box 240, Greenbrier, AR 72058. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. *Scrap rubber, rubber trims, short and waste rolls of rubber, uncured rubber, used and scrap electric motors, used and scrap iron pipe, concrete tiles and other scrap metal, fence posts, and bailing twine, between* the facilities of Kirkpatrick Rubber Company in Greenbrier, AR, on the one hand, and on the other, points and places in the U.S. (except AR). Restriction: Said authority is restricted to the movements of the above commodities originating at or destined to the facilities of Kirkpatrick Rubber Company in Greenbrier, AR. Supporting shipper: Kirkpatrick Rubber Company, Route 3, Greenbriar, AR.

MC 150330 (Sub-5-1TA), filed March 12, 1980. Applicant: BELCO, INC., 2101 West Main Street, Jacksonville, AR 72076. Representative: Ron Harvey, 2101 West Main Street, Jacksonville, AR 72076, (501) 982-6511. Contract; irregular, *aluminum ventilation products, roof louvers, turbines and shutters, parts and accessories thereof,* from Jacksonville, AR on the one hand and to points in the United States on the other hand. Supporting shipper: Lomanco, Inc., P.O. Box 519, Jacksonville, AR 72076.

MC 150300 (Sub-5-1TA), filed March 12, 1980. Applicant: MILLER TRANSPORTS, INC., P.O. Box 161, Pryor, OK 74361. Representative: Larry D. Henry, 1606 First National Bank Bldg., Tulsa, OK 74103. *Anhydrous ammonia and solution fertilizers in bulk; dry fertilizers, urea and oyster shell in bulk and in containers; silica sand and salt in bulk;* from Port of Catoosa, OK to points in KS, NE, NM, CO, TX, MO and AR. Supporting shippers: Oklahoma-Kansas Grain Fertilizer Warehouse, Box N, Catoosa, OK 74015. Olin Corporation, Box 991, Little Rock, AR.

MC 135861 (Sub-5-6TA), filed March 18, 1980. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. *Contract, Irregular, General commodities (except commodities in bulk and classes A and B explosives)* from the facilities of Dal-Worth Shippers Association and Houston Merchants Shippers Association located in CA, GA, IL, MA, NC, NJ, NY, and PA to points in TX. Supporting shippers: Dal-Worth Shippers Association, 212 N. Good Latimer, Dallas, TX. Houston Merchants Shippers Association, P.O. Box 2241, Houston, TX 77003.

MC 114486TA (Sub-5-1TA), filed March 3, 1980. Applicant: A. F. JAMES, d.b.a. A. F. JAMES TRUCK LINE, 107 Lelia St., Texarkana, TX 75501. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Contract; Irregular. (1) *Loud speakers and electrical amplification systems;* and (2) *Component parts and packing materials for the commodities shown in (1) above,* between the facilities of Peavy Electronics Corporation at Meridian, MS, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KY, LA, MS, SC, TN and TX, under a continuing contract with Peavy Electronics Corporation. Supporting shipper: Peavy Electronic Corporation, P.O. Box 2898, Meridian, MS 39301.

MC 133655 (Sub-206TA), filed January 8, 1980. Applicant: TRANS-NATIONAL TRUCK, INC., 4601 Langland Road, P.O. Box 402535, Dallas, TX 75240. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. (1) *Fiberglas materials and products, fibrous glass textile materials and products, and plastic materials and products;* and (2) *materials, supplies, machinery, and equipment used in the manufacture, packing, and installation of the commodities named in (1) above in straight or mixed shipments* between the facilities of Owens-Corning Fiberglas Corporation at or near Amarillo, TX on the one hand, and, on the other, points in the U.S. (except AK and HI). Restriction: The above authority is restricted against the transportation of commodities in bulk, in tank, hopper, or dump vehicles. Supporting shipper: Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, OH 43659.

MC 92983 (Sub-5TA), filed February 6, 1980. Applicant: AMERICAN BULK TRANSPORT CO., P.O. Box 1408, Kansas City, MO 64141. Representative: William J. O'Neill, Traffic Manager, P.O. Box 1408, Kansas City, MO 64141. Common carrier, irregular routes, *chemicals, in bulk,* from La Habra, CA to points and places in Kansas for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Delst Chemical & Reserach, P.O. Box 2392, Fullerton, CA 90631.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 116544 (Sub-6-1TA), filed March 17, 1980. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Road, Palo Alto, CA 94303. Applicant's Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. *Such commodities as are dealt in and used by producers and distributors of alcoholic beverages, liquors and wines* from the facilities of Heublein, Inc., at or near Hartford, CT, to points in AZ, CA, CO, GA, IA, ID, IL, IN, KS, KY, MI, MN, MO, MT, ND, NE, NM, NV, OK, OR, SD, TN, UT, WA, WI and WY for 180 days. Supporting shipper: Heublein, Inc., 330 New Park Avenue, Hartford, CT 06101.

MC 116544 (Sub-6-2TA), filed March 17, 1980. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Road, Palo Alto, CA 94303. Applicant's Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. *Such merchandise as are dealt in by wholesale and retail grocery and food business houses,* (except commodities in bulk, in tank vehicles) from the facilities of Colgate-Palmolive Company in Berkeley, CA to points in AZ, OR, and WA, restricted to the named origin and named destinations, for 180 days. Supporting shipper: Colgate-Palmolive Company, 2700 7th Street, Berkeley, CA 94710.

MC 116544 (Sub-6-3TA), filed March 17, 1980. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Road, Palo Alto, CA 94303. Applicant's Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. *Cheese, cheese food, cheese spread, and synthetic cheese* from Tangipahoa Parish, LA to Carthage and Monett, MO, restricted to traffic originating at the named origin and destined to the facilities of L. D. Schreiber Cheese Co., Inc. at or near Carthage or Monett, MO, for 180 days. Supporting shipper: L. D. Schreiber Cheese Co., Inc., P.O. Box 610, Green Bay, WI 54305.

MC 143693 (Sub-6-1TA), filed March 7, 1980. Applicant: DFC TRUCKING CO., 17872 Cartwright Road, Irvine, CA 92705. Applicant's representatives: Floyd L. Farano, 2555 E. Chapman Avenue, Suite 705, Fullerton, CA 92631, and Alan F. Wohlstetter, 1700 K Street, NW., Washington, DC 20006. *Contract carrier.* Irregular routes: *material, equipment and supplies used in establishment and operation of restaurants,* between the facilities of Proficient Food Company at Irvine, CA on the one hand and Denny's Restaurants in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, PA, and WI on the other for 180 days. Supporting shippers: Proficient Food Company, 17872 Cartwright Rd, Irvine, CA 92705 and Dennys Inc., 14256 E. Firestone Blvd., La Mirada, CA 90637.

MC 125433 (Sub-6-14TA), filed March 20, 1980. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Applicant's representative: John B. Anderson (same address as applicant). *Gas fired and electric water heaters, commercial and residential heating boilers, tanks, hot water storage and garbage disposal units,* from the facilities of A. O. Smith Corp., Kankakee, IL to points in NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: A. O. Smith Corp., P.O. Box 28, Kankakee, IL 60901.

MC 115904 (Sub-6-1TA), filed March 19, 1980. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, ID 83401. Applicant's representative: Timothy R. Stivers, Registered Practitioner, P.O. Box 162, Boise, ID 83701. *Insulation and insulation materials,* from the facilities utilized by Rockwool Industries, Inc. at or near Pueblo, CO to points in MT, ID, UT, WY and NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Rockwool Industries, Inc., P.O. Box 5170, Denver, CO 80217.

MC 134599 (Sub-6-9TA), filed March 20, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORP., 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84127. Applicant's representative: Mr. Richard A. Peterson, 521 South 14th St., P.O. Box 81849, Lincoln, NE 68501. *Contract Carrier;* over irregular routes; transporting *Candy and Confectionary (except in bulk)* from Ft. Worth and Dallas, TX and points in their commercial zones to Centralia, IL; Los Angeles, CA; Atlanta, GA; and Edison, NJ and points in their commercial zones, under continuing contract(s) with Hollywood Brands Candy of Centralia, IL, for 180 days. Supporting shipper: Hollywood Brands Candy, 836 South Chestnut St., Centralia, IL 62801.

MC 150345 (Sub-6-1TA) filed March 20, 1980. Applicant: LUMBER SALES, INC., 3500 West Flamingo Rd., Las Vegas, NV 89103. Representative: John Paul Fischer, Silver, Rosen, Fischer & Stecher, 256 Montgomery Street, 5th Floor, San Francisco, CA 94104. *Gypsum and gypsum products,* and *supplies used in the installation thereof,* from points in Clark County, NV to points in OR, WA, CA and ID, for 180 days. An emergency temporary authority seeks 90 days authority. Supporting shipper: Pacific Coast Building Products, Inc., 3001 "I" Street, Sacramento, CA 95816.

MC 150283 (Sub-6-2TA), filed March 20, 1980. Applicant: NORTHERN COMMODITIES TRANSPORTATION, INC., 2570 Bates Ave., Concord, CA 94520. Representative: Earl N. Miles, 3604 Candlewood Dr., Bakersfield, CA 93306. *Clay in bulk and in packages* from the facility of Industrial Minerals Ventures located in Imvite, Nye County, NV to points in Fresno, Imperial, Kern, Kings, Los Angeles, Monterey, San Diego, Santa Barbara, Solano, Sonoma, Ventura and Yolo Counties, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Industrial Minerals Ventures, Inc., 240 Columbus St., Bakersfield, CA 93305.

MC 144957 (Sub-6-1TA), filed March 20, 1980. Applicant: PETERCLIFFE, LTD., 12823 E. Imperial Hwy., Santa Fe Springs, CA 90670. Representative: Les Peters (same as applicant). *General commodities,* restricted to traffic moving on bills of lading of freight forwarders, between points in CA on the one hand, and on the other, points in NE, MS, AL, for 180 days. Supporting shipper: Coast Carloading, P.O. Box 54293, Los Angeles, CA 90054.

MC 147727 (Sub-6-1TA), filed March 19, 1980. Applicant: SCOTT DAVIS TRANSPORT, INC., 611 North Front Street, Yakima, Washington 98901. Representative: Paul E. Hochelle, 534 S.W. 3rd Avenue, Portland, Oregon 97204. *Edible Oils,* in bulk, in tank vehicles (1) from Salem, OR to Spokane, Tacoma, Seattle and points in WA on the U.S.-Canada International Boundary (WA State Hwy No. 546), for 180 days.

MC 135221 (Sub-6-2TA), filed March 20, 1980. Applicant: DICK SIMON TRUCKING, INC., 9541 SO. 5250 W., W. Jordan, UT 84084. Representative: Ms. Irene Warr, 430 Judge Bldg., Salt Lake City, UT. (1) *Appliances* and (2) *Parts, materials, supplies and equipment* used in the distribution or repair of appliances; from the facilities of Whirlpool Corp. at Clearfield, UT to CA, NV, OR and WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Whirlpool Corp., 2000 U.S. 33, N., Benton Harbor, MI 49022.

MC 146798 (Sub-6-1TA), filed March 17, 1980. Applicant: SULLIVAN TRUCKING, INC., 1340 Umatilla Street, Denver, Colorado 80204. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver,

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Colorado 80209. (1) *Food stuffs;* (2) *Pharmaceutical materials, supplies, and products;* (3) *Chemicals;* (4) *Dairy products;* (5) *Such commodities* as are dealt in by distribution or consolidation warehouses for use in connection with the commodities described in (1), (2), (3), (4), and (6). Exempt commodities when moving with regulated commodities (excepting commodities in bulk) between the facilities of Beatrice Cold Storage Warehouse at or near Denver, CO, on the one hand, and, on the other, points in AZ, NM and El Paso, TX, for 180 days. Supporting shipper: Beatrice Cold Storage, Whse., Denver, CO 80202.

MC 148281 (Sub-6–2TA), Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Rd., Whittier, CA 90601. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Ceramic tile* and equipment, materials, and supplies used in the installation thereof (except in bulk); (1) From points in Los Angeles County, CA to Portland, OR, and Spokane and Seattle, WA; (2) From Spokane and Seattle, WA to points in ID, MT, OR, and WA, restricted to traffic originating at or destined to the facilities of Unique Distributing Co., Inc., for 180 days. Supporting shipper: Unique Distributing Co., Inc., 1900 15th Ave. W., Seattle, WA 98119.

MC 26396 (Sub-6–12TA), filed March 19, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. *Drilling Mud Additives* (except in bulk, in tank vehicles) from Gravette and Pine Bluff, AR; Bakersfield and Chico, CA; Madison, IL; Atchison and Lawrence, KS; Stockton, MO; Woodridge, NJ; Spruce Pine, NC; Ardmore and Sand Springs, OK; Beaumont, Houston, Junction, Odessa and Seagraves, TX; Box Elder, Salt Lake and Tooele Counties, UT; and Hopewell, VA, to points in WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Wyo Ben, Inc., 1242 North 28th Street, Billings, MT 59101.

MC 113271 (Sub-6–1TA), filed March 20, 1980. Applicant: TRANSYSTEMS, INC., P.O. Box 399, Black Eagle, MT 59414. Applicant's representative: Ray F. Koby, 314 Montana Bldg., Great Falls, MT 59401. *Catalysts,* in bulk, between points in MT and WY on the one hand, and, on the other, points in the U.S. in and West of MN, IA, MO, AR, and LA (except AK and HI), for 180 days. Supporting shipper: Copnoco, Inc., 401 So. 23rd St., Billings, MT 49103.

MC 114730 (Sub-6–1TA), filed March 19, 1980. Applicant: V. VAN DYKE, INC., 150 South River Street, Seattle, WA 98108. Applicant's representative: Edward Hillard, 150 South River Street, Seattle, WA 98108. (1) *General commodities* (except items of unusual value, Class A & B explosives and commodities in bulk) *in or on shipper owned or leased trailers, having an immediately prior or subsequent movement by rail.* Between TOFC ramps in Oregon to points in the Oregon Counties of Multnomah, Clackamus, Hood River, Wasco, Sherman, Morrow and Umatilla, and points in The State of Washington for 180 days. Supporting shipper: Dick E. Jones, General Manager, Pacific Northwest Perishable Shippers Association, 200 W., Thomas St., Seattle, WA 98119.

MC 114730 (Sub-6–2TA), filed March 19, 1980. Applicant: V. VAN DYKE, INC., 150 South River Street, Seattle, WA 98108. Applicant's representative: Edward Hillard, 150 South River Street, Seattle, WA 98108. (1) *General commodities* (except items of unusual value, Classes A & B explosives and commodities in bulk) *in or on shipper owned or leased trailers, having an immediately prior or subsequent movement by rail.* Between points in Washington limited to Rail interstate traffic only for 180 days. Supporting shipper: Dick E. Jones, General Manager, Pacific Northwest Perishable Shippers Association, 200 W. Thomas St., Seattle, WA 98119.

MC 141804 (Sub-6–17TA), filed March 19, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Applicant's representative: Frederick J. Coffman (same as applicant). *General commodities,* (except foodstuffs requiring refrigeration; meats, meat products and meat by-products, dairy products and articles distributed by meat packing houses, as described in Section A, B, & C of Appendix I to the report in Motor Carrier, 61 M.C.C. 209 and 766; articles of unusual value, Classes A & B explosives; household goods as defined by the Commission, commodities in bulk; and those requiring special equipment). Restricted to traffic having a prior movement by water, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: H. E. Franklin, Executive Vice-President, Puget Sound Traffic Association, Suite 220/221, Sea-Tac International Airport, P.O. Box 68927 Seattle, WA 98188; H. L. Norton, Jr., President, Norvanco, Inc., Pier 56, Seattle, WA 98101; Robert A. Leslie, Operations Manager, Arthur J. Fritz & Company, P.O. Box 21786, Seattle, WA 98111; Gary A. Twite, Branch Manager, J. T. Stee & Co., Inc., 318 Norton Bldg., Seattle, WA 98104.

MC 143775 (Sub-6–2TA), filed March 19, 1980. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). *Chemicals and plastic materials,* in other than tank or hopper vehicles, from the facilities of Union Carbide Corporation at or near Torrance, CA, to points in AZ, ID, OR and WA, for 180 days. Supporting shipper: Lloyd H. Shanks, Area Manager, Rates & Services, Union Carbide Corporation, 1 California St., San Francisco, CA 94111.

MC 143775 (Sub-6–3TA), filed March 19, 1980. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). *General commodities* (except Classes A and B explosives, commodities of unusual value, household goods, commodities in bulk, and commodities requiring the use of special equipment), from Nashville, Murfreesboro and Cookeville, TN, to points in AZ, CA, NV, OR and WA, restricted to traffic originating at or destined to the facilities of Mid-South Shippers Association, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Eugene E. Wager, Manager, Mid-South Shippers Association, 230 Willow St., Nashville, TN 37210.

MC 109584 (Sub-6–3TA), filed February 11, 1980. Applicant: ARIZONA-PACIFIC TANK LINES, P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). (1) *Refined petroleum products (except asphalt, residual fuel oil and road oil)* from points in CA (except Colton, Niland and Imperial) to points in AZ and Bernalillo, San Juan, McKinley, Valencia, Catron, Sandoval, and Rio Arriba Counties, NM; and (2) *contaminated products* from Phoenix and Tucson, AZ to points in CA (except Colton and Niland), in bulk, in tank vehicles, for 180 days. Supporting shipper: Union Oil Co. of California, P.O. Box 7600, Los Angeles, CA 90051.

MC 119634 (Sub-6–1TA), filed February 11, 1980. Applicant: DICK IRVIN, INC., Hwy 2 West, POB F, Shelby, MT 59474. Representative: Mark A. Cole (same address as applicant). *Barite,* in bulk, from points in NV to ports of entry on the international boundary line between the United States and Canada, for 180 days. Supporting shipper: Milchem Canada Limited, 102 Century Sq. III, 309 2nd Ave. SW., Calgary, Alberta T2P0C5.

MC 109584 (Sub-6–2TA), filed February 12, 1980. Applicant: ARIZONA-PACIFIC TANK LINES, P.O. Box 7240, 3980 Quebec St., Denver CO 80207. Representative: Rick Barker (address same as applicant). *Petroleum products,* in bulk, in tank vehicles, from Odessa, TX to points in AZ and CA, for 180 days. Supporting shipper: L.A. Solvent Co., 310 N. San Vicente Blvd., Los Angeles, CA 90048.

MC 139960 (Sub-6–1TA), filed February 8, 1980. Applicant: WPX FREIGHT SYSTEM, INC. (formerly known as WESTERN PACIFIC TRANSPORT COMPANY), 526 Mission Street, San Francisco, California 94105. Representative: Stephen T. Rudman (same address as applicant). *Common carrier,* regular routes, *general commodities* except livestock, commodities in bulk, commodities requiring special equipment, class A and B explosives or used household goods; (1) between Los Angeles, CA and Salt Lake City, UT; from Los Angeles over Interstate Hwy 5 to its junction with CA Hwy 14, then over CA Hwy 14 to its junction with U.S. Hwy 395, then over U.S. Hwy 395 to its junction with U.S. Hwy 6, then over U.S. Hwy 6 to its junction with Interstate Hwy 15, then over Interstate Hwy 15 to Salt Lake City, UT and return over the same route serving all intermediate points and The Anaconda Copper Company's "Nevada Moly" project located north of Tonopah, NV as an off-route point. (2) between Salt Lake City, UT and Ontario, OR; from Salt Lake City, UT over Interstate Hwy 15 to its junction with Interstate Hwy 80–N (which Interstate Hwy 80–N will be redesignated Interstate Hwy 84 on or about May 1, 1980), then over Interstate Hwys 15 and 80–N to Tremonton, UT, then over Interstate Hwy 80–N to Glenns Ferry, ID, then over U.S. Hwys 26 and 30 from Glenns Ferry to their junction with Interstate Hwy 80–N near Hammett, ID, then over Interstate Hwy 80–N to Ontario, OR and return over the same route; serving all intermediate points and the off-route points of Marsing, Homedale, Weiser, Payette, Rupert, Paul, Burley, Buhl, Twin Falls, Jerome, Mountain Home and Mountain Home Air Force Base, ID; (3) between Ogden, UT and Idaho Falls, ID; from Ogden, UT over U.S. Hwy 89 to its junction with U.S. Hwy 91, then over U.S. Hwys 89 and 91 to Logan, UT, then over U.S. Hwy 91 to its junction with Interstate Hwy 15, then over Interstate Hwy 15 to Idaho Falls, ID and return over the same route serving all intermediate points and the facilities of Basic American Food Company near Blackfoot, ID as an off-route point; (4) between Ogden, UT and Pocatello, ID; from Ogden, UT over Interstate Hwy 15 to Pocatello, ID serving no intermediate points as an alternate route for operating convenience only; (5) between Pocatello, ID and the junction of Interstate Hwys 86 and 80–N (which Interstate Hwy 80–N will be redesignated Interstate Hwy 84 on or about May 1, 1980); from Pocatello, ID over Interstate Hwy 86 to its junction with U.S. Hwy 30, then over Interstate Hwy 86 and U.S. Hwy 30 to the junction of Interstate Hwys 86 and 80–N and return over the same route serving no intermediate points and serving the off-route points of Aberdeen and American Falls, ID, and serving the junction of Interstate Hwys 86 and 80–N for purposes of joinder only. (6) between Caldwell, ID and Coaldale, NV; from Caldwell, ID over U.S. Hwy 95 to Coaldale, NV and return over the same route serving no intermediate points as an alternate route for operating convenience only. (7) between Twin Falls, ID and Los Angeles, CA; from Twin Falls, ID over U.S. Hwy 93 to its junction with Interstate Hwy 15, then over Interstate Hwy 15, to its junction with Interstate Hwy 10, then over Interstate Hwy 10 to Los Angeles, CA and return over the same route serving no intermediate points as an alternate route for operating convenience only, for 180 days. Authority is also sought to serve the commercial zones of all points including intermediate and off-route points in paragraphs (1) through (7) above. Authority is also sought to interline at all points authorized. Supporting shippers: There are 48 shippers. Their statements may be examined at the office listed below.

MC 150296 (Sub-VI–1TA), filed March 14, 1980. Applicant: AIRPORT ENTERPRISES, INC., d.b.a. AIRPORT AIR FREIGHT, P.O. Box 625, Gillette, WY 82716. Representative: David C. Moon (same as applicant). *General commodities* having prior or subsequent movement by air, between Sheridan County Airport near Sheridan, WY and Campbell County Airport near Gillette, WY, and points in Johnson, Campbell and Sheridan Counties, WY and Big Horn, Carbon, Custer, Powder River, Rosebud, and Yellowstone Counties, MT for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are 10 shippers. Their statements may be examined at the Regional office listed.

MC 149195 (Sub-6–2TA), filed March 14, 1980. Applicant: ARCADIAN MOTOR CARRIERS, 1831 Simpson, Kingsburg, California 93631. Representative: James F Hauenstein (same as applicant). *Polyfoam Articles and Supplies and Equipment used in the manufacturing of Polyfoam Articles.* Between Biola, Ca. and points in OR., WA., AZ., MN., NV., CO., TX., OK., KS., MO., UT. for 180 days. Supporting Shipper: Packaging Industries of California, Inc. 12719 H Street, Biola, California 93606.

MC 147227 (Sub-6–1TA). Applicant: ATLANTIC MARKETING CARRIERS, INC., P.O. Box 493, Kingsburg, CA 93631. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW, Washington, DC 20005. *General commodities (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), which are at the time moving on shippers' association bills of lading,* (1) between Arlington, TX, and points in its commercial zone, on the one hand, and, on the other, points in CA, MA, FL, GA, MO, MI, IL, NY, and NJ; (2) from points in MA, VT, and Clinton and Essex Counties, NY, to points in SD, WY, UT, WA, OR, NV, ID, NE, IA, AZ, NM, OK, NC, and SC (restricted to New England Shipping Association Cooperative bills of lading), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: New England Shipping Association Cooperative, 1029 Pearl Street, Brockton, MA 02403.

MC 150317 (Sub-6–1TA), filed March 17, 1980. Applicant: BOSSHARDT TRANSPORT, INC., Redmond, UT 84652. Representative: Macoy A. McMurray, 800 Beneficial Life Tower, 36 South State Street, Salt Lake City, UT 84111. *Contract carrier:* Irregular routes: *Salt, all types of salt products, and clay used in, useful to, or which are incidental to the conduct of the business of Redmond Clay and Salt Company, or which are the product of the business of the subject of services rendered by the business, coal, pine poles, grain products, beet pulp, hay products, feathermeal, and meatmeal,* between the facilities of Redmond Clay and Salt Company, at or near Redmond, UT, on the one hand and on the other, points in AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY for the account of Redmond Clay and Salt Company, for 180 days. Supporting Shipper: Redmond Clay & Salt Co., Inc., Redmond, UT 84652.

MC 123157 (Sub-6–2TA), filed March 17, 1980. Applicant: CTI, A CORPORATION, P.O. Box 397, Rillito, AZ 85246. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Lime, in bulk,* from Apex, NV to Soda Springs, ID, for 180 days Supporting Shipper: Flintkote Lime

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Company, 4700 Romana Blvd., Monterey Park, CA 91754.

MC 144951 (Sub-6–1TA), filed March 17, 1980. Applicant: CEBULSKE TRUCKING, P.O. Box 103, Seeley Lake, MT 59868. Representative: John R. Davidson, Davidson, Veeder, Baugh, Broeder & Poppler, P.C., Rm. 805, First Bank Building, Billings, MT 59101. *Lumber and wood products* from Missoula County, MT to points in the states of AZ, AR, CA, CO, ID, IL, IA, KS, MN, MO, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, WY., for 180 days. Supporting Shipper(s): Rustics of Lindbergh Lake, Inc., Condon, MT 29828; P & J Lumber, Box 205, Seeley Lake, MT 29868; Pyramid Mountain Lumber, Inc, Drawer J, Seeley Lake, MT 69868; K & L Mill, Star Rt., Box 352, Greenough, MT 59836 Prentice Lumber Co., Inc., P.O. Box 4125, Missoula, MT 59806.

MC 148000 (Sub-6–1TA), filed March 17, 1980. Applicant: C. H. DREDGE & CO., INC., 918 South 2000 West, Syracuse, UT 84041. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. *Business forms* from the facilities of Wallace Business Forms at or near Marlin, TX to Denver, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Wallace Business Forms, Inc., P.O. Box 600, Marlin, TX 76661.

MC 35227 (Sub-6–2 TA), filed March 17, 1980. Applicant: EDSON EXPRESS, INC., P.O. Box 887, Longmont, Colorado 80501. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, Colorado 80209. *Common carrier: regular routes: General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Lander, WY, and Billings, MT, serving intermediate points located between Lander and Worland, WY, over the following described routes: (1) From Lander over WY Hwy 789 to the Wyoming-Montana state line, then over U.S. Hwy 310 to junction U.S. Hwy 10 and Interstate 90 (near Laurel, MT), then over U.S. Hwy 10 and Interstate 90 to Billings, and return over the same route; and (2) From Lander over WY Hwy 789 to junction WY Hwy 120, then over WY Hwy 120 to junction U.S. Hwy 16, then over U.S. Hwy 16 to junction Alternate U.S. Hwy 14, then over Alternate U.S. Hwy 14 to junction U.S. Hwy 310, then over U.S. Hwy 310 to junction U.S. Hwy 10 and Interstate 90 (near Laurel, MT), then over U.S. Hwy 10 and interstate 90 to Billings, and return over the same route, for 180 days. Underlying ETA filed seeking 90 days authority.

MC 124679 (Sub-6–5TA), filed March 14, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT. 84119. Representative: Robert H. Cannon (same as applicant). *Sporting goods, sporting goods apparel, and materials and supplies used in the manufacture and distribution and sale of such commodities* from Clearfield, UT to Williston and Colchester, VT and Boston, MA for 180 days. Supporting shipper: Rossignol Ski Company Inc., Building Y–15, Freeport Center, Clearfield, UT 84015.

Note.—Applicant holds motor contract carrier authority in number MC–128813 and sub numbers thereunder, therefore dual operations may be involved. An underlying ETA seeks 90 days authority.

MC 124679 (Sub-6–6TA), filed March 14, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Representative: Daniel E. England, (same as applicant). *Meat, meat products, meat by-products and articles distributed by meat packing houses* from Logan UT and its commercial zone to points in Pennsylvania, for 180 days. Supporting shipper: North American Provisions Company, P.O. Box 340, Park Ridge, Illinois 60068.

Note.—Applicant holds motor contract carrier authority in number MC–128813 and sub numbers thereunder, therefore dual operations may be involved. An underlying ETA seeks 90 days authority.

MC 124679 (Sub-6–7TA), filed March 17, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Daniel E. England (same address as applicant). *Canned goods* from the facilities of Pan Pacific Fisheries Division of CHB Foods at Terminal Island, CA, to points in CT, IL, IN, KY, MA, MI, MN, OH, OR, TN, UT, WA, WI, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Pan Pacific Fisheries Division of CHB Foods, 338 Cannery Street, Terminal Island, CA 90731.

MC 124679 (Sub-6–8TA), filed March 17, 1980. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Daniel E. England (same address as applicant). *Sporting goods, sporting goods apparel, and materials and supplies used in the manufacture and distribution and sale of such commodities* from Williston and Colchester, VT, and Boston, MA, to points in UT, Sparks, NV, and Troy, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Rossignol Ski Company, Inc., Building Y15, Freeport Center, Clearfield, UT 84015.

MC 124679 (Sub-6–9 TA), filed March 17, 1980. Applicant: C. R. ENGLAND & SONS, INC., 975 West 21 South, Salt Lake City, UT 84119. Representative: Daniel E. England (same address applicant). *Wooden kitchen cabinets* frm Salt Lake City, UT, to points in Kent and Spokane, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Olympia Cabinet Manufacturing, 1537 South 700 West, Salt Lake City, UT 84104.

MC 33919 (Sub-6–1TA), filed March 12, 1980. Applicant: FAIRCHILD GENERAL FREIGHT, INC., P.O. Box 9967, Yakima, WA 98909. Representative: George H. Hart, 1100 IBM Building Seattle, WA 98101. *Paper and paper products* from facilities of Container Corporation of America At Portland, OR to points in Washington in and west of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania Counties, for 180 days. Supporting shipper: Container Corporation of American, 2800 De LA Cruz Blvd, Santa Clara, CA 95050 Hearing site: Seattle, WA. An underlying ETA seeks 90 days authority.

MC 148208 (Sub-6–2TA), filed March 17, 1980. Applicant: FOR BREEDERS AGRICULTURAL COOPERATIVE, P.O. Box 295, Midvale, UT 84047. Representative: C. Reed Brown, 1300 Walker Bank Building, Salt Lake City, UT 84111. *Tallow, meat meal, and bone meal,* in bulk, from the facilities of Intermountain Protein Products in West Jordan, UT, to CA and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Intermountain Protein Products, 5260 W. Old Bingham Hwy., West Jordan, UT 84084.

MC 136086 (Sub-6–1TA), filed March 17, 1980. Applicant: GUILEY TRUCKING, INC., 8615 Pecan Avenue, Fontana, CA 92335. Representative: Milton W. Flak, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. *Contract Carrier:* Irregular routes: (1) *Steel roofing, steel siding and steel floor decking* from the facilities of Verco Manufacturing, Inc., located at or near Antioch, CA, to points in NV, OR, WA, ID, WY, CO, NM, TX, UT, AZ and OK; and (2) *materials, equipment, supplies and accessories* used in the installation, manufacture and distribution of the commodities in (1) above, between the facilities of Verco Manufacturing, Inc., located at or near Antioch, CA, on the one hand, and the facilities of Verco

Manufacturing, Inc., located at Phoenix, AZ and Everett, WA, on the other hand, for the account of Verco Manufacturing Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Verco Manufacturing Co., 4340 N. 42nd Ave., Phoenix, AZ 85019.

MC 138256 (Sub-6–2TA), filed March 14, 1980. Applicant: INTERIOR TRANSPORT, INC., P.O. Box 3347, Spokane, WA 99220. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. *Aluminum and aluminum products* from the facilities of Kaiser Aluminum, Inc. in Spokane County, Washington to points in California, for 180 days. Supporting shipper: Kaiser Aluminum, Inc., P.O. Box 15108, Spokane, WA 99215.

MC 98320 (Sub-6–1TA), filed March 14, 1980. Applicant: JACKSON-ROCK SPRINGS STAGES, INC., 514 Lewis Street, Rock Springs, WY 82901. Applicant's representative: Jim Zanetti, 514 Lewis Street, Rock Springs, WY 82901. *Common carrier,* irregular route: *Passengers and their baggage,* in charter operations, between points in Teton, Sublette, and Sweetwater Counties in WY and points in WY, UT, ID, and CO for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are 20 statements in support attached to this application, which may be examined at the ICC Regional Office in San Francisco, CA.

MC 150297 (Sub-6–1TA), filed March 14, 1980. Applicant: JO–MAR EQUIPMENT CO., 1140 SW. Upper Devon Lane, Lake Oswego, OR 97034. Applicant's representative: Robt. R. Hollis, 400 Pacific Bldg., Portland, OR 97204. *Contract carrier,* irregular routes: *Fabricated wood products, K.D., playground equipment, apparatus and parts, laminated and plywood products and rough lumber,* from the facilities of Columbia Cascade Timber Company, at Vancouver, WA to points in the United States, restricted to shipments for the account of Columbia Cascade Timber Company. For 180 days. Supporting shipper: Columbia Cascade Timber Company, 1975 SW. 5th Avenue, Portland, OR 97201.

MC 138026 (Sub-6–2TA), filed March 14, 1980. Applicant: LOGISTICS EXPRESS, INC., d.b.a. LOGEX, 1890 South Chris Lane, Anaheim, California 92805. Representative: Patricia M. Schnegg, Knapp, Grossman & Marsh, 707 Wilshire Boulevard, 1800 United California Bank Building, Los Angeles, California 90017. *Liquid hydrogen* from Michoud, LA to El Dorado, AR, Fairfield, Wilsonville and Anniston, AL, Delaware City, DE, Deland, Largo, Jacksonville, Tampa, West Pearl Beach, Hollywood, and Melbourne, FL, Baltimore, MD, Magnolia and Marks, MS, Auburn, NY, Youngstown, Scotsdale, Clairton, Blairsville, Mountain Top, Leechburg and Butler, PA, Oklahoma City and Tulsa, OK, Nashville and Memphis, TN, Newell, Charleston, and Fairmont, WV, and all points in TX, for 180 days. Supporting shipper: Air Products and Chemicals, Inc., Post Office Box 538, Allentown, Pennsylvania 18105.

MC 32882 (Sub-6–1TA), filed March 17, 1980. Applicant's name: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, Portland, OR 97217. Applicant's representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. *Zirconium or Zircalloy Alloy* from Weber County, UT to Richland and Kennewick, WA; Port of Portland, OR and Port of Oakland, CA. Restriction: Restricted to shipments originating at the facilities of Western Zirconium, Inc. at Weber County, UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Western Zirconium, Inc., 10000 West 900 South, Little Mountain, UT 94401.

MC 141722 (Sub-6–1TA), filed March 14, 1980. Applicant: NORM'S DELIVERY SERVICE, INC., 7107 Vineland Avenue, North Hollywood, CA 91605. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. *Jet aircraft engines; parts for jet aircraft; and airline terminal equipment and supplies, restricted to movements on low-bed trailers equipped with air-ride suspension,* between points in CA on the one hand, and on the other hand, points in NV and OR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Air California, Oakland International Airport, Hangar 6, Oakland, CA 94614.

MC 1977 (Sub-6–2TA), filed March 17, 1980. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5321 Monroe Street, Denver, CO 80216. Representative: Leslie R. Kehl (doing business as) Jones, Meiklejohn, Kehl & Lyons, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. *Common carrier:* regular routes; *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Salt Lake City, UT and Oakland, CA serving Winnemucca, NV for joinder only, and serving intermediate points between Reno, NV (including Reno) and Oakland, CA and off route points within a 50 mile radius of Oakland, CA; from Salt Lake City, UT over I–80 to Oakland, CA and return over the same route; (2) between Salt Lake City, UT and San Diego, CA serving the intermediate points between Los Angeles, CA and Las Vegas, NV and serving Cove Fort, UT for joinder only; then over I–10 from Salt Lake City, UT over I–15 to Junction I–10 to Los Angeles, then over I–5 to San Diego and return over the same route; (3) between Boise, ID and Winnemucca, NV serving Winnemucca, NV for joinder only; from Boise over ID Highway 55 to Junction U.S. Highway 95, then over U.S. Highway 95 to Winnemucca, NV and return over the same route; (4) between Flagstaff, AZ and Los Angeles, CA, serving Flagstaff, AZ for joinder only and serving off route points within a 50 mile radius of Los Angeles, CA; from Flagstaff, AZ over I–40 to Junction I–15, then over I–15 to Junction I–10, then over I–10 to Los Angeles, and return over the same route; (5) between Denver, CO and Cove Fort, UT serving Cove Fort for joinder only; from Denver over I–70 to Cove Fort, UT and return over the same route. Serving commercial zones of designated points and tacking with Applicant's existing authority at Salt Lake City, UT; Boise, ID and Flagstaff, AZ. Interlining at Los Angeles, and Oakland, CA; and Reno and Las Vegas, NV and their commerical zones for 180 days. An underlying ETA seeks 90 days authority. There are 504 shippers.

MC 125916 (Sub-6–2TA), filed March 17, 1980. Applicant: NORWOOD TRANSPORTATION, INC., 2232 South 7200 West, Magna, UT 84044. Representative: Macoy A. McMurray, 800 Beneficial Life Tower, 36 South State St., Salt Lake City, UT 84111. *Ore concentrates* in bulk from Salt Lake City, UT, to the facilities of American Smelting and Refining Company at East Helena, MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: B. R. MacKay & Sons, 1520 Pioneer Road, Salt Lake City, UT 84104.

MC 138732 (Sub-6–1TA), filed March 18, 1980. Applicant: OSTERKAMP TRUCKING, INC., 764 North Cypress Street, Post Office Box 5546, Orange, California 92667. Representative: Michael R. Eggleton, 2500 Old Crow Canyon Road, Suite 325, San Ramon, California 94583. *Insulating Materials,* from the facilities of Johns-Manville Sales Corporation at Willows, CA, to points in AZ, ID, MT, NV, OR, UT, WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Johns-Manville Sales Corporation, 2600 Campus Drive, San Mateo, CA 94403.

MC 64820 (Sub-6–1TA), filed March 14, 1980. Applicant: PARADIS TRANSFER AND STORAGE, INC., 922 Whitman, Medford, OR 97501. Representative: Robt. R. Hollis, 400

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Pacific Bldg., Portland, OR 97204. *Common carrier,* regular routes: *General commodities* (except commodities in bulk, articles of unusual value, household goods as defined by the Commission and articles requiring special equipment) between Portland, OR and the OR-CA state boundary, via Interstate Route I-5, serving intermediate and off-route points in Josephine and Jackson Counties, OR and points within the Portland, OR commercial zone, for 180 days. Supporting shippers: There are 8 shippers. Their statements may be examined at the Regional office listed.

MC 142941 (Sub-6-1TA), filed March 18, 1980. Applicant: SCARBOROUGH TRUCK LINES, INC., P.O. Box 6716, Phoenix, AZ 85005. Representative: Doug W. Sinclair, P.O. Box 6716, Phoenix, AZ. *Foodstuffs* in vehicles equipped with mechanical refrigeration (except commodities in bulk), from Newark, Delaware to the 48 contiguous States, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Omniway, 2000 South Ninth Street, Louisville, KY.

MC 142941 (Sub-6-2TA), filed March 17, 1980. Applicant: SCARBOROUGH TRUCK LINES, INC., P.O. Box 6716, Phoenix, AZ 85005. Representative: Doug W. Sinclair (same address as above). *Household appliances electronic devices:* from San Diego, CA and its Commercial Zone to Phoenix, AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Edwards Distributing, Inc., 310 So. 29th St., Phoenix, AZ.

MC 128246 (Sub-6-1TA), filed March 17, 1980. Applicant: SOUTHWEST TRUCK SERVICE, P.O. Box AD, Watsonville, CA 95076. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. *Contract carrier:* Irregular routes: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Dodge City, KS to points in AZ, AR, CA, CO, ID, IL, IA, MN, MO, MT, NE, NV, NM, OK, OR, TX, UT, WA, WI and WY for the account of MBPXL Corporation, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: MBPXL Corporation, P.O. Box 2519, Wichita, KS 67201.

MC 150318 (Sub-6-1TA), filed March 17, 1980. Applicant: TAYLOR WAREHOUSE & TRUCKING COMPANY, INC., 14615 Anson Avenue, Santa Fe Springs, CA 90670. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract carrier,* irregular routes, *plastic materials and ingredients* (except commodities in bulk), from De Ridder, LA, and Terre Haute, IN, to Portland, OR, and Seattle, WA (and points in their commercial zones) and to points in CA, under a continuing contract(s) with Ampacet Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ampacet Corporation, 14615 Anson Avenue, Santa Fe Springs, CA 90670.

MC 26396 (Sub-6-9TA), filed March 14, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Drilling mud and drilling mud additives,* from Hopewell, VA and Bakersfield, CA, to ports of entry on the International Boundary line between the United States and Canada located in MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: United Mud Supply, Ltd., 4316 D 64th Avenue S.E., Calgary, Alberta, Canada T3C 2B3.

MC 26396 (Sub-6-10TA), filed March 17, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Agricultural chemicals* (except in bulk) from Billings, MT to points in CA, CO, ID, MN, NE, NV, ND, OR, SD, UT, WA and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Diamond Shamrock Corporation, 617 Veterans Blvd., Suite 205, Redwood City, CA 94063.

MC 26396 (Sub-6-11TA), filed March 17, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Lubricating oil,* in barrels, from ports of entry on the International Boundary line between the U.S. and Canada located in MT; and from points in CA, OK and SD to points in MT, ND, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Fleet Lube Supply, P.O. Box 952, Billings, MT 59103.

MC 115092 (Sub-6-2TA), filed March 17, 1980. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Junk batteries* from Portland, OR, Seattle, WA, and the counties of Alameda, Contra Costa, Santa Clara, San Francisco, and San Mateo, CA, to Dallas, TX, and Heflin, LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: General Battery Corporation, P.O. Box 1262, Reading, PA 19603.

MC 135803 (Sub-6-2TA), filed March 18, 1980. Applicant: WALLACE TRANSPORT, 9290 E. Hwy 140 (P.O. Box 67), Planada, CA 95365. Representative: Donald M. Fennel (same as above) *Plastic or rubber articles or the materials in the manufacture thereof,* between the facilities of Packer West at or near Reno, NV and points in CA, for 180 days. Supporting shipper: Packer West, 300 Parr Blvd., Reno, NV 89510.

MC 141804 (Sub-6-15TA), filed March 14, 1980. Applicant: WESTERN EXPRESS, Division of INTERSTATE RENTAL, INC., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Applicant's representative: Frederick J. Coffman, (same as applicant). *Bags, pouches, food product casings and material used in the manufacture of the above items* from Danville, IL to Atlanta, GA, Bethlehem, PA and Kansas City, MO and their respective commercial zones. Restricted to traffic originating at and destined to the facilities of Teepak, Inc., for 180 days. Supporting shipper: James R. Smith, Traffic Manager, TEEPAK, 915 North Michigan, Danville, IL 61832.

MC 141804 (Sub-6-16TA), filed March 17, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Applicant's representative: Frederick J. Coffman (same as applicant). *Commodities dealt in and used in hardware and home improvement and repair stores,* between points in the U.S. (except AK and HI). Restricted to traffic originating at or destined to the facilities of Color Tile Supermart, Inc., for 180 days. Supporting shipper: J. Frederick Anderson, Traffic Manager, Color Tile Supermart, Inc., 1400 N. Two Tandy Tower, Fort Worth, TX 76113.

MC 117786 (Sub-6-5TA), filed March 17, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Applicant's representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *(1) Doors and door sections and parts and accessories used or useful in the installation thereof; (2) industrial cabinets and parts thereof and commodities used in the manufacture, assembly and installation of the same; (3) steel tubing; (4) electrical machinery; (5) pallets, platforms, racks and skids and parts thereof and commodities used in the manufacture, assembly and installation of the same,* from the facilities of Stanley Vemco Products, Inc. in Covington, OH; Allentown and Pottstown, PA; Detroit and Birmingham, MI; to points in TX, IL, GA and CA, for 180 days. Supporting shipper: Stanley Vemco Products, Inc., 195 Lake St., New Britain, CT 06052.

MC 117786 (Sub-6-6TA), filed March 17, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Applicant's representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Yogurt,* from Newark, OH to Los Angeles, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Kroger Company, 1014 Vine St., Cincinnati, OH 45201.

MC 125433 (Sub-6-12TA), filed March 13, 1980. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Applicant's representative: John B. Anderson, (same as applicant). (1) *Batteries, and accessories and supplies used in connection with batteries, and* (2) *material, equipment and supplies used in the manufacture and distribution of batteries,* between the facilities utilized by General Battery Corp., on the one hand, and, on the other, points in the United States (except AK and HI), for 180 days. Supporting shipper: General Battery Corp., P.O. Box 1262, Rending, PA 19063.

MC 138762 (Sub-6-1TA), filed March 13, 1980. Applicant: MUNICIPAL TANK LINES LIMITED, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Applicant's representative: Ray F. Koby, 314 Montana Building, P.O. Box 2567, Great Falls, Montana 59403. *Chlorinated Trisodium Phosphate,* in bulk, in tank vehicles, from the United States/Canada International Boundary line located at ports of entry in MI and NY, to ST. Louis, MO; Quincy, IL and Baltimore, MD for 180 days. Applicant has filed an underlying ETA for 90 days. Supporting shipper: Diversey (Canada) Limited, 2645 Royal Windsor Drive, Mississauga, Ontario, L5J 1L1.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9683 Filed 3-28-80; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in the exhibit, "Post-Impressionism: Crosscurrents in European and American Paintings, 1880-1906" (included in the list [1] filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to a loan agreement between the National Gallery of Art, Washington, D.C., and the Royal Academy of Arts, London, England. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art, Washington, D.C., beginning on or about May 25, 1980, to on or about September 1, 1980, is in the national interest.

Public notice of this determination is ordered to be published in the Federal Register.

John E. Reinhardt,

Director, International Communication Agency.

[FR Doc. 80-9679 Filed 3-28-80; 9:00 am]

BILLING CODE 8230-01-M

INTERNATIONAL TRADE COMMISSION

Watches and Watch Movements From Insular Possessions; Determination of Apparent U.S. Consumption of Watch Movements in 1979 and of Quotas for Duty-Free Entry of Watches and Watch Movements From Insular Possessions in 1980

In accordance with headnote 6(c) of schedule 7, part 2, subpart E, of the Tariff Schedules of the United States (TSUS), the U.S. International Trade Commission has determined that the apparent U.S. consumption of watch movements for the calendar year 1979 was 63,526,000 units.

The determination was derived as follows:

Item	1,000 units
U.S. production	20,350
Plus inventory decrease	1,204
Less exports of domestic merchandise	[2]2,927
Apparent U.S. consumption of domestic unit	18,627
U.S. imports	41,924
Less reexports of foreign merchandise	[2]789
Net imports	41,135
Shipments from Virgin Islands, Guam, and American Samoa	2,764
Apparent U.S. consumption	63,526

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

[2] Official statistics of the U.S. Department of Commerce were adjusted to compensate for a number of shipments for which information was erroneously reported.

The number of watches and watch movements, the product of the Virgin Islands, Guam, and American Samoa, which may be entered free of duty during calendar year 1980 under headnote 6(b) of subpart E of the TSUS is as follows:

	Units
Virgin Islands	6,176,000
Guam	566,000
American Samoa	294,000

Issued: March 27, 1980.

By order of the Commission:

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9739 Filed 3-28-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation Nos. 731-TA-13 (Final), 731-TA-14 (Final), and 731-TA-16 (Final)]

Melamine in Crystal Farm; Scheduling of Hearing

ACTION: Notice is hereby given that:

(a) Public hearing date confirmed, viz, for 10:00 a.m., Friday, April 11, 1980, in the Commission's Hearing Room, 701 E Street, N.W., Washington, D.C.,

(b) Prehearing staff report will be available to the parties on Tuesday, March 25, 1980,

(c) Prehearing statements are due from parties by Wednesday, April 9, 1980.

FOR FURTHER INFORMATION CONTACT: John MacHatton, the supervisory investigator assigned by the Commission to this investigation. Telephone (202) 523-0439.

SUPPLEMENTARY INFORMATION: The Commission effective January 1, 1980, instituted investigations 731-TA-13 (Final), and 731-TA-14 (Final) (45 F.R. 3401, January 17, 1980) and effective February 26, 1980, instituted investigation 731-TA-16 (Final) (45 F.R. 17096, March 17, 1980). That notice incorporated a tentative hearing date.

By order of the Commission.

Issued: March 27, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9902 Filed 3-28-80; 8:45 am]

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JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Acutuarial Examinations will meet at Room 4121, Department of the Treasury, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. on April 29, 1980 beginning at 9:30 a.m.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion in the Joint Board's examinations in actuarial mathematics and methodology, referred to in Title 29 U.S. Code, Sections 1242(a)(1)(B) and (C). A determination as required by Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that this meeting is for the purpose of considering matters falling within the exemption to public disclosure set forth in Title 5 U.S. Code, Section 552(b)(5) and that the public interest requires such meeting be closed to public participation.

Dated: March 26, 1980.

Leslie S. Shapiro,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 80-9032 Filed 3-28-80; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF JUSTICE

Attorney General

Order Modifying and Amending the Final Judgment Action To Enforce Compliance With Terms of NPDES Permits

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed order modifying and amending the final judgment in *United States* v. *Puerto Rico Aqueduct and Sewer Authority* has been lodged with the United States District Court for the District of Puerto Rico. The decree imposes on defendant certain requirements and compliance dates with respect to the operation of its ninety-one wastewater treatment plants.

The Department of Justice will receive for a period of thirty (30) days from the date of this notice, written comments relating to the proposed order. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States* v. *Puerto Rico Aqueduct and Sewer Authority* D. J. Ref. 90-5-1-1870.

The proposed order may be examined at the office of the United States Attorney, District of Puerto Rico, Post Office Box 3391, San Juan, Puerto Rico 00904, at the Region II office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007, and the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2644, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed order may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-9073 Filed 3-28-80; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants by A. B. Chance Co.

In accordance with Department policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on March 17, 1980, a proposed consent decree in *United States of America* v. *A. B. Chance Company*, Civil Action C-80-0034-P, was lodged with the United States District Court for the Northern District of West Virginia.

A. B. Chance Company owns and operates a plant at Parkersburg, West Virginia. The Parkersburg plant manufactures high voltage porcelain insulators and discharges process wastewater into Wards Run. The proposed consent decree requires A. B. Chance Company to comply with the discharge limitations in the NPDES permit issued to it for the Parkersburg plant. In addition, it requires A. B. Chance Company to pay $6,000 to the United States within 30 days after the entry of the consent decree.

The proposed consent decree may be examined at the office of the United States Attorney for the Northern District of West Virginia, Federal Building, 1125-1141 Chapline Street, Wheeling, West Virginia 26003; at the Region III office of the Environmental Protection Agency, Enforcement Division, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106; and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 1728, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Deputy Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *A. B. Chance Company*, N.D. W. Va., Civil Action No. C-80-0034-P, D.J. 90-5-1-1-1052.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-9071 Filed 3-28-80; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants by the City of Bozeman, Mont.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on February 15, 1980, a proposed consent decree in *United States* v. *City of Bozeman* (D. Mont. No. CV-78-42-BU), was lodged with the United States District Court for the District of Montana. The proposed consent decree requires the City to pay a civil penalty and upgrade its waste water treatment system to insure that it complies with the requirements of the Clean Water Act.

The proposed consent decree may be examined at the office of the United States Attorney, 167 Federal Building, Butte, Montana and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2644, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *City of Bozeman, Montana* (D. Mont. No. CV-78-42-BU), D.J. Ref. 90-5-1-1-989.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-9072 Filed 3-28-80; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants by Washburn Wire Co.

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on March 14, 1980, a proposed consent decree in *United States* v. *Washburn Wire Company* (D.R.I., Civ. No. 80-0062), was lodged with the United States District Court for the District of Rhode Island. The proposed consent decree requires the Company to bring its Phillipsdale, Rhode Island, specialty steel plant into compliance with requirements of the Federal Water Pollution Control Act.

The proposed consent decree may be examined at the office of the United States Attorney, 223 Federal Building and Courthouse, Kennedy Plaza, Providence, Rhode Island 02903, and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2633, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of fifteen (15) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Washburn Wire Company* (D.R.I., Civ. No. 80-0062, D.J. Ref. 90-5-1-1-947.)

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-9070 Filed 3-28-80; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Proposed 1980 Revised Aggregate Production Quotas

Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On September 11, 1979 and September 26, 1979, notices of the final aggregate production quotas for these substances were published in the **Federal Register** (44 FR 52894, 44 FR 55443). Also indicated in these notices was that pursuant to Title 21 of the Code of Federal Regulations, § 1303.23(c), the Administrator of the Drug Enforcement Administration would in early 1980 adjust these quotas based upon a review of 1979 end of year inventory and 1979 disposition data as submitted by quota applicants, as well as other information which would be available to DEA at this time.

Based upon consideration of the end of year inventory figures and the actual disposition data submited by applicants, as well as estimates of the medical needs of the United States submitted to the Drug Enforcement Administration by the Food and Drug Administration, the Administrator of the Drug Enforcement Administration, under the authority vested in the Attorney General by Section 306 of the Controlled Substances act of 1970 (21 U.S.C. 826) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations, does hereby propose the following changes of the aggregate production quotas for 1980 for the below listed controlled substances expressed in grams of anhydrous acid or base:

Basic class	Previously established 1980 aggregate production quota	Proposed revised 1980 aggregate production quota
Schedule I		
2,5-Dimethoxyamphetamine	32,000,000	25,000,000
Schedule II		
Amobarbital	6,089,000	3,913,000
Amphetamine	2,681,000	1,856,000
Anileridine	251,500	150,000
Codeine	55,712,000	53,000,000
Codeine for Conversion	2,902,000	3,187,000
Desoxyephedrine	1,945,000	1,824,000
	[1]1,644,000	[2]1,644,000
Dihydrocodeine	1,045,000	1,106,000
Diphenoxylate	1,220,000	715,000
Diprenorphine	----------	800
Hydrocodone	915,000	800,000
Hydromorphone	122,000	96,000
Levorphanol	11,000	13,000
Meperidine	10,500,000	11,000,000
Methadone	1,382,000	1,277,000
Methadone Intermediate	1,710,000	1,656,000
Methaqualone	11,476,000	4,266,000
Methylphenidate	1,202,000	1,443,000
Morphine	868,000	966,000
Morphine for Conversion	57,556,000	57,703,000
Opium (for tinctures extracts, etc. expressed in terms of USP powered opium in morphine content)	2,264,000	2,435,000
Pentobarbital	14,000,000	18,562,000
Phenmetrazine	2,073,000	1,012,000
Phenylacetone	----------	10,000,000
Secobarbital	7,508,000	7,347,000

Basic class	Previously established 1980 aggregate production quota	Proposed revised 1980 aggregate production quota
Thebaine for Conversion	1,579,000	2,283,000

[1]For 1-desoxyephedrine and 301,000 for methamphetamine.

[2]For 1-desoxyephedrine and 180,000 for methamphetamine.

When determining the above listed proposed revised 1980 aggregate production quotas, the following factors influenced DEA's determination to propose either raising or lowering the previously finalized quotas for 1980:

a. Relative to morphine (for sale) and pentobarbital—Increased sales, combined with inventories which have been over-estimated in the derivation of the initially established quotas are primarily responsible for the proposed increases in these quotas. Although the use of pentobarbital for products intended for use in humans continues to decline, the dramatic increase in the use of this substance in veterinary products necessitates this increase.

b. Relative to amobarbital anileridine, amphetamine, codeine, 2,5-dimethoxyamphetamine, diphenoxylate, hydrocodone, hydromorphone, methamphetamine, methaqualone and phenmetrazine—Lower than expected sales which resulted in inventories which had been underestimated in the derivation of the ainitially established quotas are primarily responsible for the proposed reduction in these quotas.

c. Relative to dihydrocodeine, levorphanol, meperidine, methadone, methylphenidate, opium, and secobarbital—The proposed revisions for these substances reflect inventory adjustments.

d. Relative to codeine (for conversion), methadone intermediate, morphine (for conversion), and thebaine (for conversion)—The proposed revisions for these substances are directly related to the controlled substances derived from them. In addition, the change in the morphine (for conversion) quota is based on a new calculation intended to more accurately reflect the conversion of morphine to codeine.

e. Relative to Phenylacetone—In **Federal Register** notice published December 12, 1979, this substance was placed in Schedule II (44 FR 71822). Pursuant to that action, this quota is proposed to allow for the production of legitimately manufactured products which required this substance as a precursor and for other legitimate needs.

f. Relative to diprenorphine—A quota for this substance is proposed based on

V 45 / 63 MR 31 80 UMI

a request to manufacture this substance in 1980 in order to meet the veterinary requirements.

All interested persons are invited to submit their comments and objections in writing regarding this proposal. A person may object to or comment on the proposal relating to any one or more of the above mentioned substances without filing comments or objections regarding the others. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention DEA Federal Register Representative and must be received by April 28, 1980. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrant a full adversary-type hearing, the Administrator shall order a public hearing by a notice in the **Federal Register**, summarizing the issues to be heard and setting the time for the hearing.

Frederick A. Rody, Jr.,

Acting Administrator.

[FR Doc. 80-9313 Filed 3-28-80; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Literature Panel Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Literature Panel to the National Council on the Arts will be held April 17, 1980 from 9:00 a.m.-5:30 p.m.; April 18, 1980 from 9:00 a.m.-5:30 p.m.; and April 19, 1980 from 9:00 a.m.-4:30 p.m., in Room 1422, Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C.

A portion of this meeting will be open to the public on April 19, 1980 from 3:00 p.m.-4:30 p.m. for the discussion of Policy.

The remaining sessions of this meeting on April 17, 1980, 9:00 a.m.-5:30 p.m.; April 18, 1980, 9:00 a.m.-5:30 p.m.; and April 19, 1980, 9:00 a.m.-3:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: March 24, 1980.

John H. Clark,

Director, Office of Council and Panel Operation, National Endowment for the Arts.

[FR Doc. 80-9669 Filed 3-28-80; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL LABOR RELATIONS BOARD

Change in Regional Office Boundaries

Due to present staffing imbalances in the Chicago and Indianapolis Regional Offices of the National Labor Relations Board, commencing on April 14, 1980, the Agency will, until further notice, transfer all newly filed cases arising in the Indiana Counties of Porter, La Porte and St. Joseph to the Chicago Regional Office. Parties may file cases arising in those counties directly with the Chicago Regional Office or continue to file with the Indianapolis Regional Office with such cases being transferred to the Chicago Regional Office.

Dated, Washington, D.C., March 26, 1980.

By direction of the Board:

George A. Leet,

Associate Executive Secretary, National Labor Relations Board.

[FR Doc. 80-9611 Filed 3-28-80; 8:45 am]

BILLING CODE 7545-01-M

NATIONAL SCIENCE FOUNDATION

Subcommittee for Law and Social Sciences of the Advisory Committee for Social and Economic Science; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Law and Social Sciences of the Advisory Committee for Social and Economic Science.

Date and time: April 17 and 18, 1980; 9 a.m. to 5 p.m., each day.

Place: room 628, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed—9 a.m. to 5 p.m., April 17 and 18, 1980.

Contact person: Dr. Felice J. Levine, Program Director, Law and Social Sciences, room 312, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5816.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in law and social sciences.

Agenda: Closed—to review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the committee management officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The committee management officer was delegated the authority to make such determinations by the Directors, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 26, 1980.

[FR Doc. 80-9031 Filed 3-28-80; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-133 (Amendment to Facility Operating License)

Pacific Gas and Electric Co., (Humboldt Bay Power Plant, Unit No. 3); Prehearing Conference

March 24, 1980.

Please take notice that the Atomic Safety and Licensing Board has scheduled a conference of the parties in the above-identified proceeding, which will be held on June 3, 1980 (and on June 4, 1980, if necessary) beginning at 9:30 a.m., local time, at the following location: Veterans Memorial Building, 11th & H Streets, Eureka, California 95501.

The purpose of the prehearing conference is to permit consideration of the request of the Pacific Gas and Electric Company (Licensee) that all further proceedings in this matter be stayed and held in abeyance until October 1, 1980. The parties should be prepared to address the following items on the board's proposed agenda:

Licensee

(a) Historical summary leading to the present status;

(b) Background and technical nature of the geology/seismology problems which Licensee asserts preclude resolution of the license amendment application at this time;

(c) basis of need for further delay, including the nature of information Licensee has obtained and hopes to obtain in order to prepare for meeting its burden of proof;

NRC Staff

(d) Staff's present position re:

(i) Reasonableness of request for further delay in light of facility modifications and ongoing site explorations (exclusive of Staff's personnel shortage problem);

(ii) Reasonableness of Licensee's occupational exposure review; and

(iii) Apparent implied approval of the onsite storage of spent fuel and other radioactive materials, if any, during the delay;

Intervenors

(e) Intervenors' perceived prejudice to their health and safety interests occasioned by further delay (exclusive of financial burden as rate payors);

All Parties

(f) Schedule impact of the lessons learned from the accident at Three Mile Island.

The prehearing conference, while on the record, will not be an evidentiary hearing. However, in the interest of maximizing the benfits to be derived therefrom, Licensee and Staff are each requested to provide at least one technical person to assist with the discussion. Licensee is also requested to have a responsible corporate officer present who can speak directly to the utility's posture regarding the Humboldt Bay facility.

Members of the public are welcome to attend the prehearing conference. However, limited appearance statements by members of the public will not be received at this conference.

Dated at Bethesda, Maryland, this 24th day of March 1980.

It is so ordered.

For the Atomic Safety and Licensing Board.

Robert M. Lazo,

Chairman.

[FR Doc. 80-9548 Filed 3-28-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agnecy Forms Under Review

March 26, 1980.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entires for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change in the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available); the office of the agency issuing this form; the title of the form; the agency form number, if applicable; how often the form must be filled out; who will be required or asked to report; an estimate of the number of forms that will be filled out; an estimate of the total number of hours needed to fill out the form; and the name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201

New Forms

Economics, Statistics, and Cooperative Service
Study of Midwest Grain and Supply Industry
Single Time
Grain & Supply Firms, 200 Responses; 200 Hours
Off. of Federal Statistical Policy & Standard, 673-7974.

Farmer's Home Administration
7 CFR 1942-G, Industrial Development Grants
FMHA 424-18, 440-11, & 442-50
On Occasion
Public Bodes up to 50,000 PCP., 1,560 Responses; 3,380 Hours
Charles A. Ellett, 395-5080.

Food and Nutrition Service
Monthly Report of Participation and Coupon Issuance—Food Stamp Program
FNS-256
Monthly
Food Stamp Project Areas, 36,420 Responses; 10,926 Hours
Charles A. Ellett, 395-5080.

Food and Nutrition Service
Civil Right Title VI Collection Reports

FNS–191, 101, & 86
Other (See SF–83)
WIC Clinics, 10,525 Responses; 26,050 Hours
Charles A. Ellett, 395–5080.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—633–9770

New Forms

Gasoline Producers Monthly Report
ERA–470
Monthly
All Producers of Gasoline (Domestic), 3,000 Responses; 9,000 Hours
Jefferson B. Hill, 395–5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Joseph J. Strnad—245–6511

New Forms

National Institutes of Health
Breast Self-Examination Questionnaire
Other (See SF–83)
Female Students & Their Mothers, 3,473 Responses; 2,449 Hours
Richard Eisinger, 395–3214.

Extensions

Social Security Administration
Employment Relationship Questionnaire
SSA–7160 F4
On Occasion
Empl. & Employr Who Have WK Relatship. Question Resolved, 50,000 Responses; 20,833 Hours
Barbara F. Young, 395–6132.

Reinstatements

Social Security Administration
Annual Statistical Report on Hearings
SSA–4105
Annually
State Public Assistance Agencies, 56 Responses; 116 Hours
Barbara F. Young, 395–6132.

Social Security Administration
Recapitulation of States Quarterly Report of Wages Paid
SSA–3962
Quarterly
St. SS Agen. in all 50 Sts., Puerto Rico & Virgin Islands, 13,520 Responses; 2,744 Hours
Barbara F. Young, 395–6132.

DEPARTMENT OF HOUSING AND URBRAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755–5184

New Forms

Housing Production and Mortgage Credit
Requisition for Disbursement of Section 202 Loan Funds
HUD–92403–EH
On Occasion
Borrower Entities, 3,600 Responses; 1,800 Hours
Richard Sheppard, 395–3211.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul B. Larson—523–6341

New Forms

Employment and Training Administration
CETA Functional Management Information System
ETA–RC31
Other (See SF–83)
CETA Prime Sponsors
Arnold Strasser, 395–5080.

Revisions

Employment Standards Administration
Employer's Report of Injury or Occupational Illness
Physicians Report on Impairment of Vision
LS–202, 202A, 210, 205
On Occasion
Employers—Doctors, 259,309 Responses; 107,078 Hours
Arnold Strasser, 395–5080.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Floyd I. Sandlin—376–0436

New Forms

Assistant Secretary (Economic Policy)
OIE Survey of the Rubber and Finished Plastics Products Industries
Single Time
Manufacturers of Rubber & Finished Plastics Prod., 182 Responses; 10,920 Hours
Warren Topelius, 395–3211.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—254–9515

Revisions

Referral to Alternate Housing
FEMA 90–47
On Occasion
Victims of Presidentially Declared Disasters, 8,000 Responses; 2,000 Hours
John M. Allen; 395–3758.

Building Survey
FEMA 90–51
On Occasion
Federal & State Govt. Inspectors, 10,000 Responses; 10,000 Hours
John M. Allen, 395–3785.

Damage Survey Report
FEMA 9–52
On Occasion
Federal & State Govt. Inspectors, 50,000 Responses; 100,000 Hours
John M. Allen, 395–3785.

Flood Insurance Survey
FEMA 90–4
On Occasion
Federal & State Govt. Inspectors, 12,500 Responses; 25,000 Hours
John M. Allen, 395–3785.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

New Forms

Application/Claim for Supplementary Unemployment Insurance
UI–110 & 111
On Occasion
Railroad Employees, 2,000 Responses; 550 Hours
Barbara F. Young, 395–6132.

David R. Luthold,

Acting Assistant Director for Regulatory and Information Policy.

[FR Doc. 80-9079 Filed 3-28-80; 8:45 am]

BILLING CODE 3110-01-M

President's Commission for a National Agenda for the Eighties; Meeting

March 25, 1980.

AGENCY: Office of Management and Budget.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to Pub. L. 92–463, notice is hereby given for a meeting of the President's Commission for a National Agenda for the Eighties with the Office of Science and Technology Assessment, scheduled for 12:30 p.m. thru 3 p.m. on April 10, 1980 in the New Executive Office Building, Room 5104.

The purpose of the meeting is to brief the Commissioners on various aspects of science and technology policies.

Because of limited space, those interested in attending are asked to call beforehand. Available seats will be assigned on a first-come basis.

The meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT:

President's Commission for a National Agenda for the Eighties, Office of Administration, 744 Jackson Place, Northwest, Washington, D.C. 20006, (202) 275–0616.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 80-9013 Filed 3-28-80; 8:45 am]

BILLING CODE 3110-01-M

PRESIDENT'S COMMISSION ON PENSION POLICY

Meetings

The President's Commission on Pension Policy has scheduled meetings as follows:

April 17, a public symposium to assess reaction to a recent paper authored by Donald S. Grubbs, Robert D. Paul, Gabriel G. Rudney, Gerald H. Sherman, and Henry O. Smith, which proposes a system of universal private pension coverage; in Room 2010 of the New Executive Office Building, 726 Jackson Place, N.W.; Washington, D.C.; commencing at 1:00 p.m.

April 18, of the study group on the ability of the present U.S. pension systems to meet the needs of the retired, disabled, and their survivors, on universal Social Security coverage; in Room 2008 of the New Executive Office Building, 728 Jackson Place, N.W.; Washington, D.C.; commencing at 9:00 a.m.

May 2, 3, and 4, a full Commission meeting to consider options for the interim report; in the JFK Federal Building, Governemnt Center, Boston, Massachusetts; commencing each day at 9:00 a.m.

June 12, of the study group on the ability of the present U.S. pension systems to meet the needs of the retired, disabled, and their survivors; on funding and financing issues; in the Radisson Hotel, Minneapolis, Minnesota; commencing at 10:00 a.m.

June 13, of the study group on the ability of the present U.S. pension systems to meet the needs of the retired, disabled, and their survivors; a state/local roundtable discussion; in the East Campus Lecture Hall of the Sid Richardson Building, LBJ School of Public Affairs, Austin, Texas; commencing at 1:00 p.m.

The meetings will be open to public observation and observers will be admitted to the extent space is available, except for the May 2–4 meetings in Boston. For these meetings, pre-registration by April 21st is required because of government security regulations and limited seating. Persons interested in attending should address a letter to the public affairs officer, President's Commission on Pension Policy, 736 Jackson Place, N.W.; Washington, D.C. 20006.

The Commission procedures require interested individuals who wish to present testimony to the Commission or one of its study groups at public hearings to make a written request to the Executive Director at least two weeks before the meeting. The request should outline the contents of the statement to be presented and contain some background information about the presenter. Thirty copies of the formal statement must be received by the Executive Director ten days prior to the scheduled meeting.

The public is also encouraged at any time to submit written testimony without making a presentation.

Additional information may be obtained by calling Phil Sparks or Leigh McDermott at (202) 395–5132.

Signed at Washington, D.C., this 25th day of March 1980.

Barbara Boyle Torrey,

Deputy Director.

[FR Doc. 80-9549 Filed 3-28-80; 8:45 am]

BILLING CODE 6820-90-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–16690; File No. SR–Amex–80–6]

American Stock Exchange, Inc.; Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on March 18, 1980 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Amex's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. ("Amex" or "Exchange") proposes to amend Rule 114 regarding Registered Equity Market Makers as set forth below. [Brackets [ ] indicate words to be deleted.)

Rule 114

. . . *Commentary*

[.07 Rule 114 shall expire as of the close of business on April 30, 1980, unless extended by an amendment thereto adopted by the Exchange and approved by the Securities and Exchange Commission.]

Amex's Statement of the Purpose and Basis Under the Act of the Proposed Rule Change

Amex Rule 114 establishes a category of floor trader known as Registered Equity Market Markers ("REMMs"). The rule is intended to create a supplemental market making function for which Amex floor traders may qualify in order that their proprietary on-floor transactions may be eligible for the exemption for market maker transactions contained in Section 11(a)(1)(A) of the Act.

A REMM is deemed to be a market maker by virtue of his holding himself out as being willing to buy and sell each security in which he is registered, for his own account, on a regular and continuous basis. This responsibility goes beyond those which apply to Registered Traders generally under Rule 111. Rule 114 requires, in particular, that a REMM spend a substantial amount of his time on the Floor and be generally available during that time to discharge his obligations under the rule. Those obligations include, among other things, the requirement that "[w]henever a [REMM] acting in his capacity as such enters a quote or effects a transaction in a registered security, or is called upon with respect to any such security by a Floor Official or a Floor Broker holding a customer's unexecuted order, he shall engage in dealings in such security which, under the existing circumstances, are reasonably calculated to contribute to price continuity or depth or to minimizing the effects of a temporary disparity between supply and demand for such a security." Rule 114 further requires that whenever a REMM is called upon, with respect to a security in which he is registered, either by a Floor Official or a floor broker holding an unexecuted customer's order, he is obligated either to better the bid or offer quoted by the specialist for his own account in that security or to improve the depth of the specialist's bid or offer. A REMM's agreement, by viture of his registration as such, to fulfill these responsibilities improves the potential depth and liquidity of the markets for the securities in which he is registered.

Rule 114 was initially approved by the Commission on an interim basis, with a "sunset" provision contained in Commentary .07 under which the rule would have expired, unless amended, on July 31, 1979. The Commission subsequently approved an extension of the "sunset" provision until April 30, 1980.

At present, 14 persons are registered as REMMs on the Exchange, with market making responsibilities in an aggregate of 175 stocks. Although the REMM program has not yet attracted a large number of Exchange members, and those who have registered as REMMs have not generally been active in that capacity, the Exchange would like to continue the program in order to (i) retain the contributions of existing REMMs and (ii) keep the program available for other members who may in the future wish to register as REMMs.

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Therefore, the Exchange is proposing to adopt Rule 114 on a permanent basis. This will be accomplished by deleting the "sunset" provision contained in Commentary .07.

The proposed amendment to Rule 114, by allowing continuation of the REMM program after April 30, 1980, is consistent with Section 6(b) of the Act in general and, in particular, furthers the objectives of Section 6(b)(5) and (8) of the Act to perfect the mechanism of a free and open market and a national market system, and to avoid unnecessary burdens on competition.

Amex's Statement on Comments Received From Members, Participants or Others on Proposed Rule Change

No comments were solicited or received with respect to the proposed rule change.

Amex's Statement on Burden on Competition

The Amex has determined that no burden on competition will be imposed by the proposed rule change. To the contrary, by allowing continuation of the REMM program under Rule 114, the proposed rule change will enhance competition among market makers at the Exchange.

On or before May 5, 1980, or within such longer period (i) the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceeding to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C 20549. Copies of the filing with respect to the foregoing and of all written submissions, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 21, 1980.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

Dated: March 24, 1980.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9609 Filed 3-28-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16689; File No. SR-NYSE-80-11]

New York Stock Exchange, Inc.; Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C..78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 17, 1980 the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission a proposed rule change as follows:

NYSE's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule amendment, if approved, would eliminate subparagraph .70 from Exchange Rule 107. Subparagraph .70 states:

"Unless extended by a duly authorized rule of the Exchange or an amendment to this Rule approved by the Securities and Exchange Commission pursuant to Rule 19b of the Securities Exchange Act of 1934, this Rule shall expire on April 30, 1980."

No other amendment to Rule 107 is being proposed.

NYSE's Statement of the Purpose of the Proposed Rule Change

The purpose of the proposed rule change is to eliminate the expiration provision (also referred to as the "sunset" provision) in Exchange Rule 107 thereby making it a permanent rule of the Exchange and making the Registered Competitive Market Maker ("RCMM") a permanent market-maker category of the Exchange.

The Exchange believes that RCMMs should be made a permanent market maker category on the Exchange because:

(1) the provisions of Rule 107 are designed to enable dealings thereunder to qualify as market maker activity within the definition of Section 3(a)(38) of the Act and an RCMM engaging in such dealings would be acting within the capacity of a market maker as contemplated by Section 11(a)(1)(A) of the Act.

(2) the data and statistics which the Exchange has compiled and submitted to the Commission in this and other documents clearly demonstrate that RCMMs are performing their market making duties under Rule 107 in an acceptable manner.

(3) the Exchange believes it has addressed satisfactorily the fundamental concerns expressed by the Commission on the RCMM program.

The Exchange has also sent Mr. Douglas Scarff, Director of the SEC's Division of Market Regulation, a comprehensive letter dated March 3, 1980 which provides important statistics on and discussion of RCMM performance over the past six months. This letter also contains an expanded explanation of why the Exchange believes it has addressed the fundamental concerns expressed by the Commission regarding the RCMM program. Finally, the letter summarizes numerous enhancements which the Exchange has implemented to improve rules and surveillance procedures associated with the RCMM program.

The Exchange's March 3 letter should be considered as part of the Exchange's response in this filing to justify the proposed rule change.

NYSE's Statement of the Basis Under the Act for Proposed Rule Change

The proposed amendment to Rule 107 to eliminate the Rule's sunset provision thereby making the RCMM a permanent market maker category of the Exchange is consistent with Section 6(b)(5) of the Securities Exchange Act of 1934 in that it will: (i) aid in the protection of investors and the public interest by providing a mechanism that can aid in reducing volatile price fluctuations; and (ii) act to reduce unfair discrimination between brokers and dealers, and as such, act to reduce unfair discrimination between customers by permitting Exchange members to effect proprietary transactions on the Exchange of a type that other broker-dealers are free to effect in the over-the-counter market.

NYSE's Statement Concerning Comments Received From Members, Participants, or Others on Proposed Rule Change

The Exchange received a letter dated February 5, 1980 from its Institutional Traders Advisory Committee with respect to the proposed rule change. The text of this letter is as follows:

At its meeting on January 28th, the Committee was informed that the NYSE Board of Directors on February 7th will consider a staff recommendation to eliminate the Sunset Provision of Rule 107. The Committee is also aware that the SEC must ultimately take affirmative action if Registered Competitive Market-Makers (RCMMs) are to remain in existence. In this letter, the Committee wishes to endorse the function performed by RCMMs, and to inform the Exchange of the reasons for its recommendation.

We, the members of the institutional Traders Advisory Committee, strongly believe that the most effective pricing mechanism occurs when there is maximum interaction between brokers acting as agents for public orders. It is recognized that market-makers, acting as dealers, are required to facilitate the activity of public orders. Accordingly, we believe that a primary function of a market-maker is to act as a stabilizing influence when buying and selling stock for his or her own account.

It is our understanding that a primary function of RCMMs is to act as a supporting influence in situations where imbalances exist either in capital or order flow. Additionally, RCMMs engage in voluntary trading, which may be directly attributable to their activities as a market maker. The Committee strongly believes that this pool of capital which is brought to the market, while a relatively small percentage of total capital committed to the trading function, nevertheless is a source of added liquidity and depth to markets in listed securities.

A further consideration in the Committee's endorsement of the market-making activity of RCMMs is the fact that such activities are subject to regulation and surveillance. We believe that both Exchange and SEC policy should be designed to encourage market-making and professional trading activity within a regulated auction market environment. In our opinion, failure to do so will reduce liquidity within the auction market and further reduce the effectiveness of regulatory and surveillance systems.

In summary, the Committee believes that the support, increased competition, and added liquidity provided by the function of RCMMs should be both beneficial to the system and in the interests of public investors.

The Committee also would like you to know that it has no objection to the Exchange notifying the Securities and Exchange Commission of its views on this very important matter.

NYSE's Statement of Burden on Competition

The Exchange does not believe the proposed rule change imposes any burden on competition. In fact, the proposed rule change would prevent the imposition of a burden on competition which would result if Rule 107 were allowed to expire and RCMMs were prevented from continuing their market making activities as such.

On or before May 5, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 21, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 24, 1980.

[FR Doc. 80-9610 Filed 3-28-80; 8:45 am]

BILLING CODE 8010-01-M

[File Nos. 22-5921 and 22-7660]

Chrysler Corp.; Application and Opportunity for Hearing

March 24, 1980.

Notice Is Hereby Given that Chrysler Corporation (the "Applicant") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the continuing successor trusteeship of J. Henry Schroder Bank & Trust Company ("Schroder") under certain existing indentures of the Applicant, which are qualified under the Act, and certain existing indentures of Chrysler Overseas Capital Corporation, a wholly-owned subsidiary of the Applicant ("Overseas"), which are not qualified under the Act, is not so likely to inolve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Schroder from continuing to act as successor trustee under Overseas' indentures.

Section 310(b) of the Act provides in part that, if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, that with certain exceptions a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of Subsection (1), there shall be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

1. The Applicant had outstanding as of January 31, 1980, $200,000,000 of its 6% Sinking Fund Debentures Due 1998 (the "6% Debentures") issued under an indenture, dated as of November 1, 1973 (the "1973 Indenture"), between the Applicant and the Chase Manhattan Bank (National Association) ("Chase") which was qualified under the Act. The 6% Debentures were registered under the Securities Act of 1933.

2. The Applicant had outstanding, as of January 31, 1980, $100,000,000 of its 8⅛% Sinking Fund Debentures Due 1995 (the "8⅛% Debentures") issued under an indenture dated as of March 1, 1995 (the "1970 Indenture") between the Applicant and Citibank, N.A. which was qualified under the Act. The 8⅛% Debentures were registered under the Securities Act of 1933. The 1973 Indenture and the 1970 Indenture each contain the provisions required by Section 310(b)(1)(ii) of the Act.

3. On January 16, 1980 Schroder was appointed successor trustee under the 1973 Indenture.

4. On January 21, 1980 Schroder was appointed successor trustee under the 1970 Indenture.

5. Overseas is a corporation organized and existing under the laws of the State of Delaware. it had outstanding, as of (January 31,) 1980 (a) $48,000,000 of its 5% Guaranteed Convertible Sinking Fund Debentures Due 1988 issued under an indenture between Overseas and the Applicant and Manufacturers Hanover Trust Company, as trustee ("Manufacturers"), dated as of February 1, 1968 (the "5% Indenture") and (b)

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$54,000,000 of its 4¾% Guaranteed Convertible Sinking Fund Debentures Due 1988 issued under an indenture between Overseas and the Applicant and Manufacturers, dated as of May 15, 1968 (the "4¾% Indenture") (collectively, the "Overseas Indentures"). Manufacturers was the original indenture trustee under the Overseas Indentures and the Overseas Indentures were not required to be and were not qualified under the Act. The debentures issued under the Overseas Indentures were not required to be and were not registered under the Securities Act of 1933 and are unconditionally guaranteed by the Applicant.

6. Overseas appointed Schroder to act as successor trustee under the 5% Indenture as of February 8, 1980. The Instrument of Resignation, Appointment and Acceptance among Overseas, the Applicant, Manufacturers and Schroder, dated as of February 8, 1980 by which Schroder was appointed provides that, if the Commission does not issue an order under Section 310(b)(1)(ii) of the Act that Schroder is not disqualified from continuing to act as successor trustee prior to May 8, 1980, upon the request and resignation of Schroder Overseas shall promptly appoint Manufacturers as successor trustee and Manufacturers shall accept such appointment.

7. Overseas appointed Schroder to act as successor trustee under the 4¾% Indenture as of February 8, 1980. The instrument of Resignation, Appointment and Acceptance among Overseas, the Applicant, manufacturers and Schroder, dated as of February 8, 1980 by which Schroder was appointed provides that, if the Commission does not issue an order under Section 310(b)(1)(ii) of the Act that Schroder is not disqualified from continuing to act as successor trustee prior to May 8, 1980, upon the request and resignation of Schroder Overseas shall promptly appoint Manufacturers as successor trustee and Manufacturers shall accept such appointment.

8. Neither the Applicant nor Overseas is in default under the 1973 Indenture, the 1970 Indenture, the 5% Indenture or the 4¾% Indenture.

9. The Applicant is not the issuer of the debentures issued under the 5% Indenture or the 4¾% Indenture. However, the guaranties of the Applicant of the debentures issued under the Overseas Indentures may be deemed to be securities of the Applicant issued under the Overseas Indentures. Thus the 5% Indenture and the 4¾% Indenture may, for purposes of Section 310(b) of the Act, be "another indenture under which any other securities of (the Applicant) are outstanding . . ." with the result that there could be a conflicting interest if Schroder were to continue to serve as trustee under the 1973 Indenture, the 1970 Indenture and the Overseas Indentures.

10. The Applicant's obligations in respect of the 8% Debentures and the 8⅞% Debentures and its guaranties of the debentures issued under the Overseas Indentures are wholly unsecured senior obligations of the Applicant and rank *pari passu inter se*. There are no material differences among the 1973 Indenture, the 1970 Indenture, the 5% Indenture and the 4¾% Indenture and among the rights of the holders of the debentures issued thereunder except for variations as to aggregate principal amounts, dates of issue, certain financial covenants, maturity and interest payment dates, interest rates, redemption prices and procedures issued under the 5% Indenture and the 4¾% Indenture are convertible into shares of common stock of the Applicant, conversion prices, the fact that the 8% Debentures and the 8⅞% Debentures are issuable in fully-registered form and the debentures issued under the Overseas Indentures are issuable in bearer form with coupons attached, procedures and approvals for action by holders of the debentures and the scope of the "cross default" clauses. In addition, the Applicant is the primary and sole obligor under the 1973 Indenture and the 1970 Indenture and the Secondary obligor under the Overseas Indentures.

11. In the opinion of the Applicant the provisions of the aforementioned indentures are not likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of any holder of any of the debentures issued under such indentures to disqualify Schroder from continuing to act as successor trustee under the 1973 Indenture, the 1970 Indenture, the 5% Indenture or the 4¾% Indenture.

The Applicant has waived notice of hearing, any right to a hearing on the issues raised by the application, and all rights to specify procedures under the Rules of Practice of the Commission with respect to its application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than April 19, 1980, submit to the Commission his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for such requests, and the issues of fact and law raised by the application which he desires to controvert. Persons who request the hearing or advice as to whether the hearing is ordered will receive all notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after such date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9606 filed 3-28-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Productivity and Small Business Innovation

Pursuant to statutory authority set forth in Section 634(d) of Title 15, United States Code, The Chief Counsel for Advocacy of the Small Business Administration, Milton D. Stewart, Esq., with the approval of the Administrator, A Vernon Weaver, will conduct a public hearing in St. Paul, Minnesota on April 23, 1980, on Productivity and Small Business Innovation. The hearing will convene at 10 a.m. (CDT) at the Business and Technology Center located at 245 East Sixth Street in St. Paul, Minnesota.

The Office of the Chief Counsel for Advocacy will consider how small business innovation affects national productivity including such factors as changes in flows of invested capital, R & D expenditures, costs of regulations, increases in inflation, changes in labor force or human resources (skills, experience, and education), as well as environmental or institutional changes which stimulate technological creativity.

The traditional productivity measure which has been used, reflects "output per worker-hour.." What has not been made sufficiently clear in this measurement or in overall productivity policy, is the importance of small business activities in improving our overall national productivity efforts and the influence of small business on some of the contributing factors leading to a greater increase in the rate of productivity growth.

Participants will include diverse, innovative, and technology-oriented small firms which may be considered currently in or having recently passed through a pre-venture capital raising stage. Such firms will be marketing or close to marketing a product or process which could have some measurable impact in a "national need" area, i.e., energy, medicine, food, etc.

The hearing is open to the public. Any member of the public may make a verbal statement, but must file a written statement prior to the hearing. Any member of the public may file a written statement with the Office of Chief Counsel for Advocacy before, during or after the hearing. All communications or inquiries regarding these hearings should be attentioned to: Jerry Feigen, Associate Advocate, Capital Formation/ Venture Capital, Small Business Administration, 1441 L Street, NW., Room 1010-C, Washington, D.C. 20416. 202-653-6808.

Milton D. Stewart,

Chief Counsel for Advocacy.

[FR Doc. 80-9756 Filed 3-28-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 80-31]

Chemical Transportation Advisory Committtee; Annual Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Advisory Committee to be held on Thursday May 8, 1980 beginning at 9:00 a.m. in room 3201, Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593.

This committee was formed to assist the United States Coast Guard's Marine Safety Council in their promotion of safety in the marine transport of hazardous materials. This meeting will serve to introduce the new members, review subcommittee work of the past year and discuss future work of the committee. Major efforts during the past year were concerned with the requirements for waterfront facilities for the temporary storage and intermodal transfer of hazardous materials.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements. Any member of the public may present a written statement to the committee at any time. For additional information, contact: Captain William N. Spence, Commandant(G-MHM), U.S. Coast Guard, Washington, D.C. 20593, (202) 426-2300.

For scheduling and for providing adequate seating, those wishing to present oral statements or attend the meeting should notify Captain Spence's office no later than the day before the meeting.

Issued in Washington, D.C., on March 24, 1980.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 80-9640 Filed 3-28-80; 8:45 a.m.]

BILLING CODE 4910-14-M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Special Committee 136—Installation of Emergency Locator Transmitters (ELT) in Aircraft; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 136 on Installation of Emergency Locator Transmitters (ELT) in Aircraft to be held on April 22-23, 1980 in RTCA Conference Room 261, 1717 H Street, N.W., Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Sixth Meeting Held on January 8-9, 1980; (3) Report of Working Group Activities; (4) Review Current Draft of Committee Report; (5) Working Groups Meet in Separate Sessions; (6) Committee Plenary Session; and (7) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on March 24, 1980.

Karl F. Bierach,

Designated Officer.

[FR Doc. 80-9628 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 141—FM Broadcast Interference Related to Airborne ILS, VOR and VHF Communicctions Equipment; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 141 on FM Broadcast Interference Related to Airborne ILS, VOR and VHF Communications Equipment to be held on April 24-25, 1980 in RTCA Conference Room 261, 1717 H Street, N.W., Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Fourth Meeting Held on February 26-27, 1980; (3) Reports on Activities of Working Groups; (4) Review of Committee Draft Report; (5) Assignment of Tasks; (6) Other Business

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on March 24, 1980

Karl F. Bierach,

Designated Officer.

[FR Doc. 80-9629 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-80-8]

Petitions for Exemption; Summary of Petitions Received and Disposition of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this

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aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before April 21, 1980.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on March 21, 1980.

Edward P. Faberman,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
20191	American Jet Aviation	14 CFR § 135.167	To permit the petitioner to conduct extended overwater operations in accordance with Section 91.169 instead of Section 135.167. Petitioner operates only Learjet aircraft.
20193	Mr. Lynn W. Baker	14 CFR § 65.104(a)(2)	To allow petitioner to conduct the Annual Condition Inspection on an experimental homebuilt aircraft for which he was not the primary builder.
20194	B & L Aviation, Inc	14 CFR § 135.279(b)	To allow petitioner to conduct operations with pilots who have, not demonstrated all the required instrument approach procedures.
20195	Douglas Aircraft Co	14 CFR §§ 61.57 (c) and (d)	To permit petitioner's pilots to use an airplane simulator that is approved for the landing maneuver in lieu of an airplane to meet the pilot in command recent flight experience requirements.
20196	Transamerican Airlines	14 CFR § 121.391(b)	To allow petitioner to operate its DC-8-50 series aircraft with the number of flight attendants specified in 121.391(a) rather than with one additional flight attendant as currently required in its Operations Specifications.
20198	Langham Petroleum Exploration Corp	14 CFR § 91.169 and Part 135	To permit petitioner to operate its small non-turbojet-powered airplane, in time sharing agreements under the operating rules in Section 91.183 through Section 91.215 and the inspection provisions in Sections 91.217 and 91.219.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
10825	Dept. of the USAF, Military Airlift Command (MAC)	14 CFR § 121.893(a)	Extension of the expiration date of Exemption No. 1282E to permit Part 121 certificate holders under contract to conduct Military Airlift Command (MAC) passenger carrying flights without including a list of passenger names in the load manifest. *Granted 3/7/80.*
18598	Rich International airways, Inc., and Cayman Airways, Ltd.	14 CFR Parts 21, 43, 91, and 121	Extension of Exemption No. 2654 to the extent necessary to permit joint use by Cayman Airways, Ltd. (CAL) and Rich Int'l Airways, Inc. (RIA) of DC-8 N-61267 (or substitute aircraft) and to permit RIA to perform maintenance on the aircraft when it is under operational control of CAL. *Granted 3/14/80.*
19910	Canadian Warplane Heritage, Inc	14 CFR § 91.27(a)(1)	Renewal of Exemption No. 2478A to enable certain Canadian-registered aircraft that do not hold airworthiness certificates to attend various airshows in the United States during calender year 1980. *Granted 3/13/80.*
20029	InterContinental Airways, Inc	14 CFR § 121.291(a)(1)	To permit the use of two DC-8-33 aircraft with 183 passenger seats without conducting a full-scale seating capacity emergency evacuation demonstration. *Granted 3/12/80.*

[FR Doc. 80-9385 Filed 3-28-80; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Public Debt Series—No. 11-80]

Supplement to Department Circular

Washington, March 28, 1980.

The Secretary announced on March 25, 1980, that the interest rate on the notes designated Series D-1984, described in Department Circular—Public Debt Series—No. 11-80, dated March 13, 1980, will be 14¼ percent. Interest on the notes will be payable at the rate of 14¼ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 80-9638 Filed 3-28-80; 8:45 am]

BILLING CODE 4810-43-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 63
Monday, March 31, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL ELECTION COMMISSION.

DATE AND TIME: 9 a.m., Thursday, March 27, 1980.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTER TO BE CONSIDERED: Title 26 Matching funds for Lyndon H. La Rouche/Citizens for La Rouche.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-640-80 Filed 3-26-80; 4:28 p.m.]

BILLING CODE 6715-01-M

2

[USITC SE-80-19]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Tuesday, April 8, 1980.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Steel pipe and tube from Japan (Inv. 731-TA-15 [Preliminary])—briefing and vote.
6. Roses (Inv. TA-201-42)—vote on remedy, if necessary.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-643-80 Filed 3-27-80; 2:36 pm]

BILLING CODE 7020-02-M

3

[USITC SE-80-20]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, April 9, 1980.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Steel pipe and tube from Japan (Inv. 731-TA-15 [Preliminary])—possible reconsideration of vote.
2. Roses (Inv. TA-201-42)—possible reconsideration of vote on remedy, if necessary.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-642-80 Filed 3-27-80; 1:02 pm]

BILLING CODE 7020-02-M

4

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, April 3, 1980.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rates.
2. Request by Bell Federal Credit Union, Omaha, Nebraska, to share automated teller equipment with the U.S. National Bank of Omaha, Nebraska.
3. Request by Conrail-Amtrak Federal Credit Union, Philadelphia, Pennsylvania, to share automated teller equipment with the Philadelphia National Bank, Philadelphia, Pennsylvania.
4. Amendments to 12 CFR § 701.31: Nondiscrimination in Lending.
5. Report on actions taken under delegations of authority.
6. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

FOR MORE INFORMATION CONTACT: Beatrix D. Fields, Acting Secretary of the Board, telephone (202) 357-1030.

[S-644-80 Filed 3-27-80; 2:36 p.m.]

BILLING CODE 7535-01-M

5

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 19746; March 26, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., March 27, 1980.

CHANGES IN THE MEETING: This meeting will commence at 11 a.m. on March 27, 1980.

Dated: March 27, 1980.

[S-641-80 Filed 3-27-80; 11:57 am]

BILLING CODE 7600-01-M

6

TENNESSEE VALLEY AUTHORITY. (Meeting No. 1239).

TIME AND DATE: 10:15 a.m., e.s.t., Thursday, April 3, 1980.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville Tennessee.

STATUS: Open.

MATTERS FOR ACTION:

B—Purchase Awards

1. Req. No. 825640—Labor, materials, equipment, and supplies for the installation of insulation for piping and equipment at Bellefonte Nuclear Plant.
2. Req. No. 825211—Requirements contract for 480-volt AC motor controls for Yellow Creek Nuclear Plant.

C—Power Items

1. Bill of Sale and Quitclaim Deed covering conveyance of TVA's East Cleveland-Cleveland District No. 1 (West) 69-kV transmission line to City of Cleveland, Tennessee.
2. Letter Agreement with City of Chattanooga, Tennessee, covering arrangements for participation in TVA's Solar Home Load Research Program.
3. Contract with the University of Tennessee at Knoxville (UTK) for coal feeding and fluidization studies in a fluidized bed.
4. Supplement to contract with Scandpower, Inc., covering arrangements for testing of Gamma Thermometer for use as a monitoring device in light water reactors.
5. Letter Agreement with U.S. Department of Energy covering arrangements for services of Oak Ridge National Laboratory in

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connection with testing of Gamma Thermometer specimens.

D—Personnel Items

*1. Appointment of John P. Crowder as Chief, Environmental Compliance Staff, Office of Health and Safety, Muscle Shoals, Alabama.

*2. Change of status for Louis M. Gwin, Jr., from Manager, Information Services, to Assistant Director of Information (Media Relations), Office of the General Manager, Knoxville, Tennessee.

*3. Change of status for Gail Hannah Singh from Senior Budget Analyst to Chief, Budget Staff, Office of Planning and Budget, Office of the General Manager, Knoxville, Tennessee.

*4. Change of status for William R. Brown, Jr., from Construction Engineer, Division of Construction, to Assistant to the Manager of Construction (STRIDE), Office of Engineering Design and Construction, Knoxville, Tennessee.

*5. Change of status for McBeth N. Sprouse from Assistant Manager of Engineering Design, to Acting Manager of Engineering Design, Office of Engineering Design and Construction, Knoxville, Tennessee.

*6. Temporary status change for Charles C. Mason from Assistant Superintendent to Superintendent, Watts Bar Nuclear Plant, Office of Power.

7. Renewal of consulting contract with John T. Boyd Company, Pittsburgh, Pennsylvania, for advice and assistance in connection with TVA's coal supply, requested by the Office of Power.

8. Renewal of consulting contract with The S. M. Stoller Corporation, New York, New York, for advice and assistance on Power resource planning matters, requested by the Office of Power.

9. Renewal of consulting contract with NUS Corporation, Rockville, Maryland, for advice and assistance in connection with Power System Planning, requested by the Office of Power.

10. Consulting contract with Floyd P. Lacy, Knoxville, Tennessee, for advice and assistance in connection with TVA's Dam Safety Program and other areas of hydraulic engineering requested by the Office of Engineering Design and Construction.

E—Real Property Transactions

1. Sale of permanent sewerline and temporary construction easements to provide sewer services for a subdivision, affecting a 0.23-acre portion of the Philadelphia, Mississippi, Substation property in Neshoba County, Mississippi—Tract XPHPSS–2S.

2. Grant of permanent easement to City of Chattanooga, Tennessee, for construction of a storm water runoff detention system, affecting approximately 0.25 acre of TVA land in Hamilton County, Tennessee—Tract CGAR–3.

3. Sale of cabin site No. 14 in Sequoyah Landing Subdivision on Norris Reservoir to Dr. Bergein Overholt.

4. Waiver of reverter condition in transfer agreement to the Department of Agriculture (Forest Service), affecting a tract of Blue Ridge Reservoir land in Fannin County, Georgia, to satisfy claim of adverse possession against the Forest service by W. H. Collins.

5. Filing of condemnation suits.

F—Unclassified

1. Revised TVA policy code relating to TVA's computer resources.

2. Revised TVA policy code relating to occupational health and safety.

3. Revised TVA policy code relating to reservoir operation and regulation.

4. New TVA policy code relating to water recreation safety.

5. New TVA policy code relating to alcohol fuels.

6. Proposed sale of surplus property—medium density fuel storage racks located at Sequoyah Nuclear Plant, Daisy, Tennessee.

7. Supplemental Letter Agreement with City of Hartsville providing for TVA's financial assistance in mitigating the temporary impacts on municipal services caused by construction of Hartsville Nuclear Plant.

Dated March 27, 1980.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632–3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245–0101.

[S–645–80 Filed 3–27–80; 3:22 pm]

BILLING CODE 8120–01–M

* Items approved by individual Board members. This would give formal ratification to the Board's action.

Reader Aids

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

CONSUMER PRODUCT SAFETY COMMISSION

13060 2–28–80 / Poison Prevention Packaging Act; exemption petition procedures and requirements

ENERGY DEPARTMENT

13050 2–28–80 / Emergency building temperature restrictions

FEDERAL COMMUNICATIONS COMMISSION

12795 2–27–80 / FM broadcast station in West Union, Ohio; changes made in table of assignments

13081 2–28–80 / FM broadcast station assigned to Atlanta, Mich.

13078 2–28–80 / FM broadcast station assigned to Lewiston, Idaho and Clarkston, Wash.

13084 2–28–80 / One-way radio paging in the Special Emergency Radio Service

13080 2–28–80 / Television station assigned to San Jose, Calif.

FEDERAL EMERGENCY MANAGEMENT AGENCY

13464 2–29–80 / Disaster preparedness assistance provisions

FEDERAL RESERVE SYSTEM

55553 9–27–79 / Truth in lending; right of rescission; open-end credit plans

55554 9–27–79 / Truth in lending; right of rescission; exception for creditor that extends nonsale credit; final staff interpretation

INTERIOR DEPARTMENT

Indian Affairs Bureau—

13446 2–29–80 / Changes in procedures for handling declination issues which arise in the process of reviewing proposed contracts and contract modifications

INTERSTATE COMMERCE COMMISSION

13092 2–28–80 / Lease and interchange of vehicles

JUSTICE DEPARTMENT

Immigration and Naturalization Service—

13434 2–29–80 / Closing of port of entry at Indus, Minn.

LABOR DEPARTMENT

Employment Standards Administration—

13673 2–29–80 / Standards for determining coal miners' total disability or death due to pneumoconiosis.

SECURITIES AND EXCHANGE COMMISSION

13436 2–29–80 / Amendments to Registration Statement Form S–8 and related new and amended rules under the Securities Act of 1933

13441 2–29–80 / Recordkeeping requirement for national securities exchanges and national securities associations

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

13059 2–28–80 / Military charter of flights; carriage of weapons

TREASURY DEPARTMENT

Internal Revenue Service—

13452 2–29–80 / Income tax; qualifying distribution by private foundation of proceeds of sale of contributed property

List of Public Laws

Last Listing March 28, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S. 1682 / Pub. L. 96–216 To amend the Act of August 9, 1955 (69 Stat. 539) (25 U.S.C. 415), as amended, to authorize a ninety-nine-year lease for the Moses Allotment Numbered 10, Chelan County, Washington. (Mar. 27, 1980; 94 Stat. 125) Price $1.

V 45 / 63 MAR 31 1980 UMI

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1980)

Quantity	Volume	Price	Amount
_____	Title 6—Economic Stabilization	$3.75	$_____
_____	Title 9—Animals and Animal Products (Parts 1 to 199)	7.00	_____
		Total Order	$_____

[A Cumulative checklist of CFR issuances for 1979 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).]

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3-31-80
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federal register

Book 2 of 2 Books
Monday, March 31, 1980

21076 **Part II—Treasury/IRS:**
Improving Government Regulations; Semiannual Agenda of Regulations

21092 **Part III—DOT/FRA:**
Railroad Locomotive Safety Standards and Locomotive Inspection

21126 **Part IV—HEW/HDSO:**
Grants for State and Community Programs on Aging

21168 **Part V—USDA/AMS:**
Packers and Stockyards Act; Plan for Review of Existing Regulations and Policy Statements

21172 **Part VI—DOT/Sec'y:**
Participation by Minority Business Enterprise in DOT Programs

21196 **Part VII—DOE/ERA:**
Mandatory Petroleum Allocations Regulations; Crude Oil Buy/Sell Program

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service (IRS).

ACTION: Semiannual agenda of regulations, significant and nonsignificant, under development or review.

SUMMARY: This semiannual agenda lists the regulations determined as of March 1, 1980, that the Internal Revenue Service will be developing from March 1, 1980, through September 30, 1980. The purpose of this semiannual agenda is to give the public adequate notice of Internal Revenue Service regulatory activities.

FOR FURTHER INFORMATION CONTACT: George H. Bradley, Chief, Technical Section, Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, Attention: CC:LR:T. 202-566-3486, not a toll-free call.

SUPPLEMENTARY INFORMATION:

General

Executive Order 12044, "Improving Government Regulations," and Treasury Directive 50-04.F, "Criteria and procedures for the Preparation, Review, and Approval of Regulations," require that a semiannual agenda of regulations under development and review be published in the **Federal Register**. In the **Federal Register** of Wednesday, November 1, 1978, it was announced that the Internal Revenue Serice will publish its semiannual agenda on March 31 and September 30 of each calendar year. The next semiannual agenda of the Internal Revenue Service will be published in the **Federal Register** of Tuesday, September 30, 1980.

Description

This Semiannual Agenda of Regulations lists all projects within the Internal Revenue Service as of February 29, 1980, for the development of regulations to appear in the Code of Federal Regulations. This agenda is divided into three parts. Part I lists existing regulations under development by the Legislation and Regulations Division, Office of the Chief Counsel. Part II lists existing regulations under development by the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel. Part III lists separately projects also appearing in Part I or Part II under which existing regulations are to be reviewed pursuant to paragraph 12 of the Treasury Directive. Part IV lists the various regulation projects closed since August 31, 1979, which was the closing date with respect to which the last semiannual agenda of the Internal Revenue Service was prepared. All other projects appearing on the first semiannual agenda are reported in Parts I, II, or III, as the case may be, of this semiannual agenda. A table defining abbreviations used throughout this agenda and a second table listing attorneys (and their telephone numbers) within the Legislation and Regulations Division and the Employee Plans and Exempt Organizations Division follow Part IV. Regulations are issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805) in order to provide necessary guidance to Internal Revenue Service personnel who administer the law and to the public who must comply with the law. Additionally, in some instances the specific sections of the Internal Revenue Code of 1954 and the sections of the act of Congress given in this agenda with respect to projects may specifically require or authorize regulations. Each of the regulation projects within each part of this agenda is listed in order by reference to the first section of the Internal Revenue Code of 1954 to which the project is in important measure addressed. The following information is disclosed in columnar form with respect to each regulation project.

1. *1954 Code Section and File Number.* The first column lists sections of the Internal Revenue Code of 1954 (Code) with which the subject project is directly concerned and the file number of the Internal Revenue Service under which the project is maintained.

2. *Subject, Drafter, and Reviewer.* The second column names the part of Title 26 of the Code of Federal Regulations to be amaended, describes briefly the subject of the regulations, names each section of each act of Congress (if any) which gives rise to the project, and names the drafting and reviewing attorneys (in that order) within the Legislation and Regulations Division or Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, who are responsible for drafting the regulation. As appropriate, the reviewing attorney within the Office of Tax Legislative Counsel or Office of International Tax Counsel, Department of the Treasury, is also named. Where a section of an act of Congress is specified in connection with a project, that project is necessary to provide regulations under the amendments to the Code made by that section of the act. In all other cases, regulations are needed under the Code sections named to provide corrective or clarifying changes in existing regulations relating to the subject matter.

3. *Office in Which Pending and Status.* The third column names the office or offices within the Internal Revenue Service and/or the Department of the Treasury in which the project is presently under consideration and describes the status of the project.

4. *Priority and Regulatory Analysis.* The fourth column discloses the relative degree of importance and necessity for publication assigned to the regulation. A priority of #1 shows that the project is of substantial importance; a priority of #2 shows tha the project is of medium importance; and a priority of #3 shows that the project is of lesser importance. If a regulatory analysis is required for a project, a note to this effect and whether the regulatory analysis has been prepared appears in this column.

By direction of the Secretary of the Treasury.

Dated: March 17, 1980.

Jerome Kurtz,

Commissioner of Internal Revenue.

1954 code section and file No.	Subject, draftsman, and reviewer	Office in which pending and status	Priority
	Part I.—*Regulations Under Development in the Legislation and regulations Division*		
§§ 3, 4, 144; LR-249-76	Inc. Tax—Part 1—Tax tables for individuals (§§ 206, 301 (b), (c), Rev. Act 1971; § 501, TRA 1976) (Coughlin/Severude).	LR—In LR for prep of notice	2
§§ 11, 21; LR-33-76	Inc. Tax—Part 1—Corporate tax rates & surtax exemptions (Rev. Act, Act 1975, § 4) (TRA 1976, § 901 (a), (e)(2)) (Murphy/Severude).	LR—In LR for prep of notice	2
§ 37; LR-250-76	Inc. Tax—Part 1—Credit for the elderly (TRA 1976, §§ 503, 1901(c)(1)) Francis/Bromell—TLC-Flynn).	LR—2/27/80 Notice pub	2
§ 43; LR-201-78	Inc. Tax—Part 1—Earned income credit (RA 1978, §§ 103, 104, 105(a)) (Coughlin/Severude—TLC-Roche).	Treas.—7/6/79 Notice pub.; 2/29/80 T.D. to Treas. for formal approval.	2

1954 code section and file No.	Subject, draftsman, and reviewer	Office in which pending and status	Priority
	Part I.—*Regulations Under Development in the Legislation and regulations Division*—Continued		
§ 44C; LR-206-78	Inc. Tax—Part 1—Residential energy credit (Energy Tax Act 1978, § 101) (Woo/Bromell—TLC-Schuldinger/Roche).	TLC & T:C— 5/23/79 Notice pub.; 9/12/79 Hrg. held; 11/29/79 Rev. draft of T.D. to TLC & T:C.	1
§§ 46, 47; LR-82-73	Inc. Tax—Part 1—Tax treatment of mass assets for investment credit purposes (Mull/Blumkin—TLC-Cohen).	Treas.—11/15/79 Notice to Treas. for formal approval	2
§§ 46, 47, 48; LR-73-75	Inc. Tax—Part 1—Changes in investment credit (§§ 301, 302, 604, TRA 1975, Pub. L. 94-12) (Mull/Whedee—TLC-Cohen).	LR—1/30/79 Notice pub.; 6/27/79 Hrg. held in LR for prep of T.D	2
§ 46; LR-136-76	Inc. Tax—Part 1—To conform to changes made by sec. 802, TRA, 1976, & sec. 301(a), Energy Tax Act 1978 (Mull/Blumkin—TLC-Roche).	LR—12/11/78 Notice ret'd. to LR for revision	2
§ 46 (f), (i); LR-241-74	Inc. Tax—Part 1—Ratemaking treatment of certain public utility property (Lanning/Rock—TLC-Gallagher).	LR—In LR for prep of notice	2
§ 46(g); LR-248-76	Inc. Tax—Part 1—Investment credit in the case of certain ships (TRA 1976, § 805) (Thompson/Fischer—TLC-Cohen).	LR—In LR for prep of notice	3
§§ 46, 47; LR-4-78	Inc. Tax—Part 1—Investment credit for cooperatives (RA 1978, § 316) (Pub. L. 95-600) (Kissel/Rock—TLC-Shakow).	LR—In LR for prep of notice	2
§ 48; LR-228-78	Inc. Tax—Part 1—Definition of new and used sec. 38 property (Swift/Whedbee).	LR—In LR for prep of notice	2
§ 48; LR-88-79	Inc. Tax—Part 1—Single purpose agricultural structure (RA 1978, § 314) (Swift/Blumkin—TLC-Sims).	T:C—11/6/79 Draft of notice to TLC & T:C; 1/24/80 Comments from TLC.	1
§ 48(l); LR-165-77	Inc. Tax—Part 1—Definition of energy property for the business investment credit (Energy Tax Act 1978, § 301) (Mull/Blumkin—TLC-Schuldinger/Roche.	LR—1/14/80 Notice ret'd. to LR for revision	1
§ 50A, 508; LR-200-78	Inc. Tax—Part 1—Relating to WIN credit (RA 1978, § 322) (Coughlin/Bromell—TLC-Flynn).	LR—Notice pending passage of Technical Corrections Act	2
§ 51; LR-199-78	Inc. Tax—Part 1—Amount of jobs credit (RA 1978, § 321) (Chamas/Woo—TLC-Flynn).	LR—12/28/79 Notice pub	1
§§ 56, 57, 58; LR-151-76	Inc. Tax—Part 1—Minimum tax (TRA 1976, § 301; TR&SA, § 301) (Coplan/Smith—TLC-Goodman).	LR—In LR for prep of notice	2
§ 61; LR-87-78	Inc. Tax—Part 1—Gross income—Taxation of fringe benefits (Parcell/Fischer—TLC-Krupsky).	TLC & T:I—8/13/79 Draft of notice to TLC & T:I	1
§§ 61; LR-194-77	Inc. Tax—Part 1—Nonqualified salary reduction agreements (Mantle/Dickinson—TLC-Sorensen).	LR—2/3/78 Notice pub.; 5/4/78 Hrg. held; 6/11/78 News Release issued soliciting further comments; 11/27/79 Hrg. held.	1
§§ 61, 162, 174, 268, 471; LR-253-76	Inc. Tax—Part 1—Prepublication expenditures of publishers (Clark/Fischer—TLC-Koppelman).	TLC—4/9/79 Draft of notice to TLC & T:C; 4/18/79 comments from T:C.	2
§ 79; LR-48-78	Inc. Tax—Part 1—Group term life insurance—Evidence of insurability (Parcell/———TLC-O'Laughlin).	LR—In LR for prep of notice	1
§ 80; LR-95-77	Inc. Tax—Part 1—Reporting requirements for nonqualified stock options (TRA 1969, § 321) (Lanning/Fischer—TLC-Sorensen).	TLC—9/20/77 Notice pub.; 3/20/78 Hrg. held; 9/24/79 Withdrawal notice to TLC & T:I; 8/15/79 Comments from T:I.	2
86; LR-194-78	Inc. Tax—Part 1—Unemployment compensation (RA 1978, § 112) (Schmalz/Fischer—TLC-Goodman.	LR—12/19/78 Notice pub	1
§§ 103, 61, 162, 169, 165, 171, 249, 1232; LR-70-77.	Inc. Tax—Part 1—To provide for the tax consequences of refunding industrial development bonds to the issuer, bondholder & industrial user (Thompson/Mantle—TLC-Krupsky).	TLC & T:I—12/8/77 Notice pub.; 3/15/78 Hrg. held; 2/6/79 2d Notice pub.; 4/13/79 Draft of T.D. to TLC & T:I.	1
§ 103(b); LR-233-78	Inc. Tax—Part 1—To clarify the definition of an airport (MacMaster/Coulter—TLC-Gallagher).	Commr.—1/5/79 Notice pub.; 5/1/79 Hrg. held; 1/31/80 T.D. to Commr. for formal approval.	1
§ 103(a); LR-8-73	Inc. Tax—Part 1—To revise the definition of "on behalf of" (MacMaster/Rock—TLC-Melton).	TLC—2/2/76 Notice pub.; 4/26/76 Hrg. held; 2/20/80 Rev. draft of T.D. to TLC.	1
§ 103(b); LR-11-76	Inc. Tax—Part 1—To determine rules relating to acquisition of exempt facilities by a regional authority (MacMaster/Coulter—TLC-Koppelman).	TLC—6/28/77 Draft of notice to TLC, T:C, T:I; 10/15/77 Comments from TC, 1/23/78 Comments from T:I.	2
§ 103(b); LR-100-75	Inc. Tax—Part 1—To clarify the definition of property that is a solid waste disposal facility (MacMaster/Coulter—TLC-Roche).	TLC—1/18/79 Draft of notice to TLC & T:C; 3/14/79 comments from T:C.	1
§ 103(b); LR-59-74	Inc. Tax—Part 1—To define the term "Principal user of a facility" (Tollerio/Coulter—TLC-Koppelman).	TLC & T:I—11/30/78 rev. draft of notice to TLC & T:I	1
§ 103(b)(6) (D) & (I); LR-117-79	Inc. Tax—Part 1—Increase in limit on small issues of industrial development bonds (RA 1978, § 331) (Mantle/Rock—TLC-Koppelman).	T:I—12/19/79 Draft of notice to TLC & T:I; 12/21/79 comments from TLC.	1
§ 103(b); LR-9-75	Inc. Tax—Part 1—To clarify the definition of property which is a pollution control facility (MacMaster/Coulter—TLC-Roche).	TLC—8/20/75 Notice pub.; 11/21/75 Hrg. held; 3/9/79 Draft of T.D. to TLC & T:C; 6/19/79 comments from T:C.	1
§ 103(c); LR-101-79	Inc. Tax—Part 1—To make changes to rules relating to arbitrage bonds (Marcinko/Rock).	LR—In LR for prep of notice	2
§§ 104 (a) & (b), 105(d); LR-159-76	Inc. Tax—Part 1—Changes in exclusion for sick pay & certain military etc., disability pensions; Certain disability income (TRA 1976, § 505; TR&SA, § 301) (Parcell/Fischer—TLC-O'Laughlin)..	TLC & T—2/19/79 Notice fwd. for formal approval	2
§ 118(b); LR-136-76	Inc. Tax—Part 1—Contributions in aid of construction for certain utilities (TRA 1976, § 2120; TRA 1978, § 364) (Lavine/Blumkin—TLC-Gallagher)..	LR—5/30/78 Notice pub.; 9/27/78 Hrg. held	1
§ 124; LR-193-78	Inc. Tax—Part 1—Exclusion from gross income of value of qualified transportation provided by employer (Energy Act of 1978, § 242) (Schmalz/Fischer—TLC-Flynn).	Treas.—2/29/80 Notice to Treas. for formal approval	3

1954 code section and file No.	Subject, draftsmen, and reviewer	Office in which pending and status	Priority
	Part I.—*Regulations Under Development in the Legislation and regulations Division*—Continued		
§§ 128, 1258; LR–222–78	Inc. Tax—Part 1—Exclusion from income of certain cost-sharing payments under governmental programs (RA 1978, § 542) (Mix/Fischer—TLC-Krupsky).	LR—11/26/79 Notice ref'd. to LR for revision	1
§§ 162, 62, 262, 3121, 3306, 3401; LR–173–77	Inc. Tax—Part 1—Empl. Tax—Part 31—Deductibility of certain transportation expenses (Cubeta/Severude—TLC-Rocke).	LR—Awaiting further consideration	1
§§ 162, 4945; LR–190–77	Inc. Tax—Part 1—To provide better definitions in the area of political advertising & grass roots lobbying (Francis/Bromell—TLC-Sims).	Commr.—Awaiting consideration	1
§§ 163(d), 703(b); LR–1639	Inc. Tax—Part 1—Limitation on interest deduction (TRA 1969, § 221; RA 1971, § 304; TRA 1976, §§ 209, 901(b)(21)(F)) (Parcell/Rock—TLC-Flynn).	LR—11/28/77 Notice ref'd. to LR for revision	1
§ 166(f); LR–1173	Inc. Tax—Part 1—Deductions for additions to a reserve for certain guaranteed debt obligations (Pub. L. 89–722) (Mix/Fischer—TLC-O'Laughlin).	TLC—11/29/78 Draft of notice to TLC & T:C; 1/25/79 Comments from T:C.	3
§ 167(a); LR–107–78	Inc. Tax—Part 1—Relating to conventions for vintage accounts (Kiesel/Blumkin—TLC-Cohen).	LR—11/15/79 Notice pub.; 3/27/80 Hrg. to be held	2
§ 167(q); LR–188–78	Inc. Tax—Part 1—Depreciation allowance in case of retirement of certain oil & gas boilers (Energy Tax Act 1978, § 301(a)) (Dean/Mantle—TLC-Schuldinger).	TLC & T:C—6/30/79 Rev. draft of notice to TLC & T:C	2
§ 167(l); LR–172–79	Inc. Tax—Part 1—Rulemaking treatment of public utility property (Lanning/Rock).	LR—In LR for prep of notice	1
§ 169(d)(1)(4); LR–193–78	Inc. Tax—Part 1—Amortization of certain pollution control facilities (TRA 1976, § 2112 (b), (c)) (MacMaster/Coulter).	LR—In LR for prep of notice	2
§ 170; LR–272–78	Inc. Tax—Part 1—Charitable contributions of inventory (TRA 1976, §§ 2035, 2054(c)(1), 1052(c)(2), 1307 (c), (d)(1), 1313 (b)(1), (c), 1901 (a)(28), (b)(6), 2134(e)(1)) (Murphy/Severude—TLC-Sims).	Treas.—2/28/80 Notice to Treas. for formal approval	2
§§ 170(f)(3), 2055(e)(2), 2522(c)(2); LR–200–78	Inc. Tax—Part 1—Est. Tax—Part 20—Gift Tax—Part 25—Transfers of partial interests in property for conservation purposes (TRA 1976, § 2124(e); TR&SA, § 309) (Small/Smith—TLC-Sims).	TLC & T—6/17/79 Draft of notice to TLC & T	1
§ 175; LR–1947	Inc. Tax—Part 1—Soil & water conservation expenditures—*Estate of Howard L. Straughn*, 55 T.C. 21 (1971) (Francis/Bromell—TLC-Melton).	LR—2/27/80 Notice pub.	2
§ 179(d)(8); LR–256–78	Inc. Tax—Part 1—Dollar limitation with respect to additional first-year depreciation allowance for small business in case of partnerships (Parcell/Fischer).	TLC—7/13/79 Draft of notice to TLC & T:C; 10/17/79 Comments from TC.	2
§ 183(e); LR–61–74	Inc. Tax—Part 1—Election to postpone application of sec. 183 (c) presumption (§ 311, RA 1971; TRA 1976, § 214) (Clark/Fischer—TLC-Flynn).	LR—9/18/75 Notice approved by Tech—New provisions to be added.	3
§ 199; LR–145–78	Inc. Tax—Part 1—Amortization of real property construction period interest & taxes (TRA 1976, § 201) (Schmalz/Fischer—TLC-Koppelman).	TLC—3/20/79 Draft of notice to TLC & T:I; 4/16/79 Comments from T:I.	1
§§ 191, 1245, 642 (f), (a)(2)(B), 1250, 57; LR–199–78.	Inc. Tax—Part 1—Amortization and depreciation of certain rehabilitation expenditures for, and disallowance of deduction for amounts expended in demolishing, certain historic structures (TRA 1976, § 2124(a)–(d); RA 1978, § 701(f)) (Hartley/Severude—TLC-Schuldinger).	Treas.—6/30/78 Notice pub.; 3/15/79 Hrg. held; 7/9/79 T.D. to Treas. for formal approval.	1
§ 192; LR–62–78	Inc. Tax—Part 1—Contributions to Black Lung Benefit (Black Lung Benefit Trust Rev. Act 1977, § 4(b)) (Stevenson/Woo—TLC-Copeland).	LR—In LR for prep of notice	2
§ 217; LR–230–78	Inc. Tax—Part 1—Moving expenses (Foreign Earned Inc. Act 1978, § 204, Pub. L. (95–617) (Coughlin/Woo—ITC-Dolan).	TLC & T:I—1/23/80 Rev. draft of notice to TLC & T:I	2
§ 263(c); LR–202–78	Inc. Tax—Part 1—Intangible drilling costs (Energy Tax Act 1978, § 402(a)) (Cubeta/Woo—TLC-Schuldinger).	LR—1/30/80 Notice pub.	2
§ 274(h); LR–260–78	Inc. Tax—Part 1—Deductions for attending foreign conventions (TRA 1978, § 602) (Carney/Coulter—TLC-Levinson).	LR—5/10/79 Notice ref'd. to LR for revision	2
§ 277; LR–1721	Inc. Tax—Part 1—Taxation of nonexempt membership organizations (TRA 1976, § 121(b)(3)) (Clark/Fischer).	LR—5/8/72 Notice pub.; 8/8/72 Hrg. held; 11/8/79 Rev. notice ref'd. to LR.	2
§ 280; LR–220–78	Inc. Tax—Part 1—Amortization of production cost of motion pictures, books, records, and other similar property (TRA 1976, § 210 (a), (b)) (Parcell/Fischer—TLC-Krupsky).	TLC—7/1/77 Rev. draft of notice to TLC & T:I; 2/14/78 Comments from T:I.	3
§ 280A; LR–251–78	Inc. Tax—Part 1—Deductions for expenses attributable to business use of homes, rental of vacation homes (TRA 1976, § 601) (Francis/Coulter—TLC-Flynn).	TLC & T:I—2/7/80 Draft of notice to TLC & T:I	1
§ 303; LR–124–78	Inc. Tax—Part 1—Distributions in redemption of stock to pay death taxes (TRA 1976, § 2004(e)) (Kiesel/Blumkin—TLC-Levinson).	TLC—3/3/77 Draft of notice to TLC & T:C; 5/17/77 Approved by T:C.	2
§ 305; LR–91–74	Inc. Tax—Part 1—To clarify meaning of term "reasonable redemption premium" (Kiesel/Blumkin—TLC-Cohen).	LR—5/22/79 Notice ref'd. to LR for revision	2
§ 337; LR–227–78	Inc. Tax—Part 1—60-day extension of 12-month period if there is an involuntary conversion (Pub. L. 96–628) (Axelrod/Blumkin—TLC-Krupsky).	LR—1/30/80 Notice pub.	2

1954 code section and file No.	Subject, draftsmen, and reviewer	Office in which pending and status	Priority
	Part I.—*Regulations Under Development in the Legislation and regulations Division*—Continued		
§ 337; LR–130–76	Inc. Tax—Part 1—Simultaneous liquidation of a parent and subsidiary (TRA 1976, §§ 2116, 1901(a)) (Swift/Whedbee—TLC-Krupsky).	LR—In LR for prep of notice	2
§ 351; LR–754	Inc. Tax—Part 1—Transfer by a cash basis taxpayer of unrealized accounts receivable, etc., to a corp. controlled by the transferee (Yecies/Blumkin—TLC-Cohen).	LR—12/7/77 Draft of notice ref'd. to LR for revision	2
§§ 351, 366; LR–1993	Inc. Tax—Part 1—Basis in stock of a corp. acquiring property in exchange for stock of corp. in control of acquiring corp. (Levine/Blumkin—TLC-Cohen).	LR—4/13/78 Notice ref'd. to LR for revision	1
§ 355; LR–936	Inc. Tax—Part 1—Distribution of stock and securities of a controlled corp. (Yecies/Blumkin—TLC-Cohen).	LR—1/13/77 Notice pub.; 1/21/77 Notice repub. In LR for prep of T.D.	1
§ 367; LR–2–78	Inc. Tax—Part 1—Changes in ruling requirements under sec. 367 (other than subsec. (a)(2) (TRA 1976, § 1042(a))) (Horowitz/Felton—ITC-Dolan).	LR—12/30/77 Notice pub. under LR–230–78; 10/5/79 Temp. Regs. pub. T.D. 7646; 10/5/79 Notice pub.; 2/27/80 Hrg. held.	1
§ 367(a)(2); LR–231–76	Inc. Tax—Part 1—Exception for transfers of property from the U.S. designated by the Secretary (TRA 1976, § 1042(a)) (Dean/Felton—ITC-Hennes).	LR—In LR for prep of notice	1
§§ 368(a)(2)(F), 721, 722, 723, 683; LR–135–78.	Inc. Tax—Part 1—Exchange funds (TRA 1976, § 2131) (Mull/Blumkin—TLC-Rabinowitz/Krupsky).	TLC & T:C—12/10/79 Rev. draft of notice to TLC & T:C	1
§ 368 (a)(2)(E), (b)(2); LR–1994	Inc. Tax—Part 1—Acquisition of a corp. by merger of a corp. controlled by the acquiring corp. (Pub. L. 91–693) (Levine/Blumkin—TLC-Cohen).	TLC & T:C—2/14/80 Notice fwd. for formal approval	1
§ 368; LR–93–79	Inc. Tax—Part 1—Clarification of continuity of business enterprise requirement for corporate reorgs. (Mull/Blumkin—TLC-Cohen).	LR—12/26/78 Notice pub.; 3/18/80 Hrg. to be held	1
§ 385; LR–1661	Inc. Tax—Part 1—Treatment of certain corporate interests as stock or indebtedness (§ 415, TRA 1969) (Levine/Blumkin—TLC-Cohen).	Commr.—2/22/80 Notice to Commr. for formal approval	1
§ 414 (b), (c); LR–209–74	Inc. Tax—Part 1—Definitions and special rules (Pub. L. 93–406, § 1015) (Yecies/Blumkin—TLC-Sorensen).	TLC & EP—11/5/75 Notice pub.; 11/19/79 Rev. draft of T.D. to TLC & EP.	3
§ 414(e); LR–193–74	Inc. Tax—Part 1—Definition of church plans (Pub. L. 93–406, § 1015) (Mix/Fischer—TLC-Melton.	Treas.—4/8/77 Notice pub.; 10/6/77 Hrg. held; 1/29/80 T.D. to Treas. for formal approval.	2
§ 447; LR–143–78	Inc. Tax—Part 1—Method of accounting for corps. engaged in farming (TRA 1976, § 207(c)) (Clark/Fischer—TLC-Melton).	TLC—5/18/78 Draft of notice to TLC & T:C; 6/26/78 Comments from T:C.	1
§ 453; LR–32–75	Inc. Tax—Part 1—Adoption of installment method of reporting by dealers of personal property (Mix/Fischer—TLC-Brown).	LR—In LR for prep of notice	3
§ 453; LR–635	Inc. Tax—Part 1—Election to adopt installment method of reporting income from sale of real property or casual sale of personal property (Mix/Fischer—TLC-Brown).	LR—3/21/78 Notice ref'd. to LR for revision	3
§ 458; LR–195–78	Inc. Tax—Part 1—Exclusion from gross income with respect to magazines, paperbacks, and records returned after close of taxable year (RA 1978, § 372) (Schmalz/Fischer).	LR—In LR for prep of notice	2
§ 461; LR–190–78	Inc. Tax—Part 1—Treatment of prepaid interest (TRA 1976, §§ 208, 1901(a)(69)) (Parcell/Fischer—TLC-Sims).	TLC—10/23/79 Rev. draft of notice to TLC & T:I; 12/20/79 Approved by T:I.	2
§§ 463, 61; LR–6–75	Inc. Tax—Part 1—Accrual of vacation pay (Pub. L. 93–625) (Clark/Fischer—TLC-Brown).	TLC—3/26/78 Rev. draft of notice to TLC & T:C; 4/19/78 Comments from T:C.	1
§§ 464, 278(b); LR–144–78	Inc. Tax—Part 1—Limitation on deductions in case of farming syndicates (TRA 1976, § 207 (a), (b)) (Clark/Fischer—TLC-Melton).	TLC—11/7/78 Rev. draft of notice to TLC & T:I; 11/22/78 Comments from T:I.	1
§ 465; LR–168–76	Inc. Tax—Part 1—Determination of amounts at risk with respect to certain activities (TRA 1976, § 204) (Clark/Fischer—TLC-Levinson).	TLC—6/5/79 Notice pub.; 9/27/79 Hrg. held; 11/7/79 Draft of T.D. to TLC & T:I; 12/28/79 Comments from T:I.	1
§ 471; LR–2158	Inc. Tax—Part 1—Inventories at cost or market, whichever is lower (Schmalz/Fischer—TLC-Brown).	TLC—6/1/77 Final draft of notice to TLC	2
§ 472; LR–84–77	Inc. Tax—Part 1—Conformity requirement incident to use of LIFO inventory method; Use of market value (Lanning/Fischer—TLC-Brown).	TLC & T:C—7/20/79 Notice pub.; 11/16/79 Draft of T.D. to TLC & T:C.	1
§ 482; LR–307–76	Inc. Tax—Part 1—Allocation of income & deductions among T/P's to revise percentage applied in determining rental charge for use of tangible property to reflect amdmt. of regs. to provide for a "safe haven" imputed interest rate of 6–8 percent (Schreiner/Felton—ITC-Langbein).	LR—1/19/79 Notice ref'd. to LR by CC/LS for rev.	2
§§ 482, 483; LR–171–79	Inc. Tax—Part 6—Temp. Regs.—Imputed interest rates (Rood/Fischer—ITC-Langbein).	ITC—9/27/79 Draft of T.D. to ITC & T:C; 11/20/79 Comments from TC.	1
§§ 664, 170A, 25.2522; LR–42–73	Inc. Tax—Part 1—To provide rules for application of charitable remainder trust provisions to certain living trusts (Coughlin/Woo—TLC-Goodman).	TLC & T:I—11/16/79 Draft of notice to TLC & T:I	3
§§ 667, 666(e), 668, 665 (b), (e)–(g), 669, 1302 (a)(2)(B), (b)(2)(B), 6401(b); LR–184–78.	Inc. Tax—Part 1—Proc. & Admin.—Part 301—Accumulation trusts (TRA 1976, §§ 701 (e)–(d), (f), 1014) (Hartley/Smith—TLC-Sorensen).	LR—In LR for prep of notice	2
§§ 679, 679(b), 643(a)(c) (C), (D), (d), 6048, 6677; LR–187–78.	Inc. Tax—Part 1—Proc. & Admin.—Part 301—Foreign trusts having U.S. beneficiaries (TRA 1976, § 1013) (Kuema/Smith—ITC-Langbein).	ITC & T:I—11/7/79 Rev. draft of notice to ITC & T:I	1
§ 704(b); LR–268–76	Inc. Tax—Part 1—Determination of partner's distributive share (TRA 1976, § 213(d)) (Cubeta/Bromell—TLC-Levinson/Koppelman).	TLC & T:I—11/30/78 Draft of notice to TLC & T:I	1

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1954 code section and file No.	Subject, draftsman, and reviewer	Office in which pending and status	Priority
	Part I.—Regulations Under Development in the Legislation and regulations Division—Continued		
§§ 708(c)(2)(B), 704; LR–265–76	Inc. Tax—Part 1—Items allocated to portion of year partner held interest (TRA 1976, § 213(c)) (Francke/Bromell—TLC-Levinson/Koppelman).	TLC—3/27/79 Draft of notice to TLC	1
§ 707(c); LR–2127	Inc. Tax—Part 1—To conform the income tax regs. relating to guaranteed payments to partners to sec. 213(b)(3) of TRA 1976 and to the *Miller & Carey* decisions (Francke/Bromell—TLC-Levinson/Koppelman).	TLC—3/12/76 Draft of notice to TLC & T:t; 4/22/76 Comments from T:t.	1
§ 709; LR–266–76	Inc. Tax—Part 1—Clarification of treatment of partnership syndication fees, etc. (TRA 1976, § 213(b)) (Coughlin/Bromell—TLC-Koppelman).	LR—1/11/80 Notice pub.	2
§§ 856–860, 172 (b), (d), 316(b), 361(c)(2), 443(e)(5), 4961, 6161(b), 6211–6213(a), 6214, 6344(a), 6422, 6603(j), 6512, 6515, 6601(c), 6697, 7422; LR–218–76.	Inc. Tax—Part 1—Real Estate Investment trusts (TRA 1976, §§ 1601–1608, 1901 (a), (b), 1906 (a), (f)) (Pub. L. 93–625, § 9) (Whedbee/Blumkin—TLC-Levinson).	TLC—7/7/76 Notice pub.; 12/28/78 Hrg. held; 5/14/79 Draft of T.D. to TLC & T:FP; 6/25/79 Comments from T; 11/6/79 Chngd. pages to TLC.	2
§ 860; LR–183–76	Inc. Tax—Part 1—Real estate investment trusts & regulated investment companies (RA 1976, § 362) (Whedbee/Blumkin—TLC-Levinson).	Commr.—2/12/80 Notice to Commr. for formal approval	2
§ 861(a)(1)(B); LR–173–75	Inc. Tax—Part 1—To determine source of interest on court judgments, source of commitment fees & acceptance fees, & application of § 861 to interest paid by certain domestic corps.—Amdmt. of § 1.861–4 to determine application of payroll cost method (Rentroe/Felton—ITC-Langbein).	LR—6/2/76 Notice ret'd. to LR for revision	2
§ 861(a)(1)(I)-0; LR–41–75	Inc. Tax—Part 1—Subch. N—As added by sec. 6(a) of Pub. L. 93–625, with respect to source of interest of certain debt obligations (Rantroe/Felton—ITC-Dolan).	LR—In LR for prep of notice	3
§ 861(a)(7); LR–71–77	Inc. Tax—Part 1—Source of income of underwriting income (TRA 1976, § 1036) (Feldman/Felton—ITC-Dolan).	LR—In LR for prep of notice	2
§ 861(a); LR–215–76	Inc. Tax—Part 1—Computation of taxable income from sources within and without the U.S. (Duffy/Saverude—ITC-Langbein).	ITC— 6/26/79 Draft of notice to ITC & T:C; 7/19/79 Comments from T:C.	1 Regulatory analysis required; not prepared as yet.
§ 861–8; LR–86–79	Inc. Tax—Part 1—Allowance & Apportionment of interest expense of foreign corps. (Bouma/Saverude).	LR—2/27/80 Notice pub.	1 Required draft regulatory analysis has been prepared.
§§ 871, 881, 1441, 1442; LR–2043	Inc. Tax—Part 1—Original issue discount (RA 1971, § 313) (Schreiner/Rock—ITC-Langbein).	LR—7/12/76 Notice pub.; 11/18/76 Hrg. held; 4/20/79 T.D. ret'd. to LR with comments.	1
§§ 882, 883, 895, 47.4362; LR–108–75	Inc. Tax—Part 1—Exemption of income of foreign gov'ts., employees of foreign gov'ts employees of foreign gov'ts, & foreign central banks of issue, and exemption from tax on issuance of certificates of indebtedness issued by any foreign government (Duffy/Felton—ITC-Hannes).	Treas.—6/15/79 Notice pub.; 1/23/79 Hrg. held; 11/8/79 T.D. to Treas. for formal approval; 2/22/80 Revised pages to Treas.	1
§§ 901, 903; LR–100–78	Inc. Tax—Part 1—To provide rules setting forth requirements for creditable foreign taxes (Horowitz/Felton—ITC-Hannes).	ITC & T:C— 6/20/79 Notice pub.; 10/11/79 Hrg. held; 11/28/79 Draft of T.D. to ITC & T:C; 1/15/80 Draft of new notice to ITC & T:C.	1
§ 901(f); LR–85–75	Inc. Tax—Part 1—Certain payments for oil or gas not to be considered as taxes (§§ 275(a), 901, 601(b), TRA 1975, Pub. L. 94–12) (Duffy/Blumkin—ITC-Hannes).	Treas.—11/28/79 Notice to Treas. for formal approval	1
§ 902; LR–196–75	Inc. Tax—Part 1—To clarify rules for determining earnings & profits of a foreign corp. & amount of creditable foreign taxes (Schreiner/Felton—ITC-Hannes).	ITC—4/7/78 Draft of notice to ITC & T:C; 4/28/78 Comments from T:C.	1
§ 904(b)(2) & (3); LR–228–76	Inc. Tax—Part 1—Limitation on, and treatment of, capital gains for purposes of foreign tax credit (TRA 1976, §§ 1031, 1034; RA 1978, §§ 403(c)(4), 701(a) (2) & (3)) (Feldman/Rock—ITC-Dolan).	ITC—10/25/79 Draft of notice to ITC & T:C; 12/18/79 Comments from TC.	1
§ 904(e); LR–11–77	Inc. Tax—Part 1—Transitional rules for carrybacks & carryovers of foreign tax credits as a result of repeal of per-country limitation by sec. 1031(a), TRA 1976 (Rentroe/Felton—ITC-Dolan).	LR—In LR for prep of notice	2
§ 904(f); LR–3–77	Inc. Tax—Part 1—Recapture of foreign losses (TRA 1976, § 1032) (Rentroe/Felton—ITC-Hannes).	LR—In LR for prep of notice	1
§ 907; LR–70–76	Inc. Tax—Part 1—Limitation dealing with foreign tax credit for taxes paid in connection with foreign oil & gas income (§ 601, TRA 1975; § 1035, TRA 1976) (Duffy/Blumkin—ITC-Hannes).	Treas.—5/8/79 Notice to Treas. for formal approval	1
§§ 911, 913; LR–3–79	Inc. Tax—Part 1—Treatment of foreign earned income derived by U.S. citizens & residents (Foreign Earned Income Act 1978, §§ 4, 202, 203) Dean/Felton—ITC-Dolan).	LR—5/9/79 Notice pub.; 8/28/79 Hrg. held in LR for prep of T.D.	1
§§ 936, 33, 931, 901 (d), (g), 904 (b), 243(b)(1), 246, 1504(b)(4), 48(a)(2)(B), 116(b)(2), 861(a)(2)(A), 6091(b)(2); LR–247–76.	Inc. Tax—Part 1—Tax treatment of corps. conducting a trade or business in Puerto Rico & possession of the U.S. (TRA 1976, § 1051) (Boutknight/Felton—ITC-Langbein).	LR—In LR for prep of notice	1
§ 936(d)(2); LR–108–77	Inc. Tax—Part 1—Definition of qualified possession source investment income for purposes of Puerto Rican & possession tax credit (TRA 1976, § 1051) (Horowitz/Felton—ITC-Langbein).	LR—1/21/80 Notice ret'd. to LR for revision	2

1954 code section and file No.	Subject, draftsman, and reviewer	Office in which pending and status	Priority
	Part I.—Regulations Under Development in the Legislation and regulations Division—Continued		
§§ 951, 954, 955; LR–66–75	Inc. Tax—Part 1—Current taxation of shipping profits of controlled foreign corps. except to extent such profits are reinvested in shipping operations (§ 602(d), TRA 1975; TRA 1976, § 1024) (Klein/Saverude—ITC-Fogarasi).	ITC—6/9/76 Notice pub.; 6/22/77 Temp. Regs. T.D. 7503 published 5/18/78 Draft of T.D. to ITC & T:C; 7/19/79 Comments from T:C.	2
§§ 951(a), 954 (b)(1), (f), 955; LR–67–75	Inc. Tax—Part 1—Conforming regs. to certain amendments to subpart F (§ 602(a)(3) (B) & (c) (other than (c)(6)), TRA 1975, Pub. L. 94–12) (Klein/Saverude—ITC-Fogarasi).	LR—2/9/76 Notice pub. in LR for prep of T.D	2
§§ 952, 995, 964; LR–234–76	Inc. Tax—Part 1—Denial of certain tax benefits in connection with the payment of certain bribes (TRA 1976, §§ 1065, 1066(b)) (Boutknight/Felton—ITC-Dolan).	ITC—1/18/80 Draft of notice to ITC & T:C; 2/20/80 Comments from T:C.	3
§ 954(c)(3)(C); LR–226–76	Inc. Tax—Part 1—Exclusion from subpart F of certain earnings of Insurance companies (TRA 1976, § 1023) (Duffy/Saverude—ITC-Dolan).	LR—4/23/79 Notice pub.; 10/19/79 in LR for prep. of final draft of T.D.	2
§§ 956(d)(2), 958(b); LR–227–76	Inc. Tax—Part 1—Investment in U.S. property by controlled foreign corporation; clarification of term "pledge or guarantee" (TRA 1976, § 1021) (Feldman/Felton—ITC-Dolan).	LR—4/23/79 Notice pub.; 10/30/79 Hrg. held	1
§ 960(a)(1); LR–237–76	Inc. Tax—Part 1—Third tier foreign tax credit when sec. 951 applies (TRA 1976, § 1037) (Renfroe/Felton—ITC-DeLan).	ITC—7/12/79 Draft of notice to ITC & T:C; 9/25/79 Comments from T:C.	3
§§ 993 (c)(2), (d), 995(c), 751(c), 996(a)(2); LR–245–76.	Inc. Tax—Part 1—Misc. DISC amdmts. (TRA 1976, § 1101 (c), (e), & (g)(1)–(4)) (Bouma/Felton—ITC-Langbein).	LR—In LR for prep of notice	2
§ 993; LR–92–77	Inc. Tax—Part 1—DISC—Definition of trade receivable (Act of 1971, § 501) (Feldman-Felton—ITC-Langbein).	Commr.—10/5/79 Notice to Commr. for formal approval	2
§ 995; LR–246–76	Inc. Tax—Part 1—Amdmts. affecting DISC pertaining to military sales & incremental export gross receipts (TRA 1976, § 1101 (a), (g)(1), & (5)) (Feldman/Felton—ITC-Langbein).	LR—1/14/80 Notice ret'd. to LR for revision	1
§§ 999, 908, 952(a), 995(b)(1); LR–235–76	Inc. Tax—Part 1—Denial of certain tax benefits for cooperation with or participation in international boycotts (TRA 1976, §§ 1061–1064, 1066(a), 1967) (Schreiner/Felton—ITC-Dolan).	LR—In LR for prep of notice	2
§ 1001; LR–52–79	Inc. Tax—Part 1—Discharge of liabilities on the sale or other disposition of property (Parcell/Fisher—TLC-Cohen).	LR—12/26/79 Notice pub	1
§ 1001; LR–165–79	Inc. Tax—Part 1—Taxpayer who owns property subject to certain types of indebtedness realizes income at death (Small/Smith—TLC-Koppelman).	TLC & T—6/25/79 Notice fwd. for formal approval	2
§§ 1014(d), 1023, 1016(a)(23), 691(c)(2) (A), (C), 1246; LR–196–76.	Inc. Tax—Part 1—Carryover basis (TRA 1976, § 2005(a)) (Small/Smith—TLC-Sorensen).	TLC—5/3/78 Draft of notice to TLC & T:t; 6/19/78 Comments from T:t.	2
§ 1033(g)(3); LR–268–76	Inc. Tax—Part 1—Election to treat outdoor advertising displays as real property (TRA 1976, § 2127) (Charnas/Bromell—TLC-Flynn).	LR—12/11/79 Notice pub	2
§§ 1040, 1015(d)(6); LR–214–76	Inc. Tax—Part 1—Various rules relating to carryover basis (TRA 1976, § 2005 (b), (c)) (Kusman/Smith—TLC-Sorensen).	LR—In LR for prep of notice	2
§§ 1056, 1245; LR–222–76	Inc. Tax—Part 1—Basis limitation & recapture of depreciation on player contracts (TRA 1976, §§ 212 (a), (b), 1901(b)(11)(D), 1951(c)(2)(C), 2122(b)(3), 2124(a)(2)) (Schmalz/Fiecher—TLC-Krupsky).	LR—Notice ret'd. to LR for revision	3
§§ 1101, 1102, 1103, 311, 6151, 6158, 6503, 6601; LR–268–76.	Inc. Tax—Part 1—Divestures of assets by bank holding companies (Pub. L. 94–453) (Levine/Blumkin—TLC-Koppelman).	TLC—12/27/78 Draft of notice to TLC & T; 3/27/79 Comments from T.	3
§ 1222; LR–273–76	Inc. Tax—Part 1—Increase in holding period required for capital gain or loss to be long term (TRA 1976, §§ 1402, 1901(a)(136)) (Ausness/Mantle—TLC-Flynn).	Treas.—1/29/80 Notice to Treas. for formal approval	2
§ 1244; LR–186–78	Inc. Tax—Part 1—Liberalization of rule relating to losses on small business stock (Rev. Act of 1978, § 345) (Thompson/Coulter—TLC-Krupsky).	TLC & T:C—9/19/79 Notice pub.; 11/30/79 Draft of T.D. to TLC & T:C.	2
§§ 1248, 751; LR–232–76	Inc. Tax—Part 1—Gain from sale or exchange of stock in foreign corps. (TRA 1976, §§ 1022, 1042 (b), (c)) (Horowitz/Saverude—ITC-Hannes).	ITC—10/1/79 Final draft of notice to ITC & T:C; 10/25/79 Comments from TC.	1
§ 1250; LR–131–76	Inc. Tax—Part 1—Recapture of depreciation on real property (TRA 1976, §§ 202, 1901(b), 1951(e), 2122(b), 2124(a)) (Marcinko/Rock).	LR—In LR for prep of notice	3
§ 1253; LR–1644	Inc. Tax—Part 1—Transfer of franchises; trademarks and trade names (TRA 1969, § 516(c)) (Tollens/Coulter—TLC-Levenson).	TLC—7/15/71 Notice pub.; 4/10/79 Draft of Rev. notice to TLC & T:C; 5/11/79 Comments from T:C.	2
§§ 1254, 751(c); LR–276–76	Inc. Tax—Part 1—Gain from disposition of interest in oil or gas property (TRA 1976, §§ 205, 1901(a)(93)) (Mantle/Saverude—TLC-Schuldinger).	Commr.—2/27/80 Notice to Treas. for formal approval	2
§ 1348; LR–156–76	Inc. Tax—Part 1—Maximum tax on personal service income (TRA 1976, § 302) (Lanning/Dickinson—TLC-O'Laughlin).	LR—5/10/77 Notice ret'd. to LR for revision	2
§ 1371; LR–4–79	Inc. Tax—Part 1—Treatment of obligations which purport to represent debt as a second class of stock (Woo/Saverude—TLC-Cohen).	LR—11/11/76 Rev. draft of notice to TLC & T:t; 12/14/76 Comments from Tt; 11/29/78 Comments from TLC.	2
§§ 1371, 1372; LR–277–76	Inc. Tax—Part 1—Certain rules relating to shareholders of subchapter S corporations (TRA 1976, §§ 902 (a) & (c); 1901(a)(149)) (Murphy/Saverude—TLC-Cohen).	Commr.—1/9/80 Notice to Commr. for formal approval	2

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1954 code section and file No.	Subject, draftsman, and reviewer	Office in which pending and status	Priority
	Part I.—*Regulations Under Development in the Legislation and regulations Division*—Continued		
§§ 1395, 1398; LR–1175	Inc. Tax—Part 1—Relating to tax treatment of per unit retain allocations (Pub. L. 89–809, § 211) (Parcell/Fischer—TLC-Schuldinger).	TLC—4/11/74 Draft of notice to TLC & T:C; 1/26/76 Comments from T:C.	3
§ 1441; LR–185–78	Inc. Tax—Part 1—Personal services income of nonresident individuals (Klein/Felton—ITC-Fogarasi).	LR—In LR for prep of notice	2
§ 1441; LR–2139	Inc. Tax—Part 1—Withholding of income tax on payments to Virgin Islands inhabitants (Boulknight/Felton—ITC-Langbein).	ITC & T:C—1/16/80 Final draft of notice to ITC & T:C	1
§§ 1491, 1057; LR–236–76	Inc. Tax—Part 1—Excise tax on transfers of property to foreign persons to avoid the Federal income tax (TRA 1976, § 1015) (Klein/Felton—ITC-Langbein).	ITC—6/9/77 Rev. draft of notice to ITC & T:C; 7/25/78 Comments from T:C.	1
§ 1502; LR–75–79	Inc. Tax—Part 1—At risk limitations of sec. 465 (Axelrod/Blumkin—TLC-Cohen).	TLC & T:C—12/27/79 Rev. draft of notice to TLC & T:C	1
§ 1502; LR–1086	Inc. Tax—Part 1—Revision of regs. under sec. 1502 re personal holding companies (Whedbee/Blumkin—TLC-Brown/Cohen).	LR—7/5/79 Notice ref'd. to LR for revision	2
§ 1502; LR–140–73	Inc. Tax—Part 1—Misc. & Tech. amdmts to consolideted return regs. (Axelrod/Blumkin—TLC-Brown/Cohen).	LR—3/21/78 Notice ref'd. to LR for revision	2
§ 1502; LR–97–79	Inc. Tax—Part 1—Credit & deductions, etc. for consolidated returns (Axelrod/Blumkin).	LR—In LR for prep of notice	2
§ 1502; LR–45–76	Inc. Tax—Part 1—To provide rules for consolidated application of sec. 613A of the Code re limitations on percentage depletion in the case of oil & gas wells (TRA 1975, § 501) (Axelrod/Blumkin—TLC-Cohen/Brown).	Commr.—12/27/79 Notice to Commr. for formal approval	2
§ 1502; LR–94–74	Inc. Tax—Part 1—to provide consolidated return rules relating to life insurance cos. subject to tax under subch. L (Duffy/Blumkin—Sims/Brown/Cohen).	LR—In LR for prep of notice	1
§ 1502; LR–1386	Inc. Tax—Part 1—Consolidated return regs.—Revision of regs. under sec. 1502 re accumulated earnings tax (Whedbee/Blumkin—TLC-Cohen/Brown)..	TLC—7/9/68 Notice pub.; 9/12/68 Hrg. held; 8/25/71 Notice withdrawn; 5/14/79 Rev. notice pub.; 10/3/79 Hrg. held; 11/30/79 Drafts of new notice & TD to TLC & T:C; 12/14/79 Approved by T:C.	3
§ 1502; LR–113–77	Inc. Tax—Part 1—Consolidated return regs.—Investment adjustments (Axelrod/Blumkin—TLC-Cohen/Brown).	LR—In LR for prep of notice	2
§ 1502; LR–256–79	Inc. Tax—Part 1—Consolidated return/Accumulated earnings tax—Earnings & profits when personel holding co. is a member (Whedbee-Blumkin).	TLC & T:C— 12/26/79 Draft of notice to TLC & T:C	2
§ 1502; LR–29–78	Inc. Tax—Part 1—Reflect amdmts. of consolidated return regs. to reflect Merchant Marine Act of 1970 concerning Merchant Marine & Fisheries Capital Construction Funds (Axelrod/Blumkin—TLC-Cohen).	LR—In LR for prep of notice	2
§ 1504(d); LR–189–77	Inc. Tax—Part 1—Includibility in an affiliated group of subsidiaries formed to comply with foreign laws (Swift/Blumkin—ITC-Langebeen).	LR—1/17/79 Notice ref'd. to LR for revision	1
§§ 2001, 2010, 2012 (a), (e), 2052, 2035, 2502, 2505, 2521, 2011, 2013 (b), (e)(1), 2101, 2102, 2106(a)(3), 2014(b)(2), 2206, 2207, 6018, 2038(a), 2104, 2004, 2504; LR–212–78.	Est. & Gift Taxes—Parts 20 & 25—Unified rate schedule for estate & gift taxes and unified credit in lieu of exemptions (TRA 1976, § 2001) (Grundeman/Smith—TLC-O'Laughlin).	ITC & T:I—11/30/79 Draft of notice to ITC & T:I	2
§ 2031; LR–164–79	Est. Tax—Part 20—Valuation of self-created art in an artist's estate (Coplan/Smith—TLC-Sims).	TLC & T—2/1/80 Draft of notice to TLC & T	1
§§ 2032A, 6166 (d), (e), (f), (h), 6324A (a), (c) 6601(j), 2013(f); LR–203–78.	Est. Tax—Part 20—Various estate tax elections & valuation of certain farm, etc., real property (TRA 1976, §§ 2003 (a), (c), 2004 (a), (b), (d)) (RA 1978, § 702(d)) (Hartley/Smith—TLC-Melton).	LR—7/13/78 Notice pub. [Part I]; 7/19/78 Notice pub. [Part II]; 12/21/78 Notice pub. [Part III]; 4/3/79 Hrg. held; 9/10/79 Notice pub. [Part IV]; 9/10/79 Withdrawal Notice Pub. [1 para. of Part II]; 9/20/79 Draft of T.D. [Parts I, II, & III], ref'd. to LR for prep. of final T.D.; 1/16/80 Hrg. held [Part IV].	1
§ 2036(a); LR–181–78	Est. & Gift Taxes—Parts 20 & 25—Inclusion of stock in estate where decedent retained voting rights (TRA 1976; RA 1978, § 702(b)) (Herman—Smith)TLC-O'Laughlin).	LR—In LR for prep of notice	1
§ 2040; LR–180–78	Est. Tax—Part 20—Fractional interest of spouse (TRA 1976, § 2002 (c), (d)(3)) (Small/Grundeman—TLC-O'Laughlin.	LR—In LR for prep of notice	1
§ 2040(d); LR–18–79	Est. Tax—Part 23—Temp. Regs.—Election to treat certain jointly held property as qualified joint interest (RA 1978, § 702 (k)) (Small/Grundeman—TLC-O'Laughlin).	Treas.—2/29/80 T.D. to Treas. for formal approval	2
§ 2055(e); LR–259–74	Est. Tax—Part 20—Disallowance of charitable deduction—Extension of time within which to amend governing instruments in order to qualify as a charitable remainder annuity trust, unitrust, or pooled income fund (Pub. L. 93–483, § 3) (Grundeman/Rock—TLC-O'Laughlin).	TLC & T—12/19/75 Notice pub.; 3/30/76 Hrg. held; 11/26/79 Draft of T.D. to TLC & T.	2
§§ 2056(c)(1), 2523(a); LR–211–78	Est. & Gift Taxes—Parts 20 & 25—Increase in limitations on marital deductions (TRA 1976, § 2002 (a), (b), (d) (1), (2)) (Herman/Rock—TLC-O'Laughlin).	LR—In LR for prep of notice	3
§ 2057; LR–182–78	Est. Tax—Part 20—Deduction for bequests to certain minor children (TRA 1976, § 2007) (Alexander/Smith—TLC-O'Laughlin).	LR—In LR for prep of notice	1
§§ 2518, 2045, 2041(a)(2), 2055(a), 2056, 2504(b); LR–213–78.	Est. & Gift Taxes—Parts 20 & 25—Disclaimers (TRA 1976, § 2009 (b)) (RA 1978, § 702(m)) (Kuesma/Smith—TLC-Rabinowitz).	TLC & T—2/25/80 Final draft of notice to TLC & T	1

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	Part I.—*Regulations Under Development in the Legislation and regulations Division*—Continued		
§ 2601; LR–2–77	Inc. Tax—Tax on certain generation-skipping transfers—Part 26—Effective date (TRA 1976, § 2006(c)) (Grundeman/Smith—TLC-Gutman).	TLC & T:I—12/22/78 Notice pub.; 4/10/79 Hrg. held; 8/3/79 Draft of T.D. to TLC & T:I.	1
§§ 2601–2603; LR–178–76	Tax on certain generation-skipping transfers—Part 26—Imposition & amount of, and liability for, tax (TRA 1976, § 2006(a)) (Waltuch/Smith—TLC-O'Laughlin).	LR—In LR for prep of notice	3
§§ 2611–2614; LR–205–76	Ext. & Gift—Part 26—Tax on generation-skipping transfers—Definitions and. special rules (TRA 1976, § 2006(a)) (Waltuch/Smith—TLC-O'Laughlin).	LR—8/16/79 Draft of notice ref'd. to LR for rev	1
§ 2621; LR–234–79	Temp. Regs.—Generation-skipping transfers tax return requirement, etc. (TRA 1976, § 2006(a) (Waltuch/Smith).	LR—In LR for prep of T.D.	2
§§ 2622, 2013(g), 691(c), 303(d); LR–202–76	Inc. Tax—Est. Tax—Tax on certain generation-skipping transfers Parts 1, 20 & 26—Misc. provisions relating to generation-skipping transfers (TRA 1976, § 2006 (a), (b)) (Herman/Smith—TLC-O'Laughlin).	TLC & T:I—6/6/78 Draft of notice to TLC & T:I	3
§§ 2621(c)(1), 2611; LR–197–76	Proc & Admin.—Part 404—Temp. Regs.—Generation-skipping transfer tax return requirements, etc. (TRA 1976, § 2006(a)) (Waltuch/Smith—TLC-O'Laughlin).	TLC & T:I—11/1/79 Rev. draft of T.D. to TLC & T:I	2
§§ 3121(b)(20), 1402(c)(2)(F), 3401(a)(17), 6050A; LR279–78.	Empl. Tax—Part 31—Proc. & Admin.—Part 301—Withholding of Federal taxes on certain individuals engaged in fishing (TRA 1976, § 1207(e)) (Asanese/Coulter—TLC-Koppelman).	LR—2/28/80 Notice approved by CC/DED	2
§ 3121(t); LR–35–78	Empl. Tax—Part 31—Soc. sec. tax on employers of individuals who receive income from tips (§ 315, Soc. Sec. Amdmts. of 1977) (Murphy/Bromell—TLC-Goodman).	LR—7/25/79 Notice ref'd. to LR for revision	2
§ 3401(a)(18); LR–212–78	Empl. Tax—Part 31—Remuneration with respect to which a deduction may be allowable for certain expenses of living abroad (Foreign Earned Income Act of 1978, §§ 207(a), 209(b)) (Dean/Severude—TLC-Roche/Dolan).	Treas.—1/14/79 Notice pub.; 1/4/79 Temp. Regs. T.D. 7568 pub.; 2/29/80 T.D. to Treas. for formal approval.	2
§ 3401(a)–1, (b); LR–74–77	Empl. Tax—Part 31—To modify requirements with respect to sick pay (TRA 1976 § 505; (Marcinko/Coulter—TLC-Koppelman).	TLC & T:I–6/26/79 Notice fwd. for formal approval	2
§ 3402; LR–81–78	Empl. Tax—Part 31—Submission of withholding exemption certificates (Mantle/Severude—TLC-Koppelman).	Treas.—10/9/79 Notice pub.; 1/4/80 Hrg. held; 2/27/80 T.D. to Treas. for formal approval.	2
§ 3402(q); LR264–76	Empl. Tax—Part 31—Withholding on certain gambling winnings (TRA 1976, § 1207(d)) (MacMeister/Coulter—TLC/Koppelman).	LR—11/15/79 Notice pub.; 2/26/80 Hrg. held	2
§ 3508 LR–37–78	Empl. Tax—Part 31—Companion sitting placement services (§ 10, Act of Nov. 12, 1977 (Pub. L. 95–171)) (Cubeta/Bromell—TLC-Roche).	Commr.—5/30/79 Notice pub.; 2/20/80 T.D. to Commr. for formal approval.	2
§ 3507 LR–188–78	Empl. Tax—Part 31—Advance payments of earned income credit (RA 1978, § 105(b)) (Murphy/Severude—TLC-Goodman).	TLC & T:I—5/9/79 Notice pub.; 11/13/79 Hrg. held; 11/30/79 Draft of T.D. to TLC & T:I.	2
§§ 4041(b); 4063(a), (b), (e), 4093; 4221(d)(7), (e)(5) & (6); 6416(b)(2)(i); 6421(a), (b), (d)(3); 6424, 6427; LR–173–78.	Exc. Tax—Various amdmts. under the Energy Tax Act of 1978, §§ 222, 231, 232, 233, 404; & Rev. Act of 1978, § 701(ff) (Alexander/Smith).	LR—In LR for prep of notice	2
§§ 4041, 4042, 4054, 4058 LR–2118	Exc. Tax—Applicable to articles sold on or after 7/1/65 (Pub. L. 89–44) (Hartley/Severude—TLC-Copeland).	LR—Notice ret'd. to LR for revision	3
§§ 4061, 4063 LR–2119	Exc. Tax—Applicable to motor vehicles sold on or after 7/1/65 (Pub. L. 89–44) (Small/Severude—TLC-Copeland).	LR—Notice ret'd. to LR for revision	3
§ 4064 LR–205–78	Exc. Tax—Part 46—Gas guzzler tax (Energy Tax Act 1978, § 201) (Murphy/Whoo—TLC-Copeland).	LR—2/8/80 Notice pub.	1
§§ 4071–4073 LR–2114	Exc. Tax—Applicable to tires, etc. sold on or after 7/1/65 (Pub. L. 89–44) (Tollaris/Severude—TLC-Copeland).	LR—Notice ret'd. to LR for revision	3
§§ 4081–4084, 4091–4092, 4101, 4102 LR–2117.	Exc. Tax.—Applicable to gasoline & lubricating oil sold on or after 7/1/65 (Pub. L. 89–44) (Hartley/Severude—TLC-Copeland).	LR—Notice ret'd. to LR for revision	3
§§ 4091–4041, 4073, 4083, 4093, 4221; LR–56–79.	Mfgrs. & Retailers Exc. Tax—Maximum period for certain exemption certificates (Alexander/Smith).	LR—2/27/80 T.D. approved by Treas	2
§§ 4218(a), 4121, 4221(a), 4293, 6416; LR–61–78.	Mfgrs. & Retrs. Exc. Tax—Part 48—Excise tax on coal (Black Lung Benefits Rev. Act of 1978, § 2) (Waltuch/Smith—TLC-Copeland).	LR—8/27/79 Notice pub.; 1/10/80 Hrg. held	2
§ 4221–2; LR–58–79	Mfgrs. & Retrs. Exc. Tax—Part 48—Tax-free sales of articles to be used for, or resold for, further manufacture (Coplan/Smith).	TLC & T—2/13/80 Draft of notice to TLC & T	2
§ 4221–2(c); LR–116–79	Exc. Tax—Part 48—Tax-free sales by manufacturers (Kusma/Smith—TLC-Copeland).	LR—2/20/80 T.D. 7661 approved by Treas	3
§ 4942(e)(2); LR–269–76	Foundation Exc. Tax—Part 53—Blockage and similar factors in valuation of foundation assets (TRA 1976, § 1303) (Dicterison—TLC-Gutman).	Treas.—2/22/80 Notice to Treas. for formal approval	2
§§ 6001–6427, 4161, 4181; LR–2115	Exc. Tax—Part 52—Sporting goods & firearms & admin. provs. of special application to Mfgrs. & Rtlrs. Exc. Tax (Exc. Tax Reduction Act 1965 & other subsequent legislation through Rev. Act 1971) (Kusma/Saverude—TLC-Copeland).	TLC—5/2/75 Rev. draft of notice to TLC & T:I; 7/15/76 Comments from T:I.	3

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1954 code section and file No.	Subject, draftsman, and reviewer	Office in which pending and status	Priority
	Part I.—*Regulations Under Development in the Legislation and regulations Division*—Continued		
§ 6001; LR–133–78	Proc. & Admin.—Part 301—Conditions under which books & records of controlled for. corps. & orgs. will be required to be maintained in the U.S. (Bourna/Felton—ITC-Fogarasi).	LR—In LR for prep of notice	2
§§ 6039A, 6694; LR–196–76	Inc. Tax—Part 1—Proc. & Admin.—Part 301—Information regarding carryover property acquired from a decedent (TRA 1976, § 2005(d)) (Weltuch/Smith—TLC-Sorensen).	LR—In LR for prep of notice	2
§ 6103(j)(1); LR–5–80	Proc. & Admin.—Part 301—To prescribe rules for disclosure of returns & return information (Dickinson).	Tech—1/24/80 Notice fwd. for formal approval	2
§ 6103(p)(7); LR–9–79	Proc. & Admin.—Part 301—Procedures for administrative review of determination that a State or agency thereof has failed to safeguard Federal tax returns or return information (TRA 1976, § 1202(a)(1)) (Tollefis/Coulter—TLC-Krupsky).	TLC & T—10/2/79 Notice pub.; 2/27/80 T.D. fwd. for formal approval.	2
§ 6103 (a), (c), @(1), (k)(6), ( )(2), & (m); LR–140–77.	Proc. & Admin.—Part 301—Disclosure of return information by IRS officers & employees for investigative purposes (TRA 1976, § 1202(a)) (Dickinson—TLC-Krupsky).	Commr.—1/8/80 Notice to Commr. for formal approval	3
§§ 6154, 6655; LR–140–78	Inc. Tax—Part 1—Payment of estimated tax by corporations (Carney/Mantle—TLC-Flynn).	T:C—3/29/79 Final draft of notice to TLC & T:C; 11/15/79 Comments from TLC.	2
§§ 6166, 6166A; LR–210–76	Exc. Tax—Part 20—Proc. & Admin.—Part 301—Deferral and installment payment of estate tax (TRA 1976, § 2004(a); RA 1978, § 512) (Chamas/Bromell—TLC-Flynn).	LR—In LR for prep of notice	2
§ 6206; LR–86–79	Empl. Tax—Part 31—Interest-free adjustment where employer erroneously files Form 941 & pays FICA tax on employee's wages rather than RRTA tax (Tollens/Coulter—TLC-Goodman).	TLC & T:I—10/25/79 Draft of notice to TLC & T:I	2
§ 6302; LR–10–79	Empl. Tax—Part 31—To change the deposit requirement for withheld income & FICA taxes (Tollefis/Coulter—TLC-Koppelman).	LR—2/8/80 Notice pub. 4/16/80 Hrg. to be held	1
§§ 6324A, 2204(c); LR–209–76	Est. Tax—Proc. & Admin.—Parts 20 & 301—Special lien for estate tax deferred under sec. 6166 or 6166A (TRA 1976, § 2004(d)) (Murphy/Bromell—TLC-O'Laughlin).	LR—In LR for prep of notice	2
§ 6324(B); LR–201–76	Est. Tax—Proc. & Admin.—Parts 20 & 301—Special lien for additional estate tax attributable to farm, etc. valuation (TRA 1976, § 2003(b)) (Stevenson/Bromell—TLC-Melton.	TLC—11/30/79 Draft of notice to TLC & T:I; Comments from T:I	2
§§ 6332, 7401; LR–1891	Proc. & Admin.—Part 301—Enforcement of liens & levies upon a taxpayer's property held by a foreign office of a financial institution engaged in business in the U.S. or a possession of the U.S. (Alexander/Smith—ITC-Dolan).	T:I—9/26/79 Rev. draft of notice to ITC & T:I; 1/16/80 comments from ITC.	1
§§ 6420, 6427; LR–181–79	Exc. Tax—Part 46—Payments for gasoline & special fuels used on farms for farming purposes (TRA 1978, § 1906(a)(26); Airport & Airways Rev. Act 1970, § 205(b)(7); Exc. Tax Reduction Act 1965, § 809(a)) (Hartley/Smith—TLC-Copeland).	LR—12/27/79 Notice pub	2
§§ 6601(j), 6161 (a), (b), 6163(b), 6503(d), 7403(a), 2011(c)(2), 2204 (a), (b); LR–196–76.	Est. Tax—Proc. & Admin.—Parts 20 & 301—Misc. Procedural amdmts. relating to estate tax (TRA 1976, § 2004(b), (c), (f); RA 1978, § 702(p)) (Stevenson/Bromell—TLC-Melton).	TLC—11/30/79 Draft of notice to TLC & T:I; Comments from T:I	3
§ 7218 LR–251–79	Proc. & Admin.—Part 301—To provide that penalty shall not apply in the case of certain conflicts of interest (Bouknight/Severude—TLC-Flynn).	LR—2/21/80 Notice pub	2
§ 7502; LR–1406	Proc. & Admin.—Part 301—Amdmt. of regs. relating to the timely mailing of deposits (Pub. L. 90-364, § 106) (Lanning/Fischer—TLC-Levinson).	LR—12/11/79 Notice pub	3
§§ 7517, 2031(c), 2616(c), 6075(b); LR–215–76.	Est. Tax—Gift Tax—Proc. & Admin.—Parts 20, 25, 301—Furnishing on request of statement explaining estate or gift valuation and filing of gift tax returns (TRA 1976, § 2008 (a), (b)) (Weltuch/Smith—TLC-O'Laughlin).	LR—12/19/79 Notice pub	3
§§ 7609, 7610; LR–164–78	Proc. & Admin.—Part 301—Administrative summons (TRA 1976, § 1205) (Clark/Fischer—TLC-Koppelman).	LR—2/21/80 Ref'd. to LR for revision	3
§ 7701–2; LR–232–78	Proc. & Admin.—Part 301—Classification of entities organized under Uniform Limited Partnership Act, Rev. Act 1976 (Francis/Bromell—TLC-Levinson/Koppelman).	TLC—1/18/80 Rev. draft of notice to TLC	2
LR–149–75	Inc. Tax—Part 3—Maritime Capital Construction Fund (Pub. L. 91-469, § 601, Merchant Marine Act, 1936) (Thompson/Severude—TLC-Krupsky).	LR—1/29/76 Notice pub.; 7/7/76 Hrg. held; In LR for prep of T.D	2
LR–295–74	Treatment of taxation of currency, gains and losses (Horowitz/Felton—ITC-Krupsky).	LR—In LR for prep of notice	2
LE–71–76	Exc. Tax—Parts 16 & 17—(1939 Code) Vinson Act—Amdt. of T.D. 4906 & T.D. 4909—Recovery of excessive profits on Government contracts (Hartley/Smith—TLC-Brown).	LR—10/26/79 Notice pub.; 3/12/80 Hrg. to be held	1
LR–12–79	Proc. & Admin.—Part 301—Establishment of Offshore Oil Pollution Compensation Fund (Pub. L. 95-372, § 302 (Sept. 18, 1978)) (Kuama/Smith—TLC-Copeland/Shakow).	TLC & T—7/20/79 Notice pub.; 11/13/79 Draft of T.D. to TLC & T	2

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	Part II.—*Regulations Under Development by the Employee Plans and Exempt Organizations Division*		
§ 46; EE–1–78	Inc. Tax—Part 1—Employee stock ownership plan requirements for Obtaining up to additional ½% investment credit (TRA 1976, § 803(d)) (Horowitz/Margeit—TLC-Melton).	EE—8/17/79 Notice pub. In EE for prep of T.D	2
§§ 46, 401(a); EE–4–78	Inc. Tax—Part 1—Misc. provisions relating to employee stock ownership plans (TRA 1976, § 803 (b)(2), (3), (c) & (d)) (Horowitz/Thrasher—TLC-Melton).	E—1/19/79 Notice pub.; 6/28/79 Hearing held; 9/11/79 Prelim. draft of T.D. to TLC & E; 1/7/80 Comments from TLC.	2
§ 105(h); EE–167–78	Inc. Tax—Part 1—Medical expense reimbursement plans (Pub. L. 95-600, § 366) (Cobb/Wickersham—TLC-Melton & Sorensen).	EE—2/28/80 Notice pub	1
§§ 120, 501(c)(20); EE–5–78	Inc. Tax—Part 1—Prepaid legal expenses (TRA 1976, § 2134) (Johnson/McGovern—TLC-Krupsky).	E—12/17/79 Notice fwd. for formal approval	1
§ 120(c)(4); EE–34–78	Inc. Tax—Part 1—Notification to Secretary that a plan is applying for recognition as a qualified group legal services plan (TRA 1976, § 2134) (Johnson/McGovern—TLC-Krupsky).	E—12/17/79 T.D. fwd. for formal approval	2
§ 125; EE–16–79	Inc. Tax—Part 1—Tax Treatment of Cafeteria Plans (Rev. Act of '78 § 134) (Bekar/Thrasher—TLC-Sorensen).	E—12/7/79 Prelim. draft of notice to TLC & E; 1/2/80 Comments from TLC.	1
§§ 127, 3121(a)(18), 3401(a)(16), 3306(b)(13); EE–178–78.	Inc. Tax—Part 1—Educational Assistance Programs (Rev. Act of '78 § 164) (Kerby/McGovern—TLC-Roche).	EE—In EE for prep. of notice	2
§§ 219, 220, 408, 409, 4973, 4974; EE–7–78	Inc. Tax—Part 1—Retirement Income Plan Excise Taxes—Part 54, Retirement accounts for certain married individuals and Individual Retirement Account Technical Changes (TRA 1976, §§ 1501, 1503, Rev. Act of 1978, §§ 158, 157) (Gibbs/Wickersham—TLC-Melton).	EE—10/15/79 Prelim. draft of notice to TLC & E; 1/28/80 Comments fm TLC & E.	2
§§ 263, 404, etc.; EE–58–78	Inc. Tax—Part 1—Capitalization of pension costs and other indirect costs attributable to self-constructed assets (*Comm. v. Idaho Power Co.*, 418 U.S. 1 (1974)) (Horowitz-Margeit—TLC-Krupsky).	TLC—5/10/79 Prelim. draft of notice to TLC, T:C & E; 5/24/79 Comments rec'd fm T:C & E.	1
§§ 401(a), 501(a); EE–39–78	Inc. Tax—Part 1—Treatment of Puerto Rican retirement plans (Pub. L. 93-406, § 1022(i)) (Sumter/Thrasher—ITC-Langbein).	ITC & E—8/31/78 Rev. prelim. draft of notice to ITC & E	2
§ 401(a)(5); EE–8–78	Inc. Tax—Part 1—Comparability of plans for vesting (ERISA, § 1012 (b)) (Hennessy/Wickersham—TLC-Melton).	TLC & E:A—2/7/80 Rev. prelim. draft of notice to TLC & E:A	3
§ 401(e)(18), (j); EE–26–78	Inc. Tax—Part 1—Defined benefit plans for H.R. 10 & Subch. S corps. (Pub. L. 93-406, § 2001(d)) (Hennessey/Wickersham—TLC-Sorensen).	E—5/26/78 Notice pub.; 10/4/78 Hearing held; 12/17/78 Prelim. draft of T.D. to TLC & E; 2/1/80 Comments fm TLC.	1
§ 401–4(c); EE–11–78	Inc. Tax—Part 1—To conform the "High 25 employee rule" to sec. 4022 of ERISA, "guaranteed benefits" (Hirsh/Wickersham—TLC-Sorensen).	TLC—7/13/78 Prelim. draft of notice to TLC & E; 8/16/79 Comments fm E.	2
§§ 401(k), 402(a)(8); EE–166–78	Inc. Tax—Part 1—Certain cash or deferred arrangements (Rev. Act of 1978, § 135) (Hirsh/Wickersham—TLC-Melton & Sorensen).	TLC & E—10/8/79 Prelim. draft of notice to TLC & E	1
§§ 402(a)(2), 402(e), 403(a)(2)(A)(ii); EE–14–78.	Inc. Tax—Part 1—Treatment of certain lump sum distributions (Pub. L. 93-406, § 2005) (Johnson/Wickersham—TLC-Melton).	TLC & EP—4/30/75 Notice pub.; 8/12/75 Hearing held; 9/17/78 2nd rev. draft of T.D. to TLC & EP.	2
§§ 402(a) (5), (6), (7), 401(a)(20), 403 (a)(4), (a)(5), (b)(1), (b)(8), 404(a)(2), 505(d)(1)(c); EE–15–78.	Inc. Tax—Part 1—Tax-free rollovers of lump sum distributions and plan termination payments. (Pub. L. 94-267; Pub. L. 95-458, § 4; Rev. Act 1978, §§ 158 (a), (b), 157 (f), (g), (h)(1)) (Johnson/Wickersham—TLC-Melton).	TLC & E—2/19/80 2d rev. prelim. draft of notice to TLC & E	2
§ 402(e)(4)(L); EE–16–78	Inc. Tax—Part 1—Lump sum distributions from qualified pension, etc. plans (TRA 1976, § 1512) (Johnson/Wickersham—TLC-Melton).	TLC & EP—5/31/79 Notice pub.; 9/17/79 Prelim. draft of T.D. to TLC & EP.	3
§ 403(b)(7); EE–17–78	Inc. Tax—Part 1—Taxability of beneficiary under annuity purchased by sec. 501(c) organization or public school (Pub. L. 93-406, § 1022(e); TRA 1978, § 1504) (Hartley/Thrasher—TLC-Melton).	TLC—2/10/78 Notice pub; 2/13/79 Prelim. draft of partial rev. notice to TLC & E; 5/16/79 Comments fm E.	2
§§ 404 (a)(1), (3)(A), (6), (7)(g), 413 (b)(7), (c)(6); EE–33–78.	Inc. Tax—Part 1—Deduction limitation (Pub. L. 93-406, §§ 1014, 1013(c) (1), (2), (3), 204(b), 4081(a)); TRA 1975 (Pub. L. 94-12) § 402 amending 1964 Code § 404(a)(6)) (Rogan/Margel—TLC-Sorensen).	EE—5/19/78 Notice pub.; 4/2/79 Prelim. draft of T.D. to TLC & E; 10/23/79 Comments fm TLC & E.	2
§§ 404 (a)(1), (a)(6), (a)(7), (a)(3)(A), and (g); 412(c)(2)(A); 413(b)(7) and (c)(6); EE–141–79.	Inc. Tax—Part 1—Deduction limitations and funding rules for valuing certain agreements (Pub. L. 93-406, §§ 1013, 1014, 4081(b); (Pub. L. 94-12, § 402) (Rogan/Margel).	EE—In EE for prep of notice	2
§ 404 (d), (b); EE–44–79	Inc. Tax—Part 1—Deferred Compensation payments to independent contractors (Rev. Act of 1978, § 133) (Greenblatt/Thrasher—TLC-Sorensen).	EE—In EE for prep of notice	2
§§ 408, 409, 219, 4973, 4974, 62; EE–18–78	Inc. Tax—Part 1—Individual retirement accounts, annuities, & retirement bonds (Pub. L. 93-406, §§ 2002) (Gibbs/Wickersham—TLC-Melton).	EE—2/21/75 Notice pub.; 11/19/75 Supplemental notice pub.; 3/23/79 Partial rev. notice pub.; 7/10/79 2nd prelim. draft of T.D. (not act. part.) to TLC & E; 7/19/79 Hrg. held on partial rev. notice; 8/28/79 Comments fm E; 1/28/80 Comments fm TLC.	2
§§ 408 (j), (k), (l), 219(b)(7), 404(h); EE–166–78.	Inc. Tax—Part 1—Simplified employee pensions (Rev. Act of 1978, § 152) (Gibbs/Wickersham—TLC-Melton).	EE—10/15/79 Prelim. draft of notice to TLC & E; 1/28/80 Comments from TLC & E.	1
§ 408(l); EE–109–79	Inc. Tax—Part 5—Temporary Regs. relating to reporting and disclosure requirements for simplified employee pensions (Rev. Act of 1978, § 152(b)) (Pub. L. 95-600) (Gibbs/Wickersham—TLC-Melton).	E—2/11/80 T.D. fwd. for formal approval	1

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1954 code section and file No.	Subject, draftsman, and reviewer	Office in which pending and status	Priority
Part II.—*Regulations Under Development by the Employee Plans and Exempt Organizations Division*—Continued			
§ 410; EE–20–78	Inc. Tax—Part 1—Coverage & eligibility rules for minimum participation standards (ERISA, § 1011) (Cobb/Wickersham—TLC-Sorensen).	TLC & E—4/20/79 Notice pub.; 9/24/79 Prelim. draft of T.D. to TLC & E.	1
§§ 411, 410; EE–4–79	Inc. Tax—Part 1—Elapsed time rules for minimum vesting and participation requirements. (ERISA, §§ 1012(a), 1011) (Maldonado/Wickersham—TLC-Melton).	EE & DOL—12/28/78 Notice pub. by Dept. of Labor; 12/26/79 T.D. fwd. to E for formal approval; fwd. to DOL per § 108, R.P. #4 of 1978; 1/17/80 T.D. approved by E.	2
§ 411(d)(1); EE–164–78	Inc. Tax—Part 1—Coordination of vesting and non-discrimination requirements for qualified plans (ERISA, § 1012(a)) (Maldonado/Wickersham—TLC-Melton).	Treas.—2/29/80 Notice to Treas. for formal approval	2
§ 412; EE–32–78	Inc. Tax—Part 1—Alternative amortization method of funding (Pub. L. § 1013(d)) (Greenblatt/Marget—TLC-Sorensen).	TLC & E:A—11/23/79 Notice pub.; 1/29/80 Prelim. draft of T.D. to TLC & E:A.	2
§ 412(b)(3); EE–101–78	Inc. Tax—Part 1—Credits to funding standard account (ERISA, § 1013(a)) (Rogan/Marget—TLC-Sorensen).	EE—12/29/78 Notice pub.; 2/21/80 Hearing held	2
§§ 412, 413 (b)(5), (c)(4); EE–99–78	Inc. Tax—Part 1—Funding for qualified plans (ERISA, §§ 1013(a), (1014)) (Rogan/Marget—TLC-Sorensen).	TLC & E—11/16/79 Prelim. draft of notice to TLC & E	2
§ 412(c)(1); EE–100–78	Inc. Tax—Part 1—Determinations to be made under funding method (ERISA, § 1013(a)) (Rogan/Marget—TLC-Sorensen).	TLC & E:A—8/4/77 Notice pub.; 1/28/80 Rev. prelim. draft of T.D. to TLC & E:A.	2
§ 412(c)(2); EE–102–78	Inc. Tax—Part 1—General rules for valuation of assets (ERISA, § 1013(a)) (Rogan/Marget—TLC-Sorensen).	TLC & E—6/25/79 Notice pub.; 1/11/79 Hearing held; 11/30/79 Rev. prelim. draft of T.D. to TLC & E; 2/6/80 Chngd. pages to TLC & E.	2
§ 412(c)(3); EE–150–78	Inc. Tax—Part 1—Reasonable actuarial methods (ERISA, § 1013(a), 3(31)) (Rogan/Marget—TLC-Sorensen).	EE—10/5/79 Notice pub.; 2/21/80 Hearing held	2
§ 412(l); EE–21–78	Inc. Tax—Part 1—Treatment of certain individual & group insurance contract plans under minimum funding standards (Pub. L. 93–406, § 1013(a)) (——/Wickersham—TLC-Sorensen).	E—2/6/75 Notice pub.; 2/27/80 T.D. fwd. for formal approval	2
§ 414(a); EE–22–78	Inc. Tax—Part 1—Definitions and special rules; Service for predecessor (Pub. L. 93–406, § 1015) (Misher/Wickersham—TLC-Melton).	EE—In EE for prep of notice	2
§ 415; EE–24–79	Inc. Tax—Part 1—Limitation on contribution and benefits (Pub. L. 93–406, § 2004) (Misher/Wickersham—TLC-Melton).	EE—1/24/80 Notice pub.	1
§ 457; EE–176–78	Inc. Tax—Part 1—Deferred compensation plans of State and Local Governments (Rev. Act. '78, § 131) (Kamikawa/McGovern—TLC-Melton).	TLC—10/10/79 Rev. prelim. draft of notice to TLC & T:I:I; 12/20/79 Comments fm T:I:I.	1
§§ 501(c)(3), 170(c)(2)(B), 2055(a), 2522(a); EE–53–78.	Inc. Tax—Part 1, Estate Tax—Part 20, Gift Tax—Part 25, Exemption of certain amateur athletic organizations from tax (Tax Reform Act of 1976, § 1313) (Glass/Thrasher—TLC-Sims).	EE—5/10/79 Notice pub. under LR–173–76; 10/9/79 Hearing held in EE for prep of T.D.	3
§ 501(c)(7) & (g); EE–43–78	Inc. Tax—Part 1—Tax treatment of certain social clubs & prohibition of discrimination by certain social clubs (Pub. L. 94–568) (Sumter/Thrasher—TLC-Sims & O'Laughlin).	E—12/5/79 Rev. prelim. draft of notice to E	2
§ 501(c)(9); EE–153–78	Inc. Tax—Part 1—Voluntary employees beneficiary associations (as amended by sec. 121(b)(5)(a); TRA 1969) (Greenblatt/Thrasher—TLC-Sims).	TLC—1/23/80 Notice pub.; 4/1/80 Hearing held; 12/17/79 Prelim. draft of rev. notice to TLC & E; 1/16/80 Comments from E.	1
§ 501(c)(13), (c)(2); EE–171–78	Inc. Tax—Part 1—Exempt cemetery corporations and exempt crematoria—Exempt title holding corporations (Pub. L. 91–618) (Beker/Thrasher—TLC-Sims).	Treas.—7/6/75 Notice pub.; 11/29/78 Rev. notice pub.; 3/29/79 Hearing held; 2/5/80 T.D. to Treasury for approval.	3
§ 501(e); EE–44–78	Inc. Tax—Part 1—Amdmt. of regs. to reflect the grant of tax exempt status to certain Hospital Service Orgs. (Pub. L. 90–364, § 108) (Beker/Thrasher—TLC-Sims).	TLC—6/31/78 Prelim. draft of notice to TLC & EPEO; 10/6/78 Comments Rec'd from EPEO.	3
§ 501(h), 504, 4911, 170(f); EE–154–78	Inc. Tax—Part 1—Lobbying by public charities (TRA 1976, § 1307 (a), (b) (Beker/McGovern—TLC-Sims).	TLC & E—8/28/80 3d prelim. draft of notice to TLC & E	1
§ 509(a)(2); EE–45–78	Inc. Tax—Part 1—Definition of a private foundation (Pub. L. 94–91, § 3) (Sumter/Thrasher—TLC-O'Laughlin).	EE—7/24/79 Notice pub.; 11/19/79 T.D. fwd. for formal approval; 1/17/80 Approved by E.	3
§§ 512, 514, 851, 4940; EE–146–78	Inc. Tax—Part 1—Excise Tax—Part 53, Treatment of income from payments with respect to securities loans (Pub. L. 95–345, § 2) (Kamikawa/McGovern—TLC-Sims).	TLC—10/25/78 Prelim. Draft of notice to TLC & E; 11/20/79 Comments fm E.	3
§ 513(d); EE–155–78	Inc. Tax—Part 1—Activities of trade shows and state fairs (TRA 1976, § 1305) (Horowitz/Thrasher—TLC-Sims).	EE—9/7/79 Notice fwd. for formal approval; 11/20/79 Notice ret'd. to EE for revision.	2
§ 513(e); EE–46–78	Inc. Tax—Part 1—Hospital services not to constitute an unrelated trade or business (TRA 1976, § 1311) (Kerby/McGovern—TLC-Sims).	TLC—3/27/79 Prelim. draft of notice to TLC & EO; 4/9/79 Comments fm EO.	2
§ 513(f), 527(c)(3)(d); EE–160–78	Inc. Tax—Part 1—Proceeds from bingo games (Pub. L. 95–502, § 301) (Kerby/McGovern—TLC-Sims).	E—2/28/80 T.D. fwd. for formal approval	3
§§ 1379, 62—EE–35–78	Inc. Tax—Part 1—Qualified pension, etc. plans of small business corps. (§ 531, TRA 1969) (Stein/McGovern—TLC-Melton).	TLC & E—5/6/72 Notice pub.; 7/24/72 Conference held; 11/9/79 Rev. prelim. draft of T.D. to TLC & E.	1
§§ 2039 (c), (e), 2517; EE–25–78	Est. & Gift—Parts 20 & 25—Exclusion of certain retirement benefits from gross estate (TRA 1976, § 2009(c), Rev. Act 1978, § 142) (Johnson/Wickersham—TLC-Sorensen).	TLC—3/2/79 Notice pub.; 11/28/78 Prelim. draft of T.D. to TLC & T:I; 12/28/79 Comments from T:I.	3

1954 code section and file No.	Subject, draftsman, and reviewer	Office in which pending and status	Priority
Part II.—*Regulations Under Development by the Employee Plans and Exempt Organizations Division*—Continued			
§ 4942(g)(2); EE–158–78	Foundation Excise Tax—Part 53—Private foundation set-asides (TRA 1976 § 1302) (Kerby/McGovern—TLC-O'Laughlin).	EE—11/6/79 ed rev. draft of notice to TLC & E; 12/12/79 Comments from E; 2/28/80 Comments fm TLC.	3
§ 4942(j)(5); EE–2–79	Foundation Excise Tax—Part 53—Certain elderly care facilities (Rev. Act of 1978 § 522) (Kerby/McGovern—TLC-O'Laughlin).	EE—2/8/80 Notice fwd. for formal approval; 2/20/80 Notice approved by E.	3
§ 4943; EE–162–78	Foundation Excise Tax—Part 53, Taxes on excess business holdings of private foundations—Effect of reorganizations and corporate distributions (Hennessey/Wickersham—TLC-Levinson).	TLC—5/22/79 Notice pub.; 8/16/79 Partial rev. notice pub.; 9/6/79 Hrg. held; 12/3/79 Prelim. draft of T.D. to TLC & E; 1/17/80 Comments from E.	2
§§ 4971, 275(a)(6), 413(b)(6), (c)(5); EE–36–78	Inc. Tax—Part 1—Exc. Tax—Part 54—Funding; Collectively bargained plans; excise tax & related conforming amdmts. (Pub. L. 93–406, §§ 1013(b), 1015, 1016(a)(1)) (Rogan/Marget-TLC-Melton & Sorensen).	TLC & E—8/16/79 Prelim. draft of notice to TLC & E	2
§§ 4972, 401(a)(10(A)(ii), 401 (c)(2), (d)(3), (d)(4), 1379(b); EE–37–78.	Inc. Tax—Part 1—Exc. Tax—Part 54—H.R. 10 plans, excess contributions and premature distributions (Pub. L. 93–406, §§ 1022(b), 2001 (b), (e), (f), (h) (1)) (Maldonado/Wickersham—TLC/Sorensen).	TLC & E—3/29/79 Notice pub.; 8/16/79 Prelim. draft of T.D. to TLC & E.	2
§§ 6059, 6692; EE–27–78	Proc. & Admin.—Part 301—Periodic report of actuaries; and failure to file actuarial report (Pub. L. 93–406, § 1033) (Johnson/McGovern—TLC-Sorensen).	TLC—9/19/79 Revised draft of notice to TLC & E; 10/10/79 Comments fm E.	3
§ 6104(a); EE–28–78	Proc. & Admin.—Part 301—Inspection of certain information with respect to pensions, profit-sharing, & stock bonus plans (Pub. L. 93–406, § 1022(g)) (Johnson/McGovern—TLC-Sorensen).	E—8/2/77 Rev. draft of notice to TLC & E; 8/31/77 Comments fm E; 3/31/79 Two issues awaiting resolution with E.	2
§ 6104(b); EE/160–78	Proc & Admin.—Part 301—Procedures used for making returns filed by exempt organizations available for public inspection (Hennessy/Wickersham—TLC-Sims).	TLC—11/5/79 Prelim. Draft of T.D. to TLC & E; 11/26/79 Comments fm E; 11/29/76 Prelim. draft of T.D. to TX:D; 2/8/80 Comments fm TX:D.	3
§ 6211; EE–159–78	Proc. & Admin.—Part 301—Deficiency procedures, etc. relating to excise taxes imposed by Chapters 42 and 43 (Hirsh/Wickersham—TLC-O'Laughlin.	EO & EP—12/28/79 Notice fwd. for formal approval	3
§ 6693, etc.; EE–19–78	Inc. Tax—Part 1—Reporting requirements, penalties & conforming amdmt. re individual retirement accounts (ERISA, §§ 2002 (f), (g) (exc. (g)(5)) (Maldonado/Wickersham—TLC-Melton.	TLC, E & T—8/20/79 Notice pub.; 12/20/79 Prelim. draft of T.D. to TLC, E & T.	3
Part III.—Regulation Projects Under Which Existing Regulations Are to Be Reviewed Pursuant To Paragraph 12 of Treasury Directive 50–04.F			
§§ 3, 4, 144; LR–249–76	Inc. Tax—Part 1—Tax tables for individuals (§§ 206, 301 (b), (c), Rev. Act 1971; § 501, TRA 1976) (Coughlin/Saverude).	LR—In LR for prep of notice	2
§§ 11, 21; LR–33–78	Inc. Tax—Part 1—Corporate tax rates & surtax exemptions (Rev. Act, Act 1975, § 4) (TRA 1976, § 901(a), (e)(2)) (Murphy-Saverude).	LR–In LR for prep of notice	2
§ 37; LR–250–76	Inc. Tax—Part 1—Credit for the elderly (TRA 1976, §§ 503, 1901(c)(1)) (Francis/Bromet—TLC-Flynn).	LR—2/27/80 Notice pub	2
§§ 104 (a) & (b), 105 (d); LR–159–76	Inc. Tax—Part 1—Changes in exclusion for sick pay & certain military etc., disability pensions; Certain disability income (TRA 1976, § 505; TR&SA,§ 301) (Parcell/Fischer—TLC-O'Laughlin).	TLC & T—12/19/79 Notice fwd. for formal approval	2
§ 303; LR–124–76	Inc. Tax—Part 1—Distributions in redemption of stock to pay death taxes (TRA 1976, § 2004(e)) (Kissel/Blumkin—TLC-Levinson).	TLC—3/3/77 Draft of notice to TLC & T:C; 5/17/77 Approved by T:C.	2
§§ 368(a)(2)(F), 721, 722, 723, 883; LR–135–76.	Inc. Tax—Part 1—Exchange funds (TRA 1976, § 2131) (Mull/Blumkin—TLC-Rabinowitz/Krupsky).	TLC & T:C—12/10/79 Rev. draft of notice to TLC & T:C	1
§§ 512(a)(3), 501(c)(7), (9); LR–1744	Inc. Tax—Part 1—Social clubs—Unrelated business income (TRA 1969, § 121(b)(1)) (Mix/Fischer—TLC-Sims).	EO—5/13/71 Notice pub.; 8/31/71 Hrg. held; 11/27/79 T.D. recirculated for formal approval; 1/4/80 Comments from TLC.	2
§§ 584(a)(1), (c)(1) (A) & (B), (c)(2), (e), 6032; LR–133–76.	Inc. Tax—Part 1—Tax treatment of common trust funds (Pub. L.'s 94–414, § 1; 94–455; TRA 1976, §§ 2136(a), 1402(b), 1901(b), 2131(d)) (Schreiner/Coulter—TLC-Sims).	TLC—6/25/79 Notice fwd. for formal approval; 7/30/79 Approved by T:I; Awaiting approval by TLC.	2
§§ 856–860, 172 (b), (d), 316(b), 381(c)(25), 443(b)(5), 4981, 6161(b), 6211–6213(a), 6214, 6344(a), 6422, 6503(i), 6512, 6515, 6601(c), 6697, 7422; LR–218–76.	Inc. Tax—Part 1—Real Estate Investment trusts (TRA 1976, §§ 1601–1608, 1901(a), (b), 1906(a), (f)) (Pub. L. 93–625, § 6) (Whedbee/Blumkin—TLC-Levinson).	TLC—7/7/78 Notice pub.; 12/20/78 Hrg. held; 5/14/79 Draft of T.D. to TLC & T:FP; 6/25/79 Comments from T; 11/6/79 Chngd. pages to TLC.	2
§ 904(b) (2) & (3); LR–228–76	Inc. Tax—Part 1—Limitation on, and treatment of, capital gains for purposes of foreign tax credit (TRA 1976, §§ 1031, 1034; RA 1978, §§ 403(c)(4), 701(u) (2) & (3)) (Feldman/Rock—ITC-Dolan).	ITC—10/25/79 Draft of notice to ITC & T:C; 12/18/79 Comments from TC.	1
§ 904(e); LR–11–77	Inc. Tax—Part 1—Transitional rules for carrybacks & carryovers of foreign tax credits as a result of repeal of per-country limitation by sec. 1031(a), TRA 1976 (Renfroe/Felton—ITC-Dolan).	LR—In LR for prep of notice	2
§ 995; LR–248–76	Inc. Tax—Part 1—Amdmts. affecting DISC pertaining to military sales & incremental export gross receipts (TRA 1976, § 1101 (a), (g)(1) & (5)) (Feldman/Felton—ITC-Langbein).	LR—1/14/80 Notice ret'd. to LR for revision	1

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1954 code section and file No.	Subject, draftsman, and reviewer	Office in which pending and status	Priority
Part III.—Regulation Projects Under Which Existing Regulations Are to Be Reviewed Pursuant To Paragraph 12 of Treasury Directive 50-04.F—Continued			
§ 1250; LR-131-76	Inc. Tax—Part 1—Recapture of depreciation on real property (TRA 1976, §§ 202, 1901(b), 1951(e), 2122(b), 2124(a)) (Marcinko/Rock).	LR—In LR for prep of notice	3
§ 1348; LR-156-76	Inc. Tax—Part 1—Maximum tax on personal service income (TRA 1976, § 302) (Lanning/Dickinson—TLC-O'Laughlin).	LR—5/16/77 Notice ret'd. to LR for revision	2
§§ 1491, 1057; LR-236-76	Inc. Tax—Part 1—Excise tax on transfers of property to foreign persons to avoid the Federal income tax (TRA 1976, § 1015) (Klein/Felton—ITC-Langbein).	ITC—9/9/77 Rev. draft of notice to ITC & T:C; 7/25/78 Comments from T:C.	1
§§ 4041, 4042, 4054, 4058; LR-2118	Exc. Tax—Applicable to articles sold on or after 7/1/67 (Pub. L. 89-44) (Hartley/Severude—TLC-Copeland).	LR—Notice ret'd. to LR for revision	3
§§ 4061, 4063; LR-2119	Exc. Tax—Applicable to motor vehicles sold on or after 7/1/66 (Pub. L. 89-44) (Small/Severude—TLC-Copeland).	LR—Notice ret'd. to LR for revision	3
§§ 4071-4073; LR-2114	Exc. Tax—Applicable to tires, etc. sold on or after 7/1/66 (Pub. L. 89-44) (Tollefs/Severude—TLC-Copeland).	LR—Notice ret'd. to LR for revision	3
§§ 4081-4084, 4091-4092, 4101, 4102; LR-2117.	Exc. Tax—Applicable to gasoline & lubricating oil sold on or after 7/1/65 (Pub. L. 89-44) (Hartley/Severude—TLC-Copeland).	LR—Notice ret'd. to LR for revision	3
§ 7502; LR-1406	Proc. & Admin.—Part 301—Amdmt. of regs. relating to the timely mailing of deposits (Pub. L. 90-364, § 108) (Lanning/Fischer—TLC-Levinson).	LR—12/11/79 Notice pub	3

Part IV.—*Regulations Projects Closed Between Sept. 1, 1979, and Feb. 29, 1980*

1954 code section and file No.	Subject, drafter, and reviewer	Disposition
§§ 84, 276, 501(a), 2501(a), 6012(a); LR-24-75.	Inc. Tax—Part 1—Gift Tax—Part 25—Transfers of appreciated property to political organizations and returns of such organizations (Pub. L. 93-625, § 10 (b)-(g), (13)) (Thompson/Coulter—TLC-Schuldinger).	T.D. published in FR on 2-1-80.
§ 166(f); LR-255-78	Inc. Tax—Part 1—Deduction for guarantees of business bad debts to guarantors not involved in business (TRA 1976, § 805) (Charnes/Severude—TLC-O'Laughlin).	T.D. published in FR on 11-29-79.
§ 170(b); LR-49-79	Inc. Tax—Part 1—Amendment of § 1.170A-9(g)(2)(iv) to provide that 100% distribution requirement of sec. 170(b)(1)(D)(ii) be considered satisfied (Murphy/Severude—TLC-O'Laughlin).	T.D. published in FR on 2-29-80.
§ 263(c); LR-210-79	Inc. Tax—Part 5e—Temporary Regulations—Option to capitalize or deduct intangible drilling and development costs (Energy Tax Act 1978, § 402(a)) (Cubeta/Woo—TLC-Schuldinger).	T.D. published in FR on 1-30-80.
§§ 341 (a), (f), 301, 312(c), 453(d)(4); LR-784.	Inc. Tax—Part 1—Limitation on application of sec. 341 in case of certain sales of stock; certain technical amendments (Pub. L. 88-484, §§ 1, 2) (Axelrod/Blumkin—TLC-Sims).	T.D. published in FR on 11-29-79.
§ 367; LR-2-78	Inc. Tax—Part 1—Changes in ruling requirements under sec. 367 (other than subsection (a)(2)) (TRA 1976, § 1042(a)) (Horowitz/Felton—ITC-Holberton).	T.D. published in FR on 10-5-79.
§ 382; LR-57-79	Inc. Tax—Part 1—Regulations under sec. 368(b) of RA 1978 (Pub. L. 95-600) relating to election of 1976 Act changes to Code sec. 382 (Yecies/Whedbee—TLC-Cohen).	T.D. published in FR on 10-26-79.
§§ 382, 383, 386(c); LR-139-78	Inc. Tax—Part 1—Limitation on certain carryovers (TRA 1976, §§ 806 (e), (f), 1031(b)) (Yecies/Blumkin—TLC-Cohen).	Project closed without regulations on 2-28-80.
§ 413 (a), (b), (b)(2), (b)(3), (b)(6), (c), & (c)(2); EE-30-78.	Inc. Tax—Part 1—Discrimination & employees of labor unions, collectively bargained plans, exclusive benefit, & plans maintained by more than one employer (Pub. L. 93-406, § 1014) (Cobb/Wickersham—TLC-Melton).	T.D. published in FR on 11-6-79.
§ 414(k)(2); EE-23-78	Inc. Tax—Part 1—Rules relating to certain plans (Pub. L. 93-406, § 1015) (Glase/Thrasher).	Project closed without regulations on 2-5-80.
§§ 422, 424; LR-157-76	Inc. Tax—Part 1—Change in treatment of qualified stock options (Alexander/Fischer—TLC-Sorensen).	T.D. published in FR on 2-29-80.
§ 423; LR-1111	Inc. Tax—Part 1—Stock option regulations (Alexander/Fischer—TLC-Sorensen)	T.D. published in FR on 9-26-79.
§ 466(d); LR-216-78	Inc. Tax—Part 5—Temporary Regulations—Exclusion from gross income with respect to qualified discount coupon redeemed after close of taxable year (RA 1978, § 373(a)) (Schmalz/Fischer—TLC-Brown).	T.D. published in FR on 11-5-79.
§ 501(c)(3); EE-42-78	Inc. Tax—Part 1—Exemption from tax of certain charitable, etc., organizations (Sumler/Thrasher—TLC-Sims).	Project closed without regulations on 1-30-80.
§ 501(c)(12); EE-145-78	Inc. Tax—Part 1—Taxation of Mutual or Cooperative Telephone Companies (Pub. L. 86-346, § 1) (Kamikawa/McGovern—TLC-Sims).	T.D. published in FR on 10-16-79.
§§ 501(c)(21), 4951, 4952; EE-170-78	Inc. Tax—Part 1—Excise Tax—Part 53—Black Lung Benefits trusts (§ 4 (a), (c), Black Lung Benefits Revenue Act of 1977) (Baker/Marget—TLC-Copeland).	T.D. published in FR on 9-7-79.
§ 642(i); LR-287-76	Inc. Tax—Part 1—Cemetary perpetual care funds (Pub. L. 94-528) (Coplan/Smith—TLC-Shakow).	T.D. published in FR on 10-26-79.
§§ 852, 857; LR-23-79	Inc. Tax—Part 5—Temporary Regulations—To provide additional rules retreatment of capital gains of regulated investment companies and real estate investment trusts (Schreiner/Mantle—TLC-Brown).	T.D. published in FR on 1-24-80.
§ 856(e)(3); LR-149-79	Inc. Tax—Part 10—Temporary Regulations—Extensions of grace period for foreclosure property by a real estate investment trust (RA 1978, § 363(c)) (Whedbee/Blumkin—TLC-Levenson).	T.D. published in FR on 1-28-80.
§§ 902, 78, 960, 535(b)(1), 545(b)(1); LR-229-76.	Inc. Tax—Part 1—Dividends from less developed country corporations to be grossed up for purposes of foreign tax credit (TRA 1976, § 1033) (Rentrop/Felton—ITC-Dolan).	T.D. published in FR on 10-18-79.
§ 911; LR-238-79	Inc. Tax—Part 5b—Temporary Regulations—Definition of camp. Treatment of foreign earned income derived by U.S. citizens and residents (Foreign Earned Income Act, 1978, § 202) (Dean/Felton).	T.D. published in FR on 12-31-79.

Part IV.—*Regulations Projects Closed Between Sept. 1, 1979, and Feb. 29, 1980*—Continued

1954 code section and file No.	Subject, drafter, and reviewer	Disposition
§ 936(e); LR-139-78	Inc. Tax—Part 1—Time for making an election (TRA 1976, § 1051(b)) (Horowitz/Felton—ITC/Langbein).	T.D. published in FR on 2-8-80.
§ 1212(a)(1); LR-270-76	Inc. Tax—Part 1—Allowance of 8-year capital loss carryover in case of regulated investment companies (TRA 1976, §§ 1403, 1901(b)(3)(O)) (Schreiner/Coulter—TLC-Levinson).	T.D. published in FR on 12-17-79.
§ 1232(a)(3); LR-43-76	Inc. Tax—Part 1—Treatment of original issued discount on certain short-term obligations (Tollefs/Mantle—TLC-Sims/Brown).	T.D. published in FR on 12-26-79.
§ 1234; LR-274-76	Inc. Tax—Part 1—Tax treatment of the grantor of options of stock, securities and commodities (TRA 1976, §§ 1236, 1402(b)(1)(U)) (Marcinko/Coulter—TLC-Rabinovitz).	T.D. published in FR on 10-30-79.
§ 3121(k); LR-59-77	Empl. Tax—Part 31—Waiver of exemption from social security tax by tax exempt organizations (Marcinko/Bromell—TLC-Koppelman.	T.D. published in FR on 10-16-79.
§ 3121(s); LR-36-78	Empl. Tax—Part 31—Employees of members of related groups of corporations (Social Security Amendments of 1977, § 314) (Murphy/Bromell—TLC-Shakow).	T.D. published in FR on 12-19-79.
§ 3402(s); LR-35-76	Empl. Tax—Part 31—Extension of temporary reduction of withholding of income tax at source § 5(a)(1), Pub. L. 94-164; Pub. L. 94-331; § 2(a)(1), Pub. L. 94-396; § 3(a)(1), Pub. L. 94-414; § 401 (d)(1), (e), Pub. L. 94-455) (Thompson/Coulter—TLC-Koppelman).	T.D. published in FR on 12-27-79.
§§ 4041(k), 4061(c); LR-120-78	Exc. Tax—Part 48—Exemption from motor fuels excise tax for certain alcohol fuels (Energy Tax Act of 1978, § 221) (Wallisch/Smith—TLC-Copeland).	T.D. published in FR on 12-5-79.
§ 4064; LR-206—78	Exc. Tax—Part 48—Gas guzzler tax (Energy Tax Act of 1978, § 201) (Murphy/Woo—TLC-Copeland).	T.D. published in FR on 2-8-80.
§ 4941; EE-163-78	Foundation Excise Tax—Part 53—Disposition of private property under transition rules of TRA 1969, Extension of self-dealing transition rules for private foundations (TRA of 1978, §§ 1301, 1309) (Glase/Thrasher—TLC-O'Laughlin).	T.D. published in FR on 2-26-80.
§§ 6013 (g), (h), 6401(b), 678, 6073(a); LR-244-78.	Inc. Tax—Part 1—Income tax treatment of nonresident alien individuals who are married to citizens or residents of the U.S. (TRA 1976, § 1012; RA 1978, § 701(a) (15) & (16)) (Klein/Felton—ITC-Dolan).	T.D. published in FR on 1-31-80.
§ 6051; LR-72-78	Empl. Tax—Part 31—To permit employer to defer furnishing Forms W-2 on former employees until January 31 of the year after the year employment terminated (Cubeta/Dickinson—TLC——Roche).	T.D. published in FR on 11-29-79.
§ 6103(j)(1); LR-213-79	Proc. & Admin.—Part 404—Temporary Regulations—Disclosures of return information to and by the Bureau of the Census (Dickinson).	T.D. published in FR on 2-22-80.
§ 6103(n); LR-206-79	Proc. & Admin.—Part 404—Temporary Regulations—Disclosure of returns and return information by State tax agencies to third parties for State tax administration purposes (Dickinson).	T.D. published in FR on 1-21-80.
§ 6411(d); LR-46-79	Inc. Tax—Part 6—Temporary Regulations—Application for tentative refund of tax under claim of right (RA 1978, § 504) (Mull/Whedbee—TLC-Levinson).	T.D. published in FR on 2-7-80.
§§ 6420, 6427; LR-15-79	Exc. Tax—Part 140—Temporary Regulations—Refunds to be made to aerial applicators in certain cases (Pub. L. 95-458, § 3) (Hartley/Smith—TLC-Copeland).	T.D. published in FR on 12-27-79.
§ 7216; LR-121-74	Proc. & Admin.—Part 301—To provide that the penalty under sec. 7216(a) shall not apply in the case of certain conflicts of interest (Boutknight/Severude—TLC-Flynn).	T.D. published in FR on 2-21-80.
§ 7428; EE-86-79	Proc. & Admin.—Part 301—Declaratory judgments relating to status and classification of organizations (TRA 1976, § 1306(a)) (Kamikawa/McGovern—TLC-Koppelman).	Project closed without regulations on 1-28-80.
§ 7701; LR-205-79	Proc. & Admin.—Part 301—To exclude from the definition of income tax return preparers, volunteers under the Tax Counseling for the Elderly & VITA programs & organizations sponsoring or administering these programs (Yecies/Severude).	T.D. published in FR on 2-21-80.
EE-128-79	Deletion from 26 CFR of sections reproducing statutory material Connor/Marget—TLC-O'Laughlin).	T.D. published in FR on 1-25-80.
LR-200-79	Statement of Procedural Rules—Title 26—Part 601—Counseling for the elderly (RA 1978, § 163) (Severude).	SPR published in FR on 12-13-79.

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Table of Abbreviations

Abbreviation and Meaning

ACTS or TX—Office of Assistant Commissioner (Taxpayer Service and Returns Processing)
adj.—adjustment
admin.—administration
amdmt.—amendment
appvd.—approved
C or Comm'r. or Comm.—Office of Commissioner
CC—Office of Chief Counsel
CC:I—Office of Chief Counsel Interpretive Division
co.—company
corp.—corporation
E or EPEO—Office of Assistant Commissioner (Employee Plans and Exempt Organizations)
EE—Office of Chief Counsel, Employee Plans and Exempt Organizations Division
EO—Exempt Organizations Division
EP—Employee Plans Division
ERISA—Employee Retirement Income Security Act
est.—estate
exc.—excise
F.R.—Federal Register
fwd.—forwarded
govt.—government
hrg.—hearing
inc.—income
ITC—Office of International Tax Counsel (Treasury)
LR—Office of Chief Counsel, Legislation and Regulations Division
mfgr.—manufacturer
misc.—miscellaneous
org.—organization
perm.—permanent
P.L. or Pub. L.—Public Law
P & R—Office of Assistant Commissioner (Planning and Research)
prelim.—preliminary
prep.—preparation
proc.—procedure
prop.—proposed
prov.—provision
pub.—published
RA—Revenue Act
rec'd—received
reg.—regulation
repub.—republished
ret'd—returned
rtlr—retailer
rev.—revenue, revised, or review (depending on context)
sec. or §—section
soc. sec.—social security
subch.—subchapter
T or Tech.—Office of Assistant Commissioner (Technical)
T:C—Corporation Tax Division
T.D.—Treasury decision
temp.—temporary
T:I—Individual Tax Division
T:FP—Tax Forms and Publications Division
TLC—Office of Tax Legislative Counsel (Treasury)
T/P—Taxpayer
TRA—Tax Reform Act
Treas.—Department of the Treasury
TR & SA—Tax Reduction & Simplification Act

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[FR Doc. 80-9789 Filed 3-28-80; 8:45 am]
BILLING CODE 4830-01-M

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federal register

Monday
March 31, 1980

Part III

Department of Transportation

Federal Railroad Administration

Railroad Locomotive Safety Standards and Locomotive Inspection

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 229 and 230

[Docket No. LI-6, Notice No. 3]

Railroad Locomotive Safety Standards and Locomotive Inspection

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This document revises Part 230 (49 CFR Part 230) and establishes a new Part 229 (49 CFR Part 229). The parts contain FRA's rules applicable to railroad locomotive inspection. The revised rules update, consolidate, and clarify the old rule and eliminate certain rules no longer considered necessary for safety. This action is taken by FRA to improve its safety regulatory program.

EFFECTIVE DATE: These rules will become effective on May 1, 1980.

FOR FURTHER INFORMATION CONTACT: Principal Authors. Principal Program Person: Arthur T. Ireland, Office of Standards and Procedures, Federal Railroad Administration, Washington, D.C. 20590. Telephone 202–426–9186. Principal Attorney: Michael E. Chase, Office of the Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590. Telephone 202–426–8836.

SUPPLEMENTAL INFORMATION:

Background

Regulatory reform.—On March 23, 1978, the President issued Executive Order 12044. In that Order, he directed all Executive Agencies to adopt procedures to improve existing and future regulations. As a matter of policy, the Order requires that regulations be as simple and clear as possible, achieve legislative goals effectively and efficiently, and not impose unnecessary burdens. To achieve this policy objective, the Order requires Agencies to address the following considerations, among others, when developing regulations: (1) The need for and purpose of the regulation must be clearly established; (2) An opportunity must be provided for early participation and comment by other Federal Agencies, State and local governments, businesses, organizations, and individual members of the public; (3) Meaningful alternatives must be considered and analyzed before the regulation is issued; and (4) Compliance costs, paperwork, and other burdens on the public must be minimized.

In response to the policies set forth in Executive Order 12044, FRA initiated a General Safety Inquiry for the purpose of evaluating and improving its safety regulatory program. This inquiry was announced in the May 8, 1978, issue of the **Federal Register** (43 FR 19696). That notice also announced that FRA would conduct a series of two-day public hearings. The notice stated that the purpose of the hearings would be to obtain information from the public that would help FRA to determine whether many of its existing regulations should be expanded in scope, revised, or revoked.

FRA has conducted all of the hearings announced in the notice. These hearings dealt with the following subjects: (1) locomotives (June 14 and 15, 1978); (2) freight cars and safety appliances (July 12 and 13, 1978); (3) power brakes (September 13 and 14, 1978); (4) track and related structures, appliances, and devices (November 15 and 16, 1978); and (5) signal and communications systems (February 21 and 22, 1979).

After reviewing the testimony presented at those hearings, and the written comments submitted in response to the hearing notice, FRA has begun the process of issuing proposed rules for the purpose of improving many of its existing rules and eliminating others no longer considered necessary for safety. To date, three notices of proposed rulemaking (NPRM) have been issued. These are as follows: (1) Freight Car Safety Standards (44 FR 1419; January 5, 1979); (2) Locomotive Inspection (44 FR 29604; May 21, 1979); and (3) Track Safety Standards (44 FR 52104; September 6, 1979). The Freight Car Safety Standards were revised and the final rule published on December 31, 1979 (44 FR 77328).

As announced in the NPRM, the FRA held a two-day public hearing on the proposed revision to the locomotive inspection regulations. The hearing, originally scheduled to begin on July 10, 1979, was postponed until September 12, 1979, at the request of the Association of American Railroads (44 FR 38609; July 2, 1979). At that hearing, testimony was presented by eight railroads, one state regional transportation agency, the Association of American Railroads (AAR), the Railway Labor Executives Association (RLEA), and one manufacturer of railroad locomotives. In addition, written comments were submitted by a number of railroads, including some which did not testify at the hearing, rail labor groups, state transportation agencies, a Federal agency, locomotive manufacturers, and private persons. All of the testimony and comments have been reviewed and fully considered during the formulation of the final rules set forth in this document.

Most commenters expressed strong support in general for the proposed rules. However, many recommended that revisions be made to one or more of the changes proposed by FRA. Most of the suggestions were minor or technical in nature, although certain proposed changes sparked sharp disagreement from one or more commenters. These latter changes included the extention from a 30-day inspection to a 92-day inspection, the consecutively numbered periodic inspection system, the movement of locomotives for repair, and the requirements for wheel slip/slide protection. Only one commenter, RLEA, concluded that on balance the benefits of the proposed revision were outweighed by what it believed to be the possible adverse effects. However, many of RLEA's comments were focused on entirely new safety requirements that it believed should have been included the proposed rules rather than on the changes actually included the proposed rules.

The following is a summary of many of the comments received and an explanation of the revisions made by FRA in response to those comments. The comments and related revisions have been organized in a section by section format. Minor editorial or language changes have been made to a few sections without a specific explanation.

Section by Section Analysis

PART 230—STEAM LOCOMOTIVE INSPECTION

§ 230.0 Steam power locomotives.

No specific comments were received and no change has been made. Hence, Subpart A and Subpart B of 49 CFR Part 230 will be removed from the Code of Federal Regulations (CFR). The regulations remain in effect even though their complete text will no longer be reprinted in future additions of the CFR.

PART 229—RAILROAD LOCOMOTIVE SAFETY STANDARDS

Subpart A—General

§ 229.3 Scope.

No comments were received and no change has been made.

§ 229.3 Applicability.

The AAR suggested that the part not apply to locomotives operated occasionally in the United States that are owned by railroads in Canada and that comply with Candian Transport

Commission regulations. The part, however, applies to carriers rather than to locomotives. Accordingly, each carrier is responsible for all locomotives on its line regardless of origin or ownership. Even if there were authority under the Locomotive Inspection Act to exempt as a group all Canadian locomotives, which is doubtful, the FRA does not believe that a blanket exemption is needed or warranted. Hence, no change has been made.

§ 229.5 Definitions.

One commenter, RLEA, opposed the change in the meaning of the term "locomotive". Under the NPRM, the term "locomotive" would always be singular. Where more than one piece of equipment is involved, the plural "locomotives" would be used or a phrase that indicates the plural, e.g., "locomotive consist". RLEA preferred the term "unit" to refer to a single locomotive and the term "locomotive" to refer to a locomotive consist. FRA has chosen to adopt the definition of a locomotive as a single piece of equipment. The use of "locomotive" to refer to the consist is inherently ambiguous since a consist may be comprised of only one locomtive. Clarity of the regulations warrants the change in terminology.

The RLEA also opposed the change in terminology from "enginemen" to "engine crew" found throughout the proposed rule. The term "enginemen" has been used in various collective bargaining agreements and the RLEA is worried about possible confusion. FRA is not convinced that the change to a sex neutral term will be disruptive. It is the policy of the President and of DOT to eliminate gender related terms. Thus, the final rule uses the term "engine crew".

The AAR and several railroads suggested that the definition of a locomotive specifically exclude specialized work equipment that have propelling motors, such as pile drivers and cranes. There is not any such exclusion either in the NPRM or the current regulations. FRA recognizes that specialized work equipment does not properly fit under the same regulatory scheme as equipment used to haul a train or to carry passengers and equipment, even though that equipment is technically encompassed within the scope of the Locomotive Inspection Act. Hence, FRA has revised the definition of "locomotive" to exclude specialized work equipment from the requirements of the part. FRA will continue to implement the basic statutory safety requirements with respect to such work equipment by using the Special Notice for Repair when appropriate.

The AAR and several railroads also suggested the addition of two new definitions. It was suggested that the word "crack" be defined in the same manner as it had been in the Freight Car Safety Standards. FRA agrees with this comment. The final rule includes definitions for both "crack" and "break". These definitions are the same as in the Freight Car Safety Standards. It was also suggested by AAR that "high voltage" be defined as an electrical potential of more than 220 volts. FRA agrees that this term should be defined for the sake of clarity. The final rule incorporates the value of 150 volts taken from the previous regulations in §§ 230.244, 230.246, 230.439, 230.440, and 230.441. FRA believes that the incidence of electrical fires and electrically related injuries warrants retaining the 150 volt level.

FRA has added several new definitions not already discussed to the final rule. First, the FRA has defined "dead locomotive" and "lite locomotive". These two terms are used in connection with § 229.9 of the final rule, "movement of non-complying locomotives." Second, the definition of "powered axle" is included in § 229.5 of the final rule rather than in § 229.115 as proposed in the NPRM. Third, "serious injury" is defined so that the accident reporting requirements of § 229.17 can be uniformly implemented.

§ 229.7 Prohibited acts.

This section is the same as in the NPRM. Only one commenter, RLEA, addressed this section. RLEA believed that the provision imposes strict liability. The provision is essentially a restatement of Section 2 of the Locomotive Inspection Act (Act). For purposes of civil penalty liability, any use of a locomotive that is not in proper condition and safe to operate or that has not been inspected or tested as required is a violation. The RLEA also stated that the minimum penalty for any violation should be higher than $250. The penalty range provided in the final rule is a restatement of the statutory penalty range. The penalty imposed by FRA is subject to the discretion of the Administrator, though it may not be less than $250 nor more than $2500. The final rule includes an appendix that sets forth a penalty schedule for various violations of the part.

§ 229.9 Movement of non-complying locomotives.

This section, entitled "movement for repair" in the NPRM, was strongly attacked by AAR and virtually every railroad commenter. Two major concerns were expressed concerning the requirement in proposed paragraph (b) that a non-complying locomotive may move only to the nearest point or the nearest forward point where repairs can be made.

First, they argued that this movement limitation when read in conjunction with § 229.101 "engines" and § 229.115 "slip/slide alarms" as proposed in the NPRM would be extremely costly, disruptive of rail operations, and a possible safety hazard. These conclusions were reached because the NPRM would have made the absence on a locomotive in road service of wheel slip/slide protection for any reason a non-complying condition. Thus, any of a host of possible enroute problems (traction motor problems, transition problems, internal combustion engine problems, grounds, shorts, and may other problems) could render a locomotive in non-compliance because the problem results in the loss of wheel slip/slide protection. The railroad commenters said that the necessity to stop trains in order to remove locomotives from the consist solely because of the absence of enroute wheel slip/slide protection is overly restrictive.

FRA agrees that §§ 229.9, 229.101, and 229.115 as proposed would have created substantial compliance problems. As a result, FRA has modified the requirements in §§ 229.101 and 229.115 relating to wheel slip/slide requirements.

Second, rail industry commenters argued that the requirement that a non-complying locomotive may be moved only to the nearest repair point or to the nearest forward repair point is unduly restrictive even for problems that do not arise enroute. They argued that balancing the workload, especially heavy repairs, among different repair points is critical. This balancing may require a locomotive to move from a point or past a point where repairs could be made. A rule which eliminated the ability to balance the workload would increase costs and reduce locomotive availability. These commenters were sharply critical of the FRA for proposing a rule limiting the movement of locomotive for repair without accident data that indicates a specific safety problem.

FRA agrees that the NPRM proposed a stricter rule in one respect than the prior policy. Under the previous "jumpers down" policy a non-complying locomotive with its jumpers down was not restricted in its movement to the nearest repair point or nearest forward repair point. The impact of the proposed change on repair workloads was not adequately assessed by FRA and the

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safety implications of moving non-complying locomotives do not warrant a rule as restrictive as proposed. The final rule allows a railroad to move a non-complying locomotive as a lite or as dead locomotive to a more distant repair point of its choice.

The final rule is, however, quite similar to the NPRM in several respects. First, it provides that a locomotive with a non-complying condition may be moved only after inspection and tagging. The tag shall specify the maximum speed and other restrictions necessary for safety conducting the movement.

In general, the tagging requirement follows the language of the recently revised Freight Car Safety Standards. Thus, the final rule provides that the engineer in charge of the movement of the non-complying locomotive shall be notified in writing of the presence of the locomotive and the maximum speed and other restrictions affecting its movement. The final rule also provides that a qualified person shall make the determinations regarding the safety of the movement. RLEA had objected to the absence of such a provision in the NPRM on the basis that only a qualified person can assure that the movement is safe. FRA agrees.

Second, paragraph (e) of the final rule is the same as paragraph (c) of the NPRM. A locomotive remains a locomotive even if its propelling motor is inoperative and the control jumper cables are not connected. Thus, "jumpers down" policy is ended. However, several commenters endorsed the "jumpers down" policy over the NPRM's proposed requirement because the policy provided a mechanism for dealing with numerous unusual situations. EMD questioned how a locomotive designed for service abroad could be moved to a port for shipment when the locomotive is not designed for compliance with FRA requirements. One railroad commenter expressed a similar concern about locomotives being moved for rebuilding or scrapping.

FRA agrees that the rule as proposed created serious problems as typified by the above examples. Since repair is not intended for locomotives being moved for scrapping or for export, the NPRM's limitation on the movement of non-complying locomotives to certain repair points is not acceptable. However, under the final rule a non-complying locomotive may be moved to any point so long as it is properly inspected and tagged. In short, the tag has replaced the "jumpers down" as the lawful method for moving non-complying locomotives.

FRA has adopted an inspection and tagging provision for a number of reasons. First, it provides a mechanism to insure that non-complying locomotives receive an inspection before thay are moved. Second, the requirement for appropriate speed and safety restrictions insures that movement can be made in a safe manner. Third, it eliminates an artificial scheme whereby mere removal of the control jumper cables results in the pretense that a locomotive has turned into something else. Fourth, it provides an opportunity to put into a consist or leave in the consist a locomotive with a non-complying condition that can be safely moved in that manner. This will permit continued wheel slip/slide protection in some instances that would otherwise not be provided. It will also eliminate the necessity of rearranging the consist to accommodate the "jumpers down" policy. FRA notes that the AAR did not oppose a requirement that a non-complying locomotive be inspected before movement and display a tag containing the information required by paragraph (a).

One advantage inherent to the NPRM's movement provision, discussed in the preamble of the NPRM, is that it would have eliminated the power penalty resulting from the jumpers down policy. The elimination of the power penalty could be done in a manner consistent with the language of the Act only by limiting the movement of the non-complying locomotive to the nearest point or the nearest forward point where repairs could be made. Several commenters suggested that the increased power utilization from the proposed change was of little consequence and that the flexibility to move a non-complying locomotive to a destination of the railroad's choice more than outweighed the power penalty. Thus, paragraph (a) of the final rule perserves the power penalty approach by providing that a non-complying locomotive may only be moved as a lite locomotive or a dead locomotive.

There are two important exceptions to the requirements in paragraph (a). The first exception is for locomotives that develop enroute defects. Paragraph (b) provides that a locomotive that is properly inspected and tagged in accordance with paragraph (a) may continue to use its propelling motors until the next calendar day inspection or until the nearest forward repair point, whichever event occurs first. This limited exception is necessary to permit trains to avoid immediately stopping enroute to comply with the requirements of paragraph (a). Stopping a train on a main line can present safety problems. Moreover, the possibility of stopping numerous trains at remote locations because of the power penalty could also cause serious operational problems and delays.

The second exception deals with movements within a yard. Paragraph (c) provides that if certain conditions are met, a non-complying locomotive may be moved within a yard without meeting the requirements of paragraph (a). These conditions are that the locomotive may only be moved dead or lite, solely for the purpose of repair, and at a speed that does not exceed 10 miles per hour. This exception is warranted to facilitate the safe movement of locomotives within yards to a repair shop. The burden of tagging is not justified where the movement is so limited and appropriate safety restrictions are mandated.

The final rule also includes two additional restrictions. First, paragraph (d) provides that a dead locomotive may not continue in use as a controlling or lead locomotive following a calendar day inspection. This has been added to insure that crew members are not permitted or required to occupy the cab of a non-complying locomotive over an extended period of time. Of course, any use of a non-complying locomotive as a lead or controlling locomotive prior to a calendar day inspection may be made only if it is safe to do so. Second, the final rule clarifies that the use of a non-complying locomotive in accordance with § 229.9 is still subject to a Special Notice for Repair. Under § 229.9, the carrier is responsible to determine the safety of a movement. However, if an FRA inspector determines that the speed and other safety restrictions are inadequate in a given instance, the inspector may issue a Special Notice mandating appropriate safety restrictions. In that event, any use of the non-complying locomotive shall be made in accordance with the restrictions contained in the Special Notice.

Finally, it should be noted that nothing in § 229.9 requires that jumper cables be up or down. This is the carrier's decision. Similarly, nothing in § 229.9 requires that a locomotive in compliance with the part display a tag. Thus, a complying locomotive may be moved dead in train or dead in consist without a tag. What § 229.9 does is quite simple. It provides that every use of a locomotive is subject to the part. Since the locomotive is subject to the part, it must be in compliance with the requirements. The tag is a means of enabling a locomotive to safely remain in use until the conditions indicated on the tag are repaired or otherwise corrected.

§ 229.11 Locomotive identification.

No comments were received. No change has been made.

§ 229.13 Control of locomotives.

RLEA commented that remote locomotives should be under control by the engineer. FRA agrees that the language "coupled in multiple control" is ambiguous with respect to remote locomotives, although FRA believes that remote locomotives are covered by that language. The final rule specifically provides that remote locomotives shall be under control from the cab of the controlling locomotive.

Two railroad commenters, Burlington Northern (BN) and Southern Pacific Transportation Company (SP), expressed concern about the application of the control requirement to auxiliary brake systems. In particular, they were concerned that the rule would require the dynamic brake to be in use on each axle of every locomotive in the consist if an auxiliary brake system were employed. If this were the case, it could result in a conflict with carrier rules that limit the number of axles that may have a dynamic brake in use. FRA agrees that the carrier should be able to set the maximum number of axles that have a dynamic brake in use. The proposed rule was not intended to preclude this. However, to clarify this point the final rule provides that only the portion of the auxiliary brake system actually in use must respond to control from the cab of the controlling locomotive.

§ 229.14 Non-MU control cab locomotives.

This provision is new. At the hearing, the Chicago and North Western Transportation Company (CNW) opposed including non-MU control cab locomotives under the full requirements of the part. CNW noted that except for certain components necessary for control purposes, these control cab locomotives are essentially passenger coaches. It was argued that only the control stand and other equipment related to controlling the train should be subject to the part, as is the practice under the current rule. FRA agrees. Section 229.14 provides that only those components added to the passenger car to enable it to serve as a lead locomotive, to control the locomotive actually providing power, and to otherwise control the train are subject to the part.

§ 229.15 Final report.

The final rule reflects a clarifying change in terminology. The word "use" has been substituted for "service". This change in terminology has also been made elsewhere in the final rule where the word "service" was used to mean any and every type of service. Types of service are component parts of the "use" of a locomotive. Thus, the final report is to be filed when the locomotive is retired from "use".

§ 229.17 Accident reports.

The final rule reflects two changes from the proposed rule. First, the requirement to preserve the parts affected by an accident in every instance until after inspection by the FRA is made clear. The additional language in the proposed rule regarding the inability of the locomotive to move under its own power and interference to traffic is confusing and unnecessary. It has been deleted. Second, a sentence has been added to clarify that the statutorily mandated reporting requirements detailed in § 229.17 are in addition to the reporting requirements of 49 CFR Part 225.

§ 229.19 Prior waivers.

This is a new section. Numerous waivers of various types have been granted by the FRA and the ICC over many decades. This section is designed to clarify the consequences of the revision of the locomotive inspection regulations on these prior waivers. It provides that all waivers of every form and type from any requirement of any order or regulation implementing the Locomotive Inspection Act applicable to locomotives under Subparts C and D of current Part 230 (redesignated Part 229 in this final rule) shall lapse on August 31, 1980. However, if a copy of the grant of waiver is filed with the Office of Safety, FRA, prior to August 31, 1980, then the waiver shall be preserved. There is no requirement that the filing include a showing to justify preservation of the waiver.

Subpart B—Inspections and Tests

§ 229.21 Daily inspection.

The final rule reflects certain minor editorial changes in the NPRM and the addition of a new paragraph (c) that requires the inspection to be made by a qualified employee. Paragraph (c) is essentially the same as § 230.203(c) of the current rule. Deletion of the requirement that inspectors be qualified was opposed by RLEA, the State of New Jersey Department of Transportation (NJ/DOT), and the National Transportation Safety Board (NTSB). They further suggested that the FRA certify the persons who do the inspections. FRA does not believe that a comprehensive testing and certification program is warranted.

The final rule includes the change proposed in the NPRM to go from a 24-hour inspection to a calendar day inspection for locomotives in road service. This change was strongly supported by the AAR and several railroads, and strongly opposed by the RLEA and a local union lodge. The major objection to the calendar day inspection is that the possibility exists that railroads will do inspections late in the evening (11:59 p.m.) and then again in the early morning of the next day (12:01 a.m.). Thus, there will effectively only be a daily inspection every other day. The railroads disagreed, noting that it is impractical and inflexible to even attempt such a scheme. FRA does not believe that railroads desire to inspect or are capable of inspecting any significant portion of the road locomotive fleet in the manner suggested.

The RLEA and the NTSB also suggested detailing what a daily inspection should cover. The FRA disagrees with this judgment. To detail the names of all components and the many types of defects for each component would literally take pages. The list would do little to insure that a proper inspection is made and runs the risk of being incomplete. Under the final rule, as it was under the previous rule, the carrier is required to insure that the locomotive is in total compliance with the part.

The RLEA objected to the deletion of the requirement for approval of daily inspection reports by an official or responsible employee designated by railroad. The FRA believes that it is more important to have the person actually making the repairs sign the report. This reduces the opportunity for deception or mistake and insures that the repairs have been made.

The RLEA was opposed to permitting the continued use of a master report for MU locomotives (multiple operated electric locomotives). Their concern is that a non-complying locomotive would be difficult to track down. FRA is not aware that such a problem exists today, but in any event the final rule requires a separate, individual report for each non-complying MU locomotive. The final rule also provides that the separate report indicate the nature of the repairs that have been made and include the signature of the person making the repairs. Thus, MU and non-MU locomotives are treated the same in respect to the record of repair.

§ 229.23 Periodic inspection: General.

The final rule reflects a fundamental change from the NPRM. In the NPRM, the FRA proposed an inspection system that geared all tests to the periodic inspections. Thus, as opposed to making a test based on a time interval (e.g., every 12 months), all tests were to be made at periodic inspection intervals (e.g., every fourth periodic inspection). The final rule returns to a time interval system for all major tests.

The periodic inspection interval system of the NPRM was strongly attacked by AAR and most railroad commenters. Their objections were numerous. Most important among the issues raised, it was noted that the intervals for the major tests under proposed § 229.27 and § 229.29 would equate with the time period of the prior rule only if a railroad utilized the full 92 days between each periodic inspection. If a railroad employed an inspection system based on a 45 day or a 60 day periodic inspection interval then the major tests would have to be done at correspondingly shorter intervals. Thus, gearing the major test to periodic inspections would reduce a railroad's flexibility in its maintenance program and potentially could result in substantial additional expenses due to a shortened period between major tests. Several commenters also objected to changing from a time oriented system because the industry is familiar with the current system. Similarly, the use of consecutively numbered inspections was thought to be confusing.

FRA agrees that the periodic inspection interval system proposed in the NPRM is flawed. While tinkering with the system could resolve many of the problems raised, the advantages of the proposed system do not warrant the complexity that would result. Hence, FRA utilizes a time oriented system in the final rule for all major tests.

A second major objection to the system proposed in the NPRM was that the initial periodic inspection proposed in paragraph (d) is too comprehensive. AAR and numerous railroads pointed out that the initial periodic inspection would require completion of the air brake test under proposed § 229.27 (1 year air work) for all locomotives and completion of the air brake tests under proposed § 229.29 (2 year air work) for a significant portion of the locomotive fleet. Since this work is now spread out over an entire year, these commenters claimed that neither adequate facilities nor the necessary manpower are available to complete the work.

FRA agrees that compressing the air brake work into a 3 month period is not practical. Under the final rule the initial periodic inspection is no different than subsequent periodic inspections. The major tests under the final rule are to be done, as under the current rule, within the specified time interval. The dates of the previous tests done under the current rules are simply carried forward into the new system for purposes of determining when the tests become due under §§ 229.27, 229.29, and 229.31. If the locomotive is new, all tests required by the part shall be done either by the carrier or by the manufacturer prior to any use of the locomotive. The date of the tests by the manufacturer will determine when they are required to be made again by the carrier. Since § 229.33 provides for out-of-use credit, the date a locomotive leaves the factory for delivery effectively becomes the previous test date for the purposes of every requirement in the part if the test were done by the manufacturer.

Paragraph (b) and (g) of the proposed rule have been deleted from the final rule as a logical consequence of the change to a time oriented inspection system. These provisions are elements of a periodic inspection interval system and are no longer necessary.

Two aspects of § 229.23 sparked disagreement among the commenters. As anticipated, the proposed extension from a 30-day inspection interval (monthly inspection) to a 92-day inspection interval (periodic inspection) was strongly supported by AAR and numerous railroads, and strongly opposed by RLEA. FRA has retained the 92-day interval in the final rule.

As indicated in the preamble to the NPRM, FRA believes that modern electric and diesel-electric locomotives are capable of going 92 days without a major inspection. This conclusion is based on design and construction improvements that have occurred over many years. The rules applicable to locomotives have remained virtually unchanged for over 50 years.

An analysis of the accident data also supports a 92-day inspection interval. As indicated in the NPRM and confirmed by numerous commenters, a railroad locomotive is a safe work environment when compared to other work places. The number and severity of accidents and injuries is low.

While every accident and every injury is to be avoided, FRA believes that safety regulations should be rationally related to the safety risk. More important, given the finite resources available to the rail industry, those resources allocated to the rail safety area should be used to alleviate the more significant safety problems.

FRA believes that the inspection program of the final rule enhances rail safety. This is true for a number of reasons. First, the cost savings from extending the 30-day inspection to 92 days will enable additional resources to be used in accomplishing a more thorough daily inspection. It is the daily inspection that is the more important inspection for operational safety. FRA is fully prepared to assess civil penalties for non-complying conditions to insure that locomotives receive proper daily inspections. Second, the final rule requires that the periodic inspection may only be made where adequate facilities are available. In particular, the rule requires that the locomotive be positioned so that a person may safely inspect the entire underneath portion of the locomotive. Thus, the rule insures that the periodic inspection will be more thorough than the current monthly inspection.

The requirement for adequate facilities was the second area of disagreement among the commenters. AAR suggested substituting a requirement that periodic inspections be made only at location where "they can be made in a safe and workmanlike manner and with the locomotives positioned so that workmen may safely inspect it." FRA disagrees. AAR's language would eliminate the specific requirement relating to inspection of the underneath portion of the locomotive and it does not include any reference to facilities.

RLEA, on the other hand, suggested that the rule include a more specific requirement on the type of facilities and equipment that have to be available. FRA does not agree that additional detail is necessary or useful. The variety of rail operations, climates, and locomotives would require complex and cumbersome regulations. This should be avoided unless and until detailed regulations are necessary for enforcement of the underlying requirement.

As part of its comments on § 229.23, RLEA also questioned the deletion from proposed form FRA F 6180–49A of the requirement that any defects which have not been properly repaired be noted on the reverse side. RLEA said that the requirement serves a useful purpose of alerting persons to possible dangers on the locomotive resulting from improper repairs. FRA agrees. The final form FRA F 6180–49A includes the language from the old form regarding defects which have not been properly repaired.

§ 229.25 Tests: Every periodic inspection.

The final rule alters the proposed rule by deleting the test procedure for cable connections carrying 600 volts or more. Both the AAR and RLEA agreed that the procedure should be eliminated because it is potentially dangerous. The cables will have to be tested for continuity.

RLEA suggested that cables carrying less than 600 volts be tested. FRA believes that these cables are adequately covered by the requirements of § 229.89.

RLEA also suggested that the periodic inspection include an orifice test and a calibration of the ground relay. RLEA admitted that the orifice test is not an ideal means of testing the compressor but suggested keeping the test anyway until another test is developed. As indicated in the NPRM, FRA does not believe that the orifice test is useful in detecting a bad compressor. Neither does the FRA believe that calibration of the ground relay is necessary. The ground relay is essentially an equipment protection device. If it does not function properly, extensive damage to electrical equipment can occur. While an injury or accident could result from the damage to electrical equipment, the FRA believes that the requirement in paragraph (b) to inspect all electrical devices is an adequate inspection requirement. Also, the requirement in § 229.27(b) to test load meters provides an additional indication of the condition of a high voltage electrical system.

The AAR suggested that air gauges be tested at a longer interval than every periodic inspection (92 days). The FRA does not have any data to warrant an extension at this time, although FRA does agree that newer air gauges reflect technological advances over those employed in the past. However, FRA believes that these gauges form too critical a link in the brake system and the engineer's awareness of the brake system's functioning to extend the test interval without additional data.

§ 229.27 Annual tests.

The final rule is essentially the same as proposed in the NPRM. As requested by AAR and numerous railroads, the test interval has been changed from every fourth periodic inspection to at least once every 368 calendar days. This reflects the change from the periodic inspection system to a time based inspection system. Second, in response to comments by the Chessie System, the final rule specifically provides that the air brake work may be fragmented so long as an air record is maintained in the cab. The air record shall detail the date and place of the cleaning, repairing, and testing of each part of air brake system covered by paragraph (a). Chessie objected to the NPRM on the basis that its coordinated system ("Q system") of fragmented air work would be precluded. Chessie testified that the cost to change systems would be significant and that the "Q system" offers significant advantages in the management of locomotive maintenance. Actually, nothing in the NPRM precluded a fragmented system and nothing in the prior rule authorized such a system. However, the FRA agrees that the final rule should clarify that a fragmented system may be employed if an air record is maintained. If an air record is not maintained in the cab, then the air work shall have been done on the date indicated in the appropriate test date entry on form FRA F 6180–49A. This approach also addresses RLEA's concern that the engineer be able to determine from a record maintained in the cab that the air work has been performed.

The AAR and the RLEA disagreed with each other on the proper intervals for air brake work. AAR suggested that all annual air brake work under § 229.27 be transferred to the biennial test interval under § 229.29. Conversely, RLEA suggested that the biennial air work be transferred to § 229.27 and done on an annual basis. The AAR and RLEA also disagreed with one another on the extension from 6 months to 368 days of the requirement to clean, repair or replace filtering devices in the main reservoir supply line. As indicated in the NPRM, FRA believes the inspection interval extension for the main reservoir supply line filtering device is warranted by the currently available filtering devices.

Neither the RLEA nor AAR made a convincing case for altering the inspection interval for other components of the air brake system. RLEA's comment that there is no valid ground for distinguishing the frequency of required inspections of different portions of the air brake system is not persuasive. The time distinction is based on several grounds, including the degree of utilization and the design of the components. In any event, the RLEA's rationale only addressed the issue of uniformity and not the proper interval. By the same token, neither AAR's general references to advances in technology at the hearing nor its latter submissions to the docket on this issue are adequate from a data standpoint to justify an across the board extension of the inspection interval for these critical components. FRA has been and continues to be willing to enter into service test evaluations with the industry to more precisely define the inspection interval necessary for safety.

However, the inspection intervals for a small group of components have been altered. Most MU equipment was subject under the current rule to a single two-year inspection interval for all components, while older MU locomotives were subject to a single 15-month inspection interval (§ 239.408). Southeastern Pennsylvania Transportation Authority (SEPTA), Consolidated Rail Corporation (Conrail), Metropolitan Transportation Authority (MTA), and Port Authority Trans-Hudson Corporation (PATH) requested a uniform two year interval for MU locomotives. FRA agrees with these comments and has modified §§ 229.27 and 229.29 of the final rule to require that all air work on MU locomotives be done on a biennial basis. The long operational experience with the two-year interval for MU locomotives warrants its retention. The extension from 15-months to two years for the few MU's currently subject to the shorter inspection interval is reasonable in light of the experience with those MU's subject to the two-year period. Also, § 229.29(a) of the final rule has been amended to add MU locomotive brake cylinders since they are required to be cleaned, repaired and tested under the current MU rules. Thus, MU locomotives are treated under the final rule in essentially the same manner as under the currnt rule with respect to air brake cleaning, repair and testing.

Both RLEA and AAR agreed that the insulation dielectric test is potentially dangerous and was properly eliminated in the NPRM. RLEA suggested that an electric "leakage" test be required for high voltage circuits. FRA does not believe that a leakage test would serve a significant safety purpose since the high voltage equipment must be properly grounded (§ 229.83) and the electrical insulation and devices must be inspected at each periodic inspection (§ 222.25(b)).

§ 229.29 Biennial tests.

The final rule has been changed to reflect the time oriented inspection system rather than the periodic inspection interval system proposed in the NPRM. The air brake inspection intervals are discussed under § 229.27.

§ 229.31 Main reservoir tests.

The final rule reflects the time oriented inspection system.

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§ 229.33 Out-of-use credit.

This section is essentially identical to the "out-of-service credit" provisions in §§ 230.31(c) and 230.451(e) of the prior rule. An "out-of-use" provision was not included in the NPRM because it was not necessary under the proposed periodic inspection interval system. However, since the final rule is a time oriented system, the out-of-use credit again becomes necessary.

Subpart C—Safety Requirement

§ 229.41 Protection against personal injury.

The final rule reflects the change in terminology from "high-tension" to "high voltage" and the addition of grid resistors to the list of components that shall be guarded. Grid resistors carry high voltage and are located where a person could come into contact with them. Otherwise it remains the same as proposed. RLEA suggested that high voltage be defined as 150 volts or more. This has been accomplished by the definition in § 229.5(g). RLEA also suggested that protection against hot liquids be included and that 100° Fahrenheit be the temperature level requiring protection. FRA does not agree that 100° Fahrenheit represents a safety hazard. Virtually every part of the engine room could exceed that temperature under normal operating conditions. The guarding requirement is designed to protect against the significant safety hazards posed by the exhaust manifold, steam pipes, and air compressor discharge pipe. Similarly, FRA does not believe that hot liquids pose a safety hazard of the same order as those components.

§ 229.43 Exhaust and battery gasses.

The final rule reflects a return to the language of the current requirement (§ 220.259) that means must be provided to prevent entry of products of combustion into the cab *under usual operating conditions.* This change has been made because it is impossible to prevent the entry of some fumes into the cab in certain unusual wind and weather conditions. RLEA questioned the relevance of exhaust stack height in preventing entry of fumes. FRA believes that stack height is the primary means of keeping fumes out of the cab and that a single height cannot be mandated since the particular characteristics of a locomotive type will warrant different stack heights. RLEA also suggested that FRA establish a range of new requirements for other types of fumes in the cab, especially gasses from locomotive batteries. The problem of gassing batteries was addressed in § 229.127(c) of the NPRM. The requirement that batteries be kept from gassing has been moved to § 229.43 in the final rule. The only change, suggested by the AAR and several railroads, is the addition of the modifier "excessively" to the requirement that batteries be kept from gassing. FRA agrees that a minute amount of gassing is normal. As to the other types of fumes mentioned by the RLEA, FRA believes that fumes associated with cab toilets fall into the maintenance rather than the safety sphere. This is a matter properly the subject of collective bargaining.

§ 229.45 General condition.

This provision remains the same as proposed. As indicated in the NPRM, it is designed to serve several purposes. First, it is a regulatory restatement of the requirement in the Act that all parts and appurtenances be in proper condition and safe to operate. Second, it is a condensation into one section of the many similar requirements that were scattered throughout the old rule. Third, it provides a shorthand way of dealing with components that are rarely found or are rarely defective. FRA acknowledged that the provision creates a degree of discretion in interpretation and application. The discretion was inherent in the prior regulations and is a necessary element given the variety and complexity of locomotives.

In general, the comments did not address these issues directly. On the one hand, the AAR, several railroad commenters, and one locomotive manufacturer objected to the provision on the basis that it is unnecessary due to the parallel requirements of § 229.7. Yet at the same time, objection was raised by many of these same commenters because of the presumed substantive significance of the section. FRA believes that the identification of components and conditions serves a useful purpose in implementing the more general statutory language. And while language such as "cracks, breaks, excessive wear, and other structural infirmities" leaves some room for interpretation, similar language is found in many other provisions of the final rule and was included throughout the prior regulations. Neither the legal enforceability, nor the hypothetical collateral consequences, nor the reasonableness of the discretion in the prior regulations were discussed by the commenters opposed to § 229.45. For example, two railroad commenters, Conrail and MTA, expressed concern that the language "cracked" is so vague that even surface cracks in third-rail shoe beams could be a violation. In fact, the prior regulations in §§ 230.240(b) and 230.435(b) used language ("loose, split, or cracked") that included cracked as one possible defect. Neither commenter indicated that the prior language had presented any problems or that FRA inspectors had interpreted this language in an unreasonable manner. FRA believes that the language in § 229.45, "conditions that endanger the safety of the crew, locomotive or train", provides the proper and lawful limit to the application of the section.

RLEA, on the other hand, commented that the section was not tough enough and that the discretion would result in few violations being taken. As with commenters who sought elimination of the section, the relationship of the language of the section to the language of the prior regulations was not discussed or analyzed. FRA believes that § 229.45 adequately addresses the components and conditions listed, and that the listing provides useful notice and additional guidance of what is intended by the broad statutory requirement.

§ 229.46 Brakes: General.

The final rule is the same as proposed. Only RLEA commented on this section. RLEA believes that the engineer specifically rather than the carrier should know that the brakes operate as intended. FRA does not believe that interfering in the method of carrier compliance with the requirements of this section is warranted. Requiring specific notification to the engineer is an added burden and could be extended by the same logic to include all components on a locomotive. At a minimum, the engineer can be assured that the calendar day inspection has been made by the record maintained in the cab.

RLEA also suggested that FRA add a requirement prohibiting a carrier from modifying the brake system on a locomotive until detailed plans of the modification have been approved by FRA. This issue is not appropriate to the revision of the locomotive inspection regulations. It would be properly raised in the context of the power brake regulations (49 CFR Part 232), which FRA intends to revise during the coming year.

§ 229.47 Emergency brake valve.

This provision has been modified in a number of small ways in response to comments by RLEA, AAR, and several railroads. First, the final rule clarifies that the requirements of the section apply only to locomotives operated in road service. This was what the prior rule required. Second, the requirement to have an emergency brake pipe valve is no longer applicable to locomotives with cabs designed for occupancy by only one person. Instead, an emergency brake valve is required in the passenger compartment or vestibule. This change is necessary since many of the emergency brake valves located outside of the cab in the current locomotive fleet are not directly connected to the brake pipe. These valves are found on MU locomotives, which were not previously required to have an emergency brake pipe valve. Third, the requirement in paragraph (a) for the accessibility of the brake pipe valve is clarified by adding that it shall be accessible to a crew member, other than the engineer, from his or her position in the cab. This was what the prior rule required, although slightly different language was used. Locomotives that met the prior requirement will meet the requirements of the final rule.

§ 229.49 Main reservoir system.

Only one change has been made in this section. The requirement in paragraph (a)(2) for a separate control air reservoir has been modified to exclude MU locomotives built prior to January 1, 1981. Under the prior rule, MU locomotives were not subject to any control air reservoir requirements. Conrail and SEPTA indicated that some MU locomotives are not now so equipped. The FRA does not have either accident data or a convincing technical rationale to require retrofitting these locomotives.

Another commenter, RLEA, suggested that three safety valves be required in the main reservoir. No accident data or technical justification was offered and FRA does not believe that any safety justification exists for imposing this new requirement. RLEA also objected to deleting the requirement that there be a device in the air compressor discharge line to restrict the passage of oil throughout the air brake system. On this issue, the FRA and RLEA simply disagree on the effectiveness of the new requirement to drain oil from the air brake system before each trip (§ 229.46). FRA does not believe that a device is as effective as actually draining the oil from the system, although FRA expects that many railroads will probably continue to use those devices presently in service that restrict oil passage.

§ 229.51 Aluminum main reservoirs.

No change has been made. One commenter thought that this section could be deleted entirely since few, if any, locomotives use aluminum main reservoirs. However, FRA believes this section provides design guidance even if there are not any aluminum reservoirs now in use.

§ 229.53 Brake gauges.

Only one small change has been made to this section. In response to a comment by ICG, the requirement for brake gauge accuracy has been limited to air gauges. This has been done since hydraulic gauges may cover a pressure range of more than 1,000 pounds, with the smallest readable increment on the gauge face being 25 pounds. RLEA requested that the brake gauges be lit by three light bulbs. FRA believes the lighting requirements in § 229.127(a) are adequate. AAR, EMD, and several railroads suggested that gauge accuracy be limited to the operating portion of the gauge scale. FRA does not agree with these commenters. Gauges properly maintained will have an accuracy that meets the requirements of the section.

§ 229.55 Piston travel.

Several changes have been made to this section as a result of the testimony and written comments. In the NPRM, FRA proposed a single standard for the maximum permissible brake cylinder piston travel. The prior rule individually listed the maximum piston travel for various types of brakes. FRA proposed that brake cylinder piston travel may not exceed 2 inches less than its total possible piston travel.

This provision was critized by AAR on the basis that 2 inches of remaining piston travel is too stringent and by RLEA on the basis that 2 inches will not provide an adequate safety factor for all types of brake riggings and brakes.

FRA does not agree with RLEA's comment. First, the current list by brake type is essentially geared to preserving 2 inches of remaining piston travel. Therefore, a listing by brake type is not necessary. Second, FRA is not aware of any locomotive brake or brake rigging in use that would provide an inadequate level of safety if the actual remaining piston travel is at least 2 inches. In fact, as indicated in the analysis of the AAR's comments, FRA believes that 1½ inches of remaining piston travel is adequate from the standpoint of safety.

The AAR did not object to the approach that a single limit for piston travel be set. AAR, however, contended that the rule should provide that the brake cylinder travel may not exceed 1 inch less than the total possible piston travel. The 1 inch limit is based on the fact that power brakes are effective until the brake cylinder piston contacts the non-pressure head. It was AAR's view that 1 inch of remaining travel is, therefore, more than adequate. AAR stated that this conclusion took into account the fact that the piston travel on a moving locomotive utilizing its brakes is longer than the piston travel during a static brake test. This phenomenon, generally called the "dynamic effect", would result only in an approximately ⅛ to ¼ inch increase in piston travel according to the AAR.

FRA agrees with the AAR in part. After additional review and analysis, FRA agrees that the required remaining piston travel can be safely set at 1⅛ inches. FRA believes this will provide an adequate level of safety taking into consideration the frequency of locomotive inspection, brake shoe wear, and, most importantly, the dynamic effect.

However, FRA does not agree that the limit can be safely set at 1 inch. FRA believes that the dynamic effect is greater than stated by the AAR, potentially as great as 1 inch. Several factors can influence the additional piston travel resulting from the dynamic effect. First, the distance between the bearing and the side frame can vary (longitudinal clearance). Second, the clearance between truck components can vary, e.g., between the side frames and the bolsters. Third, the clearances between the brake beams and the truck components can vary. The cumulative effect of these factors, among others, can result in significantly more than ¼ inch additional piston travel in some situations. Hence, in order to insure safety across the entire range of possible operating situations and to provide an adequate safety margin, the final rule provides that the brake cylinder piston travel may not exceed 1½ inches less than the total possible travel.

Two additions have been made to the final rule. First, paragraph (b) now provides that the total possible brake cylinder piston travel shall be entered on form FRA F 6180–49A. This information is necessary so that the persons conducting the daily and other inspections will be able to determine the amount of remaining piston travel. Second, a new paragraph (c) requires that the minimum brake cylinder pressure shall be 30 pounds per square inch. This provision is implicitly required by current 49 CFR 232.10(n). It is a design standard included for the sake of clarity and will not have any cost or operational impact.

§ 229.57 Foundation brake gear.

The final rules have been modified to prohibit a broken or missing lever, rod, brake beam, hanger, or pin. A broken or missing component is obviously a greater hazard than a worn one. AAR and UP suggested that only cracks

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extending through more than 30 percent of the cross-sectional area of a component should be prohibited. FRA disagrees. A crack, unlike ordinary wear, is a structural infirmity that has the potential to progress rapidly to failure.

The RLEA suggested that cotters be required when nuts are used and that the rule prescribe requirements for pins without threads. FRA disagrees. The suggestions of the RLEA are maintenance oriented. The requirements of the section comprehensively address the critical safety problems of the foundation brake gear.

§ 229.59 Leakage.

The final rule remains as proposed. AAR suggested that paragraph (b) specify a test procedure for brake pipe leakage. FRA does not agree because the leakage limitation is intended as a requirement applicable during the entire period of use. Similarly, FRA does not agree with RLEA's suggestion that leakage be reduced from 5 pounds per minute to only 3 pounds per minute because the leakage limitation requirement is not restricted to the controlled circumstances of a test. The leakage limitations apply during the entire period of use. RLEA also requested that the "minimum reduction" and "maintaining feature" on type 26 brake valves be tested. FRA does not believe that specific tests are necessary since these features have to operate as intended in order to meet the requirements of § 229.46. With respect to RLEA's concern about brake outlet vent noise levels, this concern is addressed in the section on locomotive cab noise (§ 229.121). The overall cab noise level is more important than individual noise sources.

§ 229.61 Draft system.

The final rule has been modified in language but not in substance. An updated coupler diagram (Figure 1) is included, resulting in a language change in paragraph (a)(2). The diagram is the same as used in the recently revised Freight Car Safety Standards. The term "draft gears" has been added to paragraph (a)(4) to clarify that draft gears may be used to absorb free slack. RLEA suggested that side to side movement of couplers be regulated. FRA is not aware of any safety problem in this area that warrants Federal regulation. For many years locomotives have been designed with features that restrict side to side movement.

§ 229.63 Lateral motion.

The final rule has been modified in several respects. First, the total uncontrolled lateral motion permitted on friction bearing power axles is set at 1 inch. This was the limit for MU locomotives under the prior rules and several railroads indicated that the limit should be retained on MU locomotive powered axles with friction bearings. FRA agrees that a 1 inch limit for friction bearings is appropriate for MU locomotives and also for non-MU locomotives. Second, the total uncontrolled lateral motion on the center axle of three axle trucks is set at 1¼ inches. AAR and UP requested 1⅜ inches for center axles on three axle trucks because the additional lateral motion reduces the lateral load on curved rail. FRA agrees that permitting additional lateral motion on the center axle of three axle trucks is justified. This conclusion is based on the extensive tests which indicated that the lateral forces on the track did not increase as the lateral motion of the center axle rose to 1¼ inches. However, the tests did not include lateral motion of the center axle in excess of 1¼ inches. Hence, FRA has set that figure as the upper limit until additional data is available.

RLEA made extensive comments concerning uncontrolled lateral motion, most of then related to the problem of three axle trucks. FRA agrees that certain three axle trucks have presented a special problem and FRA has made a number of tests and studies relating to them. FRA does not believe that a reduction in the maximum permissible uncontrolled lateral motion is warranted for locomotives generally or even for three axle truck locomotives. Available data does not indicate that high lateral forces are a problem with most locomotives. With respect to three axle trucks, the final rules address a specifically identified problem involving lateral forces by limiting the variation between wheel sets (§ 229.73(b)). RLEA also requested that carriers be required to maintain bolster stops and wear pads in accordance with the manufacturer's specification. FRA believes that these are essentially maintenance items, not direct safety hazards.

§ 229.64 Plain bearings.

Only one commenter addressed this section, RLEA. The commenter noted that roller bearings were not specifically covered by this section. FRA agrees that roller bearings are not covered. The section addresses the need for free oil in the bearing box. Roller bearing lubricant is enclosed within the roller bearing itself. Thus, roller bearings do not logically fit with plain bearings. FRA believes that roller bearings can be dealt with through the general condition requirement, as it has been in the past. Therefore, the final rule has not been changed.

§ 229.65 Spring rigging.

The final rule reflects the numerous comments that shock absorbers are designed to permit "weeping" or minute leaking of fluid. Therefore, the final rule follows the language of the freight car safety standards and provides that a shock absorber may not be leaking "clearly formed droplets."

RLEA objected to the proposal to allow one elliptical spring in a nest of at least three springs to have a broken long leaf or any other three leaves broken. RLEA's concern was that the truck bolster would not remain level and that the side bearings would bind. FRA does not agree that this will occur in the usual case. However, the FRA has residual authority to remove from use any locomotive that has an unsafe condition.

RLEA also requested that the rule be extended to include air ducts in the bolster and plastic pedestal liners. The safety rationale for including them was not spelled out and the FRA does not have any information to indicate a safety problem.

§ 229.67 Trucks.

No change has been made to this section. RLEA suggested that the section should have condemning limits for axles. However, violation of any limits set could not be ascertained by any visual inspection of roller bearings and would be difficult to enforce in the case of friction bearings. In any event, this is essentially a design and maintenance issue. Any obvious dangerous conditions can be handled by use of the Special Notice for Repair or § 229.45.

§ 229.69 Side bearings.

No comments were received and no changes has been made.

§ 229.71 Clearance above the rail.

The final rule provides that trip cock arms may be less than 2½ inches above the rail. This change was made in response to a comment from PATH that such equipment is now in use and after FRA's evaluation that these devices do not present a safety hazard. The final rule is otherwise the same as proposed.

§ 229.73 Wheel sets.

The RLEA objected to the proposal in paragraph (a) to set the maximum variation in circumference of wheels on the same axle at two tape sizes (one tape size is equal to ⅛ inch). Their objection was that this new limit is too high and will lead to severe "hunting". FRA believes RLEA misunderstands the impact of the rule. The prior rule (§ 230.226(b)) permitted a $\frac{3}{32}$ inch variation in the *diameter* of the wheels. When translated into wheel *circumference* variation, the prior rule permitted a variation of 2.35 tape sizes. Therefore, the rule as proposed reduced the permissible wheel variation on locomotives except MU locomotives. FRA has adopted paragraph (a) as proposed. The use of tape sizes more accurately reflects the method currently used to measure wheel variation.

The AAR, EMD, and four railroads commented on paragraph (b)'s restriction on the variation in the diameter of wheel sets on three axle trucks. The commenters were in agreement that shimming at the journal box springs to compensate for wheel diameter variation can resolve the underlying problem—unequal axle loading. They suggested that a larger variation in the permissible wheel set differences be allowed when shimming is used. FRA agrees that shimming can impact axle load equalization. The final rule provides that the maximum variation may not exceed 1¼ inches when shims are used.

With respect to paragraph (c), EMD suggested that a tolerance of $\frac{1}{16}$ inch be permitted on the high side for wide flange wheels. That is, EMD proposes that the maximum distance between the inside gauge of the flanges be $53\frac{5}{16}$ inches. EMD testified that their "unipoint" wide flange wheels may not always meet the 53¼ inch limit because they are manufactured at the outer boundary of the permissible limit. The rule as proposed would not leave a tolerance for manufacturing error. FRA has not increased the maximum distance in the final rule because any increase above 53¼ inches for wide flange wheels could result in direct interference between the wheels and the rails. The possibility of direct interference must be prevented from the moment the wheels are first used and not wait until the wheels are trued for the first time after entering use.

RLEA objected to the limit for the variation in back to back distance for wheels on the same axle. Section 229.73(d) is identical to the prior rule in §§ 230.226(d) and 230.420(d). RLEA did not indicate any safety problem associated with continuing the previous limits and FRA is not aware of any safety problem.

§ 229.75 Wheel and tire defects.

Two minor changes from the NPRM are included in the language of the final rule. Paragraphs (b) and (d) have been revised to follow the language of the freight car safety standards.

RLEA objected to the change from 1½ to 2½ inches in the maximum permissible length of a flat spot on MU locomotives. This change occurred as a result of merging subparts C and D of Part 230. FRA does not believe that permitting the same flat spots on MU locomotives that have long been allowed on generally heavier diesel locomotives will impair safety. While it may affect the ride quality of the MU locomotive, it does not present a safety problem. Accordingly, FRA believes that MU wheels will be changed out or trued for operational reasons before flat spots begin to reach condemning limits.

RLEA commented that any chipped or brokem flange should be a safety defect, not merely those more than 1½ inches in length as provided in paragraph (b). RLEA referred to the prevalence of rough track and the small size of wheels for justifying this approach. FRA disagrees. The 1½ inch standard has been in effect or many years. FRA is not aware of any data that locomotive wheels have an increasing failure rate or that small chips or gauges create an unsafe condition.

RLEA also objected to the proposed change in paragraph (d) from 1½ inches to 2½ inches in the maximum permissible length of a shelled-out spot on MU locomotives. FRA disagrees for the reason indicated in the discussion of flat spots in paragraph (a). PATH suggested that the size limit on a spall be altered to permit a spall 1½ inches long. FRA has decided to delete the spall requirement entirely. The reason for deleting the requirement is the great disagreement about how to distinguish a spall from a shelled-out spot. From an enforcement standpoint as well as from a safety standpoint, FRA believes that they should cover a single requirement.

RLEA objected to the change in paragraph (f) to permit a reduction in the flange thickness requirement from $\frac{15}{16}$ to ⅞ inch. FRA does not agree with the commenter. As stated in the NPRM, the former wear limits were developed at a time when cast iron wheels were in widespread use. Since that time, the introduction of steel wheels and improved manufacturing techniques have significantly improved the strength and durability of wheels. Accordingly, the wear limits set forth in the proposed rule have been incorporated into § 229.75(f).

RLEA asked a new section be added that sets a mileage limit for locomotive wheels. FRA disagrees because mileage is not a good indicator of a defective wheel. Type of track, type of service, type of wheel, and other factors affect wheel life. The critical issue is the condition of the wheel irrespective of the mileage. The final rule adequately addresses unsafe conditions of wheels.

Finally, AAR and several railroads expressed concern about paragraph (m), fusion welding of wheels. Paragraph (m) provides that fusion welding may not be used on wheels of locomotives except on yard locomotives in limited situations. These commenters were concerned that the rule would preclude emergency repairs of wheels by fusion welding after an accident, something which is now done. Leaving aside the fact that the language in the NPRM giving rise to the concern is essentially identical to the prior rule, the consequence of non-compliance with this requirement, as with any other non-compliance, is that the locomotive must be moved in accordance with § 229.9, movement of non-complying locomotives.

§ 229.77 Current collectors.

No change.

§ 229.79 Third rail shoes and beams.

No change.

§ 229.81 Emergency pole; shoe insulation.

Paragraph (a) of the rule has been revised by providing that the requirement to mark the part of the pole that is safe to handle is not required if the entire pole may be safely handled. This change addresses the comments by AAR and three railroads that modern poles are constructed of insulating material and that there is no portion of the pole which cannot be handled safely when in use.

§ 229.83 Insulation or grounding of metal parts.

No change.

§ 229.85 Doors and cover plates marked "Danger".

The final rule indicates the option to use the phrase "Danger—High Voltage" or to use the word "Danger" and the normal voltage carried by the parts so protected. This change, requested by AAR and two railroads, has been made because FRA believes the alerting quality of the phrase "Danger—High Voltage" is adequate. The term "high voltage" is defined in § 229.5(g).

§ 229.87 Hand-operated switches.

No change.

§ 229.89 Jumpers: cable connections.

RLEA commented that the section should expressly include control wires between locomotives in a locomotive consist. FRA believes that all control

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wires between locomotives are covered by the language as proposed, i.e., "cable and jumper connections." Further, FRA believes that the list of non-complying conditions in paragraph (b) adequately deals with the problems of shorts and grounds in cable and jumper connection. Hence, the final rule remains as proposed.

§ 229.91 Motors and generators.

The final rule reflects two revisions. First, the word "excessively" has been added to modify the restriction against a motor throwing solder. This change has been made because electrical motors generally throw minute amounts of solder in normal use. The AAR and several railroads requested clarification of this requirement. Second, the requirement in the previous rule restricting oil on motors and generators has been preserved in the final rule. RLEA reiterated the justification outlined in the previous rule that oil can lead to fire hazards. FRA has concluded that the risk of electrical fires warrants retention of the requirement.

RLEA also commented that motor support bearings should be inspected. FRA believes that this is a maintenance item. While maintenance is related to safety since improper or inadequate maintenance can eventually lead to component failure, it is not the proper subject of detailed Federal requirements. FRA has ample authority to deal with specific unsafe instances involving motor support bearings.

§ 229.93 Safety cut-off device.

The requirement in the NPRM for a "safety cut-off valve" has been modified in the final rule to require a "safety cut-off device." The word "device" is designed to encompass mechanical, electrical, or gravity systems that insure a positive cut-off of the fuel supply to the internal combustion engine and the steam generators. This change is made because many locomotives in use are equipped with an electric device rather than a valve. These have had FRA sanction and have performed properly, as was noted by AAR, EMD, and several railroads.

§ 229.95 Venting.

RLEA commented that the prior requirement for a fuel gauge should be retained. RLEA's reasoning was that a gauge will prevent a locomotive from running out of fuel enroute and that it will reduce spillage of valuable fuel. As was stated in NPRM, while "a gauge may be useful, the FRA does not believe it is necessary from a safety standpoint."

§ 229.97 Grounding fuel tanks.

No change.

§ 229.99 Safety hangers.

No change.

§ 229.101 Engines.

The final rule has been modified to provide that wheel slip/slide protection shall be provided whenever required by § 229.115, even if the locomotive engine displays the proper warning notice. So long as slip/slide protection is provided whenever required by § 229.115, a locomotive with an inoperative engine displaying the required warning notice may continue in use. This change has been made as a result of the revision to § 229.115, slip/slide alarms. The issues concerning the underlying requirement for wheel slip/slide protection are included in the discussion of § 229.115.

§ 229.103 Safe working pressure; factor of safety.

See the discussion on § 229.113.

§ 229.105 Steam generator number.

See the discussion on § 229.113.

§ 229.107 Pressure gauge.

See the discussion on § 229.113.

§ 229.109 Safety valves.

See the discussion on § 229.113.

§ 229.111 Water-flow indicator.

See the discussion on § 229.113.

§ 229.113 Warning notice.

Sections 229.103 to 229.113 are all related to steam generators. Very few comments were received on these provisions and they are discussed as a unit.

RLEA commented that the water bypass regulator or thermostat leading into the fire box should be required to function properly. These devices are part of the system that insures the steam generator will shutdown if there is a water deficiency. FRA agrees that those components are important, which is why § 229.25(d)(1) requires that "all controls, alarms, and protective devices shall be inspected and tested" at each periodic inspection. FRA does not believe that separately listing and regulating each component adds to rail safety or expands FRA's ability to deal with obvious unsafe conditions. RLEA also suggested relocating the steam generator identification number and using the terminology "flash type boiler" rather than steam generator. FRA prefers the more commonly used term "steam generator" and does not see any safety benefit in requiring the relocation of the identification number. Finally, RLEA expressed concern about possible personal injury stemming from steam leaks and steam pipes. FRA believes that these concerns are directly and adequately addressed in §§ 229.41 and 229.45.

The AAR and UP also commented on these sections. UP expressed concern that the phrase "illuminated steam gauge" in § 229.107 would not permit illumination by an external light source. FRA agrees that external lighting should be allowed since the majority of gauges are currently illuminated in this manner. No change has been made, however, since FRA believes the language of the final rule permits external illumination.

AAR expressed concern that continued use of a locomotive with an inoperative steam generator displaying a warning notice would not be permitted beyond the next periodic inspection. AAR apparently believes that a locomotive with an inoperative steam generator displaying a warning notice should be able to continue in use indefinitely. FRA disagrees. A warning notice is too impermanent a method. However, under § 229.23(b), a locomotive may continue in use indefinitely with an inoperative steam generator if certain permanent safety precautions are taken.

§ 229.115 Slip/slide alarms.

The final rule has been altered in several ways in response to numerous comments. First, RLEA objected to the exclusion of MU locomotives from the slip/slide requirements of the NPRM. In fact, under the NPRM and the final rule MU locomotives are included in the prospective design reqirement that locomotives shall have a wheel slip/slide device that detects wheel slip/slide for each powered axle. FRA has not made the wheel slip/slide requirements applicable to older MU's because they were not previously required to have the devices. The enormous cost of retrofitting them is not warranted in the opinion of the FRA. There is not any MU accident data to support a retrofit burden. Moreover, many MU locomotives have some type of slip/slide protection, although some of the devices do not produce a visual or audible warning in cab. However, FRA does agree that these devices on MU locomotives are appurtenances within the meaning of the Act. Hence, the requirements in paragraph (b) regarding the functioning of wheel slip/slide devices is applicable to all equipped locomotives in road service.

Second, RLEA suggested that the required device should have both a visual and an audible alarm. FRA does not agree. The additional expense, particularly the retrofitting expense, is not warranted in the FRA's opinion. The limited accident data relating to slip/slide devices indicate a possible problem only when the device is not functioning. There is no evidence that the lack of redundant alarm mechanisms has ever had any adverse safety impact.

Third, EMD and several railroads expressed concern that the design requirements for wheel slip/slide devices in this section meant that the devices must operate under all conditions. These commenters stated that there is not any device currently available that will detect wheel slip/slide in all circumstances. For example, locomotives produced by EMD will not give wheel slip/slide indications for an axle when power to that axle is shut off. FRA agrees that this issue should be clarified in the final rule. Hence, paragraph (c) provides the device shall detect wheel slip/slide for each powered axle when it is under power. This does not necessarily require a separate device for each axle, only that slipping or sliding on any power axle under power be detectable.

Fourth, AAR and numerous railroad comments expressed great concern that the NPRM expanded the situations where the absence of wheel slip/slide protection would be treated as non-compliance with the requirements of the locomotive rules. Under § 229.101 of the NPRM, a locomotive with an engine shutdown that has the effect of negating wheel slip/slide protection could only move to the nearest point or the nearest forward point where repairs necessary to restore wheel slip/slide protection could be made. In the preamble to the NPRM, the FRA indicated that this was what it believed the old rule (§ 230.201(d)) required, but noted that there was substantial confusion about the meaning of the wheel slip/slide provision. One implication of this admittedly restrictive interpretation is that all powered axles on locomotives in road service must be under power at all times if being under power is necessary to obtain wheel slip/slide protection.

The commenters strongly stated that this interpretation is not how § 230.201(d) has been interpreted in the past and that there are significant reasons why it should not be now interpreted in that manner. For example, a locomotive in the consist would not be permitted to have the power cut to its propelling motors to achieve fuel saving or to prevent excessive retardation from dynamic brakes or excessive tractive effort on curves.

Even more important to the railroad commenters, the requirement to drop off at the next repair point any locomotive in the consist that has had any type of enroute problem resulting in the absence of wheel slip/slide protection will have tremendous adverse impacts on railroad operations. The railroads contend that under the prior rules a locomotive could remain in the consist until the end of the run. To stop the train and break up the consist to remove a locomotive that does have wheel slip/slide protection for each powered axle because, for example, of ground relay problems would cost the railroad industry hundreds of millions of dollars according to the AAR.

Finally, the railroad commenters pointed out that each day many locomotives are moved dead in the train or dead in the consist for purposes of power distribution. The absence of any accident data relating to these movements indicates that wheel slip/slide protection is not critically related to rail safety at least in those instances where the powered axles are not under power.

FRA agrees that the points raised in these comments have merit. After a more detailed evaluation of the accident data, the safety relatedness of the wheel slip/slide device, and the prior practices as evidenced by the testimony at the public hearing, FRA has modified the final rule to address those areas essential to safety. In particular, paragraph (b) of the rule clearly and explicitly provides that the wheel slip/slide devices on locomotives operated in road service must be functioning properly for each powered axle under power at each calendar day inspection and at the point of dispatch. Moreover, a powered axle not under power must be capable of functioning properly if it were under power. Implicit in this requirement is that the locomotive must be capable of supplying power to the powered axles not under power and that tractive devices are capable of providing tractive effort. Absence of wheel slip/slide protection enroute is not a non-complying condition, even if it results from an engine problem subject to the warning notice requirement of § 229.101.

FRA believes that this approach addresses the central safety concerns. First, the rule requires that slip/slide devices be properly functioning at the daily inspection and the point of dispatch. Second, the rule requires that the device be actually functioning on powered axles under power. An axle under power has additional stress that makes the slip/slide device a critical safety device on locomotives in road service. Third, it clarifies that locomotives may be hauled dead in consist or dead in the train for purposes of power distribution without violating the wheel slip/slide requirement so long as the locomotive is otherwise in compliance with the part.

§ 229.117 Speed indicators.

The final rule has been modified in several respects as a result of the comments received. Paragraph (c) of the NPRM has been deleted. It provided that the speed indicator shall be readable by a member of the crew other than the engineer when the cab is designed to be occupied by more than one person. Despite the belief that it is advantageous to have a second crew member be aware of the speed of the train, FRA agrees with the commenters that indicated that additional costs outweigh the benefits. On some locomotives a single speed display is now being utilized. However, according to several commenters, a dual display would be necessary on many locomotive types. The costs of modifying the cabs of locomotives or of installing dual displays is substantial, especially in light of the tentative safety benefits.

RLEA, AAR, and several railroad commenters testified in favor of speed indicators or indicated that they did not oppose a speed indicator requirement. There were disagreements among the commenters regarding the scope of the requirement and on certain technical details. RLEA favored speed indicators on any locomotive used as a controlling locomotive at speeds in excess of 5 miles per hour (m.p.h.). AAR and several railroads, on the other hand, wanted the requirement limited to locomotives regularly used in road service at speeds in excess of 20 m.p.h. FRA has adopted the language of the NPRM. The speed of the locomotive rather than the type of service is the critical factor. However, FRA does not believe that the marginal benefit of speed indicators on locomotives routinely operating at very slow speeds warrants the cost. Most locomotives that operate over 20 m.p.h. are outfitted according to FRA data, as was noted in the NPRM, while few of the locomotives that routinely operate at less than 20 m.p.h. are so equipped.

Rail labor and the rail industry also differed on the degree of accuracy that should be required. RLEA suggested that the indicator be accurate to within 5 percent at speeds below 60 m.p.h. and to within 3 m.p.h. at greater speeds. AAR, EMD, and several railroad commenters indicated that indicators should be accurate to within ±5 m.p.h. The only detailed technical analysis came from those commenters who suggested the ±5 m.p.h. accuracy level. FRA has analyzed their comments in detail, especially the formula included in

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EMD's comments. Taking into account the inherent inaccuracy of the devices and the tolerance due to wheel diameter variation, FRA agrees that at higher speeds the 3 m.p.h. tolerance may be too strict. However, at lower speeds the impact of wheel diameter variations is not as great and the 3 m.p.h. tolerance is reasonable. Hence, the final rule provides the indicator shall be accurate within ±3 m.p.h. of actual speed at speeds of 10 to 30 m.p.h. and accurate within ±5 m.p.h. at speeds above 30 m.p.h. FRA does not agree with RLEA that the marginal additional accuracy that can be achieved by recalibrating each time the wheel is turned or replaced warrants Federal regulation. It is a good time to test and calibrate the speed indicator, however, and is encouraged by FRA as a good maintenance practice.

A number of comments addressed the impact of the speed indicator requirement on MU locomotives. PATH's MU locomotives are not equipped with speed indicators and PATH opposed any requirement that they be retrofitted. NJDOT noted it owned about 220 older MUs, scheduled to be retired by 1983, that are not equipped with a speed indicator. While supporting a speed indicator requirement, NJDOT requested that it not apply to older MUs. Similarly, MTA has 87 older MUs which are scheduled to be equipped with cab signal system with speed indicator by December 31, 1981. MTA requested a delay in the compliance date to avoid the unnecessary costs associated with using an interim speed indicating device. Finally, Conrail suggested that requirement for a speed indicator on MU locomotive be limited to those built after 1965. The rationale was to avoid equipping cars that will be retired in the near future. FRA neither agrees nor disagrees with the merits of the particular situations described. FRA believes that speed indicator requirement should be a requirement of general applicability. Each of the four MU commenters sets forth a situation which could give rise to a waiver if full development of the facts indicate that it would be in the public interest and consistent with railroad safety.

Finally, several commenters opposed the requirement to test the accuracy of the speed indicator after departure. They objected to it because it is an operating rule in their opinion and not properly encompassed under the Act. The requirement to test components on a locomotive is clearly within the scope of the Act. Non-compliance with any test or inspection requirement under Part 229 is a violation even if the component or locomotive that should have been tested is in proper condition. The language allowing the carrier to use a speed test section or equivalent procedure is designed to provide flexibility to deal with the particular operating characteristics and preferences of each carrier.

§ 229.119 Cabs, floors, and passageways.

Section 229.119 received numerous comments. Paragraph (a) relating to cab seats and cab doors, is adopted as proposed. It was strongly supported by RLEA. EMD objected to the language because it does not provide detailed test parameters for determining compliance with the requirement. EMD expressed concern from the standpoint of product liability. FRA has not adopted detailed test procedures. FRA's primary safety concern in the area of cab seating is maintenance, not design, and FRA does not believe that the language is unreasonable.

Paragraph (b) is also adopted as proposed. RLEA opposed the performance standard in paragraph (b) for visibility through cab windows and suggested that defrosters, windshield wipers and glass without cracks be explicitly required. FRA disagrees, believing that a performance standard is preferable. Defrosters, for example, are not necessary for rail operations in certain parts of the country. FRA believes that the performance standard requiring an undistorted view of the right-of-way is sufficient to require railroads to properly maintain all devices necessary to meet that standard. It should be noted that the requirements of paragraph (b) are in addition to the safety glazing standards, 49 CFR Part 223.

Paragraph (c) is adopted as proposed. RLEA suggested that the phrase "properly treated to provide secure footing" should be replaced with the Flooring Agreement of Clean Cab Committee. Agreement by interested private parties should not be impeded by unnecessary Federal regulation. Moreover, if some locomotives do not meet the precise requirements of the Flooring Agreement, FRA does not believe that they should be required to retrofit the flooring so long as it provides secure footing.

Paragraph (d) has been modified to provide reference points for measuring the cab temperature. Several commenters indicated that measuring points are necessary for effective enforcement. FRA agrees and the final rule provides that the temperature shall be at least 50 degrees Fahrenheit 6 inches above the center of each seat in the cab. This will insure that the minimum temperature is met at each point in the cab that is designed to be occupied by a member of the crew. The final rule is more stringent than the prior rule which limited the measuring point to the center of cab, a point impacted less by poor weather-sealing of the cab and proximity to cold surfaces. FRA has not raised the minimum temperature as requested by RLEA. The 50 degree figure is a safety minimum and FRA agrees that a higher figure is perferable. However, most locomotives operate with cab temperatures well above the minimum in winter operations.

The cab sealing requirement in paragraph (e) of the NPRM is not included in the final rule. AAR, every railroad commenter, and both locomotive manufacturers strongly objected to this proposed requirement. Only one commenter, RLEA, was even mildly favorable. RLEA questioned the value of the proposed requirement since it would only address forward facing openings. RLEA suggested a comprehensive approach to protecting persons in cab, including collision impact, roll-over protection, anti-climbing protection, and sealing the cab against the entry of flammable materials through any opening.

FRA agrees with those commenters who stated that the proposed rule lacks sufficient specificity and technical detail to be a useful requirement. It was envisioned as a means of incorporating the agreements reached in the Clean Cab Committee to put a solid barrier behind number lights, marker light, and head lights and to seal the nose doors of car body type locomotives. FRA has concluded that any action in this area should await development of adequate technical specifications. In particular, FRA hopes that voluntary agreement by the industry in such forums as the Clean Cab Committee will resolve many of the issues of the cab environment without Federal regulations.

Paragraph (e) of the final rule is identical to paragraph (f) of the NPRM. The rule uses the same language, "continuous barrier," that was used in § 230.229(g). Several commenters expressed concern that chains would not be acceptable under the rule. Chains will be acceptable to the same extent as under prior rule.

Paragraph (f) of the final rule is essentially identical to paragraph (g) of the NPRM. It has been altered to clarify that only torpedoes have to be kept in closed metal containers. This corresponds to the requirements of the old rule. FRA inadvertently included fusees with torpedoes in the NPRM's proposed requirement relating to closed metal containers.

As part of its comments on § 229.119, RLEA proposed that the rule include a number of new substantive requirements. These items, many of which are beyond the scope of the notice of proposed rulemaking, include minimum cab floor space requirements, clean cab requirements, position of the engineer in the cab, detailed specifications for cab seats, drinking water requirements, layout of indicators and controls in the cab, uniformity of cab design and location, air conditioning, air filter requirements, and crashworthiness of the cab. NTSB also addressed the crashworthiness issue. FRA does not believe that any of these items warrant action at this time for a variety of reasons. Some are already being addressed without Federal regulation through voluntary action, e.g., Clean Cab Committee. Others are more properly the subject of collective bargaining. Many are not significantly related to rail safety or have not been justified on a cost/benefit basis. With respect to the issue of crashworthiness, FRA believes that additional study is necessary to develop meaningful standards. A study is presently being made by FRA with a final report tentatively scheduled for completion in 1982.

§ 229.121 Locomotive cab noise.

This section sparked numerous comments. AAR and several railroad commenters did not believe that FRA should adopt an occupational noise standard for the locomotive in-cab environment. Specifically, they questioned the justification for such a regulation due to an absence of accident data or medical evidence linking crew member impairment to high noise exposure. It was also contended that this occupational noise standard, adopted from that contained in the Occupational Safety and Health Administration (OSHA) regulations, was not appropriate for the railroad environment. The extensive litigation and controversy surrounding its enforcement were cited to support their claim that it should not be applied across-the-board to all industries. Finally, the commenters alleged that economic feasibility was an important determinant and questioned whether FRA had considered the cost effects of this standard, or whether a means of compliance had been determined.

Despite the concerns expressed above, the FRA believes that regulation in this area is warranted. Medical and accident data cannot always be correlated with noise exposure. Frequently, noise induced hearing loss is not recognized for many years, and even then is not always associated with working conditions, but dismissed as hearing loss due to advancing age (presbycusis). Thus, occupational illness data may not reliably indicate the true nature of an occupational noise problem.

It is now generally accepted that extended periods of exposure to high noise levels cause varying degrees of temporary and permanent hearing loss. Aside from hearing loss, exposure to high noise levels has also been related to changes in cardiovascular, endocrine, neurologic, and other physiologic functions. All of these are suggestive of a general stress reaction with resultant complaints of fatigue and irritability. Although the effects of these reactions on accident rates cannot be quantified, noise level distraction from normal surveillance of wayside signals and from locomotive controls can be a significant causal factor.

As far as the cost effects and economic feasibility of this regulation, FRA estimates that less than 5 percent of the locomotives now in service produce interior noise levels in excess of the prescribed limits. A substantial proportion of these can be brought into compliance by relatively simple maintenance procedures, such as improving seals and gaskets or replacing missing electrical cabinet panels. Also, substantial noise reductions can be achieved in the areas of controlling air brake exhaust and excessive horn noise in the cab. Reduction of horn and air brake noise is the most significant factor in regards to crew exposure and is the most cost effective approach. The following discussion identifies some engineering controls that have been utilized in these areas.

Major locomotive manufacturers presently offer, as an option, a method for piping the automatic brake valve service application and independent brake valve exhaust into the sub-base of the locomotive. This option provides an audible indication of brake performance while, at the same time, it has been estimated to reduce the cab occupants' noise dosage by 15 to 20 percent. It is available at an additional cost of approximately $100 to $150, and is presently specified by two railroads for their new units. One railroad has retrofitted their existing equipment as well.

Excessive air horn noise in the cab is most easily controlled by proper location of the horn on the locomotive. It should be away from air vents and not located on the cab roof in close proximity to any crew member's seat. It is estimated that relocation can be accomplished at labor costs of less than one hour.

The costs involved in lowering employee exposure to noise may be balanced by reduced compensation costs associated with high noise work environments. A recent analysis of the Federal Employers' Liability Act cases of five railroad employees seeking compensation for occupational hearing loss showed that they suffered from 37 to 82dB hearing loss and received awards of a mean value of $32,000.

One commenter stated that the cab noise standard was unnecessary because newer locomotives are quieter than the older ones, and that the cab noise situation will improve even more due to the EPA wayside noise standards.

FRA does not disagree with the contention that locomotives are now, generally speaking, quieter than those built in the past. However, these older units may remain in service for many years. As far as the effect of the EPA standards on interior noise levels, based on test data from major locomotive manufacturers, it appears that the noise reduction techniques incorporated in the post-1980 units to meet exterior passby noise standards will have little or no effect on the interior cab noise environment.

One commenter recommended that the interior cab noise standard only apply to new locomotives. It was questioned whether it would be prudent to retrofit locomotives that were very close to being retired.

FRA does not agree that a blanket exemption to this regulation is appropriate for existing locomotives. As previously mentioned, these units may remain in service for many years and, if required, can often be brought into compliance by the implementation of the maintenance procedures or the identified methods to reduce horn and brake noise in the cab.

The cab noise requirement becomes effective on September 1, 1980, and the compliance time between issuance and the effective date provides ample time for any retrofitting that may be required. Of course, an application for waiver of this standard may be appropriate for those special cases where it can be demonstrated that retrofit is not cost/effective and that an alternate hearing conservation program is to be implemented.

Three commenters alleged that this regulation should only apply to MU cars built after January 1, 1981, and should not apply to emergency application of air brakes on multiple unit equipment. They claimed that although their older

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cars exceed the 115dB(A) limit on emergency application of brakes, they have operated without crew complaints concerning cab noise for over 15 years.

FRA does not agree with this suggestion. The absence of complaints does not always correlate with conditions of non-excessive noise. Tolerance to noise is subjective with some people more sensitive than others. In addition, after years of excessive exposure, the onset of hearing loss may further minimize annoyance effects.

In addition to the technologies discussed above to reduce air brake valve noise, the efforts of a major air brake manufacturer concerning the PS-68-C air brake valve installed on multiple unit cars should be noted. This alternative, which was chosen among others because of ease of installation and maintenance, resulted in a substantial reduction in the noise level in comparison with the noise produced by the unmodified valve.

Three commenters objected to the fact that the proposed noise limits differed from the OSHA standard by the omission of the provision that "exposure to impulsive or impact noise should not exceed 140dB peak sound pressure level". They contended that this provision should have been inserted in lieu of the provision in the proposal stating that no exposure shall exceed 115dB(A).

FRA did not incorporate the 140dB impact/impulse noise limit because this type of noise is not normally present in the locomotive cab. Impact or impulse noise is characterized by very brief (less than one second) excursions of sound pressure and is normally associated with industrial processes in which two objects collide or which use explosive means of production. Ear tolerance is directly related to its characteristic rise time, peak sound level, and peak duration. Continuous noise, on the other hand, is typically associated with the 115dB(A) limit which is derived from the 90dB(A)–5dB doubling rate criterion. To minimize confusion in this area, the final rule distinguishes continuous or intermittent noise from impulse/impact noise by defining continuous noise as to its rise time to peak intensity and duration at that level.

The concern about the 115dB(A) limitation may be somewhat alleviated by the accuracy limitations of the noise measuring instrumentation. For compliance purposes, readings with the Type 2 sound level meter and the personal noise dosimeter are considered to have an accuracy of ±2dB. FRA will use this measurement tolerance in our enforcement activities.

One commenter, RLEA, took exception to the proposed 90dB(A) 8-hour limit and suggested that 85dB(A) was more appropriate as the time-weighted average. Various research studies were quoted to support their contention that a lower standard was required to minimize noise level distraction from normal surveillance of wayside signals and locomotive controls, to ensure that communication between crew members is unimpaired, and to minimize the risk of hearing impairment. For example, the Swedish goal of no more than 78dB(A) inside the cab of their locomotives was mentioned by this commenter to support his contention.

In selecting the proposed noise exposure limits, FRA has attempted to strike a balance between that which is most desirable and that which is feasible. While the Swedish goal is commendable, it should also be realized that their operations rely more on the usage of generally quieter electric locomotives than rail operations in the United States. With regard to the risk of hearing loss, FRA recognizes that comparatively more crew members will be at lower risk at 85dB(A) than at 90dB(A). However, we also recognize the technical feasibility problems and the economic impact associated with an 85dB(A) requirement. Significant reduction in interior noise levels has been achieved in recent years by locomotive manufacturers by additional insulation installed in the cab roof and electrical cabinets, piping the brake valve exhaust outside the cab, and by horn location considerations. Further reductions may not be prudent due to significant increases in costs without a commensurate reduction in crew exposure.

In summary, FRA has determined that the 90dB(A)–8 hour noise exposure limit will provide adequate protection for the hearing, communication, and comfort of locomotive crews under presently accepted standards. More restrictive criteria will be considered if future research indicates that noise-induced fatigue at these levels adversely affects the safety of train operations.

Three commenters asserted that FRA should not have included the noise exposure of employees at 85dB(A) for 16 hours because under the Hours of Service Act, the maximum work day shift is only 12 hours. They recommended that the exposure limit only be extended to cover a 12-hour exposure of 87dB(A). Two other commenters believed that the exposure limit should, like the OSHA standard, cover only 8 hours.

FRA's intention in the proposal was to limit employee exposure to 90dB(A) as an eight-hour time-weighted average, with a 5dB doubling rate (the amount by which the exposure intensity may be increased when exposure time is decreased). As specified in the NPRM, this standard is generally accepted and is the General Industry Standard adopted by the Occupational Safety and Health Administration. (Although OSHA's present standard limits employee exposure to noise to 90dB(A) as an eight-hour time-weighted average with a 5dB doubling rate, a subsequent NPRM proposed to extend these limits to 85dB(A) for 16 hours. (42 FR 37773, October 24, 1974))

FRA has re-examined its approach in this area and now believes that neither the 8 or 16 hour limit is appropriate for the railroad operating environment. Rather, the 12-Hours of Service limitation should govern the extension of the 5dB doubling rate. Accordingly, the final rule has been modified by deleting the entry in the table limiting exposure at 16 hours to 85dB(A) and thus effectively specifies that only exposures above 87dB(A) be included when calculating an employee's noise dose.

A major locomotive manufacturer recommended that FRA specify test parameters and conditions for sound measurement to permit an objective assessment of compliance. A related comment in this area was the suggestion by one railroad that FRA relate measured noise levels to assigned duty cycles for comparison with the specified exposure limits.

FRA appreciates these commenters' concerns. A requirement has been added in the final rule on microphone location and orientation to minimize test result variability due to measurement procedures. At the same time, to best approximate the crew member's exposure due to operational variability, the final rule requires that all measurements for determination of compliance be performed under typical operating conditions of the locomotive under test.

FRA is aware that the crew's exposure dose is strongly influenced by operational characteristics such as duty cycles and the frequency of grade-crossings. It is for this reason that FRA, in cooperation with the AAR, has sponsored efforts by the National Bureau of Standards to develop a simplified stationary test procedure that will correlate crew exposure and noise level data for these effects. The stationary test procedure, if valid, would yield a value that could be correlated to the specified time-weighted average

limits. In addition, remedial action would be facilitated by the identification of high noise sources in the locomotive under test. If such a valid test procedure can be developed, FRA will incorporate it as an appendix to these regulations as a suggested method of compliance.

Finally, it was suggested by one commenter that language be added stating that a locomotive, at the time of its manufacture, be certified as complying with this section. Unlike the EPA standards and FRA Compliance Regulations (49 CFR 210), this section does not limit noise emissions. Rather, the limits relate to the noise level exposure of the locomotive occupants. Noise level exposure, in turn, is operational dependent and thus, influenced by duty cycles, and the particular characteristic of train operation. It is questionable whether, at this time, a manufacturer could certify, with acceptable accuracy, compliance with the prescribed noise exposure limits.

§ 229.123 Pilots, snowplows, end plates.

The final rule is the same as proposed except that the effective date is postponed until January 1, 1981. The effective date is delayed in order to provide time to equip locomotives that do not now have either a pilot, a snowplow, or an end plate.

RLEA requested that the rule include design standards for these components. FRA does not agree that this is necessary since locomotive suppliers and railroads are capable of designing and installing these items. There is no indication that presently equipped locomotives, which constitute the vast majority of the current fleet, have inadequate or structually unsound end plates, snowplows, or pilots.

Several other commenters who operate MU locomotives indicated that MUs are not equipped. They suggested that MU locomotives be excluded from the requirement. FRA disagrees because it believes a device to deflect objects on the track is an important safety device. The need for such a device is greater now than in the past because of sharply increased incidents of vandalism.

§ 229.125 Headlights.

The final rule has modified the proposed rule in two respects. It was noted by one commenter that there is no need for the second locomotive in a locomotive consist to have an operative headlight. An inoperative headlight on a locomotive that is not the lead locomotive is unrelated to safety and should not be a non-complying condition. FRA agrees with this analysis and has drafted the final rule to require only the lead locomotive to meet the headlight requirement.

A number of commenters noted that rule did not require alignment and focus of the headlight. FRA agrees and has included language from the prior rule that the light be arranged to illuminate a person ahead and in front of the locomotive at a given distance.

RLEA stated that the rule ought to require that new locomotives be built with sealed beam dual headlights on both ends. FRA does not believe that this detailed design requirement is necessary for safety, although FRA notes that most locomotives are currently so built. Safety is met so long as the locomotive has a headlight that meets the candela requirements of the rule.

Several railroad commenters disagreed with the required candela ratings included in the proposal. They did not, however, challenge the statement in the preamble to the NPRM that the candela levels selected correspond to the intensity level implicitly required under the prior rule. What these commenters apparently were saying is that the FRA could take exception under the prior rules to certain locomotives in their fleets, but FRA had not done so. FRA is not inclined to reduce the candela limits of the proposal since they reasonably reflect the prior rule. Nor should the use of a modern standard for light intensity be viewed as reflecting a change in FRA's enforcement approach. The waiver process can be utilized if a compliance problem arises for certain categories of locomotives.

§ 229.127 Cab lights.

The final rule reflects two changes to the proposed rule. First, the comma between the words "cab passageways" is deleted. This was a typographical error in the NPRM and this language in the final rule now identically tracks the language of § 230.233(b). Second, the word "excessively" has been added to the requirement in paragraph (c) of the NPRM that batteries may not gas and the entire paragraph is moved to § 229.43(b) of the final rule. Both changes were made as a result of comments from the AAR and several railroads. RLEA requested that the final rule include a new requirement that cab lights have an on/off switch accessible to the crew. FRA does believe that safety warrants adding this requirement. The final rule provides that the lights illuminating the control instruments shall shine only on those parts requiring illumination and shall not interfere with the crew's vision of the track and signals. The rule also provides that the light for reading timetables and train order shall have an on/off switch.

§ 229.129 Audible warning device.

The final rule reflects several changes from the NPRM. A number of commenters suggested that FRA delete the proposed language and retain the present standard. These commenters contended that there was a lack of data to support the proposed change and that present devices are loud enough. One commenter suggested that FRA study the current audible warning system in light of the strobe light NPRM.

FRA has sponsored extensive research to determine the most effective means of alerting motorists and pedestrians of approaching trains. The reports of the research focusing on audible warning devices indicate that primary reliance on these devices to warn motorists is not justified, and that to be loud enough to warn in all ordinary circumstances, the sound level would have to be increased greatly. The increased sound level would produce intolerable community and interior cab noise.

At the same time, FRA recognizes that there are circumstances where the use of the audible warning system plays an integral role in minimizing hazards due to approaching trains. It is for this reason that FRA has prescribed an objective measure of their performance by the specification of minimum decibel levels. The performance of an audible warning device may vary for a number of causes including not only its construction and its location, but also its general maintenance, problems involving the filtration of the air supply, and deterioration of the diaphragm. The present standard does not afford a convenient method for verifying that the audible warning device is "safe and suitable for service," other than the extremely subjective belief that it may not sound right. The most accurate method of determining the effectiveness is to rate its decibel output which can be readily verified with sound measurement equipment.

A major locomotive manufacturer claimed that their present three chime horn would not meet the proposed decibel levels. In particular, they were concerned that they could not meet the proposed 96dB(A) requirement at 100 feet from the rear of the locomotive and recommended that FRA specify 92dB(A) at this position.

FRA's intention in setting minimum decibel levels for audible warning devices was to prescribe a method for determining if these devices were being maintained and working properly. It was

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not our intention to consign the well-maintained, standard three chime horn, to be out of compliance. FRA has further examined the measurement data relied upon when selecting the proposed levels, and a strong dependency on test measurement criteria such as weather conditions, topographical considerations, instrument tolerances, and reflecting objects has been revealed. In addition, measurements taken from the rear of the locomotive are heavily influenced by shadow effects of the hood structure, and line-of-sight limitations.

Accordingly, the final regulation has been revised to account for these effects by allowing a 4dB measurement tolerance. (Included in this tolerance is the generally accepted 2dB instrument tolerance.) It should also be recognized that a listener perceives a change of this magnitude as a relatively small difference in loudness.

A number of commenters claimed that the requirement that one chime of the audible warning device face in the direction of travel was redundant and should be deleted. Another commenter suggested that FRA require at least two chimes face in the forward direction.

FRA has re-examined its approach regarding the additional requirement on the chime direction of the warning device. The commenters' concerns regarding this issue have merit. FRA has specified a minimum decibel standard for the audible warning device to ensure that it is functioning properly. In addition, to account for reverse movement, we have required that this decibel level must be satisfied in the direction of travel of the locomotive. To impose a further requirement on chime direction is redundant and not integral to our stated goal. FRA has also concluded that it is not prudent to mandate a particular horn location or orientation for all locomotives. Accordingly, the chime direction requirement has been deleted in the final rule.

One commenter suggested that this section be revised to ensure that the occupants of the cab are protected from the noise of the audible warning device. In particular, it was suggested that FRA require that the device be located on the center line of the roof of the locomotive as far forward as possible and that a means be devised to deflect the sound away from the cab. The commenter's concerns over interior cab noise levels are addressed in § 229.121 by the specific occupational noise limits for cab noise exposure contained in that section.

A few commenters were concerned that FRA did not prescribe a measurement methodology to account for topography, speed, and other factors. The commenters' concern over the lack of a measurement methodolgy is partially addressed by the incorporation in the final rule of the measurement tolerance which will account for the cited variables. We believe this approach is preferable to imposing restrictive test criteria. However, to further minimize test variability, the requirements on sound level type and meter response characteristic have been expanded by a specification on microphone position when performing measurements.

Three commenters were concerned that their audible warning devices on MU cars would not meet the decibel or direction of at least one chime requirement. They suggested that these cars should be exempt from this section, or alternatively, that the effective date be adjusted to allow for waiver applications. They based this contention on the fact that their operations were unique due to grade crossing protection, speed restrictions, and travel through noise-sensitive areas.

FRA agrees that due to the diversity of the railroad industry, differing individual circumstances may justify waiver of the provisions of this rule. However, FRA does not believe, based on the information supplied, that there is a reasonable basis to generally exempt these operations from the rule itself. Rather, a petition for waiver of this provision is a more appropriate method by which to address the special problems of an individual carrier or particular operation. The effective date of the section has been delayed for a period of several months. This time period will allow for both a familiarization period as well as an opportunity to seek a waiver from the requirements if appropriate.

§ 229.131 Sanders.

No comments were received and no change has been made.

§ 220.141 Body structure, MU locomotives.

No comments. No change.

Civil Penalty Policy

RLEA was the only commenter that addressed the issue of civil penalties. RLEA stated that the minimum penalty for any violation should be higher than $250. FRA's discretion regarding the amount of civil penalties assessed is circumscribed by the provisions of the Locomotive Inspection Act, as amended. Section 9 of that Act (45 U.S.C. 34) provides that penalties for violations of rules, regulations or orders made under it shall be not less than $250 and not more than $2,500.

Appendix B to the final rule contains a revised penalty schedule that equates the amount of penalties to be assessed with the nature and degree of violations.

The purpose of Federal regulation of locomotives is to promote the safety of employees and the public. The achievement of that purpose is directly dependent upon compliance with the regulations. Therefore, the penalty levels for non-compliance should be structured in a manner that will effectively promote future compliance with the regulations. FRA believes that the revised penalty schedule will help to achieve that objective by refining the correlation between the degree of hazard presented by a violative condition and the amount of penalty assessed.

Appendix B of the final rule prescribes substantial penalties for violations of the rule. Where the degree of non-compliance could be objectively quantified, corresponding distinctions have been established in the penalty levels. In general, the highest penalities have been reserved for conditions that involve the greatest threat to the safety of employees and the public.

Appendix B provides for higher penalties where the circumstances indicate violations to be intentional. An intentional violation is the knowing and willful failure of a carrier to comply with the provisions of this final rule. The knowledge required for an intentional violation is knowledge of the facts constituting the violation. Knowledge of the regulations by a carrier is presumed by law. There are two instances that constitute *prima facie* evidence that a violation was knowing and willful: first, where there is evidence that a violation has been committed or has been allowed to continue by a carrier after an FRA inspector has provided the carrier with notification of deviation from the requirements of this rule; and second, where a carrier has made any repair to the locomotive component or appurtenance but has not brought that component or appurtenance into full compliance with this rule.

Under the penalty schedule, the locomotive (as opposed to individual deviations from this rule of individual components and appurtenance) remains the essential unit of violation. However, failure to perform, with respect to a particular locomotive, any of the inspections and tests required under Subpart B of this rule will be treated as a violation separate from, and in addition to, any other violative conditions detected on that locomotive. Penalties associated with individual violations of this rule will be combined up to a total of $2500 if two or more violations are discovered with respect to a single locomotive because of the resulting increased safety risk.

The Act and this rule apply to every locomotive used on a carrier's line. Enforcement practices that are now followed with respect to the current rule will continue to be observed. For example, in the past FRA has construed "use" of a locomotive, within the meaning of the Act, to include the movement of a locomotive from a repair track or engine house to a ready track. That term has also been interpreted by the FRA to encompass train and yard service performed by locomotives.

FRA will closely monitor movements under the authority of § 229.9 to ensure that this section, which establishes a systemized procedure for the movement of non-complying locomotives, is not abused to the detriment of employee and public safety. A carrier will be subject to a civil penalty whenever a non-complying locomotive is used on its line unless the provisions of § 229.9 are met with respect to the movement.

Appendix B to this part supersedes Appendix A to 49 C.F.R. Part 209 to the extent the latter addresses violations of the Act. Appropriate revisions will be made to Part 209 following issuance of specific penalty schedules with respect to the balance of the rules presently subject to the regulatory revision project.

Economic Impact

FRA has determined that this document does not contain a significant regulation. Therefore, a Regulatory Analysis under Executive Order 12044 is not required (E.O. 12044, 43 FR 12661, March 24, 1978).

However, FRA did prepare an evaluation of the costs and benefits of the proposed regulation. FRA has revised that evaluation in light of the comments received and the changes made in the final rule, in accordance with DOT policies for evaluation of regulatory impacts (Regulatory Policies and Procedures, 44 FR 11034, February 26, 1979). A copy of the evaluation for the final rule has been placed in the public docket for this proceeding.

Environmental Impact

On March 16, 1979, the FRA published (44 FR 160662) revised procedures for insuring full consideration of the environmental impacts of FRA actions as required by the National Environmental Policy Act ("NEPA", 42 U.S.C. 4321 et seq.), the Department of Transportation Act ("DOT Act", 49 U.S.C. 1651 et seq.), other environmental statutes, executive orders, and DOT Order 5610.113.

These FRA procedures require that an "environmental assessment" be performed prior to all major FRA actions. The procedures contain a provision that enumerates seven criteria which, if met, demonstrate that a particular action is not a "major" action for environmental purposes. These criteria involve diverse factors, including environmental controversiality; the availability of adequate relocation housing; the possible inconsistency of the action with Federal, State, or local law; the possible adverse impact on natural, cultural, recreational, or scenic environments; the use of properties covered by Section 4(f) of the DOT Act; and the possible increase in traffic congestion.

This action meets the seven criteria that establish an action as a non-major action. Accordingly, the FRA has determined that the amendment of Part 230 and the adoption of Part 229, Railroad Locomotive Safety Standards, do not constitute a major action requiring an environmental assessment.

Small Business Impact

FRA has evaluated this document and determined that it does not have any significant or special impact on small business.

The Final Rule

In consideration of the foregoing, 49 CFR is amended by—

1. Revising Part 230 (49 CFR Part 230) to read as follows:

PART 230—LOCOMOTIVE INSPECTION

§ 230.0 Steam powered locomotives.

(a) No railroad may use a steam powered locomotive on its line unless that locomotive meets the requirements of 49 CFR Part 230, Subpart A (§§ 230.1–230.55) and Subpart B (§§ 230.101–230.162) as in effect on October 1, 1978.

(b) Any interested person may consult the October 1, 1978 revision of 49 CFR Parts 200–999 or obtain a copy of these regulations by contacting the Federal Railroad Administration, Office of Standards and Procedures, 400 7th St., S.W., Washington, D.C. 20590.

Subpart A—Boilers and Appurtenances

(Limited Applicability)

Subpart B—Steam Locomotives and Tenders

(Limited Applicability)

Authority: Secs. 1, 2, 5, 9, 36 Stat. 913, 914 (45 U.S.C. 22, 23, 28, 34); sec. 6 (e) and (f), 80 Stat. 939, 940 (49 U.S.C. 1655 (e) and (f)).

2. Adopting a new Part 229 (49 CFR Part 229) to read as follows:

PART 229—RAILROAD LOCOMOTIVE SAFETY STANDARDS

Subpart A—General

§ 229.1 Scope.
§ 229.3 Applicability.
§ 229.5 Definitions.
§ 229.7 Prohibited acts.
§ 229.9 Movement of non-complying locomotives.
§ 229.11 Locomotive identification.
§ 229.13 Control of locomotives.
§ 229.14 Non-MU control cab locomotives.
§ 229.15 Final report.
§ 229.17 Accident reports.
§ 229.19 Prior waivers.

Subpart B—Inspections and Tests

§ 229.21 Daily inspection.
§ 229.23 Periodic inspection: General.
§ 229.25 Tests: Every periodic inspection.
§ 229.27 Annual tests.
§ 229.29 Biennial tests.
§ 229.31 Main reservoir tests.
§ 229.33 Out-of-use credit.

Subpart C—Safety Requirements

General Requirements

§ 229.41 Protection against personal injury.
§ 229.43 Exhaust and battery gases.
§ 229.45 General condition.

Brake System

§ 229.46 Brakes: General.
§ 229.47 Emergency brake valve.
§ 229.49 Main reservoir system.
§ 229.51 Aluminum main reservoirs.
§ 229.53 Brake gauges.
§ 229.55 Piston travel.
§ 229.57 Foundation brake gear.
§ 229.59 Leakage.

Draft System

§ 229.61 Draft system.

Suspension System

§ 229.63 Lateral motion.
§ 229.64 Plain bearings.
§ 229.65 Spring rigging.
§ 229.67 Trucks.
§ 229.69 Side bearings.
§ 229.71 Clearance above top of rail.
§ 229.73 Wheel sets.
§ 229.75 Wheel and tire defects.

Electrical System

§ 229.77 Current collectors.
§ 229.79 Third rail shoes.
§ 229.81 Emergency pole; shoe insulation.
§ 229.83 Insulation or grounding of metal parts.
§ 229.85 Doors and cover plates marked "Danger".
§ 229.87 Hand-operated switches.
§ 229.89 Jumpers; cable connections.
§ 229.91 Motors and generators.

Internal Combustion Equipment

§ 229.93 Safety cut-off device.
§ 229.95 Venting.

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§ 229.97 Grounding fuel tanks.
§ 229.99 Safety hangers.
§ 229.101 Engines.

Steam Generators

§ 229.103 Safe working pressure; factor of safety.
§ 229.105 Steam generator number.
§ 229.107 Pressure gauge.
§ 229.109 Safety valves.
§ 229.111 Water-flow indicator.
§ 229.113 Warning notice.

Cabs and Cab Equipment

§ 229.115 Slip/slide alarms.
§ 229.117 Speed indicators.
§ 229.119 Cabs, floors, and passageways.
§ 229.121 Locomotive cab noise.
§ 229.123 Pilots, snowplows, and plates.
§ 229.125 Headlights.
§ 229.127 Cab lights.
§ 229.129 Audible warning device.
§ 229.131 Sanders.

Subpart D—Design Requirements

§ 229.141 Body structure, MU locomotives.
Appendix A—Form FRA 6180.49A.
Appendix B—Schedule of Civil Penalties.
Appendix C—FRA Locomotive Standards Defect Code.

Authority: Secs. 1, 2, 5, 9, 36 Stat. 913, 914 (45 U.S.C. 22, 23, 28, 34); sec. 6(e) and (f), 80 Stat. 939, 940 (49 U.S.C. 1655(e) and (f)).

Subpart A—General

§ 229.1 Scope.

This part prescribes minimum Federal safety standards for all locomotives except those propelled by steam power.

§ 229.3 Applicability.

This part applies to all common carriers by railroad as defined in the Locomotive Inspection Act (45 U.S.C. § 22).

§ 229.5 Definitions.

As used in this part—

(a) "Break" means a fracture resulting in complete separation into parts.

(b) "Cab" means that portion of the superstructure designed to be occupied by the crew operating the locomotive.

(c) "Carrier" means a common carrier by railroad subject to the Locomotive Inspection Act (45 U.S.C. § 22).

(d) "Control cab locomotive" means a locomotive without propelling motors but with one or more control stands.

(e) "Crack" means a fracture without complete separation into parts, except that castings with shrinkage cracks or hot tears that do not significantly diminish the strength of the member are not considered to be cracked.

(f) "Dead locomotive" means—

(1) A locomotive other than a control cab locomotive that does not have any traction device supplying tractive power; or

(2) A control cab locomotive that has a locked and unoccupied cab.

(g) "High voltage" means an electrical potential of more than 150 volts.

(h) "Lite locomotive" means a locomotive or a consist of locomotives not attached to any piece of equipment or attached only to a caboose.

(i) "Locomotive" means a piece of on-track equipment other than hi-rail, specialized maintenance, or other similar equipment—

(1) With one or more propelling motors designed for moving other equipment;

(2) With one or more propelling motors designed to carry freight or passenger traffic or both; or

(3) Without propelling motors but with one or more control stands.

(j) "MU locomotive" means a multiple operated electric locomotive described in paragraph (i)(2) or (3) of this section.

(k) "Powered axle" is an axle equipped with a traction device.

(l) "Serious injury" means an injury that results in the amputation of any appendage, the loss of sight in an eye, the fracture of a bone, or the confinement in a hospital for a period of more than 24 consecutive hours.

§ 229.7 Prohibited acts.

(a) The Locomotive Inspection Act (45 U.S.C. §§ 22–34) makes it unlawful for any carrier to use or permit to be used on its line any locomotive unless the entire locomotive and its appurtenances—

(1) Are in proper condition and safe to operate in the service to which they are put, without unnecessary peril to life or limb; and

(2) Have been inspected and tested as required by this part.

(b) A carrier is subject to a penalty, as provided in Appendix B, if it fails to comply with any provision of this part or of the Locomotive Inspection Act.

§ 229.9 Movement of non-complying locomotives.

(a) Except as provided in paragraphs (b) and (c), a locomotive with one or more conditions not in compliance with this part may be moved only as a lite locomotive or a dead locomotive after the carrier has complied with the following:

(1) A qualified person shall determine—

(i) That it is safe to move the locomotive; and

(ii) The maximum speed and other restrictions necessary for safely conducting the movement;

(2)(i) The engineer in charge of the movement of the locomotive shall be notified in writing and inform all other crew members in the cab of the presence of the non-complying locomotive and the maximum speed and other restrictions determined under paragraph (a)(1)(ii) of this section.

(ii) A copy of the tag described in paragraph (a)(3) of this section may be used to provide the notification required by paragraph (a)(2)(i) of this section.

(3) A tag bearing the words "non-complying locomotive" and containing the following information, shall be securely attached to the control stand on each MU or control cab locomotive and to the isolation switch or near the engine start switch on every other type of locomotive—

(i) The locomotive number;

(ii) The name of the inspecting carrier;

(iii) The inspection location and date;

(iv) The nature of each defect;

(v) Movement restrictions, if any;

(vi) The destination; and

(vii) The signature of the person making the determinations required by this paragraph.

(b) A locomotive that develops a non-complying condition enroute may continue to utilize its propelling motors, if the requirements of paragraph (a) are otherwise fully met, until the earlier of—

(1) The next calendar day inspection, or

(2) The nearest forward point where the repairs necessary to bring it into compliance can be made.

(c) A non-complying locomotive may be moved lite or dead within a yard, at speeds not in excess of 10 miles per hour, without meeting the requirements of paragraph (a) of this section if the movement is solely for the purpose of repair. The carrier is responsible to insure that the movement may be safely made.

(d) A dead locomotive may not continue in use following a calendar day inspection as a controlling locomotive or at the head of a train or locomotive consist.

(e) A locomotive does not cease to be a locomotive because its propelling motor or motors are inoperative or because its control jumper cables are not connected.

(f) Nothing in this section authorizes the movement of a locomotive subject to a Special Notice for Repair unless the movement is made in accordance with the restrictions contained in the Special Notice.

§ 229.11 Locomotive identification.

(a) The letter "F" shall be legibly shown on each side of every locomotive near the end which for identification purposes will be known as the front end.

(b) The locomotive number shall be displayed in clearly legible numbers on each side of each locomotive.

§ 229.13 Control of locomotives.

Except when a locomotive is moved in accordance with § 229.9, whenever two or more locomotives are coupled in remote or multiple control, the propulsion system, the sanders, and the power brake system of each locomotive shall respond to control from the cab of the controlling locomotive. If a dynamic brake or regenerative brake system is in use, that portion of the system in use shall respond to control from the cab of the controlling locomotive.

§ 229.14 Non-MU control cab locomotives.

On each non-MU control cab locomotive, only those components added to the passenger car that enable it to serve as a lead locomotive, control the locomotive actually providing tractive power, and otherwise control the movement of the train, are subject to this part.

§ 229.15 Final report.

(a) When a locomotive is permanently retired from use, the Form FRA F 6180–49A on the locomotive at that time shall be removed and filed within 30 days with the Federal Railroad Administration, RRS–25, Washington, D.C. 20590. Each form filed shall contain the following:

(1) The words "locomotive will not again be used by this company."

(2) The date and place the locomotive is retired from use; and

(3) A statement of the disposition of the locomotive.

(b) When a locomotive steam generator is permanently retired from use the Form FRA F 6180–49A on the locomotive shall contain the following:

(1) The words "steam generator will not again be used by this company."

(2) The date and place the steam generator is retired from use; and

(3) A statement of the disposition of the steam generator.

§ 229.17 Accident reports.

(a) In the case of an accident due to a failure from any cause of a locomotive or any part or appurtenance of a locomotive, or a person coming in contact with an electrically energized part or appurtenance, that results in serious injury or death of one or more persons, the carrier operating the locomotive shall immediately report the accident by toll free telephone, Area Code 800–424–0201. The report shall state the nature of the accident, number of persons killed or seriously injured, the place at which it occurred, the location at which the locomotive or the affected parts may be inspected by the FRA, and the name, title and phone number of the person making the call. The locomotive or the part or parts affected by the accident shall be preserved intact by the carrier until after the FRA inspection.

(b) Written confirmation of the oral report required by paragraph (a) of this section shall be immediately mailed to the Federal Railroad Administration, RRS–25, Washington, D.C. 20590, and contain a detailed description of the accident, including to the extent known, the causes and the number of persons killed and injured. The written report required by this paragraph is in addition to the reporting requirements of 49 CFR Part 225.

§ 229.19 Prior waivers.

All waivers of every form and type from any requirement of any order or regulation implementing the Locomotive Inspection Act, applicable to one or more locomotives except those propelled by steam power, shall lapse on August 31, 1980, unless a copy of the grant of waiver is filed prior to that date with the Office of Safety (RRS–23), Federal Railroad Administration, Washington, D.C. 20590.

Subpart B—Inspections and Tests

§ 229.21 Daily inspection.

(a) Except for MU locomotives, each locomotive in use shall be inspected at least once during each calendar day. A written report of the inspection shall be made. This report shall contain the name of the carrier; the initials and number of the locomotive; the place, date and time of the inspection; a description of the non-complying conditions disclosed by the inspection; and the signature of the employee making the inspection. Except as provided in § 229.9, any conditions that constitute non-compliance with any requirement of this part shall be repaired before the locomotive is used. A notation shall be made on the report indicating the nature of the repairs that have been made. The person making the repairs shall sign the report. The report shall be filed and retained for at least one year in the office of the carrier at the terminal at which the locomotive is cared for. A record shall be maintained on each locomotive showing the place, date and time of the previous inspection.

(b) Each MU locomotive in use shall be inspected at least once during each calendar day and a written report of the inspection shall be made. This report may be part of a single master report covering an entire group of MU's. If any non-complying conditions are found, a separate, individual report shall be made containing the name of the carrier; the initials and number of the locomotive; the place, date, and time of the inspection; the non-complying conditions found; and the signature of the inspector. Except as provided in § 229.9, any conditions that constitute non-compliance with any requirement of this part shall be repaired before the locomotive is used. A notation shall be made on the report indicating the nature of the repairs that have been made. The person making the repairs shall sign the report. The reports shall be filed in the office of the carrier at the place where the inspection is made or at one central location and retained for at least one year.

(c) Each carrier shall designate qualified persons to make the inspections required by this section.

§ 229.23 Periodic inspection: General.

(a) Each locomotive and steam generator shall be inspected at each periodic inspection to determine whether it complies with this part. Except as provided in § 229.9, all non-complying conditions shall be repaired before the locomotive or the steam generator is used. Except as provided in § 229.33, the interval between any two periodic inspections may not exceed 92 days. Periodic inspections shall only be made where adequate facilities are available. At each periodic inspection, a locomotive shall be positioned so that a person may safely inspect the entire underneath portion of the locomotive.

(b) The periodic inspection of the steam generator may be postponed indefinitely if the water suction pipe to the water pump and the leads to the main switch (steam generator switch) are disconnected, and the train line shut-off-valve is wired closed or a blind gasket applied. However, the steam generator shall be so inspected before it is returned to use.

(c) After April 30, 1980, each new locomotive shall receive an initial periodic inspection before it is used. Except as provided in § 229.33, before July 1, 1980, each locomotive in use on or before April 30, 1980, shall receive an initial periodic inspection. At the initial periodic inspection, the date and place of the last tests performed that are the equivalent of the tests required by §§ 229.27, 229.29, and 229.31 shall be entered on Form FRA F 6180–49A. These dates shall determine when the tests first become due under §§229.27, 229.29, and 229.31. Out of use credit may be carried over from Form FRA F 6180–49 and entered on Form FRA F 6180–49A.

(d) Each periodic inspection shall be recorded on Form FRA F 6180–49A. The form shall be signed by the person conducting the inspection and certified by that person's supervisor that the

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work was done. The form shall be displayed under a transparent cover in a conspicuous place in the cab of each locomotive.

(e) At the first periodic inspection in each calendar year the carrier shall remove from each locomotive the Form FRA F 6180–49A covering the previous calendar year. If a locomotive does not receive its first periodic inspection in a calendar year before April 2nd because it is out of use, the form shall be promptly replaced. The FRA F 6180–49A form covering the preceding year for each locomotive, in or out of use, shall be certified by the railroad official responsible for the locomotive and filed not later than May 1 of each year with the Federal Railroad Administration, RRS–25, Washington, D.C. 20590. The date and place of the last periodic inspection and the date and place of the last tests performed under §§ 229.27, 229.29, and 229.31 shall be transferred to the replacement form FRA F 6180–49A.

(f) The mechanical officer of each railroad who is in charge of a locomotive shall maintain in his office a secondary record of the information reported on Form FRA F 6180–49A under this part. The secondary record shall be retained for at least two years.

§ 229.25 Tests: Every periodic inspection.

Each periodic inspection shall include the following:

(a) All gauges used by the engineer for braking the train or locomotive, except load meters used in conjunction with an auxiliary brake system, shall be tested by comparison with a dead-weight tester or a test gauge designed for this purpose.

(b) All electrical devices and visible insulation shall be inspected.

(c) All cable connections between locomotives and jumpers that are designed to carry 600 volts or more shall be thoroughly cleaned, inspected, and tested for continuity.

(d) Each steam generator that is not isolated as prescribed in § 229.23(b) shall be inspected and tested as follows:

(1) All automatic controls, alarms and protective devices shall be inspected and tested.

(2) Steam pressure gauges shall be tested by comparison with a dead-weight tester or a test gauge designed for this purpose. The siphons to the steam gauges shall be removed and their connections examined to determine that they are open.

(3) Safety valves shall be set and tested under steam after the steam pressure gauge is tested.

§ 229.27 Annual tests.

Each locomotive shall be subjected to the tests and inspections included in paragraphs (b) and (c) of this section, and each non-MU locomotive shall also be subjected to the tests and inspections included in paragraph (a) of this section, at intervals that do not exceed 368 calendar days:

(a)(1) The filtering devices or dirt collectors located in the main reservoir supply line to the air brake system shall be cleaned, repaired, or replaced.

(2) Brake cylinder relay valve portions, main reservoir safety valves, brake pipe vent valve portions, feed and reducing valve portions in the air brake system (including related dirt collectors and filters) shall be cleaned, repaired, and tested.

(3) The date and place of the cleaning, repairing, and testing shall be recorded on Form FRA F 6180–49A and the person performing the work and that person's supervisor shall sign the form. A record of the parts of the air brake system that are cleaned, repaired, and tested shall be kept in the carrier's files or in the cab of the locomotive.

(4) At its option, a carrier may fragment the work required by this paragraph. In that event, a separate air record shall be maintained under a transparent cover in the cab. The air record shall include the locomotive number, a list of the air brake components, and the date and place of the last inspection and test of each component. The signature of the person performing the work and the signature of that person's supervisor shall be included for each component. A duplicate record shall be maintained in the carrier's files.

(b) Load meters shall be tested. Errors of less than five percent do not have to be corrected. The date and place of the test shall be recorded on Form FRA F 6180–49A and the person conducting the test and that person's supervisor shall sign the form.

(c) Each steam generator that is not isolated as prescribed in § 229.23(b), shall be subjected to a hydrostatic pressure at least 25 percent above the working pressure and the visual return water-flow indicator shall be removed and inspected.

§ 229.29 Biennial tests.

(a) Except for the valves and valve portions on non-MU locomotives that are cleaned, repaired, and tested as prescribed in § 229.27(a), all valves, valve portions, MU locomotive brake cylinders and electric-pneumatic master controllers in the air brake system (including related dirt collectors and filters) shall be cleaned, repaired, and tested at intervals that do not exceed 736 calendar days. The date and place of the cleaning, repairing, and testing shall be recorded on Form FRA F 6180–49A, and the person performing the work and that person's supervisor shall sign the form. A record of the parts of the air brake system that are cleaned, repaired, and tested shall be kept in the carrier's files or in the cab of the locomotive.

(b) At its option, a carrier may fragment the work required by this section. In that event, a separate air record shall be maintained under a transparent cover in the cab. The air record shall include the locomotive number, a list of the air brake components, and the date and place of the inspection and test of each component. The signature of the person performing the work and the signature of that person's supervisor shall be included for each component. A duplicate record shall be maintained in the carrier's files.

§ 229.31 Main reservoir tests.

(a) Except as provided in paragraph (c) of this section, before it is put in service and at intervals that do not exceed 736 calendar days, each main reservoir other than an aluminum reservoir shall be subjected to a hydrostatic pressure of at least 25 percent more than the maximum working pressure fixed by the chief mechanical officer. The test date, place, and pressure shall be recorded on Form FRA F 6180–49A, and the person performing the test and that person's supervisor shall sign the form.

(b) Except as provided in paragraph (c) of this section, each main reservoir other than an aluminum reservoir shall be hammer tested over its entire surface while the reservoir is empty at intervals that do not exceed 736 calendar days. The test date and place shall be recorded on Form FRA F 6180–49A, and the person performing the test and that person's supervisor shall sign the form.

(c) Each welded main reservoir originally constructed to withstand at least five times the maximum working pressure fixed by the chief mechanical officer may be drilled over its entire surface with telltale holes that are three-sixteenths of an inch in diameter. The holes shall be spaced not more than 12 inches apart, measured both longitudinally and circumferentially, and drilled from the outer surface to an extreme depth determined by the formula—

$$D=(.6PR/(S-0.6P))$$

where D=extreme depth of telltale holes in inches but in no case less than one-sixteenth inch; P=certified working pressure in pounds per square inch; S=one-fifth of the minimum specified tensile strength of the material in pounds per square inch; and R=inside radius of the reservoir in inches. One row of holes shall be drilled lengthwise of the reservoir on a line intersecting the drain opening. A reservoir so drilled does not have to meet the requirements of paragraphs (a) and (b) of this section, except the requirement for a hydrostatic test before it is placed in use. Whenever any such telltale hole shall have penetrated the interior of any reservoir, the reservoir shall be permanently withdrawn from service. A reservoir now in use may be drilled in lieu of the tests provided for by paragraphs (a) and (b) of this section, but it shall receive a hydrostatic test before it is returned to use.

(d) Each aluminum main reservoir before being placed in use and at intervals that do not exceed 736 calendar days thereafter, shall be—

(1) Cleaned and given a thorough visual inspection of all internal and external surfaces for evidence of defects or deterioration; and

(2) Subjected to a hydrostatic pressure at least twice the maximum working pressure fixed by the chief mechanical officer, but not less than 250 p.s.i. The test date, place, and pressure shall be recorded on Form FRA F 6180–49A, and the person conducting the test and that person's supervisor shall sign the form.

§ 229.33 Out-of-use credit.

When a locomotive is out of use for 30 or more consecutive days or is out of use when it is due for any test or inspection required by §§ 229.23, 229.25, 229.27, 229.29, or 229.31, an out-of-use notation showing the number of out-of-use days shall be made on an inspection line on Form FRA F 6180–49A. A supervisory employee of the carrier who is responsible for the locomotive shall attest to the notation. If the locomotive is out of use for one or more periods of at least 30 consecutive days each, the interval prescribed for any test or inspection under this part may be extended by the number of days in each period the locomotive is out of use since the last test or inspection in question. A movement made in accordance with § 229.9 is not a use for purposes of determining the period of the out-of-use credit.

Subpart C—Safety Requirements

General Requirements

§ 229.41 Protection against personal injury.

Fan openings, exposed gears and pinions, exposed moving parts of mechanisms, pipes carrying hot gases and high-voltage equipment, switches, circuit breakers, contactors, relays, grid resistors, and fuses shall be in non-hazardous locations or equipped with guards to prevent personal injury.

§ 229.43 Exhaust and battery gases.

(a) Products of combustion shall be released entirely outside the cab and other compartments. Exhaust stacks shall be of sufficient height or other means provided to prevent entry of products of combustion into the cab or other compartments under usual operating conditions.

(b) Battery containers shall be vented and batteries kept from gassing excessively.

§ 229.45 General condition.

All systems and components on a locomotive shall be free of conditions that endanger the safety of the crew, locomotive or train. These conditions include: insecure attachment of components, including third rail shoes or beams, traction motors and motor gear cases, and fuel tanks; fuel, oil, water, steam, and other leaks and accumulations of oil on electrical equipment that create a personal injury hazard; improper functioning of components, including slack adjusters, pantograph operating cylinders, circuit breakers, contactors, relays, switches, and fuses; and cracks, breaks, excessive wear and other structural infirmities of components, including quill drives, axles, gears, pinions, pantograph shoes and horns, third rail beams, traction motor gear cases, and fuel tanks.

Brake System

§ 229.46 Brakes: General.

The carrier shall know before each trip that the locomotive brakes and devices for regulating all pressures, including but not limited to the automatic and independent brake valves, operate as intended and that the water and oil have been drained from the air brake system.

§ 229.47 Emergency brake value.

(a) Except for locomotives with cabs designed for occupancy by only one person, each road locomotive shall be equipped with a brake pipe valve that is accessible to a member of the crew, other than the engineer, from that crew member's position in the cab. On car body type locomotives, a brake pipe valve shall be attached to the wall adjacent to each end exit door. The words "Emergency Brake Valve" shall be legibly stenciled or marked near each brake pipe valve or shall be shown on an adjacent badge plate.

(b) MU and control cab locomotives operated in road service shall be equipped with an emergency brake valve that is accessible to another crew member in the passenger compartment or vestibule. The words "Emergency Brake Valve" shall be legibly stenciled or marked near each valve or shall be shown on an adjacent badge plate.

§ 229.49 Main reservoir system.

(a)(1) The main reservoir system of each locomotive shall be equipped with at least one safety valve that shall prevent an accumulation of pressure of more than 15 pounds per square inch above the maximum working air pressure fixed by the chief mechanical officer of the carrier operating the locomotive.

(2) Except for non-equipped MU locomotives built prior to January 1, 1981, each locomotive that has a pneumatically actuated system of power controls shall be equipped with a separate reservoir of air under pressure to be used for operating those power controls. The reservoir shall be provided with means to automatically prevent the loss of pressure in the event of a failure of main air pressure, have storage capacity for not less than three complete operating cycles of control equipment and be located where it is not exposed to damage.

(b) a governor shall be provided that stops and starts or unloads and loads the air compressor within 5 pounds per square inch above or below the maximum working air pressure fixed by the carrier.

(c) Each compressor governor used in connection with the automatic air brake system shall be adjusted so that the compressor will start when the main reservoir pressure is not less than 15 pounds per square inch above the maximum brake pipe pressure fixed by the carrier and will not stop the compressor until the reservoir pressure has increased at least 10 pounds.

§ 229.51 Aluminum main reservoirs.

(a) Aluminum main reservoirs used on locomotives shall be designed and fabricated as follows:

(1) The heads and shell shall be made of Aluminum Association Alloy No. 5083–0, produced in accordance with American Society of Mechnical Engineers (ASME) Specification SB–209,

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as defined in the "ASME Boiler and Pressure Vessel Code" (1971 edition), Section II, Part B, page 123, with a minimum tensile strength of 40,000 p.s.i. (40 k.s.i.).

(2) Each aluminum main reservoir shall be designed and fabricated in accordance with the "ASME Boiler and Pressure Vessel Code," Section VIII, Division I (1971 edition), except as otherwise provided in this part.

(3) An aluminum main reservoir shall be constructed to withstand at least five times its maximum working pressure or 800 p.s.i., whichever is greater.

(4) Each aluminum main reservoir shall have at least two inspection openings to permit complete circumferential visual observation of the interior surface. On reservoirs less than 18 inches in diameter, the size of each inspection opening shall be at least that of 1½-inch threaded iron pipe, and on reservoirs 18 or more inches in diameter, the size of each opening shall be at least that of 2-inch threaded iron pipe.

(b) The following publications, which contain the industry standards incorporated by reference in paragraph (a) of this section, may be obtained from the publishers and are also on file in the Office of Safety of the Federal Railroad Administration, Washington, D.C. 20590. Sections II and VIII of the "ASME Boiler and Pressure Vessel Code" (1971 edition) are published by the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017.

§ 229.53 Brake gauges.

All gauges used by the engineer for braking the train or locomotive shall be located so that they may be conveniently read from the engineer's usual position in the cab. An air gauge may not be more than three pounds per square inch in error.

§ 229.55 Piston travel.

(a) Brake cylinder piston travel shall be sufficient to provide brake shoe clearance when the brakes are released.

(b) When the brakes are applied on a standing locomotive, the brake cylinder piston travel may not exceed 1½ inches less than the total possible piston travel. The total possible piston travel for each locomotive shall be entered on Form FRA F 6180–49A.

(c) The minimum brake cylinder pressure shall be 30 pounds per square inch.

§ 229.57 Foundation brake gear.

A lever, rod, brake beam, hanger, or pin may not be worn through more than 30 percent of its cross-sectional area, cracked, broken, or missing. All pins shall be secured in place with cotters, split keys, or nuts. Brake shoes shall be fastened with a brake shoe key and aligned in relation to the wheel to prevent localized thermal stress in the edge of the rim or the flange.

§ 229.59 Leakage.

(a) Leakage from the main air reservoir and related piping may not exceed an average of 3 pounds per square inch per minute for 3 minutes after the pressure has been reduced to 60 percent of the maximum pressure.

(b) Brake pipe leakage may not exceed 5 pounds per square inch per minute.

(c) With a full service application at maximum brake pipe pressure and with communication to the brake cylinders closed, the brakes shall remain applied at least 5 minutes.

(d) Leakage from control air reservoir, related piping, and pneumatically operated controls may not exceed an average of 3 pounds per square inch per minute for 3 minutes.

Draft System

§ 229.61 Draft system.

(a) A coupler may not have any of the following conditions:

(1) A distance between the guard arm and the knuckle nose of more than 5⅛ inches on standard type couplers (MCB contour 1904) or more than 5¹⁵⁄₁₆ inches on D&E couplers.

(2) A crack or break in the side wall or pin bearing bosses outside of the shaded areas shown in Figure 1 or in the pulling face of the knuckle.

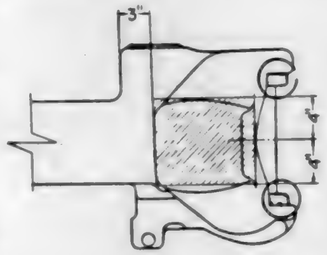


Figure 1

(3) A coupler assembly without anti-creep protection.

(4) Free slack in the coupler or drawbar not absorbed by friction devices or draft gears that exceeds one-half inches.

(5) A broken or cracked coupler carrier.

(6) A broken or cracked yoke.

(7) A broken draft gear.

(b) A device shall be provided under the lower end of all drawbar pins and articulated connection pins to prevent the pin from falling out of place in case of breakage.

Suspension System

§ 229.63 Lateral motion.

(a) Except as provided in paragraph (b), the total uncontrolled lateral motion between the hubs of the wheels and boxes, between boxes and pedestals or both, on any pair of wheels may not exceed 1 inch on non-powered axles and friction bearing powered axles, or ¾ inch on all other powered axles.

(b) The total uncontrolled lateral motion may not exceed 1¼ inches on the center axle of three-axle trucks.

§ 229.64 Plain bearings.

A plain bearing box shall contain visible free oil and may not be cracked to the extent that it will leak oil.

§ 229.65 Spring rigging.

(a) Protective construction or safety hangers shall be provided to prevent spring planks, spring seats or bolsters from dropping to track structure in event of a hanger or spring failure.

(b) An elliptical spring may not have its top (long) leaf broken or any other three leaves broken, except when that spring is part of a nest of three or more springs and none of the other springs in the nest has its top leaf or any other three leaves broken. An outer coil spring or saddle may not be broken. An equalizer, hanger, bolt, gib, or pin may not be cracked or broken. A coil spring may not be fully compressed when the locomotive is at rest.

(c) A shock absorber may not be broken or leaking clearly formed droplets of oil or other fluid.

§ 229.67 Trucks.

(a) The male center plate shall extend into the female center plate at least ¾ inch. On trucks constructed to transmit tractive effort through the center plate or center pin, the male center plate shall extend into the female center plate at least 1½ inches. Maximum lost motion in a center plate assemblage may not exceed ½ inch.

(b) Each locomotive shall have a device or securing arrangement to prevent the truck and locomotive body from separating in case of derailment.

(c) A truck may not have a loose tie bar or a cracked or broken center casting, motor suspension lug, equalizer, hanger, gib or pin. A truck frame may not be broken or have a crack in a stress area that may affect its structural integrity.

§ 229.69 Side bearings.

(a) Friction side bearings with springs designed to carry weight may not have more than 25 percent of the springs in any one nest broken.

(b) Friction side bearings may not be run in contact unless designed to carry weight. Maximum clearance of side bearings may not exceed one-fourth inch on each side or a total of one-half inch on both sides, except where more than two side bearings are used under the same rigid superstructure. The clearance on one pair of side bearings under the same rigid superstructure shall not exceed one-fourth inch on each side or a total of one-half inch on both sides; the other side bearings under the same rigid superstructure may have one-half inch clearance on each side or a total of 1 inch on both sides. These clearances apply where the spread of the side bearings is 50 inches or less; where the spread is greater, the side bearing clearance may only be increased proportionately.

§ 229.71 Clearance above top of rail.

No part or appliance of a locomotive except the wheels, flexible nonmetallic sand pipe extension tips, and trip cock arms may be less than 2½ inches above the top of rail.

§ 229.73 Wheel sets.

(a) The variation in the circumference of wheels on the same axle may not exceed ¼ inch (two tape sizes) when applied or turned.

(b) The maximum variation in the diameter between any two wheel sets in a three-powered-axle truck may not exceed ¾ inch, except that when shims are used at the journal box springs to compensate for wheel diameter variation, the maximum variation may not exceed 1¼ inch. The maximum variation in the diameter between any two wheel sets on different trucks on a locomotive that has three-powered-axle trucks may now exceed 1¼ inch. The diameter of a wheel set is the average diameter of the two wheels on an axle.

(c) On standard gauge locomotives, the distance between the inside gauge of the flanges on non-wide flange wheels may not be less than 53 inches or more than 53½ inches. The distance between the inside gauge of the flanges on wide flange wheels may not be less than 53 inches or more than 53¼ inches.

(d) The distance back to back of flanges of wheels mounted on the same axle shall not vary more than ¼ inch.

§ 229.75 Wheels and tire defects.

Wheels and tires may not have any of the following conditions:

(a) A single flat spot that is 2½ inches or more in length, or two adjoining spots that are each two or more inches in length.

(b) A gouge or chip in the flange that is more than 1½ inches in length and ½ inch in width.

(c) A broken rim, if the tread, measured from the flange at a point five-eighths inch above the tread, is less than 3¾ inches in width.

(d) A shelled-out spot 2½ inches or more in length, or two adjoining spots that are each two or more inches in length.

(e) A seam running lengthwise that is within 3¾ inches of the flange.

(f) A flange worn to a ⅞ inch thickness or less, gauged at a point ⅝ inch above the tread.

(g) A tread worn hollow ⁵⁄₁₆ inch or more on a locomotive in road service or ⅜ inch or more on a locomotive in switching service.

(h) A flange height of 1½ inches or more measured from tread to the top of the flange.

(i) Tires less than 1½ inches thick.

(j) Rims less than 1 inch thick on a locomotive in road service or less than ¾ inch on a locomotive in yard service.

(k) A crack or break in the flange, tread, rim, plate, or hub.

(l) A loose wheel or tire.

(m) Fusion welding may not be used on tires or steel wheels of locomotives, except for the repair of flat spots and worn flanges on locomotives used exclusively in yard service. A wheel that has been welded is a welded wheel for the life of the wheel.

Electrical System

§ 229.77 Current collectors.

(a) Pantographs shall be so arranged that they can be operated from the engineer's normal position in the cab. Pantographs that automatically rise when released shall have an automatic locking device to secure them in the down position.

(b) Each pantograph operating on an overhead trolley wire shall have a device for locking and grounding it in the lowest position, that can be applied and released only from a position where the operator has a clear view of the pantograph and roof without mounting the roof.

§ 229.79 Third rail shoes.

When locomotives are equipped with both third rail and overhead collectors, third-rail shoes shall be deenergized while in yards and at stations when current collection is exclusively from the overhead conductor.

§ 229.81 Emergency pole; shoe insulation.

(a) Each locomotive equipped with a pantograph operating on an overhead trolley wire shall have an emergency pole suitable for operating the pantograph. Unless the entire pole can be safely handled, the part of the pole which can be safely handled shall be marked to so indicate. This pole shall be protected from moisture when not in use.

(b) Each locomotive equipped with third-rail shoes shall have a device for insulating the current collecting apparatus from the third rail.

§ 229.83 Insulation or grounding of metal parts.

All unguarded noncurrent-carrying metal parts subject to becoming charged shall be grounded or thoroughly insulated.

§ 229.85 Doors and cover plates marked "Danger".

All doors and cover plates guarding high voltage equipment shall be marked "Danger—High Voltage" or with the word "Danger" and the normal voltage carried by the parts so protected.

§ 229.87 Hand-operated switches.

All hand-operated switches carrying currents with a potential of more than 150 volts that may be operated while under load shall be covered and shall be operative from the outside of the cover. Means shall be provided to show whether the switches are open or closed. Switches that should not be operated while under load shall be legibly marked with the words "must not be operated under load" and the voltage carried.

§ 229.89 Jumpers; cable connections.

(a) Jumpers and cable connections between locomotives shall be so located and guarded to provide sufficient vertical clearance. They may not hang with one end free.

(b) Cable and jumper connections between locomotive may not have any of the following conditions:

(1) Broken or badly chafed insulation.

(2) Broken plugs, receptacles or terminals.

(3) Broken or protruding strands of wire.

§ 229.91 Motors and generators.

A motor or a generator may not have any of the following conditions:

(a) Be shorted or grounded.

(b) Throw solder excessively.

(c) Show evidence of coming apart.

(d) Have an overheated support bearing.

(e) Have an excessive accumulation of oil.

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Internal Combustion Equipment

§ 229.93 Safety cut-off device.

The fuel line shall have a safety cut-off device that—

(a) Is located adjacent to the fuel supply tank or in another safe location;

(b) Closes automatically when tripped and can be reset without hazard; and

(c) Can be hand operated from clearly marked locations, one inside the cab and one on each exterior side of the locomotive.

§ 229.95 Venting.

Fuel tank vent pipes may not discharge on the roof nor on or between the rails.

§ 229.97 Grounding fuel tanks.

Fuel tanks and related piping shall be electrically grounded.

§ 229.99 Safety hangers.

Drive shafts shall have safety hangers.

§ 229.101 Engines.

(a) The temperature and pressure alarms, controls and related switches of internal combustion engines shall function properly.

(b) Whenever an engine has been shut down due to mechanical or other problems, a distinctive warning notice giving reason for the shut-down shall be conspicuously attached near the engine starting control until repairs have been made.

(c) Wheel slip/slide protection shall be provided on a locomotive with an engine displaying a warning notice whenever required by § 229.115(b).

Steam Generators

§ 229.103 Safe working pressure; factor of safety.

The safe working pressure for each steam generator shall be fixed by the chief mechanical officer of the carrier. The minimum factor of safety shall be four. The fixed safe working pressure shall be indicated on FRA Form F 6180–49A.

§ 229.105 Steam generator number.

An identification number shall be marked on the steam generator's separator and that number entered on FRA Form F 6180–49A.

§ 229.107 Pressure gauge.

(a) Each steam generator shall have an illuminated steam gauge that correctly indicates the pressure. The steam pressure gauge shall be graduated to not less than one and one-half times the allowed working pressure of the stream generator.

(b) Each steam pressure gauge on a steam generator shall have a siphon that prevents steam from entering the gauge. The pipe connection shall directly enter the separator and shall be steam tight between the separator and the gauge.

§ 229.109 Safety valves.

Every steam generator shall be equipped with at least two safety valves that have a combined capacity to prevent an accumulation of pressure of more than five pounds per square inch above the allowed working pressure. The safety valves shall be independently connected to the separator and located as closely to the separator as possible without discharging inside of the generator compartment. The ends of the safety valve discharge lines shall be located or protected so that discharged steam does not create a hazard.

§ 229.111 Water-flow indicator.

(a) Steam generators shall be equipped with an illuminated visual return water-flow indicator.

(b) Steam generators shall be equipped with an operable test valve or other means of determining whether the steam generator is filled with water. The fill test valve may not discharge steam or hot water into the steam generator compartment.

§ 229.113 Warning notice.

Whenever any steam generator has been shut down because of defects, a distinctive warning notice giving reasons for the shut-down shall be conspicuously attached near the steam generator starting controls until the necessary repairs have been made. The locomotive in which the steam generator displaying a warning notice is located may continue in service until the next periodic inspection.

Cabs and Cab Equipment

§ 229.115 Slip/slide alarms.

(a) Except for MU locomotives, each locomotive used in road service shall be equipped with a device that provides an audible or visual alarm in the cab of either slipping or sliding wheels on powered axles under power. When two or more locomotives are coupled in multiple or remote control, the wheel slip/slide alarm of each locomotive shall be shown in the cab of the controlling locomotive.

(b) Except as provided in § 229.9, an equipped locomotive may not be dispatched in road service, or continue in road service following a daily inspection, unless the wheel slip/slide protective device of whatever type—

(1) Is functioning for each powered axle under power; and

(2) Would function on each powered axle if it were under power.

(c) Effective January 1, 1981, all new locomotives capable of being used in road service shall be equipped with a device that detects wheel slip/slide for each powered axle when it is under power. The device shall produce an audible or visual alarm in the cab.

§ 229.117 Speed indicators.

(a) After December 31, 1980, each locomotive used as a controlling locomotive at speeds in excess of 20 miles per hour shall be equipped with a speed indicator which is—

(1) Accurate within ±3 miles per hour of actual speed at speeds of 10 to 30 miles per hour and accurate within ±5 miles per hour at speeds above 30 miles per hour; and

(2) Clearly readable from the engineer's normal position under all light conditions.

(b) Each speed indicator required shall be tested as soon as possible after departure by means of speed test sections or equivalent procedures.

§ 229.119 Cabs, floors, and passageways.

(a) Cab seats shall be securely mounted and braced. Cab doors shall be equipped with a secure and operable latching device.

(b) Cab windows of the lead locomotive shall provide an undistorted view of the right-of-way for the crew from their normal position in the cab. (See also, Safety Glazing Standards, 49 CFR Part 223, 44 FR 77348, December 31, 1979.)

(c) Floors of cabs, passageways, and compartments shall be kept free from oil, water, waste or any obstruction that creates a slipping, tripping or fire hazard. Floors shall be properly treated to provide secure footing.

(d) The cab shall be provided with proper ventilation and with a heating arrangement that maintains a temperature of at least 50 degrees Fahrenheit 6 inches above the center of each seat in the cab.

(e) Similar locomotives with open end platforms coupled in multiple control and used in road service shall have a means of safe passage between them; no passageway is required through the nose of car body locomotives. There shall be a continuous barrier across the full width of the end of a locomotive or a continuous barrier between locomotives.

(f) Containers shall be provided for carrying fusees and torpedoes. A single container may be used if it has a partition to separate fusees from torpedoes. Torpedoes shall be kept in a closed metal container.

§ 229.121 Locomotive cab noise.

(a) After August 31, 1980, the permissible exposure to a continuous noise in a locomotive cab shall not exceed an eight-hour time-weighted average of 90dB(A), with a doubling rate of 5 dB(A) as indicated in the table. Continuous noise is any sound with a rise time of more than 35 milliseconds to peak intensity and a duration of more than 500 milliseconds to the time when the level is 20dB below the peak.

Duration permitted (hours):	Sound level (dB(A))
12	87
8	90
6	92
4	95
2	100
1½	102
1	105
½	110
¼ or less	115

(b)When the continuous noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect shall be considered. Exposure to different levels for various periods of time shall be computed according to the following formula:

$$D = T_1/L_1 + T_2/L_2 + \ldots T_n/L_n$$

Where:

D = noise dose.

T = the duration of exposure (in hours) at a given continuous noise level.

L = the limit (in hours) for the level present during the time T (from the table).

If the value of D exceeds 1, the exposure exceeds permissible levels.

(c) Exposure to continuous noise shall not exceed 115dB(A).

(d) Noise measurements shall be made under typical operating conditions using a sound level meter conforming, at a minimum, to the requirements of ANSI S1.4–1971, Type 2, and set to an A-weighted slow response or with an audiodosimeter of equivalent accuracy and precision.

(e) In conducting sound level measurements with a sound level meter, the microphone shall be oriented vertically and positioned approximately 15 centimeters from and on axis with the crew member's ear. Measurements with an audiodosimeter shall be conducted in accordance with manufacturer's procedures as to microphone placement and orientation.

§ 229.123 Pilots, snowplows, end plates.

After January 1, 1981, each lead locomotive shall be equipped with an end plate that extends across both rails, a pilot, or a snowplow. The minimum clearance above the rail of the pilot, snowplow or end plate shall be 3 inches, and the maximum clearance 6 inches.

§ 229.125 Headlights.

(a) Each lead locomotive used in road service shall have a headlight that produces at least 200,000 candela. If a locomotive or locomotive consist in road service is regularly required to run backward for any portion of its trip other than to pick up a detached portion of its train or to make terminal movements, it shall also have on its rear a headlight that produces at least 200,000 candela. Each headlight shall be arranged to illuminate a person at least 800 feet ahead and in front of the headlight.

(b) Each locomotive or locomotive consist used in yard service shall have two headlights, one located on the front of the locomotive or locomotive consist and one on its rear. Each headlight shall produce at least 60,000 candela and shall be arranged to illuminate a person at least 300 feet ahead and in front of the headlight.

(c) Headlights shall be provided with a device to dim the light.

§ 229.127 Cab lights.

(a) Each locomotive shall have cab lights which will provide sufficient illumination for the control instruments, meters, and gauges to enable the engine crew to make accurate readings from their normal positions in the cab. These lights shall be located, constructed, and maintained so that light shines only on those parts requiring illumination and does not interfere with the crew's vision of the track and signals. Each controlling locomotive shall also have a conveniently located light that can be readily turned on and off by the persons operating the locomotive and that provides sufficient illumination for them to read train orders and timetables.

(b) Cab passageways and compartments shall have adequate illumination.

§ 229.129 Audible warning device.

(a) After August 31, 1980, each lead locomotive shall be provided with an audible warning device that produces a minimum sound level of 96db(A) at 100 feet forward of the locomotive in its direction of travel. The device shall be arranged so that it can be conveniently operated from the engineer's normal position in the cab.

(b) Measurement of the sound level shall be made using a sound level meter conforming, at a minimum, to the requirements of ANSI S1.4–1971, Type 2, and set to an A-weighted slow response. While the locomotive is on level tangent track, the microphone shall be positioned 4 feet above the ground at the center line of the track, and shall be oriented with respect to the sound source in accordance with the manufacturer's recommendations.

(c) A 4dB(A) measurement tolerance is allowable for a given measurement.

§ 229.131 Sanders.

Except for MU locomotives, each locomotive shall be equipped with operable sanders that deposit sand on each rail in front of the first power operated wheel set in the direction of movement.

Subpart D—Design Requirements

§ 229.141 Body structure, MU locomotives.

(a) MU locomotives built new after April 1, 1956 that are operated in trains having a total empty weight of 600,000 pounds or more shall have a body structure designed to meet or exceed the following minimum specifications:

(1) The body structure shall resist a minimum static end load of 800,000 pounds at the rear draft stops ahead of the bolster on the center line of draft, without developing any permanent deformation in any member of the body structure.

(2) An anti-climbing arrangement shall be applied at each end that is designed so that coupled MU locomotives under full compression shall mate in a manner that will resist one locomotive from climbing the other. This arrangement shall resist a vertical load of 100,000 pounds without exceeding the yield point of its various parts or its attachments to the body structure.

(3) The coupler carrier and its connections to the body structure shall be designed to resist a vertical downward thrust from the coupler shank of 100,000 pounds for any horizontal position of the coupler, without exceeding the yield points of the materials used. When yielding type of coupler carrier is used, an auxiliary arrangement shall be provided that complies with these requirements.

(4) The outside end of each locomotive shall be provided with two main vertical members, one at each side of the diaphragm opening; each main member shall have an ultimate shear value of not less than 300,000 pounds at a point even with the top of the underframe member to which it is attached. The attachment of these members at bottom shall be sufficient to develop their full shear value. If reinforcement is used to provide the shear value, the reinforcement shall have full value for a distance of 18 inches up from the underframe connection and then taper to a point approximately 30 inches above the underframe connection.

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(5) The strength of the means of locking the truck to the body shall be at least the equivalent of an ultimate shear value of 250,000 pounds.

(b) MU locomotives built new after April 1, 1956 that are operated in trains having a total empty weight of less than 600,000 pounds shall have a body structure designed to meet or exceed the following minimum specifications:

(1) The body structure shall resist a minimum static end load of 400,000 pounds at the rear draft stops ahead of the bolster on the center line of draft, without developing any permanent deformation in any member of the body structure.

(2) An anti-climbing arrangement shall be applied at each end that is designed so that coupled locomotives under full compression shall mate in a manner that will resist one locomotive from climbing the other. This arrangement shall resist a vertical load of 75,000 pounds without exceeding the yield point of its various parts or its attachments to the body structure.

(3) The coupler carrier and its connections to the body structure shall be designed to resist a vertical downward thrust from the coupled shank of 75,000 pounds for any horizontal position of the coupler, without exceeding the yield points of the materials used. When a yielding type of coupler carrier is used, an auxiliary arrangement shall be provided that complies with these requirements.

(4) The outside end of each MU locomotive shall be provided with two main vertical members, one at each side of the diaphragm opening; each main member shall have an ultimate shear value of not less than 200,000 pounds at a point even with the top of the underframe member to which it is attached. The attachment of these members at bottom shall be sufficient to develop their full shear value, the reinforcement shall have full value for a distance of 18 inches up from the underframe connection and then taper to a point approximately 30 inches above the underframe connection.

(5) The strength of the means of locking the truck to the body shall be at least the equivalent of an ultimate shear value of 250,000 pounds.

Note.—Appendix A will not appear in Title 49 of the CFR. Copies of Form FRA F6180–49A are available by contacting the Federal Railroad Administration, Office of Standards and Procedures, 400 7th St., SW., Washington, D.C. 20590.

BILLING CODE 4910-06-M

APPENDIX A - Form FRA F6180-49A (FRONT)

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

LOCOMOTIVE INSPECTION AND REPAIR RECORD

In accordance with the Locomotive Inspection Act 36 State 913, as amended and the regulations issued pursuant to that Act, the parts and appurtenances of the locomotive unit have been inspected and all defects disclosed by the inspection have been properly repaired

Reporting year 19____ Check if new loco. ☐ If loco. renumbered give previous no.

1. OPERATED BY	RR CODE	2. OWNED BY (Railroad)	RR CODE

3. MODEL NO.	4. LOCO. NO.	5. YR. BUILT	6. PROPELLED BY	7. HORSEPOWER	8. TYPE OF SERVICE: PASSENGER ☐ ROAD ☐ YARD ☐ OTHER ☐

9. STEAM GEN.	GEN. #1. Working Pressure	GEN. #2. Working Pressure

10. MAXIMUM PISTON TRAVEL Inches	11. OUT OF USE CREDIT

12. LAST PERIODIC INSPECTION DATE ____ PLACE ____

PERIODIC INSPECTIONS

13. DATE MO DAY YR	14. PLACE	15.* ITEMS	16. PERSON CONDUCTING	15.* ITEMS	16. PERSON CONDUCTING	17. CERTIFIED BY

15.* ITEM CODE: 1 BRAKES 2 RUNNING GEAR 3 CAB EQUIP. 4 MECH. EQUIP. 5 ELECT. EQUIP. 6 STEAM GEN. 7 SAFETY APPL.

TESTS		18. H&H TEST PRESSURE	19. WAIVER PART-229	20. WAIVER-OTHER
TYPE	INTERVAL NOT MORE THAN	21. PERSON CONDUCTING	22. TEST DATE AND PLACE	23. CERTIFIED BY	24. PREVIOUS TEST DATE AND PLACE
METER	368 calendar days				
HAMMER AND HYDRO	736 calendar days				
AIRBRAKE 229.27	368 calendar days				
AIRBRAKE 229.29	736 calendar days				

Certification of true copy.
I certify that this is a true copy of the inspection and repair record of locomotive no. _____

_____ (Officer-in-charge) DATE

ATTENTION: *A false entry on this form is punishable by fine or imprisonment (U.S. Code, Title 18, Sec. 1001).*

FORM FRA F6180-49 A

OMB Approval No. 004-R-4011

GOVERNMENT PROPERTY DO NOT REMOVE

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(BACK)

INSTRUCTIONS

1. OPERATED BY: Enter the name and code* of the railroad primarily responsible for operating the locomotive at the time the report is placed in the locomotive. Operator changes, including dates, shall be noted in "Remarks."
2. OWNER: Enter the name and code* of the owner. Changes in ownership shall be submitted as final reports.
3. MODEL NO.: Enter the original builder's model number.
4. LOCOMOTIVE NO.: Enter only the locomotive number. Include letters only if they are part of the locomotive markings. If the locomotive number is changed, include the information at the top of the form.
5. YEAR BUILT: Enter the year the locomotive was built or rebuilt.
6. PROPELLED BY: Enter Diesel-Electric (D-E), Electric (E), Mu, Mu Control Cab (MUC), Non-Mu Control Cab (NMUC), Turbo (T), Torque Converter (TC), Other (O).
7. HORSEPOWER: Enter horsepower rating.
8. TYPE OF SERVICE: Enter type of service the locomotive is assigned to when the report is placed in the locomotive.
9. Enter steam generator number(s) and safe working pressure(s).
10. Enter maximum piston travel. Enter only "Nominal" travel and do not include Manufactures Tolerance.
11. Enter number of creditable calendar days the locomotive was out-of-use. Less than 30 consecutive calendar days for any out-of-use period may not be counted. Any entry "out-of-use from _____ to _____" shall be made on an inspection line and certified when a locomotive is not in use when an inspection would otherwise be due. If the locomotive is out-of-use at the end of the reporting period, complete the "To" entry with the last day of the period. The entry on the replacement report should then record the "From" as the beginning of the new period.
12. LAST PERIODIC INSPECTION AND TESTS: This report covers annual periods (January 1 to December 31). The report of the preceding annual period shall be retained in the locomotive until the first periodic inspection is made after January 1 of each year or until the form is replaced as required by Section 229.23(e). When a new form 6180.49A is placed in the locomotive, enter the last periodic inspection information onto the new form in item 12 and the test information in item 24. Tests that are not applicable should be noted "NA".
INSPECTIONS AND TESTS: Persons making the required tests and periodic inspections shall sign for the items tested or inspected. The employee's supervisor shall certify that the tests and inspections were completed.
TESTS: Where the carrier has chosen to fragment air brake cleaning, repairing and testing required by Sections 229.27 & 29, an air record shall be maintained in the cab of the locomotive.
18. H&H: Enter test pressure from the hydrostatic test. If reservoirs are drilled: enter work "Drilled".
CODE*: Carriers shall enter only the code assigned by FRA to their railroad.
19. Any waivers of any type from a requirement of 49CFR Part 229 shall be identified in block No. 19 by its waiver number or by the section number affected. Explanatory information regarding the scope and content of the waiver shall be included under "Remarks".
20. Any waiver from any FRA requirement other than a requirement of 49CFR Part 229 shall be identified in block No. 20 by its waiver number or by the part and section number affected. Explanatory information regarding the scope and content of the waiver shall be included under "Remarks".
REPAIRS: Defects not properly repaired.

NOISE: Enter any noise tests or related information in accordance with 49 CFR 210.31.

REMARKS: The carriers should enter under "Remarks" any other clarifying or explanatory information.

State of _____ County of _____ on this day of _____ _____ personally appeared before me and signed this report as officer-in-charge, who disposes and says that this is a true copy of the inspection and repair record of the locomotive unit identified.

Subscribed and sworn to before me according to law this _____ day of _____

My commission expires _____

_____
NOTARY PUBLIC

BILLING CODE 4910-06-C

Appendix B—*Schedule of Civil Penalties*[1]

	Violation	Intentional[2] violation
Subpart A—General		
§ 229.7 Prohibited acts. Safety deficiencies not governed by specific regulation: To be assessed on relevant facts	$250–2,500	$250–2,500
§ 229.9 Movement of non-complying locomotives	(3)	(3)
§ 229.11 Locomotive identification	250	500
§ 229.13 Control of locomotives	1,000	1,500
§ 229.15 Final report	250	500
§ 229.17 Accident reports	1,000	1,500
§ 229.19 Prior waivers	(4)	(4)
Subpart B—Inspections and Tests		
§ 229.21 Daily inspection		
(a)(b)		
(i) Inspection overdue	$500	$1,000
(ii) Inspection report not made, improperly executed, or not retained	250	500
(c) Inspection not performed by a qualified person	500	750
§ 229.23 Periodic inspection: General		
(a)(b)		
(i) Inspection overdue	1,000	2,000
(ii) Inspection performed improperly or at a location where the underneath portion cannot be safely inspected	750	1,500
(c)(d)		
(i) Form missing	500	1,000
(ii) Form not properly displayed	250	500
(iii) Form improperly executed	500	1,000
(e)(f)	250	500
§ 229.25 Tests: Every periodic inspection	1,000	2,000
§ 229.27 Annual tests	1,000	2,000
§ 229.29 Biennial tests	1,000	2,000
§ 229.31 Main reservoir tests		
(a)(b)	750	1,250
(c)(d)	1,000	1,500
§ 229.33 Out-of-use credit	250	500
Subpart C—Safety Requirements		
§ 229.41 Protection against personal injury	$500	$750
§ 229.43 Exhaust and battery gases	750	1,000
§ 229.45 General condition: To be assessed based on relevant facts	250–2,500	250–2,500
§ 229.46 Brakes: General	1,000	1,500
§ 229.47 Emergency brake valve	500	750
§ 229.49 Main reservoir system		
(a)	750	1,250
(b)(c)	500	1,000
§ 229.51 Aluminum main reservoirs	500	1,000
§ 229.53 Brake gauges	500	750
§ 229.55 Piston travel	500	750
§ 229.57 Foundation brake gear	750	1,250
§ 229.59 Leakage	500	750
§ 229.61 Draft system	1,000	1,500
§ 229.63 Lateral motion	500	750
§ 229.64 Plain bearings	750	1,250
§ 229.65 Spring rigging	750	1,250
§ 229.67 Trucks	500	1,000
§ 229.69 Side bearings	750	1,250
§ 229.71 Clearance above top of rail	1,000	1,500
§ 229.73 Wheel sets	500	1,000
§ 229.75 Wheel and tire defects		
(a)(d) Slid flat or shelled spot(s):		
(i) One spot 2½" or more but less than 3" in length	750	1,000
(ii) One spot 3" or more in length	1,500	2,000
(iii) Two adjoining spots each of which is more than 2" but less than 2½" in length	1,000	1,500
(iv) Two adjoining spots each of which are at least 2" in length, if either spot is 2½" or more in length	1,500	2,000
(b) Gouge or chip in flange of:		
(i) More than 1½" but less than 1⅝" in length; and more than ½" but less than ⅝" in width	1,000	1,500
(ii) 1⅝" or more in length and ⅝" or more in width	1,500	2,000
(c) Broken rim	1,000	1,500
(e) Seam in tread	500	1,000
(f) Flange thickness of:		
(i) ⅞" or less but more than 1 3/16"	1,500	2,000
(ii) 1 3/16" or less	2,000	2,500
(g) Tread worn hollow	750	1,000
(h) Flange height of:		
(i) 1½" or greater but less than 1⅝"	1,500	2,000
(ii) 1⅝" or more	2,000	2,500
(i) Tire thickness	750	1,250
(j) Rim thickness:		
(i) Less than 1" in road service and ⅝" in yard service	1,500	2,000
(ii) 1 3/16" or less in road service and 1 3/16" in yard service	2,000	2,500
(k) Cracked or broken:		
(i) Crack of less than 1"	1,250	1,750
(ii) Crack of 1" or more	2,000	2,500
(iii) Break	2,500	2,500
(l) Loose wheel or tire	1,500	2,000
(m) Welded wheel or tire	2,000	2,500
§ 229.77 Current collectors	500	1,000
§ 229.79 Third rail shoes and beams	500	1,000
§ 229.81 Emergency pole; shoe insulation	500	1,000
§ 229.83 Insulation or grounding of metal parts	1,000	1,500
§ 229.85 Door and cover plates marked "Danger"	500	750
§ 229.87 Hand operated switches	500	750
§ 229.89 Jumpers; cable connections		
(a)	500	750
(b)	1,000	1,500
§ 229.91 Motors and generators	1,000	1,500
§ 229.93 Safety cut-off device	500	750
§ 229.95 Venting	500	750
§ 229.97 Grounding fuel tanks	500	750
§ 229.99 Safety hangers	500	750
§ 229.101 Engines		
(a)	1,000	1,500
(b)	500	750
(c)	1,000	1,500
§ 229.103 Safe working pressure; factor of safety	500	750
§ 229.105 Steam generator number	250	500
§ 229.107 Pressure gauge	500	1,000
§ 229.109 Safety valves	1,000	1,500
§ 229.111 Water-flow indicator	500	750
§ 229.113 Warning notice	500	750
§ 229.115 Slip/slide alarms	1,000	1,500
§ 229.117 Speed indicators	750	1,000
§ 229.119 Cabs, floors, and passageways		
(a)		
(i) Cab seat not securely mounted or braced	1,000	1,500
(ii) Insecure or inoperative latching device	500	1,000
(b)(c)(d)(e)(f)	500	750
§ 229.121 Locomotive cab noise	500	750
§ 229.123 Pilots, snowplows, and pilots	500	1,000
§ 229.125 Headlights	1,000	1,500
§ 229.127 Cab lights	750	1,250
§ 229.129 Audible warning device	500	750
§ 229.131 Sanders	500	1,000
Subpart D—Design Requirements		
§ 229.141 Body structure, MU locomotives	500	1,000

[1] 45 U.S.C. 34 requires the Secretary of Transportation to assess a penalty of not less than $250 nor more than $2,500 for each and every violation of the Locomotive Inspection Act or any rule or regulation promulgated under that statute.

[2] For purposes of this schedule, an intentional violation is the knowing and willful failure of a carrier to comply with the provisions of this part. The knowledge required for an intentional violation is knowledge of the facts constituting the violation. Knowledge of the regulations is presumed by law. Evidence that a violation has been committed or has been allowed to continue after an FRA inspector has provided the carrier notification of non-compliance with this part is *prima facie* evidence that the violation was knowing and willful. Evidence that a repair has been made to a locomotive part or appurtenance but that such part or appurtenance was not brought into full compliance with this part is *prima facie* evidence that the violation was knowing and willful.

[3] Failure to observe any condition for movement set forth in paragraph (a) of § 229.9 will deprive the carrier of the exception and make the carrier liable for penalty under §§ 229.7 through 229.141.

[4] Failure to comply with this provision will result in the lapse of any affected waiver.

Appendix C—FRA Locomotive Standards

Code of Defects

The following defect code has been established for use by FRA's Motive Power & Equipment inspectors to report defects observed during inspection of locomotives. The purpose of the code is to establish a uniform language among FRA and the railroad industry that will facilitate communication, recordkeeping, and statistical analyses. The code may not be substituted for the description of defects on bad order cards affixed to locomotives being moved for repairs under 229.9. However, it may be used to supplement that description.

Description of Defects

229.007 Prohibited Acts
(a)(1) Locomotive not in proper condition and safe to operate.
229.009 Movement for Non-complying Locomotives
Failure to meet conditions for movement of non-complying locomotives for repairs.
229.011 Locomotive Identification
(a) Letter "F" missing;
(b) Locomotive number missing.
229.013 Control of Locomotives
229.015 Final Report
(a) Locomotive;
(b) Steam generator.
229.017 Accident Report
(a)(1) Failure to report accident;
(2) Failure to preserve defective locomotive or part(s);
(b) Written confirmation.
229.019 Prior Waivers
229.021 Daily Inspection
(a)(1) Locomotive overdue for inspection;
(2) Failure to make written report of inspection;
(3) Inspection report not properly made out;
(4) Defects not reported;
(5) Defects not repaired;
(6) Report not retained for one year.
(b) MU Daily Inspection.
(1) Locomotive overdue inspection;
(2) Failure to make written report of inspection;
(3) Inspection report not properly made out;
(4) Defects not reported;
(5) Defects not repaired; and
(6) Report not retained for one year.
(c) Failure to use qualified person.
229.023 Periodic Inspection General
(a)(1) Periodic inspection not made to locomotive within 92 days;
(2) Periodic inspection not made to steam generator within 92 days;
(3) Locomotive not positioned so entire underneath portion can be safely inspected; and
(4) Inspection made with no facilities available.
(b) Steam generator not properly rendered inoperative.

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(d)(1) Form 6180–49A missing;
(2) Form 6180–49A improperly made out;
(3) Form 6180–49A not under transparent cover;
(4) Transparent cover missing or broken.
(e) Form 6180–49A not filed by May 1 each year with the Federal Railroad Administration (FRA).
(f)(1) Secondary Form 6180–49A missing;
(2) Secondary Form 6180–49A not retained for two years.

229.025 Tests: Every Periodic Inspection
(a) Gauges not inspected.
(b)(1) Electrical inspection not made;
(2) Electric devices defective;
(3) Electric insulation defective.
(c) 600 volt cable connection or jumper cables not inspected;
(d)(1) Steam generators automatic controls, alarms and protective devices not inspected or tested or defective;
(2) Steam pressure gauge not tested.
(3) Safety valves not properly set and tested.

229.027 Annual Tests
(a)(1) Failure to clean, repair or replace main air reservoir filtering devices or dirt collectors;
(2) Failure to clean, repair or replace:
(A) Brake cylinder relay valve portions;
(B) Main air reservoir safety valves;
(C) Brake pipe vent valve portions;
(D) Feed and reducing valve portion;
(E) Related dirt collectors and filters.
(F) All of the above.
(3) Failure to properly record air brake inspection information on Form 6180–49A.
(4)(A) Failure to properly record air brake inspection information on air record;
(B) Transparent record holder broken or missing;
(C) Duplicate air record missing or improperly made out.
(b)(1) Load meters not tested;
(2) Load meter in error;
(3) Test data not on Form 6180–49A.
(c)(1) Hydrostatic test of steam generator not made properly;
(2) Visual return water-flow indicator not removed, inspected or defective.

229.029 Biennial Tests
(a)(1) Air brake valves and valve portions, including related dirt collectors and filters not cleaned, repaired or tested.
(2) Failure to properly record air brake inspection information on:
(A) FRA Form 6180–49A;
(B) Carrier's maintenance files;
(C) Not under transparent cover in locomotive cab.

229.031 Main Reservoir Tests
(a)(1) Hydrostatic test not made;
(2) Hydrostatic test improper;
(3) Hydrostatic Test not properly recorded on FRA Form 6180–49A.
(b)(1) Hammer test not made;
(2) Hammer test improper;
(3) Hammer test not properly recorded on FRA Form 6180–49A.
(c)(1) Main reservoir not drilled;
(2) Main reservoir improperly drilled;
(3) Telltale hole penetrated.
(d) Aluminum main reservoir defective.

229.033 Out-of-Use Credit
(a) Out-of-use credit not valid;
(b) Out-of-use credit improperly recorded.

229.041 Protection Against Personal Injury—Protection not provided or defective:
(a) Fan openings;
(b) Exposed gears and pinions;
(c) Exposed moving parts of mechanisms;
(d) High-voltage equipment;
(e) Switches, circuit breakers, contactors, relays grid resistors and fuses.

229.043 Exhaust and Battery Gases
(a)(1) Exhaust stacks improper height;
(2) Exhaust manifold defective;
(3) Exhaust gases into cab or other compartments.
(b) Batteries defective.

229.045 General Condition
(a) Locomotive systems and components defective or insecure:
(1) Third rail shoes or beams;
(2) Traction motors and motor gear cases;
(3) Fuel tanks;
(4) Other.
(b) Hazardous leaks:
(1) Fuel;
(2) Oil;
(3) Water;
(4) Steam;
(5) Other.
(c) Excessive accumulation of oil on electrical equipment.
(d) Improper functioning of components:
(1) Slack adjusters;
(2) Pantograph operating cylinders;
(3) Circuit breakers;
(4) Contactors;
(5) Relays;
(6) Switches;
(7) Fuses;
(8) Other.
(e) Cracks, breaks, excessive wear and other structural infirmities of components:
(1) Quill drives;
(2) Axles;
(3) Gears;
(4) Pinions;
(5) Pantograph shoes and horns;
(6) Third rail beams;
(7) Traction motor gear cases;
(8) Fuel oil tanks;
(9) Other.

229.046 Brakes
(a) Brake inoperative;
(b) Automatic brake valve defective;
(c) Independent brake valve defective;
(d) Devices for regulating pressure defective;
(e) Water and oil not drained from air brake system;
(f) Other.

229.047 Emergency Brake Valve
(a) or (b) Emergency brake valve:
(1) Missing;
(2) Defective;
(3) Improperly positioned;
(4) Improperly stenciled or marked.

229.049 Main Reservoir System
(a) (1) Main reservoir safety valve:
(A) Missing;
(B) Defective.
(a) (2) Control air:
(A) Missing;
(B) Defective;
(C) Improperly applied.
(b) Air compressor governor:
(1) Inoperative;
(2) Defective;
(3) Other.

229.051 (a) Aluminum main reservoirs:
(1) Improperly designed;
(2) Defective.

229.053 Brake Gauges—Gauges:
(a) Improperly located;
(b) Inoperative;
(c) Defective;
(d) Other.

229.055 Piston Travel
(a) Brake cylinder piston travel is defective if:
(1) Brake shoe will not clear wheel when released;
(2) Piston travel excessive;
(3) Brake cylinder pressure improper.

229.057 Foundation Brake Gear—Foundation brake gear is defective if:
(a) Cracked;
(b) Broken;
(c) Missing;
(d) Worn more than 30 percent;
(e) Insecure;
(f) Improperly applied;
(g) Other.

229.059 Leakage—Excessive leakage in air brake system:
(a) Main air reservoir and related piping;
(b) Brake pipe;
(c) Brake cylinders;
(d) Control air reservoir;
(e) Other.

229.061 Draft System
(a) Defective coupler:
(1) (A) Gauge exceeds 5⅛" on standard couplers;
(B) Gauge exceeds 5⁹⁄₁₆" on D and E couplers;
(2) (A) Cracked;
(B) Broken;
(3) Anti-creep;
(4) Slack;
(5) Broken or cracked coupler carrier;
(6) Broken or cracked yoke;
(7) Broken draft gear;
(8)(A) Device under draw gear pin missing or broken;
(B) Device under articulated-connection pin missing or broken.

229.063 Lateral Motion
(a) Excessive lateral:
(1) Non-powered axles (1");
(2) Powered axles (¾");
(3) MU locomotives (1");
(4) Friction bearing axles (1").
(b) Center axle (1¼");

229.064 Plain Bearings
(a) No oil;
(b) Cracked box;
(c) Other.

229.065 Spring Rigging
(a) Safety Hangers:
(1) Loose;
(2) Cracked;
(3) Broken;
(4) Missing.
(b)(1) Elliptical spring:
(A) Broken;
(B) Missing;
(b)(2) Coil spring is:
(A) Broken;
(B) Missing;
(C) Compressed fully.
(b)(3) Cracked or broken equalizer, hanger bolt, gib or pin.
(c) Shock absorber is:
(1) Broken;

(2) Loose;
(3) Leaking;
(4) Inoperative.

229.067 Trucks
(a) Center plate lost motion;
(b) Securement;
(c)(1) Loose;
(2) Cracked;
(3) Broken;
(4) Missing.

229.069 Side Bearings
(a) Broken springs;
(b) Side bearings in contact;
(1) Side bearings clearance excessive;
(2) Otherwise defective.

229.071 Clearance Above Top of Rail Less Than 2½ Inches

229.073 Wheel Sets
(a) Wheel circumference improper;
(b)(1) Wheel diameter over ¾";
(2) Wheel diameter over 1¼";
(3) Otherwise defective.
(c) Gauge improper.
(d) Gauge between flanges.

229.075 Wheel and Tire Defects
(a) or (d) Wheel has slid flat spot or shelled spot:
(1) 2½" in length or more;
(2) Has two adjoining spots each of which is 2" in length or greater;
(3) A single spot 3" in length or more;
(4) Has two adjoining spots one of which is at least 2" in length and the other is 2½" or greater.
(b) Chip or gouge in flange:
(1) 1½" length and ½" in width or more;
(2) 1⅝" length and ⅝" in width or more;
(3) 1¾" in length and ¾" in width or more.
(c) Broken Rim:
(1) Tread less than 3¾";
(2) Tread less than 3½".
(e) Seam in tread.
(f) Worn flange
(1) Flange ⅞" or less at ⅜" above the tread;
(2) Flange 1³⁹⁄₁₆" or less at ⅜" above the tread;
(3) Flange ¾" or less at ⅜" above the tread.
(g) Tread worn hollow:
(1) Road locomotive;
(2) Switching locomotive.
(h) Flange height
(1) Flange is 1½" or more from the tread to top of flange;
(2) Flange is 1⅝" or more from the tread to top of flange;
(3) Flange is 1¾" or more.
(i) Tire less than 1½" thick.
(j) Rim Thickness:
(1) Less than 1" in road service;
(2) Less than 1⁵⁄₁₆" in road service;
(3) Less than ¾" in road service;
(4) Less than ¾" in yard service;
(5) Less than 1¹⁄₁₆" in yard service;
(6) Less than ⅝" in yard service.
(k) Crack or break in:
(1) Flange;
(2) Tread;
(3) Rim;
(4) Plate;
(5) Hub area.
(l) Loose wheel or tire.
(m) Welded wheel or tire.
(1) A welded wheel or tire on locomotive that is not moving for repairs;
(2) Improperly welding of wheel or tire.

229.077 Current Collectors
(a)(1) Pantograph not operating properly from engineer's position;
(2) Pantograph not locked in down position automatically.
(b)(1) Pantograph not grounded or properly locked;
(2) Pantograph not operating where operator can see operation.

229.079 Third Rail Shoes and Beams
(a) Third rail shoes not properly deenergized;
(b) Overhead collectors not properly deenergized.

229.081 Emergency Pole; Shoe Insulation
(a)(1) Emergency pole missing or defective;
(2) Emergency pole not properly marked;
(3) Emergency pole not protected from moisture.
(b) Third-rail shoe insulating device missing or defective.

229.083 Insulation or grounding of metal parts—Unguarded noncurrent-carrying metal parts not properly gounded or insulated.

229.085 Door and cover plates marked "Danger."—High-voltage equipment not properly marked.

229.087 Hand-Operated Switches
(a) Hand operated switches not properly covered;
(b) Hand operated switches not properly designated;
(c) Hand operated switches not properly marked.

229.089 Jumper; Cable Connections
(a) Jumpers and cables not properly located or guarded;
(b) Defective cable and jumpers between locomotives:
(1) Broken or badly chafed insulation;
(2) Broken plugs, receptacles or terminals;
(3) Broken or protruding strands of wire.

229.091 Motor and Generators—Motors or generators are defective if:
(a) Shorted or grounded;
(b) Throw solder excessively;
(c) Show evidence of coming apart;
(d) Overheated support bearing;
(e) Have an excessive accumulation of oil.

229.093 Safety Cut-Off Device—Fuel line safety cut-off device is defective if:
(a) Not properly located.
(b)(1) Does not close automatically;
(2) Cannot be reset without hazard.
(c)(1) Not properly marked;
(2) Inoperative.

229.095 Venting—Fuel tank vent pipes not properly venting.

229.097 Grounding Fuel Tanks—Fuel tank not properly grounded.

229.099 Safety Hanger—Drive shaft safety hanger is defective if:
(a) Missing;
(b) Loose;
(c) Defective.

229.101 Engines—Internal combustion engines are defective if:
(a) Temperature, pressure alarms, controls and related switches are:
(1) Inoperative;
(2) Defective;
(3) Missing.
(b) Warning notice missing or improperly made out.
(c) Wheel slip/slide improper when required.

229.103 Safe Working Pressure; Factor of Safety:
(a) Minimum factor of safety improper;
(b) Safe working pressure not properly designated.

229.105 Steam Generator Number
(a) Identification number not properly marked on:
(1) Separator;
(2) Form 6180–49A.

229.107 Pressure Gauge
(a) Steam pressure gauge is defective if:
(1) Not properly illuminated;
(2) Missing;
(3) Improper;
(4) Defective.
(b)(1) Steam gauge siphon improper;
(2) Pipe connection improperly applied;
(3) Siphon leaking or defective.

229.109 Safety Valves—Steam generator safety valves are defective if:
(a) Missing;
(b) Improperly set;
(c) Improperly located;
(d) Discharging inside compartment;
(e) Discharging lines not properly located or protected.

229.111 Water-Flow Indicator:
(a)(1) Visual water-flow indicator not properly illuminated.
(2) Defective.
(b)(1) Test valve missing;
(2) Inoperative;
(3) Defective.

229.113 Warning Notice:
(a) Warning notice missing, or
(b) Improperly made out;
(c) Improperly located.

229.115 Slip/Slide Alarms:
(a) or (b) Wheel slip/slide device or alarm is defective if:
(1) Non-equipped;
(2) Inoperative;
(3) Improper.

229.117 Speed Indicators:
(a) Speed indicators are defective if:
(1) Not equipped;
(2) Inoperative or otherwise defective;
(3) Not readable.
(b) Testing.

229.119 Cabs, Floors and Passageways—Cabs, floors and passageways are defective if:
(a)(i) Cab seat missing or defective.
(ii) Door latch missing or defective.
(b) Cab windows defective.
(c) Hazardous floors, passageways and compartments.
(d)(1) Cab ventilation improper;
(2) Cab temperature improper.
(e) Continuous barrier missing or improper.
(f) Fuses and torpedo container missing or improper.

229.121 Locomotive Cab Noise
(a) Cab noise is excessive if it exceeds:
(1) 87 db;
(2) 90 db;
(3) 92 db;
(4) Over 92 db;
(5) Over 115 db.

229.123 Pilot, Snowplows and End Plates—A locomotive is defective if not equipped with an:
(a) Pilot;

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(b) Snowplow;
(c) End plate;
(d) Too high or low;
(e) Insecure.

229.125 Headlight

(a) A headlight on a road locomotive is defective if:
(1) Inoperative;
(2) Missing;
(3) Inadequate.

(b) A headlight on a yard locomotive is defective if:
(1) Inoperative;
(2) Missing;
(3) Inadequate.
(c) Device to dim headlight.

229.127 Cab Lights

(a) Cab lights are defective if:
(1) Inoperative;
(2) Missing;
(3) Inadequate;
(4) Improperly positioned;
(5) Defective.

(b) Cab passageways and compartments lights are defective if:
(1) Inoperative;
(2) Missing;
(3) Inadequate.

229.129 Audible Warning Device

(a) The audible warning device is defective if:
(1) Missing;
(2) Inoperative;
(3) Inadequate.

229.131 Sanders—Sanders are defective if:
(a) Missing;
(b) Inoperative;
(c) Not lined to rail;
(d) Creating a personal injury hazard;
(e) Insecure.

229.141 (a) The body structure of a locomotive (MU) built after April 1, 1956, operating in trains of more than 600,000 pounds, is defective if—
(1) Cannot resist a static end load force of 800,000 pounds;
(2) Anti-climber cannot resist a vertical load of 100,000 pounds;
(3) Coupler carrier cannot resist a vertical downward thrust of 100,000 pounds;
(4) Diaphram members do not have an ultimate shear value of 300,000 pounds;
(5) Locking truck to car body cannot resist an ultimate shear force of 250,000 pounds;

(b) The body structure of a locomotive (MU) built after April 1, 1956, operating in a train of less than 600,000 pounds, is defective if—
(1) Cannot resist a static end load force of 400,000 pounds;
(2) Anti-climber cannot resist a vertical load of 75,000 pounds;
(3) Coupler carrier cannot resist a vertical downward thrust of 75,000 pounds;
(4) Diaphram members do not have an ultimate shear value of 200,000 pounds;
(5) Locking truck to car body cannot resist an ultimate shear force of 250,000 pounds.

(Secs. 1, 2, 5, 9, 36 Stat. 913, 914 (45 U.S.C. 22, 23, 28, 34); sec. 6(e) and (f), 80 Stat. 939, 940 (49 U.S.C. 1655(e) and (f).)

Issued in Washington, D.C. on March 24, 1980.

John M. Sullivan,
Administrator.

[FR Doc. 80-9538 Filed 3-26-80; 10:08 am]

BILLING CODE 4910-06-M

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federal register

Monday
March 31, 1980

Part IV

Department of Health, Education, and Welfare

Office of Human Development Services

Grants for State and Community Programs on Aging

V 45 / 63 MR 31 80 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

45 CFR Parts 1320, 1321, 1324, 1326

Grants for State and Community Programs on Aging

AGENCY: Office of Human Development Services (OHDS), HEW.

ACTION: Final rule.

SUMMARY: The Administration on Aging (AoA) in the Office of Human Development Services is issuing new and revised regulations to implement Title III of the Older Americans Act, as amended. Title III authorizes formula grants to State agencies on aging to assist States and local communities to develop comprehensive and coordinated systems for the delivery of services to older persons. Title III provides separate allotments for social services (including long-term care ombudsman program and multipurpose senior centers), congregate nutrition services and home-delivered nutrition services. These regulations set forth the requirements a State agency on aging must meet to receive a grant from the Administration on Aging. The regulations include requirements and procedures for designation of State and area agencies, submission and approval of State and area plans, services requirements and hearing procedures.

EFFECTIVE DATE: March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Fred Luhmann, Office of Program Development, Administration on Aging, Room 4748, 330 Independence Ave., S.W., Washington, D.C. 20201, (202) 472–3057.

SUPPLEMENTARY INFORMATION:

Background

The Older Americans Act was enacted in 1965. It has been amended eight times. On October 18, 1978, the President signed the latest amendments, the Comprehensive Older Americans Act Amendments of 1978. These amendments consolidated under one title, Title III, three activities, social services, nutrition services, and multipurpose senior centers, which had been authorized under three separate titles. The purpose of this consolidation is to provide more effective coordination and use of community resources in planning and providing services to older Americans. The Act emphasizes the development of comprehensive and coordinated delivery systems, the elimination of duplication and overlapping functions, the integration of social and nutrition services and strengthening the role of area agencies on aging.

On July 31, 1979, a Notice of Proposed Rulemaking (NPRM) was published in the **Federal Register** (44 FR 45032). This notice proposed to replace the regulations appearing in subchapter C of 45 CFR, Chapter XIII by the proposed Part 1321, Grants for State and Community Programs on Aging. Part 1320—General; Part 1324—Nutrition Program for the Elderly; and Part 1326—Multipurpose Senior Center would be vacated and reserved and Part 1321 would be completely revised.

Public Participation

Hearings. During the comment period, the Administration on Aging (AoA) conducted "public hearings." Hearings were held in each city with a Regional Office, except for Region III which held its hearing in Washington, D.C. The 11th hearing was held in Hawaii. Over 400 persons offered formal testimony. All testimony and written comments from these hearings have been reviewed and considered in preparing these final regulations.

Written Comments. Approximately 1,700 written comments were received. All comments were carefully reviewed and considered in developing these final regulations. A number of sections in the NPRM received no comments or relatively few comments. Some other sections received comments which related to technical errors, or omissions in the NPRM. (For example, a mistake in paragraph numbering). A third group of comments focused on minor changes in wording that do not change the meaning of a section. (For example, inserting the word "Governor" in Section 1321.35. This simply clarified a current practice, namely, that the Governor, as well as the State agency is notified of any action which the Commissioner takes on a State plan). A fourth group of comments questioned sections of the regulations which simply repeat provisions of the Act. (For example, Section 1321.109 which requires preference for serving those with greatest economic or social need). While we made changes in the regulation when called for by these four categories of comments, we will not discuss these minor changes in the preamble. The discussion that follows focuses on the major issues that were raised by commenters, and their substantive comments on these issues. We have presented the issues by first giving a summary of the comments and secondly giving our response to these comments.

Summary of Major Comments and AOA Response

Section 1321.3. *Definitions.* This section of the NPRM proposed, among other definitions, three options for the definition of "greatest economic need" and a definition of "greatest social need." These two proposed definitions received the overwhelming majority of comments.

Greatest economic need. The three options we proposed to define "greatest economic need" were: 1) at or below the poverty level established by the Bureau of the Census; 2) at or below the near poverty level; or 3) at or below the maximum income level for eligibility in the State's Title XX program. The first option was comparable to the definition of low income that we have used for a number of years to implement the former statutory requirements for consideration of low income older persons.

The majority of commenters preferred the third option for "greatest economic need." Commenters recognized that this definition would result in targeting on more older persons. In addition, commenters felt that this definition, by bringing Title III criteria in line with Title XX criteria, would result in greater equity in service delivery. Those opposed to the third option felt that it would not target scarce resources to older persons who were in greatest need.

The first option received the second largest number of favorable comments. These commenters felt that the second and third options would include too many older persons. In addition, commenters felt that the variations in State Title XX criteria would result in significant inequities nationwide. Those favoring the first option also noted that it would result in greater targeting on minority older persons, who are represented in greater proportion among those older persons with lowest income.

AoA response: As we pointed out in the NPRM, there is an inevitable tension created by the statutory requirement for preference for those in greatest economic or social need, and the repeated insistence in the legislative history that programs under the Act are for all older persons, and that means testing should accordingly not be permitted. This tension is reflected in the options we proposed to define greatest economic need, and the comments we received on those definitions. After careful consideration of those comments, we decided to select the first option. We made this decision for several reasons. First, we concluded that the first option is the only one likely to result in effective targeting on those who are in greatest need, and is therefore most consistent with the intent of the Act. Second, this is the definition for low income that we have used in the program for a number of years. Service providers have procedures in place for implementing this standard, and participants are accustomed to it. Third, we want the level of services provided to minority older persons not to be adversely affected by a definition which might deemphasize services to them. Since minority older persons are represented in a greater incidence among those with the lowest income, we believe the choice of the first option will reaffirm our commitment to assure that minority older persons receive the services that they need.

We want to reemphasize that this is only a preference requirement, and that an individual older person who request services under Title III may not be denied those services because of his or her income.

Greatest social need. We proposed in the NPRM to define greatest social need as "those non-economic factors such as isolation, physical or mental limitations, racial or cultural obstacles, or other non-economic factors which restrict individual ability to carry out normal activities of daily living and which threaten an individual's capacity to live an independent life."

A majority of commenters expressed support for this proposed definition of "greatest social need." However, many commenters suggested a change in the definition to include the words "linguistic or language barrier." Some of these commenters pointed out that frequently the service needs of minorities with limited English language capabilities were overlooked. Many commenters also suggested including specific mention of certain minority groups, that is, Blacks, Hispanics, Asian Americans, and American Indians.

Some commenters indicated that the proposed definition was too vague or difficult to implement. They expressed concern that it could be interpreted in many ways by State and area agencies. A few commenters recommended including in the definition additional criteria, for example: advanced age, illiteracy, sociomedical disabilities, institutionalization.

A number of minority organizations expressed concern that as a result of the 1978 amendments, programs under the Act would place less emphasis on serving minority older persons. We were asked to consider including all minority older persons in the definition of those with "greatest social need."

AoA response: We revised the definition of "greatest social need" to include language barriers and to mention explicitly Blacks, Hispanics, American Indians and Asian Americans as examples of individuals who may experience cultural or social isolation caused by racial or ethnic status.

We recognize that our definition is broad but believe strongly that it should encompass all major factors that produce greatest social needs. We think that our definition is sufficiently precise so that State agencies can identify the groups covered by it and thus focus on them.

In response to the concerns of minority organizations we carefully analyzed the extent to which we might include minority status in classification of those older persons in "greatest social need." The proposal to include all minority persons under the classification of those having the greatest social need would constitute a preference solely on the basis of race. We have concluded, based on discussions with the Office of the General Counsel, that we do not have adequate legal authority to require such a preference.

Programs under the Older Americans Act are subject to the requirements of Title VI of the Civil Rights Act of 1964. Title VI provides that: "No person . . . shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

The 1978 amendments removed from the Act our express statutory authority for requiring preferences for minority groups. Under the recent Supreme Court decision of *Regents of the University of California v. Bakke,* 438 U.S. 265 (1978), both Title VI and the equal protection clause of the Fifth Amendment to the Constitution require that any preferences imposed solely on the basis of race be subject to strict scrutiny. Under *Bakke,* such preferences might be found illegal, in the absence of a compelling reason or adequate official legislative, judicial, or administrative findings, of the need to remedy the effects of prior discrimination. We do not have such official findings.

However, under *Bakke,* race may be one factor to be considered in the distribution of public benefits. We have accordingly modified the definition of greatest social need to clarify that persons suffering from cultural or social isolation caused by race or ethnic status may be classified as those in "greatest social need."

The inclusion of this language would permit State and area agencies to give preferential status for the delivery of services to minority elderly persons suffering from such isolation and still comply with the principles enunciated by the Supreme Court in *Bakke.* Furthermore, while race can not be used as a sole criterion for the preferential distribution of benefits under the Act, our regulations implementing Title VI allow for affirmative action which might be applicable to State and area agencies in their determination of "greatest social need." Under 45 CFR 80.3(b)(6)(ii):

> Even in the absence of . . . prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, or national origin.

Additionally, 45 CFR 80.5(j) states that:

> Even though an applicant or recipient has never used discriminatory policies, the services and benefits of the program or activity it administers may not, in fact, be equally available to some racial or nationality groups. In such circumstances, an applicant or recipient may properly give special consideration to race, color, or national origin to make the benefits of the program more widely available to such groups not then being adequately served.

In view of the fact that many minority elderly persons have lived through a period of time in which they have been excluded from equal access to and participation in many programs and activities, such voluntary affirmative action might be authorized to ensure that social services provided under Title III of the Older Americans Act are adequately serving minority elderly persons.

Based on the preceding discussion, we conclude that State and area agencies may legally and properly focus on serving minority older persons where an evaluation of factors indicates that these individuals are suffering from cultural or social isolation because of race, color, or national origin. In our view, such emphasis is consistent with the legislative authority contained in the Act, with Title VI of the Civil Rights Act, and with underlying consitutional requirements.

Section 1321.13. *Organization of the State Agency.* We provided in the NPRM that the State agency could be either a single purpose or a multipurpose agency and left the multipurpose agency the option whether to designate a single organizational unit. This would have been relaxation of our existing requirement for a single organizational unit. Most commenters, including State and area agencies and advocates, did

not support this automatic relaxation. A majority of commenters felt that elimination of the requirement for a single organizational unit would mean greater fragmentation of services for older persons. Many felt that a single purpose structure provides for more efficient accountability of funds, clearer and more effective direction to area agencies on aging, and maximum visibility for programs and concerns for the elderly. Further, some commenters believed that deletion of the requirement for a single organizational unit is inconsistent with the concept of consolidation of nutrition, social services, and senior center facilities and services.

Twelve commenters, including the National League of Cities (NLC), the National Governor's Association, and the U.S. Conference of Mayors, supported the NPRM provision. They emphasized that each State should have the flexibility to determine the type of political structure most appropriate for the administration of programs for the elderly. The NLC felt that we should retain the right to impose a requirement if we determined that a State was not meeting its statutory responsibilities. Many State and area agencies on aging commented that removal of the single organizational unit would weaken their effectiveness in providing service to the elderly.

AoA response: We agree that programs under the Act should be administered in the way that ensures the most effective delivery of services to older persons. We were persuaded by the commenters that it was essential that each State agency have some designated unit to serve as the visible focal point for programs for older persons in the State. We concluded that, unless a State makes some showing to the contrary, our goal of effective planning, advocacy, and service delivery will be best ensured by a single organizational unit requirement. We have accordingly revised this section to require that, in those cases in which the designated State agency is a multipurpose agency, it must delegate all authority and responsibility under this part to a single organizational unit.

However, we also think that multipurpose agencies which can effectively carry out their responsibilities under this part without delegating all responsibility to a single organizational unit should not be required to do so, provided that those agencies keep some component unit which serves as a visible focal point for policy development, advocacy, coordination, monitoring and evaluation of programs for older persons. We are therefore providing in these regulations for a waiver by the Commissioner of the single organizational unit requirement.

A State may request a waiver as part of its State plan or as a plan amendment. The State agency must describe its method for carrying out its functions and responsibilities under this part. The State agency must also designate a component unit which plans and develops all policy on programs for older persons under this part, and provides a visible focal point for policy development, advocacy, coordination, monitoring and evaluation of programs for older persons within the State. The Commissioner will approve a waiver request unless he or she finds the waiver adversely affects the ability of the State agency to carry out its functions and responsibilities under this part.

Section 1321.15 *State agency administration.* The NPRM required each State agency to use proper and efficient methods for administering the State plan. Specifically, the NPRM required States by September 30, 1980, to establish written procedures for carrying out all of the State agency's functions under this part. The NPRM also required the State agency to publish the procedures for public comment, to maintain on file a functional statement of the manner in which the State agency performs its responsibilities; and to submit any reports the Commissioner requires.

A number of commenters questioned the appropriateness of the requirement for written State agency procedures under paragraph (b) of this section. They thought the requirement was too burdensome. One commenter suggested without being specific, that this requirement might conflict with existing State rulemaking procedures. Others indicated a likelihood of an increased financial burden to implement this requirement. Some commenters thought the proposed requirement in paragraph (b) to have State agency procedures in effect by September 30, 1980 was inappropriate because of the delay in publishing final Title III regulations. These commenters proposed that the required effective date for State agency procedures be one year after the issuance of final regulations. A few commenters expressed concern about what type of reports might be required by the Commissioner, and noted the need for adequate time to prepare reports for submission.

AoA response: We did not intend in this regulation either to impose undue staff or financial burdens on States or to conflict with State rulemaking procedures. Neither did we intend to subject every internal administrative procedure of the State agency to publication. For example, we did not intend to require a State agency to publish and receive comments on such matters as changes in position descriptions, or minor organizational realignments. We did, however, intend that States publish for review and comment those policies which describe in general terms the manner in which the State agency carries out its functions under this part. For example, a State must have written policies for how it determines its intrastate funding formula; how it designates area agencies and approves area plans; and how it conducts public hearings. We think a requirement of this kind is consistent with proper administrative practice and that a State agency can carry out this requirement without unreasonable burden. Since we do not require specific procedures for publication, we do not think the process that these regulations require is inconsistent with State rulemaking procedures. We accepted the comments concerning the date by which a State must have policies in place. Paragraph (b)(iv) requires a State to have final policies in effect no later than one year after the effective date of these rules. We eliminated the requirement of paragraph (d) on reports to the Commissioner. We decided that the Department's general grant regulations at 45 CFR Part 74 already contain sufficient authority for the Commissioner to require the reports he decides are necessary, and that we might be implying that we were increasing a State's reporting burden by repeating the requirement here. Ordinarily, the specific content and format of these reports are prescribed in guidelines, rather than in regulations.

Section 1321.17 *Staffing.* The NPRM required that, subject to merit system requirements, State and area agencies give preference in hiring to persons age 60 or older; and required the State agency to have a staffing plan on file for review. A number of commenters proposed a requirement that the State director be a qualified, full-time employee. Some commenters proposed specific types of qualifications in such areas as business administration, accounting or law. Similarly, commenters advocated that other State agency staff have certain minimum requirements, for instance, that there should be a registered dietitian or professional nutritionist on the State agency staff and that the regulations require full-time staff other than just the State director. A few commenters proposed that the regulations require

proportionate representation of the State agency staff of those minority or ethnic groups residing in the State. Some commenters questioned the legal basis for the requirement that preference in hiring be given to persons aged 60 and older. They recommended a reduction of this age to 55 or 45.

AoA response: We amended this section to require that the director of the State agency be a full-time employee and that adequate numbers of other staff be employed by the State agency. We also added the requirement that the State agency director and other staff be qualified for their positions. We did not impose any requirements concerning specific qualifications of staff because States are governed by the general norms for merit systems contained in 5 CFR Part 900, Subpart F Standards for a Merit System of Personnel Administration.

The affirmative action requirements which the State agency must follow are contained in Subpart F. In the absence of a specific finding of prior discrimination, and without the Office of Personnel Management's (OPM) concurrence, we may not exceed these rules by requiring proportionate representation on the State agency staff of minority or ethnic groups residing in the State. However, we did wish to emphasize the State agency's responsibility in this matter by citing in these regulations the specific section from Part 900 that addresses affirmative action. Therefore, with the concurrence of the Office of Personnel Management (OPM), we added this reference in a new paragraph (d).

Although a few commenters suggested lowering the age of preference for State agency employment to 55 or even 45, we do not have the authority to do so. Section 307(a)(11) of the Act explicitly requires that each State plan provide, subject to the requirements of merit employment systems, that preference be given to individuals aged 60 or older for State agency staff positions for which they qualify.

Section 1321.19 *Confidentiality and disclosure of State agency information.* The NPRM provided that no information about an older person could be disclosed in a form that identified the older person without his or her informed consent. The NPRM also provided the State agency must disclose to all interested persons all other information and documents developed or received by the agency in carrying out its responsibilities under this part. These requirements were similar to those in the existing regulations.

The commenters were divided on the he type of consent that should be required. Some commenters urged that all disclosure should require written consent. Other commenters wished to exclude information and referral (I&R) services from this requirement because the bulk of I&R services are by telephone. Two commenters urged that the section be rewritten so that "informed consent" would not imply "written consent." Some commenters expressed concern that the disclosure provisions in the NPRM were excessive and that State laws or rules should govern. It has also come to our attention that some State and area agencies may be requiring service providers to disclose routinely the names of older individuals to whom they provide services. We intended this restriction to apply to any disclosure by the service providers. The problem arises particularly with legal services providers, who may be under an ethical obligation to preserve the anonymity of their clients from everyone, including Federal, State, or area agency auditors.

AoA response: We revised this section to permit an older person or his or her legal representative to approve disclosure. This is consistent with the requirement for the ombudsman program at § 1321.43(e). We do not think that informed consent necessarily implies written consent. In our view, written consent would be preferable, and could be obtained in advance.

We have carefully evaluated whether the consent requirement should apply against the Federal, State, and area agencies which have statutory responsibility for the implementation of the Title III program. We are concerned not to adopt a position which would frustrate necessary monitoring or would jeopardize the Department's access to records under other programs it funds. We are also concerned not to unnecessarily infringe on the privacy of older people to whom we provide services. We have finally concluded that agencies administering the program must have access to that information which is necessary to ensure that each part of the program is administered properly. However, we intend for agencies to use the least intrusive methods possible to obtain the information necessary to fulfill particular monitoring objectives. One method that has worked well is the one of an independent auditor hired by the service provider and satisfactory to the monitoring agencies. At the same time, we urge providers to notify all participants that monitoring agencies may require disclosure, and to explain the purpose of this disclosure.

We have also revised the disclosure requirements for other information. Commenters who oppose this requirement seemed generally concerned that it was too broad, and would require disclosure of documents such as personnel records and intra-agency decision memoranda. However, we do not think that it is necessary or advisable to eliminate all disclosure requirements in this regulation in order to protect these kinds of documents from disclosure. We are unfamiliar with all of the disclosure requirements of the various States, and are concerned that the public may not have full access to appropriate documents if we made disclosure a matter of State law. We have therefore revised this section to provide that the State agency would not be required to disclose those types of information and documents that are exempt from disclosure by a Federal agency under the Federal Freedom of Information Act. We think that this exemption strikes an appropriate balance between the needs for confidentiality and free access to State agency information.

Section 1321.25 *Content of the State plan.* The NPRM required that the State plan be based on area plans. The NPRM also listed the State agency function requirements; area agency and area plan requirements; service delivery, fiscal, and information requirements of the State plan. Most of the comments on this section addressed the provisions in paragraph (g) regarding the resource allocation plan, means testing and the resource inventory. With regard to the resource allocation plan some commenters were concerned whether a multipurpose agency which serves as the State agency would be required to identify *all* the funds it administers, even if some funds were not used to provide services to older persons. Other commenters questioned the impact which the requirement to include *all* funds would have if the maintenance of effort rule applied to all funds included in the State plan. Both groups of commenters requested that the word *all* be deleted from paragraph (g)(3). Commenters on this section and on § 1321.109 generally agreed with the NPRM treatment of means testing. Many said that the NPRM definition should not limit knowledge of income information for data purposes or for referring individuals to other services where income may be used to determine eligibility. A small minority of comments totally favored means testing. A few commenters indicated that means testing should be used for certain services, notably legal services. Others

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commented that means testing was necessary in order to determine greatest economic need. Some commenters thought that it was burdensome and impractical to require the State plan to include a resource inventory of funds spent by other agencies in the State for services to older persons.

AoA response: We clarified our intent in paragraph (g)(3) by adding the words "for services to older persons" after the words "all funds." The revisions made in § 1321.205 clarify that not all State funds in the resource allocation plan are subject to the maintenance of effort requirement. We retained the language of the NPRM in paragraph (g)(4)(ii) prohibiting means tests for any service provided under this part. We think the legislative history of the Act and the Conference Report on the 1978 amendments quoted in the preamble to the NPRM express clear Congressional intent that there be no means test for any service under the Act. We agree that the requirement for a resource inventory may be burdensome, and have deleted it.

Section 1321.27 *Amendments to the State plan.* The NPRM required a State agency to amend its plan, hold hearings, and submit the amendment for A–95 clearance and the Governor's review, whenever the agency proposed to add, change, or delete any plan provision, or whenever State agency organization policy, or operation changed. Most commenters felt that major substantive changes should be subject to this formal review process, but that non-substantive additions, changes or deletions should not. Commenters were concerned that the requirements as written would result in unnecessary public hearings, additional paperwork and unreasonable administrative delay.

AoA response: We agree that the State agency ought to have the flexibility to make minor changes in its approved plan without going through the formal review process. We want to retain the hearing and review requirements for major changes and so we revised the provisions which specify which changes must be considered amendments. We want to emphasize that the State agency may not make any change, however minor, in the provisions or operation of its approved plan that is inconsistent with statutory requirements or the requirements of this part.

Section 1321.29 *Development and review of the State plan and plan amendments.* The NPRM provided that a State agency must meet the requirement that the State plan be based on area plans by giving all area agencies in the State an adequate opportunity to participate in the development of the State plan in order to ensure that the objectives established in State and area plans are consistent. The NPRM also proposed rules for public hearings and for review of the State plan or plan amendments by the State Advisory Council, State A–95 clearinghouse and the Governor.

Most of the commenters on paragraph (a) supported the basic concept that the State plan should be based on plans developed by area agencies in the State. However, they maintained that the process and procedures for deciding what goes into the State plan and for resolving differences between the State and area agencies were unclear. Most commenters on paragraph (b) supported the principle of holding public hearings; but stated that public hearings should be held only on substantive State plan amendments.

Some commenters suggested that what constituted "adequate notice" in paragraph (b)(2) was unclear and proposed that "notice should be given at least 60 days prior to the hearings." Some commenters were concerned that the term "throughout" might be interpreted to mean that more public hearings would be required than necessary to get a broad base of public opinion. Commenters recommended deletion of the words "throughout the State" and substitution of "In the State."

Comments received on paragraph (c) supported the principle of review by the State advisory council and A–95 clearinghouse. However, they recommended that the two reviews and comments be held concurrently.

AoA response: We concluded that although it is highly desirable for State and area agencies to enter into collaborative efforts in the development of the State plan, the State agency has the authority and the responsibility for the development of the State plan. It is essential to obtain necessary planning information from area agencies and to obtain area agency input on the setting of program objectives and priorities. However, the State agency on aging must make the final decisions on the content of the State plan.

Therefore, we changed the wording in paragraph (a) to require State agency consultation with area agencies for: (1) assessment of needs, (2) establishment of statewide priorities, (3) State plan review procedures, and (4) assurance that objectives in State and area plans are consistent.

We agree that only the substantive changes in the State plan specified in § 1321.27 require amendments to the plan and public hearings on those amendments. We concluded that it is important to allow States flexibility in determining the timing of public hearings. Therefore, we retained the language of the NPRM. The term "throughout" the State means only that States must set up procedures which provide for input from all areas of the State. This requirement does not imply that hearings must be held in every area of the State. Accordingly, we have retained it. We concluded that the State advisory Committee and A–95 review of the plan could occur simultaneously. Therefore, we accepted the comments and revised paragraph (c) to permit these provisions to occur simultaneously.

Section 1321.31 *Submission of the State plan and plan amendments to the Commissioner for approval.* The NPRM required the State agency to submit the State plan and amendments, signed by the Governor, to the Commissioner 90 days prior to the proposed effective date. All commenters were opposed to the 90 day time frame, with many recommending a 60 day time period.

In several instances, commenters expressed concern that the present requirement, coupled with the requirements for development and review of the State plan and amendments, would necessitate at least 150 days administrative lead time following preparation of the State plan or amendment.

AoA response: We accepted the suggestion of the majority of commenters who recommended that the time frame for a plan to be submitted to the Commissioner be reduced from 90 to 60 days.

Section 1321.41 *Advocacy responsibilities: general.* The NPRM listed a number of activities which the State agency must undertake to carry out its advocacy responsibilities on behalf of older persons.

Some commenters expressed concern with the burden of the responsibility in paragraph (a) to review and comment on all State plans, budgets and policies which affect older persons. Other commenters thought the requirement in paragraph (b) to conduct public hearings on the needs of older persons duplicated the efforts of area agencies, since area agencies are also required to conduct such hearings. Some commenters indicated the State plan format should include assurances by the Governor that all other State agencies will submit to the State agency on aging copies of plans, budgets and policies that impact on the lives of older persons. In addition, some commenters recommended that State and area agencies be given the responsibility to monitor all programs where older persons are employed.

AoA response: Section 305(a)(1)(D) of the Act requires the State agency on aging to review and comment on all State plans, budgets and policies which affect older persons. Therefore, while we recognize the concerns expressed by commenters, we cannot change this requirement. On the subject of public hearings, we think that the conduct of public hearings on the needs of older persons is an important responsibility for both State and area agencies. We do not view these as duplicative, since each level of hearing provides a different perspective on the needs of older persons. We want to emphasize that hearings on the needs of older persons differ in purpose from hearings on State and area plans. The public hearings on the needs of older persons are an advocacy activity to find out what should be done by and for older persons; hearings on State and area plans are an administrative activity to obtain public input on proposed plans for the provision of services under the Act.

Finally, we wish to point out that the purpose of these rules is only to regulate activities under the Older Americans Act, as amended. We believe that it might be useful for State and area agencies to monitor all programs where older persons are employed. However, we think that these agencies should have the discretion to decide whether they think that this type of monitoring is an effective use of their resources.

Section 1321.43 *Long-term care ombudsman program.* As expected we received a number of comments on the broad range of issues raised by these new statutory requirements. In general, comments on this section focused on the following major issues:

(1) *Funding.* The NPRM provided at § 1321.197 that the State agency must spend annually on the ombudsman program at least the greater of 1 percent of its social services allotment or $20,000. Commenters suggested that the program requirements were too ambitious for this level of funding and that State agencies currently lacked the resources or capabilities to accomplish the intent of these requirements.

AoA response: The minimum funding level proposed in § 1321.197 is required by Section 307(a)(16) of the Act. Since the regulations do not establish a maximum, State agencies are free to take any amount from the Title III–B funds which they think necessary to accomplish the intent of this section.

(2) *Operating Organization.* Some comments called for prohibiting groups or organizations that are directly associated with associations of long term care facilities, such as in a consultant capacity, from contracting with the State agency to operate the ombudsman program. Other commenters recommended that we prohibit operation of the ombudsman program outside the State agency.

AoA response: We agree that consultants of associations of long-term care facilities should not operate ombudsman programs. We have accordingly revised the regulation to prohibit agents as well as affiliates of these associations from operating a program. Section 307(a)(12)(A) of the Act authorizes a State agency to contract for the operation of this program. The regulations reflect this statutory provision.

3. *Definition of "any similar adult care home."* The overwhelming number of commenters stated that we should leave up to the State agency the definition of any similar adult care home, which is the fourth category of long-term care facilities that must be covered under the program.

AoA response: We agree with the commenters that, particularly at the beginning of this program, the State agency should determine, to the extent possible under statutory requirements, the facilities to be included in its program. Therefore, we defined any similar adult care home as defined by the State agency in the State plan and approved by the Commissioner.

4. *Investigation and resolution of complaints regarding administrative action.* The NPRM required, based on Section 307(a)(12)(A)(i) of the Act, that the ombudsman program investigate and resolve complaints relating to administrative action which may adversely affect the health, safety, welfare and rights of residents. Some commenters thought the regulation should emphasize the *effort* to resolve complaints. A number of commenters asked for a clarification of what constitutes "administrative action." Most commenters recommended a broad definition. Some commenters were also concerned that we not require the State agency on aging to duplicate the investigative, licensing, or monitoring functions of other State agencies. Some commenters recommended that the regulations allow more than one method for complaint resolution.

AoA response: We agree that "administrative action" should be defined. Although we recognize that a broad definition might require coordination with other programs, we think that a broad definition most accurately reflects the purposes of the program. We have therefore added the following definition: "Administrative action means any action or decision made by an owner, employee or agent of a long-term care facility, or by a government agency, which affects the provision of service to residents covered by this section." This definition would require ombudsman response to complaints involving such issues as quality of life and quality of care in long-term care institutions, reimbursement issues, discrimination against Medicaid patients, etc. This definition would not require ombudsman response to complaints dealing with family disputes and labor disputes, unless action or lack of action by facilities or government agencies related to such disputes adversely affected residents of long-term care facilities. This definition is in keeping with the recommendation of the Ombudsman Task Force formed to assist AoA in implementing the ombudsman legislation.

The statute requires that the program resolve complaints, not simply attempt to resolve them. However, the regulation leaves to the State agency the discretion to choose appropriate methods of resolution. We recognize that there will be many instances in which the program will not be able to achieve full resolution of complex problems giving rise to specific complaints. We expect only that the program take whatever steps are reasonable and feasible to achieve this full resolution.

5. *Legislation.* A number of commenters recommended deleting the requirement that the ombudsman monitor legislation pertaining to long-term care. Others recommended that the ombudsman be required to participate in the development of such legislation.

AoA response: The requirement for the ombudsman to monitor legislation is contained in Section 307(a)(12)(A)(ii) of the Act. We did not expand on this requirement to include a mandate for the ombudsman to assist in developing legislation because we are concerned that the programs would not have sufficient resources to carry out this requirement, and because we are not certain whether this type of requirement is appropriate.

6. *Access to facilities and residents.* The NPRM provided that the State agency establish procedures for "appropriate access" to facilities and residents and their records. The NPRM required prior written consent from the resident for access to his or her records. Some commenters requested clarification of what constitutes "appropriate access" to the facility and residents. Some commenters also requested that we differentiate between access for volunteers and access for

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paid staff, and that we also require access for area agencies. A few commenters recommended amending the NPRM language to specify the right to meet privately with residents. Comments related to access to residents' records focused on the NPRM requirement to obtain written consent from each resident as a condition for access to his or her records. A number of commenters opposed this provision because it could jeopardize the anonymity of the individual whose complaint is being investigated, it would conflict with some State ombudsman laws, and it conflicted with the legislative intent that the ombudsman have access to such records. Some commenters were also concerned that the State agency would not have the authority to require access to facilities and records.

AoA response: In response to the comments and the recommendations of the Ombudsman Task Force, we revised the regulation to provide that the State agency must establish procedures to ensure that all representatives of the ombudsman program are given appropriate access to facilities and appropriate and confidential access to residents, but that only the ombudsman and those specifically designated by the ombudsman are given access to resident's personal and medical records. The requirement that the ombudsman not obtain access to a patient's records without the written consent of the resident or his or her representative has been dropped in these final regulations in response to the comments, but the disclosure requirements have been strengthened to require that the identity of the complainant or resident is disclosed by the ombudsman only to persons specified by the complainant or resident or his or her representative. We think that State agencies should be responsible for obtaining the authority under State law that is necessary for them to require access, and should decide whether they want to require access now to area agencies as well. For the present, we are leaving to the State agency to specify further what constitutes "appropriate access." We are, however, carefully reviewing this issue in the context of all the programs the Department administers in which the issue arises, and may develop further regulations or program guidance on it in the future.

Section 1321.47 *State advisory council on aging.* The NPRM listed the functions of the council; required that at least fifty percent of council members be at least 60 years of age, required council meetings at least quarterly; and directed the State agency to provide staff and assistance to the council.

A number of commenters indicated concern about the composition, role, and function of the State agency advisory council. The majority of commenters recommended including program participants and minority older persons on the council.

AoA response: We revised the provision for composition of the advisory council to require that older members of the council include those with greatest economic or social need and actual recipients of services under this part. In making these additions we think, for the reasons noted in our discussion of § 1321.3, that minority older persons will also be represented on the advisory council. We agreed with those commenters who thought there should be a more complete statement about the role and functions of the advisory council than that given in the NPRM. However, we concluded that the regulations were not the appropriate place for such a statement. We think this is a matter for each State to address. Therefore, we required the State agency to establish and make public by-laws governing the advisory council.

Section 1321.49 *Intrastate funding formula.* The NPRM proposed that the intrastate funding formula must include a minimum funding base for each area agency, assure that rural areas receive 105% of the amount spent in fiscal year 1978 under the Act for services, reflect the distribution of persons aged 60 and over with greatest economic need, and reflect the availability of other State and Federal funds for services.

Several commenters recommended the deletion of these requirements because they felt they went beyond the statutory requirements and intent of Congress.

Many commenters asked if the minimum funding base applied only to the area agency administration. Other commenters wanted the formula to contain a hold harmless clause for area agency funding levels. Several commenters requested different criteria be used for nutrition service funds and social service funds.

Equal numbers of comments supported and opposed the requirement concerning consideration of the distribution of persons aged 60 and over with the greatest economic need. Many suggested adding "social need" as a criterion.

A number of commenters opposed the requirement that the availability of other State and Federal resources be a criterion. Several commenters wanted to delete the requirement that State agencies submit a summary of comments about the formula to the Commissioner. Others recommended updating the formula each year.

AoA response: Section 305(a)(2)(C) of the Act requires each State to develop an intrastate formula, in accordance with guidelines issued by the Commissioner. We do not believe the proposed criteria in the NPRM went beyond statutory authority. We think that all of the criteria proposed are appropriate to ensure that funds are distributed within a State in a manner that is most likely to ensure that the service delivery requirements of the Act are met. We have accordingly retained the requirement for a minimum funding base as it appeared in the NPRM. The base requirement applies to both administration and services, but we have revised the language to make clearer our intention that each area agency receive the same base grant. We think the requirement for a funding base is a necessary part of an intrastate formula. We believe that a minimum funding level is necessary to assure that each area agency has the resources to carry out its basic responsibilities. We have not required a hold-harmless provision because the purpose of these regulations is merely to set forth general criteria.

We retained the statutory requirement that the intrastate funding formula reflect the distribution of persons aged 60 and over. In response to the comments, we modified the requirement that the formula reflect the proportion of those with greatest economic need to include greatest social need also. Although we are concerned, as we indicated in the NPRM, that States do not have sufficiently quantifiable data on all aspects of social need, we have concluded that some aspects, such as isolation or advanced age, are quantifiable, and that the proportion of older people among planning and service areas with those characteristics can be measured. Although we think, as we indicated in the NPRM, that the formula should take into account the availability of other funds, we recognize that this may be a burdensome requirement for many State agencies, and so are not imposing it in the final regulations. We retained the requirement for a State summary of comments because it is necessary for us to know what people in the State think about the formula in order properly to understand and comment on it.

We do not think that it is appropriate for these regulations to specify different criteria for nutrition and social service funds. We believe that decisions which

are that detailed should be left up to the State agency. We also think the State agency should be allowed the discretion to decide whether to update its formula more frequently than the three year update required by these regulations.

Section 1321.51 *State agency hearings.* This section of the NPRM required the State agency to provide a hearing under various circumstances to area agencies, units of general purpose, local government and service providers. The section specified the applicable timing and procedures for the hearings.

A number of commenters objected to this section in its entirety believing a requirement for such hearings to be unnecessary, burdensome, and potentially divisive. Others supported the general requirements but were confused by the apparent duplication of requirements for units of general purpose local governments. Some commenters opposed extending hearing privileges to service providers or suggested that these take place first at the area agency level. A number of commenters suggested less extensive hearing procedures for service providers. Several commenters suggested that regulations provide fair hearing procedures for older persons who are participants or who apply to receive services.

AoA response: Section 307(a)(5) of the Act requires the State agency to provide the opportunity for a hearing on request to area agencies, and service providers and applicants. Section 305(b)(1) requires the agency to provide the opportunity for a hearing on request to any unit of general purpose local government with a population of 100,000 or more which applies for designation as a planning and service area. Section 305(b)(4) provides for the opportunity for a hearing before the Commissioner to any unit of general purpose local government, region, metropolitan area, or Indian reservation which is denied designation. We agree that the proposed hearing provisions for units of general purpose local government of 100,000 or more were confusing. We have revised this section to provide for a single State agency hearing for all units of general purpose local government whose applications for designation as planning and service areas are denied. This hearing would implement Section 305(b)(1), and serve as the basis for any appeals to the Commissioner.

We have revised this section to clarify its provisions, and have made several other substantive changes. In response to comments that the proposed procedures for service providers and applicants were inappropriately detailed, we have revised those requirements and left up to the State agency the procedures for those hearings. We think that it is appropriate for State agencies to decide on these procedures. We would require the agency to follow specified procedures for defunding nutrition projects in operation on September 30, 1978, because Section 501(b) of the 1978 Amendments specifically provides special protection to those projects, and provides that they may not be defunded except pursuant to regulations issued by the Commissioner.

In response to comments that the proceedings might be protracted, we added requirements that an area agency or unit of general purpose local government that wishes a hearing must file a written request within 30 days following receipt of a formal notice of an adverse action by the State agency, and that the State agency must issue its decision within 60 days after completion of the hearing. In general commenters did not oppose our specification of certain procedures for area agency designation or area plan disapproval. We think that these minimum procedural requirements are appropriate for hearings involving decisions affecting the administration of the entire planning and service area, and have accordingly retained them in the final regulations.

We do not believe it would be appropriate for us to require a State or area agency to provide an opportunity for a hearing to participants or applicants. Title III of the Act is not an entitlement program. State and area agencies must follow certain priorities in selecting older individuals to be served and services to provide, but no older individual is entitled to services under the Act. Furthermore, there is no specific statutory requirement that these hearings be provided. Of course, a State or area agency would be free under these regulations to impose such a requirement if it chose.

Section 1321.53 Designation of planning and service area. This section of the NPRM implemented the requirement in Section 305(a)(1)(E) of the Act that the State agency divide the State into planning and service areas in accordance with criteria specified in the statute and by the Commissioner, and provided for application for such designation by units of general purpose local government, regions, and Indian reservations.

A number of commenters interpreted the general rule that a State agency must divide the State into planning and service areas (PSA's) to mean that the State agency must *redesignate* all PSA's. Based on this understanding, they opposed redesignation as wasteful and disruptive. Some commenters wanted groups of reservations to be eligible for designation as a PSA. A number of commenters also wanted some assurance that the State agency would consult existing area agencies before redesignating any PSA boundaries. A few commenters objected to the proposed requirement that the State agency must provide an opportunity to apply for PSA designation to any unit of general purpose local government, region, or Indian reservation. Several commenters suggested that the July 1, 1980 date in paragraph (g) be changed to September 30, 1980.

AoA response: We have revised this section to clarify that the State agency may designate any areas it thinks best reflect the criteria set forth in the regulations. The regulations implement the statutory provisions by specifically encouraging certain types of planning and service areas, such as all portions of an Indian reservation. The regulations would also allow for inclusion of more than one reservation in a PSA.

With respect to redesignation, we did not intend to require a State agency to redesignate new planning and service areas. This section simply sets forth criteria the State agency must follow in designating planning and service area boundaries. If the agency finds that application of these criteria would require designation of new areas, it is the agency's responsibility to make that designation.

We do not think that State agencies should be required to consult with existing area agencies before designating planning and service areas because area agencies may have a vested interest in maintaining the present areas. However, we believe it would in most cases be prudent for the State agency to undertake this consultation.

We retained the requirement that the State agency must provide an opportunity to apply for designation to any unit of general purpose local government, region or Indian reservation. We think that this requirement is consistent with Section 305(b)(4) of the Act that assures an opportunity for a hearing upon denial of designation.

Section 1321.57 *Interstate planning and service area.* This section of the NPRM implemented the provision of Section 305(b)(3) of the Act for designation of interstate planning and service areas. The regulations would have required each affected Governor to list in the State's application the conditions agreed to for the interstate PSA. We concluded from our experience

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developing the Navaho interstate PSA that it would be useful to have the conditions agreed to formally, and have revised these regulations to require such a prior agreement.

Section 1321.61 *Designation and functions of area agencies.* The NPRM required the State agency to designate an area agency in each PSA in which the State agency decides to allocate funds under this part. The NPRM also cited the purpose of designating area agencies; listed procedures before designation; and set a timetable for designation.

Many commenters were confused by the term focal point in paragraph (b) of this section, particularly in relation to the requirement in § 1321.95 that area agencies designate community focal points in community service areas. Other commenters objected to the concept of redesignation in paragraph (d) because they thought the procedure would be wasteful, disruptive and lacked a statutory basis. Commenters also objected to the requirement in paragraph (d) that designation or redesignation be within 150 days of the effective date of the final regulation, or by September 30, 1980, whichever is later.

AoA response: Section 306(a)(6)(D) of the Act clearly mandates that the area agency serve as the advocate and focal point for the elderly within the community by monitoring, evaluating, and commenting on all policies, programs, hearings, levies, and community actions which affect the elderly. This notion of focal point is very different from the use of the term in Section 306(a)(3) of the Act where the emphasis is on focal point for *comprehensive service delivery.*

We deleted paragraph (d) because of the misunderstanding it generated. Our intention in the NPRM was to emphasize the responsibility of the State agency to assure that area agencies have the capacity to carry out the added responsibilities assigned them by the 1978 Amendments, not to require automatic redesignation.

Section 1321.63 *Types of agencies that may be an area agency.* The NPRM listed the various types of agencies that the State agency may designate as area agencies and required that the State agency give preference to an established office on aging or an Indian tribal organization in any PSA whose boundaries are essentially the same as those of an Indian reservation.

The main issue raised by commenters on this section was that the language of the NPRM seemed to preclude planning bodies or Councils of Government (COG's) from being designated as area agencies on aging. Commenters also recommended language to allow a consortia of tribal governments to be designated an area agency. In some instances, for example, where more than one reservation is designated as a single PSA commenters noted that a consortia of tribal governments is the most appropriate vehicle to serve as the area agency.

AoA response: We did not intend to eliminate regional Councils of Government or regional planning agencies as eligible for designation as an area agency. Paragraph (a)(3) states that any office or agency proposed by the chief elected officials of a combination of units of general purpose local government may be designated as an area agency. This clearly includes regional planning bodies or COG's. We also amended paragraph (b)(2) to allow more than one tribal government for example, a consortium, to be designated as an area agency, if the consortium is one of the types of agencies or organizations specified in paragraph (a). We did so because we agreed that where more than one reservation is included in a single PSA a consortia of tribal governments may properly serve as the area agency.

Section 1321.65 *Organization of the area agency.* In the NPRM we removed the single organizational unit requirement for area agencies that are multipurpose area agencies. Most commenters objected to the relaxation of the single organizational unit requirement. The arguments by some commenters in favor of a single organizational unit were similar to those received regarding organizational structure at the State level. (See discussion under § 1321.13 above). These arguments included the need for a single focal point on aging at the local level, conflict between the concept of Title III services consolidation and the potential for organizational and services fragmentation, diffusion of administrative accountability and program responsibility, and the subordination of elderly interests to the general interests of the multipurpose organization. A large number of commenters opposed the requirement that a multipurpose agency be established to administer human services because they felt it would eliminate organizations such as Council of Governments and other regional planning organizations. Several commenters noted that this provision would also prevent the designation of Indian tribal organizations as area agencies on aging.

AoA response: As noted in our response to comments concerning § 1321.13, we agree that programs under the Act should be administered in the way that ensures the most effective delivery of services to older persons. However, as with the State agency, we think that the regulations should allow a degree of flexibility to accommodate situations in which an area agency can effectively carry out its responsibilities under this part without a single organizational unit. Therefore, these regulations allow the State agency to approve a request from an area agency for a waiver of the single organizational unit requirement if the State agency finds that the area agency can effectively carry out its functions and responsibilities under this part with only a component unit.

Section 1321.67 *Area agency procedures.* (Section 1321.69 in NPRM). The NPRM required that the area agency have written procedures for carrying out all of its functions under this part.

A majority of commenters supported this section, but a number recommended its deletion. Major reasons given for deletion were that State agency policies covered area agencies. Some commenters recommended that the requirement be limited to administrative procedures.

AoA response: We have changed the requirement in the final rule to provide that State agencies determine what should be included in these procedures.

Section 1321.69 *Staffing* (Section 1321.67 in NPRM). The NPRM set forth the requirement that, subject to merit system requirements, area agencies must give preference in hiring for full or part-time positions to persons 60 and over.

Several commenters advocated requiring a "full-time area agency director and staff." Other commenters recommended giving hiring preference to "minorities and linguistic groups."

AoA response: We changed this section to require a qualified full-time area agency director, and adequate numbers of other qualified full-time and part-time staff. See our comments relative to § 1321.17 for additional points.

Section 1321.73 *Duration and format of the area plan.* The NPRM required a three-year area plan in accordance with a uniform plan format, a time period determined by the State agency, and other instructions from the State agency.

Some commenters recommended a number of additional requirements including annual updates of the plan and amendments, and mandated coordination with the three-year planning cycle for health systems planning.

AoA response: Section 307(a)(1) of the Act gives the State agency the authority and responsibility to prepare and distribute a uniform area plan format. Section 306(a) describes the area plan as being for a three-year period with such annual updates as may be necessary. Section 1321.79(e) of these regulations clearly provides the State agency with the authority to require annual amendments. We believe that these regulations prescribe sufficient area plan requirements and that decisions with respect to additional requirements should be left for the present to the discretion of State agencies. Therefore, we retained this section as it appeared in the NPRM and did not impose any of the further requirements suggested by commenters.

Section 1321.75 *Comprehensive and coordinated service delivery system.* The NPRM required the area agency to provide for the development of a comprehensive and coordinated service delivery system for all social and nutrition services needed by older persons in the PSA. The NPRM proposed a logical construct of such a system in which the services provided to older persons were viewed as falling into four general categories: services which facilitate access; services provided in the community; services provided in the home; and services provided to residents of care providing facilities.

Many commenters objected to the provisions of paragraph (b)(4) concerning services provided to residents of care providing facilities. Many commenters recommended deleting the paragraph. Though commenters agreed that residents of long-term care facilities need services, they were concerned that without additional funding, certain services designed to keep individuals in their own homes would suffer in the effort to meet the requirements of this section.

Some commenters noted that the list of services under paragraph (b)(1) was not inclusive, and the regulation should either highlight the fact that this list is only a set of examples, or add additional services. Some commenters suggested that legal services be included as among the services which may be provided in the home and to residents of care providing facilities.

AoA response: We want to clarify several matters concerning the provisions of this section. Section 302(1) of the Act defines a "comprehensive and coordinated system" as a system for providing all necessary services, including nutrition, in a manner designed, among other things, to facilitate accessibility to, and utilization of, all social services and nutrition services provided within the geographic area served by such system by any public or private agency or organization.

The area agency is expected to develop the comprehensive and coordinated system over a period of time. Ideally, the system should provide for the coordinated use of all public and private resources for older persons, not solely Title III funds. Therefore, while any of the services listed in the four categories may be funded with title III resources, the area agency is also expected to coordinate the use of other resources as part of the comprehensive system described here. If the comprehensive and coordinated system is understood as developmental in nature and as including all public and private resources available to serve older persons, there is no reason to expect that there will be a loss of in-home service as a result of identifying services to residents of care providing facilities as a component of the system. In addition, the Act makes services available to older persons regardless of the older person's place of residence. The opportunity for an older person to receive services under the Act is not restricted because the older person is resident in an institution. We expect the area agencies will not allow funds under this part to be used for services for which other Federal funds such as Medicare or Medicaid, or Title XX are available. We do not, however, want to prevent institutionalized older persons from receiving needed services when other funds are not available.

In response to other comments, we think the words "such as" preceding each list of services is sufficient indication that the services listed are examples, and not a complete list. We did, however, include legal services in the list of services in paragraphs (b)(3) and (b)(4).

Section 1321.77 *Content of the area plan.* This section of the NPRM set forth the required provisions of an area plan, including the area agency function requirements and fiscal and information requirements. Commenters were mainly concerned about the area agency function requirement for monitoring, evaluation, assessment and technical assistance. They suggested that these requirements would cause a severe drain on limited staff time. Commenters recommended deleting the requirement for evaluation and adding the words "if possible and if feasible" to the other requirements. Some commenters objected to evaluating other agencies.

The majority of commenters responding to the information requirements were concerned with resource allocation plans and proposed methods for giving preference to those in greatest economic or social need without means testing. A number of commenters felt that the requirement regarding resource allocation should be deleted. Most stated that the language should be modified in order to include only funds for programs for older persons. The item related to means testing received the most comments under this subsection. Equal numbers of commenters either endorsed means testing or opposed it.

AoA response: The area agency function requirements are imposed by Section 306 of the Act. Therefore, we did not eliminate any of these requirements. In some cases the statute imposes requirements only "if possible" or "where feasible" and we have retained those qualifiers in these regulations.

Section 306(a)(1) of the Act requires an area plan to evaluate the effectiveness of the use of available resources in meeting the needs of older persons, and section 306(a)(6)(A) requires the area agency to conduct periodic evaluations of activities under the plan. We would like to emphasize that these provisions allow the area agency considerable discretion in conducting these evaluations. We would also like to emphasize that these evaluations are not only a statutory requirement, they are an essential part of an area agency's management responsibilities.

We have revised the resource allocation plan requirement to limit it to funds administered by the area agency for programs for older persons. We have decided not to limit the plan to funds awarded under Title III because the area agency is responsible under the Act for developing a comprehensive and coordinated service delivery system for older persons throughout the planning and service area. We think that the information on decisions area agencies make with respect to all funds for older persons is useful to the State agency and to the public in evaluating the effectiveness of the area agency and its plan.

We retained the language prohibiting means tests for any service provided under this part. We think the legislative history of the Act, discussed fully in the preamble to the NPRM, supports our requirement that there be no means test for any service under the Act.

Section 1321.79 *Amendments to the area plan.* Many commenters recommended that we revise or delete paragraph (d) which required the area

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agency to amend its plan if it proposed to add, change or delete any plan provision. Most commenters requested that we make a distinction between substantive and nonsubstantive changes to the area plan and that we only consider substantive changes to be amendments to the plan. Several commenters indicated that the area agency should have the flexibility to make minor administrative and technical changes without the public hearing required for plan amendments.

AoA response: We agree that only substantive changes in the area plan should be required a formal amendment, and have accordingly revised this section in the final regulations. As revised, this section specifies a more limited set of circumstances in which the area agency must amend its plan. Under the final regulation, any other minor modifications to the approved area plan would not be subject to the formal amendment process.

Section 1321.81 *Review of the area plan and plan amendments.* The comments received on this section were similar to those received on § 1321.27.

AoA response: We revised this section to a manner similar to § 1321.27.

Section 1321.85 *Withdrawal of area agency designation and continuity of services.* The NPRM provided the circumstances under which the State agency must withhold payments to an area agency; and outlined procedures for continuity of services in a PSA after withdrawal of an area agency's designation.

Commenters suggested that in paragraph (a)(2), the words ". . . or plan amendment" should either be deleted or those types of plan amendments should be defined that would be a cause for termination of funding. Some commenters also recommended that the period of time of 180 days in paragraph (c) should be extended since there are circumstances in which a longer period of time may be necessary.

AoA response: We think the changes made in § 1321.79 respond to the concerns expressed about possible ambiguity of the words "or plan amendment". We chose to retain the provision in paragraph (c) that sets a limit of 180 days within which the State agency must designate a new area agency. However, we believe there are circumstances in which an absolute adherence to this provision would not be in the best interest of the program. Therefore, we included in paragraph (d) provision for the Commissioner to extend the 180 day period when he or she judges there is need for an extension.

Section 1321.91 *Advocacy responsibilities of the area agency.* The NPRM listed a number of activities which the area agency must undertake to carry out its advocacy responsibilities on behalf of older persons. Many commenters felt that the "must" at the beginning of this section should be changed to "may" or "should" to imply more flexibility for the area agency in carrying out the provisions. Of the individual provisions, paragraphs (a) and (d) received the most comments. Many commenters expressed concern with the requirement in paragraph (a) that the area agency must monitor, evaluate and comment on *all* policies, programs, hearings, services, and community actions which affect older persons. They stated that their staff was too limited to carry out this requirement. Paragraph (d) of the NPRM required area agencies to coordinate activities in support of the statewide long-term care ombudsman program. The main issues raised by commenters about paragraph (d) were: (1) the ombudsman program is a State program and if area agencies are involved they should receive special funding; (2) the requirement is duplicative of State agency activities; and (3) area agencies need some direction from the State to help in this coordination.

AoA response: The requirements in paragraph (a) are taken from Section 306(a)(6)(D) of the Act. It is not possible to change these to some less stringent requirements. We recognize, however, the limited staff and funds which an area agency has to devote to these responsibilities. We agree that, as stated in the NPRM, paragraph (d) was confusing. We revised paragraph (d) to require the area agency to carry out activities in support of the State administered long-term care ombudsman program. We think this clarifies that the State is primarily responsible for the ombudsman program; but also points out the responsibility of the area agency to assist in this effort as part of its basic advocacy responsibilities and its duty to develop a comprehensive and coordinated system for the delivery of services in its PSA. The coordination of legal services, protective services, information and referral, case management and other services may be necessary to support ombudsman activity.

Section 1321.93 *Area agency general planning and management responsibilities.* The NPRM identified fourteen responsibilities in this section which the area agency must carry out. Most of the comments received addressed paragraphs (b), (d), and (j). Paragraph (b) required assessing the kinds and level of services needed and assessing the effectiveness of other public and private programs serving those needs. Some commenters questioned the authority of area agencies to assess programs which are not funded through the area plan.

Paragraph (d) required providing technical assistance to, and monitoring and periodically evaluating the performance of, all service providers under the plan. Commenters opposed the area agency carrying out these functions for those services that it provided directly. Paragraph (j) required the division of the area into community service areas and the designation of community focal points. Commenters indicated that the NPRM was unclear as to the meaning of community service area and community focal point. They suggested that the paragraph needed to be revised to be in line with § 1321.95.

AoA response: We modified the language of paragraph (b) to follow the language of the Act in Section 306(a)(1). We changed ". . . effectiveness of other public and private programs serving those needs" to read ". . . effectiveness of the use of resources under the area plan in meeting these needs." The word "evaluate" in paragraph (d) is taken from Section 306(a)(6)(A) of the Act and is retained as stated in the NPRM. We deleted paragraph (j) concerning designation of community service areas as it appeared in the NPRM and corrected the lettering of subsequent paragraphs.

Section 1321.95 *Designation of community focal points for service delivery.* The NPRM required each area agency to divide its planning and service area into community service areas, using specified criteria, then to designate, where feasible, as community focal points, organizations which would perform certain functions including providing access to emergency services. The NPRM defined "community focal point" in § 1321.3 as a place for collocation and coordination of service delivery.

Most commenters opposed the requirement for division of the planning and service area into community service areas, and felt that area agencies should have discretion to make this division. A large number of commenters indicated confusion regarding the distinction between the "community focal point" language in this section and the role of the area agency as focal point. Some commenters indicated it was unclear whether the focal point is an organization, a building, or a coordinated network of services.

Many commenters stated that a strict interpretation of this section would have an adverse impact on rural areas which lacked resources and population concentrations necessary to qualify. A few commenters were concerned that the section implied a termination of existing services in order to concentrate the delivery of services through focal points. A number of commenters objected to community focal points as an additional layer of bureaucracy. Many commenters requested a more specific definition of emergency services or indicated that the requirement appeared to duplicate existing emergency services in the community.

AoA response: The 1978 amendments to the Older Americans Act required in Section 306(a)(3) that area agencies ". . . Designate, where feasible, a focal point for comprehensive service delivery in each community to encourage the maximum collocation and coordination of services for older individuals, and give special consideration to designating multipurpose senior centers as such focal points."

We realize from the large number of adverse comments which were received that most people involved in service delivery under the Act are very concerned about the implications of this new statutory requirement, and that our regulations should be drafted to give area agencies broad flexibility in its implementation. We have accordingly significantly redrafted this section in response to the comments received.

We have eliminated the requirement for division of the planning and service area into community service areas. We have instead set forth a series of criteria that the area agency must consider in deciding in which communities to designate focal points for service delivery. These criteria are similar to those specified for community service area designation in the NPRM. They incorporate the statutory requirement for preference for those in greatest economic or social need, and require the area agency to consider existing service delivery patterns and natural communities, and the location of facilities that are suitable for designation as focal points. The final regulations clarify that the community focal point is not an organization, but a location for collocation of service delivery. We have eliminated the requirement that the focal point perform any specified set of functions, and are instead simply requiring the area agency to take certain steps to facilitate the collocation of services at designated focal points, and to ensure that those services are convenient and accessible to older persons. We think that community focal points are an essential mechanism for achieving the objective of a comprehensive and coordinated system of services, and urge area agencies to provide the maximum possible services integration at the focal points it designates.

Since the Act specifies that multipurpose senior centers be given special consideration for designation, the area agency must take existing centers into consideration in deciding in which communities to designate focal points. We also urge area agencies to develop other centers and congregate nutrition sites into focal points. We expect that area agencies will make maximum use of existing service delivery facilities in designating focal points.

The community focal point is not intended to be an additional administrative layer, nor is it to assume the functions and responsibilities of the area agency on aging. The community focal point is a facility located within a defined community which provides older persons with the maximum direct access possible to the services available within that community.

Section 1321.97 *Area agency advisory council.* The NPRM specified the functions of the advisory council in paragraph (a) and prescribed the composition of the council in paragraph (b). Most commenters addressed paragraph (b), the composition of the council. The largest number of commenters cited the failure of the NPRM to specifically mention membership of minorities, low income or linguistic representativeness of council members. Other commenters felt that there should be a requirement for a nutritionist or nutrition project representative on the council. Most commenters supported the requirement for more than 50 percent membership of older persons; but many also suggested the language require that some or a fixed percent of the older persons be consumers of services under this part. A number of commenters also suggested a parallel between State and area advisory council requirements.

AoA response: We revised this section to more closely parallel the provisions for the State advisory council. Refer to our response to § 1321.47 for a further discussion of advisory council composition.

Section 1321.101 *State agency approval of area agency subgrants or contracts.* The NPRM prohibited State agencies from requiring area agencies to submit any proposed subgrants or contracts with public or private non-profit agencies or organizations for prior review or approval. The section, however, required area agencies to submit to the State agency for prior approval any proposed contracts with profitmaking organizations. The NPRM permitted the State agency to approve the contracts only if the area agency demonstrated that a profit making organization would provide services clearly superior to available public or private non-profit providers.

Some commenters opposed State agencies being prohibited from requiring area agencies to submit all subgrants or contracts for prior approval or review, including those with private non-profit agencies or organizations. Other commenters stated that the NPRM language appeared to discriminate against profit making organizations, or that no statutory authority exists to allow States to require area agencies to submit any contracts for prior review or approval. Still other commenters felt that private profit making organizations should be prohibited from contracting for services regardless of the quality of their services, because there is no way to effectively monitor private profit making organizations.

AoA response: Section 213 of the Act requires State agency approval before a recipient of a grant or contract may enter into an agreement with a profit making organization and requires such organization to demonstrate clear superiority with respect to the quality of services covered by such contract. On the other hand, our policy for some time has clearly supported the authority of the area agency to award grants or contracts to public or private non-profit agencies or organizations without prior State agency review or approval (Program Instruction 77–5). In approving the area plan, the State agency accepts the assurances of the area agency that it is capable of carrying out its responsibilities under the plan. Making grants or entering into contracts is a normal exercise of area agency responsibility and hence should not be subject to prior review and approval by the State agency, except as provided under Section 213. Of course, the area agency must monitor contracts with private profit making organizations in the same manner as other public or private non-profit contractors, and we expect that it will not enter into contracts with any organization that it cannot effectively monitor.

Section 1321.103 *Direct provision of services by State and area agencies.* The NPRM separated services provided by State and area agencies into two groups, and set forth separate tests for determining when direct provision was

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necessary to assure an adequate supply. For services not directly related to the statutory functions of an area agency, the test would have required an area agency that was providing the service before its designation to stop, unless stopping would result in a disruption of the service. Many commenters felt that area agencies should be more restricted, although many also felt that area agencies should be allowed to provide services directly without restriction. Many commenters requested that we define words such as "effectively" and "efficiently," which we used in the tests.

AoA response: We have carefully reviewed the tests set forth in this section in light of the comments received, and in light of currently pending litigation involving this issue. We would like to reemphasize that, under Section 307(a)(10) of the Act, direct delivery must be the exception, rather than the rule. In response to arguments that our proposed test of: "no other agency can and will effectively provide the service" would authorize the area agency to provide services directly whenever it could demonstrate any increase in cost effectiveness, we have revised the regulations to require the area agency to make an affirmative showing that it can and will provide the service substantially more effectively and efficiently. We are particularly concerned that area agencies not provide directly those services that are not directly related to their statutory functions. We were concerned that our "disruption" test for area agencies that had been providing services directly prior to designation would be interpreted too loosely. Accordingly, we have eliminated it and are requiring that all area agencies meet the same tests, regardless of when they propose to provide the service directly.

We have also defined effectively for purposes of this section as the capacity to provide a defined service; and efficiently as the relative total cost of providing a unit of service.

Section 1321.111 *Contributions for services under the area plan.* The NPRM provided that each service provider must give each older person information about the cost of the service and must provide each older person with an opportunity to contribute freely to part or all of the cost of the service. The NPRM also provided rules concerning use of contributions, contribution schedules, and a prohibition on denial of service for failure to contribute. Most of the commenters were pleased with the overall intent of this section, but many suggested changes. Those commenters who opposed the provisions of this section did so because they favored some types of fees or sliding scale for services.

A few commenters recommended allowing service providers to determine if they would provide an opportunity to contribute. Other commenters expressed concern that contributions were inappropriate for certain categories of services, or that having a policy of voluntary contributions would add burdensome fiscal responsibilities to account for the use of the contributions, or might adversely affect activities of the service provider that were offered on a sliding fee scale.

A large number of commenters opposed the provision in paragraph (a)(1) relative to giving information on the cost of service. Many felt that informing an older person about service cost constituted an implied form of pressure. Others indicated that it was at times difficult to determine cost for certain services on a unit basis, for example, an I&R call. A large number of commenters expressed opposition to the limit imposed by paragraph (a)(7) on the manner in which they had to spend contributions. Many indicated that greater flexibility should be permitted in this area. On another point, commenters were divided on whether the area agency or service provider should determine how contributions were to be used to increase service.

AoA response: We kept the requirement in paragraph (a) because we think that a service provider should be required to give an older person the *opportunity* to contribute. We agree that contributions may not be as likely to be received for some types of services as for others. We also agree that in some cases it is inappropriate or impractical to give an older person information about the cost of a particular service. Therefore, we removed the requirement for telling the older person the cost of the service.

We kept the provision of paragraph (a)(7) which requires that each service provider use all contributions to expand the services of the provider under this part and that each nutrition services provider use contributions to increase the number of meals served. We appreciate the desire of some service providers to have flexibility in the use of contributions, but think that contributions collected as a result of providing services under this part should be used to expand services for older persons. In general, for all services except nutrition, service providers have a degree of flexibility within the basic rule. Section 307(a)(13)(C) of the Act requires that all contributions for nutrition services be used to increase the number of meals served.

Section 1321.113 *Maintenance of non-Federal support for services.* The NPRM required that each service provider under the plan must assure that funds under this part are not used to replace funds from non-Federal sources and must agree to continue or initiate efforts to obtain funds from other public and private sources for services funded under this part. Most commenters on this section opposed the maintenance requirement for service providers. Commenters regarded the requirement as: (1) inconsistent with the "voluntary" aspects of contributions from non-Federal sources, (2) as forcing "over matching", (3) an area agency responsibility, not the service provider's; (4) unable to be implemented because most service providers do not have control over funding levels in the community; and (5) a disincentive to obtaining additional funds from local organizations.

AoA response: Section 306(a)(1) of the Act requires the area agency to develop a comprehensive and coordinated service delivery system that makes the most efficient use of social and nutrition services in meeting the needs of older persons and uses available resources efficiently and with a minimum of duplication. We think that these provisions give us the necessary authority to require service providers under this part to actively cooperate in the development of the comprehensive and coordinated service delivery system. We think the efforts of the area agency to develop a comprehensive and coordinated service delivery system would be seriously impeded if service providers could substitute Title III funds for other resource already available for services to older persons, or if service providers were permitted to be passive recipients of Title III funds with no responsibility to seek additional resources for the system's development. While we recognize that providers cannot require voluntary organizations to contribute, we think that providers can take steps to ensure that support that they previously obtained is not removed; and we think it is appropriate to require area agencies to use only providers that take these steps.

Section 1321.115 *Advisory role to service providers of older persons.* The NPRM required each service provider under the area plan to have procedures for obtaining the views of participants on the services they receive.

The majority of commenters endorsed the concept, but suggested strengthening of the language. Several commenters thought this responsibility should be handled at the area agency level, through strengthening and using existing area advisory councils. A number of commenters spoke of the need to link this process with the area advisory councils. Some other commenters called for reinstatement of the earlier requirement for a nutrition project council, and suggested that membership of persons knowledgeable in nutrition should be mandated on such councils. A few commenters questioned the legal basis for requiring service providers to obtain the views of participants.

AoA response: We retained the section unchanged. We think the area agency in its relations with service providers can assure appropriate ways to link this means of obtaining participants' views with the area agency advisory council. The Act permits, but does not require, nutrition project councils. We think therefore, that this matter is best left to local determination. We are imposing only a very general requirement, and the provider has broad discretion in deciding how to satisfy it. We do not believe our requirement is burdensome, and believe that the Act's repeated emphasis on soliciting the views of older persons, and tailoring services to meet their needs, provides adequate authority for our requirement.

Section 1321.121 *Multipurpose senior centers.* This section in the NPRM specified: (a) the purpose for which senior center awards may be granted, including alteration, leasing, renovation, acquisition, or construction of a facility, and costs of professional and technical personnel, (b) definitions of selected terms, and (c) general requirements for awards, including type of agency, minimum service requirements, and a preference for community focal points.

Some commenters criticized the requirement that rented facilities must be leased for at least 10 years because it would not allow for relocation to more desirable facilities. Other commenters requested the addition of other necessary operating costs beyond the cost of professional and technical personnel as allowable costs.

Some commenters opposed the restriction in the definitions of "altering" or "renovating" on expansion of facilities for not more than twice the square footage of the original facility.

Most commenters generally objected to the minimum service requirements as too restrictive and inflexible, unrealistic in rural areas, and requiring a heavy burden of additional funding for both existing and new centers. Some objected specifically to the requirement of at least 45 hours of access per week, feeling that operating hours should be set locally, based on local needs. Others objected to the rule that centers provide services in the home and in care-providing facilities. There was mixed opinion on the requirement for giving preference to community focal points when funding multipurpose senior centers. Also, some commenters objected to the discrepancy between the number of requirements of community focal points and the greater number for senior centers.

AoA response: The 10-year restriction for leasing facilities was a carryover from previous regulations when short-term leasing was not an allowable cost. This restriction is no longer applicable and has been dropped. (We have kept the statutory definition of acquiring as including leasing for 10 years or more.) We have concluded that Section 321(b)(2) of the Act does not authorize payment for operating costs other than personnel, and have accordingly not accepted the comment that other operating costs be supported.

The restriction on expansion of facilities was a carryover from previous regulations, when new construction was not authorized and expansion beyond twice the original square footage was considered equivalent to new construction. Because the Act now contains authority for new construction, the restriction on expansion is no longer applicable and has been deleted.

We agree that the minimum service requirements may have been too burdensome, and have deleted these requirements. The final regulation simply provides, as does Section 321(b) of the Act, that multipurpose senior center awards are to be for senior centers which are community facilities, or mobile units, that provide a broad spectrum of services, including health, social, nutritional, educational, and recreational services, and that a multipurpose senior center program will be operated in the facility.

Section 1321.23 *Health, safety, and construction requirements.* The NPRM required that a recipient of any award of senior center activities must comply with all applicable State and local health, fire, safety, building, zoning and sanitation laws, ordinances or codes. The NPRM also contained specific requirements concerning Life Safety, Architectural Barriers and consultation with the Department of Housing and Urban Development (HUD).

Comments on this section were primarily directed to paragraph (b) Life Safety, and paragraph (c) HUD Consultation. A number of commenters noted that paragraph (b) appeared to repeat the general provisions in paragraph (a) and suggested deletion of paragraph (b). Many commenters opposed the requirements for smoke detectors in paragraph (b)(2) because of the cost involved in installing smoke detectors. A large number of commenters opposed paragraph (c) because they thought it would be time consuming, impractical or unnecessary if other provisions were met. The Department of Housing and Urban Development (HUD) requested that the arrangement worked out with AoA relative to the former Title V be retained, namely, that technical adequacy be determined by assuring compliance with appropriate State or local laws, ordinances or codes; or, if these were absent, with internationally recognized codes.

AoA response: We agree that the requirements for compliance with both State and local codes and the Life Safety Code may be redundant in some States. We considered the comments that indicated paragraph (b) might duplicate provisions of paragraph (a), and in general agree with the comments. However, we are concerned that in some instances the existing State or local life and safety laws, ordinances, or codes may be inadequate. Therefore, we revised paragraph (b) to place the responsibility on the State agency to determine whether existing codes are adequate and, if necessary, to require compliance with the Life Safety Code.

In response to objections we revised this section to require the installation of an adequate number of smoke detectors in senior center facilities only if in the judgement of the State agency existing fire and safety laws are inadequate to protect the health and safety of participants. There is a growing national recognition of the value of such devices which motivated us to require their use. State or local fire department authorities may determine the number of smoke detectors required for a senior center.

The NPRM applied the requirements of the Architectural Barriers Act only to construction of senior centers facilities. Section 307(a)(14) of the Act applies the provisions of the Architectural Barriers Act to the acquisition, alteration or renovation of existing facilities. We revised the regulation to accurately reflect the language of the Act. In response to comment of the Department of Housing and Urban Development (HUD), we included the provisions which appeared in the regulations for the former Title V, namely, that States may satisfy the requirement for HUD consultation by assuring compliance with appropriate State building codes; or in the absence of such codes with other generally accepted building codes.

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Therefore, State agencies will not have to consult with HUD directly.

Section 1321.131 *Special conditions for acquiring by purchase or constructing a facility.* The NPRM required the area agency to obtain the approval of the State agency before making an award for construction of a facility, and provided that the State agency could approve construction of a facility only if there was no other suitable facility to serve as a focal point in the community. The NPRM also provided that the area agency could make an award for the acquisition of a facility only if no suitable facility was available to lease.

The majority of comments received on this section were directed at paragraph (b) which suggested that only facilities that can be considered as *focal points* are eligible for construction funds. All commenters suggested that *focal points* be deleted and *senior center* be substituted to assure all senior centers are eligible for construction funds. Most commenters pointed out the lack of statutory support for any restriction on funding.

Other commenters indicated that they did not find any statutory support for the requirement in paragraph (a) that the area agency must obtain State agency approval before making a construction award. Some commenters thought that paragraph (a) was in conflict with § 1321.101(a).

AoA response: We proposed the restriction in the NPRM on construction because of the language in Section 307(a)(14) of the Act which requires a prior determination by the State agency that there are no suitable structures available to be a focal point. We do not think that this statutory requirement limits the use of construction funds to focal point facilities, but we do think it prevents construction when facilities suitable for focal points are available. Accordingly, we have kept the requirement. We have also kept the statutory requirement for State agency approval for construction awards. Paragraph (a) of this section is not in conflict with § 1321.101(a). Paragraph (a) of this section simply requires the area agency to obtain State agency permission to make a construction award, based on the State agency's finding, as provided in paragraph (b), that there are no other suitable facilities. Paragraph (a) does not imply that the State agency may determine to whom the award is made, or may exercise prior review or approval of the specific award.

Section 1321.133 *Prohibition on sectarian use of a facility.* Most commenters objected to this prohibition on the use of a facility funded under this part for sectarian instruction or religious worship.

The NPRM provided that a recipient of an award for a facility to be used as a multipurpose senior center must assure that the facility will not be used for sectarian instruction or for religious worship.

Many commenters thought the proposed rule was unfair or unrealistic. One commenter pointed out that religious organizations often permit service providers to use their facilities for senior activities funded under the Act. Another asserted that the White House Conference on Aging identifies spiritual well-being as an essential concern for the aging. Others were concerned that the NPRM language prohibited religious activities in any center funded under the Act, or that it interfered with local control.

AoA response: Section 307(a)(14)(A)(iv) of the Act requires assurance that a senior center acquired, renovated, altered, or constructed with funds under this part will not be used for sectarian instruction or as a place for religious worship. We have redrafted the language of this section to conform more closely to the statutory language. This statutory prohibition is similar to those contained in other Federal statutes authorizing grants for construction. It is designed to ensure that that constitutional prohibition against Federal establishment of religion is not violated. We want to emphasize that this prohibition is required by statute, but that it does not preclude the use of religiously owned facilities for the delivery of services under the Act.

Also, we want to emphasize that this provision should not be interpreted to interfere with an older person's right to free exercise of religion, as long as that exercise does not interfere with the rights of others.

Section 1321.135 *Funding and use requirement.* This section of the NPRM required a recipient which received an award for the purpose of altering, renovating, acquiring or constructing a facility for use as a multipurpose senior center to assure the availability of sufficient funds both to meet the non-Federal share of the award, and to effectively use the facility as a multipurpose senior center.

Most commenters recommended that the term "funds" specifically include "in-kind" contributions such as maintenance, staff services and other operating costs. A number of commenters asked for clarification of the statement that a proportionate share of the cost of the facility be provided in cases where the facility is shared by other age groups.

AoA response: We interpret the term funds in accordance with 45 CFR Part 74—*Administration of Grants* to include third party in-kind contributions. The requirement applying to shared facilities was intended to assure that funds under this part will be used only to serve older persons.

Section 1321.141 *Nutrition services.*

Section 1321.143 *Selection of nutrition services providers.*

Section 1321.145 *Special requirements for nutrition services providers.*

Section 1321.147 *Food requirements for nutrition services providers.* The NPRM set forth nutrition services requirements in several sections. Section 1321.141 proposed general provider selection requirements; § 1321.143 proposed food requirements; § 1321.145 proposed special requirements for congregate nutrition services; § 1321.147 proposed requirements for home-delivered services. We have combined in these final regulations many of the requirements contained in the NPRM; but have substantially revised the order in which subjects are treated.

1. *Awards for home-delivered meals.* A major issue in the development of these regulations was whether an area agency could make an award for nutrition services to a provider that did not provide meals in a congregate setting. The 1978 amendments for the first time provide a separate authorization for home-delivered meals, and the legislative history of the amendments indicates that Congress was concerned to establish an independent and viable home-delivered meals program while retaining the traditional emphasis on congregate services.

Section 307(a)(13)(B) of the Act provides that each nutrition project will provide meals in a congregate setting. Existing Title VII regulations require that there be a single recipient of a grant or contract for a nutrition project in a project area. Under this single recipient requirement, the Title VII nutrition project came to be identified with the provider receiving the award from the State or area agency to provide nutrition services. We accordingly concluded in the NPRM, that except in those instances in which the area agency could directly provide nutrition services as an exception to the restrictions of § 1321.103, it would be required to subgrant or contract for nutrition services only to service providers that met all the statutory requirements for a project, including the provision of meals

in a congregate setting. Section 307(a)(13)(H) of the Act requires the area agency, if feasible, to give consideration to existing home-delivered meals organizations. In order to ensure that this requirement was met, we proposed to require a nutrition services provider to purchase meals from any such existing qualified organization.

We received many comments which urged us to adopt an interpretation that would avoid imposing an additional administrative layer between area agencies and home-delivered meals organizations, and would allow area agencies maximum flexibility to implement nutrition services programs within their planning and service areas. We also received some comments in support of our proposed requirement that all nutrition funds flow through the congregate provider. Those in support of this requirement felt it would promote consistent service to the same participants, reduce the chance for duplication, and ensure that congregate providers which had been providing home-delivered meals under Title VII would be able to continue to do so.

AoA response: We have thoroughly reviewed this issue and have concluded that we can interpret that statutory requirements in a way that would permit the area agency broader flexibility in implementing the new nutrition program, would give both existing congregate and home-delivered meals providers the preference that Section 307(a)(13)(H) of the Act and Section 501(b) of the amendments require, and would still be consistent with the congregate requirement of Section 307(a)(13)(B).

Except for the purposes of Section 501(b), we have decided to consider a nutrition project as the nutrition program operated by the area agency. We have decided to relax the single recipient requirement and to allow the area agency to make as many awards for nutrition services under its nutrition program as it chooses, provided that the statutory requirements for nutrition projects are met. The regulations retain in § 1321.143 the special definition of "nutrition project" for purposes of section 501(b).

Under our revised interpretation, an area agency could fund home-delivered meals providers directly as long as congregate meals are also provided. We are placing on the area agency the initial responsibility for making the appropriate determination of the extent of need for home-delivered meals, and for deciding whether those meals should be provided by an existing home-delivered meals organization, a congregate provider that was not providing home-delivered meals under the former Title VII, or some new provider.

Under § 1321.143(b)(3), an area agency may not discontinue funding for home-delivered meals to a provider that was a nutrition project protected by Section 501(b) of the amendments and was providing home-delivered meals on September 30, 1978, unless the State agency determines after a hearing if requested, under § 1321.51 that the project is no longer providing home-delivered meals with demonstrated effectiveness.

2. *Protected projects under Section 501(b) of the amendments.* We proposed in § 1321.141(b)(2) of the NPRM to require the area agency to award funds to a nutrition project that was receiving funds under the former Title VII on September 30, 1978, unless the State agency determined pursuant to a hearing that the project no longer met Federal requirements or has not carried out nutrition service activities with demonstrated effectiveness.

We defined project for purposes of this section as "the recipient of a subgrant or contract to provide nutrition services, other than the area agency, which met the requirements for a project specified in the former Title VII regulations."

A number of commenters requested that we clarify the types of services that protected projects be allowed to provide. Some commenters also asked us to specify who "sets criteria for demonstrated effectiveness." Commenters were also concerned that projects providing home-delivered meals be allowed to continue, and that we require that area agencies to allow projects to provide supportive services as well. Some commenters indicated that the responsibilities of the area agency to the "grandfathered" projects was not clear. A few commenters suggested that the "grandfathered" projects should receive funding at the same level as they received on September 30, 1978.

AoA response: As indicated above, we have provided in the final regulations for the protection of the provision of home-delivered meals. We have also provided that, at a minimum, the area agency must make awards to "grandfathered projects" equal to the amount of the awards in effect on September 30, 1978 for those services that may presently be funded under Title III Part C. We did not address this issue of the level of funding for "grandfathered projects" in the NPRM. However, we did receive commenters on this matter. In reviewing the legislative history, particularly the discussion on p. 63 of the Conference Report, we concluded that Congress intended to protect the minimum funding base of these projects under Section 501(b).

However, we do not think that the provision of support services that cannot be funded under Title III–C falls within the protection of Section 501(b). That section provided that a protected project must continue to receive funds under Title III–C. Under Section 307(a)(13)(I) of the Act, a State may use not more than 20 percent of its Title III–C allotment for supportive services during Federal fiscal years 1979 and 1980 only. Beginning with fiscal year 1981, all supportive services must be funded under Title III–B using the State's social services allotment or from other sources. Since supportive services will not be funded under Title III–C, they are not protected under Section 501(b). An area agency is, of course, free to award Title III–B funds for supportive services to any protected project. We have, however, included outreach among the nutrition services that may be funded under Title III–C. Since Section 307(a)(13)(E) makes outreach a required activity for each nutrition project, we think that it is appropriate that outreach be funded using nutrition funds.

We have left to the State agency the decision concerning the establishment of criteria for demonstrated effectiveness. If the State agency wants to share this responsibility with the area agency, it may, of course, do so.

3. *Eligibility requirements.* The NPRM provided that a person age 60 or older, and a spouse regardless of age, were eligible to receive nutrition services, and home-delivered meals, if homebound.

Several commenters recommended that eligibility be restricted to those ". . . with greatest social or economic need." Other noted that the age criteria should be lowered or eliminated for minorities because of a shorter life expectancy; and that physically or mentally handicapped persons should not be required to meet the age criteria. A number of commenters also expressed some concern about non-elderly spouses of homebound older persons being eligible for home-delivered meals.

AoA response: We provided that the spouse of an older person would be eligible to receive a home-delivered meal if that "is in the best interest of the homebound older person." We think this is an appropriate standard because the statute generally conditions a spouse's eligibility or nutrition services on whether the older person meets statutory criteria, and that therefore a spouse's eligibility for home-delivered meals should be based on the need of the homebound older person for the

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spouse to be there. We did not otherwise change the participant eligibility criteria to respond to comments of lower age, particularly for the non-elderly handicapped because the Act clearly restricts participation to all individuals 60 or older and their spouses.

4. *Type and frequency of meals served.* We proposed in the NPRM that home-delivered meals must be available seven days a week and that the provider have the capacity to deliver meals in a weather related emergency. We also proposed that congregate sites serve meals five or more days per week at a site that was preferably within walking distance to the majority of eligible recipients' residences.

We received a number of comments on the issue of the frequency of serving congregate meals. Commenters from rural areas provided the major portion of comments, voicing concern about whether rural sites may have to close because they are unable to provide services five days or more per week. A few commenters indicated a belief that all congregate sites should provide meals at least five days per week.

A number of commenters questioned the seven day requirement for home-delivered meals. Some cited the lack of statutory authority of this requirement, others cited the financial burden this would create. Many commenters supported the principle of this requirement, but thought it should be a goal rather than a requirement. Others thought if individuals are in need of home-delivered meals, they generally need them seven days a week. Some commenters questioned our requirement for delivery during a weather related emergency.

AoA response: In response to comments, we added the words "where feasible and appropriate" to the requirement for delivery of meals during a weather related emergency. We modified the requirement on locating nutrition services within walking distance of participants, to read "if possible." This modification was made primarily in response to concerns of rural residents.

We limited the requirement for frequency of home-delivered meals to five days a week. We strongly encourage service providers to make provision for meals seven days a week if needed. With respect to congregate meals, the requirement in § 1321.145(a)(i) is that each congregate provider provide meals in a congregate setting five or more days a week. This requirement does not apply to each congregate site.

5. *Homebound persons in jeopardy.* The NPRM proposed to require notification to the area agency of any condition which placed an older person in jeopardy. Some commenters thought that at times referral to some other agency would be more appropriate.

AoA response: We revised the language to allow an older person or his or her representative to consent that dangerous situations be brought to the attention of "appropriate officials" rather than requiring, as the NPRM did, that the area agency be informed.

6. *Assessment of need.* Several commenters commented on the proposed process for assessment of need for home-delivered meals. There are differences of opinion as to whether both the area agency and the service provider should determine the need. We have retained in these final regulations the requirement that the area agency assess need initially for the PSA, and make its awards based on that assessment. We are also requiring all nutrition service providers to make their own individual determinations of need for the individual participants they serve.

The NPRM provided that a nutrition services provider must provide special meals to meet the particular health, religious or ethnic dietary needs of participants, unless the area agency exempted the provider. Commenters offered a number of items on paragraph (b) on the provision of special meals. Many commenters though that the NPRM was too rigid and without statutory basis. Nearly half of the commenters supported the principle of providing special meals, but thought it should be a goal rather than a requirement. Most commenters recommended that the past practice be retained; that is, special meals should be provided where feasible and appropriate. The major reason for opposing the requirement was the cost, with the potential for adversely affecting the number of persons now served by the program. Others indicated that some communities lacked the skill or the food materials necessary to provide this kind of service.

This paragraph also gave rise to a number of comments on our proposed requirement for the provision of appropriate food containers and utensils for blind and handicapped participants. Others indicated that not every site needs such equipment.

We received a number of comments about our proposed requirement that providers accept and use *any* of the USDA food made available by the State agency. The objections focused on the term *any* since some USDA foods are apparently unacceptable to participants, and projects cannot always use the food within a reasonable period of time.

AoA response: In view of the volume and content of comments received on special meals, we revised our requirement. We inserted the statutory phrase "where feasible and appropriate" in this requirement. We incorporated criteria to assist in the determination of what is "feasible and appropriate."

In response to concern raised about expertise necessary to provide health related menus, we note that in some cases, nutrition service providers may be able to meet the requirements for therapeutic menus by following a physican's prescribed diet. However, we concluded that generally nutrition service providers should not be expected to provide therapeutic menus, especially since we generally provide only one meal a day and are unable to control eating habits the remainder of the time. It is possible for us to provide simple, modified meals such as low calorie, low-fat, or low carbohydrate diets, but generally, older persons requiring a very strict dietary regime as prescribed by their physician should be referred to the medical profession for management of dietary needs arising from serious medical problems.

We revised the requirement for special utensils for the handicapped so that the provider need only have these available on request. This change makes the provision of special equipment permissive as needed by participants.

We substituted the word *"appropriate"* USDA food for the word "any". We leave to the judgment of the State agency what food is appropriate.

Section 1321.151 *Legal services.* (Section 1321.161 in NPRM) The NPRM would have (a) authorized area agencies to award social services funds for legal services, but required that these services be in addition to leagal services already being provided; (b) defined legal services; and (c) specified various conditions that legal service providers must meet.

Commenters made the following major comments regarding the provisions for legal services: (1) The definition of legal services should be expanded to include specific types of services. The advocacy role of legal service providers should be clarified in relation to the similar role of other components of the aging network. (2) The standards for selecting a legal service provider are insufficient. A number of criteria were suggested for inclusion. (3) Several commenters suggested additional conditions which legal service providers must meet.

Several urged that legal services should not be provided in fee generating cases unless adequate representation is not available from private attorneys. The commenters felt that such a restriction would help to assure the cooperation of the private bar, and would lessen competition between the bar and the legal service providers. (4) The majority of commenters on the issue thought that it was necessary to include a provision for means testing for legal services in order to target these services to elderly persons in greatest need. These commenters felt that means testing, or some consideration of income and resources, might also be necessary for advising clients on eligibility for public benefits, for referring clients to other service providers with means tests, for auditing and reimbursement purposes, and for avoiding conflict with the private bar over providing free services to those who can afford to pay for private counsel.

Commenters were also concerned that our provisions for voluntary contributions might result in fee generating cases being accepted by providers under this part. Other commenters advocated a sliding fee schedule. (5) Commenters also raised the issue of legal services providers' ethical obligations to protect the confidence and secrets of their clients. One commenter commented that legal services provider should be required to give information on individual clients served. (6) Finally, a number of commenters wanted clarification of the role of Legal Services Corporation grantees under this part.

AoA response: (1) We revised the language of this section to emphasize the role of legal services in helping older persons secure their rights, benefits and entitlements and to assist them in achieving the objectives of the Act. We have limited the definition of legal services to that contained in the Act and have left to State and area agencies decisions regarding the specific services they will fund as legal services. However, we have added a new provision which permits legal service providers, with the approval of the area agency, to establish case priorities and to consider the availability of staff resources in deciding the extent of representation to provide.

(2) We agree with the comments that we should specify service standards for legal services and have selected several from the ones suggested. The final regulations include standards for staff expertise in legal matters concerning older persons, capacity to provide effective representation, capacity to support advocacy efforts, capacity for service delivery to institutionalized, isolated, and home-bound individuals; convenience and accessibility of offices and/or outreach sites, and capacity to provide services in a cost effective manner.

(3) In response to comments, we have specified in the final regulations that legal services may not be funded for fee-generating cases unless adequate representation from private attorneys is unavailable; and that providers may not engage in lobbying or voter registration activity. We do not think that our voluntary contributions policy will encourage providers to accept cases that are likely to result in the generation of fees. We strongly believe that contributions should be voluntary, and have accordingly rejected any suggestions for mandatory fee schedules.

(4) We added a new provision to permit legal services providers to inquire about income related information when the reason is to advise an older person of public benefits to which he or she may be entitled, or to otherwise assist in advising or representing the person. We have reaffirmed the prohibition on means testing for legal services. The issue of means testing is one of the most difficult ones that we faced in the area of legal services. On the one hand, means testing, or some consideration of income in the decision of the scope and extent of representation to provide, seems more appropriate here than for other services. On the other hand, the strongest legislative history against means testing is the discussion on legal services in the Conference Report on the amendments cited in the NPRM.

We recognized in the NPRM that some consideration of income might be necessary in the provision of legal services, notwithstanding the report language, and invited comment on this issue. We concluded from the comments that consideration of income would be appropriate if necessary to give legal advice, but that using a person's income and resources to determine the scope and extent of representation, while perhaps desirable to many, did not seem essential to provide legal services, and seemed contrary to the legislative history. We recognize that in repeatedly stating that programs under the Act were not to be subject to means testing, Congress did not define means testing, or give us much guidance to define it. We considered comments that using a person's income to determine the scope and extent of representation was not the kind of means testing Congress intended to prohibit, as long as the provider did not use a person's income to deny services altogether. However, we were not convinced that explicitly limiting representation solely on the basis of an older person's income or resources was in practical terms sufficiently different from denying that person services altogether.

(5) We considered imposing a special confidentiality requirement for legal services providers, but decided to rely on the general confidentiality and disclosure provisions in Section 1321.19. We expect that State and area agencies will work out with legal services providers' arrangements that meet both the providers' need to meet their ethical obligations and the agencies' monitoring requirements. For example, a procedure that has worked well is the use of an independent auditor, hired by the provider, and approved by the monitoring agencies.

(6) It is clear that Congress intended legal services under this part to be closely coordinated with services provided under the Legal Services Corporation Act. These regulations provide for that coordination, without requiring a preference for Legal Services Corporation grantees.

Section 1321.161 *Information and referral services.* (Section 1321.171 in NPRM). This section of the NPRM required the area plan to provide for information and referral services by trained paid and volunteer staff, and provided for collection and disclosure of information.

Comments focused on three issues: (1) the definition in the NPRM of information and referral service as a location, (2) our use of the phrase "trained paid and volunteer staff," and (3) the provision allowing for consent by a family member to disclosure of information about an older person.

AoA response: (1) We have deleted the term "location" from the definition of information and referral service, and have clarified that these services are those that are designed to link older persons with the other services and information that they need. (2) We have revised the staffing requirement to eliminate any distinctions between paid and volunteer staff, and have simply required that the service provider employ a specially trained staff. (3) We agree with the commenters that our regulations should not authorize a family member to consent to disclosure of information about an older person unless the family member is the person's legal representative, and have revised the regulations accordingly.

Section 1321.171 *Transportation agreements.* (Section 1321.181 in NPRM.)

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This section provides that area agencies may enter into agreements with agencies which administer programs under the Rehabilitation Act of 1973 and Titles XIX and XX of the Social Security Act to meet the common transportation needs of service participants under these programs. The two major issues raised by commenters were: (1) whether area agencies should be required, rather than allowed, to enter into such agreements, and (2) whether agencies administering programs other than the three cited should be authorized parties to these agreements.

AoA response: (1) Section 306(c) of the Act provides that area agencies "may" enter into such agreements. We do not have the authority to require such agreements. Moreover, we think the decisions to enter into such agreements should be left to the discretion of area agencies. (2) Section 306(c) refers only to these three programs. We believe that agreements entered into under the authority of this section should be limited to those programs specified in the section, since it permits area agencies to pool funds under this part without cost allocation. This section provides an exception to the restrictions against joint funding that are otherwise applicable to programs under this Act (*see* Section 211 of the Act and § 1321.207 of these regulations). Under these agreements, an area agency may transfer funds to another agency to administer, and may pool funds to meet the common need for transportation services without regard to cost allocation.

Section 1321.185 *Expenditures in rural areas.* (Section 1321.193 in NPRM.) The NPRM required State agencies to spend in rural areas in each fiscal year at least 105% of the fiscal year 1978 expenditures in those areas. The Commissioner could waive this requirement if the State demonstrated that service needs were being met, or that there were so few elderly in rural areas that this requirement was not necessary. The NPRM also set forth three options to define "rural area."

We received many comments on this section. Comments centered on whether the 105% requirement meant funds or services; the State's responsibility in a totally rural State; and what is the State's responsibility if the rural factor had been included in their allocation in mixed areas.

Perhaps in part because of the complexity of our first two options, the majority of the comments regarding the definition of rural area favored option three, which allowed the State to develop its own definition of rural areas. A number of commenters rejected all three options, some offering an alternative definition or alternative application of the NPRM definitions. One alternative definition was based on the use of Standard Metropolitan Statistical Areas (SMSA).

Comments addressed to the waiver provision raised the issue of the application of the waiver to States with allocation formulae that meet the intent of this section.

AoA response: The three options proposed in this section to define "rural area" met with many objections regarding their clarity and the unnecessary difficulties in implementing them. We decided not to accept the majority opinion on this point, namely, permitting each State to set its own definition of rural. We are concerned that we would not be able to effectively monitor implementation of the requirement under this option, and that some States might not increase services in rural areas. In response to comments that options one and two were too complicated, we decided to accept a simple definition based on an alternative definition that was proposed in the comments. We defined "rural area" as any area outside a Standard Metropolitan Statistical Area (SMSA) as defined by the Department of Commerce.

In PSA's which are not entirely metropolitan or nonmetropolitan under the SMSA definition, State agencies are required for the purposes of this section to separately account for expenditures in the metropolitan and nonmetropolitan portions of the PSA. We think this definition provides a clear and simple definition of rural area. Because it follows the criteria set by the Department of Commerce, it should be easy for States to apply; and at the same time provides us with a basis on which to collect national data.

In response to whether the 105 percent responsibility means funds or services, Section 307(a)(3)(B) of the Act clearly indicates that the responsibility of the State agency is to spend in each fiscal year an amount equal to not less than 105 percent of the amount spent for services under the former Titles III, V and VII in fiscal year 1978. It is the amount of funds to be spent which the Act prescribes.

The Act is silent on the question of how the requirement applies in a State that is entirely rural under our definition. We point out that the intent of this provision of the Act is to redirect a portion of a State's funds from non-rural to rural areas of the State. If a State is entirely rural, it is neither necessary nor possible to redirect funds in the manner intended by the Act. Therefore, this rule does not apply in such a State.

The rule does, however, apply in any State which previously had developed an allocation formula that met the intent of this section, namely, a formula that distributed funds in a manner weighted toward rural areas. These States must nevertheless increase their expenditures in rural areas by the required 5 percent.

Section 1321.187 *Fifty percent priority service requirement.* (Section 1321.195 in NPRM.) The NPRM required that each area plan must provide assurances that at least 50 percent of its social services allotment, excluding amounts used for administration, will be expended for the provision of: (1) services associated with access to other services; (2) in-home services; and (3) legal services. The NPRM provided that the State agency might waive this requirement if it determined that the need for any category of services was being met.

Most commenters addressed the statement of the general rule contained in paragraph (a). Some commenters supported the rule as stated in the NPRM. Other commenters recommended that a method be developed to determine appropriate and adequate minimum funding levels for the separate categories of service, particularly for legal services. A number of commenters indicated that the list of services should be expanded to include additional access services such as case management, escort services, and senior center renovations, and additional in-home services, such as adult day care.

The NPRM would have allowed a State agency to waive the requirement of this section if the area agency demonstrates the services provided from other sources meet the needs of older persons in the planning and service area for the category of service. Many commenters indicated that standards or criteria should be developed for assessing need and granting waivers to area agencies. One commenter suggested that no waiver be granted unless the area agency demonstrated that sufficient services are being provided throughout the planning and service area to older individuals in economic or social need. Another commenter stated that not less than 10% of the area's social service funds should be awarded to the three required categories of services, and that the granting of a waiver by the State agency should be based on specific evidence that adequate services were being provided in the planning and service area.

AoA response: We considered the suggestion that the *some funds* provision in the Act be interpreted to specify a minimum amount, or percent, which must be spent for particular types of service, such as legal services. However, we have not accepted this comment. We believe that the legislative history cited in the NPRM makes clear that Congress intended to leave to local option the percentages of funds spent on each category. Moreover, given the diversity of local circumstances, we believe that any national minimum percentages we could set would be less responsive to local needs, and we believe that area agencies, which have the statutory responsibility to develop service systems within their areas, should decide in cooperation with the State agency the degree to which these priority and other services are needed. An area agency is required to explain in its plan the methods it uses to set services priorities. Individuals who question those priorities will have an opportunity during the development of the plan to comment on these.

We did not expand this list of access and in-home services which can be considered for purposes of computing the 50% requirement. The statute specifies services that are to be considered access or in-home services. The language of the statute indicates that Congress intended this list to be exclusive. Furthermore, we believe that area agencies already have sufficient flexibility under this section since they can set the percentage of funds spent on each service.

There were many comments requesting that AoA develop criteria for the waivers included in § 1321.195(b). We think this is an appropriate State agency responsibility. We revised the regulation to require a State to develop explicit criteria which an area agency must meet to demonstrate, ". . . that the services provided from other sources meet the needs of older persons in the PSA."

Section 1321.191 *Transfer between congregate and home-delivered nutrition service funds under the State plan.* (Section 1321.199 in the NPRM). The NPRM authorized the State agency, under the State plan, to transfer 15% or less of funds between separate allotments for congregate and home-delivered meals without the Commissioner's approval. The approval of the Commissioner would be required only when a State agency wished to transfer more than 15% between the separate allotments for congregate and home-delivered nutrition services. The Commissioner would approve the State agency's request by approving the State plan or plan amendment.

The majority of comments gave conditional support to the section even though many thought the 15 percent limitation was too restrictive. Commenters suggested that if a percentage limitation should be made, the State agency would be in the best position to make such a determination after consulting the area agencies in the State.

AoA response: We do not think the 15 percent limitation outlined in this section is too restrictive. This provision authorizes States to transfer funds up to this amount without the Commissioner's case-by-case approval. The section further indicates that States may transfer larger percentages with the Commissioner's approval. As we indicated in the NPRM, we believe that transfers in excess of 15 percent of a State's allotment may well involve a significant change in the way a State's program is administered. We also want to ensure that a State is properly determining the need for each type of nutrition service before it transfers such substantial amounts. Since any request for permission to transfer more than 15 percent must be submitted in the State plan, there is an adequate opportunity under the provision of § 1321.29 for area agencies to be consulted concerning this matter. Therefore, we retained the language of the NPRM.

Section 1321.193 *Allowable use of funds for State and area plan administration.* (Section 1321.201 in NPRM.) This section of the NPRM specified allowable use of State administration funds and set limits on the use of social and nutrition funds for area plan administration. All comments received on this section were directed to the language regarding allowable use of funds for area plan administration.

This paragraph indicated that the State agency may use not more than 8.5 percent of *each* of its total allotments for social and nutrition services for area plan administration.

The majority of commenters who opposed the language in the NPRM believe that, in order to allow greater flexibility, the percentage limitation should be applied to the *total* of the combined allotments rather than to each separate allotment.

AoA response: We changed the language to this section to read as follows: "The State agency may not award more than 8.5 percent of its combined allotments for social and nutrition services for area plan administration."

As we explained in the preamble to the NPRM, we proposed that the statutory 8.5 percent limit on the area plan administration be applied proportionately to nutrition and social services in order to ensure that State agencies distribute administrative costs equitably. We were, however, persuaded by the commenters that State agencies needed, and would not abuse, the flexibility of deciding how to allocate administrative costs, and have revised the final regulations accordingly.

Section 1321.195 *Additional funds for State plan administration.* (Section 1321.203 in NPRM). The NPRM authorized a State agency to apply to the Commissioner to use not more than ¾ of 1 percent of its total allotment for social and nutrition services for State plan administration and outlined the procedures for these requests.

Several commenters recommended requiring a State agency to conduct public hearings regarding the use of additional funds; others strongly opposed the use of services money for State agency administration.

AoA response: We considered, but rejected, the suggestion that the State agency's request under this section be subject to public hearings. In response to the State plan amendment provisions in § 1321.27, many commenters requested that unnecessary public hearings requirements be eliminated. Admittedly the application by a State under this section is not a State plan amendment. In fact, Section 308(b)(2)(A) of the Act prohibits an application under this provision from being made as part of the State plan. However, we think the principle we applied regarding limiting public hearings on the State plan to substantial plan changes applies in this instance. We do not think a State's application under this provision substantially affects the operation of programs in the State under this part. Therefore, we did not include a public hearing requirement in this section.

Section 1321.197 *Obligation and reallotment.* (Section 1321.205 in NPRM.) This section of the NPRM would have implemented the provisions of Sections 304(b) and 604(d) of the Act, which require the Commissioner to withhold from a State's allotments, and reallot, amounts he or she determines will not be used, or are attributable to Indians in the State to be served under Title VI. It also would have implemented the statutory provision of Section 308(c), which authorizes the Commissioner to determine the amounts a State will not need for administration, and to approve use of those funds for services.

Most commenters objected to our suggestion in the preamble that we might use the authority provided under Section 304(b) to reduce the allotted funds to States that have large unliquidated balances, without obtaining the States' consent to the reductions. At present, we make these

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reductions only when States consent to them.

Some commenters felt that our proposal might place some States in the position to making costly, ill planned expenditures. Other expressed concern that consideration would not be given to States' funding cycles where they do not coincide with the Federal fiscal year.

A few commenters stated there should be a hearing before funds are deobligated from a State; reasonable notice should be given; Governors and Congressional delegations would need to be notified; and that area agencies should be given the opportunity to utilize funds before they are deobligated from a State.

Commenters opposed the reduction of a State's allotment based on Indians service under Title VI grants. Commenters also though that the State agency, not the Commissioner, should have the authority to approve the use of State's administrative allotment for services.

AoA response: We believe that many commenters were unaware that the basic provisions of this section are taken from the Act. Section 304(b) of the Act provides that whenever the Commissioner determines that any amount allotted to a State under Title III Part B or C for a fiscal year will not be used by the State for carrying out the purposes for which the allotment was made, the Commissioner makes the unused funds available to other States. Section 604(d) of the Act provides that whenever the Commissioner approves an application under Title VI, he or she withholds from the allotment of the appropriate State made under Section 304 an amount attributable to the Indians to be served under Title VI who were also counted for the purpose of the Title III allotment. These regulations simply reiterate these statutory provisions.

We recognize that most States were concerned about our proposed involuntary allotment when the Commissioner determined that a State has excessive unliquidated obligations. Accordingly, we have decided to continue our present practice of reallotting under this authority only those funds that the State agency chooses to make available. We are required by statute to make the adjustments based on Title VI grants, whether or not the State consents to the reallotments. We do not think the reallotment is properly viewed as a penalty. It is rather a provision designed to ensure that States are allotted funds only for those older persons whom they actually serve.

Section 1321.199 *Federal financial participation.* (Section 1321.207 in NPRM.) This section specified the proportions of administrative and service costs incurred by State and area agencies which may be paid from State allotments. Many commenters questioned the provision which specified that a State agency may not use not more than 8.5 percent of "each of its allotments for social and nutrition services" to pay not more than 75 percent of the costs of area plan administration. The commenters requested that the 8.5 percent figure be applied to the total of the allotments for social and nutrition services, rather than each of these allotments individually. Other commenters took exception to language which accurately reflected statutory provisions of the Act.

AoA response: As discussed under § 1321.193 above, we have modified this section so that the 8.5 percent figure will be applied to the total of a State's combined allotments for social and nutrition services.

Section 1321.201 *Non-Federal share requirements.* (Section 1321.209 in NPRM.) This section of the NPRM specified the rules for the required non-Federal share of the costs of administration and services under this part. It set forth the general rule that the non-Federal share could be met either by allowable cost or third-party in-kind contributions, and set forth the two statutory exceptions to that rule: 25 percent of the non-Federal share must be met from State or local public sources; and the additional 5 percent non-Federal share required after the Federal Fiscal Year 1980 could be met only from State sources.

Most commenters wanted clarification of this section, particularly with respect to the allowable use of in-kind contributions.

AoA response: We agree that the NPRM provisions may have been confusing, particularly with respect to the allowability of third-party in-kind contributions. The first 75 percent of the matching requirements may be met by either allowable costs of the State and any subgrantees, or any third-party in-kind contributions.

Section 309(b)(1) of the Act requires that for each fiscal year, not less than 25 percent of the non-Federal share of the total expenditures under the State plan which is required by Section 304(d) shall be met from funds from State or local public sources. Accordingly, this remaining 25 percent may be met only by allowable costs of the State and the allowable costs or third-party in-kind contributions of local public agencies.

Section 309(b)(2) of the Act requires that funds required to meet the non-Federal share required by Section 304(d)(1)(B), in amounts exceeding the non-Federal share required prior to Fiscal Year 1981, shall be met from State resources. The 5 percent increase in non-Federal share must be provided by the State itself. This 5 percent must, therefore, be in the form of allowable costs.

Section 1321.205 *State agency maintenance of effort.* (Section 1321.211 in NPRM.) This section of the NPRM would have implemented Section 309(c) of the Act, which provides that a State's allotment shall be reduced by the percentage by which its expenditures under its plan are less than such expenditures for the preceding fiscal year.

Commenters either completely opposed this section or requested modification. Those opposed felt that the section worked against coordination and cooperation with other State agencies in receiving State funds to support programs for older persons.

Most commenters requesting modification of the section indicated they though it was too restrictive and would serve as disincentive to receiving additional State funds. Commenters said that it would particularly penalize the use of one time monies for research, demonstration, evaluation, construction or start up purposes if the maintenance of effort provision applied to those funds. A few multipurpose State agencies responded that, as written, maintenance of effort would apply to all funds that the agency administered, and not just to those awarded under this part.

AoA response: We do not think that this statutory requirement was intended to penalize States that choose to increase their expenditures from State sources under the plan, or to experiment with special demonstration projects. Although the legislative history of this provision is not helpful, the provision appears intended to ensure that States not use Federal dollars to substitute for State dollars, and that States maintain their commitments to supporting programs under the Act.

We have revised this section of the final regulations to reflect what we think is the intent of this statutory requirement. Under the revised provision, each State would be required to spend in each Federal fiscal year for both services and administration the same amount of dollars that it spent to meet minimum Federal requirements for both services and administration in the previous fiscal year. Our reasoning is that expenditures made by a State in excess of those required to match Federal dollars are not "expenditures under the plan" since they need not be made in accordance with Federal statutory and regulatory requirements, although we may require that those expenditures be described in the plan for informational purposes.

Our requirement as revised would ensure that States kept a basic commitment to funding programs under the Act, but would not penalize States that chose to spend significantly more funds on programs for older persons in one fiscal year, unless those funds were used to match our funds. We recognize that under our revised interpretation, some States may require local subgrantees to assume a greater proportion of the matching requirement. However, we think that this possible result is preferable to the reductions that many States claimed they would suffer under a broader interpretation of the maintenance of effort base.

Section 1321.207 *Restrictions on delegations of authority to other agencies.* (New Section) In response to comments we received on § 1321.171 "Transportation agreements" we have added a new § 1321.207 to clarify that State and area agencies are precluded from joint funding under the Act except for transportation as authorized under § 1326.171, or except where they are the lead agencies. The statute and these regulations require that State and area agencies be the sole agencies for awarding and administering funds under this part. Accordingly, State and area agencies may not delegate this authority to another agency. Section 306 of the Act provides an exception to this requirement for transportation.

Authority: Title III of the Older Americans Act (42 U.S.C. 3021–3030g). (Catalog of Federal Domestic Assistance Program Numbers: 13.633 Special: Programs for Aging Title III Parts A and B—Grants on Aging; 13.635 Special Programs for Aging Title III Part C—Nutrition Service).

Dated: February 8, 1980.

Robert Benedict,

Commissioner on Aging.

Approved: February 28, 1980.

Cesar A. Perales,

Assistant Secretary for Human Development Services (Acting).

Approved: March 24, 1980.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

45 CFR Chapter XIII Subchapter C is amended as follows:

§ Parts 1320, 1324, 1326 [Reserved].

1. Parts 1320, 1324 and 1326 are vacated and reserved.

2. Part 1321 is revised to read as follows:

PART 1321—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

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Authority: Pub. L. 89–73, 79 Stat. 218–228, as amended by Pub. L. 90–42, 81 Stat. 106–108; Pub. L. 91–69, 83 Stat. 108–115; Pub. L. 92–258, 86 Stat. 88–95; Pub. L. 93–29, 87 Stat. 30–64; Pub. L. 93–351, 88 Stat. 357–358; Pub. L. 94–135, 89 Stat. 713–726; Pub. L. 95–478, 92 Stat. 1513; (42 U.S.C. 3001 et seq.).

Subpart A—Introduction

§ 1321.1 Basis and purpose of part.

(a) This part prescribes requirements State agencies must meet to receive grants to develop comprehensive and coordinated systems for the delivery of social and nutrition services under title III of the Older Americans Act, as amended (Act). These requirements include—

(1) Designation and responsibilities of State and area agencies;

(2) State and area plans and amendments;

(3) Services delivery;

(4) Grant awards to State agencies; and

(5) Hearing procedures for State and area agencies, applicants for planning and service area designation, and service providers.

(b) The requirements of this part are based on title III of the Act. Title III provides for formula grants to State agencies on aging under approved State plans for the development of comprehensive and coordinated systems for the delivery to older persons of social services, including multipurpose senior centers, and nutrition services. Each State agency designates planning and service areas in the State, and makes a subgrant or contract under an approved area plan to one area agency in each planning and service area. Area agencies in turn make subgrants or contracts to service providers.

§ 1321.3 Definitions.

"Act" means the Older Americans Act of 1965 as amended. (42 U.S.C. 3001 et. seq.)

"Area Agency" means agency designated by the State agency in a planning and service area to develop and administer the area plan for a comprehensive and coordinated system of services for older persons.

"Administration on Aging" (AoA) means the agency established in the Office of the Secretary, Department of Health, Education and Welfare as part of the Office of Human Development Services; and which is charged with the responsibility of administering the provisions of the Act, except for title V.

"Comissioner" means the Commissioner on Aging of the Administration on Aging.

"Community focal point for service delivery" means a place or mobile unit in a community or neighborhood designated by the area agency for the collocation and coordination of services delivery to older persons.

"Comprehensive and coordinated system" means a program of interrelated social and nutrition services designed to meet the needs of older persons in a planning and service area.

"Department" means the Department of Health, Education, and Welfare.

"Fiscal Year" means the Federal Fiscal Year.

"Greatest economic need" means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census.

"Greatest social need" means the need caused by non-economic factors which include physical and mental disabilities, language barriers, cultural or social isolation including that caused by racial or ethnic status (for example Black, Hispanic, American Indian, and Asian American) which restrict an individual's ability to perform normal daily tasks or which threaten his or her capacity to live independently.

"Human services" means social, health or welfare services.

"Indian tribal organization" means the recognized governing body of any Indian tribe, or any legally established organization of Indians which is controlled, sanctioned or chartered by the governing body.

"Indian tribe" means any tribe, band, nation, or other organized group or community of Indians (including any Alaska Native Village or regional village corporation as defined in or established under the Alaska Native Claims Settlement Act, P.L. 92–203, 85 Stat. 688) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or, is located on, or in proximity to a Federal or State reservation or rancheria.

"Multipurpose senior center" means a community or neighborhood facility for the organization and provision of a broad spectrum of services including health, social, nutritional, and educational services; and a facility for recreational and group activities for older persons.

"Nonprofit" as applied to any agency, institution or organization means an agency, institution or organization which is owned and operated by one or more corporations or associations with no part of the net earnings benefiting any private share holder or individual.

"Planning and service area" means a geographic area of a State that is designated for purposes of planning, development, delivery and overall administration of services under an area plan.

"Reservation" means any Federally or State recognized Indian tribe's reservation, pueblo, or colony, including former reservations in Oklahoma, Alaskan Native regions established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), and Indian allotments.

"Service provider" means an entity that is awarded a subgrant or contract from an area agency to provide services under the area plan.

"State" means each of the 50 States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands and the Northern Mariana Islands.

"State Agency" means the single State agency designated to develop and administer the State plan and to be the focal point on aging in the State.

"Unit of general purpose local government" means a political subdivision of the State whose authority is general and not limited to only one function or combination of related functions; or an Indian tribal organization.

§ 1321.5 Applicability of other regulations.

The provisions of the following regulations apply to all activities under this part—

(a) Title 45 of the Code of Federal Regulations—

Part 74—Administration of Grants, except Subpart N;

Part 80—Nondiscrimination under Programs Receiving Federal Assistance through the Department of Health, Education, and Welfare: Effectuation of Title VI of the Civil Rights Act of 1964;

Part 81—Practice and Procedure for Hearings under Part 80 of this Title;

Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Participation; and

Part 90—Nondiscrimination on the Basis of Age; and

(b) Title 5 of the Code of Federal Regulations, Part 900, Subpart F, Standards for a Merit System of Personnel Administration.

Subpart B—State Agency Designation, Organization, and Functions

§ 1321.11 Designation and functions of the State agency.

In order to be eligible to receive grants under this part, a State must designate a single State agency to—

(a) Develop and administer the State plan;

(b) Be primarily responsible for coordinating all activities in the State relating to the purposes of the Act;

(c) Serve as the effective and visible advocate for all older persons in the States; and

(d) Assist area agencies in the development of comprehensive and coordinated service delivery systems throughout the State.

§ 1321.13 Organization of the State agency.

(a) The State agency may be either—

(1) An agency whose single purpose is to administer programs for older persons; or

(2) A multipurpose agency that administers human services programs in the State. Except as provided in paragraphs (b) and (c) of this section, a multipurpose agency must delegate all authority and responsibility under this part to a single organizational unit in the agency.

(b) The State agency may request a waiver of the requirement in paragraph (a)(2) of this section if the State agency—

(1) Submits its request as part of its State plan or as a plan amendment;

(2) Describes its methods for carrying out its functions and responsibilities under this part; and

(3) Designates a component unit of the State multipurpose agency to plan and develop all policy on programs for older persons under this part and to provide a visible focal point for advocacy, coordination, monitoring, and evaluation of programs for older persons within the State.

(c) The Commissioner approves a request for a waiver, unless the Commissioner finds that the waiver adversely affects the ability of the State agency to carry out its functions and responsibilities under this part.

§ 1321.15 State agency administration.

(a) *General rule.* The State plan must provide for the use of methods of administration which are necessary for the proper and efficient administration of the plan. The State agency must administer the plan in accordance with all applicable Federal laws and regulations, including all requirements of this part.

(b) *State agency policies.* (1) The State agency must have and follow written policies to carry out its functions under this part that are adopted in accordance with paragraph (b)(2) of this section.

(2) The State agency must—

(i) Develop proposed policies;

(ii) Publish the proposed policies in a manner that allows area agencies, providers, and older persons within the State adequate opportunity to comment on the policies.

(iii) Consider all comments in establishing final policies;

(iv) Have final policies in effect no later than one year after the effective date of these rules; and

(v) Keep its policies current, and revise them as necessary.

(c) *Functional statement.* The State agency must have on file for review a functional statement of the manner in which the State agency performs all of its responsibilities under this part.

§ 1321.17 Staffing.

(a) *Type of Staff.* The State agency, single organizational unit, or component unit where one exists, must have a qualified full-time director and an adequate number of qualified staff.

(b) *Staffing plan.* The State agency must have on file for review a staffing plan that identifies the number and types of staff assigned to carry out State agency responsibilities and functions under this part.

(c) *Preference.* Subject to merit system requirements, the State agency must give preference in hiring to persons age 60 or older.

(d) *Affirmative action.* The State agency must have affirmative action program which complies with the requirements of § 900.607 of Title 5 of the Code of Federal Regulations, Part 900, Subpart F, Standards for a Merit System of Personnel Administration.

§ 1321.19 Confidentiality and disclosure of State agency information.

(a) *Confidentiality.* (1) The State agency must have procedures to ensure that no information about an older person, or obtained from an older person by a service provider or the State or area agency, is disclosed by the provider or agency in a form that identifies the person without the informed consent of the person or of his or her legal representative, unless the disclosure is required by court order, 45 CFR 74.24, or for other program monitoring by authorized Federal, State, or local monitoring agencies.

(2) The State agency must ensure that lists of older persons compiled under § 1321.161 are used solely for the purpose of providing services, and only with the informed consent of each individual on the list.

(b) *Disclosure.* Subject to the confidentiality requirements in paragraph (a) of this section, the State agency must make available at reasonable times and places to all interested parties, the written policies required under § 1321.15, and other information and documents developed or received by the agency in carrying out its responsibilities under this part. The State agency is not required to disclose those types of information or documents that are exempt from disclosure by a Federal agency under the Federal Freedom of Information Act, 5 U.S.C. 552.

Subpart C—The State Plan

§ 1321.21 What is a State plan.

A State plan is the document submitted by a State in order to receive grants from its allotments under this

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part. It contains provisions required by section 307 of the Act and implementing regulations and commitments that the State agency will administer or supervise the administration of activities funded under this part in accordance with all Federal requirements. A State may receive grants under this part only under an approved State plan. A State may use its grants under this part only for activities under its approved plan.

§ 1321.23 Duration and format of the State plan.

The State plan must be in effect for the three year period specified by the Commissioner. A State agency must submit a State plan or plan amendment to the Commissioner in accordance with the Commissioner's instructions concerning the format, content, time limits, transmittal forms, and procedures.

§ 1321.25 Content of the State plan.

(a) *Based on area plans.* A State plan must be based on area plans as provided in § 1321.29.

(b) *State agency function requirements.* A State plan must provide that the State agency function requirements are met for—

(1) Proper and efficient methods of administration, as provided in § 1321.15;

(2) Confidentiality and disclosure of State agency information, as provided in § 1321.19;

(3) State agency advocacy responsibilities, as provided in § 1321.41;

(4) State agency evaluation of service needs, as provided in § 1321.45(a)(8);

(5) Periodic evaluations of each area agency as provided in § 1321.45(a)(9);

(6) Development and distribution of a uniform area plan format, as provided in § 1321.45(a)(10);

(7) Coordination of legal services as provided in § 1321.45(a)(13);

(8) Commodity distribution agreements, as provided in § 1321.147;

(9) State advisory council on aging, as provided in § 1321.47;

(10) State agency hearings for area agencies, providers, and planning and service area applicants, as provided in § 1321.51;

(11) Area plan approval and disapproval, as provided in § 1321.83.

(c) *Area agency and area plan requirements.* A State plan must provide that the area agency and area plan requirements are met for area agency designation, and development and submission to the State agency of an area plan which complies with the requirements of section 306 of the Act and this part, as provided in § 1321.71, and §§ 1321.77 through 1321.81.

(d) *Service delivery requirements.* A State plan must provide that the service delivery requirements are met for—

(1) A long-term care ombudsman program, as provided in § 1321.43;

(2) Restricting direct provision of services, as provided in § 1321.103;

(3) All service providers concerning licensure, safety, training, outreach, coordination, preference to those with greatest economic or social need, contributions, maintenance of non-Federal support for services, and advisory role for older persons, as provided in §§ 1321.105 through 1321.113.

(4) Multipurpose senior center activities, as provided in §§ 132.121 through 1321.137;

(5) Nutrition services, as provided in §§ 1321.141 through 1321.147;

(6) Legal services, as provided in § 1321.151; and

(7) Information and referral, as provided in § 1321.161.

(e) *Fiscal requirements.* A State plan must provide that the following fiscal requirements are met for—

(1) Expenditures in each Federal fiscal year in rural areas of 105 percent of FY 1978 expenditures, as provided in § 1321.185; and

(2) Minimum expenditures for the long term care ombudsman program, as provided in § 1321.189.

(f) *Directory of community focal points.* A State plan must assure that the State agency keeps a directory of focal points in the State.

(g) *Information requirements.* The State plan must specify—

(1) Program objectives to implement the service delivery requirements of paragraphs (d)(1), and (d)(4) through (d)(7) of this section, which are consistent with the requirements of this part, objectives established by the Commissioner, and objectives established in area plans in the State;

(2) Documentation of the designation of the State agency;

(3) A resource allocation plan indicating the proposed use of all funds for services to older persons directly administered by the State agency;

(4) Proposed methods for giving preference to those with greatest economic or social need in the provision of services under the plan. These methods—

(i) Must include, but are not limited to—

(A) Consideration of older persons with greatest economic need in dividing the State into planning and service areas, as provided in § 1321.53; and

(B) Consideration of older persons with greatest economic or social need in developing the intrastate funding formula, as provided in § 1321.49.

(ii) May not include use of a means test. A means test is the use of an older person's income or resources to deny or limit that person's receipt of services under this part;

(5) All planning and service areas and all area agencies in the State.

§ 1321.27 Amendments to the State plan.

The State agency must amend its plan if—

(a) A new or amended Federal statute or regulation requires a new plan provision, or conflicts with any existing plan provision;

(b) A U.S. Supreme Court decision changes the interpretation of a statute or regulation;

(c) The State proposes to change the designation of the State agency, single organizational unit or component unit;

(d) The State agency proposes to add, substantially modify, or delete any Statewide program objective(s);

(e) The State agency proposes to change the designation of any planning and service area; or

(f) The Commissioner requires States to submit annual amendments.

§ 1321.29 Development and review of the State plan and plan amendments.

(a) *State plan based on area plans.* The State agency must periodically consult with all the area agencies in the State to—

(1) Assess the needs of older persons in the State;

(2) Assist in establishing statewide priorities;

(3) Review procedures with regard to the development and implementation of the State plan; and

(4) Ensure that the objectives established in State and area plans are consistent.

(b) *Public Hearings.* The State agency must—

(1) Hold public hearings on the State plan and on all amendments to the State plan identified in § 1321.27;

(2) Give adequate notice to older persons, public officials and other interested parties of the times, dates and locations of the public hearings; and

(3) Hold public hearings throughout the State at times and locations which permit older persons, public officials, and other interested parties reasonable opportunity to participate.

(c) *Review by State Advisory Council.* The State agency must submit the State plan or amendments for review and comment, to the State advisory council.

(d) *Review by the Governor.* The State agency must submit the State plan or plan amendments to the Governor for review and signature.

§ 1321.31 Submission of the State plan and plan amendments to the Commissioner for approval.

The State agency must submit the State plan or plan amendments signed by the Governor to the Commissioner at least 60 calendar days before the proposed effective date of the plan, or plan amendments. The Commissioner does not consider a State plan or amendment for approval unless it is signed by the Governor.

§ 1321.33 Approval or disapproval of a State plan and plan amendments.

(a) The Commissioner approves any State plan or amendment that fully meets all Federal requirements including the requirements of this part.

(b) If the Commissioner finds that any required provision of the plan or amendment is unapprovable, the Commissioner follows the procedures in Subpart J to disapprove the plan and withhold further payments to the State.

§ 1321.35 How a State agency is notified.

(a) *Approval.* When the Commissioner approves a State plan or amendment, the Commissioner notifies the Governor and the State agency in writing.

(b) *Disapproval.* When the Commissioner proposes to disapprove a State plan or amendment, the Commissioner notifies the Governor and the State agency in writing. The notice gives the reasons for proposed disapproval and informs the agency that it has 60 days to request a hearing on the proposed disapproval following the procedures specified in Subpart J.

§ 1321.37 Effective dates and expenditures under an approved State plan or amendment.

(a) *Effective date.* An approved State plan or amendment become effective on the date designated by the Commissioner.

(b) *Expenditure.* An agency may not make expenditures under a new plan or amendment until it is approved.

Subpart D—State Agency Responsibilities

§ 1321.41 Advocacy responsibilities: general.

The State agency must—

(a) Review and comment on all State plans, budgets, and policies which affect older persons;

(b) Conduct public hearings on the needs of older persons;

(c) Coordinate statewide planning and development of activities related to the purposes of the Act and assure that each area agency has effective procedures to coordinate programs related to the purposes of the Act within the planning and service area;

(d) Represent the interests of older persons before legislative, executive and regulatory bodies in the State;

(e) Provide technical assistance to agencies, organizations, associations, or individuals representing older persons;

(f) Establish and operate the long-term care ombudsman program required by § 1321.43; and

(g) Review and comment, upon request, on applications to State and Federal agencies for assistance relating to meeting the needs of older persons.

§ 1321.43 Long-term care ombudsman program.

(a) *General rule.* The State agency must establish and operate a statewide long-term care ombudsman program that meets the requirements of paragraphs (c) through (f) of this section. The State agency may operate the ombudsman program directly, or by contract or other arrangement, with any public agency or private nonprofit organization, except one that is—

(1) Responsible for licensing or certifying long-term care facilities or other residential facilities for older persons, or

(2) An association, or an affiliate or agent of an association, of long-term care facilities for older persons.

(b) *Definition.* For purposes of this section, "long-term care facility" means any—

(1) Skilled nursing facility as defined in Section 1861(j) of the Social Security Act;

(2) Intermediate care facility as defined in Section 1905(c) of the Social Security Act;

(3) Nursing home as defined in Section 1908(e) of the Social Security Act; and

(4) Other similar adult care home as defined by the State agency in the State plan and approved by the Commissioner.

(c) *Appointing an ombudsman.* The State agency must appoint an individual to serve as the State long-term care ombudsman and delegate to the ombudsman the responsibility to—

(1) Investigate and resolve complaints made by or for older persons in long-term care facilities about administrative actions that may adversely affect their health, safety, welfare or rights. "Administrative action" means any action or decision made by an owner, employee or agent of a long-term care facility, or by a government agency, which affects the provision of service to residents covered by this section;

(2) Monitor the development and implementation of Federal, State and local laws, regulations and policies that relate to long-term care facilities in the State;

(3) Provide information to public agencies about the problems of older persons in long-term care facilities;

(4) Train volunteers and assist in the development of citizen organizations to participate in the ombudsman program; and

(5) Carry out other activities consistent with the requirements of this section which the Commissioner determines appropriate.

(d) *Access requirements.* The State agency must establish procedures to ensure that—

(1) The ombudsman program is given appropriate access to long-term care facilities and appropriate private access to residents; and

(2) The ombudsman and the ombudsman's designees are given appropriate access to residents' personal and medical records.

(e) *Confidentiality and disclosure requirements.* The State agency must establish procedures to protect the confidentiality of residents' records and files. These procedures must meet the following requirements:

(1) No information or records maintained by the ombudsman program are disclosed unless the ombudsman authorizes the disclosure; and

(2) The ombudsman does not disclose the identity of any complainant or resident unless—

(i) The complainant or resident, or a legal representative of either, consents in writing to the disclosure and specifies to whom the identity may be disclosed; or

(ii) A court orders the disclosure.

(f) *Reporting system.* The State agency must establish a statewide uniform reporting system to collect and analyze information on complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems. The State agency must submit this information to the agency of the State responsible for licensing or certifying long-term care facilities in the State and to the Commissioner in the manner prescribed by the Commissioner.

§ 1321.45 Service delivery systems responsibilities: general.

(a) The State agency must—

(1) Develop and administer the State plan;

(2) Divide the State into planning and service areas, as provided in § 1321.53;

(3) Designate area agencies in those planning and service areas for which the

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State decides to have an area plan developed;

(4) Approve and monitor the administration of area plans;

(5) Provide adequate and effective opportunities for older persons to express their views to the State agency on policy development and program implementation under the plan;

(6) Give preference to older persons with the greatest economic or social need in the delivery of services under the State plan;

(7) Develop an intrastate funding formula, as provided in § 1321.49;

(8) Evaluate the need for social and nutritional services in the State, and determine the extent to which other public and private programs meet the needs;

(9) Conduct periodic evaluation of activities and projects carried out under the State plan, including at least annual on site performance evaluations of each area agency;

(10) Develop and distribute a uniform plan format and guidance for area plans that meets the requirements specified in Subpart F;

(11) Provide technical assistance to area agencies;

(12) Establish an advisory council on aging, as provided in § 1321.47;

(13) Coordinate legal services for older persons in the State, give technical assistance, advice, and training in the provision of legal services to older persons; and make reasonable efforts to maintain existing levels of those services;

(14) Enter into an agreement with the U.S.D.A. State Distributing Agency, as provided in § 1321.147;

(15) Provide administrative and hearing procedures, as required under § 1321.15 and § 1321.51;

(16) Ensure that all older persons in the State have reasonably convenient access to information and referral services; and

(17) Maintain a directory of community focal points in the State.

(b) The State agency may—

(1) Conduct training and development programs for personnel involved in implementing this part; and

(2) Enter into contracts to carry out demonstration projects of statewide significance relating to the initiation, expansion, or improvement of services provided under this part.

§ 1321.47 State advisory council on aging.

(a) *Functions of the council.* The State agency must establish a State advisory council in accordance with paragraphs (b) through (e) of this section to advise and help the State agency to—

(1) Develop and implement the State plan;

(2) Conduct public hearings;

(3) Represent the interests of older persons; and

(4) Review and comment on other State plans, budgets and policies which affect older persons.

(b) *Composition of the council.* More than 50 percent of the persons appointed to the State advisory council must be at least 60 years old and include—(1) Persons with greatest economic or social need; and (2) Participants under this part.

(c) *Frequency of meetings.* The State advisory council must meet at least quarterly.

(d) *Support.* The State agency must provide staff support and assistance to the State advisory council.

(e) *By-laws.* The State agency must develop and make public by-laws which specify the role and functions of the advisory council, number of members, procedures for selection of members, term of membership, and frequency of meetings.

§ 1321.49 Intrastate funding formula.

(a) The State agency, after consultation with all area agencies in the State, must develop and use an intrastate funding formula in accordance with paragraphs (b) through (e) of this section, for the allocation of funds to area agencies under this part.

(b) The formula must—

(1) Include an identical base subgrant to each area agency in the State;

(2) Allocate to rural areas in the State at least 105 percent of the amount spent under Titles III, V, and VII of the Act for services in rural areas in the 1978 Federal fiscal year, as provided in § 1321.185;

(3) Reflect the proportion of persons age 60 and over among the planning and service areas in the State; and

(4) Reflect the proportion among the planning and service areas of persons age 60 and over in greatest economic or social need.

(c) The State agency must publish the formula for review and comment.

(d) The State agency must submit its formula and any proposed revisions to the Commissioner for review and comment as an attachment to the State plan. The State agency must submit with the formula a summary of comments received on it.

(e) The State agency must review and update its formula at least every three years.

§ 1321.51 State agency hearings.

(a) The State agency must provide an opportunity for a hearing to—

(1) Any area agency when the State agency proposes to—

(i) Disapprove the area plan or plan amendment submitted by the area agency as specified in § 1321.83(b); or

(ii) Withdraw the area agency's designation as provided in § 1321.85;

(2) Any applicant for designation as a planning and service area under § 1321.53 whose application is denied;

(3) Any nutrition project specified in § 1321.143(b)(1) which the area agency proposes to defund; and

(4) Any service provider whose application to provide services under an area plan is denied or whose subgrant or contract is terminated or not renewed except as provided in 45 CFR Part 74, Subpart M.

(b) If an agency or organization wants a hearing, it must file a written request for a hearing with the State agency within 30 days following its receipt of the notice of the adverse action.

(c) When it receives a request for a hearing, the State agency must notify the agency or organization of the date, time, and location of the hearing. The State agency must complete the hearing within 120 days of the date the request for hearing was received by the State agency. The State agency must issue the hearing decision within 60 days after the hearing is completed.

(d) At a minimum, the hearing procedures for agencies and organizations identified in paragraphs (a)(1) through (a)(3) of this section must include—

(1) Timely written notice of the reasons for the agency action that is being appealed and the evidence on which the action was based;

(2) An opportunity to review any pertinent evidence on which the agency action was based;

(3) An opportunity to appear in person before an impartial decision maker to refute the basis for the decision;

(4) An opportunity to be represented by counsel or other representative;

(5) An opportunity to present witnesses and documentary evidence;

(6) An opportunity to cross-examine witnesses; and

(7) A written decision by an impartial decision maker which sets forth the reasons for the decision and the evidence on which the decision is based.

(e) The State agency must establish appropriate hearing procedures for agencies and organizations identified in paragraph (a)(4) of this section.

(f) The State agency may terminate formal hearing procedures at any point if the State agency and agency or organization that requested the hearing negotiate a written agreement that resolves the issue(s) which led to the hearing.

§ 1321.53 Designation of planning and service areas.

(a) *General rule.* The State agency must divide the State into planning and service areas.

(b) *Application for designation.* The State agency must provide an opportunity to apply to be designated as a planning and service area to any unit of general purpose local government, region metropolitan area, or Indian reservation(s). The application on behalf of an Indian reservation(s) must be made by the governing tribal organization(s).

(c) *Factors to be used in designation.* In dividing the State into planning and service areas, the State agency must consider—

(1) The distribution in the State of persons age 60 and older including those with the greatest economic need;

(2) The views of public officials of the units of general purpose local governments;

(3) The incidence of need for services provided under this part and the resources available to meet these needs; and

(4) The boundaries of units of general purpose local government, regional planning areas, Indian reservations, existing economic development districts and areas within the State established for planning and administering human services, including the areawide comprehensive planning and development districts or regions established pursuant to Office of Management and Budget Circular A–95, Part IV. The State agency is encouraged to include all portions of an economic development district or an Indian reservation within a single planning and service area.

(d) *Decision.* The State agency must document the basis for its designation of each planning and service area.

§ 1321.55 Appeal to the Commissioner.

(a) *General rule.* Any applicant for designation as a planning and service area under § 1321.53(b) whose application is denied by the State agency may appeal the denial to the Commissioner under the procedures specified in paragraphs (b) through (d) of this section.

(b) *State agency hearing.* Before filing an appeal with the Commissioner, the applicant must first request and receive a hearing from the State agency following procedures specified in § 1321.51.

(c) *Time for appeal to Commissioner.* If the applicant decides to appeal the State agency hearing decision, the applicant must file a written appeal with the Commissioner within 30 days following receipt of the hearing decision.

(d) *Review by the Commissioner.* When the Commissioner receives an appeal, the Commissioner requests the State agency to submit—

(1) A copy of the applicant's application for designation as a planning and service area;

(2) A copy of the written decision of the State; and

(3) Any other relevant information the Commissioner may require.

(e) *Procedures for appeal.* The procedures for the appeal consist of—

(1) Prior written notice to the applicant and the State agency of the date, time and location of the hearing;

(2) The required attendance of the head of the State agency or designated representatives;

(3) An opportunity for the applicant to be represented by counsel or other representative; and

(4) An opportunity for the applicant to be heard in person and to present documentary evidence.

(f) *Decision by the Commissioner.*

(1) The Commissioner issues a written decision.

(2) The Commissioner may—

(i) Deny the appeal and uphold the decision of the State agency;

(ii) Uphold the appeal and require the State agency to designate the applicant as a planning and service area; or

(iii) Take other appropriate action, including negotiating between the parties or remanding the appeal to the State agency after initial findings.

(3) The Commissioner upholds the decision of the State agency if it followed the procedures specified in § 1321.51 and § 1321.53, and the hearing decision is not manifestly inconsistent with the purposes of this part.

§ 1321.57 Interstate planning and service area.

(a) The Governor of each State in which a proposed planning and service area crosses State boundaries may request the permission of the Commissioner to designate an interstate planning and service area.

(b) Before requesting this permission, the Governor of each State must execute a written agreement that specifies the State agency proposed to have lead responsibility for administering the programs within the interstate planning and service area and lists the conditions agreed upon by each State governing formation, administration, and dissolution of the interstate planning and service area.

(c) Each Governor who requests this permission must submit the request together with a copy of the agreement as part of the State plan or as an amendment to the State plan.

(d) If the Commissioner approves the request for designation of an interstate planning and service area, the Commissioner reduces the allotment(s) of the State(s) without lead responsibility for administering programs within the area in proportion to the number of individuals age 60 and older in the State(s) portion of the area, and adds the amount(s) to the allotment of the State with lead responsibility.

§ 1321.59 Single State planning and service area.

(a) *Application for designation.* A State may apply to the Commissioner for approval to designate the entire State as a single planning and service area.

(b) *Criteria for approval.* The Commissioner approves the designation of the State as a single planning and service area if—

(1) No jurisdiction successfully applied for designation as a planning and service area under the procedures specified in § 1321.51 through § 1321.55; and

(2) The State agency demonstrates that—

(i) The State is not already divided for purposes of planning and administering human services; or

(ii) The State is so small or rural that the purposes of this part would be frustrated if the State were divided into planning and service areas; and

(iii) The State agency has the capacity to carry out the responsibilities of the area agency specified in Subparts E, F, and G for the entire State.

(c) *Approval by the Commissioner.* If the Commissioner approves the application—

(1) The Commissioner notifies the State agency to develop a Single State Planning and Service Area Plan which meets the requirements of Subparts C and F;

(2) The State agency must meet all the State and area agency function requirements specified in Subparts B, D, E, and G; and

(3) The approval does not extend beyond three years.

(d) *Denial by the Commissioner.* If the Commissioner denies the application, the Commissioner notifies the State to follow the procedures specified in § 1321.53 to divide the State into planning and service areas.

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Subpart E—Area Agency Designation, Organization, Functions

§ 1321.61 Designation and functions of area agencies.

(a) *General rule.* The State agency must designate an area agency in each planning and service area in which the State agency decides to allocate funds under this part.

(b) *Procedures before designation.* Before designating an area agency, the State agency must—

(1) Consider the views of the unit(s) of general purpose local government within the planning and service area; and

(2) Conduct an on-site assessment to determine whether the agency which is being considered for designation as an area agency has the capacity to perform all of the functions of an area agency specified in this part.

(c) *Functions of area agencies.* The area agency must—

(1) Develop and administer the area plan for a comprehensive and coordinated system of services; and

(2) Serve as the advocate and focal point for older persons in the planning and service area.

§ 1321.63 Types of agencies that may be an area agency.

(a) The State agency may designate as an area agency any one of the following types of agencies that has the authority and the capacity to perform the functions of an area agency:

(1) An established office on aging which operates within the planning and service area;

(2) Any office or agency of a unit of general purpose local government that is proposed by the chief elected official of the unit;

(3) Any office or agency proposed by the chief elected officials of a combination of units of general purpose local government; or

(4) Any other public or private nonprofit agency, except any regional or local agency of the State.

(b) In designating an area agency, the State agency must give preference to—

(1) An established office on aging; or

(2) Any Indian tribal organizations, including consortia, in any planning and service area whose jurisdiction is essentially the same as that of one or more Indian reservations.

§ 1321.65 Organization of the area agency.

(a) An area agency may be either—

(1) An agency whose single purpose is to administer programs for older persons; or

(2) A multipurpose agency with the authority and capacity to administer human services in the area. A multipurpose agency must delegate all its authority and responsibility under this part to a single organizational unit in the agency unless the area agency receives a waiver of this requirement from the State agency under paragraphs (b) and (c) of this section.

(b) The area agency may request a waiver of the requirement in paragraph (a)(2) of this section if the area agency—

(1) Submits its request as part of its area plan or as a plan amendment;

(2) Describes its methods for carrying out its functions and responsibility under this part; and

(3) Designates a component unit of the area agency to plan and develop all policy on programs for older persons under this part, and to provide a visible focal point for advocacy, coordination, monitoring and evaluation of programs for older persons in the planning and service area.

(c) The State agency may approve a request for waiver if it finds that the area agency can effectively carry out its functions and responsibilities under this part without a single organizational unit.

§ 1321.67 Area agency procedures.

(a) The area agency must have written procedures for carrying out its functions under this part that meet procedural requirements specified by the State agency.

(b) If the area agency is not an areawide A–95 clearinghouse, the area agency must seek to enter into a memorandum of agreement with the A–95 clearinghouse. The memorandum must cover the means by which the area agency and A–95 clearinghouse propose to coordinate their planning activities. The agreement must, at a minimum, include the matters contained in OMB Circular A–95, Part IV.

§ 1321.69 Staffing.

(a) *Type of Staff.* The area agency, single organizational unit, or component unit where one exists, must have a qualified full-time director and an adequate number of qualified staff.

(b) *Staffing plan.* The area agency must have on file for review a staffing plan that identifies the number and types of staff assigned to carry out area agency responsibilities and functions under this part.

(c) *Preference.* Subject to merit system requirements, the area agency must give preference in hiring to persons 60 or older.

(d) *Affirmative action.* Any area agency which is a public agency must have an affirmative action program which complies with the requirements of § 900.807 of Title 5 of the Code of Federal Regulations, Part 900, Subpart E, Standards for a Merit System of Personnel Administration.

Subpart F—The Area Plan

§ 1321.71 What is an area plan.

An area plan is the document submitted by an area agency to the State agency in order to receive subgrants or contracts from the State agency's grant under this part. The area plan contains provisions required by the Act and this part and commitments that the area agency will administer activities funded under this part in accordance with all Federal requirements. The area plan also contains a detailed statement of the manner in which the area agency is developing a comprehensive and coordinated system throughout the planning and service area for all services authorized under this part. An area agency may receive subgrants or contracts under this part only under an approved area plan. An area agency may use its subgrants or contracts under this part only for activities under its approved plan.

§ 1321.73 Duration and format of the area plan.

(a) The area plan must be for the three year period specified by the State agency.

(b) The area agency must submit an area plan or amendment to the State agency in accordance with the uniform area plan format and other instructions issued by the State agency.

§ 1321.75 Comprehensive and coordinated service delivery system.

(a) The area plan must provide for the development of a comprehensive and coordinated service delivery system for social and nutrition services needed by older persons in the planning and service area in which the area agency enters into cooperative arrangements with other service planners and providers to—

(1) Facilitate access to and utilization of all existing services; and

(2) Develop social and nutrition services effectively and efficiently to meet the needs of older persons.

(b) Service components of a comprehensive and coordinated service delivery system that may be funded under this part are—

(1) Services which facilitate access, such as transportation, outreach, information and referral, escort, individual needs assessment and service management;

(2) Service provided in the community, such as congregate meals, continuing education, health and health screening, legal services, program development and coordination activities, advocacy, information and referral, individual needs assessment and service management, casework, counseling and assistance (concerning taxes, financial problems, welfare, the use of facilities and services, pre-retirement or second career), day care, protective services, health screening, services designed for the unique needs of the disabled, emergency services, including disaster relief services, residential repair and renovation, physical fitness, and recreation services, services in helping to obtain adequate housing. Alteration, renovation, acquisition and, where permitted according to the provisions of § 1321.131, construction of facilities to be used as multipurpose senior centers, are community services for purposes of this part;

(3) Services provided in the home, such as home health, homemaker' services, home health aide services, legal services, preinstitutional evaluation, casework, counseling, chore maintenance, visiting, shopping, readers, letter writing, and telephone reassurance, home delivered meals and nutrition education; and

(4) Services provided to residents of care providing facilities, such as casework, counseling, placement and relocation assistance, group services, legal services, complaint and grievance resolution and visiting. Care providing facilities include long term care facilities as defined in § 1321.43(b), emergency shelters, and other congregate living arrangements.

§ 1321.77 Content of the area plan.

(a) *Comprehensive and coordinated system.* An area plan must provide for the comprehensive and coordinated service delivery system specified in § 1321.75.

(b) *Area agency function requirements.* An area plan must provide that the area agency function requirements are met for—

(1) Monitoring, evaluating, and commenting on policies and programs affecting the older persons, as provided in § 1321.91(a);

(2) Arrangements with children's day care organizations, as provided in § 1321.93(k);

(3) Arrangements with educational institutions, as provided in § 1321.93(1);

(4) Assessment of need for services in the planning and service area, and evaluation of effectiveness of services being provided, as provided in § 1321.93(b);

(5) Awarding subgrants and entering into contracts for the provision of services under the plan, as provided in § 1321.93(c);

(6) Technical assistance and evaluation of all providers, as provided in § 1321.93(d);

(7) Considering the views of older persons, as provided in § 1321.93(i);

(8) Outreach efforts, as provided in § 1321.93(j);

(9) Designation of community focal points, as provided in § 1321.95; and

(10) Coordination with other Federal programs serving older persons, as provided in § 1321.99.

(c) *Service delivery requirements.* An area plan must provide that the service delivery requirements are met for—

(1) Giving preference to older persons with greatest economic or social need, as provided in § 1321.93(g);

(2) Restricting direct provision of services, as provided in § 1321.103;

(3) All service providers concerning licensure, safety, training, outreach, coordination, preference to those with greatest economic or social need, contributions, maintenance of non-Federal support for services, and advisory role for older persons, as provided in §§ 1321.105 through 1321.113;

(4) Multipurpose senior centers activities, as provided in §§ 1321.121 through 1321.137;

(5) Nutrition services, as provided in §§ 1321.141 through 1321.147;

(6) Legal services, as provided in § 1321.151;

(7) Information and referral services, as provided in § 1321.161; and

(8) Transportation services, as provided in § 1321.171.

(d) *Fiscal requirements.* An area plan must provide that the requirement of § 1321.187 is met for expenditure of 50 percent of its social services allotment for priority sevices.

(e) *Informational requirements.* The area plan must specify—

(1) Program objectives to implement the service delivery requirements specified in paragraphs (c)(1), and (c)(4) through (c)(7) of this section, that are consistent with the requirements of this part and objectives established by the State agency;

(2) A resource allocation plan indicating the proposed use of all funds for programs for older persons directly administered by the area agency;

(3) An identification of designated community focal points;

(4) Methods the area agency uses to set services priorities under the plan, particularly those services specified in § 1321.187(a); and

(5) Proposed methods for giving preference to those with greatest economic or social need in the provision of services under the plan. These methods—

(i) Must include, but are not limited to, consideration of older persons with greatest economic or social need in the designation of community focal points, as provided in § 1321.95; and

(ii) May not include use of a means test. A means test is the use of an older person's income or resources to deny or limit that person's receipt of services under this part.

§ 1321.79 Amendments to the area plan.

The area agency must amend the plan if—

(a) A new or amended State or Federal statute or regulation requires a new provision, or conflicts with any existing plan provision;

(b) A U.S. Supreme Court decision changes the interpretation of a statute or regulation;

(c) The area agency proposes to change the designation of the single organizational unit or component unit;

(d) The area agency proposes to add, substantially modify, or delete any area plan objective(s); or

(e) The State agency requires further annual amendments.

§ 1321.81 Review of the area plan and plan amendments.

(a) *Public hearing.* The area agency must—

(1) Hold at least one public hearing on the area plan and on all amendments to the area plan specified in § 1321.79;

(2) Give adequate notice to older persons, public officials, and other interested parties of the times, dates, and locations of the public hearing(s); and

(3) Hold the public hearing(s) at a time and location which permit older persons, public officials, and other interested parties reasonable opportunity to participate.

(b) *Review by advisory council and clearinghouses.* The area agency must submit the area plan and amendments for review and comment, to the advisory council, and to the State and areawide A–95 clearinghouses in accordance with OMB Circular A–95, Part I.

(c) *State agency approval.* The area agency must submit the area plan or amendments to the State agency for approval, following procedures specified by the State agency.

§ 1321.83 Approval or disapproval of an area plan and plan amendments.

(a) The State agency must approve an area plan or amendment which meets the requirements of this part and any other requirements established by the State agency under its authority under this part.

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(b) If the State agency finds that any provision of the area plan or plan amendment is not approvable, the State agency must follow the procedures in § 1321.51 to disapprove the plan or plan amendment.

§ 1321.85 Withdrawal of area agency designation and continuity of services.

(a) The State agency withdraws the area agency designation whenever the State agency, after reasonable notice and opportunity for a hearing, as provided in § 1321.51, finds that—

(1) The area agency does not meet the requirements of this part;

(2) The plan or plan amendment is not approved; or

(3) There is substantial failure in the provisions or administration of an approved area plan to comply with any provision of this part.

(b) If the State agency withdraws and area agency's designation under paragraph (a) of this section, it must—

(1) Notify the Commissioner in writing of its action;

(2) Provide a plan for the continuity of services in the affected planning and service area; and

(3) Designate a new area agency in the planning and service area in a timely manner.

(c) If necessary to ensure continuity of services in a planning and service area, the State agency may, for a period up to 180 days after its final decision to withdraw designation of an area agency—

(1) Perform the responsibilities of the area agency; or

(2) Assign the responsibilities of the area agency to another agency in the planning and service area.

(d) The Commissioner may extend for a period of up to an additional 180 days the limit in paragraph (c) of this section if the State agency—

(1) Requests an extension; and

(2) Demonstrates to the satisfaction of the Commissioner a need for the extension.

Subpart G—Area Agency Responsibilities

§ 1321.91 Advocacy responsibilities of the area agency.

The area agency must—

(a) Monitor, evaluate, and comment on all policies, programs, hearings, levies, and community actions which affect older persons;

(b) Conduct public hearings on the needs of older persons;

(c) Represent the interests of older persons to public officials, public and private agencies or organizations;

(d) Carry out activities in support of the State administered long-term care ombudsman program; and

(e) Coordinate planning with other agencies and organizations to promote new or expanded benefits and opportunities for older persons.

§ 1321.93 Area agency general planning and management responsibilities.

The area agency must—

(a) Develop and administer an area plan for a comprehensive and coordinated service delivery system in the planning and service area, in compliance with all applicable laws and regulations, including all requirements of this part;

(b) Assess the kinds and levels of services needed by older persons in the planning and service area, and the effectiveness of the use of resources in meeting these needs;

(c) Except as provided in § 1321.103, award subgrants or enter into contracts to provide all services under the plan;

(d) Provide technical assistance, monitor, and periodically evaluate the performance of all service providers under the plan;

(e) Coordinate the administration of its plan with the Federal programs specified in §1321.99, and with other Federal, State and local resources in order to develop the comprehensive and coordinated service system required by § 1321.75;

(f) Establish an advisory council as required by § 1321.97;

(g) Give preference in the delivery of services under the area plan to older persons with the greatest economic or social need;

(h) Assure that older persons in the planning and service area have reasonably convenient access to information and referral services;

(i) Provide adequate and effective opportunities for older persons to express their views to the area agency on policy development and program implementation under the plan;

(j) Have outreach efforts to identify older persons and inform them of the availability of services under the plan. These outreach efforts should have special emphasis on the rural elderly, and on those with greatest economic or social needs. With respect to nutrition services, have outreach efforts that ensure that the maximum number of eligible persons have an opportunity to receive services;

(k) If possible, have arrangements with children's day care organizations so that older persons can volunteer to help provide the day care;

(l) If possible, have arrangements with local educational agencies, institutions of higher education, and nonprofit private organizations, to use the services provided older individuals under the community schools program of the Elementary and Secondary Education Act of 1965;

(m) Develop and publish the methods that the agency uses to establish priorities for services, particularly those specified in § 1321.187;

(n) Establish procedures governing outreach, training and coordination activities of service providers; and

(o) Attempt to involve the private bar in legal services activities as provided in § 1321.151, including groups within the private bar that furnish legal services on a pro bono and reduced fee basis;

(p) Designate, if feasible, community focal points as provided in § 1321.95.

§ 1321.95 Designation of community focal points for service delivery.

(a) *General rule.* In order to facilitate ready access to services provided under the area plan, and encourage the maximum collocation and coordination of services for older persons, the area agency must designate, if feasible, a focal point for comprehensive services delivery in each community.

(b) *Procedures for designating community focal points for service delivery.* The area agency must—

(1) Specify in the area plan the communities in which it proposes to designate and develop focal points. In making the determination, the area agency must consider—

(i) Communities with the greatest incidence of older persons with the greatest economic or social need;

(ii) The delivery pattern of services funded under this part and funded from other sources;

(iii) The location of multipurpose senior centers and congregate nutrition sites;

(iv) The geographic boundaries of communities and natural neighborhoods; and

(v) The location of facilities suitable for designation.

(2) Designate a facility to be a community focal point in each community selected under paragraph (b)(1) of this section. In making this designation, the area agency must—

(i) Give special consideration to multipurpose senior centers; and

(ii) Assure that the facility currently or potentially can accommodate the collocation of services.

(c) *Developing collocation of services.* The area agency must—

(1) Establish guidelines for operating schedules at the focal point which are convenient for older persons in the community;

(2) Assure the community focal point has direct access to existing information and referral and emergency services programs; and

(3) Encourage service providers to collocate their services at the community focal point and coordinate with other services provided at the focal point.

§ 1321.97 Area agency advisory council.

(a) *Functions of council.* The area agency must establish an advisory council in accordance with paragraphs (b) through (e) of this section. The council must advise the agency to—

(1) Develop and administer the area plan;

(2) Conduct public hearings;

(3) Represent the interests of older persons; and

(4) Review and comment on all community policies, programs and actions which affect older persons.

(b) *Composition of the council.* The advisory council must be made up of—

(1) More than 50 percent older persons and include—

(i) Older persons with greatest economic or social need; and

(ii) Participants under this part;

(2) Representatives of older persons;

(3) Local elected officials; and

(4) The general public.

(c) *Frequency of meetings.* The area agency advisory council must meet at least quarterly.

(d) *Support.* The area agency must provide staff and assistance to the advisory council.

(e) *By-laws.* The area agency must develop and make public by-laws which specify the role and functions of the advisory council, number of members, procedures for selection of members, term of membership, and the frequency of meetings.

§ 1321.99 Coordination with other programs.

To carry out its responsibility to develop a comprehensive and coordinated service delivery system, the area agency must establish effective and efficient procedures to coordinate with—

(a) Health systems agencies designated under Title XV of the Public Health Services Act; and

(b) Agencies administering the following programs—

(1) The Comprehensive Employment and Training Act of 1973;

(2) Title II of the Domestic Volunteer Act of 1973;

(3) Titles II, XVI, XVIII, XIX, and XX of the Social Security Act;

(4) Sections 231 and 232 of the National Housing Act;

(5) The United States Housing Act of 1937;

(6) Section 202 of the Housing Act of 1959;

(7) Title I of the Housing and Community Development Act of 1974;

(8) Section 222(a)(8) of the Economic Opportunity Act of 1964;

(9) The community schools program under the Elementary and Secondary Education Act of 1964; and

(10) Sections 3, 5, 9 and 16 of the Urban Mass Transportation Act of 1964.

Subpart H—Service Requirements

General Requirements Applicable to All Services

§ 1321.101 State agency approval of area agency subgrants or contracts.

(a) The State agency may not require the area agency to submit to it for prior review or approval any proposed subgrants or contracts with public or private nonprofit agencies or organizations.

(b) The area agency must submit to the State agency for prior approval any proposed contracts with profit making organizations to provide services under the area plan. The State agency approves the contract only if the area agency demonstrates that the profit making organization can provide services in a manner clearly superior to other available public or private nonprofit service providers.

§ 1321.103 Direct provision of services by State and area agencies.

(a) *General rule.* A State or area agency must use subgrants or contracts with service providers to provide all services under this part unless the State agency decides that direct provision of a service by the State or area agency using its own employees is necessary to assure an adequate supply of the services. A State agency may only provide services directly when the State has been designated as a single planning and service area, as provided in § 1321.59.

(b) *Effectively and efficiently.* For purposes of this section, effectively refers to capacity to provide a defined service. It includes considerations of service quality and delivery criteria, such as adequate quantity and timeliness. Efficiently refers to the relative total cost of providing a unit of service.

(c) *Test for adequate supply for services related to area agency statutory functions.*

(1) For any of the services directly related to an area agency's statutory functions, direct provision is necessary to assure an adequate supply if the State agency decides that the area agency (or the State agency in a single planning and service area State) can and will perform the services more effectively and efficiently than any other provider.

(2) Services directly related to the statutory advocacy and service delivery functions of the area agency are those which must be performed in a consistent manner throughout the agency's jurisdiction. These services are: information and referral, outreach, advocacy, program development, coordination, individual needs assessment and case management.

(d) *Test for adequate supply for other services.* For any other service under this part except the ombudsman program required by § 1321.43 and the services identified in paragraph (c)(2) of this section, direct provision is necessary to assure an adequate supply if the area agency can and will provide the service substantially more effectively and efficiently than any other provider.

(e) *Services not under this part.* The area agency may plan, coordinate, and provide services funded under other programs if it continues to meet all its area agency responsibilities.

§ 1321.105 Licensure and safety requirements.

All services provided under this part must meet any existing State and local licensure and safety requirements for the provision of those services.

§ 1321.107 Outreach, training, and coordination requirements.

All service providers under this part must comply with procedures established by the area agency for—

(a) Outreach activities to ensure participation of eligible older persons;

(b) Training and use of elderly and other volunteers and paid personnel; and

(c) Coordination with other service providers in the planning and service area.

§ 1321.109 Preference for older persons with greatest economic or social need.

All service providers under this part must follow priorities set by the area agency for serving older persons with greatest economic or social need. Service providers may use methods such as location of services and specialization in the types of services most needed by these groups to meet this requirement. Service providers may not use a means test.

§ 1321.111 Contributions for services under the area plan.

(a) *Opportunity to contribute.* Each service provider must—

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(1) Provide each older person with a free and voluntary opportunity to contribute to the cost of the service;

(2) Protect the privacy of each older person with respect to his or her contribution;

(3) Establish appropriate procedures to safeguard and account for all contributions; and

(4) Use all contributions to expand the services of the provider under this part. Nutrition services providers must use all contributions to increase the number of meals served.

(b) *Contribution schedules.* Each service provider may develop a suggested contribution schedule for services provided under this part. In developing a contribution schedule the provider must consider the income ranges of older persons in the community and the provider's other sources of income.

(c) *Failure to contribute.* A service provider that receives funds under this part may not deny any older person a service because the older person will not or cannot contribute to the cost of the service.

(d) *Contributions as program income.* Contributions made by older persons are considered program income.

§ 1321.113 Maintenance of non-Federal support for services.

Each service provider must—

(a) Assure that funds under this part are not used to replace funds from non-Federal sources; and

(b) Agree to continue or initiate efforts to obtain support from private sources and other public organizations for services funded under this part.

§ 1321.115 Advisory role to service providers of older persons.

Each service provider under the area plan must have procedures for obtaining the views of participants about the services they receive.

Multipurpose Senior Centers

§ 1321.121 Multipurpose senior centers.

(a) *Purpose of making awards.* The area agency may award social service funds under this part to a public or private nonprofit agency for the following purposes—

(1) Acquiring, altering, leasing, or renovating a facility, including a mobile facility, for use as a multipurpose senior center;

(2) Constructing a facility, including a mobile facility for use as a multipurpose senior center, subject to the provision of § 1321.131; or

(3) The costs of professional and technical personnel required to operate a center.

(b) *Definitions.* For purposes of this subpart,

(1) "Acquiring" means obtaining ownership of an existing facility in fee simple or by lease for 10 years or more for use as a multipurpose senior center.

(2) "Altering" or "renovating" means making modifications to an existing facility which are necessary for its effective use as a multipurpose senior center. This includes restoration, repair, expansion and all related physical improvements.

(3) "Constructing" means building a new facility, including the costs of land acquisition and architectural and engineering fees.

(c) *Preference.* In making awards for the purposes specified in paragraph (a) of this section, the area agency must give preference to facilities located in communities with the greatest incidence of older persons with the greatest economic or social need.

§ 1321.123 Health, safety, and construction requirements.

(a) *General.* A recipient of any award for multipurpose senior center activities must comply with all applicable State and local health, fire, safety, building, zoning and sanitation laws, ordinances or codes.

(b) *Life Safety.* If in the judgement of the State agency, existing fire and safety laws, ordinances or codes are inadequate to protect the health and safety of participants, the State agency may require a recipient of any multipurpose senior center award to—

(1) Comply with the provisions of the applicable building occupancy classification of the National Fire Protection Association "Life Safety Code".

(i) These regulations incorporate by reference the "Life Safety Code." (NFPA No. 101, 1976 edition). This incorporation by reference was approved by the Director of the Federal Register on July 17, 1979. This code is available from the National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210 at a cost of $5.00 per copy.

(ii) A copy of the "Life Safety Code" is available for inspection at the Administration on Aging Public Inquiries, Room 4140, 330 Independence Avenue, SW., Washington, D.C. 20201, and at the Office of the Federal Register Library, Room 8401, 1100 L Street, NW., Washington, D.C. 20408.

(2) Install, in consultation with State or local fire authorities, an adequate number of smoke detectors in the senior center; and

(3) Have a plan for assuring the safety of older persons in a natural disaster or other safety threatening situations.

(c) *Architectural Barriers.* The plans and specifications for an award for acquiring, altering, renovating or constructing a multipurpose senior center facility must comply with regulations relating to minimum standards of construction, particularly with the requirements of the Architectural Barriers Act of 1968.

(d) *Technical adequacy.* The State agency must assure the technical adequacy of any proposed alteration or renovation of a multipurpose senior center assisted under this part. The State agency assures technical adequacy by requiring that any alteration or renovation of a multipurpose senior center that affects the load bearing members of the facility is structurally sound and complies with all applicable local or State ordinances, laws, or building codes. In absence of these codes, the State agency must assure compliance with Chapter 23 of the Uniform Building Code, or chapter 12 of the Standard Building Code.

§ 1321.125 Federal labor standards.

A recipient of an award for altering, renovating or constructing a facility to be used as a multipurpose senior center must comply with the requirements of the Davis-Bacon Act and other mandatory Federal labor standards.

§ 1321.129 Length of use of an acquired or constructed facility.

(a) A facility acquired to be used as a multipurpose senior center must be used for that purpose for at least 10 years from the date of acquisition.

(b) A facility constructed to be used as a multipurpose senior center must be used for that purpose for at least 20 years after completion of construction.

(c) The Commissioner upon request from the State agency may waive the requirements specified in paragraphs (a) and (b) of this section in unusual circumstances.

§ 1321.131 Special conditions for acquiring by purchase, or constructing a facility.

(a) The area agency must obtain the approval of the State agency before making an award for constructing a facility.

(b) The State agency may approve the construction of a facility after considering the views of the area agency if it finds that there is no other suitable facility available to be a focal point for service delivery.

(c) The area agency may make an award for purchasing or constructing a facility only if there are no suitable facilities for leasing.

§ 1321.133 Prohibition on sectarian use of a facility.

A facility altered, acquired, renovated, or constructed using funds under this part to be used as a multipurpose senior center may not be used and may not be intended to be used for sectarian instruction or as a place for religious worship.

§ 1321.135 Funding and use requirements.

(a) Sufficient funds must be available to meet the non-Federal share of the award;

(b) Sufficient funds must be available to effectively use the facility as a multipurpose senior center;

(c) In a facility that is shared with other age groups, funds received under this part may support only—

(1) That part of the facility used by older persons; or

(2) A proportionate share of the costs based on the extent of use of the facility by older persons; and

(d) A multipurpose senior center program must be operated in the facility.

§ 1321.137 Recapture of payments for acquired or constructed facilities.

(a) The United States government is entitled to recapture a portion of Federal funds from the owner of a facility if within 10 years after acquisition or 20 years after completion of construction—

(1) The owner of the facility ceases to be a public or non-profit private agency or organization; or

(2) The facility is no longer used for multipurpose senior center activities.

(b) The amount recovered under paragraph (a) of this section is that proportion of the current value of the facility equal to the proportion of Federal funds contributed to the original cost. The current value of the facility is determined by an agreement between the owner of the facility and the Federal government, or by an action in the Federal district court in which the facility is located.

Nutrition Services

§ 1321.141 Nutrition services.

(a) *Purpose of making awards.* The area agency may award nutrition services funds received under this part to provide meals and other nutrition services, including outreach, and nutrition education, to older persons. In making these awards the area agency must assure that congregate meals are provided and that home-delivered meals are provided based on an assessment of need by the area agency and nutrition service providers.

(b) *Eligibility.*

(1) *Congregate nutrition services.* A person age 60 or older, and the spouse of the person regardless of age, are eligible to participate in congregate nutrition services under this part.

(2) *Home-delivered nutrition services.* A person age 60 or over who is homebound by reason of illness, incapacitating disability or is otherwise isolated is eligible to receive a home-delivered meal. The spouse of the older person, regardless of age or condition, may receive a home-delivered meal if, according to criteria determined by the area agency, receipt of the meal is in the best interest of the homebound older person.

(c) *Assessment of need.* The area agency must assess the level of need for congregate and home-delivered meals within the planning and service area.

§ 1321.143 Selection of nutrition services providers.

(a) *General rule.* The area agency may make awards for congregate and home-delivered nutrition services to a provider that furnishes either or both type(s) of service(s). The area agency may make awards only to providers that meet the requirements of § 1321.145 and § 1321.147.

(b) *Existing nutrition services providers.*

(1) The area agency must award funds to a nutrition services provider that—

(i) Was a nutrition project receiving funds under the former Title VII of the Act on September 30, 1978. For purpose of this requirement, "nutrition project" means the recipient of a subgrant or contract to provide nutrition services, other than the area agency, which met the requirements for a project specified in the former Title VII and implementing regulations.

(ii) Meets the requirements of this subpart; and

(iii) Has carried out its nutrition services activities with demonstrated effectiveness.

(2) The area agency must make awards to a project specified in paragraph (b)(1) of this section for the services authorized under Title III Part C, Subpart 1 and Subpart 2 that the project was providing on September 30, 1978, if the project applies to provide those services. At a minimum, the amount of the awards must equal the amount of the project's award in effect on September 30, 1978 for services allowable under Title III Part C.

(3) Except as provided in 45 CFR part 74, Subpart M, the area agency may not discontinue funding to a nutrition project specified in paragraph (b)(1)(i) of this section unless the State agency—

(i) Has given the project an opportunity for a hearing, in accordance with § 1321.51; and

(ii) Has determined that the project—

(A) Does not meet the requirements of this subpart; or

(B) Has not carried out nutrition services activities with demonstrated effectiveness. The State agency may not set criteria for demonstrated effectiveness that are different from the requirements imposed on projects during the period for which their performance is being measured.

(c) *Existing home delivered meals providers.* Consistent with the requirements of paragraph (b) of this section and, to the extent feasible, the area agency must give preference in making awards for home-delivered meals to public, private nonprofit, and voluntary organizations which—

(1) Have demonstrated an ability to provide home-delivered meals efficiently and reasonably; and

(2) Have furnished assurances to maintain efforts to solicit voluntary support and not to use funds received under this part to supplant funds from non-Federal sources.

§ 1321.145 Special requirements for nutrition services providers.

(a) *Requirements for congregate providers.* Each congregate provider must—(1) Provide hot or other appropriate meals in a congregate setting at least once a day, five or more days a week;

(2) Locate congregate nutrition services as close as possible and, where feasible and appropriate, within walking distance, to the majority of eligible older persons; and

(3) Assess the need for home-delivered meals among participants at its congregate sites.

(b) *Requirements for home-delivered meals providers.* Each home-delivered meals provider must:

(1) Assess the need for home-delivered meals among the participants for whom it has responsibility;

(2) Provide for home-delivered meals at least once a day, five or more days a week. Meals may be hot, cold, frozen, dried, canned or supplemental foods with a satisfactory storage life; and

(3) With the consent of the older person, or his or her representative, bring to the attention of appropriate officials for follow up, conditions or circumstances which place the older person or the household in imminent danger.

(4) Where feasible and appropriate, make arrangements for the availability of meals to older persons in weather related emergencies.

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§ 1321.147 Food requirements for all nutrition services providers.

(a) In purchasing food, and preparing and delivering meals, the nutrition services providers must follow appropriate procedures to preserve nutritional value and food safety.

(b) The nutrition service providers must comply with all State and local health laws and ordinances concerning preparation, handling and serving food.

(c) The nutrition services provider must provide special menus, where feasible and appropriate, to meet the particular dietary needs arising from the health requirements, religious requirements, or ethnic backgrounds of eligible individuals. In determining feasibility and appropriateness, the provider must use the following criteria—

(1) Whether there are sufficient numbers of persons who need the special menus to make their provision practical; and

(2) Whether the food and skills necessary to prepare the special menus are available in the planning and service area.

(d) The nutrition services provider must have available for use upon request appropriate food containers and utensils for blind and handicapped participants.

(e) Each meal served by the nutrition services provider must contain at least one-third of the current Recommended Dietary Allowances as established by the Food and Nutrition Board of the National Academy of Sciences—National Research Council.

(f) U.S.D.A. food assistance programs.

(1) *Direct assistance for nutrition services.*

(i) The State agency must have an agreement with the U.S.D.A. State Distributing Agency to assure the availability to nutrition services providers under this part of food, cash, or a combination of food and cash.

(ii) The State agency must distribute all food, cash or the combination of food and cash received from U.S.D.A. through area agencies to nutrition services providers based on each provider's proportion of the total number of meals served in the State.

(iii) The State agency must comply with the requirements of 7 CFR Part 250 for participation in the U.S.D.A. program.

(iv) A nutrition services provider must accept and use appropriate U.S.D.A. food made available by the State agency, and must assure appropriate and cost effective arrangements for the transportation, storage and use of the food.

(v) If a nutrition service provider receives cash instead of food, the provider must spend the cash only for buying United States agriculture commodities and other food.

(2) *Food stamp program.* The nutrition services providers must assist participants in taking advantage of benefits available to them under the food stamp program. The nutrition services provider must coordinate its activities with agencies responsible for administering the food stamp program to facilitate participation of eligible older persons in the program.

Legal Services

§ 1321.151 Legal services.

(a) *Purpose of the award.* The area agency must award social services funds under this part for legal services to older persons with economic or social needs. The purpose of awards under this section is to increase the availability of legal services with a priority on older persons with the greatest economic or social need in order to assist them to secure their rights, benefits and entitlements, and to assist them in achieving the objectives of the Act. Legal services provided with funds under this part must be in addition to any legal services already being provided to older persons in the planning and service area.

(b) *Definition.* "Legal services" means legal advice and representation by an attorney (including, to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the supervision of an attorney), and includes counseling or representation by a non-lawyer where permitted by law, to older persons with economic or social needs.

(c) *Conditions legal service providers must meet.*

(1) A legal service provider must be either—

(i) An organization that receives funds under the Legal Services Corporation Act; or

(ii) An organization that has a legal services program or the capacity to develop one.

(2) The area agency must award funds to the legal services provider(s) that most fully meet(s) the following standards. The legal services provider(s)—

(i) Has staff with expertise in specific areas of law affecting older persons in economic or social need; for example, public benefits, institutionalization and alternatives to institutionalization;

(ii) Demonstrates the capacity to provide effective administrative and judicial representation in the areas of law affecting older persons with social or economic need;

(iii) Demonstrates the capacity to provide support to other advocacy efforts, for example, the long-term care ombudsman program;

(iv) Demonstrates the capacity to effectively deliver legal services to institutionalized, isolated, and homebound individuals;

(v) Has offices and/or outreach sites which are convenient and accessible to older persons in the community;

(vi) Demonstrates the capacity to provide legal services in a cost effective manner; and

(vii) Demonstrates the capacity to obtain other resources to provide legal services to older persons.

(3) Each legal service provider must—

(i) Make efforts to involve the private bar in legal services provided under this part, including groups within the private bar that furnish legal services to older persons on a pro bono and reduced fee basis;

(ii) Ensure that no attorney of the provider engages in any outside practice of law if the director of the provider has determined that the practice is inconsistent with the attorney's full time responsibilities;

(iii) Ensure that while employed under this part, no employee and no staff attorney of the provider at any time—

(A) Uses official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office, whether partisan or nonpartisan;

(B) Directly or indirectly coerces, attempts to coerce, command or advise an employee of any provider to pay, lend, or contribute anything of value to a political party, or committee, organization, agency or person for political purposes;

(C) Is a candidate for partisan elective public office; or

(D) Engages in any voter registration activity.

(iv) In areas where a significant number of clients do not speak English as their principal language, adopt employment policies that ensure that legal assistance will be provided in the language spoken by those clients;

(v) Adopt a procedure for affording the public appropriate access to the Act, regulations and guidelines under this part, the provider's written policies, procedures, and guidelines, the names and addresses of the members of its governing body, and other materials that the provider determines should be disclosed. The procedure adopted must be approved by the area agency; and

(vi) Ensure that legal services are not provided in fee generating cases, as defined in 45 CFR § 1609.2 unless adequate representation is unavailable from private attorneys;

(vii) Ensure that no employee and no staff attorney of the provider shall directly or indirectly engage in activities intended to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body or State proposals by initiative petition except where—

(A) Representation by a provider for a client is necessary with respect to such client's rights and responsibilities (except that no employee shall solicit a client in violation of professional responsibilities for the purpose of making such representation possible); or

(B) A governmental agency, legislative body, committee or member thereof requests the provider to testify, draft or review measures or to make representations to such agency, body, committee or member, or is considering a measure directly affecting the activities of a provider under this part; and

(viii) Ensure that, while providing legal services, no employee and no staff attorney of the provider engages in demonstrations, picketing, boycotts, or rioting or civil disturbance or any illegal activities, as defined at 45 CFR § 1612.1, § 1612.2, § 1612.3.

(4) Each legal services provider that is not a Legal Services Corporation grantee must agree to coordinate its services with Legal Services Corporation grantees in order to concentrate legal services funded under this part on older persons with the greatest economic or social need who are not eligible for services under the Legal Services Corporation Act. In carrying out this requirement, legal services providers may not use a means test or require older persons to apply first for services through a Legal Services Corporation grantee.

(d) *Case priorities.* A legal service provider under this part may, with the approval of the area agency, set priorities for the categories of cases for which it will provide legal representation in order to concentrate on older persons with the greatest economic or social need. In setting case priorities, a legal service provider may consider the availability of staff resources in determining the extent of legal advice and representation to provide individual older persons.

(e) *Information about income and resources.* A legal service provider may not require an older person to disclose information about income or resources as a condition for providing legal services under this part. A legal service provider may ask about the person's financial circumstances as a part of the process of providing legal advice, counseling and representation, or for the purpose of identifying additional resources and benefits for which an older person may be eligible.

Information and Referral Services

§ 1321.161 Information and referral services.

(a) The area plan must provide for information and referral services sufficient to ensure that all older persons within the planning and service area have reasonably convenient access to the service.

(b) In areas in which a significant number of older persons do not speak English as their principal language, the service provider must provide information and referral services in the language spoken by the older persons.

(c) "Information and referral service" means a system to link people in need of services to appropriate resources. A provider of information and referral services must—

(1) Maintain current information with respect to the opportunities and services available to older persons;

(2) Develop current lists of older persons in need of services and opportunities; and

(3) Employ a specially trained staff to inform older persons of the opportunities and services which are available and to assist older persons to take advantages of the opportunities and services.

(d) An information and referral services provider may disclose information by name about an older person only with the informed consent of the older person or his or her authorized representative.

Transportation Services

§ 1321.171 Transportation agreements.

The area agency (or the State agency in a single planning and service area State) may enter into transportation agreements with agencies which administer programs under the Rehabilitation Act of 1973 and Titles XIX and XX of the Social Security Act to meet the common need for transportation of service participants under the separate programs. Agreements entered into under this section are exempt from the requirement of § 1321.207.

Subpart I—Fiscal Requirements

§ 1321.181 Allotments and grants to States.

(a) *General rule.* The Commissioner makes annual allotments to each State to pay part of the costs of administration and services under the State plan.

(b) *Types of allotments.* Each State receives separate allotments for—

(1) State agency administration;

(2) Social services including senior center services;

(3) Congregate nutrition services; and

(4) Home delivered nutrition services.

(c) *Amounts alloted for social and nutrition services.* From the sums appropriated each fiscal year for social and nutrition services, each State is alloted an amount based on the ratio of its population age 60 and older to the national population age 60 and older except that—

(1) Each State is alloted at least one-half of one percent;

(2) Guam, the Virgin Islands, and the Trust Territory of the Pacific Islands are each alloted at least one-fourth one percent;

(3) American Samoa and the Northern Mariana Islands are each alloted at least one-sixteenth of one percent; and

(4) No State is alloted less than the State received for The Federal Fiscal Year 1978.

(d) *Amounts alloted for State administration.* From the sums appropriated each Federal fiscal year for State agency administration, each State is alloted an amount based on the ratio of its population age 60 or over to the national population age 60 and older, except that—

(1) Each State is alloted at least one-half of one percent of the sum appropriated, or $300,000, whichever is greater;

(2) Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands and the Northern Mariana Islands are each alloted at least one-fourth of one percent or $75,000, whichever is greater.

(3) No State is alloted less than the State received for the Federal Fiscal Year 1975.

(e) *Grants.* The Commissioner awards grants to States from their allotments.

(f) *Limitation on use.* Except as provided in §§ 1321.191, 1321.195, and 1321.197, a State must use each allotment for the purpose for which it was made.

(g) *Limitation on meaning of "State".* For the purpose of paragraphs (c)(1) and (d)(1) of this section, "State" does not mean Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands and the Trust Territory of the Pacific Islands.

Service Funding Requirements

§ 1321.183 Area agency allotments.

Except as provided in §§ 1321.59, 1321.189, and 1321.195, a State agency

must reallot its entire social and nutrition services allotments to area agencies under approved area plans. The area agency must use each allotment for the purpose for which it was made.

§ 1321.185 Expenditures in rural areas.

(a) *General rule.* The State agency must spend under this part in each fiscal year for services to older persons in rural areas at least 105 percent of the amount spent under Titles III, V and VII of the Act in rural areas during the Federal Fiscal Year 1978 for social and nutrition services and multipurpose senior centers.

(b) *Definition of rural area.* For purposes of this section, "rural area" means any area outside a Standard Metropolitan Statistical Area (SMSA) as defined by the Department of Commerce. In planning and service areas which are not entirely metropolitan or nonmetropolitan under the SMSA definition, the State agency, for purposes of paragraph (a) of this section, must separately account for expenditures in the SMSA and non-SMSA areas.

§ 1321.187 Fifty percent priority service requirement.

(a) *General rule.* An area agency must spend at least 50 percent of its social services allotment, excluding amounts used for administration under § 1321.193(c), for the following categories of services, with at least some funds spent in each category—

(1) Services associated with access to other services. These services are transportation, outreach, and information and referral;

(2) In-home services. These services are homemaker and home health aide, visiting and telephone reassurance, and chore maintenance; and

(3) Legal services.

(b) *Waiver.* The State agency, in approving the area plan or a plan amendment, may waive the requirement of paragraph (a) of this section for any category of service for which the area agency demonstrates to the State agency that the services provided from other sources meet the needs of older persons in the planning and service area for that category of service. The State agency must develop and apply criteria that an area agency must satisfy in order to obtain a waiver.

(c) *Revised priority expenditures.* If the area agency receives a waiver for any category of service, it must continue to spend for the remaining categories of services the percentage of the area agency's social service funds agreed on by the State and area agency.

§ 1321.189 Long-term care ombudsman program.

(a) The State agency must use annually at least one percent of the State's allotment for social services, or $20,000, whichever is greater, to operate the long-term care ombudsman program required under § 1321.43.

(b) The requirement of paragraph (a) of this section does not apply in any fiscal year in which the State spends for the ombudsman program from State or local funds an amount equal to the amount required in paragraph (a) of this section.

(c) American Samoa, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands are not subject to the requirement of paragraph (a) of this section.

§ 1321.191 Transfer between congregate and home-delivered nutrition services funds under the State plan.

(a) A State agency may, without the approval of the Commissioner, transfer from one allotment to the other 15 percent or less of the State's separate allotments for congregate and home delivered nutrition services.

(b) A State agency may apply to the Commissioner to transfer from one allotment to the other a portion exceeding 15 percent of the State's separate allotments for congregate and home-delivered nutrition services. The State agency must—

(1) Specify the percent and the projected amount which the State agency proposes to transfer from one allotment to the other; and

(2) Specify whether the proposed transfer is for the entire period of the State plan or a portion of the three year period.

(c) The Commissioner approves the State agency's request by approving the State plan or plan amendment. The Commissioner does not deny the transfer unless the Commissioner decides that the transfer is not consistent with the purposes of the Act.

§ 1321.193 Allowable use of funds for State and area plan administration.

(a) *State plan administration.*

(1) Except as provided in § 1321.197(b)(3), the State agency must use its allotment for State plan administration only to carry out the State agency responsibilities specified in subparts B and D.

(2) The State agency may use any part of its State plan administration allotment which it determines is not needed for that purpose to pay part of the cost of the administration of area plans.

(3) The State agency in a State which is a single planning and service area may use either the State's allotment for State plan administration or not more than 8.5 percent of its allotments for social and nutrition services for State plan administration. The State agency may not use both allotments for this purpose.

(b) *Developing a State plan.* The Commissioner may pay a State without an approved State plan, any part of its allotment for State plan administration to develop an approvable State plan.

(c) *Area plan administration.* The State agency may not award more than 8.5 percent of the total of its combined allotments for social and nutrition services for area plan administration.

§ 1321.195 Additional funds for State plan administration.

(a) *General rule.* If the State agency needs additional funds for State plan administration, the State agency may apply to the Commissioner for permission to use not more than three-forths of one percent of the total amount allotted to it for social and nutrition services.

(b) *Application procedures.* The State agency must submit an application for additional administrative funds in accordance with procedures specified by the Commissioner. The application must demonstrate that—

(1) The State agency needs the additional amount requested to fully and effectively administer its State plan;

(2) The State agency makes full and effective use of its State administration allotment and of the personnel of the State and area agencies; and

(3) The State and area agencies are carrying out, on a full time basis, programs and activities which support the purposes of this part.

(c) *Approval.* The Commissioner approves any application that meets the requirements specified in paragraph (b) of this section.

(d) *Restriction on employee salaries.* A State agency must assure that no funds approved under paragraph (c) of this section will be used to fund a vacancy created by terminating an employee funded from other sources.

§ 1321.197 Obligation and reallotment.

(a) *General rule.* Except as provided in paragraph (b) of this section, the State agency must obligate any funds received under this part during the fiscal year in which they are allotted.

(b) *Reallotment.*

(1) If the Commissioner decides that a State will not use an amount allotted under this part for the purpose for which the allotment was made, the Commissioner reallots the unused funds to one or more other States according to their needs. The State agency receiving these reallotted funds must obligate them by the end of the fiscal year following the one in which they are reallotted.

(2) If an Indian tribal organization in a State receives a grant under Title VI of the Act, the Commissioner withholds a portion of the State's allotments for administration, social, and nutrition services. The amount the Commissioner withholds is based on the number of older Indians who are counted both for purposes of the State's allotment under this part and the grant under Title VI. The Commissioner reallots the withheld amount in accordance with paragraph (b)(1) of this section.

(3) If the Commissioner decides that a State does not need for State plan administration any portion of the State's allotment for State plan administration the State agency may use the amount for social or nutrition services.

§ 1321.199 Federal financial participation.

(a) *State plan administration.* A State agency may use its allotment for State plan administration to pay not more than 75 percent of the costs of administering the State plan.

(b) *Area plan administration.* A State agency may use not more than 8.5 percent of the total of its combined allotments for social and nutrition services to pay not more than 75 percent of the costs of administering area plans.

(c) *Social and nutrition services.*

(1) In Fiscal Years 1979 and 1980, a State agency may use its allotments for social and nutrition services to pay not more than 90 percent of the costs of these activities.

(2) Beginning in Federal Fiscal Year 1981, a State agency may use its allotments for social and nutrition services to pay not more than 85 percent of the costs of these activities.

§ 1321.201 Non-Federal share requirements.

The non-Federal share may be met either by allowable cost or third-party in-kind contributions, except as provided § 1321.203.

§ 1321.203 Source of non-Federal share.

(a) At least 25 percent of the non-Federal share in each Federal fiscal year must be in the form of allowable costs of the State or local public agencies, or in the form of third-party in-kind contributions from local public agencies.

(b) The 5 percent increased non-Federal share required under § 1321.199(c) must be in the form of allowable costs of the State.

§ 1321.205 State agency maintenance of effort.

Each fiscal year the State agency must spend under the State plan for both services and administration at least the same amount of State funds it spent under the plan in the previous fiscal year to meet the required non-Federal share applicable to its allotments under this part. If the State agency spends less than this amount, the Commissioner reduces the State's allotments for social and nutrition services under this part by a percentage equal to the percentage by which the State reduced its expenditures.

§ 1321.207 Restriction on delegation of authority to other agencies.

The State or area agency may not delegate to another agency the authority to award or administer funds under this part.

Federal Reviews and Audits in General

§ 1321.213 Federal reviews and audits.

A Federal review or audit is performed to determine if a State plan is still approvable, and if the State agency operations and expenditures are proper under Federal requirements, and the approved State plan. A review or audit may cover any aspect of the Title III program and may be performed by HEW, the General Accounting Office, or by another authorized agency.

§ 1321.215 Types and effects of reviews and audits.

(a) *Types.* The types of Federal reviews and audits most often conducted are—

(1) Program and financial reviews described in § 1321.217; and

(2) HEW Audit Agency audits, described in § 1321.221 and § 1321.223.

(b) *Effects.* Any review or audit may lead to a disallowance, formal compliance action, recommendations on how a State agency may improve the administration of its program, or offers of technical assistance.

Program and Financial Reviews

§ 1321.217 Program and financial reviews.

(a) *Responsibility for review.* The Administration on Aging conducts program and financial reviews when it considers them appropriate.

(b) *Review findings.* The Administration on Aging makes all review findings available in writing to the State agency so that it can correct any unacceptable policy or practice within a reasonable time. If a review results in a disallowance of a cost, the Commissioner will reduce the State's allotment by the amount disallowed.

§ 1321.219 Issues of compliance after review.

(a) *Resolution of compliance issue.* A compliance issue may arise if the State fails to substantially carry out what is required by Federal requirements, pertinent court decisions and the approved State plan. A compliance issue arises if a previously approved plan provision no longer meets Federal requirements or was approved in error. If the Commissioner believes there is a compliance issue, the Commissioner tries to obtain needed changes in the agency's operating practice or the State plan through negotiation with the State.

(b) *When Issues are not resolved.* If the State agency does not make the changes necessary to bring about compliance, the Commissioner notifies the agency in writing that there is an issue of compliance and advises it of its opportunity for a hearing under Subpart J.

HEW Audit Agency Reviews and Audits

§ 1321.221 Audit Agency reports.

After an audit or review, the Audit Agency releases its final report. The report contains the Audit Agency's findings and recommendations on the practices reviewed and the allowability of expenditures audited.

§ 1321.223 Action after Audit Agency reports.

If the Audit Agency questions an expenditure, the Commissioner may disallow the expenditure and reduce the State's allotment by the amount disallowed. If the Audit Agency finds a compliance issue, the Commissioner, after discussions with the State agency, decides whether to take compliance action and notifies the State agency accordingly.

Subpart J—Hearings procedures For State Agencies

General Provisions

§ 1321.231 Scope.

(a) *General procedures.* Hearing procedures described in this subpart apply to notice and opportunity for a hearing on:

(1) Disapproval of a State plan or amendment;

(2) Determination that a State agency does not meet the requirements of this part;

(3) Determination that there is a failure in the provisions or the administration of an approved plan to substantially comply with Federal requirements.

(b) *Negotiations.* Nothing in this subpart limits negotiations between the

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Department and the State. Negotiations on hearing issues are not part of the hearing and are not subject to the rules in this subpart unless there is a specific indication to the contrary. The Department may terminate hearing procedures at any point if the Department and the State negotiate a written agreement that resolves the issue(s) which prompted the hearing.

§ 1321.233 General rules.

(a) *How to get records.* Papers filed in connection with a hearing may be inspected and copied in the office of the HDS Hearing Clerk. Individuals may direct inquiries to the HDS Hearing Clerk, Department of Health, Education, and Welfare, 200 Independence Avenue SW., Washington, D.C. 20201.

(b) *How to file and serve papers.*

(1) Anyone who wishes to submit papers for the docket shall file with the HDS Hearing Clerk an original and two copies except that only originals of exhibits and testimony transcripts need be submitted.

(2) Anyone who wishes papers to be part of the record shall also serve copies on the parties by personnel delivery or by mail, and file proof of this service with the HDS Hearing Clerk. Service on a party's designated attorney is the same as service on the party.

(c) *When rules are suspended.* After notifying the parties the Commissioner or the presiding officer may modify or waive any rule in §§ 1321.233–1321.261, if the Commissioner or the presiding officer decides the action is equitable and does not unduly prejudice the rights of any party.

Arrangements for Hearing

§ 1321.235 How to request a hearing.

(a) *General rule.* A State agency has 60 days from receipt of the Commissioner's written notice of proposed disapproval of a State plan, plan amendment, determination that a State agency does not meet the requirements of this part or intended compliance action to request a hearing. The agency shall make its request in writing to the Commissioner with a copy to the Regional Aging Program Director.

(b) *What happens if a State agency does not request a hearing.* If the State agency does not request a hearing within the time allowed by paragraph (a) of this section, the Commissioner makes a final determination and notifies the agency by letter whether AoA will withhold all further payments under the plan or only payments for those portions of the plan affected by the failure.

§ 1321.237 How request is acknowledged.

(a) *Notice of hearing.* Within 30 days of receiving a hearing request, the Commissioner notifies the State agency in writing of the date, time, and place of the hearing and of the issues to be considered. The Commissioner publishes the hearing notice in the **Federal Register.**

(b) *When hearing is held.* The date set for a hearing is 20 to 60 days from the date the agency receives the hearing notice. However, the State agency and the Commissioner may agree in writing to a different date.

§ 1321.239 What the hearing issues are.

(a) *General rule.* The issues at a hearing are those included in the notice to the State agency specified in § 1321.237.

(b) *How the Commissioner may add issues.* At least 20 days before a hearing, the Commissioner notifies the agency by letter of any additional issues to be considered. The Commissioner publishes this notice in the **Federal Register.** If the agency does not receive its notice of additional issues in the required time, any party may request that the Commissioner postpone the hearing. If a request is made, the Commissioner sets a new hearing date that is 20 to 60 days from the date the agency received the notice of additional issues.

(c) *How actions by the State may cause the Commissioner to add, modify, or remove issues.* The Commissioner may add, modify, or remove issues if the State agency:

(1) Changes its practices or organization to comply with Federal requirements and its State plan; or

(2) Conforms its plan to Federal requirements and pertinent court decisions.

(d) *What happens if State action causes the Commissioner to add, modify, or remove issues.*

(1) If the Commissioner specifies new or modified issues, the hearing proceeds on these issues.

(2)(i) If the Commissioner removes an issue, the hearing proceeds on the remaining issues. If the Commissioner removes all issues, the Commissioner terminates the hearing proceedings. The Commissioner may terminate hearing proceedings or remove issues before, during, or after the hearing.

(ii) Before removing an issue, the Commissioner notifies the parties other than the Department and the agency of the issue and the reasons for removing the issue. With 20 days of the date of this notice, the parties may submit comments in writing on the merits of the proposed removal. The Commissioner considers these comments and they become part of the record.

§ 1321.241 What the purpose of a hearing is.

The purpose of the hearing is to receive factual evidence and testimony, including expert opinion testimony, related to the issues. The presiding officer may not allow argument as evidence.

§ 1321.243 Who presides.

The presiding officer at a hearing is the Commissioner or a person the Commissioner appoints. If the Commissioner appoints a presiding officer, the Commissioner sends copies of the appointment notice to the parties.

§ 1321.245 How to be a party or an amicus curiae to a hearing.

(a) *HEW and State agency.* HEW and the State agency are parties to a hearing without having to request participation.

(b) *Other parties or amicus curiae.* An individual or group wishing to be a party or amicus curiae to a hearing may file a petition with the HDS Hearing Clerk no more than 15 days following publication of the hearing notice in the **Federal Register.** A petitioner who wishes to be a party must also provide a copy of the petition to each party of record at that time.

(c) *What must be in a petition.* A petition must state concisely:

(1) Whether the petitioner wishes to be a party or an amicus curiae;

(2) The petitioner's interest in the proceedings;

(3) Who will appear for the petitioner;

(4) The issue on which the petitioner wishes to participate; and

(5) Whether the petitioner intends to present witnesses, if the petitioner wishes to be a party.

§ 1321.247 What happens to a petition.

(a) *Petitions to be a party.*

(1) The presiding officer determines if the issues to be considered at the hearing have caused the petitioner injury and if the petitioner's interest is within the zone of interest protected by the governing Federal statute. The presiding officer permits or denies the petition accordingly and promptly sends the petitioner a written notice of the decision. If the presiding officer denies the petition, the officer states the reasons in the notice.

(2) Before making this determination, the presiding officer will allow any party to file comments on the petition to be a party. Any party who wishes to file comments must do so within 5 days of receiving the petition.

(3) If the presiding officer decides that parties by petition have common

interest, the officer may require that they designate a single representative, or may recognize two or more of these parties to represent all of them.

(b) *Petitions to be an amicus curiae.* The presiding officer determines if the petitioner has a legitimate interest in the proceedings and may contribute materially to the proper settlement of the issues. The officer also determines if the petitioner's participation would unduly delay the proceedings. The presiding officer permits or denies the petition accordingly and promptly sends the petitioner a written notice of the decision. If the presiding officer denies the petition, the officer states the reason in this notice.

§ 1321.249 Rights of parties and amicus curiae.

(a) *What rights parties have.* A party may:

(1) Appear by counsel or other authorized representative in all hearing proceedings;

(2) Participate in any prehearing conference held by the presiding officer;

(3) Stipulate facts that, if uncontested, become part of the record;

(4) Make opening statements;

(5) Present relevant evidence;

(6) Present witnesses who must be available for cross-examination;

(7) Present oral arguments at the hearing; and

(8) Submit written briefs, proposed findings of fact, and proposed conclusions of law, after the hearing.

(b) *What rights amicus curiae have.* An amicus curiae may:

(1) Present an oral statement at the hearing at the time specified by the presiding officer;

(2) Submit a written statement of position to the presiding officer before the hearing begins; and

(3) Submit a brief or written statement at the same time the parties submit briefs.

If an amicus curiae submits a written statement or brief, the amicus shall serve a copy on each party.

Conduct of Hearing

§ 1321.251 Authority of presiding officer.

(a) *General rule.* The presiding officer conducts a fair hearing, avoids delay, maintains order and makes a record of the proceedings. In so doing, he or she has authority that includes:

(1) Regulating the course of the hearing;

(2) Regulating the participation and conduct of parties, amici curiae, and others at the hearings;

(3) Ruling on procedural matters and, if necessary, issuing protective orders or other relief to a party against whom discovery is sought;

(4) Taking any action authorized by the rules in this subpart;

(5) Making a final decision, if the Commissioner is the presiding officer;

(6) Administering oaths and affirmations;

(7) Examining witnesses;

(8) Receiving or excluding evidence; and

(9) Ruling on or limiting evidence or discovery.

(b) *What the presiding officer may not do.* The presiding officer may not compel by subpena the production of witnesses, paper, or other evidence.

(c) *When the presiding officer's authority is limited.* If the presiding officer is not the Commissioner, the officer certifies the entire record to the Commissioner, including a recommended decision on each issue in the hearing, but may not:

(1) Make a final decision; or

(2) Recommend reduction or withholding of payments.

§ 1321.253 Discovery.

A party has the right to conduct discovery against other parties. These discovery proceedings are subject to Rules 26–37, Federal Rules of Civil Procedure. The presiding officer promptly rules on any written objection to discovery and may restrict or control discovery to prevent undue delay in the hearing. If a party fails to respond to discovery procedures, the presiding officer may issue any order and impose any sanction (other than contempt orders) authorized by Rule 37 of the Federal Rules of Civil Procedure.

§ 1321.255 How evidence is handled.

(a) *Testimony.* Witnesses, under oath or affirmation, give oral testimony at a hearing. Witnesses must be available at the hearing for cross-examination by the parties.

(b) *Rules of evidence.* Technical rules of evidence do not apply to hearings described in this subpart. The presiding officer applies any rules or principles necessary to ensure disclosure of the most credible evidence available and to subject testimony to cross-examination. Cross-examination may be on any material matter, regardless of the scope of direct examination.

§ 1321.257 What happens to unsponsored written materials.

Letters and other written material regarding matters at issue, if not submitted specifically on behalf of a party, become part of the correspondence section of the docket. This material is not part of the evidence or the record.

§ 1321.259 What the record is.

(a) *Official transcript.* HEW designates the official reporter for a hearing. The HDS Hearing Clerk has the official transcript of testimony, and any other material submitted with the official transcript. The parties and the public may obtain transcripts of testimony from the official reporter at rates that do not exceed the maximum fixed by contract between the reporter and HEW. Upon notice to the parties, the presiding officer may authorize transcript corrections.

(b) *Record.* The record for the hearing decision is the transcript of testimony, exhibits, and all other papers and requests filed in the proceedings except for the correspondence section of the docket. The record includes rulings and any recommended decision.

After the Hearing

§ 1321.261 Posthearing briefs.

The presiding officer fixes the time for filing posthearing briefs. They may contain proposed findings of fact and conclusions of law. The presiding officer may permit filing of reply briefs.

§ 1321.263 Decisions.

(a) *If the Commissioner is presiding officer.* If the Commissioner is the presiding officer, the Commissioner issues a final decision within 60 days after the time allowed for filing posthearing or reply brief ends.

(b) *If the Commissioner appoints a presiding officer.*

(1) After the time for filing posthearings or reply briefs ends, the presiding officer certifies the entire record, including his or her recommended decision, to the Commissioner.

(2) The Commissioner provides a copy of the recommended decision to the parties and any amici curiae. Within 20 days, a party may file with the Commissioner, exceptions to the recommended decision. The party must file a supporting brief or statement with the exceptions.

(3) The Commissioner reviews the record and, within 60 days of the date of receipt of the presiding officer's recommended decision, the Commissioner issues a final decision. The Commissioner provides copies of the decision to all parties and any amici curiae.

(c) If the Commissioner decides, after a hearing, that the plan or plan amendment is not approvable, that substantial noncompliance exists, or that the State agency does not meet the requirements of this part, the final decision states whether AoA will

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withhold all further payments or only payments under portions of the plan affected by the failure. This also applies if the hearing terminates prior to completion.

§ 1321.265 When a decision is effective.

(a) The Commissioner's decision specifies the effective date for AoA's reduction and withholding of the State's grant. This effective date may not be earlier than the date of the Commissioner's decision or later than the first day of the next calendar quarter.

(b) The decision remains in effect unless reversed or stayed on judicial appeal, or until the agency or the plan are changed to meet all Federal requirements, except that the Commissioner may modify or set aside his or her decision before the record of the proceedings under this subpart is filed in court.

§ 1321.267 How the State may appeal.

A State may appeal to the U.S. Court of Appeals which has jurisdiction in the State, the final decision of the Commissioner disapproving the State plan or plan amendment, finding noncompliance, or finding that a State agency does not meet the requirements of this part. The State must file the appeal within 30 days of the Commissioner's final decision.

§ 1321.269 How the Commissioner may reallot the State's withheld payments.

The Commissioner disburses funds withheld from the State directly to any public or nonprofit private organization or agency, or political subdivision of the State, that has the authority and capacity to carry out the functions of the State agency and submits a State plan which meets the requirements of this part and which contains an agreement to meet the non-federal share requirements of § 1321.199.

[FR Doc. 80-9635 Filed 3-26-80; 8:45 am]
BILLING CODE 4110-92-M

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federal register

Monday
March 31, 1980

Part V

Department of Agriculture

Agricultural Marketing Service

Packers and Stockyards Act; Plan for Review of Existing Regulations and Policy Statements

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

9 CFR Parts 201 and 203

Packers and Stockyards Act; Plan for Review of Existing Regulations and Policy Statements

AGENCY: Agricultural Marketing Service, Packers and Stockyards, USDA.

ACTION: Plan for review of existing regulations and policy statements; category changes.

SUMMARY: On December 11, 1979, the Department published a notice in the Federal Register (44 FR 71802) requesting comment on the schedule for review of P&S regulations. This document changes the categories (category description follows) under which certain regulations and policy statements were listed because of comments received. The change will require the review of regulations proposed to be deleted or listed as not needing review in the prior notice. All regulations in category III are being divided into groups determined by Packers and Stockyards, and a selected group will be published every six months for public comments until completed. The notice also contains information concerning reports required to be filed under the Packers and Stockyards Act.

DATES: Comments must be received by May 30, 1980.

ADDRESS: Send comments to Acting Deputy Administrator, Packers and Stockyards, Agricultural Marketing Service, USDA, Room 3039 South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250. All comments received may be reviewed by any interested person in the Acting Deputy Administrator's office during normal business hours.

FOR FURTHER INFORMATION CONTACT: John A. Sands, Director, Packer and Poultry Division, Agricultural Marketing Service, Packers and Stockyards, U.S. Department of Agriculture, Washington, D.C. 20250, Phone (202) 447–6771, or Harry L. Williams, Director, Livestock Marketing Division, Agricultural Marketing Service, Packers and Stockyards, U.S. Department of Agriculture, Washington, D.C. 20250, Phone (202) 447–6951.

SUPPLEMENTARY INFORMATION: On December 11, 1979, a notice was published in the Federal Register (44 FR 71802) requesting comments on a plan for review of existing regulations and policy statements issued under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), including reporting and recordkeeping requirements under the procedures described in the notice, "Improving USDA Regulations," 43 FR 50988 (November 1, 1978).

The Department originally proposed to separate its review into three categories. Category I—sections which are believed not to need review at this time because they have been deleted, reviewed, promulgated or repromulgated since July 1976; Category II—sections proposed for deletion; and Category III—sections proposed for complete review. The Department also requested comments on specific changes to be considered in reviewing the reporting and recordkeeping requirements of the regulations.

A total of 66 comments were received. Thirty-eight comments were from various National Directors of a national farm organization located in 21 states; 7 comments from various State Departments of Agriculture; 3 comments from meat packers; 2 comments from national meat packer associations; 3 comments from national associations of livestock producers; 1 comment from a state association of livestock producers; 6 comments from livestock markets; 1 comment from an association of livestock market agencies; 1 comment from a national association of stockyard operators; 3 comments from a national association of livestock markets and dealers; and 1 comment from a national livestock conservation institute.

Summary of the Comments From Groups and Associations

National Livestock Producers Association—Makes no comment on the categories. Recommends changes in sections 201.62 (Consigned livestock to fill orders) and 201.97 (Annual Reports—P&S–130 Market Agency).

River Markets Group—Approves categories as proposed. It seeks not to overhaul the P&S Act and will have comments when sections in category III are proposed for review.

Midwest Livestock Producers Cooperative—Approves categories as proposed, but wants revision of report required by section 201.97 (Annual Report—P&S–130 Market Agency).

American Stock Yards Association—Generally agrees with the categories as proposed with the following suggestions: under category I, section 203.11 (vacation of rate orders) should be in category II for deletion. Category II, section 203.6 (packer purchases of livestock for export), if deleted, should be replaced by a regulation and section 203.13 (voluntary surety bonds) should be rewritten to encourage voluntary bonds for packers exempted by the 1976 amendments. Section 201.51 (copies of contracts) of category III should be moved to category II because 201.94 (furnish business information) also applies. It recommends changes in section 201.97 (Annual Reports—P&S–129 Stockyard).

Livestock Conservation Institute—Wants sections 201.82 (livestock care) and 201.84 (livestock feed and water) removed from category II unless those requirements are covered by regulations in other units of USDA.

Livestock Marketing Association—Believes all regulations should be reviewed and most deleted.

Interstate Producers Livestock Association—Recommends section 203.11 (vacation of rate orders) be changed from castegory I to II. Believes it is not now applicable. Also suggests permitting vertical integration of market agencies and dealers into meat packing and is concerned with its inability to obtain financial stability information about livestock buyers from P&S.

National Farmers Organization—Strongly opposes permitting any one livestock or meat marketing firm to acquire control over various levels of production. Recommends that the separation between production, marketing and slaughtering of livestock be maintained and that any activity be prohibited which would preclude the small livestock producer from a competitive open market.

National Cattlemen's Association—Agrees with the categories as proposed. Believes sections 201.43 (payment and accounting for livestock), 201.200 (packer purchases on credit), and 203.17 (rates and charges at stockyards) are in the correct category and strongly opposes any review. In category II, sections 201.82 (livestock care), 201.84 (livestock feed and water), 201.94 (furnish business information), and 201.96 (business information not to be divulged) should be changed to category III and wants the issue of confidentiality of information obtained by P&S to be addressed. Does not want a complete review of section 201.70a (packers and custom feedlot joint ownership) in category III. Sees no need for major review at this time.

National Meat Association—Agrees with all sections placed in categories II and III, suggests the following be changed to category III: sections 201.27 (equivalent in lieu of bonds); and 201.34 (termination of bonds). Also thinks Forms P&S–5 (Trust Fund Agreement) and P&S–125 (Packer Annual Report) should be reviewed.

American Meat Institute—Is supportive of the proposals and does not suggest any specific changes in the categories. Suggests reviewed sections be segregated into industry segments and sequentially reviewed. Especially interested in review of P&S–125 (Packer Annual Report).

American Farm Bureau Federation—Makes a number of recommendations other than the review of the regulations, but were complimentary of Packers and Stockyards. Also made suggestions for regulations directed toward the brucellosis program and uniform grading standards for hogs. Supports review of the market agency annual report.

Summary of Comments by Categories

Comments on category I indicated eight agreements and six suggested changes. Five comments suggested various sections included in category I be moved to category III. One comment recommended all sections included in category I be included in category II.

Comments on category II indicated nine agreements and six suggested changes. The suggested changes with one exception indicated sections of the regulations which they believed should be retained or at least moved to category III.

Comments on category III indicated nine agreements and three suggested changes. One suggestion recommends one regulation should have been in category I, one suggestion recommends all category III regulations should be in category II, while the third suggestion thought three regulations should be moved to category II.

General Comments

The general tone of the comments was supportive of the approach of P&S regulation review. A substantial majority urged P&S to continue to regulate the industry. Those comments received from livestock producer organizations were almost unanimous in their recommendations that P&S take an active and positive position to prevent the acquisition of various levels of meat production by any one firm. They recommend that the separation between the production, marketing and slaughtering of livestock be maintained and that any activities which would preclude the small livestock producer from marketing his product in an open competitive market be prohibited. Two comments were received which recommended that all regulation of the marketing sector be abolished and that the marketing agencies be allowed complete freedom to buy, sell, and deal in livestock consigned to them on an agency basis as well as own, operate and/or control other businesses in the production or slaughter of livestock.

A number of comments were received requesting further consideration of regulations 201.82, 201.84, 201.94, 201.95, 201.96, and Policy Statement 203.6. These were in category II. P&S is transferring these regulations to category III in response to these comments.

The following regulations and one policy statement listed under category I have been deleted. They are sections 201.8, 201.9, 201.14, 201.15, 201.16, 201.18, 201.35, 201.36, 201.37, 201.38, 201.46(b), 201.48, 201.83, and 203.11. These regulations were applicable to poultry licensees. The marketing of live poultry in the designated *large* metropolitan areas has become virtually nonexistent and regulation of this industry no longer pertinent. Policy statement 203.11 was deleted because of a policy change in ratemaking authority.

Several comments expressed the opinion that further dialogue is required on some of those regulations and policy statements listed under category I. Other comments requested no further review of category I. However, after reviewing all comments it has been determined it will be in the best interest of the affected industries to move only regulation 201.30 from category I to category III.

Those regulations and policy statements listed under category III, plus the regulations and policy statements moved from categories I and II will all be reviewed on a schedule determined by Packers and Stockyards. Many of the comments received recommended a cautious, thorough approach to the process of review. Packers and Stockyards will follow this approach. Several recommended that those regulations of interest to particular segments of the industry be considered separately.

Few comments were received concerning the recordkeeping requirements and reports necessary with the exception of section 201.97 involving the annual reports of packers, stockyards, and market agencies (P&S–125), (P&S–126), (P&S–129), (P&S–130).

Many comments contained recommendations concerning specific regulations, policy statements, and recordkeeping. These will be summarized by specific regulations, policy statements, or reports and be made part of the record at the same time each of these sections is proposed for review.

Packers and Stockyards has selected the following regulations and policy statements for review at this time and is publishing them for comments.

Sec.
201.2 Terms defined.
201.3 Authority.
201.4 Bylaws, rules and regulations and requirements of exchanges, associations, or other organizations; applicability, establishment.
201.5 Investigation, notice, and posting of stockyards.
201.6 Investigation, notice, and deposting of stockyards.
201.7 Change in name, address, management, control, or ownership to be reported by stockyard owner.
201.30 Amount of market agency, dealer and packer bonds.
201.39 Payment to be made to consignor or shipper by market agencies; exceptions.
201.40 Market agencies not to use shippers' proceeds or funds received for purchases on commission for own purposes through "bank float" or otherwise.
201.41 Market agencies to make faithful and prompt accounting to consignors or shippers or other interested persons of whom they have knowledge.
201.42 Custodial accounts for trust funds.
201.51 Contracts; Stockyard owners to furnish copies of.
201.97 Annual reports.
203.2 Statement of general policy with respect to the giving by meat packers of meat and other gifts to Government employees.
203.3 Statement with respect to meat packer sales promotion programs.
203.4 Statement with respect to the disposition of certain records made or kept by packers.
203.6 Statement with respect to the purchase of livestock by packers for export.
203.7 Statement with respect to meat packer sales and purchase contracts.
203.14 Statement with respect to advertising allowances and other merchandising payments and services.

The reports and forms listed below require Office of Management and Budget clearance. Comments for suggested changes and improvements may be filed.

P&S–5 Trust Fund Agreement-Special Report.
P&S–116 Application for Registration Under the P&S Act.
P&S–116–1 Application for Registration Dealer (Packer Buyer/Export) Under the P&S Act.
P&S–122 Annual Report of Brokers or Clearing Agencies.
P&S–124 Annual Report of Dealer or Market Agency Buying on Commission.
P&S–124–1 Dealer Business Report.
P&S–125 Packer Annual Report.

The report has been recently revised effective February 1979. Sections changed significantly are:

Section 2—Deleted old Section 2 on organization or sale information and replaced by new Section 2 requiring boxed beef information.
Section 3—Purchase and Sale of Carcasses. Detailed information by plant no longer

required. Information on whole carcass purchases or sales now included.
Section 5—Procurement of Livestock. Discontinued request for information requiring name and address of place where livestock were purchased, for example, direct at packing plant, buying station, country points, feedlots, etc.
Section 7—Poultry Operations. Eliminated.
Section 7—Financial Protection. (Formerly Section 8). Some revisions. Additions for bonding requirements required by 1976 amendments.
P&S–125–1—Supplement to Annual Report Packers
P&S–125–2—Instructions for Filing Annual Report of Packers
P&S–125–3—Supplemental Balance Sheet Packers
P&S–126—Annual Report of Market Agency (Commission Firm) P&S has reviewed a proposed revision of the present P&S–126 with industry organizations representing the firms which are required to file the reports. The revision has reduced the report from 10 legal size pages to 7 letter size pages. The sections of the report relating to type of business and ownership, volume of business and the financial statement contain only minor changes. Those sections requiring income and expense information have been consolidated and simplified to more closely conform to a standard profit and loss statement and eliminate past requirements of detail on individual employees' salary and duties. The sections requiring information to calculate the reasonableness of rates and charges have been deleted. A copy of the proposed report may be obtained by interested persons on request to Packers and Stockyards.
P&S–129—Annual Report of Posted (Terminal) Stockyards P&S have reviewed a proposed revision of P&S–129 Annual Report of Posted Stockyards with the industry organization representing the majority of the 28 terminal markets which are required to complete this report. The present report consists of 17 letter size pages. The proposed report consists of 6 letter size pages. Sections of the present report which require listing of major stockholders, details of land transactions, reserve for depreciation and feed and bedding income and expenses have been completely deleted while other sections which list income and expenses have been simplified and reduced in scope. A copy of the proposed report may be obtained by interested persons on request to Packers and Stockyards.
P&S–130—Annual Report of Market Agency (Auction Market).
P&S–131—Special Report-Status of Custodial Bank Account for Shippers' Proceeds.
P&S–132—Packer Inquiry Under P&S Act.
P&S–134—Supplemental Balance Sheet-Special Report.
P&S–135—Special Report-Statement of Accounts Payable for Livestock.
P&S–212—Livestock Scale Test Reports and Instructions.
P&S–216—Poultry Scale Test Reports and Instructions.
P&S–218—Monorail Scale Test Reports and Instructions.

The sections of the regulations and policy statements listed in category II, §§ 201.85, 203.1, and 203.13 (9 CFR 201.85, 203.1, and 203.13) proposed for deletion generated no comments. Accordingly, the following sections of the regulations and policy statements are proposed to be revoked.

§ 201.85 [Revoked]

§ 203.1 [Revoked]

§ 203.13 [Revoked]

Done at Washington, D.C., March 26, 1980.

Paschal O. Drake,
Acting Deputy Administrator, Packers and Stockyards, Agricultural Marketing Service.

[FR Doc. 80-9716 Filed 3-28-80; 8:45 am]
BILLING CODE 3410-02-M

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federal register

Monday
March 31, 1980

Part VI

Department of Transportation

Office of the Secretary

Participation by Minority Business Enterprise in Department of Transportation Programs

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 23

Participation by Minority Business Enterprise in Department of Transportation Programs

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This final rule establishes a uniform program by which firms owned and controlled by minorities and women may participate in contracts let by recipients of financial assistance from the Department of Transportation (DOT). It supersedes all existing Minority Business Enterprise (MBE) regulations, orders, circulars and administrative requirements concerning financial assistance programs that the Department has issued. This rule requires recipients of DOT financial assistance to submit programs for increasing the participation of MBEs in their contracting activities. In particular, the regulation requires recipients to set goals for the participation of MBEs in both their overall programs and specific contracts.

DATES: Effective date: April 31, 1980. Comments are requested on the final rule by April 31, 1981. See "Request for Comments" heading under "Supplementary Information" for further information.

ADDRESS: Comments should be sent to the following address: Docket Clerk (Docket No. 64), 400 7th Street SW., Room 10200, Washington, D.C. 20590. Comments are available for public inspection at this address on Monday through Friday from 9:00 a.m. to 5:30 p.m. Persons wishing to have their comments acknowledged should send a stamped, self-addressed postcard with their comments. The docket clerk will return these postcards when the comments are docketed.

FOR FURTHER INFORMATION CONTACT: Carl T. Horton, Special Assistant to the Secretary, U.S. Department of Transportation, 400 7th Street SW., Room 10200, Washington, D.C. 20590, 202–426–8024.

SUPPLEMENTARY INFORMATION:

Request for comments

DOT has carefully studied ways to encourage MBE participation in its financial assistance programs. The Department also has paid careful attention to the public comments on the notice of proposed rulemaking (NPRM) that led to this final rule (44 FR 28928, May 17, 1979). Nevertheless, we expect that, as recipients, contractors and the public work with the provisions of this regulation, they may have suggestions for improving them. Consequently, the Department will keep the docket for this rule open for a year from the rule's effective date. The Department encourages recipients, contractors and the general public to send comments to the docket concerning their experiences with the implementation of the rule, problems they have had and suggestions they have for changing the rule's language to make it work better. In addition, the Department is interested in hearing suggestions for technical assistance or other help which the Department could give recipients to ease their compliance with the regulation.

When the comment period ends, the Department will use the comments and any additional information to review the MBE regulation. After the review, if the Department believes that changes are appropriate, it will publish amendments to the regulation. In any event, DOT will publish a notice concerning the review and will respond to comments received during the extended comment period.

Synopsis

This synopsis answers some basic questions about the Department's MBE regulation. Detailed information about the regulation's provisions and the Department's response to public comments are in the section-by-section portion of this preamble.

To Whom Does This Regulation Apply?

This regulation applies to all applicants for and recipients of Federal financial assistance from DOT and to their dealings with prime contractors and subcontractors, including certain lessees such as airport concessionaires. The regulation requires both recipients and their prime contractors to take affirmative action to use MBEs. It does not apply to DOT procurement, which will be addressed in a later addition to this regulation.

What Is a Minority Business Enterprise?

An MBE is a small business that is both owned and controlled by minorities or by women. This means that minorities or women must own 51% of the business, and that they must control the management and daily operations of the business. Minorities include Blacks, Hispanics, Asian Americans, American Indians and Alaskan Natives and members of other groups or other individuals who the Small Business Administration (SBA) has determined are economically and socially disadvantaged under Section 8(a) of the Small Business Act.

How Does a Recipient Decide Whether a Business Is Really an MBE?

One of the major problems with MBE programs has been their infiltration by "fronts," ineligible business that claim to be MBEs in order to participate. To mitigate this problem, the regulation requires recipients to certify that businesses seeking to participate as MBEs are actually eligible. Recipients must require prospective MBEs to complete a form describing who owns the business, who is responsible for important management decisions, the relationship of the MBE to other firms and other pertinent information. This information, and the guidance provided by the regulation's standards for eligibility as an MBE, should enable a recipient to decide whether a firm actually qualifies as a minority business.

How Do Recipients Increase Their Use of MBEs?

In their financial assistance agreement with DOT and in DOT-assisted contracts, all recipients must include clauses stating that their policy will be to ensure maximum participation of MBEs. They must also pledge to take all reasonable steps to ensure that MBEs have the maximum opportunity to compete for and perform contracts. Recipients and contractors must promise not to discriminate on the basis of race, color, national origin or sex in the award of and performance under contracts.

Applicants for medium-sized grants must submit an MBE affirmative program to DOT for approval. Medium-sized grants include, for example, $250,000 Federal Aviation Administration (FAA) grants to general aviation airports and $250,000 grants from the Urban Mass Transportation Administration (UMTA) for purposes other than buying transit vehicles. The affirmative action program must include provisions for:

- A directory of MBEs available to compete for the recipient's contracts
- Procedures for certification to determine whether businesses can be considered as eligible MBEs
- Overall percentage goals for the dollar value of work to be awarded to MBEs and percentage goals for each specific contract with subcontracting possibilities
- Procedures to ensure that prime contractors take affirmative action to seek MBE participation in subcontracts.

Applicants for larger grants (for example, those of $500,000 or more under certain UMTA and FAA programs) must also meet the requirements described above. In addition, they must:

- Issue an MBE policy statement
- Designate a liaison officer and support staff to operate the MBE program
- Take certain steps to assist MBEs, including helping them overcome barriers such as the inability to obtain financing
- Use banks owned and operated by minorities or by women, when possible
- Establish a system to ensure that sub-recipients, contractors and subcontractors comply with applicable MBE requirements
- Use set-asides where necessary to meet MBE goals, unless this is prohibited by law.

How Do MBE Goals Work?

Each recipient that is required to have an MBE program must establish both overall goals and contract goals. Overall goals set a reasonable target for the percentage of the dollar value of the recipient's DOT-assisted contracting that will go to MBEs over a given period or for a particular project. Overall goals should be based on factors such as the kind and amount of the recipient's contracting activity and the availability of minority contractors. For example, a state highway department might decide that a reasonable goal for MBE participation in its program in a given year was 15% of the dollar value of all DOT-assisted contracts. DOT must approve the overall goals and the methods used to set them.

Contract goals establish what percentage of the dollar value of each contract with subcontracting possibilities will be performed by MBEs. Contract goals can vary considerably, depending on the kind of work to be performed and the availability of MBEs to do it. However, over the long run, the recipient's contract goals should call for enough MBE participation to meet the recipient's overall goals.

How Are Prime Contracts Awarded Under the Rule?

Solicitations for prime contracts issued by DOT recipients must state what the MBE percentage goal is for the contract. Potential prime contractors must submit an assurance with their bids or proposals that they will make sufficient reasonable efforts to meet the goal. After the recipient receives the bids or proposals, it requires the competitors to submit information about the MBE participation they have obtained. Based on this information, the recipient determines which competitor among those who have met the goal offers the lowest price. If the recipient believes the price is reasonable, it awards the contract to this competitor. But if the recipient does not believe the price is reasonable, it considers the price offered by the competitor which, though failing to meet the goal, has the highest percentage of MBE participation of the remaining competitors. If the recipient decides that this competitor's price is reasonable, then the recipient awards the contract. If the recipient determines that the price is not reasonable, the recipient continues the process with the remaining competitors in order of their MBE participation. If the recipient cannot find a competitor with MBE participation that offers a reasonable price, the recipient may offer the contract to a competitor without MBE participation, as long as the competitor demonstrates that it made sufficient reasonable efforts to meet the goal.

To determine if a competitor's price is reasonable, the recipient must decide whether it would award the contract if the competitor's offer were the only one that had been received. If the competitor's price is such that the recipient reasonably would award the contract in that situation, the price is reasonable. If the price is such that the recipient would refuse to award the contract and instead would resolicit it or cancel the solicitation, then the price is unreasonable.

What Is the Role of Set-Asides Under This Regulation?

A set-aside is the designation of a given contract for competition solely among MBEs. The theory behind set-asides is that many MBEs are relatively young, small and struggling. Therefore, they are less likely than the more established non-MBEs to win some kinds of contracts in the open market. Setting aside an appropriate contract ensures that an MBE will perform it. This technique has obvious advantages for the MBE involved. It also has advantages for the recipient because it ensures that the dollar value of a particular contract will count toward its overall MBE goal. DOT believes that set-asides are an extremely useful tool for improving MBE participation, and it encourages recipients to use them. Nevertheless, the Department recognizes that set-asides may not be appropriate in every situation. State or local law may prohibit their use. In these cases, recipients are not required to use set-asides to comply with the regulation. Generally, using set-asides under this rule is up to the recipient's discretion. However, recipients that could use set-asides but do not and consequently fail to meet their MBE goals may be found in noncompliance with the regulation.

What Happens When a Recipient Fails to Comply with the Regulation?

The Department may find that a recipient is not in compliance with the regulation as a result of a compliance review or the investigation of a complaint. If DOT thinks that a recipient has failed to comply with the regulation, it writes the recipient, describing the problem and giving the recipient a chance to settle the matter informally with the Department. DOT may seek formal sanctions if these negotiations are unsuccessful. A hearing similar to those in cases of violations of Title VI of the Civil Rights Act of 1964 is held if the recipient requests it. If the Secretary finds the recipient in noncompliance, it may lose DOT's financial assistance.

Background

It is the Department of Transportation's policy to encourage and increase MBE participation in the contracts and programs that it funds. Minorities and women have traditionally been underrepresented as owners and managers of businesses in this country and as DOT-assisted contractors. To overcome this situation, the Secretary of Transportation issued DOT Order 4000.7A, Minority Business Enterprise Program (March 6, 1978), which set forth the administrative framework for a DOT MBE program and required the Departmental elements to issue implementing plans. This regulation supersedes the Order with requirements applicable to financial assistance programs of all Departmental elements.

Authority

The legal authority for this regulation includes Executive Order 11625 (October 13, 1971), which requires that Federal executive agencies develop comprehensive plans and programs to encourage minority business enterprise. More recently, President Carter, in his Urban Policy Statement of March 27, 1978, directed all Federal agencies to triple Federal contracting to MBEs by the end of fiscal year (FY) 1979 and to include MBE goals in Federal assistance programs.

The Department's concern with increasing opportunities for MBEs was evident long before the issuance of DOT Order 4000.7A. The numerous statutes and regulations that create and define the programs of DOT's operating elements include provisions for nondiscrimination, racially based affirmative action and, in some instances, specific MBE requirements. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) forbids

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discrimination in the provision of benefits, services and participation in Federally assisted programs. As interpreted by both the Department of Justice and this Department, Title VI provides a basis for the creation of regulatory provisions to increase MBE participation in these programs.

Section 905 of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act), and the regulations implementing it (49 CFR Part 265), probibit discrimination on the basis of race, color, national origin or sex in the participation in, or benefits of, any program funded by the 4R Act. The Act explicitly requires the Federal Railroad Administation (FRA) and its recipients to take affirmative action, including the development and implementation of affirmative action programs to assist minority-owned businesses in the programs set up by that Act. Section 906 of the Act creates a Minority Business Resource Center to, among other things:

> Design and conduct programs to encourage, promote and assist minority entrepreneurs and businesses to secure contracts, subcontracts, and projects related to the maintenance, rehabilitation, restructuring, and improvement, and revitalization of the Nation's railroads (49 U.S.C. sec. 11(c)(4)).

Section 30 of the Airport and Airway Development Act of 1970, as amended (49 U.S.C. sec. 1730), requires the Federal Aviation Administraiton (FAA) to take affirmative action to ensure that no person is discriminated against on the grounds of race, creed, color, national origin or sex in any program or activity funded by the Act. The legislative history of the provision reveals a particular concern for increasing MBE participation. Recently published Section 30 rules (45 FR 10184, February 14, 1980) specifically provide for MBE requirements under Section 30 to be implemented in this regulation.

A recent amendment to the Urban Mass Transportation Act of 1964, Section 19 (Pub. L. 95–599), requires UMTA to take affirmative action to ensure that no person is descriminated against on the grounds of race, color, national origin, age or sex in any program or activity funded by the Act. Before this amendment was passed, UMTA had issued an interim circular (UMTA C 1165.1) that contains requirements for affirmative action for MBEs by grant applicants which are similar to those in this regulation.

The Federal Highway Administration (FHWA) has regulations creating specific affirmative action requirements for its aid recipients to encourage MBEs to bid on Federally assisted highway projects (23 CFR Part 230, Subpart B).

Congress has recently shown its support for the concept of using Federal financial assistance programs to promote MBEs through its enactment of the 10 percent MBE participation provision in Section 108(f)(2) of the Local Public Works Capital Development and Investment Act of 1976, as amended (42 U.S.C. sec. 6705(f)(2)). OMB Circular A–102 requires Federal financial assistance recipients to carry out affirmative action to ensure MBE use. The provisions of this circular, according to a September 20, 1979, letter from OMB to the Deputy Assistant Secretary for Community Planning and Development of the Department of Housing and Urban development (HUD), are consistent with implementation by Federal agencies of MBE programs such as this regulation.

Executive Order 12138 directs Federal financial assistance agencies to issue affirmative action regulations to support women's business enterprise.

There is significant general authority for the use of Federal contracts and grants to promote national goals. At least 39 Federal programs use Federal contracts and grants to further goals other than to the primary object of the program, including provisions to promote hiring veterans, purchasing American products and requiring affirmative action in employment by contractors and grantees.

In an area analogous to that covered by Executive Order 11625, for instance, the Federal government has required its contractors to take affirmative steps to promote hiring minority employees in federally funded projects under Executive Order 11246, as amended. Under this Order, courts have approved a variety of affirmative actions including the imposition of specific numerical minority hiring goals. The same principles that courts have held to sanction affirmative action requirements for contractors and grantees under Executive Order 11246 support the affirmative action requirements which this regulation imposes on grantees and their contractors in the area of minority business enterprise.

Current MBE Use

The President, in his Urban Policy Statement, and the Secretary, in DOT Order 4000.7A, have both emphasized the vital role that MBEs are to play in direct Federal and Federally assisted contracting. To date, MBEs have not participated meaningfully in this contracting. While members of minority groups represent approximately 15.7% of the U.S. population according to the 1970 census, they own only 3% of the businesses in the United States. Statistics for women are even more disparate; while they comprise 51% of the population, they own only 4.6% of the businesses.

The statistics in terms of gross receipts also show disparity. For example, women-owned business receipts totaled only 0.3% of all U.S. business receipts in 1972, the most recently available figures. Despite Federal programs of the SBA, the Department of Commerce and others to assist firms owned by minorities, participation in Federally-assisted contracting is negligible. Moreover, these programs place little emphasis on women-owned firms.

In terms of dollars levels, the DOT financial assistance program is far more significant than direct DOT contracting. Unfortunately, MBE participation is at a low level in this program. Over the past three fiscal years, MBE participation has increased only from approximately 1% to 2% of all DOT financial assistance.

In FY 1979, DOT awarded grants of $13.3 billion. Of this amount, $360,456,000 went to minority contractors. In addition, awards of $90,365,000 were made to women-owned firms. This performance must be improved if the Department's goal of encouraging full participation by women- and minority-owned firms is to be realized.

A Civil Rights Commission Report, entitled "Minorities and Women as Government Contractors" (May, 1975), found that little had been done to implement the requirements of OMB Circular A–102 that grantees take affirmative action to ensure MBE use. Implementation had generally been limited to including the circular's language in grant agreements without monitoring and enforcement. The report recommends that Federal agencies "enforce Federal policies and procedures designed to stimulate the development of special contracting programs by state and local governments, including affirmative action programs." The report also recommends the development of a data collection and reporting system to help monitor activities.

Usefulness of Goals

The experience of both the Department and the Economic Development Administration (EDA) of the Department of Commerce indicates that affirmative action and specific MBE requirements significantly increase use of MBEs. The 15% MBE goal of FRA's Northeast Corridor Improvement Program is currently being exceeded by more than 3%. Nearly each time a goal has been placed in a contract let by a DOT recipient, the goal has been met or exceeded. The 10% goal on the Local Public Works Act administered by EDA is also being exceeded.

Interagency Cooperation

As part of its efforts to avoid duplicative or conflicting regulatory requirements, during 1979 DOT participated in an informal Interagency Committee on financial assistance program MBE requirements. The committee, directed by HUD's Deputy Assistant Secretary for Community Planning and Development, included representatives from HUD as well as the Department of the Interior, Environmental Protection Agency, EDA and DOT. The committee drafted standard provisions for important parts of all the participating agencies' MBE rules. To the extent possible, this final rule incorporates the committee's recommendations.

Section-by-Section Analysis

The following portion of the supplemental information discusses each section of the final rule. The analysis describes differences between the final rule and the NPRM and provides the Department's response to comments relevant to each section. It does not discuss each provision of the regulation in detail.

General Structure of the Regulation

The NPRM covered both MBE participation in contracting under DOT financial assistance programs and in contracts awarded directly by DOT. This final rule covers only financial assistance programs. The Department contemplates adding a direct contracts subpart (subpart B) to the rule at a later date. This subpart will implement the Small Business Act, as amended (Pub. L. 95–507). The NPRM proposed essentially parallel provisions for direct contracting and financial assistance programs. However, after consulting with the Office of Federal Procurement Policy, the SBA, the Department of Justice and others, the Department decided that this approach was not appropriate. Instead, DOT will issue a separate rule concerning its direct contracting program. In addition, UMTA expects to publish an NPRM concerning MBE requirements for manufacturers of transit vehicles in the near future. This regulation will become subpart D of Part 23.

Because this final rule no longer addresses direct DOT procurement activities, the language has been changed and references to direct contracts have been deleted. The final rule substitutes "minorities or women" for "socially and economically disadvantaged individuals" and refers simply to "MBEs" instead of "businesses owned and controlled by such individuals." We also have tried to make the language as clear and simple as possible, in keeping with the President's instructions to write rules in "plain English." Editorial changes are not discussed unless they affect the substance of a section.

Subpart A—General

Section 23.1 Purpose

This section states the general purpose and policy behind the regulation and specifies the statutes that it implements in part. The NPRM cites Section 8(d) of the Small Business Act of 1953, as amended by Pub. L. 95–507. This statute has been deleted because it pertains only to direct procurement. However, a reference to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1) has been added. This addition responds to the Department of Justice's comment that minority business activities fall within the purview of Title VI.

Section 23.3 Applicability

Except for editorial changes, this section is the same as the NPRM.

Section 23.5 Definitions

The definition of "compliance" is the same as in the NPRM. However, the definition of "probable compliance" has been deleted. The concept of "probable compliance" is not used in any other DOT civil rights regulation, such as the Title VI regulation and the rules implementing Section 504 of the Rehabilitation Act of 1973. To be consistent with these other regulations, we decided to eliminate the term.

The definition of "contract" has been clarified by adding a sentence pointing out that, for purposes of this rule, a lease is a contract. The definition of "direct contract" has been deleted. The definition of "minority" has been changed in certain respects. First, in response to various comments and to the agreement of the Interagency Committee, the term "minority" has been limited to persons who are citizens or lawful permanent residents of the United States. Second, a "Hispanic" is now defined as a person of Spanish or Portuguese culture with origins in Mexico, South or Central America or the Caribbean Islands. This definition is now consistent with that used by the Interagency Committee and reflects the suggestions of commenters. The major substantive difference between this definition and the one in the NPRM is that it includes persons of Portuguese culture. This change was made to avoid excluding Brazilians, and rests on a policy decision that the program should cover all persons of Latin American origin. The definition deliberately excludes persons of European origin, including persons from Portugal and Spain. Finally, to be consistent with an Interagency Committee definition, the definition of minority has been expanded to include groups or individuals who the SBA considers economically and socially disadvantaged under Section 8(a) of the Small Business Act. This change allows an individual who does not otherwise qualify as a minority (e.g., a white male from an impoverished area of Appalachia) to participate in the MBE program if the SBA finds that he is economically and socially disadvantaged.

The definition of "DOT financial assistance" has been amended to clarify that licenses to construct and operate deep water ports are considered to be a form of DOT financial assistance.

The definition of "minority business enterprise" has been changed in one important respect. The NPRM defines an MBE as a small business concern owned and controlled by socially and economically disadvantaged individuals. The final rule refers to small business concerns owned and controlled by one or more minority persons or by women. The Department is aware that women are not by definition a minority. But to simplify drafting, we will include businesses owned and controlled by women under the general heading of MBE. This will avoid the necessity of repeating "minority-owned enterprises and women-owned enterprises." The Department, however, has retained the substantive provision of the NPRM that requires recipients to set separate goals for businesses owned and controlled by minorities and women. As several commenters noted, separate goals are necessary to permit minority-owned and women-owned firms to participate equitably in the program.

The Department has retained two other requirements set forth in the definition of MBE. First, the MBE must be small as defined by section 3 of the Small Business Act and implementing regulations. Some commenters favored including large as well as small minority- and women-owned businesses in the definition. The Department, however, believes that it should focus its efforts on helping the many small, struggling new enterprises that minorities and women are starting. The resources of the Department and its

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financial aid recipients should not be diverted to large businesses that are already successful. We would point out, however, that small businesses, as defined by the Small Business Act (see SBA regulations at 13 CFR part 121), include the majority of businesses with which DOT recipients have contracts and subcontracts.

Second, the final rule retains the requirements that one or more minority persons or women own at least 51% of the businesses or, in the case of a publicly held business, own at least 51% of the stock. Many commenters argued that this percentage is too large. They pointed out that in order to start businesses, minorities and women often need assistance from non-minorities who will accept at least equal ownership. Thus, these commenters suggested that the ownership requirement be reduced to 50% or less.

The Department believes, however, that the 51% requirement is appropriate because it demonstrates that minorities or women actually own the business and are not fronts for non-minority owners.

In defining the "MBE coordinator," we have eliminated NPRM language referring to the need for the coordinator to cooperate with the director of civil rights of the Departmental element if the director and the MBE coordinator are not the same people. We regard this solely as a matter of internal organization.

The definition of "program" has been expanded and clarified to make it consistent with the scope of the "program" concept in other Federal civil rights regulations. "Program" means "any" undertaking by a recipient to use DOT financial assistance, and specifically includes the entire activity, any part of which DOT funds assist. For example, DOT may provide funds to an airport for the construction or extension of a runway. The requirements of this part apply to the entire activity—the whole airport—a part of which has directly received DOT financial assistance. Consequently, both construction contracts for the runway, and lease agreements with concessionaires in the airport terminal fall under the requirements of this regulation.

In the definition of "recipient," the phrase "including a primary recipient" has been deleted because it is superfluous. Primary recipients are recipients by definition. In the definition of "set-asides," the parallel term "MBE set-aside" is deleted as duplicative. The reference to set-asides as a "procurement technique" has been simplified by deleting the word "procurement." The definition of "socially and economically disadvantaged individual" has been deleted because the rule no longer concerns direct procurement.

Section 23.7 has been added. It prohibits discrimination against any person in contracting opportunities on the basis of race, color, national origin, or sex. This prohibition is inherent in the application of Title VI of the Civil Rights Act of 1964 and other antidiscrimination statutes to the MBE area. However, the Department's Title VI regulation does not contain an explicit prohibition of discrimination specifically concerned with minority business. This prohibition was added to fill this gap and to ensure that this MBE regulation is sufficiently inclusive. This section's prohibitions are similar to those that the Department previously has applied under Title VI. Since complaints of discrimination against MBEs will be handled administratively under this rule rather than under the Title VI regulation, it is useful to include the prohibition here.

It should be pointed out that this revision applies to all persons and businesses. Unlike the definition of MBEs, which includes any small business, this antidiscrimination language applies to large and small businesses alike.

Subpart C—Recipients' Minority Business Enterprise Programs

This subpart derives from subpart C of the NPRM. Subpart B has been reserved for the future addition of material affecting direct DOT procurements.

Section 23.41—General

This section is essentially identical to section 23.41 of the NPRM. Paragraph (a) has been restructured to clarify the categories of applicants that are subject to various affirmative action requirements. DOT licensees under the Deepwater Port Act of 1974 have been added to the list of recipients that must comply with the regulation. The DOT Offices of Civil Rights and General Counsel have determined that deepwater ports licensed by the Department are recipients of Federal financial assistance as defined by section 23.5. In paragraph (g), a reference to the MBE agreement subjecting the recipient to fund cutoff sanctions has been changed. This reference was somewhat confusing, and now states that failure to keep the commitments of the MBE program is deemed noncompliance with the regulation.

This section provides that applications for project approvals or grants are approved only after DOT has approved the applicant's MBE program. Current recipients do not need to submit MBE programs in order to continue to receive funding under their existing approvals. However, MBE programs are required to be approved before any future DOT grant or project or grant approval may be given. In order to give recipients the time they need to prepare MBE plans, and because of the frequency of project approvals in some programs, these approvals may continue for 90 days from the effective date of the rule before the MBE Programs must be approved by DOT. However, contracts let after the MBE Program is approved for projects or grants approved during the 90-day "grace period" are intended to be covered by the MBE program.

Commenters expressed confusion about the meaning of Paragraphs (i) and (j). Paragraph (i) means that contracts solicited or let after the approval date of a recipient's MBE program are covered by the terms of that program. This is true even if a recipient solicits a contract relating to a grant approved before the date the MBE program is approved.

Paragraph (j) states that any manufacturer bidding on a contract to supply transit vehicles to an entity receiving UMTA assistance for their purchase must have a UMTA-approved MBE program. This requirement will be further delineated in a separate UMTA rulemaking, which will culminate in a new subpart D to be added to this Part. Meanwhile, manufacturers should continue to work with UMTA with respect to MBE requirements.

Section 23.43—General Requirements for Recipients

Paragraphs (a) to (c) of this section are substantially identical to section 23.43 of the NPRM. Paragraph (d), concerning lessees, has been added. Section 23.5 defines lessees as firms leasing space on grantees' facilities for operating transportation-related activities or activities providing of goods and services to the facility or the public on the facility. Lessees not meeting these criteria, such as persons who rent space on airport grounds for industrial plants, are not covered by the regulation at all.

The airport concessionaire is probably the most typical lessee covered by the regulation. Other lessees covered by the regulation include providers of food and ground transportation to passengers or store owners renting space on airport concourses and providers of services to airport concourses. The regulation also covers providers of services to the airport itself as well as air

transportation activities such as contractors with on-airport facilities for providing food and fuel to airlines. These kinds of leases may occur at facilities other than airports (e.g., some Amtrak stations), but the provision is most applicable to airports.

Paragraph (d) expressly prohibits recipients from excluding MBEs from becoming lessees by entering into long-term, exclusive agreements with non-MBEs for operating major transportation-related activities that provide goods and services to the facility or to the public on the facility. This provision addresses a specific problem that the Department has encountered at airports in the course of enforcing Title VI. Airports sometimes give a long-term lease to a single business concern to conduct all food service activity or all ground transportation activity at the airport. The exclusive nature of these contracts prohibits any other business, including, by definition, any minority business from participating in any way in that major activity. For example, one airport was about to give a long-term, exclusive contract for taxi service to a large, white-owned taxi company. A small minority-owned taxi company in the area objected to this award in a Title VI complaint to the Department. Finding that the complaint was justified, the Department contacted the airport and negotiated a settlement with the airport and the taxi companies that permitted the minority company to share in the concession.

Paragraph (d)(1) aims at preventing this kind of situation from occurring in the future. It requires recipients to structure their leasing activities so that MBEs have an opportunity to share some portion of major concession and other opportunities. This provision does not require recipients to abrogate or modify existing contracts during their term. However, when the agreements are modified, renewed, renegotiated or resolicited, MBEs must be given the opportunity to participate. This provision prohibits long-term exclusive contracts.

The second part of this paragraph requires recipients that must submit affirmative action plans under section 23.41 (a)(2) or (a)(3) to also submit separate, overall goals for the participation as lessees of firms owned and controlled by minorities and by women. These separate overall goals are required only for recipients that have business opportunities for lessees. The goals are to be based on the same factors as goals for other contractors, and must cover a specified period. Goals for lessees are reviewed at least annually, and whenever they expire. After each review, recipients must submit new goals for Departmental approval. Recipients failing to meet their goals for MBE lessees must demonstrate to the Department in writing that they made reasonable efforts to meet the goals. This requirement is designed to ensure that recipients avoid excluding MBEs from leasing opportunities. It forces them to examine their leasing opportunities, access the availability of MBEs to participate in them and take affirmative action to increase MBE participation. Leasing opportunities, such as those for concessions at airports, are among the benefits created by DOT assistance to transportation facilities. In making these opportunities available to the business community, DOT recipients are obliged to ensure that minority businesses have a fair share.

Except for this requirement, however, recipients are not required to include lessees in other portions of their affirmative action programs. Most of the other provisions of the affirmative action programs are not apt for lessees. It is also important to note that lessees themselves are not subject to the requirement of this part, except for the obligation to avoid discrimination against MBEs.

Section 23.45—Required MBE Program Components

This section describes in detail the requirements placed upon DOT recipients and their contractors. In response to comments and in order to clarify provisions of the regulation, a number of substantive changes have been made from the NPRM.

In paragraph (b)(1), the language of the NPRM referring to the appointment of a "senior-level" liaison officer has been changed. The provision now requires the recipient's chief executive officer to designate an MBE liaison officer and adequate staff to administer the MBE program. This MBE liaison officer reports directly to the chief executive officer. Some commenters thought that the NPRM required hiring new personnel. This is not the case. Depending upon the needs of the organization's needs, the chief executive officer could designate existing officials to perform the liaison functions. Rather than saying that the MBE liaison officer must have "senior-level authority," the final rule simply provides that the liaison officer shall report directly to the chief executive officer. The intent of this requirement is that the person in charge of the MBE program must have direct access to the top decisionmaker of the organization. The liaison officer, in order to carry out the MBE functions properly, should not have to go through a chain of command to reach the top decisionmaker.

Paragraph (d) encourages recipients and contractors to use banks owned and controlled by minorities and women. While commenters wanted this to count toward meeting MBE goals, we disagree. The Department recognizes that successful minority and women-owned banks are necessary for the growth of a viable minority business community. However, the services that banks provide are very different from the types of contracting services [e.g., construction] which MBE goals are designed to foster. Thus, we have decided merely to encourage the use of MBE banks but not to count this toward meeting any goals. Using MBE banks, as such, is not required by the regulation. However, failure to investigate the opportunities to use MBE banks in good faith may cause a recipient to be in noncompliance with the regulation.

Many commenters objected to paragraph (e), which requires recipients to have an MBE directory. They pointed out that compiling a directory would require substantial staff effort and resources. The Department is aware that a good, comprehensive, current MBE directory will take real effort on the part of recipients. We also believe, however, that this effort can be very fruitful. With an accurate, up-to-date directory of MBEs in a given area, recipients and their contractors will know which firms they can use to meet MBE goals. Having that information will make both the contractor's and the recipient's job of complying with the substance of this regulation much easier, and will help increase the real opportunities of minority businesses in the area.

It should be emphasized that this provision does not require each recipient to compile its own MBE directory. In areas where there are several recipients (e.g., an airport, a transit authority and a highway department serving the same metropolitan area), the Department encourages the recipients to pool their efforts and make available one comprehensive area-wide MBE directory. In less densely populated areas, various groupings of state and local government agencies could cooperate on a similar effort. Where national directories of MBEs in certain fields exist, recipients may use them as a starting point.

The language in paragraph (f)(1) has been changed slightly. As in other parts of the regulation, we have deleted language referring to joint ventures in

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addition to MBEs. This deletion makes no substantive change in the rule since eligible MBEs include, by definition, joint ventures.

A sentence has been added to paragraph (f)(2) stating that a prime contractor must make a good faith effort to replace a defaulting MBE with another MBE. This makes the rule consistent with the Interagency Committee position. The Interagency Committee has also provided guidance about the nature of good faith efforts by contractors in this area. They include notifying the recipient immediately of the MBE's inability to perform and the contractor's intent to obtain a substitute MBE. The contractor should also contact available MBE referral services and individual MBEs in an effort to recontract the work of the defaulting firm with another MBE as well as to increase the participation of satisfactory MBEs in the project. If the contractor obtains a substitute MBE, the contractor should notify the recipient immediately and provide it with copies or descriptions of new or amended contracts and a completed certification form for each new MBE.

In the same paragraph, a phrase has been added to the end of the second sentence specifying that the recipient's approval of substitutions is to ensure that the substitute firms are eligible MBEs. The rule does not require recipients to approve the substitute firm in respects other than its MBE eligibility, however.

In order to obtain an MBE replacement, it is possible that a prime contractor will incur extra costs or take extra time. Nothing in this rule is intended to preclude a recipient from modifying or renegotiating a contract in order to compensate the contractor or allow additional time for the completion of the contract. Reasonable extra expenses incurred by the recipient in such a situation are intended to be allowable project expenses reimbursable by DOT in the appropriate funding ratio.

Paragraph (g) of this section, which deals with percentage goals for work awarded to MBEs, is one of the key provisions of the regulation. It has been changed in a number of respects. Subparagraphs (1) and (2) have been clarified. In particular, the subparagraph on contract goals now clearly specifies that the recipient set goals on a specific contract. The bidder or proposer must meet or exceed the goals or demonstrate why it could not despite its best efforts.

Paragraph (g) retains the two-goal structure of the NPRM. Recipients must set overall goals for their programs and contract goals for each contract under the program. Many commenters objected to this two-goal system, favoring one overall goal. The Department, believes, however, that the two-goal approach is necessary to increase MBE participation in programs receiving DOT financial assistance. Contract-specific goals have a short-range focus requiring contractors to seek sufficient MBE participation in each contract. Overall goals require recipients to make long-term plans, requiring recipients to become familiar with existing MBEs and their capabilities. To establish these goals, the recipient must consider not only existing MBEs but also the potential availability of new MBEs and the services they could provide. By requiring recipients to set both short-term and long-term goals, the rule should increase familiarity with and use of MBEs.

Some commenters argued that setting binding goals is illegal because it is equivalent to a quota system. The goal system set forth in this rule differs significantly from an impermissible quota system. Unlike quotas, these goals are flexible. They are not rigid numerical requirements. The recipients set them based on the availability of MBEs and the type of services they perform. More importantly, a recipient or contractor not meeting the numerical goals is not necessarily precluded from winning a contract. If the recipient or the contractor can show that it made reasonable efforts to try to meet the goals, it will be in compliance or can be awarded a contract despite its failure to meet the numerical goals. Goals of this kind are not unlawful.

Subparagraph (3)(ii) is new. This provision requires the recipient to publish a public notice announcing its overall goals when it sends them to the Department for approval. The goals and the methods used to select them must be open for public inspection at the recipient's office for 30 days. The recipients and the Department will accept public comments on the goals for 45 days after the date of the recipient's notice. This provision gives the public generally and the contracting community in particular an opportunity to comment on the recipients proposed overall goals. The comments are strictly informational and will enable both DOT and the recipient to determine how realistic the proposed goals are. This provision is not intended to turn the goal-setting process into notice-and-comment rulemaking. Neither the recipient nor the Department need respond to any of these comments.

The NPRM's subparagraph (5) has been deleted consistent with our previously stated policy to include only small business MBEs in the program.

The language of subparagraph (5) [subparagraph (6) in the NPRM] has been changed. The NPRM stated that, in setting overall goals, recipients must take into account both existing minority firms and "those firms which are likely to be formed." Many commenters objected to this provision, stating that it was futile to speculate on the business plans of individuals unknown to the recipients as a basis for creating a reasonable goal that they would be expected to meet. These commenters also thought that the guideline offered by the NPRM provision—the population of minority groups within the area—appeared inadequate. We have altered the provision in response to these comments. It now says that overall goals shall be based on two considerations: a projection of the number and types of contracts to be awarded by the recipient, and a projection of the number and types of minority businesses likely to be available to compete for contracts from the recipient over the period during which the goals will be in effect. This language, while calling on recipients to make reasonable projections concerning the minority business community in its area, does not invite the degree of speculation called for by the NPRM.

We have rephrased the language in the second part of subparagraph (9) [subparagraph (8) in the NPRM] in response to comments asking for a definition of the geographic area in which recipients are to seek MBEs. The rule now states that recipients must search for MBEs in at least the same area in which they look for non-MBE contractors. If there are too few MBEs in this area, the contractor must expand its search in order to make reasonable efforts to meet overall or contract goals.

The search for MBEs must be expanded only within a reasonable area. A contractor in South Carolina, for example, need not look for plumbing contractors in California. On the other hand, if the contractor needs a specialized kind of subcontractor that is not found as easily as a plumber, it may be reasonable for the contractor to look outside of the region or state where it usually operates. This language does not, however, set precise boundaries for the geographic area; we do not believe this is possible in a general rule of nationwide applicability. The altered language in this section, however, should give recipients more guidance in their search for MBEs while preserving a flexible approach.

One of the most controversial portions of the NPRM was the provision in paragraph (h) of this section that

solicitations under the recipient's MBE programs must require each competitor to submit, with its bid or proposal, the names of MBE subcontractors and the projected dollar value of their work for the competitor on the prime contract. Commenters thought this provision added administrative burdens to all competitors for contracts, including those competitors that were not awarded the contract. It would be costly for competitors, in terms of efforts and salaries, to gather all this information before bidding. Commenters also asserted that this requirement would prove costly and wasteful to recipients who would have to review all of the information supplied by the competitors. This review might slow the procurement process. Commenters also pointed out that this effort would not increase MBE participation since only the successful competitor's MBE efforts would actually result in awarding subcontracts going to MBEs. For long-term contracts, prebid negotiation and commitment to MBEs was viewed as particularly unreasonable and burdensome. Commenters suggested that only the apparent successful competitor should have to locate MBE participants.

The Department is convinced that contractors should be encouraged to deal with MBEs at the earliest possible time. However, commenters have persuaded the Department that it is too costly and administratively burdensome to require all competitors for a contract to submit MBE names with their bids. Consequently the provision has been changed. It now requires all bidders or proposers to submit a written assurance of meeting the contract goals in their bids or proposals. Within a reasonable time after the bids have opened but before the contract is awarded (e.g., 5 to 15 days) the recipient must require all bidders or proposers that wish to stay in competition for the contract to submit the names of MBE subcontractors, a description of the work they are to perform and the dollar value of each proposed MBE subcontract. This approach preserves the value of identifying MBEs before a contract is awarded. However, it reduces the administrative burdens on contractors by imposing the MBE identification requirement only on those bidders or proposers who, after they know their relative competitive position, wish to stay in the running. The recipient sets the time at which bidders or proposers are required to submit the information.

Subparagraph (2) of paragraph (h) listed those activities that demonstrate a competitor's reasonable efforts to meet MBE goals. One way is to advertise a solicitation for specific quotations in trade newsletters for at least 20 days before the bids are due. Commenters objected to this provision, indicating that there are rarely 20 days between the time they learn of a contract and the date bids are due. The final rule states that this requirement applies only when time permits. A shorter reasonable time may be used when the full 20 days are not available. Thus, if a contractor learned of a contract only two weeks before the bid was due, this 20-day requirement would not apply. Nevertheless, the contractor still must advertise its need for solicitations in order to document reasonable efforts. This subparagraph has been redesignated as subparagraph (i)(4) in the final rule.

Another controversial portion of this section in the NPRM stated that, if the bidder or proposer did not meet the MBE goals, price alone was not an acceptable basis on which an MBE sub-bid could be rejected, unless the bidder or proposer could demonstrate to the recipient that it could not get a reasonable price from an MBE. That is, if an MBE does not offer the lowest subcontract price for a job, but its price is reasonable, and the prime contractor cannot otherwise meet its goals, the prime contractor cannot reject the MBE bid and still show "reasonable efforts." The preamble to the NPRM, though not the text of the proposed rule itself, proposed the standard that an MBE price is reasonable if it is within 5 percent of the low bid.

Public comments were mixed on this issue. Some supported the concept of a tolerance in bid prices. Others suggested different percentages for the presumption of "reasonable price" or sliding scales adjusted to the amount of the contract. Many other commenters, particularly in the contractor community, strongly objected to the provision. They argued that any bid tolerance would be inflationary. It would encourage MBEs to increase their bids by the percentage tolerance and thus increase costs unnecessarily. Other commenters stated that bid tolerance violates the concept of competitive bidding since contractors would be forced to accept something other than the lowest bid. Many contractors thought that the provision put them between a rock and hard place. On the one hand, a contractor could accept a relatively high MBE bid and consequently fail to be the low bidder. But on the other hand, that contractor could take a low bid from a non-minority subcontractor and fail to qualify under the "best efforts" requirement for award of the prime contract. Finally, opponents of this provision argued that MBEs must learn sometime to be low bidders in order to succeed in the contracting field.

The rationale for the NPRM provision was that a bid tolerance recognizes that because of difficulty in obtaining financing, start-up costs, less experience, inability to purchase large quantities of supplies and other factors, MBEs' prices may be higher than those of non-MBEs, at least initially. This provision protects MBEs from being rejected when their prices were only slightly higher than a non-minority subcontractor's. The provision also responds to a concern in the minority contracting community that prime contractors and non-MBE subcontractors sometimes agree to beat the price of an MBE by a small amount in order to justify not contracting with it. The percentage presumption was designed to provide an objective standard for the recipient to determine the reasonableness of an MBE price. Otherwise, individual contractors and recipients would be forced to make time-consuming, subjective decisions for each subcontract.

After evaluating the comments and the reasons for the "reasonable price" provision, the Department decided to make a major change in its approach. A new paragraph (i) of the rule, based on UMTA's experience, establishes a conclusive presumption that if one competitor offering a reasonable price meets the MBE contract goal, competitors failing to meet the goal have failed to make sufficient reasonable efforts to do so, and consequently are ineligible to be awarded the contract. Meeting the goal is treated similarly to complying with any other specification of the solicitation which a contractor must meet in order to be responsive.

The way this provision works is best illustrated by a hypothetical example. The XYZ Transit Authority has received the following bids on a contract, for which the MBE goal was 12 percent.

Competitor	Price	MBE Participation
A	$150,000	15%
B	130,000	13%
C	110,000	12%
D	95,000	10%
E	110,000	6%
F	95,000	5%
G	85,000	2%
H	100,000	0%
I	98,000	0%
J	20,000	0%
K	95,000	0%

Competitors A, B and C have met the MBE goal, but competitor C offers the lowest price of the three. The recepient must determine whether C's bid of

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$110,000 is reasonable. To do this, the recipient determines whether it would award the contract to competitor C if the firm had been the only bidder, or whether it would cancel and readvertise because the price was too high. In making this determination, XYZ Transit Authority should be guided by its estimate of the cost of the work. It should also evaluate whether the contract should be awarded at all on the basis of the original solicitation. Resolicitation may be appropriate if the work can be performed less expensively under other specifications or if it appears that bidders misunderstood the specifications.

In the first case, XYZ Transit Authority decides that a reasonable price would lie within $10,000 of its engineer's estimate of $103,000 for the work of the contract. Therefore, since competitor C falls within this reasonable range, it is awarded the contract. Presumably, even though the prices of competitors who did not meet the MBE goal were the same or less than those offered by competitor C, these firms did not make sufficient reasonable efforts to meet the goal. Therefore, competitors D through K are ineligible to be awarded the contract.

In the second case, XYZ Transit Authority has determined that a reasonable price lies within $10,000 of its $90,000 cost estimate for performing work of the contract. Competitor C does not fall within this reasonable range, and consequently is ineligible to be awarded the contract even though it met the MBE goal. The Transit Authority then looks at the competitor having the Highest Percentage of MBE participation among those competitors failing to meet the goal. This is competitor D, whose price of $95,000 falls within the reasonable range. In this case, competitor D is awarded the contract.

In the third case, XYZ Transit Authority has determined that a reasonable price is one within $5,000 of its $80,000 cost estimate for the project. For this reason, competitors A through F are eliminated because their prices exceed the reasonable range. Competitor G, though only having 2 percent MBE participation, falls within the reasonable range, and is awarded the contract. The recipient, as the examples illustrate, begins with the lowest-priced competitor meeting the MBE goals and works downward in order of MBE participation percentage until a competitor with a reasonable price is found.

In the fourth case, XYZ Transit Authority has determined that a reasonable price for the contract is around $65,000. Consequently, all competitors with any MBE participation are eliminated from consideration. So too are competitors H and I, who have no MBE participation. Competitor J is eliminated because its bid of $20,000 clearly rests on a misunderstanding on the specifications. This leaves only competitor K. Since competitor K has failed to obtain any MBE participation, it must demonstrate to XYZ Transit that its failure came despite sufficient reasonable efforts to meet the MBE contract goal. It makes this demonstration by documenting its efforts, including its attendance at a prebid meeting to inform MBEs of subcontracting opportunities, its advertisements aimed at minority business, its written notifications to minority businesses about the contract, its efforts to select portions of the work to be performed by MBEs, its efforts to negotiate with MBEs for specific subcontracts, its reasons why these negotiations did not succeed, its efforts to assist MBEs in obtaining bonding and insurance, and its reasons for viewing MBEs that it had contacted as unqualified to perform the contract, if this was the case. If XYZ Transit concludes that competitor K made sufficient reasonable efforts, K gets the contract. If not, XYZ Transit Authority is left with the choice of revising its idea of a reasonable price or readvertising the contract.

As the hypothetical example shows, this approach has two important advantages. First, it reduces the paperwork and compliance burdens placed upon recipients and contractors. Recipients do not need to monitor contractors' activities to determine precisely how they are going about obtaining MBE subcontractors in terms of their prices and the percentage of MBE participation. This approach focuses on how successful competitors are in obtaining MBE participation; thus, it largely eliminates the necessity for recipients to oversee the methods that competitors use to identify MBE subcontractors. In addition, this approach uses the competitive incentives of the marketplace to achieve the goals of the regulation. Competitors for prime contracts will know that their success in obtaining MBE participation is, like their price, a key factor in determining whether they will be awarded the contract. By tying eligibility for contract award to relative performance in obtaining MBE participation, this approach is likely to provide powerful motivation to contractors to find MBE subcontractors. At the same time, this provision never requires recipients to spend more for a contract than they believe is reasonable. In the experience of UMTA, this approach has proven highly successful, resulting in increased MBE participation within reasonable cost limits. Nevertheless, the Department recognizes that this system will be new to recipients of DOT financial assistance from other operating administrations. Consequently, we are particularly interested in receiving comments concerning the implementation of this provision during the extended comment period. Based on their experience implementing this provision, recipients and contractors who believe that another mechanism would work better are invited to suggest improvements.

Subparagraph (7) of paragraph (h) in the NPRM required contractors to keep records for three years after performance to show their compliance with the MBE program. Commenters objected to this provision, arguing that it is excessive and would drive up contractor's cost since additional personnel would be required to maintain the records. The Department agrees that such records are unnecessary and has deleted this subparagraph.

The remainder of this section is unchanged. In particular, paragraph (k) [paragraph (j) in the NPRM], which allows for the use of set-asides, remains part of the regulation. A set-aside is a procurement technique that limits consideration of bids on a given contract to those submitted by MBEs. The theory behind set-aside is that many MBEs are relatively young, small and struggling. Consequently, they are less likely than the more established non-MBEs to win some kinds of contracts in the open market. Therefore, in order to improve opportunities for MBEs, the NPRM proposed that recipients could restrict the scope of the market so that MBEs compete only among themselves for a given contract. The intent is that through this device, MBEs may be nurtured and grow to take their place eventually as full-fledged competitors in the marketplace.

Many commenters, particularly contractors and a few transit agencies, generally opposed set-asides. Most opponents did not offer any specific objections, although some argued that there were not enough MBEs to make set-asides work or that set-asides were inflationary and could exacerbate the problem of sham MBEs. Other contractors, including some state departments of transportation, some contractors and some minority organizations, supported set-asides.

The Department believes that set-asides are an important tool to enable recipients to meet MBE goals and encourage recipients to use them. Where not prohibited by state or local law, recipients may determine that set-asides are necessary to meet their goals and establish procedures for set-asides. If a recipient concludes that state or local law prevents using set-asides, the Department may examine the validity of the legal rationale upon which this conclusion is based.

The Department takes the position that set-asides are a tool that recipients should use to meet their overall goals, particularly when other means of meeting those goals are unsuccessful. If a recipient fails to meet its overall goals, is not prohibited by state or local law from using set-asides, and chooses not to use set-asides, the recipient may be subject to being found in noncompliance with this regulation on the grounds of having failed to make all reasonable and necessary efforts to meet its goals.

The Department has decided to retain the requirement that MBE set-asides may only be used if there are at least three capable MBEs to bid on the contract. Although several commenters argued that often there are not three such MBEs, the Department believes that without this requirement, the components of a successful competitive bidding process would not exist.

Section 23.47—Counting MBE Participation Toward Meeting MBE Goals

This section derives from Section 23.9 of the NPRM. Under paragraph (a) of this section, as in the NPRM, the total dollar value of a contract awarded to an MBE is counted toward applicable MBE goals.

The material in paragraph (b) was contained in paragraph (c) of the NPRM. It provides that a recipient will count the dollar amount of a contract awarded to an MBE owned and controlled by minority males and white females toward both minority and female goals in proportion to the ownership percentage of each group in the business. For example, if a $1 million contract were awarded to a firm owned in equal shares by two black males, one Hispanic male and one white female, $750,000 would be credited toward the minority goal and $250,000 toward the female goal.

A new provision in this paragraph provides that a recipient may assign the dollar amount of a contract awarded to a firm owned by minority women either entirely to the minority goal or entirely to the female goal, but not to both. Commenters suggested several ways to count the dollar value of contracts awarded to those firms. Some favored a hard and fast rule which would always assign the dollar values to minority goals, while others favored always assigning the dollar values to women's goals. Some commenters favored the approach adopted in the final rule. The Department believes that this provision avoids double counting, but gives recipients some flexibility in meeting their goals.

The material contained in paragraph (b) of the NPRM has been split into paragraphs (c) and (d) in the final rule. Paragraph (c) describes the method for counting contracts awarded to joint ventures. A recipient should count toward its goals only that percentage of the dollar amount of the contract equal to the percentage of the ownership of the joint venture vested in the MBE.

Paragraph (d) of the final rule addresses the problem of using MBEs as mere "brokers." One problem that has arisen in MBE programs is that, in an attempt to meet MBE goals without providing substantive work to MBEs, contracting agencies have sometimes hired an MBE as a mere broker. For example, the contracting agency may award a $1 million contract to a legitimate MBE. The MBE, in turn, subcontracts virtually all of the work to non-minority firms. In this transaction, the MBE performs no commercially useful functions. The practice may help the recipient to meet its goals, but the MBE does little if anything in terms of normal industry practices to justify its existence as part of the operation. This paragraph attempts to discourage such practices. Only expenditures to MBE contractors performing a commercially useful function in the work of a contract may be credited to the recipient's goals. An MBE is considered to perform a commercially useful function when it is responsible for the execution of a distinct element of the work of the contract and carries out its responsibilities by actively performing, managing, and supervising the work involved. The recipient's determination about whether an MBE contractor performs a useful function includes an evaluation of the amount of work subcontracted, industry practices and other relevant factors.

Consistent with industry practice, an MBE contractor may enter into some subcontracts. However, when an MBE contractor subcontracts a significantly greater portion of the work of a contract than would be expected on the basis of normal industry practice, the firm is presumed to be a mere passive conduit or broker, rather than to be performing a commercially useful function. The firm may present evidence to rebut this presumption (e.g., the magnitude of subcontracting was reasonable in light of unusual circumstances). The recipient's decision on the rebuttal of this presumption is subject to Departmental review.

A new paragraph (e), added to accommodate material developed by the Interagency Committee, addresses credit for supplies and materials furnished by MBEs. Recipients may credit such expenditures toward their goals provided that the MBEs assume the actual contractural responsibilities for furnishing the supplies and materials and also manufacture them. For these purposes, a manufacturer is a supplier that either produces goods from raw materials or substantially alters them before resale. When the supplier is not the manufacturer, the recipient may credit toward its goal 20 percent of the expenditure to the supplier, as long as the supplier performs a commercially useful function in the transaction.

Section 23.49—Maintenance of Records and Reports

This section is basically unchanged from section 23.47 of the NPRM. It will not become effective until it is cleared by the Office of Management and Budget (OMB). The Department will inform the public through the **Federal Register** when OMB clearance is received. One subparagraph has been added to the end of the section. It specifies that data pertaining to minority-owned businesses, women-owned businesses, and firms not owned by minorities will be separated in records and reports. This "breakout" requirement will simplify the Department's monitoring of the program.

Section 23.51—Certification of Eligibility of Minority Business Enterprises

This section and section 23.53 have been moved from Subpart A in the NPRM to Subpart C in the final rule because they apply to financial assistance programs. They will not apply to direct contracting programs when these are added to Part 23.

Paragraph (a) was clarified but is unchanged substantively from the NPRM. In addition, there are no substantive changes in the provisions of paragraph (b), which establish a basic requirement for completing and submitting Schedules A and B by firms seeking to be considered as MBEs. The rule requires that every business wishing to participate as an MBE submit a completed Schedule A. Businesses wishing to participate as joint ventures must submit a completed Schedule B. The MBE joint venture partner also completes a Schedule A. This

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requirement goes into effect only when the Office of Management and Budget approves Schedule A and B.

Paragraph (c), which is new, describes the circumstances under which a business seeking to participate as an MBE need not submit Schedules A and B. One such circumstance would be where the recipient has established an MBE certification system different from that established in this rule. DOT recipients are free to establish such systems. The recipient, however, must demonstrate to DOT that its system is at least as effective as that established in the rule and must receive the Department's concurrence. In such a case, the potential MBE contractor would have to submit information required by the recipient's system rather than that called for by Schedules A and B. This paragraph was added in response to comments that requested greater flexibility in the certification requirements.

Paragraph (c) also provides safeguards against duplicated effort. These safeguards are parallel to, but clearer than, the now-deleted portions of paragraph (b). A potential MBE contractor does not need to submit additional information to the DOT recipient if it has already submitted the same information to or has been certified by that recipient, any element of DOT or another Federal agency that uses essentially the same MBE definitions and ownership and control criteria as DOT (e.g., other Federal agencies participating in the Interagency Committee). It is the recipient's responsibility to obtain information and evidence of certification from the other agency.

Several commenters suggested that the recipient should be able to rely on another agency's certification. As long as the other agency is part of DOT or another Federal agency that uses essentially the same criteria as DOT's, we agree. However, we have decided not to extend this "full faith and credit" to certifications by other recipients. One agency's certification of an MBE would serve as evidence of an MBE's eligibility, but not as conclusive proof. Finally, paragraph (c) provides that a potential MBE contractor need not obtain certification under DOT procedures if the Small Business Administration has determined that the contractor is owned and controlled by socially and economically disadvantaged persons.

Section 23.53—Eligibility Standards

A new section entitled "Eligibility Standards" has been developed. It describes the standards that recipients must use to determine whether a firm is actually owned or controlled by minorities or women. This section, which includes information that was in paragraph (c) through (j) of Section 23.7 of the NPRM, contains certain substantive changes.

For consistency with the Interagency Committee guidelines, material has been added to the standards requiring that an eligible MBE be an independent business. The new material points out that even though a business may be regarded as independent for some purposes (e.g., taxation), it may not qualify as independent for MBE certification.

Some commenters suggested that we not use independence as a criterion for eligibility since this would prevent affiliates of non-MBE firms from being certified as MBEs. We do not agree. An affiliate could qualify for MBE certification on its own if it were recognized as a separate business entity for tax or corporate purposes and met other MBE criteria. Such recognition is not sufficient for MBE certification, but it is one factor to be considered. In determining eligibility, DOT recipients must consider all relevant factors, including the potential MBE's resources and relationships with other businesses.

Commenters disagreed on the degree to which recipients must scrutinize a potential MBE before certifying it. Some thought that recipients should use only information provided in Schedules A and B. These commenters stated that further probing would make any decision too subjective and also would be time-consuming. Other commenters believed that it is necessary to investigate both the form and the substance of the MBE in depth before determining eligibility. While the regulation does not specify the depth of investigation, the recipient is obliged to ensure that the MBEs in its program are eligible. The recipient is best situated to determine how much scrutiny is necessary, but this determination is ultimately subject to DOT review.

The final paragraph of this section has been expanded and clarified. It now provides that recipients shall safeguard information obtained for determining eligibility that may reasonably be regarded as confidential. This information may not be disclosed to unauthorized persons, consistent with Federal, state and local law (e.g., the Freedom of Information Act and state equivalents).

Section 23.55—Appeals of Denials of Certification as an MBE

Section 23.55 has been added to this subpart. It concerns appeals of denial of certification as an MBE and is substantively the same as section 23.61 of the NPRM.

Subpart E—Enforcement and Compliance

This subpart, formerly subpart D in the NPRM, sets forth the means by which the Department will ensure that recipients and their contractors comply with the regulations. It has been redesignated subpart E so that subpart D could be reserved for the UMTA Transit Vehicle Manufacturer Requirements, to be added later by a separate rulemaking. Sections 23.71, 23.77 and 23.79 have been reserved for sections to be added by a later issuance concerning DOT's direct contracting program.

Section 23.73—Complaints

This section is little changed from section 23.63 of the NPRM. Commenters questioned whether certain provisions in this section accorded recipients their full due process rights. Subparagraph (a) permits the Secretary to extend or waive the time limit for filing complaints. Commenters argued that this provision would subject recipients to liability indefinitely, which would be inconsistent with due process. First, the Department expects this provision to be used infrequently and only to prevent clear injustices. Second, this language is typical of Federal civil rights enforcement provisions and is consistent with the Department's Title VI and 504 regulations. Third, the rule requires that the Secretary must state, in writing, the reasons for the extension. This requirement should prevent frivolous and unwarranted time limit extensions.

Commenters suggested that third parties be permitted to file complaints. Paragraph (a) in the NPRM allowed these parties only to inform the Secretary of possible violations, but this information was not treated as a complaint. The rationale for this provision was the view that only persons adversely affected should be able to file complaints. Also, once a third party had informed the Secretary of a possible violation, there could be a DOT compliance review that would explore any violation by the recipient. While because of these factors, calling a communication to the Department "complaint" or not probably will not be crucial, we decided to permit third parties to file "complaints," lest the public believe that DOT listens less intently to information provided by third parties. In the Department's Title VI experience, moreover, third parties have provided some of the most important complaints the Department has received.

We have deleted the phrase in paragraph (b) stating that the Secretary will promptly investigate any complaint that the Comptroller General is not reviewing. This phrase referred only to direct DOT contracting. We have also deleted the phrase "investigative merit" from this subparagraph. The Department will be able to determine which complaints deserve further investigation, and which should be dismissed as frivolous.

Commenters suggested that DOT add subpoena power to paragraph (c) to ensure a full investigation of complaints. The subparagraph allows the Department only to request information from respondents. Although the power to subpoena respondent's records or other information may be helpful in an investigation, this power can be granted to agencies only by statute. Congress has not acted to grant the Department this authority. However, since the refusal to provide needed information is itself noncompliance, the Department's efforts to obtain information should have considerable "clout."

The last due process problem commenters cited in this section arises in paragraph (e). This paragraph states that the complainant's identity shall be kept confidential. Commenters argued that this violates due process, which requires the accused to face his or her accuser. Providing for the confidentiality of complainants is typical of Federal civil rights enforcement practice and is consistent with our own title VI regulations. Furthermore, the Department believes that concealing the accuser's identity may help to prevent any retaliatory acts the respondent might take against the complainant. Although subparagraph (e) prohibits such actions, keeping the complainant's identity confidential provides an additional protection.

It should be pointed out that subparagraph (e) provides for waiving the privilege if it would be likely to hinder the investigation. In practice, however, the Department's experience is that a complainant's identity rarely remains concealed. In the majority of cases, complainants and respondents know each other. Nevertheless, we have retained this provision to ensure confidentiality in those infrequent cases where the respondent does not know the complainant (e.g., a "whistle-blower" in the respondent's organization who wants to remain anonymous) and investigation can proceed without involving the complainant personally.

Section 23.75—Compliance Reviews

With one exception, this section is substantively identical to section 23.65 of the NPRM. The term "reasonable cause to believe that the recipient is not in compliance" has been substituted for the term "probable noncompliance." The "reasonable cause" language seeks to reflect accurately the state of the compliance proceeding at this stage—that is, based on the investigation, enough evidence has been gathered to lead a reasonable person to believe that a recipient is not in compliance. While the evidence is sufficient to initiate conciliation proceedings, it is not necessarily sufficient to permit a finding of noncompliance that would support a cutoff of funds to the recipient. The term "probable noncompliance" may imply a prejudgment of "guilt," and so is less appropriate to this stage of the proceedings.

Section 23.81—Conciliation Procedures for Financial Assistance Programs

This section derives from section 23.71 of the NPRM. We substituted the "reasonable cause" language (as in section 23.75) for the phrase "probable noncompliance." Two substantive changes were made. The last sentence of paragraph (a) has been changed to set a minimum length of 30 days for the conciliation process.

Subparagraph (a)(2), replacing the open-ended time span for conciliation of the NPRM, sets a 120-day time limit for conciliation. After this period has elapsed, the Department begins sanctions, when the head of the responsible office of civil rights makes a written determination that an extension of the conciliation period is necessary. The extension shall be no longer than 30 days, and may be renewed by another written determination. The determination must include reasons for the extension, and must be provided to the complainant and respondent.

The reason for this provision is to place some time pressure on the Department and the respondent so that the conciliation period is not unduly prolonged. At the same time, if additional time is necessary, the responsible Office of Civil Rights may obtain it by making a written, reasoned statement of the necessity for the extension.

Section 23.83—Enforcement Proceedings for Financial Assistance Programs

The material in this section was formerly in section 23.73 of the NPRM. The NPRM's reference to 49 CFR 21.15 and 21.17 has been changed to refer to DOT's procedures for enforcing Title VI of the Civil Rights Act of 1964, 49 CFR Part 21. The Department is currently under revising Part 21. Referring to it generally, rather than to particular sections, will eliminate the necessity for later amendments to the MBE rule.

Section 23.85—Emergency Enforcement Procedure

This section is considerably different from the NPRM. The NPRM provision established an expedited emergency enforcement procedure to decide cases of alleged noncompliance on their merits. Commenters questioned whether this procedure was necessary and whether the section was fully consistent with the Department's administrative due process obligations. In considering these comments, the Department concluded that the most significant purpose of the procedure was to maintain the status quo in a fast-breaking situation so that irrevocable commitments of resources under DOT-assisted programs would not be made while serious allegations of noncompliance were pending. Consequently, the section has been revised to provide for what is, in effect, an administrative restraining order procedure. The procedure is triggered when the Secretary determines that conciliation and enforcement proceedings sef forth in sections 23.81 and 23.83 will not result in the timely and adequate enforcement of the provisions of this part. In such a case an emergency reasonable cause notice is sent to the recipient. It describes the areas of alleged noncompliance and explains why the normal course of conciliation and enforcement pursuant to sections 23.81 and 23.83 will be ineffectual. It also requires the recipient to show cause within 15 days (in most cases) why appropriate action to ensure compliance, which is described in the notice should not be taken. Appropriate action entails halting all or any part of the recipient's contracting activities affected by the recipient's alleged noncompliance until the matter is resolved under sections 23.81 or 23.83. This action does not affect existing contracts. When the Secretary makes an order under this paragraph, resolution of the alleged noncompliance must be expedited. The recipient may respond in writing or orally on the record before an official appointed by the Secretary before the Secretary makes a decision. The Secretary must review the recipient's submission before making such decision.

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Section 23.87—Willful Provision of Incorrect Information

This section is identical to section 23.77 to the NPRM.

Schedules A and B

Schedules A and B, which prospective MBE firms must complete and submit to recipients, closely resemble those in the NPRM. Commenters complained that the forms were too long and complicated. They argued that the information requested was too detailed and would require MBEs to hire additional employees, at great expense, just to complete the forms. The result, commenters said, would be to deter MBEs, thus defeating the Department's goal of increasing their participation in DOT-funded programs.

The Department requires the forms to prevent fraud. As noted earlier, it is a common problem in MBE programs that purported minority firms "front" for non-minority firms. The Department believes that having to complete these forms and attest to their accuracy will deter fraudulent firms from participating in the program. It will also provide recipients with the information necessary to determine the eligibility of proposed MBE subcontractors. In response to commenters' suggestions and Interagency Committee decision, Schedules A and B have been simplified and refined. Like the recordkeeping requirements of section 23.49, the requirement to use these forms will not go into effect until OMB clears them. When this happens, we will inform the public in the **Federal Register**.

The Department of Transportation, pursuant to its Regulatory Policies and Procedures implementing Executive Order 12044, has determined that this is a significant regulation. It affects a wide variety of public and private organizations throughout the nation and has aroused considerable public and Congressional interest. It also affects all of DOT's operating administrations. However, the Department has determined that a regulatory analysis in connection with this rule is unnecessary. A regulatory evaluation has been prepared, and is available for public inspection in the docket for this rulemaking.

Issued at Washington, D.C., March 17, 1980.

Neil Goldschmidt

Secretary of Transportation.

Therefore, a new Part 23 of Title 49, Code of Federal Regulations, is added to read as follows:

PART 23—PARTICIPATION BY MINORITY BUSINESS ENTERPRISE IN DEPARTMENT OF TRANSPORTATION PROGRAMS

Subpart A—General

Sec.

23.1 Purpose.
23.3 Applicability.
23.5 Definitions.
23.7 Discrimination Prohibited.

Subpart B—[Reserved]

Subpart C—Department of Transportation Financial Assistance Programs

23.41 General.
23.43 General Requirements for Recipients.
23.45 Required MBE Program Components.
23.47 Counting MBE Participation toward Meeting MBE Goals.
23.49 Maintenance of Records and Reports.
23.51 Certification of the Eligibility of Minority Business Enterprises.
23.53 Eligibility Standards.
23.55 Appeals of Denials of Certification as an MBE.

Subpart D—[Reserved]

Subpart E—Compliance and Enforcement

23.71 [Reserved]
23.73 Complaints.
23.75 Compliance Reviews.
23.77 [Reserved]
23.79 [Reserved]
23.81 Conciliation Procedures for Financial Assistance Programs.
23.83 Enforcement Proceedings for Financial Assistance Programs.
23.85 Emergency Enforcement Procedure.
23.87 Willful Provison of Incorrect Information.

Schedule A—Information for Determining Minority Business Enterprise Eligibility.
Schedule B—Information for Determining Joint Venture Eligibility.

Subpart A—General

§ 23.1 Purpose.

(a) The purpose of this part is to carry out the Department of Transportation's policy of supporting the fullest possible participation of firms owned and controlled by minorities and women, (MBEs) in Department of Transportation programs. This includes assisting MBEs throughout the life of contracts in which they participate.

(b) This part implements in part section 905 of the Railroad Revitalization and Regulatory Reform Act of 1978 (45 U.S.C. 803); section 30 of the Airport and Airway Development Act of 1970, as amended (49 U.S.C. 1730); section 19 of the Urban Mass Transportation Act of 1964, as amended (Pub. L. 95-599); Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.); and Title 23 of the U.S. Code (relating to highways and highway safety). This regulation supersedes all DOT regulations issued previously under these authorities, insofar as such regulations affect minority business enterprise matters in DOT financial assistance programs.

§ 23.2 Applicability.

This part applies to any DOT program through which funds are made available to members of the public for accomplishing DOT's purposes. Contracts and subcontracts which are to be performed entirely outside the United States, its possessions, Puerto Rico, and the North Mariana Islands, are exempted from this part.

§ 23.5 Definitions.

"Affirmative action" means taking specific steps to eliminate discrimination and its effects, to ensure nondiscriminatory results and practices in the future, and to involve minority business enterprises fully in contracts and programs funded by the Department.

"Applicant" means one who submits an application, request, or plan to be approved by a Departmental official or by a primary recipient as a condition to eligibility for DOT financial assistance; and "application" means such an application, request, or plan.

"Compliance" means the condition existing when a recipient or contractor has met and implemented the requirements of this part.

"Contract" means a mutually binding legal relationship or any modification thereof obligating the seller to furnish supplies or services, including construction, and the buyer to pay for them. For purposes of this part, a lease is a contract.

"Contractor" means one who participates, through a contract or subcontract, in any program covered by this part, and includes lessees.

"Department" or "DOT" means the Department of Transportation, including its operating elements.

"DOT-assisted contract" means any contract or modification of a contract between a recipient and a contractor which is paid for in whole or in part with DOT financial assistance or any contract or modification of a contract between a recipient and a lessee.

"DOT financial assistance" means financial aid provided by the Department or the United States Railroad Association to a recipient, but does not include a direct contract. The financial aid may be provided directly in the form of actual money, or indirectly in the form of guarantees authorized by statute as financial assistance services of Federal personnel, title or other

interest in real or personal property transferred for less than fair market value, or any other arrangement through which the recipient benefits financially, including licenses for the construction or operation of a Deep Water Port.

"Departmental element" means the following parts of DOT:

(a) The Office of the Secretary (OST);
(b) The Federal Aviation Administration (FAA);
(c) The United States Coast Guard (USCG);
(d) The Federal Highway Administration (FHWA);
(e) The Federal Railroad Administration (FRA);
(f) The National Highway Traffic Safety Administration (NHTSA);
(g) The Urban Mass Transportation Administration (UMTA);
(h) The St. Lawrence Seaway Development Corporation (SLSDC); and
(i) The Research and Special Programs Administration (RSPA).

"Joint venture" means an association of two or more businesses to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills, and knowledge.

"Lessee" means a business or person that leases, or is negotiating to lease, property from a recipient or the Department on the recipient's or Department's facility for the purpose of operating a transportation-related activity or for the provision of goods or services to the facility or to the public on the facility.

"Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

(a) Black (a person having origins in any of the black racial groups of Africa);
(b) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race);
(c) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands); or
(d) American Indian and Alaskan Native (a person having origins in any of the original peoples of North America.)
(e) Members of other groups, or other individuals, found to be economically and socially disadvantaged by the Small Business Administration under section 8(a) of the Small Business Act, as amended (15 U.S.C. 637(a)).

"Minority business enterprise" or "MBE" means a small business concern, as defined pursuant to section 3 of the Small Business Act and implementing regulations, which is owned and controlled by one or more minorities or women. This definition applies only to financial assistance programs. For the purposes of this part, owned and controlled means a business:

(a) Which is at least 51 per centum owned by one or more minorities or women or, in the case of a publicly owned business, at least 51 per centum of the stock of which is owned by one or more minorities or women; and

(b) Whose management and daily business operations are controlled by one or more such individuals.

"MBE coordinator" means the official designated by the head of the Department element to have overall responsibility for promotion of minority business enterprise in his/her Departmental element.

"Noncompliance" means the condition existing when a recipient or contractor has failed to implement the requirements of this part.

"Primary recipient" is a recipient who receives DOT financial assistance and passes some or all of this assistance on to another recipient.

"Program" means any undertaking by a recipient to use DOT financial assistance, and includes the entire activity any part of which receives DOT financial assistance.

"Recipient" means any entity, public or private, to whom DOT financial assistance is extended, directly or through another recipient for any program.

"Secretary" means the Secretary of transportation or any person whom he/she has designated to act for him/her.

"Set-aside" means a technique which limits consideration of bids or proposals to those submitted by MBEs.

§ 23.7 Discrimination prohibited.

No person shall be excluded from participation in, denied the benefits of, or otherwise discriminated against in connection with the award and performance of any contract covered by this Part, on the grounds of race, color, national origin, or sex.

Subpart B—[Reserved]

Subpart C—Department of Transportation Financial Assistance Programs

§ 23.41 General.

(a) *Responsibilities of Applicants and Recipients.*

(1) All applicants and recipients shall follow the requirements of section 23.43.

(2) Applicants and recipients in the following categories who will let DOT-assisted contracts shall implement an MBE program containing the elements set forth in section 23.45(e)–(i). This program shall be submitted for approval to the DOT element concerned with the application for financial assistance or project approval.

(i) Applicants for funds in excess of $250,000 exclusive of transit vehicle purchases under sections 3, 5, and 17 of the Urban Mass Transportation Act of 1964, as amended, and Federal Aid Urban Systems;

(ii) Applicants for funds in excess of $100,000 under sections 6 and 8 of the Urban Mass Transportation Act of 1964, as amended;

(iii) Applicants for Section 402 program funds of the National Highway Traffic Safety Administration;

(iv) Applicants for funds in excess of $250,000 awarded by the Federal Aviation Administration to general aviation airports;

(v) Applicants for funds in excess of $400,000 awarded by the Federal Aviation Administration to non-hub airports; and

(iv) Applicants for planning funds in excess of $75,000 awarded by the Federal Aviation Administration.

(vii) Licensees or applicants for a license under the Deepwater Port Act of 1974 (33 U.S.C. 1501 *et seq.*).

(3) All applicants and recipients in the following categories who will let DOT-assisted contracts shall implement an MBE program containing all the elements set forth in section 23.45. The program shall be submitted for approval to the DOT element concerned with the application for assistance or project approval.

(i) Applicants for Federal-aid highway program funds;

(ii) Applicants for funds in excess of $500,000 exclusive of transit vehicle purchases under sections 3, 5, and 17 of the Urban Mass Transportation Act of 1964, as amended, and Federal Aid Urban Systems;

(iii) Applicants for funds in excess of $200,000 under sections 6 and 8 of the Urban Mass Transportation Act of 1964, as amended;

(iv) Applicants for funds in excess of $500,000 awarded by the Federal Aviation Administration to large, medium and small hub airports; and

(v) Applicants for financial assistance programs, including loan guarantees, by the Federal Railroad Administration and the United States Railway Association.

(b) *Approval Requirement.* Applications and funding agreements are signed and authorizations to proceed are approved only after the applicant's MBE program has been approved by the Departmental element. This requirement applies to applications, authorizations to proceed requested by Federal-aid highway program recipients, and

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requests for draw downs from the U.S. Railway Association submitted 90 days or more following the effective date of this part.

(c) *Effect of agreement.* The MBE program prepared by the applicant and the commitment made by the applicant to carry out the MBE program is incorporated into and becomes part of this agreement and subsequent financial assistance agreements. The agreement between the Department and the recipient shall contractually bind the recipient to the commitments made in the MBE program, as approved by the Department. Failure to keep these commitments shall be deemed noncompliance with this Part. Once submitted and approved, an MBE program is applicable to all DOT-assisted contracts solicited and let by the applicant after the approval date of the MBE program regardless of the approval date of the grant or project under which the contracts are let.

(d) *Other MBE Programs.* (1) Applicants meeting the criteria set forth in paragraph (a) (2) and (3) of this section who have formulated MBE programs under previous requirements of DOT or other agencies shall revise these programs to conform to the requirements of this part prior to the approval of their next application.

(2) An MBE program approved by one Departmental element is acceptable to all Departmental elements. Applicants having an approved MBE program are not required to resubmit the program or to produce a new program for future applications, as long as all requirements for approval continue to be met and implementation of the program is achieving compliance. The Departmental element reassesses its approval of the MBE program of continuing recipients at least annually.

(e) *Transit Vehicle Manufacturers.* Transit vehicle manufacturers who wish to bid on UMTA-assisted transit vehicle procurement contracts shall have a UMTA-approved MBE program. Each UMTA recipient shall require these manufacturers to certify that they have such a program as a condition for bidding on UMTA-assisted contracts.

(f) *Exemptions.* The head of the Departmental element may, under appropriate circumstances, and with the concurrence of the Secretary, grant deviations or exemptions from this subpart. A request for deviation or exemption from this subpart shall be in writing and shall include a showing as to how the particular situation is exceptional and how the modified program complies substantially with this part. If the applicant asserts that State or local law prohibits it from including a particular provision in its program, the applicant shall provide copies of all legal citations supporting the claim.

§ 23.43 General requirements for recipients.

(a) Each recipient shall agree to abide by the statements in paragraphs (a) (1) and (2) of this section. These statements shall be included in the recipient's DOT financial assistance agreement and in all subsequent agreements between the recipient and any subrecipient and in all subsequent DOT-assisted contracts between recipients or subrecipients and any contractor.

(1) *"Policy.* It is the policy of the Department of Transportation that minority business enterprises as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently the MBE requirements of 49 CFR Part 23 apply to this agreement.

(2) *"MBE Obligation.* (i) The recipient or its contractor agrees to ensure that minority business enterprises as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement. In this regard all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts."

(b) Each DOT financial assistance agreement shall include the following: "If as a condition of assistance the recipient has submitted and the Department has approved a minority business enterprise affirmative action program which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program the Department shall impose such sanctions as noted in 49 CFR Part 23, Subpart E, which sanctions may include termination of the agreement or other measures that may affect the ability of the recipient to obtain future DOT financial assistance."

(c) The recipient shall advise each subrecipient, contractor, or subcontractor that failure to carry out the requirements set forth in § 23.43(a) shall constitute a breach of contract and, after the notification of the Department, may result in termination of the agreement or contract by the recipient or such remedy as the recipient deems appropriate.

(d) Recipients shall take action concerning lessees as follows:

(1) Recipients shall not exclude MBEs from participation in business opportunities by entering into long-term, exclusive agreements with non-MBEs for the operation of major transportation-related activities or major activities for the provision of goods and services to the facility or to the public on the facility.

(2) Recipients required to submit affirmative action programs under section 23.41 (a)(2) or (a)(3) that have business opportunities for lessees shall submit to the Department for approval with their programs overall goals for the participation as lessees of firms owned and controlled by minorities and firms owned and controlled by women. These goals shall be for a specified period of time and shall be based on the factors listed in section 23.45(g)(5). Recipients shall review these goals at least annually, and whenever the goals expire. The review shall analyze projected versus actual MBE participation during the period covered by the review and any changes in factual circumstances affecting the selection of goals. Following each review, the recipient shall submit new overall goals to the Department for approval. Recipients that fail to meet their goals for MBE lessees shall demonstrate to the Department in writing that they made reasonable efforts to meet the goals.

(3) Except as provided in this section, recipients are not required to include lessees in their affirmative action programs. Lessees themselves are not subject to the requirements of this Part, except for the obligation of section 23.7 to avoid discrimination against MBEs.

§ 23.45 Required MBE program components.

(a) *A policy statement, expressing a commitment to use MBEs in all aspects of contracting to the maximum extent feasible.* (1) The applicant's policymaking body (Board, Council, etc.) shall issue a policy statement, signed by the chairperson, which expresses its commitment to the program, outlines the various levels of responsibility and states the objectives of the program. The policy statement shall be circulated

throughout the applicant's organization and to minority, female, and nonminority community and business organizations.

(b) *The designation of liaison officer, as well as such support staff as may be necessary and proper to administer the program, and a description of the authority, responsibility, and duties of the liaison officer and support staff.* (1) The Chief Executive Officer of the recipient shall designate an MBE liaison officer and adequate staff to administer the MBE program. The MBE liaison officer shall report directly to the Chief Executive Officer.

(2) The MBE liaison officer shall be responsible for developing, managing, and implementing the MBE program on a day-to-day basis; for carrying out technical assistance activities for MBEs; and for disseminating information on available business opportunities so that MBEs are provided an equitable opportunity to bid on the applicant's contracts.

(c) *Procedures to ensure that MBEs have an equitable opportunity to compete for contracts and subcontracts.* The recipient shall develop and use affirmative action techniques to facilitate MBE participation in contracting activities. These techniques include:

(1) Arranging solicitations, time for the presentation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation MBEs.

(2) Providing assistance to MBEs in overcoming barriers such as the inability to obtain bonding, financing, or technical assistance.

(3) Carrying out information and communications programs on contracting procedures and specific contracting opportunities in a timely manner, with such programs being bilingual where appropriate.

(d) *Opportunities for the use of banks owned and controlled by minorities or women.* (1) The recipient shall thoroughly investigate the full extent of services offered by banks owned and controlled by minorities or women in its community and make the greatest feasible use of these banks.

(2) Recipients shall also encourage prime contractors to use the services of banks owned and controlled by minorities or women.

(e) *MBE directory.* (1) The recipient shall have available a directory or source list to facilitate identifying MBEs with capabilities relevant to general contracting requirements and to particular solicitations. The recipient shall make the directory available to bidders and proposers in their efforts to meet the MBE requirements. It shall specify which firms the Department, recipient, or the Small Business Administration has determined to be eligible MBEs in accordance with procedures set forth in this subpart.

(f) *Procedures to ascertain the eligibility of MBEs and joint ventures involving MBEs.* (1) To ensure that its MBE program benefits only firms owned and controlled by minorities or women, the recipient shall certify the eligibility of MBEs and joint ventures involving MBEs that are named by the competitors in accordance with this subpart. Recipients may, at their own discretion, accept certifications made by other DOT recipients.

(2) Recipients shall require their prime contractors to make good faith efforts to replace an MBE subcontractor that is unable to perform successfully with another MBE. The recipient shall approve all substitutions of subcontractors before bid opening and during contract performance, in order to ensure that the substitute firms are eligible MBEs.

(g) *Percentage goals for the dollar value of work to be awarded to MBEs.* (1) Once the recipient has reviewed proposed contracting to identify those contracting activities which have the greatest potential for MBE participation, the recipient shall set goals that are practical and related to the potential availability of MBEs in desired areas of expertise.

(2) The applicant/recipient shall establish two types of MBE goals:

(i) Overall goals for its entire MBE program, for a specified period of time (e.g. one year), or for a specific project, (e.g. the construction of a facility); and

(ii) Contract goals on each specific prime contract with subcontracting possibilities, which the bidder or proposer must meet or exceed or demonstrate that it could not meet despite its best efforts.

(3)(i) Recipients shall submit their overall goals and a description of the methodology used in establishing them with their MBE program. When the overall goals expire, new overall goals shall be set and submitted to the Department for approval. Contract goals need not be submitted in the applicant's MBE program, but the program shall contain a description of the methodology to be used in establishing them. Contract goals may require approval by the Department prior to contract solicitation.

(ii) At the time the recipient submits its overall goals to the Department for approval, the recipient shall publish a notice announcing these goals, informing the public that the goals and a description of how they were selected are available for inspection during normal business hours at the principal office of the recipient for 30 days following the date of the notice, and informing the public that the Department and the recipient will accept comments on the goals for 45 days from the date of the notice. The notice shall include addresses to which comments may be sent, and shall be published in general circulation media and available minority-focus media and trade association publications, and shall state that the comments are for informational purposes only.

(4) Recipients shall set separate overall and contract goals for firms owned and controlled by minorities and firms owned and controlled by women.

(5) The applicant shall consider the following factors in setting overall goals:

(i) Overall goals shall be based on projection of the number and types of contracts to be awarded by the applicant and a projection of the number and types of MBEs likely to be available to compete for contracts from the recipient over the period during which the goals will be in effect.

(ii) Overall goals shall also be based on past results of the applicant's/recipient's efforts to contract with MBEs and the reasons for the high or low level of those results.

(6) The applicant/recipient shall review the overall goals at least annually. The review process shall analyze projected versus actual MBE participation during the previous year. The necessary revisions shall be made based on the analysis and submitted to the Department for approval.

(7) Goals shall be set for specific contracts based on the known availability of qualified MBEs.

(8) Recipients and contractors shall, at a minimum, seek MBEs in the same geographic area in which they seek contractors or subcontractors generally for a given solicitation. If the recipient or contractor cannot meet the goals using MBEs from this geographic area, the recipient or contractor, as part of its efforts to meet the goal, shall expand its search to a reasonable wider geographic area.

(h) *Procedures to require that participating MBEs are identifed by name by competitors for contracts.* Recipients shall indicate, in solicitations for DOT-assisted contracts that provide opportunities for MBE participation, goals for the use of firms owned and controlled by minorities and firms owned and controlled by women. Solicitations shall require all bidders/proposers to submit a written assurance of meeting the goals in their bids or proposals. Within a reasonable time

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after the opening of bids and before the award of the contract, the recipient shall require all bidders or proposers wishing to remain in competition for the contract to submit the names of MBE subcontractors, a description of the work each is to perform, and the dollar value of each proposed MBE subcontract. The recipient shall set the time at which bidders and proposers are required to submit this information and inform bidders and proposers of this time in the solicitation. Agreements between a bidder/proposer and an MBE in which the MBE promises not to provide subcontracting quotations to other bidders/proposers are prohibited.

(i) Selection Criteria To Ensure That Prime Contracts Are Awarded to Competitors That Meet MBE Goals. (1) If any competitor offering a reasonable price meets the MBE contract goal, the recipient shall presume conclusively that all competitors that failed to meet the goal have failed to exert sufficient reasonable efforts and consequently are ineligible to be awarded the contract.

(2) To implement this presumption, the recipient shall determine whether the competitor offering the lowest price of firms meeting the MBE contract goal has offered a reasonable price for the contract. If the recipient determines that this competitor has offered a reasonable price, the recipient shall award the contract to the firm. If the recipient determines that this competitor's price is not reasonable, it shall consider next the price offered by the competitor with the highest percentage of MBE participation of those firms that failed to meet the goal. If the recipient determines that this price is reasonable, it shall award the contract to this competitor. If the recipient determines that this price is not reasonable, the recipient shall consider the other competitors that failed to meet the goal in order of their percentage of MBE participation until it selects one with a reasonable price. If the recipient determines that no competitor with MBE participation has offered a reasonable price, the recipient may award the contract to any competitor that demonstrates that it has made sufficient reasonable efforts to meet the MBE contract goal.

(3) To decide whether a price offered by a competitor is reasonable, the recipient shall use the same criteria that it would use to determine whether, if the competitor had made the only offer to perform the contract, the recipient would award the contract.

(4) To demonstrate sufficient reasonable efforts to meet the MBE contract goal, a contractor shall document the steps it has taken to obtain MBE participation, including but not limited to the following:

(i) Attendance at a pre-bid meeting, if any, scheduled by the recipient to inform MBEs of subcontracting opportunities under a given solicitation;

(ii) Advertisement in general circulation media, trade association publications, and minority-focus media for at least 20 days before bids or proposals are due. If 20 days are not available, publication for a shorter reasonable time is acceptable;

(iii) Written notification to MBEs that their interest in the contract is solicited;

(iv) Efforts made to select portions of the work proposed to be performed by MBEs in order to increase the likelihood of achieving the stated goal;

(v) Efforts to negotiate with MBEs for specific subbids including at a minimum:

(A) The names, addresses, and telephone numbers of MBEs that were contacted;

(B) A description of the information provided to MBEs regarding the plans and specifications for portions of the work to be performed; and

(C) A statement of why additional agreements with MBEs, were not reached;

(vi) Concerning each MBE the competitor contacted but rejected as unqualified, the reasons for the competitor's conclusion;

(vii) Effort made to assist the MBEs contacted that needed assistance in obtaining bonding or insurance required by the competitor or recipient.

(5) Competitors that fail to meet MBE goals and fail to demonstrate sufficient reasonable efforts shall not be eligible to be awarded the contract.

(6) To ensure that all obligations under contracts awarded to MBEs are met, the recipient shall review the contractor's MBE involvement efforts during the performance of the contract. The contractor shall bring to the attention of the recipient any situation in which regularly scheduled progress payments are not made to MBE subcontractors.

(7) The specific solicitation language incorporating the requirements of this subsection shall be included in the MBE program.

(j) *A description of the methods by which the recipient will require subrecipients, contractors, and subcontractors to comply with applicable MBE requirements.* (1) The recipient shall include in its MBE program a description and the specific language of any preconditions to subgrants or contracts pertaining to the use of MBEs, including subcontracting programs, it awards with DOT funds in addition to those required by this section. It shall specify on what size and/or type of contracts and subgrants it includes such preconditions. The description shall contain a summary of the ways the recipient provides help to its subrecipients, contractors, and subcontractors in drafting and implementing their programs for using MBEs. The description shall also include the means by which the recipient enforces the requirements placed on subrecipients, contractors and subcontractors.

(2) Any MBE subcontracting programs required by the recipient in addition to those required by this section shall be submitted to the recipient by the apparent successful bidder/proposer. The bidders/proposers shall be advised in the solicitation that failure to submit the additional MBE subcontracting program shall make the bidder/proposer ineligible for award.

(k) *Procedures by which the applicant/recipient will implement MBE set-asides.* Where not prohibited by state or local law and determined by the recipient to be necessary to meet MBE goals, procedures to implement MBE set-asides shall be established. MBE set-asides shall be used only in cases where at least three MBEs with capabilities consistent with contract requirements exist so as to permit competition.

§ 23.47 Counting MBE participation toward meeting MBE goals.

MBE participation shall be counted toward meeting MBE goals set in accordance with this subpart as follows:

(a) Once a firm is determined to be an eligible MBE in accordance with this subpart, the total dollar value of the contract awarded to the MBE is counted toward the applicable MBE goals.

(b) The total dollar value of a contract to an MBE owned and controlled by both minority males and non-minority females is counted toward the goals for minorities and women, respectively, in proportion to the percentage of ownership and control of each group in the business. The total dollar value of a contract with an MBE owned and controlled by minority women is counted toward either the minority goal or the goal for women, but not to both. The contractor or recipient employing the firm may choose the goal to which the contract value is applied.

(c) A recipient or contractor may count toward its MBE goals a portion of the total dollar value of a contract with a joint venture eligible under the standards of this subpart equal to the percentage of the ownership and controls of the MBE partner in the joint venture.

(d)(1) A recipient or contractor may count toward its MBE goals only expenditures to MBEs that perform a commercially useful function in the work of a contract. An MBE is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carrying out its responsibilities by actually performing, managing, and supervising the work involved. To determine whether an MBE is performing a commercially useful function, the recipient or contractor shall evaluate the amount of work subcontracted, industry practices, and other relevant factors.

(2) Consistent with normal industry practices, an MBE may enter into subcontracts. If an MBE contractor subcontracts a significantly greater portion of the work of the contract than would be expected on the basis of normal industry practices, the MBE shall be presumed not to be performing a commercially useful function. The MBE may present evidence to rebut this presumption to the recipient. The recipient's decision on the rebuttal of this presumption is subject to review by the Department.

(e) A recipient or contractor may count toward its MBE goals expenditures for materials and supplies obtained from MBE suppliers and manufacturers, provided that the MBEs assume the actual and contractual responsibility for the provision of the materials and supplies.

(1) The recipient or contractor may count its entire expenditure to an MBE manufacturer (i.e., a supplier that produces goods from raw materials or substantially alters them before resale).

(2) The recipient may count 20 percent of its expenditures to MBE suppliers that are not manufacturers, provided that the MBE supplier performs a commercially useful function in the supply process.

§ 23.49 Maintenance of records and reports.

(a) In order to monitor the progress of its MBE program the applicant/recipient shall develop a recordkeeping system which will identify and assess MBE contract awards, prime contractors' progress in achieving MBE subcontract goals, and other MBE affirmative action efforts.

(b) Specifically, the applicant/recipient shall maintain records showing:

(1) Procedures which have been adopted to comply with the requirements of this part.

(2) Awards to MBEs. These awards shall be measured against projected MBE awards and/or MBE goals. To assist in this effort, the applicant shall obtain regular reports from prime contractors on their progress in meeting contractual MBE obligations.

(3) Specific efforts to identify and award contracts to MBEs.

(c) Records shall be available upon the request of an authorized officer or employee of the government.

(d)(1) The recipient shall submit reports conforming in frequency and format to existing contract reporting requirements of the applicable Departmental element. Where no such contract reporting requirements exist, MBE reports shall be submitted quarterly.

(2) These reports shall include as a minimum:

(i) The number of contracts awarded to MBEs;

(ii) A description of the general categories of contracts awarded to MBEs;

(iii) The dollar value of contracts awarded to MBEs;

(iv) The percentage of the dollar value of all contracts awarded during this period which were awarded to MBEs; and

(v) An indication of whether and the extent of which the percentage met or exceeded the goal specified in the application.

(3) The records and reports required by this section shall provide information relating to firms owned and controlled by minorities separately from information relating to firms owned and controlled by women. If the records and reports include any 8(a) contractors that are not minorities or women, information concerning these contractors shall also be recorded and reported separately.

§ 23.51 Certification of the eligibility of minority business enterprises.

(a) To ensure that this part benefits only MBEs which are owned and controlled in both form and substance by one or more minorities or women, DOT recipients shall use Schedules A and B (reproduced at the end of this Part) to certify firms who wish to participate as MBEs in DOT under this part.

(b) Except as provided in paragraph (c) of this section, each business, including the MBE partner in a joint venture, wishing to participate as a MBE under this part in a DOT-assisted contract shall complete and submit Schedue A. Each entity wishing to participate as a joint venture MBE under this part in DOT-assisted contracts shall in addition complete and submit Schedule B. The schedule(s) shall be signed and notarized by the authorized representative of the business entity. A business seeking certification as an MBE shall submit the required schedules with its bid or proposal for transmission to the contracting agency involved.

(c) Under the following circumstances, a business seeking to participate as an MBE under this subpart need not submit schedule A or B:

(1) If a DOT recipient has established a different certification process that DOT has determined to be as or more effective than the process provided for by this section. Where such a process exists, potential MBE contractors shall submit the information required by the recipient's process.

(2) If the potential MBE contractor states in writing that it has submitted the same information to or has been certified by the DOT recipient involved, any DOT element, or another Federal agency that uses essentially the same definition and ownership and control criteria as DOT. The potential MBE contractor shall obtain the information and certification (if any) from the other agency and submit it to the recipient or cause the other agency to submit it. The recipient may rely upon such a certification. Where another agency has collected information but not made a determination concerning eligibility, the DOT recipient shall make its own determination based on the information it has obtained from the other agency.

(3) If the potential MBE contractor has been determined by the Small Business Administration to be owned and controlled by socially and economically disadvantaged individuals under section 8(a) of the Small Business Act, as amended.

§ 23.53 Eligibility standards.

(a) The following standards shall be used by recipients in determining whether a firm is owned and controlled by one or more minorities or women is and shall therefore be eligible to be certified as an MBE. Businesses aggrieved by the determination may appeal in accordance with procedures set forth in § 23.55.

(1) Bona fide minority group membership shall be established on the basis of the individual's claim that he or she is a member of a minority group and is so regarded by that particular minority community. However, the recipient is not required to accept this claim if it determines the claim to be invalid.

(2) An eligible minority business enterprise under this part shall be an independent business. The ownership and control by minorities or women shall be real, substantial, and continuing and shall go beyond the *pro forma*

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ownership of the firm as reflected in its ownership documents. The minority or women owners shall enjoy the customary incidents of ownership and shall share in the risks and profits commensurate with their ownership interests, as demonstrated by a examination of the substance rather than form of arrangements. Recognition of the business as a separate entity for tax or corporate purposes is not necessarily sufficient for recognition as an MBE. In determining whether a potential MBE is an independent business, DOT recipients shall consider all relevant factors, including the date the business was established, the adequacy of its resources for the work of the contract, and the degree to which financial, equipment leasing, and other relationships with nonminority firms vary from industry practice.

(3) The minority or women owners shall also possess the power to direct or cause the direction of the management and policies of the firm and to make the day-to-day as well as major decisions on matters of management, policy, and operations. The firm shall not be subject to any formal or informal restrictions which limit the customary discretion of the minority or women owners. There shall be no restrictions through, for example, bylaw provisions, partnership agreements, or charter requirements for cumulative voting rights or otherwise that prevent the minority or women owners, without the cooperation or vote of any owner who is not a minority or woman, from making a business decision of the firm.

(4) If the owners of the firm who are not minorities or women are disproportionately responsible for the operation of the firm, then the firm is not controlled by minorities or women and shall not be considered an MBE within the meaning of this part. Where the actual management of the firm is contracted out to individuals other than the owner, those persons who have the ultimate power to hire and fire the managers can, for the purposes of this part, be considered as controlling the business.

(5) All securities which constitute ownership and/or control of a corporation for purposes of establishing it as an MBE under this part shall be held directly by minorities or women. No securities held in trust, or by any guardian for a minor, shall be considered as held by minority or women in determining the ownership or control of a corporation.

(6) The contributions of capital or expertise by the minority or women owners to acquire their interests in the firm shall be real and substantial. Examples of insufficient contributions include a promise to contribute capital, a note payable to the firm or its owners who are not socially and economically disadvantaged, or the mere participation as an employee, rather than as a manager.

(b) In addition to the above standards, DOT recipients shall give special consideration to the following circumstances in determining eligibility under this part.

(1) Newly formed firms and firms whose ownership and/or control has changed since the date of the advertisement of the contract are closely scrutinized to determine the reasons for the timing of the formation of or change in the firm.

(2) A previous and/or continuing employer-employee relationship between or among present owners is carefully reviewed to ensure that the employee-owner has management responsibilities and capabilities discussed in this section.

(3) Any relationship between an MBE and a business which is not an MBE which has an interest in the MBE is carefully reviewed to determine if the interest of the non-MBE conflicts with the ownership and control requirements of this section.

(c) A joint venture is eligible under this part if the MBE partner of the joint venture meets the standards for an eligible MBE set forth above and the MBE partner is responsible for a clearly defined portion of the work to be performed and shares in the ownership, control, management responsibilities, risks, and profits of the joint venture.

(d) A joint venture is eligible to compete in an MBE set-aside under this part if the MBE partner of the joint venture meets the standards of an eligible MBE set forth above, and the MBE partner's share in the ownership, control, and management responsibilities, risks, and profits of the joint venture is at least 51 percent and the MBE partner is responsible for a clearly defined portion of the work to be performed.

(e) A business wishing to be certified as an MBE or joint venture MBE by a DOT recipient shall cooperate with the recipient in supplying additional information which may be requested in order to make a determination.

(f) Once certified, an MBE shall update its submission annually by submitting a new Schedule A or certifying that the Schedule A on file is still accurate. At any time there is a change in ownership or control of the firm, the MBE shall submit a new schedule A.

(g) Except as provided in section 23.55, the denial of a certification by the Department or a recipient shall be final, for that contract and other contracts being let by the recipient at the time of the denial of certification. MBEs and joint ventures denied certification may correct deficiencies in their ownership and control and apply for certification only for future contracts.

(h) Recipients shall safeguard from disclosure to unauthorized persons information that reasonably may be regarded as confidential business information, consistent with Federal, state and local law.

§ 23.55 Appeals of denials of certification as an MBE.

(a) *Filing.* Any firm which believes that it has been wrongly denied certification as an MBE or joint venture under sections 23.51 and 23.53 by the Department or a recipient of DOT financial assistance may file an appeal in writing, signed and dated, with the Department. The appeal shall be filed no later than 180 days after the date of denial of certification. The Secretary may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reasons for so doing. Third parties who have reason to believe that another firm has been wrongly denied or granted certification as an MBE or joint venture may advise the Secretary. This information is not considered an appeal pursuant to this section.

(b) *Decision to Investigate.* The Secretary ensures that a prompt investigation is made pursuant to prescribed DOT Title VI investigation procedures.

(c) *Status of Certification During the Investigation.* The Secretary may at his/her discretion, deny the MBE or joint venture in question eligibility to participate as an MBE DOT-assisted contracts let during the pendancy of the investigation, after providing the MBE or joint venture in question an opportunity to show cause by written statement to the Secretary why this should not occur.

(d) *Cooperation in Investigation.* All parties shall cooperate fully with the investigation. Failure or refusal to furnish requested information or other failure to cooperate is a violation of this part.

(e) *Determinations.* The Secretary makes one of the following determinations and informs the MBE or joint venture in writing of the reasons for the determination:

(1) The MBE or joint venture is certified; or

(2) The MBE or joint venture is not eligible to be certified and is denied eligibility to participate as an MBE in any direct or DOT-assisted contract until a new application for certification is approved by the recipient.

Subpart D—[Reserved]

Subpart E—Compliance and Enforcement

§ 23.71 [Reserved]

§ 23.73 Complaints.

(a) *Filing.* Any person who believes himself or herself, another person, or any specific class of individuals to be subjected to a violation of this part may file a complaint in writing, signed and dated, with the Department. The complaint shall be filed no later than 180 days after the date of an alleged violation or the dates on which a continuing course of conduct in violation of this part was disclosed. The Secretary may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

(b) *Investigations.* The Secretary ensures that a prompt investigation is made pursuant to prescribed DOT Title VI investigation procedures.

(c) *Cooperation in Investigation.* The respondent to the complaint shall cooperate fully with the investigation. Failure or refusal by the respondent to furnish requested information or other failure to cooperate is a violation of this part.

(d) *Determinations.* Upon completion of the investigation, the Secretary informs the recipient or contractor and complainant of the results of the investigation in writing. If the investigation indicates a failure to comply with this part, the conciliation procedures of § 23.81 and, if necessary, the enforcement procedures of § 23.83 are followed.

(e) *Intimidation or Retaliation Acts Prohibited.* No recipient, contractor, or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this part, or because he or she made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential at their election during the conduct of any investigation, proceeding, or hearing under this part. But when such confidentiality is likely to hinder the investigation the complainant shall be advised for the purpose of waiving the privilege.

§ 23.75 Compliance reviews of recipients.

(a) *Desk Audit.* All compliance reviews conducted after financial assistance has been approved or contracts have been awarded begin with a desk audit. The desk audit is a review of all material and information concerning the recipient's MBE performance.

(b) *On-Site Review.* An on-site review includes interviews, visits to project or facility sites receiving DOT funds, and inspection of any statistical or documentary materials relevant to the recipient's performance which were not available for review during the desk audit.

(c) *Cooperation.* The recipient shall cooperate fully with these reviews. Failure or refusal to furnish requested information or failure to cooperate is a violation of this part.

(d) *Determination.* As a result of its review of the recipient, the Departmental element civil rights staff makes one of the following determinations:

(1) The recipient is in compliance with its MBE obligations; or

(2) There is reasonable cause to believe that the recipient is not in compliance with its MBE obligations in certain specified respects. Proceedings shall be begun in accordance with § 23.81 and, if necessary, § 23.83.

§ 23.77 [Reserved]

§ 23.79 [Reserved]

§ 23.81 Conciliation procedures for financial assistance programs.

(a) *Reasonable Cause Notice.* Whenever the responsible office of civil rights makes a determination of reasonable cause to believe that a recipient is in noncompliance, a notice is sent promptly and in writing by registered mail, return receipt requested, describing the areas of noncompliance requiring the applicant or recipient to show cause within 30 days why enforcement proceedings or other appropriate action to ensure compliance should not be instituted and offering the recipient an opportunity to conciliate. The responsible office of civil rights shall pursue conciliation efforts for at least 30 days from the date of the reasonable cause notice.

(1) *Successful conciliation.* If a conciliation agreement is signed by the Departmental element's office of civil rights and recipient, it is approved or disapproved by the head of the Departmental element within 20 days of receiving it. If the head of the Departmental element disapproves the agreement, the reasons therefor are stated in writing. The head of the Departmental element may propose amendments to the agreement which are forwarded to the recipient, requesting the recipient's acceptance or rejection of the amended agreement within 20 days of receipt.

(2) *Unsuccessful conciliation.* If no agreement is signed within 120 days of the notice of reasonable cause enforcement proceedings set forth in § 23.83 begin. The head of the responsible office of civil rights, upon a written determination that an additional 30 days are needed to complete conciliation, may extend the conciliation period for 30 days. Subsequent extensions may be made upon such written determinations. The determinations shall include reasons for the extension and shall be provided to the complainant and respondent.

(b) *Effect of conciliation agreement.* If a conciliation agreement is approved, the existence of the determination of noncompliance does not act as a bar to the provision of financial assistance as long as the terms of the agreement are fulfilled. A compliance review is conducted by the Department element within nine months of the approval of an agreement.

§ 23.83 Enforcement proceedings for financial assistance programs.

(a) Whenever conciliation efforts pursuant to § 23.81 are unsuccessful, enforcement proceedings begin. These proceedings are conducted in accordance with the Department's procedures for enforcing Title VI (49 CFR Part 21).

(b) A finding of noncompliance and the imposition of any sanction pursuant to these proceedings is binding on all other Departmental elements. Sanctions are limited to the recipient with respect to whom the noncompliance finding has been made and to the particular program or activity, or part thereof, in which noncompliance has been found.

§ 23.85 Emergency enforcement procedure.

(a) *General.* Whenever the Secretary determines that the conciliation and enforcement proceedings set forth in §§ 23.81 and 23.83 will not result in the timely and adequate enforcement of the provisions of this Part, he/she initiates special enforcement procedures to obtain compliance.

(b) *Emergency Reasonable Cause Notice.* A notice is sent, registered mail, return receipt requested, describing the areas of alleged noncompliance, setting forth the reasons why the normal course of conciliation and enforcement pursuant to §§ 23.81 and 23.83 will not result in timely and adequate

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enforcement, and requiring the recipient to show cause, within a specified period of time, generally not to exceed 15 days, why appropriate action, described in the notice, to ensure compliance should not be taken. The notice states that the recipient must respond in writing or orally on the record before an official appointed by the Secretary or the proposed action will be taken.

(c) *Decision.* If the Secretary, after reviewing the recipient's oral or written response, determines that such action is necessary, he/she orders that all or any part of the contracting activities of the recipient affected by the recipient's alleged noncompliance be halted until the matter is resolved under §§ 23.81 or 23.83. The Secretary's action under this paragraph may not affect any contract already awarded. When the Secretary makes an order under this paragraph, resolution of the matter shall proceed on an expedited basis.

§ 23.87 Willful provision of incorrect information.

If, at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, it shall refer the matter to the General Counsel of the Department. He/she may initiate debarment procedures in accordance with 41 CFR 1–1.604 and 12–1.602 and/or refer the matter to the Department of Justice under 18 U.S.C. 1001, as he/she deems appropriate.

Schedule A—Information for Determining Minority Business Enterprise eligibility

1. Name of firm ———
2. Address of firm ———
3. Phone Number of firm ———
4. Indicate whether firm is sole proprietorship, partnership, joint venture, corporation or other business entity (please specify) ———
5. Nature of firm's business ———
6. Years firm has been in business ———
7. Ownership of firm: Identify those who own 5 percent or more of the firm's ownership. Columns e and f need be filled out only if the firm is less than 100 percent minority owned.

a Name	b Race	c Sex	d Years of ownership	e Ownership percentage	f Voting percentage

With firms less than 100 percent minority owned, list the contributions of money, equipment, real estate, or expertise of each of the owners.

8. Control of firm: (a) Identify by name, race, sex, and title in the firm those individuals (including owners and non-owners) who are responsible for day-to-day management and policy decisionmaking, including, but not limited to, those with prime responsibility for:
(1) Financial decisions ———
(2) Management decisions, such as—
a. Estimating ———
b. Marketing and sales ———
c. Hiring and firing of management personnel ———
d. Purchases of major items or supplies ———
(3) Supervision of field operations ———

9. For each of those listed in question 8, provide a *brief* summary of the person's experience and number of years with the firm, indicating the person's qualifications for the responsibilities given him or her.

10. Describe or attach a copy of any stock options or other ownership options that are outstanding, and any agreements between owners or between owners and third parties which restrict ownership or control of minority owners.

11. Identify any owner (see item 7) or management official (see item 8) of the named firm who is or has been an employee of another firm that has an ownership interest in or a present business relationship with the named firm. Present business relationships include shared space, equipment, financing, or employees as well as both firms having some of the same owners.

12. What are the gross receipts of the firm for each of the last two years?
Year ending ———
$ ———
Year ending ———
$ ———

13. Name of bonding company, if any: ———
Bonding limit ———
Source of letters of credit, if any ———

14. Are you authorized to do business in the state as well as locally, including all necessary business licenses?

15. Indicate if this firm or other firms with any of the same officers have previously received or been denied certification or participation as an MBE and describe the circumstances. Indicate the name of the certifying authority and the date of such certification or denial.

Affidavit

"The undersigned swears that the foregoing statements are true and correct and include all material information necessary to identify and explain the operations of ——— (name of firm) as well as the ownership thereof. Further, the undersigned agrees to provide through the prime contractor or, if no prime, directly to the grantee current, complete and accurate information regarding actual work performed on the project, the payment therefor and any proposed changes, if any, of the foregoing arrangements and to permit the audit and examination of books, records and files of the named firm. Any material misrepresentation will be grounds for terminating any contract which may be awarded and for initiating action under Federal or State laws concerning false statements."

Note.—If, after filing this Schedule A and before the work of this firm is completed on the contract covered by this regulation, there is any significant change in the information submitted, you must inform the grantee of the change through the prime contractor or, if no prime contractor, inform the grantee directly.

Signature ———
Name ———
Title ———
Date ———

Corporate Seal (where appropriate).

Date ———
State of ———
County of ———

On this — day of ——, 19—, before me appeared (Name) ———, to me personally known, who, being duly sworn, did execute the foregoing affidavit, and did state that he or she was properly authorized by (Name of firm) ——— to execute the affidavit and did so as his or her free act and deed.

[Seal]
Notary Public ———
Commission expires ———

Schedule B—Information for Determining Joint Venture Eligibility

(This form need not be filled in if all joint venture firms are minority owned.)

1. Name of joint venture ———
2. Address of joint venture ———
3. Phone number of joint venture ———
4. Identify the firms which comprise the joint venture. (The MBE partner must complete Schedule A.) ———
(a) Describe the role of the MBE firm in the joint venture. ———

(b) Describe very briefly the experience and business qualifications of each non-MBE joint venturer: ———

5. Nature of the joint venture's business ———

6. Provide a copy of the joint venture agreement.

7. What is the claimed percentage of MBE ownership? ———

8. Ownship of joint venture: (This need not be filled in if described in the joint venture agreement, provided by question 6.)
(a) Profit and loss sharing.
(b) Capital contributions, including equipment.
(c) Other applicable ownership interests.

9. Control of and participation in this contract. Identify by name, race, sex, and "firm" those individuals (and their titles) who are responsible for day-to-day management and policy decisionmaking, including, but not limited to, those with prime responsibility for:
(a) Financial decisions ———
(b) Management decisions, such as:
(1) Estimating ———
(2) Marketing and sales ———
(3) Hiring and firing of management personnel ———
(4) Purchasing of major items or supplies ———
(c) Supervision of field operations

Note.—If, after filing this Schedule B and before the completion of the joint venture's work on the contract covered by this regulation, there is any significant change in the information submitted, the joint venture must inform the grantee, either directly or through the prime contractor if the joint venture is a subcontractor.

Affidavit

"The undersigned swear that the foregoing statements are correct and include all material information necessary to identify and explain the terms and operation of our joint venture and the intended participation by each joint venturer in the undertaking. Further, the undersigned covenant and agree to provide to the grantee current, complete and accurate information regarding actual joint venture work and the payment therefor and any proposed changes in any of the joint venture arrangements and to permit the audit and examination of the books, records and files of the joint venture, or those of each joint venturer relevant to the joint venture, by authorized representatives of the grantee or the Federal funding agency. Any material misrepresentation will be grounds for terminating any contract which may be awarded and for initiating action under Federal or State laws concerning false statements."

Name of Firm	Name of Firm
Signature	Signature
Name	Name
Title	Title
Date	Date"

Date ———
State of ———
County of ———

On this — day of ——, 19—, before me appeared (Name) ———, to me personally known, who, being duly sworn, did execute the foregoing affidavit, and did state that he or she was properly authorized by (Name of firm) ——— to execute the affidavit and did so as his or her free act and deed.

Notary Public ———
Commission expires ———

[Seal]

Date ———
State of ———
County of ———

On this — day of ——, 19—, before me appeared (Name) ———, to me personally known, who, being duly sworn, did execute the foregoing affidavit, and did state that he or she was properly authorized by (Name of firm) ——— to execute the affidavit and did so as his or her free act and deed.

Notary Public ———
Commission expires ———

[Seal]

[FR Doc. 80-9659 Filed 3-31-80; 8:45 am]
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federal register

Monday
March 31, 1980

Part VII

Department of Energy

Economic Regulatory Administration

Mandatory Petroleum Allocation Regulations; Crude Oil Buy/Sell Program

V 4 5 / 6 3 MR 31 80 UMI

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 211

[Docket No. ERA-R-80-07]

Mandatory Petroleum Allocation Regulations; Crude Oil Buy/Sell Program Procedural Amendments

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final Rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is amending certain provisions of the Crude Oil Buy/Sell Program dealing with emergency allocations for small refiners. The amendments adopted today correct the address to which applications for emergency allocations are to be submitted, change submission date for the applications, and codify existing ERA policy requiring that each applicant for an emergency allocation serve a copy of the application on each refiner-seller. These amendments are adopted to facilitate the processing of applications for emergency allocations of crude oil under the Buy/Sell Program. The amendments effect procedural changes only and represent no substantive change in the regulations.

DATES: The Rule is effective May 1, 1980 and will apply to applications for emergency allocations for the month of June 1980 and thereafter. Comments are due no later than April 15, 1980.

ADDRESSES: Send all comments to Department of Energy, Economic Regulatory Administration, Office of Public Hearing Management, Room 2313, Docket No. ERA-R-80-07, 2000 M Street, NW, Washington, DC 20461.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Office of Public Hearing Management), Economic Regulatory Administration, Room 2222-A, 2000 M Street, NW, Washington, DC 20461, (202) 653-3757

William L. Webb (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, NW, Washington, DC 20461, (202) 653-4055

Ralph E. Stanley (Office of Regulations and Emergency Planning), Economic Regulatory Administration, Room 7202-L, 2000 M Street, NW, Washington, DC 20461, (202) 653-3263

Robert G. Bidwell, Jr. (Office of Petroleum Operations), Economic Regulatory Administration, Room 6128, 2000 M Street, NW, Washington, DC 20461, (202) 653-3459

Jeffrey D. Stoermer (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 252-6911

SUPPLEMENTARY INFORMATION:

I. Background
A. Filing Date
B. Address Change
C. Notice to Aggrieved Parties
II. Amendments Adopted
III. Written Comment Procedures
IV. Procedural Requirements

I. Background

A. Filing Date

The regulations governing the Buy/Sell Program (10 CFR 211.65 *et seq.*) currently provide that applications for emergency allocations under § 211.65(c)(2) must be submitted by the fifteenth day of the month prior to the month(s) for which an allocation is sought. This provisions was intended to permit ERA to receive applications and issue emergency allocations in a timely fashion. Recently, however, meeting this goal has become increasingly more difficult. Over the past year, ERA has experienced a dramatic increase in the number of applications for emergency allocations of crude oil under the Buy/Sell program. For example, from April 1979 to February 1980 the number of refiners applying for and receiving emergency allocations more than doubled. In addition, most applications have not been received by ERA until the fifteenth of the month, despite ERA's published policy encouraging the filing of applications between the fifth and the tenth of the month. (*See, e.g.*, Supplemental Notice at 44 FR 65623, November 14, 1979).

Due to the increased number of applications for emergency allocations for crude oil under the Buy/Sell Program, it has become impractical to allow applications to be submitted to ERA as late as the fifteenth day of the month prior to the month(s) for which an allocation is sought. Because additional time is required to evaluate properly the large number of applications, ERA has determined that it is necessary to change 10 CFR 211.65(c)(2)(ii) to allow ERA an additional fifteenth days in which to process an application for an emergency allocation of crude oil. ERA recognizes, however, that an application which is submitted too early may fail to provide an accurate projection of the applicant's supply situation, particularly regarding the applicant's contacts with potential suppliers. Accordingly, this rule specifies both the earlies and the latest date for submitting a timely application.

B. Address Change

In its Supplemental Buy/Sell Notice issued February 15, 1980 (45 FR 12279, February 25, 1980), ERA announced a change in the address to which applications, reports, and correspondence regarding the Buy/Sell Program are to be forwarded. The amendment to § 211.65(c)(2)(ii) reflects this change of address.

C. Notice to Aggrieved Parties

Neither the emergency allocation provisions in § 211.65(c)(2), nor the administrative procedures which govern § 211.65(c)(2) (found in Subpart G of 10 CFR Part 205), expressly provide that notice be given to any potentially aggrieved parties when an application is filed for an emergency allocation of crude oil under the Buy/Sell Program. Nonetheless, DOE has for some time recognized that it is a fundamental requirement of administrative due process that a person that may be significantly and adversely affected by governmental action be informed of the pendency of a proceeding that may affect him. *See, e.g., Cities Service Co.*, 3 DOE ¶80,162 (1979). The persons that may be adversely affected by the assignment of an emergency allocation are readily identifiable as the fifteen refiner-sellers in the Buy/Sell Program. Accordingly, ERA has for some time required applicants for emergency allocations to serve all refiner-sellers with copies of their applications (and any amendments thereto) simultaneously with the filing of their applications with ERA. *See, e.g.*, Supplemental Buy/Sell Notice (44 FR 34186, June 14, 1979).

ERA has publicly noted that it will accept comments regarding an emergency application if they are received within eight days of receipt of the application. *See, e.g.*, 44 FR 60786, October 22, 1979. ERA needs to act quickly on these emergency applications to ensure that qualified applicants receive needed crude oil allocations in time to replace their lost supplies. In order to properly assess both the applications and the comments, therefore, it is impractical to allow refiner-sellers more than eight days in which to submit their comments. ERA's experience to date has been that those refiner-sellers that are interested in commenting on a particular application have been able, for the most part, to submit their comments within an eight day period.

Therefore, ERA believes it is appropriate at this time to codify its existing policy regarding notice to refiner-sellers of pending emergency applications under the Buy/Sell Program.

II. Amendments Adopted

This rule amends 10 CFR 211.65(c)(2)(ii) by requiring refiners to submit applications for emergency allocations no later than the first of the month prior to the month for which an allocation is requested instead of the fifteenth of the month, as provided under the current regulations. In addition, the application must be submitted no earlier than the 20th of the second month prior to the month for which an allocation is requested. For example, a refiner in need of an emergency allocation for June 1980 would have to submit its application by May 1, 1980, but not before April 20, 1980.

In addition, this rule further amends § 211.65(c)(2)(ii) by correcting the address to which applications and reports thereunder must be sent. The words "Office of Petroleum Operations, Room 6128" will be substituted for the words "Office of Fuels Regulations" and the post office box number will be deleted; the street address and the zip code will remain the same.

Finally, this rule also amends § 211.65(c)(2)(ii) to require each applicant to mail a copy of the emergency application (and any amendments or other documents relating to the application) to each refiner-seller on or before the date the application is filed with ERA. Any refiner-seller may submit to ERA written comments regarding an application. ERA will accept and consider such comments if received within eight days of the date the refiner-seller receives a copy of the application.

III. Written Comment Procedures

You are invited to submit data, views, or arguments with respect to the matters contained in this rule. In order to be considered, comments must be submitted no later than April 15, 1980 to the address indicated in the "Addresses" section of this Rule. Comments should be identified on the outside envelope and on the document with the docket number and the designation: "Crude Oil Buy/Sell Program Procedural Amendments." Ten copies should be submitted. Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. ERA reserves the right to determine the confidential status of such information or data and to treat it accordingly.

IV. Procedural Requirements

A. Section 404 of the DOE Act: Referral to the FERC

Under ther requirements of section 404(a) of the Department of Energy Organization Act (DOE Act), ERA has referred this rule to the Federal Energy Regulatory Commission (FERC) for a determination whether the proposed rule would significantly affect any matter within the FERC's jurisidiciton. Following an opportunity to review this rule, the FERC has declined to determine that it may significantly affect any of its functions.

B. Section 7 of the FEA Act: Referral to the EPA

Under section 7(c) of the Federal Energy Administration Act of 1974 (15 U.S.C. section 787 *et seq.*, Pub. L. 93-275 as amended), the requirements of which remain in effect under section 501(a) of the DOE Act, the Secretary of Energy shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a period of not less than five working days during which the Administrator of the Environmental Protection Agency (EPA) may provide written comments concerning the impact of such rules, regulations, or policies on the quality of the environment.

A copy of this rule was sent to the EPA Administrator. After completing its five day review, the EPA Administrator had no comments.

C. National Environmental Policy Act

It has been determined that this rule does not constitute a "major Federal action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.* These amendments to the procedure for submission of applications for emergency crude oil allocations under the Buy/Sell Program are technical and procedural in nature. Therefore these amendments will have no effect on the environment, and an environmental assessment or an environmental impact statement is not required by NEPA or by the applicable DOE regulations for compliance with NEPA.

D. Section 501 of the DOE Act: Notice and Comment

Under section 501(c) of the DOE Act we are not bound by the prior notice and hearing requirements of subsections 501(b)-(d) with respect to a rule upon our determination that no substantial issue of fact or law exists and that the rule is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Where no substantial issue or impact is foreseen, the proposed rule may be promulgated in accordance with section 553 of the Administrative Procedure Act (APA), Title 5, United States Code.

These amendments to the Buy/Sell Program are purely technical and procedural in nature, and therefore raise no substantial issue of fact or law. Nor are the amendments likely to have a substantial impact on the Nation's economy since they merely correct the address to which and the date by which emergency applications for crude oil allocations are to be submitted, and they codify existing notice and comment procedures concerning such applications. For the same reason, these amendments are not likely to have a substantial impact on large numbers of individuals or businesses. Therefore, the amendment will be promulgated in accordance with section 553 of the APA.

E. Section 553 of the Administrative Procedure Act

Section 553(b) of the Administrative Procedure Act requires in most cases that general notice of a proposed rulemaking be published in the **Federal Register.** Section 553(b) further provides, however, that the notice and public comment requirements do not apply to "rules of agency organization, procedure, or practice". Because the amendments adopted today relate solely to DOE procedures, the normal notice and comment requirements do not apply.

F. executive Order 12044

Executive Order 12044, "Improving Government Regulations," (43 FR 12661, March 23, 1978) requires the agencies subject to it to publish all proposed "significant" regulations for public comment for a minimum of 60 days. Section 2(e) of the Executive Order directs the agencies to establish criteria to identify which regulations are significant. DOE's implementing procedures are contained in DOE Order 2030 (44 FR 1032, January 3, 1979).

DOE Order 2030 provides that DOE will consider a regulation significant unless it is not expected to affect important policy concerns and is not the object of much public interest. Because these procedural amendments merely affect the dates and manner for submitting applications for emergency allocations under the Buy/Sell Program, and for commenting on such applications, they will not affect any policy concerns not will they generate significant public interest. Therefore ERA finds that this rule is not "significant", and that the 60-day advance public comment requirement of Executive Order 12044 does not apply.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385;

Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94–163, as amended, Pub. L. 94–385, Pub. L. 95–70, Pub. L. 95–619, and Pub. L. 96–30; Department of Energy Organization Act, 42 U.S.C § 7101 *et seq.*, Pub. L. 95–91, Pub. L. 95–509, Pub. L. 95–619, Pub. L. 95–620, and Pub. L. 95–621; E.O. 11790, 39 FR 23185; E.O. 12009, 42 46267]

In consideration of the foregoing, Part 211 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below effective May 1, 1980.

Issued in Washington D.C., March 27, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

1. In § 211.65, paragraph (c)(2)(ii) is amended to read as follows:

§ 211.65 Method of allocation.

* * * * *

(c) Review of eligibility for allocations, adjustments to purchase opportunities, and emergency allocations.

* * * * *

(2) *Emergency allocations.* (i) *General.*

* * * * *

(ii) *Applications.* (A) Applications and comments regarding applications shall be addressed to Chief, Crude Oil Allocation Branch, Office of Petroleum Operations, Room 6128, Economic Regulatory Administration, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with the procedures established in Subpart G of Part 205 of this Chapter. Applications must be submitted by the first day of the month prior to the month(s) for which an allocation is sought but not before the 20th day of the second month prior to the month(s) for which an allocation is sought.

(B) The applicant shall send by registered or certified mail to each refiner-seller a copy of the application and any amendments or other documents relating to the application. The applicant shall send the copy no later than the date the application, amendment, or other document was submitted to ERA. The copy of the application shall include a statement that the refiner-seller may submit comments regarding the application to ERA at the address specified in paragraph (c)(2)(ii)(A) of this section no later than eight days after the date of receipt of the copy. The application filed with ERA shall include a certification that the applicant has complied with the requirements of this paragraph (c)(2)(ii)(B) and shall include the names and addresses of each refiner-seller to whom a copy of the application was mailed. If the applicant claims that some information contained in the application is confidential, the applicant may comply with this paragraph by following the procedures of § 205.9(f) and by deleting the confidential information from the copy mailed to each refiner-seller.

(C) Comments with respect to an application shall be submitted in writing to ERA no later than eight days after the date the commenter received a copy of the application. The comments submitted to ERA shall include a certification as to the date the commenter received a copy of the application. Any person submitting written comments to ERA with respect to an application shall mail to the applicant a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 205.9(f). The commenter shall certify to ERA that he has complied with the requirements of this paragraph.

(D) Each application shall contain the following information (including documentation where appropriate):

(*1*) The location and DOE certified refining capacity of each refinery for which an allocation is sought.

(*2*) The information specified in § 211.66(d) (i) through (vi) of this chapter for the period January 1, 1978 through October 31, 1978 for each refinery for which an allocation is sought, identifying each supplier, whether the purchase was under contract or in the spot market and the volumes of crude oil allocated under § 211.63 and this section.

(*3*) Beginning and ending inventory by month for the period January 1, 1978 through October 31, 1978 and current inventory.

(*4*) The volume of and a detailed explanation of the reasons for the reduction or projected reduction in crude oil supplies.

(*5*) List of actual and/or prospective supplies for the current month and the next four months, identifying the volumes of domestic (separately identifying crude oil allocated under § 211.63 and this section), and imported crude oils and each supplier. Indicate the quantities of crude oil already obtained as well as offered or expected during this period.

(*6*) The current approximate product yields for the refinery when using a typical feedstock. With respect to each covered product, indicate the current allocation fraction.

(*7*) The name and location of all firms from which crude oil has been sought and the specifications of the crude oil sought from each such firm, with a statement as to why the applicant believes it has exhausted all supply possibilities.

(*8*) The response (including copies of correspondence) of each firm to which a request to purchase crude oil has been made, and the telephone number of the individual contacted at each such firm. If the applicant rejected an offer by any such firm to sell crude oil, state the price quoted by such firm and the reasons for rejecting the offer.

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[FR Doc. 80-9915 Filed 3-28-80; 10:56 am]
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